

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: April 4, 2005
49th Day: May 23, 2005
180th Day: October 1, 2005
Staff: DL-SD
Staff Report: April 21, 2005
Hearing Date: May 11-13, 2005
Commission Action:

W 5e**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-05-16

APPLICANTS: City of San Clemente

AGENT: John Beck

PROJECT LOCATION: Vacant dirt area north of existing parking lot at Alameda Lane and Avenida Del Mar, within Parque Del Mar, San Clemente, Orange County.

PROJECT DESCRIPTION: Installation of an approximately 17-foot high memorial statue and landscaped park area and walkway.

LOCAL APPROVALS RECEIVED City of San Clemente Planning Division Approval in Concept dated 1/7/05; Parks and Recreation commission approval, 10/12/04.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with three special conditions, which require 1) submittal of a final landscape plan; 2) construction to occur outside the summer season; and 3) compliance with construction-related best management practices (BMPs).

LIST OF EXHIBITS:

1. Location Map
 2. Assessors Parcel Map
 3. Project Plans
-

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Final Landscape Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a final landscape plan prepared by a licensed landscape architect that includes the following:

A. The plan shall demonstrate that:

- (1) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.
- (2) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Use of primarily native plant species is encouraged.

B. The plan shall include, at a minimum, the following components:

- (1) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
- (2) A schedule for installation of plants.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Timing of Construction.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents. The schedule and construction documents shall specify that no construction will take place for the project between Memorial Day weekend and Labor Day of any year. Notes on the schedule and documents shall state that access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and

traffic flow on coastal access routes (no street closures or use of public parking as staging areas).

The permittee shall undertake development in accordance with the approved schedule. Any proposed changes to the approved schedule shall be reported to the Executive Director. No changes to the schedule shall occur without an approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter the storm drain system leading to the Pacific Ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed of outside the coastal zone, as proposed by the applicant.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The proposed project is construction of a small landscaped memorial park with a statue, walkways and benches and seatwalls. The statue will consist of a 7-foot high bronze statue depicting a saluting Marine in dress blues, placed on a four to five foot base made of cement or granite. The project site is a vacant dirt area approximately 230 feet by 70 feet located near the intersection of Alameda Lane and Del Mar Avenue, north of the existing public parking lot, in the Pier Bowl area of City of San Clemente, Orange County (Exhibits 1 & 2,

The subject site was once developed with an apartment building and garage, but has been under City ownership since 1987. The site is designated in the certified Land Use Plan for public park and beach use, consistent with the proposed project. Only minimal grading is proposed to flatten the existing small pad for preparation for the statue and seatwall, and to

make the entry path wheelchair accessible. As proposed, only the existing dirt pad will be used for staging and storage of construction material. The construction area will be fenced during construction, and limited small equipment will be kept within the fence. Construction workers (off-duty military volunteer laborers) will be issued parking passes for the adjacent City parking lot for weekday use. The City estimates that 6-12 passes will be needed per week. Construction is anticipated to take between 20-40 days. Special Condition 2 limits the timing of construction to outside the summer season to minimize impacts to the beach-going public.

A preliminary landscape plan submitted by the City indicates plantings will consist of non-invasive, drought-tolerant, mainly native plant material. Because the plans are preliminary, Special Conditions¹ requires the submittal of final landscape plans.

During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the adjacent storm drain system.

B. VISUAL RESOURCES

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. Therefore, the Commission finds that the development conforms with Sections 30250 and 30251 of the Coastal Act.

C. HABITAT, RECREATION AND PARK IMPACTS

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240(b) of the Coastal Act.

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. PUBLIC ACCESS

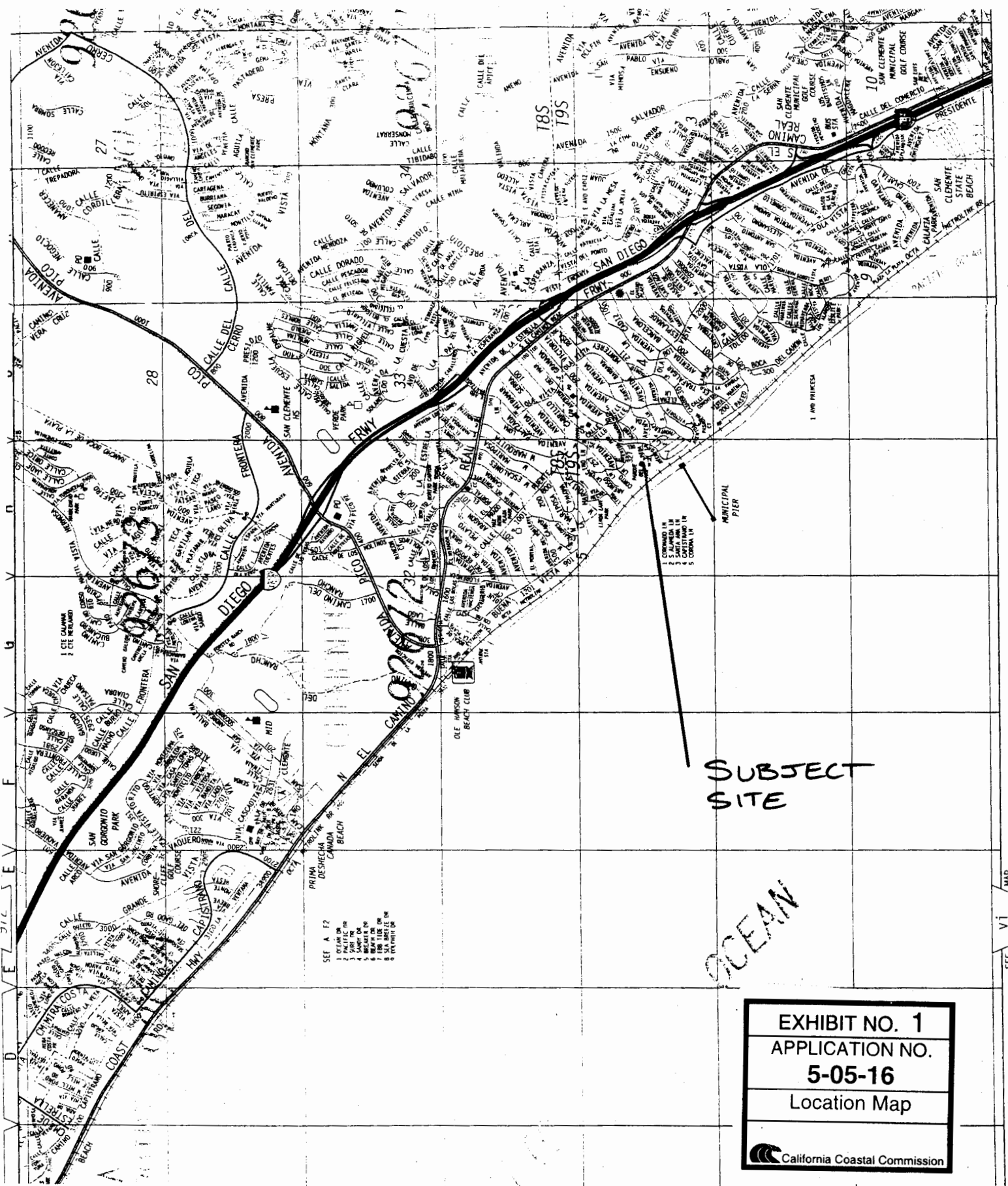
As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.




SEE A F2
1 OCEAN OR
2 PACIFIC OR
3 SAN OR
4 BEACH OR
5 BEACH OR
6 FROM TIDE OR
7 FROM TIDE OR
8 FROM TIDE OR
9 FROM TIDE OR

SUBJECT
SITE

OCEAN

EXHIBIT NO. 1
APPLICATION NO.
5-05-16
Location Map

 California Coastal Commission

5-05-016

RECEIVED
South Coast Region

JAN 11 2005

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LEGEND:

- ESBV VALVE
- EXISTING STEEL MESH FENCE
- BENCH
- REMOVABLE BOLLARDS
- DECOMPOSED GRANITE WITH BINDER
- MASONRY SEAT WALL

EXHIBIT NO. 3

APPLICATION NO.

5-05-16

Site Plan

California Coastal Commission

PLANT MATERIAL LEGEND:

SYMBOL	BOTANICAL / COMMON NAME	SIZE	QTY.
○	LAVATERA ASSURGENTIFLORA TREE MALLOW	3 GAL	15
○	GEANOTHUS CONCHA	3 GAL	11
○	RHUS INTEGRIFOLIA LEMONADE BERRY	3 GAL	4
○	MYRTLEBAY ARBUTIFOLIA - MULTI TOYON	15 GAL	2
○	PRUNUS LYONII CATALINA CHERRY	15 GAL	7
■	ARGOSTAPHYLOS PACIFIC MIST MANZANITA	1 GAL AT 10' OC.	11
■	ZAUSCHERIA CALIFORNICA CALIFORNIA PUSCHIA	1 GAL AT 18' OC.	85
■	SALVIA LEUCANTHA MEXICAN BUSH SAGE	1 GAL AT 4' OC.	18
■	SALVIA GRESSIONII	1 GAL AT 5' OC.	66
■	GEANOTHUS GRISSEUS HORIZONTALIS	1 GAL AT 6' OC.	51
■	LOTUS SCOPARIUS	1 GAL AT 30' OC.	104
■	BACCHARIS PILLULARIS COYOTE BUSH	1 GAL AT 2' OC.	575

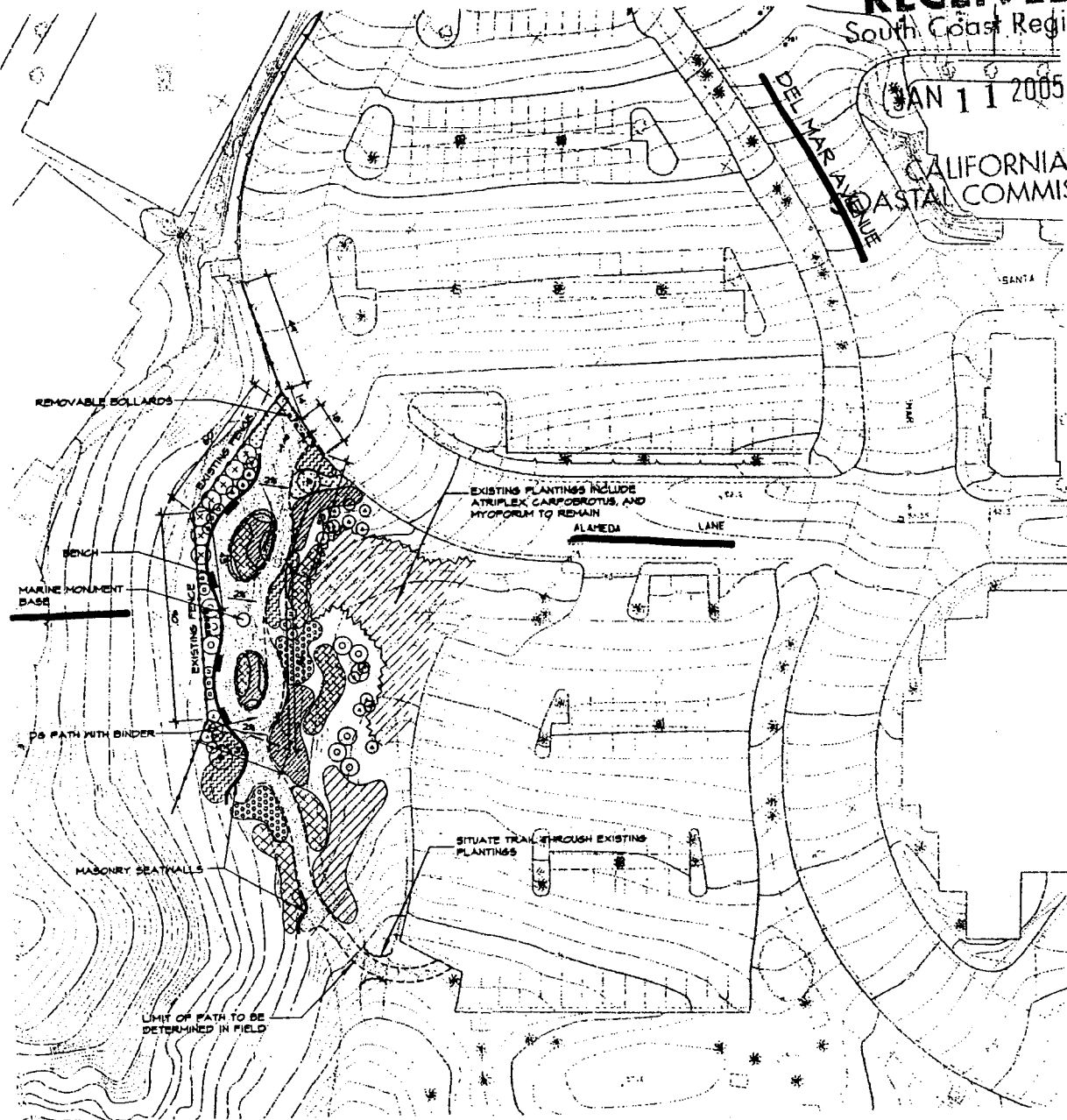
APPROVED
NOTE: NEW PLANTING LOCATIONS TO BE FINALIZED IN
FIELD BY LANDSCAPE ARCHITECT AND CITY DIVISION. Check
by the San Clemente City Division. Check
with other City divisions to ensure full
compliance with all City codes and requirements.

By: R-CH

Date: 1/7/05

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SCALE: 1"=20'-0"



DATE REVISION

CITY OF SAN CLEMENTE

SAN CLEMENTE PIER BOWL

PROJECT:

SHEET OF

CONSTRUCTION

DESIGNED

DRAWN

CHECKED

DATE

JOB NO.

CADD FILE

SHEET NO.

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OF 22

