CALIFORNIA COASTAL COMMISSION

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Filed:March 27, 200649th Day:May 15, 2006180th Day:September 23, 2006Staff:Anne Blemker-LBStaff Report:May 25, 2006Hearing Date:June 13-16, 2006Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER:	5-06-120
APPLICANT:	City of San Clemente
AGENT:	Ben Parker, Associate Civil Engineer, City of San Clemente
PROJECT LOCATION:	221-225 West Marquita and 320 Encino Lane, San Clemente (Orange County)
PROJECT DESCRIPTION:	Storm drain improvements within Palizada Canyon, including replacement of existing catch basin junction structure and approximately 85 linear feet of storm drain pipe, slope reconstruction, and replanting with native species. Approximately 1,160 cubic yards of grading (570 cy cut and 590 cy fill) are proposed for trenching and slope reconstruction.
LOCAL APPROVALS RECE	EIVED: San Clemente Planning Division Approval-in-Concept dated February 15, 2006

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to replace an existing storm drain pipe buried along a coastal canyon slope in a residential neighborhood of San Clemente. The major issues raised by the proposed development are water quality and potential habitat impacts.

Staff recommends the Commission <u>APPROVE</u> the proposed project subject to two (2) special conditions. Special Condition No. 1 requires compliance with construction best management practices and Special Condition No. 2 requires replanting of the slope with native vegetation for habitat enhancement and erosion control purposes.

At the time of this staff report, the applicant is in agreement with the staff recommendation and special conditions.

SUBSTANTIVE FILE DOCUMENT: City of San Clemente Certified Land Use Plan.

LIST OF EXHIBITS:

- 1. Location Map
- 2. Assessor's Parcel Map
- 3. Project Plans

STAFF RECOMMENDATION:

<u>MOTION</u>: 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 <u>YES</u> 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 **<u>APPROVES</u>** 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. <u>Notice of Receipt and Acknowledgment.</u> 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. <u>Expiration.</u> 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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.

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5. <u>Terms and Conditions Run with the Land.</u> 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. <u>Storage of Construction Materials, Mechanized Equipment and Removal of Construction</u> <u>Debris</u>

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 coastal waters, installation of silt fencing, 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.
- 2. <u>Submittal of Revised Revegetation Plan</u>
- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised plan for revegetation to prevent erosion and enhance the habitat value of the canyon. The plan shall be prepared by a licensed landscape architect or qualified professional.
 - 1. The plan shall demonstrate that
 - (a) all planting will be completed within 60 days after completion of construction;
 - (b) all required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) To minimize the need for irrigation and minimize encroachment of non-native plant species into the canyon and adjacent or nearby native plant areas, except as allowed in subsection (d) of this condition, all vegetation shall consist of plant species that are native to coastal Orange County and appropriate to the habitat type. 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. Except as allowed in subsection (d) of this condition, any existing landscaping that doesn't meet the above requirements shall be removed;

- (d) existing vegetation on private property outside of the canyon that is not subject to disturbance by the proposed project may be retained. If disturbed, existing vegetation on private property outside of the canyon that is subject to disturbance shall be replaced with native or drought tolerant non-invasive nonnative species;
- (e) No permanent irrigation system for the proposed project shall be allowed within the proposed project area. Temporary above ground irrigation to allow the establishment of the plantings is allowed.
- 2. The plan shall include, at a minimum, the following components:
 - (a) a map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, the temporary irrigation system, and all other landscape features, and
 - (b) a schedule for installation of plants and installation and removal of the temporary irrigation system.
- B. 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located in Palizada Canyon between 221-225 West Marquita and 320 Encino Lane, within a residential neighborhood in the City of San Clemente, Orange County (Exhibits 1 & 2).¹ The site is designated RM (Medium Density Residential) in the San Clemente certified LUP.

The project involves improvements to a deteriorated storm drain system that becomes plugged and overflows during major storm events, causing erosion of the canyon slope. The improvements are not intended to accommodate new development, but will serve existing development. The applicant is proposing to replace an existing catch basin junction structure and approximately 85 linear feet of 12" diameter corrugated metal storm drain pipe with new 18" diameter High Density Polyethylene pipe in the same location along a coastal canyon slope (Exhibit 3). The existing and proposed drain

¹ Where the project extends onto private property, the applicant has invited the owner to become a coapplicant in the current application. No invitations to become a co-applicant have been accepted.

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pipe will be buried under ground. The project also involves slope reconstruction and replanting with native species. Temporary irrigation is proposed to establish the vegetation. The proposed project does not qualify for an exemption from permit requirements for repair and maintenance activities due to its location within a coastal canyon.

The project requires approximately 1,160 cubic yards of grading (570 cy cut and 590 cy fill) for trenching activities and slope reconstruction. During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the storm drain system. Runoff from the storm drain system at this site drains to a low flow diversion system downstream. As such, no new structural BMPs are proposed as part of this project.

After construction, the applicant will be required to restore the site and revegetate any disturbed areas. Palizada Canyon currently contains a majority of non-native plant species. San Clemente's certified LUP advocates the preservation of native vegetation and discourages the introduction of non-native vegetation in coastal canyons. While no rare or endangered species have been reported to exist within the subject area, the City has designated all coastal canyons, including Palizada Canyon, as environmentally sensitive habitat areas (ESHA) in the certified LUP. The coastal canyons act as open space and potential wildlife habitat, as well as corridors for native fauna. Decreases in the amount of native vegetation due to displacement by non-native vegetation have resulted in cumulative adverse impacts upon the habitat value of the canyons. As such, the quality of canyon habitat must be assessed on a site-by-site basis.

The subject canyon is considered somewhat degraded due to the presence of both native and nonnative plant species. No portion of the area affected by the proposed development contains resources that rise to the level of ESHA. Nonetheless, the applicant proposes to revegetate the areas disturbed by construction activities with native plant species. A "Reconstruction Planting Plan" was submitted by the applicant. The plan provides a list of native species to be used along the canyon slope. However, it is unclear which plant species will be used within the canyon bottom and on the adjacent residential properties. The plans state that the contractor shall *"comply with the Coastal Commission's plant materials list and requirements for detention basin planting zone."* (It is assumed that the canyon bottom is considered the detention basin planting zone.) With regard to the residential properties, the plans state, *"Remove existing shrubs and replace in kind."* It is unknown if the existing shrubs are native or non-native species.

To improve the habitat value of the canyon and to prevent potential erosion, the applicant will be required to submit a revised revegetation plan demonstrating that only plant species native to coastal Orange County and appropriate to the habitat type will be used in their restoration efforts on the canyon slope and canyon bottom. Existing non-native plants located within the back yards of the residences that are outside of the canyon and not disturbed by the proposed development may be retained. If disturbed, any plants to be replanted must be native plants or non-native drought tolerant plants, which are non-invasive. Special Condition 2 specifies these requirements.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (http://www.cal-ipc.org/) and California Native Plant Society (www.CNPS.org) in their publications.

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Furthermore, any plants in the revegetation plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm.

The project site is located approximately ¼ mile from the beach. Public access to the beach is available at Linda Lane Park to the southwest. The subject site is located in a residential neighborhood and does not serve as a primary access route to the beach. Therefore, the project will not adversely affect the public's ability to access the coast.

B. <u>WATER QUALITY</u>

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 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. <u>PUBLIC ACCESS</u>

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. 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.

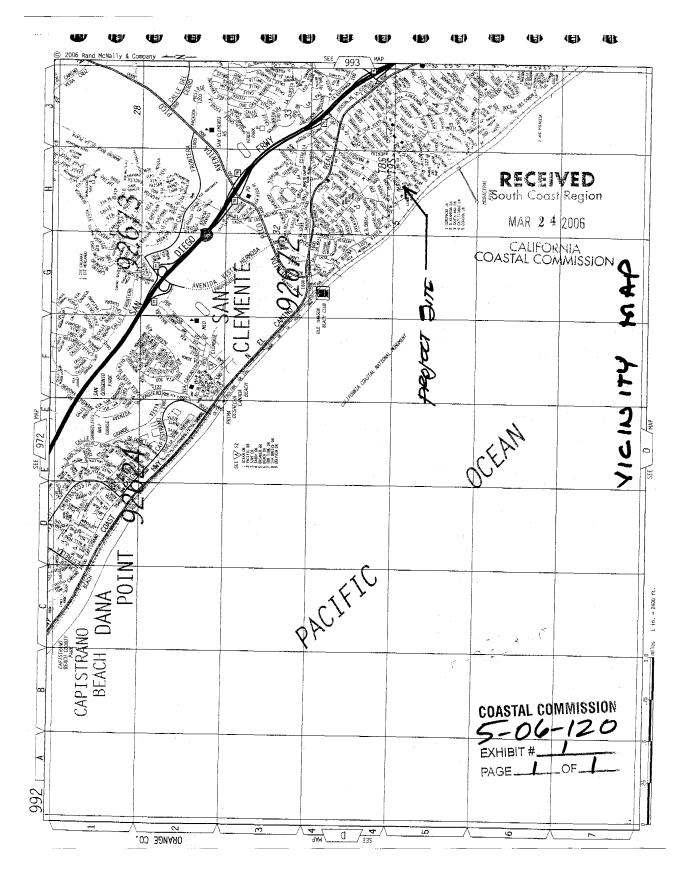
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F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

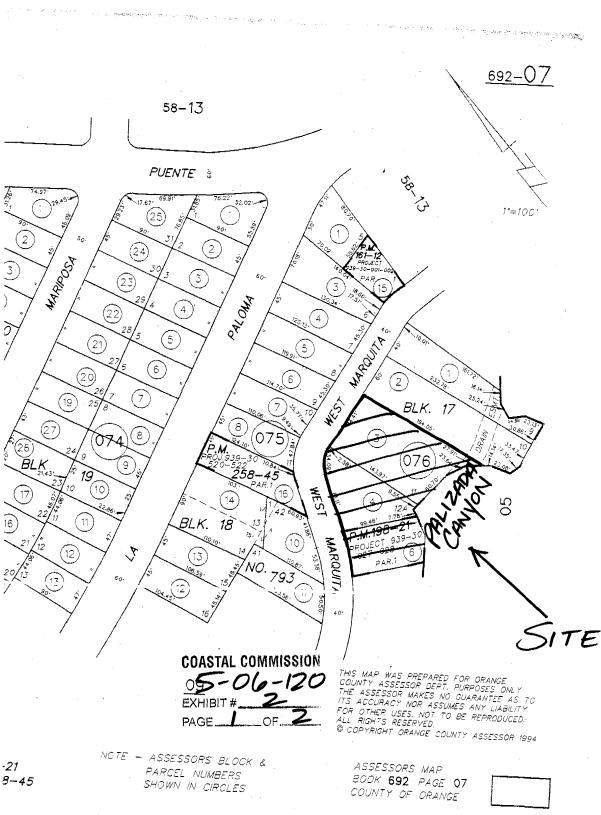
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified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

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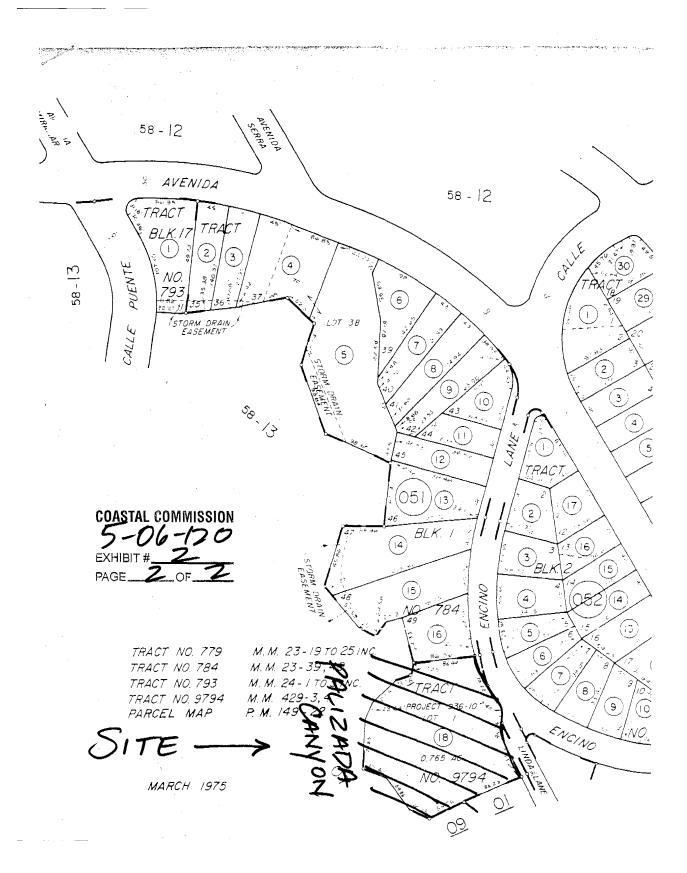
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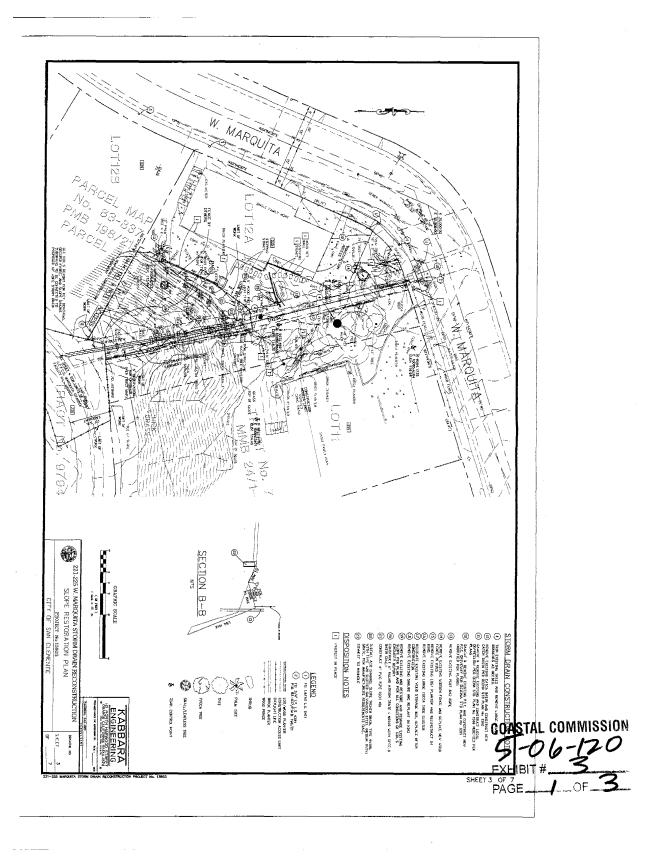
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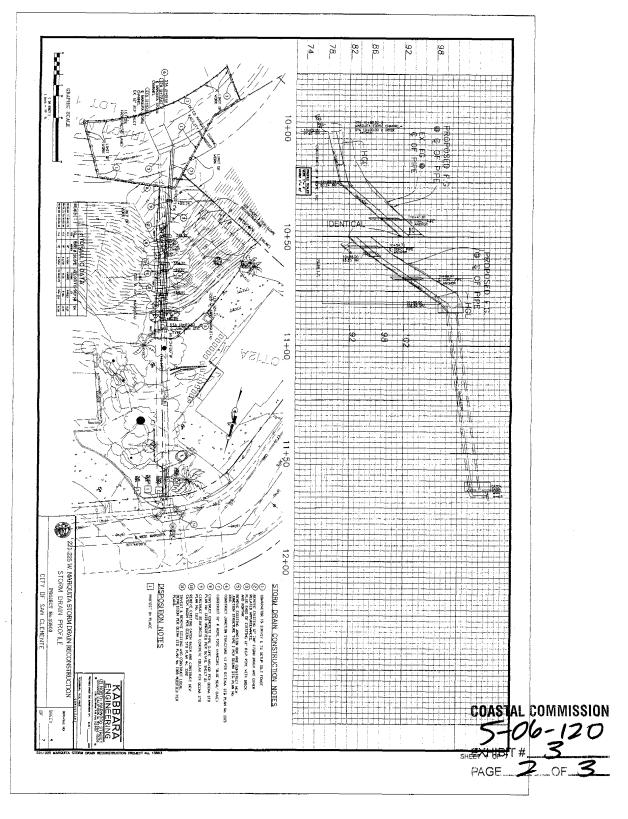
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