

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



W6c

Filed:	5/09/12
180th Day:	11/07/12
Staff:	L. Roman-LB
Staff Report:	5/24/12
Hearing Date:	6/13/12

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-12-132

Applicant: City of San Clemente, Engineering Division

Location: Prima Deshecha Canada Channel (M01) between Calle Grande Vista and Avenida Vaquero

Project Description: Demolition and reconstruction of approximately 900 linear feet of the Prima Deshecha Canada trapezoidal concrete channel (M01) including removal and replacement of retaining walls, chain link fencing, concrete lining along the trapezoidal channel, over excavation and recompaction of the channel bottom and minor ornamental vegetation removal

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of San Clemente, Engineering Division proposes to rehabilitate an approximately 900 linear feet section of the existing Prima Deshecha Canada trapezoidal concrete channel (M01) within the coastal zone. The concrete channel is close to 50 years old and is in need of major concrete repairs to address long term degradation of the channel lining. The proposed concrete lining replacement will not alter the existing line or grade of the channel or increase the channel's capacity. The city proposes to demolish the trapezoidal concrete channel lining by over-excavating the concrete channel and replace it following re-compaction of the channel

bottom. The City will incorporate structural improvements into the replaced concrete channel slopes to enhance long-term durability and bring the channel into compliance with present flood protection standards. The City will also remove minor ornamental vegetation and weeds in the project area to accommodate its channel reconstruction efforts.

Major Coastal Act issues associated with this project include potential adverse impacts to water quality and marine resources as the concrete channel outlets to the Pacific Ocean 500 feet downstream of the proposed project segment. To address these potential adverse impacts the Commission staff is recommending **Special Condition 1: Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris, Special Condition 2: Cement Slurry Best Management Practices, and Special Condition 3: Submittal of a Construction Staging Area Plan, and Special Condition 4: Future Improvements**

Commission staff recommends **approval** of coastal development permit application 5-12-132, as conditioned.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of San Clemente only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS	5
IV. FINDINGS AND DECLARATIONS	7
A. PROJECT LOCATION AND DESCRIPTION	7
B. HABITAT.....	9
C.DEVELOPMENT.....	10
D. PUBLIC ACCESS.....	10
E. WATER QUALITY.....	10
F. FLOOD CONTROL.....	10
G. LOCAL COASTAL PROGRAM.....	10
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	11

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Area Map

Exhibit 2 – Photos of Existing Site Conditions

Exhibit 3 – Project Plans

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the Coastal Development Permit Applications included in the consent calendar in accordance with the staff recommendations.*

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:

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

This permit is granted subject to the following 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 on which the Commission voted on the application. 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

This permit is granted subject to the following special conditions:

1. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
 - (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
 - (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
 - (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
 - (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
 - (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
 - (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
 - (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
 - (h) All stock piles and construction materials shall be covered with a sheeting material that will prevent dispersal of the stock pile and construction materials, enclosed on all sides, and shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
 - (I) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff and contaminants. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
 - (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
 - (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related

petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. **Cement Slurry Best Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, a Best Management Plan that effectively assures no cement slurry or other construction byproduct will be allowed to come in contact with coastal waters through the use of coffer dams, water retention basins or other mechanisms. During cement slurry application specifically, the Plan shall at a minimum provide for all cement slurry to be contained through the use of tarps or similar barriers that completely enclose the application area and that prevent cement slurry contact with water in the channel leading to the ocean. All unused cement slurry and other construction byproduct shall be properly collected and disposed of off-site.

3. **Staging Area for Construction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to public access, to beach areas or to sensitive habitat areas.

1. The plan shall demonstrate that:

- (a) Construction equipment or activity shall not occur outside the staging or storage area
- (b) Public parking areas shall not be used for staging or storage of equipment
- (c) Habitat areas shall not be used as staging or storage areas

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

- (a) A site plan that depicts:
 - (1) Limits of the staging area(s)
 - (2) Construction corridor(s)
 - (3) Construction site
 - (4) Location of construction fencing and temporary job trailers, if any

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission

amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-12-132. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit No. 5-12-132. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-12-132 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION AND DESCRIPTION

The subject project site is a portion of the Prima Deschecha Canada Channel (M01) between Avenida Vaquero and Calle Grande Vista in the City of San Clemente, Orange County (Exhibit 1). The M01 channel is a major drainage facility much of which is concrete lined open channels and underground concrete channels. The channel runs for approximately 5.5 miles, from its headwater in the foothills of the Santa Ana Mountains to the outlet at the Pacific Ocean.

The City of San Clemente owns and maintains the concrete lined portion of the M01 flood control channel within the City limits. The City has identified a 900-foot linear segment of the M01 channel in need of retrofit due to long term degradation of the concrete channel lining. Extended portions of the concrete lining are severely cracked and the surface of the concrete shows significant signs of spalling and deterioration (Exhibit 2). There is a potential for extensive failure of the degraded concrete channel lining as channel flows continue to undermine and wash out the existing lining. As such, the City concludes that the existing channel conditions represent a significant risk to public safety and existing development.

The portion of the channel proposed for replacement is located within an existing urban residential and commercial area. The proposed channel work area is bordered by Calle Grande Vista upstream and Avenida Vaquero downstream with Camino Capistrano to the east and single family residences abutting on the east channel end. The existing concrete channel lining was constructed in 1964 and a splash/retaining wall built in 1992. The proposed project segment consists of a concrete lined trapezoidal channel section with a vehicular access ramp and transition structures to join box culverts under the upstream (Calle Grande Vista) and downstream (Avenida Vaquero) street crossings. M01 channel outlet to the Pacific Ocean is approximately 500 feet from the proposed project site at Poche Beach at the City of San Clemente and City of Dana Point boundary.

The applicant (City) proposes to completely demolish and reconstruct an approximately 900 linear foot segment of the M01 trapezoidal concrete channel along its present invert grade (i.e., 16' wide base width, 8' high 1H:1V side slopes). The City proposes to demolish the trapezoidal concrete channel lining and over-excavating and re-compacting the underlying soils then replace the entire structure. The City will incorporate structural improvements into the replaced concrete channel slopes to enhance long-term durability and bring the channel into compliance with present flood protection standards. The City will also remove and replace existing chain link fencing and remove minor ornamental vegetation and weeds in the project area to accommodate its channel reconstruction efforts. Proposed project plans are included as Exhibit 3.

Furthermore, structural improvements are proposed to be incorporated into the replacement channel slopes to enhance long-term durability of channel and bring the channel into compliance with present flood protection standards. The proposed demolition and re-construction of the M01 trapezoidal concrete channel will not alter the existing line or grade of the existing channel invert and will not result in increased flood protection capacity.

Public Access

Public access to the nearest public beach is available approximately 500 feet downstream from the project site at Poche Beach. Though no project staging plan was submitted with the coastal development permit application, the applicant has designated a staging area located adjacent to the channel and outside of the public right-of-way. As such, public parking is not anticipated to be impacted by the proposed project. To ensure that public access to coastal resources is not adversely impacted by the proposed project, **Special Condition 3** requires the applicant submit a detailed construction staging plan identifying the proposed staging area does not occur over public parking areas or impact other coastal resources.

Biological Resources

The applicant submitted a Biological Report prepared by Harmsworth Associates dated February 2012. The study is based on a single site visit conducted on November 16, 2011 in which the following observations were made:

- A 6' wide and 2/3" deep flow of water in the channel
- No wildlife or wildlife sign detected in channel
- Channel devoid of vegetation except for green algae in water and occasional weeds in the cracks in the concrete channel walls
- No native plant species occurring within the channel
- No native plant species occurring in areas adjacent to project site, only exotic landscaping
- Common wildlife species (i.e., American crow, common bushtit, Anna's hummingbird, yellow-rumped warbler) observed in general project vicinity

As no native vegetation or wildlife species occur within the channel and no adverse impacts to biological resources are anticipated with the proposed channel retrofit. To ensure that any nearby sensitive habitat areas are not adversely impacted by the proposed project, **Special Condition 3** requires the applicant submit a detailed construction staging plan that avoid any possible adverse construction impacts to sensitive habitat areas and other coastal resources.

Water Quality

The proposed construction involves demolition of concrete channel lining and application of new concrete lining within a flood control channel. The anticipated construction duration is under six months and is proposed to take place during the dry season. However, the channel still carries regular “nuisance” flows from a watershed drainage area of 7 square miles. The applicant anticipates that these flows will be need to be diverted around the active project site utilizing a small holding basin temporarily created within the channel footprint upstream and water pumped to a location downstream of the project within the channel. **Special Condition 2** requires the applicant provide a plan that effectively assures no cement slurry or other construction byproduct will be allowed to come in contact with waters in the channel leading to the Pacific Ocean.

Furthermore, **Special Condition 1** requires the applicant comply with construction-related best management practices (BMPs) to ensure that construction materials, debris and waste does not enter receiving waters or be subject to dispersion and that prevent spillage and/or runoff of demolition or construction related materials and to contain sediment or contaminants associated with demolition or construction activities.

The applicant has also provided proof that No Streambed Alteration Agreement is needed for the proposed project in the form of a letter from the Department of Fish and Game dated March 9, 2012. Furthermore, the applicant has submitted proof of an application to the Army Corps of Engineers Regulatory Division for Nationwide Permit authorization for temporary placement of structures to divert water from construction areas and for temporary impact to approximately 0.20 acre of non-wetland waters of the United States. The federal permit is pending.

B. HABITAT

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.

C. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that any future repair and maintenance of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act and the Commission’s regulations. Section 13252 of the Commission’s regulations provides that certain repair and maintenance activities require a coastal development permit because they involve a risk of substantial adverse impacts to coastal resources. Activities that involve a risk of such impacts include, in part, using mechanized construction equipment or construction materials within 20 feet of coastal waters or streams. Since the concrete channel carries water runoff within its watershed and delivers the water to the coastal zone and into the ocean, it is considered a coastal stream. As such, future maintenance activities on the concrete channel involve a risk of substantial adverse impacts to a coastal stream because such activities may involve the use of mechanized equipment or construction materials within 20 feet of the stream. Therefore, to assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the

Commission imposes **Special Condition 4** requiring the City to apply for an amendment to this CDP or a new CDP, if applicable, for any future development within the subject site. As conditioned the development conforms to the Chapter 3 policies of the Coastal Act.

D. PUBLIC ACCESS

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 and as conditioned, the project conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. 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 construction best management practices to minimize the effect of construction activities on the marine environment. These conditions include, but are not limited to, one or more of the following: the appropriate management of equipment and construction materials, a contained staging area, and 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 to 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.

F. FLOOD CONTROL AND MINIMIZATION OF ADVERSE IMPACTS

The proposed development is the replacement of a segment of an existing trapezoidal concrete channel originally constructed in 1964 due to long-term damage and the potential for extensive failure of the existing flood control channel facility. The proposed project will not expand the size of the existing flood control channel or expand the flood protection capacity, but is required to continue to provide flood protection to existing development. The existing orientation of the flood-control channel is within the natural hydrological corridor of the pre-channelized stream. As such, maintaining the flood control channel in its existing orientation is the only feasible method to protect existing structures in the flood plain for this area, is necessary to protect those structures and is necessary for public safety. To require a different channel orientation would not be a feasible project to achieve the purpose of the project—protecting existing structures in the flood plain and ensuring public safety—because it would not be hydrologically compatible with historic flows in the relevant watershed and therefore wouldn't properly channel the flows. Therefore, the Commission finds that the proposed development conforms to Sections 30236 of the Coastal Act requiring channelizations or other substantial alterations of rivers and streams be limited to flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development.

G. 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 of the Coastal Act.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of San Clemente is the lead agency responsible for CEQA review. The City issued a Notice of Exemption from the project (Prima Deschecha Canada Channel [Facility No. M01] Rehabilitation) citing Categorical Exemption Section 15302 Class 2.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which will substantially lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

- 1) LGC Geotechnical, Inc, "Preliminary Geotechnical Evaluation for Proposed Prima Deshecha Channel Renovation Along Camino Capistrano, City of San Clemente, California", 17 p. geotechnical report dated October 6, 2011 and signed by Tim Lawson (GE 2626, CEG 1821).
- 2) Harmsworth Associates, "City of San Clemente, Prima Deshecha Canada Channel Rehabilitation Project, Biological Report", 9 p. report dated February 2012.
- 3) Department of Fish and Game, "No Lake or Streambed Alteration Agreement Needed, Notification No. 1600-2012-0036-R5, Prima Deshecha Canada Channel Rehabilitation Project", 1 p. letter dated March 9, 2012 and signed by Marilyn Fluharty, Senior Environmental Scientist.
- 4) Army Corps File No. SPL-2011-01141-SME
- 5) CEQA Notice of Exemption from City of San Clemente, Project Title: Prima Deshecha Canada Channel (Facility No. M01) Rehabilitation, Categorical Exemption: Section 15302 Class 2. The project consists of replacement and rehabilitation of an existing concrete trapezoidal flood control channel in kind. No major expansion of capacity or use is proposed.