

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
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W7c

Permit Application No. **5-13-039**
Date: April 18, 2013
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ADMINISTRATIVE PERMIT

APPLICANT: Capistrano Shores Inc.

PROJECT

DESCRIPTION: Replacement of existing electrical, CATV, telephone, gas, sewer and water lines servicing a 90 unit beachfront mobile home park; new utility lines are proposed approximately 30 feet inland from their current location along a beachfront, and abandoning existing lines in place

PROJECT

LOCATION: 1880 N. El Camino Real, San Clemente, Orange County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, May 8, 2013
8:30 am
Marin Civic Center
Board of Supervisors Chamber
3501 Civic Center Drive
San Rafael, CA 94903

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: Liliana Roman
Title: Coastal Program Analyst

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 this permit is voted on by 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 term or 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.

SPECIAL CONDITIONS: See pages five to six.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Location and Description

The project site is the Capistrano Shores Mobile Home Park located at 1880 N. El Camino Real, San Clemente, Orange County (Exhibit 1). The site is located within the first public road and the sea and is designated as OS2 Privately Owned Open Space in the City of San Clemente certified Land Use Plan (LUP). The mobile home park is bordered by an undeveloped privately owned beach parcel to the north, a public municipal beach to the south, the Pacific Ocean is immediately adjacent to the west and the OCTA and AT & SFRR railroad tracks and N. El Camino Real (aka Pacific Coast Hwy) border the site to the east. The mobile home park is comprised of 90 individual mobile home spaces and an on-site management office on a perched sandy beach protected by a rock revetment. The mobile home park is configured in a straight line with all units facing the ocean, a rock revetment on the seaward side of the units and an access road on the inland side of the units (Exhibit 2). The nearest public beach access is at the North Beach access point immediately to the south of the site; vertical public access to the beach from the mobile home park is not available (Exhibit 3).

The proposed development is an operational improvement project which proposes to update existing utilities serving the 90-units at this site. A new gas line which is fed by the existing gas company high pressure main is proposed to be installed the length of the mobile home park to provide individual service to individual mobile home units. A meter and pressure reducer will separate the high pressure line from the mobile home park line which does not extend beyond the park boundaries. The capacity of gas service will not increase with the new line. New electrical/CATV/telephone lines with new transformers and distribution panels are also proposed. A new water line is proposed to be placed with new connections to each mobile home unit. The new water line will not increase capacity but will be able to provide water service to up to two new fire hydrants to service the mobile home park. The municipal sewer main is underneath the access road, and a new series of sewer collection lines is proposed underneath the road to connect each mobile home site to the City's main line. The electrical/CATV/telephone lines are proposed to be placed within the same conduit. The gas line will be placed in the same trench as the electrical line. Water and sewer lines are placed in individual trenches. All new lines are proposed to be placed under an existing access road approximately 30 feet further east (inland) than the existing lines which are currently under the existing mobile home units.

Exhibit 4 is a site plan of the mobile home park showing proposed placement of new utility lines; Exhibit 5 is a site plan of the mobile home park showing the location of the existing utility lines.

The existing gas, electric and water lines currently run underneath the mobile home units approximately 55' from the rock revetment that protects the oceanfront mobile home park from wave action. The applicant proposes to relocate the utility lines to a new location underneath an approximately 40' wide private street on the east (inland) side of the mobile home units, between the units and the inland property line chain link fence/hedge. The relocated utility lines will be farther away from the ocean, approximately 75' from the rock revetment. The existing lines underneath the mobile home units are proposed to be capped and abandoned in place.

Resources

The Capistrano Mobile Home Park is located on the beach. The proposed work is inland of an existing rock revetment on a perched beach. Due to the nature of the work requiring heavy equipment (i.e., back-hoe, bob-cat, concrete pump, etc.) for excavation/trenching within beach sands adjacent to the ocean, there is a potential for indirect impacts to coastal resources during construction such as activities of equipment or personnel outside designated construction areas, erosion, and water runoff. To avoid adverse impacts to biological resources and address water quality concerns during construction, the applicant proposes to stage vehicles along the paved access road along the eastern property fence, implement BMPs for temporary sediment control, tracking controls, scheduling, and materials and waste management. Furthermore, **Special Condition #1** requires the applicant comply with additional construction best management practices (BMPs). **Special Condition #2** also further reiterates requirements regarding equipment and material staging area(s) avoid impacts to public access, to beach areas and to sensitive habitat areas.

Public Access

Currently there is no vertical public access to the beach from the subject mobile home park. The nearest available public access to the beach is immediately south of the project site at the municipal North Beach access point. During low tide, the public has lateral access from the North Beach access point along the wet sand beach between the surf and the rock revetment in front of the mobile park; however, often during high tide the waves come up to the rock revetment impeding lateral public access. Public access during construction is not anticipated to be adversely impacted during project construction as the project will take place along the mobile home park's private access road. No work is proposed seaward of the mobile home units.

B. Water Quality

The proposed development has a potential for discharge of polluted runoff from the project site into nearby coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for 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. 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.

C. 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.

D. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.

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

- (l) 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.
 - (m) The discharge of any hazardous materials into any receiving waters shall be prohibited.
 - (n) 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.
 - (o) 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
 - (p) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
2. **Construction Staging Area.** The permittee shall comply with the following construction staging area(s) restrictions to avoid impacts to public access, to beach areas or to sensitive habitat areas.
- (a) Construction equipment or activity shall not occur outside the staging area
 - (b) Beach areas shall not be used as staging areas
 - (c) Vegetated areas shall not be used as staging areas
 - (d) The staging area for construction of the project shall not obstruct vertical or lateral access to the beach.

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.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing