CALIFORNIA COASTAL COMMISSION

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



Th11b

Click here to go to original staff report

ADDENDUM

Date: January 7, 2015

To: COMMISSIONERS & INTERESTED PERSONS

From: SOUTH COAST DISTRICT STAFF

Subject: Commission Hearing of January 8, 2015, item Th11b of Commission Agenda,

Coastal Development Permit application No. 5-14-1310 (City of San Clemente),

San Clemente, Orange County.

- 1. Modify Special Condition no. 7, page 7 of staff report, as follows (additions are underlined):
 - 7. Landscaping Native, Drought Tolerant, Non-Invasive Plants. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final revised landscaping plans, for review and approval of the Executive Director. All areas affected by construction activities not occupied by structural development shall be re-vegetated for erosion control purposes.
 - A. Vegetated landscaped areas shall consist of non-invasive and drought-tolerant plants. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.calipc.org/), 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://www.owue.water.ca.gov/docs/wucols00.pdf).
 - B. All proposed trees within the middle of the proposed parking lot and along the southern edge of the parking lot, currently proposed with Melaleuca Linarifolia (7 trees), as depicted in Exhibit no. 3 of the staff report, shall be replaced with trees that have a narrower profile, or silhouette, such as palms (i.e. California filifera, or

Archontophoenix cunnignghamiana), or low growing shrubs, consistent with section B. above.

Add the following findings to section C. Scenic and Visual Resources, at end of third paragraph on page 11, in support of the modification to Special Condition no. 7.
 Landscaping—Native, Drought Tolerant, Non-Invasive Plants (additions are underlined):

The proposed Spanish style entry portal (pedestrian archway) will be located in the northwest corner of the parking lot just off of El Camino Real. The portal will be approximately 16 feet high and 18 feet wide. Because of the location, its proximity to the adjacent development (restaurant and retail building) and minor size of the portal, the structure will not have a significant adverse impact on coastal views from El Camino Real. The majority of the lot will remain open, with a 3 ft. high screen wall along El Camino Real, and coastal views will continue to be available along the adjacent roadway. However, after review of the submitted landscaping plan, the proposed trees (Melaleuca Linarifolia) that are planned for the middle and southern edge of the proposed parking lot, when grown to maturity, will have a wide trunk and full canopy, with the canopy extending as much as twenty feet in width. These large profile trees will obstruct coastal views across the parking lot from along El Camino Real out to the ocean. Staff has discussed with the applicant replacing the proposed trees in this location with alternative trees/plants that would have a smaller profile, such as palms, or low growing shrubs, that would protect the coastal views. The applicant is in agreement and will revise the landscaping plan. Therefore, **Special Condition no. 7** requires the applicant to submit a revised landscaping plan that shows the use of trees or shrubs that have a narrower or lower profile, such as palms, or low growing shrubs, (all drought tolerant and non-invasive) that will preserve the public coastal views across the parking lot.

3. Attached are two letters objecting to the proposed development. The letters raise issues with regards to public views, safety, water quality, legality of the improvements, and cost.

The public view issue is addressed in the staff report and further in this addendum (see above).

With regards to the safety issue, according to the City, the parking lot was designed taking into account public safety. The City, in response to this concern, sees no inherent safety issue with the design. A public sidewalk is being constructed on the Calle Deschecha frontage and is part of the proposed plan.

Water quality has been addressed in the staff report. The City submitted a Water Quality Management Plan, and Special Condition No. 5 of the staff report requires compliance with all recommended Best Management Practices.

The proposed project was approved by the City Council; however, opponents argue that the lot was acquired by the City under eminent domain (Resolution 94-55) for the express purpose of storm drains and parking, no other development was allowed, including walls, archways and

Coastal Development Permit Application No. 5-14-1310(City of San Clemente) Addendum Page **3** of **3**

concrete paving. City disagrees, and that these ancillary structures, including landscaping, are part of the permitted parking lot. Furthermore, as stated in the staff report, the proposed parking lot is consistent with the certified Land Use Plan.

The cost of the proposed lot is a local issue and does not raise any Coastal Act issues.

JAN 6 2015

RE: Agenda Item Th 11B Application 5-14-1310 To Coastal Commission and Staff:

CAUFORNIA . COASTAL COMMISSION

El Camino Real (ECR) Parking Lot Plan in San Clemente

The City of San Clemente has submitted a parking lot plan to the Coastal Commission that is deeply flawed. The enclosed visuals, diagrams, and chart demonstrate how the Proposed Plan fails and how the Alternate Plan is superior. We recommend that the Commission send the Proposed Plan back to the city of San Clemente and ask the city to review the Alternate Plan as a sensible alternative to the Proposed Plan.

As a development plan for a parking lot the Proposed Plan fails in seven significant areas:

- 1. Safety
- 2. Environment
- 3. Ocean Views
- 4. Esthetics
- 5. Function
- 6. Cost
- 7. Legality

The Proposed Plan is dangerous to both motorists and pedestrians by funneling both Cars and people in same single entry and exit point to the lot. Moreover, the lack of a walkway for pedestrians in the south side of the lot will make life hazardous for pedestrians trying to get from their cars to the beach, beach club, metro station, or trying to return to their cars from those destinations. As two-way traffic circles the lot, a potential "bumper car" situation creates dangerous conditions. To make matters worse, placement of trees in the middle of the lot add to the mayhem—trying to avoid them while backing in and out of parking spaces while other motorists are circulating in both directions around the lot, can only increase the risk of accidents.

In terms of the environmental impact, the Proposed Plan is vastly inferior to the Alternate plan. The mass of concrete and blacktop overwhelms the site. Fully 73% of the Proposed Plan is a non-permeable "concrete and asphalt jungle" compared to only 55% of the Alternate Plan. With only 27% of the lot used as green landscaping, the Proposed Plan has barely half as much as the Alternate Plan's 45%. With far less permeable surface, especially none in the critical northwest corner of the lot, the Proposed Plan's fails the urban run-off test.

Another environmental failure of the Proposed Plan is that the inadequate green areas are divided into small, widely separated, strips so that there are no concentrated areas of "greenscape" to mitigate the impact of the vast amount of concrete paving and black top. By contrast, the Alternate Plan has 35' x 180' (6,300 Sq. Ft) of "greenscape" along the El Camino Real public view corridor.

The most egregious flaw in the Proposed Plan is the placement of 19 parking spaces on the highest side of the lot. This will permanently block the public ocean view for motorists, bicyclists, and pedestrians travelling through the El Camino Real public view corridor.

Furthermore, the Proposed Plan's four melaleuca trees located in the middle of the parking lot, will block any ocean view that is left.

With the Proposed Plan's massive amount of unnecessary concrete paving as compared to the Alternative Plan (11% to 2%), the excessive blacktop area (62% to 53%), and one less parking space (32 to 33), the Proposed Plan does less with more.

The over-kill of concrete paving and blacktop is an esthetic fiasco, and the lack of permeable green area (27% to 45%) exacerbates the flaw. The Proposed Plan's unnecessary 18 foot high concrete archway and 3- foot high concrete wall along El Camino Real makes the lot look worse than the much simpler and esthetically pleasing Alternate Plan.

The Proposed Plan fails to function effectively as a parking lot. The single entry on Calle Deshecha, two- way traffic in the lot that circulates simultaneously in both directions, the lack of walkways to the parking spaces, and the massive amounts of unneeded concrete/extra black top, all contribute to the lack of functionality. Unlike the Proposed Plan, the Alternate Plan functions as a parking lot, just as it is supposed to, with lots of "green" area.

At approximately \$950,000, the construction of the Proposed Plan will be one of the most expensive parking lots ever built. Costing almost \$30,000 a space, the Proposed Plan is certainly not a prudent use of public money. Remember, the city already owns the land, so the cost per space is exorbitant. This exorbitant price tag, not from the cost of black top or green landscaping, appears to be for frivolous "non-parking lot" items that have been added to the site—tower archway, masonry wall, and concrete paving. The cost for the Alternate Plan is not known at this time, but it will be considerably less than the Proposed Plan.

The legality of the Proposed Plan is in question. The ECR lot was acquired by eminent domain in Resolution 94-55 for the express purpose of storm drains and parking—nothing else. No tower archways, no masonry walls, and no 2,025 square feet of superfluous concrete paving. The green area can be justified, but not the other. Another parking area in North Beach was acquired before the ECR lot in Resolution 69-70 by eminent domain that is and referred to as the "triangle". The intent of this action was different than the intent of 94-55. Resolution 69-70 provided for the acquisition to be used for a park, parking, and public use. It is the triangle that can legally be used under the public use provision for the tower archway, masonry wall, and concrete paving, not the ECR. It is clear that the city is confused about the purposes of these two Resolutions. If the city wants the tower archway, masonry wall, and concrete paving area it must put them in the Triangle and not the ECR lots.

It is clear that the Proposed Plan for additional parking at North Beach needs to be revisited. We urge the Coastal Commission to send it back to the city of San Clemente for revision. We also urge that the Coastal Commission ask the city to look at the Alternate Plan as a solution to many of the flaws in the Proposed Plan. Complete copies of Resolution 69-70 and Resolution 94-55 can be found under "Documents" at the website olehansenbeachpark.com.

Regards.

Tom & Vonne Barnes

1-5-2015 Una Barnes

El Camino Real Slide Descriptions

Slide Numbers:

Slide 1—ECR Parking Lot—Satellite Site Plan. Motorists s the Lot from Deschecha—not from El Camino Real. The Beach entrance and breach trail is about 600 ft (2) football fields away from the lot. Pedestrians acess the beach from existing crosswalks & ample sidewalks at Estacion & Pico. The curb is painted red on El Camino Real from Estacion to Pico and there is no stopping, no parking and no drop-off on the side-walk.

Slide 2—Alternate Parking Lot Plan—Only 60 FT of the 100 FT depth is necessary for parking. There are separate in- and- out driveways, and one- way traffic thru the lot, which is safer. This Alternate Plan has parking at lower elevation of the lot, which preserves most of the public ocean view from El Camino Real leaving 40 Ft for Green Area Landscaping—especially along El Camino Real, the entry to the city. The Alternate Plan has more Green Area, more parking spaces, and is safer and less costly than the Proposed Plan. Parked cars in the Alternate Plan are 35 ft closer to the public beach entrance and public beach trail.

Slide 3— Proposed Plan— 88 FT of the 100 FT depth of the Lot is black top; which leaves only very narrow strips along El Camino Real and Deschecha for landscaping. Cars are parked at the highest location of the Lot where they are most visible and obstruct public views from El Camino Real. There is an additional and unnecessary traffic aisle which makes traffic through the lot hazardous for pedestrians. The in-and out single driveway and two-way circulation through the lot is unsafe for pedestrians because there is no walkway on the south end of the Lot. Pedestrians have to dodge through cars driving in and out of the Lot to get to the beach and then back to their parked car.

Slide 4—Alternate Plan and Proposed Plan are shown on same page for review

Slide 5— El Camino Real /Avenida Pico View Cone. The ECR Lot is right in the center of the cone which includes street level public views from El Camino Real and Avenida Pico.

Slide 6— Photograph of ECR lot at street level from El Camino Real looking west over the public view corridor. The ocean horizon & public view over parked cars is preserved. Sign #1 Is 5 ft high and shows where 5 ft high cars will be located in the Proposed Plan. Sign # 2 is 5 ft high and shows where 5 ft. high cars will be located in the Alternate Plan (cars will be 35 ft west where the land is 1.5 ft lower than for Proposed Plan.

Slide 7— Proposed Plan —Shows 6 cars 5 ft high taking up the space. The cars will permanently block the established public ocean view corridor, and cover the horizon. There are actually 19 cars that will be in the first row, and this will block about 180 linear feet of the public view.

Slide 8—Proposed Plan— Adds the 3 ft concrete wall, 5 ft green area, 4 melaleuca trees, one New Zealand Christmas tree, and one European fan palm. What little view is not blocked by cars, is blocked by the trees. Note that the ocean view thru the signature metrolink arches is blocked.

Slide 8—Alternate Plan— Shows the same 6 cars set back 35 feet west where the ground it 1.5 ft lower. The public view corridor is preserved— not blocked.

Slide 9— Alternate Plan— Add 35 ft of green area covering the set-back space. Public ocean views are preserved. Note the public view thru the signature metrolink arched roof over the seaside walkway is also preserved.

Slide 10— Proposed Plan and Alternate Plan together on one page for review

Slide 11—Visual Impact Plan submitted by city consultant—distorted and misleading. Does not include 19 cars parked in the first row along El Camino Real. Falsely shows a preserved ocean view through the metrokink signature roof arches, does not include the 16 trees, does not show the green area along El Camino Real, objects in the image are non-distinct and blurry. Can't tell which way cars are facing or where they are.

Slide 12— Alternate Plan and Proposed Plan are shown on same page for review

Slide 13—Table comparing square footage of green area and concrete pavement & blacktop between the Proposed Plan and the Alternate Plan.

Slide 14— Resolution 69-70 and 94-55 on same page for review. The ECR Lot can only be used for public parking and to accommodate storm rain improvements.

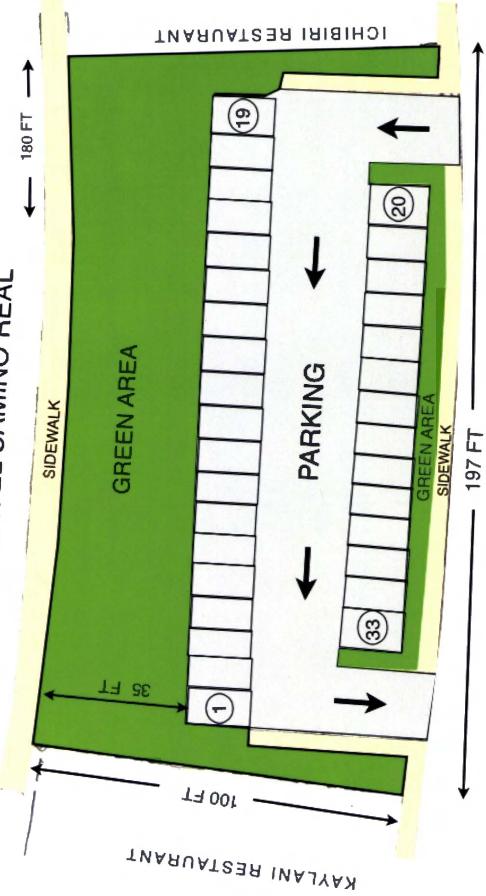
Slide 15—Resolution 69-70 enlarged for review

Slide 16—Resolution 94-55 enlarged for review

Slide 17— Alternate Plan and Proposed Plan are shown on same page for review



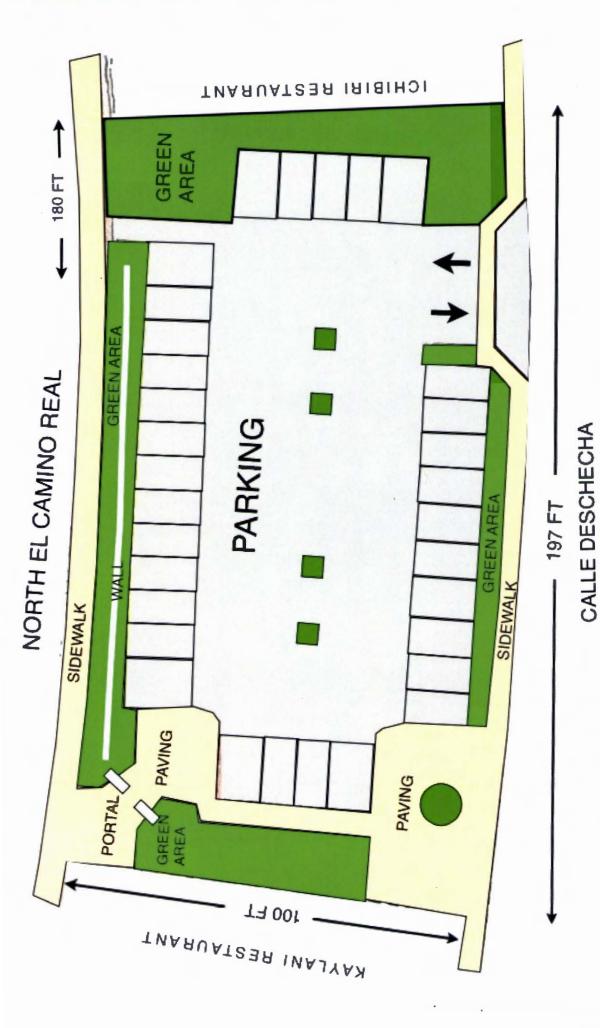
NORTH EL CAMINO REAL



CALLE DESCHECHA

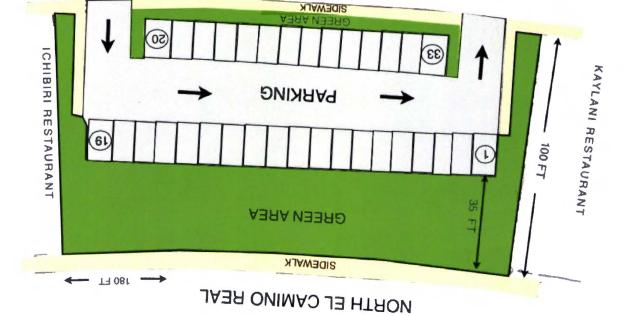
ALTERNATE EL CAMINO REAL PARKING LOT PLAN 33 PARKING SPACES AVENIDACION





EL CAMINO REAL PARKING LOT PLAN 32 PARKING SPACES





CALLE DESCHECHA

197 FT

ALTERNATE EL CAMINO REAL PARKING LOT PLAN 33 PARKING SPACES



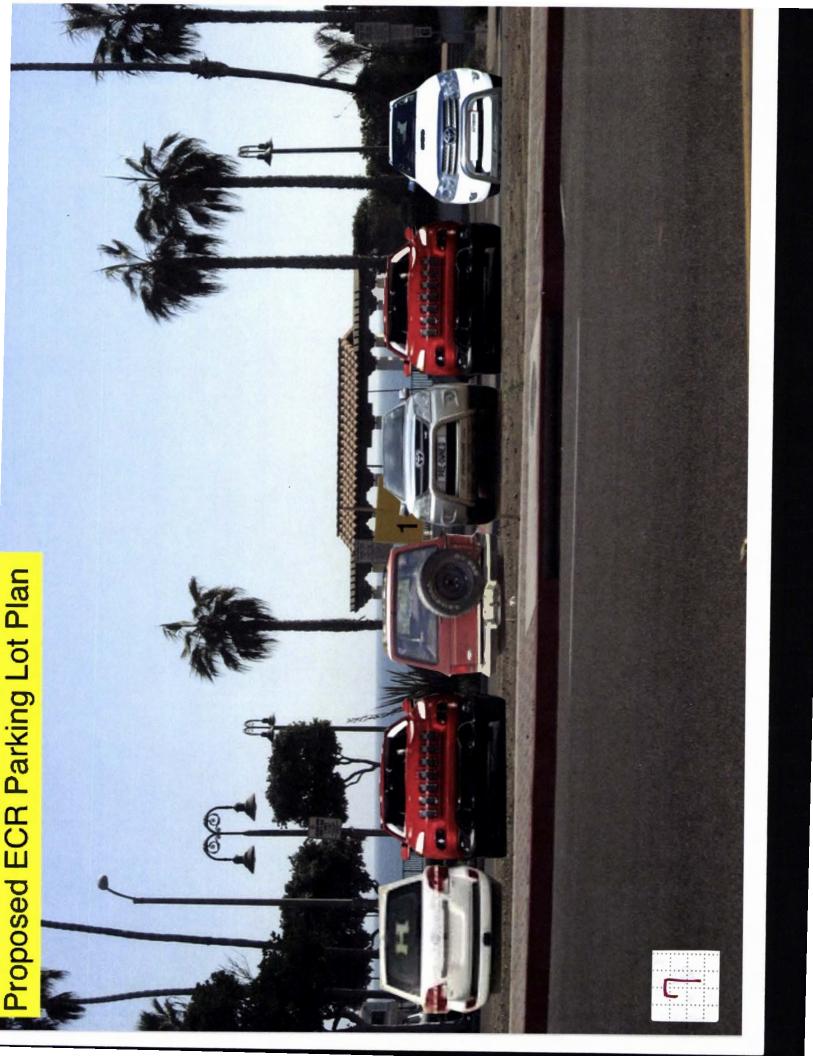


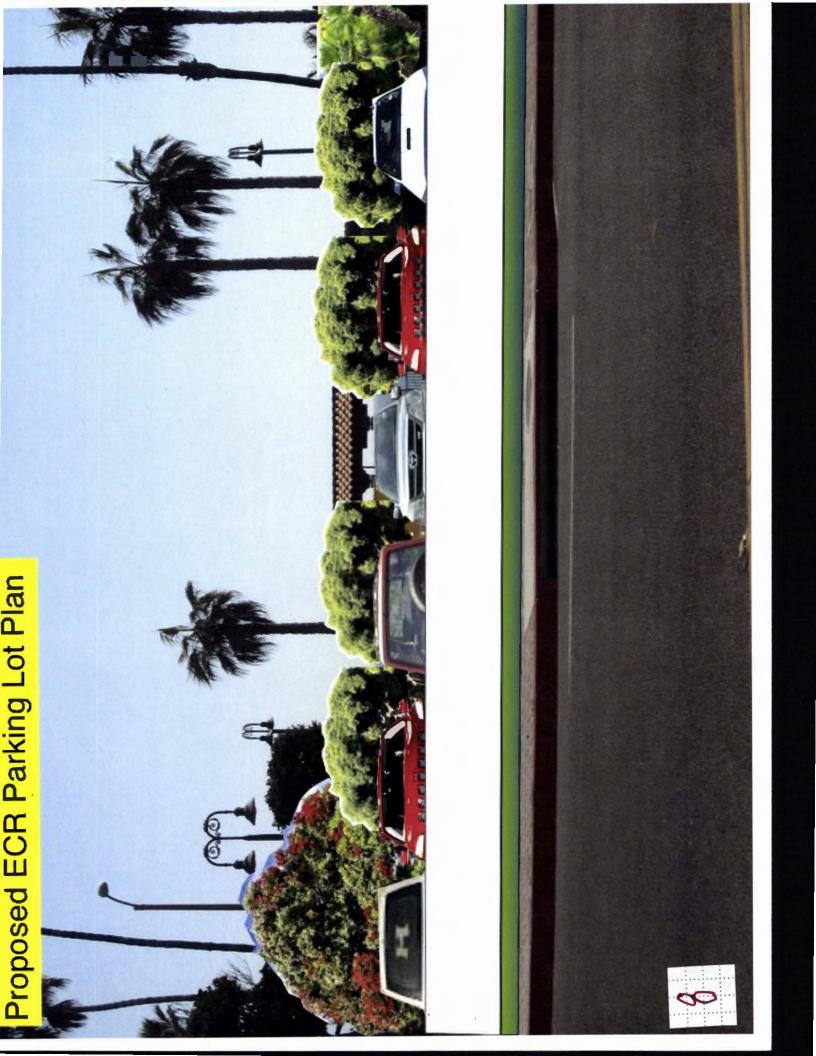
CALLE DESCHECHA

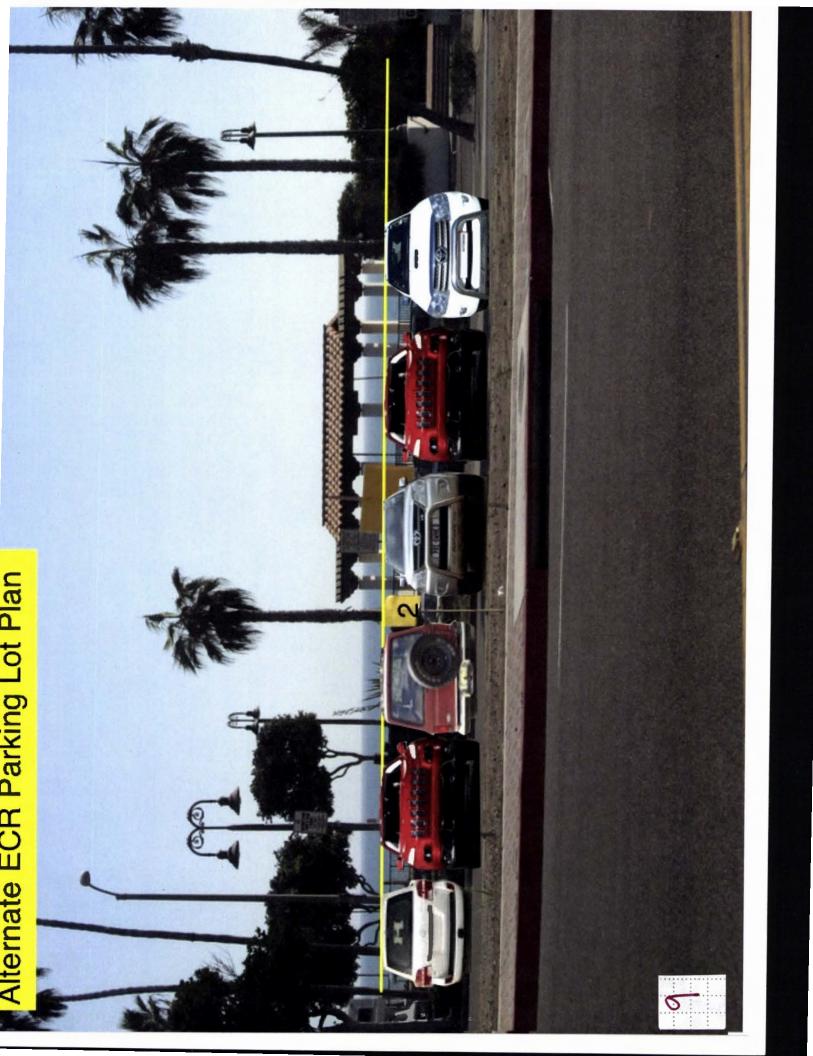
32 PARKING SPACES BL CAMINO REAL PARKING LOT PLAN











Alternate ECR Parking Lot Plan

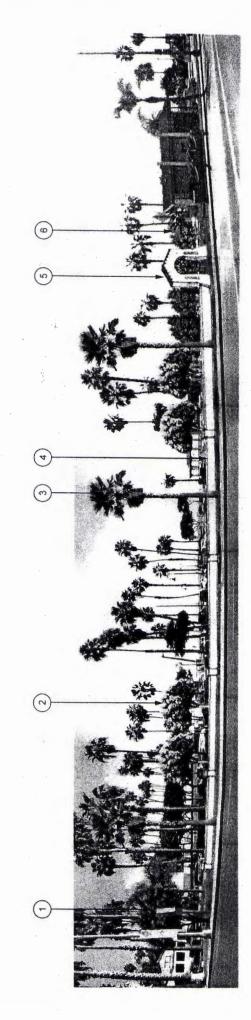






KEYNOTES

- (1) PROPOSED ACCENT TREE (METROSIDEROS EXCELSA)
- (2) PROPOSED PARKING LOT TREE (MELALEUCA LINARIFOLIA)
 (3) PROPOSED NORTH EL CAMINO REAL STREET TREE (WASHINGTONIA ROBUSTA)
- (4) PROPOSED 3'-0" HIGH MASONARY WALL WITH ACCENT BRICK OR STUCCO BUILDUP CAP
- 5 PROPOSED ENTRY PORTAL
- 6 PROPOSED SMALL ACCENT TREE (ARBUTUS MARINA)

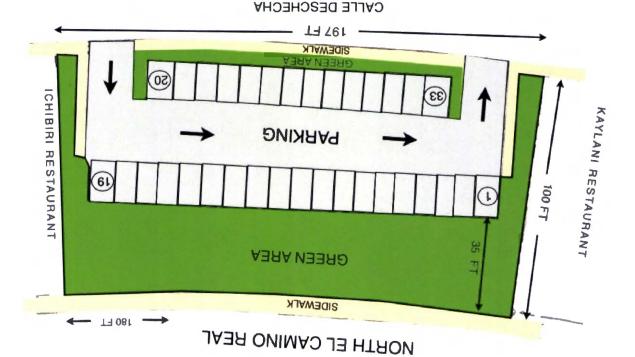


NORTH BEACH / NORTH EL CAMINO REAL BEACH PARKING LOT CITY OF SAN CLEMENTE Visual Impact Analysis



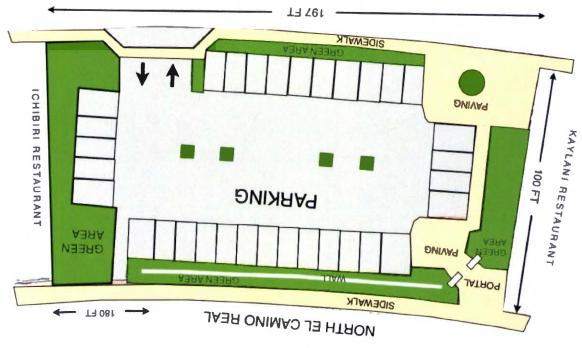
7





ALTERNATE EL CAMINO REAL PARKING LOT PLAN 33 PARKING SPACES





CALLE DESCHECHA

32 PARKING SPACES BL CAMINO REAL PARKING LOT PLAN



	Lot Area	Proposed Plan Area Sq Ft	Alternate Plan Area Sq Ft	Plan Area	Plan Area	
	Square Foot	18,800	18,800	100	100	
	Parking Spaces	32	33			
	Concrete Paving Sq. Ft.	2,025	450	11	2	
	Black Top Paving Sq. Ft.	11,675	9,870	62	53	
	Total Nonpermeable (Concrete + Black Top) Sq.Ft.	13,700	10,320	73	22	
3	Green Permeable Area Sq. Ft.	5,100	8,480	27	45	,

RESOLUTION 69-70

BE IT RESOLVED... the acquisition of said land for public off-street parking, public park and public use abutting the...

San Clemente Beach Club.



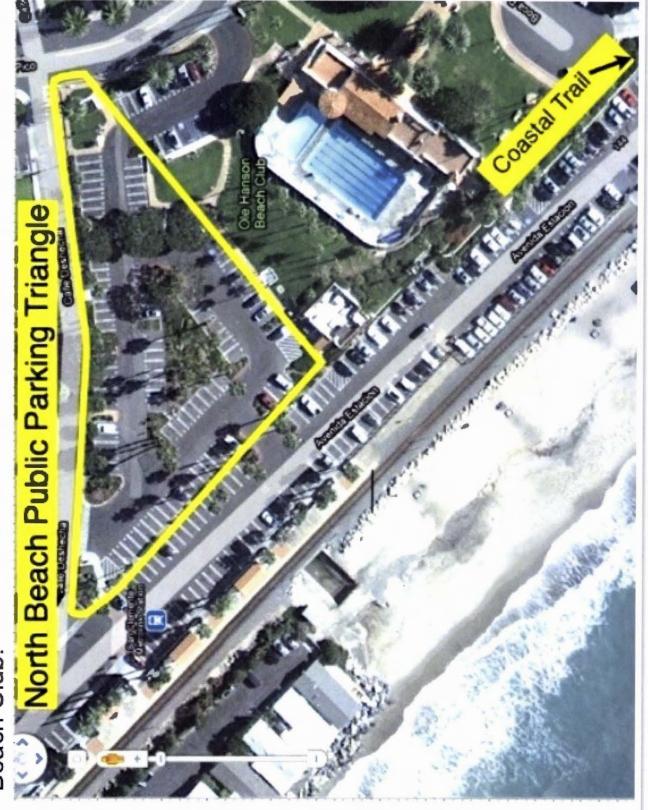
RESOLUTION 94-55

ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY LOCATED AT 1832 NORTH EL CAMINO REAL, TO ACCOMMODATE STORM DRAIN IMPROVEMENTS AND PUBLIC PARKING.



RESOLUTION 69-70

BE IT RESOLVED... the acquisition of said land for public off-street parking, public park and public use abutting the... San Clemente Beach Club.



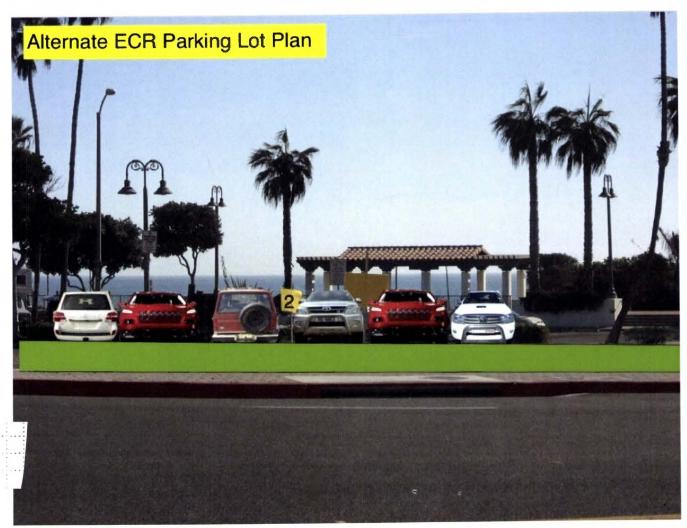
RESOLUTION 94-55

ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY LOCATED AT 1832 NORTH EL CAMINO REAL, TO ACCOMMODATE STORM DRAIN IMPROVEMENTS AND PUBLIC PARKING.



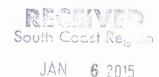






January 2, 2015

California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416



CALIFORNIA COASTAL COMMUNICATION

Reference: Application 5-14-1310. Item th11b, January 2015 Meeting

Attention: Members of the Commission

I am a retired architect and land planner, and a resident of San Clemente for over 50 years. I have long been involved in the city's urban development issues, particularly in the last few years the North Beach area. Through the years, I have served as a city planning commissioner in San Clemente, and on countless urban design advisory groups in San Clemente, Dana Point and Laguna Niguel at its inception.

The City of San Clemente is getting ready to build a project, referenced above, to finally start the long awaited revitalization of North Beach. The project is a 32 spaces beach parking lot on city owned property along El Camino Real on the front and Calle Deshecha on the rear (100 feet deep), and between Kaylani and Ichibiri restaurants (188 feet, average length). See Exhibit 3-satellite photo.

It is a parking lot but its prominent location, on El Camino Real at the norh entrance to the city gives it great importance. Fortunately, only 60 feet of the 100 feet depth of the lot can be used effectively for parking, leaving 40 feet for significant landscaped parking lot screening along Calle Deshecha and, especially, along El Camino Real where a 180 feet long and 30 feet, or more, deep landscaped area could be created to serve as a welcoming green statement for our seaside community's north gateway. See Exhibit 1- Alternate plan drawing.

Unfortunately, the city's proposed design squanders that opportunity by asphalt paving 88 feet (28 feet more than required for parking) of the 100 feet depth of the lot, leaving only narrow strips for landscaping along El Camino Real and Calle Deshecha. And parking cars right next to El Camino Real, the highest part of the lot, where they are most visible and obstruct public views from El Camino Real. See Exhibit 2- Proposed plan drawing.

The city's plan also proposes an elaborate and expensive path through the parking lot at its north end, which reduces the number of parking spaces, and features a 16 feet high concrete portal/archway at El Camino Real. Both, path and portal, will hardly, if ever, be used because all the beach users' traffic, vehicular and pedestrian, is well served by Avenida Pico at the south end of the block, Avenida Estacion at the north end, and their sidewalks. Besides, the El Camino Real street curb is painted red for the entire block- no stopping or parking. That sidewalk has hardly any foot traffic, and none by beach users. See Exhibit - Proposed plan, and Exhibit 3- satellite photo.

A better solution, as explained above, is to pave only the area necessary for parking. Then the proposed 3 feet high wall along El Camino Real to screen parked cars can be deleted because of the much deeper area of landscape and because cars are parked at a lower grade elevation of the lot and less visible. Also deleted are the proposed concrete portal at El Camino Real and the path through the parking lot, both are irrelevant and

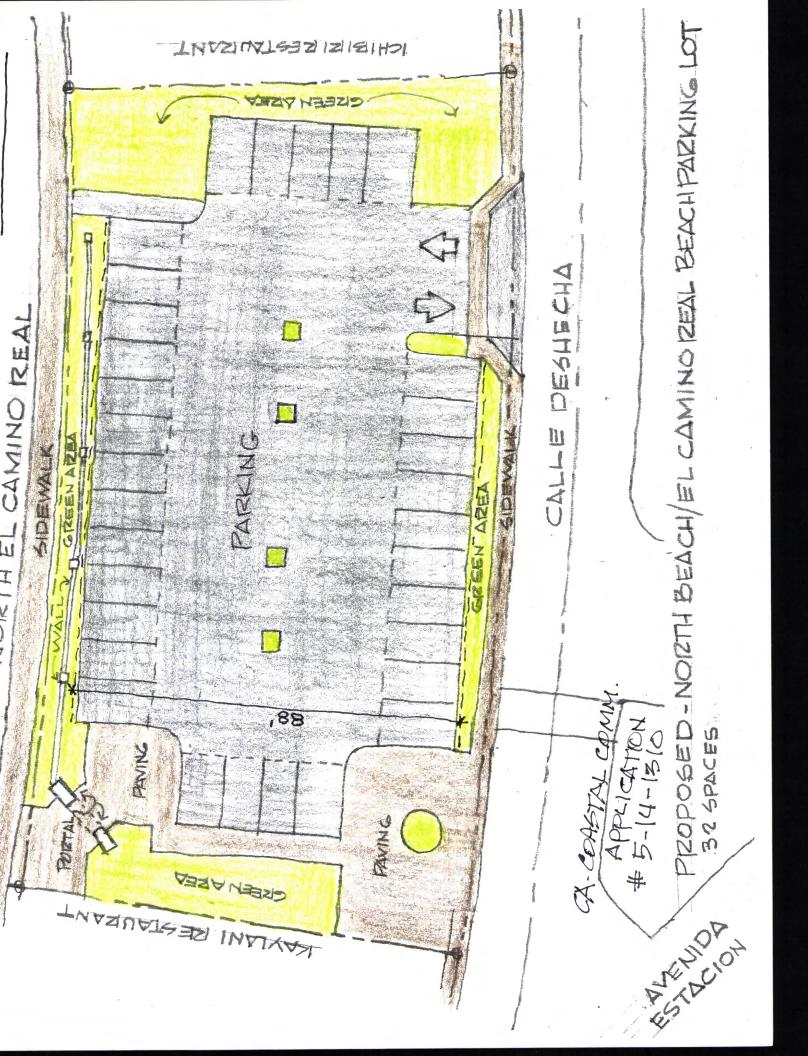
unnecessary, as explained above, and don't improve access to the beach and ocean. See Exhibit 1- Alternate plan drawing, and Exhibit 2- Proposed plan drawing.

I urge the commision to deny this application or, if possible, to continue it for a later meeting, to be returned with revisions that address the concerns of this letter and any others that may be raised through this public hearing. Thank you for your attention.

Ricardo Nicol, AIA emeritus 2315 S. Ola Vista, San Clemente, CA 92672

Tel.: 949- 492 3525

Enclosures: Exhibits 1, 2 and 3.





CALIFORNIA COASTAL COMMISSION APPLICATION # 5-14-1310 EXHIBIT 3

CALIFORNIA COASTAL COMMISSION

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



Th11b

 Filed:
 9/4/14

 180th Day:
 3/1/15

 Staff:
 L. Roman-LB

 Staff Report:
 12/18/14

 Hearing Date:
 1/8/15

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-14-1310

Applicant: City of San Clemente

Project Location: 1832 El Camino Real, San Clemente, Orange County

APN 057-192-04

Project Description: Construction of a 32-space asphalt paved surface public

beach parking lot including hardscape improvements, bike racks, 16 ft. high entry portal, 3 ft. high masonry wall along El Camino Real, landscaping, lighting and a pay station on an 18,000 sq. ft. vacant lot adjacent to North Beach.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of San Clemente (applicant) proposes to construct a 32-space asphalt paved surface public beach parking lot including the installation of an electronic pay station, lighting, benches, bike racks, entry portal, 3 ft. tall masonry wall along El Camino Real, and new landscaping.

The proposed public parking lot will be an improvement to an existing 18,000 square foot vacant City owned lot located between the first public road and the sea and inland of the Orange County Transit Authority railroad tracks that run parallel to the beach. The proposed project will

5-14-1310(City of San Clemente)

improve public beach access through the increase in public parking with rates consistent with other public beach lots in the surrounding area.

The proposed development has been conditioned to assure the proposed project is consistent with the resource protection policies of the Coastal Act. The Commission recommends approval of the project with revised plans to increase (double) the number of bike racks and to include installation of an electric vehicle charging station. The conditions are: 1) Final Revised Plans; 2) Agreement Regarding Future Fee Changes; 3) Future Improvements; 4) Compliance with Proposed Construction Staging Plan; 5) Water Quality - Maintenance of Structural and/or Treatment Control BMPs; 6) Construction Best Management Practices; and 7) Landscaping. Commission staff recommends **approval** of coastal development permit application 5-14-1310, as conditioned.

TABLE OF CONTENTS

I.	MO'	TION AND RESOLUTION	Page 4
II.	STA	NDARD CONDITIONS	Page 4
III.	SPE	CIAL CONDITIONS	Page 5
IV.	FINDINGS AND DECLARATIONS		
	A.	PROJECT LOCATION AND DESCRIPTION	Page 7
	B.	PUBLIC ACCESS	Page 8
	C.	SCENIC AND VISUAL RESOURCES	Page 10
	D.	WATER QUALITY	Page 11
	E.	LOCAL COASTAL PROGRAM (LCP)	Page 12
	F.	CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	Page 13

APPENDICES

Appendix A – Substantive File Documents

LIST OF EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Location Map

Exhibit 3 – Site Plan

Exhibit 4– Public Access Map

Exhibit 5– Construction Staging Plan Exhibit 6– Water Quality Plan

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit No. 5-14-1310 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. 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 will 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

1. **Final Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final revised project plans to the Executive Director for review and approval. The plan shall substantially conform to the preliminary plans, with a revision to include a minimum of 10 bicycle spaces and to include/convert a proposed parking stall into a Plug-In Electronic Vehicle (PEV) charging station.

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. **Agreement Regarding Future Fee Changes.** With the acceptance of this permit the applicant agrees that any change in the rate charged for parking or method of fee collection will require Executive Director review to determine if an amendment to the permit or a new permit will be required. Any proposed changes to the approved project, including but not limited to a fee increase of 25% or more in any given year or 50% or more on a cumulative basis over any three consecutive year period or new development, shall require an amendment to the permit or a new permit.

The permittee shall undertake the development authorized by the approved coastal development permit. No changes to the plans or the development authorized in this coastal development permit shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 3. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-14-1310. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, as specified in Special Condition 2, shall require an amendment to Permit No. 5-14-1310 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- 4. **Compliance with Proposed Construction Staging Plan.** The permittee shall comply with the proposed construction staging area depicted on **Exhibit #5** of the staff report which indicates that the construction staging area will be located on an 18 ft. x 45 ft. space, taking up five (5) public parking spaces within the North Beach municipal parking lot directly across Calle Deshecha from the project site; a site chosen to minimize impacts to

- public access, to beach areas and to sensitive habitat areas and minimizing public parking spaces used for staging or storage of material and equipment.
- 5. Water Quality Management Plan (WQMP) Maintenance of Structural and/or Treatment Control BMPs. The permittee shall comply with the proposed WQMP by Gable Engineering, Inc. dated 8/28/14 and depicted on Exhibit #2, page 5 of 5. The permittee shall comply with following requirements related to proposed structural and/or treatment control Best Management Practices (BMPs):
 - (a) All structural and/or treatment control BMPs shall be designed, installed, and maintained for the life of the project in accordance with well-recognized and accepted design principles and guidelines, such as those contained in the California Stormwater Quality Association Best Management Practice Manuals;
 - (b) All BMP traps/separators and/or filters shall be, at a minimum, inspected and cleaned/repaired or otherwise maintained in accordance with the following schedule: (1) prior to the start of the winter storm season, no later than October 15th each year, (2) inspected monthly thereafter for the duration of the rainy season (October 15th -April 30), and cleaned/maintained as necessary based on inspection and, (3) inspected and maintained where needed throughout the dry season;
 - (c) Debris and other water pollutants removed from structural BMP(s) during clean out shall be contained and disposed of in a proper manner;
 - (d) It is the permitee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.
- 6. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:
 - (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion;
 - (2) Staging and storage of construction machinery and storage of debris shall not take place on any sandy beach areas or areas containing any native vegetation;
 - (3) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - (4) 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;

- (5) Concrete trucks and tools used for construction of the approved development shall be rinsed off-site;
- (6) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (7) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project.

7. **Landscaping – Native, Drought Tolerant, Non-Invasive Plants.** All areas affected by construction activities not occupied by structural development shall be re-vegetated for erosion control purposes.

Vegetated landscaped areas shall consist of non-invasive and drought-tolerant plants. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://www.owue.water.ca.gov/docs/wucols00.pdf).

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION AND DESCRIPTION

The proposed project is located between the first public road and the sea at 1832 North El Camino Real in the City of San Clemente, Orange County (**Exhibits #1 & #2**). The subject lot is a City owned vacant 18,000 sq. ft. lot in the North Beach area with frontage along El Camino Real to the north and Calle Deshecha to the south. Existing development includes Kaylani Coffee to the west and Ichibari Restaurant to the east. The site is adjacent to the larger North Beach public beach parking lot, the North Beach public beach access point and the North Beach MetroLink/AmTrak train station. The site is designated MU3 (mixed use) in the certified City of San Clemente Land Use Plan (LUP).

The City of San Clemente (applicant) proposes to construct a 32-space asphalt paved surface public beach parking lot including the installation of an electronic pay station, lighting, benches, bike racks, 16 ft. high pedestrian entry portal, 3 ft. high masonry wall along El Camino Real, and new landscaping (**Exhibit** #3).

B. Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states, in part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
- (2) Adequate access exists nearby, or,

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service...(3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhood that, because of their unique characteristics, are popular visitor destination points for recreational uses.

As shown in **Exhibit #1**, the proposed municipal parking lot will be located between the first public road and the sea, inland of the Orange County Transit Authority (OCTA) railroad tracks. Vertical public access to the public beach is available approximately 540 feet to the south from

the site at North Beach. **Exhibit #4** provides a map of the primary public coastal access points in the City.

The proposed municipal parking lot will add to the stock of public beach parking available at North Beach access point. North Beach is a popular regional coastal access point as it is along a popular regional bike route along El Camino Real, it is also the trailhead to the popular San Clemente Coastal Trail, and is the site of a Metrolink/Amtrak train stop. North Beach is identified as a primary beach access point in the City with the greatest number of public parking spaces (approximately 250 off-street and 100 on-street) in the City's certified LUP. Out of 18 coastal access points throughout the City, only 5 access points provide off-street public parking at municipally owned parking lots, these are North Beach, Linda Lane City Park (135 parking spaces), San Clemente Municipal Pier (235 parking spaces), T-Street (150 parking spaces), and at the Calafia/San Clemente State Beach access point (210 parking spaces).

In past permit action, the Commission has found that parking rate changes for on-street and offstreet public parking can adversely impact public access. If parking rates are significantly raised, or are set high in the case of new parking spaces, those rates can discourage use by the public and force the public to find parking elsewhere, or avoid the area altogether and travel to other beaches. Currently, public parking in the existing public parking lot at North Beach is available 24 hours a day to the public. Paid parking is only required from 9am to 6pm, 7 days a week at a fee of \$1.50/hour. The proposed new parking lot is intended to increase the stock of public beach parking spaces at North Beach and the City plans to implement the same parking fee, fee schedule, and operating hours imposed at the existing North Beach municipal beach parking lot. To ensure adequate public access is maintained in the future, the Commission imposes Special Condition #2 requiring the applicant to agree that any change in the rate charged for parking or method of fee collection will require Executive Director review to determine if an amendment to this permit or a new permit will be required. Any proposed changes to the approved project, including but not limited to a fee increase of 25% or more in any given year or 50% or more on a cumulative basis over any three consecutive year period or new development, shall require an amendment to the permit or a new permit.

Furthermore, according to a report by the California Department of Energy (*Tracking Progress*, September 2, 2014), in 2013, sales of plug-in battery electric vehicles (PEVs) were three times the number sold in 2012 and between March 2010 and March 2014, more than 83,000 PEVs were sold in California. With the use of electric vehicles increasing, the demand for charging stations also increases. Because of the increase use in electric, or hybrid vehicles, public and private lots should provide spaces for charging vehicles which will improve public access through the provision of adequate parking facilities for both gas and electric vehicles.

At this time there is no established standard for the ratio of electric charging spaces per standard vehicle spaces for public lots; however, CALGreen (California Green Building Code, California Building Standards Commission 2012 Supplement) offers municipalities a voluntary standard for PEV charging at commercial, retail and other nonresidential locations, of one PEV charging space for a parking lot of 1-50 spaces, two charging spaces for 51-200 spaces, and four charging spaces for over 201 parking spaces. Although the proposed public lot does not fit these type of listed uses, this standard gives a general range that could be applied to this type of parking use. Because the proposed lot is small, providing 32 parking spaces, providing one space for electric

vehicle charging, consistent with the above standard, will be adequate. Therefore, to maximize use and public access, **Special Condition #1** requires revised plans showing the location of one PEV charging station within the proposed 32 space parking lot.

Furthermore, as stated, the proposed site is located near a regional bicycle route along El Camino Real, and a beach bicycle route. The applicant is proposing to provide bike racks for five bicycles. Because of the location along the popular bike routes, the proximity to the public beach, and other visitor serving uses, the area is heavily used by bicyclists. Because of the location and heavy use of the area, the lot should provide a minimum of ten spaces. The lot, as designed is large enough to accommodate ten or more bicycle spaces within the proposed hardscape areas without affecting the number of parking spaces or proposed green space. By providing additional bicycle racks, public beach access will be improved by providing designated and secured areas for alternative modes of transportation. Therefore, the revised plans required in **Special Condition #1** also includes the requirement of providing a minimum of 10 bicycle spaces.

Construction Phase Impacts to Access

The applicant provided a construction phase staging area, included as **Exhibit #5**. The proposed staging plan map depicts use of a 18 ft. x 45 ft. area within the 250-space North Beach public beach parking lot and would take up five (5) public parking spaces. Project construction is anticipated to take approximately 8 months. The limited number of public parking spaces anticipated to be temporarily impacted during the construction period will have very minimal temporary adverse impact to public coastal access within the project vicinity.

Furthermore, to ensure adverse construction phase impacts are minimized, **Special Condition #4** requires the applicant limit the proposed staging area to a proposed 18 ft. x 45 ft. area within the existing paved surface of the North Beach parking lot and ensuring that beach areas and sensitive habitat areas are not used for construction staging or storage of material and equipment.

Therefore, as conditioned, no construction impacts to public access are anticipated and the Commission finds the development consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

C. SCENIC AND VISUAL RESOURCES

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The subject site is a vacant lot located at 1832 El Camino Real. The proposed development consists of a new paved surface municipal parking lot, the installation an electronic pay station, bike racks, benches, lighting, a 3 ft. high plastered screen wall along El Camino Real, an entry portal, and new landscaping. The conceptual landscaping plan provided as **Exhibit #3** provides photographic examples of typical low screen wall and entry portal. The low screen wall proposed between El Camino Real and the parking lot is meant to screen the view of the vehicles within the parking lot but maintain the coastal view beyond. Landscape design provides for open views throughout the parking lot, with trees scaled to maintain views from Avenida Pico. The proposed pay station and new signs are well below the City's height limits (33 feet) for structures in the area and will have no adverse impact on public coastal views.

The proposed Spanish style entry portal (pedestrian archway) will be located in the northwest corner of the parking lot just off of El Camino Real. The portal will be approximately 16 feet high and 18 feet wide. Because of the location, its proximity to the adjacent development (restaurant and retail building) and minor size of the portal, the structure will not have a significant adverse impact on coastal views from El Camino Real. The majority of the lot will remain open, with a 3 ft. high screen wall along El Camino Real, and coastal views will continue to be available along the adjacent roadway.

Security lighting will be provided within the parking lot. The surrounding area provides lighting along the public streets and within the adjacent public parking lot and train station. The lighting will be directed into the parking lot to minimize light spillage, and will be consistent with the surrounding area. Therefore, the proposed lighting will not have a significant effect on the surrounding area.

As proposed, the Commission finds the proposed development consistent with Section 30251 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored...

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The applicant provided a Water Quality Management Plan (**Exhibit #6**) and hydrology calculations for the proposed paved surface parking lot project. The calculated soil permeability

is 0.04 inches per hour, a negligible rate of water infiltration, making onsite infiltration of water runoff as a water quality Best Management Practice (BMP) not a very viable option. The applicant considered a bio-swale option and determined that there is not sufficient length available within the site for effective use of this water quality BMP option. Instead, the applicant is proposing a manufactured bio retention product consisting of a 3 ft. x 6 ft. "modular wetland unit" designed around the space constraints of the site while providing the necessary treatment for low flow water runoff. Discharge from the filtration system will be directed to the adjacent municipal flood control channel. In order to ensure that the proposed modular wetland unit is maintained in working condition, **Special Condition #5** requires the applicant inspect and maintain all proposed structural and/or treatment control BMPs for the life of the project in accordance with well-recognized and accepted design principles and guidelines. Additionally, **Special Condition #6** requires the applicant comply with standard construction phase BMPs to minimize the effects of construction activities on the marine environment.

As proposed and conditioned, the project will minimize possible adverse impacts on coastal waters to such an extent that it will not have a significant impact on marine resources, biological productivity or coastal water quality. 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 protect marine resources, promote the biological productivity of coastal waters and to protect human health.

E. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. 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 resubmitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The proposed development, as conditioned, is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, 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 that the activity may have on the environment.

The City of San Clemente is the lead agency for purposes of CEQA compliance. As determined by the City, the project is categorically exempt pursuant to CEQA as a Class 11 exemption pursuant to CEQA Guidelines Section 15311 because the project consists of the City constructing a small parking lot for beach parking accessory to an institutional facility, beach parking provided for public recreation. In order to ensure compliance with Coastal Act requirements, the Commission adopts additional mitigation measures including: special conditions related to compliance with construction-related best management practices (BMPs), drainage, landscaping, and future development. As conditioned, the proposed project is consistent with the public access, water quality and visual resource protection policies of the Coastal Act and there are no feasible alternatives or additional 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 is consistent with the requirements of the Coastal Act and CEQA.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

City of San Clemente LUP

Approval-in-Concept dated 7/25/14 Conditional Use Permit 13-478 Minor Cultural Heritage Permit 14-004 Project Location

project Location



EXHIBIT NO.

Application Number 5-14-13/0

California Coastal Commission

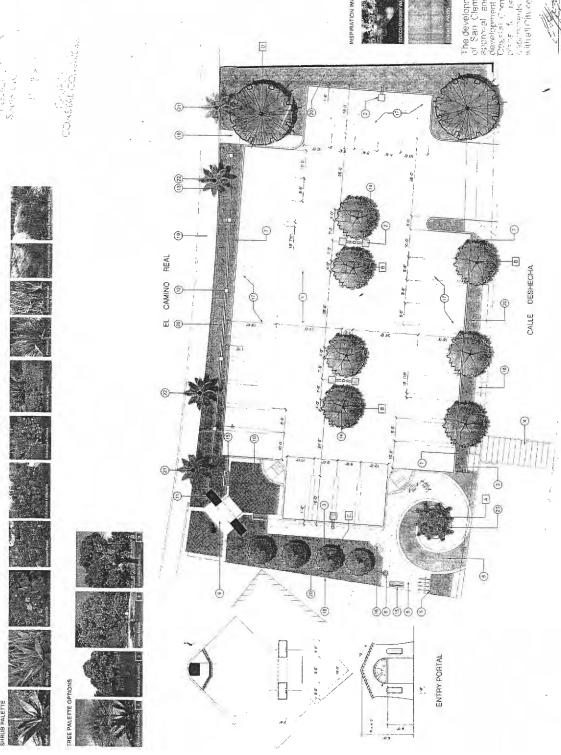
EL CAMINO REAL Ben & et and PROJECT LOCATION, Public Beach Beach access. EXHIBIT NO. LOCATION MAP Application Number f San Clemente 5-14-1316 North Beach / Lle Negocio, Suite 180 Clemente, CA 92672

El Camino Real Parking Lot

ocation Map

California Coastal Commission

(849) 361-6190 (949) 361-6318



"INTITIO" A / EL CAMINO REAL BEACH PARKING LOT CITY PROJECT NO. 14806 Conceptual Landscape Plan

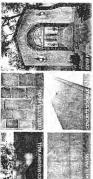
EXHIBIT NO.

Application Number 1-/1/- Lendscape,

California Coastal Commission

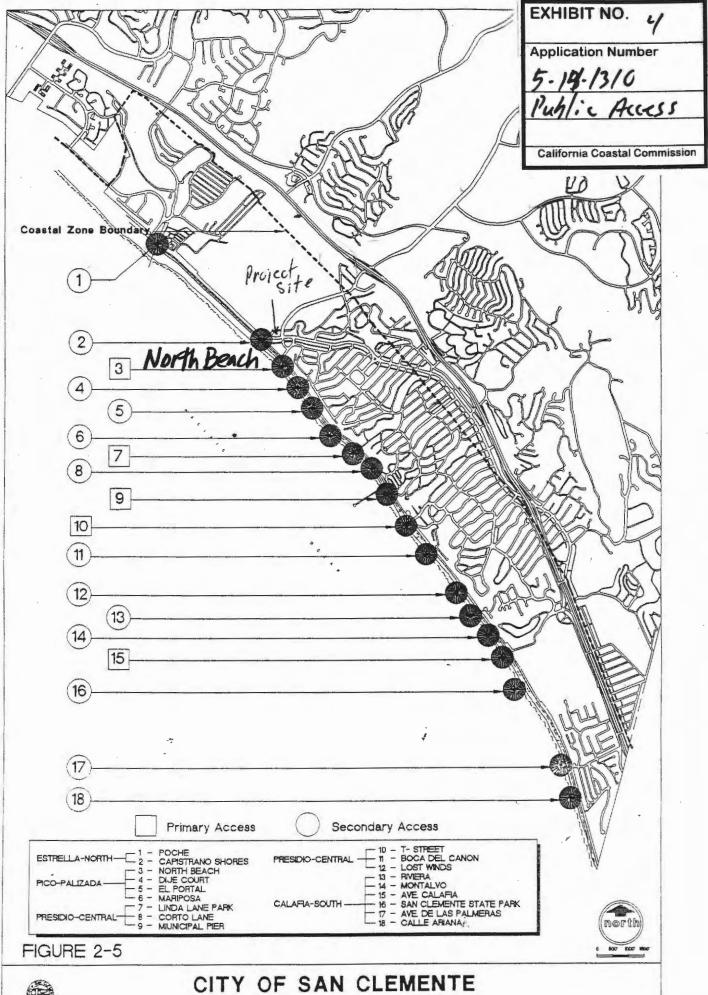
() SEGMENT I SENECIAL CANADA CITAMONTO
2. PARAMINETO TO LICHE STANDANDS
3. MODULAW WELLAND
() TO WOODLAW WELLAND
() THE STANDANDS
() TO SECONDANDS
() T

MOTE IN ADDITION TO AREA LIGHT STANDARDS LANDSCAPE ACCENT LIGHTING TO BE INCORPORATED

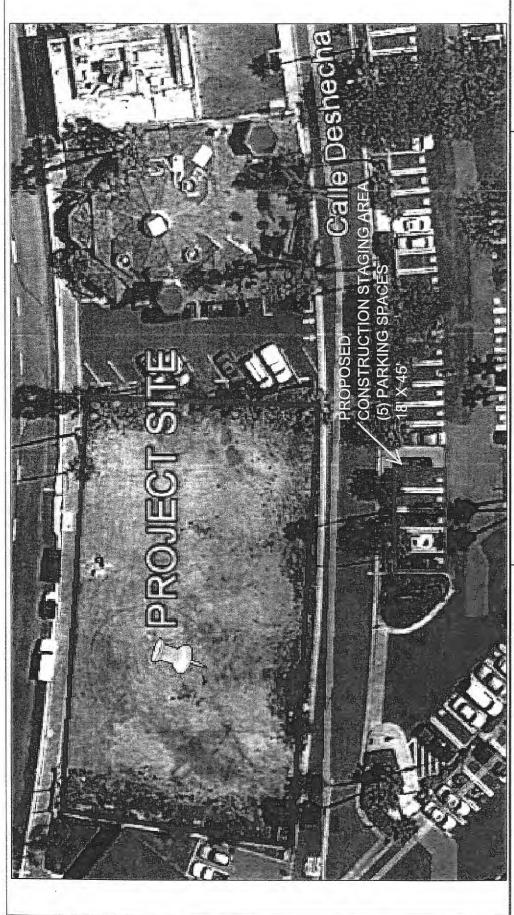


The development as proposed is approved by the time of San Clemente in concept. This is a preforment exported by the Confern and opening any opening the Confern and the Cartifornia of the Cartifornia opening the Confernia opening the confernity of the Cartifornia opening the confernity of the Cartifornia opening the confernity of the cartifornia opening and decisions to appear the opening of the confernity of the cartifornia opening the opening the opening of the confernity of the cartifornia opening the opening of the openin





COASTAL ACCESS POINTS



GABLE ENGINEERING, IN 1
Site Pevelopment/Structural Analysis
2601 E. CHAPMAN AVE #207
FULLETRON, CA 92831
949.981.5280 949.209.1914 FAX
19ineering.com



CONSTRUCTION AND STAGING PLAN NORTH BEACH/ EI CAMINO REAL BEACH PARKING LOT

CITY PROJECT NO. 14806

CLEMENTE

SAN

OF

CITY

SCALE NOT TO SCALE JOB NUMBER: 13-3281 DATE: 8/20/14 CHECKED BY: MR DRAWN BY: NG

2 OF

EXHIBIT NO.

Application Number

Plan

California Cdastal Commission

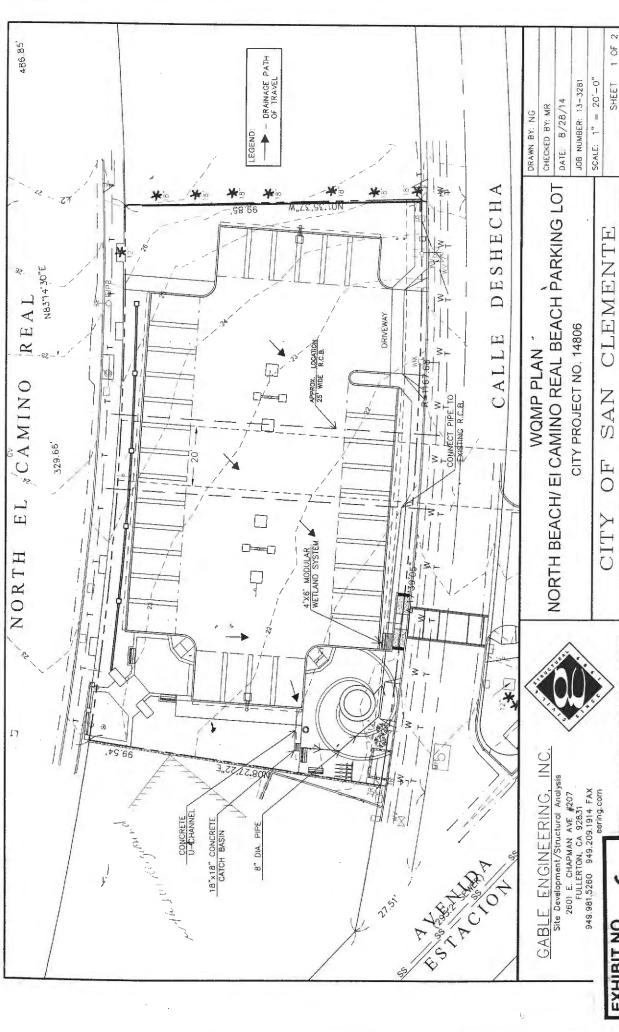


EXHIBIT NO. C

Application Number

Water Guality

California Coastal Commission