

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Filed: 04-17-97
 49th Day: 06-06-97
 180th Day: 10-14-97
 Staff: RMR/LB **RMR**
 Staff Report: 04-18-97
 Hearing Date: May 13-16, 1997
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

In 15h

APPLICATION NO.: 5-97-068

APPLICANT: Thomas Geantil

AGENT: Chuck Brown

PROJECT LOCATION: 2008 Calle de los Alamos, San Clemente, Orange County

PROJECT DESCRIPTION: Enclose existing covered entry and breeze-way between the house and garage; re-align the driveway; replace the existing block wall at the front of the property to form a courtyard; rebuild room at seaward extent of the residence because of dry rot and termite damage; replace all windows and doors, re-stucco the house and garage, re-roof the residence and garage; and major interior remodel. There is no new development seaward of the existing building footprint. No grading is proposed.

Lot area:	13,659 sq. ft.
Building coverage:	3,050 sq. ft.
Pavement coverage:	NA
Landscape coverage:	NA
Parking spaces:	NA
Plan designation:	Residential Low
Project density:	NA
Ht abv fin grade:	NA

LOCAL APPROVALS RECEIVED: Approval in concept from the City of San Clemente

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente certified Land Use Plan, Coastal Development Permit P-79-5091, A182-79.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with special conditions regarding future improvements and submittal of revised plans showing the correct configuration of the deck on the coastal bluff.

ISSUES OF CONTROVERSY:

The development detailed in the project description portion of this staff report, above, has commenced without benefit of a coastal development permit.

Staff received phone calls from persons objecting to the development on the grounds that the development extended seaward of the previous development. Staff has talked with the persons objecting to the development, has discussed the evidence contained in this staff report with the objectors, yet the persons objecting still maintain that there is seaward encroachment. Because of their continuing objection, staff has agendized this item on the regular calendar.

However, based upon an extensive paper trail evidence and a site visit by Commission staff and the City of San Clemente, staff concludes that there has been no seaward encroachment and that the development constitutes minor development.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Future Improvement

This coastal development permit 5-97-068 only approves the project as described herein. Any future development, as defined in Section 30106 of the Coastal Act, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

2. Revised Plans

Prior to issuance of the coastal development permit the applicant shall submit revised plans showing the correct configuration of the deck on the coastal bluff seaward of the residence.

IV. Findings and Declarations:

The Commission hereby finds and declares as follows:

A. Project Description

The applicant is proposing to enclose an existing covered entry and breeze-way between the house and garage; re-align the driveway; replace the existing block wall at the front of the property to form a courtyard; repair a room at seaward extent of the residence because of dry rot and termite damage; replace all windows and doors, re-stucco the house and garage, re-roof the residence and garage; and implement a major interior remodel. There is no change to the existing seaward footprint of the residence and the applicants did not remove more than 50 percent of the structural framework. No grading is proposed. Exhibit 2 shows the new additions proposed for the street-fronting portion of the residence.

B. Project History

The single-family residence at 2008 Calle de los Alamos was constructed in the 1950's. The seaward room was added on to the residence in the late 1950's, according to building permits and documents on file at the City of San Clemente building department

Emergency permit EME-79-5208 (Dr. Harvey) was issued by the Executive Director for the residence at 2008 Calle de los Alamos for removal of the existing side yard patio and replacement of the side yard patio, and installation of a caisson and grade beam system (see exhibit 4).

The owners of 2008 Calle de los Alamos applied for a coastal development permit (P-5091) in 1979 for construction of a redwood deck at the north side yard and seaward side of the residence (see exhibits 4 and 5). The permit was approved by the regional commission on 5-14-79 with a special condition that the applicant supply revised plans indicating that no construction would occur beyond the top of slope. The decision of the regional commission was appealed to the State Commission which found no substantial issue on 6-19-79 and thus upheld the decision of the regional commission. Exhibit 4 shows the deck plans as originally submitted by the applicant. Exhibit 5 shows the plans as approved in accordance with permit P-5091.

C. Project Analysis

In March of 1997 staff received telephone calls stating that the owners of 2008 Calle de los Alamos were constructing beyond the seaward extent of the residence. Staff then contacted the City of San Clemente and verified that the owners of 2008 Calle de los Alamos had applied to the City and been granted a permit for an interior remodel and facade improvements. Planners from the City of San Clemente and a building inspector then visited the site and confirmed that the amount of construction exceeded what the City had approved and a coastal development permit would be required.

The City and the building contractor indicated to Commission staff that there was extensive dry rot and termite damage which necessitated stripping the exterior and replacement of some framing elements. The City officials confirmed that the development was taking place within the footprint of the existing residence, with the exception of minor additions at the street-front, and that there was no seaward encroachment of the building or deck.

Commission staff visited the site in April of 1997, met with the contractor, and also examined the building permit files at the City of San Clemente. Staff confirmed that the footprint of the existing residence was not being altered except for the street-front. Staff reviewed the building permit files at the City of San Clemente and confirmed that the seaward-most portion of the residence was constructed in the 1950's prior to passage of the Coastal Act. Staff also confirmed that in 1979 the Regional Commission approved a permit for a redwood deck which wrapped around the seaward-most portion of the residence.

Commission staff compared plans from 1979 and the plans submitted by the applicant for CDP 5-97-068. The historic plans show that the seaward-most room at the residence extended 20 feet from the abutment with the main house. The plans submitted by the applicant in 1997 show that the room extends 20 feet from the abutment with the main house. During the site visit, staff examined the perimeter

foundation of the seaward-most room and confirmed that the foundation, sill and framing are old and not new construction. Finally, photographs in the file from P-5091 show that the seaward-most room did in fact exist in 1979 when P-5091 was applied for.

Therefore, the paper trail evidence shows that the seaward-most room extension was permitted and built in the 1950's, caisson and grade beam repairs were permitted under an emergency permit in 1979, and a redwood deck was permitted by the Coastal Commission in 1979. The site visit by Commission staff confirmed that the seaward residence foundation has not been moved seaward. The size of the room also conforms with the dimensions indicated in previous plans submitted to the Commission in 1979. Therefore, the Commission concludes that the seaward-most room is not new development and has not been built out farther from the footprint of the prior existing structure.

The new development, consisting of improvements to the garage and residence fronting the public street, is not visible from the beach and will not impact the visual and scenic quality of the area. The improvements proposed, including the replacement of rotted and termite damaged portions of the frame do not exceed 50% of the residence and do not constitute new development. The re-roofing, remodeling the exterior of the residence are taking place entirely within the footprint of the existing residence. The interior remodel is not an issue with the Coastal Commission.

Finally, because the improvements do not involve seaward encroachment and are not considered new development, the Commission stringline policy, imposed on new development on coastal bluffs, is not an issue with this development. Therefore, approval of this development will not have any impact whatsoever on the stringline for adjoining development.

However, in order to ensure that the applicant obtains a coastal development permit for potential future development, the Commission is requiring two special conditions: a non-deed restriction future development condition and a condition requiring the applicant to submit revised plans showing the correct configuration of the deck seaward of the residence which was approved by the Commission in 1979.

Only as conditioned does the Commission find the proposed development in conformance with the Chapter 3 policies of the Coastal Act.

D. Coastal Access and Recreation

Section 30212(a)(2) of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

...

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. The proposed development is located between the sea and the first public road. The proposed project consists of an interior remodel, exterior facade replacement, minor additions at the street-front, and other improvements to an existing single-family residence.

The proposed project is located on a coastal bluff between the sea and the first public road. There is a public stairway from the street to the beach within 100 feet north of the subject site.

A public access dedication can be required pursuant to section 30212 only if it can be shown that the development either individually or cumulatively directly impacts physical public access, i.e., impacts historic public use, or impacts or precludes use of Public Trust lands. In this situation, the development is located between the sea and the first public road, however, it does not impact public access either directly or indirectly to the ocean. The project site will remain a single-family residence use and will not result in an intensification of use.

he development will not create adverse impacts, either individually or cumulatively on public access and will not block public access from the first public road to the shore. Therefore, the Commission finds that the proposed development is consistent with the public access and recreation policies of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a local coastal program which conforms with 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. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan. 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. Consistency with the California Environmental Quality Act (CEQA).

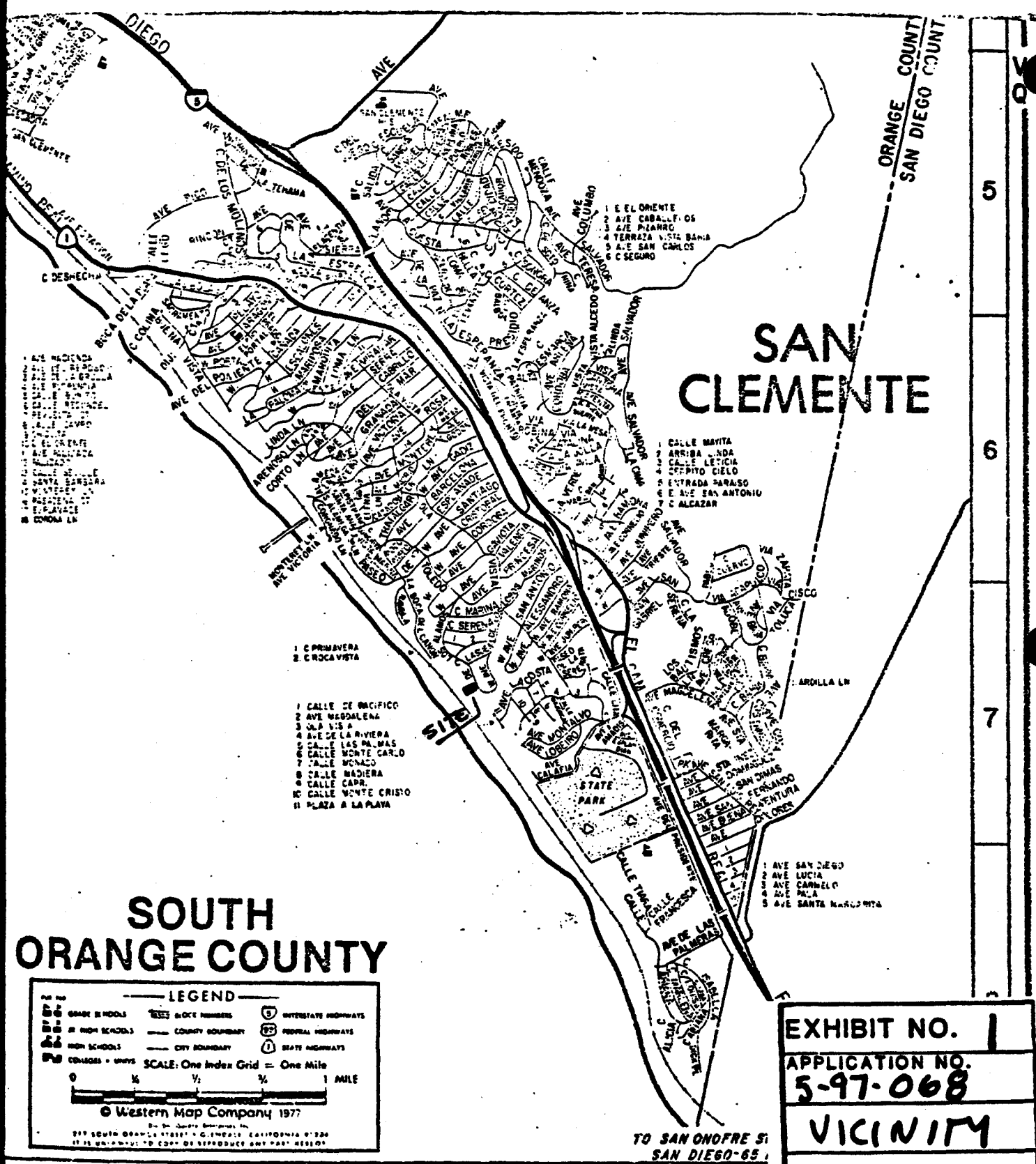
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The proposed project as conditioned has been found consistent with the public access and recreation policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

G. Unpermitted Development

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

5541C



SAN CLEMENTE

SOUTH ORANGE COUNTY

LEGEND

- GRADE SCHOOLS
- HIGH SCHOOLS
- HIGH SCHOOLS
- COLLEGES - UNIVS
- BLOCK NUMBERS
- COUNTY BOUNDARY
- CITY BOUNDARY
- INTERSTATE HIGHWAYS
- FEDERAL HIGHWAYS
- STATE HIGHWAYS

SCALE: One Index Grid = One Mile

0 1/4 1/2 3/4 1 MILE

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317 SOUTH GARDEN STREET, GLENDALE, CALIFORNIA 91204
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EXHIBIT NO. 1

APPLICATION NO. 5-97-068

VICINITY

California Coastal Commission

TO SAN ONOFRE ST
 SAN DIEGO-65

C D E

V Q

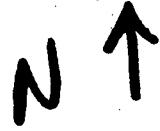


EXHIBIT NO. 7
APPLICATION NO. 5-97-068
SITE PLAN
California Coastal Commission

bluff
←

new development

NEW BLOCK WALL

The development as proposed is approved by the City of San Clemente in concept. When approved by the South Coast Regional Commission, the City will then process the plans for building permit.

3-3-17

John M. Ward
City Planner

Community Development Dept.

NEW ENTRY DOOR AND SIDELIGHT

ENCLOSE EXISTING COVERED BREEZEWAY

EXISTING GARAGE

GATE

20'-9 1/4"

CENTERLINE OF DRIVEWAY

13'-8 1/2"

AVE. DEL LOS ALAMOS

South Coast District

APPROVED PERM No. 5-97-068

THE STRUCTURE, INCLUDING ALL FIXTURES, EQUIPMENT,
PLUMBING, AND FINISHES, SHALL BE REMOVED FOR THE OWNER'S PROPERTY.

N
1/4


← SLOPE
DOWN TO
BEACH

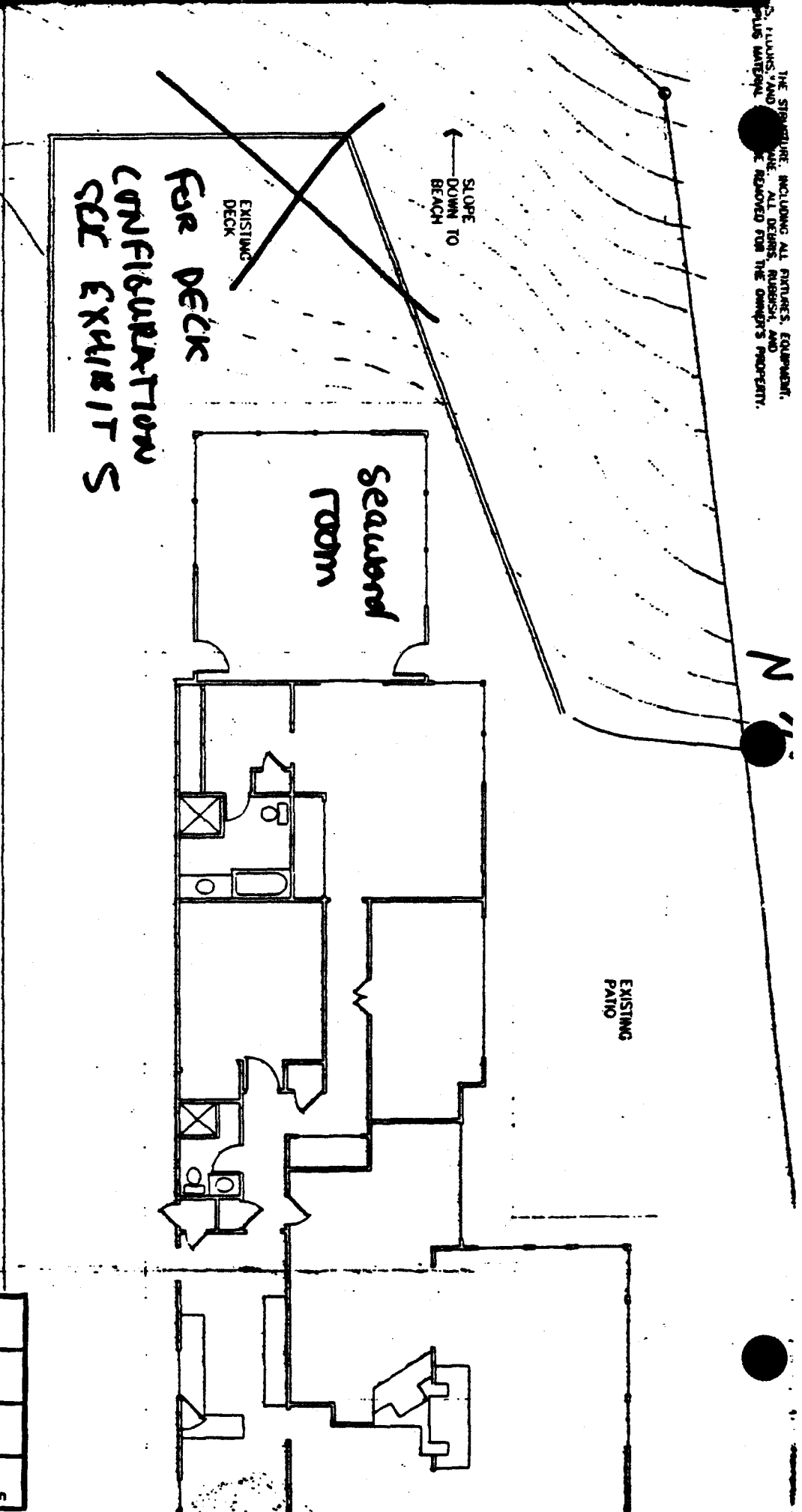
~~EXISTING
DECK~~
FOR DECK
CONFIGURATION
SEE EXHIBIT 5

Seaward
Room

EXISTING
PATIO

SITE PLAN
EXISTING F
SCALE 1/8" = 1'-0"

EXHIBIT NO. 3
APPLICATION NO. 5-97-068
SITE PLAN
 California Coastal Commission



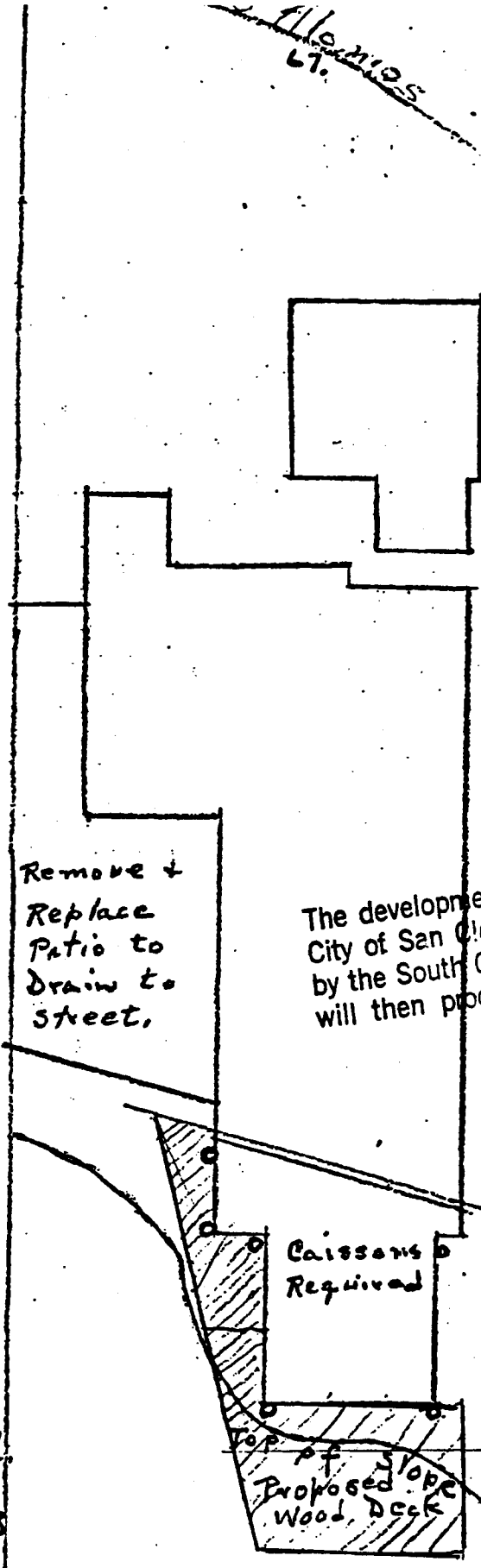
Alamos
67.

Mr James R Harvey

2008 Los Alamos

San Clemente Ca 92

Lot 32 Tract 897



The development as proposed is approved by the City of San Clemente in concept. When approved by the South Coast Regional Commission, the City will then process the plans for building permit.

J. G. J. by *James R. Harvey*
Director
Dept. of Building & Planning

↑
NORTH

Scale
1" = 20'

EXHIBIT NO. 41
APPLICATION NO.
5-97-068
1979 PLANS
California Coastal Commission

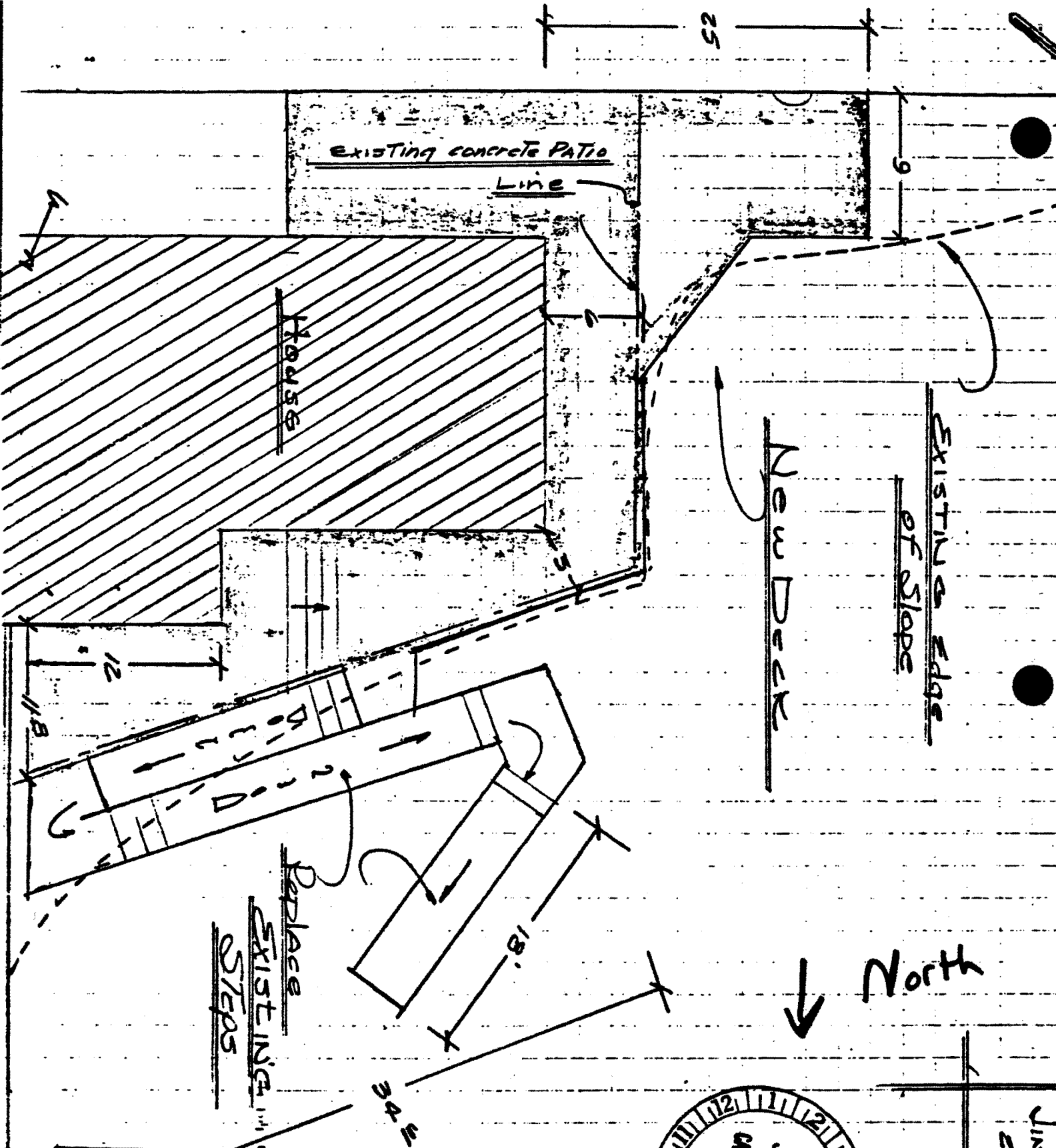


EXHIBIT NO. 5

APPLICATION NO.
5-97-068

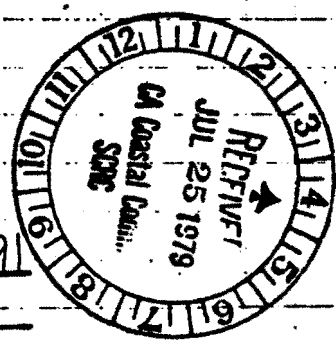
1979 PLANS

California Coastal Commission

South Coast Regional
Commission

APPROVAL
Permit No. **P-79-509**

By: *gm*



P-5091

Jim H...
2003 Los Alamos