

CALIFORNIA COASTAL COMMISSION

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Filed: 05-14-97
49th Day: 07-02-97
180th Day: 11-10-97
Staff: RMR-LB
Staff Report: 05-19-97
Hearing Date: June 10-13, 1997
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-97-096

APPLICANT: Butch Witek

AGENT: John T. Morgan, Jr.

PROJECT LOCATION: 1300 N. El Camino Real, San Clemente, County of Orange

PROJECT DESCRIPTION: Construction of a 27'9" high, 3,495 square foot general office building with a 1,687 square foot garage. Grading consists of 437 cubic yards of cut and 80 cubic yards of fill, with 357 cubic yards being exported to the Ortega Highway Landfill. Thirteen parking spaces are proposed. The development will be cut into the slope and retaining walls not higher than 10 feet are required.

Lot area:	13,448 sq. ft.
Building coverage:	4,201 sq. ft.
Pavement coverage:	3,162 sq. ft.
Landscape coverage:	6,083 sq. ft.
Parking spaces:	13
Plan designation:	NC2
Project density:	
Ht abv fin grade:	27'9"

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 5-92-062 (Assured Development), 5-87-955 (Germick/Edmonds)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed development subject to a special condition regarding geologic recommendations.

There are no outstanding issues of controversy associated with this project.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development 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, 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. Conformance with Geologic Recommendations

All recommendations contained in the Geologic Report dated December 28, 1996 by Specialty Construction Design, shall be incorporated into all final design and construction plans, including drainage. Prior to the issuance of the coastal development permit the applicant shall submit, for the review and approval of the Executive Director, final design plans signed by the geotechnical consultant incorporating the recommendations made in the referenced report.

The final plans approved by the geotechnical consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the geotechnical consultant shall require an amendment to the permit or a new coastal permit.

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a 27'9" high, 3,495 square foot general office building with a 1,687 square foot garage. Grading consists of 437 cubic yards of cut and 80 cubic yards of fill, with 357 cubic yards being exported to the Ortega Highway Landfill. Thirteen parking spaces are proposed on-site. Retaining walls are also proposed.

The subject property consists of three vacant lots totaling 13,448 square feet. The subject property is bordered by a public sidewalk and then El Camino Real street on the north. There is an apartment building adjacent to the west and undeveloped property to the east. Avenida Aragon borders the subject property to the east. The site is approximately 100 feet wide and slopes downward to the northwest a grade of approximately 10-15% grade. The alley is approximately 20 feet higher in elevation than El Camino Real.

The proposed development consists of a two-story wood frame office structure. The proposed building will be partially set into the slope and will require retaining walls of up to ten (10) feet high.

Access to the proposed commercial building will be provided off of the alley. The applicant is providing one handicapped parking space, six (6) public parking spaces, and six (6) private parking spaces in three two-car garages. The private spaces will be utilized by employees of the offices.

At the same location, the Coastal Commission approved with special conditions Coastal Development Permit 5-92-062 (Assured Development) in June of 1992 to demolish an 800 square foot building and construct a three story 19,064 square foot office and retail building with 74 parking spaces and 11,900 cubic yards of grading. Retaining walls were also proposed. The special condition concerned conformance with geologic recommendations. The permit was never issued or extended and therefore, expired. However, at some point the

existing 800 square foot building was demolished. The applicant's agent indicated no knowledge of the existence of the building and told staff that the site was vacant when purchased by his client. The applicant purchased the site from a bank which had repossessed the property.

B. Public Access and Parking

Sections 30210, 30211, and 30252 of the Coastal Act apply to public access and recreational opportunities, including the provision of parking for new development.

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 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 of the Coastal Act states:

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, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development. (emphasis added)

The subject site is located approximately one-half mile inland from the closest coastal access point at North Beach. El Camino Real runs parallel with the ocean until North Beach at which point it turns east and then runs south parallel with the I-5 Freeway. The site is located between the North Beach area and the main downtown area at Avenida del Mar. There is existing street parking located on El Camino Real.

The applicant is proposing to construct a general office building with three offices. General office uses include technical service, administrative or professional offices, such as lawyers or accountants.

Section 30252 of the Coastal Act requires that new development maintain and enhance public access to the coast by providing adequate parking facilities. The Coastal Commission Regional Guidelines for Orange County advocate a parking ratio for retail space of one parking space for every 225 square feet of floor area and one space for every 250 square feet for office floor area. Using the office space figure of 1 space per 250 square feet, the proposed development would require 14 parking spaces.

The City of San Clemente requirement for both retail and office space is one space per each 300 square feet of floor area. The City required the applicant to provide 12 parking spaces. The applicant is providing 13 parking spaces, one more than required by the City and one less than would be required under the Commission guidelines.

In approving Coastal Development Permit 5-92-062 (Assured Development) the Commission found that the local parking requirements of 1 space per 300 square feet were adequate at this location. CDP 5-96-062 was to provide a total of 74 parking spaces, 8 short of the 82 which would have been required under the Commission guidelines. Furthermore, in 1988 the Commission approved a 16,000 square foot commercial office building at 1400 N. El Camino Real (5-87-955) finding that the City's parking requirements were adequate.

The Regional Interpretive Guidelines for Orange County state:

The following parking guidelines are intended to insure beach access. They should be used as a general indicator of parking need. The diversity of circumstances occurring within the various areas of the coastal zone require care in the application of these guidelines. Local parking requirements should be considered along with the Commission guidelines when assessing projects.

In past actions, the Commission has considered each case individually based on the specific circumstances within the various areas of the Coastal Zone and the potential impact, both individual and cumulative, on public beach access. In many cases, the Commission finds that local parking requirements are adequate. A parking study conducted in 1995 looked at the parking situation at the most frequented and critical parking areas of San Clemente, the Downtown area, the Pier Bowl area, and North Beach. This project is located on El Camino Real equidistant between North Beach and the downtown area. The study found that there is a surplus of beach parking available at the North Beach parking lot and on the streets. The study also found that there is a surplus of parking space in the downtown area. The proposed development, however, is located along a linear corridor, El Camino Real, where commercial development is haphazard and largely confined to the roadway boundary. Therefore, approval of this project will have no adverse impact on beach parking in North Beach or parking in the central downtown shopping area.

In this case, as with the previous development approved at this site, the Commission finds that the proposed development will not conflict with beach parking, provides sufficient parking, is compatible with the surrounding development and is located in an area peripheral to the North Beach and downtown areas.

Therefore, the Commission finds that the City's parking standards for this development are adequate, that the proposed development conforms with the

City's standards, and that there will be no adverse impacts to beach access or parking stemming from approval of this development.

Therefore, the Commission finds that the proposed development conforms with Sections 30210, 30211 and 30252 of the Coastal Act.

C. Geologic Hazards

Section 30253 of the Coastal Act states in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development consists of a two-story, 3,495 square foot commercial office building. The development will be set into the slope and will require retaining walls which will not exceed 10 feet in height. A geologic report was prepared by Specialty Construction Design and a report was compiled on December 28, 1996.

The geologic report includes the results of borings and soil tests. The consulting geologist included several recommendations relating to the removal of surface soils to a level of 6-7 feet, placement and compaction of fill, reinforcement of foundation elements, installation of retaining walls, and drainage. The consulting geologist concludes that:

Development as proposed can be feasible and safe from a geotechnical viewpoint provided it is done in accordance with the conclusions and recommendations provided herein and Specialty Construction Design and Ian S. Kennedy, Inc. are retained during the design and construction phases to assure conformance with these requirements.

The geotechnical report also concludes that the consulting geologist should review and approve the grading and foundation plans to assure conformance with accepted geotechnical practices.

The proposed development is located on sloping land. The development will be cut into the slope and will require retaining walls. Projects which require grading and retaining walls are at a greater risk than development on flat at-grade parcels. Therefore, the Commission finds that the applicant shall submit, for the review and approval of the Executive Director, site, foundation and drainage plans signed and stamped by the geotechnical consultants. Only as conditioned does the Commission find that the proposed development conforms with Section 30253 of the Coastal Act.

D. 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 a major amendment was certified by the Commission in October 1995. As conditioned to conform with geotechnical recommendations 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).

E. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 has been conditioned in order to be found consistent with the geologic safety policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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