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CALIFORNIA COASTAL COMMISSION

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



Filed: 03-31-99
 49th Day: 05-19-99
 180th Day: 09-27-99
 Staff: RMR/LB **RMR**
 Staff Report: 05-10-99
 Hearing Date: June 8-11, 1999
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-99-124
APPLICANT: Dr. John Thomas
AGENT: None
PROJECT LOCATION: 2710 Camino Capistrano, San Clemente,
 Orange County

PROJECT DESCRIPTION: Construction of a one story, 2,000 square foot medical office building with 11 parking spaces. Grading consists of 140 cubic yards of cut and 140 cubic yards of fill with 28 cubic yards of dirt exported. Development includes the demolition of an existing dry cleaning establishment and a minor lot merger. The project is not located between the sea and the first public road.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **approve** the proposed development with special conditions regarding conformance with geologic recommendations, disposal of excess cut dirt and condition compliance.

ISSUES OF CONTROVERSY:

The proposed development is an after-the-fact permit. The building was constructed in 1991. The applicant obtained the necessary building permits from the City of San Clemente, but did not obtain a Coastal Development Permit from the Commission. The existing development of a dry cleaner was demolished and the medical office building was constructed. The primary issue of this development is beach parking. The Staff recommends that the Commission find that the development includes adequate parking and does not pose any adverse impacts to beach parking.

PROJECT SPECIFICS:	Lot Area:	9,521 sq. ft.
	Building Coverage:	2,011 sq. ft.
	Pavement Coverage:	5,013 sq. ft.
	Landscape Coverage:	1,243 sq. ft.
	Parking Spaces:	11
	Land Use Designation:	NC1
	Ht above final grade:	15 feet 6 inches

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

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente certified Land Use Plan

LIST OF EXHIBITS

1. Vicinity Map
2. Assessor's Map
3. Site Plan
4. Interior Plan
5. Flood Map
6. Beach Access
7. City of San Clemente Letter

RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby **grants** a permit, subject to the conditions below, for the proposed development on the grounds that 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 Geotechnical Recommendations

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, grading, foundation and basement plans. The approved foundation plans shall include plans for the foundation, retaining walls, and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the report by Lotus Consulting Engineers, Inc., dated November 16, 1990.

The approved development shall be constructed in compliance with the final plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2. Disposal of Excess Cut Dirt

Prior to the issuance of a coastal development permit, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the proposed disposal site of

the excess cut dirt resulting from the proposed project. Disposal shall occur at the approved disposal site. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

3. Condition Compliance

With 45 days from the date of Commission action on this permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Location

The applicant is proposing to construct a single-story, 2,000 square foot medical office building. Grading consists of 140 cubic yards of cut and 140 cubic yards of fill, with 28 cubic yards of dirt taken off site. Development includes the demolition of an existing dry cleaning establishment and a minor lot merger.

The development is located in the northern portion of the City of San Clemente adjacent to the City of Dana Point (see Exhibits 1 and 2). The site is located approximately one block from El Camino Real (PCH) and the beach. Beach access at this location is via a pedestrian walkway mid-level along a County of Orange flood control channel. The beach is separated from El Camino Real (Pacific Coast Highway) by the Orange County Transportation Authority railroad tracks. Adjacent to the site on the south is a gasoline station and then El Camino Real. To the north is commercial development. To the west is Camino Capistrano and then residential development. To the east is residential development.

The development includes 11 parking spaces. There is long term (6 hour) parking meters on both sides of Camino Capistrano. No parking is allowed on El Camino Real.

B. New Development

1. Coastal Act Policies

The Coastal Act provides that new development be located in areas able to accommodate it, be protective of visual resources, preserve and maintain coastal

access, and minimize risks to life and property in areas of high geologic, flood or fire hazard.

Section 30250 of the Coastal Act contains policies governing new commercial development. It states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30251 contains the provisions regarding the protection of visual resources. It states:

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.

Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast. It 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 non-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.

Section 30253 of the Coastal Act contains policies regarding developing in areas of high geologic, flood or fire hazard. It 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.

2. Analysis

The proposed development consists of the construction of a one-story, 2,000 square foot medical office building with 11 parking spaces. The project is located less than one-quarter mile from the sandy beach.

The issues of concern to the Commission triggered by development at this location include potential visual impact, compatibility with existing development and potential adverse impacts on beach parking.

a. Parking and Beach Access

The proposed development is located on Camino Capistrano close to the City of Dana Point City Boundary and less than one-quarter mile from the beach. The site is separated from the ocean by an existing service station, El Camino Real (Pacific Coast Highway), Railroad tracks and a private beach. Access to the beach is provided by a walkway midway along a concrete storm drain channel (see Exhibit 6). Much of the beach landward of the mean high tide at this location is privately owned by the Shorecliffs community. Because of the accessibility problem most beach-goers go to the public beach at North Beach to the south or the public beach in Capistrano Beach to the north. However, the beach is utilized by surfers and is a popular surfing spot.

Parking is not allowed along El Camino Real (PCH). Beach-goers to Poche Beach must park using public metered parking along Camino Capistrano. Along Camino Capistrano in the vicinity of the project site there are three double headed parking meters on the north side and two and one-half double headed parking meters on the south side. The public parking meters are suitable for beach parking in that they are 6 hour meters at \$1.00 per hour. Staff has seen people parking along Camino Capistrano and walking to the beach, usually with surfboards. The public metered parking along Camino Capistrano is underutilized.

The Coastal Commission parking standards are contained in the South Coast Regional Interpretive Guidelines. The standard for "professional offices of doctors, dentists or similar professions" is 1 space for each 150 square feet of gross floor area. According to this standard, the application would have to provide 13.3 parking spaces. However, the Coastal Commission currently uses the City of San Clemente parking standards for office development. The City of San Clemente's parking standard for professional/medical offices is 1 space for each 200 square feet of gross floor area. Utilizing the City's parking standard the applicant must provide 10 parking spaces.

The building contains four examination rooms, a waiting room, a reception room, a treatment room and an X-ray room. The applicant is providing 11 parking spaces, including one handicapped space. Therefore, the applicant exceeds the City's parking standard by one parking space. It is conceivable that persons visiting the medical building might park on the street, however, it is more likely that persons utilizing the medical building would park free in the spaces provided.

The site was developed with a dry cleaning establishment and is located between a service station on the south and other commercial development to the north. The question of concern is whether this development would adversely impact long-term beach parking on Camino Capistrano. The development conforms with the parking standards which the Commission utilizes in the City of San Clemente (1 space per 200 square feet) and will not compete with long-term parking on Camino Capistrano. Therefore, the Commission finds that the proposed development contains adequate parking and will not have any adverse impacts on beach parking and is consistent with Sections 30250 and 30252 of the Coastal Act.

b. Visual Impacts

The medical building is located in the most northern section of the City of San Clemente adjacent to the City of Dana Point. There is single-family development allowed on the beach seaward of El Camino Real (Pacific Coast Highway) in the City of Dana Point, beginning at the northern boundary of the City of San Clemente. The beach seaward of El Camino Real in the project location is both public and private. The coastal bluff below La Ventana St. (north of Camino Capistrano) has been completely rebuilt following bluff collapse in the early 1990's. Camino Capistrano begins at the intersection with El Camino Real and extends east inland.

The project is located on the inland side of El Camino Real (Pacific Coast Highway). The site is separated from El Camino Real by a corner gasoline station. There is commercial development to the north. The project is a one-story building.

Significant views in the area are primarily for motorists travelling along El Camino Real. The development is inland of this viewshed and does not interfere with these views. Persons going towards the beach on Camino Capistrano have the view of single family homes on the north and beach on the south. The site was previously developed with a dry cleaning establishment. The proposed development does not interfere with views of the beach heading west along Camino Capistrano. The development is infill development between existing commercial development and a gasoline station. In addition, the development is a one-story building and is compatible with the height of existing structures.

Therefore, the Commission finds that the development does not pose any adverse impacts to coastal views and is consistent with Section 30251 of the Coastal Act.

C. Geologic Stability

A geologic report was prepared by Lotus Consulting Engineers, Inc. in October, 1989. A November 19, 1990 document includes City's comments on the geologic report and the responses by the consulting engineers. The project site is a flat lot and is not located on the beach, a coastal bluff or a coastal canyon.

There are three issues raised in the geological reports and associated correspondence: Pacific Ocean flooding, flood channel flooding, and expansive soils. The geologic report states, in reference to City concerns about ocean flooding, that the development is located at elevation 25.67 and is outside the limits of the 100-year coastal flood. In reference to the flood control channel at the rear of the property, the geologic report states that the channel is a box culvert buried 8 feet below the surface and is designed for a 100-year flood. Therefore, the consulting engineers found that there was no hazard from flooding by the County-maintained box culvert.

The geologic report states that on-site soils are classified as highly expansive. For this reason the consultants recommend that that the building be supported by either a post-tensioned slab-footing system or by caisson footings extending into bedrock at depths of 28 to 32 feet below grade. The geotechnical report notes that both systems are adequate to support the building.

The report concludes that the site is suitable for a building providing the conclusions and recommendations of the geologic report are implemented. These recommendations concern grading and compaction of soils, placement of fill, drainage, and installation of a foundation system.

The applicant is proposing to export excess cut dirt from the site. In order to ensure that this dirt is not placed or used inappropriately in the coastal zone, the applicant shall submit in writing the proposed disposal site of the dirt. If the dirt is to be disposed in the coastal zone, a coastal development permit is required.

Therefore, the Commission finds that the applicant shall submit plans reviewed and approved by a qualified engineer or consulting geologist to ensure that the design and construction of the building conforms with the recommendations of the geologic report. Only as conditioned for submittal of plans signed by the consulting geotechnical expert and the location of the excess dirt does the Commission find that the development is consistent 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 certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the IP portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. 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).

E. 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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

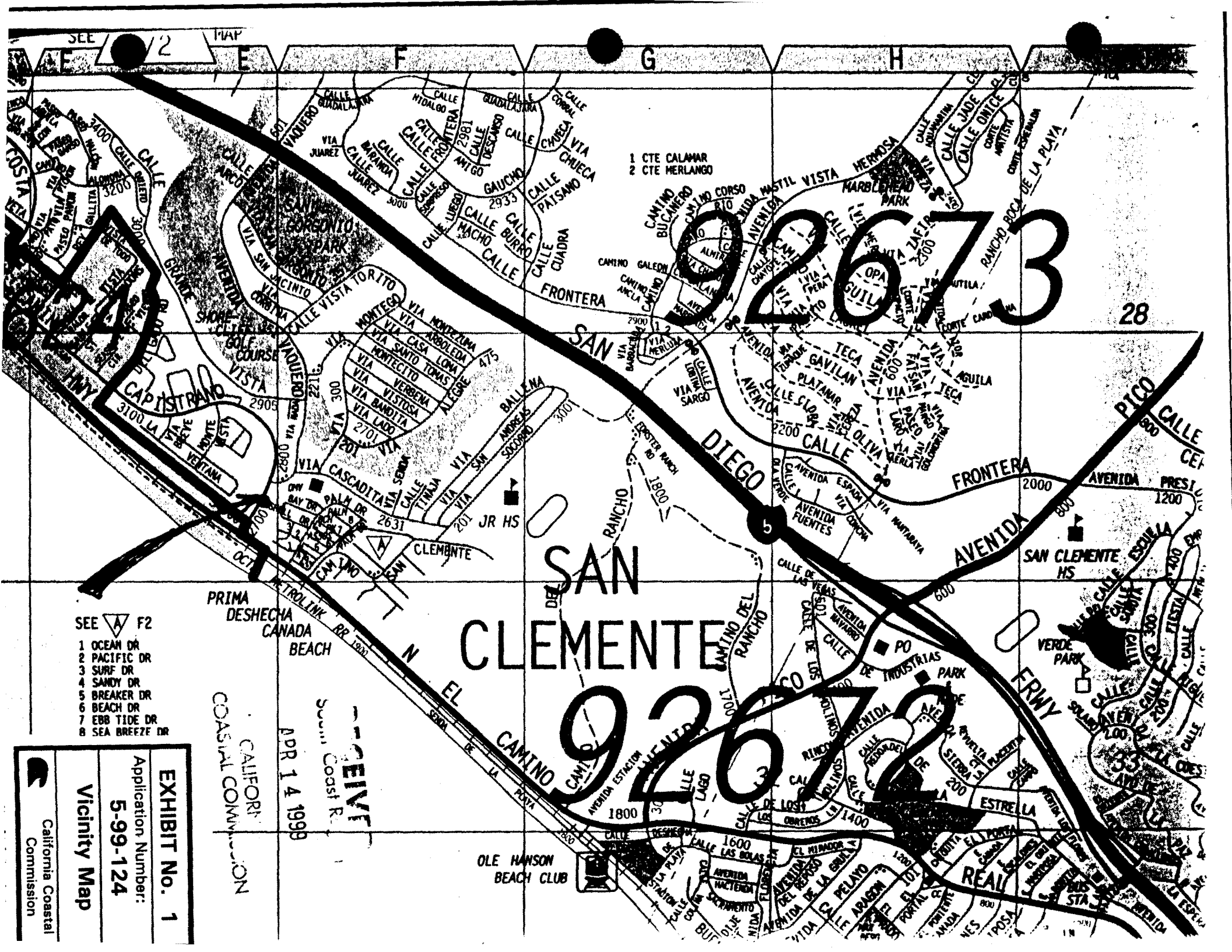
The proposed project has been conditioned in order to be found consistent with the geologic hazard, visual protection and new development policies of the Coastal Act. Mitigation measures; special conditions requiring conformance with geotechnical recommendations, location of disposal site of the excess cut dirt and condition compliance will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, 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 effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

F. Unpermitted Development

Development has occurred on site without the benefit of a coastal development permit, including the construction of a one-story, 2,000 square foot medical building. The applicant has submitted an application to obtain a coastal development permit after-the-fact. To ensure that the proposed development conforms with Coastal Act policies, the applicant is being conditioned to comply with the conformance with geologic recommendations, disposal of cut dirt and condition compliance special conditions. Special condition 3 requires the applicant to comply with the special conditions of this permit within 45 days of Commission approval of this permit.

Although development has taken place prior to the submittal 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.



- SEE F2
- 1 OCEAN DR
 - 2 PACIFIC DR
 - 3 SURF DR
 - 4 SANDY DR
 - 5 BREAKER DR
 - 6 BEACH DR
 - 7 EBB TIDE DR
 - 8 SEA BREEZE DR

	California Coastal Commission
	Vicinity Map
	Application Number: 5-99-124
EXHIBIT No. 1	

CALIFORNIA COASTAL COMMISSION

APR 14 1999

Summit Coast R...

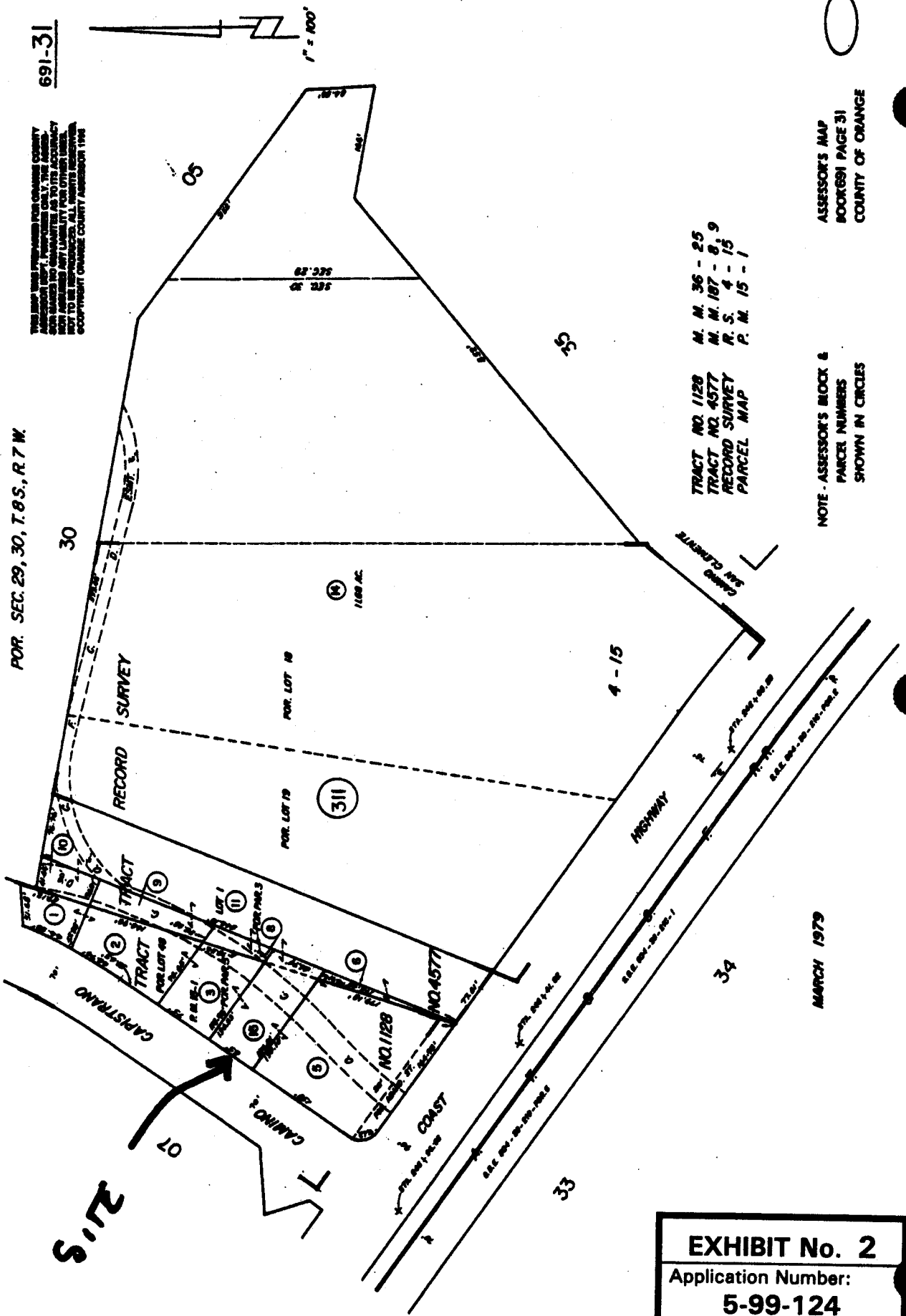
OLE HANSON BEACH CLUB

28

691-31

THIS MAP WAS PREPARED FROM CORNER COUNTY RECORDS ONLY. NEITHER THE ASSessor NOR HIS EMPLOYEES ARE GUARANTING THE ACCURACY OR COMPLETENESS OF THE INFORMATION HEREIN. ANY LIABILITY FOR DAMAGES SHALL BE TO BE IMPROVED. ALL RIGHTS RESERVED. OCCUPYING CORNER COUNTY ABANDONED 1948

POR. SEC. 29, 30, T. 8 S., R. 7 W.




TRACT NO. 1128 M. M. 36 - 25
 TRACT NO. 4577 M. M. 187 - 8, 9
 RECORD SURVEY R. S. 4 - 15
 PARCEL MAP P. M. 15 - 1

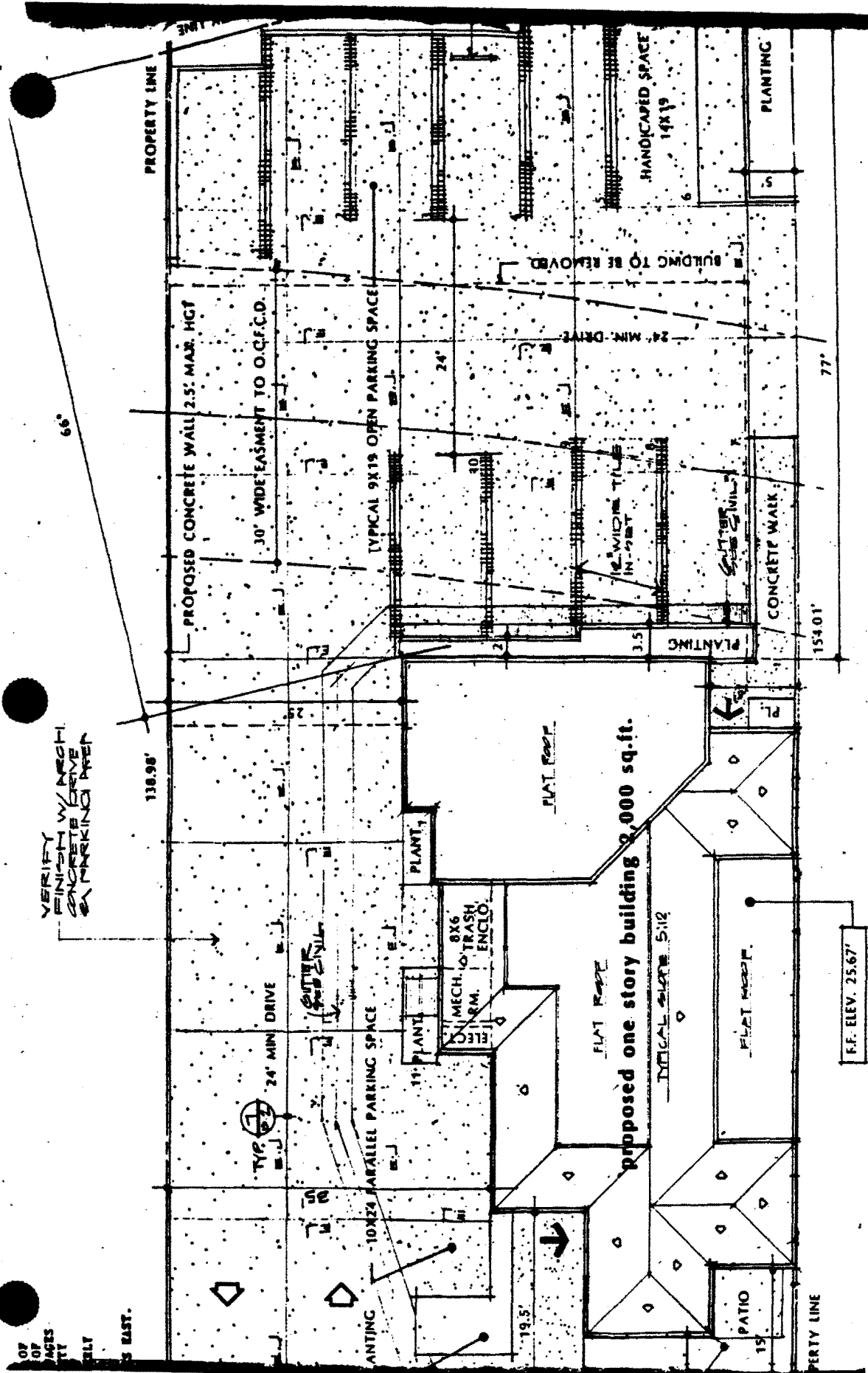
ASSESSOR'S MAP
 BOOK 691 PAGE 31
 COUNTY OF ORANGE

NOTE - ASSESSOR'S BLOCK &
 PARCEL NUMBERS
 SHOWN IN CIRCLES

MARCH 1979

S.I.T.

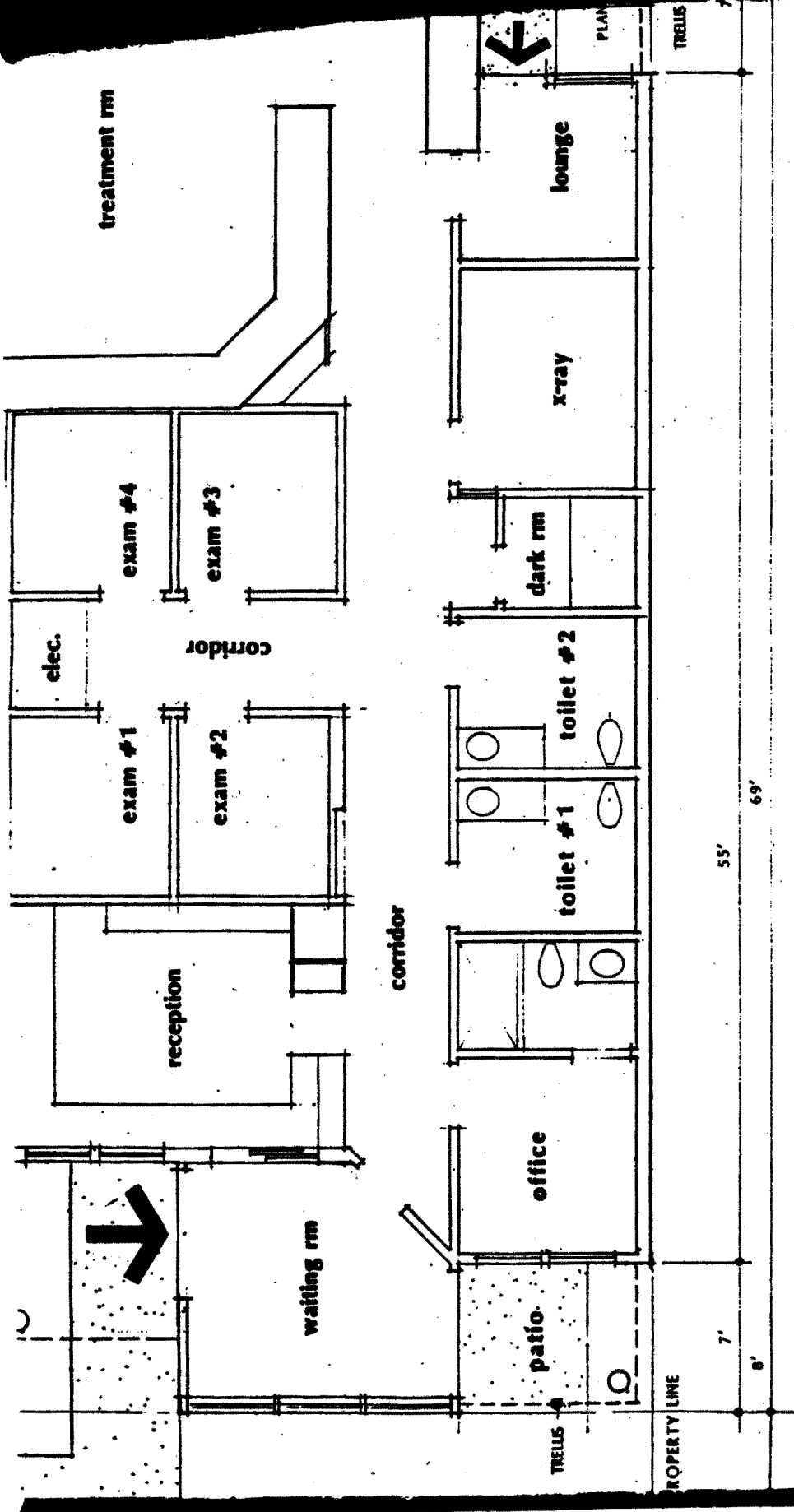
EXHIBIT No. 2
Application Number: 5-99-124
Assessor's Map
 California Coastal Commission



TOP OF PAGES ONLY EAST.

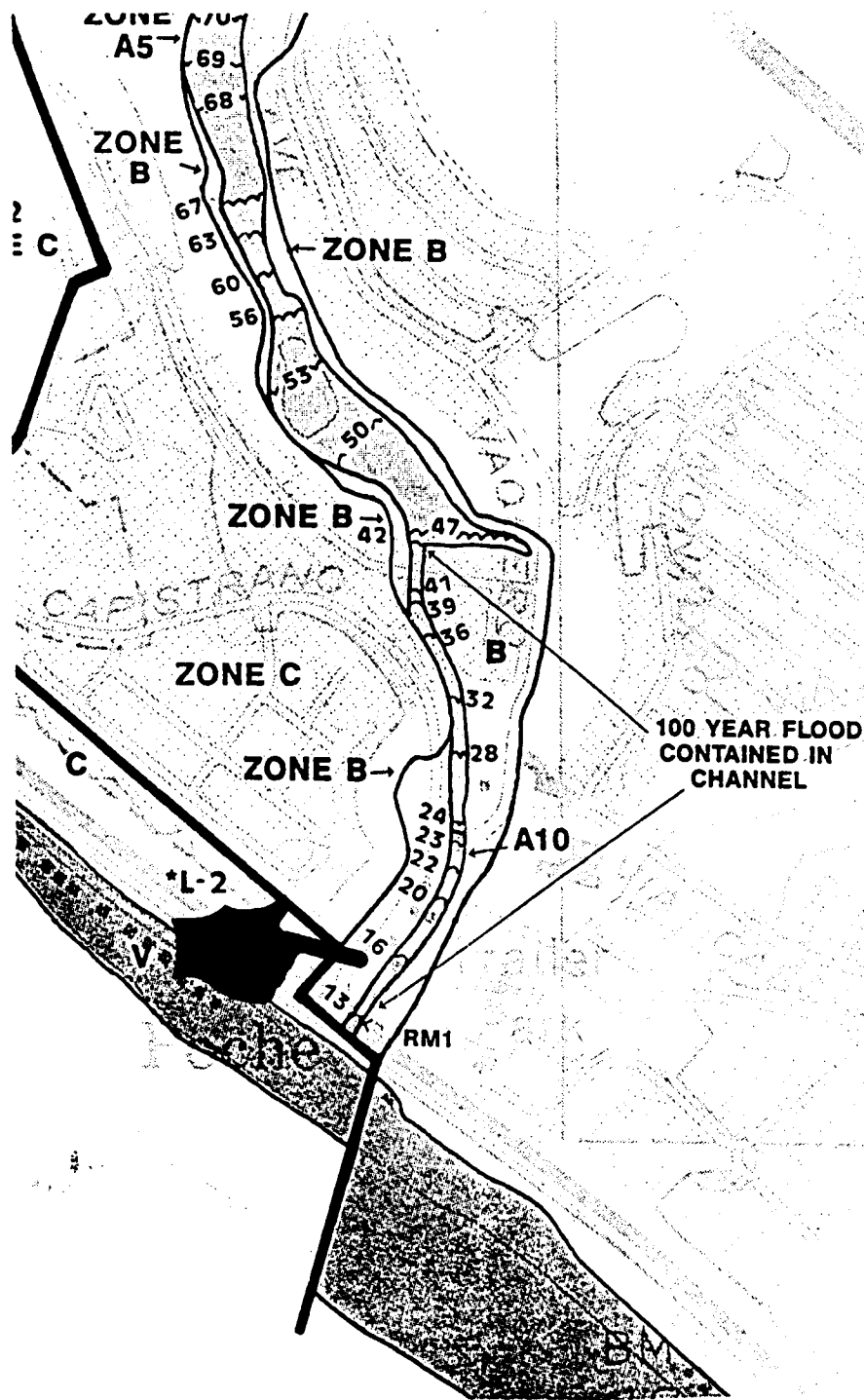
EXHIBIT No. 3
Application Number: 5-99-124
Site Plan
California Coastal Commission

PLAN

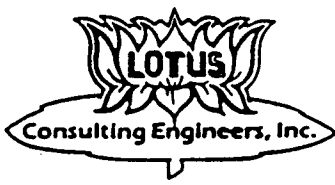


FLOOR PLAN 1/4"=1'-0"
 2000 sq.ft.

EXHIBIT No. 4
Application Number: 5-99-124
Interior Plan
California Coastal Commission



SOURCE : REF 1



Laguna Hills, California

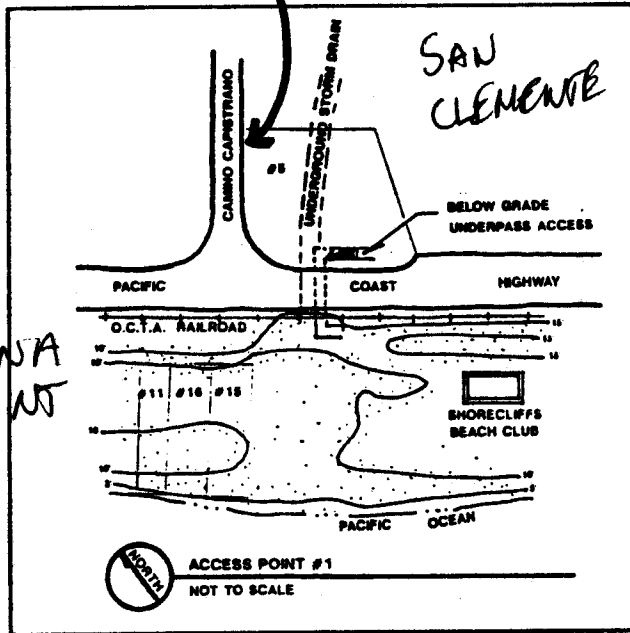
TOPOGRAPHY
PROPOSED TO
2710 CAMIN
SAN CLEMENTE

PROJECT NO 90816	DATE OCT
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EXHIBIT No. 5
Application Number: 5-99-124
Flood Map
California Coastal Commission

SITE

FIGURE 2-6



Access Point 1 - Poche'



Poché Underpass

EXHIBIT No. 6
Application Number: 5-99-124
Beach Access
California Coastal Commission



City of San Clemente Planning

Matt S. Everling, Assistant Planner
Phone: (949) 361-6190 Fax: (949) 361-8281

March 30, 1999

5-99-124

Mr. John Thomas, M. D.
San Clemente Tumor Medical Center
2710 Camino Capistrano
San Clemente, California 92672

RECEIVED
South Coast Region

MAR 31 1999

Dear Mr. Thomas:

CALIFORNIA
COASTAL COMMISSION

This letter is in response to your request for a zoning confirmation letter for the property located at 2710 Camino Capistrano.


The subject property is located in a Neighborhood Commercial (NC1.1) zone. The current use of the structure as medical offices is permitted, and building permits have been issued and finalized for the structure. Upon review of the building address and entitlement files, there is no evidence of the California Coastal Commission's (CCC) approval of a Coastal Development Permit for the improvements to the property. Since the building has received all of the required City approvals, is existing, and conforms to all Building and Zoning Code requirements, staff has determined that you may submit two sets of architectural plans to the Planning Division. The Planning Division will approve the plans "in-concept" and supply you with a Coastal Development Permit application so that you can submit the required package to the California Coastal Commission for review.

All required Certificates of Occupancy have been issued, and in the event of destruction beyond 50%, the structure may be rebuilt with the necessary building permits.

Sincerely,

Matt S. Everling
Assistant Planner

Cc: Building Address File
SPR 90-137 file

EXHIBIT No. 7
Application Number: 5-99-124
CITY LETTER
 California Coastal Commission

California Coastal Commission
 South Coast Area
 200 Oceangate, 10th floor
 Long Beach, CA 90802
 (562) 590-5071

Date: 5-11-99



STATUS LETTER

Re: Application/Appeal No. 5-99-124

The status of this matter is noted below.

Your application was filed on 3-31-99.
 The public hearing is tentatively scheduled on June 8-11, 1999
 in Santa Barbara. This tentative scheduling information
 is being provided for your convenience and is subject to change.
 Written notification of final scheduling of the hearing, along with a
 copy of the staff report, will be mailed approximately 10 days prior to
 the hearing.

IMPORTANT: The enclosed Notice of Pending Permit must be posted on the
 site, in a conspicuous place, within 3 days of its receipt.

_____ This application is incomplete and cannot be filed or processed until
 the items listed on the attached sheet have been completed and submitted
 to the District Office. If these items have not been received by the
 date indicated, the entire package will be returned to you.

Please be advised that the items needed to complete your application
 must be submitted to this office by _____.

_____ This file is being returned as the application submitted is deemed
 incomplete. The required substantive documents are missing. Please
 see the attached sheet.

This appeal was received _____ and has been determined
 to be a valid appeal. You will be notified of the place and date of the
 public hearing.

_____ This appeal was received _____ after the expiration
 of the appeal period, hence it is not a valid appeal.

_____ This appeal was received _____ but has been determined
 invalid for the following reason:

If you have any questions, please contact this office at (310) 590-5071.

R. Halmy - Pa
 Staff Analyst

NOTICE OF PENDING PERMIT

**A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS
PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.**

PROPOSED DEVELOPMENT:

Construction of a one story, 2,000 square foot medical office building with 11 parking spaces. Grading consists 140 cubic yards of cut and 140 cubic yards fill with 28 cubic yards of dirt exported. Development includes the demolition of an existing dry cleaning establishment and a minor lot merger. The project is not located between the sea and the first public road.

LOCATION:

2710 Camino Capistrano, San Clemente (Orange County)

APPLICANT(S):

John Thomas, M.D.

APPLICATION NUMBER: 5-99-124

DATE NOTICE POSTED: _____

For further information, please phone or write the office listed below between 8 AM and 5 PM, weekdays.



CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

PO Box 1450

200 Oceangate, 10th Floor

LONG BEACH, CA 90802-4416

(562) 590-5071

