

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY**

Filed: October 6, 1999  
 49th Day: November 24, 1999  
 180th Day: April 3, 2000  
 Staff: KFS-LB  
 Staff Report: January 27, 2000  
 Hearing Date: February 15-18, 2000  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-99-302

**APPLICANTS:** Vern and Denise Bryant

**PROJECT LOCATION:** 266 Avenida Montalvo, San Clemente, Orange County

**PROJECT DESCRIPTION:** Addition of 888.5 square feet of living space and approximately 294 square feet of decks to an existing 2,136 square foot, two story, single family residence with an attached 460 square foot two vehicle garage. No grading is proposed. The site is adjacent to Montalvo Canyon.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends the Commission **APPROVE** the proposed development with special conditions. The site is located adjacent to Montalvo Canyon, one of seven coastal canyons in San Clemente identified as containing environmentally sensitive habitat. The issue of note regarding this project is ensuring that the proposed development is consistent with the Coastal Act policies regarding protection of environmentally sensitive habitat areas. The proposed development conforms with the canyon setback policies in the certified LUP. Special Condition 1 ensures that the proposed addition to the existing single family residence does not adversely affect Montalvo Canyon by requiring the applicant to submit a drainage plan showing that drainage from the house is conducted toward the street. Conducting drainage toward the street will avoid potential erosion problems and protect native vegetation within the canyon.

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

**SUBSTANTIVE FILE DOCUMENTS:** City of San Clemente certified Land Use Plan; Coastal Development Permits 5-99-143 (Sayer); 5-98-210 (Nelson); 5-98-181; 5-98-143; 5-95-122 (Schollengerger); 5-93-304; 5-93-304 (Rosenstein); 5-93-217; 5-93-080 (Yeilding); 5-92-058 (Brocklehurst); 5-81-168 (Gibby).

## **STAFF RECOMMENDATION:**

Staff recommends that the Commission APPROVE the permit application with conditions.

## **MOTION**

*I move that the Commission approve CDP #5-99-302 pursuant to the staff recommendation.*

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

## **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. Drainage Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan for site drainage. The plan shall be prepared by a licensed engineer.
  1. The plan shall demonstrate that:
    - (a) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged to avoid ponding or erosion either on or off site;
    - (b) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged via either pipe or other impermeable non-erosive mechanism to the street.
- B. 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 required.

### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

#### **A. PROJECT DESCRIPTION**

The applicant is proposing the addition of 888.5 square feet of living space and approximately 294 square feet of decks to an existing 2,136 square foot, two story, single family residence with an existing attached 460 square foot two vehicle garage (Exhibit 2). The living space additions will consist of a 110 square foot addition to the ground level and a 778.5 square foot third level (visible as a second level from the street). The ground level addition will occur

within a courtyard formed by the existing structure, therefore, the footprint of the structure is not resulting in any encroachment toward adjacent Montalvo Canyon. The 294 square foot deck area will be an extension from the proposed third level onto the existing second story roof areas. Upon completion of construction, the residence will be a three-level, 23 foot high above street level, 3,025 square foot single family residence with an attached 460 square foot, two vehicle garage. No grading is proposed.

The proposed development is located at 266 Avenida Montalvo, San Clemente, Orange County (Exhibit 1). The proposed development is adjacent to Montalvo Canyon, which is identified in the City of San Clemente Certified Land Use Plan as one of seven environmentally sensitive coastal canyon habitat areas (Exhibit 1, Page 3). The surrounding development consists of low density single-family residences and higher density multi-family dwellings. There are residential structures on adjacent lots, seaward of the subject site. However, the project site is located at a point along Montalvo Canyon where the canyon rim turns parallel to the beach and becomes coastal bluff. Therefore, while the project site is not on a coastal bluff it is within 50 feet of a coastal bluff. Also, the project site is adjacent to a canyon that has been designated an environmentally sensitive habitat area in the San Clemente certified LUP. Accordingly, pursuant to Section 13250 of the California Code of Regulations, the proposed addition to a single family residence is not exempt under Section 30610 of the Coastal Act and thus requires a coastal development permit.

The project site is also near an existing public accessway which passes through the adjacent lot, seaward of the subject site (see Exhibit 3). This accessway is identified as "Access Point 14 – Montalvo" within the City of San Clemente certified Land Use Plan (LUP). Exhibit 3 contains a description of this accessway. The proposed development will not interfere with this existing public accessway.

## **B. ENVIRONMENTALLY SENSITIVE HABITAT AREA**

### **1. Coastal Act and LUP Policies**

Section 30240(b) of the Coastal Act states:

- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

San Clemente's certified land use plan discusses the importance of coastal canyons and states:

*In most cases, coastal canyons are designated for natural open space, which limits potential development and helps to ensure preservation.*

Policy VII.12 of the certified LUP states:

*Encourage activities which improve the natural biological value, integrity and corridor function of the coastal canyons through vegetation restoration, control of alien plants and animals, and landscape buffering.*

Policy XV.13 of the certified LUP states:

*The removal of native vegetation and the introduction of non-native vegetation in the canyons shall be minimized. The use of native plant species in and adjacent to the canyons shall be encouraged.*

The policy in the certified LUP concerning setbacks on coastal canyons is found in Chapter 3, Section 302 G, policy VII.15, and states:

*New development shall not encroach into coastal canyons and shall be set back either:*

- a. a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge; or*
- b. a minimum of 30% of the depth of the lot, and set back from the line of native vegetation (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from riparian vegetation); or*
- c. in accordance with house and deck/patio stringlines drawn between the nearest corners of the adjacent structures.*

*The development setback shall be established depending on site characteristics.*

## 2. Site Analysis

The project site is an irregularly shaped lot which includes area identified as Montalvo Canyon. Montalvo Canyon is one of seven coastal canyons designated as Environmentally Sensitive Habitat Area in the San Clemente certified LUP. Elevations on the subject lot begin at the street at 87 feet above sea level and descend to an elevation of approximately 20 feet above sea level within Montalvo Canyon (Exhibit 2, Page 1). However, the existing developed area of the lot is confined to that portion of the site which begins at elevation 87 at the street and descends to elevation 80 near the canyon edge. The canyon edge occurs at approximately elevation 79 feet. The existing single family residence, constructed prior to the Coastal Act, is set back at least 15 feet from the canyon edge (Exhibit 2, Page 1). The proposed addition will occur on the landward side and within the development footprint of the existing residence. Therefore, there will be no encroachment toward Montalvo Canyon and no direct impact upon adjacent native habitat areas.

Montalvo Canyon is located in the southern part of San Clemente. The proposed development is consistent with LUP canyon setback policies above, in that the proposed development, which is within the existing footprint of development, is setback a minimum of

30% of the depth of the lot and 15 feet from the canyon bluff edge. There is no proposed development adjacent to the canyon edge.

### 3. Special Conditions

San Clemente's certified Land Use Plan advocates the preservation of native vegetation within the City's coastal canyons. The coastal canyons act as open space and potential wildlife habitat as well as corridors for native fauna. Decreases in the amount of native vegetation due to erosion and subsequent displacement of native vegetation by invasive non-native vegetation would result in an adverse impact upon the habitat value of the canyons. Montalvo Canyon is identified by the San Clemente certified LUP as containing environmentally sensitive habitat area.

Improper drainage associated with development can lead to adverse impacts upon the coastal canyons, including Montalvo Canyon. For instance, if drainage from the development is not collected and discharged in a manner which avoids erosion either on-site or off-site, such erosion can wash away native vegetation within the canyons. Since non-native ornamental landscaping often abut the canyons, these plants move into the areas where native vegetation has been removed due to erosion. In addition, the erosion related to improper drainage can lead to larger geologic stability issues. Properly designed drainage can avoid any adverse impacts upon environmentally sensitive habitat area. For instance, if rainfall intercepted by the residential structure is collected and discharged to the street, rather than toward the canyon, erosion of the canyon face can be avoided. Also, though no adverse geologic conditions have been identified at the site, controlling runoff can help promote the geologic stability of the site. Therefore, the Commission imposes Special Condition 1 which requires the applicant to submit a drainage plan which demonstrates that runoff from the new development shall be collected and discharged via pipe directly to the street, where the storm drain system can convey the water away from the site in a non-erosive manner. The plan is to be submitted for review and approval by the Executive Director and must be prepared by a licensed engineer with expertise in drainage systems. The permittee shall construct the proposed development in conformance with the plan approved by the Executive Director and no changes may occur to the plan without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### 4. Consistency with Section 30240 and LUP Policies

The proposed development is adjacent to Montalvo Canyon, which is identified in the certified LUP as Environmentally Sensitive Habitat Area. The erosion control special condition are designed to enhance and protect native vegetation in Montalvo Canyon. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30240 of the Coastal Act and the policies of the certified LUP.

### C. 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.

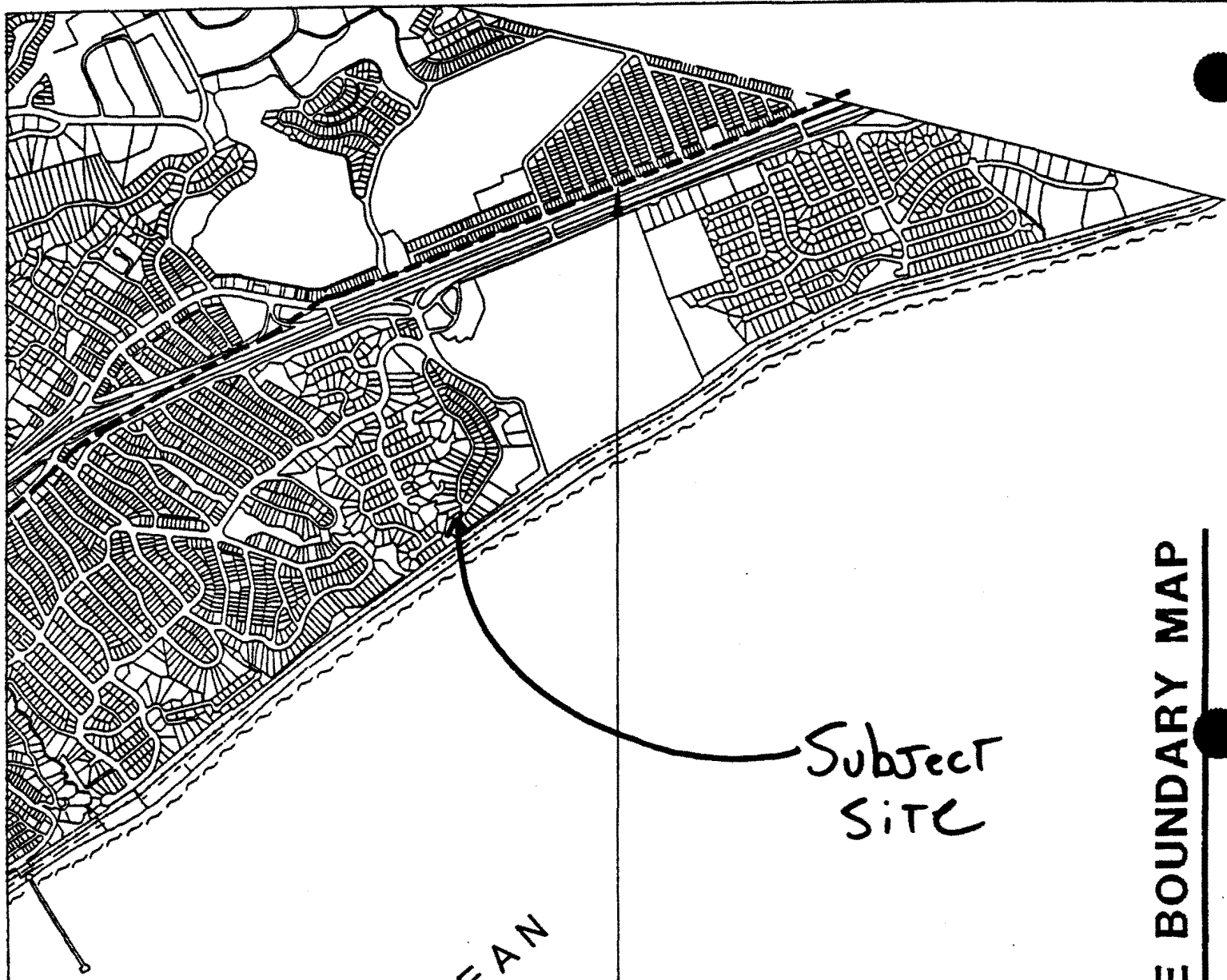
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998 the Commission certified with suggested modifications the IP portion of the Local Coastal Program. The City did not accept the suggested modifications within six months and therefore the Commission's approval of the IP portion of the LCP is no longer effective. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding enhancement of native vegetation, and geological stability. 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).

**D 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 environmentally sensitive habitat protection policies of the Coastal Act. Mitigation measures include a special condition requiring submission of a drainage plan which will minimize all adverse effects. As conditioned 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.

5-99-302 (Bryant) stf rpt



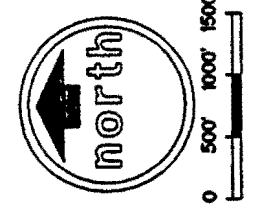
PACIFIC OCEAN

Coastal Zone Boundary

Subject Site

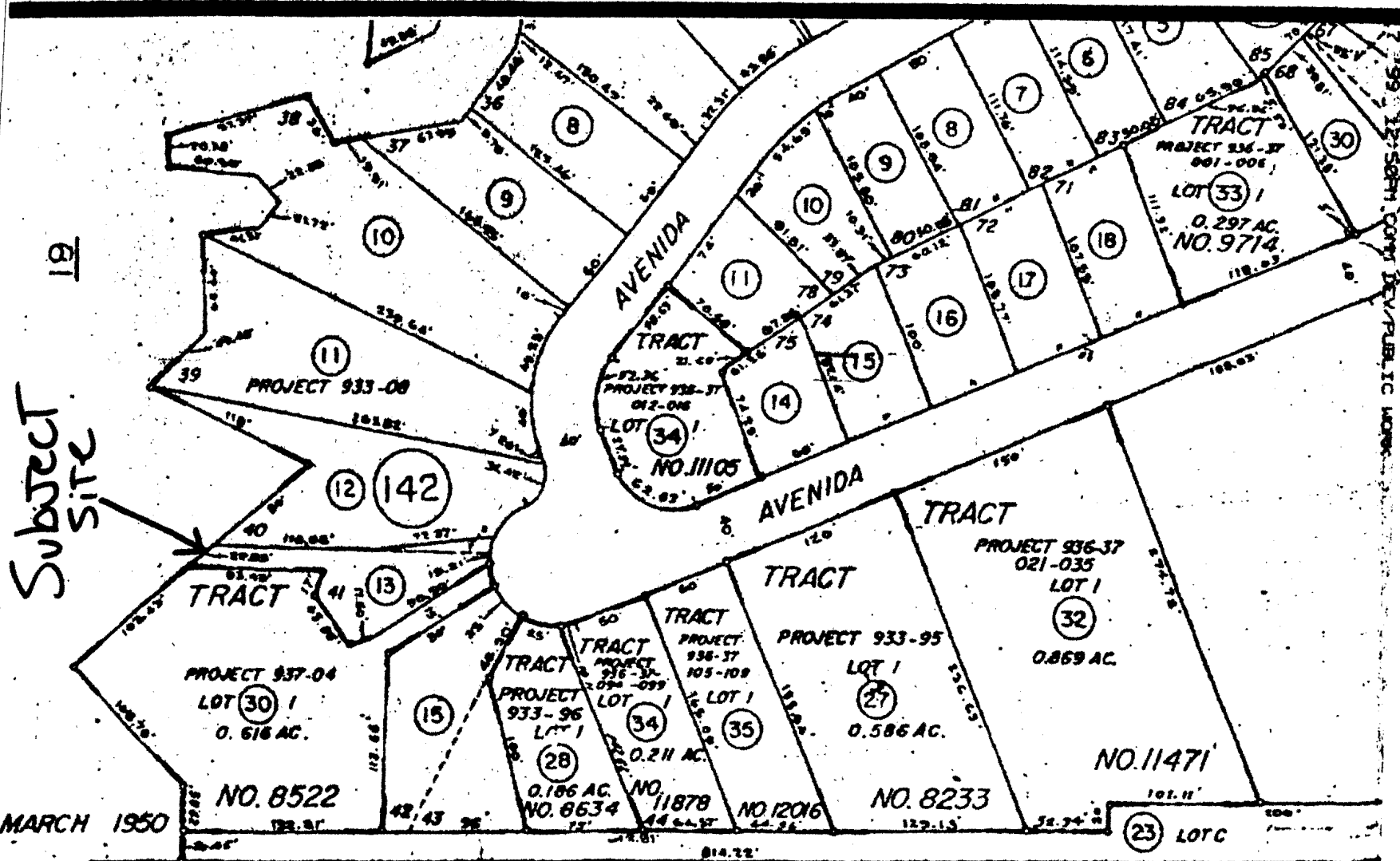
COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 3



MAP 2 COASTAL ZONE BOUNDARY MAP





19

SUBJECT  
SITE

MARCH 1950

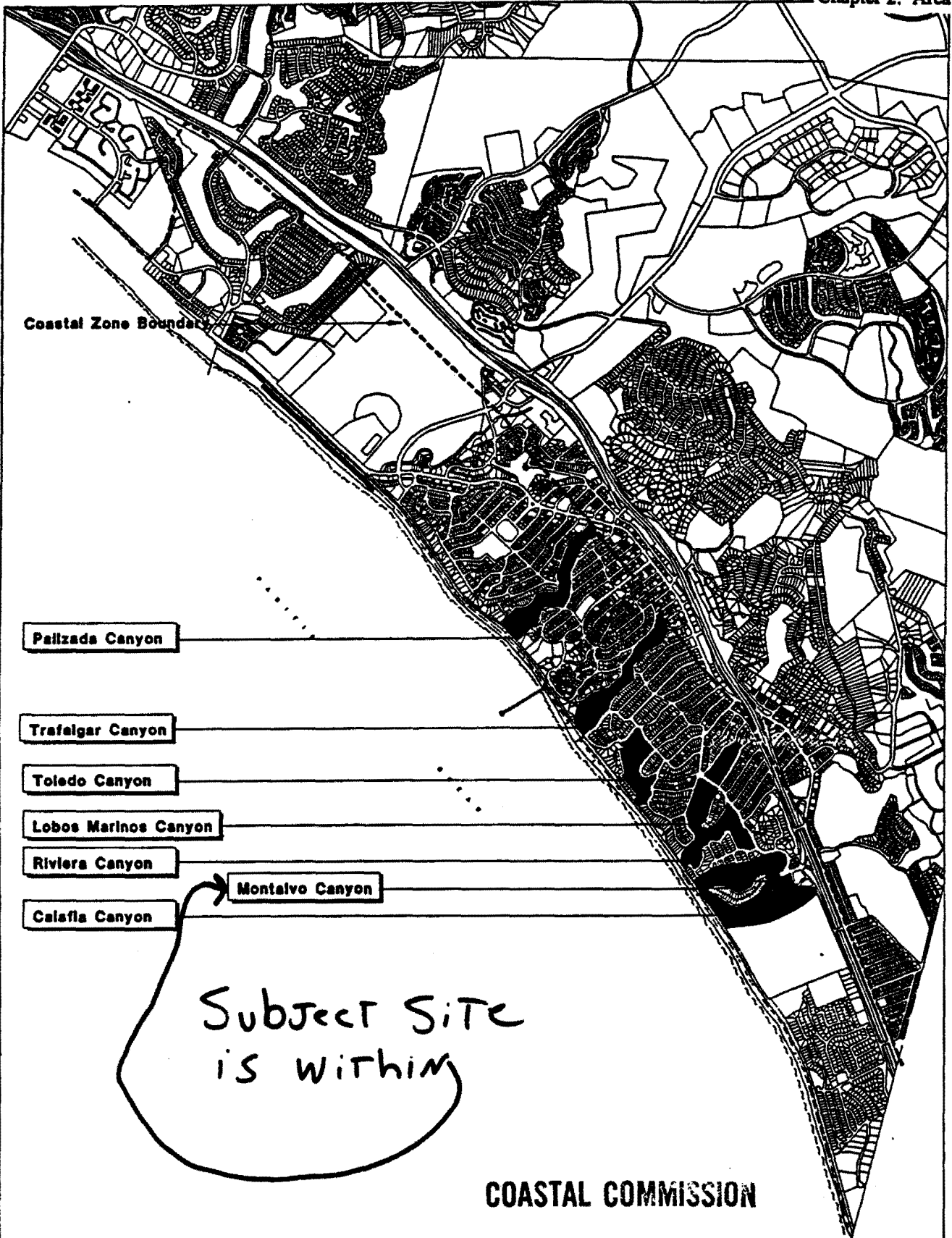
SBE 004-30-22C-POR.1

NOTE - ASSESSOR'S  
PARCEL NUMBER

COASTAL COMMISSION

EXHIBIT # 1  
PAGE 2 OF 3

**ASSESSORS MAP**



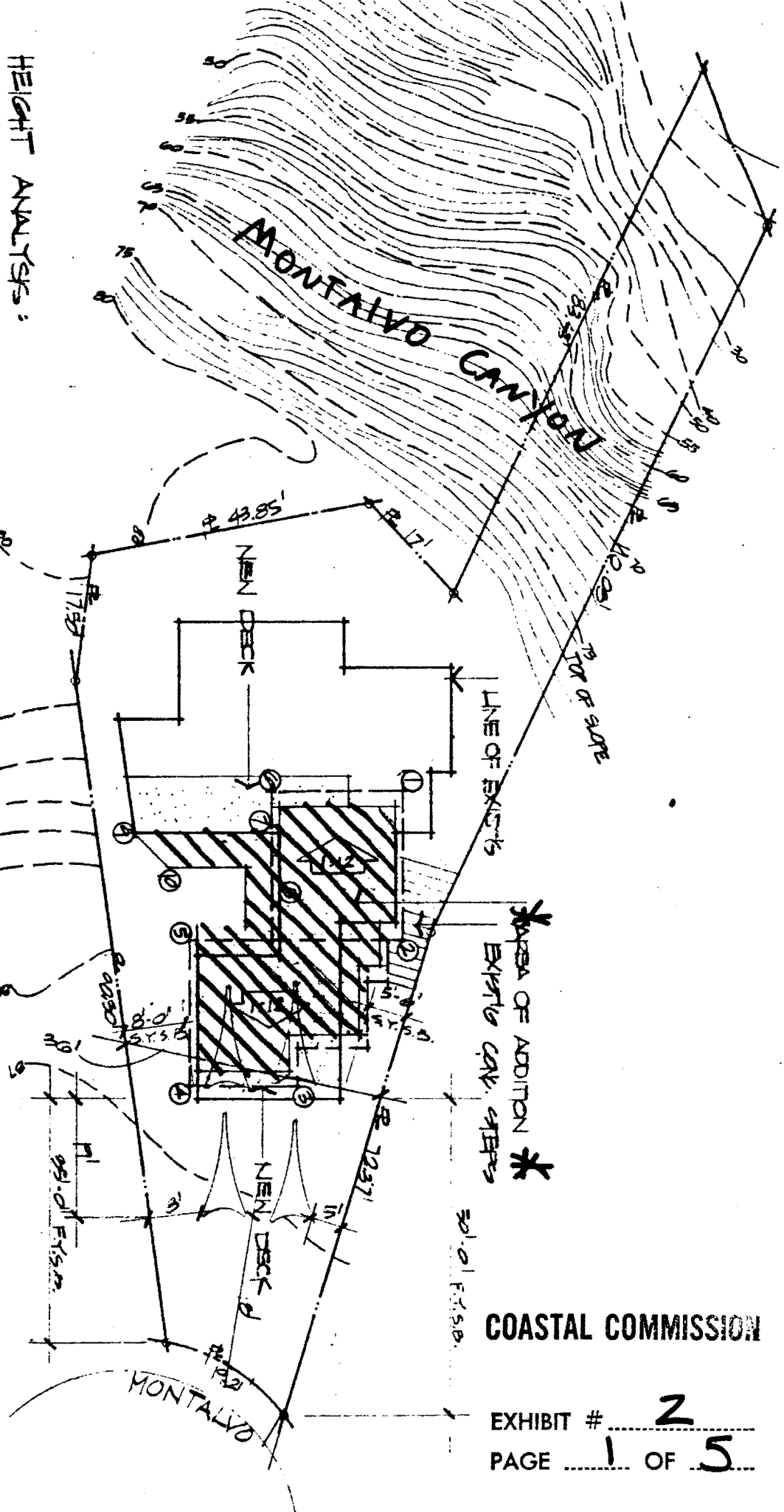
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EXHIBIT # 1  
PAGE 3 OF 3



FIGURE 2-1





HEIGHT ANALYSIS:

ROOF ELEMENT A:	①	②	③	④	⑤	⑥
RIDGE:	110	110	110	110	110	110
GRADE:	80	88	87	87	85	87
ROOF ELEMENT B:	⑦	⑧	⑨	⑩		
RIDGE:	110	110	110	110		
GRADE:	87	87	87	87		

$143 \div 6 = 23.83'$

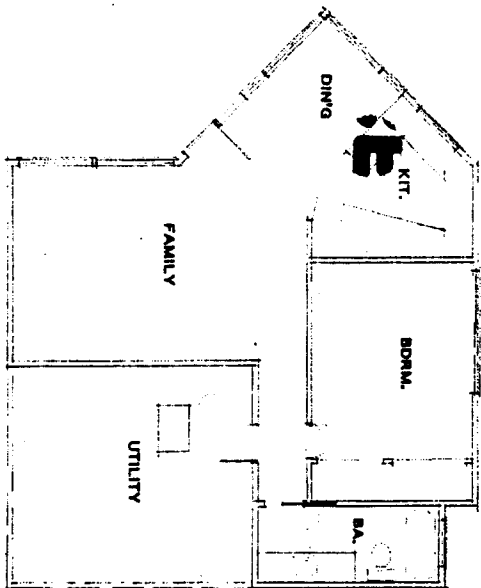
$92 \div 4 = 23.00'$

# SITE PLAN

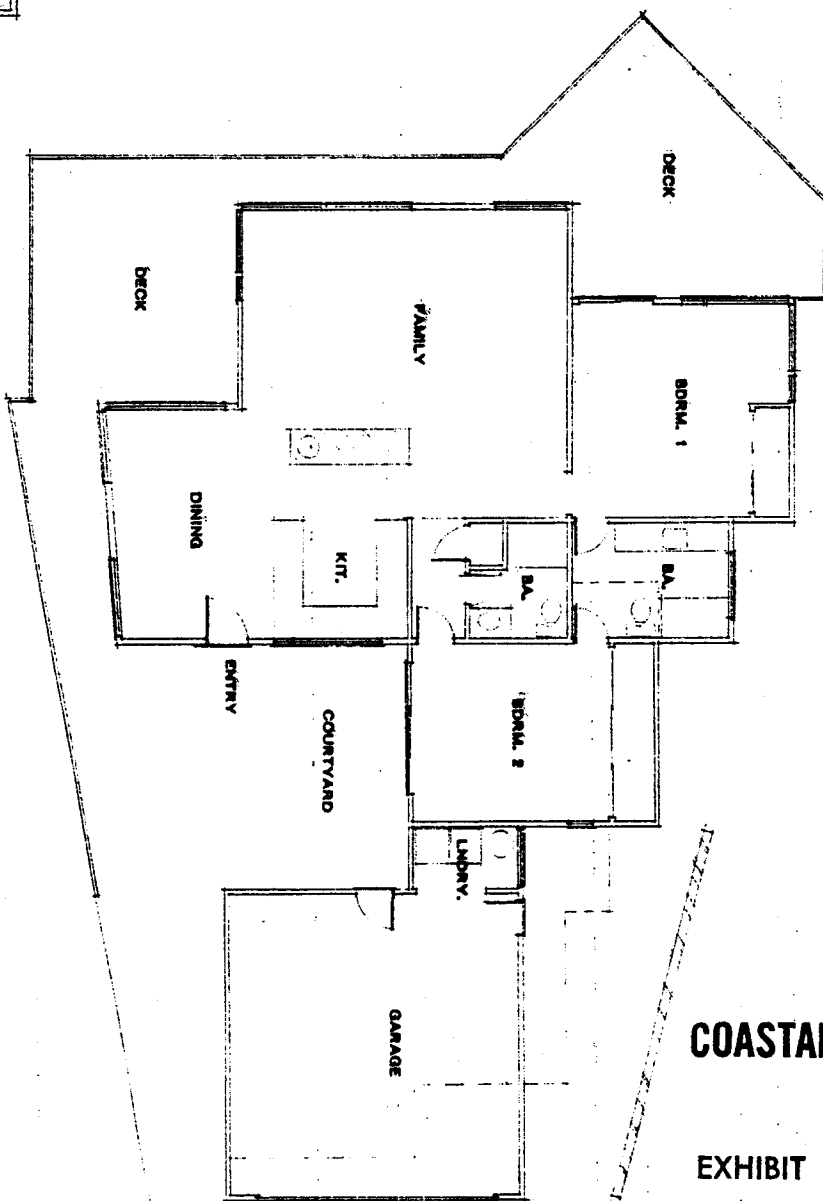
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EXHIBIT # 2  
PAGE 1 OF 5

EXIST'G FIRST FLOOR



EXIST'G MAIN LEVEL



RECEIVED  
South Coast Region  
OCT 6 1999  
CALIFORNIA  
COASTAL COMMISSION

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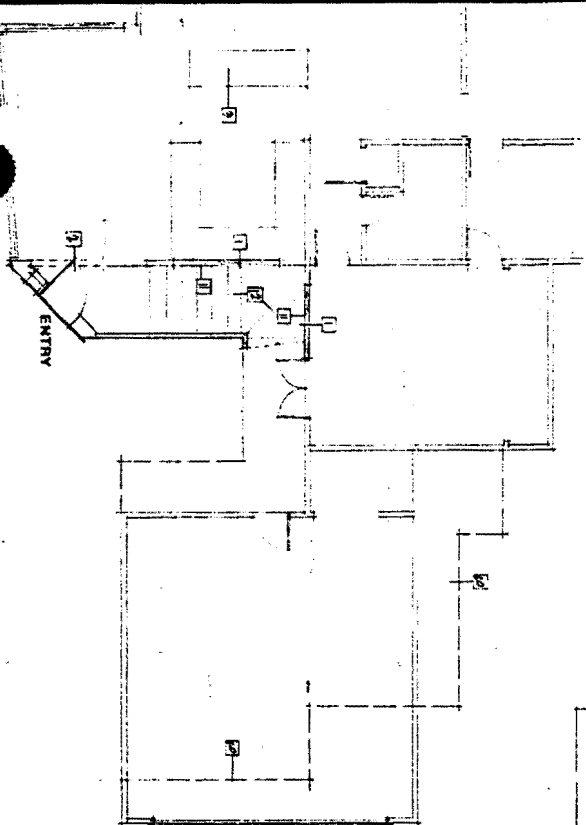
EXHIBIT # 2  
PAGE 2 OF 5

2	DATE	7/21	APPROVED
	BY		

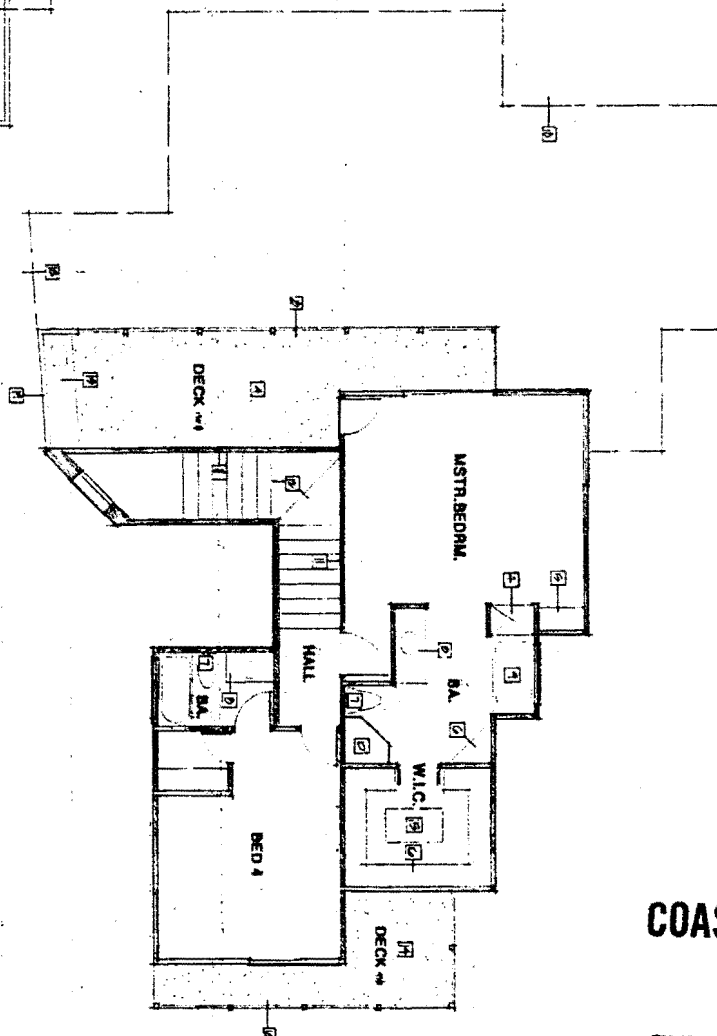
**BRYANT ADDITION**  
204 N. 20th St., San Clemente

**PERMANENT ENGINEERING & DESIGN**  
6000 FERRIS AVE.  
SAN JOAQUIN, CALIFORNIA 95128  
TEL: (415) 947-1111  
FAX: (415) 947-1112


NEW MAIN FLOOR



NEW SECOND FLOOR



- FLOOR FINISH NOTES:
1. WALL FINISH
  2. FLOOR FINISH
  3. EXISTING FINISH
  4. METAL FINISH BY "VALSERT" T-202 / 2-1/2" x 1/2"
  5. METAL FINISH
  6. METAL FINISH
  7. 1/2" OULON LOW FLOOR FLOOR
  8. 1/2" OULON LOW FLOOR FLOOR
  9. 1/2" OULON LOW FLOOR FLOOR
  10. 1/2" OULON LOW FLOOR FLOOR
  11. 1/2" OULON LOW FLOOR FLOOR
  12. 1/2" OULON LOW FLOOR FLOOR
  13. 1/2" OULON LOW FLOOR FLOOR
  14. 1/2" OULON LOW FLOOR FLOOR
  15. 1/2" OULON LOW FLOOR FLOOR
  16. 1/2" OULON LOW FLOOR FLOOR
  17. 1/2" OULON LOW FLOOR FLOOR
  18. 1/2" OULON LOW FLOOR FLOOR
  19. 1/2" OULON LOW FLOOR FLOOR
  20. 1/2" OULON LOW FLOOR FLOOR

COASTAL COMMISSION

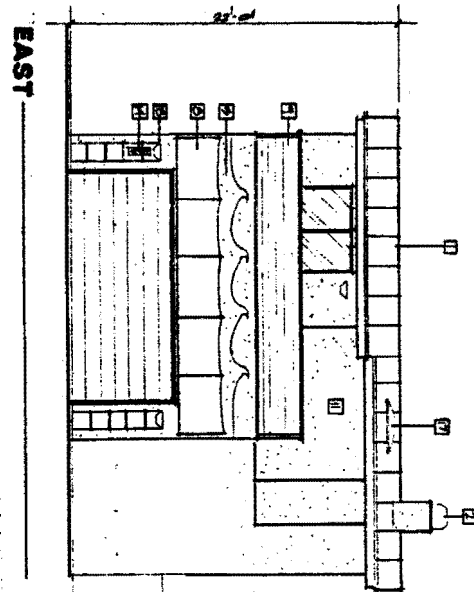
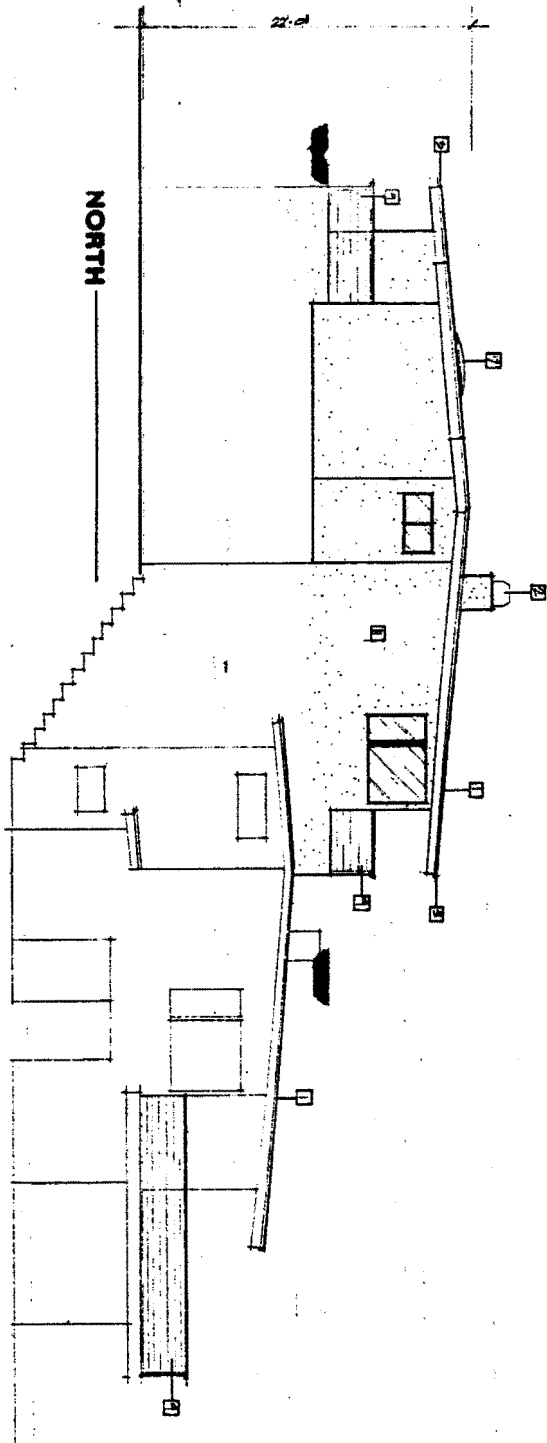
EXHIBIT # 2  
PAGE 3 OF 5

DATE	7/11
SCALE	1/4" = 1'-0"
PROJECT	BRYANT ADDITION
NO.	3

**BRYANT ADDITION**  
200 MONTAUDO, SAN CLEMENTE

**FORRESTER ENGINEERING & DESIGN**  
2000 PUEBLO, A100  
1075 SOUTH B. CHANDLER, 100  
PO BOX 1000, SAN CLEMENTE, CA 92673  
TEL: 949.480.1000  
WWW.FORRESTER-ED.COM

NO.	DATE	REVISION



- ELEVATION NOTES:**
1. WALLS AND VERTICAL SURFACES TO BE FINISHED WITH STUCCO.
  2. EXTERIOR WALLS TO BE FINISHED WITH STUCCO.
  3. EXTERIOR ROOF FINISH TO BE FINISHED WITH STUCCO TO STREET.
  4. 2 1/2\"/>

**COASTAL COMMISSION**

EXHIBIT # 2  
 PAGE 4 OF 5

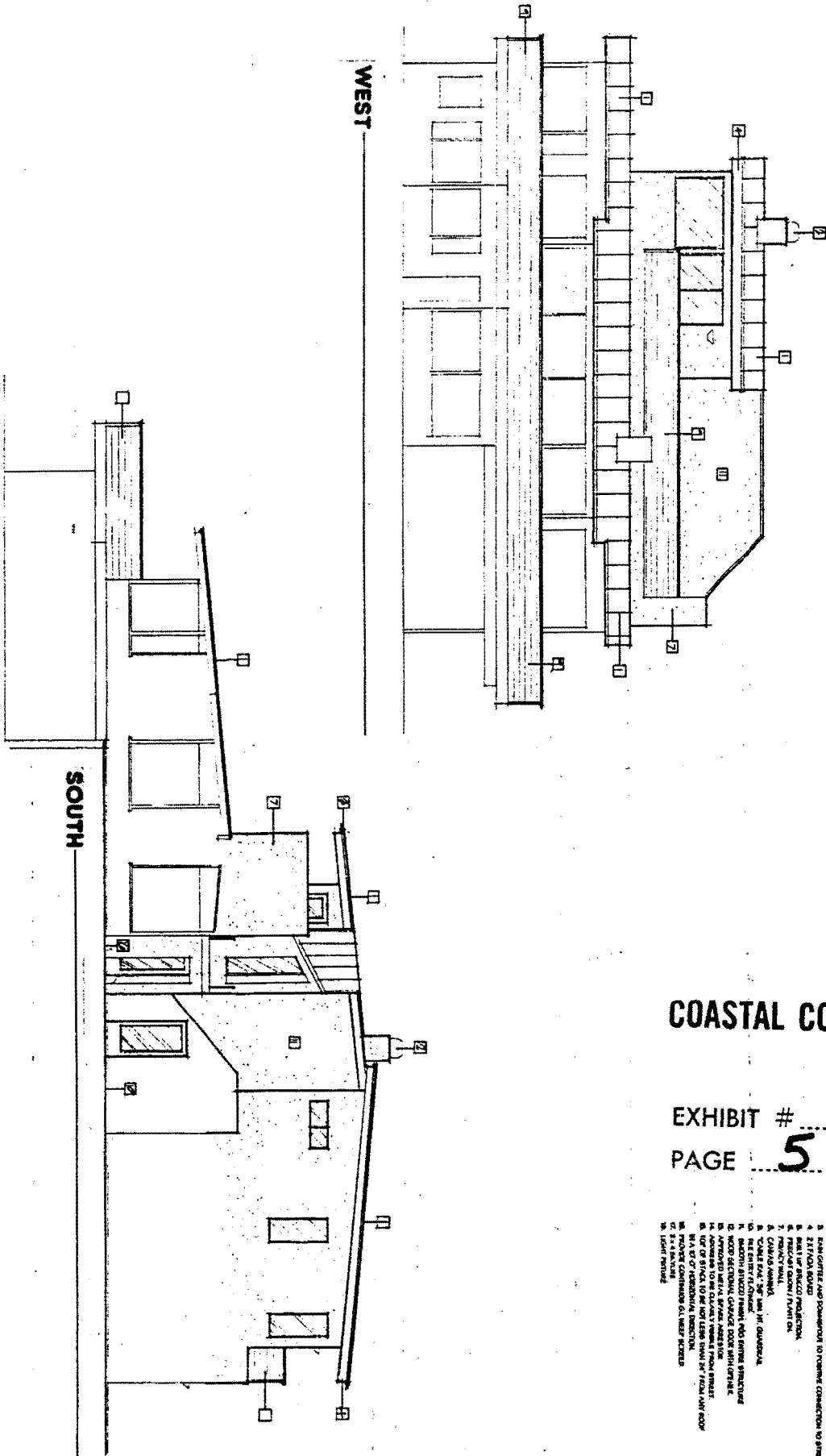
DATE	7/14/43
BY	W. H. H. O'NEILL
PROJECT	BRYANT ADDITION
NO.	4

**BRYANT ADDITION**

260 MONTALVO, SAN CLEMENTE

WALTER H. HANCOCK ARCHITECTS  
 1000 FIFTH AVENUE, SUITE 1000  
 SAN CLEMENTE, CALIFORNIA

NO.	DATE	REVISIONS



**COASTAL COMMISSION**

EXHIBIT # 2  
 PAGE 5 OF 5

- ELEVATION NOTES:**
1. THREE DIMENSIONAL ROOFING
  2. APPROVED WITH SPARK ARRESTOR
  3. EACH OFFICE AND ROOMING TO FORMER CONNECTION TO STREET
  4. 12" X 12" WOOD
  5. 12" X 12" WOOD
  6. PRECAST CONCRETE PLANT ON
  7. PRECAST WALL
  8. CONCRETE WALL
  9. THE EXIST' FLOORING
  10. SMOOTH STUCCO FINISH AND BRICK STRUCTURE
  11. WOOD SECTIONAL GARAGE DOOR WITH ORIENT'
  12. APPROVED TO BE CLASST' FINISH FROM STREET
  13. TOP OF FINCH TO BE NOT LESS THAN 24" FROM ANY ROOF
  14. W/A OF ROOFING TO BE DIRECTION
  15. 2" X 4" WOOD
  16. LIGHT FINISH

DATE	1/27/71
BY	W. J. ...
PROJECT	BRYANT ADDITION
NO.	5

**BRYANT ADDITION**  
 236 MONTALVO, SAN CLEMENTE

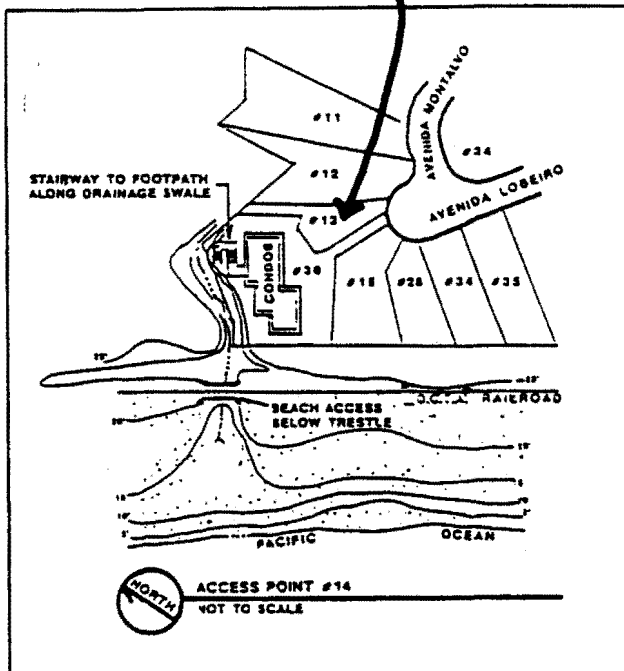
**FORREST ENGINEERING & DESIGN**  
 1000 ...  
 SAN CLEMENTE, CALIF.

NO.	5
DATE	1/27/71
BY	W. J. ...
PROJECT	BRYANT ADDITION

- Access Point 14: Montalvo

This access point is located where the street Avenida Montalvo changes into Avenida Lobeiro (see Figure 2-19). The portion of this access extending from the street to the canyon bottom was required as a condition to the Sea Point Villa's development. An additional easement to complete the access over private property within Montalvo Canyon was obtained by the City. The access point is taken off Avenida Montalvo, along the eastern side of the Sea Point Villa project. A stairway leads to the bottom of Montalvo Canyon, where a small bridge extends over the drainage in the canyon bottom, and a footpath follows the canyon to the beach. Access is taken under a train trestle. This access is limited to daytime use and is not accessible during, or for several days after, a moderate to heavy rain. The access point is difficult to find and for this reason is used mainly by the residents in the area (see Figure 2-19).

*Subject Site* **FIGURE 2-19**



*Access Point 14 - Montalvo*

**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 1 OF 1