## CALIFORNIA COASTAL COMMISSION

South Coast Area Office 200 Oceangate, Suite 1000 ng Beach, CA 90802-4302 2) 590-5071

## RECORD PACKET COPY

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Filed:Septemb49th Day:Novembe180th Day:March 23Staff:ALB-LBStaff Report:NovembeHearing Date:DecembeCommission Action:

September 24, 2002 November 12, 2002 March 23, 2003 ALB-LB November 21, 2002 December 10-13, 2002 tion:

## STAFF REPORT: REGULAR CALENDAR

5-02-289
Valery Polin, Coastline El Camino Real
Michael Luna, Architect
1502 & 1542 N. El Camino Real, City of San Clemente, Orange County
Construction of a new three-story, approximately 24,314 square foot, mixed-use (commercial and residential) development with one level of subterranean parking with 57 parking spaces on a vacant site. Approximately 6,000 cubic yards of grading (all cut) is proposed for parking garage excavation.
City of San Clemente City Council Adoption of Resolution No. 02-73 on November 6, 2002, Planning Commission approval on April 16, 2002 and Planning Division Approval in Concept dated May 20, 2002.
City of San Clemente Certified Land Use Plan and Traffic Impact Study Coastline Mixed Use Development prepared by Linscott, Law & Greenspan Engineers dated December 2001.

## SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending <u>APPROVAL</u> of the proposed project with five (5) special conditions which 1) informs the applicant that any future change in the density or intensity of use of the site will require a permit amendment or new permit; 2) requires submittal of a parking management plan; 3) requires use of construction best management practices (BMPs); 4) requires the debris disposal site to be located outside of the coastal zone and 5) requires submittal of a water quality management plan. The major issues associated with this development are land use, parking and water quality. At the time of this staff report, the applicant is in agreement with the staff recommendation and special conditions.

**Staff Note:** An LUP amendment request has been submitted concurrently with this permit application. SCL-MAJ-1-02 (to be heard prior to 5-02-289) would allow an increase in the allowable floor area ratio (FAR) for office use components of mixed-use projects in the Mixed Use (MU2) land use designation.

#### LIST OF EXHIBITS:

- 1. Location Map
- 2. Assessor's Parcel Map
- 3. Coastal Access Map
- 4. Project Plans

#### **STAFF RECOMMENDATION:**

Staff recommends that the Commission **<u>APPROVE</u>** the permit application with special conditions.

#### MOTION:

I move that the Commission approve CDP No. 5-02-289 pursuant to the staff recommendation.

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

#### **RESOLUTION:**

#### I. APPROVAL WITH CONDITIONS:

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

#### II. STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment.</u> 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. <u>Expiration.</u> 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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.

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5. <u>Terms and Conditions Run with the Land.</u> 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/Parking

This coastal development permit (5-02-289) is only for the development, located between 1502 and 1542 N. El Camino Real, in the City of San Clemente, County of Orange, as expressly described and conditioned herein. Any future improvements or development as defined in Section 30106 of the Coastal Act, including an increase in square footage or any other change in the intensity or use of the property, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

- 2. Parking Management Plan
  - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a parking management plan for the Coastline Mixed Use development. The parking management plan shall specify the following:
    - (a) Entry into the parking garage from N. El Camino Real shall be free of charge and unrestricted during normal business hours (i.e. no entry gate or payment kiosk) and
    - (b) Employees shall be required to park at the street-level, alley facing spaces to the maximum extent practicable. The parking plan shall include a signage plan, depicting the design (e.g., dimensions, etc.) and placement of the posted "employee only" parking signs.
  - 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.
- 3. <u>Storage of Construction Materials, Mechanized Equipment and Removal of</u> <u>Construction Debris</u>

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain leading to the ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;

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(d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to Special Condition 4.

#### 4. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. 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.

#### 5. Submittal of a Water Quality Management Plan

- A. The applicant shall implement structural and/or non-structural Best Management Practices (BMP's) designed to minimize pollutant loads contained in runoff prior to entering the storm water conveyance system and to maintain post-development peak runoff rate and average volume from the site at levels similar to predevelopment conditions, to the extent feasible. The BMPs may include, but are not limited to:
  - Design elements that serve to minimize directly connected impervious area and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways and/or pavers for walkways, and/or porous material for or near walkways and driveways;
  - (ii) Sweep parking lot(s) with a vacuum regenerative sweeper on a monthly basis;
  - (iii) Installation of catch basin inserts or vegetative or other media filtration devices effective at trapping and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals and particulates, in addition to trash and large debris. Selected BMPs shall be of a design capacity capable of mitigating (infiltrating or treating) stormwater runoff from each runoff event up to and including the 85<sup>th</sup> percentile 24-hour runoff event;
  - (iv) Routine maintenance, including inspection and regular cleaning of approved BMPs, to ensure their effectiveness prior to, and during, each rainy season from October 15<sup>th</sup> through April 31<sup>st</sup> of each year. Debris and other water pollutants contained in BMP device(s) will be contained and disposed of in a proper manner on a regular basis. All BMP traps/separators and/or filters must be cleaned prior to the start of the winter storm season, no later than October 15<sup>th</sup> each year. The BMP's shall be maintained to uphold their functionality.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan indicating the type(s) of BMPs to be installed, sizing specifications where applicable, and the locations where the BMPs will be installed.

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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 necessary.

#### IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

#### A. PROJECT LOCATION AND DESCRIPTION

The subject site is a vacant lot located between 1502 and 1542 N. El Camino Real within the North Beach area of the City of San Clemente, Orange County (Exhibits 1 & 2). The site is designated MU2-P-A (Mixed Use with pedestrian and architectural overlays) in the City's General Plan and certified Land Use Plan (LUP). The 20,000 square foot site extends from N. El Camino Real to an alley in the rear, as shown in the photograph below.

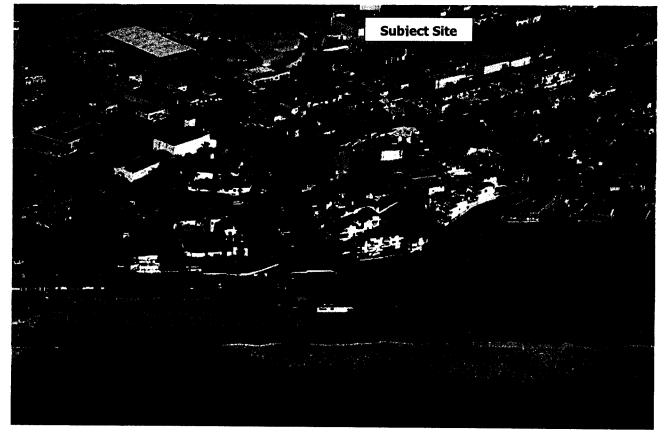


Image 8671 from California Coastal Records Project

Surrounding development consists of commercial and residential uses. Commercial development exists to the north, west and east. Multi-family residential development exists to the south. The nearest coastal access is available via an at-grade railroad crossing at North Beach, approximately 1/3 of a mile southwest of the subject site (Exhibit 3).

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The applicant is proposing the construction of a new three-story, 45' high, approximately 24,314 square foot, mixed-use (commercial and residential) development with one level (approx. 9,000 square feet) of subterranean parking and street-level parking on the alley. Project plans are included as Exhibit 4. The ground floor will contain only retail space. Residential and office uses are proposed on the second floor. The third floor will contain four residential units. (Two of the four residential units will be two-story and will extend from the second to the third story of the structure.) The development will consist of 8,200 square feet of retail space, 8,744 square feet of office space and four residential units in 9,025 square feet. Approximately 8,000 square feet of courtyards and landscaping are proposed throughout the project. Approximately 6,000 cubic yards of grading (all cut) is proposed for parking garage excavation. Excess material will be disposed of at an appropriate site outside the Coastal Zone.

#### B. <u>DEVELOPMENT</u>

Section 30213 of the Coastal Act states:

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

Section 30222 of the Coastal Act states,

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30250 states, in pertinent part:

(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.

The San Clemente certified LUP contains a policy that encourages the revitalization of the North Beach area into a *"community and visitor serving, mixed use, high activity center of the city."* The proposed mixed-use project contains retail uses on the ground floor with residential above, consistent with the policies in the LUP. Retail use of the ground floor will provide visitor-serving opportunities, consistent with Sections 30213 and 30222 of the Coastal Act.

Although the proposed project is consistent with land use requirements of the MU2 designation, a Land Use Plan (LUP) amendment has been requested by the City concurrently with this permit application to allow a modification of the allowable floor area ratios (FAR). The amendment will allow an increase in the allowable FAR for office uses in lieu of residential uses on upper levels of mixed-use projects. The amendment would not affect the allowable ratio of retail commercial uses. The current project, as it relates to the proposed amendment, will provide an appropriate ratio of retail, office and residential uses.

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The development is located within an existing developed area of San Clemente. The surrounding North Beach neighborhood is developed with a mix of commercial and residential uses of varying heights and sizes. The proposed three-story mixed-use development is compatible with the character and scale of the surrounding area. However, future improvements that may result in an intensification of land use or an increase in height may potentially affect the development's consistency with the scale and character of the surrounding area. Additionally, if land uses were to intensify, the parking demand would increase. (Parking will be discussed further in Section C.)

To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 1. Special Condition 1 informs the applicant that future improvements that change the use or intensity of use of the site will require a new permit or an amendment to this permit. As conditioned, the proposed development conforms to Section 30213, 30222 and 30250 of the Coastal Act.

#### C. PARKING AND PUBLIC ACCESS

Section 30252 of the Coastal Act states in pertinent part:

The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. Section 30210 of the Coastal Act requires the provision of maximum public access. Section 30252 of the Coastal Act requires that new development maintain and enhance public access to the coast by providing adequate parking or alternative means of transportation. When new development does not provide adequate on-site parking and there are inadequate alternative means of reaching the area (such as public transportation), users of that development are forced to occupy public parking that could be used by visitors to the coast. A lack of public parking and public transportation will discourage visitors from coming to the beach and other visitor-serving activities in the coastal zone. A parking deficiency will therefore have an adverse impact on public access. Until adequate public transportation is provided, all private development must, as a consequence, provide adequate on-site parking to minimize adverse impacts on public access.

The project site is located within the North Beach area, a segment of San Clemente targeted for revitalization. Although the area is not currently a highly utilized tourist destination, future redevelopment may increase its popularity. As such, it is necessary to require project proponents to provide adequate on-site parking to serve the demand of the development, thereby maintaining on-street parking for the general public.

The applicant is proposing a new 27,000 square foot mixed-use development served by 57 parking spaces. Ingress and egress is proposed via a two-way driveway leading from N. El Camino Real to the subterranean parking garage. The parking garage will provide 41 spaces (39 standard and 2 handicap). Additional street level parking will be accessible from the alley. The street level parking will provide 16 spaces, including 8 enclosed spaces (4 two-car garages to serve the 4 residential units), 7 standard spaces and 1 handicap space. The project will provide a total of 57 spaces to serve the proposed commercial and residential uses. Within San Clemente's Coastal Zone, the Commission typically applies the City's parking standards. As such, the following parking standards were applied:

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Land Use	Square Footage	Parking Ratio	Spaces Required	Spaces Provided	
Retail	8188	1 space : 400 sq. ft.	20.47	21	
Office	8743.5	1 space : 350 sq. ft.	24.98	25	
Residential 4 units 2.5 st		2.5 spaces per unit+ 1 guest space	11	11	
Total			56.45	57	

As proposed, the project provides adequate parking to meet the City's parking standards. Employees and patrons of the development will share the parking supply available in the subterranean garage and the uncovered street-level spaces. The agent has indicated that there will be no restrictions (i.e. controlled entry or fee system) other than signage placed on the shared parking supply. Separate garages will serve the residential units. Due to its location and the availability of parking closer to the beach, the subject site is not currently used for public parking by beach-goers. As such, public parking will not be adversely impacted by the proposed development. However, additional information regarding the management of the parking supply is necessary prior to issuance of the permit. Consequently, the Commission imposes Special Condition 2, which requires the submittal of a parking management plan. The plan must specify that there will be no restrictions placed on entry into the parking garage. Specifically, on-site parking must be free of charge and must be open to the public during normal business hours. Additionally, the plan must demonstrate that employees park on the street-level alley facing spaces to the maximum extent possible in order to allow customers to park in the subterranean lot accessible from El Camino Real.

As conditioned for submittal of a parking management plan, the proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as conditioned, the development conforms to Sections 30210 and 30252 of the Coastal Act.

#### D. WATER QUALITY

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

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

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states, in pertinent part:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.

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The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters via the storm drain system. To address potential water quality impacts, the applicant is proposing various post-construction best management practices (BMPs). The applicant intends to install a sump pump drain system equipped with "fossil" filters within the subterranean parking garage. Areas of the street level parking area will be swept with a regenerative sweeper at least monthly. Fossil filters will also be placed at the street-level parking lot. Additionally, a sand and gravel filter system will be installed to filter all roof and decking/patio drains in order to filter rainwater prior to conveyance into the storm drain system. The proposed BMPs were described in a letter from the agent dated September 19, 2002. However, additional detail regarding filter sizing, filter placement, sump pump design and maintenance of the BMPs is necessary prior to permit issuance.

The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230, 30231 and 30232 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

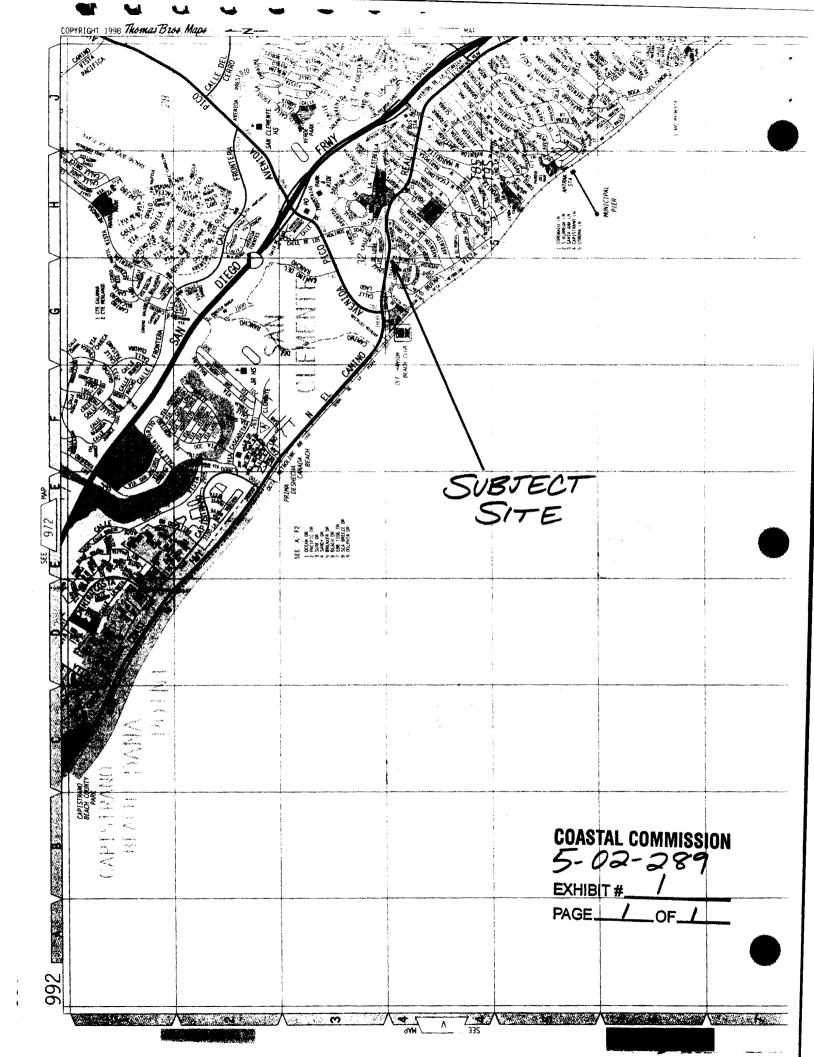
## E. LOCAL COASTAL PROGRAM

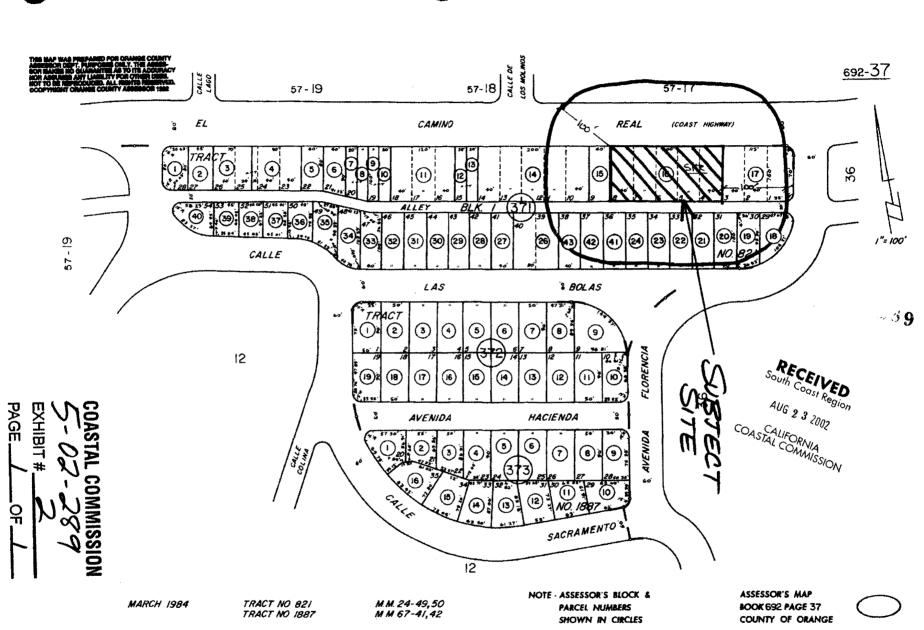
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

## F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

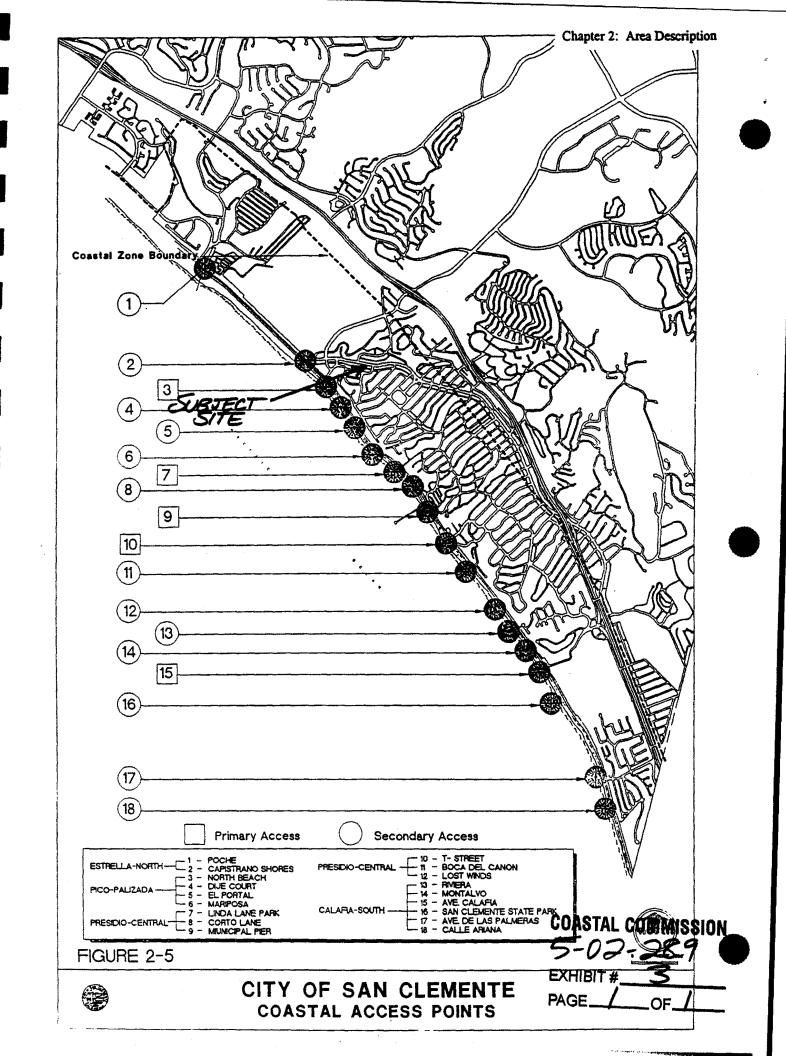
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

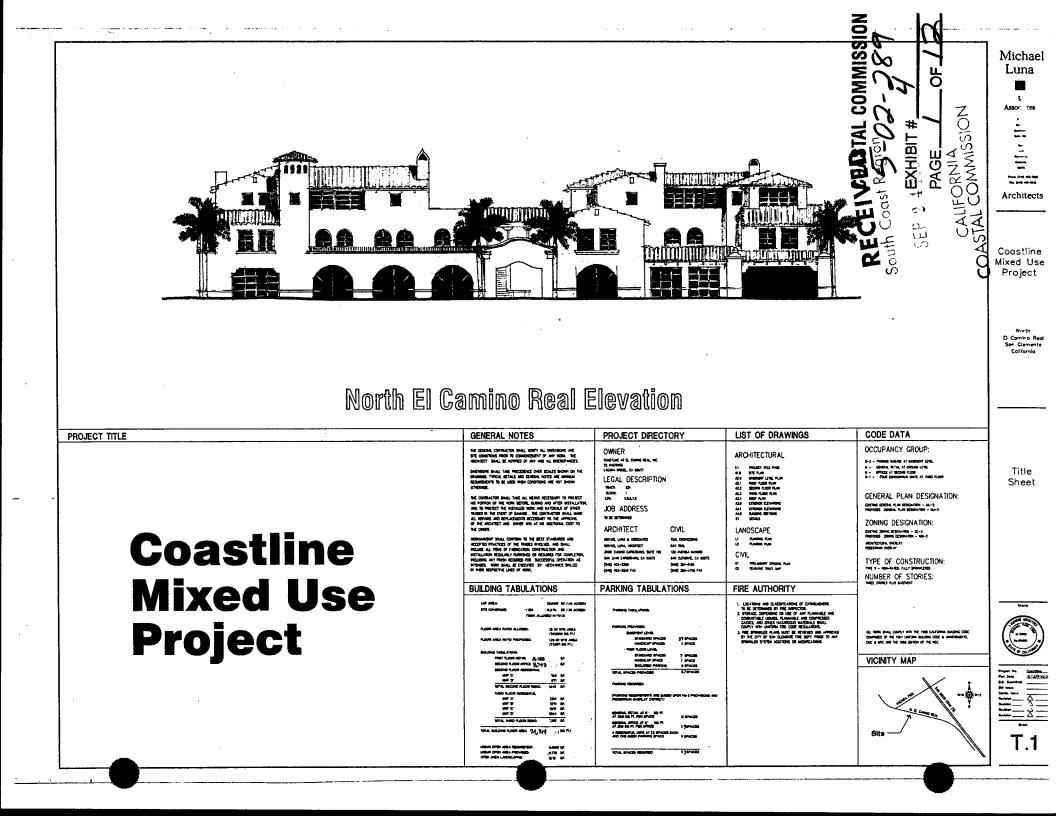
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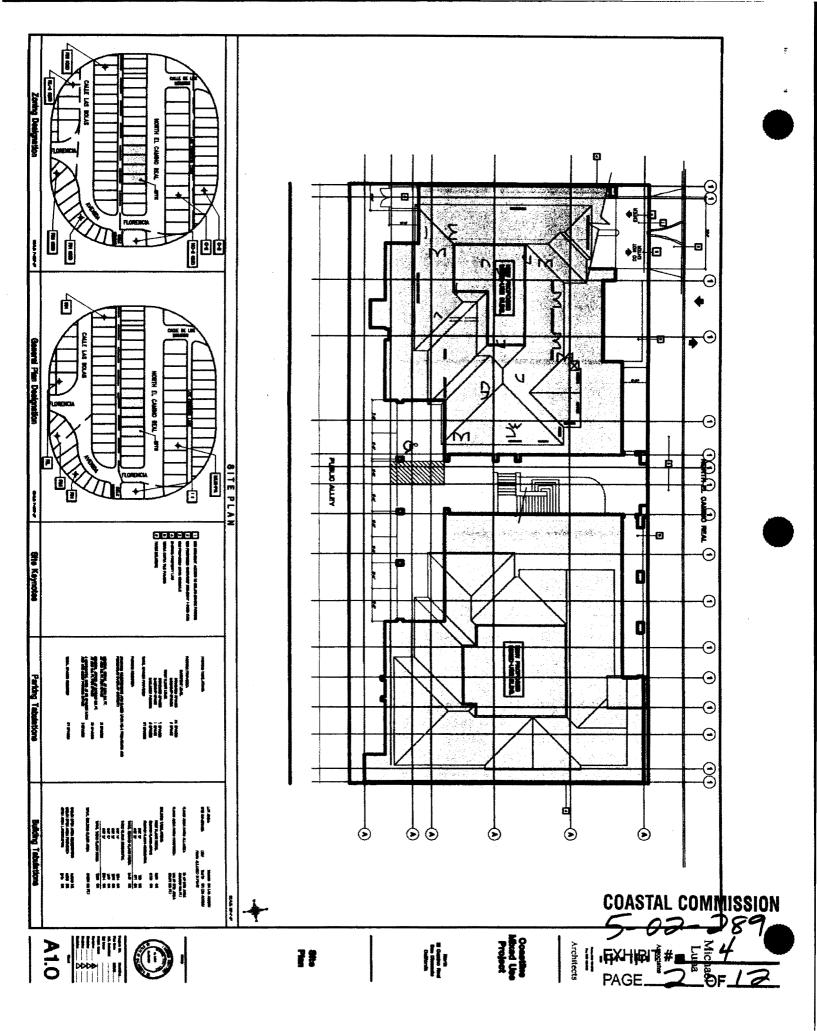


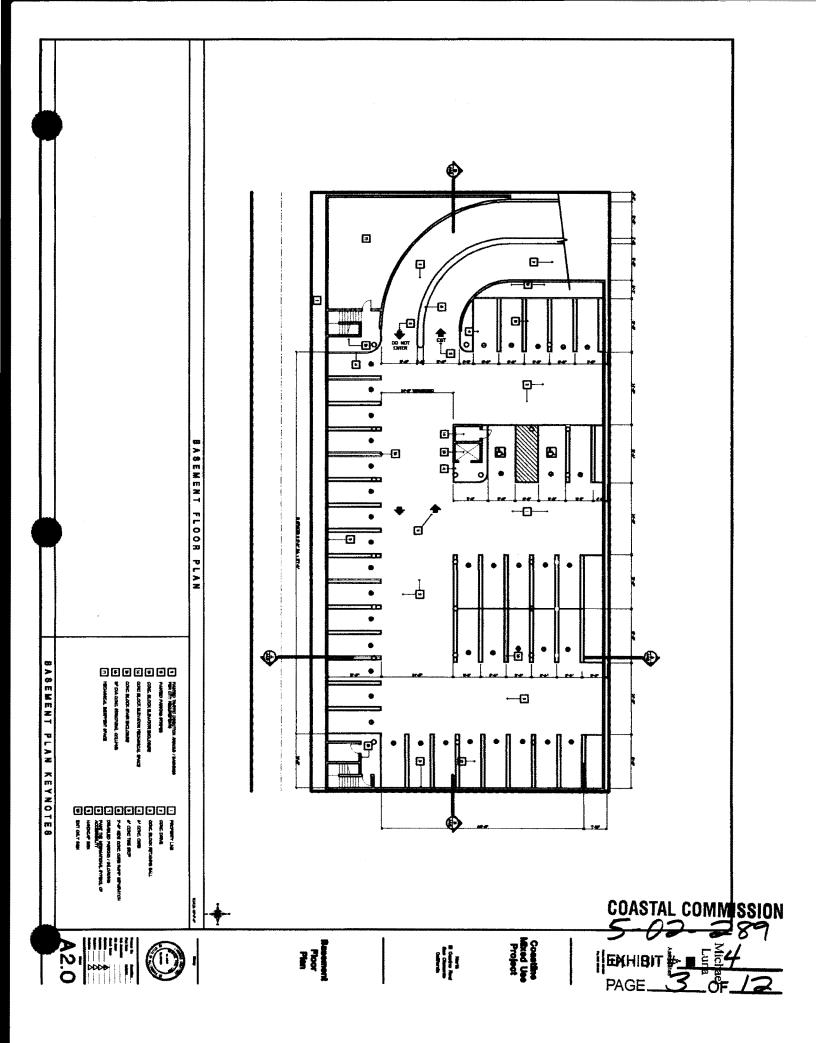


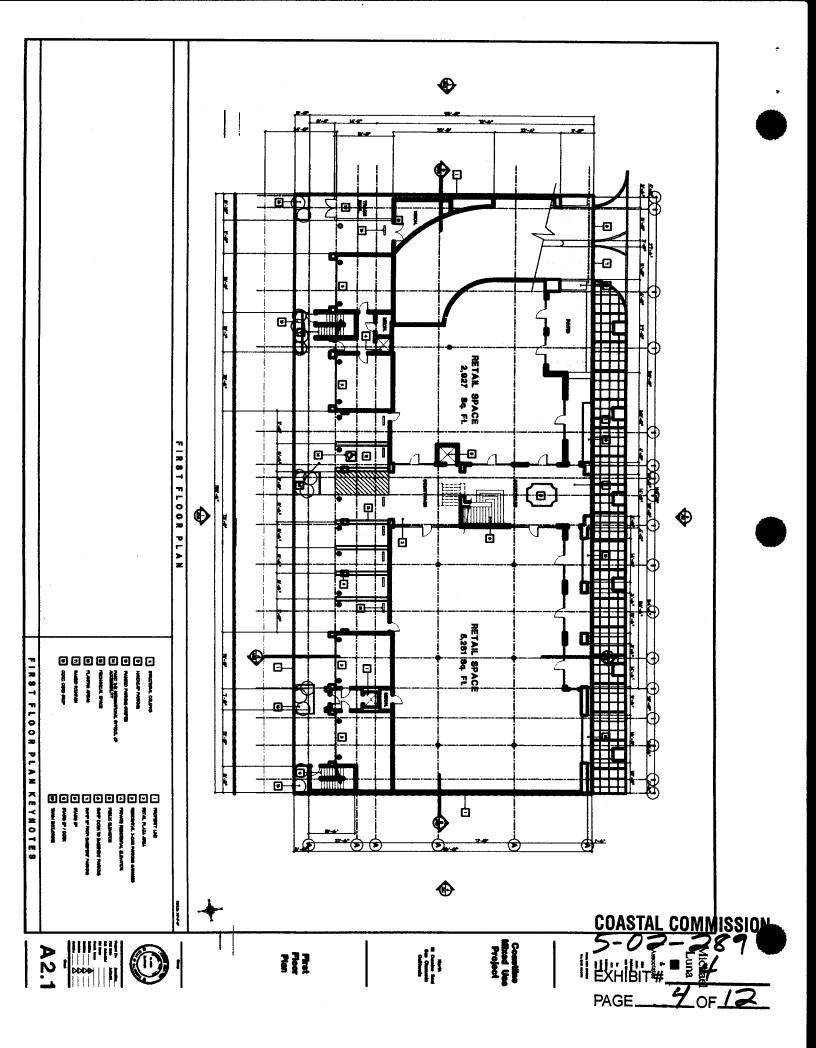
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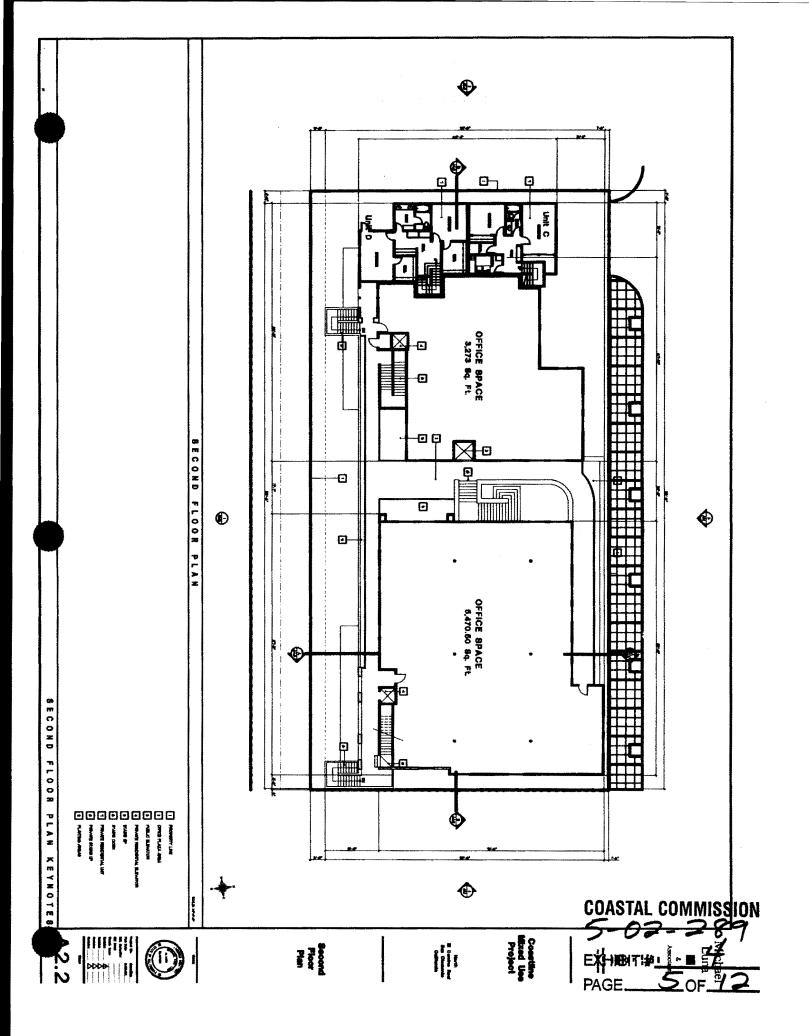


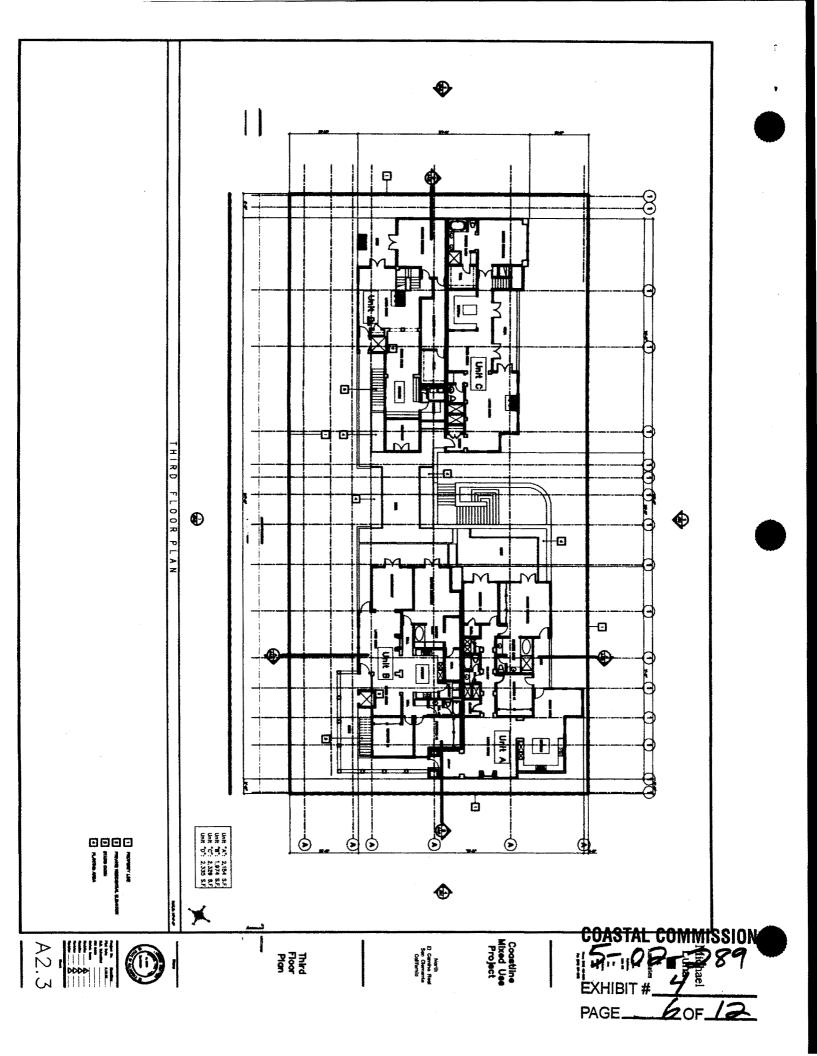


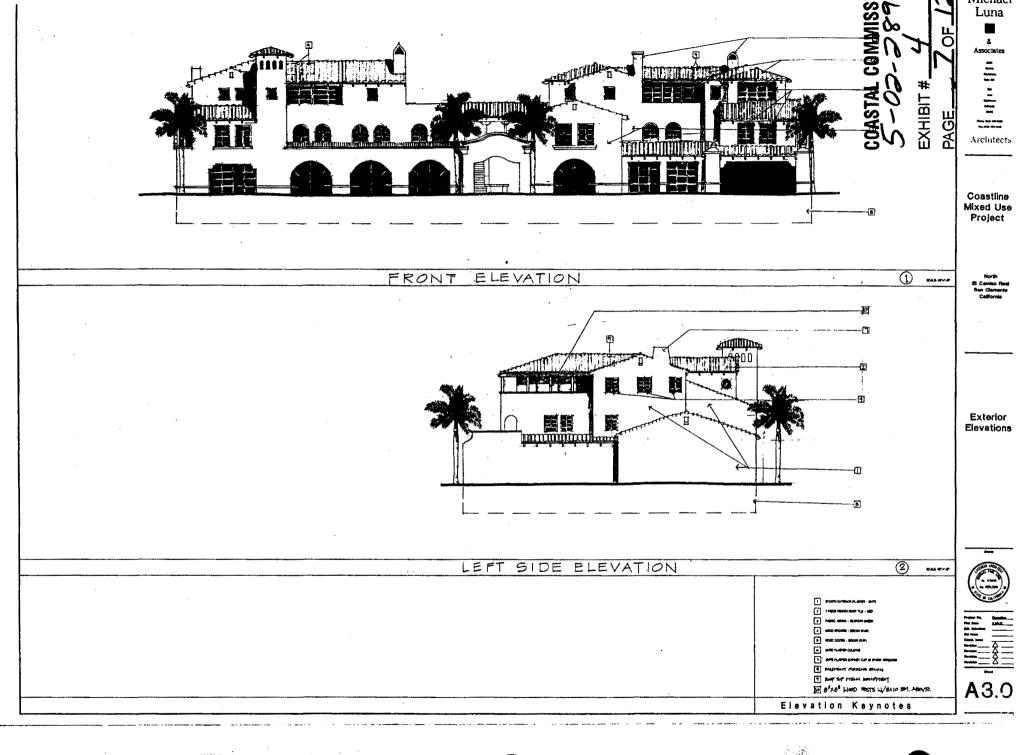


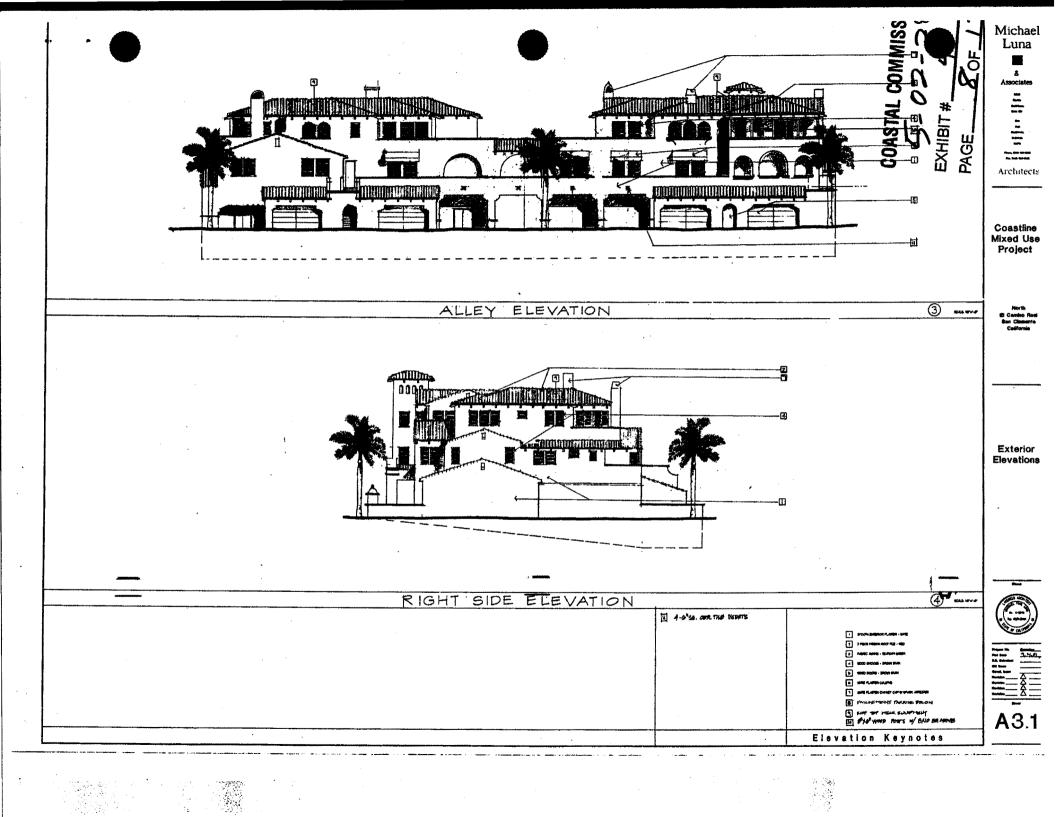


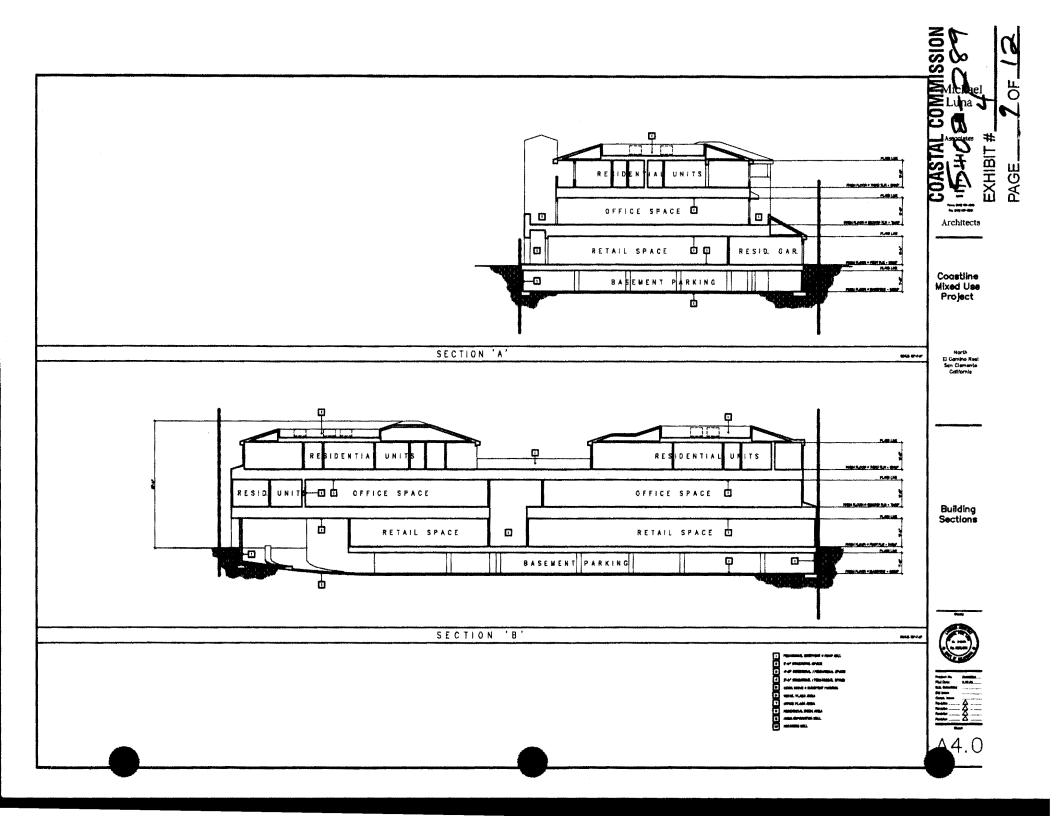


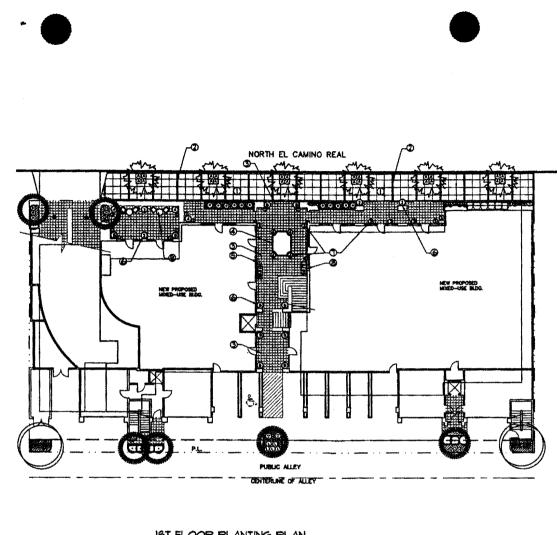












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