

CALIFORNIA COASTAL COMMISSION

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

**RECORD PACKET COPY****Tu 4d**

Filed: July 12, 2002
49th Day: August 30, 2002
180th Day: January 8, 2003
Staff: ALB-LB **AB**
Staff Report: August 22, 2002
Hearing Date: September 9-13, 2002
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-02-167

APPLICANT: Sabine Hahn

PROJECT LOCATION: 243 Avenida del Mar, San Clemente, Orange County

PROJECT DESCRIPTION: Conversion of an existing triplex into a mixed use structure with ground floor café and two residential units above

LOCAL APPROVALS RECEIVED: City of San Clemente Planning Division Approval in Concept dated May 20, 2002

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan, City of San Clemente Parking Needs Assessment Study (1995), and Coastal Development Permit 5-99-335.

LIST OF EXHIBITS

1. Location Map
2. Assessor's Parcel Map
3. Existing Site Plan
4. Proposed Project Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with two (2) special conditions which 1) inform the applicant that any future change in the density or intensity of use of the site will require a permit amendment or new permit and 2) require operation and maintenance of the grease interceptor. The major issues associated with this development are land use, parking and water quality.

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-02-167 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 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. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-02-167. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by Coastal Development Permit No. 5-02-167. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to, change in use to a permanent residential unit, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-02-167 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. Maintenance of Grease Interceptor

The applicant shall implement appropriate source control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the discharge of grease into sinks.

The grease interceptor shall be operated, inspected and maintained according to manufacturer's specifications. In addition, the applicant shall ensure that restaurant employees are educated about the operation and maintenance of the grease interceptor.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located at 243 Avenida Del Mar within the downtown area of the City of San Clemente, Orange County (Exhibits 1 & 2). The site is designated MU-3 (Mixed Use) in the City's General Plan and certified Land Use Plan (LUP). The site is currently developed with a non-conforming, two-story triplex with three off-street parking spaces (Exhibit 3). Two residential units are located within a building at the front of the lot (street-facing) and one unit is located above a three-car garage at the rear of the lot. A driveway separates the two structures.

Surrounding development consists of commercial and residential uses. To the northeast is commercial development. To the southwest is residential development. A public library and community center are located across the street. The site is located approximately three quarters of a mile from the beach. The nearest coastal access is available via pedestrian walkways at the San Clemente Municipal Pier.

The applicant is proposing to convert the 754 square foot ground floor residential unit into a café. No major structural modifications are proposed, only interior remodeling and the addition of a 100 square foot storage area to the rear of the building. Outdoor seating will be placed within the existing street-facing patio area. (No obstruction of the public walkway will occur.) The upper residential unit and rear building will remain unchanged. The resultant mixed-use development will consist of two residential units and a small café. The applicant is also proposing to install a grease interceptor within the driveway. Grease traps and grease interceptors serve to remove cooking grease from sewer pipes. Cooking grease adheres to the inside of sewer pipes, and the continual disposal of grease down sinks or drains may completely block the sewer pipes. Restaurant disposal of cooking grease has been identified as one of the primary causes of sewage line breaks and spills in Southern California, but with proper source control and structural treatment best management practices, grease can be effectively removed from restaurant waste water. Grease interceptors are widely regarded as the most effective device in removing cooking grease from wastewater.

No additional parking will be provided as part of the proposed project. Based on current City parking standards (which are applied by the Commission in the subject area), the development is deficient four spaces. The applicant received a parking waiver for four parking spaces under the City's Downtown Parking Waiver Program. The Parking Waiver Program is based on the *San Clemente Parking Needs Assessment Study* conducted in 1995 that found that an excess of public parking existed within the downtown area. A cumulative total of 38 parking space waivers, inclusive of this project, have been approved in the Downtown Parking Study Area. The Program allows a cumulative maximum of 180 parking spaces. To date, 143 parking space waivers remain. The project will not result in adverse impacts to public parking and will be adequately served by the shared parking pool within the subject area.

B. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned, the development conforms with the Chapter 3 policies of the Coastal Act.

C. PUBLIC ACCESS

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 proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. WATER QUALITY

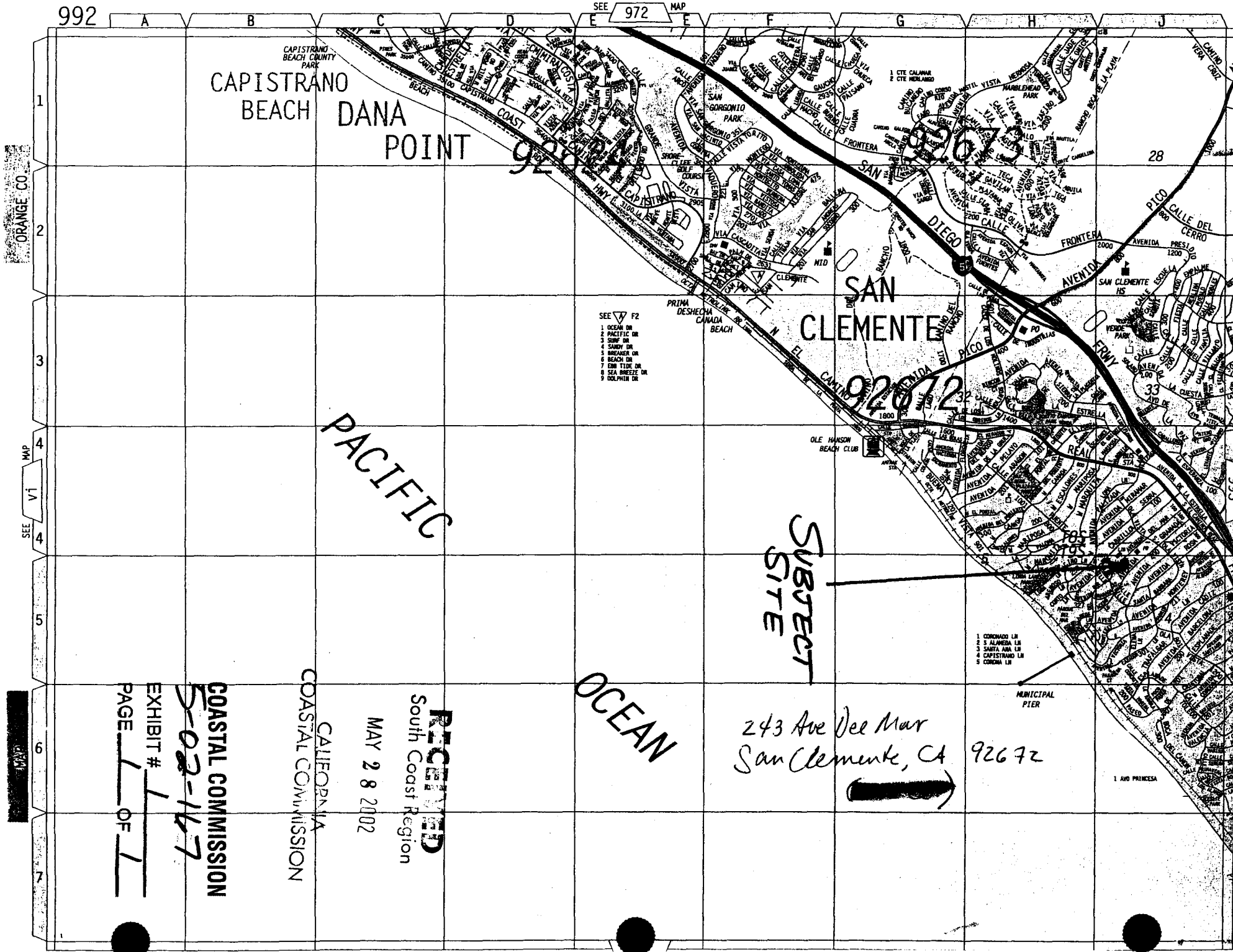
The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These 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 with Sections 30230 and 30231 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.



ORANGE CO.

MAP
V.I.

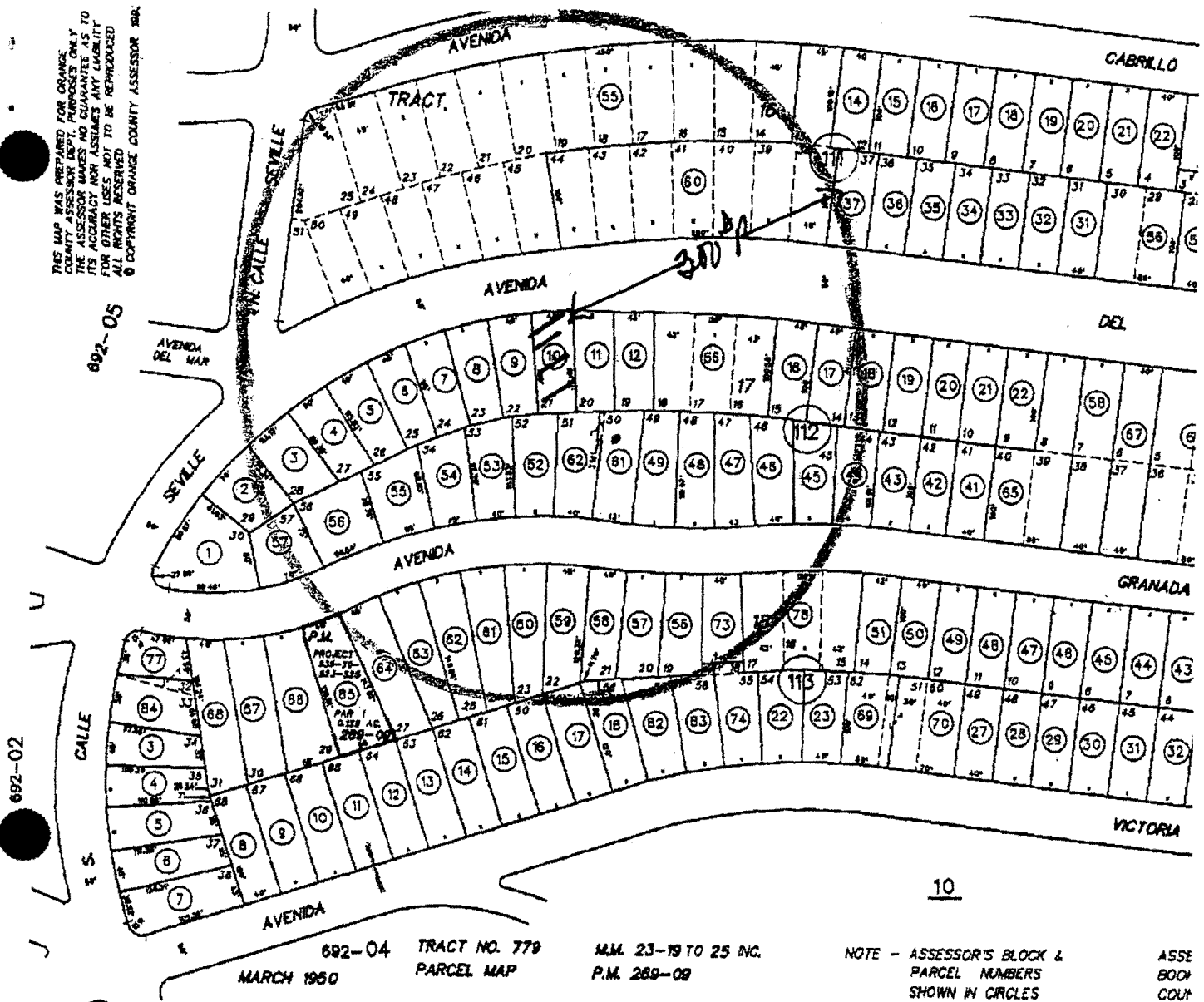
MAP

COASTAL COMMISSION
EXHIBIT # 1
PAGE 1 OF 1

RECEIVED
South Coast Region
MAY 28 2002
CALIFORNIA
COASTAL COMMISSION

243 Ave Del Mar
San Clemente, CA 92672

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT ORANGE COUNTY ASSESSOR 1980.



Ownership Listing

7-155

SOUTH COAST REGION

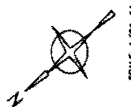
MAY 28 2002

CALIFORNIA COASTAL COMMISSION

5-02-167

EXHIBIT # 2

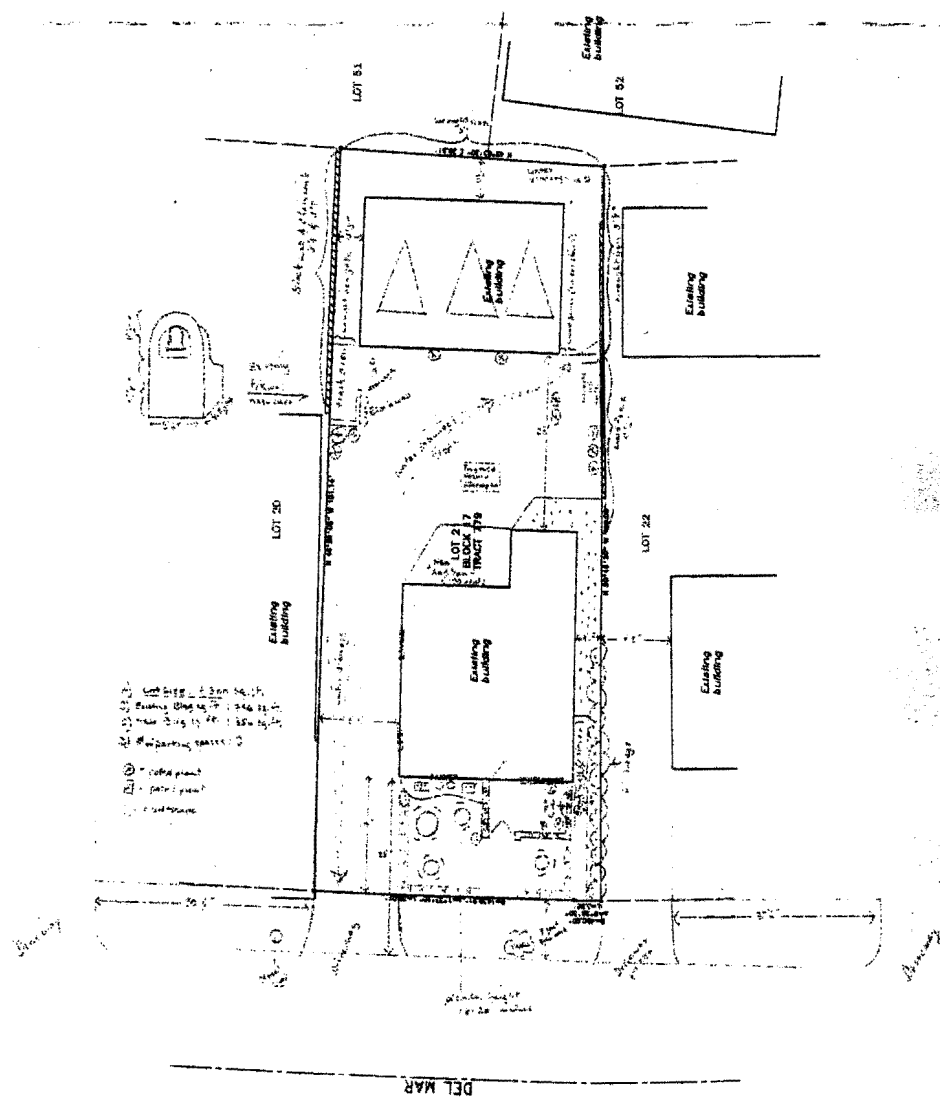
PAGE 1 OF 1



SCALE 1/8"=1'

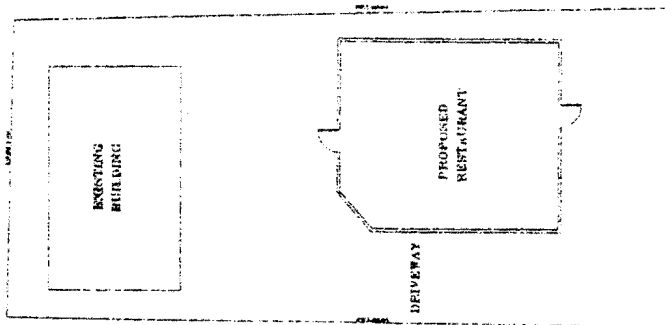


15438
David J. Miller
Civil Engineer



- 1. Lot 18 - 2.300 sq. ft.
- 2. Existing Building - 1,040 sq. ft.
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COASTAL COMMISSION
5-02-167
EXHIBIT # 3
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USE MARK

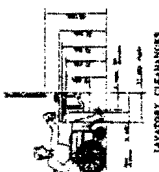
SITE PLAN
1/4" = 1'-0"

RESTROOM DISABLED ACCESS NOTES

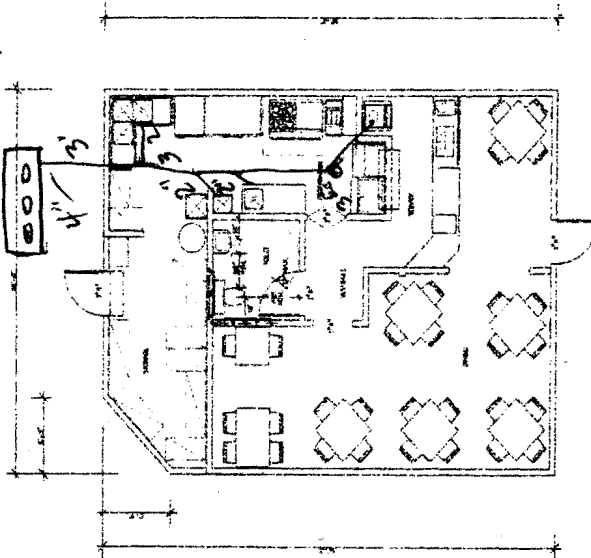
1. Provide a minimum clear width of 36 inches for the entrance to the restrooms.
2. Provide a minimum clear height of 80 inches for the entrance to the restrooms.
3. Provide a minimum clear depth of 60 inches for the entrance to the restrooms.
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15. Provide a minimum clear depth of 60 inches for the entrance to the restrooms.



USE ELEVATION



Proposed 750 gallon
Grease Interceptor



DISABLED ACCESS NOTES

1. Provide a minimum clear width of 36 inches for the entrance to the restrooms.
2. Provide a minimum clear height of 80 inches for the entrance to the restrooms.
3. Provide a minimum clear depth of 60 inches for the entrance to the restrooms.
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GENERAL INFORMATION:

OWNER: SABINE'S CAFE
ARCHITECT: [Signature]
DATE: 01/01/01

THIS SET OF DRAWINGS IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

RESTAURANT
LAYOUT
SERVICE

(714) 238-3801
FAX: (714) 238-3802
Page: (14) 308-0328

DATE: 01/01/01
BY: [Signature]

DRAWING TO COMPLY WITH THE D.C. (C) 1997

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