

CALIFORNIA COASTAL COMMISSION

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



Filed: September 26, 2003
49th Day: November 14, 2003
180th Day: March 24, 2003
Staff: ALB-LB *AB*
Staff Report: November 20, 2003
Hearing Date: December 10-12, 2003
Commission Action:

Th 4d**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-03-404

APPLICANT: Darin & Bridget McCoy

AGENT: Rosa Balsera

PROJECT LOCATION: 509 W. Avenida de los Lobos Marinos, San Clemente, Orange County

PROJECT DESCRIPTION: Substantial demolition of an existing single-family residence and construction of a new two-story, 2,040 square foot single-family residence with attached 318 square foot one-car garage and one off-street parking space on a coastal canyon lot. No grading is proposed.

LOCAL APPROVALS RECEIVED: San Clemente Planning Division Approval in Concept dated August 14, 2003.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with four (4) special conditions, which require 1) submittal of a final landscape and hardscape plan; 2) compliance with construction-related best management practices (BMPs); 3) submittal of a final drainage plan; and 4) future improvements come back to the Commission for review. The primary issues associated with this development are water quality and canyon habitat enhancement. At the time of this staff report, the applicants are in agreement with the staff recommendation and special conditions.

LIST OF EXHIBITS:

1. Location Map
2. Site Plan
3. Coastal Canyon Map
4. Project Plans

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the 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. Submittal of Final Landscape and Hardscape Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final landscape plan prepared by an appropriately licensed professional. The plan shall reflect the following requirements:
- (a) All vegetation, including existing native plantings on the canyon slope, shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscaping plan;
 - (b) Landscaped areas in the rear yard (canyon-facing) areas shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing native plant areas, all landscaping adjacent to Trafalgar Canyon shall consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
 - (c) Landscaped areas in the front yard (street-facing) area can include ornamental or native, drought tolerant plants. Vegetation installed in the ground shall consist of non-invasive, drought tolerant plants. Vegetation which is placed in above-ground pots or planters or boxes may be non-invasive, non-native ornamental plants; and
 - (d) No permanent in-ground irrigation systems shall be installed on the canyon-facing portion of the site. Temporary above ground irrigation is allowed to establish plantings.
 - (e) No hardscape features (including patio, deck or walkway) shall be sited closer than 5 feet from the coastal canyon edge, as generally depicted on page 1 of Exhibit 4.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Submittal of Final Drainage Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final drainage plan prepared by an appropriately licensed professional. The applicant shall comply with the following provisions:
- (a) Runoff from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street or designated canyon outlet point to avoid ponding or erosion either on- or off- site;

- (b) Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface to the canyon bottom; and
- (c) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

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 Lobos Marinos Canyon or the storm drain system leading to the Pacific Ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (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;
- (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 of outside the coastal zone, as proposed by the applicant.

4. Future Development

A. This permit is only for the development described in Coastal Development Permit No. 5-03-404. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the development authorized by this permit, including but not limited to repair and maintenance activities 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. 5-03-404 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

Project Location

The proposed project site is located at 509 W. Avenida de los Lobos Marinos in the City of San Clemente, Orange County (Exhibits 1 & 2). The lot consists of a narrow level pad adjacent to the frontage street and a moderate slope leading to Lobos Marinos Canyon. Surrounding development consists of low-density single-family residences. The nearest public access is available at the Lost Winds access point, approximately ¼ mile southwest of the subject site.

Project Description

The applicants propose substantial demolition of an existing single-family residence constructed in the 1950s and construction of a new 22' 9" high two-story, 2,040 square foot single-family residence with an attached 318 square foot one-car garage and one off-street parking space on a coastal canyon lot.¹ No grading is proposed.

The two parking spaces are proposed in a tandem configuration. In this instance, the proposed parking design is acceptable to serve the proposed development, as the subject site is not located in a critical parking supply area for visitors to the coast.

An existing non-conforming deck will be removed and a new at grade patio will be constructed on the canyonward side of the property. The plans indicate that the new patio will be set back 5 feet from the canyon edge, but the exact configuration of the patio is not depicted. An existing chain link fence surrounding the property will remain. No work is proposed along the canyon slope. Existing canyon brush along the slope is to remain undisturbed; however, the brush is very sparse and much of the slope is uncovered soil. During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the storm drain system leading to the ocean. After construction, roof runoff will be directed to the street, pursuant to City requirements. Surface and patio runoff will be directed in a non-erosive manner to the frontage street or the canyon bottom. A final drainage plan must be submitted. To reduce potential erosion of the slope, additional vegetation should be established. A final landscaping plan must be submitted to ensure that an appropriate drought-tolerant, native plant palette is selected.

Canyon Setback Discussion

The City's certified LUP (Policy VII.15), to which the Commission may look for guidance, requires new development on coastal canyon lots to be set back as follows:

"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."

¹ The City of San Clemente does not require structures constructed prior to 1962 to provide two enclosed parking spaces as long as the garage remains unchanged during renovation.

The proposed development conforms to the canyon setback policies in the certified LUP, as structural development will be set back 15 feet from the canyon edge. The proposed project is also consistent with the Commission's typically imposed 5-foot hardscape setback. The project is consistent with the pattern of development in the surrounding area and will not result in canyonward encroachment.

San Clemente's certified LUP advocates the preservation of native vegetation and discourages the introduction of non-native vegetation in coastal canyons. While no rare or endangered species have been reported to exist within the coastal canyon habitat of San Clemente, the City has designated all coastal canyons, including Lobos Marinos Canyon, as environmentally sensitive habitat areas. 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 displacement by non-native vegetation have resulted in cumulative adverse impacts upon the habitat value of the canyons. As such, the quality of canyon habitat must be assessed on a site-by-site basis. The canyon adjacent to the subject site is considered somewhat degraded due to the presence of both native and non-native plant species. The site is currently covered with non-native shrubs and grasses, which do not rise to the level of ESHA. However, to ensure that additional new development does not have an adverse impact on canyon resources, future improvement projects must come back to the Commission for review.

B. HABITAT, RECREATION AND PARK IMPACTS

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240(b) of the Coastal Act.

C. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms to Sections 30230 and 32031 of the Coastal Act.

D. 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 to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

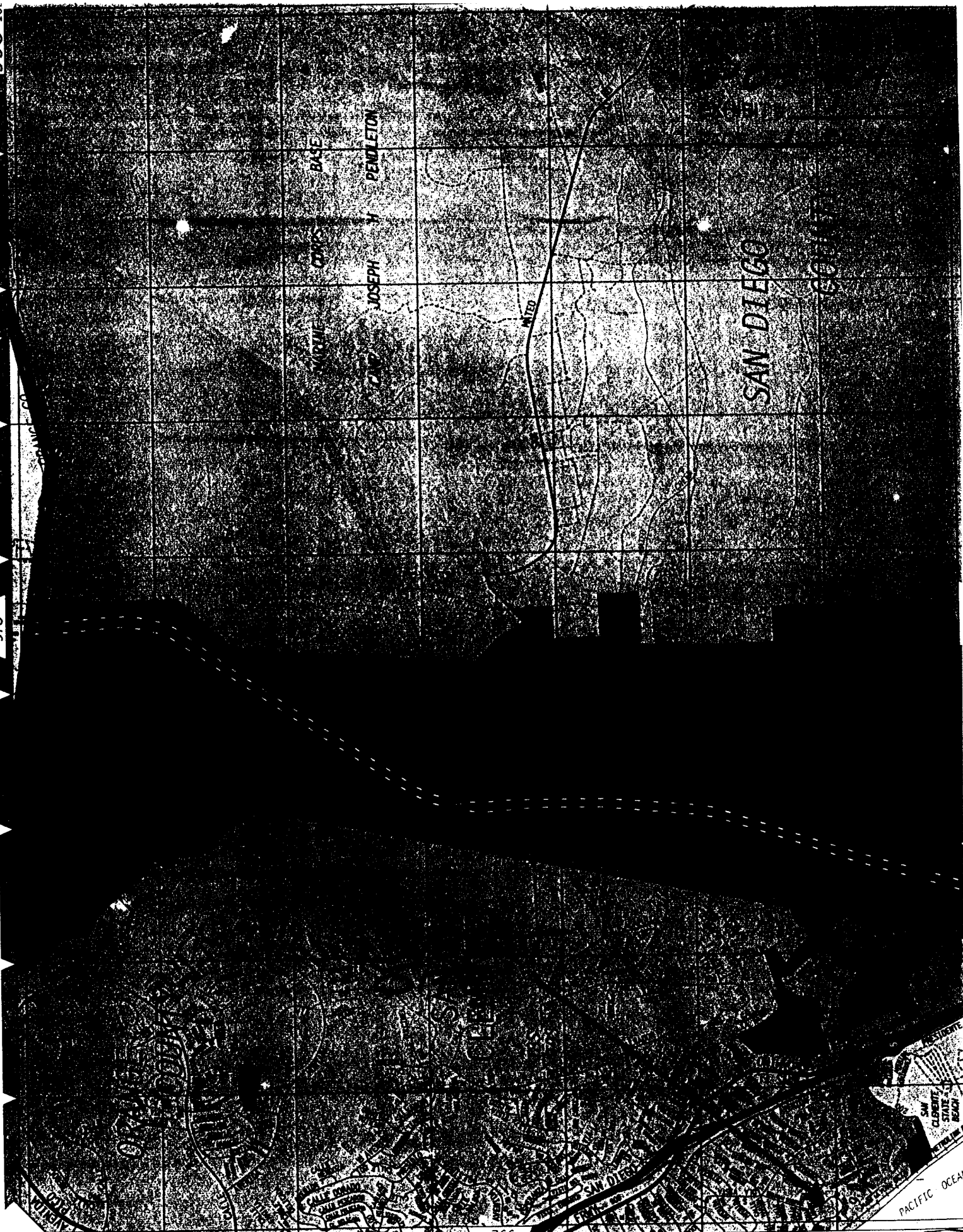
E. LOCAL COASTAL PROGRAM

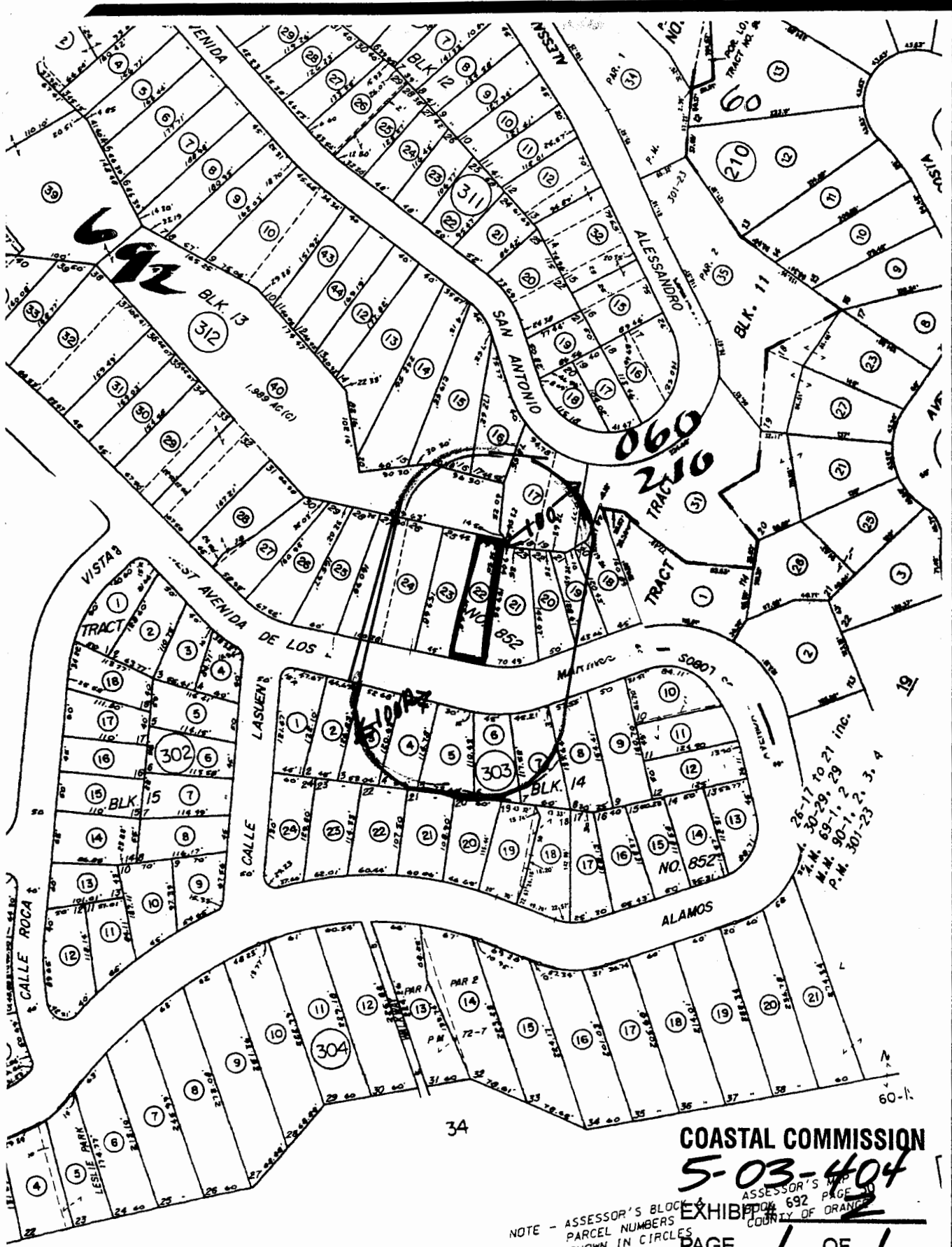
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications 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.





COASTAL COMMISSION

5-03-404

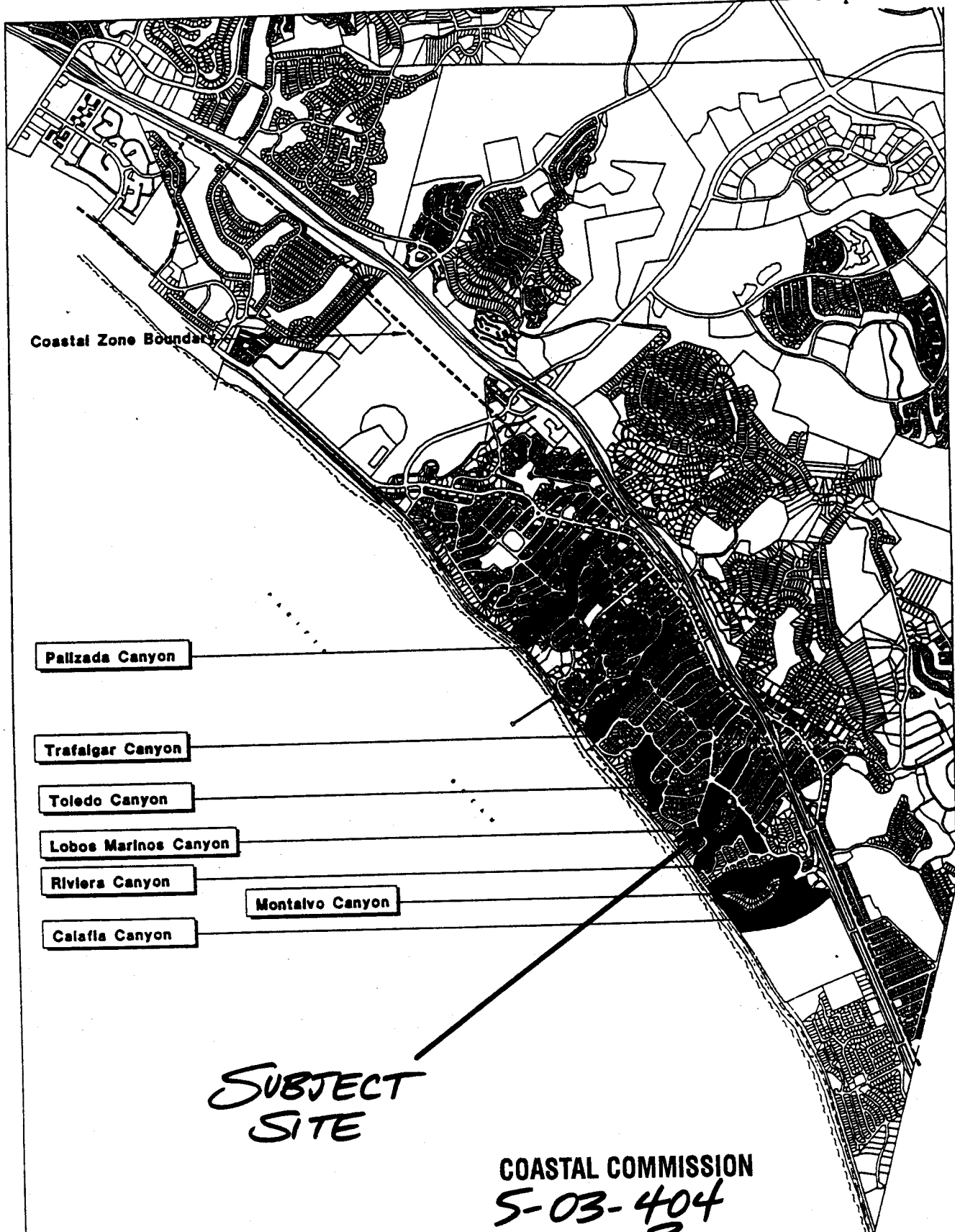
ASSESSOR'S MAP
BOOK 692 PAGE 20
COUNTY OF ORANGE

NOTE - ASSESSOR'S BLOCK
PARCEL NUMBERS
SHOWN IN CIRCLES

EXHIBIT
PAGE 1 OF 1

M.M. 26-17 TO 21 INC.
M.M. 27-25, 26

TRACT NO. 852



Coastal Zone Boundary

Pallzada Canyon

Trafalgar Canyon

Toledo Canyon

Lobos Marinos Canyon

Riviera Canyon

Montalvo Canyon

Calafia Canyon

SUBJECT SITE

COASTAL COMMISSION

5-03-404

EXHIBIT # 3

PAGE 1 OF 1



FIGURE 2-1



CITY OF SAN CLEMENTE

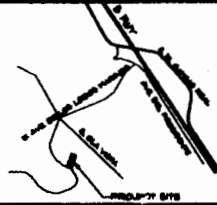
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS

McCOY RESIDENCE

509 WEST AVENIDA DE LOS LOBOS MARINOS SAN CLEMENTE, CA. 92672

- A-1 COVER SHEET & SITE PLAN
- A-2 FIRST & SECOND LEVEL FLOOR PLANS
- A-3 EXTERIOR ELEVATIONS
- A-4 ROOF PLAN

CONSULTANTS

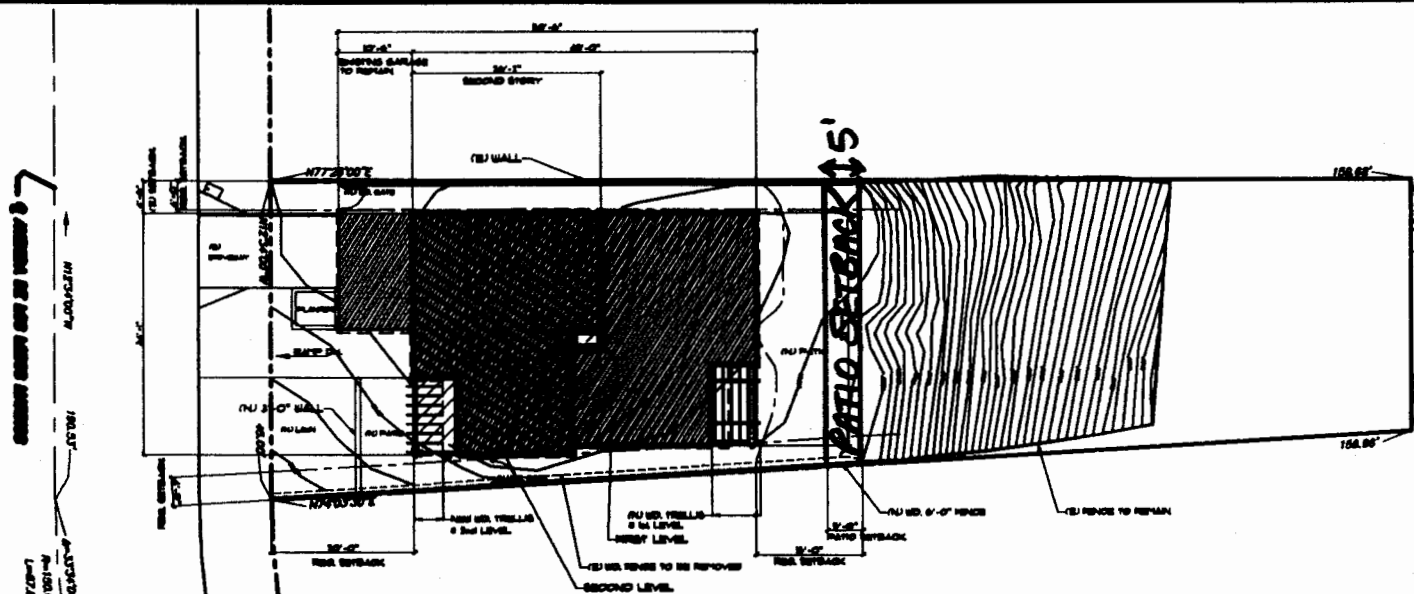


OWNER: DARRIN & BRIDGET McCOY
 ADDRESS: 509 WEST AVENIDA DE LOS LOBOS MARINOS, SAN CLEMENTE, CA. 92672
 LEGAL DESCRIPTION: TRACT MAP 887, LOT
 CONSTRUCTION TYPE: VM
 FIRE SPRINKLERS: NO
 SITE: 0.344 AC.
 SITE COVERAGE: 39%
 SQUARE FOOTAGE:
 1st LEVEL: 1800 SF.
 2nd LEVEL: 100 SF.
 TOTAL: 1900 SF.
 GARAGE: 20 SF.
 DRCK: 50 SF.

SHEET INDEX

VICINITY MAP

PROJECT SUMMARY



SITE PLAN

COASTAL COMMISSION
 5-03-2004
 EXHIBIT # 4
 PAGE 1

ROSA BALSERA
 ARCHITECT
 2042 S. CAPELLA COURT
 COSTA MESA, CA. 92626
 TEL. & FAX: (714) 848-8277

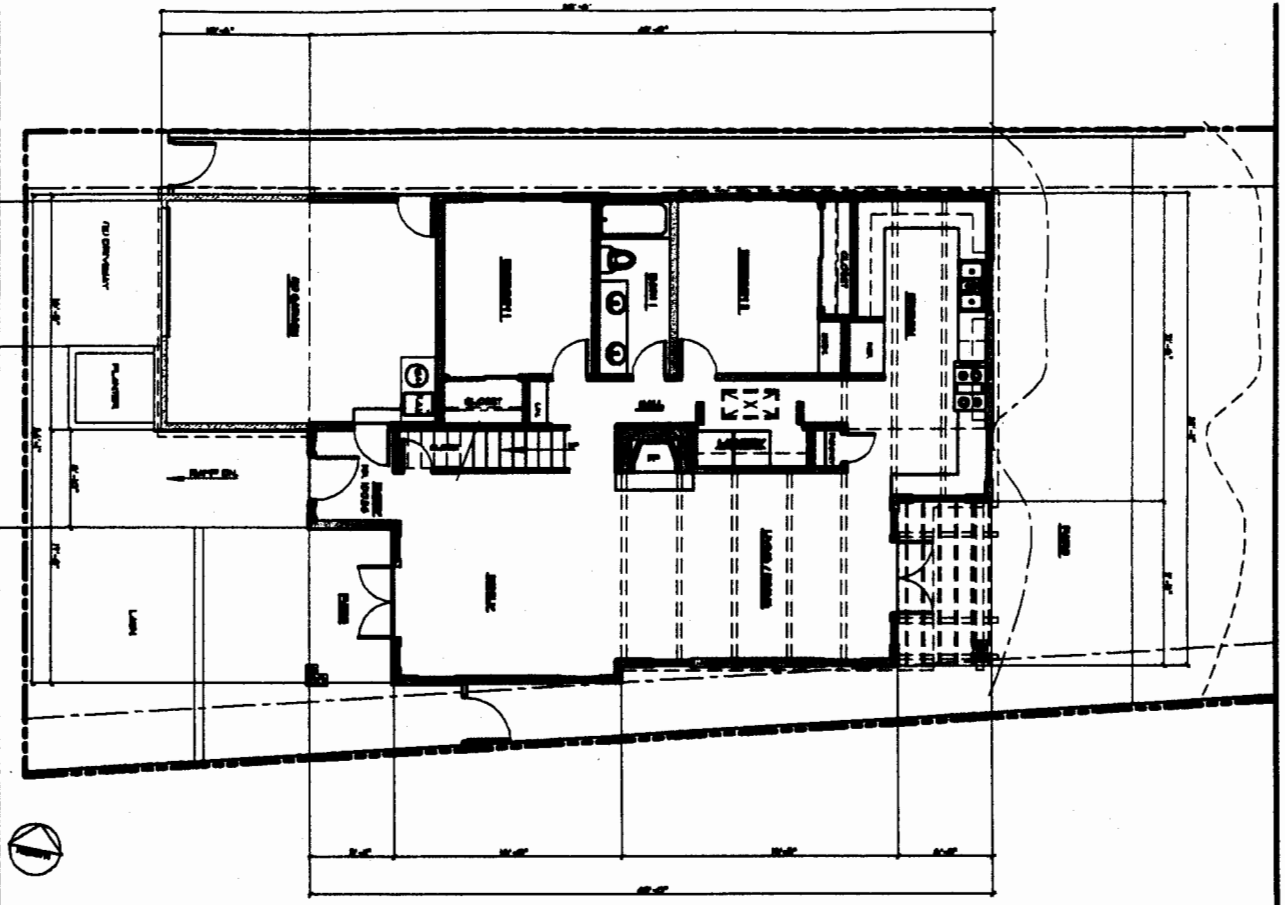
McCOY RESIDENCE
 509 WEST AVENIDA DE LOS LOBOS MARINOS
 SAN CLEMENTE, CA. 92672

COVER SHEET &
 SITE PLAN

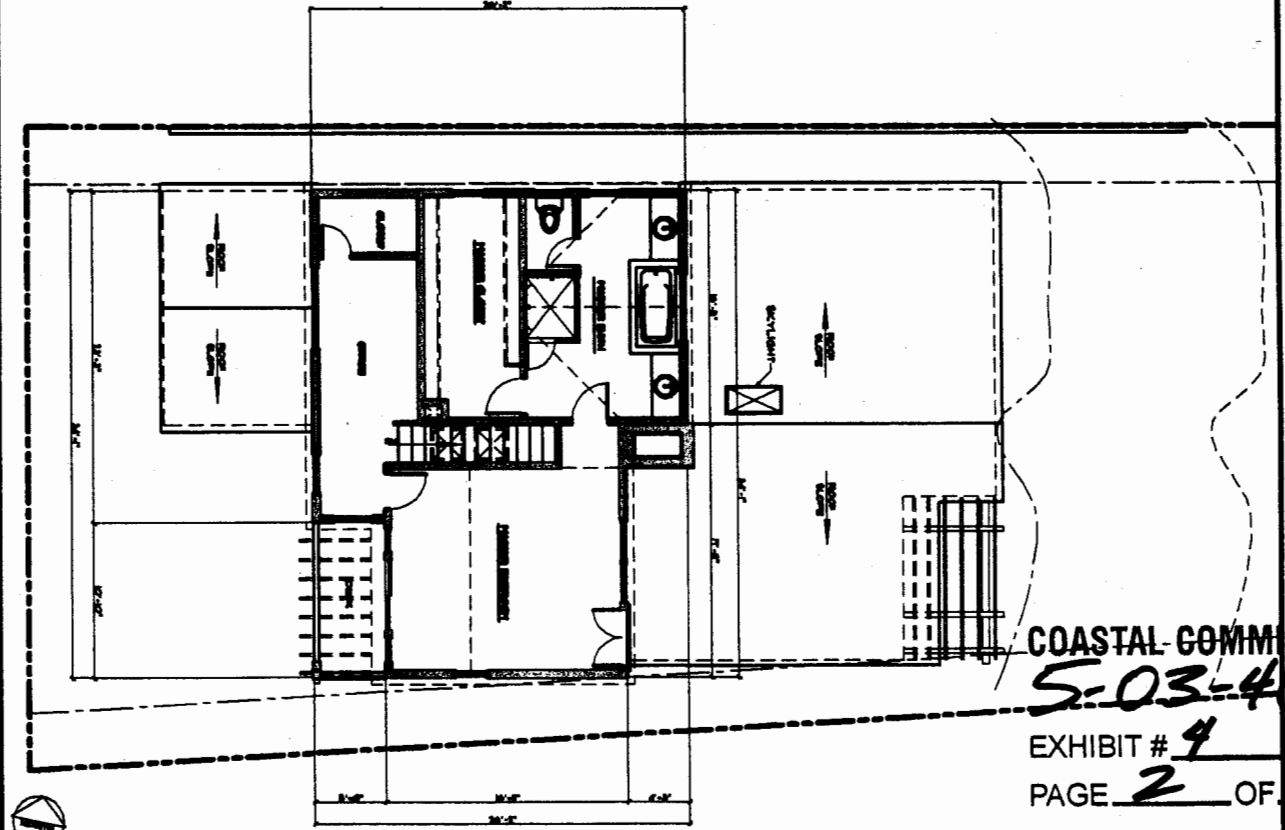
DATE: 6/28/03
 SCALE: 1/8" = 1'-0"
 JOB: 0307
 SHEET NO.

A-1

FIRST FLOOR PLAN

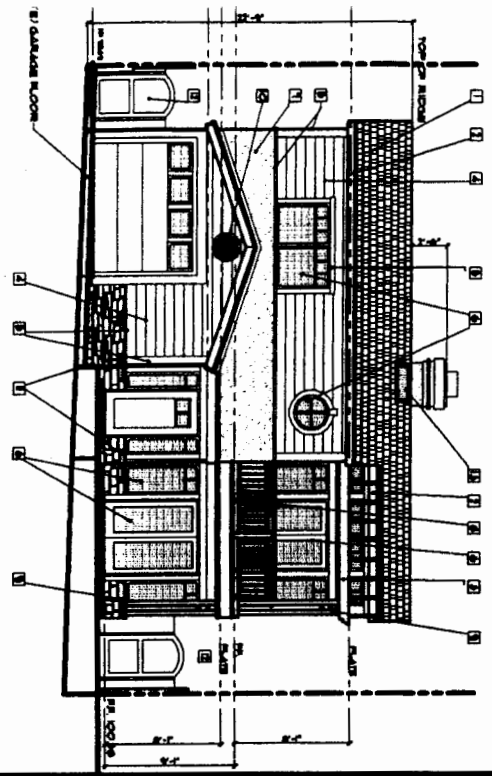


SECOND FLOOR PLAN

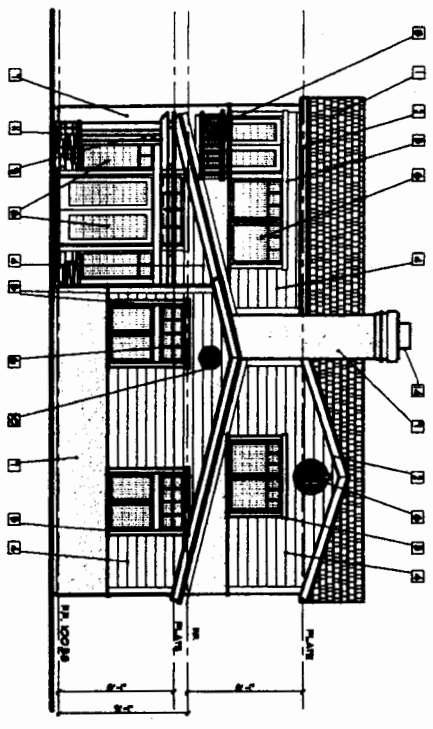


COASTAL COMMISSION
 5-03-404
 EXHIBIT # 4
 PAGE 2 OF 3

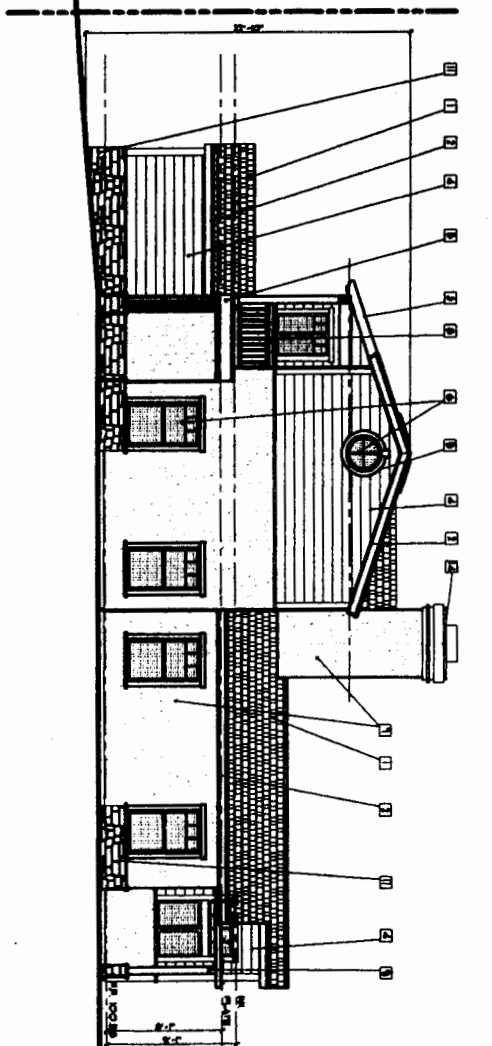
<p>A-2</p>	<p>DATE: 10/10/03 SCALE: 1/8" = 1'-0" JOB: 5001 SHEET NO.: 10</p>	<p>NO. OF LEVELS: FLOOR PLANS</p>	<p>McCoy RESIDENCE 2042 S. CAPELLA COURT COSTA MESA, CA 92626 TEL. & FAX: (714) 546-6277</p>	<p>◆ ROSA BALSERA ◆ ARCHITECT</p>	REVISIONS



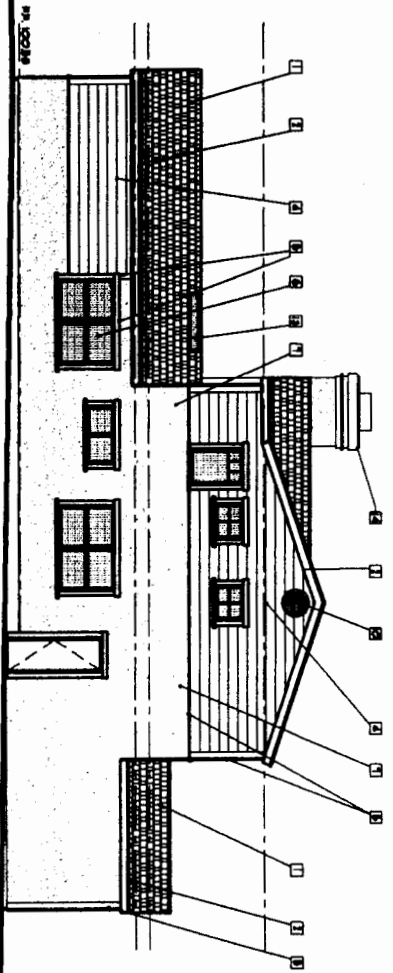
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

- LEGEND**
- 1 OPERATIONAL SHUTTLE WINDOWS
 - 2 WD. BALCONY, PAINTED
 - 3 WD. TERRACE, PAINTED
 - 4 3" WD. LAP SIDING
 - 5 WD. TRIM, PAINTED
 - 6 CLAD WINDOWS / French Doors
 - 7 SHUDDO
 - 8 WD. BALCONY, PAINTED
 - 9 WD. COLUMN, PAINTED
 - 10 WD. VENT, PAINTED
 - 11 STONE VENTURE
 - 12 WD. GATE, PAINTED
 - 13 SHUTTER
 - 14 CHIMNEY W/ CL. BRICK JAMBON

A-3

DATE	ISSUE
SCALE	1/4" = 1'-0"
JOB	RESIDENT
DRAWN BY	
CHECKED BY	

McCoy RESIDENCE
 205 WEST AVENIDA DE LOS LOROS MARINOS
 SAN CLEMENTE, CA. 92672

◆ ROSA BALSERA ◆
 ARCHITECT
 2042 S. CAPELLA COURT
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COASTAL COMMISSION
 5-03 404
 EXHIBIT # 4
 ENCLOSURE
 PAGE 3 OF 3

