CALIFORNIA COASTAL COMMISSION

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

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Filed: 49th Day: 180th Day: October 7, 2003 November 25, 2003 April 4, 2004

Staff: Staff Report: **Hearing Date:**

November 20, 2003 December 10-12, 2003

Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER:

5-03-427

APPLICANT:

Adelaine Antonino

AGENT:

Steven Heath

PROJECT LOCATION:

4105 Calle Isabella, San Clemente, County of Orange

PROJECT DESCRIPTION:

Construction of a new two-story 10,728 square foot single-family residence with an attached 1,170 square foot three-car garage, detached 1,390 square foot guest house/storage structure with 580

square foot two-car garage, swimming pool, hardscape

improvements and landscaping on a vacant lot. Approximately 1110 cubic yards of grading (470 c.y. cut and 800 c.y. fill) is proposed for

pool excavation, site preparation and drainage.

LOCAL APPROVALS RECEIVED: San Clemente Planning Division Approval-in-Concept dated

October 6, 2003 and Cultural Heritage Permit 03-124

approved by San Clemente Planning Commission September

17, 2003.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to construct a new single-family home on an inland lot in Cotton Point Estates, a private gated community in the City of San Clemente. The major issue raised by development at this site is public access. The site is subject to an existing 15' wide vertical access easement offer-to-dedicate (OTD), set to expire April 11, 2004. The original subdivision permit prohibits any permanent improvement other than landscaping within the easement. Therefore, the applicant proposes to place only landscaping within the easement.

Staff recommends the Commission APPROVE the proposed project subject to two (2) special conditions. Special Condition No. 1 prohibits the placement of any permanent improvement other than landscaping within the easement. Special Condition No. 2 is a notification of coastal development permit requirements for any future development within, or affecting, the underlying coastal access easement.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan, Coastal Development Permit No. P-81-7789, Appeal No. A-148-81, Administrative Permit No. 5-83-219. 5-96-155-W (Maxwell), 5-99-376 A-1 (Langley), 5-00-145 (Parrish), 5-00-457 (Lystne), 5-01-151 (Ramsey) and Consistency Determinations CD-100-96 and CD-101-96 (San Mateo Point).

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LIST OF EXHIBITS:

- 1. Location Map
- 2. Assessor's Parcel Map
- 3. Coastal Access Map
- 4. Previous Commission Actions and Existing Development
- 5. Project Plans

STAFF RECOMMENDATION:

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 <u>YES</u> 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 <u>APPROVES</u> 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

- 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.
- 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

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- 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.
- 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. Conformance of Design and Construction Plans to Project Plans
 - A. The applicant shall comply with the Site Plan (Sheet 1) prepared by Steven Heath, received November 19, 2003, which shows no development other than landscaping within the 15' wide coastal access easement, as generally depicted in Exhibit 5, page 1.
 - B. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans 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. <u>Future Improvements</u>

Coastal Development Permit No. 5-03-427 is only for the development located at 4105 Calle Isabella in the City of San Clemente, County of Orange, as expressly described and conditioned herein. An amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency shall be required for any future improvements or development as defined in Section 30106 of the Coastal Act which occur within, or that may affect, the area subject to the coastal access easement offer to dedicate (OTD) required as a condition of the Commission's approval of Coastal Development Permit No. P-81-7789. In the event that the OTD is not accepted on or before April 11, 2004, this condition shall not have any further force or effect.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

1. Project Location

The proposed development is located on an inland lot between the first public road and the sea at 4105 Calle Isabella within the private gated community of Cotton Point Estates in the most southerly portion of the City of San Clemente, Orange County. The subject site borders San Diego County to the southeast. The site is bounded on the north by five residential lots in the Cotton Point Estates subdivision and the private community of Cypress Shores, to the east by a US Marine housing development, to the south by two residential lots and the OCTA railway with the Pacific Ocean beyond, and to the west by private residential development. (See Exhibits 1 & 2, Vicinity Map & Assessor's Parcel Map)

Access to the site is gained through the locked gate community of Cypress Shores and through a locked gate entrance to Cotton Point Estates. The subject lot is part of a 17-lot subdivision, site of the former Richard Nixon estate. The Nixon residence (Casa Pacifica) and accessory structures remain at the subdivision site.

The subject site is located less than one-quarter mile from the beach. Private access to the beach is available through the subdivision. Public vertical access is located to the southeast (downcoast) of the subject lot, beyond the adjacent military housing development at the Trestles accessway through an easement granted by the Federal government until the year 2021. Public lateral access is located directly beyond the OCTA railway to the south (Exhibit 3, Coastal Access Map).

2. Background

The City of San Clemente required, as a condition of approval of the original Tentative Tract Map for the subdivision where the subject lot is located, an irrevocable offer of a 15-foot wide vertical public access easement across the eastern boundary of the tract. The coastal access easement extends across the rear portion of the subject property. The rationale for this requirement was that, in the event that the public easement at Trestles accessway is revoked or restricted, public access through the applicant's property to the beach could be obtained. This condition was repeated as a condition of approval of the original coastal development permit (P-81-7789, Title Insurance and Trust Company). The offer to dedicate (OTD) was recorded on April 11, 1983. The OTD has yet to be accepted. The offer will expire 21 years from the date of recordation, or April 11, 2004, unless the offer is accepted prior to that time.

The Commission has approved nine new single-family residences within Cotton Point Estates since the original subdivision permit was approved in 1981 (Exhibit 4, Previous Commission Actions and Existing Development in Project Vicinity).

3. Proposed Project Description

The proposed project consists of the construction of a new two-story 10,728 square foot single-family residence with an attached 1,170 square foot three-car garage, detached two-story 1,390 square foot guest house/storage structure with 580 square foot two-car garage, swimming pool, hardscape improvements and landscaping on a 19,923 square foot vacant lot (Exhibit 5, Project

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Plans). No permanent improvements are proposed within the 15-foot wide coastal access easement OTD that runs along the rear portion of the property. Approximately 1110 cubic yards of grading (470 c.y. cut and 800 c.y. fill) is proposed for pool excavation, site preparation and drainage. To address potential water quality impacts, the applicant proposes to direct surface water runoff to permeable areas for filtration prior to entering the storm drain system. Drought-tolerant plantings and an efficient irrigation system will be used to reduce excess runoff.

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 to the Chapter 3 policies of the Coastal Act.

C. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms to 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, 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 conforms to 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

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 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.

The proposed development is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3

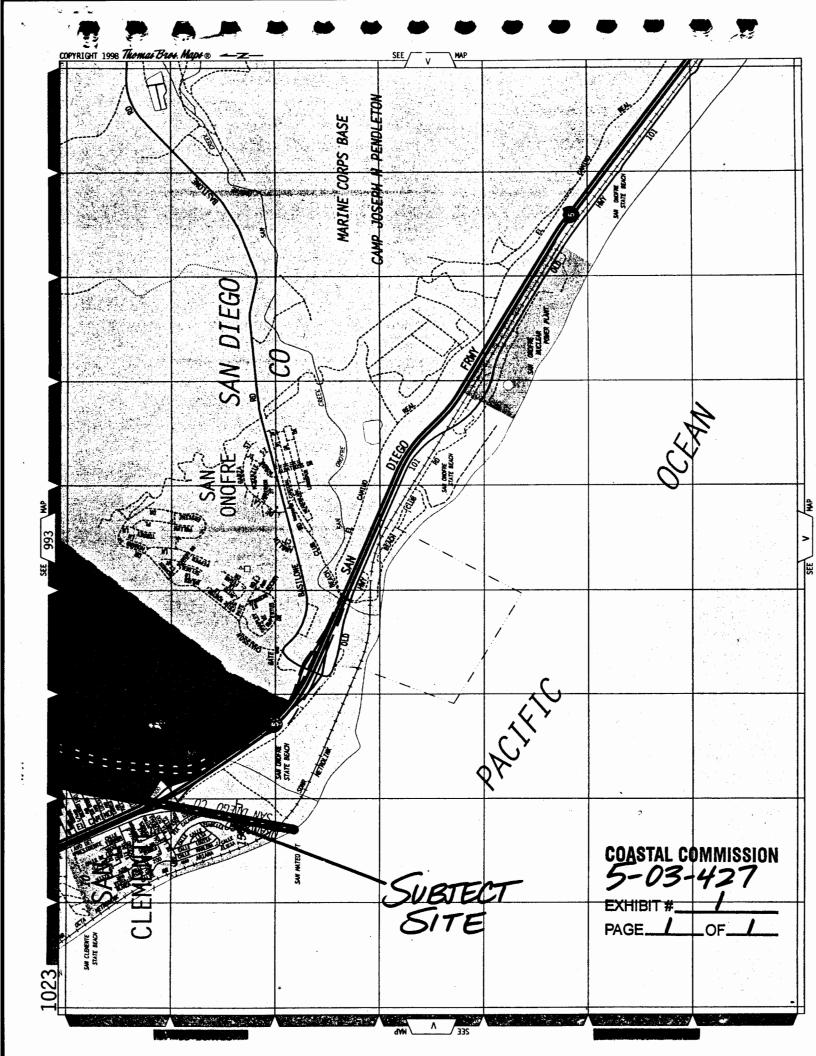
5-03-427 (Antonino) Staff Report–Consent Calendar Page 6 of 6

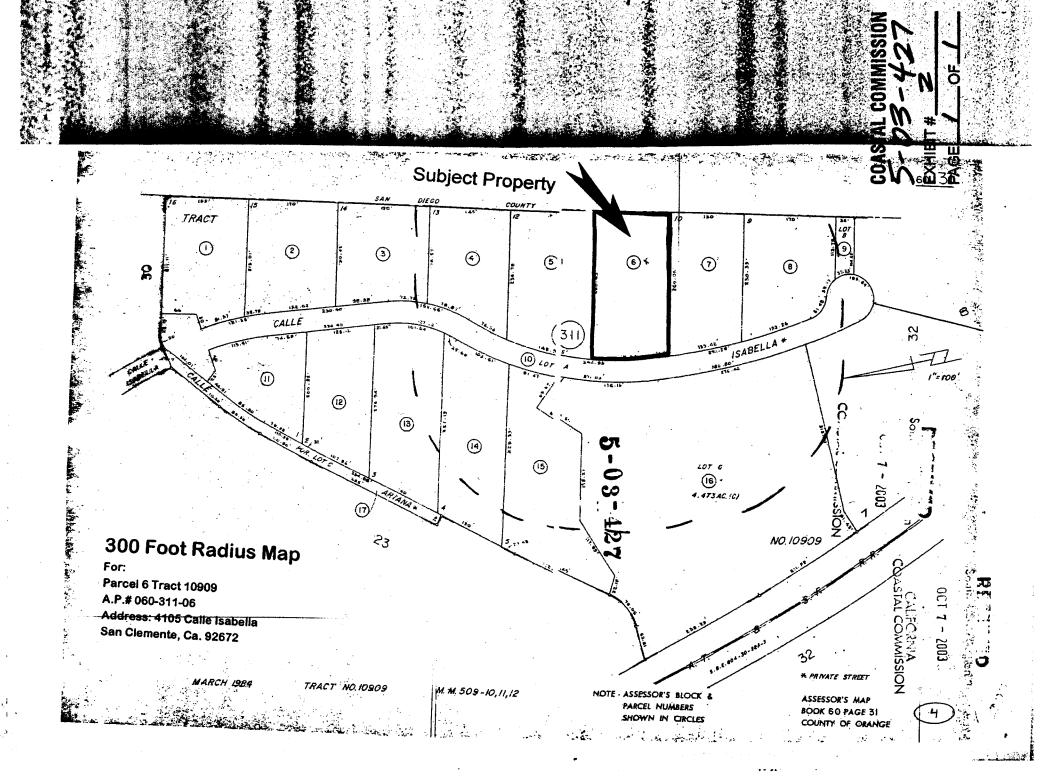
policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

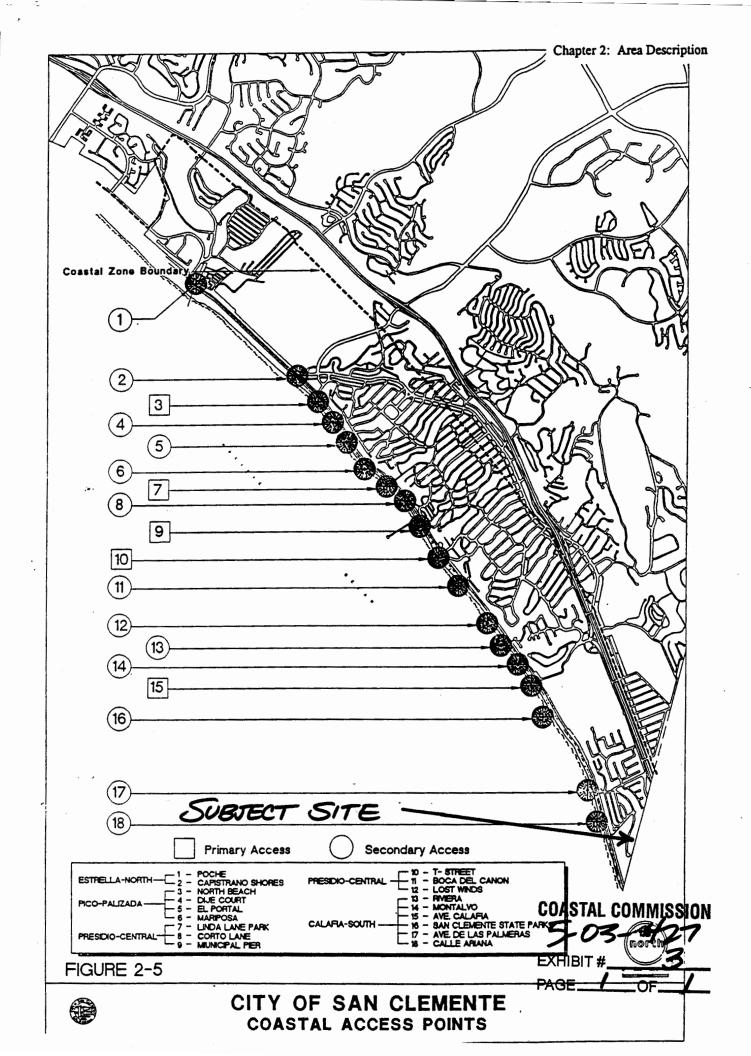
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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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Previous Commission Actions and Existing Development in Project Vicinity

P-81-7789

P-81-7789 allowed the subdivision of the larger 19.2-acre property at the subject site.

A-148-81

A-148-81 resulted in a modification to the vertical access condition language.

5-83-219

Administrative Permit 5-83-219 allowed the construction of a gateway, perimeter walls and fencing, tennis court and pool house at 4100 Calle Isabella, the former Nixon estate.

4125 Calle Isabella

There is no coastal development permit record for this address. However, as observed by Commission staff, a two-story single-family residence with pool, basketball court and hardscape improvements exists at this site. There are two approximately 6' high concrete block walls crossing the vertical access easement. City of San Clemente Building Department records indicate that the residence was constructed in 1992. According to a planner with the Community Development Department, the project may have been approved by an improperly issued Categorical Exclusion Order. Commission enforcement staff is conducting an investigation into the existing development at this site.

5-96-134-W (Herbert)

5-96-134-W allowed the Casa Pacifica residence at 4100 Calle Isabella to be remodeled and added on to, including a 992 square foot addition of interior living space, a 650 square foot basement, and a 1,435 square foot terrace.

5-96-155-W (Maxwell)

5-96-155-W allowed: "Construction of a two-level 6703 square foot single-family detached residence with a 646 square foot 3-car garage, 278 square foot veranda and 180 square foot deck, landscaping, pool and spa. Grading consists of 230 cubic yards of cut and 359 cubic yards of fill" at 4085 Calle Isabella.

Although the project description does not specifically mention solid walls, "property line walls" are identified on the project plans and are shown extending across the 15' wide easement. However, as constructed, solid property line walls do not extend into the easement. Only wrought iron fencing exists within the 15' wide vertical access easement.

5-99-376-A1 (P-81-7789)

Permit No. 5-99-376-A1, an amendment to the underlying subdivision permit (P-81-7789), allowed the construction of a one-story, 6719 square foot single-family residence with in-ground pool and spa, hardscape improvements and an attached 1432 square foot six-car garage/storage area at the inlandmost residential lot within the subdivision at 4055 Calle Isabella. The applicant proposed the construction of a perimeter wall within the 15' wide coastal access easement, thereby triggering the need for a permit amendment, as it would affect a condition of the underlying subdivision permit. The Commission upheld the requirements of P-81-7789, which prohibit any improvement other than landscaping within the easement. The wall was not allowed to encroach into the easement.

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EXHIBIT # 4
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5-99-439-W (Devine)

No objections received at January 2000 hearing to waiver 5-99-439 allowing construction of a new 8716 square foot, partially subterranean two-story, 24' 8" high, single-family residence with pool, 5' high perimeter walls, hardscape improvements and an attached 2732 square foot six-car garage/storage area on a vacant lot at 4070 Calle Isabella. Grading consisted of 2890 cy of cut and 510 cy of fill.

5-00-145 (Parrish)

On August 10, 2000, the Commission approved CDP No. 5-00-145 for construction of a two-story, 5370 square foot single-family residence with pool and spa, pool house, various hardscape improvements, landscaping and attached 850 square foot four-car garage at 4075 Calle Isabella. The Commission approved the project subject to two special conditions. Special Condition No. 1 prohibited the placement of any permanent improvement other than landscaping within the easement. Special Condition No. 2 was a notification of coastal development permit requirements for any future development within, or affecting, the underlying coastal access easement.

5-00-457 (Lystne)

On January 12, 2001, the Commission approved CDP No. 5-00-457 for construction of a new two-story, 24' high, 8247 square foot single-family residence with swimming pool, tennis court, various hardscape improvements, landscaping and a subterranean 2604 square foot six-car garage/basement on a vacant lot at 4115 Calle Isabella. Approximately 1400 cubic yards of cut were approved required for excavation of the pool and subterranean garage/basement. Excess material was to be disposed of outside the coastal zone. The applicant was also proposing to gain "after-the-fact" approval of an existing concrete block wall located within a 15' wide vertical access easement along the southern property boundary. The Commission approved the proposed residence and associated improvements subject to two (2) special conditions and denied the existing concrete block wall. Special Condition No. 1 required the submittal of revised project plans showing no permanent improvements other than landscaping within the 15' wide access easement. Special Condition No. 2 was a notification of coastal development permit requirements for any future development within, or affecting, the underlying coastal access easement.

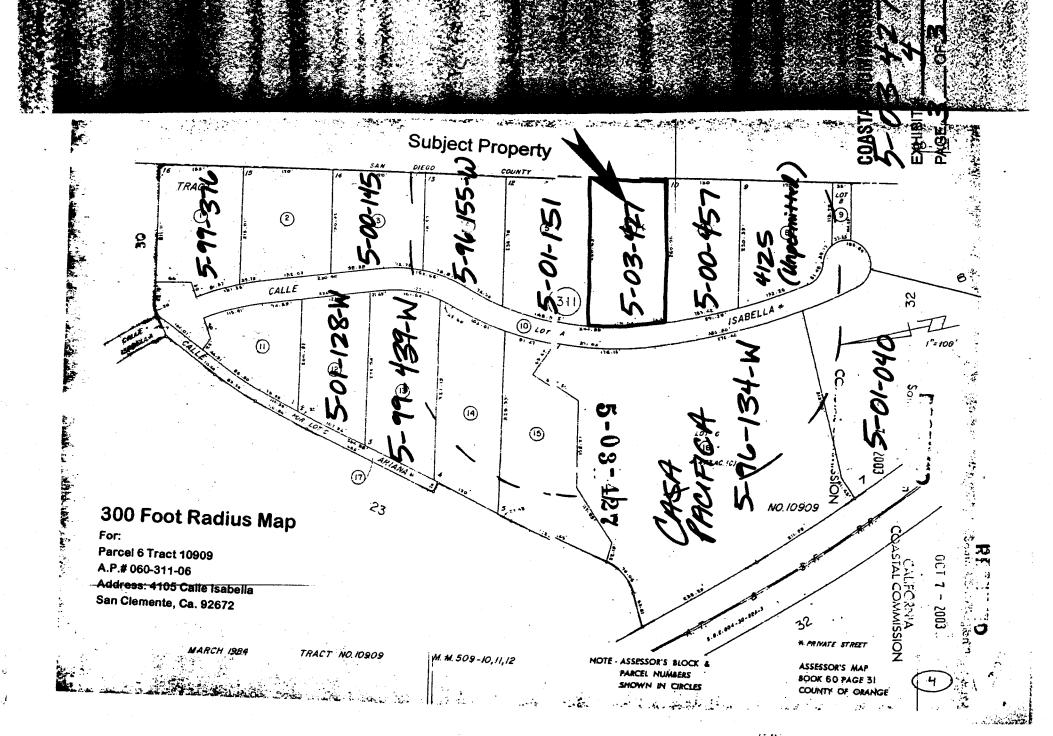
5-01-128-W (Arndt)

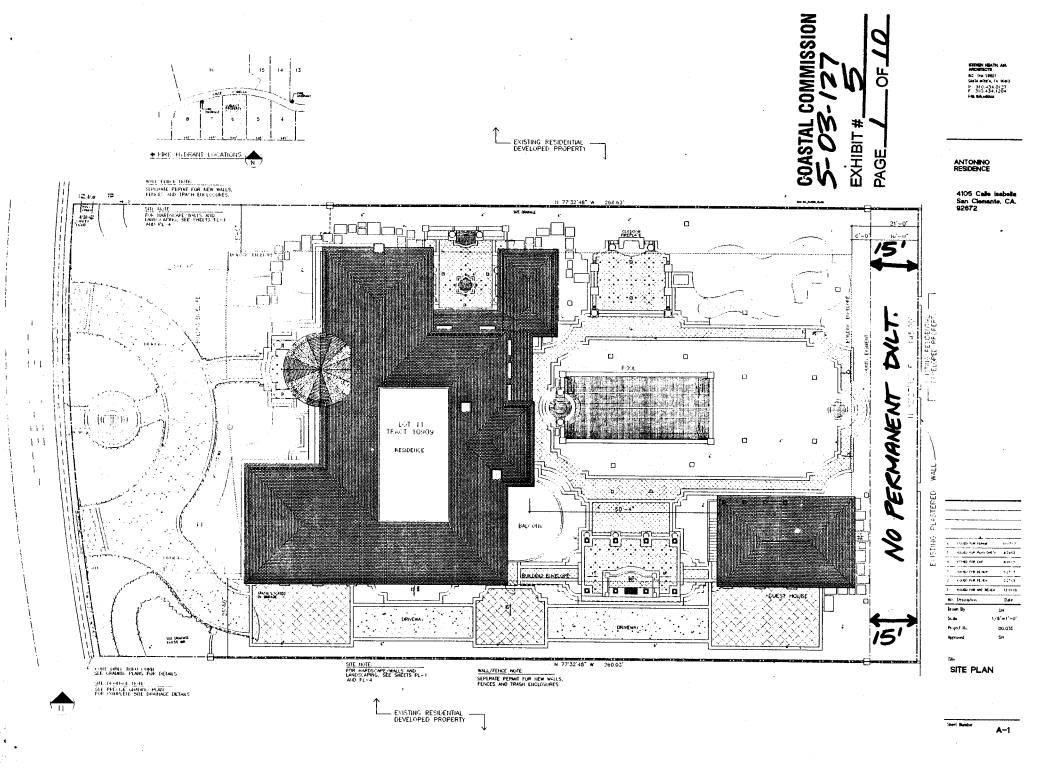
No objections received at May 2001 hearing to waiver 5-01-128 allowing construction of a new 6971 square foot, two-story single family residence with an attached 789 square foot three-car garage, pool, hardscape and landscaping on a vacant lot at 4060 Calle Isabella. No grading was proposed.

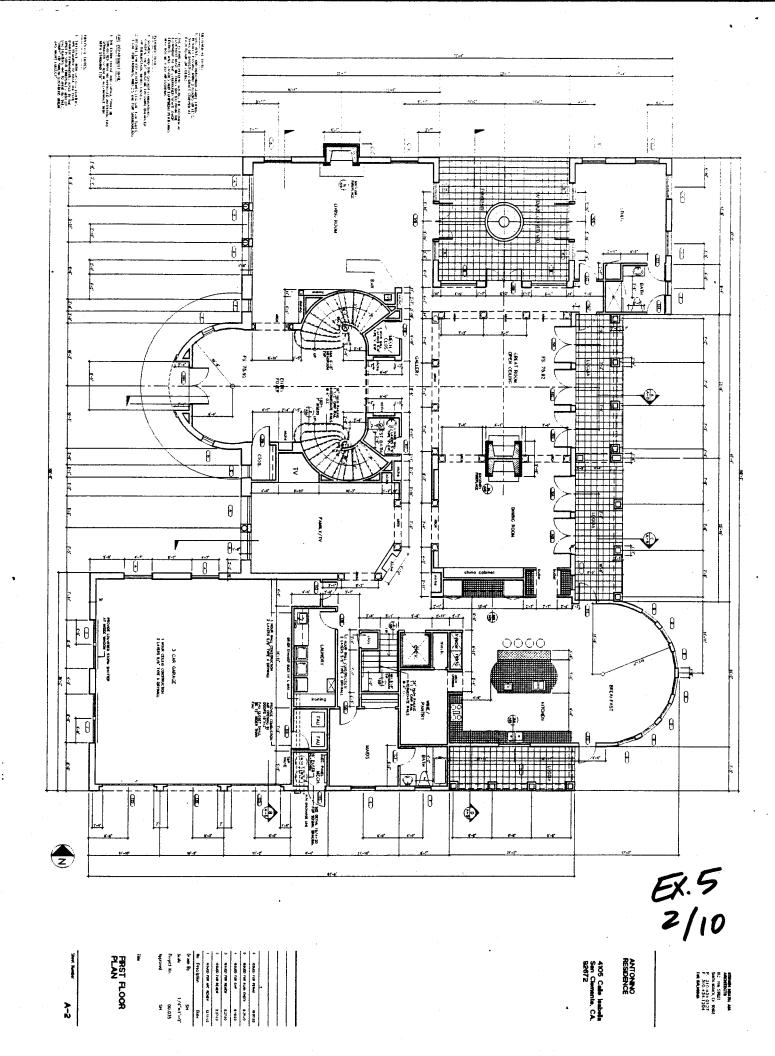
5-01-151 (Ramsey)

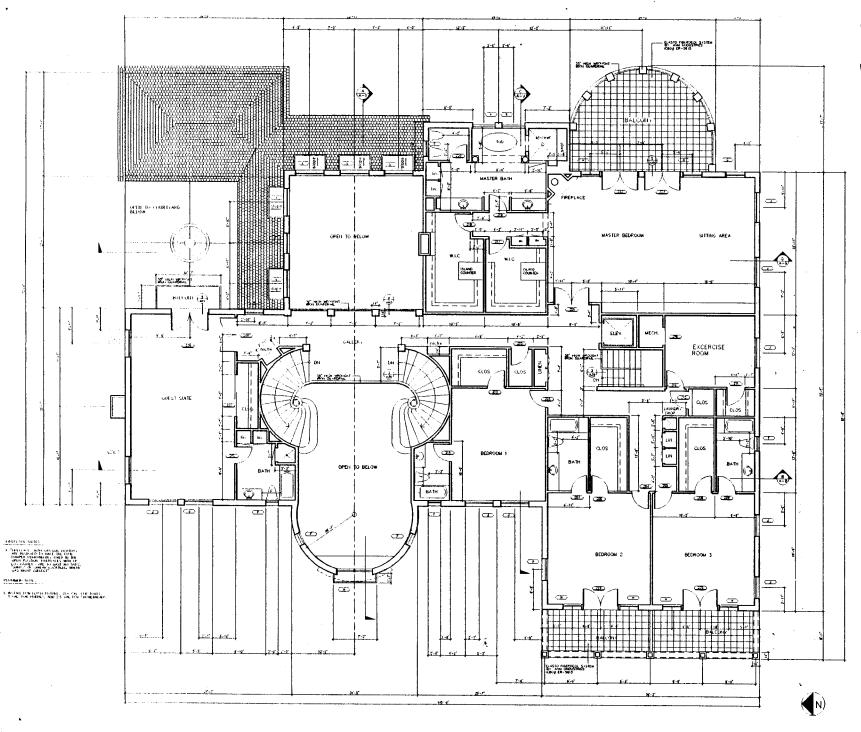
On July 10, 2001, the Commission approved CDP 5-01-151 for construction of a two-story, 25' high, 5937 square foot single-family residence with swimming pool, various hardscape improvements, landscaping and attached 1124 square foot four-car garage on a vacant lot. Approximately 200 cubic yards of cut (100 cy cut and 100 cy fill to balance on site) was required for site preparation and pool excavation.

COASTAL COMMISSION
5-03-427
EXHIBIT # 4
PAGE 2 OF 3









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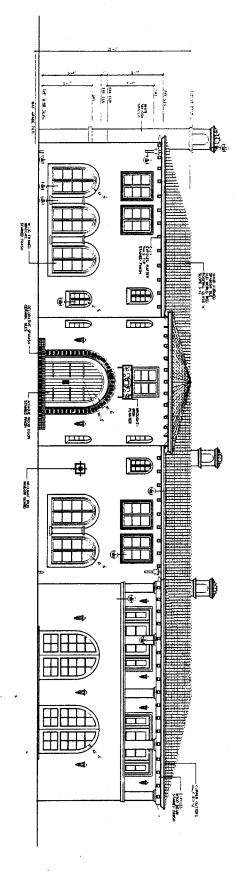
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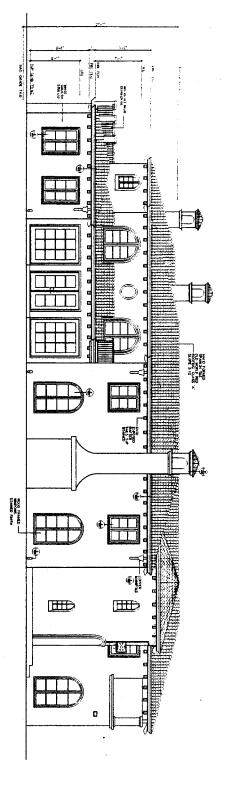
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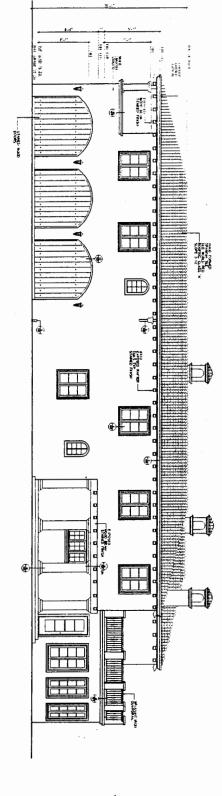


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SOUTH ELEVATION

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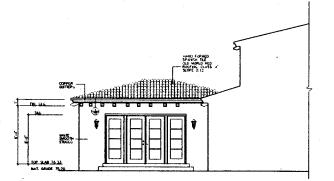
SOUTH & EAST ELEVATIONS

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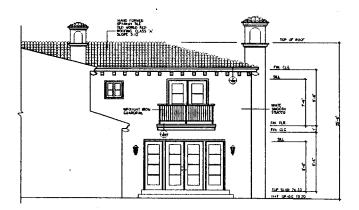
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ANTONINO RESIDENCE



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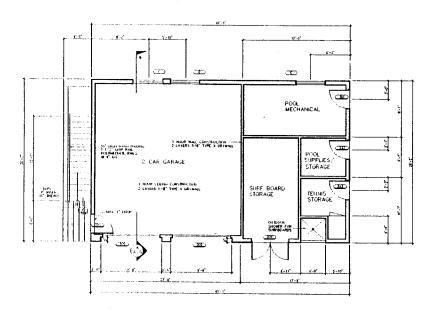


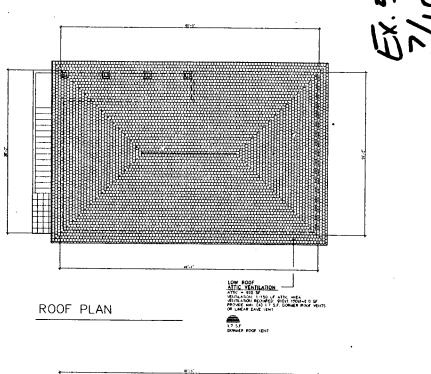
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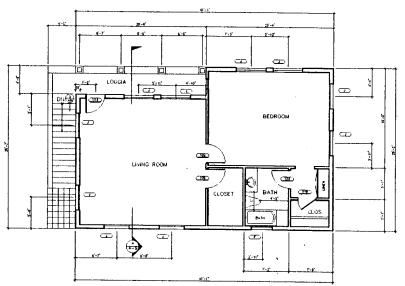
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FIRST FLOOR PLAN









SECOND FLOOR PLAN

ANTONINO RESIDENCE

4105 Calle isabella San Clemente, CA. 92672

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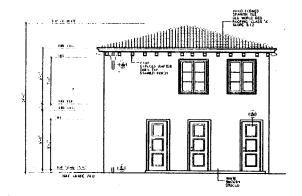
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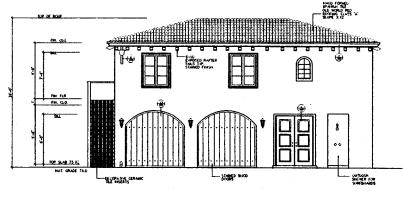
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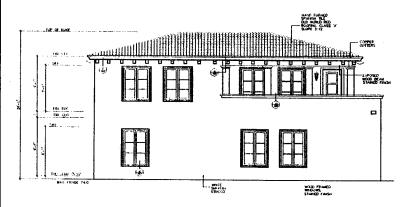
ANTONINO RESIDENCE



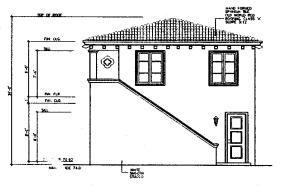
WEST ELEVATION



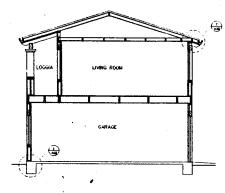
SOUTH ELEVATION



NORTH ELEVATION



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SECTION A

4 OSBALL FOR PLAN 5 NAMES FOR FLAN 4 MEMOR FOR CAP 3 NAMES FOR CAP 2 INSUES FOR PRO-

> GUEST HOUSE ELEVATIONS

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