CALIFORNIA COASTAL COMMISSION

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

Filed:December 14, 200549th Day:February 1, 2006180th Day:June 12, 2006Staff:ALB-LBStaff Report:February 16, 2006Hearing Date:March 7-10, 2006Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER:

5-06-016

APPLICANT: Valery Polin

AGENT: Leo Goldberg

PROJECT LOCATION:1520 and 1542 North El Camino Real, City of San
Clemente, Orange County

PROJECT DESCRIPTION:

Construction of a new three-story, approximately 24,314 square foot, mixed-use (ground floor commercial and 14 units upper level residential) development with one level of subterranean parking with 59 parking spaces on a vacant site. Approximately 6,000 cubic yards of grading (all cut) is proposed for parking garage excavation.

LOCAL APPROVALS RECEIVED: City of San Clemente City Council Adoption of Resolution No. 02-73 on November 6, 2002, Planning Commission approval on April 16, 2002; Planning Division Approval in Concept dated May 20, 2002 and Planning Division Approval in Concept dated January 17, 2006.

SUBSTANTIVE FILE DOCUMENTS: 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:

The proposed development consists of a mixed-use project on a vacant lot in the North Beach area of San Clemente. 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 conformance with a water quality management plan (including landscape controls). The major issues associated with this development are land use, parking and water quality.

LIST OF EXHIBITS:

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- 1. Location Map
- 2. Assessors Parcel Map
- 3. Site Plan

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 **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 permit is only for the development described in coastal development permit No. 5-06-016. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 5-06-016 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

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 include the following:
 - (a) A description of proposed shared parking program, including reservation of spaces for residential units, entry/exit procedures, employee parking and which memorializes the applicant's proposal to avoid fees and parking lot entry controls;
 - (b) A signage plan, depicting the design (e.g., dimensions, color, etc.) and placement of the posted "residents 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. <u>Conformance with Water Quality Management Plan</u>

- A. The applicant shall carry out development in conformance with the Water Quality Management Plan (WQMP) received December 2, 2005. The WQMP includes structural and non-structural Best Management Practices (BMPs) 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 pre-development conditions, to the extent feasible. The BMPs include, but are not limited to:
 - Installation of catch basin inserts effective at trapping and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals and particulates, in addition to trash and large debris;
 - (ii) Weekly sweeping of parking lot along rear of building;
 - (iii) Use of native plants or non-native drought tolerant plants, which are noninvasive in all vegetated landscaped areas;
 - (iv) Routine maintenance, including inspection and regular cleaning of approved BMPs, to ensure their effectiveness.
- 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 necessary.

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IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION, DESCRIPTION AND BACKGROUND

Project Location

The subject site is a vacant lot located at 1520 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.

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).

Project Description

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. 17,281 square feet) of subterranean parking and street-level parking on the alley. Project plans are included as Exhibit 3. The development will consist of 8,945 square feet of retail space and sixteen residential units in 20,305 square feet. The ground floor will contain only retail space. Sixteen (16) residential units are proposed on the second and third floors. The project also involves hardscape and landscape improvements. 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.

The project site is located within the North Beach area, a segment of San Clemente targeted by the City 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 project will provide a total of 59 spaces to serve the proposed commercial and residential uses. The majority of parking to serve the development will be located in the 43-space subterranean garage. Ingress and egress is proposed via a two-way driveway leading from N. El Camino Real to the subterranean parking garage. Additional street level parking will be accessible from the alley. The street level parking will provide 16 spaces.

Within San Clemente's Coastal Zone, the Commission typically applies the City's parking standards. As such, the following parking standards were applied:

| Land Use | Square Footage/ # of Units | Parking Ratio | Spaces Required | Spaces Provided |
|-------------|-------------------------------|-----------------------|--------------------|--------------------|
| Retail | 8,945 | 1 space : 400 sq. ft. | 24 | |
| Residential | 16 units | 2 spaces per unit | 32 | |
| Total | | | 56 | 59 |

As proposed, the project provides adequate parking to meet the City's parking standards and those typically applied by the Commission. Employees and patrons of the development will share the parking supply available in the subterranean garage and the uncovered street-level

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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 numbered spaces will serve the residential units. Due to its location and the availability of parking closer to the beach, at this time beach-goers do not generally draw upon the public street parking spaces present in the vicinity of this site. Nonetheless, it is important for a project's parking demand to be satisfied on-site to ensure that there will be no impacts to public parking resources. The current project provides adequate parking to serve the demand of the proposed development. 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 describe how the shared parking will be operated and include a detailed signage plan. If at some time in the future, the applicant modifies the project to include a pay parking program, an amendment to the permit would be required for the Commission to assess the potential impacts to public access.

The applicant proposes water quality measures consisting of sweeping and covered trash receptacle placement. Landscaping in the approximately 1,000 square feet of landscaped area will consist of non-invasive, drought-tolerant plants. The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (http://www.cal-ipc.org/) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants proposed should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm. Special Condition 5 incorporates landscape for the landscape for the specified on the specified and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm. Special Condition 5 incorporates landscape for the specified and used by the specified and used by the for the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <a href="h

Previous Commission Actions at Subject Site

In December 2002, the Commission approved Coastal Development Permit 5-02-289 for virtually the same project at the subject site. The project involved the construction of a new three-story, approximately 24,314 square foot, mixed-use (retail and office commercial and 4 units residential) development with one level of subterranean parking with 57 parking spaces. The Commission imposed five special conditions which 1) informed 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) required submittal of a parking management plan; 3) required use of construction best management practices (BMPs); 4) required the debris disposal site to be located outside of the Coastal Zone and 5) required submittal of a water quality management plan.

In November 2004, the permit was amended through 5-02-289-A1 to allow an increase in the number of residential units (from 4 to 16) and decrease the amount of office commercial space. Soon after the applicant amended the project, the original permit expired prior to the applicant completing condition compliance requirements.

The current proposal incorporates all development approved by 5-02-289, as amended, with minor refinements to the previously approved project. The findings for the Commission's action on 5-02-289 and 5-02-289-A1 are herein incorporated by reference.

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B. <u>DEVELOPMENT</u>

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

C. <u>WATER QUALITY</u>

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.

D. <u>PUBLIC ACCESS</u>

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

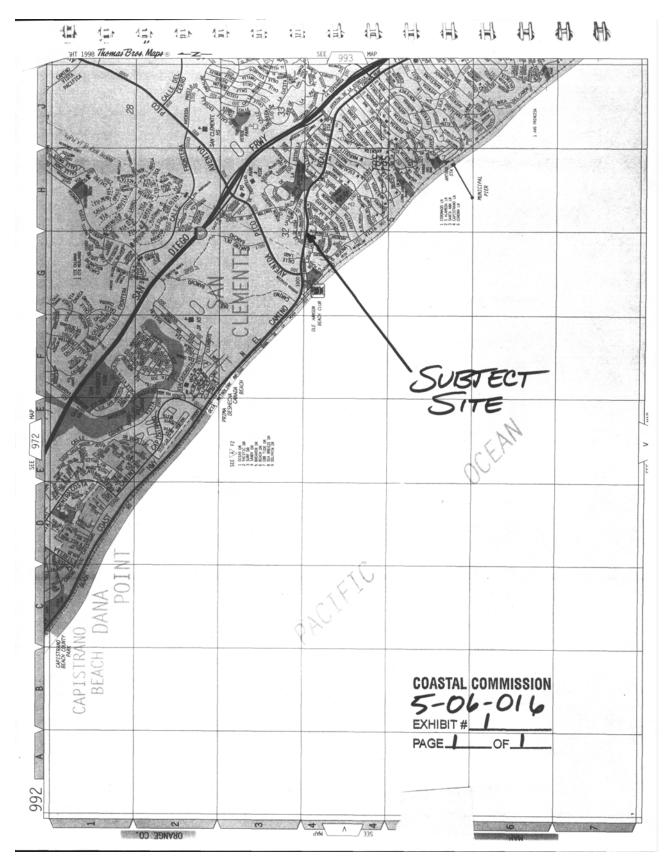
E. LOCAL COASTAL PROGRAM

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.

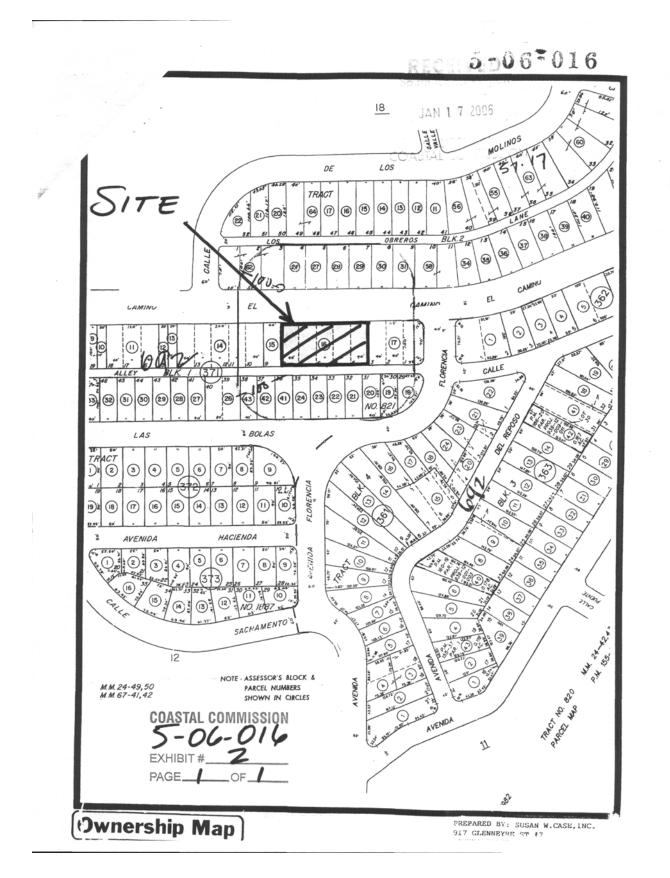
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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.

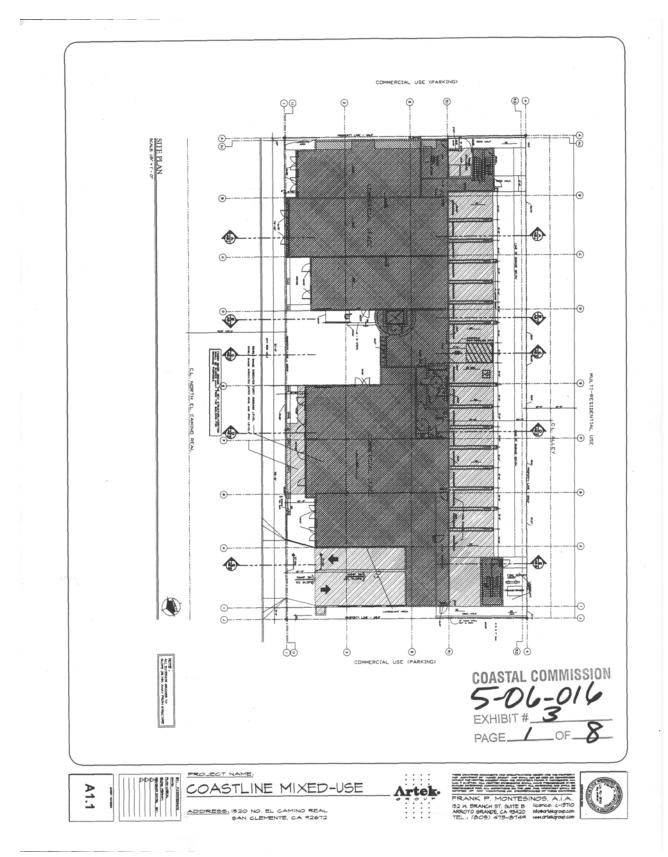
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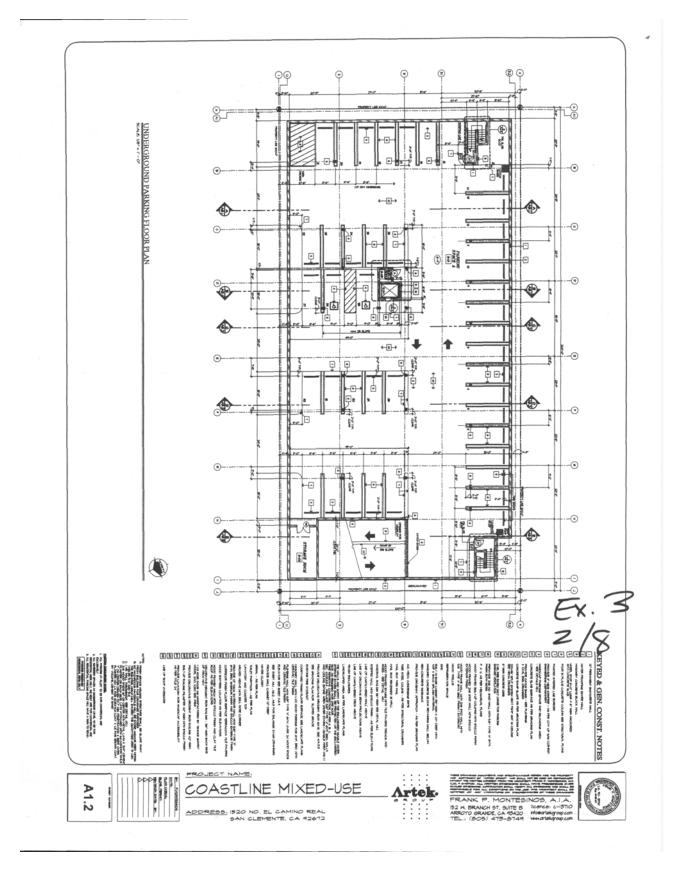
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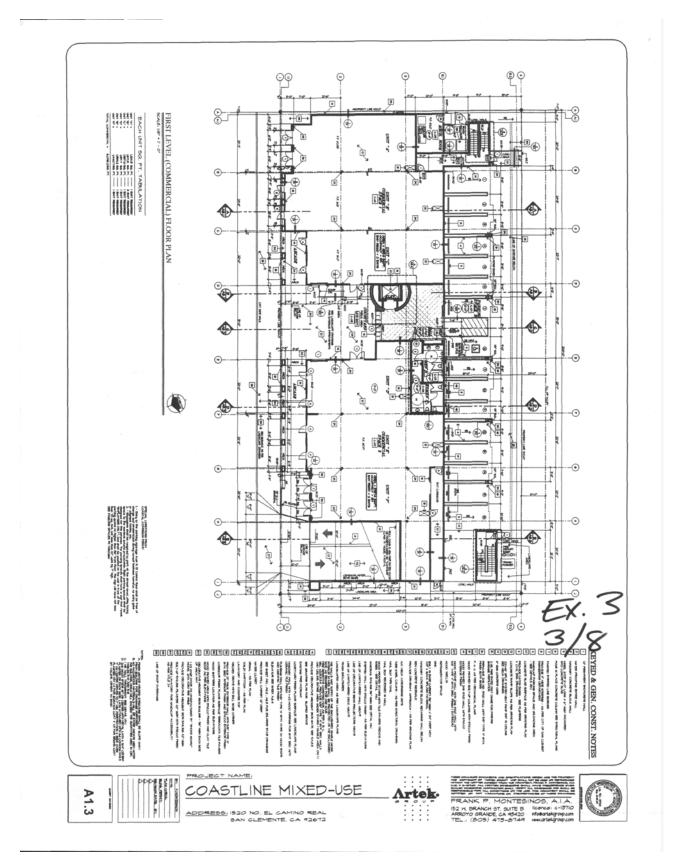
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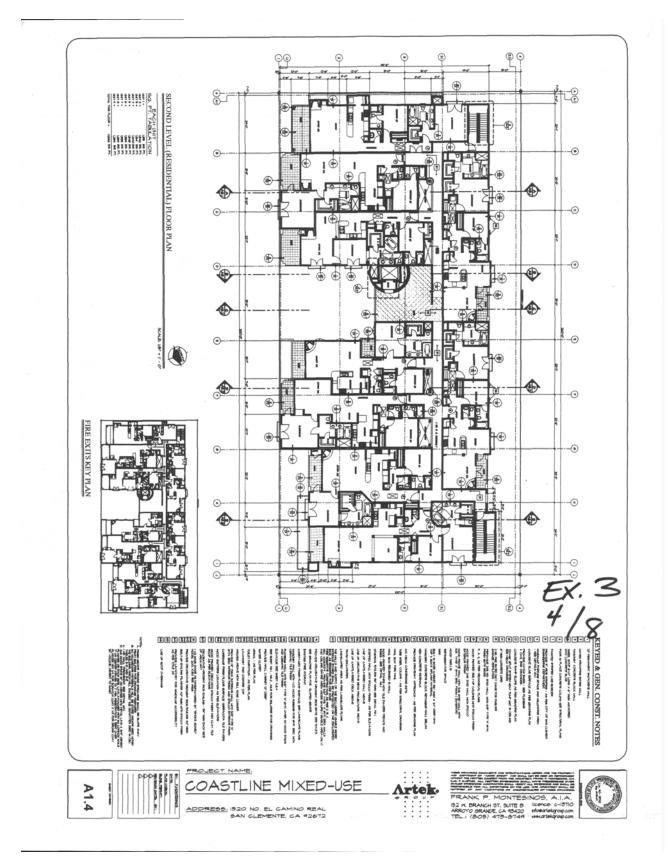
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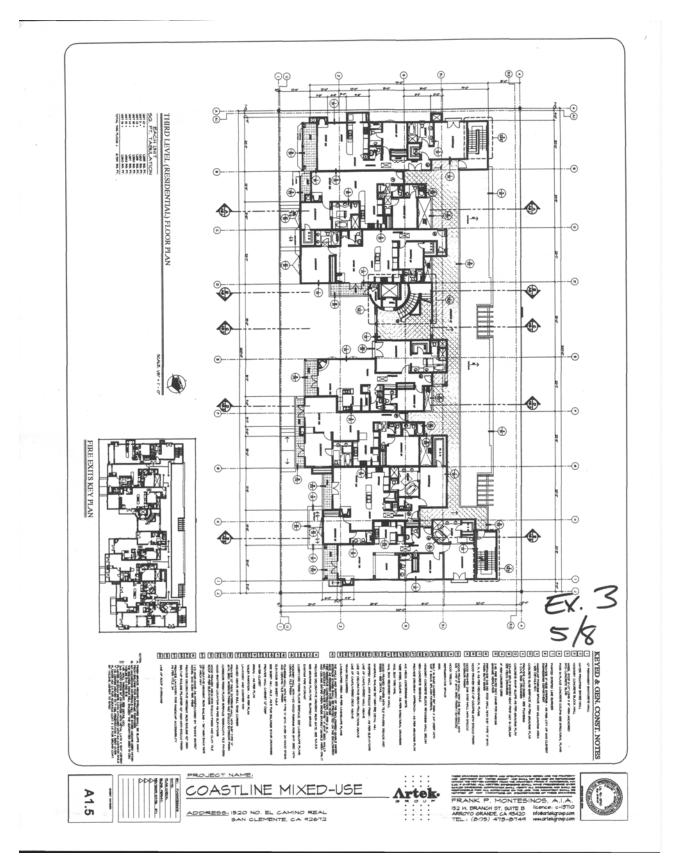
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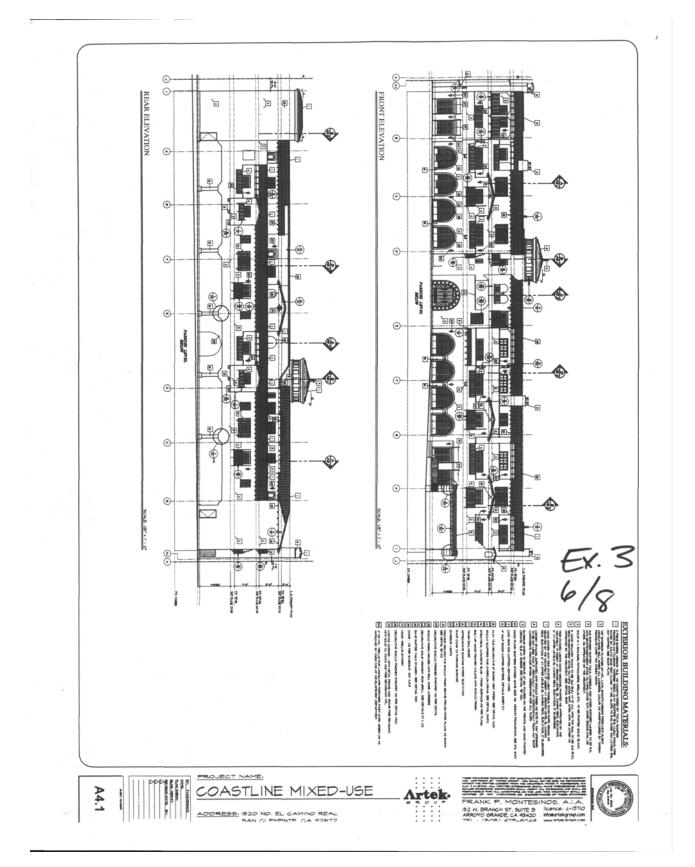
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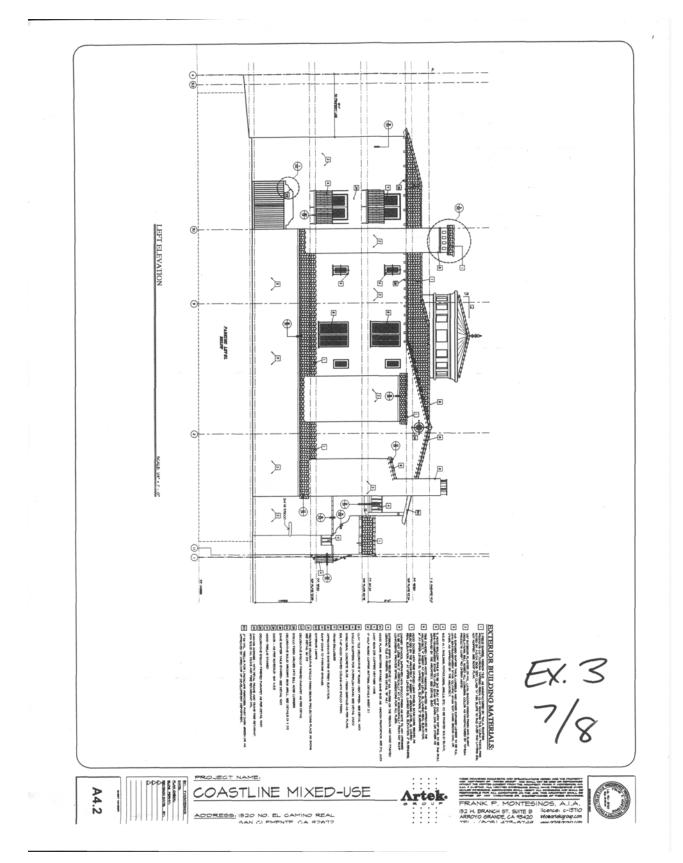
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