

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: January 27, 2006
49th Day: March 17, 2006
180th Day: July 26, 2006
Staff: Anne Blemker-LB
Staff Report: April 20, 2006
Hearing Date: May 10-12, 2006
Commission Action:

W 5f**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-06-034

APPLICANT: Riviera Development

AGENT: Todd Schooler & Associates

PROJECT LOCATION: 154 Avenida Victoria, City of San Clemente, Orange County

PROJECT DESCRIPTION: Demolition of an existing single-family home and construction of a new 6,943 square foot 3-story mixed use structure (two residential units in 4487 sq. ft. and four commercial/office spaces in 2456 sq. ft.) with 12 covered parking spaces and associated improvements on an 8,000 square foot lot. The project also involves a tentative parcel map allowing the site to be sold as individual commercial spaces and residential condominiums.

LOCAL APPROVALS RECEIVED: City of San Clemente Planning Commission Resolutions PC 05-044 and PC 05-84; Planning Division Approval in Concept dated January 25, 2006.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with two (2) special conditions, which require 1) compliance with construction-related best management practices (BMPs) and 2) conformance with the proposed water quality measures (including landscaping controls).

LIST OF EXHIBITS:

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 **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. 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 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 (BMPs) 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 at a debris disposal site outside the coastal zone.

2. Water Quality/Landscaping

The applicant shall conform with the water quality measures proposed in correspondence dated March 22, 2006 describing non-structural best management practices consisting of regular driveway and parking lot sweeping and the placement of trash receptacles within the covered parking lot. The applicant also proposes the use of non-invasive, drought tolerant plant species in the planter area. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is a rectangular-shaped 8,000 square foot lot located at 154 Avenida Victoria on the north side of Avenida Victoria, approximately 400 feet south of El Camino Real, in the City of San Clemente, Orange County (Exhibits 1 & 2).

The surrounding neighborhood is characterized by a mix of commercial and residential uses. The site is designated MU3-A (Mixed Use with Architectural Overlay) in the City's

General Plan and certified Land Use Plan (LUP). The proposed mixed-use building is consistent with this designation.

The nearest coastal access is available at the San Clemente Municipal Pier approximately ½ mile southwest of the subject site. The site is located within the Downtown area, a visitor serving commercial area of the City.

The proposed project consists of the demolition of an existing single-family home and construction of a new 6,943 square foot 3-story mixed use structure (two residential units in 4487 sq. ft. and four commercial/office spaces in 2456 sq. ft.) with 12 covered parking spaces and associated improvements on an 8,000 square foot lot. Commercial uses will be located on the first floor and residential units will occupy the second/third floors. The following chart provides a square footage breakdown:

Commercial Area		Residential Area	
Unit 154	600 sq. ft.	Unit 158	2,316 sq. ft.
Unit 156	666 sq. ft.	Garage	380 sq. ft.
Unit 160	524 sq. ft.		
Unit 162	666 sq. ft.	Unit 164	2171 sq. ft.
		Garage	380 sq. ft.

The project also involves a tentative parcel map allowing the site to exist as individual commercial spaces and residential condominiums. The project architecture is a traditional Spanish colonial style. The twelve parking spaces provided are consistent with the City of San Clemente's parking standard of 2 spaces for each residential unit and 1 parking space for each 400 square feet of gross floor area for retail space. Parking for the residences will be provided in two 2-car garages. The remaining 8 spaces will be provided in a covered garage.

The applicant proposes water quality measures consisting of sweeping and covered trash receptacle placement. Landscaping in the planter 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>.

During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the adjacent storm drain system.

B. DEVELOPMENT

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. 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.

D. PUBLIC ACCESS

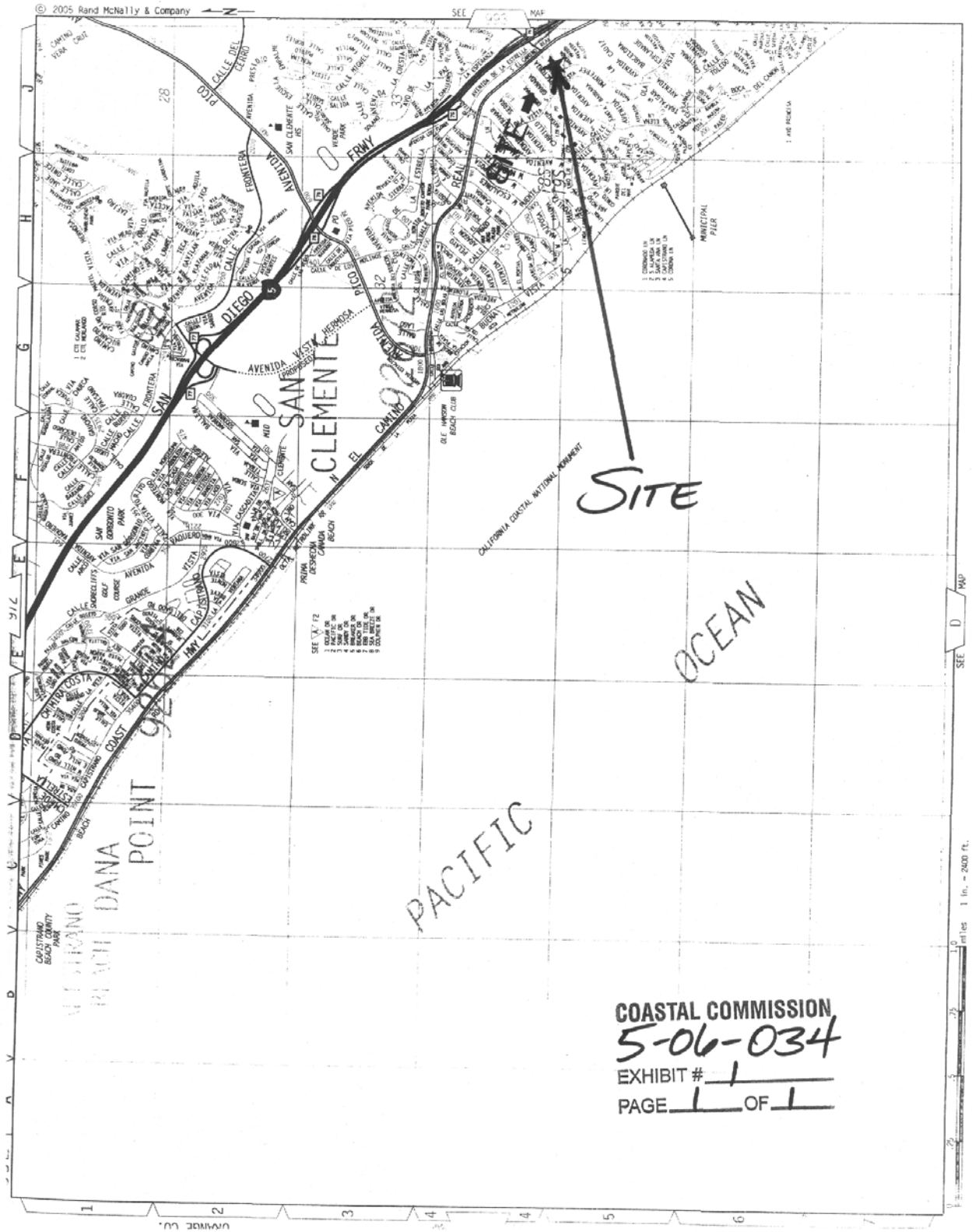
As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

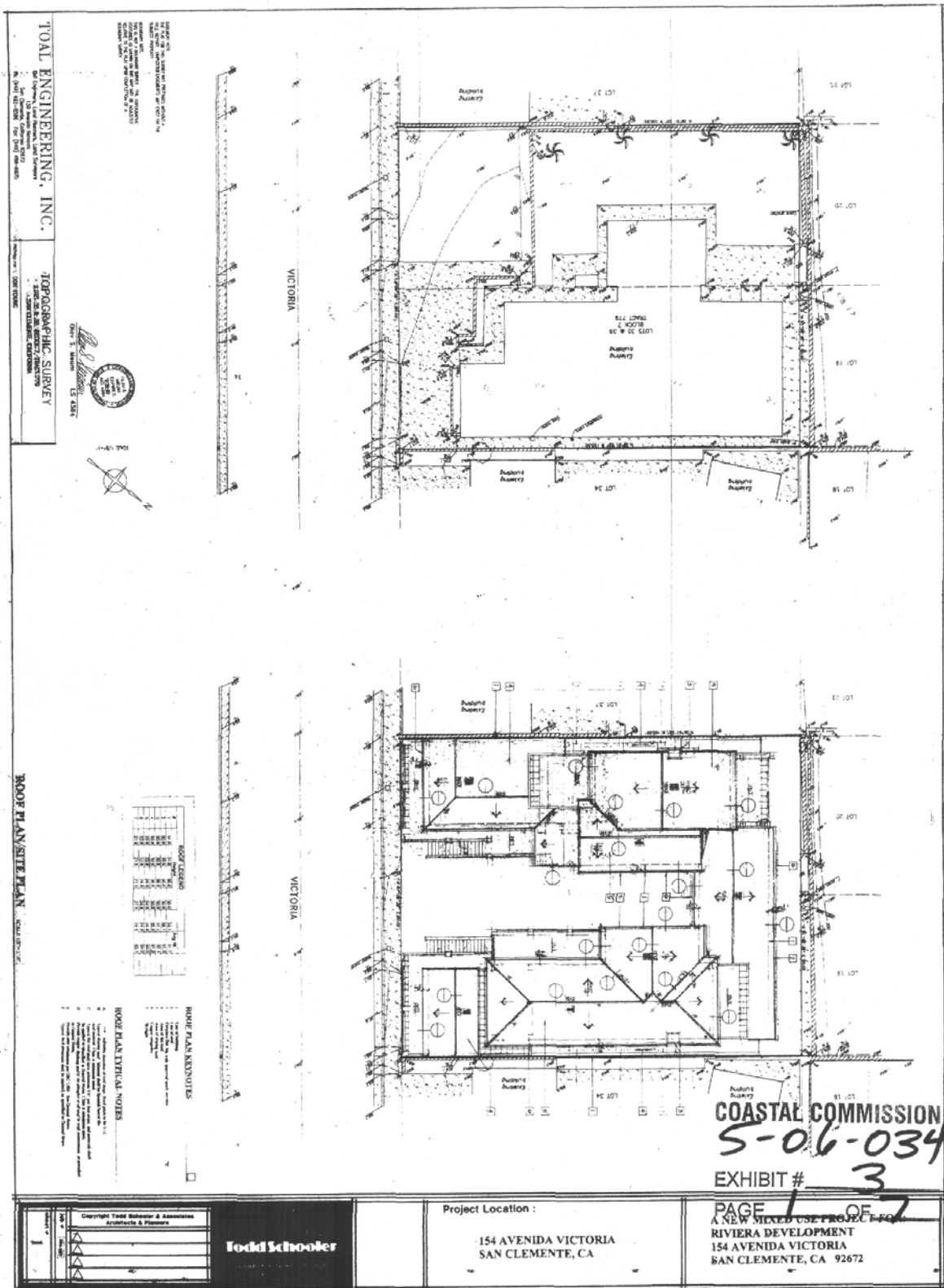
E. LOCAL COASTAL PROGRAM

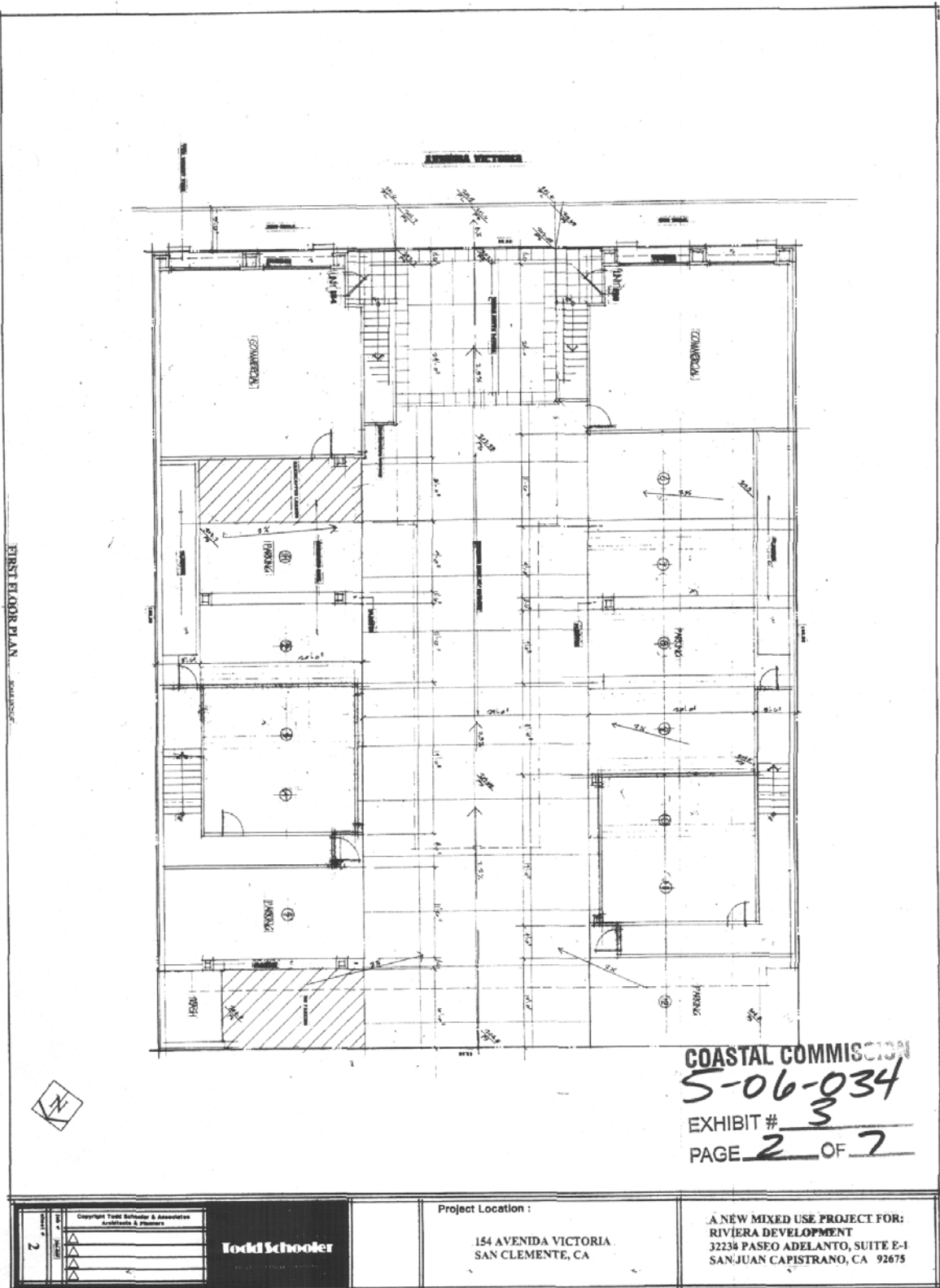
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications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

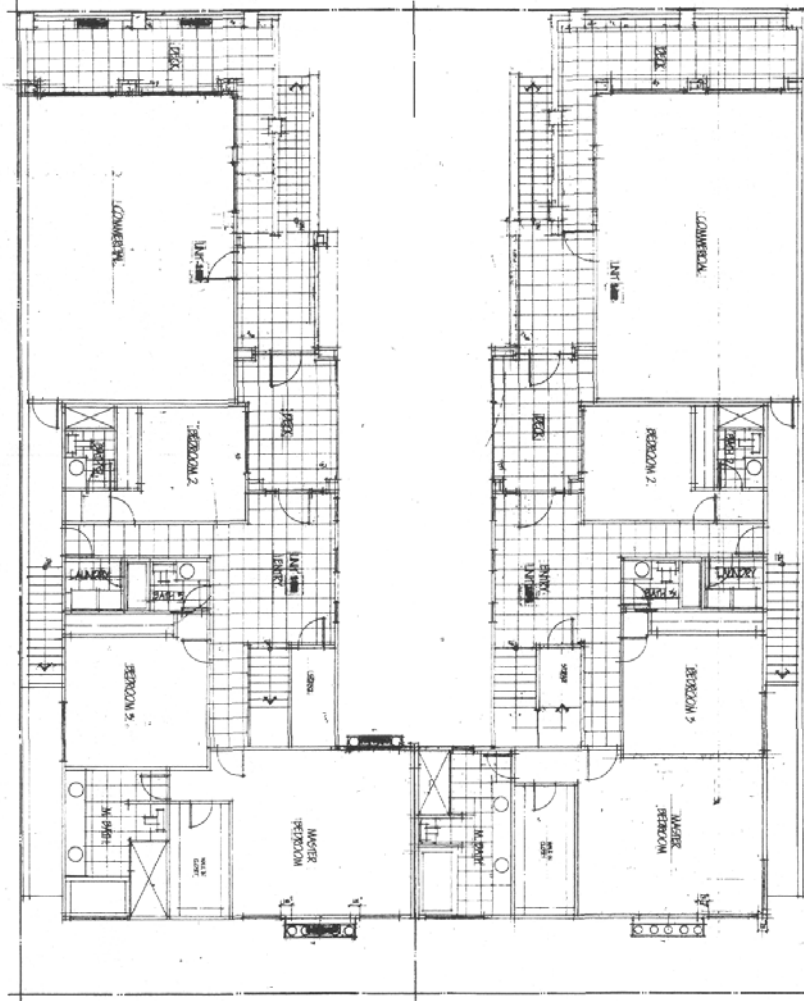
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified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







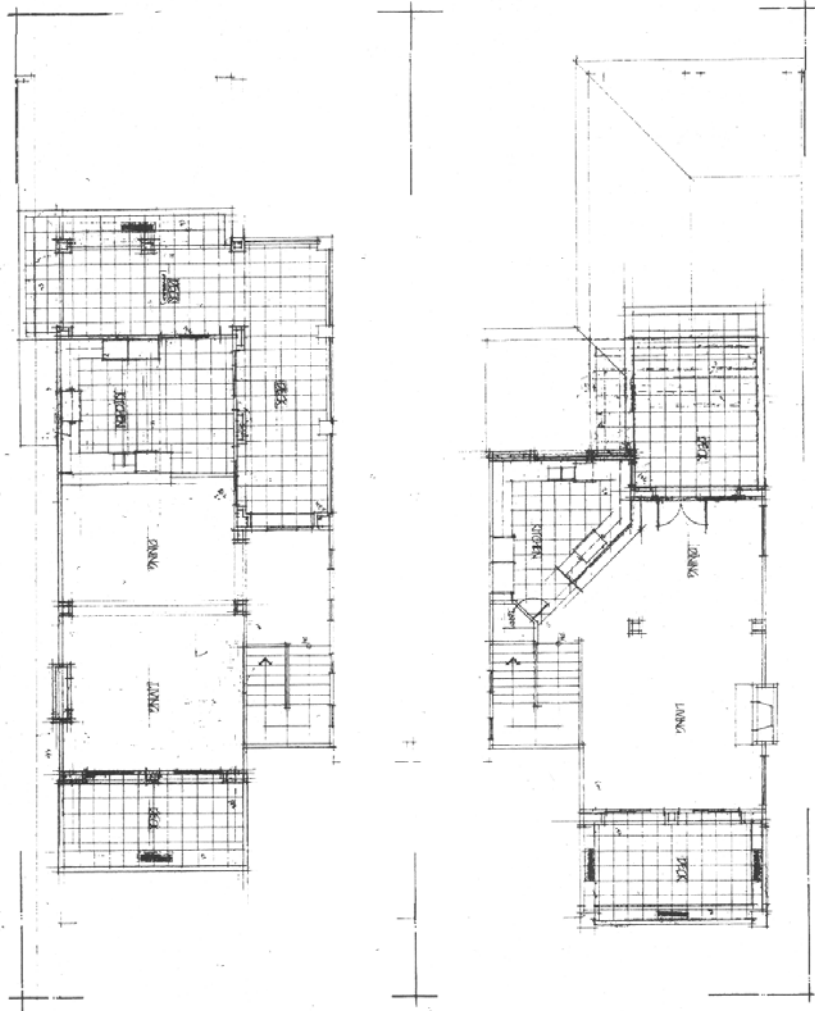
SECOND FLOOR PLAN



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 EXHIBIT # 3
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<p>Copyright Todd Schooler & Associates Architects & Planners</p>	<p>Todd Schooler Architects & Planners</p>	<p>Project Location : 154 AVENIDA VICTORIA SAN CLEMENTE, CA</p>	<p>A NEW MIXED USE PROJECT FOR: RIVIERA DEVELOPMENT 32234 PASEO ADELANTO, SUITE E-1 SAN JUAN CAPISTRANO, CA 92675</p>
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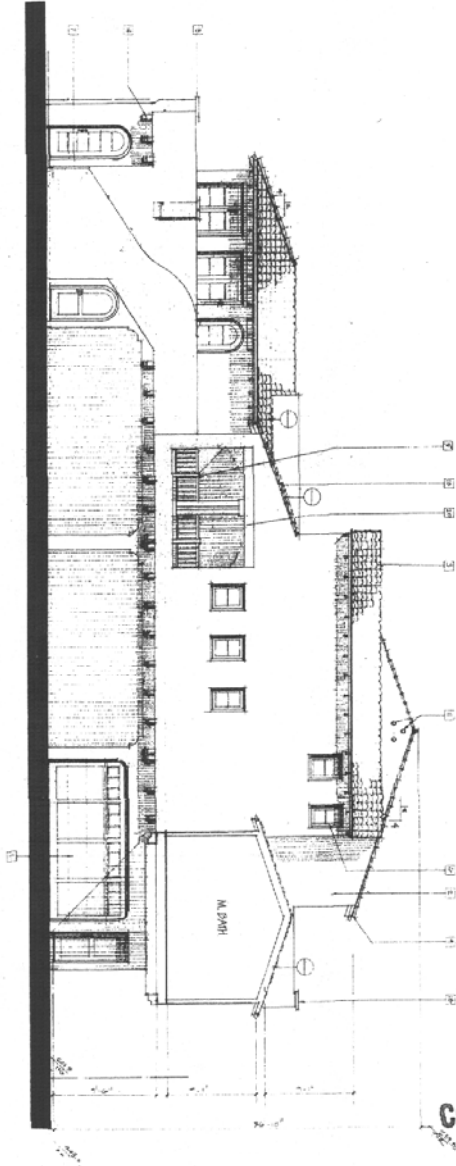
THIRD FLOOR PLAN



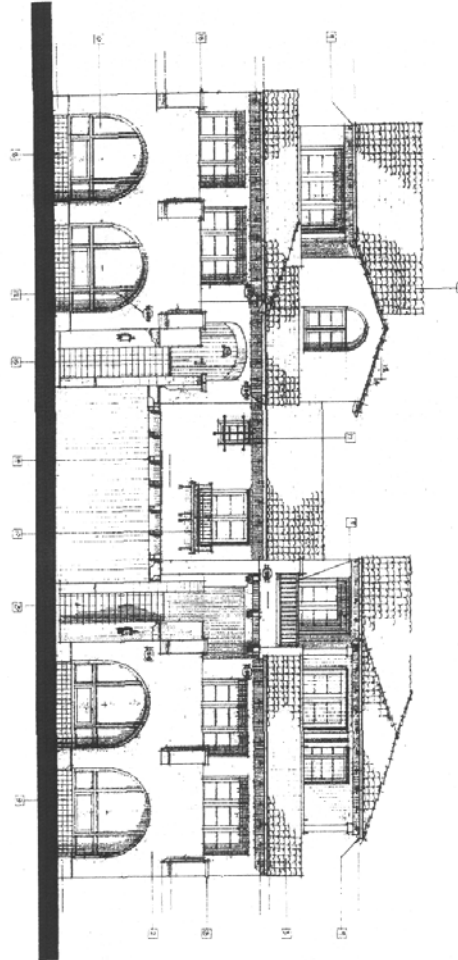
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EAST COURTYARD ELEVATION



SOUTH ELEVATION



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EXHIBIT ELEVATION NOTES

