

CALIFORNIA COASTAL COMMISSION

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**W4a**

Filed: October 16, 2006
49th Day: December 4, 2006
180th Day: April 14, 2007
Staff: Ryan Todaro-LB
Staff Report: December 15, 2006
Hearing Date: January 10-12, 2007
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-06-309

APPLICANTS: James & Elizabeth Yoder, Trustees

PROJECT LOCATION: 2415 Calle Monte Carlo, San Clemente, Orange County

PROJECT DESCRIPTION: Remodel of an existing 1,803 square-foot single-family residence with the addition of 367 square feet of living space, resulting in a 16-foot high, single-story, 2,170 square-foot, single-family residence with a 440 square-foot, two-car garage.

LOCAL APPROVALS RECEIVED City of San Clemente Planning Division Approval-in-Concept dated August 1, 2006.

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 three (3) special conditions, which require 1) conformance with the submitted drainage and polluted runoff control plan; 2) compliance with construction-related best management practices (BMPs); 3) future improvements come back to the Commission for review. The primary issues associated with this development are canyon habitat enhancement and water quality. The applicant is not proposing any changes to existing landscaping, therefore a landscaping condition is not imposed.

LIST OF EXHIBITS:

1. Location Map
2. Assessors Parcel Map
3. Coastal Access Points Exhibit
4. Project Plans
5. Coastal Canyon Map

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. Drainage and Polluted Runoff Control Plan

The applicant shall conform with the drainage and run-off control plan dated September 12, 2006, describing roof drainage and runoff from all impervious areas directed to area drains or vegetated/landscaped areas. Any proposed changes to the approved plan shall be reported to 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.

2. 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 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.

3. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-06-309. Pursuant to Title 14 California Code of Regulations Section 13250(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. 5-06-309 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

The proposed project site is located at 2415 Calle Monte Carlo in the City of San Clemente, Orange County (Exhibits 1 & 2). The 12,081 square-foot lot consists of a generally flat pad, which eventually slopes down towards Montalvo Canyon in the rear yard. Surrounding development consists of low-density single-family residences. The nearest public access is available at the Riviera access point, approximately ¼ mile west of the subject site (Exhibit 3). The site is designated as Residential Low (7 dwelling units per acre) in the certified Land Use Plan, and the proposed project is consistent with this designation.

The applicant proposes to remodel an existing 1,803 square-foot single-family residence with the addition of 367 square feet of living space, resulting in a 16-foot high, single-story, 2,170 square-foot, single-family residence with a 440 square-foot, two-car garage on a coastal canyon lot. The applicant also proposes to remove an above-ground spa, which is located in the rear yard near the canyon edge. Landscaping is not proposed. Project plans are included as Exhibit 4.

The current application only involves improvements that are sited in accordance with the minimum 15' setback from the canyon edge. 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.”

The proposed development conforms to the canyon setback policies in the certified LUP. The new residence will be located more than 15 feet from the canyon edge. A string line setback is not appropriate due to the configuration of the lot in relationship to adjacent lots. Therefore, the “15-foot from the canyon edge” setback is applied. The proposed project has been sufficiently set back to be consistent with the pattern of development in the surrounding area. The project will not result in canyonward encroachment. As proposed, the project is sited to preserve scenic resources, as well as protect canyon habitat.

During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the adjacent canyon or storm drain system. After construction, roof and surface runoff from new impervious areas should, ideally, be directed to dry wells or vegetated/landscaped areas. However, the Commission recognizes that, at present, City codes mandate directing certain types of runoff, such as roof runoff, to the street. Until there is reconciliation between City codes and the goal of maximizing on-site treatment and infiltration of runoff for water quality purposes, site runoff should be directed to dry wells or vegetated/landscaped areas to the maximum extent practicable but within the constraints of City requirements. In a letter to the Commission dated September 12, 2006, the applicant's architect has indicated that all roof and surface runoff will continue to be directed to area drains or vegetated/landscaped areas and piped to an existing City storm drain facility located at the street.

Because the site is located adjacent to a canyon, the plans were submitted to the Orange County Fire Authority (OCFA) for their review and approval, to ensure that development is carried out in conformance with OCFA requirements. As a result, OCFA did not require any vegetation clearance that would impact the canyon habitat.

In November of 2004, the applicant received approval from the Commission (CDP No. 5-04-340) to demolish the existing single-family residence and construct a new single-family residence at this same location. However, in a letter to the Commission dated September 7, 2006, the applicant requested abandonment of that previous approval. That permit has since expired. As stated above, the current proposal (CDP No. 5-06-309) only involves a remodel and addition to the existing single-family residence.

B. HABITAT, RECREATION AND PARK IMPACTS

As proposed, 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. 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 must be imposed. As conditioned the development conforms with the Chapter 3 policies 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, 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. 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.

F. 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.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which 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.

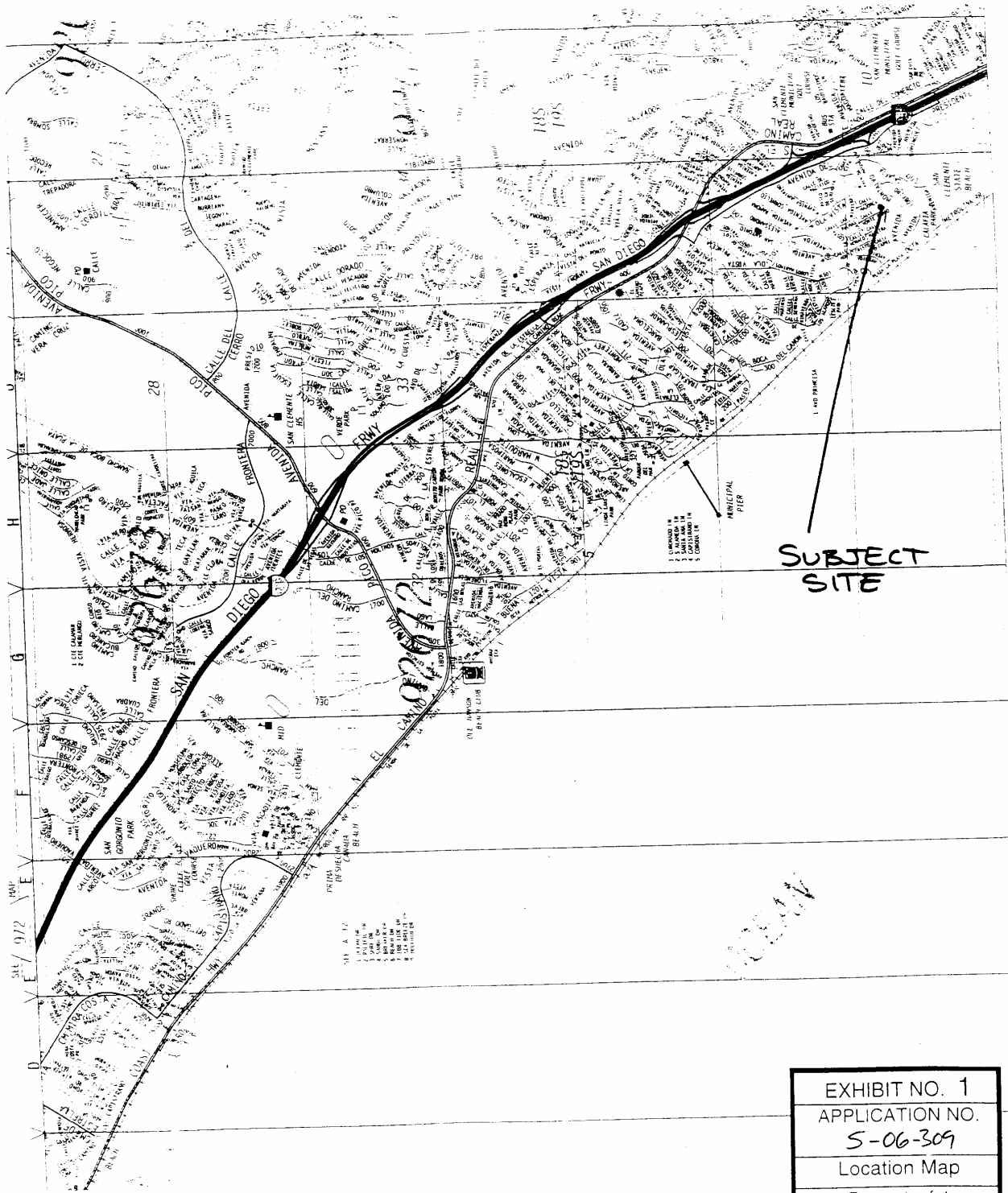
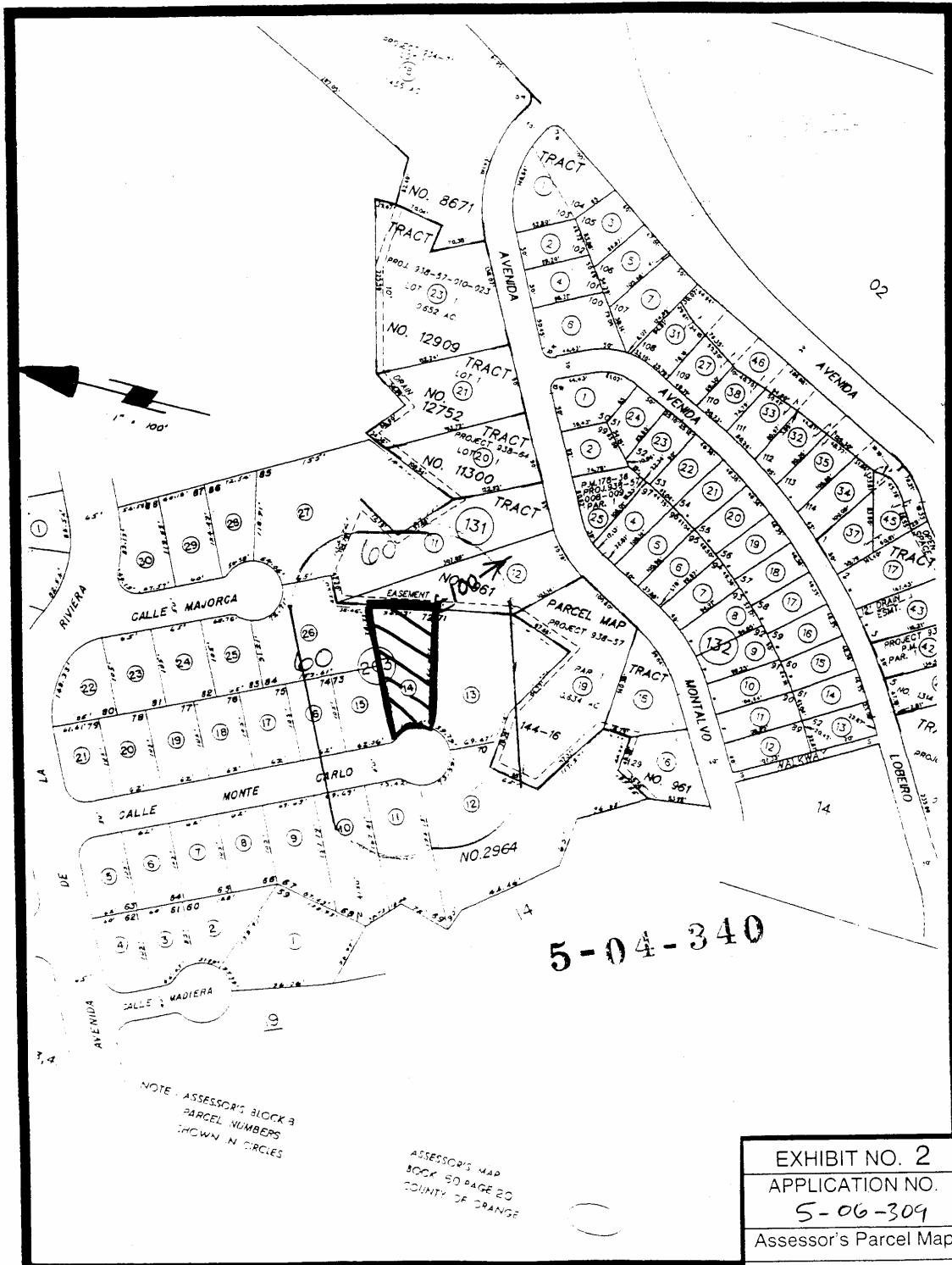


EXHIBIT NO. 1
APPLICATION NO.
S-06-309
Location Map
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5-04-340

NOTE - ASSESSOR'S BLOCK #
 PARCEL NUMBERS
 SHOWN IN CIRCLES

ASSESSOR'S MAP
 BOOK 50 PAGE 20
 COUNTY OF ORANGE

EXHIBIT NO. 2
 APPLICATION NO.
 5-06-309
 Assessor's Parcel Map

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Ownership Map

PREPARED BY: JLEN
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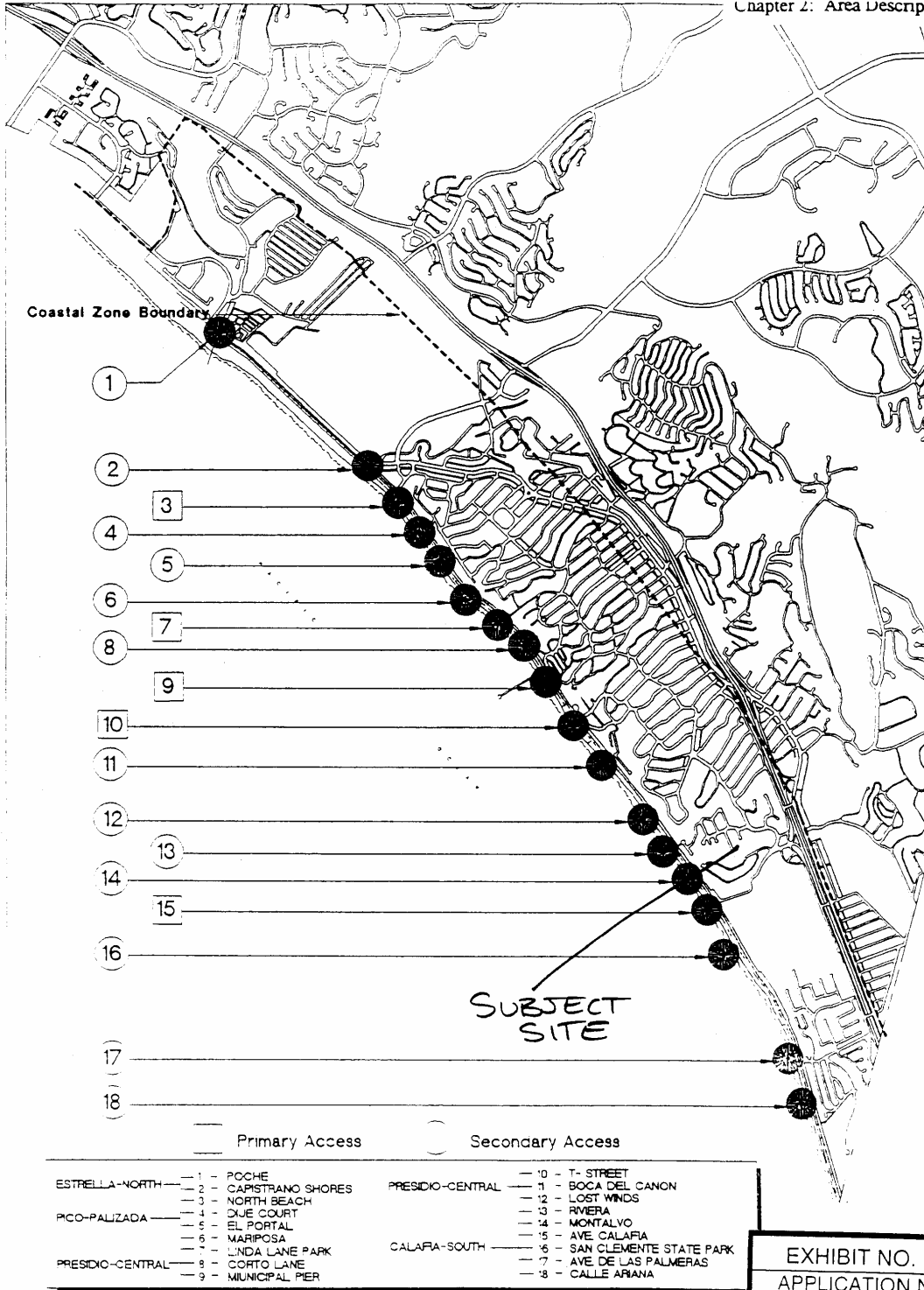
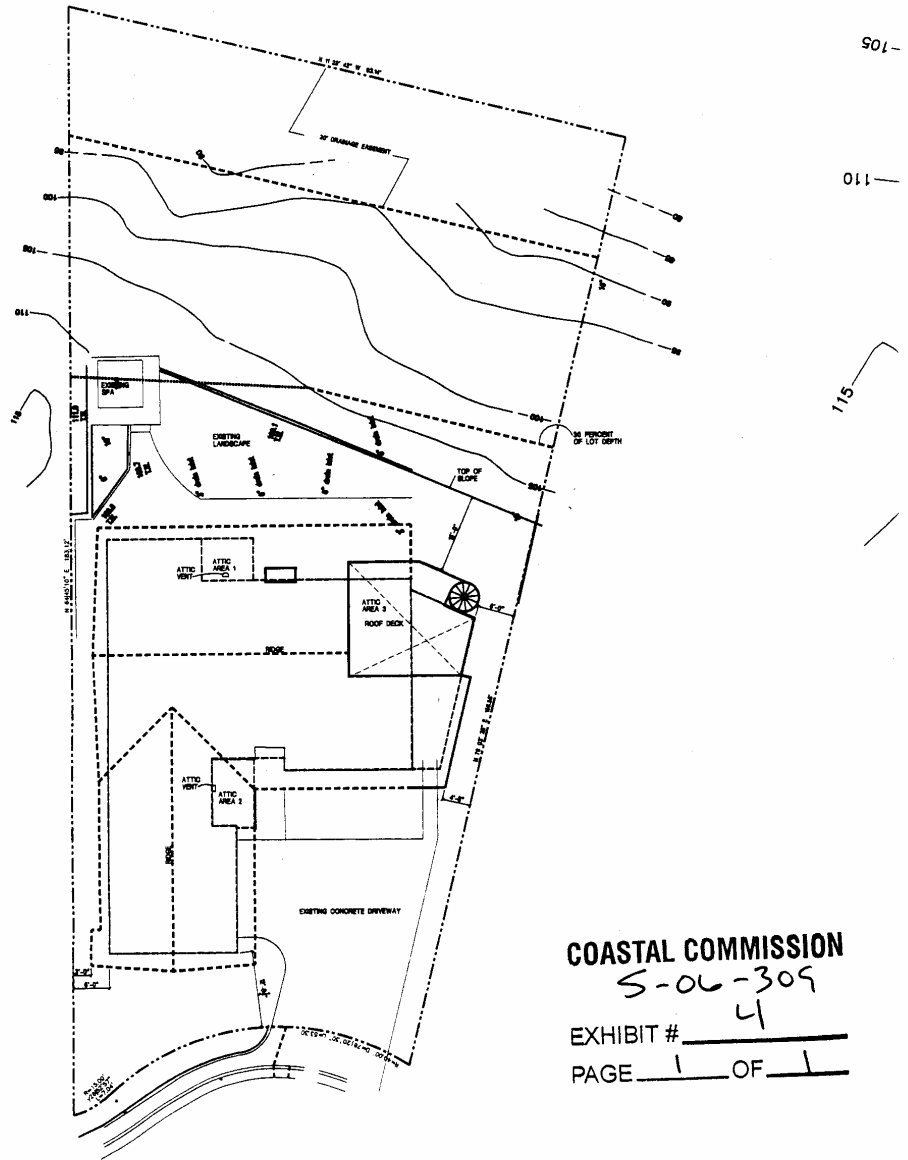


FIGURE 2-5

**CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS**



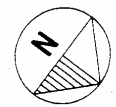
EXHIBIT NO. 3
APPLICATION NO. 5-06-309
Coastal Access Points
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EXHIBIT # 4
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PLOT PLAN/ROOF PLAN

1/16"=1'-0"



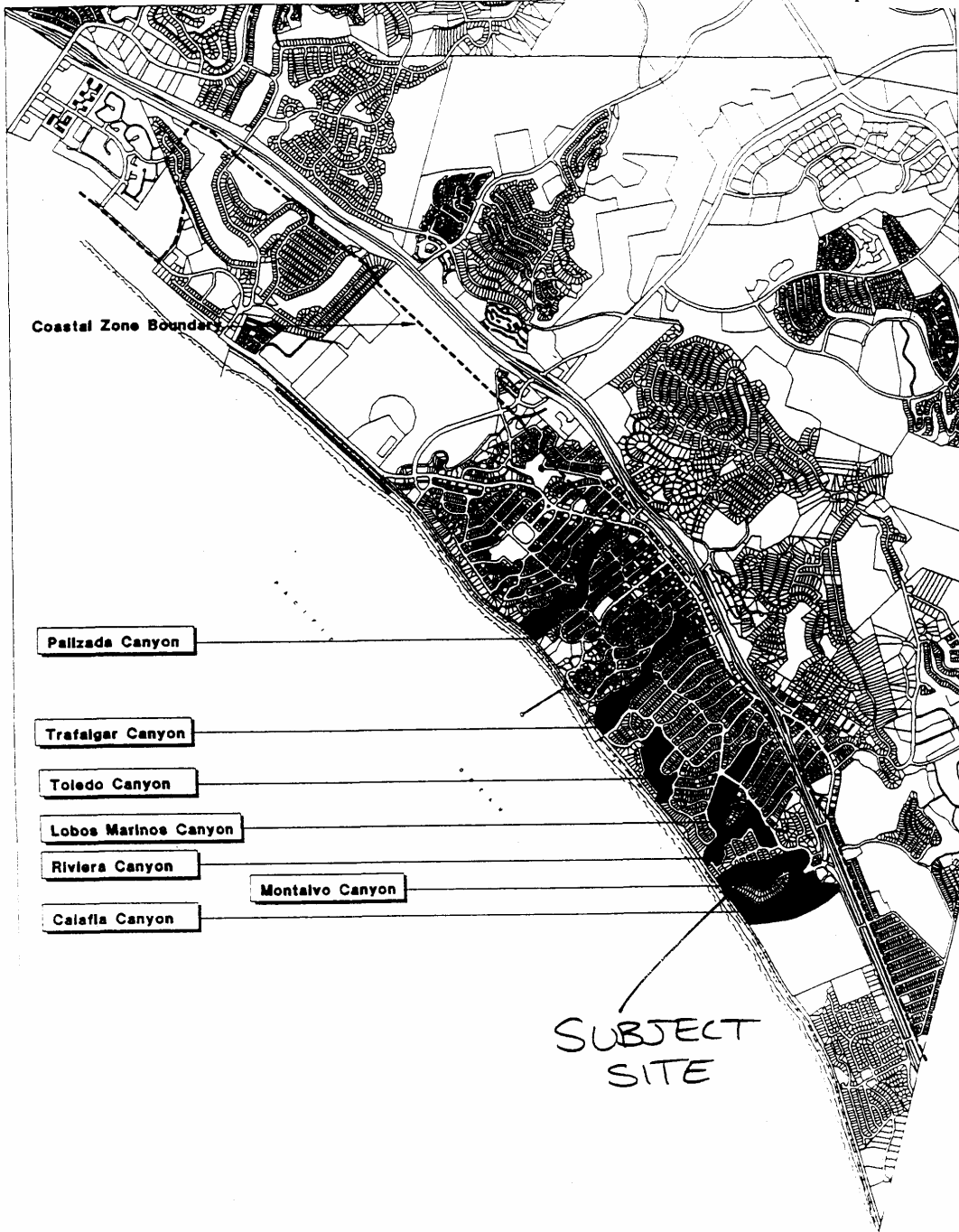


FIGURE 2-1



CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE

EXHIBIT NO. 5
APPLICATION NO.
5-06-309
Coastal Canyons
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