

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: October 17, 2007
49th Day: December 5, 2007
180th Day: April 14, 2007
Staff: Liliana Roman-LB
Staff Report: November 20, 2007
Hearing Date: December 12-14, 2007
Commission Action:

Item W4b

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-265

APPLICANT: Eddy Bashoor Investments, Attn: Harold Alzate

AGENT: Michael Luna & Associates

PROJECT LOCATION: 407 Avenida Santa Barbara, City of San Clemente, Orange County

PROJECT DESCRIPTION: Demolition of an existing single family residence and construction of a 5,262 sq. ft., 43.5' high, four-level 3-unit rental complex, with 1,202 sq. ft. in decks, and a 2,660 sq. ft. subterranean garage providing 7 parking spaces (two spaces per unit plus one guest space). Approximately 938 cubic yards of cut is proposed for site preparation. Excess material will be disposed of at an appropriate site outside the Coastal Zone.

LOCAL APPROVALS RECEIVED: City of San Clemente Planning Commission Approval of Cultural Heritage Permit 06-548 approved on May 16, 2007 and Planning Division Approval in Concept dated May 16, 2007.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan, *Geotechnical Investigation, 407 Avenida Santa Barbara, San Clemente, CA prepared by Hetherington Engineering, Inc. dated 10/13/05*

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with three (3) special conditions which 1) inform the applicant that any future height increase or change in the density or intensity of use of the site will require a permit amendment or new permit; 2) require submittal of a final drainage and runoff control plan; and 3) require storage of construction materials, mechanized equipment and removal of construction debris. The major issues associated with this development are community character, parking and water quality.

LIST OF EXHIBITS:

1. Location Map
2. Assessor's Parcel Map
3. Project Plans

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

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

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. **Future Development**

This permit is only for the development described in Coastal Development Permit No. 5-07-265. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by Coastal Development Permit No. 5-07-265. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes to the overall height of the structure, divisions of land, conversion to condominiums, and 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. 5-07-265 from the Commission or shall require an additional coastal development permit from the Commission.

2. **Drainage and Run-Off Control Plan**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a final grading and drainage plan prepared by an appropriately licensed professional that has been reviewed and approved by the City of San Clemente. The plan shall incorporate the following criteria:

1. Runoff from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be directed to dry wells or vegetated/landscaped areas to the maximum extent practicable within the constraints of City requirements. Vegetated landscaped areas shall only consist of native plants or non-native, non-invasive, drought tolerant plants;

2. Where City code prohibits on-site infiltration, runoff shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street to the maximum extent practicable;
 3. 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 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. **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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is a steeply sloping lot at 407 Avenida Santa Barbara in the City of San Clemente, Orange County (Exhibits 1 & 2) immediately inland of the City's Pier Bowl District. The site is designated Residential High in the City's General Plan and certified Land Use Plan (LUP). The site is located approximately ½ mile from the beach. The nearest coastal access is available via pedestrian walkways at the San Clemente

Municipal Pier. Surrounding development consists of single-family and multi-family residential development. The subject site abuts three locally designated historic structures. The height and story levels of surrounding development vary greatly.

The applicant is proposing to demolish an existing single-story single-family residence and construct a 5,262 square foot, 43.5' high, four-level over basement garage three-unit rental complex (Exhibit 3). Approximately 938 cubic yards of cut is proposed for site preparation. Excess material will be disposed of at an appropriate site outside the Coastal Zone. Proposed landscaping consists of drought tolerant non-invasive plants such as arbutus marina, agaves, red yucca, rosemary and ceanothus. Landscaped areas will be temporarily irrigated by low flow spray or drip systems until plants are fully established.

The proposed project is considered infill development within a neighborhood with a variety of densities and building heights. There is a 45' maximum height limit in the subject area. The proposed three-unit rental complex will reach a maximum height of 43'5". Design features have been incorporated to reduce impacts on adjacent historic structures. For example, the upper floors are designed to step back and the majority of building mass exists on a portion of the site located away from and below the abutting historic properties. As such, the project is consistent with the character and scale of the surrounding area as currently proposed. Future modifications and/or additions to the structures must also respect the pattern of development in the surrounding area and avoid adverse impacts to nearby historic structures. No coastal public views will be affected by the proposed project.

Additionally, while the proposed development is not mandated by the City to be affordable to low and moderate income persons, it would provide less expensive housing than most other comparably sized and located residences in the City. Future development of the project site including condominium conversion potentially may result in a development that is not consistent with the Coastal Act. To assure that future development is reviewed for consistency with the applicable policies of the Coastal Act, the Commission imposes **Special Condition #1** requiring that all proposals for future improvements return to the Commission for review.

The proposed project provides parking that meets the City's parking requirement of seven (7) off-street spaces (6 spaces to serve the 3 residential units and 1 guest space). Within San Clemente's Coastal Zone, the Commission typically applies the City's parking standards.

Special Conditions #2 requires the applicant submit drainage plans prior to the issuance of the permit to address potential water quality impacts and in compliance with the site drainage recommendations of the geotechnical investigation prepared by Hetherington Engineering, Inc. dated October 13, 2005.

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. WATER QUALITY

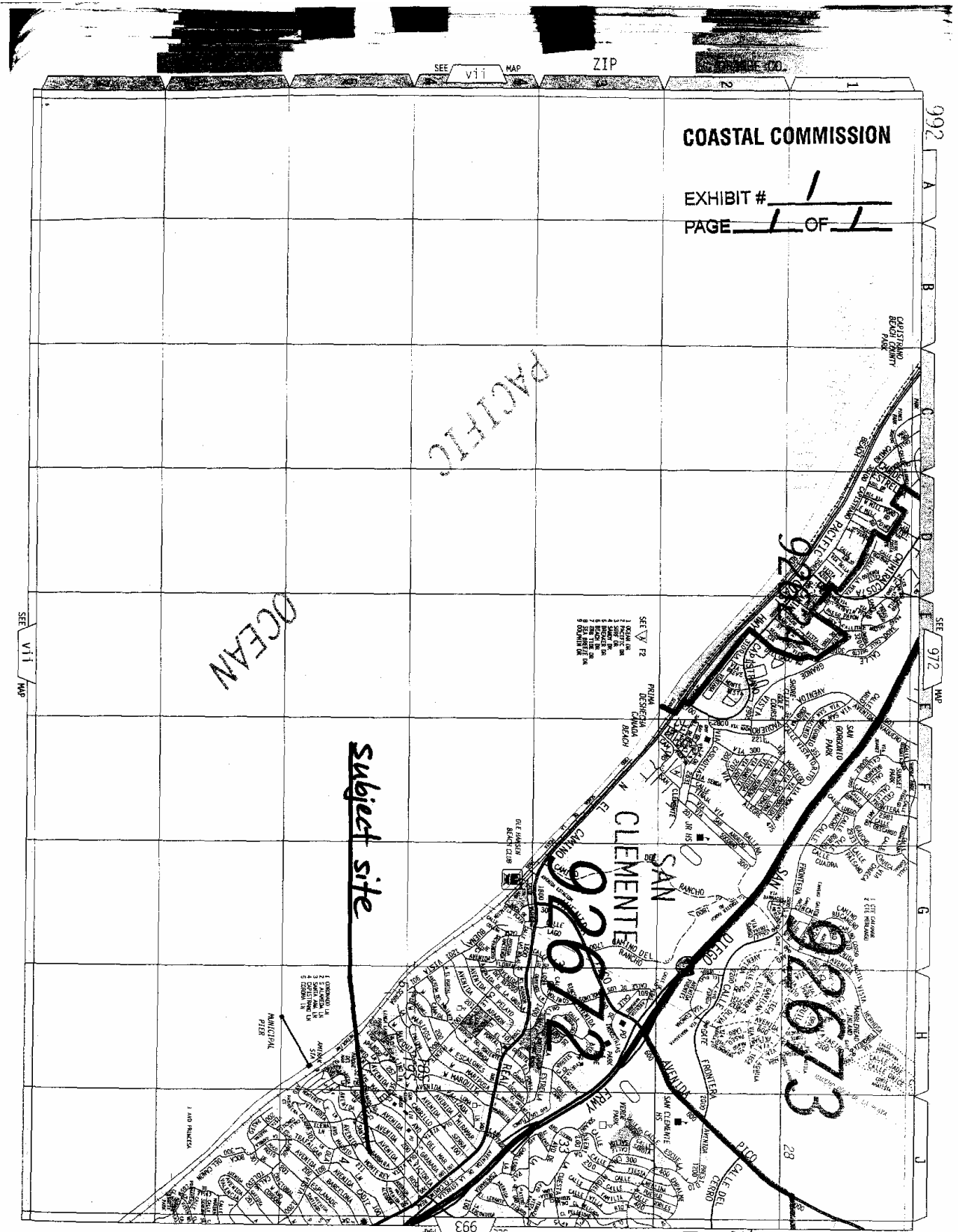
The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These 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 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.

D. 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 of the Coastal Act.

E. 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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EXHIBIT # 1
PAGE 1 OF 1

PACIFIC

OCEAN

Subject site

926712

92673

SEE Vii MAP

SEE Vii MAP

ZIP

992

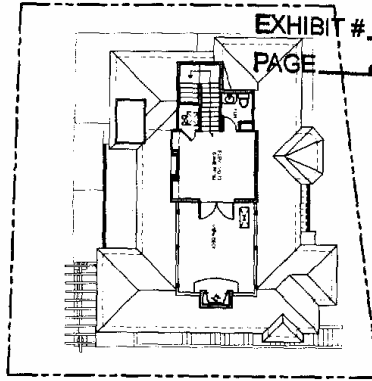
SEE 912 MAP

993

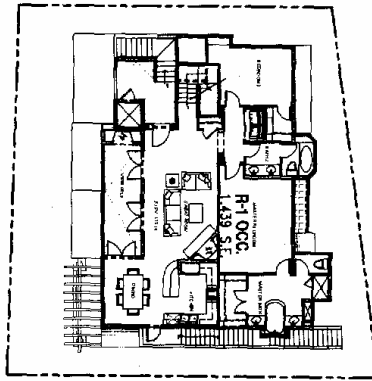
28

COASTAL COMMISSION

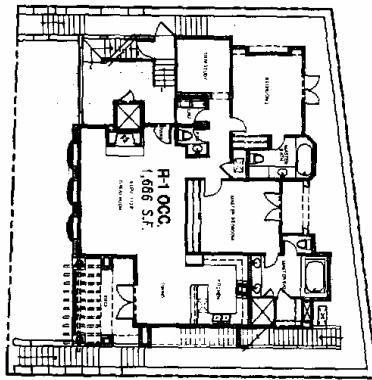
EXHIBIT # 3
 PAGE 2 OF 6



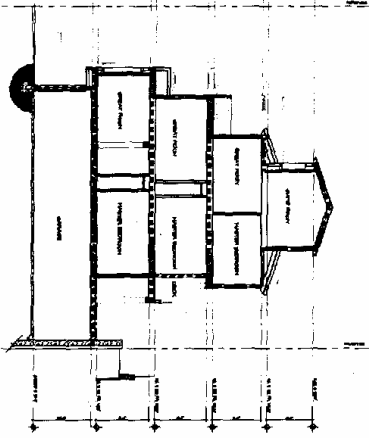
4th FLOOR LEVEL
 SCALE: 1/8" = 1'-0"



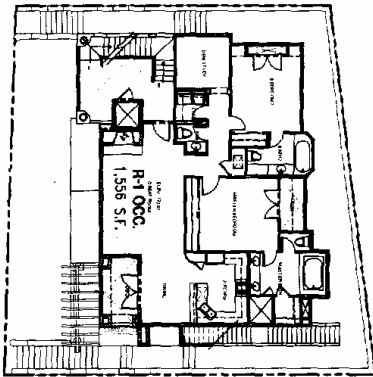
THIRD FLOOR LEVEL
 SCALE: 1/8" = 1'-0"



FIRST FLOOR LEVEL
 SCALE: 1/8" = 1'-0"



SECOND FLOOR LEVEL
 SCALE: 1/8" = 1'-0"



BASEMENT LEVEL
 SCALE: 1/8" = 1'-0"

LEGEND
 CODE DATA
 1 - 100% MEASUREMENT
 2 - 75% MEASUREMENT
 3 - 50% MEASUREMENT
 4 - 25% MEASUREMENT
 5 - 10% MEASUREMENT
 6 - 5% MEASUREMENT
 7 - 0% MEASUREMENT

Michael Luna
 Associates

Santa Barbara
 Barbara Condos

407 AVE.
 SANTA BARBARA
 CA 93101

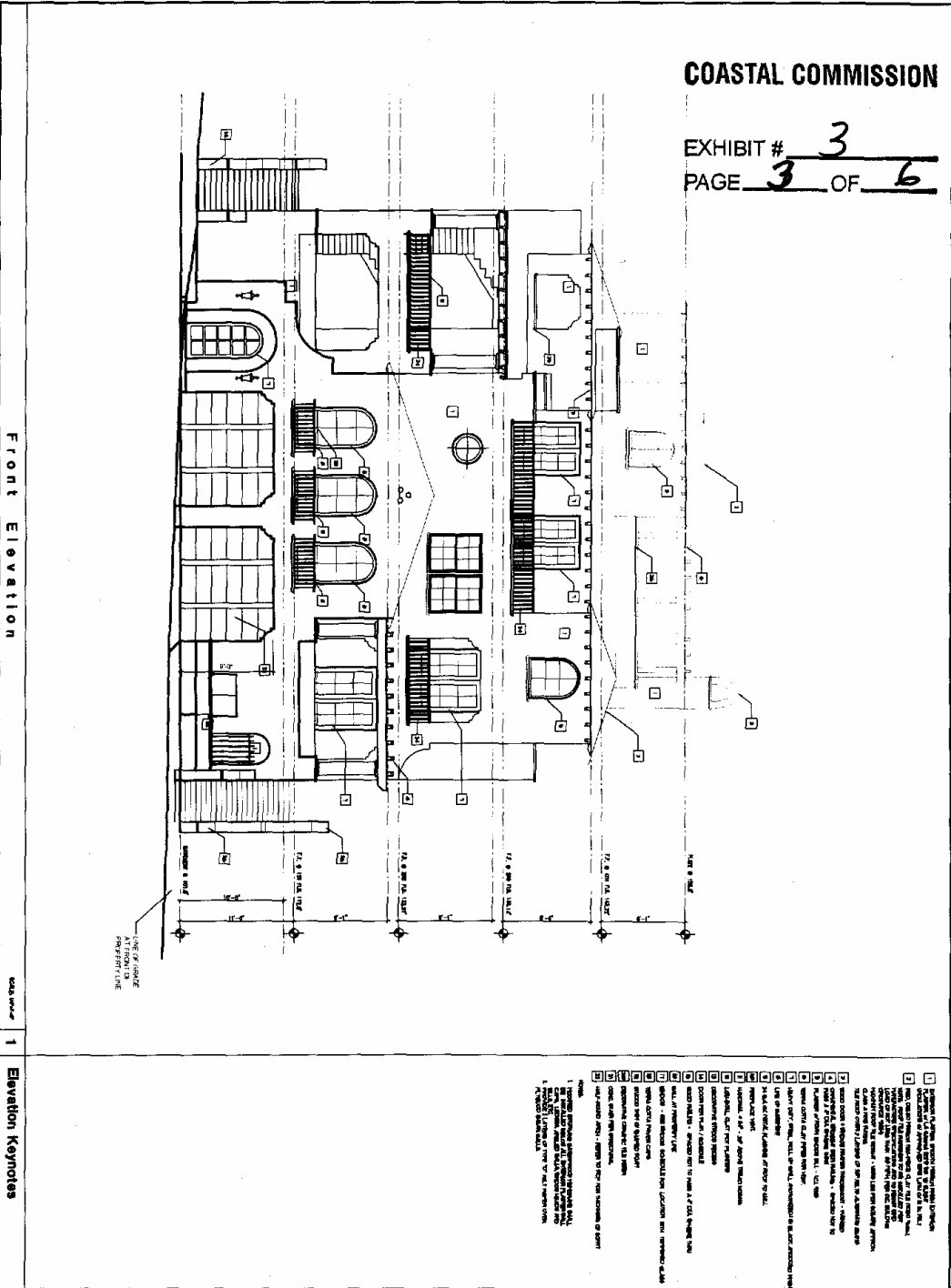
Code Sheet



CD.1

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EXHIBIT # 3
 PAGE 3 OF 6



FRONT ELEVATION

Scale: 1/8\"/>

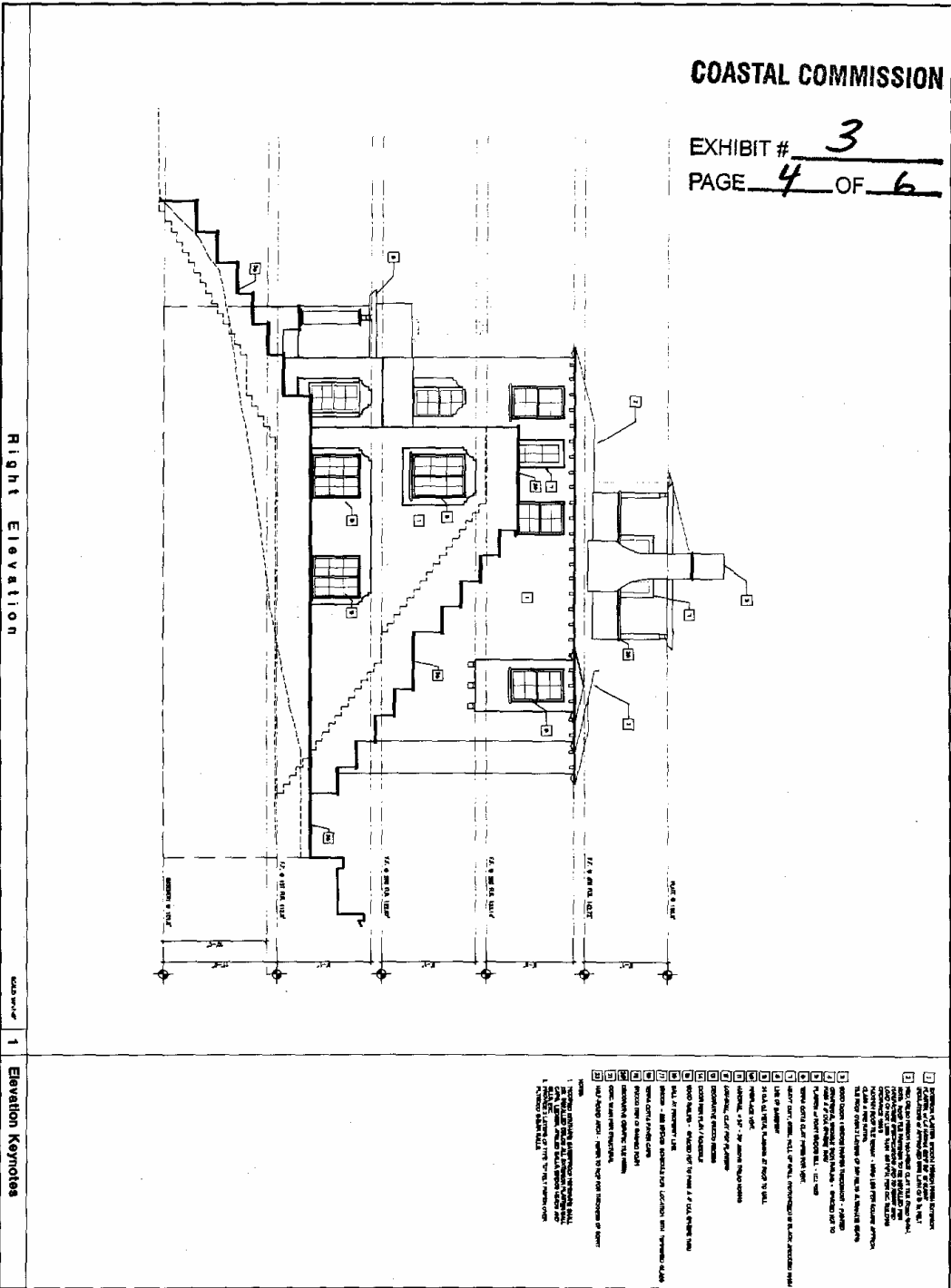
Elevation Keynotes

- 1. GENERAL NOTES: ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS OF THE STATE OF CALIFORNIA.
- 2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.
- 4. ALL DIMENSIONS SHALL BE IN FEET AND INCHES, UNLESS OTHERWISE SPECIFIED.
- 5. FINISHES SHALL BE AS SHOWN ON THE DRAWINGS, UNLESS OTHERWISE SPECIFIED.
- 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 7. ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN SHOWN ON THE DRAWINGS.
- 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
- 9. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 10. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
- 11. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
- 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.
- 13. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 14. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
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- 18. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
- 19. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
- 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.

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 Architect
 5
 Association
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 A3.0

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EXHIBIT # 3
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Right Elevation

Scale 1/8" = 1'-0"

Elevation Keynotes

A3.1



Exterior Elevations

Architect

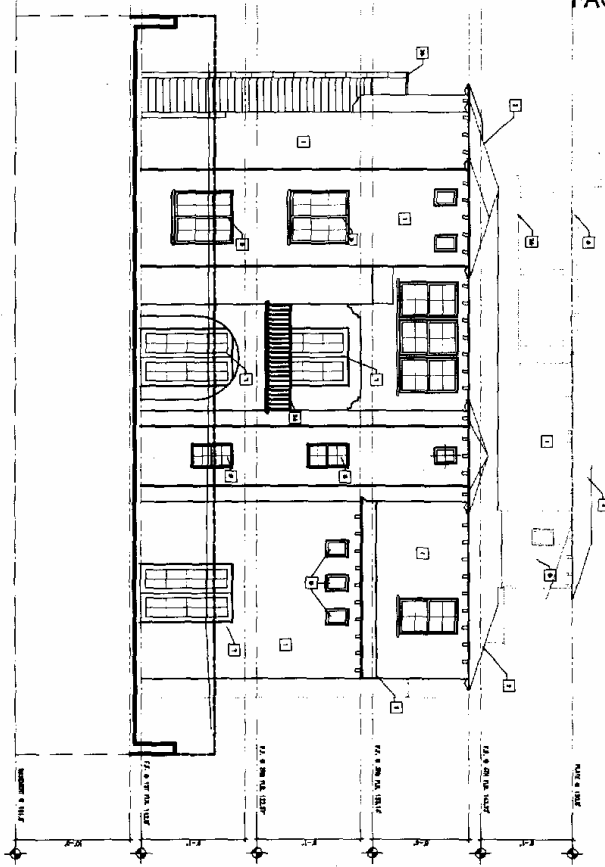
Santa Barbara Condors

Michael Luna Associates

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EXHIBIT # 3
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REAR ELEVATION



SCALE 1/8\"/>

Elevation Keynotes

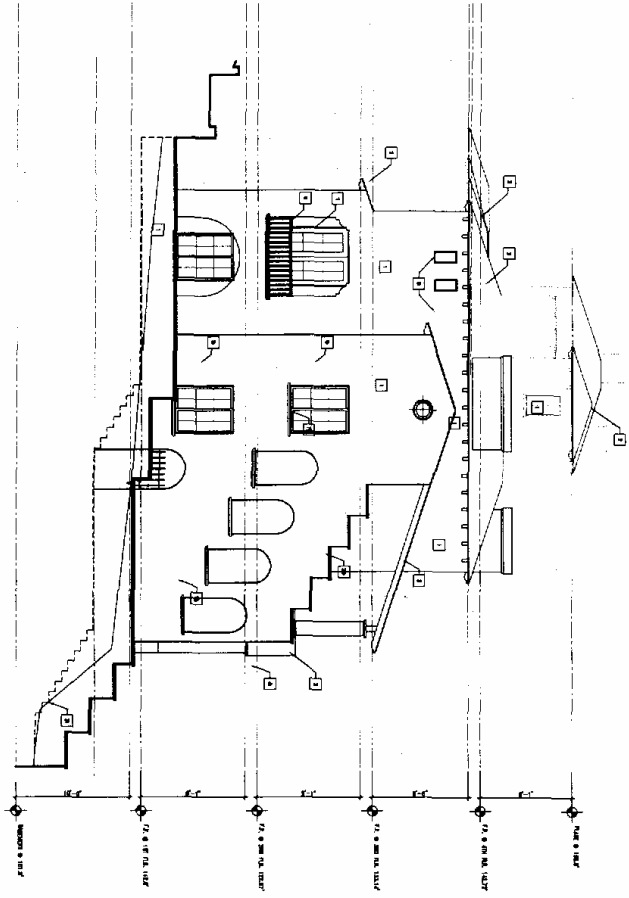
- 1. All exterior walls to be finished with stucco.
- 2. All exterior walls to be finished with stucco.
- 3. All exterior walls to be finished with stucco.
- 4. All exterior walls to be finished with stucco.
- 5. All exterior walls to be finished with stucco.
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- 18. All exterior walls to be finished with stucco.
- 19. All exterior walls to be finished with stucco.
- 20. All exterior walls to be finished with stucco.

Michael Luna Associates
 2
 Santa Barbara Barbora Condos
 407 AVE. SANTA BARBARA, CALIFORNIA
 Santa Barbara Barbora Condos
 Exterior Elevations
 A3.2

COASTAL COMMISSION

EXHIBIT # 3
 PAGE 6 OF 6

Left Elevation



Scale 1/4" = 1'-0"

1

Elevation Keynotes

- 1. GENERAL NOTES: SEE ARCHITECTURAL DRAWINGS FOR ALL NOTES AND SPECIFICATIONS.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
- 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- 5. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED AT ALL TIMES.
- 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 7. ALL EXCAVATION SHALL BE PROTECTED AND REINFORCED AS REQUIRED.
- 8. ALL FOUNDATIONS SHALL BE CONSTRUCTED ON UNDISTURBED SOIL OR ON PILES AS REQUIRED.
- 9. ALL ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
- 10. ALL EXTERIOR FINISHES SHALL BE APPLIED TO THE PROPER SUBSTRATE.
- 11. ALL PAINTS SHALL BE APPLIED TO THE PROPER SUBSTRATE AND IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
- 12. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE.
- 13. ALL PLUMBING WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE.
- 14. ALL MECHANICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA MECHANICAL CODE.
- 15. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
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 Santa Barbara Condos
 Exterior Elevations
 A3.3