

CALIFORNIA COASTAL COMMISSION

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



Item W4j

Filed: November 14, 2007
49th Day: January 2, 2008
180th Day: May 12, 2008
Staff: Liliana Roman-LB
Staff Report: November 20, 2007
Hearing Date: December 12-14, 2007
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-361

APPLICANT: Steve Chou

AGENT: Jack Garland, Architect

PROJECT LOCATION: 408 Avenida Santa Barbara, City of San Clemente, Orange County

PROJECT DESCRIPTION: Demolition of an existing 2-level duplex and construction of a new 5,605 sq. ft., 42.6' high, three-level duplex over an 814 sq. ft. subterranean four-car tandem garage. Approximately 750 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 Division Approval in Concept dated August 28, 2007.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan, *Geotechnical Engineering and Geological Investigation of 408 Avenida Santa Barbara prepared by Environmental Geotechnology Laboratory, Inc. (EGL), Project No. 06-234-004EG, dated April 23, 2007 and Response to the City of San Clemente Report Review Checklist Geotechnical Report by EGL dated July 31, 2007.*

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with three (3) special conditions which 1) informs 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) requires conformance with the submitted drainage and run-off control plan (with landscape controls); and 3) requires 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. 5-07-361. 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. 5-07-361. 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 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. 5-07-361 from the Commission.

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

The applicant shall conform with the drainage and run-off control plan dated 5/7/07 showing roof drainage and paved walkways designed to slope into catch basins. Landscaped areas shall consist of drought tolerant, non-invasive plant species. 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.

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 408 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 height and story levels of surrounding development vary greatly. There are numerous locally designated historic structures in the vicinity but not immediately adjacent to the site.

The applicant is proposing to demolish an existing 2,121 square foot, two-level duplex and construct a 5,605 square foot, 42.6' high, three-level over basement garage duplex (Exhibit 3). Approximately 750 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 purple flax, purple sage, Shaw's century plant, dwarf rosemary and coyote bush, bougainvillea, mimosa tree, Australian tea tree, and flax leaf paper bark tree. Landscaped areas will be temporarily hand watered until plants are fully established. Specified plants require no permanent irrigation. The applicant proposes to direct roof and surface water runoff to catch basins throughout the site leading directly to the municipal storm drain system. **Special Condition #2** requires the applicant to comply with the proposed drainage and landscaping.

The proposed project meets the City's parking requirement of four off-street spaces (two spaces per unit). Within San Clemente's Coastal Zone, the Commission typically applies the City's parking standards.

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. With a maximum height of 42'6", 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.

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 with 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 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. 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.

COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1

PACIFIC

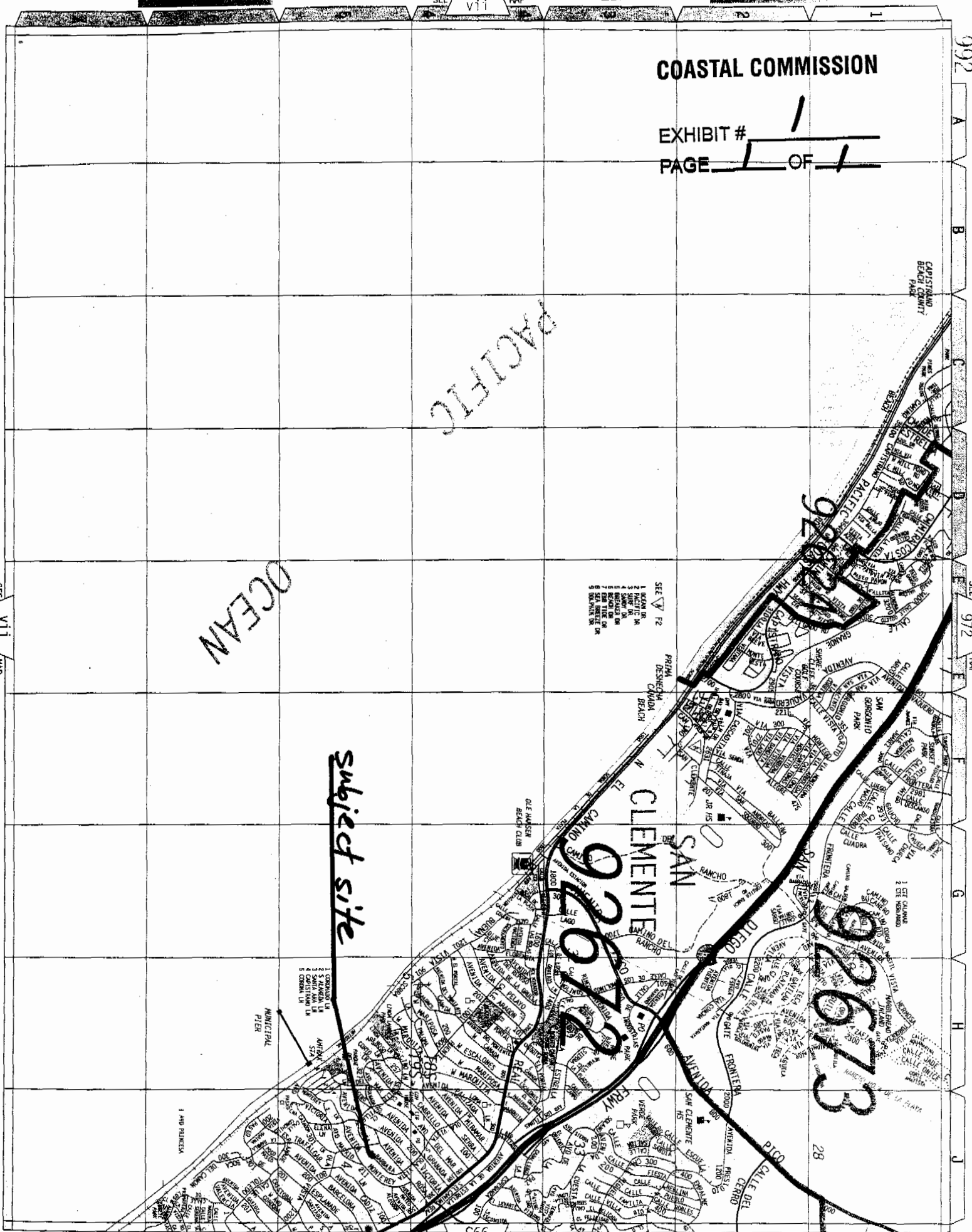
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- SEE F2
1. DRAIN RM
 2. PAVEMENT RM
 3. SIGN RM
 4. SPECIAL RM
 5. SPECIAL RM
 6. SPECIAL RM
 7. SPECIAL RM
 8. SPECIAL RM
 9. SPECIAL RM

Subject site

92672

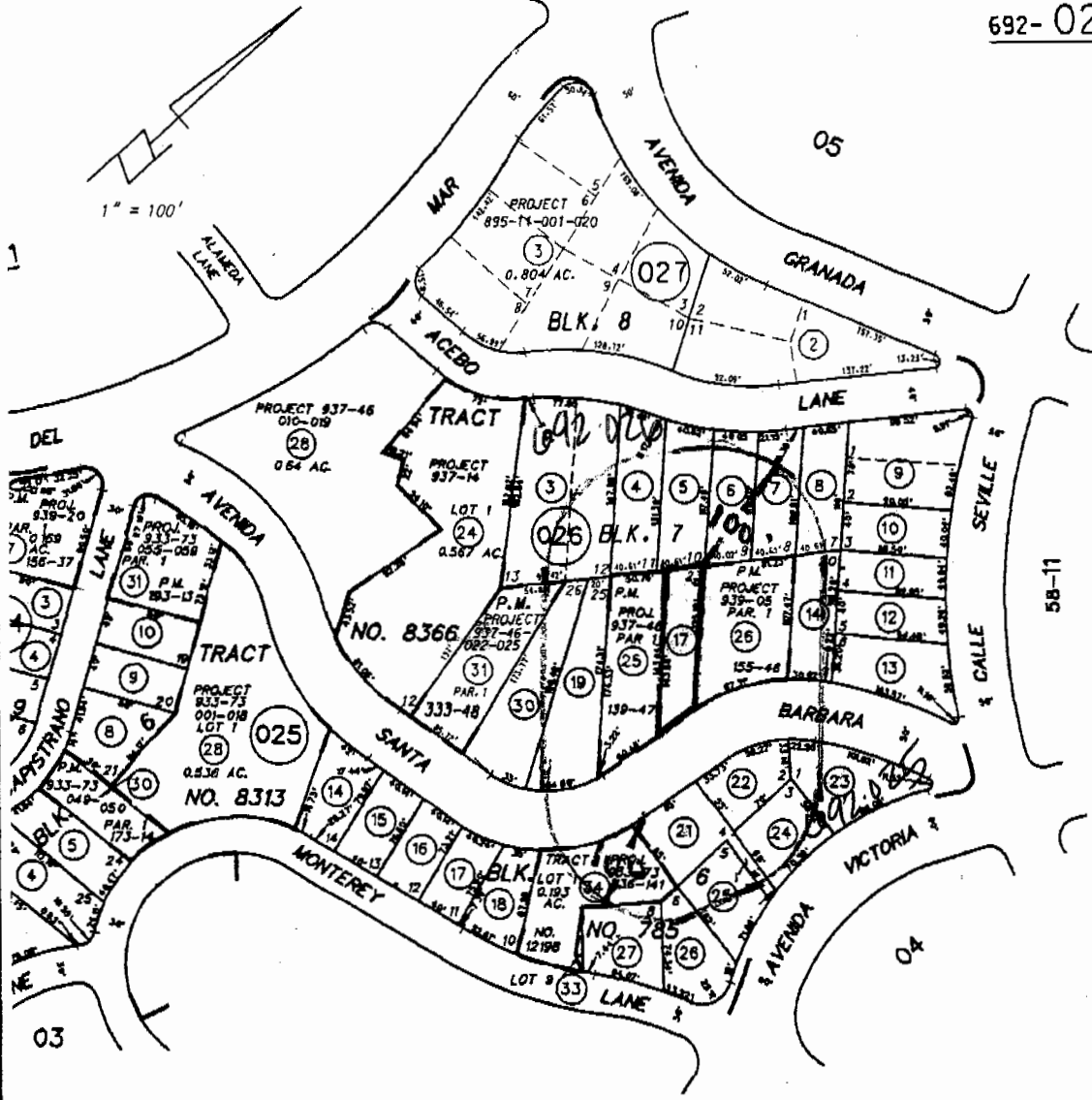
92673



COASTAL COMMISSION

EXHIBIT # 2
 PAGE 1 OF 1

692-02



-47.155-46.156-37
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NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 692 PAGE 02 COUNTY OF ORANGE

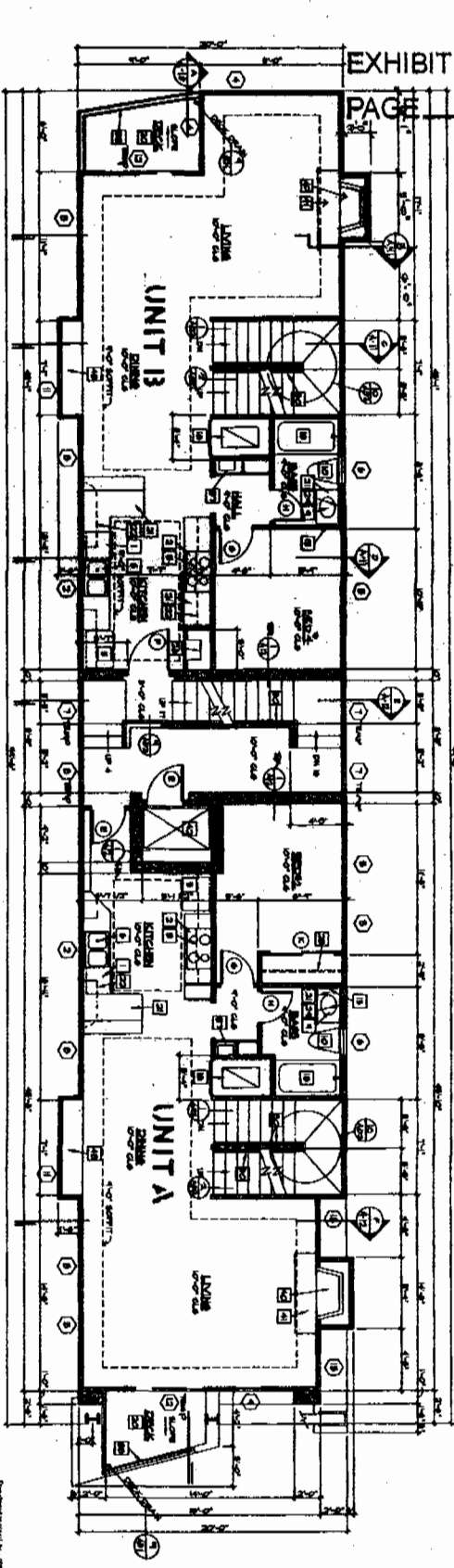


Ownership Map

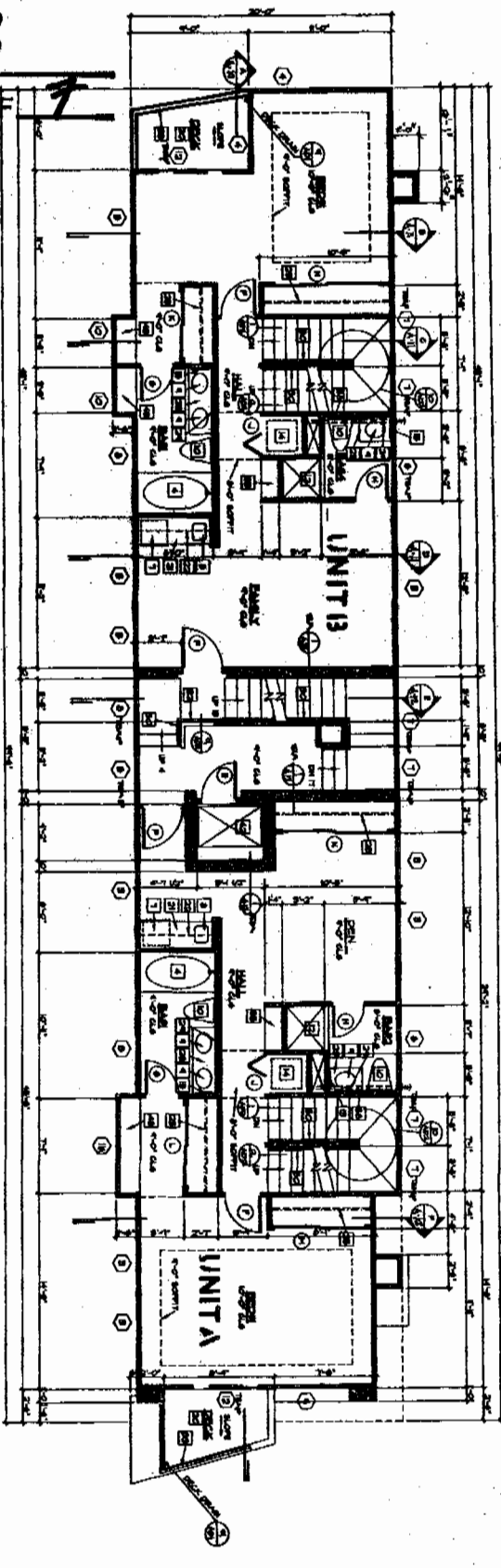
SUSAN W. CASE, INC.
 917 GLENNEYRE ST #7
 LAGUNA BEACH CA 92651
 (949) 494-6105

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EXHIBIT # 3
PAGE 2 OF 7



SECOND FLOOR



THIRD FLOOR PLAN

SEAN
ARCHITECT
1125 W. BROADWAY
SANTA ANA, CA 92704
714/211-1234

A NEW DUPLEX for:
MR. STEVE CHOU
c/o JENNY LAI
T.L.C. REALTY & HOMESHAPE
1801 GOLFIA ROAD, S.
ROSELAND, VERMONT, CA 91146
PROJECT ADDRESS: 409 AVE. SANTA BARBARA, SAN Geronimo, CA 95072



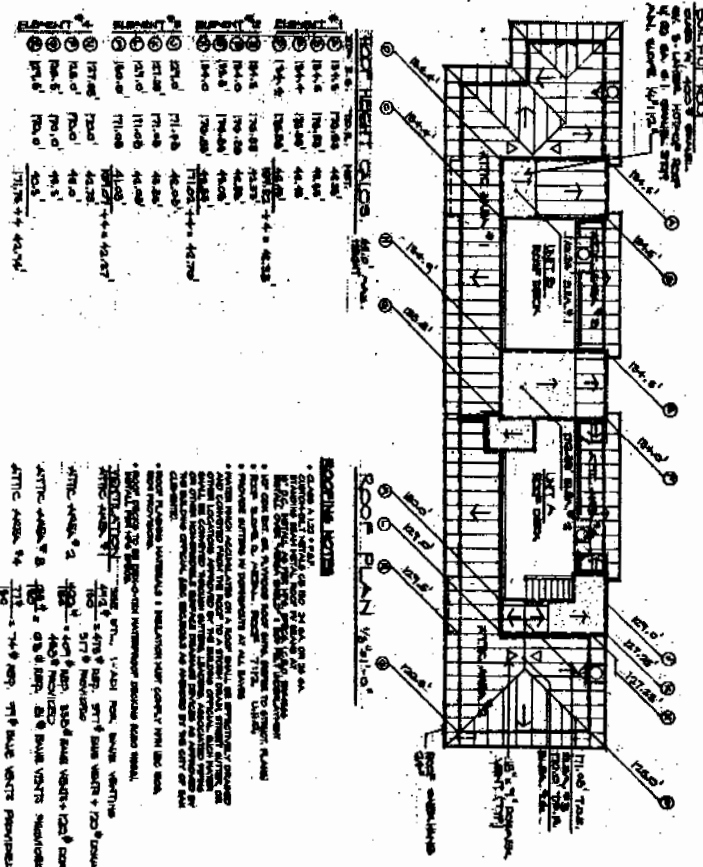
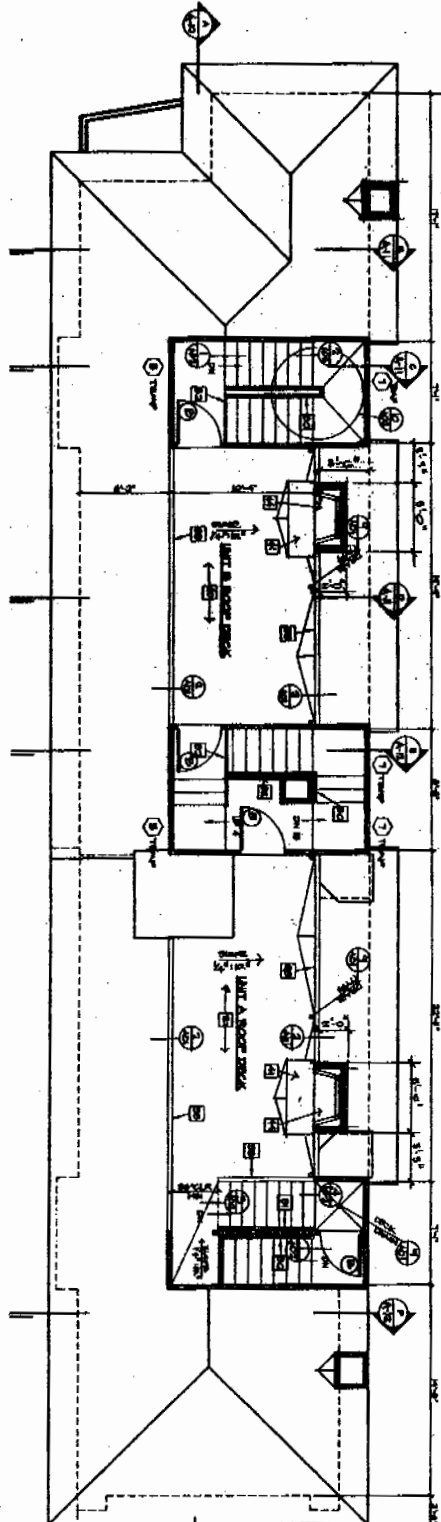
MAX CADMAN
REAL ESTATE
221 Channel View Circle
Suite 105
San Jose, CA 95128
408-888-8888
www.maxcadman.com

NO.	DATE	DESCRIPTION
1	1/15/05	ISSUED FOR PERMITTING
2	2/10/05	REVISION
3	2/15/05	REVISION
4	2/20/05	REVISION
5	2/25/05	REVISION
6	3/1/05	REVISION
7	3/15/05	REVISION
8	3/20/05	REVISION
9	3/25/05	REVISION
10	4/1/05	REVISION

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8	3/20/05	REVISION
9	3/25/05	REVISION
10	4/1/05	REVISION

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EXHIBIT # 3
 PAGE 3 OF 7



ROOF DECK PLAN

The following information is for the use of the contractor only. It is not to be used for any other purpose. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall also be responsible for ensuring that all work is done in accordance with the applicable codes and standards. The contractor shall also be responsible for ensuring that all work is done in a safe and sound manner. The contractor shall also be responsible for ensuring that all work is done in a timely and efficient manner. The contractor shall also be responsible for ensuring that all work is done in a professional and courteous manner. The contractor shall also be responsible for ensuring that all work is done in a clean and neat manner. The contractor shall also be responsible for ensuring that all work is done in a safe and sound manner. The contractor shall also be responsible for ensuring that all work is done in a timely and efficient manner. The contractor shall also be responsible for ensuring that all work is done in a professional and courteous manner. The contractor shall also be responsible for ensuring that all work is done in a clean and neat manner.

SCOPING NOTES

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL WORK IS DONE IN ACCORDANCE WITH THE APPLICABLE CODES AND STANDARDS.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL WORK IS DONE IN A SAFE AND SOUND MANNER.
- 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL WORK IS DONE IN A TIMELY AND EFFICIENT MANNER.
- 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL WORK IS DONE IN A PROFESSIONAL AND COURTEOUS MANNER.
- 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL WORK IS DONE IN A CLEAN AND NEAT MANNER.

AGG

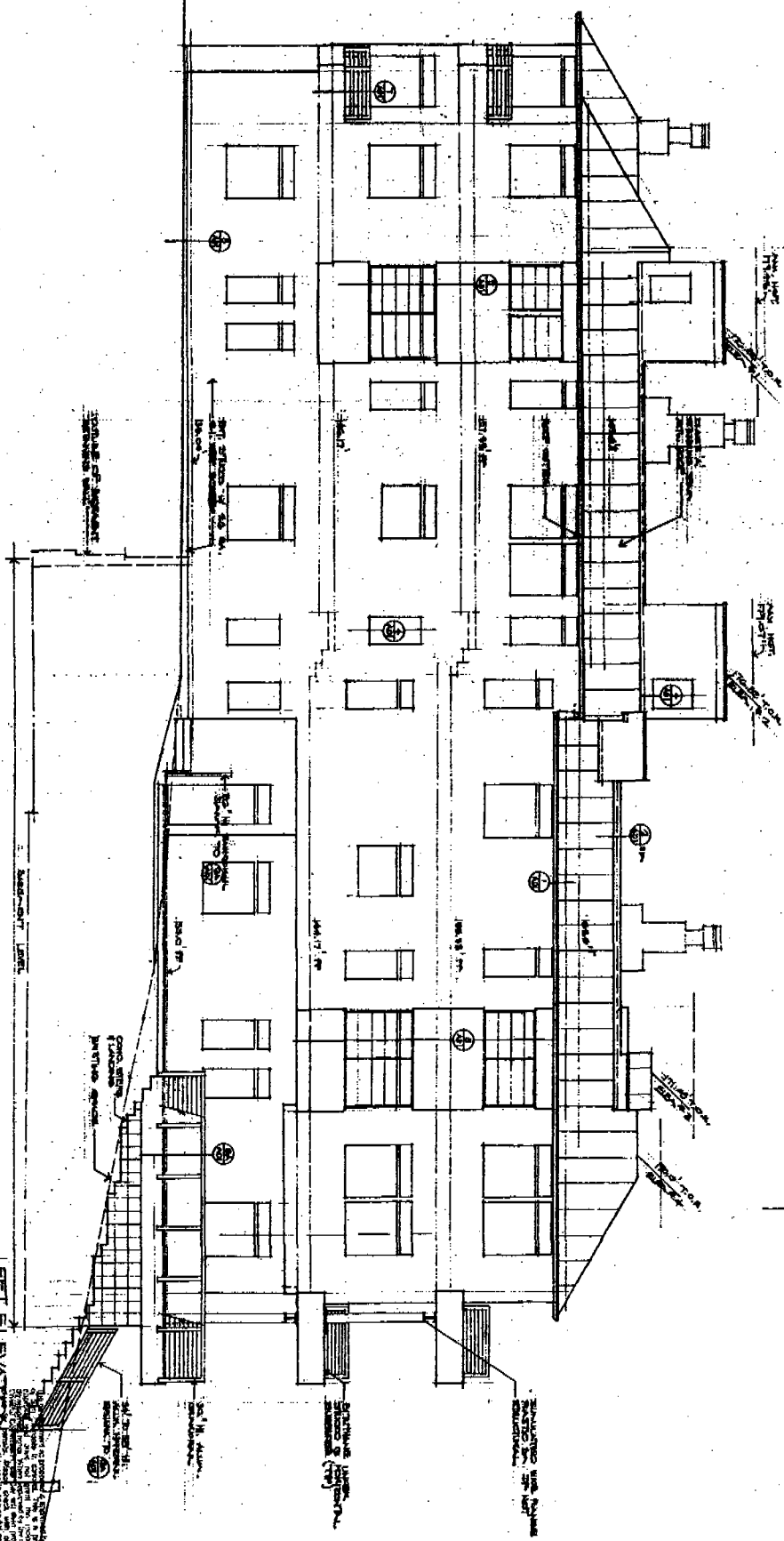
DATE: 10/1/01

BY: [Signature]

A NEW DUPLEX For:
MR. STEVE CHOU
c/o JENNY LAI
 T.L.C. REALTY & MORTGAGE
 1001 COLIMA ROAD, W
 RAYLAND HEIGHTS, CA 94540
 PROJECT ADDRESS: 400 AVE. SANTA BARBARA, SAN GLEBECK, CA 94522



NO.	DATE	REVISIONS

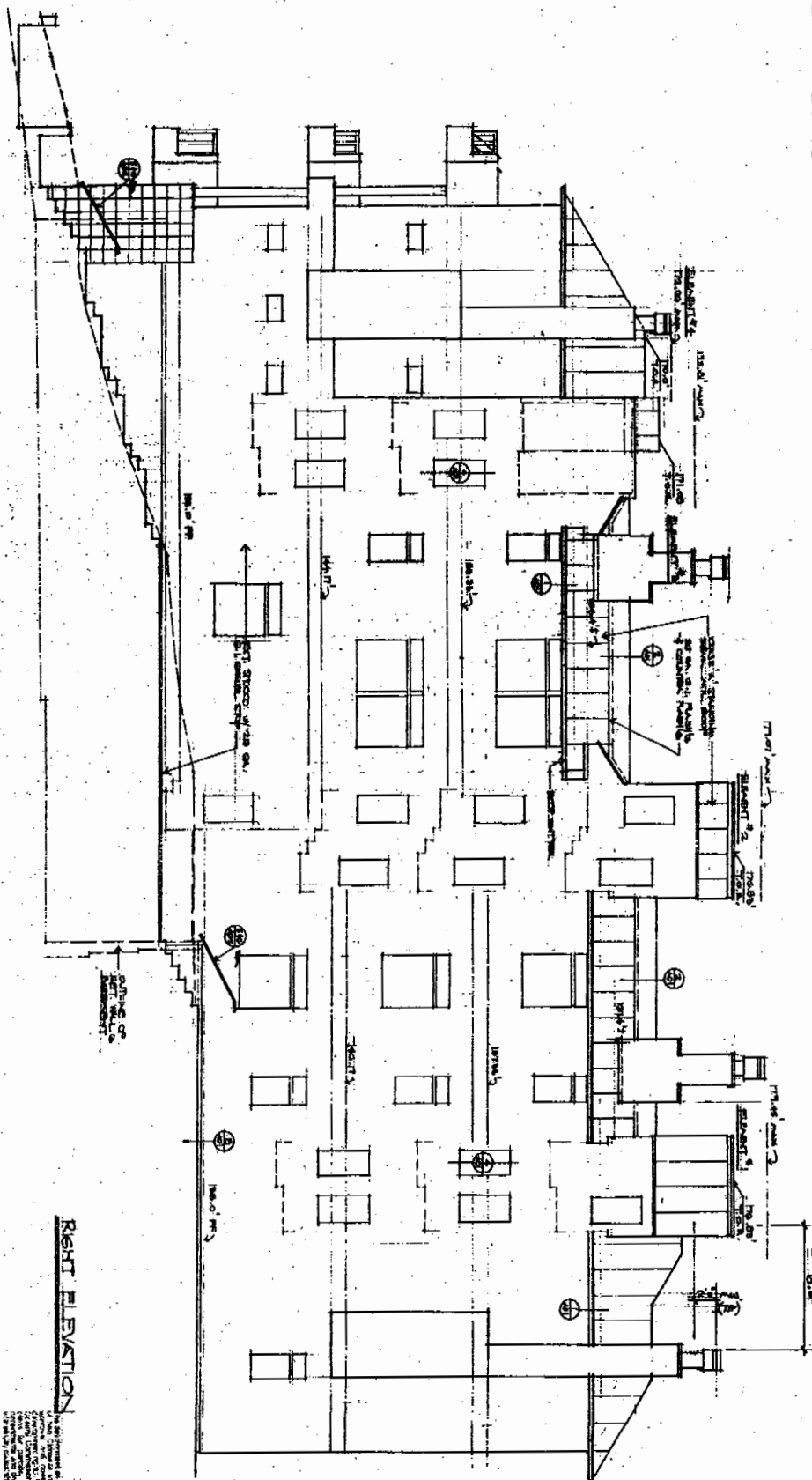


DATE	
BY	
SCALE	
PROJECT	
CLIENT	
ARCHITECT	

A NEW DUPLEX FOR
 MR. STEVE CHOU OF
 HENRI LA
 1111 COLLEGE ST. FORT WORTH, TEXAS
 76102
 ROYALTY HERBERT, REALTOR
 1501 WEST BROADWAY, SUITE 1000, DALLAS, TEXAS 75202



DATE	01/27/77
BY	
SCALE	
PROJECT	
CLIENT	
ARCHITECT	



RIGHT ELEVATION

(Faint text, likely project notes or title block information)

A NEW DUPLEX FOR
 MR. STEVE CHOU CO.
 PENNY LAI
 ARCHITECTS & ASSOCIATES
 1250 S. GARDNER BLVD. SUITE 100
 RICHMOND, CALIF. 94801
 PROJECT NUMBER: 908 AND 909A DARGANA, SAN CRISTÓBAL, CA 95072



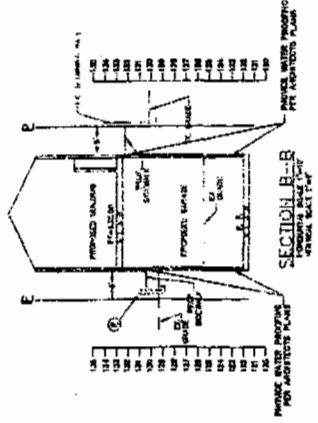
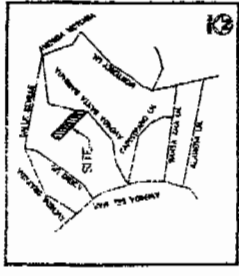
PREPARED FOR: SAN CLEMENTE, CA 92672
PREPARED BY: HANK JONG, PE 45546
EGL ASSOCIATES, INC.

NO.	DATE	REVISION
1		AS SHOWN

MAP PREPARED BY: HANK JONG, PE 45546
EGL ASSOCIATES, INC.
11893 COLEMAN ROAD, UNIT A
ARCATA, CA 95521
TEL (530) 263-3585 FAX (530) 263-3593

PRECISE GRADING PLAN

SCALE: 1" = 10'-0"

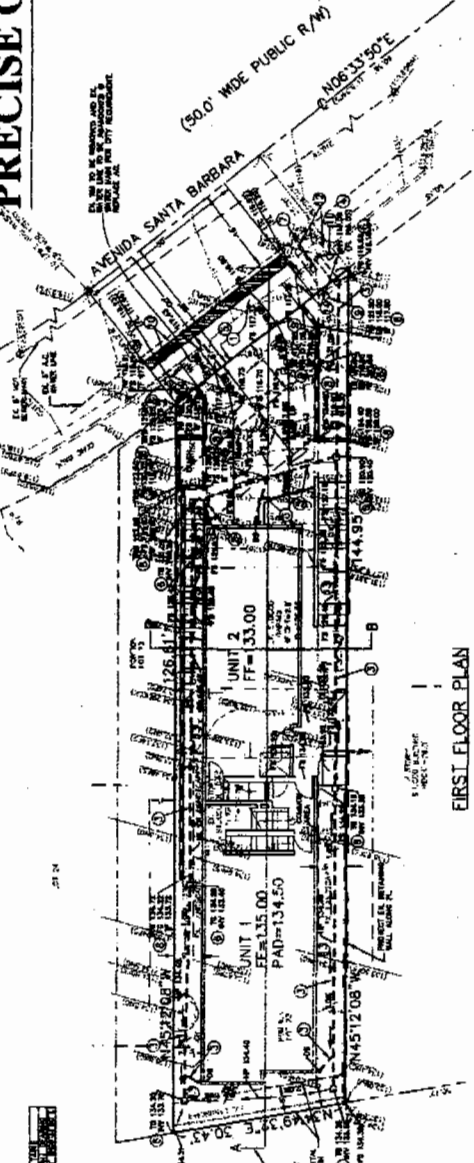


- ADDITIONAL NOTES:
- ALL NOTES SHALL BE READ IN CONJUNCTION WITH THE EXISTING GRADING PLAN.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN CLEMENTE.
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TOPOGRAPHIC INFORMATION
SUPPLIED BY:
RESOLUTION SURVEY & MAPPING INC.
15180 TRANQUIL LANE
PUNTA GORDA BEACH, CA 92640
TEL: 714-361-6544
FAX: 714-361-6544

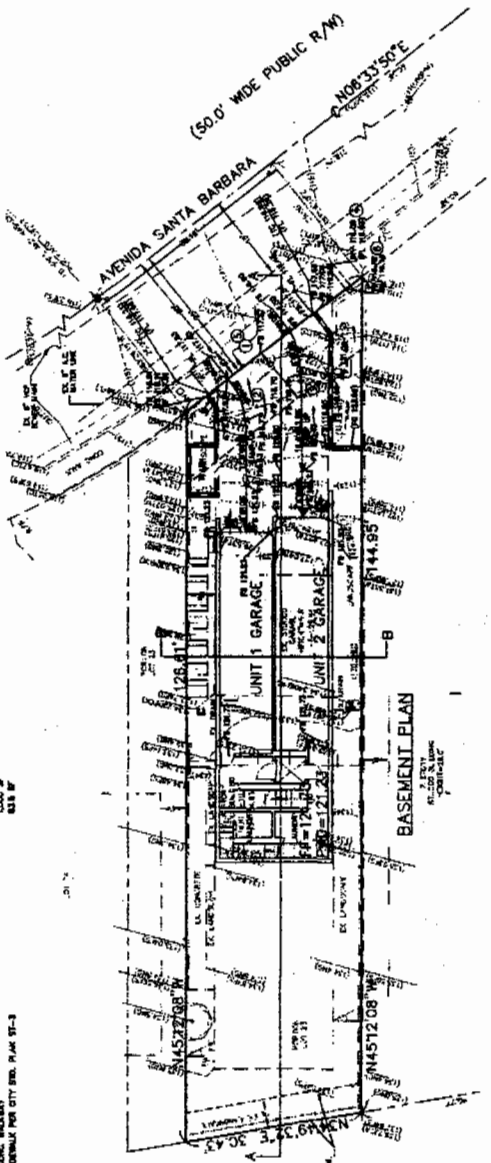


HANK JONG
PE 45546
EXP. 12-31-06



FIRST FLOOR PLAN

- CONSTRUCTION NOTES:
- CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING UTILITIES AND STRUCTURES.
 - CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING UTILITIES AND STRUCTURES.
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BASEMENT PLAN