

CALIFORNIA COASTAL COMMISSION

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

**W3c**

Filed: January 5, 2007
49th Day: February 23, 2007
180th Day: July 4, 2007
Staff: Liliana Roman-LB
Staff Report: January 25, 2007
Hearing Date: February 14-16, 2007
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-06-425

APPLICANTS: Michael and Lisa Carpentier

PROJECT LOCATION: 2450 South Ola Vista, San Clemente, Orange County

PROJECT DESCRIPTION: Remodel of an existing single-story over basement level 4,131 square foot single-family residence on a canyon lot with the addition of 1,488 square feet; resulting in a 25 foot high two-story single-family residence over a basement level with two, 2-car garages, a deck and roof deck.

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

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP), Coastal Development Permit No. 5-91-323 (Berger), No. 5-87-947 (Berger), and No. 5-82-785 (di Stephano)

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 Canyon Map
4. Coastal Access Points Map
5. Project Plans

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 Runoff Control Plan

The applicant shall conform with the drainage and run-off control plan dated January 5, 2007 showing roof, roof deck drainage and runoff from impervious areas from the front half of the lot directed into area drains and piped to existing City storm drain facilities located at

the street; drainage from the existing pool and patio and basement level is to be directed to an underground drain pipe leading to an existing culvert at the bottom of the canyon. 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. 5-06-425. 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. 5-06-425 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 2450 South Ola Vista in the City of San Clemente, Orange County (Exhibits 1 & 2). The 17,938 square-foot lot consists of a generally flat pad, which gently slopes down towards Montalvo Canyon in the rear yard (Exhibit 3). Surrounding development consists of low-density single-family residences. The nearest beach public access is available at the Montalvo access point, approximately a quarter mile west of the subject site (Exhibit 4). 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 4,131 square-foot single-family residence over a basement level with the addition of 1,488 square feet of living space, resulting in a 25-foot high, two-story, 5,944 square-foot, single-family residence with two, 2-car garages, deck and roof deck on a coastal canyon lot. Landscaping is not proposed. Project plans are included as Exhibit 5.

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 will not result in canyonward encroachment. Construction would involve the addition of a second story to the existing building footprint and the addition of a new garage on the street side of the lot. Construction is not proposed on the canyon side of the lot. The current development canyon setback was approved in 1991 under CDP 5-91-323 which approved the existing deck, staircase into the canyon and iron fence based on the “minimum of 30% of the depth of lot, and set back from the line of native vegetation (not less than 15 feet from coastal sage scrub or not less than 50 feet from riparian vegetation” policy.

The project site is located on Montalvo Canyon, an area identified in the certified San Clemente Land Use Plan as an environmentally sensitive habitat area (ESHA). While rare or endangered species have not been reported to exist within the coastal canyon habitat of San Clemente, the City has designated all coastal canyons as ESHA, as depicted in Exhibit 3. The coastal canyons act as open space and potential wildlife habitat, as well as corridors for native fauna. Decreases in the amount of native vegetation due to displacement by non-native vegetation and prior vegetation have resulted in cumulative adverse impacts upon the habitat value of the canyons. As such, the quality of canyon habitat must be assessed on a site-by-site basis.

The canyon portion that is part of the property lot is degraded due to the presence of non-native plants and due to continuous “weed abatement” clearing by the City throughout the 1980's. No portion of the applicant's site contains resources that rise to the level of ESHA. The applicant has not submitted a landscape plan as new landscaping is **not** proposed as part of this project.

Additionally, the applicant contacted the Orange County Fire Authority (OCFA) to ensure that development is carried out in conformance with OCFA fuel modification requirements for canyon sites. According to the OCFA code, fuel modification plans are not required if less than 75% of the residence is proposed for remodel which is the case for the proposed development.

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, drainage from roof and surface runoff will be directed away from the canyon slopes and into area drains and piped to existing City storm drain facilities located at the street, per City requirements.

The residence was originally built under CDP 5-82-785 issued by the Commission in 1982.

A deck and 2,250 square foot addition (i.e., two bedrooms, two baths and a study) to the residence was approved under CDP 5-87-947 (Berger) in 1988 with no special conditions. This development was approved exceeding the stringline between adjacent structures and extending 60 feet into the canyon on the basis that no grading was proposed and the development would not encroach to within 50 feet of riparian vegetation at the foot of the canyon. In more recent years, the Commission has recommended the strictest of the three possible canyon setbacks in the City's certified LUP.

In 1991, CDP 5-91-323 (Berger) was approved to enlarge the existing deck, construct a staircase from the deck into the canyon and construct a rear yard iron fence on the canyon slope. In this instance, staff concluded that the applicable canyon setback policy was the 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). The entire lot gently slopes into the canyon and no "break in grade" could be determined as a canyon edge. In 1991, although the canyon property of the subject site had been cleared of vegetation by the City "weed abatement" efforts, Montalvo Canyon had a healthy population of lemonade berry, willows, elderberry and native wild grasses growing along a drainage in the canyon bottom on adjacent lots. The iron fence was approved not less than 50 feet from the drainage easement at the foot of the canyon. The permit was approved with special conditions regarding compliance with the 30% depth of lot canyon setback, a landscaping condition and revegetation of native plants from the approved iron fence to the drainage easement.

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. 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 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, 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

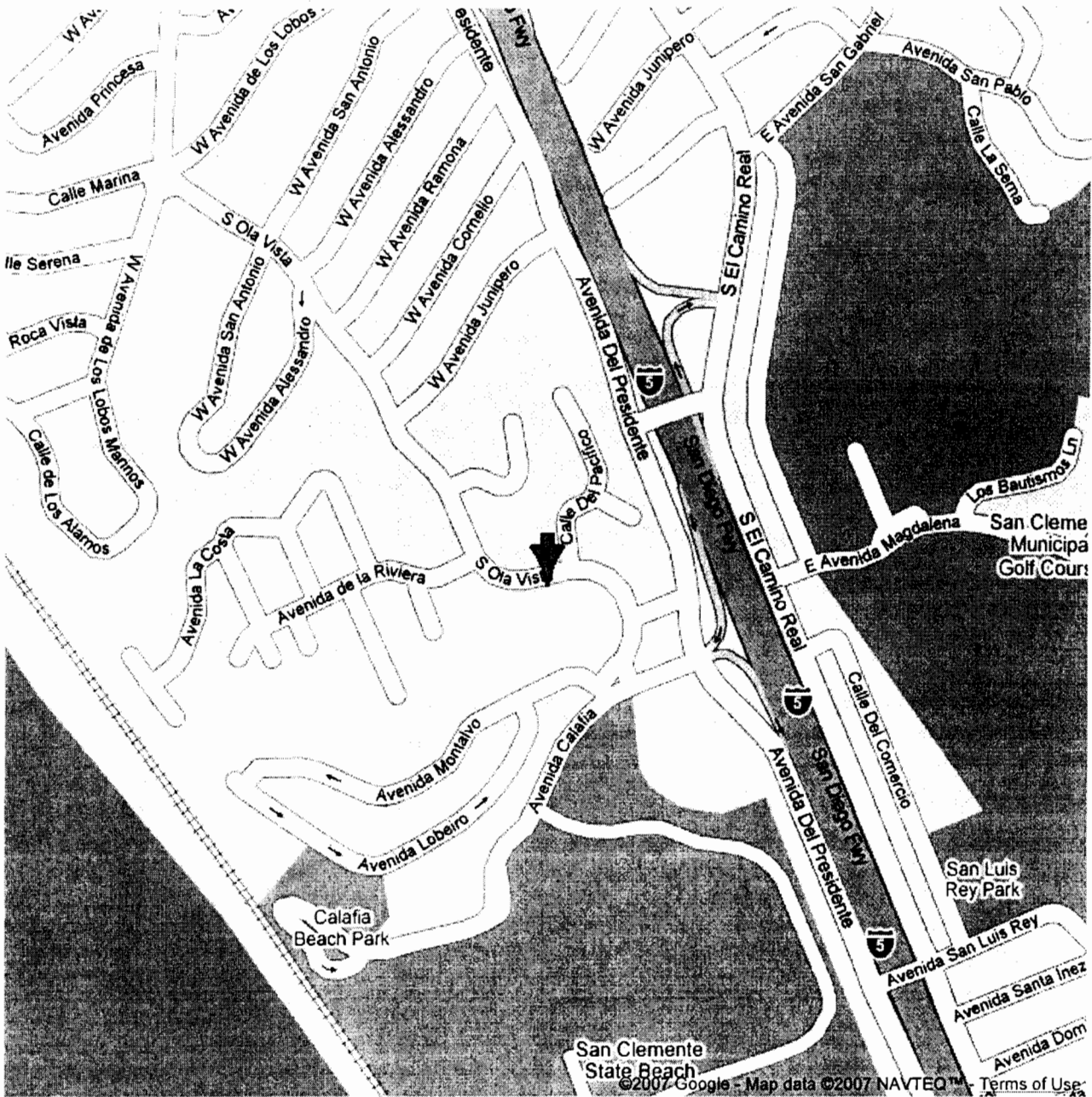
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications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



Address **2450 S Ola Vis**
San Clemente, CA 92672



COASTAL COMMISSION

5-06-425

EXHIBIT # 1

PAGE 1 OF 1

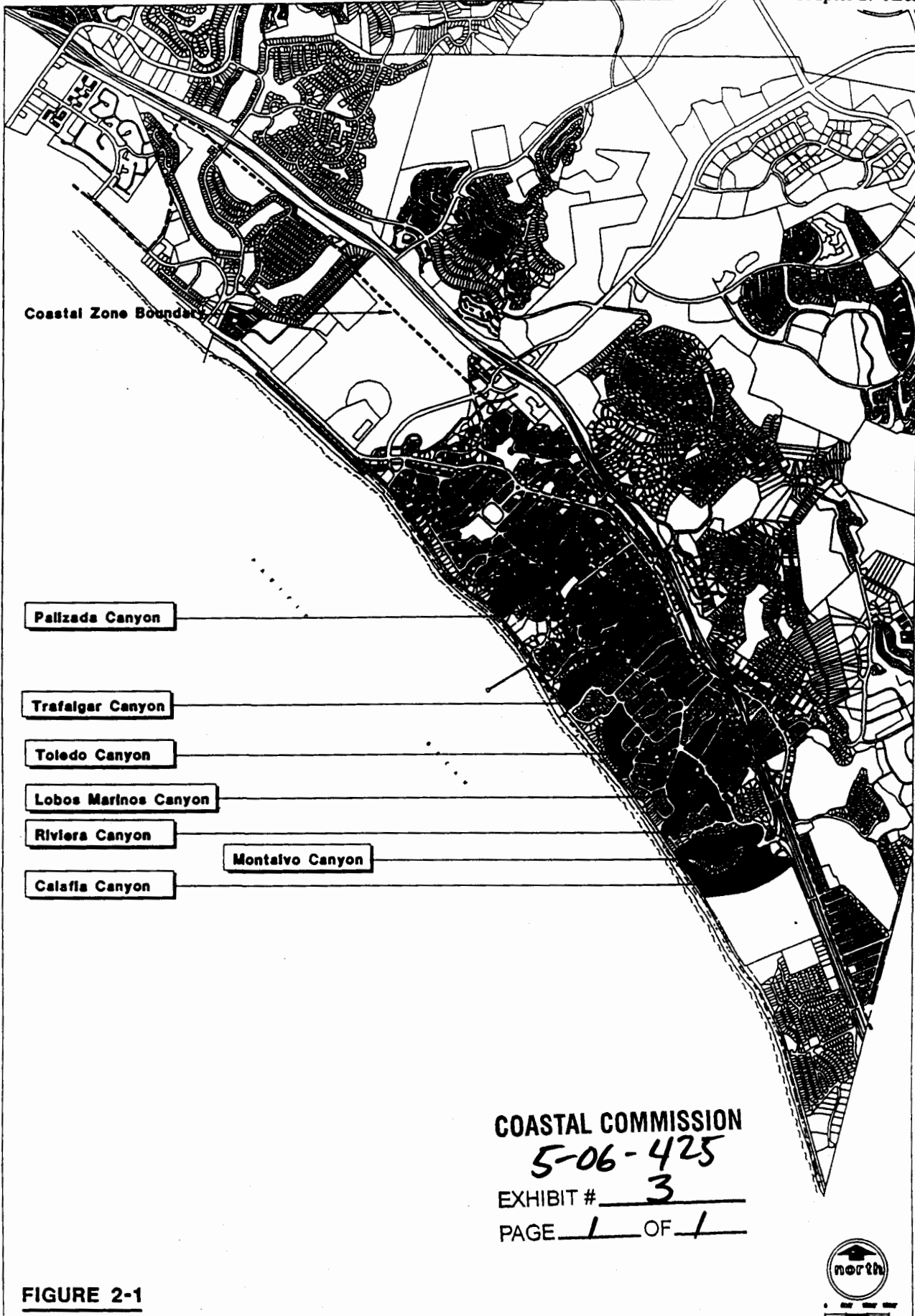
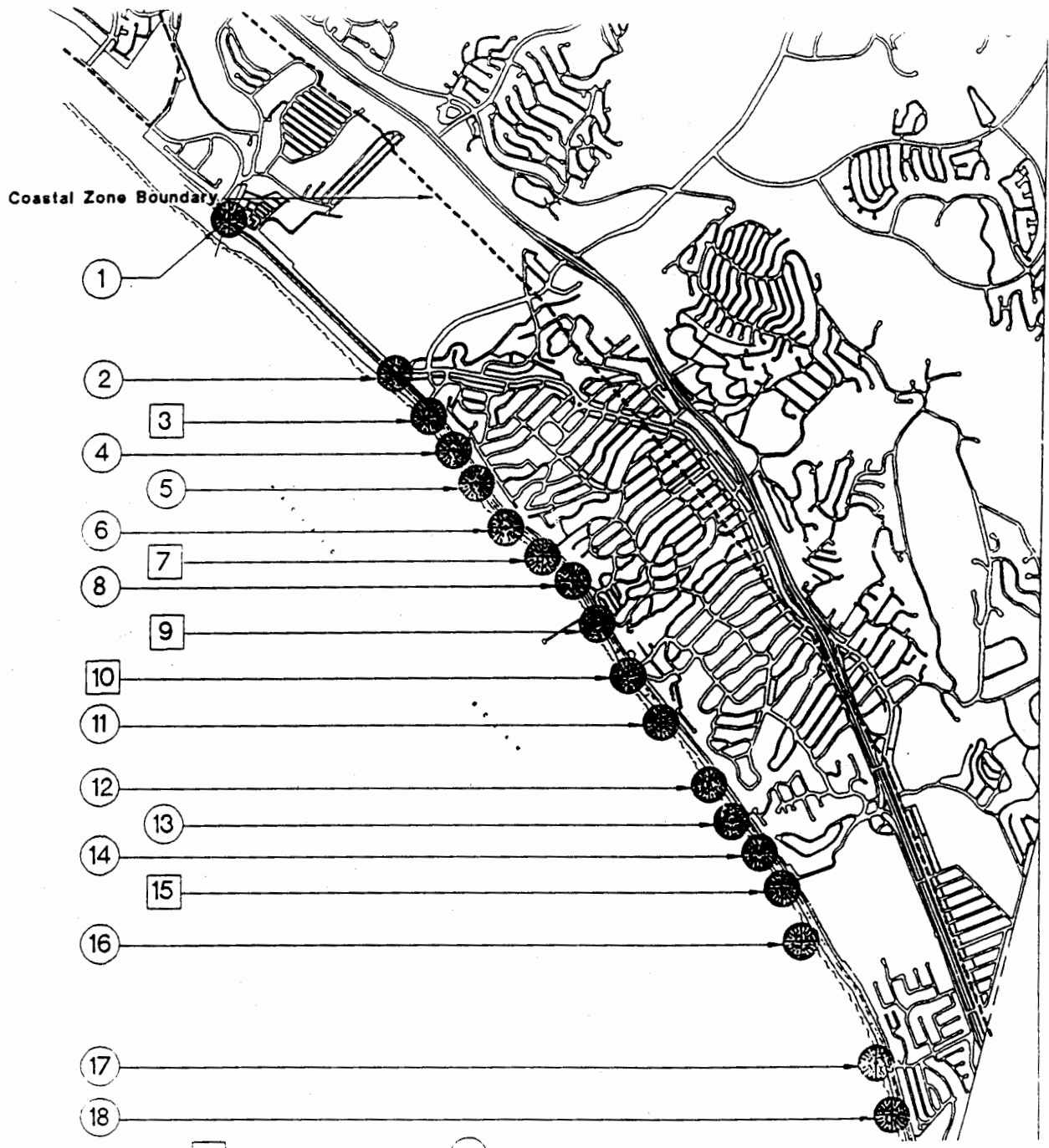


FIGURE 2-1





	□ Primary Access	○ Secondary Access
ESTRELLA-NORTH	1 - POCHE	PRESIDIO-CENTRAL
	2 - CAPISTRANO SHORES	10 - T- STREET
	3 - NORTH BEACH	11 - BOCA DEL C. NON
PICO-PALIZADA	4 - DJE COURT	12 - LOST WINDS
	5 - EL PORTAL	13 - RIVERA
	6 - MARIPOSA	14 - MONTALVO
PRESIDIO-CENTRAL	7 - LINDA LANE PARK	15 - AVE. CALAFIA
	8 - CORTO LANE	16 - SAN CLEMENTE STATE PARK
	9 - MUNICIPAL PIER	17 - AVE. DE LAS PALMERAS
		18 - CALLE ARIANA

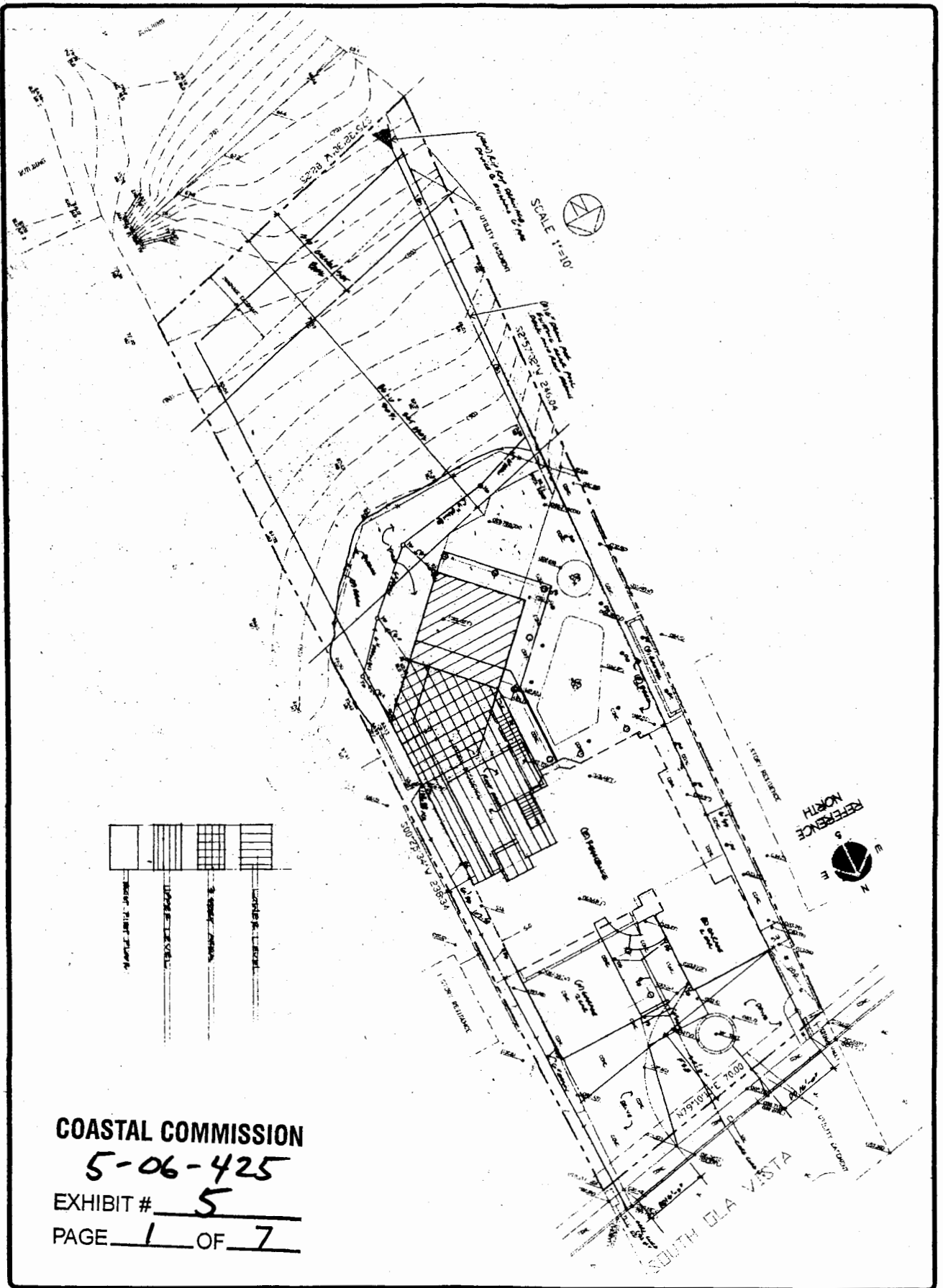
COASTAL COMMISSION
5-06-425

EXHIBIT # 4
PAGE 1 OF 1

FIGURE 2-5



**CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS**



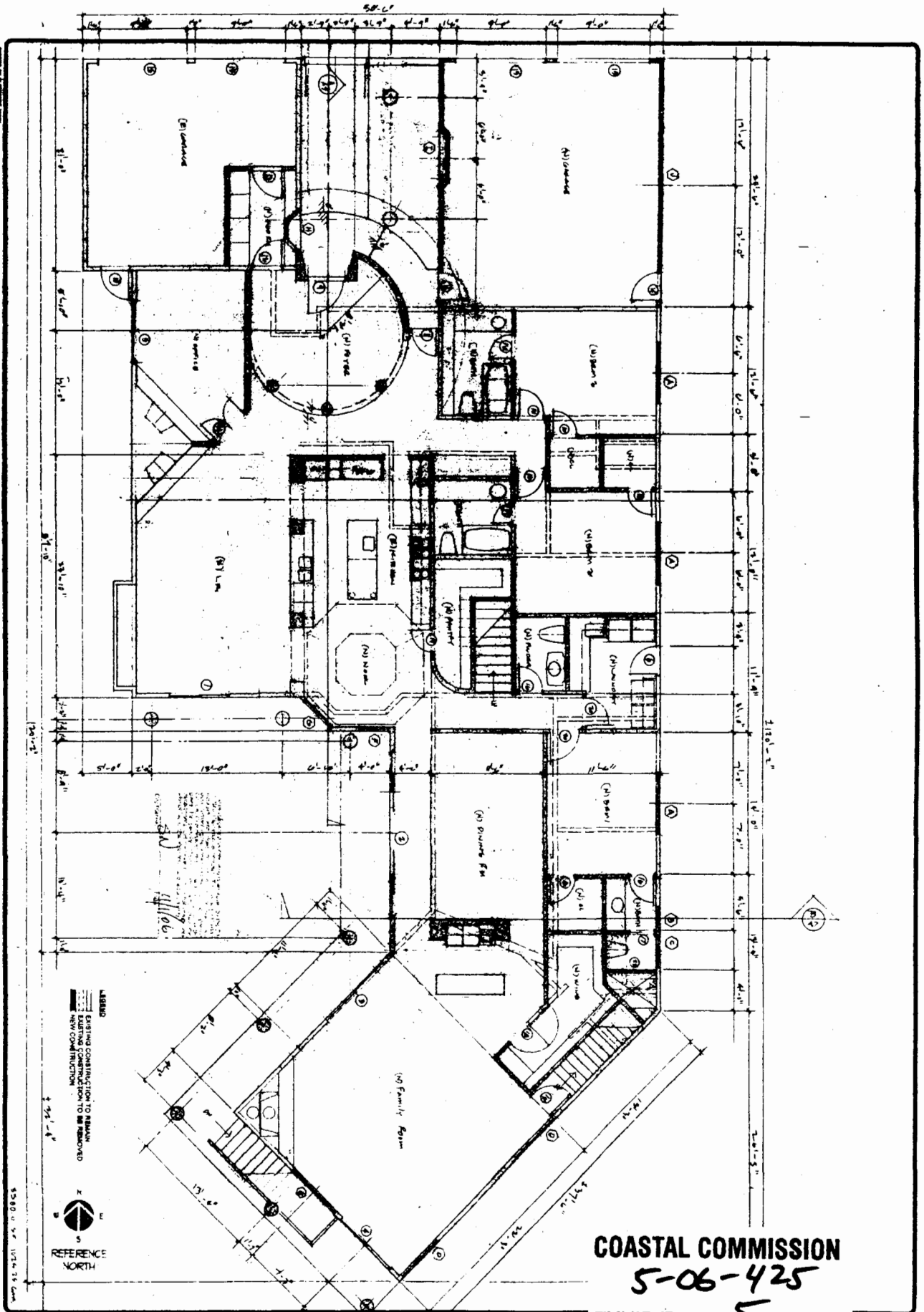
COASTAL COMMISSION
 5-06-425
 EXHIBIT # 5
 PAGE 1 OF 7

DRAINAGE PLAN

3	DATE	1/15/75
	BY	MM
REVISION	NO.	DATE

Mr. & Mrs. Michael Carpenter
 2450 South Ola Vista
 San Clemente, CA 92672

Architect
 2500 Alhambra St., Suite 1
 San Jose, California, California 95075
 (415) 435-0225 FAX (415) 435-0225



LEGEND
 --- EXISTING CONSTRUCTION TO REMAIN
 --- EXISTING CONSTRUCTION TO BE REMOVED
 --- NEW CONSTRUCTION



FIRST FLOOR

A1	DATE	1/26/76
	BY	WJC
	SCALE	1/8" = 1'-0"
	PROJECT	2450 South Ola Vista
	CITY	SAN CLEMENTE, CA
	CLIENT	MR. & MRS. MICHAEL CARPENTIER

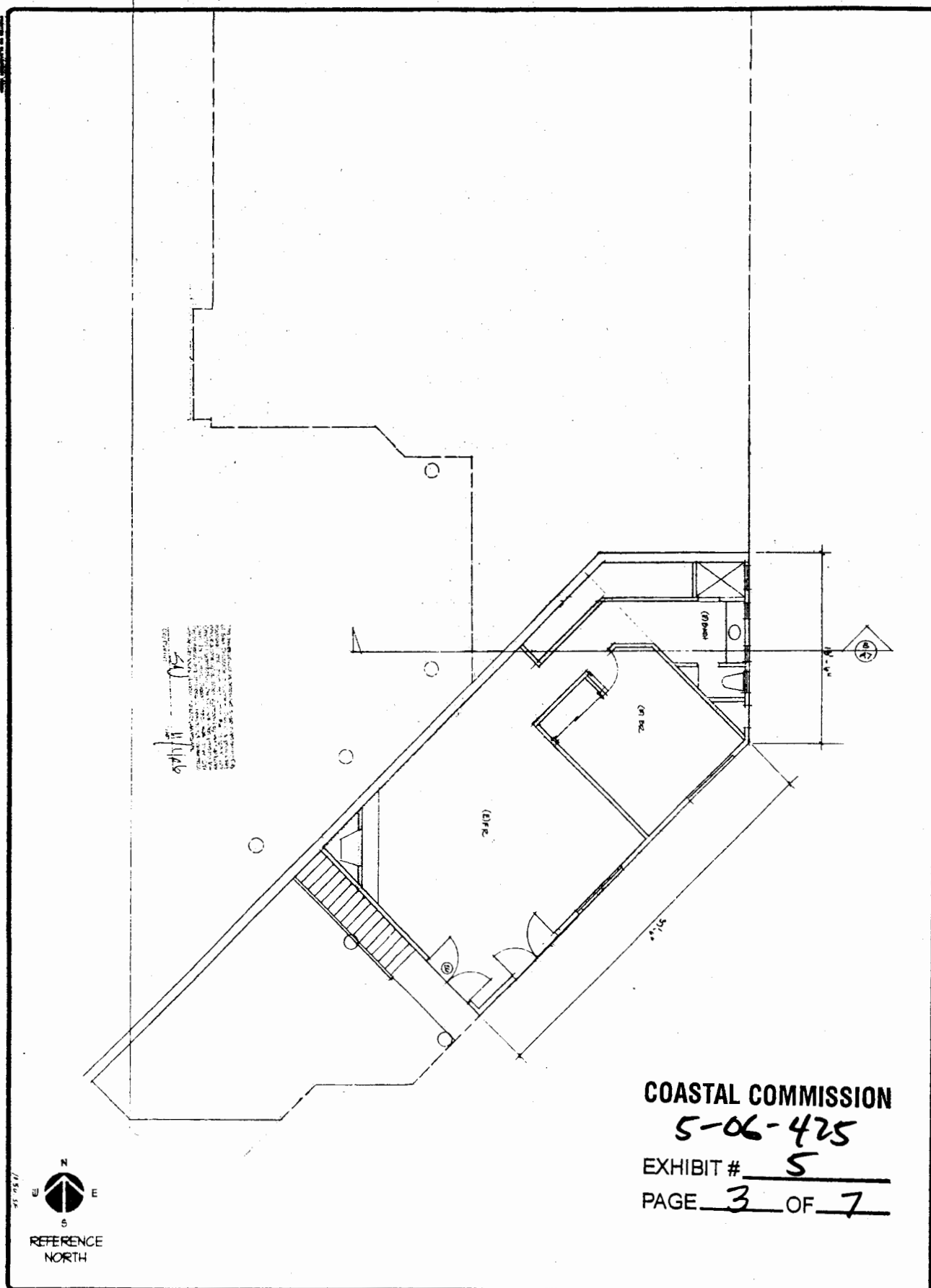
Mr. & Mrs. Michael Carpentier
 2450 South Ola Vista
 San Clemente, CA 92672

COASTAL COMMISSION

5-06-425

EXHIBIT # 5

PAGE 2 OF 7



COASTAL COMMISSION
 5-06-425
 EXHIBIT # 5
 PAGE 3 OF 7



BASEMENT FLOOR PLAN

A2	NO.	
	DATE	
	BY	
	CHECKED	

Mr. & Mrs. Michael Carpentier
 2450 South Ola Vista
 San Clemente, CA 92672

Architect
 28432 Allison St., Suite 1
 San Juan Capistrano, California 92675
 (949) 471-0226 FAX (949) 475-0881

