

CALIFORNIA COASTAL COMMISSION

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**W3d**

Filed: December 21, 2006
49th Day: February 8, 2007
180th Day: June 19, 2007
Staff: Liliana Roman-LB
Staff Report: January 25, 2007
Hearing Date: February 14-16, 2007
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-06-430

APPLICANT: Norman Frank Scheel Trust

PROJECT LOCATION: 512 Avenida La Costa, San Clemente, Orange County

PROJECT DESCRIPTION: Demolish existing single-family residence and construct a new 4,514 square-foot, 16 foot-high, single-story with basement/garage and roof deck, single-family residence and landscape improvements. Approximately 955 cubic yards of grading (740 c.y. cut and 215 c.y. fill) are proposed for basement/garage excavation and site preparation.

LOCAL APPROVALS RECEIVED City of San Clemente Planning Division Approval-in-Concept dated October 23, 2006.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP), Geotechnical Investigation New Residence 512 Avenida La Costa, San Clemente, CA, prepared by Coleman Geotechnical dated January 9, 2006 and Response to the City of San Clemente Review Checklist 512 Avenida La Costa, San Clemente, CA, City of San Clemente Project No. ENG06-090, prepared by Coleman Geotechnical dated October 10, 2006.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with four (4) special conditions, which require 1) conformance with geotechnical recommendations; 2) submittal of a final landscape plan; 3) compliance with construction-related best management practices (BMPs); and 4) future improvements come back to the Commission for review. The primary issues associated with this development are canyon habitat enhancement and water quality.

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. Conformance of Design and Construction Plans to Geotechnical Report Geologic Hazard
 - A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Engineering Geologic Reports prepared by Coleman Geotechnical and dated January 9, 2006. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for

the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.]

2. Final Landscaping 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 revised landscaping plan prepared by an appropriately licensed professional which demonstrates the following:

- (a) All areas affected by construction activities not occupied by structural development shall be re-vegetated for habitat enhancement and erosion control purposes;
- (b) No plant species listed as problematic and/or invasive by the California Invasive Plant Council (<http://www.cal-ipc.org>) and the California Native Plant Society (www.CNPS.org) in their publications shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping affected by construction activities that doesn't meet all of the requirements in this special condition shall be removed;
- (c) Landscaped areas in the front yard (street-facing) area shall consist of native and/or non-invasive drought tolerant plant species;
- (d) All planting will be completed within 60 days after completion of construction;
- (e) All vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscaping plan.

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally 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.

4. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-06-430. 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. 5-06-430 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 512 Avenida La Costa in the City of San Clemente, Orange County (Exhibits 1 & 2). The 10,011 square-foot lot consists of a generally flat pad on the southwestern side of the lot, which slopes down towards Riviera 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 600 feet 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 demolish an existing single-family residence and construct a new 4,514 square-foot, 16 foot-high, single-story with basement/garage, single-family residence and landscape improvements on a coastal canyon lot. Approximately 955 cubic yards of grading (740cy cut and 215cy fill) are proposed for basement/garage excavation and site preparation. Project plans are included as Exhibit 4. Landscape improvements are proposed for the front street facing side of the lot only. No change is proposed to the existing back patio or landscape on the canyon side of the lot. Retaining walls will be installed along southwesterly and northeasterly property lines. Exhibit 5 is a map of the San Clemente Coastal Canyons identifying this lot as a coastal canyon lot.

The current application 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 a minimum of 35 feet from the canyon edge. The existing brick patio conforms to the Commission’s typical 5-foot setback requirement for non-structural, at-grade features on canyon lots and the proposed two new retaining walls along the east and west property lines will also be set back 5 feet from the canyon edge. A string line setback is not appropriate as it would result in a smaller setback from the canyon. Therefore, the “not less than 15-feet 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 significant canyonward encroachment. As proposed, the project is sited to preserve scenic resources, as well as protect canyon habitat.

San Clemente’s certified LUP advocates the preservation of native vegetation and discourages the introduction of non-native vegetation in coastal canyons. While no rare or endangered species have been reported to exist within the coastal canyon habitat of San Clemente, the City has designated all coastal canyons, including Riviera Canyon, as environmentally sensitive habitat areas (ESHA), as depicted in Exhibit 5. 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 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 plant species. 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 in the areas on the canyonward side of the lot. However, landscaping will be removed and replaced on the front side of the site. As the Commission requires the use of native and/or non-native plant species that are drought tolerant and non-invasive along canyon lots, the Commission will require the submittal of a landscape plan for the front (street facing) part of the lot prior to the issuance of the permit for the review and approval of the Executive Director. Additionally, 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. The applicant has provided written evidence from OCFA that the proposed development is in conformance with OCFA requirements.

The geologic stability of the site has been evaluated in a study conducted by Coleman Geotechnical, dated January 9, 2006. The study concludes that the proposed development is considered geotechnically feasible provided the recommendations of the report are incorporated. Recommendations relate to site preparation and grading, general foundation design and drainage. Most of the grading on this project will involve removals and cuts to create finished grades along the southeasterly half of the lot where a street level garage will be installed. Retaining walls will be installed along southwesterly and northeasterly property lines to create desired finished grades. Deepened footing will be required to meet City side setbacks. The applicant has not provided evidence that the plans submitted conform to the geotechnical recommendations. Thus, the Commission imposes Special Condition No. 1 which requires the applicant to supply such

evidence regarding their existing plans or submit final revised plans which indicate conformance with the geotechnical report requirements.

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. The applicant has submitted a grading plan prepared by Toal Engineering, Inc. that shows all roof and surface runoff directed to area drains and piped to an existing City on-street storm drains. The proposed grading plan is consistent with the geotechnical recommendations and past Commission approvals.

B. HABITAT, RECREATION AND PARK IMPACTS

As conditioned, 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 that 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 is in conformance 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 and 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.

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. The closest public beach access is located approximately 600 feet west of the site at Riviera Access Point (Exhibit 3).

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

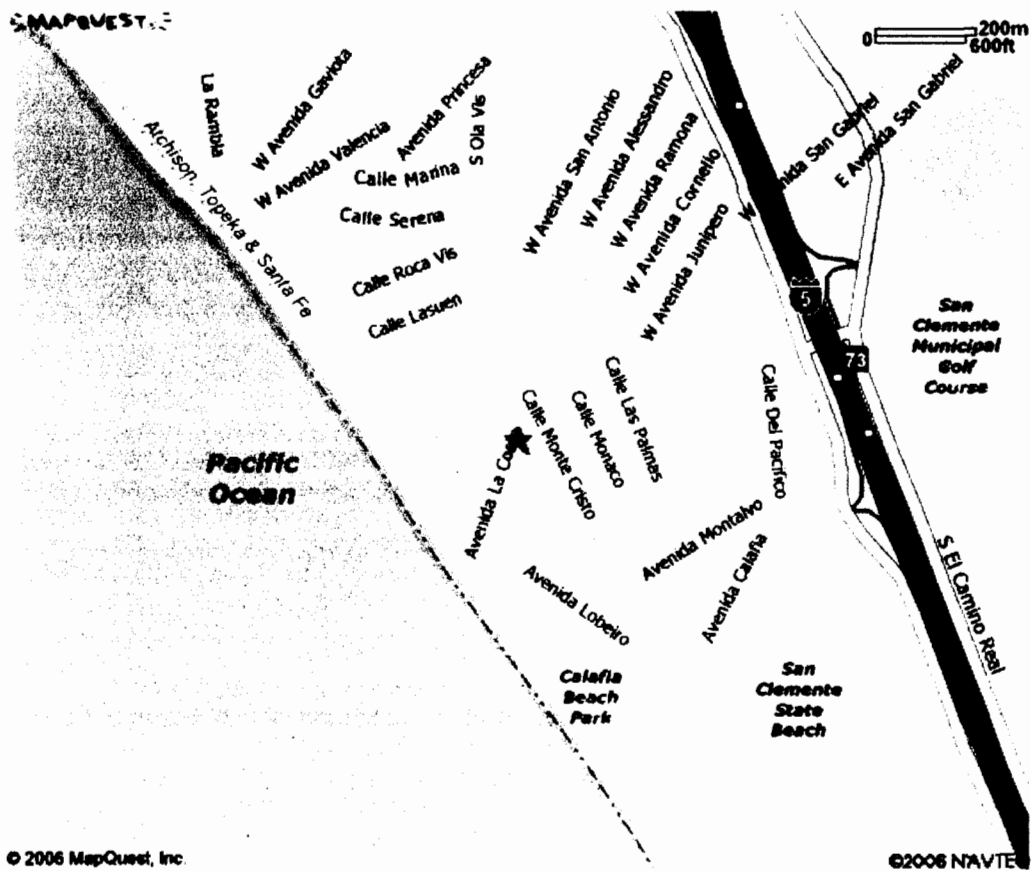
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified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



512 Avenida La Costa
San Clemente CA
92672-4421 US

Notes:

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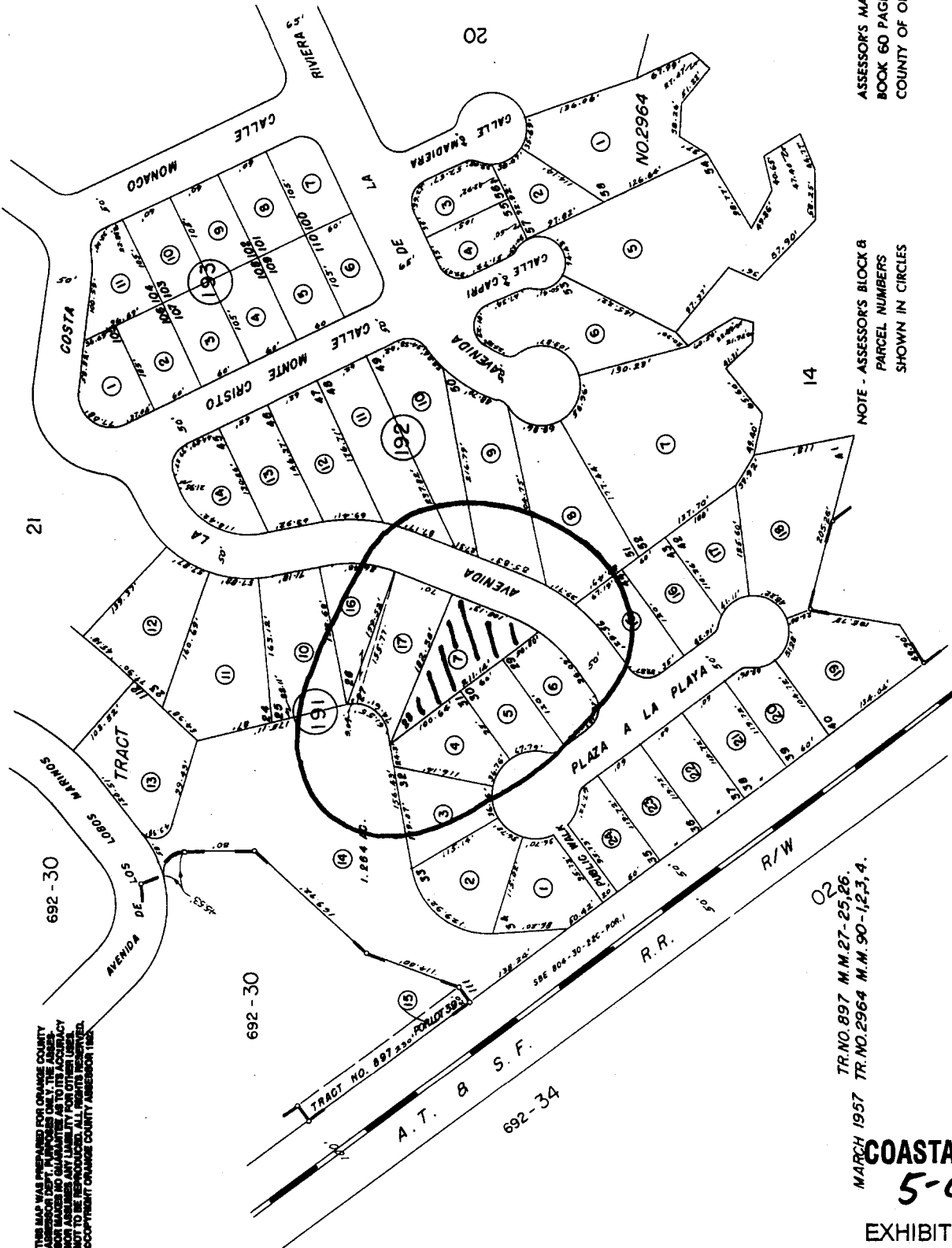
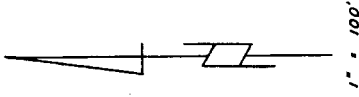
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EXHIBIT # 1

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ASSESSOR'S MAP
BOOK 60 PAGE 19
COUNTY OF ORANGE

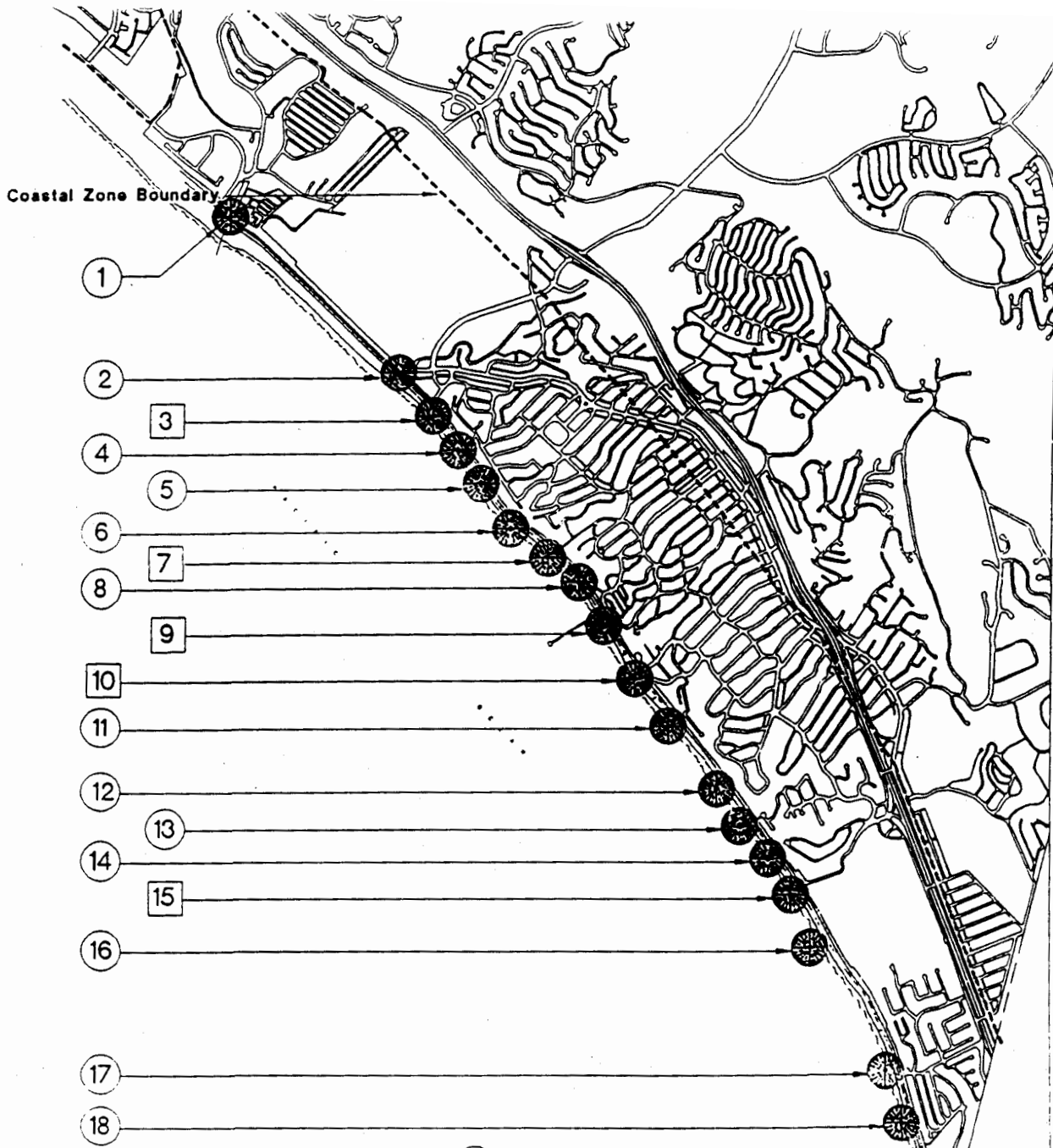
NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

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TR. NO. 897 M.M. 27-25, 26.
MARCH 1957 TR. NO. 2964 M.M. 90-1, 2, 3, 4.

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EXHIBIT # 2
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Primary Access Secondary Access

ESTRELLA-NORTH	1 - POCHÉ	PRESIDIO-CENTRAL	10 - T- STREET
	2 - CASTRANO SHORES		11 - BOCA DEL CANON
	3 - NORTH BEACH		12 - LOST WINDS
PICO-PALIZADA	4 - DAJE COURT		13 - FIVEIRA
	5 - EL PORTAL		14 - MONTALVO
	6 - MARIPOSA		15 - AVE. CALAFIA
	7 - LINDA LANE PARK	CALAFIA-SOUTH	16 - SAN CLEMENTE STATE PARK
PRESIDIO-CENTRAL	8 - CORTO LANE		17 - AVE. DE LAS PALMERAS
	9 - MUNICIPAL PIER		18 - CALLE ARIANA

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EXHIBIT # 3

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FIGURE 2-5



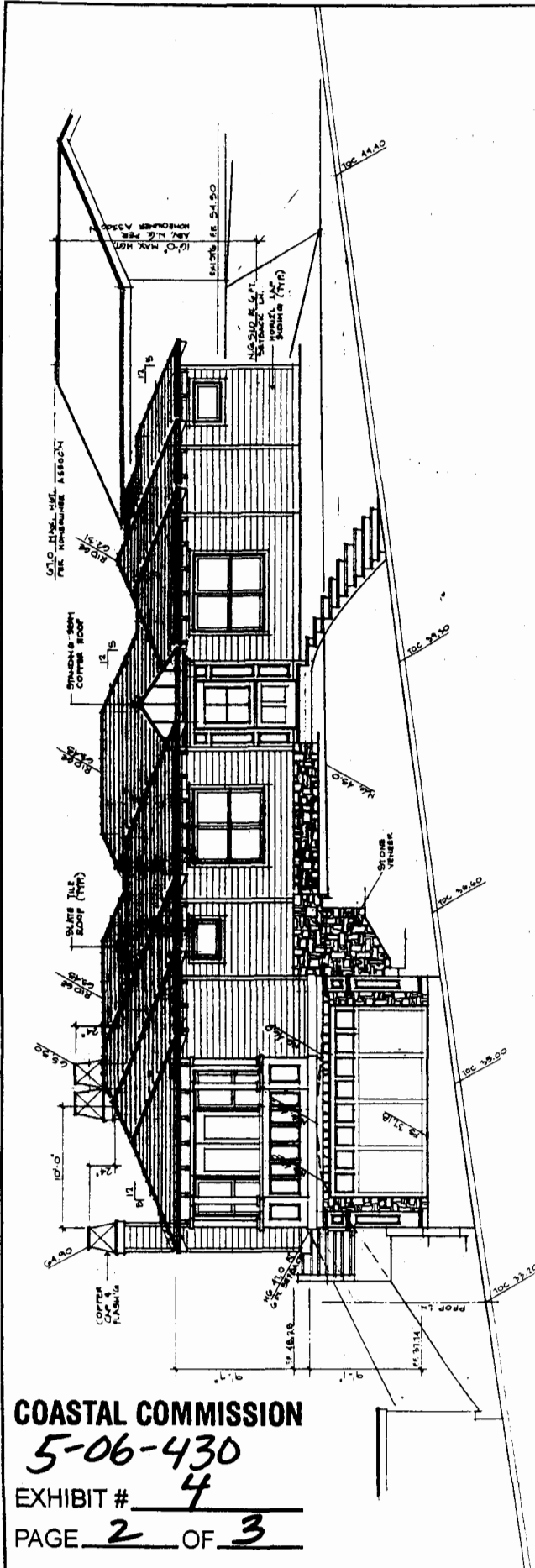
**CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS**

REVISION	DATE	BY	DESCRIPTION

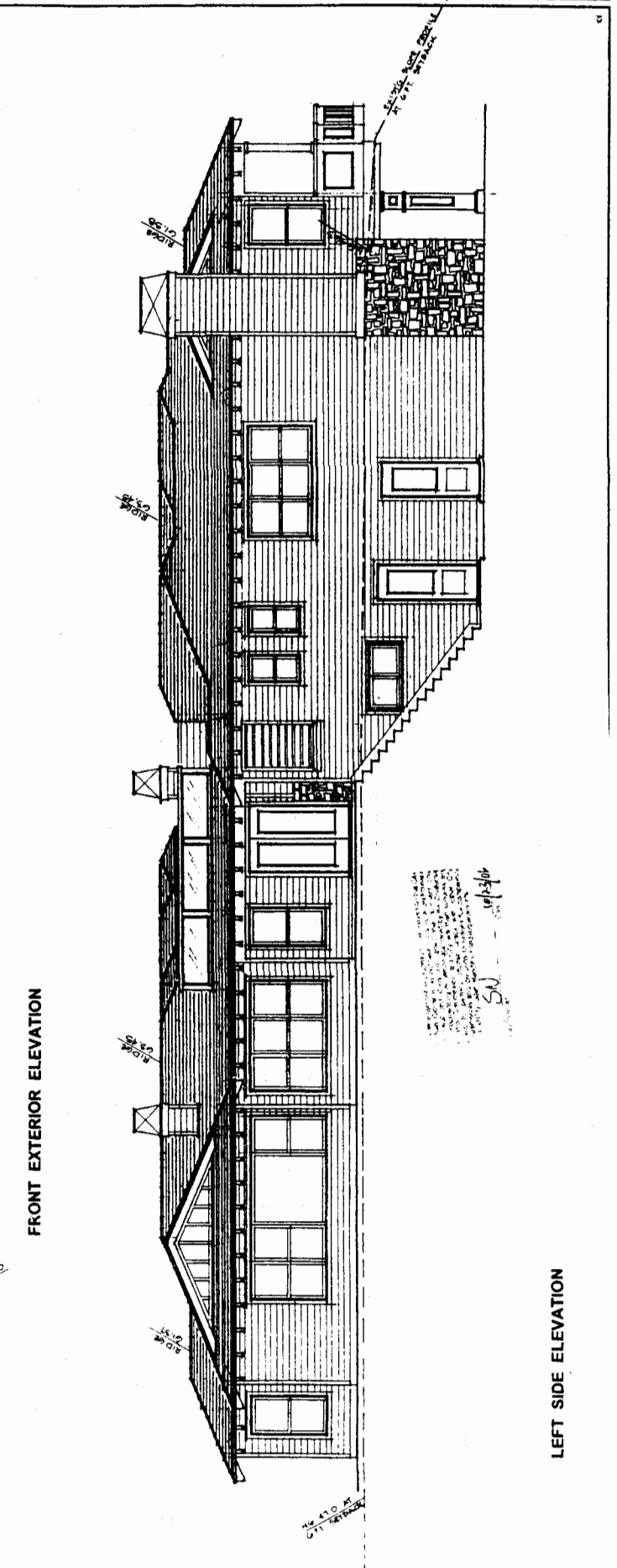
CRAIG S. HAMPTON
 ARCHITECT
 1600 S. GATEWAY BLVD., SUITE 100, OAKLAND, CA 94612
 TEL: (415) 894-4000 FAX: (415) 894-4001
 WWW.CRAIGHAMPTONARCHITECTS.COM

NO.	DATE	DESCRIPTION
1	02/12/00	CONCEPT DESIGN
2	02/22/00	PRELIMINARY DESIGN
3	03/01/00	FINAL DESIGN
4	03/01/00	CONSTRUCTION DOCUMENTS

512 AVENUE LA COSTA, SAN CLEMENTE, CALIFORNIA
 CUSTOM RESIDENCE FOR
 MANDY HOMER
 177 RIVERSIDE AVENUE, SUITE F
 NEWPORT BEACH, CA 92663
 (949) 887-9101

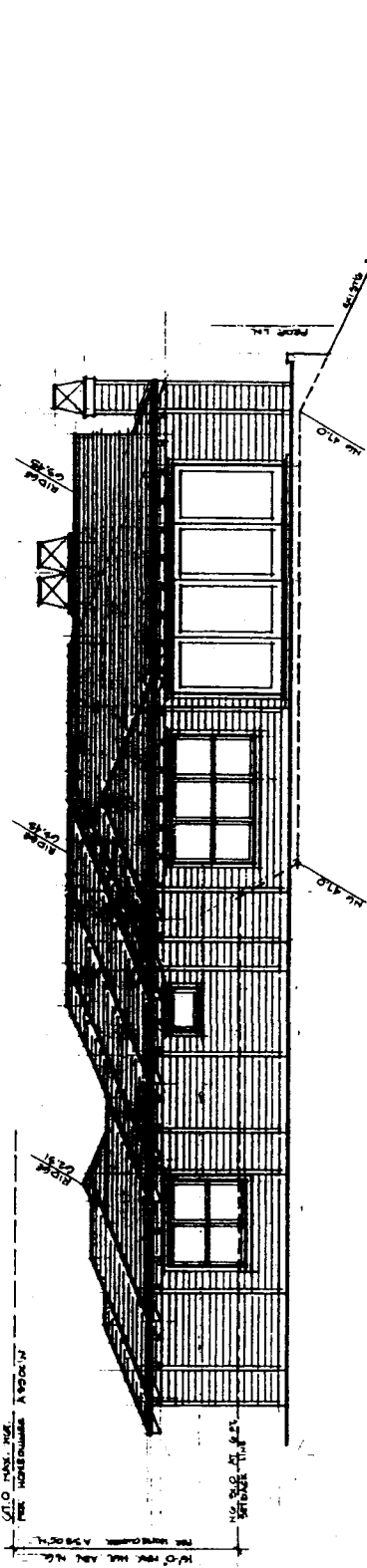


FRONT EXTERIOR ELEVATION

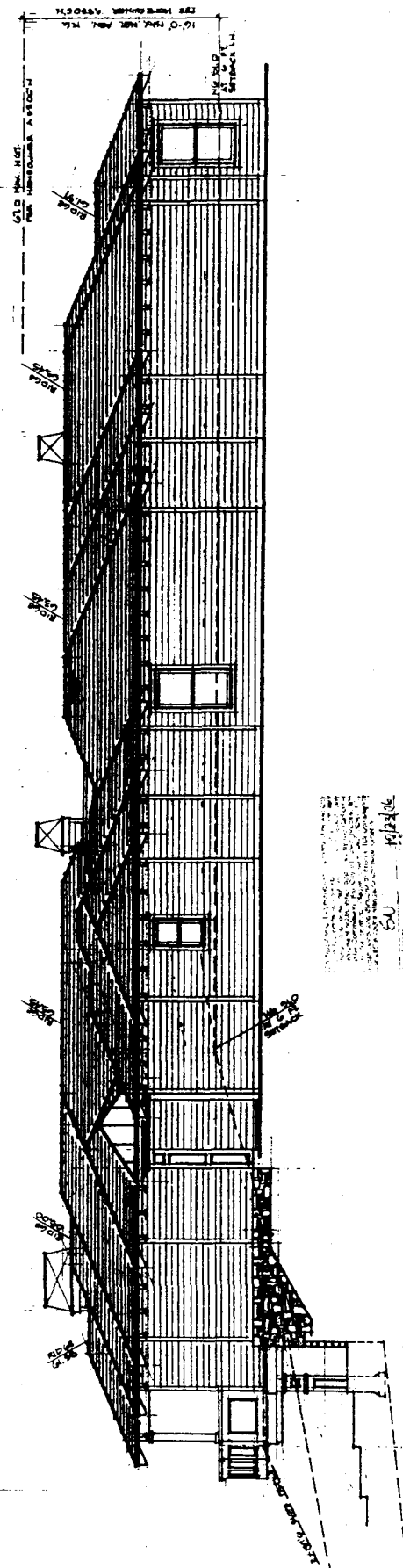


LEFT SIDE ELEVATION

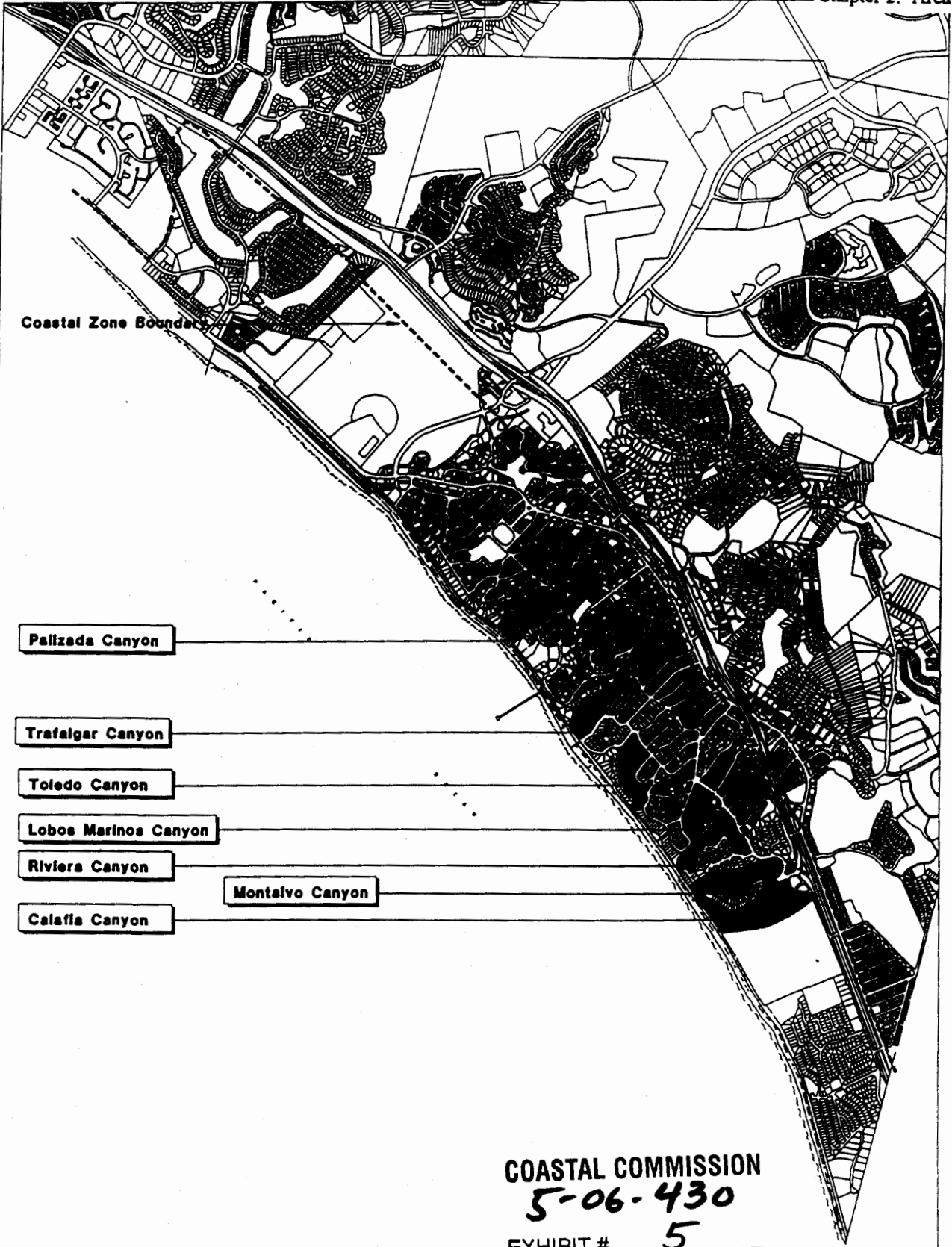
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REAR EXTERIOR ELEVATION



RIGHT SIDE ELEVATION



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FIGURE 2-1



CITY OF SAN CLEMENTE
 COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS