

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: March 7, 2007
49th Day: April 29, 2007
180th Day: September 3, 2007
Staff: LR-LB
Staff Report: March 22, 2007
Hearing Date: April 11-13, 2007
Commission Action:

Item W5b

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-013

APPLICANT: Ronald Chrislip

AGENT: Todd Schooler & Associates, Inc

PROJECT LOCATION: 313 Cazador Lane, San Clemente, Orange County

PROJECT DESCRIPTION: An addition of 720 sq.ft. to the first floor, 567 sq.ft. to the second floor, and 40 sq.ft. to the attached two car garage of an existing two story single-family residence on a canyon lot resulting in a 2,881 sq.ft. home and a 470 sq. ft. two car garage.

LOCAL APPROVALS RECEIVED: San Clemente Planning Division Approval in Concept dated January 4, 2007.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP); CDP Application 5-93-031.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with three (3) special conditions, which require 1) submittal of drainage plan; 2) evidence of approval from OCFA; 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 geologic hazards, water quality and protection of canyon habitat. A landscaping condition has not been recommended because the applicant is not proposing to disturb existing landscaping or install new landscaping.

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. Submittal of Final Drainage 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 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:
- (a) 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;
 - (b) 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. Runoff from impervious surfaces that cannot feasibly be directed to the street shall be discharged via pipe or other non-erosive conveyance to a designated canyon outlet point to avoid ponding or erosion either on- or off- site;
 - (c) Visual treatment shall be required for all above ground piping along the canyon slope, including, but not limited to, use of earth-tone colorization (no white or bright colors) of the pipe and native vegetation to screen the pipe from view.
 - (d) Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface to the canyon bottom; and
 - (e) 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 plan. 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.

2. Orange County Fire Authority Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director a copy of a permit issued by the Orange County Fire Authority (OCFA) or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the OCFA and/or any inconsistencies with the conditions of approval contained herein. Changes required by OCFA shall not be incorporated into the project until the applicant obtains 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. 5-07-013. 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. 5-07-013 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 involves an addition and remodel of an existing two-story single family residence resulting in a 2,881 sq. ft. two-story residence on a canyon lot located 313 Cazador Lane in the City of San Clemente, Orange County (Exhibits 1 & 2).

The applicant proposes an addition of 720 sq. ft. to the first floor for a new family room and dining room expansion, 567 sq. ft. to the second floor for a larger master suite and 40 sq. ft. to the garage of an existing two-story single family residence. No grading is proposed. The existing residence is on a level pad on the southeast side of Cazador Lane and approximately 35 feet above Trafalgar Canyon. The majority of the proposed addition would be on the western side of the residence between a deck on the canyon and the garage facing Cazador Lane. There is no existing native vegetation on the proposed location for the addition. Construction of the addition will not result in the loss of existing natural resources.

Surrounding development consists of low-density single-family residences. The nearest public access to the beach is available at the Municipal Pier, approximately ¼ mile northwest of the subject site (Exhibit 4).

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 current residence conforms to the canyon setback policies in the certified LUP, as the development is set back a minimum of 30% depth of lot and not less than 15 feet from the canyon edge. The proposed additions also comply with the 30% depth of lot and 15 foot setback from the canyon edge and will not result in canyon ward encroachment. Construction would involve a major ground and second story addition to the south side of the residence, and minor expansions on the west street side (garage), north side (entry way) and east canyon ward side (dining room). No changes are proposed to the existing

canyon deck. The proposed addition is consistent with the pattern of development in the surrounding area.

In 1993, a similar application, CDP 5-93-031 (Chrislip) was approved for a 1,038 sq. ft. addition for a first and second floor master bedroom suite with a balcony. Staff recommended approval with special conditions including a deed restriction for future improvements requiring coastal development permits. However, a final CDP was not issued as the deed restriction condition was not fulfilled. For CDP 5-93-031, staff concluded that the applicable canyon setback policy was a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge.

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 Trafalgar Canyon, as environmentally sensitive habitat areas, 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 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 adjacent to the subject site is considered degraded due to the presence of both native and non-native plant species. The site is currently covered with non-native shrubs and grasses. No information has been provided to indicate that the site or any portion thereof qualifies as ESHA. The applicant proposes no new landscaping to improve the habitat value of the adjacent canyon. Since no existing landscaping will be disturbed and no new landscaping is proposed, the Commission has not imposed a landscaping condition. Additionally, because the site is located adjacent to a canyon, the proposed plans must be submitted to the Orange County Fire Authority (OCFA) to determine whether their review and approval is required for this development. As the site plans indicate the canyon as a "heavy brush" area, OCFA may require vegetation clearance that would impact any existing canyon habitat. Therefore, staff has imposed a prior to issuance of permit condition that the applicant to provide written evidence of either OCFA approval or that OCFA review is not required for this development.

During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the storm drain system leading to the ocean. Permanent drainage control measures are essential in order to decrease irrigation or rain runoff from flowing over the canyon slope. After construction, drainage from roof and surface runoff should 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. If not feasible, runoff may be conveyed down the slope to the canyon bottom in a positive drainage device such as a solid pipe.

B. DEVELOPMENT (HAZARDOUS AREAS)

Development adjacent to slopes such as those found on canyons or hillsides is inherently hazardous. Development which may require a protective device in the future can not be allowed due to the adverse impacts such devices have upon public access, and visual resources. To minimize risks to life and property the development has been conditioned to: require an appropriate set-back from the top of the slope, for conformance with a drainage and runoff control plan to minimize percolation of water into the slope and that future improvements must come back to the Commission for review. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. 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.

D. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. Furthermore, uncontrolled runoff from the project site and the percolation of water would also affect the structural stability of the canyon. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development 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.

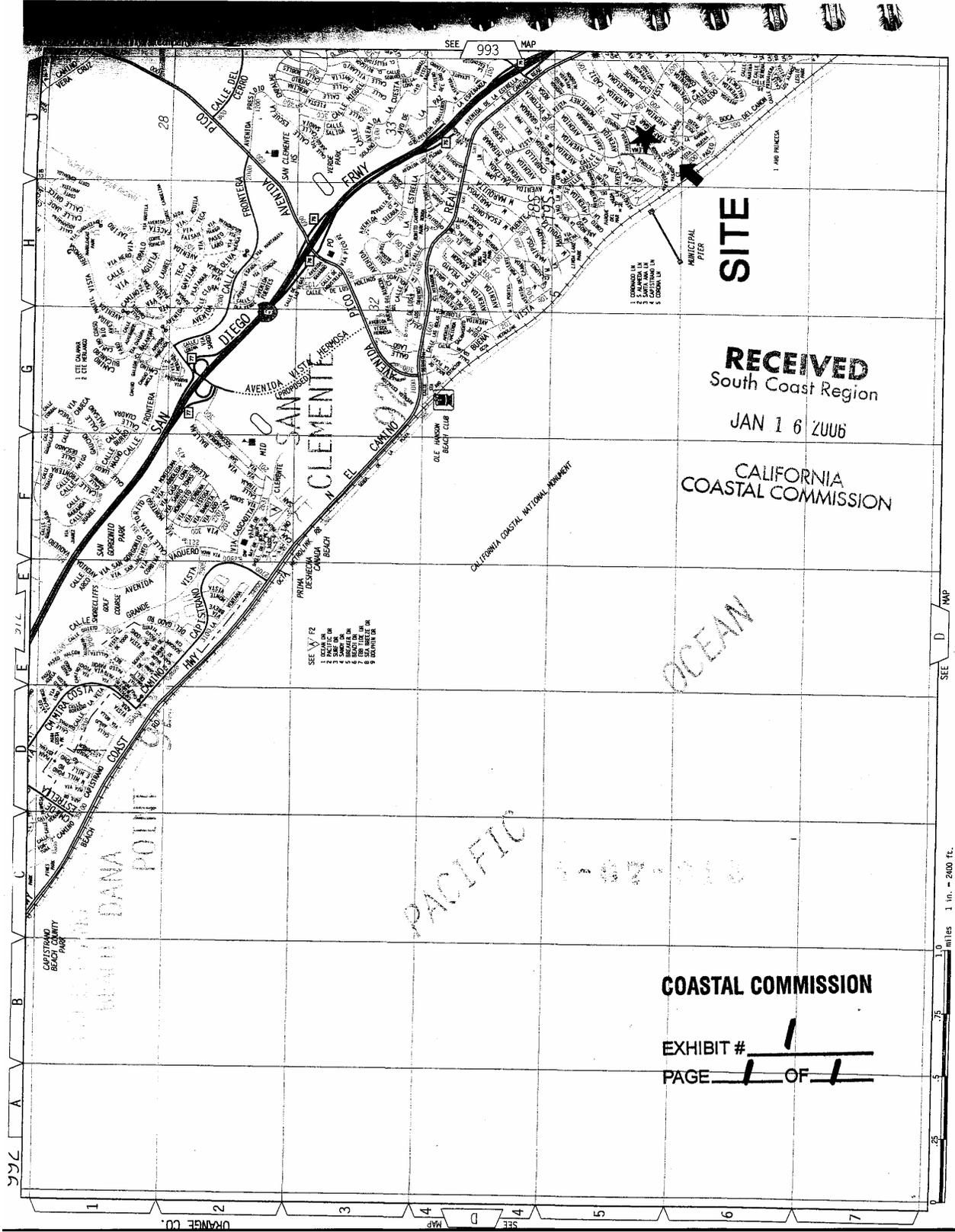
F. LOCAL COASTAL PROGRAM

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 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.



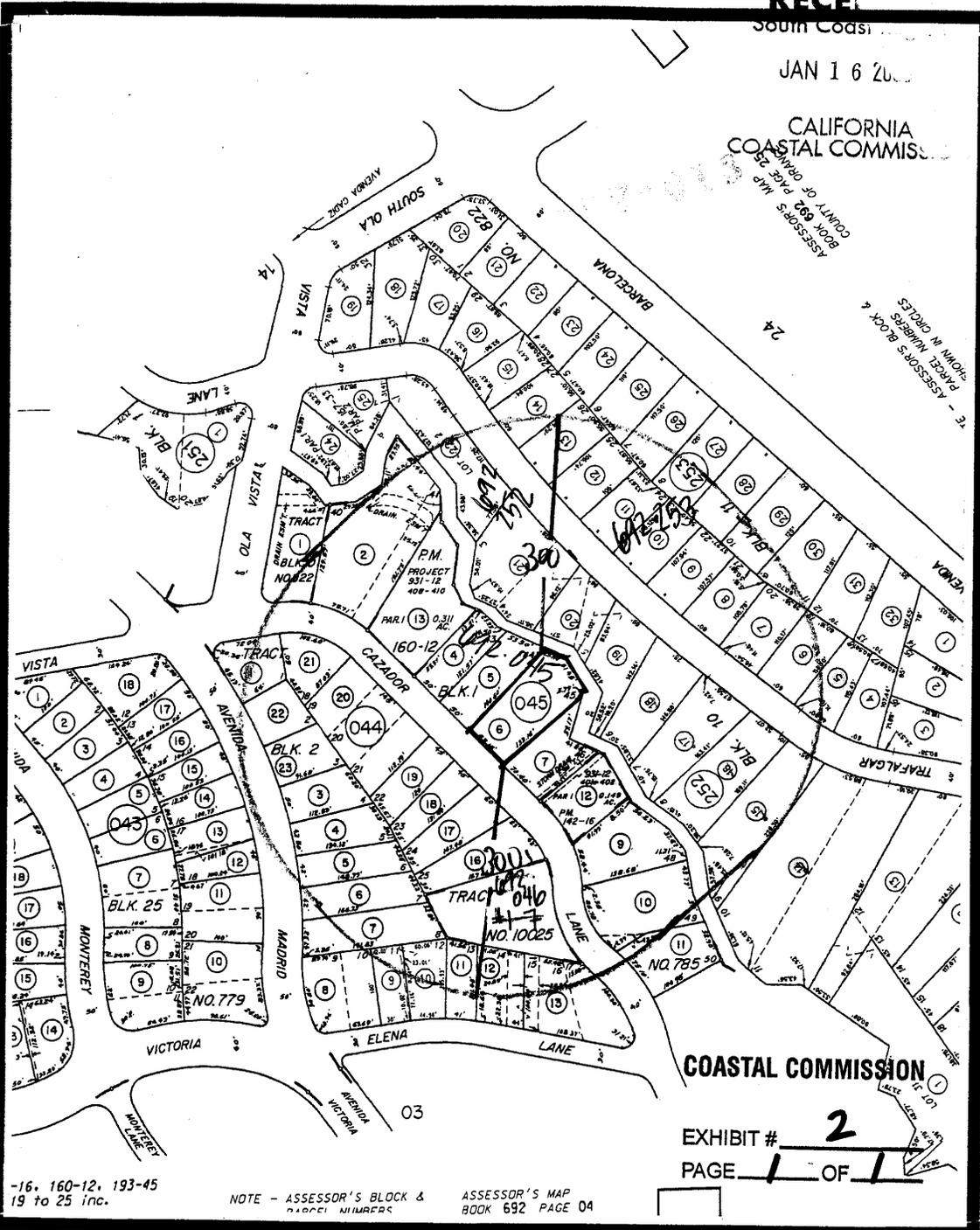
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ASSASSOR'S MAP
BOOK 692
PAGE 04

2 - ASSASSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES



-16, 160-12, 193-45
19 to 25 inc.

NOTE - ASSASSOR'S BLOCK &
PARCEL NUMBERS

ASSASSOR'S MAP
BOOK 692 PAGE 04

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

Ownership Map

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

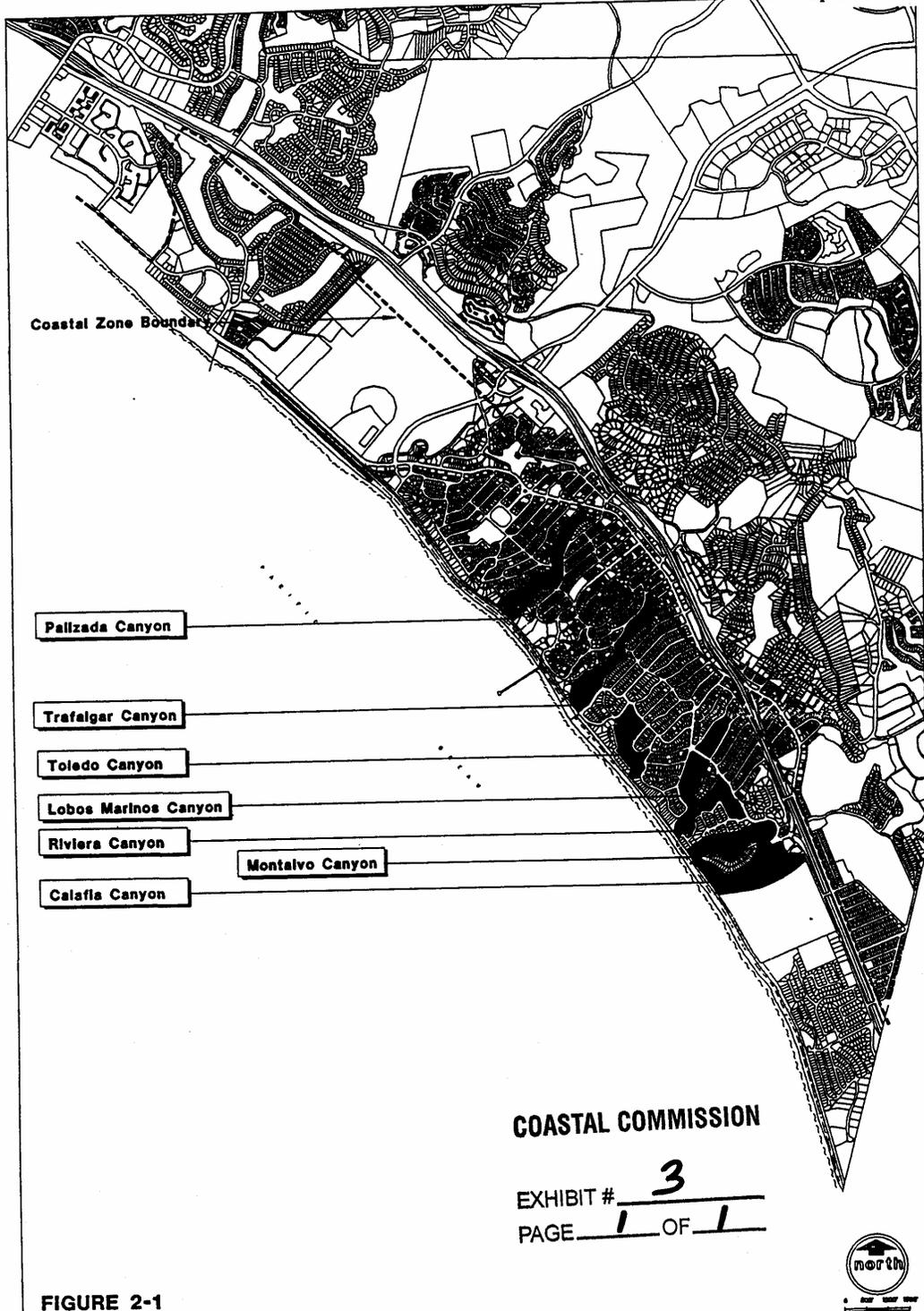


FIGURE 2-1



CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS

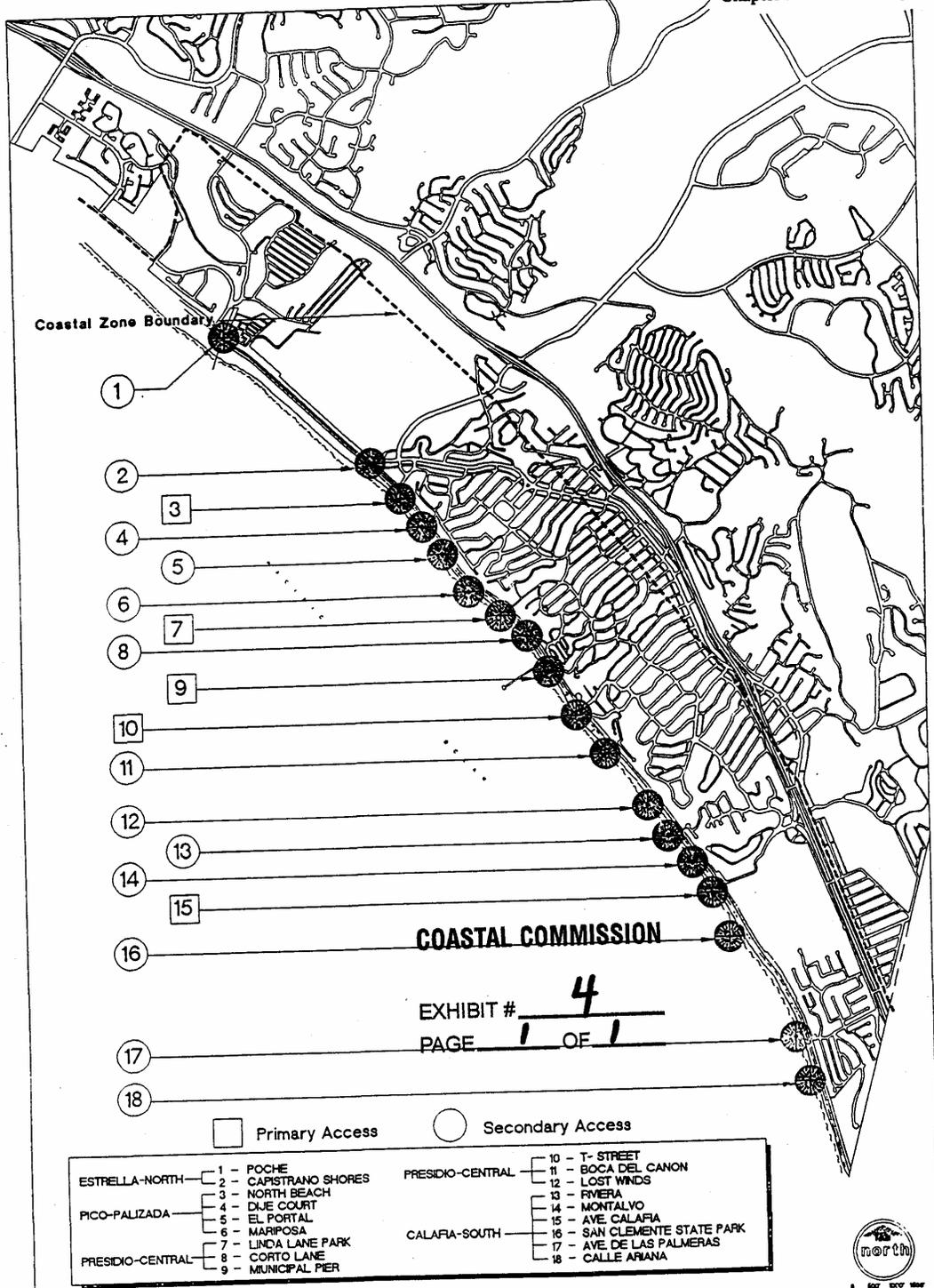


FIGURE 2-5

CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS



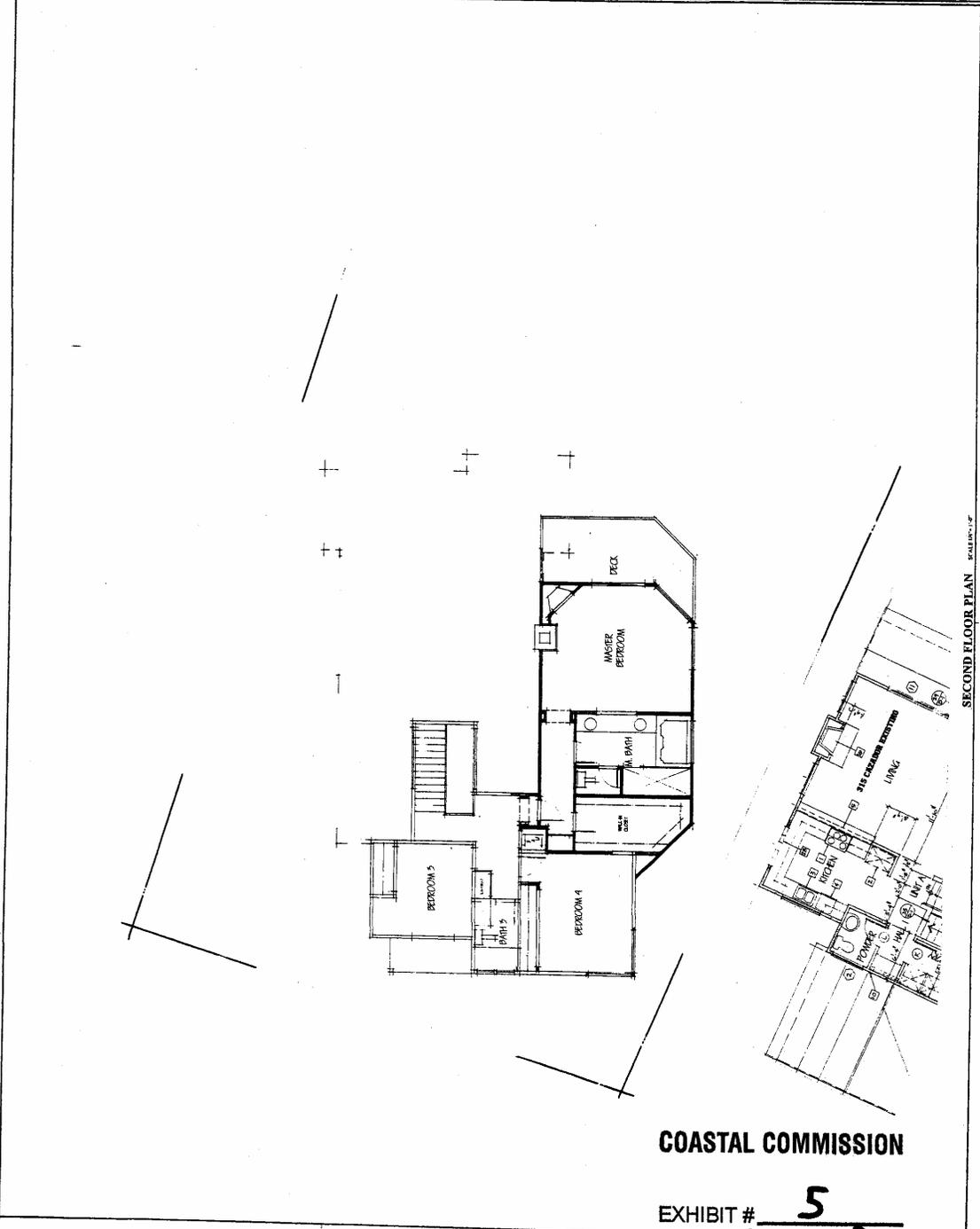
A REMODEL & ADDITION FOR:
RONALD CHRISLIP
313 CAZADOR LANE
SAN CLEMENTE, CA 92672

313 CAZADOR LANE
SAN CLEMENTE, CA

Project Location:

Local Jurisdiction:

DATE	NOV 11 2008
SCALE	AS SHOWN
CHECKED	[Signature]
DATE	NOV 11 2008
DESIGNED	[Signature]
DATE	NOV 11 2008
DRAWN	[Signature]
DATE	NOV 11 2008
PROJECT	A-4
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SECOND FLOOR PLAN

COASTAL COMMISSION

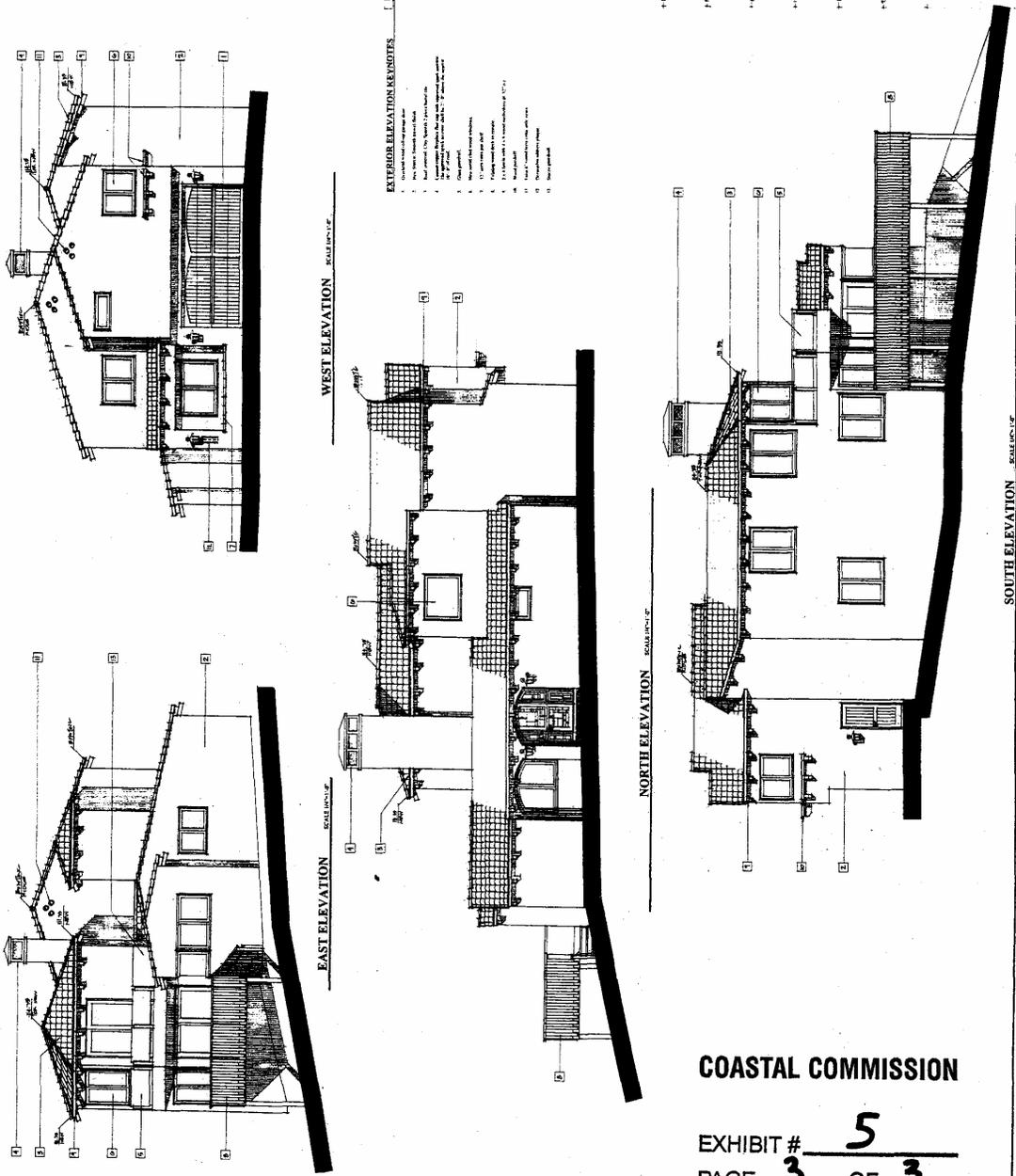
EXHIBIT # 5
PAGE 2 OF 3

A REMODEL & ADDITION FOR:
 RONALD CHRISLIP
 313 CAZADOR LANE
 SAN CLEMENTE, CA 92672

313 CAZADOR LANE
 SAN CLEMENTE, CA

Project Location :

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EXHIBIT # 5
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