# **CALIFORNIA COASTAL COMMISSION**

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Filed: March 16, 2007
49th Day: May 4, 2007
180th Day: September 12, 2007
Staff: Liliana Roman-LB
Staff Report: April 19, 2007
Hearing Date: May 9-11, 2007

Commission Action:

# STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-07-011

**APPLICANT:** Eddy Bashoor Investments

**PROJECT LOCATION:** 233 Avenida Granada, San Clemente, Orange County

**PROJECT DESCRIPTION:** Demolish existing structure previously used as a

hostel and construct a 6,569 sq. ft., 25 foot-high, twostory, six (6) unit, multiple-family residential apartment building with basement/garage parking with sixteen (16) parking spaces and landscape improvements. Approximately 1,875 cubic yards of cut are proposed for basement/garage excavation and site preparation.

LOCAL APPROVALS RECEIVED: City of San Clemente Planning Division Approval-in-

Concept dated January 9, 2007, Conditional Use Permit (CUP) 05-234 and Cultural Heritage Permit

(CHP) 05-323.

**SUBSTANTIVE FILE DOCUMENTS:** City of San Clemente Certified Land Use Plan

(LUP), City of San Clemente General Plan Housing Element updated 2000, Letter from City of San Clemente dated February 28, 2007, Geotechnical Investigation by Hetherington Engineering Inc. dated November 10, 2005, CDP 5-84-123, CDP Application P-81-7735, State Commission Appeal File 92-81.

### **SUMMARY OF STAFF RECOMMENDATION:**

The proposed development involves the demolition of an existing structure previously used as a youth hostel and the construction of a six-unit residential apartment building. The primary issues associated with this development relate to the protection of low cost visitor serving uses due to the temporary loss of the San Clemente youth hostel. Also of concern are potential impacts to water quality and encouraging affordable housing opportunities.

Staff is recommending <u>APPROVAL</u> of the proposed project subject to four **(4) SPECIAL CONDITIONS**, requiring: 1) conformance with the submitted drainage and runoff control plan; 2) compliance with construction-related best management practices (BMPs); 3) conformance with the submitted landscape plan; 4) future improvements come back to the Commission for review.

### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 2 of 19

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of San Clemente only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review are the policies of the Coastal Act. The certified Land Use Plan may be used for guidance.

### **LIST OF EXHIBITS:**

- 1. Location Map
- 2. Assessors Parcel Map
- 3. Coastal Access Points Exhibit
- 4. Project Plans

### **STAFF RECOMMENDATION:**

MOTION: I move that the Commission approve Coastal

Development Permit No. 5-07-011 pursuant to the staff

recommendation.

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO APPROVE THE PERMIT:**

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. <u>Notice of Receipt and Acknowledgment.</u> 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.

### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 3 of 19

- 2. <u>Expiration.</u> 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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. <u>Conformance with Drainage, Runoff and Erosion Control Plans</u>

The applicant shall conform with the drainage and run-off control plan dated March 16, 2007 showing roof gutters and site area drains routed through a sand and gravel filter prior to discharge into existing City storm drain facilities located at the street. Drainage from the basement/garage level is to be directed to a bottomless trench drain at the foot of the garage ramp as shown on the preliminary grading plan. 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. Construction Best Management Practices

- A. The permittee shall comply with the following construction-related requirements:
  - (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion:
  - (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
  - (3) 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.
  - (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal

### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 4 of 19

waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and

- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.
- B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:
  - (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
  - (2) The applicant shall develop and implement spill prevention and control measures:
  - (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
  - (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

### 3. <u>Conformance with Landscaping Plan</u>

The applicant shall conform to the revised landscaping plan submitted March 16, 2007 showing all areas affected by construction activities not occupied by structural development as re-vegetated for erosion control purposes consisting of native and/or non-invasive drought tolerant plant species. 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. 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 legally required.

#### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 5 of 19

### 4. <u>Future Development</u>

This permit is only for the development described in Coastal Development Permit No. 5-07-011. 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 the entire parcel. Accordingly, any future improvements to the development authorized by this permit, including but not limited to 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. 5-07-011 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 an inland lot located at 233 Avenida Granada in the City of San Clemente, Orange County (Exhibits 1 & 2). The 11,945 square-foot lot consists of a generally flat pad facing Avenida Granada. Surrounding development consists of multiple-family residences. The nearest public beach access is available at the Pier access point, approximately 2,500 feet west of the subject site (Exhibit 3). The site is designated as Residential Medium (15 units per gross acre) and Architectural and Coastal Overlays in the certified Land Use Plan, and the proposed project is consistent with this designation.

The applicant proposes to demolish an existing structure previously used as an American Youth Hostel (AYH) facility and as a library prior to the youth hostel use and build a 25 foot high, 6,569 square foot, two-story, six-unit multiple-family residential apartment building over a subterranean parking garage with sixteen (16) parking spaces and landscape improvements. Approximately 1,875 cubic yards of cut are proposed for basement/garage excavation and site preparation. Project plans are included as Exhibit 4.

The project's landscape plan proposes improvements to the front street facing side of the lot utilizing native and/or non-native plant species that are drought tolerant and non-invasive as typically recommended by the Commission.

The site is a generally level pad located in an inland lot and is not located on or near hazard area (coastal bluff) or a sensitive habitat area (coastal canyon). The geologic stability of the site has been evaluated in a Geotechnical Investigation conducted by Hetherington Engineering Inc. dated November 10, 2005. The study concludes that the proposed development is considered feasible. The grading on this project will involve soil cuts for the basement/parking garage level and to create finished grades.

The subject site does not meet the geographic area criteria of Categorical Exclusion Order No. E-82-1 issued by the Coastal Commission to the City of San Clemente in that it is a multiple-family residential project of over four units. Therefore, the project requires a coastal development permit.

### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 6 of 19

### **Permit History**

In 1984, the Commission issued Administrative Coastal Development Permit (CDP) 5-84-123 to San Diego American Youth Hostel (SDAYH) for the conversion of a former City Library to a 40-bed youth hostel at the subject site. No special conditions or detailed Executive Director's determination were included as part of the permit. The San Clemente Inn provided the funds for the construction of this youth hostel development to fulfill a requirement of the Coastal Commission for a 40-50 bed youth hostel as a condition of approval for the conversion of motel rooms to timeshare units. In 1981 under State Commission Appeal No. 92-81, the Commission approved conversion of 96 motel room accommodations at the San Clemente Inn to timeshare units and permanently restricted a previously approved 39 room addition to normal overnight motel use. The project was conditioned to provide a 40-50 bed hostel dedicated to a public or private agency as mitigation for the motel room loss.

### B. ACCESS

**Encouragement and Provision of Low Cost Visitor Serving Uses** 

Coastal Act Section 30213 states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

The applicant proposes to demolish a structure formerly operating as a 40-bed youth hostel and replace it with a six unit apartment building. The youth hostel operated for close to twenty years (approx 1985-2005). By 2000, according to SDAYH, the hostel apparently did not draw a sufficient number of visitors to be a viable operation for SDAYH and only opened during the peak season. The youth hostel closed and the property was sold by SDAYH in 2005. Currently, alternative lower cost visitor accommodations including hotels, motels and tent camping/RV camping sites at San Clemente State Beach remain available.

SDAYH originally received funds for the hostel project in 1984 from the San Clemente Inn for mitigation of the Inn's conversion to a timeshare resort in 1982. The Commission in State Commission Appeal No. 92-81 required the San Clemente Inn to provide adequate mitigation to offset the loss of the lower cost motel rooms with the provision of a hostel dedicated to a public agency. However, CDP 5-84-123 for the youth hostel development did not include special conditions or subject the property to a deed restriction to maintain a youth hostel at that site. The San Clemente Inn fulfilled its mitigation requirement by providing the funds for the purchase of the youth hostel property by SDAYH. With SDAYHs' sale of the unsuccessful hostel in 2005, funds are once again available and have been set aside by SDAYH for the establishment of a new hostel or expansion of existing facilities in a coastal area where such facilities are in demand. In this circumstance, it would not be appropriate to require the current property owner/applicant to mitigate the closing of the youth hostel.

#### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 7 of 19

Meanwhile, SDAYD and Commission staff are working together to identify a new youth hostel location in the San Clemente coastal area or elsewhere in the coastal area of Orange County. Therefore, the Commission finds the project consistent with Section 30213 of the Coastal Act.

### **Parking**

Section 30252 of the Coastal Act states, in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by...

(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

When a private development does not provide adequate on-site parking, users of that development who arrive by automobile are forced to occupy public parking used by visitors to the coastal zone. Access to the closest public beach, municipal pier and Parque del Mar, a local recreation park is located approximately 2,500 feet West of the project site at the Pier Access Point (Exhibit 3). The relative proximity of these public coastal access facilities to the project site gives good reason for the need for adequate parking for private development. Insufficient parking on the project site may result in users of that development taking up spaces that the public may use to access areas such as the public beach, municipal pier and Parque del Mar. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that two parking spaces are adequate to satisfy the parking demand generated by one individual residential unit. The proposed residential units will each have a total of sixteen (16) parking spaces, two designated parking spaces for each of the six units and four spaces for guests (including a designated disabled person parking space). As proposed, the development is consistent with the Commission's typically applied parking standards would not affect the public's ability to gain access to and/or to make use of the coast and nearby recreational facilities. Therefore, the Commission finds the project consistent with Section 30252 of the Coastal Act.

# C. WATER QUALITY AND MARINE ENVIRONMENT

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

#### Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine

### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 8 of 19

organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

### Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

The protection of water quality is an important aspect of the Coastal Act. Water from the project site will flow into the City of San Clemente's storm drain system ultimately draining to the Pacific Ocean. Beach closures occurring throughout Orange County, are typically attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

The applicant has submitted a preliminary grading plan/drainage plan showing a trench drain at the bottom of the underground parking garage ramp, all roof gutters and site area drains routed through a sand and gravel filter prior to discharging to existing City on-street storm drains. **SPECIAL CONDITION NO. 1** requires conformance with the submitted drainage and runoff control plans.

## Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to minimize adverse construction-related impacts upon marine resources, **SPECIAL CONDITION NO. 2** provides construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. These best management practices (BMP) are designed to minimize erosion and prevent debris from entering the storm drain system. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Only as conditioned does the Commission finds that the proposed project is consistent with Section 30230, 30231 and 30232 of the Coastal Act.

### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 9 of 19

### D. AFFORDABLE HOUSING

Protection/Provision of Affordable Housing in the Coastal Zone

Coastal Act Section 30604 states, in part:

- (f) The commission shall encourage housing opportunities for persons of low and moderate income...
- (g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

The City of San Clemente requires new developments of six (6) or more units built as a single project to participate in its Inclusionary Housing Program. The applicant will participate in the program by paying an in-lieu fee based on 1% of the construction valuation of each unit built at the same time of payment of building permit fees to the City.

Additionally, apartment units such as those proposed, likely provide more affordable housing than a similarly sized and located single family home in the vicinity of the project site. The more affordable nature of the housing provided in the proposed apartment building could be affected by the division and sale of the individual units as condominiums which could make these units less affordable. Coastal Act Section 30604 encourages the protection of existing, and the provision of new, affordable housing opportunities in the Coastal Zone. 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.

Thus, the proposed project raises concerns that 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 4** requiring that all proposals for future improvements return to the Commission for review. As conditioned the development is in conformance with the Coastal Act.

### E. 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.

### F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

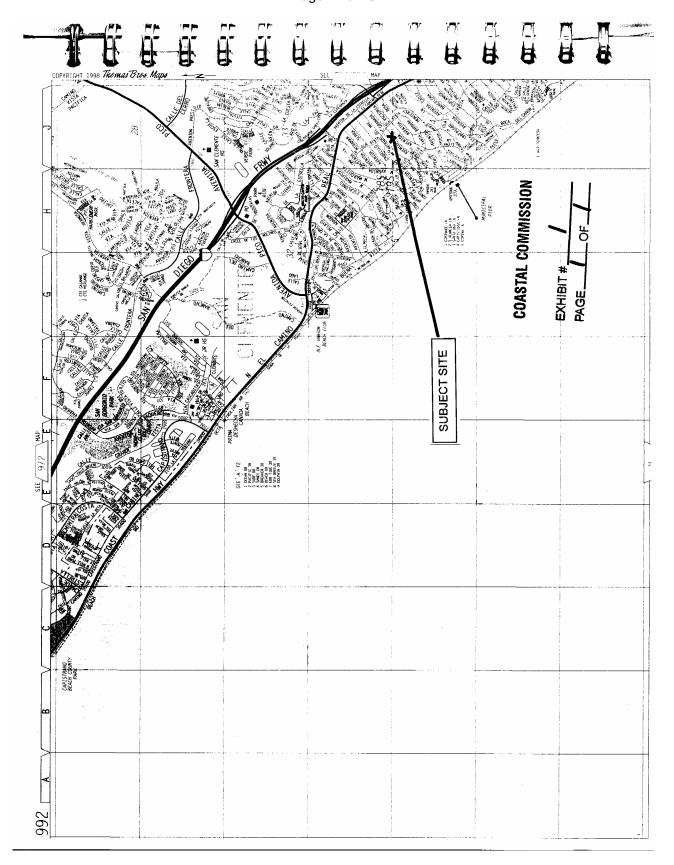
#### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 10 of 19

Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of San Clemente Planning Division is the lead agency for California Environmental Quality Act (CEQA) purposes. On January 9, 2007, the City deemed the proposed project Categorically Exempt as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 as the project consists of the construction of a multi-family development containing not more than six dwelling units located within an urbanized area. Mitigation measures were not required with approval of this CEQA document. The Coastal Commission adopts additional mitigation measures, found below, to ensure that the proposed project will conform with the requirements of the Coastal Act.

The proposed project is located in an urban area. All infrastructure necessary to serve the site exists in the area. As conditioned, the proposed project has been found consistent with the public access, water quality, and affordable housing policies of the Coastal Act. Mitigation measures include: special conditions related to conformance with submitted drainage/runoff control plans and landscape plans, a special condition requiring construction-related best management practices (BMPs) and a special condition for future improvements to return to the Commission for review.

As conditioned, there are no feasible alternatives or additional 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.

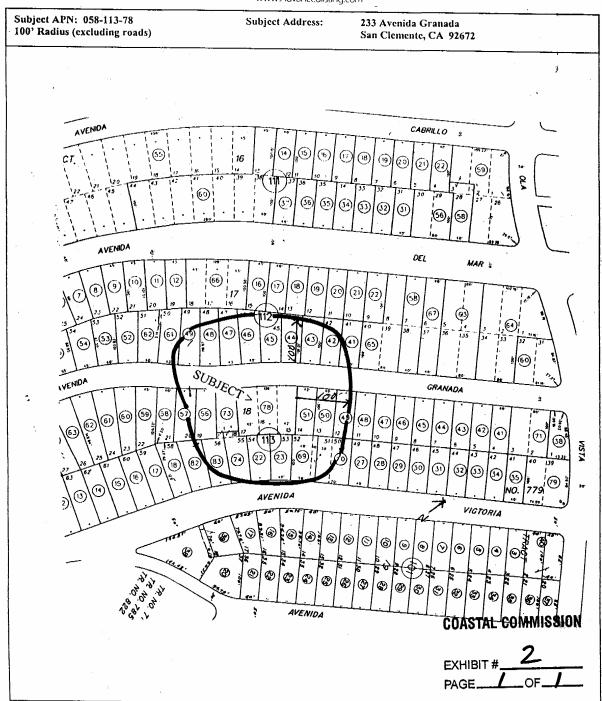


### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 12 of 19

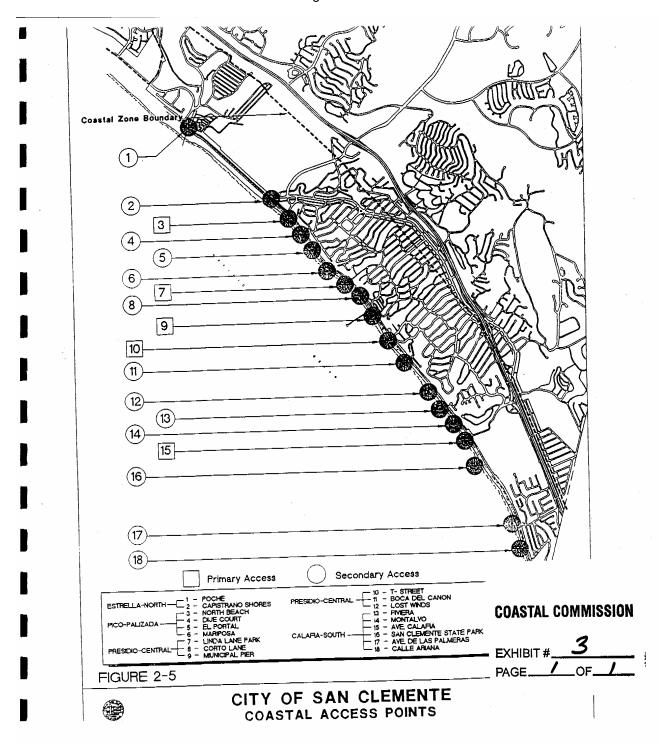


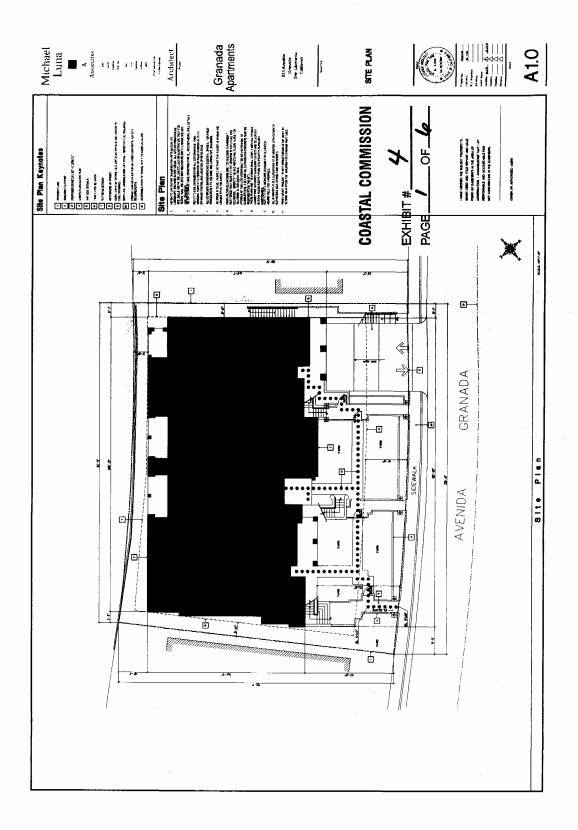
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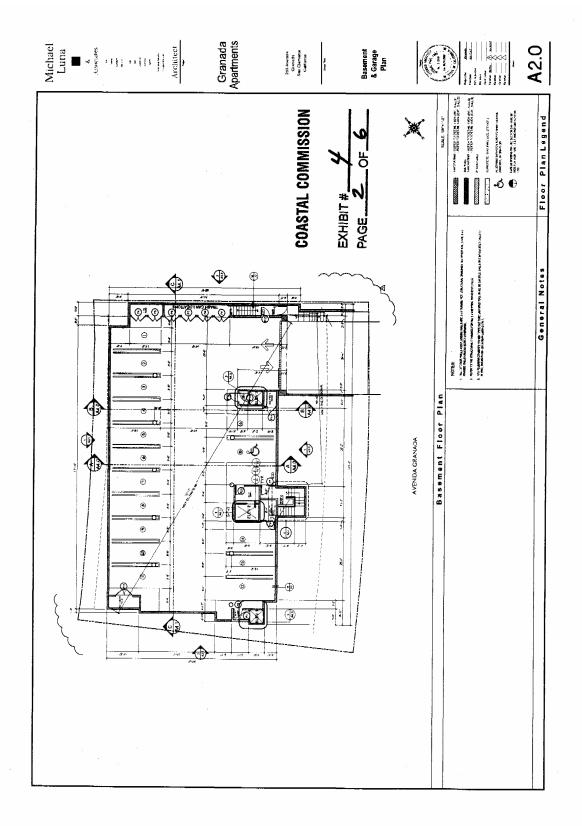
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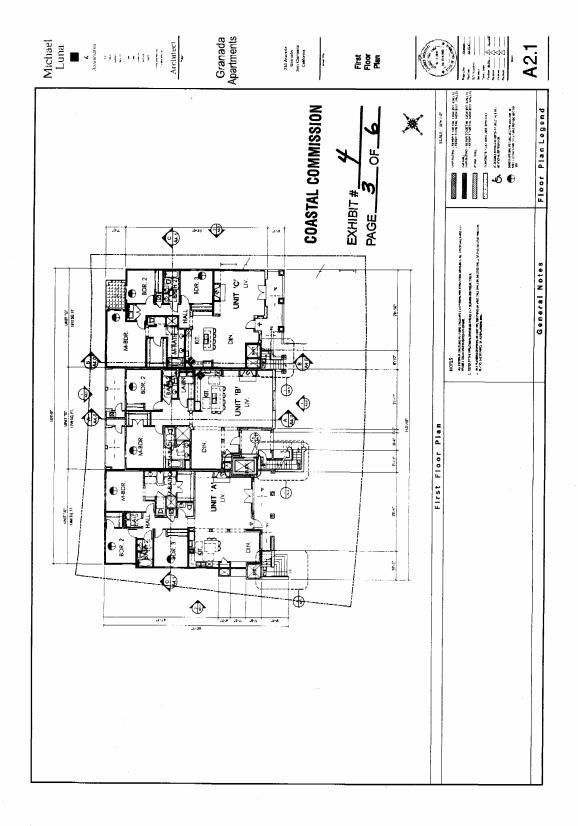
### 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 13 of 19







# 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 16 of 19



# 5-07-011 (Bashoor) Staff Report - Regular Calendar Page 17 of 19

