

CALIFORNIA COASTAL COMMISSION

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Th8d

Filed:	10/18/2016
180th Day:	4/15/2016
Staff:	M. Revell-LB
Staff Report:	1/21/2016
Hearing Date:	2/11/2016

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-15-1460
Applicant:	Eddy Bashoor Investments, Inc.
Location:	407 Avenida Santa Barbara, San Clemente, Orange County (APN 692-025-21)
Project Description:	Demolition of an existing single family residence, and construction of 6,076 sq. ft., 41.5 ft. high, four-level over 2,660 sq. ft. basement parking garage, 3-unit rental complex.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes to demolish an existing single-family residence, and construct a 6,076 square foot, 45.5 foot high, four-level over 2,660 square foot basement garage within the City of San Clemente. The unit sizes will vary from approximately 1,700 to 1,900 square feet. The major issues associated with this development are community character and water quality.

Staff is recommending **APPROVAL** of the proposed project with **three special conditions**. The special conditions would **1)** inform the applicant that any future height increase or change in the density or intensity of use of the site will require a permit amendment or new permit; **2)** require submittal of a final drainage and runoff control plan; and **3)** require storage of construction materials, mechanized equipment and removal of construction debris. The major issues associated with this development are community character and water quality.

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EXHIBITS

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Exhibit 2 – Aerial View
Exhibit 3 – Site Plan
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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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:

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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:

This permit is granted subject to the following special conditions:

1. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-15-1460. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by Coastal Development Permit No. 5-15-1460. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes to the overall height of the structure, divisions of land, conversion to condominiums, and repair and maintenance 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. 5-15-1460 from the Commission or shall require an additional coastal development permit from the Commission.

2. Drainage and Run-Off Control 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 grading and 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:
 1. 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. Vegetated landscaped areas shall only consist of native plants or non-native, non-invasive, drought tolerant plants;
 2. 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;
 3. 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 final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter the storm drain system leading to the Pacific Ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed of outside the coastal zone, as proposed by the applicant.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The applicant is proposing to demolish an existing single-story single-family residence and construct a 6,076 square foot, 41.5 foot high, four-level over basement garage, three-unit condominium complex (**Exhibit 3 & 4**). Approximately 2,450 cubic yards of cut is proposed for site preparation. Excess material will be disposed of at an appropriate site outside the Coastal Zone. Proposed landscaping consists of drought tolerant non-invasive plants, irrigated by low flow spray or drip systems until plants are fully established.

The subject site is a steeply sloping lot at 407 Avenida Santa Barbara in the City of San Clemente, Orange County immediately inland of the City's Pier Bowl District (**Exhibit 1 & 2**). The site is designated Residential High in the City's General Plan and certified Land Use Plan (LUP) and is located approximately ¼ mile from the beach. The nearest coastal access is available via pedestrian walkway at the San Clemente Municipal Pier approximately ¼ mile to the east. The proposed project provides 8 parking spaces, which exceeds the City's parking requirement of seven off-street spaces (6 spaces to serve the 3 residential units and 2 guest spaces). Within San Clemente's Coastal Zone, the Commission typically applies the City's parking standards.

The proposed project is considered infill development within a residential neighborhood. There is a 45 foot maximum height limit in the subject area, and surrounding development consists of single-family and multi-family residential development. The height and story levels of surrounding development vary from 20 ft. to 45 ft., and from one to five stories. The proposed three-unit rental

complex will reach a maximum height of 41.5 feet (**Exhibit 4**). Design features have been incorporated to reduce impacts on adjacent historic structures. For example, the upper floors are designed to step back and the majority of building mass exists on a portion of the site located away from and below the abutting historic properties. As such, the project is consistent with the character and scale of the surrounding area as currently proposed. Future modifications and/or additions to the structures must also respect the pattern of development in the surrounding area and avoid adverse impacts to nearby historic structures. To ensure future development at the site is consistent with the existing pattern of development in this location, in addition to maintaining consistency with the Coastal Act, the Commission imposes **Special Condition 1** requiring that all proposals for future improvements shall require an amendment to this permit or a new coastal development permit.

Special Condition 2 requires the applicant submit drainage plans prior to the issuance of the permit to address potential water quality impacts and in compliance with the site drainage recommendations of the geotechnical investigation prepared by Hetherington Engineering, Inc. dated October 13, 2005, which was updated on June 25, 2015. **Special Condition 3** requires the applicant to implement Best Management Practices to control sedimentation impacts to coastal waters during construction.

B. HAZARDS

Development adjacent to the edges of hillsides and bluffs is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access and visual resources. To minimize risks to life and property and to minimize the adverse effects of development on hillsides and bluffs, the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to prohibit construction of protective devices (such as a retaining wall) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. 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. 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 construction best management practices to minimize the effect of construction activities on the marine environment. These conditions include, but are not limited to, one or more of the following: the appropriate management of equipment and construction materials and 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.

D. 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 and as conditioned, the project

conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

F. LOCAL COASTAL PROGRAM (LCP)

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that 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.

Appendix A - Substantive File Documents

- City of San Clemente LUP
- City of San Clemente Approval in Concept dated June 3, 2015
- Geotechnical Investigation Proposed Condominium Building, 407 Avenida Santa Barbara, San Clemente, California, prepared by Hetherington Engineering, Inc., dated October 13, 2005.
- Geotechnical Update Proposed Condominium Building, 407 Avenida Santa Barbara, San Clemente, California, prepared by Hetherington Engineering, Inc., dated June 25, 2015.



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EXHIBIT # 2
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Project No.	200-000000
Client Name	CD.2
Site Name	
Count Sheet	
Revision	
Drawn By	
Checked By	
Reviewed By	

<p>West Elevation - Ext. Wall Opening Calculation</p> <p>SCALE: 1/8" = 1'-0"</p> <p>1</p> <p>A1 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A1.1 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A2 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A3 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A4 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p>	<p>South Elevation - Ext. Wall Opening Calculation</p> <p>SCALE: 1/8" = 1'-0"</p> <p>1</p> <p>A1 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A2 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A3 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A4 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p>
<p>North Elevation - Ext. Wall Opening Calculation</p> <p>SCALE: 1/8" = 1'-0"</p> <p>2</p> <p>A1 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A2 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A3 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A4 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p>	<p>West Elevation - Ext. Wall Opening Calculation</p> <p>SCALE: 1/8" = 1'-0"</p> <p>1</p> <p>A1 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A1.1 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A2 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A3 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p> <p>A4 5.10 x 5.00 (25.50) OPENING AREA: 25.50 SF ALLOWED: 25.50 SF (100%)</p>

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EXHIBIT #

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Building Section