

CALIFORNIA COASTAL COMMISSION

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

**Item W6d**

Filed: July 7, 2009
49th Day: August 25, 2009
180th Day: January 3, 2010
Staff: Liliana Roman-LB
Staff Report: August 19, 2009
Hearing Date: September 9, 2009
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-09-112

APPLICANT: Daniel E. England Trust

AGENT: Branov Custom Homes, Attn: Bryan Nickel

PROJECT LOCATION: 1710 Calle De Los Alamos, San Clemente, Orange County

PROJECT DESCRIPTION: Demolish existing single-family residence and construct a new two-story and basement level, 7,570 sq. ft., 25' tall single-family residence and 700 sq. ft. three-car garage, landscaping, pool/spa and hardscape improvements. Approximately 800 cu. yds cut and 50 cu. yds. fill are proposed for the basement level and site preparation.

LOCAL APPROVALS RECEIVED City of San Clemente Planning Division Approval-in-Concept dated 8/13/09.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP)

SUMMARY OF STAFF RECOMMENDATION:

The proposed development is located adjacent to Toledo Canyon, a coastal canyon in San Clemente. Staff is recommending **APPROVAL** of the proposed project with five (5) special conditions, which require 1) conformance with geotechnical recommendations; 2) pool protection plan; 3) drought tolerant, non-invasive landscaping; 4) compliance with construction-related best management practices (BMPs); 5) future improvements come back to the Commission for review. The primary issues associated with this development are protection of coastal canyon resources and water quality.

LIST OF EXHIBITS:

1. Location Map
2. Assessors Parcel Map
3. Coastal Access Points Exhibit
4. Coastal Canyon 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.

II. 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 Report titled “Geotechnical Investigation, New Residence, 1708 Calle de los Alamos, San Clemente, CA 92673, Job No. 2775” prepared by Coleman Geotechnical dated March 31, 2009. **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. Pool Protection Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for review and approval of the Executive Director, two (2) full size sets of a pool protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed pool. The pool protection plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a pool leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the pool which is separate from the water meter for the house to allow for the monitoring of water usage for the pool, and 2) use of materials and pool design features, such as but not limited to double linings, plastic linings or specially treated cement, to be used to waterproof the undersides of the pool and spa to prevent leakage, along with information regarding the past and/or anticipated success of these materials in preventing leakage; and where feasible 3) installation of a sub drain or other equivalent drainage system under the pool that conveys any water leakage to an appropriate drainage outlet. The applicants shall comply with the final pool plan approved by the Executive Director.

3. Landscaping - Native/Drought Tolerant, Non Invasive Plants

Vegetated landscaped areas in the front yard (street side) shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. Any landscaping in the rear yard (adjacent to or within canyon) shall consist of native plants appropriate to the habitat type. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).

4. 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.

5. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-09-112. 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. 5-09-112 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 1710 Calle de los Alamos in the City of San Clemente, Orange County (Exhibits 1 & 2). The 14,116 square-foot lot consists of a generally flat pad on the northeast side of the lot which then slopes down on the west (rear yard) side of the lot descending moderately 40 feet into Toledo Canyon. Surrounding development consists of low-density single-family residences. The nearest public access is available at the Lost Winds public access point, located south of Leslie Park, off Calle de los Alamos and Calle Lasuen (Exhibit 3). The site is designated as Residential Low Density (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 7,570 square-foot, 25 foot-high, two-story with basement, single-family residence, 700 square-foot 3-car garage, landscape improvements including pool/spa on a coastal canyon lot. Approximately 850 cubic yards of grading (800cy cut and 50cy fill) are proposed for basement excavation and site preparation. Project plans are included as Exhibit 5. Non-invasive drought tolerant landscape

plantings are proposed for the front street facing side of the lot, the rear (canyonward) portion of the lot is proposed with hardscape improvements only. A garden retaining wall is proposed along the rear patio. The proposed garden retaining wall meets the minimum 5' setback from canyon edge. Exhibit 4 is a map of the San Clemente Coastal Canyons identifying this lot as a coastal canyon lot. No work (including landscaping or vegetation removal) within the canyon slope is proposed. 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 proposed project 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 15 feet from the canyon edge. The proposed garden retaining wall conforms to the Commission's typical 5-foot setback requirement for non-structural, at-grade features on canyon lots. 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 Toledo Canyon, as environmentally sensitive habitat areas (ESHA), as depicted in Exhibit 4. 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 proposed landscape plan submitted by the applicant indicates use of drought tolerant non-invasive plants in the front yard areas and no plantings in the rear (canyonward) portion of the lot which will be comprised of a paved patio and pool/spa. 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 and that no fuel modification plan is required.

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/drainage plan is consistent with past Commission approvals in the area.

The geologic stability of the site has been evaluated in a study titled “Geotechnical Investigation, New Residence, 1708 Calle de los Alamos, San Clemente, CA 92673, Job No. 2775” conducted by Coleman Geotechnical, dated March 31, 2009.¹ 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; no special design or construction methods were deemed necessary for construction of the project. Approximately 800 cy of cut is proposed for the excavation of the basement level within the footprint of the proposed new residence. Further excavation is necessary for the construction of a pool/spa on the rear (canyonward) portion of the lot. The Commission imposes **Special Condition No. 1** requiring the applicant to submit a full set of final plans certified consistent with the recommendations specified in the geotechnical report. Additionally, **Special Condition No. 2** requires the applicant submit a pool protection plan to mitigate for potential geologic instability to the canyon slope caused by leakage from the proposed pool.

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

¹ A typographical error on the title of the geotechnical report refers to the site as 1708 Calle de los Alamos, instead of 1710 Calle de los Alamos which is the correct project site address.

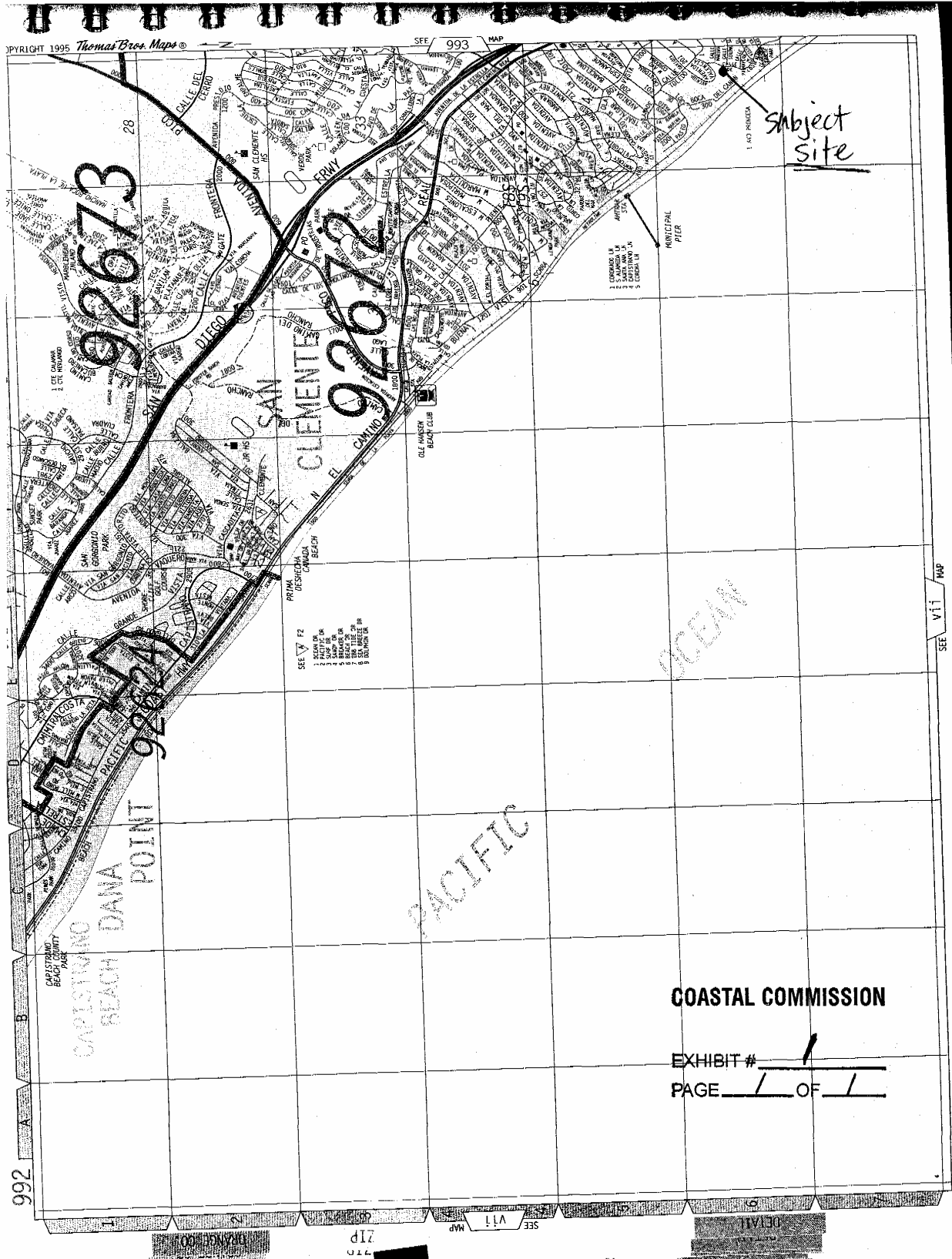
The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

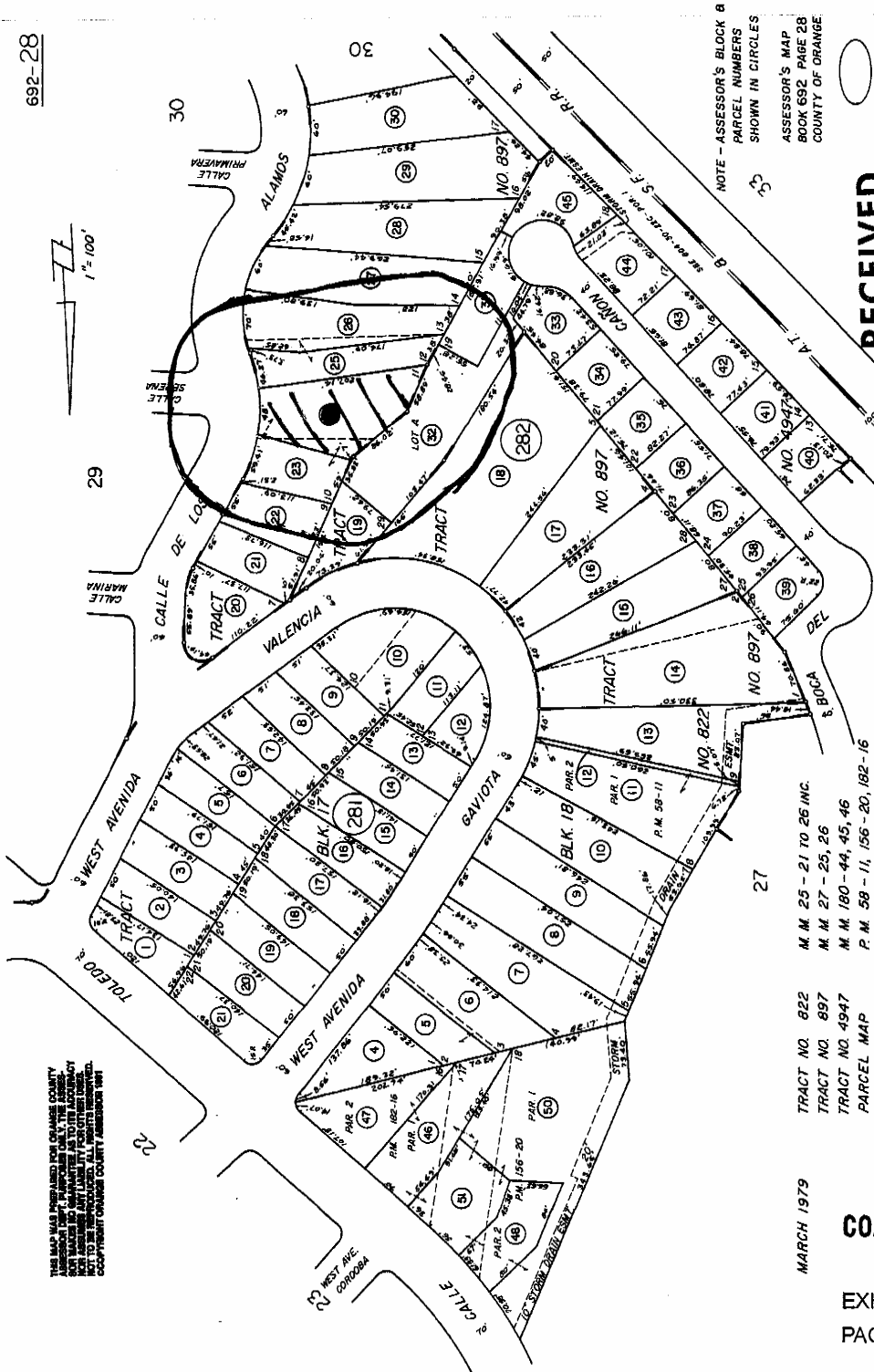
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications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

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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



692-28



THIS MAP WAS PREPARED IN ORANGE COUNTY
 UNDER THE SUPERVISION OF THE COUNTY
 CLERK AND THE COUNTY CLERK HAS
 NOT MADE ANY INVESTIGATION AS TO THE
 ACCURACY OF THE INFORMATION CONTAINED
 HEREON. ALL RIGHTS RESERVED.
 COPYRIGHT ORANGE COUNTY ASSessor 1981

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

ASSESSOR'S MAP
 BOOK 692 PAGE 28
 COUNTY OF ORANGE

RECEIVED
 South Coast Region

JUN 11 2009

5-09-112

CALIFORNIA
 COASTAL COMMISSION

MARCH 1979
 TRACT NO. 822 M. M. 25 - 21 TO 25 INC.
 TRACT NO. 897 M. M. 27 - 25, 26
 TRACT NO. 4947 M. M. 180 - 44, 45, 46
 PARCEL MAP P. M. 58 - 11, 156 - 20, 182 - 16

COASTAL COMMISSION

EXHIBIT # 2
 PAGE 1 OF 1

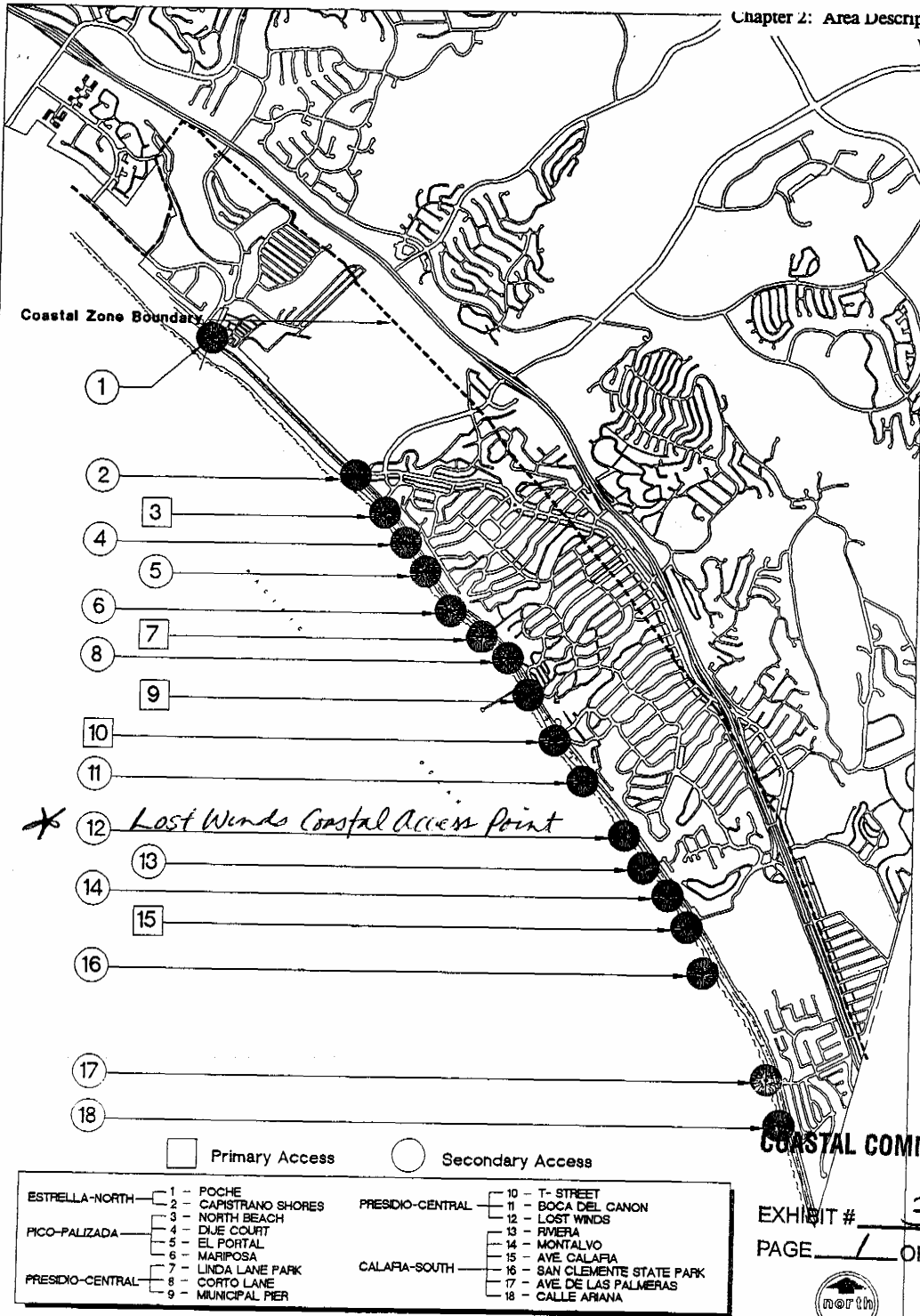


FIGURE 2-5

COASTAL COMMISSION

EXHIBIT # 3
 PAGE 1 OF 1



**CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS**

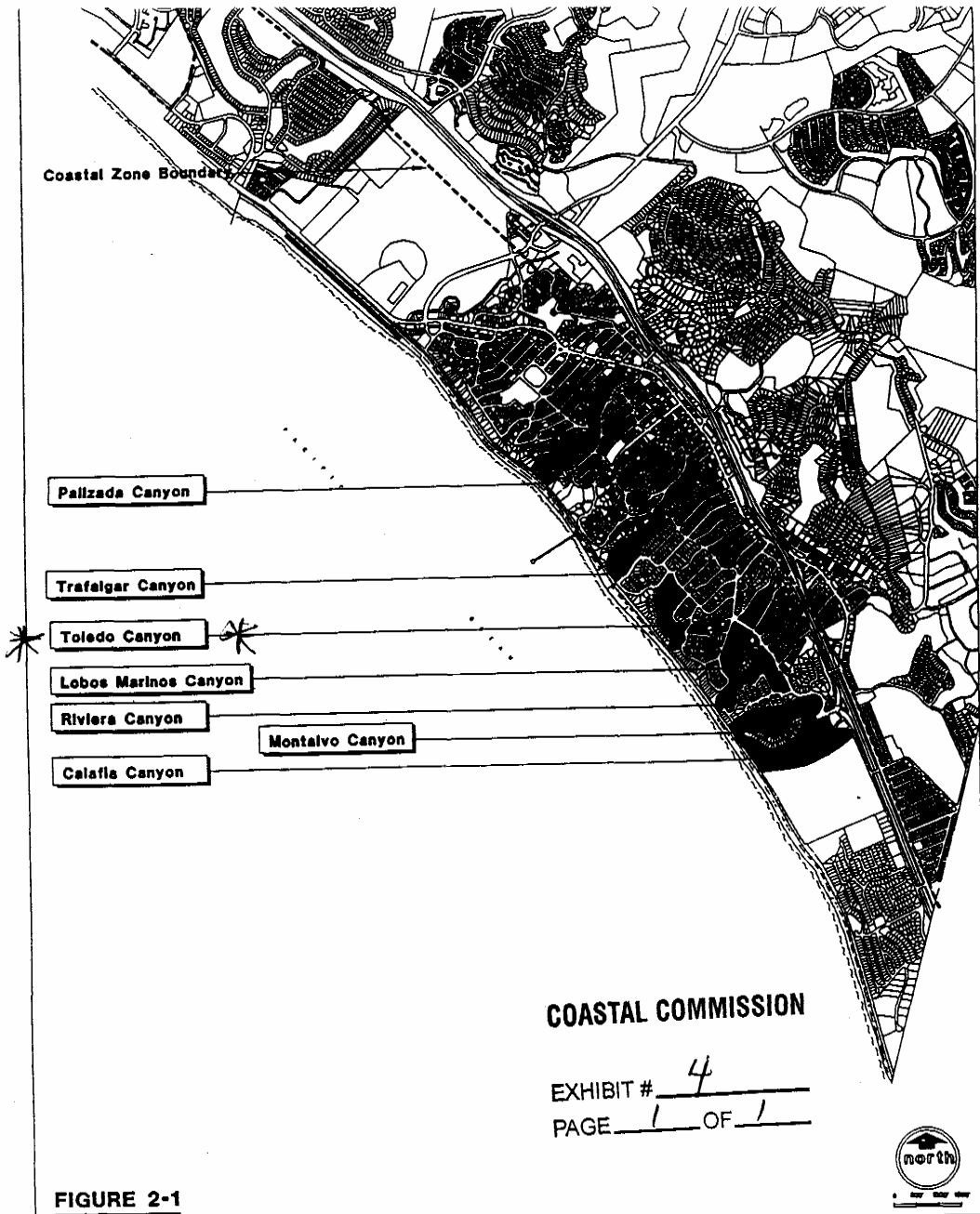
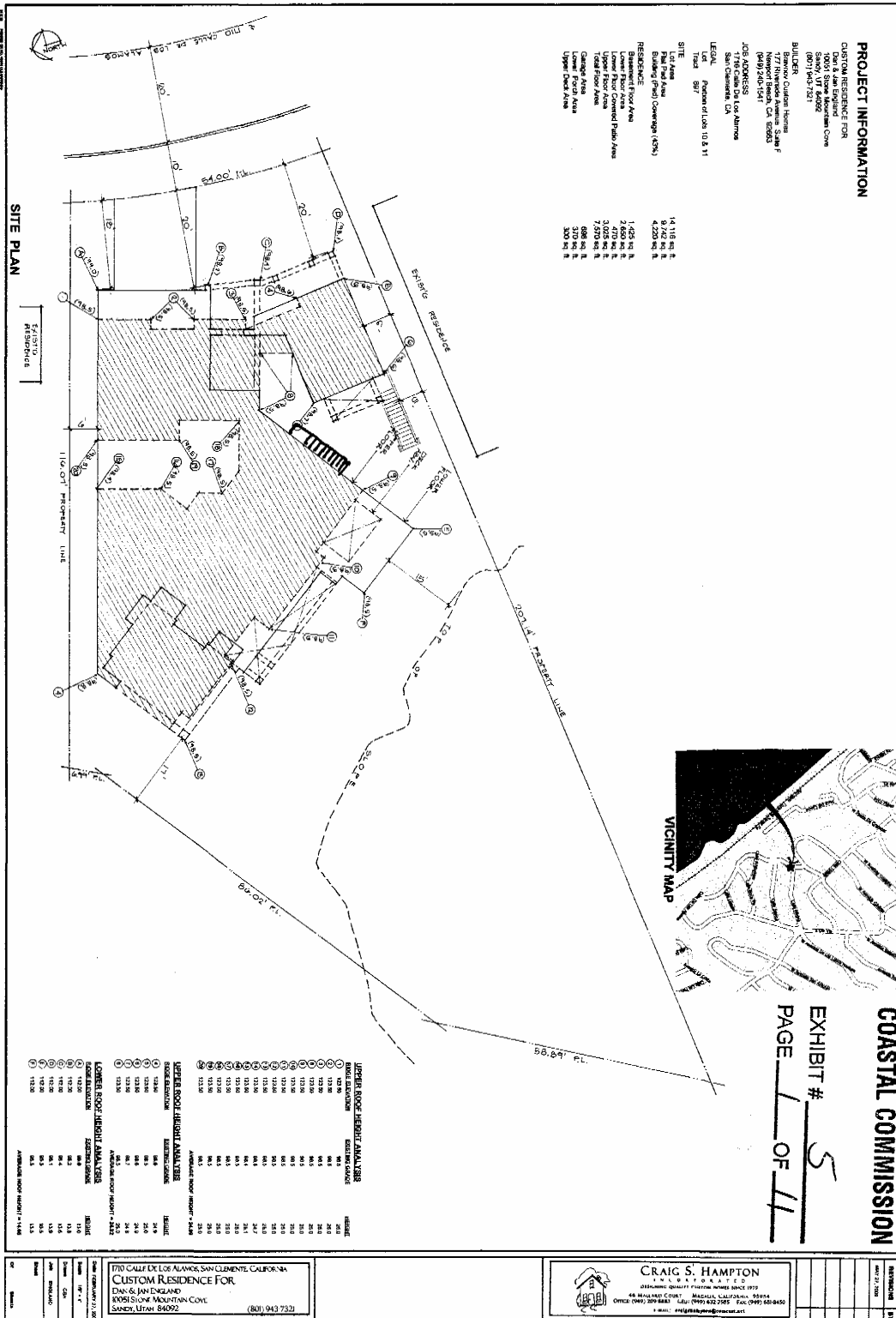
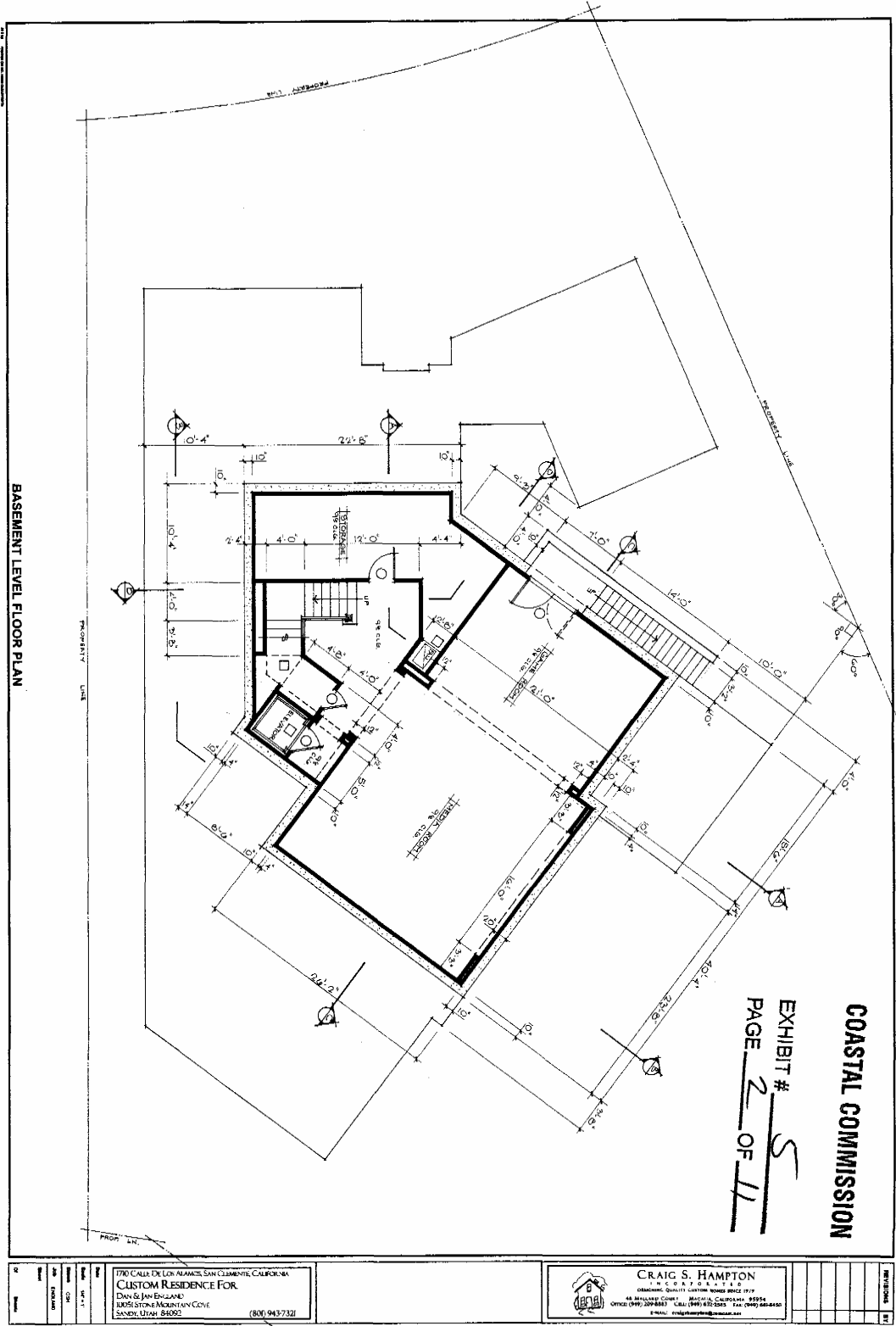


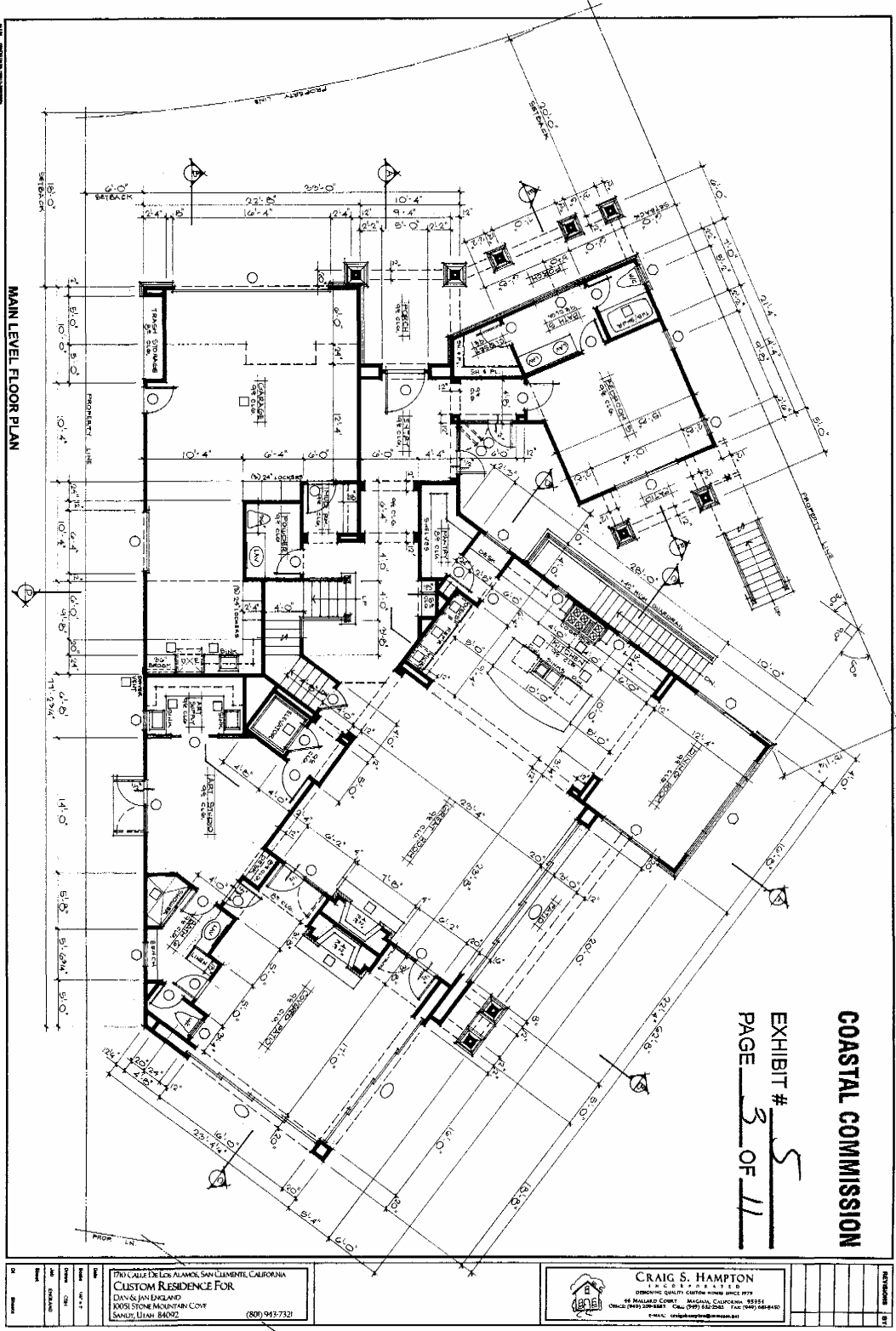
FIGURE 2-1



CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS



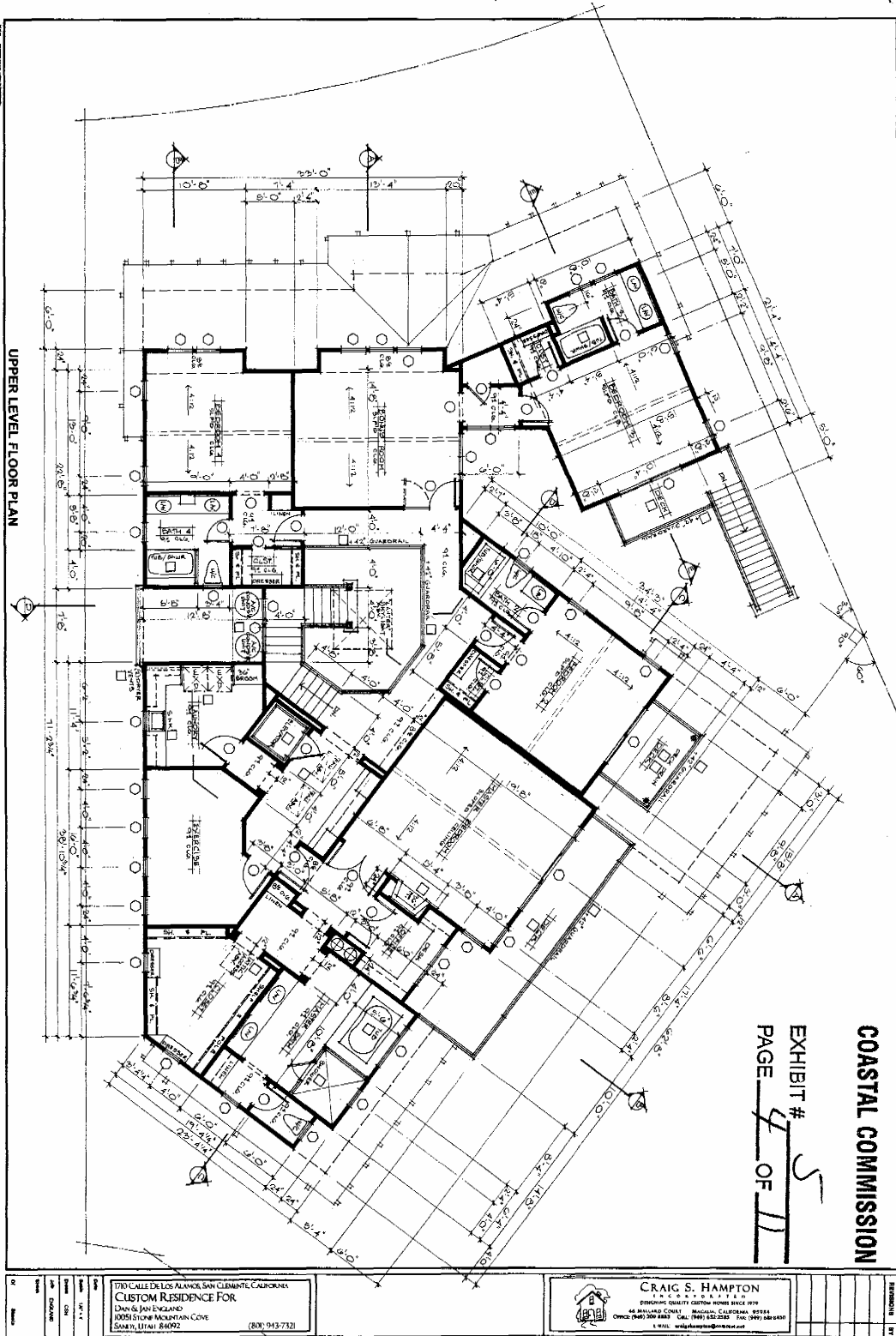




770 CALLE DE LOS ALAMOS, SAN CLEMENTE, CALIFORNIA
CUSTOM RESIDENCE FOR
 EDNA & JIM ENGLISH
 3001 STONE MOUNTAIN COURT
 SANDY, UTAH 84092 (801) 943-7321

CRAIG S. HAMPTON
 ARCHITECT
 46 HALLAM COURT, MAGNIA, CALIFORNIA 92551
 OFFICE: (951) 278-8881 CELL: (951) 432-2240 FAX: (951) 278-8840
 E-MAIL: craighampton@earthlink.net

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 EXHIBIT # 5
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UPPER LEVEL FLOOR PLAN

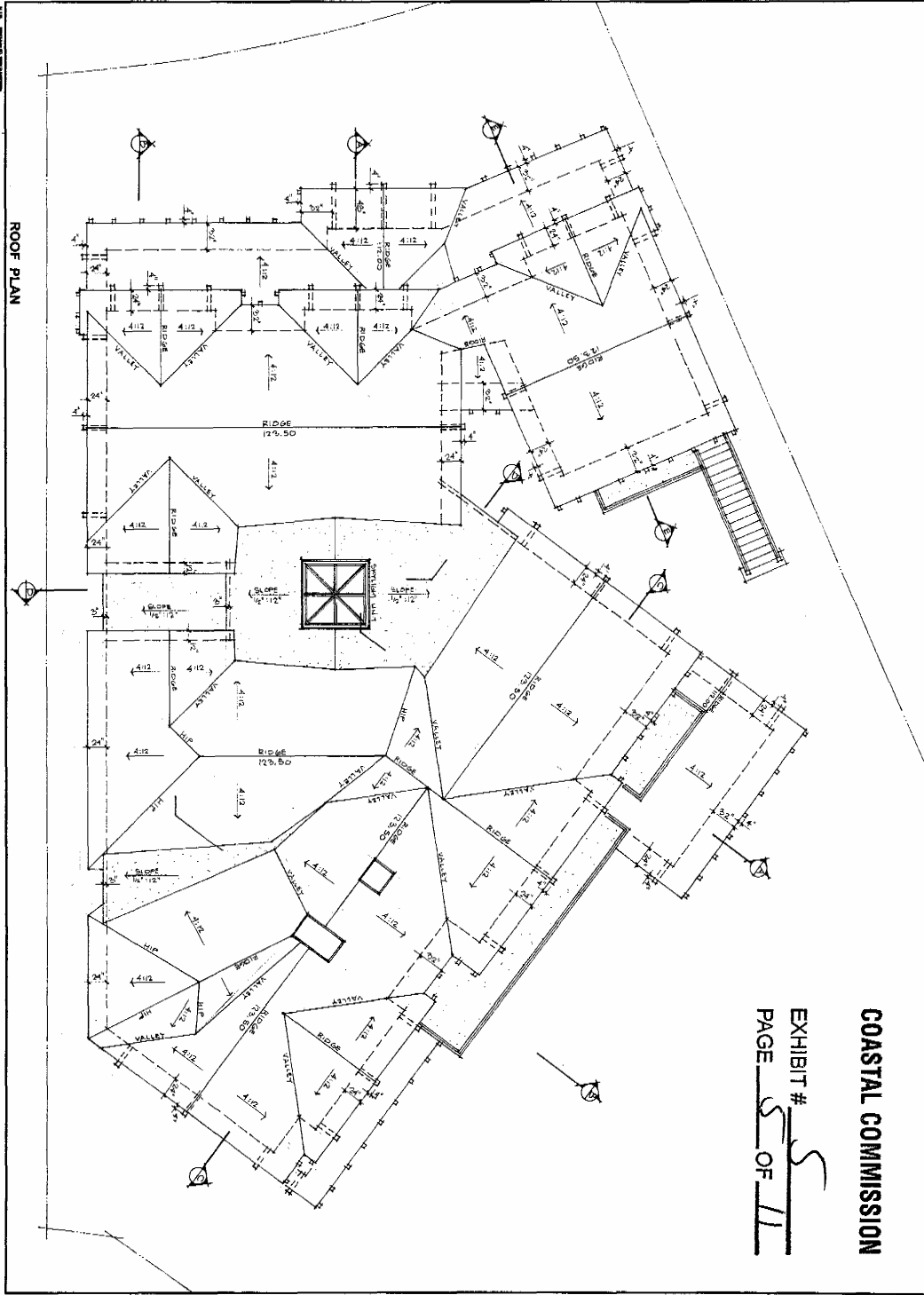
COASTAL COMMISSION

EXHIBIT # 5
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1700 CALLE DE LOS ALAMOS, SAN CLEMENTE, CALIFORNIA
 CUSTOM RESIDENCE FOR
 DAN & JEN ENGLAND
 10051 STONE MOUNTAIN COVE
 SAN JUAN, LITIAH 94992 (805) 943-7321

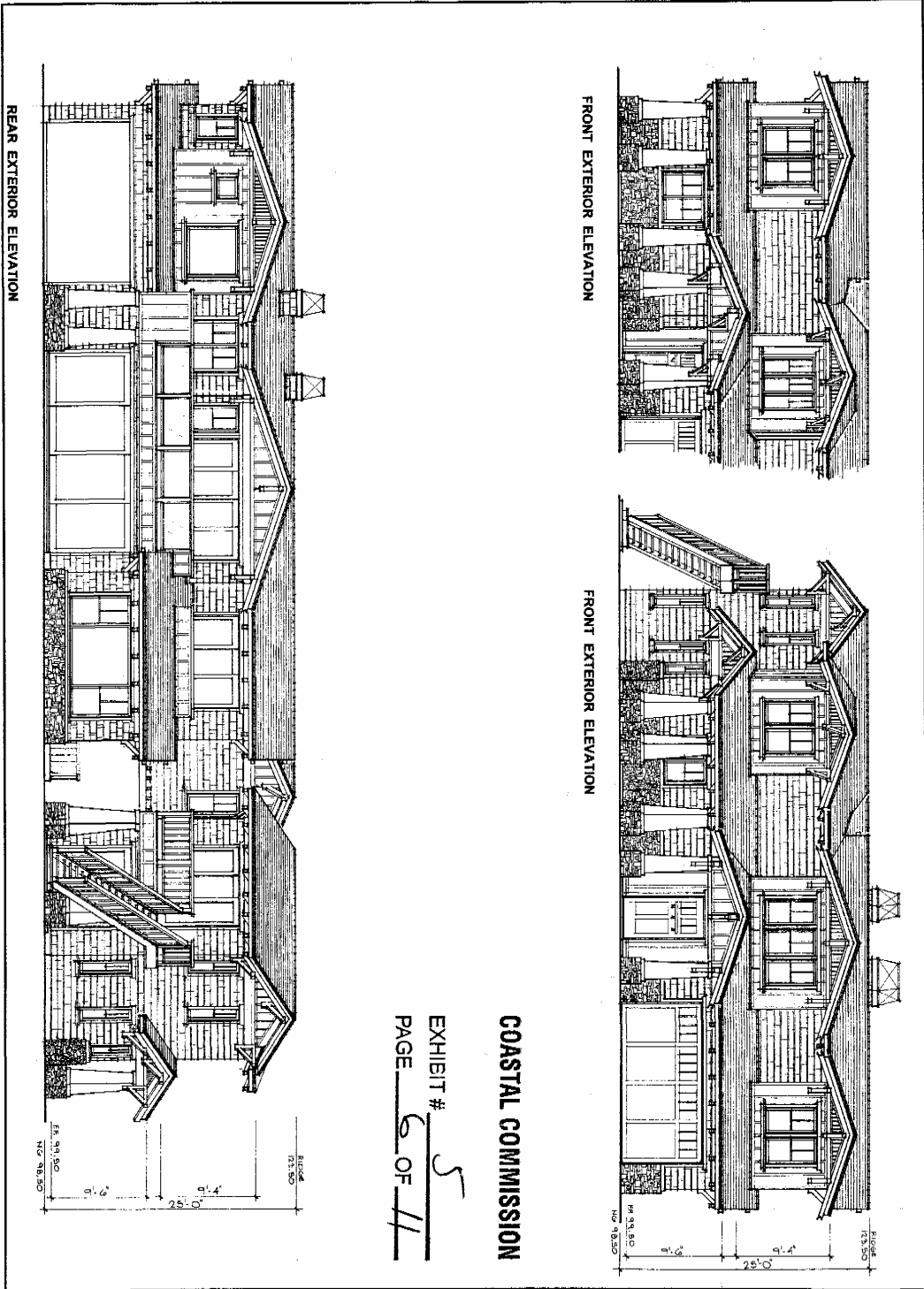
CRAIG S. HAMPTON
 ARCHITECTURE
 ERWINHOFF QUALITY CUSTOM HOMES SINCE 1978
 48 BAYVIEW COURT | BIRMGHAM, CALIFORNIA 92603
 OFFICE (949) 269-8833 CALL (949) 652-2585 FAX (949) 686-8831
 E MAIL: cshampton@erwinhoff.com

NO.	DATE	REVISION



COASTAL COMMISSION
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 PAGE 5 OF 11

1700 CALLE DE LOS ALAMOS, SAN CLEMENTE, CALIFORNIA CUSTOM RESIDENCE FOR DAN & JEN ENGLAND 10091 SLOAN MOUNTAIN COVE SANCTI, UTAH 84602 (800) 943-7322	<table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION													 CRAIG S. HAMPTON INCORPORATED DESIGNING QUALITY CUSTOM HOMES SINCE 1978 28 MALLARD COURT, MALIBU, CALIFORNIA 90265 (310) 451-2088 FAX (310) 451-8500 E-MAIL: craighampton@earthlink.net	<table border="1"> <tr> <td>DATE</td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE							
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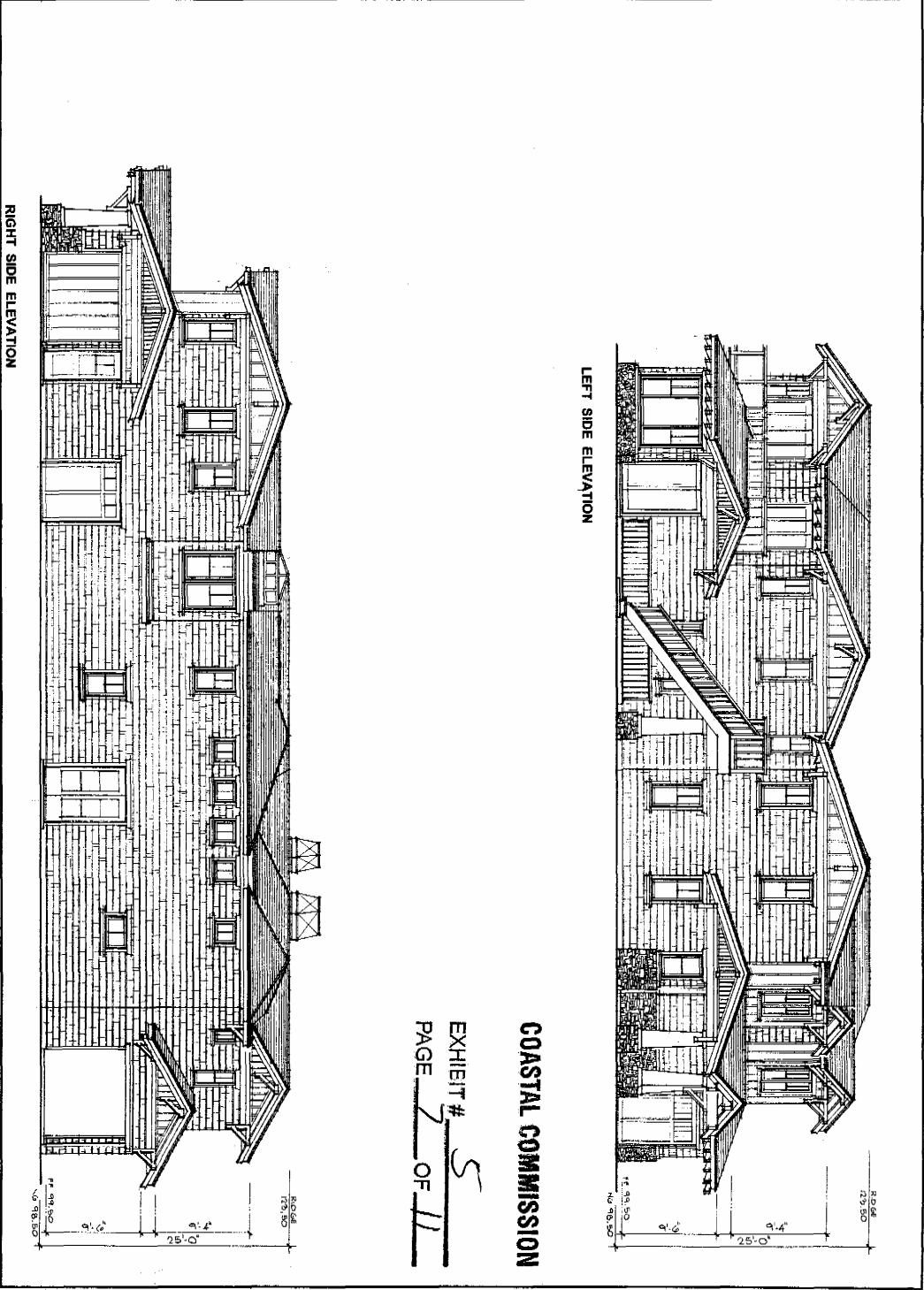
FRONT EXTERIOR ELEVATION

REAR EXTERIOR ELEVATION

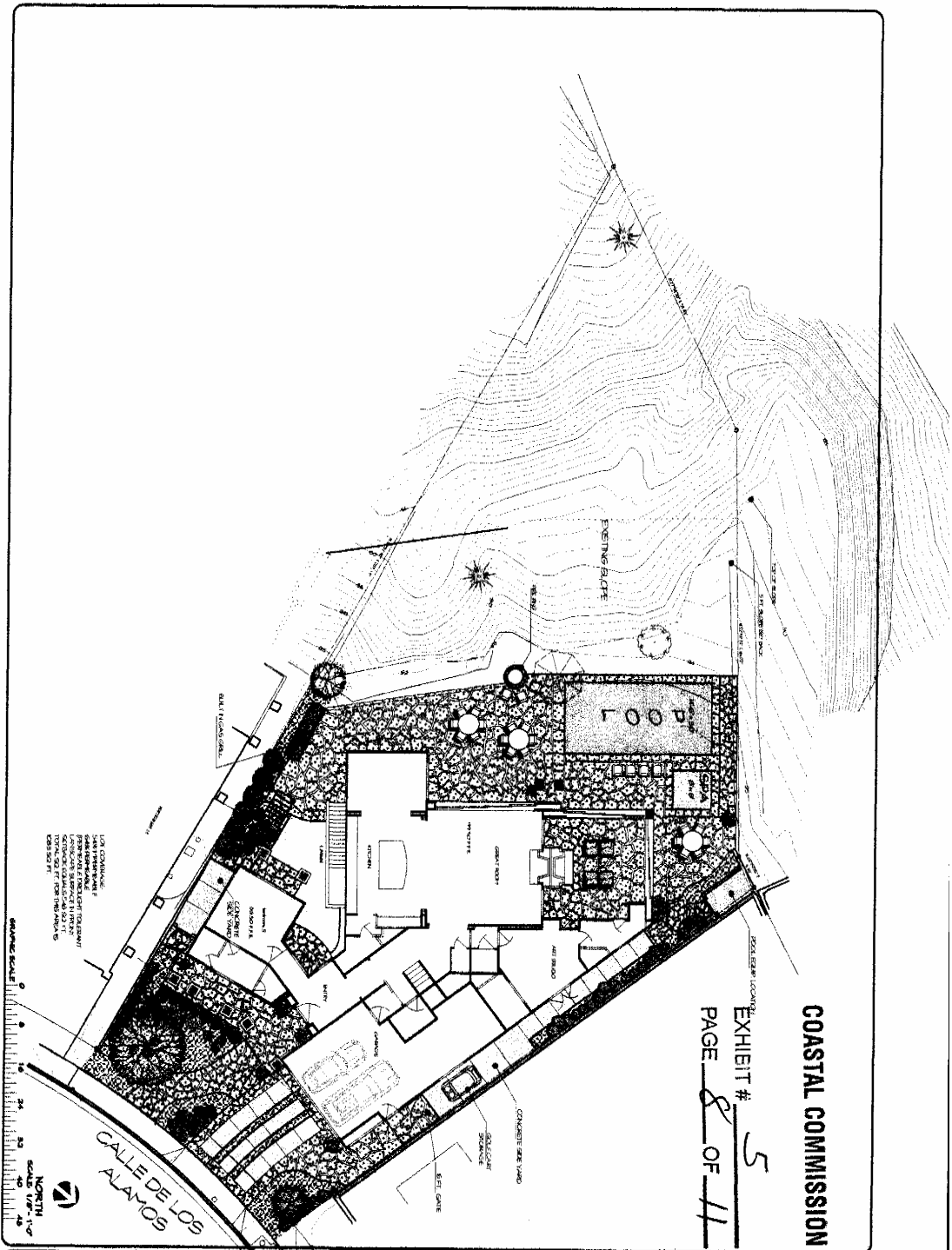
COASTAL COMMISSION

EXHIBIT # 5
 PAGE 6 OF 11

<p>DATE: 05/09/11 DRAWN BY: J. ENGLAND CHECKED BY: J. ENGLAND PROJECT: 5-09-112</p>	<p>7710 CALIFORNIA RD. ALAMITOS, SAN CLEMENTE, CALIFORNIA CUSTOM RESIDENCE FOR DAN & JAN ENGLAND 10051 STONE MOUNTAIN COVE SANCTI SPIRITUS, CALIFORNIA 94072 (800) 943-7321</p>	<p>CRAIG S. HAMPTON ARCHITECT PROVIDING QUALITY CUSTOM HOMES SINCE 1978 48 BALDWIN COUNTY, MICHIGAN, CALIFORNIA 92514 OFFICE (949) 267-8883 FAX (949) 632-2883 CELL (949) 681-8450 E-MAIL: craighampton@earthlink.net</p>	<p>NO. 11 SHEET NO. 11 TOTAL SHEETS 11</p>
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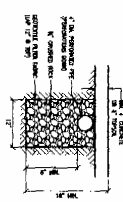
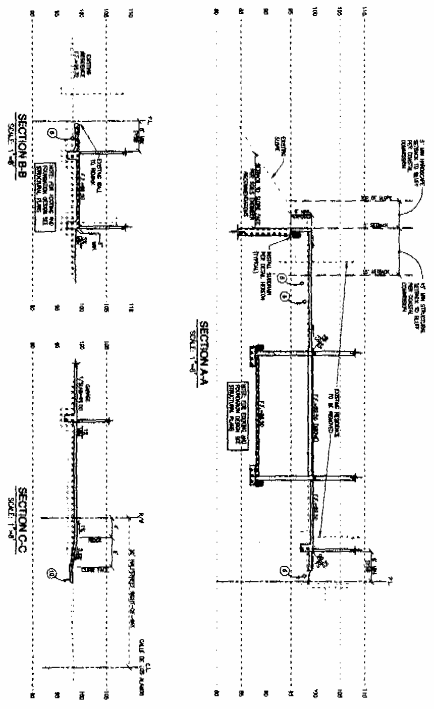
<p>NO. _____</p> <p>DATE _____</p> <p>SCALE _____</p> <p>PROJECT _____</p> <p>DATE _____</p> <p>NO. _____</p>	<p>7700 CALLE DE LOS ALAMOS, SAN CLEMENTE, CALIFORNIA CUSTOM RESIDENCE FOR DANA & JANE ENGLAND 1005 STONE MOUNTAIN COVE SANCTI, LETAIA, 92672 (805) 945-7321</p>	<p>CRAIG S. HAMPTON ARCHITECT 1005 STONE MOUNTAIN COVE, SAN CLEMENTE, CALIFORNIA 92672 OFFICE: (949) 499-8888 CELL: (949) 442-2888 FAX: (949) 499-8888 E-MAIL: craighampton@earthlink.net</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION									
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SHEET NO. OF -	PRELIMINARY PLAN	LANDSCAPE ARCHITECTURAL PLANS FOR DAN AND JAN ENGLAND 1710 CALLE DE LOS ALAMOS • SAN CLEMENTE, CA 92674 BUILDER: BRAVADO CUSTOM HOMES BY AN NICKEL 646-782-1210 • DICKSON@BRAVADO.COM	LANDSCAPE ARCHITECTURE DAVID A. PEDERSEN-INC.

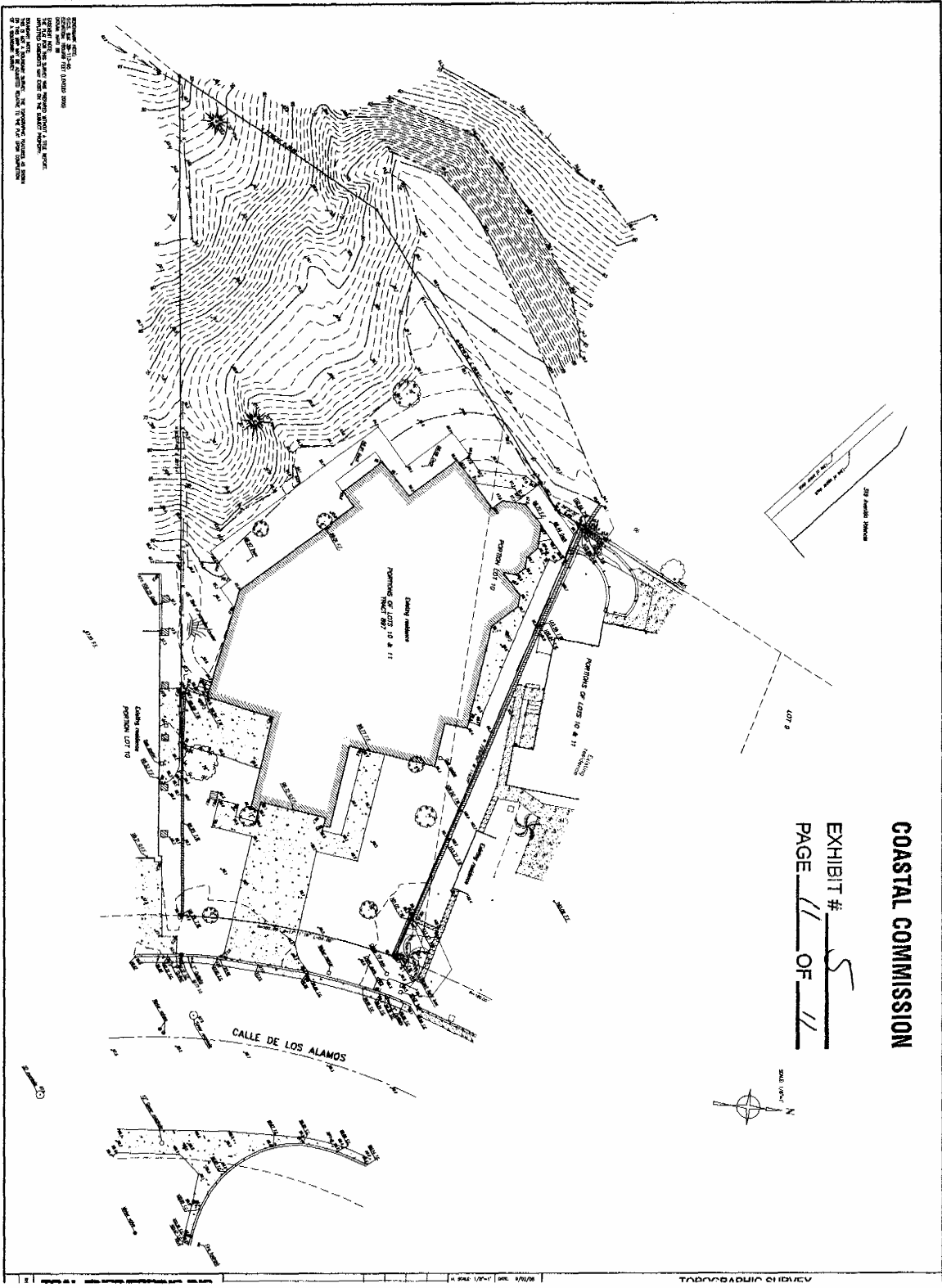
COASTAL COMMISSION

EXHIBIT # 5
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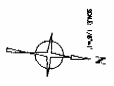
- CONSTRUCTION NOTES**
1. CONTACT CONTRACTOR TO VERIFY ALL OF THE FOLLOWING IS IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO BUILDING DEPARTMENT (B.D.) REQUIREMENTS.
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SECTIONS AND DETAILS



REVISIONS TO THIS PLAN:
NO. 1: AS SHOWN ON THE ORIGINAL PLAN.
NO. 2: AS SHOWN ON THE ORIGINAL PLAN.
NO. 3: AS SHOWN ON THE ORIGINAL PLAN.
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COASTAL COMMISSION
EXHIBIT # 5
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TOPOGRAPHIC SURVEY