

CALIFORNIA COASTAL COMMISSION

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

Filed: March 3, 2011
49th Day: April 21, 2011
180th Day: August 30, 2011
Staff: Liliana Roman-LB
Staff Report: July 21, 2011
Hearing Date: August 10-12, 2011
Commission Action:



Item W6e

STAFF REPORT: CONSENT CALENDAR

- APPLICATION NUMBER:** 5-11-044
- APPLICANT:** Mr. and Mrs. Anthony Anvari
- AGENT:** McCabe and Company
- PROJECT LOCATION:** 35555 Camino Capistrano, San Clemente, CA (Orange County)
- PROJECT DESCRIPTION:** Demolition of an existing pool house, pool and hardscape and construction of a new 2-story, 5,126 sq. ft. single-family residence with attached 1-car garage and attached 2-car tandem garage, shear pin foundation system beneath the residence, rear yard covered patios, outdoor barbeque, fountain/water feature, side property wall, an entry porte cochere, new driveway and landscaping improvements on a 12,160 sq. ft. coastal bluff lot.
- LOCAL APPROVALS:** Approval in Concept dated 10/14/10, City of San Clemente Certified Land Use Plan
- SUBSTANTIVE FILE DOCUMENTS:** *Response to California Coastal Commission Notice of Incomplete Application dated March 7, 2011, Proposed Single Family Residence, 35555 Camino Capistrano, San Clemente, CA by GeoFirm dated March 21, 2011, Shear Pin Slope Stability Evaluation, Proposed Single Family Residence 35555 Camino Capistrano, San Clemente, CA by GeoFirm dated June 28, 2011.*

SUMMARY OF STAFF RECOMMENDATION:

The subject site is a coastal bluff top lot not subject to marine erosion in the City of San Clemente. All coastal bluffs in San Clemente are identified as environmentally sensitive habitat areas in the City's certified Land Use Plan. Primary issues associated with this development include assurance that the proposed development is consistent with the geologic hazard policies of the Coastal Act. The primary issues addressed in this staff report are the conformance of the proposed development with the geologic hazard policies of the Coastal Act.

Staff is recommending **APPROVAL** of the proposed project with **Eleven (11) Special Conditions** regarding: **1)** Final Grading and Drainage/Runoff Control Plan; **2)** Final Plans in Conformance with Geotechnical Recommendations; **3)** Landscaping; **4)** Fountain/Water Feature Protection Plan; **5)** Bird Strike Prevention; **6)** Future Foundation/Subsurface Structure Exposure Plans; **7)**

Construction Responsibilities and Debris Removal; **8)** Assumption of Risk, Waiver of Liability and Indemnity; **9)** No Future Bluff Protective Devices; **10)** Future Improvements; and **11)** Deed Restriction against the property, referencing all of the Special Conditions contained in this Staff Report.

LIST OF EXHIBITS:

1. Location Map
 2. Aerial Photograph
 3. Assessors Parcel Map
 4. Coastal Access Points
 5. Project Plans
 6. Landscape Plan
 7. Geotechnical Factor of Safety Line on Subject Site
 8. Revised Geotechnical Plot Plan and Cross-Section
-

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve 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 permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative 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 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 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. FINAL GRADING AND DRAINAGE/RUNOFF CONTROL PLANS

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants 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. 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.
 - (c) Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the coastal bluff slope; and
 - (d) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.
- B. The applicant 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. CONFORMANCE OF CONSTRUCTION PLANS TO GEOTECHNICAL REPORTS

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Engineering Geologic Reports prepared by GeoFirm and dated June 28, 2011. **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.

3. LANDSCAPING – DROUGHT TOLERANT, NON-INVASIVE PLANTS

Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. 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. WATER FEATURE PROTECTION PLAN

- A. **PRIOR TO THE 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 water feature protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed bluff-side water feature. The water feature protection plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the water feature which is separate from the water meter for the house to allow for the monitoring of water usage for the water feature, and 2) use of materials and 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 water feature to prevent leakage, along with information regarding the past and/or anticipated success of these materials in preventing leakage; and 3) installation of

a sub drain or other equivalent drainage system under the water feature that conveys any water leakage to an appropriate drainage outlet.

- B. The applicants 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.

5. BIRD STRIKE PREVENTION

- A. Ocean front glass railings, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the railing, screen wall, fence, or gate. Such materials may consist, all or in part, of wood; metal; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless an ultraviolet-light reflective coating and/or appliques (e.g. stickers/decals) specially designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any coating or appliques used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one applique for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliques. All materials, coatings and appliques shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit final revised plans showing the location, design, height and materials of glass railings, fences, screen walls and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition.
- B. The permittee shall undertake development in accordance with the approval 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.

6. FUTURE FOUNDATION/SUBSURFACE STRUCTURE EXPOSURE PLANS

In the event any project features initially proposed to be subsurface subsequently become exposed to view from public vantage points including but not limited to the beaches and Pacific Coast Highway/El Camino Real in the vicinity of the site, the permittee shall, through the coastal development permit process, seek to remedy the visual impact of the exposed structure(s) through, among other possible means, aesthetic treatment of the exposed structures such that they match the appearance of surrounding terrain to the extent feasible and minimize visual impact of the exposed structures.

7. 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 wind or rain 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;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's 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 (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's 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 storm drain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

8. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from liquefaction, erosion, landslide, sea level rise and related

hazards; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

9. NO FUTURE BLUFF PROTECTION DEVICES

- A.** By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-11-044 including, but not limited to, the structure, foundations, patios, balconies and any other future improvements in the event that the development is threatened with damage or destruction from erosion, storm conditions, bluff retreat, landslides, sea level rise, or other natural coastal hazards in the future. By acceptance of this Permit, the applicant/landowner hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B.** By acceptance of this Permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove the development authorized by this Permit, including the residence, foundations, patios, balconies and any other future improvements if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the toe of bluff and/or beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the bluff, beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

10. FUTURE IMPROVEMENTS

This permit is only for the development described in Coastal Development Permit No. 5-11-044. 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 development governed by Coastal Development Permit No. 5-11-044. Accordingly, any future improvements to the single family development authorized by this permit, including but not limited to additions thereto, pools, spas, walls/fencing and other associated structures, improvements and repair and maintenance 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. 5-11-044 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

11. DEED RESTRICTION

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing all Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION & DESCRIPTION

The project site is located at 35555 Camino Capistrano, a coastal bluff top lot in the City of San Clemente, Orange County (Exhibits 1 and 2). The project is located within an existing developed urban residential area. The subject site is currently developed with a one-story pool house and pool built circa 1977 and is designated in the City's certified Coastal Land Use Plan (CLUP) as Residential Low "RL" accommodating single family residential units at a maximum density of 4.5 units per net acre; the proposed project adheres to this designation. The site is surrounded to the north and south by single-family residential development, to the east by the frontage street (Camino Capistrano) and to the west by an approximately 130 foot high coastal bluff. The bluff slope descends down to Pacific Coast Hwy (a.k.a. N. El Camino Real in San Clemente). The coastal bluffs in San Clemente are not subject to direct wave attack because they are separated from the beach the railroad track right-of-way and/or Pacific Coast Hwy. The railroad tracks have a rip-rap revetment which protects the tracks from erosion and wave overtopping. The site is not visible from the beach below as there is another vacant property seaward of this lot entirely within the bluff setback area. The nearest coastal access is available approximately 1,000 feet downcast of the subject site at Poche Beach at the intersection of Camino Capistrano and N. El Camino Real (Exhibit 4).

The proposed project consists of demolition of an existing pool house and pool with the pool area filled and construction of a new 2-story, 5,126 sq. ft. single-family residence with attached 1-car garage and attached 2-car tandem garage, shear pin foundation system beneath the residence, new rear yard covered patios, outdoor barbeque, fountain/water feature, side property wall, an entry porte cochere, new driveway and landscaping improvements on a coastal bluff top lot. Minimal grading for site preparation is proposed. Project plans are included as Exhibit 5 and the siting of the shear pin foundation is on the geotechnical plot plan included as Exhibit 7. The proposed total 4-car garages proposed for the development would provide more than adequate

parking based on the Commission's regularly used parking standard of two (2) parking spaces per residence.

The City of San Clemente does not have a certified Local Coastal Program, only a certified Land Use Plan (LUP). Therefore, the Coastal Commission is the coastal development permit issuing entity for development on that parcel and the standard of review is Chapter 3 of the Coastal Act. The certified LUP may be used for guidance.

Geology and Soils Considerations

The proposed development is located on the bluff top portion of a coastal bluff that is not subject to wave erosion, inland of Pacific Coast Hwy. Though not subject to direct wave erosion, the bluffs are subject to weathering caused by natural factors such as wind and rain, poorly structured bedding, soils conducive to erosion and rodent burrowing. In this area of San Clemente, just a few hundred feet downcoast there was a massive episodic bluff failure across six lots on the bluff in front of La Ventana street on February 22, 1993 which resulted in the loss of six single family homes.

Bluffs may also be subject to erosion from human activities, such as irrigation, improper site drainage and grading. The applicant's seaward property line is approximately 50-60 feet from the bluff edge as the actual bluff edge is located on a vacant lot owned by a separate property owner. This vacant lot is in the City of Dana Point and is entirely within the bluff setback for the proposed new development on the subject site.

As part of their preliminary geotechnical investigation, Geofirm performed a slope stability analysis which concludes that the site's current stability does not meet the minimum factors of safety. The existing factor of safety line was identified to be approximately transecting across the middle of the existing pool house structure (Exhibit 7). The applicant is proposing to situate the new residence at the structural stringline setback and is proposing to acquire the necessary minimum gross slope stability factors-of-safety of at least 1.5 (static) and 1.1 (seismic) with two rows of seven 36" diameter shear pins spaced ten feet apart parallel to the structural stringline (Exhibit 8). As the structural stringline is at an angle and not straight, the proposed structure is not flush with the structural stringline and only one row of shear pins is entirely underneath the structure, with the seaward most row of shear pins underneath both the primary structure and a portion of the bluff facing patio.

The San Clemente LUP policy regarding development on blufftop lots, requires development be setback at least 25 feet from the bluff edge, or set back in accordance with a stringline drawn between the nearest corners of adjacent structures on either side of the development to minimize the potential for the new development contributing to slope instability. This minimum setback may be altered to require greater setbacks when required or recommended as a result of geotechnical review. Additionally, the Commission typically requires that accessory structures that do not require structural foundations such as decks, patios and walkways to be sited at least 10 feet from the bluff or according to deck stringlines.

Based upon an examination of available photographs, data and maps the geotechnical investigation estimated a bluff retreat rate to be in the order of other similar lots in the Capistrano Beach area, approximately 2 to 3 inches per year or less, or approximately 15-20 feet over the design life of the proposed structure. As the seaward property line is approximately 50-60 feet from the bluff edge and the proposed structure is setback approximately 110 feet from the bluff edge, the proposed development is sited in a location safe from long-term bluff retreat/erosion

rates. However, as the La Venta bluff in the downcoast vicinity had a massive episodic bluff failure less than 20 years ago, **Special Condition 6** requires the applicant to remedy the visual impact of any exposed structures in the event any project features initially proposed to be subsurface subsequently become exposed to view from public vantage points due to a natural bluff failure.

The Commission's staff Geologist has reviewed the submitted geotechnical reports and proposed foundation plans and concurs that they adequately address concerns regarding bluff erosion and slope stability of the project site and make recommendations that should assure safety of the development.

Special Condition 2 requires the applicant submit final design and construction plans, including foundations, grading and drainage plans, in substantial conformance with the preliminary plans dated July 15, 2011 and shall be consistent with all recommendations contained in the geologic engineering investigations. Furthermore, **Special Condition 9** requires the applicant to agree, on behalf of himself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant under this permit in the event that the development is threatened with damage or destruction from erosion, storm conditions, bluff retreat, landslides or other natural coastal hazards in the future.

Water Quality - Site Drainage

Permanent drainage control measures are essential in order to decrease irrigation or rain runoff from flowing over the coastal bluff slope. The applicant proposes to direct roof and surface runoff away from the bluff face toward the frontage road, Camino Capistrano via surface drains connected to underground 4" stormdrain pipes directly to existing City storm drains, per City requirements. **Special Condition 1** requires the applicant submit a final drainage/runoff control plan.

However, there is an added potential for water infiltration into the bluff due to the proposed 18" high (and maximum 18" deep) and approximately 12' wide by 24' long water fountain/water feature on the bluff side of the lot. To ensure that drainage does not increase the potential for site erosion, the Commission imposes **Special Condition 4**, which requires the applicants submit a fountain/water feature protection plan with features such as a double lining, a overflow drain pipe connected to the on-site drain system and leak detection system.

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.

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 7** 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 adjacent canyon or the storm drain system leading to the ocean. 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.

Resources

No portion of the applicant's development area contains resources that rise to the level of ESHA. Nevertheless, preservation and enhancement of the City's coastal bluffs is a goal supported by both the environmental protection policies of the Coastal Act, and the certified Land Use Plan (LUP). Encroachment onto the bluff by development increases the potential for the introduction of non-native plant species, and predation of native species by domestic animals, and destabilization of the coastal bluff from excess irrigation.

Due to the coastal bluff top location of the proposed tempered glass screenwall there is a substantial risk of bird strikes to the screenwall. Glass walls are known to have adverse impacts upon a variety of bird species. Birds are known to strike glass walls causing their death or stunning them which exposes them to predation. Some authors report that such birds strikes cause between 100 million to 1 billion bird deaths per year in North America alone. Birds strike the glass because they either don't see the glass, or there is some type of reflection in the glass which attracts them (such as the reflection of bushes or trees that the bird might use for habitat). Some type of boundary treatment is typically required where the backyards of residences abut coastal bluffs. The proposed plans include a 42" tempered glass screenwall along the edge of the patio on the bluff side of the lot. To provide further protection to coastal avian species, **Special Condition 5** requires the applicant submit final revised plans showing use of a different material for the proposed fence/screenwall or a treatment to the proposed tempered glass screenwall to address bird strike issues, necessary to protect against significant disruption of habitat values.

Furthermore, due to the fragile nature of coastal bluffs and their susceptibility to erosion, the Commission requires a special condition regarding the types of vegetation to be planted. The use of non-native vegetation that is invasive can have an adverse impact on the existence of native vegetation. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org). No plant species listed as problematic and/or invasive by the California Native Plant Society or the California Invasive Plant Council 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 shall be utilized within the property.

The applicant has provided a preliminary landscape/hardscape plan (Exhibit 6) that includes mostly hardscape on the back yard bluff side of the lot including a large fountain/water feature, stone paved covered patios, outdoor barbeque kitchen, and side property screenwalls. Minimal planting is proposed on the bluff side of the lot consisting of drought tolerant non-invasive lavender, rosemary, agave and creeping thyme. For the approximately, 3,650 sq. ft. front yard, the applicant proposes concrete paving and a cobble paved porte-cochere and trees such as junipers, cypresses, and pines. The Commission imposes **Special Condition 3**, which requires the applicants conform with the proposed landscape plan consisting of drought tolerant non-invasive plants.

B. HAZARDS

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes 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 the construction of protective devices (such as a retaining wall or shoreline protective device) 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. 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 imposes a future improvements special condition. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

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 the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and 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, the use of non-invasive drought tolerant vegetation, and for 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 with 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.

F. DEED RESTRICTION

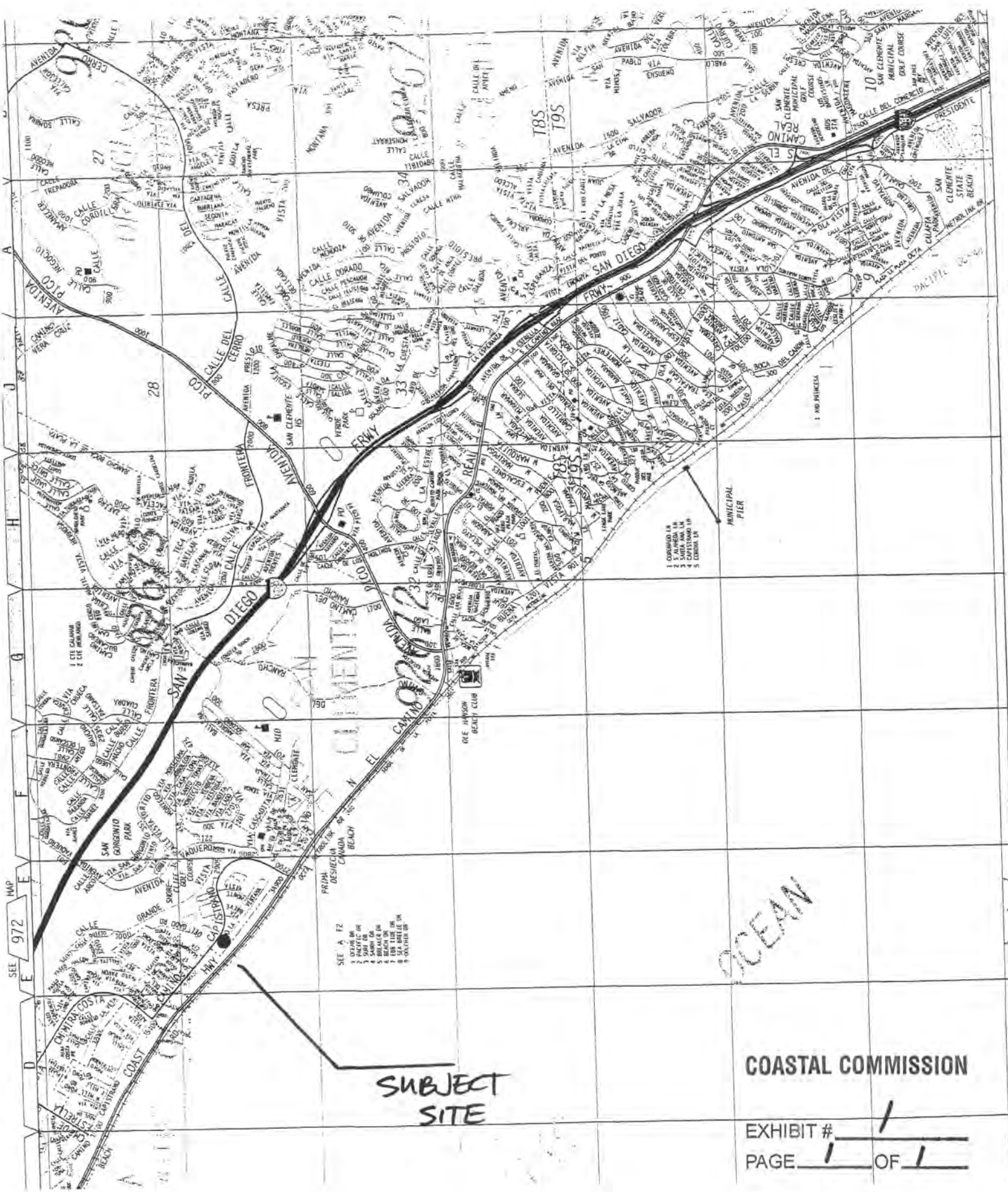
To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

G. 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.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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.



SUBJECT SITE

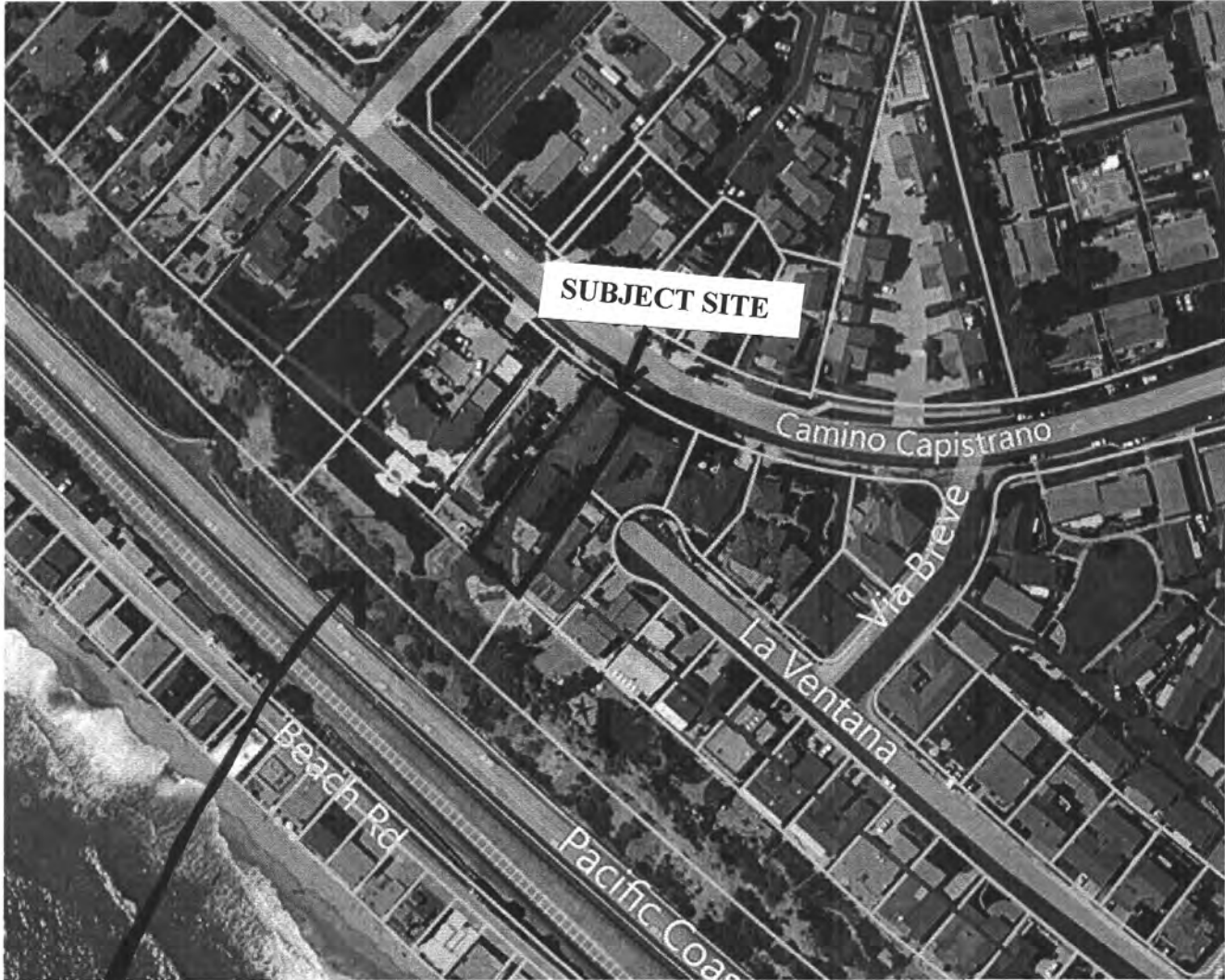
COASTAL COMMISSION

EXHIBIT # 1
 PAGE 1 OF 1



City of
San Clemente
California

CommunityView™

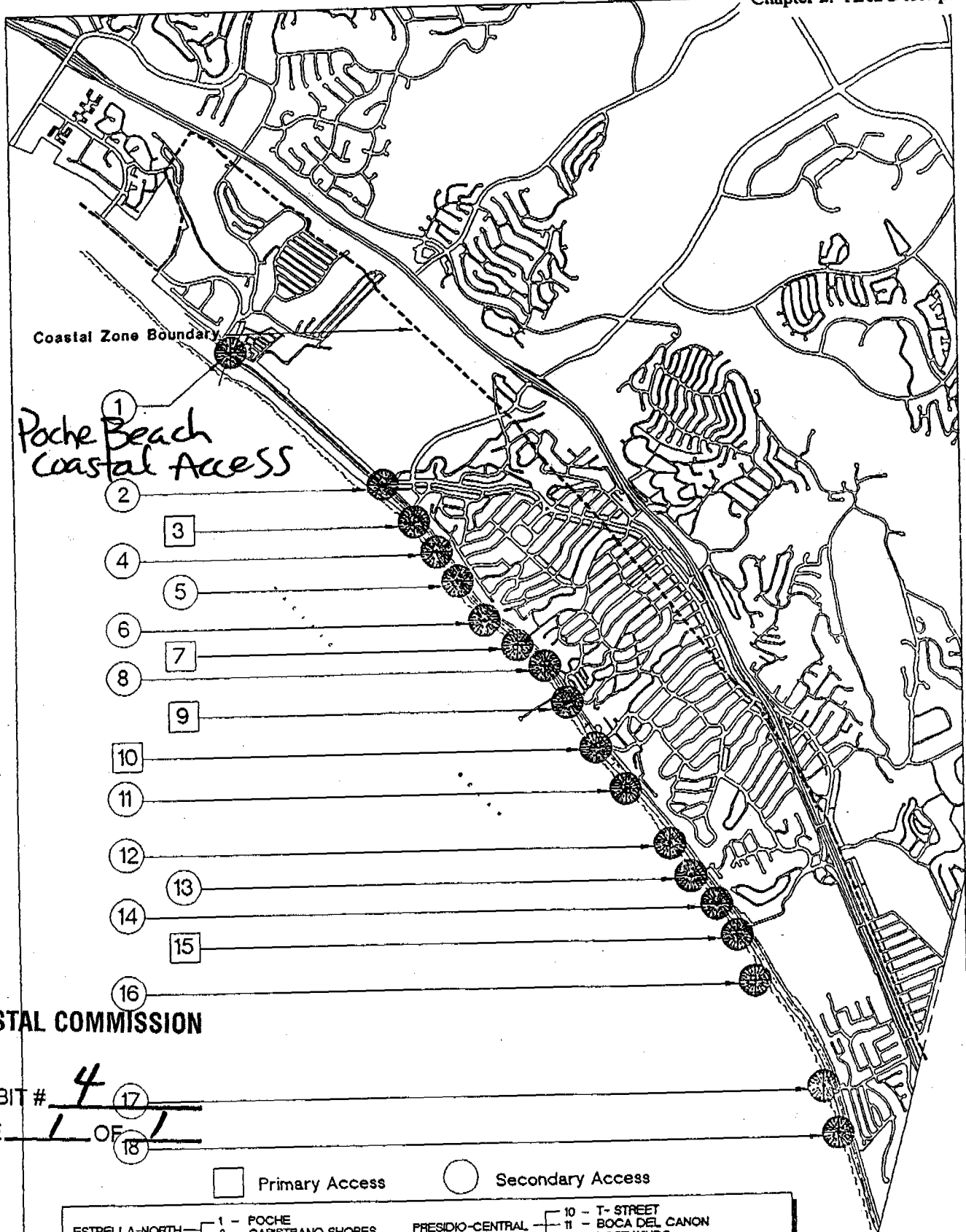


**ADJACENT SEPARATELY OWNED PARCEL
ACROSS 35541, 35551 AND 35555 CAMINO CAPISTRANO
WITHIN CITY OF DANA POINT**

Copyright © 2011 Digital Map Products

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1



COASTAL COMMISSION

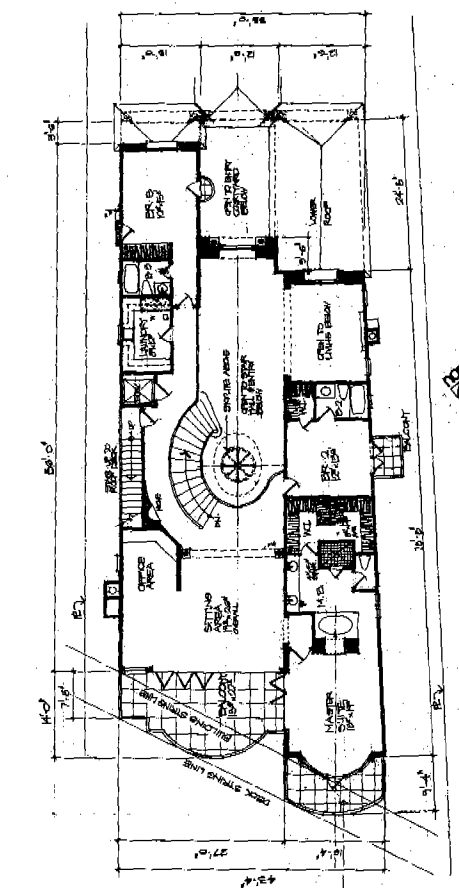
EXHIBIT # 4
 PAGE 1 OF 1

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

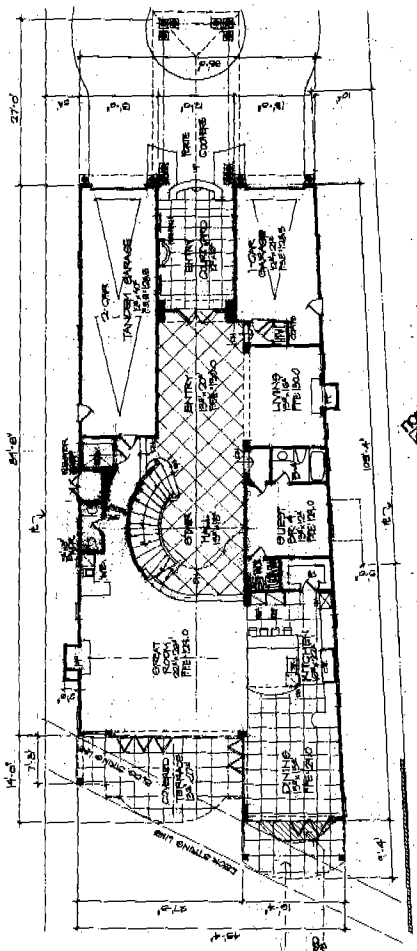
FIGURE 2-5



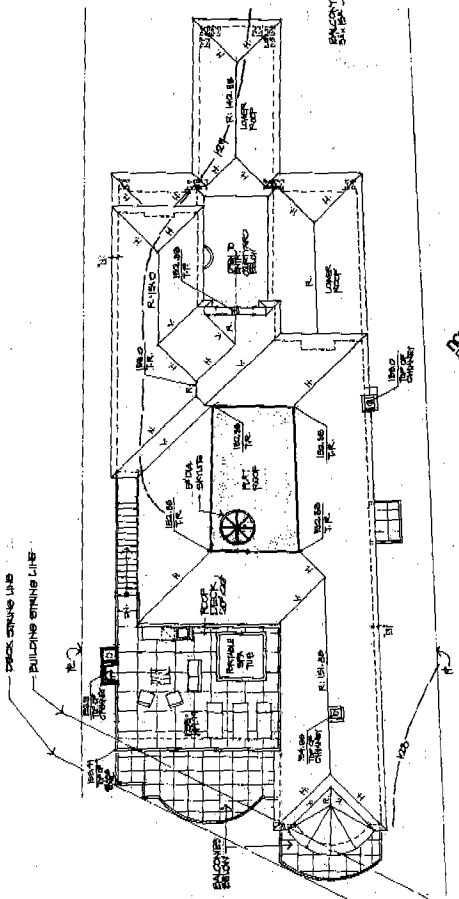
**CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS**



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"
DATE: 10/14/03
SHEET: 2 OF 2 (REVISED)



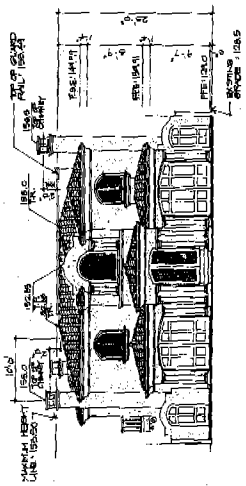
FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"
DATE: 10/14/03
SHEET: 1 OF 2 (REVISED)



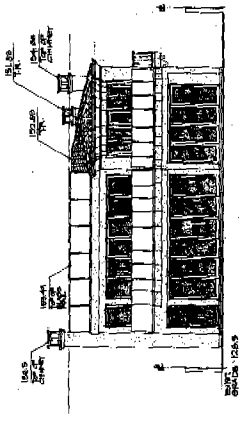
ROOF PLAN
SCALE: 1/8" = 1'-0"
DATE: 10/14/03
SHEET: 2 OF 2 (REVISED)

COASTAL COMMISSION

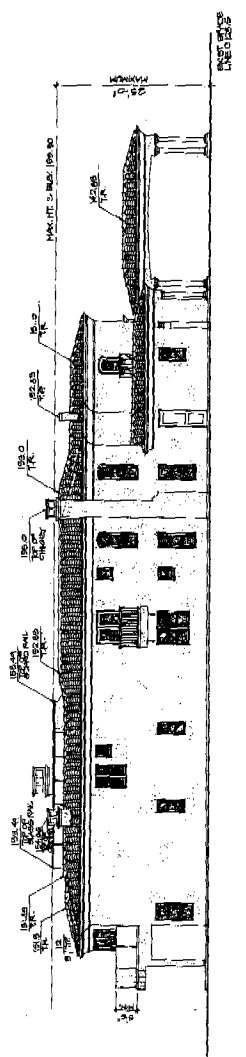
EXHIBIT # 5
PAGE 2 OF 3



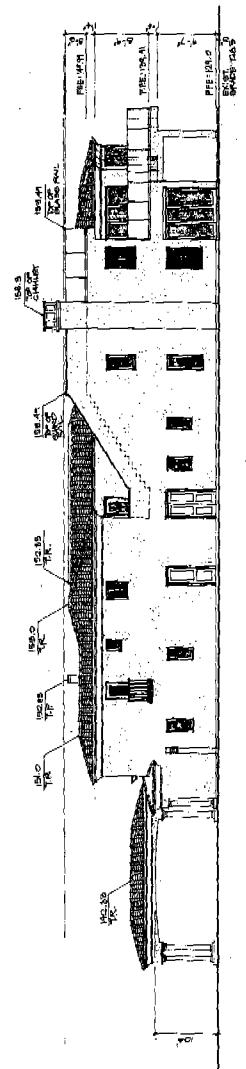
NORTH ELEVATION
 SCALE 1/8" = 1'-0"



SOUTH ELEVATION
 SCALE 1/8" = 1'-0"



EAST ELEVATION
 (LEFT SIDE)
 SCALE 1/8" = 1'-0"

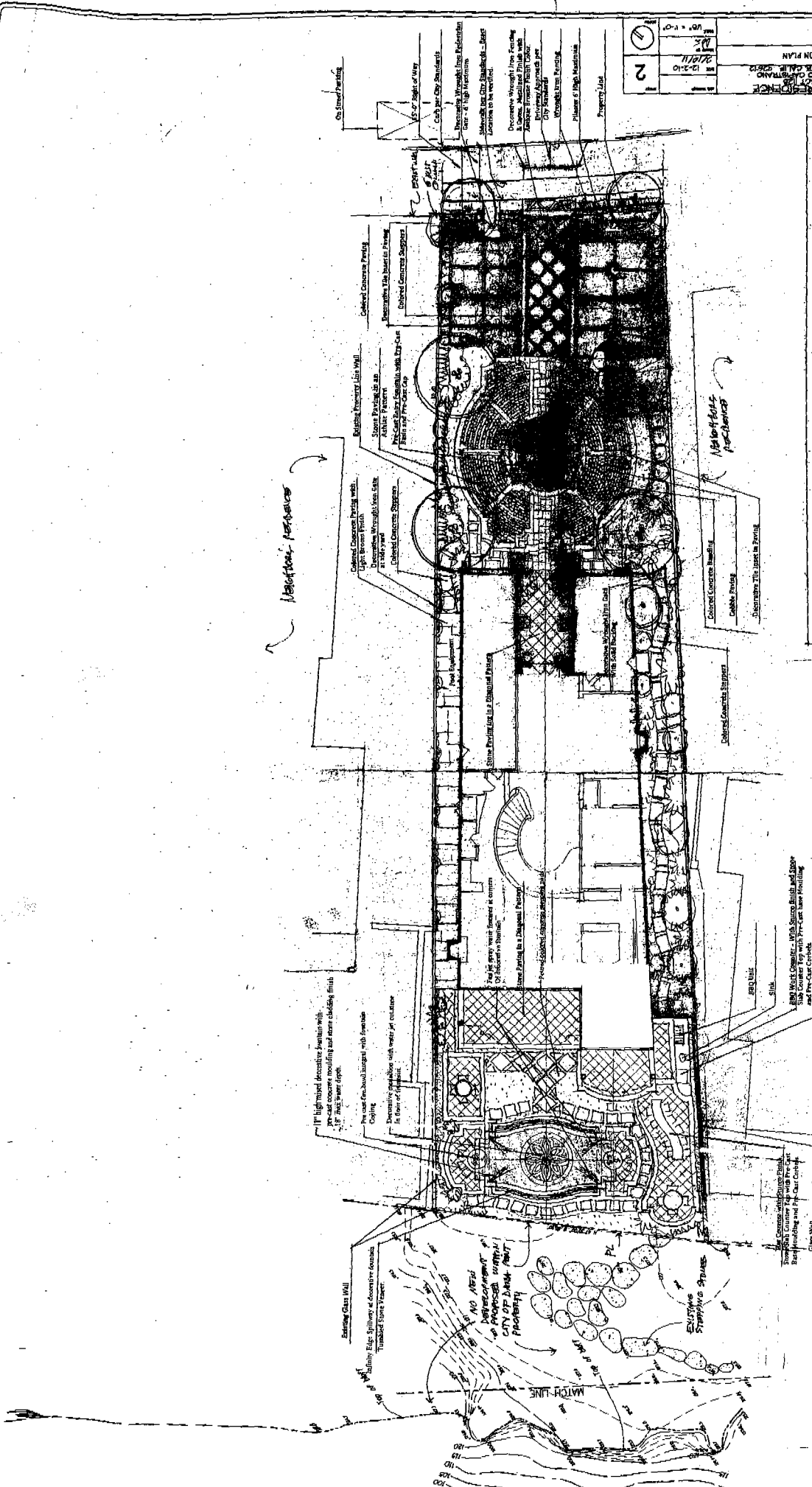


WEST ELEVATION
 (RIGHT SIDE)
 SCALE 1/8" = 1'-0"

- BUILDING MATERIALS**
1. EXTERIOR PLASTER: 1/2" THICK, STEEL TROWEL FINISH
 2. ROOF: 2 PLYS CLAY EXPOSED TILE, MATCH COLOR BAND
 3. FLOORING: 1/2" THICK, POLISHED CONCRETE
 4. WALLS: 1/2" THICK, POLISHED CONCRETE
 5. WINDOWS & DOORS: ALUMINUM CLAD WOOD
 6. SHOWER DOORS: 1/2" THICK, 1/2" BRUSHED CHROME, SECTIONAL ROLL UP
 7. EXTERIOR COLUMNS: PRE-CAST STONE
 8. BALCONY RAILINGS: STAINLESS STEEL
 9. SKYLITE: CLEAR GLASS W/ HORIZONTAL BRASS FINISH
 10. CHIMNEY: BRICK, NATURAL CORNER

COASTAL COMMISSION

EXHIBIT # 5
 PAGE 3 OF 3



2
 10'-0" = 1'-0"
 12-11-10
 CONSTRUCTION PLAN
 Landscape Architecture
 The Coastal Commission
 Coastal Planning & Design, Inc.

SHEET INDEX

- SHEET 2 Construction Plan
- SHEET 3 Construction Detail Plan
- SHEET 4 Plumbing Plan
- SHEET 5 Lighting Plan
- SHEET 6 Lighting Cut Sheet

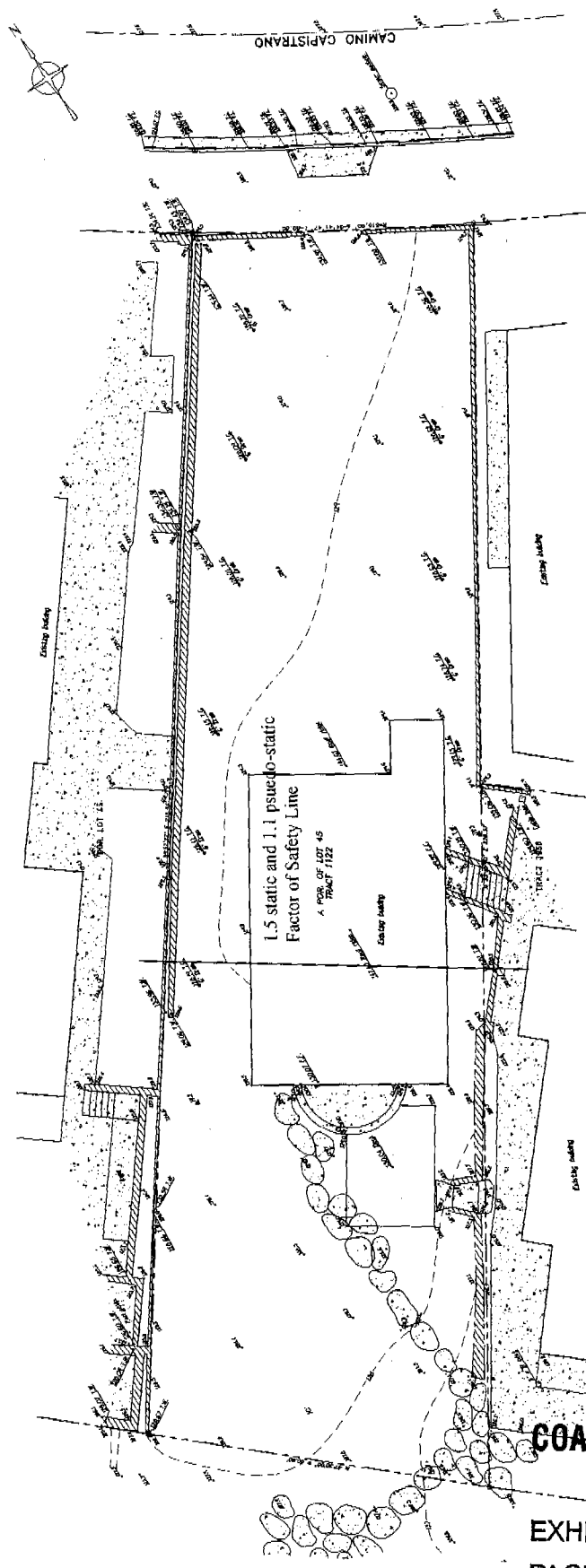
VICINITY MAP
 COASTAL COMMISSION
 301 CLAYTON, CA

GENERAL CONSTRUCTION NOTES

1. All work shall be in accordance with the approved plans and specifications.
2. All materials shall be of the highest quality and shall be approved by the Commission.
3. All work shall be completed within the specified time frame.
4. All work shall be completed in accordance with the applicable codes and regulations.
5. All work shall be completed in accordance with the applicable codes and regulations.
6. All work shall be completed in accordance with the applicable codes and regulations.
7. All work shall be completed in accordance with the applicable codes and regulations.
8. All work shall be completed in accordance with the applicable codes and regulations.
9. All work shall be completed in accordance with the applicable codes and regulations.
10. All work shall be completed in accordance with the applicable codes and regulations.

COASTAL COMMISSION

EXHIBIT # 6
 PAGE 1 OF 4



COASTAL COMMISSION

EXHIBIT # 7
 PAGE 1 OF 1

Anvari Property, 35555 Camino Capistrano, San Clemente, CA

JOB NO.:

DATE:

71863-01

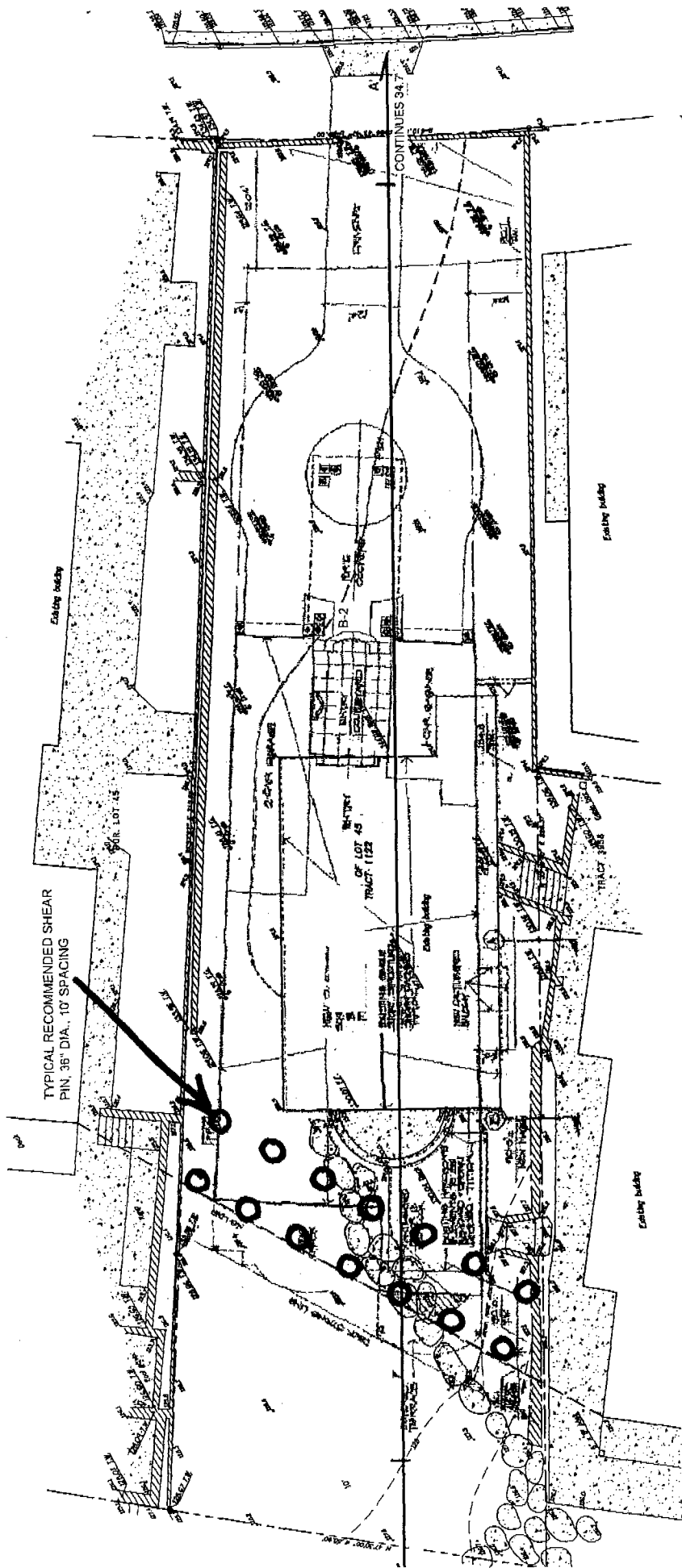
March 2011

FIGURE:

1



TYPICAL RECOMMENDED SHEAR
PIN, 36" DIA., 10' SPACING



SCALE: 1"=25' APPROX.

REFER TO PLATE 1 FOR EXPLANATION

COASTAL COMMISSION

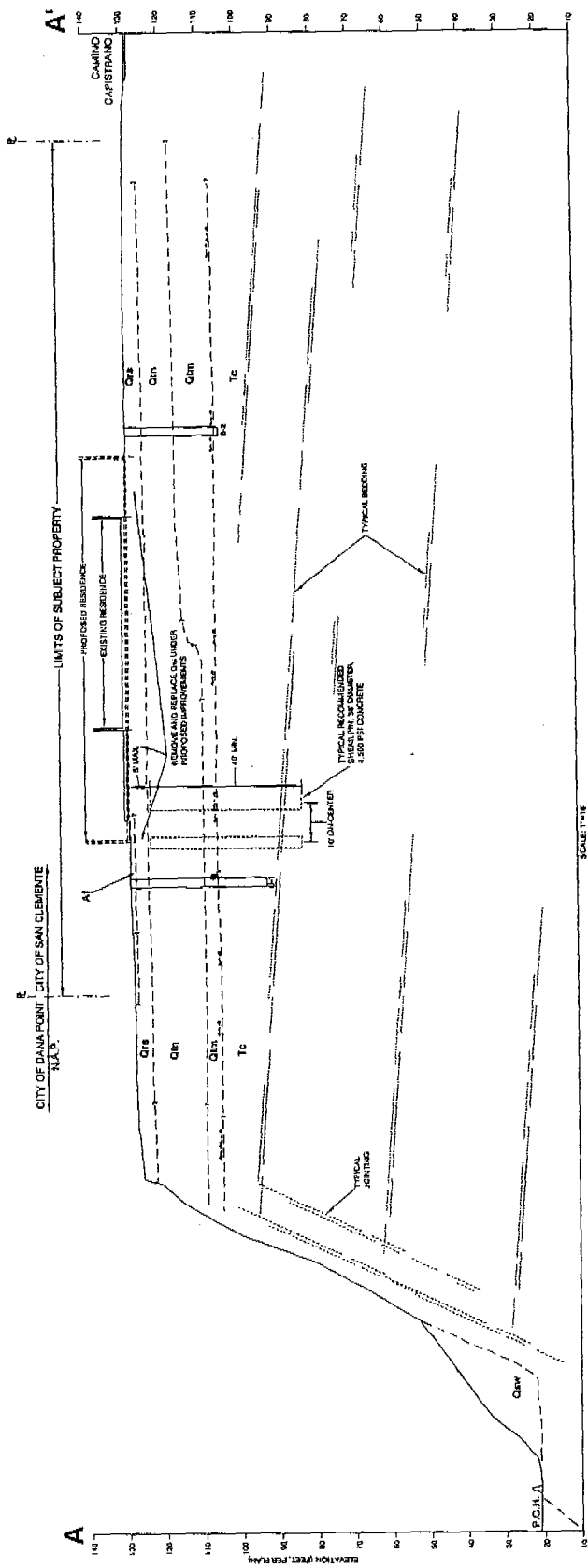
EXHIBIT # 8
PAGE 1 OF 2

REVISED GEOTECHNICAL PLOT PLAN
35555 CAMINO CAPISTRANO
SAN CLEMENTE, CALIFORNIA

Project No. 71863-01

Date: JULY 2011

Figure 4



- EXPLANATION**
- A1 TYPICAL FILL, SCATTERED
 - Q1w SUPERFICIAL DEPOSITS
 - Q1d RESIDUAL SOIL
 - Q1m MOLLUSK TERRACE DEPOSITS
 - Q1m MARINE TERRACE DEPOSITS
 - Tc BEDROCK, CAPISTRANO FORMATION
 - APPROXIMATE BUCKET MASTER BOUNDS LOCATION
 - ORILLIOWATER BEVERAGE
 - APPROXIMATE GEOLOGIC CONTACT, OVERSED WHERE UNCERTAIN
 - - - NOT A PART OF THIS REPORT
 - N.A.P.

COASTAL COMMISSION

EXHIBIT # 8
 PAGE 2 OF 2

GEOTECHNICAL CROSS SECTION A-A'
 85555 CAMINO CAPISTRANO
 SAN CLEMENTE, CALIFORNIA

PROJECT NO.	71893-01	DATE	JUNE 2011
ISSUE NO.	11-4841		
SCALE		PAGE	
		1	