

**CALIFORNIA COASTAL COMMISSION**

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# W6a

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## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-13-067

**Applicant:** Bubba and Judy Beauchamp

**Location:** 4004 Calle Ariana, San Clemente, Orange County

**Project Description:** Major remodel of an existing 2661 sq. ft. single family residence with attached 2-car garage resulting in a new 2,660 sq. ft. single family residence and new landscaping, and hardscape improvements including new spa and 394 sq. ft. covered patio/outdoor living room on a 9,750 sq. ft. coastal bluff top lot.

**Staff Recommendation:** Approval with conditions.

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### SUMMARY OF STAFF RECOMMENDATION

The applicant proposes a major remodel of an existing 2,661 sq. ft. one story single-family residence with attached garage and bluff facing concrete patio consisting of demolition of over 50% of the existing structure including removal of exterior walls, new roof, a complete interior remodel, exterior façade improvements and new hardscape and landscaping (Exhibit #2). Minor drainage improvements and no grading is proposed. There is a pre-Coastal Act bluff stairway from the bluff top residence down the bluff face to the sandy beach below and unpermitted chain link fencing down the bluff and at the toe of the bluff. The applicant is not proposing any work to the bluff stairs nor is the applicant proposing to remove the unpermitted development. The

Commission's enforcement division will evaluate further actions to address the unpermitted development (e.g. bluff fencing).

As the proposed work involves demolition of more than 50% of the existing structure and new roof; the project is considered a 'major remodel' or re-development of the site. The proposed residence will be located 25 feet from the bluff edge. In San Clemente, the certified Land Use Plan requires a 25 foot setback from the bluff edge.

Major Coastal Act issues associated with this project include development on a coastal bluff lot and the potential adverse impacts to water quality and marine resources during the construction phase of the project. To address these potential adverse impacts the Commission staff is recommending the following Special Conditions: **1) Final Revised Plans including notation about unpermitted development; 2) Spa Protection Plan; 3) Revised Landscaping Plan; 4) Assumption of Risk, Waiver of Liability and Indemnity; 5) No Future Blufftop or Shoreline Protection Devices; 6) Future Improvements; 7) Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris; 8) Deed Restriction**

Commission staff recommends **approval** of coastal development permit application 5-13-067, as conditioned.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of San Clemente only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

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### EXHIBITS

- Exhibit 1 – Area Map and Aerial Photo
- Exhibit 2 – Project Plans
- Exhibit 3 – Grading Plan
- Exhibit 4 – Coastal Access Points Map

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the Coastal Development Permit Applications included in the consent calendar in accordance with the staff recommendations.*

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:

*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 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

This permit is granted subject to the following special conditions:

1. **Submittal of Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, two (2) sets of final site and building plans that substantially conform with the project plans by Jay S. Crawford, A.I.A. dated 7/17/13 and the landscaping plans by Landscape Architect James Pekarske dated 1/2/13 and the grading plan by Alpine Engineering dated 8/28/12, except that those plans shall be modified as follows:

- 1) The bluff face stairway located entirely seaward of the bluff edge depicted at the 58' contour line shall be shaded and clearly marked "*no work on this element is proposed or authorized by coastal development permit 5-13-0067*" on each set of plans;
- 2) The 5' tall chain link at the toe of the bluff and down the bluff face shall be shaded and clearly marked "*this element not permitted by this or any other coastal development permit*" on each set of plans;

The permittee shall undertake the development authorized by the approved plans. Any proposed changes to the approved plans, including but not limited to any change in the quantity of proposed demolition, replacement or new development, shall be reported to the Executive Director. No changes to the plans or the development authorized in those plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Spa 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 spa protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed spa. The spa protection plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a spa leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the spa which is separate from the water meter for the house to allow for the monitoring of water usage for the spa, and 2) use of materials and spa 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 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 spa that conveys any water leakage to an appropriate drainage outlet. The applicants shall comply with the final spa plan approved by the Executive Director.

3. **Landscaping – Drought Tolerant, Non-Invasive Plants.** Vegetated landscaped areas within the bluff facing portion of the project site shall only consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type. Native plants shall be from local stock wherever possible. No permanent in-ground irrigation systems shall be installed on the bluff-facing portion of the site. Temporary above ground irrigation is allowed to establish plantings. Vegetated landscaped areas on the street-side of the residence are encouraged to use native plant species, however, non-native drought tolerant non-invasive plant species may also be used in that area. 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 (<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
4. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from slope instability, erosion, landslides, sea level rise and other tidal induced erosion, and earth movement; (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.
5. **No Future Bluff or Shoreline Protective Devices.** By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-13-0067 including, but not limited to, the residence, foundations, decks, balconies and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future. By acceptance of this Permit, the applicants/landowners hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this Permit, the applicants/landowners further agree, on behalf of themselves 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 beach before they are removed, the landowners shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

In the event the edge of the bluff recedes to within five (5) feet of the principal residence but no government agency has ordered that the structures are not to be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the applicants, that addresses whether any portions of the residence are threatened by bluff and slope instability, erosion, landslides or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without bluff protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

6. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-13-067. 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 the Coastal Development Permit No. 5-13-067. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, 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. 5-13-067 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Furthermore, no improvements are authorized to the existing wooden stairs located seaward of the residence and which descend the coastal bluff face to the beach below, as identified on page # of Exhibit # to the staff report dated August 22, 2013. Any future improvements to this structure, including but not limited to, 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. 5-13-067 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:
- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;

- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (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.

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. **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 landowners have executed and recorded against the



parcel(s) 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 the 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:**

##### **A. PROJECT LOCATION AND DESCRIPTION**

The proposed development is located at 4004 Calle Ariana in the private gated community of Cypress Shores in the City of San Clemente, Orange County (Exhibit 1). The proposed development is located within 50 feet of a coastal bluff between the sea and the first public road. The subject site is designated RL (Residential Low Density) in the San Clemente certified Land Use Plan (LUP).

The 9,750 square foot coastal bluff top lot extends from the frontage road down to the toe of the coastal bluff and is currently developed with a pre-Coastal Act one-story single-family residence with rear yard (bluff-facing) hardscape improvements, planter landscaping, and pre-Coastal wood stairway down the bluff face. The existing residence is setback 15' from the bluff edge and according to a structural stringline (typical to all blufftop residences along this subdivision). Hardscape, in the form of an 18" high block wall is currently setback 5' from the bluff edge. The site is surrounded to the north by a single-family residence, to the south by a vacant lot, to the east by the frontage street (Calle Ariana) and to the west by an approximately 35-36 foot high coastal bluff. The bluff slope descends to the Orange County Transportation Authority (OCTA) railroad tracks and right-of-way and a public sandy beach.

The coastal bluffs in San Clemente are not subject to direct wave attack because they are separated from the beach by Orange County Transit Authority (OCTA) railroad tracks and railroad right-of-way. The railroad tracks have a rip-rap revetment which protects the tracks from erosion and wave overtopping. Though not subject to direct wave attack at this time, the bluffs are subject to erosion caused by natural factors such as wind and rain, adverse bedding orientations, soils conducive to erosion and rodent burrowing. Bluffs are also subject to erosion from human activities, such as irrigation, improper site drainage and grading. The seaward property line at the subject site extends down to the toe of the bluff to the railroad right-of-way.

The applicant proposes a major remodel that due to over 50% demolition of the existing structure including demolition of 50% of the exterior walls constitutes new development;

complete project plans are included as Exhibits 2 and 3. The major remodel includes a complete interior remodel of an existing single story, 14' high, 2,661 sq. ft. single family residence including removal of 1,050 sq. ft. along the southeast corner (bluff facing) of the residence and converting a 394 sq. ft. area along the southwest corner (bluff facing) of the residence into a covered outdoor living room and conversion of an interior courtyard into interior living space. The project results in a 2,660 sq. ft. single family residence with a 25' bluff edge setback, compared with a 15' existing setback. Therefore, the proposed development will result in landward retreat of enclosed living space on the site.

The bluff facing concrete patio slab is proposed to be demolished and bluff top landscaping, artificial grass, wood deck and spa are proposed. A portion of the 18" high block wall that is currently setback 5' from the bluff edge is proposed to be demolished, and part will remain in place. The applicants propose new doors, new windows and exterior façade improvements, new hardscape improvements including minor drainage improvements and planter landscaping. No grading, vegetation removal, or landscaping or any other type of work is proposed on the bluff face.

There is an existing pre-Coastal Act wood bluff stairway providing private access from the applicant's residential property down the coastal bluff face to the beach below. There are no coastal development permits associated with the bluff stairway. The stairs are non-conforming to the prohibition on private bluff face stairways established by Policy VII.17 in the certified land use plan for San Clemente. The applicant is not seeking approval nor has he proposed removal of the non-conforming coastal bluff stairs as part of the proposed redevelopment of the site. This non-conforming structure should eventually be considered for removal at the point in time when the structure has reached the end of its life, such as when something more than repair and maintenance is required to render the structure safely usable. Due to its location on a coastal bluff, any repair and maintenance of stairway will require a coastal development permit from the Commission.

Additionally, there is an unpermitted, non-conforming 5' tall chain link fencing along the western property line from the bluff top down the 35-36' high face of the coastal bluff to the bluff toe, and then along the southern property line at the bluff toe (Exhibits 2 and 3). No work (removal or improvements) to the non-conforming, unpermitted chain link fencing is proposed.

## **B. HAZARDS**

The proposed development is located on the bluff top portion of a coastal bluff that is not subject to wave erosion. 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.

The applicant submitted a geotechnical investigation by Coleman Geotechnical dated 9/5/12, providing an opinion regarding the feasibility of the proposed development. The consulting engineering geologist conducted soil analysis/lab testing, reconnaissance examination and evaluation of the site and bluff conditions. No landslides, significant erosion or impending failures were mapped on the subject site. Additionally, no groundwater was encountered or signs of seepage, springs, over-irrigation or saturated soils within the slope face or at the slope toe.

The report recommends conventional footings seated into compacted fill can be used to support the proposed development and hardscape slabs may be founded entirely on firm competent compacted soil. The report concludes that the proposed development is geotechnically feasible subject to its recommendations.

As proposed, the bluff facing portion of the existing single family residence will be demolished and the new structure's enclosed living space will be setback 25 feet from the bluff edge. A covered outdoor patio/living room will have a 15 foot setback from the bluff edge and a proposed new spa will be setback approximately 32 from the bluff edge. **Special Condition No. 2** requires a spa protection plan that addresses possible leakage from the proposed spa to guard against the potential for geologic instability caused by such a leakage on this blufftop lot.

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. HABITAT

The City of San Clemente Certified LUP includes coastal bluffs and canyons under the "Environmentally Sensitive Habitat" heading. The LUP reads,

*The coastal bluffs and canyons contain important natural habitat...The coastal bluffs support Coastal Bluff Scrub habitat, a variation or subset of Coastal Sage Scrub. This habitat is characterized by species especially tolerant of coastal conditions...The primary environmental value of these habitat areas is that they represent an ever diminishing resource within urbanized portions of the coast.*

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.

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 that may 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](http://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.

No vegetation removal or new landscaping is proposed on the bluff face. The existing residence is all paved hardscape on the back yard bluff side of the lot, the applicant proposes an artificial lawn, new landscaping along the bluff edge and sealed raised concrete planters at the bluff edge and along the side property walls. The Commission imposes **Special Condition 3**, which requires plantings along the bluff edge and within the raised concrete planters adjacent to the coastal bluff consist of native, drought tolerant, non-invasive plants.

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240(b) of the Coastal Act.

#### **D. 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 any future repair and maintenance of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act and the Commission's regulations. Section 13252 of the Commission's regulations provides that certain repair and maintenance activities require a coastal development permit because they involve a risk of substantial adverse impacts to coastal resources. Therefore, to assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition 6** requiring the applicant to apply for an amendment to this CDP or a new CDP, if applicable, for any future development within the subject site. As conditioned the development conforms to the Chapter 3 policies of the Coastal Act.

#### **E. PUBLIC ACCESS**

Public access to the nearest public beach is available approximately a mile upcoast of the subject lot at San Clemente State Beach. Lateral public access to the Pacific Ocean and sandy beach areas is available immediately adjacent to the subject site, seaward of the railroad right-of-way located at the toe of coastal bluff.

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.

#### **F. WATER QUALITY**

The existing drainage patterns on the subject residential site will remain the same. Existing drain inlets along the bluff facing side of the lot and the northern side yard will remain unchanged. The applicant proposes to direct roof and surface water runoff away from the bluff

face toward the frontage road, via new drainage inlets to collect water runoff along the southern side yard that will direct runoff directly to existing City storm drains, per City requirements.

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.

#### **G. UNPERMITTED DEVELOPMENT**

Development has occurred on the subject site without benefit of the required coastal development permit consisting of installation of 5' tall chain link fencing down a coastal bluff face and at the toe of the coastal bluff. The unpermitted fencing is located on the bluff face or within 50 feet of the edge of a coastal bluff. Installation of the fencing constitutes development that requires a coastal development permit. A coastal development permit was not issued by the Commission to authorize the bluff fencing. Any development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. The applicant does not propose to retain or remove the unpermitted fencing as part of this application; therefore enforcement staff will evaluate further action to resolve the violation.

**Special Condition 1** requires submittal of revised project plans showing the existing chain link fencing and non-conforming, pre-Coastal Act bluff face stairway clearly shaded and clearly marked "this element not permitted by this or any other coastal development permit."

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. The certified San Clemente Land Use Plan was used as guidance by the Commission in reaching its decision. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

#### **H. 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, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

**I. 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 of the Coastal Act.

**J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

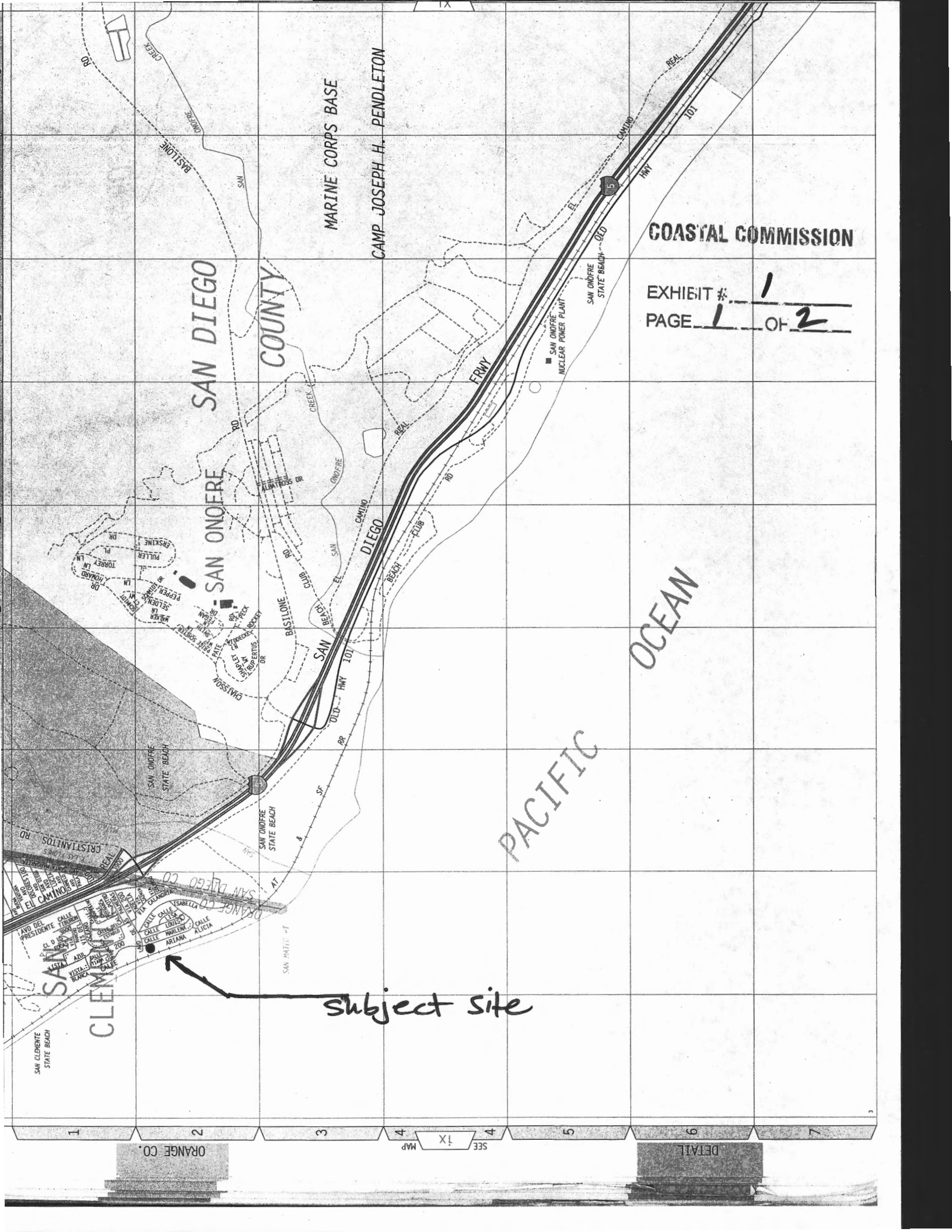
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality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

The City of San Clemente is the lead agency responsible for CEQA review. The City deemed the project Categorical Exempt, citing Section 15301. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which will substantially lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is consistent with CEQA and the policies of the Coastal Act.

**APPENDIX A**

**SUBSTANTIVE FILE DOCUMENTS**

- 1) Coleman Geotechnical , “Geotechnical Investigation, New Additions 4004 Calle Ariana, Cyprus Shore, San Clemente, California”, dated September 5, 2012 and signed by James R. Coleman (GE 229) and Lee A. Shoemaker (CEG 866).
- 2) City of San Clemente Approval in Concept dated January 17, 2013
- 3) City of San Clemente Certified LUP



SAN DIEGO COUNTY

SAN ONOFRE

MARINE CORPS BASE

CAMP JOSEPH H. PENDLETON

COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 2

PACIFIC OCEAN

subject site

ORANGE CO.

MAP

DETAIL





COASTAL COMMISSION

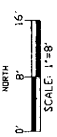
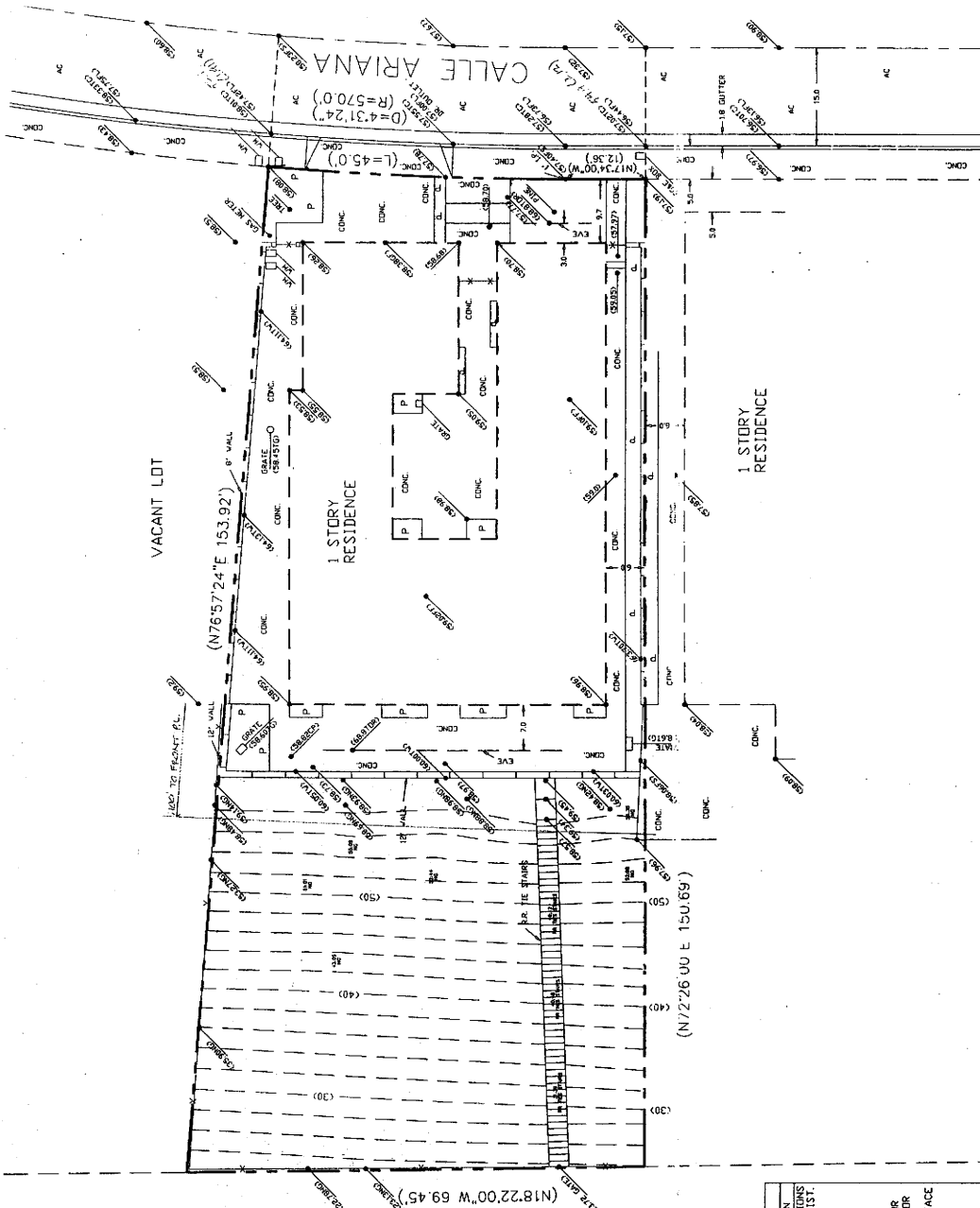
EXHIBIT # 1  
PAGE 2 OF 2

subject site



**COASTAL COMMISSION**

EXHIBIT # 2  
 PAGE 2 OF 12



NOTE: RECORD EASEMENTS ARE NOT PLOTTED IF ANY.

LEGEND	DESCRIPTION
(123.45)	MEAS. ELEVATIONS
( )	REC. BRG. & DIST.
#	BRICK
---	BUILDING
---	LOT LINE
---	WATER METER
---	F.F. FINISH FLOOR
---	G.F. GARAGE FLOOR
---	C.F. CURB FINISH SURFACE
---	F.S. FINISH SURFACE
M.H.	MAN-HOLE
A.C.	ASPHALT
T.G.	TOP-GRADE

**RAM SURVEYING INC.**  
 RON MEDEMA L.S. 4653  
 23016 LAKE FOREST DR., #409  
 LAGUNA HILLS, CA 92653  
 (949) 855-5438 FAX  
 (949) 855-5438  
 RDSURVYING@CCK.NET

**TOPOGRAPHIC SURVEY**  
 JOB: 51-28 DATE: 7/5/12

**DOWNER:**  
 LOT 87, TRACT 4004

**LEGAL DESCRIPTION:**  
 LOT 87, TRACT 4004

**BENCH MARK:**  
 BENCH MARK # R-714  
 DATUM NAVD83  
 ELEVATION 17.63

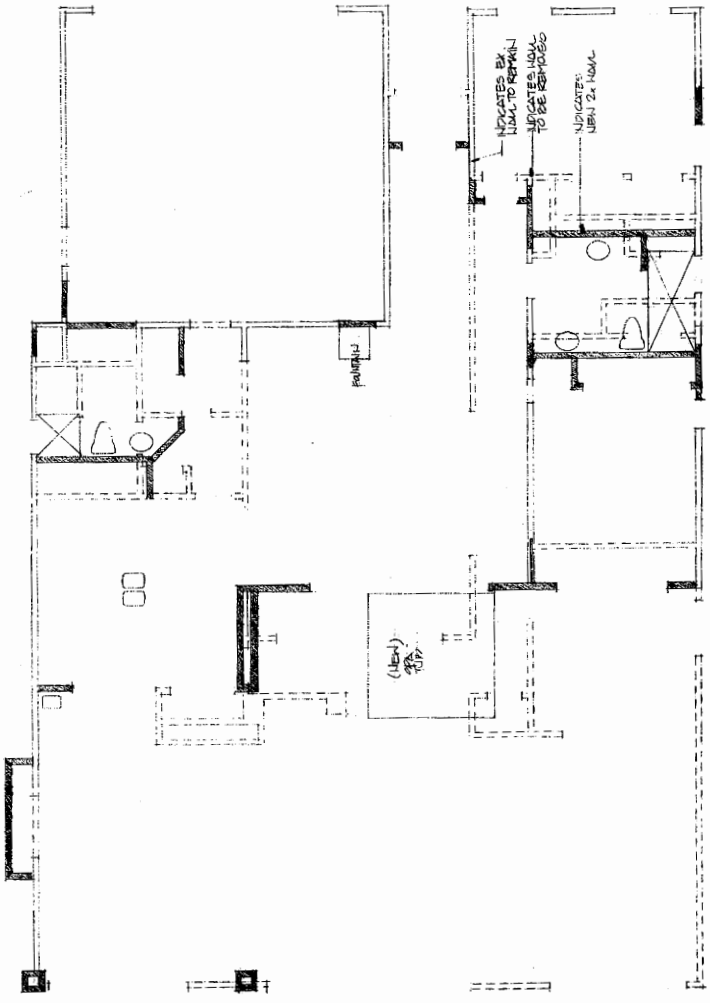
**ADDRESS OF PROJECT:**  
 4004 CALLE ARIANA, SAN CLEMENTE



ARCHITECTURE  
JAY S. CRAWFORD, AIA  
IRVINE, CA 92618  
FAX 949 453-9828

A CUSTOM RESIDENCE FOR:  
BUBBA & JUDY BEAUCHAMP  
4004 CALLE ARIANA  
SAN CLEMENTE, CA

DATE	
JOB NO.	
PROJECT	
OWNER	
4	



NOTE: THIS PLAN IS FOR  
REPAIR WORK ONLY.  
SEE EXHIBIT #11 NEW FLOOR  
PLAN'S FOR APPL. IN RD.

USE FINISHES  
STANDARD 11.1.1

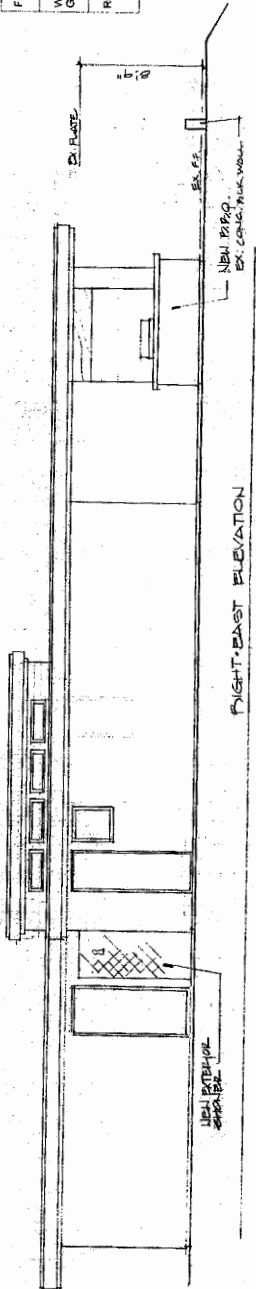
COASTAL COMMISSION

EXHIBIT # 2  
PAGE 4 OF 12

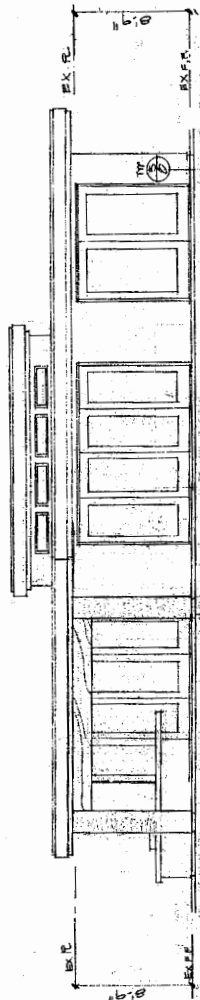


4004 Calle Ariana

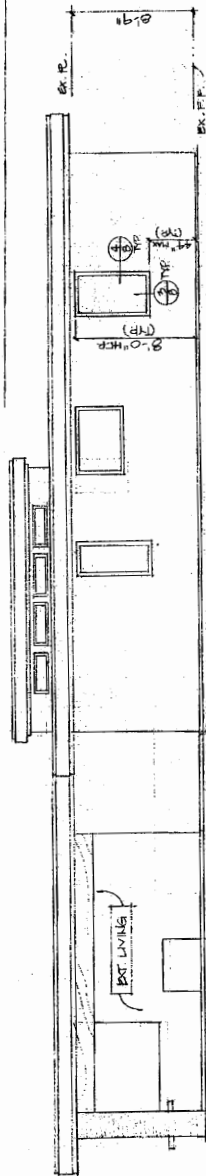
Stucco	Dunn Edwards	Chaparral DEC745
Facia	Dunn Edwards	Deep Brown DE8077
Windows, Doors, and Garage Door Frame	Marvin	Bahama Brown
Roof	Southwest Boulder & Stone	Apache Brown



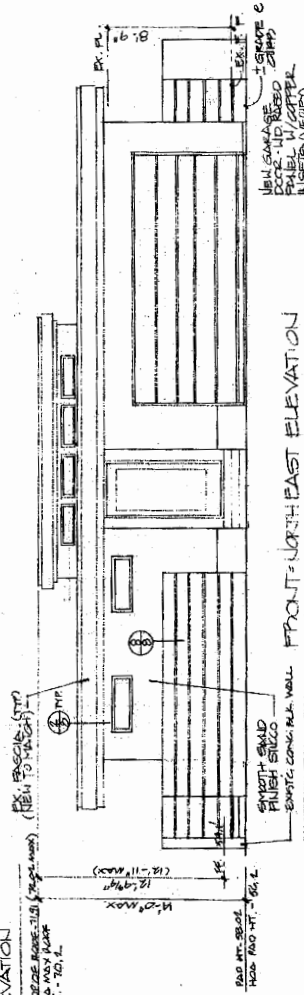
FRONT-EAST ELEVATION



PEAK-SOUTH-WEST ELEVATION



EAST-LEFT ELEVATION



FRONT-NORTH-EAST ELEVATION

EXTERIOR ELEVATIONS

ARCHITECTURE  
JAY S. CRAWFORD, AIA  
IRVINE, CA 92618  
470 WALD  
949 453-9893

A CUSTOM RESIDENCE FOR:  
BUBBA & JUDY BEAUCHAMP  
4004 CALLE ARIANA  
SAN CLEMENTE, CA

NO. 6
DATE
JOB NO.
PROJECT
ENGINEER
ARCHITECT

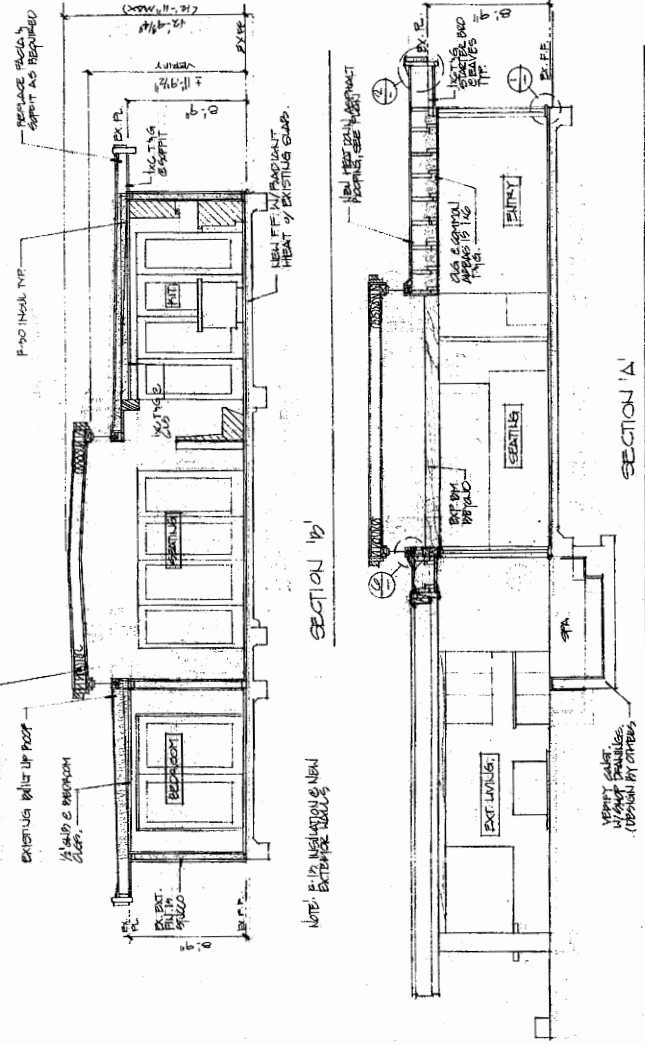
COASTAL COMMISSION

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BUILDING SECTIONS

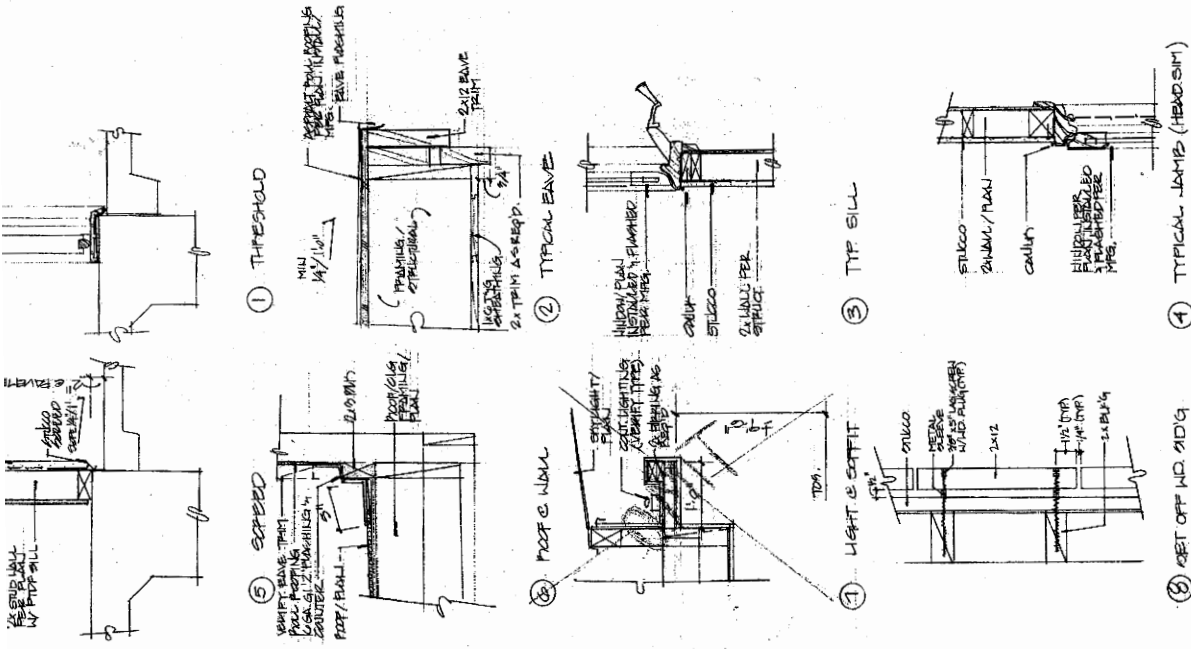


NOTE: E-12 INSULATION & NEW EXTERIOR WALLS

VERIFY CASE WITH PANELS (OBTAIN BY OTHERS)

COASTAL COMMISSION

EXHIBIT # 2  
 PAGE 8 OF 12



① THRESHOLD

⑤ SILL

② TYPICAL RAISE

④ ROOF & WALL

③ TYP. SILL

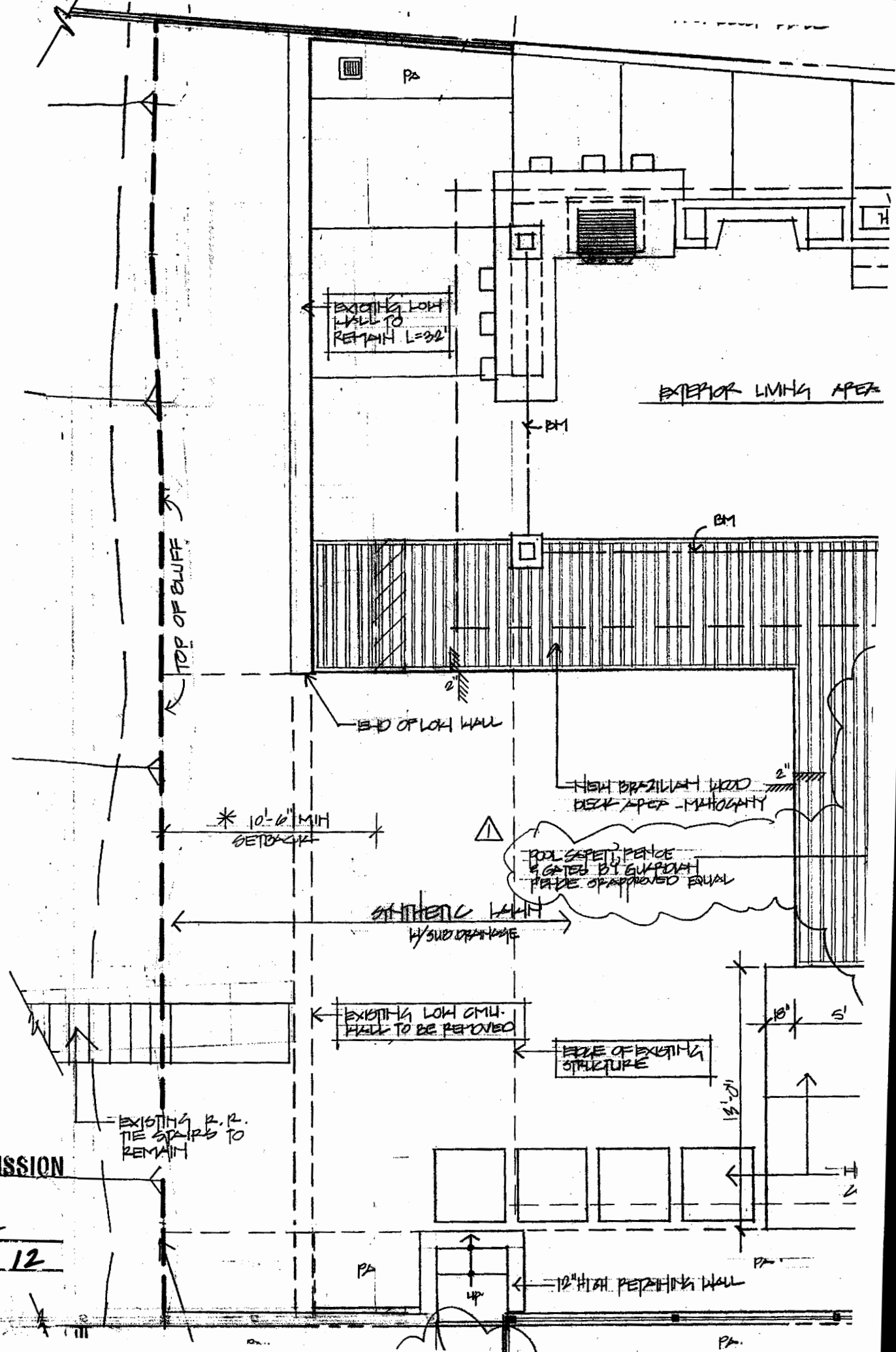
① LIGHT & SILL

④ TYPICAL JAMB (HEADSILL)

③ DET. OFF. NO. 2109







AL COMMISSION

T# 2  
11 OF 12

EXISTING LOW WALL TO REMAIN L=92'

EXTERIOR LIVING AREA

TOP OF BLUFF

END OF LOW WALL

HIGH BRAZILIAN WOOD DECK AREA - MAHOAGANY

POOL SAFETY FENCE & GATED BY GUARDIAN FENCE OF APPROVED EQUAL

SYNTHETIC LAWN w/ SUB DRAINAGE

EXISTING LOW CMU WALL TO BE REMOVED

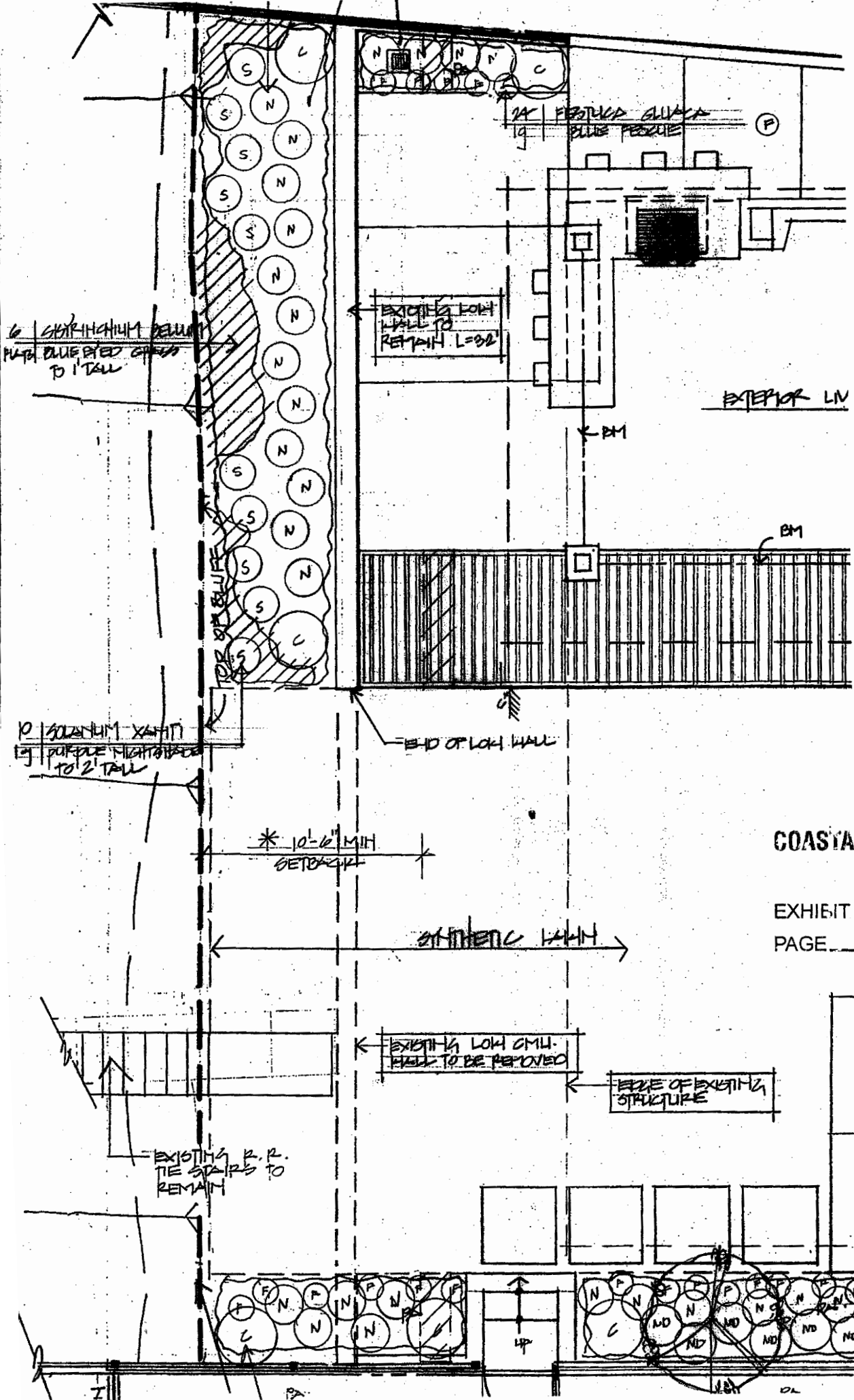
SIZE OF EXISTING STRUCTURE

EXISTING R.R. TIE SPARS TO REMAIN

12" HIGH PERIMETER WALL

PA

PA



COASTAL COMMISSION

EXHIBIT # 2  
 PAGE 12 OF 12

6 SPANINCHIUM BELUM  
 PART BLUE EYED GREEN  
 TO 1' TALL

10 SOLANUM XANTH  
 12 PURPLE MIGNONETTE  
 TO 2' TALL

14 FERTUA ALBA  
 BLUE PEGONIA

EXISTING LOW  
 WALL TO  
 REMAIN L=32

EXTERIOR LV

END OF LOW WALL

\* 10'-12" MIN  
 SETBACK

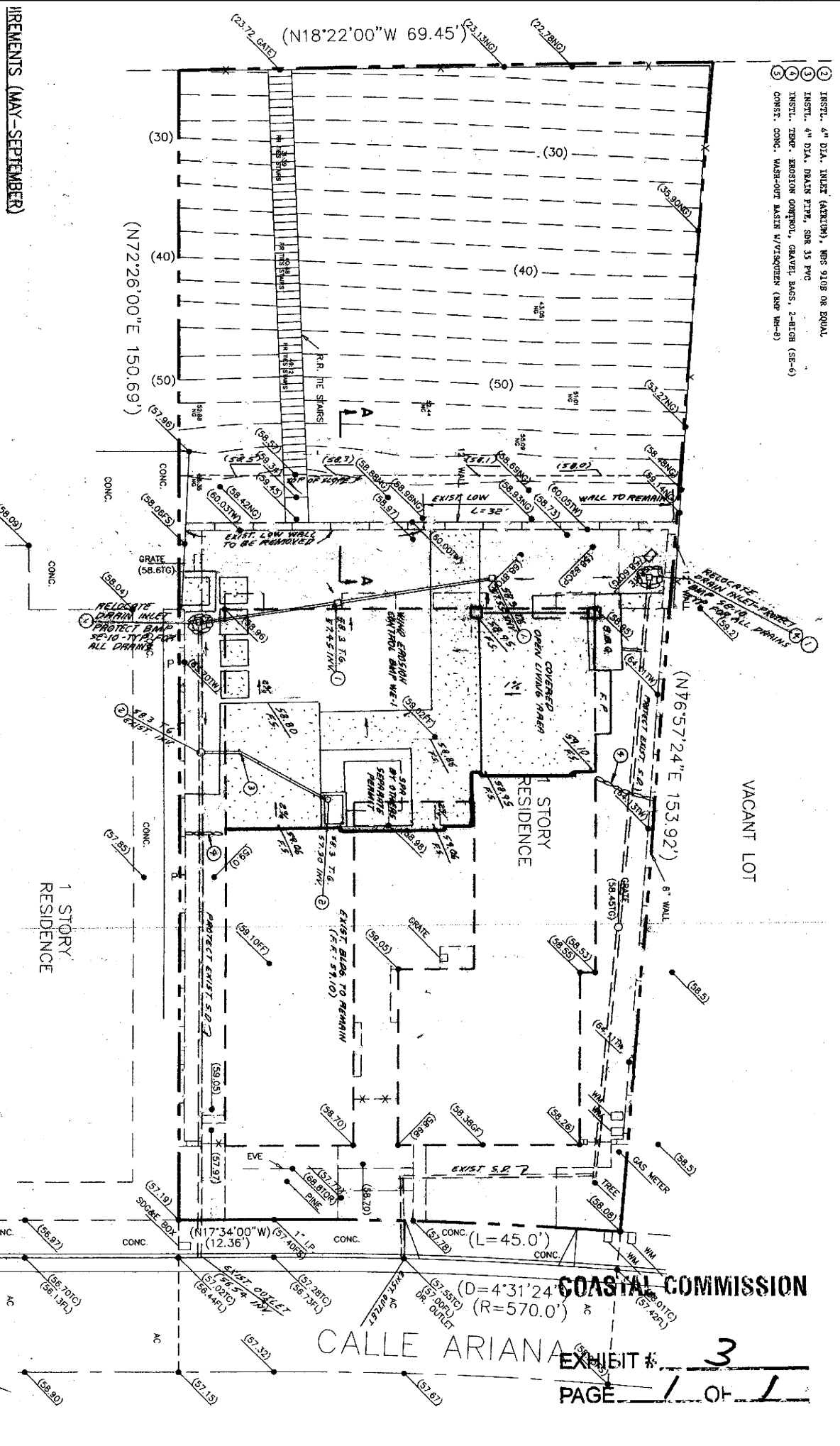
SYNTHETIC LAWN

EXISTING LOW CMU  
 WALL TO BE REMOVED

EDGE OF EXISTING  
 STRUCTURE

EXISTING R.R.  
 TIE STAIRS TO  
 REMAIN

- 1) INSTL. 4" DIA. TRUST (ATTENTION), MNS 9108 OR EQUIV.
- 2) INSTL. 4" DIA. DRAIN PIPE, SBR 35 PVC
- 3) INSTL. TEMP. EROSION CONTROL, GRAYZL BAGS, 2-BIG-6 (SP-6)
- 4) CONST. CONC. WASH-OUT BASIN W/VALVE (SBR 94-8)



**REQUIREMENTS (MAY-SEPTEMBER)**

NO) SHALL BE IMPLEMENTED.

BE INSTALLED & MAINTAINED AT ALL OPERATIONAL STORM DRAIN INLETS.

SHMENT TRACKING SHALL BE MAINTAINED & MAINTAINED.

7) & MATERIALS POLLUTION CONTROL BARRI SHALL BE IMPLEMENTED TO PREVENT THE CONTAMINATION OF RATIONAL MATERIALS.

8) BARRI SHALL BE IMPLEMENTED TO PREVENT THE CONTAMINATION OF STORM WATERS FROM CONSTRUCTION ROBERTED ACTION PLAN & THE ABILITY TO DEPLOY STORMWATER SEDIMENT CONTROL BARRI AS NEEDED TO PREVENT THE CONTAMINATION OF STORM WATERS FROM CONSTRUCTION.

9) STORMWATER SEDIMENT CONTROL BARRI (IN THE SITE PERIMETER, SITE SLOPES & OPERATIONAL.)

10) TO PREVENT SEDIMENT DISCHARGES FROM EXPOSED PORTIONS OF THE SITE SHALL BE STAGED ON SITE CONSIDERED FROM EROSION USING PHYSICAL STABILIZATION OR ESTABLISHED VEGETATION STABILIZATION BARRI.

11) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

12) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

13) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

14) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

15) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

16) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

17) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

18) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

19) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

20) CONSTRUCTION SHALL BE "TERMINATED" FOR THE PURPOSES OF THIS REQUIREMENT.

EROSION CONTROL BMP'S	
EC-1	STORMWATER
TEMPORARY SEDIMENT CONTROL	
SE-1	GRAVEL BARRI
SE-2	STREET SWEEPING & WASHING
SE-3	STORMWATER SEDIMENT CONTROL BARRI
SE-4	STORMWATER SEDIMENT CONTROL BARRI
SE-5	STORMWATER SEDIMENT CONTROL BARRI
SE-6	STORMWATER SEDIMENT CONTROL BARRI
SE-7	STORMWATER SEDIMENT CONTROL BARRI
SE-8	STORMWATER SEDIMENT CONTROL BARRI
SE-9	STORMWATER SEDIMENT CONTROL BARRI
SE-10	STORMWATER SEDIMENT CONTROL BARRI
SE-11	STORMWATER SEDIMENT CONTROL BARRI
SE-12	STORMWATER SEDIMENT CONTROL BARRI
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SE-97	STORMWATER SEDIMENT CONTROL BARRI
SE-98	STORMWATER SEDIMENT CONTROL BARRI
SE-99	STORMWATER SEDIMENT CONTROL BARRI
SE-100	STORMWATER SEDIMENT CONTROL BARRI

**WIND EROSION CONTROL**

WIND EROSION CONTROL SHALL BE USED TO PREVENT WIND BLOWN SOIL FROM THE CONSTRUCTION SITE.

**TRACKING CONTROL**

TRACKING CONTROL SHALL BE USED TO PREVENT TRACKING OF SOIL FROM THE CONSTRUCTION SITE.

**NON-POINT SOURCE WATER MANAGEMENT**

NON-POINT SOURCE WATER MANAGEMENT SHALL BE USED TO PREVENT NON-POINT SOURCE POLLUTION FROM THE CONSTRUCTION SITE.

**GRADING PLAN**

LOT 87, TRACT 4004  
4004 CALLE ARIANA, SAN CLEMENTE, CAL.

SCALE: 1"=8'

REGISTERED PROFESSIONAL ENGINEER & LANDSCAPE ARCHITECT  
WALTER W. WILSON, INC.  
7015  
SAN CLEMENTE, CALIFORNIA 92683  
(949) 424-1111

**COASTAL COMMISSION**

EXHIBIT #: 3

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COASTAL COMMISSION

EXHIBIT: 4  
PAGE 1 OF 1

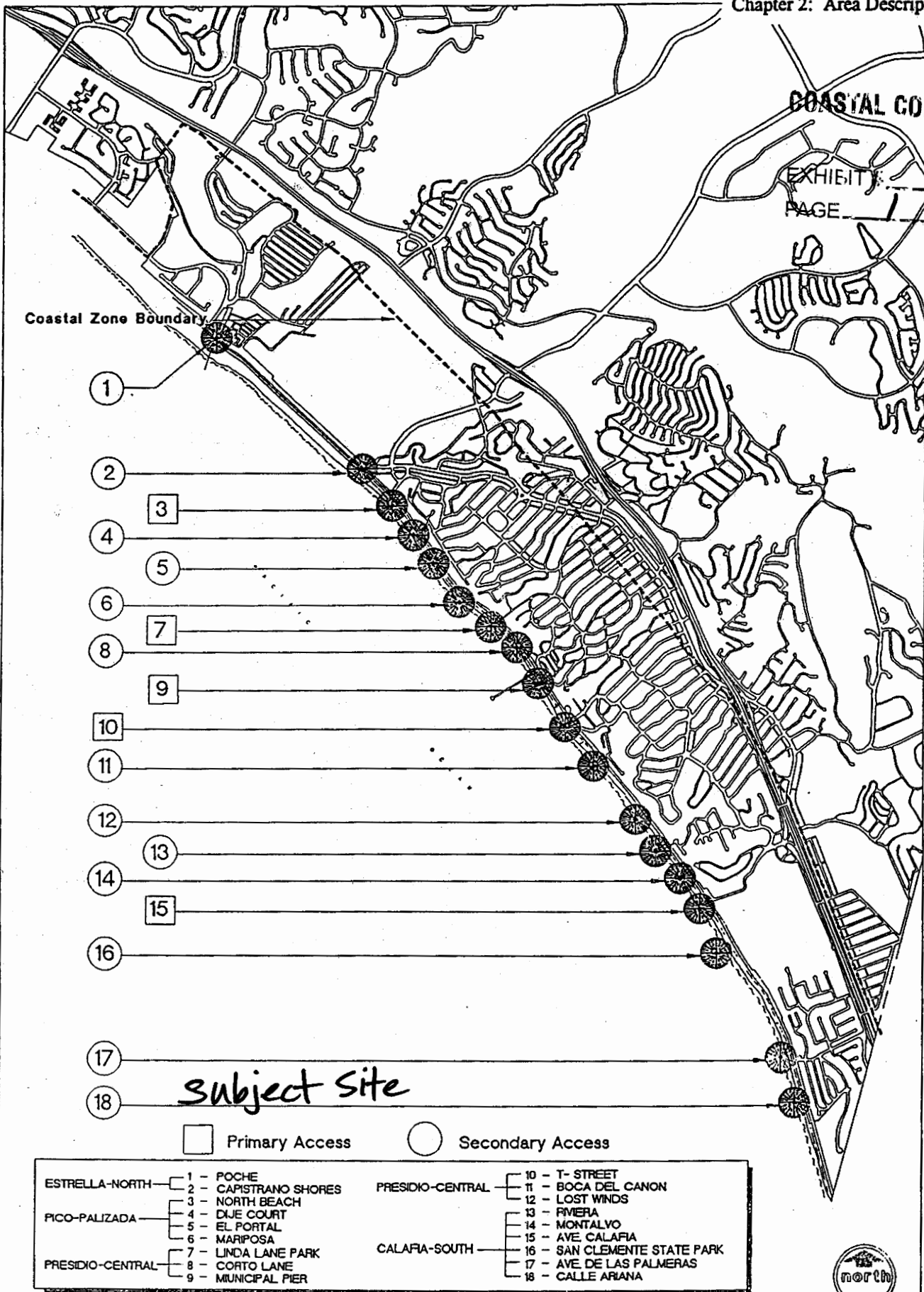


FIGURE 2-5



**CITY OF SAN CLEMENTE  
COASTAL ACCESS POINTS**