

**CALIFORNIA COASTAL COMMISSION**

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# Th7a

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Staff: M. Alvarado-LB  
Staff Report: 11/20/2015  
Hearing Date: 12/10/2015

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-15-0807

**Applicants:** Steve & Grace Martin

**Agent:** James Glover Home Inc.

**Location:** 350 W. Paseo De Cristobal, San Clemente, Orange County  
(APN: 692-261-04)

**Project Description:** Demolition of an existing two-story, single-family residence, and construction of an approximately 7,829 sq. ft., 24 ft. - 3 in. high two-story single-family residence over a partially subterranean basement (three-level residence), an attached 936 sq. ft. three-car garage, second- and third-level decks, new garden/site wall, a covered patio/courtyard with an outdoor swimming pool/spa, and hardscape and landscape improvements on a coastal canyon; existing carport is to remain.

**Staff Recommendation:** Approval with conditions

### SUMMARY OF STAFF RECOMMENDATION:

The applicants are proposing to demolish a single-family residence, and construct an approximately 7,829 sq. ft., 24 ft. - 3 in. high (above original grade) two-story single-family residence with a subterranean basement (three-level residence), an attached 936 sq. ft. three-car garage, an 892 sq. ft. second-level deck, a 350 sq. ft. third-level deck, new garden/site wall, and covered patio/courtyard with an outdoor swimming pool/spa; the existing upper terraced carport located to the rear of the lot is to remain. The proposed project includes landscape and hardscape improvements, and approximately 1,380 cubic yards of total grading. Based on the geotechnical information provided by the applicants, the proposed development will be safe for the life of the structure.

The subject site is a coastal canyon lot directly adjacent to Trafalgar Canyon in the City of San Clemente within the first public road and the sea. The proposed new residence conforms to the minimum 15 ft. canyon edge setback outlined in the City's Coastal Land Use Plan. Accessory improvements including fencing/walls and patios conform to the 5 ft. from the canyon edge setback for accessory structures. In addition, the proposed development is located within an existing developed area and is compatible with the character and scale of the surrounding area.

The proposed project raises issues regarding hazards concerning canyon top development, water quality, impact to visual coastal resources, and compatibility with the existing character of the area. The Commission imposes **Special Condition 1**, requiring that the construction plans be reviewed by an appropriately licensed professional to ensure consistency with all geotechnical recommendations. The Commission also recommends construction-related requirements and best management practices under **Special Condition 2** in order to minimize adverse construction-related impacts upon marine resource and for erosion control. Additionally, **Special Condition 3** requires that the applicants submit a final pool/spa protection plan to prevent geologic instability caused by potential leakage. Given that the applicants have chosen to implement the project on a lot directly adjacent to a canyon despite risks from, for instance, erosion and slope instability, the applicant must assume the risks. Therefore, the Commission imposes **Special Conditions 4**, which would require for an assumption of risk. Any future improvements to the single-family residence authorized by this Coastal Development Permit No. 5-15-0807, including but not limited to repair and maintenance identified as requiring a permit, will require an amendment to Permit No. 5-15-0807 from the Commission as imposed by **Special Condition 5**. In addition, the applicants are proposing landscaping; therefore, the Commission imposes **Special Condition 6**, which implements the installation of non-invasive, drought-tolerant vegetation and water-conservative irrigation systems (permanent and temporary). **Special Condition 7** asks for the submittal of Orange County Fire Authority (OCFA) approval.

Staff is recommending **APPROVAL** of coastal development permit 5-15-0807, 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.

## TABLE OF CONTENTS

<b>STAFF REPORT: CONSENT CALENDAR</b> .....	1
<b>I. MOTION AND RESOLUTION</b> .....	4
<b>II. STANDARD CONDITIONS:</b> .....	4
<b>III. SPECIAL CONDITIONS:</b> .....	5
<b>IV. FINDINGS AND DECLARATIONS:</b> .....	8
A. PROJECT DESCRIPTION & LOCATION .....	8
B. DEVELOPMENT .....	11
C. PUBLIC ACCESS.....	11
D. WATER QUALITY .....	12
E. LOCAL COASTAL PROGRAM (LCP) .....	12
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) .....	12

### APPENDICES

Appendix A - Substantive File Documents

### EXHIBITS

Exhibit 1 – Location and Vicinity Map  
Exhibit 2 – Aerial View of Project Site  
Exhibit 3 – Project Plans  
Exhibit 4 – Geologic Cross Section  
Exhibit 5 – Coastal Canyons Map

## I. MOTION AND RESOLUTION

### Motion:

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

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

### Resolution:

*The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. **Conformance with Geotechnical Recommendations.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and approval, along with two (2) full-sized sets of each plan, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans including foundation, pool/spa, grading/drainage plans in substantial conformance with the preliminary plans and certified that each of those final plans is consistent with all the recommendations contained in the *Geotechnical Investigation for New Residence* (Soils Report No. 15-7623) prepared by Geofirm, Inc., dated February 11, 2015, for 350 W. Paseo de Cristobal, San Clemente, California.

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 unless the Executive Director determines that no amendment is legally required.

2. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

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

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

- (f) The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures 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. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) The applicants 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.
- (n) The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- (o) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

**3. Pool and 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 pool/spa protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed pool/spa. The pool/spa protection plan shall incorporate and identify on the plans the following measures, at a minimum: 1) installation of a pool/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 pool/spa, and 2) use of materials and pool/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 pool/spa that conveys any water leakage to an appropriate drainage outlet. The applicants shall comply with the final pool/spa plan approved by the Executive Director.

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 bluff and slope instability, erosion, landslides, fires, or other natural 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.
5. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-15-0807. 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. 5-15-0807. 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. 5-15-0807 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
6. **Landscaping – Drought Tolerant, Non-Invasive 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) full size sets of final landscaping plans, which shall include and be consistent with the following:
    - i. Vegetated landscaped areas within the canyon portion of the project site disturbed during construction shall be re-vegetated to avoid erosion and shall only consist of

drought tolerant and non-invasive plants native to coastal Orange County and appropriate to the habitat type. Native plants shall be from local stock wherever possible. No permanent irrigation system shall be allowed within the canyon portion of the project site; temporary, above-ground irrigation to allow the establishment of the plantings is allowed.

- ii. 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 (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
  - iii. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
- B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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 required.

**7. Orange County Fire Authority Approval.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director a copy of a permit issued by the Orange County Fire Authority (OCFA) or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the OCFA. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

#### **IV. FINDINGS AND DECLARATIONS:**

##### **A. PROJECT DESCRIPTION & LOCATION**

The applicants propose to demolish an existing 2,116 sq. ft., two-story, single-family residence, and construct an approximately 7,829 sq. ft. two-story single-family residence over a partially subterranean basement (three-level residence), an 892 sq. ft. second-level deck, a 350 sq. ft. third-level deck, garden/site wall, a covered patio/courtyard with an outdoor swimming pool/spa, and hardscape and landscape improvements (see **Exhibit 3**). The existing carport located to the rear of the lot, adjacent to the Vista Marina alley, is to remain. The new attached garage, located to the front of the lot, will be accessed from the West Paseo de Cristobal cul-de-sac. The driveway apron accessed from West Paseo de Cristobal will be 3 ft.-10 in. wider than the existing but will have no impact to public coastal access; the driveway apron will displace a segment of the curb that is



currently red zoned. Foundation will be traditional grade beams and footings, except for the retaining wall locations on the inland, easterly side of the property that will be constructed of a concrete shoring wall on top of caissons (**Exhibit 3, Page 11**). The proposed project conforms to the City zoning standards of a 25-foot height limit above original grade as calculated by the City; the height of the proposed residence extends up to 24 ft. – 3 in. high. In addition, the submitted plans indicate that the project will comply with the applicable efficiency and conservation measures of the City’s adopted CALGreen standards concerning efficient fixtures and appliances.

The subject site is located at 350 W. Paseo De Cristobal within the City of San Clemente, Orange County (**Exhibits 1 & 2**). The subject site is located on an inland, approximately triangular lot between the first public roadway and the sea on a coastal canyon lot (**Exhibits 2**). The lot area is 12,606 sq. ft. and is designated Low Density Residential by the City of San Clemente Land Use Plan (LUP); the proposed project adheres to this designation. The project is located within an existing developed urban residential area and is compatible with the character and scale of the surrounding area. The site is surrounded by single-family residential development. The nearest coastal access is available approximately 400 feet southeast of the subject site at the T-street public access way providing a safe pedestrian railroad crossing to the beach.

### **Canyon Setback**

The proposed development is located on the rim of the Trafalgar Canyon, one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP (**Exhibit 5**). The applicants’ property line extends into the canyon. The canyon at this particular site is considered somewhat degraded due to the presence of ornamental non-native plant species mixed into the native vegetation of the canyon. No portion of the area proposed to be developed contains resources that rise to the level of ESHA. Nevertheless, preservation and enhancement of the City’s coastal canyons is a goal supported by both the environmental protection policies of the Coastal Act, and the certified LUP. The proposed new single family residence will be constructed on areas of the lot already developed and will not encroach into the canyon or impact the coastal canyon slope. Encroachment into the canyon by structures and other appurtenances increases the potential for the introduction of non-native plant species, and predation of native species by domestic animals, and destabilization of the canyon from excess irrigation. Encroaching structures also threaten the visual quality of the canyons. The policies of the LUP were designed for habitat protection and enhancement; to minimize visual impacts and landform alteration; to avoid cumulative adverse impacts of the encroachment of structures into the canyon; and as a means to limit brush management necessary for fire protection.

In this case, unlike the existing residence, the proposed residence will meet the minimum 15-ft. setback from the coastal canyon edge and will not encroach into the canyon. Ancillary improvements such as proposed patios and fences meet the minimum 5-ft. setback from the top of the coastal canyon. The proposed pool/spa is setback in excess of approximately 37-ft. from the top of the coastal canyon edge.

### **Visual Impacts**

As the proposed new residence is setback approximately 55 ft. from the rear property line adjacent to the Vista Marina Alley, the new structure is not anticipated to adversely impact public views of the coast and coastal canyon slopes from public street vantage points. For instance, public views of the coast and the coastal canyon slopes visible from the Vista Marina cul-de-sac across the canyon

will remain unobstructed. Moreover, no significant public coastal views currently exist across the site. Views across the site are also obstructed looking inland from the beach due to the presence of single family residences along both the West Paseo de Cristobal cul-de-sac (adjacent to front of property line) and the Vista Marina cul-de-sac (adjacent to rear of property line).

### **Hazards - Geology**

The applicants submitted a geotechnical/soils report prepared by Geofirm, Inc. dated February 11, 2015; the report presented findings and conclusions relevant to construction of the proposed two-story residence over a basement level. The report findings noted that the site is underlain by Capistrano Formation bedrock, which is overlain by marine and non-marine terrace deposits, slopewash, alluvium, and previously placed artificial fill. In the report it is stated that the non-marine terrace, slopewash, and alluvium deposits, which consist of clayey soils, clay, and silty sand, are unsuitable for the support of the proposed improvements. It is also noted, however, that the onsite soils materials have a very low expansion potential and are generally suitable for use as compacted fill. Shallow instability may be present adjacent to the slope but the proposed project will be located landward of the 1.5 factor of safety line and meets the minimum 15 ft. setback requirement from the canyon top edge. Moreover, as proposed, associated patio/flatwork is setback 5-ft. and the pool is setback in excess of 50-ft. from canyon edge.

The report contained recommendations regarding site preparation, excavations, fill materials/placement, surface drainage, landscaping, foundation design parameters and foundation setbacks from the canyon slope. Therefore, **Special Condition 1** requires that the applicants submit final design and construction plans including foundation, pool/spa plans, grading/drainage plans in substantial conformance with the preliminary plans submitted with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and found them consistent with all the recommendations contained in the geologic engineering investigation.

In order to minimize erosion and ensure stability of the project site, the project must also include adequate drainage and erosion control measures to address site drainage issues that could otherwise contribute to erosion and geologic instability. The applicants propose to divert site drainage and runoff from roof drains, gutters, and downspouts into permeable paving areas for increased percolation and to the street drainage system. In addition, the applicants' have indicated that best management practices including the use of gravel bag berms, silt fences, drain inlet protection, and other measures will be implemented during construction to control erosion. To ensure the proposed project incorporates and implements these measures to address erosion, water quality, and pollution, **Special Condition 2** requires that the applicants comply with construction-related best management practices (BMPs) to prevent construction materials, debris and waste from entering receiving waters, prevent spillage and/or runoff of demolition or construction related materials, and to contain sediment or contaminants associated with demolition or construction activities.

**Special Condition 3** requires a pool/spa protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by potential leakage from the proposed pool/spa.

The proposed project is located atop a coastal canyon rim, which is an area that may be subject to potential damage or destruction from natural hazards, including slope instability, erosion, landslides, and earth movement given the general nature of coastal canyons in certain parts of the

California coast and seismic activity of nearby faults. If the applicants nevertheless choose to proceed with the project, the Commission requires the applicants to assume the liability from these associated risks and therefore imposes **Special Condition 4**. Through the assumption of risk condition, the applicants acknowledge the nature of the geologic hazards that exists on the site and that may affect the safety of the proposed development.

Because of the potential for future improvements to the proposed residence, which could potentially adversely impact the geologic stability, or other coastal resources, the Commission imposes **Special Condition 5**. This condition informs the applicants that future development at the site requires an amendment to this permit (5-15-0807) or a new coastal development permit. Future development includes, but is not limited to, structural additions, installation of any hardscape and/or decks, landscaping and fencing.

The applicants are proposing landscaping; therefore, the Commission imposes **Special Condition 6**, which implements the installation of non-invasive, drought-tolerant vegetation and water-conservative irrigation systems (permanent and temporary). Specifically, Special Condition 6 requires that areas within the canyon slope portion of the project site disturbed during construction to be re-vegetated with drought-tolerant and non-invasive plants native to coastal Orange County and appropriate to the habitat type to avoid erosion and to restore the canyon. This condition also allows for non-native, non-invasive and drought-tolerant vegetation but only within the project site inland from the canyon slope. Inland of the canyon, the applicants propose to install a new permanent irrigation system with water conserving emitters and other water conservative technology such as irrigation controllers, drip irrigation, and micro-sprays; water-conservative irrigation within the canyon slope area will be temporary.

Given that the proposed residence's proximity to the canyon and that there is potential for brush fires, the Commission also recommends **Special Condition 7**, requesting that the applicant provide a copy of a permit/approval issued by the Orange County Fire Authority (OCFA) or evidence that no permit or permission is required.

## **B. DEVELOPMENT**

Development adjacent to slopes such as those found on canyons or hillsides is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, and visual resources. To minimize risks to life and property the development has been conditioned to for a drainage and runoff control plan to minimize percolation of water into the slope, for landscaping, and to require that the landowner or and 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. 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 to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

#### **D. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials and reducing runoff through the use of permeable surfaces, and for the use of 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.

#### **E. LOCAL COASTAL PROGRAM (LCP)**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (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 project is located in an urbanized area. Development already exists on the subject site. The development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. **Special Conditions** imposed are intended to mitigate adverse impacts to coastal resources. The **Special Conditions** address the following issues: **1)** submittal of evidence that all construction plans have been reviewed by appropriately licensed professional is required to ensure consistency with all geotechnical recommendations; **2)** storage of construction materials, mechanized equipment and removal of construction debris to protect coastal water quality from pollutant discharges; **3)** pool/spa protection plan to prevent geologic instability caused by potential leakage; **4)** an assumption of risk agreement to acknowledge inherent hazards adjacent to the project; **5)** future development condition to ensure the applicants is aware of future obligations to apply for a permit if any further development is proposed; **6)** landscape plans to include the installation of drought-

tolerant plant species and water conservative irrigation systems; and **7)** Orange County Fire Authority (OCFA) approval. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

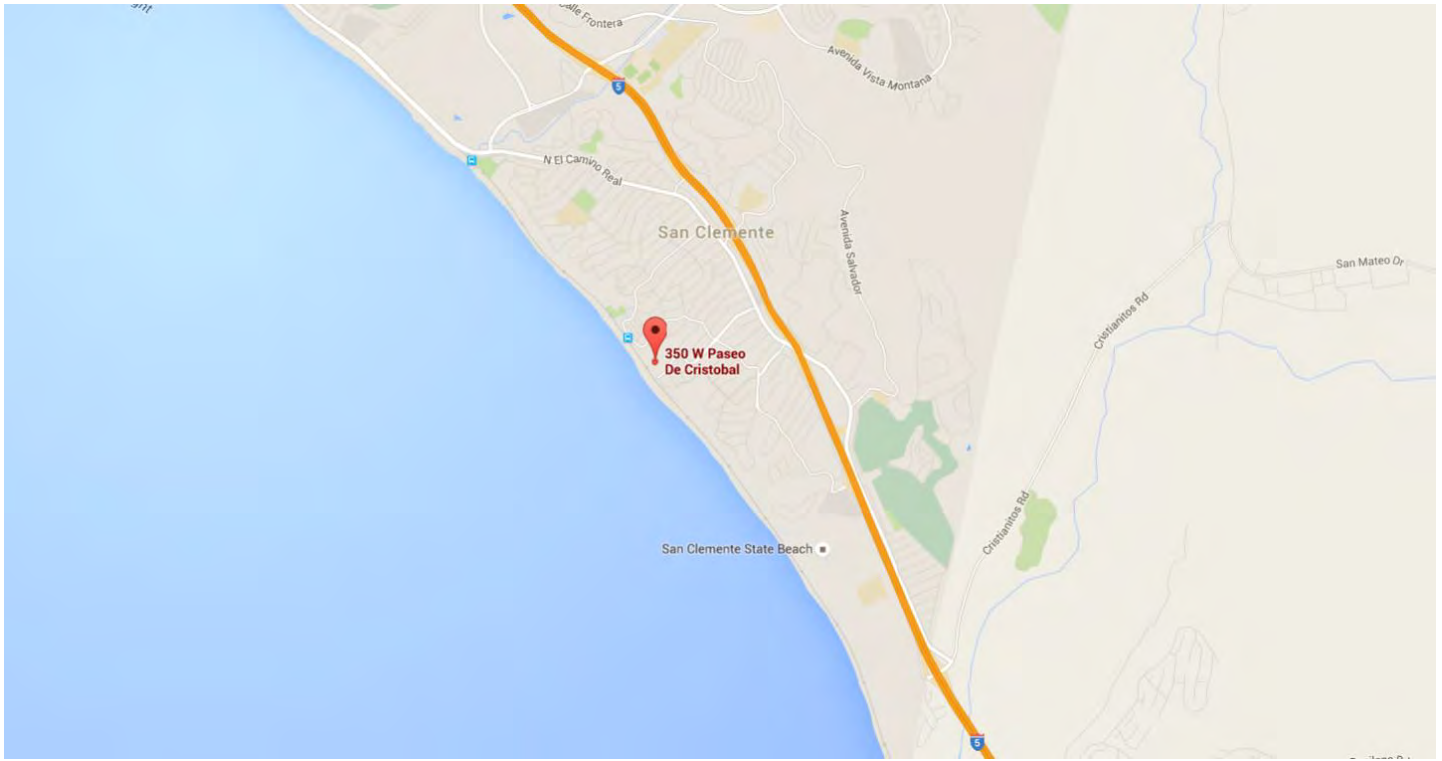
**Appendix A - Substantive File Documents**

- City of San Clemente certified Land Use Plan
- *Geotechnical Investigation for New Residence* (Soils Report No. 15-7623) prepared by Geofirm, Inc., dated February 11, 2015, for 350 W. Paseo de Cristobal, San Clemente, California.
- Coastal Development Permit Application No. 5-15-0807
- Approval-in-Concept from the City of San Clemente dated 06/04/15.

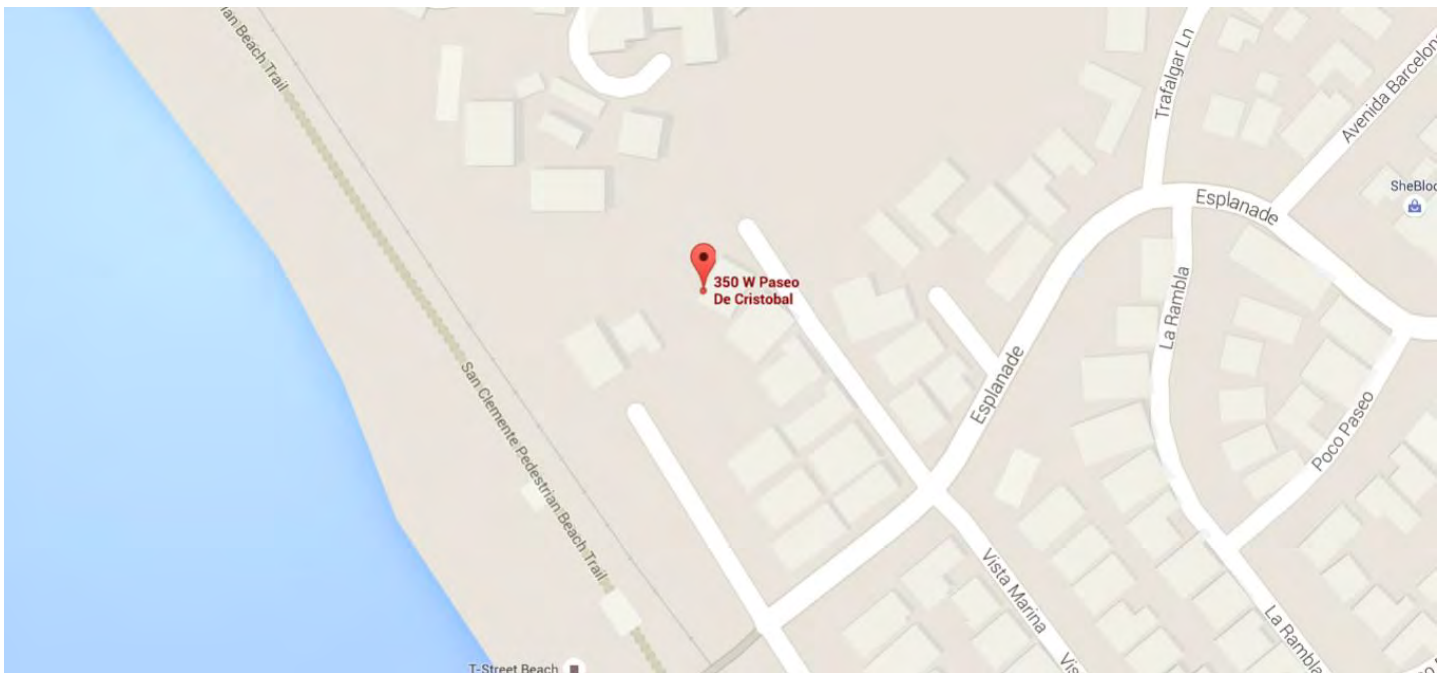
# COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 1

## Project Location (350 W. Paseo De Cristobal, San Clemente, CA)



## Vicinity Map

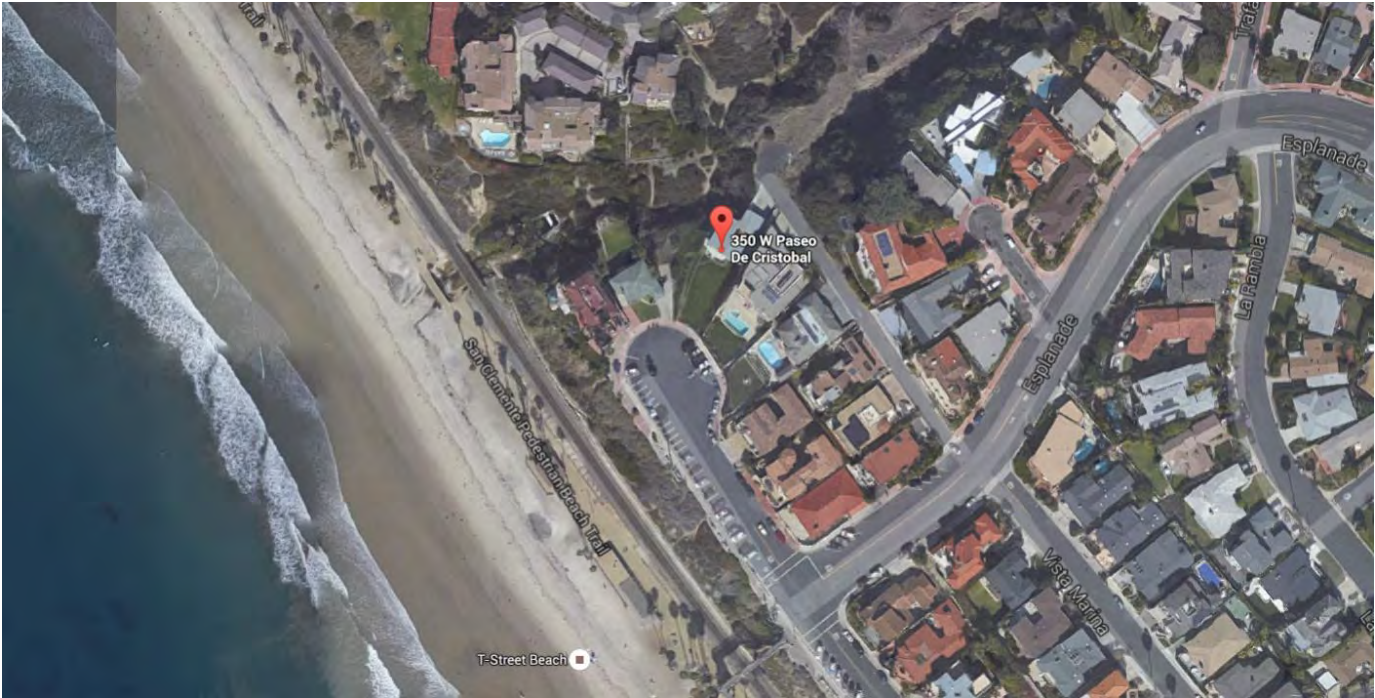




# COASTAL COMMISSION

EXHIBIT # 2  
PAGE 1 OF 1

## Aerial Views of Project Site (350 W. Paseo De Cristobal, San Clemente, CA)





**POLLUTION PREVENTION FOR CONSTRUCTION BI-27**

All construction projects regardless of size are required, at a minimum, to implement on effective combination of erosion and sediment control methods and follow Best Management Practices (BMP's) during the construction process.

Construction sites need to follow good housekeeping practices in order to prevent pollutants from entering the storm drains.

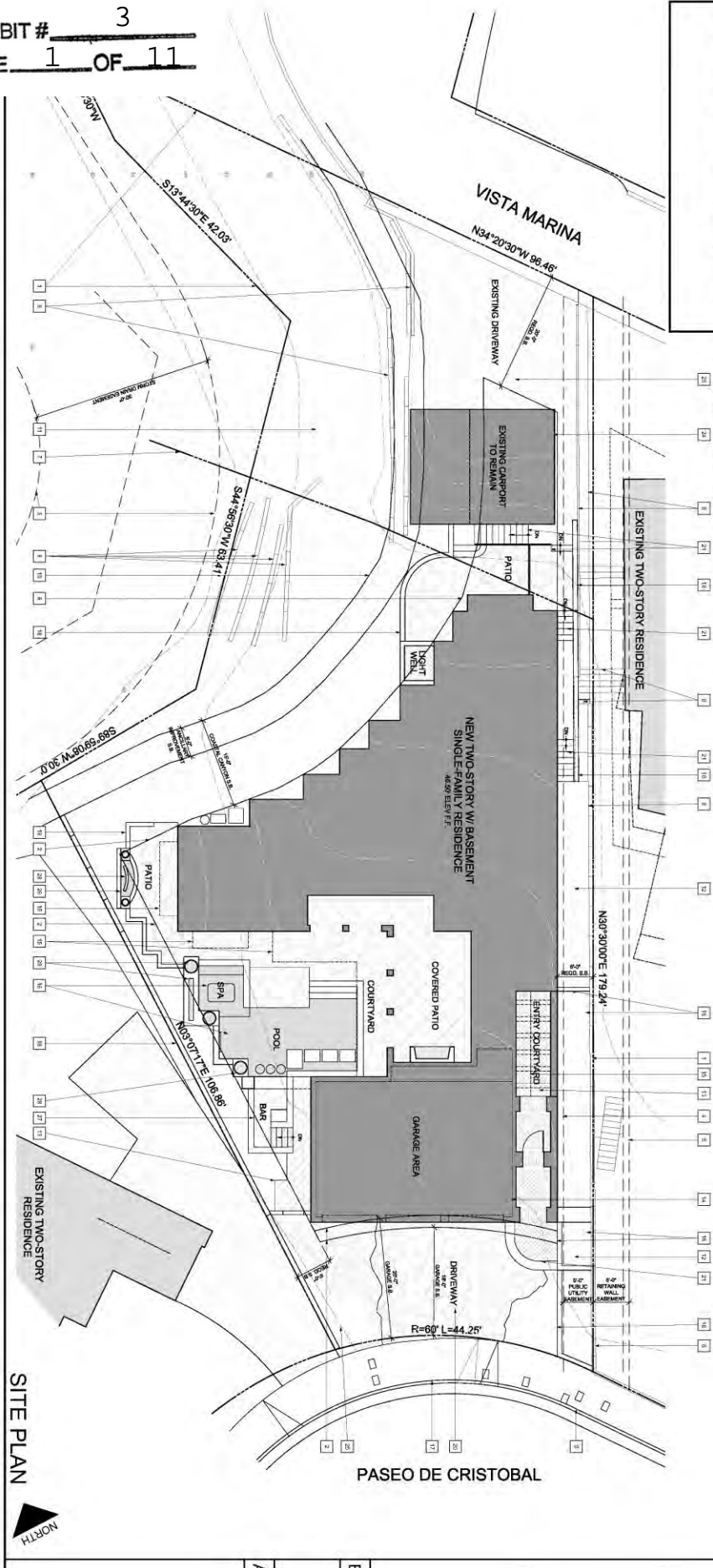
Typical construction site issues to address include:

- Stockpile Management
- Concrete & Mortar Waste Management
- Solid Waste Management
- Sanitary / Septic Waste Management
- Hazardous Materials - Delivery, Storage & Use

**Best Management Practices (BMP's) for Keeping Our Ocean Waters Clean**

Construction sites are a source of sediment, silt, and other pollutants that can harm our ocean waters. The following BMP's are designed to help prevent these pollutants from entering our storm drains and the ocean.

- Stockpile Management**
  - Stockpiles of soil, sand, gravel, and other materials should be covered with a tarp or plastic sheeting to prevent erosion and sediment runoff.
  - Stockpiles should be stored on a stable surface and should not be placed near storm drains or other water bodies.
  - Stockpiles should be regularly inspected and maintained to prevent erosion and sediment runoff.
- Concrete & Mortar Waste Management**
  - Concrete and mortar waste should be collected and stored in a designated area.
  - Concrete and mortar waste should not be washed into storm drains or other water bodies.
  - Concrete and mortar waste should be disposed of in a designated area.
- Sanitary / Septic Waste Management**
  - Sanitary and septic waste should be collected and stored in a designated area.
  - Sanitary and septic waste should not be washed into storm drains or other water bodies.
  - Sanitary and septic waste should be disposed of in a designated area.
- Hazardous Materials - Delivery, Storage & Use**
  - Hazardous materials should be delivered, stored, and used in a designated area.
  - Hazardous materials should not be washed into storm drains or other water bodies.
  - Hazardous materials should be disposed of in a designated area.



**SITE PLAN**

**Construction Site Management**

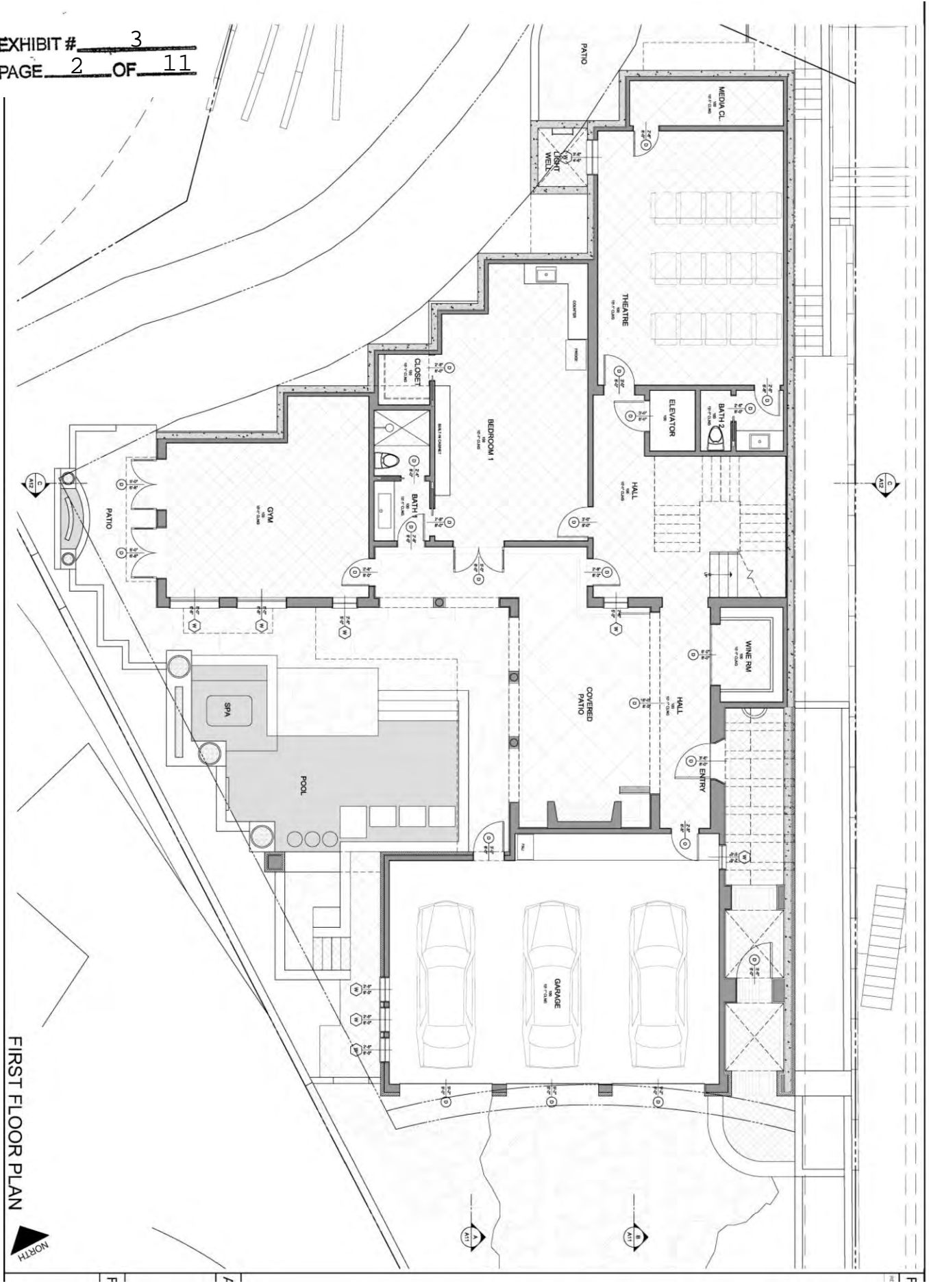
Construction sites are a source of sediment, silt, and other pollutants that can harm our ocean waters. The following BMP's are designed to help prevent these pollutants from entering our storm drains and the ocean.

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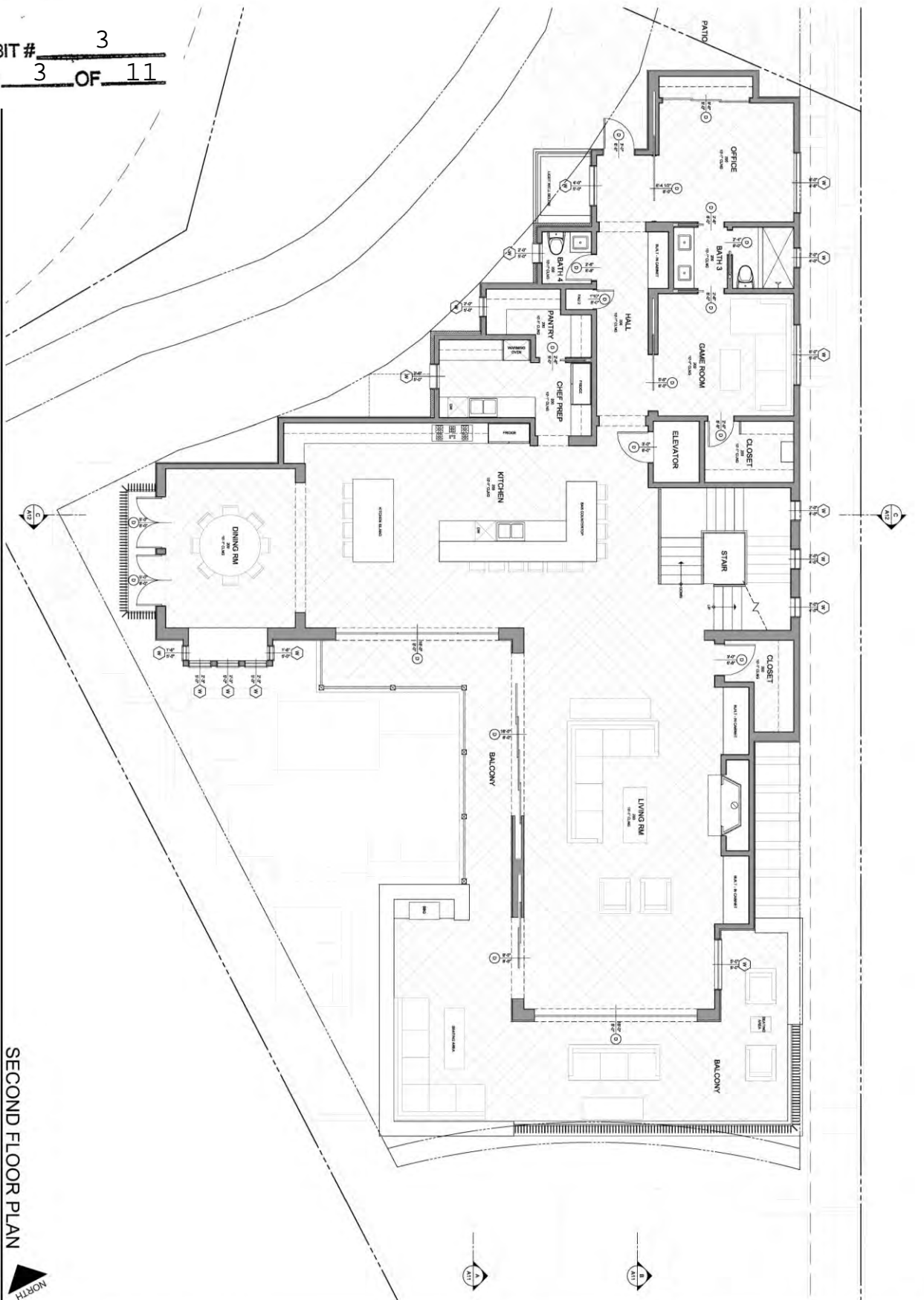
**Minimum Requirements**

All construction projects regardless of size are required to implement an effective combination of erosion and sediment control methods and follow Best Management Practices (BMP's) during the construction process.

- Stockpile Management**
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FIRST FLOOR PLAN



SECOND FLOOR PLAN



**FLOOR PLAN LE**

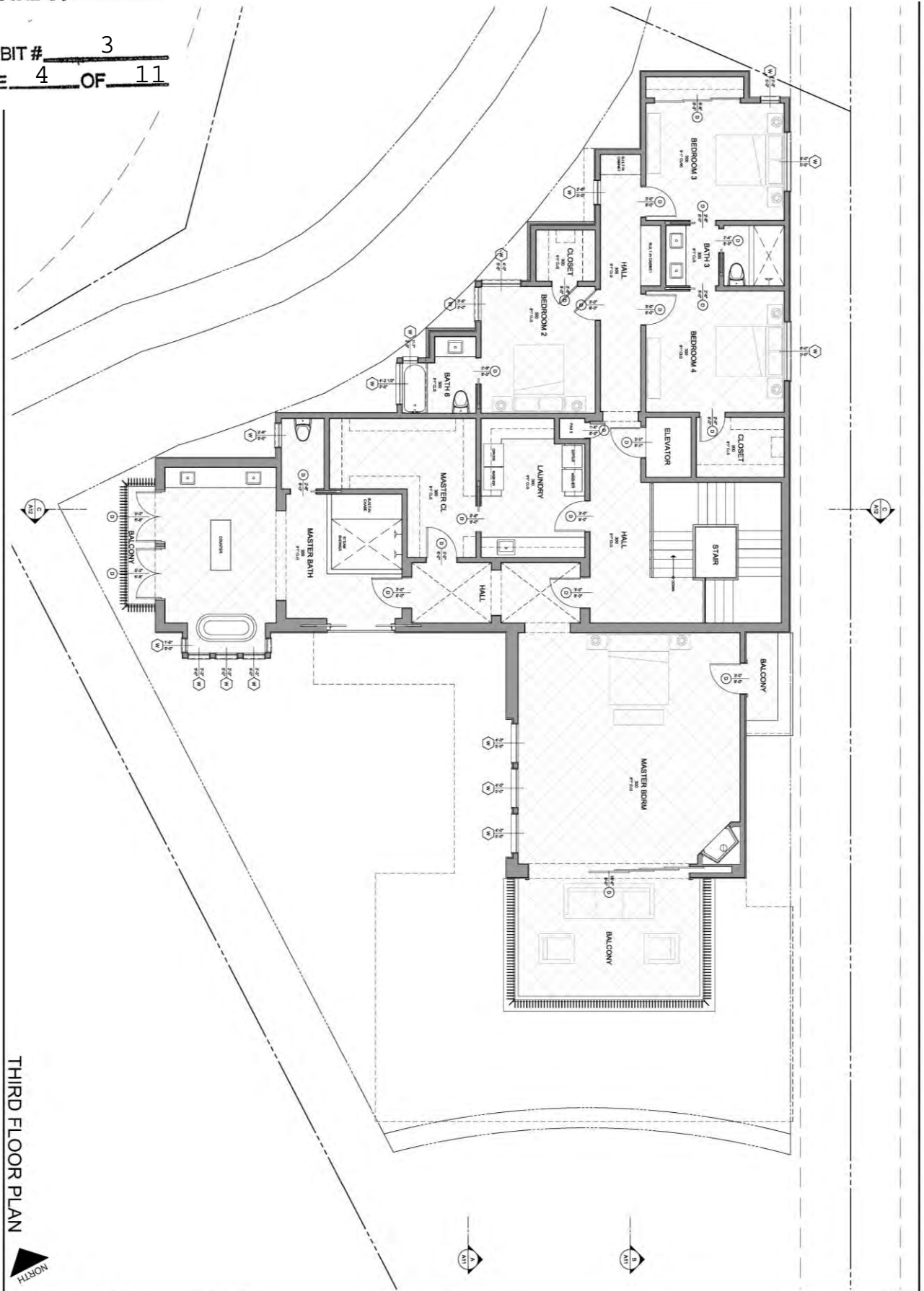
	EXISTING WALLS
	NEW WALLS
	EXISTING DOORS
	NEW DOORS
	EXISTING WINDOWS
	NEW WINDOWS

**ADDITIONAL NO**

1. 3.01.01.01 - ALL NEW WALLS AND DOORS TO BE FINISHED WITH 1/2" GYPSUM BOARD AND PAINTED.

**FLOOR PLAN NC**

NO. 101 | DATE: 10/20/2010



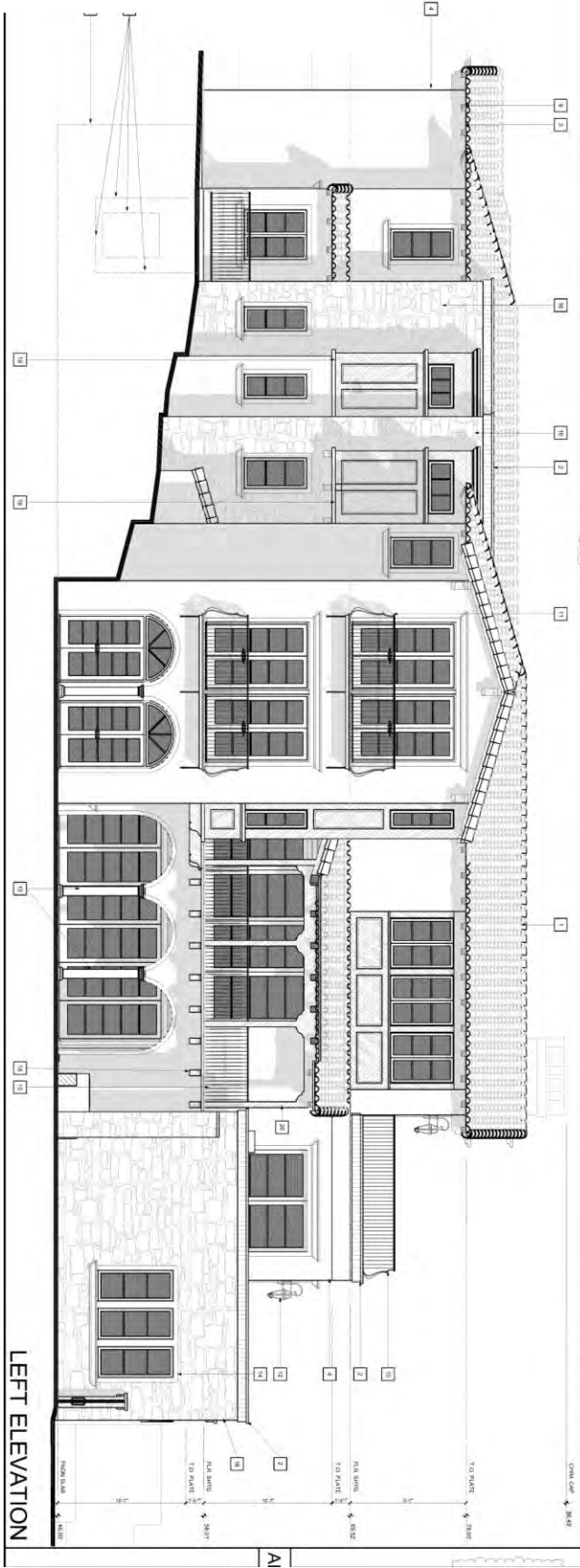
THIRD FLOOR PLAN



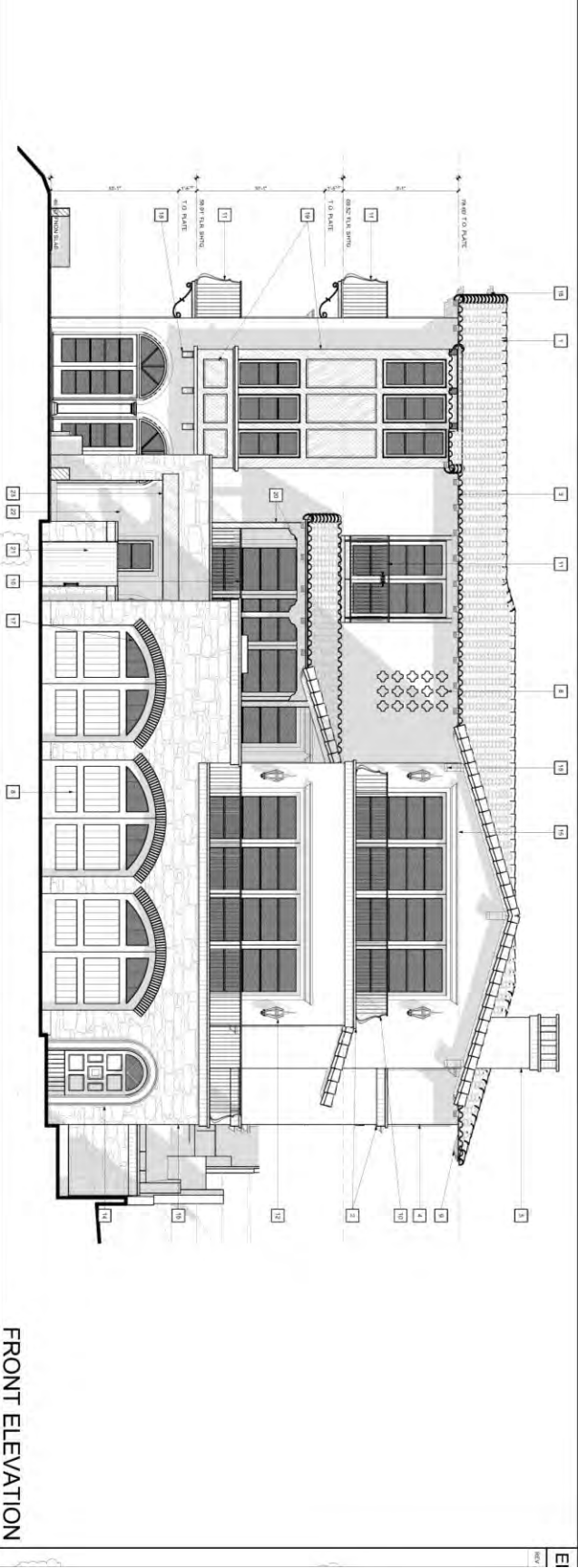
○	EXISTING
○	NEW
○	ALTERED
○	DEMOLITION

—	FLOOR
—	ADDIT

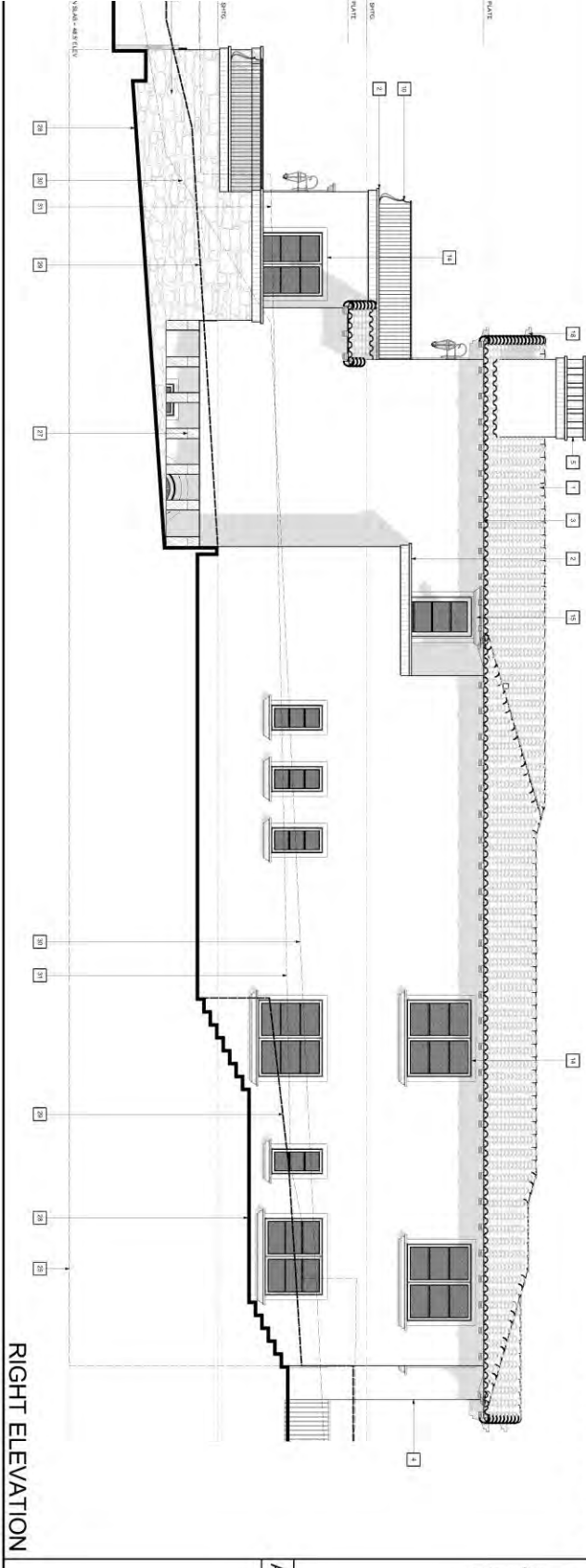
—	FLOOR
—	ADDIT



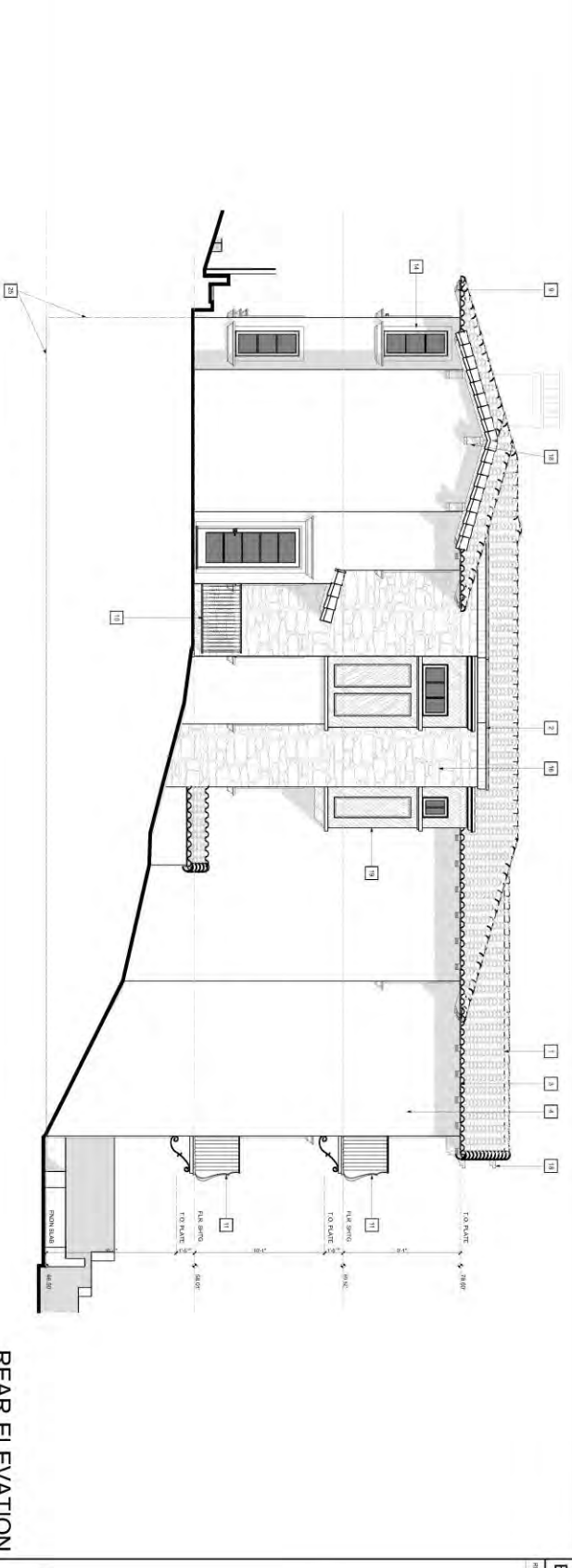
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



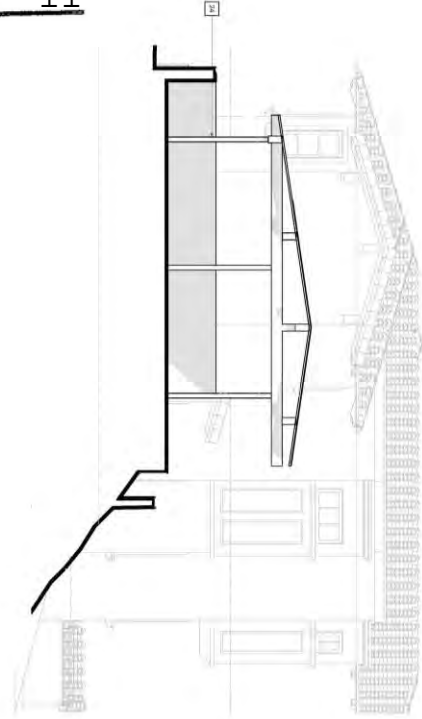
REAR ELEVATION

A

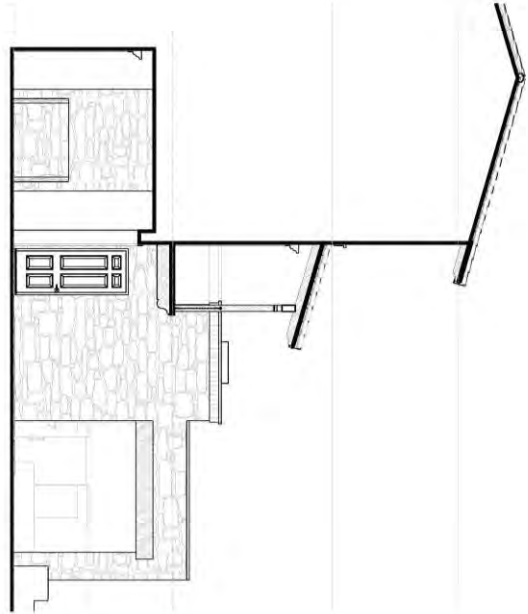
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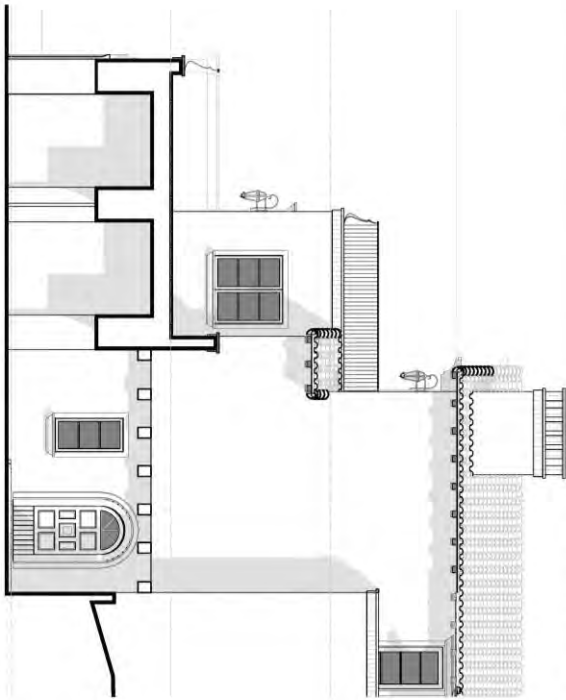
EXISTING REAR CARPORT ELEVATION



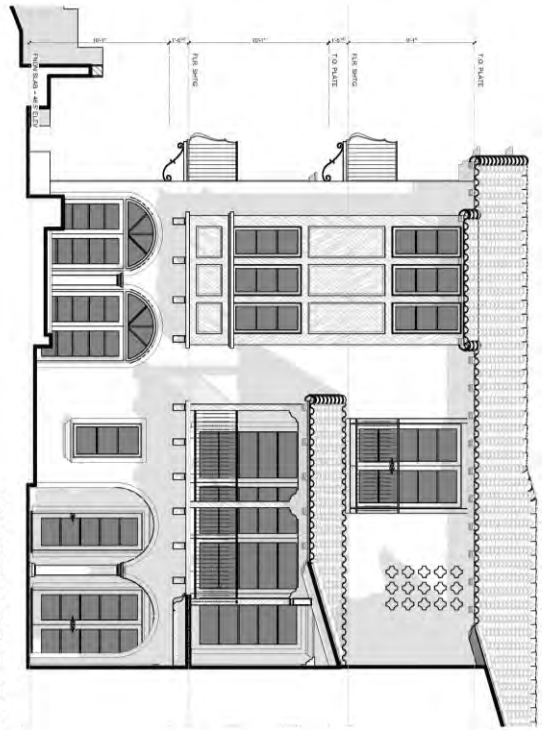
COURTYARD ELEVATION



ENTRY COURTYARD ELEVATION

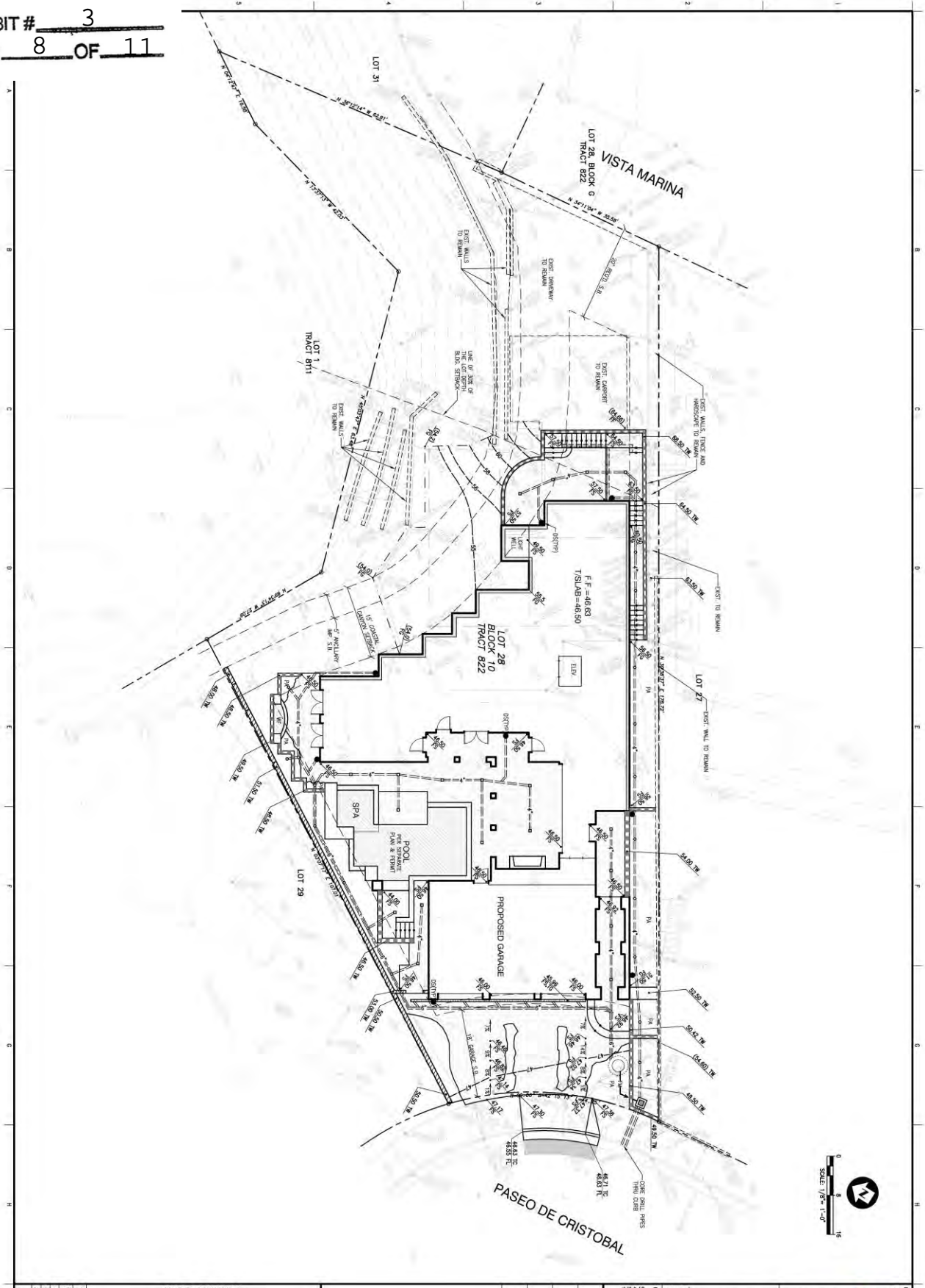


COURTYARD ELEVATION



AD

EL



**MARTIN RESIDENCE**  
**PRELIMINARY GRADING PLAN**  
LOT 28, BLOCK 10, TRACT 822  
350 WEST PASEO DE CRISTOBAL, SAN CLEMENTE, CA 92672

NO.	DATE	BY	DATE	APPROVED	DATE

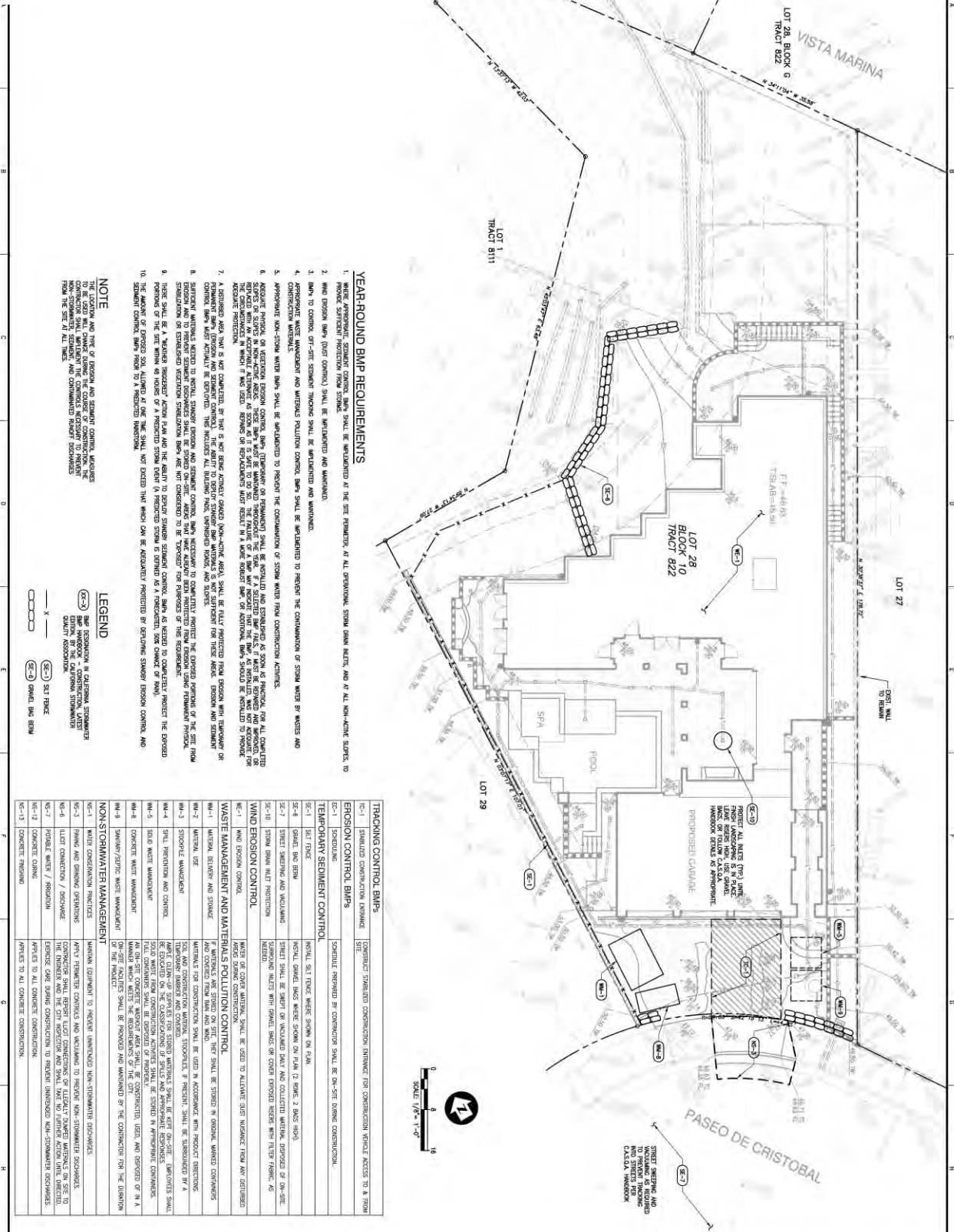
DESIGNED BY: **STEVE MARTIN**  
 CIVIL ENGINEER  
 15459 S. A. T. RD.  
 SAN CLEMENTE, CA 92672  
 TEL: (949) 241-2800

SCALE: 1" = 10'-0"

**TOAL**  
ENGINEERING

CIVIL ENGINEERING  
 15459 S. A. T. RD.  
 SAN CLEMENTE, CA 92672  
 TEL: (949) 241-2800





**YEAR-ROUND BMP REQUIREMENTS**

1. WHERE APPROPRIATE, SEDIMENT CONTROL BASINS SHALL BE IMPLEMENTED AT THE SITE PERIMETER AT ALL OPERATIONAL STORM DRAIN ALLEYS, AND AT ALL NON-HOME SITES, TO PREVENT SEDIMENT PRODUCTION FROM STORMS.
2. BMPs TO CONTROL OFF-SITE SEDIMENT TRANSPORT SHALL BE IMPLEMENTED AND MAINTAINED.
3. APPROPRIATE WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL BMPs SHALL BE IMPLEMENTED TO PREVENT THE CONTAMINATION OF STORM WATER BY WASTES AND CONSTRUCTION MATERIALS.
4. APPROPRIATE NON-STORM WATER BMPs SHALL BE IMPLEMENTED TO PREVENT THE CONTAMINATION OF STORM WATER FROM CONSTRUCTION ACTIVITIES.
5. ACCURATE RECORDS ON VEGETATION EROSION CONTROL BMPs (TEMPORARY OR PERMANENT) SHALL BE MAINTAINED AND ESTABLISHED AS SOON AS PRACTICABLE FOR ALL COMPLETED REPAIRED WITH AN APPROPRIATE ALTITUDE AT SOON AS IS SAFE TO DO SO. THE FAILURE OF A BMP MAY BE REPAIRABLE WITH THE BMP AS REPAIRED AND NOT SUBJECT FOR RECONSTRUCTION.
6. REPAIRS TO EROSION CONTROL BMPs SHALL BE COMPLETED WITHIN 14 DAYS OF THE DATE OF THE FAILURE OF A BMP. REPAIRS TO EROSION CONTROL BMPs SHALL BE COMPLETED WITHIN 14 DAYS OF THE DATE OF THE FAILURE OF A BMP.
7. A DESIGNER MUST BE NOTIFIED, AT THE TIME OF THE DESIGN, OF ANY CHANGES TO THE DESIGN OF THE EROSION CONTROL BMPs THAT MAY BE REQUIRED. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE EROSION CONTROL BMPs THAT MAY BE REQUIRED.
8. EROSION CONTROL BMPs SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE EROSION CONTROL BMPs THAT MAY BE REQUIRED.
9. THE MAINTENANCE OF EROSION CONTROL BMPs SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE EROSION CONTROL BMPs THAT MAY BE REQUIRED.
10. THE MAINTENANCE OF EROSION CONTROL BMPs SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE EROSION CONTROL BMPs THAT MAY BE REQUIRED.

**NOTE**

THE LOCATION AND TYPE OF EROSION AND SEDIMENT CONTROL MEASURES SHALL BE DETERMINED BY THE DESIGNER. THE DESIGNER SHALL MAINTAIN RECORDS OF THE CONSTRUCTION NECESSARY TO PREVENT EROSION AND SEDIMENTATION FROM THE SITE AT ALL TIMES.

**LEGEND**

- (SC-1) BMP EROSION IN DISTURBED SITUATIONS
- (SC-2) BMP EROSION IN CONSTRUCTION, WATER QUALITY EROSION
- (SC-3) SILT FENCE
- (SC-4) GRAVEL BAG BERM

TRACKING CONTROL BMPs	
TC-1	STABILIZED CONSTRUCTION ENTRANCE FOR CONSTRUCTION VEHICLE ACCESS TO A FROM EROSION CONTROL BMPs
TC-2	STABILIZED CONSTRUCTION ENTRANCE FOR CONSTRUCTION VEHICLE ACCESS TO A FROM EROSION CONTROL BMPs
TC-3	STABILIZED CONSTRUCTION ENTRANCE FOR CONSTRUCTION VEHICLE ACCESS TO A FROM EROSION CONTROL BMPs
TEMPORARY SEDIMENT CONTROL	
SC-1	SCHEDULE
SC-2	SILT FENCE
SC-3	GRAVEL BAG BERM
SC-4	VEGETATION STRIP
SC-5	VEGETATION STRIP
SC-6	VEGETATION STRIP
SC-7	VEGETATION STRIP
SC-8	VEGETATION STRIP
SC-9	VEGETATION STRIP
SC-10	VEGETATION STRIP
SC-11	VEGETATION STRIP
SC-12	VEGETATION STRIP
SC-13	VEGETATION STRIP
SC-14	VEGETATION STRIP
SC-15	VEGETATION STRIP
WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL	
WC-1	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-2	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-3	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-4	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-5	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-6	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-7	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-8	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-9	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-10	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-11	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-12	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
WC-13	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL
NON-STORMWATER MANAGEMENT	
NSM-1	NON-STORMWATER MANAGEMENT
NSM-2	NON-STORMWATER MANAGEMENT
NSM-3	NON-STORMWATER MANAGEMENT
NSM-4	NON-STORMWATER MANAGEMENT
NSM-5	NON-STORMWATER MANAGEMENT
NSM-6	NON-STORMWATER MANAGEMENT
NSM-7	NON-STORMWATER MANAGEMENT
NSM-8	NON-STORMWATER MANAGEMENT
NSM-9	NON-STORMWATER MANAGEMENT
NSM-10	NON-STORMWATER MANAGEMENT
NSM-11	NON-STORMWATER MANAGEMENT
NSM-12	NON-STORMWATER MANAGEMENT
NSM-13	NON-STORMWATER MANAGEMENT

**MARTIN RESIDENCE**

**EROSION CONTROL PLAN**

LOT 28, BLOCK 10, TRACT 822  
350 WEST PASEO DE CRISTOBAL, SAN CLEMENTE, CA 92672

DATE: 11/18/2015 8:30:53 AM

SCALE: 1" = 40'

PROJECT NO: 15459

DATE: 11/18/2015 8:30:53 AM

SCALE: 1" = 40'

PROJECT NO: 15459

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

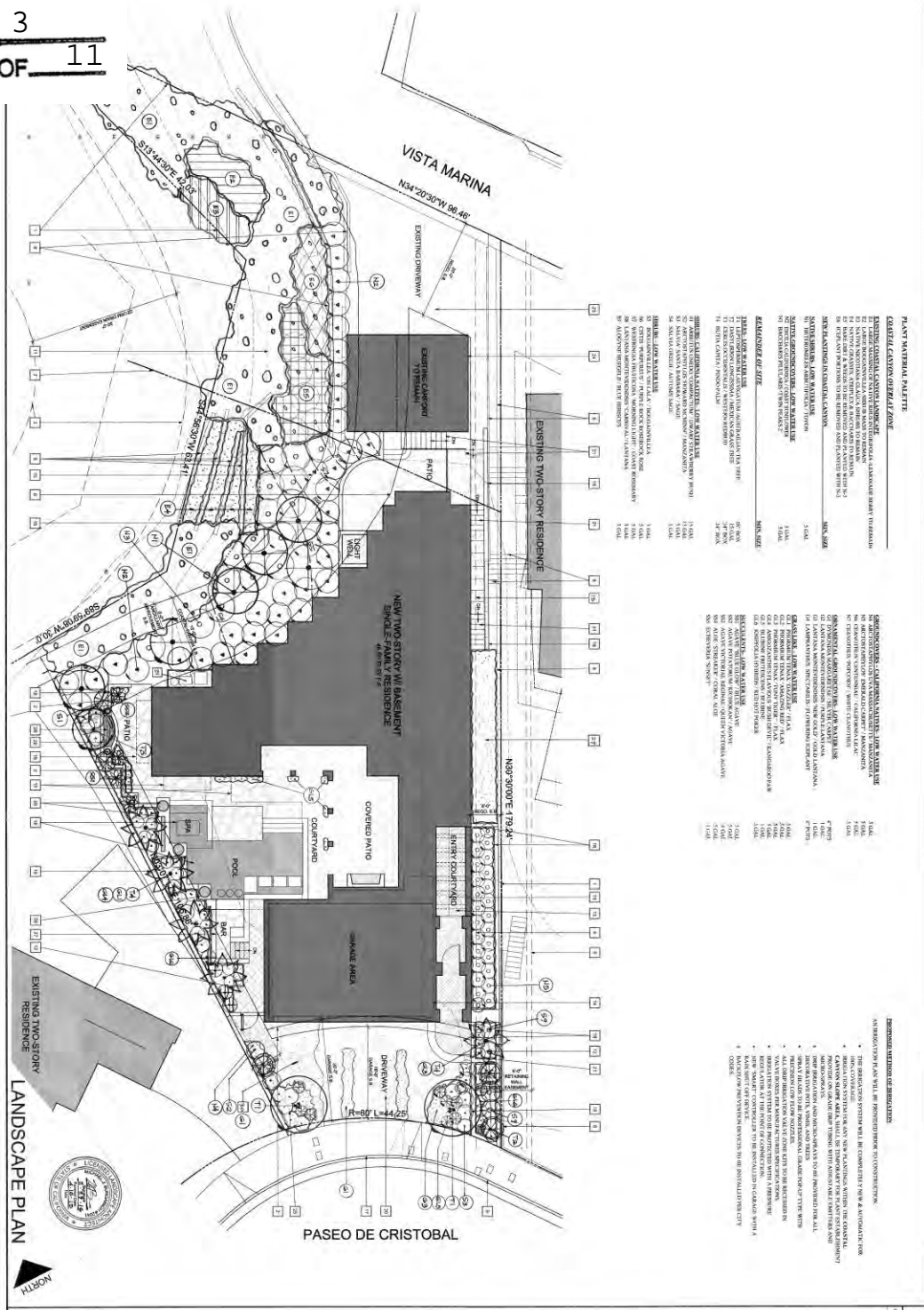
DATE: 11/18/2015 8:30:53 AM

PROJECT NO: 15459

DATE: 11/18/2015 8:30:53 AM

SCALE: 1" = 40'

PROJECT NO: 15459



**PLANT MATERIAL LIST**

**QUALITY CONTROL NOTES:**

- 1. ALL PLANT MATERIALS TO BE SUPPLIED BY THE CONTRACTOR.
- 2. ALL PLANT MATERIALS TO BE INSTALLED BY THE CONTRACTOR.
- 3. ALL PLANT MATERIALS TO BE MAINTAINED BY THE CONTRACTOR.
- 4. ALL PLANT MATERIALS TO BE REPLACED BY THE CONTRACTOR.
- 5. ALL PLANT MATERIALS TO BE WATERED BY THE CONTRACTOR.
- 6. ALL PLANT MATERIALS TO BE FERTILIZED BY THE CONTRACTOR.
- 7. ALL PLANT MATERIALS TO BE PROTECTED BY THE CONTRACTOR.
- 8. ALL PLANT MATERIALS TO BE PRUNED BY THE CONTRACTOR.
- 9. ALL PLANT MATERIALS TO BE TRIMMED BY THE CONTRACTOR.
- 10. ALL PLANT MATERIALS TO BE TIED BY THE CONTRACTOR.
- 11. ALL PLANT MATERIALS TO BE STAKED BY THE CONTRACTOR.
- 12. ALL PLANT MATERIALS TO BE MULCHED BY THE CONTRACTOR.
- 13. ALL PLANT MATERIALS TO BE WATERED BY THE CONTRACTOR.
- 14. ALL PLANT MATERIALS TO BE FERTILIZED BY THE CONTRACTOR.
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- 20. ALL PLANT MATERIALS TO BE MULCHED BY THE CONTRACTOR.

**REVISIONS:**

NO.	DATE	DESCRIPTION
1	10/15/11	ISSUED FOR PERMITTING
2	10/15/11	ISSUED FOR PERMITTING
3	10/15/11	ISSUED FOR PERMITTING
4	10/15/11	ISSUED FOR PERMITTING
5	10/15/11	ISSUED FOR PERMITTING
6	10/15/11	ISSUED FOR PERMITTING
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16	10/15/11	ISSUED FOR PERMITTING
17	10/15/11	ISSUED FOR PERMITTING
18	10/15/11	ISSUED FOR PERMITTING
19	10/15/11	ISSUED FOR PERMITTING
20	10/15/11	ISSUED FOR PERMITTING

**GENERAL NOTES TO BE OBSERVED:**

1. THE PROPOSED SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SAN DIEGO'S STANDARD SPECIFICATIONS FOR CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN DIEGO.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.
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20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES.

**KEY NOTES**

NO.	DESCRIPTION
1	EXISTING TWO-STORY RESIDENCE
2	NEW TWO-STORY W/ BASEMENT SINGLE-FAMILY RESIDENCE
3	EXISTING ONE-STORY RESIDENCE
4	LANDSCAPE PLAN
5	EXISTING TWO-STORY RESIDENCE
6	NEW TWO-STORY W/ BASEMENT SINGLE-FAMILY RESIDENCE
7	EXISTING ONE-STORY RESIDENCE
8	LANDSCAPE PLAN
9	EXISTING TWO-STORY RESIDENCE
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11	EXISTING ONE-STORY RESIDENCE
12	LANDSCAPE PLAN
13	EXISTING TWO-STORY RESIDENCE
14	NEW TWO-STORY W/ BASEMENT SINGLE-FAMILY RESIDENCE
15	EXISTING ONE-STORY RESIDENCE
16	LANDSCAPE PLAN
17	EXISTING TWO-STORY RESIDENCE
18	NEW TWO-STORY W/ BASEMENT SINGLE-FAMILY RESIDENCE
19	EXISTING ONE-STORY RESIDENCE
20	LANDSCAPE PLAN

**CRISTOBAL RESIDENCE**  
350 WEST PASEO DE CRISTOBAL  
SAN CLEMENTE, CA  
92672

**DATE:** 10/15/11  
**SCALE:** AS SHOWN  
**PROJECT:** CRISTOBAL RESIDENCE  
**CLIENT:** MICHAEL BUNGANICH

**KEY NOTES**

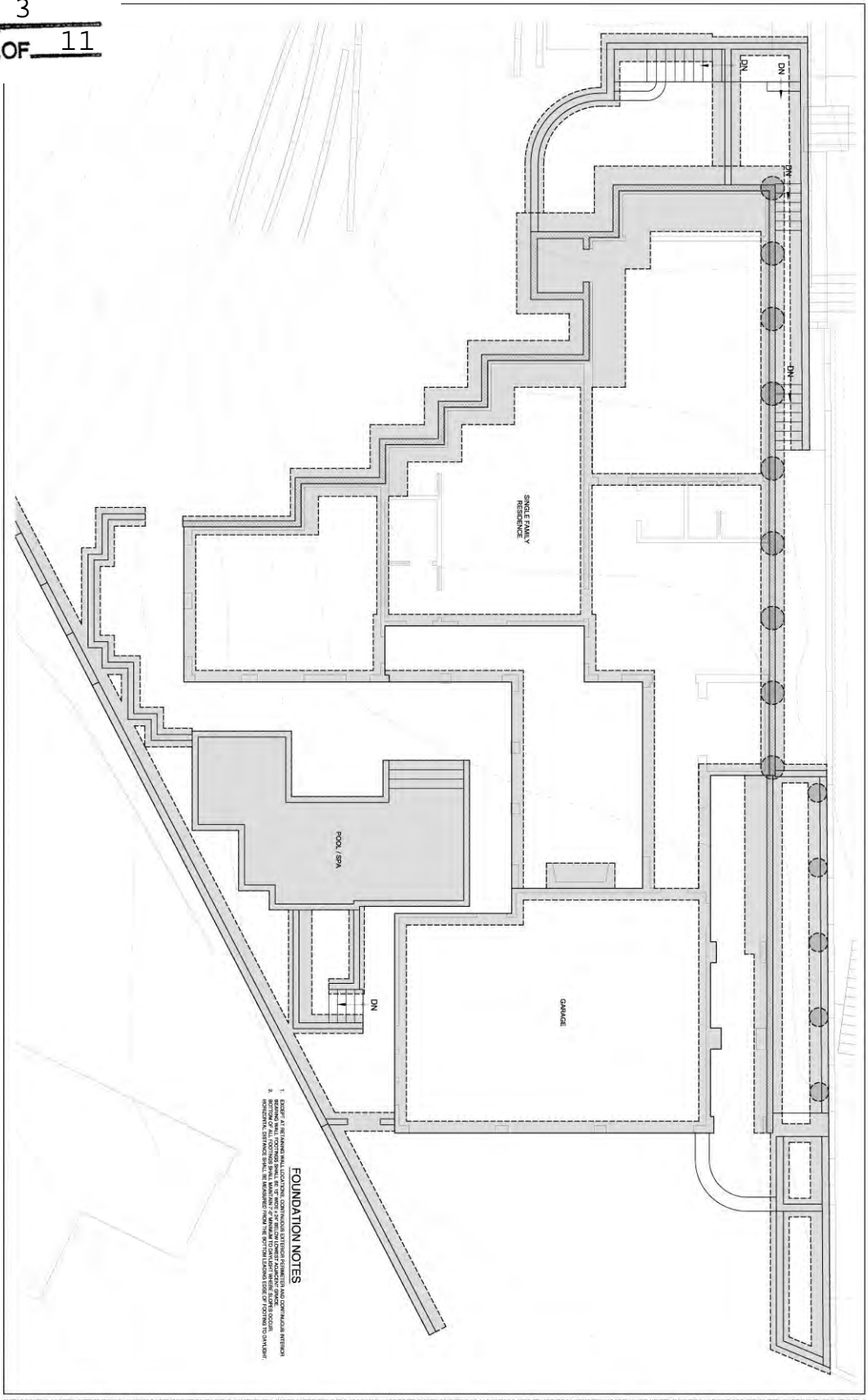
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20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES.

**PLANS PREPARED BY:**

**MICHAEL BUNGANICH**  
LANDSCAPE ARCHITECT  
10000 SAN DIEGO AVENUE, SUITE 100  
SAN DIEGO, CA 92131  
TEL: 619-594-0088 FAX: 619-594-0089  
WWW.MICHAELBUNGANICH.COM

**REVISIONS:**

NO.	DATE	DESCRIPTION
1	10/15/11	ISSUED FOR PERMITTING
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18	10/15/11	ISSUED FOR PERMITTING
19	10/15/11	ISSUED FOR PERMITTING
20	10/15/11	ISSUED FOR PERMITTING



**FOUNDATION NOTES**

1. EXCEPT AT THE FOUNDATION LOCATIONS, CONTAINERS, UTILITY, ROOFING, AND COMPRESSIBLE INSULATION SHALL BE REMOVED TO THE EXISTING GRADE AND REPAIRED TO THE ORIGINAL FINISH.
2. EXCEPT AT THE FOUNDATION LOCATIONS, ALL EXISTING WALLS SHALL BE REMOVED TO THE EXISTING GRADE AND REPAIRED TO THE ORIGINAL FINISH.
3. EXCEPT AT THE FOUNDATION LOCATIONS, ALL EXISTING FLOORING SHALL BE REMOVED TO THE EXISTING GRADE AND REPAIRED TO THE ORIGINAL FINISH.

<p><b>S1</b></p>	<p><b>PRELIMINARY FOUNDATION PLAN</b></p>	<p>JDL # 14315                  ENGINEER M.A.                  DATE: 05/20/15                  SCALE: 1/4" = 1'-0"</p>	<p><b>CRISTOBAL RESIDENCE</b>                  350 WEST PASEO DE CRISTOBAL SAN CLEMENTE CA 92672</p>	<p><b>JAMES GLOVER</b>                  www.jamesglover.com                  (949) 452-0718</p>		<p><b>COASTLINE ENGINEERING</b>                  www.coastlineeng.com                  (949) 414-4127</p>
	<p>REVISIONS</p>					



**EXPLANATION**

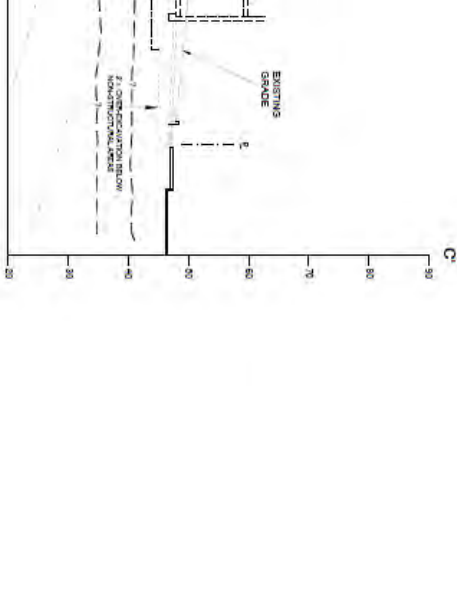
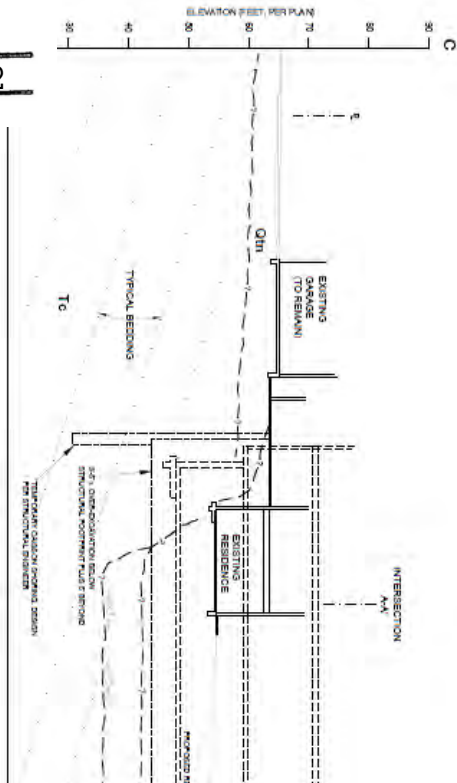
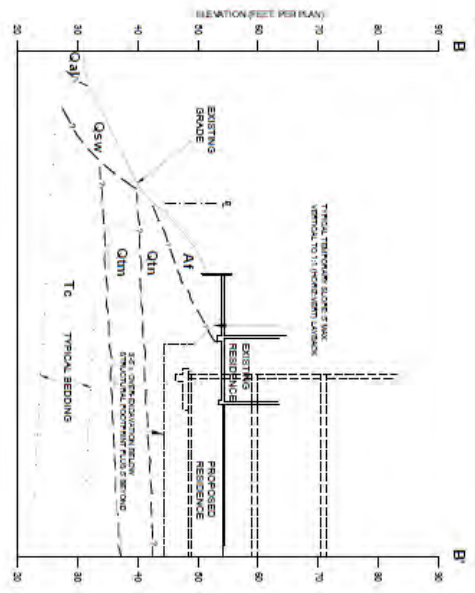
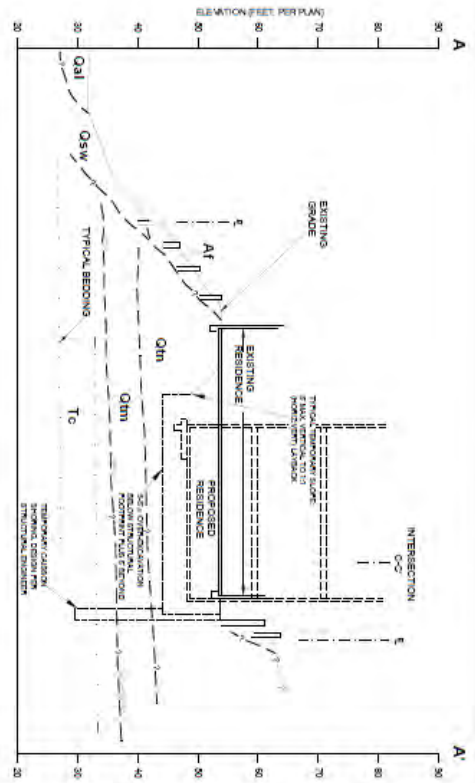
At	artificial fill, landfills/embankments
Oai	sandy waste deposits
Oai	alluvial
Otm	marginal terrace deposits
Otm	marginal terrace deposits
Tc	second, continuous formation
T	approximate structural/grade bearing location


**COASTAL COMMISSION**  
 707-271-4000 | 15-1-2023 | 2023 REGULATORY 2019

**GEOTECHNICAL PLOT PLAN**  
 350 WEST PASO DE CRISTOBAL  
 SAN CLEMENTE, CALIFORNIA

SHEET 1 OF 1





GEOTECHNICAL CROSS SECTIONS  
 A-A, B-B & C-C  
 350 WEST PASEO DE CRISTOBAL  
 SAN CLEMENTE, CALIFORNIA  
 2/12/08  
 15-7823  
 FEBRUARY 2012  
 2

EXHIBIT # 5  
PAGE 1 OF 1

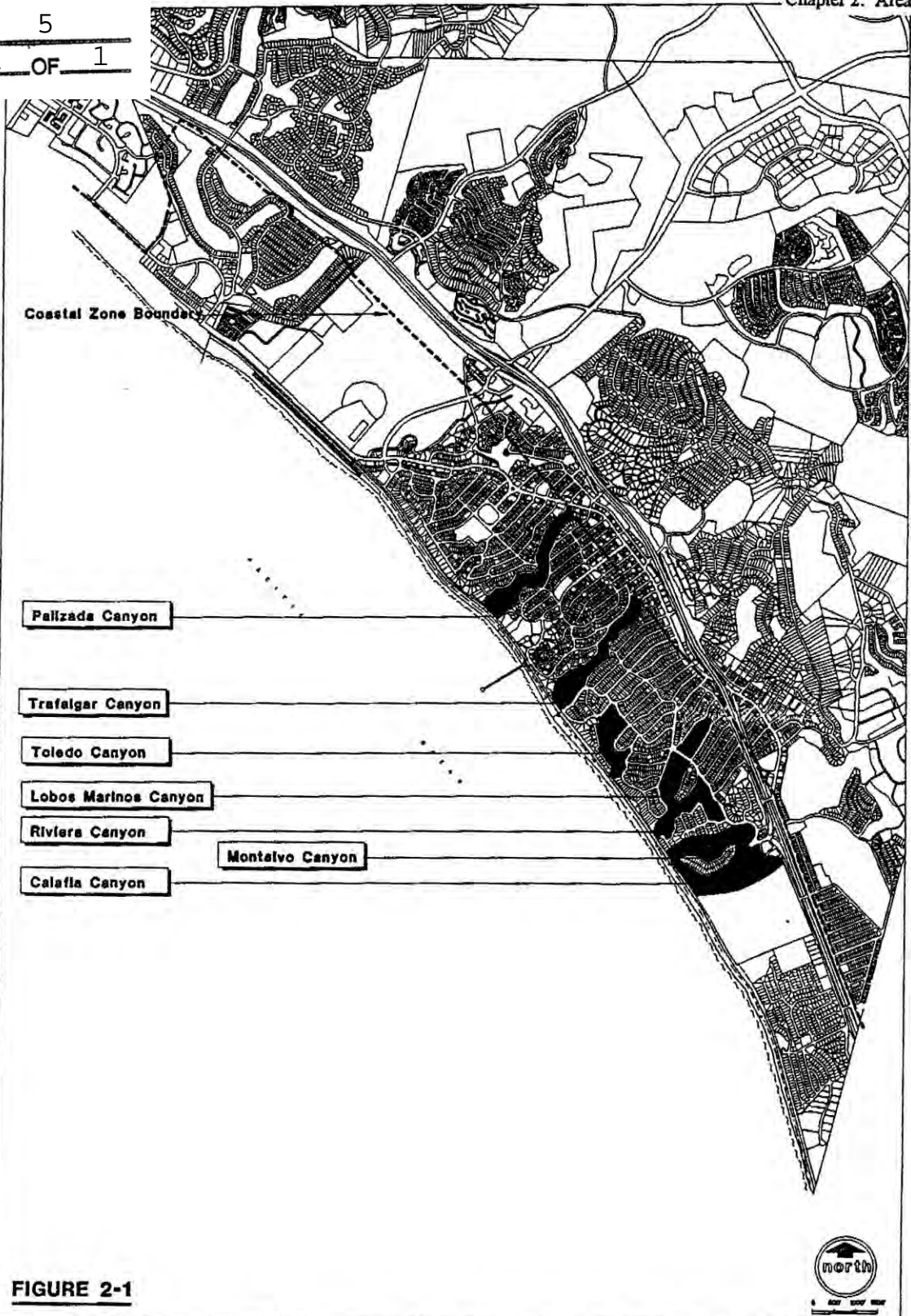


FIGURE 2-1



**CITY OF SAN CLEMENTE**  
**COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS**