

CALIFORNIA COASTAL COMMISSION

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



Th6d

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original staff report

ADDENDUM

March 4, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: Permit Application #5-15-1565 (Spencer, San Clemente) for the Commission meeting of **March 10, 2016**.

Correction to the Staff Report

Commission staff recommends the following additional language to clarify the intent of Special Condition #5 per the staff report findings requiring the applicant provide a nesting bird survey.

Deleted language is shown in ~~strike through~~ and new language is in **bold, underlined italic**.

Beginning from the top of page 12 of the staff report:

3. **Nesting Bird Survey.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, in a form and content acceptable to the Executive Director, a plan for a Breeding/Nesting Bird Survey conducted by a qualified biologist immediately prior to and during construction of the proposed improvements, which shall substantially conform to the following requirements:
 1. **Should vegetation removal occur during the bird nesting season, February 15 to August 31,** a qualified biologist, with experience in conducting bird surveys, shall conduct bird surveys 30 days prior to construction to detect any protected native birds in the habitat to be disturbed and any other such habitat within 500 feet of the construction area. The last survey should be conducted 3 days prior to the initiation of clearance/construction.

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Filed:	9/30/15
180th Day:	3/28/16
Staff:	L. Roman-LB
Staff Report:	2/18/16
Hearing Date:	3/10/16

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-15-1565

Applicant: Ray and Suzy Spencer

Location: 234 W. Avenida San Antonio, San Clemente, Orange County (APN 692-312-15-00)

Project Description: Construction of a new 3,056 sq. ft. two-story, 32 ft. tall single family residence including attached two-car garage, curb cut for new driveway access, landscape and hardscape improvements, removal of non-native and invasive vegetation and re-vegetation with native plants on a 6,496 sq. ft. vacant coastal canyon lot.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **approval** of the proposed project with **eight (8)** special conditions, which require 1) conformance with the geotechnical report recommendations; 2) coastal canyon vegetation restoration and monitoring plan; 3) nesting bird survey; 4) fuel modification plan; 5) OCFA approval; 6) assumption of risk and waiver of liability and indemnity; 7) future improvements come back to the Commission for review; and 8) compliance with construction-related best management practices (BMPs). The primary issues associated with this development are canyon habitat enhancement and water quality.

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EXHIBITS

- Exhibit 1 – Location Map/Project Site
- Exhibit 2 – Project Plans
- Exhibit 3 – Map of Coastal Canyons
- Exhibit 4 – Map of Public Access Points
- Exhibit 5 – Vegetation Map of subject site

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. **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 set of final plans, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans including foundation and grading/drainage plans and certified that each of those final plans is consistent with all the recommendations contained in the geologic engineering investigations.

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. **Coastal Canyon Vegetation Restoration and Monitoring Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, a detailed habitat restoration and monitoring program to ensure the coastal canyon is restored in a manner that honors all historic vegetation types present at the site. The plan shall include an appropriate mix and spacing of riparian, coastal sage scrub and chaparral plantings. A qualified restoration ecologist or biologist shall design the restoration and monitoring program for the restoration site. The restoration and monitoring program shall at a minimum include the following:
 1. Restoration plan including planting design, plant palette, source of plant material, plant installation, watering, erosion control, soil fertilization and weed abatement;
 2. Final Success Criteria. The restoration will be considered successful if the overall species composition and the vegetative cover of the dominant perennial species are similar to relatively undisturbed vegetation of the same type in nearby reference areas. Species composition shall be considered similar if all the dominant species and at least 80% of the non-dominant species at the reference site are present at the restored site.
 3. Provisions for monitoring and remediation of the restoration site in accordance with the approved final restoration program for a period of five years or until it has been determined that success criteria have been met or have failed to be met, whichever comes first.

4. Provisions for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period. Each report shall document the condition of the restoration with photographs taken from the same fixed points in the same directions. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the performance standards. The performance monitoring period shall either be five years or three years without maintenance or remediation, whichever is longer. The final report must be prepared in conjunction with a qualified biologist. The report must evaluate whether the restoration site conforms to the goals, objectives, and performance standards set forth in the approved final restoration program.

The permittee shall monitor and remediate the restoration site in accordance with the approved monitoring program, including any revised restoration program approved by the Commission or its staff. Any proposed changes to the approved monitoring program shall be reported to the Executive Director. No changes to the approved monitoring program shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Nesting Bird Survey.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, in a form and content acceptable to the Executive Director, a plan for a Breeding/Nesting Bird Survey conducted by a qualified biologist immediately prior to and during construction of the proposed improvements, which shall substantially conform to the following requirements:
 1. A qualified biologist, with experience in conducting bird surveys, shall conduct bird surveys 30 days prior to construction to detect any protected native birds in the habitat to be disturbed and any other such habitat within 500 feet of the construction area. The last survey should be conducted 3 days prior to the initiation of clearance/construction.
 2. If a protected native bird is found during the survey, the applicant shall delay all clearance/construction disturbance activities in suitable nesting habitat or within 500 feet of nesting habitat until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing/construction within 500 feet of the nest(s) shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of further nesting attempts. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The project biologist shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to protection of native birds.

3. In addition, a qualified biologist shall conduct a site survey for any active raptor nests two weeks prior to any construction. If an active raptor nest(s) is located, then no construction work shall be conducted within a 500 foot radius from the nest until the young have fledged and are independent of the adults.

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.

4. **Fuel Modification Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall provide to the Executive Director a Fuel Modification Plan for the proposed new structures including the minimum required area for fuel modification from the structure depending on vegetation type, density, slope and aspect. The plan shall retain existing native vegetation and include minimal selective thinning and removal of fire hazardous material such as dead brush, dying or dead branches and trash to the maximum extent possible.

The permittee shall undertake development in accordance with the final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. **Orange County Fire Authority Approval.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants 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 and/or any inconsistencies with the conditions of approval contained herein. Changes required by OCFA 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.

6. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (ii) to assume the risks to the applicant 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.

7. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-15-1565. 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. 5-15-1565. 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. 5-15-1565 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** . 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 wind, rain, or 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.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION AND DESCRIPTION

The proposed development is located at 234W. Avenida de los Lobos Marinos in the City of San Clemente, Orange County. The subject site is located on an inland lot between the first public roadway and the sea on a coastal canyon lot (**Exhibit 1**). The site is a 6,496 square foot lot 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. The site is surrounded by single-family residential development. The nearest coastal access is available approximately 800 feet south of the subject site at the Lost Winds public access stairway that provides public access down the coastal bluff face to the beach below (**Exhibit 4**).

The applicant proposes to construct a new 3,056 sq. ft. two-story, 32 ft. tall single family residence including an attached two-car garage, a new curb cut for driveway access, landscape and hardscape improvements and the removal of non-native and invasive vegetation from the coastal canyon with re-vegetation with native plants suitable to the habitat type. Project plans are included as **Exhibit 2**.

Coastal Canyon Setback

The proposed new single family residence is located adjacent to Lobos Marinos Canyon, one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP. The 6,496 square foot canyon lot is currently undeveloped. The lot in question

is a roughly rectangular lot that extends to an ephemeral stream at the canyon bottom. The lot has a small narrow flat pad (identified as fill in the geo report) adjacent to street. The lot slopes gradually from the street westerly down to steeper slope on the face of the canyon. The adjacent lots have a larger canyon-top area than the subject lot and residences on those lots are sited close to the street in a fashion that recognizes the undulating canyon edge.

The policy in the certified LUP concerning setbacks on coastal canyons is found in Chapter 3, Section 302 G, policy VII.15, and states:

New development shall not encroach into coastal canyons and shall be set back either:

- a. a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge; or*
- b. a minimum of 30% of the depth of the lot, and set back from the line of native vegetation (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from riparian vegetation); or*
- c. in accordance with house and deck/patio stringlines drawn between the nearest corners of the adjacent structures.*

The development setback shall be established depending on site characteristics.

The certified LUP identifies these three possible canyon setback choices which are to be selected based upon 'site characteristics'. There are seven canyons identified in the LUP and these setback choices exist because conditions from canyon to canyon, and within each canyon, are highly variable. Each canyon has a different shape, width and depth. The degree of existing disturbance within each canyon is also different.

Although the proposed new single family residence is located adjacent to Lobos Marinos Canyon, one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP, no portion of the applicant's development area contains resources that rise to the level of ESHA. The canyon is considered 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 policies of the LUP were designed for habitat protection and enhancement; to minimize visual impacts and landform alteration; to avoid cumulative adverse impacts of development encroachment into the canyon; and as a means to limit brush management necessary for fire protection.

The applicant provided a Biological Technical Report dated September 29, 2014 identifying and evaluating on-site biological resources. The report provides vegetation mapping for the project site, a special status species survey and delineation of wetland/riparian habitat. A biological resource impact map is included as **Exhibit 5**. The report found that the project site supports several vegetation types all of which are disturbed. The biological survey identified vegetation such as lemonade berry (*Rhus integrifolia*) associated with both coastal sage scrub and chaparral plant community, toyon (*Heteromeles arbutifolia*) associated with chaparral plant community,

giant wild rye (*Leymus condensatus*) associated with coastal sage scrub plant community, and poison oak (*Toxicodendron diversilobum*) associated with riparian plant communities along with non-native, exotic plant species, non-native grassland and invasive ornamental trees and shrubs. While there is a mixture of native and non-native vegetation on the subject site, there is no discernable line of either coastal sage scrub or riparian habitat type vegetation in order for the setback from the line of native vegetation to be applicable.

The applicant, therefore, proposes a 40% depth of the lot setback (the minimum of 30% of the depth of the lot setback plus an additional 10%) and the removal of invasive plants from the canyon and restoration with native vegetation, as both the canyon edge and line of vegetation for either coastal sage scrub or riparian habitats was not discernable at the subject site. Additionally, in an effort to provide a greater canyon setback and protect the canyon, the applicant applied for and received a variance (VAR-14-388) from the City Planning Commission for a reduced front yard setback. The variance allows for a 4 ft. setback from the street instead of the median front setback of 10.5 ft. along this street block. As proposed, the project's canyon setback is sufficiently set back to be consistent with the pattern of development in the surrounding area, to protect habitat and restore the canyon habitat.

In this case, due to the configuration of the canyon lot, the shallow canyon edge, and the lack of a discernable line of coastal sage scrub or riparian vegetation caused by the presence of both native and non-native plant species, the proposed 40% depth of the lot canyon setback is sufficient for the project to be consistent with the pattern of development in the surrounding area, to protect existing habitat and as proposed, to actually restore the canyon habitat, is therefore, the most appropriate of the three possible canyon setback choices based upon site characteristics.

Should vegetation removal or construction activities occur during the bird nesting season (February 15-August 31), the applicant proposes and **Special Condition 3** requires, a nesting bird survey prior to the commencement of vegetation removal or construction in order to ensure that the proposed project will not impact nesting migratory birds possibly present on the site.

Geotechnical Recommendations

The applicant provided a Geotechnical Investigation Report prepared by C.W. La Monte Company Inc. dated October 27, 2014. The report concludes that the site is suitable for the proposed development from a geotechnical aspect and recommends that the proposed structure on the rear canyon slope may be supported on deepened footings and/or pier and grade foundation system and the remainder of the structure may be founded on conventional shallow foundations. Additionally, a slope stability analysis was conducted on a representative cross section through the slope which determined the site to be grossly stable.

Special Condition 1 requires the applicant provide final design and construction plans including foundation and grading/drainage plans reviewed and approved by an appropriately licensed professional certifying that each of those final plans is consistent with all the recommendations contained in the submitted, and any future, geologic engineering investigations for the proposed project.

Drainage Improvements and Landscaping

The applicant proposes to direct roof and surface water runoff away from the canyon slope and toward the front street facing side of the lot toward to a drainage swale for natural onsite infiltration of water runoff before it is directed to existing City storm drains, per City requirements. New proposed hardscape improvements also include a new pervious paver driveway along the frontage road and landscaped and pervious surface side yards.

Landscape plantings on the street facing portion of the lot are proposed to be low-water use, non-invasive plantings. No temporary or permanent in-ground irrigation system is proposed. The applicant proposes native vegetation suitable to coastal sage scrub habitat for the canyon slope. However, based on the findings of the biological technical report, since the subject site supports several disturbed vegetation types, in order to ensure proper restoration of the coastal canyon, **Special Condition 2** requires the applicant provide a coastal canyon restoration and monitoring plan consisting of an appropriate mix of riparian, coastal sage scrub and chaparral vegetation prepared by an appropriate professional. Furthermore, **Special Condition 4** requires the applicant submit a Fuel Modification Plan and **Special Condition 5** requires submittal of Orange County Fire Authority approval of the project, including the Fuel Modification Plan to ensure that these do not interfere with the success of the canyon restoration effort.

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. Therefore, to assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition 7** 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.

Additionally, in order to minimize adverse construction-related impacts upon marine resources, **Special Condition 8** requires the applicant comply with construction-related best management practices (BMPs) to ensure that construction materials, debris and waste does not enter receiving waters or be subject to dispersion and that prevent spillage and/or runoff of demolition or construction related materials and to contain sediment or contaminants associated with demolition or construction activities.

B. HAZARDS

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

development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. HABITAT

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 future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

E. PUBLIC ACCESS

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

F. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates construction best management practices to minimize the effect of construction activities on the marine environment. These conditions include, but are not limited to, one or more of the following: the appropriate management of equipment and construction materials and construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

G. LOCAL COASTAL PROGRAM

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3,

1999, but withdrew the submittal on October 5, 2000. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 Land Use Plan for the City of San Clemente was effectively certified on March 14, 1996. 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 an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

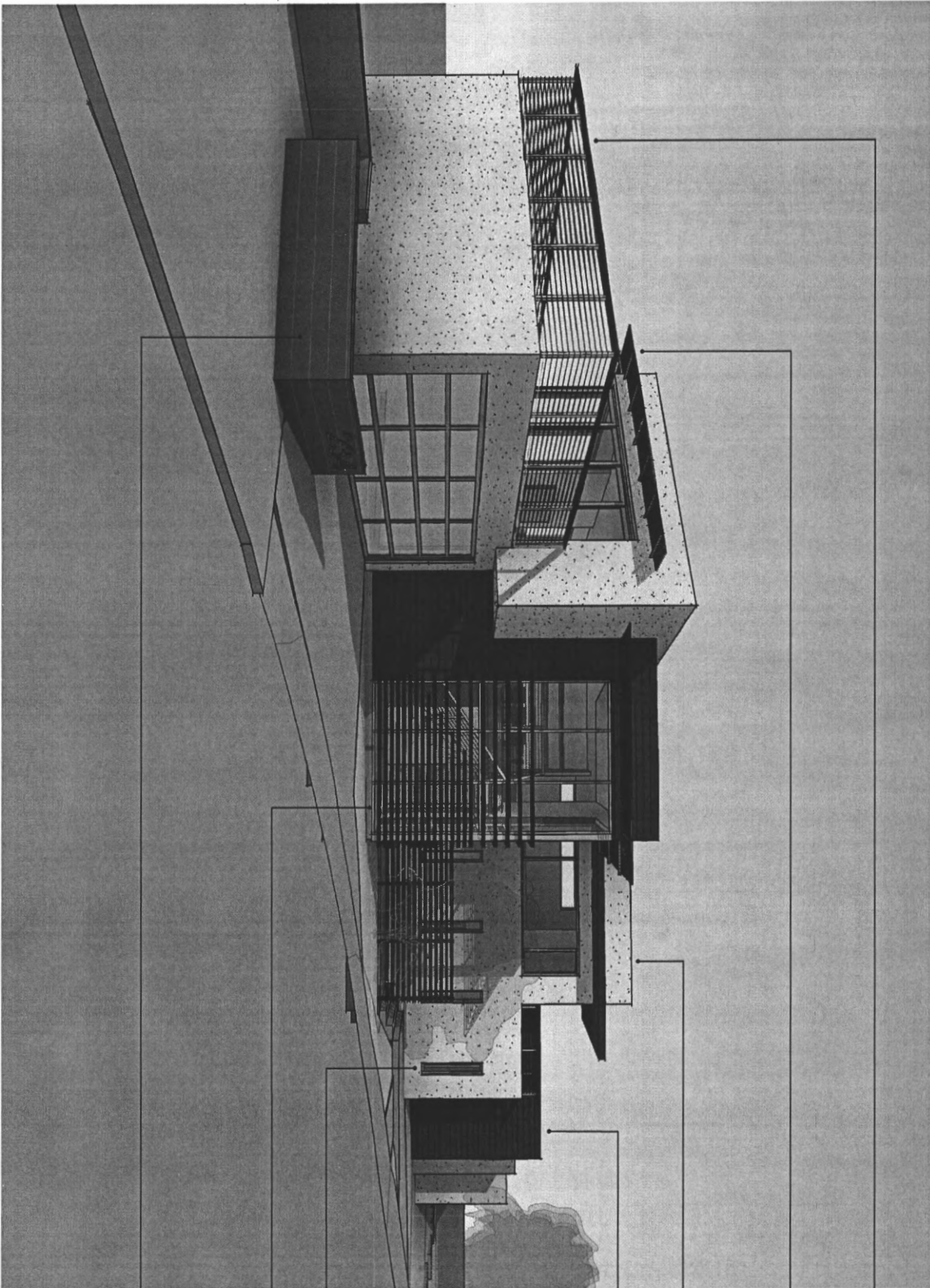
APPENDIX A - SUBSTANTIVE FILE DOCUMENTS

- 1) City of San Clemente LUP
- 2) City of San Clemente Approval in Concept dated September 21, 2015
- 3) City of San Clemente Variance 14-388 for a reduced front yard setback dated September 15, 2015
- 4) Report of Limited Geotechnical Investigation, Proposed Spencer Residence, 234 W. Avenida San Antonio, San Clemente, CA 92672, dated October 27, 2014 prepared by C.W. La Monte Company Inc.
- 5) Biological Technical Report, 234 West Avenida San Antonio, San Clemente, Orange County, California dated September 29, 2014, prepared by Glenn Lukos Associates



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EXHIBIT # 1
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EXHIBIT # 2
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Stainless Steel Railing
Wood Tread (match siding)

Galvanized Steel
trellis overhang

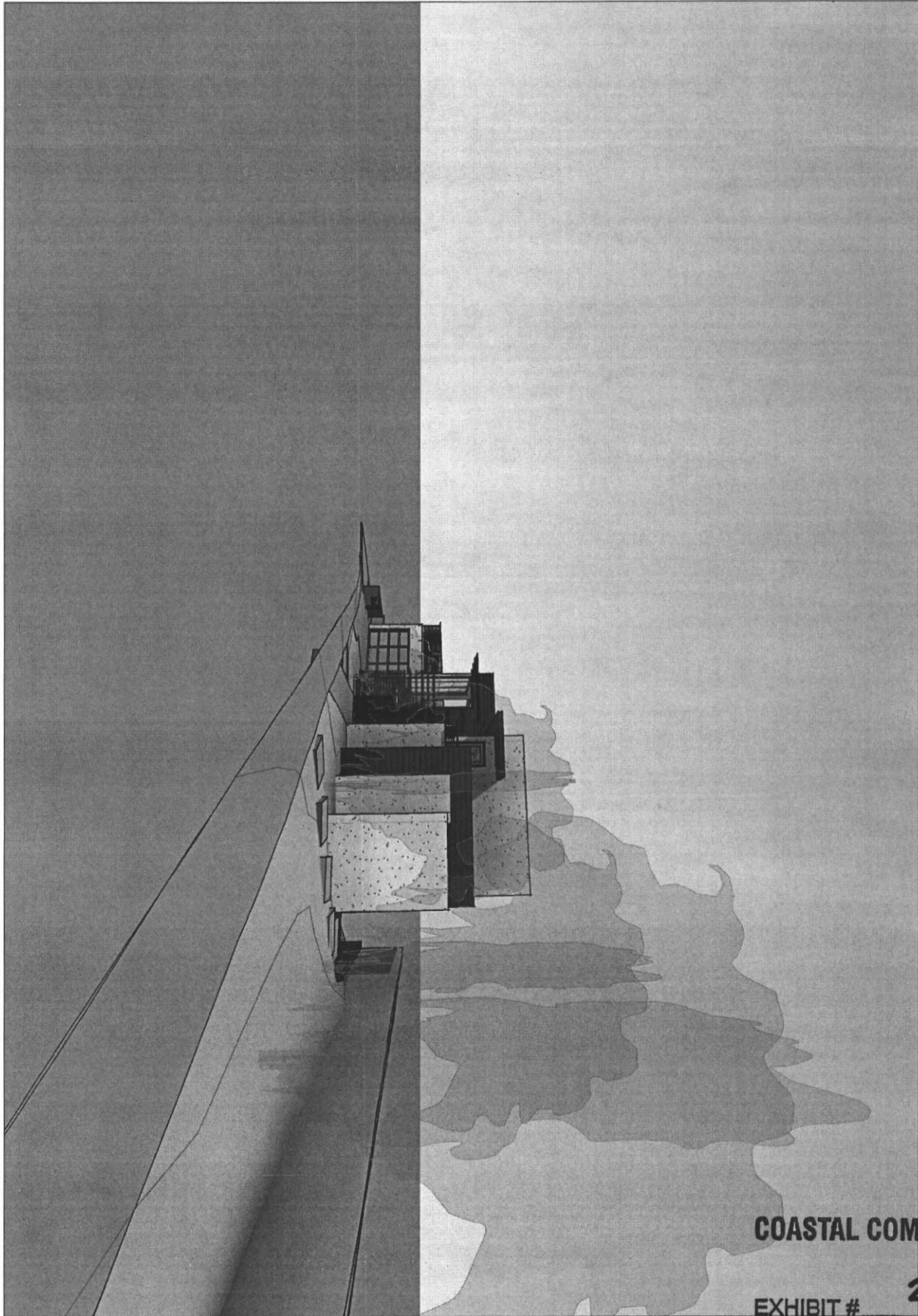
Stucco - light cream
wall finish

Wood Siding - lpe or Sim.
wall finish

Clear Anodized Aluminum
door and window frames

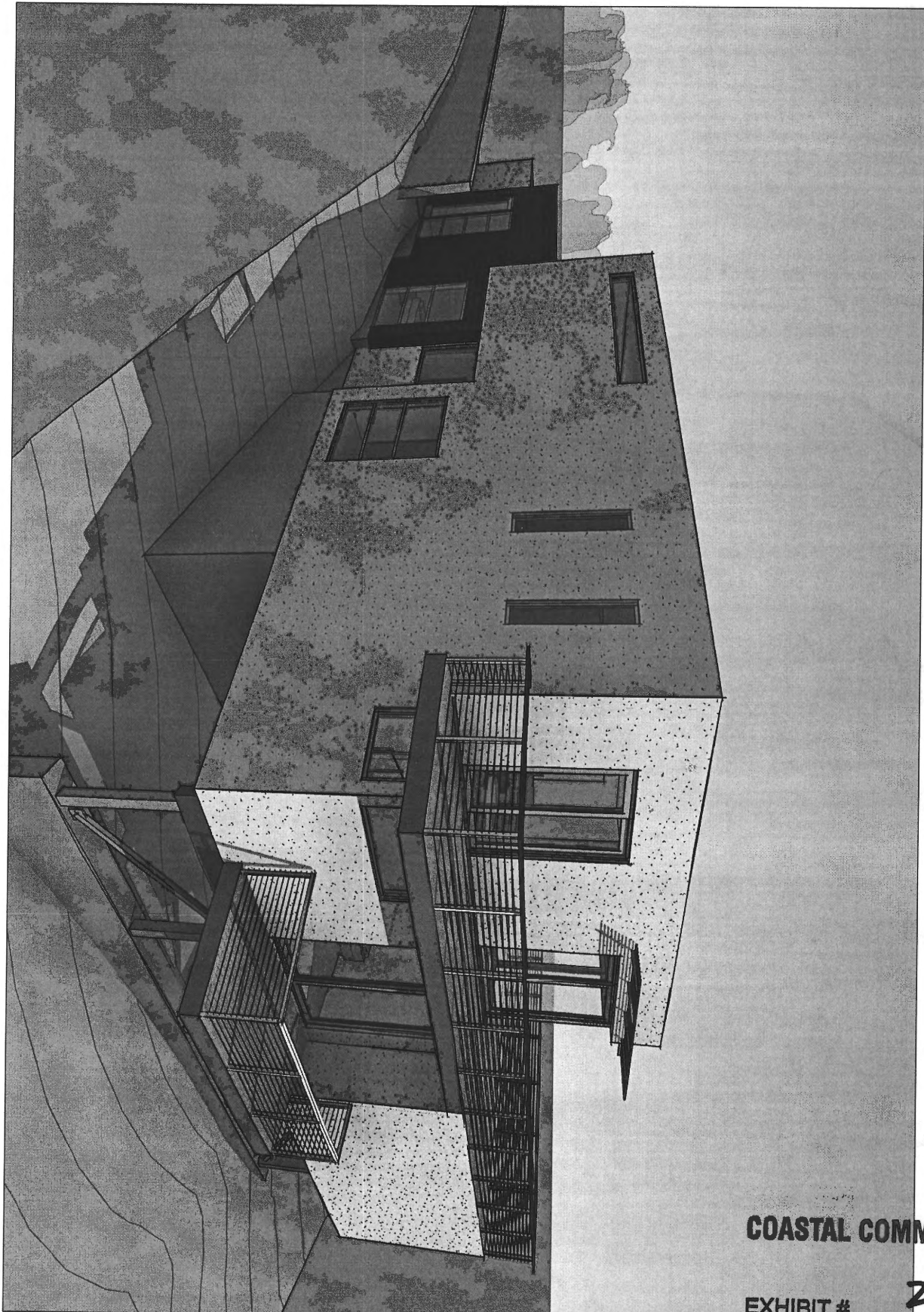
Dark Cedar Slats
entry lattice/fence

Board Formed Concrete
screening wall



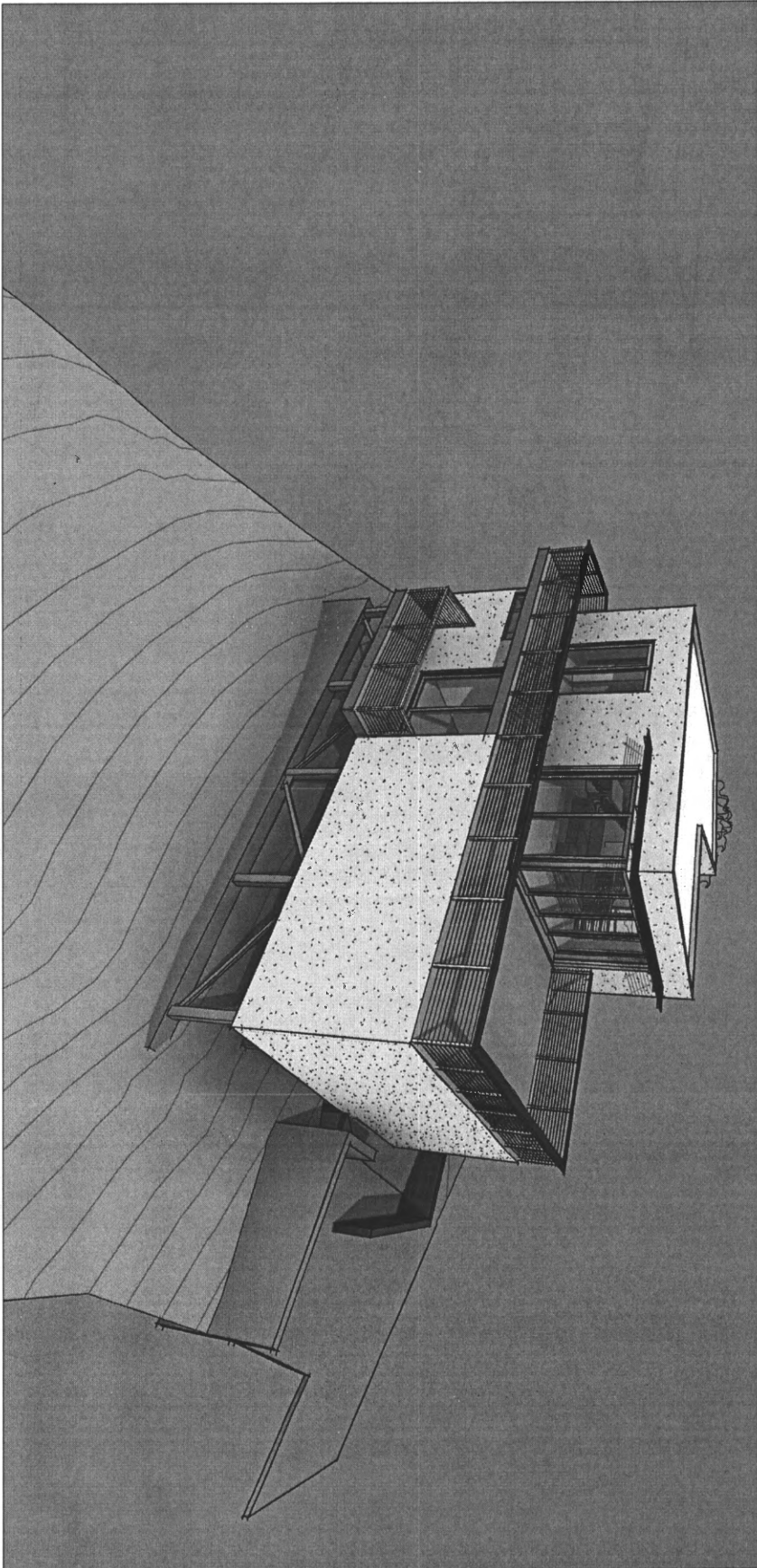
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EXHIBIT # 2
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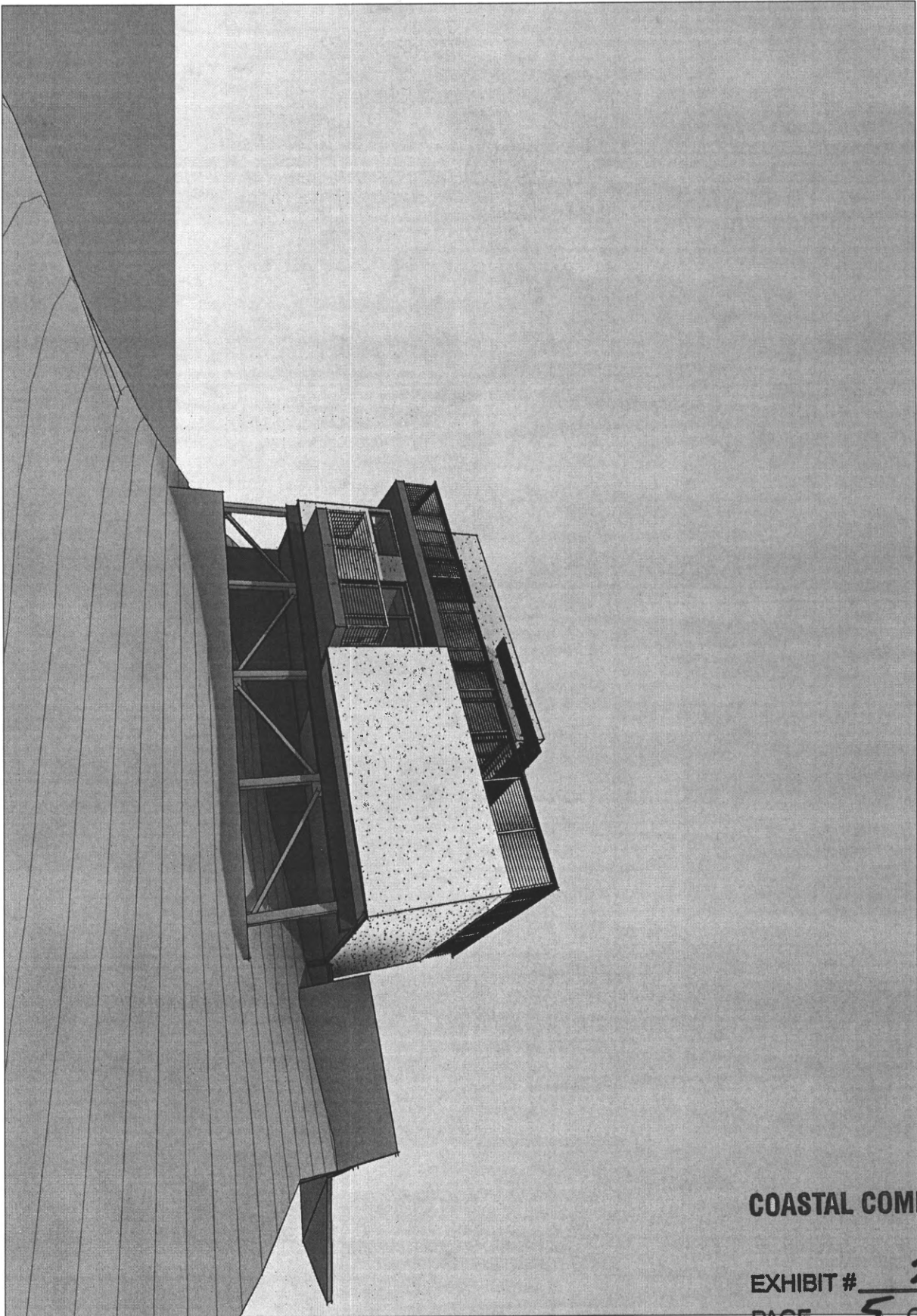
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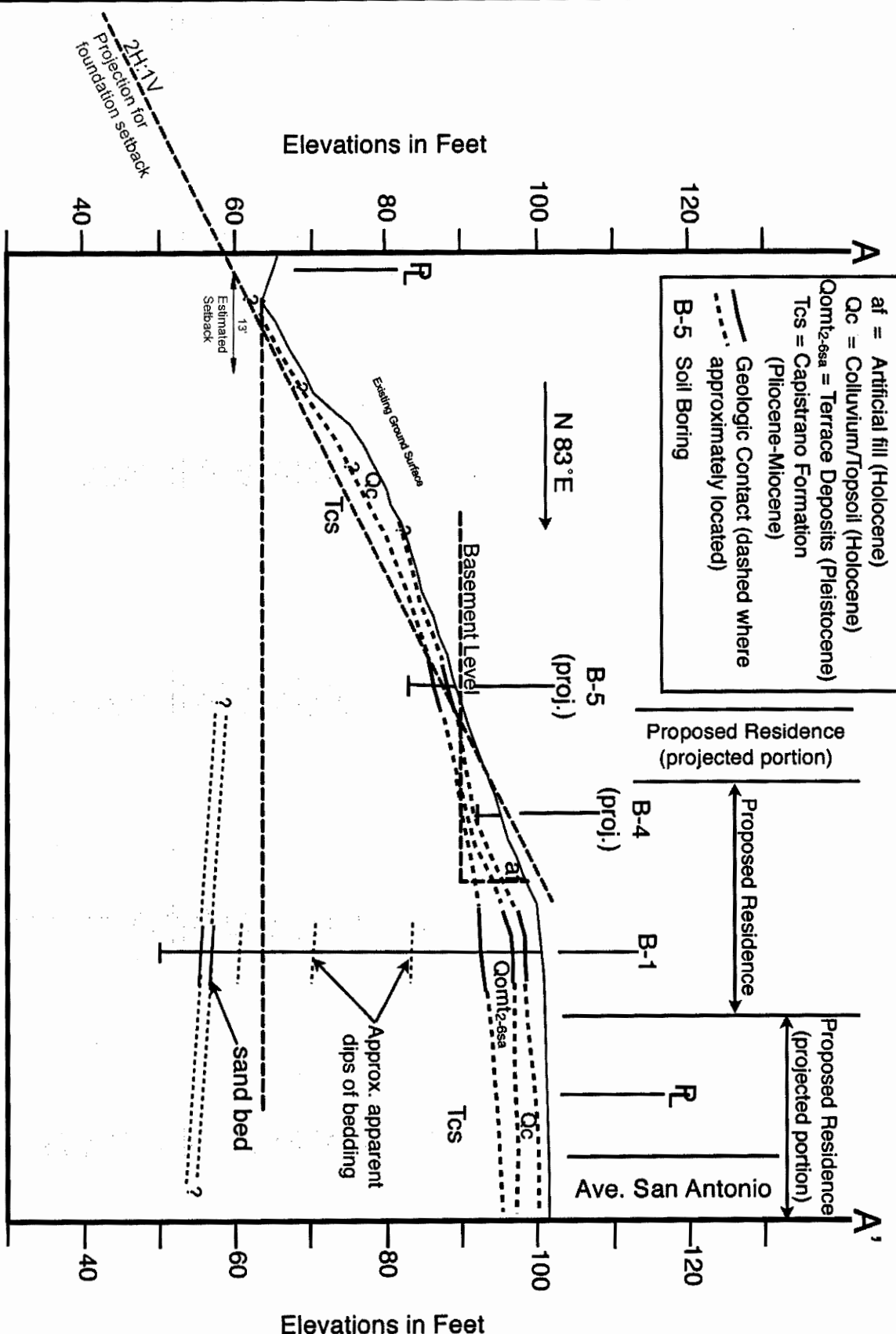


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EXHIBIT # 2
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EXPLANATION:

- af = Artificial fill (Holocene)
- Qc = Colluvium/Topsoil (Holocene)
- Qomtl-ssa = Terrace Deposits (Pleistocene)
- Tcs = Capistrano Formation (Pliocene-Miocene)
- Geologic Contact (dashed where approximately located)
- B-5 Soil Boring



GEOLOGIC CROSS SECTION

COASTAL COMMISSION

EXHIBIT # 2
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C.W. LA MONTE COMPANY, INC.
Soil and Foundation Engineers

PROJECT: Spencer Residence
234 West Avenida San Antonio
San Clemente, CA 92672

FIGURE NO. 4

Coastal Zone Boundary

Pallzada Canyon

Trafalgar Canyon

Toledo Canyon

Lobos Marinos Canyon

Riviera Canyon

Montalvo Canyon

Calafia Canyon

COASTAL COMMISSION

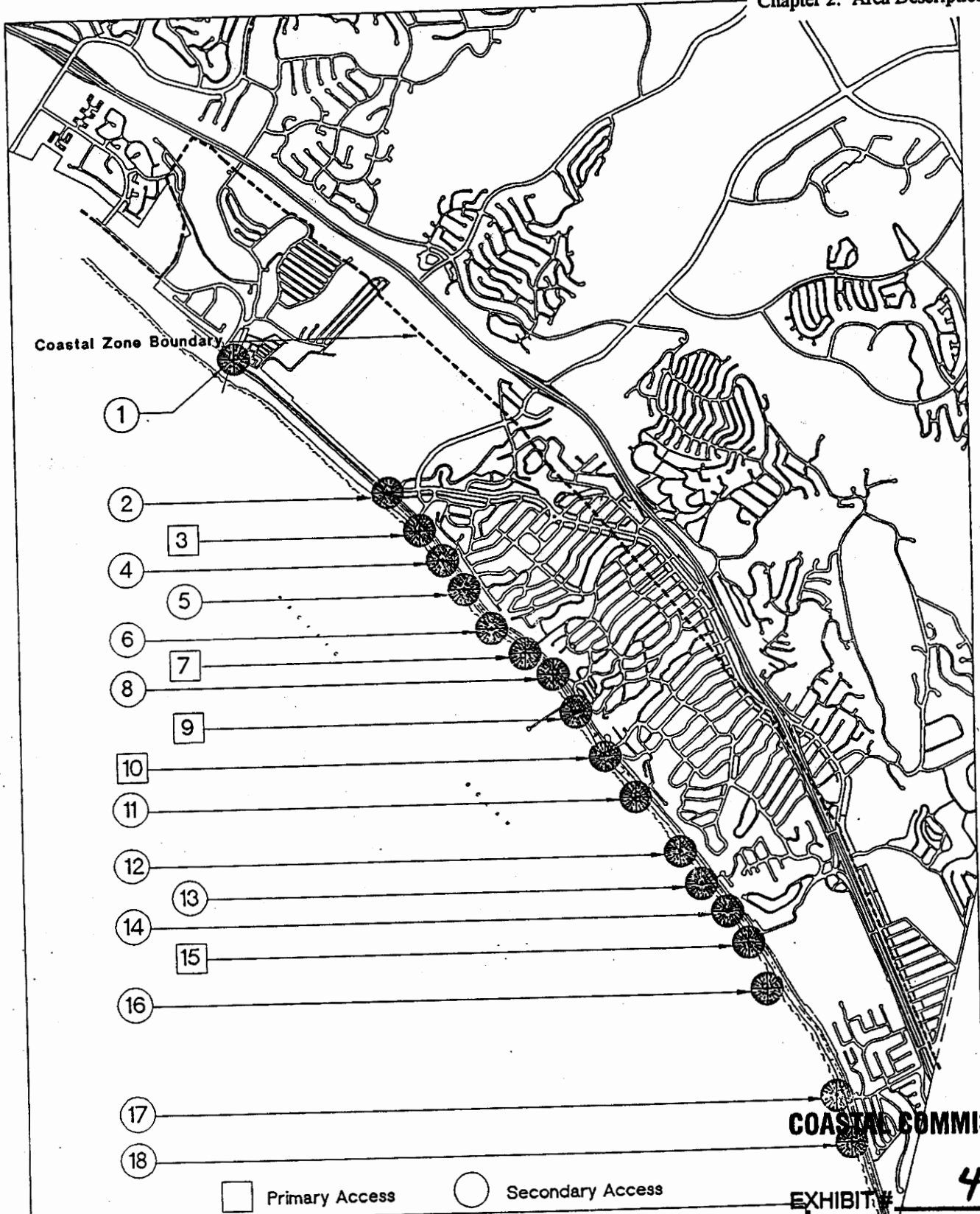
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FIGURE 2-1



CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS



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

COASTAL COMMISSION

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FIGURE 2-5

CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS



