**CALIFORNIA COASTAL COMMISSION**
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## STAFF REPORT: REGULAR CALENDAR

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| **Application No.:** | **5-15-1946** |
| **Applicant:** | **Smith Family Trust** |
| **Agent:** | **Horst Architects** |
| **Project Location:** | 1521 and 1523 Buena Vista, San Clemente (Orange County) |
| **Project Description:** | Demolition of two single family residences on two lots and construction of a new 21,485 sq. ft., 25 ft. tall, two-story 4-unit multi-family building with 15-car subterranean garage, hardscape and landscape improvements, grading and retaining walls across a combined 20,971 sq. ft. coastal bluff top lot. |
| **Staff Recommendation:** | Approval with conditions. |

## SUMMARY OF STAFF RECOMMENDATION

The applicant proposes demolition of two single family residences at 1521 and 1523 Buena Vista and construction of a new 21,485 sq. ft., 25 ft. tall, two-story 4-unit multi-family building with 15-car subterranean garage, hardscape and landscape improvements, grading and retaining walls across a combined 20,971 sq. ft. coastal bluff top lot. Grading will consist of approximately 2,650 cu. yds. of cut to construct the proposed subterranean garage level. No grading, vegetation removal or any other type of development is proposed on the bluff face portion of the lot. As proposed, the project would be constructed over the lot lines of these two adjacent lots. The applicant plans to apply for a CDP (or amend this CDP if granted by the Commission) for the lot merger at a later date once City approval is obtained.

In the project vicinity, the Commission typically imposes either a minimum bluff edge setback of 25 feet from the edge of the bluff for primary structures and minimum 10 foot setback for

secondary structures (at grade patios, decks, garden walls) or requires conformance with structural and deck stringline setbacks. As proposed, the project meets the primary and secondary bluff setbacks, as well as the stringline setback. The geotechnical reports conclude the site is grossly stable and that the proposed development is considered feasible from a geotechnical viewpoint. Additionally, the proposed bluff edge setback addresses issues described in the Commission's recently adopted Sea Level Rise Policy Guidance.

Major Coastal Act issues associated with this project include development on a coastal bluff lot and the potential adverse impacts to water quality and marine resources during the construction phase of the project. To address these potential adverse impacts the Commission staff is recommending **Special Condition 1: Final Plans in conformance with geotechnical recommendations; Special Condition 2: Revised Drainage Plan; Special Condition 3: Landscape Plan; Special Condition 4: Bird Strike Hazard; Special Condition 5: Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris; Special Condition 6: No Future Shoreline/Bluff Protection Device; Special Condition 7: Future Improvements; Special Condition 8: Assumption of Risk and Waiver of Liability; and Special Condition 9: Deed Restriction.**

Commission staff recommends **approval** of coastal development permit application 5-15-1946 as conditioned.

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

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# I. MOTION AND RESOLUTION

**Motion:**

*I move that the Commission **approve** Coastal Development Permit No. 5-15-1946 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution**:

*The Commission hereby approves Coastal Development Permit 5-15-1946 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 will 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 applicant shall submit, for the Executive Director's review and approval, along with a copy of each plan, 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 referenced in this staff report.

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

2. **Final Drainage Plan/Runoff Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final drainage/runoff control plans to the Executive Director for review and approval. The drainage/run-off control plan shall demonstrate that at a minimum the project will assure that:

   (1) impervious surfaces are minimized and runoff infiltrated (i.e., the new paved areas shall be permeable material where feasible and runoff collected by proposed drain lines shall infiltrate runoff on-site)
   (2) no increase in peak run-off rate from the site will result from construction of the project;
   (3) run-off from all roofs, patios, driveways and other impervious surfaces on the site shall be collected, treated and discharged to avoid ponding or erosion either on or off the site;
   (4) an on-site media filtration treatment system shall be installed to capture any pollutants contained in the run-off prior to discharge;
   (5) volume based BMPs shall be sized appropriately; designed to treat runoff from a 24-hour, 85th percentile storm event; or the volume of annual runoff produced by the 85th percentile, 24-hour rainfall event (based on the County of Orange 85th Percentile Precipitation Isopluvial Maps);
   (6) flow based BMPs shall be sized appropriately; designed to treat the maximum flow rate from a rainfall intensity of 0.2 inch per hour rainfall event for each hour of the storm; or the maximum flow rate of runoff

produced by the 85th percentile hour rainfall intensity multiplied by a factor of two (based on the local historical rainfall record), and

(7) provide directional arrows depicting the flow the surface runoff.

The final drainage plan/runoff control plan shall, prior to submittal to the Executive Director, be prepared and certified by a qualified professional to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical report.

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

3. **Landscaping Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit in a form and content acceptable to the Executive Director, two (2) sets of a final revised landscaping plans prepared by an appropriately licensed professional which demonstrates the following:

1) All areas disturbed/affected by construction activities not occupied by structural development (including the structure and decks) shall be re-vegetated for habitat enhancement and erosion control purposes;

2) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, 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. Any existing landscaping that doesn't meet all of the requirements in this special condition shall be removed;

3) Any areas disturbed/affected by construction activities in the rear yard (coastal bluff-facing) shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing native plant areas, all landscaping adjacent to the coastal bluff shall consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type. Native plants shall be from local stock wherever possible;

4) Landscaped areas in the front yard (street-facing) area shall consist of native or non-invasive, non-native drought tolerant plant species;

5) All planting will be completed within 60 days after completion of construction;

6) No permanent in-ground irrigation systems shall be installed on the coastal bluff-facing portion of the site. Temporary above ground irrigation is allowed to establish plantings.

7) All vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscaping plan.

The permittee 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 legally required.

4. **Bird Strike Prevention.** Coastal bluff top deck railing systems, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, or gate. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit final revised plans showing the location, design, height and materials of deck railings, fences, screen walls and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:

(1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wind or rain erosion and dispersion;

(2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;

(3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;

(4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and

(5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

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 stormdrain, open ditch or surface water; and

(4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

6. **No New Bluff or Shoreline Protective Device.** By acceptance of this permit, the applicants agree, on behalf of themselves and all other successors and assigns, that no new shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-15-1946 including, but not limited to, the residence, garage, foundations, and bluff top patios, and any future improvements, in the event that the development is threatened with damage or destruction from waves, storm conditions, sea level rise, erosion, or other natural hazards in the future. By acceptance of this permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residences, garage, foundations, and bluff top concrete patio, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

7. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-15-1946. 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. 5-15-1946. 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. 5-15-1946 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. **Assumption of Risk, Waiver of Liability and Indemnity**. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability, erosion, landslides, waves, and sea level rise; (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.

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

enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

# IV. FINDINGS AND DECLARATIONS:

### A. PROJECT DESCRIPTION

The proposed development is located at 1521 and 1523 Buena Vista in the City of San Clemente, Orange County (**Exhibit 1**) within 50 feet of a coastal bluff between the sea and the first public road. The subject site is designated RL (Residential Low Density) in the San Clemente certified Land Use Plan (LUP). Surrounding development consists of single-family and multi-family residences. The two separate lots are a combined 20,971 square feet, each is currently developed with a two-level single-family residence with rear yard (ocean bluff-facing) hardscape improvements. The applicant proposes demolition of two single family residences on two adjacent lots and construction of a new 21,485 sq. ft., 25 ft. tall, two-story 4-unit multi-family building with a 15-car subterranean garage, grading, hardscape and landscape improvements. The proposed project is consistent with the character of the area. Proposed grading for subterranean level garage consists of 2,650 cu. yds. cut. Excavated material will be removed from the site and disposed of outside of the coastal zone. No grading, vegetation removal or any other type of development is proposed on the bluff face portion of the lot.

As proposed, the project would be constructed over the lot lines of these two adjacent lots. Project plans are included as **Exhibit 2**. A lot merger is considered development under the Coastal Act as it involves a change to the density or intensity of use of land and therefore, requires a coastal development permit (CDP). At this time, the applicant is not proposing a lot merger. The applicant has applied for a lot merger to the local government and has received preliminary "in-concept" approval. The applicant plans to apply for a CDP (or amend this CDP if granted by the Commission) for the lot merger at a later date once City approval is obtained.

### B. COASTAL HAZARDS

Section 30251 of the Coastal Act states, in pertinent part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms…*

Section 30253 of the Coastal Act states:

*New development shall:*

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along*

*bluffs and cliffs.*

**City of San Clemente LUP Policies**
*Policy VII.15 – Proposed development on bluff top lots shall be setback at least 25 feet from the bluff edge, or setback in accordance with a string line drawn between the nearest corners of adjacent structures on either side of the development. This minimum setback may be altered to require greater setbacks when required or recommended as a result of a geotechnical review.*

*Policy XV.12 – Geotechnical review will be required on all bluff top and canyon edge parcels. If, as a result of geotechnical review, a greater setback is recommended than is required in the policies in this Plan, the greater of the setbacks shall apply*.

The applicant submitted geotechnical investigation reports by ViaGeos dated June 30, 2015, October 31, 2015, and March 16, 2016. The geotechnical investigation consisted of the review of available geologic literature, maps, aerial photographs, geotechnical reports and other geotechnical data for the site and surrounding area; geotechnical analysis of subsurface conditions as related to slope stability, foundation design, and construction recommendations.

The report identifies the site as underlain at a depth of 20-36 feet below existing grades by bedrock strata which is overlain by marine terrace deposits, non-marine terrace deposits overlie the marine deposits and mantled over that is a 3 feet thick layer of loose and disturbed soil. No evidence of shallow groundwater was found in exploratory borings. However, groundwater seepage on the bluff was noted. This is typically caused by groundwater originating onsite and inland (derived from irrigation and rainfall) migrating seaward through the relatively permeable terrace deposits and seeping out of the bluff face.

The subject site is composed of two adjacent properties that form an irregular rectangular-like shaped oceanfront bluff top lot. The eastern side of the combined lots front 105 feet on Buena Vista and extends westerly approximately 200 feet to the rear property boundary. The rear property boundary extends beyond the bluff edge, down the steep upper 40 feet of the bluff slope (the property does not extend down to the toe of the bluff), see **Exhibit #2, page 1.** The bluff descends steeply from a well defined bluff edge down 90 feet to the toe of the bluff with the City's Coastal Trail, the Orange County Transit Authority (OCTA) railroad tracks and public beach beyond.

**Bluff Erosion/Retreat and Sea Level Rise Considerations**
The coastal bluffs in San Clemente are not subject to direct wave attack because there is either a sandy beach separating the surf zone from the base of the bluff or the waves are separated from the bluff base by a rock rip-rap revetment between the beach and the Orange County Transit Authority (OCTA) railroad tracks and railroad right-of-way. The rip-rap revetment protects the railroad tracks from erosion and wave overtopping. At the toe of the bluff directly below the subject bluff top site, however, there appears to be an approximately 350 linear foot section without rock protection (**Exhibit #1, page 2**). The applicant's geologist noted that this portion of the rock revetment may be buried.

At the request of staff, the applicant considered the Commission's recently adopted Sea Level Rise Policy Guidelines and provided an assessment titled "Analysis Regarding Potential Impacts

of Long Term Sea Level Rise" by ViaGeos dated March 11, 2016. The report included analysis of projected sea level rise that may occur during a 75-year life span of the project, including an analysis of wave erosion potential along the base of the ocean bluff without the existing rock revetment that protects the OCTA railroad tracks at the base of the bluff, forecast for modification of the bluff profile due to marine erosion and subaerial erosion, bluff stability analysis based upon the hypothetical modified bluff profile and finally, a formulation of conclusions regarding potential impacts of sea level rise on the proposed project and impacts of the project on coastal resources in consideration of predicted sea level rise.

According to sources cited in the report, the shoreline along San Clemente is eroding at a rate of about 0.33 ft/yr. The base of the slope is located landward from a currently narrow beach, the OCTA railroad tracks and the San Clemente Coastal Trail. The current beach level is near 12 ft. MSL (NAVD88) and the rail road and coastal trail are elevated about 10-feet above the beach level at 22 ft. MSL (NAVD88). There was no evidence of recent marine erosion affecting the railroad tracks adjacent to the site. Maximum wave runup elevation is considered to be near 18 ft. MSL (NAVD88) and the maximum scour depth resulting from an extreme storm wave event is near 0 ft. MSL (NAVD88). On this basis, the railroad tracks and base of adjacent bluff slope are not considered to be threatened by wave runup under current sea level conditions.

Based upon a 75 year life span of the proposed project, the worst case projection of sea level rise between 2017 (anticipated project commencement) and 2092 is about 4.75-feet total[1]. Projected sea level rise will result in higher wave runup elevations along the coast which may lead to increased coastal erosion. The report further states,

> *"Over the first 50 years of the project life, a 3 feet rise in sea level is anticipated to produce only small changes to coastal erosion processes and as such will have little impact on erosion at the base of the bluff slope. It should be noted that in order for the base of the bluff to occur within the beach profile, the shoreline would need to erode and retreat about 60 feet landward. Using the US ACOE San Clemente regional erosion rate of 0.33 ft./yr., it would take about 180 years for the base of the bluff slope to be within the active beach profile.*
>
> *During the last 25 years of the project life span, an additional 1.75 feet rise in sea level is projected, and during this period, due to the uncertainty of projecting the shoreline position, there may be an increased potential for erosion to impact the lower bluff slope. […]*
>
> *Given that storm events causing severe coastal erosion occur infrequently (generally every 10 to 15 years) it can be predicted that severe coastal erosion events are likely to occur about 2-3 times during the final 25 years of the project life, during which sea levels will be high enough to cause damaging erosion and affect the topographic profile of the bluff slope."*

[1] The highest sea level rise should be 4.83 feet based on CoSMoS model data. This higher sea level rise amount would not change the overall conclusion that it is very unlikely that the site will be at risk from flooding or wave impacts.

The analysis presented in the report indicates that it is unlikely that wave runup will reach the base of the bluff slope even with 4.75 feet of sea level rise. The applicant's geologist argues that rather than being inundated by sea level rise, the beach and nearshore will readjust to a new profile over time such that waves and tides will see a similar profile to what exists today, albeit with the beach berm at a higher elevation. Based on the slope stability analysis performed in the report, the bluff slope would still remain grossly stable in a potential configuration modified by erosion at the toe of the bluff that may result from rising sea levels during the 75 year life span of the proposed project (worst case prognosis of the bluff profile) and the proposed development is reasonably safe due to the project's elevation and setback from the top of the bluff slope

**Bluff Stability and Bluff Setbacks**

Coastal bluff development is inherently hazardous and poses potential adverse impacts to the geologic stability of coastal bluffs, shoreline processes, and to the stability of residential structures. Bluff stability has been an issue of historic concern throughout the City of San Clemente. The Commission has traditionally followed a set of setback and string-line policies as a means of limiting the encroachment of development seaward toward the bluff edges on coastal bluffs and preventing the need for construction of revetments and other engineered structures to protect new development on coastal bluffs.

Based on the results of stability analyses provided by ViaGeos in their June 30, 2015, October 31, 2015, and March 16, 2016 reports, the site is considered to be grossly stable. The June 30, 2015 ViaGeos report states:

> *"Analysis addresses stability of the greater bluff slope, as well as, local stability of the upper bluff slope where comprised of terrace deposits. The analysis indicates computed factors of safety for gross slope stability in excess of 1.5 for static conditions and 1.1 under seismic loading conditions for the greater bluff slope, top to bottom. The factor of safety is less than 1.5 for static conditions of the upper bluff slope (terrace deposits) and portions of the site located within 30 to 31 feet from the bluff edge."*

The applicant identified a bluff edge generally located approximately along the 114-foot elevation contour line (see **Exhibit #2, page 3 and 4**). The bluff edge drawn was based on the bluff edge definition contained in Section 13577 of the California Code of Regulations which states, in part, "*The edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff*;" the Commission's staff geologist concurs with the applicant's bluff edge determination.

In the project vicinity, the Commission typically imposes either a minimum bluff edge setback of 25 feet from the edge of the bluff for primary structures (e.g. the enclosed living area of residential structures) and minimum 10 foot setback for secondary structures (at grade patios, decks, garden walls) or requires conformance with the stringline setbacks. Consistently applying an appropriate bluff edge setback provides equitability for developments within the same general area. The intent of the setback is to substantially reduce the likelihood of proposed development becoming threatened given the inherent uncertainty in predicting geologic processes in the future, and to allow for potential changes in bluff erosion rates as a result of rising sea level.

The applicant proposes a multi-unit residential structure with two levels above a subterranean parking level. The subterranean garage is proposed at an elevation near 101 ft., 11-13 ft. below bluff top grade. The setback distance from the basement level to the bluff edge varies from 30-45 feet (38-ft. average). The first floor would extend structurally cantilevered from the foundation retaining wall of the parking level, as much as 6 ft. +/- toward the bluff, but will maintain the minimum 25 ft. setback from the bluff edge. No foundation elements are proposed bluff ward from the subterranean parking level foundation. No caissons are proposed. Softscape patio elements are proposed to be setback a minimum of 10 ft. from the bluff edge, most patio improvements are setback 15 ft. +/- from the bluff edge. As proposed the project is consistent with the City's LUP bluff setback policies.

Bluff instability is typically promoted by high groundwater activity and saturation of near surface soils (due to rainfall and groundwater seepage at the bluff face). Typically, bluff instability occurs episodically during seasons of high rainfall. Erosion and instability in the past 50 years has occurred as evident in sloughing of loosened, weathered terrace deposits and siltstone exposed in the lower 15 to 20 ft. of the bluff slope. The report provides an estimate of anticipated bluff retreat rate of 7-10 ft. based upon a 75 year project life span of 7 ft. Geofirm's prognosis for future bluff erosion is as follows:

> *"Bluff slope and bluff ward portions of the site will be subject to limited instability and bluff retreat that will continue at a slow rate, episodically promoted by heavy rainfall and possible seismic shaking. Proposed site improvements should not be adversely affected by the expected slow progressive retreat and erosion of the bluff slope assuming appropriate foundation design and structural setbacks."*

Geofirm concludes that it is conservative to assume the development is adequately setback for the 75 year anticipated life span of the proposed development and that shoreline protection of the sea cliff is not anticipated during the life span of the residence. The Commission's staff geologist concurs with this finding.

**Site Drainage**

Though currently not subject to direct wave attack, the San Clemente coastal bluffs are subject to natural erosion caused by other factors such as wind and rain, adverse bedding orientations, soils conducive to erosion and rodent burrowing. Bluffs are also subject to erosion from human activities, such as irrigation, improper site drainage and grading.

Regarding drainage on the site, the geotechnical report states,

> *"As surface elevations are highest near the bluff edge, surface runoff generally occurs as sheet flow toward the front of the site, except where surface flow is obstructed by existing property improvements…Post development runoff must be intercepted, controlled and discharged off site by proper civil engineering design to avoid potentially damaging erosion and saturation of earth materials."*

The proposed preliminary grading plan and an erosion control plan prepared by Toal Engineering (**Exhibit #3)** depicts water runoff at subterranean garage level directed to a trench drain connected directly to the sewer line. At ground level roof and surface water runoff from

the rear and side yards are directed away from the bluff face toward the frontage road, via new drainage inlets that collect water runoff and directs it to existing City storm drains, per City requirements. However, the preliminary grading plan depicts grates on the bluff side of a proposed 3 ft. tall stacked stone wall with no flow lines indicating whether water runoff is intended to be collected or discharged from those grates. This is a concern as the geotechnical reports clearly identify and require runoff be discharged in a manner that avoids potentially damaging erosion. **Special Condition 2** requires submittal of revised final drainage plans in order to clarify the intended use of those grates and among other requirements, that run-off from all roofs, patios, driveways and other impervious surfaces on the site be collected, treated and discharged to avoid ponding or erosion either on or off the site consistent with geotechnical recommendations.

**Future Bluff and Shoreline Protection**

The subject site is a bluff top oceanfront lot. In general, bluff top lots are inherently hazardous. It is the nature of bluffs to erode. Bluff failure can be episodic, and bluffs that seem stable now may not be so in the future. Even when a thorough professional geotechnical analysis of a site concludes that a proposed development is expected to be safe from bluff retreat hazards for the life of the project, it has been the experience of the Commission that in some instances, unexpected bluff retreat episodes that threaten development during the life of a structure sometimes do occur (e.g. coastal development permit 5-06-325[Walker] at 1203 Buena Vista). In the Commission's experience, geologists cannot predict with absolute certainty if or when bluff failure on a particular site may take place, and cannot predict if or when a residence or property may become threatened by natural coastal processes.

Section 30253 of the Coastal Act requires that new permitted development shall not require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed development could not be recommended for approval and deemed consistent with Section 30253 of the Coastal Act *if* projected bluff retreat would affect the proposed development and necessitate construction of a protection device. A protective device may be a seawall at the base of the bluff, or a rock anchor system, or shotcrete wall on the bluff face or other similar protective device that substantially alters natural landforms along bluffs and cliffs. If new development necessitates future protection, the landform and shoreline processes could be dramatically altered by the presence of the protective system.

The Coastal Act limits construction of these protective devices because they have a variety of negative impacts on coastal resources including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Under Coastal Act Section 30235, a shoreline protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for residential development only for existing principal structures. The approval of the construction of a shoreline protective device to protect a new residential development would not be allowed under Section 30235 of the Coastal Act. In addition, the

construction of a shoreline protective device to protect new residential development would conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including coastal bluffs which would be subject to increased erosion from such a device.

The proposed project is all new development, and can only be found consistent with Section 30253 of the Coastal Act if a shoreline/bluff protective device is not needed in the future. The applicant's geotechnical consultant has indicated that the site is grossly stable, that the project should be safe for the life of the project (75 years), and that no shoreline protection devices will be needed. If not for the information provided by the applicant that the site is safe for development, the Commission could not conclude that the proposed development will not in any way "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." The proposed development appears to be safe from erosion on the basis of available information and is therefore consistent with Coastal Act section 30253. As stated above, the record of coastal development permit applications and Commission actions has also shown that geologic conditions change over time and that predictions based upon the geologic sciences are inexact. Even though there is evidence that geologic conditions change, the Commission must rely upon, and hold the applicant to their information which states that the site is safe for development without the need for protective devices. To minimize the project's potential future impact on shoreline processes, **Special Condition 6** prohibits construction of any future bluff or shoreline protective device(s) such as revetments, seawalls, caissons, cliff retaining walls, shotcrete walls, and other such construction that armors or otherwise substantially alters the bluff face in order to protect the development if approved pursuant to Coastal Development Permit No. 5-15-1946 including, but not limited to, the residence, foundations, patios, balconies and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future. **Special Condition 6** however, does not preclude the applicant from applying for future coastal development permits for maintenance of existing development or future improvements to the site (other than blufftop or shoreline protective devices) including landscaping and drainage improvements aimed to prevent slope and bluff instability. The Commission would determine the consistency of such proposals with the Coastal Act in its review of such applications.

Section 30251 of the Coastal Act requires that permitted development be sited and designed to minimize the alteration of natural land forms. 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, visual resources and shoreline processes. Therefore, only as conditioned does the project conform to Sections 30253 and 30251(2) of the Coastal Act.

**Future Development**

The proposed development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, simply due to its bluff top location, the proposed project raises concerns that future development at the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development on the site does not occur which could potentially adversely impact the geologic stability concerns expressed in this staff report, the Commission imposes **Special Condition 7**. This condition informs the applicant that future development at the bluff

top site, pursuant to sections 13252 and 13253 of the Commission's regulations, requires an amendment to this permit (5-15-1946) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping, and fencing.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition 9** requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

As conditioned, the project is required to provide an appropriate set-back from the bluff edge; prohibit construction of protective devices (such as blufftop or shoreline protective devices) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. Only as conditioned, does the Commission find that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in a hazardous location.

**C. MARINE RESOURCES/WATER QUALITY**

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for longterm commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Given the site's close proximity to the ocean and its seawardly sloping profile at the rear of the property, the proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. In order to protect the quality of coastal waters, the project must also include adequate drainage and erosion control measures during construction and for the life

of the project. Therefore, the Commission imposes **Special Condition 5** requiring the applicant comply with construction-related requirements related to storage of construction materials, mechanized equipment and removal of construction debris.

Other sources of polluted runoff could include runoff from impervious surface on the lot and over-watering, which sometimes occurs from installation of landscaping with a high water demand. Plants with a high-water demand are typically not well-suited to the Mediterranean climate of southern California, and therefore often require intense fertilization and application of pesticides/herbicides as a maintenance regime, in addition to regular irrigation. Thus, this type of landscaping can add pollutants to both dry weather and stormwater runoff. Therefore, the use of drought tolerant plants or low-maintenance landscaping is a preferred alternative.

Therefore the Commission imposes **Special Condition 3** requiring the applicant submit a landscaping plan which includes non-invasive, drought tolerant and native vegetation adjacent to the coastal canyon and non-invasive, drought tolerant vegetation on the side yards and street-facing portion of the lot. Native, drought tolerant plants are required because they require little to no watering once they are established (1-3 years), they have deep root systems that tend to stabilize the soil, and are spreading plants that tend to minimize erosion impacts of rain and water run-off continue to maintain the natural plant communities.

Combined with the proposed use of non-invasive drought tolerant vegetation to reduce water runoff discharged from the site, the project will minimize the project's adverse impact on coastal waters to such an extent that it will not have a significant impact on marine resources, biological productivity or coastal water quality. 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 protect marine resources, promote the biological productivity of coastal waters and to protect human health.

**D. BIOLOGICAL RESOURCES**

Section 30240(b) of the Coastal Act states:

> *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

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

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

**Bird Strike Hazard**

The proposed project includes multiple second story balcony decks with a 42-inch tall glass railing (**Exhibit 2, page 12)**. Due to the blufftop location of the proposed development, the tempered glass screenwall/deck railing poses a substantial risk of bird strikes to the screenwall. Glass walls are known to have adverse impacts upon a variety of bird species. Birds are known to strike glass walls causing their death or stunning them which exposes them to predation. Some authors report that such birds strikes cause between 100 million to 1 billion bird deaths per year in North America alone. Birds strike the glass because they either don't see the glass, or there is some type of reflection in the glass which attracts them (such as the reflection of bushes or trees that the bird might use for habitat). Some type of safety railing is typically required for decks and balconies. The submitted plans indicate glass material for the proposed balcony deck railing. There are a variety of methods available to preventbird strikes against glass. For instance, glass can be frosted or etched in a manner that renders the glass more visible and less reflective. In the case of deck/balcony railings, fences or walls, alternative materials can be used, such as wood, stone, or metal. Therefore, to ensure protection to coastal avian species, **Special Condition 4** requires the applicant submit final revised plans showing greater railing details addressing bird strike issues, necessary to protect against significant disruption of habitat values.

**Landscaping**

San Clemente's certified LUP advocates the preservation of native vegetation and discourages the introduction of non-native vegetation in coastal canyons and along coastal bluffs. While no rare or endangered species have been reported to exist within this section of coastal bluff, the City's LUP designates coastal bluffs as containing important and valuable natural habitat. Coastal Act policies aim to prevent impacts which would significantly degrade those areas, and ensure that development shall be compatible with the continuance of those habitat areas. Decreases in the amount of native vegetation along the coastal bluffs due to displacement by non-native vegetation have resulted in cumulative adverse impacts upon the habitat value of the coastal bluffs.

As the applicant is not proposing any development beyond the bluff edge, no inventory/survey of biological resources was provided. However, since the proposed development is adjacent to the coastal bluff where the protection and enhancement of habitat values is sought, the placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (http://www.cal-ipc.org) and California Native Plant Society (www.CNPS.org/) in their publications. The Commission typically requires that applicants utilize native plant species, particularly along coastal canyons and bluffs. The applicant did not submit a landscape plan, but provided a plant palette proposing the use of non-invasive, drought tolerant plants; however, no native plants are proposed. In the areas on the rear bluff side of the lot, landscaping should consist of plant species native to coastal Orange County bluff plant communities only. Elsewhere on the site, while the use of native plants is still encouraged, non-native plant species that are drought-tolerant and non-invasive may be used. **Special Condition 3** requires submittal of a landscaping plan depicting the use of native plants appropriate to the habitat type adjacent to the bluff area and non-invasive, drought tolerant plants to minimize the use of water throughout

the rest of the site. Temporary above ground irrigation shall be permitted to establish plantings; but no permanent in-ground irrigation system on the rear bluff facing side of the lot.

Additionally, deep-rooted, low water use, plants, preferably native to coastal Orange County should be selected for general landscaping purposes in order to minimize irrigation requirements and saturation of underlying soils to decrease the potential for slope instability. Low water use, drought tolerant, native plants require less water than other types of vegetation, thereby minimizing the amount of water that may be introduced into the bluff slope due to seepage. Drought resistant plantings and minimal irrigation encourage root penetration that increases slope stability. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" (a.k.a. WUCOLS) prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm.

The special conditions of this staff report are designed to protect the habitat value of the coastal bluff. Therefore, the Commission finds that the development, as proposed and as conditioned does not pose significant adverse impacts to which would significantly degrade habitat and is compatible with the continuance of those areas consistent with Section 30240 of the Coastal Act.

**E. SCENIC AND VISUAL RESOURCES**

Section 30251 of the Coastal Act states:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

San Clemente's certified Land Use Plan (LUP) visual resource policies:

> *Plan policy provides for maintaining the visual character and aesthetic resources of the City through the preservation of: open space areas, coastal bluffs and canyons and public view corridors.*

Policy VII.3 of the certified LUP states:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed:*
>
> *a. To protect public views to and along the ocean and scenic coastal area.*
> b. *To minimize the alteration of coastal bluffs and canyons.*
> c. *Where feasible, to restore and enhance visual quality in visually degraded areas.*

d. *Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development in accordance with this Element and the Urban Design Element (GP Policy 1.3.6)*

**Coastal Views**
Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected and where feasible to be restored and enhanced. As the applicant proposes the complete demolition of all existing structures on two lots and construction of a new 4-unit structure, new development at this location must be sited and designed to be visually compatible with the character of the neighborhood in this area.

One of the objectives of the bluff edge setbacks is to protect coastal views, the proposed development though approximately 10 ft. closer to the bluff at the northwestern corner than the existing single family residence currently on the site, the new structure meets the stringline setback and therefore doesn't encroach closer to the bluff than the adjacent existing single family residences. Additionally, the proposed new 4-unit, two-story, 25 ft. tall structure meets the City's height limits and is compatible with character of the area. Therefore, no adverse visual impact to public views is anticipated by the construction of the proposed two-story structure from the public beach trail at the toe of the bluff or the public beach beyond.

As proposed, the Commission finds the proposed development consistent with Section 30251 of the Coastal Act.

**F. PUBLIC ACCESS**

The proposed development is located between the sea and the first public road. Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act.

Section 30212 of the Coastal Act states, in relevant part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
*(2) adequate access exists nearby.*

Sections 30210, 30211 and 30212 of the Coastal Act require that new development provide maximum public access and recreation, not interfere with the public's right of acquired access, and provide public access from the nearest public roadway to the shoreline and along the coast except under certain circumstances.

Public access to the coast is available approximately 400 feet north (upcoast) of the subject site, at the toe of bluff at the North Beach Access Point, one of the principal beach access points in the San Clemente. Access to the beach from the top of bluff is available approximately 600 feet south (downcoast) of the subject site at the termination of Dije Court at Buena Vista, specifically at the Dije Court Access Point via a steep stairway descending the 100 foot bluff (**Exhibit 5**). The proposed development, which consists of demolition of two single family residences and

construction of a four unit multifamily structure on a bluff top lot, will not create any new adverse impacts on coastal access and recreation. The Commission finds that the proposed development does not pose significant adverse impacts to existing public access and recreation; and most importantly, there is adequate, safe public access in the vicinity, therefore, the project is consistent with Section 30212 of the Coastal Act.

## G. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit for development in an area with no certified Local Coastal Program ("LCP") only if the project will not prejudice the ability of the local government having jurisdiction to prepare an LCP that conforms with Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan (LUP) 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 (IP) 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. Therefore, the City has no certified LCP.

As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding public access, recreation, and environmental protection and the policies in Chapter 3 of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

## H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

The City of San Clemente is the lead agency for purposes of CEQA compliance. As determined by the City, this project is statutorily exempt from CEQA. As such, the project is exempt for CEQA's requirements regarding consideration of mitigation measures and alternatives. The Commission, however, has conditioned the proposed project in order to ensure its consistency with Coastal Act requirements regarding public access and resource protection. These special conditions are: Special Condition 1: Final Plans in conformance with geotechnical recommendations; Special Condition 2: Revised Drainage Plan; Special Condition 3: Landscape Plan; Special Condition 4: Bird Strike Hazard; Special Condition 5: Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris; Special Condition 6: Assumption of Risk and Waiver of Liability; Special Condition 7: Future Improvements; Special Condition 8: No Future Shoreline/Bluff Protection Device; and Special Condition 9: Deed Restriction.

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

# APPENDIX A

## SUBSTANTIVE FILE DOCUMENTS

1) City of San Clemente Certified Land Use Plan

2) City of San Clemente Approval in Concept, dated October 28, 2015.

3) Geologic and Geotechnical Investigation, 1521 and 1523 Buena Vista, San Clemente, California prepared by ViaGeos dated June 30, 2015

4) Review of Preliminary Precise Grading Plan for Geotechnical Feasibility, 1521 and 1523 Buena Vista, San Clemente, California prepared by ViaGeos dated October 31, 2015

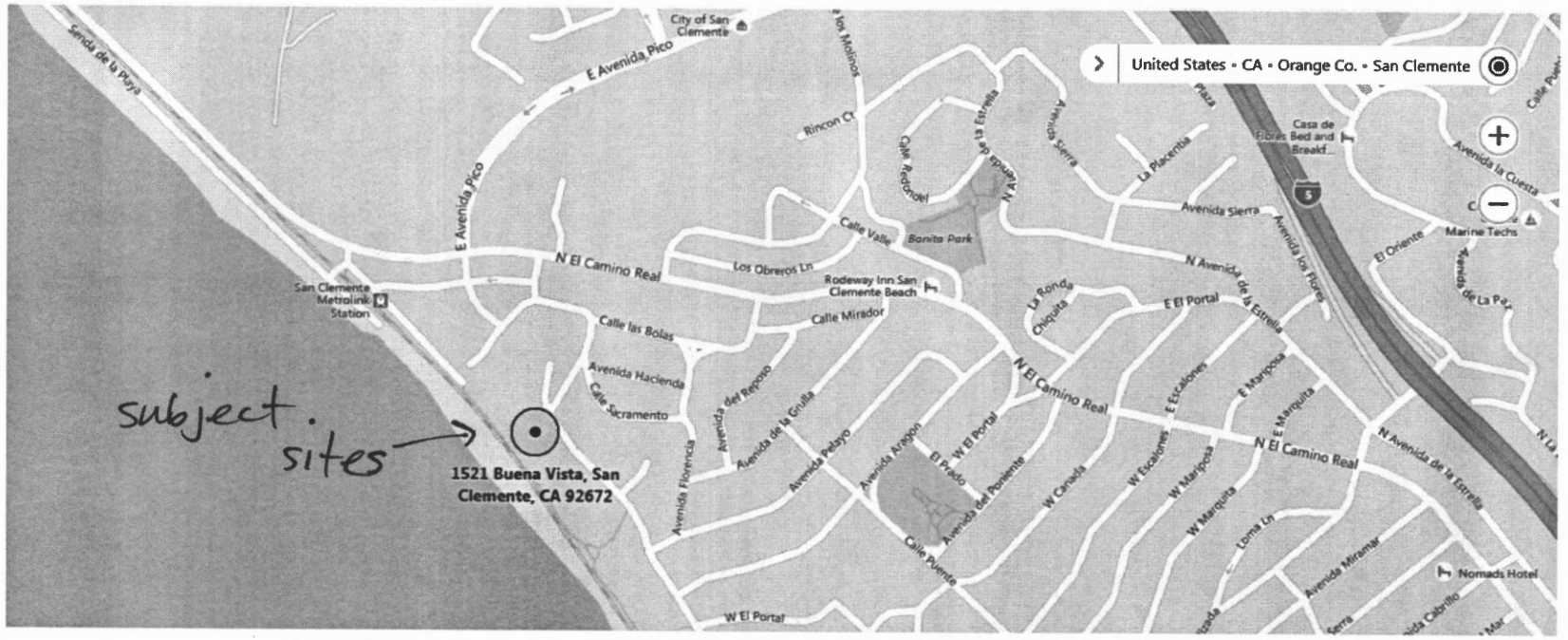
5) Analysis Regarding Potential Impacts of Long Term Sea Level Rise, Proposed Multi-Unit Residential Development, 1521 and 1523 Buena Vista, San Clemente, California prepared by ViaGeos dated March 11, 2016

6) Addendum to Geologic and Geotechnical Investigation, Proposed Multi-Unit Residential Development, 1521 and 1523 Buena Vista, San Clemente, California prepared by ViaGeos dated March 16, 2016

COASTAL COMMISSION

EXHIBIT # 1

PAGE 1 OF 2




subject sites

1521 & 1523 Buena Vista, San Clemente


**No rock revetment on the seaward side of the railroad tracks along this portion of beach directly below project site; or possibly, rock revetment may be buried under sand.**

**COASTAL COMMISSION**

EXHIBIT # 1
PAGE 2 OF 2

# TOPOGRAPHIC AND BOUNDARY SURVEY

1521 & 1523 BUENA VISTA, SAN CLEMENTE, CALIFORNIA
LOTS 14 & 15, BLOCK 4, TRACT 821

VICTOR F. MEIM
REG. NO. 6654
LICENSE EXPIRES 6-30-15
DATE SURVEYED 2-4-15
SCALE 1" = 10'
DWG. NO. 1
SHEET 1 OF 1
JOB NO. 15442

PREPARED FOR: PACIFIC BEACH US 101

REVISIONS

| BY | DATE | APVD. | DATE |
|---|---|---|---|

VICTOR F. MEIM
REG. NO. 6654
DATE:

LICENSED LAND SURVEYOR * VICTOR F. MEIM * NO. 6654 * STATE OF CALIFORNIA

123 avenida navarro
san clemente, ca 92672
949.498.4884 tel
www.vmeimsurveying.com

SCALE: 1/8"=1'

BUENA VISTA

LOT 16

LOTS 14 & 15
BLOCK 4
TRACT 821

LOT 13

Existing building

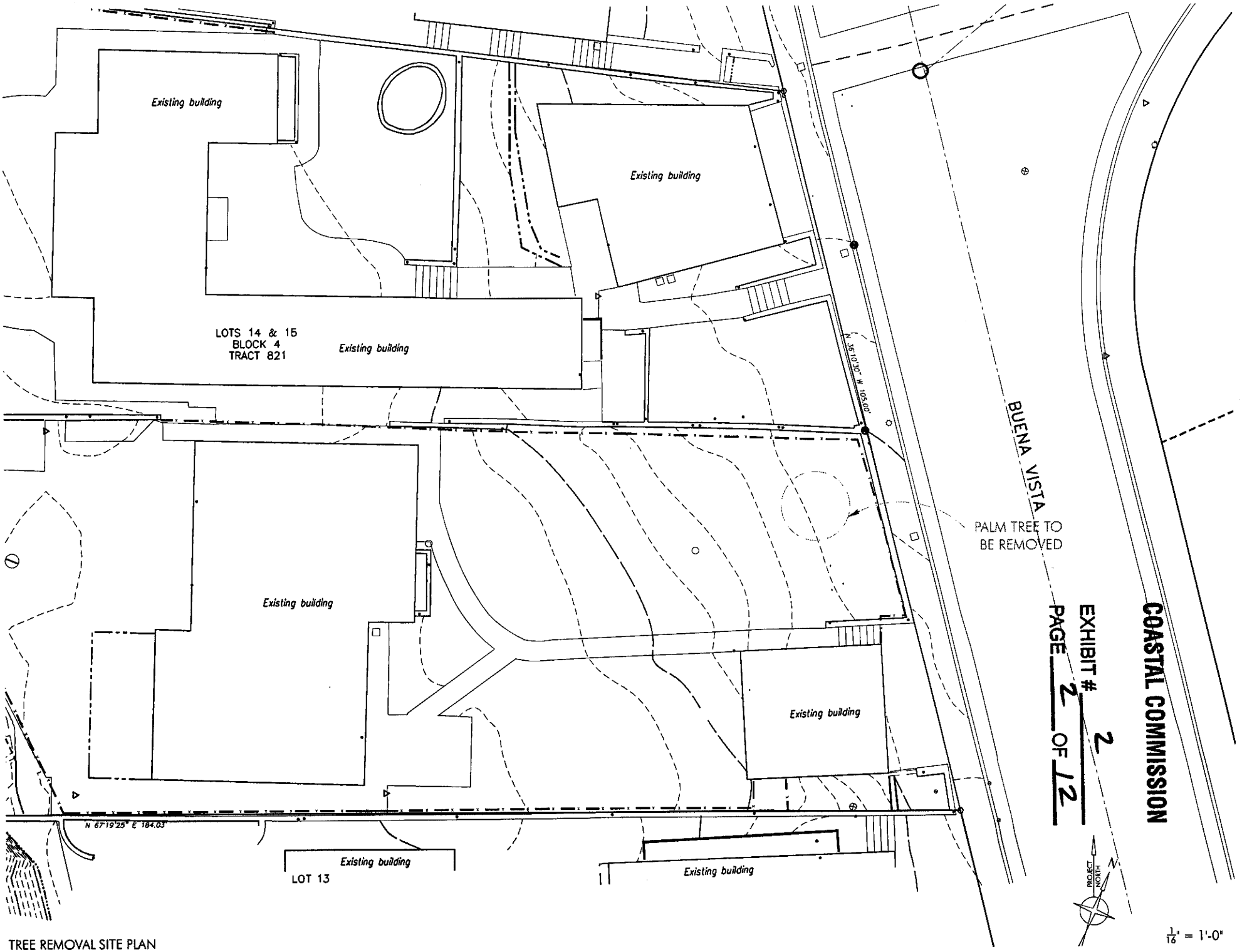
LEGEND

| | |
|---|---|
| | PROPERTY LINE |
| | FENCE |
| | CONCRETE SURFACE |
| | MASONRY WALL |
| | WOOD WALL |
| | ROCK WALL |
| FF | FINISHED FLOOR |
| FS | FINISHED SURFACE |
| TG | TOP OF GRATE |
| INV | INVERT OF PIPE |
| TC | TOP OF CURB |
| EP | EDGE OF PAVEMENT |
| TW | TOP OF WALL |
| ● | FOUND MONUMENT |
| ⊕ | SURVEY CONTROL POINT |

COASTAL COMMISSION

EXHIBIT # 2

PAGE 1 OF 12



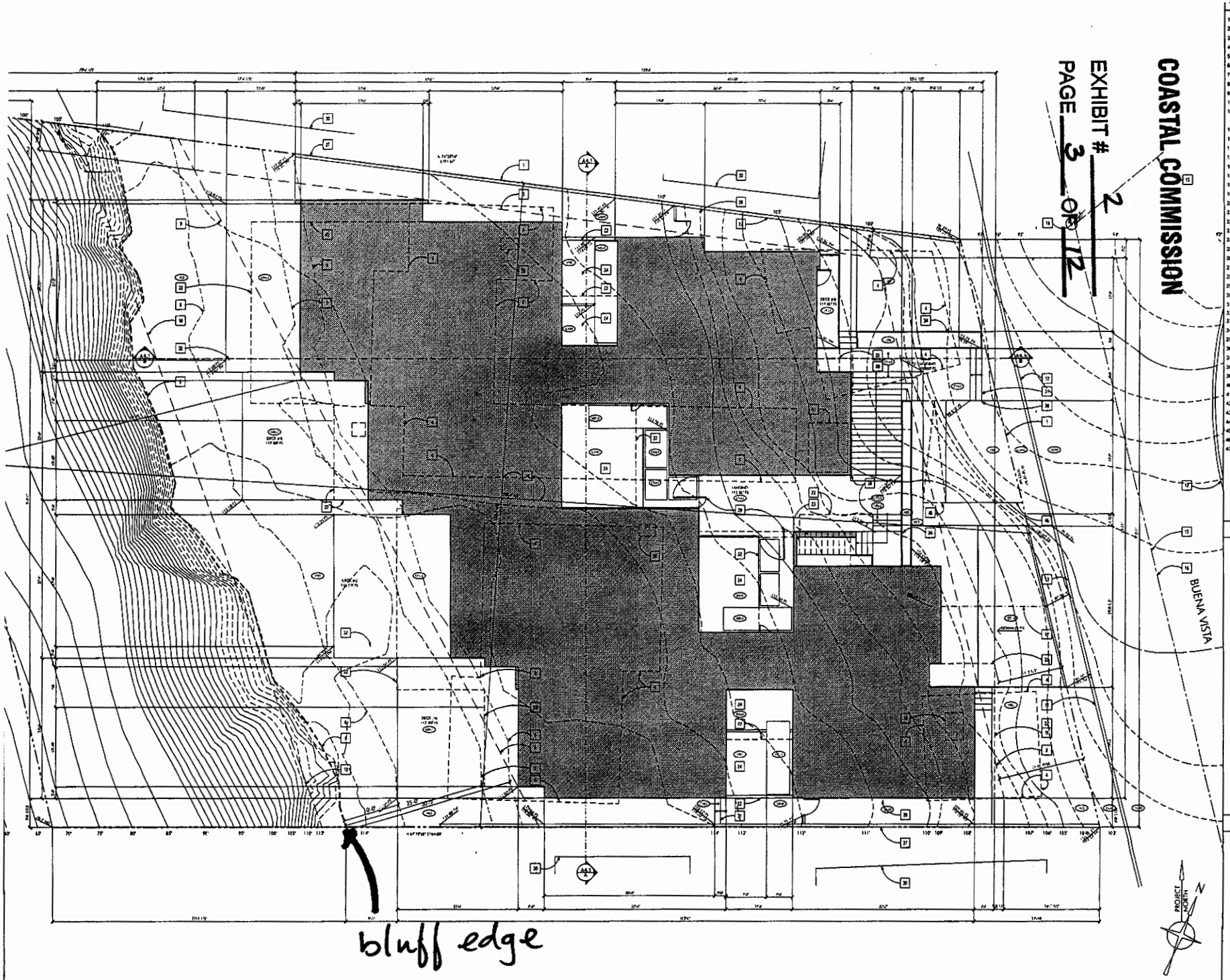

TREE REMOVAL SITE PLAN

$\frac{1}{16}$" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 2

PAGE 2 OF 12




COASTAL COMMISSION

EXHIBIT # 2

PAGE 3 OF 12

1 PROPERTY LINE
2 MAX ALLOWABLE BUILDING HEIGHT - AVG. 25' AS. NG
3 BUILDING SETBACK
4 OUTLINE OF EXISTING STRUCTURE TO BE REMOVED
5 BLUFFTOP
6 BLUFFTOP SETBACK 10'-0"
7 BLUFFTOP SETBACK 25'-0"
8 BLUFFTOP SETBACK 30'-0"
9 BUILDING STRINGLINE
10 DECK STRINGLINE
11 PERMITTED PROJECTION: 20% INTO FRONT OR REAR SETBA
40% INTO SIDE SETBACK EXCLUSIVE OF BALCONIES
12 (E) CURB/ EDGE OF PAVEMENT
13 LOCATION OF CIVIL DETAIL
14 CENTERLINE OF AVG. LOT WIDTH/ DEPTH
15 CENTERLINE OF (E) PAVEMENT
16 CENTERLINE OF RIGHT OF WAY
17 NOT USED
18 FIXED DATUM POINT/ BENCHMARK
19 FS/ FG/ FF (ABOVE/ BELOW/ BEYOND AS OCCURS)
20 (E) GRADE / CONTOUR LINE
21 EDGE OF WALL (ABV/ BLW/ BYD AS OCCURS)
22 EDGE OF ROOF/ CEILING/ FLOOR/DECK (ABV/ BLW/ BYD AS O
23 EDGE OF STAIRS (ABV/ BLW/ BYD AS OCCURS)
24 PLANTER / SOFTSCAPE AREA
25 NOT USED
26 NOT USED
27 (N) SITE/RETAINING WALL OR FENCE - MAX ABV. E.G. 42" IN F
28 HARDSCAPE
29 GATE SELF CLOSING. - MAX 4' FYSB, MAX 6' SYSB.
30 ADJACENT BUILDING
31 (N) STAIRWAY OR STEPS ON GRADE
32 NOT USED
33 NOT USED
34 STRUCTURAL COLUMN/BEAM (ABV/BLW/BYD AS OCCURS)
35 LOCATION OF AC UNIT
36 PARKING - 8'-0" X 18'-0" MIN.
37 ADA PARKING - 12'-6" X 18'-7" MIN.
38 HANDRAIL - 36" ABOVE ADJACENT FINISHED SURFACE
39 GUARDRAIL - 42" ABV. FS
40 TRASH STORAGE AREA
41 LOCATION OF ELEVATOR
42 SKYLIGHT (ABV/ BLW/ BYD AS OCCURS) , INSTALL NIGHT SH
43 GAS APPLIANCE - ASSO
44 CASEWORK
45 ARCHITECTURAL RESYSTA SCREEN
46 ADA COMPLIANT ACCESS RAMP - MAX 1:12
47 ALL WEATHER FIXED LADDER

KEYN

| | |
|---|---|
| CON | CONCRETE FLOORING |
| GLS-1 | GLASS |
| GLS-2 | SEMI-TRANSLUCENT GLASS |
| GRAV | GRAVEL |
| MTL-1 | METAL - KYNAR 500 FINISH |
| MTL-2 | CUSTOM STAINLESS STEEL STAIR |
| STN-1 | STONE FLOOR |
| STN-2 | STONE WALL |
| VEG | VEGETATION / PLANTING |
| WD-1 | WOOD FLOORING / DECKING |
| WD-2 | WOOD SIDING/WALL |
| WD-3 | WOOD RESYSTA ARCHITECTURAL SCREEN |
| WTR | WATER |

MATE

PROPOSED SHEAR W
PROPOSED STUD W
PROPOSED LOW WA
SITE WALL/ HARDSC
SITE PLAN A1.1
PROPOSED CONCRE

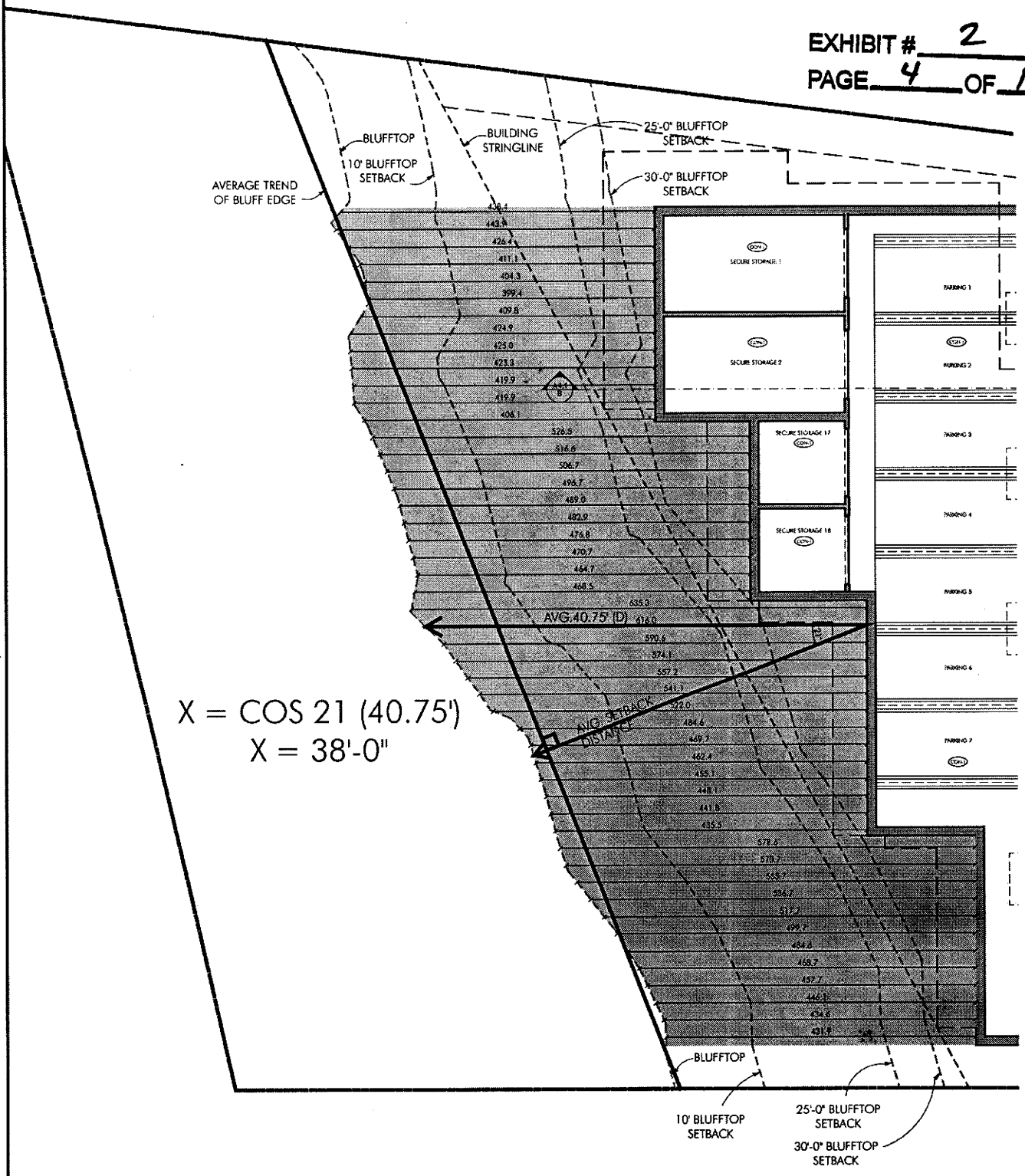
SITE PLAN

LI

HATCH DENOTES EROSION BUFFER

**COASTAL COMMISSION**

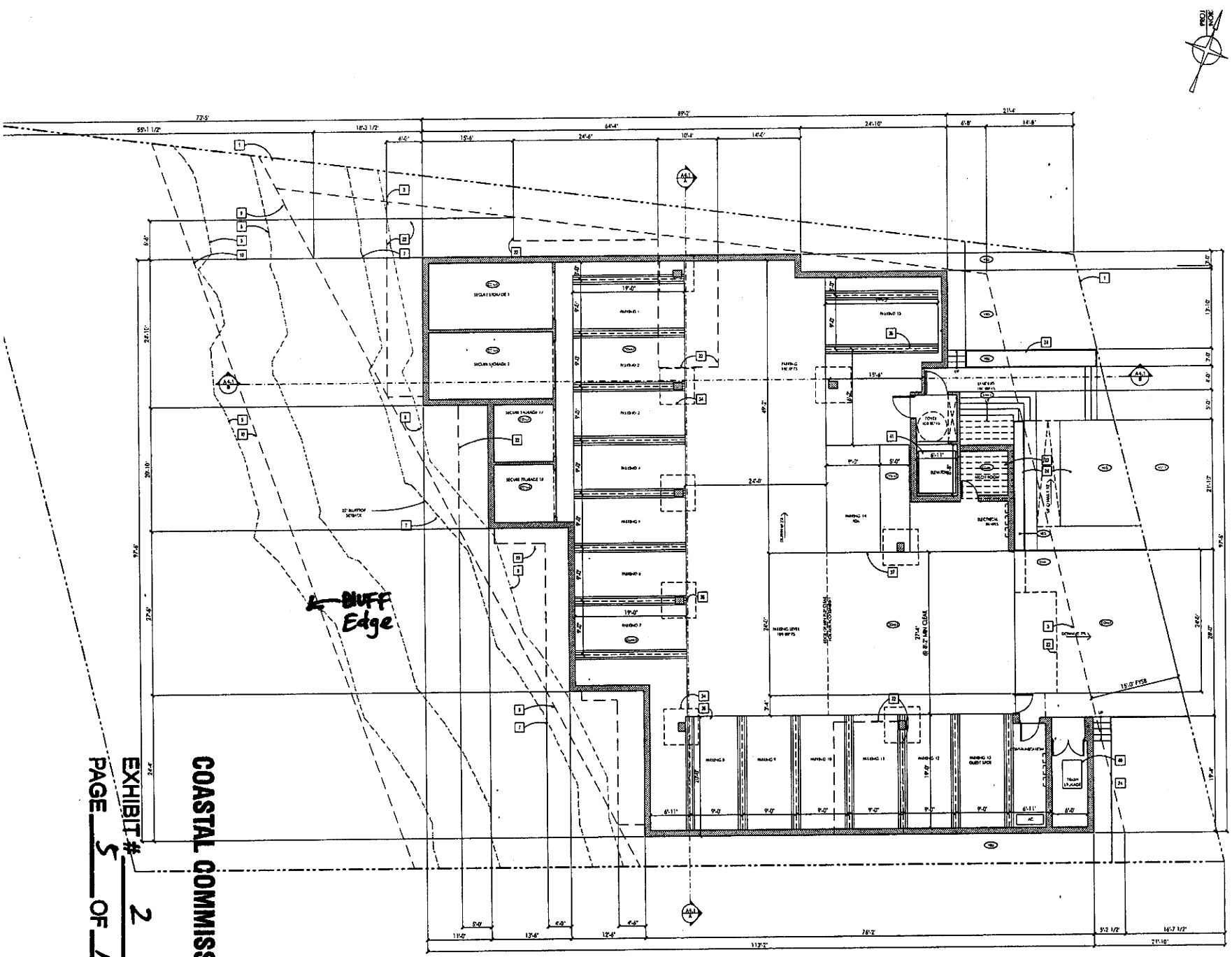
EXHIBIT # 2
PAGE 4 OF 12




AVERAGE DISTANCE FROM BLUFF TO BUILDING : 480.9" = 40'-9"

AVERAGE DISTANCE FROM BLUFF EDGE TO STRUCTURE

SCALE $\frac{3}{32}$"=1'-0"




1 PROPERTY LINE
2 MAX ALLOWABLE BUILDING HEIGHT - AVG. 25' AB. NG
3 BUILDING SETBACK
4 OUTLINE OF EXISTING STRUCTURE TO BE REMOVED
5 BLUFFTOP
6 BLUFFTOP SETBACK 10'-0"
7 BLUFFTOP SETBACK 25'-0"
8 BLUFFTOP SETBACK 30'-0"
9 BUILDING STRINGLINE
10 DECK STRINGLINE
11 PERMITTED PROJECTION, 20% INTO FRONT OR REAR SETBACK, 40% INTO SIDE SETBACK EXCLUSIVE OF BALCONIES
12 (E) CURB/ EDGE OF PAVEMENT
13 LOCATION OF CIVIL DETAIL
14 CENTERLINE OF AVG. LOT WIDTH/ DEPTH
15 CENTERLINE OF (E) PAVEMENT
16 CENTERLINE OF RIGHT OF WAY
17 NOT USED
18 FIXED DATUM POINT/ BENCHMARK
19 FS/ FG/ FF (ABOVE/ BELOW/ BEYOND AS OCCURS)
20 (E) GRADE / CONTOUR LINE
21 EDGE OF WALL (ABV/ BLW/ BYD AS OCCURS)
22 EDGE OF ROOF/ CEILING/ FLOOR/DECK (ABV/ BLW/ BYD AS OCCU
23 EDGE OF STAIRS (ABV/ BLW/ BYD AS OCCURS)
24 PLANTER / SOFTSCAPE AREA
25 NOT USED
26 NOT USED
27 (N) SITE/RETAINING WALL OR FENCE - MAX ABV. E.G. 42" IN FYSB.
28 HARDSCAPE
29 GATE SELF CLOSING. - MAX 4' FYSB. MAX 6' SYSB.
30 ADJACENT BUILDING
31 (N) STAIRWAY OR STEPS ON GRADE
32 NOT USED
33 NOT USED
34 STRUCTURAL COLUMN/BEAM (ABV/BLW/BYD AS OCCURS)
35 LOCATION OF AC UNIT
36 PARKING - 9'-0" X 18'-0" MIN.
37 ADA PARKING - 13'-6" X 18'-7" MIN.
38 HANDRAIL - 36" ABOVE ADJACENT FINISHED SURFACE
39 GUARDRAIL - 42" ABV. FS
40 TRASH STORAGE AREA
41 LOCATION OF ELEVATOR
42 SKYLIGHT (ABV/ BLW/ BYD AS OCCURS) , INSTALL MIGHT SHADES
43 GAS APPLIANCE - ASSO
44 CASEWORK
45 ARCHITECTURAL RESYSTA SCREEN
46 ADA COMPLIANT ACCESS RAMP - MAX 1:12
47 ALL WEATHER FIXED LADDER

KEYNO

CON CONCRETE FLOORING
GLS-1 GLASS
GLS-2 SEMI-TRANSLUCENT GLASS
GRAV GRAVEL
MTL-1 METAL - KYNAR 500 FINISH
MTL-2 CUSTOM STAINLESS STEEL STAIR
STN-1 STONE FLOOR
STN-2 STONE WALL
VEG VEGETATION / PLANTING
WD-1 WOOD FLOORING / DECKING
WD-2 WOOD SIDING/WALL
WD-3 WOOD RESYSTA ARCHITECTURAL SCREEN
WTR WATER

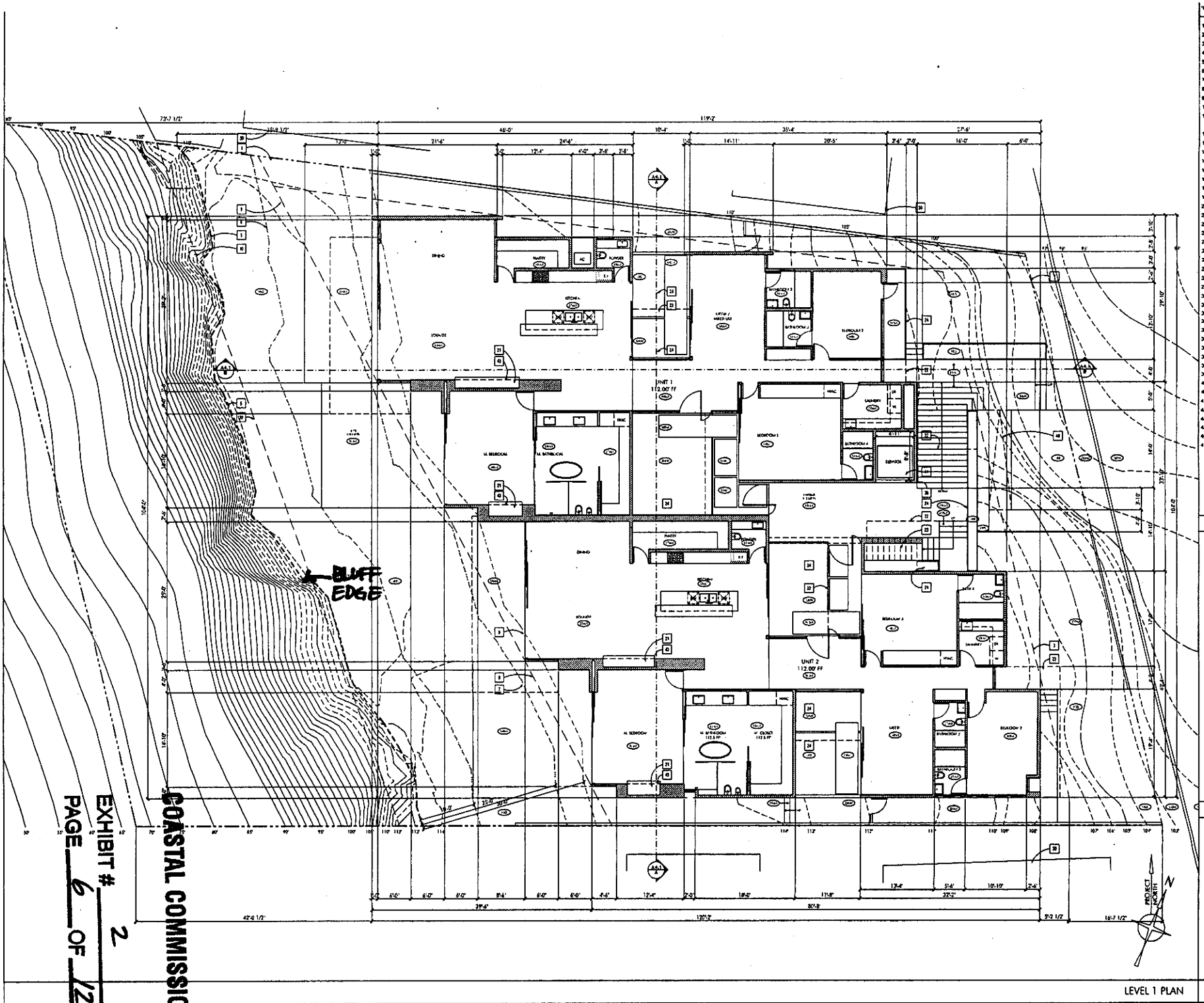
MATERI

PROPOSED SHEAR WALL
PROPOSED STUD WALL
PROPOSED LOW WALL
SITE WALL/ HARDSCAPE - SITE PLAN A1.1
PROPOSED CONCRETE W

LEVEL B PARKING PLAN

LEG

COASTAL COMMISSION
EXHIBIT # 2
PAGE 5 OF 12




LEVEL 1 PLAN

1 PROPERTY LINE
2 MAX ALLOWABLE BUILDING HEIGHT - AVG. 25' AB.
3 BUILDING SETBACK
4 OUTLINE OF EXISTING STRUCTURE TO BE REMO
5 BLUFFTOP
6 BLUFFTOP SETBACK 10'-0"
7 BLUFFTOP SETBACK 25'-0"
8 BLUFFTOP SETBACK 30'-0"
9 BUILDING STRINGLINE
10 DECK STRINGLINE
11 PERMITTED PROJECTION: 20% INTO FRONT OR R
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12 (E) CURB/ EDGE OF PAVEMENT
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15 CENTERLINE OF (E) PAVEMENT
16 CENTERLINE OF RIGHT OF WAY
17 NOT USED
18 FIXED DATUM POINT/ BENCHMARK
19 FS/ FG/ FF (ABOVE/ BELOW/ BEYOND AS OCCURS
20 (E) GRADE / CONTOUR LINE
21 EDGE OF WALL (ABV/ BLW/ BYD AS OCCURS)
22 EDGE OF ROOF/ CEILING/ FLOOR/DECK (ABV/ BLW
23 EDGE OF STAIRS (ABV/ BLW/ BYD AS OCCURS)
24 PLANTER / SOFTSCAPE AREA
25 NOT USED
26 NOT USED
27 (N) SITE/RETAINING WALL OR FENCE - MAX ABV. E
28 HARDSCAPE
29 GATE SELF CLOSING. - MAX 4' FYSB, MAX 6' SYSB,
30 ADJACENT BUILDING
31 (N) STAIRWAY OR STEPS ON GRADE
32 NOT USED
33 NOT USED
34 STRUCTURAL COLUMN/BEAM (ABV/BLW/BYD AS O
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41 LOCATION OF ELEVATOR
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43 GAS APPLIANCE - ASSO
44 CASEWORK
45 ARCHITECTURAL RESYSTA SCREEN
46 ADA COMPLIANT ACCESS RAMP - MAX 1:12
47 ALL WEATHER FIXED LADDER

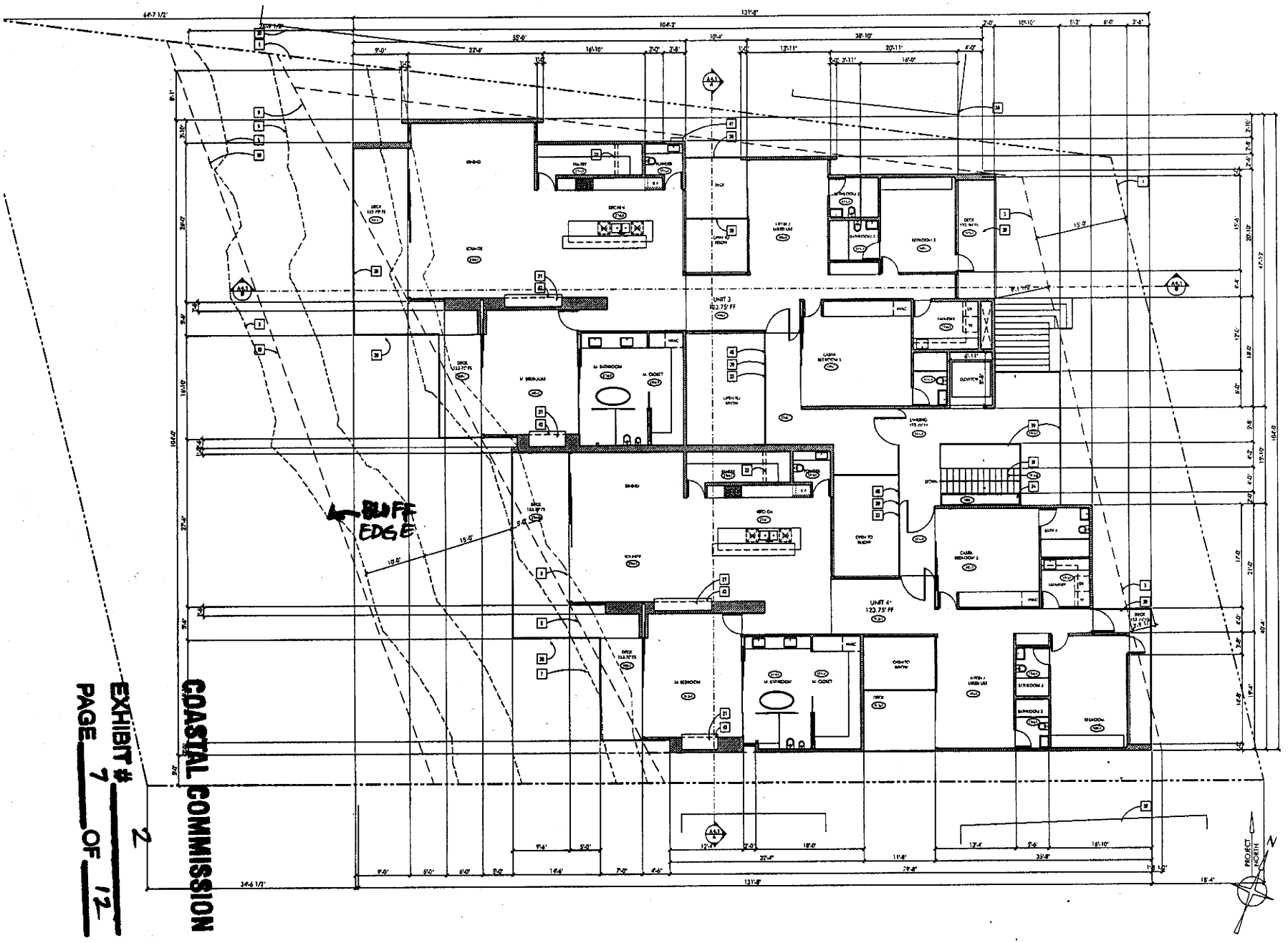
K

| | |
|---|---|
| CON | CONCRETE FLOORING |
| GLS-1 | GLASS |
| GLS-2 | SEMI-TRANSLUCENT GLASS |
| GRAV | GRAVEL |
| MTL-1 | METAL - KYNAR 500 FINISH |
| MTL-2 | CUSTOM STAINLESS STEEL STAIR |
| STN-1 | STONE FLOOR |
| STN-2 | STONE WALL |
| VEG | VEGETATION / PLANTING |
| WD-1 | WOOD FLOORING / DECKING |
| WD-2 | WOOD SIDING/WALL |
| WD-3 | WOOD RESYSTA ARCHITECTURAL |
| WTR | WATER |

M

PROPOSED S
PROPOSED S
PROPOSED L
SITE WALL/ H
SITE PLAN A1
PROPOSED C

COASTAL COMMISSION
EXHIBIT # 2
PAGE 6 OF 12

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43 GAS APPLIANCE - ASSO
44 CASEWORK
45 ARCHITECTURAL RESYSTA SCREEN
46 ADA COMPLIANT ACCESS RAMP - MAX 1:12
47 ALL WEATHER FIXED LADDER

KEYN

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GLS-1 GLASS
GLS-2 SEMI-TRANSLUCENT GLASS
GRAV GRAVEL
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MTL-2 CUSTOM STAINLESS STEEL STAIR
STN-1 STONE FLOOR
STN-2 STONE WALL
VEG VEGETATION / PLANTING
WD-1 WOOD FLOORING / DECKING
WD-2 WOOD SIDING/WALL
WD-3 WOOD RESYSTA ARCHITECTURAL SCREEN
WTR WATER

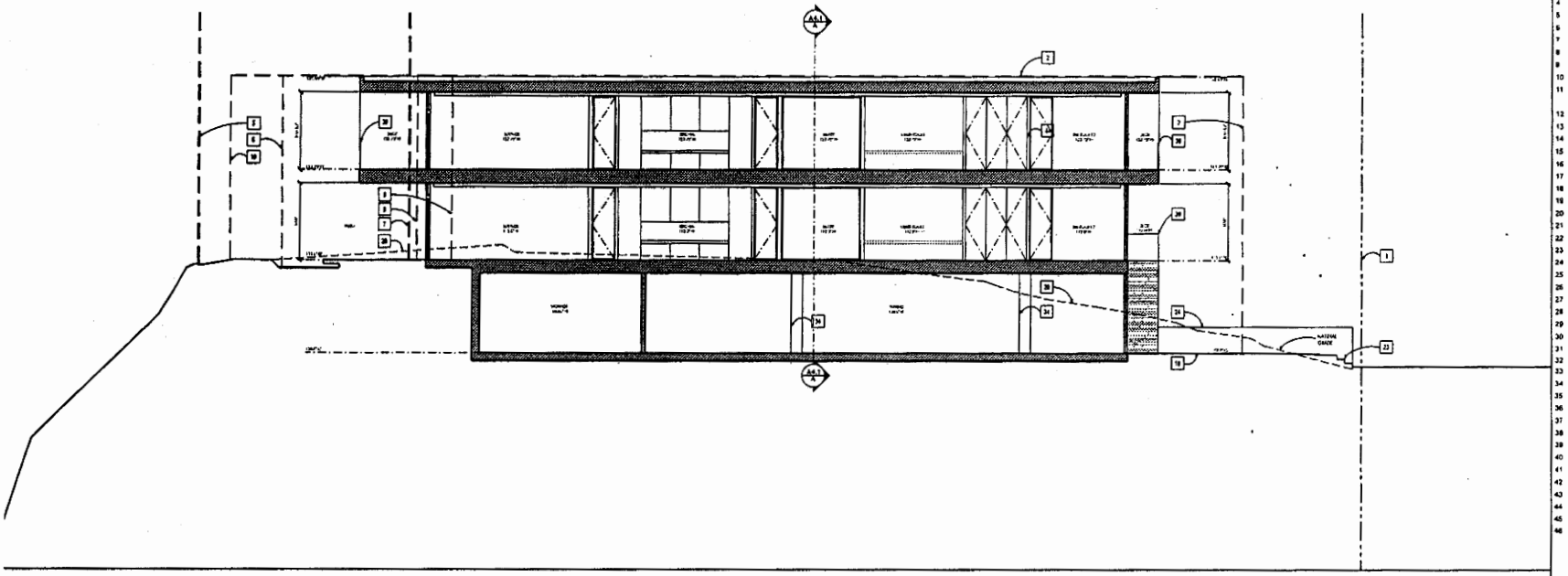
MATE

PROPOSED SHEAR WA
PROPOSED STUD WAL
PROPOSED LOW WALL
SITE WALL/ HARDSCAI SITE PLAN A1.1
PROPOSED CONCRETI

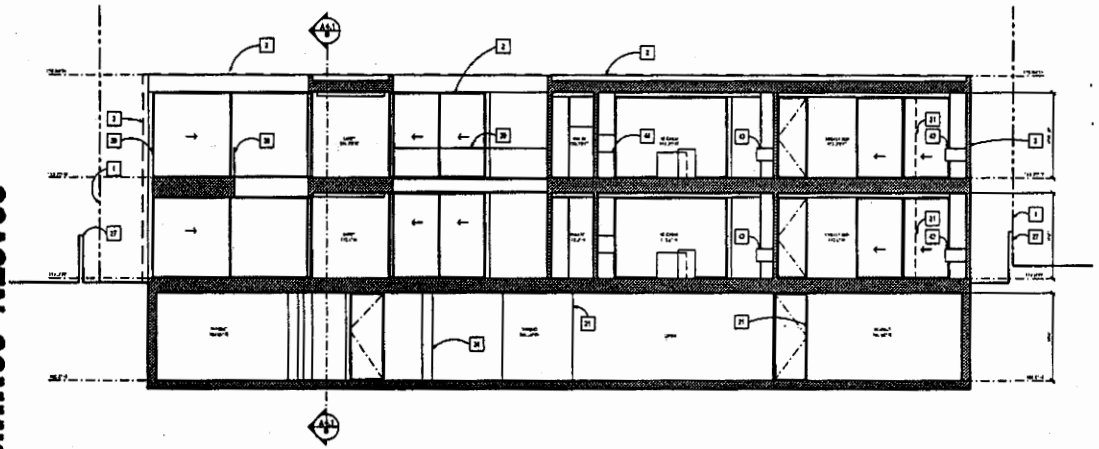
LEVEL 2 PLAN

LE

COASTAL COMMISSION
EXHIBIT # 2
PAGE 7 OF 12



SECTION A-A



SECTION B-B

1 PROPERTY LINE
2 MAX ALLOWABLE BUILDING HEIGHT - AVG. 25' AB. NG
3 BUILDING SETBACK
4 OUTLINE OF EXISTING STRUCTURE TO BE REMOVED
5 BLUFFTOP
6 BLUFFTOP SETBACK 10'-0"
7 BLUFFTOP SETBACK 25'-0"
8 BLUFFTOP SETBACK 30'-0"
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23 EDGE OF STAIRS (ABV/ BLW/ BYD AS OCCURS)
24 PLANTER / SOFTSCAPE AREA
25 NOT USED
26 NOT USED
27 (M) SITE/RETAINING WALL OR FENCE - MAX ABV. E.G. 42" IN FYSB, 6' IN SYSB
28 HARDSCAPE
29 GATE SELF CLOSING. - MAX 4' FYSB, MAX 6' SYSB.
30 ADJACENT BUILDING
31 (N) STAIRWAY OR STEPS ON GRADE
32 NOT USED
33 NOT USED
34 STRUCTURAL COLUMN/BEAM (ABV/BLW/BYD AS OCCURS)
35 LOCATION OF AC UNIT
36 PARKING - 8'-0" X 19'-0" MIN.
37 ADA PARKING - 13'-6" X 18'-7" MIN.
38 HANDRAIL – 36" ABOVE ADJACENT FINISHED SURFACE
39 GUARDRAIL - + 42" ABV. FS
40 TRASH STORAGE AREA
41 LOCATION OF ELEVATOR
42 SKYLIGHT (ABV/ BLW/ BYD AS OCCURS) , INSTALL NIGHT SHADES
43 GAS APPLIANCE - ASSO
44 CASEWORK
45 ARCHITECTURAL RESYSTA SCREEN
46 ADA COMPLIANT ACCESS RAMP - MAX 1:12

## KEYNOTES

| | |
|---|---|
| CON | CONCRETE FLOORING |
| GLS-1 | GLASS |
| GLS-2 | SEMI-TRANSLUCENT GLASS |
| GRAV | GRAVEL |
| MTL-1 | METAL - KYNAR 500 FINISH |
| MTL-2 | CUSTOM STAINLESS STEEL STAIR |
| STN-1 | STONE FLOOR |
| STN-2 | STONE WALL |
| VEG | VEGETATION / PLANTING |
| WD-1 | WOOD FLOORING / DECKING |
| WD-2 | WOOD SIDING/WALL |
| WD-3 | WOOD RESYSTA ARCHITECTURAL SCREEN |
| WTR | WATER |

## MATERIALS

PROPOSED SHEAR WALL

PROPOSED STUD WALL

PROPOSED LOW WALL

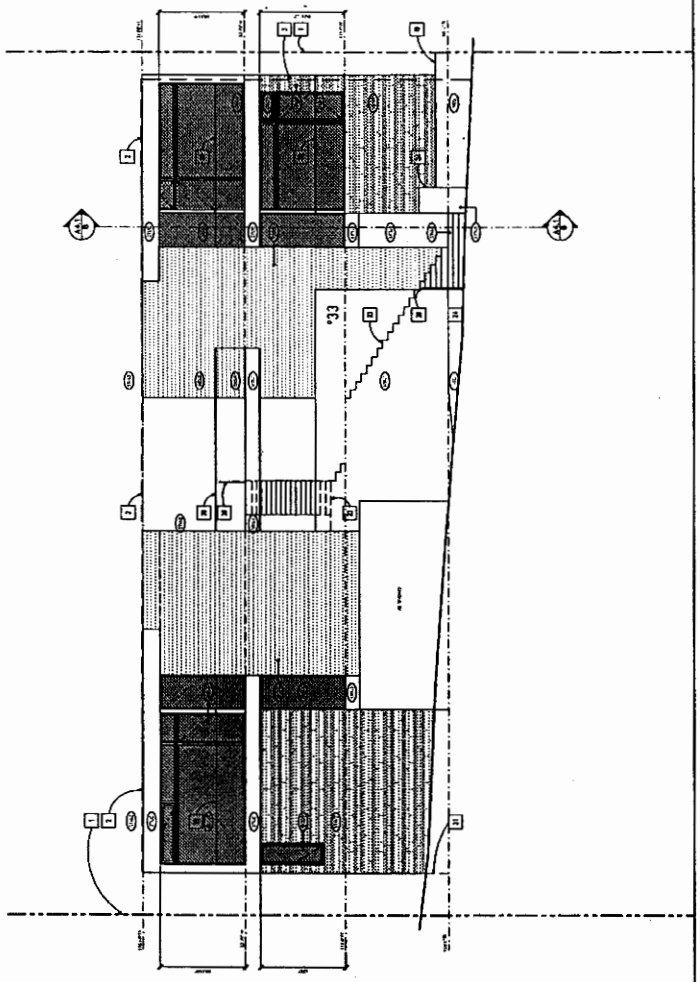
SITE WALL/ HARDSCAPE - REFER TO SITE PLAN A1.1

PROPOSED CONCRETE WALL

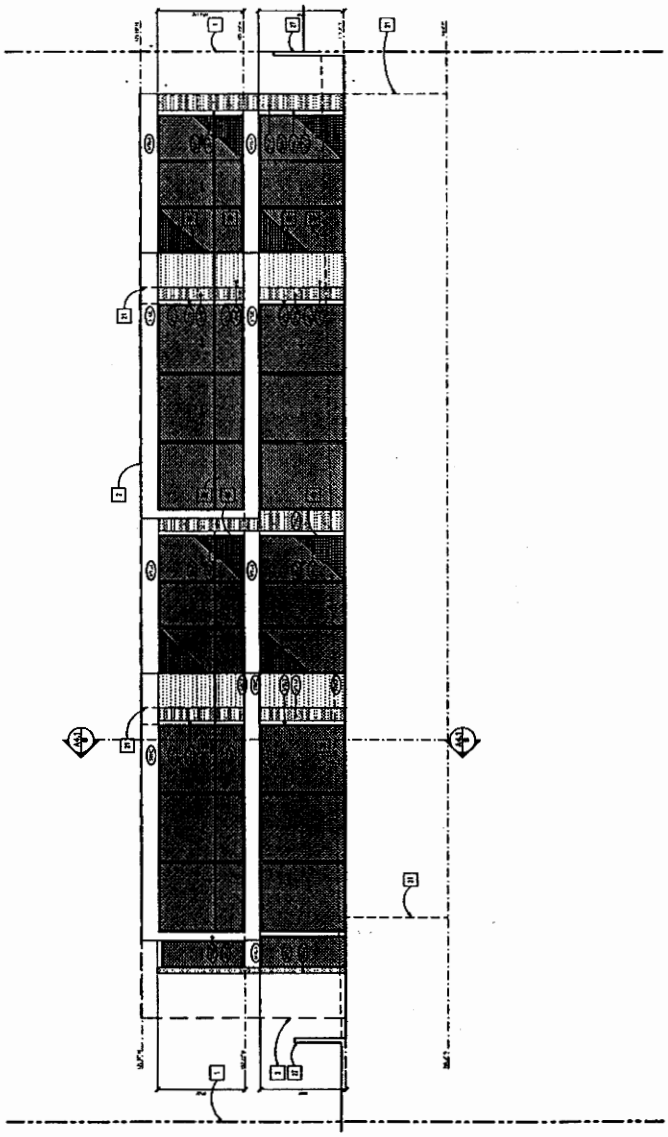
## LEGEND

COASTAL COMMISSION

EXHIBIT # 2
PAGE 8 OF 12



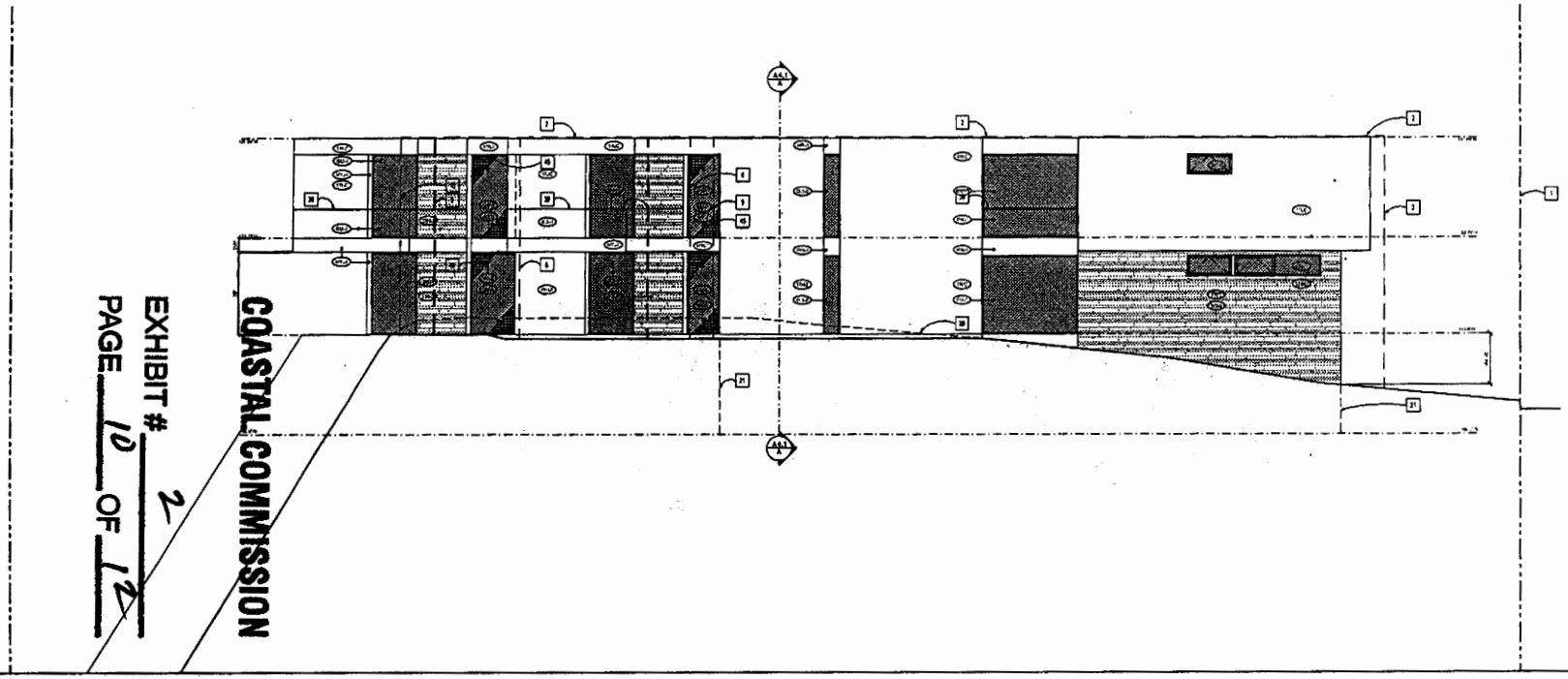
ELEVATION EAST



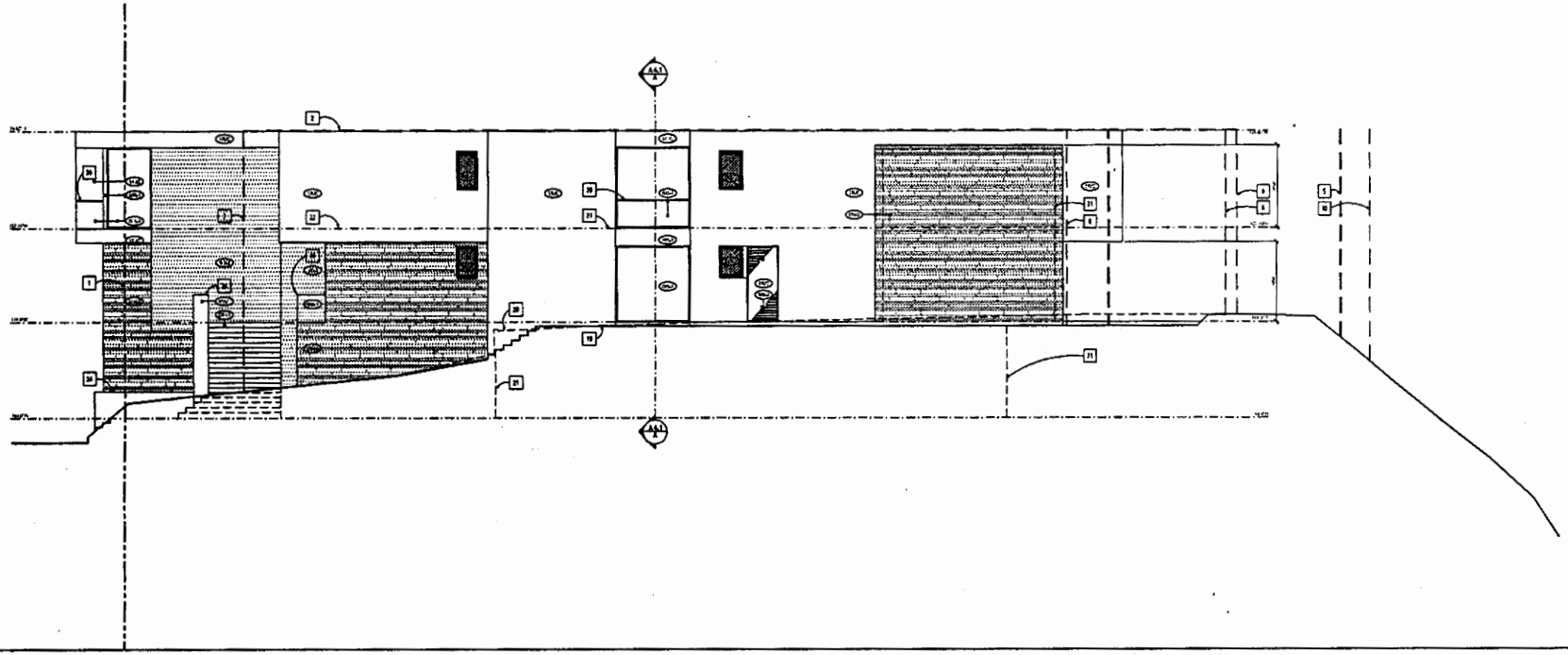
**COASTAL COMMISSION**

EXHIBIT # 2

PAGE 9 OF 12



ELEVATION SOUTH



ELEVATION NORTH

1 PROPERTY LINE
2 MAX ALLOWABLE BUILDING HEIGHT - AVG. 25' AB. NG
3 BUILDING SETBACK
4 OUTLINE OF EXISTING STRUCTURE TO BE REMOVED
5 BLUFFTOP
6 BLUFFTOP SETBACK 10'-0"
7 BLUFFTOP SETBACK 25'-0"
8 BLUFFTOP SETBACK 30'-0"
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16 CENTERLINE OF RIGHT OF WAY
17 NOT USED
18 FIXED DATUM POINT/ BENCHMARK
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20 (E) GRADE / CONTOUR LINE
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24 PLANTER / SOFTSCAPE AREA
25 NOT USED
26 NOT USED
27 (N) SITE/RETAINING WALL OR FENCE - MAX ABV. E.G. 42" IN FYSB
28 HARDSCAPE
29 GATE SELF CLOSING - MAX 4' FYSB, MAX 6' SYSB.
30 ADJACENT BUILDING
31 (N) STAIRWAY OR STEPS ON GRADE
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39 GUARDRAIL - 42" ABV. FS
40 TRASH STORAGE AREA
41 LOCATION OF ELEVATOR
42 SKYLIGHT (ABV/ BLW/ BYD AS OCCURS) , METALL NIGHT SHADE
43 GAS APPLIANCE - ASSO
44 CASEWORK
45 ARCHITECTURAL RESYSTA SCREEN
46 ADA COMPLIANT ACCESS RAMP - MAX 1:12

KEYNO

CON CONCRETE FLOORING
GLS-1 GLASS
GLS-2 SEMI-TRANSLUCENT GLASS
GRAV GRAVEL
MTL-1 METAL - KYNAR 500 FINISH
MTL-2 CUSTOM STAINLESS STEEL STAIR
STN-1 STONE FLOOR
STN-2 STONE WALL
VEG VEGETATION / PLANTING
WD-1 WOOD FLOORING / DECKING
WD-2 WOOD SIDING/WALL
WD-3 WOOD RESYSTA ARCHITECTURAL SCREEN
WTR WATER

MATER

PROPOSED SHEAR WALL
PROPOSED STUD WALL
PROPOSED LOW WALL
SITE WALL/ HARDSCAPE SITE PLAN A1.1
PROPOSED CONCRETE

LEC

COASTAL COMMISSION

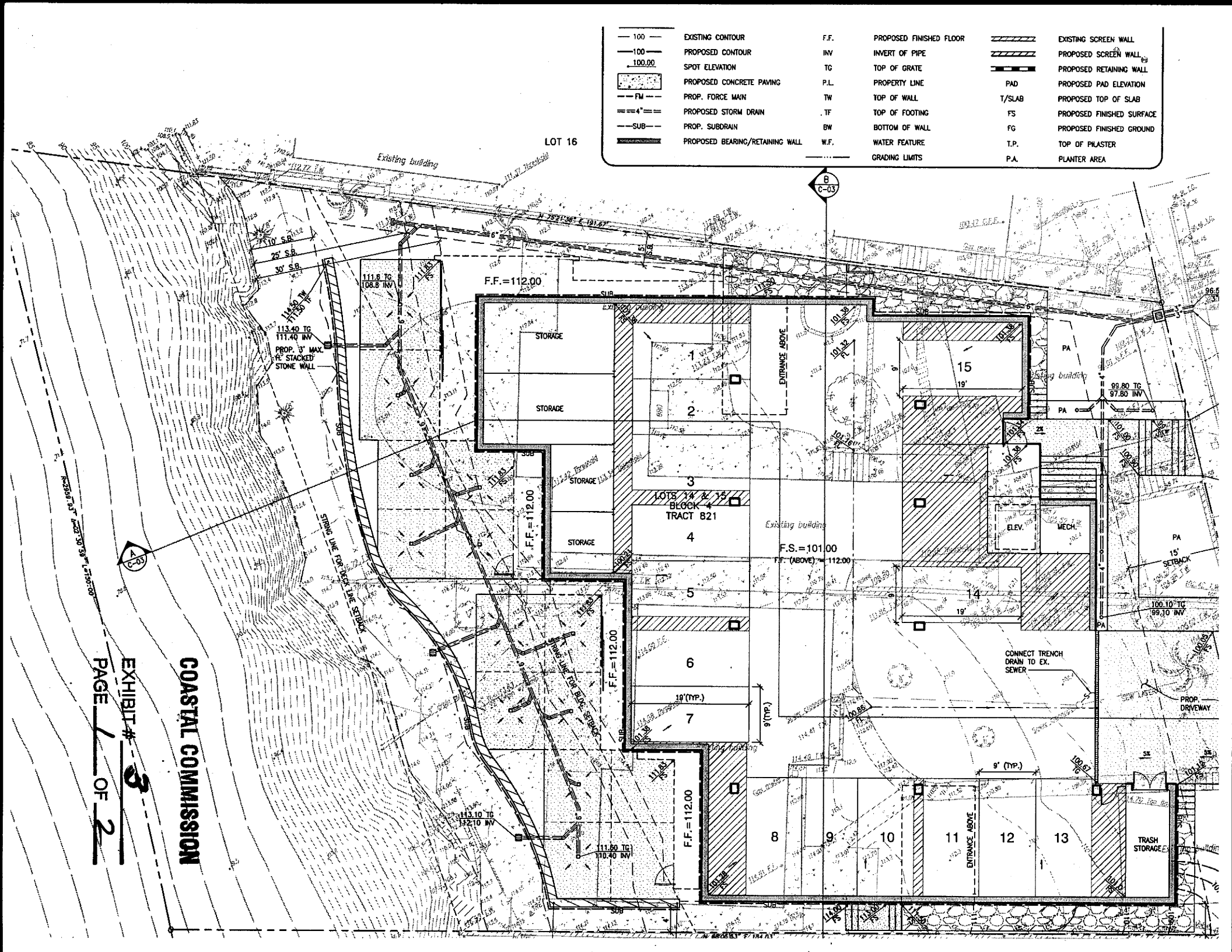
EXHIBIT # 2

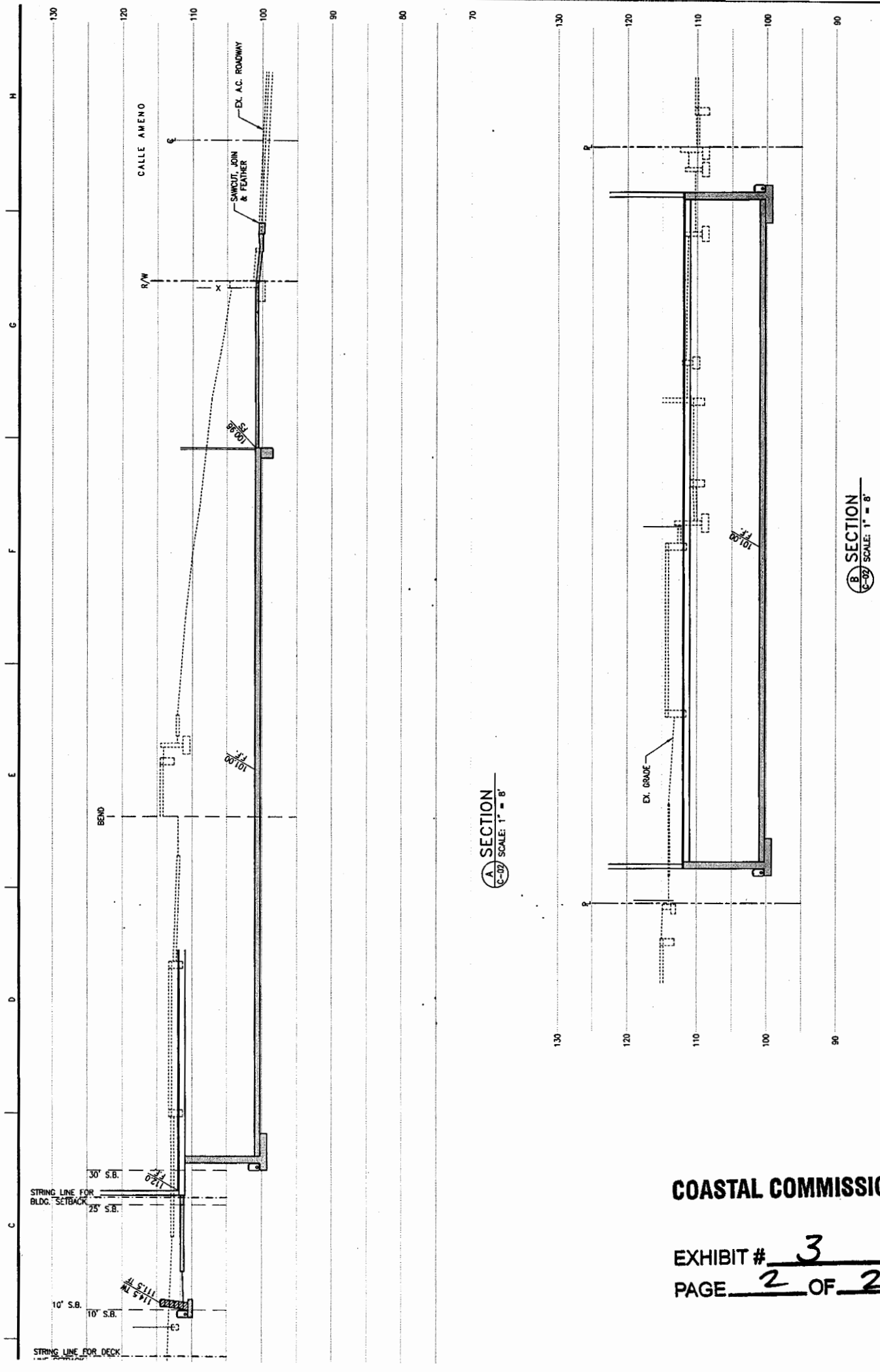
PAGE 11 OF 12

COASTAL COMMISSION

EXHIBIT # 2

PAGE 12 OF 12

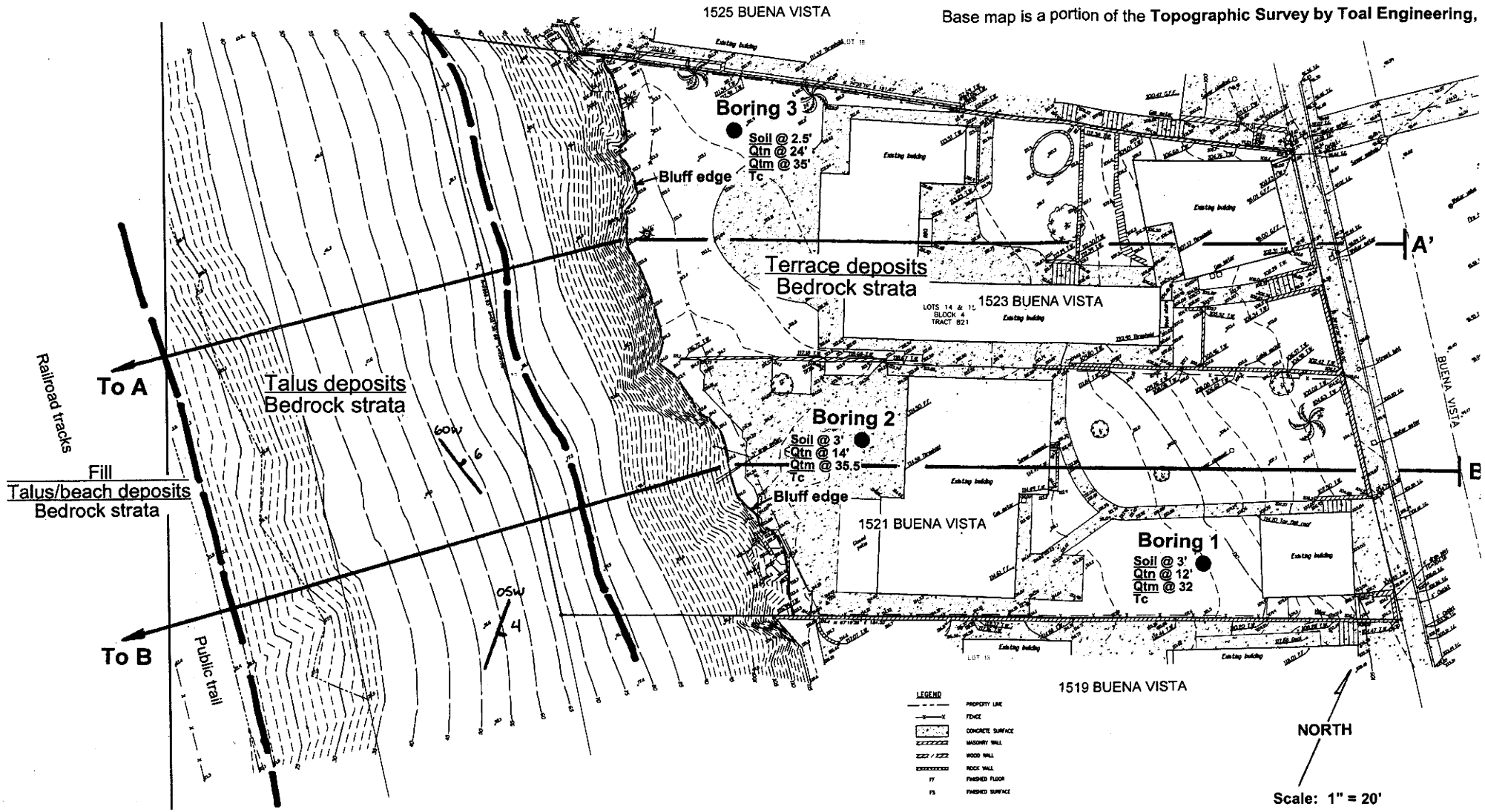

— 100 — EXISTING CONTOUR
—100— PROPOSED CONTOUR
100.00 SPOT ELEVATION
PROPOSED CONCRETE PAVING
— FM — PROP. FORCE MAIN
==4"== PROPOSED STORM DRAIN
—SUB— PROP. SUBDRAIN
PROPOSED BEARING/RETAINING WALL
F.F. PROPOSED FINISHED FLOOR
INV INVERT OF PIPE
TG TOP OF GRATE
P.L. PROPERTY LINE
TW TOP OF WALL
TF TOP OF FOOTING
BW BOTTOM OF WALL
W.F. WATER FEATURE
GRADING LIMITS
EXISTING SCREEN WALL
PROPOSED SCREEN WALL
PROPOSED RETAINING WALL
PAD PROPOSED PAD ELEVATION
T/SLAB PROPOSED TOP OF SLAB
FS PROPOSED FINISHED SURFACE
FG PROPOSED FINISHED GROUND
T.P. TOP OF PILASTER
P.A. PLANTER AREA
LOT 16
Existing building
B C-03
A C-03
10' S.B.
25' S.B.
30' S.B.
111.6 TG 108.8 INV
113.40 TG 111.40 INV
PROP. 3' MAX. 6' STACKED STONE WALL
F.F.=112.00
STORAGE
ENTRANCE ABOVE
LOTS 14 & 15 BLOCK 4 TRACT 821
F.S.=101.00
F.F. (ABOVE) = 112.00
STRING LINE FOR BLDG. SETBACK
ELEV.
MECH.
PA
15' SETBACK
99.80 TG 97.80 INV
100.10 TG 99.10 INV
CONNECT TRENCH DRAIN TO EX. SEWER
PROP. DRIVEWAY
TRASH STORAGE
19'(TYP.)
9'(TYP.)
113.10 TG 112.10 INV
111.60 TG 110.40 INV
SUB
R=2565.3' L=750.00'
COASTAL COMMISSION
EXHIBIT # 3
PAGE 1 OF 2




**COASTAL COMMISSION**

EXHIBIT # 3

PAGE 2 OF 2




Geologic Explanation

05W / 4 — Strike and dip of indistinct bedding

Approximate location of geologic contact

**PLATE 1 Geologic Plot Plan**
1521 & 1523 BUENA VISTA
SAN CLEMENTE, CALIFORNIA
JUNE, 2015

ViaGeos

COASTAL COMMISSION
EXHIBIT # 4
PAGE 1 OF 3

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 3

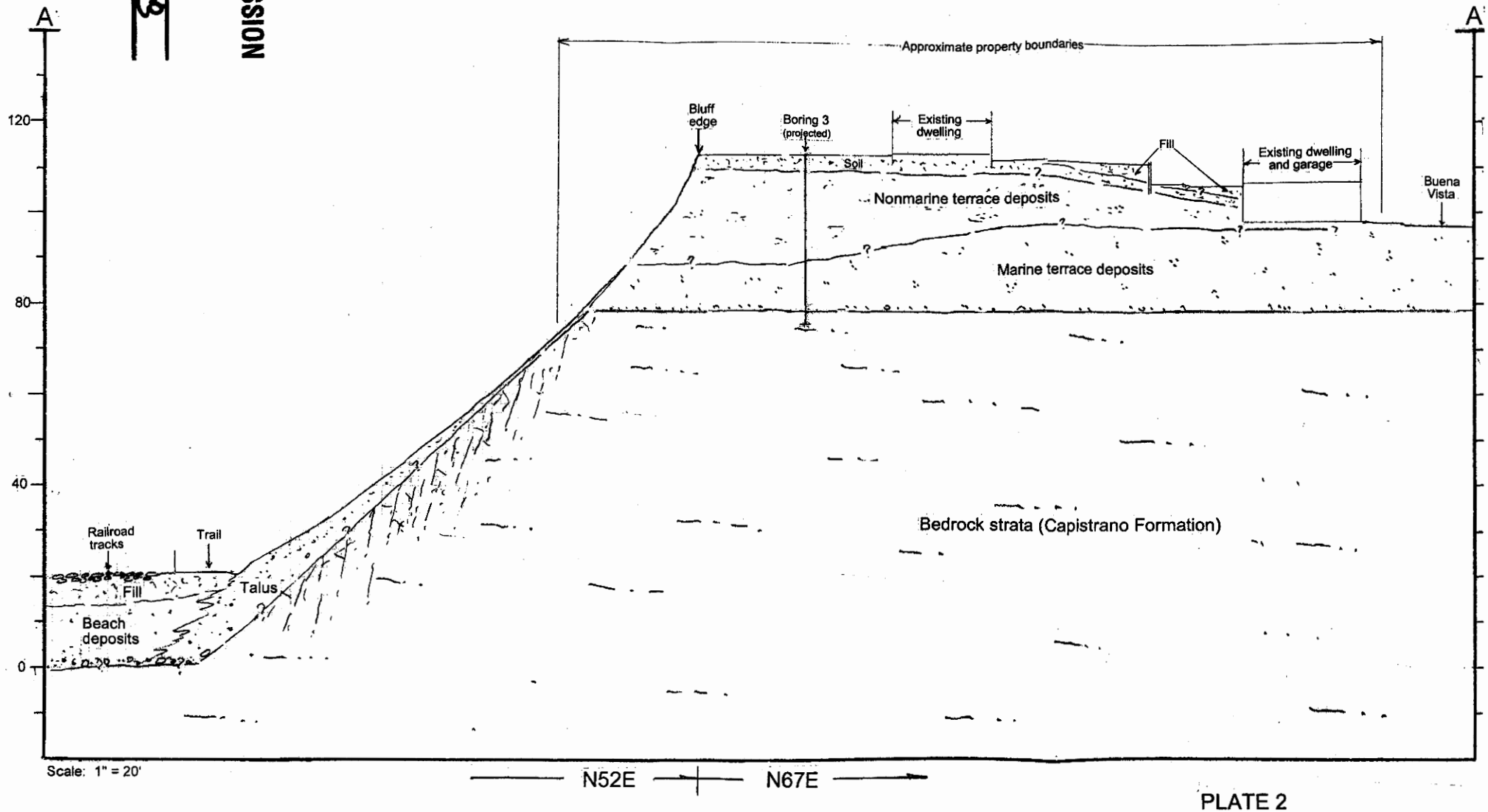



PLATE 2
Geologic Cross Section A-A'
1523 BUENA VISTA
SAN CLEMENTE, CALIFORNIA
JUNE, 2015

ViaGeos

COASTAL COMMISSION

EXHIBIT # 4

PAGE 3 OF 3

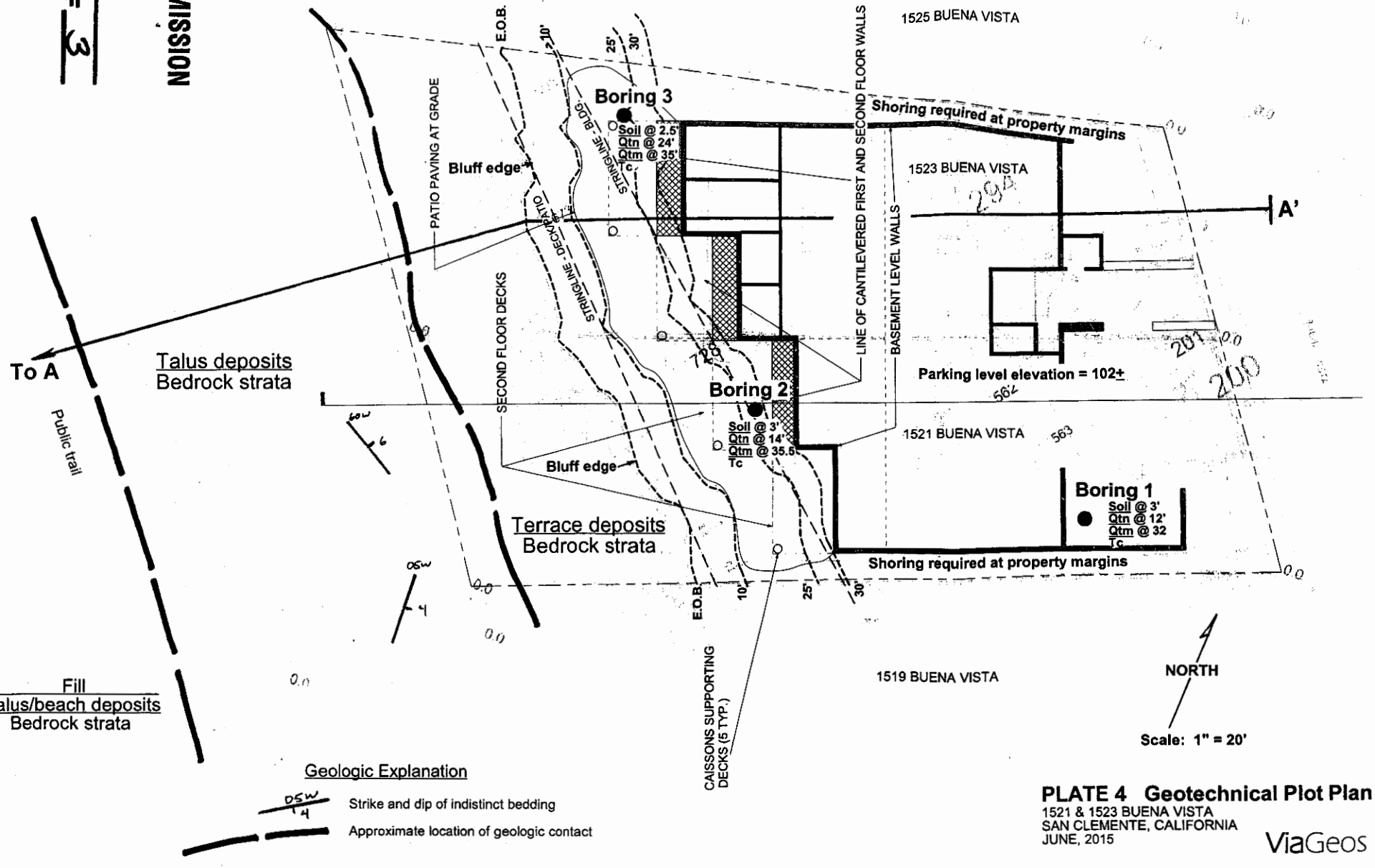
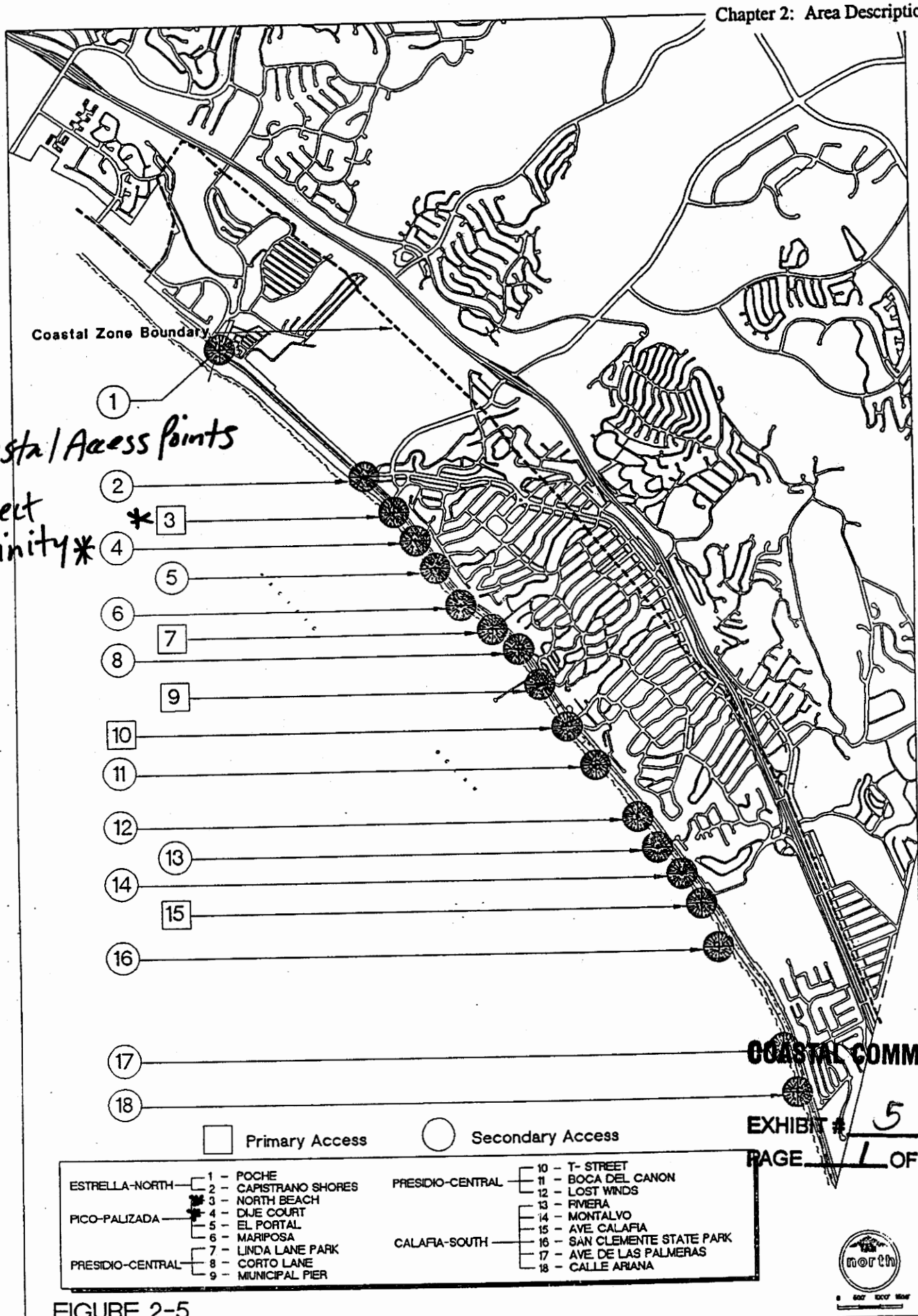



**PLATE 4 Geotechnical Plot Plan**

1521 & 1523 BUENA VISTA
SAN CLEMENTE, CALIFORNIA
JUNE, 2015

ViaGeos




coasta/Access Points in project vicinity*

COASTAL COMMISSION

EXHIBIT # 5

PAGE 1 OF 1

FIGURE 2-5

# CITY OF SAN CLEMENTE
## COASTAL ACCESS POINTS