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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
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Filed: 10-06-95  
49th Day: 11-24-95  
180th Day: 04-03-96  
Staff: RMR-LB **RMP**  
Staff Report: 10-23-95  
Hearing Date: November 14-17, 1995  
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-95-230

APPLICANT: Robert Anhorn AGENT: I.D.C., Bill D. Vu

PROJECT LOCATION: 407 W. Avenida Lobos Marinos, San Clemente, Orange County

PROJECT DESCRIPTION: Construction of a two-story 1,783 square foot single-family residence with a 500 square foot garage. No grading is proposed.

Lot area:	7,950 sq. ft.
Building coverage:	2,183 sq. ft.
Pavement coverage:	868 sq. ft.
Landscape coverage:	1,569 sq. ft.
Parking spaces:	2
Zoning:	R-1
Plan designation:	Medium Low Residential
Ht abv fin grade:	25 feet

LOCAL APPROVALS RECEIVED: Approval in concept from the planning department of the City of San Clemente

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 5-93-202 (Anhorn), 5-95-029 (Secor), City of San Clemente Certified Land Use Plan

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. Special Conditions.

### 1. Conformance with Geologic Recommendations

All recommendations contained in the Geologic Report by Coastal Geotechnical dated January 6, 1993, shall be incorporated into all final design and construction plans, including drainage. Prior to the issuance of the coastal development permit the applicant shall submit, for the review and approval of the Executive Director, final design plans signed by the consultant incorporating the recommendations made in the referenced report.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

## 2. Future Improvement Condition

Prior to the issuance of the permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 5-95-230 is for the proposed development only and that any future additions or improvements to the property, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation to scrub up to 30 feet around the residence, if required for fire protection, is permitted, as well as landscaping north of the 113 contour line. The document shall run with the land, binding all successors and assigns and shall be recorded free and clear of prior liens.

## IV. Findings and Declarations.

The Commission hereby finds and declares:

### A. Project Description

The applicant is proposing to construct a two-story 1,783 square foot single-family residence with a 500 square foot garage. No grading is proposed. The proposed project is infill development and is located on one of the seven coastal canyons designates as Environmentally Sensitive Habitat Areas in the City of San Clemente Certified Land Use Plan.

The applicant had obtained approval from the Coastal Commission for coastal development permit 5-93-202 (Anhorn). This permit was approved in September 1993, was not extended, and consequently expired. The applicant contacted the South Coast Office following expiration of the permit.

Permit 5-93-202 (Anhorn) was approved for a 2,144 square foot single-family residence with a 400 square foot garage. The prior approved residence was approximately 400 square feet larger. However, the footprints of both residences are approximately the same. Permit 5-93-202 was approved with three special conditions: 1) conformance with geologic recommendations, 2) landscaping plan, and 3) future improvements condition. The applicant's landscaping plan is the same for 5-93-202 and 5-95-230 and therefore, the landscaping condition is not required in the current permit.

The location of the proposed residence is located in the existing pad area at the same location as the previous residence. No development is proposed beyond the existing graded pad area or the 113 foot contour line. The proposed plans show a wall on the western property boundary, but this is an existing wall and is not proposed for construction by the applicant.

### B. Environmentally Sensitive Habitat Area

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) 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 such areas, and shall be compatible with the continuance of such habitat areas.

San Clemente's Coastal Canyon Preservation policy 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 proposed development is located in Lobos Marinos Canyon, one of seven coastal canyons in the City of San Clemente designated as ESHAs. There are existing residences located on either side of the project site. As with most other coastal canyons, the vegetation on site consists of a mixture of native coastal sage chapparal plants and introduced non-native plants and trees. In this instance the area up to the chain link fence is composed almost entirely of annuals and carobrutus (ice plant). There are very few native plants on site.

As stated above, the City of San Clemente's certified LUP contains guidelines for development on coastal canyons consisting of either a stringline or 30% depth of lot and setbacks from native terrestrial and riparian vegetation. In this instance the applicant has submitted a plot plan showing that the proposed residence conforms with a stringline drawn between the nearest corners of the adjacent structures. In addition, the line of the residence is situated 90 feet from the canyonward property line, greater than the 30% depth of lot requirement. The plans also show that there is an existing chain link fence at the canyonward property line as well as an existing fence along the southern property boundary.

Canyon preservation policies encourage the preservation of native plants and the replanting of native plants. Native plants serve several valuable functions. First, native plants are drought tolerant and do not require watering once they have become established. Watering and saturation of slope soils is a primary cause of soil slips and landslides on coastal canyons in San Clemente. Second, because native plants are drought tolerant they have extensive sub-surface root systems which help consolidate soils.

In this case the applicant will not be removing native vegetation and will basically be building on an existing graded pad area. However, the site pad

area will have to be cleared of vegetation. For those areas in the front and side of the house, exotic, non-invasive vegetation can be planted. However, on the canyon side, the applicant shall plant native, drought-tolerant plants. The applicant has submitted a landscaping plan acceptable to the Commission and therefore, the standard landscaping condition will not be required. The landscaping plan shows that the coastal canyon slope shall remain as it is. In the event the applicant chooses to landscape the canyon-fronting portion of the lot beyond the 113 foot contour line, a coastal development permit shall be required for review by the Commission.

The proposed development therefore conforms with the canyon preservation policies of the certified LUP. As conditioned for a future improvements special condition, the Commission finds the development conforms with section 30240 of the Coastal Act.

### C. Geologic Stability

Section 30253 of the Coastal Act states in part:

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.

The applicant is proposing to construct a 1,783 square foot single-family residence with a 400 square foot garage on a coastal canyon lot in San Clemente. A geologic report was prepared for the applicant by Coastal Geotechnical on January 6, 1993. The geological report states that the footprint of the new residence will fall within the existing graded pad area and that slab on grade foundations are planned for the development. The report notes that there are unsuitable fill soils on site and that these must be excavated and recompacted in lieu of a shallow caisson-type foundation.

The geotechnical report states that there is no geomorphic evidence of slope instability and concludes that there are no geologic hazards. The geological report contains recommendations for site preparation, excavation and placement of foundations.

The applicant has revised the building plans previously reviewed by the geological consultant. Therefore, the Commission finds that the applicant must submit new signed and stamped residence plans for the review of the Executive Director. Only as conditioned to conform with geologic recommendations does the proposed development conform with Section 30253 of the Coastal Act.

**D. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988 and approved an amended LUP on October 11, 1995. As conditioned the proposed development is consistent with the policies contained in the certified Land Use Plan. 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).

**D. California Environmental Quality Act**

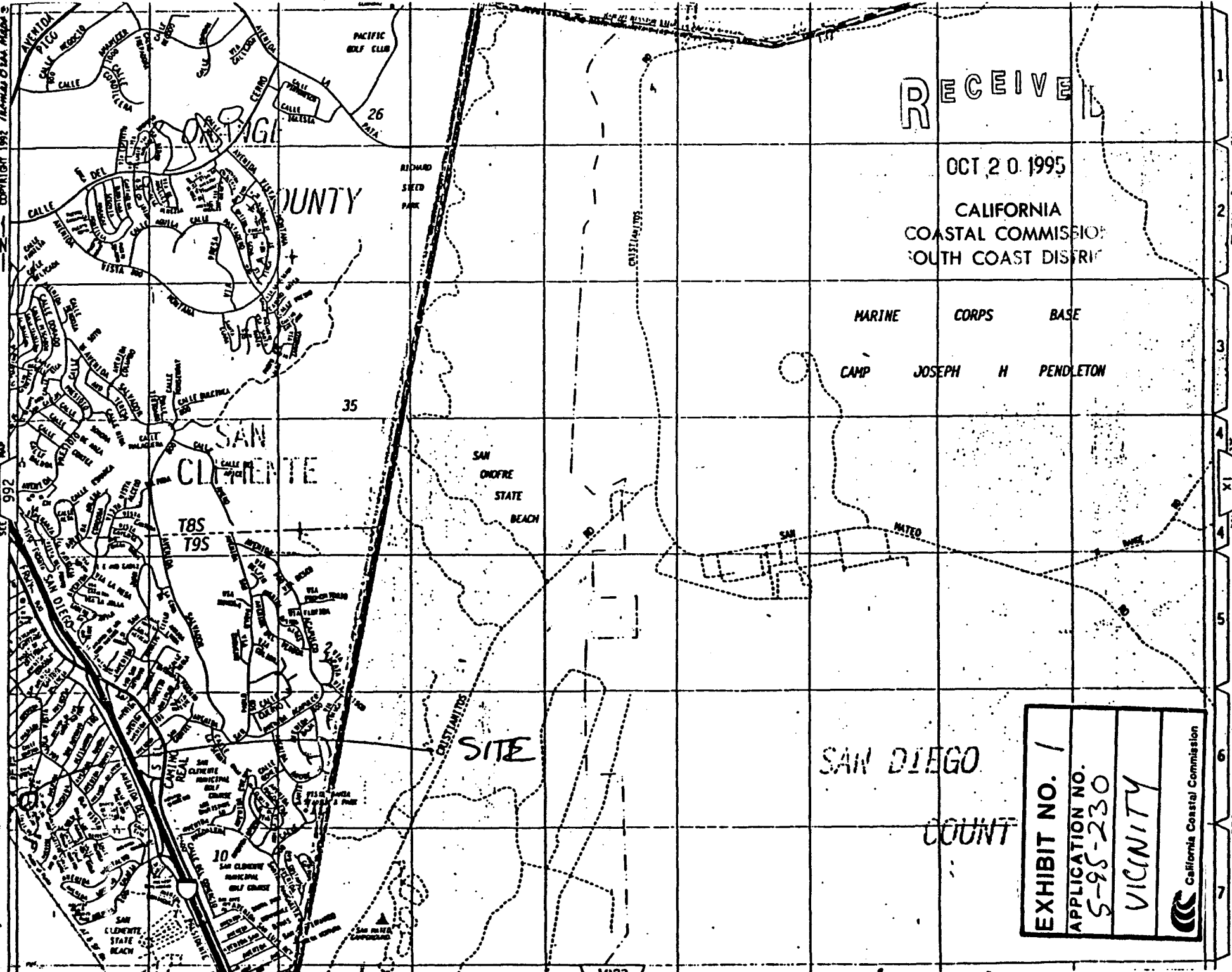
Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the ESHA and geologic stability policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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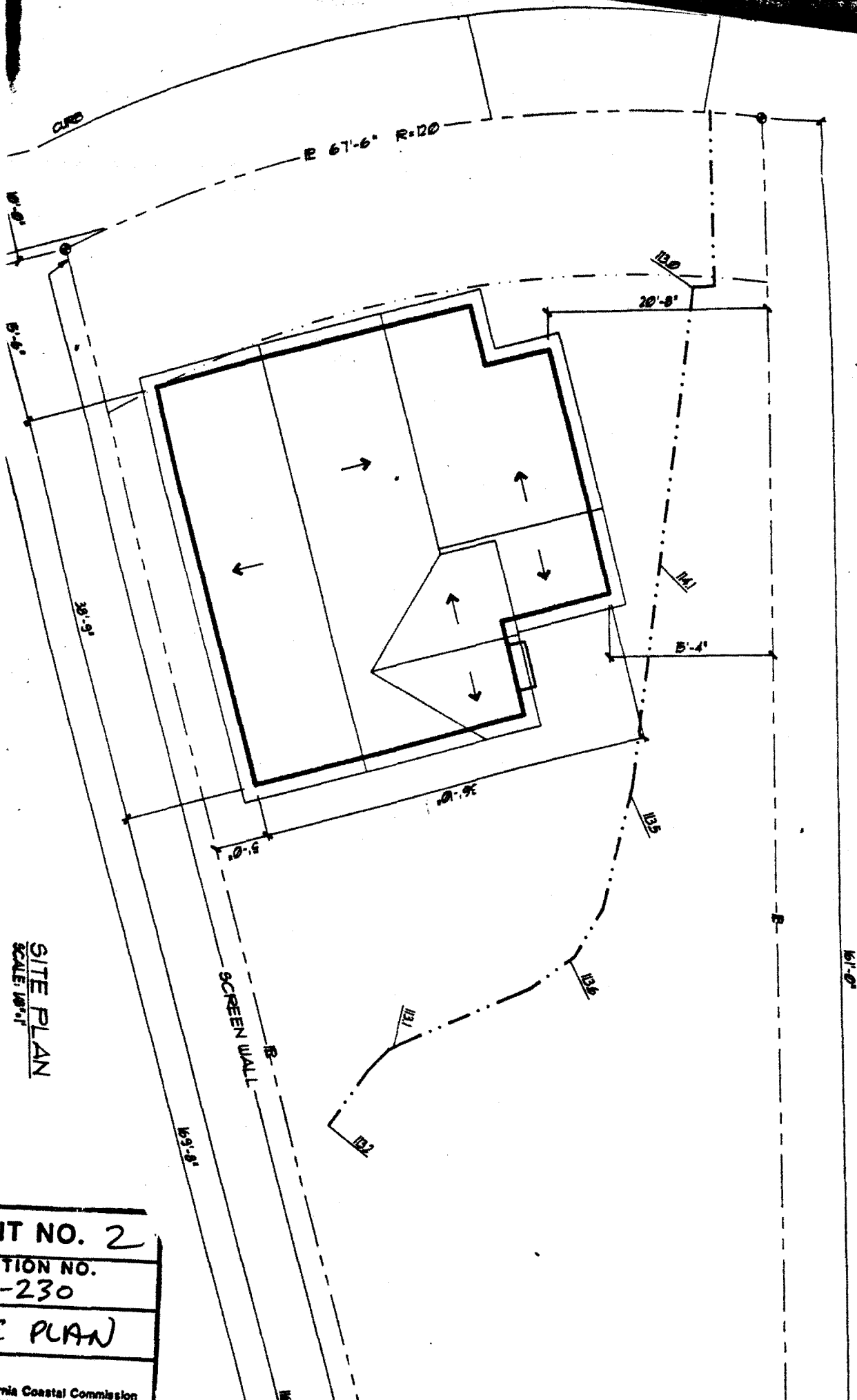
CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

MARINE CORPS BASE  
CAMP JOSEPH H PENDLETON


SAN DIEGO  
COUNTY

EXHIBIT NO. 1
APPLICATION NO. 5-95-230
VICINITY
 California Coastal Commission

SECTION 1  
SECTION 2  
SECTION 3  
SECTION 4  
SECTION 5  
SECTION 6  
SECTION 7



SITE PLAN  
SCALE 1/8" = 1'

EXHIBIT NO. 2
APPLICATION NO. S-95-230
SITE PLAN
 California Coastal Commission