

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
 200 Oceangate, 10th Floor  
 Long Beach, CA 90802-4302  
 (562) 590-5071

*Th18b*

Filed: 04-20-998  
 49th Day: 06-08-98  
 180th Day: 10-17-98  
 Staff: RMR/LB **RNA**  
 Staff Report: 04-22-98  
 Hearing Date: May 12-15, 1998  
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-98-019

APPLICANT: Mark and Carla McGuire

AGENT: James L. Glover

PROJECT LOCATION: 2311 Calle Las Palmas, San Clemente, Orange County

PROJECT DESCRIPTION: Construction of a 2,700 square foot single-family residence with a 1,233 square foot garage on a vacant canyon-fronting lot. Grading consists of 309 cubic yards of cut and 19 cubic yards of fill for the basement level garage.

Lot Area	13,248 sq. ft.
Building Coverage	2,876 sq. ft. ( % )
Pavement Coverage	1,500 sq. ft. ( % )
Landscape Coverage	8,872 sq. ft. ( % )
Parking Spaces	4
Zoning	RL-6
Plan Designation	xxx
Project Density	xxx dua
Ht abv fin grade	16 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission approve the proposed development with special conditions regarding future improvements, disposal of excess cut dirt, conformance with geotechnical recommendations, submittal of a rear-yard landscaping plan, and revised plans.

SUMMARY OF UNRESOLVED ISSUES:

Staff has contacted the applicant regarding the staff recommendation and special conditions. The applicant has no objection to these conditions. Therefore, there are no unresolved issues.

LOCAL APPROVALS RECEIVED: Approval in Concept from the City of San Clemente Community Development Department

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan, Coastal Development Permit 5-97-351 (Hogan), Lotus Consulting Engineers, Inc. Preliminary Geotechnical Exploration 2313, 2311 and 2309 Calle Las Palmas dated August 18, 1997, Updated Geotechnical Evaluation dated April 9, 1998

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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. Future Development

Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit 5-98-019 is for the approved development only and that any future improvements or additions on the property, including, but not limited to, installation of hardscape improvements, grading, vegetation removal, landscaping and structural improvements not permitted in this permit or allowed in special condition 3, shall require a coastal development permit or permit amendment from the Coastal Commission or its successor agency.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior lines that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. Removal of Excess Cut Material

Prior to the issuance of the Coastal Development Permit, the applicant shall submit in writing for the review and approval of the Executive Director, the location of the proposed disposal site for all excess cut material. If the disposal site is within the coastal zone a coastal development permit may be required.

#### 3. Landscaping Plan

Prior to the issuance of the Coastal Development Permit the applicant shall submit, for the review and approval of the Executive Director, landscaping plans for the rear yard setback area. The plans shall incorporate the following criteria:

- (a) The area between the rear of the residence and the canyon edge (with the exception of the concrete deck at grade) shall be planted and maintained for erosion control and enhancement of native vegetation. To minimize the need for irrigation and reduce potential erosion and slope failure, development landscaping shall consist of native, drought-tolerant or fire resistant plants. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All graded areas in the rear of the residence shall be stabilized with planting at the completion of the project. Planting shall be of native plant species indigenous to the area using accepted planting procedures, adequate to provide 70% coverage within one year, and shall be repeated, if necessary, to provide such coverage.

The approved landscape plan shall be carried out as approved by the Executive Director.

#### 4. Conformance with Geologic Recommendations

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, grading, foundation and drainage plans. The approved foundation plans shall include plans for the foundation, retaining walls, and footings. These plans shall include the signed statement of a geotechnical consultant certifying that these plans incorporate the recommendations contained in the geotechnical investigation prepared by Lotus Consulting Engineers, Inc. dated December 15, 1997 and the geotechnical update of April 9, 1998.

The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

#### 5. Revised Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans showing that:

- a. all concrete patio/flatwork is set back five feet from the top of canyon slope, and
- b. the subterranean drainage pipe in the coastal canyon is replaced with a flexible pipe on the surface.

The approved plans shall be carried out as approved by the Executive Director.

#### IV. Findings and Declarations

The Commission hereby finds and declares:

##### A. Project Description

The applicant is proposing to construct a 2,700 square foot single-family residence with a 1,233 square foot garage on a vacant canyon-fronting lot in the City of San Clemente. Grading consists of 309 cubic yards of cut and 19 cubic yards of fill for the basement level garage.

The site for the proposed development is located on a vacant lot adjacent to a coastal canyon. At the March 1998 hearing the Commission approved the construction of a single-family residence on the adjacent vacant lot to the south (Hogan, 5-97-351). The coastal canyon is Riviera Canyon, one of seven coastal canyons designated in the certified Land Use Plan as Environmentally Sensitive Habitat Area (ESHA). The vicinity map is included as Exhibit 1. The assessors parcel map is included as Exhibit 2. A cross section of the lot (lot #6) is included as Exhibit 4. The ESHA map in the certified Land Use Plan is included as Exhibit 6. The site plan is included as Exhibits 3a and 3b.

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 those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

San Clemente's certified land use plan discusses the importance of coastal canyons and states:

In most cases, coastal canyons are designated for natural open space, which limits potential development and helps to ensure preservation.

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

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

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

The development setback shall be established depending on site characteristics.

In addition, policy VII.12 of the certified LUP states:

Encourage activities which improve the natural biological value, integrity and corridor function of the coastal canyons through vegetation restoration, control of alien plants and animals, and landscape buffering.

The proposed development is located on Riviera Canyon in the southern part of San Clemente. A map of the coastal canyons designated as ESHA is included as Exhibit 6. Exhibit 4 (topo cross section from the 1997 geotechnical report) shows that the site (lot 6) was graded in 1956 to create a pad. As part of this grading the surface soils adjacent to the street to the 118.25 topographical contour line were excavated to create a flat pad. The slope below the flat pad was benched and graded to create a 1.5:1 slope. Below the 1.5:1 slope area is a flat area adjacent to a drainage course and a 20 foot drainage easement. Within the City's 20 foot drainage easement is a concrete

outlet structure and headwall. Therefore, most of the site has been altered by grading. The flat pad portion of the site is cleared periodically for weed control and fire purposes and contains no native vegetation. During a site visit staff noted that the canyon does contain some native vegetation, as well as non-native vegetation. Overall, however, the entire site has been disturbed because of the grading conducted in 1956. Any existing native plant communities would have been removed at that time.

#### Coastal Canyon Setbacks

The development plans submitted by the applicant (Exhibits 3a and 3b) show that the setback selected for this site is option "a", a minimum of 30% of the depth of lot and not less than 15 feet from the canyon edge. The lot is deep and measures 256 feet on the south property line and 172 on the northern property line. The top of slope is located 113 feet from the street front property line on the south and 91 feet from the street front property line on the north. The 30% depth of lot line is well canyonward of the top of slope line. The development plans also indicate that the proposed residential structure is set back 15 feet from the top of canyon. However, the plans show that a concrete flatwork patio is proposed to within 3 feet of the top of canyon. Commission prior policies and the regulations of the Implementation Plan approved by the Commission provide for minor development within 5 feet of the top of slope of a coastal canyon.

Therefore the proposed development does not conform with the minor development setback policies of the Implementation Plan and the applicant is being conditioned to provide revised plans showing that the flatwork is set back 5 feet from the canyon top of slope.

In addition, the drainage plans submitted by the applicant show that the applicant is proposing a subterranean drainage pipe to take runoff from the rear of the residence to the concrete outlet structure. However, installing a subterranean drain pipe from the top of slope down the canyon slope into the drainage would involve trenching in the coastal canyon. In order to avoid impacts from trenching to any native vegetation, the applicant is being conditioned to provide revised drainage plans showing that a flexible drain pipe will be placed on the surface, taking runoff from the rear yard to the concrete outlet structure.

#### Enhancement of Native Vegetation

As stated previously, the Coastal Act requires the preservation of ESHA and the certified LUP includes policies calling for the preservation and enhancement of native vegetation in coastal canyons. The proposed development is an irregularly shaped lot which is adjacent to the Riviera Coastal Canyon.

The applicant has not submitted landscape plans for the rear yard portion of the development fronting the coastal canyon. In prior permits for development on coastal canyons the Commission has an established history of requiring the submittal of landscape plans composed of native plants. There are several reasons for this policy. First, native plants common to coastal canyons are predominantly deep rooted and drought tolerant. Therefore, use of native, drought-tolerant plants minimizes irrigation, percolation and saturation of soils from over-watering. Because the plants are drought-tolerant they establish extensive root systems which help hold the soil and prevent soil

erosion and landsliding, both of which are common to coastal canyons. Finally, planting with native vegetation helps preserve native plant and animal communities, both of which are diminishing in the City of San Clemente.

For these reasons, the Commission finds that the applicant shall submit a landscaping plan for the rear yard portion of the lot. The landscaping plan shall be composed of drought tolerant and native, drought-tolerant plants sufficient to establish a 70% cover within one year and shall be carried out as approved by the Executive Director.

As conditioned the Commission finds that the proposed development will result in the enhancement of native plant resources and conforms with Section 30240 of the Coastal Act.

In the past development has taken place on coastal canyons without benefit of coastal development permits. Unauthorized development in coastal canyons can result in the loss of native vegetation and coastal resources, by outright vegetation removal or by installation of invasive plants which tend to supplant native species. Therefore, it is the practice of the Commission to require the applicants developing on coastal canyons to comply with a future development deed restriction. The deed restriction simply requires that any future improvements, i.e., landscaping, hardscape, structures, require either a new coastal development permit or a coastal development permit amendment. Only as conditioned for the imposition of the future development deed restriction does the Commission find that the proposed development is consistent with the ESHA protection policies of the Coastal Act.

The applicant is proposing to excavate 309 cubic yards of dirt for a subterranean garage. The applicant has not indicated where excess cut will be disposed of. To ensure that there are no adverse impact to sensitive coastal resources from dumping of excess cut dirt, the Commission finds that the applicant shall submit a letter for the review and approval of the Executive Director, indicating where the excess cut dirt will be disposed. If the disposal location is within the coastal zone, a coastal permit or coastal development permit amendment may be required. As conditioned, the proposed development is consistent 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 submitted a geotechnical report prepared by Lotus Consulting Engineers, Inc. on August 18, 1997. This geotechnical report was conducted

over three lots, lots 5, 6 and 7 of Tract 2964 (2313, 2311 and 2309 Calles las Palmas). Included as a part of the geotechnical investigation were on-site reconnaissance, subsurface exploration, sampling and laboratory testing. Cross-sections of the site were prepared showing the previous grade prior to 1956 and the existing grade. The cross section (Exhibit 4) shows that a flat pad and 1.5:1 slope was created during the 1956 grading.

The updated Geotechnical Report by Lotus Engineering states that the site is stable, free from seismically induced liquefaction and landsliding and that groundwater is not a factor in site stability. The updated Geotechnical Report states that the residence setback from the top of slope is adequate for stability and concludes that:

After reviewing the Project Plans and Grading Plan, it is our opinion that the proposed single-family residence is geotechnically feasible and the geotechnical guidelines contained in the referenced report (Dec. 15, 1997) remain applicable.

The December 15, 1997 Geotechnical Report by Lotus presents a favorable assessment of the structural stability of the site. It states:

No topological or physiological evidence of gross slope instability in the form of slumps or other forms of land sliding were observed within the site or has been documented on the Site or within its immediate vicinity.

Surficial instability in the form of localized soil sloughing or erosion was also not observed on the rear as-built 1.5H:1V slope. Most slope areas are covered with dense vegetal [sic] cover, thereby reducing soil sloughing process and improving surficial stability.

However, the geotechnical report also states:

The site is geotechnically suitable for the proposed development of single family residences, provided the conclusions and recommendations of this report are incorporated into the project plans, specifications and construction.

The recommendations of the geotechnical report concern grading, the foundation and footings, site drainage, and subgrade slabs. Therefore, the Commission finds that only as conditioned to provide project plans reviewed and signed by the consulting geotechnical experts is the proposed development consistent with Section 30253 of the Coastal Act regarding geological stability.

#### 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 certified an amendment approved in October 1995. On April 10, 1998 the Commission certified with suggested modifications the IP portion of the Local Coastal Program. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan



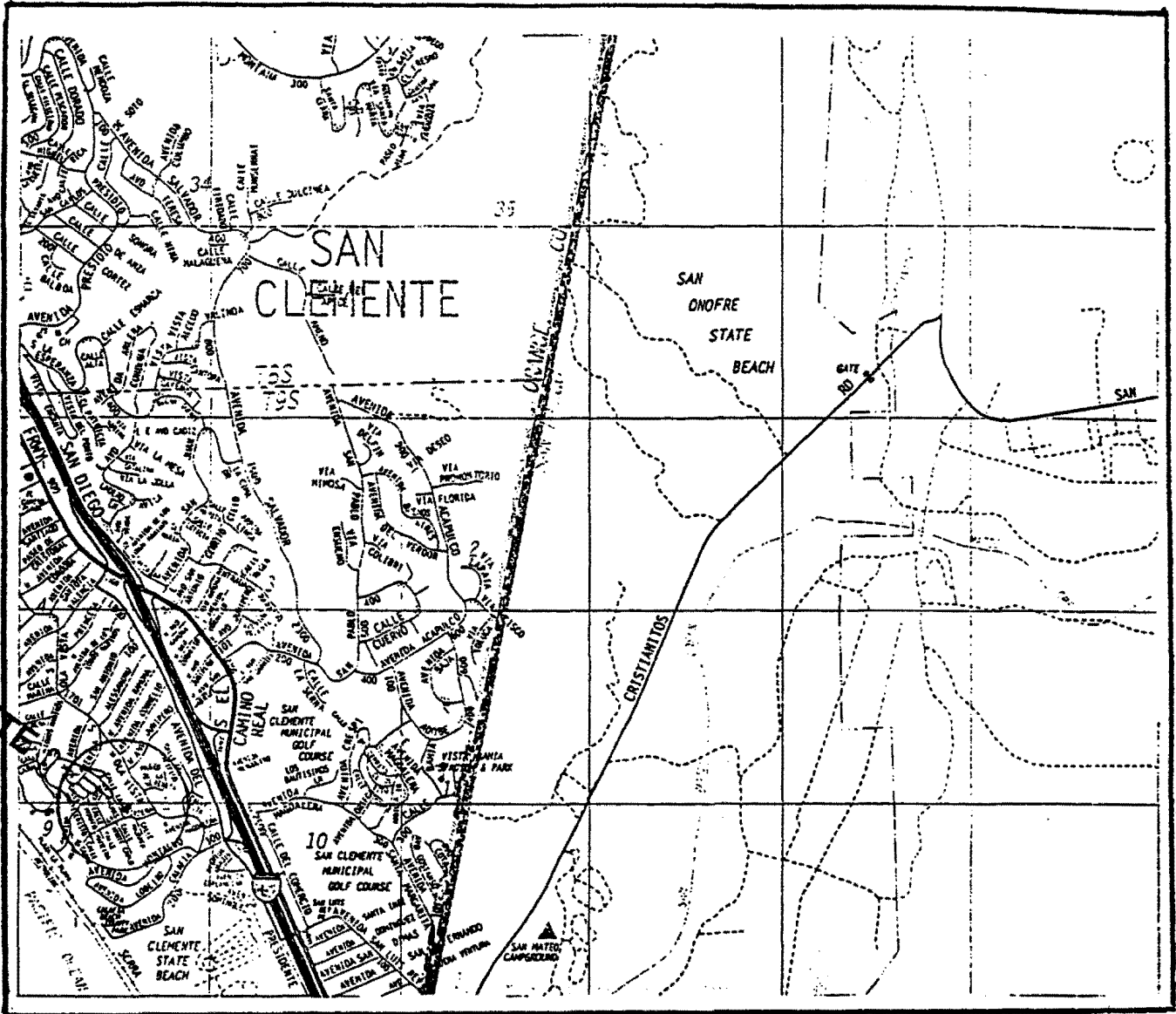
regarding coastal canyon setbacks, enhancement of native vegetation, and geological stability. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

E. Consistency with the California Environmental Quality Act

Section 13096 of Title 14 of the California 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 proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. Mitigation measures to conform to the consultant's geology/soils recommendations, record a future improvements deed restriction, submit revised patio and drainage plans, submit a landscaping plan and disclose the destination of excess cut dirt are required to minimize potential adverse effects of development. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

0613G





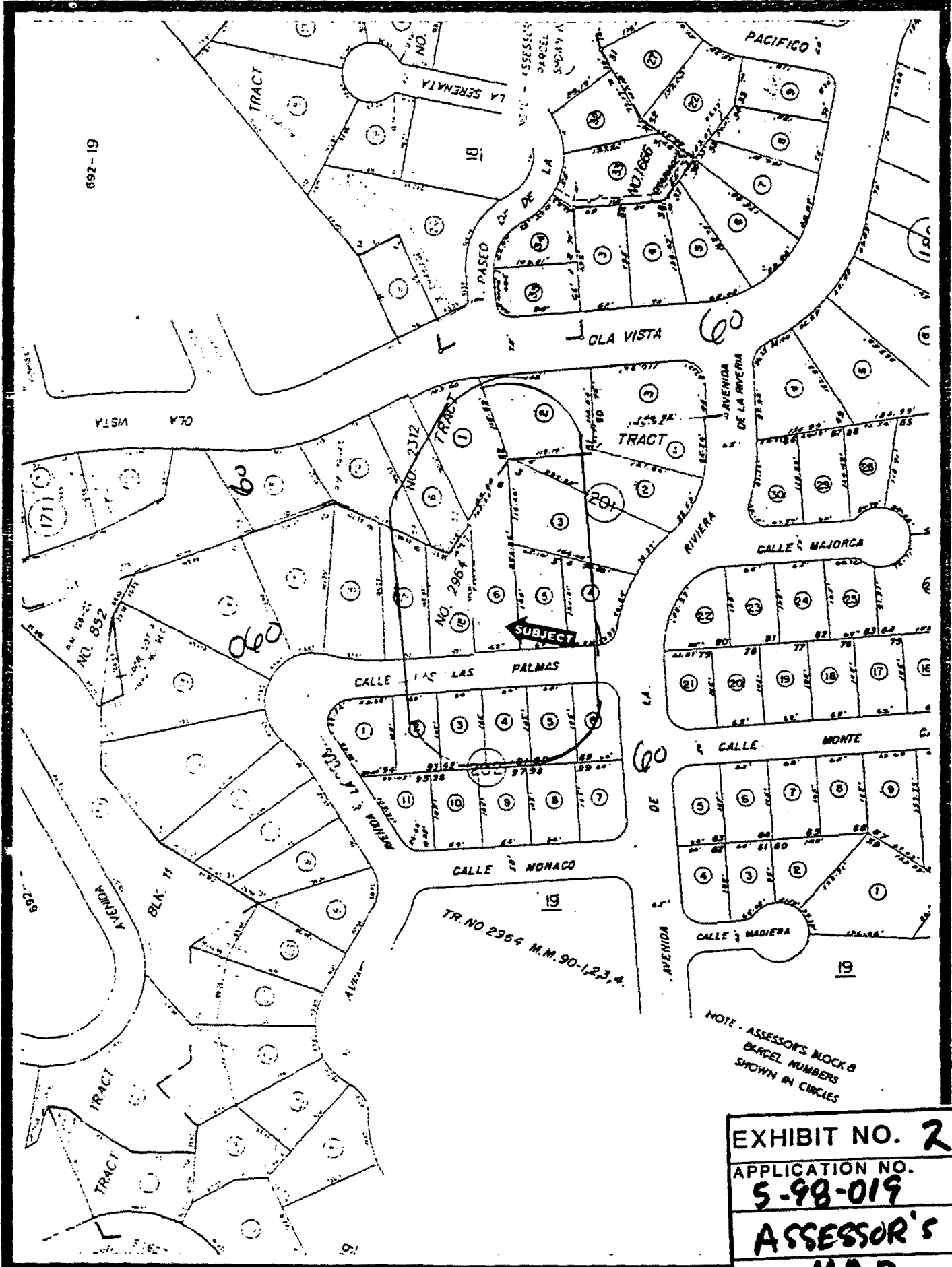
SITE VICINITY MAP



N.T.S.

Source: THOMAS BRDS. MAPS

	PROJECT NO. 97729
	EXHIBIT NO. 1
23112 / Laguna	APPLICATION NO. 5-98-019
VICINITY	
 California Coastal Commission	



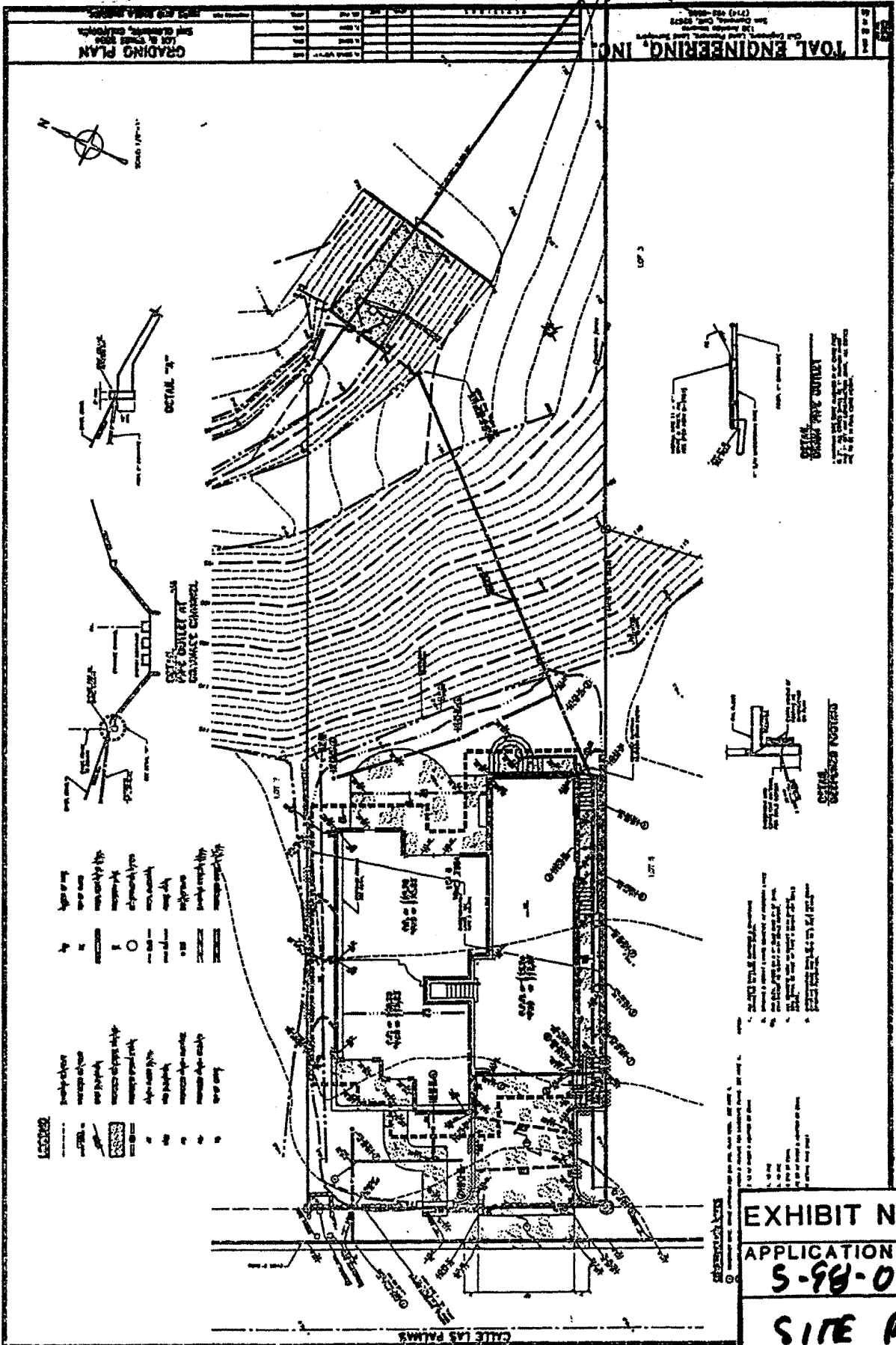
692-19

**SUBJECT**

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

<b>EXHIBIT NO. 2</b>
APPLICATION NO. <b>5-98-019</b>
<b>ASSESSOR'S</b>
<b>MAP</b>
California Coastal Commission

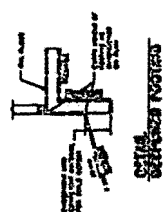
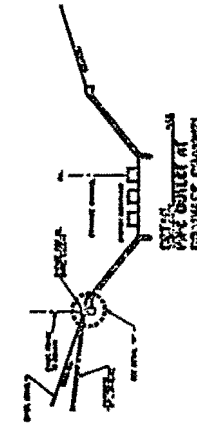
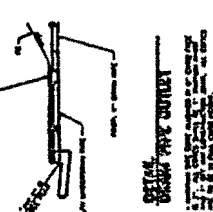
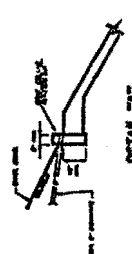
**Ownership Map**



**TOAL ENGINEERING, INC.**  
Civil Engineers, Land Planners, and Surveyors  
1200 Broadway Building  
San Francisco, Calif. 94102  
(415) 774-2000

**GRADING PLAN**  
Site Grading, Elevation, and Slopes

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	1/15/78
2	FINAL PLAN	2/10/78



- LEGEND**
- Existing Building
  - Proposed Building
  - Existing Grading
  - Proposed Grading
  - Proposed Slope
  - Proposed Retention Wall
  - Proposed Foundation
  - Proposed Driveway
  - Proposed Parking Area
  - Proposed Planting Area
  - Proposed Erosion Control

- 1. All proposed structures shall be constructed in accordance with the California Building Code and all applicable local ordinances.
- 2. All proposed structures shall be designed to resist seismic forces in accordance with the California Building Code.
- 3. All proposed structures shall be designed to resist wind forces in accordance with the California Building Code.
- 4. All proposed structures shall be designed to resist flood forces in accordance with the California Building Code.

**EXHIBIT NO. 3a**  
**APPLICATION NO.**  
**S-98-019**  
**SITE PLAN**

Project no. 98781  
Figure 1

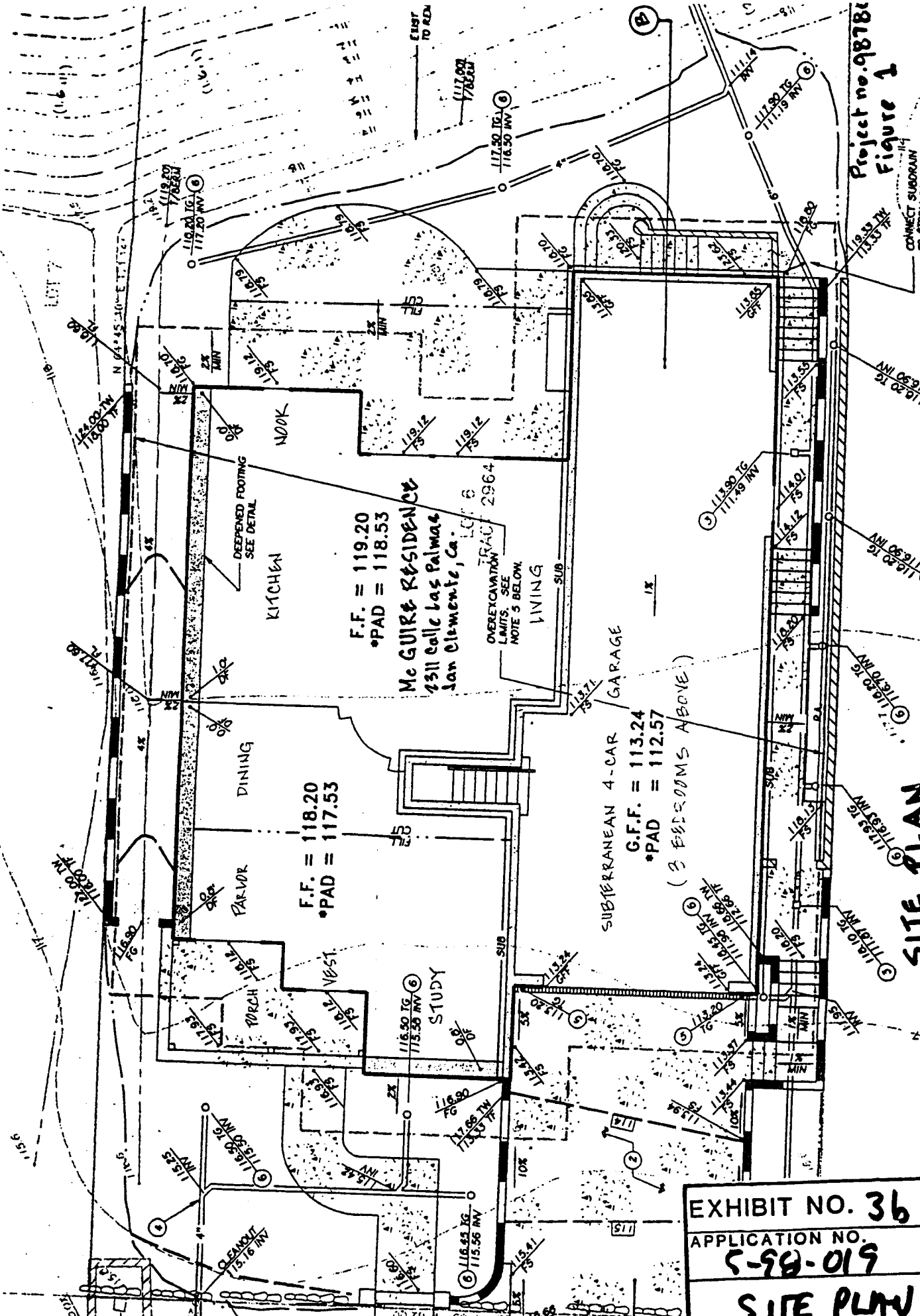
CONNECT SUBDRAIN TO STORM DRAIN SYSTEM

LOT 5

SITE PLAN  
1" = 8'

Scale = 1" = 8'

EXHIBIT NO. 36
APPLICATION NO. 5-98-019
SITE PLAN
California Coastal Commission



**McGUIRE RESIDENCE**  
 1311 Calle las Palmas  
 San Clemente, Ca.

F.F. = 118.20  
 \*PAD = 117.53

G.F.F. = 113.24  
 \*PAD = 112.57  
 (3 BEDROOMS ABOVE)

OVEREXCAVATION LIMITS. SEE NOTE 5 BELOW.

DEEPEDED FOOTING SEE DETAIL

AN 116.00 TG 116.00 INV

AN 116.00 TG 116.00 INV

AN 116.00 TG 116.00 INV

AN 113.00 TG 111.75 INV

AN 116.45 TG 116.45 INV

AN 116.50 TG 115.55 INV

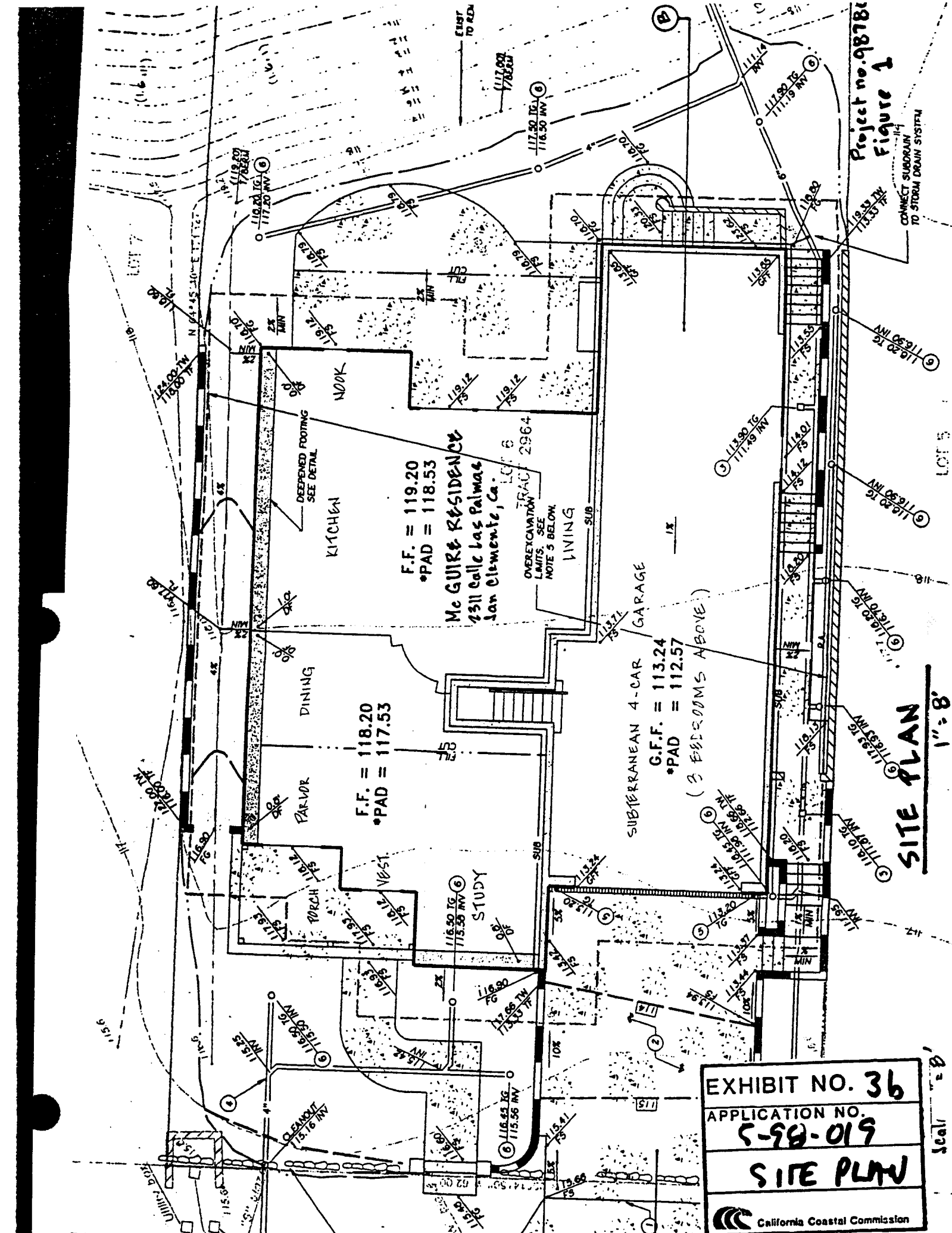
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AN 116.45 TG 115.55 INV

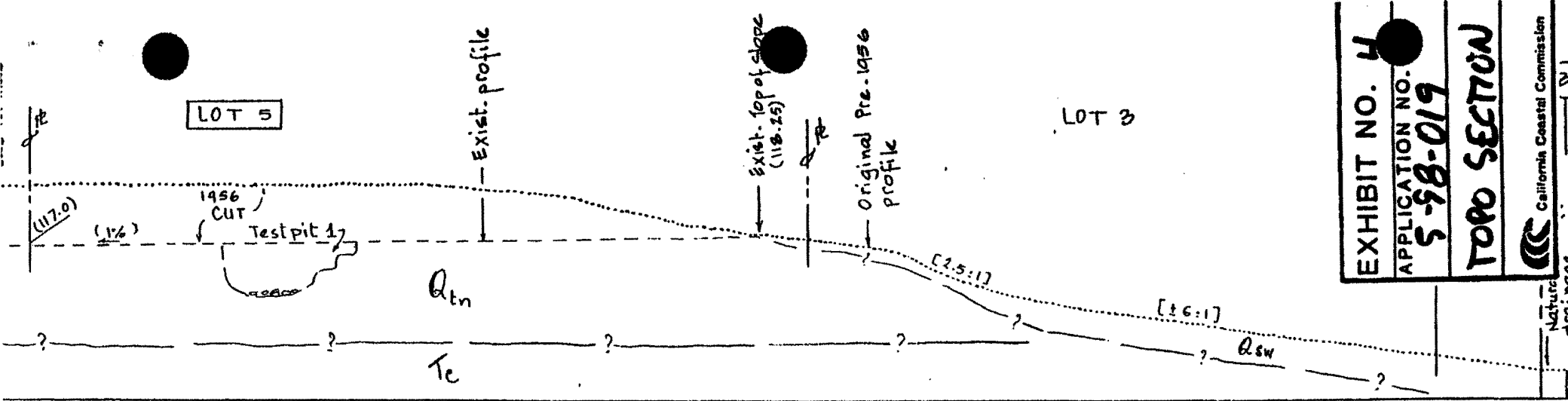
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AN 116.00 TG 116.00 INV

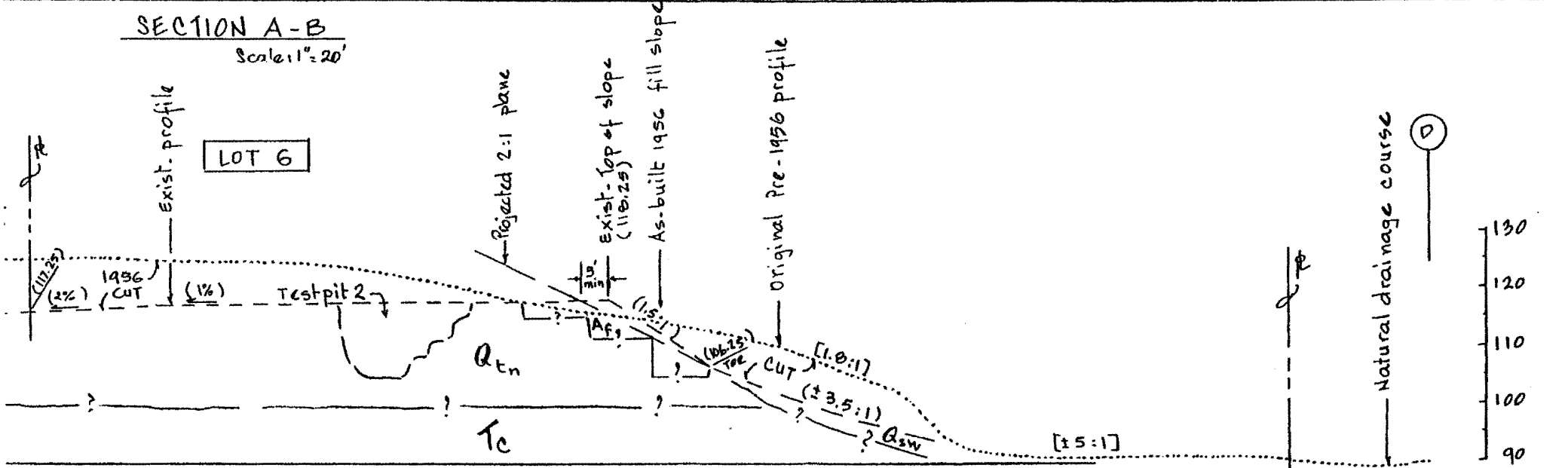
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**EXHIBIT NO. 4**  
**APPLICATION NO. 5-98-019**  
**TOPO SECTION**  
 California Coastal Commission  
 Natural drainage



SECTION A-B  
Scale: 1" = 20'



SECTION C-D  
Scale: 1" = 20'

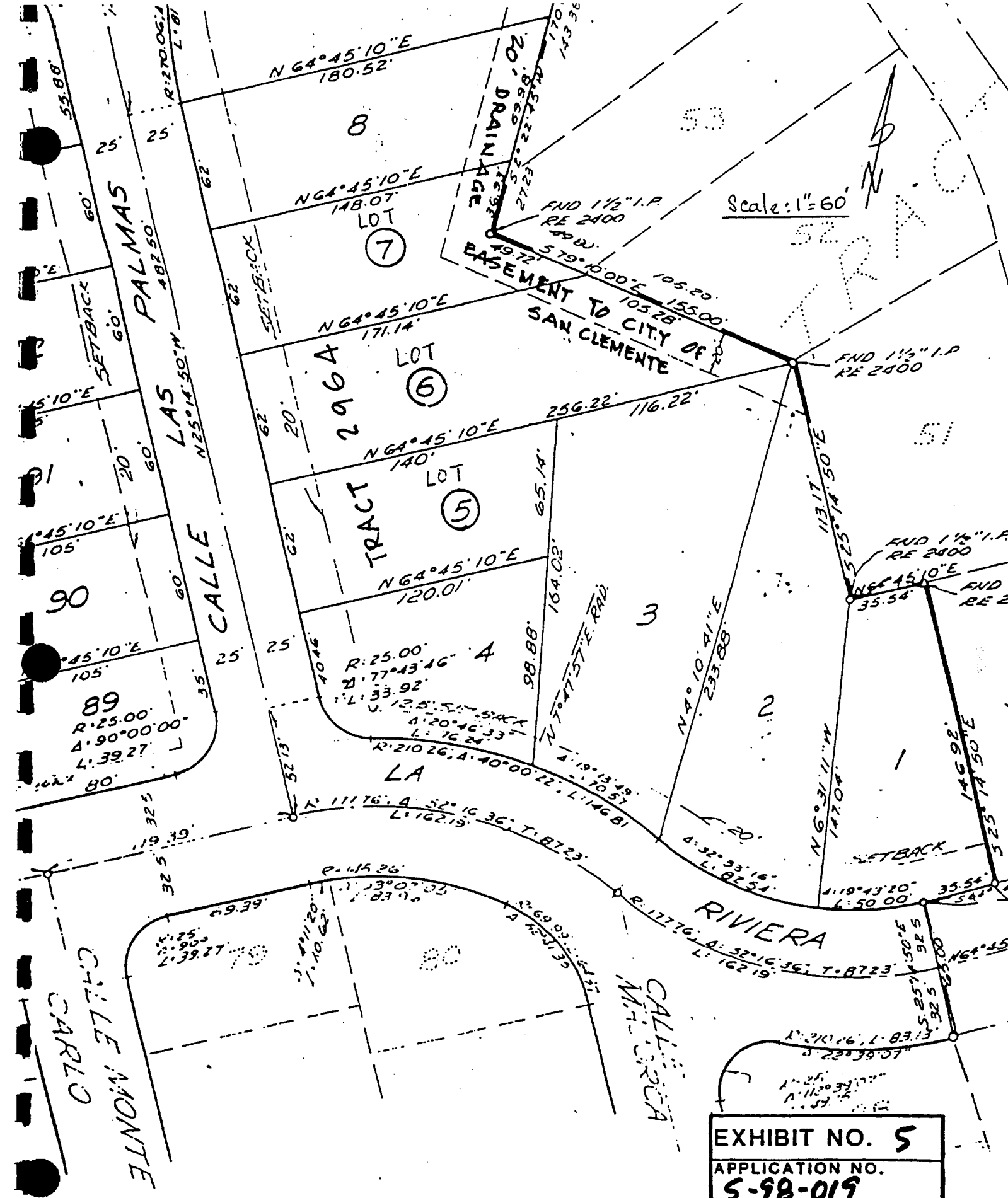
Original Pre-1956 ground profile  
 Existing (as-graded in 1956) ground profile  
 Original slope gradient  
 As-graded 1956 slope gradient  
 Existing spot elevation

$Q_{sw}$  slope wash Deposits  
 $Q_{tn}$  non-marine Terrace Sediments  
 $T_c$  Capistrano Formation - Siltstone  
 $A_f$  1956 Engineered Fill

  
 23112 ALCALDE DR., STE. G  
 LAGUNA HILLS, CA 92653  
 (714) 768-4468

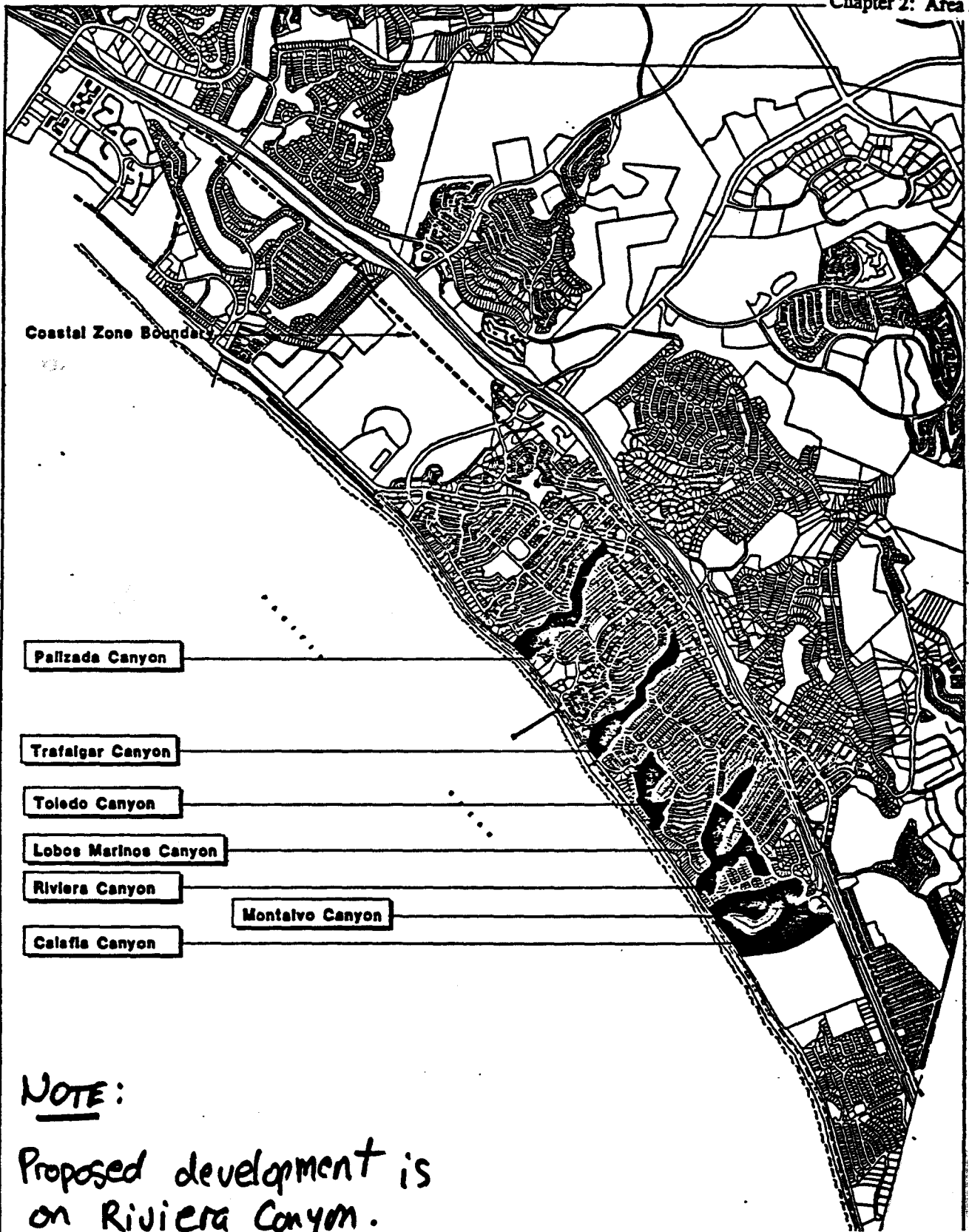
**GEOTECHNICAL SECTION**  
 AT  
 LOTS 5 & 6 OF TRACT 2964  
 2313 & 2311 CALLE LAS PALMAS  
 SAN CLEMENTE, CALIFORNIA

PROJECT NO. 9772916	DATE 6/97	BY ATB
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Reference: TRACT 2964 MAP  
 Scale: 1" = 60'

<b>EXHIBIT NO. 5</b>
APPLICATION NO. <b>5-98-019</b>
<b>DRAINAGE EASEMENT</b>
California Coastal Commission



Coastal Zone Boundary

Palizada Canyon

Trafalgar Canyon

Toledo Canyon

Lobos Marinos Canyon

Riviera Canyon

Montalvo Canyon

Calafia Canyon

NOTE:

Proposed development is on Riviera Canyon.

FIGURE 2-1

EXHIBIT NO. 6
APPLICATION NO. 5-98-019
ESHA MAP
California Coastal Commission

