

*Jul 19d***CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

Filed: February 29, 2000
49th Day: April 18, 2000
180th Day: October 15, 2000
Staff: MG-LB
Staff Report: April 20, 2000
Hearing Date: May 9-12, 2000
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-99-385

APPLICANTS: Shannon and Maureen Reddington

PROJECT LOCATION: 2470 South Ola Vista, San Clemente, Orange County

PROJECT DESCRIPTION: Construction of a 4,113 square foot single family residence with an attached 1,128 square foot, three-car garage on a vacant, previously graded lot adjacent to Montalvo Canyon. Approximately 175 cubic yards of cut and 475 cubic yards of fill are proposed.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with four (4) special conditions. The site is located adjacent to Montalvo Canyon, one of seven coastal canyons in San Clemente identified as containing environmentally sensitive habitat. Issues of note include ensuring that the proposed development is consistent with the geologic hazard policies of the Coastal Act as well as assuring that the development is consistent with protection of environmentally sensitive habitat areas. The proposed development conforms to the canyon setback policies in the certified LUP, and the canyon edge is located beyond the southwestern (canyon side) property line. Special Condition 1 requires the applicant to submit plans that show evidence of conformance with geotechnical recommendations including those regarding site preparation, foundation design, and drainage. Special Condition 2 requires submission of a revised landscape plan to show use of native plant species for all in-ground plantings and elimination of all in-ground irrigation. Special Condition 3 requires submission of a drainage plan showing that drainage is conducted toward the street. Special Condition 4 requires the applicant to record a deed restriction, which ensures that the applicant and future landowners are aware that future development requires a coastal development permit.

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

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente certified Land Use Plan; Coastal Development Permits P-7-10-73-1429 (Villa Development Co.); 5-82-785 (Di Stephano); G5-92-400 (Villa Montalvo Vista Ltd.); 5-92-478 (Villa Montalvo Vista Ltd.); P-193 (36 Unit Condominium); P-193-A (33 Unit Condominium); *Engineering*

Geologic Evaluation/Update of Site Conditions and Development Feasibility; Lot 43 – Parcel B1 of Tract 2312; 2460 Ola Vista (at Calle Del Pacifico), San Clemente, California by William R. Munson Associates, dated November 15, 1982; Site Reconnaissance and Updated Soil Report for Construction of Proposed Single-Family Residence, Previously Graded Pad, 2470 South Ola Vista, Parcel 14 (Previous Parcel B-1) Easterly Portion of Lot 43 of Tract 2312, San Clemente, California by Peter and Associates, dated October 4, 1999 (JN 99G9218).

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with conditions.

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-99-385 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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 TO APPROVE THE PERMIT:

I. APPROVAL WITH CONDITIONS:

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

II. STANDARD CONDITIONS:

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 OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL REPORT GEOLOGIC HAZARD
 - A. The applicant shall comply with the Grading Plan submitted on February 29, 2000, prepared by Alpine Consultants, Inc. and with all recommendations contained in the *Conclusions and Recommendations* section of the Engineering Geologic Report titled *Site Reconnaissance and Updated Soil Report for Construction of Proposed Single-Family Residence, Previously Graded Pad, 2470 South Ola Vista, Parcel 14 (Previous Parcel B-1) Easterly Portion of Lot 43 of Tract 2312, San Clemente, California* by Peter and Associates, dated October 4, 1999 (JN 99G9218).
 - B. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved 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 required.

2. **LANDSCAPING PLAN**

- A. The applicant shall comply with the Landscape Plan submitted on February 29, 2000 and prepared by Michael Bunganich, ASLA. In addition the applicant shall comply with the following provisions:
- (a) All planting shall provide 70 percent coverage within 1 year;
 - (b) All required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) Landscaped areas in the rear and eastern side yards not occupied by hardscape 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 shall consist of native, drought resistant plants. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
 - (d) Landscaped areas in the front and side yards can include ornamental or native, drought-tolerant plants. Vegetation installed in the ground shall consist of native, drought tolerant plants. Other vegetation which is placed in above-ground pots or planters or boxes may be non-invasive, non-native ornamental plants. Sod or non-native non-drought tolerant ground covers shall not be placed on the site;
 - (e) No in-ground irrigation systems shall be installed on the site. Temporary above ground irrigation is allowed to establish plantings.
- B. 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 required.

3. **DRAINAGE AND RUNOFF CONTROL PLAN**

- A. The applicant shall comply with the Grading [and drainage] Plan, by Alpine Consultants, Inc., submitted on February 29, 2000 and with the recommendations of the geotechnical report titled *Site Reconnaissance and Updated Soil Report for Construction of Proposed Single-Family Residence, Previously Graded Pad, 2470 South Ola Vista, Parcel 14 (Previous Parcel B-1)*

Easterly Portion of Lot 43 of Tract 2312, San Clemente, California by Peter and Associates, dated October 4, 1999 (JN 99G9218). In addition, the applicant shall comply with the following provisions:

- (a) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged to avoid ponding or erosion either on or off site;
 - (b) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged to the street via pipe or other non-erosive conveyance.
 - (c) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. FUTURE DEVELOPMENT DEED RESTRICTION

- A. This permit is only for the development described in coastal development permit No. 5-99-385. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the single family house 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. 5-99-385 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the parcel. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The proposed development is located at 2470 South Ola Vista, San Clemente, Orange County (Exhibit 1). The project site is adjacent to Montalvo Canyon, which is identified in the City of San Clemente Certified Land Use Plan as one of seven environmentally sensitive coastal canyon habitat areas (Exhibit 2). The surrounding development consists of low-density single-family residences. The project site is located inland, greater than one-quarter mile from the beach (see Exhibit 1). The property site is an irregularly shaped, canyon-fronting parcel with no distinct canyon edge (Exhibit 3, page 1).

The proposed development consists of the construction of a 25.5 foot high, two-story, 4,113 square foot single-family residence with a 1,128 square foot, three-car garage on a vacant, previously graded lot adjacent to Montalvo Canyon (Exhibit 2). The canyon edge is located beyond the southwestern (canyon side) property line. In approximately 1955 the northern half of the site was filled and graded along with the adjacent properties. The southern half of the property was not filled, and slopes gently with elevation decreasing canyonward of the fill slope. The existing fill pad on site will be partially re-graded for the proposed project. Approximately 175 cubic yards of cut and 475 cubic yards of fill are proposed to complete the project. In approximately 1974, a stormdrain was installed along the easternmost side of the property in a 20-foot stormdrain easement. Staff was not able to locate a permit specific to the installation of this stormdrain in the Commission files. No part of the proposed structure is to be built in the stormdrain easement. There is no existing native vegetation on site, and the canyon area immediately adjacent to the subject site does not contain native plants.

B. PRIOR COMMISSION ACTION AT THE SUBJECT SITE

On August 20, 1973, the Commission approved Coastal Development Permit P-7-10-73-1429 for the construction of a single-family residence at the subject site. The permit was issued with no special conditions. However, the approved residence was not constructed.

On February 24, 1983, the Commission approved Coastal Development Permit 5-82-785 for the construction of a two-story, single-family residence with an attached two-car garage at the subject site. The permit was issued with a special condition that required all recommendations of the engineering and geologic evaluation to be incorporated into the design and construction of the project; however, the approved residence was not constructed.

C. GEOLOGIC STABILITY

1. Coastal Act Policies

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.

2. Project Site Geotechnical Report

The applicant submitted a geotechnical report prepared by Peter and Associates in October 1999. The geotechnical investigation included: on-site reconnaissance, subsurface exploration, soil sampling and laboratory testing. The report included an appendix entitled "Maintenance Guidelines for Homeowners" that provides guidelines for maintaining hillside lots.

The property site is an irregularly shaped, canyon-fronting parcel with no distinct canyon edge (Exhibit 3, page 1). The northern half of the site is a level building pad, which is the result of grading, and fill completed in approximately 1955 based on historic plans. The top of the fill pad ranges from 5 to 8 feet above grade on its eastern edge and is approximately 10 feet above natural grade along its southern edge. From the base of the fill pad the lot slopes gently decreasing in elevation toward the canyon. An existing fill slope from the neighboring condominium complex runs along the eastern property boundary. A 20-foot stormdrain easement also runs along the eastern property boundary and cuts west across the southern tip of the property into the canyon. The project site is level near the street and gradually descends into the canyon.

The geotechnical report states that the top 4-5 feet of the existing fill slope is unsuitable for development and should be removed and recompacted. The existing southern (rear) fill slope has a slope ratio of 2.5H:1V, and the top of the fill slope is approximately 10 feet above natural grade according to the geotechnical report. The report notes that existing rear fill slope shows no signs of slope failure, and that the slope is considered grossly and surficially stable. However, the geotechnical report also states that proper landscaping and maintenance must be performed to reduce the future potential for slope creep, and that the proposed development will be set back 14 feet from the top of the fill slope. The eastern fill slope has a slope ratio of approximately 1.5H:1V and top of slope is 5-8 feet above natural grade. The geotechnical report states that cracks and local surficial erosion was noted on the eastern fill slope, although no evidence of gross slope failure or slumping was observed. The geotechnical report states that the eastern fill slope is not considered grossly stable due to its

steepness and that this slope will be removed and reconstructed at a 2H:1V ratio as part of the proposed development.

The geotechnical report concludes that no extensive foundation design is required and a conventional shallow footing design will be adequate for that portion of the proposed development located outside the slope creep zone identified in the October 1999 report. The geotechnical consultant notes that there is a 2-foot to 3-foot thick creep zone along the proposed fill slopes. Because a portion of the proposed development will be located within the creep zone, the geotechnical consultant recommends that deepened footings be used on the driveway proposed on the eastern portion of the fill pad. The canyon edge is located beyond the southwestern (canyon side) property line. In addition, the proposed development will be setback at least 94 feet from the southernmost point on the property, and no structures are proposed in the stormdrain easement. The geotechnical consultant has determined that the proposed development is sufficiently setback from the canyon and the proposed fill slopes to avoid adverse geologic impacts.

3. Project Analysis/Special Conditions

Section 30253(2) of the Coastal Act states that new development shall assure stability and structural integrity and shall not contribute to erosion, geologic instability or destruction of the site or require the construction of protective devices which would substantially alter natural landforms.

The geotechnical report states that the construction of the proposed residence is feasible provided the applicant complies with the recommendations of the geotechnical report. The geotechnical report includes recommendations regarding site preparation, building foundation design guidelines, placement of slabs, landscaping, drainage, and setbacks from the top of the fill slope to avoid the "creep" zone.

Appendix C of the geotechnical report includes guidelines for property maintenance. In particular the guidelines discuss the maintenance of drains and gutters, adequate provision for taking runoff to the street and cautions against doing any substantive work on the slope without contacting a geotechnical consultant. The final paragraph of the property maintenance guidelines states:

Hillside lot owners should not let conditions on their property create a problem for their neighbors. Cooperation with neighbors could prevent problems, promote slope stability, adequate drainage, proper maintenance, and also increase the aesthetic attractiveness of the community.

The report also includes recommendations regarding drainage. One recommendation is that unlined planters and lawn should not be constructed within 5-feet of the structure. Another recommendation is that the site should be prepared so that surface water flows away from the top of slope and into a drainage system. The use and maintenance of roof gutters, downspouts, area drains, graded berms and swales to facilitate surface drainage and prevent ponding and slope saturation is also recommended. Another recommendation is that bare slope areas be replanted. Finally, the geotechnical consultant recommends that any

modifications to the slope should not be attempted without consulting a geotechnical consultant.

Since the recommendations provided by the geotechnical consultant include measures to mitigate any adverse geologic effects, the Commission finds that Special Condition 1 ensures that the consulting geotechnical expert has reviewed the development plans and verified their conformance with the geotechnical recommendations. Special Condition 1 ensures that the development plan is consistent with Section 30253 of the Coastal Act.

The structure is set back 94 feet in accordance with geotechnical recommendations and LUP requirements. The applicant has submitted a landscaping plan that has been designed to minimize the amount of irrigation necessary (Exhibit 3, page 7). This has been accomplished by utilizing native drought tolerant plant material on the rear part of the lot near the canyon. In addition, the landscape plan submitted by the applicant indicates that only minimum temporary irrigation to allow plants to establish will be installed in the rear yard (Exhibit 3, page 7).

However, the proposed landscaping in the front yard of the site includes in-ground planting and in-ground irrigation systems. Breaks and leaks in in-ground irrigation systems have been associated with slope failures in canyon and bluff areas of San Clemente (5-98-181, 5-98-143, 5-93-304, and 5-93-217). Irrigation of lawns and other non-native, non-drought tolerant in-ground plantings is estimated to add the equivalent of 60 to 300 inches of rainfall per year. *[Irrigation figure disclosed at a lecture given to Coastal Commission staff in Ventura on January 30, 1995 by James E. Slosson, Professor Emeritus of Geology, Los Angeles Valley College, head of the geologic consulting firm of Slosson & Associates.]* Therefore, the Commission imposes Special Condition 2 which requires that only native, drought tolerant plant species may be planted in the ground and that no in ground irrigation systems may be installed in the rear and side yard portions of the subject site. Special Condition 2 allows non-native, non-invasive ornamental plants to be utilized in above ground pots and planters and does allow the use of temporary irrigation systems to help plantings establish. Special Condition 2 also requires the applicant to utilize native drought tolerant plant species in the rear yard, as proposed. Special Condition 2 also requires that the plantings be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

Also, as noted above, the geologic report provides recommendations regarding site drainage. These recommendations are provided by the geologist in order to avoid any adverse effects that site drainage may have upon site stability. For instance, improper site drainage could cause the area subject to slope creep identified by the geologist to activate and cause damage to the structure. The geologist's recommendations regarding site drainage are designed to avoid such adverse effects. Since the manner in which the site drains is important to site stability, plans must be submitted which document how site drainage will be accomplished. Special Condition 3 notifies the applicant that diverting runoff from impervious surfaces toward the canyon or fill slopes is prohibited. Special Condition 3 also requires that drainage devices must be maintained throughout the life of the development.

Finally, 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 finds that the applicant shall comply with Special Condition 4, a future development deed restriction. This deed restriction will ensure that the applicant and all successors and assigns are aware that a coastal development permit is required for development at the site.

4. Conclusion/Project Consistence with Coastal Act

The Commission has found that in order to assure that the proposed development minimizes risks to life and property in areas of high geologic hazard and assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area the applicant shall be conditioned to: 1) conform to geotechnical consultants, Peters and Associates, recommendations; 2) conform to landscape plan submitted on February 29, 2000 prepared by Michael Bunganich, ASLA; 3) conform to drainage plan submitted on February 29, 2000 and recommendations of the geotechnical consultant, Peters and Associates, and 4) execute and record a deed restriction regarding future improvements to the subject site. Only as conditioned does the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREA

1. Coastal Act and LUP Policies

Section 30240(b) of the Coastal Act states:

- (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.

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.

Policy XV.13 of the certified LUP states:

The removal of native vegetation and the introduction of non-native vegetation in the canyons shall be minimized. The use of native plant species in and adjacent to the canyons shall be encouraged.

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.

2. Site Analysis

The proposed development is located adjacent to Montalvo Canyon, one of seven coastal canyons designated as Environmentally Sensitive Habitat Area in the certified LUP. Montalvo Canyon is located in the southern part of San Clemente. The proposed development is consistent with LUP canyon setback policy "a" above, in that the proposed development, which is setback a minimum of 30% of the depth of the lot and greater than 15 feet from the "canyon edge".

The property site is an irregularly shaped, canyon-fronting parcel with no distinct canyon edge. The site topography is presented in Exhibit 3. The canyon edge is located beyond the southwestern (canyon side) property line. The northern half of the site is a level building pad, which is the result of grading, and fill completed in approximately 1955 based on historic plans. The top of the fill pad ranges from 5 to 8 feet above grade on its eastern edge and is approximately 10 feet above natural grade along its southern edge. From the base of the fill pad the lot slopes gently decreasing in elevation toward the canyon. An existing fill slope from the neighboring condominium complex runs along the eastern property boundary. A 20-foot stormdrain easement also runs along the eastern property boundary and cuts west across the southern tip of the property into the canyon. The project site is level near the street and gradually descends into the canyon. The southern (rear) fill slope has a slope ratio of 2.5H:1V according to the geotechnical report. The report notes that existing rear fill slope shows no signs of slope failure, and that the proposed development will be set back 14 feet from the top of the fill slope. The eastern fill slope has a slope ratio of approximately 1.5H:1V according to the geotechnical report. The geotechnical report also states that cracks and local surficial erosion was noted on the eastern fill slope, although no evidence of gross slope failure was observed.

There is no existing native vegetation on site except on the existing fill pad. The applicant's landscape architect has identified existing isolated native Saltbush and Rhus Integrifolia plants on the fill pad. The landscaping plans submitted by the applicant state that the Rhus

Integrifolia will remain undisturbed in its present location on the rear fill slope at the western property line. The existing Saltbush, which is located on the eastern side of the fill pad will be removed to accommodate the proposed development. Because the Saltbush plant is isolated and is growing only on the existing fill pad on-site, it does not qualify to be considered an environmentally sensitive habitat area. In addition, the applicant proposes to replant the rear and eastern side yard portions of the site with native vegetation. Therefore, the proposed removal of Saltbush, which is being mitigated by the proposed planting of native plants in other areas of the site, and the maintenance of the existing Rhus Integrifolia on-site is acceptable.

Native drought tolerant landscaping will be used in the southern and eastern fill slopes and in the rear (southern) portion of the site (Exhibit 3). The plans provided by the applicant show that the fill slopes and rear yard will be landscaped with native trees, shrubs, and groundcovers including Coast Live Oak (*Quercus agrifolia*), Sycamore (*Platanus Racemosa*), Toyon (*Heteromeles Arbutifolia*), Coast Sunflower (*Encelia Californica*), Ceanothus, and Coyote Bush (*Baccharis Pilularis*). The rear yard will also be seeded with a mixture of Saltbush, Lupine, Goldenbush, California Poppy, and Yarrow, which the landscape architect has identified as coastal sage scrub plants. In addition, the Special Condition 2 (landscaping) requires that only native, drought-tolerant plants be installed on the canyon side of the property. No rear yard lawn area is proposed. In addition, Special Condition 2 requires that any in-ground plantings on the side yards and front yard be of native, drought tolerant plants.

3. Special Conditions

The previous section on geologic hazards includes findings to support the four special conditions: conformance with geologic recommendations, revised landscape plan, provision of a drainage plan, and future development deed restriction. These conditions are necessary to ensure compliance with Section 30253 of the Coastal Act concerning prevention of erosion and promotion of geologic stability.

San Clemente's certified Land Use Plan advocates the preservation of native vegetation and discourages the introduction of non-native vegetation. The coastal canyons act as open space and potential wildlife habitat as well as corridors for native fauna. Decreases in the amount of native vegetation due to displacement by non-native vegetation would result in an adverse impact upon habitat value of the canyons. Montalvo Canyon has been designated by the City of San Clemente as an environmentally sensitive habitat area. Special Conditions 2, 3, and 4 ensure that the proposed development, which is adjacent to Montalvo Canyon, does not have any significant adverse effect on environmentally sensitive habitat area. Special Condition 2 requires that landscaping be of native, drought tolerant species on the back of the lot adjacent to Montalvo canyon. Therefore, non-native invasive species will not encroach into the adjacent canyon. In addition, all in-ground vegetation on the site, both in the front and back of the lot must be of native plant species. All water intercepted by the proposed structure should be conveyed to the street by the use of roof and area drains to reduce excessive runoff, erosion, and sedimentation to the canyon. Special Condition 3 requires that the drainage plan ensure that sedimentation in the canyon, which may adversely effect the designated environmentally sensitive habitat area, will be prevented. Special Condition 4, the future development special condition, ensures that no development, including landscaping,

takes place that would adversely impact the existing designation of the adjacent Montalvo canyon as an environmentally sensitive habitat area.

4. Consistency with Section 30240 and LUP Policies

The proposed development is adjacent to Montalvo Canyon, which is identified in the certified LUP as Environmentally Sensitive Habitat Area. The special conditions of this staff report (future development and erosion control plan) are designed to enhance Montalvo Canyon as an environmentally sensitive habitat area. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30240(b) of the Coastal Act and the policies of the certified LUP.

E. LOCAL COASTAL PROGRAM

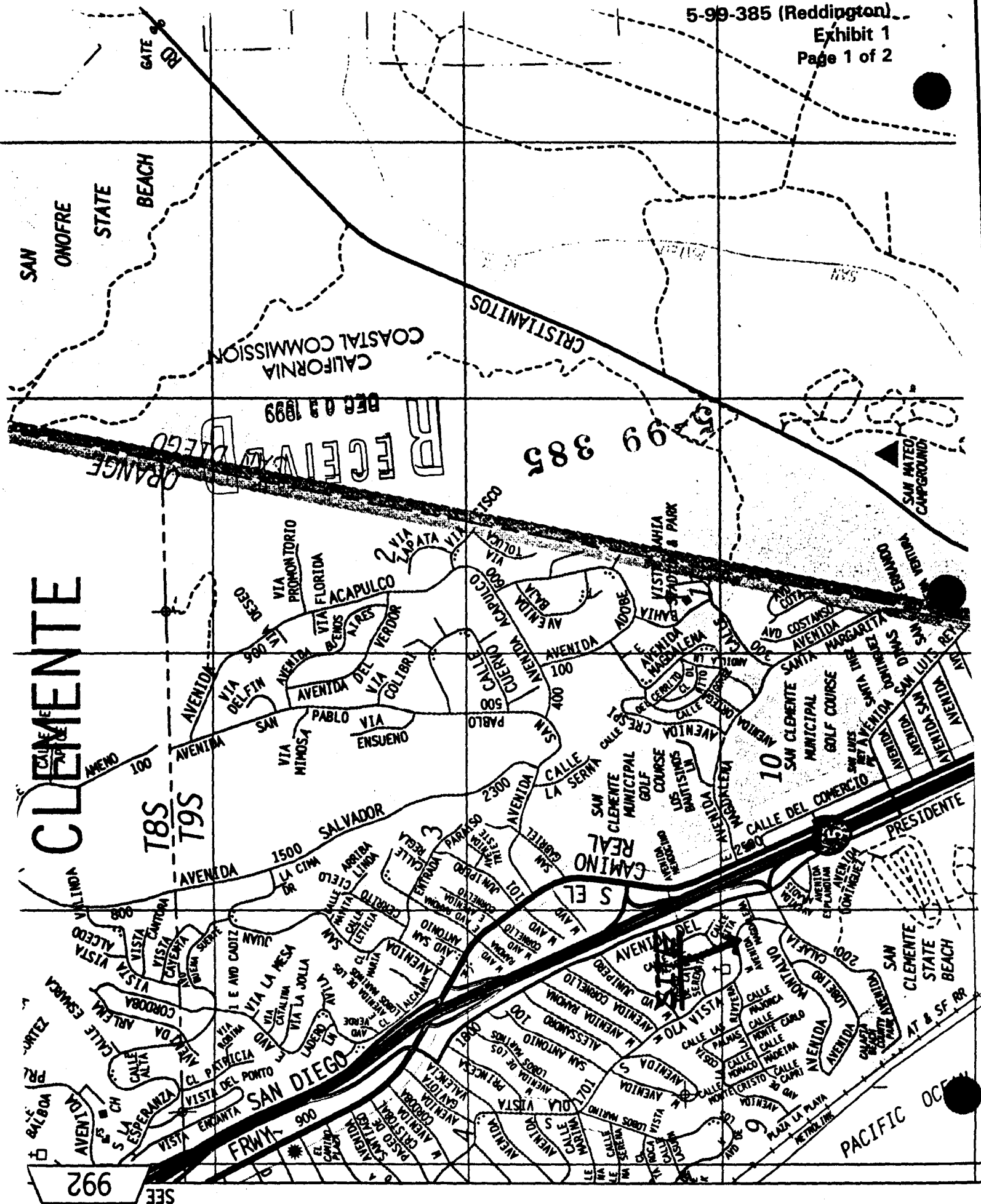
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

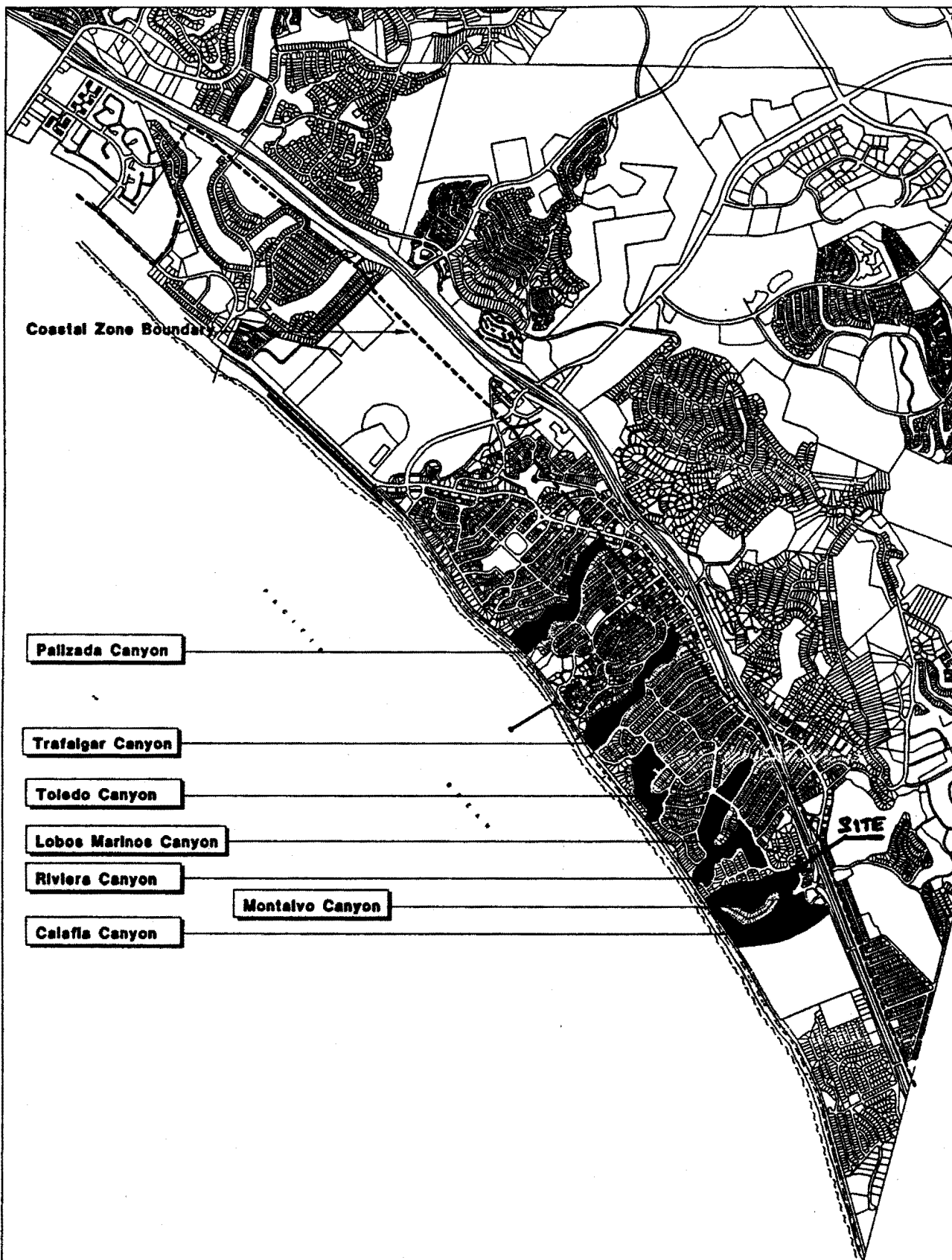
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998 the Commission certified with suggested modifications the IP portion of the Local Coastal Program. The City did not accept the suggested modifications within six months and therefore the Commission's approval of the IP portion of the LCP is no longer effective. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding 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).

F. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic hazards and environmentally sensitive habitat policies of the Coastal Act. Mitigation measures; special conditions requiring conformance with geologic recommendations, future development, and landscaping and drainage plans, will minimize all adverse effects. As conditioned there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that 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.





5-99-385 (Reddington)

Exhibit 2

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FIGURE 2-1

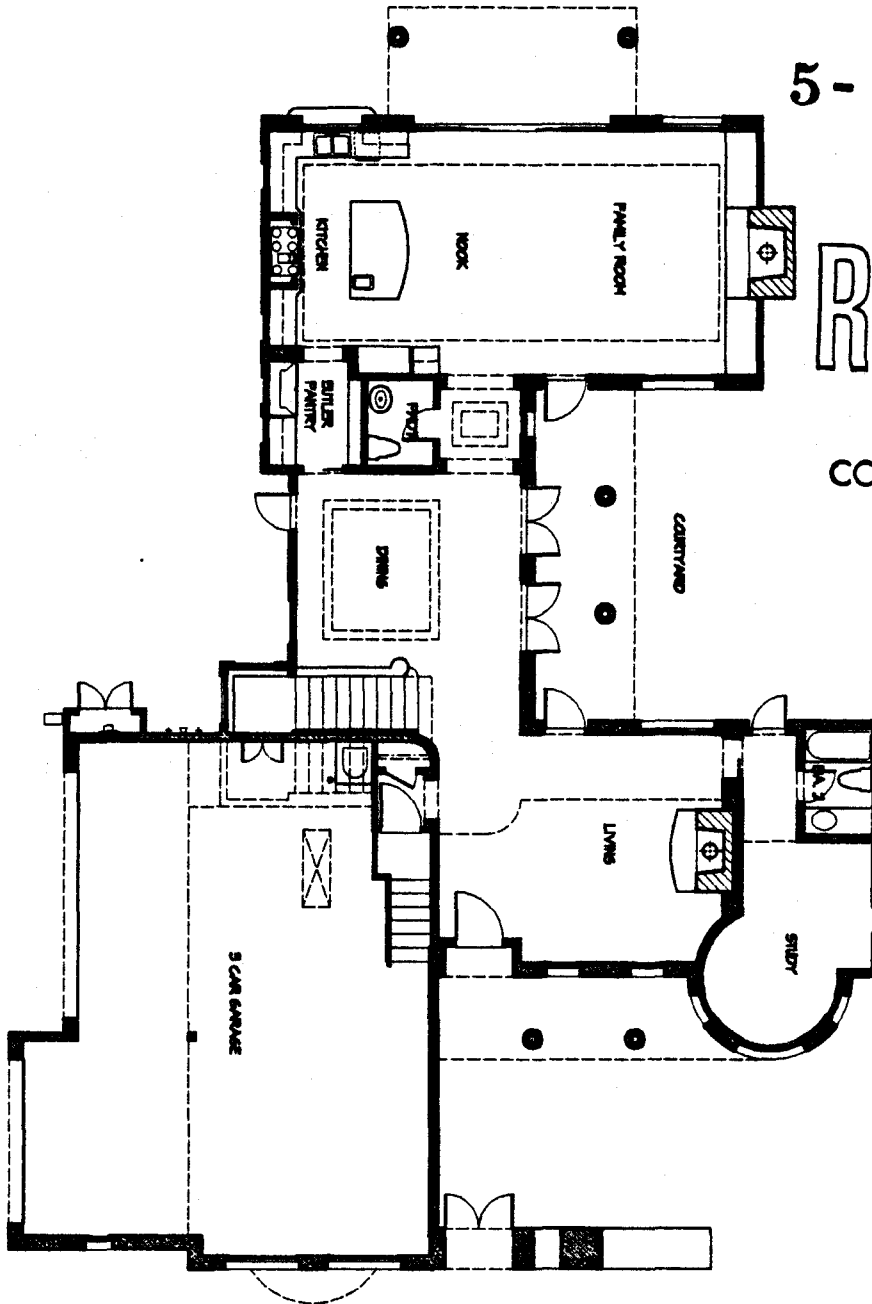


CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS

5-99 385

RECEIVED
DEC 03 1999

CALIFORNIA
COASTAL COMMISSION



FIRST FLOOR PLAN

A 2

SITE ADDRESS:
2871 SOUTH EL CAMINO REAL, STE. 209, SAN CLEMENTE, CA 92672 (949) 492-7618

JAMES L. GLOVER JR., DESIGNER

2871 SOUTH EL CAMINO REAL, STE. 209, SAN CLEMENTE, CA 92672 (949) 492-7618

5-99-385 (Reddington)

Exhibit 3

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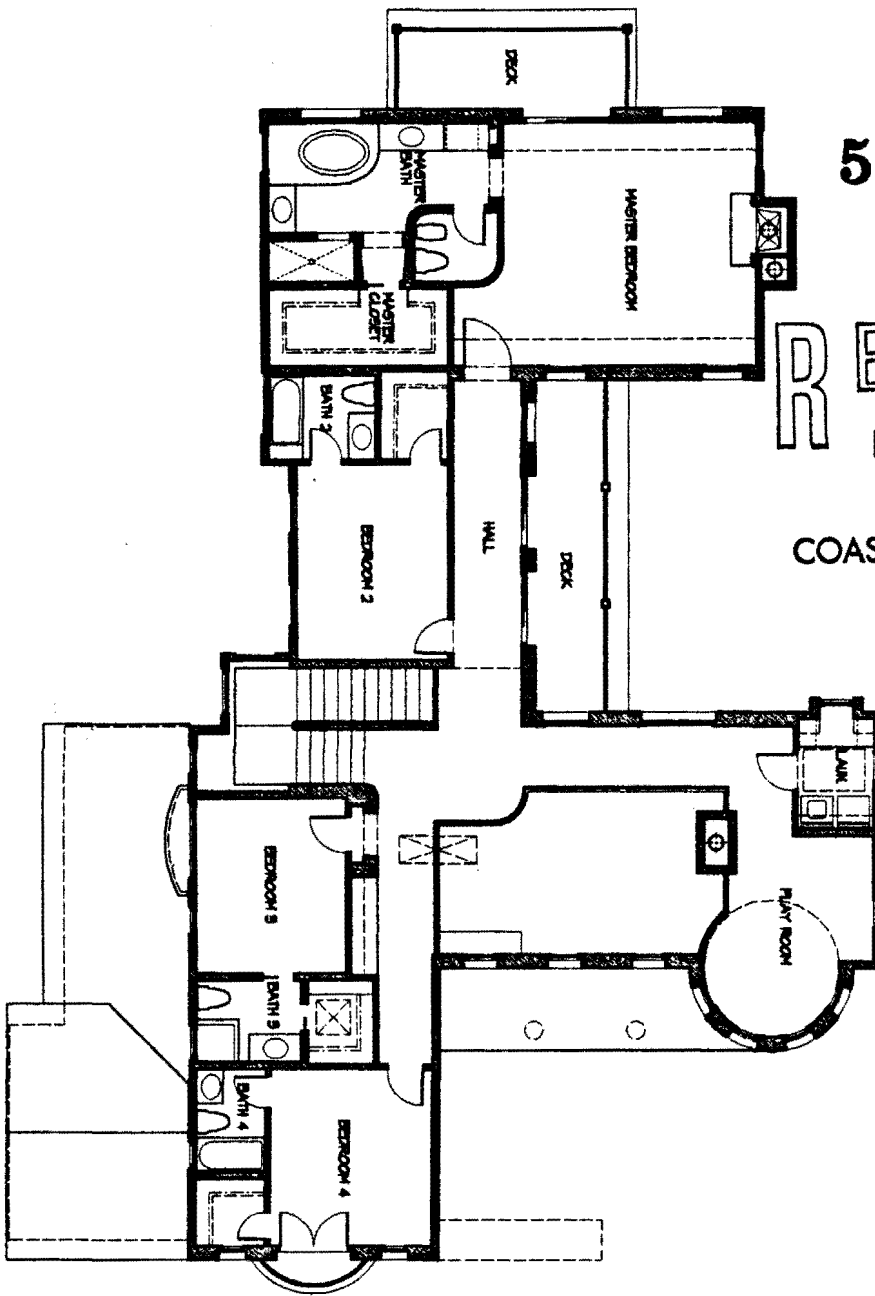
5-99 385

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CALIFORNIA
COASTAL COMMISSION

SECOND FLOOR PLAN



SITE ADDRESS:
3470 50 OLA CITA
SAN CLEMENTE, CA 92612
LOT 12 TRACT 583

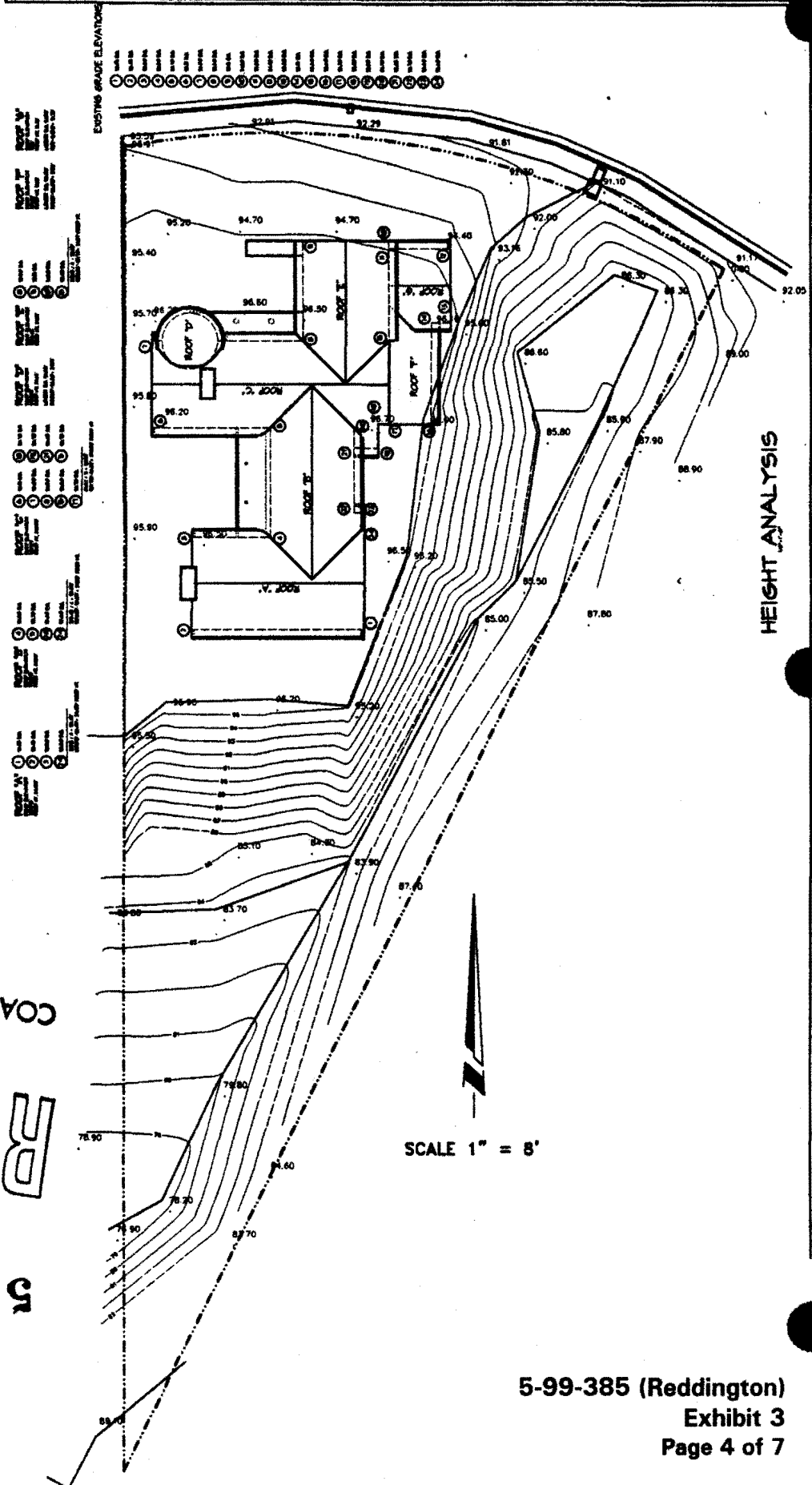
JAMES L. GLOVER JR., DESIGNER

2571 SOUTH EL CAMINO REAL, STE. 203, SAN CLEMENTE, CA 92672 (444) 442-7618

5-99-385 (Reddington)

Exhibit 3

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5-99-385

JAMES L. GLOVER JR., DESIGNER
2577 SOUTH EL CAMINO REAL STE 208, SAN CLEMENTE, CA 92672 (949) 442-7618

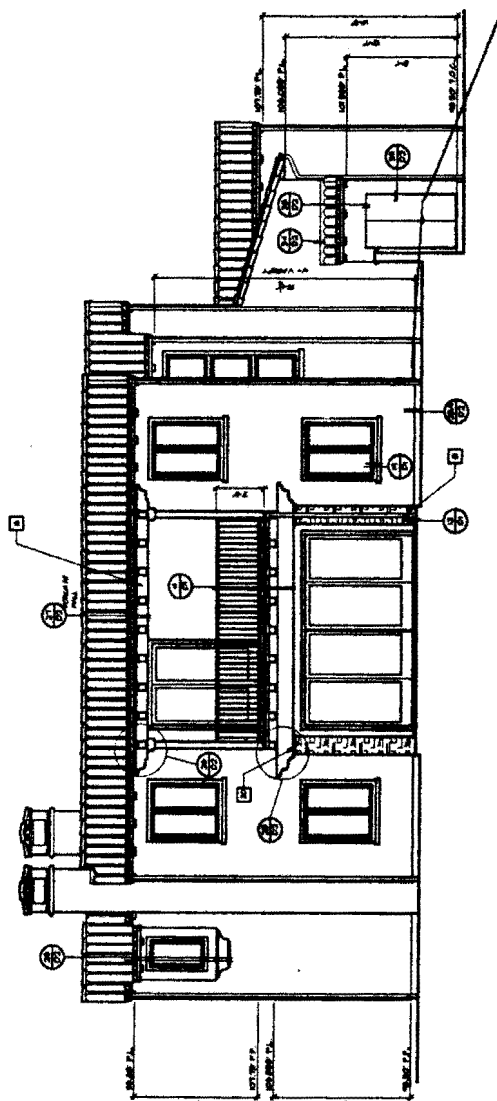
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ELEVATION NOTES:

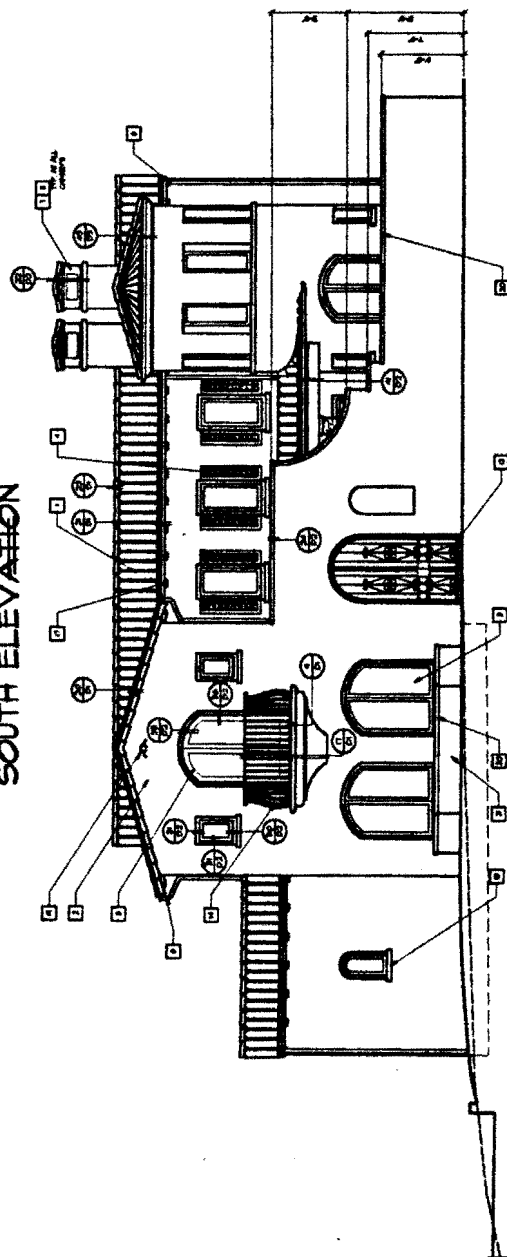
- [illegible]

ADDITIONAL NOTES:

- ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-19-2006 BY 60322 UCBAW



SOUTH ELEVATION



NORTH ELEVATION

5-96 388

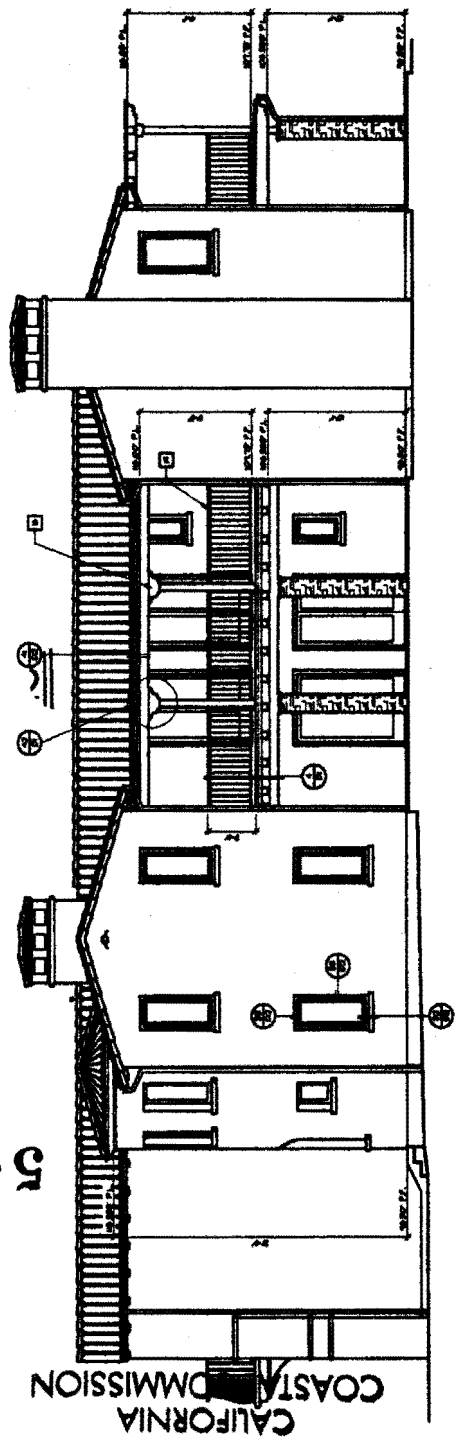
CALIFORNIA
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DEC 03 1999

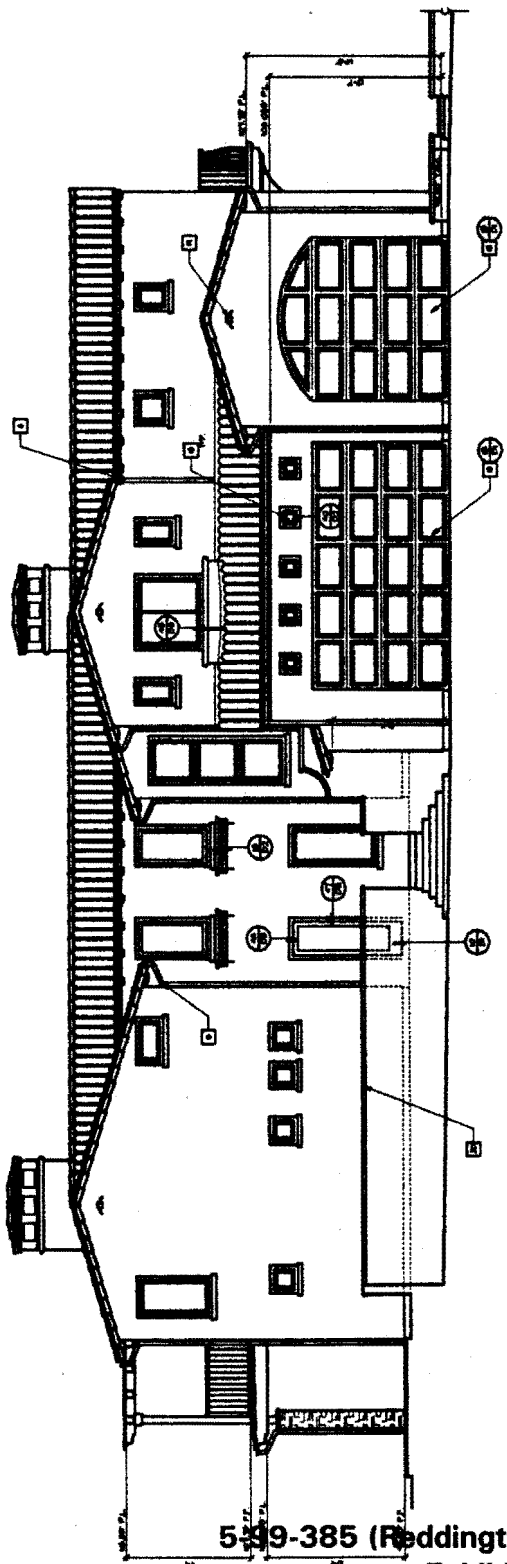
5-99-385 (Reddington)

Exhibit 3

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WEST ELEVATION



EAST ELEVATION

5-99 385

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- (X) EMITTER INTO XERI-TUBE**

