

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

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Staff:	ALK/LB <i>ALK</i>
Staff Report:	August 24, 2000
Hearing Date:	September 12-15, 2000
Commission Action:	

**Item Wed 29b****STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-00-172

**APPLICANT:** Dan Stewart

**AGENT:** Gus Orozco, VAI Architects

**PROJECT LOCATION:** 2753 Camino Capistrano, San Clemente (Orange County)

**PROJECT DESCRIPTION:** Construction of three (3) professional office buildings (two 2-story 3600 square foot buildings and one 1-story 504 square foot building) with 27 parking spaces and landscaping on an existing vacant lot. The project also involves 17,000 cubic yards of cut and 17,000 cubic yards of fill for site preparation.

**PROJECT SPECIFICS:**

Lot Area:	36,663 sq. ft.
Building Area:	7,704 sq. ft.
Building Coverage:	4,101 sq. ft.
Pavement Coverage:	9,417 sq. ft.
Landscape Coverage:	23,142 sq. ft.
Parking Spaces:	27
Land Use Designation:	NC 1.2
Ht above final grade:	28 feet 6 inches (2-story)
	16 feet 3 inches (1-story)

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends the Commission **APPROVE** the proposed development with six (6) special conditions. The subject site is located approximately one-half mile from the shoreline, across Pacific Coast Highway, in the northernmost portion of San Clemente. The site is located at the base of a 90-foot high slope, which may be surficially unstable. As such, the primary issue of this staff report is assurance that the proposed development is consistent with the geologic hazard policies of the Coastal Act. Also, since the project involves the construction of a new paved asphalt parking lot, water quality issues must be addressed through special conditions.

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 the recordation of an assumption of risk deed restriction. Special Condition 3 requires recordation of a future development deed restriction. Special Condition 4 requires use of construction best management practices (BMPs). Special Condition 5 requires the debris disposal site to be located outside of the coastal zone. Special Condition 6 requires implementation of structural and /or non-structural best management practices (BMPs).

**LOCAL APPROVALS RECEIVED:** Approval in Concept from the Department of Community Development of the City of San Clemente and Approval of Site Plan Permit 99-152 from the Planning Commission of the City of San Clemente.

**SUBSTANTIVE FILE DOCUMENTS:** City of San Clemente Certified Land Use Plan (LUP), *Geotechnical Investigation for Pelican Cove Office Complex* prepared by Southern California Geotechnical, Inc. (Project No. 99G195-1) dated September 2, 1999.

#### **LIST OF EXHIBITS**

1. Vicinity Map
2. Assessor's Parcel Map
3. Project Plans
5. Coastal Access Map

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#### **STAFF RECOMMENDATION:**

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

#### **MOTION:**

*I move that the Commission approve CDP No. 5-00-172 pursuant to the staff recommendation.*

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

#### **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. 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

1. Conformance of Design and Construction Plans to Geotechnical Recommendations
  - A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Conclusions and Recommendations Section of the Geotechnical Investigation for Pelican Cove Office Complex prepared by Southern California Geotechnical, Inc. (Project No. 99G195-1) dated September 2, 1999. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
  - 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 plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
2. Assumption-of-Risk, Waiver of Liability, and Indemnity Deed Restriction
  - A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from geologic instability of adjacent slopes; (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, (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 injury or damage due to such hazards; (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (iv).

- A. **PRIOR TO THE 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 incorporating all of the above terms of subsection A of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. 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. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Future Development Deed Restriction

- A. This permit is only for the development described in Coastal Development Permit No. 5-00-172, located at 2753 Camino Capistrano in the City of San Clemente, County of Orange, as expressly described and conditioned herein. Any future improvements or development as defined in Section 30106 of the Coastal Act, including activities that would affect the geologic stability of the subject site or adjacent property, an increase in square footage, or any other change in the intensity of use of the property, shall require an amendment to this permit or a new coastal development permit from the Commission or its successor agency.
- 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.

4. Storage Of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain leading to the ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) 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. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to Special Condition 5.

5. Location Of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the propose project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be requir before disposal can take place.

6. Best Management Practices

A. The applicant shall implement structural and/or non-structural Best Management Practices (BMP's) designed to minimize pollutant loads contained in runoff prior to entering the storm water conveyance system and to maintain post-development peak runoff rate and average volume from the site at levels similar to pre-development conditions, to the extent feasible. The BMPs may include, but are not limited to:

- (i) Design elements that serve to minimize directly connected impervious area and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways and/or pavers for walkways, and/or porous material for or near walkways and driveways;
- (ii) Sweep parking lot(s) with a vacuum regenerative sweeper on a monthly basis;
- (iii) Installation of catch basin inserts or vegetative or other media filtration devices effective at trapping and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals and particulates, in addition to trash and large debris. Selected BMPs shall be of a design capacity capable of mitigating (infiltrating or treating) stormwater runoff from each runoff event up to and including the 85<sup>th</sup> percentile 24-hour runoff event;
- (iv) Routine maintenance, including inspection and regular cleaning of approved BMPs, to ensure their effectiveness prior to, and during, each rainy season from October 15<sup>th</sup> through April 31<sup>st</sup> of each year. Debris and other water pollutants contained in BMP device(s) will be contained and disposed of in a proper manner on a regular basis. All BMP traps/separators and/or filters must be cleaned prior to the start of the winter storm season, no later than October 15<sup>th</sup> each year. The BMP's shall be maintained to uphold their functionality.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan indicating the type(s) of BMPs to be installed, sizing specifications where applicable, and the locations where the BMPs will be installed.

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

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. PROJECT DESCRIPTION AND LOCATION**

The subject site is a 0.84 acre vacant lot located at 2753 Camino Capistrano at the terminus of Avenida Vaquero between Coast Highway and Monte Vista in the City of San Clemente (see Exhibits 1 and 2). The lot is a triangular piece of property located at the base of an approximately 90-foot high slope. Residential development is located at the top of the slope to the north and the west and commercial development is located across Camino Capistrano to the east and south.

The applicant is proposing construction of a new 7704 square foot office complex, consisting of two (2) two-story buildings (3600 square feet each) and one single-story building (504 square feet) in two construction phases (see Exhibit 3). The project also involves 17,000 cubic yards of cut and 17,000 cubic yards of fill for site preparation.

The site is located approximately one half mile from the beach. The nearest coastal access is available via a pedestrian walkway at the Poche Beach underpass.

##### **B. DEVELOPMENT**

###### **1. Coastal Act Policies**

As defined by Section 30106 of the Coastal Act, "development" means change in the density or intensity of use of land or construction, reconstruction, demolition, or alteration of the size of any structure. The proposed project involves new construction on a currently vacant lot.

Section 30250 of the Coastal Act states, in pertinent part:

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Section 30252 of the Coastal Act requires that new development maintain and enhance public access to the coast. It states, in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.*

###### **2. City of San Clemente Land Use Plan Policies**

Chapter Three of the City of San Clemente Certified Land Use Plan (LUP) contains goals and policies regarding new commercial development. However, until such time as the City's Implementation Plan (IP) is approved and the Local Coastal Program (LCP) has been certified by the Commission, the Chapter Three policies of the Coastal Act are applied as the standard of review.

Policy 302 (B) II.I states:

*Accommodate the continuation of existing and development of a mix of new neighborhood, visitor-serving commercial centers in areas designated respectively as "NC" and "RC" in accordance with the density and height standards stipulated in Table 3-1.*

Mirroring Section 30252 of the Coastal Act, Policy 302 (G) VII(d) states, in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by...(d) providing adequate parking facilities or a substitute means of serving the development with public transportation.*

The subject site is designated Neighborhood Serving Commercial (NC) in the City's LUP. Table 3-1 of the LUP identifies typical principal uses for this zone as follows:

*Retail commercial, eating and drinking establishments, household goods, food sales, drugstores, building materials and supplies, **professional offices**, personal services, recreational commercial, overnight accommodations, cultural facilities, and similar uses (emphasis added).*

The proposed development involves the construction of a new office complex on a vacant lot. The site is located at the base of a slope from existing residential development and across the street from an existing commercial center. Minor traffic improvements and utility extensions will be required to accommodate the new development.

The project will provide 25 standard parking spaces and 2 disabled spaces. All of the parking will be constructed during Phase I of the project.

The City of San Clemente's parking standard for professional office space is 1 parking space for each 300 square feet of gross floor area. According to this standard, the applicant would have to provide 26 parking spaces for the 7704 square feet of office space. The applicant is proposing a total of 27 parking spaces (25 standard and 2 disabled). As such, the project provides adequate parking to serve the proposed development and will not have an adverse impact on beach parking in the subject area (as discussed further in Section D).

The site is located within a developed area of the City and will provide adequate parking to serve the new development. In addition, the proposed project is consistent with the City's LUP land use designation for this site and the proposed development can be accommodated with minor traffic and utility improvements. Therefore, the project is consistent with Sections 30250 and 30252 of the Coastal Act.

## C. GEOLOGIC STABILITY

### 1. Coastal Act Policies

Section 30253 of the Coastal Act states:

*New development shall:*

(I) 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 Southern California Geotechnical dated September 2, 1999. The geotechnical investigation included: visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide criteria for preparing the design of the building foundations and concrete flatwork. The consultant's report also includes site preparation recommendations and construction considerations for the proposed development.

The project site is bordered to the south, west and north by a large ascending slope, 75 to 100± feet in height, with an inclination of approximately 1.5h:1v to 1h:1v, and to the east by Camino Capistrano. The topography of the site is relatively level with a gentle downward gradient towards the southwest. The site is currently vacant and covered with sparse vegetation. The proposed structures will be located in the relatively flat, east central portion of the property, as shown on the Site Plan (Exhibit 3).

The geotechnical report states that the adjacent ascending slope appears surficially unstable as evidenced by numerous small scarps and other features related to slope creep and surficial failure. The gross or overall stability of the slope is not known and was beyond the scope of the geotechnical report. In the City's Initial Study for the proposed project, they state,

*"Minor landslide occurring in the area and on the adjacent slope up to eight years ago provided evidence of the existing instability of the 90 foot high slope adjacent to the north and west perimeters of the project site."*

The geotechnical consultant recommends that the project be constructed so that the stability of the adjacent slope will not be adversely affected. As stated in their report,

*"This can be accomplished by providing a structural setback from the property line, which is located at the toe of the slope, and by limiting grading at the toe of the slope to cuts and fills of 1± foot or less with respect to existing grade."*

The applicant does not propose to grade the toe of the slope, nor to construct any retaining walls at the toe of the slope. The proposed structures are to be located a minimum of 20 feet from the property line at the toe of the slope. Parking and driveways will be sited between the buildings and the slope. In addition, the proposed grading of the building pads is anticipated to consist of 4 to 5 ± feet.

Although the applicant's geotechnical consultant concludes that the site is located adjacent to a surficially unstable slope, the site itself is deemed suitable for development. The report concludes that the proposed project *"is considered suitable from a geotechnical standpoint. The recommendations contained in this report should be taken into the design, construction and grading considerations"* (Recommendations are discussed in the subsequent section.)



### 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 commercial development is feasible provided the applicant complies with the recommendations of the geotechnical report. The geotechnical report includes recommendations regarding earthwork grading, foundation design, hardscape improvements, drainage and landscaping. Appendix D of the geotechnical report also provides "Grading Guide Specifications."

The grading plan indicates that the building pad grading will consist of fills of 4 to 5± feet. Surrounding site grading in parking and driveway areas is proposed to be minimal in order to minimize impacts to the adjacent slope. As described in the geotechnical report, no retaining walls or significant cuts, either temporary or permanent, are proposed near the property line at the toe of the slope. In addition, no structures will be constructed within 20 feet of the toe of the slope. Based on these conditions, the geotechnical consultant states,

*...it is our opinion, that the proposed development will not adversely affect the existing slope and the adjacent property line. However, the adjacent off-site slope may adversely affect the subject site. Effects on the subject site as a result of surficial slope failures on the off-site slope may include small to moderate amounts of slope debris accumulating near the property line at the toe of slope. The 20 foot setback is expected to be adequate to avoid damage to the structures as a result of surficial slope failures.*

The geotechnical report describes the structural requirements for the proposed buildings and pavement design and provides specific recommendations for site preparation and site drainage. The consultants' recommendations include over-excavation of the top three feet of the existing grade for the building pad areas; cuts and fills not to exceed one foot at the toe of the slope; and seismic and foundation design parameters. In addition, the geotechnical report recommends the use and maintenance of roof gutters, downspouts, and area drains to facilitate surface drainage. Another recommendation suggests that irrigation be minimized to prevent deep saturation. Finally, the geotechnical consultant recommends that final plans and specifications be submitted to their office for review to verify that the recommendations have been correctly interpreted.

The plans submitted by the applicant appear to incorporate the recommendations specified above. For example, the applicant is proposing the construction of a 30" debris or slough wall between the parking lot and the toe of the slope to reduce maintenance associated with debris from the adjacent slope in the parking lot areas. The applicant has also provided a conceptual landscaping plan that specifies that the entire site will be irrigated utilizing water conservation design techniques and irrigation devices. Additionally, the conceptual grading and drainage plan submitted shows that drainage flow will be directed into area drains as recommended by in the geotechnical report.

Nonetheless, since the recommendations provided by the geotechnical consultant include measures to mitigate any adverse geologic effects, the Commission finds it necessary to impose Special Condition 1. Special Condition 1 ensures that the consulting geotechnical expert has reviewed the development plans and verified their conformance with the

geotechnical recommendations. As such, this condition guarantees that the development plan is consistent with Section 30253 of the Coastal Act.

Although the proposed project will be constructed with geotechnical approval, risk from development at the base of an unstable slope is not eliminated entirely. While the project is deemed entirely adequate at this time to minimize any potential hazard, future protection and repair may be required as conditions continue to change at the adjacent slope. Therefore, the standard waiver of liability condition has been attached through Special Condition 2. By this means, the applicant is notified that the commercial development is being built in an area that is potentially subject to geologic hazard that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. To ensure full disclosure of the potential hazard, the waiver of liability restrictions identified above must be incorporated into any future subleases or assignment of the development. Recordation of this special condition ensures that future owners of the property will be informed of the risks and the Commission's immunity for liability.

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 3, 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 recommendations prepared by their geotechnical consultants, Southern California Geotechnical, Inc.; 2) execute and record an assumption-of-risk deed restriction; and 3) 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. WATER QUALITY**

Section 30230 of the Coastal Act states, in pertinent part:

*Marine resources shall be maintained, enhanced, and where feasible, restored.*

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.*

Section 30232 of the Coastal Act states, in pertinent part:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.*

The City of San Clemente storm drain system ultimately drains to the Pacific Ocean. Recent beach closures occurring throughout Orange County, including those in Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources. Therefore, to lessen the potential for pollutants to enter the storm drain system at the subject site, the Commission imposes three (3) special conditions related to water quality.

**1. Construction Impacts to Water Quality**

Storage or placement of construction materials, debris, or waste in a location which may be discharged into coastal waters via the storm drain system would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, sediment discharged to coastal waters may cause turbidity which can shade and reduce the productivity of eelgrass beds and foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition No. 4 outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

In addition, since the applicant has indicated that the contractor will have the discretion of selecting a disposal site at the time of construction, Special Condition No. 5 requires that the applicant dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit.

Only as conditioned for appropriate storage of construction materials and equipment, and for location of an appropriate debris disposal site, does the Commission find that the proposed development is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

**2. Post-Construction Impacts to Water Quality**

The proposed development will increase the amount of urban runoff entering the existing storm water system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban runoff entering the storm water system. In this case, the site drains a new parking lot, paved walkways and landscaped areas. Therefore, the primary post-construction water quality concerns associated with the proposed project include grease, motor oil, heavy metals, pesticides and fertilizer.

The proposed development would result in a net increase in the volume of runoff discharged to the storm water conveyance system. As such, the amount of pollutants carried through the system would increase proportionally. Therefore, the project has the potential to affect the water quality of the coastal waters in San Clemente.

The proposed commercial office project is new development, which affords an opportunity to improve water quality. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality. The currently proposed project drains a new 27-space parking area. As such, appropriate measures must be taken to assure that adverse affects on water quality are minimized.

Therefore, in order to find the development consistent with Coastal Act sections 30230, 30231, and 30232 it is necessary to impose Special Condition 6, which requires the applicant to incorporate Best Management Practices effective at mitigating pollutants of concern, as highlighted above. Only as conditioned does the Commission find the proposed development to be consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

#### **E. COASTAL ACCESS**

The proposed development is located on the northwest side of Camino Capistrano between Coast Highway and Monte Vista. The project site is located approximately one half mile from the coast. The site is separated from the ocean by Pacific Coast Highway, the OCTA railroad, and the base of the adjacent slope. The nearest primary coastal access point is located at the Poche Beach undercrossing (see Exhibit 4). The access is a walkway that uses the Prima Deshecha storm drain channel for safe passage under Pacific Coast Highway and the railroad tracks. This is the northernmost beach access in the City, serving beaches in both the cities of San Clemente and Dana Point. Landward of the mean high tide line, the beach adjacent to the undercrossing is privately owned and its use is restricted to members of the Shorecliffs Beach Club. Public access and a public beach are located just north of the Shorecliffs beach area in the City of Dana Point.

On-street parking in the subject area is available along Camino Capistrano. Beach-goers often park along Camino Capistrano or in nearby commercial shopping centers when visiting the shoreline at this location. However, the subject area is not a primary access point in San Clemente due to the distance to the shoreline and the private club restrictions at the nearby beach.

Nonetheless, when a private development does not provide adequate on-site parking, users of that development are forced to occupy public parking used by visitors to the coastal zone. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access. The proposed office project will provide adequate on-site parking for employees and visitors (27 total spaces). Consequently, no on-street parking will be affected by the new development.

In addition, the Commission is imposing Special Condition No. 3, which requires that future improvements to the site (including future changes in use or intensity of use) obtain an amendment to Permit No. 5-00-172 from the Commission or obtain an additional coastal development permit from the Commission or from the applicable certified local government.

Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30252 of the Coastal Act.

**F. 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 Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City has recently submitted the revised IP for Commission review. 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).

**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 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require 1) conformance with geologic recommendations; 2) recordation of a deed restriction regarding assumption of risk; 3) notification of future permit requirements; 4) use of construction best management practices (BMPs); 5) identification of a debris disposal site; and 6) implementation of structural and non-structural best management practices. 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.





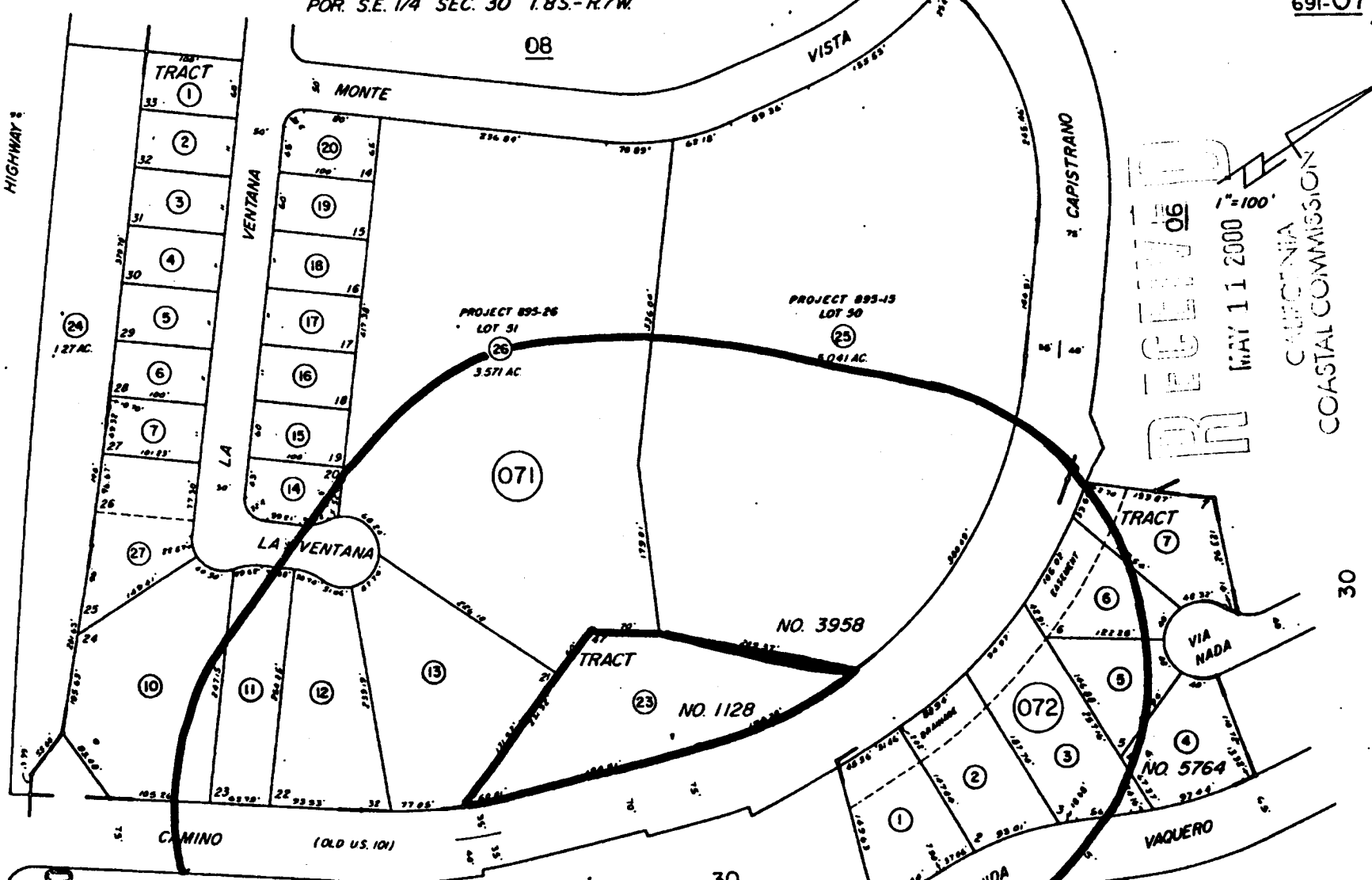
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HIGHWAY 2



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COASTAL COMMISSION

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MARCH 1974

31  
TRACT NO. 1128 M.M. 36-22 TO 25 INC.  
TRACT NO. 3958 M.M. 139-38,39  
TRACT NO. 5764 M.M. 213-44 TO 46 INC.

NOTE: AS SHOWN BLOCK 5  
PARCEL NUMBERS  
SHOWN IN CIRCLES

AS SHOWN MAP  
MAY 1991 MAP 07  
COUNTY OF ORANGE

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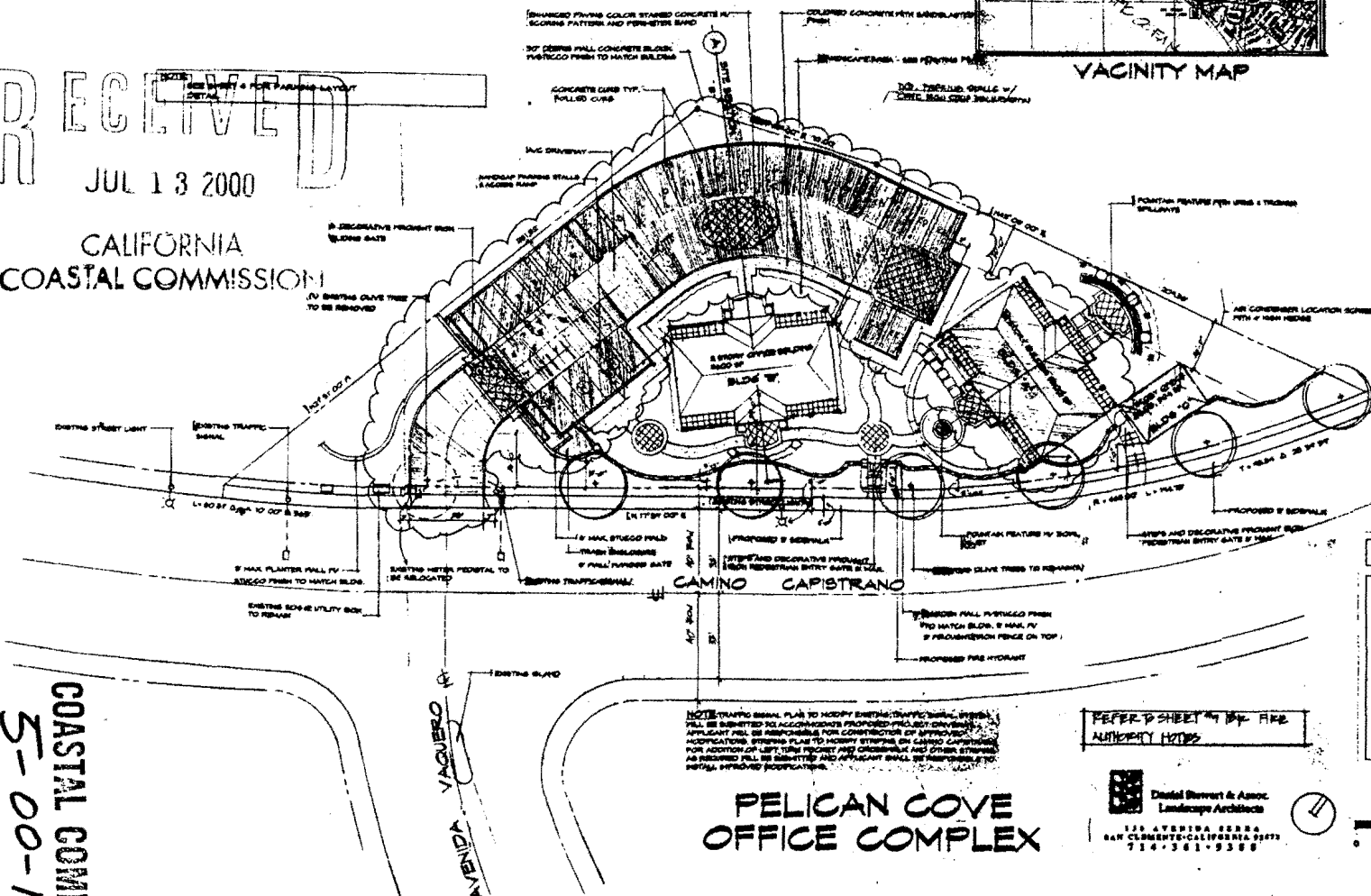


<b>SITE AREA</b>	24.86 AC (2.4 AC AGRI)								
<b>TOTAL BLDG AREA</b>	<table border="1"> <tr> <td>BLDG A</td> <td>2400 SF</td> </tr> <tr> <td>BLDG B</td> <td>2400 SF</td> </tr> <tr> <td>BLDG C</td> <td>200 SF</td> </tr> <tr> <td><b>TOTAL</b></td> <td>5000 SF</td> </tr> </table>	BLDG A	2400 SF	BLDG B	2400 SF	BLDG C	200 SF	<b>TOTAL</b>	5000 SF
BLDG A	2400 SF								
BLDG B	2400 SF								
BLDG C	200 SF								
<b>TOTAL</b>	5000 SF								
<b>REMARKS</b>	PROFESSIONAL OFFICE								
<b>PARKING REQUIREMENTS</b>	1 SPACE PER BLDG SF OF OFF. BUILDING								
<b>TOTAL # OF PARK. SPACES</b>	50								
<b>PARKING SITES</b>	2 HANDICAP 38 STANDARD								
<b>PARKING 1.0/ACRYST AREA</b>									
AC PARKING	6250 SF								
ACCRPT PARKING	1840 SF								
<b>TOTAL</b>	8090 SF								
<b>LANDSCAPE</b>	4,421 SF								
LANDSCAPE + PARKING									
<b>LANDSCAPE AREA</b>	14,775 SF								
<b>LANDSCAPE PERCENTAGE OF BLDG LOT AREA</b>	40.1%								
<b>REMARKS</b>	NO 1.2								
<b>GENERAL PLAN DESCRIPTION</b>	NO 1.2 COMMERCIAL 2 STORY 30' HANDBICAP SETOFF								



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PROPOSED DIMENSIONS		MINIMUM HEIGHT	
FRONT	0 FT.	REAR	0 FT.
ADGE	10 FT.	PLATE	10 FT.
REAR	0 FT.		

PROPOSED DIMENSIONS		PROPOSED HEIGHT	
BLDG "A"		BLDG "A"	
FRONT	0	ADGE	10 FT.
REAR	10 FT.	PLATE	10 FT.
BLDG "B"		BLDG "B"	
FRONT	0	REAR	10 FT.
REAR	10 FT.	PLATE	10 FT.
BLDG "C"		BLDG "C"	
FRONT	0	PLATE	10 FT.
REAR	10 FT.		

FLOOR AREA RATIO		F.A.R. MAXIMUM	
PROPOSED F.A.R.	100%	F.A.R.	100%

LOT COVERAGE MAXIMUM: 50%

PROPOSED LOT COVERAGE	
PHASE 1	50% OF FOOTPRINT
PHASE 2	50% OF FOOTPRINT

CAREFUL LOT LANDSCAPING AS A PREVENTATIVE MEASURE TO REDUCE

PROPOSED LOT LANDSCAPE AREA		MINIMUM LOT LANDSCAPE AREA	
PHASE 1	50% OF FOOTPRINT	MINIMUM LOT LANDSCAPE AREA	50% OF FOOTPRINT
PHASE 2	50% OF FOOTPRINT	MINIMUM LOT LANDSCAPE AREA	50% OF FOOTPRINT

## SHEET INDEX

SHEET 1	PHASE 1 & 2 COMPOSITE SITE PLAN SHADED AREA IS PHASE 1
SHEET 2	PHASE 1 & 2 CONCEPTUAL GRADING PLAN
SHEET 3	BUILDING FLOOR PLANS AND ELEVATIONS
SHEET 4	BUILDING ELEVATIONS, SITE SECTION AND PARKING DETAILS
SHEET 5	PHASE 1 & 2 CONCEPTUAL LANDSCAPE PLAN
SHEET 6	PHASE 1 SITE PLAN

COMPOSITE  
SITE PLAN

PELICAN COVE  
OFFICE COMPLEX

REFER TO SHEET 4 BY AREA  
AUTHORITY NOTES

**Daniel Stewart & Assoc.**  
**Landscape Architects**  
126 AVENIDA CERRO  
SAN CLEMENTE-CALIFORNIA 92673  
714-361-9388



**SHEET**

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$$x^2 = 1 - \sigma^2$$

BUILDING ELEVATIONS  
SITE SECTION AND  
PARKING DETAIL

# BUILDING "C" ELEVATION

### PARKING LAYOUT DETAIL

# SITE SECTION

FOUNTAIN DETAIL 1/4"=1'-0"

THE KIDNAP BY NEW & OCCASIONALLY  
WAS FOUND IN THE MIDDLE

CLAY THE ROOF "V. TALLER  
2 FEET BARKER. THE PERS  
BARKER. THE PERS

16.6 PAMPHULE STALL

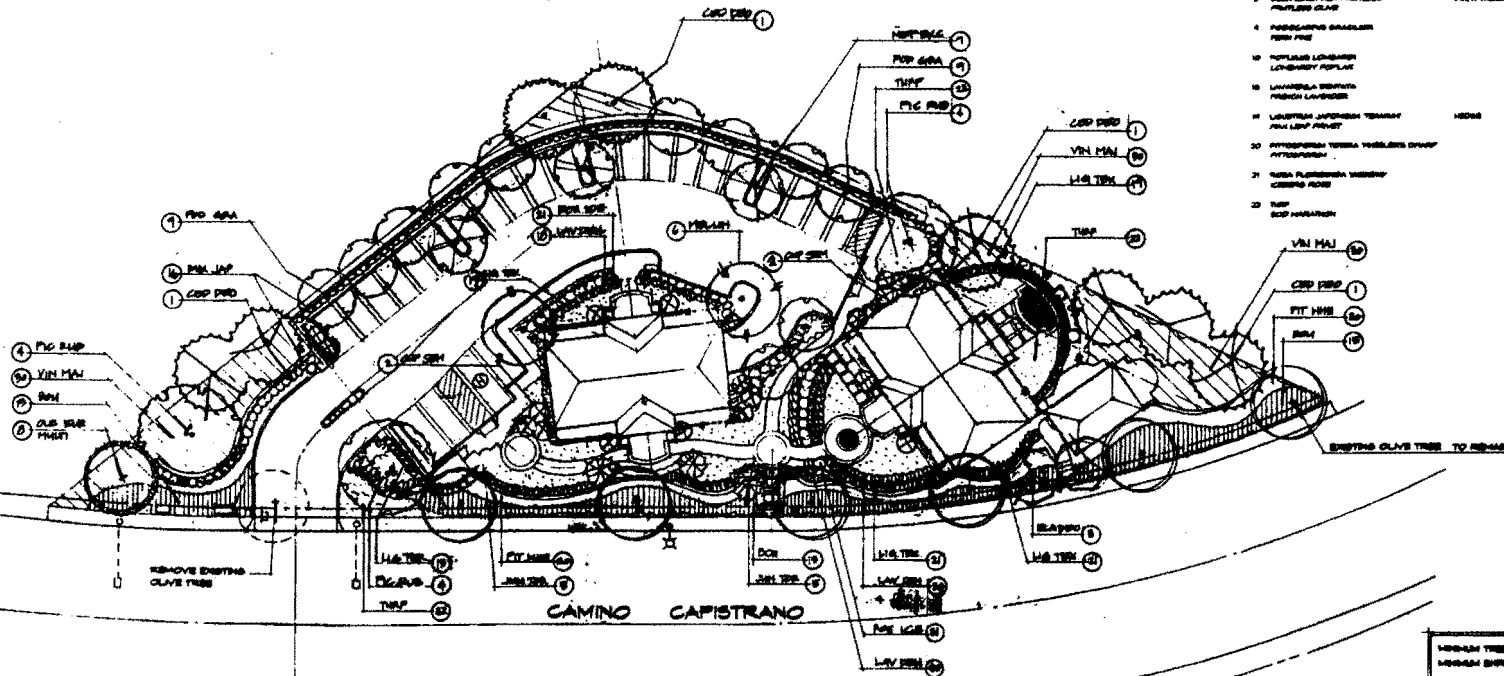
DEBTS UNTIL SHE'S FINISH  
TO WATCH BKG W/ STUCK MUSHROOM CAP  
& IMPROPERATED BRAIN W/ GRAVEL  
& MINT: PICTURE CLOTH  
CONC. SWAYING SLOPE TO BRAIN

CONC SWALES SLOPE TO DRAIN

VINES	NAME	COMMENTS	SIZE	QUANTITY
1	WINE			
2	WINE			
3	WINE			
4	WINE			
5	WINE			
6	WINE			
7	WINE			
8	WINE			
9	WINE			
10	WINE			
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SPERM	NAME	COMMENTS	SIZE	QUANTITY
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100	SPERM			

PELICAN COVE OFFICE BUILDING PLANTING LEGEND				
NO.	NAME	COMMENTS	SIZE	QUANTITY
1	CESTRUM		10' x 10'	1
2	CESTRUM		10' x 10'	1
3	CESTRUM		10' x 10'	1
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5	CESTRUM		10' x 10'	1
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100	CESTRUM		10' x 10'	1



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PELICAN COVE  
OFFICE COMPLEX

David Stewart & Assoc.  
Landscape Architects  
120 ATLANTA STREET  
SAN CLEMENTE, CALIFORNIA 92673  
714-341-9388

NOTES:  
ENTIRE SITE SHALL BE PERMANENT UTILITIES WATER  
CONSERVATION DESIGN TECHNIQUES AND PERMANENT  
DEVICES.

PHASE I & II  
CONCEPTUAL  
LANDSCAPE PLAN



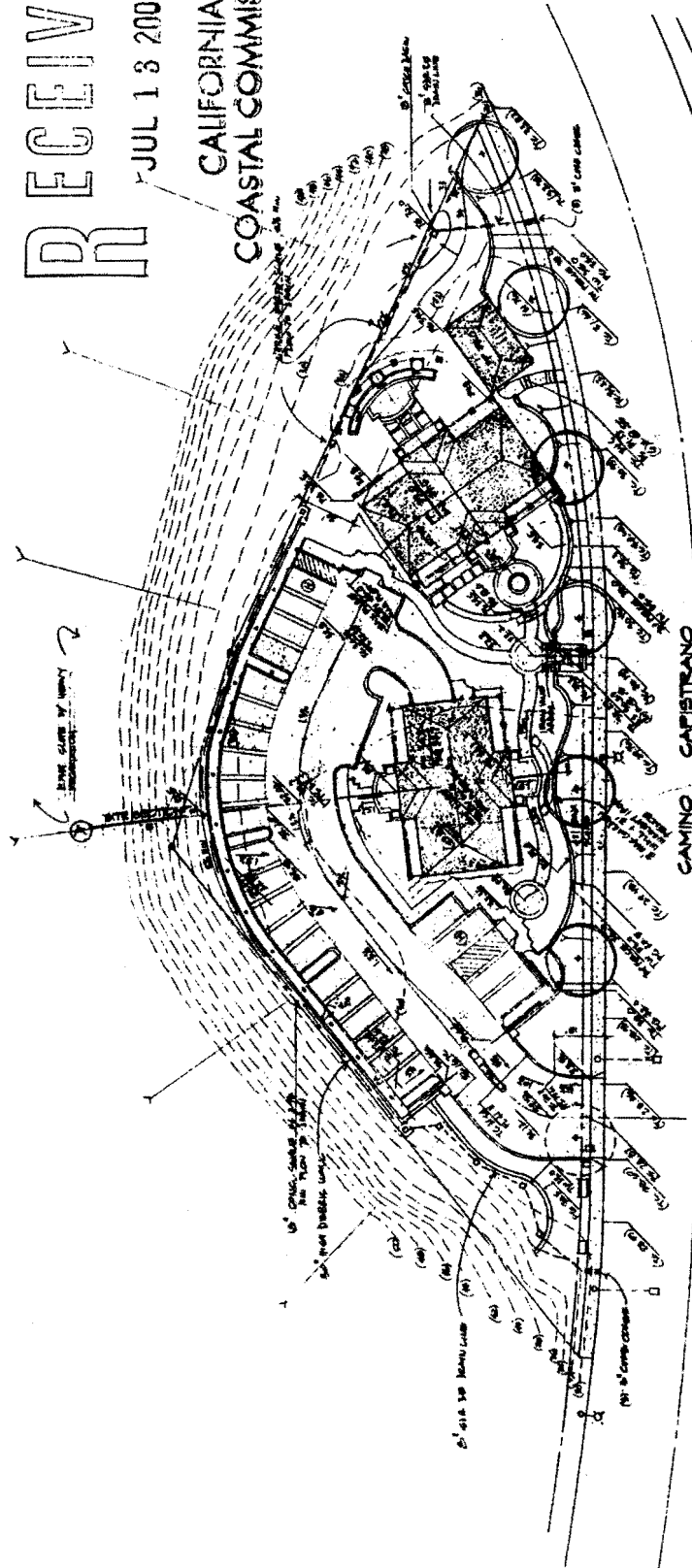
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PHASE I & II  
CONCEPTUAL  
GRADING PLAN



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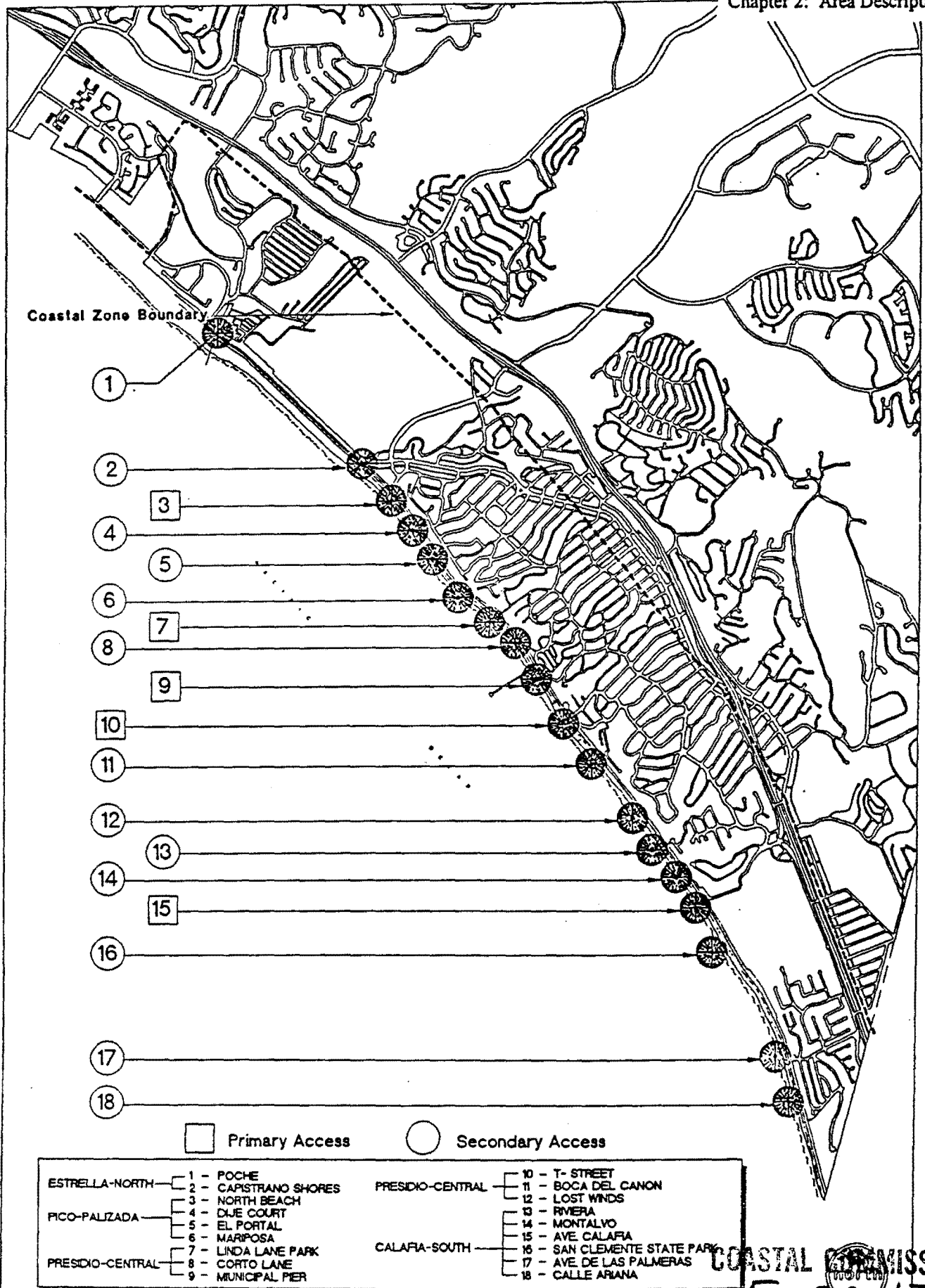


FIGURE 2-5



# CITY OF SAN CLEMENTE COASTAL ACCESS POINTS

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