

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
2000 Oceangate, Suite 1000
Beach, CA 90802-4302
(949) 590-5071

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Hearing Date: August 7-10, 2001
Commission Action:

**Item Tu 7k & 8b****COMBINED STAFF REPORT:****MATERIAL AMENDMENT AND REGULAR CALENDAR PERMIT ITEM**

AMENDMENT NUMBER: 5-97-122-A1

RECORD PACKET COPY

APPLICATION NUMBER: 5-01-204

APPLICANTS: Claudio and Nancy Haug

PROJECT LOCATION: 225 W. Avenida Alessandro, San Clemente, Orange County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED (5-97-122): Subdivision of a single 1.47 acre parcel into two parcels of 28,060 square feet (Parcel 1) and 36,040 square feet (Parcel 2). No structures or other development, except for the subdivision, was proposed. The permit included three (3) special conditions that required a limitation on the location of future residences, recordation of a future development deed restriction and submittal of revised final plans showing required canyon setback.

DESCRIPTION OF PROPOSED AMENDMENT (5-97-122-A1): Request to amend the previously approved building setback line to be consistent with current site conditions with respect to native vegetation and utility easements at Parcel 1.

PROJECT DESCRIPTION (5-01-204): Construction of a new two-story, 3709 square foot single-family residence with attached 710 square foot three-car garage and associated hardscape and landscape improvements on Parcel 1, which is currently a vacant canyon lot. The project also involves approximately 650 cubic yards of cut and 10 cubic yards of fill for site preparation. Excess material will be disposed of outside the coastal zone.

LOCAL APPROVALS RECEIVED: Approval-in-Concept from the City of San Clemente Community Development Department dated March 1, 2001.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to amend a previously imposed canyon setback line and construct a new residence in accordance with the newly established setback line. The subject site is a vacant lot located adjacent to Riviera Canyon, one of seven coastal canyons in the City of San Clemente. Staff recommends the Commission **APPROVE** the proposed amendment (5-97-122-A1) with four (4) special conditions and **APPROVE** the new development (5-01-204) with six (6) special conditions. Primary issues addressed in the current staff report include geologic hazard and protection of environmentally sensitive habitat areas (ESHA).

On October 7, 1997, the Commission approved Coastal Development Permit No. 5-97-122 (Sawall) for the subdivision of a single 1.47 acre parcel into two parcels of 28,060 square feet (Parcel 1) and 36,040 square feet (Parcel 2). The current application proposes development on Parcel 1. At the time the subdivision was originally approved, a special condition was imposed that limited the allowable building area to 15' from the line of native vegetation. Based on an updated biological survey, the applicant attests that 1) the line of native vegetation at the time the map was produced was not it appeared to be in the map and 2) the line of native vegetation has changed. In addition, the original parcel map approved by the Commission was improperly drawn, depicting the sewer easement in the incorrect location. The applicant has since learned that the easement crosses more closely to the center of the property than shown on the originally approved plans, thereby restricting buildable area on the lot. Due to the inaccurate depiction of the sewer easement and vegetation line on the original map and the physical change in the vegetation line over time, the applicant is requesting a modification of the canyon setback line through an amendment to this permit.

The applicant is also requesting to construct a new single-family residence on the subject lot through CDP application 5-01-204. The proposed residence will be sited 15' from the line of native vegetation, based on the updated survey as depicted on the revised parcel map (which reflects the accurate location of the sewer easement). If the amendment to the subdivision permit is approved, the proposed development conforms to the canyon setback policies in the certified LUP, as development will be set back 30% the depth of the lot and more than 15 feet from the line of native vegetation. If the amendment to the subdivision permit is denied, the applicant will have to submit revised project plans in conformance with the original canyon setback. Staff is recommending approval of the amendment with four (4) special conditions – numbered four (4) through seven (7) – and approval of the new development with six (6) special conditions.

Special Condition 4 of 5-97-122-A1 re-establishes the limitation on location of future residences at Parcel 1. Special Condition 5 requires the applicant to re-record the original deed restriction with the updated parcel map and setback restrictions. Special Condition 6 requires the applicant to submit revised plans showing the allowable building site area on Parcel 1. Special Condition 7 informs the applicant that all conditions of 5-97-122 not affected by the current amendment remain in effect.

Special Condition 1 of 5-01-204 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 submittal of a revised grading and drainage plan. Special Condition 3 requires the recordation of an assumption of risk deed restriction. Special Condition 4 requires submission of a revised landscape plan which shows that only native, drought-tolerant native species will be used in the canyon-facing yard areas. Special Condition 5 requires conformance with the Mitigation Agreement proposed by the applicant for disturbance of coastal sage scrub plants. Special Condition 6 requires the applicant to limit disturbance of existing vegetation and ensures that the canyon slope will be replanted with natives if disturbed during construction.

PROCEDURAL NOTE:

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or

- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The current application is being referred to the Commission as a result of the Executive Director's determination that the proposed amendment is a material change to the original permit and affects conditions required for the purpose of protecting a coastal resource. The previously approved project involved subdivision of the subject site into two lots, whereas the currently proposed project involves revision of the canyon setback line on one of the two lots.

The original permit conditioned the project for 1) limitation on location of future residences, 2) recordation of a future development deed restriction, and 3) submittal of final plans depicting canyon setback requirements. The proposed amendment is a material change to the original permit because the setback line will be modified at Parcel 1, thereby allowing for new development further canyonward than previously approved.

STAFF NOTE:

The Commission's action on 5-01-204 is contingent upon the action on 5-97-122-A1. Therefore, the Commission's decision on the amendment request must occur prior to the action on the permit application.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente Certified Land Use Plan; Coastal Development Permits 5-01-097 (Moe); 5-97-122 (Sawall); 5-99-385 (Reddington); 5-99-380 (Beck); *Report on Investigation Geologic/Soils and Foundation Conditions Northwest Portion of Block 11 of Tract No. 852, 225 West Avenida Alessandro, San Clemente (Job No. 01-29)* prepared by Ian S. Kennedy, Inc. dated June 3, 1997 and revised on April 28, 2001; Vegetation Mapping by Ted Hanes, Ph.D. in 1997; and *General Survey to Assess the Existing Coastal Sage Scrub* on Tentative Parcel No. 89-112, San Clemente, Orange County, California dated April 4, 2001.

EXHIBITS:

1. Vicinity Map
2. Assessor's Parcel Map
3. Coastal Canyon Map
4. Coastal Access Point Map
5. Staff Report for 5-97-122
6. Revised Building Site Area for Parcel 1
7. Project Plans
8. Letter from Biologist dated April 4, 2001
9. Landscape Plan and Concept Statement

STAFF RECOMMENDATION FOR 5-97-122-A1:

Staff recommends that the Commission **APPROVE** the permit amendment with special conditions.

MOTION:

I move that the Commission approve CDP Amendment #5-97-122-A1 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in approval of the permit amendment 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 OF APPROVAL OF 5-97-122-A1 WITH CONDITIONS:

The Commission hereby **APPROVES** the amendment to Coastal Development Permit 5-97-122, subject to the conditions below, on the grounds that the development, as amended and conditioned, would be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, would 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

STAFF RECOMMENDATION ON CDP 5-01-204:

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

MOTION:

I move that the Commission approve CDP #5-01-204 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This 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:

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, located between the first public road and the sea, 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 FOR 5-97-122-A1 and 5-01-204

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 FOR 5-97-122-A

4. Limitation on Location of Future Residences

Notwithstanding the limitation on location of future residences established by Special Condition 1 of the original permit (5-97-122), the location of future residences on Parcel 1 is limited to the building site area as generally depicted on Exhibit 6 of this staff report.

5. Re-recording of Future Development Deed Restriction

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, that will supercede and replace the deed restriction recorded pursuant to Special Condition 2 of the original permit (5-97-122). The deed restriction shall restrict the location of all future residences on Parcel 1 to the location as generally depicted on Exhibit 6 of this staff report. No enclosed living space shall be constructed further canyonward of the shaded area shown on Exhibit 6 and reflected in the final site plan submitted as per Special Condition 6, below.

6. Submittal of Final Site Plan

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) copies of a revised full size final site plan that shows the allowable building area for Parcel 1. The building area shown shall be consistent with that generally depicted on Exhibit 6 of the current staff report.

7. Prior Conditions

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit 5-97-122 remain in effect.

IV. SPECIAL CONDITIONS FOR 5-01-204

1. Conformance of Design and Construction Plans To Geotechnical Recommendations

- A. The applicant shall comply with all recommendations contained in the *Report on Investigation Geologic/Soils and Foundation Conditions Northwest Portion of Block 11 of Tract No. 852, 225 West Avenida Alessandro, San Clemente (Job No. 01-29)* prepared by Ian S. Kennedy, Inc. dated June 3, 1997 and revised on April 28, 2001;
- 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. Submittal of Revised Grading and Drainage Plan

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit two (2) full size drawings of a revised grading and drainage plan, which conform to 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 via pipe or other non-erosive conveyance to the frontage street to avoid ponding or erosion either on- or off- site;
 - (b) Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface to the canyon bottom;
 - (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.

3. 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; (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.

- B. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant and landowner 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 and lease restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

4. Submittal of Revised Landscape Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a revised landscape plan prepared by an appropriately licensed professional which demonstrates the following:
- (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the planting plan;
 - (c) Landscaped areas in the rear and side yard (canyon-facing) shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing native plant areas, all landscaping adjacent to Riviera Canyon shall consist of native, drought tolerant plants. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
 - (d) Landscaped areas in the front yard (street-facing) area can include ornamental or native, drought-tolerant plants as specified herein. Vegetation installed in the ground, not buffered from the canyon by the structure, shall consist of native, drought tolerant plants. Vegetation which is placed in above-ground pots, planters or boxes may be non-invasive, non-native ornamental plants; and
 - (e) No permanent in-ground irrigation systems shall be installed on 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.

5. Mitigation for Disturbance of Coastal Sage Scrub Area

- A. The applicant shall carry out mitigation for disturbance of coastal sage scrub in accordance with the recommendations of Michael Brandman and Associates in the letter dated April 4, 2001. The mitigation shall incorporate the following requirements:
- (a) The area disturbed for construction of the rear yard patio and spa shall be replaced at a 3:1 ratio on-site;
 - (b) The plant palette shall contain native plant species such as California buckwheat, coastal sage, deer wood and California encelia; and
 - (c) The mitigation area shall be adjacent to existing coastal sage scrub habitat or other native plant communities.
- B. The permittee shall undertake development in accordance with the approved mitigation plan. Any proposed changes to the approved 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 required.
- C. Five years from the date of issuance of Coastal Development Permit No. 5-01-204 the applicant shall submit for the review and approval of the Executive Director, a monitoring report, prepared by a licensed biologist, landscape architect or qualified resource specialist, that certifies the on-site landscaping is in conformance with the mitigation plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

6. Revegetation of Canyon Slope

The applicant shall limit disturbance to existing native canyon vegetation to the maximum extent feasible. In the event that existing vegetation is disturbed during construction of the project authorized by CDP 5-01-204, the applicant shall replant the canyon slope with native, drought-tolerant species.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION, AMENDMENT DESCRIPTION AND NEW PROJECT DESCRIPTION

Project Location

The subject site is located on the easterly parcel (Parcel 1) of a vacant two-parcel site on West Avenida Alessandro in the City of San Clemente, Orange County (Exhibits 1 & 2). The proposed project site is located adjacent to Riviera Canyon, identified in the City of San Clemente Certified Land Use Plan (LUP) as one of seven environmentally sensitive coastal canyon habitat areas (Exhibit 3). Surrounding development consists of low-density single-family residences.

The subject site is a sloping lot, descending from a narrow, level pad area adjacent to the street to a gully and narrow streambed at the rear of the property. (The applicant's property extends to the canyon bottom.) The project site is located just over one-half mile from the beach. Due to the curvilinear configuration of the streets in the subject area, the site is considered to be located between the first public road and the sea. The nearest public coastal access is available via the Riviera Access point (Exhibit 4).

Amendment Description (5-97-122-A1)

The proposed amendment involves a revision to the canyon setback line established by 5-97-122 (discussed below). The setback requirement imposed by the Commission restricted all livable building area on the two newly created lots to be located a minimum of 15' from the line of native vegetation, in accordance with a graphic prepared by Commission staff on the parcel map submitted. However, the current applicant contends that the parcel map was incorrect, thereby leading to an inaccurate depiction of the sewer easement and allowable building area on Parcel 1. As stated by the applicant's agent,

"A review of the final parcel map by the current owners, Claudio and Nancy Haug, revealed that the length of the westerly property line was six feet shorter than the Coastal Commission's approved plans. This error caused the sewer easement to be located 6' closer to the north property line, severely decreasing the allowable building area, and placing a considerable portion of that buildable area into the sewer easement.

Since the native vegetation line had been placed on the incorrect site plan, and because current observation of the site indicated that changes to the vegetation line had occurred since the original survey was completed four years ago, the owner elected to engage a biologist to resurvey the native vegetation, provide an updated line of native vegetation, establish an updated building setback line, and provide a quantitative analysis of the existing native vegetation."

According to the revised biological survey, the line of native vegetation is located further canyonward than it was at the time of the previous survey in 1997. (This is attributed to natural causes and was not a result of any activity by the applicant). The applicant has submitted a new parcel map with a depiction of the revised native vegetation line and 15' canyon setback. Due to the revised vegetation line and improperly depicted sewer easement, the applicant requests an amendment based on changed circumstances at the subject site. (Vegetation will be discussed further in Section D, ESHA.)

New Project Description (5-01-204)

The proposed development consists of a new two-story, 3709 square foot single-family residence with attached 710 square foot three-car garage, spa, hardscape improvements and landscaping on a vacant canyon lot (Exhibit 7). The project also involves approximately 650 cubic yards of cut and 10 cubic yards of fill for site preparation. Excess material will be disposed of outside the coastal zone. The proposed structure will be supported by a caisson and grade beam foundation system, as recommended by the geotechnical consultant. As proposed, the majority of rooftop runoff will be taken directly to the street, while a portion of rooftop runoff is proposed to drain to a rubble pad adjacent to the structure. Side yard runoff will be conveyed to a sump pump that will also take runoff to the street. However, rear patio runoff will drain directly to the canyon. (As discussed on page 13, Commission staff recommends that all rooftop runoff and patio runoff be conveyed to the street.)

The proposed development will conform to the canyon setback policies in the certified LUP, as development will be set back 30% the depth of the lot and more than 15 feet from the line of native vegetation (as amended by 5-97-122-A1). There is no existing native vegetation on the proposed building pad; however, a sparse grouping of coastal sage scrub exists in the area of the proposed patio and spa and a mix of native and non-native species exists along the adjacent canyon slope and within the canyon bottom. Protection of the canyon as an environmentally sensitive habitat area will be discussed in Section D of the current report.

B. PRIOR COMMISSION ACTIONS AT THE SUBJECT SITE

5-97-122 (Sawall)

On October 7, 1997, the Commission approved Coastal Development Permit No. 5-97-122 (Sawall) for the subdivision of a single 1.47 acre parcel into two parcels of 28,060 square feet (Parcel 1) and 36,040 square feet (Parcel 2). The current amendment request (5-97-122-A1) and permit application (5-01-204) pertain to Parcel 1 of the above-referenced site. No structures or other development, except for the subdivision, was proposed by the original subdivision permit. The permit included three (3) special conditions that required a limitation on the location of future residences, recordation of a future development deed restriction and submittal of revised plans depicting the required canyon setback. (The staff report for 5-97-122 is included as Exhibit 5.)

5-01-097 (Moe)

On June 14, 2001, the Commission approved 5-01-097 (Moe) for construction of a new 1912 square foot, 25' average maximum height, three level (including basement) single-family residence with an attached 448 square foot two-car garage and minimal landscaping on an approximately 0.83 acre lot. The subject of 5-01-097 was Parcel 2 of the site previously subdivided by CDP No. 5-97-122. The project also involved approximately 40 cubic yards of cut and 4 cubic yards of fill for basement excavation and site preparation. The Commission conditioned the permit for 1) conformance with geologic recommendations; 2) submittal of a revised planting plan showing use of primarily native, drought-tolerant species; 3) limit disturbance of existing vegetation during construction; 4) conformance with the drainage and runoff plan; 5) recordation of a deed restriction regarding assumption of risk; and 6) recordation of a deed restriction regarding future development.

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 update dated April 28, 2001 to supplement the original report prepared in June 1997 by Ian S. Kennedy, Inc. The revised geotechnical investigation includes the results of geologic mapping of the site area, logging of two deep borings, and laboratory tests of the soil samples.

The report provides a description of the general geology of San Clemente, as well as the site geology of the subject lot. As discussed in the report, the bedrock materials present in the vicinity of the subject site are composed of gray siltstone beds, which are assigned to the Capistrano Formation of marine origin and of Upper Pliocene Age. These rocks have been deformed and displaced by faults with numerous landslides in other areas. However, they are fairly flat-lying and are found to be undisturbed at depth in the subject lot area.

As discussed in the report, the Capistrano Formation siltstone was found to be overlain by marine and non-marine terrace deposits and artificial fill. The artificial fill covers the upper portion of the site and was found to be as much as five feet in depth within the slope area. The fill was probably placed at the time the subject property and street were graded prior to 1950. Illegal dumping of excess material from nearby construction projects may have also occurred. No evidence of a landslide was recognized on or immediately adjacent to the subject site.

The report concludes that the site bedrock is stable, no faults are located on the property, and no evidence of groundwater was found in the test borings. The report also notes that the artificial fill materials are poorly consolidated and unstable, but do not pose a threat to development if the development is anchored in bedrock. Lastly, the report states, "*the subject site is considered suitable for support of the proposed residence built in compliance with the recommendations made in this report, and upon additional recommendations to be made during construction.*"

(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.

Geotechnical Recommendations

The geotechnical report states that the construction of the proposed residence is feasible provided the applicant complies with the recommendations contained in the report. The geotechnical report includes recommendations focusing on foundation design and drainage. The report recommends that a *"foundation support system consisting of retaining walls and continuous spread footings tied to a structural slab-on-grade floor"* be used. As recommended by the consultant, *"the footing system should be embedded into firm bedrock at depth."* The applicant is proposing a caisson and grade-beam foundation system, consistent with the recommendations of the geotechnical report.

The report also advises, *"runoff water should not to be allowed to be directed to the structure, nor allowed to pond adjacent to the structure, nor to spill uncontrolled over the sloping surface. Runoff water collected should be conducted to the street or drainage device in the canyon."* As submitted, the majority of rooftop runoff will be conveyed to the street via gravity lines and a sump pump line that will take runoff up to the street, consistent with the geotechnical recommendations. However, runoff from a portion of the rooftop will be directed via a downspout to a rip-rap discharge point located directly behind the garage, inconsistent with the recommendations of the report. In addition, patio runoff in the rear yard will drain away from the structure, directly into the adjacent canyon. Although the patios are relatively small in area, all runoff from paved surfaces must be directed to an area drain and not allowed to sheet flow into the canyon. Driveway runoff will drain to the street. The side yard along the southwest will drain to an area drain leading to the sump pump.

As discussed previously, a minimal amount of grading (approximately 40 cubic yards of cut) is proposed for excavation of a 300 square foot basement. The geotechnical report provides recommendations for grading, site excavation and construction of retaining walls, including a recommendation that *"construction excavations will have to be inspected by an engineering geologist or soils engineer in order to confirm the estimate of sub-surface conditions based upon which preliminary recommendations were made."*

Since the recommendations provided by the geotechnical consultant include measures to mitigate any adverse geologic effects, the Commission finds that Special Condition 1 of 5-01-204 ensures that the consulting geotechnical expert has reviewed the development plans and verified their conformance with the geotechnical recommendations. As such, Special Condition 1 guarantees that the final development plans are consistent with Section 30253 of the Coastal Act. (As will be specified in the "Site Drainage" discussion on page 13, the applicant will be required to submit a revised grading and drainage plan in conformance with the recommendations contained in the geotechnical report.)

Coastal Canyon Setback

The City's certified LUP (Policy VII.15), to which the Commission may look for guidance, requires new development on coastal canyon lots to be set back as follows:

"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."

These canyon setback requirements serve the purpose of appropriately siting new development to avoid geologic hazard and/or adverse impacts to environmentally sensitive habitat areas (ESHA). (ESHA impacts will be discussed in Section D, beginning on page 14.)

The siting of the proposed development was previously considered by the Commission under CDP No. 5-97-122. In approving the two-lot subdivision, the Commission found that *"single family residences can be safely constructed on the site in the future."* The Commission recognized that there were sensitive plant species present nearby and approved the subdivision with a limited building footprint area (Exhibit 5). The allowable building area was established in response to potential ESHA impacts. The siting restriction was not established for avoidance of geologic hazard impacts, but for avoidance of native plant species. Based on the information provided in the geotechnical report prepared in 1997 and updated in 2001, the siting of the proposed development is found to be appropriate in this case to avoid geologic hazard.

As will be discussed in the following section, CDP 5-97-122-A1 allows for a revision of the canyon setback line required by the original subdivision permit. The proposed development (5-01-204) conforms to the canyon setback requirements in the certified LUP, as development will be set back 30% the depth of the lot (or 30% from the rear of the lot at the canyon bottom) and more than 15 feet from the line of native vegetation. While the rear portion of the structure will be constructed into the uppermost canyon slope, the project will be sited more than 15' from any native vegetation and will not be sited in an area of geologic instability.

Site Drainage

As noted above, the geotechnical report provides recommendations regarding site drainage. These recommendations are provided by the geologist in order to avoid any adverse effects that improper site drainage may have upon site stability. For instance, improper site drainage could cause an area subject to slope creep and/or failure to activate and cause damage to the structure. Excessive water infiltration at the subject site will result in potentially hazardous conditions. The geologist's recommendations regarding site drainage are designed to avoid such adverse effects.

Since the manner in which a site drains is important to site stability on canyon lots, a grading and drainage plan has been submitted which documents how site drainage will be accomplished. The plan (prepared by Peter and Associates) shows that a majority of rooftop runoff will be conveyed to the street via gravity lines and a sump pump line that will take runoff to the street from the southwestern yard area, consistent with the geotechnical recommendations. However, runoff from a portion of the rooftop will be directed via a downspout to a rip-rap discharge point located directly behind the garage, inconsistent with the recommendations of the report. In addition, patio runoff in the rear yard will drain away from the structure, directly into the adjacent canyon. Although the patios are relatively small in area, all runoff from paved surfaces must be directed to an area drain and conveyed to an appropriate discharge point. Driveway runoff will drain to the street. The side yard along the southwest will drain to an area drain leading to the sump pump. To ensure that the grading and drainage plan is modified to be consistent with the recommendations of the geotechnical report, the Commission imposes Special Condition 2. Special Condition 2 requires the applicant to submit a revised grading and drainage plan, which shows that all rooftop runoff and runoff from impervious surfaces (i.e. patios) will be taken to the street. No direct sheet flow over the canyon edge will be allowed. The special condition also requires that drainage devices be maintained throughout the life of the development.

Assumption of Risk and Future Improvements

Although the proposed project will be constructed in conformance with the geologic recommendations, risk from development on a coastal canyon 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 subsurface conditions continue to change. Therefore, the standard waiver of liability condition has been attached through Special Condition 3. By this means, the applicant is notified that the residence 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. Recordation of the 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 or environmentally sensitive habitat area concerns expressed in this staff report, the Commission imposes Special Condition 5 of 5-97-122-A1, a future development deed restriction. Re-recordation of this deed restriction will ensure that the applicant and all successors and assigns are aware that a coastal development permit is required for future development at the site. Future development includes, but is not limited to, structural additions and landscaping.

4. Conclusion/Project Consistence with Coastal Act

The Commission has found that in order to assure that the development proposed by 5-01-204 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 the geotechnical consultant, Ian S. Kennedy, Inc.; 2) submit a revised grading and drainage plan and 3) execute and record an assumption-of-risk deed restriction. In addition, Special Condition 4 of 5-97-122-A requires the applicant to execute and re-record a deed restriction regarding future improvements to the subject site. Only as conditioned does the Commission find that the development proposed by 5-01-204 and 5-97-122-A1 is consistent with Section 30253 of the Coastal Act.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA)

1. Coastal Act and Land Use Plan (LUP) Policies

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 (LUP) 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 Riviera Canyon, one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP. Riviera Canyon is located in the southern part of San Clemente. The proposed development is consistent with LUP canyon setback policies contained in the City's LUP. The rear portion of the structure will be constructed into the upper portion of the canyon slope, but will not be sited within 15' of the line of native vegetation or within 50' of riparian vegetation. The siting of future residences at Parcel 1 and Parcel 2 was addressed by the Commission in its review of CDP No. 5-97-122 (Sawall). In their approval of the subdivision, the Commission found the following,

"Policy VII.15 of the LUP (above) requires that one of three setback policies be applied to development on coastal canyon lots. The stringline policy (c) is not applicable because the lot is long and narrow and the adjacent structures are not situated in such a way that the string line can be applied. Both the proposed parcels meet the 30% depth of lot criteria. This means that the applicable policy is either "a" or "b" of policy VII.15. The utilization of the 15 feet from the canyon edge is not practicable because it would make building sites on both parcels problematic. Therefore, the applicable policy is policy "b," which mandates that development be situated 15 feet from the line of native vegetation and 50 feet from riparian vegetation. There is no riparian vegetation within 50 feet of the proposed development."

Based on a biological assessment report prepared at the time of the Commission's previous action, the line of native vegetation was identified as shown on page 13 of Exhibit 5. This line

established the allowable building area. For the purposes of that subdivision permit, building area referred to the area of "enclosed living space." Other development consistent with the habitat setback would be considered with future applications for specific development in the future.

The current amendment request involves a revision to the required canyon setback. The applicant has submitted technical documentation stating that the line of native vegetation has changed since originally surveyed (Exhibit 8). The vegetation was previously mapped by Ted Hanes, Ph.D. in 1997. A new vegetation map was created by Michael Brandman and Associates in 2001 to document the "new existing conditions." The revised map identifies the line of vegetation approximately 10 feet canyonward of the prior map. This is due in part to the fact that vegetation has now been depicted on a more accurate parcel map. (The change is also attributed to natural causes and was not the result of actions by the applicant). At the time the Commission approved the subdivision of the subject site, the native vegetation line was established based on a visual survey that was then transferred onto the parcel map (see Exhibit 5). That parcel map has since been found to be incorrect, as the length of the westerly property line is actually 6 feet shorter than shown on the map. As described by the applicant's agent in the current amendment request,

"This error caused the sewer easement to be located 6 feet closer to the north property line, severely decreasing the allowable building area and placing a considerable portion of that buildable area into the sewer easement."

Since the native vegetation line had been placed on the incorrect site plan, and because current observation of the site indicated that changes to the vegetation line had occurred since the original survey was completed four years ago, the owner elected to engage a biologist to resurvey the native vegetation, provide an updated line of native vegetation, establish an updated building setback line, and provide a qualitative analysis of the existing native vegetation.

Based on the results of the new survey, the applicant has designed a residence in accordance with the revised building setback lines. That residence is proposed under application 5-01-204.

Commission staff has recently visited the subject site and determined that the site conditions at Parcel 1 are not consistent with those present when the Commission originally approved the subdivision in 1997. The upper portion of the slope appears denuded with a few scattered coastal sage bushes mixed with non-native ice plant and grasses. The sage bushes to be disturbed for construction of the spa and patio are not part of the predominant line of native vegetation. The predominant line of native vegetation is located further down the canyon slope, closer to the water source. Additionally, the Commission's staff ecologist has reviewed the applicant's proposal and determined it to be acceptable provided the mitigation is carried out as indicated. Consequently, based on changed circumstances, the Commission finds that the setback line may be re-established to reflect current conditions at Parcel 1. With this amendment, four (4) special conditions are added to those previously imposed by the Commission through 5-97-122.

3. Special Conditions

The previous section on geologic hazards includes findings to support the special conditions of CDP 5-01-204 requiring conformance with geologic recommendations, submittal of a revised grading and drainage plan, and assumption of risk deed restriction. In addition, the future improvements deed restriction condition of 5-97-122 must be re-recorded to reflect the current amendment to Parcel 1. These conditions are necessary to ensure compliance with Section 30253 of the Coastal Act concerning prevention of erosion and promotion of geologic stability.

The conditions imposed below ensure conformance with the certified LUP and Section 30240 of the Coastal Act with regard to protection and enhancement of environmentally sensitive habitat area (ESHA).

San Clemente's certified LUP advocates the preservation of native vegetation and discourages the introduction of non-native vegetation in coastal canyons. While no rare or endangered species have been reported to exist within the coastal canyon habitat of San Clemente, the City has designated all coastal canyons, including Riviera Canyon (adjacent to the subject site) as environmentally sensitive habitat areas. 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 have resulted in cumulative adverse impacts upon the habitat value of the canyons. As such, the quality of canyon habitat must be assessed on a site-by-site basis. The canyon adjacent to the subject site is considered a somewhat degraded ESHA due to the presence of both native and non-native plant species.

Setback Modifications / Amendment to 5-97-122

The original subdivision permit established the allowable building area on the subject lot and the adjacent lot. The following special conditions supplement those originally imposed through Coastal Development Permit 5-97-122. Special Condition 4 of 5-97-122-A1 re-establishes the limitation on location of future residences at Parcel 1. Special Condition 5 requires the applicant to re-record the original deed restriction with the updated parcel map and setback restrictions at Parcel 1. Special Condition 6 requires the applicant to submit revised plans showing the new allowable building area on Parcel 1. Special Condition 7 informs the applicant that all other conditions of 5-97-122 not modified by this amendment remain in effect. As such, the original special conditions remain unchanged as they pertain to Parcel 2. The amendment only affects Parcel 1.

Landscaping

Developments on both coastal canyon and blufftop lots in San Clemente are required to submit landscaping and irrigation plans, consisting primarily of native, drought-tolerant plants, in order to be found in conformance with Section 30253 of the Coastal Act. Review of landscaping plans is necessary to assure that appropriate plant species are selected and limited watering methods are applied. Appropriate vegetation can help to stabilize slopes. As recommended in the geotechnical investigation, *"new graded slopes should be planted as soon as possible to prevent additional raveling."* Native, drought-tolerant plants common to the local area do not require watering after they become established, have deep root systems which tend to stabilize soils, are spreading plants and tend to minimize the erosive impact of rain, and provide habitat for native animals. Landscaping that involves in-ground irrigation may lead to overwatering or sprinkler line breaks that can contribute to slope instability. Therefore, review and approval of final landscaping and irrigation plans is necessary prior to the issuance of a coastal development permit.

The applicant has submitted a "Conceptual Landscape Plan" and "Landscape Concept Statement" prepared by Frederick Thomas Hume (Exhibit 9). The landscaping proposed in the front yard (street-facing) is intended to *"reflect the Mediterranean style (Spanish Eclectic) of the proposed home within the context of the surrounding neighborhood,"* while the landscaping proposed in the rear and side yards (canyon-facing) *"responds to the influences of the existing coastal canyon."* As described by the landscape architect, *"the canyon is rimmed by single-family homes and consists of non-native and weedy plant species with patches of coastal sage scrub/chaparral mix."* The Landscape Plan has been designed to minimize the amount of irrigation necessary, while meeting local fuel modification requirements. (Project plans have been approved by the Orange County Fire Authority.) The project plans include primarily native drought tolerant plant materials. As such, the need for water application will be minimized. Additionally, the Landscape Plan

indicates that irrigation will be limited to a temporary drip system on the canyon slopes. However, the Landscape Plan states that a permanent irrigation system will be installed in the planting area adjacent to the street, inconsistent with the Commission past actions in the subject area, including 5-01-097 (Moe).

While the applicant is proposing the use of native species along the canyon slope, the plantings proposed along the street (on either side of the proposed structure) include non-native species. As these areas are unbuffered from the canyon, this is inconsistent with efforts to improve the canyon as an environmentally sensitive habitat area through "vegetation restoration, control of alien plants and animals, and landscape buffering." (LUP Policy VII.12) To ensure that non-native plant species do not encroach into the adjacent canyon, the Commission imposes Special Condition 2, which requires the submittal of a revised landscape plan. The revised plan must demonstrate that only native, drought tolerant plant species be planted in the ground along the top of slope adjacent to the street and affirms that no in-ground irrigation systems may be installed on the site. The special condition allows non-native, non-invasive ornamental plants to be utilized in above-ground pots and planters and allows the use of temporary irrigation systems to help plantings establish. Lastly, the condition requires that the plantings be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. These requirements are necessary to protect nearby environmentally sensitive habitat area (ESHA) and to minimize erosion from uncontrolled site runoff.

To further assure protection of the adjacent canyon habitat, the Commission imposes Special Condition 5. Special Condition 5 requires the applicant to comply with the mitigation plan submitted for the proposed disturbance of coastal sage scrub. The applicant is proposing to construct a small patio and spa in the rear yard area. A portion of the patio and spa (approximately 75 square feet) will encroach into a small patch of degraded coastal sage scrub, which is mixed with non-native species. As described by the applicant's biologist in Exhibit 8,

"The coastal sage has partially died off and is now dominated by more nonnative species such as oxalis (Oxalis pescaprae) and nonnative grasses. This patch is of low quality coastal sage scrub and is not likely to improve due to the invasive species and poor plant health."

The biologist's recommended mitigation for disturbance of the coastal sage area is to re-vegetate 225 square feet (a 3:1 ratio) of the south-facing slope near the westerly property line, with a continuous mass of plants selected from the coastal sage scrub palette. These plants shall include California buckwheat, coastal sage, deer weed, and California encelia. While the patch is not considered to be ESHA, the applicant's proposal will establish new native plantings in areas that may better serve to improve the adjacent canyon habitat. The Commission's ecologist conferred with this conclusion provided the project is carried out as proposed. Through Special Condition 5, the applicant is required to monitor the replanting efforts to assure its effectiveness.

As stated previously, the site is located adjacent to Riviera Canyon, designated as an ESHA in the City's certified LUP. While the quality of the ESHA is considered low due to the presence of invasive, ornamental species, the vegetation along the canyon slope serves to stabilize the site. Therefore, the Commission imposes Special Condition 6. The condition requires the applicant to minimize disturbance to existing canyon vegetation during construction, beyond that mitigated through Special Condition 5 discussed above. If disturbed, the applicant is required to replant the slope with native, drought-tolerant species. This will serve to minimize erosion of the slope, consistent with geotechnical recommendations.

4. Conclusion/Project Consistence with Coastal Act

In conclusion, to ensure that the proposed development approved by CDP 5-01-204 does not have any significant adverse effects on the canyon as an environmentally sensitive habitat area, the Commission imposes Special Conditions 4, 5 and 6. Special Condition 4 requires the applicant to submit a revised landscaping plan demonstrating that all in-ground landscaping be of native, drought tolerant species. As such, non-native species will not be allowed to encroach into the adjacent canyon.

Special Condition 6 requires the applicant to minimize disturbance of existing plant species along the Riviera Canyon slope. This condition applied to that vegetation beyond the patch of coastal sage scrub identified in Special Condition 5. No development is proposed in the canyon bottom, where the majority of native species exist. However, if any plant species (whether native or non-native) are disturbed during construction, the applicant is required to replant the area with native, drought tolerant species.

As discussed in the section on geologic hazard, the applicant is informed through Special Condition 3 of 5-01-204 that all water intercepted by the proposed structure must be conveyed in a non-erosive manner to the street by the use of roof and area drains to reduce excessive runoff, erosion, and sedimentation. The condition requires that the grading and drainage plan ensure that sedimentation in the canyon, which may adversely affect the designated environmentally sensitive habitat area, will be prevented. Special Condition 5 of 5-97-122-A1, the future development special condition, ensures that no development, including landscaping, takes place that would adversely impact the existing designation of the adjacent Riviera Canyon as an environmentally sensitive habitat area.

As discussed previously, the proposed development is sited on a building pad adjacent to Riviera Canyon, which is identified in the certified LUP as an environmentally sensitive habitat area (ESHA). The special conditions of this staff report are designed to protect and enhance Riviera 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. PUBLIC ACCESS

Section 30212(a)(2) of the Coastal Act states, in pertinent part:

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

(2) adequate access exists nearby

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. Due to the winding configuration of the streets in the surrounding area and the presence of a cul-de-sac seaward of the property, the proposed development is located between the first public road and the sea. The nearest vertical coastal access is available approximately one half mile south of the subject site via a stairway at the Riviera public access point (Exhibit 4). Lateral access to the Pacific Ocean and sandy beach is available adjacent to the Riviera access point, seaward of the OCTA railroad tracks.

The proposed development is located between the sea and the first public road; however, it does not impact access either directly or indirectly to the ocean. As such, the development will not create adverse impacts, either individually or cumulatively, on public access and will not block public access from the first public road to the shore. Therefore, the Commission finds that the proposed development is consistent with Section 30212 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 re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The proposed development is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

G. 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, in the form of special conditions, require 1) limitation on location of future residences; 2) recordation of a future development deed restriction; 3) submittal of final plans depicting new setback requirements; 4) conformance with geologic recommendations; 5) submittal of a revised grading and drainage plan; 6) recordation of a deed restriction regarding assumption of risk; 7) submittal of a revised landscape plan; 8) conformance with a mitigation plan for disturbance of coastal sage scrub and 9) avoidance of native plants during construction. These special conditions will minimize all potential 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.

RECEIVED
 South Coast Region
 MAY 31 1901
 CALIFORNIA
 COASTAL COMMISSION

1" = 100'

692-19

VISTA
 W. AVENIDA
 JUMPERO

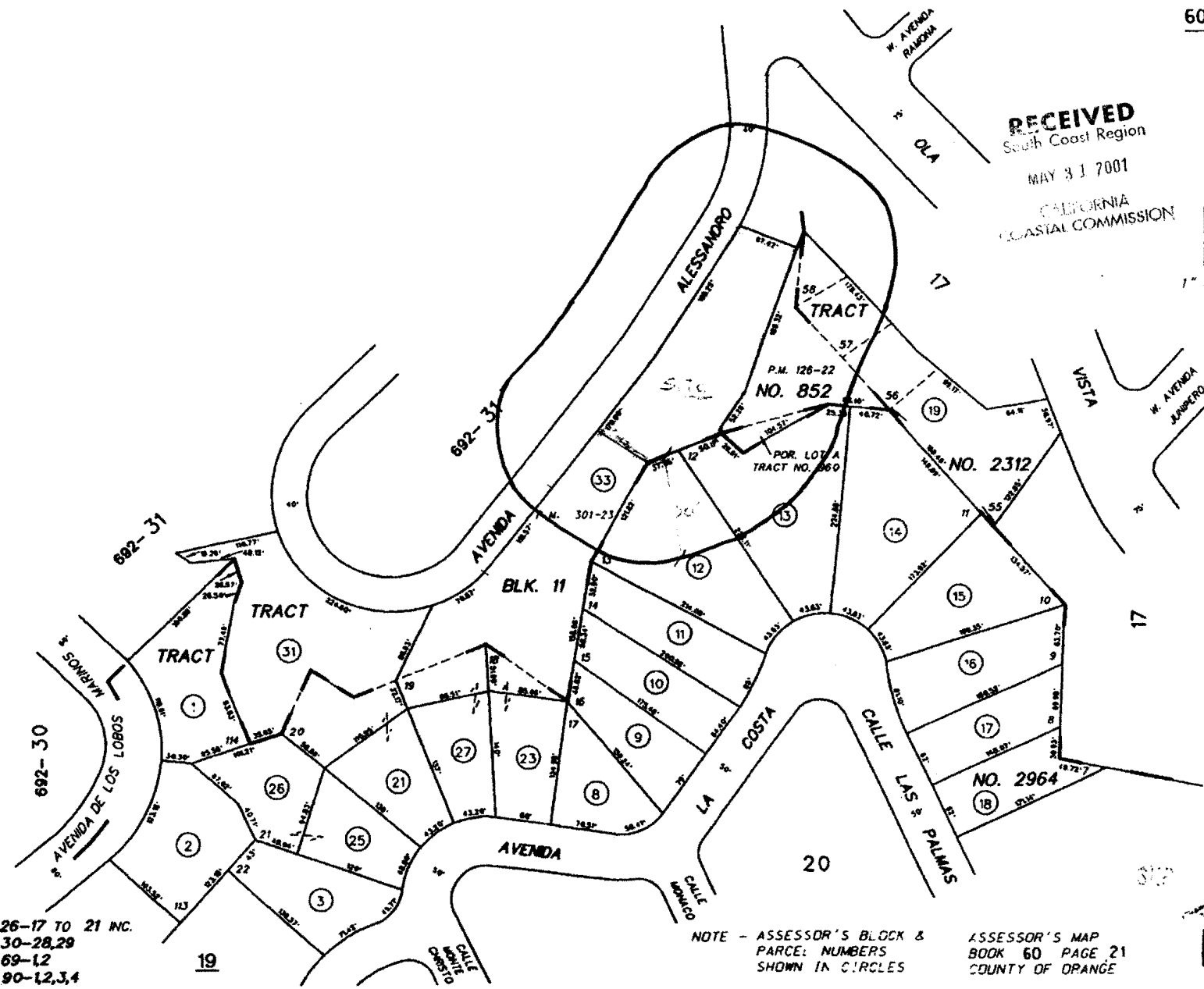
**COASTAL COMMISSION
 AP MAP**

EXHIBIT # 2
 PAGE 1 OF 1

MARCH 1957

TRACT NO. 852
 TRACT NO. 960
 TRACT NO. 2312
 TRACT NO. 2964

M.M. 26-17 TO 21 INC.
 M.M. 30-28,29
 M.M. 69-12
 M.M. 90-12,3,4



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

ASSESSOR'S MAP
 BOOK 60 PAGE 21
 COUNTY OF ORANGE

1694.000 Feet

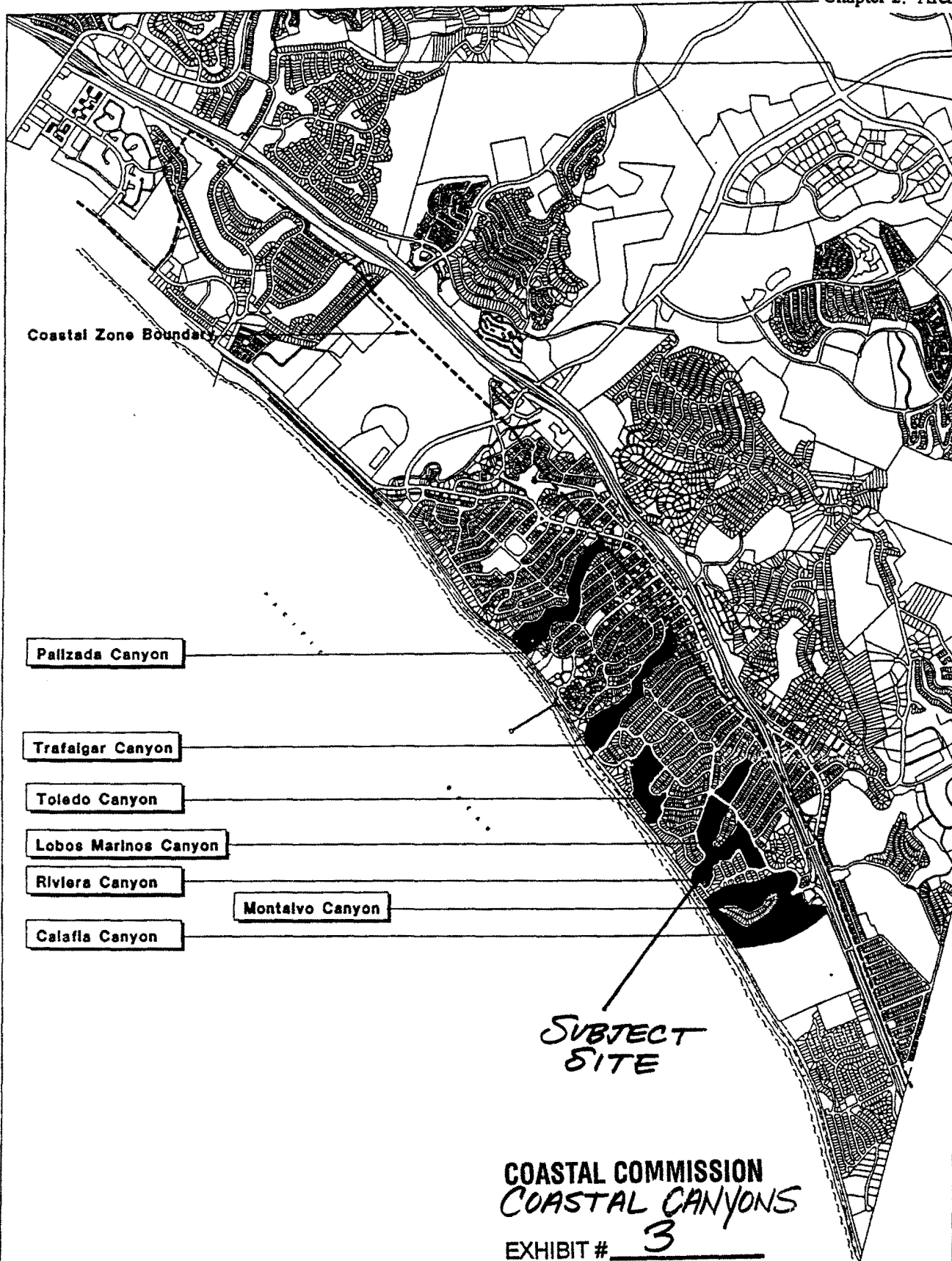


FIGURE 2-1



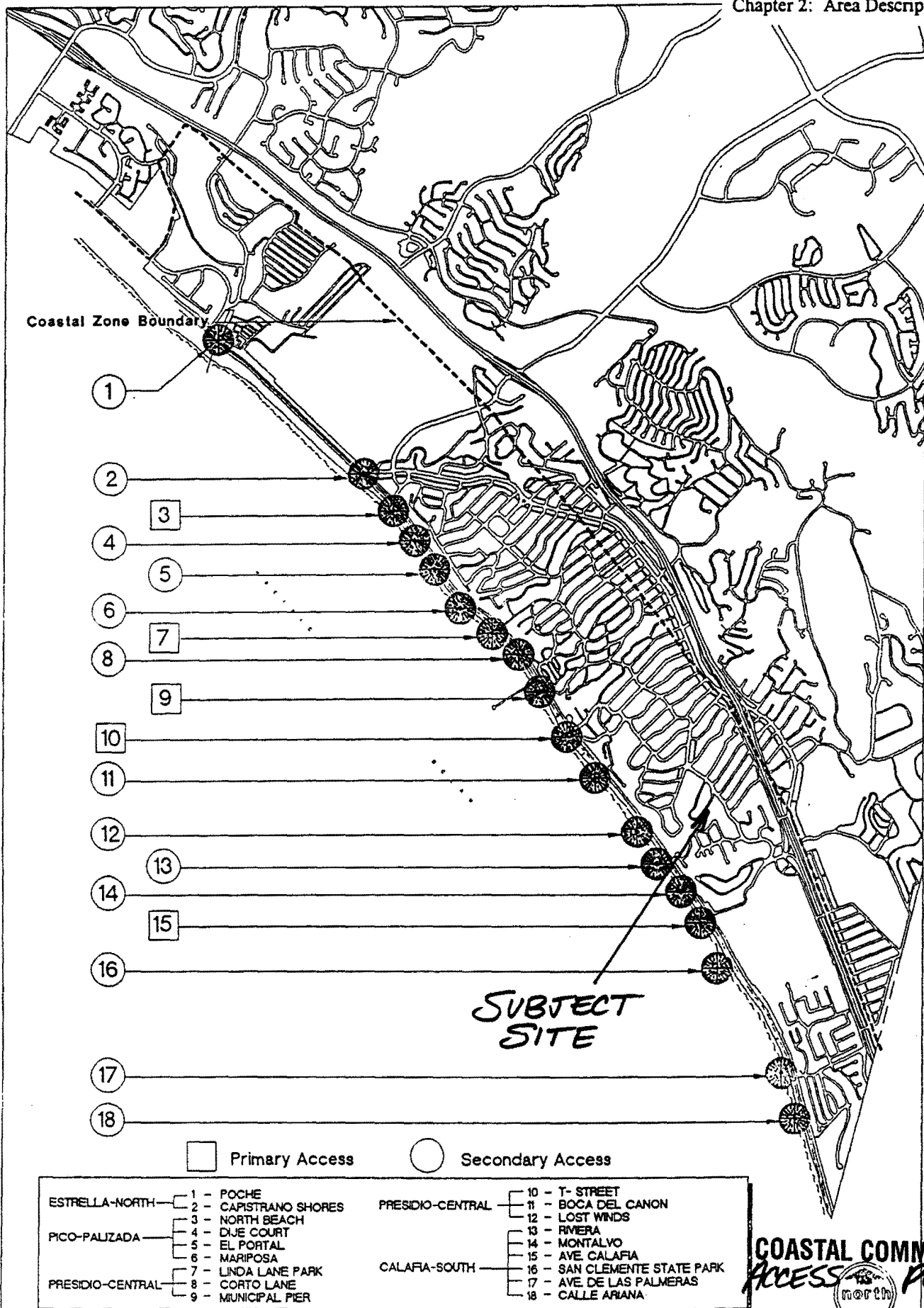


FIGURE 2-5

CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS

CALIFORNIA COASTAL COMMISSION

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

Filed: 06-04-97
49th Day: 07-23-97
180th Day: 12-01-97
Staff: RMR/LB **RNR**
Staff Report:
Hearing Date: October 7-10, 1997
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-122

APPLICANT: Walter and Susan Sawall

AGENT: None

PROJECT LOCATION: 200 Block of West Avenida Alessandro,
San Clemente, County of Orange

PROJECT DESCRIPTION: Subdivision of a single 1.47 acre parcel into two parcels of 28,060 sq. ft. (Parcel 1) and 36,040 sq. ft. (Parcel 2). No structures or other development, except for the subdivision, is proposed.

Lot area:	1.47 ac.
Building coverage:	NA
Pavement coverage:	NA
Landscape coverage:	NA
Parking spaces:	NA
Zoning:	R-1
Plan designation:	RL (4.5 du/gross ac.)
Project density:	NA
Ht abv fin grade:	NA

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

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan, Geotechnical Investigation by Ian Kennedy June 3, 1997, Geotechnical report by Ian Kennedy dated February 16, 1990, Biological assessment by Ted Hanes, Ph.D., June 4, 1997.

SUMMARY OF UNRESOLVED ISSUES:

When the application was submitted, staff analyzed the proposed subdivision and was concerned that approval of the subdivision as submitted would conflict with the Environmentally Sensitive Habitat Protection policies of the City of San Clemente certified Land Use Plan and the Coastal Act. Specifically, staff was concerned that the creation of Parcel 1 would result in the loss of coastal canyon coastal sage scrub habitat. In meetings with the applicant, the issue was resolved by identifying the allowable building area for Parcels

COASTAL COMMISSION
5-97-122 Staff Report
EXHIBIT # 5
PAGE 1 OF 14

1 and 2 which conformed with land use plan setback policies. In order to ensure future compliance with these identified building areas, a deed restriction is required as a special condition of this coastal development permit. The applicant does not object to the imposition of a deed restriction limiting the building area of the residences for Parcels 1 and 2.

Therefore, there are no known unresolved issues with respect to this permit application.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission approve the proposed development with a special condition requiring the applicant to comply with a deed restriction fixing the location of any future building footprint on parcels 1 and 2.

STAFF RECOMMENDATION:

The 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.

Ex. 5
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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 CONDITION

1. Limitation on Location of Future Residences

The location of future residences on each newly created lot is limited to the building site area depicted on Exhibits 4 and 5 to this staff report for coastal development permit 5-97-122. For purposes of this condition, "future residence" refers to enclosed living area. Patios, decks, landscaping, and other accessory structures are not limited to the building site area but cannot encroach to within five feet of the line of native vegetation.

2. Future Development Deed Restriction

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, that restricts the location of all future single family residences on Parcel 1 and 2 to the locations shown on Exhibits 4 and 5. No enclosed living space shall be constructed canyonward of the shaded area shown on Exhibits 4 and 5 and reflected in the final plans submitted as per special condition 3.

The document shall run with the land binding all successors and assigns, and shall be recorded free and clear of prior liens and encumbrances which the Executive Director determines may affect the interest conveyed.

3. Submittal of Final Plans

Prior to the issuance of the coastal development permit the applicant shall submit, for the review and approval of the Executive Director, revised full size final plans that show the allowable building site areas for Parcel 1 and Parcel 2. The building sites shown shall be in conformance with those shown on Exhibits 4 and 5 of this staff report.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Location

The proposed development consists of the subdivision of a single 1.47 acre lot into two parcels of 28,060 sq. ft. (Parcel 1) and 36,040 sq. ft. (Parcel 2). No residences or other development are proposed at this time.

The proposed subdivision is located on an inland south-facing vacant lot in the 200 block of West Avenida Alessandro (see Exhibit 3). The project site is located on Riviera Canyon, one of seven coastal canyons identified in the City

EX. 5
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of San Clemente certified land use plan as Environmentally Sensitive Habitat Area (see Exhibit 2). The coastal canyons include open space for wildlife habitat, coastal sage scrub habitat, and standing water.

There are existing single-family residences on either side of the site, as well as across the street on West Avenida Alessandro and across the canyon. The canyon-fronting lots across the canyon have been extensively altered and contain primarily non-native vegetation. The proposed site includes healthy stands of coastal sage scrub across the site, particularly in the eastern portion of parcel 1. There is no wetland riparian vegetation in the flowline of the canyon which runs through the lot, although there is standing water. The flowline of the canyon runs east of and parallel with Calle Las Palmas before turning west and proceeding parallel to West Avenida Alessandro eventually terminating at the ocean (see Exhibit 3).

The lot is designated in the certified land use plan (LUP) as residential low (RL) with a gross density of 4.5 units per acre. During the 1980's there were two proposals for subdivision of the site, a five-lot subdivision and a three lot subdivision. Neither of these proposals was approved by the City and consequently applications were never submitted to the Commission.

The City of San Clemente has a 20 foot drainage easement along the southern property boundary of parcel 1 and along the flowline of the canyon through parcel 2. There is a City of San Clemente sewer easement across parcel 1 (see Exhibit 4). This easement cannot be built on or developed and forms a buffer zone between the native vegetation and the potential building site. The easement contains non-native vegetation. Prior to 1950 West Avenida Alessandro was constructed and five feet of fill was placed along the site abutting the road. The excess dirt from cutting for the road was pushed onto the site and also down the slopes. Since that time the street-fronting portion of the site containing the fill has been cleared of vegetation (disced) annually for fire prevention purposes. However, the native vegetation below the fill line is quite healthy.

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.

Additionally, there are policies in the City of San Clemente certified LUP regarding development setbacks from coastal canyons. Policy VII.15 on page 3-21 of the LUP states:

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

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- 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 and determined after an on site visit.

Policy VII.10 requires a biological assessment report when the development results in the removal of any native vegetation. Policy VII.11 regards restrictions on grading and removal of native vegetation. It states:

Prohibit development and grading which alters the biological integrity of the Coastal Canyons as depicted on Coastal Canyon Map, Figure 2-1, unless it is replaced with habitat of equivalent value.

Policy VII.12 involves improving natural habitat. It 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, one of seven coastal canyons designated in the certified LUP as environmentally sensitive habitat area (ESHA) (see Exhibit 2). There is a description of the coastal canyons in Chapter 2 section 202 (A) of the certified LUP. Page 2-2 of the LUP contains descriptions of the habitat.

The coastal canyons contain areas of flourishing coastal sage scrub as well as areas of coastal sage scrub intermixed with introduced vegetation. The native vegetation is drought tolerant and has deep root systems which help consolidate the surface soils on coastal canyons and bluffs. ...

San Clemente's coastal canyons represent remnants of what was once a much larger habitat zone. ... The primary environmental value of these habitat areas is that they represent an ever diminishing resource within urbanized portions of the coast.

The flowline of Riviera Canyon flows north parallel to Calle Las Palmas and then turns west running parallel with West Avenida Alessandro eventually terminating at the beach. There is a side canyon beginning at the junction of South Ola Vista which trends south across parcel 1 and connects with the main drainage where it turns and flows west (see Exhibit 3). The shaded area on Exhibit 3 represents Riviera Canyon to the south and Los Lobos Marinos Canyon to the north.

In 1995 the City of San Clemente certified LUP was amended. One of the changes which was made was to change policy VII.15(b) to read "line of native vegetation" instead of "primary vegetation line". This change was a suggested

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modification which clarified the point that the Commission was primarily concerned about the preservation of native vegetation in coastal canyons. The plans submitted by the applicant show a "line of vegetation" (see Exhibits 4 and 5). This "line of vegetation" marked the extent of vegetation, but did not distinguish between native and non-native vegetation. In the plans originally submitted by the applicant the building sites were shown as extending beyond the line of vegetation marked on the site plans. Modified plans have been submitted to staff showing that the building sites conform with the setback policies.

The site plans submitted by the applicant were formulated prior to the LUP being amended. Therefore, the "line of vegetation" drawn on the plans does not accurately reflect the "line of native vegetation." At staff's request, the applicant submitted a biological assessment report written by Dr. Ted Hanes, Ph.D., a biological consultant. Dr. Hanes plotted the vegetation on the site plan. Dr. Hanes' work (see Exhibits 4 and 5) shows that the presence of non-native plants, such as ice-plant and jade, increases with the proximity to the graded areas along the level disced portion of the site and also in proximity to water in the canyon drainage. Therefore, at the bottom of the canyon there are numerous types of palm trees and Brazilian pepper trees, as well as some red gum eucalyptus. Closer to the level portion of the site adjacent to the "vegetation line" there is an increasing amount of non-native plants, including ice plant, jade plants, russian thistle, red gum eucalyptus, Brazilian pepper tree. In between the flowline and the line of vegetation is found the bulk of the native vegetation.

The 10 foot wide sewer easement across proposed parcel 1 and a portion of parcel 2 is also periodically disced for easement maintenance purposes. The portion of proposed parcel 1 east of the sewer easement contains the best grouping of coastal sage scrub or as Dr. Hanes labels it "southern mixed chaparral," consisting of California buckwheat, toyon, prickly pear, lemonadeberry and California sagebrush.

Policy VII.15 of the LUP (above) requires that one of three setback policies be applied to development on coastal canyon lots. The stringline policy (c) is not applicable because the lot is long and narrow and the adjacent structures are not situated in such a way that the stringline can be applied. Both the proposed parcels meet the 30% depth of lot criteria. This means that the applicable policy is either "a" or "b" of policy VII.15. The utilization of the 15 feet from the canyon edge is not practicable because it would make building sites on both parcels problematic. Therefore, the applicable policy is policy "b", which mandates that development be situated 15 feet from the line of native vegetation and 50 feet from riparian vegetation. There is no riparian vegetation within 50 feet of the proposed development.

The original plans submitted with the application included the easement lines, lot lines and the "line of vegetation". The revised plans showing the buildable area for parcels 1 and 2 are Exhibits 4 and 5, which show the "line of vegetation", plots of native and non-native vegetation, and the buildable area which is established as 15 feet from native vegetation. The dashed line on Exhibit 5 reflects a revised "line of vegetation" which excludes non-native vegetation. The boundary of the buildable area for parcel 1 (Exhibit 4) has been adjusted to reflect a line of native vegetation, but the actual "line of vegetation" has not been adjusted as per Exhibit 5.

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Exhibit 4 is a reduction of Parcel 1 (28,060 sq. ft.). Exhibit 5 is a reduction of Parcel 2 (36,040 sq. ft.). Both of these exhibits indicate shaded areas where potential building sites are. For the purposes of this permit, building site area refers to the area of enclosed living space. Other development consistent with the habitat setback policies shall be considered with future applications for specific development of the sites.

Measurements of the potential building area on Parcel 2 shows that it is approximately 90 feet long by 45 feet wide or 4,045 sq. ft. The potential building area on Parcel 1 is limited by the presence of the sewer easement, the narrowness of the lot, and the presence of native vegetation. However calculations on parcel 1 show that the main portion of the potential building site is on average 18 feet wide by approximately 105 feet or 1,890 sq. ft. The remainder of the eastern portion of the buildable lot is approximately 90 feet long by 12 to 15 feet wide.

The LUP policy requires that development be setback 15 feet from native coastal vegetation. Staff has revised the line of vegetation canyonward in some areas to account for the presence of non-native vegetation (see Exhibits 4 and 5). The Commission concludes from these calculations that two building sites can be accommodated. Subdivision of the site would be inconsistent with the Coastal Act if it would result in lots that cannot accommodate single family homes that are consistent with Chapter 3 policies. The subject lot can accommodate two residences that do not adversely impact native coastal vegetation only if the residences are built in the locations shown in Exhibits 4 and 5. Therefore, the lot can be subdivided into two lots consistent with the Coastal Act if the building sites for future residences are limited to those shown on Exhibits 4 and 5. The Commission finds that if conditioned to limit the building site area in each new lot, the proposed development conforms with Section 30240 of the Coastal Act and the forementioned policies of the City of San Clemente certified land use plan regarding the protection of environmentally sensitive resources in coastal canyons.

Further, future purchasers of these lots may not be aware of the limitations of the building sites. Therefore, in order to ensure that potential future owners of the lots are aware of the buildable area restrictions, the Commission finds that the applicant must record a deed restriction that limits the construction of residences within the buildable area per exhibits 4 and 5.

In addition, the applicant must submit full size plans showing both the revised line of native vegetation and the buildable areas in relation to that line of vegetation (i.e., set back 15 feet). Exhibits 4 and 5 of this staff report are plans which were adjusted by staff and therefore final plans need to be submitted to reflect these changes.

Only as conditioned does the Commission find that the proposed development conforms with Section 30240 of the Coastal Act and the applicable resource protection policies of the certified Land Use Plan.

C. New Development

Section 30250 of the Coastal Act states:

- (a) New residential, commercial, or industrial development, except as

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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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The applicant is proposing to subdivide an existing 1.47 acre vacant lot into two parcels of 28,060 sq. ft. and 36,040 sq. ft. In section "B" of this staff report the Commission found that the proposed development would not adversely impact native coastal vegetation as required in Section 30240 and the applicable resource protection policies of the certified LUP.

Section 30250 of the Coastal Act requires that new development be located in areas which are able to accommodate the development without adverse impacts. The proposed development is a two-lot subdivision in an area of existing single-family residential development. The parcel abuts West Avenida Alessandro and therefore ingress and egress to the site is not a problem. In addition, the infrastructure supporting residential development (sewer, water, etc.) is in place.

Therefore, the Commission finds that the proposed development is in an area able to accommodate it, poses no adverse impacts to coastal resources, and therefore conforms with Section 30250 of the Coastal Act.

D. Geologic Considerations

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.

Prior to approving a subdivision it is essential to determine whether the site is stable enough to support future residential structures and to ensure that adjacent structures are not put at risk by allowing the development.

Geotechnical reports were prepared by Ian Kennedy in February 1990 and in June of 1997. The 1990 report included borings, shear strength tests, soils analysis and a sub-surface geologic investigation.

Both the 1990 geotechnical report and the 1997 geotechnical report conclude that the site bedrock is stable, no faults are located on the property, and no evidence of groundwater was found in the test borings. The reports

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note that the overburden materials (artificial fill) are poorly consolidated and unstable, however, do not pose a threat to development if that development is anchored in bedrock.

The reports concluded that the site was suitable for residential development if constructed in conformance with the geotechnical recommendations concerning the construction of the foundation support system, treatment of surface drainage and inspection by the consulting geologist. However, this coastal development permit is for subdivision only and therefore a special condition requiring conformance with geologic recommendations is not required at this time. The Commission finds that single-family residences can be safely constructed on the site in the future and that the lot can be subdivided. Therefore, the Commission finds that the proposed subdivision conforms with section 30253 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development 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. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

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

The proposed project has been conditioned in order to be found consistent with section 30240 of the Coastal Act. A mitigation measure; requiring the applicant to submit a deed restriction limiting the location of building footprints for potential residences; will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact 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.

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EX. 5
9/14

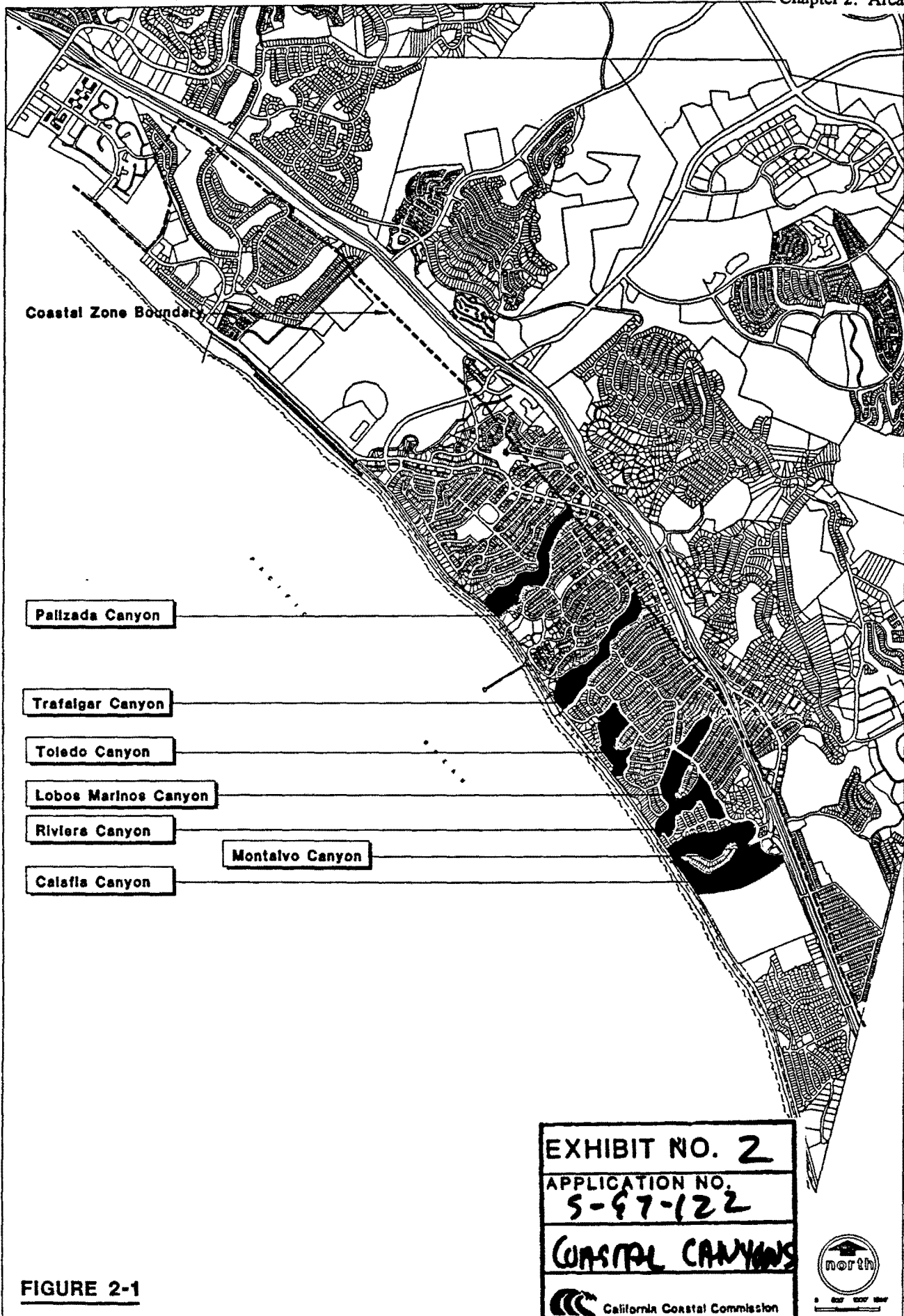
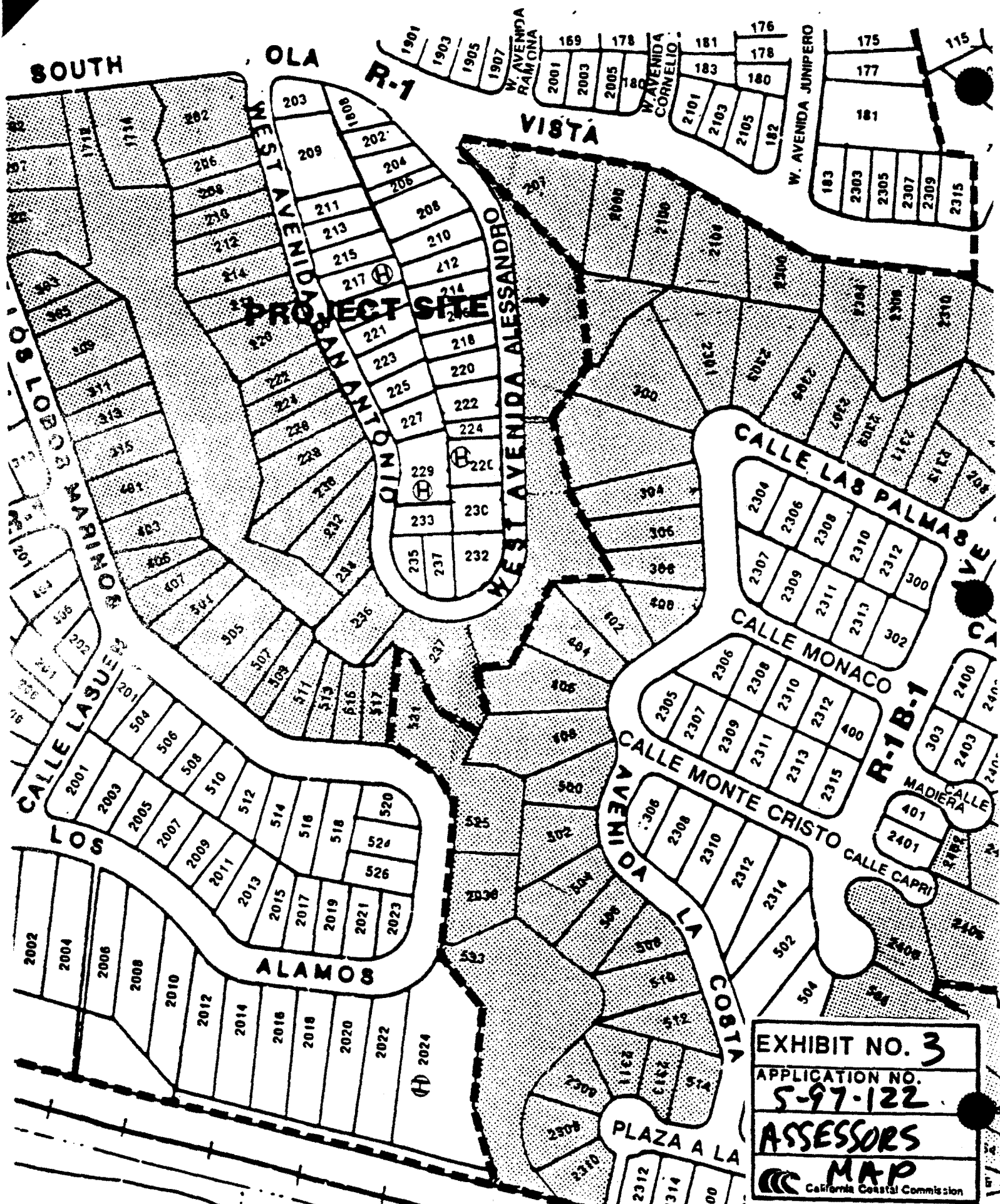


FIGURE 2-1




CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS

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Ex. 5

12/14

 California Coastal Commission	EXHIBIT NO. 4
	APPLICATION NO. 5-97-122
	PARCEL 1

EX. 5 13/14

Sewer Easement

San S. Meurn
S. Meurn LS 4384

The development as proposed is approved by the City of San Clemente in concept. When approved by the South Coast Regional Commission, the City will then process the plans for building permit.

3-7-97

John M. Ham
City Planner
Community Development Dept

Vegetation line

PARCEL 1

28,060 SQ. FT.

20.00' EASEMENT FOR INCIDENTAL PURPOSES IN FAVOR OF THE CITY OF SAN CLEMENTE, REC'D IN PL 3279, Pg. 178 O.R.

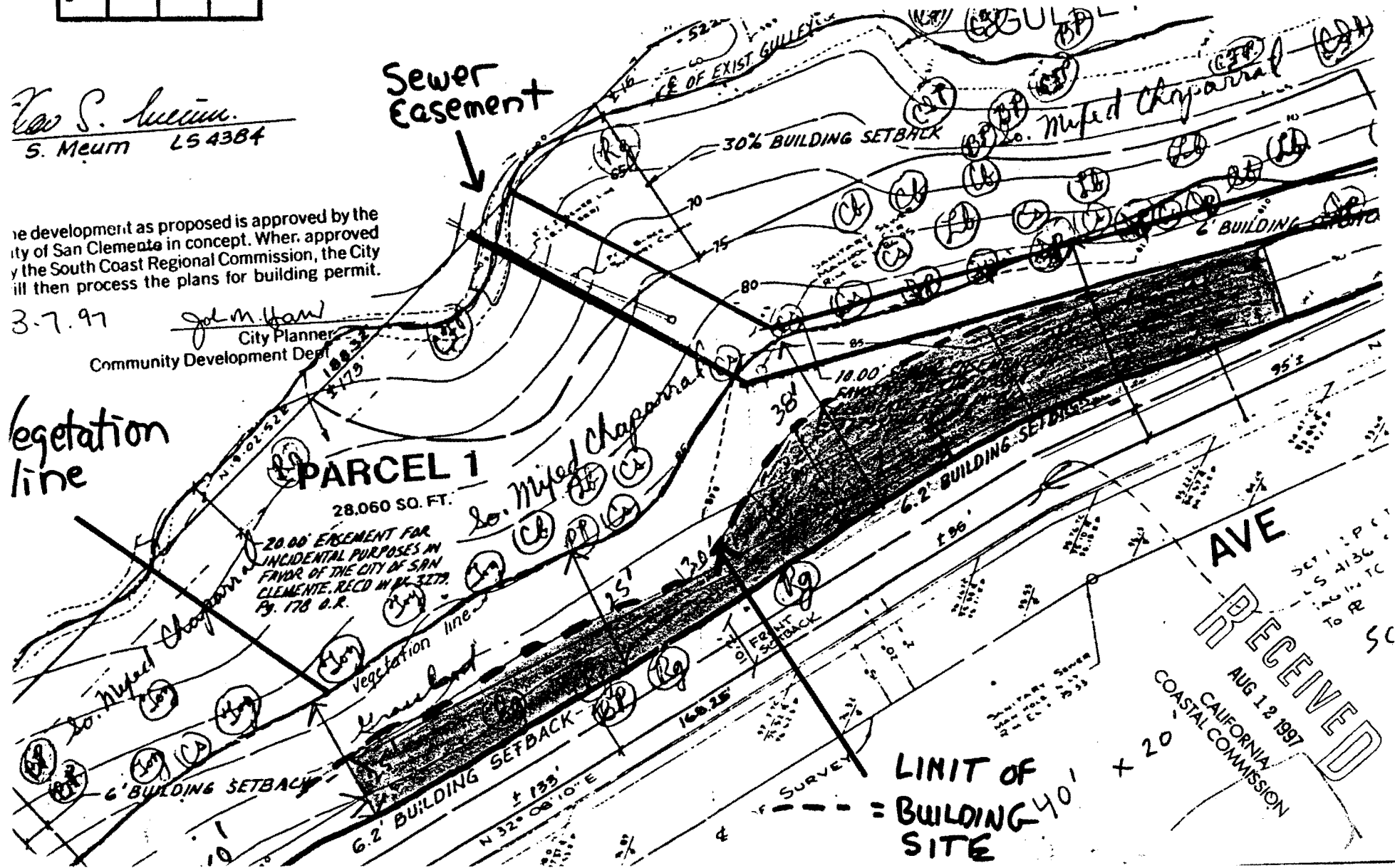
So. Mixed Chaparral

So. Mixed Chaparral


AVE

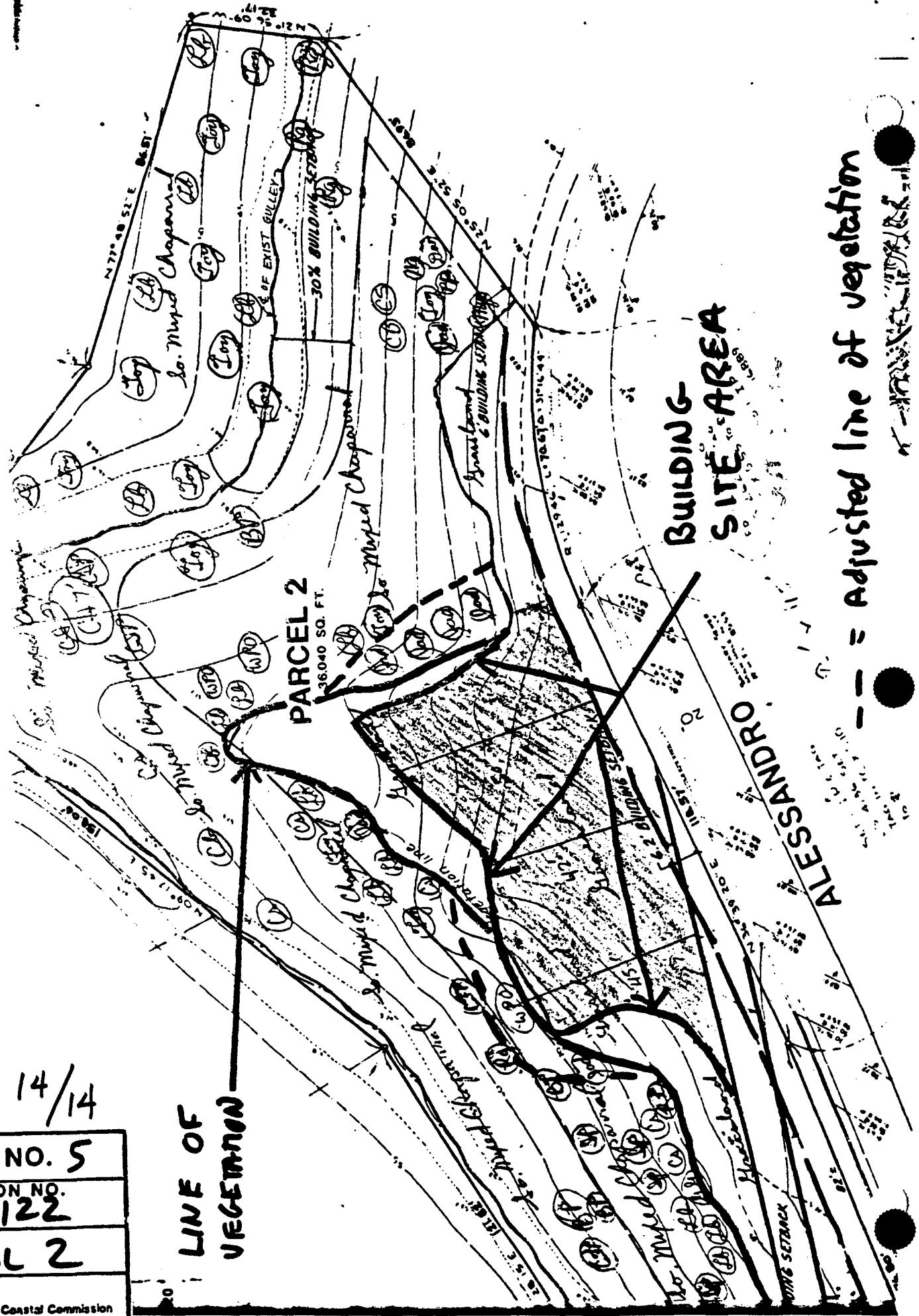
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CALIFORNIA COASTAL COMMISSION

LIMIT OF BUILDING SITE

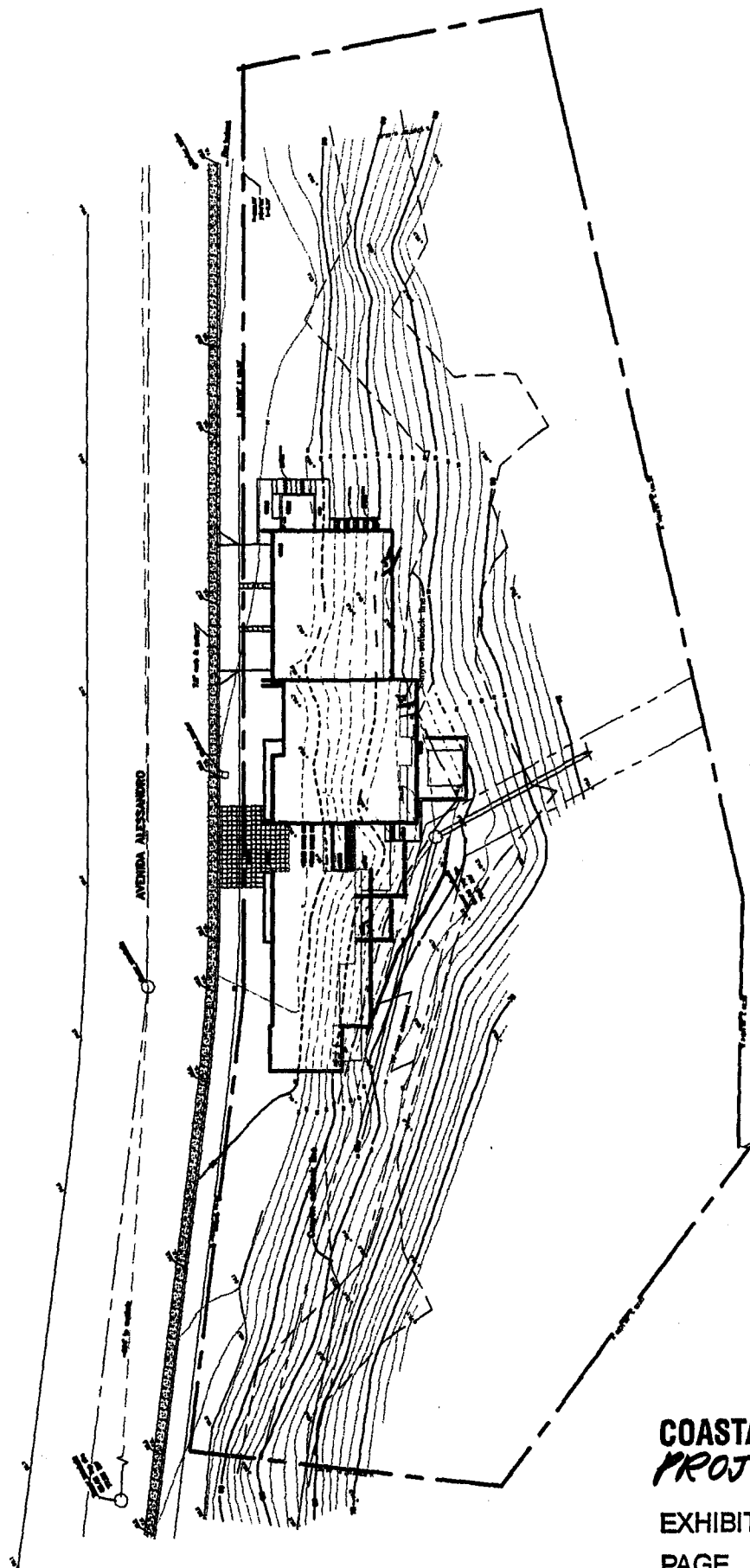


EX. 5 14/14

EXHIBIT NO. 5
APPLICATION NO. 5-97-122
PARCEL 2
 California Coastal Commission



-- = Adjusted line of vegetation



SITE PLAN

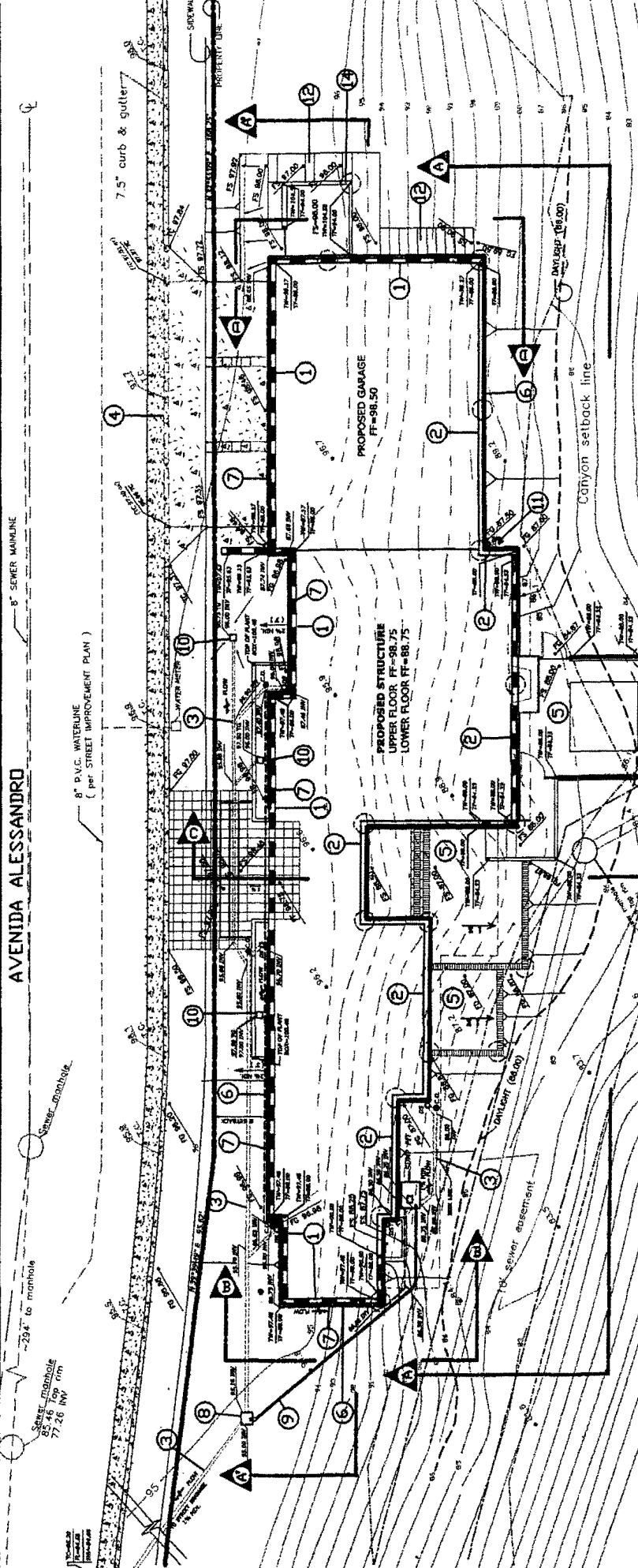
**COASTAL COMMISSION
PROJECT PLANS**

EXHIBIT # 7
PAGE 1 OF 7

SHEET PLAN	
NO. 1	NO. 2
NO. 3	NO. 4
NO. 5	NO. 6
NO. 7	NO. 8
NO. 9	NO. 10
NO. 11	NO. 12
NO. 13	NO. 14
NO. 15	NO. 16
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NO. 97	NO. 98
NO. 99	NO. 100

STICKER and ASSOCIATES
1000 BAYVIEW BLVD., SUITE 100, OAKLAND, CA 94612
(415) 764-1000

AVENIDA ALESSANDRO



LEGEND

- CENTERLINE
- PROPERTY LINE
- EXISTING CONTOUR
- PROPOSED DRAINAGE LINE
- FINISH FLOOR ELEVATION
- FINISH GRADE
- FINISH GRADE
- FINISH GRADE
- PROPOSED RETAINING WALL
- PROPOSED GRADE BEAM FOOTING
- TOP OF WALL
- TOP OF FOOTING
- CLEAN OUT
- DOWNSPOUT
- CONCRETE CURB & GUTTER
- DRAIN INLET
- CASSINGS

CONSTRUCTION NOTES:

(Contractor to verify Construction Quantities)

- 1 Construct Concrete Retaining Wall per Structural Plans
QTY = 100 sq. ft. +/-
- 2 Construct Grade Beam Footing per Structural Plans.
QTY = 105 sq. ft. +/-
- 3 Construct 4" Drainage Line SDA 35 and 1/2" PVC sch. 40
QTY = 108 ft.
- 4 Concrete Curb to be Removed and Replaced; this portion
only. QTY = 34 sq. ft. Remove and Replace with New
Driveway Design as per EHA STD. PLAN 1209.
- 5 Structural Concrete Slab
See Structural Plans
- 6 Waterproof all retaining walls
- 7 Install 4" Perforated Pipe. See subdrain detail
QTY = 144 ft.
- 8 Install 18" Catch Basin NDS-1800 or 1804
QTY = 1 unit
- 9 1 1/2" Composite Drain Pipe from Sump Pump
QTY = 32 ft.
- 10 Construct 12"x12" Drain Inlet NOS # 1210
QTY = 3 unit
- 11 Place Riprap at downspout
- 12 Construct Concrete Retaining Wall per Structural Plans
- 13 Construct Deck / Wall per Structural Plans.
- 14 Construct Retaining Wall per Structural Plans.

EARTH QUANTITIES

CUT	FILL	IMPORT	EXPORT
348 CU. YDS.	0	0	0

PRECISE GRADING PLAN

SCALE 1 : 50

PRECISE GRADING PLAN

DATE: 10/1/00

BY: J. V. PETER

CHECKED: J. V. PETER

APP. J. V. PETER

DATE: 10/1/00

BY: J. V. PETER

CHECKED: J. V. PETER

APP. J. V. PETER

DATE: 10/1/00

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APP. J. V. PETER

EX. 7 2/7

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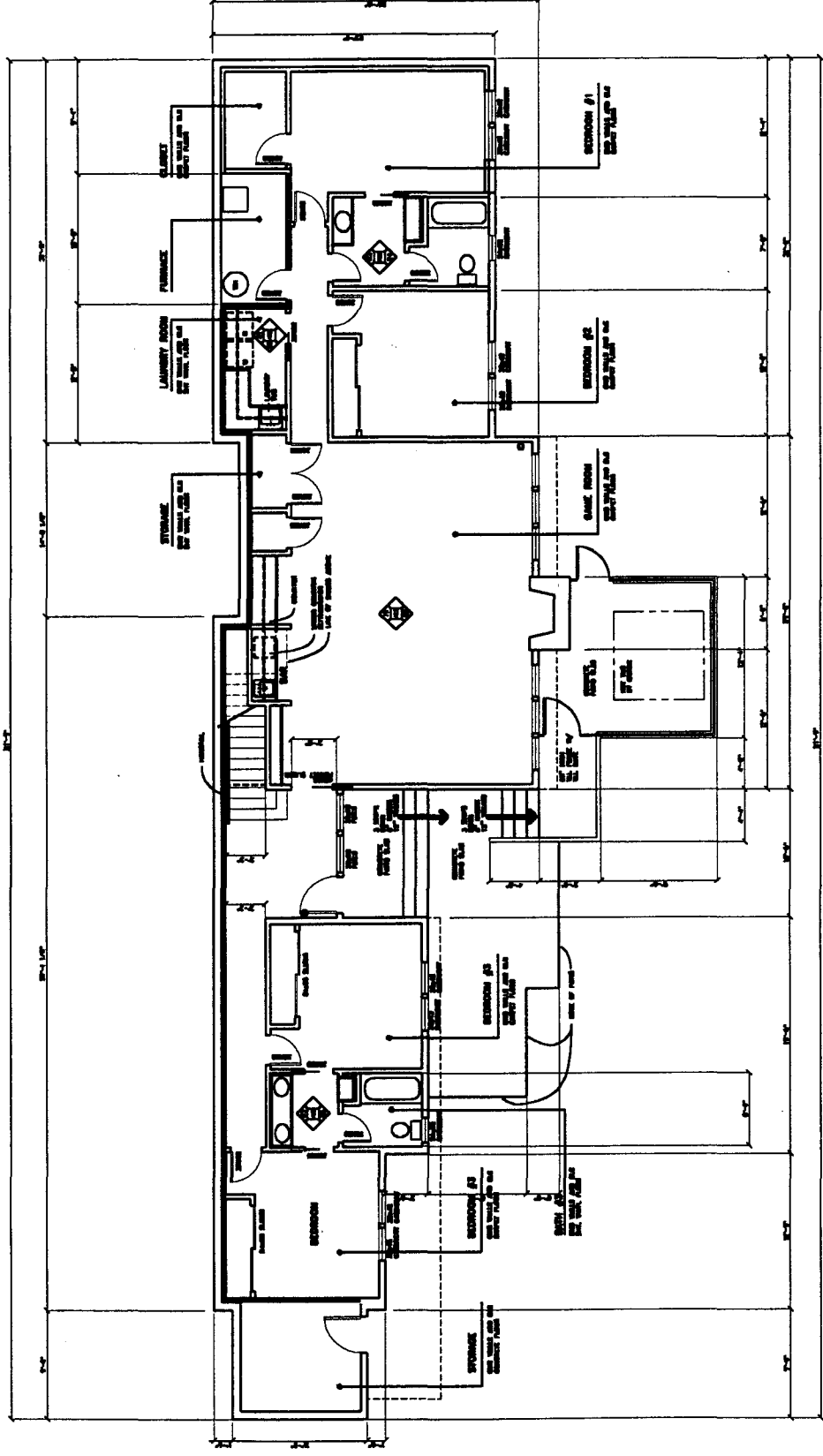
Ex. 7 3/7

JAMES STAPPER
 ARCHITECT AIA
 4850 FOREST AVE S.E.
 MERCER ISLAND, WA
 (206) 234-5910
 Fax: (206) 232-7136

HAUG RESIDENCE 225 AVENIDA ALESSANDRO SAN CLEMENTE, CA

Room	Area	Notes
Bedroom #1	12.37' x 14.00' = 173.18	
Bedroom #2	12.37' x 14.00' = 173.18	
Bedroom #3	12.37' x 14.00' = 173.18	
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Bedroom #100	12.37' x 14.00' = 173.18	

A2
 COMMISSION SUBMITTAL



LOWER FLOOR PLAN
 SCALE: 1/8" = 1'-0"

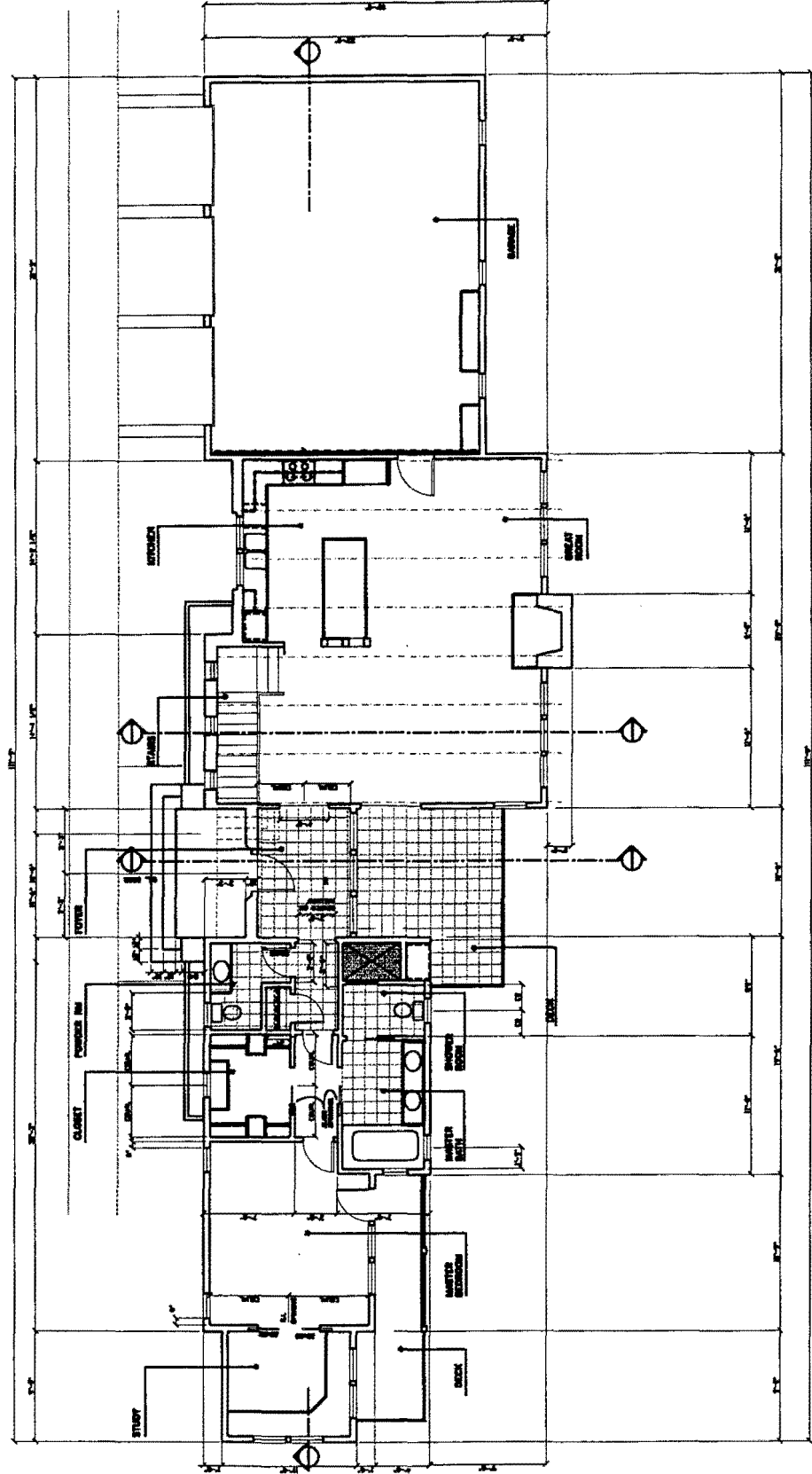
EX. 7 5/7

JAMES STAPPER
ARCHITECT AIA

4850 FOREST AVE S.E.
MERCER ISLAND, WA
(206) 236-5910
Fax (206) 232-7136

HAUG RESIDENCE

225 AVENIDA ALESSANDRO
SAN CLEMENTE, CA



Room	Area	Count	Notes
Living Room	1,100	1	
Dining Room	800	1	
Kitchen	1,200	1	
Study	400	1	
Bedroom	1,000	2	
Bathroom	600	2	
Garage	1,000	1	
Pool	1,000	1	
Deck	1,000	1	
Total	10,000	10	

A3

COASTAL COMMISSION SUBMITTAL

UPPER FLOOR PLAN
SCALE 1/8" = 1'-0"

EX. 7 6/7

JAMES STAPPER
ARCHITECT AIA

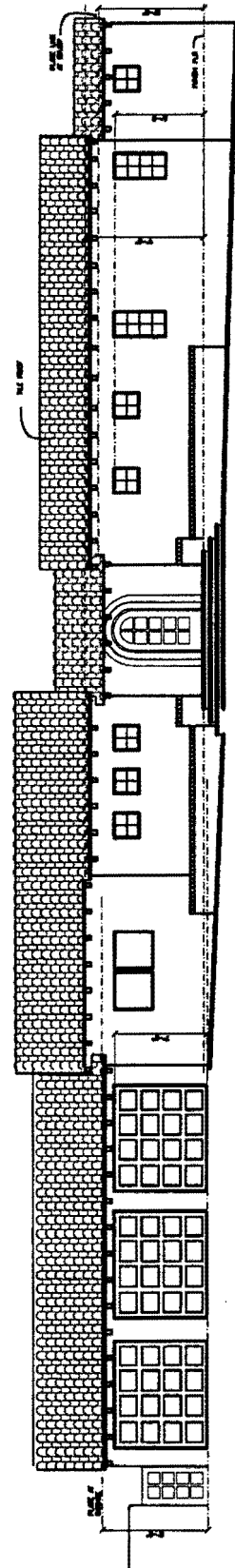
4860 FOREST AVE S.E.
MERCER ISLAND, WA
(206) 296-6610
Fax (206) 232-7136

HAUG
RESIDENCE

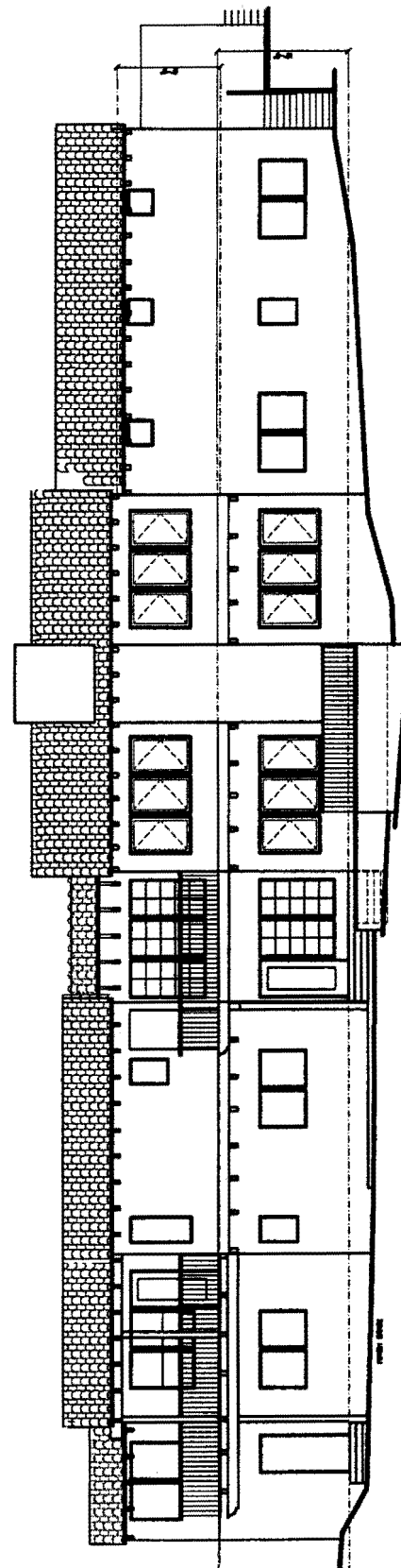
225 AVENIDA ALESSANDRO
SAN CLEMENTE, CA

A7

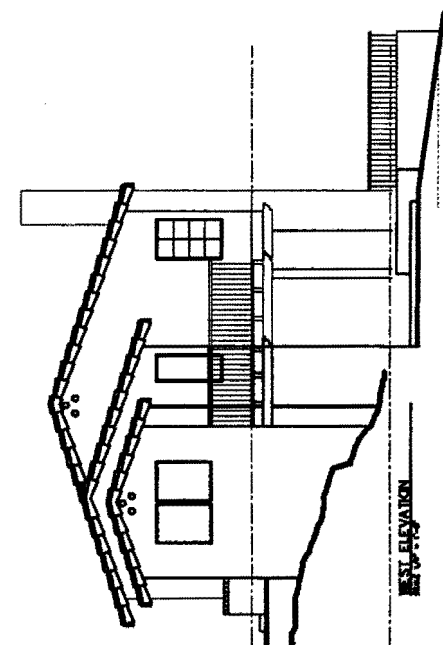
COMMISSION SUBMITTAL



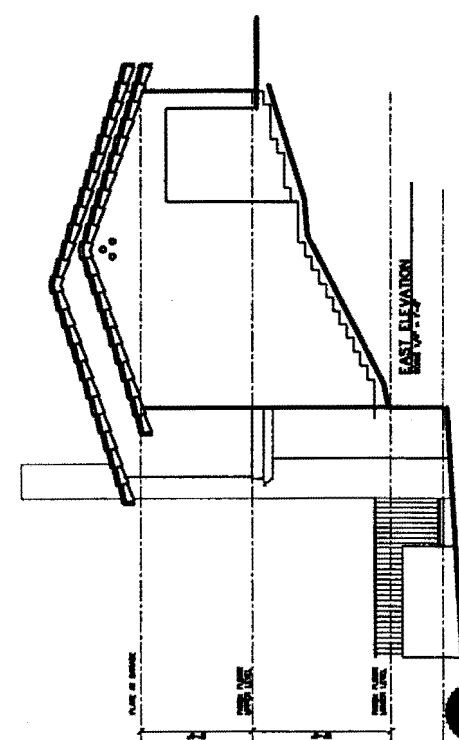
NORTH ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"

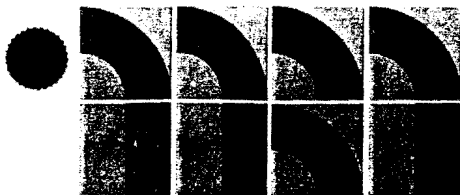


WEST ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"

EX. 7 7/7



Michael Brandman Associates

ENVIRONMENTAL SERVICES • PLANNING • NATURAL RESOURCES MANAGEMENT

April 4, 2001

Nancy Haug
215 Calle Marina
San Clemente, CA 92672

Subject: General Survey to Assess the Existing Coastal Sage Scrub on Tentative Parcel No. 89-112, San Clemente, Orange County, California

Dear Nancy:

The letter report contains the findings of a general survey conducted on March 23, 2001. The survey was conducted at your request. The survey is in response to the coastal commissions concerns over a small patch of coastal sage scrub that is proposed for removal during construction activity. The following observations were made during the survey.

The vegetation was previously mapped by Ted Hanes, Ph.D. in 1997. The project site is located within a coastal canyon that contains a number of different plant communities including coastal sage scrub, northern mixed chaparral, and landscape vegetation. A new vegetation map was created to document the new existing conditions (Attachment A). The majority of the canyon slopes, which are adjacent to residential lots, contain nonnative landscape vegetation. The canyon bottom contains an active stream channel that contains flow from urban runoff. This drainage runs along the southeastern boundary of the project site and is not proposed to be impacted. The project site contains nonnative landscape and weedy species along the northwestern boundary of the project site and continues southeasterly down the slope for approximately 30 to 60 feet. The vegetation then briefly changes to a coastal sage scrub/chaparral mix and then is dominated by chaparral.

There is a small patch of vegetation that is a mix of coastal sage scrub and nonnative weedy plants. This area once supported a large cactus patch, but has recently died off. The coastal sage has partially died off and is now dominated by more nonnative species such as oxalis (*Oxalis pes-caprae*) and nonnative grasses. This patch is of low quality coastal sage scrub and is not likely to improve due to the invasive species and poor plant health. The area in question is approximately 5 to 6 feet wide and 20 feet long. This patch of disturbed coastal sage scrub is likely to be impacted during construction activities.

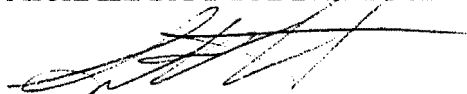
Because coastal sage scrub species (California buckwheat and coast sage) will be impacted, it is recommended that the open space areas adjacent to the housing footprint be revegetated with native plant material. The small patch of disturbed coastal sage scrub that will be removed is approximately 250 square feet in size. The area that is recommended for revegetation is approximately 4,500 square feet in size. In order to mitigate for the removal the small disturbed

patch of coastal sage scrub, it is recommended that a 3:1 mitigation ratio be used. A total of 750 square feet should be planted with a native plant pallet that contains at minimum California buckwheat, coastal sage, deer weed, and California encelia. The location of the mitigation site should be up to the discretion of the homeowner. It is recommended that the mitigation area be adjacent to existing coastal sage scrub habitat or other native plant communities.

Please feel free to call me if you have any questions regarding this report.

Sincerely,

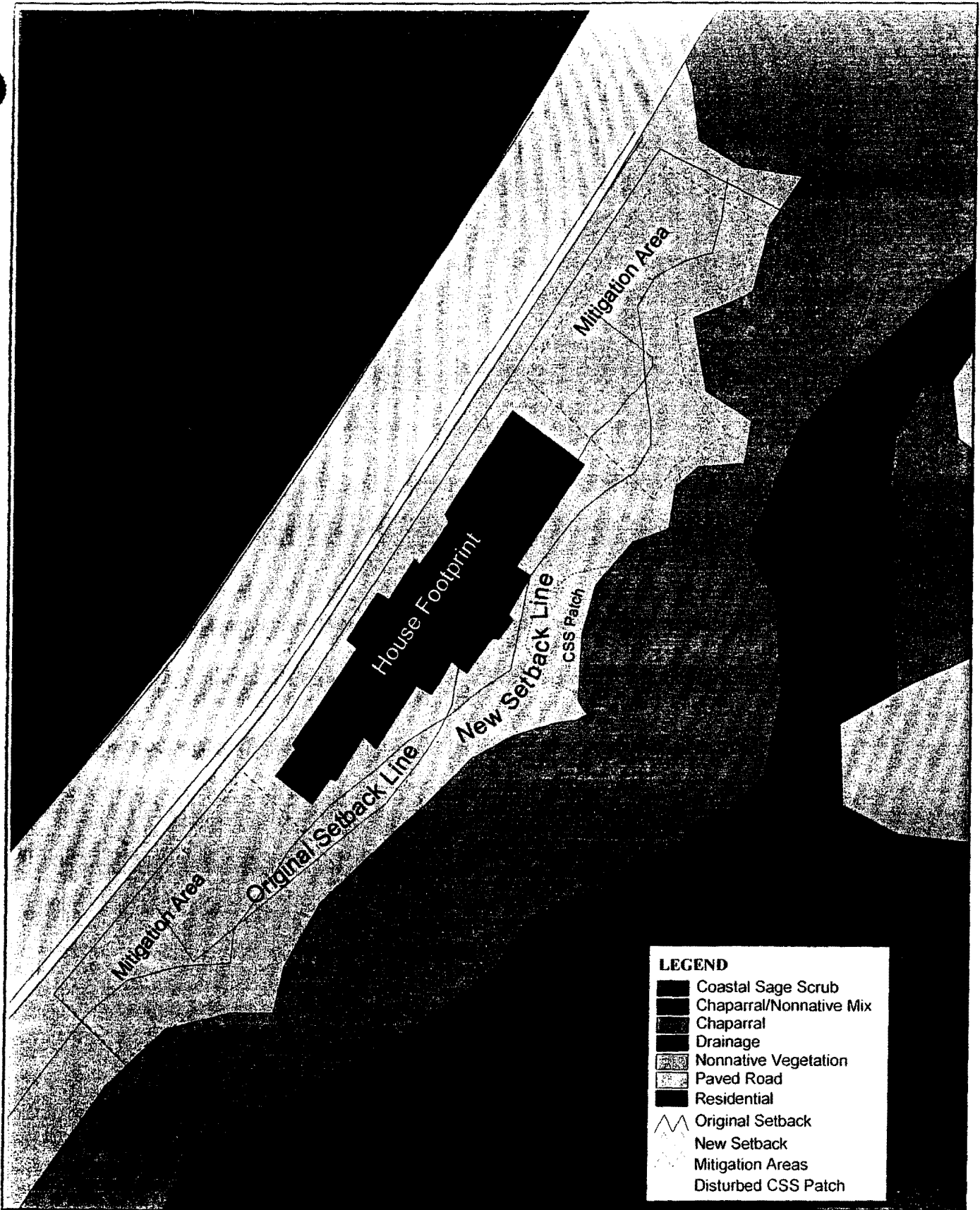
MICHAEL BRANDMAN ASSOCIATES



Scott Crawford
Project Manager

SAC/
23670001

EX. 8
2/3



LEGEND

- Coastal Sage Scrub
- Chaparral/Nonnative Mix
- Chaparral
- Drainage
- Nonnative Vegetation
- Paved Road
- Residential
- Original Setback
- New Setback
- Mitigation Areas
- Disturbed CSS Patch

SOURCE: Arcview Software

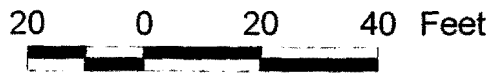


Exhibit 1

Vegetation Map

EX. 8 3/3

FREDERICK THOMAS HUME
Landscape Architecture • Design • Planning

Landscape Concept Statement

RE: Haug Residence – 225 Avenida Alessandro, San Clemente, CA

The property is located on the edge of a coastal canyon in the City of San Clemente. A creek, which is fed by urban runoff, runs along the lower, southern property line. Most of the site consists of a south-facing slope that descends from the flat terrace along the northern property line adjacent to Avenida Alessandro, to the canyon bottom along the southern property line.

The existing on-site vegetation consists of non-native landscape vegetation with patches of coastal sage scrub and northern chaparral mix (see the biology report prepared by Michael Brandman Associates dated April 4, 2001).

The proposed landscape concept for the Haug Residence is influenced by two elements. First, the north facing front yard along Avenida Alessandro is designed to reflect the Mediterranean (Spanish Eclectic) style of the proposed home, within the context of the surrounding neighborhood. Secondly, the landscape concept for the rear and side yards of the proposed home, responds to the influences of the existing coastal canyon, which is rimmed by single family homes and consists of non-native and weedy plant species with patches of coastal sage scrub/chaparral mix.

A 42" high wood fence is proposed for the top of the slope on the west and east sides of the home. The fence divides the front yard landscape from the rear and side yard landscape. The fence will also provide a vertical barrier, controlling intrusion from people and pets into the canyon.

A small patio with a spa and several access/maintenance walks are proposed for the rear yard. These elements are nestled into the natural grades to minimize the amount of grading. They are also located near the house to reduce intrusion into the Canyon Setback Zone.

Two small portions of the patio (350 S.F.) encroach into the Canyon Setback Zone in two areas. In both instances these improvements are located more than five feet away from the delineated canyon protection line. It is our understanding that it is not necessary to mitigate for these landscape improvements. Nevertheless, the proposed landscape concept includes removing several intermittent patches of ice plant and invasive grasses that are currently thriving on portions of the south-facing slope within the Canyon Setback Zone and above this zone to the top of the slope. To stabilize the slope, these areas will be replanted with native drought tolerant plant material, consisting of plants selected from the coastal sage scrub and chaparral plant communities.

The southeastern side of the rear/side yard will also include several Oak trees (*Quercus agrifolia*), which are intended to provide a visual screen between the proposed home and the existing homes on the opposite side of the canyon.

A small portion of the patio area described above (75 square feet of the 350 square feet) encroaches on a small patch of degraded coastal sage scrub, which is mixed with other non-native species. The propose mitigation for this encroachment is to re-vegetate 225 square feet (a 3:1 replacement ratio) of the south facing slope near the westerly property line, with a contiguous mass of plants selected from the coastal sage scrub palette.

RECEIVED
South Coast Region

MAY 31 2001

CALIFORNIA
COASTAL COMMISSION

STREET TREES

WASHINGTONIA ROBUSTA
(ALT. - MELALEUCA
QUINQUERVITA)

MEXICAN FAN PALM
CATPALT TREE

ENTRY PLANTINGS

STRELITZIA REGINAE
JUSTICA BRANDERIANA
BELOPERGON EUTTAIA
BORDER PLANTINGS IN
CONTAINER PLANTINGS IN
NANDINA DOMESTICA
TRACHELOSPERMUM JASMINOIDES

BIRD OF PARADISE
SHARP PLANT
HEAVENLY BAMBOO
STAR JASMINE

ACCENT PLANTINGS - B

PHOENIX REGINATA (CLUSTER)
(ALT. - MELALEUCA NESOPHILA)
PHILODENDRON BIPINNATIFOLIUM
(P. SELOUAE)
BORDER PLANTINGS

SENEGAL DATE PALM
PINK MELALEUCA
NON

ACCENT PLANTINGS - C

POLYSTICHUM MUNITUM
JUNKERUS CHINENSIS (SPINAL
COLLUM)
PODOCARPUS MACROPHYLLUS

SWORD FERN
SPARTAN JUNCUS
SHRUBBY VIEW FINE

ACCENT PLANTINGS - A

PHOENIX REGINATA
(ALT. - MELALEUCA NESOPHILA)
TRACHELOSPERMUM JASMINOIDES
BORDER PLANTINGS *

PEACH DATE PALM
YASMANIAN TREE FERN
STAR JASMINE

BACKGROUND PLANTINGS

ABELIA GRANDIFLORA
EUPHYORBIA PECTINATUS
HEMORICALLIS HYBRID
PHOTINIA FRASER
PHORADENDRUM TENAX
TECOMARIA CAPENSIS
TRACHELOSPERMUM JASMINOIDES
XYLOSMA COMESTUM
LANTANA SELLOWIANA (L.
MONTEVIDENSIS)
STRELITZIA REGINAE

GLOSSY ABELIA
EUPHYORBIA
DAY LILLY
PHOTINIA
NEW ZEALAND FLAX
CAPE MONKEYBUCKLE
STAR JASMINE
XYLOSMA
TRAILING LANTANA
BIRD OF PARADISE

FOREGROUND PLANTINGS

LONGICOMA JAPONICA WITH
BOUQUINVILLE
HEMORICALLIS WITH LANTANA
MONTEVIDENSIS
VONCA MAJOR WITH
BOUQUINVILLE

H BORDER PLANTINGS

LOBELIA FUMUS
TRACHELOSPERMUM JASMINOIDES
BUXUS AUSTRORIPARIENSIS
TRACHELOSPERMUM JASMINOIDES
HEMORICALLIS HYBRID
BEGONIA SPP.

LOBELIA
STAR JASMINE
JAPANESE BOXWOOD
STAR JASMINE
DAY LILLY

HR CONTAINER PLANTINGS

MUSA PARADISIACA
PODOCARPUS BRACELIOR
STRELITZIA REGINAE
BEGONIA SPP.
LAMPETIS SPP.
PERNS

BANANA
FERN TREE
BIRD OF PARADISE

AVENIDA ALESSANDRO

CANYON SETBACK ZONE

SEWER EASEMENT

CANYON SETBACK ZONE

COASTAL SAGE RE-VEGETATION AREA (225 SF)

EXISTING ON-SITE VEGETATION

THE EXISTING ON-SITE VEGETATION INCLUDES ASSORTED LANDSCAPE
VEGETATION WITH PATCHES OF COASTAL SAGE SCRUB AND NORTHERN
MIXED CHAPARRAL (SEE BIOLOGY REPORT BY MRA - APRIL 4, 2001)

EXISTING NORTHWEST BOUNDARY - NON-NATIVE LANDSCAPE
AND WEEDY SPECIES

EXISTING SLOPE - PRIMARILY NON-NATIVE VEGETATION WITH
PATCHES OF COASTAL SAGE SCRUB AND CHAPARRAL MIX

EXISTING CANYON BOTTOM - NON-NATIVE LANDSCAPE AND
WEEDY SPECIES

EXISTING EUCALYPTUS CAMALDULENSIS

EXISTING WASHINGTONIA ROBUSTA

REAR YARD & SLOPE PLANTING

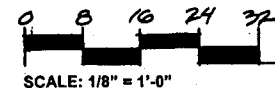
REMOVAL OF EXISTING CARPENTERUS (ICE PLANT) AND
INVASIVE GRASSES

RE-PLANT FOR EROSION CONTROL (COBS AND CHAPARRAL)

BACCHARIS PILLARIS
WILD LILAC
SEA DAVILIA
COAST SUNFLOWER
COAST SUNFLOWER
COAST BUCKWHEAT
SUN ROSE
TOUCH-OR-CHRISTMAS-BERRY
DEER WEED
RUSH MONKEYFLOWER
COAST LIVE OAK
CALIFORNIA COFFEEBERRY
LEMONADE BERRY
LAUREL SUMAC
SUNSHINE BUSH
PUSKLEA FLOWERING
CURRANT
MATTELITA POPPY
BLACK SAGE

IRRIGATION NOTES

1. A TEMPORARY, ABOVE GROUND IRRIGATION SYSTEM SHALL BE
INSTALLED ON THE CANYON SLOPE SIDE OF THE PROPERTY TO
PROVIDE SUPPLEMENTAL WATER DURING THE PLANT
ESTABLISHMENT PERIOD. (THERE SHALL NOT BE AN IN-GROUND
IRRIGATION SYSTEM ON THE CANYON SLOPE)
2. A PERMANENT IRRIGATION SYSTEM SHALL BE INSTALLED IN THE
PLANTING AREAS ALONG THE NORTH SIDE OF THE HOUSE AND
ADJACENT TO THE STREET, BETWEEN THE SIDEWALK AND THE
FENCE AT THE TOP OF THE SLOPE.



NORTH

PREPARED BY:

FREDERICK THOMAS, III, INC.
Landscape Architecture • Design • Planning
1000 South Coast Highway, Suite 100, Costa Mesa, CA 92626

DATE: MAY 15, 2001

CONCEPTUAL LANDSCAPE PLAN

Haug Residence - 225 Avenida Alessandro, San Clemente, CA

4" HIGH WOOD FENCE AT TOP OF SLOPE TO CONTROL INTRUSION FROM PEOPLE AND PETS INTO THE CANYON.

AVENIDA ALESSANDRO

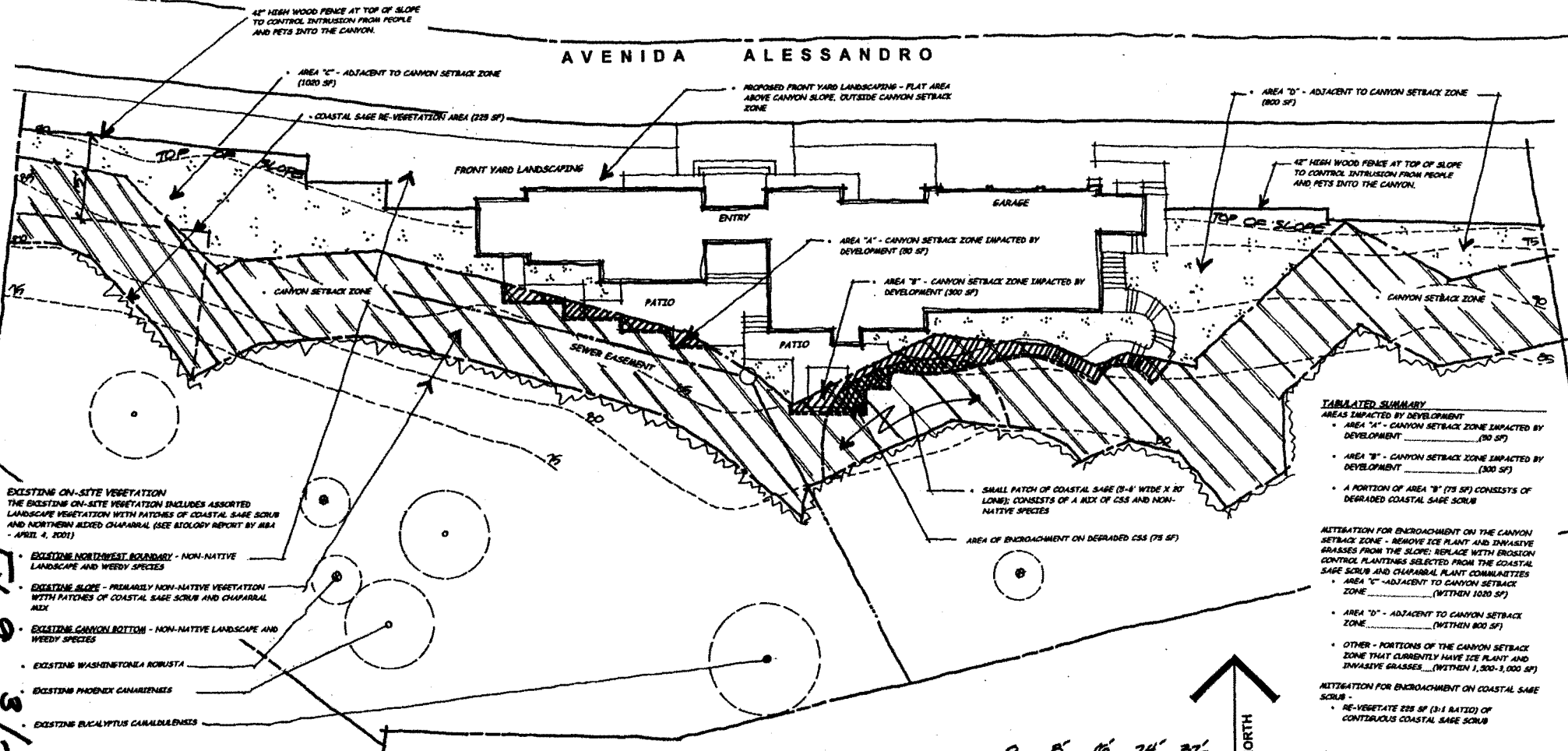
AREA "C" - ADJACENT TO CANYON SETBACK ZONE (1000 SF)

COASTAL SAGE RE-VEGETATION AREA (225 SF)

PROPOSED FRONT YARD LANDSCAPING - PLANT AREA ABOVE CANYON SLOPE, OUTSIDE CANYON SETBACK ZONE

AREA "D" - ADJACENT TO CANYON SETBACK ZONE (800 SF)

4" HIGH WOOD FENCE AT TOP OF SLOPE TO CONTROL INTRUSION FROM PEOPLE AND PETS INTO THE CANYON.



LANDSCAPE & BIOLOGY INTERFACE PLAN

Haug Residence - 225 Avenida Alessandro, San Clemente, CA