

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY****Item W 15k**

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Staff: ALB-LB **ALB**
Staff Report: March 21, 2002
Hearing Date: April 9-12, 2002
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-484

APPLICANTS: Grant and Barbara Johnson

PROJECT LOCATION: 232 W. Avenida Palizada, San Clemente, Orange County

PROJECT DESCRIPTION: Construction of a new two-story, 2303 square foot single-family residence with an attached 590 square foot three-car garage on a vacant canyon lot. Approximately 1110 cubic yards of grading (555 cy cut and 555 cy fill) is proposed for overexcavation and recompaction. Native, drought-tolerant landscaping is proposed throughout the site.

LOCAL APPROVALS: Approval-in-Concept from the City of San Clemente Community Development Department dated November 28, 2001.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with four (4) special conditions. The site is located adjacent to Palizada Canyon, one of seven coastal canyons in San Clemente identified as containing environmentally sensitive habitat. Primary issues include assurance that the proposed development is consistent with the geologic hazard policies of the Coastal Act, as well as assuring that the development is consistent with protection of environmentally sensitive habitat areas (ESHA). The proposed development conforms to the canyon setback policies in the certified LUP, as development will be set back in accordance with the structural and deck stringlines drawn from the nearest corners of the adjacent structures.

Special Condition 1 requires the applicant to submit plans that show evidence of conformance with geotechnical recommendations, including those regarding site preparation, foundation design and drainage. Special Condition 2 requires conformance with the landscaping plan, which shows use of only native, drought-tolerant plant species. Special Condition 3 requires compliance with the grading and drainage plan. Special Condition 4 informs the applicant that future development requires a new coastal development permit or an amendment to this permit.

At the time of this staff report, the applicant is in agreement with the staff recommendation and all conditions of approval.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente certified Land Use Plan; Coastal Development Permits 5-01-325 (Grace); 5-01-097 (Moe); 5-99-385 (Reddington); 5-99-380 (Beck); 5-99-324 (Sayer) and 5-97-122 (Sawall); *Geotechnical and Engineering Geologic Investigation Proposed Single Family Residence, 232 W. Avenida Palizada, San Clemente, CA* prepared by Geo-Etka, Inc. dated May 24, 2001, as supplemented by *Responses to City of San Clemente Report Review Checklist* dated September 18, 2001 and December 11, 2001.

EXHIBITS:

1. Vicinity Map
2. Assessor's Parcel Map
3. Coastal Canyon Map
4. Coastal Access Point Map
5. Project Plans
6. Foundation Plan
7. Landscape and Irrigation Plans
8. Grading and Drainage Plan

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP #5-01-484 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**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. **SPECIAL CONDITIONS**

1. Conformance of Design and Construction Plans to Geotechnical Recommendations
 - A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the *Geotechnical and Engineering Geologic Investigation Proposed Single Family Residence, 232 W. Avenida Palizada, San Clemente, CA* prepared by Geo-Etka, Inc. dated May 24, 2001.
 - B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved (wet stamped) all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
 - C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final 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. Conformance with Landscaping Plan Submitted
 - A. The applicant shall carry out the project in conformance with the revised landscaping and irrigation plan prepared by Environment Five (ENV 5) received on February 8, 2002. In addition, the applicant agrees to the following requirements:

- (a) Landscaped areas in the rear yard (canyon-facing) and side yard 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 Palizada Canyon shall consist of native, drought tolerant plant species. Existing non-native plant species (including ice plant) shall be removed. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
 - (b) Landscaped areas in the front yard (street-facing) shall consist of drought-tolerant, native or non-invasive plant species. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
 - (c) All vegetation 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 landscaping plan;
 - (d) No permanent in-ground irrigation systems shall be installed on the canyon-facing portion of the site. Temporary above ground irrigation is allowed to establish plantings.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- C. Five years from the date of issuance of Coastal Development Permit No. 5-01-484, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the landscape 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.

3. Conformance with Drainage and Runoff Control Plan

- A. The applicant shall carry out development in conformance with the Grading and Drainage Plan prepared by John Godfrey, Architect, received February 6, 2002 and with all recommendations contained in the *Geotechnical and Engineering Geologic Investigation Proposed Single Family Residence, 232 W. Avenida Palizada, San Clemente, CA* prepared by Geo-Etka, Inc. dated May 24, 2001. In addition, the applicant shall comply with the following provisions:

- (a) Runoff from all roofs, patios/decks, driveways and other impervious surfaces 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 from impervious surfaces to the canyon bottom; and
 - (c) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
4. Future Development
- A. This permit is only for the development described in Coastal Development Permit No. 5-01-484. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the development authorized by this permit, including but not limited to repair and maintenance activities identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-01-484 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The proposed development is located at 232 W. Avenida Palizada in the City of San Clemente, Orange County (Exhibits 1 & 2). The project site is located adjacent to Palizada 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 vacant, rectangular-shaped sloping lot, descending from a narrow, level pad area adjacent to the street to a natural ravine along the westerly portion of the property. The difference in elevation between the frontage street and the drainage course is approximately 30 feet over a distance of 140 feet, nearly a 5 to 1 slope. (The applicant's property extends to the canyon bottom.) The nearest public coastal access is available via the Linda Lane access point, approximately one-third of a mile southwest of the subject site (Exhibit 4).

The proposed development consists of the construction of a new two-story, 2303 square foot single-family residence with an attached 590 square foot three-car garage (Exhibit 5). The proposed structure will utilize a conventional spread footing design after overexcavation and recompaction of the site, as recommended by the geotechnical consultant. Approximately 1110 cubic yards (555 cy cut and 555 cy fill) of grading is proposed. All rooftop runoff will be taken to the street, while the westerly, undeveloped canyon slope will continue to drain to the canyon bottom. Native, drought-tolerant landscaping is proposed throughout the entire site. There is currently no native vegetation at the site, only non-native grasses and weeds that have been cleared or cut for fire protection and ice plant located along the canyon slope.

The proposed development conforms to the canyon setback policies in the certified LUP, as development will be set back in accordance with the structural and deck stringlines. There is no existing native vegetation on the proposed building pad; however, native landscaping is proposed as part of the current project. Protection and enhancement of the canyon as an environmentally sensitive habitat area will be discussed in Section C of the current report.

B. GEOLOGIC STABILITY

1. Coastal Act Policies

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

2. Project Site Geotechnical Report

The applicant submitted a geotechnical report prepared by Geo-Etka, Inc. dated May 24, 2001. The report was supplemented by responses to City of San Clemente review comments. The geotechnical investigation consisted of the review of available geologic maps, geotechnical reports and other geotechnical data for the site and surrounding area; reconnaissance level geologic mapping of the site and immediate vicinity; excavation, sampling, and logging of two exploratory borings, excavated with a bucket-auger drill rig; laboratory testing of relatively undisturbed and representative bulk samples taken from the exploratory excavation; and engineering and geologic analysis of the collected data. The purpose of the report was to "*present opinions as to the adequacy of the site for development; provide recommendation for mitigation of unsuitable soils and/or groundwater conditions; and to provide geotechnical design parameters for foundation and grading.*"

The report provides a description of the soil and geologic conditions of the site. The field investigation reveals that the property is underlain immediately below the surface by surficial non-marine soil deposits. Surficial soil deposits were found to range up to about eight feet in thickness on the flatter portions of the site. Marine terrace deposits are located beneath the surficial soils. The terrace deposit is underlain by bedrock deposits of the Capistrano Formation.

The report concludes that the site is grossly stable and no faults are located on the property. However, groundwater was observed on the natural slope and was encountered within the borings at the contact between the Marine Terrace Deposits and the bedrock. The report states that the seepage appears to represent surface runoff, which has percolated down through the surficial soils, and has become perched on top of the bedrock. As such, the consultant determines that the seepage may cause some nuisance during excavation and construction of foundations, but should not be a factor after construction. The consultant states that there was no sign of surficial instability or creep. However, existing fill soils are not considered suitable for support of traditional foundations, slabs or compacted fills. The report notes that the site will require overexcavation and recompaction below the building areas and recommends that all footings be founded on a pad of recompacted soils at least four feet thick and extending out a distance of at least two-thirds the width of the footing on each side. Lastly, the report states, "*the site can be made suitable for the construction of the proposed single family residence, provided the recommendations presented in this report are incorporated into the project plans and specification of the project.*" (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 grading and site preparation, foundation design, and drainage. To provide long term vertical and lateral support, the consultant recommends overexcavation and recompaction below the building areas and recommends the use of a continuous or conventional spread footing design to support the proposed structure. The applicant has submitted foundation plans with a conventional spread footing design approved by the geotechnical consultant (Exhibit 6).

The report advises, "*grading activities to construct slopes at the site should be done in accordance with the following,*

- *Cut of fill slopes should be constructed no steeper than 2 to 1 (horizontal to Vertical)*
- *The surfaces of fill slopes should be compacted as recommended until the slopes are stable and there are no loose soil on the slopes. Fill slopes should be constructed by either over-filling and cutting back to expose properly compacted soil, or back-rolling the slope surface with sheepfoot and grid-type rollers, until 90% relative compaction is achieved at the slope face.*
- *The ground surface adjacent to the top of slopes should be graded to drain away from the slope. Erosion control measures should be provided for all slopes as soon as practical after grading."*

The geotechnical report states that the "*on-site earth materials are not considered resistant to erosion. Water should not be allowed to collect and discharge over the top of slopes. Area drains should be installed and maintained as necessary.*" As submitted, all rooftop runoff will be collected and directed to the street. Along the front (streetside) of the property, runoff will be captured in drains and taken to the street. Runoff from the undeveloped canyon slope and rear deck area will continue to drain to the lower canyon slope. This is consistent with the geotechnical report

recommendation that roof gutters discharge into a centralized drainage system that conveys runoff to a non-erosive device or an area designed for surface runoff.

As discussed previously, approximately 1110 cubic yards (555 cy cut and 555 cy fill) of grading is proposed for overexcavation and recompaction. Grading quantities will balance on-site. The geotechnical report provides recommendations for site preparation and construction of the foundation and retaining walls. To ensure that all earthwork is carried out in accordance with their recommendations, the report concludes that a representative from Geo-Etka, Inc. shall observe all fill placement and foundation excavations.

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

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.)

The proposed development conforms to the canyon setback requirements in the certified LUP, as development will be set back in accordance with house and deck/patio stringlines drawn between the nearest corners of the adjacent structures (Exhibit 5). Based on lack of native vegetation on the subject site and the information provided in the geotechnical report, the siting of the proposed development is found to be appropriate in this case.

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. 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 landscaping and irrigation plans is necessary prior to the issuance of a coastal development permit.

The applicant has submitted Landscape and Irrigation Plans prepared by ENV 5 (Exhibit 7). The plans demonstrate that new landscaping and a rear yard wooden deck are proposed for the undeveloped portions of the lot. Non-native vegetation along the canyon slope will be removed and solely native vegetation will be re-introduced. Landscaping is also proposed along the side yard and in a small portion of the front yard of the property. The plant species included in the proposed plant palette for the entire site (rear, side and front yards) consist of drought tolerant, native species. Additionally, the species proposed for the side and rear yard were chosen for their slope stabilization and water percolation capabilities. As proposed, the need for water application will be minimized. No in-ground irrigation is proposed and the applicant intends to hand water.

To ensure that development is carried out in conformance with the landscape plan submitted and that non-native plant species do not encroach into the adjacent canyon, the Commission imposes Special Condition 2. The condition states that only drought tolerant, non-invasive plant species may be planted adjacent to the canyon and affirms that no in-ground irrigation systems may be installed. Existing non-native plants will be required to be removed, including the ice plant located along the canyon slope. The special condition allows non-invasive ornamental plants to be utilized in the front yard area. The condition requires that all vegetation 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. Lastly, the condition requires the submittal of a landscape monitoring report five (5) years from the date of permit issuance to assure that landscaping has been carried out in accordance with the requirements of the special condition. 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, are required to submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. Special Condition No 2 is necessary to protect the nearby the environmentally sensitive habitat area (ESHA) and to minimize erosion from uncontrolled site runoff.

Site Drainage

Since the manner in which a site drains is important to site stability on canyon lots, a grading and drainage plan must be submitted to show how site drainage will be accomplished. The applicant submitted a plan prepared by John Godfrey, Architect, which demonstrates that all runoff from impervious surfaces will be diverted toward the street. As shown in Exhibit 8, all rooftop and deck runoff will be captured and directed to the street. Along the front (streetside) of the property, excess runoff will drain to the street. Runoff from the canyon slope will continue to drain to the canyon bottom.

To ensure that the project is carried out in accordance with the plan, the Commission imposes Special Condition 3. Special Condition 3 requires the applicant to carry out the project in conformance with the grading and drainage plan submitted, which incorporates the recommendations of the geotechnical report. The special condition also requires that drainage devices be maintained throughout the life of the development.

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 can result in potentially hazardous conditions on sloping lots. The geologist's recommendations regarding site drainage are designed to avoid such adverse effects.

Future Development

In order to ensure that development on the site does not occur which could potentially adversely impact the geologic stability and/or environmentally sensitive habitat area concerns expressed in this staff report, the Commission imposes Special Condition 4. This condition informs the applicant that future development at the site requires an amendment to this permit (5-01-484) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping and fencing. (ESHA will be discussed further in the following section.)

4. Conclusion/Project Consistency with Coastal Act

The Commission has found that in order to assure that the proposed development minimizes risks to life and property in areas of high geologic hazard and assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area the applicant shall be conditioned to: 1) conform to recommendations prepared by the geotechnical consultant and provide evidence that the final plans have been reviewed and approved; 2) conform to the landscape plan submitted; 3) conform to the grading and drainage plan submitted and the recommendations of the geotechnical consultant; and 4) obtain Commission approval for future improvements to the subject site. Only as conditioned does the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

C. 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 Palizada Canyon, one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP. Palizada Canyon is located near the central portion of San Clemente north of the Municipal Pier. The proposed development is consistent with canyon setback policies contained in the City's LUP. The structure will be set back in accordance with house and deck/patio stringlines drawn between the nearest corners of the adjacent structures. As such, the development will not result in further canyon encroachment and will be consistent with the pattern of development in the subject area.

The currently proposed development conforms to the required canyon setback. Additionally, Commission staff has visited the subject site and determined that the existing building pad contains only annual grasses and weeds. Vegetation in the adjacent coastal canyon consists of a mixture of natives and exotics. The canyon slope contains various non-native species, including ice plant.

The Landscape Plan provided by the applicant shows that all yard areas will be landscaped with drought-tolerant, native trees, shrubs, and groundcovers. While the Commission has previously allowed non-invasive, non-native species along the street side of canyon lots, the applicant is proposing to landscape with an entirely native plant palette. Existing non-native vegetation will be removed. No development will occur within the canyon bottom.

3. Special Conditions

The previous section on geologic hazards includes findings to support the special conditions requiring conformance with geologic recommendations, conformance with the planting plan, conformance with the grading and drainage plan, and notifying the applicant that future development requires Commission review. These conditions are necessary to ensure compliance with Section 30253 of the Coastal Act concerning prevention of erosion and promotion of geologic stability. They also serve to 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 Palizada 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.

To ensure that the proposed development does not have any significant adverse effects on the canyon as an environmentally sensitive habitat area, the Commission imposes Special Conditions 2, 3 and 4. Special Condition 2 requires that the applicant conform to the landscape plan submitted, which demonstrates that all landscaping consists of drought tolerant, native and non-invasive species. The condition also affirms that only native species and no irrigation are allowed on the canyon side of the property. As such, non-native species will not be allowed to encroach into the adjacent canyon. In addition, a monitoring report will be submitted to document the status of the proposed native landscaping five years from the time of permit issuance. If the landscaping is not in conformance with the approved plan, a revised landscaping plan must be prepared that outlines measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The applicant is informed through Special Condition 3 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 4, the future development special condition, ensures that no development, including landscaping, takes place that would adversely impact the existing designation of the adjacent Palizada Canyon as an environmentally sensitive habitat area.

4. Consistency with Section 30240 and Land Use Plan (LUP) Policies

The proposed development is sited on a building pad adjacent to Palizada 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 Palizada 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.

D. 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

The nearest vertical coastal access is available via the Linda Lane access point, approximately one-third mile from the subject site (Exhibit 4). Lateral access to the Pacific Ocean and sandy beach is available adjacent to the Linda Lane access point, seaward of the OCTA railroad tracks.

The proposed development 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. Adequate access exists nearby. Therefore, the Commission finds that the proposed development is consistent with Section 30212 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

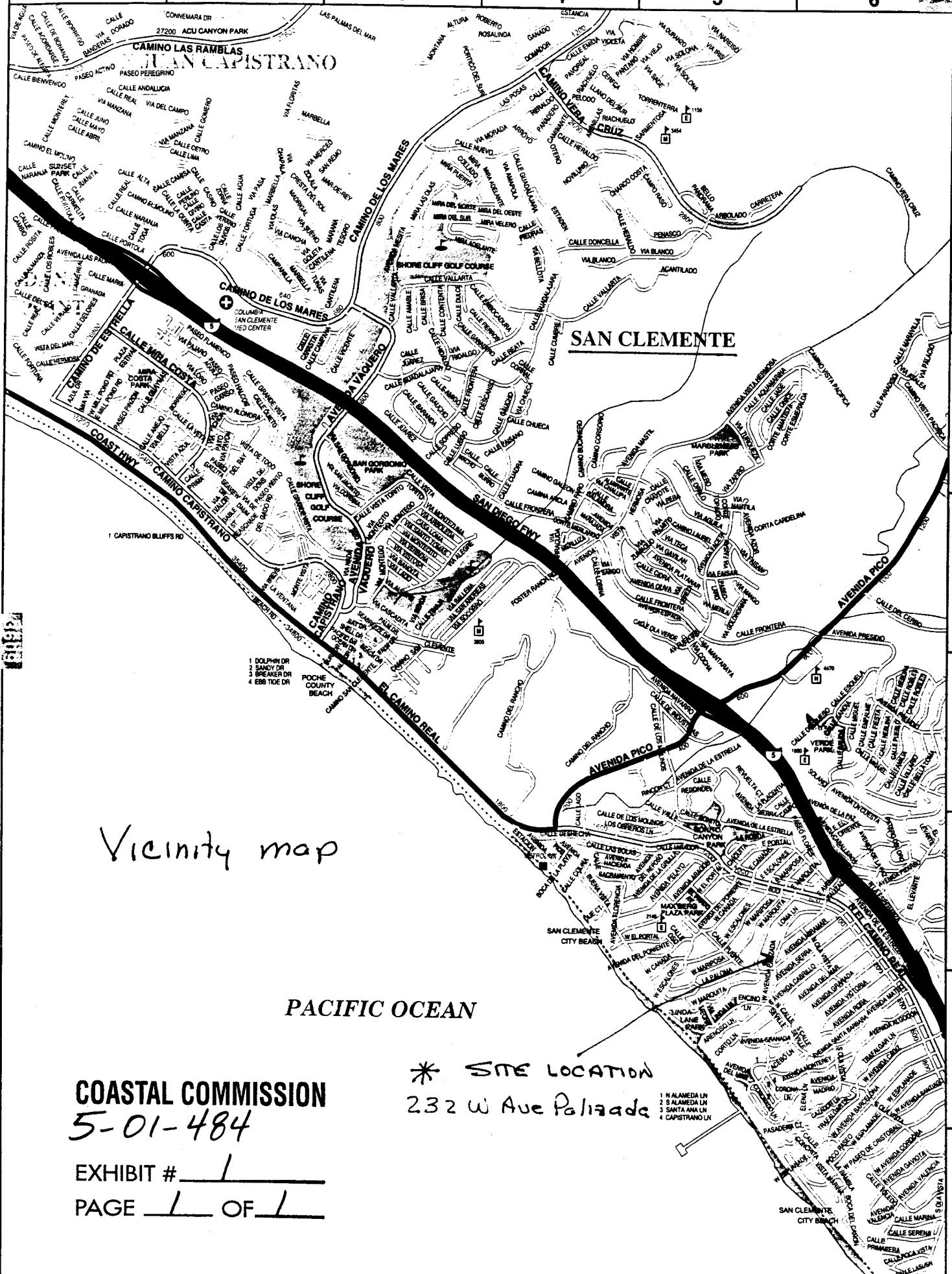
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the 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).

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

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic hazards and environmentally sensitive habitat policies of the Coastal Act. Mitigation measures, in the form of special conditions, require 1) conformance with geologic recommendations; 2) conformance with the landscaping plan submitted; 3) conformance with the drainage and runoff plan; and 4) future development informational condition, will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Vicinity map

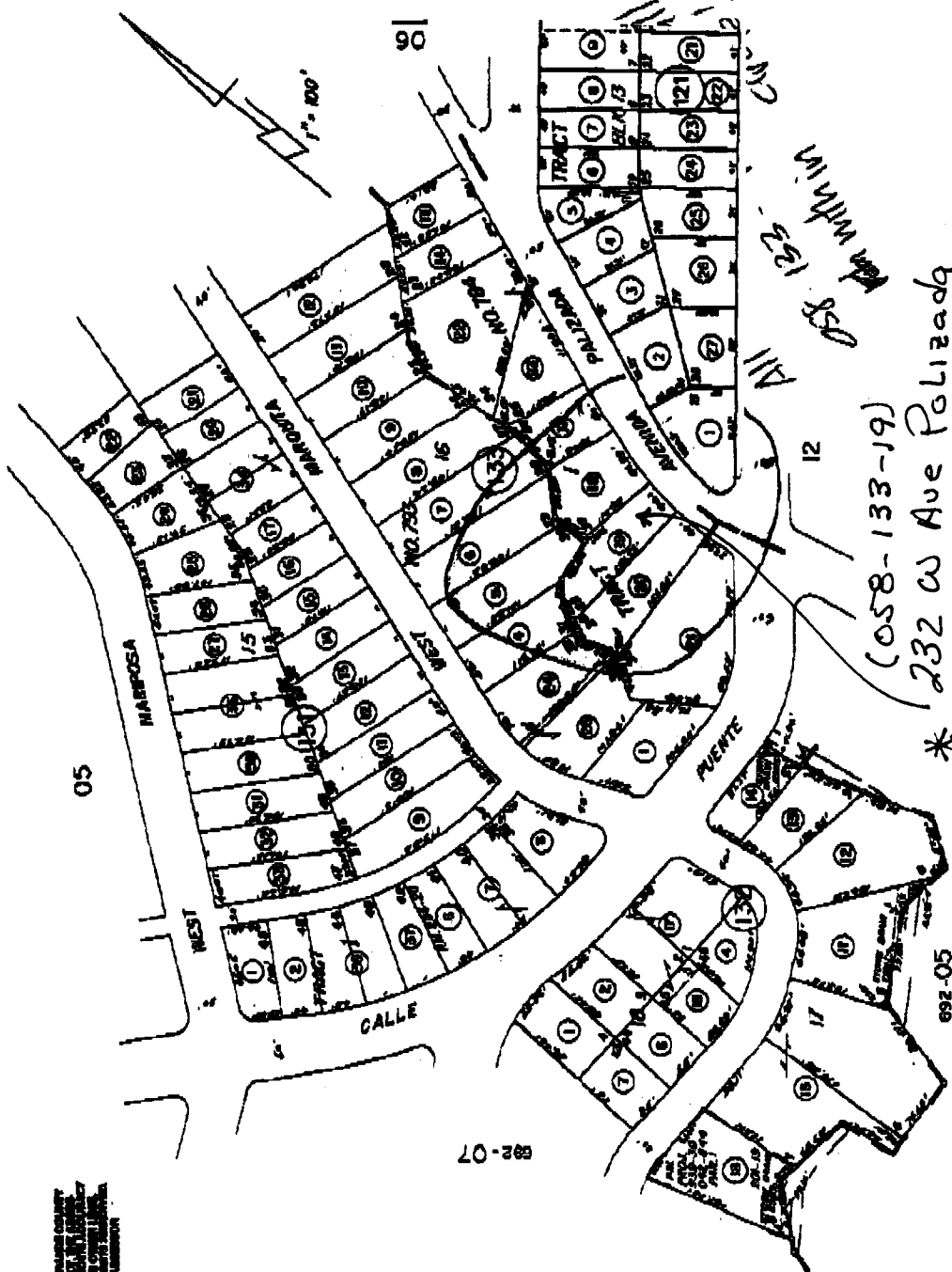
PACIFIC OCEAN

* SITE LOCATION
232 W Ave Palizada

COASTAL COMMISSION
5-01-484

EXHIBIT # 1
PAGE 1 OF 1

- 1 N ALAMEDA LN
- 2 S ALAMEDA LN
- 3 SANTA ANA LN
- 4 CAPISTRANO LN



ASSESSOR'S MAP
BOOK 58 PAGE 15
COUNTY OF ORANGE

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

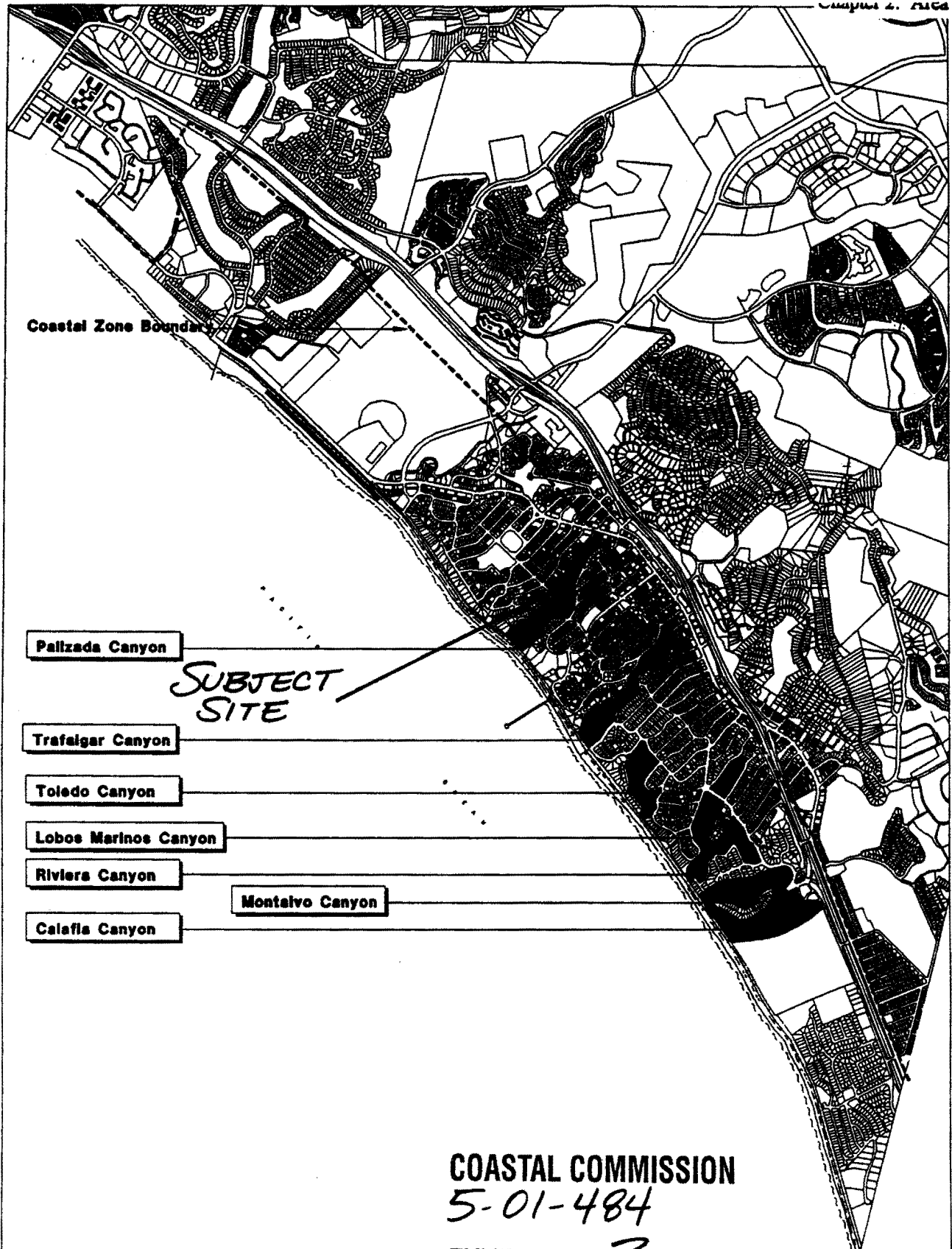
M.M. 24-1-5
M.M. 23-38-40
P.M. 201-10

TR. NO. 783
TR. NO. 784
PARCEL MAP

MARCH 1950

COASTAL COMMISSION
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EXHIBIT # 2
PAGE 1 OF 1



Coastal Zone Boundary

Palizada Canyon

SUBJECT SITE

Trafalgar Canyon

Toledo Canyon

Lobo Marinos Canyon

RIVERS Canyon

Montalvo Canyon

Calafia Canyon

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EXHIBIT # 3

PAGE 1 OF 1

FIGURE 2-1



CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS

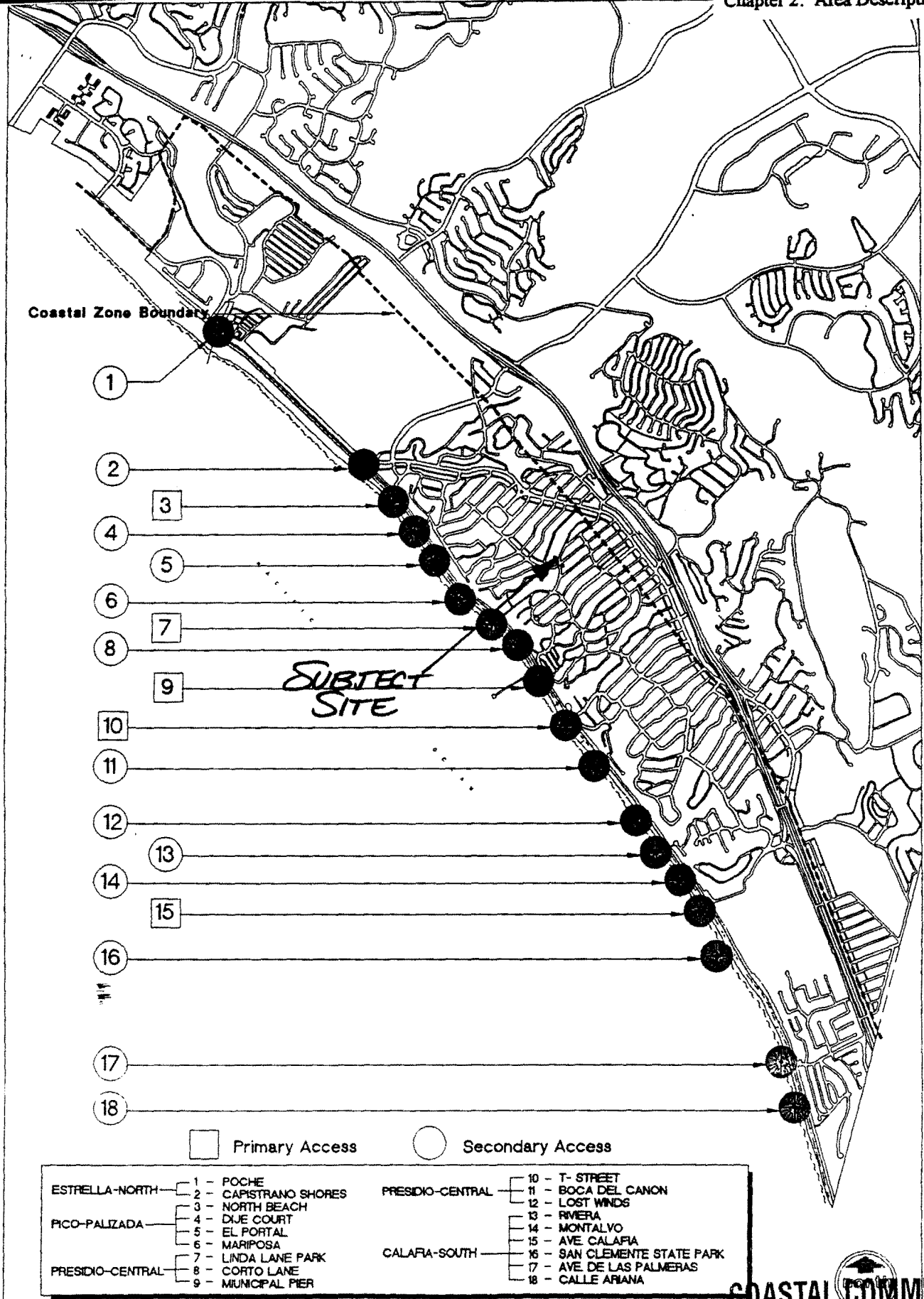
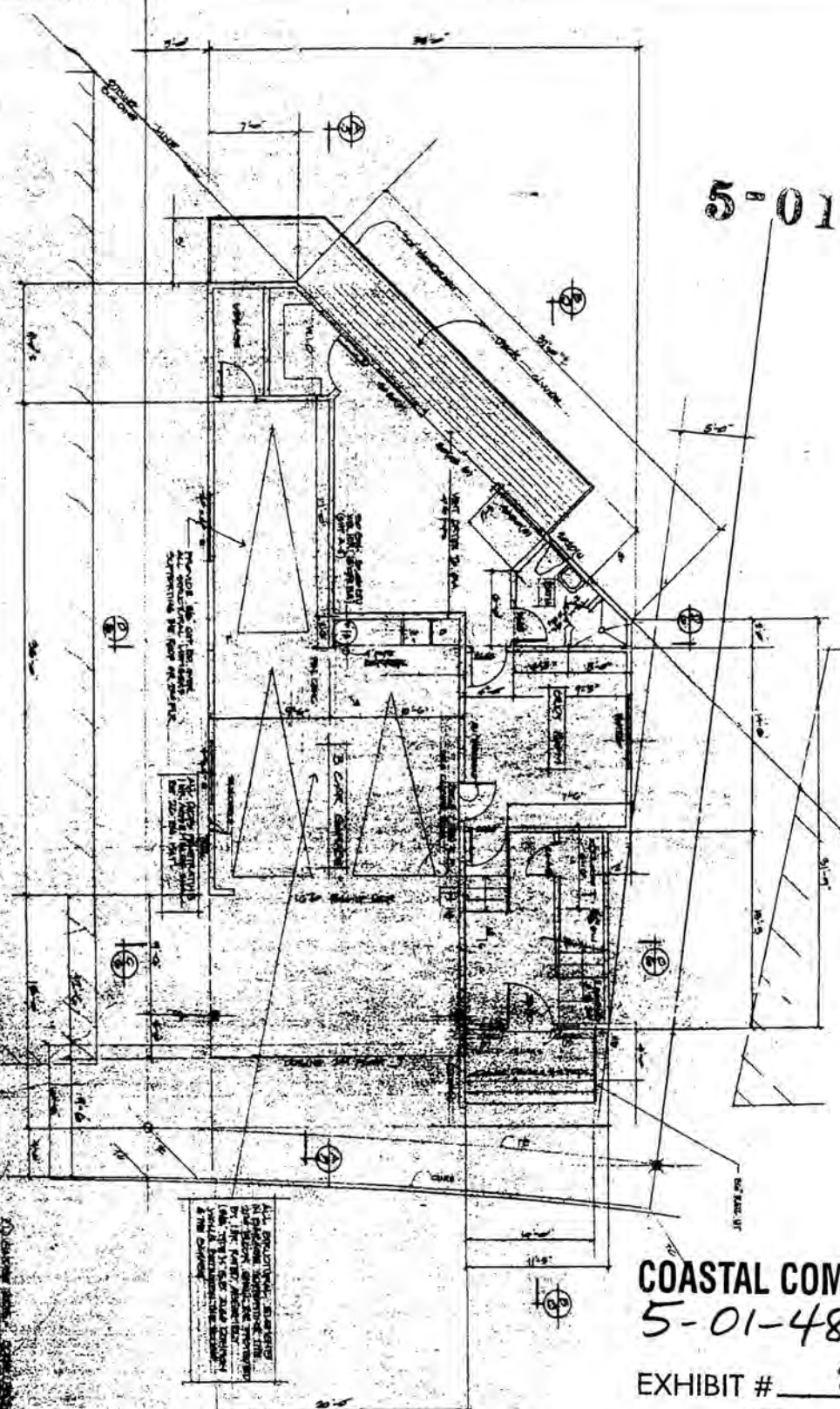


FIGURE 2-5

**CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS**

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 EXHIBIT # 4
 PAGE 1 OF 1

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Stream Line

ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN FEET AND INCHES. DIMENSIONS IN BRACKETS ARE IN FEET AND INCHES. DIMENSIONS IN SQUARE BRACKETS ARE IN FEET AND INCHES. DIMENSIONS IN CIRCLES ARE IN FEET AND INCHES. DIMENSIONS IN TRIANGLES ARE IN FEET AND INCHES. DIMENSIONS IN DIAMONDS ARE IN FEET AND INCHES. DIMENSIONS IN OVALS ARE IN FEET AND INCHES. DIMENSIONS IN PARALLELOGRAMS ARE IN FEET AND INCHES. DIMENSIONS IN TRAPEZOIDALS ARE IN FEET AND INCHES. DIMENSIONS IN KITES ARE IN FEET AND INCHES. DIMENSIONS IN STAR POLYGONS ARE IN FEET AND INCHES. DIMENSIONS IN CIRCULAR SEGMENTS ARE IN FEET AND INCHES. DIMENSIONS IN SECTORIAL SEGMENTS ARE IN FEET AND INCHES. DIMENSIONS IN ANNULAR RINGS ARE IN FEET AND INCHES. DIMENSIONS IN TORUS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL CAPS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SEGMENTS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL WEDGES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SECTORS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL ZONES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL CAPSULES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL FRUSTUMS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL CONES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL CYLINDERS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL TUBES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SHELLS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL COATINGS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL FILMS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL MEMBRANES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL LAYERS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL STRUCTURES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL DEVICES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL COMPONENTS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL ASSEMBLIES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SYSTEMS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL UNITS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL ELEMENTS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL PARTS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBASSEMBLIES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBSYSTEMS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL MODULES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBMODULES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBELEMENTS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBPARTS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBSUBASSEMBLIES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBSUBSYSTEMS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBSUBMODULES ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBSUBELEMENTS ARE IN FEET AND INCHES. DIMENSIONS IN SPHERICAL SUBSUBPARTS ARE IN FEET AND INCHES.

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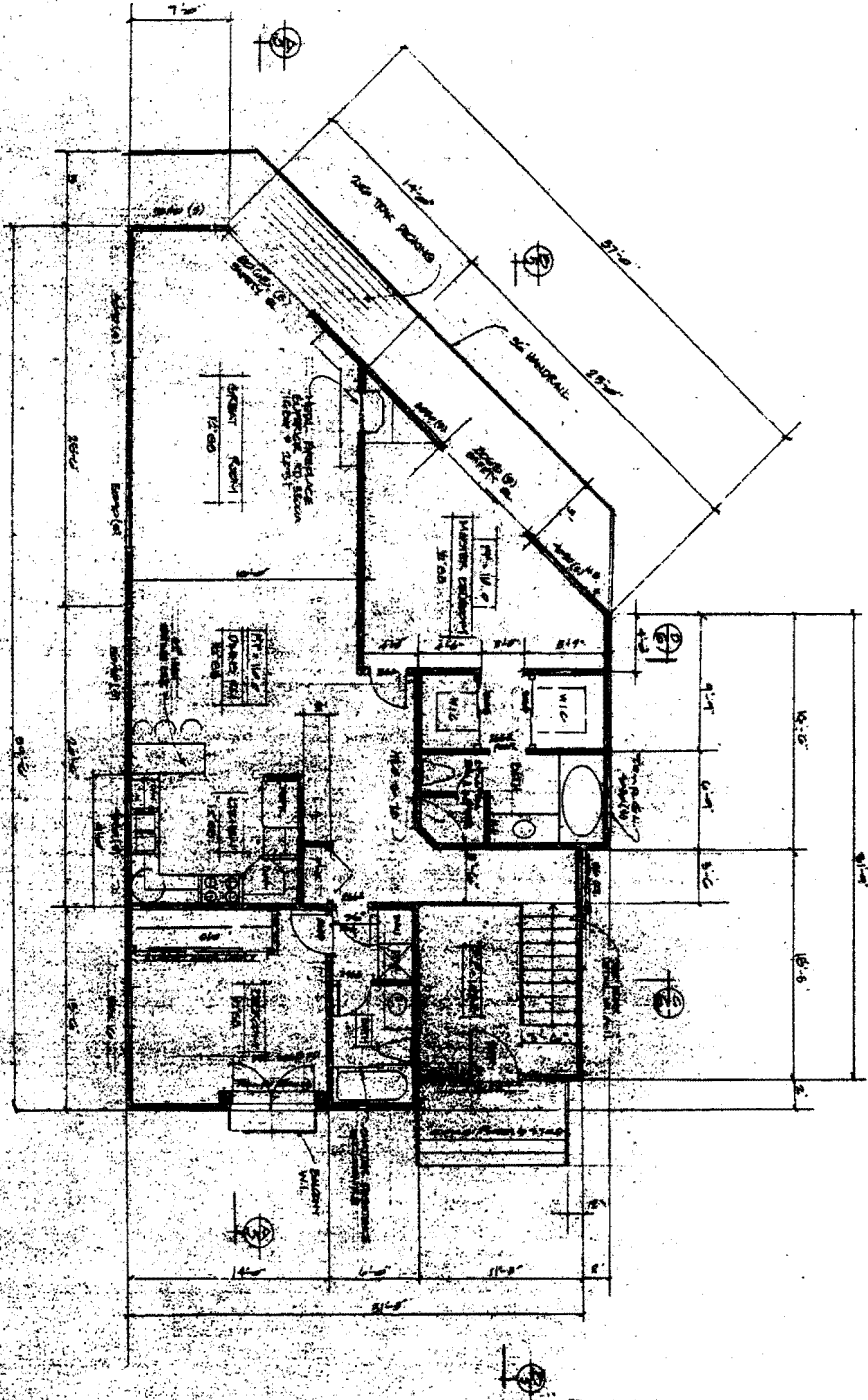
EXHIBIT # 5

PAGE 2 OF 7

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Notes:
 1. Dimensions are in feet and inches unless otherwise specified.
 2. All dimensions are to the center of the member unless otherwise specified.
 3. All dimensions are to the finished surface unless otherwise specified.
 4. All dimensions are to the center of the hole unless otherwise specified.
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NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL WALLS ARE TO BE CONCRETE BLOCK WITH INTERIOR FINISH.
 3. ALL FLOORS ARE TO BE CONCRETE WITH INTERIOR FINISH.
 4. ALL ROOFS ARE TO BE FLAT WITH INTERIOR FINISH.
 5. ALL EXTERIOR WALLS ARE TO BE CONCRETE BLOCK WITH EXTERIOR FINISH.
 6. ALL EXTERIOR DOORS ARE TO BE 6'-0" HIGH WITH INTERIOR FINISH.
 7. ALL EXTERIOR WINDOWS ARE TO BE 6'-0" HIGH WITH INTERIOR FINISH.
 8. ALL EXTERIOR LIGHTS ARE TO BE 4'-0" HIGH WITH INTERIOR FINISH.
 9. ALL EXTERIOR VENTS ARE TO BE 4'-0" HIGH WITH INTERIOR FINISH.
 10. ALL EXTERIOR STAIRS ARE TO BE 4'-0" HIGH WITH INTERIOR FINISH.

COASTAL COMMISSION

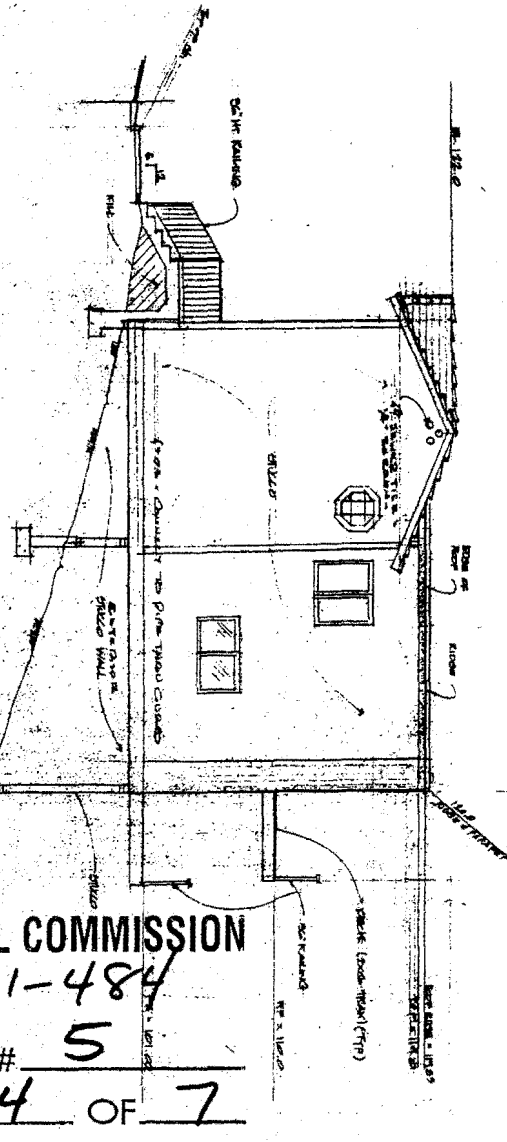
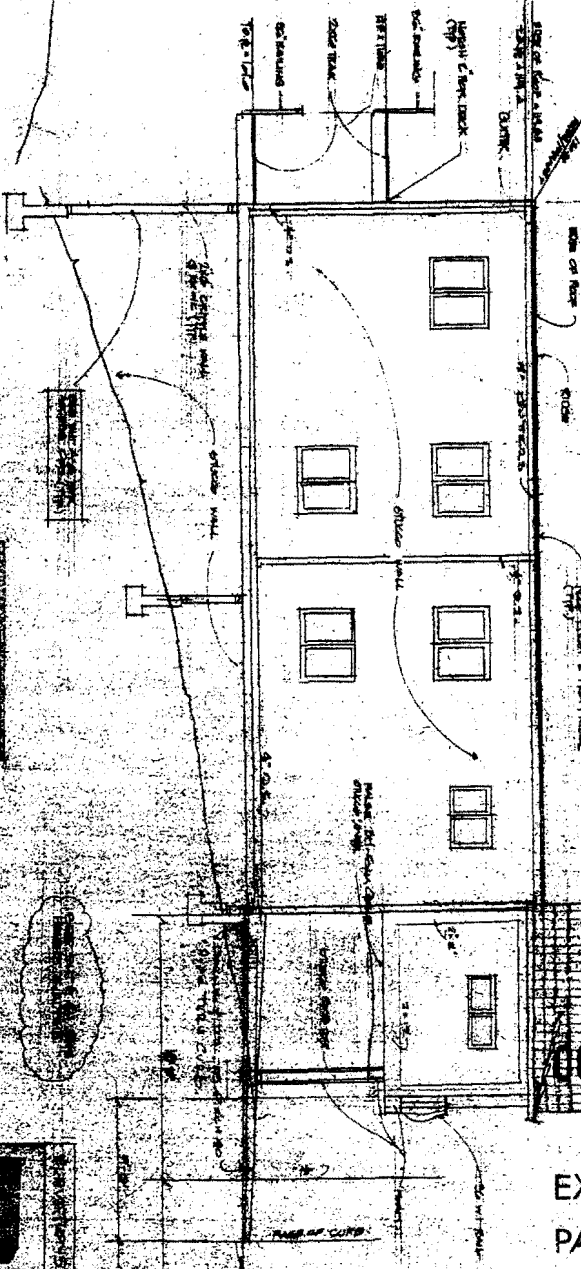
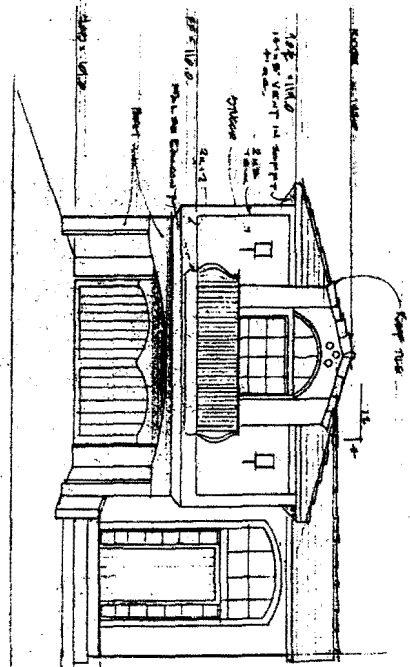
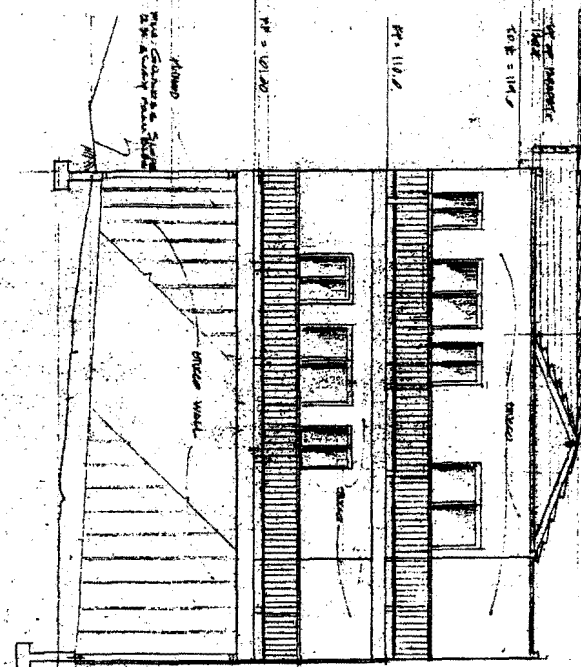
5-01-484

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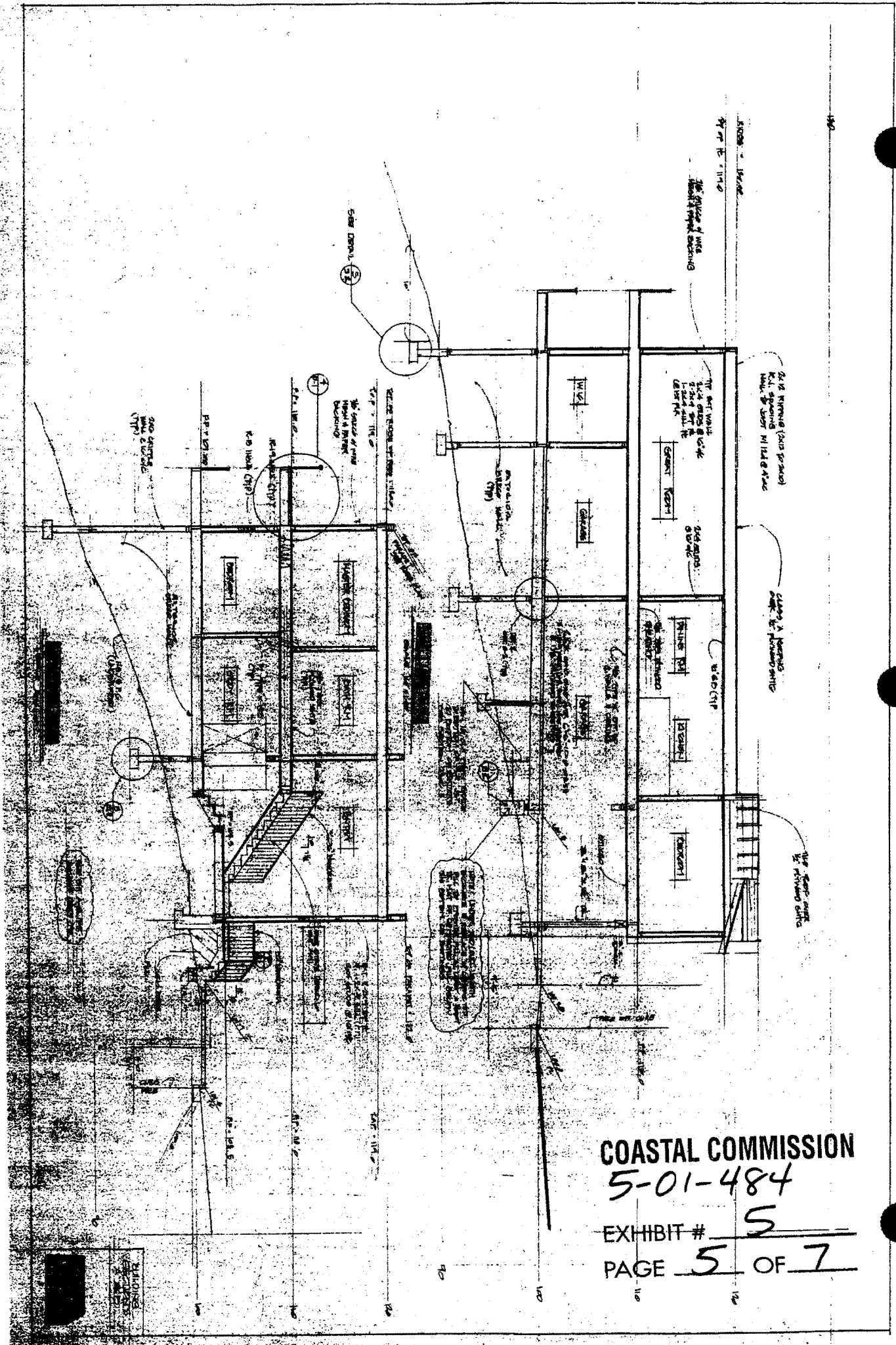
COASTAL COMMISSION

5-01-484

EXHIBIT # 5

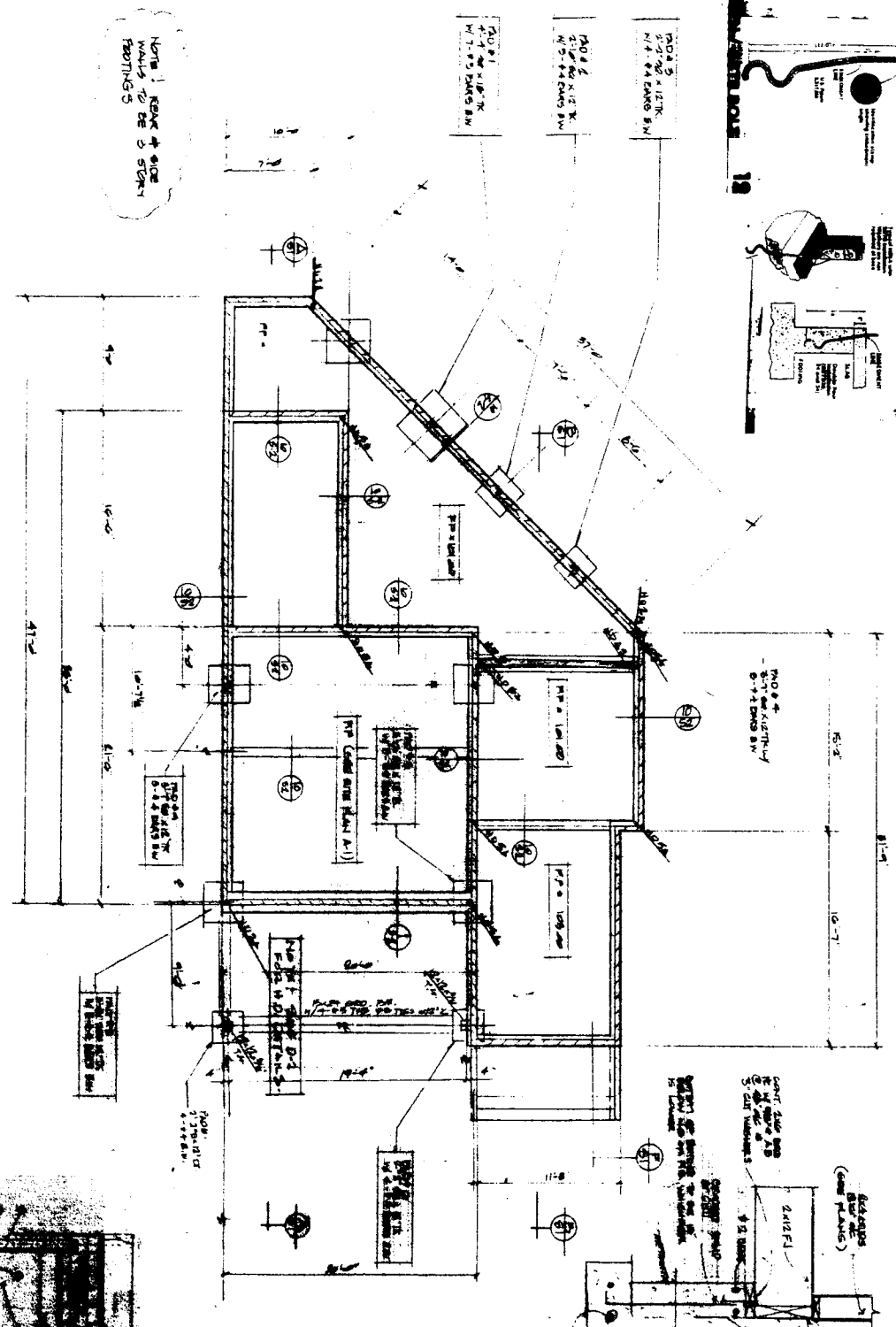
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 5-01-484
 EXHIBIT # 5
 PAGE 5 OF 7

FOUNDATION PLAN



MECHANICAL STEEL TRADES

FOUNDATION PLAN

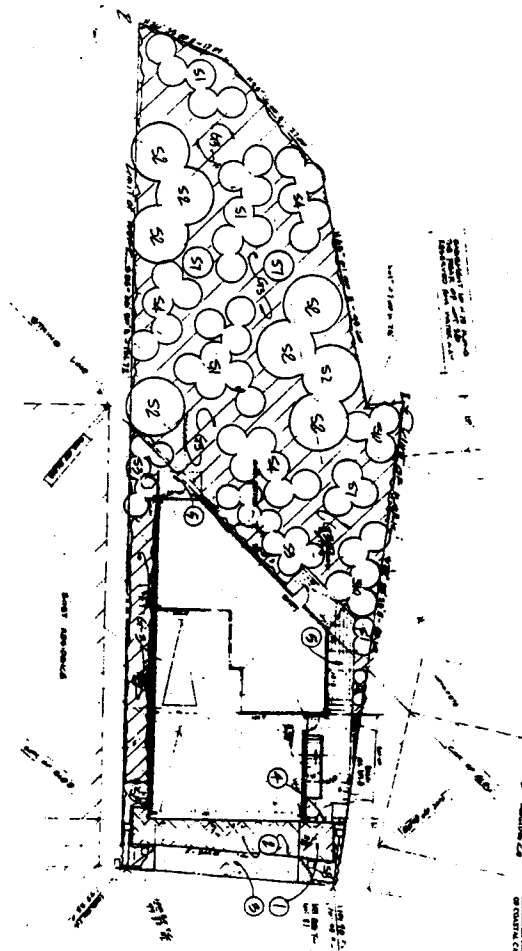


THE STATE OF CALIFORNIA
 CIVIL ENGINEER
 No. 12345
 JOHN D. SMITH

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 PAGE 1 OF 2



LAND SCAPE PLAN



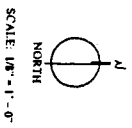
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1. PLACE DIMENSIONS OF PLANTING AND SETTING ON CONSTRUCTION SHEET.
 2. CONTACT THE SUPPLIER FOR THE SPECIFIC PLANTING MATERIAL TO BE USED IN THIS PROJECT.
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 9. PLACE DIMENSIONS OF PLANTING AND SETTING ON CONSTRUCTION SHEET.
 10. CONTACT THE SUPPLIER FOR THE SPECIFIC PLANTING MATERIAL TO BE USED IN THIS PROJECT.

COASTAL COMMISSION LANDSCAPE PLAN

THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO THE APPROVAL OF THE COASTAL COMMISSION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE COASTAL COMMISSION AND LOCAL AGENCIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE COASTAL COMMISSION AND LOCAL AGENCIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE COASTAL COMMISSION AND LOCAL AGENCIES.

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PREPARED FOR:
MR. AND MRS. GRANT JOHNSON RESIDENCE
122 AVENIDA PALERA
SAN CLEMENTE, CALIFORNIA 92671
949. 492. 7969

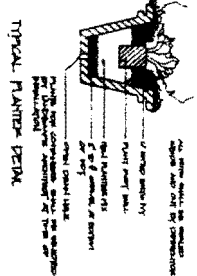
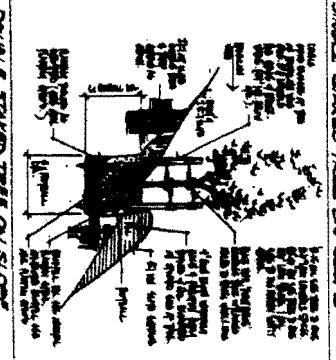
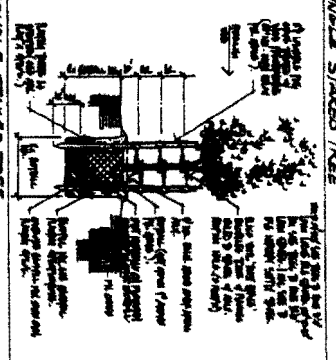
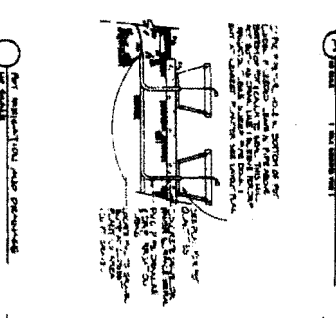
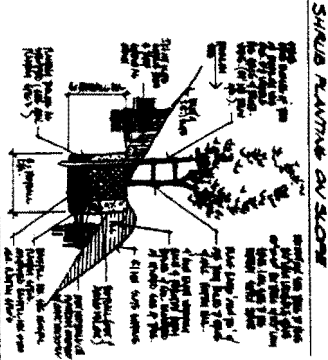
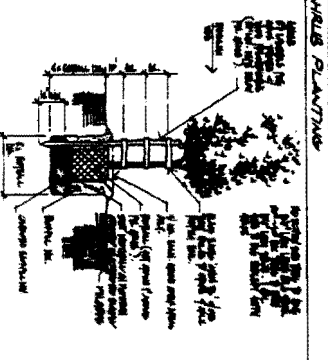
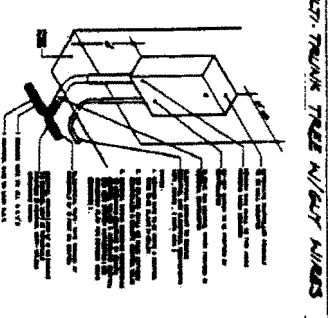
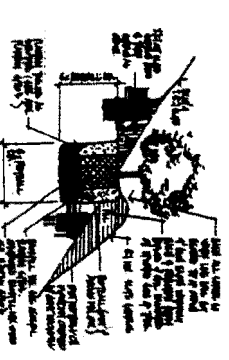
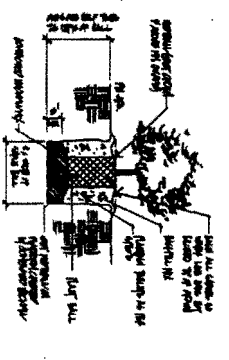
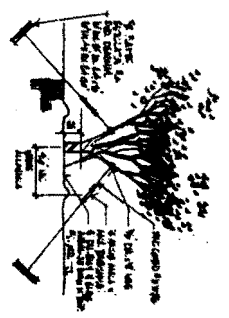
PLANTING PLAN / ENTRY PAVING
CONSTRUCTION NOTES



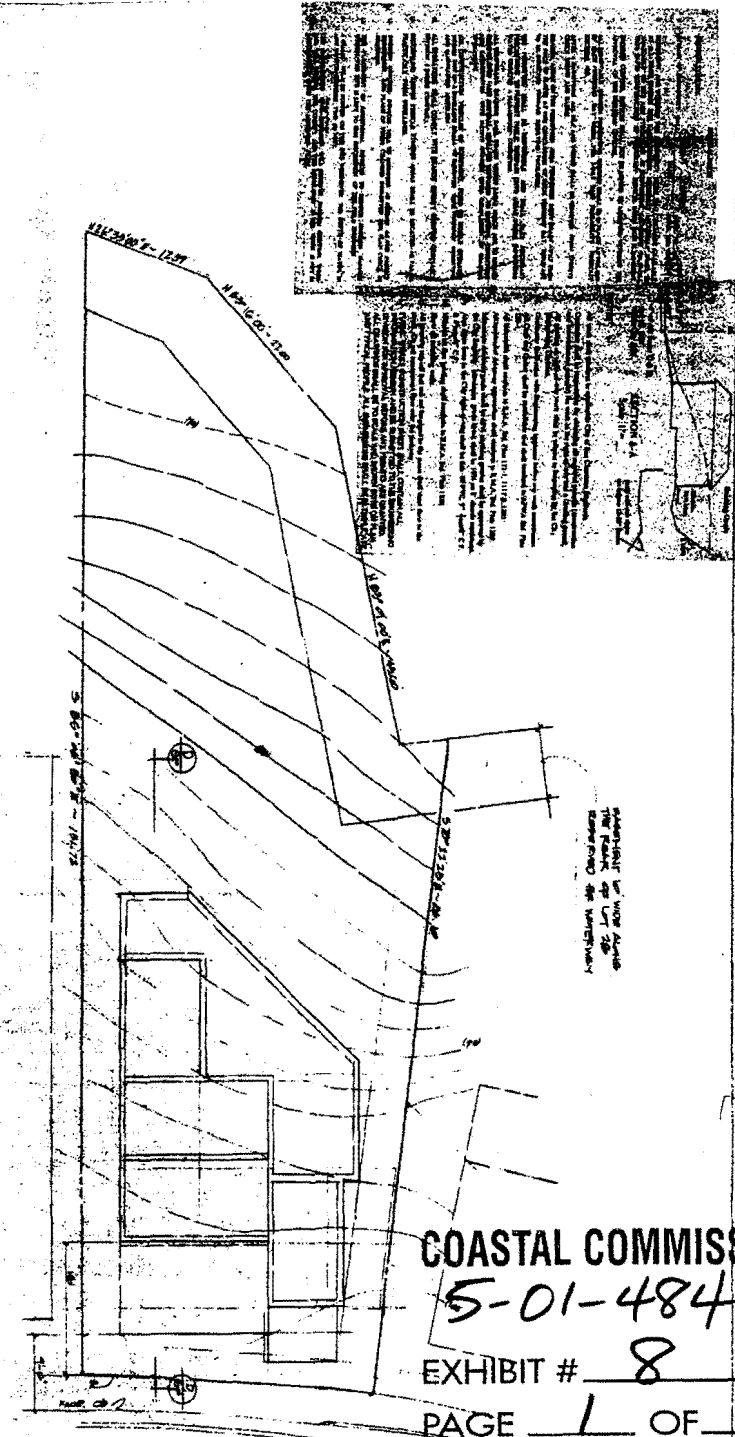
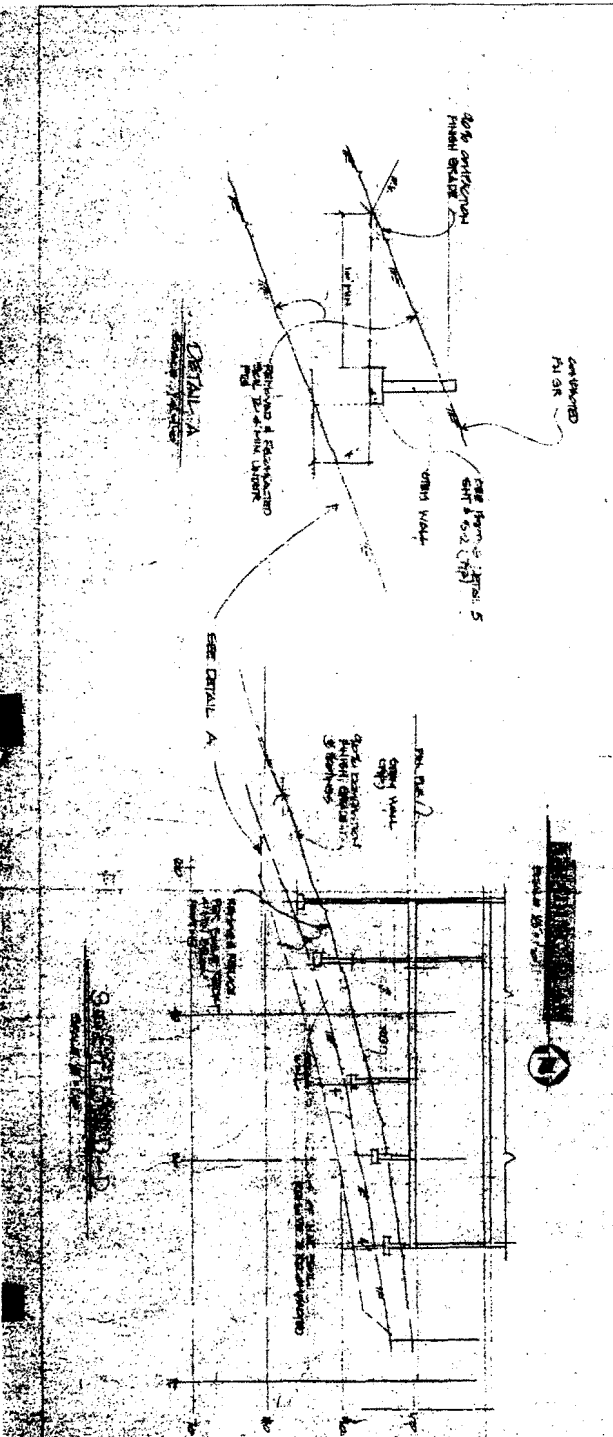
LANDSCAPE PLAN

GENERAL NOTES:

1. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE LANDSCAPE DESIGN MANUAL.
2. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SAN JOSE LANDSCAPE DESIGN MANUAL.
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20. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SAN JOSE LANDSCAPE DESIGN MANUAL.



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COASTAL COMMISSION
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 EXHIBIT # 8
 PAGE 1 OF 1

NOTE: ALL SURFACE WATER TO DRAIN AWAY FROM BUILDING

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DATE: 5/1/78
 DRAWN BY: [Name]
 CHECKED BY: [Name]

Visit if possible
 10/1/78
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