

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



August 31, 2007

MEMORANDUM

TO: Commissioners and Interested Parties

FROM: John Ainsworth, South Coast Deputy Director (Los Angeles County)
Sherilyn Sarb, South Coast Deputy Director (Orange County)

SUBJ: **Orange & Los Angeles County Addendum to Commission Meeting
Wednesday, September 5, 2007 at 9:00**

<u>AGENDA</u>	<u>APPLICANT</u>	<u>DESCRIPTION</u>	<u>PAGE#</u>
<u>CONSENT PERMIT:</u>			
W4f(5-07-212)	2126 The Strand	Correspondence	1
<u>COASTAL PERMIT:</u>			
W15a(5-05-235)	Balboa Performing Arts	Revisions to staff report Letter from applicant	3 7
W15b(5-06-301)	Mc Namara	Correspondence	9
W15c(5-06-328)	Schwendener	Request for postponement Ex-parte	13 17

Im/g addendum September. 07 hearing

CALIFORNIA COASTAL COMMISSION

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Long Beach, CA 90802-4302
(562) 590-5071

**W15b****ADDENDUM**

August 22, 2007

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM W15b**, COASTAL COMMISSION PERMIT APPLICATION **#5-06-301 (McNamara)** FOR THE COMMISSION MEETING OF **September 2007**.

Correspondence

Correspondence was received from Ms. Gail E. Burke, property owner of 217 W. Marquita, San Clemente on August 17, 2007 and from Mr. Glen Ritchie, resident of 215 W. Marquita #A, San Clemente, both in support of staff's recommendations regarding Coastal Commission Permit Application #5-06-430 (McNamara). Specifically, Ms. Burke is concerned with the protection of the canyon habitat and supports the staff recommendation for final project plans conforming to the stringline setback policy in the City of San Clemente Land Use Plan (LUP). Mr. Glen Ritchie concurs with Ms. Burke's statement and signed her letter in support.

The applicant submitted plans conforming to one of three possible canyon setback policies identified in the City's LUP. However, to ensure greater resource protection and for greater visual compatibility with the character of the surrounding residences, staff implemented the stringline policy in the City's LUP. Staff recommends approval of the proposed project with a special condition requiring new plans in conformance with the structural and deck stringlines prior to the issuance of the permit.

RECEIVED
South Coast Region

AUG 20 2007

CALIFORNIA
COASTAL COMMISSION

5 Highland Blvd., Kensington, CA 94707
August 17, 2007
(949) 701-7060 gebsei@cox.net

Ms. Lilitana Roman-LB
California Coastal Commission
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302

FAX: 562-590-5084

Subject: 5-06-301 219 W. Marquita, San Clemente, CA

Dear Ms. Roman:

Please note our family's position on the subject project. We are opposed to the present plans because they do not employ the string line rule. We support staff's recommendations that the subject plans for 219 W. Marquita be modified to follow the string line rule. *Palizada Canyon is located adjacent to the new "Beach Trail."*

The Palizada Canyon continues to be degraded by encroachments into the open and protected space, little-bit-by-little-bit every year. When I built my home next door, 20 years ago, I was required to follow the string line requirement. Even with the buildable space of my lot being far less than the applicant's buildable space, I built a large home, garage, sidewalks, curb and gutters without difficulty. The City required me to pay for two independent geologic surveys as a condition of development.

Allowing this applicant to build further into the canyon will have a domino effect on other properties creating an inequity. Palizada Canyon is small, narrow and had four recent slides (one red tag on a new development). Therefore, any changes have maximum impact. We humans share this small, protected canyon habitat with birds, a variety of animal and plant life. By following the string line rule, in this case, both humans and natural habitat can co-exist in relative comfort. Our thanks to the Coastal Commission and the Coastal Act for protecting the few remaining *Environmentally Sensitive Habitat Areas (ESHA's)*.

Sincerely,
Gail E. Burke, Owner, 217 W. Marquita, San Clemente, CA

Space allocated below for others in support of enforcing the string line rule:

Name: GLEN RITCHIE / Glen Ritchie Address: _____
215 W. MARQUITA "A"
949 361 0445

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AUG 17 2007

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COASTAL COMMISSION

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Long Beach, CA 90802-4302

Subject: 5-06-301 219 W. Marquita, San Clemente, CA

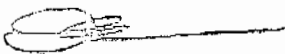
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Allowing this applicant to build further into the canyon will have a domino effect on other properties creating an inequity. Palizada Canyon is small, narrow and had four recent slides (one red tag on a new development). Therefore, any changes have maximum impact. We humans share this small, protected canyon habitat with birds, a variety of animal and plant life. By following the string line rule, in this case, both humans and natural habitat can co-exist in relative comfort. Our thanks to the Coastal Commission and the Coastal Act for protecting the few remaining ***Environmentally Sensitive Habitat Areas (ESHA's)***.

Sincerely,



Gail E. Burke, Owner, 217 W. Marquita, San Clemente, CA

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CALIFORNIA COASTAL COMMISSION

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(562) 590-5071

**W15b**

Filed: May 4, 2007
49th Day: June 22, 2007
180th Day: October 31, 2007
Staff: Liliana Roman-LB
Staff Report: August 16, 2007
Hearing Date: September 5-7, 2007
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-06-301

APPLICANTS: Brian and Sarah McNamara

PROJECT LOCATION: 219 West Marquita, San Clemente, Orange County

PROJECT DESCRIPTION: Demolition of a one-story, 1,160 sq. ft. single-family residence and 378 sq. ft. garage and construction of a new 24' high, two-story 3,405 sq. ft. single-family residence with 496 sq. ft. attached two-car garage and 1,048 sq. ft. in new decks on a coastal canyon lot with minimal grading for site preparation.

LOCAL APPROVALS RECEIVED: City of San Clemente Planning Division approval-in-concept dated February 26, 2007.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP); *Preliminary Geotechnical Investigation Proposed Additions to Existing Residence, 219 West Marquita, San Clemente prepared by Via Geos dated February 6, 2006 and Report Update and Geotechnical Review of Precise Grading Plan, 219 West Marquita, San Clemente, prepared by Via Geos dated April 9, 2007.*

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed project with six (6) special conditions, which require 1) submittal of revised final plans; 2) final plans indicating conformance with geotechnical recommendations; 3) revised landscaping plan; 4) OCFA approval; 5) final drainage and runoff control plans; 6) compliance with construction-related best management practices (BMPs); and 7) future improvements come back to the Commission for review.

The site is located adjacent to Palizada Canyon, (a.k.a., Marquita Canyon) one of seven coastal canyons in San Clemente identified as containing environmentally sensitive habitat. Primary issues associated with this development 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 does not conform to the stringline canyon setback policy in the certified LUP (one of three possible policies that may be applied), and is therefore not consistent with the pattern of development in the surrounding area. Special Condition 1 requires submittal of revised plans showing the structural and deck encroachments further set back to the structural and deck stringlines.

At the time of this staff report, the applicants were not in agreement with the staff recommendation and conditions of approval.

LIST OF EXHIBITS:

1. Location Map
2. Assessors Parcel Map
3. Coastal Access Points
4. Coastal Canyon Map
5. Project Plans
6. Grading and Erosion Control Plans
7. Landscape Plan

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-06-301 pursuant to the staff recommendation.

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

RESOLUTION:

I. APPROVAL WITH CONDITIONS

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

II. STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **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. Submittal of Revised Final Plans

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, two (2) sets of final site and building plans that substantially conform with the plans by Buchan Engineering Structures dated April 25, 2007, but shall be revised to include the following:

- 1) The enclosed living space encroachments as shown on Exhibit 5 shall be removed to the structural stringline; and
- 2) The decks and wall encroachments as shown on Exhibit 5 shall be removed to the patio/deck stringline.

- B. The permittee shall undertake the development authorized by the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Final Design Plans Indicating Conformance to Geotechnical Report Recommendations

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Geotechnical Investigation prepared by Via Geos, dated February 6, 2006 and April 9, 2007. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

- B. The permittee shall undertake development in accordance with the approved 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 legally required.

3. Final Revised Landscaping Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a final revised landscaping plan prepared by an appropriately licensed professional which demonstrates the following:

- (a) All areas disturbed/affected by construction activities not occupied by structural development (including the house and decks) shall be re-vegetated for habitat enhancement and erosion control purposes;
 - (b) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping that doesn't meet all of the requirements in this special condition shall be removed;
 - (c) Any areas disturbed/affected by construction activities in the rear 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 the canyon shall consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type. Native plants shall be from local stock wherever possible;
 - (d) Landscaped areas in the front yard (street-facing) area shall consist of native or non-invasive, non-native drought tolerant plant species;
 - (e) All planting will be completed within 60 days after completion of construction;
 - (f) 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.
 - (g) 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.
- 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 legally required.

4. Orange County Fire Authority Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director a copy of a permit issued by the Orange County Fire Authority (OCFA) or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the OCFA and/or any inconsistencies with the conditions of approval contained herein. Changes required by OCFA shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

5. Final Grading and Drainage Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a final grading and drainage plan prepared by an appropriately licensed professional. The plan shall incorporate the following criteria:

- 1) Runoff from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be directed to dry wells or vegetated/landscaped areas to the maximum extent practicable within the constraints of City requirements.
- 2) Where City code prohibits on-site infiltration; runoff shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street to the maximum extent practicable. Runoff from impervious surfaces that cannot feasibly be directed to the street shall be discharged via pipe or other non-erosive conveyance to a designated canyon outlet point to avoid ponding or erosion either on- or off- site;
- 3) Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface to the canyon bottom; and
- 4) 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.

6. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

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

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter the storm drain system leading to the Pacific Ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed of outside the coastal zone, as proposed by the applicant.

7. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-06-301. Pursuant to Title 14 California Code of Regulations Section 13250(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. 5-06-301 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 project site is located at 219 West Marquita in the City of San Clemente, Orange County (Exhibits 1 & 2). The 13,873 square foot lot slopes southerly to the bottom of Palizada/Marquita Canyon (Exhibit 4). Surrounding development consists of single-family and multi-family residences. The nearest public access to the beach is available at the Linda Lane access point, approximately ¼ mile west of the subject site (Exhibit 3). The site is designated as Residential Medium Density in the certified Land Use Plan, and the proposed project is consistent with this designation.

The applicant proposes to construct a new 24' high, two-story, 3,405 square foot single-family residence with a 495.7 square foot attached two-car garage, hardscape and landscape improvements situated close to the location and grades of the existing residence and garage on the generally level front portion of the site. The residence will utilize raised framed floor foundation and the garage will utilize a slab-on-grade foundation. Hardscape improvements include a new driveway, walkways and decks. A deck is proposed to the rear of the residence on raised deck foundation piers. Minimal grading consisting of minor cuts and fills to construct grades for the new building pads, excavation of footings and backfilling of retaining walls and utility trenches is proposed for site preparation. Project plans are included as Exhibit 5.

B. 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.

Canyon Setback

The proposed development is located adjacent to Palizada Canyon, (a.k.a., Marquita Canyon) one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP. The applicant's property extends to the canyon bottom. The canyon is considered somewhat degraded due to the presence of both native and non-native plant species. No portion of the applicant's development area contains resources that rise to the level of ESHA.

Nevertheless, preservation and enhancement of the City's coastal canyons is a goal supported by both the environmental protection policies of the Coastal Act, and the certified LUP. Encroachment into the canyon by development increases the potential for the introduction of non-native plant species, and predation of native species by domestic animals, and destabilization of the canyon from excess irrigation. Encroaching development also threatens the visual quality of the canyons. The above-cited policies of the LUP were designed for habitat protection and enhancement; to minimize visual impacts and landform alteration; to avoid cumulative adverse impacts of development encroachment into the canyon; and as a means to limit brush management necessary for fire protection.

The certified LUP identifies three canyon setback choices which are to be selected based upon 'site characteristics'. There are seven canyons identified in the LUP and these setback choices exist because conditions from canyon to canyon, and within each canyon, are highly variable. Each canyon has a different shape, width and depth. The degree of existing disturbance within each

canyon is also different. The land uses, density and intensity of development also vary. Public views of the canyons vary from point to point. The lots along and in these canyons vary with regard to lot size and shape. The topography of each lot can be highly variable, where in some cases there are canyon-top areas to site development, there are other lots comprised mostly of canyon slope and canyon bottom. The pattern of existing development from place to place along the canyon changes. Another site characteristic that changes is presence or absence of native vegetation and/or a stream on the lot. Considering these site characteristics, a setback must be chosen that achieves habitat protection and enhancement (including siting development to minimize required brush management), minimizes visual impacts and landform alteration, and avoids cumulative adverse impacts of development encroachment into the canyon. Finally, sometimes equity is a consideration (i.e. size of development footprint available under each setback scenario compared with adjacent development).

The lot in question is an elongated, roughly rectangular lot that extends past the canyon bottom; extending deeper into the canyon than adjacent lots. The lot sits on a portion of the canyon with a large canyon-top "nose" that protrudes beyond the canyon-top of adjacent lots. Thus, the canyon edge on this site reaches much further into the canyon than the adjacent lots. The adjacent lots have a more narrow canyon-top area than the subject lot and residences on those lots are sited close to the street in a fashion that recognizes the undulating canyon edge. Thus, if one were to select the setback based upon depth of lot and canyon edge, development on this site could extend dozens of feet beyond the adjacent development, which would exacerbate rather than prevent canyon encroachment. The home and patios could be several orders of magnitude larger than adjacent homes, raising equity concerns as well. Thus, setback option "a" does not achieve the goals of the setback.

While there is a mixture of native and non-native vegetation on the subject site and adjacent sites, there is no discernable line of either coastal sage scrub or riparian vegetation (thus setback option "b" is not useful).

The proposed project should be sufficiently set back to be consistent with the pattern of development in the surrounding area, to protect habitat and avoid frustration of future enhancement efforts by avoiding encroachment into the canyon (both individually and cumulatively). Due to the configuration of the lot and the undulating canyon edge, it is therefore, most appropriate to apply the stringline setback in this case to preserve canyon habitat. As proposed, the project does not meet the structural or deck stringlines and would result in canyon ward encroachment by approximately 10 feet than the current structure. Applying any other of the possible canyon setback policies would result in a canyon ward encroachment.

The applicants have argued that the development conforms to the 30% depth of lot/15 foot canyon edge setback policy in the certified LUP, thus, the development is setback a sufficient distance from the canyon edge. The applicants have also pointed out that in some areas, the residence will be set back 44 feet from the canyon edge at its closest point. Nominal landscape improvements are proposed in the front and sides of the new structure with no proposed landscaping on the canyon ward portion of the lot. The applicants have argued that if their project meets any one of the setback policies in the LUP, then the project is in full conformity with LUP. However, this approach ignores the LUP requirement to avoid encroachment into coastal canyons and consider site characteristics in the selection of the appropriate setback. In this case, only the stringline setback achieves the goal of preventing further encroachment toward the canyon with all of the attendant resource benefits (e.g. habitat protection, etc.). Furthermore, if built as proposed, the project would create a new future stringline closer to the canyon that would be applicable for possible future redevelopment of adjacent residential lots. Thus, siting development on this lot closer to the canyon edge could lead to encroachment on adjacent lots, leading to cumulative adverse impacts upon coastal resources.

Therefore, the Commission imposes **Special Condition No. 1** which requires submittal of revised final plans showing the proposed development further setback to meet both the structural and deck stringlines to be consistent with the pattern of development in the surrounding area.

Landscaping

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/Marquita Canyon, as environmentally sensitive habitat areas (ESHA), as depicted in Exhibit 5. 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 somewhat degraded due to the presence of both native and non-native plant species. No portion of the applicant's site contains resources that rise to the level of ESHA. However, to decrease the potential for canyon instability, deep-rooted, low water use, plants, preferably native to coastal Orange County should be selected for general landscaping purposes in order to minimize irrigation requirements and saturation of underlying soils. Low water use, drought tolerant, native plants require less water than other types of vegetation, thereby minimizing the amount of water introduced into the canyon slope. Drought resistant plantings and minimal irrigation encourage root penetration that increases slope stability. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" (a.k.a. WUCOLS) prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

Additionally, since the proposed development is adjacent to a coastal canyon where the protection and enhancement of habitat values is sought, the placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org>) and California Native Plant Society (www.CNPS.org/) in their publications. The Commission typically requires that applicants utilize native plant species, particularly along coastal canyons. In the areas on the canyon ward side of the lot, landscaping should consist of plant species native to coastal Orange County only. Elsewhere on the site, while the use of native plants is still encouraged, non-native plant species that are drought-tolerant and non-invasive may be used.

The applicant has submitted a landscape plan that indicates no disturbance of vegetation on the canyon side of the property and the use of both 'low water use' (e.g., lantana and rosemary) and plants of 'medium water use' (e.g., camphor trees, citrus trees and boxwood shrubs), non-invasive plant species throughout the rest of the site. **Special Condition 3** requires submittal of a revised landscape plan that replaces plants requiring 'medium water use' with non-invasive plants of 'low water use' or 'ultra low water use' and also provides an appropriate native plant palette for the canyon ward portion of the lot should any portion of it require re-vegetation due to construction disturbance. Additionally, because the site is located adjacent to a canyon, the applicant must contact the Orange County Fire Authority (OCFA) to determine if their review is required. **Special Condition 4** requires the applicant to provide written evidence of OCFA approval of a fuel modification plan, or that no fuel modification plan is required.

The special conditions of this staff report are designed to protect and enhance Palizada/Marquita 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.

C. GEOLOGIC STABILITY

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.

Project Site Geotechnical Report

The applicant submitted a geotechnical study conducted by Via Geos dated February 6, 2006. 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 one exploratory boring, and two shallow trenches; laboratory testing of soil samples; and geotechnical analysis of the site conditions in relation to proposed improvements.

Since February 2006, the applicant substantially modified the proposed project and retained Via Geos again in April 2007 to review the updated project plans and project grading plan. Both the Preliminary Geotechnical Investigation and the Update and Geotechnical Review of the Precise Grading Plan conclude that the proposed development is considered geotechnically feasible provided the recommendations of the reports are incorporated in design, construction and maintenance of the site.

The reports state that the site is grossly stable and no faults are located on the property. The steeper canyon slopes along the rear of the property may be subject to limited surficial instability such as shallow sloughing and slumping during wet weather conditions; however should not significantly impact the proposed development which is adequately setback for geotechnical purposes from the canyon slope. No groundwater seepage was observed on the natural slope or encountered within the borings at the contact between the Marine Terrace Deposits and the bedrock. The report states that intermittent shallow groundwater conditions may develop during rainy weather conditions and/or may result from excessive irrigation or improper site drainage.

Additionally, in correspondence dated April 9, 2007, Via Geos assures the precise grading plan is in general conformance with the recommendations provided in their Preliminary Geotechnical Investigation dated February 6, 2006. Recommendations are discussed in the subsequent section.

Geotechnical Recommendations - Project Analysis/Special Conditions

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

The geotechnical report states that the construction of the proposed residence is feasible provided the applicant complies with the recommendations 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 remedial grading to include over-excavation extending laterally 5+/- feet outside the structural footprint and re-compaction of any existing fill, residual soil and weathered terrace deposits in locations of proposed structural improvements supported on grade, including hardscape elements. The consultant recommends continuous, pad and retaining wall footings to support the proposed structure. The residence will utilize raised framed floors and the garage will utilize a slab-on-grade foundation. Footings located along the rear of the structure, including those supporting the proposed decks and hardscape improvements, should be deepened in order to provide a minimum 12 feet setback from the bottom of footing to the face of the adjacent descending slope.

The applicant has submitted a grading plan (Exhibit 6) indicating conventional spread footing design and a letter from the geotechnical consultant assuring conformance of the current plans with their recommendations.

The geotechnical report recommends that, *“all runoff onto and from the proposed development must be intercepted, controlled and discharged off site by proper civil engineering design to avoid potentially damaging erosion and saturation of earth materials.”* As submitted, the preliminary grading plan and erosion control plan prepared by Buchan Engineering shows all roof gutter downspouts connecting to drain lines and surface runoff directed to area drains and piped to directly to existing City storm drain at the street for the front portion of the house; drain lines for the back portion of the house lead to a sump pump that then directs its outfall to the street. Runoff and storm water will be directed away from the canyon. No canyon disturbance will occur during grading activities. This is consistent with the geotechnical report recommendation for runoff control.

Since the recommendations provided by the geotechnical consultant include measures to mitigate any adverse geologic effects, the Commission finds that **Special Condition 2 and Special Condition 5** ensure that the consulting geotechnical expert reviews the final revised development plans (per Special Condition 1) and verifies their conformance with the geotechnical recommendations. As such, these special conditions guarantee that the final development plans are consistent with Section 30253 of the Coastal Act.

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 7**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-06-301) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping and fencing.

D. WATER QUALITY

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

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The applicant submitted an acceptable construction erosion control plan. Additionally, during construction, the applicant will be required to implement further best management practices (BMPs) designed to minimize erosion and prevent debris from entering the adjacent canyon or storm drain system. After construction, site runoff will be directed to area drains and piped to directly to existing City storm drain at the street for the front portion of the house; drain lines for the back portion of the house lead to a sump pump that then directs its outfall to the street. All runoff and storm water will be directed away from the canyon. Special Condition 5 requires submittal of final drainage and runoff control plan prior to permit issuance.

Combined with the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, the project will minimize the project's adverse impact on coastal waters to such an extent that it will not have a significant impact on marine resources, biological productivity or coastal water quality. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to protect marine resources, promote the biological productivity of coastal waters and to protect human health.

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

The nearest public access is available at the Linda Lane access way, approximately ¼ mile west of the subject site (Exhibit 3). 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.

F. 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

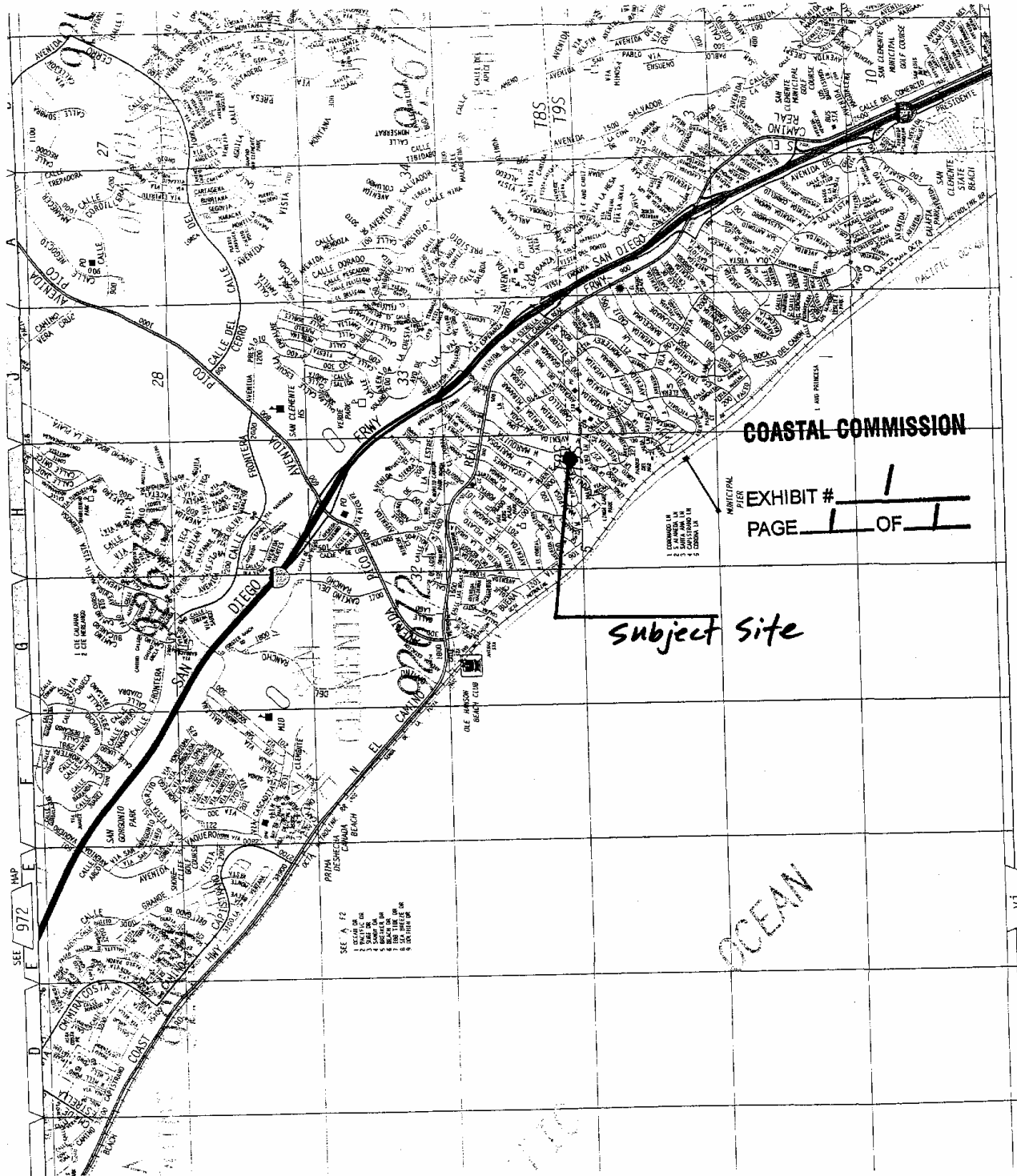
jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested 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.

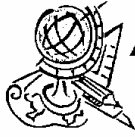
The proposed development, as conditioned, is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice 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 City of San Clemente is the lead agency for purposes of CEQA compliance. The City determined that the project is categorically exempt from CEQA. However, the Commission adopts additional mitigation measures. The proposed project has been conditioned in order to be found consistent with the environmentally sensitive habitat, geologic hazards, and water quality policies of the Coastal Act. Mitigation measures, in the form of special conditions require 1) submittal of revised final plans; 2) final plans indicating conformance with geotechnical recommendations; 3) submittal of a revised landscaping plan; 4) Orange County Fire Authority approval; 5) final drainage and runoff control plans; 6) compliance with construction-related best management practices (BMPs); and 7) future improvements come back to the Commission for review. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.





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COASTAL COMMISSION

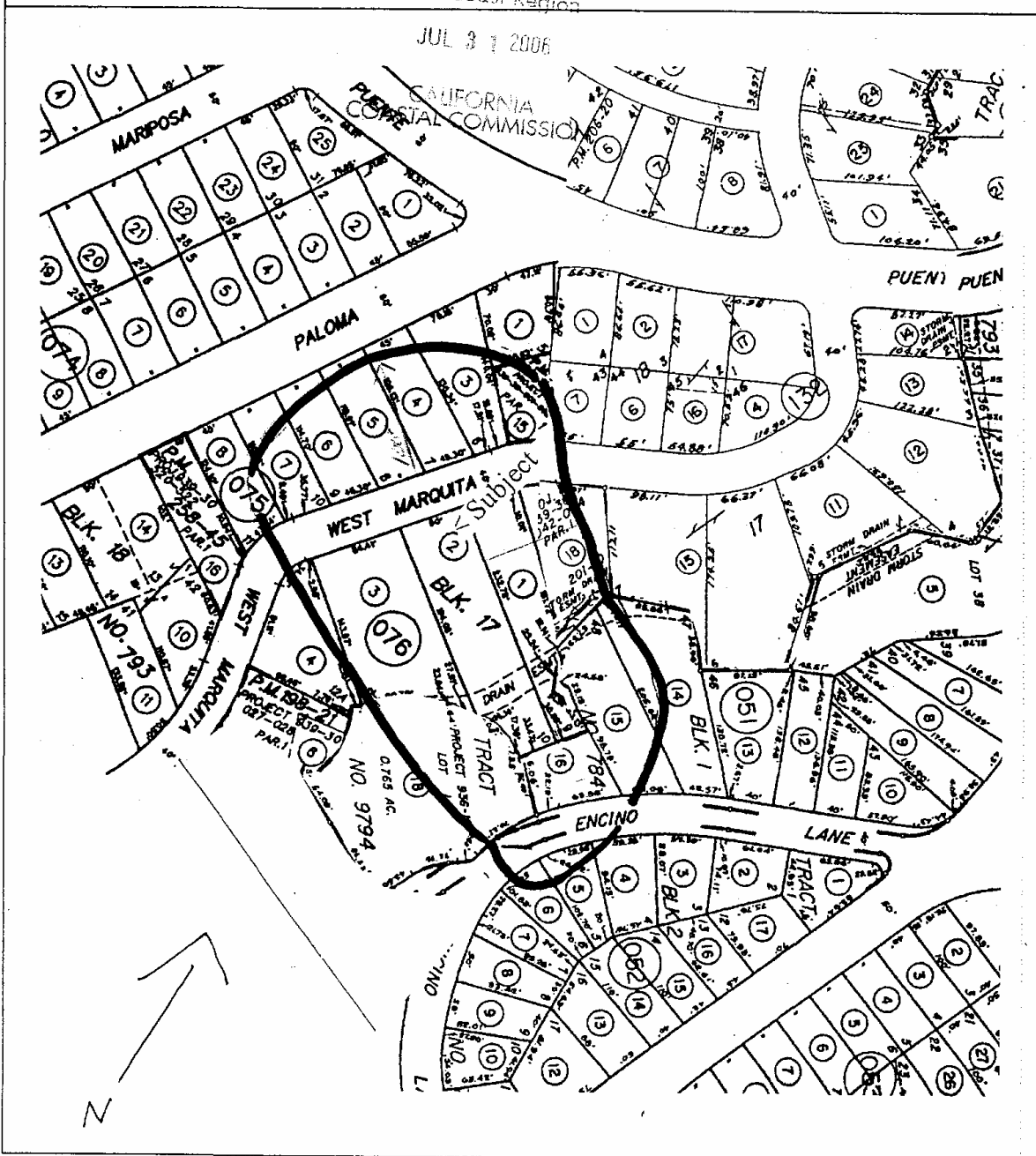
EXHIBIT # 2
PAGE 1 OF 1

Box per x
Subject APN: 692-076-02
100' Radius

RECEIVED
South Coast Region

Address: 219 W Marquita
San Clemente, CA 92672

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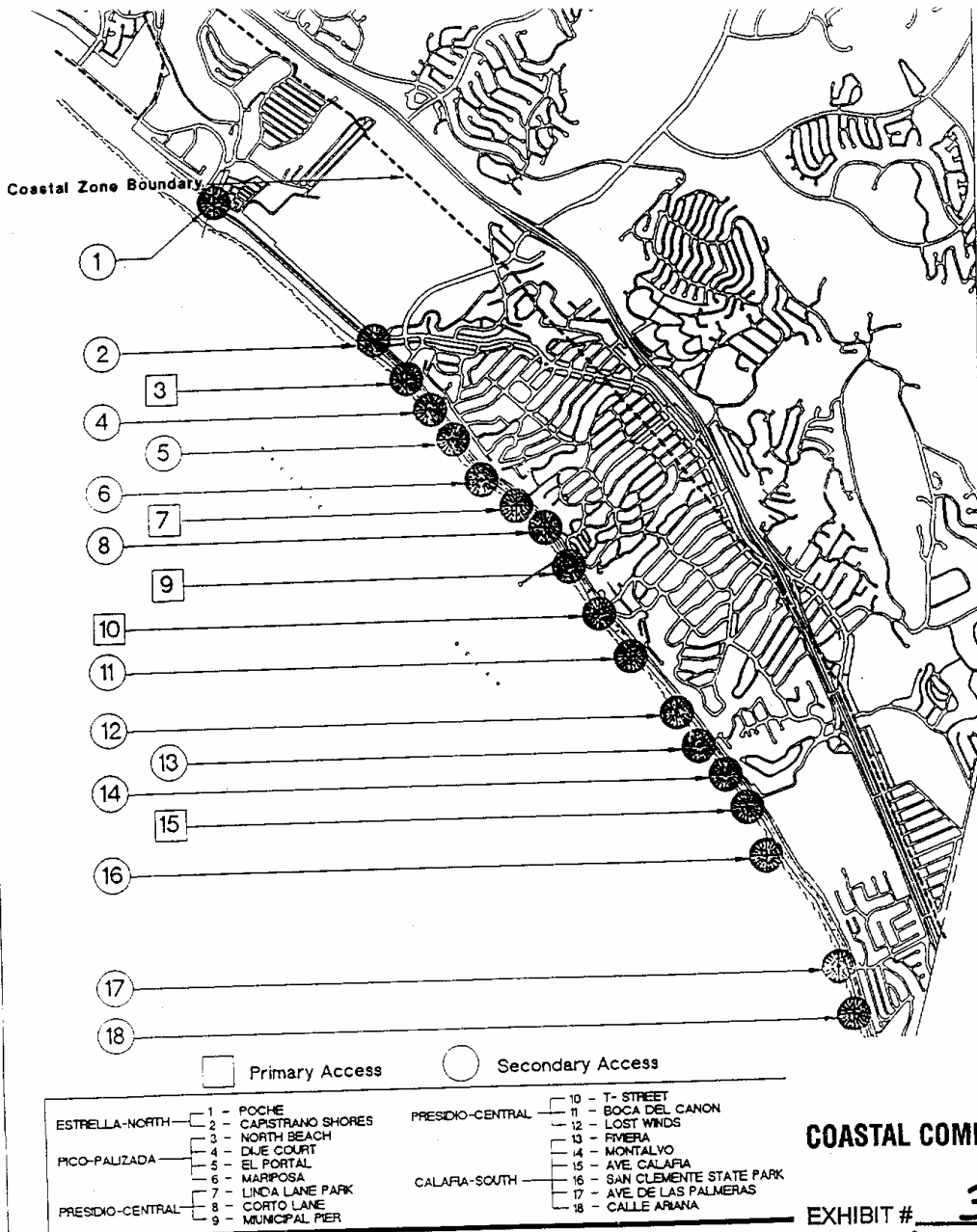


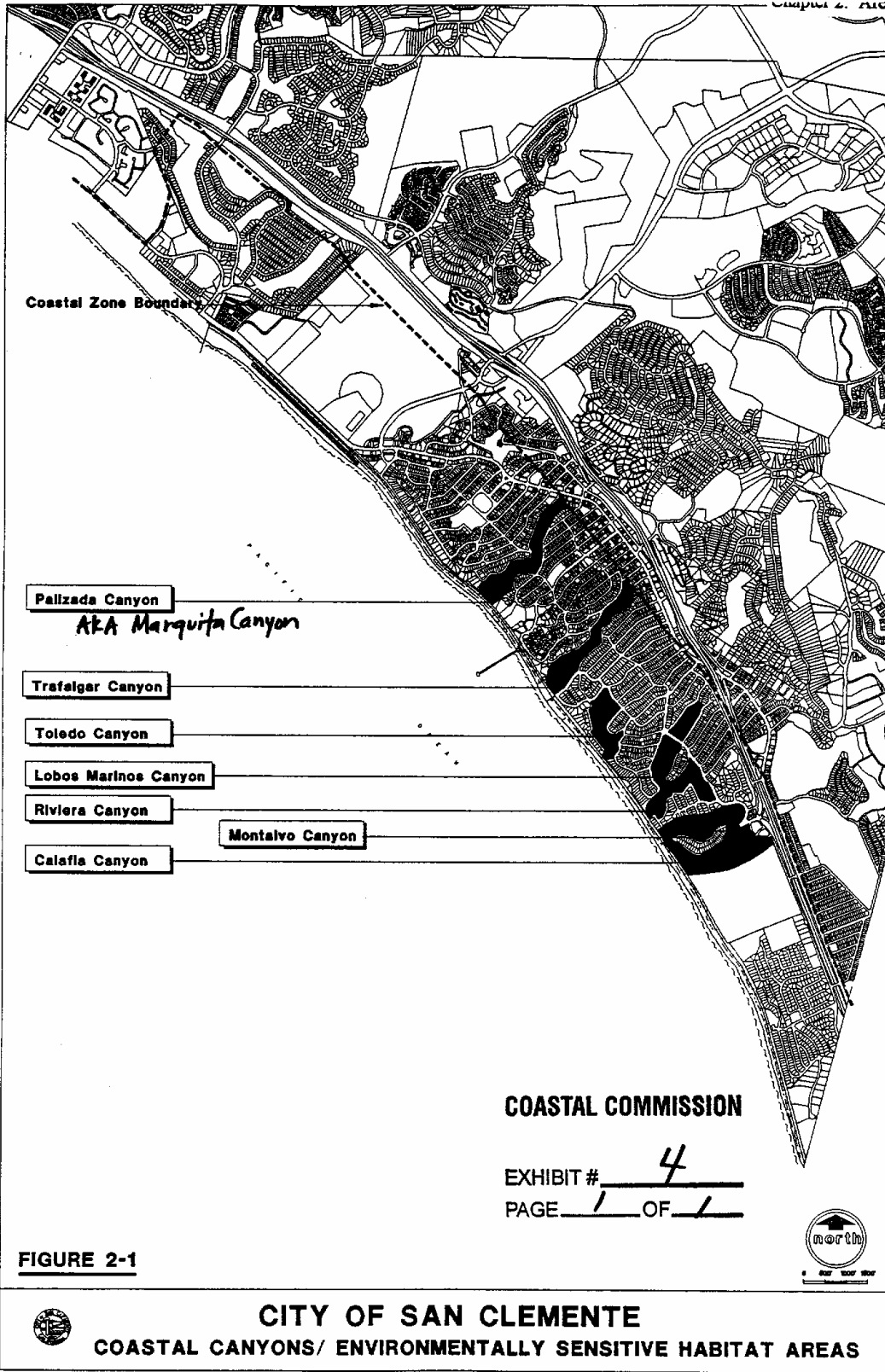
FIGURE 2-5

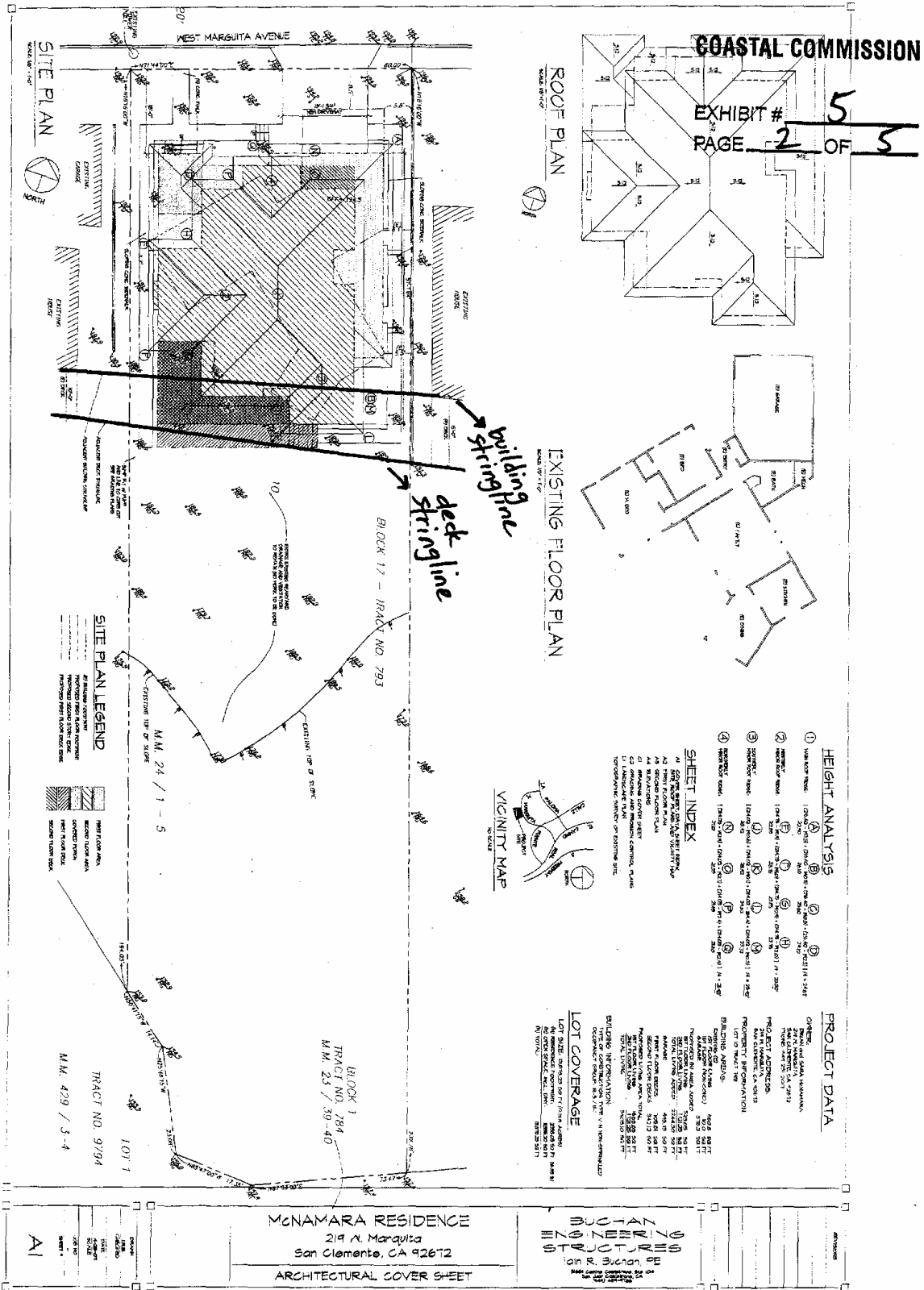
COASTAL COMMISSION

EXHIBIT # 3
 PAGE 1 OF 1

**CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS**

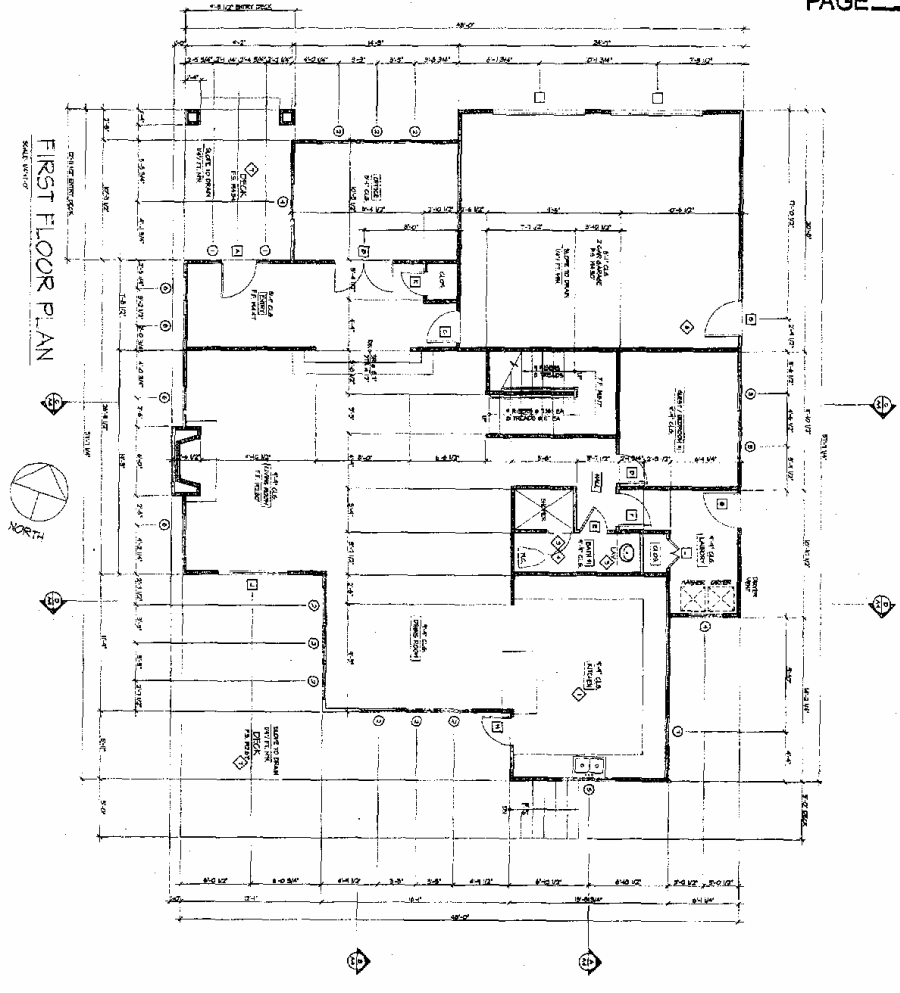






COASTAL COMMISSION

EXHIBIT # 5
 PAGE 3 OF 5



- NOTES:**
1. SEE SHEET 5-06-301-01 FOR GENERAL NOTES AND SPECIFICATIONS.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. FINISHES ARE AS NOTED OR AS SHOWN ON SCHEDULE.
 4. SEE SCHEDULE FOR MATERIALS AND FINISHES.
 5. SEE SCHEDULE FOR LIGHTING FIXTURES.
 6. SEE SCHEDULE FOR MECHANICAL AND ELECTRICAL SYMBOLS.
 7. SEE SCHEDULE FOR PAINTS AND COATINGS.
 8. SEE SCHEDULE FOR GLASS AND GLAZING.
 9. SEE SCHEDULE FOR ROOFING AND CEILING.
 10. SEE SCHEDULE FOR FLOORING.
 11. SEE SCHEDULE FOR WALLS AND PARTITIONS.
 12. SEE SCHEDULE FOR DOORS AND WINDOWS.
 13. SEE SCHEDULE FOR STAIRS AND RAMP.
 14. SEE SCHEDULE FOR ELEVATIONS.
 15. SEE SCHEDULE FOR SECTION CUTS.
 16. SEE SCHEDULE FOR DETAILS.
 17. SEE SCHEDULE FOR FINISHES.
 18. SEE SCHEDULE FOR MATERIALS.
 19. SEE SCHEDULE FOR FINISHES.
 20. SEE SCHEDULE FOR MATERIALS.

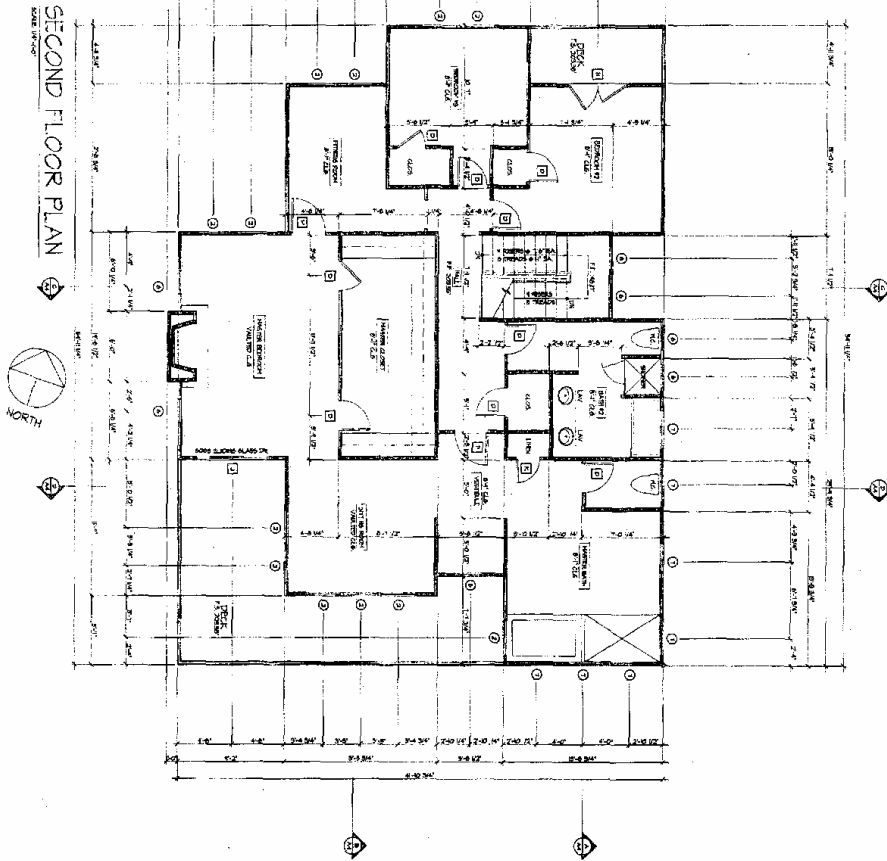
McNAMARA RESIDENCE
 219 N. Marquita
 San Clemente, CA 92672
FIRST FLOOR PLAN

BUCHANAN
STRUCTURAL
 101 N. Buchanan, #110
 San Clemente, CA 92672
 (949) 425-1100

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COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 5



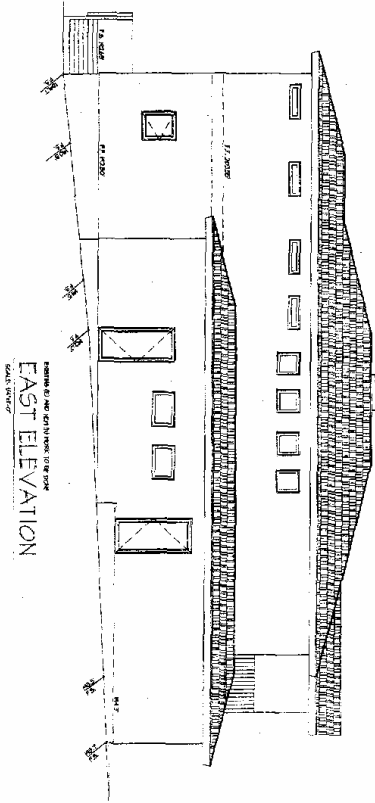
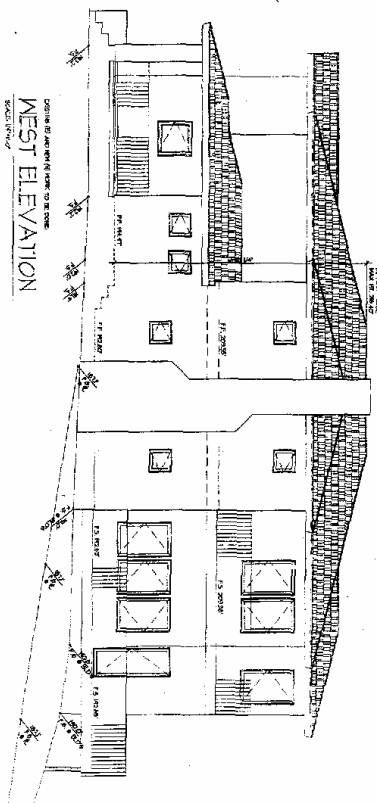
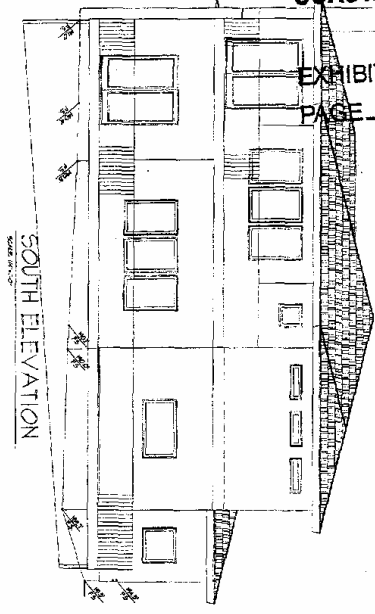
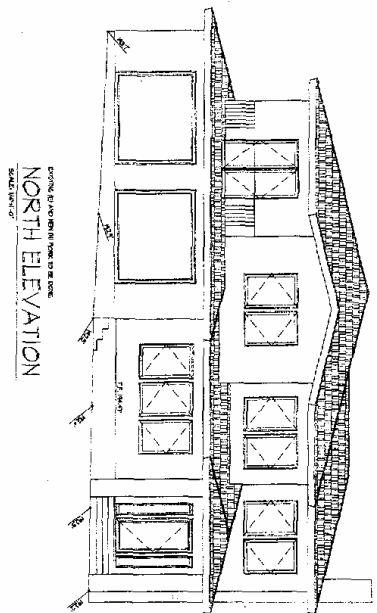
AS

McNAMARA RESIDENCE
219 N. Marquita
San Clemente, CA 92672
SECOND FLOOR PLAN

STRUCTURAL
R. Bucher, P.E.
San Clemente, CA 92672
Tel: 949.321.1111

COASTAL COMMISSION

EXHIBIT # 5
 PAGE 5 OF 5

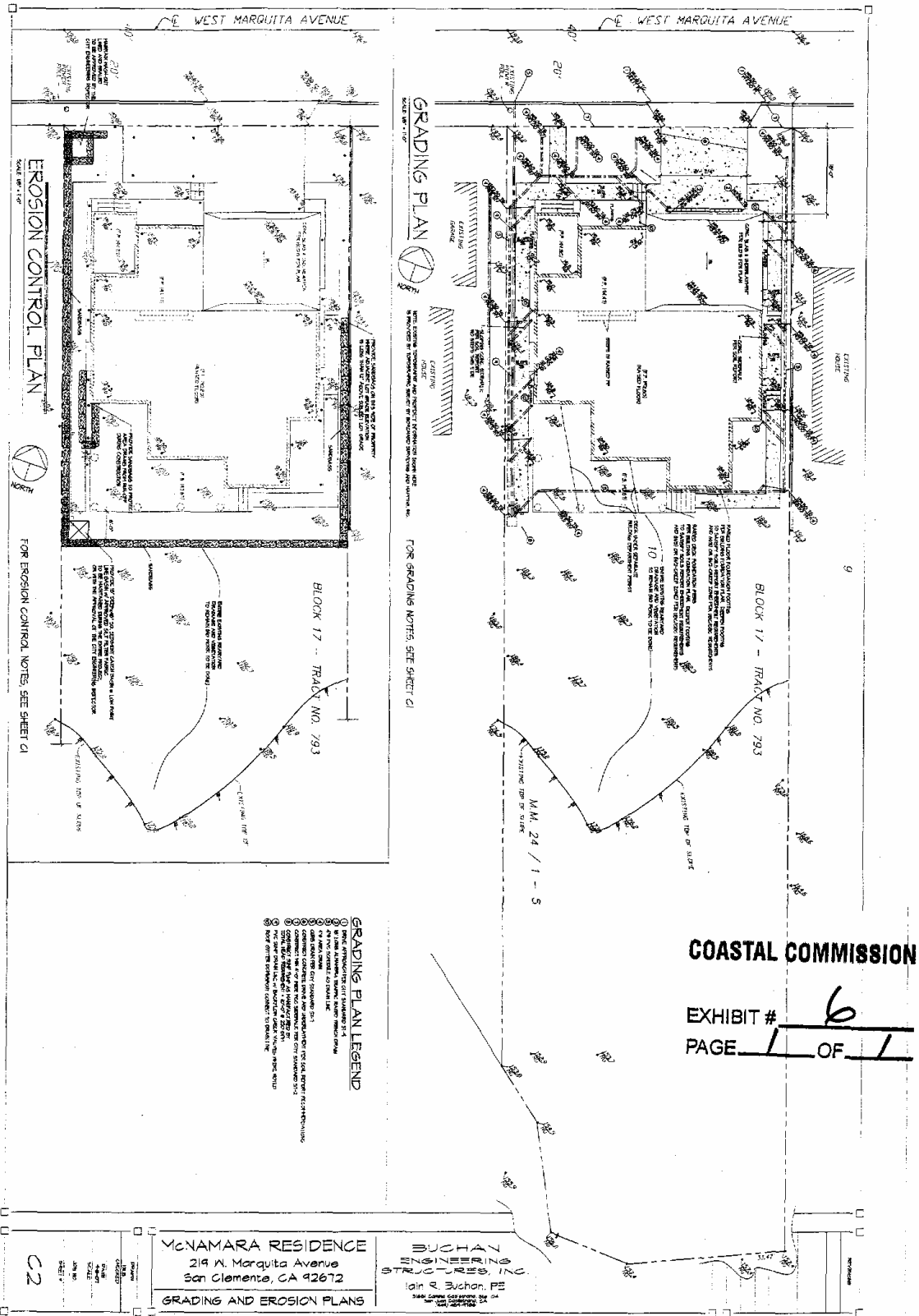


McNAMARA RESIDENCE
 214 N. Marquita
 San Clemente, CA 92672

ELEVATIONS

BUCCIAZ
 ARCHITECTS
 Ian R. Buchanan, PE
 1500 GARDEN STREET, SUITE 200
 SAN CLEMENTE, CA 92672
 (949) 425-1100

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COASTAL COMMISSION
 EXHIBIT # 6
 PAGE 1 OF 1

GRADING PLAN LEGEND

- 1. Proposed Grading
- 2. Existing Grading
- 3. Proposed Erosion Control
- 4. Existing Erosion Control
- 5. Proposed Vegetative Stabilization
- 6. Existing Vegetative Stabilization
- 7. Proposed Silt Fence
- 8. Existing Silt Fence
- 9. Proposed Storm Drain
- 10. Existing Storm Drain
- 11. Proposed Culvert
- 12. Existing Culvert
- 13. Proposed Retention Wall
- 14. Existing Retention Wall
- 15. Proposed Slope Protection
- 16. Existing Slope Protection
- 17. Proposed Foundation
- 18. Existing Foundation
- 19. Proposed Foundation
- 20. Existing Foundation

McNAMARA RESIDENCE
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BUCHANAN ENGINEERS, INC.
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 San Clemente, CA 92673
 (949) 426-1111

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