

CALIFORNIA COASTAL COMMISSION

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Staff: Liliana Roman-LB
Staff Report: September 25, 2008
Hearing Date: October 15-17, 2008
Commission Action:

Item Th13a

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-06-166

APPLICANT: 470 Camino LLC, Attn: Carl Grewe

AGENT: Paul Douglas, Pacific Environmental Planning

PROJECT LOCATION: 470 Camino San Clemente/4208 Via Socorro, San Clemente, Orange County

PROJECT DESCRIPTION: Tentative Parcel Map to subdivide a 2.87 acre lot into nine lots for residential development, 13,470 cubic yards of grading, a wetlands habitat enhancement and monitoring plan and a water quality management plan.

LOCAL APPROVALS RECEIVED: City of San Clemente City Council Zoning Amendment 07-361/Tentative Tract Map #16480 dated 11/6/07.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP); *Preliminary Geotechnical Investigation Proposed 10 Lot Residential Tract Parcel 1, PM 43-11, San Clemente* prepared by Geofirm dated March 24, 2003, *Biological Impact Analysis of Tentative Tract Map #16470, a 2.87-Acre Property Located in San Clemente, Orange County, CA* prepared by Glenn Lukos Associates dated June 27, 2006, *Response to Notice of Incomplete Application CDP 5-06-166* prepared by Glenn Lukos Associates dated January 29, 2008; and *Conceptual Habitat Enhancement of Areas Within the Jurisdiction of The California Coastal Commission Pursuant to Section 30233 of the California Pubic Resources Code, Tentative Tract Map 16480, San Clemente, CA* prepared by Glenn Lukos Associates dated November 8, 2006 and Revised March 16, 2007.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed project with twelve (12) special conditions, which require 1) Final Tract Map/Grading Plan; 2) Final Habitat Enhancement Plan; 3) Final WQMP; and 4) Open Space Habitat Uses Restrictions; 5) Future Improvements/Change in Use; 6) CCNRs; 7) Construction/Development Phasing; 8) Storage of construction materials/Removal of debris; 9) Walls, Fences and other Boundaries; 10) Lighting; 11) Inspections; and 12) Permit Compliance. The major issues associated with this development are habitat and water quality.

The site is not located on a coastal canyon or coastal bluff, however, there is a 550 linear foot drainage identified as wetland/riparian habitat across the site. Primary issues associated with this

development include assurance that the proposed development is consistent with the water quality policies of the Coastal Act, and is consistent with protection of wetlands. Special Condition 1 requires submittal of the final parcel map/grading plan.

At the time of this staff report, the applicant was 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. Tentative Parcel Map/Grading Plan
5. Habitat Enhancement Plan and Plant Palette

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-06-166 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 Final Tract Maps/Grading Plans

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of the final tract maps/grading plans in substantial conformance with the plans received September 18, 2008 in the South District office.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Submittal of Final Revised Wetland Enhancement, Monitoring and Long Term Management Program

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall develop, in consultation with the CA Department of Fish and Game and the U.S. Fish and Wildlife Service as appropriate, and submit for review and written approval of the Executive Director, a final detailed program designed by a qualified wetland biologist for enhancement, monitoring and long term management of the wetland and buffer areas in substantial conformance with the *Conceptual Habitat Enhancement and Monitoring Plan for Avoidance of Areas Within the Jurisdiction of the California Coastal Commission Pursuant to Section 30233 of the California Public Resources Code for Tentative Tract Map 16480 City of San Clemente, Orange County, CA* dated November 8, 2006 and Revised March 16, 2007 prepared by Glenn Lukos Associates, except that the program shall be revised to, at a minimum, include the following:
 1. Provide for establishment and enhancement of a 50 foot wide buffer from the edge of the wetland to the edge of a proposed "environmental fence" (inclusive of graded slope area in the outer 10-12 feet of the buffer) on Lot 1 and Lots 4-9 and a 45 foot buffer from the edge of the wetland to the edge of a proposed "environmental fence" (inclusive of graded slope area in the outer 10 feet of the buffer) on Lot 2 and Lot 3; the buffer may be reduced to coincide with the limits of the existing subject property line wherever the existing property line is closer than 50 feet from the existing wetland;

2. Provisions that assure that all runoff from the developed site that is directed toward the wetlands enhancement and buffer area shall be filtered prior to discharge into the wetlands and buffer area;
 3. Plans for site preparation and invasive plant removal;
 4. Restoration plan including planting design, plant palette, source of plant material, plant installation, erosion control;
 5. Final Success Criteria including target vegetation cover, target species composition, target wildlife usage and methods of monitoring;
 6. Provisions for assessing the initial biological and ecological status of the “as built” enhancement site within 30 days of establishment of the site in accordance with the approved enhancement, monitoring and management program. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program, with a description of the methods for making that evaluation.
 7. Provisions for monitoring and remediation of the enhancement site in accordance with the approved final enhancement, monitoring and management program for a period of five years or until it has been determined that success criteria have been met, whichever comes first.
 8. Provisions for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period, beginning the first year after submission of the “as-built” assessment. Each report shall include copies of all previous reports as appendices. Each report shall be a cumulative report that summarizes all previous reports. Each report shall also include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the wetland enhancement project in relation to the performance standards.
 9. Provisions for final monitoring for success after at least three years after end of all remediation and maintenance activities other than weeding.
 10. Provisions for submission of a final monitoring report to the wetland enhancement site conforms to the goals, objectives, and performance standards set forth in the approved final enhancement program. The report must address all of the monitoring data collected over the monitoring period.
 11. The permittee shall implement a long term perpetual management, maintenance and monitoring plan for the wetland and buffer area. The goal of the long term plan shall be to preserve the enhanced wetland and buffer area in its enhanced condition. The plan shall include a description of the perpetual management, maintenance and monitoring actions. The landowner(s) shall provide funding adequate to achieve the goal of the plan.
- B. If the final report indicates that the enhancement has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit within 90 days a revised or supplemental enhancement program to compensate for those portions of the original program which did not meet the approved performance standards. The revised enhancement program, if necessary, shall be processed as an amendment to this coastal development permit.

- C. The permittee shall enhance, monitor and manage the wetland and buffer area in accordance with the approved program, including any revised program approved by the Commission or its staff. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program 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 Water Quality Management Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final Water Quality Management Plan (WQMP) designed to mitigate stormwater runoff and nuisance flow from development on Tentative Tract No. 16480. The final WQMP shall include structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater and nuisance runoff leaving the developed site. The final plan shall demonstrate substantial conformance with the Water Quality Management Plan (WQMP), Tentative Tract No. 16480, prepared by Toal Engineering, Inc., dated June 30, 2006, and the following requirements:
1. Post-development peak runoff rates and average volume from the developed site shall not exceed pre-development levels for the 2-year 24-hour storm runoff event;
 2. Post-construction treatment control BMPs shall be designed to mitigate (treat, infiltrate or filter) stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs;
 3. BMPs to achieve the requirements of items 1 and 2 above shall include, where feasible, but are not limited to: a) use of efficient irrigation systems; b) use of drought tolerant or native planting material in common areas; c) regular street sweeping (vacuum regenerative type); d) use of detention basins and/or an energy dissipater in association with any discharges to wetland areas; e) use of alternative materials for surfaces such as porous materials (crushed gravel, concrete grid, cobblestones) to allow increased percolation of runoff into the ground; f) minimization of the quantity of paved surfaces by vegetating or using permeable material in roadway medians and in all setbacks; g) direction of runoff to permeable areas, where feasible;
 4. The approved WQMP shall be implemented prior to or concurrent with the grading for the proposed residential land division. The approved BMPs and other measures included in the final WQMP shall be in place and functional prior to the issuance of the first residential building permit within Tentative Tract No. 16480.
 5. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Maintenance activity shall be performed according to the recommended maintenance specifications contained in the California Stormwater BMP Handbooks (California Stormwater Quality Task Force, 1993) for selected BMPs. At a minimum, maintenance shall include the following: (i) all structural BMPs shall be inspected, cleaned and repaired, as needed prior to the onset of the storm season, no later than October 1st of each year and (ii) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the

drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work;

6. Identification of the party(ies) responsible for, and source of funding for, the on-going long-term inspection, maintenance and repair of water quality facilities; such responsibility shall preferably be by a common entity (e.g. master homeowner's association), although individual landowners may be identified as partly or solely responsible for all or a portion of the water quality facilities present on their property so long as those responsibilities are clearly defined.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Open Space/Habitat Use Restrictions

- A. No development, as defined in Section 30106 of the Coastal Act shall occur within the wetland areas and 50 foot buffer (or lesser as provided in Special Condition 2) within the subject property, as shown in Exhibit 4 of the staff report for CDP 5-06-166, except for the following development: grading and construction of drainage structures as approved on the final grading plans approved by the Executive Director in accordance with Special Condition 1, habitat enhancement, monitoring and management in accordance with the final habitat enhancement, monitoring and long term management plan approved by the Executive Director in accordance with Special Condition No. 2.

The following non-routine additional development may be allowed in the areas covered by this condition (#A.) if approved by the Coastal Commission as an amendment to this coastal development permit or a new coastal development permit: habitat enhancement; erosion control and repair.

The lands identified in this restriction shall be maintained by the landowner(s) in perpetuity in accordance with the Final Revised Wetland Enhancement, Monitoring and Long Term Management Program approved by the Executive Director in accordance with Special Condition No. 2.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the landowner(s) shall execute and record document(s) in a form and content acceptable to the Executive Director, restricting use and enjoyment of the area of land identified in subsection A of this condition. The recorded document(s) described above shall reflect the restrictions identified in subsection A of this condition.

The recorded document(s) shall include legal descriptions and graphic depictions, prepared by a licensed surveyor, of both the entire project site and the restricted area. The restriction shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall run with the land, binding all successors and assigns. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. Future Improvements/Change in Use

This permit is only for the development described in Coastal Development Permit No. 5-06-166. Additional development, such as but not limited to construction of residences and associated structures and landscaping shall require an amendment to Permit No. 5-06-166 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. In addition, 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. 5-06-166 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. Covenants, Conditions and Restriction (CC&R'S)

- A. Consistent with the applicant's proposal, the applicant shall establish covenants, conditions and restrictions (CC&R's), or an equivalent thereof, for the proposed residential lots to, among other things, address ownership and management of the wetland area and buffer and water quality management system. The CC&R's shall reflect the following requirements of this coastal development permit: 1) The location and presence of an area of land described in Special Condition 4 restricted for wetlands enhancement, monitoring and long term maintenance; 2) the existence of a wetlands enhancement, monitoring and long term maintenance program required pursuant to Special Condition 2 of this permit with which the landowners are required to comply including but not limited to requirements to fund implementation and maintenance pursuant to the plan in perpetuity; 3) the existence of a water quality management plan required pursuant to Special Condition 3 of this permit with which the landowners are required to comply including but not limited to requirements to fund implementation and maintenance pursuant to the plan in perpetuity; 4) the presence and content of a requirement identified in Special Condition 5 of the permit regarding the need to obtain a coastal development permit for future development; 5) the requirements related to construction phasing identified in Special Condition 7 of the permit; 6) the requirements related to walls, fences, gates, safety devices and boundaries identified in Special Condition 9 of this permit; 7) the requirements related to lighting identified in Special Condition 10 of this permit; 8) the requirements related to inspection of the site identified in Special Condition 11 of this permit; and 9) the requirements identified in Special Condition 12 of this permit.
- B. The CC&R's shall indicate that the wetland and buffer areas shall be maintained by a common entity (e.g. master homeowner's association) in accordance with the wetlands enhancement, monitoring and long term maintenance plan required pursuant to Special Condition 2 of this permit. Funding shall be identified that is adequate to achieve the goals of the plan.
- C. Consistent with the applicant's proposal, as soon as a homeowner's association or similar entity comprised of the individual owners of the residential lots is created, the applicant shall transfer responsibility for the wetland and buffer areas to that entity.
- D. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and prior to recordation of any CC&R's, parcel maps or tract maps associated with the approved project, said CC & R's and Tract and parcel maps shall be submitted to the Executive Director for review and approval. The Executive Director's review shall be for the

purpose of insuring compliance with the standard and special conditions of this coastal development permit. Any CC & R's, parcel map conditions or notes, or tract map provisions which the Executive Director determines are not consistent with any of the Conditions of this permit shall be modified to be consistent before recordation.

- E. Simultaneous with the recording of the final tract map(s) approved by the Executive Director, the permittee shall record the covenants, conditions and restrictions approved by the Executive Director, against the property.

7. Construction/Development Phasing

Wetlands enhancement shall commence prior to or concurrent with any grading approved by this permit and prior to recordation of the final tract map, in accordance with the enhancement, monitoring and long term maintenance plan required pursuant to Special Condition 2 of this permit. The initial phase of wetlands enhancement shall be completed prior to commencement of any future development, including but not limited to construction of any residence.

8. 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.

9. Walls, Fences, Gates, Safety Devices and Boundaries

- A. Walls, fences, gates, safety devices and boundary treatments within or controlling access to wetland and buffer areas. Where the backyards of residences abut wetland and wetland buffer areas, there shall be walls, fences, gates, safety devices and boundary treatments, as necessary, to contain domestic animals within the residential area and exclude such animals from the wetland and buffer area. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit final revised plans showing the location, design, height and materials of all walls, fences, gates, safety devices and boundary treatments for the review and approval of the Executive Director. Said plans shall be accompanied by an analysis of the wall, fence, gate and boundary treatment plan prepared by a qualified biologist which documents that the modified walls, fences, gates and safety barriers and boundary

treatments will minimize the uncontrolled entry of domesticated animals into wetland areas. The plans shall have received prior review and approval by the City of San Clemente, the California Department of Fish and Game and the United States Fish and Wildlife Service.

- B. Along with the requirements of subsection A of this condition, walls, fences, and gates subject to this permit shall use materials designed to minimize bird-strikes with the wall, fence, or gate. Material selection and structural design shall be made in consultation with a qualified project biologist, the California Department of Fish and Game and the United States Fish and Wildlife Service (herein 'Resource Agencies'), and the Executive Director of the Commission. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, plexiglass or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or plexiglass shall not be installed unless appliqué (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliqué used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area) and the recommendations of a qualified project biologist, the Resources Agencies and Executive Director. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliqué. All materials and appliqué shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by a qualified project biologist, the Resources Agencies and the Executive Director. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit final revised plans showing the location, design, height and materials of all walls, fences, and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition and be accompanied by an analysis of the wall, fence, and gate plan prepared by a qualified biologist which documents that the modified walls, fences, and gates will minimize bird-strikes. The plans shall have received prior review and approval by the City of San Clemente and the Resource Agencies.
- C. The permittee shall undertake development in accordance with the approval 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.

10. Lighting

- A. All lighting within any future development shall be directed and shielded so that light is directed away from wetlands. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and approval of the Executive Director, revised plans to protect the wetlands from light generated by the project. The lighting plan to be submitted to the Executive Director shall be accompanied by an analysis of the lighting plan prepared by a qualified biologist which documents that the lighting plan is effective at preventing lighting impacts upon adjacent environmentally sensitive habitat.
- 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.

11. Inspections

The Commission staff shall be allowed to inspect the site and the project during its development and/or post-construction, subject to 24-hour advance notice.

12. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth herein. Any deviation from the approved plans must be reviewed and approved by the Executive Director and may require Commission approval.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The proposed project site is located at 470 Camino San Clemente in the City of San Clemente, Orange County (Exhibits 1 & 2). The project is located at the intersection of Camino San Clemente and Via Socorro and is bordered to the north by Via Socorro, to the south by The Church of Latter Day Saints, to the east by Shorecliffs Middle School, and to the west by Camino San Clemente. The 125,020 square foot lot (2.87 acres) gently slopes southerly to an existing drainage course that enters the site at the northeast corner via a concrete culvert and is supported by water flows from the adjacent Shorecliffs Middle School (Exhibit 1). The drainage travels southwest for approximately 550 linear feet before exiting the site via a concrete culvert that passes below Camino San Clemente and ultimately into the Pacific Ocean. Surrounding development consists of single-family and multi-family residences. The nearest public access to the beach is available at the Poche Beach access point, approximately one mile south of the subject site (Exhibit 3). Future accessways and parks will be available at the nearby Marblehead site once that development is completed. The subject site is designated as Residential Medium Low Density in the certified Land Use Plan, and the proposed project is consistent with this designation.

The applicant proposes to subdivide an existing 125,020 sq. ft. vacant lot into nine lots approximately 13,000 sq. ft. each with elevation ranges from approximately 140 to 180 feet above sea level. Proposed grading consists of approximately 13,470 cubic yards to construct a building pad with a 2:1 maximum slope gradient to direct site runoff toward area drains at the rear of each lot. The applicant is also proposing a habitat enhancement plan for an existing wetland area at the rear of the lots, and a Water Quality Management Plan (WQMP) with water treatment BMPs intended to serve the developed sites. The project does not include construction of any buildings, flatwork, walls or other improvements on site. Those future structures will require separate authorization from the Commission. Authorization for construction of any new single residences on the newly subdivided lots is not provided under City of San Clemente Categorical Exclusion Order E-81-2 adopted by the Commission in 1981 because the exclusion does not apply to lots that were not in existence at the time it was approved. The subdivision of land is also not covered under Categorical Exclusion E-81-2, therefore Commission approval of the land division and grading is required. The proposed tentative tract map/grading plan is included as Exhibit 4.

Tentative Tract Map/Grading Plan

The existing 125,020 sq. ft. (2.87) lot is currently vacant undeveloped land consisting primarily of ruderal vegetation and an approximately 550 linear feet drainage course with wetland soils and vegetation. A total of 13,470 cu. yds. of grading is proposed, 8,470 cu. yds of cut, 5,820 cu. yds for export, 5,000 cu. yds. of over-excavation, 1,300 cu. yds. of fill, and approximately 1,380 cu. yds. of shrinkage. As proposed, land division and grading activities will create pads ranging in size from approximately 12,892 to 15,085 sq. ft. for nine single-family residential lots.

As proposed, the project site and grading plans avoid impacts to coastal wetlands by providing a 50 foot buffer on 7 of the 9 proposed lots and a 45 foot buffer on 2 of the 9 lots from the wetland area to a proposed environmental fence including a graded slope on the outer 10-12 feet of the buffer leading to the environmental fence. Furthermore, the applicant is proposing a habitat enhancement and monitoring plan to enhance the wetland area, expand a transitional riparian/wetland habitat zone and establish a buffer of native shrubs and herbs. In addition, the applicant is proposing a conservation easement over the southern portion of the 2.87 acre site where the habitat enhancement is proposed as indicated on the tentative tract map (Exhibit 4).

Habitat Enhancement Plan

The proposed wetland enhancement program is contained in the document titled *Conceptual Habitat Enhancement of Areas Within the Jurisdiction of The California Coastal Commission Pursuant to Section 30233 of the California Public Resources Code, Tentative Tract Map 16480, San Clemente, CA* prepared by Glenn Lukos Associates dated November 8, 2006 and Revised March 16, 2007 and received in the Commission's South Coast District Office on November 28, 2007. The enhancement program proposes to remove non-native plant species, introduce native wetland plant species to the wetlands, and establish a 25 foot wide buffer of planted native vegetation. The applicant later revised the Tentative Tract Map to include a 45 to 50 foot wide buffer from the proposed development on the lots. Special Condition 1 requires a revised Habitat Enhancement Plan to reflect the revised Tentative Tract Map.

The proposed habitat enhancement plan is outlined below:

1. Enhancement of 0.09 acres of jurisdictional wetlands through establishment of a plant palette typical of local wet meadows.
2. Expansion of jurisdictional areas through the establishment of an addition 0.14-acre transitional riparian/wetland habitat zone around the existing wetland feature.
3. Establishment of an approximately 0.61-acre buffer zone consisting of native shrubs and herbs around the expanded jurisdictional area.

The owner/applicant proposes to be responsible for implementation of the habitat enhancement project and restoration maintenance and monitoring program over a five-year period following completion of plant installation to ensure project success. Proposed success criteria for the first year is a minimum of 35% coverage by native species, third year 50% coverage and fifth year minimum 90% coverage. The applicant proposes to provide annual monitoring reports. No continued maintenance is proposed after the initial 5-year monitoring period or later once the re-vegetation is considered a success.

Water Quality Management Plan (WQMP)

A WQMP for Tentative Tract Map No. 16480 prepared by Toal Engineering dated June 30, 2006 describes the proposed site drainage system as including a drain outlet at the rear of each of the proposed nine lots. Each outlet would be fitted with a filter insert for treatment of runoff prior to discharge into the existing wetland drainage. The discharge pipes from each of the drains will outlet on level ground, beyond the toe of the slope to alleviate concerns regarding hillside erosion. The WQMP refers to the wetland as an existing vegetated bio-swale.

B. WETLANDS

Section 30121 of the Coastal Act states:

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Section 30233 (a) of the Coastal Act states,

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*
- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) Restoration purposes.*
- (8) Nature study, aquaculture, or similar resource dependent activities.*

Section 30250(a) of the Coastal Act states, in pertinent part,

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

There are no specific policies in the certified San Clemente LUP regarding wetland protection or setbacks located outside of canyons.

As described previously, the applicant proposes to subdivide the subject vacant site into nine lots for residential development purposes. The biological impact analysis submitted by the applicant identified the existence of wetland and riparian areas on the subject site. Once divided, the wetland would cross over the nine proposed lots. A 25 foot buffer is proposed between the edge of the wetlands and proposed grading, then an extra 25 foot buffer to an environmental fence dividing the proposed residential uses on each site to the wetlands. Thus, no direct impacts to wetlands are proposed.

One of the main reasons for preserving, expanding, and enhancing Southern California's remaining wetlands is because of their important ecological function. First and foremost, wetlands provide critical habitat, nesting sites, and foraging areas for threatened or endangered species. Wetlands also serve as migratory resting spots on the Pacific Flyway, a north-south flight corridor extending from Canada to Mexico used by migratory bird species. In addition, wetlands serve as natural filtering mechanisms to help remove pollutants from storm runoff before the runoff enters into streams and rivers leading to the ocean. Further, wetlands serve as natural flood retention areas.

Another critical reason for preserving, expanding, and enhancing Southern California's remaining wetlands is because of their scarcity. As much as 75% of coastal wetlands in southern California have been lost, and, statewide up to 91% of coastal wetlands have been lost.

The Coastal Act defines wetlands as “...lands within the coastal zone which may be covered periodically or permanently with shallow water...” The more specific definition adopted by the Commission and codified in Section 13577(b)(1) of Title 14 of the California Code of Regulations defines a wetland as, “...land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes...” In discussing boundary determinations, the same section of the Regulations specifies that wetlands have a “predominance” of hydrophytic cover or a “predominance” of hydric soils. Although the definition is based on inundation or shallow saturation long enough for anaerobic reducing conditions to develop within the root zone¹, in practice hydrology is the most difficult wetland indicator to demonstrate. In California, a predominance of hydrophytes or a predominance of hydric soils is taken as evidence that the land was “wet enough long enough” to develop wetland characteristics.

The biological assessments state that a 0.09-acre Coastal Commission jurisdictional wetland and 0.12-acre CDFG jurisdiction area consisting of vegetated riparian habitat which is inclusive of all areas within CCC jurisdiction is present on the subject site. Plant species found include curly dock, southern cattail, alkali bulrush, umbrella sedge, and barnyard grass. Invasive non-native plant species are also present. The main source of water for the wetland in the submitted biological assessment is identified as urban/landscape runoff discharged onto the site from a drainage originating from the adjacent middle school.

During the wetlands delineation by Glenn Lukos Associates the following was observed at the site:

¹ As demonstrated by the definitions of hydric soils and hydrophytes: “A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.” National technical committee for hydric soils, October 18, 1994; A hydrophyte is, “Any macrophyte that grows in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content...” Environmental Laboratory. 1987. Corps of Engineers Wetland Delineation Manual. U.S. Army Corps of Engineers, Washington, D.C.

"It appears that some alterations to the drainage course have taken place due to the disked appearance of the streambed and emergence of sporadic hydrophytic vegetation within the disturbed area. Soil pits taken in four separate locations indicate the presence of hydric soils throughout Drainage A. The majority of Drainage A is unvegetated. However, new vegetation (riparian herb) has begun to emerge throughout a large portion of the drainage, consisting of curly dock, southern cattail, alkali bulrush, umbrella sedge, and barnyard grass. Due to the emergence of hydrophytic vegetation throughout the drainage, it is reasonable to assume that the entire length of Drainage A contained a predominance of hydrophytic vegetation prior to its alteration."

The Commission's Ecologist/Wetlands Coordinator reviewed the June 27, 2006 report and noted that the delineation did not include upland data points, only data points within the drainage, resulting in a potentially smaller representation of the actual wetland areas. Furthermore, as the wetland area had previously been disked, the potential quality of the habitat could not be assessed. A subsequent Glenn Lukos letter report dated January 29, 2008 was submitted. In that report, the consultants state: *"Due to the clear demarcation of upland and ornamental species on the higher segments of the drainage banks, the wetland boundary was delineated in the initial field visit most likely represents a larger-than-actual wetland footprint should the site be left unmaintained (maintenance, in the form of weed abatement, per City requirements)."*

Wetland Ecology and Buffers

Buffer areas are undeveloped lands surrounding wetlands. Buffer areas serve to protect wetlands from the direct effects of nearby disturbance. In addition, buffer areas can provide necessary habitat for organisms that spend only a portion of their life in the wetland such as amphibians, reptiles, birds, and mammals. Buffer areas provide obstructions which help minimize the entry of domestic animals and humans to wetlands. Buffers also provide visual screening between wetland species that are sensitive to human impacts, such as lighting. Buffers can also reduce noise disturbances to wetland species from human development.

The applicant is proposing a habitat enhancement and buffer program as described earlier in this report. The enhancement program proposes to remove non-native plant species, introduce native wetland plant species to the wetlands, and establish a 45 to 50 foot wide buffer of planted native vegetation. A proposed 0.84-acre habitat enhancement is proposed to surround the existing jurisdictional wetland. Site preparation consists of clearing and controlling exotic plants and installation of temporary irrigation. The plant palette for the 0.09-acre "wet meadow" includes iris-leaved rush, pickleweed, yerba mansa and salt grass. The plant palette for the 0.14-acre "transitional wetland habitat" includes deergrass, creeping wild rye, alkali heath, Mexican rush and wrinkled rush. The plant palette for the 0.61-acre "native buffer" includes deergrass and alkali heath in the lower banks and purple needlegrass, coast range melic, California box thorn and wishbone bush for the upper banks. A five-year maintenance program is proposed which would include weed control, irrigation, trash removal, protection of seeded and planted areas, plant replacement, fertilization, and erosion control. Annual monitoring reports are proposed. At the end of the monitoring period the applicant is proposing to provide 90 percent relative native plant cover.

Buffer areas need to be of sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. The City of San Clemente is the lead agency for purposes of CEQA compliance. The City prepared a Mitigated Negative Declaration for the project requiring mitigation measures to lessen impacts to biological resources, specifically a mitigation measure requiring a 25 foot buffer around the wetland area and a mitigation measure requiring enhancement of the herbaceous riparian vegetation within the expanded wetland and buffer area. However, the Commission's staff biologist finds that a 45 to 50 foot buffer restored to native vegetation is necessary to establish the buffer required to protect the wetland, as is proposed by the applicant. The proposed 45 to 50 foot buffer is less than the 100 foot buffer normally required

by the Commission for wetlands. Smaller wetland buffers are sometimes allowed where it can be demonstrated that a 100-foot wide buffer is not possible due to site-specific constraints and a narrower buffer would amply protect the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and intensity of disturbance. The widest buffer possible should be considered. The Commission's staff biologist reviewed the plan and the biological assessments and determined that, in this case, the proposed 45 to 50 foot buffer is adequate for this site.

The site is currently vacant, therefore, there are no on-site constraints restricting the recovery of the wetlands if left undisturbed (i.e., no disking). The wetlands are currently constrained by the existing church property to the south, thereby restricting wetland recovery efforts to this vacant site. As the site has been disturbed, the quality of the wetlands could not be ascertained, thus the Commission's staff biologist finds that a 45 to 50 foot buffer restored to native vegetation is necessary to establish the necessary buffer required to protect the wetland. There is ample space available on the site to accommodate a 45 to 50 foot buffer on the majority of the proposed lots if the proposed graded slope is also included in the buffer area and still provides significant developable area.

Initially, the applicant was proposing just a 25 foot buffer. The applicant then submitted a revised Tentative Tract Map expanding the buffer to 50 feet on 7 of the 9 lots and to 45 feet on Lot 2 and Lot 3. The two lots are proposed with a smaller 45 foot buffer to accommodate the City's minimum buildable lot requirement in the medium low density zone. The revised Tentative Tract Map therefore requires a revised Habitat Enhancement Plan.

There are no specific policies in the City's certified Land Use Plan (LUP) regarding wetland protection or setbacks. However, the recommended 45 to 50 foot wetland setback is similar to the "*not less than 50 feet from riparian vegetation (Policy VII.15)*" setback policy in the LUP that provides a setback from riparian vegetation in coastal canyons. The purpose of this policy is to prevent new development from encroaching into coastal canyons and protect riparian vegetation; and although the site under consideration is not a coastal canyon lot, it is the same kind of resource that the recommended 50 foot wetland setback aims to protect.

In order to assure that the recommended enhancement and buffer program is implemented, the Commission imposes **Special Conditions 1, 2 and 3** requiring the applicant to submit a final tract map/grading plan, revise the proposed habitat enhancement plan and the final WQMP by implementing a 50-foot buffer on the majority of the proposed lots and a 45-foot buffer on two lots in all of these documents. **Special Condition 7** also requires that the wetland enhancement and buffer program is implemented concurrent with the commencement of grading.

Special Condition 2 also specifically requires that if at the end of the proposed five year monitoring period the performance criteria have not been met, the applicant or successor in interest shall provide an analysis to the Executive Director of why the plan did not succeed and the measures to be taken to ensure success. If at the end of the proposed five year period the performance criteria have not been met, the applicant or successor in interest shall seek an amendment for measures to ensure the success of the wetlands enhancement and buffer plan. Any changes to the approved wetlands enhancement and buffer plan, including but not limited to changes to the monitoring program to ensure success of the mitigation site, shall require an amendment to this permit from the Coastal Commission or written concurrence from the Executive Director that the changes do not require a permit amendment.

As stated above, Section 30233 of the Coastal Act allows the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes for eight enumerated purposes where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have

been provided to minimize adverse environmental effects. In this case, the proposed project avoids the existing wetlands and would not directly result in the filling of wetland areas. The proposed habitat enhancement plan is not intended as mitigation for wetlands impacts under Section 30233 of the Coastal Act, but is a condition of the City's Mitigated Negative Declaration for CEQA purposes. Therefore, the Commission finds the project consistent with Section 30233 of the Coastal Act. In order to assure that no fill of wetlands occurs, the applicant must construct the project as proposed and conditioned herein. Therefore, the Commission imposes **Special Conditions 11 and 12** requiring the applicant to allow site inspections during its development and for strict compliance with the final approved plans.

Open Space and Conservation Easement

Additionally, the tentative parcel map as proposed includes the creation of an open space conservation easement for the southern portion of the existing 2.87 acre lot. **Special Condition 4** outlines the type of development which would be allowed within this conservation easement including development related to the maintenance of the wetlands area. Furthermore, **Special Condition 6** requires the establishment of covenants, conditions and restrictions (CC&R's), or an equivalent thereof, for the future residential lots on the newly created lots to address ownership and management of the wetland area, buffer and water quality management system. The CC&R's shall indicate that the wetland and buffer areas shall be maintained by a common entity (e.g. master homeowner's association) in accordance with the final Commission approved habitat enhancement plan and also identify funding to achieve the goals of the plan.

To ensure continued protection of the wetlands once the newly subdivided lots are developed with single-family residences, the Commission imposes **Special Condition 10** requiring the permittee to submit revised plans to include a lighting plan accompanied by an analysis of the lighting plan prepared by a qualified biologist which documents that the lighting plan is effective at preventing lighting impacts upon adjacent wetlands from light generated by the project.

To provide further protection to the newly enhanced wetland habitat, **Special Condition 9** requires walls, fences or other such boundaries to control access to the wetland and buffer areas. Some type of boundary treatment is typically required where the backyards of residences abut wetland and wetland buffer areas to contain domestic animals within the residential area and exclude such animals from the wetland and buffer area. The proposed Tentative Tract Map shows the location of a proposed "environmental fence" demarcating the 50-foot wetland buffer. This special condition also requires the applicant to also submit final revised plans showing the design, height and materials of all walls, fences, gates, safety devices and boundary treatments for the review and approval to address bird strike issues should a glass wall be selected.

Glass walls are known to have adverse impacts upon a variety of bird species. Birds are known to strike glass walls causing their death or stunning them which exposes them to predation. Some authors report that such birds strikes cause between 100 million to 1 billion bird deaths per year in North America alone. Birds strike the glass because they either don't see the glass, or there is some type of reflection in the glass which attracts them (such as the reflection of bushes or trees that the bird might use for habitat).

There are a variety of methods available to address bird strikes against glass. For instance, glass can be frosted or etched in a manner that renders the glass more visible and less reflective. Where clear glass is used, appliqués (e.g.) stickers can be affixed to the glass that have a pattern that is visible to birds. Some appliqués incorporate features that allow humans to see through the glass, but which are visible birds. Usually appliqués must be replaced with some frequency in order to retain their effectiveness. In the case of fences or walls, alternative materials can be used, such as wood, stone, or metal (although this approach isn't usually palatable when there is a desire to see through the wall). Use of frosted or etched glass, wood, stone or metal material is preferable to appliqués because of the lower maintenance and less frequent replacement that is required.

As conditioned, the Commission finds consistency with the Chapter 3 policies of the Coastal Act.

D. WATER QUALITY

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

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

Section 30231 of the Coastal Act states:

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

The applicant did not submit a construction erosion control plan. Therefore, during construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the storm drain system. **Special Condition 10** requires erosion control/sedimentation Best Management Practices (BMP's) to control sedimentation impacts to coastal waters during construction.

To address post-construction water quality concerns the applicant submitted a comprehensive Water Quality Management Plan (WQMP) for the site meant to serve future single-family developments on the proposed nine lots. Subsequent owners of each the new subdivided lots will be responsible for the inspection and maintenance of the individual drain box on their site. The Best Management Practices (BMPs) contained in the WQMP are summarized below.

BMPs

- Essentially all of the runoff from the proposed nine lots for single-family residential use will drain into drain basins located at the rear of each lot. All drains will be directed to the wetland areas.
- Drain box filters and Filtration
 - Nine (9) 24" drain boxes are proposed at the rear of the rough graded pad area which intercept runoff from each lot will contain filtration devices (Abtech Industries Ultra Urban Filters w/Smart Sponge Plus filter media). Ultra-Urban Filters will be used in each drain box for treatment of runoff from future site development before it is directed into the wetland/bio-swale area.
- Common Area Runoff-Minimizing Landscape Design
 - group plants with similar water requirements in order to reduce excess irrigation runoff and promote surface filtration
 - select plants that will minimize the need for fertilizer and pesticides
 - encourage the use of native and drought tolerant plants
- Catch basin stenciling
- Education and Training
- Activity Restrictions
 - debris disposed in appropriate receptacles; not into streets and storm drains
- Common Area Landscape Management
 - water conservation; minimal pesticide and fertilizer use

- Litter Control
- BMP Inspection/Maintenance

Special Condition 3 requires submittal of a final WQMP in substantial conformance with the preliminary WQMP with the exception that the buffer area be increased from 25 foot to 50 foot.

In the WQMP proposal, the wetland area is identified as a natural bio-swale receiving treated runoff from the residential development. In order to address water quality impacts, runoff from the nine lots would first go through filters before “re-charging” the wetland area. These filters are a necessary component to address water quality concerns related to future residential development at the site. Use of the wetland as a bio-swale to receive treated runoff from a residential development is considered an allowable use of a wetland pursuant to Section 30233(a) of the Coastal Act.

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.

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)

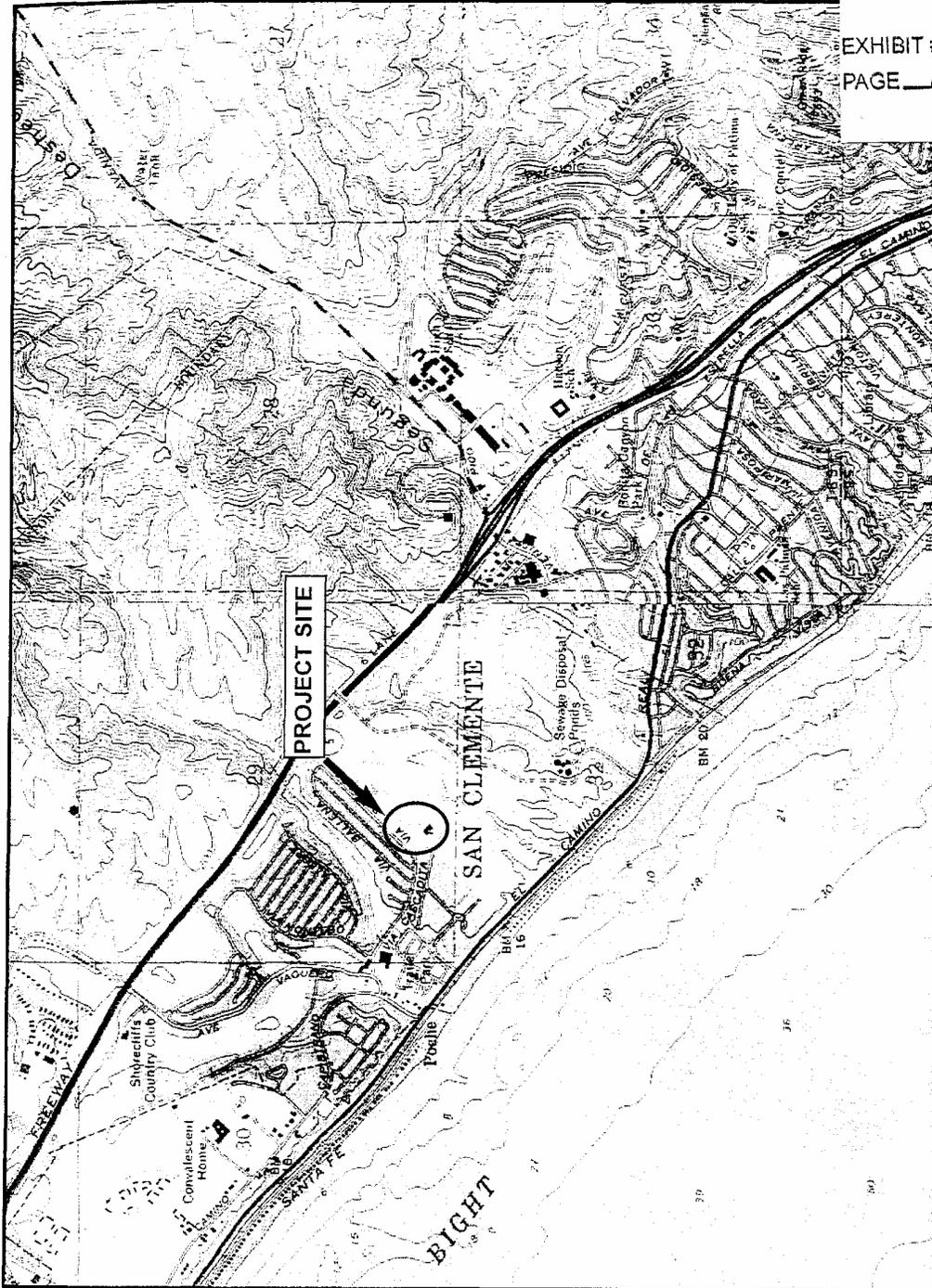
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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. On July 2, 2007, the City prepared a Mitigated Negative Declaration for the project requiring mitigation measures to lessen impact to biological resources. However, the Commission adopts additional mitigation measures. The proposed project has been conditioned in order to be found consistent with the protection of wetlands and water quality policies of the Coastal Act. Mitigation measures, in the form of special conditions require: 1) Final Tract Map/Grading Plan; 2) Final Habitat Enhancement

Plan; 3) Final WQMP; and 4) Open Space Habitat Uses Restrictions; 5) Future Improvements/Change in Use; 6) CCNRs; 7) Construction/Development Phasing; 8) Storage of construction materials/Removal of debris; 9) Walls, Fences and other Boundaries; 10) Lighting; 11) Inspections; and 12) Permit Compliance. 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.

COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1



GLENN LUKOS ASSOCIATES

EXHIBIT 2

TENTATIVE TRACT MAP 16480
Vicinity Map

Adapted from USGS Dana Point quadrangle



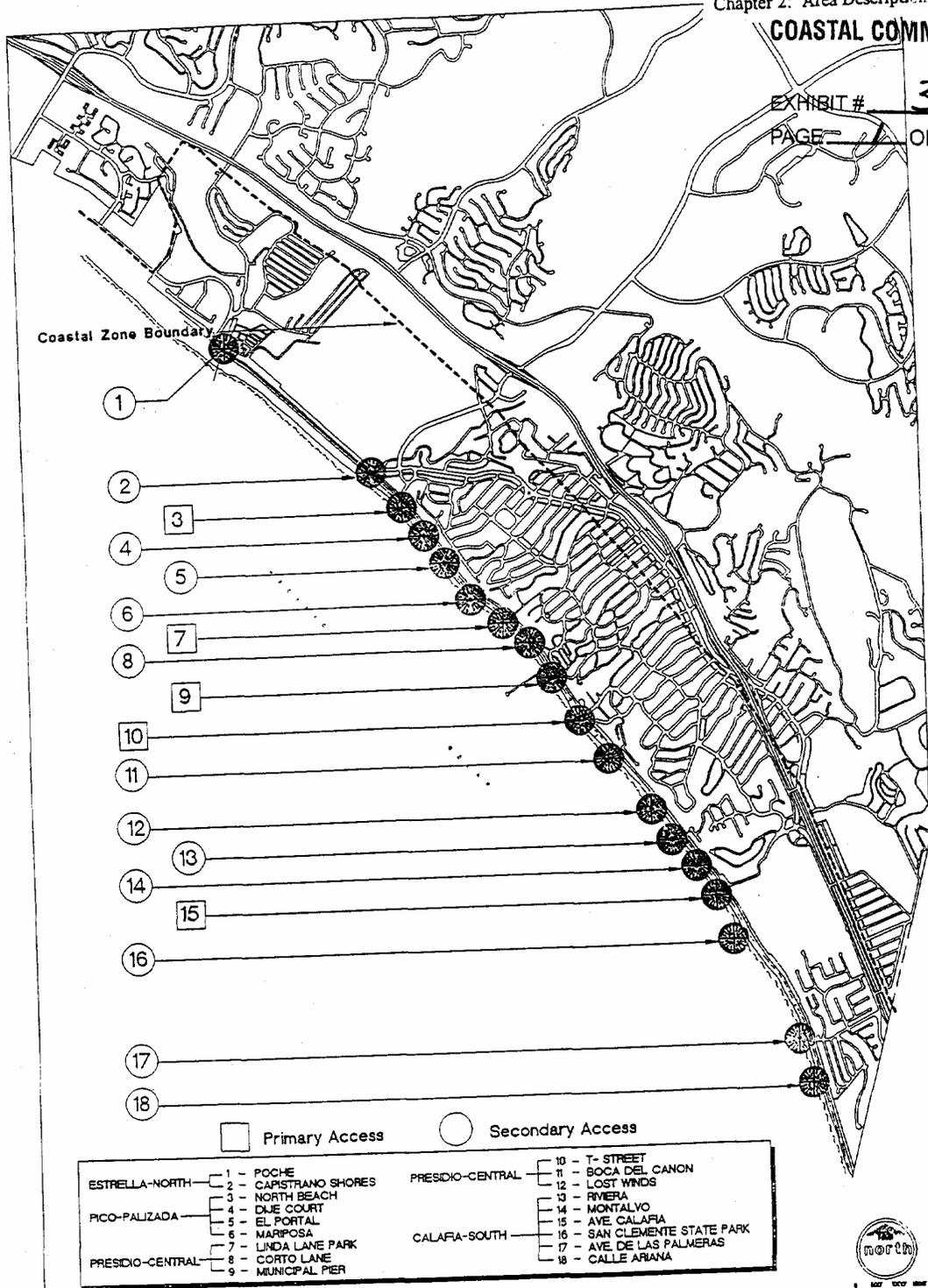


FIGURE 2-5

**CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS**

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 2

Legend

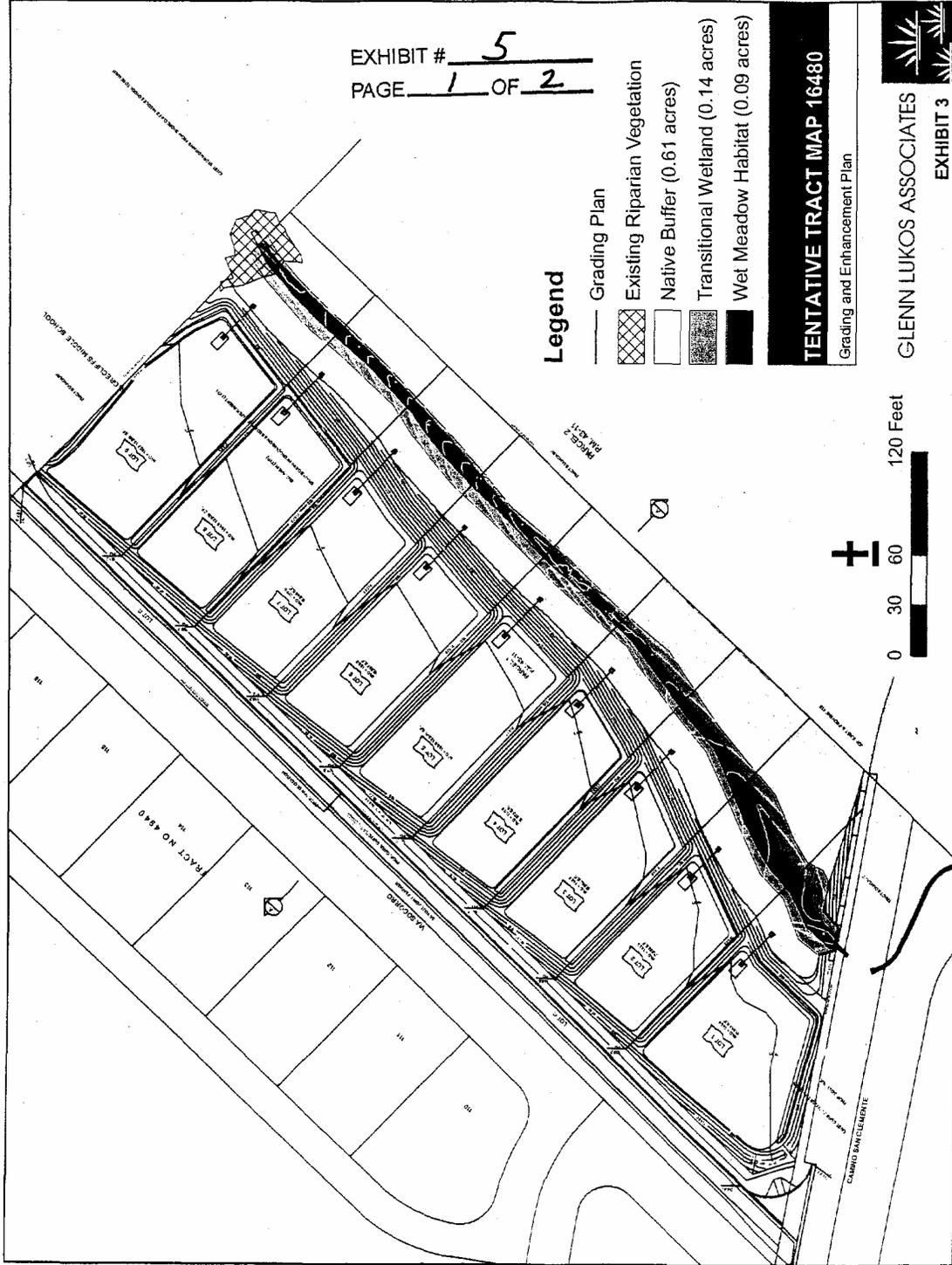
- Grading Plan
- Existing Riparian Vegetation
- Native Buffer (0.61 acres)
- Transitional Wetland (0.14 acres)
- Wet Meadow Habitat (0.09 acres)

TENTATIVE TRACT MAP 16480

Grading and Enhancement Plan



GLENN LUKOS ASSOCIATES
EXHIBIT 3



MAP NO. 16480 IS SUBJECT TO THE PUBLIC RECORD ACT AND IS AVAILABLE FOR PUBLIC REVIEW AT THE OFFICE OF THE COUNTY CLERK, SAN JOAQUIN COUNTY, CALIFORNIA.

**TABLE 1
 WET MEADOW PLANT PALETTE
 (0.09 ACRES)**

Botanic Name	Common Name	Stock Type	Plant Spacing	No. per Acre	Percent	Total Plant Qty.
CONTAINER STOCK						
<i>Juncus xiphiodes</i>	Iris-leaved rush	Liner	2' o.c.	150	28%	13
<i>Salicornia virginica</i>	Pickleweed	Liner	2' o.c.	150	28%	13
<i>Anemopsis californica</i>	Yerba mansa	1-gal	4' o.c.	80	16%	7
<i>Distichlis spicata</i>	Salt grass	Liner	2' o.c.	150	28%	13
Total Container Stock				530	100%	46

**TABLE 2
 TRANSITIONAL WETLAND HABITAT PLANT PALETTE
 (0.14 ACRES)**

Botanic Name	Common Name	Stock Type	Plant Spacing	No. per Acre	Percent	Total Plant Qty.
CANOPY						
<i>Muhlenbergia rigens</i>	Deergrass	1-gal	5' o.c.	80	12%	11
<i>Leymus triticoides</i>	Creeping wild rye	Liner	3' o.c.	150	22%	21
<i>Frankenia salina</i>	Alkali heath	Liner	3' o.c.	150	22%	21
<i>Juncus mexicanus</i>	Mexican rush	Liner	3' o.c.	150	22%	21
<i>Juncus rugulosus</i>	Wrinkled rush	Liner	3' o.c.	150	22%	21
Total Container Stock				680	100%	95

**TABLE 3
 NATIVE BUFFER PLANT PALETTE
 (0.61 ACRES)**

Botanic Name	Common Name	Stock Type	Plant Spacing	No. per Acre	Percent	Total Plant Qty.
CONTAINER STOCK						
Lower Banks						
<i>Muhlenbergia rigens</i>	Deergrass	1-gal	5' o.c.	80	15%	48
<i>Frankenia salina</i>	Alkali heath	Liner	3' o.c.	150	27%	91
Upper Banks						
<i>Nassella pulchra</i>	Purple needlegrass	1-gal	3' o.c.	120	22%	73
<i>Melica imperfecta</i>	Coast range melic	1-gal	3' o.c.	120	22%	73
<i>Lycium californicum</i>	California box thorn	1-gal	6' o.c.	40	7%	24
<i>Mirabilis californica</i>	Wishbone bush	1-gal	6' o.c.	40	7%	24
Total Container Stock				550	100%	333
SEED MIX						
				Lbs./ Acre	Percent	Total Lbs.
<i>Lasthenia californica</i>	California goldfields			3	11%	1.83
<i>Lupinus bicolor</i>	Annual lupine			2	7%	1.22
<i>Plantago erecta</i>	California plantain			2	7%	1.22
<i>Muhlenbergia rigens</i>	Deergrass			2	7%	1.22
<i>Nassella pulchra</i>	Purple needlegrass			10	34%	6.10
<i>Melica imperfecta</i>	Coast range melic			10	34%	6.10
Total Seed Stock				29	100%	17.69