

CALIFORNIA COASTAL COMMISSION

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**Item W16a**

Filed: April 7, 2008
49th Day: July 6, 2008
180th Day: October 4, 2008
Staff: Liliana Roman-LB
Staff Report: August 21, 2008
Hearing Date: September 10-12, 2008
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-08-099

APPLICANTS: John Dewey

PROJECT LOCATION: 505 W. Avenida de los Lobos Marinos, San Clemente, Orange County

PROJECT DESCRIPTION: Demolish existing 1,802 sq. ft. one story single-family residence with attached garage built over two lots and construction of two new single-family residences; one 3,269 sq. ft., two-story, 25' tall, single-family residence and attached 447 sq. ft. garage on a 7,208 sq. ft. canyon lot and a 529 sq. ft., two-story, 25' tall, single-family residence and attached 583 sq. ft. garage on a 7,186 sq. ft. canyon lot. Grading consisting of 200 cubic yards of cut and 25 cubic yards of fill is proposed.

LOCAL APPROVALS RECEIVED: City of San Clemente Planning Division approval-in-concept dated 3/6/08.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP); *Geotechnical Evaluation, Proposed Residence Remodel/Reconstruction, 505 W. Avenida de los Lobos Marinos, San Clemente, CA prepared by LGC dated 6/22/07; Geotechnical Comment – Removal of Rear yard Retaining Walls Associated with Site Redevelopment, 505 W. Avenida de los Lobos Marinos, San Clemente, CA dated 6/4/08.*

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed project with seven (7) special conditions, which require 1) revised final plans; 2) non-conforming structure; 3) final revised landscaping plan; 4) conformance with proposed drainage and runoff control plans; 5) compliance with construction-related best management practices (BMPs); 6) future improvements come back to the Commission for review; and 7) generic deed restriction.

The site is located adjacent to the Lobos Marinos 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 conforms to the stringline canyon setback policy in the certified LUP (one of three possible policies

that may be applied), no work is proposed to existing pre-Coastal development within the canyon that is not consistent with LUP canyon setback policies and is therefore not consistent with the pattern of development in the surrounding area.

LIST OF EXHIBITS:

1. Location Map
2. Assessors Parcel Map
3. Coastal Access Points
4. Coastal Canyon Map
5. Project Plans
6. Grading 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. 5-08-099 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. 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 to the project plans by Jack Garland, Architect and dated 3/3/08. The revised final plans shall substantially conform to the preliminary plans, except that those plans must clearly show the existing non-conforming terrace retaining walls within the canyon slope shaded and clearly marked *“these existing elements to be retained are not a part of the coastal development permit approval-any maintenance, repair and/or replacement of these elements requires further review by the Coastal Commission”* on each set of plans;
- 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 plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Non-Conforming Structure

- A. No improvements to the existing non-conforming terrace retaining walls is permitted by this coastal development permit which are identified on Page 1 of Exhibit 5 to the staff report dated 8/21/08 and which is located within the canyon slope canyon ward of the canyon edge which at this site is at approximately the 100' contour line depicted on the applicant's Sheet 2 of the Site Plans prepared by Jack Garland, Architect dated 3/3/08 and received by the Commission on 4/8/08, and which will also be depicted on the revised final plans required pursuant to Special Condition No. 1.
- B. The property owner(s) shall be responsible for monitoring the condition of the non-conforming structure(s) over time. If the monitoring reveals that the structure(s) poses a threat to public safety or that the structure(s) can be safely removed without destabilizing the canyon, the applicant shall apply for a coastal development permit to remove the structure(s).

- C. The permittee shall undertake the development in accordance with the revised final plans required pursuant to Special Condition No.1 above. 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.

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 (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>). Any existing landscaping within the development area 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. Drainage and Run-Off Control Plan

The applicant shall conform with the drainage and run-off control plans received in the Commission's office on April 8, 2008 showing positive drainage established to drain away from the foundations with drainage swales directing surface runoff from roof drains and impervious areas to area drains throughout the property leading to street and away from the canyon slope. 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 legally required.

5. 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.

6. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-08-099. 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. 5-08-099 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. Generic Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The proposed project site is located at 505 W. Avenida de los Lobos Marinos in the City of San Clemente, Orange County (Exhibits 1 & 2). The site is currently developed with one single-family residence but is comprised of two legal lots; Lot 27 is a 7,208 square foot lot, and Lot 26 is a 7,186 square foot lot, both lots slope southerly into the Lobos Marinos Canyon (Exhibit 4). Surrounding development consists of single-family residences. The nearest public access to the beach is available at the Lost Winds access point, approximately 120 yards southwest of the subject site (Exhibit 3). The site is designated as Residential Low Density in the certified Land Use Plan, and the proposed project is consistent with this designation.

The applicant proposes to demolish the existing single-family residence built over two lots and construct two new single-family residences, one on each lot. The proposed residence on Lot 26 is a two story, 25' high, 529 sq. ft. residence and 126 sq. ft. covered deck above a 583 sq. ft. 2-car garage with attached 266 sq. ft. outdoor loggia and 88 sq. ft. gatehouse. The proposed residence on Lot 27 is a two-story, 25' high, 3,269 sq. ft. residence, 29 sq. ft. covered porch, 132 sq. ft. second floor covered deck and attached 447 sq. ft. 2-car garage. Also proposed are hardscape improvements including new driveways, new driveway curb cuts, side and back yard improvements such as outdoor barbeque and fireplace, concrete sports court, gas fire pit and landscape improvements. Grading consisting of 200 cubic yards of cut and 25 cubic yards of fill is proposed.

No changes are proposed to existing non-conforming terrace retaining walls built within the canyon. The terraces depicted on the site plan consist of five rows of #' high CMU walls bisected by concrete stairs leading to lowest terrace at the southern (canyon ward) property line and are planted with fruit trees and rose bushes. A review of aerial photos of the canyon from 1975 reveals the residence and terraces in place at that time. Furthermore, the applicant provided information indicating that the terraces were permitted by the City as early as 1972 - prior to passage of the Coastal Act. 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 the Lobos Marinos Canyon, one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP. The applicant's properties do not extend to the canyon bottom. The canyon is considered somewhat degraded at this particular site due to numerous retaining walls (approximately five) constructed down the canyon slope and due to the presence of both native and non-native plant species throughout the canyon. 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, minimizes visual impacts and landform alteration, and avoids cumulative adverse impacts of development encroachment into the canyon.

The proposed project should be sufficiently setback 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 fact that the canyon edge has been altered with the construction of numerous terrace retaining walls, it is therefore, most appropriate to apply the structural stringline setback to the two proposed new single-family residences. As proposed, the project meets the structural stringline. However, as the applicant is not proposing to remove the pre-Coastal Act terrace retaining walls within the canyon in this coastal permit application, the retaining walls do not meet any of canyon setback policies identified in the LUP and therefore remain non-conforming structures. The non-conforming structures are further discussed in a later section of this staff report.

Therefore, the Commission imposes **Special Condition No. 1** which requires submittal of revised final plans clearly marked "*these existing elements to be retained are not a part of the coastal development permit approval-any maintenance, repair and/or replacement of these elements requires further review by the Coastal Commission.*"

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 the Lobos Marinos 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 and due to the presence of retaining wall terraces planted with fruit trees and rose bushes on the canyonward portion of the property. Therefore, 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 on the areas where development is proposed.

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 building pad 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 (Exhibit 7) that indicates no disturbance to the existing non-native and 'high water use' plantings (i.e., fruit trees, rose bushes) located on the non-conforming retaining walls within the canyon and the use of both 'low water use' (i.e., Plumeria, Australian tea tree, New Zealand flax, heavenly bamboo, Kaffir lily and Kalanchoe) and plants of 'medium water use' and 'high water use' (i.e., turf lawn, Kentia Palm, Tasmanian Tree Fern, Papyrus, Camelia, African Iris, Star Jasmine, Creeping Thyme and beach strawberry), 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' and 'high 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 where development is proposed. Since the proposed development doesn't involve the area occupied by the non-conforming terraces, that landscaping may remain. However, the Commission encourages the applicant to modify that landscaping in that area to be consistent with the requirements of this permit, wherever possible. The special conditions of this staff report are designed to protect and enhance the Lobos Marinos Canyon natural habitat. 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. NON-CONFORMING STRUCTURE

Construction of the existing residence and subsequent development on the site including terrace retaining walls within the canyon occurred on the site prior to the Coastal Act and prior to the certification of City's Coastal Land Use Plan which identifies canyon setback policies. The existing terrace retaining walls were permitted by the City when originally constructed beginning in 1972, however, do not meet current LUP canyon setback policies and are therefore considered non-conforming structures. Ultimately, the non-conforming structures should be removed and the canyon slope restored with native plants.

Special Conditions 2 and 3 require revised project and landscaping plans showing the existing terrace retaining walls shaded and clearly marked "*these existing elements to be retained are not a part of the coastal development permit approval-any maintenance, repair and/or replacement of these elements requires further review by the Coastal Commission.*" Future maintenance or improvements to the existing non-conforming canyon retaining walls requires a separate Coastal Development Permit as would their ultimate removal at the end of their useful life.

Special Condition No. 7 is imposed to require the applicant to record a deed restriction against the property so as to notify all prospective future property owners of the terms and conditions of approval to which they will also be required to adhere. It thus ensures that future owners of the property will be informed of the conditions of development.

D. 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.

The applicant submitted a geotechnical evaluation conducted by Lawson & Associates Geotechnical Consulting, Inc. (LGC) dated June 22, 2007. The geotechnical evaluation consisted of the review of available geologic maps, geotechnical reports and other geotechnical data for the site and surrounding area; excavation, sampling, and logging of three exploratory boring, laboratory testing of soil samples; and geotechnical analysis of the site conditions in relation to proposed improvements.

The geotechnical report concludes 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 site is not located within an area considered susceptible to geologic hazards for earthquake induced liquefaction, slope instability or fault rupture. The results of a slope stability analysis indicate that the terraced and natural canyon slopes are considered grossly

stable (factor of safety greater than 1.5). Additionally, no large-scale landslides were found underlying the site.

The geotechnical report recommends, “*Positive (non-ponding) drainage should be provided and maintained to direct surface water away from foundations and away from the top of the descending slope... We recommend that structures have roof drains and downspouts installed to collect roof drainage. Area drains for landscaped and paved areas are recommended, and should transfer collected water to the street.*” No canyon disturbance will occur during grading activities. The applicant has submitted a grading plan (Exhibit 6). As submitted, the precise grading plan and erosion control plan prepared by Orange Coast Civil Engineering depict surface runoff directed to area drains and piped to directly to existing City storm drain at the street. Additionally, the site plans prepared by Jack Garland, Architect also indicate that roof gutters will be provided with downspouts leading to drain lines. Runoff and storm water will be directed away from the canyon consistent with the geotechnical report recommendation for runoff control.

Special Condition 4 requires conformance with the submitted grading and drainage plans. As such, this 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 6**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-08-099) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping and fencing.

E. 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.

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. 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 Lost Winds access way, approximately 120 yards southwest of the subject site (Exhibit 3). While the proposed project includes new curb cuts that may affect the availability of on-street parking, that impact will not be significant in that the on-street parking in this area wouldn't be routinely used for beach access given its location. The proposed development does not significantly or adversely 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.

G. LOCAL COASTAL PROGRAM

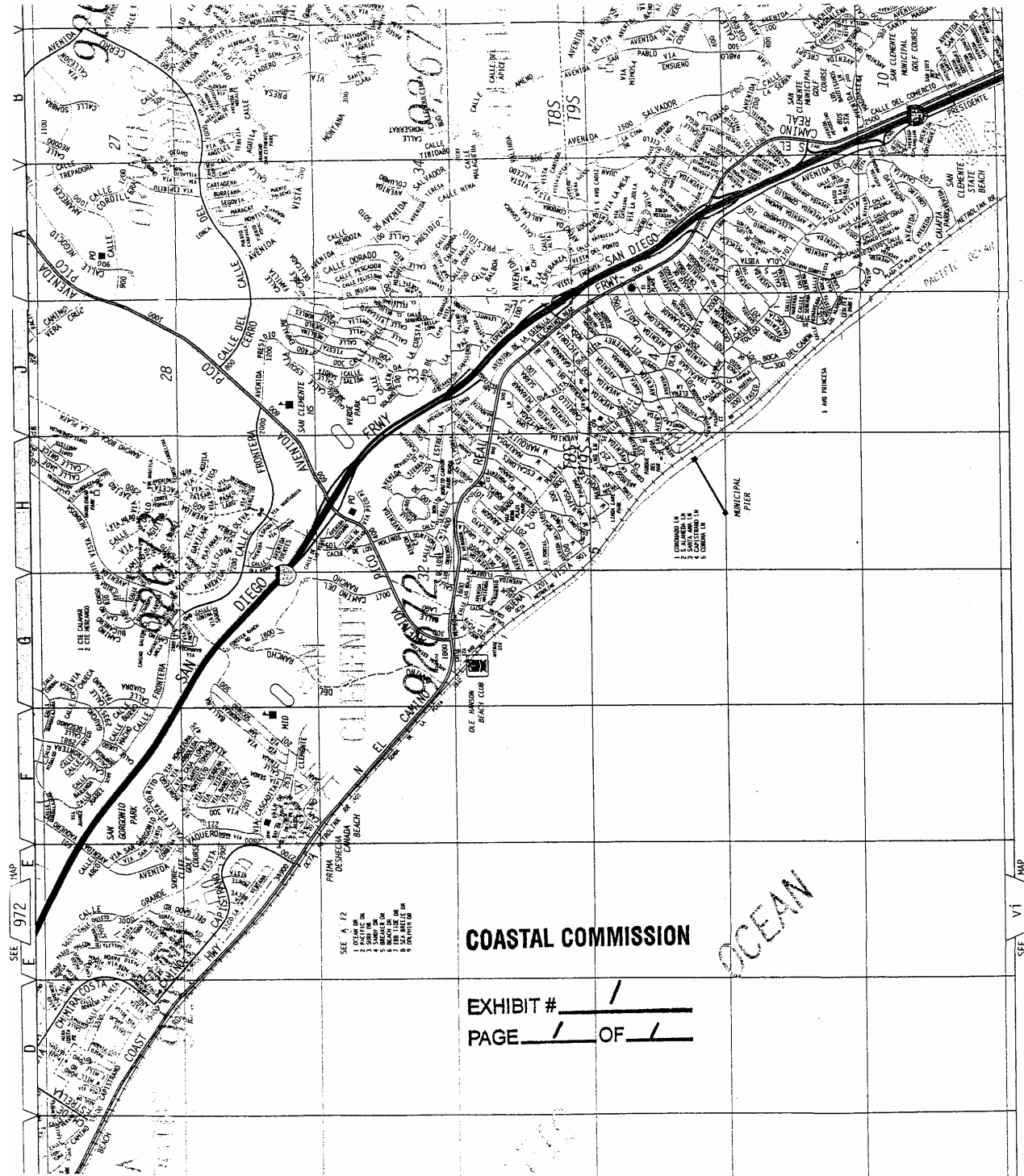
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The Commission 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.

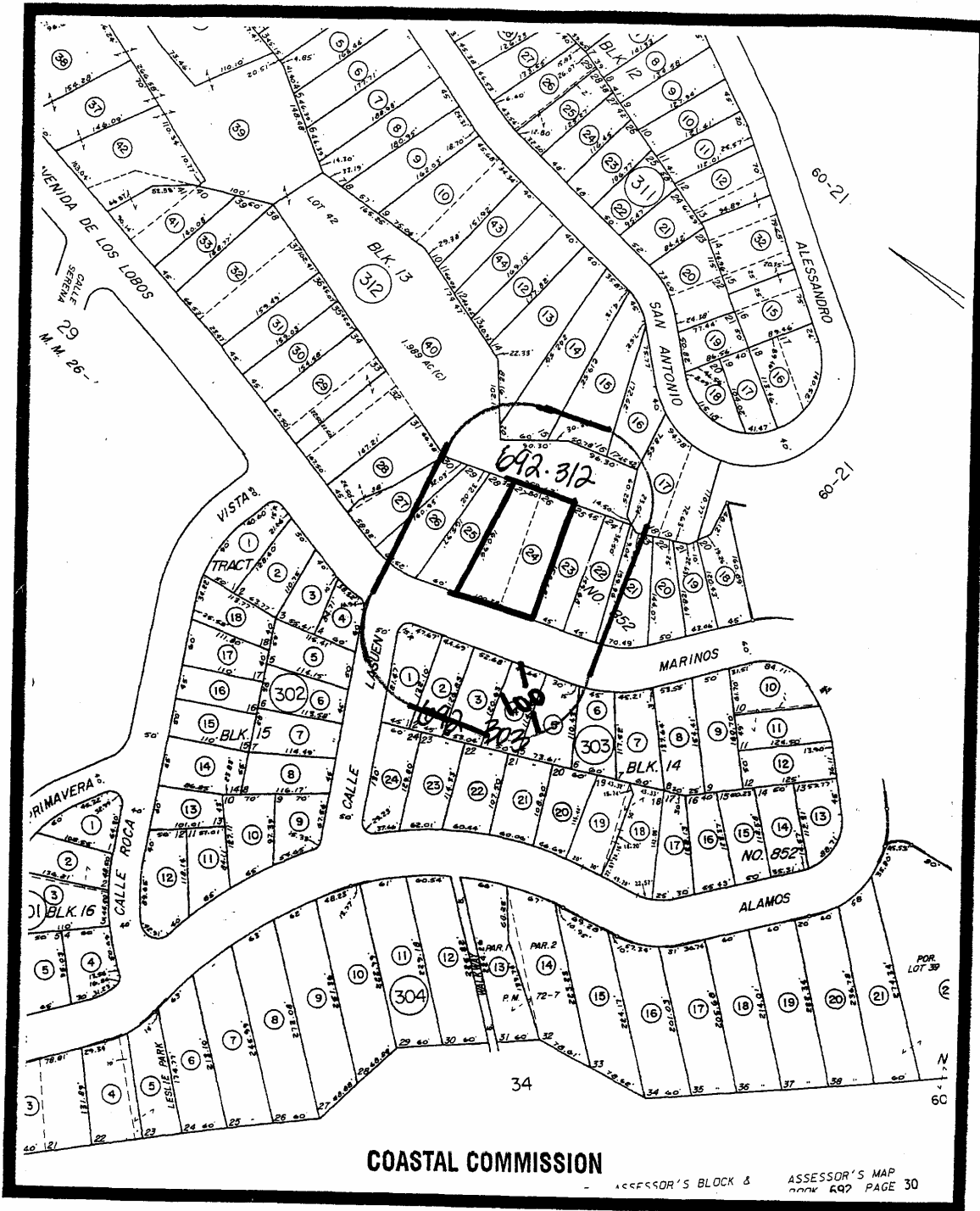
The proposed development, as conditioned, is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice 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).

H. 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) non-conforming structure; 3) submittal of a revised landscaping plan; 4) conformance with drainage and runoff control plans; 5) compliance with construction-related best management practices (BMPs); 6) future improvements come back to the Commission for review and 7) generic deed restriction. 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.





Ownership Map

EXHIBIT # 2
PAGE 1 OF 1

SUSAN W. CASE, INC.
917 GLENNEIRE ST #7
LAGUNA BEACH CA 92651
949-494-6105
SUSANCASE@PRODIGY.NET

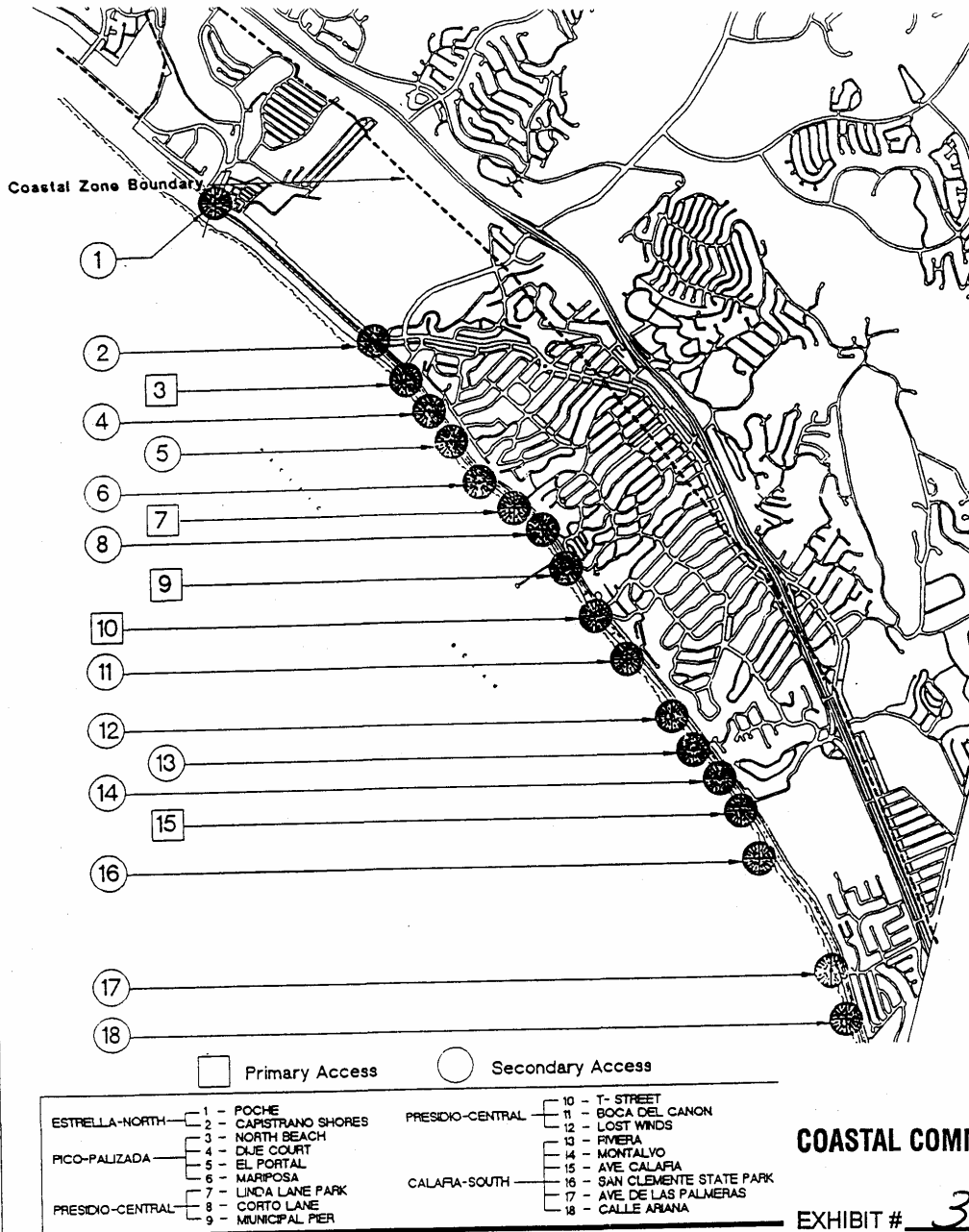


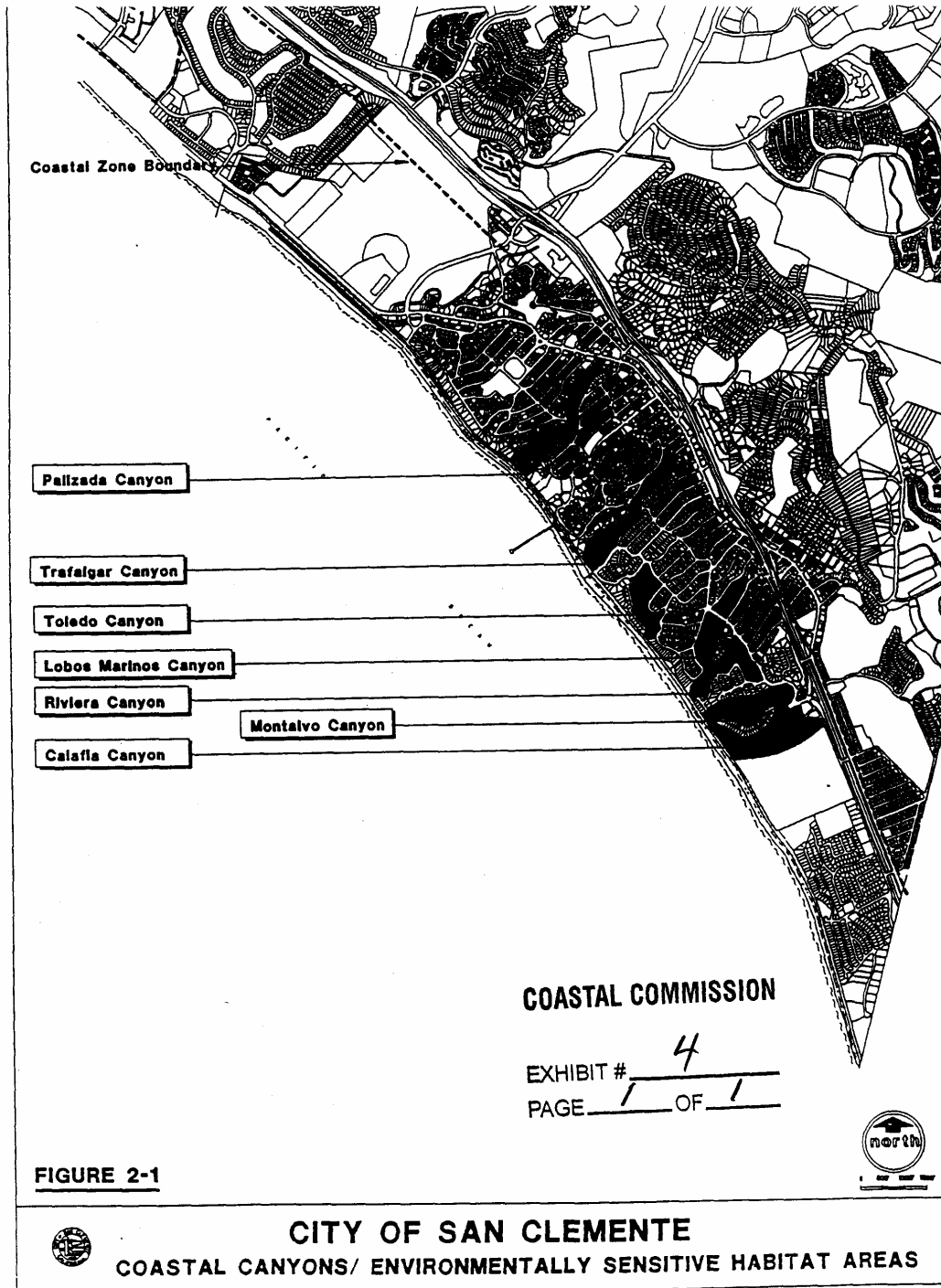
FIGURE 2-5

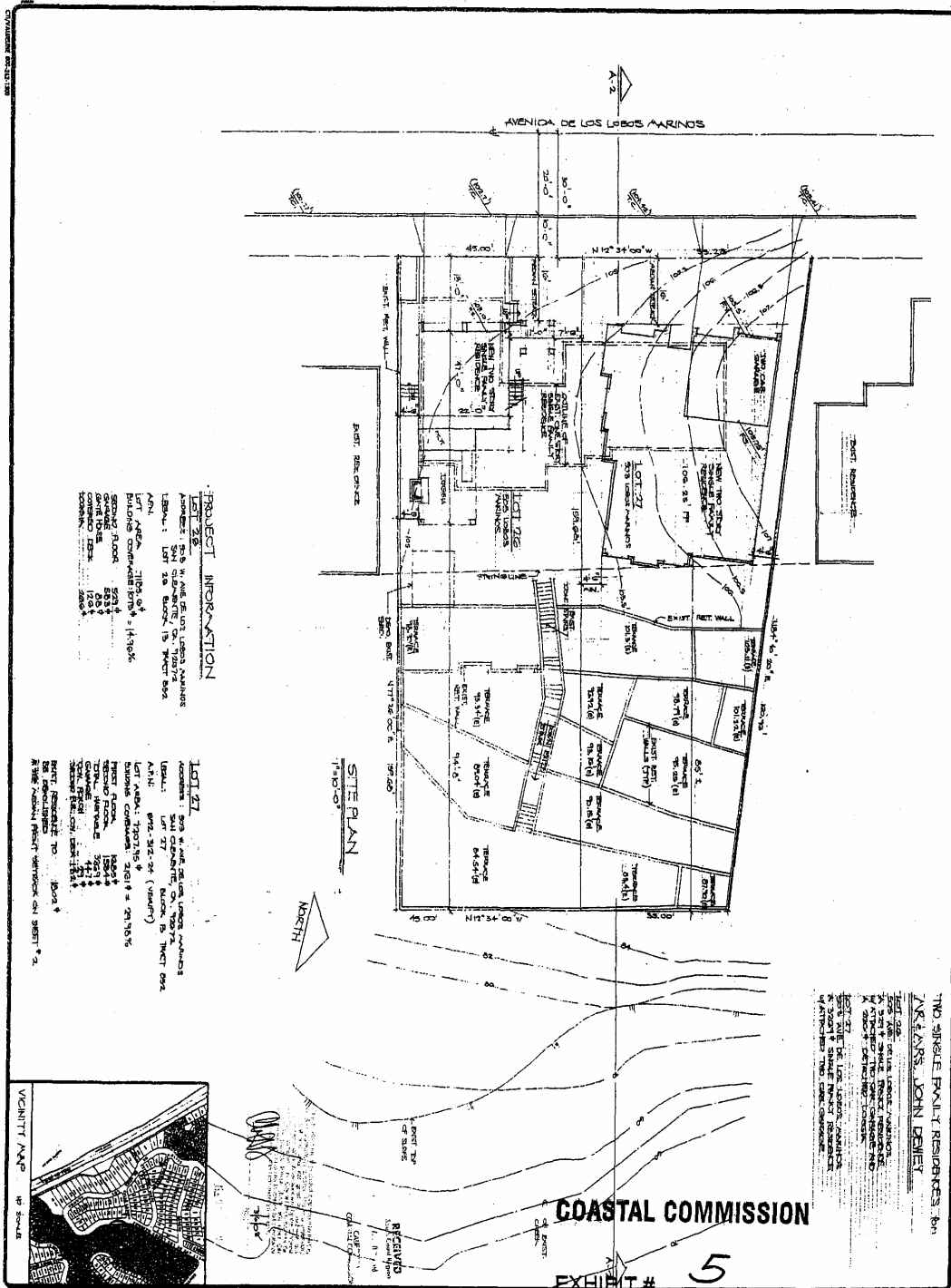
COASTAL COMMISSION

EXHIBIT # 3
 PAGE 1 OF 1

**CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS**



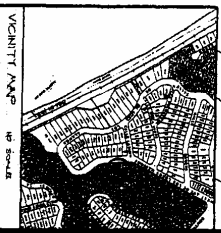




PROJECT INFORMATION
 LOT 26
 ADDRESS: 303 N. AVE. DE LOS LOBOS MARIPOS
 LABEL: LOT 26 BLDG. IS. TRACT 022
 A.P.N. 018-010-010
 LOT AREA: 7100 sq. ft.
 BLDG. COVERED AREA: 1470 sq. ft.
 EXISTING ROOMS: 2014
 GARAGE: 2014
 DRIVEWAY: 2014
 DRIVE: 2014
 DRIVEWAY: 2014
 DRIVE: 2014

LOT 27
 ADDRESS: 303 N. AVE. DE LOS LOBOS MARIPOS
 LABEL: LOT 27 BLDG. IS. TRACT 022
 A.P.N. 018-010-010
 LOT AREA: 7100 sq. ft.
 BLDG. COVERED AREA: 1470 sq. ft.
 EXISTING ROOMS: 2014
 GARAGE: 2014
 DRIVEWAY: 2014
 DRIVE: 2014
 DRIVEWAY: 2014
 DRIVE: 2014

TWO SINGLE FAMILY RESIDENCES FOR
 MR. & MRS. JOHN DEWEY
 303 N. AVE. DE LOS LOBOS MARIPOS
 SAN CLEMENTE, CA 92672
 PROJECT ADDRESS: 303 N. AVE. DE LOS LOBOS MARIPOS
 SAN CLEMENTE, CA 92672
 ATTACHED TO THE DEVELOPMENT



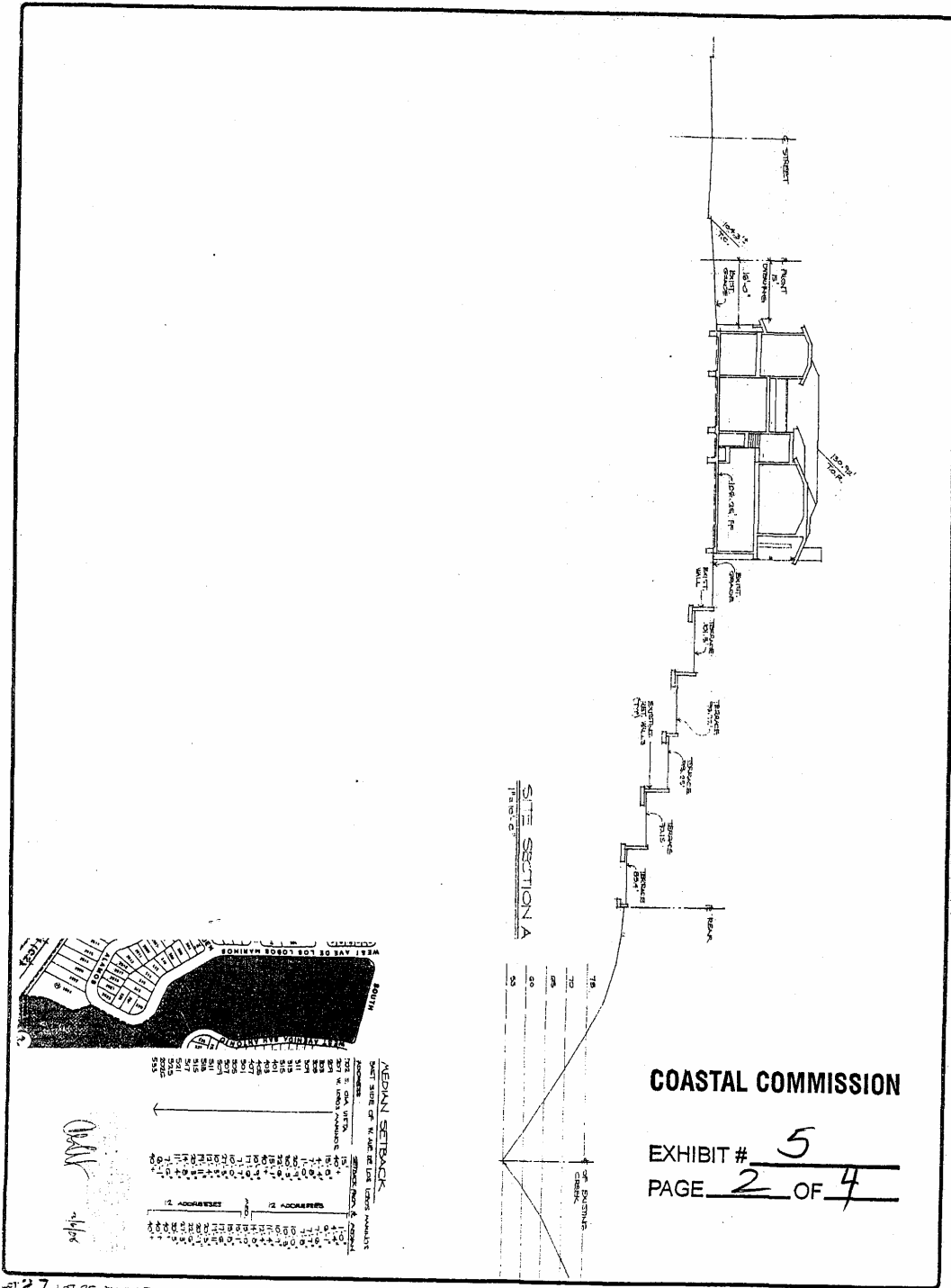
COASTAL COMMISSION
 EXHIBIT # 5

LOTS 26 & 27

PROJECT ADDRESS	303 N. AVE. DE LOS LOBOS MARIPOS
CITY	SAN CLEMENTE, CA
PROJECT ADDRESS	303 N. AVE. DE LOS LOBOS MARIPOS
CITY	SAN CLEMENTE, CA

TWO NEW SINGLE FAMILY RESIDENCES FOR
 MR. & MRS. JOHN DEWEY
 303 N. AVE. DE LOS LOBOS MARIPOS
 SAN CLEMENTE, CA 92672
 PROJECT ADDRESS: 303 N. AVE. DE LOS LOBOS MARIPOS
 SAN CLEMENTE, CA 92672

PAGE 4



Handwritten signature
 2/1/06

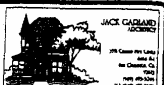
COASTAL COMMISSION

EXHIBIT # 5
 PAGE 2 OF 4

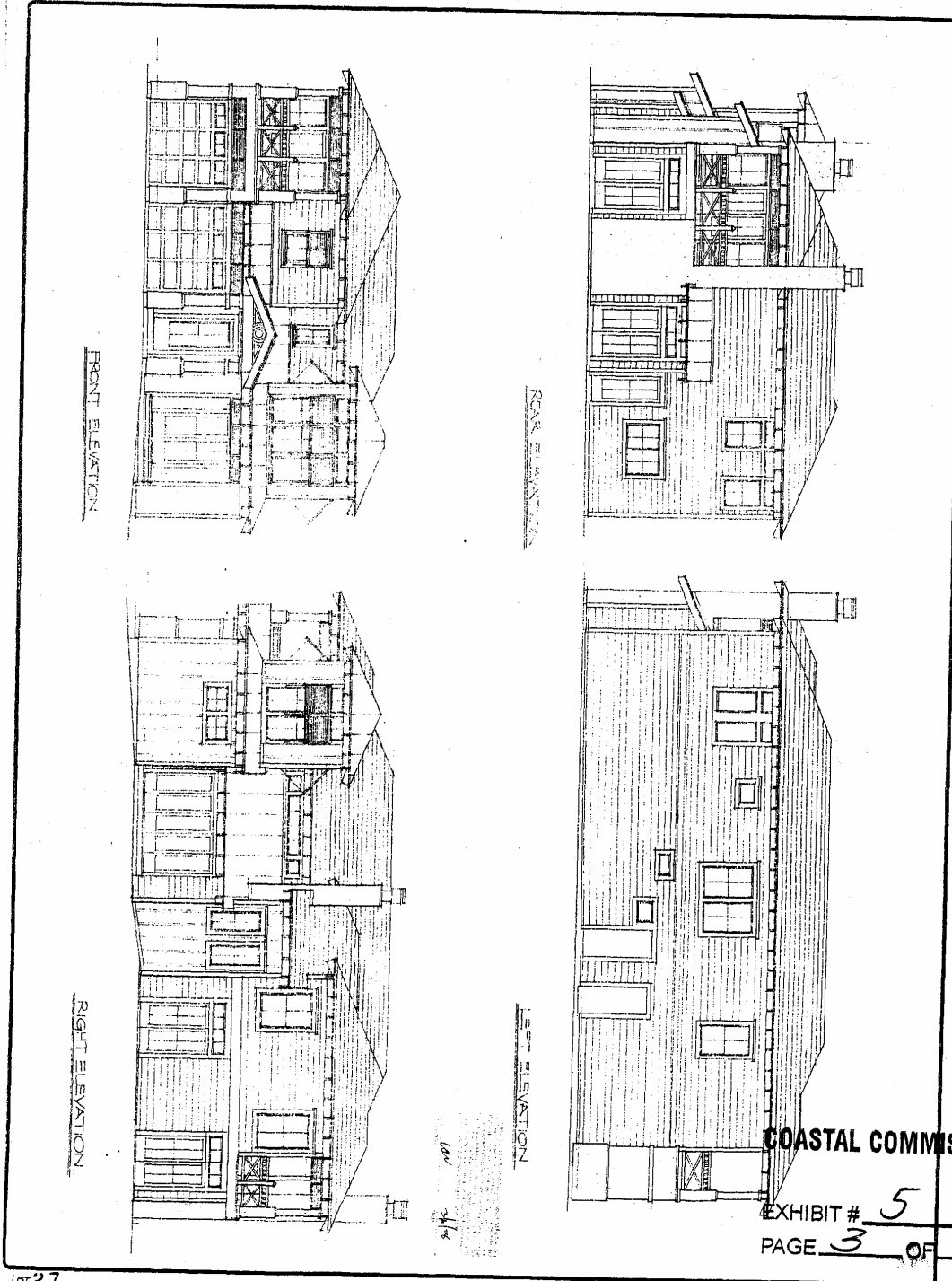
LOT 26 SIMILAR

1	2
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A NEW SINGLE FAMILY RESIDENCE BY:
 MR. & MRS. JOHN DEWEY
 202 W. AMERICA DE LOS LOSER MARINERS
 SAN CLEMENTE, CA 92672
 PROJECT ADDRESS:
 202 W. AMERICA DE LOS LOSER MARINERS



5/15/06	1/22/06
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COASTAL COMMISSION

EXHIBIT # 5
 PAGE 3 OF 4

LOT 27

NO.	5
DATE	
BY	
FOR	

A NEW SINGLE FAMILY RESIDENCE FOR
 MR. & MRS. JOHN DEWEY
 208 W. AVENIDA DE LOS TOROS MANIZAS
 SAN CLEMENTE, CA. 92672
 PROJECT ADDRESS:
 208 W. AVENIDA DE LOS TOROS MANIZAS



NO.	
DATE	
BY	
FOR	

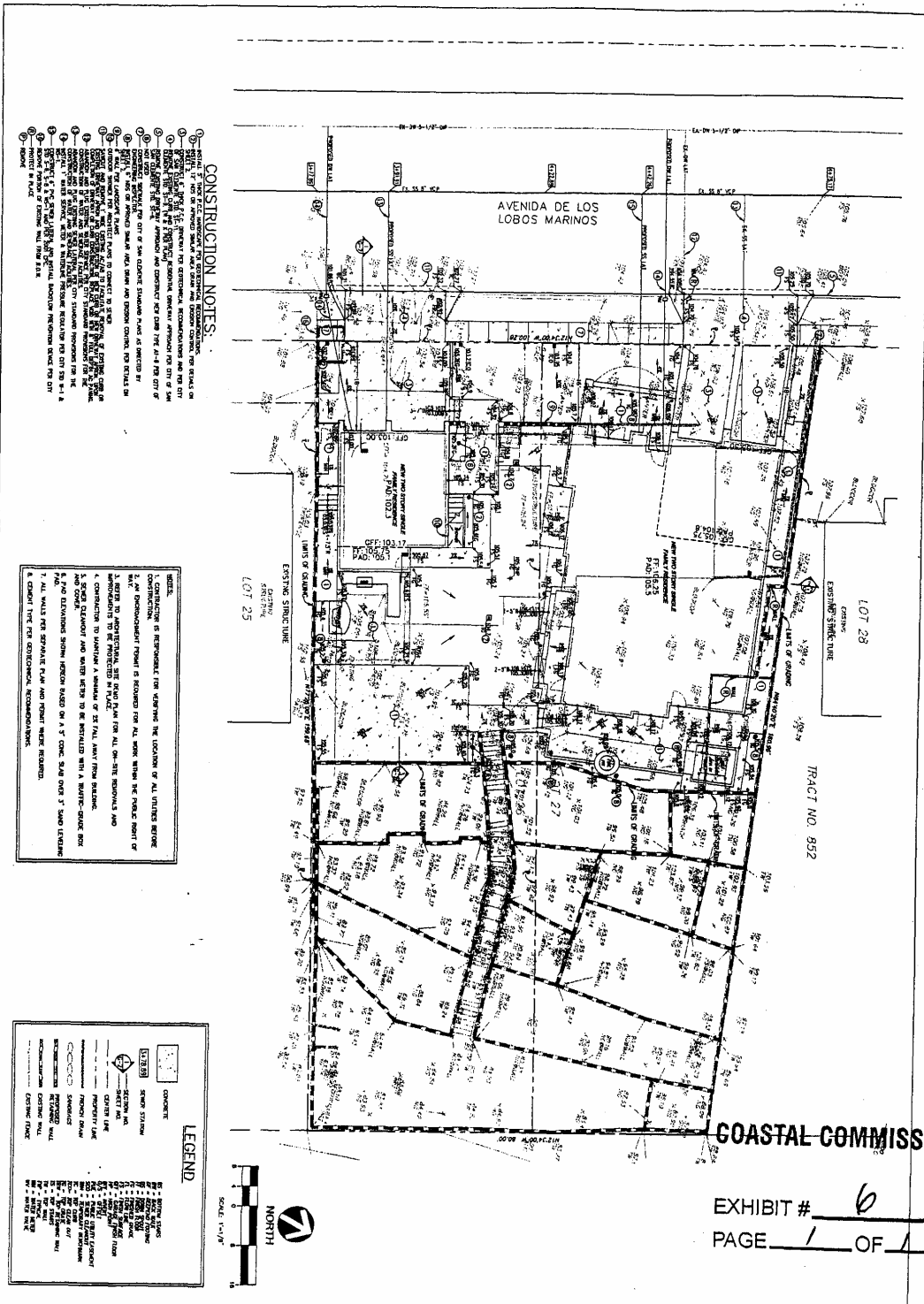
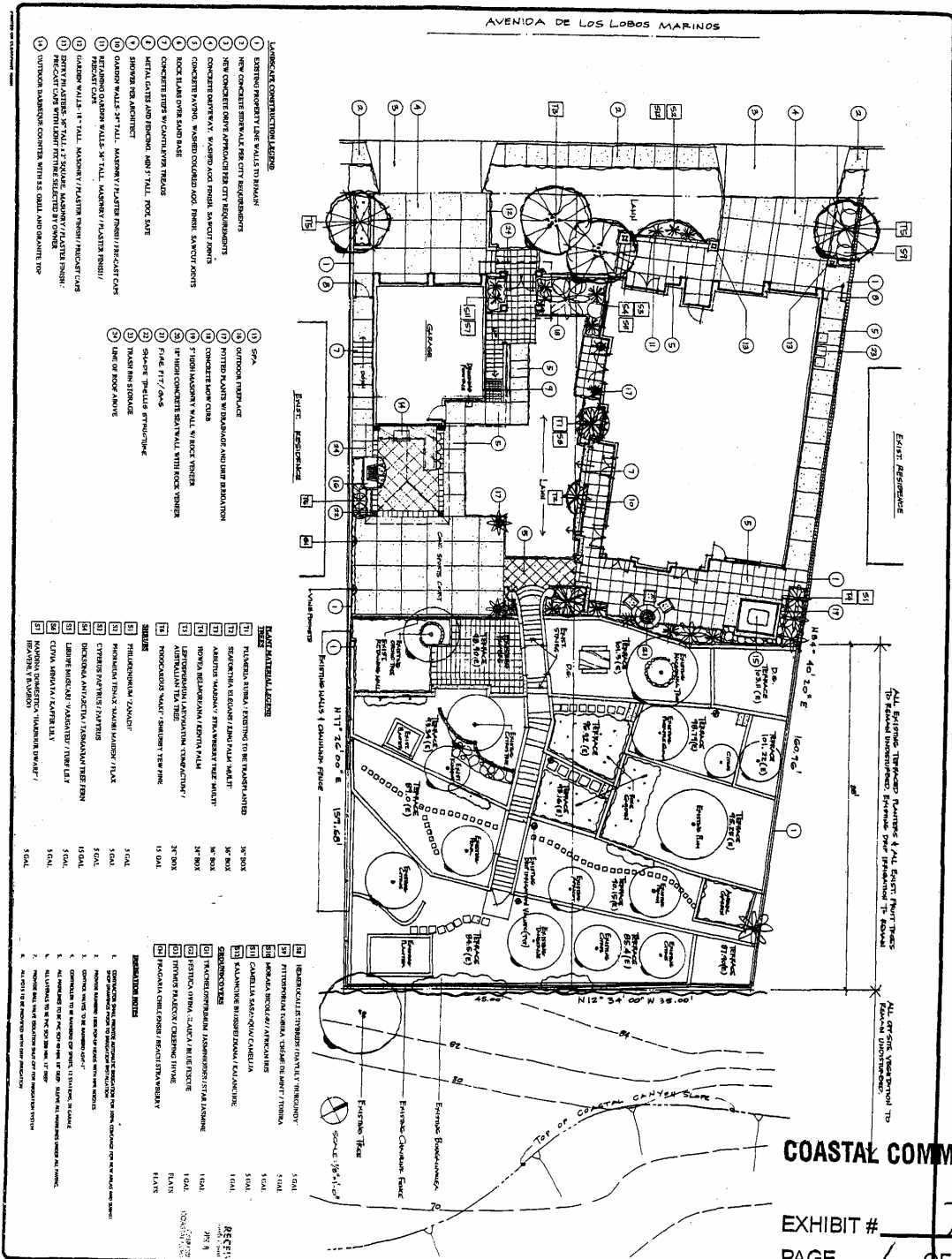


EXHIBIT # 6
 PAGE 1 OF 1

PROJECT NO. 007-015	ENGINEER'S SEAL 	PREPARED BY: ORANGE COAST CIVIL ENGINEERING 5001 BIRCH STREET, NEWPORT BEACH, CA 92640 (949) 461-4444 FAX (949) 762-4487	PRECISE GRADING PLAN DEWEY RESIDENCE - PRIVATE IMPROVEMENTS 505 W. AVE. DE LOS LOBOS MARINOS SAN CLEMENTE COUNTY OF ORANGE, CALIFORNIA	NOI DATE	DESCRIPTION	DATE APPD.
SHEET <u>0-3</u> OF <u>4</u>	MICHAEL W. PHILLIPS P.E., No. C 38348	DATE 08/26/09				
					REVISIONS	



- LANDSCAPE CONSTRUCTION LEGEND**
- 1 EXISTING PROPERTY LINE WALLS TO REMAIN
 - 2 NEW CONCRETE RETAINING WALL FOR CITY REQUIREMENTS
 - 3 NEW CONCRETE DRIVE APPROACHES CITY REQUIREMENTS
 - 4 CONCRETE DRIVEWAY W/ARMS AND FINISH S/W/STITCH
 - 5 CONCRETE DRIVEWAY W/ARMS COLORED MORT FINISH S/W/STITCH
 - 6 ROCK SLAB DRIVEWAY S/W/STITCH
 - 7 CONCRETE DRIVEWAY W/CONCRETE TROUS
 - 8 METAL GATES AND FINISH 400" TALL. POOL SIZE
 - 9 SHOWER AND ACQUANT
 - 10 CONCRETE DRIVEWAY WALLS 30" TALL. MASONRY / PLASTER FINISH / REINFORCING
 - 11 MASONRY WALLS 11" TALL. MASONRY / PLASTER FINISH / REINFORCING
 - 12 MASONRY WALLS 11" TALL. MASONRY / PLASTER FINISH / REINFORCING
 - 13 MASONRY WALLS 11" TALL. MASONRY / PLASTER FINISH / REINFORCING
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 - 18 MASONRY WALLS 11" TALL. MASONRY / PLASTER FINISH / REINFORCING
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 - 26 MASONRY WALLS 11" TALL. MASONRY / PLASTER FINISH / REINFORCING
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 - 28 MASONRY WALLS 11" TALL. MASONRY / PLASTER FINISH / REINFORCING
 - 29 MASONRY WALLS 11" TALL. MASONRY / PLASTER FINISH / REINFORCING
 - 30 MASONRY WALLS 11" TALL. MASONRY / PLASTER FINISH / REINFORCING
 - 31 MASONRY WALLS 11" TALL. MASONRY / PLASTER FINISH / REINFORCING

- PLANT MATERIAL LEGEND**
- 1 SPY
 - 2 OPTION TERRACE
 - 3 PLANTING PLANTS WITH SHADING AND BIRD SANITATION
 - 4 CONCRETE ROOF CURB
 - 5 3" TYPICAL MASONRY WALL WITH ROCK VENEER
 - 6 1" HIGH CONCRETE RETAINING WALL WITH ROCK VENEER
 - 7 FINE #17/24S
 - 8 SHOWER / TUBS FINISHING
 - 9 TYPICAL FINISH FINISHING
 - 10 TYPICAL FINISH FINISHING
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 - 30 TYPICAL FINISH FINISHING
 - 31 TYPICAL FINISH FINISHING

- REMARKS**
- 1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JUAN REGULATIONS AND THE CALIFORNIA CIVIL CODE.
 - 2. ALL EXISTING TERRACE PLANTING & ALL EAST FRONT TREES TO REMAIN PRESERVE.
 - 3. ALL EXISTING VEGEATION TO REMAIN UNDISTURBED.
 - 4. ALL MATERIALS TO BE USED SHALL BE OF THE HIGHEST QUALITY AND SHALL BE APPROVED BY THE ARCHITECT.
 - 5. ALL MATERIALS TO BE USED SHALL BE OF THE HIGHEST QUALITY AND SHALL BE APPROVED BY THE ARCHITECT.
 - 6. ALL MATERIALS TO BE USED SHALL BE OF THE HIGHEST QUALITY AND SHALL BE APPROVED BY THE ARCHITECT.
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 - 31. ALL MATERIALS TO BE USED SHALL BE OF THE HIGHEST QUALITY AND SHALL BE APPROVED BY THE ARCHITECT.

NO.	DESCRIPTION	QTY	UNIT
1	REINFORCING BARS (10' X 12')	1	EA
2	REINFORCING BARS (10' X 12')	1	EA
3	REINFORCING BARS (10' X 12')	1	EA
4	REINFORCING BARS (10' X 12')	1	EA
5	REINFORCING BARS (10' X 12')	1	EA
6	REINFORCING BARS (10' X 12')	1	EA
7	REINFORCING BARS (10' X 12')	1	EA
8	REINFORCING BARS (10' X 12')	1	EA
9	REINFORCING BARS (10' X 12')	1	EA
10	REINFORCING BARS (10' X 12')	1	EA
11	REINFORCING BARS (10' X 12')	1	EA
12	REINFORCING BARS (10' X 12')	1	EA
13	REINFORCING BARS (10' X 12')	1	EA
14	REINFORCING BARS (10' X 12')	1	EA
15	REINFORCING BARS (10' X 12')	1	EA
16	REINFORCING BARS (10' X 12')	1	EA
17	REINFORCING BARS (10' X 12')	1	EA
18	REINFORCING BARS (10' X 12')	1	EA
19	REINFORCING BARS (10' X 12')	1	EA
20	REINFORCING BARS (10' X 12')	1	EA
21	REINFORCING BARS (10' X 12')	1	EA
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27	REINFORCING BARS (10' X 12')	1	EA
28	REINFORCING BARS (10' X 12')	1	EA
29	REINFORCING BARS (10' X 12')	1	EA
30	REINFORCING BARS (10' X 12')	1	EA
31	REINFORCING BARS (10' X 12')	1	EA

COASTAL COMMISSION

EXHIBIT # 7

PAGE 1 OF 1

<p>LANDSCAPE MASTER PLAN</p> <p>JOHN AND BENNY DEWEY 505 WEST AVENIDA DE LOS LOBOS MARINOS SAN CLEMENTE, CA 92672</p>	<p>RECEIVED</p> <p>DATE: 5-13-09</p> <p>BY: [Signature]</p>	<p>APPROVED</p> <p>DATE: 5-13-09</p> <p>BY: [Signature]</p>	
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