

**CALIFORNIA COASTAL COMMISSION**

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# Th6a

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## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-13-059

**Applicant:** Smith Family Trust

**Location:** 410 Arenoso Lane, San Clemente, Orange County

**Project Description:** Demolition of two existing one-story 4,144 sq. ft., 5-unit apartment buildings and garages and construction of a new three-story, 44' tall from frontage road, 12,136 sq. ft. 5-unit apartment building plus a 6,570 sq. ft., 15-space subterranean parking garage, grading, hardscape and landscape improvements on a 12,136 sq. ft. coastal canyon lot.

**Staff Recommendation:** Approval with conditions.

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### SUMMARY OF STAFF RECOMMENDATION

The applicant proposes demolition of two existing single-story 5-unit apartment buildings and associated parking garages and construction of a new three-story 5-unit apartment building plus a subterranean level 15-space parking garage (Exhibit #2). Grading is proposed for the new subterranean level, and new hardscape with drainage improvements and landscaping is proposed. There is a public stairway adjacent to the site leading from the top of the coastal canyon down the canyon face to a public park below (Linda Lane Park) with beach access. The proposed three-story apartment structure will be setback 15 feet from the coastal canyon edge and in

conformance with the structural stringline with adjacent structures. In San Clemente, the certified Land Use Plan requires a minimum 15 foot setback from the coastal canyon edge.

Major Coastal Act issues associated with this project include development on a coastal canyon lot and the potential adverse impacts to water quality and marine resources during the construction phase of the project. To address these potential adverse impacts the Commission staff is recommending **Special Condition 1: Submittal of Final Plans; Special Condition 2: Final Drainage/Runoff Control Plans; Special Condition 3: Conformance with Geotechnical Recommendations; Special Condition 4: Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris; Special Condition 5: Landscaping; Special Condition 6: Assumption of Risk, Waiver of Liability and Indemnity; and Special Condition 7: Future Improvements**

Commission staff recommends **approval** of coastal development permit application 5-13-059 as conditioned.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of San Clemente only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

**TABLE OF CONTENTS**

**I. MOTION AND RESOLUTION.....4**

**II. STANDARD CONDITIONS.....4**

**III. SPECIAL CONDITIONS.....5**

**IV. FINDINGS AND DECLARATIONS.....8**

    A. PROJECT LOCATION AND DESCRIPTION .....8

    B. HAZARDS.....12

    C. HABITAT.....13

    D. DEVELOPMENT.....13

    E. PUBLIC ACCESS.....13

    G. WATER QUALITY.....13

    F. LOCAL COASTAL PROGRAM.....14

    G. CALIFORNIA ENVIRONMENTAL QUALITY

ACT.....14

**APPENDICES**

Appendix A – Substantive File Documents

**EXHIBITS**

- Exhibit 1 – Area Map
- Exhibit 2 – Project Plans
- Exhibit 3 – Landscaping Plan
- Exhibit 4 – Coastal Canyons and Coastal Access Points Maps
- Exhibit 5 – Photos of Site and Adjacent Public Stair Accessway on the Coastal Canyon Slope

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the Coastal Development Permit Applications included in the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*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

This permit is granted subject to the following 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 on which the Commission voted on the application. 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

This permit is granted subject to the following special conditions:

1. **Submittal of Final Plans.** 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 building, landscaping, foundation and grading plans that substantially conform with the project plans by Michael Luna & Associates dated 11/30/12 and received in this office on 3/7/2013.

The permittee shall undertake the development authorized by the approved plans. Any proposed changes to the approved plans, including but not limited to any change in the quantity of proposed demolition, replacement or new development, shall be reported to the Executive Director. No changes to the plans or the development authorized in those plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Final Drainage Plan/Runoff Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans to the Executive Director for review and approval. The drainage/run-off control plan shall demonstrate that at a minimum the project will assure that:

- (1) impervious surfaces are minimized and runoff infiltrated (i.e., the new paved areas shall be permeable material where feasible and runoff collected by proposed drain lines shall infiltrate runoff on-site)
- (2) no increase in peak run-off rate from the site will result from construction of the project;
- (3) run-off from all roofs, patios, driveways and other impervious surfaces on the site shall be collected, treated and discharged to avoid ponding or erosion either on or off the site;
- (4) an on-site media filtration treatment system shall be installed to capture any pollutants contained in the run-off prior to discharge;
- (5) volume based BMPs shall be sized appropriately; designed to treat runoff from a 24-hour, 85th percentile storm event; or the volume of annual runoff produced by the 85th percentile, 24-hour rainfall event (based on the County of Orange 85th Percentile Precipitation Isopleth Maps); and,

- (6) flow based BMPs shall be sized appropriately; designed to treat the maximum flow rate from a rainfall intensity of 0.2 inch per hour rainfall event for each hour of the storm; or the maximum flow rate of runoff produced by the 85<sup>th</sup> percentile hour rainfall intensity multiplied by a factor of two (based on the local historical rainfall record).

The final drainage plan/runoff control plan shall, prior to submittal to the Executive Director, be prepared and certified by a qualified professional to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports, including Special Condition 3.

The applicant 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.

3. **Conformance with Geotechnical Recommendations.** All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall meet or exceed all recommendations and requirements contained in the Preliminary Geotechnical Investigation, Proposed Multi-Unit Residential Development, 410 Arenoso Lane, San Clemente, California, May 16, 2012, prepared by ViaGeos, Consulting Engineering Geologists.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, all final design and construction plans, including foundations, grading and drainage plans along with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering report.

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 unless the Executive Director determines that no amendment is legally required.

4. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
  - (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wind or rain erosion and dispersion;
  - (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;

- (3) 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;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

5. **Landscaping – Drought Tolerant, Non-Invasive Plans.** Vegetated landscaped areas adjacent to the canyon shall only 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. 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.

Vegetated landscaped areas on the street-side of the proposed building are encouraged to use native plant species, however, non-native drought tolerant non-invasive plant species may also be used in that area. 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 (<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

6. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from geologic instability and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
7. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-13-059. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit No. 5-13-059. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance 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. 5-13-059 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### **IV. FINDINGS AND DECLARATIONS:**

##### **A. PROJECT LOCATION AND DESCRIPTION**

The proposed development is located at 410 Arenoso Lane in the City of San Clemente, Orange County (Exhibit 1). The proposed development is located on a coastal canyon lot between the sea and the first public road. The subject site is designated RH (Residential High Density) in the San Clemente certified Land Use Plan (LUP).

The 12,136 square foot coastal canyon lot is currently developed with two multi-family structures facing the coastal canyon and parking garages along the Arenoso Lane frontage road.



The site is surrounded by multi-story, multi-family buildings and to the northwest by an approximately 40 foot tall coastal canyon slope. The coastal canyon slope descends to Linda Lane and the Linda Lane municipal park and public coastal access point to the beach. The canyon edge at the subject site is along the northwest side of the lot; however, the property line does not extend all the way down to the toe of the canyon, the actual canyon face at this location is not part of the subject property, but is a different parcel owned by the City and considered part of Linda Lane Park.

The applicant proposes demolition of two existing one-story 5-unit apartment buildings totaling 4,144 sq. ft., and garages and construction of a new three-story, 44' tall from frontage road, 12,136 sq. ft. 5-unit apartment building plus a 6,570 sq. ft., 15-space subterranean parking garage, grading/excavation for the subterranean garage, hardscape and landscape improvements including a planted retaining wall on the canyonward side of the lot.

### **Geologic Stability**

The proposed development is located on the canyon top portion of a coastal canyon that is not subject to erosion by ocean waves or streams. Though not subject to direct wave erosion, the coastal canyons are subject to weathering caused by natural factors such as wind and rain, poorly structured bedding, soils conducive to erosion and rodent burrowing. Canyons are also subject to erosion from human activities, such as irrigation, improper site drainage and grading.

The applicant submitted a preliminary geotechnical investigation and a slope stability analysis, both prepared by ViaGeos May 16, 2012 and June 12, 2013 respectively. The consulting engineering geologist conducted stability analyses, the results of which indicate factors of safety are in excess of 1.5 and 1.1 for static and pseudo-static conditions respectively. No landslides were mapped on the site and no groundwater was noted in the exploratory borings. The report concludes and recommends the proposed structure be supported on conventional footings foundations and the subterranean parking level with slab-on-grade foundation constructed into competent terrace deposits and engineered fill derived from on site soils. Caissons are proposed along the north property line with the adjacent residential property; no caissons are proposed along the canyon ward side of the lot. Additionally, the development has been designed to convey runoff away from the canyon edge and toward the frontage road directly to existing City storm drains, per City requirements in order to minimize erosion and ensure stability of the project site.

Furthermore, the Commission imposes **Special Condition 3** requiring the applicant provide final plans, including foundations, grading and drainage plans along with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering reports.

### **Canyon Setback**

The proposed development is located on the rim of the Palizada Canyon, one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP. The applicant's property does not extend to the canyon bottom. The canyon at this particular site is considered somewhat degraded due to the predominant presence of ornamental non-native plant

species on the canyon top and canyon slope (i.e., ice plant) and also due to the fact that the canyon bottom –in this area- has been developed with a municipal street, park and beach parking (the canyon is less developed further inland). No portion of the area proposed to be developed 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. The proposed apartment building is proposed to be constructed on a section of the lot already developed and therefore will not impact the coastal canyon slope or vegetation.

The proposed project is set back from the coastal canyon edge to be consistent with the pattern of development in the surrounding area, to protect habitat, and avoid frustration of future canyon habitat enhancement efforts by avoiding encroachment into the canyon (both individually and cumulatively). The applicant has designed the project to meet the 15’ from the canyon edge and the stringline setback, per the requirements of the certified LUP. The proposed vegetated retaining wall on the canyonward side of the lot is setback 5’ from the canyon edge, which is a typical setback for secondary type improvements along coastal canyons in San Clemente. Staff agrees that the use of the 15’ canyon edge and stringline setback would adequately protect coastal resources at this site.

### **Scenic and Visual Qualities**

As the applicant proposes to completely redevelop the site, new development at this location must also be sited and designed to be visually compatible with the character of the neighborhood in this area.

The proposed new 40’ to 44’ foot tall three-story apartment building meets the City’s height limit of 45 feet high in this area and is compatible with existing multi-story, multi-family structures in the immediate vicinity. No adverse visual impact to public views is anticipated by construction of the proposed three-story (plus subterranean garage level) structure as no significant public coastal views currently exist across the site and views of the ocean from public viewing vantage points on Arenoso Lane (at the top of the canyon) are currently obstructed by the existing four-story Vista Pacifica condominium building immediately to the west of the subject site. There is a public viewpoint along the bluff top on the seaward side of Vista Pacifica condominium; however, the subject site isn’t visible from that viewpoint. The proposed three-story building is designed to step back from the canyon to visually “break-up” the building as viewed looking up the canyon face from the public park at the bottom of the canyon.

One of the objectives of the setback line for coastal canyon lots is to protect views, given that the proposed development is setback 15’ from the canyon edge and meets a stringline setback, the Commission finds that the proposed setback is consistent with visual resource protection policies of the Coastal Act.

### **Public Access**

Adequate public access to the beach exists in the vicinity of the project site. The subject site is atop the Palizada Canyon coastal canyon, public access to the nearest public beach is available

approximately 100 feet west of the subject lot via the Linda Lane Park access point. An approved public access stairway is located adjacent to the site along the west property line providing pedestrian access to the Linda Lane Park access point from the top of Palizada Canyon at Arenoso Lane (Exhibit 5). The proposed new three-story, 44' tall apartment building will comply with the City's 10 foot front (street) setback and as the existing one-story currently does not meet the front setback, the new proposed building will visually open up the view of the public stair accessway from Arenoso Lane. Furthermore, the applicant proposes to install and maintain the standard "Coastal Access" sign within his property line pointing to the canyon stair access way that is adjacent to the subject site.

### **Biological Resources**

The subject site is located atop the Palizada Canyon. The City of San Clemente Certified LUP includes coastal bluffs and canyons under the "Environmentally Sensitive Habitat" heading. The LUP reads,

*The coastal bluffs and canyons contain important natural habitat....The coastal bluffs support Coastal Bluff Scrub habitat, a variation or subset of Coastal Sage Scrub. This habitat is characterized by species especially tolerant of coastal conditions...The primary environmental value of these habitat areas is that they represent an ever diminishing resource within urbanized portions of the coast.*

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 Land Use Plan (LUP). Encroachment onto 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 slope from excess irrigation.

Furthermore, due to the fragile nature of coastal canyons and their susceptibility to erosion, the Commission requires a special condition regarding the types of vegetation that may be planted. The use of non-native vegetation that is invasive can have an adverse impact on the existence of native vegetation. 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](http://www.CNPS.org)). No plant species listed as problematic and/or invasive by the California Native Plant Society or the California Invasive Plant Council 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 shall be utilized within the property.

The applicant proposes a new landscaped retaining wall setback five feet from the canyon edge. A five-foot setback for secondary type improvements is typical along San Clemente coastal canyons. The Commission imposes **Special Condition 3**, which requires landscaping adjacent to the coastal canyons consist of native, drought tolerant, non-invasive plants.

### **Water Quality**

The protection of water quality is an important aspect of the Coastal Act. Currently, water runoff on the subject site is collected by a series of drain inlets and is discharged through the curb onto Arenoso Lane and the municipal storm drain system. Runoff water from the project

site flows into the City of San Clemente's storm drain system ultimately draining to the Pacific Ocean. Beach closures occurring throughout Orange County, are typically attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

The applicant submitted a Water Quality Management Plan (WQMP) dated March 5, 2013 prepared by Toal Engineering identifying the 12,144 sq. ft. site as currently consisting of 44% pervious surface and 56% impervious surface, and that the proposed redevelopment of the site will result in 32% pervious and 68% impervious surfaces; a 12% increase in impervious surfaces. The applicant proposes drainage improvements to collect and convey runoff on the project site, maintaining the existing drainage patterns. As proposed in the WQMP, runoff from hardscape areas, including roofs have been designed to flow into landscape areas to promote infiltration prior to entering the storm drain system; water runoff from the site will be collected via drainage inlets and roof downspouts into a below ground drainage pipes and go through an on-site storm water media filter before discharging into the City's storm drain system. The submitted WQMP further includes site design best management practices to minimize directly connected impervious areas by proposing paver walkways and other pathways flanked by landscape areas. Furthermore, the Commission imposes **Special Condition 2** requiring the applicant provide final drainage/runoff control plans to ensure that the proposed best management practices proposed in the WQMP are incorporated in the final project plans.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal waters via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to minimize adverse construction-related impacts upon marine resources, **Special Condition 4** requires the applicant comply with construction-related best management practices (BMPs) to ensure that construction materials, debris and waste does not enter receiving waters or be subject to dispersion and that prevent spillage and/or runoff of demolition or construction related materials and to contain sediment or contaminants associated with demolition or construction activities.

## **B. HAZARDS**

Development adjacent to coastal canyon slopes and hillsides such as is proposed at the subject site, is inherently hazardous due to the risk of erosion and slope failure. Development which may require a slope protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access and visual resources. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a canyon slope or hillside, a drainage and runoff plan to minimize the percolation of water into the canyon or hillside, and to require that the landowner or any successor-in-interest

assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

**C. HABITAT**

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240(b) of the Coastal Act.

**D. DEVELOPMENT**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 7, which requires either an amendment or an additional coastal development permit from the Commission for any future improvements not authorized by this permit.

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

**E. PUBLIC ACCESS**

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed and as conditioned, the project conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**F. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates construction best management practices to minimize the effect of construction activities on the marine environment. These conditions include, but are not limited to, one or more of the following: the appropriate management of equipment and construction materials and construction best management practices to minimize the project's adverse impact on coastal waters. 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 promote the biological productivity of coastal waters and to protect human health.

**G. LOCAL COASTAL PROGRAM**

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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, 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 which the activity may have on the environment.

The City of San Clemente is the lead agency responsible for CEQA review. The City deemed the project Categorical Exempt, citing Section 15303. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which will substantially lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is consistent with CEQA and the policies of the Coastal Act.

**APPENDIX A**

**SUBSTANTIVE FILE DOCUMENTS**

- 1) Via Geos, “Preliminary Geotechnical Investigation, Proposed Multi-Unit Residential Development, 410 Arenoso Lane, San Clemente, California” dated May 16, 2012
- 2) Via Geos, “Slope Stability Analysis and Comments Regarding Long Term Slope Erosion Proposed Multi-Unit Residential Development, 410 Arenoso Lane, San Clemente, California” dated June 12, 2013
- 3) LGC Geotechnical, Inc., “Geotechnical Design of the Proposed Mechanically Stabilized Earth Retaining Wall for the Proposed Redevelopment of 410 Arenoso Lane, San Clemente, CA” dated February 19, 2013.
- 4) Water Quality Management Plan (WQMP), prepared by Toal Engineering dated March 5, 2013
- 5) City of San Clemente Approval in Concept dated March 7, 2013; Resolution No. 13-06 adopted by the City Council on March 5, 2013