

**CALIFORNIA COASTAL COMMISSION**

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# Th6a

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Staff: L. Roman-LB  
Staff Report: 5/22/14  
Hearing Date: 6/12/14

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-13-1209

**Applicant:** Sterling Morris

**Project Location:** 2010 Calle de los Alamos, Orange County

**Project Description:** Demolition of existing single family residence and construction of a new two-story, 2,892 sq. ft. single family residence with a 785 sq. ft. attached 2-car garage, new landscaping and hardscape including side property walls, courtyard deck, patios and wood decks, pool and spa on a coastal bluff top lot.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The subject application requests approval for demolition of an existing one story single family residence with attached garage and construction of a new 25' tall (above street grade), 2,892 sq. ft. single family, two-story residence, plus 785 sq. ft. attached two-car garage, foundation comprised of continuous and spread footings, landscaping and hardscape improvements including new patios and wood decks, pool and spa (Exhibit #2). Grading consists of approximately 230 cu. yds.

The applicant is proposing complete redevelopment of the coastal bluff top site including a new residence, new pool, new spa, and new hardscape and landscape improvements. The geotechnical study of the site deems the site is grossly stable under current and proposed conditions. As proposed, the residence meets and exceeds the minimum 25' from bluff edge setback and meets the minimum 10' bluff setback for hardscape improvements as identified in the City's Coastal Land Use Plan.

Major Coastal Act issues associated with the proposed development include concerns regarding water quality/drainage, coastal bluff setbacks, geologic and coastal hazards. To address potential adverse impacts the Commission staff is recommending the following Special Conditions:

**1) Conformance with Geotechnical Recommendations; 2) Pool & Spa Protection Plan; 3) Landscaping; 4) Bird Strike Prevention; 5) Assumption of Risk, Waiver of Liability and Indemnity; 6) No Future Bluff top or Shoreline Protection Devices; 7) Future Improvements; 8) Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris; and 9) Deed Restriction**

Commission staff recommends **approval** of coastal development permit application 5-13-1209, as conditioned.

The City of San Clemente does not have a certified Local Coastal Program, only a certified Land Use Plan (LUP). Therefore, the Coastal Commission is the coastal development permit issuing entity for development on that parcel and the standard of review is Chapter 3 of the Coastal Act. The certified LUP may be used for guidance.

## **APPENDICES**

Appendix A – Substantive File Documents

## **EXHIBITS**

Exhibit 1 – Location Map

Exhibit 2 – Aerial Photographs

Exhibit 3 – Project Plans

Exhibit 4 – Landscape Plans

Exhibit 5 – Precise Grading Plan and Construction Erosion Control

Exhibit 6 – Geologic Map and Geologic Cross-Section

## 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

1. **Conformance with Geotechnical Recommendations.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, along with 2 copies of each plan, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans including landscape/hardscape, foundation and grading/drainage plans and certified that each of those final plans is consistent with all the recommendations contained in the geologic engineering investigations.

The applicant 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.

2. **Pool and Spa Protection Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, two (2) full size sets of a pool/spa protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed pool and spa. The pool and spa protection plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a pool and spa leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the pool and spa which is separate from the water meter for the house to allow for the monitoring of water usage for the pool and spa, and 2) use of materials and pool and spa design features, such as but not limited to double linings, plastic linings or specially treated cement, to be used to waterproof the undersides of the pool and spa to prevent leakage, along with information regarding the past and/or anticipated success of these materials in preventing leakage; and where feasible 3) installation of a sub drain or other equivalent drainage system under the pool and spa that conveys any water leakage to an appropriate drainage outlet. The applicant shall comply with the final pool and spa plan approved by the Executive Director.
3. **Landscaping – Drought Tolerant, Non-Invasive Plans.** Vegetated landscaped areas adjacent to the bluff 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 bluff-facing portion of the site. Temporary above ground irrigation is allowed to establish plantings. Vegetated landscaped areas on the street-side of the residence 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>).

4. **Bird Strike Prevention.** Ocean front glass railings, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the railing, screen wall, fence, or gate. Such materials may consist, all or in part, of wood; metal; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless an ultraviolet-light reflective coating specially designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any coating or appliques used shall be installed to provide coverage consistent with manufacturer specifications and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas. All materials and coatings 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 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 glass railings, fences, screen walls and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition.

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.

5. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (ii) to assume the risks to the applicant 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.
6. **No Future Bluff or Shoreline Protective Devices.** By acceptance of this Permit, the applicant agrees, on behalf of himself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-13-1209 including, but not limited to, the residence, foundations, decks, balconies, hardscape and any other future improvements in the event that the development is threatened with damage or destruction

from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future. By acceptance of this Permit, the applicant/landowner hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this Permit, the applicant/landowner further agrees, on behalf of himself and all successors and assigns, that the landowner(s) shall remove the development authorized by this Permit, including the residence, foundations, patios, balconies, hardscape and any other future improvements if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

In the event the edge of the bluff recedes to within ten (10) feet of the principal residence but no government agency has ordered that the structures are not to be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the applicants, that addresses whether any portions of the residence are threatened by bluff and slope instability, erosion, landslides, sea level rise or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without bluff or shore protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

7. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-13-1209. 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. 5-13-1209. 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. 5-13-1209 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
8. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal 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 stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

9. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has 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:**

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

The proposed project site is located at 2010 Calle de los Alamos, San Clemente, Orange County. The subject site is between the first public roadway and the sea on a coastal bluff top lot not subject to wave erosion (**Exhibits 1 and 2**). The site is a 13,543 square foot lot designated Low Density Residential by the City of San Clemente Land Use Plan (LUP); the proposed project adheres to this designation. The project is located within an existing developed urban residential area and is surrounded by single-family residential development to the north and south. To the west of the project site is an approximately 60+ foot high coastal bluff, OCTA railroad and the Pacific Ocean, to the east is the frontage road, Calle de los Alamos. The coastal bluffs in San Clemente are not subject to direct wave attack because they are separated from the beach by the railroad track right-of-way and/or Pacific Coast Hwy. The railroad tracks have a rip-rap revetment which protects the tracks from erosion and wave overtopping. The nearest coastal access is available approximately 100 feet upcoast of the subject site at the Lost Winds beach access point, a 10 ft. wide path easement between two single family residences.

The proposed project consists of demolition of an existing one-story single family residence and construction of a new 2-story, 2,892 sq. ft. single-family residence with attached 785 sq. ft. 2-car garage, conventional footing foundation, landscape and hardscape improvements including new rear yard patios and deck, side property walls, pool and spa on a coastal bluff top lot. The proposed 2-car garage meets the Commission's regularly used parking standard of two (2) parking spaces per residence. The property is situated at a grade lower than the frontage road, 300 cubic yards of fill are proposed to raise the finished grade higher, however, still at a grade lower than the fronting street, thereby requiring the use of a pump station to discharge collected runoff to the frontage road. Project plans are included as **Exhibit 3**, Landscaping Plan as **Exhibit 4**, and Grading and Drainage Plan as **Exhibit 5**.

The City of San Clemente does not have a certified Local Coastal Program, only a certified Land Use Plan (LUP). Therefore, the Coastal Commission is the coastal development permit issuing entity for development on that parcel and the standard of review is Chapter 3 of the Coastal Act. The certified LUP may be used for guidance.



## Geology and Coastal Hazards

The proposed development is located on the bluff top portion of a coastal bluff that is not subject to wave erosion. Though not subject to direct wave erosion, the bluffs are subject to weathering caused by natural factors such as wind and rain, poorly structured bedding, soils conducive to erosion and rodent burrowing and in this area of San Clemente.

Bluffs may also be subject to erosion from human activities, such as irrigation, improper site drainage and grading. The applicant's seaward property line is approximately 6' inland of the bluff edge at the closest location and approximately 20' feet at the farthest location (please refer to topographic survey is included as **Exhibit 3, page 1**). The toe of the bluff is beyond the subject property line.

The applicant submitted a geotechnical engineering report, by South Coast Geotechnical Services dated January 14, 2014. The report concludes that the site is grossly stable with the results of a slope stability analysis concluding that the site meets the minimum factors of safety. The existing factor of safety line for both static and pseudo static conditions was identified on the bluff top as depicted in **Exhibit 6**. The applicant is proposing to situate the new residence with a 40+ foot setback from the bluff edge, inland of the necessary minimum gross slope stability factors-of-safety line of at least 1.5 (static) and 1.1 (seismic) as depicted on **Exhibit 6**.

Based upon an examination of available photographs, data and maps, the geotechnical investigation estimated a bluff retreat rate to be in the order of approximately 0.13 to 0.14 feet per year over the period of 1997 to 1999 (22 years) and showing 0.04 feet per year from 1999 to 2012 (13 years). The rate of future bluff retreat during next 50 years would be less than the historical values in consideration of proposed site drainage improvements as part of this project. Over the next 50 years, the rate of erosion is anticipated to be approximately 2 feet, based on current empirical data. As the proposed structure is setback 40+ feet from the bluff edge, the proposed development is sited in a location safe from long-term bluff retreat/erosion rates.

The San Clemente LUP policy regarding development on blufftop lots, requires development be setback at least 25 feet from the bluff edge for primary structures (e.g., enclosed living area of residential structures), or set back in accordance with a stringline drawn between the nearest corners of adjacent structures on either side of the development to minimize the potential for the new development contributing to slope instability and minimum 10' setback for secondary structures (e.g., patios, decks, garden walls). This minimum setback may be altered to require greater setbacks when required or recommended as a result of geotechnical review.

Additionally, the Commission typically requires that accessory structures that do not require structural foundations such as decks, patios and walkways to be sited at least 10 feet from the bluff or according to deck stringlines. The bluff edge setback is imposed in order to ensure that the development conforms to Section 30253 of the Coastal Act which requires that hazards be minimized and that new development will not have to rely on future shoreline or bluff protection devices. Although the site has currently been found to be grossly stable from a geotechnical perspective, bluffs are subject to forces that cause instability and geologic predictions of site stability over the life of the proposed development cannot be made with certainty. Thus, the Commission requires a bluff edge setback that would provide the most protection from coastal hazards for new development without having to rely on future bluff protection devices given the

inherent uncertainty in predicting geologic processes in the future, and to allow for potential changes in bluff erosion rates as a result of rising sea level. The proposed development conforms to the 25' foot bluff edge setback.

Additionally, all new bluff-side hardscape improvements including a concrete patio, raised decks and spa, also conform to the 10-foot bluff edge setback requirement for non-structural, at-grade accessory structures on blufftop lots. The proposed lap pool has a 25-foot setback from the bluff edge. The proposed project is consistent with the pattern of development in the surrounding area.

The Commission's staff Geologist has reviewed the submitted geotechnical reports and proposed foundation plans and concurs that they adequately address concerns regarding bluff erosion and slope stability of the project site and make recommendations that should assure safety of the development. Additionally, **Special Condition 1** requires the applicant submit final design and construction plans, including foundations, grading and drainage plans, in substantial conformance with the preliminary plans dated 1/21/14 and shall be consistent with all recommendations contained in the geologic engineering investigations.

**Special Condition 5** requiring the applicant to assume the risk of development. By this means, the applicants are notified that the proposed development is built in an area that is potentially subject to bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. Finally, the condition requires the applicant to waive claims against the Commission and indemnify the Commission for third-party claims.

Development on coastal bluff sites is inherently dangerous, therefore, the Commission imposes **Special Condition 6** which prohibits construction of any future bluff or shoreline protective device(s) to protect the development approved pursuant to Coastal Development Permit No. 5-13-1209 including, but not limited to, the residence, foundations, patio, pool, spa and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future. Thus, pursuant to Special Condition No. 6, the applicants agree to waive any right to construct any future bluff or shoreline protective devices such as revetments, seawalls, caissons, cliff retaining walls, shotcrete walls, and other such construction that armors or otherwise substantially alters the bluff face. Special Condition 6 does not preclude the applicants from applying for future coastal development permits for maintenance of existing development or future improvements to the site (other than blufftop or shoreline protective devices) including landscaping and drainage improvements aimed to prevent slope and bluff instability. The Commission would determine the consistency of such proposals with the Coastal Act in its review of such applications.

The proposed 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 at the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development on

the site does not occur which could potentially adversely impact geologic stability, the Commission imposes **Special Condition 7**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-13-1209) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping, hardscape and fencing.

### **Water Quality - Site Drainage**

Permanent drainage control measures are essential in order to decrease irrigation or rain runoff from flowing over the coastal bluff slope. The applicant proposes to direct roof and surface runoff away from the bluff face toward the frontage road, Calle de los Alamos via surface drains connected to a sump pump directing runoff to existing City storm drains, per City requirements.

However, there is an added potential for water infiltration into the bluff due to the proposed lap pool along the southern property line and proposed spa on the west (bluff) side of the lot. To ensure that drainage does not increase the potential for site erosion, the Commission imposes **Special Condition 2**, which requires the applicant submit a pool/spa protection plan with possible features such as a double lining, a overflow drain pipe connected to the on-site drain system and leak detection system.

The protection of water quality is an important aspect of the Coastal Act. Water from the project site will flow 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.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water 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 8** provides construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. These best management practices (BMP) are designed to minimize erosion and prevent debris from entering the adjacent canyon or the storm drain system leading to the ocean. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, 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.

### **Resources**

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 bluffs is a goal supported by both the environmental protection policies of the Coastal Act, and the certified Land Use Plan (LUP). Encroachment onto the bluff 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 coastal bluff from excess irrigation.

Due to the coastal bluff top location of the proposed tempered glass screenwall there is a substantial risk of bird strikes to the screenwall. 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). Some type of boundary treatment is typically required where the backyards of residences abut coastal bluffs. The proposed plans include a 42" tempered glass screenwall along the edge of the concrete patio and coastal bluff. To provide further protection to coastal avian species, **Special Condition 4** requires the applicant submit final revised plans showing use of a different material for the proposed fence/screenwall or a treatment to the proposed tempered glass screenwall to address bird strike issues, necessary to protect against significant disruption of habitat values.

Furthermore, due to the fragile nature of coastal bluffs and their susceptibility to erosion, the Commission requires a special condition regarding the types of vegetation to 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 has provided a preliminary landscape/hardscape plan (**Exhibit 4**) that includes a concrete patio and raised wood decks on the back yard bluff side of the lot including a spa and gas fire table. The proposed plant palette on the bluff side of the lot consists of drought tolerant non-invasive plants suitable to the Orange County coastal bluff habitat. Along the front yard, the applicant proposes a concrete driveway, artificial turf, succulents and drought tolerant trees such as strawberry trees and Australian tea trees. The Commission imposes **Special Condition 3**, which requires the applicants conform with the proposed landscape plan consisting of drought tolerant plants that are non-invasive.

## **B. DEVELOPMENT**

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. 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 bluff or hillside, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the

hillside or bluff, 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. 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 the development, as conditioned, conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

#### **D. 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 design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials and the use of post 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.

#### **E. DEED RESTRICTION**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

#### **F. 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.

#### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## **APPENDIX A**

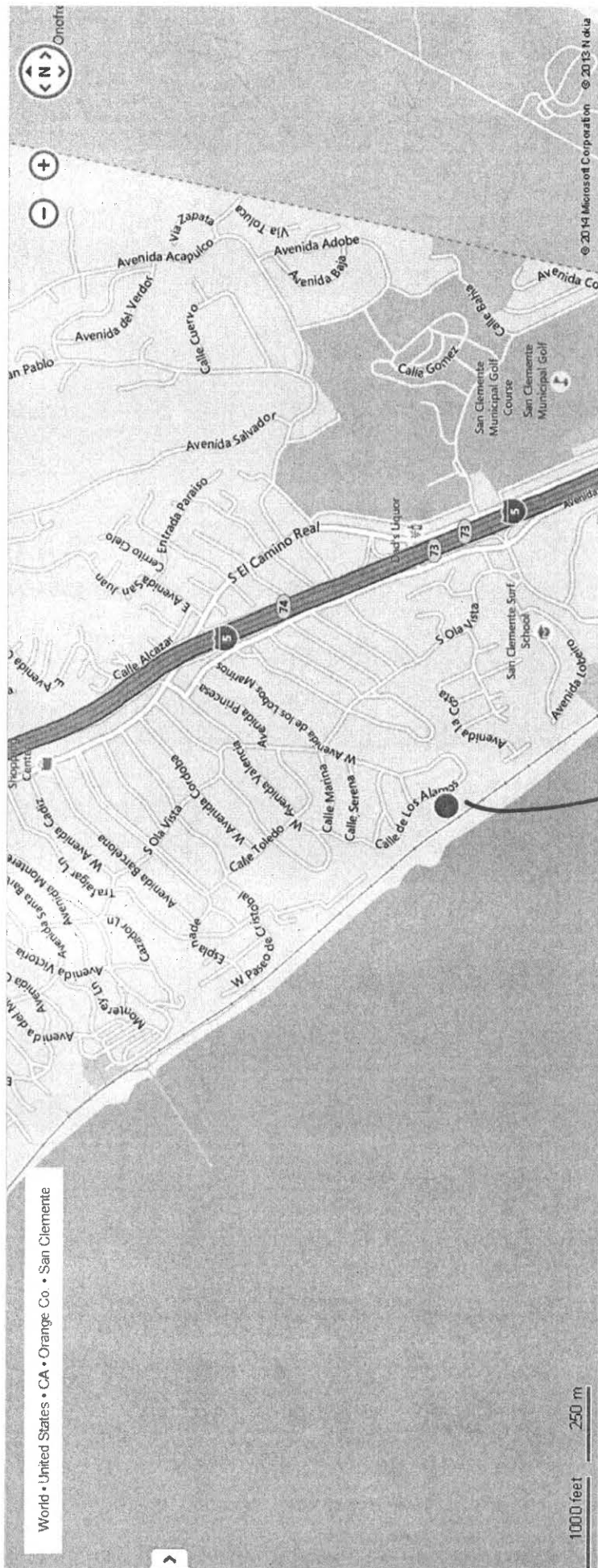
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### **SUNSTANTIVE FILE DOCUMENTS**

San Clemente Certified LUP

Approval-in-Concept from the City of San Clemente dated 11/6/13.

Geotechnical Engineering Report, Proposed Two-Story Residence, 2010 Calle de los Alamos, San Clemente, dated January 14, 2014, prepared by South Coast Geotechnical Services.



→ subject site :  
2010 Calle de los Alamos  
San Clemente  
Orange County

COASTAL COMMISSION

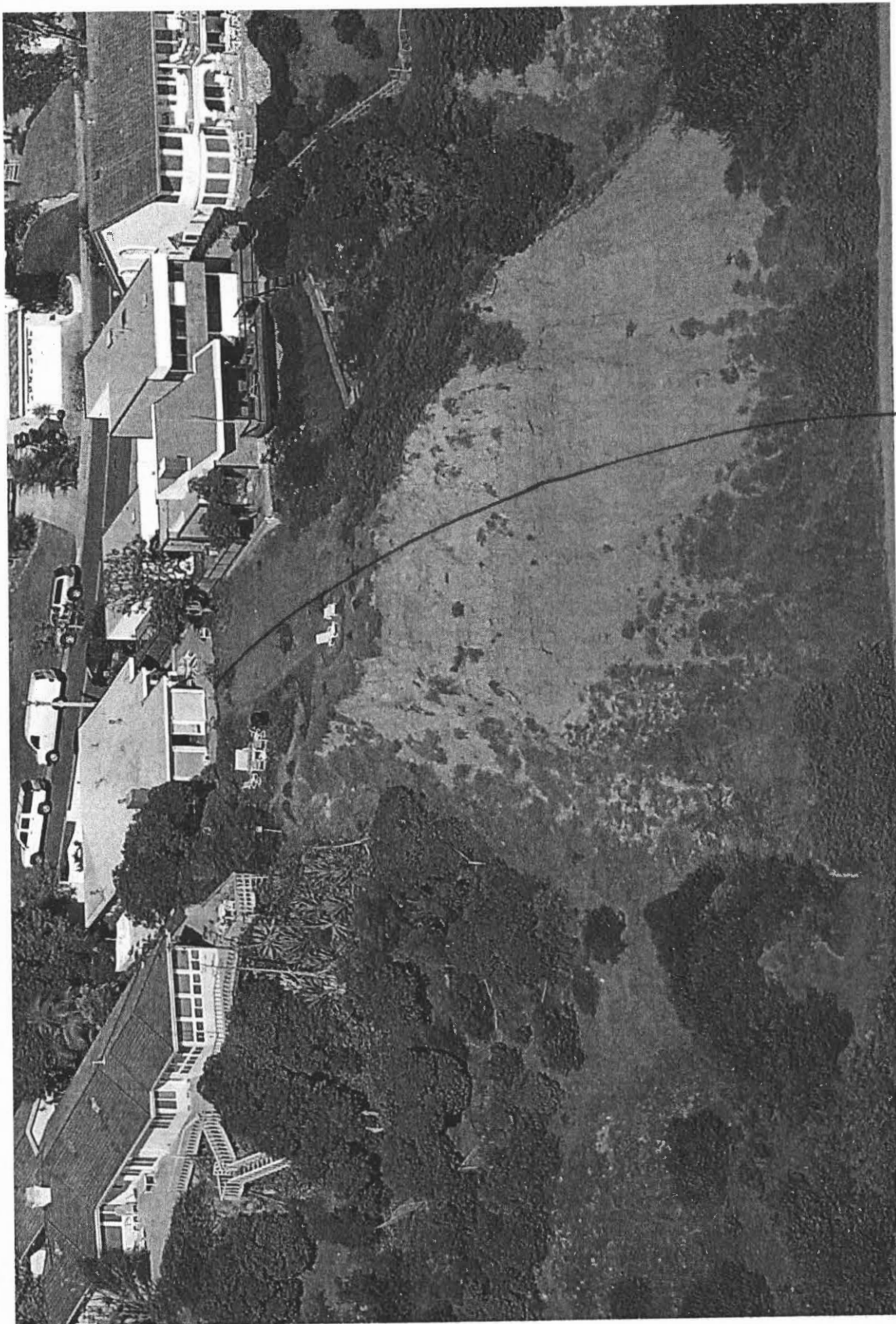
EXHIBIT # 1  
PAGE 1 OF 1



**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 1 OF 2





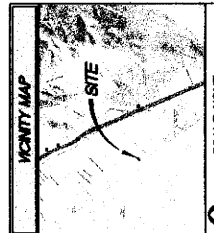
subject site

COASTAL COMMISSION

EXHIBIT # 2

PAGE 2 OF 2

EXHIBIT # 3  
PAGE 1 OF 8

**RESPONDING TO SCHEDULE B**

**GENERAL NOTES**

**LEGAL DESCRIPTION**

## THE RESTRUCTIONS

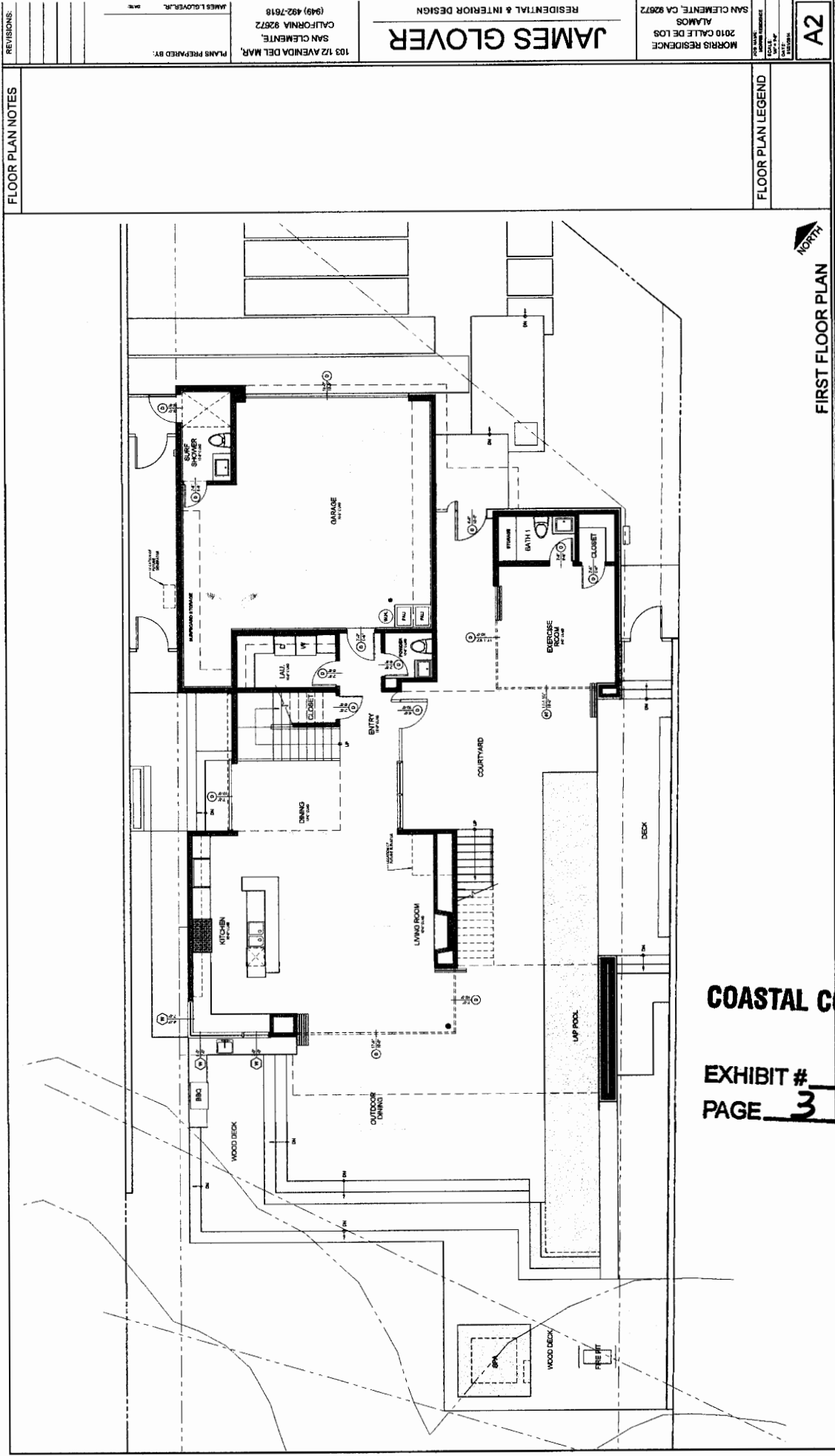
100

**SMITHSONIAN CERTIFICATION**

)

<b>TOPOGRAPHICAL SURVEY</b>  <b>MORRIS RESIDENCE</b> 2010 CALLE DE LOS ALAMOS CLETONIA 92672	JOB NUMBER: 100100 SHEET: 1 OF 1
	DATE: 02/20/12 DRAWN BY: BJA CHECKED BY: BJA SCALE: 1"=40' 24452 San Juan Ave. Suite 120 Buena Park, CA 92623 Phone: 714.861.2222 Fax: 714.861.2222 Email: info@nvw.com





**FIRST FLOOR PLAN**

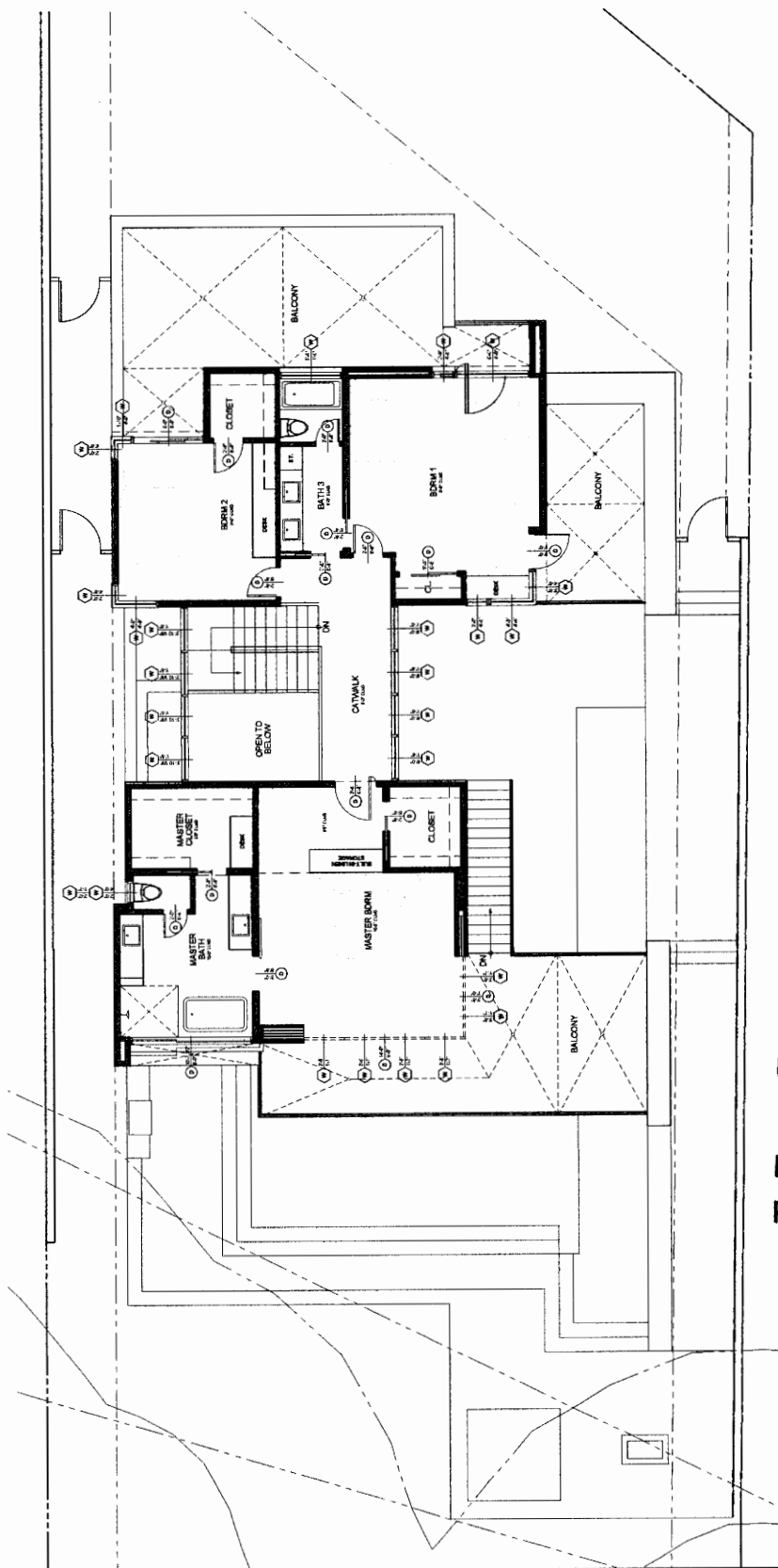
**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 3 OF 8

REVISIONS: _____ _____ _____ _____ _____	FLOOR PLAN LEGEND _____ _____ _____ _____ _____	<b>A2</b>
	MORRIS RESIDENCE 2010 CALLE DE LOS ALAMOS SAN CLEMENTE, CA 92672	JAMES GLOVER RESIDENTIAL & INTERIOR DESIGN 103 1/2 AVENIDA DEL MAR, SAN CLEMENTE, CALIFORNIA 92672 (949) 492-7616

REVISIONS: \_\_\_\_\_

## SECOND FLOOR PLAN



# COASTAL COMMISSION

EXHIBIT # 3  
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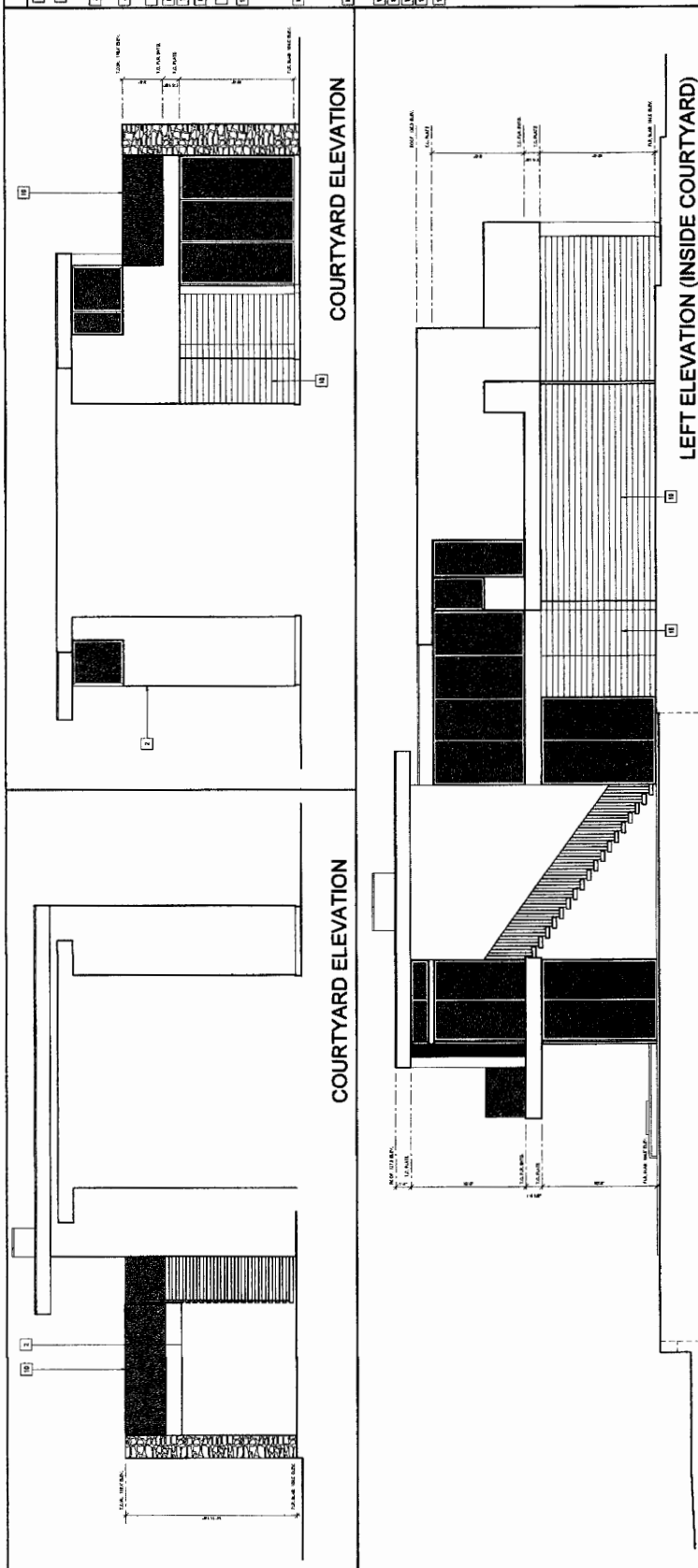
OOOF PLAN NOTES

EXHIBIT # 3  
PAGE 5 OF 8

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**REVISIONS:**

- |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |



# COASTAL COMMISSION

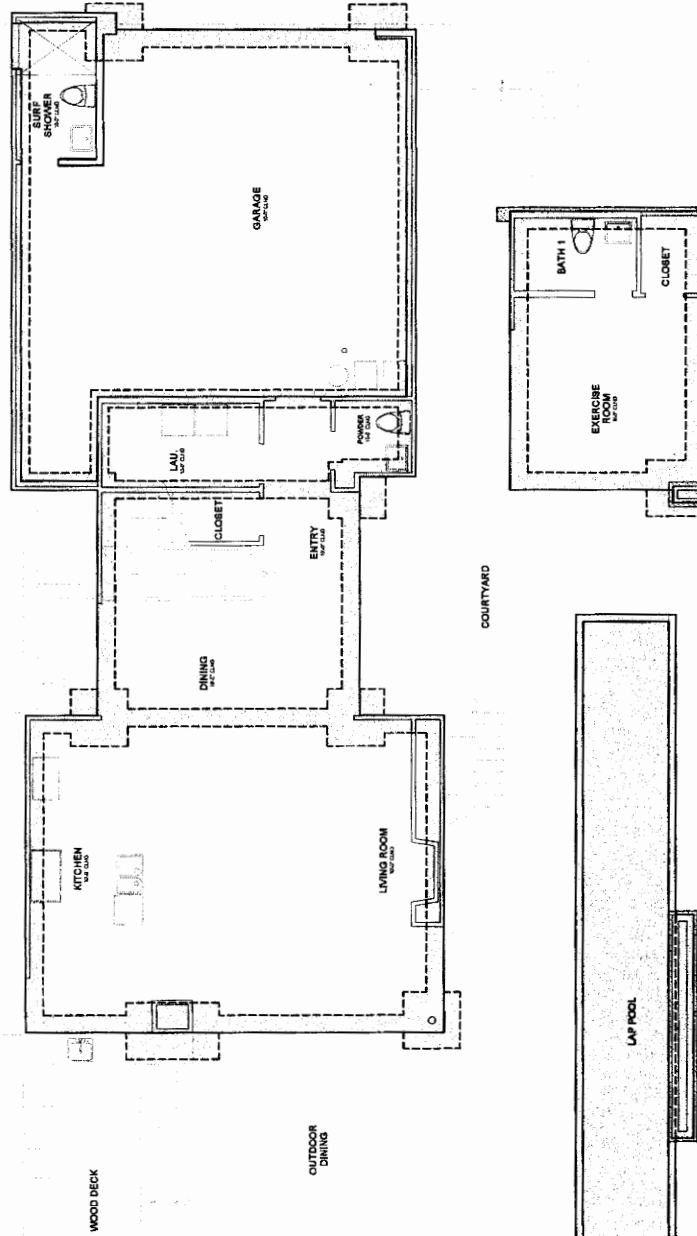
EXHIBIT # 3  
PAGE 7 OF 8





**FOUNDATION NOTES**

1. CONTINUOUS EXTERIOR PERIMETER AND CONTINUOUS INTERIOR BEARING WALLS SHALL BE CONSTRUCTED WITH A MINIMUM 7'-0" MINIMUM TO DAYLIGHT WHERE SLOPES OCCUR. HORIZONTAL DISTANCE SHALL BE MEASURED FROM THE BOTTOM LEADING EDGE OF FOOTING TO DAYLIGHT.
2. BOTTOM OF ALL FOOTINGS SHALL MAINTAIN 7'-0" MINIMUM TO DAYLIGHT WHERE SLOPES OCCUR. HORIZONTAL DISTANCE SHALL BE MEASURED FROM THE BOTTOM LEADING EDGE OF FOOTING TO DAYLIGHT.



**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 8 OF 8

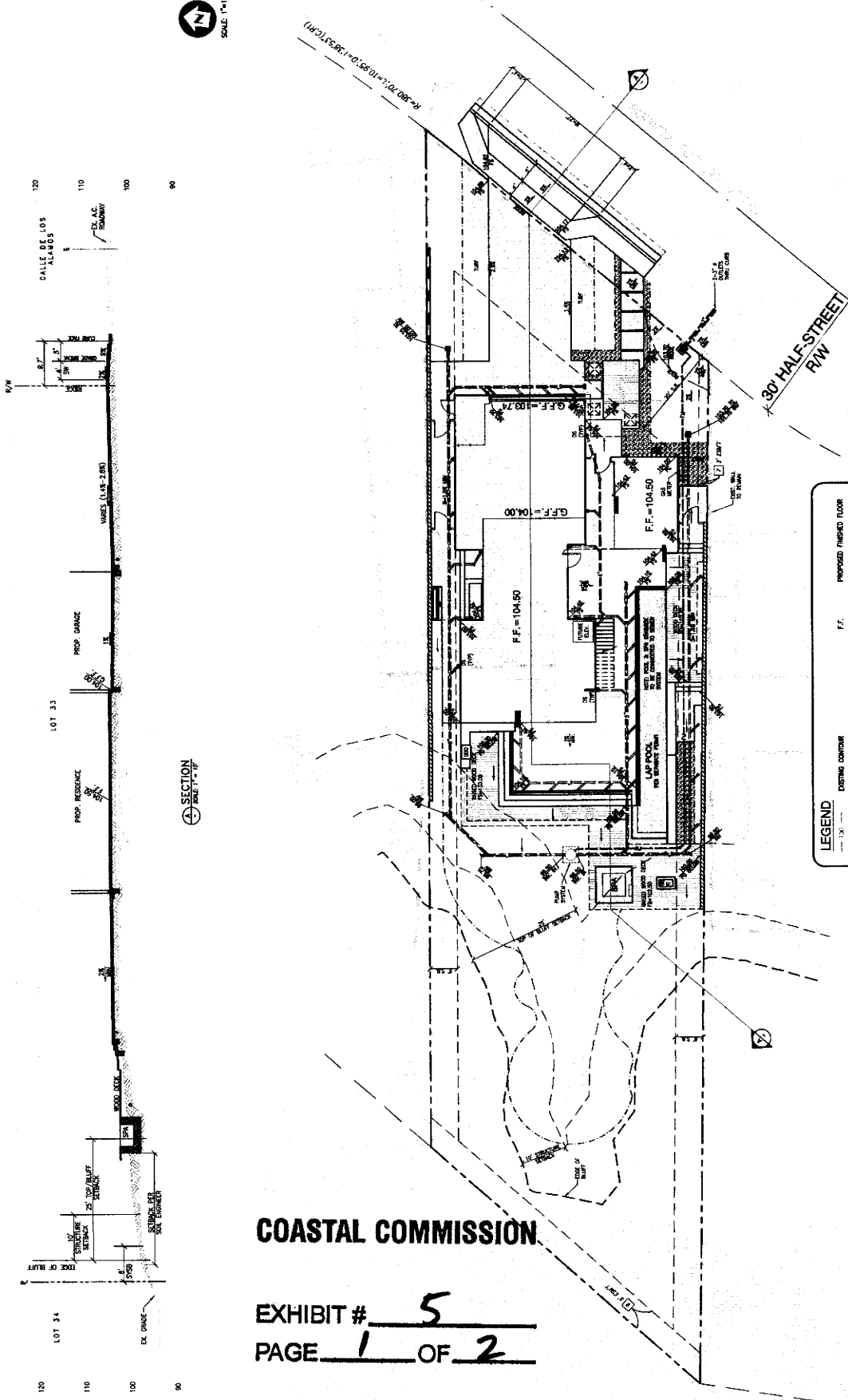




EXHIBIT # 5  
PAGE 1 OF 2

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SECTION 101



NOTE

THE LOCATION AND TYPE OF EROSION AND SEDIMENT CONTROL MEASURES TO BE USED DURING THE COURSE OF CONSTRUCTION. THE CONTRACTOR SHALL IMPLEMENT THE CONTROLS NECESSARY TO PREVENT EROSION-DETERMINANT, SEDIMENT, AND CONTAMINATED RUNOFF DISCHARGES FROM THE SITE AT ALL TIMES.

## LEGEND

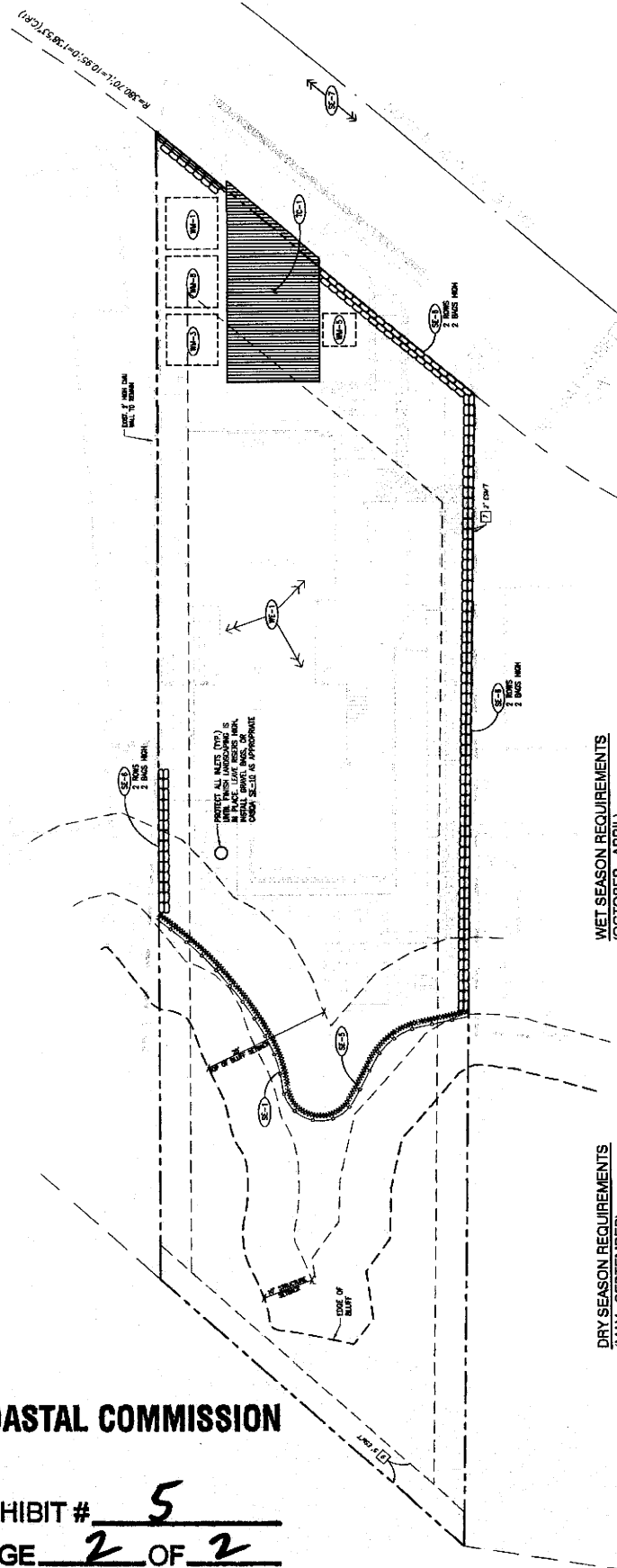
- 20-1 BMP DESIGNATION IN CALIFORNIA  
STORMWATER BMP HANDBOOK -  
CONSTRUCTION, LATEST EDITION,  
BY THE CALIFORNIA STORMWATER  
QUALITY ASSOCIATION.

SCALE: 1"=10'

[illegible][illegible]

# COASTAL COMMISSION

EXHIBIT # 5  
PAGE 2 OF 2

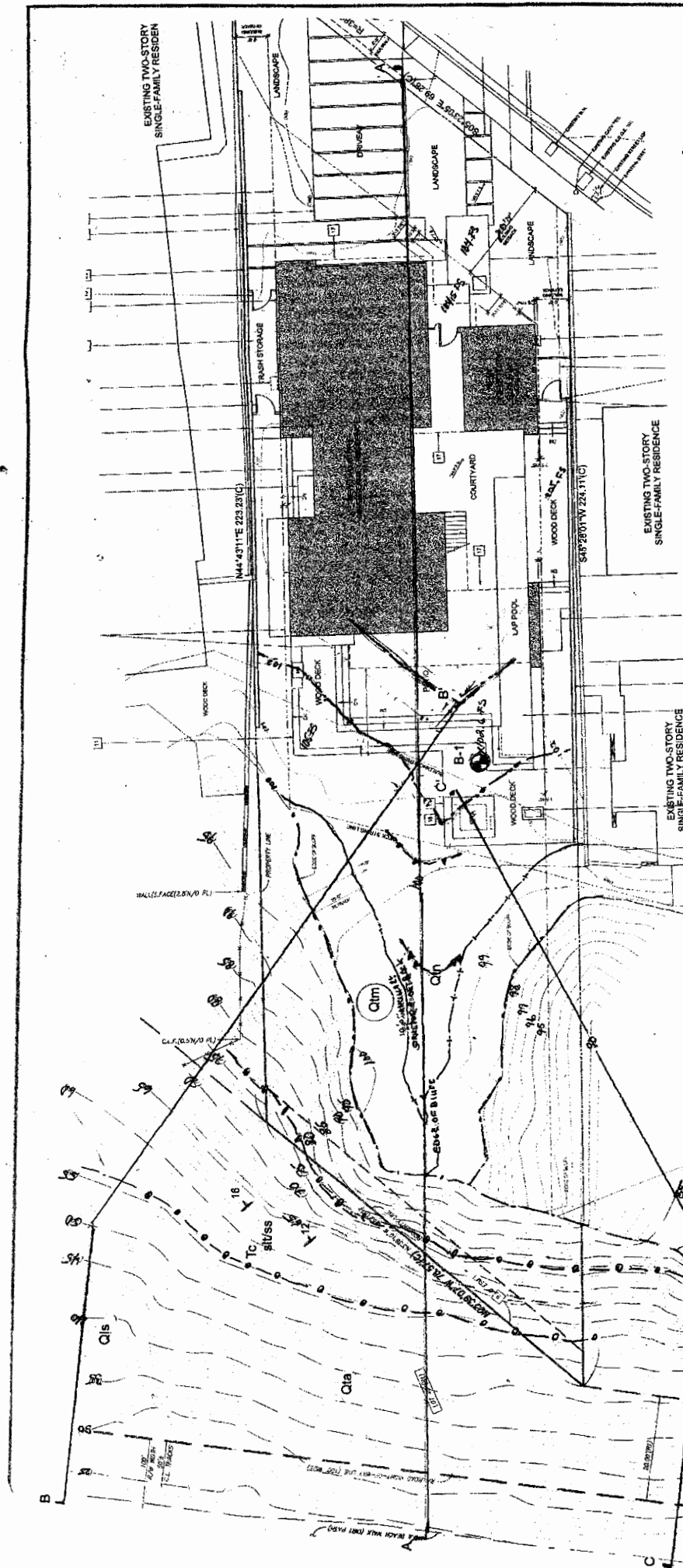


**DRY SEASON REQUIREMENTS**  
**(MAY - SEPTEMBER)**

- [illegible]

**WET SEASON REQUIREMENTS**  
**(OCTOBER - APRIL)**

- [illegible]



SCALE: 1" = 16'  
0 16'

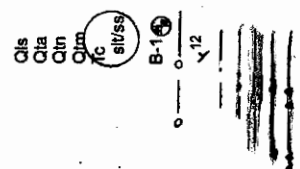
After: Site Plan by James Glover

Figure 2

Geologic & Proposed Construction Map
2010 Calle de los Alamos
San Clemente, California
SOUTH COAST GEOTECHNICAL SERVICES
January 2014
Proj. No.: 1128-01

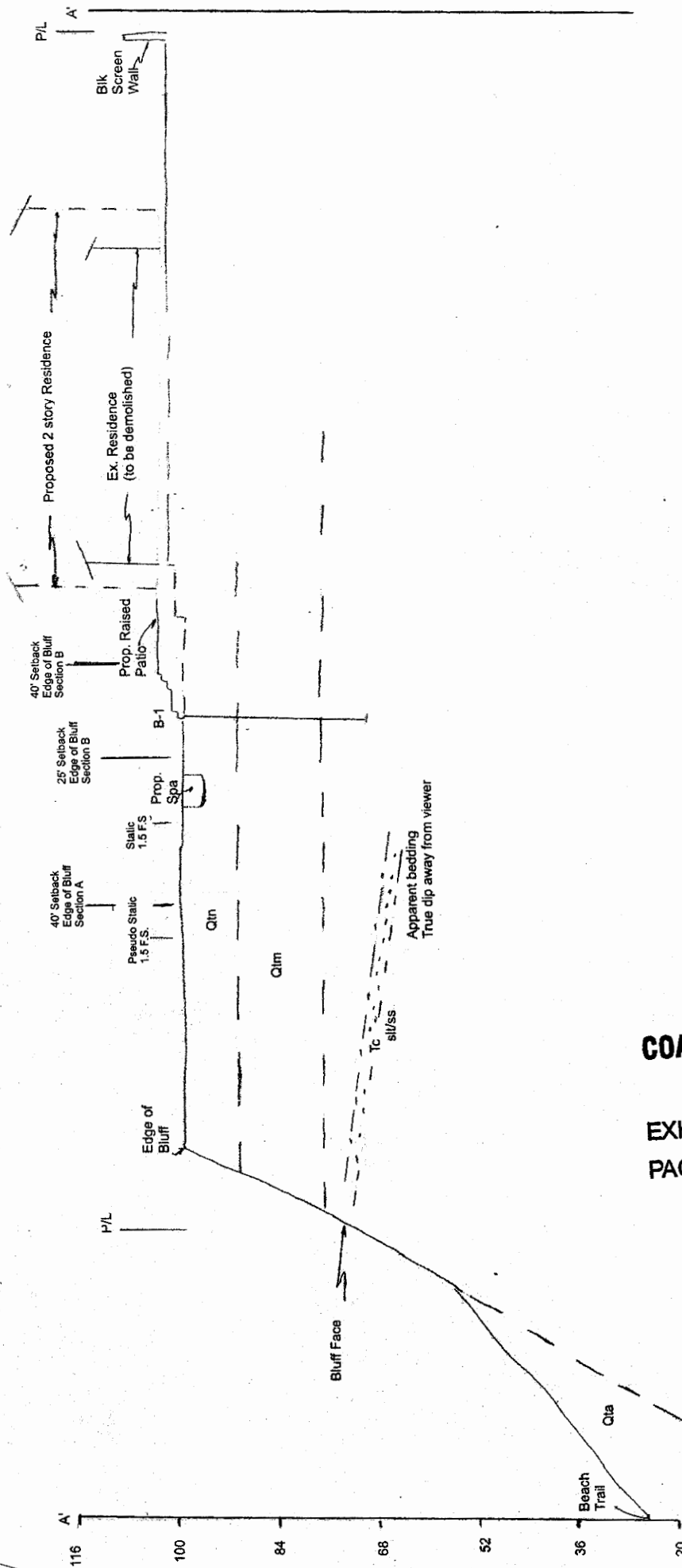
# LEGEND

- Landslide
- Talus
- Terrace (non-marine)
- Terrace (marine) circled where buried
- Capistrano Formation (bedrock) siltstone sandstone (circled where buried)
- Boring Location (approximate)
- Geologic unit contact (approximate)
- Bedding attitudes
- Edge of bluff
- 25' Setback
- 40' Setback
- Static 1.5 Safety Factor
- Pseudo static 1.1 Safety Factor



COASTAL COMMISSION

EXHIBIT # 6  
PAGE 1 OF 2



SCALE: 1" = 16'

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 2 OF 2

Figure 3
Geologic Section A
2010 Calle de los Alamos
San Clemente, California
SOUTH COAST GEOTECHNICAL SERVICES
January 2014
Proj. No.: 1128-01