

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-20-0427

Applicant: Paul and Tiffaney Giobbi

Agent: Iain Buchan

Location: 318 West Avenida Gaviota, San Clemente, Orange County (APN: 692-282-11)

Project Description: Remodel and expand an existing 2,702 sq. ft., 2-story single family residence, including an 846 sq. ft. of living space addition on the first and second floor, removal of existing rear yard deck, and installation of a new deck, attached covered outdoor living area, a pool/spa, and new landscaping in the rear yard of the coastal canyon lot. A total of 9 caissons are proposed to support the northeastern corner of the existing residence and 19 pier foundations are proposed to support the proposed rear yard deck and pool/spa.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The project site is currently developed with a 2,702 sq. ft., 28-ft. high, two-story single-family residence with an 800 sq. ft., three-car garage on an inland coastal canyon lot in the City of San Clemente. The applicants propose to remodel and expand the single-family residence, including an addition of 846 sq. ft. of living space on the first and

second floors, removal of an unpermitted rear yard deck, restoration and landscaping of an unpermitted graded terrace in the rear yard, construction of a new deck with a covered patio and outdoor kitchen, and a new rear yard pool with spa ([Exhibit 2](#)). The applicants are also proposing to install 9 new caissons to support the northeastern corner of the existing residence and 19 pier foundations to support the proposed rear yard deck and pool/spa.

The standard of review for the project is Chapter 3 of the Coastal Act, with the certified San Clemente LUP used as guidance. The primary issues raised by the subject development are twofold: Whether the proposed development would be consistent with the hazards policies in the City's certified land use plan (LUP) and the Coastal Act; and issues related to the unpermitted development (carved terraces, patios, wooden steps, rock walls and concrete paths) in the rear yard of the property.

The applicants have submitted geologic investigations and slope stability analyses (LGC 7/10/20, 10/2/20, 1/15/21), which identify the canyon edge extending far beyond the canyon face along the southern portion of the site, which is inconsistent with the definition of a canyon edge in the LUP ([Exhibit 5](#)). However, given the absence of a single, obvious topographic transition from canyon bluff top to bluff face at this site, it is possible for different evaluators to arrive at different, reasonable interpretations of the canyon edge in accordance with the LUP definition.

The Commission does not use only one method to determine the appropriate setback from a canyon edge for new development. Likewise, HAZ-47 Policy of the City's certified LUP identifies three canyon setback options to be used for new development based on site specific characteristics. In this situation, it is appropriate to consider the ultimate purpose of the canyon edge delineation, which is to set a baseline for determining the development setbacks necessary to ensure the safety and stability of new development and to protect coastal resources (e.g., canyon habitats & visual/scenic resources). In this case, the development proposed for the southern portion of the subject site, which has a gentle slope, would be supported on a pier foundation that would minimize risk from erosion and instability within a 75-year project life, so it is likely that visual resource concerns are the primary consideration for the setback in the southern part of the site. Thus, using a stringline setback consistent with HAZ-47 of the certified LUP is appropriate for the new development proposed for this portion of the site. However, the northern portion of the site consists of a steep slope; thus, staff recommends maintaining a 15-ft. setback from the canyon edge on that portion of the site in order to be more protective of coastal resources ([Exhibit 6](#)). **Special Condition 3** requires submittal of a site-specific biological survey in order to ensure the proposed project is consistent with the biologic resource protection policies of the LUP and Coastal Act. The Commission imposes **Special Condition 1**, which requires the applicant to submit revised plans that conform with the identified canyon setback line. **Special Condition 2** requires the applicant to submit evidence that a registered professional geotechnical engineer has reviewed and approved all final plans consistent with the recommendations contained in the geotechnical investigations prepared for the subject site.

The applicants have also proposed to install 9 new caissons to support the northeastern corner of the existing residence and 19 pier foundations to support the proposed rear yard deck and pool/spa. The shear pin stabilization system proposed for the northern portion of the subject site is clearly a “deep pier/caisson” system in the context of HAZ-21 (the caissons would extend more than 40 ft. into bedrock), and is located on the upper bluff (it is an “upper bluff system” in the context of the “bluff protective device” definition). However, it is less clear that the proposed caissons would significantly alter the natural landform or canyon processes. With a calculated factor of safety (FS) of 1.2, the canyon slope on the northern portion of the subject site is not at present unstable, and the caisson system is not proposed to prevent a slope failure that would otherwise be likely to occur. The canyon bluff in the project vicinity is well-vegetated, and has experienced only minor surficial erosion and no appreciable canyon edge retreat in recent decades. The toe of the slope is not undercut, suggesting that recent streamflow has not been sufficient to erode the slope. In short, there are no signs that dynamic factors are likely to destabilize the slope or alter the current, relatively stable condition. Moreover, the proposed caissons are designed only to lend lateral stability to the bluff and would not prevent more gradual surficial erosion from occurring. The row of caissons alone could not prevent this type of erosion without additional modifications (e.g., the addition of lagging or shotcrete coating) that would require a CDP. For the reasons noted above (lack of active slope erosion, lack of driving factors), Commission staff geologist agrees that the future exposure of the proposed piles is unlikely within a 75-year project life, especially if effective site drainage measures are implemented to control subaerial erosion.

The pier foundations proposed for the southern portion of the slope appear to be designed to support the pool and deck rather than to stabilize the bluff itself. The spacing of the piers as shown in the BES foundation plan is too great to provide effective lateral stabilization of the bluff, and the piers would not prevent erosion, retain the bluff, or otherwise interfere with natural erosion processes on the canyon slope. Therefore, the pier foundation proposed for the pool and patio system does not represent a “canyon protective device” in applying the hazards policies of the LUP. However, future exposure of the caissons and pier foundations is not impossible. Bluffs and slopes with calculated factors of safety in the range of 1.0 – 1.2 have at times eroded or failed, exposing bluff-top caisson systems. Therefore, **Special Condition 5** requires any future exposed portions of the caissons and pier foundations be removed to protect visual resources. **Special Condition 4** requires the applicants to waive any rights to future canyon protective devices, thereby preventing the caisson system from being converted into a canyon protective device, for example through the addition of lagging or other continuous facing that would prevent natural erosional processes from occurring.

Violations of the Coastal Act have occurred on the property including, but not limited to, the construction of rear yard deck and stairs, and the graded terrace garden with concrete surface, wooden steps, and rock walls in the rear yard facing the canyon ([Exhibit 7](#)). Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. The existing single-

family residence was approved by the Commission in 1974 (Ref: P-3-14-74-2830) and the development was undertaken by previous property owner. However, the site plan associated with the 1974 permit showed no indication of the rear yard deck, stairs, and graded terrace that currently exist at the site today ([Exhibit 8](#)). Therefore, the existing rear yard deck, stairs, and graded terrace constitute unpermitted development.

As part of the project, the applicants propose removal of the existing unpermitted rear yard deck and stairs and replacement with a new deck and attached covered outdoor living area, and construction of a new rear yard pool and spa. The applicants also propose to restore the graded terrace in the rear yard and revegetate the area with native and non-native drought tolerant landscaping.

As discussed above, Commission staff recommends **Special Condition 1**, requiring the applicants to submit revised plans, reviewed and approved by the City, which conform with the setback from the delineated canyon edge. Commission staff also recommends **Special Condition 6**, which requires removal of the nonconforming development, including the existing terrace garden with concrete surface, wooden steps, and rock walls, from the canyon edge, and **Special Condition 7**, which requires the applicants to submit a revised landscaping and irrigation plans that would restore the area to natural state with native, non-invasive and drought-tolerant landscaping. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will resolve the violations described above.

Additionally, Commission staff recommends **Special Condition 8** (Construction Best Management Practices) and **Special Condition 9** (future improvements require an amendment or new CDP). To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, Commission staff recommends **Special Condition 10**, requiring the applicant to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the applicants' decision to develop the site as proposed. **Special Condition 11** requires 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 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.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-20-0427 with **eleven** special conditions. The motion and resolution can be found on **Page 6**.

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EXHIBITS

[Exhibit 1 – Vicinity Map and Project Site](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – LUP Figure 3-3](#)

[Exhibit 4 – Geologic Map and Cross Sections](#)

[Exhibit 5 – Geologic Setback Lines](#)

[Exhibit 6 – Commission’s Delineation of Canyon Setback Line](#)

[Exhibit 7 – Aerial Photo of the Project Site](#)

[Exhibit 8 – P-3-14-74-2830 Site Plan](#)

[Exhibit 9 – LUP Figure 4-2-B](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** the coastal development permit applications included on 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

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 applicant 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 applicant to bind

all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Submittal of Revised Plan.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit for the review and approval of the Executive Director, two (2) full size sets of revised plans that have been reviewed and approved by the City of San Clemente, which demonstrate the following:
 - A. Any development shall be landward of the canyon setback line as depicted in [Exhibit 6](#) of this report.
 - B. No portion of any proposed deck shall encroach into the canyon setback line as depicted in [Exhibit 6](#) of this report.
 - C. A revised foundation plan indicating the location of proposed caissons and pier foundations for the existing structure and any associated developments.
 - D. A revised drainage plan showing that surface runoff will be directed away from the canyon to the street and filtered prior to exiting the site.
 - E. A pool/spa leak prevention/detection plan showing pool overflow onto the canyon will be prevented.

The applicants shall undertake development in accordance with the approved final plans. Any proposed changes to the approved 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 required.

2. **Conformance with Geotechnical Recommendations.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, written evidence that a registered professional geotechnical engineer and/or registered geologist has reviewed and approved all final design plans including foundation and grading/drainage plans and certified that each of those final plans is consistent with all the recommendations contained in the geotechnical investigations prepared for the subject site.
3. **Submittal of Site-Specific Biological Survey.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval, a site-specific biological survey prepared by a qualified biologist consistent with the requirements of LUP Biological Resources Policy RES-75. If the Executive Director determines that any deviation from the approved final plans is necessary to protect the identified biological resources consistent with LUP Canyon Setback Policy HAZ-47, the applicants shall apply for

an amendment to this permit unless the Executive Director determines that no amendment is legally required for any proposed minor deviations.

4. No Future Canyon Protective Device(s).

- A. By acceptance of this permit, the applicants agree, on behalf of themselves and all successors and assigns, that routine repair and maintenance of the caissons and pier foundations approved by this permit on the subject site shall be allowed. However, the caissons and pier foundations shall not be enhanced, augmented, or reconstructed for purposes of protecting the development approved by CDP No. 5-20-0427, and no new canyon protective device(s) shall be constructed to protect the development approved pursuant to CDP No. 5-20-0427, including, but not limited to, the residence, foundations, patios, water feature/spa, decks, balconies, and any future improvements and/or accessory structures, in the event that the development is threatened with damage or destruction from landslide activity, erosion, earth movement, or coastal hazards in the future. By acceptance of this permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to enhance, augment, and/or reconstruct such devices that may exist under applicable law.
- B. By acceptance of this permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner is required to remove the development authorized by this permit if the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to natural hazards and that there are no measures that could make the structures suitable for habitation or use without the use of canyon protective devices. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.
- C. If any portions of the existing caissons and/or pier foundations are to be removed, prior to removal the applicants/landowners shall have a geotechnical investigation prepared by a licensed engineer and geologist, retained by the permittees, which addresses whether any portions of the development approved per CDP No. 5-20-0427 are threatened by landslide activity, erosion, and/or earth movement or coastal hazards. The report shall identify all those immediate or potential future measures that could stabilize the development without canyon protective device(s), including but not limited to removal or relocation of portions of the development. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical investigation concludes that any portion of the development is unsafe for occupancy, the permittees shall, within 90 days of submitting the investigation, apply for a coastal development permit amendment to remedy the hazard.
- D. Prior to removal/relocation, the permittees shall submit two copies of a Removal/Relocation Plan to the Executive Director for review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/ relocated and the affected area

restored so as to best protect coastal resources. In the event that portions of the development fall down the canyon slope before they are removed, the landowners shall remove all recoverable debris associated with the development and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

5. Caisson Exposure Plan.

- A. By acceptance of this permit, the applicants agree on behalf of themselves and all successors and assigns that, in the event the caissons or pier foundations approved by CDP 5-20-0427 become exposed in the future, the landowner is required to submit an application for an amendment to CDP 5-20-0427 or a new CDP to implement methods to address coastal resource issues raised, including but not limited to issues related to hazards, habitat, and/or public views.
- B. The landowner shall undertake development in accordance with the approved final plan of the approved CDP amendment or new CDP. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the CDP, unless the Executive Director determines that no amendment is legally required for any proposed minor deviations.

6. Removal of Nonconforming Development from the Canyon Slope. The permittee shall carry out removal of the existing nonconforming canyon slope development including, but not limited to, the carved terraces, patios, wooden steps, rock walls and concrete paths in the rear yard. The area shall be revegetated consistent with the revised landscape plan for the canyon slope area consistent with the requirement of Special Condition 7 of this permit titled Native Plantings Landscape & Irrigation Plans.

7. Native Plantings Landscape & Irrigation Plans.

- A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, revised landscape and irrigation plans demonstrating that:
 - i. Only plants native to the San Clemente coastal canyon habitat type/vegetation community will be planted on the canyon slope;
 - ii. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site
 - iii. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the project site; and
 - iv. Permanent irrigation on canyon slopes and canyon bottom is prohibited. Only temporary irrigation for initial plant establishment on the canyon slope is allowed. All temporary irrigation must be removed once vegetation has established.

- B. The permittee shall also comply with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems and efficient fixtures and appliances.
- C. The permittee shall undertake development in accordance with the approved final landscape and irrigation plan(s). 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 CDP unless the Executive Director determines that no amendment is legally required.

8. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. The permittee shall comply with the following construction-related requirements:

- A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
- B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
- C. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- F. The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;

- I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures 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. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- 9. Future Improvements.** This permit is only for the development described in CDP No. 5-20-0427. 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 this development governed by CDP No. 5-20-0427. 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 CDP No. 5-20-0427 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government.
- 10. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the permittees acknowledge and agree (i) that the site may be subject to hazards including but not limited to erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the permittees 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.

11. Deed Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants 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

A. Project Description and Background

The proposed development is located at 318 West Avenida Gaviota in the City of San Clemente on an inland, coastal canyon lot ([Exhibit 1](#)). The subject site is designated RL (Residential Low Density) in the San Clemente certified Land Use Plan (LUP) and surrounding development consists of single-family residences.

The 20,000 sq. ft. property consists of a developed residential lot atop a northwesterly slope descending approximately 60 ft. down to the bottom of the coastal canyon. The nearest formalized public access to the California Coastal Trail and public beach is at the Lost Winds beach access trail, approximately 1,500 ft. south of the site ([Exhibit 3](#)). The project site is currently developed with a 2,702 sq. ft., 28-ft. high, two-story single-family residence with an 800 sq. ft., three-car garage, which was permitted by the Commission to the previous property owner in 1974 (Ref: CDP no. P-3-14-74-2830).

The applicants propose to remodel and expand the single-family residence, including an 846 sq. ft. of living space addition on the first and second floor, removal of the existing unpermitted rear yard deck, restoration of an unpermitted graded terrace in the rear yard, and construction of a new deck with covered patio and outdoor kitchen, a new rear yard pool with a spa, and new landscaping in the rear yard ([Exhibit 2](#)). A total of 9 caissons are proposed to support the northeastern corner of the existing residence and 19 pier foundations to support the proposed rear yard deck and pool/spa.

The residence is of similar mass and scale as other structures in the project vicinity, and the height of the structure will remain unchanged. In addition, the project site is not located within or in close proximity to designated significant public views or designated Public View Corridors as prescribed in policies VIS-1 and VIS-10 and identified on Figures 6-1, 6-2-A, and 6-2-B of the certified San Clemente LUP. Therefore, the

proposed development is not anticipated to have any new adverse impact on visual resources in this area.

The Commission certified the City's LUP in 1988, and approved a comprehensive update most recently in 2018. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

Hazards

The Commission requires that new development be designed in a manner that assures the stability of the proposed development itself and does not significantly affect geologic hazards, such as landslides or erosion, of the site or surrounding area, while also avoiding the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. For residential development, the project life is typically assumed to be 75 years.

The subject property is a canyon-top lot located on the southeastern side of Toledo Canyon. The canyon slope behind the site descends just over 60 ft. from the building pad (at about +102 ft. above mean sea level, MSL) to the floor of the canyon (~+40 ft. MSL). The canyon bluff consists of marine siltstone bedrock, known as the Capistrano Formation, overlain by geologically-recent marine terrace deposits composed of moderately-consolidated sand, silt and clay. The Capistrano Formation forms the base of the slope up to an elevation of approximately +80 ft. MSL, with 15-20 ft. of terrace deposits forming the upper bluff. Of particular importance for geologic stability in San Clemente are the weak clay beds that occur within the Capistrano Formation, and which can often act as rupture surfaces for landslides. A subsurface study at a neighboring site (322 Avenida Gaviota) identified one such clay bed at a depth of 18 ft. below ground surface (LGC 7/10/20). This clay bed is likely to occur beneath the subject site and has been considered in the applicant's geologic investigations and slope stability analyses (LGC 7/10/20, 10/2/20, 1/15/21). The basic geologic structure of the site is shown in [Exhibit 4](#), pages 1-3.

Below approximately +80 ft. MSL the Capistrano Formation forms a relatively steep cliff, with slope ranging from about 45 – 70 degrees (1:1 to 0.5:1, horizontal: vertical, h:v). The upper bluff marine terrace deposits form gentler slopes in the range of 17 – 29 degrees (3:1 to 2:1 h:v). The canyon slope on the northern portion of the site is steeper than on the southern portion of the site, where the bluff juts westward along a bend in the canyon. Above elevations of approximately +97 – 100 ft. MSL, the slightly inclined bluff top has a slope of approximately 14:1 (h:v), or less than 5 degrees. Northern (Section 1-1') and southern (Section A-A') cross-sections of the site are shown in [Exhibit 4](#), pages 2 and 3, respectively.

Determining Appropriate Canyon Setback Line

The definition of "canyon edge" is provided in Chapter 7 of the certified San Clemente LUP:

“CANYON EDGE” *The upper termination of a canyon: In cases where the top edge of the canyon is rounded away from the face of the canyon as a result of erosional processes related to the presence of the canyon face, the canyon edge shall be defined as that point nearest the canyon beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the canyon. In a case where there is a step like feature at the top of the canyon face, the landward edge of the topmost riser shall be taken to be the canyon edge.*

Based on the topographic information contained in the LGC reports and site plans, the canyon bluff extends from an elevation of approximately 40 ft. above MSL at the bottom of the canyon to about +100 ft. MSL at the top of the slope ([Exhibit 4](#), page 1). Below approximately +80 ft. MSL the relatively cohesive Capistrano Formation rock forms a relatively steep cliff, with slopes ranging from approximately 45 – 70 degrees. The less competent, more erodible upper bluff terrace deposits are characterized by gentler slopes (15 – 30 degrees, or 3:1 to 2:1, horizontal:vertical, h:v), especially on the southern portion of the subject property (see cross-section A-A'), where the bluff forms a promontory along a bend in the canyon. Above elevations of about +97 -100 ft. MSL, the slightly inclined canyon bluff top is flat or near-flat; along the southern cross-section (A-A'), the bluff top is inclined at about 4 degrees (14:1 h:v).

As can be seen in the two cross-sections provided by LGC, there is no single, abrupt edge of the canyon bluff at the project site; rather, the top edge of the canyon is “rounded away from the face of the canyon as a result of erosional processes related to the presence of the canyon face”, as anticipated in the LUP definition. In such a circumstance, the LUP defines the canyon edge as the “point nearest the canyon beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the canyon.” Phrased differently, the LUP defines the canyon edge as the point where the gradient of the canyon bluff first exceeds the general gradient of the canyon top (in other words, the first significant slope break). At the project site, this first slope break occurs at approximately the 98-foot elevation contour. Along the northern portion of the site (represented by cross-section 1-1'), the near-flat canyon bluff top transitions fairly abruptly to a surface with a slope of approximately 1.8:1 h:v (29 degrees), beyond which the slope increases fairly continuously until reaching the steep cliff face (~70 degrees). Along this northern portion of the site, the Commission’s staff geologist agrees with the applicant’s canyon edge line, as determined by LGC.

Along the southern portion of the site (represented by cross-section A-A'), the canyon bluff top is slightly inclined (~14:1 h:v, or 4 degrees), and the transition to the canyon face is more gradual, with several significant slope breaks. Following the LUP definition, the Commission staff geologist has identified the first major slope break, at an elevation of approximately +98 ft. MSL, as the canyon edge ([Exhibit 5](#)). As shown in cross-section A-A' ([Exhibit 4](#), page 3), at this point the slope increases from about 14:1 (h:v) (4 deg.) to about 3:1 (h:v) (17 deg.), which can be considered a significant change. In contrast, along this portion of the site the applicant identified the canyon edge as the

second significant slope break, where the slope of the bluff generally increases from 3:1 (h:v) to 2:1 (h:v) (~28 deg.).

From a topographic perspective, the 98-ft. elevation along cross-section A-A' is the "point nearest the canyon beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the canyon." However, the Commission recognizes that the LUP canyon edge definition contains language that could lead to differing delineations of the canyon edge. In particular, in discussing situations where the canyon edge is rounded away from the canyon face, the LUP definition specifies that this "rounding away" be the "result of erosional processes related to the presence of the canyon face[.]" This language indicates that the canyon edge determination is not purely a topographic exercise, but may also include geological analysis and judgement in determining where and in what cases the topographic profile has resulted from "erosional processes related to the presence of the canyon face," as opposed to other processes operating independently.

The gradual, rounded transition from bluff top to bluff face along the southern portion of the site (cross-section A-A') appears to be at least partially caused by "erosional processes related to the presence of the canyon face," over time including (i) erosion of the canyon bluff by streamflow, including undercutting and layback of the upper bluff terrace materials; and (ii) downslope flow of runoff causing surficial erosion of the upper canyon. Nonetheless, it is debatable whether the ~3:1 (h:v) portion of the upper slope is primarily caused by the presence of the canyon face, or whether other geologic factors are at play. In particular, prior development, including the unpermitted carving of terraces, patios and paths into the upper slope, appears to have influenced the topographic profile.

In summary, given the language of the LUP definition and the absence of a single, obvious topographic transition from canyon bluff top to bluff face at this site, it is possible for different evaluators to arrive at different, reasonable interpretations of the LUP canyon edge. For example, in a previous CDP review of new development at a neighboring property immediately south of the subject site (320 W. Avenida Gaviota; Ref: CDP No. 5-07-334), the previous Commission geologist Dr. Mark Johnsson delineated the canyon edge at an elevation (approx. +88 ft MSL) significantly farther down the canyon slope than the subject site's delineation for the southern portion of the 318 W. Avenida Gaviota property.

In this situation, it is appropriate to consider the ultimate purpose of the canyon edge delineation, which is to set a baseline for determining the development setbacks necessary to ensure the safety and stability of new development and to protect coastal resources (e.g., canyon habitats & visual/scenic resources). In this case, the development proposed for the southern portion of the subject site would be supported on a pier foundation that would minimize risk from erosion and instability within a 75-yr project life, and visual resource concerns are the primary consideration for the setback in the southern part of the site. In the past, the Commission has at times used alternative methods, such as an existing development stringline, for determining where new development can be sited while still protecting visual resources.

Therefore, in this unique case, the Commission finds that it is a reasonable approach to delineate the canyon setback consistent with the development stringline on the southern portion of the site where the slope is gentle, while maintaining the 15 ft. canyon edge setback on the northern portion of the site where the slope is steep ([Exhibit 6](#)). The Commission imposes **Special Condition 1**, which requires the applicant to submit revised plans that conform with the identified canyon setback line. **Special Condition 2** requires the applicant to submit evidence that a registered professional geotechnical engineer has reviewed and approved all final plans consistent with the recommendations contained in the geotechnical investigations prepared for the subject site.

Canyon Slope Retreat Rate & Slope Stability

The location where new development¹ must be sited so that it will neither be subject to nor contribute to significant geologic instability throughout the life span of the project (a period of 75 years) is typically referred to as the Geologic Setback Line (GSL). The GSL is determined by combining slope stability analyses with estimated bluff retreat at a site.

LGC (7/10/20) reviewed aerial photographs dating back to 2007 and did not detect any erosion or canyon edge retreat on the site. This analysis indicates that little recent erosion has occurred, but the period of evaluation is too short for evaluating longer-term trends. A 2008 geologic investigation (Munson 1/16/08) of the neighboring site to the south (320 W. Avenida Gaviota) noted an area of surficial erosion on the canyon slope below 318 W. Avenida Gaviota. This observation may correspond to a bare/eroded area on the lower slope below the site visible in oblique aerial photographs dating from 2002 – 2013 (www.californiacoastline.org). In order to gain a longer-term perspective, Commission staff has examined historical overhead aerial photographs made available by Orange County (<https://www.ocgis.com/ocpw/historicalimagery/index.html>), extending back to 1938, and found no evidence of significant canyon edge retreat at the subject site over the past 80 years.

Therefore, minor surficial erosion has occurred on the canyon slope at the site historically but does not appear to have translated into significant canyon edge retreat. Unless a major landslide occurs, future rates of canyon edge erosion will continue to be very low, and no additional new development setback beyond that needed to achieve a 1.5 factor of safety is necessary. Implementation of effective site drainage and erosion control measures in the rear yard to prevent runoff over the canyon edge will be important for ensuring erosion rates remain low. Therefore, the Commission imposes **Special Condition 1**, requiring the applicant to submit a revised drainage plan and a pool/spa leak prevention/detection plan to minimize canyon erosion.

The applicant's slope stability analyses (LGC 7/10/20, 10/2/20, 1/15/21) show that the canyon slope at the subject site does not possess factors of safety (FS) adequate to

¹ In this case, "new development" means the proposed additions to the single family residence since the overall project is not considered a "major remodel."

assure the stability of new principal development (i.e., the location of a part of the existing and proposed residence has a static FS of less than 1.5).

For the northern portion of the slope (Section 1-1') LGC calculated a minimum static FS of 1.22 for a block-type failure originating along a deep clay bed (noted above) in the Capistrano Formation bedrock. This modeled failure surface daylighted beneath the northwestern portion of the existing residence, about 23 feet "inland" (southeast) of the canyon edge. Along this cross-section, a 1.5 FS (static) is only achieved approximately 61 feet inland of the canyon edge ([Exhibit 4](#), Page 1).

On the southern portion of the slope (Section A-A') the minimum static FS of 1.21 for a block-type failure occurred along a modeled failure surface daylighting beneath the proposed swimming pool, about 13 ft. east of the LUP canyon edge (59 ft. east of the applicant's bluff edge line). Along this cross-section, a 1.5 FS (static) is achieved approximately 45 ft. inland (east) of the LUP canyon edge (90 ft. inland of the applicant's canyon edge line), at a point entirely inland of the proposed pool. The approximate location of the 1.5 FS line on the subject property is shown in [Exhibit 4](#), Page 1. In order to achieve a 1.5 FS without the use of caissons or other stabilization devices, new development on the subject property would need to be sited "inland" (southeast) of this line.

Proposed Caisson and Pier Foundation System

In the northern area, the applicant has proposed to increase the stability of the bluff top using a shear pin caisson system around the edge of the existing structure ([Exhibit 4](#), Pages 1 and 2). The reinforced concrete caissons would be embedded at least 45 ft. below ground surface into the Capistrano Formation bedrock, to a depth below the 1.5 FS surface identified in the LGC (7/10/20) slope stability analysis. The proposed caisson system would increase the FS of the bluff beneath the proposed building pad to greater than 1.5 (static) and 1.1 (seismic). However, there is some question whether a shear pin system that increases the stability of the canyon slope may be considered a canyon or bluff protective device under the San Clemente LUP.

The LUP does not include a separate definition of "canyon protective device," though the term is included in Hazards Policies HAZ-20 and HAZ-21. In the context of HAZ-21, a "bluff/**canyon**/shoreline protective device" could include "revetments, breakwaters, groins, seawalls, **bluff protective devices, deep piers/caissons**, or other artificial structures as defined in Chapter 7 that alter natural landforms or **alter bluff/canyon/shoreline processes**" (emphasis added). Chapter 7 of the LUP does not make any explicit distinction between "bluffs," in general, and canyon slopes, but following from HAZ-21, it is reasonable to assume that the definition of a "bluff protective device" may apply to "canyon protective devices." This general definition describes "a structure or other device, including, but not limited to ... upper bluff systems ... designed to retain the bluff and protect an existing structure ... from the effects of ... erosion, and other natural forces."

The shear pin stabilization system proposed for the northern portion of the subject site is clearly a “deep pier/caisson” system in the context of HAZ-21 (the caissons would extend more than 40 ft. into bedrock), and is located on the upper bluff (it is an “upper bluff system” in the context of the “bluff protective device” definition). However, it is less clear that the proposed caissons would significantly alter the natural landform or canyon processes. With a calculated FS of 1.2, the canyon slope on the northern portion of the subject site is not at present unstable, and the caisson system is not preventing a slope failure that would otherwise be likely to occur. The canyon bluff in the project vicinity is well-vegetated, and has experienced only minor surficial erosion and no appreciable canyon edge retreat in recent decades. The toe of the slope is not undercut, suggesting that recent streamflow has not been sufficient to erode the slope. In short, there are no signs that dynamic factors are likely to destabilize the slope or alter the current, relatively stable condition. Moreover, the proposed caissons are designed only to lend lateral stability to the bluff and would not prevent more gradual surficial erosion from occurring. The row of caissons alone could not prevent this type of erosion without additional modifications (e.g., the addition of lagging or shotcrete coating) that would require a CDP.

LGC (7/10/2020) states that the location of the proposed piles is “well back from the slope face and ... from a calculated factor of safety for slope stability of 1.0”, that “[f]uture slope failures in the vicinity of the proposed structure and piles are not anticipated”, and “[f]uture exposure of the piles is not expected.” For the reasons noted above (lack of active slope erosion, lack of driving factors), the Commission’s staff geologist agrees that the future exposure of the proposed piles is unlikely within a 75-year project life, especially if effective site drainage measures are implemented to control subaerial erosion. However, future exposure of the caissons is not impossible. Bluffs and slopes with calculated factors of safety in the range of 1.0 – 1.2 have at times eroded or failed, exposing bluff-top caisson systems, though typically this type of exposure has occurred in coastal settings, which are more dynamic than the subject canyon slope.

The pier foundations proposed for the southern portion of the slope appear to be designed to support the pool and deck² rather than stabilize the bluff itself. The spacing of the piers as shown in the BES foundation plan is too great to provide effective lateral stabilization of the bluff, and the piers would not prevent erosion, retain the bluff, or otherwise interfere with natural erosion processes on the canyon slope. Therefore, the pier foundation proposed for the pool and patio system does not represent a “canyon protective device” in applying the hazards policies of the LUP. Similar to the northern area, the southern canyon slope along section A-A’ has a static factor of safety of 1.2 or less. It is unlikely, though still possible, that future erosion could expose portions of the pier foundations.

² The proposed pool and patio are nonconforming with the Commission-delineated canyon setback line. The applicant intends to submit revised plans that conform to this setback, but is expected to propose a similar pier foundation system for the revised pool and deck.

Therefore, the Commission imposes **Special Condition 5**, which requires any potentially exposed portions of the caissons and pier foundations be removed to protect visual resources. **Special Condition 4** requires the applicants to waive any rights to future canyon protective devices, thereby preventing the caisson system from being converted into a canyon protective device, for example through the addition of lagging or other continuous facing that would prevent natural erosional processes from occurring.

Biological Resources

The City of San Clemente certified LUP includes maps of the coastal canyons that identify areas within some of the canyons as “potential sensitive habitat”, recognizing that development of the area surrounding the coastal canyons, which occurred prior to the effective date of the Coastal Act, has adversely impacted the coastal canyons to varying degrees. In this case, the subject site is on Toledo Canyon. LUP figure 4-2-B ([Exhibit 9](#)) identifies no potential sensitive habitat within the Toledo Canyon. Nevertheless, the LUP recognizes all coastal canyons as areas that contain native habitat, typically in smaller patches, though degraded by past activities and the presence of invasive species. Maintaining the habitat value of the coastal canyons, or preferably enhancing the value when feasible, is required by the City’s certified LUP, via various coastal canyon policies. As such, the quality of canyon habitat must be assessed on a site-by-site basis.

In this case, the applicants have not submitted a site-specific biological study to identify the presence and extent of existing vegetation on and adjacent to the project site. Therefore, the Commission is unable to analyze the project site’s quality of canyon habitat and whether the proposed project would impact the existing biological resources. The Commission imposes **Special Condition 3**, requiring the applicants to submit a site-specific biological survey consistent with the requirements of LUP Biological Resources Policy RES-75 to evaluate the presence and extent of all vegetation within the entire project site. If the Executive Director determines that any deviation from the approved plans is necessary to protect the identified sensitive biological resources consistent with LUP Canyon Setback Policy HAZ-47, the applicants shall apply for an amendment to this permit unless the Executive Director determines that no amendment is legally required for any proposed minor deviations.

Coastal Act Violation

Violations of the Coastal Act have occurred on the property including, but not limited to, the construction of rear yard deck and stairs, and the graded terrace garden with concrete surface, wooden steps, and rock walls in the rear yard facing the canyon ([Exhibit 7](#)). Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. As previously discussed, the existing single-family residence was approved by the Commission in 1974 (Ref: P-3-14-74-2830) and the development was undertaken by previous property owner. However, the site plan associated with the 1974 permit showed no indication of

the rear yard deck, stairs and graded terrace that are currently existing at the site ([Exhibit 8](#)). Therefore, the existing rear yard deck, stairs, and graded terrace constitute unpermitted development.

As part of the project, the applicants propose removal of the existing unpermitted rear yard deck and stairs and replacement with a new deck and attached covered outdoor living area, and construction of a new rear yard pool and spa. The applicants also propose to restore the graded terrace in the rear yard and revegetate the area with native and non-native drought tolerant landscaping.

As discussed previously, the Commission imposes **Special Condition 1**, requiring the applicants to submit revised plans, reviewed and approved by the City, which conform with the setback from the delineated canyon edge. The Commission also imposes **Special Condition 6**, which requires removal of the nonconforming development, including the existing terrace garden with concrete surface, wooden steps, and rock walls, from the canyon edge, and **Special Condition 7**, which requires the applicants to submit revised landscaping and irrigation plans that would restore the area to natural state with native, non-invasive and drought-tolerant landscaping.

Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will result in resolution of the violations described above. Although development has taken place prior to submission of this permit application, consideration of the permit application by the Commission has been based solely on consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations).

Conclusion

Therefore, the project, as conditioned to conform with the necessary canyon setbacks, to remove portions of development in the event of exposure, and to restrict the future construction of canyon protective devices, can be found consistent with the hazards policies of the Coastal Act and the LUP. Additionally, the Commission imposes **Special Condition 8** (Construction Best Management Practices) and **Special Condition 9** (future improvements require an amendment or new CDP). 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 **Special Condition 10** requiring the applicant to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the applicant's decision to develop the site as proposed. **Special Condition 11** requires 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 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.

B. Coastal Hazards

Development adjacent to slopes such as those found on canyons or hillsides is inherently hazardous. Development which may require a protective device in the future can not be allowed due to the adverse impacts such devices have upon public access, and visual resources. To minimize risks to life and property the development has been conditioned to: require an appropriate set-back from the top of slope, to prohibit construction of protective devices (such as a retaining wall) in the future, for a drainage and runoff control plan to minimize percolation of water into the slope, for a landscaping plan, and to require that the landowner or and 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. Visual Resource

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Public Access and Recreation

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. Biological Resources

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.

F. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and 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, the use of non-invasive drought tolerant vegetation, 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 with 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

Coastal Act Section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Commission certified the Land Use Plan (LUP) 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 (IP) portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted an IP on June 3, 1999, but withdrew the submittal on October 5, 2000. Most recently in 2018, the City certified an LUP amendment for a comprehensive update of the LUP. The City is currently also working on resubmittal of an IP; however, there is no certified LCP at this time.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified 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 approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. 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, either individually or cumulatively with other past, present, or reasonably foreseeable probable future projects. 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.

V. APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit Application No. 5-20-0427 and associated file documents.
- Coastal Development Permit Application No. P-3-14-74-2830 and associated file documents.
- LGC Geotechnical, Inc., *Geotechnical Evaluation Report, Proposed Residential Remodel and Rear-yard Improvements, 318 West Avenida Gaviota, San Clemente, California*, dated July 10, 2020.
- LGC Geotechnical, Inc., *Geotechnical Response to California Coastal Commission Review Comments, dated September 4, 2020, Geotechnical Evaluation Report, Proposed Residential Remodel and Rear-yard Improvements, 318 West Avenida Gaviota, San Clemente, California*, dated October 2, 2020.
- LGC Geotechnical, Inc., *Supplemental slope stability analysis for 318 West Avenida Gaviota*, dated January 15, 2021.
- William R. Munson, Inc., *Preliminary Engineering Geologic Opinion of Site Terrain Stability and Feasibility of Proposed House Add On/Remodel and Swimming Pool/Spa Construction; 320 Avenida Gaviota, San Clemente, California*, January 16, 2008.