AGENDA ITEM: 8-D

STAFF REPORT
SAN CLEMENTE PLANNING COMMISSION

Date: July 22, 2015

PLANNER: Amber Gregg, Associate Planner

SUBJECT: **Variance14-388, Spencer Residence**, a request to construct a single-family residence with a reduced front yard setback on a vacant, residential low-density, coastal canyon lot located at 200 W. Avenida San Antonio (future address will be changed to 234 W. Avenida San Antonio).

REQUIRED FINDINGS

Prior to approval of the proposed project, the following findings shall be made. The draft Resolution (Attachment 1) and analysis section of this report provide an assessment of the project's compliance with these findings.

Variance, Section 17.16.080

1. Due to special circumstances applicable to the subject property including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications.

2. The granting of the variance is necessary for the preservation of a substantial property right possessed by other properties in the same vicinity and zone and would otherwise be denied to the subject property.

3. The required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations.

4. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

5. The granting of a variance is consistent with the General Plan and the intent of this title.

BACKGROUND

The subject parcel is an irregularly shaped, 6,800 square feet coastal zone lot. The buildable pad area is very constrained due to its location on a costal canyon, steep drop-off, and irregular shape due to the curvature of the street. The applicant is seeking a variance to reduce the required 10.5 foot median front yard setback to four feet.

The project is located within the Residential Low zoning district and Coastal Zone overlay (RL-CZ). There are no historic homes abutting the parcel, and it is not located in an architectural overlay. Single family homes surround the property. The parcel is the last vacant property in the surrounding area, as shown on the location map provided as Attachment 1. The lot has a narrow flat pad area that ranges 12-28 feet in depth. The standard minimum front yard setback for the RL zone is 20 feet; the median setback for the area is 10.5 feet. To reduce encroachment on the coastal canyon, the applicant is proposing a minimum front yard setback of four feet. A topographical survey of the site is included in the attached plans.

Development Management Team Meeting

The City's Development Management Team (DMT) reviewed the project on October 23, 2014 and April 2, 2015, and supports the request, subject to the proposed conditions of approval.

Noticing

Public notices for this request were posted at the subject property, printed in the San Clemente Sun Post, and mailed to the owners of properties located within 300 feet of the project site. To date, staff has received no input from the public on this request.

PROJECT DESCRIPTION

The applicant wishes to construct a single-family home on a coastal canyon lot with significant topographical and physical constraints. In an effort to preserve the coastal canyon the applicant is seeking a variance to the required front yard setback.

Development Standards

Table 1 outlines the development standards and how the project is consistent with these standards.

Table 1- Development Standards

	Code Requirements	Proposed Site Plan	Meets Code Req.
Building Height Maximum	25'	24.1'	Yes
Setbacks (Minimum): • Front (Median Setback) • Side Yard • Canyon Setback	 10.5' 5.5' 30% of lot depth	 4' 5.5' 44%	 No* Yes Yes
Lot Coverage (Maximum)	50%	30%	Yes
Required Parking (Minimum):	2 spaces	2 spaces	Yes

	Code Requirements	Proposed Site Plan	Meets Code Req.
Landscaping Req. (Minimum):	50% of front yard setback	Greater than 50%	Yes
Street Trees	4	4	Yes

**Variance request to reduce front yard setback.*

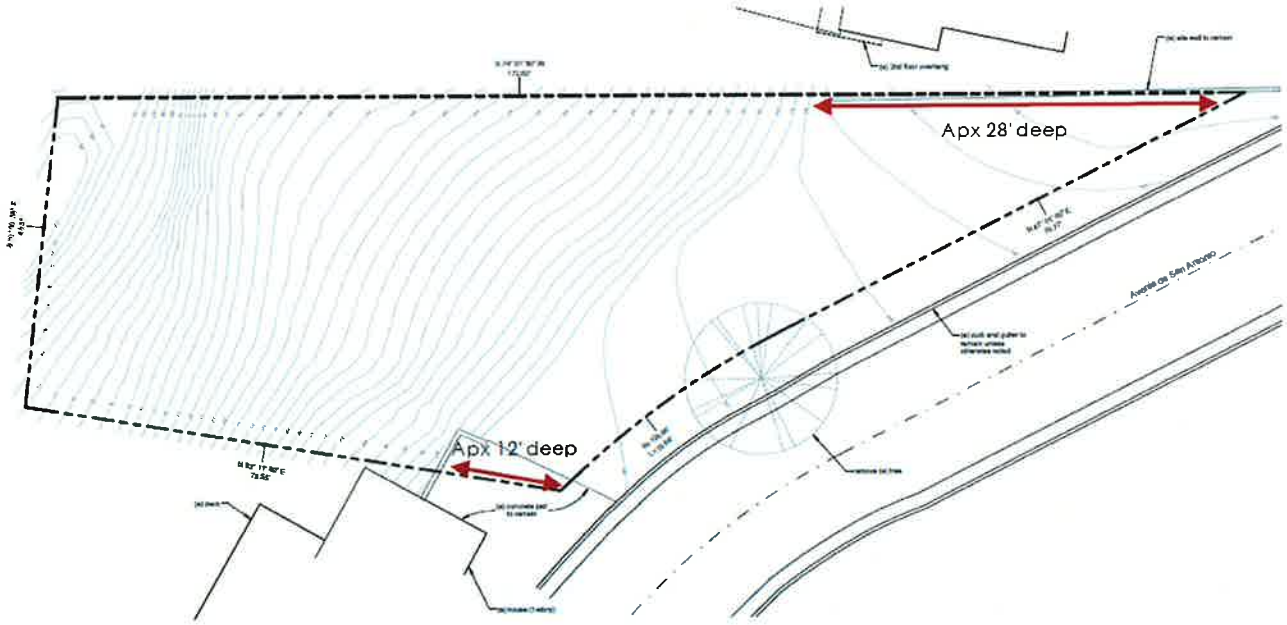
Architecture

The proposed architectural style is Modern. Architectural details include stained wood siding, beige stucco, cable wire railings, lattice privacy screens, and large open windows. The garage door will be a sectional roll up with frosted glass and aluminum frames. The neighborhood has an eclectic architectural mix of one- and two-story homes. The Modern style of the proposed home is in character with the neighborhood. The rear elevation is proposing a warm, earth tone color, to help the project blend with the canyon.

Site Design

As stated previously the lot is an irregular shape. The front property line curves with the meandering street that pushes back the front property line towards the canyon. This results in a reduced flat area between the street and the canyon edge. See Exhibit 1 below for details.

Exhibit 1- Parcel and Topography

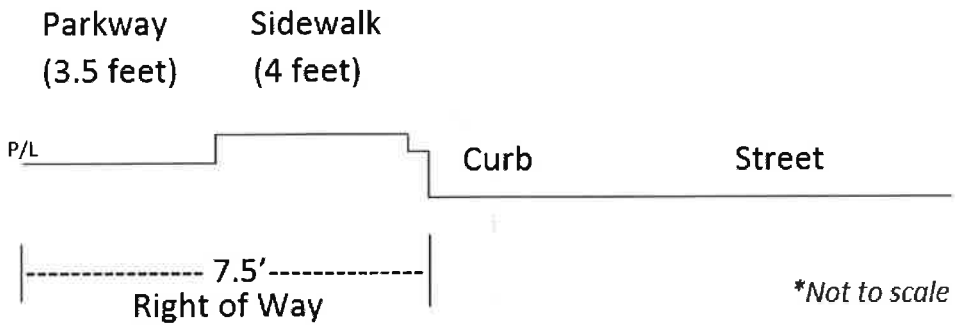


The single-family home is two-stories with an attached two-car garage. The first floor measures 1,423 square feet, and has four bedrooms. The garage is also on the first floor and is 489 square feet. The second floor measures 1,144 square feet and includes a great room, kitchen, and large deck. The size of the home is comparable to homes in the surrounding neighborhood.

The site plan shows the front yard setback varies from four feet to 15 feet. Although portions of the home are four feet from the front property line, the front design of the house provides noteworthy off-sets. Not having a continuous solid mass four feet from the property line helps improve the streetscape and lessen massing impacts from the reduced setback.

The public right-of-way provides additional setback from the street. San Antonio is designed to have a four-foot sidewalk, and a 3.5-foot parkway. The additional 3.5 feet of separation between the sidewalk (which will be landscaped) and the property line in this location results in what will be a 7.5 to 18.5 foot building setback from the back of sidewalk. See Exhibit 2 for details.

Exhibit 2 - Cross Section of Public Right-of-Way



The garage is located along the south side property line. The required setback to the face of a roll up garage door is 18 feet. For lots with grade differences of 5-10 feet or more within the first 25-35 feet, the Zoning Ordinance permits garages to encroach into the setback. The topography is challenging, but the project does not meet the requirement for the proposed encroachment so the variance is requested for the garage as well. The placement of the garage provides a driveway apron of 11.5 to 22 feet from back of sidewalk. This results in enough room for one car to park in the driveway without overhang the sidewalk.

Landscaping

The front yard will be landscaped with native, drought-tolerant, plantings. There will be four street trees (as required by code) as well as decorative paving. Behind the home, all non-native plants will be removed from the canyon and the slope will be replanted with "Coastal Sage Scrub." Temporary irrigation will be provided for the plants. Once the plants have been established the irrigation will be able to be turned off. The requirement to restore the canyon with native landscaping is included in the Conditions of Approval (Condition No. 31).

Coastal Canyon

The project is located on a coastal canyon and is subject to the Coastal Zone Overlay requirements. Staff reviewed the existing conditions of the canyon, previous determinations for canyon setbacks for development in close proximity to the site, and the constraints of the property. City staff then reviewed these factors with the California Coastal Commission (CCC) staff and agreed that the appropriate setback to apply to the project would be a

minimum of 30% of the depth of the lot, and setback from the primary vegetation line (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from riparian vegetation). This means that the back 30% of the lot (or 35 feet) must be free from development. The applicant is proposing a setback from the rear property line of more than 51 feet, or greater than 40%. This is the same setback requirement that was utilized by the adjacent house to the ease at 232 San Antonio.

The subject parcel is vacant so there is "vegetation" on the entire site. A biological study was conducted of the site to verify if there is any coastal sage scrub or riparian vegetation as required by coastal setback requirements. The biological study concluded that there is no special status vegetation including coastal sage scrub or riparian vegetation on-site, and concluded there is no potential for impacts on environmentally sensitive habitat areas (ESHA) (Attachment 5). The biological study did note that there is disturbed chaparral on the site. Within the proposed development area, the majority of vegetation is heavily disturbed non native grasses with a small area of disturbed chaparral to the west. As noted under landscaping, the applicant will restore the canyon and remove non-native plants and replace them with native species.

It should be noted that the project still must be reviewed and approved by CCC. During CCC's review the rear setback could be modified and potentially pulled further out of the canyon, reducing the buildable footprint of the house even more. Although staff communicates as much as possible with CCC staff during our review process, they still hold the right to modify projects as they deem necessary.

PROJECT ANALYSIS

Variance

The purpose and intent of the variance process is to provide relief from development standards in special circumstances. For a variance to be granted, special circumstances related to a property must exist which deprive the property owner of development privileges enjoyed by other property owners in the vicinity and in the same zone; the deprivation of these privileges must result in a hardship for the property owner. As noted under the site design, the location of the parcel has topographic and physical constraints due to the coastal canyon.

The variance requested is a reduction in the required front yard setback. The required setback per the Zoning Ordinance is a median setback of approximately 10.5 feet. A median setback (versus the standard 20 foot front setback) can be utilized when there are more than four homes developed on the block.

A median of 10.5 feet means half of the homes have a setback on the block of less than 10.5 feet. This is due to similar site circumstances as the prosed development. Directly adjacent to the property, at 236 West Avenida San Antonio, the residence has a 16 inch front yard setback due to the coastal canyon and topography, a variance was approved at this location in 2005.

Please see the photographs of the surrounding area provided under Attachment 4. Exhibit 3 identifies surrounding residence on the canyon with setbacks less then the 10.5 foot median.

Exhibit 3 - Adjacent Developments Constructed Along the Coastal Canyon

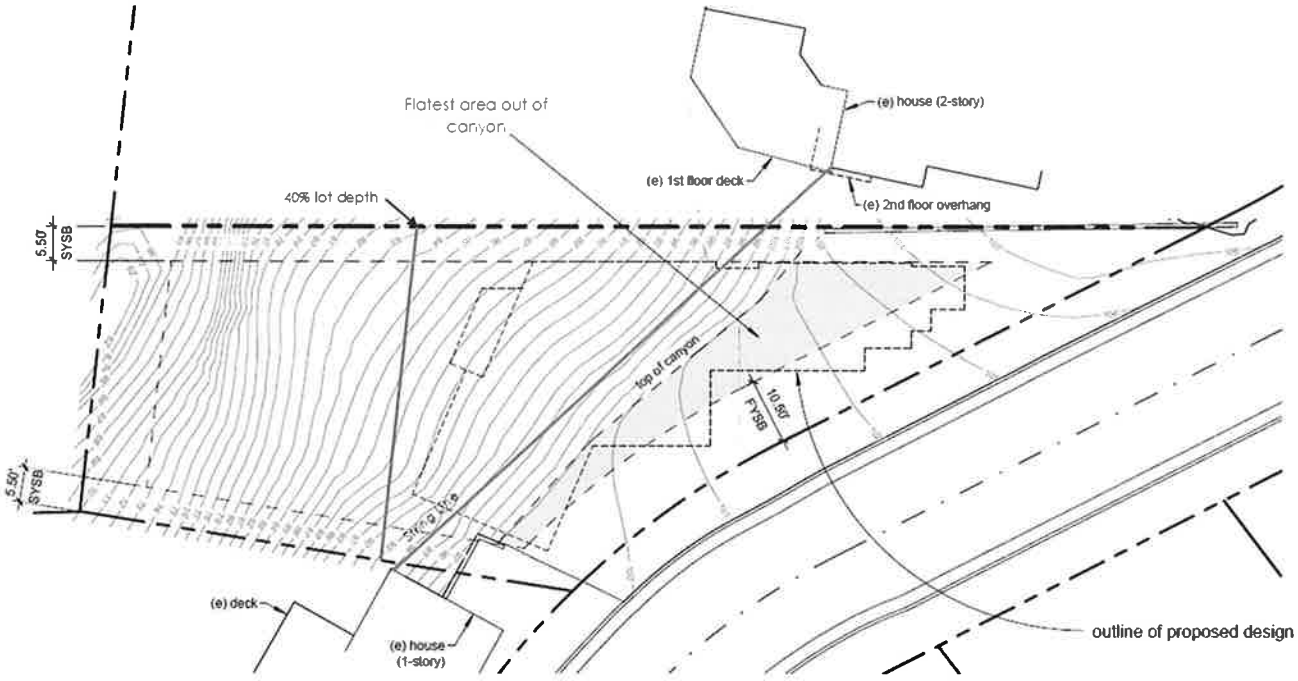
Breakdown of setbacks along Canyon Edge:

Address	Setback	Record of Variance
230 W. San Antonio	20.33	
214 W. San Antonio	20.16	
212 W. San Antonio	11.75	
206 W. San Antonio	11.66	
208 W. San Antonio	11.08	
210 W. San Antonio	11.08	
202 W. San Antonio	11	
226 W. San Antonio	10.66	
232 W. San Antonio	10.5	
216 W. San Antonio	10.41	
222 W. San Antonio	7	
224 W. San Antonio	7	
237 W. Alesandro	5.33	Yes, 1976
228 W. San Antonio	4.5	
220 W. San Antonio	5.08	
236 W. San Antonio	1.5	Yes , 2005
Median Setback 10.5		
Other nearby Properties		
229 Alessandro	10.5	
225 Alessandro	6	Yes, 2001
207 Alessandro	4.14	Yes, 2001

Per the above information, the front setbacks are significantly reduced at the bottom of the horseshoe shaped street due to the coastal canyon.

Staff also examined the buildable area for the lot if the 10.5 foot median setback were to be applied. The below exhibit shows the area of development proposed to project into the10.5 feedback.

Exhibit 4- Illustrating 10.5 foot Median Setback



The projections of 6.5 feet into the front yard setback provide the ability to construct square walls while having a minimal impact on the public right-of-way in regard to massing. Due to the irregular shape of the lot, and the curvature of street, designing a garage that meets the minimum requirements would be extremely challenging without pushing the development farther into the canyon.

Based on the above analysis, staff believes the variance is warranted and meets the findings in that:

1. The subject site has special circumstances including irregular shape due to public right-of-way, topographic challenges due to steep topography, and limited developable area due to the protected coastal canyon. Due to these circumstances the strict application of the code would deny the applicant the privilege of a reduced front yard setback which is enjoyed by seven other properties in the vicinity, one of which has a setback of 16 inches and is located next door. Four of the surrounding properties have received variances in the past due to similar circumstances.

2. The granting of the variance will preserve the applicant's property right to develop a single-family home while also helping to preserve the coastal canyon by not forcing the building into the canyon.

3. Because of the meandering coastal canyon and topographic constraints of the site, the applicant would not be receiving special privileges. Many nearby property owners have setbacks less than the median 10.5 foot setback due to the physical constraints of the canyon.

4. The granting of the variance would not be detrimental to the public health, safety or welfare, or materially injurious to property or improvements tin the vicinity in that the project shall comply with all applicable code requirements including building and Safety, Fire, the Municipal Code, and California Coastal Commission.

5. The granting of a variance is consistent with the General Plan, Coastal Element, and Zoning Ordinance in that a single-family home would be permitted to be constructed on an in-fill vacant lot in the residential low zoning district, and the projects site plan and design respects and restores the Coastal Canyon's natural resources.

Design Review Subcommittee

The project was reviewed by the Design Review Subcommittee (DRSC) on May 27, 2015. The following are comments expressed by the DRSC and the applicant's response to them.

Table 2 - DRSC Concerns and Project Modifications

DRSC Concerns	*Project modifications*
Driveway depth was a concern and requested the applicant examine if the garage face could be moved back at all.	***Modified as requested.*** Face of the garage was pushed back 24", new garage dimensions are 22'9" deep and 21' wide. The back wall of the garage has not been moved as to not encroach into the canyon.
Noted the north wall would benefit from additional articulation.	***Modified as requested.*** Removal of the office on the second floor reduced the overall mass of the building, and windows were added where feasible to provide additional relief.
Concerned about massing of the two-story structure along public right-of-way at the north end of the property line.	***Modified as requested.*** The second story office has been removed reducing the building to a one-story in the area of concern. See Attachment 6 for before and after renderings showing incorporated modifications.
Recommended reaching out to the neighbors on the project.	***Contact made.*** The applicant's contacted the neighbors and made them aware of their plans.

DRSC Concerns	*Project modifications*
Cautioned the applicant of using wood siding at the back of the building along the canyon due to termites and harsh coastal elements.	***Detail removed.*** The wood siding was removed from the elevation and replaced with stucco, the applicant will paint the area with a warm, earth tone color to blend the development with the canyon.
The applicant asked if staking the site to see the footprint of the building would be helpful, and the DRSC concurred that it would be very helpful in visualizing the development.	***Project footprint staked.*** The project site has stakes set in the ground that outline the footprint of the building. The staking plan is provided as the last page in the reduce set of plans. The stakes were installed on July 9, 2015.

GENERAL PLAN CONSISTENCY

Table 3 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 3 - General Plan Consistency

Policies and Objectives	Consistency Finding
Land Use Goal. Achieve a mix of residential neighborhoods and housing types that meets the diverse economic and physical needs of residents, that is compatible with existing neighborhoods and the surrounding environmental setting, and that reflects community expectations for high quality.	***Consistent.*** The proposed project is a high quality Modern architectural style that will maintain the character of the existing neighborhood and will develop the last vacant parcel in the vicinity.
Coastal Element Goal. Ensure San Clemente's Coastal Zone environment is protected, maintained and, where feasible, enhanced, including its significant plant and wildlife species and natural, historical and human-made resources.	***Consistent.*** The project proposes to remove non-native landscaping and restore the canyon with native species.
C-2.05. Natural Resources. We protect natural resources by restricting the encroachment of development, incompatible land uses and sensitive habitat disturbance into designated coastal canyon and coastal bluff areas, consistent with the Local Coastal Program.	***Consistent.*** The reduced front yard setback on the 6,800 square foot lot allows the development to reduce impacts on the Coastal Canyon. This helps protect and preserve the canyon. The prosed restoration of the canyon with native plant species will help enhance the resource.

Policies and Objectives	Consistency Finding
C-2.06. Native Landscaping. We ensure that new landscaping for new development in coastal bluffs, coastal canyons or sensitive habitat areas or ESHAs within the Coastal Zone uses primarily plants that are native to the local region, as described in Zoning Ordinance, Coastal Zone (-CZ) Overlay District, and prohibit the planting of invasive plant species.	***Consistent.*** The project proposes, and is conditioned, to restore the canyon with primary plants that are native to the local coastal region.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

An environmental assessment for the project was completed in accordance with the California Environmental Quality Act (CEQA), and staff recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the development of a single-family dwelling unit within an urban area.

CALIFORNIA COASTAL COMMISSION REVIEW

The project is located on a coastal canyon and will require review and approval from the California Coastal Commission.

CONCLUSION

Based on the above analysis, staff believes that the proposed project meets the findings for a variance, and warrants relief from the strict application of the Zoning Ordinance. The purpose and intent of the variance process is to provide relief from development standards in special circumstances. The proposed project site has a number of challenges that render it a unique circumstance. These special circumstances include: irregular lot shape due to meandering public right of way, steep topography, and constrained rear yard setbacks due to coastal canyon protection. Designing a house that conforms to these constraints has been extremely challenging, which may explain why it's the last vacant site on the block. The design is in character with neighborhood and the setbacks are consistent with other homes in the immediate area that have been granted variances for similar situations. The three and a half feet of parkway behind the sidewalk provides additional setback when viewed from the street, resulting in a physical 7.5 foot setback from the back of the sidewalk to the closest point of the building. For all of these reasons, staff supports the requested variance.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and recommend approval of the proposed project.

   This action would result in the project being approved and the applicant being able to submit to the California Coastal Commission and apply for building permits.

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

   The Planning Commission can require additional modifications or conditions addressing potential concerns with the project, this may include reducing the encroachment into the canyon or modifying the front setback. This action would result in any modifications being incorporated accordingly.

3. The Planning Commission can recommend denial of the proposed project.

   This action would not allow the applicant to construct the residence as proposed and could result in the applicant filing an appeal with the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve VAR 14-388, Spencer Residence, a request to construct a single-family residence with a reduced front yard setback on a vacant coastal canyon lot, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution No. PC 15-035
   Exhibit A - Conditions of Approval
2. Location Map
3. Photographs of site
4. Photographs of surrounding developments
5. Biological Survey
6. Before and After Elevations Incorporating DRSC Comments

RESOLUTION NO. PC 15-035

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING VARIANCE 14-388, SPENCER RESIDENCE, A REQUEST TO CONSTRUCT A SINGLE-FAMILY RESIDENCE WITH A REDUCED FRONT YARD SETBACK ON A VACANT, RESIDENTIAL LOW-DENSITY, COASTAL CANYON LOT LOCATED AT 200 W. AVENIDA SAN ANTONIO (FUTURE ADDRESS 234 W. AVENIDA SAN ANTONIO)

WHEREAS, on October 1, 2014, an application was submitted and completed on June 26, 2015, by Tyler Van Stright of JLC Architecture, 250 N. Cedros Avenue, Solana Beach, CA 92075, a request to construct a single-family residence with a reduced front yard setback on a vacant, residential low-density, coastal canyon lot located at 200 W. Avenida San Antonio (future address will be changed to 234 W. Avenida San Antonio), the legal description being Lot 17, of Block 13, of Tract 852, and Assessor's Parcel Number 692-312-16; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the development of a single-family dwelling unit within an urban area; and

WHEREAS, on July 22, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW, THEREFORE, the Planning Commission of the City of San Clemente hereby resolves as follows:

Section 1: This project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the development of a single-family dwelling unit within an urban area.

Section 2: In regard to Variance 14-388 the Planning Commission finds:

A. Due to topographical constrains of the site with a significant slope starting 12 feet from the public right-of-way, physical constrains of the coastal canyon, and the irregular shape of the lot due to the public street which curves toward the coastal canyon, the strict application of the code would deny the applicant the privilege of a reduced front yard setback which is enjoyed by others properties in the vicinity. The median front setback of the coastal block of Avenida San Antonio is approximately 10.5 feet, with seven of the lots on the street with setbacks less than 10.5 feet and reduced to as little as 16 inches in the case of the residence adjacent to the subject property. Four of the surrounding properties have received variances in the past due to similar circumstances.

B. The granting of the variance will preserve the applicant's property right to develop a reasonably sized single-family home while also helping to preserve the coastal canyon by not forcing the building into the canyon.

C. Condition No. 6 limits the variance to the reduced front yard setback shown on the plans approved by the Planning Commission on July 22, 2015. Because of the meandering coastal canyon, irregular shaped property, and topographic constraints of the site, the applicant would not be receiving special privileges. Many nearby property owners have setbacks less than the median 10.5 foot setback due to the physical constraints of the canyon; on San Antonio there are seven homes with less then a 10.5 foot setback to as little as 16 inches.

D. The granting of the variance would not be detrimental to the public health, safety or welfare, or materially injurious to property or improvements tin the vicinity in that the project twill have to comply with all applicable code requirements including building and safety, fire, City Municipal Code and the California Coastal Commission.

E. The granting of a variance is consistent with the General Plan, Coastal Element, and Zoning Ordinance in that a single family home would be permitted to be constructed on an in-fill vacant lot in the residential low zoning district, while respecting and restoring the natural resource that is the Coastal Canyon.

Section 3: The Planning Commission hereby approves VAR 14-388, Spencer Residence, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on July 22, 2015.

_____
Chair

TO WIT:

I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on July 22, 2015, and carried by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

_____
Secretary of the Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL
Variance 14-388
Spencer Residence

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (Plng.)_____

2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (Plng.)_____

3. VAR 14-388 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (Plng.)____

4. A use shall be deemed to have lapsed, and VAR 14-388 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (Plng.)____

5. The owner or designee shall have the right to request an extension of VAR 14-388 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (Plng.)____

6. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation – City Quality Insurance Program]* (Plng.)_____(Bldg.)_____

7. The project shall be develop in conformance with the plans, elevations, details, and any other applicable submittals approved by the Planning Commission on July 22, 2015, subject to the Conditions of Approval.

   Any deviation from the approved site plan, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (Plng.)____

Building

8. A separate Building Permit is required for the proposed site retaining walls. Plans to construct new retaining walls must be reviewed and approved through a separate building plan check / permit process.*[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.)_____

9. Project has not been reviewed for Building Code compliance. Prior to issuance of building permits, code compliance will be reviewed during building plan check. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.)_____

10. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. *[S.C.M.C – Title 15 Building Construction]* (Bldg.)_____

11. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes.
[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning]
(Bldg.)_____

12. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. *[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Bldg.)_____

13. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. *[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]* (Bldg.)_____

14. Prior to the Building Division's approval to pour retaining wall foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building foundations conform to the front, side and rear setbacks are in conformance to the approved plans.
[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24] (Bldg.)_____

15. Fire sprinkler system required throughout all new Group R occupancies, including the attached garages. *[S.C.M.C – Title 15 – Chapter 15.08]* (Bldg.)_____

16. Underground utilities required. Overhead wiring shall not be installed outside on private property. All utility services located within any lot to be installed underground if the property is to be developed with a new or relocated main building.*[S.C.M.C – Title 15 – Chapter 15.12-Electrical Code]* (Bldg.)____

17. Prior to the Building Division's approval of the framing inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. (Bldg.)_____
[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]

Orange County Fire Authority

18. **Plan Submittal:** The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

    Prior to issuance of a grading permit, or a building permit if a grading permit is not required:
    (Fire)_____

    - Conceptual/precise fuel modification (service codes PR120-PR124). A conceptual fuel modification plan shall be approved prior to submittal of other plan types.
    - residential site (service code PR160)

    Prior to issuance of a building permit:

    - fire sprinkler system (service codes PR400)

19. Vegetation Clearance Inspection/Release: The developer/builder shall implement those portions of the approved fuel modification plan determined to be necessary by the OCFA and a confirmation of proper vegetation clearance shall be issued by the OCFA to the local building department prior to issuance of either building permits or bringing lumber or other combustible materials into the area, whichever comes first. Removal of undesirable species may meet this requirement or a separation of combustible vegetation for a minimum distance of 100 feet from the location of the structure and lumber stock-pile may be acceptable. Call OCFA Inspection Scheduling at 714-573-6150 with the Service Request number of the approved fuel modification plan at least two days in advance to schedule the vegetation clearance inspection. (Fire)_____

20. Fuel Modification Inspection for Occupancy: Prior to issuance of temporary or final certificate of occupancy, the fuel modification zones adjacent to structures must be installed, irrigated, and inspected. This includes physical installation of features identified in the approved precise fuel modification plan (including, but not limited to, plant establishment, thinning, irrigation, zone markers, access easements, etc). A written disclosure may be requested by the OCFA Inspector indicating that the homeowner is aware of the fuel modification zone on their land and that they are aware of the associated restrictions of the zone. Copies of buyer or builder signed emergency and maintenance access easements shall be presented upon occupancy final. (Fire)_____

21. Fuel Modification Maintenance: The property owner is responsible for all maintenance of the fuel modification indefinitely in accordance with the approved fuel modification plans. The property owner shall retain all approved fuel modification plans. As property is transferred, property owners shall disclose the location and regulations of fuel modification zone to the new property owners.

    (Fire)_____

Fees and Plan Check Deposit

22. Prior to the review of grading plans, soils report and documents, the owner or designee shall deposit a minimum of $5,000.00 for plan check. *[Citation – Fee Resolution No. 08-81 and Section 15.36 of the SCMC]* (Eng.)_____

23. Prior to issuance of the building permit, the owner shall pay all applicable development fees, which may include, but are not limited to, City Attorney review, development, water and sewer connection, parks, drainage, grading, RCFPP, transportation corridor, etc. *[Citation – Fee Resolution No. 08-81& S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Eng.)_____

Reports –Soils and Geologic

24. Prior to the issuance of any permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

25. Prior to the issuance of any permits, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, treatment of cut and fill, soils engineering, and surface and subsurface drainage. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

Grading & Improvements

26. Prior to the issuance of any permits, the owner or designee shall submit for review, and obtain the approval of the City Engineer, a grading plan, prepared by a registered civil engineer, showing all applicable onsite improvements, including but not limited to, grading, drainage devices, water system, erosion control devices, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

27. Prior to issuance of any permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for frontage improvement plans, prepared by a registered civil engineer. The owner or his designee shall be responsible for the construction of all required frontage improvements as approved by the City Engineer including but not limited to the following: *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]* ■ (Eng.)_____

    A. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed $50,000, the owner or designee shall construct sidewalk along the property frontage, unless a waiver is obtained. This includes construction of compliant sidewalk up and around drive

approach or other obstructions to meet current City standards (2% cross fall) when adequate right-of-way exists. Since the street right-of-way and existing easement is approximately 7.5 feet behind the curbface a sidewalk easement is not anticipated to be required to be granted to the City.

B. In the event that areas of sidewalk or other street improvements are disturbed or damaged during the construction project, the applicants shall be responsible for replacing said sidewalk or other street improvements prior to the finalization of any Engineering or Building Permits.

C. Per the recent request from the developer, the City Manager has granted approval for the City street tree to be removed. It shall be the responsibility of the developer/property owner to obtain an Encroachment Permit prior to removal of the tree. The developer shall be responsible for all cost associated with the tree removal.

NPDES

28. Prior to issuance of any permit, the owner shall demonstrate to the satisfaction of the City Engineer that the project meets all requirements of the Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner shall submit for review, and shall obtain approval of the City Engineer for, plans for regulation and control of pollutant run-off by using Best Management Practices (BMP's). *[Citation – Section 13.40 of the SCMC]* (Eng.)____

Financial Security

29. Prior to issuance of any permits, the owner shall provide separate improvement surety, bonds, or irrevocable letters of credit, as determined by the City Engineer for 100% of each estimated improvement cost, as prepared by a registered civil engineer as approved by City Attorney/City Engineer, for the following: grading improvements; drainage devices; water lines; erosion control, etc.. In addition, the owner shall provide separate labor and material surety for 100% of the above estimated improvement costs, as determined by the City Engineer or designee. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

30. Wall heights (garden and retaining wall) shall comply with City Standards. ■(Plng.)____

31. The applicant shall submit and obtain approval from the California Coastal Commission and provide proof of permit and compliance with conditions of approval prior to issuance of building permit. ■(Plng.)____

32. The applicant shall remove non-native plant species from the coastal canyon and shall restore the canyon landscaping within their property lines with primary plants that are native to the coastal region. The applicant shall submit landscape for review and approval by the City Landscape Architect prior to building permit issuance. ■(Plng.)____

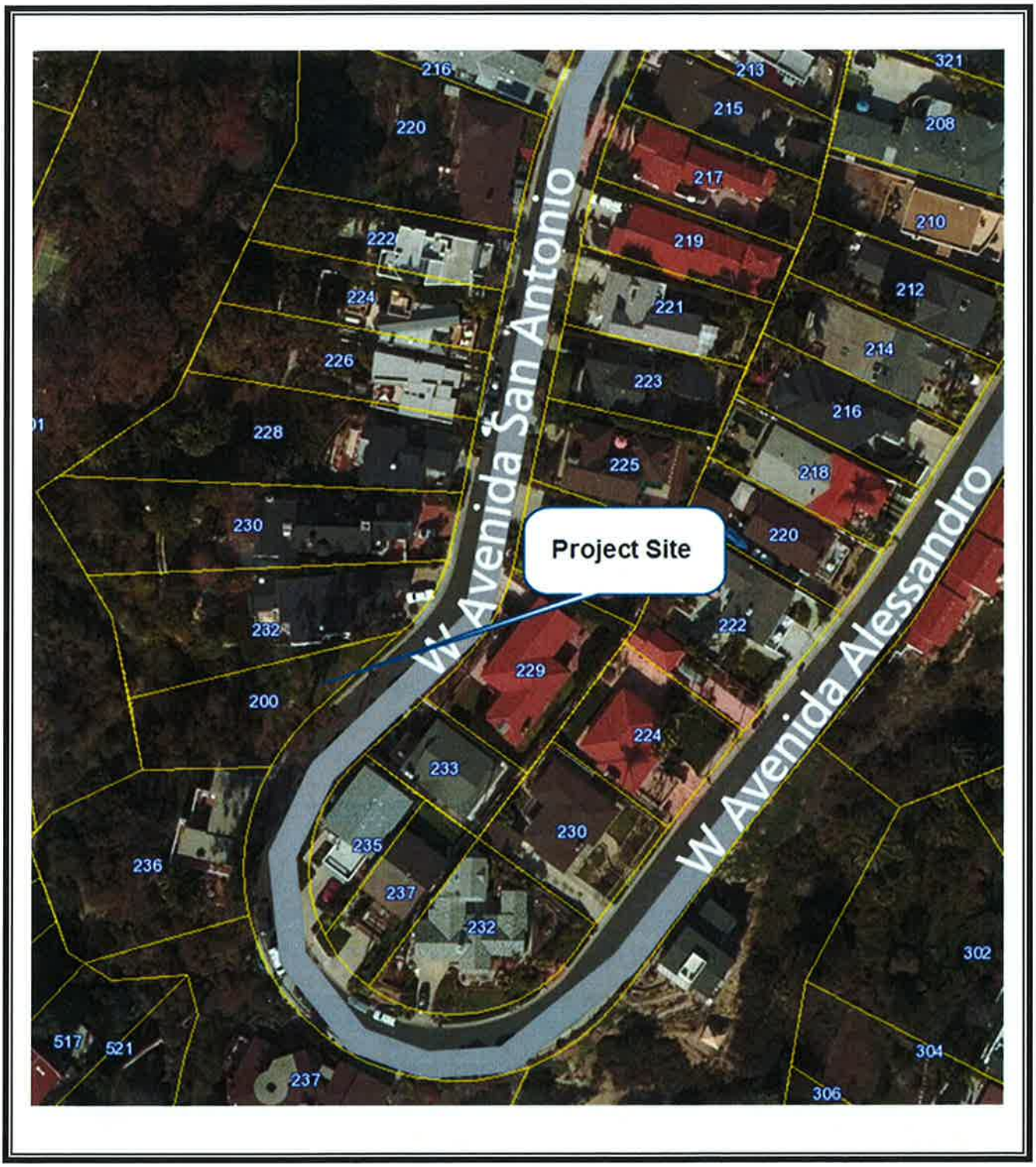
33. If vegetation is to be removed during nesting season, recognized from February 15 through August 31, a qualified biologist will conduct a nesting bird survey of potentially suitable nesting vegetation no more than three days prior to vegetation removal. If active nests are identified during nesting bird surveys, then the nesting vegetation will be avoided until the nesting event has completed and the juveniles can survive independently from the nest. The biologist will flag the nesting vegetation and will establish an adequate buffer around the nesting vegetation of 300 feet (500 for raptors). Clearing/grading shall not occur within the buffer until the nesting event has completed. ■■(Plng.)____

All Conditions of Approval are standard, unless indicated as follows:
- ■ Denotes modified standard Condition of Approval
- ■■ Denotes project specific Condition of Approval

ATTACHMENT 2

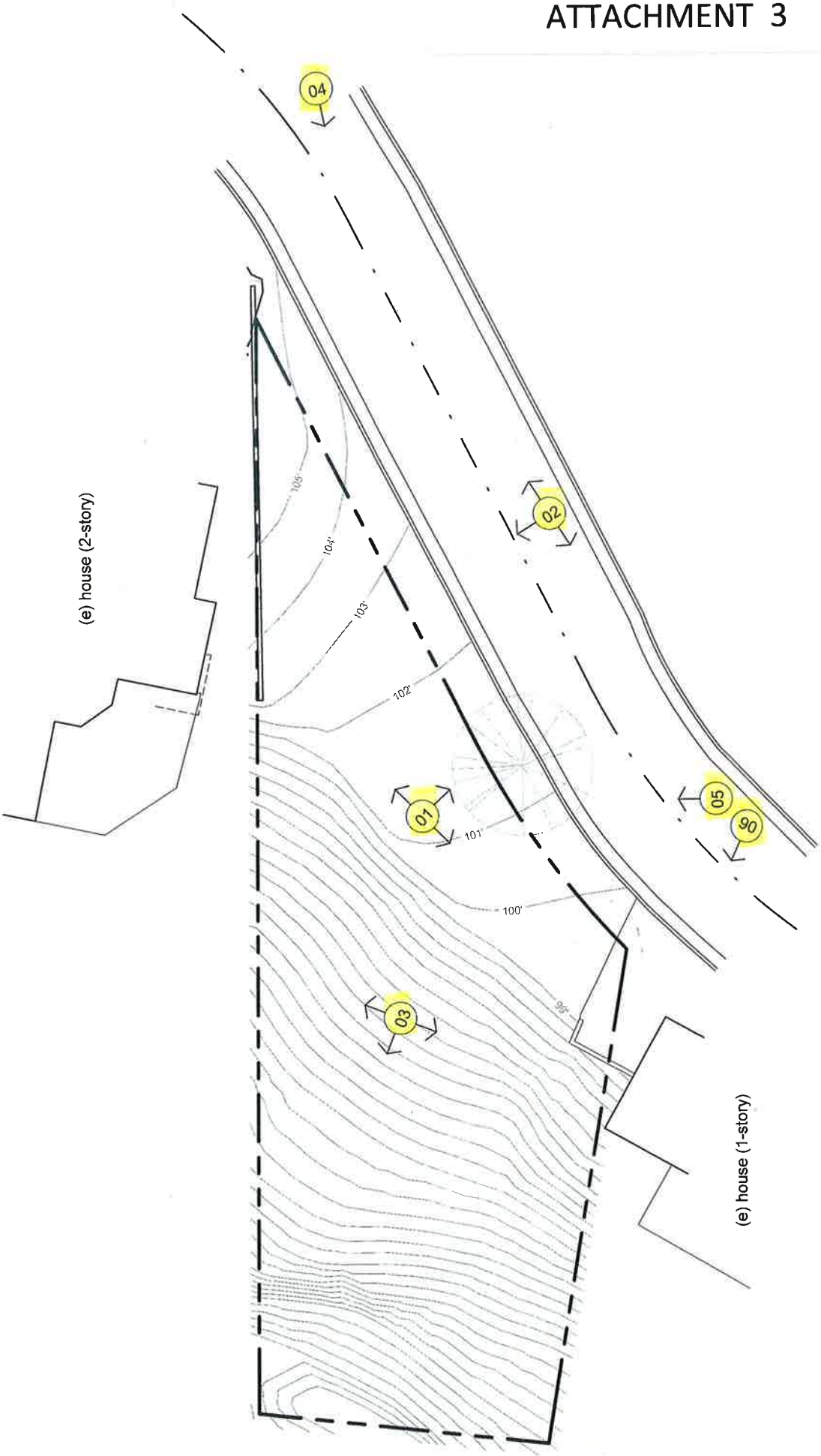
LOCATION MAP

VAR 14-388, Spencer Residence
200 West Avenida San Antonio
(Future address 234 West Avenida San Antonio)



ATTACHMENT 3

Photo Location Map



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02

03

06

ATTACHMENT 4

PHOTOGRAPHS OF NEIGHBORHOOD


W Avenida


W Avenida


W Avenida

ATTACHMENT 5

BIOLOGICAL TECHNICAL REPORT
234 WEST AVENIDA SAN ANTONIO
CITY OF SAN CLEMENTE, ORANGE COUNTY, CALIFORNIA

PREPARED FOR

SUSAN SPENCER
26385 AMBIA
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PREPARED BY

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September 29, 2014

1.0 REPORT SUMMARY

This Biological Technical report addresses potential impacts associated with development of a single family residence to be constructed on the 0.155 acre 234 West Avenida San Antonio Project site (Project), located in the city of San Clemente, Orange County, California. This report has been prepared to identify and analyze biological resource impacts for a proposed single-family home. This report identifies and evaluates on-site biological resources, state and federal permitting requirements, where applicable, and the potential impacts evaluated in accordance with provisions of the California Environmental Quality Act (CEQA).

The Project site was also evaluated for the presence of aquatic resources subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act, the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act, the California Department of Fish and Wildlife (CDFW) pursuant to Section 1602 of the California Fish and Game Code, and the California Coastal Commission.

The scope of this biological technical report includes descriptions of all methods employed, existing conditions, survey results, documentation of existing botanical and wildlife resources identified, impact analysis, and mitigation measures in order to identify potential impacts under CEQA. Methods of study include a review of relevant literature, general and focused field surveys, and a Geographical Information System (GIS)-based analysis of vegetation communities and/or land cover types. As appropriate, this report is consistent with accepted scientific and technical standards and survey guideline requirements issued by U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), and the California Native Plant Society (CNPS).

2.0 INTRODUCTION

2.1 Location of Project Site

The Project site is located at 234 West Avenida San Antonio in the city of San Clemente, Orange County, and encompasses approximately 0.155 acre [Exhibit 1 – Regional Map, Exhibit 2 – Vicinity Map]. The Project site is depicted on the USGS San Clemente 7.5' Quadrangle [dated 1968, photorevised in 1981] Range 7W, Township 9S, Section 4. The project site is bordered by residential development to the north and south, Avenida San Antonio to the east, and an undeveloped ravine/canyon to the west. The topography at the site consists of a flat pad immediately adjacent to Avenida San Antonio within the eastern portion of the site, and a westerly facing, steep hillside that slopes into the ravine/canyon west of the site.

2.2 Description of Proposed Project

The proposed development consists of the construction of a single-family residence within the eastern portion of the site.

3.0 METHODS

In order to identify and evaluate biological resources and potential impacts associated with development of the Project site and the relationship of the proposed project to the California Environmental Quality Act (CEQA), GLA assembled biological data consisting of three main components:

- Performance of vegetation mapping for the Project site;
- Performance of site-specific biological surveys to evaluate the presence of special status species (or potentially suitable habitat);
- Delineation of aquatic resources, including ephemeral and intermittent drainages, and associated wetlands/riparian habitat subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) and the California Department of Fish and Wildlife (CDFW).

Areas of focus for the biological surveys were determined through initial site reconnaissance, a review of the California Natural Diversity Database[1] (CNDDB) for the Laguna Beach quadrangle (CDFW 2013), the 2013 California Native Plant Society (CNPS) Inventory[2], the USDA Natural Resources Conservation Service soil maps for the Laguna Beach quadrangle. Site-specific general and focused surveys within the proposed development area were conducted on foot for all areas that support potentially suitable habitat for each target plant or animal species identified below. The Project site was also surveyed on foot to accurately map vegetation and/or land cover types directly onto a 40-scale color aerial photograph based on the Orange County GIS Habitat Classification System (Gray and Bramlet 1992) and Holland (1986). A jurisdictional delineation was conducted within the Project site to identify the presence/absence of waters of the United States, including wetlands (Corps jurisdiction); and stream/lakes, including riparian vegetation (CDFW jurisdiction).

3.1 Summary of Surveys

Field studies focused on a number of primary objects that comply with CEQA requirements: (1) general reconnaissance surveys and vegetation mapping according to the Holland Classification System; (2) general floristic surveys; (3) general wildlife surveys; (4) habitat assessments and focused surveys for special-status plants. Observations of all plant and wildlife species were recorded during each of the above

[1] California Department of Fish and Wildlife. January 2013. Natural Diversity Database: RareFind 4.
[2] California Native Plant Society. 2013. Inventory of Rare and Endangered Plants of California (online edition, v8-01a). California Native Plant Society, Sacramento, California.

mentioned survey efforts [Appendix A and B- Floral and Faunal Compendium]. A general reconnaissance, vegetation mapping, habitat assessment, and wildlife and floristic survey were conducted by Jason Fitzgibbon of GLA on April 3, 2014.

3.2 Soil Resources

The National Resource Conservation Service (NRCS) has mapped the following soils types as occurring in the general vicinity of the Project site [Exhibit 5]:

Myford Loam, 9 to 30 percent slopes, eroded

The Myford Loam series consist of moderately well drained soils formed on terraces. The surface layer is pinkish gray or light brown, light brownish gray, pale brown, grayish brown or brown sandy loam, or fine sandy loam twelve inches deep. To a depth of approximately 72 inches, Myford soils are comprised of brown, dark brown, or yellowish brown, sandy clays or heavy clay loams that transition to clay loam or sandy clay loam in the lower parts. The soil is medium to moderately alkaline. Uses include production of citrus, pasture, range, barley, and for urban development. This soil occurs in the western half of the site.

Xeralfic Arents, Loamy, 2 to 9 percent slopes

Xeralfic Arents, loamy, are moderately well drained or well drained soils. The majority of Xeralfic Arent soils occur as a result of mechanical manipulation, or cut and fill of Myford and Yorba series soils for urban use purposes. This soil type occurs in the eastern half of the site.

3.3 Botanical Resources

A site specific survey program was designed to accurately document the botanical resources for the Project site, which consisted of six components: (1) a literature review; (2) preparation of a list of target special-status plant species and sensitive vegetation communities that could occur on-site; (3) general field reconnaissance surveys; (4) vegetation mapping according to the County of Orange Habitat Classification System; (5) habitat assessment and focused survey for special-status plants; and (6) preparation of a vegetation map, including the location of any sensitive vegetation communities found on-site.

3.3.1 Literature Search

Prior to conducting fieldwork, pertinent literature on the flora of the region was examined. A thorough archival review was conducted using available literature and other historical records. These resources included the following:

- California Native Plant Society. *Inventory of Rare and Endangered Plants of California* (online edition, v8-01a). California Native Plant Society, Sacramento, California; (CNPS, 2013)
- California Natural Diversity Data Base for the Laguna Beach USGS 7.5' quadrangle containing the Project site, (CNDDB, 2014).

3.3.2 Special-Status Plant Species Evaluated for the Project Site

The CNDDB and CNPS databases were initially consulted to determine previously documented occurrences of plants and habitats of special concern in the region. Based on this information, vegetation profiles and a list of target sensitive plants species and habitats that could occur within the Project site were developed and incorporated into a mapping and survey program to achieve the following goals: (1) characterize the vegetation associations and land use; (2) prepare a detailed floristic compendium; (3) implement general reconnaissance field work and focused surveys to document the distribution and abundance of the rare, endangered, and sensitive plant species within the Project site; and (4) prepare biological resources maps showing the distribution of the sensitive botanical resources associated with the Project site.

Table 1 provides a list of special-status plants evaluated for the site through habitat assessments and a focused survey (where suitable habitat was present). Species were evaluated based on a number of factors, including: (1) species identified by the CNDDB as occurring (either currently or historically) on or in the vicinity of the property; and (2) any other special-status plants that are known to occur within the vicinity of the property, or for which potentially suitable habitat occurs on-site.

Table 1. Special-Status Plants Evaluated for 234 West Avenida San Antonio Site

Species Name	Status	Habitat Requirements	Potential for Occurrence
Allen's pentachaeta *Pentachaeta aurea* ssp. *alleni*	Federal: None State: None CNPS Rank: 1B.1	Grassy areas to about 1500'.	Not expected to occur on site due to a lack of suitable habitat. Not observed during survey.
Aphanisma *Aphanisma blitoides*	Federal: None State: None CNPS Rank: 1B.2	Coastal bluff scrub, coastal dunes, coastal scrub. Occurring on sandy or clay soils.	Does not occur on site due to a lack of suitable habitat.
Blochman's dudleya *Dudleya blochmaniae ssp. blochmaniae*	Federal: None State: None CNPS Rank: 1B.1	Coastal bluff scrub, chaparral, coastal sage scrub, valley and foothill grassland. Rocky soils, often of clay or serpentinite.	Not expected to occur on site due to a lack of suitable habitat. Not observed during survey.
Chaparral ragwort *Senecio aphanactis*	Federal: None State: None CNPS Rank: 2B.2	Chaparral, cismontane woodland, coastal scrub. Sometimes associated with alkaline soils.	Not expected to occur on site due to a lack of suitable habitat. Not observed during survey.
Cliff spurge *Euphorbia misera*	Federal: None State: None CNPS Rank: 2.2	Coastal bluff scrub and coastal sage scrub. Occurring on rocky soils.	Does not occur on site due to a lack of suitable habitat.

Coulter's goldfields *Lasthenia glabrata* ssp. *coulteri*	Federal: None State: None CNPS Rank: 1B.1	Playas, vernal pools, marshes and swamps (coastal salt).	Does not occur on site due to a lack of suitable habitat.
Coulter's saltbush *Atriplex coulteri*	Federal: None State: None CNPS Rank: 1B.2	Coastal bluff scrub, coastal dunes, coastal sage scrub, valley and foothill grassland. Occurring on alkaline or clay soils.	Does not occur on site due to a lack of suitable habitat.
Crownbeard *Verbesina dissita*	Federal: FT State: ST CNPS Rank: 1B.1	Southern maritime chaparral, coastal sage scrub	Does not occur on site.
Estuary seablite *Suaeda esteroa*	Federal: None State: None CNPS Rank: 1B.2	Coastal salt marsh and swamps. Occurring in sandy soils	Does not occur on site due to a lack of suitable habitat.
Intermediate mariposa lily *Calochortus weedii* ssp. *intermedius*	Federal: None State: None CNPS Rank: 1B.2	Rocky soils in chaparral, coastal sage scrub, valley and foothill grassland.	Not expected to occur on site due to a lack of suitable habitat. Not observed during survey.
Intermediate monardella *Monardella hypoleuca ssp. intermedia*	Federal: None State: None CNPS Rank: 1B.3	Usually in the understory of chaparral, cismontane woodland, or lower montane coniferous forest (sometimes).	Not expected to occur on site due to a lack of suitable habitat. Not observed during survey.
Little mousetail *Myosurus minimus ssp. apus*	Federal: None State: None CNPS Rank: 3.1	Valley and foothill grassland, vernal pools (alkaline soils).	Does not occur on site due to a lack of suitable habitat.
Long-spined spineflower *Chorizanthe polygonoides var. longispina*	Federal: None State: None CNPS Rank: 1B.2	Clay soils in chaparral, coastal sage scrub, meadows and seeps, and valley and foothill grasslands.	Not expected to occur on site due to a lack of suitable habitat. Not observed during survey.
Many-stemmed dudleya *Dudleya multicaulis*	Federal: None State: None CNPS Rank: 1B.2	Chaparral, coastal sage scrub, valley and foothill grassland. Often occurring in clay soils.	Does not occur on site.
Nuttall's scrub oak *Quercus dumosa*	Federal: None State: None CNPS Rank: 1B.1	Closed-cone coniferous forest, chaparral, and coastal sage scrub. Occurring on sandy, clay loam soils.	Does not occur on site.
Orcutt's pincushion *Chaenactis glabriuscula* var. *orcuttiana*	Federal: None State: None CNPS Rank: 1B.1	Coastal bluff scrub (sandy soils) and coastal dunes.	Does not occur on site.
Palmer's grapplinghook *Harpagonella palmeri*	Federal: None State: None CNPS Rank: 4.2	Chaparral, coastal sage scrub, valley and foothill grassland. Occurring in clay soils.	Not expected to occur on site due to a lack of suitable habitat. Not observed during survey.
Pendleton button-celery *Eryngium pendletonense*	Federal: None State: None CNPS Rank: 1B.1	Clay, vernally mesic soils in coastal bluff scrub, valley and foothill grasslands, and vernal pools.	Does not occur on site due to a lack of suitable habitat.
Prostrate navarretia *Navarretia prostrata*	Federal: None State: None CNPS Rank: 1B.1	Coastal sage scrub, valley and foothill grassland (alkaline), vernal pools. Occurring in	Does not occur on site due to a lack of suitable habitat.

		mesic soils.	
South coast saltscale *Atriplex pacifica*	Federal: None State: None CNPS Rank: 1B.2	Coastal bluff scrub, coastal dunes, coastal sage scrub, playas.	Does not occur on site due to a lack of suitable habitat.
Summer holly *Comarostaphylis diversifolia* ssp. *diversifolia*	Federal: None State: None CNPS Rank: 1B.2	Chaparral.	Does not occur on site.
Thread-leaved brodiaea *Brodiaea filifolia*	Federal: None State: None CNPS Rank: 1B.1	Clay soils in chaparral (openings), cismontane woodland, coastal sage scrub, playas, valley and foothill grassland, vernal pools.	Not expected to occur on site due to a lack of suitable habitat. Not observed during survey.
White rabbit-tobacco *Pseudognaphalium leucocephalum*	Federal: None State: None CNPS Rank: 1B.1	Sandy or gravelly soils in chaparral, cismontane woodland, coastal scrub, and riparian woodland.	Not expected to occur on site due to a lack of suitable habitat. Not observed during survey.

Federal
FE-Federally Endangered
FT-Federally Threatened

State
SE-State Endangered
ST-State Threatened

CNPS Rank
1B - Plants rare, threatened, or endangered in California.
2 - Plants rare, threatened, or endangered in California, but more common elsewhere.
3 - Plants about which more information is needed.
4 - Plants with limited distribution (A watch list).

CNPS Threat Code extension
.1 – Seriously endangered in California (over 80% occurrences threatened)
.2 – Fairly endangered in California (20-80% occurrences threatened)
.3 – Not very endangered in California (<20% of occurrences threatened or no current threats)

3.3.3 Special-Status Habitats Evaluated for the Project Site

A review of the CNDDB (February 2014) indicated that the following sensitive vegetation associations are known to occur within the San Clemente quadrangle: southern foredunes, southern dune scrub, valley needlegrass grassland, southern coastal salt marsh, southern coast live oak riparian forest, and southern sycamore alder riparian woodland. The Project site was evaluated for all sensitive habitats, including those identified in the CNDDB.

3.3.4 General Reconnaissance Surveys and Habitat Assessments

General site-specific surveys of the Project site were conducted to identify potential sensitive plant habitats, and to establish the accuracy of the data identified from the literature. A survey was conducted on April 4, 2014. An aerial photograph and topographic map were used to determine the community types and other physical features

that may support sensitive and uncommon taxa or communities within the Project site. The reconnaissance surveys also took into account the guidelines adopted by CNPS and CDFW (Nelson 1994, CNPS 2001).

3.3.5 Vegetation Mapping

Vegetation communities within the overall Project site were mapped according to the Orange County GIS Habitat Classification System (Gray and Bramlet 1992). Identification and mapping of vegetation also incorporated habitat descriptions provided by Holland (1986). Project-specific vegetation types were modified or created as necessary to reflect on-site associations. Plant communities were mapped in the field directly on to a 40-scale (1" = 40') aerial photograph. Vegetation mapping was conducted on April 4, 2014. A Vegetation/Impact Map is provided as Exhibit 3.

3.3.6 Focused Surveys for Special-Status Plant Species

A focused plant survey was conducted for target species identified by the literature review (CNDDB, CNPS Inventory) on April 4, 2014.

3.4 Wildlife Resources

Wildlife species were evaluated and detected during the field survey by sight, call, tracks, and scat. Site reconnaissance was conducted in such a manner as to allow inspection of the Project site by direct observation, including the use of binoculars. Observations of physical evidence and direct sightings of wildlife were recorded in field notes during each visit. Scientific nomenclature and common names for vertebrate species referred to in this report follow Collins and Taggart (2009) for amphibians and reptiles, Baker, et al. (2003) for mammals, and AOU Checklist (1998) for birds. The methodology utilized to conduct the surveys or the habitat assessments of each listed or special-status animal are discussed below.

3.4.1 General Surveys

Birds
During general surveys of the Project site, birds were identified incidentally within each habitat type. Birds were detected by both direct observation with the aide of binoculars and by vocalizations, and were recorded in field notes.

Mammals
During general surveys of the Project site, mammals were identified incidentally within each habitat type. Mammals were detected both by direct observation and by the presence of diagnostic sign (i.e. tracks, burrows, scat, etc.).

Reptiles and Amphibians
During general surveys of the Project site, reptiles and amphibians were identified opportunistically within each habitat type. Habitats were examined for diagnostic reptile

sign, which include shed skins, scat, tracks, snake prints, and lizard tail drag marks. All reptiles and amphibian species observed, as well as diagnostic sign, were recorded in field notes.

3.4.2 Special-Status Animal Species Evaluated for the Project site

Table 2 provides a list of special-status animals evaluated for the Project site through habitat assessments and focused surveys (where suitable habitat was present). Species were evaluated based on a number of factors, including: (1) species identified by the CNDDB as occurring (either currently or historically) on or in the vicinity of the property; and (2) any other special-status animals that are known to occur within the vicinity of the property, or for which potentially suitable habitat occurs on-site.

Table 2. Special-Status Wildlife Evaluated for 234 West Avenida San Antonio Site

Species Name	Status	Habitat Requirements	Potential for Occurrence
Arroyo chub *Gila orcuttii*	Federal: None State: SSC	Los Angeles basin south coastal streams. Slow water stream sections with mud or sand bottoms. Feeds heavily on aquatic vegetation and associated invertebrates.	Not expected to occur on site due to lack of suitable habitat. Not observed in drainage adjacent to site during survey.
Arroyo toad *Anaxyrus californicus*	Federal: FE State: None CDFW: SSC	Breed, forage, and/or aestivate in aquatic habitats, riparian, coastal sage scrub, oak, and chaparral habitats. Breeding pools must be open and shallow with minimal current, and with a sand or pea gravel substrate overlain with sand or flocculent silt. Adjacent banks with sandy or gravelly terraces and very little herbaceous cover for adult and juvenile foraging areas, within a moderate riparian canopy of cottonwood , willow, or oak.	Not expected to occur on site due to lack of suitable habitat. Not observed on site during survey.
Belding's savannah sparrow *Passerculus sandwichensis bedlingi*	Federal: FSC State: SE	Chaparral and coastal sage scrub along the coastal lowlands, inland valleys, and in the lower foothills of local mountains. Nests in dense saltmarsh vegetation.	Not expected to occur on site due to disturbed and isolated nature of chaparral habitat. Not observed on site during survey. No suitable salt marsh nesting habitat occurs on site.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Burrowing owl *Athene cunicularia*	Federal: None State: None CDFW: SSC	Shortgrass prairies, grassland, lowland scrub, agricultural lands (particularly rangelands), coastal dunes, desert floors, and some artificial, open areas as a year-long resident. Occupies abandoned ground squirrel burrows as well as artificial structures such as culverts and underpasses.	Does not occur on site due to a lack of suitable habitat.
California red-legged frog *Rana draytonii*	Federal: FT State: SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby, or emergent riparian vegetation.	Does not occur on site due to a lack of suitable habitat
Coast horned lizard *Phrynosoma blainvillii*	Federal: None State: None CDFW: SSC	Occurs in a variety of vegetation types including coastal sage scrub, chaparral, annual grassland, oak woodland, and riparian woodlands.	Not expected to occur on site due to the disturbed nature of the habitat. Not observed on site during survey.
Coastal cactus wren *Campylorhychus brunneicapillus sandiegensis*	Federal: None State: None CDFW: SSC	Occurs almost exclusively in cactus (cholla and prickly pear) dominated coastal sage scrub.	Does not occur on site due to a lack of suitable habitat.
Coastal California gnatcatcher *Polioptila californica californica*	Federal: FT State: None CDFW: SSC	Low elevation coastal sage scrub and coastal bluff scrub.	Does not occur on site due to a lack of suitable habitat.
Coronado Island skink *Plestiodon skiltonianus interparietalis*	Federal: None State: None CDFW: SSC	Grassland, woodlands, pine forests, chaparral, especially in open sunny areas such as clearings and the edges of creeks and rivers. Prefers rocky areas near streams with lots of vegetation. Also found in areas away from water.	Not expected to occur on site due to the disturbed nature of the habitat. Not observed on site during survey.
Dulzura pocket mouse *Chaetodipus californicus femoralis*	Federal: None State: None CDFW: SSC	Coastal scrub, grassland, and chaparral, especially at grass-chaparral edges.	Not expected to occur on site due to the disturbed nature of the habitat. Not observed on site during survey.
Grasshopper sparrow *Ammodramus savannarum* (nesting)	Federal: None State: SSC	Dense grasslands on rolling hills, lowland plains, in valleys and on hillsides on lower mountain slopes. Favors native grasslands with a mix of grasses, forbs, and scattered shrubs. Loosely colonial when nesting.	Not expected to occur within the Property due to the lack of suitable habitat.
Least Bell's vireo *Vireo bellii pusillus*	Federal: FE State: SE CDFW: None	Dense riparian habitats with a stratified canopy, including southern willow scrub, mule fat scrub, and riparian forest.	Does not occur on site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Light-footed clapper rail *Rallus longirostris levipes*	Federal: FE State: SE	Marsh vegetation of coastal wetlands.	Does not occur within the Property due to the lack of suitable habitat.
Los Angeles pocket mouse *Perognathus longimembris brevinasus*	Federal: None State: SSC	Fine, sandy soils in coastal sage scrub and grasslands.	Not expected to occur on site due to a lack of suitable habitat.
Northern harrier (nesting) *Circus cyaneus*	Federal: None State: SSC	A variety of habitats, including open wetlands, grasslands, wet pasture, old fields, dry uplands, and croplands.	Not expected to occur on site due to a lack of suitable habitat. No nesting habitat occurs on site.
Northwestern San Diego pocket mouse *Chaetodipus fallax fallax*	Federal: None State: None CDFW: SSC	Coastal sage scrub, sage scrub/grassland ecotones, and chaparral.	Not expected to occur on site due to the disturbed nature of the habitat. Not observed on site during survey.
Orangethroat whiptail *Aspidoscelis hyperythra*	Federal: None State: None CDFW: SSC	Coastal sage scrub, chaparral, non-native grassland, oak woodland, and juniper woodland.	Very low potential to occur on site within portions of disturbed chaparral.
Pacific pocket mouse *Perognathus longimembris pacificus*	Federal: FE State: None CDFW: SSC	Fine, alluvial soils along the coastal plain. Scarcely in rocky soils of scrub habitats.	Does not occur on-site due to a lack of suitable habitat.
Pocketed free-tailed bat *Nyctinomops femorosaccus*	Federal: None State: None CDFW: SSC	Rocky areas with high cliffs in pine-juniper woodlands, desert scrub, palm oasis, desert wash, and desert riparian.	Does not occur on-site due to a lack of suitable habitat.
Red-diamond rattlesnake *Crotalus ruber*	Federal: None State: None CDFW: SSC	Habitats with heavy brush and rock outcrops, including coastal sage scrub and chaparral.	Very low potential to occur on site within portions of disturbed chaparral.
Riverside fairy shrimp *Streptocephalus woottoni*	Federal: FE State: None CDFW: None	Restricted to deep seasonal vernal pools, vernal pool-like ephemeral ponds, and stock ponds.	Does not occur on-site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
San Diego desert woodrat *Neotoma lepida intermedia*	Federal: None State: None CDFW: SSC	Occurs in a variety of shrub and desert habitats, primarily associated with rock outcrops, boulders, cacti, or areas of dense undergrowth.	Does not occur on-site due to a lack of suitable habitat.
San Diego fairy shrimp *Branchinecta sandiegonensis*	Federal: FE State: None CDFW: None	Seasonal vernal pools.	Does not occur on-site due to a lack of suitable habitat.
Southern steelhead-southern California DPS *Oncorhynchus mykiss irideus*	Federal: FE State: None CDFW: SSC	Clear, swift moving streams with gravel for spawning. Federal list refers to populations from Santa Maria river south to southern extent of range (San Mateo Creek in San Diego county).	Does not occur on-site due to a lack of suitable habitat.
Southwestern willow flycatcher *Empidonax traillii extimus*	Federal: FE State: SE CDFW: None	Riparian woodlands along streams and rivers with mature dense thickets of trees and shrubs.	Does not occur on-site due to a lack of suitable habitat.
Stephens' kangaroo rat *Dipodomys stephensi*	Federal: FE State: ST CDFW: None	Open grasslands or sparse shrublands with less than 50% vegetation cover during the summer.	Does not occur on-site due to a lack of suitable habitat.
Tidewater goby *Eucyclobobius newberryi*	Federal: FE State: None CDFW: SSC	Occurs in shallow lagoons and lower stream reaches along the California coast from Agua Hedionda Lagoon, San Diego Co. to the mouth of the Smith River.	Does not occur on-site due to a lack of suitable habitat.
Tricolored blackbird *Agelaius tricolor*	Federal: None State: None CDFW: SSC	Breeding colonies require nearby water, a suitable nesting substrate, and open-range foraging habitat of natural grassland, woodland, or agricultural cropland.	Does not occur on-site due to a lack of suitable habitat.
Two-striped garter snake *Thamnophis hammondii*	Federal: None State: None CDFW: SSC	Aquatic snake typically associated with wetland habitats such as streams, creeks, and pools.	Very low potential to occur seasonally in drainage adjacent to site. Not expected to occur on site.
Western pond turtle *Actinemys marmorata*	Federal: None State: None CDFW: SSC	Slow-moving permanent or intermittent streams, small ponds and lakes, reservoirs, abandoned gravel pits, permanent and ephemeral shallow wetlands, stock	Not expected to occur on site due to the disturbed nature of the habitat, and lack

Species Name	Status	Habitat Requirements	Potential for Occurrence
		ponds, and treatment lagoons. Abundant basking sites and cover necessary, including logs, rocks, submerged vegetation, and undercut banks.	of cover and basking sites within adjacent drainage. Not observed on site during survey.
Western mastiff bat *Eumops perotis californicus*	Federal: None State: None CDFW: SSC	Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.	Not expected to occur on site due to the disturbed nature of the habitat. Not observed on site during survey.
Western spadefoot *Spea hammondii*	Federal: None State: None CDFW: SSC	Seasonal pools in coastal sage scrub, chaparral, and grassland habitats.	Not expected to occur in the adjacent drainage due to the disturbed and isolated nature of the habitat. Not observed on site or in adjacent areas during survey.
Yellow-breasted chat *Icteria virens* (nesting)	Federal: None State: SSC	Summer resident; inhabits riparian thickets of willow and other brushy tangles near water courses. Nests in low, dense, riparian consisting of willow, blackberry, and wild grape; forages and nests within 10ft of ground.	Not expected to occur within the Property due to the lack of suitable habitat.
Yellow warbler *Setophaga petechia*	Federal: None State: SSC	Breed in lowland and foothill riparian woodlands dominated by cottonwoods, alders, or willows and other small trees and shrubs typical of low, open-canopy riparian woodland. During migration, forages in woodland, forest, and shrub habitats.	Not expected to nest on site due to a lack of suitable riparian habitat. Low potential to forage in adjacent eucalyptus and ornamental trees during migration.

Federal
FE- Federally Endangered
FT- Federally Threatened

State
SE-State Endangered
ST-State Threatened

CDFW
SSC-Species of Special Concern

3.5 Jurisdictional Delineation

Regulatory specialists from GLA examined the Project site to determine the limits of Corps jurisdiction pursuant to Section 404 of the Clean Water Act, RWQCB jurisdiction pursuant to Section 401 of the Clean Water Act, and CDFW jurisdiction pursuant to Division 2, Chapter 6, Section 1602 of the Fish and Wildlife Code. The City of San

Clemente General Plan has mapped a Coastal Canyon as occurring immediately to the west of the Project site. The drainage feature is also mapped on the USGS quadrangle as a blue-line drainage course. The drainage is an ephemeral stream that grazes the extreme northwestern tip of the site, flowing north to south. The feature is highly eroded and exhibits an Ordinary High Water Mark (OHWM) with an average width of approximately five feet and is densely vegetated and by both native and non-native species including poison oak (*Toxicodendron diversilobum*), lemonade berry (*Rhus integrifolia*), Brazilian pepper (*Schinus terebinthifolius*), and Mexican fan palm (*Washingtonia robusta*), with an understory dominated by hottentot fig (*Caprobrotus edulis*). No permanent or temporary impacts will occur to the drainage as it is outside the limits of the construction footprint and proposed fuel modification zone designed to protect the proposed residence.

4.0 RESULTS

4.1 General Reconnaissance Surveys

The topography within the project site consists a relatively flat pad in the eastern portion of the site, and of a westerly facing, steeply sloped hillside in the western half of the site. The project site is currently undeveloped, and abuts a Coastal Canyon as mapped in the City of San Clemente General Plan. The project site supports several vegetation types all of which are moderately to highly disturbed, especially within the eastern half of the site. Within the eastern half of the site, vegetation types include Non-Native Grassland (NNG) immediately adjacent to Avenida San Antonio, and Ornamental (ORN), Eucalyptus (EUC), and Disturbed/Developed (DD) comprising the remaining portions of the relatively flat eastern half of the site. The western half of the site is steeply sloped and vegetated predominately by a Disturbed Chaparral (DCHAP) community, interspersed by areas dominated by Ornamental (ORN) vegetation. Ornamental species are common along the adjacent Coastal Canyon and near existing adjacent homes to the north and south. Within the proposed development area the majority of vegetation types are heavily disturbed and include NNG areas to the west, EUC and ORN to the east, and a small area of DCHAP to the west. The non-native grassland and disturbed areas within the Project site appear to have been subjected to regular maintenance and soil compaction at some point in the past.

Birds observed on-site include Allen's hummingbird (*Selasphorus* sasin), American crow (*Corvus brachyrhynchos*), American goldfinch (*Spinus tristis*), Anna's hummingbird (*Calypte* anna), bushtit (*Psaltriparus* minimus), Californica towhee (*Melozone crissalis*), spotted towhee (*Pipilo maculatus*), northern mockingbird (*Mimus polyglottos*), common raven (*Corvus* corax), house finch (*Carpodacus* mexicanus), lesser goldfinch (*Carduelis* psaltria), mourning dove (*Zenaida macroura*), white-crowned sparrow (*Zonotrichia leucophrys*), and yellow-rumped warbler (*Setophaga coronata*). Other animal species observed on-site included coyote (*Canis latrans*) [tracks] and raccoon (*Procyon lotor*) [tracks] within the adjacent drainage feature, and mosquito fish (*Gambusia affinis*) observed in a small pool in the drainage feature adjacent to the property. No reptile or amphibian species were observed during the survey at the site.

4.2 Vegetation Mapping

Vegetation types within the project area were mapped according to the Orange County GIS Habitat Classification System (Gray and Bramlet 1992). Identification and mapping of vegetation also incorporated habitat descriptions provided by Holland (1986). Project-specific vegetation types were modified or created as necessary to reflect on-site associations, as discussed in detail below. A vegetation/impact map is provided as Exhibit 3, and a summary of the vegetation cover within the project area is presented in Table 3.

Table 3. Summary of Vegetation Associations within the Project Site

Vegetation Association	Area (acres)
Disturbed Chaparral	0.0687
Non-Native Grassland	0.0443
Ornamental	0.0318
Eucalyptus	0.0060
Disturbed/Developed	0.0043
TOTAL	0.1550

Disturbed Chaparral

This vegetation association occurs on the steep westerly-facing slope and is dominated by lemonade berry (*Rhus integrifolia*), with very few other native species present including giant wild rye (*Leymus condensatus*), toyon (*Heteromeles arbutifolia*), poison oak (*Toxicodendron diversilobum*), and wild cucumber (*Marah fabaceus*). The understory is comprised primarily of non-native, exotic species including, hottentot fig (*Carpobrotus edulis*), sweet fennel (*Foeniculum vulgare*), ripgut brome (*Bromus diandrus*), and a few Mexican fan palm (*Washingtonia robusta*) occurring adjacent to the drainage. The hottentot fig is understory for much of this habitat type and results in the designation of "disturbed".

It is also important to note that lemonade berry occurs in a variety of habitats, most commonly in chaparral and also as a component of coastal sage scrub. The lemonade berry on this site is not consistent with the presence of coastal sage scrub, which is characterized by drought-deciduous shrubs such as California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), and black sage (*Salvia mellifera*), none of which occur on the site, leading to a clear conclusion that coastal sage scrub does not occur on the site.

Non-Native Grassland

This vegetation association comprises the majority of the eastern half of the site. This area exhibits highly compacted soils and appears to have been subject to regular maintenance and vegetation removal at some point. This area is dominated by Bermuda

buttercup (*Oxalis pes-caprae*), foxtail barley (*Hordeum murinum* ssp. *leporinum*), slender wild oat (*Avena barbata*), hottentot fig (*Carpobrotus edulis*), cheeseweed (*Malva parviflora*), red-stemmed filaree (*Erodium cicutarium*), dandelion (*Taraxacum officinale*), and exotic grasses.

Ornamental

This vegetation association consists of ornamental trees and shrubs including Peruvian peppertree (*Schinus molle*), Brazilian peppertree (*Schinus terebinthifolius*), bougainvillea (*Bougainvillea spectabilis*), and ornamental conifers associated with the residence to the north.

Eucalyptus

This vegetation association consists of two large eucalyptus trees (*Eucalyptus* sp.) on the site. Several eucalyptus trees are also associated with the residence to the south.

Disturbed/Developed

Disturbed/developed land at the site consists of a small area of bare, disturbed land associated with the residence to the south.

4.3 Focused Plant Surveys

As a result of the highly disturbed nature of the chaparral, and prevalence of non-native species in the understory, no special-status plant species were observed or are expected to occur on site due to the complete lack of suitable habitat.

4.4 Wildlife Surveys

During the general biological surveys and focused plant surveys, several common species of wildlife were detected. Three special-status wildlife species were identified to have a very low potential to occur on the project site; however, none were detected. Following is a discussion of all special-status species with the potential to occur within the project site as identified by the literature search and site reconnaissance. No individuals of these species were observed during the surveys. General surveys for special-status animal species with the potential to occur on-site were conducted on April 4, 2014.

Red Diamond Rattlesnake (*Crotalus ruber*)

The red diamond rattlesnake is a CDFW Species of Special Concern. This snake inhabits chaparral, woodland, grassland, and desert areas from coastal San Diego County to the eastern slopes of the mountains. The northern red-diamond rattlesnake occurs in rocky areas or dense vegetation and requires rodent burrows or cracks in rocks for cover. Although the potential for this species to occur on-site is very low, the cool ambient temperature during the general surveys severely limited the possibility of due to the species endothermic characteristics. No suitable habitat is present for this species in the proposed development area.

Orange-Throated Whiptail (*Aspidoscelis hyperythrus*)

The orange-throated whiptail is a CDFW Species of Special Concern. This species occupies a variety of habitats, including coastal sage scrub, chaparral, and grasslands, and is still fairly common throughout its range. It prefers sandy areas such as washes and outcrops with rocks and vegetation. The potential for this species to occur within the Project site is very low; however, the ability to detect the species was highly restricted due to the cool air temperatures during surveys. The species is not expected to occur within the proposed development area due to a lack of suitable habitat.

Two-Striped Garter Snake (*Thamnophis hammondii*)

The two-striped garter snake is designated as a CDFW California Species of Special Concern. It commonly inhabits perennial and intermittent streams having rocky beds bordered by willow thickets or other dense vegetation, as well as large river courses if a strip of riparian vegetation is present along the margins. The species is also known to utilize stock ponds and other artificially-created aquatic habitats. The potential for this species to occur within the Project site is very low, and is restricted primarily to areas within or immediately adjacent to the drainage feature that abuts the site. The species is not expected to occur within the proposed development area due to a lack of suitable habitat.

4.5 Nesting Birds

The Project site contains trees, shrubs, and ground cover that provide suitable habitat for nesting migratory birds, excluding raptors. Impacts to nesting birds are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Wildlife Code.[3]

5.0 IMPACTS

The following discussion examines the potential impacts to plant and wildlife resources that may occur as a result of implementation of the Project. Project-related impacts can occur in two forms, direct and indirect. Direct impacts are considered to be those that involve the loss, modification or disturbance of plant communities, which in turn, directly affect the flora and fauna of those habitats. Direct impacts also include the destruction of individual plants or wildlife, which may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and population stability.

Other impacts, such as loss of foraging habitat, can occur although these areas or habitats are not directly removed by project development; i.e., indirect impacts. Indirect impacts can also involve the effects of increases in ambient levels of noise or light, unnatural predators (i.e., domestic cats and other non-native animals), competition with exotic plants and animals, and increased human disturbance such as hiking and dumping of green waste on-site. Indirect impacts may be associated with the subsequent day-to-day activities associated with project build-out, such as increased traffic use, permanent concrete barrier walls or chain-link fences, exotic ornamental plantings that provide a local source of seed, etc., which may be both short-term and long-term in their duration. These impacts are commonly referred to as "edge effects" and may result in a slow replacement of native plants by exotics, and changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to project sites.

Potential significant adverse effects, either directly or through habitat modifications, on any special-status plant, animal, or habitat that could occur as a result of project development, are discussed below.

[3] The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R.21). In addition, sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs.

5.1 California Environmental Quality Act

5.1.1 Thresholds of Significance

Environmental impacts relative to biological resources are assessed using impact significance threshold criteria, which reflect the policy statement contained in CEQA, Section 21001(c) of the California Public Resources Code. Accordingly, the State Legislature has established it to be the policy of the State of California:

> *"Prevent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities..."*

Determining whether or not a project may have a significant effect, or impact, plays a critical role in the CEQA process. According to CEQA, Section 15064.7 (Thresholds of Significance), each public agency is encouraged to develop and adopt (by ordinance, resolution, rule, or regulation) thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. In the development of thresholds of significance for impacts to biological resources CEQA provides guidance primarily in Section 15065, Mandatory Findings of Significance, and the CEQA Guidelines, Appendix G, Environmental Checklist Form, Section 15065(a) states that a project may have a significant effect where:

> *"The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species, ..."*

Therefore, for the purpose of this analysis, impacts to biological resources are considered potentially significant (before considering offsetting mitigation measures) if one or more of the following criteria discussed below would result from implementation of the proposed project.

5.1.2. Criteria for Determining Significance Pursuant to CEQA

Appendix G of the 1998 State CEQA guidelines indicate that a project may be deemed to have a significant effect on the environment if the project is likely to:

> *a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or*

special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5.2 Direct Impacts to Biological Resources

The proposed development consists of the construction of a single-family home and the enhancement of an existing fuel modification zone in order to buffer the residence by 150 feet. The proposed work is confined to the eastern portion of the property.

5.2.1 Vegetation Communities/Land Uses

As summarized in Table 4 Impacts from the construction of a single-family residence will affect a small area of Disturbed Chaparral (0.069 acre). The grading footprint will also affect Non-Native Grassland (0.044 acre), Ornamental (0.027 acre), Eucalyptus (0.06 acre), and Disturbed/Developed (0.004 acre) land cover types. Table 5 summarizes vegetation impacts associated with the 150 foot fuel modification zone buffer surrounding the proposed residence, including impacts to Disturbed Chaparral, Non-Native Grassland, Ornamental, Eucalyptus, and Disturbed/Developed areas.

Table 4. Summary of Impacts by Vegetation Association Resulting from Construction of Single Family Residence in Parcel 1.

Vegetation Association	Existing Vegetation (acres)	Impact from Proposed Development (acres)
Disturbed Chaparral	0.0687	0.0269 acre
Non-Native Grassland	0.0443	0.0443 acre
Ornamental	0.0318	0.0268 acre
Eucalyptus	0.0060	0.0060 acre
Disturbed/Developed	0.0043	0.0043 acre
TOTAL	0.155 acre	0.1083 acre

Table 5. Summary of Impacts by Vegetation Association Resulting from Construction of Fire Modification Zone in Parcel 1

Disturbed Chaparral	0.0687	0.0418 acre
Non-Native Grassland	0.0443	0.0000 acre
Ornamental	0.0318	0.0050 acre
Eucalyptus	0.0060	0.0000 acre
Disturbed/Developed	0.0043	0.0000 acre
TOTAL	0.155 acre	0.0468 acre

5.2.2 Impacts to Native Vegetation Communities

A total of 0.0687 acre of disturbed native Lemonadeberry chaparral is within the area to be disturbed by construction as well as the proposed fuel modification zone and would be subject to permanent impacts associated with both grading and fuel modification. The small isolated and disturbed patches of Lemonadeberry are of poor resource quality and exhibit no potential for supporting special-status species, impacts to this vegetation community would not be significant. Also, as noted above, it is not appropriate to designate the lemonade berry on the site as coastal sage scrub due to the absence of any other indicator for coastal sage scrub. Lemonade berry occurs in a variety of communities including chaparral and given at least one other chaparral component (toyon) it is most appropriate to consider the lemonade berry as chaparral and not coastal sage scrub. The loss of 0.0687 acre of disturbed chaparral would not be considered a significant impact.

5.2.3 Impacts to Riparian/Riverine Areas

As noted, a drainage course is located within the bottom of the canyon at the western boundary of the property. The drainage course would not be subject to fill or any other type of modification and as such, there would be no impacts to the drainage course associated with the project.

5.2.4 Impacts to Special-Status Plants

No special status plant species are present on site, due to the complete lack of suitable habitat and there would not be any significant impacts to special-status plants associated with the project, including fuel modification.

5.2.5 Impacts to Special-Status Wildlife

No special-status wildlife species were detected on site during general surveys. In addition, the project is not expected to result in direct or indirect impacts to special-status wildlife. Species that are adapted to the urban edge and that likely occur on-site will not be impacted by the proposed development due to its limited site (0.155 acre) and because they are well-adapted to living at the urban edge. Therefore, potential impacts to these species would be considered less than significant.

5.2.6 Impacts to Wildlife Movement

The project site is located on the edge of existing urban development and is not within any documented wildlife movement corridors. No regional wildlife movement is expected through the project site, and local movement is expected to be minimal.

5.2.7 Impacts to Nesting Birds

The Project site contains trees, shrubs, and ground cover that provide suitable habitat for nesting migratory birds, including urban adapted raptors, specifically the Cooper's hawk and red-shouldered hawk. Impacts to nesting birds, including raptors by the proposed construction are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code[4], and are considered less than significant with mitigation as outlined in Section 6.0.

5.2.8 Impacts to Environmentally Sensitive Habitat Areas (ESHA)

As noted, the site supports no special-status vegetation communities that could be considered ESHA, including coastal sage scrub or areas of native riparian habitat. The chaparral on the site is highly degraded due to the presence of hottentot fig in the understory and due to the presence of other non-native vegetation both on the subject property and on the adjacent residences. Given these factors, there is no potential for impacts on ESHA since there is no potential ESHA on the site.

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[4] The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R.21). In addition, sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs.

5.2.9 Significant Drainage Courses

As noted, there is no potential for the construction to impact the drainage course that runs along the western boundary of the property. As such, there would be no significant impacts to the drainage course.

5.3 Indirect Effects

No indirect effects are anticipated as a result of the proposed single-family residence and enhancement of the existing fuel modification zone due to the fact that the site is located within an existing residential neighborhood and exhibits no measureable habitat values.

6.0 MITIGATION MEASURES

As previously discussed, the Project site has some potential to support nesting migratory birds. Impacts to such species are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code.[5] In order to ensure that the proposed project will not impact nesting migratory birds, the following mitigation measure is recommended:

If vegetation is to be removed during the nesting season, recognized from February 15 through August 31, a qualified biologist will conduct a nesting bird survey of potentially suitable nesting vegetation no more than three days prior to vegetation removal. If active nests are identified during nesting bird surveys, then the nesting vegetation will be avoided until the nesting event has completed and the juveniles can survive independently from the nest. The biologist will flag the nesting vegetation and will establish an adequate buffer around the nesting vegetation of 300 feet (500 feet for raptors). Clearing/grading shall not occur within the buffer until the nesting event has completed.

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[5] The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R.21). In addition, sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs.

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Source: ESRI World Street Map

N

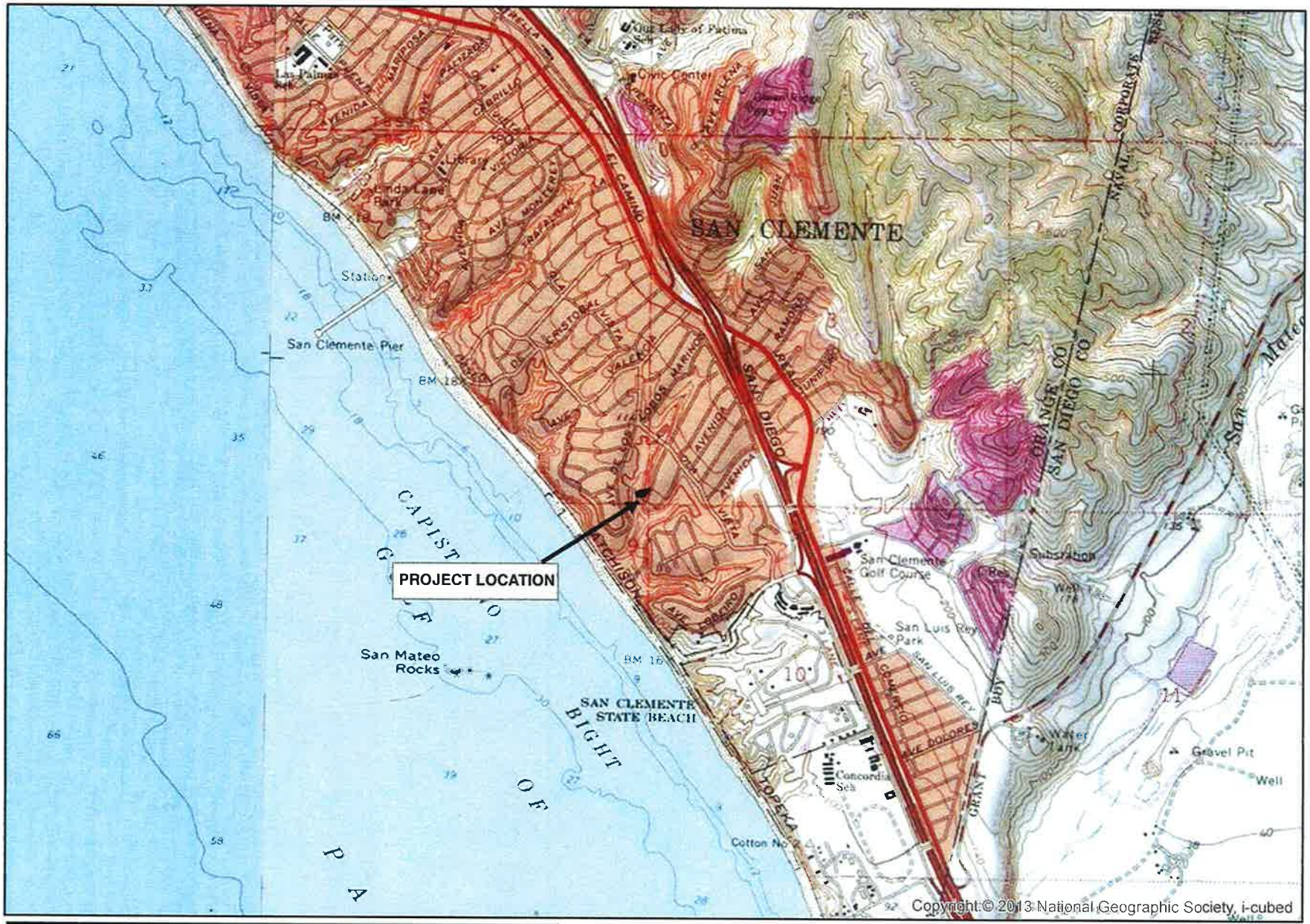
0 2 4 8 Miles

234 WEST AVENIDA

Regional Map

GLENN LUKOS ASSOCIATES

Exhibit 1



Adapted from USGS San Clemente, CA quadrangle

N

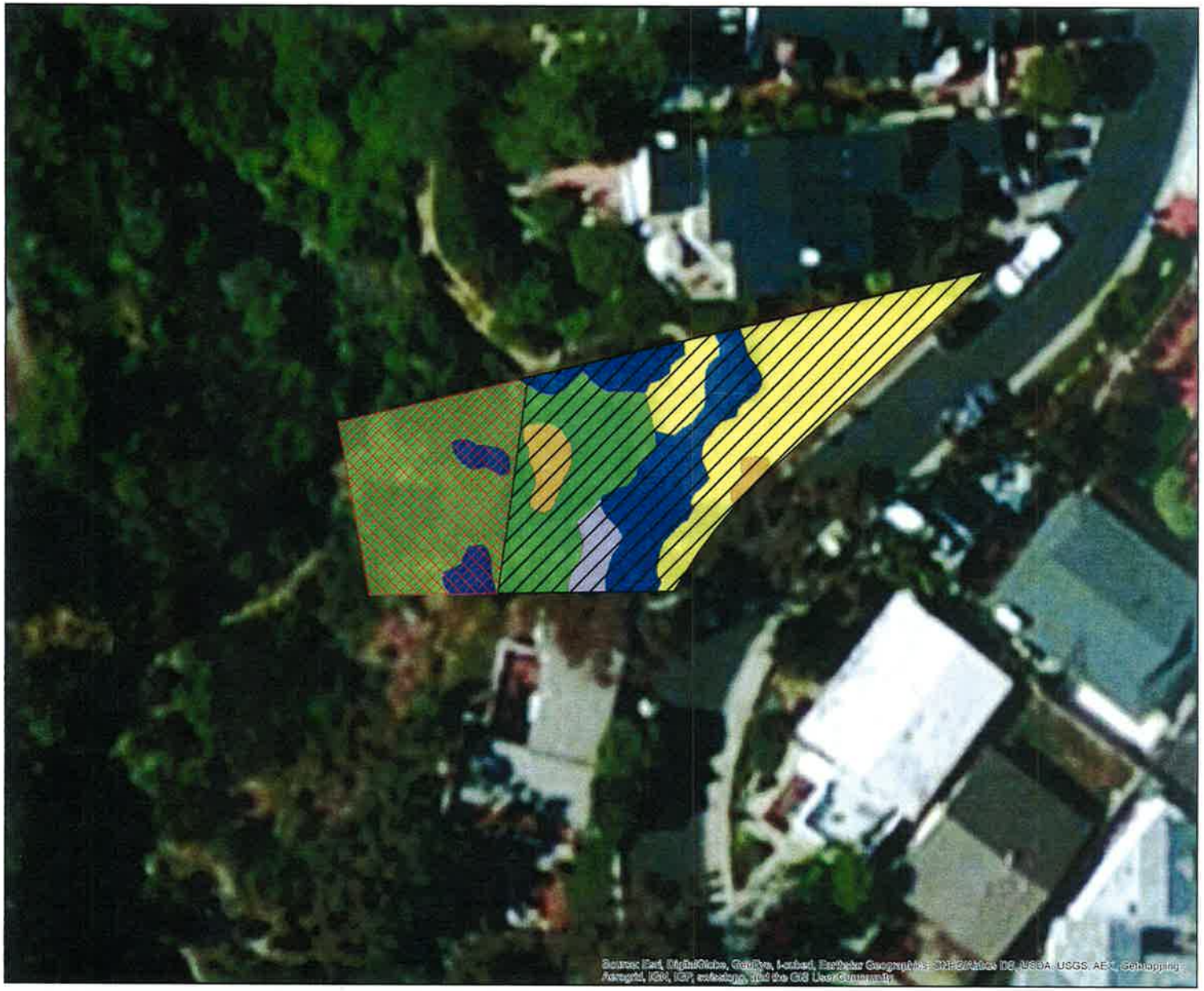
0 1,000 2,000 4,000 Feet

234 WEST AVENIDA

Vicinity Map

GLENN LUKOS ASSOCIATES

Exhibit 2



Legend

- Development Footprint
- Fuel Modification Zone
- Disturbed Chaparral
- Disturbed/Developed
- Eucalyptus
- Non-native Grass
- Ornamental

N

0 12.5 25 50

Feet

234 WEST AVENIDA

Biological Resource Impact Map

GLENN LUKOS ASSOCIATES

Exhibit 3

Photograph 1: View of flat portion of the Project site comprised predominately of non-native vegetation.

Photograph 2: View of the sloped portion of the Project site with disturbed chaparral. Note the non-native iceplant in the understory.

GLENN LUKOS ASSOCIATES

Exhibit 4

234 WEST AVENIDA

Site Photographs

Legend

Project Boundary

MYFORD SANDY LOAM, 9 TO 30 PERCENT SLOPES, ERODED

XERALFIC ARENTS, LOAMY, 2 TO 9 PERCENT SLOPES

N

0 12.5 25 50

Feet

234 WEST AVENIDA

Soils Map

GLENN LUKOS ASSOCIATES

Exhibit 5

ATTACHMENT 6

Before and After Images of Modified Elevations Showing DRSC's Comments Incorporated

Front Before

Front After

Side and Rear Before

Side and Rear After