

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

W5aPermit Application No. **5-12-118**

Date: March 21, 2013

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**ADMINISTRATIVE PERMIT****APPLICANT:** Albert and Linda Melville**PROJECT****DESCRIPTION:** Major remodel of an existing one-story, 967 sq. ft. single family residence with attached 353 sq. ft. garage consisting of a 629 sq. ft. living space addition plus a new 356 sq. ft. covered porch area; and demolition of an existing unpermitted wood deck, multiple retaining walls, railroad-tie stairs and fencing in the coastal canyon and within five feet of the coastal canyon edge.**PROJECT****LOCATION:** 224 West Avenida Palizada, San Clemente, Orange County**EXECUTIVE DIRECTOR'S DETERMINATION:** The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, April 10, 2013
8:30 am
El Capitan Canyon Resort
11560 Calle Real
Santa Barbara, CA 93117

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: Liliana Roman
Title: Coastal Program Analyst

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which this permit is voted on by the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See pages six to eight.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Location and Description

The project site is located at 224 W. Avenida Palizada, San Clemente, Orange County (Exhibit 1). The 12,467 sq. ft. lot is a coastal canyon lot along Palizada Canyon. The site is within an existing urban residential area surrounded by single family residences. The City of San Clemente Land Use Plan (LUP) designates the site as Residential Low (RL) single family residential units; the proposed project is a single-family residence allowable under this designation.

The applicant is proposing a major remodel of an existing one-story, 967 sq. ft. single family residence with attached 353 sq. ft. garage consisting of a complete interior remodel and a 629 sq. ft. living space addition plus a 356 sq. ft. covered porch area. Additionally, the applicant is proposing the demolition of an existing unpermitted wood deck, multiple retaining walls, railroad-tie stairs and fencing in the coastal canyon and within five feet of the coastal canyon edge (Exhibit 3). The proposed remodel is considered new development as the proposed addition to the existing structure will increase the square footage of the existing structure by more than fifty percent (i.e., a 629 sq. ft. addition to the existing 967 sq. ft. is a 65% increase). The proposed addition is on the canyon ward side of the lot and meets the certified LUP policy regarding coastal canyon setback, as the proposed new development is a minimum of 30% depth of the lot, and not less than 15 feet from the canyon edge.

To address water quality concerns, the applicant is proposing to install new roof downspouts directing runoff from the roof to a new 5' wide permeable gravel walkway along the side yards and on the portion of the residence facing the coastal canyon. The existing driveway will continue to direct runoff towards the frontage road and into the City's stormdrain system. No new landscaping is proposed as part of the addition/remodel; however, the applicant agrees to the installation of erosion control measures to prevent any possible soil erosion in the canyon following removal of the unpermitted development.

Coastal Canyon Setback

The proposed development is located on the rim of a coastal canyon lot. Palizada Canyon is one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP (Exhibit 2). The applicant's property extends to the canyon bottom. The canyon is considered somewhat degraded at this particular site due to the presence of both native and non-native plant species throughout the canyon and due to the construction of a wood deck over the canyon edge and railroad tie stairs down the canyon face. No portion of the applicant's development area contains resources that rise to the level of ESHA. Nevertheless, preservation and enhancement of the City's coastal canyons is a goal supported by both the environmental protection policies of the Coastal Act, and the policies of the City's certified LUP which were designed for habitat protection and enhancement; to minimize visual impacts and landform alteration; to avoid cumulative adverse impacts of development encroachment into the canyon; and as a means to limit brush management necessary for fire protection. Encroachment into the canyon by development increases the potential for the introduction of non-native plant species,

and predation of native species by domestic animals, and destabilization of the canyon from excess irrigation. Encroaching development also threatens the visual quality of the canyons. As proposed, the addition is on the canyon ward side of the lot and meets one of three possible coastal canyon setbacks identified in the certified LUP. The proposed new development is a minimum of 30% depth of the lot, and not less than 15 feet from the canyon edge.

Most projects along the coast involve some form of unpredictable risks whether it be from flooding, wave uprush, erosion, earthquakes or fires, to name a few. The proposed project is located atop a coastal canyon rim, which is an area that may be subject to potential damage or destruction from natural hazards, including slope instability, erosion, landslides, and earth movement given the general nature of coastal canyons in certain parts of the California coast and seismic activity of nearby faults. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks and therefore imposes **Special Condition #2**. Through the assumption of risk condition, the applicant acknowledges the nature of the geologic hazards that exists on the site and that may affect the safety of the proposed development.

Because of the potential for future improvements to the proposed residence or associated landscaping which could potentially adversely impact the geologic stability and/or environmentally sensitive habitat area concerns expressed in this staff report, the Commission imposes **Special Condition #4**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-12-118) or a new coastal development permit. Future development includes, but is not limited to, structural additions, installation of any hardscape and/or decks, landscaping and fencing. Therefore, as conditioned, the Commission finds that the development conforms to the requirements of Sections 30251 and 30253 of the Coastal Act regarding the siting of development in areas that minimize landform alteration and addresses hazards.

B. Water Quality

The proposed development has a potential for discharge of polluted runoff from the project site into nearby coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

C. Development

Development adjacent to slopes such as those found on canyons or hillsides is inherently hazardous. To minimize risks to life and property the development has been conditioned to: require an appropriate set-back from the top of the slope, for conformance with a drainage and

runoff control plan to minimize percolation of water into the slope and that future improvements must come back to the Commission for review. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. Local Coastal Program

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. California Environmental Quality Act (CEQA)

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

F. Unpermitted Development

Development has occurred on the subject site without benefit of the required coastal development permit including construction of wood deck, rail road tie stairs, fencing and retaining walls. This development occurred on the canyon face or within five feet of the edge of a canyon that is identified in the City's certified Land Use Plan as an environmentally sensitive habitat area. Consequently, even if it were considered to be the sort of work that is normally associated with a single-family residence, the work that was undertaken constitutes development that requires a coastal development permit application.

As further described above, a site specific review confirms that the habitat on the canyon slope on this property is somewhat degraded due to the predominance of non-native plant species interspersed with scattered native species. As such, no portion of the area at this particular subject site that is proposed to be developed contains resources that rise to the level of ESHA. Nevertheless, preservation and enhancement of the City's coastal canyons is a goal supported by both the environmental protection policies of the Coastal Act, and the certified LUP. The proposed addition is sufficiently setback from the canyon edge and will therefore not impact the coastal canyon habitat; and the proposed work in the canyon itself will remove structures within the canyon habitat which is compatible with any ESHA that may exist within the canyon.

The applicant proposes to resolve the unpermitted development on the subject site through this Coastal Development Permit application by proposing the demolition and removal of the nonconforming unpermitted development. Additionally, to ensure that the unpermitted development components of this application are resolved in a timely manner, **Special Condition #1** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit, failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. The certified San Clemente Land Use Plan was used as guidance by the Commission in reaching its decision.

SPECIAL CONDITIONS:

1. **Conformance to Proposed Plans.** The applicant shall conform with the proposed architectural plans and drainage and run-off control plans submitted to the Commission on February 12, 2013, prepared by Dream Home Building and Design LLC which indicates the removal of existing non-conforming unpermitted development beyond the canyon edge in the form of railroad tie stairs located beyond the canyon edge, removal of an existing wood deck built over the canyon edge, and removal of two low retaining walls built at the canyon edge or within five feet of the canyon edge. The edge of the north facing canyon is generally depicted along the 150 foot contour line along the western end of the canyon and along the 154 foot contour on the eastern end of the coastal canyon.

The permittee shall undertake development in accordance with the approved final plans. The proposed removal of unpermitted development must be completed within 180 days from the date the Notice of Administrative Permit Effectiveness. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from slope instability, erosion, landslides, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees

incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.
- (6) Landscaping or erosion control measures shall be implemented to address soil erosion in the canyon following removal of the unpermitted development (i.e., plantings, jute netting, etc.)

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

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;

- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

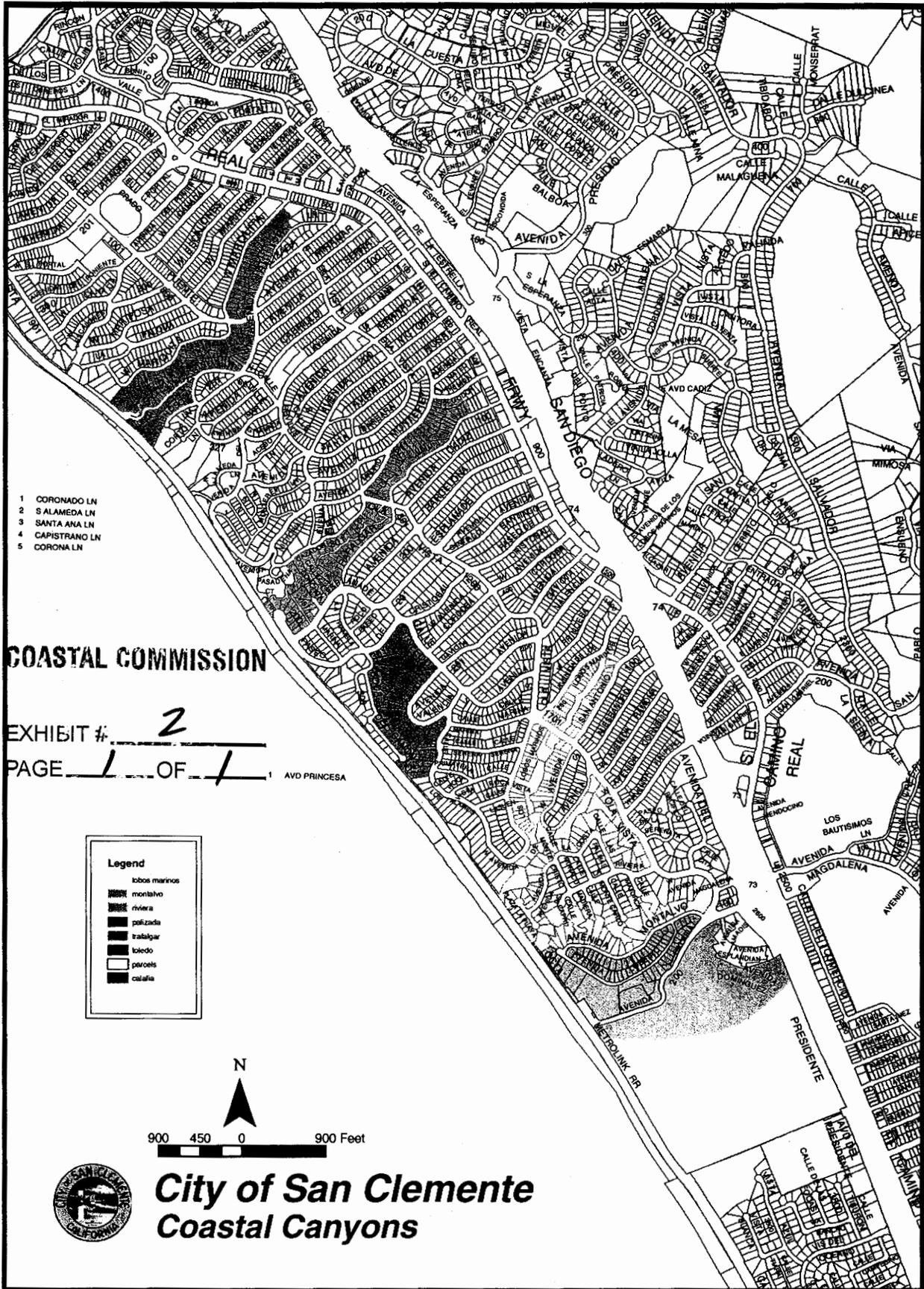
4. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-12-118. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit No. 5-12-118. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-12-118 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing



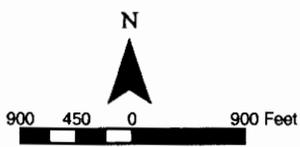
- 1 CORONADO LN
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- 3 SANTA ANA LN
- 4 CAPISTRANO LN
- 5 CORONA LN

COASTAL COMMISSION

EXHIBIT # 2
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Legend

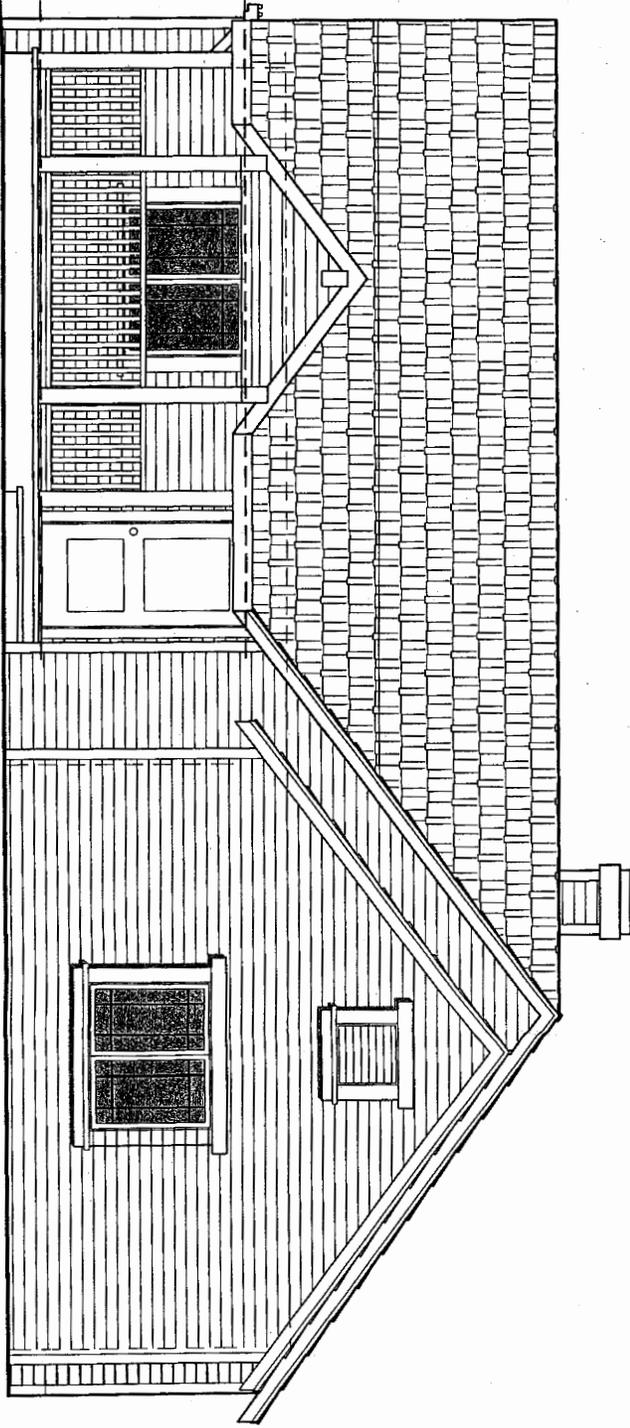
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- paliçada
- trabigar
- baldo
- parcel
- calafia



City of San Clemente
Coastal Canyons

COASTAL COMMISSION

EXHIBIT # 6
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SOUTH ELEVATION

SCALE: 1/4"=1'-0"

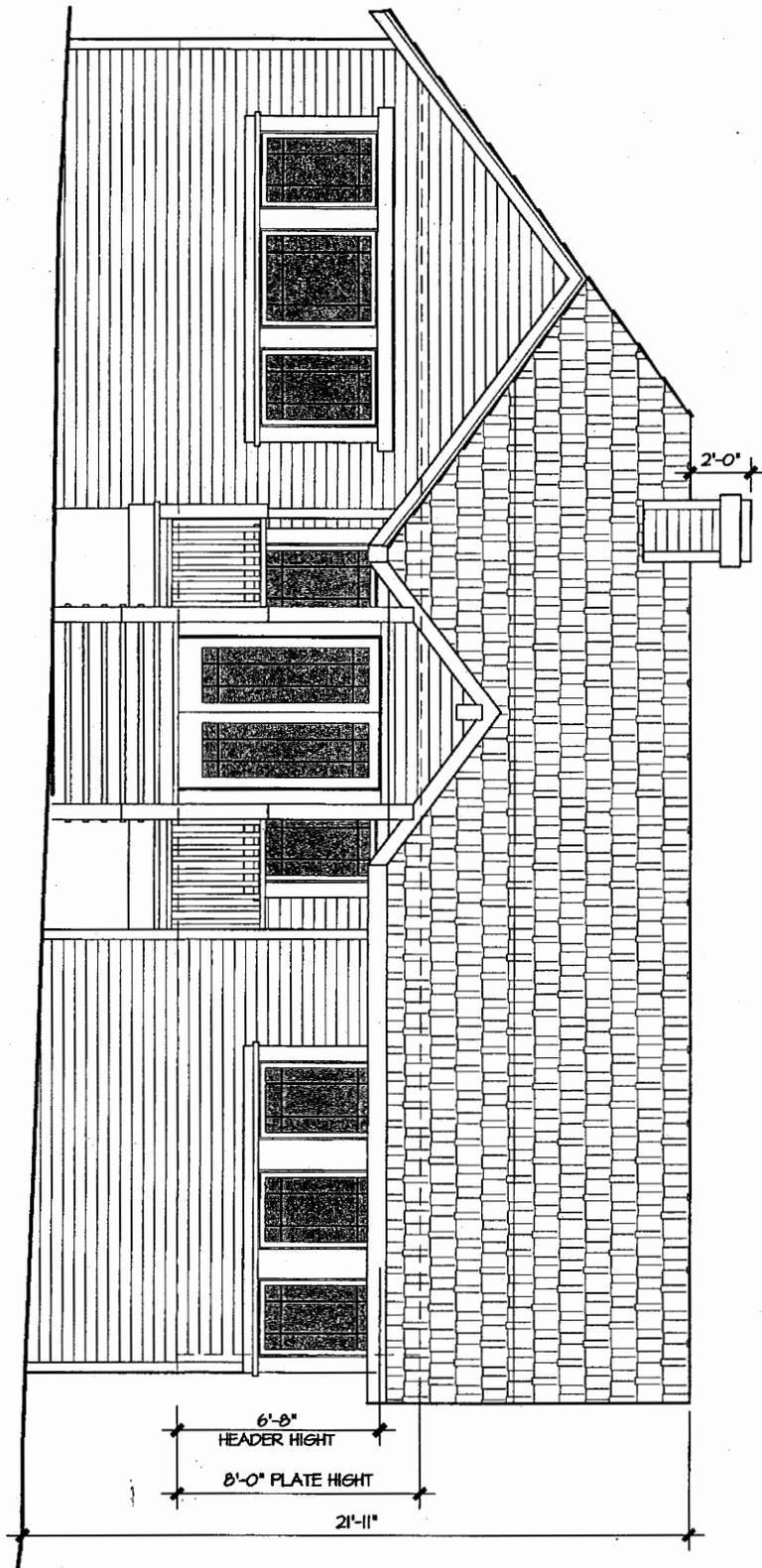
The design, details and ideas contained in this drawing are the sole property of Dream Home Building & Design, LLC. No part of this drawing shall be copied, reproduced, disclosed to others or used for any other work, or project, without the written consent of Dream Home Building & Design, LLC.

All written dimensions will take preference over scaled dimensions, and will be verified on the job site by contractor. All discrepancies will be brought to the attention of the project supervisor prior to the commencement of any work.



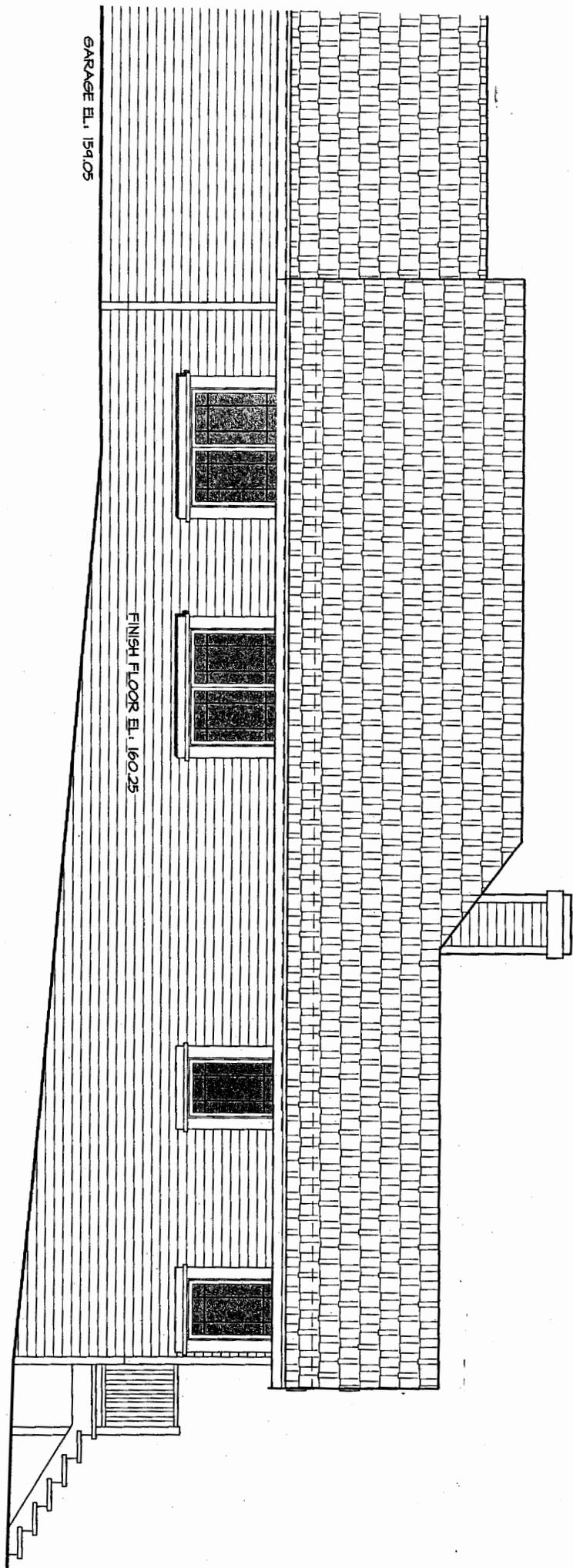
Dream Home Building & Design, LLC
Designer
DREAM HOME BUILDING AND DESIGN, LLC
Tel (310) 438-2754
P.O. Box 100
Bend, OR 97701
Tel (541) 406-0672
Bend, OR 97701
DRAWN: Mike Anderson
Consultants
CONSULTING ENGINEERS
STRUCTURAL DESIGN

NORTH ELEVATION
SCALE: 1/4"=1'-0"



COASTAL COMMISSION

EXHIBIT # 6
PAGE 6 OF 6



GARAGE EL. 154.05

FINISH FLOOR EL. 160.25

EAST ELEVATION

SCALE: 1/4"=1'-0"