CALIFORNIA COASTAL COMMISSION

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

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Permit Application No. **5-13-058** Date: May 23, 2013

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ADMINISTRATIVE PERMIT

APPLICANT: 119 Boca LTD

PROJECT

DESCRIPTION: Construction of a new four-story, 36' tall above finished grade, 5,385 sq. ft.

duplex plus a basement level 1,453 sq. ft. four-car (tandem) garage on a mat/conventional footings foundation, balconies and roof decks on a vacant

lot. Duplex will be stepped up the hillside requiring construction of

retaining walls to support the grade differential for lower and upper levels. Unit A is 2,697 sq. ft. with a 743 sq. ft. two-car garage and 618 sq. ft. in balconies and Unit B is 2,688 sq. ft. with a 607 sq. ft. two-car garage and a 513 sq. ft. roof terrace. Grading consists of 1,530 cu.yds. cut for basement level and site preparation. Landscaping consists of drought tolerant non-invasive plants such as ceanothus, bougainvillea, and agave. A parcel map

for condominium purposes is not proposed.

PROJECT

LOCATION: 119 Boca de la Playa, San Clemente, Orange County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

<u>NOTE</u>: 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:

Thursday, June 13, 2013 8:30 a.m. City of Long Beach, City Council Chambers 333 West Ocean Blvd Long Beach Ca. 90802

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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. <u>Notice of Receipt and Acknowledgment.</u> 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. <u>Expiration</u>. 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. <u>Interpretation.</u> Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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 119 Boca de la Playa in San Clemente, Orange County (Exhibit 1). The City of San Clemente Land Use Plan (LUP) designates the site as Residential; the proposed project is a duplex, allowable under this designation.

The 7,673 sq. ft. lot is an inland sloped lot, not on a coastal canyon or coastal bluff and is within an existing urban residential area surrounded by single family residences. The site is an undeveloped lot that ascends from the street at a gradient of approximately 3 to 1; the total height of the slope on the site is 55 feet. The site exists in natural condition with no previous site grading. No native plants are present on the site, only non-native plant species such as acacia redolens, crassula (jade plant), and invasive grasses and weeds were mapped. Therefore, no portion of the applicant's site contains resources that rise to the level of ESHA.

The applicant is proposing construction of a new four-story, 36' tall above finished grade, 5,385 sq. ft. duplex plus a basement level 1,453 sq. ft. four-car (tandem) garage on a mat/conventional footings foundation, balconies and roof decks on a vacant lot. The duplex will be stepped up on a hillside requiring construction of retaining walls to support the grade differential for lower and upper levels; grading consisting of 1,530 cu.yds. cut for basement level and site preparation is proposed. Unit A is proposed to be 2,697 sq. ft. with a 743 sq. ft. two-car garage and 618 sq. ft. in balconies and Unit B is proposed to be 2,688 sq. ft. with a 607 sq. ft. two-car garage and a 513 sq. ft. roof terrace. The applicant proposes, and **Special Condition #2** requires, landscaping consisting of a drought tolerant non-invasive plant palette; ceanothus, bougainvillea, and agave among other are proposed. Project plans including landscaping plans are included as Exhibit 3.

Geologic Hazards

Site development includes shoring installation, excavation to pad grades, foundation excavations, construction of retaining walls, sub-drain installation, wall backfills, underground utility installation, subgrade preparation for driveway/stairs and related flatwork placement. The applicant provided a Geotechnical Engineering Report prepared by South Coast Geotechnical Services dated July 10, 2012 which concludes that the site is suitable for the proposed development and that as proposed, is not anticipated to affect adjacent property from a geotechnical point of view provided that the report's recommendations are followed. Furthermore,

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the report concludes that geologic hazards including seismic hazards, slope instability, flooding, ground subsidence and erosion are considered low or negligible on this site.

Although the site conditions described above render the project sufficiently stable to satisfy the Coastal Act requirements that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard, 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 on a hillside, which may be subject to potential damage or destruction from natural hazards, including slope instability, erosion, landslides, and earth movement given the general nature of slopes 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 #3**. 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 #5**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-13-058) 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.

Water Quality

Water quality best management practices are proposed during and after construction. Drainage from the lot will be collected by roof gutters and downspouts and patio deck drains all connected directly to the on-street City storm drain. The underlying soil composition on the hillside slope precludes onsite percolation of dry weather surface runoff.

Public Access

Public coastal access is available immediately across the street of the site at the North Beach Access Point (Exhibit #2). This vacant hillside lot is the last remaining vacant lot on Boca de la Playa, a cul-de-sac ending at North Beach, and one of the City's primary beach access points. The municipal Ole Hanson Beach Club is also across the street. As the site is the last remaining vacant hill sloped lot on this block, it appears that it has been used as a pedestrian short-cut from the top of the hill and the top of the adjacent coastal bluff (i.e. from Buena Vista) down to Boca de la Playa. Aerial photographs of the site (Exhibit #4) clearly show a trodden path through the invasive grasses and weeds. The applicant has provided staff with information regarding the use of lot for access by explaining that there is no direct access to the subject site from the hill top/bluff top public street/sidewalk areas. There are two other multi-family residential lots directly above this subject lot; 1531 Buena Vista built in 1972 and 1529 Buena Vista built in the 1990s. Those two lots front Buena Vista, thereby impeding direct visual and physical access from public areas at the hill top and bluff top. However, 1527 Buena Vista is a nearby vacant bluff top lot where people familiar with the areas have figured out a way to gain access across all three lots to get to the subject site and forging a short-cut pedestrian path down the hill to Boca de la Playa

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and the beach. Therefore, it appears that only a limited segment of the public in the immediate vicinity (local residents of the multi-family and single family residences along this portion of Buena Vista) are the main users of this pathway connecting the hill top/bluff top to Boca de la Playa and the adjacent beach.

Safer, closer and more direct coastal access is available to North Beach along Boca de la Playa and Calle Deshecha, both for pedestrians and vehicles.

B. Public Access

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

C. Habitat, Recreation and Park Impacts

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

D. 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.

F. 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.

G. <u>Local Coastal Program</u>

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

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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.

H. 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.

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. 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. Landscaping - Drought Tolerant, Non Invasive Plants. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf).

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- 3. **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.
- 4. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:
 - (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
 - (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
 - (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
 - (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

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

(1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms

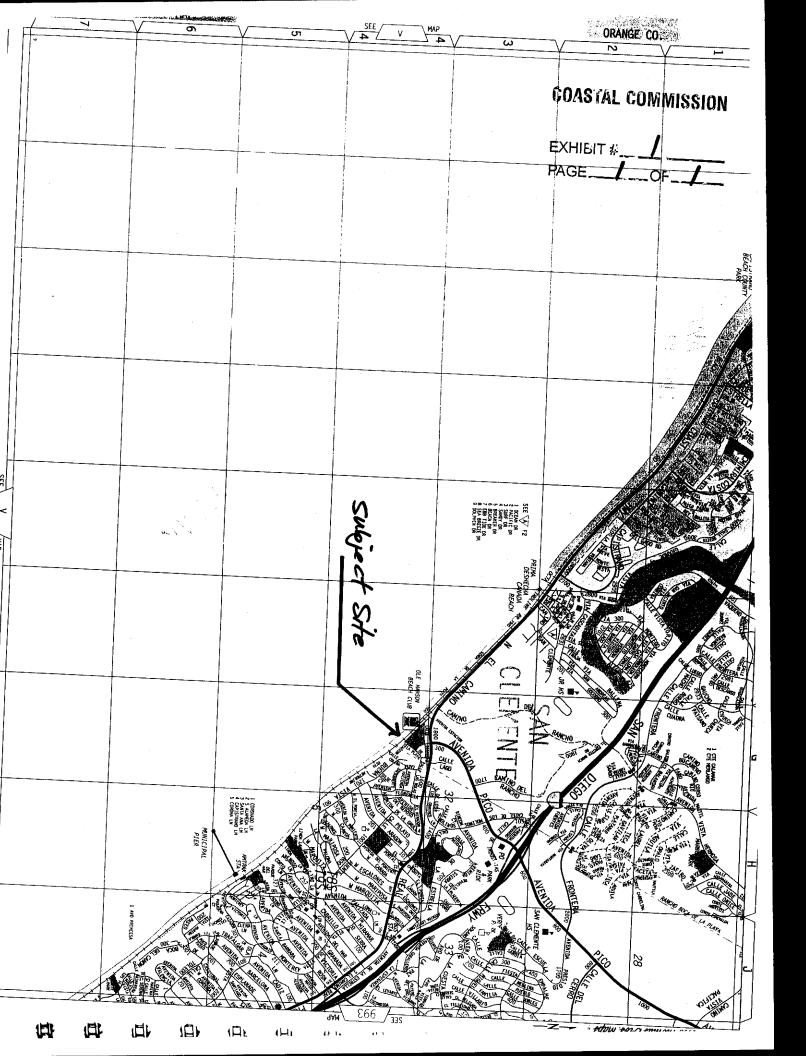
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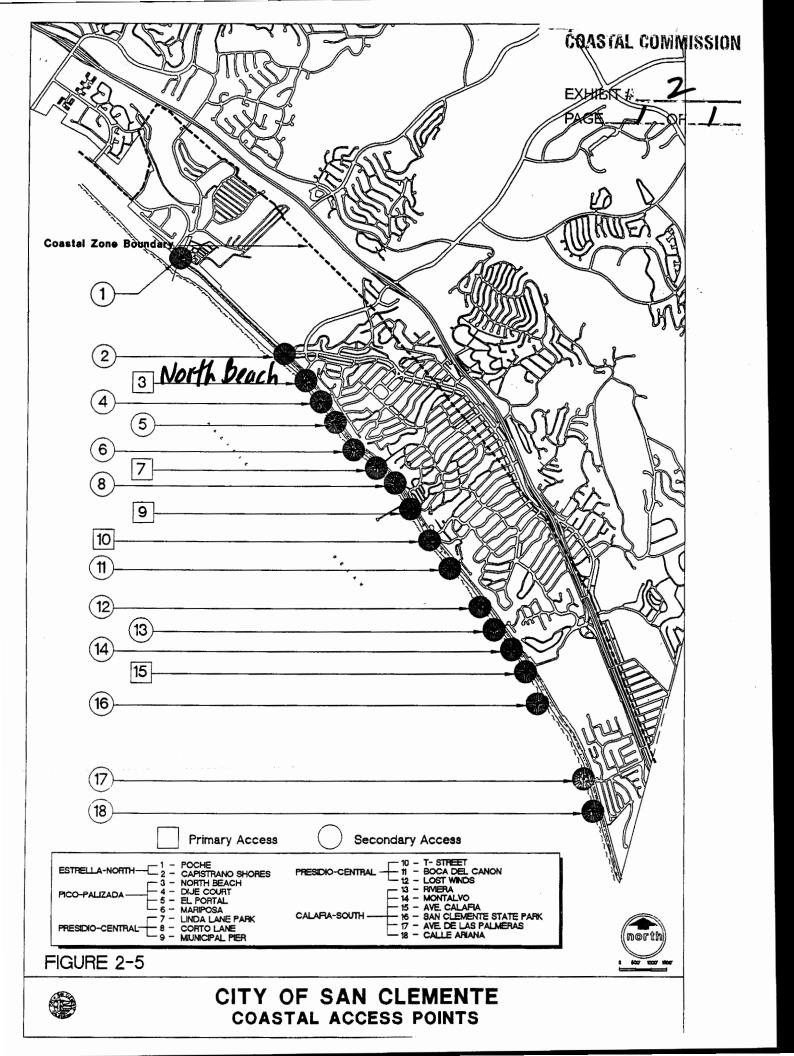
and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;

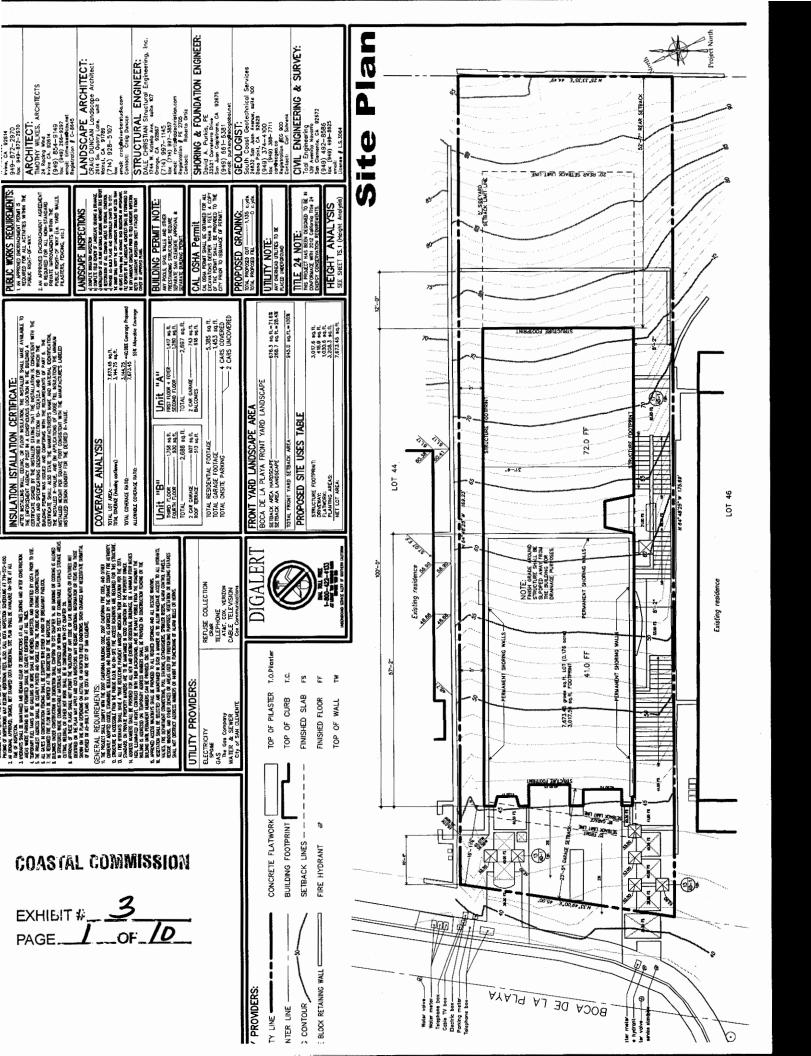
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout 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.
- 5. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-13-058. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit No. 5-13-058. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-13-058 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

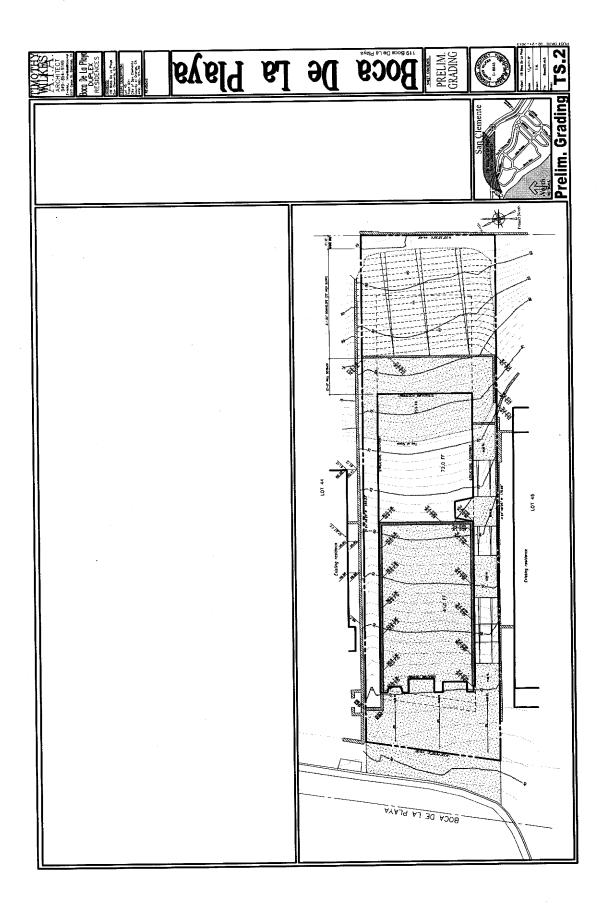
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have receincluding all conditions.	ved a copy of this permit and h	ave accepted its contents
Applicant's Signature	Date of Signing	



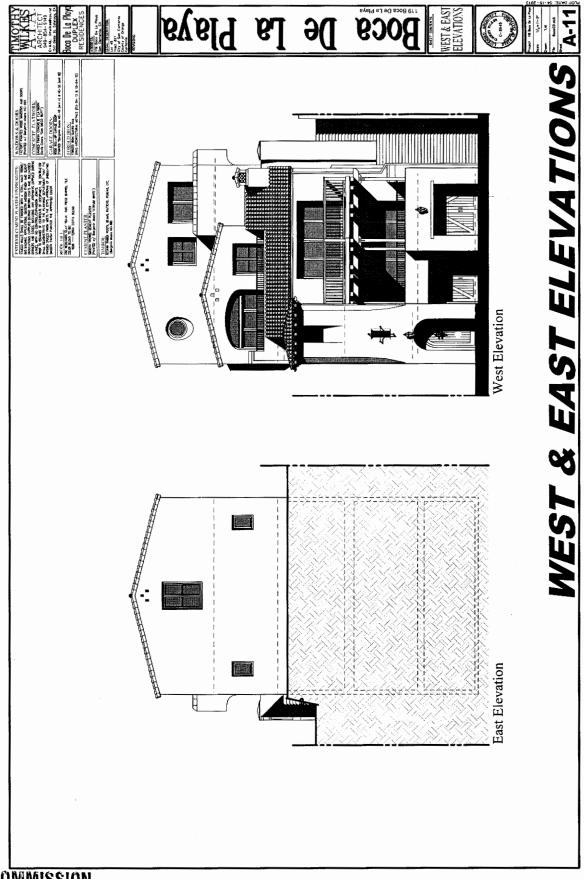






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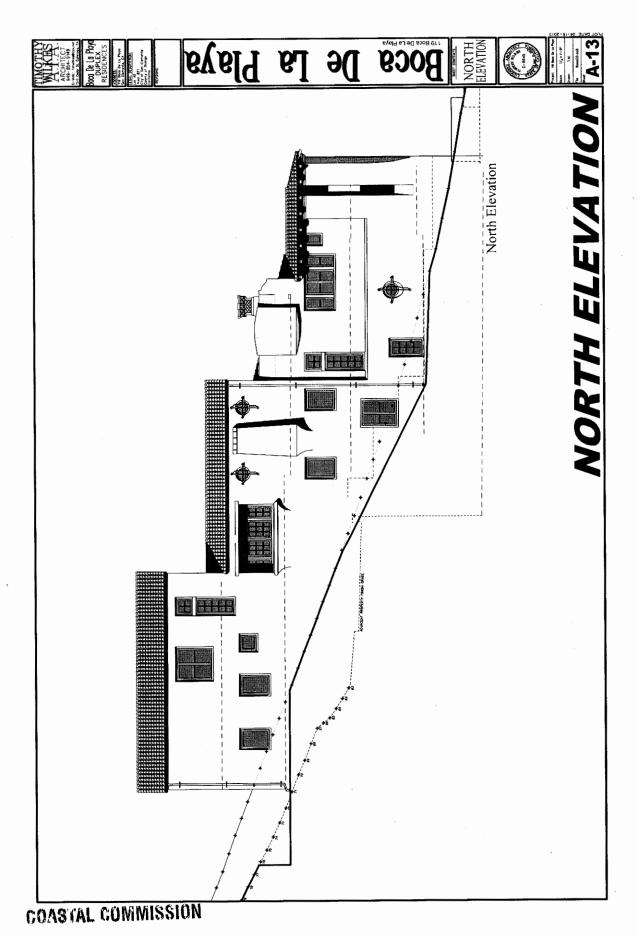


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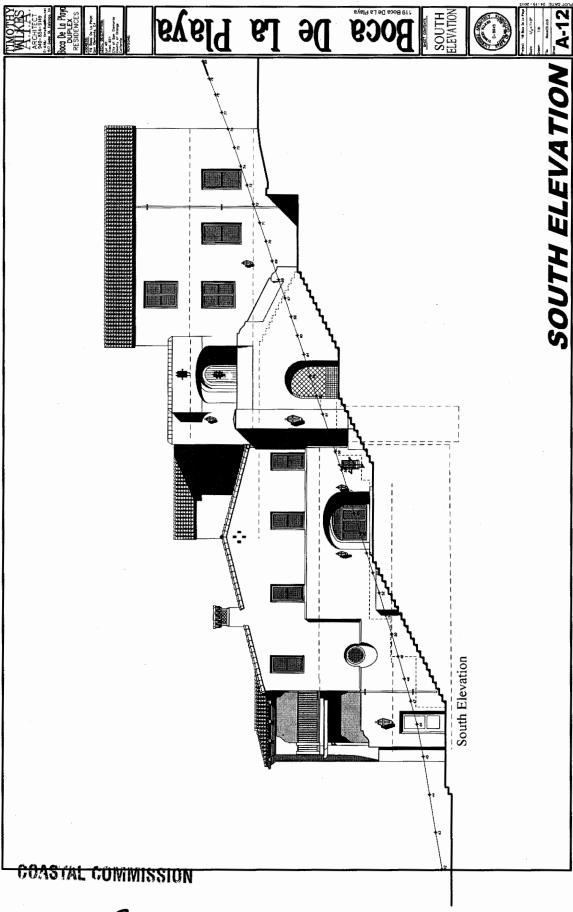
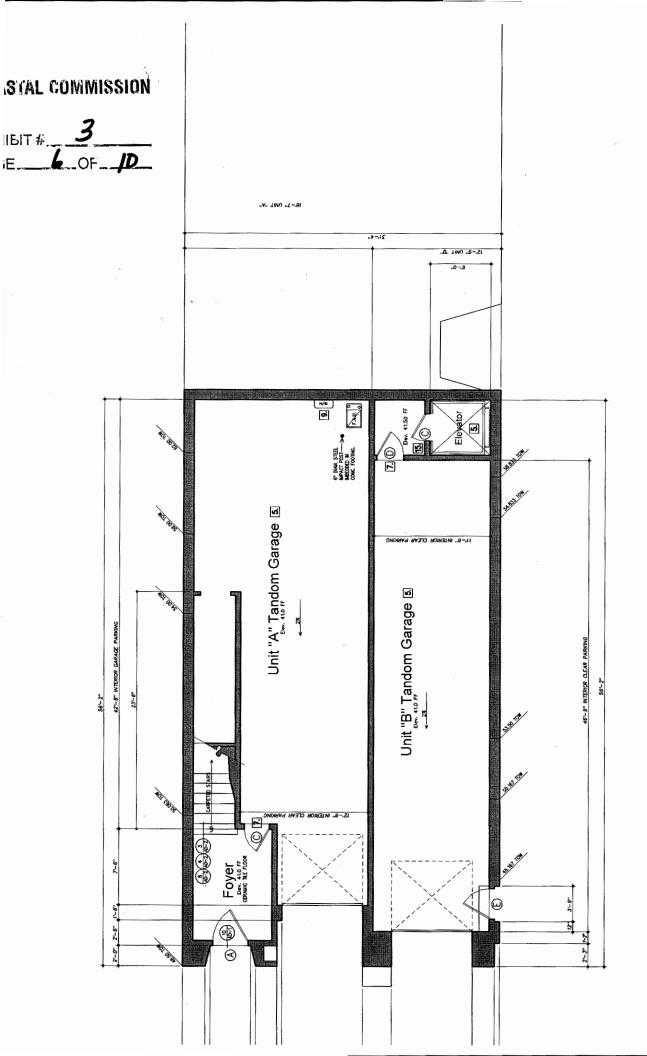
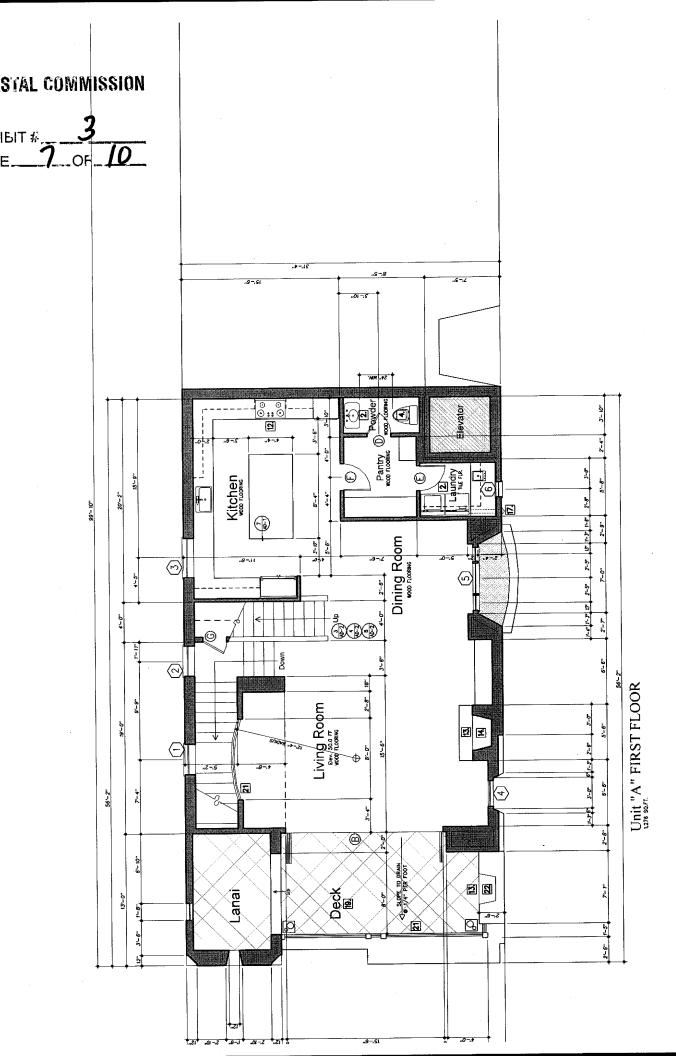
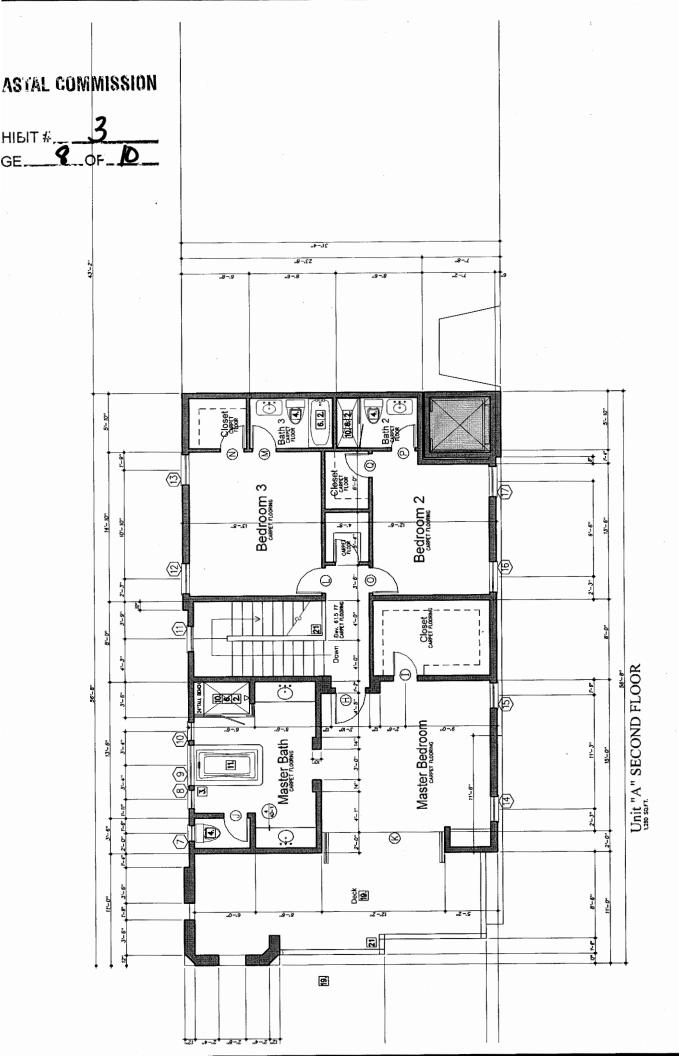
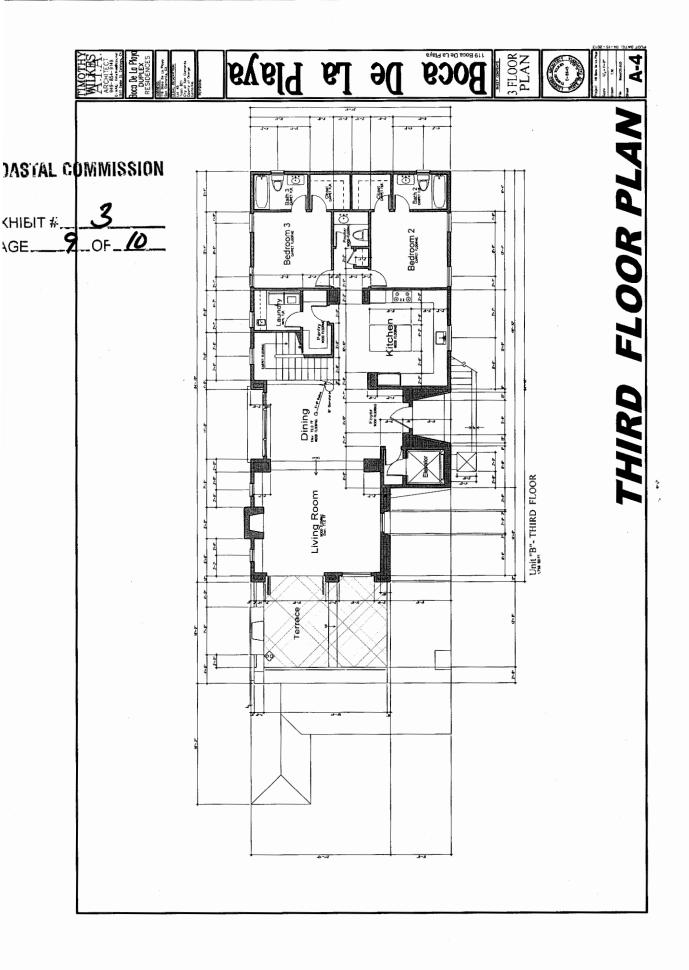


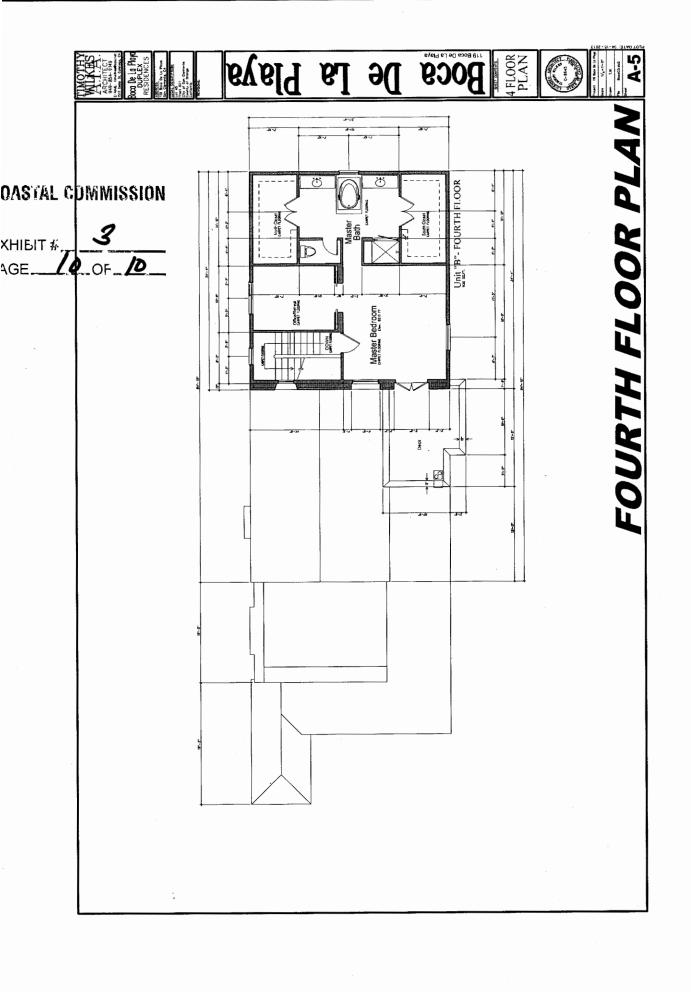
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