

CALIFORNIA COASTAL COMMISSION

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

W9d

Staff: Liliana Roman – LB
Date: April 24, 2014

ADMINISTRATIVE PERMIT

Application No. **5-14-0198**

Applicant: **Jeff Rendeers**

Project

Description: Remodel of an existing 1,922 sq. ft., single-story, single family residence with attached garage consisting of an interior remodel, new second floor addition, and ground floor living space and garage additions resulting in a 2,768 sq. ft. (including garage), 22'-6" tall two-story single family residence on a coastal canyon lot.

Project

Location: 313 Avenida de Los Lobos Marinos, 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, May 14, 2014 9:00 am
Inverness Yacht Club
12852 Sir Francis Drake Blvd.
Inverness, CA 94937

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:

This permit is granted subject to the following standard conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any 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 thru 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 DESCRIPTION

The project site is located at 313 Avenida de los Lobos Marinos, San Clemente, Orange County (**Exhibit 1**). The site is an 11,556 sq. ft. trapezoidal shaped coastal canyon lot along the Lobos Marinos Canyon. The property fronts on Avenida de los Lobos Marinos and extends westerly to the rear of the property boundary, beyond the canyon edge. The site is developed with an existing one-story single family residence and attached garage. The site is within an existing urban residential area surrounded by other single family residences. The City of San Clemente Land Use Plan (LUP) designates the site as Residential Low Density and the proposed project is consistent with this designation. The nearest public access to the beach is approximately a quarter mile south of the site at the Lost Winds Coastal Access Point (**Exhibit 3**).

The applicant is proposing a remodel of an existing 1955 (Pre-Coastal Act) one-story, 1,515 sq. ft. single family residence with an attached 407 sq. ft. 2-car garage (1,922 sq. ft. total). The remodel consists of a 173 sq. ft. addition to the first floor residence, a 193 sq. ft. addition to the garage and a new 480 sq. ft. second floor addition, in total the additions result in a 55.8% increase in gross square feet. The project would result in a 2,346 sq. ft., 21'-5" tall two story single family residence with attached 429 sq. ft. garage. Additionally, new front (street-facing) covered patio and porch are proposed.

No new landscaping or major drainage improvements are proposed. New roof rain gutters with downspouts directed to the frontage road are proposed to prevent uncontrolled water runoff from sheet flowing over the coastal canyon. Currently, water runoff from the front portion of the site is directed to the street and municipal storm drain system and water runoff from the back portion of the lot drains toward the coastal canyon. Project plans are included in Exhibit 2.

The 1955 residence does not comply with current City of San Clemente LUP coastal canyon setback policies certified by the Commission in 1996. It appears that the existing residence was constructed up to the edge of the coastal canyon at the 120 foot contour line (topographic survey included as page 7 of **Exhibit 2**). Additionally, grading and construction of three rows of retaining walls beyond the coastal canyon edge, down the canyon face to the property line were also permitted by the City at the time the original residence was constructed.

Furthermore, it appears that a 369 sq. ft. raised wood deck which also encroaches into the coastal canyon was constructed sometime in the last thirty years by a previous property owner. The current owner/applicant found no record of a local building permit or CDP for the raised wood deck, therefore, it is considered unpermitted development. As proposed, the additions to the existing

residence are on the street-facing side of the lot; no development is proposed on the canyonward side of the lot. Therefore, the proposed new development will not encroach further into the canyon and will not result in adverse visual impacts or landform alteration. However, the applicant has chosen not to address existing unpermitted development on the site as part of this CDP application. **Special Condition #1** requires the applicant submit final plans showing the raised wood deck on the canyon side of the lot shaded and clearly marked “this element not permitted by this or any other coastal development permit.”

As proposed, no construction or construction staging will take place within the canyon. Furthermore, **Special Condition #3** requires additional construction phase BMPs to ensure the protection of the coastal canyon habitat and that of coastal waters.

The proposed development is located on a coastal canyon lot. Los Lobos Marinos Canyon is one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP (**Exhibit #4**). 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. 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 certified LUP. 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. The LUP policies regarding coastal canyons 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.

Most projects along the coastal canyon slopes involve some form of unpredictable risks from erosion, land slides, 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 fire and 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 relating the coastal canyons, the Commission imposes **Special Condition #4**. This condition informs the applicant that future development at the site would require 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, removal of existing unpermitted development along the canyon side of the lot and restoration of the coastal canyon slope. 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.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of San Clemente only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

B. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without benefit of the required coastal development permit, in the form of an unpermitted wood deck. All work occurred on or beyond the coastal canyon edge. 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.

Special Condition 1 requires revised project plans showing the existing unpermitted wood deck within the canyon shaded and clearly marked “this element not permitted by this or any coastal development permit.”

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. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit. The Commission's enforcement division will evaluate further actions to address unpermitted development not resolved under this permit.

C. 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.

D. 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, 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 30253 of the Coastal Act regarding the siting of development in hazardous locations.

E. 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.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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.

This permit is granted subject to the following special conditions:

SPECIAL CONDITIONS:

1. **Submittal of Final Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director two (2) sets of final plans that are revised to include the following:

- a) The wood deck beyond the canyon edge (120 foot contour line) shall be shaded and clearly marked "this element not permitted by this or any other coastal development permit."

The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a 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 fire, 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:
- (a) 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;
 - (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - (c) 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;
 - (d) 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
 - (e) 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:

- (f) 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;
- (g) The applicant shall develop and implement spill prevention and control measures;
- (h) 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 storm drain, open ditch or surface water; and

- (i) 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. 5-14-0198. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to this development governed by the Coastal Development Permit No. 5-14-0198. 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. 5-14-0198 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

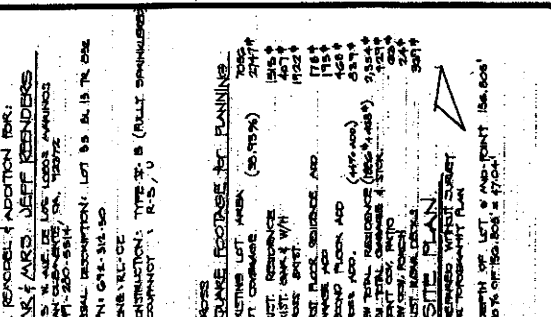
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

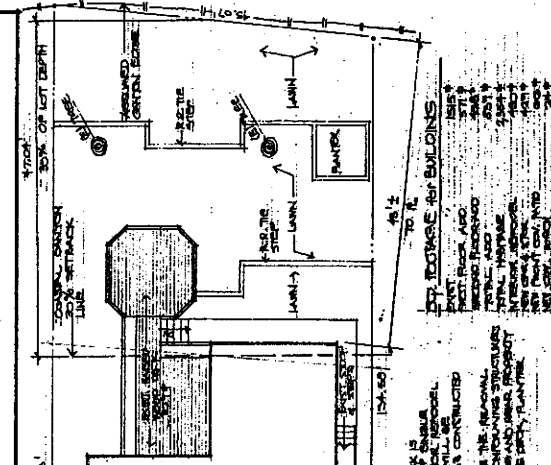
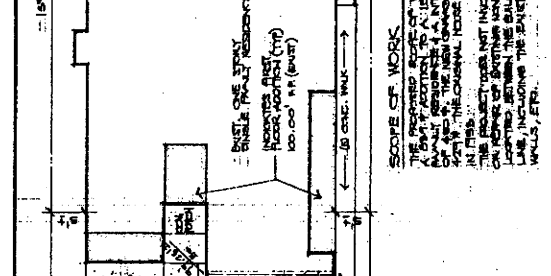
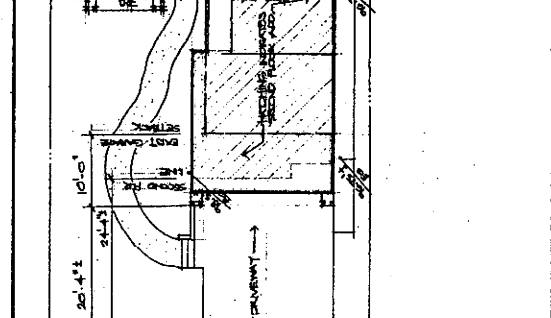
Applicant's Signature

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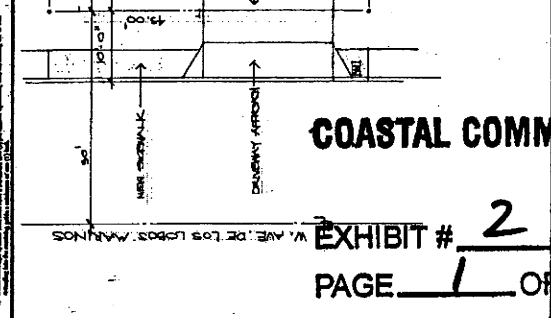
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 PROJECT ADDRESS: 1241 W. 12th St.
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| FOR | J. CRAWFORD |

1. The applicant is requesting approval for the proposed project, which is a rear porch and addition to the existing building at 1241 W. 12th St., Los Angeles, CA 90007. The project is located in the City of Los Angeles, California, and is subject to the City's Building Code and other applicable laws and regulations.

2. The proposed project consists of a rear porch and addition to the existing building. The project is located on the rear lot of the property, which is zoned R1-1. The project is shown on the attached site plan and floor plan.

3. The project is designed to comply with the City's Building Code and other applicable laws and regulations. The project is designed to be a permanent structure and is not intended to be a temporary structure.

4. The project is designed to be a permanent structure and is not intended to be a temporary structure. The project is designed to be a permanent structure and is not intended to be a temporary structure.

5. The project is designed to be a permanent structure and is not intended to be a temporary structure. The project is designed to be a permanent structure and is not intended to be a temporary structure.

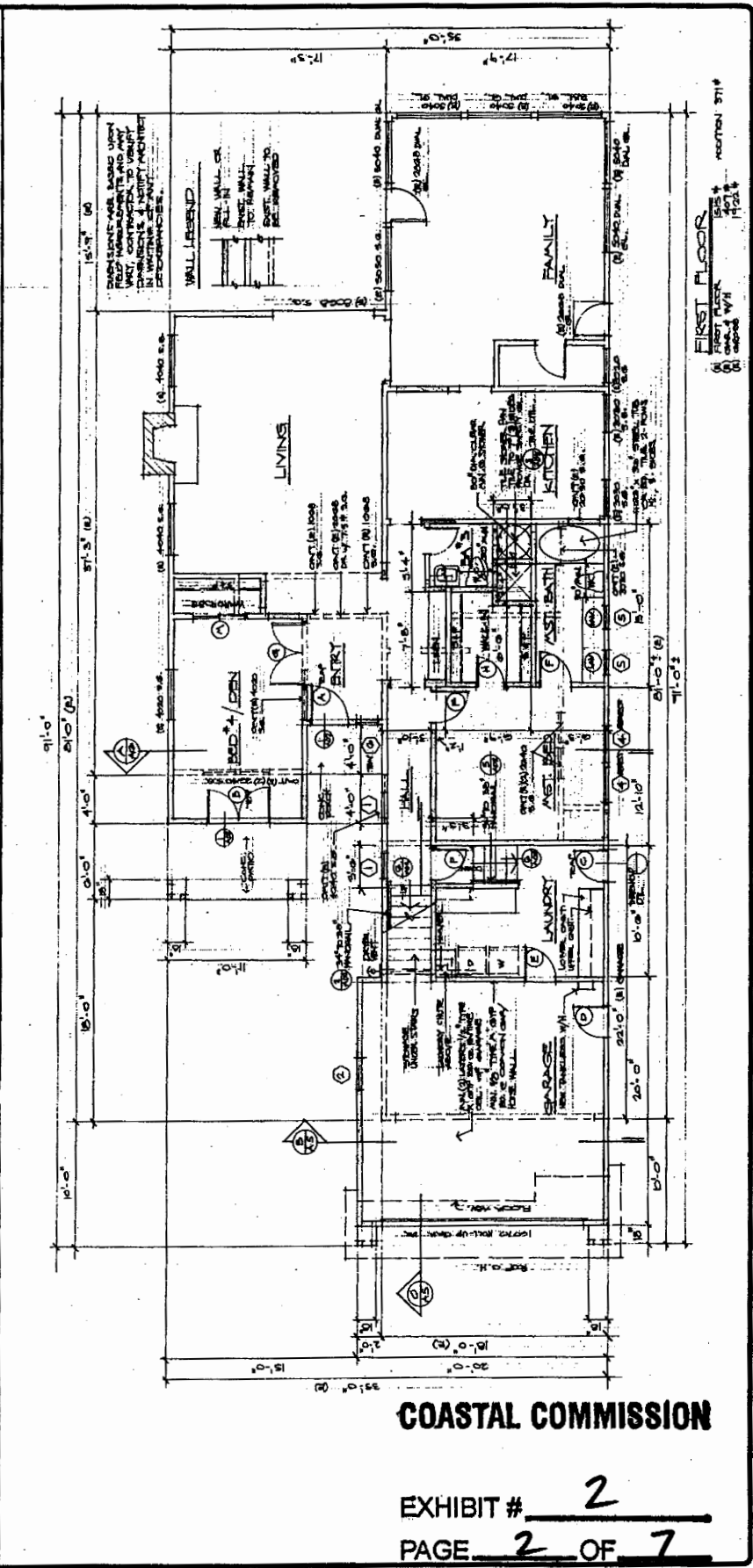
6. The project is designed to be a permanent structure and is not intended to be a temporary structure. The project is designed to be a permanent structure and is not intended to be a temporary structure.

7. The project is designed to be a permanent structure and is not intended to be a temporary structure. The project is designed to be a permanent structure and is not intended to be a temporary structure.

8. The project is designed to be a permanent structure and is not intended to be a temporary structure. The project is designed to be a permanent structure and is not intended to be a temporary structure.

9. The project is designed to be a permanent structure and is not intended to be a temporary structure. The project is designed to be a permanent structure and is not intended to be a temporary structure.

10. The project is designed to be a permanent structure and is not intended to be a temporary structure. The project is designed to be a permanent structure and is not intended to be a temporary structure.



COASTAL COMMISSION

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EXHIBIT # 2
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SECTION 5

EXHIBIT # 2
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[illegible]

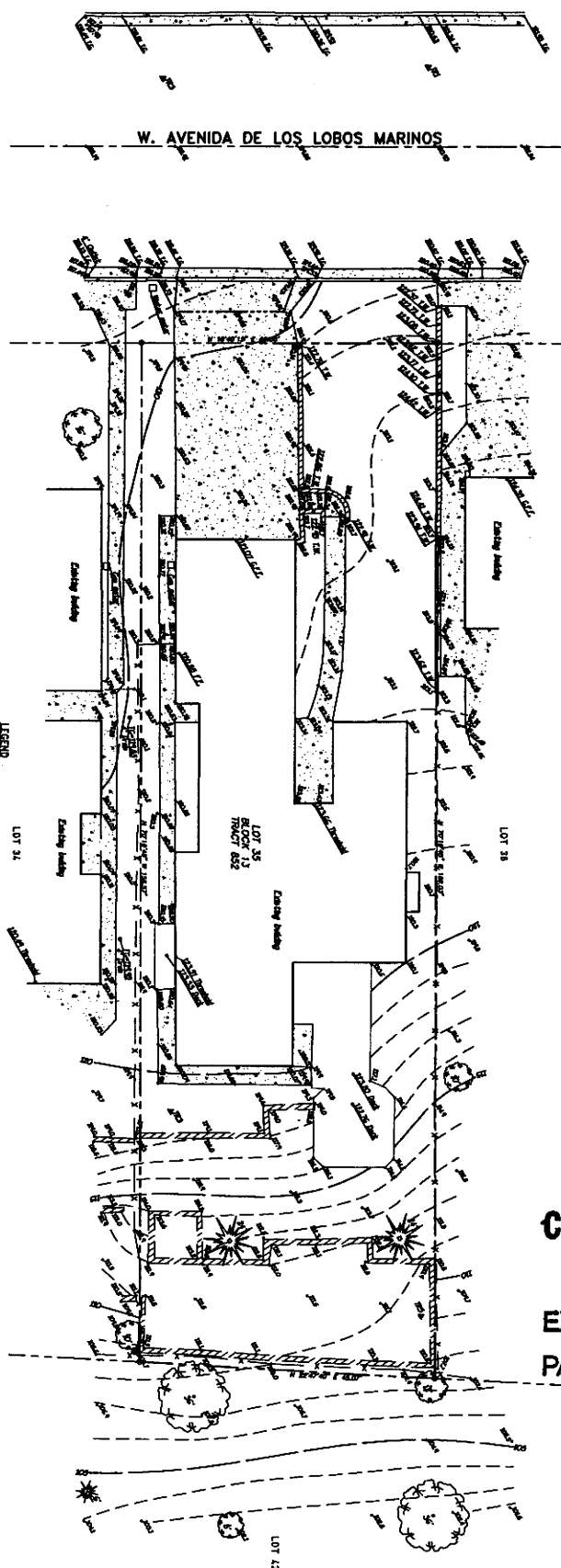
[illegible]**COASTAL COMMISSION**

EXHIBIT # 2
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Viktor P. Meurn 15 4883

TOAL ENGINEERING, INC.
Civil Engineers and Land Surveyors
139 Avenida Navarro, San Clemente, Calif. 92672
Ph: 949-492-8586 Fax: 949-498-8625

| | | | | | | |
|--|--|--|--|--|-------------------------|-----------------|
| | | | | | N. SCALE: 1/8"=1' | DATE: 3-17-14 |
| | | | | | V. SCALE: N/A | DRAWN: MSF & MC |
| | | | | | DATE OF SURVEY: 2-27-14 | CMDR: -- |
| | | | | | DR. FILE: -- | APPV: -- |

TOPOGRAPHIC SURVEY
LOT 35, BLOCK 13, TRACT 852
113 W. AVENIDA DE LOS LOBOS MARINOS
SAN CLEMENTE, CALIFORNIA
JEFF REEDERS

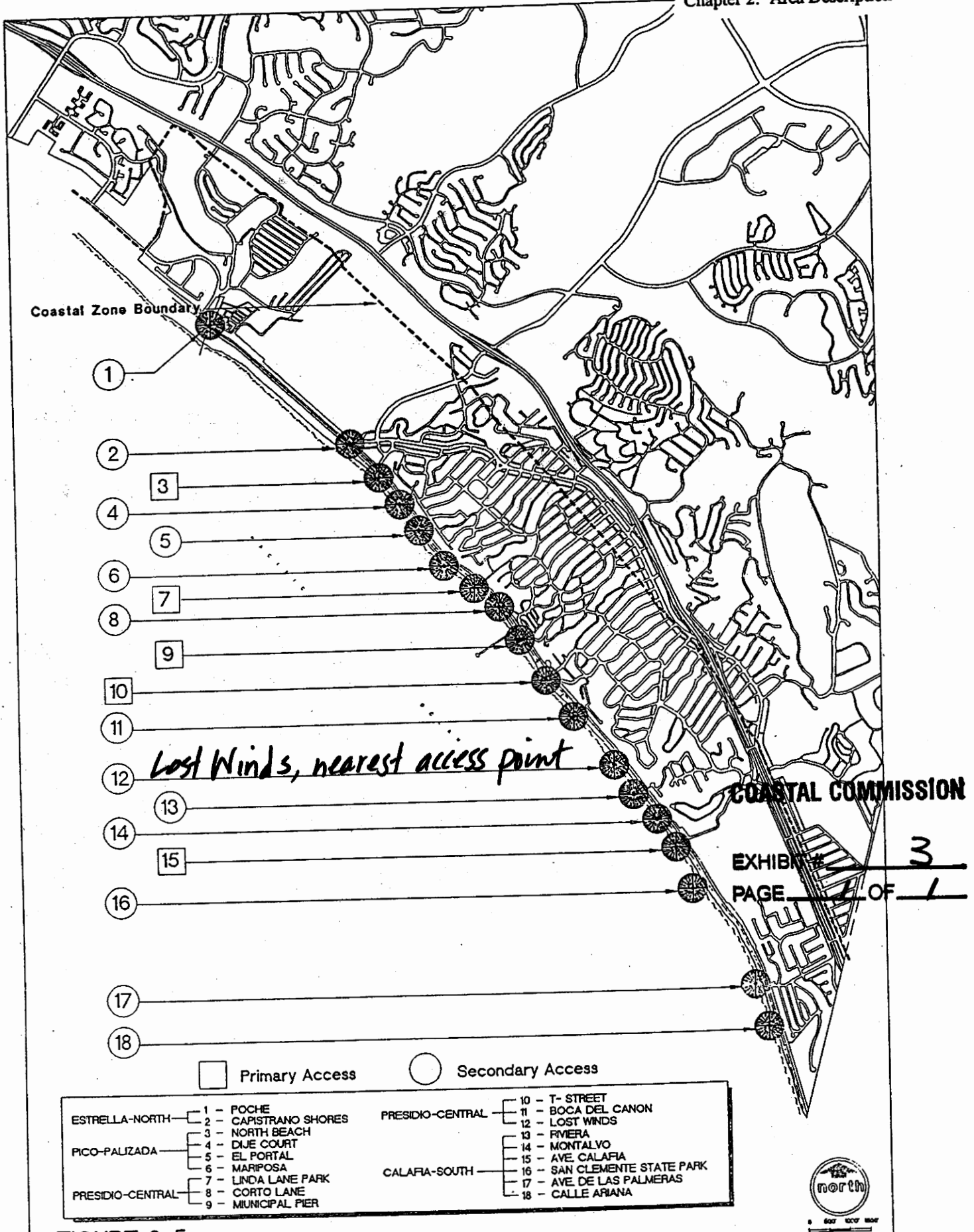


FIGURE 2-5

CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS



Coastal Zone Boundary

Pallizada Canyon

Trafalgar Canyon

Toledo Canyon

* Lobos Marinos Canyon *

Riviera Canyon

Montalvo Canyon

Calafia Canyon

COASTAL COMMISSION

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FIGURE 2-1



CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS