

**CALIFORNIA COASTAL COMMISSION**

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



# T7a

Filed:	2/03/14
180th Day:	8/25/14
270 <sup>th</sup> Day:	10/31/14
Staff:	L. Roman-LB
Staff Report:	7/24/14
Hearing Date:	8/12/14

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-14-0279

**Applicant:** Joe Faron

**Project Location:** 525 W. Avenida de los Lobos Marinos, Orange County

**Project Description:** Major remodel to an existing 2,213 sq. ft., two-story single family residence consisting of a 1,259 sq. ft. (56%) lower level addition resulting in a 3,472 sq. ft. residence and new 500 sq. ft. lower level deck and spa on a coastal canyon lot.

**Staff Recommendation:** Approval with conditions.

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Location Map/Project Site/Aerial and Site Photographs

Exhibit 2 – Project Plans

Exhibit 3 – Coastal Access Map

Exhibit 4 – Coastal Canyons Map

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the Coastal Development Permit Applications included in the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

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 on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be

perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

1. **Submittal of Final 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 architectural plans, foundation plans, grading plans, drainage and erosion control plans that substantially conform with the plans submitted to the Commission on February 3, 2014 prepared by Jeffrey Jonsson.
 

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. **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 bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (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. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-14-0279. 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. 5-14-0279. 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. 5-14-0279 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
4. **Landscaping – Drought Tolerant, Non-Invasive Plans.** Vegetated landscaped areas within the canyon portion of the project site disturbed during construction shall be re-vegetated to avoid erosion and shall only consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type. Native plants shall be from local stock

wherever possible. No permanent in-ground irrigation systems shall be installed on the canyon-facing portion of the site. Temporary above ground irrigation is allowed to establish plantings. Vegetated landscaped areas on the street-side of the residence are encouraged to use native plant species, however, non-native drought tolerant non-invasive plant species may also be used in that area. 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 (<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

5. **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

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 storm drain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

#### **IV. FINDINGS AND DECLARATIONS:**

##### **A. PROJECT LOCATION AND DESCRIPTION**

The proposed project site is located at 525 W. Avenida de los Lobos Marinos, San Clemente. The subject site is located on an inland lot between the first public roadway and the sea on a coastal canyon lot (**Exhibit 1**). The site is a 14,810 square foot lot designated Low Density Residential by the City of San Clemente Land Use Plan (LUP); the proposed project adheres to this designation. The project is located within an existing developed urban residential area. The site is surrounded by single-family residential development. The nearest coastal access is available approximately 600 feet upcoast of the subject site at the Lost Winds public access stairway that provides public access down the coastal bluff face to the beach below (**Exhibit 3**).

The applicant proposes a major remodel of the existing 2,213 sq. ft. two-story single family residence consisting of complete interior remodel, a new 1,259 sq. ft. lower level addition, a new 500 sq. ft. lower level deck addition with new spa. The lower level addition is on the canyonward portion of the lot. Project plans are included as **Exhibit 2**. No landscaping, hardscape, or drainage improvements are proposed. The proposed development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The proposed residential addition does not encroach any further into the bluff than the existing residence approved by the in the early 1980s under CDP 5-82-500.

The City of San Clemente does not have a certified Local Coastal Program, only a certified Land Use Plan (LUP). Therefore, the Coastal Commission is the coastal development permit issuing entity for development on that parcel and the standard of review is Chapter 3 of the Coastal Act. The certified LUP may be used for guidance.

### **Canyon Setback**

The proposed development is located on the rim of the Lobos Marinos Canyon, 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 at this particular site is considered somewhat degraded due to the predominant presence of ornamental non-native plant species on the canyon top and canyon. No portion of the area 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 additions to the existing structure are proposed to be constructed on areas of the lot already developed and will therefore not encroach further into the canyon or impact the coastal canyon slope.

Encroachment into the canyon by structures and other appurtenances 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 structures also threaten the visual quality of the canyons. The policies of the LUP were designed for habitat protection and enhancement; to minimize visual impacts and landform alteration; to avoid cumulative adverse impacts of the encroachment of structures into the canyon; and as a means to limit brush management necessary for fire protection.

In this case, the existing residence was approved in 1982 with a minimum of 30% depth of lot setback. The proposed 1,250 sq. ft. addition to the lower level addition is underneath the footprint of the upper level structure and the proposed new 500 sq. ft. lower level deck addition will not exceed the footprint of the existing permitted upper level deck, therefore, the proposed additions will not encroach further into the canyon than the existing structure.

No adverse visual impact to public views is anticipated by the proposed lower level expansion as no significant public coastal views currently exist across the site and views of the site from public viewing vantage points across the coastal canyon on either Avenida La Costa or Avenida Alessandro are currently obstructed by the existing residential structures. Furthermore, the proposed addition to the existing structure is entirely within the footprint of the cantilevered upper floor, thereby not encroaching into the coastal canyon and not adversely impacting public views of the coastal canyon slopes from public street vantage points.

**Special Condition 1** requires the applicant submit final design and construction plans including foundation, grading and drainage plans, in substantial conformance with the preliminary plans submitted February 3, 2014.

In order to minimize erosion and ensure stability of the project site, the project must also include adequate drainage and erosion control measures to address site drainage issues that could otherwise contribute to erosion and geologic instability. **Special Condition 1** requires final project plans including grading and drainage plans.

Furthermore, **Special Condition 4** requires vegetated landscaped areas within the canyon portion of the project site disturbed during construction to be re-vegetated with drought tolerant plants native to coastal Orange County and appropriate to the habitat type to avoid erosion and to restore the canyon.

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 which could potentially adversely impact the geologic stability, or other coastal resources, the Commission imposes **Special Condition 3**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-14-0279) 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.

In order to minimize adverse construction-related impacts upon marine resources, **Special Condition 5** requires the applicant comply with construction-related best management practices (BMPs) to ensure that construction materials, debris and waste does not enter receiving waters or be subject to dispersion and that prevent spillage and/or runoff of demolition or construction related materials and to contain sediment or contaminants associated with demolition or construction activities.

#### **B. DEVELOPMENT**

Development adjacent to slopes such as those found on canyons or hillsides is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, and visual resources. To minimize risks to life and property the development has been conditioned to for a drainage and runoff control plan to minimize percolation of water into the slope, for landscaping, and to require that the landowner or and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

#### **C. 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, as conditioned, conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

#### **D. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine

environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**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 (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.

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**APPENDIX A**

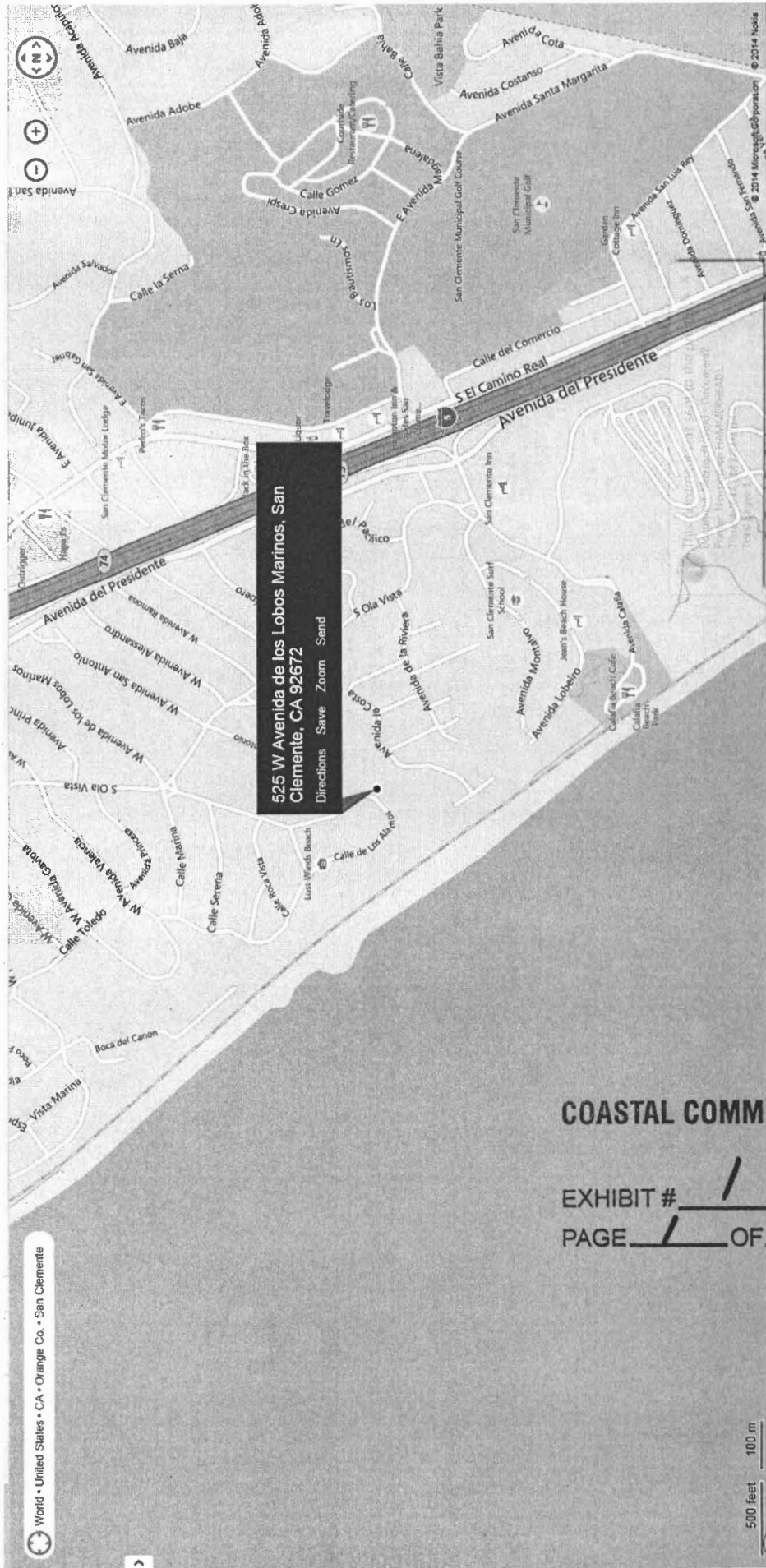
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**SUNSTANTIVE FILE DOCUMENTS**

City of San Clemente LUP

Approval-in-Concept from the City of San Clemente dated 1/29/14.





525 W Avenida de los Lobos Marinos, San Clemente, CA 92672  
Directions Save Zoom Send

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EXHIBIT # 1  
PAGE 1 OF 7



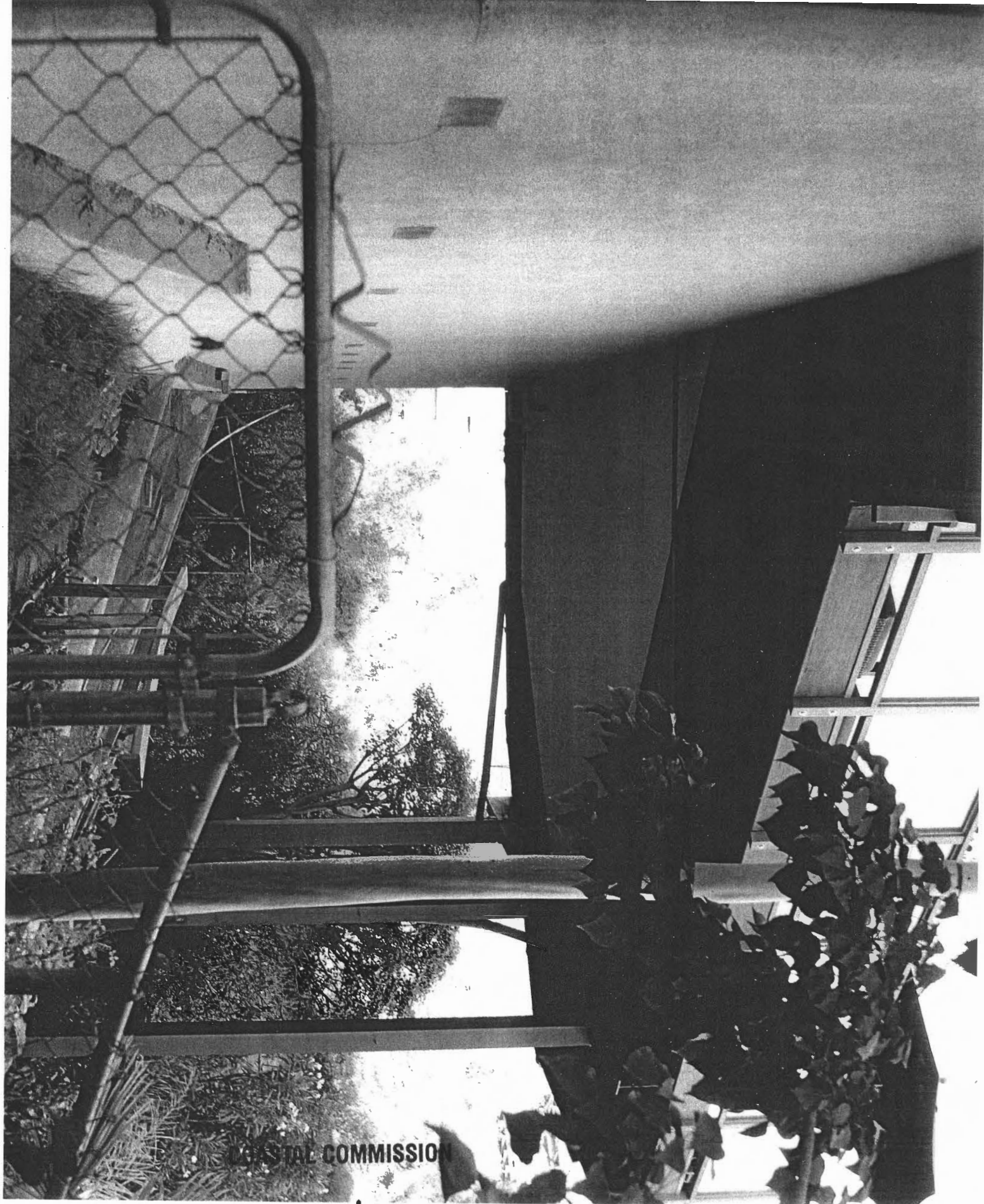
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EXHIBIT # 1  
PAGE 2 OF 7



**COASTAL COMMISSION**

EXHIBIT # 1  
PAGE 3 OF 7



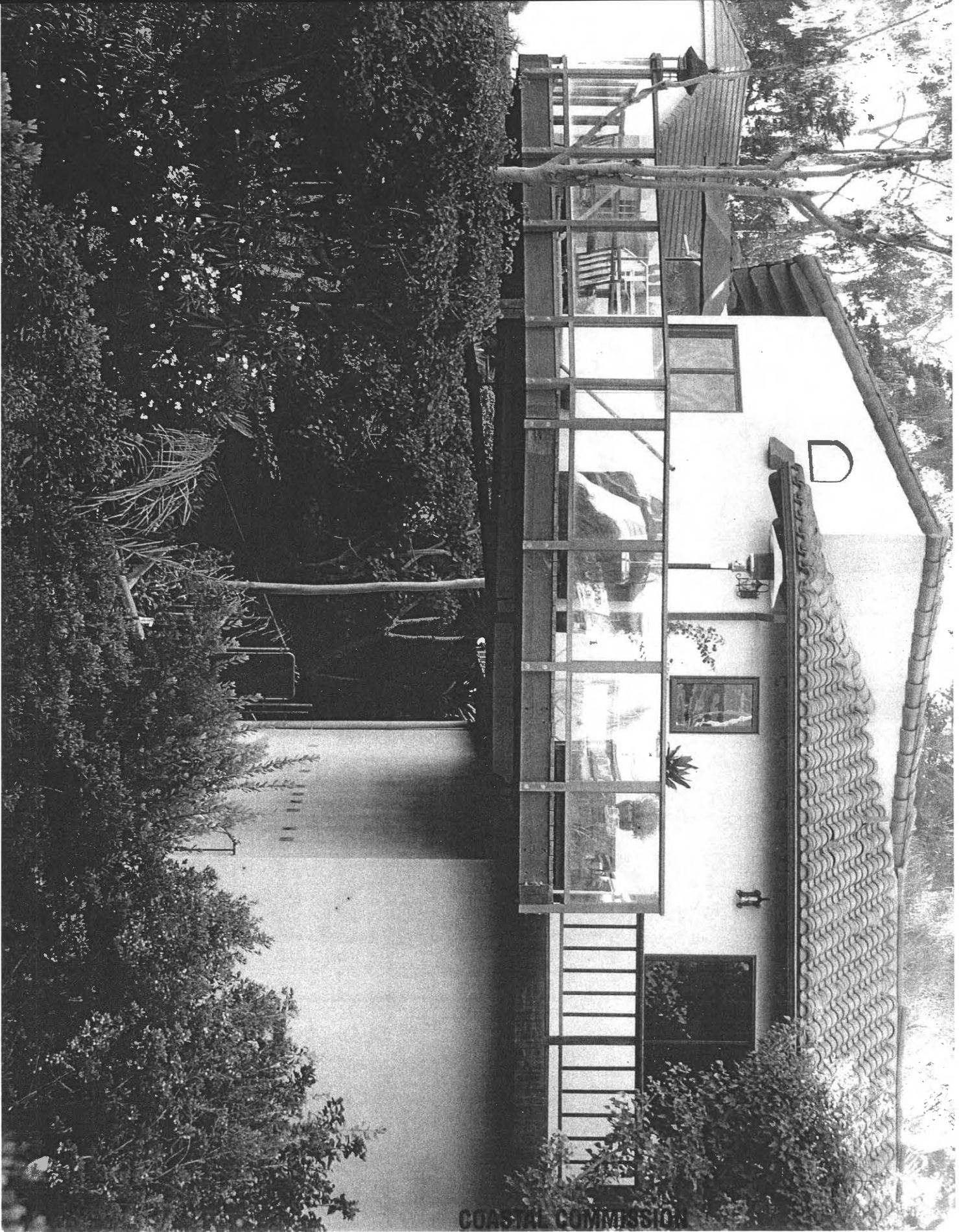
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EXHIBIT # 1  
PAGE 4 OF 7



COASTAL COMMISSION

EXHIBIT # 1  
PAGE 5 OF 7



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EXHIBIT # 1  
PAGE 6 OF 7



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EXHIBIT # 1  
PAGE 7 OF 7



**FARON  
RESIDENCE**

555 Avenida De Los Arroyos,  
San Clemente, CA

SITE  
PLAN

DATE: 01/23/14
BY: DJJ
SCALE:
PROJECT NO.:
CLIENT:
DATE: 01/23/14
BY: DJJ
SCALE:
PROJECT NO.:
CLIENT:

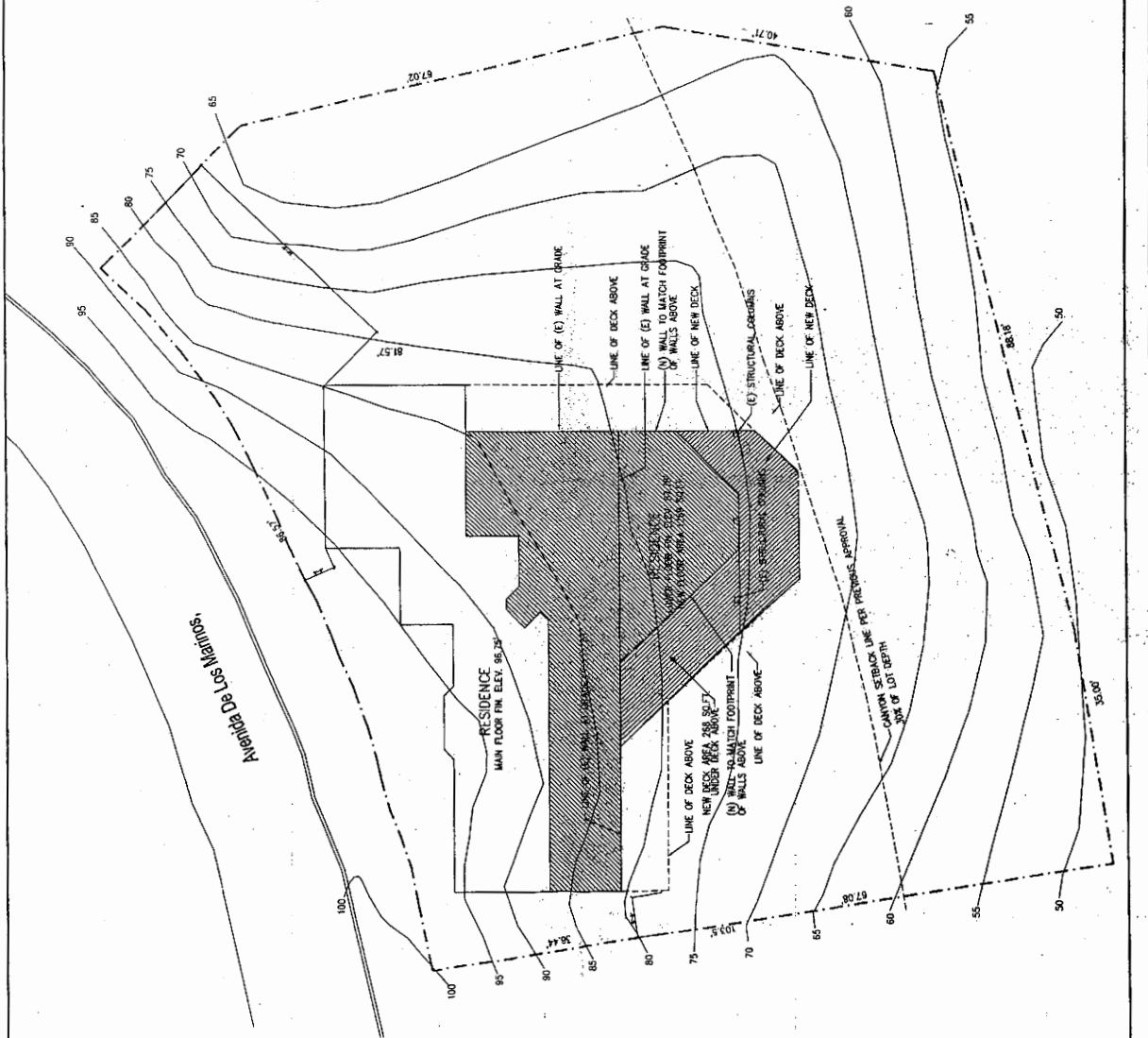
**SP-1**

**BUILDING TABULATIONS**  
EXISTING MAIN FLOOR LIVING AREA 2213 SQ.FT.  
NEW FIRST FLOOR DECK AREA 1259 SQ.FT.  
NEW AND EXISTING 54% ADDITION  
EXISTING MAIN FLOOR DECK 1000 SQ.FT.  
NEW FIRST FLOOR DECK 500 SQ.FT.  
NEW AND EXISTING DECK 1500 SQ.FT.  
56% ADDITION

**RECEIVED**  
San Joaquin Region  
FEB 3 2014  
CALIFORNIA  
COASTAL COMMISSION

This document is prepared, filed with the Coastal Commission and the State of California for the purpose of obtaining a permit for the proposed project. It is not to be construed as a guarantee of approval or as a representation of the Coastal Commission's position on the project. The Coastal Commission's decision is final and binding. Any changes to the project must be approved by the Coastal Commission. The project is subject to the Coastal Commission's rules and regulations. The project is subject to the Coastal Commission's rules and regulations. The project is subject to the Coastal Commission's rules and regulations.

**RECEIVED**  
JAN 23 2014  
CITY OF SAN CLEMENTE  
PLANNING DEPARTMENT



**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 1 OF 4



Jeffrey Jansson  
ARCHITECT  
846 COVE AVENUE  
SUNNYVALE, CA 95086  
949 412 3825

Architecture  
Engineering  
Stamp



PROJECT NAME

**FARON  
RESIDENCE**

520 Avenida De Los Marinos,  
San Clemente, CA

**EXISTING  
MAIN LEVEL  
FLOOR PLAN**

SHEET TITLE

DATE ISSUED: 10-11-13

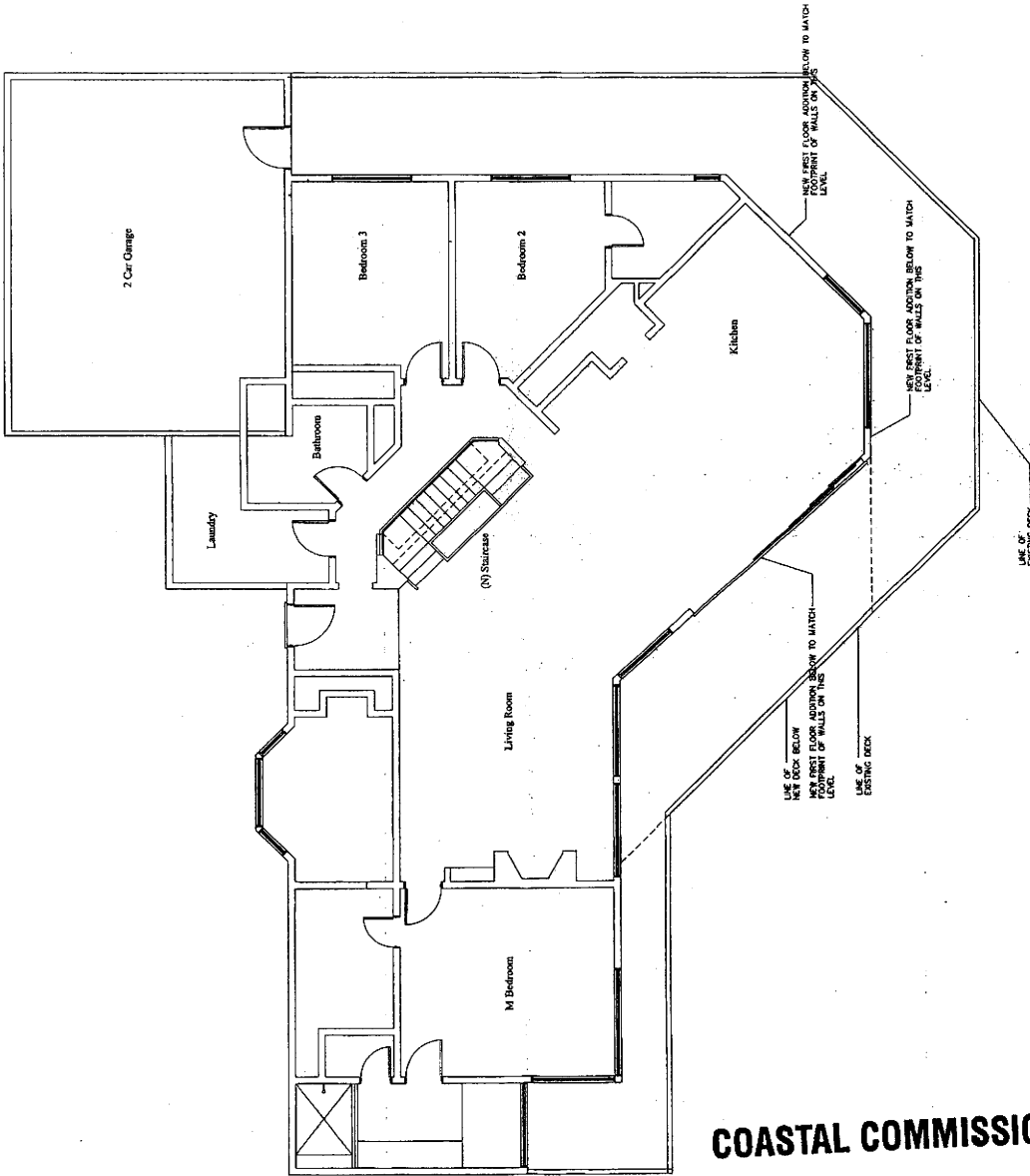
PROJECT NO.

SHEET

A-1

The development as proposed is approved by the City of Sunnyvale and does not require a building permit. The applicant has provided the necessary information to the Coastal Commission, the City, and the Planning Department. The applicant has also provided the necessary information to the City of Sunnyvale and the City of San Clemente to ensure the development complies with all applicable codes, ordinances, and regulations.

City Planner: *[Signature]* Date: 10/11/13

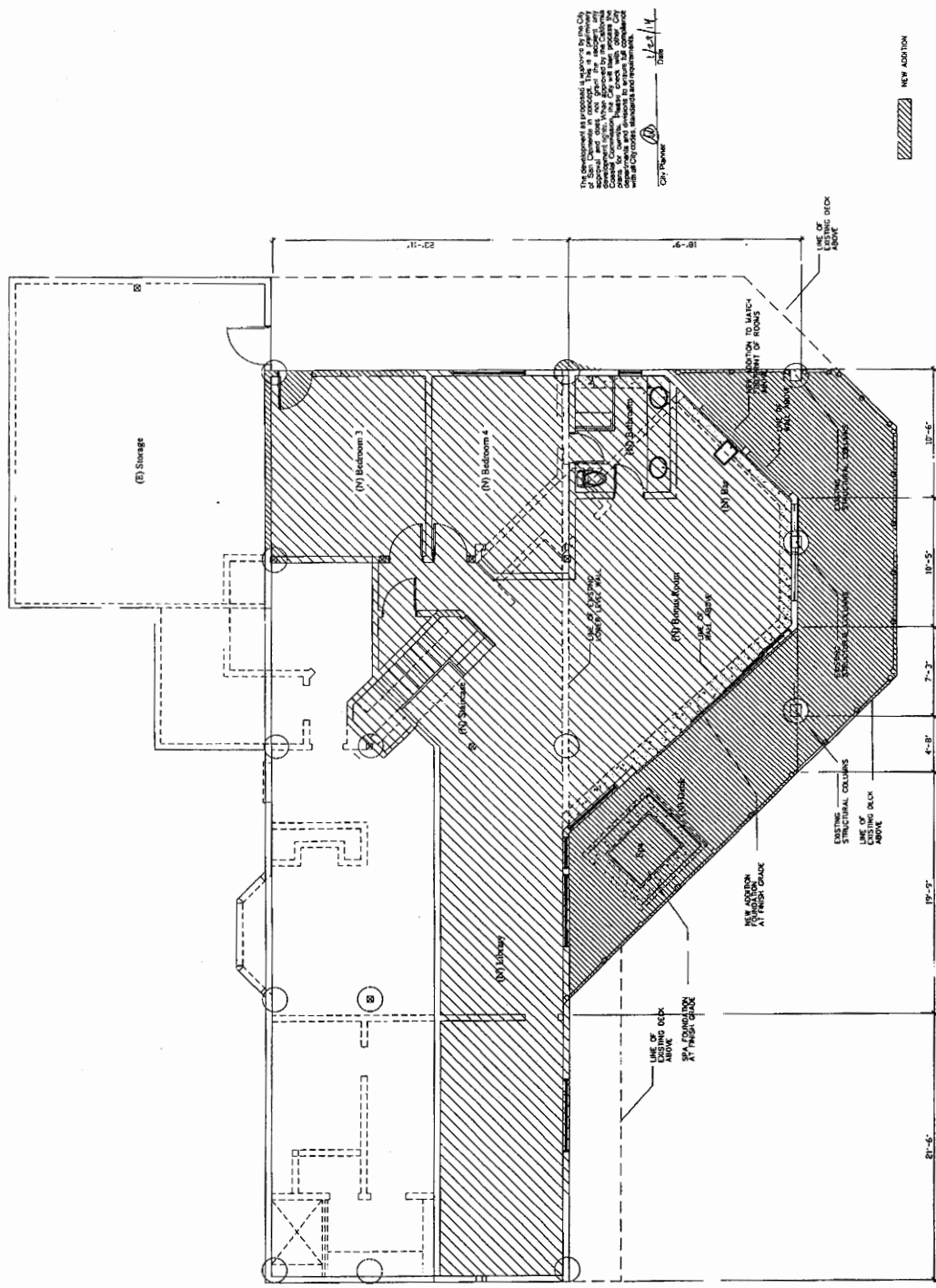


Scale: 1/4" = 1'-0"

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 2 OF 4

EXISTING MAIN FLOOR PLAN



The information is provided by the City of San Clemente and is for informational purposes only. It is not intended to be used for any other purpose. The City of San Clemente is not responsible for any errors or omissions in this information. The City of San Clemente is not responsible for any damages or losses resulting from the use of this information.

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EXHIBIT # 2  
 PAGE 3 OF 4

Scale: 1/4" = 1'-0"  
 PROPOSED FIRST FLOOR ADDITION

**Jeffrey Jonsson**  
ARCHITECT  
348 Civic Amphitheater  
San Clemente, Ca  
92673  
949 412 3065  
Professional Seal  
Architect  
11/88



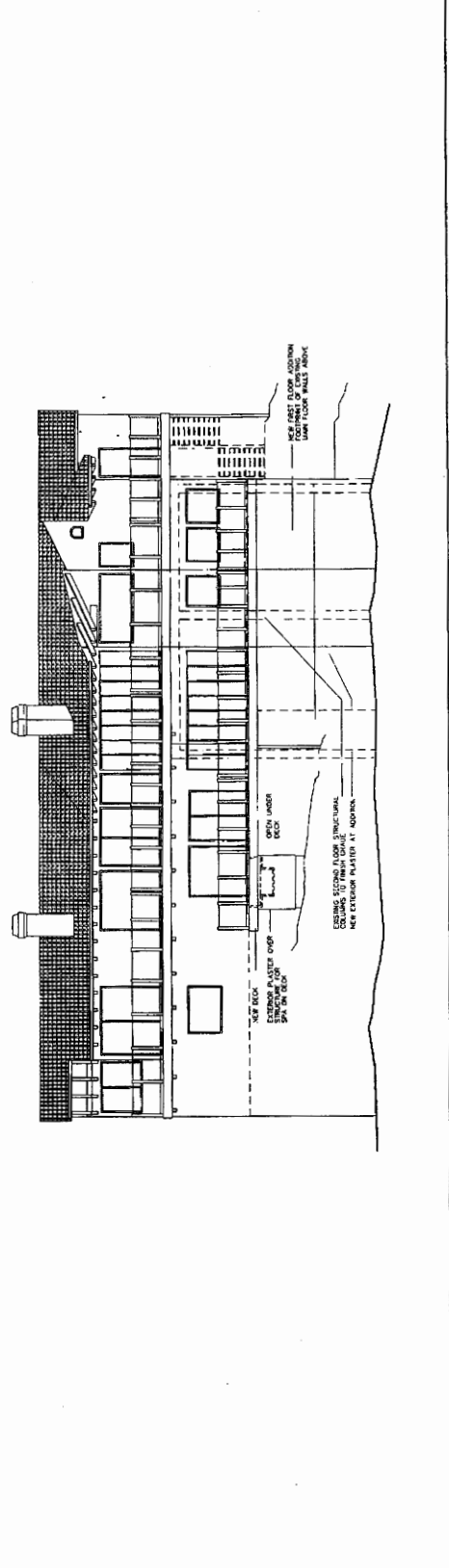
**FARON RESIDENCE**

525 Avenida De Los Marineros,  
San Clemente Ca

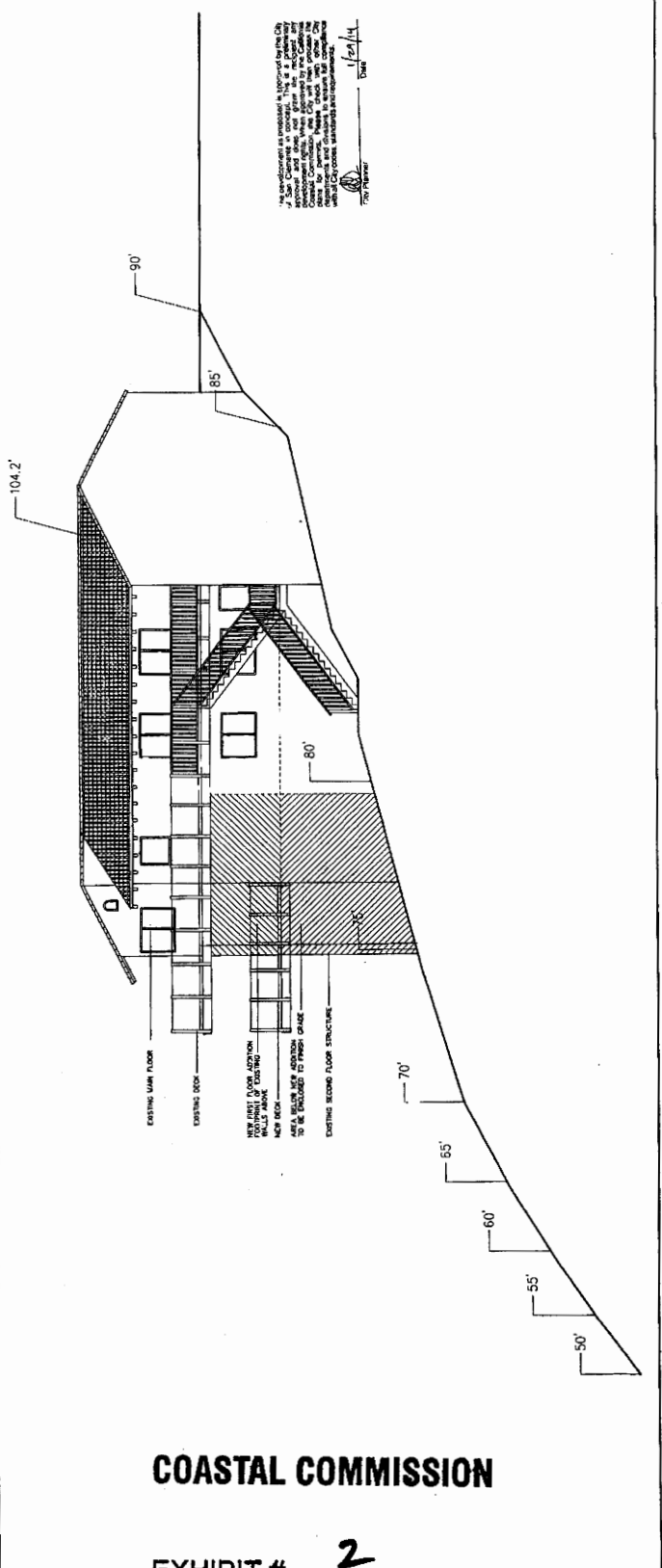
PROPOSED  
ELEVATIONS

DATE	1/29/84
BY	JJ
CHECKED BY	
DATE	
BY	
CHECKED BY	
DATE	
BY	
CHECKED BY	
DATE	

Sheet No. **A-3**



REAR ELEVATION Scale: 3/16"=1'-0"



LEFT SIDE ELEVATION Scale: 3/16"=1'-0"

These drawings are prepared in accordance with the California Building Code and the Uniform Building Code. The architect and contractor are not responsible for the accuracy of the information contained herein. The architect and contractor are not responsible for the accuracy of the information contained herein. The architect and contractor are not responsible for the accuracy of the information contained herein.

COASTAL COMMISSION

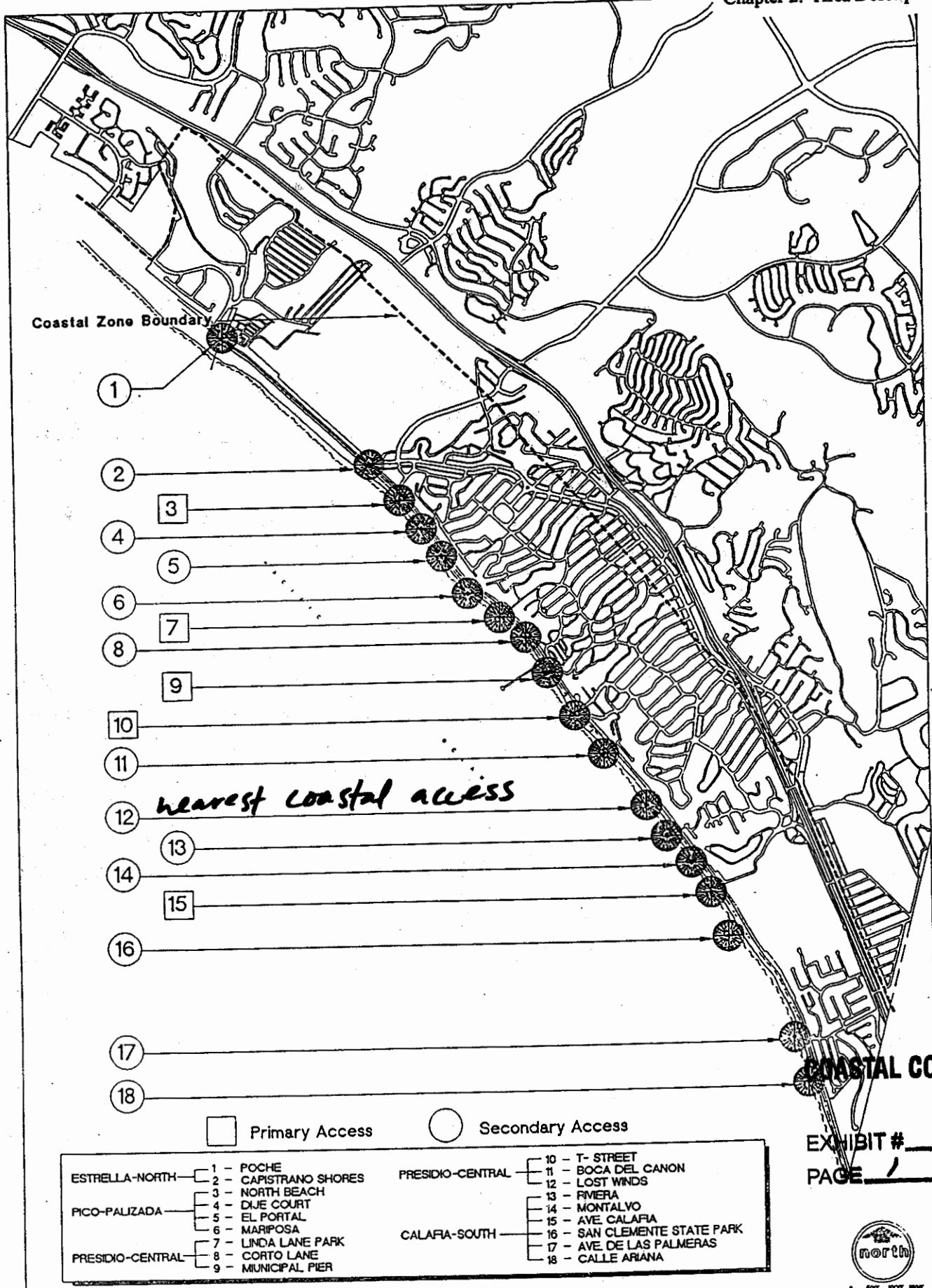


FIGURE 2-5

**CITY OF SAN CLEMENTE  
COASTAL ACCESS POINTS**



Coastal Zone Boundary

Palizada Canyon

Trafalgar Canyon

Toledo Canyon

Lobos Marinos Canyon

Riviera Canyon

Montalvo Canyon

Calafia Canyon

*subject site*

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EXHIBIT # 4  
PAGE 1 OF 1



FIGURE 2-1



**CITY OF SAN CLEMENTE**  
**COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS**