

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

Wed 3a

Page 1 of 4
Permit Application 5-98-133
Date: May 20, 1998

**ADMINISTRATIVE PERMIT**

APPLICANT: Rodrigo & Barbara Rojas

PROJECT DESCRIPTION: Construction of an 8 foot 6 inch extension (approximately 68 square feet) onto a second story deck.

PROJECT LOCATION: 402 Avenida La Costa, 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, June 10, 1998 at 9:00 a.m.
Radisson Hotel, 1111 East Cabrillo Blvd..
Santa Barbara, (805) 963-0744

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.

PETER DOUGLAS
Executive Director

By: Robin Maloney-Rames

Title: Coastal Program Analyst II

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 this permit is reported to 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

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, 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, 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 applicant is proposing to add an 8 foot 6 inch long and 8 foot wide extension (approximately 68 square feet) onto an existing second story deck (see Exhibit 2). The existing single-family residence is located on a canyon-fronting lot on

Riviera Canyon, one of seven coastal canyons designated as Environmentally Sensitive Habitat Area in the certified Land Use Plan.

The existing 3,182 square foot single-family residence was approved by the Commission on the Administrative Calendar in January 1987 (5-86-952, Rojas). The residence was approved with one special condition requiring that the applicant submit revised plans indicating that no development extends canyonward of the existing canyon edge. The applicant complied with the condition and the permit was issued.

B. Environmentally Sensitive Habitat Area

Section 30240(a) of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

San Clemente's certified land use plan discusses the importance of coastal canyons and states:

In most cases, coastal canyons are designated for natural open space, which limits potential development and helps to ensure preservation.

In addition, policy VII.12 of the certified LUP states:

Encourage activities which improve the natural biological value, integrity and corridor function of the coastal canyons through vegetation restoration, control of alien plants and animals, and landscape buffering.

The proposed project is located on Riviera Canyon, one of seven coastal canyons designated as environmentally sensitive habitat areas (ESHA) in the certified LUP. The coastal canyons are designated as ESHA because they contain remnants of coastal sage/chaparral and riparian communities. The proposed development will not extend the deck canyonward and will not have an impact on any vegetation (see Exhibit 2).

The proposed development consists of the addition of an 8 foot 6 inch long and 8 foot wide extension to an existing second story deck and a post and base to support the extension. The post and base will be in line with posts supporting the existing deck and will be located within an existing patio area. The development in permit 5-86-952 included a special condition requiring the applicant to submit revised plans showing that no development extends out over the top of bluff. The plans submitted with this application by the applicant show that the existing deck and patio are set back from the top of canyon. The plans for the proposed deck extension are consistent with the plans approved by the Executive Director in 1987 in that the development extends the deck laterally and not canyonward.

Therefore, the Executive Director determines that the proposed development is consistent with Coastal Act policy 30240(a), the policies of the certified Land Use Plan, and previous permit actions.

SPECIAL CONDITIONS:

None

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

0714G

RECEIVED
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CALIFORNIA
COASTAL COMMISSION

5-98-139

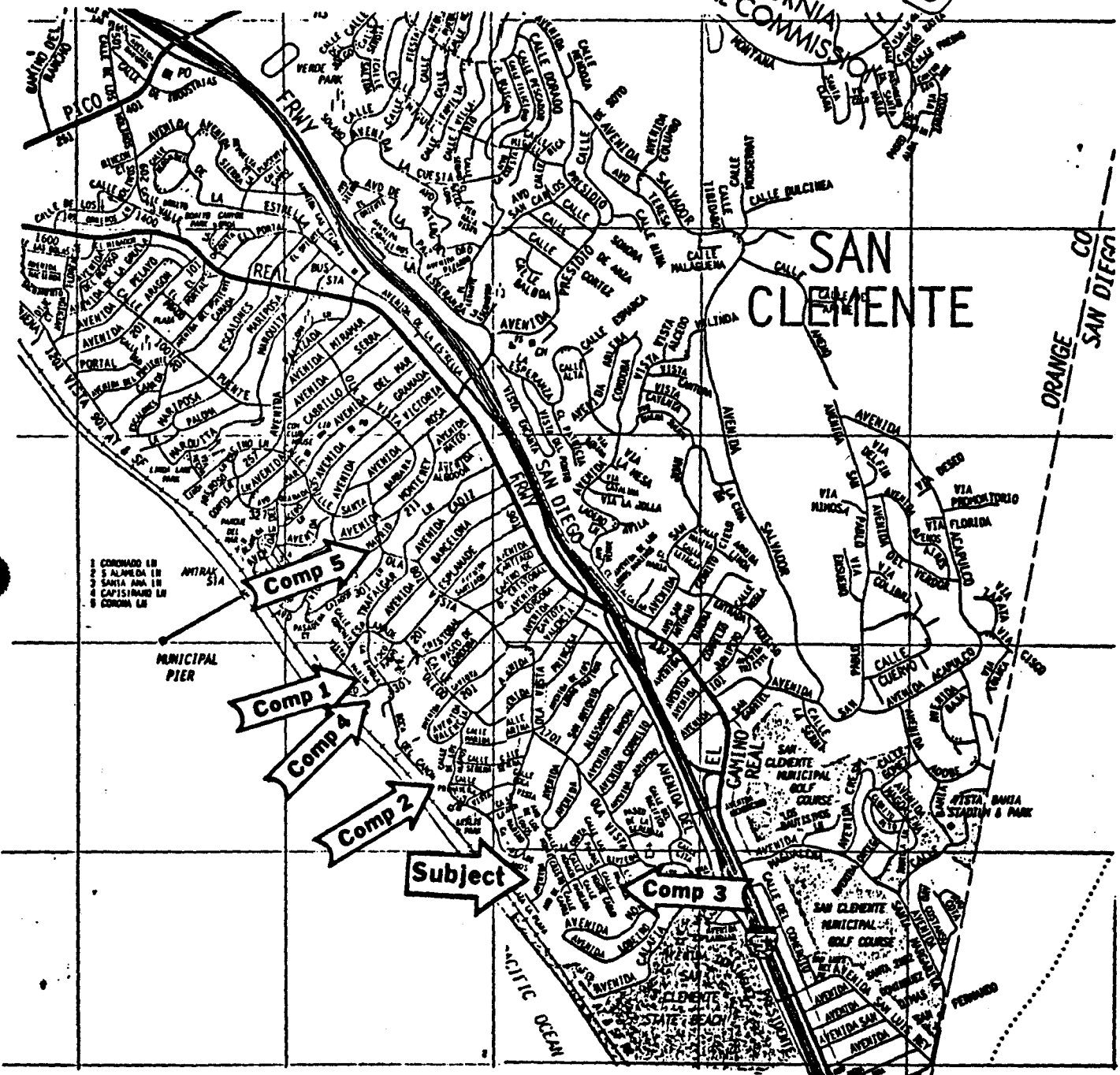


EXHIBIT NO. 1
APPLICATION NO. 5-98-133
VICINITY
California Coastal Commission

ADDRESS #1
250

ADDRESS #3
2402 CALLE

ADDI
610 S.

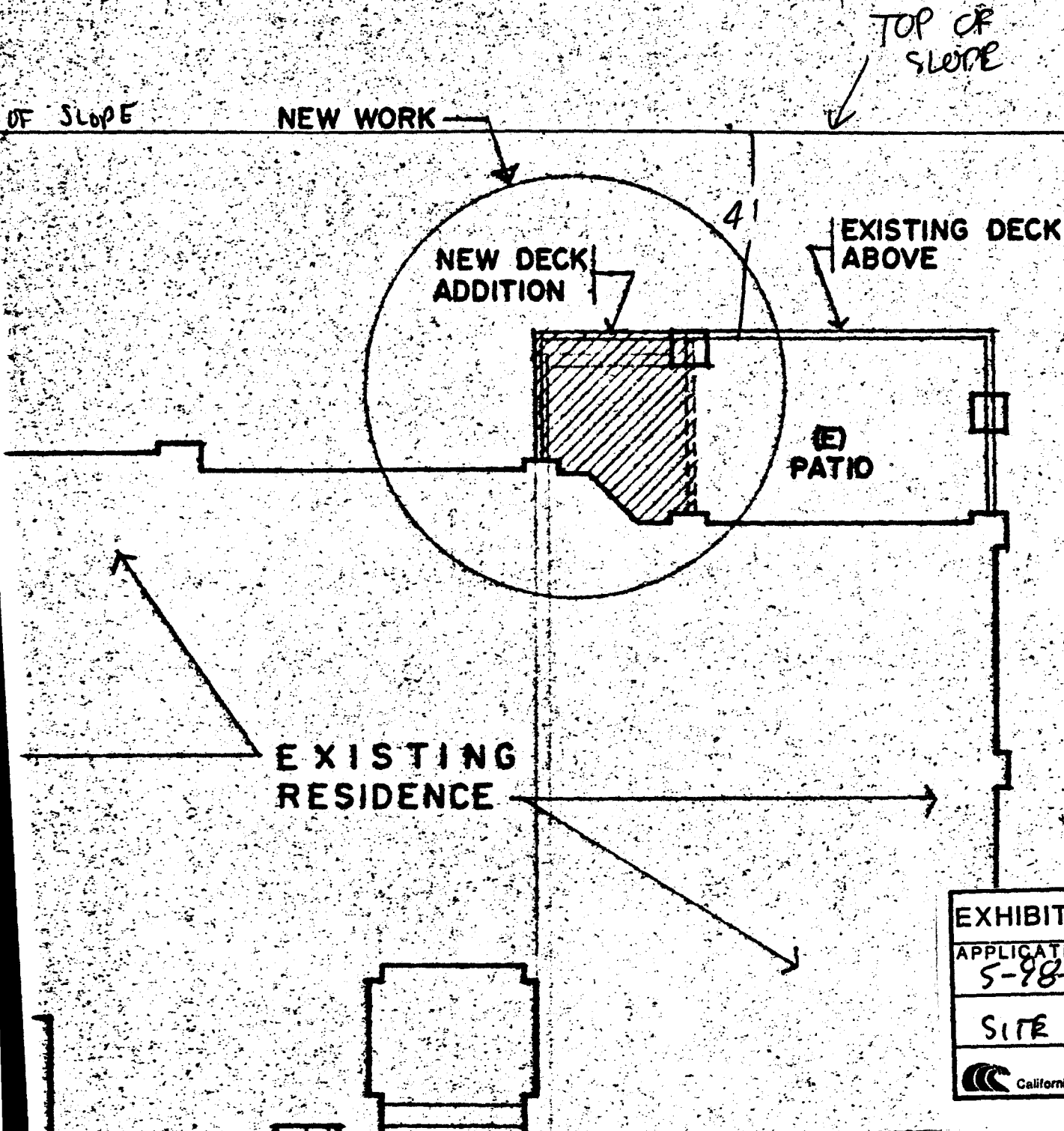



EXHIBIT NO. 2
 APPLICATION NO.
 5-98-133
 SITE PLAN
 California Coastal Commission

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