

## CALIFORNIA COASTAL COMMISSION

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

Permit Application No. **5-03-359**  
Date: October 16, 2003  
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**W3b****ADMINISTRATIVE PERMIT**

RECORD PACKET COPY

**APPLICANT:** Gerald and Judith Weeks**AGENT:** Jim Miller, Coastal Surroundings Landscape Co.**PROJECT DESCRIPTION:** Replacement of an existing wooden retaining wall with a new 2'6" high, 48' long wooden retaining wall in the same location and slope revegetation on a coastal canyon lot.**PROJECT LOCATION:** 230 Trafalgar Lane, 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, November 5, 2003****10:00 am**

Sheraton Los Angeles Harbor  
601 South Palos Verdes Street  
San Pedro, CA 90731

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

A handwritten signature in black ink, appearing to read "Anne L. Blemker".

By: Anne L. Blemker  
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 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. **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 page 5.

**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, Description and Background**

The subject site is located between the first public road and the sea on a coastal canyon lot at 230 Trafalgar in the City of San Clemente, Orange County (Exhibits 1 & 2). The proposed project involves the replacement of an existing wooden retaining wall with a new 2'6" high (above grade), 48' long wooden retaining wall in the same location (Exhibit 3). The project also involves slope revegetation with native plant species, including dwarf coyote bush. No canyonward encroachment is proposed beyond the extent of the existing retaining wall. No grading or native vegetation removal is proposed.

Pursuant to Section 13250 of the California Code of Regulations, the project requires a coastal development permit because the applicant is proposing improvements to a single-family residence located within a designated environmentally sensitive habitat area (ESHA). The project site is

located adjacent to Trafalgar Canyon, identified in the City of San Clemente Certified Land Use Plan (LUP) as one of seven environmentally sensitive coastal canyon habitat areas (Exhibit 4). The proposed development conforms to the canyon setback policies in the certified LUP, as development will be set back 30% the depth of the lot and at least 5 feet from the canyon edge. No significant native vegetation exists in the project area; however, a mix of native and non-native species exists further down the adjacent canyon slope. To enhance the canyon habitat, the applicant proposes to plant new native vegetation in the area of the proposed retaining wall. As such, the project will not adversely affect sensitive habitat in the subject area.

The proposed project is compatible with the character of surrounding development and will not create any new adverse impacts on existing public access. Public coastal access exists in the project vicinity at the T-Street overpass located approximately one-quarter mile southwest of the subject site. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views. The proposed development would not prejudice the City's ability to prepare a Certified Local Coastal Program, and is consistent with past Commission actions in the area.

**B. Future Improvements**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The proposed development will not adversely affect the adjacent habitat area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Executive Director finds that a future improvements special condition must be imposed. As conditioned, the development conforms to the Chapter 3 policies of the Coastal Act.

**C. Environmentally Sensitive Habitat Area**

As conditioned, the 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. Public Access**

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

**E. Local Coastal Program**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for San Clemente was effectively certified on May 11, 1988. 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 an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**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 Executive Director 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. Future Development**

This permit is only for the development described in Coastal Development Permit No. 5-03-359. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6) and/or 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the development governed by Coastal Development Permit No. 5-03-359. Accordingly, any future improvements to the development 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. 5-03-359 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:**

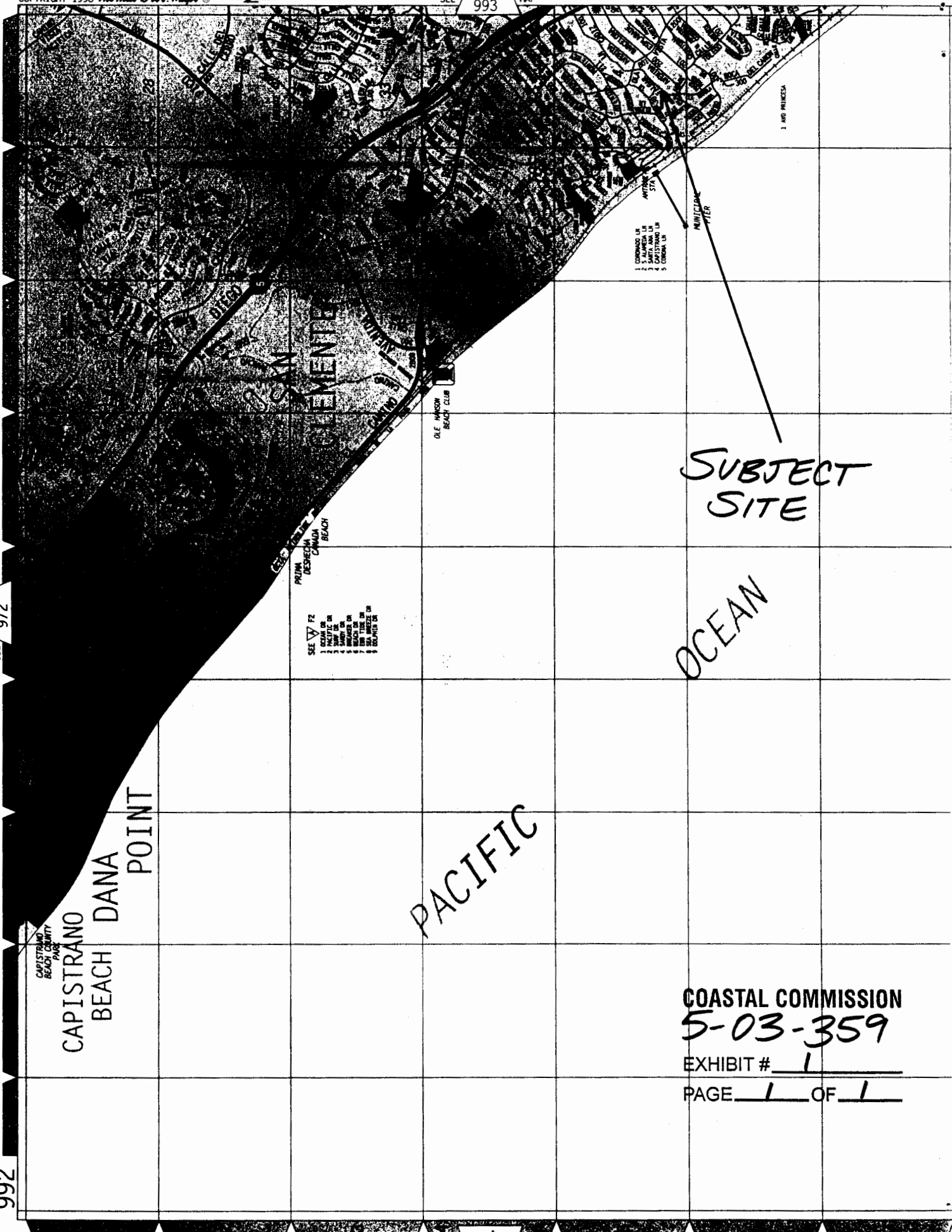
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing

SEE 972 MAP

992



SUBJECT SITE

OCEAN

PACIFIC

CAPISTRANO BEACH COUNTY PARK  
DANA POINT  
BEACH

COASTAL COMMISSION  
 5-03-359  
 EXHIBIT # 1  
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692-25

58-10

BLK. 1

S LANE

VISTA

14

SOUTH OLA

AVENIDA CADIZ

1" = 100'

04

252

BLK. 10

253

BLK. 11

NO. 822

TRAFALGAR

BARCELONA

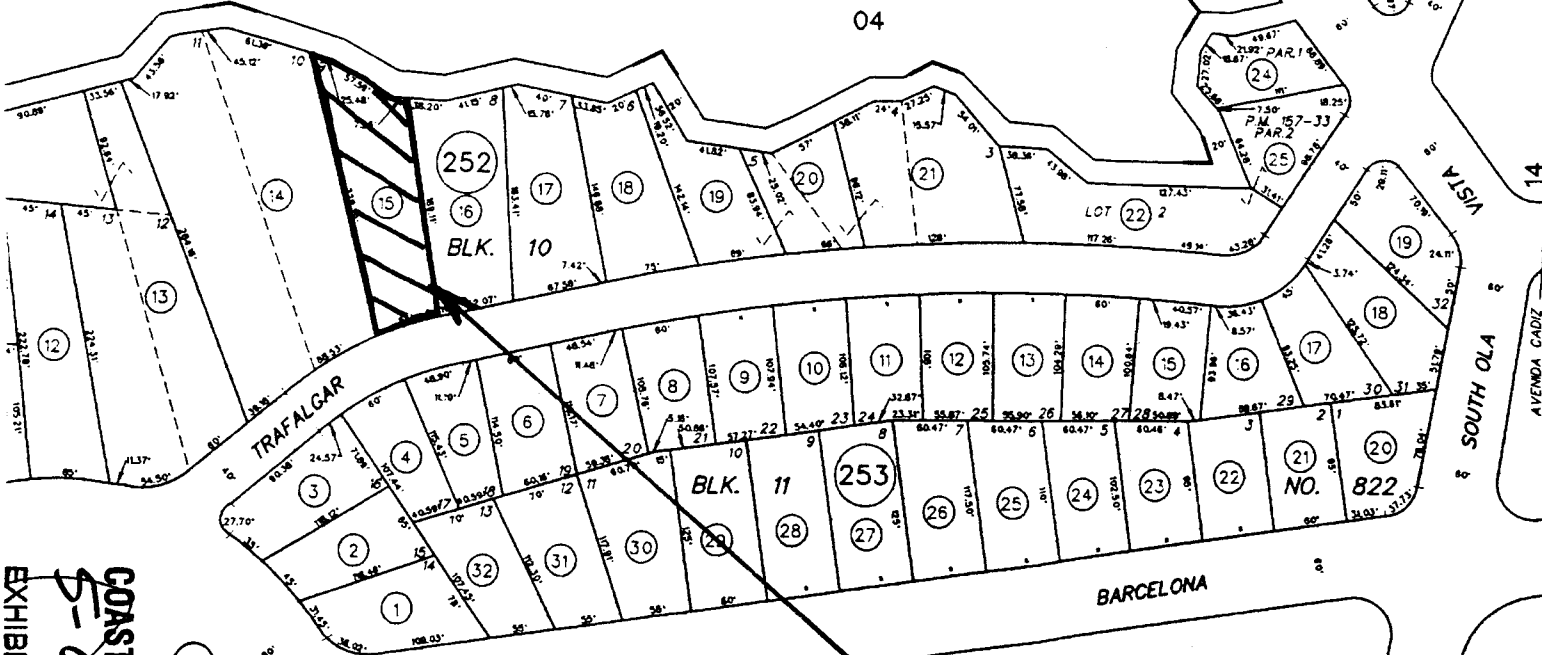
AVENIDA

SUBJECT SITE

NOTE - ASSESSOR'S BLOCK

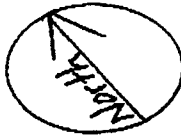
ASSESSOR'S MAP

COASTAL COMMISSION  
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1 1/2 4 1/2 HRS GEPARD WEEKS  
 1230 Trafalgar Lane  
 San Clemente, CA 92672  
 SCALE: 1/4" = 1'-0"  
 AUGUST 12, 2003

TOP EDGE of  
 Coastal Canyon



EXISTING NATIVE PLANTS

NEW PLANTINGS  
 Protecharis Piliarts  
 Dwarf Coyote Bush

Note: No native plant removal  
 necessary for project

LINE of EXISTING  
 NATIVE PLANTS

EXISTING Cyclone Fence (posts)

New Shoring Wall

2x12" horizontal boards  
 (replace old timbered rail road ties  
 with existing board)

new Plantings

6x6 posts

7' x 6" wall to edge

New Plantings

COASTAL COMMISSION

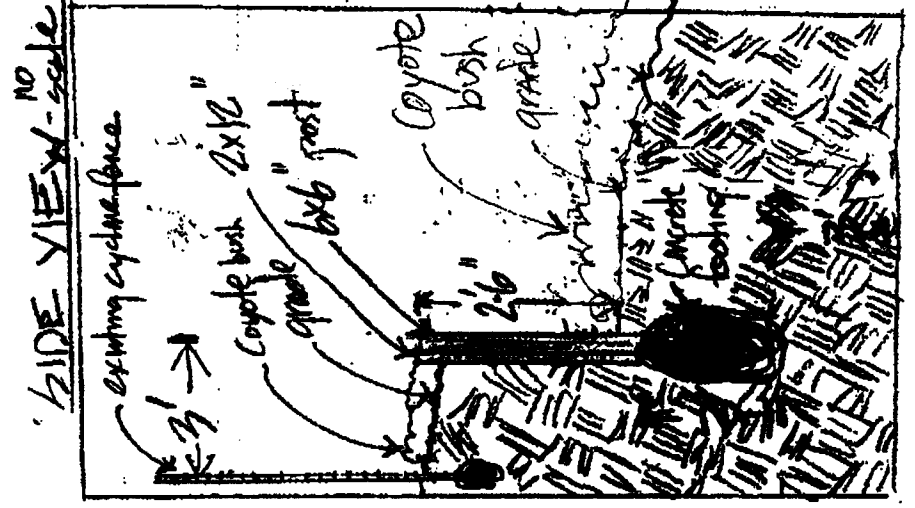
520 3359

EXHIBIT #

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1749 GERALD WHEELS  
 230 Franklin Lane  
 San Clemente, CA 92672  
 SCALE: 1/4" = 1'-0"  
 August 12, 2003 SHEET 2 OF 2

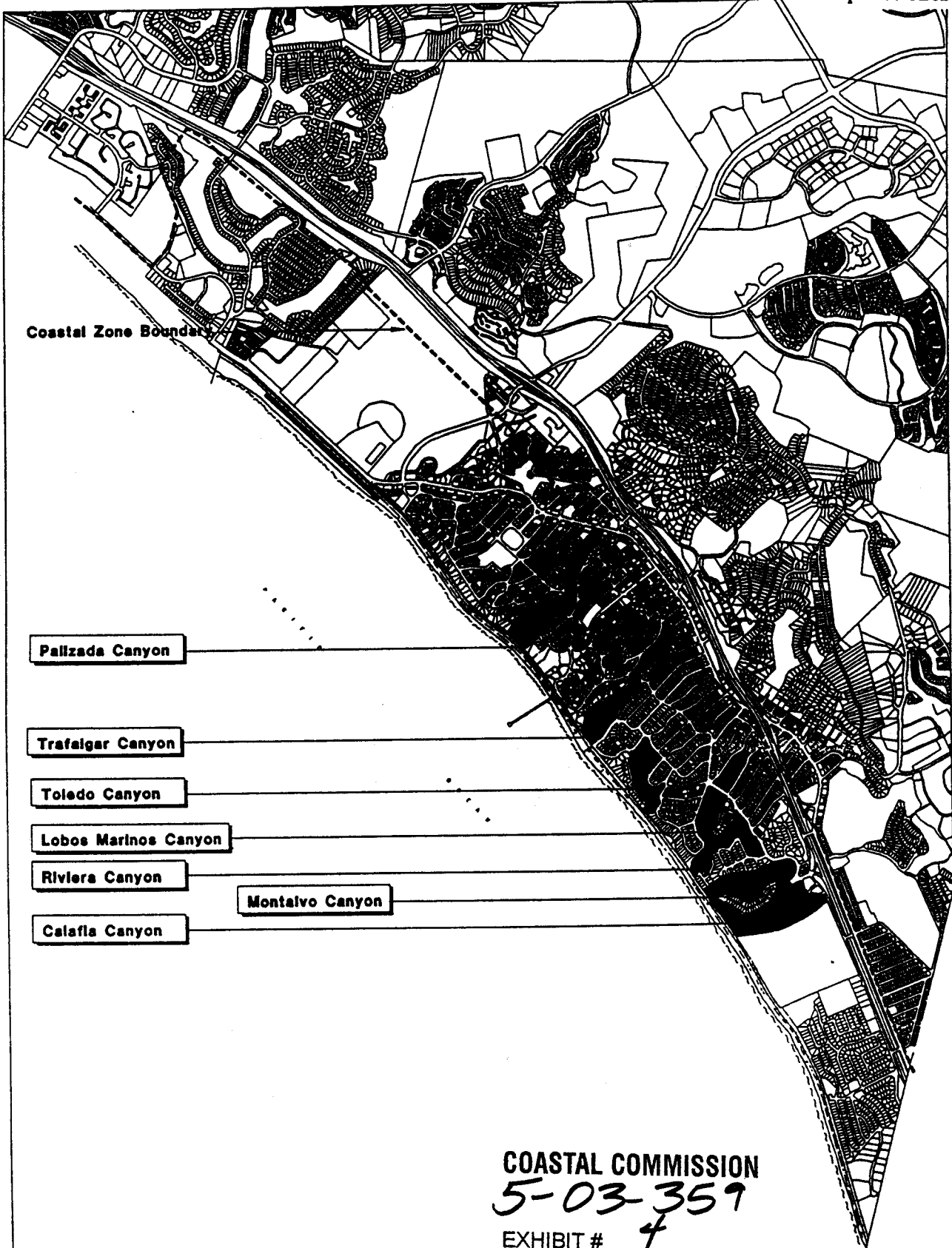


NOTES/DETAILS  
 All work to be performed as per local standards  
 And codes (\* no permit req'd as per City of San Clemente)

JOB COMMENTS  
 - remove old & failed existing slurry wall (terminated railroad ties)  
 w/ newly structured galvanized post support; replace  
 w/ new 6"x6" pressure treated wood posts set in 3' deep  
 concrete post holes; horizontal support to be 2x12" pressure  
 treated wood; this system provides improved soil stability erosion  
 control & property protection; this system has proven except-  
 imal over the years in previous installations such as this  
 - maintain bluff integrity

- new plant material in bare areas to be:  
 Bidetaria pilularis (dwarf coyote bush)  
 planted from flats @ 10" O.C.  
 \* no sprinklers

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Palizada Canyon

Trafalgar Canyon

Toledo Canyon

Lobos Marinos Canyon

Riviera Canyon

Montalvo Canyon

Calafia Canyon

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FIGURE 2-1



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