

CALIFORNIA COASTAL COMMISSION

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

W10d

Permit Application No. **5-06-254**
Date: August 24, 2006
Page 1 of 4

**ADMINISTRATIVE PERMIT**

APPLICANT: Richard and Barbara Sullivan

PROJECT

DESCRIPTION: Construction of a new 26' wide x 6' deep cantilevered deck along canyon side of ground floor condominium unit on coastal canyon lot.

PROJECT

LOCATION: 411-B Cazador 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, September 13, 2006
10:00 am
Wharfinger Building
1 Marina Way
Eureka, CA 95501

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: 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 CONDITION: See page four.

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 on a coastal canyon lot at 411-B Cazador Lane, in the City of San Clemente, Orange County (Exhibits #1-2). Multi- and single-family residences characterize the subject site and the surrounding area, where development currently extends beyond the canyon edge. The proposed project involves construction of a new 26' wide x 6' deep cantilevered deck along the canyon side of a ground floor condominium unit (Exhibit #3). The Orange County Fire Authority (OCFA) requires a minimum 5' wide deck surrounding habitable structures for emergency access. The applicant is proposing 5' for the deck and 1' to accommodate a 36" high railing. No grading or landscaping is proposed. The site is designated as Residential Medium (15 dwelling units per acre) in the certified Land Use Plan, and the proposed project is consistent with this designation.

In December 2002, the Commission granted a "disaster replacement" exemption to allow reconstruction of a three-unit condominium complex at the subject site. An arson fire destroyed the complex in 2001. Reconstruction of the condominium complex was required to conform to the specifications of the original building approved by Coastal Development Permit A-508-77, as amended by 5-85-344-A1. The currently proposed deck was not previously approved by the Commission and constituted unpermitted development. As such, that portion of the structure was not exempt under Coastal Act Section

30610(g). Reconstruction of the condominium complex is now complete and the applicant is now requesting approval for the cantilevered deck.

The proposed deck is consistent with the pattern of development in the subject area and will not result in any canyon encroachment beyond existing encroachments. The deck is consistent with the stringline setback drawn from the nearest adjacent decks/patios. No canyon disturbance is proposed. All work will be limited to the area immediately surrounding the ground floor Unit "B". No staging of equipment or storage or materials will occur within the canyon.

It is necessary to restrict the design and siting of any structure at this site to ensure protection of adjacent canyon habitat. Any physical improvements to the deck will require an amendment or new permit, as specified by Special Condition 1.

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. Habitat, Recreation and Park Impacts

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.

C. Local Coastal Program

The LUP for the City of San Clemente was certified in May 1988 and updated in October 1995. 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.

D. 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 CONDITION:

1. Future Development Restriction

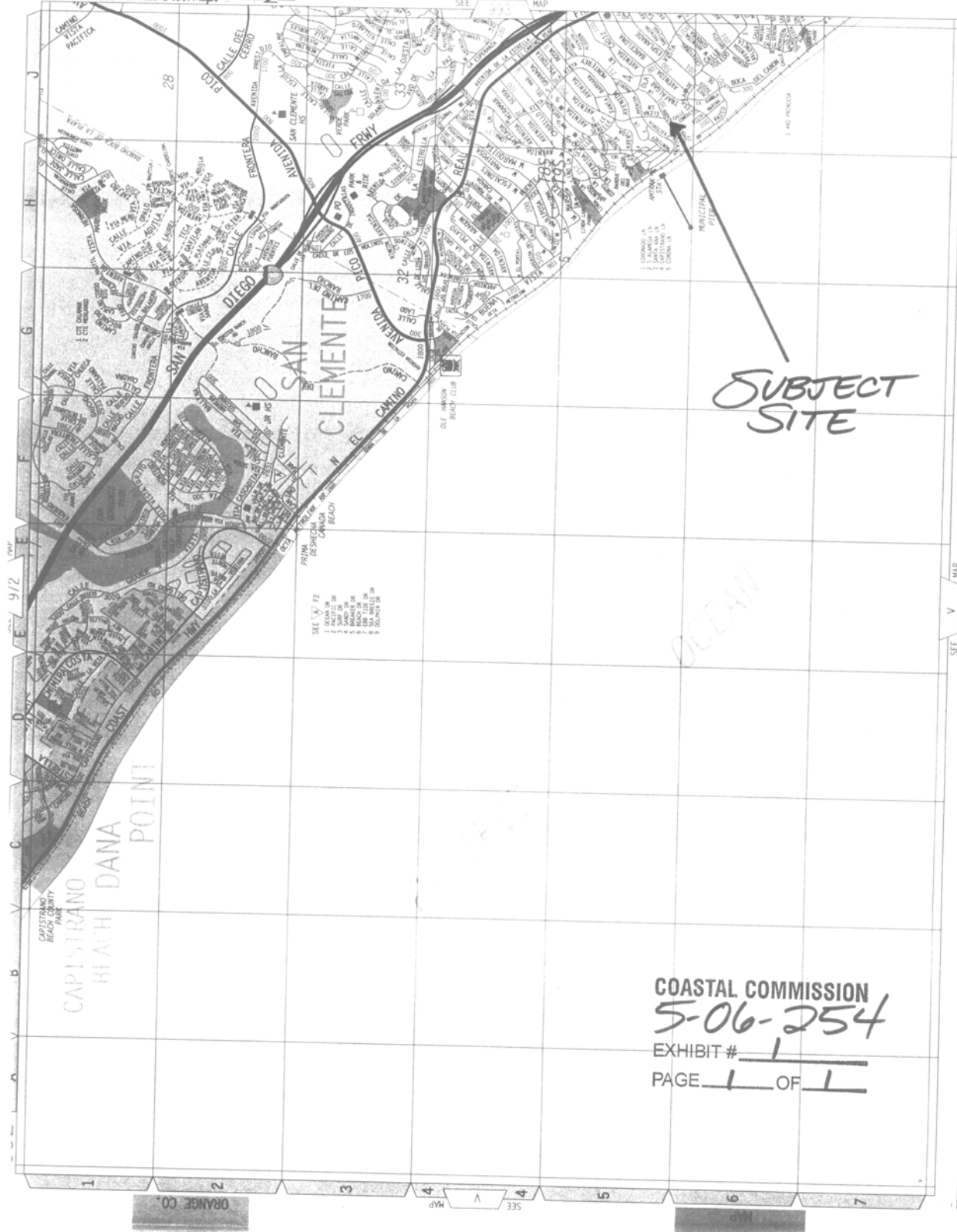
This permit is only for the development described in Coastal Development Permit 5-06-254. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the development authorized by this permit, including, but not limited to, repair and maintenance activities 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. 5-06-254 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:

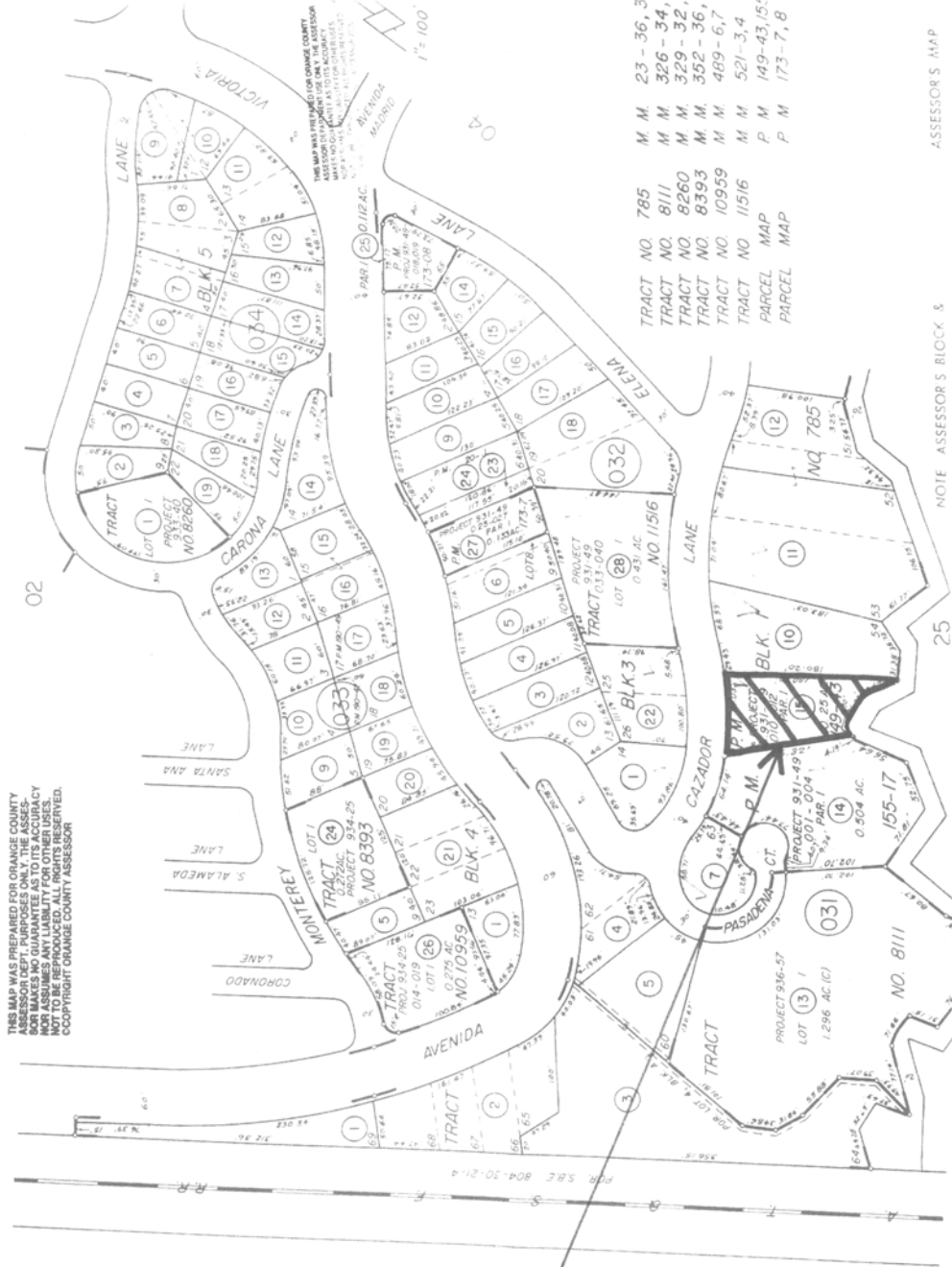
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing



THIS MAP WAS PREPARED FOR ORANGE COUNTY
ASSESSORS OFFICE AND THE ASSessor
DOES NOT MAKE ANY GUARANTEE AS TO ITS ACCURACY
NOR ASSUMES ANY LIABILITY FOR OTHER USES.
NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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SUBJECT SITE

COASTAL COMMISSION
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 EXHIBIT # 2
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TRACT NO. 785 M. M. 23-36, 3
 TRACT NO. 8111 M. M. 326-34,
 TRACT NO. 8260 M. M. 329-32,
 TRACT NO. 8393 M. M. 352-36,
 TRACT NO. 10959 M. M. 489-6, 7
 TRACT NO. 11516 M. M. 521-3, 4
 PARCEL MAP P. M. 149-43, 55
 PARCEL MAP P. M. 173-7, 8

NOTE ASSESSOR'S BLOCK 5

ASSESSOR'S MAP

CANTILEVER DECK
OVERALL DIMENSIONS 26'W X 6'D



LESSA BLOCK 11 TRACT 785
LOT 59, SAN CLEMENTE
CITY OF SAN CLEMENTE
COUNTY OF ORANGE

AREA STATISTICS		UNIT STATISTICS	
LOT AREA	11,152 SQ. FT.	UNIT 1A	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1B	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1C	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1D	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1E	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1F	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1G	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1H	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1I	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1J	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1K	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1L	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1M	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1N	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1O	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1P	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1Q	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1R	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1S	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1T	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1U	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1V	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1W	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1X	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1Y	5,000 SQ. FT.
LOT AREA	5,000 SQ. FT.	UNIT 1Z	5,000 SQ. FT.

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EXHIBIT # 3
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SITE PLAN
4-16-04
411 CAZADOR LANE
SAN CLEMENTE, CA.