

CALIFORNIA COASTAL COMMISSION

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



Th4b

ADDENDUM

January 7, 2008

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th4b**, COASTAL COMMISSION PERMIT APPLICATION **#5-07-334 (La Forge)** FOR THE COMMISSION MEETING OF **January 10, 2008**.

Correspondence

The attached two letters from Mr. and Mrs. Armstrong, property owners at 318 Gaviota, San Clemente (Orange County) and Mr. and Mrs. Kiraly property owners at 307 Boca del Canon were received on January 4, 2008 raising concerns regarding project compliance with canyon setback policies and geologic stability of the site for Coastal Commission Permit Application #5-07-334(La Forge), Item Th4b. Specifically, both letters express concern with Coastal Commission staff determination of the canyon edge, as they both consider the canyon edge to be further inland. They note that the existing residence's basement does not currently meet the structural canyon setback and that the proposed basement addition would require demolition and re-build of the structure within the canyon setback.

The letters raise valid concerns that require further investigation. Staff agrees with the concerned parties that the proposed basement addition plans are not sufficiently clear in respect to the LUP's canyon setback policies and a re-assessment of the canyon edge is warranted. Additionally, further investigation in regards to slope stability is also reasonable. Therefore, staff recommends removing the item from the consent calendar to a regular calendar item at a future Commission hearing. The Commission has until March 23, 2008, the 180th day from the date the application was filed to act on the application.

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AGENDA ITEM - Th4b, Thursday January 10, 2008.
Permit #5-07-334, Applicant - Becky & Perry La Forge
Project Location: 320 W. Ave. Gaviota.
LETTER IN OPPOSITION TO THE PROJECT
Casey and Christy Armstrong January 2, 2008

Dear Coastal Commissioners:

We respectfully write the Commission to vote for "denial" of the subject permit application in its present form. The submitted plans provide for **remodeling and construction of part of the existing structure that is non-conforming within the setback distance** adjacent a steep walled canyon, this is a dangerous situation. Adding to this danger is an improperly placed canyon edge line, or "break in slope at the west end of the property. The improperly placed canyon edge line allows **new construction** to also take place within a 15-foot distance from the steep walled canyon. As submitted, these plans are in violation of the California Coastal Act, Chapter Three, Section 30253 and require a denial of the subject permit.

The application as submitted is not in compliance with Public Resources Code Section 30253. The code states "New Development shall 1) Minimize risk to life and property in areas of high geologic, flood, and fire hazard;" and, 2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."

The project as proposed, requests consent to implement construction on an existing slope face that has undergone failure in the recent past. Allowing construction activities to proceed on this unstable slope face will place both the applicants and the residence immediately below in jeopardy of slope failure and ongoing danger of loss of property and/or life.

The subject lot is approximately pie slice shaped with the narrow end of the slice adjacent to the street, West Avenida Gaviota on its eastern margin. The wide end of the pie slice shape is on the west end of the lot adjacent and extending into a steep canyon wall. One residence is located immediately below the subject lot at the base of the canyon. Prior to construction of the residence below, a slope failure was reportedly activated on the subject lot when a hose was left on for several days. The slope failed and took a substantial portion of the subject lot off of its western margin. The canyon slope face exposes easily broken, siltstone, sandstone, and mudstone. These rock layers are easily susceptible to erosion, fracturing, and failure when exposed to moisture and or other earth shaking activities including the placement of caissons for structural foundation. In addition, without confinement on the west end of the subject lot at the canyon edge the types of bedrock materials described above present a fragile and unstable slope condition that can only properly be mitigated by tying back the slope face (not an allowed application) or setting back any construction from the slope face a safe distance. Within the subject canyon and immediate geographic area, no less than **4 other slope failures and a large landslide** are known to these authors, again indicating the fragile nature of the subject canyon slope, which clearly presents an area of "high geologic hazard."

An incorrectly placed canyon edge line has been noted on the plans submitted to the City of San Clemente and the Coastal Commission. This incorrectly placed canyon edge line has been applied to afford conclusions stating the proposed project meets setback requirements. The canyon edge line shown on the plans does not accurately reflect the actual break in slope as evidenced by a site inspection and a review of the submitted plans. The northwest corner of the existing structure extends into and over the canyon edge as shown on the landscape pages in the plans submitted on Exhibit 5, page 9/9. A review of these pages shows the canyon edge running in front of the existing structure on the west-southwest corner. However, the canyon edge turns to the northeast on the northwest corner of the existing structure. This can be easily identified on the submitted plans by the spacing of the topographic contour lines. A close spacing indicates a steeper slope relative to contours that are further apart. As can be see on the plans, the existing structure on its northwest corner is over the closest spaced contours on the plan indicating the existing structure has no setback from the edge of the canyon, rather the existing corner sits over a steep wall of the canyon. The correct break in slope can be seen on the plans in Exhibit 5, page 9/9 at the northwest corner near to the northeast corner of an existing patio over an enclosed room. This corner is shown on the attached plat (Exhibit A) and is identified as point "A". From the location of point "A" a minimum setback line of 15 feet should have been established as the required and safe setback distance for any construction and/or remodeling.

The City of San Clemente staff report dated July 11, 2007 discusses this situation in part although does not accurately indicate that the proposed project on its northwest corner overlies the canyon edge. Also, the Coastal Commission staff report indicates that the canyon edge lies 5 feet away from the existing structure. A review of the plans submitted by the applicant does not show any setback of the existing structure, none, rather as already stated the existing structure overlies the canyon edge! Of considerable importance, the existing structure at its northwest corner shows outward signs of slope instability. The portion of the existing residence shown as "existing deck" on the west side of the structure. The existing deck also has a closed-in room beneath that is called a storage room. The existing deck and storage room are supported by two methods. A perimeter footing extends one half of the distance from the east side of the room/deck to the west side. In the 1970's when this addition was approved, the owner was allowed to place the perimeter footing as far to the west as the topography would allow. As stated above, the inflection in slope extends beneath the deck/storage room and therefore the owner was unable to extend the perimeter footing any further west due to the steep topography west. The other one half of the deck/storage room is supported by 4x4 post on concrete block. At the west edge of the deck/storage room, at least one of the posts clearly shows down-slope deflection and pulling away from the deck structure. During a visit of the existing structure prior to its sale to the present owners, a fireplace within the western bedroom adjacent the deck/storage room showed evidence of separation away from the wall in a down-slope direction. Apparently this separation is no longer evident post sale. And, a site inspection will show that a prior owner has placed additional support structures in response to the deflecting post, again confirming the unstable nature of the canyon slope at the existing structure's northwest corner. It is clear from all the evidence cited above that the existing deck/storage room is unstable at best. (see Exhibit B)

Additionally, the staff report of the City of San Clemente Planning Commission states on page 7 that: "CCC staff determined that the project maintains an adequate setback from the canyon such that potentially sensitive habitat will be preserved and **that the portion of the existing structure within the setback will not be demolished and rebuilt within the setback.**" Review of the submitted plans clearly indicates modification to the portion of the existing structure within the setback **will be demolished and rebuilt in direct opposition to the determination of CCC staff.**

The submitted plans show a before and an after rendering of the subject residence. As discussed above, the perimeter footing support beneath does not extend to the exterior wall, rather the footing stops approximately ½ way beneath the room, providing that the other ½ of the room and deck above are supported by 4x4 post on concrete block support, some of which are showing down-slope deflection!

The "after" rendition of the northwest corner shows the storage room converted to a "Game Room" with a large new arched bay window, the addition of new front support columns to the ground, the addition of French doors providing additional access from the rear, and on the deck above the "after" calls for installation of a exterior kitchen, built in BBQ, and other modifications. Clearly the "after" rendition as presented does not comply with the notion that the portion of the existing residence falling within the canyon setback will not be demolished and reconstructed. Are the applicants to argue that they intend to keep the existing support structure for the deck/storage as is, in its perilous state and the changes are merely cosmetic, and that they intend to occupy and use this room as a game room? This is a dangerous situation.

If the applicants are to argue that they intend to correct the support system then does this not constitute construction clearly within the setback required by all agencies away from a canyon edge? There is no alternative to this situation, either the deck/storage room must be left as a storage room without occupancy and the deck left as is, hoping it won't fail, or the proper directive the oversight agencies should give is to remove the deck/storage room and provide for the public safety and remove a dangerous situation. And lastly in this regard, approval of the plans submitted at the very least violates the above-cited directive of the California Coastal Commission staff condition that underpins further approval of the plans submitted

The California Coastal Commission Staff Report on Item Th4b filed September 25, 2007, page 7, argues the Coastal Commission may look to the City's certified LUP (Policy VII. 15) for guidance on new development on coastal canyon lots. The LUP states "New development shall not encroach into coastal canyons and shall be set back either: a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge;" The incorrect location of the edge of the canyon as discussed herein results in a violation of the City's LUP (Policy VII. 15). Regardless of the error of the City of San Clemente in its application of their own LUP, if the Commission is to look to the City's LUP for guidance, then approval of the project application results in a disregard of the LUP. The City's LUP cites a minimum setback. In

cases where a project is proposed within the scope of a geologically hazardous condition, the minimum may not suffice to provide for the public safety.

Within the City of San Clemente Planning Commission Staff Report in the first page "Background" section, reference is made to the adjacent lot (to the south) that a comparable sized new construction has been approved. However, what the City staff report does not indicate is that the adjacent approval was granted with all new structures placed well in excess of the 15-foot setback from the canyon edge, a very important distinction. A string line between the western edges (canyon side) of the structures on both sides of the proposed project would approximately run through the center of the proposed project further illustrating the excessive western extension toward the canyon edge of the project as proposed.

A correct and accurate break in slope determination for the edge of the canyon should be made prior to any approvals by the Coastal Commission and setback requirements should then be modified that may allow for caisson drilling to occur away from an unstable slope face immediately above an existing residence. Approval of construction on this canyon edge, and within close proximity to the canyon edge places the adjacent property to the north and the down slope property to the northwest in jeopardy of loss of property and loss of life. The subject property is of sufficient size to allow for a very large structure to be placed without jeopardizing the adjacent properties; the canyon edge construction is unduly hazardous. Also of note, approval of the project as submitted affords to the applicant a situation that is exclusive to the applicants. Approval of the plans submitted grants to the applicant the right to remodel and place new construction with the canyon setback requirement normally applied to others.

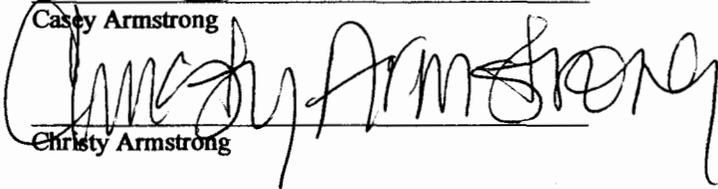
We understand that as part of the approval process the Coastal Commission may require an applicant execute a waiver of liability and that the waiver is intended to apply to the property in the event of a slope failure or other catastrophic event? Such a waiver of liability has no binding application to the adjacent property owners. A waiver of liability must also be accompanied by an ability to compensate any and all parties with a claim. No evidence of, or requirement of an existing or a future property owners financial ability is incorporated, therefore can such a waiver be enforced, and if so at what cost? It is poor public policy to waive public oversight to an individual property owner in exchange for a permit to construct. Approval of this particular project to commence construction on a suspected geologically hazardous canyon edge above an existing residential structure does not meet the safety requirements of CEQA and the California Coastal Act.

We strongly urge the Commission to reverse the Staff recommendation to approve the application as presented and to request the applicants submit a plan incorporating a setback from the canyon slope face that does not "contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area" and does indeed minimize risk to life and property in areas of high geologic hazard. The subject lot is of sufficient size to provide for construction of the desired structure without presenting additional hazard and risk to the existing residences and the existing slope condition. To approve the application as presented is to incur risk and impart unnecessary danger to the neighborhood.

Unfortunately we received notice of the Commission hearing on this project only last Friday, December 28, 2007 via U.S. mail. We have prior commitments that require our presence on the hearing date and we will not be able to attend the Commission hearing, however, we request the Commission act in the best interest of the public good and safety and return the application without approval and with a direction to re-design the project to provide for a safe and sane setback from the canyon edge.

Thank you for your thorough consideration of this matter.
Project Neighbor & San Clemente residents.


Casey Armstrong


Christy Armstrong

— Exhibit A —

5-07-334 (LaForge)
Staff Report—Consent Calendar
Page 15 of 23

Attached to and made a part of that certain 1/2 page letter to the California Coastal Commission from Gary and Christy Armstrong.

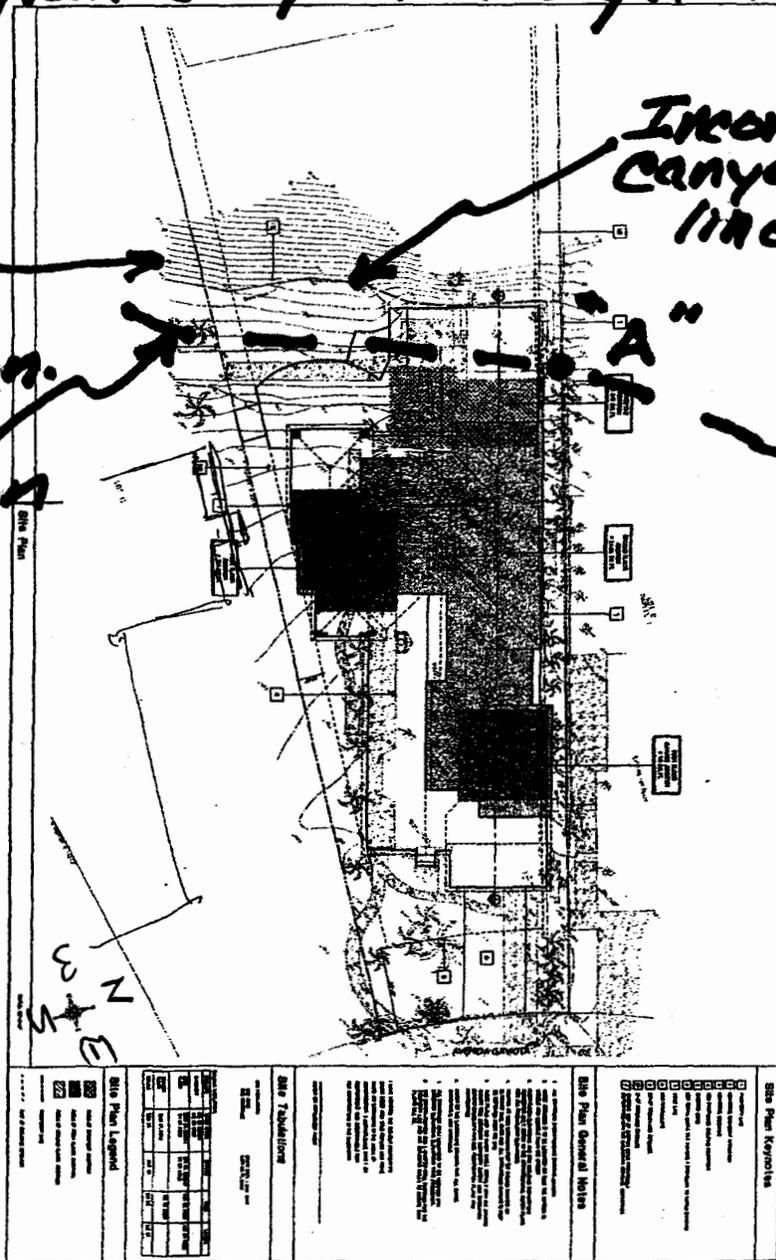
COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 9

Old slope
Failure face
within the canyon.

Actual Canyon Edge.

Incorrect
Canyon Edge
line.



Site Plan Keynotes
Michael Luna
Architect
The La Forge Residence
Site Plan
A10

Exhibit B

DOWN SLOPE DEFLECTING POSTS

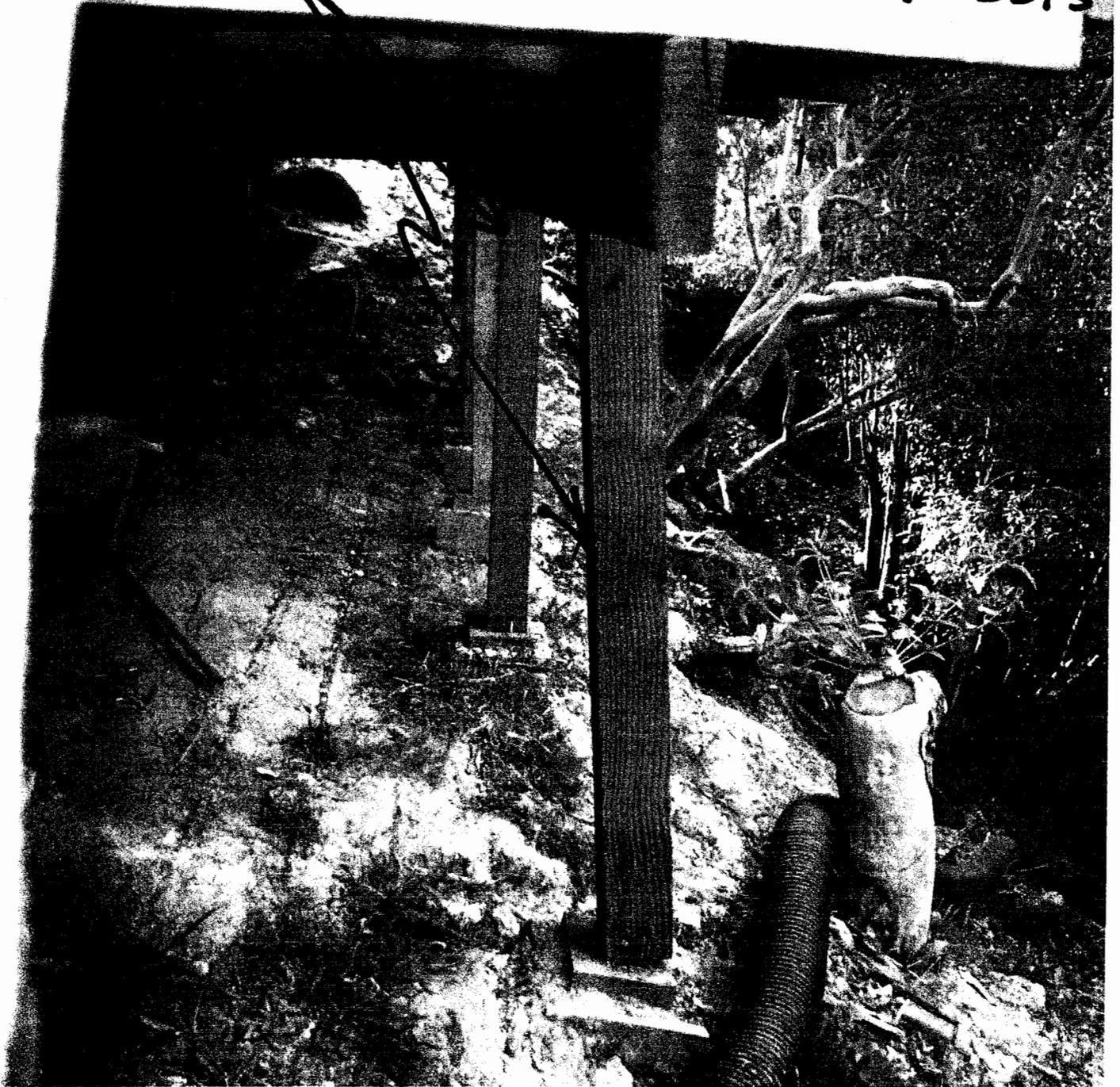


Exhibit B

DOWN SLOPE DEFLECTION
OF POSTS



Karch and Janna Kiraly
307 Boca del Cañon
San Clemente, CA 92672
Ph: 949-492-5789

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CALIFORNIA
COASTAL COMMISSION
January 4, 2008

Agenda Item Th4b, App. #5-07-334, La Forge
Location: 320 W. Ave. Gaviota
LETTER OPPOSING APPROVAL

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

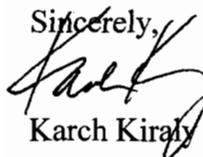
Dear Coastal Commissioners:

My wife and I write this letter to respectfully oppose approval of the application in its present form. We live directly below this property – the design of which appears lovely, we just don't want it to slide downhill and degrade sensitive habitat, vegetation or our home. Here are the main concerns we have:

1. Slope Inflection Line: The line defining the beginning of the slope down into the canyon behind the 320 Gaviota property as defined in the application (dashed line near the top of Exh 5, Page 1) is already 10 feet or more downhill of where the slope appears to begin. We strongly urge you to come inspect for yourselves. This is important because, as you well know, **any setback requirements would appear to be pegged to this line**. Clearly, the definition of this line is crucial to proper environment protection, pool protection, and safe development.
2. Previous Slope Failure: Looking down into the canyon from behind the deck, it appears that there was a previous slope failure below this property, making it all the more critical to assure proper ground and structural integrity. If part of this property were to fail, anything slipping down the canyon would jeopardize the adjoining habitat, foliage, and the structure of our home.
3. Storage (non-active) to Game Room (active) Change: If my understanding is correct, the applicants would like to change the usage of the parts of the structure closest to the danger zone (game room, adding a pool within the slope area, etc.). This obviously necessitates prudence.
4. Existing Deck Support Already Failing: If you come out to inspect, you will see that the supports for the existing deck and storage room are already failing, and leaning down the slope.
5. Catch-22: The failure in #4 leads to only two options: A) Leave the property as is and wait for failure to continue; or B) Demolish the failing parts and construct properly and safely, but have to do it within the setback, which of course is prohibited. The San Clemente City Staff report dated 7/11/07 states "CCC staff has determined that the project maintains an adequate setback from the canyon such that potentially sensitive habitat will be preserved and that *the portion of the existing structure within the setback will not be demolished and rebuilt within the setback.*"
So either the back of the structure has to be left (unrepaired) to fail, or has to be demolished and rebuilt – which can't happen because this area is within the setback.

Please don't rush this decision. We beg you to come inspect the property first, to make sure this project is done right this second time. Thank you for your consideration.

Sincerely,

 and 
Karch Kiraly and Janna Kiraly

CALIFORNIA COASTAL COMMISSION

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



Filed: September 25, 2007
49th Day: November 13, 2007
180th Day: March 23, 2008
Staff: Liliana Roman-LB
Staff Report: December 20, 2007
Hearing Date: January 9-11, 2007
Commission Action:

Item Th4b

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-334

APPLICANT: Becky and Perry La Forge

AGENT: Michael Luna & Associates, Architects, Inc.

PROJECT LOCATION: 320 West Avenida Gaviota, San Clemente, Orange County

PROJECT DESCRIPTION: Addition of 3,952 sq.ft. of living space to an existing 3,283 sq. ft. single-story over basement level single-family residence, 741 sq. ft. to a 209 sq. ft. garage, 622 sq. ft. loggia, 1,101 sq. ft. total in decks, a pool/spa and landscaping resulting in a 7,235 sq. ft. two-story over basement residence with an attached 950 sq. ft. four-car garage on a 20,508 sq. ft. coastal canyon lot.

LOCAL APPROVALS RECEIVED: San Clemente Planning Division Approval in Concept dated July 11, 2007.

SUBSTANTIVE FILE DOCUMENTS: San Clemente Certified Land Use Plan (LUP)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with six (6) special conditions, which require 1) compliance with submitted landscaping plan; 2) evidence of approval from OCFA; 3) submittal of final grading and drainage plan; and 4) pool protection plan 5) compliance with construction-related best management practices (BMPs); 6) future improvements come back to the Commission for review. The primary issues associated with this development are water quality and protection of canyon habitat.

LIST OF EXHIBITS:

1. Location Map
 2. Assessors Parcel Map
 3. Coastal Canyon Map
 4. Coastal Access Points Map
 5. Project Plans
-

MOTION: ***I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.***

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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:

I. APPROVAL WITH CONDITIONS

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:

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 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. Landscaping Plan

- A. The applicants shall carry out development in conformance with the Landscape Plan received in the South Coast District office on September 25, 2007, which demonstrates the following:
- (a) All areas affected by construction activities not occupied by structural development (including the house and deck) shall be re-vegetated for habitat enhancement and erosion control purposes;
 - (b) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, 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. Any existing landscaping that doesn't meet all of the requirements in this special condition shall be removed;
 - (c) Landscaped areas in the rear yard (canyon-facing) areas shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing native plant areas, all landscaping adjacent to the canyon shall consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type.;
 - (d) Landscaped areas in the front yard (street-facing) area shall consist of native or non-invasive non-native drought tolerant plant species;
 - (e) All planting will be completed within 60 days after completion of construction;
 - (f) 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.
 - (g) All vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscaping plan.
- B. The permittees 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 plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Orange County Fire Authority Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall provide to the Executive Director a copy of a permit issued by the Orange County Fire Authority (OCFA) or letter of permission, or evidence that no permit or permission is required. The applicants shall inform the Executive Director of any changes to the project required by the OCFA. Such changes shall not be incorporated into the project until the applicants obtain a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

3. Submittal of Final Grading and Drainage Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a final grading and drainage plan prepared by an appropriately licensed professional that has been reviewed and approved by the City of San Clemente. The plan shall incorporate the following criteria:

- (a) Runoff from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be directed to dry wells or vegetated/landscaped areas to the maximum extent practicable within the constraints of City requirements;
- (b) Where City code prohibits on-site infiltration, runoff shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street to the maximum extent practicable. Runoff from impervious surfaces that cannot feasibly be directed to the street shall be discharged via pipe or other non-erosive conveyance to a designated canyon outlet point to avoid ponding or erosion either on- or off- site;
- (c) Visual treatment shall be required for all above ground piping along the canyon slope, including, but not limited to, use of earth-tone colorization (no white or bright colors) of the pipe and native vegetation to screen the pipe from view.
- (d) Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface to the canyon bottom; and
- (e) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.

B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Pool Protection Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for review and approval of the Executive Director, two (2) full size sets of a pool protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed pool. The pool protection plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a pool leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the pool which is separate from the water meter for the house to allow for the monitoring of water usage for the pool, and 2) use of materials and pool design features, such as but not limited to double linings, plastic linings or specially treated cement, to be used to waterproof the undersides of the pool and spa to prevent leakage, along with information regarding the past and/or anticipated success of these materials in preventing leakage; and where feasible 3) installation of a sub drain or other equivalent drainage system under the pool that conveys any water leakage to an appropriate drainage outlet. The applicants shall comply with the final pool plan approved by the Executive Director.

5. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittees shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter the storm drain system leading to the Pacific Ocean;
- (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) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) 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. Debris shall be disposed of outside the coastal zone, as proposed by the applicant.

6. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-07-334. 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. 5-07-334 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The proposed project involves an addition and remodel of an existing single-story over basement level single-family residence resulting in a 24' 8" high, 7,235 sq. ft. two-story residence with an attached 950 sq. ft. four-car garage, and 1,101 sq. ft. in deck space on a coastal canyon lot located at 320 West Avenida Gaviota in the City of San Clemente, Orange County (Exhibits 1 & 2).

The existing residence is on a large gradually descending pad for the first 200 feet abutting the street, with a steep, heavily vegetated rear (canyon) slope into Trafalgar Canyon. The majority of the proposed addition is for the rear (canyon) side of the residence. The site is designated Residential Low Density (RL) in the certified Land Use Plan. The site is on the City's Designated Historic Structures List for its Spanish Colonial Revival Architecture. The City determined that the proposed addition does not impact the integrity of the historic structure, as the addition is proposed on portions of the residence where prior additions have occurred and contain little to no integrity.

The nearest public access is available at the Boca del Canon access point, approximately 250 feet southwest of the subject site (Exhibit 4).

The applicant proposes an addition of 607 sq. ft. to the existing 325 sq. ft. basement, a 757 sq. ft. addition to first floor, 209 sq. ft. addition to the existing garage, 1,284 sq. ft. of decks and loggias to the first floor, a new second story with 2,588 sq. ft. livable space and 439 sq. ft. of covered deck space, new landscaping and hardscape improvements including a driveway, walkways, patios and pool. The existing one-car garage is proposed to be enlarged to a four-car tandem garage, exceeding the Commission's typical two-spaces per unit parking requirement. Grading consisting of 250 sq. ft. of cut is proposed for the basement addition. Project plans are included as Exhibit 5.

The proposed project includes construction of a new pool on the canyon ward portion of the lot. If water from the proposed pool is not properly controlled there is a potential for slope failure due to the infiltration of water into the slope. For this reason, the potential for water infiltration into the slope should be minimized. This can be achieved by various methods, including having the pool double lined and installing a pool leak detection system to prevent the infiltration of water into the slope due to any possible pool or spa problems. Prior to permit issuance, a pool protection plan must be submitted for review and approval by the Executive Director. The plan must incorporate mitigation of the potential for geologic instability caused by leakage from the proposed pool. Therefore, the Commission imposes **Special Condition No. 4**, which requires the applicants to submit a pool protection plan.

The City's certified LUP (Policy VII.15), to which the Commission may look for guidance, requires new development on coastal canyon lots to be set back as follows:

“New development shall not encroach into coastal canyons and shall be set back either: a. a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge; or b. a minimum of 30% of the depth of the lot, and set back from the line of native vegetation (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from riparian vegetation); or c. in accordance with house and deck/patio stringlines drawn between the nearest corners of the adjacent structures.

The development setback shall be established depending on site characteristics.”

The current residence conforms to the canyon setback policies in the certified LUP, as the development is set back a minimum of 30% depth of lot and not less than 15 feet from the canyon edge. The proposed additions involving a major basement and second story addition to the residence, and significant expansions on the ground floor east street side (garage) and southwest canyon ward side (new living room and loggia) also comply with the 30% depth of lot and 15 foot setback from the canyon edge. The existing deck is currently sited five feet from the canyon edge. An expansion of the existing deck is proposed that will not result in further canyon ward encroachment. Hardscape improvements, include new stone paving driveway, a sundeck with built in bbq, patio and fire pit, pool/spa and low stone garden wall are proposed five (5) feet from the canyon edge. This is consistent with the Commission's typical 5-foot setback requirement for non-structural features on canyon lots. As proposed, the project is sited to protect canyon habitat.

San Clemente's certified LUP advocates the preservation of native vegetation and discourages the introduction of non-native vegetation in coastal canyons. While no rare or endangered species have been reported to exist within the coastal canyon habitat of San Clemente, the City has designated all coastal canyons, including Trafalgar Canyon, as environmentally sensitive habitat areas, as depicted in Exhibit 3. The coastal canyons act as open space and potential wildlife habitat, as well as corridors for native fauna. Decreases in the amount of native vegetation due to displacement by non-native

vegetation have resulted in cumulative adverse impacts upon the habitat value of the canyons. As such, the quality of canyon habitat must be assessed on a site-by-site basis.

The canyon portion of the subject site is considered degraded due to the presence of both native and non-native plant species. The canyon is currently covered with non-native shrubs and grasses. No information has been provided to indicate that the site or any portion thereof qualifies as ESHA. However, to decrease the potential for canyon instability, deep-rooted, low water use, plants, preferably native to coastal Orange County should be selected for general landscaping purposes in order to minimize irrigation requirements and saturation of underlying soils. Low water use, drought tolerant, native plants require less water than other types of vegetation, thereby minimizing the amount of water introduced into the canyon slope. Drought resistant plantings and minimal irrigation encourage root penetration that increases slope stability. The Commission typically requires that applicants utilize native plant species, particularly along coastal canyons.

In addition, since the proposed development is adjacent to a coastal canyon where the protection and enhancement of habitat values is sought, the placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council and California Native Plant Society in their publications. On the canyon ward side of the lot, landscaping should consist of plant species native to coastal Orange County only. Elsewhere on the site, while the use of native plants is still encouraged, non-native plant species that are drought-tolerant and non-invasive may be used.

The applicant has submitted a landscape plan that demonstrates the use of native plants species on the canyon side of the property and a mix of native and non-native, non-invasive, drought tolerant plants throughout the remainder of the site. **Special Condition No. 1** requires conformance with the landscaping plan submitted, which depicts the use of native plants appropriate to the habitat type adjacent to the canyon area. Plants in the landscaping plan are drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" (a.k.a. WUCOLS) prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000. Temporary above ground irrigation will be utilized to establish plantings; no permanent in-ground irrigation system is proposed.

Additionally, because the site is located adjacent to a canyon, the proposed plans must be submitted to the Orange County Fire Authority (OCFA) to determine whether their review and approval is required for this development. As the site plans indicate the canyon as a "heavy brush" area, OCFA may require vegetation clearance that would impact any existing canyon habitat. Therefore, staff imposes **Special Condition No. 2**, a prior to issuance of permit condition that the applicant to provide written evidence of either OCFA approval or that OCFA review is not required for this development.

During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the storm drain system leading to the ocean (**Special Condition No. 5**). Permanent drainage control measures are essential in order to decrease irrigation or rain runoff from flowing over the canyon slope. After construction, roof and surface runoff from new impervious areas should be directed away from the canyon slopes and ideally, be directed to dry wells or vegetated/landscaped areas. However, the Commission recognizes that, at present, City codes mandate directing certain types of runoff, such as roof runoff, to the street. Until there is a reconciliation between City codes and the goal of maximizing on-site treatment and infiltration of runoff for water quality purposes, site runoff should be directed to dry wells or vegetated/landscaped areas to the maximum extent practicable but within the constraints of City requirements to direct runoff into area drains and piped to existing City storm drain facilities located at the street. If not feasible, runoff may be conveyed down the slope to the canyon bottom in a positive drainage device such as a solid pipe. If so required, then the pipe must be colored and screened from view with vegetation. No canyon disturbance will be permitted, including slope trenching or rip-rap placement in the canyon bottom. **Special Condition No. 3** requires submittal of a final drainage plan.

B. DEVELOPMENT (HAZARDOUS AREAS)

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 can not 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: require an appropriate set-back from the top of the slope, for conformance with a drainage and runoff control plan to minimize percolation of water into 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 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. 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.

D. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. Furthermore, uncontrolled runoff from the project site and the percolation of water would also affect the structural stability of the canyon. To reduce the potential for construction and post-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 and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development 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.

E. PUBLIC ACCESS

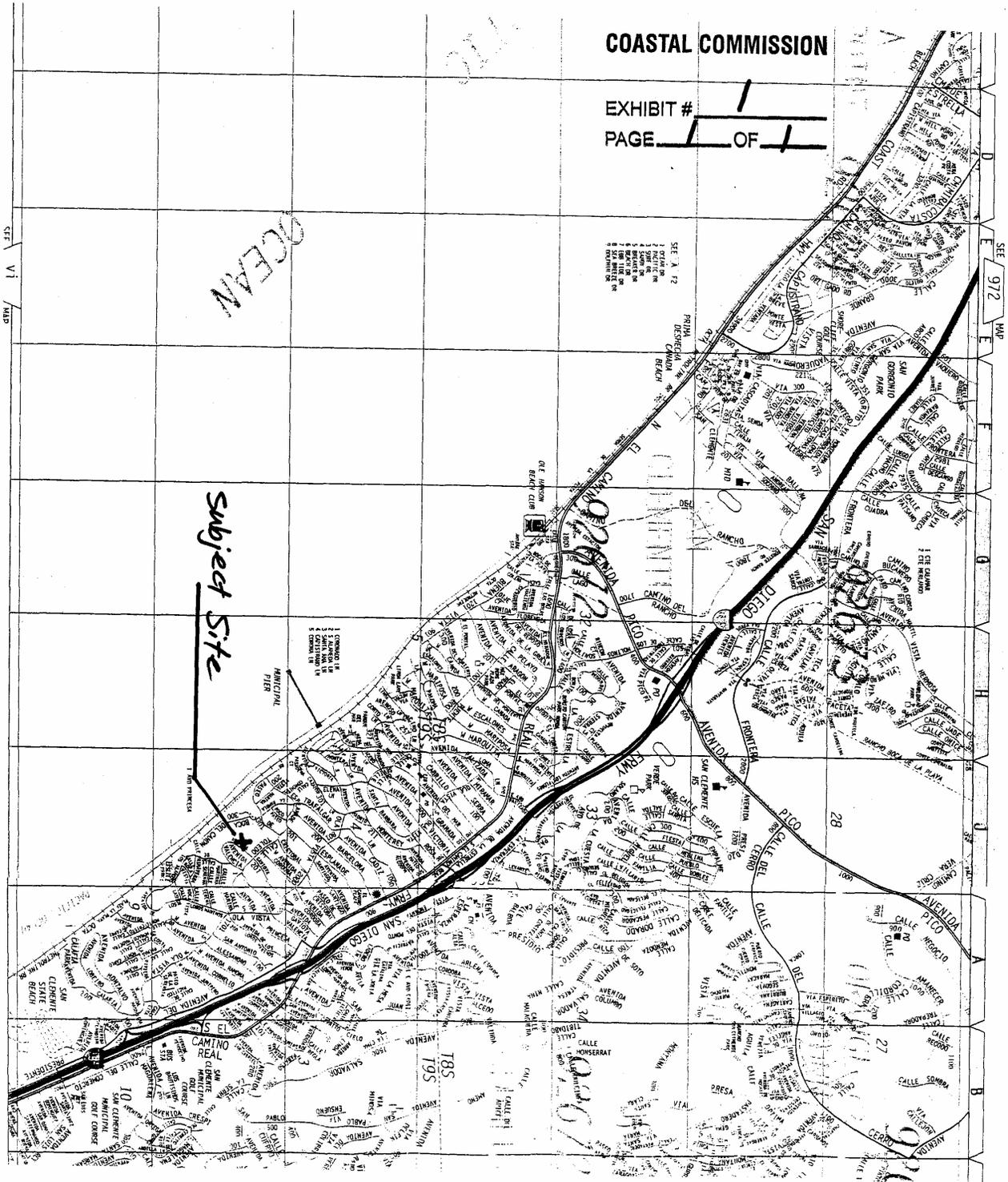
The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. 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.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which 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.



5-07-334 (LaForge)
Staff Report-Consent Calendar
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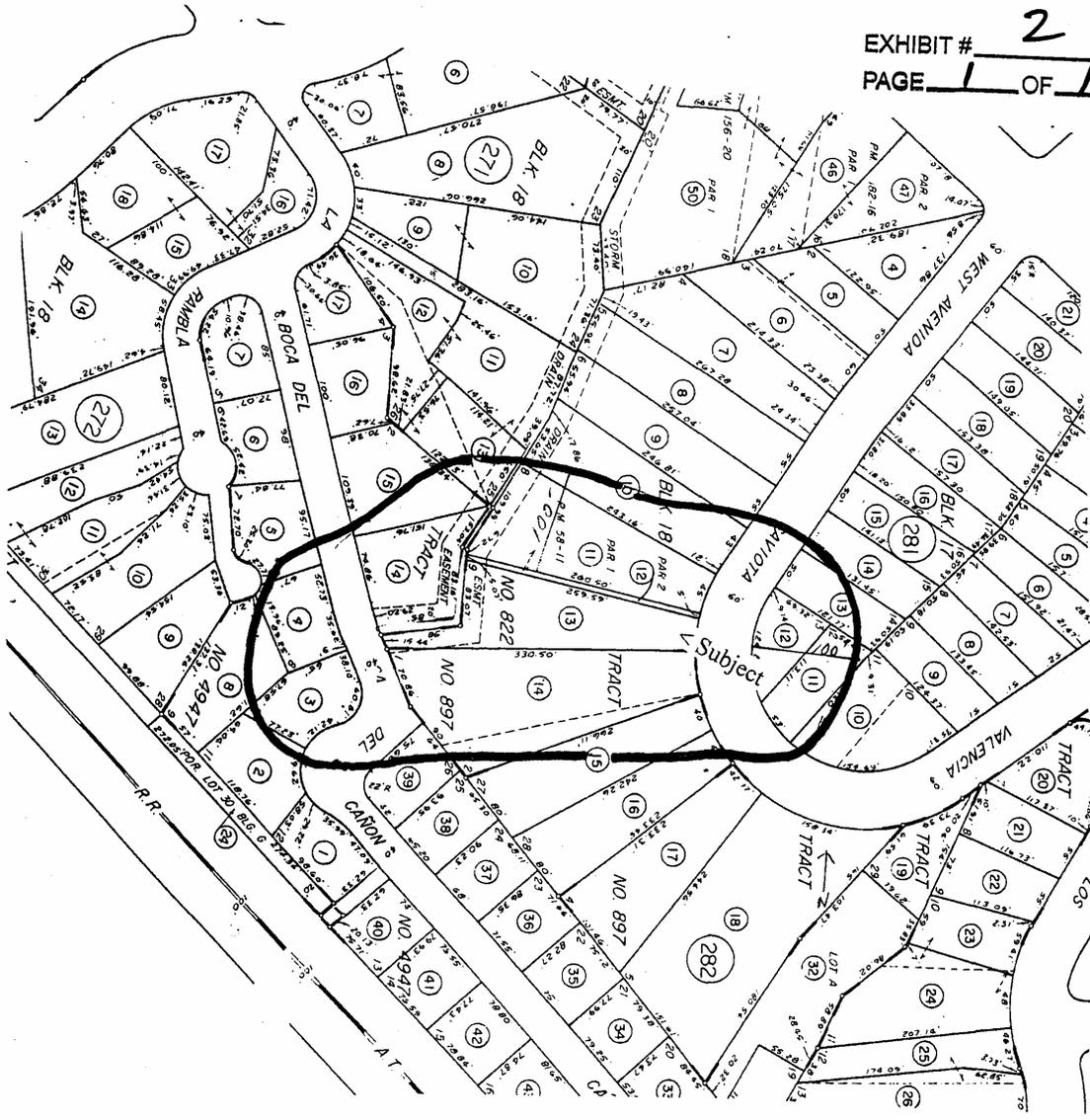
Ownership Listings & Radius Maps
P.O. Box 2593 • Dana Point, CA • 92624
Office: (949) 361-3921 • Fax: (949) 361-3923
www.Advancedlisting.com

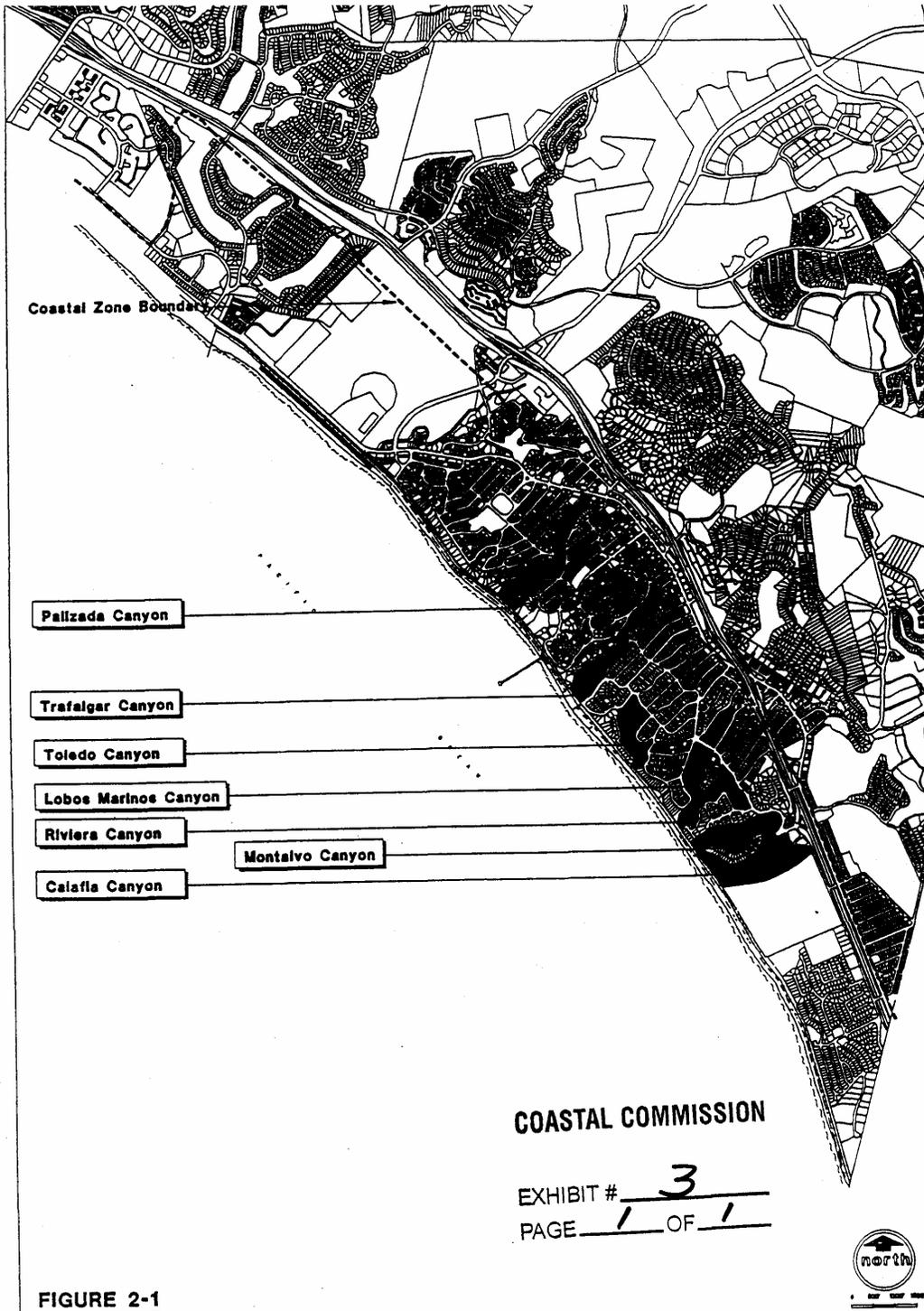
Subject APN: 692-282-12 & 692-282-13
100' Radius (excluding roads)

Subject Address: 320 W Avenida Gaviota
San Clemente CA 92672

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1





CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS

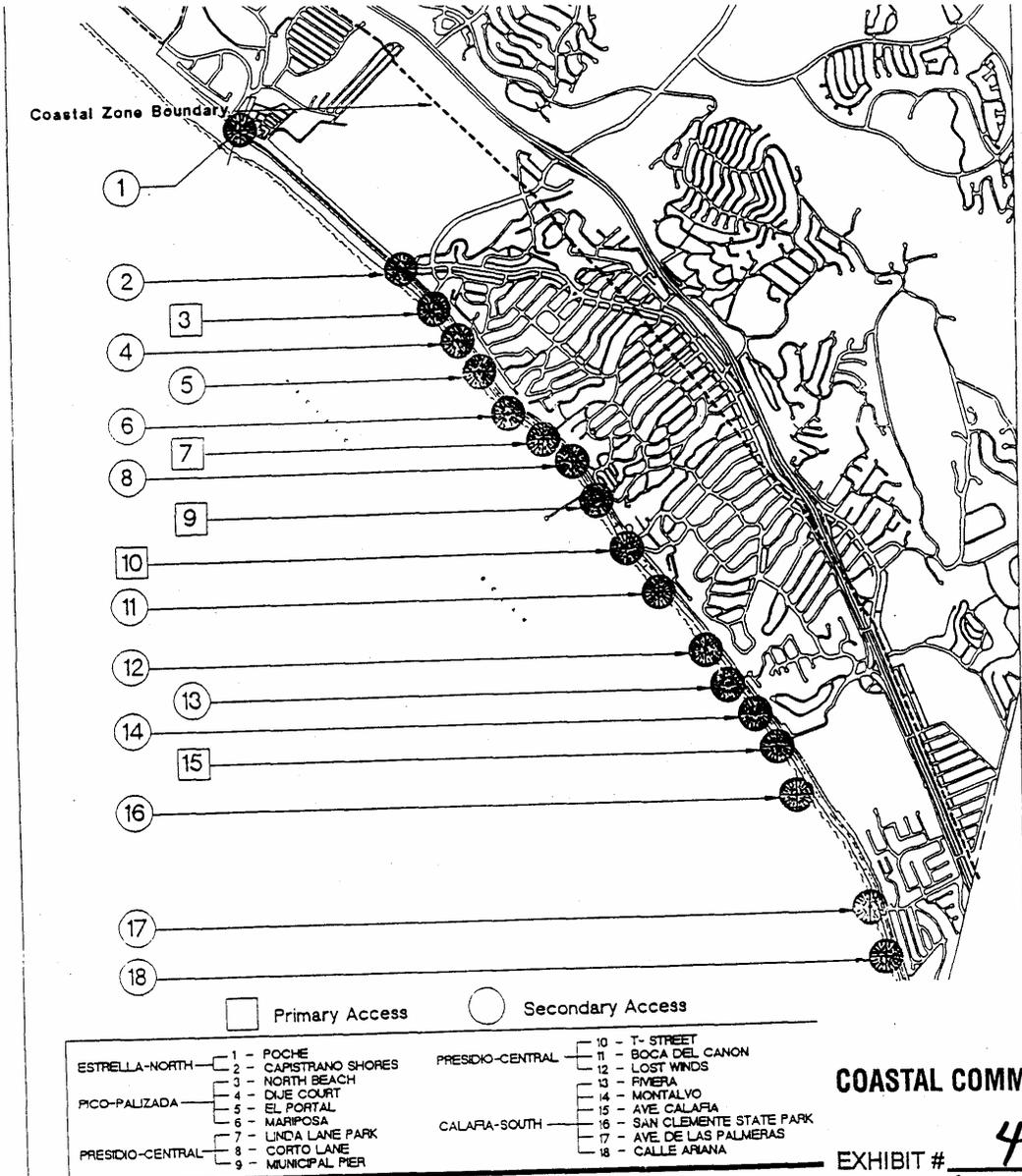


FIGURE 2-5

COASTAL COMMISSION

EXHIBIT # 4
 PAGE 1 OF 1

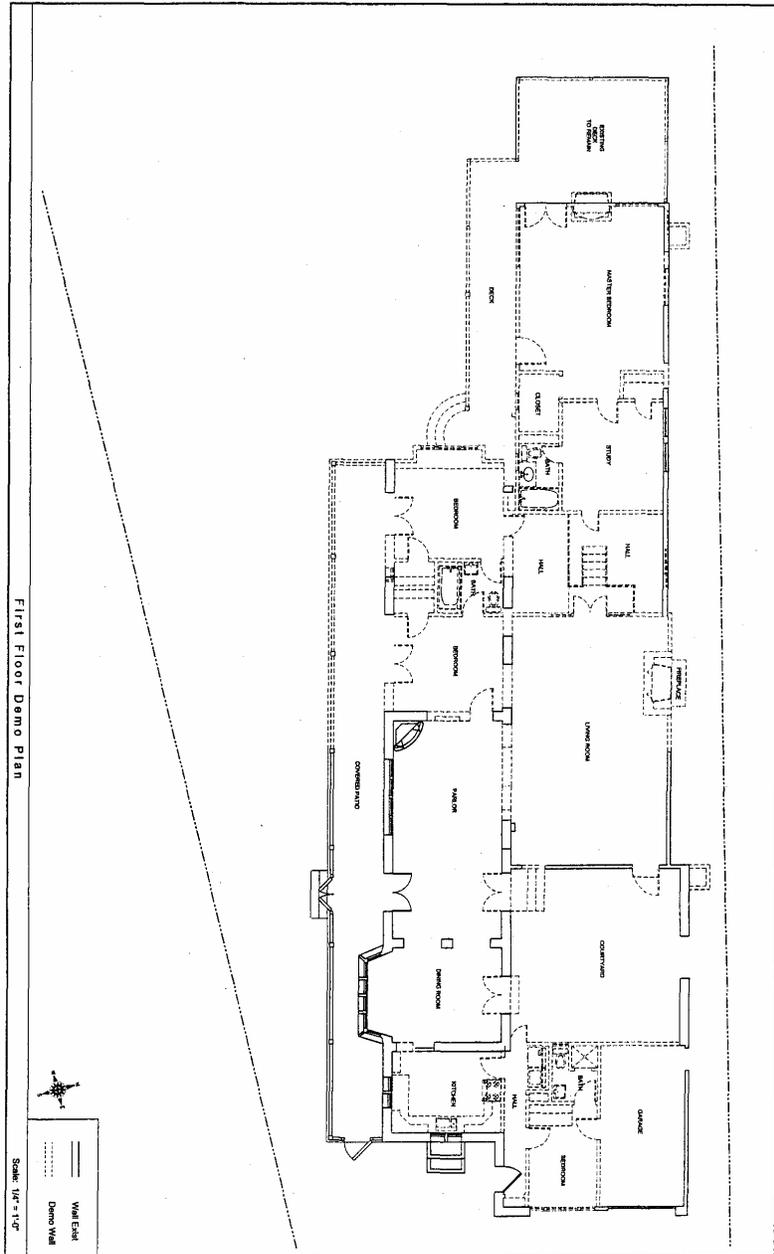
**CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS**



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COASTAL COMMISSION

EXHIBIT # 5
 PAGE 2 OF 9



First Floor Demo Plan

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

A1.2



First Floor Demo Plan

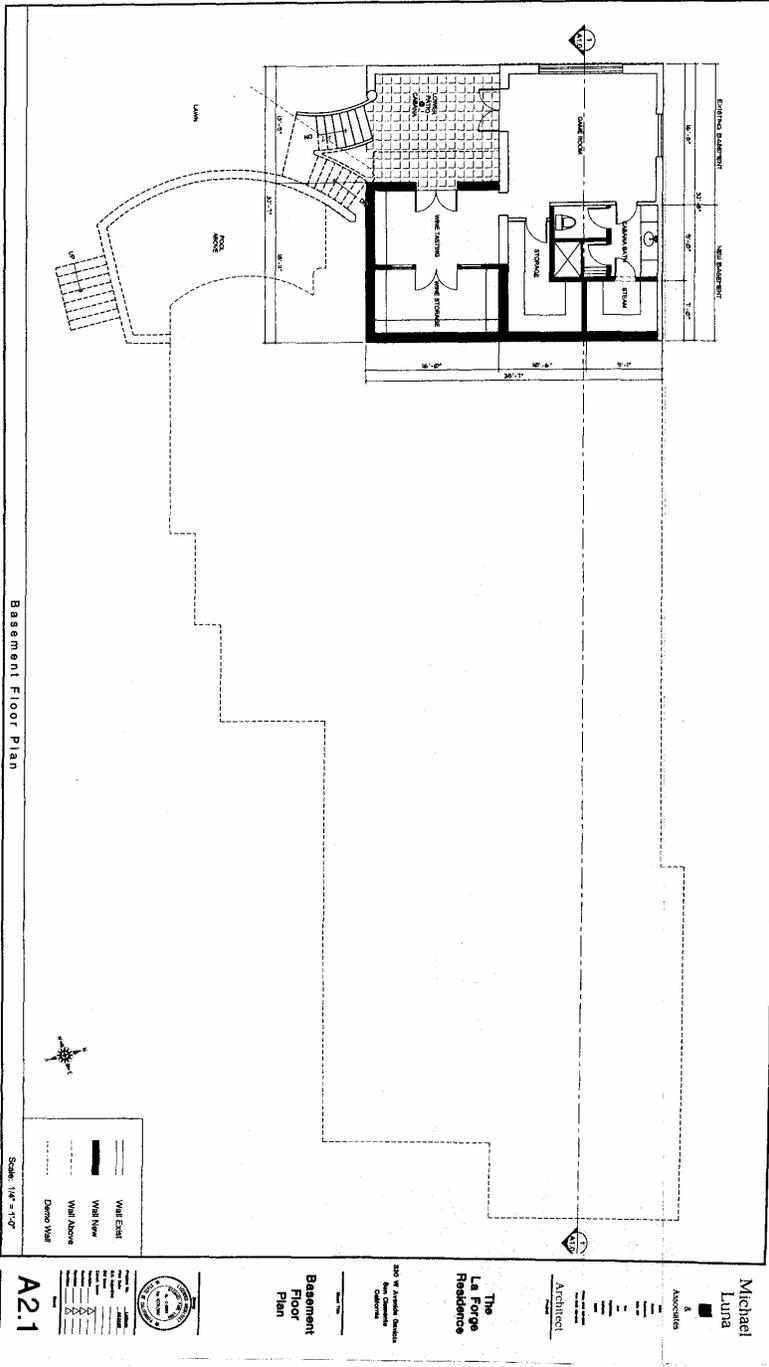
200 W. Broadway, Suite 400
 San Francisco, CA 94111
 Michael Luna
 Architect

The La Forge Residence

Michael Luna
 Architect

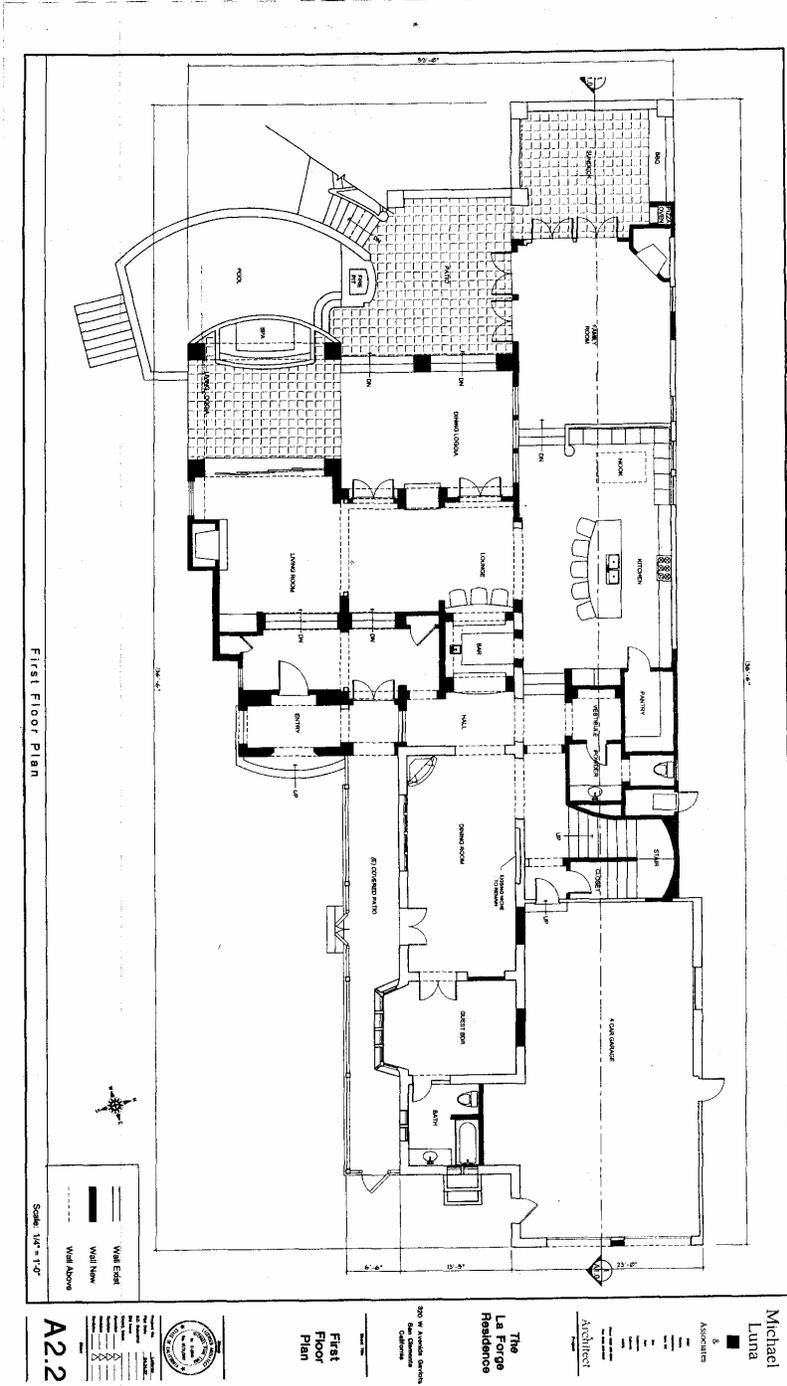
COASTAL COMMISSION

EXHIBIT # 5
PAGE 3 OF 9



COASTAL COMMISSION

EXHIBIT # 5
 PAGE 4 OF 9

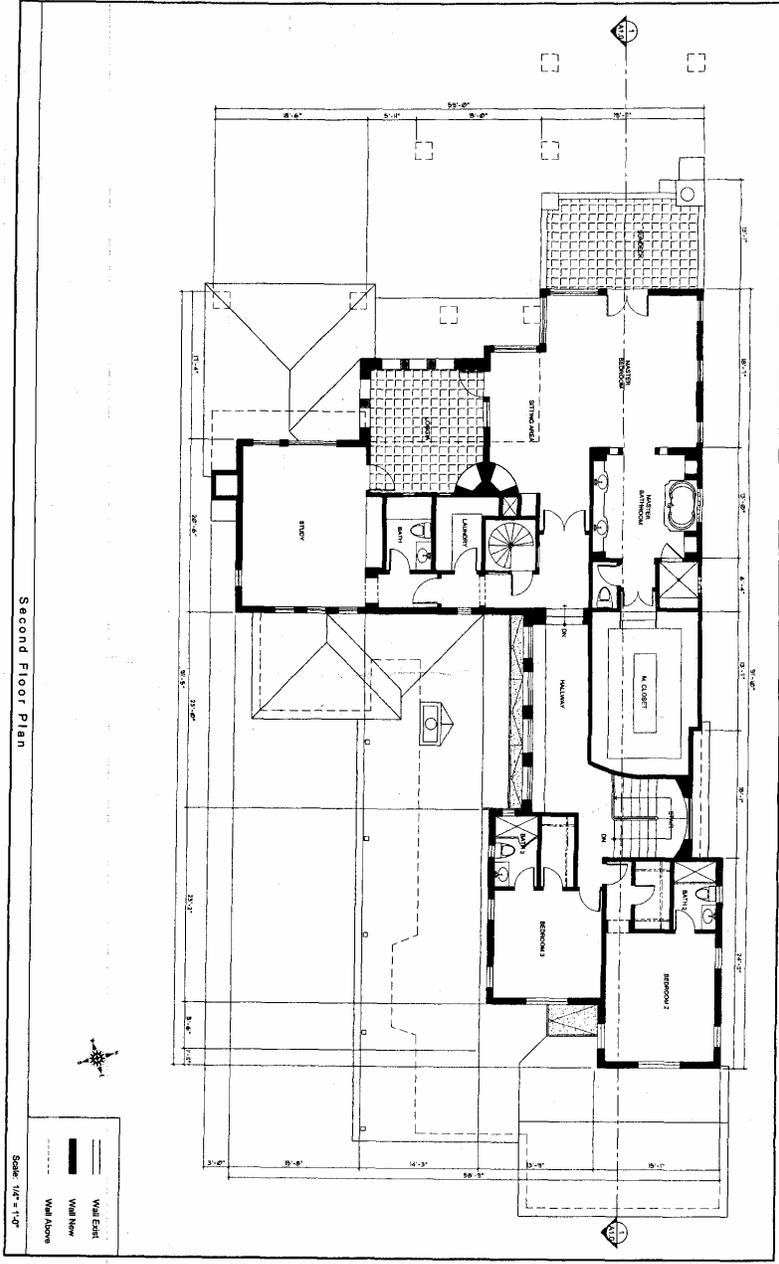


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The La Forge Residence
 First Floor Plan
 A2.2

COASTAL COMMISSION

EXHIBIT # 5
PAGE 5 OF 9

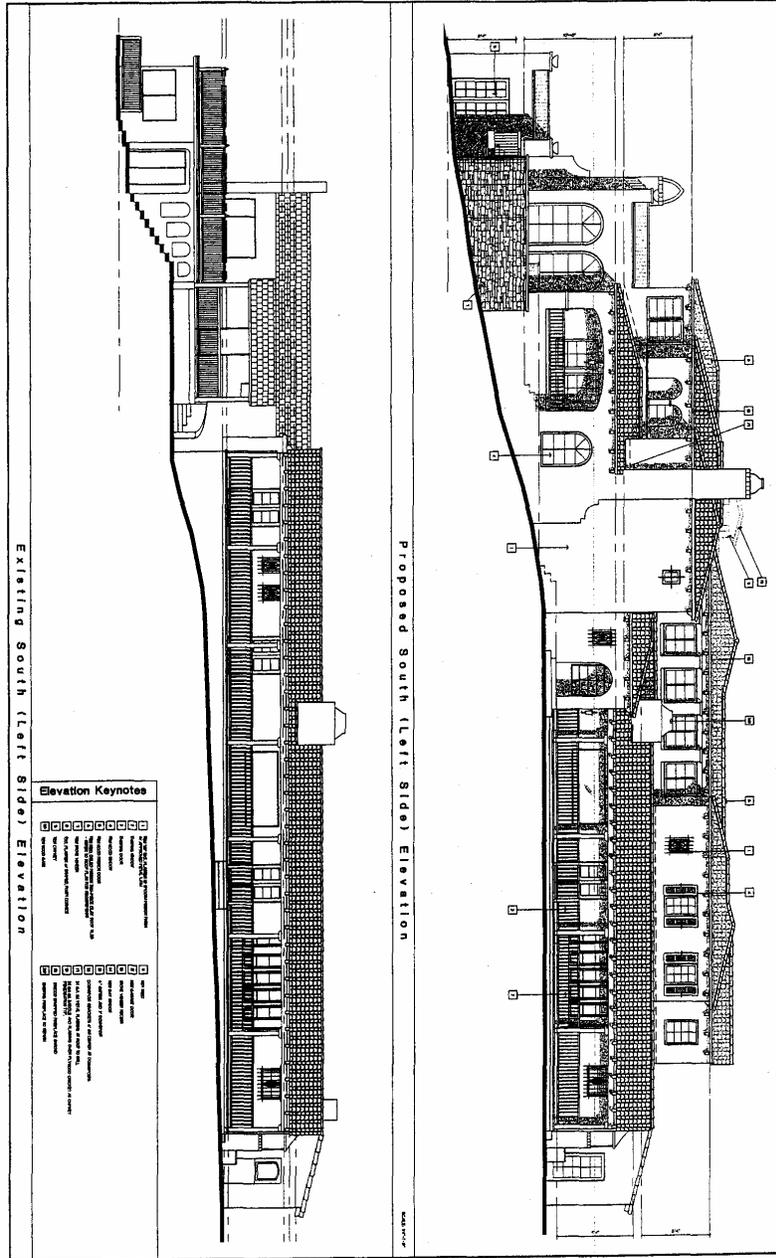


Michael Luna
Architect
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200 W. Avenida Marina
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Second Floor Plan
A2.3
Scale: 1/4" = 1'-0"

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COASTAL COMMISSION

EXHIBIT # 5
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A3.1



Exterior Elevations

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The La Forge Residences

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EXHIBIT # 5
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