

CALIFORNIA COASTAL COMMISSION

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

**W23a****ADDENDUM**

May 6, 2008

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO ITEM W23a, COASTAL COMMISSION PERMIT APPLICATION #5-07-334(La Forge) FOR THE COMMISSION MEETING OF May 7, 2008.

#1 Revisions to Staff Report

Commission staff recommends the following changes to the staff report and staff recommendation to reflect information learned from the geotechnical investigation received in our office on April 16, 2008.

Staff recommends approval of the project with the addition of Special Condition 10 for submittal of final revised plans showing no improvements to the non-conforming unpermitted portion of the development.

Deleted language is shown in ~~strikethrough~~ and new language is in **bold, underlined italic.**

On the bottom of page 7 of the staff report add the following new special condition:

11. Submittal of Revised Final Plans

- A. No work is allowed on the existing unpermitted and non-conforming basement level storage room with roof sun deck. In addition, no connection to the existing unpermitted basement level storage room is authorized. Any repair and maintenance, upgrade, modification and/or any other form of development related to the existing unpermitted structures is prohibited unless authorized in accordance with a separate Commission action. The existing unpermitted and non-conforming basement level storage room with roof sun deck shall be shaded and marked "this element not permitted by any coastal development permit" on the plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of final revised project plans (i.e., site plan, floor plans and elevations, cross-**

sections, grading, foundation, landscaping, etc.) revised to incorporate the requirements stated above.

- B. The permittee shall undertake the development authorized by the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.**

At the end of page 16 of the staff report add the following new findings supporting the new special condition:

H. UNPERMITTED DEVELOPMENT

The geotechnical report prepared by Peter and Associates received on April 16, 2008 in our office provided a chronology of major construction on the site (per building permit and other data). An addition of a sun deck with a basement level storage room occurred in 1976 on the subject site. The development is not an exempt addition to a single family home due to its location and size. Staff review of files found no coastal development permits issued for this site. Therefore, based on information available at this time, the sun deck/basement storage room is unpermitted development. The basement is as close as 3 feet from the canyon edge and does not meet current LUP canyon setback policies.

Special Condition 11 requires revised final project plans showing the existing sun deck with a basement level storage room shaded and clearly marked "this element not permitted by any coastal development permit." As this portion of the development is unpermitted and is non conforming, Special Condition 11 further states that no work is allowed on the existing unpermitted and non-conforming sun deck with basement level storage room. In addition, no connection to the existing unpermitted basement level storage room is authorized. Any repair and maintenance, upgrade, modification and/or any other form of development related to the existing unpermitted structures is prohibited unless authorized in accordance with a separate Commission action. The existing unpermitted and non-conforming basement level storage room with roof sun deck shall be shaded and marked "this element not permitted by any coastal development permit" on the plans showing the portion of the development built in 1976 which hasn't received Commission approval.

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. The certified San Clemente Land Use Plan was used as guidance by the Commission in reaching its decision. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit. The Commission's enforcement division will evaluate further actions to address unpermitted development not resolved under this permit.

At the beginning of page 10 of the staff report add the following language to the findings for the canyon edge setback:

The proposed first and second floor additions meet the 15 feet from canyon edge setback. The canyon edge was determined by staff at approximately the 88' contour line after an initial site visit and later verified by the staff geologist on a subsequent site visit. **Opponents to the proposed project have argued that the canyon edge is located at approximately the 94 foot contour line, as opposed to the 88 foot contour line. During the most recent staff site visit to re-examine the canyon edge determination staff observed a very gradual and continuous increase in slope near the canyon edge and significant landform alteration that may coincide with the previous additions/development on the site. Therefore, based on observed site characteristics, an unequivocal justification of a canyon edge at a higher point would be difficult to justify. Accordingly staff maintains its original interpretation of the canyon edge at approximately the 88' contour line. The Commission hereby concurs with the staff interpretation of the location of the canyon edge.** The existing basement level does not conform to the canyon setback policies in the certified LUP. The basement is sited approximately 3 feet from the canyon edge. An existing narrow wood deck surrounding the basement is proposed for removal. Improvements proposed to the existing 325 sq. ft. basement include a 672 sq. ft. addition, new French door, replacement of an existing window with a new arch window and re-stucco to the exterior. The proposed basement addition is toward the street (away from the canyon) in a location at least 15 feet from the canyon edge. Improvements to the existing wood deck area above the existing basement include a proposed new chimney, pizza oven and barbeque.

#2 Correspondence

Attached is a 3-page letter from Mr. and Mrs. Casey Armstrong, property owners and neighbors at 318 West Gaviota, San Clemente stating concerns regarding staff determination of the canyon edge for setback purposes and argue for the denial of the coastal development permit. In response to Mr. and Mrs. Casey Armstrong's concerns attached is a response from Dr. Mark Johnsson, the Commission's staff geologist. As Dr. Johnsson states in his memo to staff, during his site visit, it was apparent to that an unequivocal justification of any such higher canyon edge determination would be difficult due to the very gradual and continuous increase in slope near the canyon edge and to the amount of landform alteration that had coincided with the previous development of the parcel. Accordingly, staff accepts the applicant's interpretation of the bluff edge as approximately the 88 foot contour line of the submitted topographic survey.

Please make this 3page document
part of Administrative Record.

W23g

AGENDA ITEM - W23a, Wednesday May 7, 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 April 6, 2008 South Coast Region

RECEIVED

MAY 06 2008

Dear Coastal Commissioners:

While we approve of the nine special conditions included in the April 17, 2008 ~~Coastal~~ ^{CALIFORNIA} COASTAL COMMISSION recommending to approve the subject application, we remain concerned over the lack of proper application of the canyon edge for setback purposes and respectfully write the Commission to argue for a "no action" vote or in the alternative a vote for "denial" of the subject permit application in its present form. The application is in opposition to the intent and to the specific provisions of the California Coastal Act and in opposition to the duty of the Coastal Commission to implement the Coastal Act on behalf of the public good.

Subsequent to a letter sent from us to the Coastal Commission January 2, 2008, expressing concern over the geologic conditions of the site, a geologic report was undertaken to address those conditions. The geologic report was prepared by Peter and Associates and includes two topographic maps, one with the existing residence and geologic elements superimposed upon it, and the other topographic map shows only the topographic expression of the slope in map view. The topographic maps support the argument presented in our January letter that the existing structure on the subject lot extends in excess of 15 feet beyond the inflection of slope, or the break in slope as normally defined. Please refer to Exhibit "A" attached hereto and made a part hereof. The topographic maps show clearly the break in slope at the canyon edge adjacent this property at the 94-foot contour. This is where the contours go from spacing in excess of 15 feet between each one-foot contour to a spacing of between 2-4 feet between the same one-foot contours. The close spacing of the contours beginning at the 94-foot elevation is a clear indication that the break in slope is at the 94-foot elevation on this property. Contrary to this data, the Coastal Commission April 17, 2008 Staff report states that the break in slope indicating the canyon edge is located at the 88- foot contour.

Also subsequent to our letter sent in January, Coastal Commission Staff members met with Casey Armstrong at the residence adjacent the subject property. During the meeting Casey inquired as to a formula or methodology that the staff geologists utilize for determination of the break in slope at the canyon edge. In this case Casey was told that the break in slope contour elevation utilized for the property located south of the subject property had been utilized also for this property, and that no formula or repetitive methodology had been used. Application of the same elevation as the break in slope from the southern property to the subject property is not appropriate in that the height of the canyon edge is not consistent across the property boundaries. The change in elevation for the canyon edge is shown at 94 feet on the topographic maps included in the applicant's geotechnical report.

As shown on figure 3 of the geotechnical report, an 88-foot canyon edge may have been appropriate on the property to the south. On the property to the south tightening of the contours as the slope descends into the canyon does indeed occur at the 88-foot elevation. Application of this same methodology to the subject property would establish the break in slope at the 94-foot elevation where the contours tighten, not the 88-foot elevation. Lastly, a plot of the 88-foot contour on the geotechnical report topographic maps shows the 88-foot contour is 6 feet below where the contours tighten in spacing at 94 feet.

A review of the Coastal Commission Staff Report dated April 15, 2008, page 9, the paragraph discussing Canyon Setback recommends "a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge setback is the most applicable (for the subject property) based on the site characteristics", therefore to comply with Coastal Commission Staff recommendation for setback on the subject property, and to comply with the clear break in slope on the property at 94 feet, we request the application be denied in its present form and the applicants be directed to submit an application with a 15 foot setback from the 94 foot contour location for any additional and/or new construction to the existing residence.

The application as submitted remains out of compliance with the 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 does not comply with the direction of Item #1 and of Item #2 of the Public Resources Code Section 30253. The project as proposed requests consent to implement construction on an existing slope face that has undergone failure in the recent past. By allowing the construction activities to proceed on this slope face, an approval of the project by the Commission will place a residence immediately beneath the subject lot in jeopardy of a slope failure upon them placing the residents in the immediate and ongoing danger of loss of property and or life, thereby not minimizing risk to life and property.

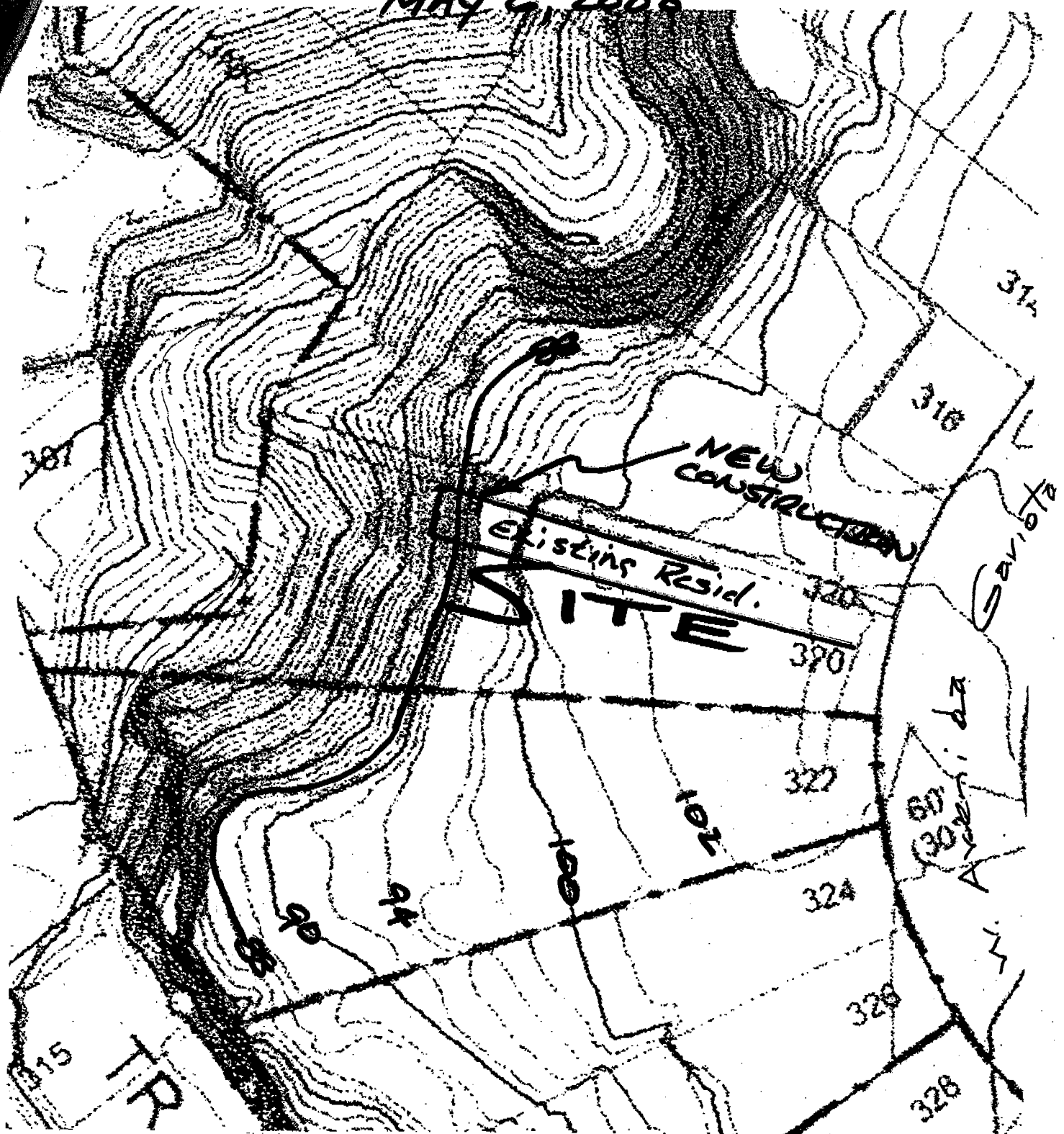
We strongly urge the Commission to reverse the Staff recommendation to approve the application as presented and to request the applicants submit a plan incorporating a setback from the canyon slope face that recognizes the actual canyon edge at the 94 feet elevation and thereby does indeed minimize risk to life and property in areas of high geologic hazard.

The subject lot is of sufficient size to provide for construction of a 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 unnecessary risk and impart unnecessary danger to the neighborhood. Within the City of San Clemente staff report in the first page "Background" section reference is made on 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 well in excess of 15-foot setback from the canyon edge, a very important distinction.

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 setback from the canyon edge.

Once again, thank you for your thorough consideration of this matter,
Casey and Christy Armstrong - Project Neighbor & San Clemente residents.

Exhibit "A"
MAY 4, 2008



NEAR-FIELD TOPOGRAPHIC MAP (2002)
Scale 1" = 50' (±)

FIGURE 3

CALIFORNIA COASTAL COMMISSION

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SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



6 May 2008

GEOTECHNICAL REVIEW MEMORANDUM

W239

To: Liliana Roman, Coastal Program Analyst
From: Mark Johnsson, Staff Geologist
Re: CDP 5-07-334 (La Forge): Canyon edge delineation

I have been in communication today with Mr. Casey Armstrong, who lives next door to the proposed development and is in opposition to the development. Using the applicant's geotechnical report prepared by Peters and Associates and dated 14 April 2008, he has presented evidence that the canyon edge at the subject site is at approximately the 94-foot contour, rather than the 88-foot contour identified by the applicant and accepted by staff as reported in the staff report.

Figure 3 of the aforementioned geotechnical report is a relatively small scale (1" = 50') topographic map of the site and adjacent areas. Mr. Armstrong points out, correctly, that there is a distinct break in slope indicated on this map at the 94-foot contour. Indeed there is a step-like feature east of that break in slope at the 102 foot contour. Given the definition of bluff edge in §13577 (h) (2) of the Commission's regulations, the 94-foot, or arguably the top of the step-like feature as high as the 102 foot contour, could be interpreted as the canyon edge.

There exists, however, more detailed topographic data prepared by a survey of the site itself and appearing in Figure 5 and 6 of the aforementioned geotechnical report at a scale of 1" = 20'. These data show no step-like feature and, in the line of the cross section, show the slope leading toward the canyon bluff face to increase in steepness very gradually. The sharpest break in slope is near the 88 foot contour. Again, per the definition of bluff edge in the Commission's regulations it could be argued that the top of the bluff is "rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face" below and that in order for the "bluff line or edge [to] be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff," a higher point should be chosen as the bluff edge. During my site visit, it was apparent to me that an unequivocal justification of any such higher point would be difficult due to the very gradual and continuous increase in slope near the canyon edge and to the amount of landform alteration that had coincided with the previous development of the parcel. Accordingly, I chose to accept the applicant's interpretation of the bluff edge as at approximately the 88 foot contour.

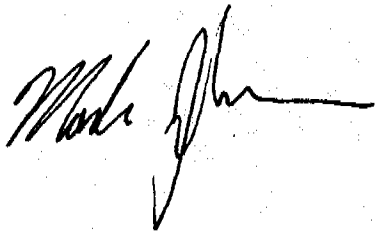
Mr. Armstrong has suggested that the narrow strip of land north of the residence and adjacent to his property be used in the determination of top-of-slope. He suggests that there is a near continuous slope from the applicant's canyon edge determination to the 94 foot contour at this

location. I agree that the contour lines on figure 5 of the aforementioned geotechnical report make such an interpretation possible, but point out that they are based on very limited data. Further, this area clearly has seen substantial landform alteration, such that I do not think it appropriate to try to interpret natural or existing topography on such limited data.

Accordingly, interpreting the best available data and considering the effects of local landform alteration, I feel that the best interpretation of statute places the top of canyon edge in the general area of the 88 foot contour as indicated in figure 5 of the aforementioned geotechnical report.

I hope that this explanation is helpful. Please do not hesitate to contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Johnsson", with a stylized, flowing script.

Mark Johnsson, Ph.D., CEG, CHG
Staff Geologist

CALIFORNIA COASTAL COMMISSION

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Filed: September 25, 2007
49th Day: November 13, 2007
180th Day: March 23, 2008
270th Day: June 21, 2008
Staff: Liliana Roman-LB
Staff Report: April 17, 2008
Hearing Date: May 7-9, 2008

Item W23a

STAFF REPORT: REGULAR 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, approximately 1,100 sq. ft. 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 7/11/07, Mitigated Negative Declaration adopted 7/11/07

SUBSTANTIVE FILE DOCUMENTS: San Clemente Certified Land Use Plan (LUP); Preliminary Engineering Geologic Opinion of Site Terrain Stability and Feasibility of Proposed House Addition/Remodel and Swimming Pool/Spa Construction; 320 Avenida Gaviota, San Clemente, CA prepared by William Munson, Inc. dated 1/16/08, Site Specific Preliminary Geotechnical Investigation for Proposed Room Addition/Remodel Construction to Existing LaForge Residence, 320 West Avenida Gaviota, San Clemente, CA prepared by Peter and Associates dated 4/14/08

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with nine (9) special conditions, which require 1) final plans conforming to geotechnical recommendations; 2) compliance with submitted landscaping plan; 3) submittal of final grading and drainage plan; 4) pool protection plan; 5) evidence of approval from OCFA; 6) confirmation of extent of demolition; 7) termite/mold inspection; 8) compliance with construction-related best management practices (BMPs); 9) future improvements come back to the Commission for review. The primary issues associated with this development are geology, water quality and protection of canyon habitat.

The site is located adjacent to Toledo Canyon, one of seven coastal canyons in San Clemente identified as containing environmentally sensitive habitat. Primary issues associated with this development include assurance that the proposed development is consistent with the geologic hazard and water quality policies of the Coastal Act, as well as assuring that the development is consistent with canyon habitat preservation and enhancement policies in the certified Land Use Plan (LUP). The existing single family residence does not conform to the canyon setback policies

in the certified LUP and is therefore not consistent with the pattern of development in the surrounding area.

Concerns regarding the geology of the site and canyon setbacks have been expressed by the neighboring residents. The staff geologist conducted a site visit and reviewed a recent geotechnical investigation report of the site and is satisfied with the canyon edge determination and that the proposed project is geotechnically feasible as conditioned. Staff has incorporated special conditions to address canyon setbacks, water quality and geology.

LIST OF EXHIBITS:

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

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-07-334 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

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. Conformance of Design and Construction Plans to Geotechnical Report

- A. All final design and construction plans, including foundations for the addition and pool, grading, drainage, and landscaping plans, shall be consistent with all recommendations contained in the Engineering Geologic Reports prepared by Peter and Associates and dated April 14, 2008. Revised plans shall depict all new patios, patio walls, garden walls setback at least five (5) feet from the canyon edge identified at approximately the 88' contour line on the topographic survey prepared by Toal Engineering dated 2/01/07. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
- B. 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. Revised Landscaping Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of revised final landscaping plans prepared by an appropriately licensed professional. The plan shall substantially conform to the preliminary landscape plans prepared by James Pekarske dated 6/20/07 and revised 8/07/07 pursuant to the requirements of Special Condition 1.

- (1) The plan shall demonstrate that:

- (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings 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 landscape plan;
 - (c) Landscaped areas not occupied by hardscape shall be planted and maintained for slope stability, erosion control and habitat enhancement. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent or nearby native plant areas, all landscaping in the rear yard (canyonward) portion of the lot shall consist of native, non-invasive species only. Native plants shall be from local stock wherever possible. Landscaping on the street-side portion of the lot may consist of native and/or drought tolerant non-invasive plant species. 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 (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>). Any existing landscaping that doesn't meet the above requirements shall be removed.
 - (d) No permanent irrigation system shall be allowed within the property. Any existing in-ground irrigation systems shall be disconnected and capped. Temporary above ground irrigation to allow the establishment of the plantings is allowed. The landscaping plan shall show all the existing vegetation and any existing irrigation system along with notations regarding all changes necessary thereto to comply with the requirements of this special condition.
- (2) The plan shall include, at a minimum, the following components:
- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system if any, topography of the developed site, and all other landscape features, and
 - (b) a schedule for installation of plants.
- 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 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. 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.

6. Confirmation of the Extent of Demolition

After demolition has been completed, and the framing of the walls to remain is exposed pursuant to the demolition plan approved in this permit, but prior to any new construction, the applicant shall submit to the Executive Director, via bonded messenger from the City of San Clemente Building Department, for the review and approval of the Executive Director, a certified copy of the City building inspector's report which indicates whether any demolition beyond the amount shown on the demolition plan approved by this permit has occurred or would be necessary in order to meet building and safety codes. In the event that the City cannot perform this function, the building inspector's report may be prepared by a licensed professional building inspector acceptable to the Executive Director.

If the building inspector's report, accepted by the Executive Director, indicates additional demolition has already occurred or must occur due to the deteriorated state of the walls which were proposed by the applicant to remain, the applicant shall submit a complete amendment request application or a complete application for a new coastal development permit. The application shall address the issue of revisions to the project due to the need for additional demolition. Whether an amendment or a new application is submitted shall be determined by the Executive Director.

No further development may occur until either:

- a) The Executive Director determines, pursuant to the City building inspector's report, that all walls identified as walls to remain are intact and structurally sound; or
- b) the applicant submits an amendment request application if so directed by the Executive Director and the amendment request is subsequently approved by the Coastal Commission and issued by the Executive Director; or
- c) the applicant submits a new coastal development permit application if so directed by the Executive Director and the coastal development permit is approved by the Coastal Commission and issued by the Executive Director.

7. Termite/Mold Inspection

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a termite and mold inspection report, prepared by a licensed professional, indicating the degree, if any, of termite and mold damage that exists within the existing residential structure that is the subject of the permit. The termite/mold inspection report shall also be submitted to the City of San Clemente Building Department.

If the termite/mold inspection report indicates that additional demolition will be necessary in order for the structure to meet building and safety standards, the applicant shall apply for a coastal development permit amendment to address the issue of revisions to the project due to the need for additional demolition.

No development may proceed if an amendment or new coastal development permit application pursuant to the special conditions of this permit is pending.

8. 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.

9. 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 a substantial 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 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 75-foot high mostly natural descending, heavily vegetated rear (canyon) slope into Toledo 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 architectural integrity. The structure is not listed on any State or Federal list of protected historic structures.

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, approximately 1,280 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 driveway, walkways, patios, garden wall and a pool/spa. A narrow wood deck on cement piers surrounding the basement is proposed for removal. 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 in addition to the grading required for construction of a pool/spa. Project plans are included as Exhibit 5.

B. ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA)

1. Coastal Act and Land Use Plan (LUP) Policies

Section 30240 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.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

San Clemente's certified Land Use Plan (LUP) 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.

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.

Policy XV.13 of the certified LUP states:

The removal of native vegetation and the introduction of non-native vegetation in the canyons shall be minimized. The use of native plant species in and adjacent to the canyons shall be encouraged.

The policy in the certified LUP concerning setbacks on coastal canyons is found in Chapter 3, Section 302 G, policy VII.15, and states:

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.

Canyon Setback

The proposed development is located adjacent to Toledo Canyon, one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP. The applicant's property extends to the canyon bottom. The canyon is considered somewhat degraded due to the presence of both native and non-native plant species. No portion of the applicant's development area 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 stringline setback is not applicable in this case, as the existing residence currently exceeds the structural stringline from the nearest adjacent corner of enclosed living area of the adjacent single family homes. Furthermore, applying the "a minimum of 30% depth of lot and set back from the line of native vegetation" setback is also not applicable as this would allow development to encroach into the canyon. Therefore, the "a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge" setback is the most applicable based on the site characteristics.

The proposed first and second floor additions meet the 15 feet from canyon edge setback. The canyon edge was determined by staff at approximately the 88' contour line after an initial site visit and later verified by the staff geologist on a subsequent site visit. The existing basement level does not conform to the canyon setback policies in the certified LUP. The basement is sited approximately 3 feet from the canyon edge. An existing narrow wood deck surrounding the basement is proposed for removal. Improvements proposed to the existing 325 sq. ft. basement include a 672 sq. ft. addition, new French door, replacement of an existing window with a new arch window and re-stucco to the exterior. The proposed basement addition is toward the street (away from the canyon) in a location at least 15 feet from the canyon edge. Improvements to the existing wood deck area above the existing basement includes a proposed new chimney, pizza oven and barbeque.

The applicant has indicated that less than 50% of less demolition of exterior walls of the entire existing structure is required for the proposed remodel/addition. As the proposed improvements to the existing non-conforming basement/sundeck above basement are improvements that do not require substantial demolition/reconstruction of exterior walls, the basement will remain non-conforming to the canyon setback. However, once demolition is underway, if it is found that a substantial amount of demolition is required due to damage caused by mold or termites, or other damage, the new construction would typically be required to conform to the 15 foot canyon setback requirement. **Special Conditions 6 and 7** requires both a City building inspector's report and a termite/mold report which indicates whether any demolition beyond the amount shown on the demolition plan approved by this permit has occurred or would be necessary in order to meet building and safety codes.

Major additions proposed including a new second story addition to the residence, and significant expansions on the ground floor on the easterly street side (garage) and southwesterly canyon ward side (new living room and loggia) comply with the 15 foot setback from the canyon edge. Hardscape improvements, including a new stone paving driveway, first floor level patio and fire pit, pool/spa, stairs from first floor patio to a basement level patio, and a low stone garden wall as depicted on the submitted landscape plans are set back at least five (5) feet from the canyon edge to be consistent with the Commission's typical 5-foot setback requirement for non-structural features on canyon lots. However, the proposed basement level patio encroaches into the 5-foot canyon setback. Special Condition 1 requires submittal of final plans depicting all hardscape improvements setback at least 5-feet from the canyon edge identified at the 88' contour line on the topographic survey prepared by Toal Engineering dated 1/07.

Landscaping

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 Toledo Canyon, as environmentally sensitive habitat areas (ESHA), 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 adjacent to the subject site is considered somewhat degraded due to the presence of both native and non-native plant species. No portion of the applicant's site contains resources that rise to the level of 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 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 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

Additionally, 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 (<http://www.cal-ipc.org>) and California Native Plant Society (www.CNPS.org) in their publications. The Commission typically requires that applicants utilize native plant species, particularly along coastal canyons. In the areas 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 2** requires substantial conformance with the landscaping plan submitted, which depicts the use of native plants appropriate to the habitat type adjacent to the canyon area; however those plans shall be revised to show all hardscape improvements setback at least 5 feet from the canyon edge. Plants in the proposed landscaping plan are drought tolerant to minimize the use of water. Temporary above ground irrigation shall be permitted 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 5**, a prior to issuance of permit condition that the applicant provide written evidence of either OCFA approval or that OCFA review is not required for this development.

The special conditions of this staff report are designed to protect the habitat value of Toledo Canyon. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30240(b) of the Coastal Act and the policies of the certified LUP.

C. GEOLOGIC STABILITY

Coastal Act Policies

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(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.

Project Site Geotechnical Report

The applicant submitted a preliminary engineering geologic opinion letter report conducted by William R. Munson dated January 16, 2008. The letter report findings state that no deep-seated geologic instability (i.e., landslides) were identified in the terrain of the site of the existing residence and proposed addition construction, but that the relatively steep canyon slope below the site is marked by several surficial slope failures (i.e., shallow/1- to 4-feet deep) involving the thin mantle of slopewash deposits. The letter report concludes that the proposed construction is feasible on a preliminary basis and furthermore, recommends that a comprehensive geotechnical engineering investigation should be conducted and a resulting report prepared to identify and evaluate specific geotechnical issues and to formulate foundation and other relevant grading and construction recommendations for incorporation in the final project grading, structural and architectural plans.

A second more thorough geotechnical investigation was conducted by Peter and Associates dated April 14, 2008 which included research and review of previous data pertinent to the site; soil sampling and exploratory borings; and an engineering and geologic analysis/evaluation of all relevant data to provide preliminary recommendations for the project foundation/structural design and site preparation. Regarding terrain stability, the report found no deep-seated landslide or other bedrock instability. The prevailing attitude of the bedrock strata was found to be favorable for maintaining gross (i.e., deep seated) terrain stability. Multiple surficial or otherwise relatively shallow slippage involving slopewash deposits and possibly weak weathered bedrock were found on the site; at least partially caused by uncontrolled drainage runoff from the site yard areas. No groundwater seepage was observed on the natural slope; groundwater seepage was encountered within the borings at below 15' which should not affect the proposed project.

The Commission's staff geologist reviewed this report and concurred with its findings and recommendations. However, he felt that it inadequately addressed the question of slope stability. Upon discussion with Commission Staff, the applicant's geotechnical team performed a quantitative slope stability analysis that concluded that the site was grossly stable, with a minimum factor of safety against sliding of 1.61. This value, however, was arrived at by averaging soil shear strength parameters from two samples, which resulted in an unusually high friction angle, and an unusually low cohesion value, for the bedrock making up the canyon bluff (the Capistrano Formation). Accordingly, the Commission's staff geologist recalculated the factor of safety, using the same methodology as the applicant's geotechnical team, but substituting the friction angle and cohesion values obtained by the applicant's geotechnical team for one of the samples they collected, which the Commission's staff geologist felt was more representative of the Capistrano Formation bedrock. The calculated minimum factor of safety is 1.93, supporting the conclusion that the slope is grossly stable. Both the applicant's geotechnical team and the Commission's staff geologist note that the slope is surficially unstable and subject to creep and erosion.

Geotechnical Recommendations - Project Analysis/Special Conditions

Section 30253(2) of the Coastal Act states that new development shall assure stability and structural integrity and shall not contribute to erosion, geologic instability or destruction of the site or require the construction of protective devices which would substantially alter natural landforms.

The geotechnical report states that the construction of the proposed addition/remodel is geotechnically feasible provided the recommendations outlined in the report are implemented. The report provides recommendations regarding site grading/preparation, foundations and drainage. Conventional shallow footings and/or conventional interior slabs on grade foundations are recommended for the residence addition. For the pool/spa, deepened key footing is recommended along the slope side edge or caissons and grade beams as an alternative. The report states that the required setback from the bottom of the swimming pool to the surface of an adjacent descending slope is 12 feet for this site. As proposed, the pool/spa meets the canyon slope setback. No canyon disturbance should occur during grading activities for the proposed pool/spa.

Drainage on the site was found to be substandard and problematic, improvements were recommended. The geotechnical report emphasizes the need for proper drainage at this site to be provided and maintained to preclude surface water infiltration in the underlying soil to protect the integrity of slopes and structures as drainage conditions substantially influence the rate and magnitude of the slope creep. The more the surface water can be controlled and the more carefully the slope is maintained to reduce infiltration of surface water, the less the slope creep will be. At minimum all new roof gutter downspouts from the new second floor and first floor additions should connect to drain lines directed to area drains and piped directly to existing City storm drain at the street for the front portion of the house. Runoff and storm water should be directed away from the canyon. This is consistent with other geotechnical report recommendations for runoff control on coastal canyon lots.

Structural stability can only be assured by adherence to these recommendations. Since the recommendations provided by the geotechnical consultant include measures to mitigate adverse geologic effects, the Commission finds that **Special Condition 1 and Special Condition 3** ensure that the consulting geotechnical expert reviews the final revised development plans and verifies conformance with the geotechnical recommendations. As such, these special conditions guarantee that the final development plans are consistent with Section 30253 of the Coastal Act.

Pool/Spa Protections

The proposed project includes construction of a new pool/spa 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 4**, which requires the applicants to submit a pool protection plan.

Future Development

In order to ensure that development on the site does not occur which could potentially adversely impact the geologic stability and/or environmentally sensitive habitat area concerns expressed in this staff report, the Commission imposes **Special Condition 9**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-07-334) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping and fencing.

D. WATER QUALITY AND MARINE ENVIRONMENT

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

The protection of water quality is an important aspect of the Coastal Act. Water from the project site will flow into the City of San Clemente's storm drain system ultimately draining to the Pacific Ocean. Beach closures occurring throughout Orange County, are typically attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

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 8**). 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 3** requires submittal of a final drainage plan.

E. PUBLIC ACCESS

Section 30212(a)(2) of the Coastal Act states, in pertinent part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby

The nearest public access is available at the Boca del Canon, approximately ¼ mile west of the subject site (Exhibit 3). The proposed development does not impact access either directly or indirectly to the ocean. As such, the development will not create adverse impacts, either individually or cumulatively, on public access and will not block public access from the first public road to the shore. Adequate access exists nearby. Therefore, the Commission finds that the proposed development is consistent with Section 30212 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

Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of San Clemente Planning Division is the lead agency for California Environmental Quality Act (CEQA) purposes. On July 11, 2007, the City adopted a Mitigated Negative Declaration for the proposed project. Mitigation measures to address potential adverse impacts to historical resources such as restoration of the residence's primary façade and retention of character defining features were required with approval of this CEQA document. The Coastal Commission adopts additional

mitigation measures, found below, to ensure that the proposed project will conform with the requirements of the Coastal Act.

The proposed project is located in an urban area. All infrastructure necessary to serve the site exists in the area. As conditioned, the proposed project has been found consistent with the geologic and water quality policies of the Coastal Act. Mitigation measures include: special conditions requiring final project plans, drainage/runoff control plans and landscape plans, a special condition requiring construction-related best management practices (BMPs) and a special condition for future improvements to return to the Commission for review.

As conditioned, there are no feasible alternatives or additional 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-Regular Calendar
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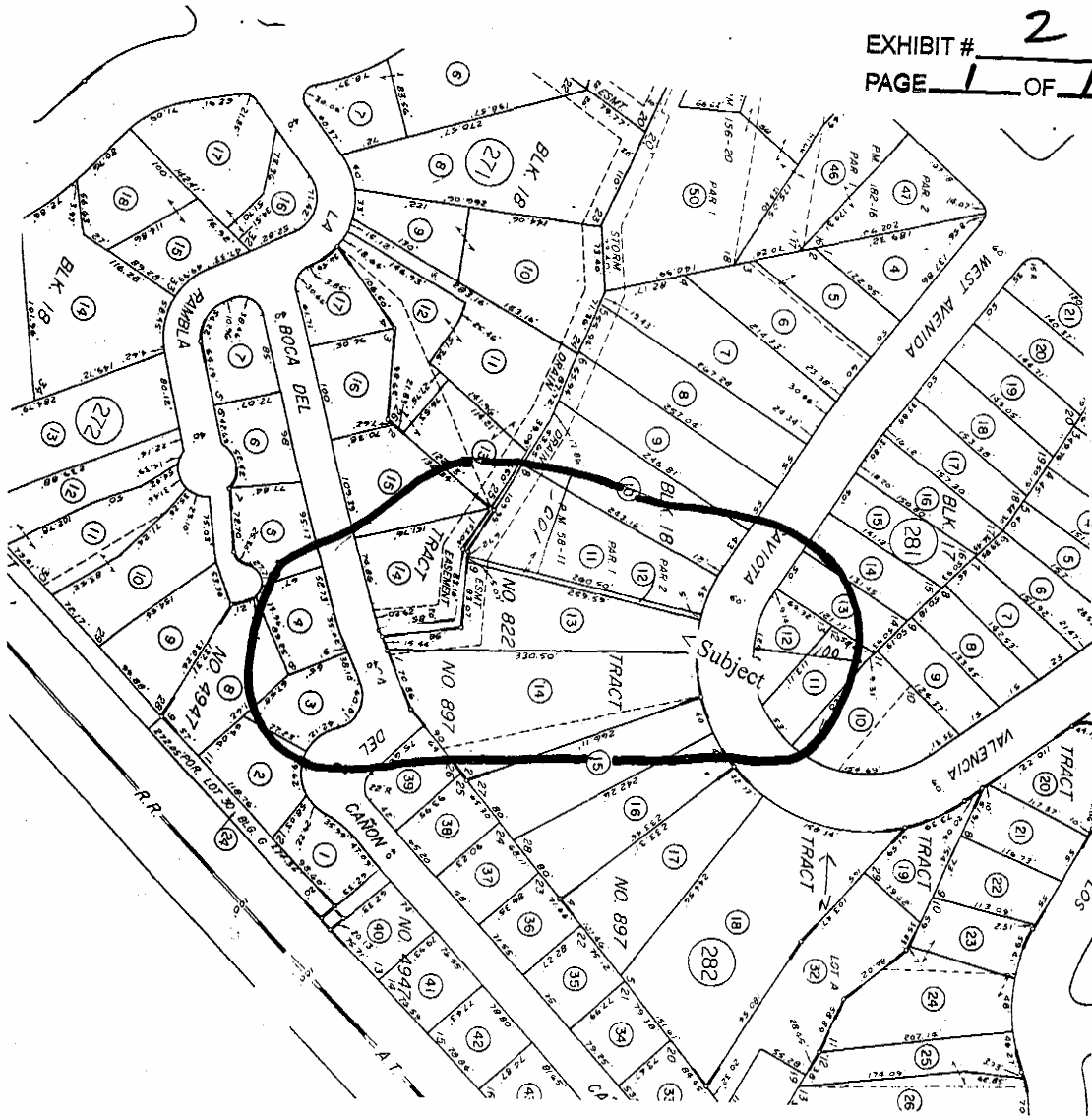
Ownership Listings & Radius Maps
P.O. Box 2593 • Dana Point, CA • 92624
Office: (949) 361-3921 • Fax: (949) 361-3923
www.Advancedlisting.com

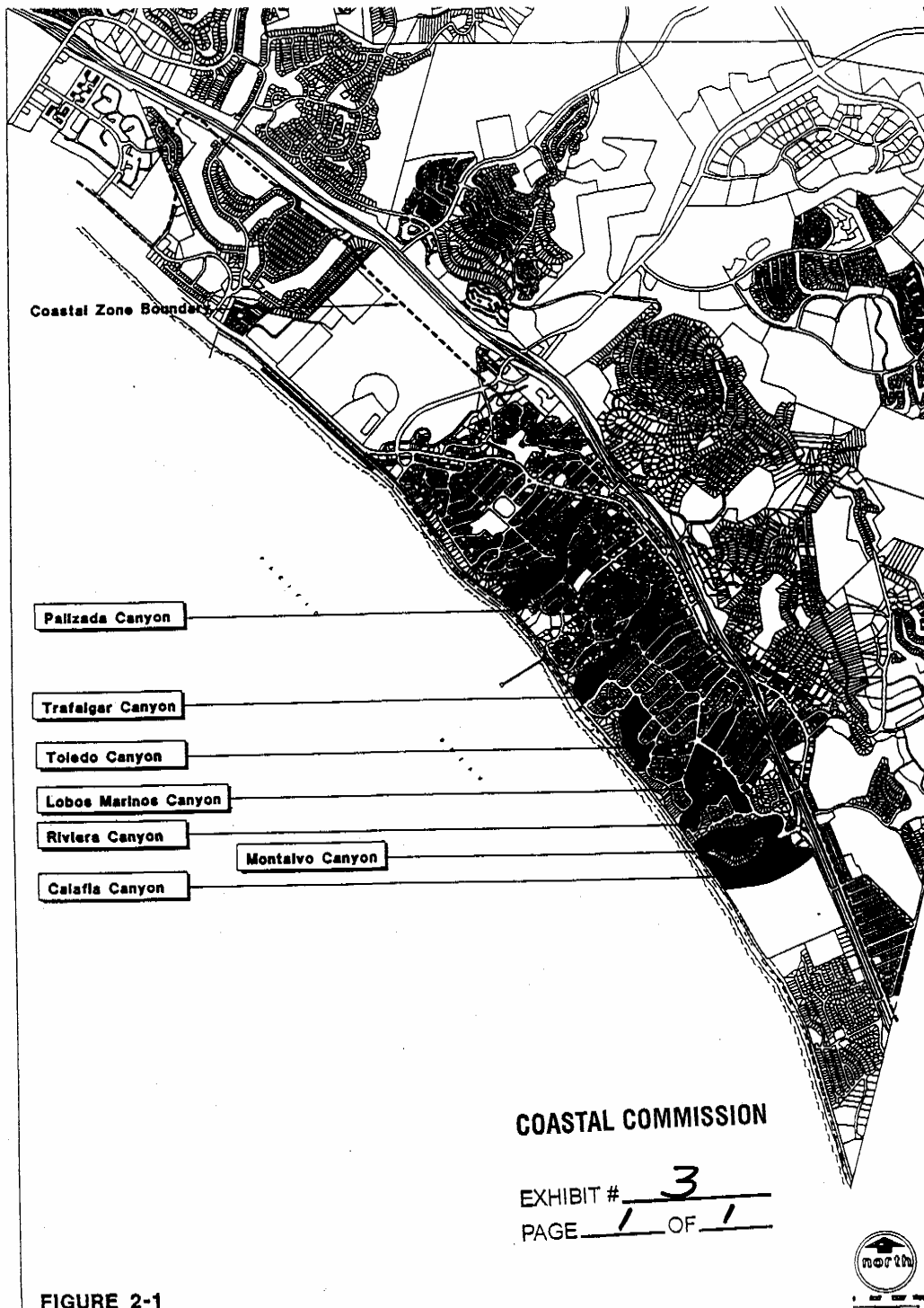
Subject APN: 692-282-12 & 692-282-13
100' Radius (excluding roads)

Subject Address: 320 W Avenida Gaviota
San Clemente CA 92672

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EXHIBIT # 2
PAGE 1 OF 1





CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS

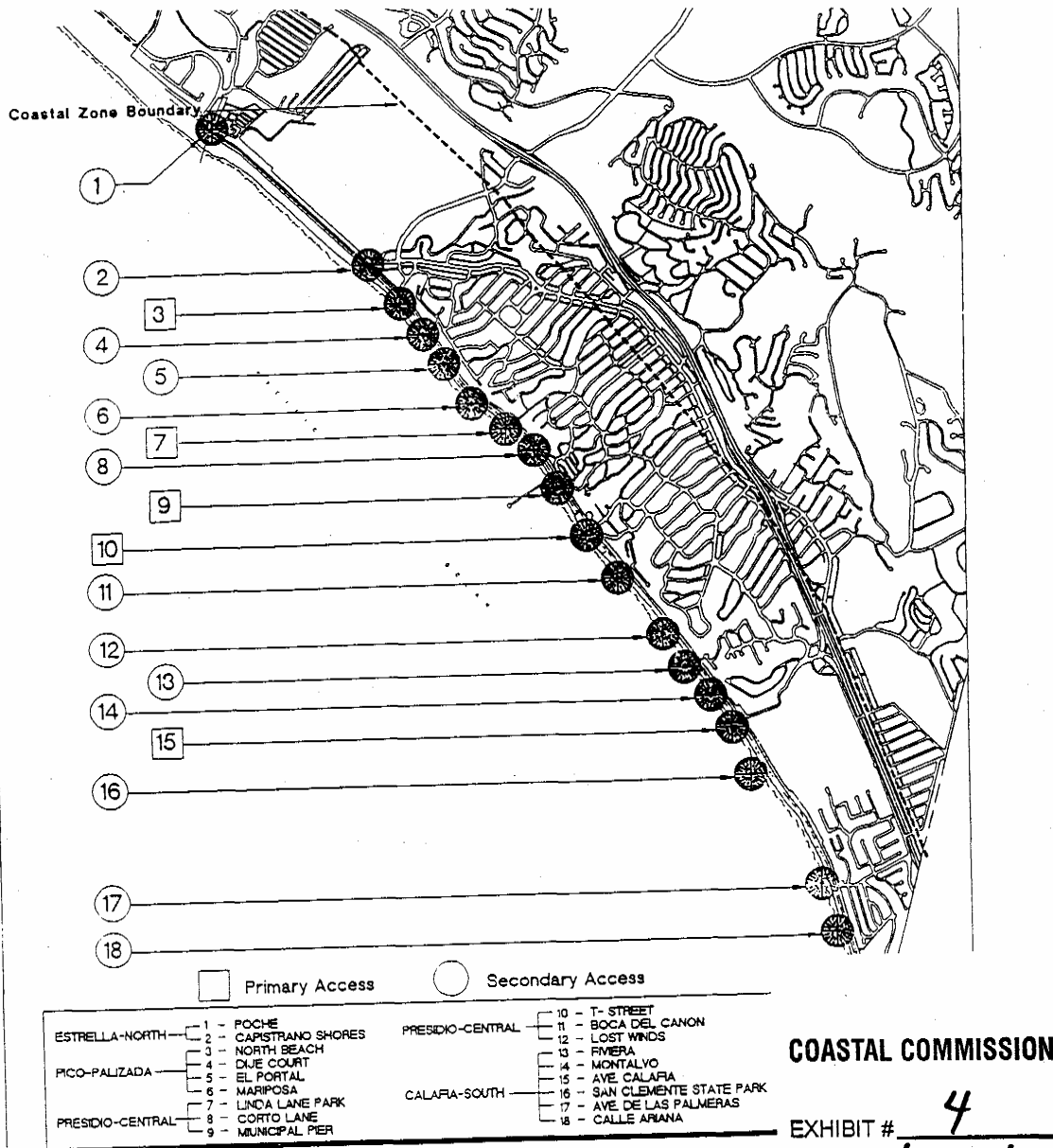
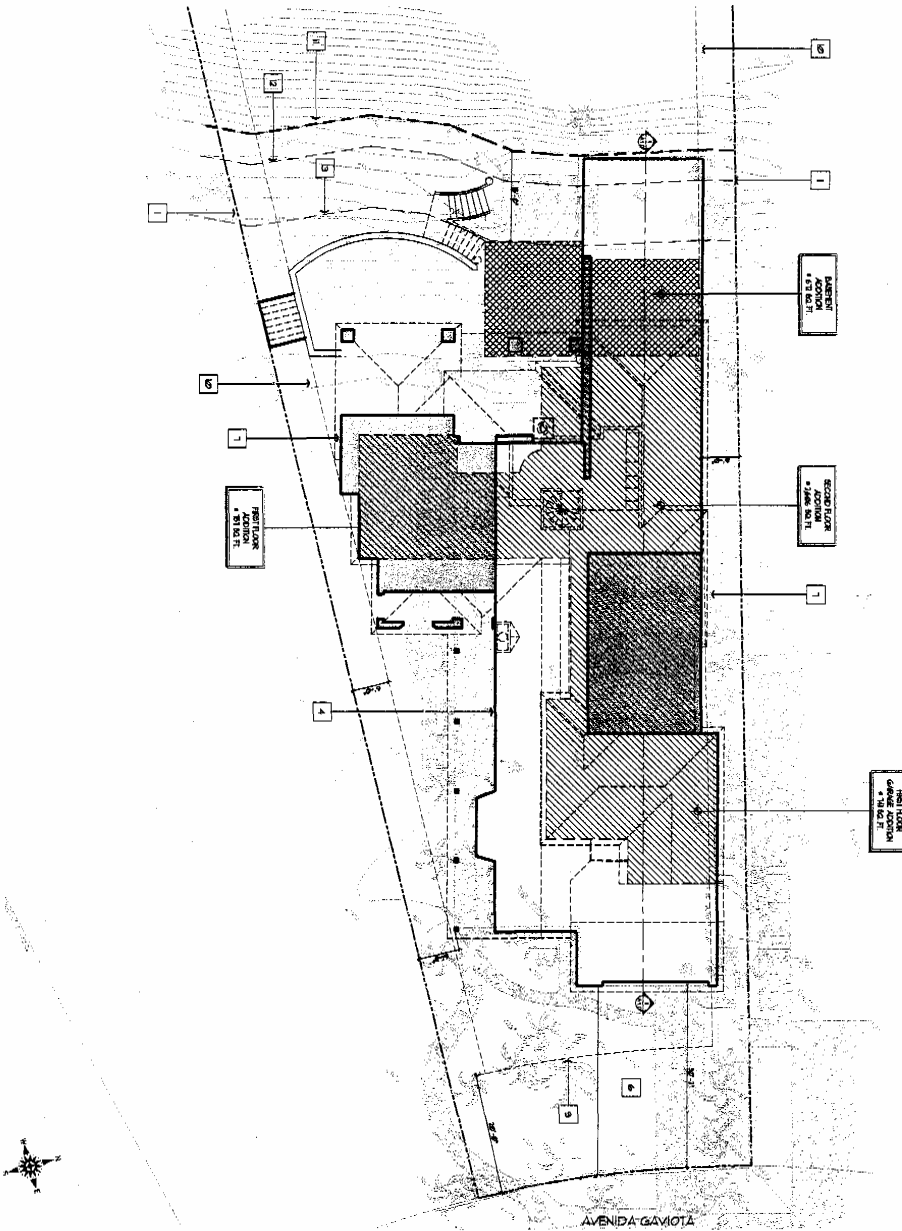


FIGURE 2-5

CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 9

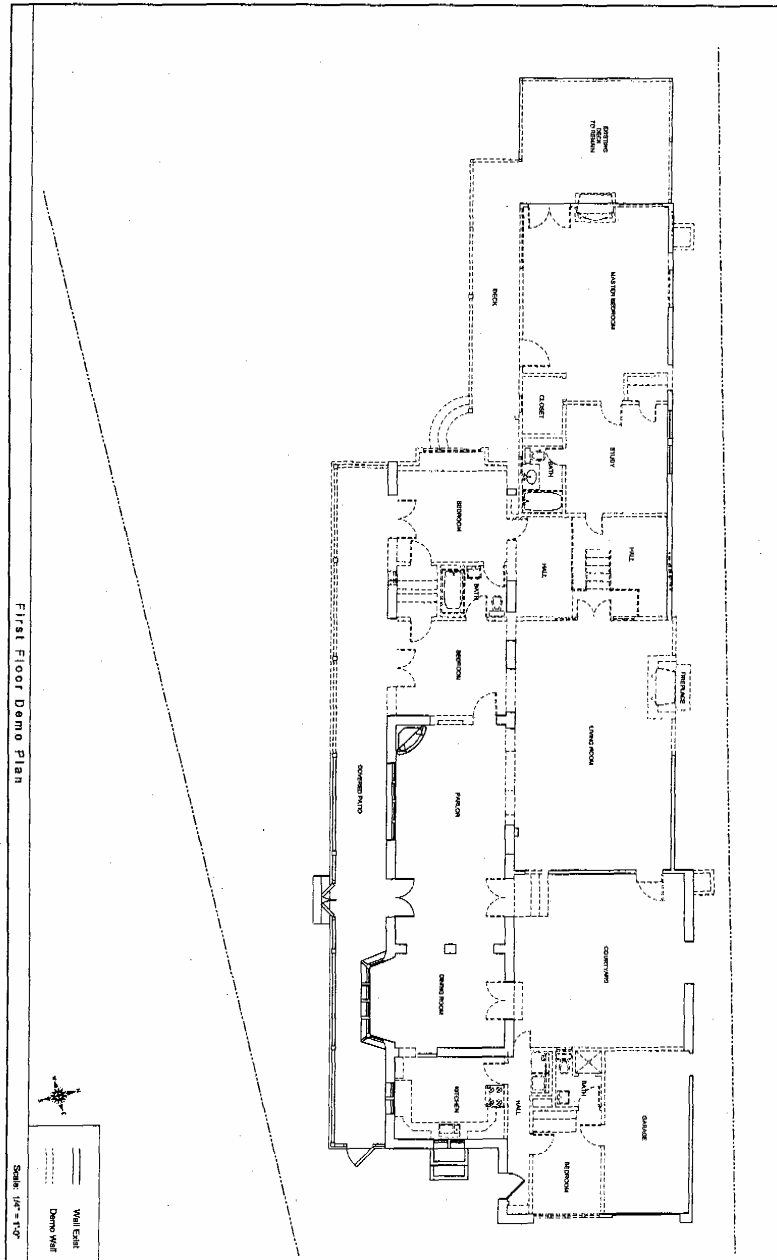


Site Plan Keynotes	
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2	EXISTING BUILDING FOOTPRINT
3	EXISTING DRIVEWAY
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COASTAL COMMISSION

EXHIBIT # 5
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A1.2



First Floor Demo Plan

300 S. La Brea Avenue
 Los Angeles, CA 90008
 Michael Luna, Architect

The La Forge Residence

Architect

Architect
 1
 1/8" = 1'-0"

Michael Luna

COASTAL COMMISSION

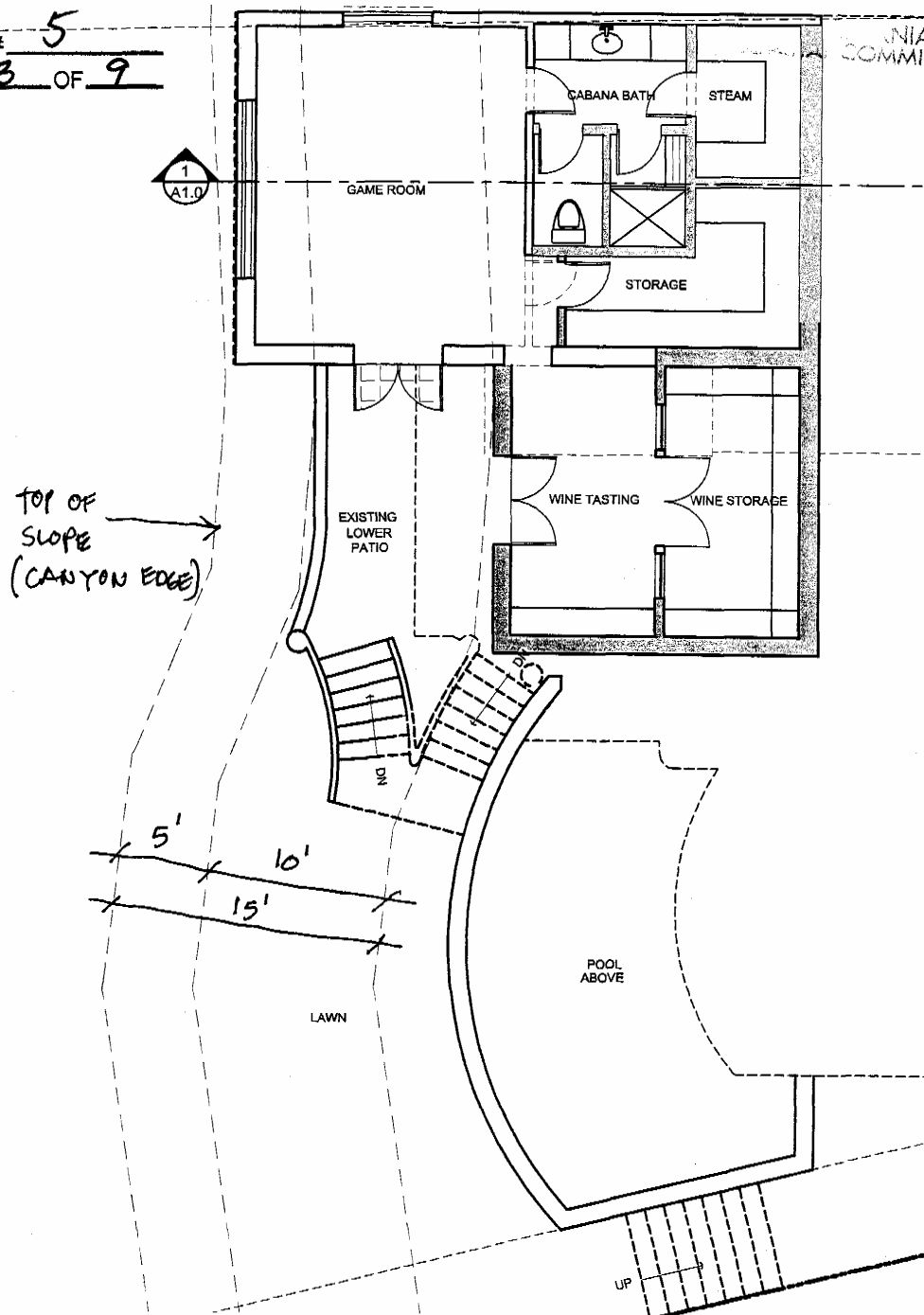
EXHIBIT # 5
PAGE 3 OF 9

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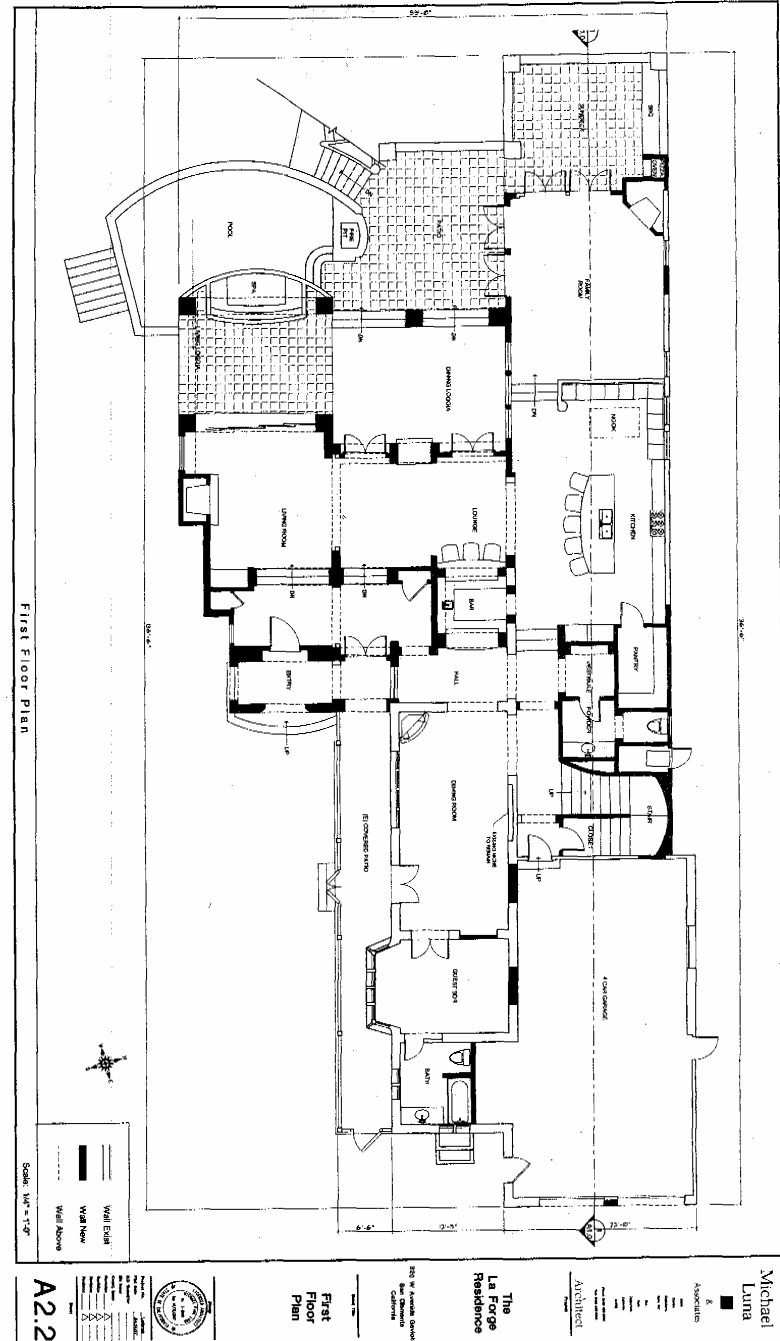
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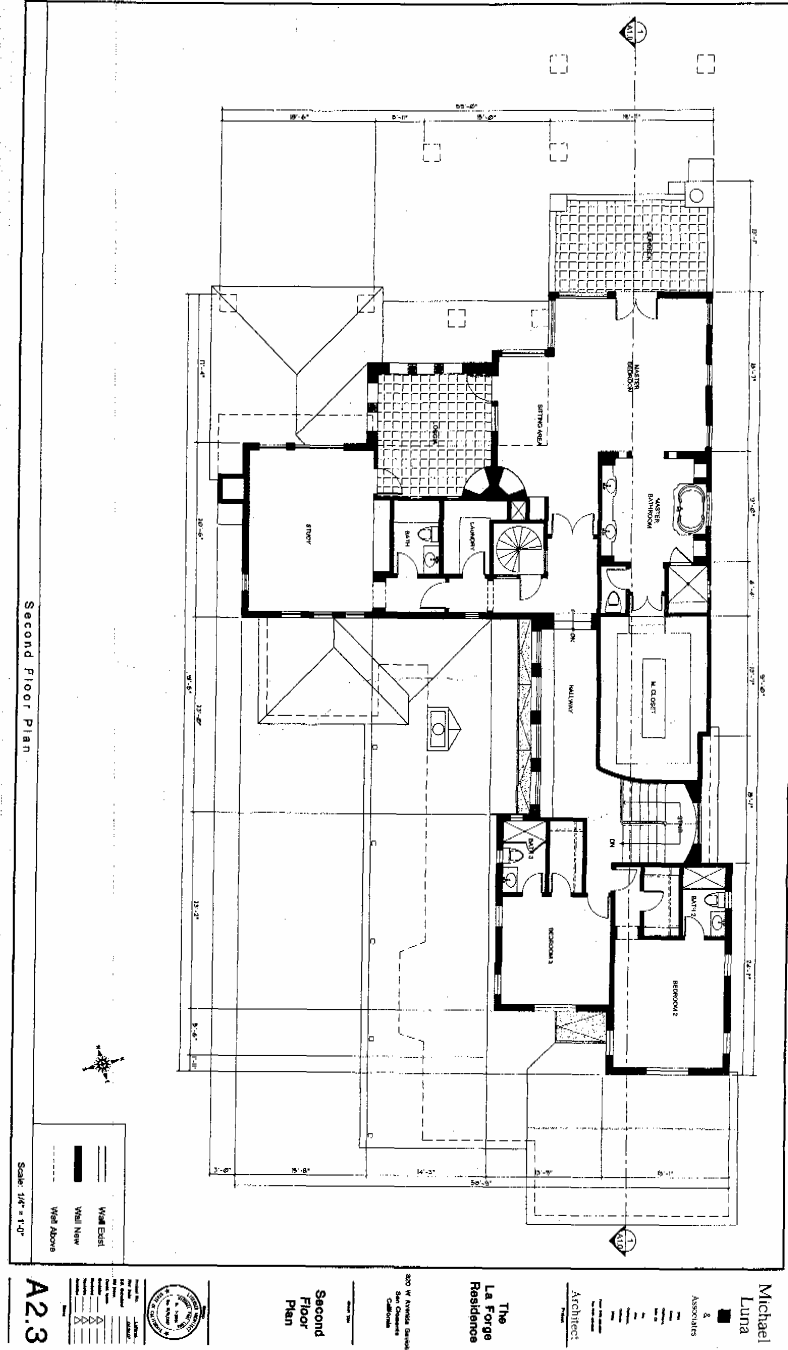
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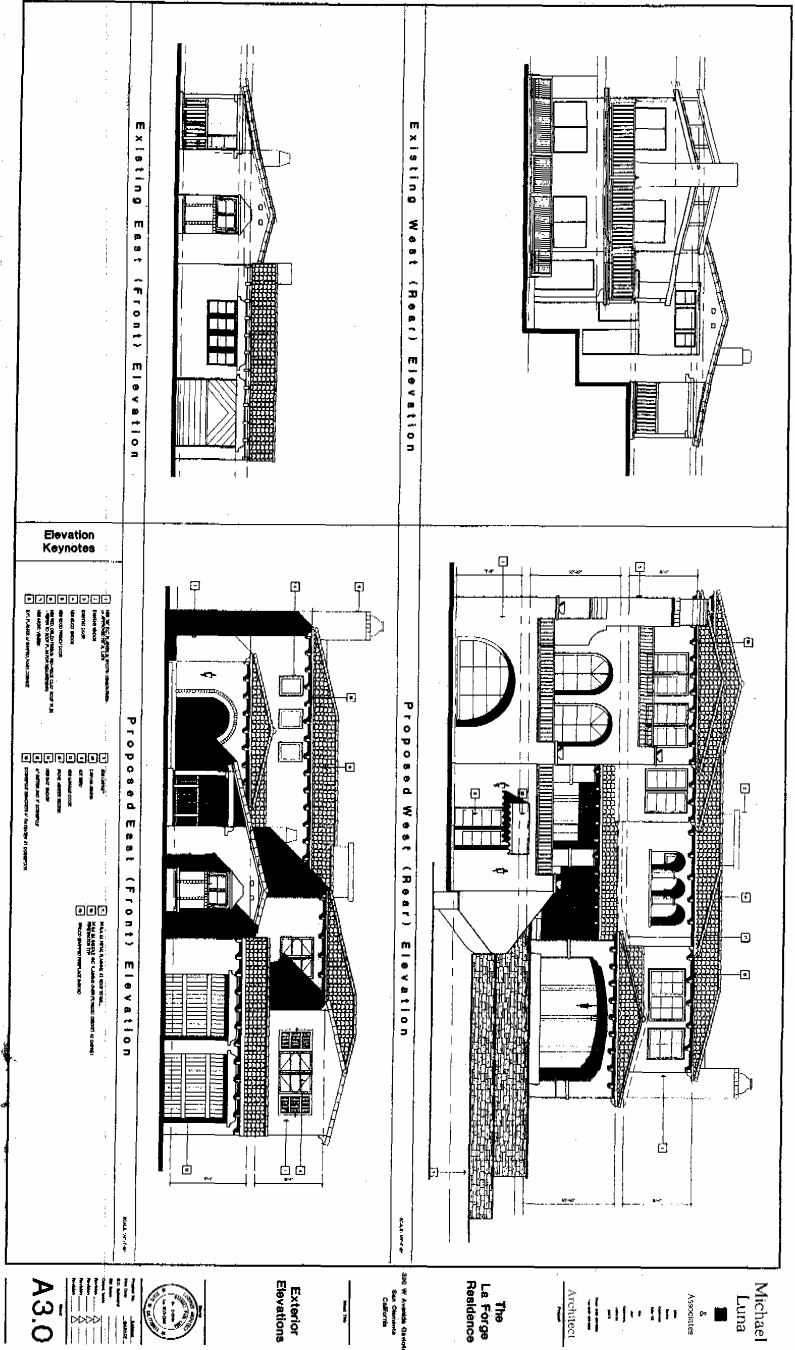
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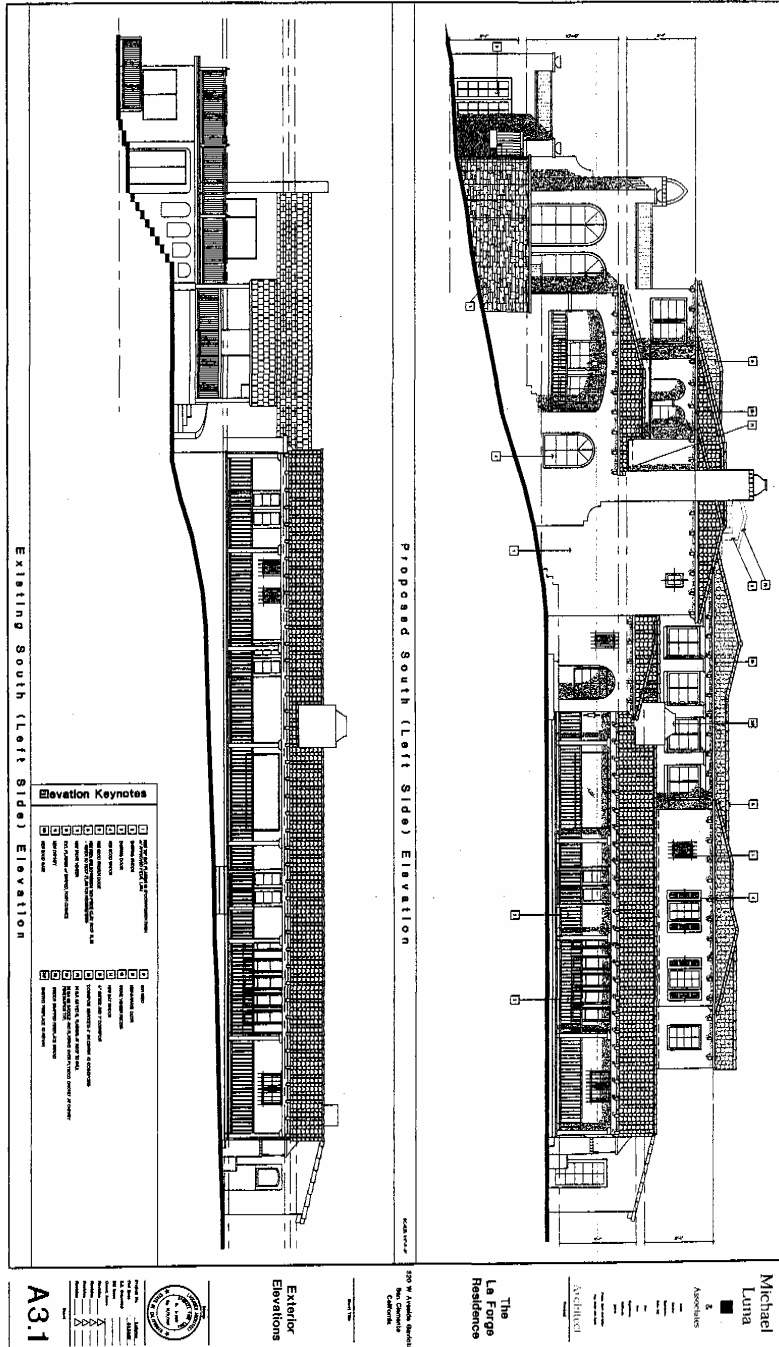
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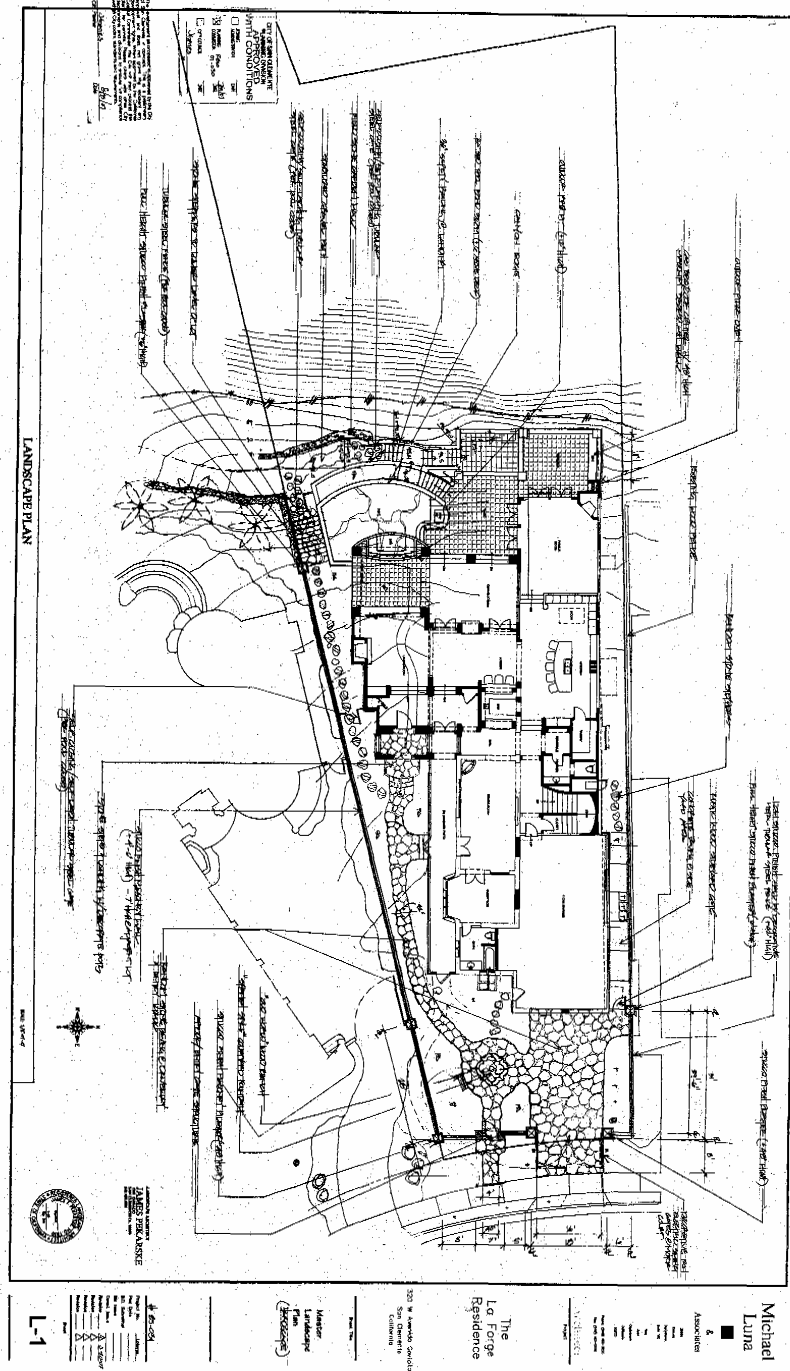
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COASTAL COMMISSION

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