

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

# W 5b

Permit Application No. **5-10-141**

Date: January 20, 2011

Page 1 of 8



## ADMINISTRATIVE PERMIT

**APPLICANT:** Jay Namson

### **PROJECT**

**DESCRIPTION:** Addition of a 763 sq. ft. lower floor supported by existing grade beams and caissons, below an existing 2,077 sq. ft. single family residence and new concrete porch and steps, resulting in a 2840 sq. ft. single family residence, and 863 sq. ft. garage. Grading consists of 22 cubic yards of cut

### **PROJECT**

**LOCATION:** 222 Trafalgar Lane, San Clemente, Orange County

**EXECUTIVE DIRECTOR'S DETERMINATION:** The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

February 9, 2011  
Chula Vista City Council Chambers  
276 Fourth Avenue  
Chula Vista, CA

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

PETER DOUGLAS  
Executive Director

By: John Del Arroz  
Title: Coastal Program Analyst

**STANDARD CONDITIONS:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS:** See page five.

**EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

**FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:**

**A. Project Description**

The project site is on the edge of Trafalgar Canyon, which is a designated Coastal Canyon in the City of San Clemente's certified Land Use Plan. The 7,439 sq. ft. lot is located approximately 0.2 miles from the beach, and is currently developed with a 2,077 square foot single family residence with an 863 sq. ft. three car garage. An existing crawlspace lies beneath the existing single family residence on the canyonward portion of the site. The proposed project would result in the transformation of this uninhabitable crawlspace to 763 sq. ft. of habitable space.

The proposed 763 sq. ft. addition would be located within the footprint of the existing building, beneath the existing residence, and complies with stringline requirements. The new addition would

be accessed through a new stairway located at the northeastern side of the residence. The proposed project uses the existing caisson and grade beam foundation of the house for support. The applicant has submitted geotechnical documents indicating that the existing foundation is suitable for the proposed development, and that the proposed addition will not significantly impact existing geologic conditions on site.

The existing use is a single family residence. The access to the new addition is via an exterior stairway, as opposed to an interior one. This configuration would make it possible for the property owner to use the added living space as a second living unit, which would have additional parking requirements. The applicant's proposal is not for a second living unit and thus does not include parking to support a second living unit. Any change to the intensity of use of the site, including making use of the added living space as a second living unit, would require a coastal development permit. Thus, the Commission imposes Special Condition No. 2.

San Clemente's certified LUP advocates the preservation of native vegetation. 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 (ESHA). 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 that is part of the property lot is degraded due to the presence of non-native plant species. No portion of the applicant's site contains resources that rise to the level of ESHA. The applicant has stated that the project will not impact existing canyon vegetation. However, to ensure that existing habitat is not impacted, a special condition is imposed requiring revegetation for all vegetation impacted by construction activities.

The proposed decks will use metal railing for the new deck, and will not pose an additional bird strike hazard. The existing single family residence currently has 3 parking spaces, consistent with the Commission's typically applied parking requirement. A special condition requiring Best Management Practices has been imposed to prevent discharge of polluted runoff during construction. The proposed development is consistent with past Commission actions in the area. Thus, as conditioned, the proposed addition will have no adverse impact on coastal access or resources in the project vicinity, and is consistent with the Chapter 3 policies of the Coastal Act.

#### **B. 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, the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

#### **C. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the

site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with 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.

**D. LOCAL COASTAL PROGRAM**

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

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**SPECIAL CONDITIONS:**

1. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from geologic instability; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

2. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-10-141. 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 a change in intensity of use from a single family residence to a multi-family residence, and 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. 5-10-141 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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

A. The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) 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.
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and 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 coastal waters; and

- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.
- B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:
- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
  - (2) The applicant shall develop and implement spill prevention and control measures;
  - (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a storm drain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction

4. Orange County Fire Authority Approval

**PRIOR TO ISSUANCE OF THE NOTICE OF ADMINISTRATIVE PERMIT**

**EFFECTIVENESS**, the applicant 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 applicant 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 applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

5. Submittal of Final Grading and Drainage Plan

A. **PRIOR TO ISSUANCE OF THE NOTICE OF ADMINISTRATIVE PERMIT**

**EFFECTIVENESS**, the applicant 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:

1. 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;
2. 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;
3. 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.
4. Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface to the canyon bottom; and
5. The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.

B. The permittee 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.

6. Landscaping – Native, and Drought Tolerant, Non Invasive Plants

All areas affected by construction activities not occupied by structural development shall be re-vegetated for habitat enhancement and erosion control purposes. Vegetated 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. Native plants shall be from local stock wherever possible. Landscaped areas in the front yard (street-facing) area shall consist of native and/or non-invasive non-native drought tolerant 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>).

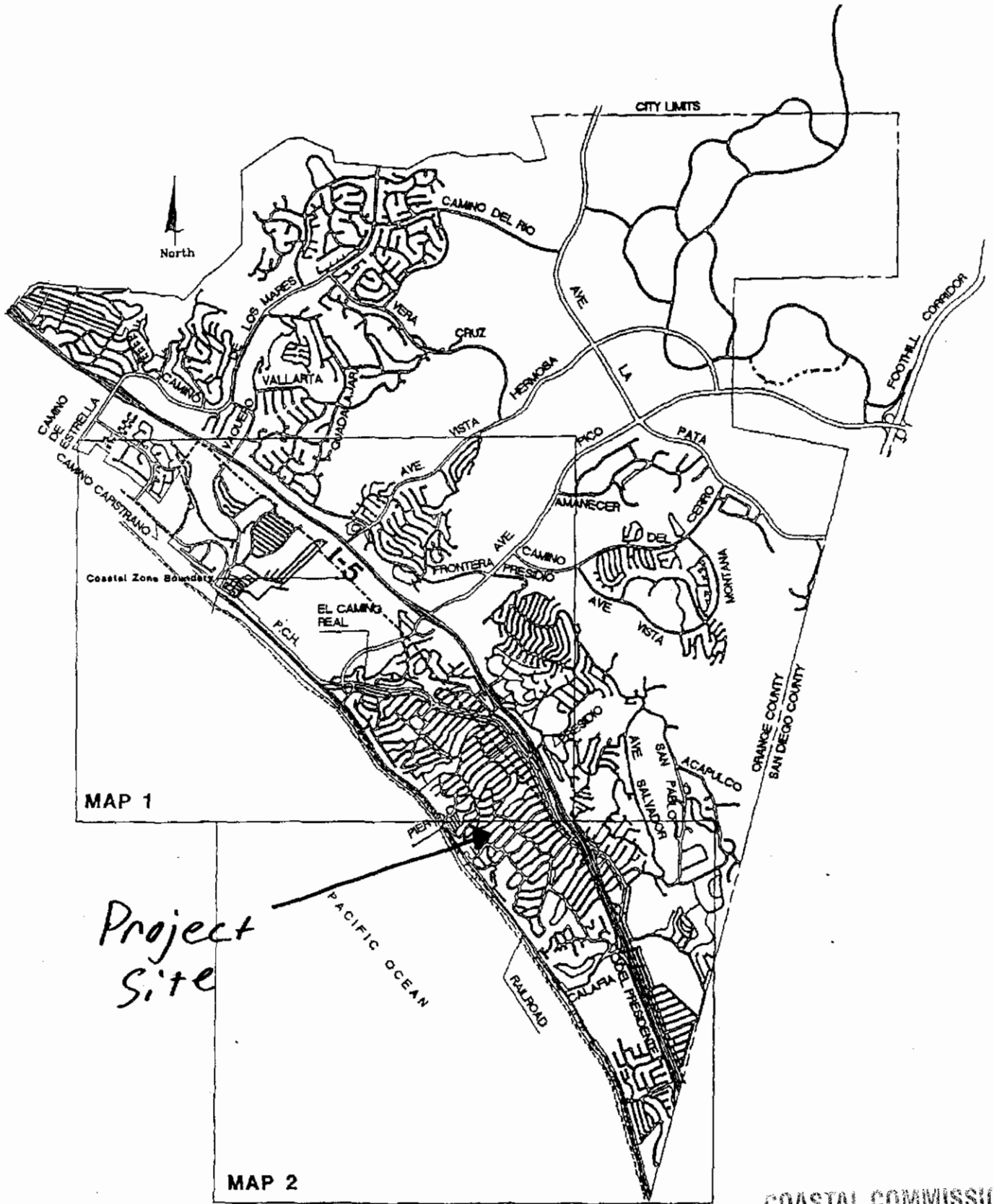
**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:**

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

\_\_\_\_\_  
Applicants' Signature

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





MAP 1

MAP 2

*Project Site*

**COASTAL ZONE BOUNDARY MAP**  
**INDEX MAP**



**FIGURE 1-1**

COASTAL COMMISSION

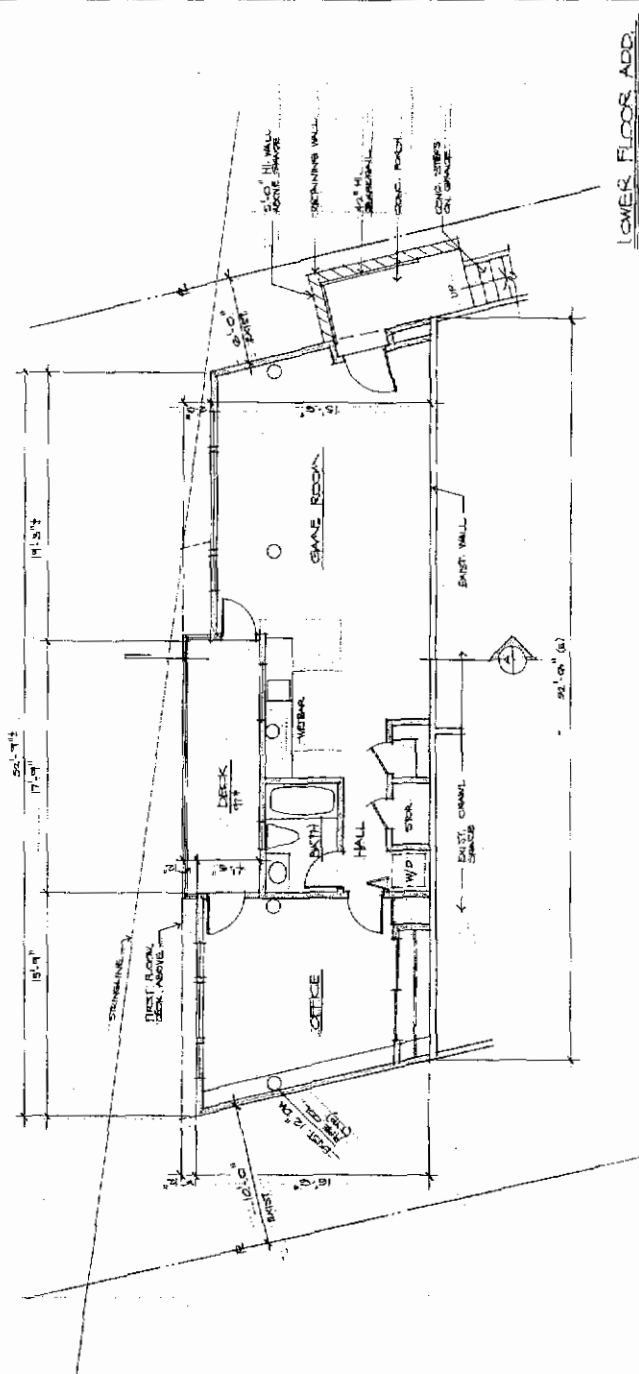
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PAGE \_\_\_\_\_ OF \_\_\_\_\_

REVISIONS	BY	DATE

PROJECT ADDRESS: SAME  
 PROJECT NO: 0877  
 222 MARSHWALK LANE  
 SAN CLEMENTE, CA 92774  
 MR. JAY NAYSON  
 A ROOM ADDITION FOR

DATE	DESCRIPTION

NO. OF SHEETS: 2  
 SHEET NO: A-2



LOWER FLOOR ADD.  
 UNDER EXIST' FLOOR.  
 3'-6\"/>

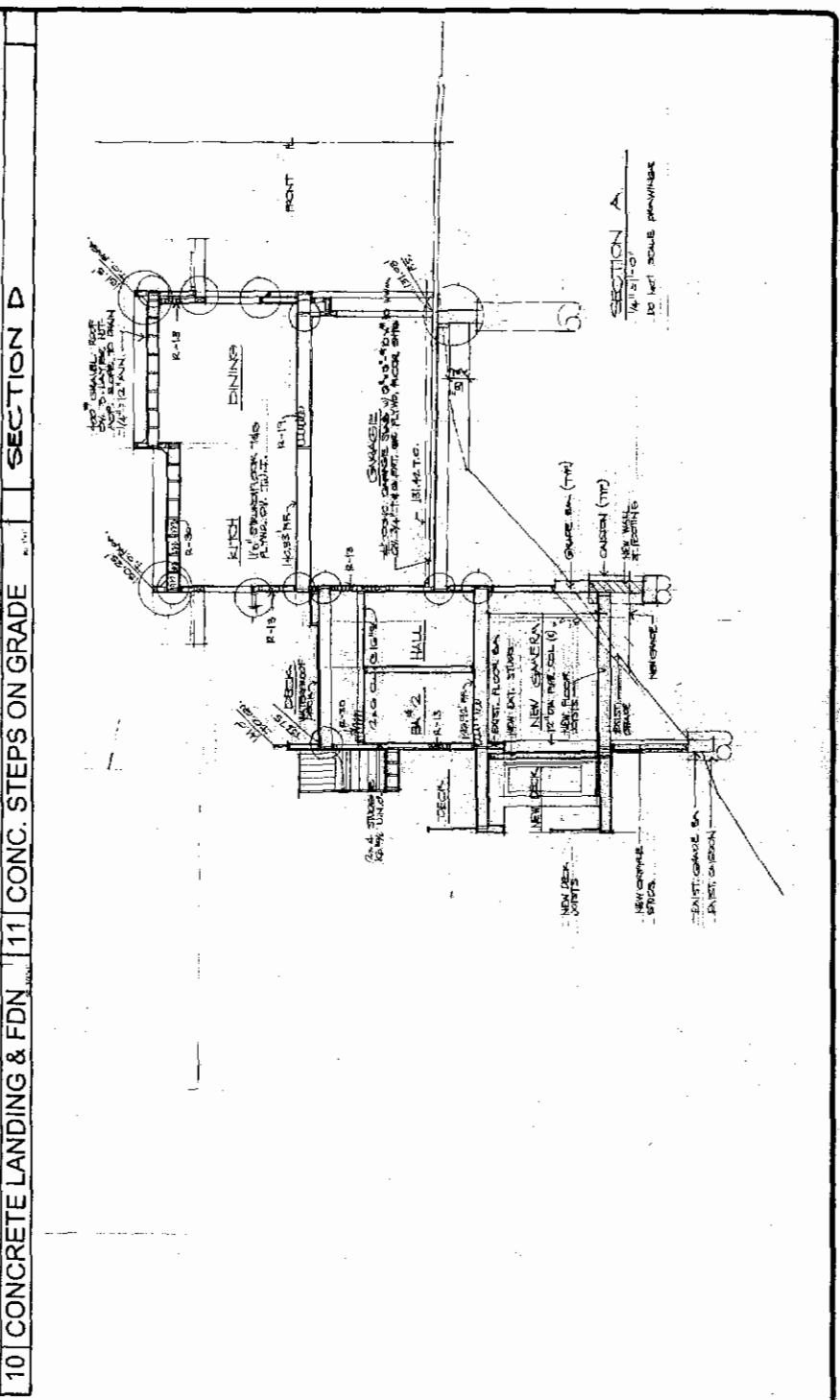
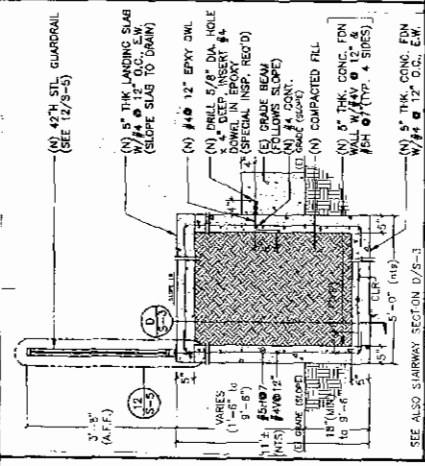
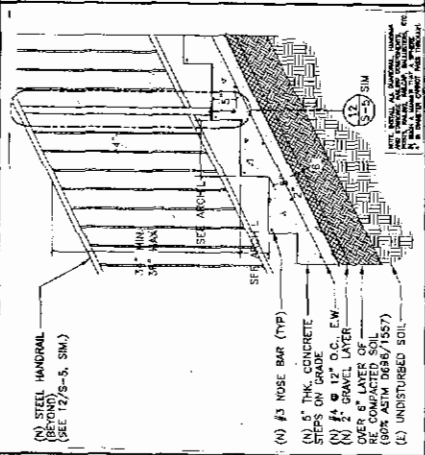
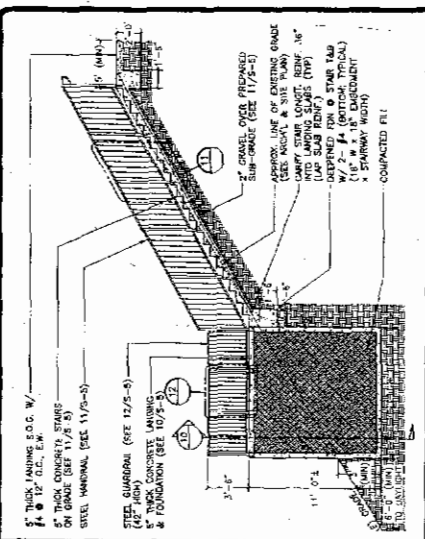
COASTAL COMMISSION

EXHIBIT # 2  
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DATE	9/27/10
PROJECT NO.	
PROJECT ADDRESS	
DATE	
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DATE	
DATE	
DATE	

PROJECT ADDRESS: SAME  
 M. D. 105 0277  
 222 CLARENCE CA. 10472  
 M. D. 105 0277  
 A ROOM ADDITION FOR  
 MR. JAY MASON

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COASTAL COMMISSION

EXHIBIT # 3  
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DATE OF EXPIRATION: NONE