CALIFORNIA COASTAL COMMISSION

South Coast Area Office

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200 Oceangate, Suite 1000 Long Beach, CA 90802-4302 **F14c** 



Staff: Liliana Roman – LB Date: October 24, 2013

# **ADMINISTRATIVE PERMIT**

Application No. 5-13-0625

Applicant: Collin Cook

Project

Project

**Description**: Major remodel of an existing one-story, 1,171 sq. ft. single family residence with attached 396 sq. ft. 2-car garage consisting of a 783 sq. ft. addition (247 sq. ft. ground floor addition and new 356 sq. ft. second story addition) resulting in a 1,954 sq. ft., 24' tall two story single family residence, plus new 403 sq. ft. ground floor deck and new 141 sq. ft. balcony deck on a coastal canyon lot.

**Location:** 228 W. Avenida San Antonio, San Clemente (Orange County)

#### **EXECUTIVE DIRECTOR'S DETERMINATION**

The findings for this determination, and for any special conditions, appear on subsequent pages.

<u>NOTE</u>: 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:

Friday, November 15, 2013 8:00 am City of Newport Beach 100 Civic Center Drive Newport Beach, CA 92660

#### 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.

CHARLES LESTER Executive Director

By: <u>Liliana Roman</u> Title: <u>Coastal Program Analyst</u>

#### **STANDARD CONDITIONS:**

This permit is granted subject to the following standard conditions:

- 1. <u>Notice of Receipt and Acknowledgment.</u> 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. <u>Expiration</u>. If development has not commenced, the permit will expire two years from the date 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. <u>Interpretation</u>. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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 pages seven thru nine.

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

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive

Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

### FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

#### A. **PROJECT DESCRIPTION**

The project site is located at 228 West Avenida San Antonio, San Clemente, Orange County (Exhibit 1). The site is an 11,556 sq. ft. trapezoidal shaped coastal canyon lot along the Lobos Marinos Canyon. The property fronts on West Avenida San Antonio and extends westerly to the rear of the property boundary, beyond the canyon edge. The site is developed with an existing one-story single family residence and attached garage. The site is within an existing urban residential area surrounded by other single family residences. The City of San Clemente Land Use Plan (LUP) designates the site as Residential Low Density and the proposed project is consistent with this designation. The nearest public access to the beach is approximately one mile south of the site at the Lost Winds Coastal Access Point (Exhibit 3).

The applicant is proposing a major remodel of an existing 1965 (Pre-Coastal Act) one-story, 1,171 sq. ft. single family residence with an attached 396 sq. ft. 2-car garage. The remodel consists of a 783 sq. ft. addition (247 sq. ft. ground floor addition and new 356 sq. ft. second story addition) resulting in a 1,954 sq. ft., 24' tall two story single family residence. Additionally, a new 403 sq. ft. ground floor deck and new 141 sq. ft. balcony deck are proposed. The existing single family residence appears to be supported on a shallow conventional footing foundation with raised floors. The proposed addition will also utilize shallow conventional footing foundation. No new landscaping or drainage improvements are proposed. Currently, runoff from the subject site is directed away from the coastal canyon edge to the frontage road. Though minor demolition of exterior walls is proposed, the addition results in an increase of more than 50% square feet of interior living space and is therefore considered new development. Project plans are included in Exhibit 4.

As proposed, no construction staging will take place within the canyon. Furthermore, **Special Condition #4** requires additional construction phase BMPs to ensure the protection of the coastal canyon habitat and that of coastal waters. No landscaping is proposed, however, the applicant proposes to re-vegetate any areas that may be disturbed during construction for erosion control purposes with native plant species.

#### Resources

The proposed development is located on a coastal canyon lot. Los Lobos Marinos Canyon is one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP (Exhibit 2). The applicant's property extends to the canyon bottom. The canyon is considered somewhat degraded at this particular site due to the presence of both native and non-native plant species throughout the canyon. 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. Encroachment into the canyon by development increases the potential for the introduction of non-native plant species, and predation of native species by domestic animals, and destabilization of the canyon from excess irrigation. Encroaching development also threatens the visual quality of the canyons. The LUP policies regarding coastal canyons were designed for habitat protection and enhancement; to minimize visual impacts and landform alteration; to avoid cumulative adverse impacts of development encroachment into the canyon; and as a means to limit brush management necessary for fire protection.

As proposed, the proposed addition to the existing residence is setback a minimum of 15' from the canyon edge and the proposed wood deck is setback 5' from the canyon edge. Additionally, both the addition to the existing residence and the new wood deck meet both the structural and deck stringlines. Therefore, the proposed development will not encroach further into the canyon and will also result in minimal visual impacts and landform alteration. Furthermore, the applicant proposes and **Special Condition #3** requires, any disturbed canyon areas will be replanted with non-invasive, low-water use plants native to Orange County coastal canyon habitat.

#### Hazards

Most projects along the coastal canyon slopes involve some form of unpredictable risks from erosion, land slides, earthquakes or fires, to name a few. The proposed project is located atop a coastal canyon rim, which is an area that may be subject to potential damage or destruction from natural hazards, including slope instability, erosion, landslides, and earth movement given the general nature of coastal canyons in certain parts of the California coast and seismic activity of nearby faults. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks and therefore imposes **Special Condition #2**. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and geologic hazards that exists on the site and that may affect the safety of the proposed development.

Because of the potential for future improvements to the proposed residence or associated landscaping 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 #5**. This condition informs the applicant that future development at the site would require a new coastal development permit. Future development includes, but is not limited to, structural additions, installation of any hardscape and/or decks, landscaping and fencing. Therefore, as conditioned, the Commission finds that the development conforms to the requirements of Sections 30251 and 30253 of the Coastal Act regarding the siting of development in areas that minimize landform alteration and addresses hazards.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of San Clemente only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

#### **B.** WATER QUALITY

The proposed development has a potential for discharge of polluted runoff from the project site into nearby coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

#### C. **DEVELOPMENT**

Development adjacent to slopes such as those found on canyons or hillsides is inherently hazardous. To minimize risks to life and property the development has been conditioned to: require an appropriate set-back from the top of the slope, and that future improvements must come back to the Commission for review. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30253 of the Coastal Act regarding the siting of development in hazardous locations.

#### D. 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.

#### 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.

This permit is granted subject to the following special conditions:

## **SPECIAL CONDITIONS:**

1. **Conformance to Proposed Plans.** The applicant shall conform with the proposed architectural plans submitted to the Commission on August 9, 2013, prepared by Gregory J Castle, Architect dated July 17, 2013. The edge of the north facing coastal canyon is generally depicted along the 109-110 foot contour line.

The permittee 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 plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 2. 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 fire, slope instability, erosion, landslides, and earth movement; (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.
- 3. Landscaping Drought Tolerant, Non-Invasive Plans. Vegetated landscaped areas within the canyon portion of the project site shall only 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. No permanent in-ground irrigation systems shall be installed on the canyon-facing portion of the site. Temporary above ground irrigation is allowed to establish plantings. Vegetated landscaped areas on the street-side of the residence are encouraged to use native plant species, however, non-native drought tolerant non-invasive plant species may also be used in that area. 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 (http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf).
- 4. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:
  - (a) 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;
  - (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) 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;
- (d) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (e) 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.

Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

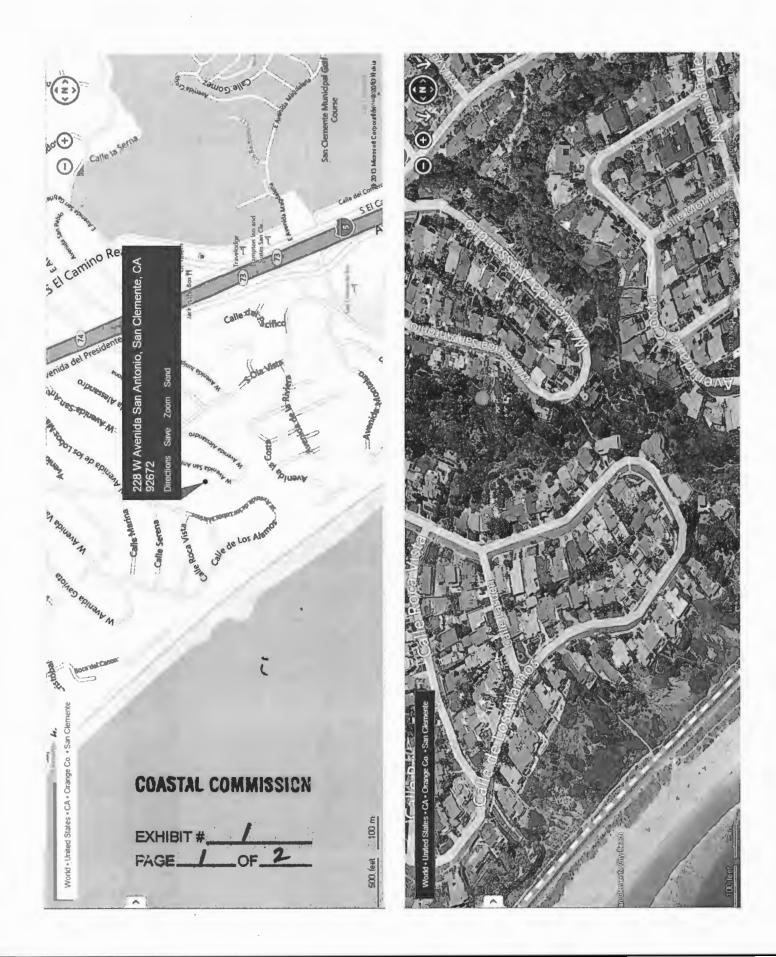
- (f) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (g) The applicant shall develop and implement spill prevention and control measures;
- (h) 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 stormdrain, open ditch or surface water; and
- (i) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- 5. Future Improvements. This permit is only for the development described in Coastal Development Permit No. 5-13-0625. 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 this development governed by the Coastal Development Permit No. 5-13-0625 Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-13-0625 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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

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

Applicant's Signature

Date of Signing



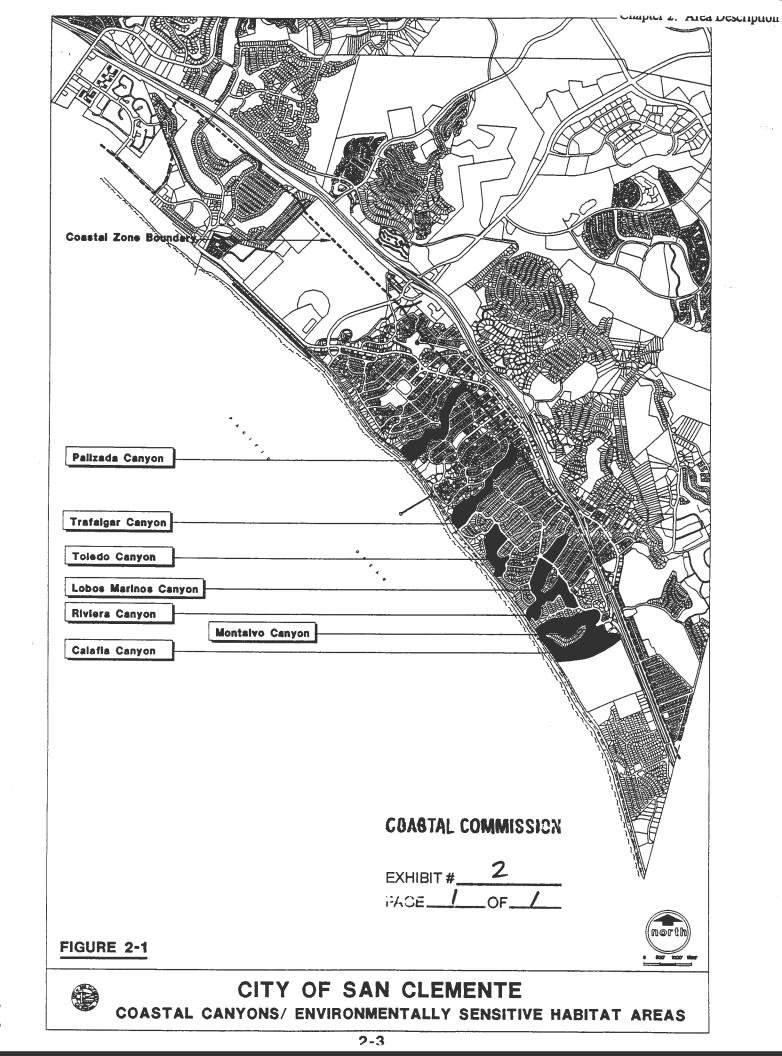


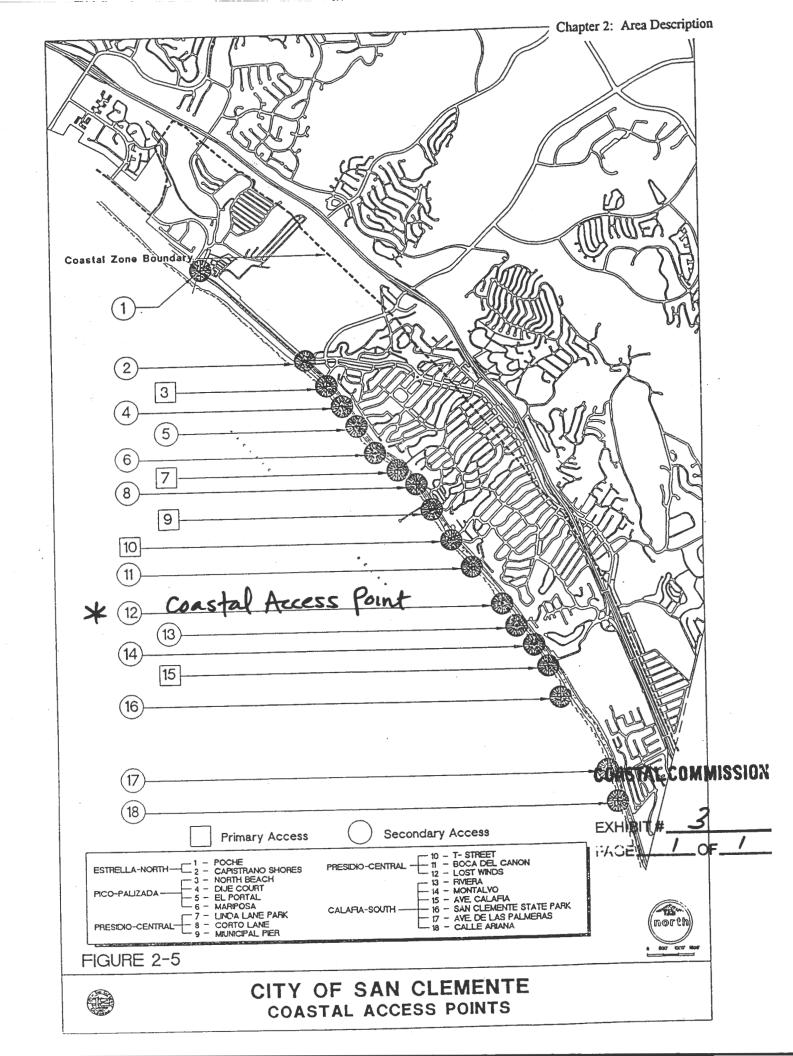


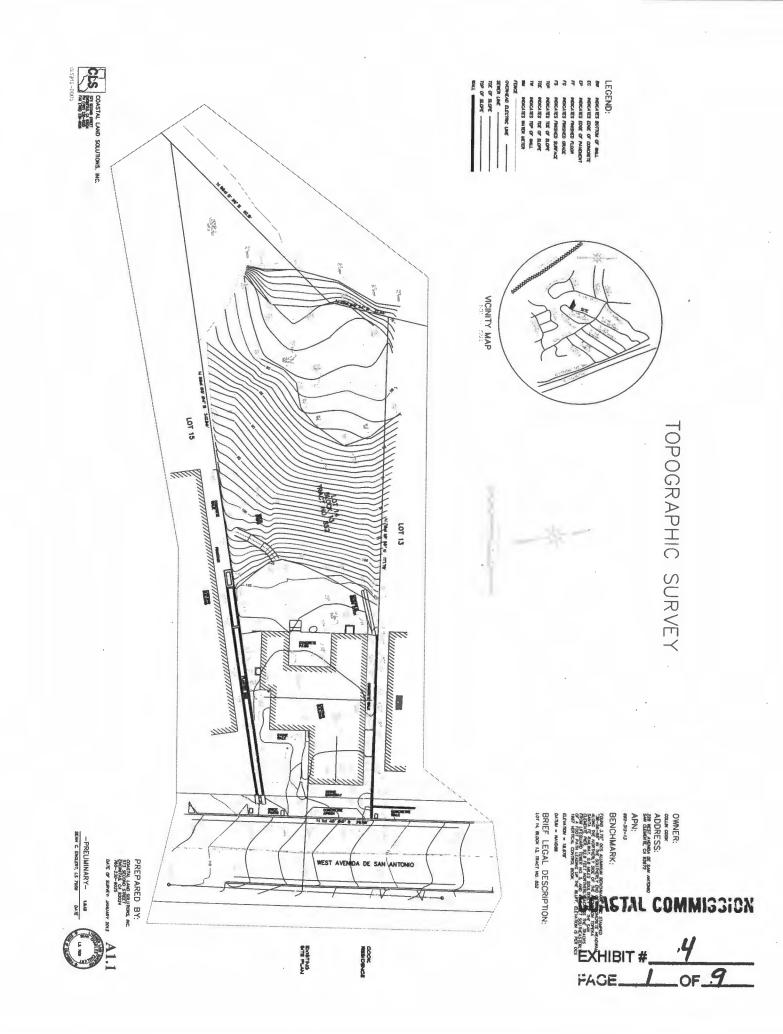
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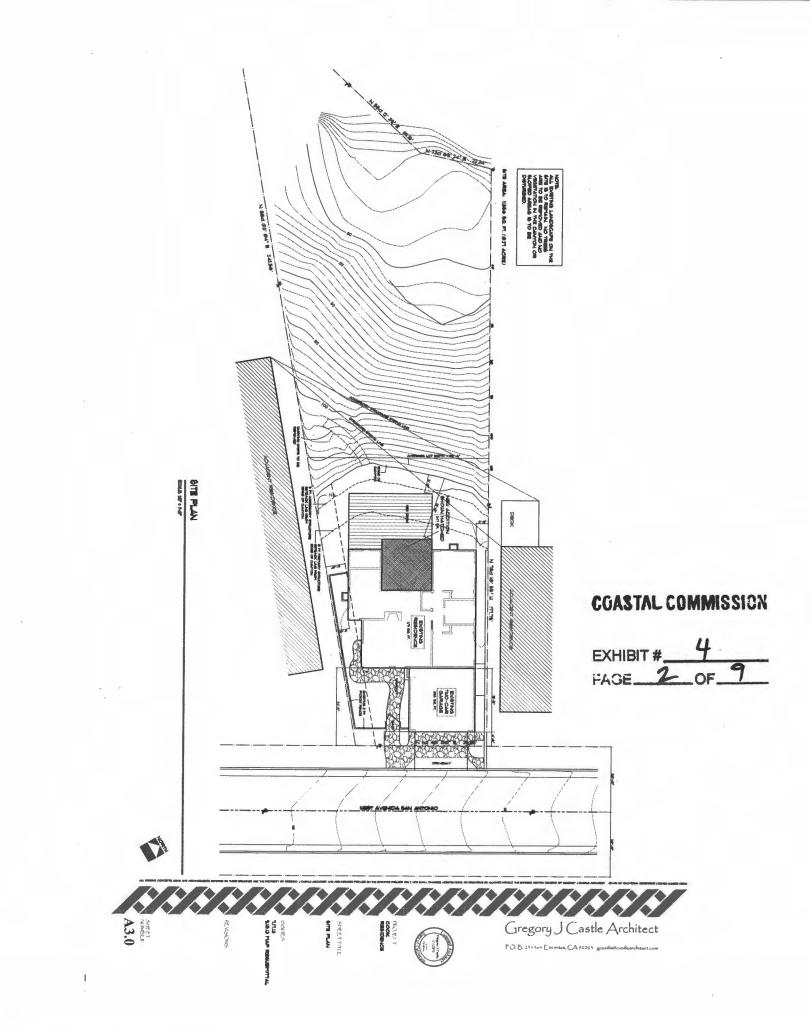
# COASTAL COMMISSION

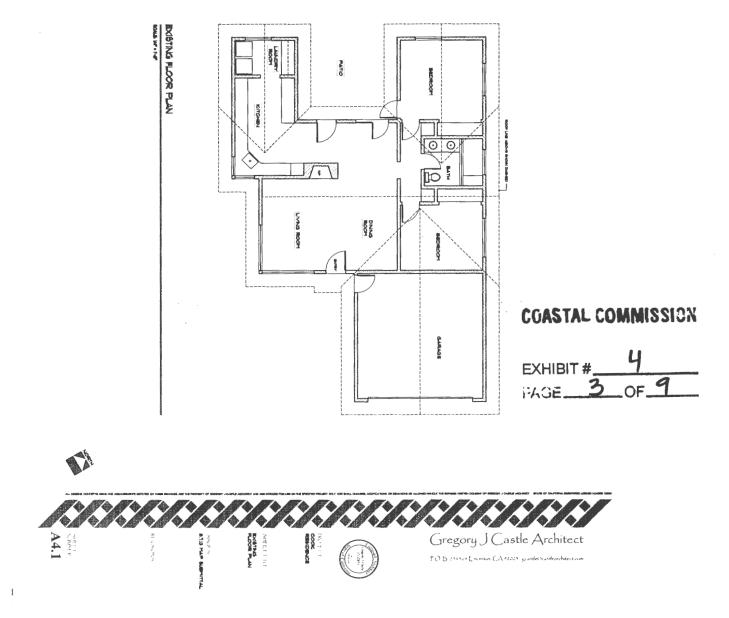
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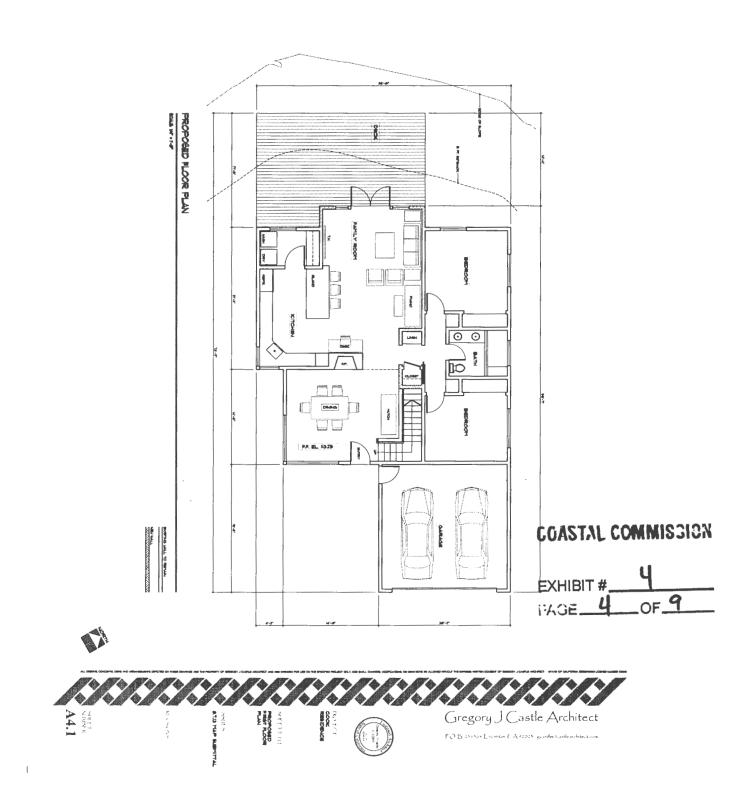


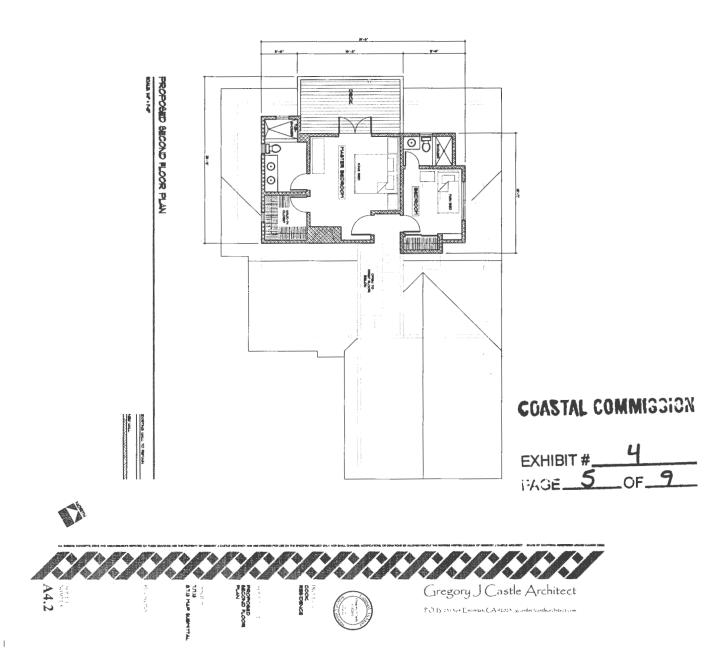




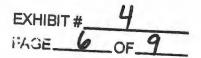


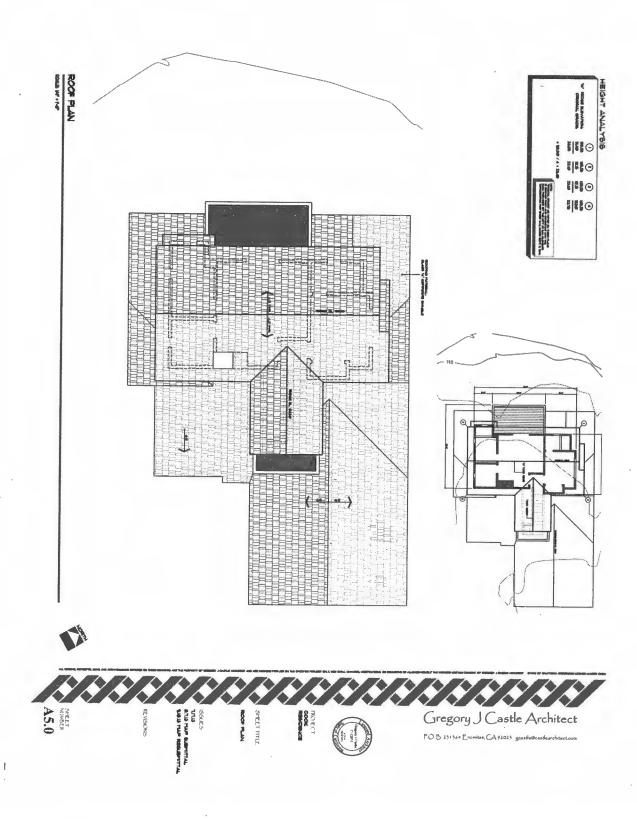




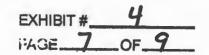


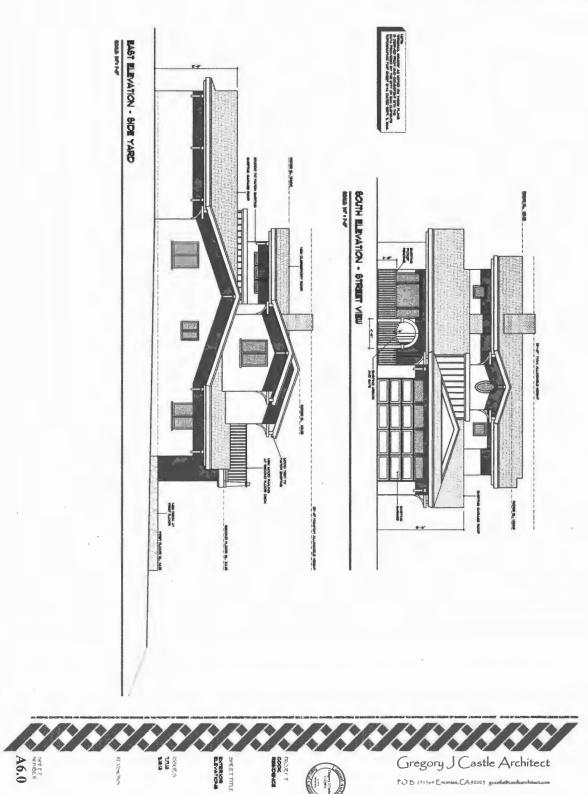
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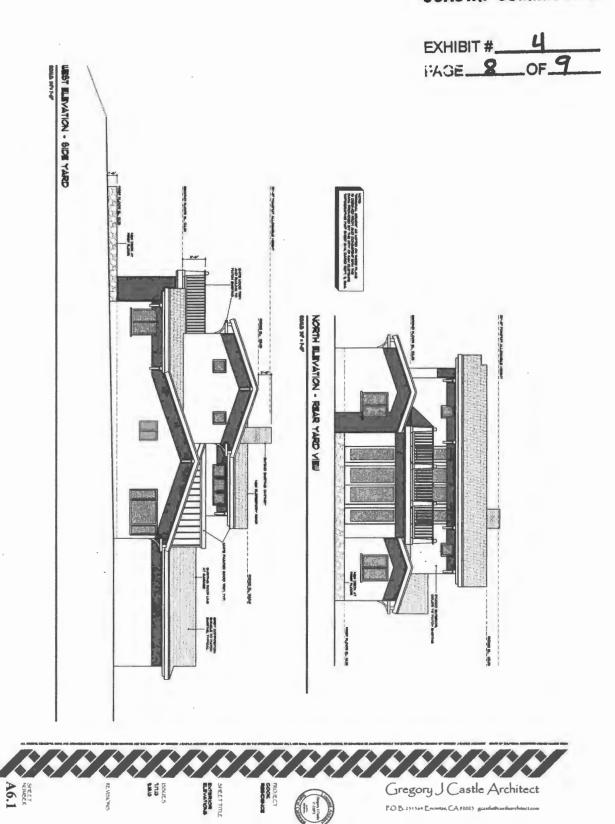


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