

CALIFORNIA COASTAL COMMISSION

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**F15f**

Filed:	9/19/13
180th Day:	3/18/14
Staff:	L. Roman-LB
Staff Report:	10/24/13
Hearing Date:	11/15/13

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-13-0528

Applicant: Ryan and Yvette Whitmore

Agent: Alan Block

Location: 235 W. Marquita, San Clemente, Orange County
(APN692-095-17)

Project Description: Major remodel of an existing one-story, 1,250 sq.ft., single-family residence consisting of complete interior remodel, new 836 sq.ft. addition (575 sq.ft. second story addition and 262 sq.ft. first floor addition), construct new driveway and 400 sq.ft., 2-car attached carport, retain existing 902 sq. ft. deck and add 128 sq.ft. to expand it and replace entire deck railing, new retaining walls, landscaping and new spa on coastal canyon lot

Staff Recommendation: Approval with conditions

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 - Vicinity Map and Aerial Photograph
Exhibit 2 – Project Plans – Architectural, Grading/Drainage, and Landscaping
Exhibit 3 – Coastal Access Points
Exhibit 4 – Coastal Canyons
Exhibit 5 – Correspondence from Applicant's Agent dated October 22, 2013

I. MOTION AND RESOLUTION

Motion:

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

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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:

This permit is granted subject to the following 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 of 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:

This permit is granted subject to the following special conditions:

1. **Submittal of Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director two (2) sets of final architectural plans, grading plans, drainage/run-off control plans, foundation plans and landscaping plans that substantially conform with the plans submitted to the Commission on July 16, 2013, prepared by Jack Garland, Architect and the Precise Grading Plan prepared by Saxon Engineering, but shall be revised as follows:

- 1) The plans shall be revised consistent with correspondence from the applicant's agent dated October 22, 2012 indicating that the 903 sq. ft. wood deck along the coastal canyon edge is no longer proposed to be replaced; and clearly note that only the deck railing is proposed to be replaced. The plans shall indicate the linear feet of deck railing proposed to be replaced and proposed railing details (i.e. height, material, etc.). The plans shall delete any other proposed work to wood deck area including any proposed grading, new drain inlets, new drain pipes.
- 2) All non-conforming development on the coastal canyon slope (e.g., retaining walls, railroad tie stairs, fire pit, and shed) shall be shaded and clearly marked "*this element not permitted under this coastal development permit #5-13-0528*" on each set of plans;

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. **Conformance with Geotechnical Recommendations.** All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall meet or exceed all recommendations and requirements contained in the Geotechnical Engineering Report, Single Family Residential Additions, 235 W. Marquita, San Clemente, California, prepared by South Coast Geotechnical Services, dated March 11, 2013.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, all final design and construction plans, including foundations, grading and drainage plans along with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering report.

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 unless the Executive Director determines that no amendment is legally required.

3. **Spa 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 spa protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed spa. The spa protection plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a spa leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the spa which is separate from the water meter for the house to allow for the monitoring of water usage for the spa, and 2) use of materials and spa 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 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 spa that conveys any water leakage to an appropriate drainage outlet. The applicants shall comply with the final spa plan approved by the Executive Director.
4. **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>).
5. **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 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.

6. **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:

- (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;
- (4) 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
- (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.

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:

- (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 stormdrain, open ditch or surface water; and

- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

7. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-13-0528. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit No. 5-13-0528. 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. 5-13-0528 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:

A. PROJECT LOCATION & DESCRIPTION

The proposed development is located at 235 West Avenida Marquita in the City of San Clemente, Orange County (Exhibit 1). The proposed development is located on a coastal canyon lot between the sea and the first public road. The subject site is designated RM (Residential Medium Density) in the San Clemente certified Land Use Plan (LUP). Single-family residential units are allowed under the RM designation.

The 10,454 square foot coastal canyon lot is developed with a 1,250 sq. ft. single-family residence fronting the West Avenida Marquita frontage road and a 902 sq. ft. wood deck at the south facing approximately 23-foot tall the coastal canyon slope. The property line extends all the way down to the toe of the canyon. The coastal canyon slope descends to Linda Lane Park (a municipal park) and the Linda Lane Park public coastal access point to the beach. The subject site is a single-story, single family residence surrounded by multi-story, multi-family buildings.

Adequate public access to the beach exists in the vicinity of the project site. The subject site is atop the Palizada Canyon coastal canyon, public access to the nearest public beach is available approximately 100 feet west of the subject lot via the Linda Lane Park access point. A coastal access point map is included in Exhibit 3.

The applicant proposes a major remodel of the existing 1,250 sq. ft. one-story single family residence consisting of complete interior remodel, a new 575 sq.ft. second story addition and a 262 sq.ft. first floor addition, construct new driveway and 400 sq.ft., 2-car attached carport. Additionally, the applicant proposes to retain an existing legally built, non-conforming 902 sq. ft. deck and replace the deck railing, construct a new 128 sq.ft. side deck, new retaining walls, landscaping, and a new spa. The existing deck is non-conforming because it doesn't meet the current 5 foot canyon edge setback required for new accessory development. No work is proposed

on the canyon face. Project plans are included as Exhibit 2. On October 22, 2013 staff received correspondence from the applicant's agent revising the project by removing any proposed work requiring a CDP to the existing non-conforming deck (Exhibit 5). As currently proposed, the project only includes replacement of the existing deck railing to meet current City codes. No demolition and re-construction, or drainage improvements are proposed to the existing non-conforming 902 sq. ft. deck along the coastal canyon edge.

The proposed new second story addition will result in a 25' foot tall single-family residence. This meets the City's height limit in this area and is well below 45' tall adjacent multi-story, multi-family structures in the immediate vicinity. No adverse visual impact to public views is anticipated by the addition of a second story to the existing single story structure as no significant public coastal views currently exist across the site and views of the ocean from public viewing vantage points on West Marquita (at the top of the canyon) are currently obstructed by the existing four-story multi-family residential building immediately to the west of the subject site. Furthermore, the proposed additions to the existing structure are setback 15' from the canyon edge, thereby not encroaching into the coastal canyon and adversely further impacting public views of the coastal canyon slopes from the beach or the public park below.

Site Background

The existing single family residence and canyon facing wood deck on this coastal canyon lot was constructed in the 1960s prior to the passage of Proposition 20 in 1972 which then led to passage of the Coastal Act in 1976. The site plan (Exhibit 2) submitted with the project application depicts development associated with the residence on the canyon face (i.e., railroad tie stairs, retaining walls, fire pit, and an 8'x12'shed). It is unclear from the information the applicant has provided when the development on the canyon face occurred, whether it was pre or post-Coastal Act. The applicant provided correspondence from the Coastal Commission that repairs and improvements to the wood deck in 1979 were exempt and did not require a Coastal Development Permit. The applicant contends that the development on the canyon face is pre-Coastal Act, however, no evidence has been provided and no Commission or City records approving the work on the canyon face have been uncovered by staff or the applicant at this time. Staff is still investigating whether the development on canyon face is permitted or unpermitted. Nonetheless, the applicant is not seeking authorization for that development as part of this coastal development permit application, and Special Condition 1 requires that the plans are so noted.

Canyon Setback

The proposed development is located on the rim of the Palizada Canyon, one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP (Exhibit 4). The applicant's property extends to the canyon bottom. The canyon at this particular site is considered somewhat degraded due to the predominant presence of ornamental non-native plant species on the canyon top and canyon slope and also due to the fact that the canyon bottom –in this area- has been developed with a municipal street, park and beach parking (the canyon is less developed further inland). No portion of the area proposed to be developed 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 proposed additions to the existing structure are proposed to be constructed on areas of the lot already developed and will therefore not encroach further into the canyon or impact the coastal canyon slope.

Encroachment into the canyon by structures and other appurtenances 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 structures also threaten the visual quality of the canyons. The policies of the LUP were designed for habitat protection and enhancement; to minimize visual impacts and landform alteration; to avoid cumulative adverse impacts of the encroachment of structures into the canyon; and as a means to limit brush management necessary for fire protection.

The residences constructed along this coastal canyon appear to have been constructed along somewhat of a stringline setback with one another. The existing pre-Coastal Act residence comes close to meeting the stringline setback, however, the eastern corner section of the residence extends beyond the stringline. The existing residence also comes close to meeting the 15' setback from the canyon edge, however, the western corner section of the residence is only 10' from the canyon edge. The other possible canyon edge setbacks established in the City's certified Land Use Plan (LUP) pertain to setbacks from native vegetation and would not apply at this site due to the lack of biological resources in this portion of the canyon. Therefore, the existing residence is non-conforming in regards to current canyon setback policies of the LUP.

The certified LUP identifies three possible canyon setbacks which are to be selected based upon 'site characteristics'. There are seven canyons identified in the LUP and these setback choices exist because conditions from canyon to canyon, and within each canyon, are highly variable. Each canyon has a different shape, width and depth. The degree of existing disturbance within each canyon is also different. The land uses, density and intensity of development also vary. Public views of the canyons vary from point to point. The lots along and in these canyons vary with regard to lot size and shape. The topography of each lot can be highly variable, where in some cases there are canyon-top areas to site structures, there are other lots comprised mostly of canyon slope and canyon bottom. The pattern of existing development along the canyon changes from place to place. Another site characteristic that changes is presence or absence of native vegetation and/or a stream on the lot. Considering these site characteristics, a setback must be chosen that achieves habitat protection and enhancement, minimizes visual impacts and landform alteration, and avoids cumulative adverse impacts of the encroachment of structures into the canyon.

In this case, due to the lack of biological resources and native vegetation within the canyon, and as the existing structure does not meet the stringline setback, the minimum 15' setback from the canyon edge would be the only feasible setback. The applicant has designed the proposed additions to meet the 15' from the canyon edge setback, per the requirements of the certified LUP. The applicant proposes an 836 sq.ft. addition to the existing 1,250 sq. ft. residence; a new 575 sq.ft. second story addition and 262 sq.ft. first floor addition. The second story addition is on the eastern portion of the residence, the portion of the residence that meets the 15' canyon edge setback and the first floor addition is to west end of the residence and is proposed to be setback 15' from the canyon edge. The proposed spa, 128 sq. ft. wood deck and retaining walls on the canyonward side of the lot are all setback a minimum of 5' from the canyon edge, which is a typical setback for secondary type improvements along coastal canyons in San Clemente. Therefore, the additions to the existing structure are proposed to be constructed on areas of the lot already developed and will therefore not encroach further into the canyon or impact the coastal canyon slope. Staff agrees that the use of the 15' canyon edge setback would adequately protect coastal resources at this site.

The plans submitted with the CDP application indicate demolition and re-construction of the existing, pre-Coastal Act, legal non-conforming 902 sq. ft. wood deck. However, in correspondence from the applicants' agent dated October 22, 2013, the project description was revised to retain the existing, pre-Coastal Act, legal non-conforming wood deck and simply replace the entire deck railing in order to meet new City codes. No other work to the deck is proposed. Therefore, the Commission imposes **Special Condition 1** requiring the applicant submit final revised project plans including revised grading, drainage, and landscaping plans, revising the project per correspondence from the applicant's agent dated October 22, 2013 that no work requiring a CDP is proposed to the existing legal non-conforming deck.

Geologic Stability

The proposed development is located on the canyon top portion of a coastal canyon that is not subject to erosion by ocean waves or streams. Though not subject to direct wave erosion, the coastal canyons are subject to weathering caused by natural factors such as wind and rain, poorly structured bedding, soils conducive to erosion and rodent burrowing. Canyons are also subject to erosion from human activities, such as irrigation, improper site drainage and grading.

The applicant submitted a preliminary geotechnical investigation prepared by South Coast Geotechnical Services dated March 11, 2013. No landslides were mapped on the site and minor groundwater was noted in the exploratory borings. The report recommends the proposed second story addition be supported on a pier (caisson) foundation independent of existing foundations; and the first story addition supported on a conventional footings with slab-on-grade foundation constructed into competent terrace deposits and engineered fill derived from onsite soils. The report concludes that slope instability is low at the site and that the site is suitable for the proposed additions, provided the recommendations for foundation support and improved site drainage are implemented in the design and construction of the project. Additionally, the project has been designed to convey runoff away from the canyon edge and toward the frontage road directly to existing City storm drains, per City requirements in order to minimize erosion and ensure stability of the project site.

The proposed project includes installation of a new spa that will be setback approximately 10 from the canyon edge. **Special Condition 2** requires a spa protection plan that addresses possible leakage from the proposed spa to guard against the potential for geologic instability caused by such a leakage on this coastal canyon lot.

Furthermore, the Commission imposes **Special Condition 3** requiring the applicant provide final plans, including foundations, grading and drainage plans along with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering report.

Proposed Site Drainage Improvements

In order to minimize erosion and ensure stability of the project site, the project must also include adequate drainage and erosion control measures as recommended by the preliminary geotechnical investigation. The applicant has adequately addressed site drainage issues that could otherwise contribute to erosion and geologic instability. Approximately 90 cubic yards cut and 75 cubic yards

of fill for site preparation for the first floor addition and proposed outdoor improvements is proposed. No canyon disturbance will occur during site grading activities. Currently, site drainage predominantly sheet flows to rear towards the canyon. As proposed, the preliminary grading plan and an erosion control plan prepared by Saxon Engineering Services (**Exhibit 2, page #-#**) indicate new drain lines and surface runoff directed to area drains at the proposed new deck and around the proposed new spa directed away from the canyon slope and connected directly to an existing City storm drain at the frontage street. **Special Condition 1** requires revised project plans including revised grading and drainage plans, revising the project per correspondence from the applicant's agent dated October 22, 2013 that no work to the existing legal non-conforming deck is proposed. This would include grading and drainage improvements currently depicted on the submitted grading and drainage project plans.

Most projects along the coast involve some form of unpredictable risks whether it be from flooding, wave uprush, erosion, 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 5**. Through the assumption of risk condition, the applicant acknowledges the nature of the 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 legal non-conforming wood deck which could potentially adversely impact the geologic stability, or other coastal resources, the Commission imposes **Special Condition 7**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-13-0528) or 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

Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters both during construction and post-construction. In order to minimize adverse construction-related impacts upon marine resources, **Special Condition 6** requires the applicant comply with construction-related best management practices (BMPs) to ensure that construction materials, debris and waste does not enter receiving waters or be subject to dispersion and that prevent spillage and/or runoff of demolition or construction related materials and to contain sediment or contaminants associated with demolition or construction activities.

Other sources of polluted runoff could include runoff from impervious surface on the lot and over-watering, which sometimes occurs from installation of landscaping with a high water demand. Plants with a high-water demand are typically not well-suited to the Mediterranean climate of southern California, and therefore often require intense fertilization and application of pesticides/herbicides as a maintenance regime, in addition to regular irrigation. Thus, this type of landscaping can add pollutants to both dry weather and stormwater runoff. Therefore, the use of drought tolerant plants or low-maintenance landscaping is a preferred alternative. Therefore the Commission imposes **Special Condition 4** requiring the applicant comply with the proposed

planting/landscaping plan which includes non-invasive, drought tolerant vegetation along the street-facing side of the lot. No landscaping is proposed along the coastal canyon side of the lot.

Combined with the proposed use of non-invasive drought tolerant vegetation to reduce water runoff discharged from the site, the project will minimize the project's adverse impact on coastal waters to such an extent that it will not have a significant impact on marine resources, biological productivity or coastal water quality.

B. HAZARDS

Development adjacent to coastal canyon slopes and hillsides such as is proposed at the subject site, is inherently hazardous due to the risk of erosion and slope failure. Development which may require a slope protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access and visual resources. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a canyon slope or hillside, a drainage and runoff plan to minimize the percolation of water into the canyon or hillside, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. HABITAT

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240(b) of the Coastal Act.

D. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that any future repair and maintenance of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act and the Commission's regulations. Section 13252 of the Commission's regulations provides that certain repair and maintenance activities require a coastal development permit because they involve a risk of substantial adverse impacts to coastal resources. Therefore, to assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition 7** requiring the applicant to apply for an amendment to this CDP or a new CDP, if applicable, for any future development within the subject site. As conditioned the development conforms to the Chapter 3 policies of the Coastal Act.

E. PUBLIC ACCESS

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

F. 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 construction best management practices to minimize the effect of construction activities on the marine environment. These conditions include, but are not limited to, one or more of the following: the appropriate management of equipment and construction materials and 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 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.

G. LOCAL COASTAL PROGRAM (LCP)

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. 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.

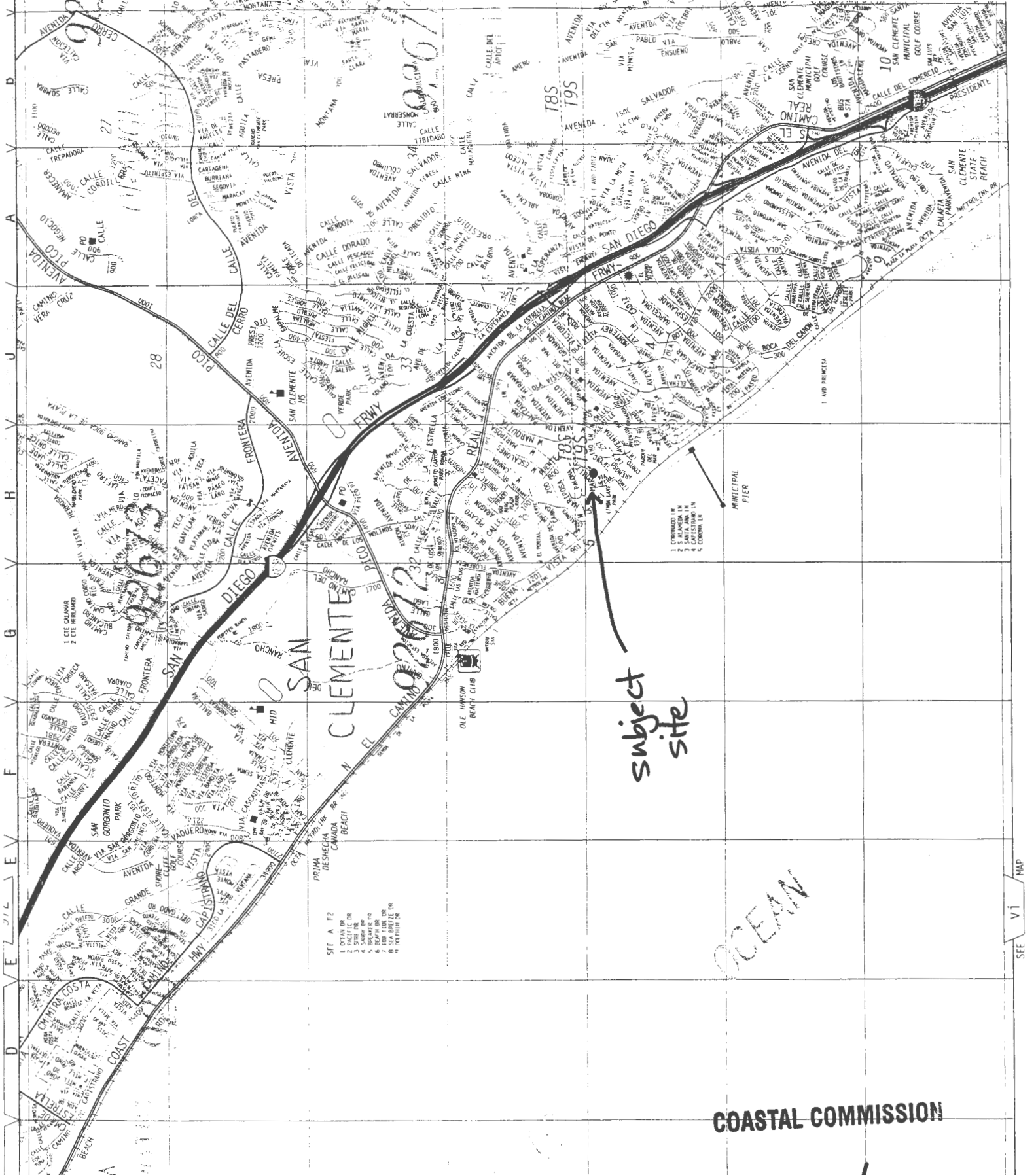
The proposed development, as conditioned, is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

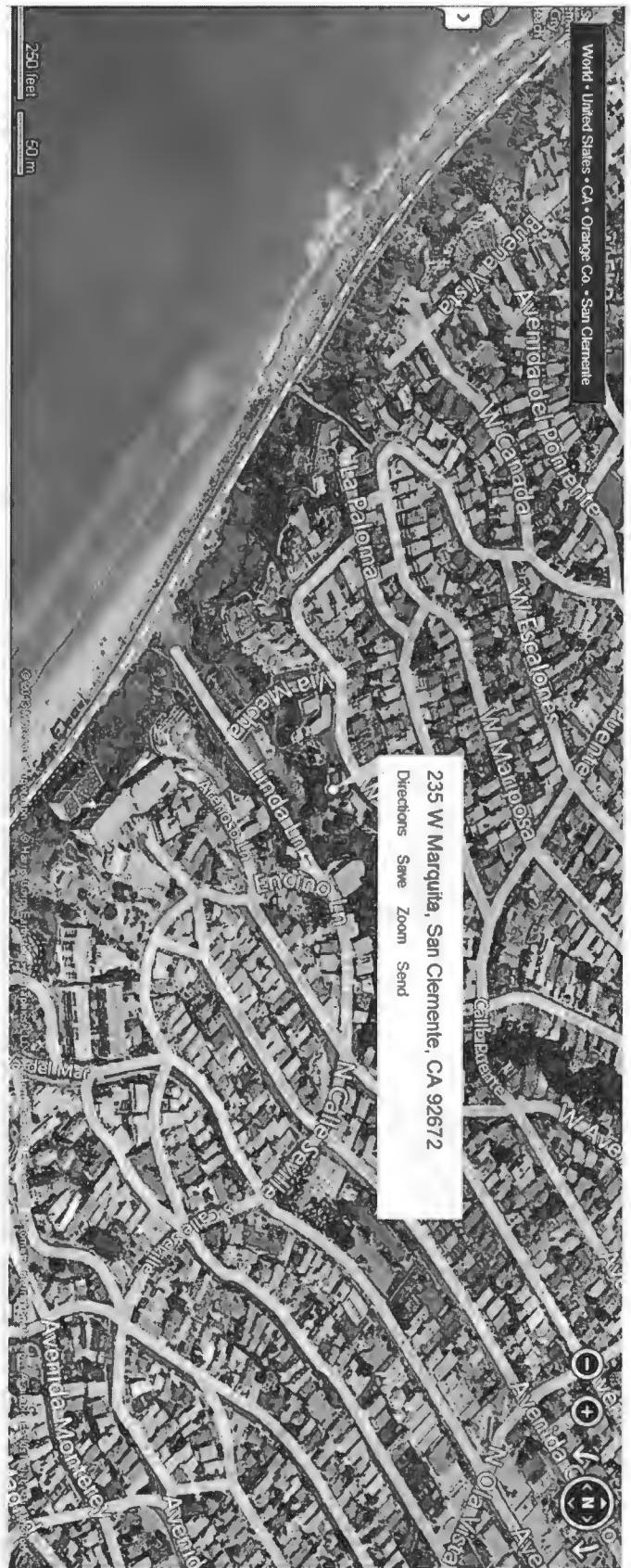
Appendix A - Substantive File Documents

- 1) City of San Clemente Certified LUP
- 2) City of San Clemente Approval in Concept dated 7/3/13
- 3) Geotechnical Engineering Report, Single Family Residential Additions, 235 W. Marquita, San Clemente, California, prepared by South Coast Geotechnical Services, dated March 11, 2013



COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 2



Subject site: 235 W Marquita, San Clemente



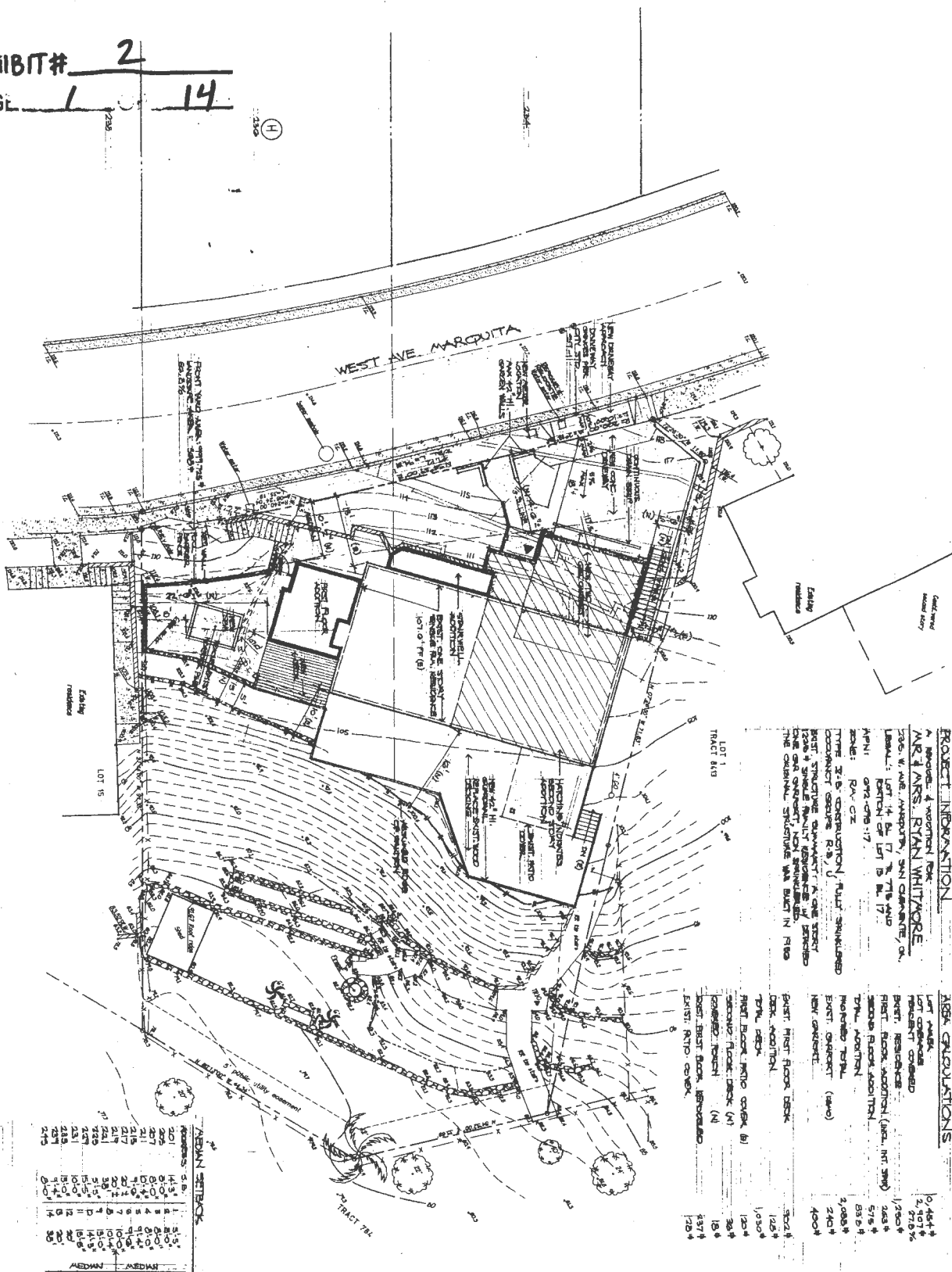
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EXHIBIT # 1

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PROJECT INFORMATION

MR & MRS. RYAN WHITMORE
236 W. W. MAPES, SAN CARMINE, CA
1941-1942

PORTION OF LOT 13 BL. 17
092-078-17
APN:
ZONE: RA-CZ

TYPE II-B CONSTRUCTION GROUPS

[illegible]

AREA CALCULATIONS

57	2,456
58	2,907
59	27.5%
60	1,250

FIRST LOOK ADDITION (JUL, INT, SWG)	263 #
SECOND PLOOK ADDITION	575 #
THRU ADDITION	836 #

MONTHLY TOTAL	2,055
EXT. DEPOSIT (BANK)	240
INT. DEPOSIT	400

THE UNIVERSITY OF CHICAGO

	DATE	TIME	LOCATION	REMARKS
POLYMER	10/10/78	10:30	100 ft	
FIRST BLOCK POLYO COVER (B)	10/10/78	12:00	100 ft	

BEST FIRST FLOOR		\$237
CORRIDOR NORTH	(N)	18¢
SPECIALS FLOOR DECK	(N)	36¢

EXIST: RPT. cover. 204

apartment

5' 10" 10' 15' 20' 25' 30' 35' 40' 45' 50' 55' 60' 65' 70' 75' 80' 85' 90' 95' 100'

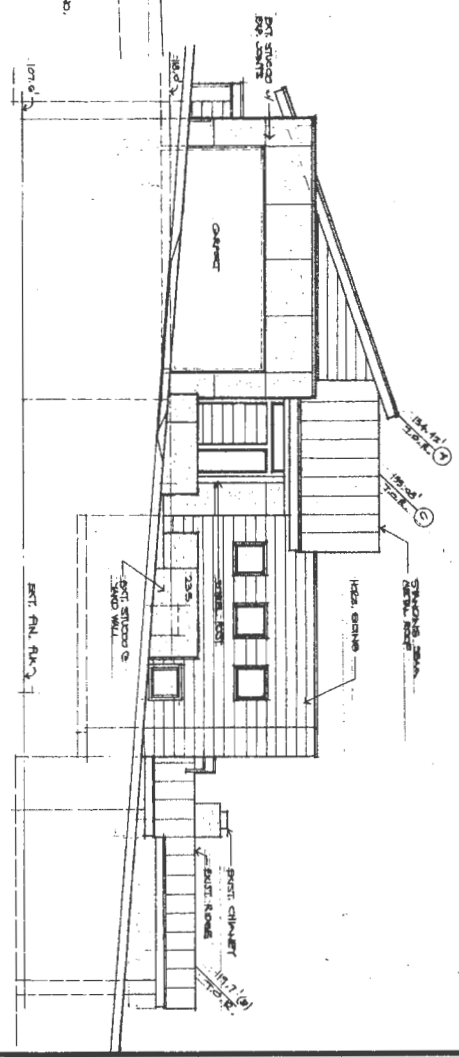
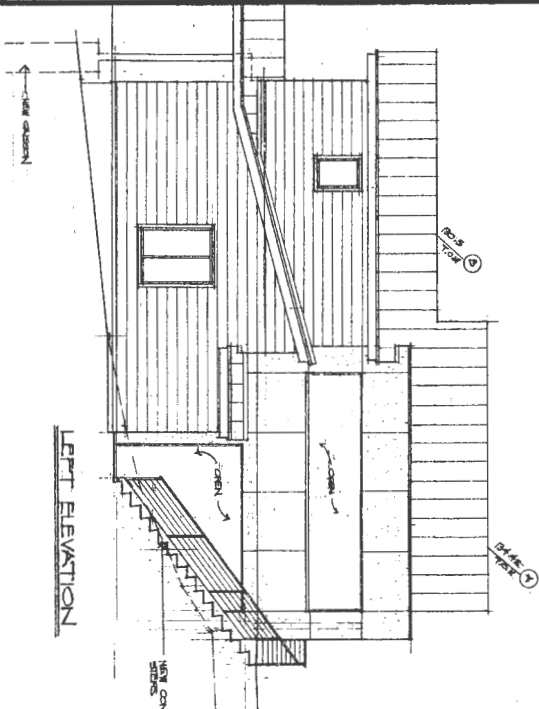
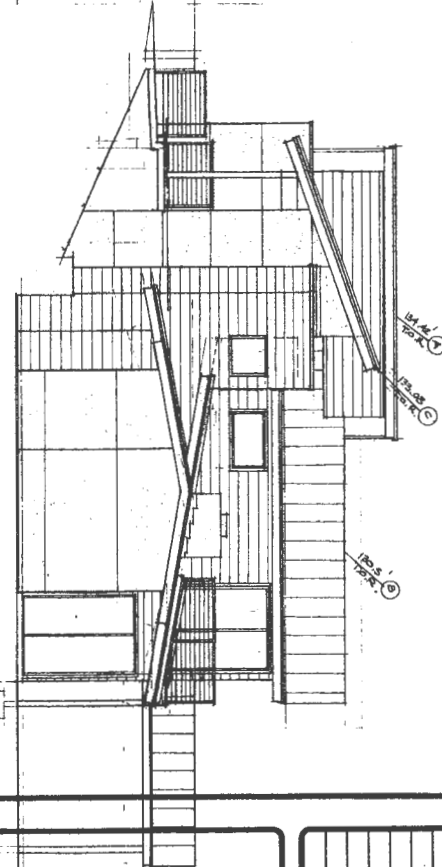
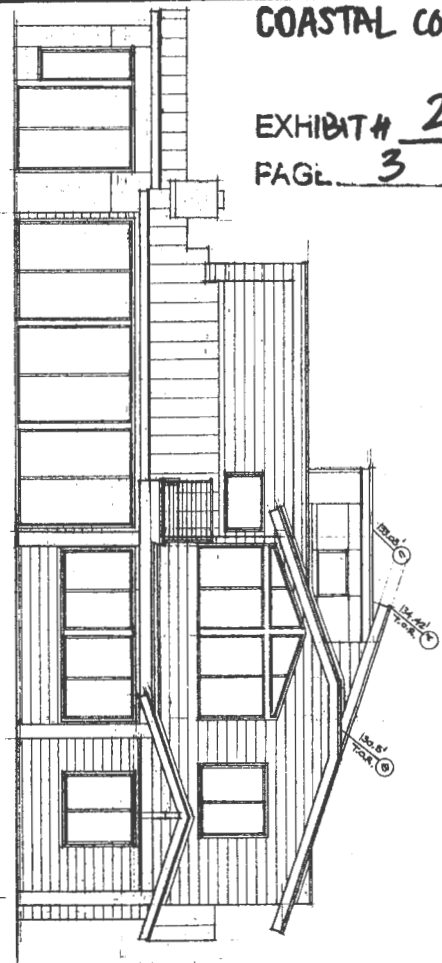
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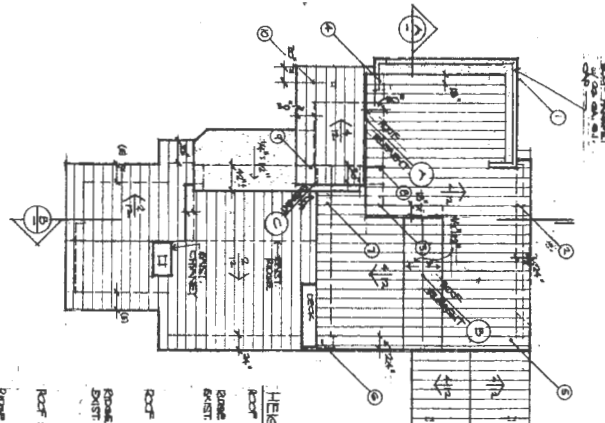
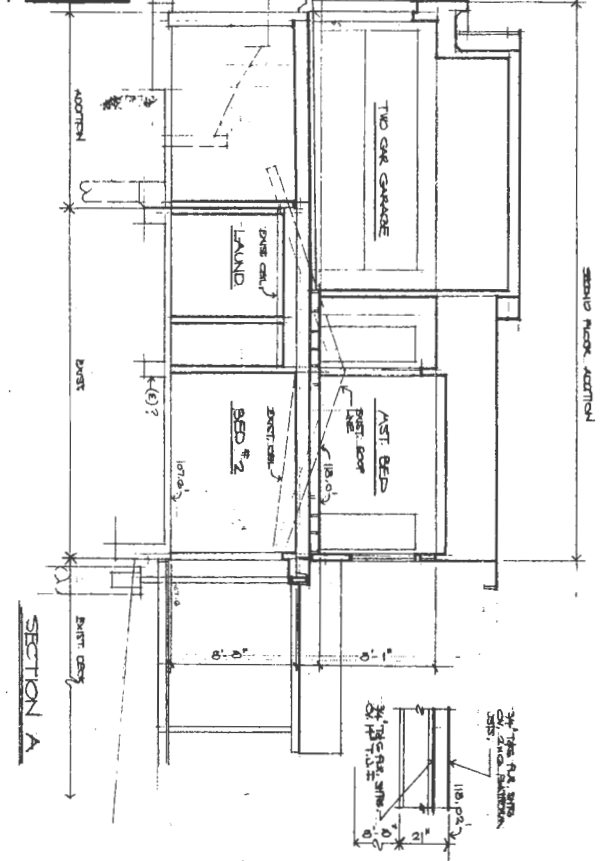
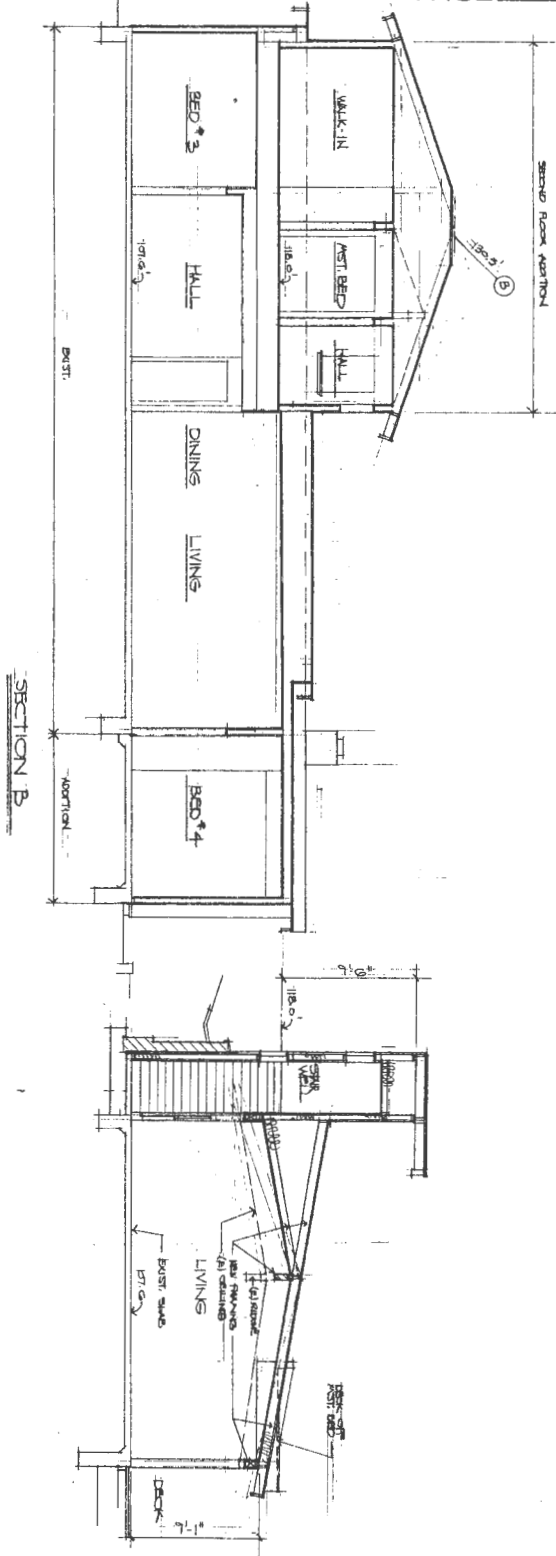
EXHIBIT # 2
PAGE 3 OF 14



COMPLAINT
CHARGED
DATE
4/27/04
WILLIAMS AND
WILLIAMS
SHEET
13
SHEETS

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EXHIBIT # 2
PAGE 4 OF 14



ROOF NESTLES

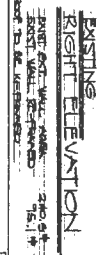
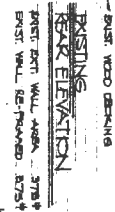
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Roof PLAN - 1/8" = 1'-0"

DRAWN	
ENCHED	
DAYS	
SCALE	
JOB NO	416
WITNESS	
SHEET	

[illegible]

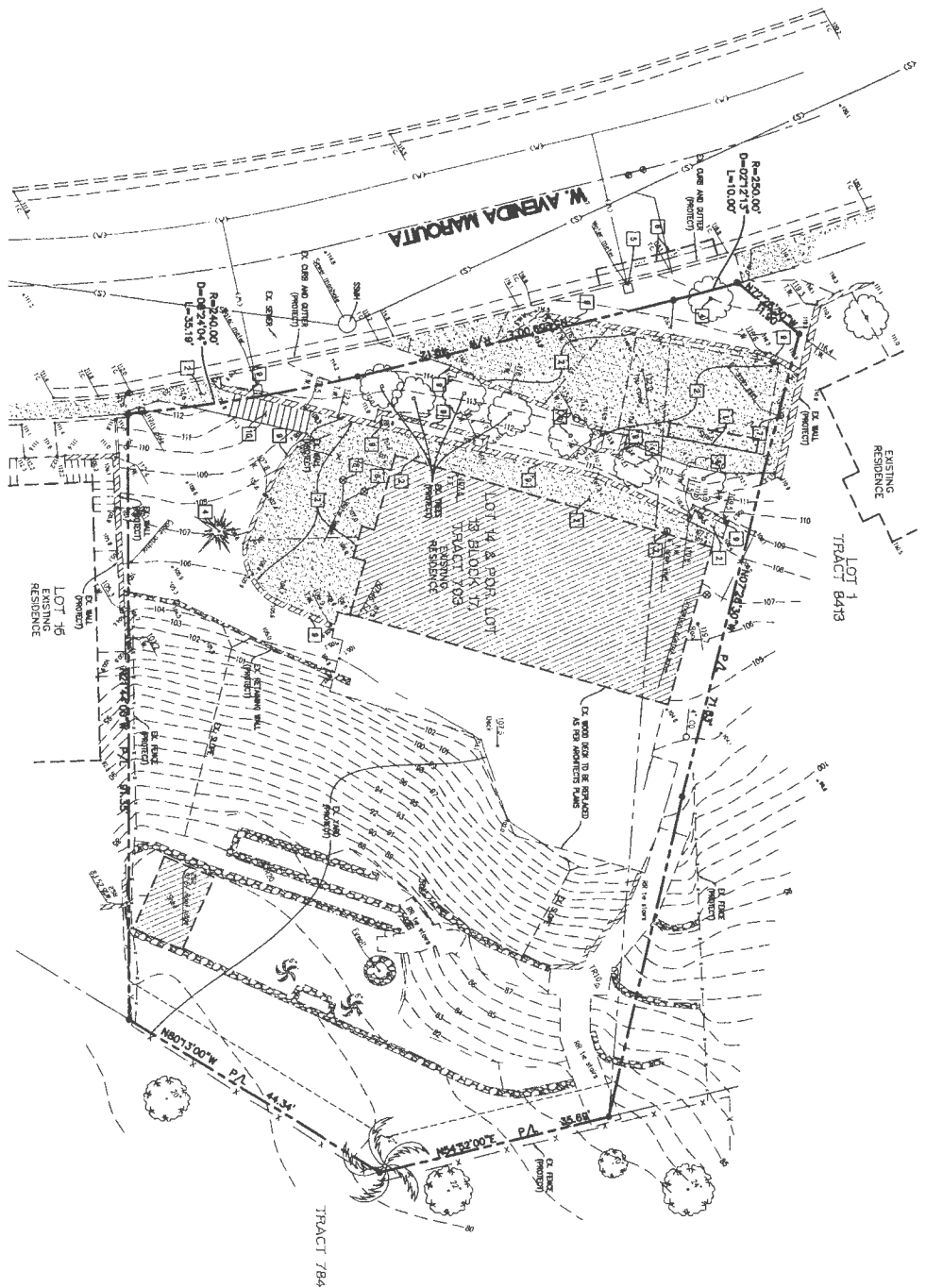
EXHIBIT # 2
PAGE 5 OF 14

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DRAWN	
CHECKED	
DATE	
SCALE	1/4" = 1'-0"
JOB NO.	
WITNESSED	
SHEET	1122
SHEETS	OF 2

A REAGEL & ADDITION ON
MR. & MRS. RYAN WHITMORE
205 WEST 4TH, MARQUITA
SAN CLEMENTE, CA. 90672
TEL 284-1961
PREFECT ADDRESS: SAME AS ABOVE

[illegible]



- DEMOLITION NOTES**
- 1 REMOVE AND DEPOSE OF EXISTING POOL.
 - 2 REMOVE AND DEPOSE OF EXISTING CONCRETE FUNDAMENT.
 - 3 REMOVE AND DEPOSE OF EXISTING 4" FUNDAMENT.
 - 4 REMOVE AND DEPOSE OF EXISTING ROOF.
 - 5 REMOVE AND RELOCATE EXISTING WATER METER.
 - 6 REMOVE AND REPOSE EXISTING CLAMP AND BUTTER WEDGES 1" FT. AT PAVES.
 - 7 REMOVE AND DEPOSE OF EXISTING SHAFT WALL.
 - 8 REMOVE AND DEPOSE OF EXISTING WATER METER.
 - 9 REMOVE AND DEPOSE OF EXISTING WALL.
 - 10 REMOVE AND DEPOSE OF EXISTING STAIRS.

COASTAL COMMISSION

EXHIBIT # 2
PAGE 7 OF 14

<p>UNDERGROUND SERVICE ALERT</p> <p>Call 811 before digging</p> <p>811</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>07/11/13</td> <td>SC</td> <td></td> <td>ISSUED FOR PERMITS</td> </tr> </tbody> </table>		NO.	DATE	BY	DATE	REVISION	1	07/11/13	SC		ISSUED FOR PERMITS
NO.	DATE	BY	DATE	REVISION									
1	07/11/13	SC		ISSUED FOR PERMITS									
<p>GRAPHIC SCALE</p> <p>1" = 50' (SEE FIG. 1)</p>		<p>DATE JULY 1, 2013</p> <p>SCALE 1" = 50'</p> <p>PROJECT DEMOLITION</p> <p>PROJECT NO. 13-001-001</p> <p>CITY OF SAN CLEMENTE</p>											
<p>REGISTERED PROFESSIONAL ENGINEER</p> <p>NO. 44180</p> <p>EXP. 6/30/15</p>		<p>REGISTERED PROFESSIONAL ENGINEER</p> <p>NO. 44180</p> <p>EXP. 6/30/15</p>											
<p>SAVIN ENGINEERING SERVICES, INC.</p> <p>720 S. LAMAR AVENUE, SUITE 100, SAN CLEMENTE, CA 92672</p> <p>TEL: (949) 441-1111</p>		<p>SAVIN ENGINEERING SERVICES, INC.</p> <p>720 S. LAMAR AVENUE, SUITE 100, SAN CLEMENTE, CA 92672</p> <p>TEL: (949) 441-1111</p>											

CITY PROJECT NO. EN013-001

DEMOLITION SHEET FOR
LOT 14, TRACT 784
235 W. AVE. MARQUITA,
SAN CLEMENTE, CA 92672
SHEET 2 OF 3 SHEETS

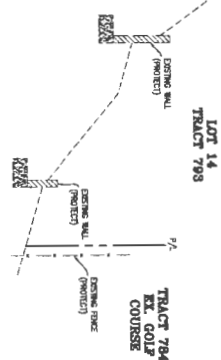
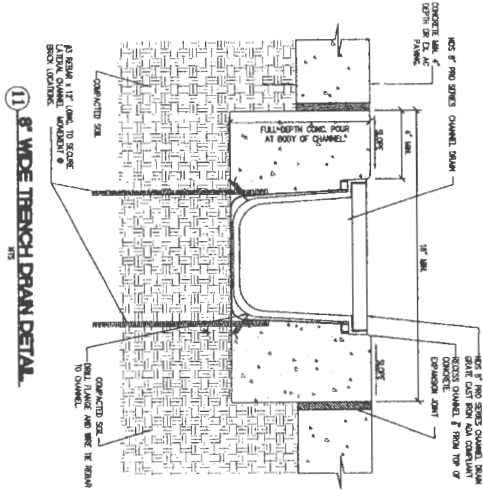
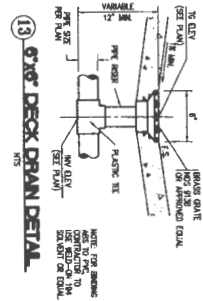
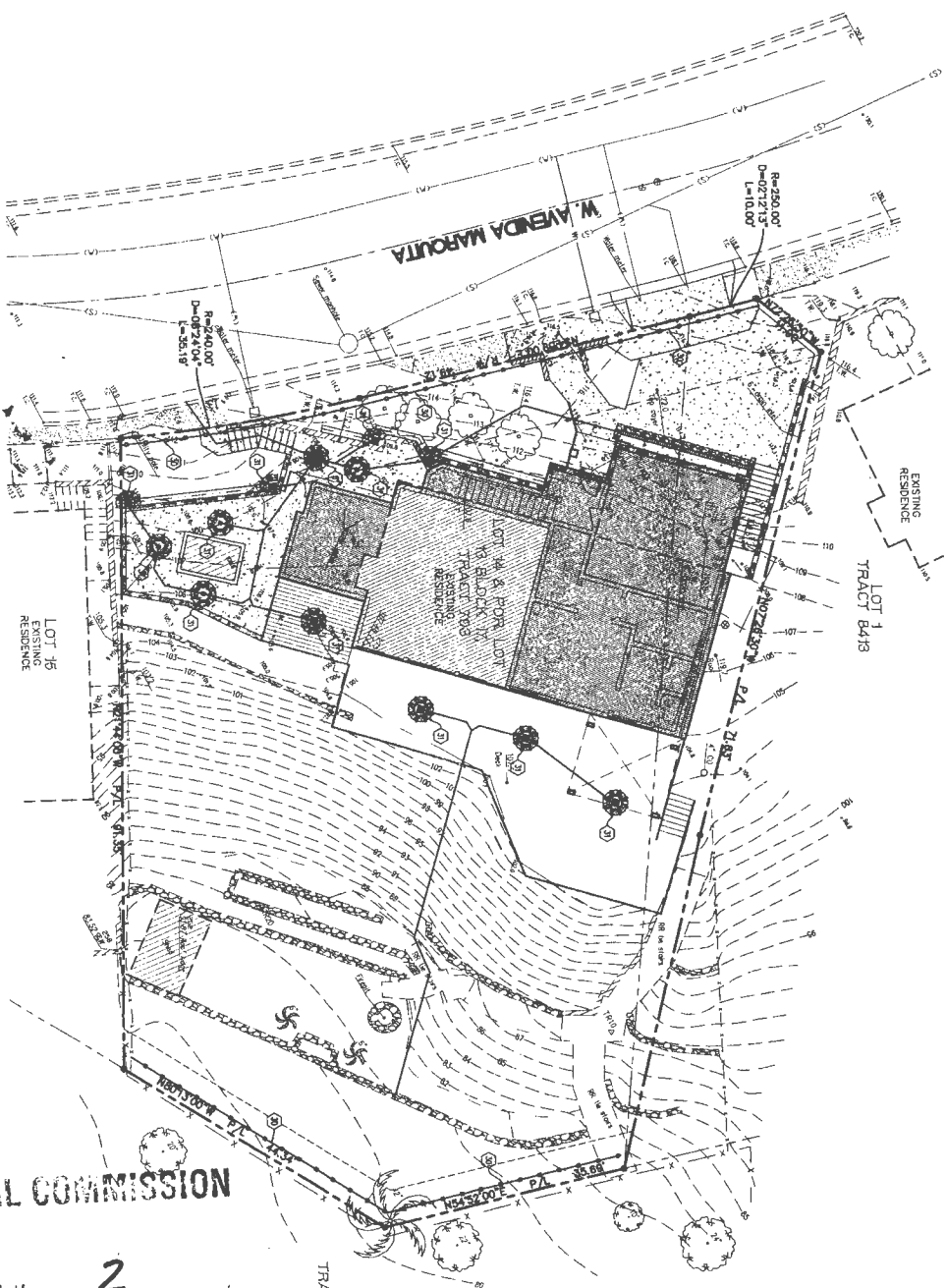


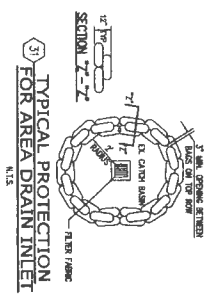
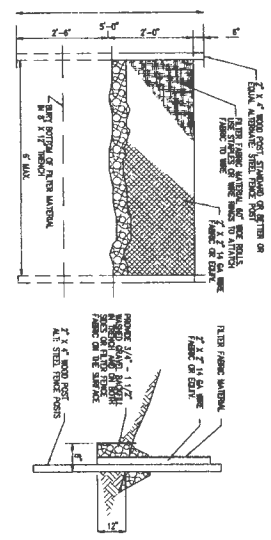
EXHIBIT # 2
PAGE 9 OF 14

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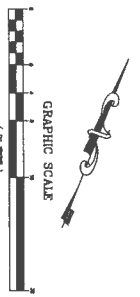
COASTAL COMMISSION

EXHIBIT # 2
PAGE 10 OF 14




















EROSION CONTROL NOTES

1. SEE EROSION CONTROL PLAN.
2. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION.
3. EROSION CONTROL MEASURES SHALL BE REMOVED OR MODIFIED AS NECESSARY TO MAINTAIN PROPER DRAINAGE AND TO PREVENT DAMAGE TO ADJACENT PROPERTIES.
4. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION.
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13. EROSION CONTROL MEASURES SHALL BE REMOVED OR MODIFIED AS NECESSARY TO MAINTAIN PROPER DRAINAGE AND TO PREVENT DAMAGE TO ADJACENT PROPERTIES.
14. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION.

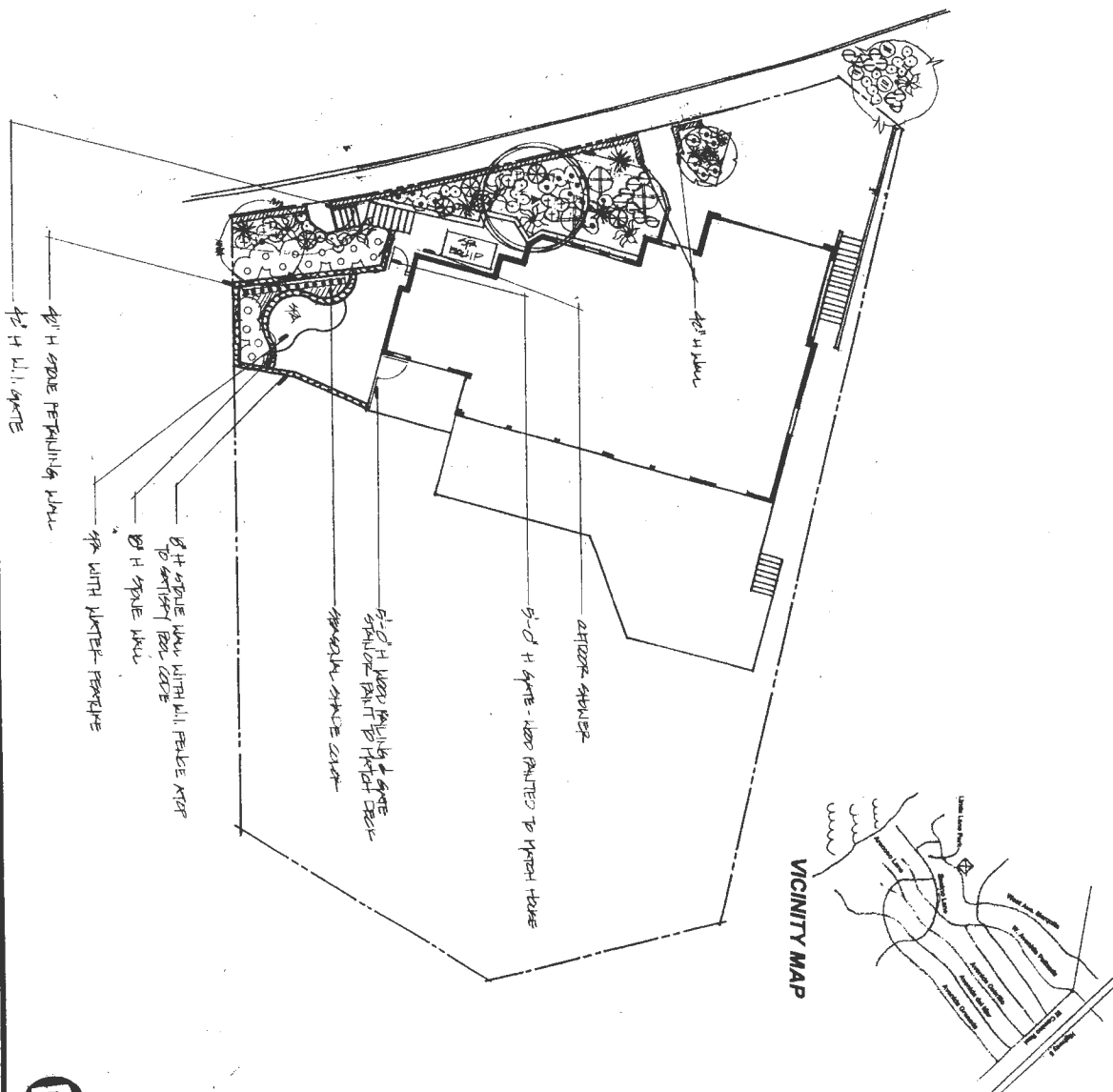


UNDERGROUND SERVICE ALERT										REVISIONS										APPROVED BY:										EROSION CONTROL SHEET FOR										PERMIT NO.																			
 CAUTION: FURTHER WORK MAY BE REQUIRED TO PROTECT EXISTING UTILITIES. NO. 44160 DATE: 1/26/13										DATE: JAN 1, 2013										 SAXON ENGINEERING 3800 TOWER & SERVICE, INC. 3800 TOWER & SERVICE DRIVE, SUITE 400 SAN CLEMENTE, CA 92672 TEL: 949.480.7100 FAX: 949.480.7109										LOT 14, TRACT 793 233 W. AVE. MARQUITA, SAN CLEMENTE, CA 92672										EROSION CONTROL										SHEET 5 OF 5 SHEETS									
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EXHIBIT # 2
PAGE 11 OF 14

SYMBOL		PLANT LEGEND		PLANT LEGEND	
		SIZE	QUANTITY	POTENTIAL NAME	REMARKS
	4" box	1	One european "Meadow"	Meadow-ryok	
	3 1/2" box	1	Pinus canadensis "Woman's Weaviness"	Stranded	
	3 1/2" box	1	Lepidobalanus balaniformis	Meadow-ryok	
	3 1/2" box	1	Arctostaphylos uva-ursi "Meadow"	Meadow-ryok	
	15 Gal	14	Fragaria virginiana	Column	
	15 Gal	12	Pinus canadensis "Bright Y" "Bright"	Column	
	5 Gal	8	Agave attenuata		
	5 Gal	2	Artemisia schmidtiana "Silver Broom"		
	5 Gal	3	Sedum spectabile		
	5 Gal	4	Phlox paniculata "Meadow Meadow"		
	5 Gal	8	Aster multiflorus		
	1 Gal	15	Hebe x exoniensis "Coral Yellow"		
	1 Gal	6	Hebe x exoniensis "Coral Yellow"		
	1 Gal	7	Hebe x exoniensis "Coral Yellow"		
	1 Gal	10	Hebe x exoniensis "Coral Yellow"		
	1 Gal	12	Hebe x exoniensis "Coral Yellow"		
	1 Gal	27	Hebe x exoniensis "Coral Yellow"		

NOTE: Full yield/loper spaces with 30-1 gallon Senecio mandarin/100, 30-1 gallon Aloe arborescens on slope only, under direction of the designer.



VICINITY MAP

SEAM
AL
CHECKED
DYE G-1-7D
SCALE 10-1-2
ONE NO. WHTTTC
SHEET
1
QF
6
SHEETS

WHITMORE RESIDENCE
235 WEST AVE. MARQUITA
SAN CLEMENTE



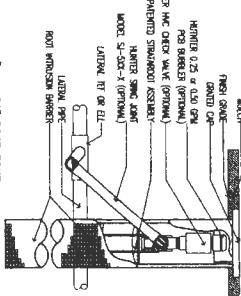
20 Paradise Cove
Laguna Hills, CA 92653
649.262.0300

PLANTING PLAN

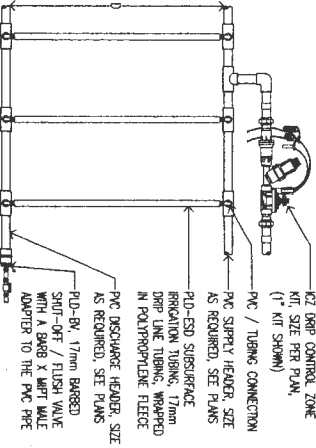
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COASTAL COMMISSION

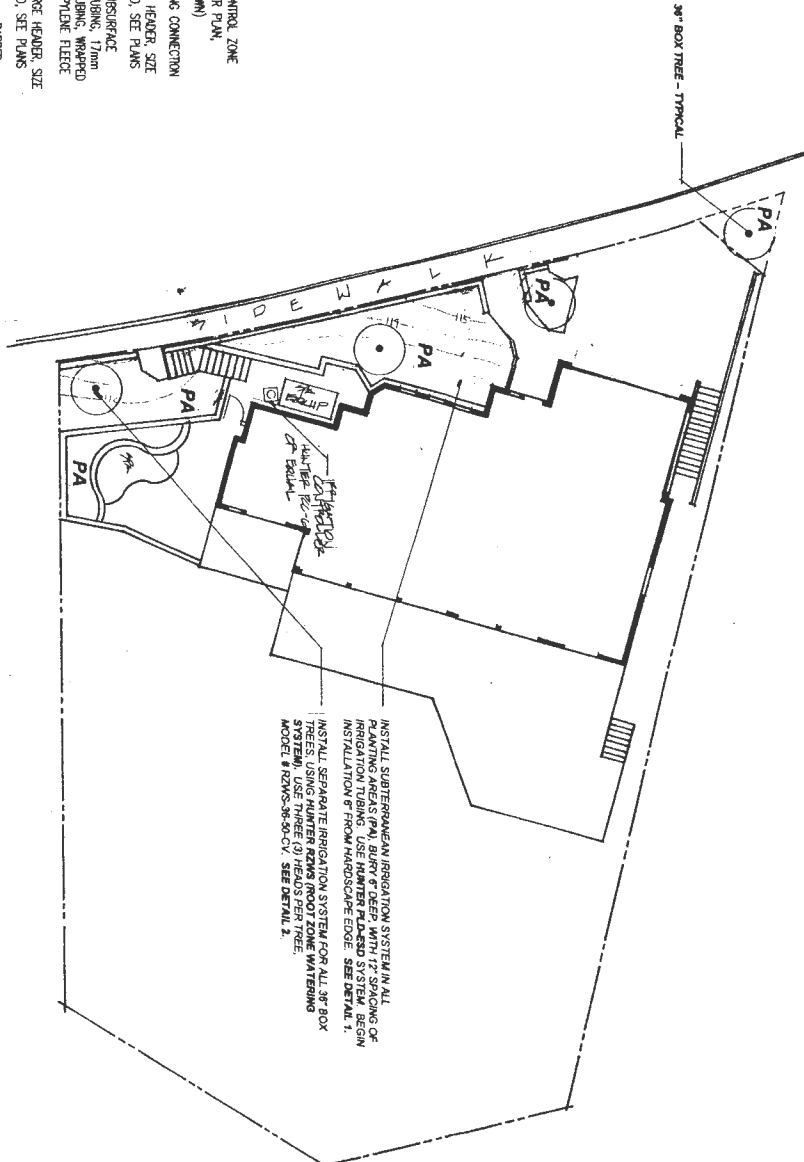
EXHIBIT # 2
PAGE 12 OF 14



2
18" and 36" ROOT ZONE
WATERING SYSTEM
SCALE: 3" = 1'-0" IRRIGATION DETAIL



1
PLD-ESD - PLAN
SCALE: N.T.S. IRRIGATION DETAIL



INSTALL SUBTERRANEAN IRRIGATION SYSTEM IN ALL PLANTING AREAS (PA), BURY 6\"/>



DATE	5-1-10
DESIGNED BY	W. J. H. H.
CHECKED BY	W. J. H. H.
APPROVED BY	W. J. H. H.
PROJECT NO.	2

WHITMORE RESIDENCE
235 WEST AVE. MARQUITA
SAN CLEMENTE



IRRIGATION PLAN

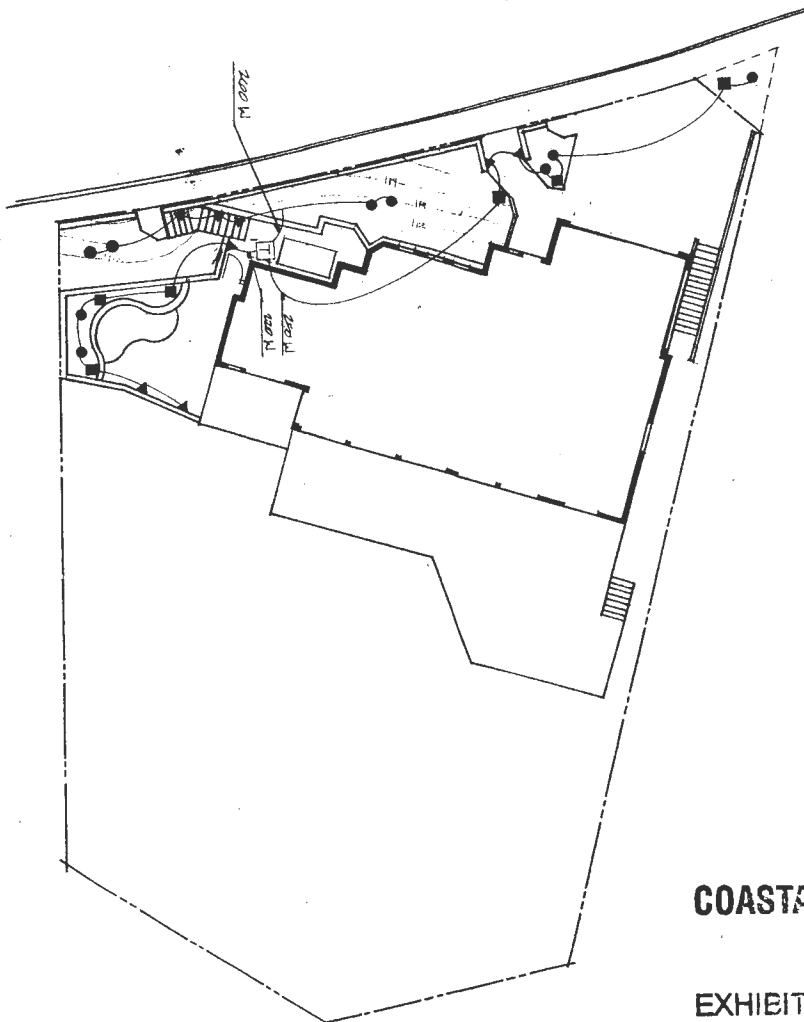
DATE	5-1-10
DESIGNED BY	W. J. H. H.
CHECKED BY	W. J. H. H.
APPROVED BY	W. J. H. H.
PROJECT NO.	2

LIGHTING NOTES

- The entire system shall be supervised by manufacturer for a period of one (1) year from date of proper installation.
- Proper installation of wiring and switches shall be installed in accordance with local electrical code. Contractor shall verify need and location of electrical source for transformers prior to installation.
- Conductors (cables) shall be installed no less than 12 inches above grade and in a suitable location.
- Cable installation should follow existing conduits, such as sidewalk edges, building eaves, etc.
- Conductors shall be protected by conduit (PVC or steel) and be protected by contractor under all circumstances.
- Properly identify number and type of fixture only. Locations shown are approximate only.
- Twelve (12) inches of service cable shall be buried at least three to three feet below ground surface.
- Fluorescent cable a minimum of 6" deep.
- Fixture of fixtures to be ARCHITECTURAL ENVOICE unless noted otherwise.

LIGHTING LEGEND

SYMBOL	DESCRIPTION	QUANTITY	NOTES	TOTAL WATTS
●	VTL 3500 40W - COMPACT	7		2800
▲	" 2400 30W - FULL VOLT	6		1800
■	" 2400 30W - FULL VOLT	4		1200
□	THREE/TRANSFORMER	1		750

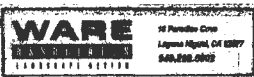


COASTAL COMMISSION

EXHIBIT # 2
PAGE 13 OF 14

DATE	10/1/03
BY	W. J. [Signature]
CHECKED BY	[Signature]
3	

WHITMORE RESIDENCE
235 WEST AVE. MARQUITA
SAN CLEMENTE



LIGHTING PLAN

DATE	
BY	
CHECKED BY	

ST/SLAB DOWN - SEE ARCHITECT'S PLAN
CONCRETE PAVING
18" WIDE STONE BORDER
STOP DRAIN - SEE ENGINEERING PLANS
CONCRETE APPROX PER CITY STANDARDS
CONCRETE DRIVEWAY WITH SLOPCUT SIDES
42" HIGH LEDGER STONE WALLS WITH
TUMBLLED STONE CAP
STONE PAVING AT ENTRY

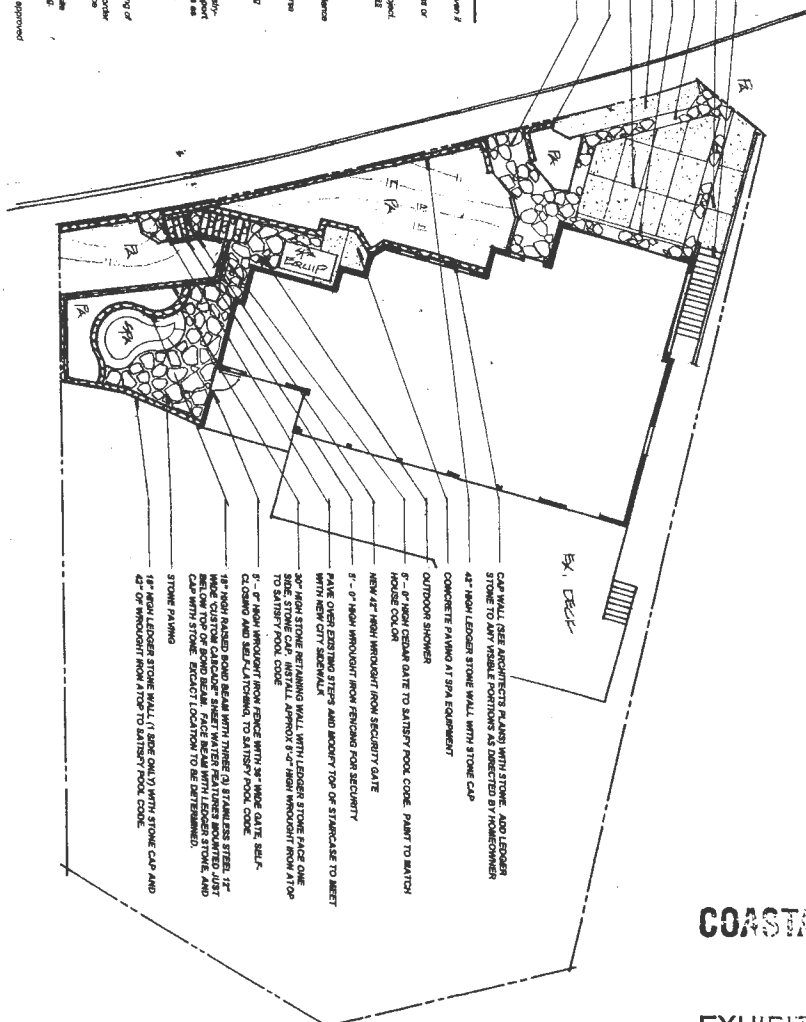
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EXHIBIT # 2
PAGE 14 OF 14

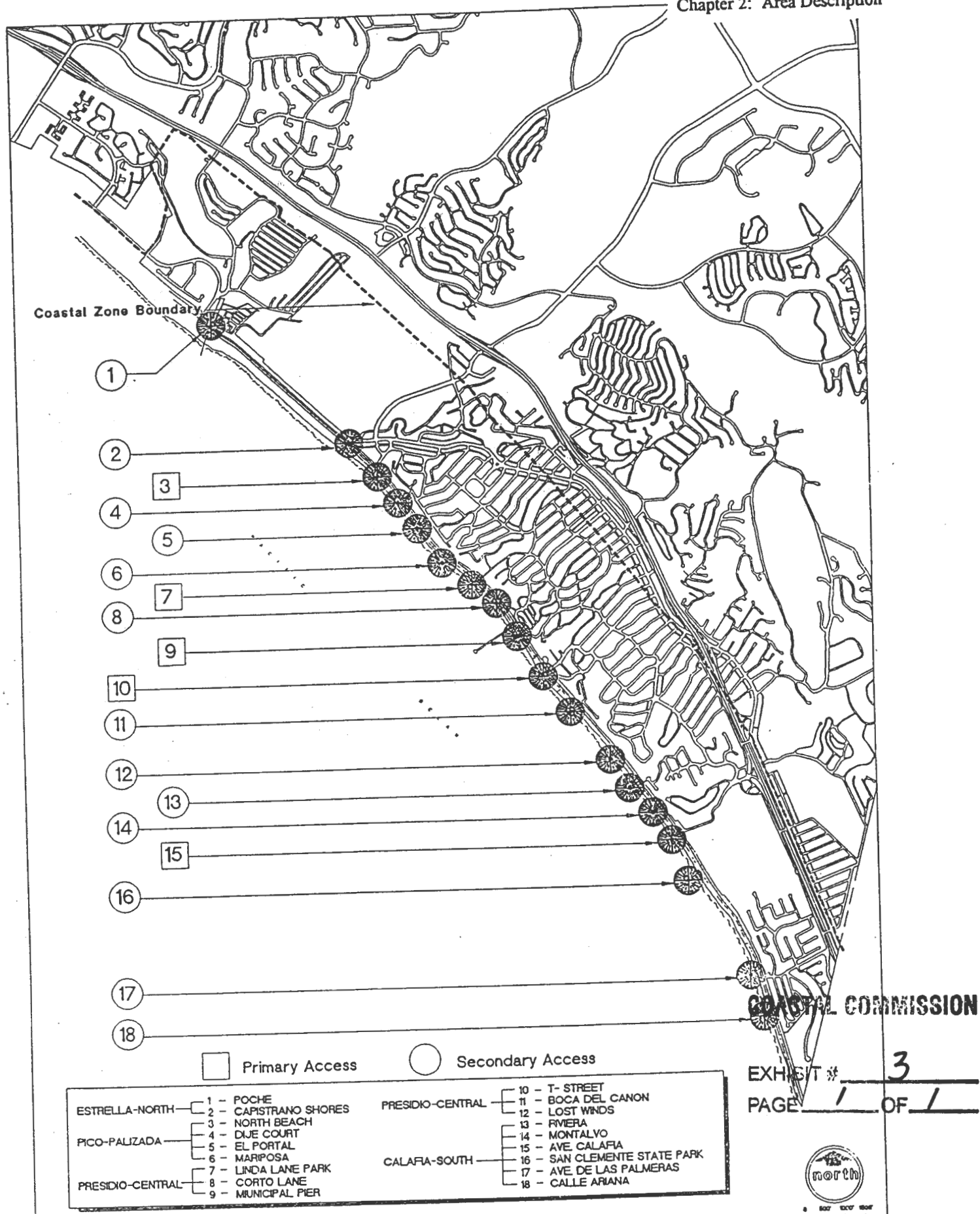


FIGURE 2-5

CITY OF SAN CLEMENTE COASTAL ACCESS POINTS

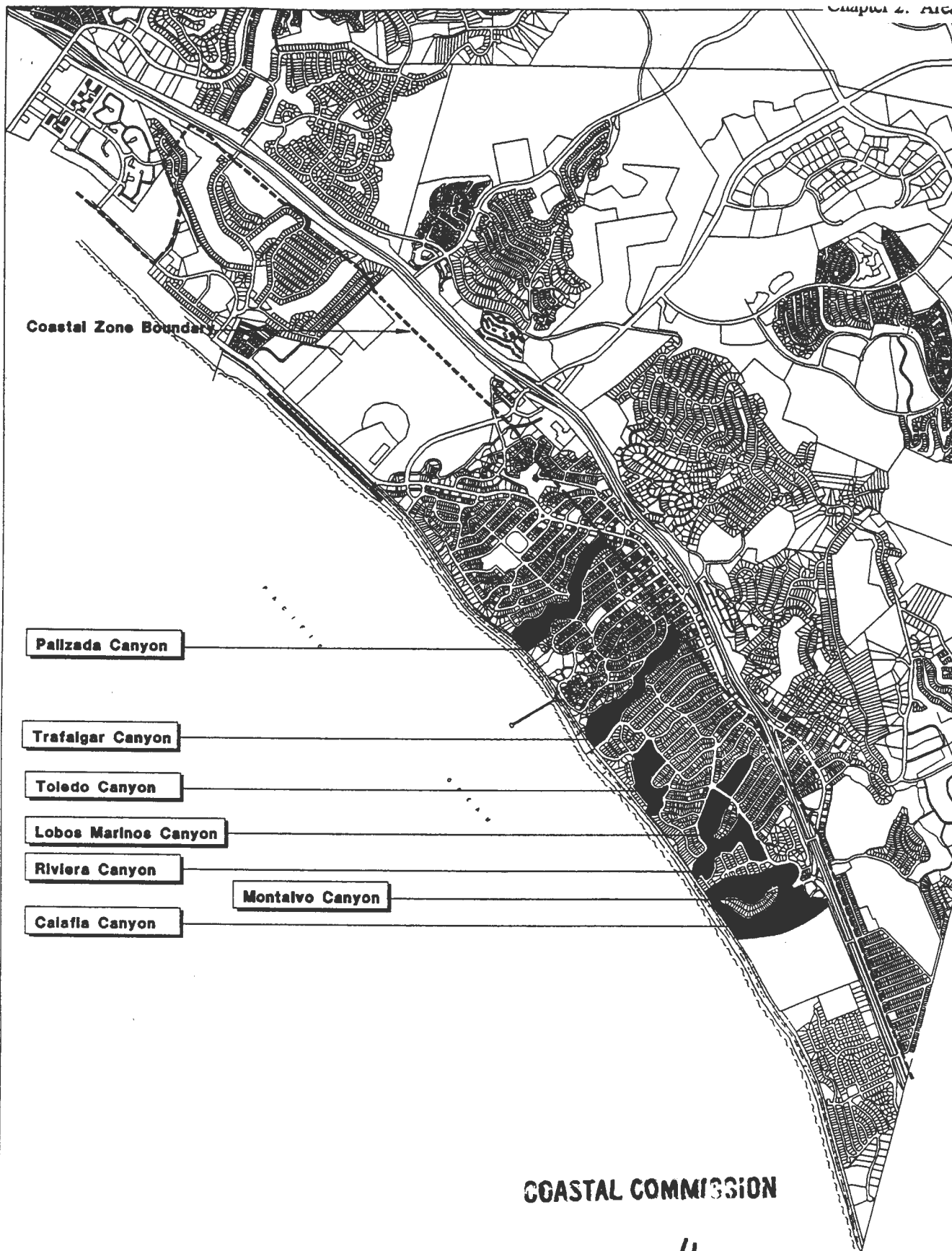


FIGURE 2-1



CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS

COASTAL COMMISSION

BLOCK & BLOCK

A PROFESSIONAL CORPORATION

1880 CENTURY PARK EAST, SUITE 415
LOS ANGELES, CALIFORNIA 90067-1604
TELEPHONE (310) 552-3336
TELEFAX (310) 552-1850

ALAN ROBERT BLOCK
JUSTIN MICHAEL BLOCK

EXHIBIT # 5
PAGE 1 OF 2
alan@blocklaw.net

October 22, 2013

RECEIVED
South Coast Region

OCT 23 2013

CALIFORNIA
COASTAL COMMISSION

VIA EMAIL & FIRST CLASS MAIL

Mr. Karl Schwing
Ms. Liliana Roman
California Coastal Commission
200 Oceangate 10th Floor
Long Beach, CA 90802

Re: CDP Application No. 5-13-528

Revise Project Description: Delete reference to reconstruction of existing 902 sq. ft. deck

Project Address: 235 West Avenida Marquita, San Clemente, Orange County

Tentatively Scheduled: November 2013

Dear Karl and Liliana:

Pursuant to our conversation of yesterday afternoon, and in order to gain a recommendation for approval with special conditions acceptable to Yvette and Ryan Whitmore ("Applicants"), not recommending the removal of any portion of the existing deck which the Commission previously found not to require a CDP, as well as the long standing canyon improvements which my clients vigorously contend are pre-coastal, the applicants hereby agree to revise the project description of the pending CDP to delete any reference to the "reconstruction of existing 902 sq. ft. deck".

In our conversation yesterday afternoon you advised me that if the project description is revised to delete the replacement of the existing 902 sq. ft. deck that the project would be placed on the Commission's Consent Calendar and heard in November with no special condition recommending the removal of any portion of the existing deck and/or canyon improvements.

The project description will continue to include the 128 sq. ft. deck expansion off the 4th bedroom which meets all coastal canyon setback requirements and is not connected to existing deck; new deck railing for the existing deck which is being proposed for child safety purposes; the new retaining walls for the garage area adjacent to the street; and the new spa near the street which also meets all coastal and city setback requirements

I understand that the staff recommendation may include special conditions relating to the submittal of revised plans, assumption of risk, and future improvements. I also understand that the staff report may make reference to the existing canyon improvements but will not comment as to whether the same predate the Coastal Act.

Mr. Karl Schwing
Ms. Liliana Roman

Re: CDP Application No. 5-13-528 [Revise Project Description]
October 22, 2013

EXHIBIT # 5
PAGE 2 OF 2

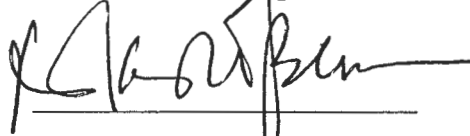
Page 2

Naturally, should you have any disagreement with any statement made above, please contact the undersigned at your earliest convenience.

Thank you for your anticipated courtesy and cooperation.

Very truly yours,

LAW OFFICES OF
BLOCK & BLOCK
A Professional Corporation

A handwritten signature in black ink, appearing to read 'Alan Robert Block', written over a horizontal line.

ALAN ROBERT BLOCK

ARB:sp

cc: Clients