

**CALIFORNIA COASTAL COMMISSION**

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# F6a

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Hearing Date: 06/08/2018

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-17-0612

**Applicant:** Sharon Alvey

**Agent:** Kristine Sprague

**Location:** 126 Trafalgar Lane, San Clemente, Orange County  
(APN: 692-141-03)

**Project Description:** Remodel of a one-story, 15.8-ft. high and 1,209.8 sq. ft. single-family residence over a partially subterranean level with a 185.3 sq. ft. attached garage. The proposed project includes an approximately 688 sq. ft. two-story addition; the construction of a new 342 sq. ft. rear deck; hardscape and landscape improvements; and the removal of an existing rear deck, concrete steps, and wood retaining walls on a coastal canyon lot. The proposed project will result in a two-story, approximately 24.4-ft. high and 1,897.8 sq. ft. residence with 185.3 sq. ft. attached garage.

**Staff Recommendation:** Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing a remodel and addition to an existing single-family residence on a coastal canyon lot. The major issues are concerning development in hazardous areas due to slope instability, erosion, landslides and the protection of water quality through the minimization of the effects of construction and post-construction activities on the marine environment.

Staff is recommending **approval** of the proposed project with **eight (8)** special conditions, which require **1)** submittal of final revised plans; **2)** conformance with the geotechnical report recommendations; **3)** assumption of risk and waiver of liability and indemnity; **4)** future improvements come back to the Commission for review; **5)** landscaping; **6)** Orange County Fire Authority approval; **7)** compliance with construction-related best management practices (BMPs); **8)** drainage plans; and **9)** deed restriction.

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## 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 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, foundation plans, grading plans that substantially conform with the plans submitted to the Commission on July 19, 2017, but shall be revised to include the following:
  - A. The terraced planter within the coastal canyon not proposed for removal under this coastal development permit shall be shaded and clearly marked “*this element not permitted by this or any other coastal development permit*” on each set of plans;
  - B. All new development (i.e. additions) and accessory structures (e.g. decks, patios, steps, fence) shall be sited in accordance with house and deck/patio stringlines drawn between the nearest corners of the adjacent structures.
  - C. The proposed removal of existing retaining walls shall be clearly marked on each set of plans.

The applicant 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.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director’s review and approval, along with set of final plans, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans including foundation and grading/drainage plans and certified that each of those final plans is consistent with all the recommendations contained in the geologic engineering investigations.

The applicants 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. **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 bluff and slope instability, erosion, and landslides; (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.

**4. Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-17-0612. 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. 5-17-0612. 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. 5-17-0612 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**5. Landscaping – Drought Tolerant, Non-Invasive Plans.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final landscaping plans, which shall include and be consistent with the following:
- i. Vegetated landscaped areas within the canyon portion of the project site disturbed during construction shall be re-vegetated to avoid erosion and shall only consist of drought-tolerant and non-invasive plants native to coastal Orange County and appropriate to the habitat type. Native plants shall be from local stock wherever possible. No permanent irrigation system shall be allowed within the canyon portion of the project site; temporary, above-ground irrigation to allow the establishment of the plantings is allowed.
  - ii. 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 (See: <http://ucanr.edu/sites/WUCOLS/files/183514.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
  - iii. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
- B. 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 plans shall occur without a Commission amendment to this

coastal development permit unless the Executive Director determines that no amendment is required.

**6. Orange County Fire Authority Approval.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, 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.

**7. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** 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:

- (a) 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;

- (b) The applicant shall develop and implement spill prevention and control measures;
- (c) 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
- (d) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

**8. Drainage & Water Quality.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit in a form and content acceptable to the Executive Director, two (2) full size sets of drainage plans, which shall include and be consistent with the following:

- (a) Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
- (b) All drainage from the lot shall be directed toward the street and away from the canyon slope into the City storm drain system.
- (c) Runoff shall be conveyed off site in a non-erosive manner.

The permittee and all successors in interest shall construct and maintain the development consistent with the drainage plans approved by the Executive Director.

- (d) **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The applicant proposes a remodel of and addition to an existing one-story, 15.8-foot high, 1,208.9-square-foot single-family residence over a partially subterranean level with an attached 185.3-square-foot one-car garage. The proposed project includes an approximately 688-square-foot two-story addition, the construction of a 342-square-foot rear deck canyonward of the addition supported by a caisson system; hardscape and landscape improvements; and the removal of an existing rear deck, concrete steps, and wood retaining walls. The proposed project will result in a two-story, approximately 24.4-foot high and 1,897.8-square-foot residence with 185.3-square-foot attached garage. Project plans are included in **Exhibit 2**. The proposed development is located within an existing developed area and is compatible with the character and scale of the surrounding area. No adverse visual impact to public views is anticipated as a result of the proposed two-story addition as no significant public coastal views currently exist across the site and the project site is not visible from public vantage areas.

The proposed development is located at 126 Trafalgar Lane in the City of San Clemente, Orange County on a canyon-top lot (**Exhibit 1**). The canyon-top lot slopes gradually from the street northerly down to a rolling slope, followed by a steeper slope on the face of the canyon. The site is an approximately 8,030-square-foot lot designated Low Density Residential by the City of San Clemente Land Use Plan (LUP); the proposed project adheres to this designation. The project is located within an existing developed urban residential area. The site is surrounded by single-family residential development. The site is over a half of a mile from the beach and does not provide public coastal access. The nearest coastal access is available over half of a mile west of the subject site at the San Clemente Municipal Pier, and over half a mile southwest at the T-Street public access path that provides public access down the coastal bluff face to the beach below (**Exhibit 3**).

Based on public property file documents, the site was developed in 1948 (prior to the Coastal Act) with the subject single-family residence, which is nonconforming to current front yard and side yard setback requirements. In addition, the existing residence consists of an attached one-car garage, which does not conform with the Commission's and the City's parking requirement of at least two spaces per residential unit. Typically existing non-conformities for a minor remodel may be retained as legal non-conforming development only if the proposed development does not constitute a major remodel. However, the certified Land Use Plan (LUP) does not offer a definition for either "major" or "minor" remodel. The 50 percent demolition threshold, which has been applied by the Commission in other areas, provides one consistent and objective method of dealing with existing non-conformities associated with extensive major remodel projects. In this case, not more than 50 percent of demolition is proposed. Moreover, the applicant is not proposing exterior work to the street side of the residence. Given that the proposed demolition work is limited to demolition of side and rear portions of the residence toward the canyon and given the limited space available on the street side of the property, accommodating an additional on-site parking space is not feasible.

Another threshold is whether a 50 percent increase in the internal floor area of a structure is being proposed. Depending on how the internal floor area of the existing residence is calculated (i.e. if calculations include or do not include internal floor area of attached garage) the proposed addition would or would not result in an increase of more than 50 percent of floor area. Through the City's



Implementation Plan, which will be a component of the City's Local Coastal Program once it is certified, the City will have to clearly define how internal floor area should be calculated. Nevertheless, regardless if the proposed development results in an increase of 50 percent of internal floor area, the front (street side) and side yard setbacks are not necessary to address any coastal resource protection purpose in this instance. Moreover, given the location of the project site from the coast and due to the provision of one on-site parking space, the project is not anticipated to have an adverse impact on public coastal access.

In addition to the existing residence and attached garage, the property is improved with landscaping, retaining walls, terraced planter, and steps within the canyon. It has not been determined when these accessory structures were constructed, and/or if they existed prior to the Coastal Act. There is no record of any previous coastal development permits for the subject site. At this time, the applicant is proposing to remove the landscaping, retaining walls, and steps but is not proposing to remove the terraced planter constructed within the coastal canyon. Therefore, staff imposes **Special Condition 1** requiring the applicant submit final plans clearly identifying all of the existing development within the coastal canyon proposed to be retained as shaded and clearly marked "this element not permitted by this or any other coastal development permit" on the final plans approved by Commission staff.

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

*New development shall not encroach into coastal canyons and shall be set back either:*

- D. *a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge; or*
- E. *a minimum of 30% of the depth of the lot, and set back from the line of native vegetation (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from riparian vegetation); or*
- F. *in accordance with house and deck/patio stringlines drawn between the nearest corners of the adjacent structures.*

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

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 project site is located along the rim of Trafalgar Canyon, an area identified in the certified San Clemente Land Use Plan as an environmentally sensitive habitat area (ESHA). While rare or endangered species have not been reported to exist within the coastal canyon habitat of San Clemente, the City has designated all coastal canyons as ESHA, as depicted in **Exhibit 4**. 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

and prior 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.

Due to pre-Coastal Act development, segments of Trafalgar Canyon are degraded due to development associated with residences in adjacent lots that extend to the bottom of the canyon. On this particular lot, the portion of the canyon located within the subject property is degraded due to possible past grading, construction of steps, retaining walls, and terraced planter, and the presence of non-native plants. No portion of the applicant's site contains resources that rise to the level of ESHA.

Of the three setback criteria articulated above for canyon development in San Clemente, the structural stringline canyon setback is the most protective of canyon resources in this case based upon this site's characteristics and the degraded nature of the canyon. Minor updates and revisions were made during staff review ensuring that the proposed project conforms to this requirement. Special Condition 1 also requires the submittal of final plans incorporating these changes.

The applicant provided a Preliminary Geotechnical Investigation Report dated October 20, 2017 and Slope Stability Analysis dated November 11, 2017 prepared by Geotechnical and Environmental Engineering Consultants, Inc., which found no evidence of a landslide on the site and indicated that the slope impacting the subject site is grossly and superficially stable. No groundwater was encountered in subsurface explorations and no faults were identified on the site. The report concluded that the site is suitable for the proposed development from a geotechnical aspect, provided the recommendations outlined in the report are implemented. The report provides recommendations regarding site grading/preparation and foundations. **Special Condition 2** requires the applicant submit final design and construction plans including foundation and grading, in substantial conformance with the project plans approved by this coastal development permit ensuring that an appropriately licensed professional has reviewed and approved all final plans and certified that the plans are consistent with all the recommendations specified in the above-referenced geotechnical report.

The proposed project is located atop a coastal canyon, 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 3**. 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, which could potentially adversely impact the geologic stability, or other coastal resources, the Commission imposes **Special Condition 4**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-17-0612) or a new coastal development permit.

The applicant has submitted a landscape plan and vegetation removal is not proposed canyonward beyond the stringline setback areas. However, as construction is proposed on the canyon side of the lot, staff imposes **Special Condition 5** requiring vegetated areas within the canyon portion of the project site disturbed during construction be re-vegetated to avoid erosion. Vegetation on the

canyon facing side of the lot shall only consist of drought-tolerant plants native to coastal Orange County and appropriate to the habitat type and no permanent in-ground irrigation systems shall be installed on the canyon-facing portion of the site; only temporary above ground irrigation is allowed to establish plantings. Any 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.

Additionally, because the proposed project is located adjacent to a coastal canyon, the applicant is required to contact the Orange County Fire Authority (OCFA) to determine whether their review and approval is required for this development. According to the OCFA code, fuel modification plans are required for new habitable structures or additions to habitable structures, which is the case for the proposed development. The applicant has not provided written evidence from OCFA that the proposed development is in conformance with OCFA fuel modification requirements for canyon sites. Therefore, **Special Condition 6** requires the applicant provide written evidence of either OCFA approval or that OCFA review is not required for this development and Special Condition 6 requires submittal of a fuel modification plan for the site if required by OCFA. The special conditions of this staff report are designed to protect the remaining habitat value of the Canyon.

During project construction, in order to minimize adverse construction-related impacts upon marine resources, **Special Condition 7** 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. Adequate drainage facilities supporting the proposed additions should convey site drainage away from the canyon slope to minimize hazards and to address water quality. Therefore, the Commission imposes **Special Condition 8** requiring the submittal of final drainage plans.

The Commission also imposes **Special Condition 9** requiring the applicant to record a Deed Restriction acknowledging that, pursuant to this permit (CDP No. 5-17-0612), the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property.

## **B. HAZARDS**

Development adjacent to slopes such as those found on canyons or hillsides is inherently hazardous. To minimize risks to life and property and to minimize the adverse effects of development on hillsides and bluffs, the development has been conditioned to require the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, requirement for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and a requirement 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. 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 future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

**D. 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.

**E. 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 and reducing runoff through the use of permeable surfaces, and for the use of 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.

**F. 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 Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and in 1996 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 and the IP review process was never completed. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000. In March 2016, the City submitted an amendment application requesting a comprehensive update of the LUP. On February 8, 2018, the Commission approved a comprehensive LUP update with suggested modifications and additional revisions. On April 13, 2018, the Commission adopted the revised findings to the comprehensive LUP update and determined that the findings were in support of the Commission's February 8, 2018 action. However, certification of the comprehensive LUP update is still pending. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

**G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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

The project is located in an urbanized area. Development already exists on the subject site. The development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. **Special Conditions** imposed are intended to mitigate adverse impacts to coastal resources. The **Special Conditions** address the following issues: **1)** submittal of final revised plans; **2)** conformance with the geotechnical report recommendations; **3)** assumption of risk and waiver of liability and indemnity; **4)** future improvements come back to the Commission for review; **5)** landscaping; **6)** Orange County Fire Authority approval; **7)** compliance with construction-related best management practices (BMPs); **8)** drainage plans; and **9)** deed restriction. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

**Appendix A - Substantive File Documents**

- City of San Clemente certified Land Use Plan
- *Preliminary Geotechnical Investigation for Proposed Residential Addition and Renovation, 126 Trafalgar Lane, San Clemente* (Project No. 17-877P) prepared by Geotechnical and Environmental Engineering Consultants, Inc. October 20, 2017.
- *Slope Stability Analyses* prepared by Geotechnical and Environmental Engineering Consultants, Inc. dated November 11, 2017.
- Approval-in-Concept from the City of San Clemente dated 06/19/2017.