

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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F10d

CDP 5-21-0079 (VILORIA)

AUGUST 13, 2021

CORRESPONDENCE

Appeal

Iain BES <iain@besincsc.com>

Tue 6/29/2021 11:20 AM

To: Revell, Mandy@Coastal <Mandy.Revell@coastal.ca.gov>

Cc: Ben Vioria <Ben@vioriaconstruction.com>; Gabriel Perez <PerezG@san-clemente.org>

Good morning Mandy,

Mr. Vioria would like to appeal staff's decision to recommend denial of the 5' reduction to the 15' coastal canyon setback for a cantilevered wood framed deck. We believe a visit to the site to see that improvements on all of the properties within site of the subject property are constructed with building and deck support foundations much closer to the canyon, and in several cases onto the canyon slope.

The proposed deck design will provide the required 15' foundation setback, and the 5' wood framed cantilevered deck structure above is located well outside of the string line, and would not impact the canyon in any way.

The assertion that the canyon will erode should not apply to this canyon since it has a permanent concrete drainage culvert at the bottom, and has no interaction with a natural creek or wave action. In addition, the slope behind the subject property was completely regraded and repaired in recent years with water diversion/slope protection measures in place to further ensure the long term stability of the slope.

In addition to the contextual situation of the canyon and neighboring structures, and the recent slope reconstruction, we assert that this project should qualify for a diminimous waiver on the grounds that it meets the requirements of HAZ-47.a-c to the letter, and CCC staff should reconsider their interpretation of HAZ-47.d:

"d. Ancillary improvements such as decks and patios, which are at-grade and do not require structural foundations may extend into the setback area no closer than five (5) feet to the canyon edge (as defined in Chapter 7, Definitions), provided no additional fuel modification is required that may impact native vegetation. No new or redeveloped walkways, stairs or retaining walls shall extend into the canyon beyond the required coastal canyon setback."

First, there is no definition given for "at-grade" in the document, so that is left up to interpretation. In this case, the proposed deck is located on the same level as the street and entry grade/ main level of the residence.

Second, the portion of the proposed deck encroaching into the 15' setback does not require a foundation to be constructed beyond the required setback for support, and removal of the cantilevered portion would not impact the structural support of the remaining portion of the deck. It is clear that the spirit of HAZ-47 is to restrict construction adjacent to a coastal canyon that would extend further towards the canyon than a string line between comparable adjacent existing structures, and to restrict construction of foundation/structures with supports located close to the canyon edge (within 15') and susceptible to erosion or which require slope stabilization measures. The proposed project meets both of these criteria.

Please let us know our next steps, and when/where the meeting will be held.

Thank you very much,
Iain Buchan

