

CALIFORNIA COASTAL COMMISSION

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



Th16b

ADDENDUM

November 10, 2008

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th16b**, COASTAL COMMISSION PERMIT APPLICATION **#5-06-325 (Walker)** FOR THE COMMISSION MEETING OF **November 2008**.

#1 Correspondence

The attached letter from Ms. Mimi Lane, property owner at 1209 Buena Vista, San Clemente (Orange County) was received on November 10, 2008 expressing concerns regarding the scope of work for Coastal Commission Permit Application #5-06-430 (Walker). Specifically, Ms. Lane seeks clarification on how the project affects her neighboring property.

Staff contacted Ms. Lane to explain that this application for permit is a follow-up application for emergency work conducted in 2006 under an emergency permit and that the proposed project has already taken place. The follow-up permit application seeks approval of any extra work deemed necessary to address the emergency that was otherwise not covered under the original emergency permit.

Staff recommends approval of the proposed project with special conditions addressing bird strikes for the un-permitted glass screen wall along the bluff and for a deed restriction to ensure that future owners are aware that future development on the site requires a coastal development permit prior to the issuance of the permit.

#2 Revisions to Staff Report

Commission staff recommends the addition of Exhibit #8 on page 2 of the staff report and the following language changes for clarification to the last paragraph of page 6 of the staff report under the heading "As Built Project." Deleted language is in ~~strike through~~ and new language is in **bold, underlined italic**, as shown below:

On Page 2 of staff report:

LIST OF EXHIBITS:

1. Vicinity Map
2. Assessor's Parcel Map
3. Coastal Access Points Map

4. Project Plans
5. Project Plans for Glass Screenwall
6. Site Photos (2006: Pre-Emergency Permit)
7. Site Photos (2008: Post Emergency Permit)
8. Comparison of Project Plans Approved by Emergency Permit and Final Project Plans

On Page 7 of staff report:

As Built Project

A total of nine caissons extending to a minimum depth of 45 feet below existing grade (or 16 feet into competent bedrock) were installed per geotechnical report recommendations (prepared after issuance of the emergency permit). Exhibit ~~#4~~ shows the location **final configuration of the caissons installed.** To provide additional lateral support to the existing 1950s exposed caissons on the bluff face, they were structurally tied to the new caissons via grade beam. The new caissons support the new concrete “cantilevered” concrete patio slab (on either side) acting as a “dead man”. The rear tile patio was demolished and a new concrete patio re-built with a surface and subsurface drainage system leading away from the bluff to the frontage road. Existing downspouts and gutters were also connected to the drainage system. The project did not involve any landscaping.

The final project built by the current owner in 2006 involved a total of nine (9) 36” diameter caissons along the rear (coastal bluff side) of the property to support the rear patio, residence and provide lateral support to the bluff; instead of the originally approved eight (8) **caissons: three (3) 30” diameter caissons in an “L” configuration along the southwest corner of the lot and the five (5) 36” diameter caissons in another “L” configuration along the southeast corner of the lot.** ~~(three 30” diameter caissons along the southwest corner of the lot and five 36” diameter along the southeast corner of the lot) as shown on Exhibit #8.~~ **Exhibit #8, page 1 shows the original caisson configuration approved under the emergency permit. Exhibit #8, page 2 shows the final caisson configuration with the City’s approval stamp, noting that the caisson formation had been reconfigured and one additional caisson added, after final geotechnical review.** Additionally, the existing metal guardrail fence along the perimeter of the concrete patio which extends to the bluff edge was also replaced with a 42” tempered glass screen wall.

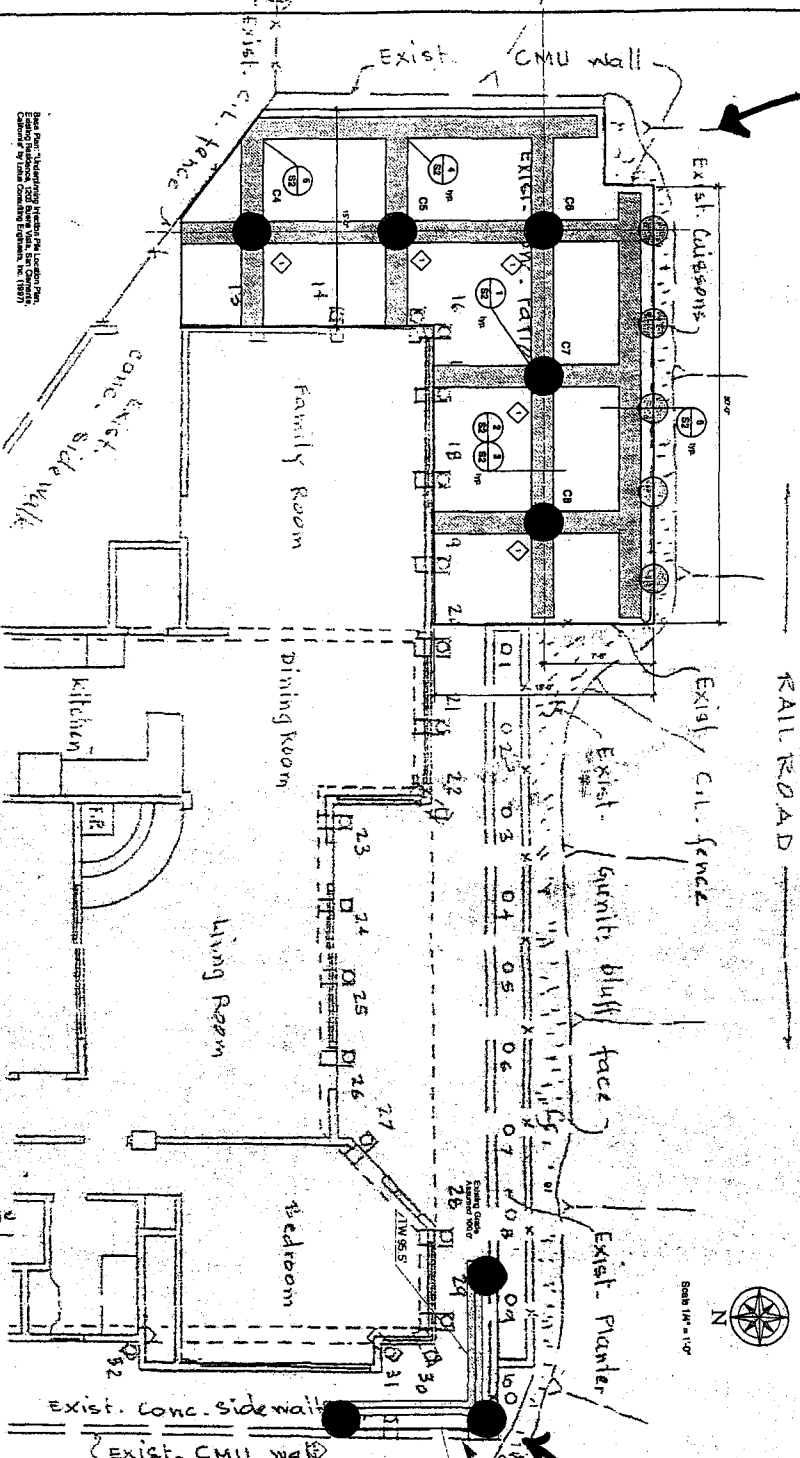
COASTAL COMMISSION

EXHIBIT # 8

PAGE 1 OF 2

South east corner
of the lot

South west corner
of the lot



Original Caisson Configuration approved
under Emergency Permit

CAISSON SCHEDULE			
NO.	TYPE	DEPTH	SPACING
1-32	18"	14'-0"	4' x 4' O.C.

ALL CAISSONS TO BE ANCHORED A MINIMUM OF 18" IN CONCRETE. THE ANCHORS SHALL BE 1/2" DIA. BARS, EMBEDDED APPROXIMATELY 20" AND BEING SUFFICIENTLY LONG TO BE CONFIRMED BY THE GEOTECHNICAL CONSULTANT.

GRADE BEAM SCHEDULE			
NO.	TYPE	DEPTH	SPACING
1	Grade Beam	18"	3'-0" x 18" (MIN.) 4' x 4' O.C.

ALL GRADE BEAMS ARE TYPE A

DAVID A. PURKIS, PE
GEOTECHNICAL
CIVIL
STRUCTURAL
2377 S. EL CAMINO REAL #203
SAN CLEMENTE, CA 92672
949.353.3701 phone
949.661.1562 fax

JUL 15 2008

REAR YARD DECK
STRUCTURAL PLAN

WALKER RESIDENCE
1203 BLUNA VISTA
SAN CLEMENTE, CA

CAISSON SUPPORTED
RETAINING WALL PLAN

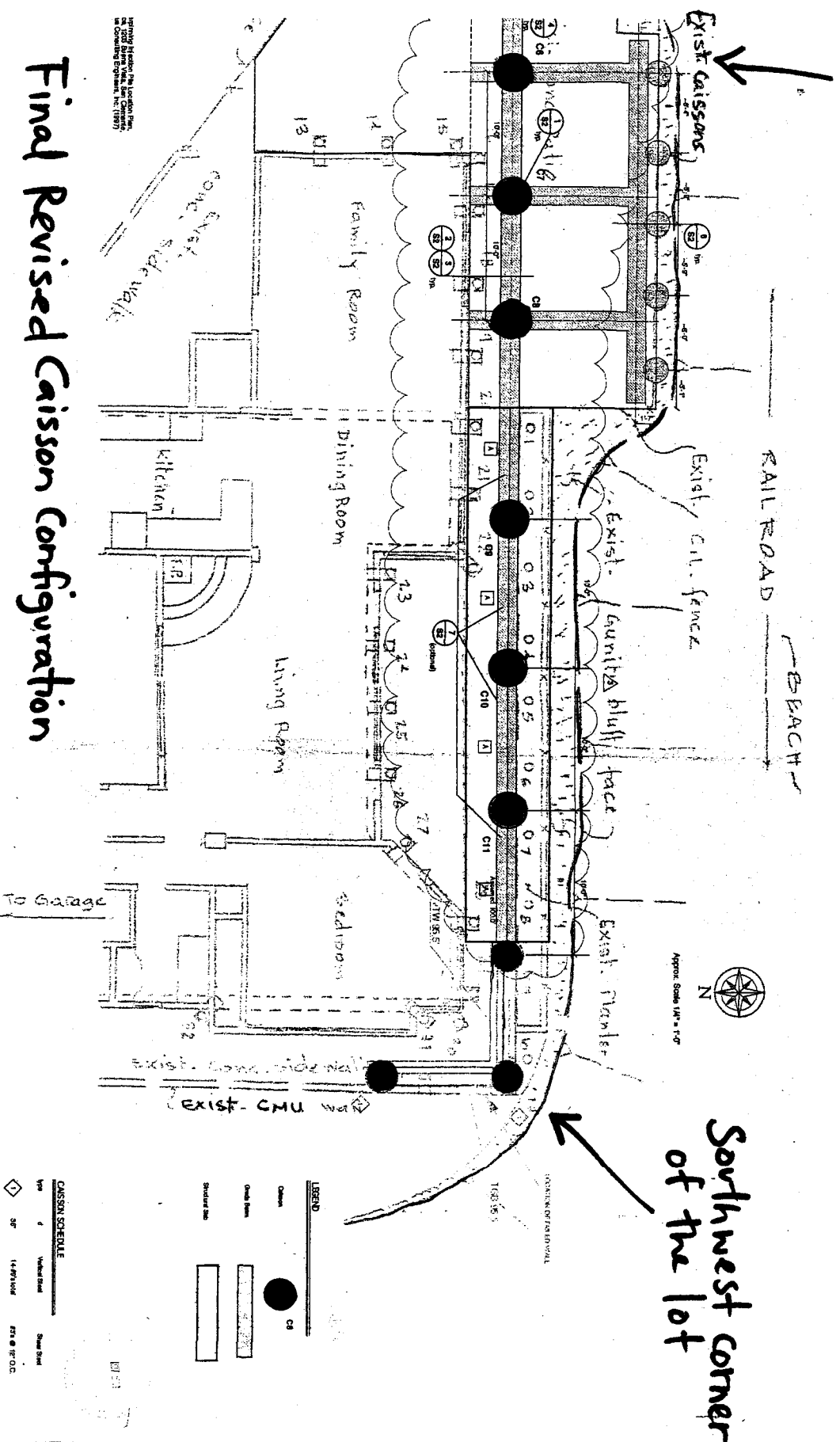
DATE: July 16, 2008
REVISIONS:
APPROVED: 05/17/08
SCALE: 1/4" = 1'-0"

South east corner
of the lot

Southwest corner
of the lot

OCT 3 1 2004

Joh Set Revision / Supplement



Final Revised Caisson Configuration

City Approval →
Extra caisson, & reconfiguration

APPROVED

CITY OF SAN CLEMENTE

PLANNING DIVISION

BY PA DATE 4/24/02

supplement 70

Bo6-2473

0100511-170

... and ...

Percent 1490 7 mm

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Part 1

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CAISSON SCHEDULE			
type	d	Vertical Stress	Shallow Stress
1	36"	14,400 lb/ft ²	25% @ 12" O.C.

All caissons to be Type 1.
All caissons to be embedded a minimum of 16 ft into competent bedrock, anticipated to be approximately 30 feet below existing grade.

GRADE BEAM SCHEDULE

1000

Type	Control	Yield
1	100	100
2	100	100
3	100	100
4	100	100
5	100	100
6	100	100
7	100	100
8	100	100
9	100	100
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16" Gender Baiter

1

All Grade Beams are Type

70
REV:

November 9, 2008

RECEIVED
South Coast Region

NOV 10 2008

CALIFORNIA
COASTAL COMMISSION

Hearing Date	Nov. 13, 2008
Item Number	TH16b
Permit Number	5-06-325
My Position	<i>CONCERNED</i>

California Coastal Commission
South Coast District
PO Box 1450
200 Oceangate 10th Floor
Long Beach, CA 90802-4416

Dear Coastal Commission:

Yesterday I received a letter from the Coastal Commission advising me that my neighbor, Carol Walker, is applying for a permit to make certain improvements to her residence located at 1203 Buena Vista in San Clemente (APN 692-111-13). The letter also advised me I have to respond in writing to the Coastal Commission by tomorrow or appear in person on the hearing date. I am 74 years old, have a surgery scheduled in two weeks to have my knee replaced, and my husband, who always handled these matters, unexpectedly died a few months ago. I am therefore doing my best to relay my concerns by writing this letter today. I have arranged for a courier to take it to the Coastal Commission by tomorrow, the required date.

Ms. Walker's residence is located on an ocean bluff-front property adjacent to my vacant lot. I also own and live in a single-family residence next to the vacant lot. Both of my properties are on the bluff. Her residence structure is built either on or within inches of the lot line along my vacant lot. Her structural improvements extend to the bluff edge.

I certainly appreciate Ms. Walker's need to provide proper support for her property. And this is especially so because I know her residence is perched right at or perhaps over the edge of the bluff. But aside from the general description in the Coastal Commission letter I received yesterday, I do not know the details of Ms. Walker's project. Without knowing the extent of the

work or how it will be accomplished, I cannot determine whether, or to what extent, the work will affect my lot.

I would appreciate receiving copies of any detailed plans and procedures so that I can understand the nature and extent of Ms. Walker's project.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Mimi Lane". The signature is written in dark ink and is positioned below the "Thank you" line.

Mimi Lane
1209 Buena Vista
San Clemente, CA 92672
(949) 492-1015

CALIFORNIA COASTAL COMMISSION

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



Filed: May 22, 2008
49th Day: July 10, 2008
180th Day: November 18, 2008
Staff: Liliana Roman-LB
Staff Report: October 23, 2008
Hearing Date: November 12-14, 2008
Commission Action:

Item Th

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-06-325

APPLICANT: Carol Ann Walker

PROJECT LOCATION: 1203 Buena Vista, San Clemente (Orange County)

PROJECT DESCRIPTION: Installation of three (3) 30" diameter, approximately 30' deep caissons interconnected by a grade beam system and a 4' to 10' deep concrete retaining wall in an "L" shaped configuration along the southwest corner of the lot; installation of five 36" diameter, approximately 30' deep caissons and a grade beam system beneath the patio along the southeast corner of the lot; reconstruction of the concrete patio along the seaward (rear yard) side of the lot; removal of existing wrought iron patio fence along the seaward side of the lot and replacement with a glass wall on a coastal bluff lot.

LOCAL APPROVALS RECEIVED: City of San Clemente Building Permit Number: 5-083208

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP); *Building Permit Number: 5-083208 Geotechnical Verification of As-Built Conditions and Project Stability – Walker Residence at 1203 Buena Vista, San Clemente, CA 92672* prepared by Lotus Consulting Engineers, Inc. dated March 18, 2008; *Final Engineering Geologic Report of Drilled Caisson Borings in the Rear Yard Area of 1203 Buena Vista, San Clemente, CA 92672; Building Permits #5-083208 and #B06-3370* prepared by William R. Munson dated March 14, 2008; *Building Permit Number: 5-083208 Evaluation of As-Built Conditions; Proposed Caisson Underpinning-Corner of Bluff Stabilization Walker Residence at 1203 Buena Vista, San Clemente, CA 92672* prepared by Lotus Consulting Engineers, Inc. dated July 31, 2006; *Structural Analysis of Caisson Stabilization and Supported Deck, 1203 Buena Vista, San Clemente, CA* prepared by David A. Purkis, PE dated July 25, 2006; *Project Concerns & Report on Geotechnical Evaluation of Rear Patio & Bluff Existing Walker Residence, 1203 Buena Vista, San Clemente, CA 92672* prepared by Lotus Consulting Engineers, Inc. dated July 17, 2006; *City of San Clemente, Building Division – Slope Stability requirements for Building Permit Number: 5-083208, 1203 Buena Vista, San Clemente, CA 92672; Borella Geology, Inc. – 1203 Buena Vista San Clemente, Building Permit Number: 5-083208, Permittee Owner – Carol Walker, Job No. 05083208; William R Munson – Memorandum to Mr. Peter Borella, 1203 Buena Vista, San Clemente, CA 92672; Permit Number: 5-083208, Permittee Owner – Carol Walker* dated June 2, 2006.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed project with six (6) special conditions, which require 1) Assumption of Risk, Waiver of Liability and Indemnity; 2) Future Development; 3) Bird Strike Prevention on Proposed Glass Wall; 4) Condition Compliance; 5) Future Caisson , Grade Beam, Retaining Wall Exposure Plans and 6) Generic Deed Restriction. The proposed repair work is necessary to protect an existing single-family residence. The subject site is located coastal bluff lot located between the first public road and the sea in the City of San Clemente. All coastal bluffs in San Clemente are identified as environmentally sensitive habitat areas in the City's certified Land Use Plan. Primary issues associated with this development include assurance that the proposed development is consistent with the geologic hazard policies of the Coastal Act, as well as assuring that the development is consistent with protection of coastal habitat. Special Condition 1 requires submittal of revised plans showing the clear glass wall re-designed to prevent the creation of a bird strike hazard with the use of etching or appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency.

LIST OF EXHIBITS:

1. Vicinity Map
2. Assessor's Parcel Map
3. Coastal Access Points Map
4. Project Plans
5. Project Plans for Glass Screenwall
6. Site Photos (2006: Pre-Emergency Permit)
7. Site Photos (2008: Post Emergency Permit)

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-06-325 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

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:

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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any 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

1. Assumption of Risk, Waiver of Liability and Indemnity

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

2. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-06-325. 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 the development governed by Coastal Development Permit No. 5-06-325. 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. 5-06-325 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

3. Bird Strike Prevention

- A. Where the backyard of the residence abuts coastal bluffs, there shall be walls, fences, gates, safety devices and boundary treatments, as necessary, to protect coastal bluff habitat. Bluff top fences and gates subject to this permit shall use materials designed to minimize bird-strikes with the fence, or gate. Material selection and structural design shall be made in consultation with a qualified project biologist, the California Department of Fish and Game and the United States Fish and Wildlife Service (herein 'Resource Agencies'), and the Executive Director of the Commission. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit final revised plans showing the location, design, height and materials of fences, and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition. The plans shall have received prior review and approval by the City of San Clemente.
- B. The permittee shall undertake development in accordance with the approval 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.

4. Condition Compliance

Within 90 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant in writing for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit including the recordation of the deed restriction. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

5. Future Caisson , Grade Beam, Retaining Wall Exposure Plans.

In the event any project features initially proposed to be subsurface but which subsequently become exposed to view from the beach below the site, the permittee shall, through the coastal development permit process, seek to remedy the visual impact of the exposed structure(s) through, among other possible means, aesthetic treatment of the exposed structures such that they match the appearance of surrounding terrain to the extent feasible and minimize visual impact of the exposed structures.

6. 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 applicant has executed and recorded against the parcel 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 all 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:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

Project Location

The project site is located at 1203 Buena Vista, a near vertical coastal bluff top lot between the first public road and the sea in the City of San Clemente, Orange County (Exhibits 1 and 2). The subject site is currently developed with a one-story single-family residence built in the 1950s. The site is surrounded to the north and south by residential development, to the east by the frontage street (Buena Vista) and to the west by an approximately 90 foot high coastal bluff. The bluff slope descends to the San Clemente Coastal Trail, the Orange County Transportation Authority (OCTA) railroad and sandy beach below.

The coastal bluffs in San Clemente are not subject to direct wave attack because they are separated from the beach by the railroad tracks and right-of-way. The railroad tracks have a rip-rap revetment which protects the tracks from erosion and wave overtopping. Though not subject to direct wave attack, the bluffs are subject to weathering caused by natural factors such as wind and rain, poorly structured bedding, soils conducive to erosion and rodent burrowing. Bluffs may also be subject to erosion from human activities, such as irrigation, improper site drainage and grading.

The nearest vertical coastal access is available approximately 100 feet downcast of the subject site via a stairway at the El Portal public access point (Exhibit 3). Lateral public access is located seaward of the railroad right-of-way at the beach below the subject site, and along the inland side of the railroad track via the newly constructed San Clemente Coastal Trail.

Prior Permit History

In 1997, the Commission approved CDP 5-97-107(Spurill) as a follow-up to an emergency permit for a bluff stabilization project consisting of drilling thirty-two (32) 30" diameter caissons forty-two (42) feet deep through the concrete slab patio along the property's bluff edge. A 36" steel reinforced concrete haunch foundation system was installed to underpin the ocean-fronting portion of the residence's foundation. The emergency permit authorized 20 caissons, however, the follow-up CDP authorized a total of 32 caissons that had been actually installed. In addition, the project description of CDP 5-97-107 included work conducted without benefit of a coastal development permit in May 1996. That development consisted of the drilling of eleven (11) 3" holes and injection of 136.5 cubic feet of grout beneath the residence. However, not all of the special conditions were fulfilled and the permit was never issued.

In 2002, the Commission approved CDP 5-01-420(Khaloghli) for 'after-the-fact' improvements to the bluff stabilization system, waterproofing, drainage improvements and landscaping. The previous 1997 "un-permitted" emergency bluff stabilization project was

also included in the project description for CDP 5-01-420(Khaloghli). All special conditions were met and the permit issued.

Project Description – Approved Under Emergency Permit

This Coastal Development Permit Application is the follow-up permit for emergency work conducted under Emergency CDP 5-06-325-G (Walker) issued on August 23, 2006. The cause of the emergency work was the failure of a retaining wall on the northeast corner of bluff resulting from over-saturation due to heavy rains of 2004-2005. The wall that existed along the rear of northerly adjacent property collapsed exposing a drain pipe that outlet onto the bluff face. An existing support on the northwest side (on the adjacent property) of the northwest corner of the bluff also gave and collapsed. In 2006, additional distress features including settlement and southerly sloping of patio tiles adjacent to the residence, a continuous crack in the middle of the 4' wide patio from southeast corner to northeast corner, slumping of the gunite face along its contact with the footing of a wrought iron fence, apparent bulging of 1950s caissons, and a vertical crack on the concrete patio slab just above the caissons were also observed. The approved emergency project description is as follows:

Installation of three (3) 30" diameter, approximately 30' deep caissons interconnected by a grade beam system and a 4' to 10' deep concrete retaining wall in an "L" shaped configuration along the southwest corner of the lot; installation of five 36" diameter, approximately 30' deep caissons and a grade beam system beneath the patio along the southeast corner of the lot; and reconstruction of the concrete patio along the seaward (rear yard) side of the lot.

As Built Project

A total of nine caissons extending to a minimum depth of 45 feet below existing grade (or 16 feet into competent bedrock) were installed per geotechnical report recommendations (prepared after issuance of the emergency permit). Exhibit # shows the location. To provide additional lateral support to the existing 1950s exposed caissons on the bluff face, they were structurally tied to the new caissons via grade beam. The new caissons support the new concrete "cantilevered" concrete patio slab (on either side) acting as a "dead man". The rear tile patio was demolished and a new concrete patio re-built with a surface and subsurface drainage system leading away from the bluff to the frontage road. Existing downspouts and gutters were also connected to the drainage system. The project did not involve any landscaping.

The final project built by the current owner in 2006 involved a total of nine (9) 36" diameter caissons along the rear (coastal bluff side) of the property to support the rear patio, residence and provide lateral support to the bluff; instead of the originally approved eight (8) (three 30" diameter caissons along the southwest corner of the lot and five 36" diameter along the southeast corner of the lot) as shown on Exhibit #8. Additionally, the existing metal guardrail fence along the perimeter of the concrete patio which extends to the bluff edge was also replaced with a 42" tempered glass screenwall.

Unpermitted Development

The geotechnical reports recommended a revised caisson and grade beam project resulting in one additional caisson, not originally permitted under emergency permit 5-06-325-G. Replacement of the rear patio metal guard rail fence was also not included in the emergency permit as its replacement was not anticipated by the applicant. Although City approvals were obtained for the new glass screenwall, it is considered “unpermitted development” as it was not part of the approved emergency permit. The applicant is requesting approval for the glass screenwall fence with this follow-up permit.

B. GEOLOGIC STABILITY

Bluff top development poses potential adverse impacts to the geologic stability of coastal bluffs, to the preservation of coastal visual resources, and to the stability of residential structures. Bluff stability has been an issue of historic concern throughout the City of San Clemente. Coastal bluffs in San Clemente are composed of fractured bedding which is subject to block toppling and unconsolidated surface soils which are subject to sloughing, creep, and land sliding. The Commission has traditionally followed a set of setback and string-line policies as a means of limiting the encroachment of development seaward to the bluff edges on unstable bluffs and preventing the need for construction of revetments and other engineered structures to protect new development on coastal bluffs, as per Section 30253 of the Coastal Act. However, the existing single-family residence and patio were constructed in 1951, prior to passage of the Coastal Act. The residence is located approximately 10 feet from the bluff edge and the approximately 4’ wide patio extends from the residence to the bluff edge. The gunite wall and caissons located along the bluff face were also constructed prior to the Coastal Act.

Section 30235 of the Coastal Act allows the construction of protective devices to protect existing structures when designed to mitigate adverse impacts. As such, the Commission approved repairs and improvements to the existing bluff stabilization system in 2002. The owner now requests to further improve the system.

Coastal Act and City of San Clemente Certified Land Use Plan (LUP) Policies

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...

The City of San Clemente Certified LUP contains policies limiting new development on coastal bluff faces to public staircases and policies establishing stringlines for purposes of limiting the seaward encroachment of development onto eroding coastal bluffs. Although the standard of review for projects in San Clemente is the Coastal Act, the policies of the Certified LUP are used as guidance. These policies include the following:

Policy VII.13:

Development shall be concentrated on level areas (except on ridgelines and hilltops) and hillside roads shall be designed to follow natural contours. Grading, cutting, or filling that will alter landforms (e.g.; bluffs, cliffs, and ravines) shall be discouraged except for compelling reasons of public safety. Any landform alteration proposed for reasons of public safety shall be minimized to the maximum extent feasible.

Policy VII.14 states:

Proposed development on bluff top lots shall be set back at least 25 feet from the bluff edge, or set back in accordance with a stringline drawn between the nearest corners of adjacent structures on either side of the development. This minimum setback may be altered to require greater setbacks when required or recommended as a result of a geotechnical review.

Policy VII.16 states:

In a developed area where new construction is generally infill, no part of a proposed new structure, including decks, shall be built further onto a beachfront than a line drawn between the nearest adjacent corners of the adjacent structures. Enclosed living space in the new unit shall not extend further seaward than a second line drawn between the most seaward portions of the nearest corner of the enclosed living space of the adjacent structures.

Policy VII.17 of the LUP also limits the type of development allowed on bluff faces. It states:

New permanent structures shall not be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access where no feasible alternative means of public access exists.

The Commission has received many application requests to resolve geotechnical problems and protect existing structures on coastal bluffs and coastal canyons in San Clemente which were caused by inadequate drainage systems, i.e., broken irrigation lines,

over watering, directing uncontrolled runoff to the bluff slopes, and differential settling due to improperly compacted fill.

The coastal bluff at the subject site is considered unstable. In years past, bluff instability and erosion have detrimentally affected the subject site due to soil saturation and high groundwater activity. The problems were exacerbated by poor drainage conditions, which have since been corrected. The existing structure is protected by shotcrete along the entire bluff face and by five exposed concrete caissons located at the southeastern portion of the bluff face built in the 1950s prior to the passage of the Coastal Act. Prior slope instability was caused by sub-surface water eroding the soils from beneath the structure's foundation and patio area. The drainage problem that caused the erosion has been corrected and the installation of the waterproofing system under a previous CDP.

In 1997, the Commission issued an emergency permit for the installation of steel rod anchors and a concrete haunch to underpin the ocean-fronting portion of the residence foundation. The 1997 follow-up permit staff report describes the site and the danger presented if no measures were taken to support the foundation, stabilize the patio and residence, and prevent further slope movement. The Commission approved the repairs necessary to protect the existing development. However, the consulting engineers offered no assurance that the site would remain stable and not require further repair.

In 2001, the northwestern portion of the gunite wall began to crumble. The cause of the failure has been attributed to runoff from a neighboring property, which has since been redirected. The subsurface water caused erosion of the soil behind the gunite wall and, over time, caused a portion of the wall to fail. In 2001, the applicant constructed a waterproofing system to protect the bluff face. Specifically, the work carried out by the previous owner in Fall 2001 involved application of a stucco type mortar and "Theroseal" waterproofing to a free-standing rebar and mesh frame adjacent to the bluff face where a portion of the existing (pre-coastal) gunite/shotcrete wall had failed. The waterproofing material was textured and colorized in an effort to match the surrounding natural bluff, a drainage device was constructed at the base of the gunite wall and drought-tolerant vegetation was planted along the lower slope.

In 2002, the Commission approved CDP 5-01-420 for 'after-the-fact' improvements to the bluff stabilization system, waterproofing, drainage improvements and landscaping.

Saturation of the bluff during the rainy season of December 2004 – February 2005 caused cracks, separations on tiles, grout joints, walls, windows, doors and stucco on the southwest portion of the residence. The southwest corner of the house due to its proximity to the bluff face (less than 5 feet) was considered in imminent danger of losing foundation support. A geotechnical report prepared by Lotus Consulting Engineers prepared in August 2005 recommend 3 caissons interconnected by a grade beam and a 4' tall wall for underpinning support for the southwest corner of the bluff to protect the existing residence. After a period of delay and inactivity, by July 2006 another report by Lotus Consulting Engineers (*Project Concerns & Report on Geotechnical Evaluation of Rear Patio & Bluff Existing Walker Residence, 1203 Buena Vista, San Clemente, CA 92672*

prepared by Lotus Consulting Engineers, Inc. dated July 17, 2006) noted additional distress features including settlement and southerly sloping of patio tiles adjacent to the residence, a continuous crack in the middle of the 4' wide patio from southeast corner to northeast corner, slumping of the gunite face along its contact with footing of wrought iron fence, apparent bulging of 1950s caissons, and a vertical crack on concrete patio slab just above the caissons was also observed. The report recommended additional foundation stabilization for the southeast corner of the bluff.

Although the additional bluff protective device was deemed necessary to protect the existing structure, they must be designed and carried out in a manner that ensures structural stability and minimizes impacts to the natural landform. The nine new caissons, grade beams, and retaining walls are subsurface and are not presently visible from the public beach or public trail.

In addition to being consistent with applicable geologic requirements, the proposed project demonstrates conformance with drainage recommendations included in the geotechnical reports. The applicant has submitted a drainage plan demonstrating that rooftop and surface runoff is directed to the street. Surface and subsurface drainage system were added to the new concrete patio leading away from the bluff to the frontage road. Existing downspouts and gutters were also connected to the drainage system.

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Section 30235 limits the construction of shoreline protective works to those required to serve coastal-dependant uses, or to protect existing structures or public beaches in danger from erosion, provided they are designed to eliminate or mitigate adverse impacts on shoreline sand supply. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on coastal resources including adverse affects on sand supply, public access, coastal views, natural landforms, adjacent properties, and overall shoreline dynamics. The Commission must always consider the specifics of each individual project, but under the standards established by Section 30235, prefers alternatives that avoid the needs for shoreline armoring. In addition, the Commission has generally interpreted Section 30235 to require the Commission to approve protective devices for residential development only for existing principal structures. In this case, non-structural alternatives such as addressing landscaping and drainage have already been implemented and have not fully addressed the geologic stability issues at the site. Other alternatives, such as relocation of the development isn't feasible since there are no landward areas on the property to relocate the existing structure. The proposed structures are necessary to protect an existing, principal structure constructed prior to passage of the Coastal Act. Shoreline sand supply won't be affected by the project because the bluffs at this location are presently isolated from the beach by railroad tracks and shoreline armoring, thus eroding material from the bluff at this site doesn't presently contribute to sand supply. Measures to mitigate issues from this proposal are described below.

As discussed throughout the report, development on a coastal bluff is inherently hazardous. Past experience demonstrates that development at the subject site is particularly hazardous. Consequently, the Commission requires applicants on bluff lots to comply with certain specific special conditions to bring the project into compliance with the resource protection policies of the Coastal Act. In this case, the special conditions require 1) assumption of risk; 2) future improvements be submitted to the Commission for a new permit or permit amendment; 3) potential future visual impacts, and 4) generic deed restriction.

Special Condition No. 1 requires the standard waiver of liability condition for the applicant undertake the assumption of risk. Although the repairs will prevent further bluff erosion and reduce the risk to the existing residence for the time being, the risk is not eliminated entirely, especially since the existing bluff does not appear to exhibit safety factor of 1.5 and 1.1 under static and pseudo static conditions respectively using empirical methodology of slope stability analysis (*Building Permit Number: 5-083208 Geotechnical Verification of As-Built Conditions and Project Stability – Walker Residence at 1203 Buena Vista, San Clemente, CA 92672* prepared by Lotus Consulting Engineers, Inc. dated March 18, 2008). The geotechnical report, however, does acknowledge that the stability of the site has increased compared to its pre-existing condition and is geotechnically satisfactory and suitable for intended purposes. By this means, the applicant is notified that the development is built in an area that is potentially subject to bluff erosion that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development.

Special Condition No. 2 informs the applicant that any future improvements or additions on the property, including bluff protective device repairs, hardscape improvements, grading, landscaping, vegetation removal and structural improvements, require a coastal development permit or amendment to this permit from the Commission or its successor agency. This condition ensures that development on coastal bluffs which may affect the stability of the bluffs and residential structures or may require future bluff protective structures, require a coastal development permit.

The proposed structures are subsurface and do not presently have a visual impact. However, future erosion and/or failure of existing protective structures located seaward of the proposed structures could expose them. Under such circumstances, the proposed structures would have an adverse visual impact since they would be visible from the public trail and beach. Therefore, **Special Condition No. 5** is imposed which requires the landowner to address such visual impacts should they arise in the future.

Finally, the condition, as recorded through **Special Condition No. 6**, ensures that future owners of the property will be informed of the risks and the Commission's immunity for liability.

C. RESOURCES

Section 30240(b) of the Coastal Act states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The City of San Clemente Certified LUP includes coastal bluffs and canyons under the “Environmentally Sensitive Habitat” heading. The LUP reads,

“The coastal bluffs and canyons contain important natural habitat....The coastal bluffs support Coastal Bluff Scrub habitat, a variation or subset of Coastal Sage Scrub. This habitat is characterized by species especially tolerant of coastal conditions...The primary environmental value of these habitat areas is that they represent an ever diminishing resource within urbanized portions of the coast.”

Due to the coastal bluff top location of the tempered glass screenwall there is a substantial risk of bird strikes to the screenwall. Glass walls are known to have adverse impacts upon a variety of bird species. Birds are known to strike glass walls causing their death or stunning them which exposes them to predation. Some authors report that such birds strikes cause between 100 million to 1 billion bird deaths per year in North America alone. Birds strike the glass because they either don't see the glass, or there is some type of reflection in the glass which attracts them (such as the reflection of bushes or trees that the bird might use for habitat). Some type of boundary treatment is typically required where the backyards of residences abut coastal bluffs. The submitted “as-built” plans show a 42” tempered glass screenwall along the edge of the concrete patio and coastal bluff. To provide further protection to coastal avian species, **Special Condition 3** requires the applicant submit final revised plans showing a treatment to the tempered glass screenwall to address bird strike issues, necessary to protect against significant disruption of habitat values.

There are a variety of methods available to address bird strikes against glass. For instance, glass can be frosted or etched in a manner that renders the glass more visible and less reflective. Where clear glass is used, appliqué (e.g.) stickers can be affixed to the glass that have a pattern that is visible to birds. Some appliqué incorporate features that allow humans to see through the glass, but which are visible birds. Usually appliqué must be replaced with some frequency in order to retain their effectiveness. In the case of fences or walls, alternative materials can be used, such as wood, stone, or metal (although this approach isn't usually palatable when there is a desire to see through the wall). Use of frosted or etched glass, wood, stone or metal material is preferable to appliqué because of the lower maintenance and less frequent replacement that is required.

D. PUBLIC ACCESS

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformance with the public access and recreation

policies of Chapter 3 of the Coastal Act. The proposed development is located between the sea and the first public road.

Section 30212 of the Coastal Act states, in relevant part:

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
- (2) *adequate access exists nearby.*

Sections 30210, 30211 and 30212 of the Coastal Act require that new development provide maximum public access and recreation, not interfere with the public's right of acquired access, and provide public access from the nearest public roadway to the shoreline and along the coast except under certain circumstances.

The nearest public access to the coast exists at the El Portal accessway, approximately 100 feet south of the subject property (Exhibit 3). The proposed development, which consists of installation of bluff protective devices on a site that is isolated from the beach by an existing railroad with protective device at the toe of the bluff, will not create new adverse impacts on coastal access and recreation. Therefore, the Commission finds that the proposed development does not pose significant adverse impacts to existing public access and recreation; there is adequate public access in the vicinity and the project is therefore consistent with Section 30212 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

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

F. UNPERMITTED DEVELOPMENT

A portion of the development has occurred on site without benefit of the required coastal development permit, consisting of installation of an additional caisson, removal of the existing metal guardrail fence and replacement with a new 42" tall tempered glass

screenwall around the perimeter of a new concrete patio that was also not permitted in the emergency permit.

The subject application would authorize the existing unpermitted development identified above. Special Conditions have been imposed to ensure the conformity of the unpermitted development with the Coastal Act. Those conditions must be complied with in a timely manner. Thus, the Commission imposes Special Condition No. 4 (Condition Compliance).

Although construction has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. The certified San Clemente Land Use Plan was used as guidance by the Commission in reaching its decision. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 proposed project has been conditioned in order to be found consistent with the environmentally sensitive habitat and geologic hazards policies of the Coastal Act. Mitigation measures, in the form of special conditions require 1) Assumption of Risk, Waiver of Liability and Indemnity; 2) Future Development; 3) Bird Strike Prevention; 4) Condition Compliance; 5) Visual Impact Mitigation; and 6) Generic Deed Restriction. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

COASTAL COMMISSION

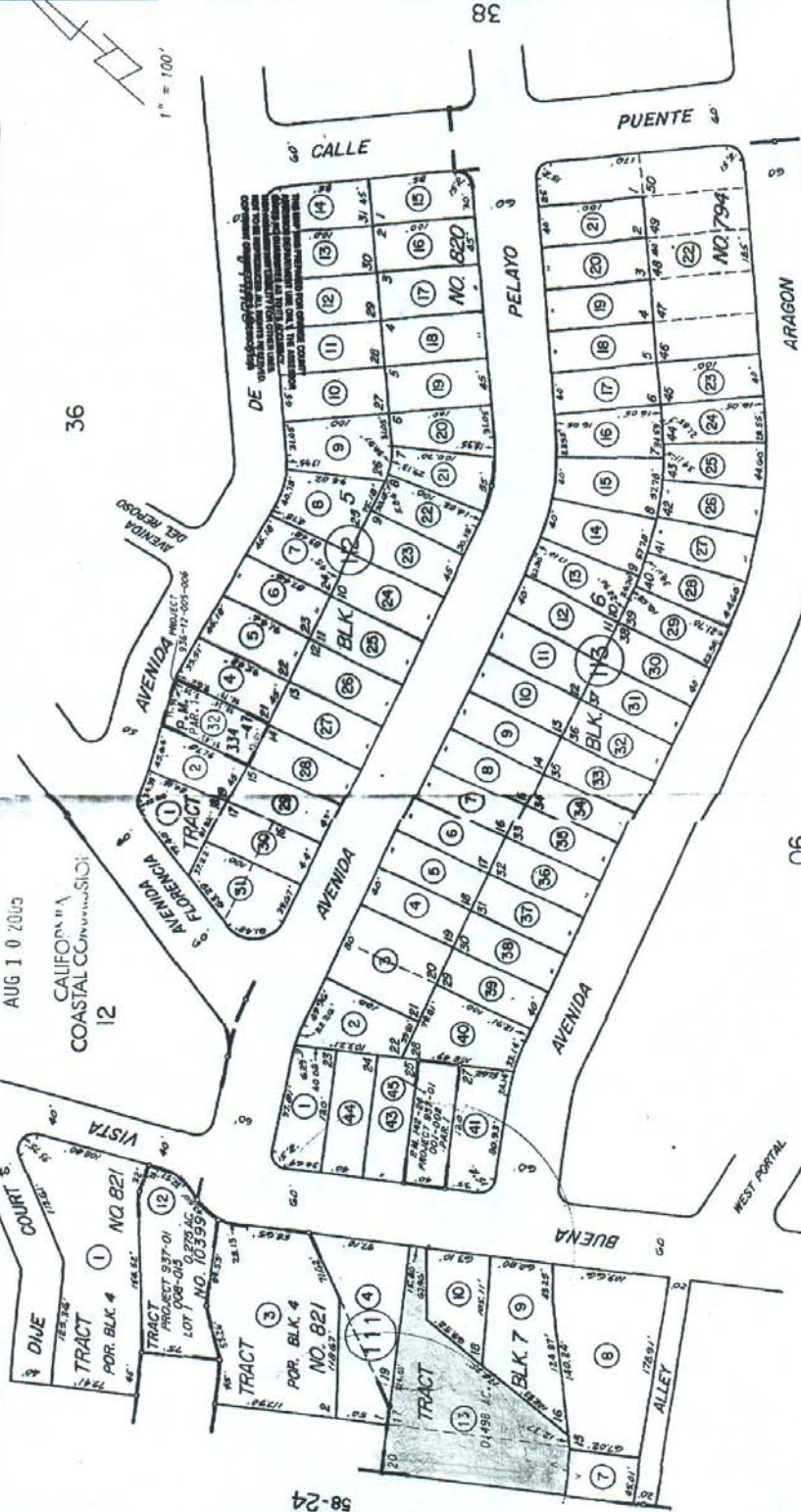
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EXHIBIT # **2**
PAGE **1** OF **1**

RECEIVED
South Coast Region
AUG 10 2005

CALIFORNIA
COASTAL COMMISSION
12

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TRACT NO. 794
TRACT NO. 820
TRACT NO. 821
TRACT NO. 10399
PARCEL MAP

MARCH 1978

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 692 PAGE 11
COUNTY OF ORANGE

1-1-0

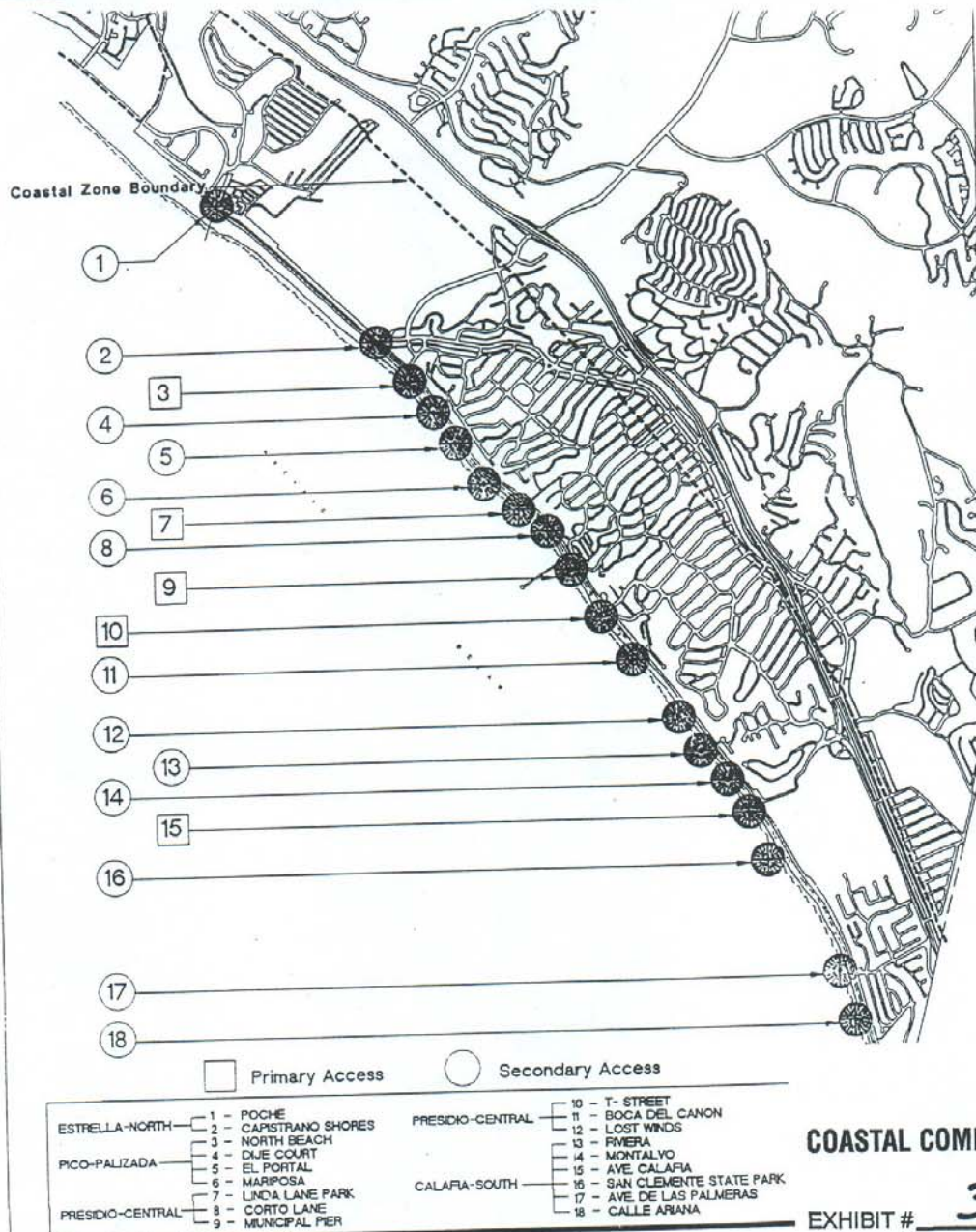


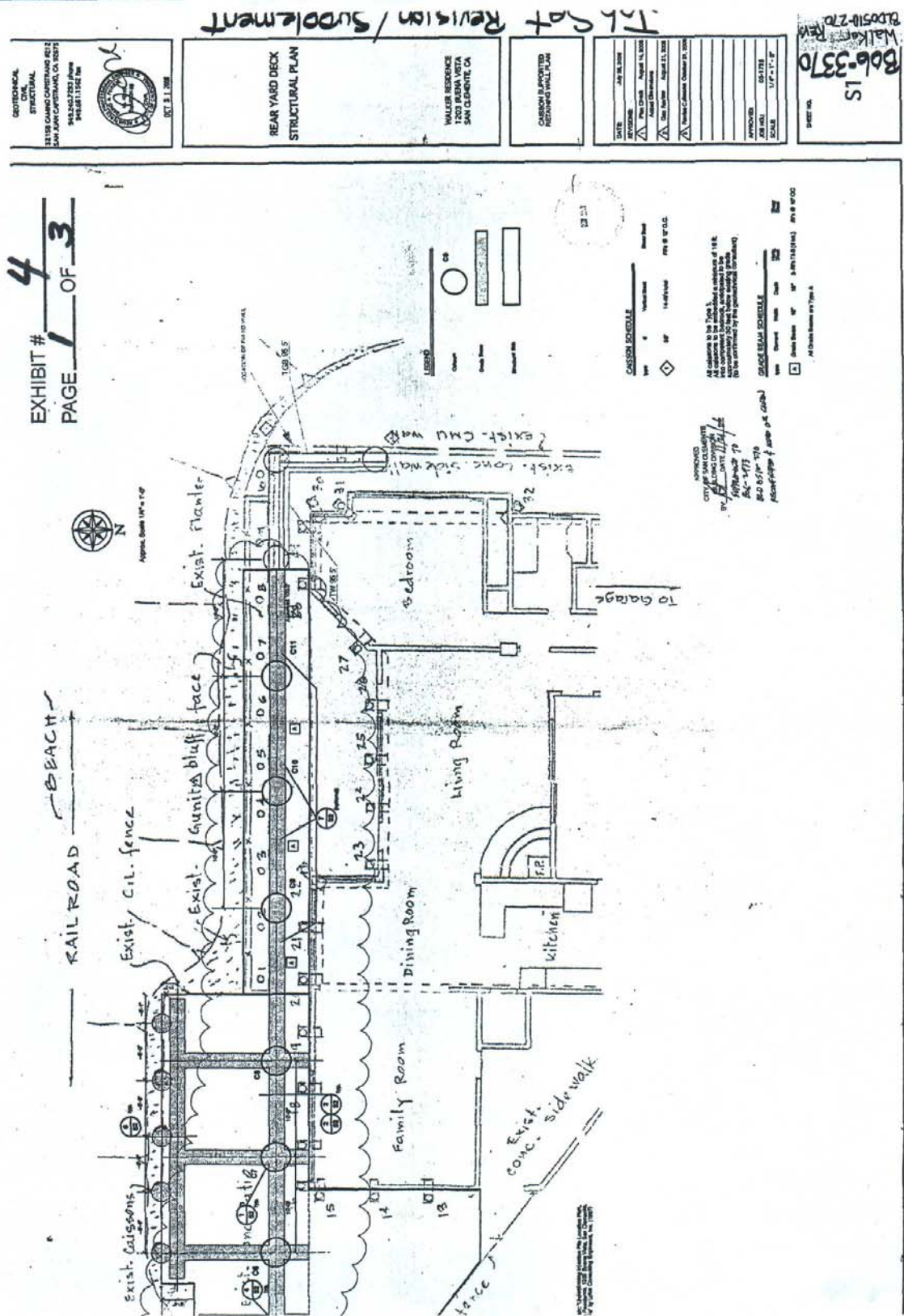
FIGURE 2-5

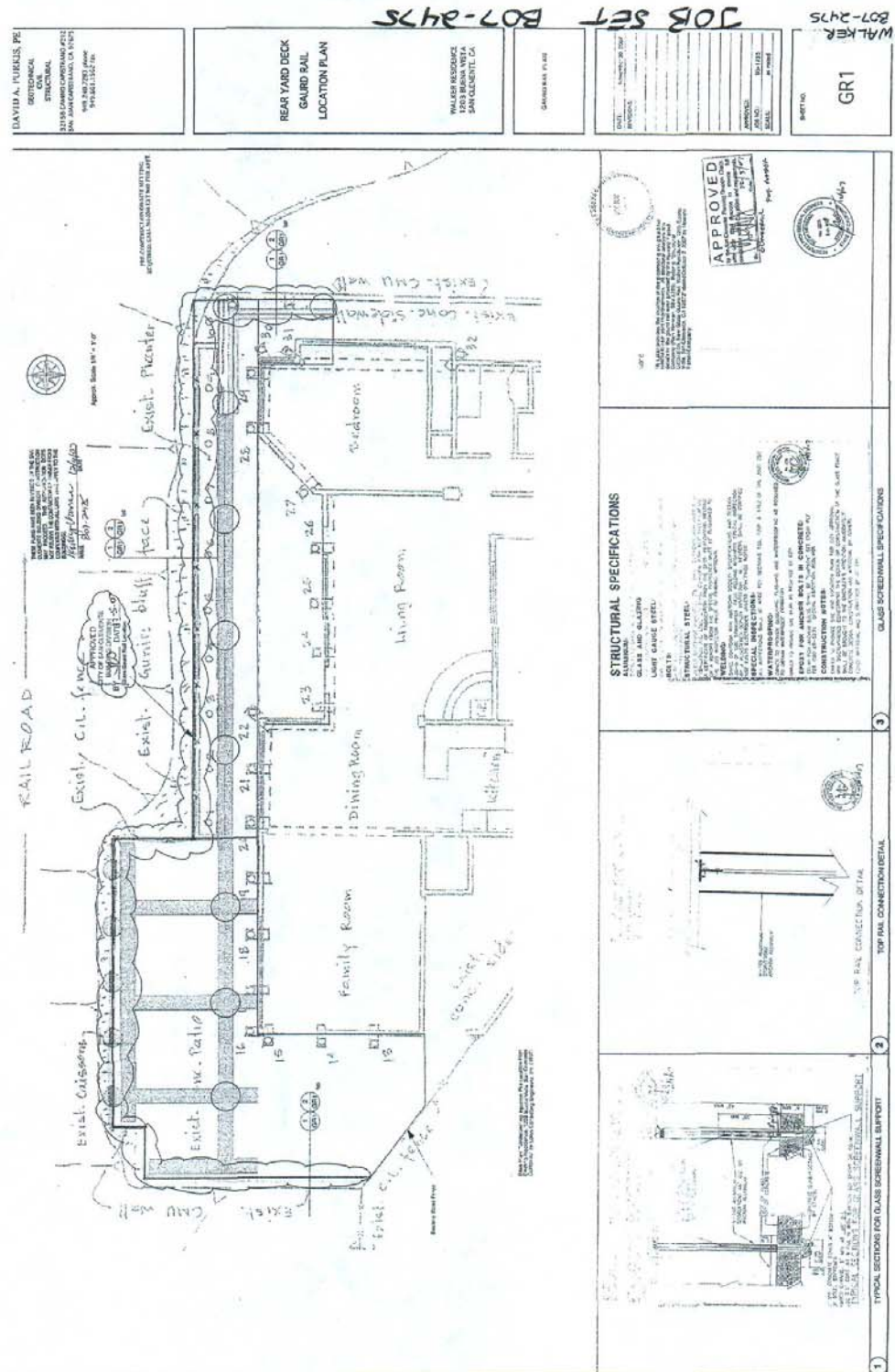
COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 1



CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS





HOWARD PARSELL COMPANY
A division of Howard Parsell, Structural Engineer, Inc.
architecture
structural engineering
civil engineering
4854 MAIN STREET
YORBA LINDA, CALIFORNIA 92686
714-777-3765 FAX: 714-777-9083

JOB MS. CAROL WALKER

1203 BUENA VISTA

SAN CLEMENTE, CA 92672

JOB NO. 3000

DATE 10-2-07

SHEET NO. 1 OF 3

ASSUMPTIONS:
70 MPH EXP. C
20 PLF AT TOP RAIL

2-#6X3/8" ZINC COATED
MACHINE SCREWS
EACH SIDE OF VERTICAL
CHANNEL

T 1/8" - STEEL TEE- x1"(w)x3.5"(L)x1"(Tee)
W/ 2 #6 SCREWS INTO (TEE) AND M-106 MULLION

M-106 ALUMINUM
TOP RAIL BY
ARCADIA ALUMINUM

3/8" TEMPERED GLASS

C2X1X3/16 ZINC COATED
CHANNEL AT 48" O.C.
W/ #6X3/8" ZINC COATED
MACHINE SCREWS
TYP. (6) PER CHANNEL

M-106 ALUMINUM
STOREFRONT 48" O.C. BY
ARCADIA ALUMINUM

EDGE OF GLASS
TOP OF CONCRETE

CONCRETE SLAB/FOOTING
BY OTHERS

3" MIN. CONCRETE COVER AT BOTTOM
OF STEEL STIFFENER

MBED CHANNEL 6" MIN. AT 48" O.C.

SE 2.5" CORE BIT & FILL IN WITH SIMPSON SET EPOXY OR EQUAL

TYPICAL SECTIONS FOR GLASS SCREENWALL SUPPORT



COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 3

HOWARD PARSELL COMPANY
A division of Howard Parsell, Structural Engineer, Inc.
architecture
structural engineering
civil engineering
4854 MAIN STREET
YORBA LINDA, CALIFORNIA 92686
714-777-3765 FAX: 714-777-9083

JOB MS. CAROL WALKER

1203 BUENA VISTA

SAN CLEMENTE, CA 92672

JOB NO. 3000

DATE 10-2-07

SHEET NO. 2 OF 3

T 1/8" - STEEL TEE - x1"(w)x3.5"(L)x1"(Tee)
W/ 2 #6 SCREWS INTO (TEE) AND M-106 MULLION
M-106 ALUMINUM
TOP RAIL BY
ARCADIA ALUMINUM

M-106 ALUMINUM
STOREFRONT
ARCADIA ALUMINUM

COASTAL COMMISSION

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PAGE 3 OF 3



TOP RAIL CONNECTION DETAIL

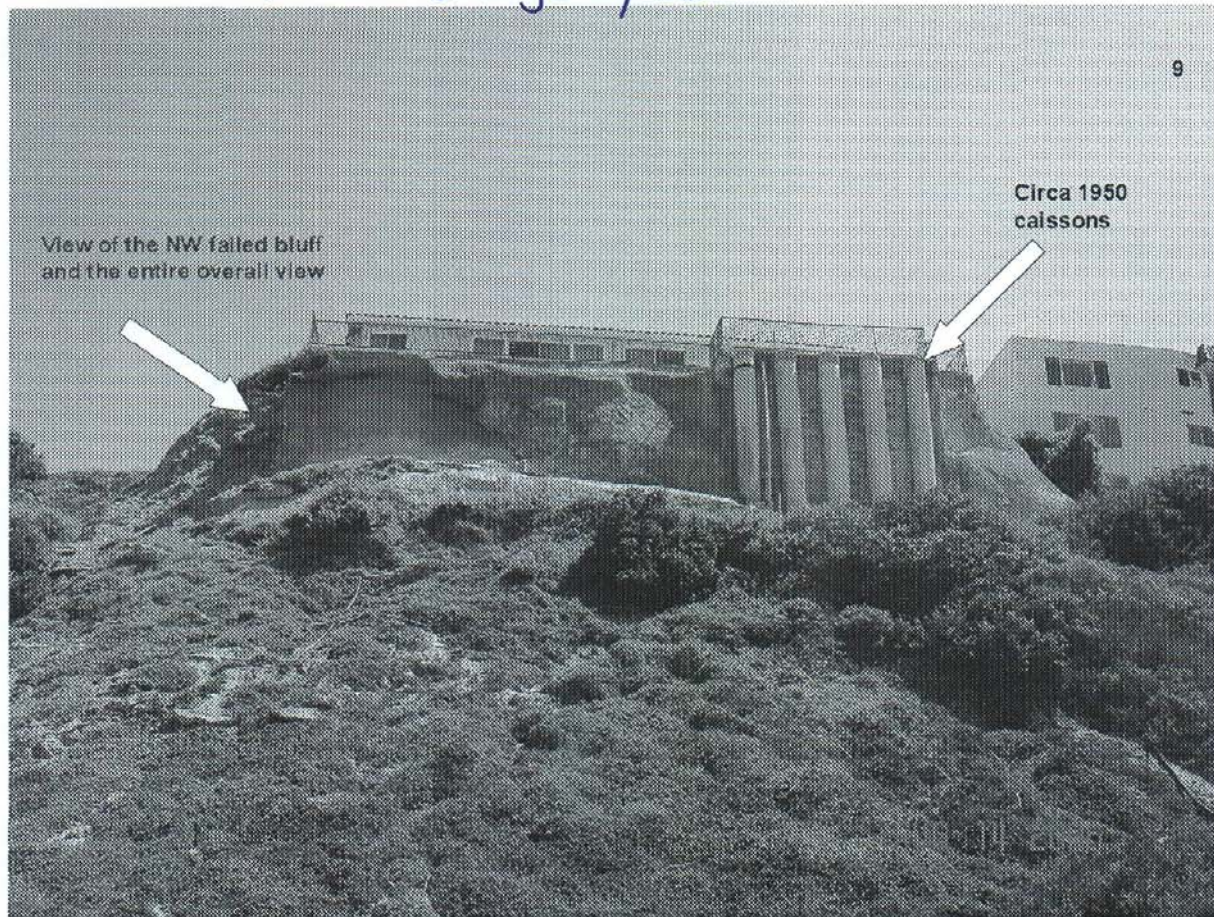
2006 - Prior to emergency CDP work



COASTAL COMMISSION

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PAGE 1 OF 3

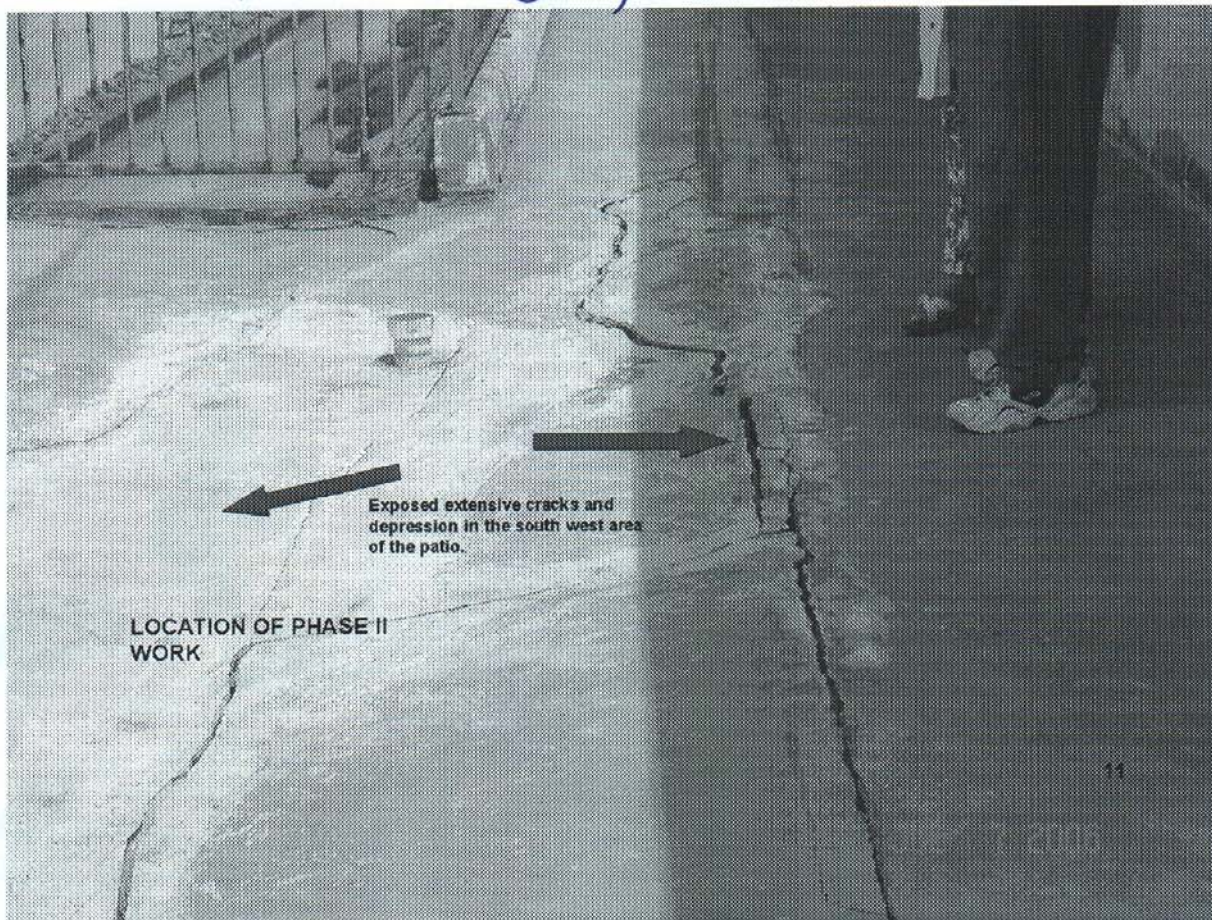
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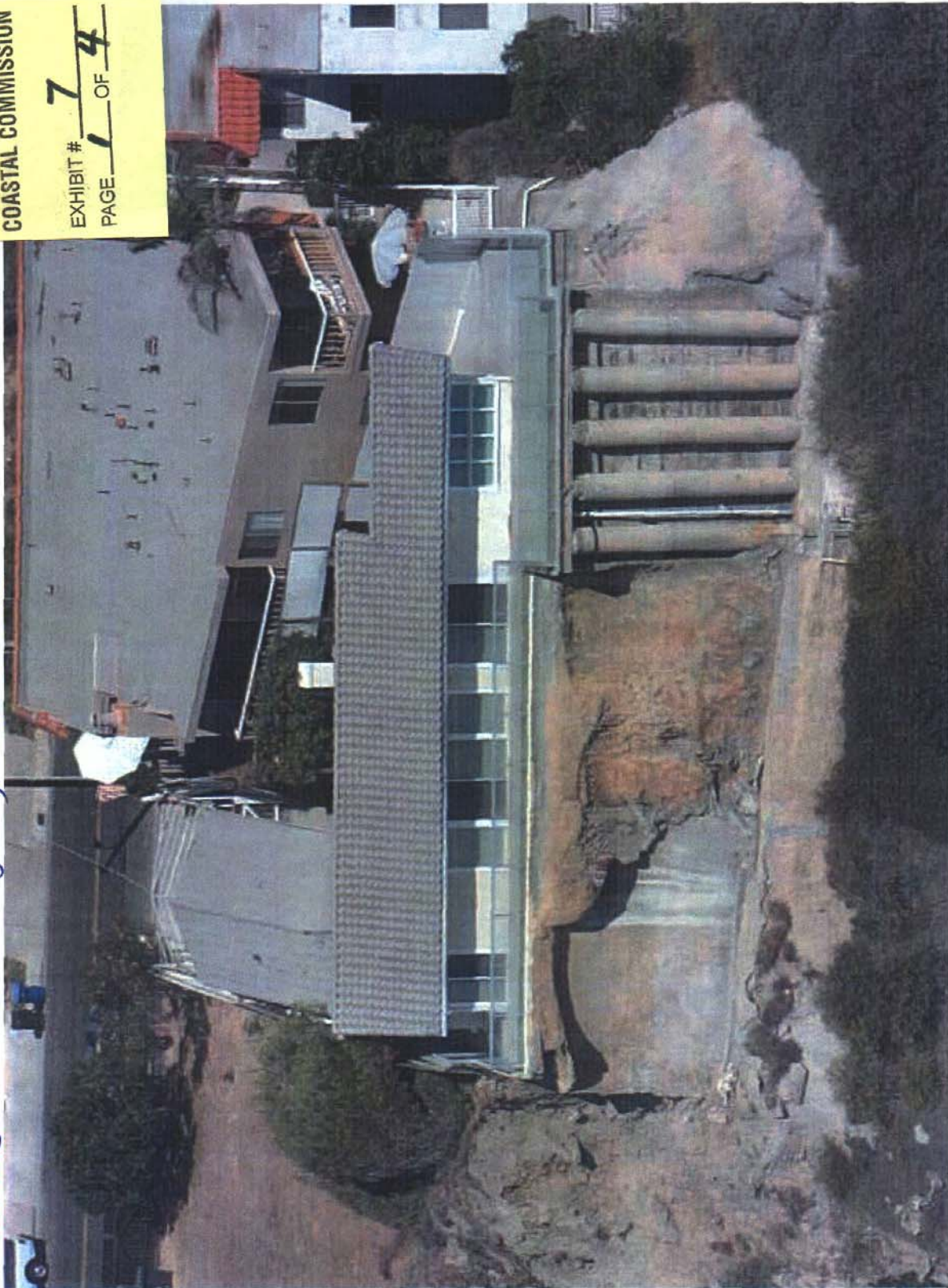


COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 3

2008 - Post Emergency CDP work

COASTAL COMMISSION
EXHIBIT # 7
PAGE 1 OF 4



2008 - Post Emergency CDP work



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EXHIBIT # 7
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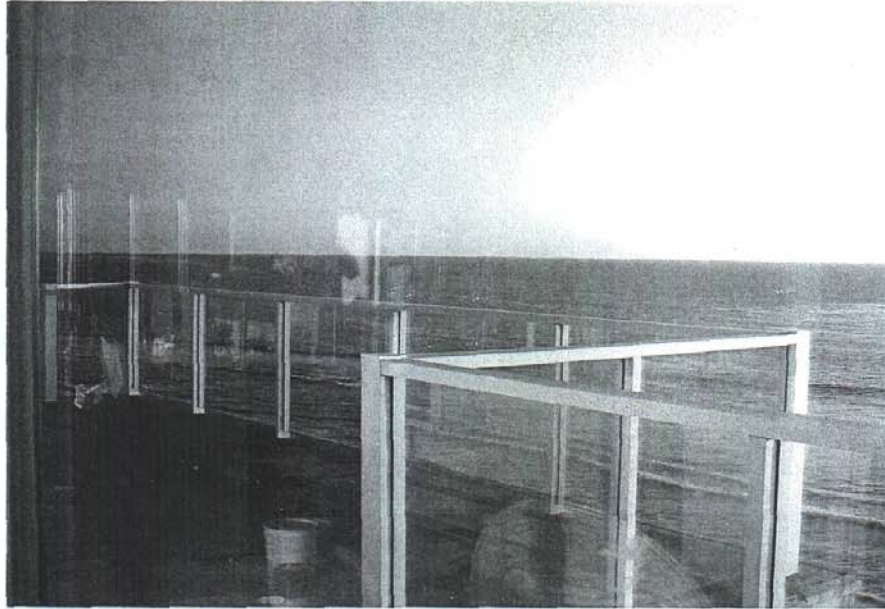
2006 - Post Emergency CDP work



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PAGE 3 OF 4

2008 - Unpermitted Development



COASTAL COMMISSION

EXHIBIT # 7
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