

CALIFORNIA COASTAL COMMISSION

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

**W6c**

Filed: March 18, 2011
49th Day: May 6, 2011
180th Day: September 14, 2011
Staff: John Del Arroz - LB
Staff Report: July 21, 2011
Hearing Date: August 10-12, 2011
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-10-062

APPLICANT: Mid Cal Pacific Development Corporation

AGENT: Newport Equity Capital Corporation

PROJECT LOCATION: 1013 Buena Vista Ave, San Clemente, Orange County

PROJECT DESCRIPTION: Removal of concrete and brick debris on a coastal bluff and revegetation with native vegetation, installation of a new fence and removal of a section of unpermitted fence adjacent to a public stairway

LOCAL APPROVAL: Approval in Concept by the City of San Clemente dated 3/11/2010

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a coastal development for the proposed development with **Eight (8) Special Conditions** regarding: 1) the applicant's assumption of the risks of the development; 2) submittal of a removal plan prior to issuance of the permit; 3) submittal of a revegetation plan prior to issuance of the permit; 4) compliance with prior to issuance conditions of the permit; 5) implementation of the removal and revegetation plans; 6) conformance to geotechnical recommendations; 7) staging areas during construction; and 8) City approval to remove fence on City land. As conditioned, the proposed development does not adversely affect visual resources or public access and recreation. **See Page Two for the motion to carry out the staff recommendation.** The applicant agrees with the staff recommendation. Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

SUBSTANTIVE FILE DOCUMENTS:

1. City of San Clemente certified Land Use Plan

LIST OF EXHIBITS:

1. Vicinity Map
2. Site Plan
3. Landscape Plan
4. Letter from City

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit with special conditions:

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

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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

I. Resolution: Approval with Conditions

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 of the Coastal Act. 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 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 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 bluff and slope instability, erosion, landslides, sea level rise and subsequent wave uprush; (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. Debris Removal Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a debris removal plan subject to the review and approval of the Executive Director. The removal plan shall incorporate the following criteria:

- a. No mechanized equipment or grading shall be allowed on the bluff.
- b. Debris (e.g. concrete, wood, metal and/or plastic rubble) on the face or toe of the bluff which can be removed by hand shall be removed.
- c. Identifies debris which either: should not be altered for geotechnical reasons, or can not be removed by hand shall be identified on the removal plan.
- d. If in the future, unidentified debris emerges and/or debris left in place at this time due to geotechnical concerns becomes geotechnically feasible to remove, the applicant agrees on behalf of himself and all future successors in interest and/or assigns, to remove such debris. The applicant shall contact the Executive Director to inquire about permit requirements prior to undertaking such removal.
- e. The unpermitted fence located along northern property line of the site, as shown on Exhibit 2 shall be removed.
- f. The removal plan shall include a set of plans indicating the areas where removal is proposed, consistent with the description submitted with the application, and also outlines any debris or areas which should be avoided to prevent impacts to the coastal bluff, public access, or native vegetation.
- d. Procedures for removal of the debris and fence, which also avoids impacts to public access, the coastal bluff, and native vegetation.

3. Revegetation Plan

A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a revegetation plan. The plan shall be prepared by a licensed landscape architect and incorporate the following criteria:

- a. All landscaping shall consist of native plant species appropriate bluffs along coastal Orange County. Native plants shall be from local stock wherever possible. 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://www.owue.water.ca.gov/docs/wucols00.pdf>).

b. no permanent irrigation system shall be allowed within the property. Temporary, above ground irrigation to allow the establishment of the plantings is allowed;

c. A schedule and procedure for removal of all non-native plants on the site designed to minimize exacerbation or creation of any erosion or stability problems on the Coastal Bluff.

d. all required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. The plan shall include, at a minimum, a) a map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features, and b) a schedule for installation of plants.

B) Within 30 days of initiation of the landscaping plan, the permittee shall submit to the Executive Director a report documenting the initial restoration activities. The report shall include photographs that clearly show the entire planting on the subject property.

C) Permittee shall submit a written report prepared by a licensed Landscape Architect, for the review and approval of the Executive Director, one year from the date that the landscaping plan is initiated, that evaluates compliance with the approved landscaping plan. The report shall include further recommendations and requirements for additional restoration activities in order for the project to meet the objectives and landscaping plan. This report shall also include photographs that indicate the progress of recovery in the planting area.

D) Five years from the date of the implementation of the landscaping plan the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage. If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

E) The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission

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

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 the requirements specified in the conditions hereto that the applicant is required to satisfy prior to the issuance of this permit. 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. Implementation

The applicant shall implement the Debris Removal Plan specified in Special Condition 2 within 90 days of issuance of the Coastal Development Permit by the Executive Director. No later than 90 days following completion of the removal plan, the applicant shall implement the Revegetation Plan specified in Special Condition 3. The Executive Director may grant additional time in writing to comply with this condition for good cause. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

6. Conformance of Design and Construction Plans to Geotechnical Report

A. All final plans, including construction, debris removal, restoration, and staging plans, shall be consistent with the recommendations contained in the letter from Coleman Geotechnical prepared by Lee A Shoemaker and James R. Coleman, dated June 17, 2010. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final Debris Removal and Revegetation Plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Construction Staging Area

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to public access, to beach areas and to sensitive habitat areas.

1. The plan shall demonstrate that:

(a) Construction equipment or activity shall not occur outside the staging area

(b) Public parking areas shall not be used for staging or storage of equipment

- (c) Beach and trail areas shall not be used as staging or storage areas
- (d) The staging area for construction of the project shall not obstruct vertical or lateral access to the beach
- (e) No upland areas vegetated with native plants shall be used for staging or storage areas.

2. The plan shall include, at a minimum, a site plan that depicts:

- (a) Limits of the staging area(s)
- (b) Construction corridor(s)
- (c) Construction site
- (d) Location of construction fencing

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. City Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall obtain written approval from the City of San Clemente to carry out the proposed removal of the fence from City property.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project is located on a tall, steep coastal bluff slope between the first public road and the sea at 1013 Buena Vista, in San Clemente, Orange County (Exhibit 1). The coastal bluff is not currently subject to marine erosion as the OCTA railroad tracks (which are protected by a revetment) are located between the sea and the toe of the bluff. A public walking trail, the San Clemente Pedestrian Beach Trail, lies at the toe of the bluff, and a public vertical access stairway is located adjacent to the site's northern property line.

At some point prior to 1972, which is the date of the earliest aerial photograph available in conjunction with this application,, a large concrete private pathway was constructed on the bluff face from the patio of the home at the bluff top, down to the toe of the bluff (See 1972 photo). By 2006, the pathway had fallen into disrepair, with only the middle portion of the pathway remaining. In late 2006, Commission Staff was notified of unpermitted development occurring on the subject property consisting of grading, removal of major vegetation consisting of coastal bluff scrub, and demolition of the remaining portion of the concrete pathway. Commission enforcement staff sent a Notice of Violation letter to the property owner, indicating that development had occurred without a Coastal Development Permit, and requesting that an application for a Coastal Development Permit be submitted for after-the-fact authorization of the demolition of the structure, and to authorize restoration of the bluff face. No application for a Coastal Development Permit was submitted, and the property was subsequently transferred.

In May 2009, Mid Cal Pacific Development purchased the property, and in March 2010 the applicant applied for the subject Coastal Development Permit. The proposed project would result in the restoration of a coastal bluff through hand removal of existing concrete debris located on the bluff face, revegetation of the bluff, and removal of an unpermitted chain link fence located adjacent to a public stairway. Also proposed is installation of a post and cable fence adjacent to the existing garage.

Concrete debris resulting from the unpermitted demolition of the pathway currently exists on the bluff face. The applicant has submitted a geotechnical report and a letter from the City of San Clemente which state that the pieces which are easily accessible should be removed by hand to reduce impacts to the bluff. Also proposed is removal of existing non-native vegetation and removal of dead plant material, and revegetation with native species typical of coastal bluffs in Orange County.

There is an existing chain link fence on the side of the property, which runs vertically down the bluff, parallel to the public stairway. Towards the bluff top, the fence is located on the applicant's property; however closer to the toe of the bluff, the stairway is placed on City property. Comparison of photographs taken between 2006 and 2010 has shown that portions of the existing fence were replaced without benefit of a Coastal Development Permit. The applicant has agreed to remove the entirety of the fence located on his property, and has proposed to remove portions of the fence which are located on City property. To ensure that the applicant has secured City approval before undertaking this development, the Commission imposes **Special Condition 8**.

Also proposed is the installation of a post and cable type fence at a level area adjacent to the existing garage to the east and the public accessway to the north. The applicant states that the area has been previously subject to vandalism and requests approval of the fence and landscaping to act as a demarcation between the applicant's property and the public walkway. The proposed fence would be located entirely on the applicant's property.

B. Public Access / Recreation

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 states (in relevant part):

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.

Section 30240 of the Coastal Act states (in relevant part):

(b) 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 proposed project would result in placement of fencing adjacent to the existing detached garage. The fencing would not interfere with the public's ability to use the vertical accessway, and would only serve to block entrance to the applicant's property from the public accessway. The proposed fence would not be located on the property line, but is set back from the property line, on the applicant's property, to prevent visual impacts or perceptions of privatization of the public accessway.

A public trailway occurs at the toe of the bluff. To ensure that during construction the proposed project does not result in impacts to the adjacent public pathway, the Commission imposes **Special Condition 7**, requiring submittal of a construction staging plan. 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 Sections 30211, 30213, and 30240 of the Coastal Act.

C. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) 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 has designated coastal canyons and bluffs as ESHA in the certified Land Use Plan. Coastal bluffs 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 nonnative vegetation have resulted in cumulative adverse impacts upon the habitat value of the bluffs. As such, the quality of bluff habitat must be assessed on a site-by-site basis. The coastal bluff at the subject site is considered somewhat degraded due to the presence of both native and non-native plant species. The applicant has submitted a biological report indicating that no portion of the site contains resources that rise to the level of ESHA, and that the site is predominantly vegetated by non-native species. No listed plant or animal species were observed in the project area (i.e., construction and staging areas). No sensitive plant species will be directly impacted by the proposed project.

To ensure that the proposed revegetation will result in the restoration of the coastal bluff habitat, the Commission imposes **Special Condition 3**. The revegetation plan will result in the replacement of non-native species on the subject site with native species suitable to coastal bluffs of Orange County. The revegetation plan would also result in the restoration of coastal bluff scrub, a rare and important wildlife habitat. Therefore, as conditioned, the Commission finds the proposed development consistent with the Section 30240 of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...

The proposed project will result in improvements to public views to and along the coast. The proposed project includes removal of an existing chain link fence located adjacent to the public accessway. The existing fence results in visual impacts to the public using the accessway, both due to visual obstruction of views to and along the coast, and because fencing on the bluff isn't compatible with the otherwise undeveloped natural setting of the bluff face. Removal of the fencing would restore this natural character and result in improved public views. The proposed project also includes restoration of the bluff face, including removal of concrete debris and revegetation. These actions will further improve both the natural character of the bluff face and public views to and along the site. Therefore, the Commission finds the proposed development would not result in impacts to public views to and along the ocean, and is consistent with Section 30251 of the Coastal Act.

E. Hazards

Section 30253 states (in relevant part):

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) 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.

The proposed project includes removal of concrete debris on the bluff face. 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 applicant has submitted a geotechnical report from Coleman Geotechnical, dated June 17, 2010 which states that evidence of a prior landslide exists on site, and recommends that only hand-removal of the debris be allowed on the site to avoid the potential for reactivation of the landslide. Adherence to the recommendations contained in the above-mentioned geotechnical investigations is necessary to ensure that the proposed project assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area. Therefore, **Special Condition 6** requires that the applicant conform to the geotechnical recommendations in the above mentioned geotechnical investigation, and requires approval of the Removal and Revegetation Plans by appropriately licensed professionals.

Although adherence to the geotechnical consultant's recommendations will minimize the risk of damage from erosion, the risk is not eliminated entirely. The site is a bluff top site, which is inherently hazardous. Given that the applicant has chosen to implement the project despite potential risks from bluff erosion and landslides, the applicant must assume the risks.

Therefore, the Commission imposes **Special Condition 1** requiring the applicant to assume the risk of the development. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards.

The Commission finds that only as conditioned as described above, can the proposed development be found consistent with Sections 30251 and 30253 of the Coastal Act which require that landform alteration be minimized, scenic coastal views be protected, and geologic stability be assured.

F. Unpermitted Development

Development has occurred on the subject property without the required coastal development permit, including demolition of a structure on a coastal bluff, grading and removal of major vegetation consisting of native coastal bluff scrub species. This application provides for the complete removal of the bluff structure and debris and restoration/revegetation of the disturbed area with native coastal bluff scrub species.

Special Conditions 2, 3, and 5 have been required to ensure that the applicant's proposal to remove the bluff structure and debris and restore/revegetate the bluff are properly implemented. In order to ensure that the unpermitted development component of this application is addressed in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions as a prerequisite to the issuance of this permit, as required by **Special Condition 4** within 90 days of Commission action. Only as conditioned is the proposed development consistent with the Coastal Act.

Although development 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. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

G. 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).

H. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit application 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.

In this case, the City of San Clemente is the lead agency and the Commission is the responsible agency for the purposes of CEQA. The City of San Clemente issued a determination that the project was ministerial or categorically exempt on March 11, 2010. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

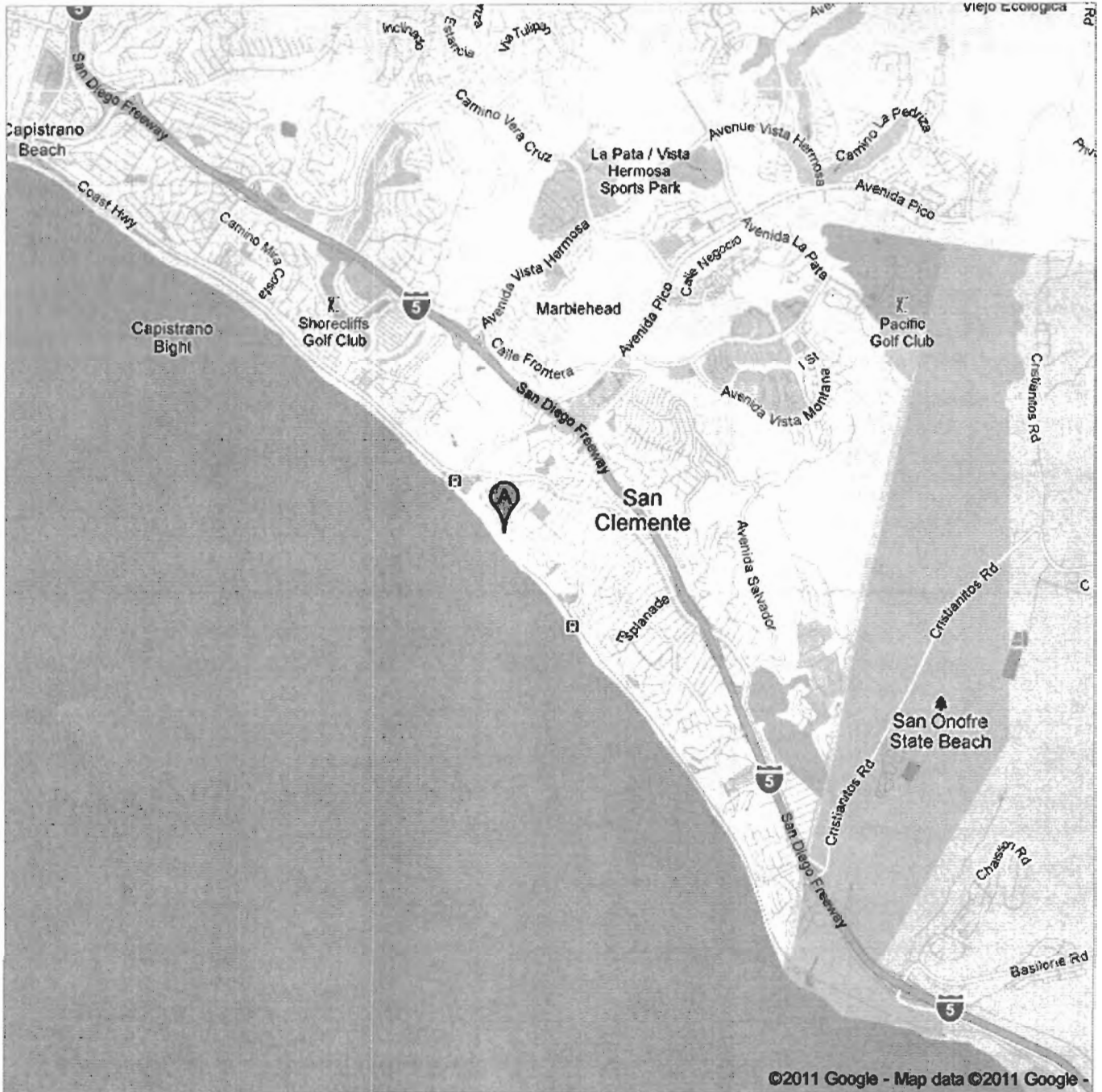
Google maps

Address 1013 Buena Vista
San Clemente, CA 92672

Get Google Maps on your phone



Text the word "GMAPS" to 466453



©2011 Google - Map data ©2011 Google -

COASTAL COMMISSION

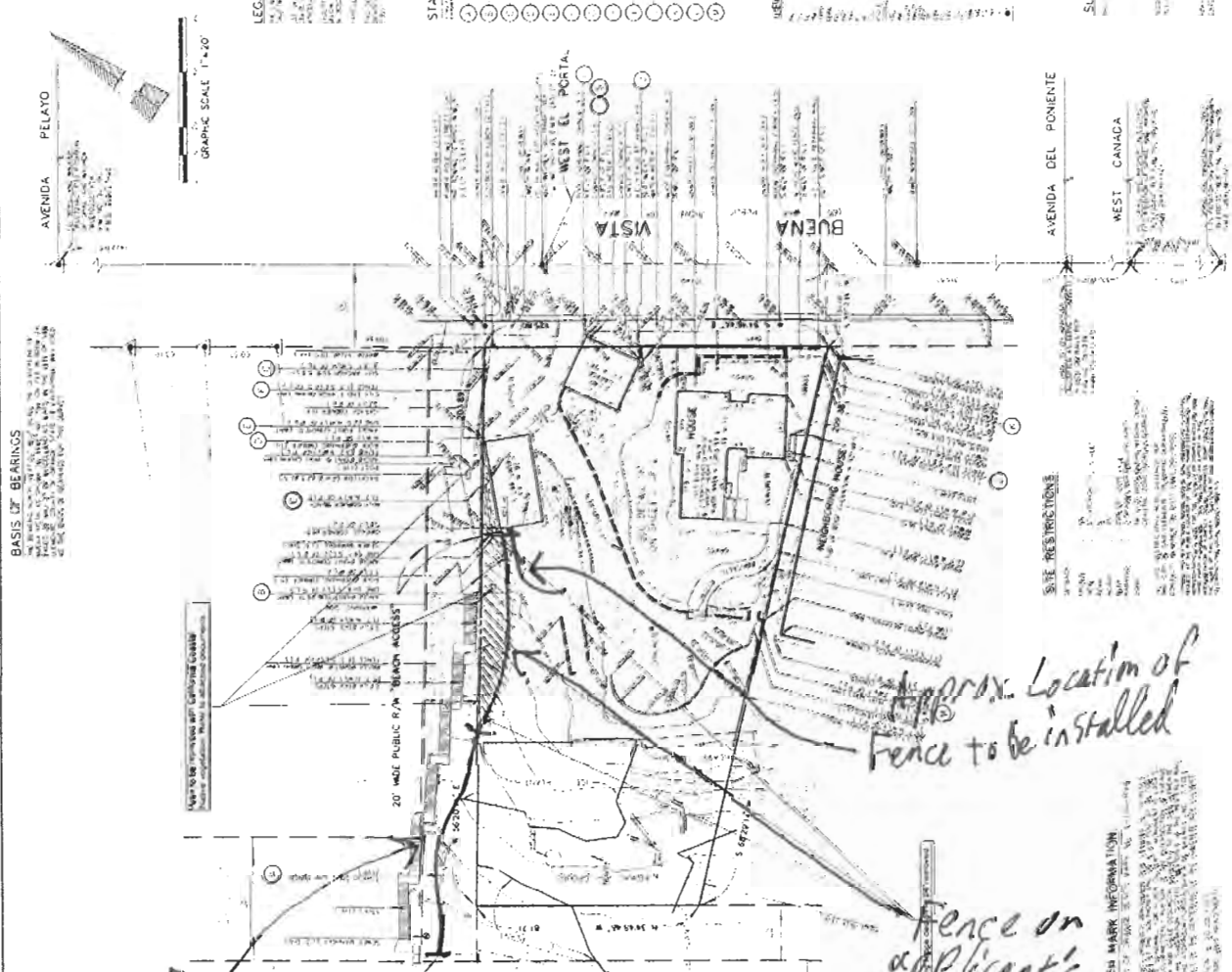
EXHIBIT # 1

PAGE 1 OF 1

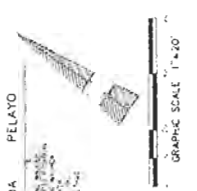


LEGAL DESCRIPTION:
 LOT 18, BLOCK 10, SUBDIVISION 1013 BUENA VISTA, A.12, C.12, ZONED R-12, DISTRICT 12, CITY OF SAN JOSE, COSTA RICA.
 THIS PROPERTY IS BOUNDARY ADJACENT TO LOT 19, BLOCK 10, SUBDIVISION 1013 BUENA VISTA, A.12, C.12, ZONED R-12, DISTRICT 12, CITY OF SAN JOSE, COSTA RICA.
 THIS PROPERTY IS BOUNDARY ADJACENT TO LOT 17, BLOCK 10, SUBDIVISION 1013 BUENA VISTA, A.12, C.12, ZONED R-12, DISTRICT 12, CITY OF SAN JOSE, COSTA RICA.

STATEMENT OF ENCROACHMENTS:
 1. Encroachment of 0.50 meters on the western boundary of Lot 18, Block 10, Subdivision 1013 Buena Vista, A.12, C.12, Zoned R-12, District 12, City of San Jose, Costa Rica, by the existing fence structure.
 2. Encroachment of 0.50 meters on the eastern boundary of Lot 18, Block 10, Subdivision 1013 Buena Vista, A.12, C.12, Zoned R-12, District 12, City of San Jose, Costa Rica, by the existing fence structure.
 3. Encroachment of 0.50 meters on the southern boundary of Lot 18, Block 10, Subdivision 1013 Buena Vista, A.12, C.12, Zoned R-12, District 12, City of San Jose, Costa Rica, by the existing fence structure.
 4. Encroachment of 0.50 meters on the northern boundary of Lot 18, Block 10, Subdivision 1013 Buena Vista, A.12, C.12, Zoned R-12, District 12, City of San Jose, Costa Rica, by the existing fence structure.



BASIS OF BEARINGS:
 THE BEARINGS ARE REFERENCED TO THE NAD 83 DATUM. THE BEARINGS ARE REFERENCED TO THE TRUE NORTH AS SHOWN IN THE VICINITY MAP.



Approx. Location of Fence to be installed

Fence on applicant's property to be removed

Fence on City property to be removed

NOTES:
 1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF COSTA RICA AND THE REGULATIONS OF THE COMMISSION OF PROFESSIONAL SURVEYORS OF COSTA RICA.
 2. THE PROPERTY IS BOUNDARY ADJACENT TO LOT 19, BLOCK 10, SUBDIVISION 1013 BUENA VISTA, A.12, C.12, ZONED R-12, DISTRICT 12, CITY OF SAN JOSE, COSTA RICA.
 3. THE PROPERTY IS BOUNDARY ADJACENT TO LOT 17, BLOCK 10, SUBDIVISION 1013 BUENA VISTA, A.12, C.12, ZONED R-12, DISTRICT 12, CITY OF SAN JOSE, COSTA RICA.
 4. THE SURVEYOR'S CERTIFICATION IS VALID FOR ONE YEAR FROM THE DATE OF SURVEY.
 5. THE SURVEYOR'S CERTIFICATION IS VALID FOR ONE YEAR FROM THE DATE OF SURVEY.
 6. THE SURVEYOR'S CERTIFICATION IS VALID FOR ONE YEAR FROM THE DATE OF SURVEY.

PARKING STALLS:
 1. 20' x 10' (200) STALLS
 2. 10' x 10' (100) STALLS

LAND AREA:
 1. 1,000.00 SQ. M.
 2. 2,000.00 SQ. M.

RAILROAD:
 A.T. & S.F.

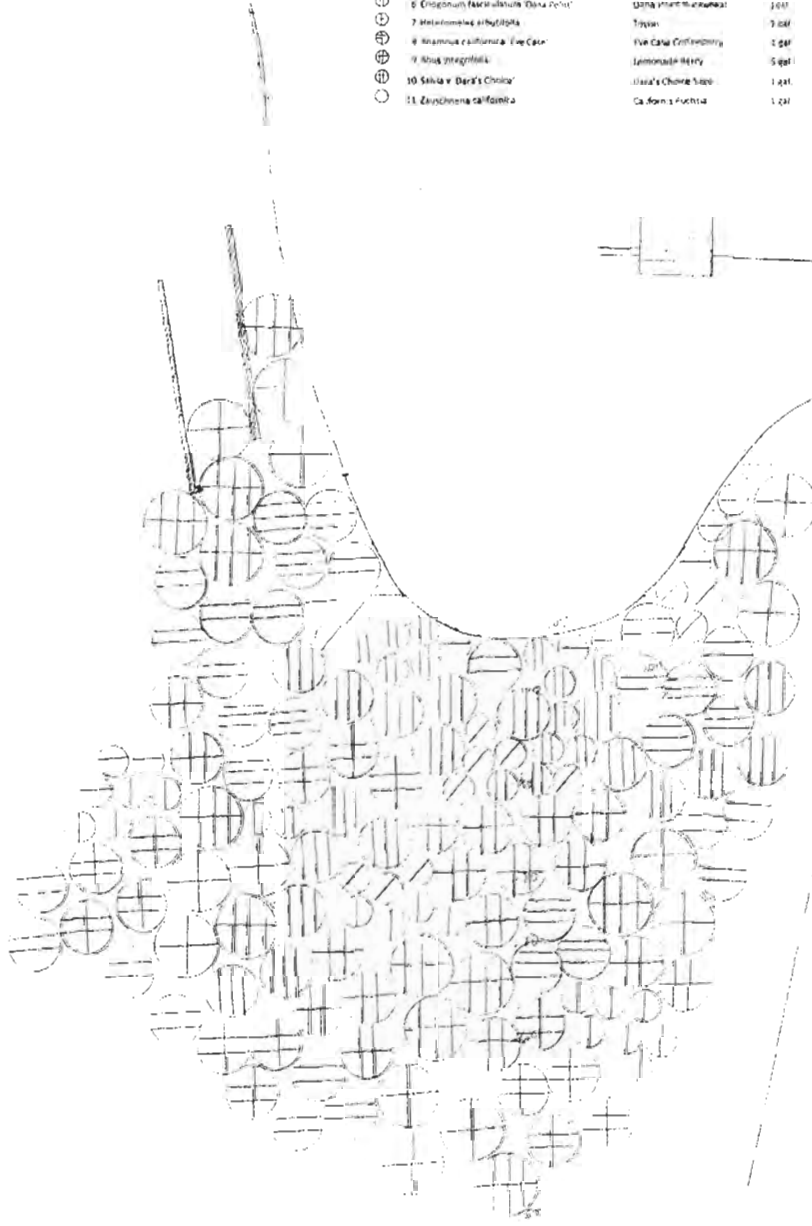
OCEAN PACIFIC

COASTAL COMMISSION
 EXHIBIT # 2
 PAGE 2 OF 2

UTILITY NOTE:
 NO UTILITIES WERE LOCATED DURING THIS SURVEY.

NOTE:
 THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF COSTA RICA AND THE REGULATIONS OF THE COMMISSION OF PROFESSIONAL SURVEYORS OF COSTA RICA.

| Botanical Name | Common Name | Size | # of Plants |
|---|-----------------------|------|-------------|
| 1. <i>Arctostaphylos edmundii</i> 'Carmel Surf' | Carmel Surf Manzanita | 1.2m | 14 |
| 2. <i>Artemisia californica</i> | California Sagebrush | 1.2m | 15 |
| 3. <i>Salpiglossis pinnatifida</i> | Coyote Bush | 1.2m | 10 |
| 4. <i>Ceanothus gilliesii</i> 'Yucca Point' | Yucca Point Ceanothus | 1.2m | 12 |
| 5. <i>Crithmum fasciculatum</i> 'Three Crowns' | Three Crowns Rockrose | 1.2m | 13 |
| 6. <i>Crithmum fasciculatum</i> 'Dana Point' | Dana Point Rockrose | 1.2m | 15 |
| 7. <i>Helianthus scaberrimus</i> | Trillium | 1.2m | 13 |
| 8. <i>Artemisia californica</i> 'Fire Cape' | Fire Cape Sagebrush | 1.2m | 15 |
| 9. <i>Rhus integrifolia</i> | Lemonade Berry | 1.2m | 12 |
| 10. <i>Sida v. Darl's Choice</i> | Darl's Choice Sida | 1.2m | 17 |
| 11. <i>Erythronium californicum</i> | California Fuchsia | 1.2m | 12 |



DESIGNED BY
 IVYAN NORDEN
 LANDSCAPE DESIGNER BY IVYAN
 1111 1055-1001

PLAN
 SEASIDE SURVEY
 11/15/2011

COASTAL COMMISSION

EXHIBIT # _____
 PAGE _____ OF _____

APPROVED BY:
 10/2/2011
 B.N. CUBBERLEY



City of San Clemente

Engineering Division

March 8, 2010

RECEIVED
Region
MAR 29 2010

California Coastal Commission
200 Oceangate, 10th Floor, Ste. 1000
Long Beach, CA 90802-4302
ATTN: Liliana Roman, Planner

CALIFORNIA
COASTAL COMMISSION

Subject: 1013 Buena Vista; file # IC RES 10-046

Dear Ms. Roman:

This letter serves as background information regarding the subject site and Coastal Permit application.

In late November 2006, the previous owner of a property located at 1013 Buena Vista performed work without permits on the coastal bluff and slope within and adjacent to the subject property. Areas of the bluff had been cleared of existing vegetation. The property owner at the time claimed to be allegedly clearing away the remnants of an old damaged stairway, and to make room for new fencing on the property.

Because this work was initiated without permits, a stop work notice was posted on November 30, 2006. The property owner was told to process a permit through the Coastal Commission and to provide a plan for mitigating the slope. Over the course of time, natural vegetation has grown over much of the disturbed area. However, some cleanup of debris and loose soil, along with further planting work is necessary to properly mitigate the site conditions.

The City is in favor of mitigation consisting of carefully handpicking leftover debris and loose soil without disturbing the existing vegetation, and encouraging further vegetation in the remaining bare spots that were previously disturbed. This plan of action is highly preferred over any aggressive bluff restoration. Grading on the bluff would be quite invasive to the area, including City property used by the public to access the ocean. It also would remove the natural restoration that has already occurred to date.

Sincerely,

Handwritten signature of William E. Cameron in black ink.

William E. Cameron
Director of Public Works/City Engineer

COASTAL COMMISSION

EXHIBIT # 41
PAGE 1 OF 5

Enclosures (photos)

Date of Photos, 12-4-06 showing the bluff work that was cited as a violation. Excessive clearing of brush and placement/disturbance of soils has affected the integrity and stability of the bluff face. This work could result in slope failure that would impact the trail/railroad below, and/or the house above.



Photo "Before" violation October, 2004



RECEIVED
South Coast Region

MAR 22 2010

CALIFORNIA
COASTAL COMMISSION

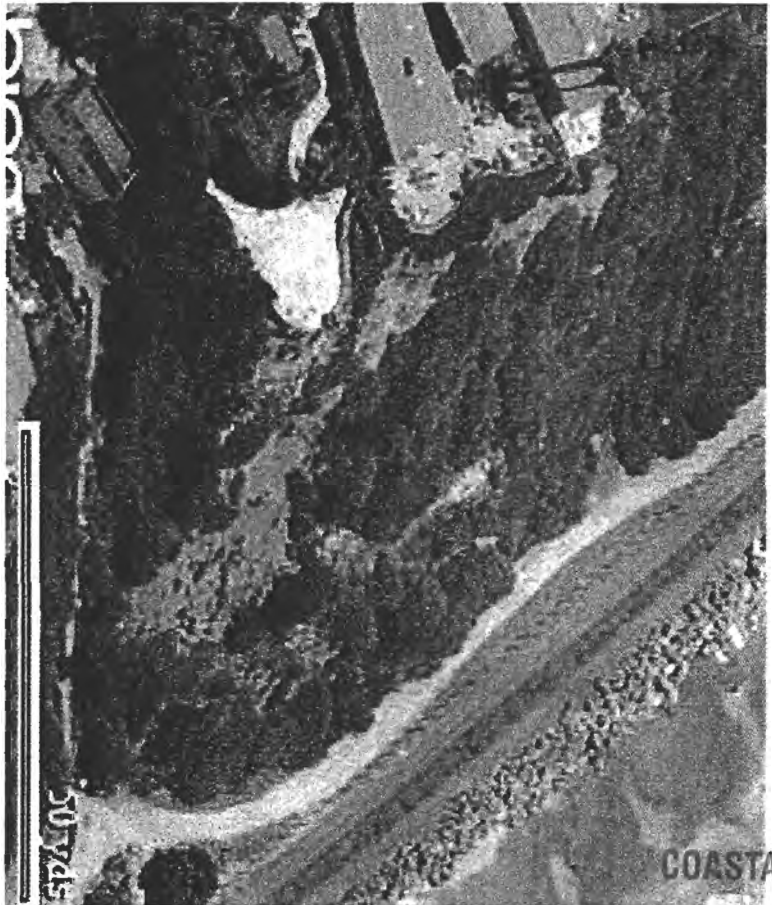
COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 5

MAR 23 2010

APPROXIMATE PRESENT SITE CONDITIONS

COASTAL CALIFORNIA



COASTAL COMMISSION

These photos are fairly accurate as to the existing site conditions and plant growth.
The photos are undated, but may have been taken sometime in 2008-2009.



September 16, 2006 - 2 months before violation

SOURCE: <http://www.californiacoastline.org/cgi-bin/image.cgi?image=200603451&mode=sequential&flags=0&year=current>

RECEIVED
South Coast Region

MAR 22 2010

CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 4
PAGE 4 OF 5



AERIAL EXHIBIT

COMMISSION

4
5 OF 5