

**CALIFORNIA COASTAL COMMISSION**

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

**W8b**

Staff: S. Vaughn- LB  
Date: October 15, 2015

**ADMINISTRATIVE PERMIT**

**Application No.** 5-15-0754

**Applicants:** Rose Family Living Trust, Scott Lee Rose, Trustee

**Project**

**Description:** Minor foundation repairs including the installation of eight (8) push piers and three (3) tiebacks to the southeastern most wing of a five-unit apartment building and associated cosmetic repairs.

**Project**

**Location:** 1007 Buena Vista, San Clemente (Orange County)

**EXECUTIVE DIRECTOR'S DETERMINATION**

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

**Wednesday, November 4, 2015, 9:00 am**  
**Ocean Resort Hotel**  
**280 Capistrano Drive**  
**Half Moon Bay, CA 94019**

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

CHARLES LESTER  
Executive Director

By: Shannon Vaughn  
Title: Coastal Program Analyst

**STANDARD CONDITIONS:**

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date 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 term or 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.

**SPECIAL CONDITIONS:** See Pages three through five.

**EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

**FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:**

**A. PROJECT DESCRIPTION**

The applicant proposes to make minor foundation repairs to the southeastern most wing of a five-unit apartment building (**EXHIBIT 2**). The existing apartment building was built in 1951 on a 26,572 square foot, bluff top lot located at 1007 Buena Vista in San Clemente, Orange County (**EXHIBIT 1**). A geotechnical report dated February 27, 2015, prepared for the applicant by Helfrich-Associates indicates that the slope at the subject site is grossly stable with a factor of safety greater than 1.5 for global slope stability of the bluff below the property, but “[t]he south wall of the unit has settled between 2.3 inches and 4.2 inches over a distance of about 15 feet.” The geotechnical report attributes the settlement to “surface creep of the clay and silt topsoil [that] has caused settlement and lateral movement of the unit.”

The applicant proposes to repair the foundation by underpinning the affected part of the building with eight (8) push piers and three (3) tiebacks (**EXHIBIT 2**) and filling the voids under the foundation with force compacting foam that will stabilize the soil beneath the foundation. According to the geotechnical report, the applicant's proposal "...will not affect the stability of the coastal bluff below the building...and will have no effect on the risk to health and safety posed by [the] existing slope, and will have no effect on adjacent properties, roads, or utilities."

The applicant also proposes to make cosmetic repairs to the interior and exterior walls, ceilings, and floor surfaces that are associated with the foundation repairs. The applicant's proposal includes minor foundation repairs and associated cosmetic repairs. No coastal resources are anticipated to be affected by the proposed work. Due to the sensitive bluff top location of the project site, special conditions are incorporated with the coastal development permit, which require the applicant to assume any risk involved with the proposed work, to incorporate best management practices throughout the duration of the proposed work, to comply with the recommendations of the geotechnical report, and to apply for an amendment to this coastal development permit if the site is proposed for further development.

#### **B. PUBLIC ACCESS**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

#### **C. DEVELOPMENT**

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

#### **D. LOCAL COASTAL PROGRAM**

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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

#### **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City determined that the project is categorically exempt (Class 7, Item 15301) from CEQA on November 25, 2014. The City found that the project will have no significant effects on the environment and that 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 proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## **SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

- 1. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant(s) acknowledges and agrees (i) that the site may be subject to hazards from erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the applicant(s) 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. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

The permittee shall comply with the following construction-related requirements:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

**3. Recommendations of the Geotechnical and Soils Engineering Reports.** All final design and construction plans shall be consistent with all recommendations contained in the *Geotechnical Report: Foundation Repair Recommendations* report prepared by Helfrich-Associates: Engineering & Construction Consulting, dated February 27, 2015. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-15-0754. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-15-0754. Accordingly, any future improvements to the multi-family building authorized by this Coastal Development Permit No. 5-15-0754, 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. 5-15-0754 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:**

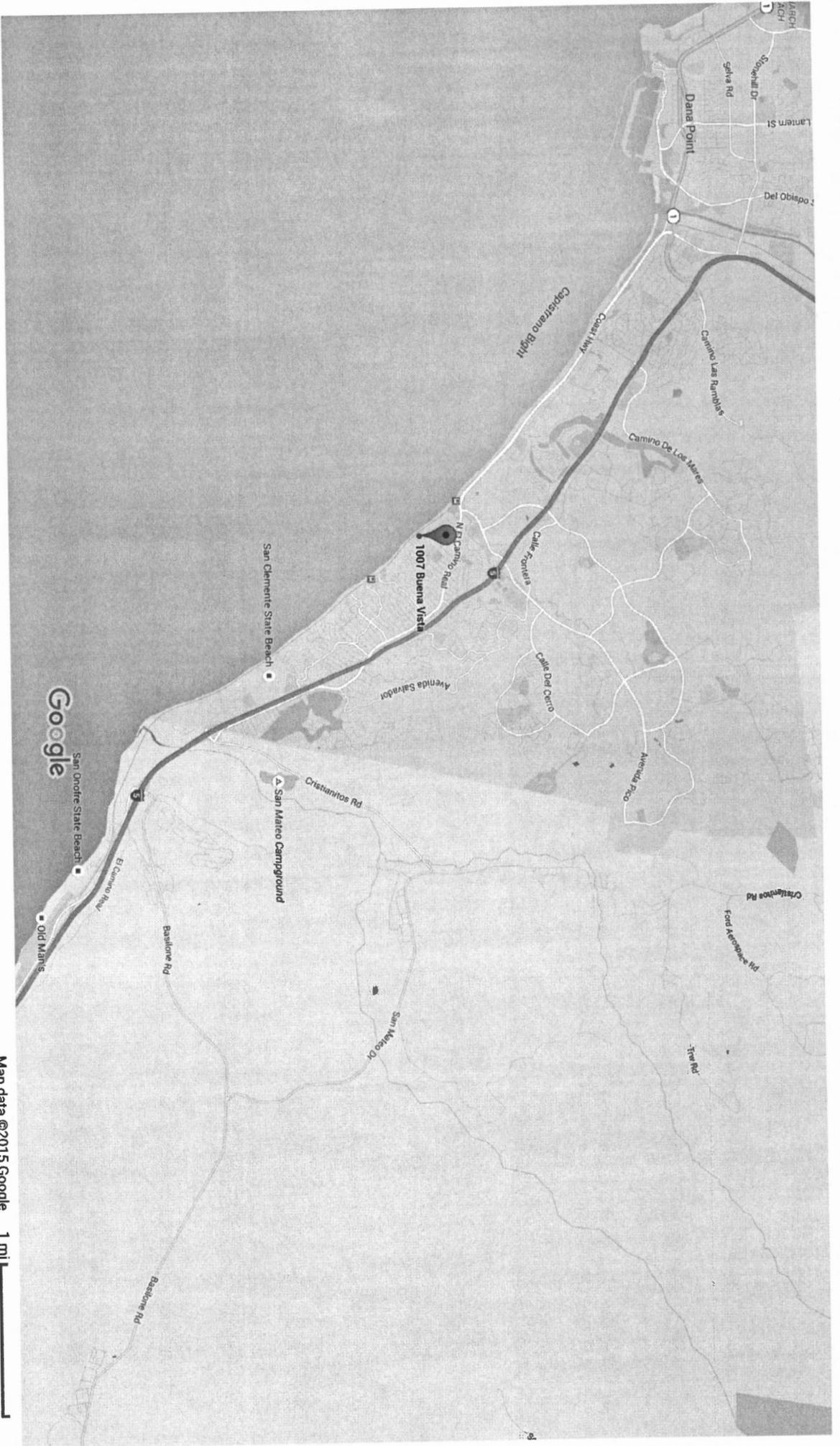
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

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Applicant's Signature

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Date of Signing

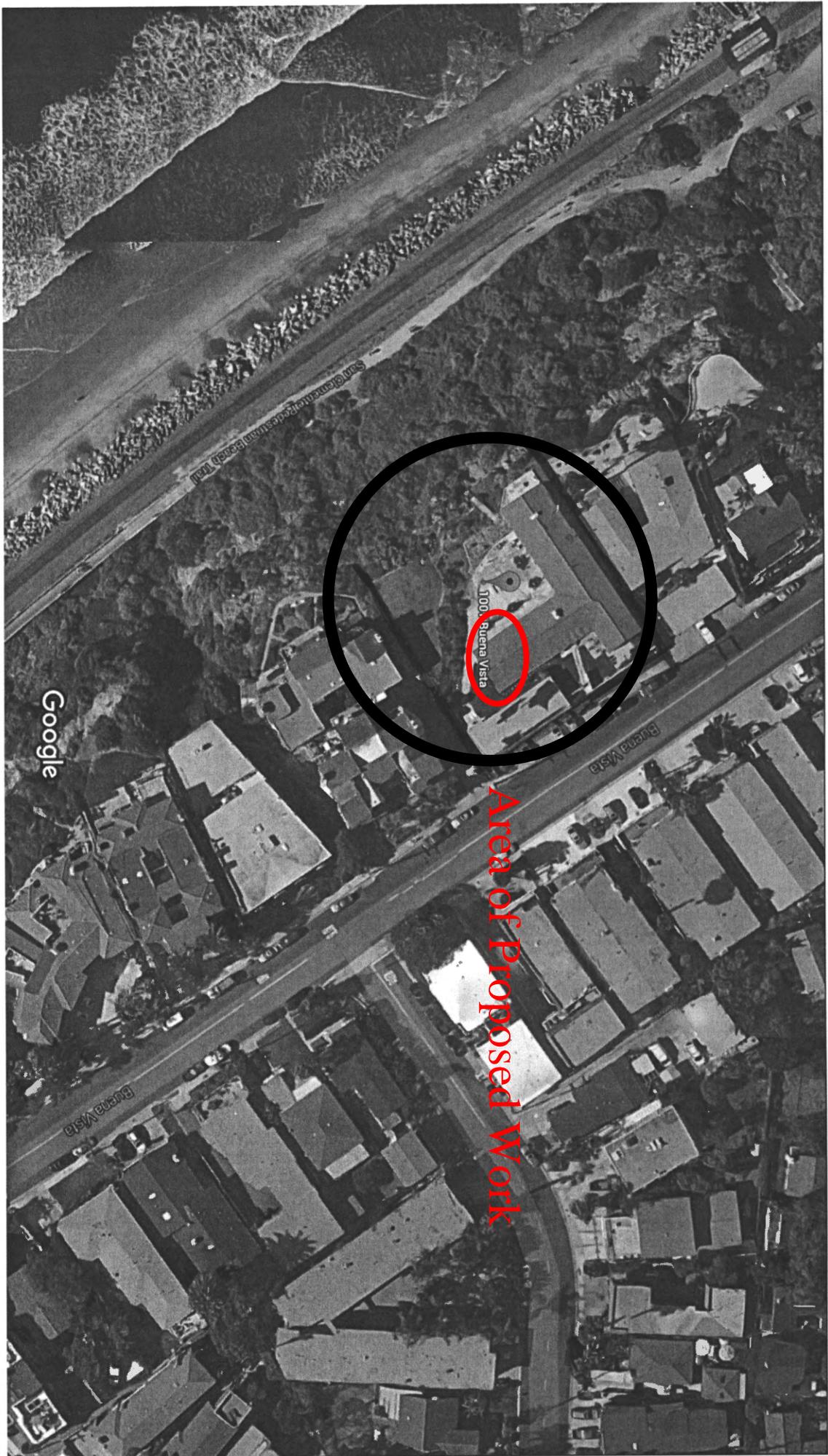


Map data ©2015 Google 1 mi

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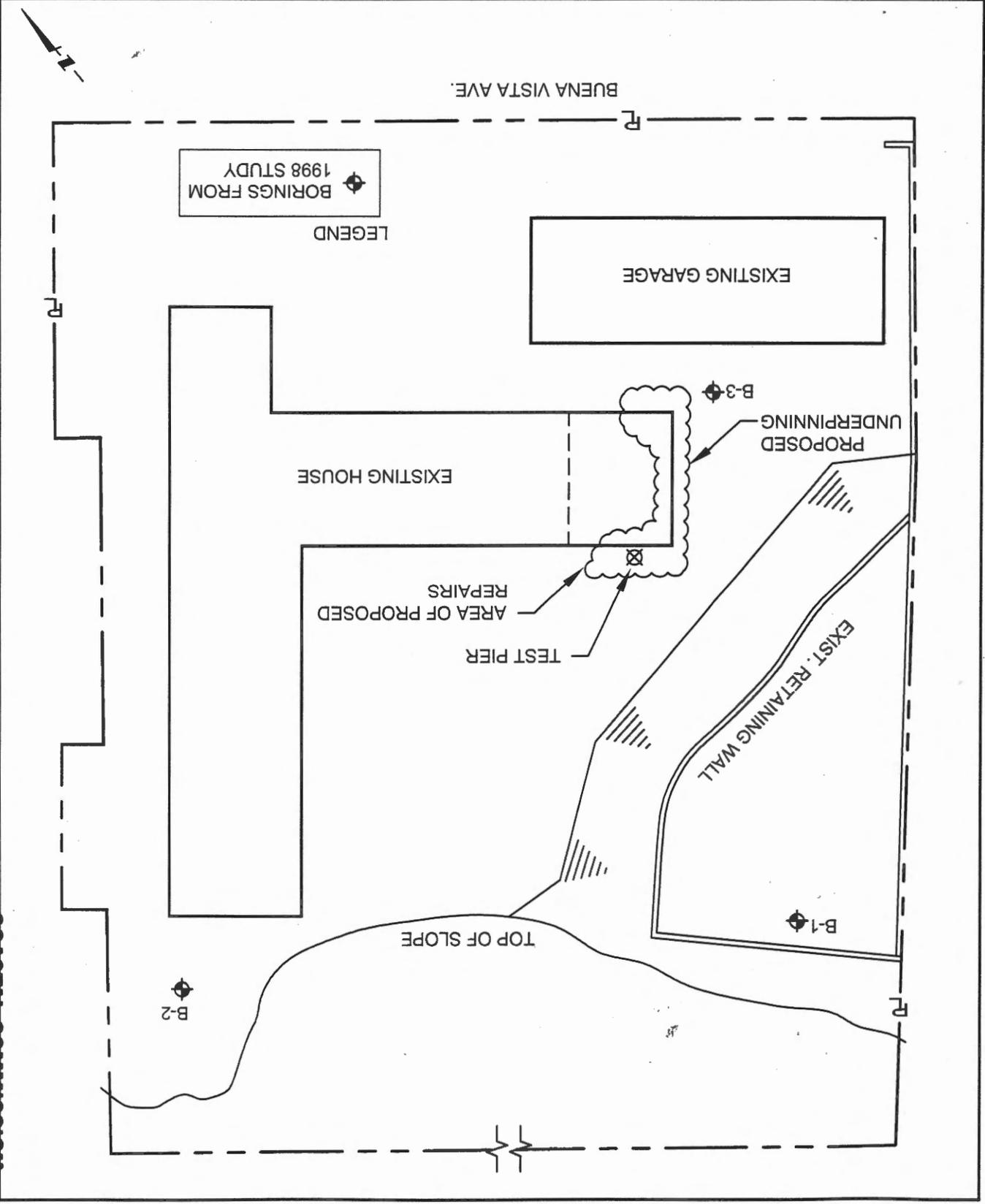
Google

Imagery ©2015 Google, Map data ©2015 Google 50 ft

NO SCALE  
 DATE: 3-2-15  
 REV. 1

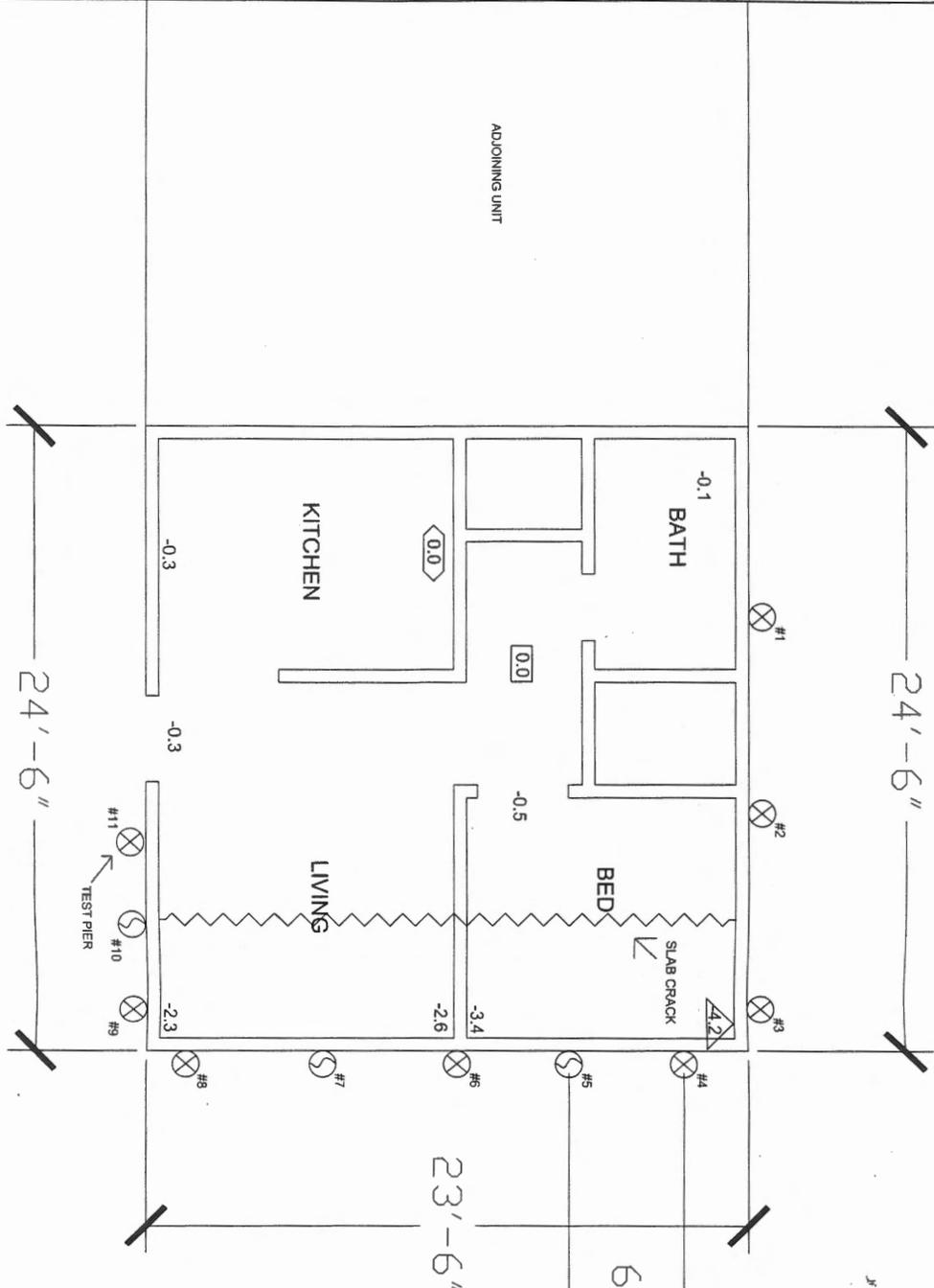
**BORING LOCATION**  
 1007 BUENA VISTA AVE.  
 SAN CLEMENTE, CA

**HELFRICH-ASSOCIATES**  
 ENGINEERING AND CONSTRUCTION CONSULTING  
 30640 KRISTIN COURT  
 REDLANDS, CA 92373  
 909-389-7318  
 909-389-7326 FAX  
 WWW.HELFRICH-ASSOCIATES.COM



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\* GALVANIZED PUSH PIERS TO BE USED TO PROTECT AGAINST DELETERIOUS ACTION FROM SOIL.



6'-0" TYP



**LEGEND**

- LOWEST ELEVATION
- BASE POINT
- HIGHEST ELEVATION
- GALVANIZED PROPOSED PUSH PIER LOCATION
- PROPOSED TIEBACK LOCATION

<p><b>3</b></p> <p>OF 12</p>	<p>SHEET</p>	<p>JOB NO.:</p>	<p><b>EAGLELIFT INC.</b></p> <p>10410 TRADEMARK STREET RANCHO CUCAMONGA PH: 877-752-2522</p>		<p><b>FLOOR PLAN</b></p> <p>1007 BUENA VISTA SAN CLEMENTE, CA 92672</p>
	<p>DATE:</p> <p>10/2/14</p>		<p>DRAWN BY:</p> <p>K.O.</p>	<p>ADJOINING UNIT</p>	

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