

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
 245 W. BROADWAY, STE. 380  
 P.O. BOX 1450  
 LONG BEACH, CA 90802-4416  
 (310) 590-5071



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 180th Day: 03-11-97  
 Staff: RMR-LB **RNR**  
 Staff Report: 10-22-96  
 Hearing Date: November 12-15, 1996  
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-194

APPLICANT: Kevin and Sophie Woodbridge AGENT: Louis Glasbrenner, Arch

PROJECT LOCATION: 326 Boca del Canon, San Clemente, Orange County

PROJECT DESCRIPTION: Remodel an existing residence to add 1,360 square feet of enclosed living space beneath the ground floor. Grading consists of 183 cubic yards of cut. The proposed development also includes landscaping and hardscape improvements.

Lot area:	5,917 sq. ft.
Building coverage:	2,777 sq. ft.
Pavement coverage:	520 sq. ft.
Landscape coverage:	2,620 sq. ft.
Parking spaces:	3
Plan designation:	Residential Low

LOCAL APPROVALS RECEIVED: Approval in concept from the City of San Clemente Community Development Department

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan, Report of Geotechnical Exploration May 30, 1996, Coastal Development Permits 5-87-213 (Haas), 5-87-089 (Neal T. Enterprises), and 5-93-370 (Rist)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed development with special conditions regarding conformance to geotechnical recommendations, removal of excess cut dirt, and assumption of risk.

The applicant and applicant's agent have been informed of the special conditions and did not object to them. There are no unresolved issues of controversy.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Removal of Excess Dirt

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, in writing, the location of the proposed dump site for all excess cut material. If the disposal site is within the coastal zone a coastal development permit may be required.

#### 2. Conformance with Geotechnical Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, grading and foundation and drainage plans. The approved foundation plans shall include plans for the addition foundation, retaining walls, and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the geotechnical investigation prepared by Earthworks dated May 30, 1996. The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

#### 3. Assumption of Risk

Prior to issuance of the coastal development permit the applicant, as property owner, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to hazard from bluff erosion and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land binding all successors and assigns, and shall be recorded free and clear of prior liens and encumbrances which the Executive Director determines may affect the interest conveyed.

### IV. Findings and Declarations

The Commission hereby finds and declares:

#### A. Project Description

The applicants are proposing to remodel their residence by adding 1,360 square feet of enclosed living space beneath their existing single-story residence. Grading consists of 183 cubic yards of cut. The proposed development also includes landscaping and hardscape improvements.

The proposed development is located on a low coastal bluff top lot at elevation 25 fronting the road and at elevation 20 at the rear. At the rear of the residence there is a wood deck and a chain link fence at the property boundary. Beyond the fence is a concrete drainage swale (see Exhibit 2) and

then the right of way for the Atchison, Topeka and Santa Fe Railroad tracks. West of the railroad tracks are the beach and ocean. The railroad tracks are protected by rip-rap. The addition to the proposed development will be below grade and therefore will not have any adverse visual impacts.

Prior to development, the site was part of the mouth of a canyon. The canyon mouth was subdivided and graded in the early 1960's and a single-family residence was constructed on the project site. The geological report notes that a room was constructed beneath the southerly corner of the residence in the 1970's. There is no record of a permit being issued by the Coastal Commission for the room addition constructed in the 1970's, however, a coastal development permit is required for development within 50 feet of a coastal bluff and for development between the sea and the first public road. The plans show that the existing room addition consists of an 11' by 21' room with an 11' by 7' closet (see Exhibit 4). Stairs lead from the basement room to the ground floor. The existing room does not extend seaward of the residence and is within the footprint of the existing residence. The existing room will be incorporated into the proposed development and will become the entertainment room (see Exhibit 3). Staff is recommending approval of the proposed development and, therefore, the existing unpermitted room is not an issue.

The proposed plans show that the basement level improvements consist of an 11' by 21' entertainment area leading to an 11' by 22' play area, an 11' by 16' bedroom with bathroom and closet, an 18' by 9' conversation area with a wet bar, and an alternative room with a bathroom (see Exhibit 3).

Administrative Permits were issued in 1987 for single family residences at 316 and 318 Boca del Canon, three residences north of the project site. A consent calendar permit with a special condition regarding conformance with geologic recommendations was issued by the Commission for a grade and caisson beam system to underpin the foundation at 322 Boca del Canon, two houses north of the project site. The residence at 322 Boca del Canon was damaged because of a broken water line.

#### B. Geologic Stability

The proposed residence is located on a low-lying coastal bluff in the city of San Clemente. Section 30253 of the Coastal Act states in part:

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.

The applicant has submitted a geotechnical report for the project site prepared by Earthworks on May 30, 1996. Geotechnical work at the site consisted of onsite observation, excavation, logging and sampling of two test holes and laboratory analysis of samples taken from the test holes.

The proposed development consists of excavating and constructing an understory addition to an existing one-story, single-family residence. The development is located on compacted fill on a low coastal bluff separated from the beach by the railroad right of way. The bluff is not subject to wave attack.

Construction of the addition will require excavation beneath and temporary support for the existing residence. Soil grouting, underpinning and/or shoring will be necessary to provide structural support during construction.

The geologic report contains recommendations for temporary stabilization of the structure, excavation, and foundation footings. The geological report concludes with this statement:

It is Earthworks opinion that where the recommendations in Earthworks report are properly implemented during the design and construction and where the site is properly maintained that the site will be suitable for the proposed development described herein.

However, the geologic report also includes a statement limiting the liability of the consultants.

There is no guarantee intended or implied that recommendations presented herein will eliminate the potential for future damages at the subject site. Most hillside areas, including slopes on the site and in the vicinity can become unstable as a result of earthquakes, heavy or prolonged rainfall, over-irrigation, broken water lines, poor maintenance, etc.

In addition, the geologic report discusses slope stability and states:

Surficial soil observed over the sloping portion of the site is considered to be in a loose condition subject to downslope creep. Soil creep is expected to continue downslope over time.

Coastal bluffs in the City of San Clemente are inherently unstable. In the past several years there have been massive bluff failures in the City of San Clemente, one of which destroyed five houses at La Ventana. There have also been recurrent bluff failures along El Camino Real at Marblehead and underneath the Cove Colony subdivision. This entire section of coastal bluffs have been restructured. In addition, the increased rainfall of recent years has contributed to slope failure up and down the coast in San Clemente, leading to increased requests for foundation stabilization systems. Although not directly subject to wave attack, the coastal bluffs in San Clemente composed of poorly bedded and fractured loosely consolidated soils, and are susceptible to erosion by salt spray, wind, rain, wetting and drying, and gravity. Unpredictable events like broken water lines can cause bluff top residences to shift and slide. The residence at 322 Boca del Canon was damaged by a broken water line. The consulting geologist states that coastal bluffs are unstable and that the project bluff is subject to creep.

The geotechnical consultants conclude that although the site is suitable for the proposed development, the residence is subject to adverse impacts by soil creep, earthquake, liquefaction, broken water lines and over-irrigation. The Commission, therefore, finds that the applicant shall conform with the assumption of risk special condition which waives Commission liability for permitting the proposed development.

In addition, the applicant is proposing 183 cubic yards of cut under the residence for the proposed addition. In order to ensure that the excess cut dirt will not be disposed of improperly or be placed elsewhere in the coastal zone without a permit, the applicant has been conditioned to provide, in writing, a statement indicating where the excess cut dirt will be deposited.

Finally, the geologic report states that the conclusions and recommendations of the geologic report are preliminary because of the absence of final construction plans, which are dependent upon the consulting geologist's recommendations. Therefore, the consulting geologist includes recommendations pertaining to grading, foundation and footing design, design of retaining walls and site drainage. Incorporation of these recommendations into the foundation plans will ensure structural integrity, geologic stability, and minimize risks from geologic hazards.

Therefore, the Commission finds that it is necessary to impose a special condition requiring the submittal of foundation, grading and drainage plans which have been reviewed and stamped by the consulting geologist. Only as conditioned for conformance with geologic recommendations, assumption of risk and removal of excess cut dirt does the Commission find that the proposed development conforms with the geologic safety provisions of Section 30253 of the Coastal Act.

#### C. Coastal Access and Recreation

Section 30212(a)(2) of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. The proposed development is located between the sea and the first public road. The proposed project consists of an addition to an existing single-family residence.

The proposed project is located in a private community on a low-lying coastal bluff in the City of San Clemente. Access to the beach is not available to the public through the subdivision or across the project site. There is also a private community access in the subdivision.

A public access dedication can be required pursuant to section 30212 only if it can be shown that the development either individually or cumulatively directly impacts physical public access, i.e., impacts historic public use, or

impacts or precludes use of Public Trust Lands. In this situation, the development is located between the sea and the first public road, however, it does not impact access either directly or indirectly to the ocean. The project site will remain a single-family residence use and will not result in an intensification of use.

The development will not create adverse impacts, either individually or cumulatively on public access and will not block public access from the first public road to the shore. Therefore, the Commission finds that the proposed development is consistent with the public access and recreation policies of the Coastal Act.

#### D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit 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.

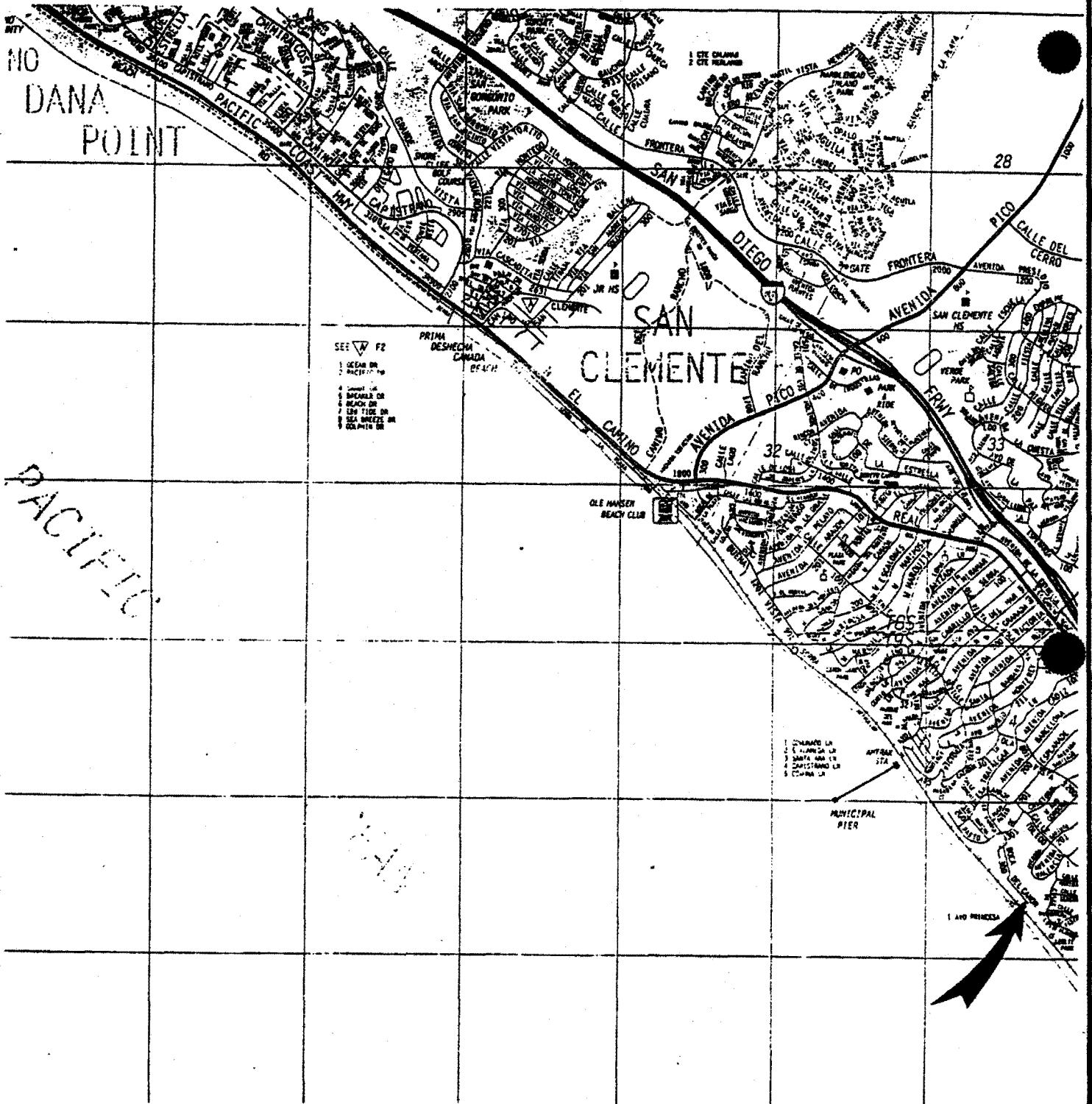
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. As conditioned the proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of the proposed development 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).

#### E. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The proposed development is located in an urban area. Development already exists on the subject site. All infrastructure necessary to serve the site exist in the area. The proposed project has been conditioned in order to be found consistent with the development policies regarding hazards of Chapter Three of the Coastal Act. Mitigation measures requiring an assumption-of-risk deed restriction, disposal of cut dirt and the incorporation of geotechnical recommendations into the design plans will minimize all significant adverse impacts.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which 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.



**EXHIBIT NO. 1**  
**APPLICATION NO.**  
**5-96-194**  
**VICINITY MAP**  
 California Coastal Commission




BOCA DEL CANNON

3

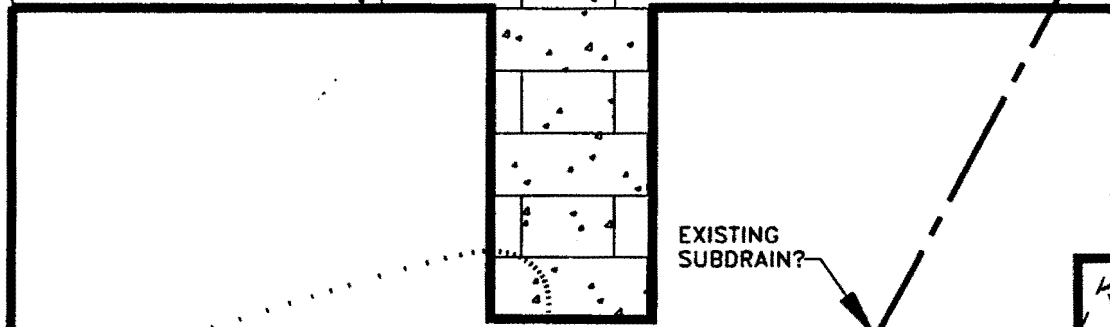
2

1

1.5:1(H:V) AS-GRADED SLOPE\*\*\*

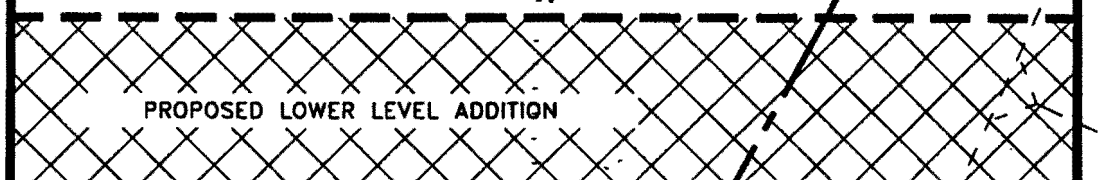
  
 CALIFORNIA COASTAL COMMISSION  
 EXHIBIT NO. 2  
 APPLICATION NO. S-96-194  
 SITE PLAN

DRIVEWAY

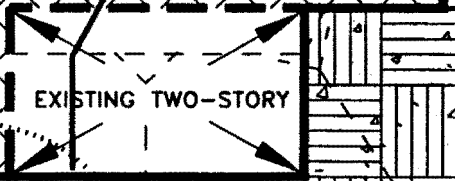


EXISTING SUBDRAIN?

EXISTING RESIDENCE



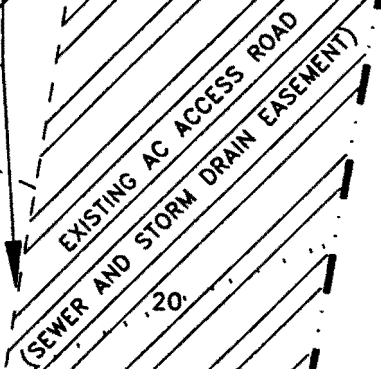
PROPOSED LOWER LEVEL ADDITION



EXISTING TWO-STORY



EXISTING WOOD DECK



EXISTING AC ACCESS ROAD  
(SEWER AND STORM DRAIN EASEMENT)

20  
 TH-2  
 27  
 25  
 15  
 20  
 15

SEWER EASEMENT

3'

2'

TH-1

1'

15

PAVED DRAINAGE

EXISTING CHAIN LINK FENCE

0

WO  
32  
S

PHOTOGRAPHIC RECORD

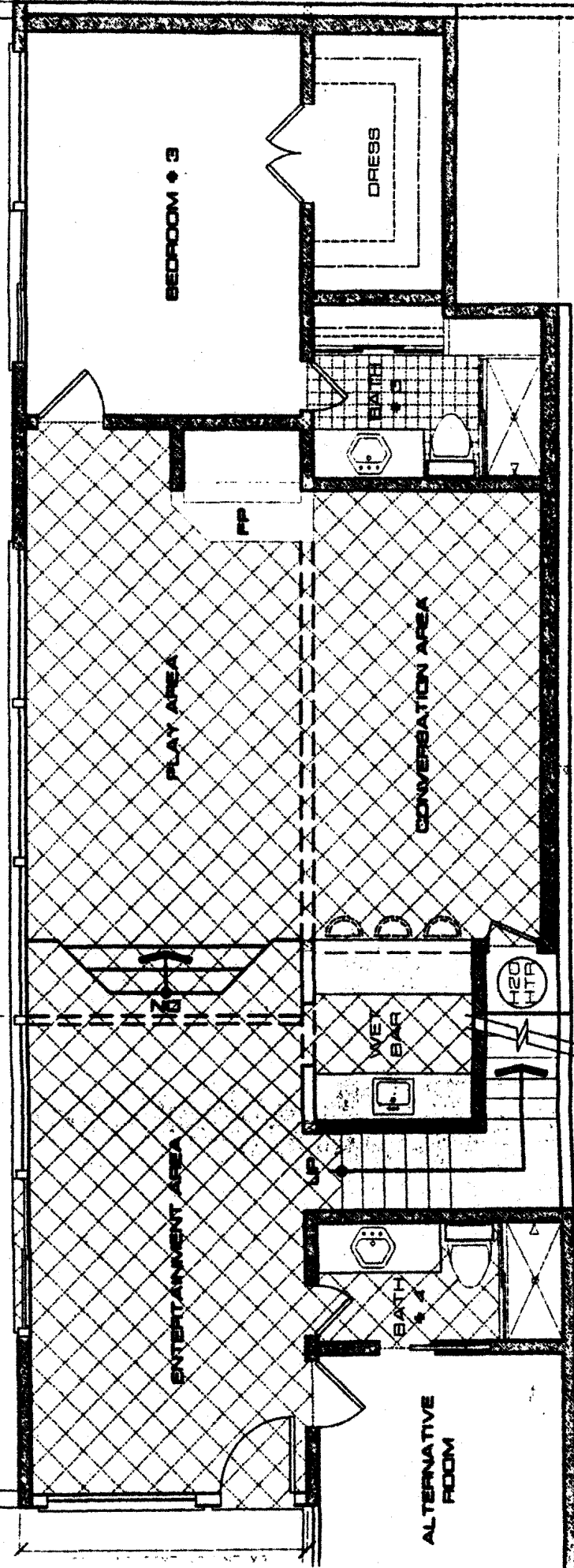
LANDSCAPE

OUTDOOR PLAY AREA

DECK ABOVE

EXTENT OF EXISTING ROOM

GARDEN AREA



EXTENT OF NEW WORK AT LOWER LEVEL

**EXHIBIT NO. 3**  
**APPLICATION NO.**  
 5-96-194

**ADDITION PLAN**

California Coastal Commission

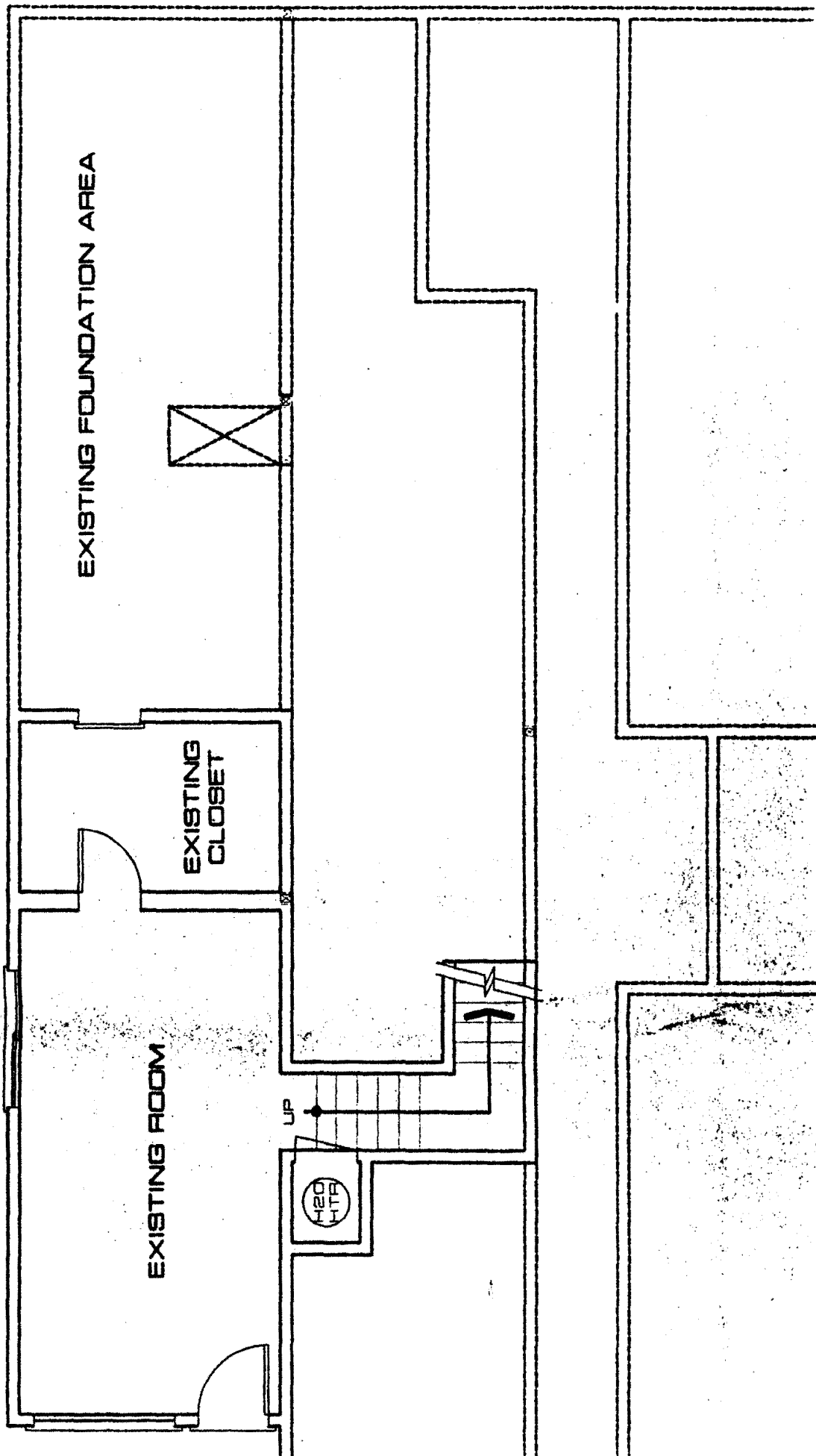

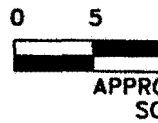
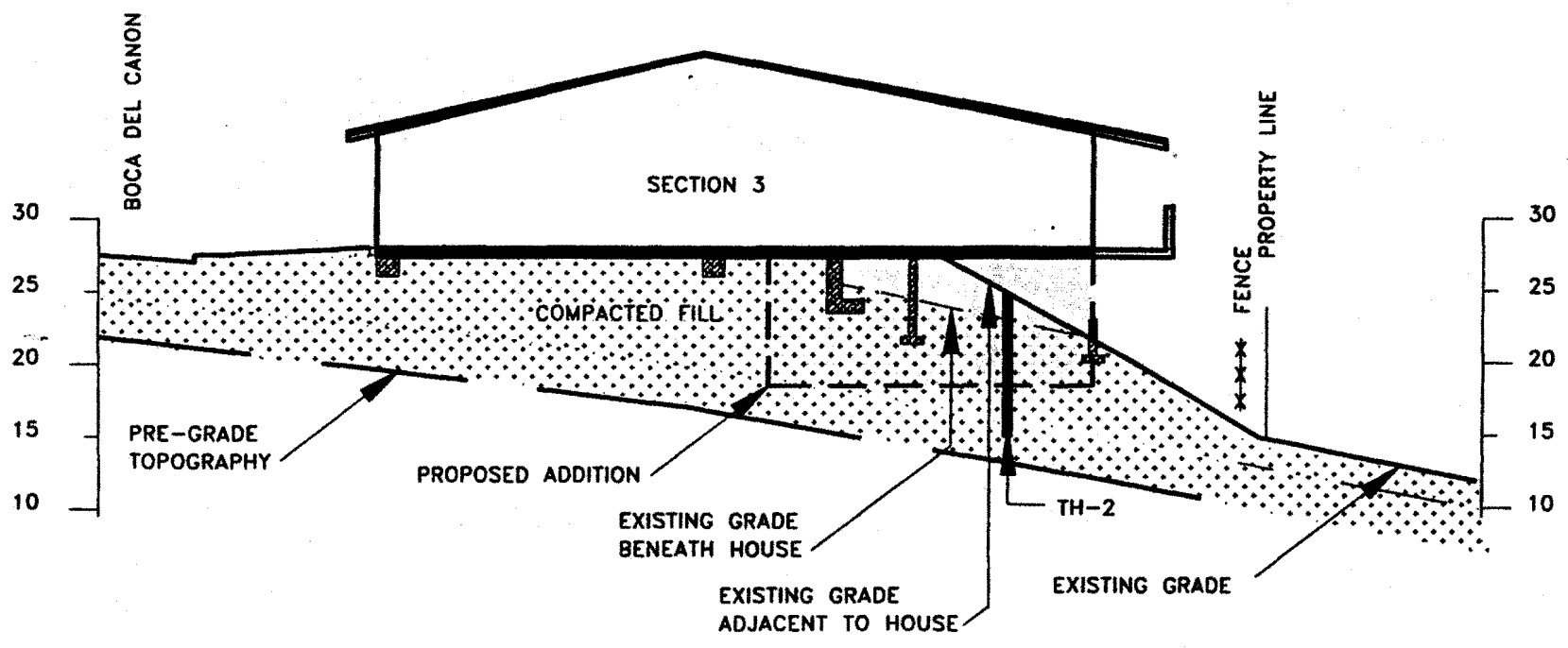
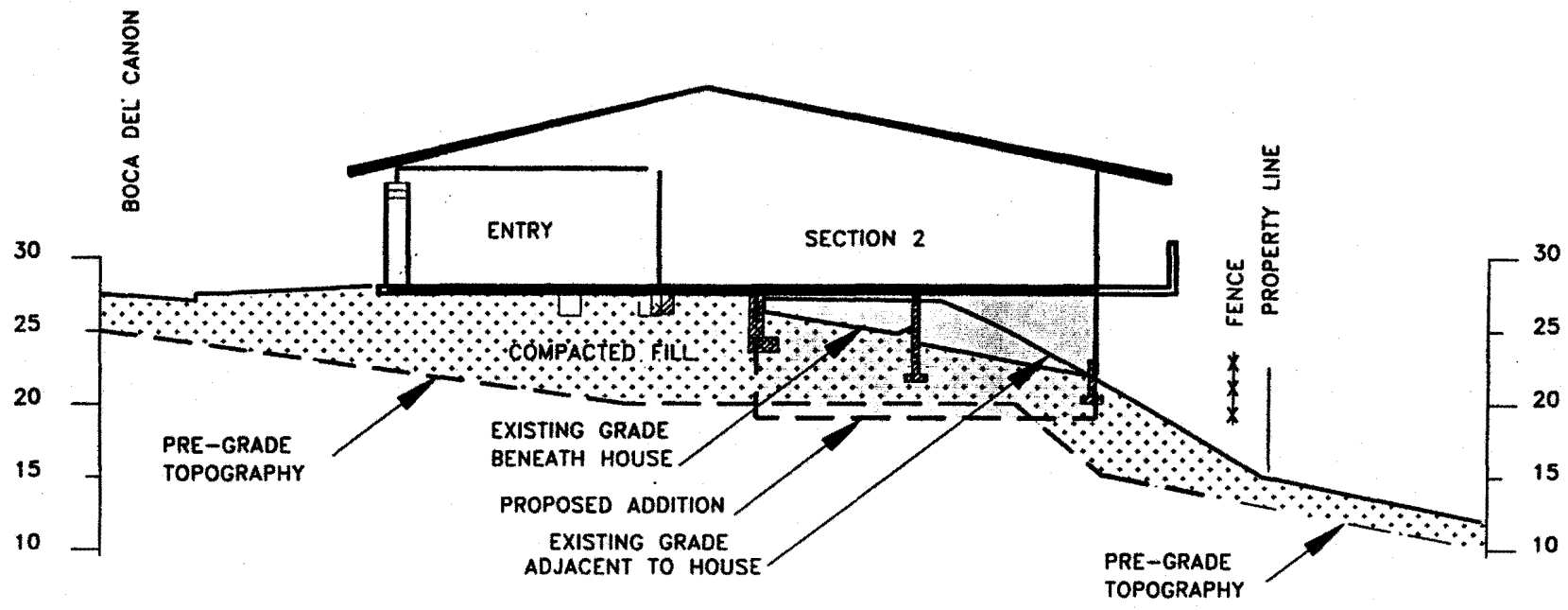


EXHIBIT NO. 4
APPLICATION NO. S-96-194
EXISTING DEVEL.


 California Coastal Commission  
 CROSS-SECTION  
 APPLICATION NO.  
 S-96-194



SECTION 2  
 326 BOCA DEL  
 SAN CLEMEN  
 MAY 1996