

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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 Long Beach, CA 90802-4302
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Filed: April 27, 1999
 49th Day: June 15, 1999
 180th Day: Extended
 Date of Extension: September 14, 1999
 Length of Extension: 90 Days
 Final Date for Commission Action: December 13, 1999
 Staff: SFR-LB *pr*
 Staff Report: September 23, 1999
 Hearing Date: October 12-15, 1999
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-98-210

APPLICANT: Steve Nelson **AGENT:** None

PROJECT LOCATION: 114 Trafalgar, City of San Clemente, Orange County

PROJECT DESCRIPTION: To permanently authorize the removal of a failed metal pipe and timber retaining wall and construction of a new forty foot long retaining wall supported by a grade beam and three caissons on a coastal canyon which was authorized under an emergency permit (5-98-210-G). Construction of a four foot tall cinderblock wall with a two-foot lattice fence and gate above the retaining wall. Re-landscaping the slope with native vegetation.

LOCAL APPROVALS RECEIVED: City of San Clemente approval in concept dated April 23, 1998.

SUBSTANTIVE FILE DOCUMENTS: Limited Geotechnical Investigation - Proposed Wall Replacement - 114 Trafalgar Street, San Clemente, California by Scot P. Farquhar, Inc dated February 2, 1998. Coastal development permits: 5-94-017 (Colucci) and 5-93-293 (Rieniets). City of San Clemente Certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

This permit application is the follow-up permit application for an emergency permit to remove a failed backyard wall and construct a new concrete wall. Commission staff recommends that the Commission approve the proposed project with five special conditions. These special conditions relate to: a future improvements deed restriction, assumption of risk deed restriction, conformance with the geotechnical recommendations, submission and implementation of a landscaping plan, and submission and implementation of a drainage and runoff control plan.

The City of San Clemente does not have a certified Local Coastal Program (LCP). Accordingly, the Commission will review this application for consistency with

Chapter 3 of the Coastal Act. The City of San Clemente certified Land Use Plan (LUP) designates coastal canyons such as Trafalgar Canyon as environmentally sensitive habitat areas (ESHA). Though designated as ESHAs these canyons have been significantly degraded by adjacent urban development to the point that some portions do not actually possess significant habitat value. The project site is located in such an area. Consistent with Section 30240 of the Coastal Act, the certified LUP mandates that development occurring in the coastal canyons and adjacent to the coastal canyons enhance habitat values of the coastal canyons. Consequently, the major Coastal Act issue raised by the reconstructed retaining wall is its consistency with Section 30240 of the Coastal Act and its ability to enhance Trafalgar Canyon as an environmentally sensitive habitat area.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development 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, and will not have any significant adverse effects 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. **Future Development Deed Restriction**

- A. This permit is only for the development described in coastal development permit No. 5-98-210. 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 entire parcel. Accordingly, any future improvements, 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), which are proposed within the parcel shall require an amendment to Permit No. 5-98-210 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the parcel. The deed restriction shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. ASSUMPTION OF RISK, WAIVER OF LIABILITY, AND INDEMNITY

- A. By acceptance of this permit, the applicant acknowledges and agrees that: (i) the site may be subject to hazards from landslide, slope retreat, erosion, and earth movement; (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.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS WITH GEOTECHNICAL RECOMMENDATIONS

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Engineering Geologic Reports prepared by Scot P. Farquhar, Inc. and dated February 2, 1998. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction 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 required.

4. Landscape 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 plan for landscaping to enhance the habitat values of Trafalgar Canyon. The plan shall be prepared by a licensed landscape architect.
1. The plan shall demonstrate that:
 - (a) all vegetation planted on the canyon side of the retaining wall shall consist of native, drought-tolerant plants and all non-native plants within the applicant's property on the canyon side to the retaining wall shall be eradicated. The remainder of the lot shall contain native or non-native plants provided that the non-native plants are drought tolerant and non-invasive.
 - (b) No permanent irrigation system shall be allowed on the canyon side of the wall. Temporary above ground irrigation to allow the establishment of the plantings is allowed.
 - (c) all required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and
 - (d) plantings shall be undertaken using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90%) percent coverage within ninety (90) days and shall be repeated, if necessary, to provide such coverage.
 2. The plan shall include, at a minimum, the following components:
 - (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. 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 required.

5. DRAINAGE AND RUNOFF CONTROL

Prior to issuance of this permit, the applicant shall submit for the review and approval of the Executive Director a drainage and runoff control plan with an evaluation of the existing system's compliance with this special condition. The drainage and runoff control plan shall show that all roof drainage, including roof gutters, collection drains, and sub-drain systems for all landscape and hardscape improvements for the residence and all yard areas, shall be confined on site. The purpose of such a system will be to collect and discharge all site drainage to the street or to the drainage course through piping without allowing water to percolate into the ground. If such a system for conveying site drainage to the street currently does not exist, the applicant shall be responsible for installing a drainage and runoff control system which conforms to the plan as approved by the Executive Director within ninety (90) days of issuance of this permit. The applicant shall maintain the functionality of the approved drainage and runoff control plan to assure that water is collected and discharged to the street without percolating into the ground.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The project site is located at 114 Trafalgar in the City of San Clemente, which is in Orange County (Exhibits 1 and 2). The proposed development is located inland near the coastal zone boundary. Furthermore, the portion of Trafalgar Canyon in the project location is quite shallow as it is approximately 20 feet deep. The existing development, consisting of a single-family residence, on the lot is pre-coastal.

The applicant received on November 3, 1998 an emergency permit (5-98-210-G, Exhibit 8) to remove the failed metal pipe and timber retaining wall and replace it with a forty foot-long retaining wall supported by a grade beam and three caissons. Additionally four-foot tall cinderblock wall with a two-foot lattice fence and gate are to be built above the retaining wall. The emergency permit was reported to the Commission on December 9, 1998. This permit application requests that work approved under the emergency permit be permanently authorized.

The proposed project will be occurring in and adjacent to Trafalgar Canyon one of the seven coastal canyons designated in the certified Land Use Plan of the City of San Clemente as an Environmentally Sensitive Habitat (ESHA) (Exhibit 3). The replacement wall will be located on canyon edge of the building pad. Consequently, the replacement wall defines the boundary between the developed portion of the lot and the undeveloped portion, which is the ESHA.

B. Geologic Hazards

The subject site is developed with a single-family residence. The rear portion of the lot is located in Trafalgar Canyon, which has a stream at its base (Exhibit 5). Consequently, the canyon on which the lot is located is subject to failure due to water-induced erosion from stream flows and rain. According to the applicant's geologic consultant, Scot P. Farquhar, Inc. a slope failure occurred during winter storms in December 1997 and was exacerbated by uncontrolled runoff water from a broken outlet pipe. The geotechnical report also states that surficial instability in the form of shallow soil failures has been a chronic problem for the rear yard slope. The slope failure resulted in the loss of the westerly portion of a metal pipe and timber retaining wall.

The Commission has issued at least two coastal development permits for slope repair and stabilization in Trafalgar Canyon in the vicinity of the project site. Under coastal development permit 5-94-017 (Colucci) the Commission approved the installation of nine caisson in 1994. Under coastal development permit 5-93-293 (Reiniets) the Commission approved reconstruction of a failed hillside plus drainage improvement. The number of permit applications for hillside stabilization and repair on Trafalgar demonstrates that the hillsides are geotechnically active. Development on coastal canyons adjoining active streams is inherently risky, Section 30253 of the Coastal Act states, in relevant 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.*

To evaluate the site's stability the property and to recommend a solution for stabilizing the rear yard a geotechnical Scot P. Farquhar, Inc conducted evaluation. The report included subsurface exploration, logging, soil sampling, and laboratory testing to determine the existing soil conditions at the site and to provide data and specific recommendations relative to the design of the proposed development. As previously summarized, the geotechnical report attributed the rear yard slope failure to excessive rain in December 1997, improper drainage which accelerated slope erosion, and surficial instability due to the slope being oversteepened. Groundwater according to the geotechnical report was encountered at a depth of 26 feet perched on the bedrock contact. The existence the groundwater, due to its depth, was not considered a construction constraint.

To assure slope stability on the subject property and to protect the subject property from further slope failure Scot P. Farquhar, Inc. recommended the installation of retaining wall, a grade beam supported by three of caissons, subdrains, and that all surface water runoff be collect and discharged into the drainage course below. Though the geotechnical evaluation by Scot P. Farquhar, Inc. concluded that the project can be undertaken, the geotechnical consultant has made recommendations which must be complied with by the applicant to assure that the project will minimize risks to life and property, and will assure structural integrity.

Specific recommendations made by the geotechnical consultant relate to: 1) that the grade beam and caissons system should be imbedded by at least ten feet into unweathered terrace deposits; 2) that the new wall be placed on top of the caissons and grade beam to reduce the effects of ongoing surficial erosion instability by diverting surface water away from the slope; and 3) to assure that the property drains efficiently and that water does not infiltrate into the slope, the geotechnical consultant recommended the installation of subdrains and PVC piping to convey the water directly into the stream.

One method of reducing water infiltration is through the use of landscaping. Landscaping promotes slope stability by withdrawing water from slopes through evapotranspiration and a root system, which holds the soil in place. To provide a plantings, which promotes slope stability, the applicant proposes to install native on the ESHA side of the new cinderblock wall. However, a proposed landscaping plan has not yet been submitted. To assure that a landscaping is undertaken which promotes native vegetation and slope stability, the Commission finds it necessary to impose a special condition to require that a final landscaping plan be prepared which minimizes the potential of water infiltrating into the ground. Therefore, the applicant shall submit for the review and approval of the Executive Director a landscaping plan. The Commission imposed the requirement for a landscaping plan under coastal development permit 5-93-293 (Rieniets) for the slope repair at 128 Trafalgar Lane. The landscaping plan required the use of or primarily native plants though drought tolerant plants where allowed if they were noninvasive. Under coastal development permit 5-94-017 (Colucci) for the installation of nine caissons and the replacement of a wooden deck at 124 Trafalgar the Commission did not require a landscaping plan.

The landscaping plan, to minimize the potential for future slope failure, shall be prepared by a licensed landscape architect and shall incorporate the following criteria: 1) to minimize the introduction of water into the ground, no permanent in-ground irrigation shall be permitted on the canyon side of the wall, temporary above ground irrigation to establish the plantings is permitted; 2) landscaping on the ESHA side of the wall shall consist of native plants. The remainder of the lot can contain non-native drought tolerant plants. Invasive, non-indigenous plant

species which tend to supplant native species shall not be used; and 3) Ornamental plants that are in pots which are non-invasive and are placed on drained hardscape which does not allow water to percolate into the soil will be allowed in the front and side yards. Additionally, the landscaping plan shall also show the existing backyard plants and irrigation system. Through this special condition, one of the contributing factors to slope failure, the introduction of water into the ground, will be minimized.

Another method of controlling the infiltration of water into the ground is through effective site drainage. This is especially true for the control of rainwater. The geotechnical consultant recommended that all surface runoff be collected and discharged into the drainage course below. A drainage and runoff control plan was not submitted. Therefore, the Commission is imposing a special condition which requires that a drainage and runoff control plan shall be submitted for the review and approval of the Executive Director prior to issuance of this coastal development permit. The drainage and runoff control plan shall also evaluate the effectiveness of the existing on site drainage. If the existing on-site drainage is not consistent with the requirements of this condition, the applicant shall be responsible for installing a drainage and runoff control system, which conforms to this condition within ninety days of issuance of this permit.

Although adherence to the geological consultant's recommendations will minimize the risk of damage, the risk is not eliminated entirely. Trafalgar Canyon has been prone to slope failures on a consistent bases. Therefore, the standard waiver of liability condition has also been attached as a special condition. By this means, the applicant is notified that the lot is in an area that is potentially subject to slope failure, which could 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. In addition, the condition insures that future owners of the property will be informed of the risks and the Commission's immunity of liability. This special condition was imposed on development located at 128 Trafalgar under coastal development permit 5-93-293 (Rieniets).

Since the slopes adjacent to Trafalgar Canyon are active, future development adjacent to the canyon could have an adverse impact on slope stability if not properly evaluated. For this reason, the Commission is imposing a special condition which states that any future development or additions on the property, including but not limited to hardscape improvements, grading, landscaping, vegetation removal and structural improvements, requires a coastal development permit from the Commission or its successor agency. This condition ensures that any future development on coastal canyons, which may affect the stability of the canyon and residential structures, receives review by the Commission. The Commission imposed an informational future improvements special condition for development occurring at 128 Trafalgar under coastal development permit 5-93-293 (Rieniets).

The plans submitted with the application have not been certified as incorporating the recommendations of the geotechnical reports prepared by Scot P. Farquhar, Inc. To ensure that the geotechnical consultant's recommendations are instituted, it is necessary to impose a special condition requiring verification that the project plans are in compliance with the recommendations of Scot P. Farquhar, Inc. Accordingly, the applicant must submit prior to issuance of the permit, for the review and approval of the Executive Director, plans (drainage, and caisson plans) signed by a certified geotechnical engineer which incorporate the recommendations made by Scot P. Farquhar, Inc. in their geotechnical investigation (PN 980204) of February 2, 1998.

Therefore, the Commission finds that the project conforms with the requirements of Section 30253 of the Coastal Act as conditioned for: an assumption of risk deed restriction, future improvements deed restriction, the implementation of a landscaping plan, and conformance with the geotechnical recommendations.

C. Environmentally Sensitive Habitat

The proposed development is located at the top of Trafalgar Canyon, one of seven coastal canyons designated as ESHAs in the City of San Clemente's certified LUP. Though the canyon is designated as an ESHA in the certified LUP, for the retaining wall system is itself is not within ESHA as defined in Section 30107.5 of the Coastal Act since the new wall will be occupying the same footprint as the failed wall. Consequently, the ESHA area subject to Section 30240(b) of the Coastal Act is located adjacent to the proposed development on the streamside of the wall. Section 30240(b) of the Coastal Act states:

- (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.

Section 30107.5 states:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The City of San Clemente certified Land Use Plan recognizes that the coastal canyons contain important natural habitat. Though the coastal canyons contain natural habitat, the land use plan notes that the coastal canyons represent remnants of what was once a much larger habitat zone. As with the other canyons

residences rim Trafalgar Canyon. Consequently the habitat quality of the this canyon has been affected by adjacent urban development. The vegetation in this coastal canyon is a mixture of native and introduced non-native plants and trees. No rare or endangered plants or animals have been reported to exist within this coastal canyon.

Though the overall habitat quality of the coastal canyons has been adversely impacted by adjacent urban development, the City of San Clemente has policies in its certified Land Use Plan to promote habitat restoration of the coastal canyons. Policy XV.1 of the City's certified LUP encourages activities, which improve the natural biological value, integrity and corridor function of coastal canyons through vegetation restoration and the control of alien plants and animals. Policy XV.2 and Policy XV.3 are a repeat of Section 30240 of the Coastal Act.

Consistent with Section 30240 regarding development adjacent to environmentally sensitive habitat areas and the requirements of the City's certified land use plan the Commission finds it necessary to impose special conditions which will enhance the biological habitat values of Trafalgar Canyon. First, the Commission is imposing a special condition to require a future improvements deed restriction to assure that future development in the this particular portion of Trafalgar Canyon can be adequately evaluated to promote habitat values. Next the Commission is imposing a special condition to require that the project area on the streamside of the wall be planted with native vegetation. This will be accomplished through the submission of a landscaping plan prepared by a licensed landscape architect which shall show the area as planted with native vegetation and that all non-native vegetation be removed. Temporary irrigation necessary for establishing the plantings will be allowed. Both the future improvements deed restriction and the landscaping plan shall be subject to the review and approval of the Executive Director.

The proposed development will restore a degraded habitat area through the planting of native vegetation, which will restore and enhance the functionality of the habitat at the project site. The Commission has conditioned the applicant for a future improvements deed restriction and to develop and implement a landscaping plan composed of native vegetation. Therefore, the Commission finds that the project, as conditioned, is consistent with section 30240(b) of the Coastal Act.

D. Land Use Plan

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the

ability of the local government to prepare a Local Coastal Program, which conforms with the 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 IP portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. As conditioned, the proposed development is consistent with the of Chapter 3 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).

E. California Environmental Quality Act

Section 13096 of the Commission's administrative 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 project is located in a coastal canyon designated as environmentally sensitive habitat. The proposed development has been conditioned to assure that the project will not have a significant adverse impact on coastal resources and has been conditioned to: develop and implement a landscaping plan consisting of native vegetation, to record a future improvements deed restriction, to record an assumption of risk deed restriction, conformance with the geotechnical recommendations, and to develop and implement a drainage and runoff control plan. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or 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 is consistent with CEQA and the policies of the Coastal Act.

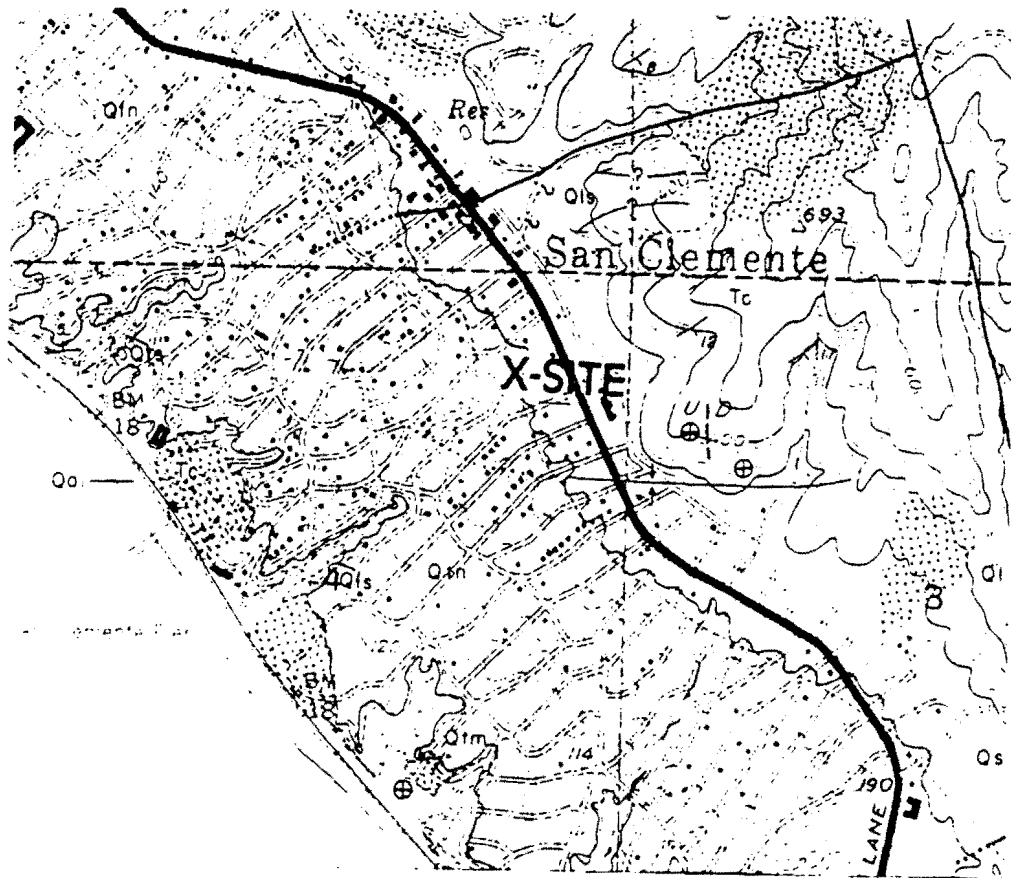


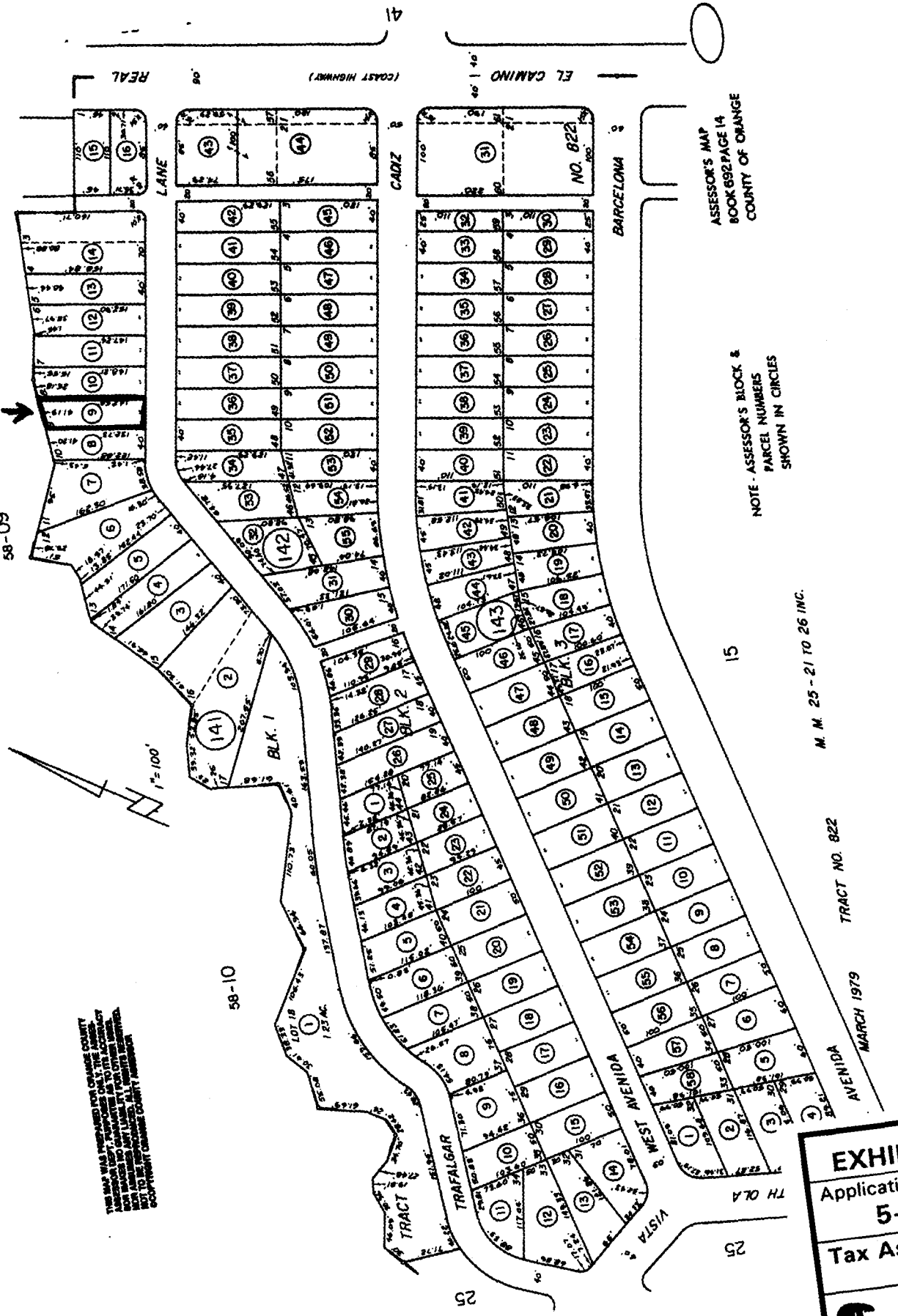
FIGURE 1. Regional Geologic Location Map
 (based on Blanc and Cleveland, 1968)

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SCALE 1" = 1580'

EXHIBIT No. 1
Application Number: 5-98-210
Location Map
California Coastal

Site →



THIS MAP WAS PREPARED FOR ORANGE COUNTY
 TAXPAYER'S INFORMATION ONLY. THE COUNTY
 TAXPAYER'S INFORMATION DEPARTMENT HAS
 MADE THIS MAP AVAILABLE TO THE PUBLIC.
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ASSESSOR'S MAP
 BOOK 692 PAGE 14
 COUNTY OF ORANGE

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

M. M. 25 - 21 TO 26 INC.

TRACT NO. 822

MARCH 1979
 AVENIDA

EXHIBIT No. 2
 Application Number:
5-98-210
 Tax Assessor's Map
 California Coastal

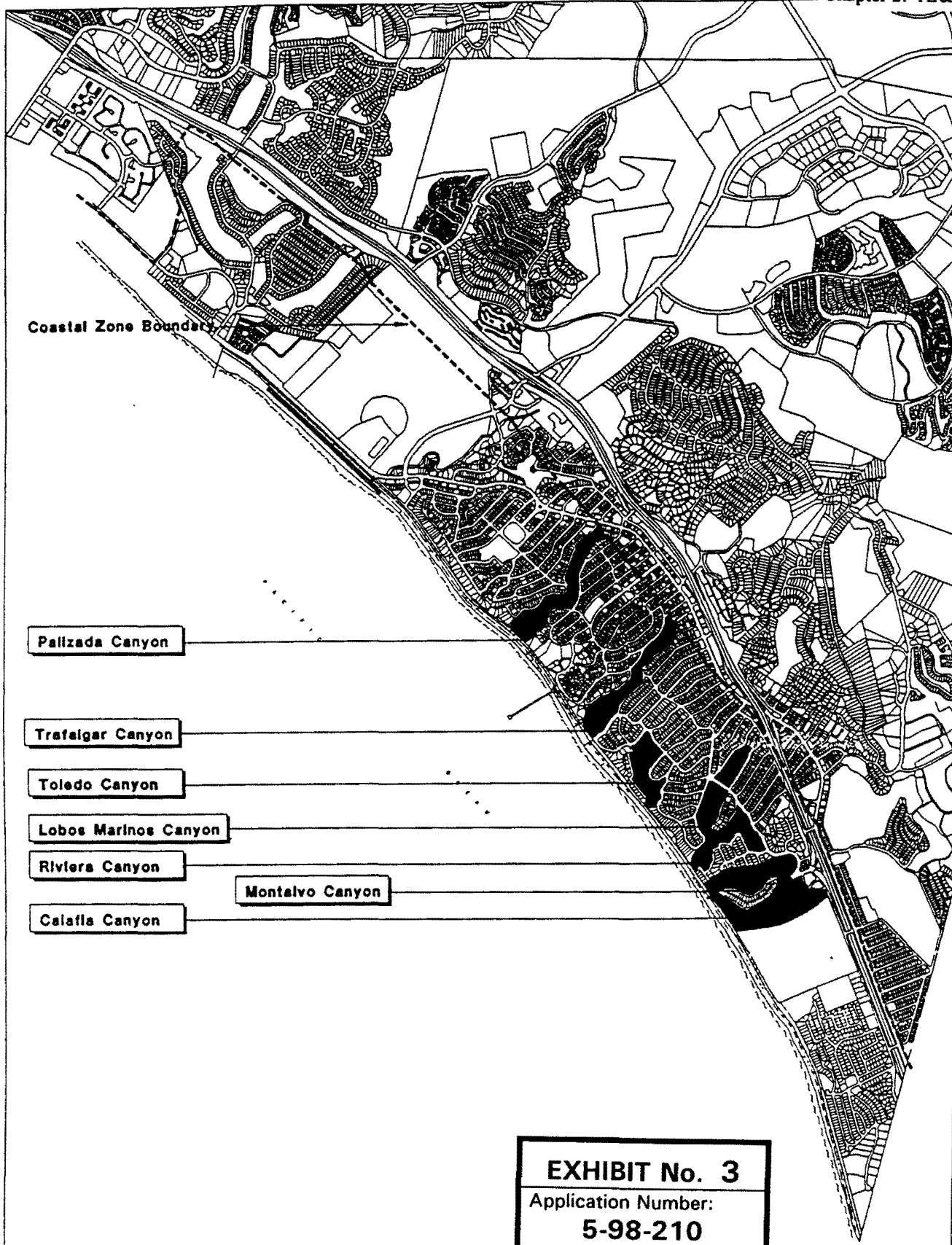
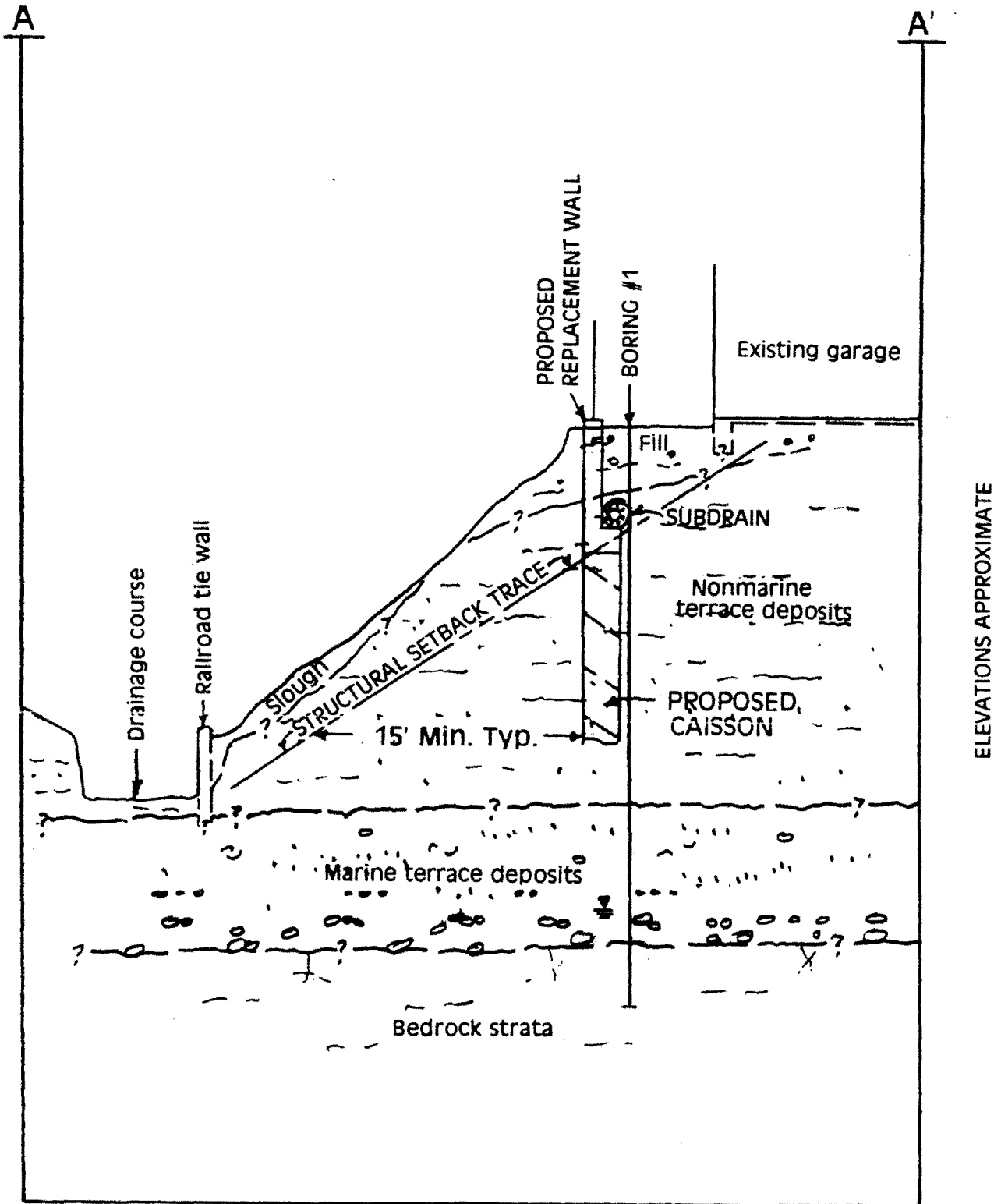


FIGURE 2-1



CITY OF SAN CLEMENTE
COASTAL CANYONS/ ENVIRONMENTALLY SENSITIVE HABITAT AREAS






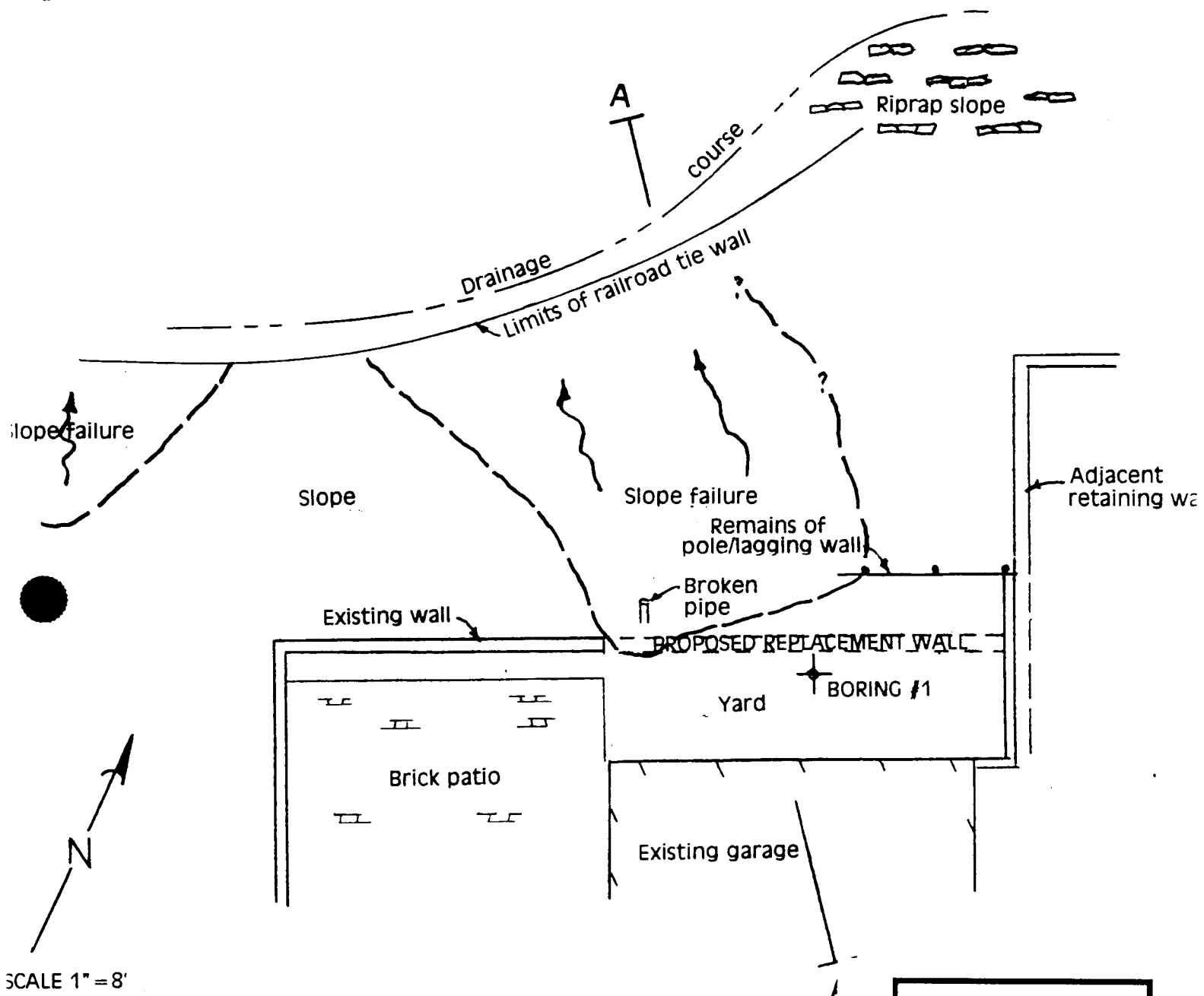
ELEVATIONS APPROXIMATE

SCALE 1" = 8'


← N38W →

Cross Section A-A'

EXHIBIT No. 4
Application Number: 5-98-210
Cross Section
 California Coastal



Boring Location Map

EXHIBIT No. 5
Application Number: 5-98-210
Site Plan
 California Coastal

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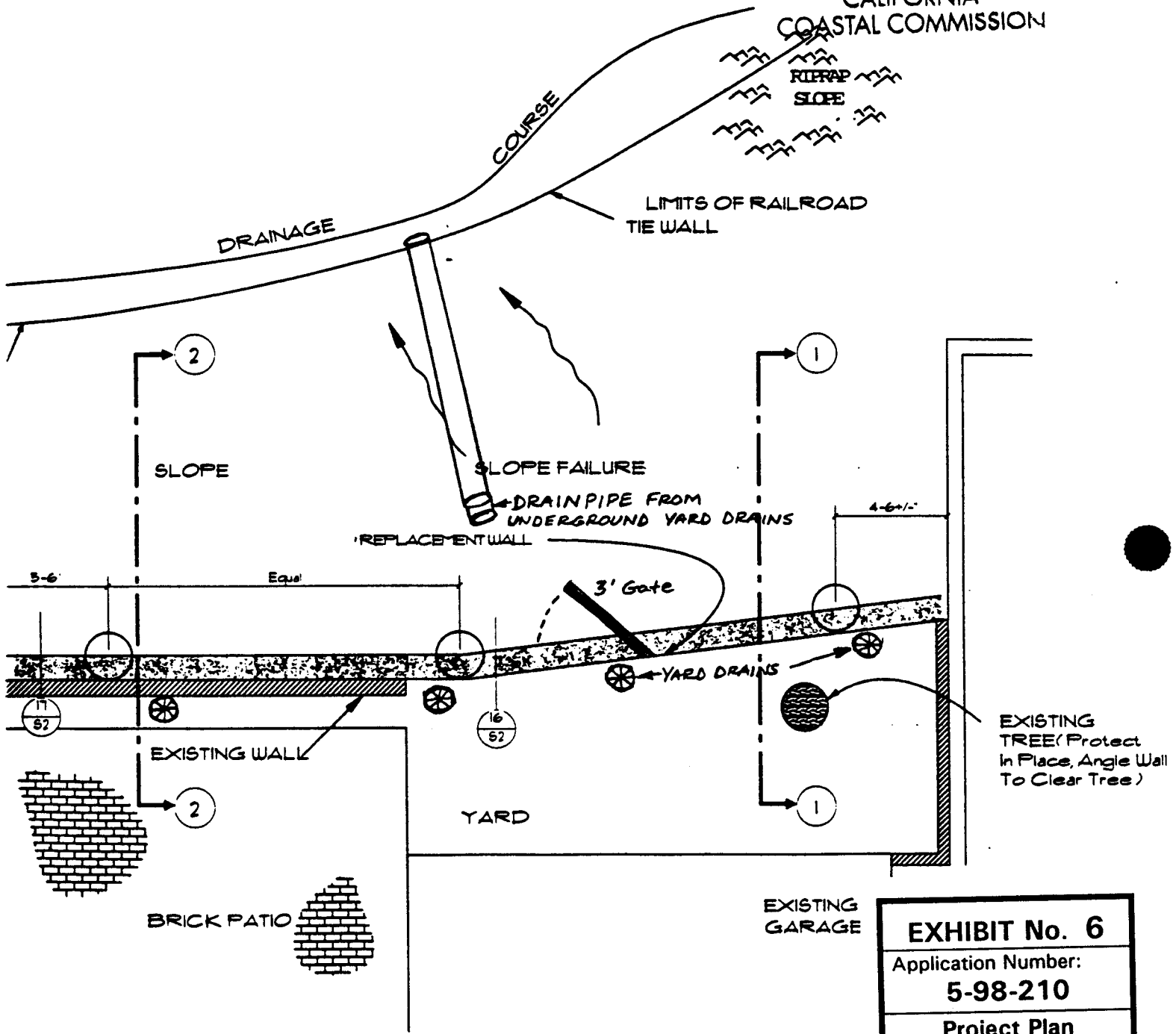



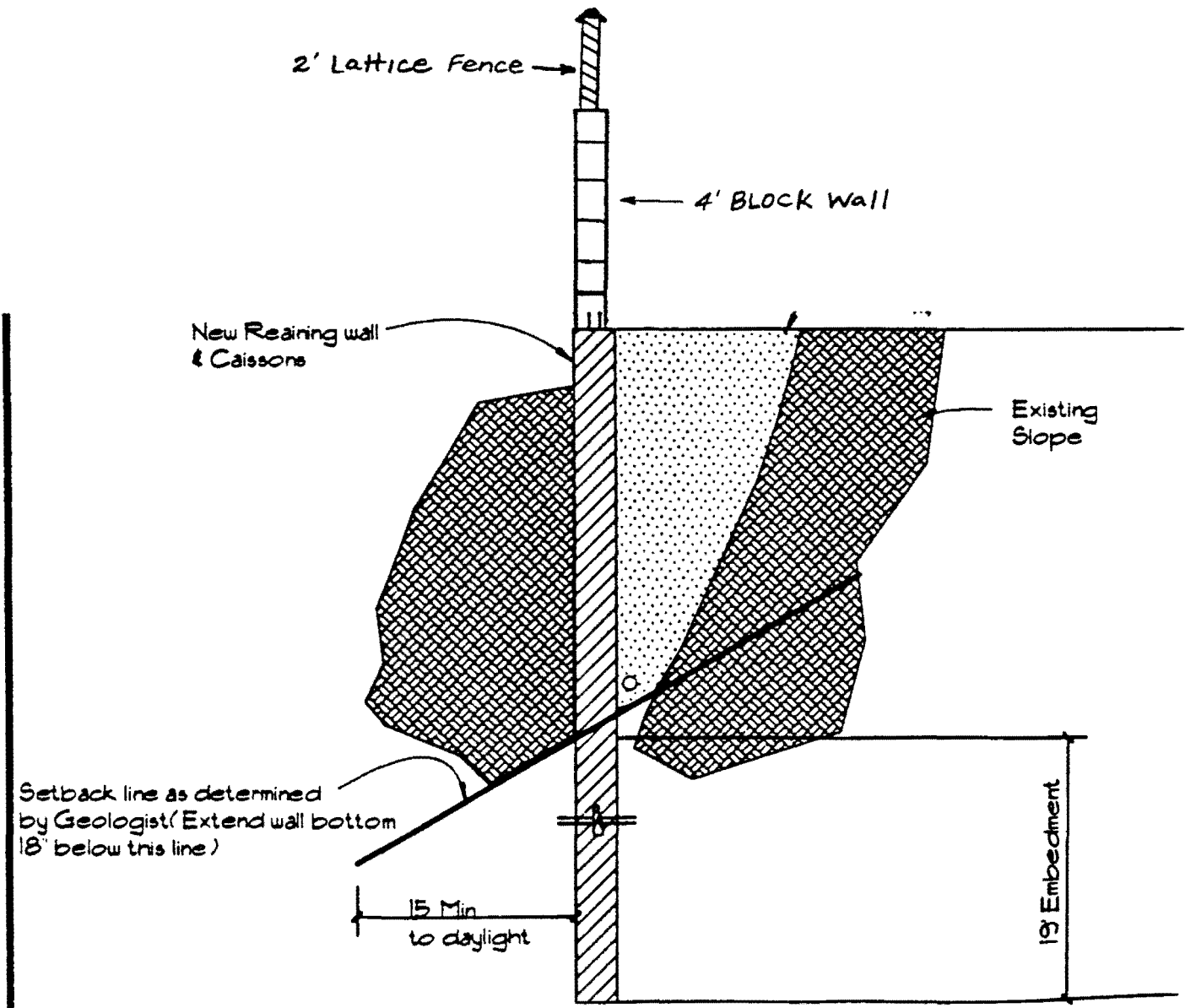
EXHIBIT No. 6
Application Number: 5-98-210
Project Plan
California Coastal

NELSON PROJECT

114 TRAFALGAR LN. SAN CLEMENTE

EXHIBIT No. 7	
Application Number: 5-98-210	
Cross Section	
	California Coastal

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NELSON PROJECT

Section 1-1

114 TRAFALGAR LN. SAN CLEMENTE

CALIFORNIA COASTAL COMMISSION

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

**EMERGENCY PERMIT**November 3, 1998

Date

5-98-210-G

(Emergency Permit Number)

114 Trafalgar Lane, San Clemente, Orange County

Location of Emergency Work

The applicant is proposing to remove approximately 45 feet of wooden fence and replace it with a 15.5 foot high (7 feet below existing grade) caisson and grade beam retaining wall in the same location .

Project Description

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of rear yard slope failure requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- a. An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 90 days unless otherwise specified by the terms of the permit;
- b. Public comment on the proposed emergency action has been reviewed if time allows; and
- c. As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.


The work is hereby approved, subject to the conditions listed on the reverse.

Very Truly Yours,

Peter M. Douglas
 Executive Director

By: *Jesse Henry*

Title: District Manager

EXHIBIT No. 8
Application Number: 5-98-210
Emergency Permit
 California Coastal

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the property owner and returned to our office within 15 days.
2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 90 days of the date of this permit.
4. Within 60 days of the date of this permit, the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Director.
5. In exercising this permit the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.

Condition #4 indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.

If you have any questions about the provisions of this emergency permit, please call the Commission Area office.

Enclosures: 1) Acceptance Form

cc: RMR, RR, FILE

