

CALIFORNIA COASTAL COMMISSION

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



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Staff Report: February 23, 2012
Hearing Date: March 7-9, 2012
Commission Action:

Item W9a**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-11-260

APPLICANT: Richard and Susan Ruffalo

AGENTS: Torres Construction Designs

PROJECT LOCATION: 265 West Marquita, San Clemente (Orange County)

DESCRIPTION: Remodel and addition to an existing 9,893 sq. ft. four-story, 29 feet tall, 9-unit apartment building consisting of interior remodel to 3 out of 9 units, as follows: a third floor 738 sq. ft. addition to Unit #5, a 130 sq. ft. addition to Unit #7 (ground floor) and combination of Unit #7 and Unit #6 into one unit; demolition and reconstruction of bluff facing 70 sq. ft. cantilevered balcony decks and demolition and reconstruction of an expanded second story deck supported on new 6x6 wood posts; new windows for all 9 units, new garage doors, façade improvements consisting of sandblasting/re-painting existing stucco, new wood siding and new stone veneer siding to street and bluff facing facades and no landscaping proposed on a coastal bluff top lot.

Lot Area	18,720 square feet
Building Coverage	9,893 square feet
Pavement Coverage	2,650 square feet
Landscape Coverage	1,500 square feet
Unimproved Area	7,968 square feet
Parking Spaces	14
Zoning Designation	High Density Residential
Ht above street grade	29 feet

SUMMARY OF STAFF RECOMMENDATION:

Commission staff is recommending **APPROVAL** of the proposed project with **Nine (9) Special Conditions** regarding: 1) assumption of risk; 2) no future blufftop or shoreline protective devices; 3) future development; 4) future foundation/subsurface structure exposure plans; 5) submittal of revised final plans; 6) confirmation of extent of demolition; 7) bird strike prevention; 8) demolition construction best management practices; and 9) a deed restriction against the property referencing all of the Special Conditions contained in this staff report.

The applicant is proposing a complete interior remodel to the three oceanfront bluff facing units of an existing pre-Coastal 7-unit apartment building (2 more units were subsequently added on the inland portion of the site above parking garages and approved under CDP P-8-29-73-1821 in 1973); demolition and reconstruction of bluff facing 70 sq .ft. cantilevered balcony decks and demolition and re-construction of an expanded second story deck supported on wood posts; a 738 sq. ft. addition to the existing third story, complete interior remodel of 3 units, including consolidation of two units into one and minor exterior demolition. A portion of the existing pre-Coastal apartment building at the southwestern corner has approximately a 4-foot coastal bluff setback and the northwestern portion of the building conforms to the minimal 25-foot coastal bluff setback.

The proposed development is located on a bluff top site currently not subject to wave action. The primary issue with the proposed development is conformance with bluff edge setbacks. The southwest portion of the existing pre-Coastal Act apartment building (which is part of the subject remodel) does not meet the minimum 25-foot bluff edge setback. The existing 3-foot wide concrete walkway on the second level of the southwest portion of the structure is also non-conforming with a 0-foot bluff edge setback. The first floor of the existing structure is on the northwest corner of the existing building and that portion of the building is approximately 38' from the bluff edge, thereby meeting the bluff setback in this area. The applicant proposes to maintain the existing non-conforming second story 3-foot concrete walkway and simply replace the wood railing to match the railing on the proposed second story wood deck balcony expanded an extra 10-feet out on the northwest corner. The proposed larger deck on the northwest section of the building would still maintain a substantial bluff setback far beyond the minimal 10-foot bluff setback for secondary structures on a bluff top lot.

The record of coastal development permit applications and Commission actions has also shown that geologic conditions change over time and that predictions based upon the geologic sciences are inexact. Even though there is evidence that geologic conditions change, the Commission must rely upon, and hold the applicant to their information which states that the site is safe for development without the need for protective devices. The Commission typically applies the "No Future Blufftop/Shoreline Protective Device" Special Condition to both blufftop substantial residential remodel projects and residential demo/rebuild projects in Orange County. In this case, though the proposed work includes minimal demolition, the proposed addition and remodel are on the seaward portion of the residence and is, thus, new development for purposes of review under the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: *Soil Engineering and Engineering Geological Investigation for Lot 25, Block 17, Tract 793 adjacent to 267 West Marquita Avenue, City of San Clemente, CA for William MC Gilligan, W.O. 2632 dated September 8, 1969 by GeoLabs, Inc.; Preliminary Soils Report for Proposed Improvements, Tract 3 Lot 25, Block 17; APN 692-095-05, 265 W. Marquita Avenue, San Clemente, CA dated December 9, 2011 by Nunez Engineering, Geotechnical, Civil & Surveying; and Coastal Development Permit P-8-29-73-1821(Frasier) and Coastal Development Permit 5-08-062(Marquita Pacifica LLC).*

LOCAL APPROVALS RECEIVED: City of San Clemente Approval in Concept

LIST OF EXHIBITS

1. Location Map
2. Site Aerial Photograph

3. Site Plan Depicting Bluff Setbacks
4. Project Plans
5. Site Photographs

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-11-260 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date 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, waves, and sea level rise; (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. No Future Blufftop or Shoreline Protective Devices

- A. By acceptance of this Permit, the applicant agrees, on behalf of himself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-11-260 including, but not limited to, the residence, foundations, patios, balconies, landscape and hardscape and any other future improvements in the event that the development is threatened with damage or destruction from erosion, bluff retreat, landslides, sea level rise, or other natural coastal hazards in the future. By acceptance of this Permit, the applicant/landowner hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicant/landowner further agrees, on behalf of himself and all successors and assigns, that the landowner(s) shall remove the development authorized by this Permit, including the residence, foundations, patios, balconies and any other future improvements if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
- C. In the event the edge of the bluff recedes to expose the foundation of the principal bluff facing structure but no government agency has ordered that the structures are not to be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the applicants, that addresses whether any portions of the structure are threatened by bluff and slope instability, erosion, landslides or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal structure without bluff protection, including but not limited to removal or relocation of portions of the structure. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes

that the structure or any portion of the structure is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

3. Future Development

This permit is only for the development described in coastal development permit 5-11-260. 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 the coastal development permit 5-11-260. Accordingly, any future improvements to the structures authorized by this permit shall require an amendment to permit 5-11-260 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. Future Foundation/Subsurface Structure Exposure Plans

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

5. Submittal of Revised Final Plans

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, two (2) sets of revised, final construction plans that substantially conform with the plans received in this office on February 17, 2012, but shall be revised to include the following:

- (a) Clear depiction and written description of existing second story concrete walkway/wood deck proposed to be retained as is, in its present condition, size and configuration only which railings may be replaced to meet current City codes; clear depiction of transition between the existing, non-conforming (in terms of bluff setback) second story wood deck and the proposed new expanded second story wood balcony deck supported by wood 6x6 wood posts. The new 10' wide deck shall have a minimum of 14'-5" setback from the bluff edge at its closest point.
- (b) Depiction of all existing development on a complete project site plan, including, but not limited to, the existing unpermitted stairs and wood deck on the southwest portion of the lot beyond the bluff edge on the bluff face as depicted on the site plan received in this office on 2/17/12 and in the topographic survey by Toal Engineering dated 9/6/06. The existing unpermitted stairs and wood deck on the southwest portion of the lot beyond the bluff edge on the bluff face shall be shaded and clearly marked *"this element not permitted by any coastal development permit"* on the project site plan;
- (c) The applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate certified engineering geologist 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 geologic evaluation approved by the California Coastal Commission for the project site.

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

6. **Confirmation of the Extent of Demolition**

After demolition has been completed, and the framing of the walls to remain is exposed pursuant to the demolition plan dated 8/08/11 approved in this permit received in the Commission's office on 2/17/12, and titled Sheet A-2: Demolition Plan, but **PRIOR TO ANY NEW CONSTRUCTION**, in order for the Executive Director to determine whether compliance with this condition has occurred, the applicant shall submit to the Executive Director, via bonded messenger from the City of San Clemente Building Department, for the review and approval of the Executive Director, a certified copy of the City building inspector's report which indicates whether demolition has occurred in the locations depicted on the final approved plans dated 8/08/12 [in case the amount of demolition remains the same, but shifts]. The inspector's report shall indicate whether any demolition/reconstruction beyond the amount shown on the demolition plan approved by this permit has occurred or would be necessary in order to meet building and safety codes. If the City building inspector is unable or unwilling to perform this inspection, the applicant may, subject to the review and approval of the Executive Director, employ a third party licensed surveyor/inspector/contractor to perform the required inspection and to prepare the required documentation. For the purposes of this condition, demolition/reconstruction will be deemed to have occurred if any of the following conditions exist: A wall is considered to be demolished, removed, and/or reconstructed when any of the following occur:

- a. When both exterior cladding and framing systems are altered in a manner that requires removal and replacement of those cladding and framing systems;
- b. Existing support for the wall is temporarily or permanently removed such that the wall cannot remain freestanding without supplemental support;
- c. The wall is reconstructed when it requires additional reinforcement to any remaining portions of the wall to provide required structural support (e.g. addition of beams, placement of new studs whether alone or alongside the existing/retained studs);
- d. Where walls are substantially comprised (50% or more of any plane of wall area) of windows/glass (including window/glass doors), the wall shall be considered demolished upon removal of the window/glass;
- e. Any continuous run of remaining exterior wall surfaces measuring ten feet or less in length are counted as removed and/or reconstructed.

The report shall be accompanied by complete photographic evidence of all portions of the structure as it existed prior to demolition commencing and after demolition was complete, to include all parts of the structure subject to demolition as well as the remainder undemolished portions of the structure. If the building inspector's report, subject to the review and approval of the Executive Director, indicates additional

demolition/reconstruction has already occurred or must occur due to the deteriorated state of the walls which were proposed by the applicant to remain, the applicant shall submit a complete amendment request application or a complete application for a new coastal development permit. The application shall address the issue of revisions to the project due to the need for additional demolition. Whether an amendment or a new application is submitted shall be determined by the Executive Director.

No further development may occur until either:

- a) The Executive Director determines, pursuant to the City building inspector's report, that all walls identified as walls to remain are intact and structurally sound, and that the demolition that has occurred is in compliance with the plans approved by the Executive Director; or
- b) the applicant submits an amendment request application if so directed by the Executive Director and the amendment request is subsequently approved by the Coastal Commission and issued by the Executive Director; or
- c) the applicant submits a new coastal development permit application if so directed by the Executive Director and the coastal development permit is approved by the Coastal Commission and issued by the Executive Director.

No development may proceed if an amendment or new coastal development permit application pursuant to the special conditions of this permit is pending.

7. Bird Strike Prevention

- A. Ocean front glass railings, screen walls, fences and gates subject to this permit shall use materials designed to minimize bird-strikes with the railing, screen wall, fence, or gate. Such materials may consist, all or in part, of wood; metal; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless an ultraviolet-light reflective coating specially designed to reduce bird-strikes by reducing reflectivity and transparency is also used. Any coating or shall be installed to provide coverage consistent with manufacturer specifications and the recommendations of the Executive Director. All materials and coatings shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit final revised plans showing the location, design, height and materials of glass railings, fences, screen walls and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition.
- B. The permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

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

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter the storm drain system leading to the Pacific Ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed of outside the coastal zone, as proposed by the applicant.

9. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

Project Location

The project site is located at 265 West Marquita, a coastal bluff top lot between the first public road and the sea in the City of San Clemente, Orange County (Exhibits 1 and 2). The subject site is currently developed with a three-story multiple-family apartment building initially constructed in 1971. The site is surrounded to the north and south by residential development, to the east by the frontage street (West Marquita) and to the west by a high coastal bluff. The bluff slope descends to the San Clemente Coastal Trail, the Orange County Transportation Authority (OCTA) railroad and sandy beach below.

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

The nearest vertical coastal access is available approximately 500 feet downcast of the subject site via the Linda Lane Park public access point. Lateral public access is located seaward of the railroad right-of-way at the beach below the subject site, and along the inland side of the railroad track via the San Clemente Coastal Trail.

Project Description

The proposed project involves an interior remodel to 3 out of 9 units of an existing multiple-family apartment building consisting of a third floor 738 sq. ft. addition to Unit #5, a 130 sq. ft. addition to Unit #7 (ground floor) and combining Unit #7 and Unit #6 into one unit; demolition and reconstruction of bluff facing 70 sq. ft. cantilevered balcony decks and demolition and reconstruction of a new expanded second story deck supported on new 6x6 wood posts; new windows for all 9 units, new garage doors, new roof, façade improvements consisting of sandblasting/re-painting existing stucco, new wood siding and new stone veneer siding to street and bluff facing facades (see Exhibit 4). No vegetation removal or new landscaping is proposed.

The applicant has submitted a demolition plan depicting an almost complete interior demolition of Units #5, #6, and #7 and overall minor (14%) exterior wall demolition as follows:

Existing Interior Walls	Interior Walls to be Removed (excluding windows)	Existing Exterior Walls	Exterior Walls to be Removed (excluding windows)
Unit 5: 54 linear feet	Unit 5: 54 linear feet	Unit 5: 73 linear feet	Unit 5: 0 linear feet
Unit 6: 225 linear feet	Unit 6: 187 linear feet	Unit 6: 179 linear feet	Unit 6: 25 linear feet
Unit 7: 113 linear feet	Unit 7: 43 linear feet	Unit 7: 130 linear feet	Unit 7: 28 linear feet
Total: 392 linear feet	Total: 284 linear feet (72%)	Total: 382 linear feet	Total 53 linear feet (14%)

Additionally, there is an unpermitted stairs and wood deck on the northwest portion of the lot beyond the bluff edge depicted on the site plan, at this time, the applicant is not proposing to remove the unpermitted development. No landscaping or other work is proposed beyond the bluff edge. **Special Condition #5** requires the stairs and wood deck to be shaded and clearly marked “this element not permitted by any coastal development permit” on the final project plans.

Prior Permit History

The existing 7-unit apartment building on the bluff side of the lot was constructed in 1971 prior to the Coastal Act. In 1973, the Commission approved CDP P-8-29-73-1821(Frasier) for two additional units constructed above the garage/carports on the frontage street facing side of the lot. In 2008, the Commission also issued Coastal Development Permit waiver 5-08-062-W (Marquita Pacifica LLC) for construction of a sewer lift/ejection pump system and 3" PVC pipe from the sewer pump to the frontage street to service the 9-unit apartment building.

B. GEOLOGIC STABILITY

Coastal bluff development is inherently hazardous and poses potential adverse impacts to the geologic stability of coastal bluffs, shoreline processes, and to the stability of residential structures. Bluff stability has been an issue of historic concern throughout the City of San Clemente. The Commission has traditionally followed a set of bluff setback and string-line policies as a means of limiting the encroachment of development seaward toward the bluff edges on coastal bluffs and preventing the need for construction of retaining walls and other engineered structures to protect new development on coastal bluffs. However, the existing 7-unit multiple-family building closest to the bluff was constructed in 1971, prior to passage of the Coastal Act and has a zero bluff setback at the southwest corner and as much as a 38 foot setback at the farthest point from the bluff at the northwest corner. The applicant proposes an addition of 738 sq. ft. to the existing third story level, and a 130 sq. ft. addition to the ground floor level; the proposed additions will not result in further encroachment toward the bluff than the existing structure as well as a complete interior remodel to the bluff facing units, demolition and re-construction of the bluff facing balcony decks and façade improvements to the entire existing structure. The proposed additions are on the northwest section of the bluff facing building with a 38 foot bluff setback.

Coastal Act Policies

Section 30251 of the Coastal Act states, in pertinent 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...

Section 30253 of the Coastal Act states:

New development shall:

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

The City of San Clemente Certified LUP contains policies limiting development on bluffs and establishing setbacks for purposes of limiting the seaward encroachment of development onto eroding coastal bluffs. Although the standard of review for projects in San Clemente is the Coastal Act, the policies of the Certified LUP are used as guidance. These policies include the

following:

LUP Policy VII.13 states:

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

LUP Policy VII.14 states:

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

Bluff stability has been an issue of historic concern throughout the City of San Clemente. Coastal bluffs in San Clemente are composed of weak sedimentary bedrock and unconsolidated surface soils which are subject to sloughing, creep, and sliding. Development on a coastal bluff is inherently risky due to the potential for bluff failure. Bluff development poses potential adverse impacts to the geologic stability of bluffs and the stability of residential structures and ancillary improvements. In general, bluff instability is caused by environmental factors and human impacts. Environmental factors include seismicity, wave attack, drying and wetting of soils, wind erosion, salt spray erosion, rodent burrowing, percolation of rain water, poorly structured bedding and soils conducive to erosion. Factors attributed to human intervention include bluff over steepening from cutting roads and railroad tracks, irrigation, over-watering, building too close to the bluff edge, grading into the bluff, improper site drainage, use of impermeable surfaces that increase runoff, use of water-dependent vegetation, pedestrian or vehicular movement across the bluff top and toe, and breaks in water or sewage lines.

The subject site is a rectangular shaped 18,846 sq. ft. coastal bluff top lot. The bluff has an overall maximum relief of 80+/- feet from the shoreline to West Marquita, the frontage road. The toe of the bluff is not subject to marine erosion. The site is underlain by Capistrano Formation bedrock consisting of massive indistinctly bedded siltstone and claystone which is overlain by marine terrace deposits and alluvial material on top of the terrace deposits, and finally a thin layer of topsoil.

Bluff Setbacks

In the project vicinity, the Commission typically imposes either a minimum bluff edge setback of 25 feet from the edge of the bluff for primary structures (e.g. the enclosed living area of residential structures) and minimum 10 foot setback for secondary structures (e.g., patios, decks, garden walls) or requires conformance with the stringline setbacks. Consistently applying an appropriate bluff edge setback provides equitability for developments within the same general area. The intent of the setback is to substantially reduce the likelihood of proposed development becoming threatened given the inherent uncertainty in predicting geologic processes in the future and to allow for potential changes in bluff erosion rates.

The bluff edge along the northwest section of the building (at the ground level facing the ocean) is generally located approximately along the 77' elevation contour line providing the existing

apartment building with as much as a 38' setback from the bluff edge at this point, however, the southwest section of the building (at the second level facing the ocean) has an approximately 3' setback from the bluff edge generally located approximately along the 85' elevation contour line. (see Exhibit 3). The bluff edge drawn was based on the bluff edge definition contained in Section 13577 of the California Code of Regulations which states, in part, *"The edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff"*; the Commission agrees with the applicant's bluff edge determination that is based on the definition contained in Section 13577 of the regulations.

The existing bluff facing 7-unit apartment building was built in the 1971 and does not meet the structural stringline setback. The existing building meets the 25-foot setback on the northwestern bluff facing section of the building but not on the southwestern corner of the building. Two more units were later added above the garage/carports on the street-facing portion of the lot. The proposed addition to the existing third story of the 7-unit building (entirely within the footprint of the existing building) and the addition to the ground floor unit are both on the northwest portion of the building which meets the minimum 25 foot bluff edge setback for structures. As the proposed project is a substantial interior remodel with minor demolition of exterior walls (14% per applicant's calculations) and not a complete demolition and rebuild, at this time there isn't an opportunity to apply the typical minimum 25 foot setback from the edge of bluff to the entire development. However, as the building is over 40 years old and nearing the typical economic life of a structure (50 to 75 years), **Special Condition #6** requires a certified copy of the City building inspector's report which indicates whether any demolition beyond the amount shown on the demolition plan approved by this permit (Exhibit 4, page 2) has occurred or would be necessary in order to meet building and safety codes. If the building inspector's report, accepted by the Executive Director, indicates additional demolition has already occurred or must occur due to the deteriorated state of the walls which were proposed by the applicant to remain, the applicant shall submit a complete amendment request application to address the issue of revisions to the project due to the need for additional demolition.

The proposed development results in essentially three completely renovated units no further seaward than the existing structure. The applicant's geotechnical report found no settlement, significant slope instability or erosion at the subject site. Therefore, the Commission finds that the proposed additions of living space to the portions of the apartment building that conform to the bluff edge setback requirements, as conditioned, will not result in the need for future shoreline protective devices and is consistent with Section 30253 of the Coastal Act.

Additionally, the Commission typically imposes a setback for hardscape/patio type development. Hardscape/patio type improvements can be moved away from hazards more readily than primary structures, therefore, required setbacks for that development is usually less than for the primary structure. The Commission typically applies a 10-foot bluff edge setback for these secondary accessory improvements. The existing 3-foot wide concrete walk/balcony deck on the second level at the building's southwest corner is actually at the bluff edge giving the existing concrete walkway/balcony a zero (0) setback from where the Commission has identified the bluff edge.

The applicant proposes to maintain the existing non-conforming second story 3-foot concrete walkway at the building's southwest corner and simply replace the wood railing to match the railing on the proposed second story wood deck balcony which the applicant proposes to expand an extra 10-feet out on the northwest corner supported by 6x6 wood posts. The proposed larger

deck on the northwest section of the building would still maintain a substantial bluff setback far beyond the minimal 10-foot bluff setback for secondary structures on a bluff top lot.

Special Condition #5 requires the applicant submit revised final plans clearly depicting the existing non-conforming portions of the second story balcony deck that are to remain in its existing present condition, size and configuration (however, which railings may be replaced to meet current City codes) and clearly depicting the transition between the existing non-conforming second story deck and the proposed new expanded second story wood balcony deck supported by wood posts in compliance with the bluff setback.

Additionally, revised project plans are required to address an existing wood deck and wood stairs beyond the bluff edge depicted on the site plan. As no record exists of Commission approval for the existing bluff stairs and deck, and such stairs/deck do not appear to have been constructed prior to passage of Prop 20 or the Coastal Act, **Special Condition #5** requires submittal of revised plans depicting the wood deck and wood stairs and requires the wood deck and stairs be shaded and clearly marked *“this element not permitted by any coastal development permit.”*

Future Bluff and Shoreline Protection

The subject site is a bluff top oceanfront lot. In general, bluff top lots are inherently hazardous. It is the nature of bluffs to erode. Bluff failure can be episodic, and bluffs that seem stable now may not be so in the future. Even when a thorough professional geotechnical analysis of a site concludes that a proposed development is expected to be safe from bluff retreat hazards for the life of the project, it has been the experience of the Commission that in some instances, unexpected bluff retreat episodes that threaten development during the life of a structure sometimes do occur. In the Commission's experience, geologists cannot predict with absolute certainty if or when bluff failure on a particular site may take place, and cannot predict if or when a residence or property may be come threatened by natural coastal processes.

Section 30253 of the Coastal Act requires that new permitted development shall not require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed development could not be recommended for approval and deemed consistent with Section 30253 of the Coastal Act *if* projected bluff retreat would affect the proposed development and necessitate construction of a protection device. A protective device may be a seawall at the base of the bluff, or a rock anchor system, or shotcrete wall on the bluff face. If new development necessitates future protection, the landform and shoreline processes could be dramatically altered by the presence of the protective system.

The Coastal Act limits construction of these protective devices because they have a variety of negative impacts on coastal resources including adverse affects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Under Coastal Act Section 30235, a shoreline protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for residential development only for existing principal structures. The

construction of a shoreline protective device to protect a new residential development would not be required by Section 30235 of the Coastal Act. In addition, the construction of a shoreline protective device to protect new residential development would conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including coastal bluffs which would be subject to increased erosion from such a device.

The proposed development includes substantial interior demolition, replacement of exterior windows/doors for all 9 units, new garage doors, new roof, a third floor 738 sq. ft. addition to Unit #5, a 130 sq. ft. addition to Unit #7 (ground floor), demolition and reconstruction of bluff facing 70 sq. ft. cantilevered balcony decks and demolition and re-construction of a new expanded second story deck supported on new 6x6 wood support beams; façade improvements consisting of sandblasting/re-painting existing stucco, new wood siding and new stone veneer siding to street and bluff facing facades. In effect, the project results in 3 out of 8 completely new units no further seaward than the previously pre-Coastal Act structure. The proposed new expansion area constitutes new development for the purposes of Sections 30235 and 30253. Because the proposed project includes new development, it can only be found consistent with Section 30253 of the Coastal Act if a shoreline/bluff protective device is not expected to be needed in the future.

The applicant's geotechnical consultant has indicated that the existing structure is supported on caissons and is grossly stable and that no shoreline/bluff protection devices will be required for the proposed remodel and addition to the existing building. If not for the information provided by the applicant that the site is safe for the proposed development, the Commission could not conclude that the proposed development will not in any way "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." As stated above, the record of coastal development permit applications and Commission actions has also shown that geologic conditions change over time and that predictions based upon the geologic sciences are inexact (e.g. coastal development permits 5-99-332 A1(Frahm); P-80-7431(Kinard); 5-93-254-G(Arnold); 5-88-177(Arnold)). Even though there is evidence that geologic conditions change, the Commission must rely upon, and hold the applicant to their information which states that the site is safe for development without the need for protective devices. To minimize the project's potential future impact on shoreline processes, **Special Condition #2** prohibits construction of any future bluff or shoreline protective device(s) to protect the development if approved pursuant to Coastal Development Permit No. 5-11-260 including, but not limited to, the apartment building, foundations, patios, balconies and any other future improvements in the event that the development is threatened with damage or destruction from erosion, storm conditions, bluff retreat, landslides, or other natural coastal hazards in the future. **Special Condition #2** prevents the construction of future blufftop or shoreline protective devices such as revetments, seawalls, caissons, cliff retaining walls, shotcrete walls, and other such construction that armors or otherwise substantially alters the bluff face; it does not preclude the applicant from applying for future coastal development permits for maintenance of existing development or future improvements to the site (other than blufftop or shoreline protective devices) including landscaping and drainage improvements aimed to prevent slope and bluff instability. The Commission would determine the consistency of such proposals with the Coastal Act in its review of such applications.

The imposition of a "no future shoreline/bluff protective device" condition to new substantial development on bluff tops, for new residential construction projects and for projects consisting of additions to existing residences in Orange County is fairly typical. For example, the following actions in the last decade have included such conditions: CDP 5-02-345 at 88 N. La Senda, remodel and addition of 1,132 sq ft to an existing two-level (including basement) single family

residence; CDP 5-04-414(Swartz) at 1 Barranca Way, substantial demolition and reconstruction resulting in a 2,925 sq ft, two-story, 22 ft high, single family residence; CDP 5 06-165(Hibbard) at 36 N. La Senda Dr, remodel and 586 sq ft addition to an existing 2,015 sq ft, single-family residence and ancillary improvements; CDP 5 06-258(Stranton) at 50 N. La Senda Dr., remodel and 1,021 sq ft addition to an existing two-story, 2,701 sq ft single-family residence, new pool, spa, hardscape improvements and landscaping; CDP 5 07-163(Hammond) at 58 N. La Senda Dr., remodel and addition to an existing single family residence resulting in a two level, 25 feet high, 6,135 sq ft residence with one attached 425 sq ft, 2-car garage and a second 400 sq ft 2-car garage; and CDP 5-09-105 (Norberg) at 86 S. La Senda, for substantial addition to an existing single-story single-family residence consisting of 307 cu. yds. cut/fill grading to construct a semi-subterranean, 860 sq. ft. new lower level within the footprint of the existing residence, and 5-09-208 (De La Pena).

In this instance, the proposed third story and ground floor additions, although no further seaward than the existing structure, if threatened at a future date from the previously mentioned hazards, would be threatened at the same time as the rest of the existing structure. It is not possible to only provide protection (by way of bluff/shoreline armoring) for the existing portion of the residence and not the proposed addition. Section 30251 of the Coastal Act requires that permitted development be sited and designed to minimize the alteration of natural land forms. Development, which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, visual resources and shoreline processes. Therefore, only as conditioned does the project conform to Sections 30253 and 30251(2) of the Coastal Act.

Future Development

The proposed development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The proposed addition is entirely within the footprint of the existing building. However, the proposed project raises concerns that future development at the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development on the site does not occur which could potentially adversely impact the geologic stability concerns expressed in this staff report, the Commission imposes **Special Condition #3**. This condition informs the applicant that future development at the site requires an amendment to this permit (CDP 5-11-260) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping, fencing and shoreline protective devices.

Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition #9** requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

Only as conditioned to prohibit construction of protective devices (such as blufftop or shoreline protective devices) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development, does the Commission find that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in a hazardous location.

C. SCENIC RESOURCES

Section 30251 of the Coastal Act pertains to visual resources. It states:

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 development is located on the bluff top immediately adjacent to a popular public beach trail and the public beach. The site is highly visible from the shoreline or when traveling along the public beach trail below. The bluffs along this stretch of shoreline in San Clemente extend about 80 feet above beach level. From the beach, multiple-family structures and single-family residences on the top of the bluff are visible. There is little structural development other than stairways and minor landscape improvements along the face of the bluffs.¹ For the most part, the bluff faces—particularly the lower portions—are vegetated and largely undisturbed.

Development at this location must be sited and designed to be visually compatible with the relatively undisturbed character of the surrounding area. It is also necessary to ensure that new development be sited and designed to protect views to and along the beach area and minimize the alteration of existing landforms, as further addressed below.

As discussed previously, **Special Condition #3** ensures that any future development on the site, which among other things may affect the stability or appearance of the bluff, requires a coastal development permit. The “future development” condition will ensure that improvements are not made at the site that could affect the visual appearance of the coastal bluff or affect the stability of the bluff. Furthermore, as a portion of the existing structure has a non-conforming bluff setback, **Special Condition #4** requires the applicant agree to apply a visual treatment to the bluff should there be any future exposure of subsurface foundations due to bluff failure. Future erosion and/or bluff failure could expose the structure’s foundation and supporting caissons. Under such circumstances, the exposed foundation would have an adverse visual impact since they would be visible from the public trail and beach. Therefore, **Special Condition #4** requires the landowner to address such visual impacts should they arise in the future.

The Commission finds that, as conditioned, the project is consistent with the visual resource protection policies of Section 30251 of the Coastal Act.

D. PUBLIC ACCESS

Section 30212(a)(2) of the Coastal Act states, in pertinent part:

¹ Commission staff has determined that many of the existing stairways are either unpermitted or constructed prior to passage of the Coastal Act. Further investigation is required.

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

The nearest public access is located approximately 500 feet upcoast at the Mariposa Coastal Access Point and approximately 500 feet downcoast at Linda Lane Park. The proposed development, remodel and addition to an existing multiple-family apartment building on an existing residential lot, will not affect the existing public access conditions. 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.

E. RESOURCES

Section 30240(b) of the Coastal Act states:

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

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

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

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

There are a variety of methods available to address bird strikes against glass. For instance, glass can be frosted or etched in a manner that renders the glass more visible and less reflective. In the case of railings, fences or walls, alternative materials can be used, such as wood, stone, or metal (although this approach isn't usually palatable when there is a desire to see through the wall). Use of frosted or etched glass, wood, stone or metal material is preferable to appliqué because of the lower maintenance and less frequent replacement that is required.

F. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without benefit of the required coastal development permit, consisting of construction of a wood deck and wood stairs beyond the bluff edge. All work occurred on the bluff face or within 50 feet of the edge of a coastal bluff. Consequently, even if it were considered to be the sort of work that is normally associated with residential development, the work that was undertaken constitutes development that requires a coastal development permit application.

Special Condition #5 requires revised project plans showing the existing wood deck and wood stairs shaded and clearly marked “this element not permitted by any coastal development permit.” Furthermore, **Special Condition #9** is imposed to require the applicant to record a deed restriction against the property so as to notify all prospective future property owners of the terms and conditions of approval to which they will also be required to adhere. It thus ensures that future owners of the property will be informed of the conditions as well as of the risks and the Commission’s immunity for liability.

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. The certified San Clemente Land Use Plan was used as guidance by the Commission in reaching its decision. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit. The Commission’s enforcement division will evaluate further actions to address unpermitted development not resolved under this permit.

G. LOCAL COASTAL PROGRAM

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

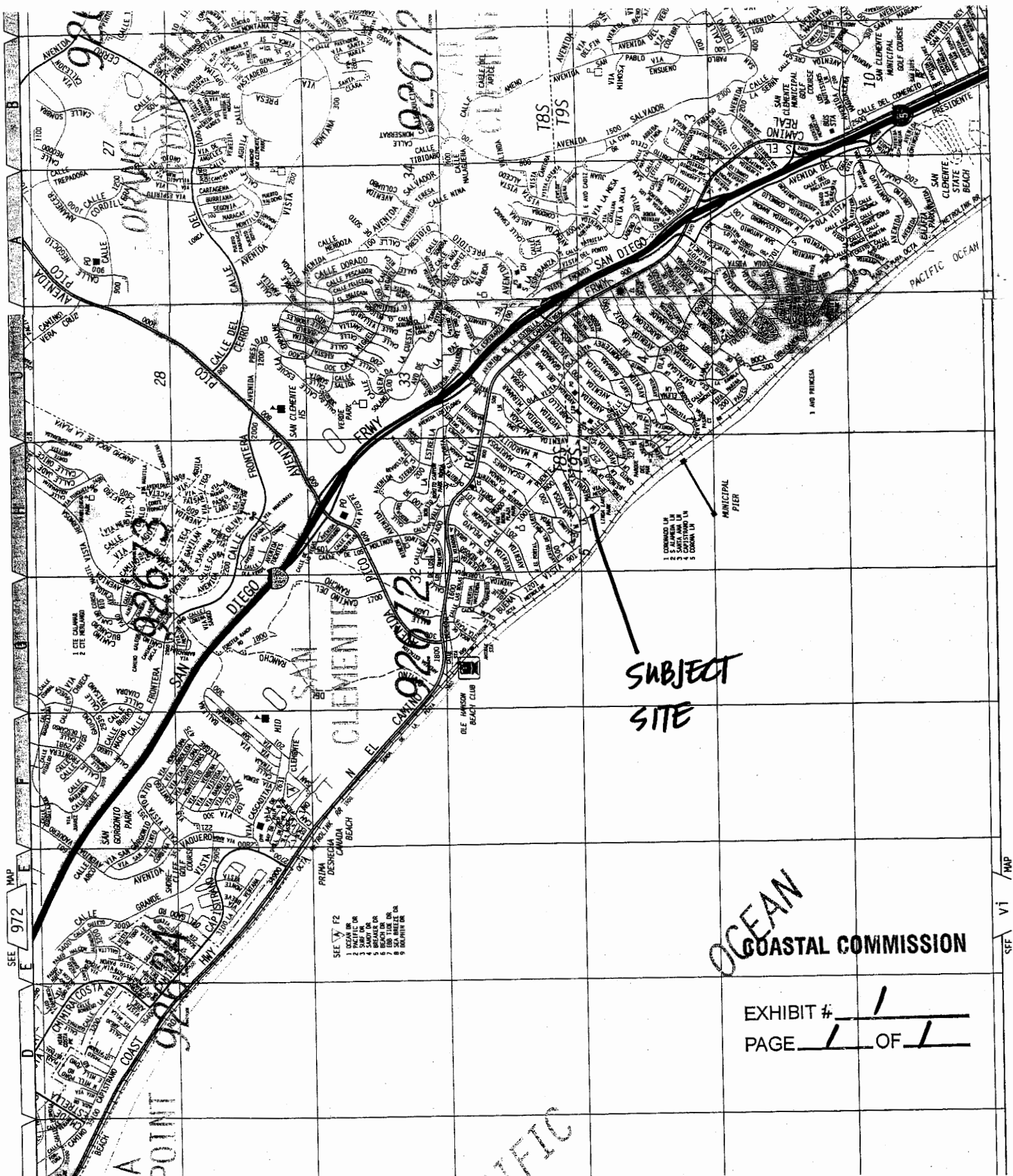
The proposed development, as conditioned, is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice 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. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 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 that the activity may have on the environment.

The City of San Clemente is the lead agency for purposes of CEQA compliance. The City determined that the project is categorically exempt from CEQA under Categorical Exemption Class 1. However, the Commission adopts additional mitigation measures including: special conditions requiring 1) assumption of risk; 2) no future blufftop or shoreline protective devices; 3) future development; 4) future foundation/subsurface structure exposure plans; 5) submittal of revised final plans; 6) confirmation of extent of demolition; 7) bird strike prevention; 8) demolition construction best management practices; and 9) a deed restriction against the property referencing all of the Special Conditions contained in this staff report. As conditioned, the proposed project is found consistent with the water quality, biological, visual resource protection, and geologic hazard policies of the Coastal Act and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect, which 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.

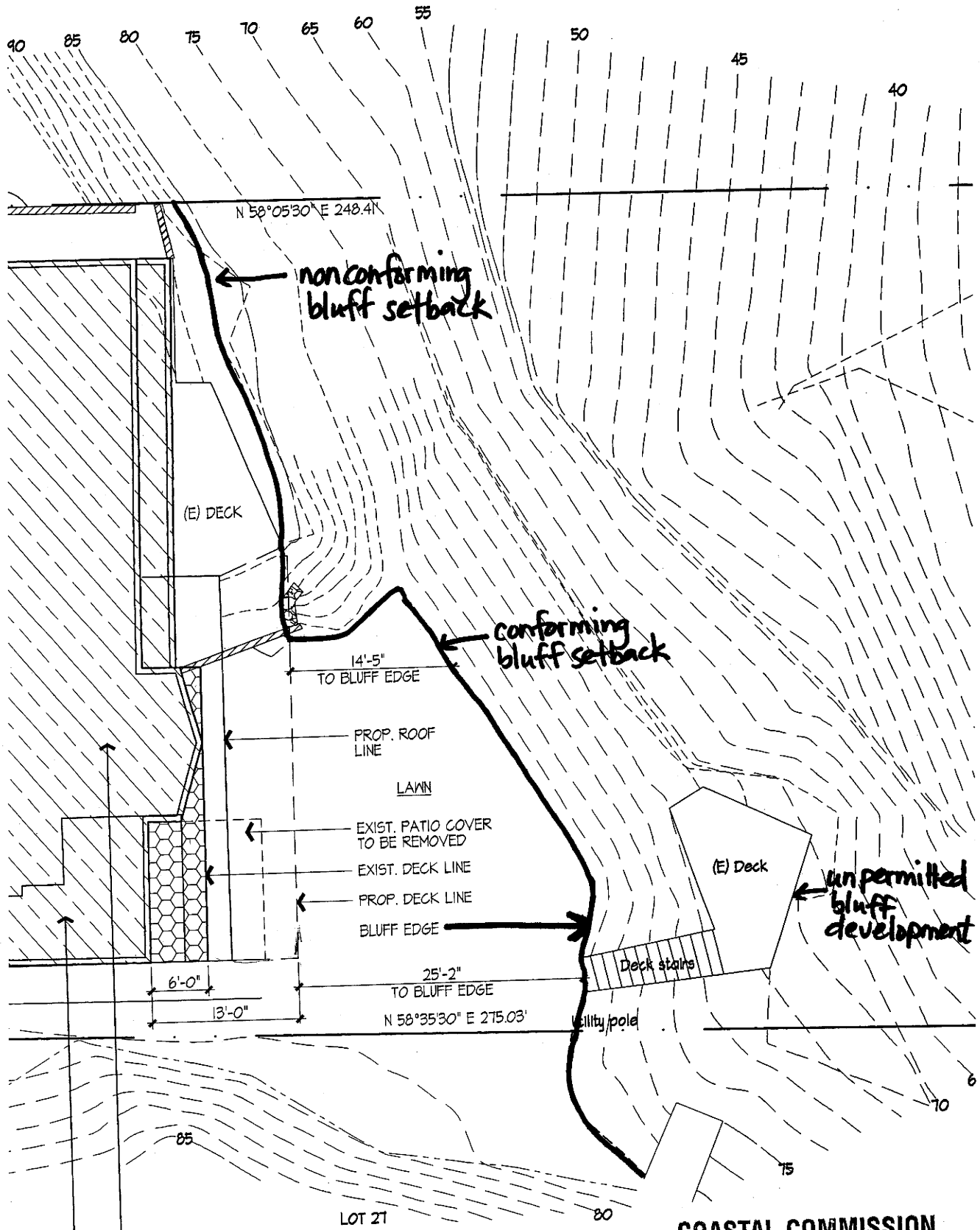


SUBJECT
SITE

OCEAN
COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1





EXISTING 2nd LEVEL (TO BE RENOVATED)
 FLAT ROOF
 UNIT #5 & #6 @ MIDDLE LEVEL

EXISTING 1st LEVEL (TO BE RENOVATED)
 FLAT ROOF
 UNIT #7 @ BOTTOM LEVEL

COASTAL COMMISSION

EXHIBIT # 3
 PAGE 1 OF 1

[illegible][illegible]

The existing site is shared such that a simultaneous between the two adjacent properties cannot be achieved. The proximity to the adjacent lot owned by another owner of the adjacent lot is not in alignment with the subject site.

EXHIBIT # 4
PAGE 1 OF 13

PREPARED FOR
TOWERS
CONSTRUCTION DESIGN

A-1



UNIT #	RECEIVED		WALLS IMPROVED		NEW WALL CONSTRUCTION		REPAIRS IN EXISTING WALLS		WINDOWS		DOORS	
	NO.	EST.	NO.	EST.	NO.	EST.	NO.	EST.	NO.	EST.	NO.	EST.
1	2	1	1	1	1	1	1	1	1	1	1	1
2	1	1	1	1	1	1	1	1	1	1	1	1
3	1	1	1	1	1	1	1	1	1	1	1	1
4	1	1	1	1	1	1	1	1	1	1	1	1
5	1	1	1	1	1	1	1	1	1	1	1	1
6	1	1	1	1	1	1	1	1	1	1	1	1
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40	1	1	1	1	1	1	1	1	1	1	1	1

CRITICAL PATHS ANALYSIS

EXISTING INTERIOR WALLS (SQ.FT.)		INTERIOR WALLS TO BE PROVIDED (SQ.FT.)	
UNIT #5 -	84 SQ.FT.	UNIT #2 -	84 SQ.FT.
UNIT #6 -	215 SQ.FT.	UNIT #4 -	140 SQ.FT.
UNIT #7 -	83 SQ.FT.	UNIT #8 -	45 SQ.FT.
TOTAL	383 SQ.FT.	TOTAL	344 SQ.FT.

384 + 344 = 728 TOTAL INTERIOR WALLS TO BE PROVIDED

EXTENSION WALLS TO BE REMOVED		EXTENSION WALLS TO BE REINFORCED	
UNIT 95 -	75 LAMP	UNIT 95 -	0 LAMP
UNIT 96 -	118 LAMP	UNIT 96 -	15 LAMP
UNIT 97 -	220 LAMP	UNIT 97 -	28 LAMP
TOTAL	383 LAMP	TOTAL	53 LAMP

COM

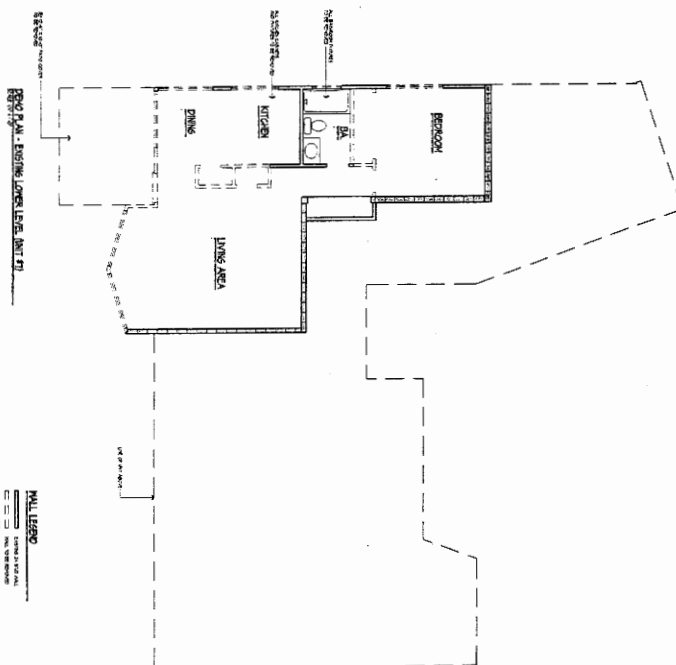
2 C

NO RT OR ESTIMED UNIT 00

PROBABLE LOSS OF LIFE	031	40	17
TO PT OR EXISTING UNIT #5	1731	80	17
AND PT OR EXISTING UNIT #6	223	30	17
TO PT OR EXISTING UNIT #7			
TOTAL SQUARE FOOTAGE OF AFFECTED UNITS	3,094	80	17

TOTAL SQUARE FOOTAGE OF ALL UNITS COMBINED - 8138 SQ. * 31% OF TOTAL BUILDINGS SQUARE FOOTAGE TO BE RENOVATED

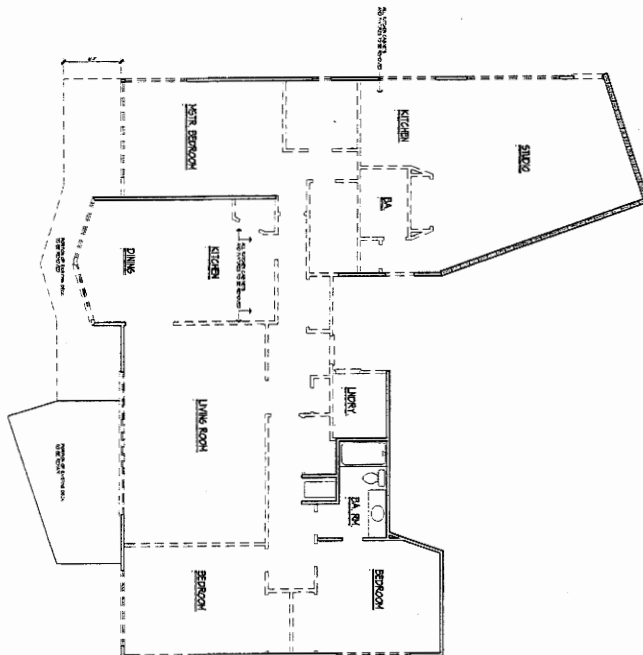
FAST
HIBI
GE_



PCO PLAN - EXISTING LOWER LEVEL UNIT #1

FALL LEGEND

	EATING IN THE FALL
	WINE, COFFEE, & CHOCOLATE
	DRINKING & EATING



DEMO PLAN - EXISTING MIDDLE LEVEL PLANTS 55 & 56
DATE 12-1-97

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 13



A-2

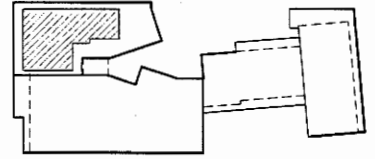
PROPOSED REMODEL AND ADDITION
DEMOLITION PLAN

PROJECT ADDRESS:
265 N. MARGUITA AVENUE
SAN CLEMENTE, CA. 92672

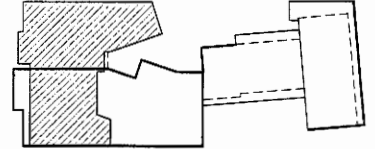
CLIENT
RICH & SUSAN RUFFALO
11 SEA SHELL
NEWPORT COAST, CA. 92675

PREPARED BY
TOMAS
CONSTRUCTION DESIGN

BUILDING SITE KEY - BOTTOM LEVEL

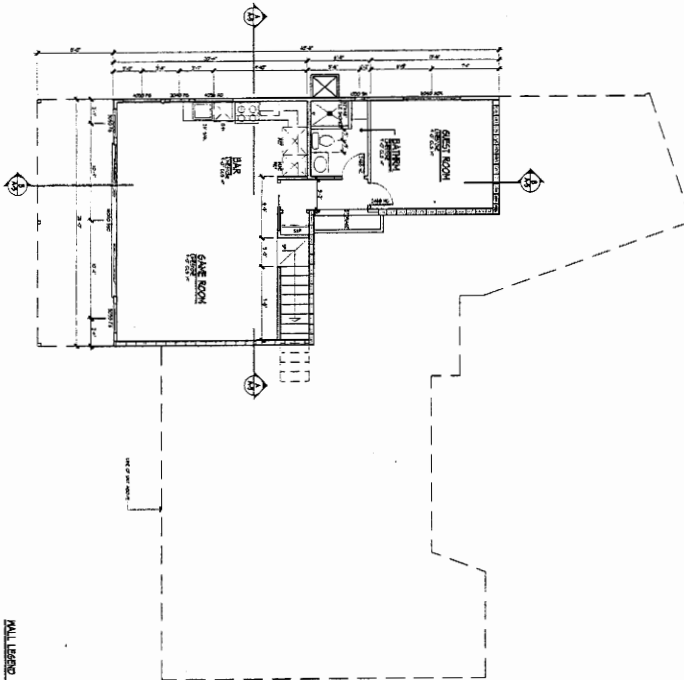


BUILDING SITE KEY - MIDDLE LEVEL

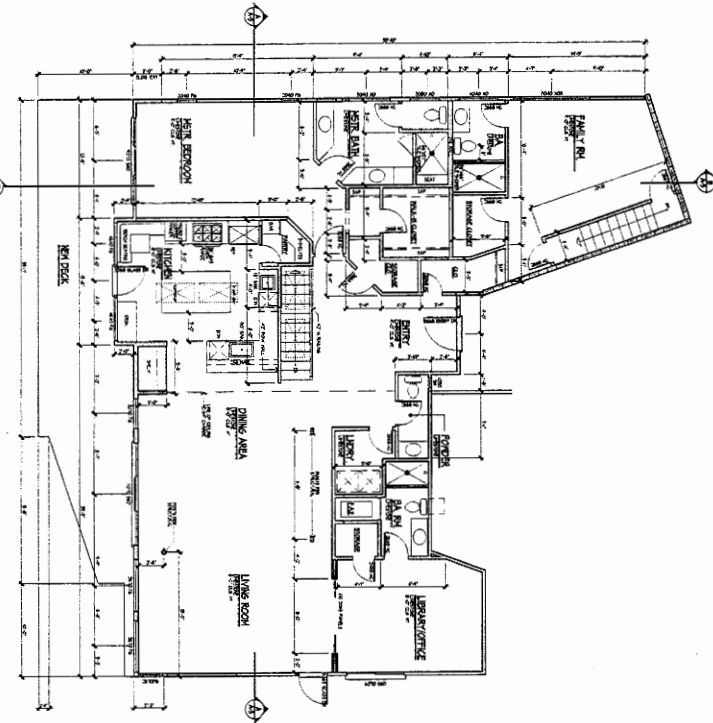


PROPOSED FLOOR PLAN - LOWER LEVEL

MILL LEGEND
 --- EXISTING WALL
 --- NEW WALL
 --- EXISTING DOOR
 --- NEW DOOR
 --- EXISTING WINDOW
 --- NEW WINDOW



PROPOSED FLOOR PLAN - MIDDLE LEVEL (ADD UNIT 3.1.6)



COASTAL COMMISSION

EXHIBIT # 4
 PAGE 3 OF 13



A-3

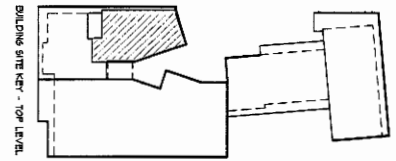
DATE: 10/1/15
 SCALE: AS SHOWN
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

PROJECT ADDRESS
 285 N. MARQUITA AVENUE
 SAN CLEMENTE, CA 92672

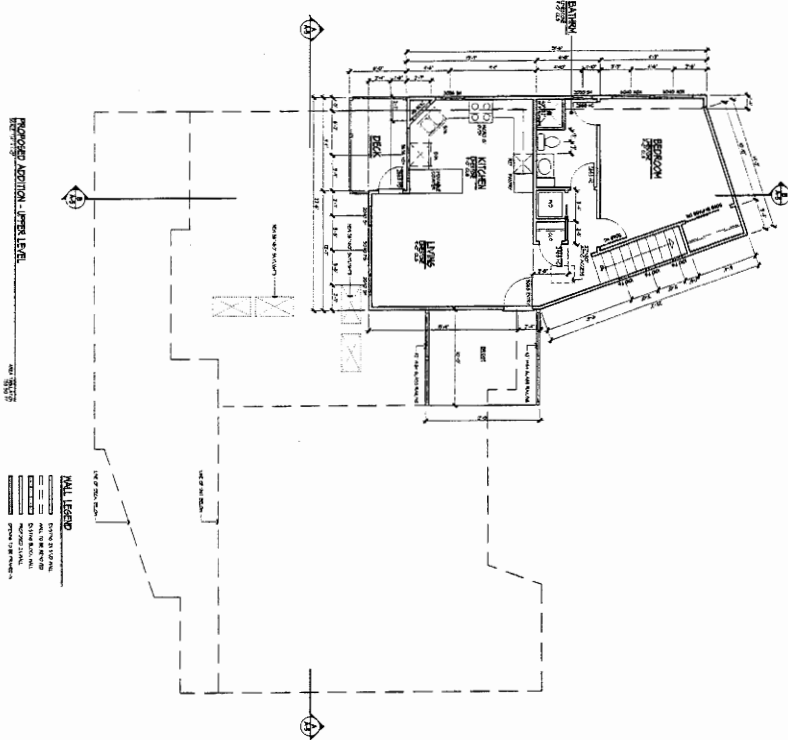
PROPOSED RENOVEL AND ADDITION
 FLOOR PLAN
 LOWER AND MID LEVEL UNITS

CLIENT
 RICH & SUSAN RUFFALO
 11 SEA SHELL
 NEWPORT COAST, CA 92659

PREPARED FOR
 [Signature]
 CONSTRUCTION DRAWING



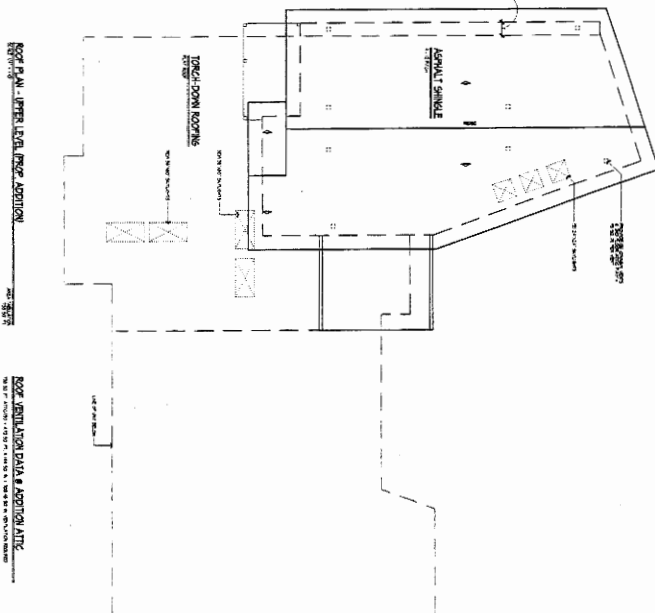
BUILDING SITE KEY - TOP LEVEL



PROPOSED ADDITION - TOP LEVEL

NOTES

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. FINISH FLOOR LEVELS ARE INDICATED BY ELEVATION.
- 3. SEE ARCHITECT'S NOTES FOR MATERIALS AND CONSTRUCTION DETAILS.
- 4. SEE CIVIL ENGINEER'S NOTES FOR UTILITY AND FOUNDATION REQUIREMENTS.



ROOF PLAN - PROPOSED ADDITION

NOTES

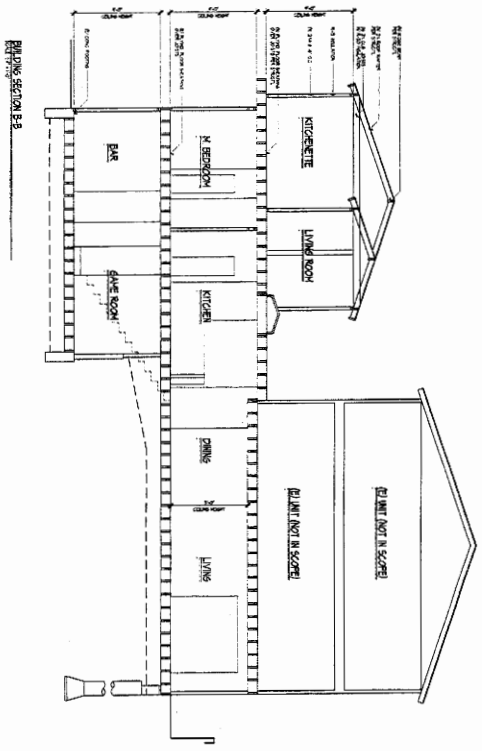
- 1. ROOF STRUCTURE IS TO BE CONCRETE SLAB ON STEEL DECK.
- 2. ROOF FINISH IS TO BE ASPHALT/FLY ASH SHINGLE.
- 3. SEE ARCHITECT'S NOTES FOR MATERIALS AND CONSTRUCTION DETAILS.
- 4. SEE CIVIL ENGINEER'S NOTES FOR UTILITY AND FOUNDATION REQUIREMENTS.

COASTAL COMMISSION

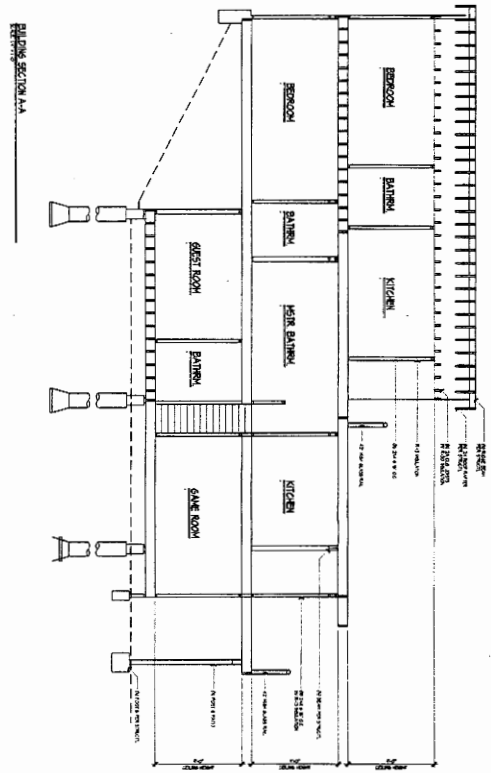
EXHIBIT # 4
PAGE 4 OF 13



<p>PROJECT ADDRESS</p> <p>265 N. MARQUITA AVENUE SAN CLEMENTE, CA. 92672</p>	<p>CLIENT</p> <p>MR. & MRS. RUFFALO 1554 SEA VIEW NEWPORT COAST, CA. 92659</p>	<p>PROPOSED REMODEL AND ADDITION</p> <p>FLOOR PLAN - PROPOSED ADDITION</p> <p>ROOF PLAN</p>	<p>PREPARED FOR</p> <p>TORRES CONSTRUCTION SERVICES</p>
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BUILDING SECTION E-E



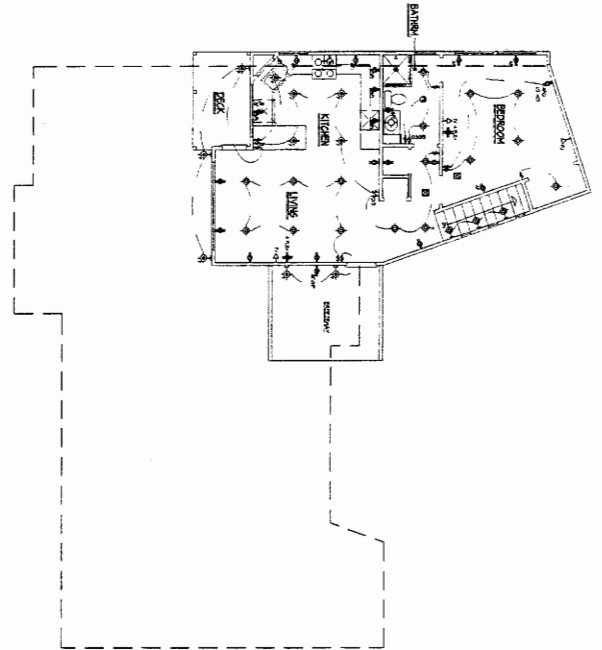
BUILDING SECTION A-A

COASTAL COMMISSION

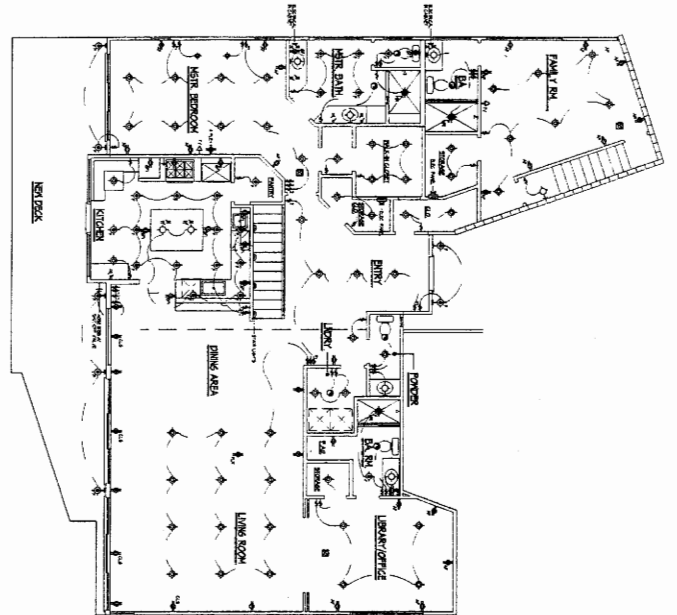
EXHIBIT # 4
 PAGE 5 OF 13



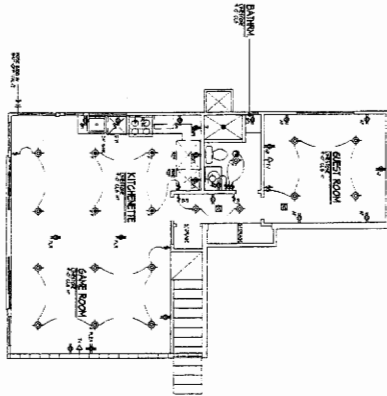
PROPOSED UPPER LEVEL UNIT RECONFIGURATION PLAN



PROPOSED LOWER LEVEL UNIT RECONFIGURATION PLAN



PROPOSED LOWER LEVEL UNIT RECONFIGURATION PLAN



COASTAL COMMISSION

EXHIBIT # 4
PAGE 7 OF 13



A-7

DATE: 10/1/03
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

PROJECT ADDRESS
285 N. MARGUITA AVENUE
SAN CLAYTON, CA 92673

CLIENT
RICH & SUSAN RUFFALO
1100 S. G ST.
NEWPORT COAST, CA 92659

PREPARED BY
TURNER
CONSTRUCTION DESIGN

PROPOSED REMODEL AND ADDITION
ELECTRICAL PLAN
UTILITY PLAN

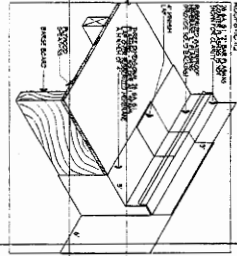
COASTAL COMMISSION

EXHIBIT # 4
PAGE 8 OF 13

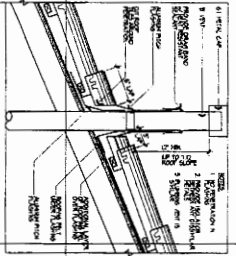
ROOF INSTALLATION NOTES

1. ALL ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING: A. THE NATIONAL ROOFING CONTRACTORS ASSOCIATION (NORCA) B. THE ROOFING MANUFACTURER'S INSTRUCTIONS C. THE CALIFORNIA BUILDING CODE (CBC) D. THE INTERNATIONAL ASSOCIATION OF DRY CLEANERS (IADC) E. THE INTERNATIONAL ASSOCIATION OF FIRE INSURERS (IAFI) F. THE INTERNATIONAL ASSOCIATION OF INSURERS (IAI) G. THE INTERNATIONAL ASSOCIATION OF JEWELLERS (IAJ) H. THE INTERNATIONAL ASSOCIATION OF LAWYERS (IAL) I. THE INTERNATIONAL ASSOCIATION OF MUSICIANS (IAM) J. THE INTERNATIONAL ASSOCIATION OF NURSES (IAN) K. THE INTERNATIONAL ASSOCIATION OF OPTICIANS (IAO) L. THE INTERNATIONAL ASSOCIATION OF PHOTOGRAPHERS (IAP) M. THE INTERNATIONAL ASSOCIATION OF PHYSICIANS (IAP) N. THE INTERNATIONAL ASSOCIATION OF PSYCHOLOGISTS (IAP) O. THE INTERNATIONAL ASSOCIATION OF REAL ESTATE AGENTS (IARE) P. THE INTERNATIONAL ASSOCIATION OF SOCIAL WORKERS (IASW) Q. THE INTERNATIONAL ASSOCIATION OF STUDENTS (IAS) R. THE INTERNATIONAL ASSOCIATION OF TEACHERS (IAT) S. THE INTERNATIONAL ASSOCIATION OF VETERINARIANS (IAV) T. THE INTERNATIONAL ASSOCIATION OF WRITERS (IAW) U. THE INTERNATIONAL ASSOCIATION OF YOGIS (IAY) V. THE INTERNATIONAL ASSOCIATION OF ZOOLOGISTS (IAZ) W. THE INTERNATIONAL ASSOCIATION OF ARCHITECTS (IAA) X. THE INTERNATIONAL ASSOCIATION OF ENGINEERS (IAE) Y. THE INTERNATIONAL ASSOCIATION OF JOURNALISTS (IAJ) Z. THE INTERNATIONAL ASSOCIATION OF LAWYERS (IAL)

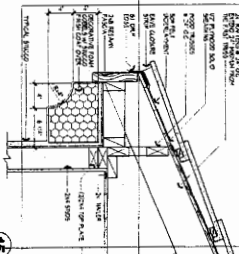
ISOMETRIC RAKE WALL



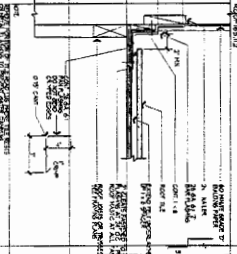
VENT PENETRATION



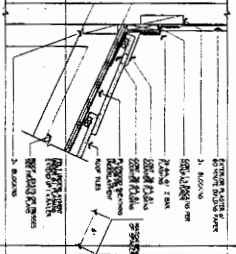
EAVE FLAT TILE



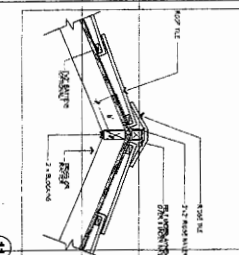
ROOF TO WALL FLAT TILE



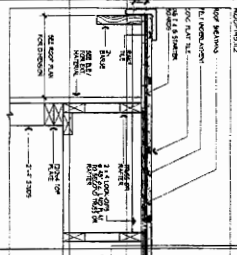
RAKE TO WALL FLAT TILE



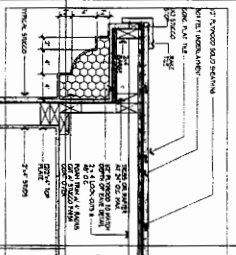
VALLEY FLASHING



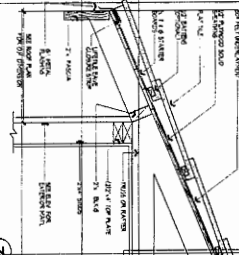
RAKE FLAT TILE



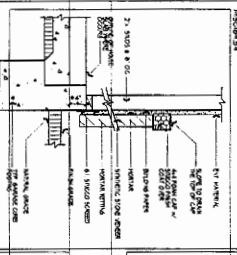
PIPE COLUMN



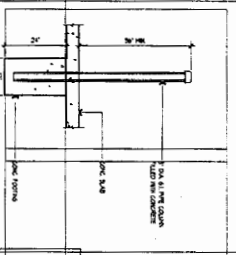
EAVE FLAT TILE



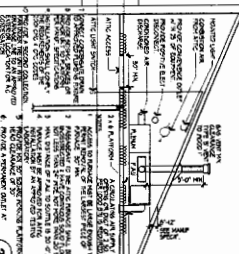
SYNTHETIC STONE VENER



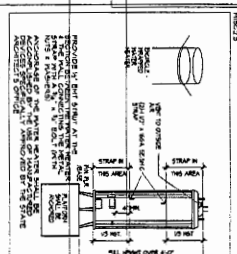
STUCCO SCREED



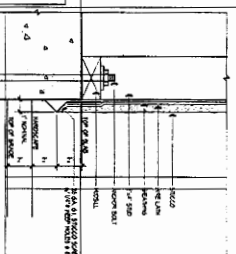
WATER HTR. STRAP DETAIL



ATTIC FAN INSTALLATION



WALL TRIM DETAIL



A-8

PROPOSED REMODEL AND ADDITION
ARCHITECTURAL DETAILS

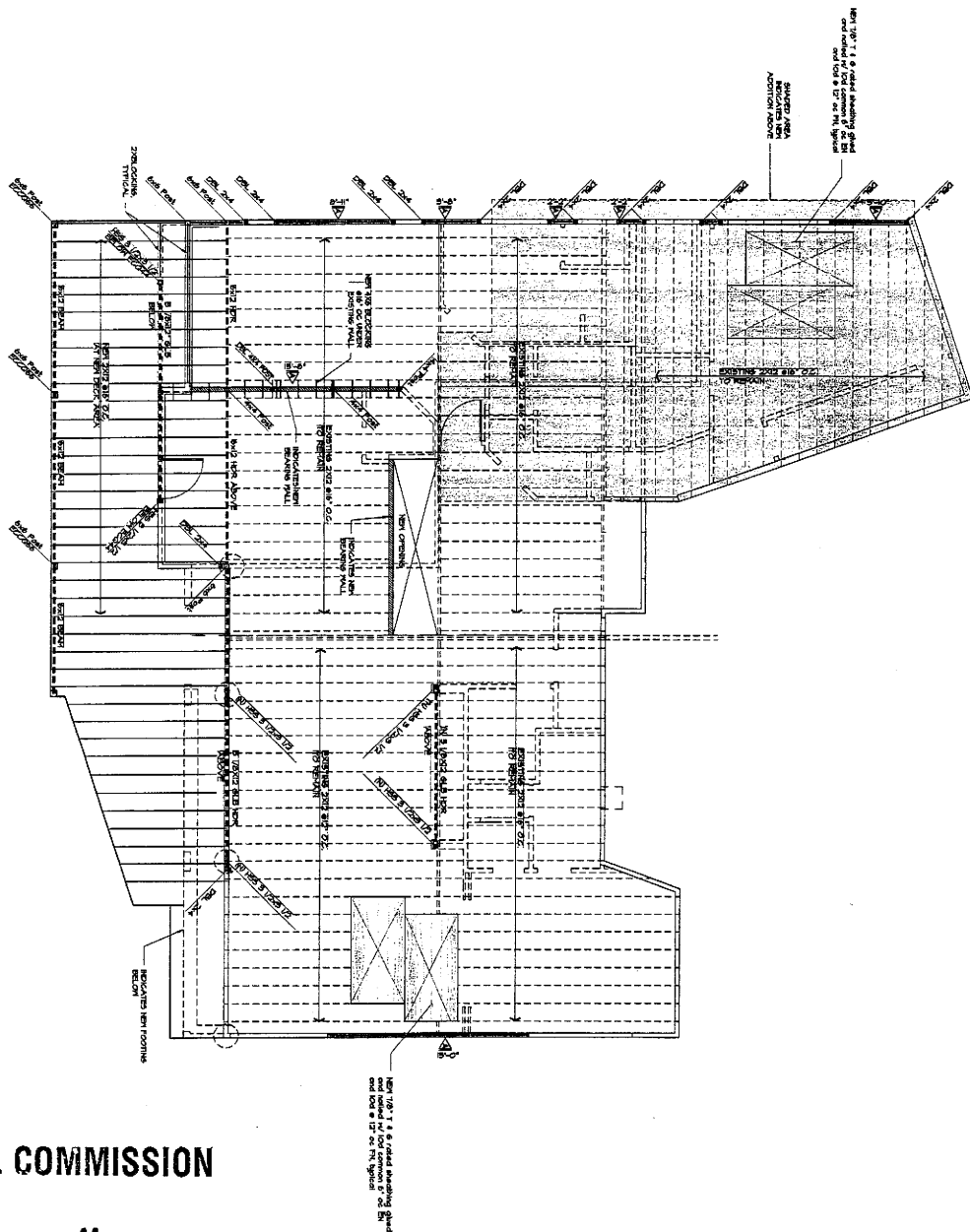
PROJECT ADDRESS
285 N. MARQUITA AVENUE
SAN CLEMENTE, CA 92672

CLIENT
RON & SUSAN RUFFALO
11001 S. GARDEN AVENUE
SUNNYVALE, CA 94085

DESIGNED BY
TERRY
CONSTRUCTION DESIGNER



2ND FLOOR FRAMING UNIT 5 AND 6



COASTAL COMMISSION

EXHIBIT # 4
PAGE 11 OF 13

SCALE DATE 5-9-10 PLAN CHECK #		SHEET NO. S2.2		PROJECT NUMBER ON JOB DRAWING TITLE FOUNDATION PLAN				PROPOSED REMODEL AND ADDITION FOR: SUSAN RUFFALO 265 W. MARQUITA AVE. SAN CLEMENTE, CA 92672		COMMERCIAL RESIDENTIAL				2150 TULARE STREET FRESNO, CA 93721 TEL 408-497-0512 FAX 408-497-0513	
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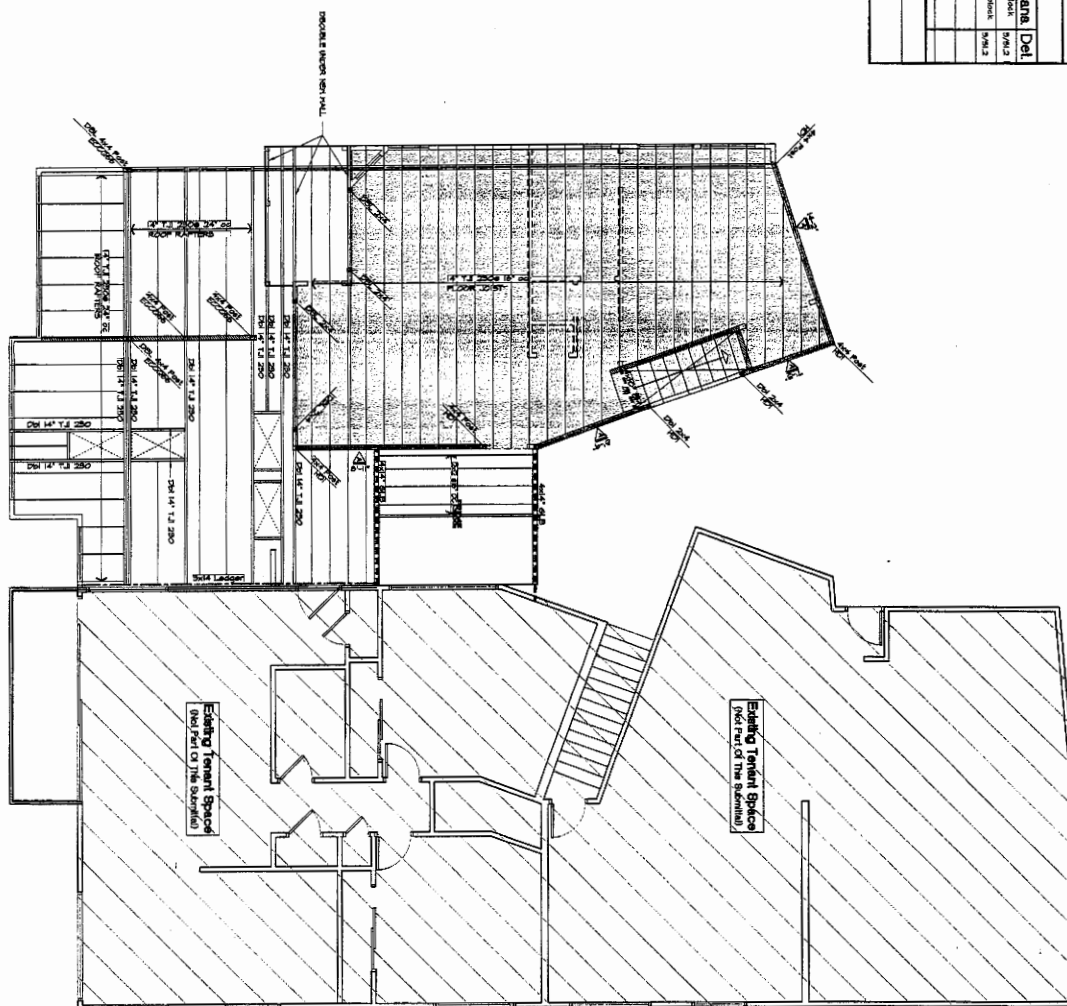
1. Project: Partial Remodel and Addition for Susan Ruffalo
 2. Project: Partial Remodel and Addition for Susan Ruffalo
 3. Project: Partial Remodel and Addition for Susan Ruffalo

Framing Notes			
No.	Shooting	Nailing	Detail
1	2x6 Sill plate w/ 4d common nails	16d	16d
2	2x6 Sill plate w/ 4d common nails	16d	16d
3	2x6 Sill plate w/ 4d common nails	16d	16d
4	2x6 Sill plate w/ 4d common nails	16d	16d
5	2x6 Sill plate w/ 4d common nails	16d	16d
6	2x6 Sill plate w/ 4d common nails	16d	16d
7	2x6 Sill plate w/ 4d common nails	16d	16d
8	2x6 Sill plate w/ 4d common nails	16d	16d
9	2x6 Sill plate w/ 4d common nails	16d	16d
10	2x6 Sill plate w/ 4d common nails	16d	16d

Shear Wall Schedule			
No.	Holdown	Jamb	Detail
1	2x6 Sill plate w/ 4d common nails	16d	16d
2	2x6 Sill plate w/ 4d common nails	16d	16d
3	2x6 Sill plate w/ 4d common nails	16d	16d
4	2x6 Sill plate w/ 4d common nails	16d	16d
5	2x6 Sill plate w/ 4d common nails	16d	16d
6	2x6 Sill plate w/ 4d common nails	16d	16d
7	2x6 Sill plate w/ 4d common nails	16d	16d
8	2x6 Sill plate w/ 4d common nails	16d	16d
9	2x6 Sill plate w/ 4d common nails	16d	16d
10	2x6 Sill plate w/ 4d common nails	16d	16d

COASTAL COMMISSION

EXHIBIT # 4
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PARTIAL ROOF / FLOOR FRAMING UNIT 5 AND 6

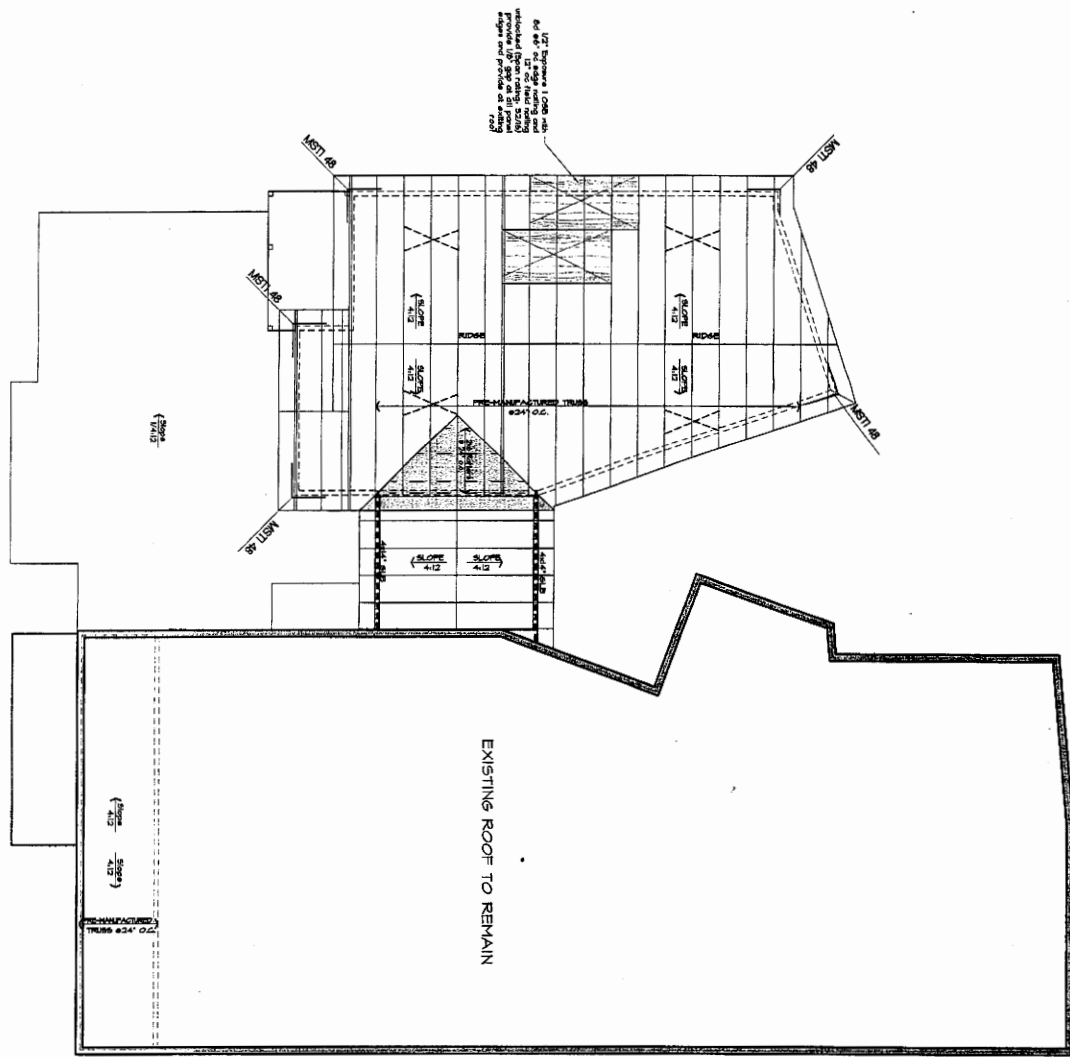
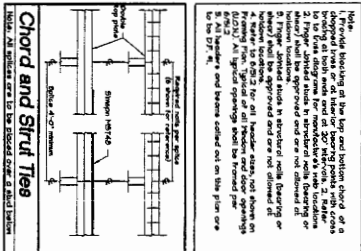
PROJECT NAME: 00_08 DRAWING TITLE: FOUNDATION PLAN SCALE: 1/8" = 1'-0" DATE: 5-20-00 PLAN CHECK: S3.1	PROPOSED REMODEL AND ADDITION FOR: SUSAN RUFFALO 265 W. MARQUITA AVE. SAN CLEMENTE, CA 92672	COMMERCIAL RESIDENTIAL	PROJECT TITLE: GR CONSULTING GROUP DESIGN AND ENGINEERING 2150 VILAGE STREET JENSEN, CA 92521 PH: 949-497-0512 FAX: 949-497-0513

Truss Company Notes:

1. Trusses shall be designed for a dead load of 10 psf and a live load of 20 psf.
2. Trusses shall be designed for a wind load of 140 mph.
3. Trusses shall be designed for a seismic load of 0.25g.
4. Trusses shall be designed for a snow load of 30 psf.
5. Trusses shall be designed for a rain load of 10 psf.
6. Trusses shall be designed for a hail load of 10 psf.
7. Trusses shall be designed for a sleet load of 10 psf.
8. Trusses shall be designed for a ice load of 10 psf.
9. Trusses shall be designed for a frost load of 10 psf.
10. Trusses shall be designed for a salt load of 10 psf.
11. Trusses shall be designed for a pollution load of 10 psf.
12. Trusses shall be designed for a noise load of 10 psf.
13. Trusses shall be designed for a vibration load of 10 psf.
14. Trusses shall be designed for a fire load of 10 psf.
15. Trusses shall be designed for a pest load of 10 psf.
16. Trusses shall be designed for a mold load of 10 psf.
17. Trusses shall be designed for a mildew load of 10 psf.
18. Trusses shall be designed for a bacteria load of 10 psf.
19. Trusses shall be designed for a virus load of 10 psf.
20. Trusses shall be designed for a parasite load of 10 psf.
21. Trusses shall be designed for a fungus load of 10 psf.
22. Trusses shall be designed for a plant load of 10 psf.
23. Trusses shall be designed for an animal load of 10 psf.
24. Trusses shall be designed for a human load of 10 psf.
25. Trusses shall be designed for a machine load of 10 psf.
26. Trusses shall be designed for a vehicle load of 10 psf.
27. Trusses shall be designed for a structure load of 10 psf.
28. Trusses shall be designed for a landscape load of 10 psf.
29. Trusses shall be designed for a site load of 10 psf.
30. Trusses shall be designed for a region load of 10 psf.
31. Trusses shall be designed for a country load of 10 psf.
32. Trusses shall be designed for a world load of 10 psf.

Structural Notes

1. Trusses shall be designed for a dead load of 10 psf and a live load of 20 psf.
2. Trusses shall be designed for a wind load of 140 mph.
3. Trusses shall be designed for a seismic load of 0.25g.
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20. Trusses shall be designed for a parasite load of 10 psf.
21. Trusses shall be designed for a fungus load of 10 psf.
22. Trusses shall be designed for a plant load of 10 psf.
23. Trusses shall be designed for an animal load of 10 psf.
24. Trusses shall be designed for a human load of 10 psf.
25. Trusses shall be designed for a machine load of 10 psf.
26. Trusses shall be designed for a vehicle load of 10 psf.
27. Trusses shall be designed for a structure load of 10 psf.
28. Trusses shall be designed for a landscape load of 10 psf.
29. Trusses shall be designed for a site load of 10 psf.
30. Trusses shall be designed for a region load of 10 psf.
31. Trusses shall be designed for a country load of 10 psf.
32. Trusses shall be designed for a world load of 10 psf.



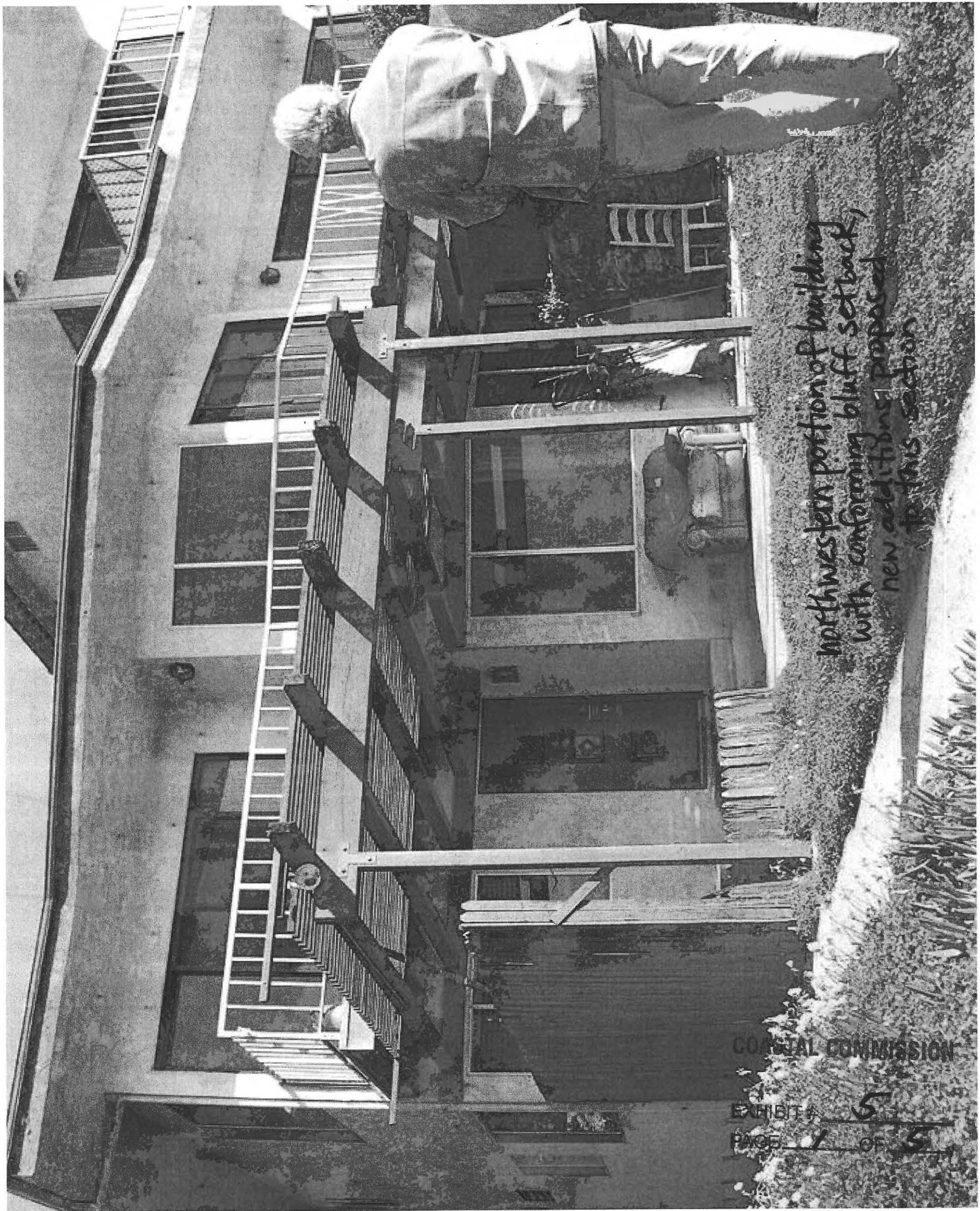
ROOF FRAMING PLAN NEW ADDITION

ADDITIONAL NOTES:
1. Trusses shall be designed for a dead load of 10 psf and a live load of 20 psf.
2. Trusses shall be designed for a wind load of 140 mph.
3. Trusses shall be designed for a seismic load of 0.25g.
4. Trusses shall be designed for a snow load of 30 psf.
5. Trusses shall be designed for a rain load of 10 psf.
6. Trusses shall be designed for a hail load of 10 psf.
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26. Trusses shall be designed for a vehicle load of 10 psf.
27. Trusses shall be designed for a structure load of 10 psf.
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29. Trusses shall be designed for a site load of 10 psf.
30. Trusses shall be designed for a region load of 10 psf.
31. Trusses shall be designed for a country load of 10 psf.
32. Trusses shall be designed for a world load of 10 psf.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 13 OF 13

PROJECT NUMBER: 001-001 DRAWING TITLE: ROOF FRAMING PLAN		PROPOSED REMODEL AND ADDITION FOR: SUSAN RUFFALO 265 W. MARQUITA AVE. SAN CLEMENTE, CA 92672		COMMERCIAL RESIDENTIAL	
SCALE: 1/8" = 1'-0" DATE: 5-8-80 PLAN CHECK: S3.2		PROJECT TITLE: GR CONSULTING GROUP DESIGN AND ENGINEERING 2150 TILBURN STREET FRESNO, CA 93721 TEL: 858-487-0312 FAX: 858-487-0312		REVISIONS: NO. DESCRIPTION 1.	



Northwestern portion of building
with conforming bluff setback,
new additions proposed
to this section

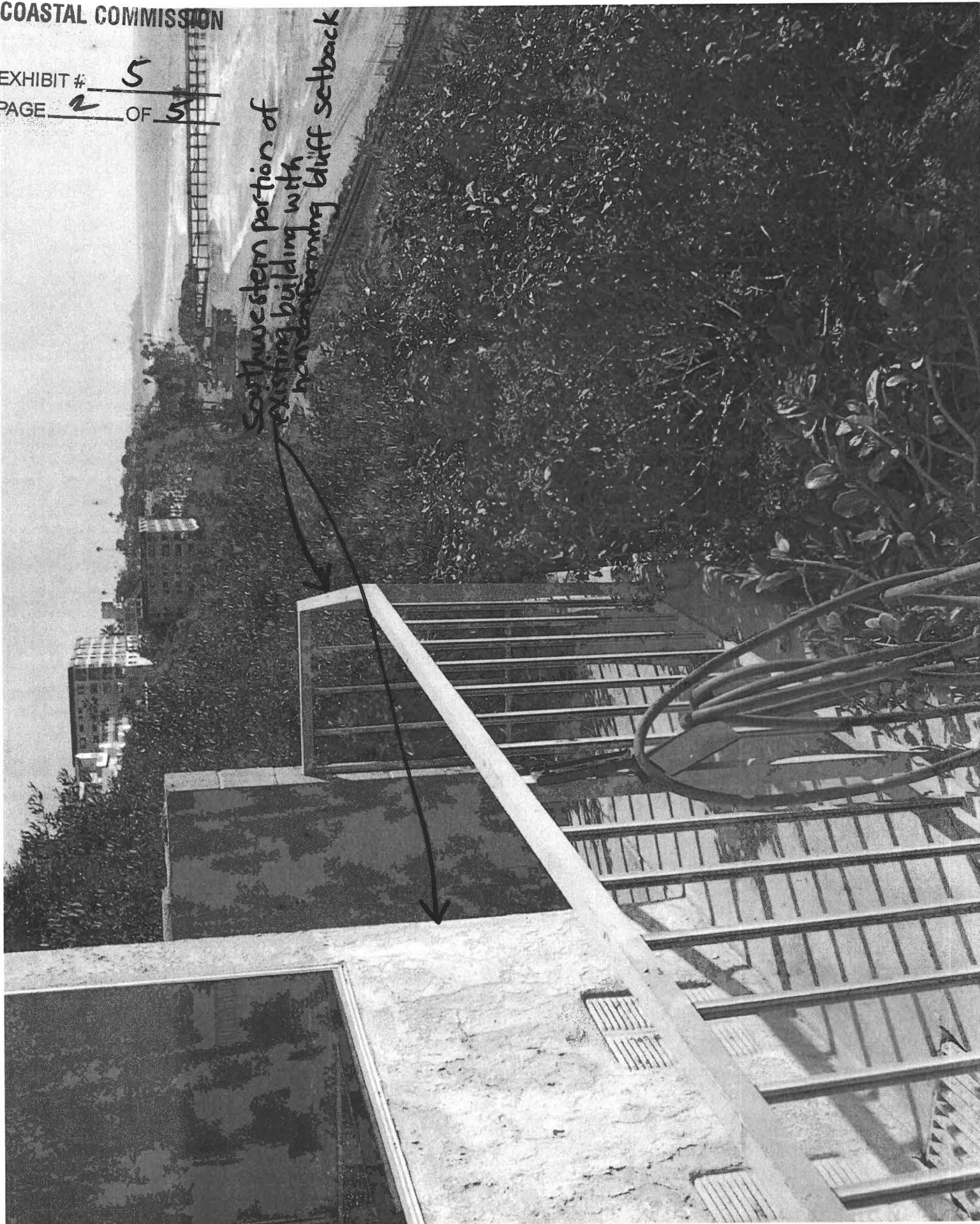
COASTAL COMMISSION

EXHIBIT 5
PAGE 1 OF 5

COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 5

Southwestern portion of
existing building with
nonconforming bluff setback





existing
non-conforming
2nd story deck

existing
ground floor
junct patio

portion of second story balcony deck
proposed to be demolished
and expanded ~ 10 feet.
This portion of the existing building
has a conforming bluff setback

COASTAL COMMISSION

EXHIBIT #

5

PAGE

4

OF

5

COASTAL COMMISSION

EXHIBIT # 5
PAGE 5 OF 5

Third and fourth story
cantilevered decks
proposed to be demolished
and re-constructed.

