

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**W5d**

Staff: Liliana Roman – LB  
Date: July 25, 2013

**ADMINISTRATIVE PERMIT**

**Application No.**      **5-13-436**

**Applicant:**            **Virginia Jones and Constance Mann**

**Agent:**                **Iain Buchan, Buchan Engineering Structures Inc.**

**Project**

**Description:**        Caisson and grade beam foundation to support portions of an existing foundation for a residential duplex structure on a coastal canyon slope.

**Project**

**Location:**            318 Encino Lane, San Clemente (Orange County)

**EXECUTIVE DIRECTOR'S DETERMINATION**

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

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

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

Wednesday, August 14, 2013 8:00 am  
Santa Cruz County  
Board of Supervisors Chambers  
701 Ocean Street  
Santa Cruz, CA 95060

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

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

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

CHARLES LESTER  
Executive Director

By: Liliana Roman  
Title: Coastal Program Analyst

**STANDARD CONDITIONS:**

This permit is granted subject to the following standard conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS:** See pages seven thru nine.

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

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the

Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

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

### **A. PROJECT DESCRIPTION**

The project site is located at 318 Encino Lane, San Clemente, Orange County (Exhibit #1). The site is a 6,885 sq. ft. trapezoidal shaped coastal canyon lot along Palizada Canyon. A topographic survey depicting all existing development on the site is included as Exhibit #2. The property fronts on Encino Lane and extends northwesterly to the rear of the property boundary, beyond the canyon edge. The site is developed with an existing two-story duplex structure and attached garages on a narrow building pad excavated into the upper portion of an approximately 40 foot high coastal canyon slope built in 1965 (pre-Coastal Act ).

The site is within an existing urban residential area surrounded by other multi-family dwellings. The City of San Clemente Land Use Plan (LUP) designates the site as Residential. Public access to the beach is approximately 300 yards west of the site at the Linda Lane Coastal Access Point (Exhibit #3).

The applicant is proposing a new caisson and grade beam foundation to support the foundation of the existing pre-Coastal Act duplex structure along the rear side of the structure (along the descending canyon slope). Project plans are included in Exhibit #5 and call for seven 24" diameter concrete caissons connected to the existing foundation with grade beams oriented perpendicular to the canyon slope contour. The bottom of the caissons are proposed to be a minimum of 14'6" below competent soils. Existing foundation footings and stem walls are proposed to remain in place. The existing round deepened footings/piers will remain and will be connected to the proposed grade beam with rebar to stabilize them. All actual construction work will occur within the existing building footprint. The applicant defines the building footprint as the outer edge of the existing drilled piers. The proposed grade beam and caissons supporting the stem wall footings will be poured against the existing footings and will maintain a setback behind a string line between the adjacent existing drilled piers. The proposed new caissons and grade beams will be below grade and will not be visible; however, the existing round deepened footings/piers which are proposed to remain are above ground.

### **Construction Phase BMPs**

As proposed, no construction staging will take place within the canyon. Per the submitted BMP plan (Exhibit #6), staging is proposed will be located at the front of the residence and two rows of fiber rolls secured with wood stakes and a plastic construction debris fence will be placed along the perimeter of the structure's foundation . To minimize disturbance to the coastal canyon during construction caissons will be hand dug and the excavated soil transported to the front yard staging area manually. All caisson reinforcing will be placed manually. Grade beams will be excavated and formed per the proposed plan and reinforcing placed; grade beam concrete will be poured and soil will be replaced and graded smooth between the grade beam and existing residence stem walls.

Furthermore, **Special Condition #4** requires additional construction phase BMPs to ensure the protection of the coastal canyon habitat and that of coastal waters.

Additionally, the applicant proposes to re-vegetate any areas disturbed during construction for erosion control purposes with native plant species. No other work to the existing structure is proposed under this CDP application.

### **Previous Approvals**

At its November 2012 hearing, the Commission approved CDP waiver 5-12-209-W for: Water damage repair and waterproofing behind existing retaining wall and footing stemwall (requires excavation and backfill); drainage improvements including installation of new sump pump system on street-side only; replacement of existing decking and guardrail on cantilevered upper/main level wood balcony deck and the wood post supported lower level deck with manufactured decking and new guardrails; 112 sq. ft. kitchen addition to upper unit by enclosing portion of existing upper level balcony deck; enlargement of existing window on upper level. No grading or landscaping on the canyon side portion of the lot.

Additionally, on May 31, 2013, the applicants also requested and staff granted an Exemption (5-13-251-X) that proposed improvements to the front (street side) portion of the duplex consisting of: demolition and reconstruction of existing retaining walls at front (street side) of existing duplex structure and extension of retaining wall to side property line; demolition and reconstruction of side stairs to lower unit entry with new decorative gate; demolition and reconstruction of entry steps and porch/landing for front entry unit with drainage improvements; 42” tall CMU plaster garden wall along sidewalk with new decorative gate and minor landscaping improvements along street side of the duplex. Staff determined that the proposed development was an improvement to an existing residence and is located in the area between the sea and the first public road but does not result in an increase of 10% or more of internal floor area, an increase in height over 10%, or results in a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).

### **Resources**

The proposed development is located on a coastal canyon lot. Palizada Canyon is one of seven coastal canyons designated as environmentally sensitive habitat area (ESHA) in the certified LUP (Exhibit #4). The applicant’s property extends to the canyon bottom. The canyon is considered somewhat degraded at this particular site due to the presence of both native and non-native plant species throughout the canyon. No portion of the applicant’s development area contains resources that rise to the level of ESHA. Nevertheless, preservation and enhancement of the City’s coastal canyons is a goal supported by both the environmental protection policies of the Coastal Act, and the certified LUP. Encroachment into the canyon by development increases the potential for the introduction of non-native plant species, and predation of native species by domestic animals, and destabilization of the canyon from excess irrigation. Encroaching development also threatens the visual quality of the canyons. The above-cited policies of the LUP were designed for habitat protection and enhancement; to minimize visual impacts and landform alteration; to avoid cumulative adverse impacts of development encroachment into the canyon; and as a means to limit brush management necessary for fire protection.

As proposed, the caissons and grade beam foundation repair will be placed below grade within the building footprint (i.e., the outer edge of the existing exposed drilled piers) and will not be visible. Therefore, the proposed development will not encroach further into the canyon and will also result in minimal visual impacts and landform alteration. Furthermore, the applicant proposes and **Special Condition #3** requires, any disturbed canyon areas will be replanted with non-invasive, low-water use plants native to Orange County coastal canyon habitat.

### **Hazards**

The existing pre-Coastal Act structure appears to be supported on shallow conventional footings and utilizes raised floors. The applicant provided a geotechnical investigation report by ViaGeos dated April 26, 2013 which presented findings of a site investigation (including exploratory borings and trench, slope stability analysis) and recommendations for foundation design and repair. The site investigation revealed distress relating to shallow foundation conditions in close proximity to the descending canyon slope and isolated pier footings and pier supports were observed to be deflected toward the descending slope, apparently due to soil creep acting on shallow foundations.

In summary, the ViaGeos Geotechnical Investigation states:

*The site is underlain at a depth of 30-35 feet by bedrock strata (Capistrano Formation); the bedrock is successively overlain by marine and non-marine terrace deposits. Fill was mapped at the surface between Encino Lane and the front of the duplex and thickens toward the southwest end. The undisturbed terrace deposits and bedrock are considered suitable to support the proposed structural load of the existing structure. No landslides were mapped on the site and slope stability analysis performed indicates gross slope instability affecting the greater slope and building pad is unlikely; however, the factor-of-safety for failure within materials beneath rear portions of the building pad and rear slope is slightly less than 1.5 (the minimum that is considered acceptable for a developed site). Steeper portions of the canyon slope along and to the rear of the structure may be subject to surficial instability such as shallow sloughing and slumping during extreme wet weather conditions and such instability would jeopardize foundation support of rear portions of the structure. Additionally, long term soil creep will affect shallow foundation on and adjacent to the canyon slope.*

The geotechnical cross-section from the geotechnical report is included as Exhibit #7. The report concludes that foundation improvements shall be supported by deepened foundation elements (caissons) constructed entirely into geotechnically reviewed terrace deposits and bedrock, with sufficient embedment and sufficient setback from the adjacent canyon slope as required to isolate the structure from possible surficial slope instability and to resist soil creep loads. Existing foundation footings which do not satisfy recommendations for minimum depth and embedment into competent soils should be underpinned with new foundations. Commission staff Geologist, Dr. Mark Johnsson, conducted a site visit in October 2012, reviewed the geotechnical report and proposed foundation repair plans and concurs with the report findings and caisson and grade beam foundation as proposed.

Most projects along the coastal canyon slopes involve some form of unpredictable risks from erosion, land slides, earthquakes or fires, to name a few. The proposed project is located atop a coastal canyon rim, which is an area that may be subject to potential damage or destruction from natural hazards, including slope instability, erosion, landslides, and earth movement given the general nature of coastal canyons in certain parts of the California coast and seismic activity of nearby faults. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks and therefore imposes **Special Condition #2**. Through the assumption of risk condition, the applicant acknowledges the nature of the geologic hazards that exists on the site and that may affect the safety of the proposed development.

Because of the potential for future improvements to the proposed residence or associated landscaping which could potentially adversely impact the geologic stability and/or environmentally sensitive habitat area concerns expressed in this staff report, the Commission imposes **Special Condition #5**. This condition informs the applicant that future development at the site would require a new coastal development permit. Future development includes, but is not limited to, structural additions, installation of any hardscape and/or decks, landscaping and fencing. Therefore, as conditioned, the Commission finds that the development conforms to the requirements of Sections 30251 and 30253 of the Coastal Act regarding the siting of development in areas that minimize landform alteration and addresses hazards.

Section 30600(c) 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 City of San Clemente only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

## **B. WATER QUALITY**

The proposed development has a potential for discharge of polluted runoff from the project site into nearby coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

## **C. DEVELOPMENT**

Development adjacent to slopes such as those found on canyons or hillsides is inherently hazardous. To minimize risks to life and property the development has been conditioned to: require an appropriate set-back from the top of the slope, and that future improvements must come back to the Commission for review. As conditioned, the Commission finds that the development conforms to

the requirements of Sections 30253 of the Coastal Act regarding the siting of development in hazardous locations.

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

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

#### **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

This permit is granted subject to the following special conditions:

#### **SPECIAL CONDITIONS:**

1. **Conformance with Geotechnical Recommendations and Proposed Plans** The applicants shall conform with the proposed plans submitted to the Commission on June 24, 2013, prepared by Buchan Engineering Structures Inc. signed by registered professional engineer, Iain R. Buchan based on all the recommendations contained in the geologic engineering investigation by Via Geos, Consulting Engineering Geologists "Geotechnical Investigation for Foundation Design, 318 Encino Lane, San Clemente, California, Project No. 121267, Report No. 13-034" signed by Michael B. Childs, Engineering Geologist and David A. Purkis, Registered Civil Engineer and dated April 26, 2013.

The applicants 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 unless the Executive Director determines that no amendment is legally required.

2. **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 slope instability, erosion, landslides, 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.

3. **Landscaping – Drought Tolerant, Non-Invasive Plans.** Vegetated landscaped areas within the canyon portion of the project site shall only consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type. Native plants shall be from local stock wherever possible. No permanent in-ground irrigation systems shall be installed on the canyon-facing portion of the site. Temporary above ground irrigation is allowed to establish plantings. Vegetated landscaped areas on the street-side of the residence are encouraged to use native plant species, however, non-native drought tolerant non-invasive plant species may also be used in that area. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
4. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:
  - (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
  - (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
  - (3) 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;
  - (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
  - (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.



Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

5. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-13-436. 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 this development governed by the Coastal Development Permit No. 5-13-436. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-13-436 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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

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

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing