

**CALIFORNIA COASTAL COMMISSION**

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F13b

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Staff: RMR/LB  
Staff Report: 10-13-98  
Hearing Date: Nov. 3-6, 1998  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-98-082

APPLICANTS: A.E. Westberg and Janice Westberg

AGENT: Don Habig

PROJECT LOCATION: 2016 Calle de los Alamos, San Clemente, Orange County

PROJECT DESCRIPTION: Repair and Replacement of two rear yard patios, steps, landings and walkways. Construction of two railroad tie revetments (21 and 18 feet long) and backfilling behind the revetments on a coastal bluff face. The railroad tie revetments are not structurally related to the patios/walkways. Drainage improvements to take runoff from the rear of the residence to the toe of the bluff are also proposed.

Lot Area:	12,704 sq. ft.
Building Coverage:	NA
Pavement Coverage:	NA
Landscape Coverage:	NA
Parking Spaces:	NA
Zoning:	RL1
Land Use Designation:	RL
Ht above final grade:	NA

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

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan, Coastal Development Permits 5-95-069 (Westberg), 5-94-199 (Westberg), Geotechnical Investigation for proposed addition to existing residence by Petra, May 1991, Limited Preliminary Geotechnical Assessment of Existing Concrete View Walk below the Rear yard Area of 2016 Calle de los Alamos prepared by William R. Munson dated January 3, 1998, Addendum to the January 3, 1998 geotechnical assessment by William R. Munson dated September 3, 1998, Coastal

Development Permits 5-94-243 (Gilmour), 4-92-206 (Tahmasebi), 5-93-181 (Driftwood Bluffs), 5-93-143 (Mertz & Erwin), G5-93-254 (Arnold), A5-DPT-93-275, 6-93-20, 6-393-20A, Geotechnical Investigation with Preliminary Mitigation Alternatives for the Re-Opening of Coast Highway, La Ventana Bluff Failure, Dana Point, California by Zeiser Kling Consultants, Inc. April 30, 1993; "Mass Movement and Seacliff Retreat along the Southern California Coast" by Antony R. Orme in Bull. Southern California Acad. Sci. 1991; "Greatly Accelerated Man-Induced Coastal Erosion and New Sources of Beach Sand, San Onofre State Park and Camp Pendleton, Northern San Diego County, California" by Gerald G. Kuhn in Shore and Beach 1980; "High-Quality, Unbiased Data are Urgently Needed on Rates of Coastal Erosion" by Wendell Gayman,

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**STAFF NOTE:**

This is an after-the-fact permit application because the work on the patio improvements has commenced and the grading (under 50 cubic yards) and railroad tie revetments are in place. The applicants began the patio improvements and completed the railroad tie revetments in November of 1995 without a coastal development permit. The City of San Clemente stopped work on the development in 1995 because the applicants had not obtained a building permit. Since the stop work order, no work has been conducted at the site. Staff is recommending approval of the patio and drainage improvements with special conditions and denial of the railroad tie revetments.

This permit application for the after-the-fact development was submitted on March 13, 1998. A letter requesting further information was sent to the applicants beyond the application filing date. The 180-day time limit for this project was September 9, 1998. The agent for the applicants submitted a 180-day waiver of permit streamlining act requirements on July 16, 1998. The 270th day deadline is December 8, 1998. Scheduling the permit application for an earlier Commission hearing was delayed pending submittal of geotechnical information on the railroad tie revetments. That material was submitted on September 3, 1998

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**SUMMARY OF STAFF'S RECOMMENDATION:**

Staff is recommending that the Commission take two (2) votes adopting two resolutions for the subject proposal:

Resolution A (page 3) to approve the repair and replacement of the rear yard patios, steps and landings, with special conditions requiring the submittal of an assumption of risk condition, a condition that requires recordation of a deed restriction relative to future bluff protective works, a deed restriction regarding future development, drainage plans, and a condition regarding condition compliance.

Resolution B (page 3) to deny the construction of two railroad tie revetments on the coastal bluff face for erosion control purposes.

I. **STAFF RECOMMENDATION:**

The staff recommends the Commission take two (2) votes adopting the following resolutions:

A. **MOTION:**

I move that the Commission approve with special conditions the portion of Coastal Development Permit No. 5-98-082 involving the repair and replacement of patio and walkway improvements.

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION A**

Approval with Conditions

The Commission hereby **grants** a permit for that portion of the proposed development involving the repair and replacement of patio and walkway improvements, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

B. **MOTION:**

I move that the Commission **approve** as submitted the portion of Coastal Development Permit No. 5-98-082 involving the development of two railroad tie revetments.

**STAFF RECOMMENDATION OF DENIAL:**

Staff recommends a **NO** vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION B**

I. Denial

The Commissioner hereby **denies** a permit for the proposed development of two railroad tie revetments on the coastal bluff face on the grounds that the development will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and

would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of the Coastal Act; and would have significant adverse impacts on the environment within the meaning of CEQA.

## II. **Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration:** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance:** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation:** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections:** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment:** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land:** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. **SPECIAL CONDITIONS**

### 1. **Assumption of Risk**

Prior to the issuance of the coastal development permit the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicants understand that the site may be subject to hazard from bluff erosion and the applicants assume the liability from such hazards; and (b) that the applicants unconditionally waive any claim of liability on the part of the Commission and agree to indemnify and hold harmless the Commission and its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards.

The document shall run with the land binding all successors and assigns, and shall be recorded free and clear of prior liens and encumbrances which the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Future Bluff Top Protective Works

Prior to the issuance of the coastal development permit, the applicants shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide that no bluff protective devices shall be permitted unless the alternatives required below are demonstrated to be infeasible. In the event any bluff protective work is proposed in the future, the applicants acknowledge that as a condition of filing an application for a coastal development permit, the applicants must provide the Commission or its successor agency with sufficient evidence enabling it to consider all alternatives to bluff protective works, including consideration of relocation of the improvements that are threatened or other remedial measures which do not include bluff stabilization devices.

The document shall run with the land binding all successors and assigns, and shall be recorded free and clear of prior liens and encumbrances which the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Future Development

Prior to the issuance of the coastal development permit, the applicants shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit **5-98-082** is for the approved development only and that any development or additions on the property, including, but not limited to, installation of hardscape improvements, grading, vegetation removal, landscaping and structural improvements not permitted in this permit, will require a coastal development permit or permit amendment from the Coastal Commission or its successor agency.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior lines that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Drainage Plans

Prior to the issuance of the coastal development permit, the applicants shall submit for the review and approval of the Executive Director, drainage plans detailing the site drainage plan from the rear yard patios to the base of the bluff. The plans shall also include details of the proposed energy dissipator at the base of the bluff.

5. Condition Compliance

Within 90 days of Commission action on this Coastal Development Permit application, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions which the applicants are required to satisfy as prerequisites to the issuance of this permit. Failure to comply with the requirements within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations for Approval:

The Commission hereby finds and declares:

A. Project Description

The applicants are proposing rear yard patio improvements consisting of replacing two yard patios and the steps and landings leading to the lower patio/walkway. This development is the subject of Resolution "A" above. Drainage improvements (flexible above-ground drainpipe) to take runoff from the rear of the residence to the toe of the bluff are also proposed.

The applicants are also proposing to construct two railroad tie revetments (21 and 18 feet long) and backfill to a depth of 2.5 feet behind the revetments (less than 50 cubic yards) on a coastal bluff face. Backfilling would be accomplished by grading of adjacent bluff soils. The railroad tie revetments are not structurally related to or necessary for the protection of the patios/walkways or other rear yard improvements. This development is the subject of Resolution "B" of this staff report (see page 3)

There are three levels of patios/walkways at the rear blufftop portion of the site. All of these patios are narrow and staff refers to them as patio/walkways or just patios. The first or "upper" patio is directly adjacent to the residence structure. No development is proposed for this upper patio. The two other patios are seaward of the upper patio. The second or "middle" patio/walkway is four feet below the grade of the top patio. The northern part of this deck is proposed to be replaced in kind and cantilevered an additional three (3) feet from the existing seaward position. The middle patio will not extend further seaward than the seaward extent of the lower patio below. The third or "lower" patio/walkway is approximately 6 feet below the middle patio/walkway. The stairs and landings leading to this lower patio/walkway slab and the slab itself are proposed for replacement. The applicants would be replacing wooden railroad tie steps with concrete and the concrete slab with concrete. The project also includes installation of a patio drainage system connecting to a flexible drainpipe which collects runoff from the patios and takes it to the toe of the bluff.

When the original patio slabs and retaining wall were constructed, they were not tied together properly. During periods of heavy rainfall water seeps under the upper slab creating structural problems for the slabs and retaining walls by erosion of soils, saturation of soils and additional weight. The applicants and the applicants' contractor indicated to staff that the existing middle and lower patio slabs are separating from

retaining walls and evidencing cracking and tilting.

There are single-family residences on the north, south and across the street to the east. The western property boundary extends down the slope until it abuts the right-of-way of the Orange County Transportation Authority railroad line. Beyond the railroad line is a rip-rap revetment and then the beach and ocean. The coastal bluff is not subject to wave attack. There is public beach access located near the intersection of Calle de Los Alamos and Calle Lasuen, known as the Los Winds Beach Stairway. This access point is located several hundred feet north of the project site and is primarily a neighborhood access point. Local parking consists of on-street parking only.

The residence was constructed prior to 1955, prior to the Coastal Act, and includes patio improvements, and a winding wooden stairway and landings from the patio down the bluff face to the toe of the bluff. The patios and bluff staircase to the toe of the bluff were constructed prior to the Coastal Act. There is no legal access from the residence across the railroad right-of-way to the beach across the site. The residence and improvements were not constructed with 25 foot setbacks and the development extends down the bluff face, see Exhibit 2. Vegetation in the vicinity of the patio and revetments consists primarily of non-native, invasive, ice plant.

The first permit on file at the City of San Clemente is a 1955 permit for a pool. There is a 1969 permit for a retaining wall. There are also several previously approved coastal development permits for this site. Coastal development permit 5-94-199 (Westberg) was issued as a regular waiver for a 1,990 square foot addition to the existing residence. No improvements were proposed seaward of the enclosed residential structure. Coastal development permit 5-95-069 (Westberg) was a regular waiver for a 1,990 square foot addition to the existing enclosed residential structure. The plans in 5-95-069 were a redesign of the plans in 594-199.

The repair and maintenance provisions of Section 30610 of the Coastal Act establish what types of repair and maintenance activities are exempt from coastal development permit requirements. Criteria for determining whether a repair and maintenance activity is exempt include whether the activity results in an addition to or an expansion of the object of the activity provided it does not pose a risk of substantial adverse impact to environmental resources. Section 13252 of the California Code of Regulations identifies activities which pose a risk of substantial adverse impact and therefore are not exempt. Section 13252 (a)(2)(C) specifically identifies any activities within 50 feet of a coastal bluff which involve the removal of any solid materials or the presence of construction materials. In addition, Section 13250 requires that any improvements to a single-family residence on a coastal bluff require a coastal development permit because of the risk of adverse environmental effects. Therefore, the activities proposed by the applicants are not exempt from coastal development permit requirements.

B. Bluff-top Development, Safety and Stability

Blufftop development poses potential adverse impacts to the geologic stability of coastal bluffs, to the preservation of coastal visual resources, and to the stability of existing residential structures, both the applicants' and adjoining structures. Coastal bluffs in the City of San Clemente are composed of fractured and unconsolidated soils and are subject to sloughing, creep, and landsliding. The setback and stringline policies were

devised as a means of limiting the encroachment of development onto unstable coastal bluffs and preventing construction of revetments and other structures to protect development on coastal bluffs.

Subsection 1 contains the specific Coastal Act and LUP policies regarding blufftop development and geologic stability. Subsection 2 of this segment of the staff report contains generalized findings concerning bluff stability in Southern California. Subsection 3 contains specific findings concerning bluff stability in the City of San Clemente. Subsection 4 contains the analysis and Coastal Act consistency findings. The findings in this staff report contain statements from geotechnical reports in the San Clemente area as to the nature and cause of bluff erosion and landsliding and confirm that the coastal bluffs fronting this proposed project are eroding.

1. Coastal Act and LUP Policies

Section 302353 of the Coastal Act contains the policies for geologic stability. It states in part:

New development shall:

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

The south Coast Guidelines contain the stringline policy which was adopted by the Commission. This policy states:

In a developed area where new construction is generally infilling and is otherwise consistent with Coastal Act policies, no part of a proposed new structure, including decks, should be built further onto a beach front than a line drawn between the nearest adjacent corners of the adjacent structures. Enclosed living space in the new unit should not extend farther seaward than a second line drawn between the most seaward portions of the nearest corner of the enclosed living space of the adjacent structure.

The Certified LUP contains policies limiting new development on coastal bluff faces to public staircases and policies establishing stringlines for purposes of limiting the seaward encroachment of development onto eroding coastal bluffs. These policies are:

Policy VII.13:

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. ...

Policy VII.14 states:

Proposed development on blufftop 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.

Policy VII.16 states:

In a developed area where new construction is generally infill, no part of a proposed new structure, including decks, shall be built further onto a beachfront than a line drawn between the nearest adjacent corners of the adjacent structures. Enclosed living space in the new unit shall not extend further seaward than a second line drawn between the most seaward portions of the nearest corner of the enclosed living space of the adjacent structures.

Policy VII.17 of the LUP also limits the type of development allowed on bluff faces. It states:

New permanent structures shall not be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access where no feasible alternative means of public access exists.

## 2. Generalized Findings on Bluff Erosion

In general, bluff erosion is caused by environmental factors and impacts caused by man. 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 man include bluff oversteepening from cutting roads and railroad tracks, improper irrigation, building too close to the bluff edge, improper site drainage, use of impermeable surfaces to increase runoff, use of water-dependent vegetation, pedestrian or vehicular movement across the bluff top and toe, and breaks in water or sewage lines. In addition to runoff percolating at the bluff top site, increased residential development inland also leads to increased water percolation through the bluff.

There are numerous articles about seacliff retreat and bluff erosion in the literature. Much of this literature pertains to bluffs subject to wave attack and to large-scale landsliding. Antony R. Orme wrote a paper entitled "Mass Movement and Seacliff Retreat along the Southern California Coast" published in the Bulletin of the Southern Academy of Science in 1991. Orme states that mass movement occurs when the factor of safety of resisting forces to driving forces is less than one. He states that there are other factors in bluff erosion besides wave attack, including weathering of coastal cliffs by salt spray evaporation. The coastal bluffs at the project location are subject to wind-borne salt spray from the ocean.

In conclusion Orme states:

Seacliff retreat is a natural process which, if unheeded, threatens human life and livelihood, and which can be aggravated by human activity. It will continue to occur and therefore responsible coastal management must require that human activity be set back an appropriate distance from cliff tops and diverted from unstable and potentially unstable terrain.

According to Orme a major source of bluff instability in the Los Angeles area was the construction of the Pacific Coast Highway and the railroad. Like Los Angeles, the coastal bluffs in the City of San Clemente were disrupted by the construction of the Pacific Coast Highway and the railroad. Wherever the railroad tracks removed the toe of a coastal bluff, that coastal bluff became unstable. The bluffs in the project area are separated from the ocean by the railroad. However, this construction activity happened early in the century and although the coastal bluffs in San Clemente were impacted by the railroad construction, they are still natural coastal bluff landforms up to 100 feet high. These coastal bluffs would be eroding with or without the railroad construction.

The coastal bluffs are natural landforms and have been intact since the early 1900's, when the railroad was constructed. The Marblehead focused EIR states:

In the case of the Marblehead site, the geomorphic process responsible for bluff erosion is no longer wave action. El Camino Real has been constructed along the base of the bluff, with the AT&SF railroad and housing also having been built between the road and the shoreline. Instead of erosion by wave action, the bluffs continue to erode partly due to oversteepening that resulted from construction of the railroad and El Camino Real.

There is a maintenance road at the base of the bluff and then the railroad tracks. The tracks contribute to coastal bluff erosion by not allowing talus and landslide materials to accumulate and by causing vibration in the bluffs due to passing trains.

There are two major coastal bluff stabilization projects in the City of San Clemente (La Ventana and Colony Cove) where residences on coastal bluffs have either been destroyed or endangered by bluff failure (CDPs 5-93-243 (San Clemente), A5-DPT-93-275 (Dana Point). However, the Colony Cove, La Ventana, and Marblehead bluff stabilization projects are located several miles from the project site.

There are bluff stability problems along the entire stretch of San Clemente coastal bluffs as evidenced by applications for foundation support systems for residences on coastal bluffs and by foundation support systems built previous to the Coastal Act. For example, residences on coastal bluffs in San Clemente have received permits to install caissons or other foundation protection measures (CDPs 5-93-181 (Driftwood Bluffs), 5-93-307 (Ackerly), and 5-93-143 (Mertz & Erwin).

Much of the development on coastal bluffs prior to the Coastal Act was constructed close to the bluff top edge and later required support systems for failing patios, decks and other improvements.

### 3. Site Specific Geotechnical Data

Previous permit applications for this site included a geotechnical report prepared by PETRA on May 30, 1991. The geotechnical report was prepared regarding construction of additions to the existing residence. However, the report does include statements regarding seismicity and landsliding. The report notes that there was no evidence of seepage or severe erosional gullies on the bluff face and that the base of the slope is protected from direct wave action. The report concluded:

Based on our observations, the probability of landsliding within the site is considered unlikely. Occasional surficial slope failures and minor slope creep are expected due to the effects of rain and occasional irrigation water, but are not expected to adversely affect the residential structure.

The applicants have submitted a geotechnical report prepared by William R. Munson on January 3, 1998 and geotechnical addendum by William R. Munson on September 3, 1998. The geotechnical report evaluates the replacement of the rear yard patios and the addendum addresses the railroad tie revetments.

The geotechnical report states that the two patio sections will be 4 to 6 inches thick and finished with a 2 to 3 percent seaward surface gradient. The foundation of the cantilevered patio slab (middle patio) has a 12-inch wide by 18-inch deep grade beam continuously reinforced with rebar both vertically and horizontally. Both the middle and lower patios will be structurally tied to the retaining wall with steel dowels. The report also notes that the patios will be supplied with continuous gutters at the seaward edge of the patios. Runoff from the patios will be directed via these gutters to a 4 inch diameter drainpipe which will take the runoff to the base of the bluff. In addition, runoff from an existing rear yard drain will also be directed to the drain pipe down the bluff.

The consulting geologist reports that there is no evidence of deep seated instability on the bluff. Regarding the patio replacement work, the geologist states:

Based on the evident documents and reported conditions described heretofore, the circa 1995 concrete view walk construction has performed admirably without indication of movement and distress. Accordingly, the construction is geotechnically approved for its intended purpose; and completion of the project construction is recommended. Note: Upon completion, the concrete view walk will locally be effective in reducing erosion of the upper margin of the bluff slope.

### 4. Blufftop Setback/Stringline Policy Analysis

The applicants are proposing to replace concrete patio/deck slabs which are cracked and separating from existing supporting retaining walls. The applicants are also proposing to replace railroad tie steps and landings with concrete, as these also were damaged. The applicants are not proposing any improvements to existing retaining walls and a pipe and board revetment located several feet beyond and below the lower patio concrete slab.

When the residence was constructed, prior to 1955, there was no residence to the north (see Exhibit 9) and there were no stringline policies or restrictions on seaward

development. Exhibit 9 shows the rear yard patio improvements and the existing path down the coastal bluff at the site. The stringline is not applicable to this development for several reasons. First, the residence was constructed prior to the Coastal Act and the existing patio improvements were built seaward of the adjoining residences. Second, the development is repair and replacement of existing structures, with the exception of the 3 foot cantilevered portion of the middle patio. However, this 3 foot cantilevered section will not extend further seaward than the seaward extent of the patio below.

However, the existing patios were used by the homeowner to the north in establishing a stringline for their new residence. The stringline map used by the northern property owner did not distinguish between the levels of patio and therefore it is not clear which patio was used in the stringline analysis. Therefore, to allow the three foot cantilever extension of the middle deck could push the established stringline seaward. This could lead to undermining the stringline policy and allowing development to encroach further on fragile coastal bluffs coasts.

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard and assure stability and structural integrity and neither create nor contribute significant to erosion, geologic instability, or destruction of the site and surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (emphasis added). Section 30253 requires that development be sited and designed to not require protective devices in the future.

The geotechnical reports conclude that the bluff is basically stable. Despite general erosion, the geotechnical consultant supports approval of this development consistent with Section 30253. However, the proposed development may only be approved subject to several special conditions.

**Special Condition 1** is an assumption of risk condition. Although the patio improvements are constructed with geotechnical approval, risk from developing on a coastal bluff is not eliminated entirely. Therefore, the standard waiver of liability condition has been attached through Special Condition 1. By this means, the applicants are notified that the residence is being built in an area that is potentially subject to bluff erosion that can damage the applicants' property. The applicants are also notified that the Commission is not liable for such damage as a result of approving the permit for development. In addition, the condition ensures that the Commission not incur damages as a result of its approval of the coastal development permit. Finally, recordation of the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity

**Special Condition 2** of this staff report requires the applicants to record a deed restriction against the property placing the applicants and their successors in interest on notice that no bluff or shoreline protective devices shall be permitted unless alternatives (described in the Condition) are demonstrated to be infeasible. The condition states that in the event any bluff protective work is proposed in the future, the applicants acknowledge that as a condition of filing an application for a coastal development permit, the applicants must provide the Commission, consistent with Section 30235 of the Coastal Act, with sufficient evidence enabling it to consider all alternatives to bluff

protective works, including consideration of relocation of portions of the residence that are threatened, structural underpinning or other remedial measures identified to stabilize the residence and patios that do not include bluff protective devices.

Whereas special condition 2 applies to future bluff protective measures, **special condition 3** is a future development deed restriction which states that any future development or additions on the property, including hardscape improvements, grading, landscaping, vegetation removal and structural improvements, require a coastal development permit from the Commission or its successor agency. This condition ensures that any future development on coastal bluffs which may affect the stability of the bluffs and residential structures or may require future bluff protective structures, receives coastal development permit review by the Commission.

**Special Condition 4** requires the applicants to provide detailed drainage plans, for the review and approval of the Executive Director, including the proposed energy dissipator at the base of the bluff.

Only as conditioned to comply with plans showing drainage improvements, and to record assumption of risk, future blufftop protective works, and future development deed restrictions does the Commission find that the proposed development conforms with Section 30253 of the Coastal Act and the applicable policies of the certified LUP.

C. Visual Resources

1. Coastal Act and LUP Policies

Section 30251 of the Coastal Act contains the policies for protection of 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, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed development is located on a bluff top lot in the southern end of the City of San Clemente. The Certified LUP discusses the importance of the visual aspect of San Clemente's coastal bluffs. Page 2-4 of the LUP states:

The coastal bluffs and canyons are the prominent topographic feature within the coastal zone.

The visual resource policies on page 3-18 of the certified state that permitted development shall "protect views to and along the ocean", and "minimize the alteration of coastal bluffs and canyons."

Also, the LUP contains policies regarding the alteration of natural landforms on page 3-20. Policy VII.13 states in part:

...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.

The proposed repair and replacement improvements to the existing middle and lower patios have been discussed in detail in the previous sections of this staff report. The findings of that section recommend approval of the patio improvements.

Photographs of the site taken from the base of the bluff show that there is a line of shrubs which obscures the site patios. Therefore the patios are not visible from the beach. Therefore the Commission finds that the development consisting of the repair and replacement of the existing patios is consistent with the visual resource protection policies of the Coastal Act and the certified LUP.

D. Public Access and Recreation

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

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

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

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. The proposed development is located between the sea and the first public road. There is a public staircase to the beach in the vicinity of the project site. Situated at the toe of the coastal bluff is the railroad right-of-way. The project site does provide access to the ocean via a bluff stairway constructed prior to the Coastal Act.

A public access dedication can be required pursuant to the access policies only if it can be shown that the development either individually or cumulatively directly impacts physical public access, i.e., impacts historic public use, or impacts or precludes use of Public Trust Lands. In this situation, the development is located between the sea and the first public road, however, it does not impact access either directly or indirectly to the ocean. The project site will remain a single-family residence use and will not result in an intensification of use.

The development will not create adverse impacts, either individually or cumulatively on public access and will not block public access from the first public road to the shore. Therefore, the

Commission also finds the proposed development is consistent with the access policies of the Coastal Act.

E. Violation: Unpermitted Development

Without benefit of a Coastal Development Permit, development has been undertaken consisting of the repair and replacement of two rear yard patios, and stairs and landings leading to a lower patio. To ensure that this violation is resolved in a timely manner, special condition 5 requires the applicants to satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action.

Consideration of the application by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998 the Commission certified with suggested modifications the IP portion of the Local Coastal Program. The Commission approval of the Implementation Plan expired on October 10, 1998. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding public access. 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).

G. 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 which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic hazards and water resource protection policies of the Coastal Act. Mitigation measures; special conditions requiring assumption of risk, future development, and future blufftop protective works deed restrictions, drainage plans and condition compliance will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, 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 effects, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**V. FINDINGS AND DECLARATIONS FOR DENIAL:**

The Commission hereby finds and declares:

**A. Project Description/History.**

The applicants are proposing the repair and replacement of two rear yard patio/walkways, along with some steps and landings. Drainage improvements (flexible above-ground drainpipe) to take runoff from the rear of the residence to the toe of the bluff are also proposed. Staff is recommending that this portion of the development be approved with special conditions in Section "A" of this staff report above.

The applicants are also proposing to construct two railroad tie revetments (21 and 18 feet long) and backfill to a depth of 2.5 feet behind the revetments (less than 50 cubic yards) on a coastal bluff face. Backfilling would be accomplished by grading of adjacent bluff soils. The railroad tie revetments are not structurally related to or necessary for the protection of the patios/walkways or other rear yard improvements. Staff is recommending that this development be denied under Resolution "B" (see page 3).

**B. Geologic Stability**

**1. Coastal Act and LUP Policies**

Section 302353 of the Coastal Act contains the policies for geologic stability. It states in part:

New development shall:

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

The Certified LUP contains policies limiting new development on coastal bluff faces to public staircases and policies to minimize alteration of coastal bluffs. These policies are:

**Policy VII.13:**

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. ...

Policy VII.17 of the LUP also limits the type of development allowed on bluff faces. It states:

New permanent structures shall not be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access where no feasible alternative means of public access exists.

## 2. Geologic Stability Analysis

The two railroad tie revetments are located on the coastal bluff face approximately 25-50 feet below the most seaward line of patio improvements. The purpose of the railroad tie revetments is erosion control.

Exhibit 2 shows that the railroad tie revetments are located 25-50 feet below and to the south of the lowest level patio/walkway on the bluff face. Exhibit 7 includes two site photos showing the revetments. The revetments consist of an 18 foot wide and a 21 foot wide, 2.5 feet above grade and 3.0 feet below grade with a minimum of 6 inches set in silt stone (see Exhibit 9). Each revetment is set in a continuous concrete foundation having dimensions of 18 inches wide by two feet high with reinforcing rebar. The revetments are approximately 20 feet apart and straddle a shallow gully. The areas behind the revetments will be filled with a thin (2.5 feet deep) layer of soil. Soil placed behind the revetments was not imported but would be moved from the surrounding area to create a bowl effect. On-site soil displacement is less than 50 cubic yards.

The development consisting of the two railroad ties is not structurally related to the patio improvements but is separate development for the purpose of bluff erosion control. These railroad tie revetments are not necessary for the structural integrity of the residence or rear patio improvements. These revetments are also not structurally related to an existing pipe and board revetment which is located immediately below the lower level or most seaward patio.

The applicants submitted an addendum to the Preliminary Geotechnical Assessment, both of which were prepared by William R. Munson, for the purpose of evaluating the railroad tie revetments. The addendum states:

Both revetments straddle a relatively shallow gully reentrant (i.e., small ravine like drainage course), and retain relatively thin prisms of soil backfill (estimated to be maximum 2.5 feet thick). According to the relevant site plan notes the revetments are relatively new, were constructed for the purpose of erosion control and the retained backfill surfaces were to be re-planted with drought resistant plants. (emphasis added)

The consulting geologist includes recommendations concerning the construction of the revetments to strengthen it by placing rebar at the seaward side of the revetments, place more fill behind it to facilitate sheetflow runoff, and replant the backfill areas.

3. Coastal Act Consistency

Section 30253 of the Coastal Act states that new development minimize risks to life and property and 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.

In past permits in San Clemente the Commission has approved structural solutions to existing development caused by coastal bluff sloughing or landsliding (5-93-143 Mertz & Erwin, 5-93-181 Driftwood Bluffs, and G5-93-254 Arnold) These permits were approved, however, because the landowner was able to demonstrate that the landform alteration and/or caissons were necessary to protect existing development (i.e., existing patios and residences).

In this case the development consisting of the two railroad ties is not structurally related to the patio improvements or protection of the residence but is separate development for the purpose of bluff erosion control. These revetments are also not structurally related to an existing pipe and board revetment which is located immediately below the lower patio and is the most seaward development on the lot, with the exception of the wooden bluff staircase. The wooden bluff staircase is set at grade and also does not require structural protection. No evidence has been presented demonstrate that the proposed railroad tie revetments are anything but erosion control. No evidence has been presented that the railroad tie revetments are necessary to protect existing structures to prevent landsliding. In addition, construction of the revetments would involve the grading of the coastal bluff in the vicinity of the revetments to backfill behind the revetments. This grading would result in substantial alteration of existing natural bluff landforms.

The applicants did not examine alternative solutions to construction of the bluff revetments. If uncontrolled drainage is posing an erosion problem on the bluff by creating a gully or ravine, then one solution is to construct a drainage system to intercept the sheetflow runoff and outlet it in a non-destructive manner. If the problem was runoff from the residence or adjacent residences, then the solution is to implement an effective drainage system to address the cause and not the symptom of the problem. The certified LUP advocates taking drainage away from the bluff top and directing it to the street whenever possible.

Another possible alternative to the construction of revetments is to revegetate bare areas with native plants or use a combination of jute netting and plants. Native plants are deep rooted and drought tolerant and have been proven to hold soils and control erosion on bluffs. The area in the vicinity of the revetments is covered with ice plant which does not hold soil and has been proven to increase sloughing and soil erosion on slopes.

A third alternative is to do nothing. No information has been supplied as to the rate of erosion on this particular coastal bluff. A comparison of photographs of this coastal bluff from the 1970's, 1980's and 1990's shows that the vegetation cover has increased over time and that the bluff has not been undergoing accelerated rates of erosion. In addition, the 1991 geologic report by PETRA states that there are no serious erosion

problems on the coastal bluff.

Therefore, the Commission finds that there are practical alternatives to placing revetments on the coastal bluff, that the railroad tie revetments are not necessary to protect existing structures, and that construction of the revetments would substantially alter the natural coastal bluff landforms. Therefore, the Commission denies the proposed development of the railroad tie revetments because the development is not consistent with Section 30253 of the Coastal Act.

C. Visual Resources

1. Coastal Act and LUP Policies

Section 30251 of the Coastal Act contains the policies for protection of 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, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed development is located on a bluff top lot in the southern end of the City of San Clemente. The Certified LUP discusses the importance of the visual aspect of San Clemente's coastal bluffs. Page 2-4 of the LUP states:

The coastal bluffs and canyons are the prominent topographic feature within the coastal zone.

The visual resource policies on page 3-18 of the certified state that permitted development shall "protect views to and along the ocean", and "minimize the alteration of coastal bluffs and canyons."

Also, the LUP contains policies regarding the alteration of natural landforms on page 3-20. Policy VII.13 states in part:

...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.

The applicants are proposing the construction of two railroad tie revetments. The revetments are perpendicular to the bluff face and are staggered about 20-30 feet apart, one above the other. The revetments are situated above bluff rock outcroppings. The revetments are located in a gully which splits two of these outcroppings. Soils to backfill behind the revetments will be taken from the immediate area.

The revetments would be very conspicuous and noticeable from the base of the bluff and the beach. Section 30251 of the Coastal Act requires that 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, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The previous section on geologic stability includes an analysis of practical alternatives to the railroad tie revetments. These alternatives include a no project alternative, revegetation with native plants alternative, and a combination of jute netting and revegetation with native plants. This demonstrates that there are practical alternatives to constructing bluff protective devices and grading which would preserve the visual character of the coastal bluff.

The proposed railroad tie revetments are not sited to protect views in scenic coastal areas, do not minimize the alteration of natural landforms and are not compatible with the character of the coastal bluffs. Therefore, the Commission denies the construction of the two railroad tie revetments because they are not consistent with Section 30251 of the Coastal Act.

D. Violation: Unpermitted Development

Without benefit of a coastal development permit, development has been undertaken consisting of the construction of two railroad tie revetments and grading have taken place prior to the submission of this permit application.

Consideration of the application by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Denial of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. In this case, such a finding cannot be made for the railroad tie revetments.

The proposed development of two railroad tie revetments and attendant grading/backfilling are not consistent with Section 30253 and 30251 of the Coastal Act. The proposed development of the railroad tie revetments is also not consistent with Policies VII.13 and VII.17 of the certified LUP which discourage grading which alters landforms except for public safety reasons and prohibits the placement of permanent structures on bluff faces with the exception of public access staircases. The development proposed by the applicants does not limit grading and is not for a compelling public safety purpose. Approval of this type of development on coastal bluffs by the Commission would legitimize the alteration of coastal bluffs for non-structural reasons, i.e. for landscaping, to create flat yard areas, to terrace, etc.

In addition, the proposed railroad tie revetments do not conform with the visual policies of the certified LUP. These policies, listed above, call for the protection of views to and along the ocean, the minimization of landform alteration of coastal bluffs, and discouraging the grading of coastal bluffs for reasons other than public safety. The consulting geologist and the applicants' agent have indicated that the revetments are for erosion control. The construction of bluff protective devices for erosion control is not a legitimate reason under the certified LUP policies. Approval of this type of structure would set a precedent on coastal bluff development in San Clemente, opening the door to the use of this type of structure for landscaping, creation of flat yard areas, terracing, and for other non-structural reasons.

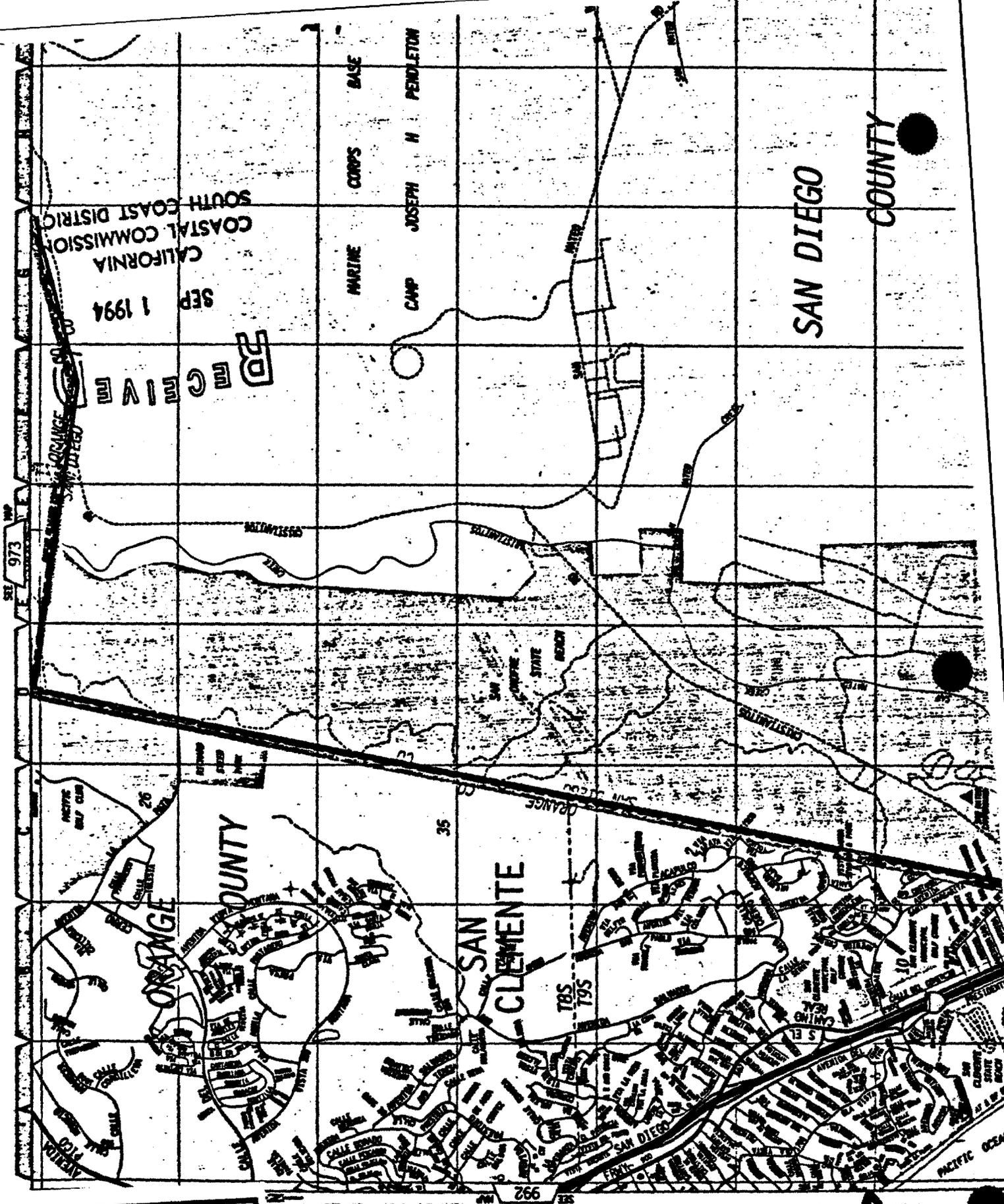
The Commission finds, therefore, that approval of the proposed railroad tie revetments would prejudice the ability of the City of San Clemente to prepare a Local Coastal Program that conforms with the Coastal Act.

F. Consistency with the California Environmental Quality Act (CEQA)

As previously stated the proposed development of two railroad tie revetments and grading/backfilling is not consistent with Sections 30253 and 30251 of the Coastal Act. The Commission has found that approval of these structures would have adverse visual impacts and would set a precedent for the future alteration of coastal bluffs for reasons other than to protect existing structures. In addition, alternative designs that would involve less or no bluff grading or visual impact have not been examined. As such, the proposed development cannot be found consistent with Coastal Act policies and is recommended for denial.

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 which the activity may have on the environment.

There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA.



CALIFORNIA COASTAL COMMISSION  
SOUTH COAST DISTRICT

SEP 1 1994

RECEIVED

ORANGE COUNTY

SAN CLEMENTE

SAN DIEGO COUNTY

SITE

**EXHIBIT No. 1**  
Application Number:  
**5-98-082**  
**Vicinity Map**  
California Coastal  
Commission

CAMINO DE LOS ALAMOS

DETAILS EN WESTCERL  
2016 CAMINO DE LOS  
ALAMOS  
SAN CLEMENTE CA.

OFFICE  
496-2500

REPLACE  
BRICK  
STEPS  
REPLACE  
CONCRETE

REPLACE RAIL ROAD  
TIE STEPS

Subject  
circa 1995  
concrete  
view walk

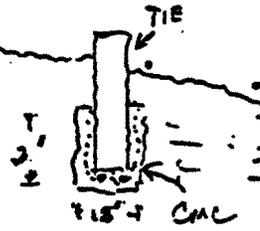
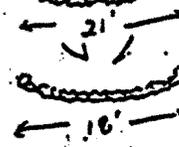
4" ABS 6" x 40  
PIPE

RE-PLANT  
WITH  
DROUGHT  
RESISTENT  
PLANTS.

NEW

RAIL ROAD TIE SOLDIER  
EROSION CONTROL.

STEPS  
LATER DATE



LATE 60'S STEPS

DISPERSAL  
AREA WITH  
ROCKS

**EXHIBIT No. 2**

Application Number:

**5-98-082**

**Site Plan**



California Coastal  
Commission

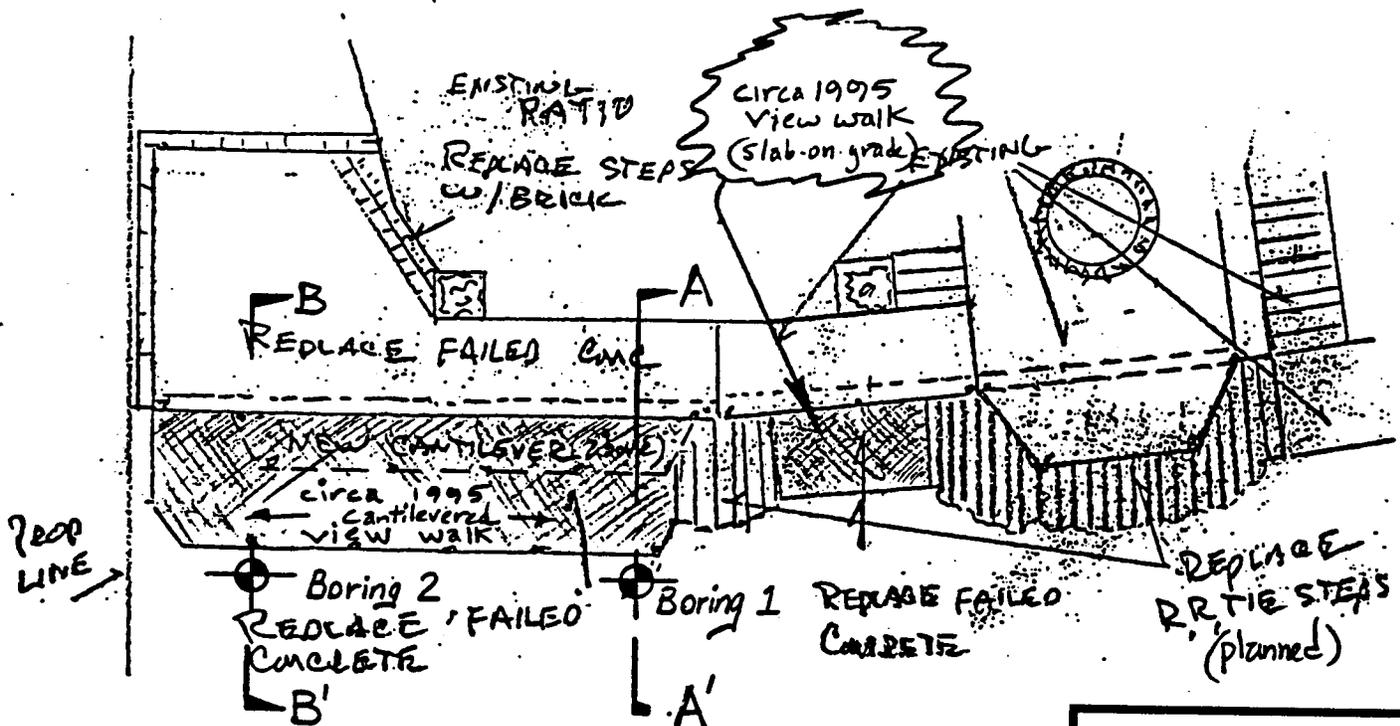
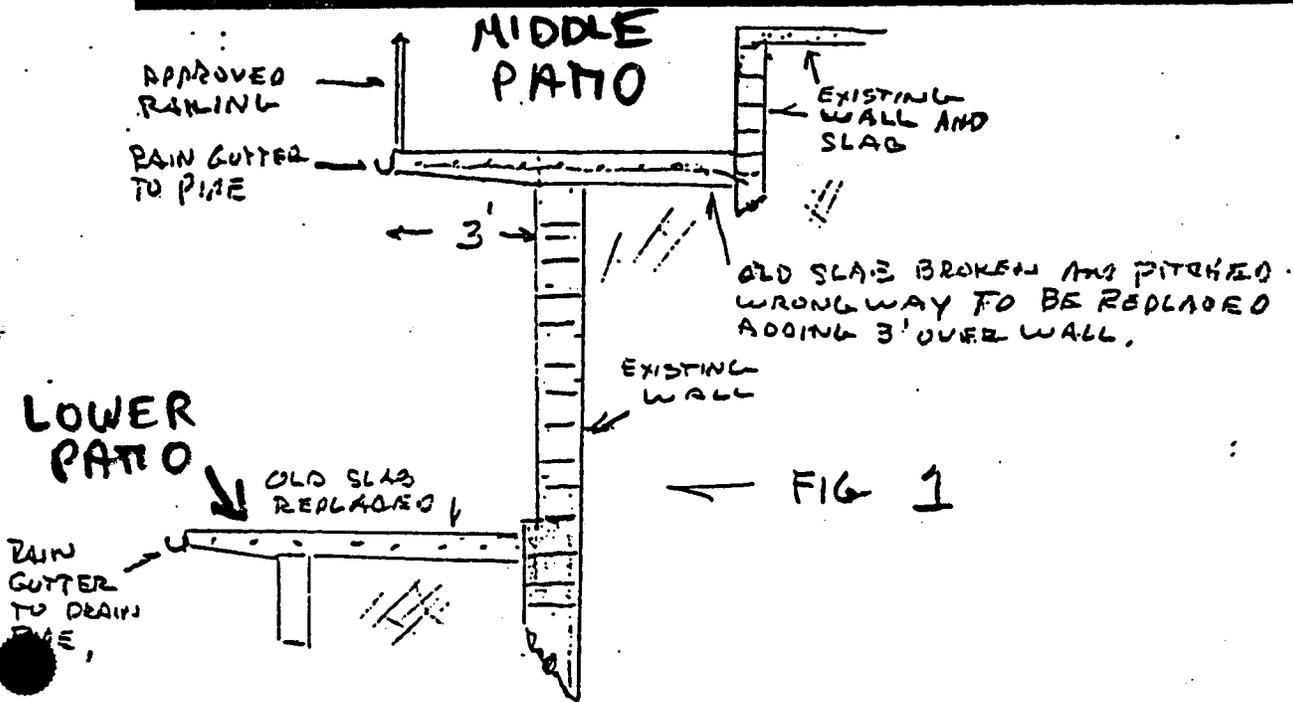


Don G. Habig

Concrete and Construction  
P.O. Box 3967  
San Clemente, CA 92672  
LIC. NO. 165895

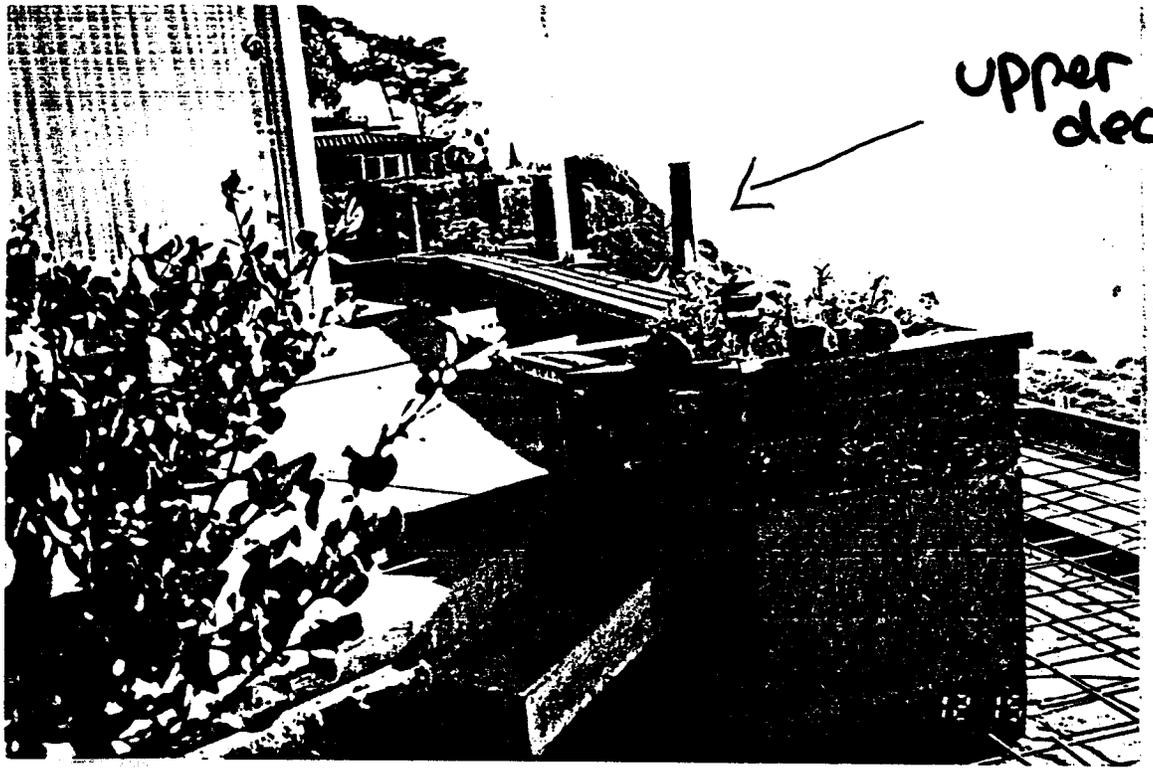
(714) 492-4466  
Home: (714) 492-2362  
Fax: (714) 498-4015

# UPPER PATIO



**Plot Plan/Boring Location Map  
(and cross-section)**

<b>EXHIBIT No. 4</b>
Application Number: <b>5-98-082</b>
<b>Patios</b>
California Coastal Commission



upper deck

WESTBERG 5-98-082 2016 Calle de los Alamos San Clemente



stairs to lower deck / walkway

<b>EXHIBIT No. 5</b>
Application Number: <b>5-98-082</b>
<b>Patio Photos</b>
California Coastal Commission

MIDDLE

3' deck extension

5-98-082

Westberg

2016 Calle de los Alamos

San Clemente

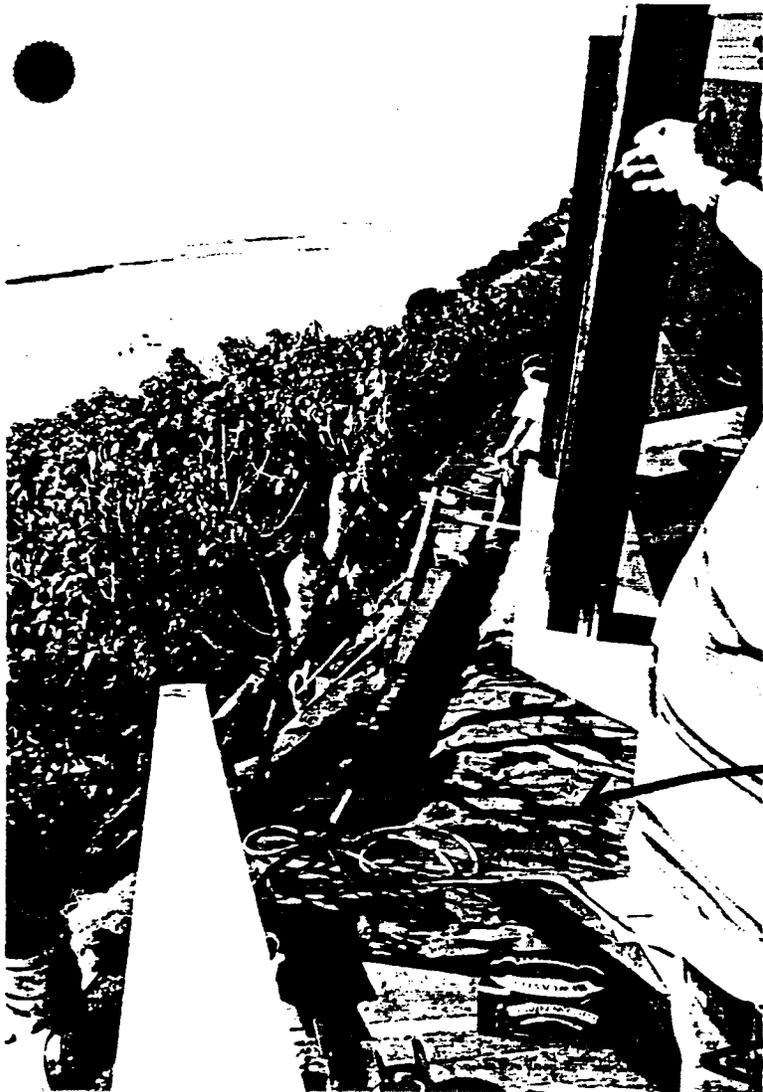
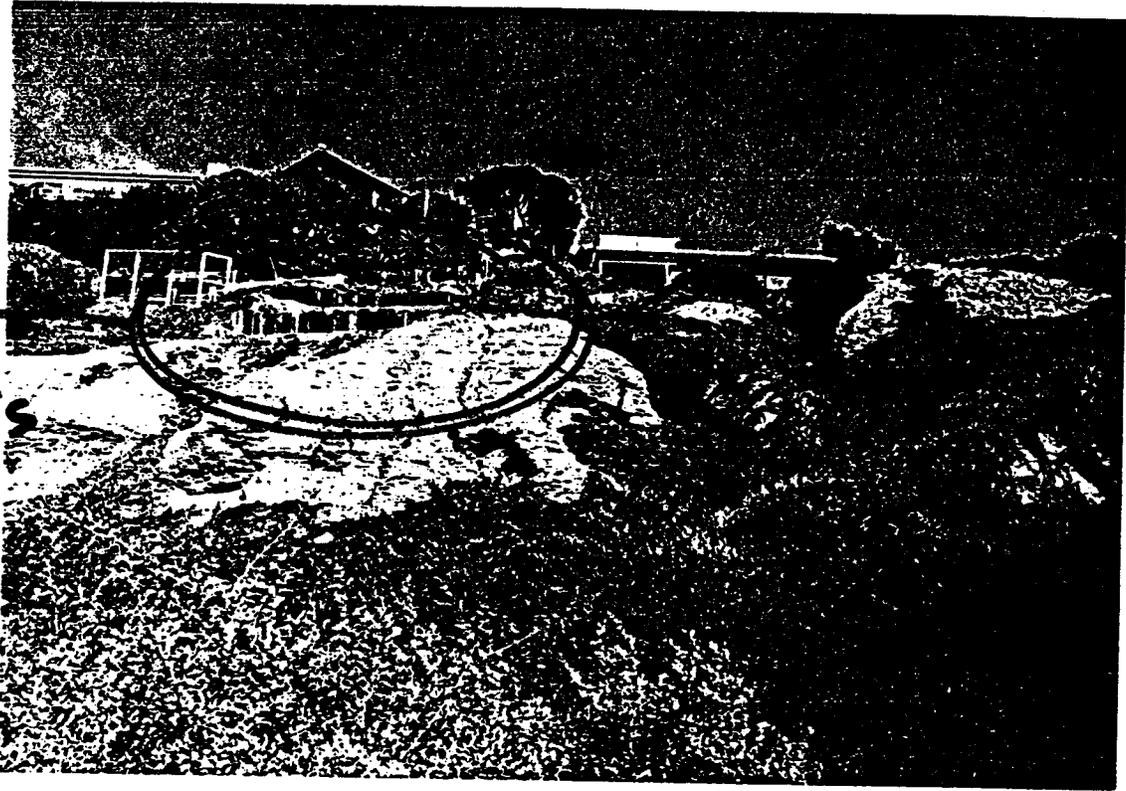


EXHIBIT No. 6
Application Number: 5-98-082
Patio Photos
 California Coastal Commission

lower deck /  
walkway

stairs + landing

railroad  
tie  
revetments



top view  
of  
railroad  
tie  
revetments



**EXHIBIT No. 7**

Application Number:  
**5-98-082**

**Bluff Photo**

California Coastal  
Commission



CIRCA 1973

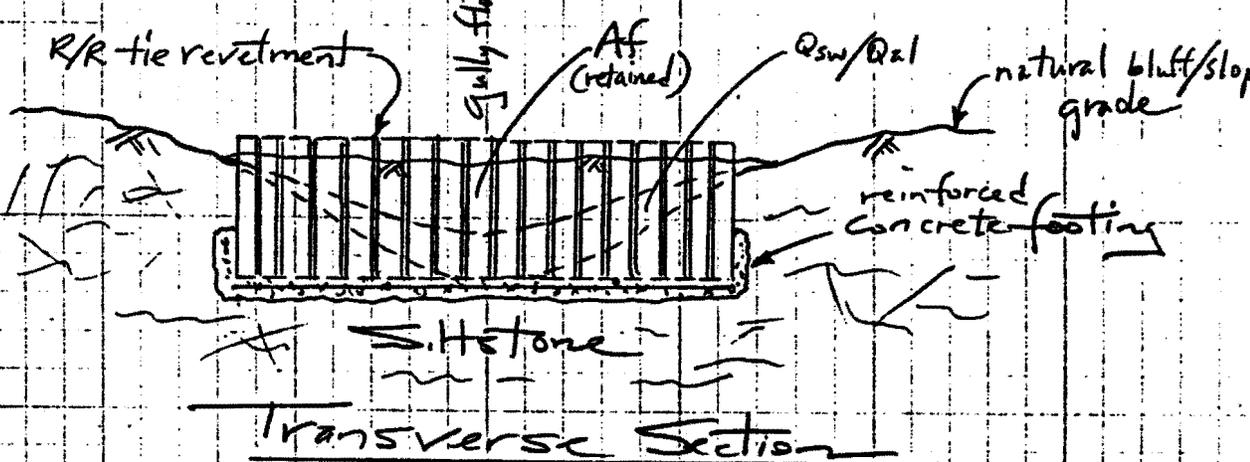
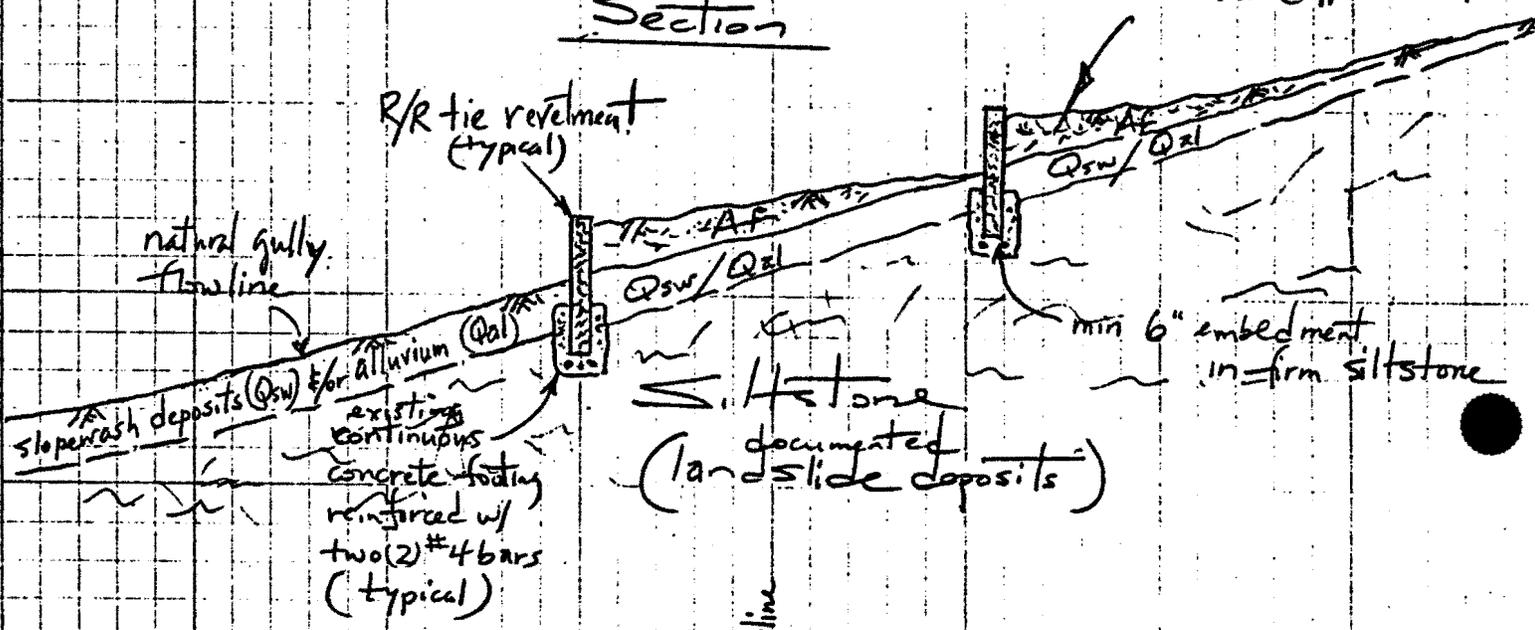
← BEACH →

RAILROAD

<b>EXHIBIT No. 8</b>
Application Number: <b>5-98-082</b>
<b>Aerial Photo</b>
 California Coastal Commission

Note: Relationships are approximate

### Longitudinal Section



### Transverse Section (Typical)

Scale: 1

<b>EXHIBIT No. 9</b>
Application Number: <b>5-98-082</b>
<b>Revetments</b>
California Coastal Commission



WILLIAM R. MUNSON, CEG 866  
 Reference report dated 9/13/98, prepared by William R. Munson, Inc. (executed)  
 Reference agreement dated \* Addendum to 1-3-98 report

JUL-16-1998 THU 11:58 IDICA COASTAL

PETE WILSON, Governor

STATE OF CALIFORNIA - THE RESOURCES AGENCY  
**CALIFORNIA COASTAL COMMISSION**  
South Coast Area Office  
200 Oceanside, Suite 1000  
Long Beach, CA 90802-4908  
(562) 990-9071



# EXTENSION OF TIME (AB 884)

Re: Application No.

APPLICANT DON G. HABIG (AGENT)  
STREET 2016 CAMINO DE LOS ALAMOS  
CITY, STATE, ZIP SAN CLEMENTE CA 92672

Pursuant to Government Code Section 65957,

I, DON G. HABIG, the (owner) (owner's representative), authorized to act in accordance with Title 14, Cal. Admin. Code subsection 13053.8) of the property before the Commission on Application No. 5-97-000, hereby request that the time limits for a decision on my coastal development permit application established by Government Code Section 65952 be extended for a period not to exceed 180 days. This 180 day extension shall become effective only upon consent of the Executive Director of the Coastal Commission.

July 16, 1998  
Date

[Signature]  
Signature of Applicant(s) or Authorized Agent

<b>EXHIBIT No. 10</b>
Application Number: <b>5-98-082</b>
<b>Time Extension</b>
California Coastal Commission

