



AGENDA REPORT

CITY OF SAN CLEMENTE

City Council Meeting

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: 7/18/2023

Agenda Item: 9B

Department: Public Works
Prepared By Kiel Koger, Public Works Director/City Engineer

Subject:
CONSIDERATION OF A RESOLUTION DIRECTING FUTURE REPAIRS AT CASA ROMANTICA, FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROPRIATING \$8,583,560 IN FUNDING

Summary:

A landslide on April 27, 2023, at the City owned Casa Romantica facility necessitated an emergency response to ensure that more damage was not caused to an adjacent condominium building and the railroad tracks located at the bottom of the failed slope. The initial temporary repairs including regrading and reshaping the site did not stabilize the slope and more substantial repairs are needed immediately to secure the building and site to protect life and property prior to the upcoming winter rain season. The proposed resolution reaffirms that an emergency exists, grants approval of a supplemental appropriation in the amount of \$8,583,560, as well as direction to staff to start immediately on the emergency slope stabilization repairs at Casa Romantica.

Background:

The western slope at Casa Romantica above the railroad tracks failed on the afternoon of April 27, 2023. The landslide deposited debris and soil near the railroad tracks below the site to the west and against the condominium building to the north. The City hired Alliance Diversified Enterprises, Inc., (ADEI) who specializes in emergency slope stability and foundation repairs, to mobilize to the site on Friday, May 12, 2023 to start the repairs under the supervision of a local geotechnical engineering firm, LGC Geotechnical, Inc. The emergency work was initially completed on June 2, 2023 but the slope continued to move over the next 2 days even with additional shaping and grading. The slope started moving again on June 5, 2023 and continues to slowly creep, necessitating more substantial repairs to secure the building and site to protect life and property prior to the winter rain season.

The next phase of work will include the installation of tiebacks and grade beams along the slope beneath the Casa Romantica building to secure the unstable slope. It is anticipated that the tiebacks will be drilled 5 feet on center in rows across the slope and founded approximately 100 feet into the slope and secured with grade beams. As the tiebacks and grade beams are installed, the slope will be excavated from the top to the bottom. The slope will then be reconstructed in front of the grade beams with the use of geogrid reinforcement placed within the compacted soil backfill. The landslide soil mass will be need to be excavated, hauled off site and blended with other soil material and then brought back to the site to be placed and compacted in lifts to rebuild the slope. The exact amount of soil that needs to be excavated and then replaced and compacted is unknown due to the possible presence of another landslide mass at the base of slope near the railroad tracks.

Staff has received numerous emails from the citizens of Reef Gate as well as staff from Casa

Romantica and Metrolink inquiring about the next steps to stabilize the slope and to stress the need to act in a swift manner going forward. In speaking to some local construction companies, there doesn't appear to be any local vendors with the equipment or personnel that are able to perform this specialty work. In addition, staff reached out to several shoring contractors in Southern California about their availability to do this work. Some of the larger contractors would be able to start work soon but would need two weeks to prepare a proposal and wouldn't mobilize until after a contract was finalized. Some of the smaller contractors required longer lead times to mobilize and order materials. If the desire is to obtain additional proposals, it will delay the project by at least 6 weeks and any proposals received will be conservative due to the uncertain nature of the work as the overall site design hasn't been completed. ADEI was able to come to an agreement on a contract and mobilize within a week when contacted after the initial landslide to start work and can mobilize within a week to start the next repairs. They are a reputable and experienced shoring contractor who have done many projects of similar size and scope.

The City has worked closely with OCTA and Metrolink on coordination of this work. In addition, staff notified the California Coastal Commission (CCC) on May 11, 2023 and June 8, 2023 of the immediate emergency actions needed to stabilize the slope. A meeting with the CCC on July 6, 2023 was also held to discuss the work required going forward.

Council Options:

- Adopt Resolution No. 23-76, authorizing staff to start immediately on the emergency slope stabilization repairs at Casa Romantica, finding the project exempt from the California Environmental Quality Act, and directing staff to bring two future agenda items to City Council to ratify an Emergency Construction Contract with Alliance Diversified Enterprises, Inc. and to ratify an Emergency Professional Consultant Services Agreement with LGC Geotechnical, Inc. and appropriate funding therefore.
- Modify and adopt Resolution No. 23-76.
- Continue the item with direction to provide additional information.
- Do not adopt Resolution No. 23-76 and provide an alternative direction to staff.

Fiscal Impact:

Yes. The emergency slope stabilization repairs to include excavation, grading, site work and installation of a tieback shoring system is estimated not to exceed \$7,800,000. The work will be performed by force account (time and materials) due to the uncertain site conditions and unknown level of repair that will be required until construction has started. The repair work could take up to one year to complete. Engineering services in an amount not to exceed \$783,560 to include geotechnical design and consulting, construction oversight, testing and inspection as well as the subcontracted work for surveying and civil site design for the stabilization system will also be required.

City staff is pursuing potential sources of funding from FEMA and the CJPIA. The California Office of Emergency Services (CalOES) is conducting preliminary damage assessments and collecting initial damage estimates from all affected cities within the County for the storm incident period, which began on February 21, 2023. The current countywide cost estimates are below the threshold required to trigger FEMA funding but it is still possible the threshold will be met.

City staff also met with representatives from CJPIA about possible funding. Typically, the CJPIA will cover damage to buildings or other affected properties but not landslides or slope repairs. They are scheduled to have an internal meeting in the near future to discuss and provide further guidance.

The most readily available funding source can be provided through a delay of other programmed CIP projects. The Mariposa Pedestrian Beach Trail Bridge Replacement project could be delayed a few years (to allow the fund to be replenished) and has approximately \$8M budget already allocated. This would result in a transfer of Capital Fund (Facilities Reserve) amounts to fund this project.

Environmental Review/Analysis:

Under the State CEQA Guidelines, an emergency is defined as a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services and includes fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident or sabotage. This work meets the definition of an emergency.

Before proceeding with the temporary repairs, staff determined that the project qualified for an exemption pursuant to Section 15269(c) of the State CEQA Guidelines as specific actions necessary to prevent or mitigate an emergency. Staff recommends that the City Council make the same finding with respect to the future planned repairs.

The California Coastal Commission was notified on May 11, 2023 and June 8, 2023 of the immediate emergency action needed to stabilize the slope. A meeting with the CCC on July 6, 2023 was also held to discuss the work required going forward.

Recommended Actions:

Staff Recommendation

STAFF RECOMMENDS THAT the City Council adopt Resolution No. 23-76, which would:

1. Find the project exempt from the California Environmental Quality Act pursuant to Section 15269(c) of the State CEQA Guidelines;
2. Find that an emergency exists due to the potential failure of an existing slope and that the situation requires immediate action to prevent or mitigate impairment to property and public services that might otherwise occur if the City were required to incur delays attributed to the typical engineering analysis and competitive bidding process;
3. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health;
4. Approve a supplemental appropriation in the amount of \$8,583,560 to Account Number 001-481-43470-000-23502 from the Capital Reserve Fund balance;
5. Authorize and direct staff to take such actions as are necessary and proper to start immediately on the emergency slope stabilization repairs at Casa Romantica, including entering into a contract and bringing a future agenda item to City Council to ratify an Emergency

Construction Contract with Alliance Diversified Enterprises, Inc. on a time and materials basis for an amount not to exceed \$7,800,000; and

6. Authorize and direct staff to enter into a contract and bring a future agenda item to City Council to ratify an Emergency Professional Consultant Services Agreement with LGC Geotechnical, Inc. on a time and materials basis for an amount not to exceed \$783,560 for geotechnical design and consulting, construction oversight, testing and inspection as well as the subcontracted work to include surveying and civil site design.

Attachment:

1. Resolution No. 23-76

Notification:

Casa Romantica, OCTA/Metrolink, Reef Gate HOA

RESOLUTION NO. 23-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING STAFF TO START IMMEDIATELY ON THE EMERGENCY SLOPE STABILIZATION REPAIRS AT CASA ROMANTICA AND TO BRING TWO FUTURE AGENDA ITEMS TO CITY COUNCIL TO RATIFY AN EMERGENCY CONSTRUCTION CONTRACT WITH ALLIANCE DIVERSIFIED ENTERPRISES, INC. AND AN EMERGENCY PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH LGC GEOTECHNICAL, INC., FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15269(C) OF THE STATE CEQA GUIDELINES AND APPROPRIATING \$8,583,560 IN FUNDING THEREFORE

WHEREAS, a landslide on April 27, 2023 necessitated an emergency response to ensure that more damage was not caused to a condominium building and railroad tracks adjacent to the failed slope; and

WHEREAS, the initial temporary repairs completed on June 4, 2023 including regrading and reshaping the site did not stabilize the slope and the slope continues to creep slowly; and

WHEREAS, in order to protect public health and safety, more substantial repairs are needed immediately to secure the building and site to protect life and property prior to the upcoming winter rain season; and

WHEREAS, the next phase of work will include the installation of tiebacks and grade beams along the slope beneath the Casa Romantica building to secure the unstable slope; and

WHEREAS, it is anticipated that the tiebacks will be drilled 5 feet on center in rows across the slope and founded approximately 100 feet into the slope and secured with grade beams; and

WHEREAS, as the tiebacks and grade beams are installed, the slope will be excavated from the top to the bottom. The slope will then be reconstructed in front of the grade beams with the use of geogrid reinforcement placed within the compacted soil backfill; and

WHEREAS, the landslide soil mass will be need to be excavated, hauled off site and blended with other soil material and then brought back to the site to be placed and compacted in lifts to rebuild the slope; and

WHEREAS, the exact amount of soil that needs to be excavated and then replaced and compacted is unknown due to the possible presence of another landslide mass at the base of slope near the railroad tracks.

NOW, THEREFORE, the City Council of the City of San Clemente hereby finds, resolves and determines as follows:

SECTION 1. That the foregoing recitals are true and accurate and are incorporated herein.

SECTION 2. That an emergency exists due to the potential failure of an existing slope and that the situation requires immediate action to prevent or mitigate impairment to property and public services that might otherwise occur if the City were required to incur delays attributed to the typical engineering analysis and competitive bidding process.

SECTION 3. That the public interest and necessity demand the immediate expenditure of public funds to safeguard public health.

SECTION 4. That under the California Environmental Quality Act (CEQA) Guidelines, an emergency is defined as a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services and includes fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident or sabotage. This project meets the definition of an emergency and is exempt from CEQA pursuant to Section 15269(c) of the State CEQA Guidelines as specific actions necessary to prevent or mitigate an emergency.

SECTION 5. That a supplemental appropriation in the amount of \$8,583,560 to Account Number 001-481-43470-000-23502 from the General Fund unassigned fund balance is approved; and

SECTION 6. That staff is authorized and directed to take such actions as are necessary and proper to start immediately on the emergency slope stabilization repairs at Casa Romantica, including entering into a contract and bringing a future agenda item to City Council to ratify an Emergency Construction Contract with Alliance Diversified Enterprises, Inc. on a time and materials basis for an amount not to exceed \$7,800,000.

SECTION 7. That staff is authorized and directed to enter into a contract and bring a future agenda item to City Council to ratify an Emergency Professional Consultant Services Agreement with LGC Geotechnical, Inc. on a time and materials basis for an amount not to exceed \$783,560 for geotechnical design and consulting, construction oversight, testing and inspection as well as the subcontracted work to include surveying and civil site design.

SECTION 8. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of July, 2023.

Mayor of the City of
San Clemente, California

ATTEST:

CITY CLERK of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 23-76 was adopted at a regular meeting of the City Council of the City of San Clemente held on _____ day of July 2023, by the following vote:

AYES:

NOES:

ABSENT:

CITY CLERK of the City of
San Clemente, California

Approved as to form:

Elizabeth A. Mitchell, City Attorney