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CALIFORNIA
COASTAL COMMISSION

March 29, 2008

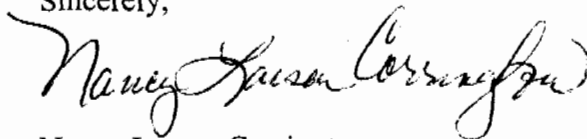
California Coastal Commission
South Coast District PO Box 1450
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Dear Sirs;

I am a Colony Cove resident in San Clemente CA and my property backs up to the new development of the Marblehead property. The reason I'm writing is to ask you to PLEASE APPROVE the re-alignment of the Habitat Trail to be further away from our property lines and closer to the Marblehead property lines.

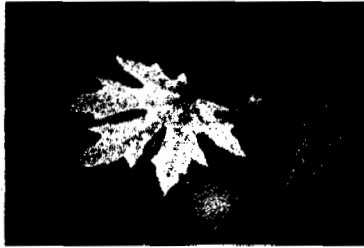
Thanks in advance for you help with this matter.

Sincerely,



Nancy Larsen Corrington
377 Camino San Clemente
San Clemente, CA

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APR 1 - 2008

CALIFORNIA
COASTAL COMMISSION

MIRIAM ALLEN
375 CAMINO SAN CLEMENTE
SAN CLEMENTE, CALIFORNIA 92672

TO WHOM IT MAY CONCERN:

I'M ASKING THE COASTAL COMMISSION TO
APPROVE THE REALIGNMENT OF SEGMENTS OF
THE

PUBLIC TRAIL, SO THAT THE TRAIL IS FURTHER
FROM COLONY COVE WHERE I AM A RESIDENT.

THANK YOU,

Sincerely

Miriam May Allen

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South Coast Region

ITEM NO: Th 10a APR 1 - 2008
In favor

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission

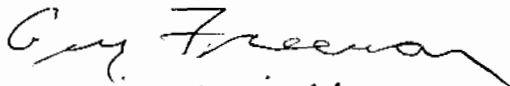
Dear Commissioners,

Re: SunCal Marblehead permit amendment, permit number: 5-03-013-A5

As Colony Cove residents, we are in agreement with the San Clemente City Council in their approval of Sun Cal's project description.

The most important aspect to us is the realignment of segments of two public trails, as this would put them further from our properties.

Thank you,


Gloria Glanville

Guy Freeman and wife Gloria Glanville
451 Camino San Clemente
San Clemente, Ca. 92672

CALIFORNIA COASTAL COMMISSION

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

Th10a

Filed: November 20, 2007
49th Day: January 8, 2008
180th Day: May 18, 2008
Staff: Karl Schwing-LB
Staff Report: March 20, 2008
Hearing Date: April 10, 2008
Commission Action:

**STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NUMBER: 5-03-013-A5

APPLICANT: SunCal Marblehead LLC

AGENTS: Mark R. McGuire, Esq.
RBF Consulting, Mike Nihan/Lauren See
Nancy Lucast, Lucast Consulting

PROJECT LOCATION: Northwest of the intersection of Avenida Pico and N. El Camino Real, City of San Clemente (Orange County)

EXISTING PROJECT DESCRIPTION: Residential and commercial development, public park, trails and open space and associated infrastructure including roads and utilities on the 201.38 acre portion of the Marblehead property within the coastal zone. Included are a property subdivision and construction of 313 single family homes on 44.24 acres, 77,576 square feet of commercial space in several commercial buildings on 22.3 acres, 15.43 acres of public parks; 95.04 acres of public and private open space and pedestrian and bicycle trails; 12.43 acres of private streets; 10.91 acres of public streets; more specifically described in Section III.A. of this staff report. The application also requested follow-up approval for emergency bluff stabilization grading that occurred in the early 1990s.

DESCRIPTION OF PROPOSED AMENDMENT: Remove 5 residential units from the approved plan, merge those 5 lots into a single lot, and construct an approximately 12,931 square foot, 26' 1" high (above graded pad), private community recreation center with a multi-purpose meeting room, service area, exercise room, lounge/library, manager's office, restrooms, spa center complete with men's and women's lounges, steam/sauna rooms, locker facilities, and spa rooms, exterior pool with pool deck, and parking garage. In addition, the applicant is proposing to re-align segments of two public trails. Finally, the applicant is requesting authorization to remove approximately 2,306 linear feet of approved fencing along public trails which pass through open space which the applicant and Resource Agencies have determined are not necessary for habitat protection purposes.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed amendment, with conditions which 1) carry forward the requirements of the underlying conditions of the permit; 2) require the applicant to submit revised documents, including plans and recorded documents, which reflect the changes to the development plan as a result of this amendment and 3) require the applicant to submit revised plans that incorporate measures to address bird strikes with clear glass walls that are proposed with the private recreational club.

PROCEDURAL NOTE:

Coastal Development Permit Amendments

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The amendment request involves changes to the previously authorized project. The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

Section 13166 of the Commission Regulations also calls for the Executive Director to reject a permit amendment request if it would lessen the intent of the previously approved permit. The proposed amendment would not lessen the intended effect of 5-03-013, as amended, because the project would continue to protect sensitive coastal resources and access, consistent with the original permit. Therefore, the Executive Director accepted the amendment request for filing.

STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL OF AMENDMENT

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends that the Commission **APPROVE** the permit amendment application with special conditions.

MOTION:

I move that the Commission approve permit amendment CDP #5-03-013-A5 pursuant to the staff recommendation.

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

RESOLUTION:

I. APPROVAL

The Commission hereby approves the coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the

Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. SPECIAL CONDITIONS

A. PRIOR CONDITIONS 1 THROUGH 34, AND CONDITION "I" (NOW 35)

Unless specifically altered by this amendment, all standard and special conditions attached to Coastal Development Permit 5-03-013 remain in effect. All standard and special conditions previously imposed under CDP 5-03-013 apply equally to the amendment. For example, with regard to the trails that would be re-aligned with amendment -A5, all conditions apply to those trails except that the alignment is different than is identified in the previously imposed conditions.

B. CONDITIONS OF THIS AMENDMENT -A5

36. REVISIONS TO PLANS AND RECORDED DOCUMENTS TO CONFORM WITH THE CHANGES TO THE DEVELOPMENT AUTHORIZED BY THIS AMENDMENT -A5

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT, 5-03-013-A5, the applicant shall submit for the review and approval of the Executive Director, revisions/updates to all documents, including but not limited to plans and recorded documents, such as the generic deed restriction and offer to dedicate, that depict or involve the development of areas that are the subject of this permit amendment that were previously approved by the Executive Director prior to issuance of the permit as amended through amendment -a3, subject to the following: 1) the revised/updated documents shall conform with all previously imposed requirements of the special conditions; 2) the revised/updated documents shall substantially conform with the plans submitted with amendment application no. 5-03-013-A5 except that those plans shall be revised to conform with the special conditions imposed through this amendment; and 3) recorded documents shall be amended or superseded/replaced, at the discretion of the Executive Director, to reflect the changes to such recorded documents approved by this permit amendment and said documents shall be subject to the same requirements established through the original condition(s) which required their initial recordation.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

37. MINIMIZE BIRD-STRIKES

- A. Along with the requirements of Special Condition 14 (regarding domestic animal controls and wildlife circulation) of the permit, as amended, walls, fences, and gates subject to this permit amendment shall use materials designed to minimize bird-strikes with the wall, fence, or gate. Material selection and structural design shall be made in consultation with a qualified project biologist, the California Department of

Fish and Game and the United States Fish and Wildlife Service (herein 'Resource Agencies'), and the Executive Director of the Commission. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, plexiglass or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or plexiglass shall not be installed unless appliques (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliques used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one applique for every 3 foot by 3 foot area) and the recommendations of a qualified project biologist, the Resources Agencies and Executive Director. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliques. All materials and appliques shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by a qualified project biologist, the Resources Agencies and the Executive Director. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit final revised plans showing the location, design, height and materials of all walls, fences, and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition and be accompanied by an analysis of the wall, fence, and gate plan prepared by a qualified biologist which documents that the modified walls, fences, and gates will minimize bird-strikes. The plans shall have received prior review and approval by the City of San Clemente and the Resource Agencies.

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

III.FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. SITE AND PROJECT DESCRIPTION

1. Project Site

The Marblehead site is a 247.88 acre property (201.38 acres in the coastal zone) located between El Camino Real (a.k.a. Pacific Coast Highway) to the southwest, Avenida Pico to the southeast, the Interstate 5 freeway to the northeast, and the Colony Cove residential subdivision to the northwest (Exhibit 1). The site is roughly square and consists of an upland bluff top mesa which is incised by one large canyon (Marblehead Canyon) and several smaller canyons and drainages. The southwestern boundary of the project site (along El Camino Real) consists of 70 to 100 foot high coastal bluffs that are intersected by the mouths of the on-site canyons and drainages. The bluffs are separated from the beach by El Camino Real, the train tracks, and a private gated mobile home park (Capistrano Shores); therefore, the bluffs do not provide direct access to the beach, nor is the previously graded coastal bluff presently subject to marine processes. The closest beach access is at North Beach, which is across the street and south of the bluffs. North Beach is a popular beach area that contains public beach parking and a Metrolink train station. The project site is the last large, vacant, privately owned area of land in

the coastal zone in the City of San Clemente, and among the largest vacant privately owned lands in coastal Orange County¹.

In April 2003, the Commission approved Coastal Development Permit 5-03-013, with conditions, for a comprehensive residential and commercial development, public park, trails and open space and associated infrastructure including roads and utilities on the 247.88 acre Marblehead site in the City of San Clemente, Orange County. Subsequent amendments (see site history below) have modified the project. While the project is an integrated development, about 201.38 acres are located within the coastal zone, therefore, only the portion of the development in the coastal zone required a coastal development permit. The project, as amended, includes a property subdivision and construction of up to 313 single family homes on 44.24 acres (69 of the 313 homesites are custom home lots and some of those lots can be combined to create larger homesites which would lead to the construction of fewer than 313 homes); 77,576 square feet of commercial space in several commercial buildings on 22.3 acres; 15.43 acres of public parks; 95.04 acres of public and private open space and pedestrian and bicycle trails; 12.43 acres of private streets; and 10.91 acres of public streets. Findings in support of the Commission's approval were adopted on June 11, 2003. The permit was issued March 27, 2006, and the project is currently under construction.

2. Description of Proposed Amendment -A5 (excerpts of description by applicant)(see Exhibit 2 which identifies the various elements of the proposed amendment):

SunCal Marblehead LLC is requesting an amendment to the Marblehead Coastal CDP to (i) develop the Ocean Club at Marblehead Coastal and its required lot merger, (ii) amend the previously approved trail alignment on Lot M, and (iii) remove certain habitat fencing throughout the site.

Ocean Club at Marblehead Coastal:

...The Ocean Club at Marblehead Coastal ("Ocean Club") is a private community recreation center located on site within Planning Area 1 of the Marblehead Coastal Master Planned Community. The Ocean Club is situated between the public road Via Artemesia and private road Via Galicia. The proposed site, which incorporates lots 207 through 211, Lot GG and a portion of Lot AA of Map 8817, is .73 acres. The Ocean Club is designed to be owned and operated by the Marblehead Coastal Homeowners Association ("Association"), and will be open to all members of the Association....

...Part of the Ocean Club's completion would be the merging of the five existing residential lots (Lots 207 through 211) into one lot. (see Exhibit 3)... In addition, an easement to the HOA will be placed over Lot AA to provide for use, access and maintenance of these portions of the pool, pool deck, spa, utilities, walls and driveway that are within Lot AA. An easement will be provided for clubhouse use, access and maintenance purposes of the access gate, walkway, ramps and related features over a portion of Lot GG. A modification to the existing public trail easement will be provided for the realignment of the public trail and stairs that is shown from Via Artemesia crossing Lot AA, passing through Lot GG and connecting to Via Galicia. (see Exhibits 5 and 6) A public site easement in Lot AA, 6" wide paralleling Via Artemesia will be provided to the City of San Clemente (as a condition of approval) for sidewalk purposes (allows 3.5' sidewalk in right-of-way to expand to 4' width).

The building will be sited in Planning Area 1 and will adhere to the underlying setbacks of the

¹ Bolsa Chica in Huntington Beach and Banning Ranch in the Newport Beach area are larger at approximately 308 and 412 acres, respectively.

Specific Plan. The structure incorporates a main floor, a mezzanine level, and a subterranean component that includes underground parking.(see Exhibit 4) The square footages are approximate and are as follows:

Subterranean Garage/Mechanical:	5,945 sq. ft.
Subterranean Garage Entry Lobby:	470 sq. ft.
Main Level:	6,133 sq. ft.
<u>Mezzanine Level:</u>	<u>383 sq. ft.</u>
TOTAL:	12,931 sq. ft.

The main floor will include an entry with direct access from Via Galicia, a multi-purpose meeting room with a service area, exercise room, lounge/library and manager's office. The facility will also house a small spa center, complete with separate men's and women's lounges, steam/sauna rooms, locker facilities, and spa rooms. An elevator will provide access between the subterranean level and the main floor. Restroom facilities will be provided in the spa center, as well as the main lounge area. A restroom facility will also be located with exterior access for pool users.

The mezzanine level is located above the exercise room, with direct interior access from the main floor. The mezzanine level, consisting of approximately 383 square feet, is contemplated as a cardio exercise deck/stretching room. A small outdoor patio is designed to integrate the facility with the outdoor environment.

The subterranean garage will have direct access from Via Artemesia. The finished floor elevation is 160 feet, making it roughly 17 feet below the finished floor of the main level. The basement will contain 12 parking spaces, as well as an entry lobby. Mechanical equipment rooms are also incorporated into this level in concrete vaults to mitigate potential noise nuisance to the community.

The exterior elevations are to be finished in rich materials in a Craftsman vernacular. Pursuant to Special Condition 22A, natural materials and earth tones have been chosen to enhance the natural beauty of the community landforms and natural features. Materials include river rock column bases and building wainscots, forest green standing seam metal roof, and shiplap siding. Douglas fir wood columns will enhance the richness of the building.

The maximum height of the building is 26' 1" measured from pad grade. The building features several environmentally friendly "green" aspects. These include solar panels on the roof for energy generation. The solar panels will be separated to minimize mass and reflectivity. This design will expose more of the green standing seam metal roof as viewed from the southwesterly direction. The design will contain solar collectors for domestic water and a photovoltaic array. The solar collectors and photovoltaic panels will be dark in color with a matte finish, so reflections of sunlight will not be a problem. Eave overhangs and porches are designed to prevent heat gain in the summer, and allow sun penetration during the winter months. Further, glazing has been designed to capture and maximize day lighting, along with skylights. The building has also been designed to facilitate handicap accessibility.

The Ocean Club is strategically located adjacent to the paseo that is located within common area lot "GG". The paseo was previously approved as part of the original Coastal Development Permit. The paseo will provide connectivity between Planning Area 1 and Planning Areas 3 and 4, as well as the Custom Lot Homesites. In order to avoid possible deterrents to public access (pursuant to Special Condition 15), there will be no metal gateways, fences or similar impediments that would diminish the public access through this identified public corridor. However, small low-lying decorative walls (42" in height) are proposed at the entrance of Via

Artemesia and Via Galicia. These walls will incorporate public signage that will encourage the public's use of the paseo and will be consistent with the previous signage reviewed and approved by Coastal Staff.

The paseo not only provides public access to the overall community, but also allows easy access to the Ocean Club, thereby encouraging pedestrian access. This lot, just like the Ocean Club, will be owned and maintained by the Association. The project incorporates several upgrades and enhancement of the paseo. The paseo enhancement will allow a seamless transition between the Ocean Club site and the paseo. It shall include enhanced hard surface and additional landscape materials. Further, it will provide a pedestrian viewing area at the western portion of the paseo, affording public access to an enhanced viewing platform. A re-alignment of the pedestrian walkway is proposed from that alignment currently approved. The walkway would be shifted a maximum of 23 feet to the north, and would also be enlarged to provide connectivity to the recreation center pool area. This allows residents direct pedestrian access to the facility from the paseo. In addition, ramps would be placed in the paseo to facilitate access to the pool decking area. The pedestrian access to the pool, as well as the ramps, would be fenced to meet all code requirements.

Handicap access will be provided from Lot "GG" via a ramp to the pool deck area and from the handicap parking stall in front of building off Via Galicia. The site improvements will comply with the American Disability Act.

The Site Plan has a small swimming pool, deck area and separate spa located on the western portion of the site. An outdoor patio area is designed to allow movement and flow from the multi-purpose meeting room, thereby bringing outdoor living to the facility. In addition, a covered patio is located just off the lounge and gymnasium. One of the highlights of the design is a sun deck located at the western edge of the site. To integrate the deck edge with the surrounding site features, the 48" high glass panels will mount on the deck surface. The horizontal surface at the deck edge will have a precast concrete paver that will conceal the glass railing support, while the vertical surface will receive a stepped stucco detail in the same color as adjacent site and planter walls. Pursuant to Special Condition 13, all lighting within the Ocean Club site shall be directed and shielded so that the light is directed away from the wetlands, canyons, coyote access corridors, bluff faces, and other habitat areas.

The facility is buffered from adjacent residential uses on the west and north by open space (lot "GG" and a portion of lot "AA"). It is buffered on the east by Via Galicia. In order to buffer the adjacent residential uses planned to the south of the site, a 6' high solid block community wall will be placed on the property line. Further, the building will be sited as to maintain a single story element on the south side, adjacent to residential uses.

The facility will be open daily from 9:00 am to 8:00 pm for the exterior uses of the recreation center. Hours may be extended until 10:00 pm with approval of the Homeowner's Association. Hours of operation for the interior uses in the recreation building shall not exceed 5:00 am to 10:00 pm. One full time person will staff the facility. The building will be designed with a security system that will allow certain areas, such as the exercise room, to be accessed during "dark" hours. The Association property management company will provide a staff person.

The proposed project will result in a new driveway on the northerly side of Via Artemesia. The approved Marblehead Coastal Site Plan does not include on-street parking on the northerly side of Via Artemesia resulting in no change in on-street parking. On-street parking spaces on Via Galica will remain unchanged as the Ocean Club driveway will be one of the driveways shown on the approved site plan. The project will have no impact on the approved on-street parking.

The design and centralized location of the Ocean Club facility is intended to minimize parking

demand and promote pedestrian access of the facility (i.e. walking and bicycles) and reduce the reliance on automobiles. The location of the Ocean Club is directly accessible by not only the Courtyard neighborhood (Planning Area 1), but also Planning Areas 3 and 4 via Lot GG. The readily available bicycle racks encourage users to frequent the facility via non-vehicular modes of travel. Walking and golf cart/neighborhood electric vehicles are also encouraged by the proposed site layout. The proposed project (serving only the community of Marblehead Coastal) provides 12 subterranean parking spaces in the basement level-parking garage accessible at Via Artemesia. Additional proposed parking includes 1 standard space, 1 handicap parking space and 6 golf cart parking spaces, accessible at grade at Via Galicia, for a total of 20 parking spaces.

Trail Alignment Lot M (see Exhibit 7)

During the process of approval for the Custom Lot Program SunCal had received several requests from the neighbors at Colony Cove asking that the current trail alignment within Lot M be modified from the currently approved location.

Per the request of both Colony Cove and the City of San Clemente, SunCal prepared an alternative alignment study for the trail; the goal being to move the approved alignment as far as possible away from the Colony Cove interface with the public use of the trail.

As previously submitted to the California Coastal Commission on August 9th, 2007, SunCal has expressed its intention to assist with Colony Cove's request to realign the trail within Lot M. It was determined by the study that the potential for realignment of the trail exists. In order to accomplish the realignment new 2' tall retaining walls ... would be required adjacent to Lots 167 and 168. Please note the California Coastal Commission previously approved the retaining wall at Lot 147 under the current Coastal Development Permit. SunCal has also requested to remove a small portion of the habitat fence along said trail...

Habitat Fence Removal (see Exhibits 2 and 8)

SunCal is requesting certain portions of the habitat fence to be removed from the project. The segments nominated for removal are areas where the fence is not needed due to its adjacency to upslope areas and/or proposed native grass locations within Lot M and portions of Lot L. The fence lengths at the locations noted below were previously reviewed by the project's biologist and determined to be consistent with the underlying conditions of approval for the project. Pursuant to Special Condition 14, remaining fence lengths at these locations will still be adequate in minimizing the uncontrolled entry of people and domestic animals (yet, allowing passage of coyotes and smaller animals) from entering down slope into ESHA areas in the case of both the trail near El Camino Real and within the central canyon (Lot L). Remaining fence lengths within Lot M will be adequate in minimizing the uncontrolled entry of people and domestic animals (yet, allowing passage of coyotes and smaller animals) from entering native grass areas on the west side of the trail. Animals will be contained within property walls on the east side of Lot M, thus eliminating the need for habitat fence segments as shown. These segments are limited to: the easterly fence length within Lot M (approximately 1,077 linear feet) and the westerly fence adjacent to Planning Area 4 (approximately 1,229 linear feet).

3. Site History:

On April 9, 2003, the Commission approved Coastal Development Permit No. 5-03-013, requested by MT No. 1 LLC, subject to standard and special conditions, for development consisting of residential and commercial development, public park, trails and open space and associated infrastructure including roads and utilities on the 201.38 acre portion of the

Marblehead property within the coastal zone. Included are a property subdivision and construction of 313 single family homes on 44.24 acres, 141,506 square feet of commercial space in ten commercial buildings on 22.3 acres, 15.43 acres of public parks; 95.04 acres of public and private open space and pedestrian and bicycle trails; 12.43 acres of private streets; and 10.91 acres of public streets. Follow up approval for emergency bluff stabilization grading that occurred in the early 1990s was also granted. The approval was subject to thirty four (34) special conditions.

On February 17, 2005, the Commission approved Coastal Development Permit Amendment No. 5-03-013-A1, subject to conditions, for reconfiguration of commercial and residential lots within the previously approved subdivision; increase grading by 263,400 cubic yards including changing the foundation design of the previously approved Avenida Vista Hermosa bridge to eliminate loffelstein walls; extend sub drain; increase height of 'courtyard' residential units from 24 to 30 feet; within the coastal zone reduce square footage of commercial development from 141,506 square feet to 77,576 square feet and increase parking from 1,732 spaces to 2,276 spaces; widen Via Socorro and Los Molinos streets; widen proposed Sports Park access road and increase parking from 60 to 158 spaces; expand streetscape plant palette to include non-native plant species; minor changes to stormdrain system; add a public park restroom; minor re-alignments and improvements to public trail connectivity; and eliminate deadline for dedication of nine open space lots.

On September 14, 2005, the successor-in-interest to MT No. I LLC, SunCal Marblehead LLC, submitted Application No. 5-03-013-A2, which was rejected by the Executive Director on October 14, 2005.

On November 18, 2005, the Commission approved Coastal Development Permit No. 5-03-013-A3, requested by SunCal Marblehead LLC, (hereinafter referred to as 'applicant' and/or 'permittee') subject to conditions, to provide funding to partially offset the Commission's costs for its consideration of the permit application and condition compliance. This funding was to provide additional temporary personnel so that a team of permanent Commission staff could expedite the review of prior to issuance documents for the permit. Condition compliance was competed and the permit was issued on March 27, 2006. Development commenced immediately following permit issuance.

On September 24, 2007 immaterial amendment 5-03-013-A4 was issued to allow for custom homes to be constructed on 69 of the 313 residential lots within the Marblehead Coastal project site (Lot No.'s 78 to 146 within Tract No. 8817). The previously granted CDP approved specific "production home" plans for each of the 69 lots proposed for a "custom home" designation. In place of the specific architectural plans, the applicant requested approval of Custom Lot Design Guidelines. The Custom Lot Design Guidelines set forth the parameters for construction of individually-designed homes, and also sets forth parameters for the possible merging of residential lots (3 lots into 2 lots, or 2 lots into 1 lot only). Lot mergers may only occur on residential Lots 78 to 132. Any proposed lot merger would be subject to review and approval of the Executive Director of the Coastal Commission; the Custom Lot Design Guidelines also set forth the parameters for any home that is proposed on merged lots. Special development standards were established for lots 140, 145, 146, 147, 167 and 168. New production home plans were to be submitted for lots 147, 167 and 168 to comply with the revised development standards. Finally, the native grassland planting on the westernmost boundary of the project site (near Colony Cove) was to be augmented with two native shrubs from the already approved plant list in order to soften the visual effect of two retaining walls.

B. BIOLOGICAL RESOURCES

Section 30240 of the Coastal Act states that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

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

1. Habitat Areas on the Marblehead Site

There are several plant communities that are found on the Marblehead site (or were found on the site and have since been removed as part of the restoration effort) including coastal bluff scrub, sagebrush scrub, southern willow scrub, coyote bush scrub, saltbush scrub, and other mixed scrubs, annual grassland, native needlegrass grasslands, and mixed grasslands, alkali marsh, freshwater marsh, mulefat scrub, non-native Aleppo Pine woodland, and disturbed ruderal habitat. In addition to these habitat areas, one sensitive non-wetland plant species was identified, Blochman's dudleya.

Many types of wildlife are present at the site (a complete description is provided in the Revised Findings Adopted June 2003 and are incorporated herein by reference). Of particular interest with this amendment are the bird species known to be present at the site and/or are associated with habitat types present on the site. These bird species include California towhee (*Pipilo crissalis*), Bewick's wren (*Thrymnanes bewickii*), western kingbird (*Trannus verticalis*), rufous sided towhee (*P. erythrophthalmus*), scrub jay (*Aphelocoma coerulescens*), bushtits (*Psaltiriparus minimus*), coastal California gnatcatcher (*Polioptila californica*), and house finch (*Carpodacus mexicanus*). Open shrub areas provide foraging areas for raptors including red tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*) and American kestrel (*Falco sparverius*). Other raptors include black shouldered kite/white tailed kite (*Elanus caeruleus*), Loggerhead shrike (*Lanius ludovicianus*), American kestrel (*Falco sparverius*), Sharp-shinned Hawk (*Accipiter striatus*), Red-shouldered Hawk (*Buteo lineatus*), barn owl (*Tyto alba*), great horned owl (*Bubo virginianus*), and Burrowing Owl (*Speotyto cunicularia*).

2. Environmentally Sensitive Habitat Areas

Environmentally sensitive habitat areas are defined in Section 30107.5 of the Coastal Act, as follows:

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

Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. It also regulates the siting and design of adjacent development that could degrade ESHA or be incompatible with its continuance.

As discussed in the Commission's findings for approval, adopted on June 11, 2003 and incorporated here by reference, ESHA on the project site is comprised of the following: 1) all wetland areas in the coastal zone; 2) areas of suitable habitat observed to be used by the coastal California gnatcatcher during the breeding season, immediately contiguous habitat, and inclusions of non-native habitat or bare dirt; 3) areas containing Blochman's dudleya; 4) areas containing coastal bluff scrub; 5) areas containing needlegrass grassland; and 6) areas containing California sagebrush except for extremely small isolated patches not used by the California gnatcatcher and patches directly beneath non-native pines or eucalyptus trees. The final ESHA determination made by the Commission is depicted in Exhibit 19d of the June 11, 2003 findings and is incorporated herein by reference.

3. Potential Effects of the Amendment Request

The proposed amendment includes three elements that could have different impacts compared with the prior authorization. The first such element is the change to the alignment of the publicly accessible trail that passes through Lot M (an open space lot) that is located between the subject site and the Colony Cove residential area. The second is the proposed removal of certain fencing along certain trail segments that pass through open space. The third such element is the installation of 48" high glass panels to enclose a pool deck that is part of the proposed Ocean Club and the effects of such panels on birds.

4. Analysis

To ensure compliance with Section 30240 of the Coastal Act, development (aside from resource dependent uses) must be located outside of all environmentally sensitive habitat areas and must not cause significant disruption of the habitat values within those areas. Further, development adjacent to an ESHA must be sited to prevent impacts to the ESHA that would significantly degrade those areas, in part through the provision of a setback or buffer between the ESHA and the development. The buffer must be of an adequate size to prevent impacts that would degrade the resources. The width of such buffers would vary depending on the type of ESHA and on the type of development, topography of the site, and the sensitivity of the resources to the particular kind of disturbance. Section 30240(a) of the Coastal Act requires that environmentally sensitive habitat areas be protected against any significant disruption of habitat values and that only uses dependent on those resources can be allowed within ESHA.

(a) Proposed Trails

Under the prior authorization, the applicant proposed and the Commission approved the project contingent upon preservation of significant portions of existing canyons, drainages and level bluff top areas that provide habitat for a variety of sensitive plant and animal life. An extensive restoration project was also proposed that is anticipated to significantly improve the quality of the habitat. That restoration effort is presently underway. The previously authorized public trail network included alignments that wind around the drainages and along the bluff edge providing trail users the opportunity to view and study the habitat areas and enjoy expansive ocean views. The recreational and educational experience available to trail users is significantly enhanced by circulation through the habitat areas. In that case, the Commission found that the public trails, with their nature study component, could be viewed as resource dependent uses. While the trails pass through the open spaces, the principal use of the open space remains habitat conservation.

The applicant is proposing to slightly modify a trail that passes through Lot M, as shown on the attached Exhibit 7. The change makes minor realignments of the trail, and in some instances makes a wide trail slightly more narrow. Neither the prior trail alignment or the proposed trail alignment would have impacts to existing ESHA. However, the trail does pass through area

required to be restored with native vegetation. However, the changes to the trail won't result in any loss of area for restored habitat.

(b) Removal of Certain Segments of Fencing along Trails through Open Spaces

The Special Conditions of the underlying permit require that trails passing through habitat areas "...shall be separated from adjacent ESHA and buffer areas with fences and barrier plantings...". Pursuant to that requirement, the applicant submitted a fencing plan that includes fencing on both sides of all trails that pass through habitat areas. Since submission of that plan, the applicant has studied the trails and fencing plan in further detail and found that in certain areas the fencing would not be necessary to protect adjacent habitat. Various conditions are present which would discourage pedestrians from leaving the trail without need for fencing. For instance, in certain areas steep topography uphill of and adjacent to the trail would discourage pedestrians from leaving the trail. In other cases there are tall vertical walls already in place that would contain pedestrians to the trail without need for fencing. Therefore, the applicant is proposing to remove fencing from one side of the trail along those trail segments where such fencing would be redundant or unnecessary. The applicant has argued that removal of the fencing will improve the aesthetics of the trail without diminishing protection of adjacent habitat. The applicant has consulted with the California Department of Fish and Game and the U.S. Fish and Wildlife Service both of which agreed with the proposed fence removal. In addition, the Commission's Senior Ecologist has reviewed the plan and concurred as well. Therefore, the Commission finds the applicant's proposal to remove approximately 2,306 linear feet of fencing along the trail segments identified in their plan will not adversely impact adjacent sensitive habitat area and can be found consistent with the resource protection policies of the Coastal Act.

(c) Proposed Glass Walls

The proposed project would replace 5 proposed residences with a private recreational facility that contains a pool with pool deck that is surrounded by 48" high glass walls. The walls are designed to allow pool users to take advantage of the expansive coastal views available from the property. Glass walls, however, are known to have adverse impacts upon a variety of bird species. Birds are known to strike these glass walls causing their death or stunning them which exposes them to predation. Some authors report that such birds strikes cause between 100 million to 1 billion bird deaths per year in North America alone. Birds strike the glass because they either don't see the glass, or there is some type of reflection in the glass which attracts them (such as the reflection of bushes or trees that the bird might use for habitat).

There are a variety of methods available to address bird strikes against glass. For instance, glass can be frosted or etched in a manner that renders the glass more visible and less reflective. Where clear glass is used, appliques (e.g.) stickers can be affixed to the glass that have a pattern that is visible to birds. Some appliques incorporate features that allow humans to see through the glass, but which are visible birds. Usually appliques must be replaced with some frequency in order to retain their effectiveness. In the case of fences or walls, alternative materials can be used, such as wood, stone, or metal (although this approach isn't usually palatable when there is a desire to see through the wall). Use of frosted or etched glass, wood, stone or metal material is preferable to appliques because of the lower maintenance and less frequent replacement that is required.

The applicant is proposing to address the bird strike issue by covering the exterior of the glass with an applique known as CollidEscape. CollidEscape covers the entire glass pane with a

material that is non-reflective and relatively opaque when viewed from the exterior of the glass. However, views through the glass from the interior side of the glass are not obscured.

The Commission's Senior Ecologist has reviewed the proposed mitigation and has found it to be acceptable. Without such mitigation, the Commission could not find the proposed glass walls consistent with the resource protection policies of the Coastal Act. The CollidEscape material will need to be maintained (e.g. repaired/replaced) over the life of the proposed glass wall. Therefore, the Commission imposes Special Condition 37, which requires the applicant to comply with their proposed mitigation plan including the requirement to maintain the material over the life of the proposed glass wall. As conditioned, the Commission finds the proposed glass wall to be consistent with the Chapter 3 policies of the Coastal Act.

5. Conclusion

The applicant has sited and designed the proposed project to avoid direct impacts to ESHA. As conditioned, the Commission finds the development consistent with Sections 30240 of the Coastal Act.

C. VISUAL RESOURCES AND COMMUNITY CHARACTER

Section 30251 of the Coastal Act 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.

Section 30253 of the Coastal Act states, in part:

New development shall:

...(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

1. Height of Structure

The previously authorized project allows the construction of attached single-family homes with roof-lines that are 24 to 30 feet above proposed grade. The proposed amendment would replace 5 of the single family homes with a private recreational club that will be approximately 26 feet tall. Thus, the proposed structure will be lower than the 30 foot maximum height of the residential structures previously authorized on the property. As proposed, the recreational club will be scaled to be consistent with the character of the surrounding developed community. In addition, the structures are sited and sized such that they do not have an overwhelming presence adjacent to open spaces and trails. In order to assure the development is constructed as proposed, the Commission previously imposed Special Conditions 18, 23 and 24. The Commission also previously imposed a future development restriction, Special Condition 25, to assure that additions or other development that may otherwise be exempt, require a coastal development permit/amendment in order that such development may be reviewed for

consistency with the requirements of this permit and other applicable requirements. The Commission imposes permit amendment conditions II.A and that carries these previously imposed conditions forward to apply equally to the amendment.

2. Appearance of Structure

The proposed Ocean Club is visible from proposed open spaces, parks and trails. Special Condition 22 of the underlying permit requires that "...structures that would be visible from, face upon, or be constructed within proposed parks, open spaces and trails, all walls and building exteriors shall be finished in earth tones including deep shades of brown, gray and green, with no white, light or bright colors except as minor accent features..." The applicant has indicated that the proposed Ocean Club would be designed with materials including river rock, Douglas fir columns, and a forest green roof. Thus, the proposed project would incorporate use of earth tone colors. To ensure compliance with Special Condition 22, the Commission imposes permit amendment condition II.A that carries the requirements of Special Condition 22 forward to apply equally to the amendment.

Therefore, as conditioned, the Commission finds the proposed project, as amended, is consistent with Sections 30251 and 30253 of the Coastal Act.

D. ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states, in relevant part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over

private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

1. Trail Re-Alignments

The approved project includes an extensive, approximately 4.1-mile network of public trails. The trail system will provide coastal visitors with the opportunity to recreate at the site and enjoy ocean views and natural open space. The proposed amendment requests to make minor modifications to two segments of trail located within the development. The first change would occur to that portion of Trail No. 5 that is located within Lot M, at the westerly side of the Marblehead Coastal development site. Trail No. 5 passes through a long, relatively narrow open space parcel created as part of the proposed development. The open space parcel does not presently contain any sensitive habitat, but will be restored with native grasses and shrubs. There are existing homes on the west side of the trail within the existing adjacent, off-site, residential neighborhood known as Colony Cove. There are also home sites (presently graded but not yet constructed) on the easterly side of the trail, within the Marblehead Coastal development site. The applicant is proposing to re-align the trail to move it toward the easterly side of Lot M. The re-alignment would move the trail between 1 to 18 feet east of the current position. The re-alignment would not adversely impact the public's ability to use the trail, nor substantially change the trail-users' experience while traveling along the trail.

The second change would result in a minor re-alignment of Trail No. 7, which is located within Lots AA and GG. This trail provides a connection from the higher density 'courtyard' residential neighborhood to the parks and open spaces available at the head of the westerly canyon. The approved plan includes residential development on both sides of the trail along most of its length. This amendment would place the proposed recreation center (Ocean Club) along one side in place of residences. Lots AA and GG are internal open space lots that will have native landscaping. However, those lots are not within the open space areas being managed for habitat purposes (i.e. within the Habitat Management Plan area). The realignment of Trail No. 7 is occurring so that a pedestrian trail connection can be extended from the public trail to the newly proposed recreation center. The applicant is also proposing to incorporate a new public view overlook from the re-aligned trail. The re-alignment would not adversely impact the public's ability to use the trail, nor substantially change the trail-users' experience while traveling along the trail.

Pursuant to the requirements of the special conditions of the underlying permit, offers to dedicate Trail No.s 5 and 7 (and the remainder of the trails in the trail system) have already been recorded. The offers to dedicate (OTDs) will need to be revised to reflect the new trail alignments. Certain other materials submitted by the applicant during condition compliance will also need to be revised to reflect the revised trail alignments (e.g. the Trail Segments Exhibit dated 2/10/2006). Therefore the Commission imposes Special Condition No. 36, which requires the applicant to work with the Executive Director to revise the OTDs and other condition compliance documents as necessary to reflect the revised trail alignments.

2. Parking

The public access and recreation policies of the Coastal Act, including Section 30252, require that new development provide adequate circulation and parking and facilitate transit service to assure that public access to the coast is not adversely impacted by the new development. For instance, increases in traffic associated with the development can adversely impact the public's ability to use traffic-impacted roads to access the coast. In addition, if adequate parking or public transportation to serve the development is not available, on-street public parking and/or public parking lots may be used to support the development. Such use of public parking facilities by the new development would displace members of the public trying to access the coast from those public parking facilities, resulting in adverse impacts to coastal access.

The Ocean Club will be open to residents of the Marblehead Coastal community as an association amenity - it will not be available to the public as a commercial establishment. Thus, parking demand will be solely based on use by residents of the community.

The proposed project will include 12 subterranean parking spaces, 2 at-grade parking spaces, and 6 'golf cart' parking spaces, for use by patrons of the Ocean Club. The 'golf cart' parking spaces are to accommodate electric vehicles, which the applicant expects many homeowners in the development to own to facilitate local transit (similar to other residential communities in San Clemente). The site is centrally located within the Marblehead Coastal development site and would be accessible to pedestrians via the extensive 4.1 mile network of interconnected trails. The applicant is also proposing to include bicycle racks to promote non-automobile transit to the site. Based on the applicant's parking analysis, the Ocean Club will have a parking demand of 11 parking spaces, which is more than met by the 14 traditional vehicle spaces and 6 'golf cart' spaces provided on-site. The City's parking analysis concurred with the applicant's assessment.

The Commission concurs that the proposed parking, supplemented by non-automobile circulation within the community, is consistent with the public access and recreation policies of the Coastal Act.

3. Conclusion - Access

With conditions, the Commission finds the proposed development consistent with the public access and recreation policies of the Coastal Act.

E. WATER QUALITY

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

1. Construction Phase

In order to avoid adverse water quality impacts associated with construction, the Commission previously imposed Special Condition 8, 9 and 16 that require the applicant to avoid impacts to wetlands and sensitive upland habitat; install temporary barriers between construction areas and sensitive habitats; to avoid grading and construction within dedicated open space areas, to re-vegetate disturbed areas; to store and dispose of construction materials, equipment, debris and waste in a manner which protects water quality; to prohibit construction activity during certain periods to minimize impacts upon sensitive wildlife; to use best management practices (BMPs) and good housekeeping practices (GHPs) to contain construction materials, chemicals, debris and sediment on the project site; and require that the applicant prepare erosion, sediment and runoff control plans and grading plans. These requirements are equally necessary for the proposed project, as amended. Therefore, the Commission imposes amendment condition II.A.

2. Post Construction Phase

The applicant's previously proposed water quality plan (WQP) was designed with the "treatment train" approach in mind, and includes source and treatment control Best Management Practices (BMPs). The proposed amendment will not substantially alter the WQP. Surface flows will be directed toward previously approved filtration systems. In addition, the proposed pool will be drained to the sewer system. The previously proposed WQP uses four primary methods of nonpoint source pollution (NPS) prevention: 1) source control Best Management Practices (BMPs); 2) structural treatment BMPs; 3) low flow diversions, and 4) 'end of pipe' controls. The Commission required certain modifications to the previously proposed WQP, that were identified in Special Condition 16. Since authorization, the applicant has further refined their WQP to include an additional bioswale at the sports park, as well as an additional bioswale at Pico Park. Among other specifications, Special Condition 16 required that post-construction structural BMPs (or suites of BMPs) be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. These requirements are equally necessary for the proposed project, as amended. Therefore, the Commission imposes amendment conditions II.A.

3. Summary

Without mitigation, the proposed project, as amended, would have significant adverse impacts upon coastal waters. As modified by conditions, the Commission finds the development consistent with Section 30231 of the Coastal Act as it pertains to the protection of water quality through the use of best management practices.

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 suggested modifications expired on October 10, 1998. The City submitted a second IP in June 1999. That submittal was subsequently withdrawn in October 2000. All documents certified by the Commission excluded the project site, therefore, there is no certified LUP or IP for the project site.

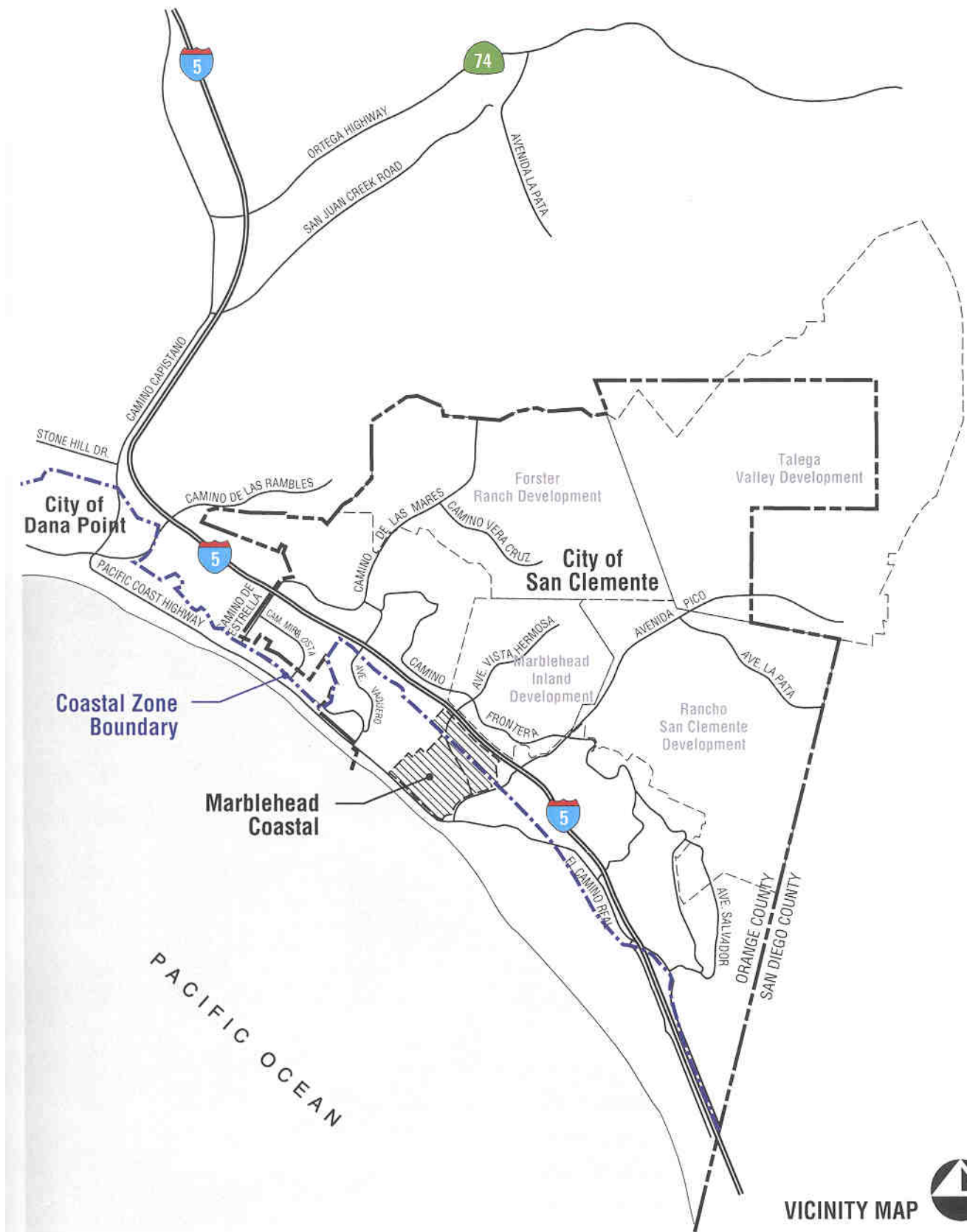
The proposed development, as amended and conditioned, is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development, as amended and conditioned, would not prejudice the ability of the City to prepare a certified local coastal program consistent with the Chapter Three policies of the Coastal Act.

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, as amended, has been conditioned in order to be found consistent with the biological, public access, visual resource protection and water quality protection policies of Chapter Three of the Coastal Act. The required mitigation measures will minimize all significant adverse effects which the activity will have on the environment.

As conditioned, there are no 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, as amended and conditioned, can be found consistent with the requirements of CEQA.



EXHIBIT# 1

Page 1 of 1

Application Number:

5-03-013-A5



California Coastal
Commission



MARBLEHEAD COASTAL
COMPONENTS OF CDP AMENDMENT REQUEST
(CDP 5-03-013-A5)

LEGEND

- (A)** Proposed Ocean Club Location
and Location of Realignment of Trail No. 7 in Lots GG and AA
- (B)** Locations of Habitat Fence Removal (Portions)
- (C)** Lot M Trail Realignment



EXHIBIT# 3

Page 1 of 1

Application Number:

5-03-013-A5



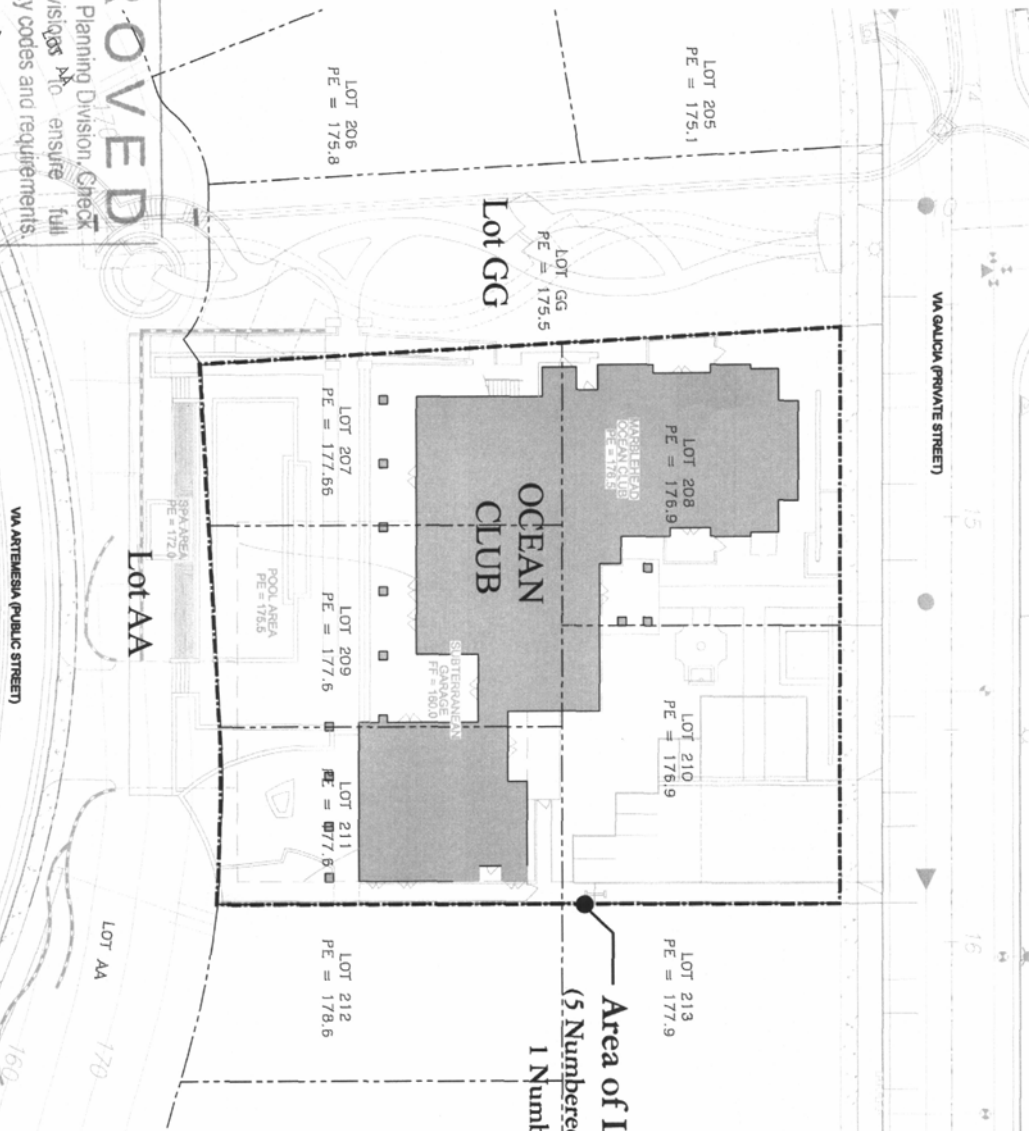
California Coastal
Commission

RECEIVED
South Coast Region

NOV 8 2007

CALIFORNIA
COASTAL COMMISSION

Area of Lot Merger
(5 Numbered Lots Become
1 Numbered Lot)



APPROVED

By the San Clemente Planning Division, Check
with other City Divisions to ensure full
compliance with all City codes and requirements.

By: *[Signature]*

Date: 10/11/07

*Conceptual approval.
Subject to formal
lot merger*

LEGAL DESCRIPTION:

THAT CERTAIN PARCELS OF LAND SITUATED IN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE,
STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED IN THE CITY OF SAN CLEMENTE
OF TRACT MAP 14, SOWN ON THE MAP THEREOF FILED IN BOOK 960, PAGE 21, OF
RECORDS AND MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY.



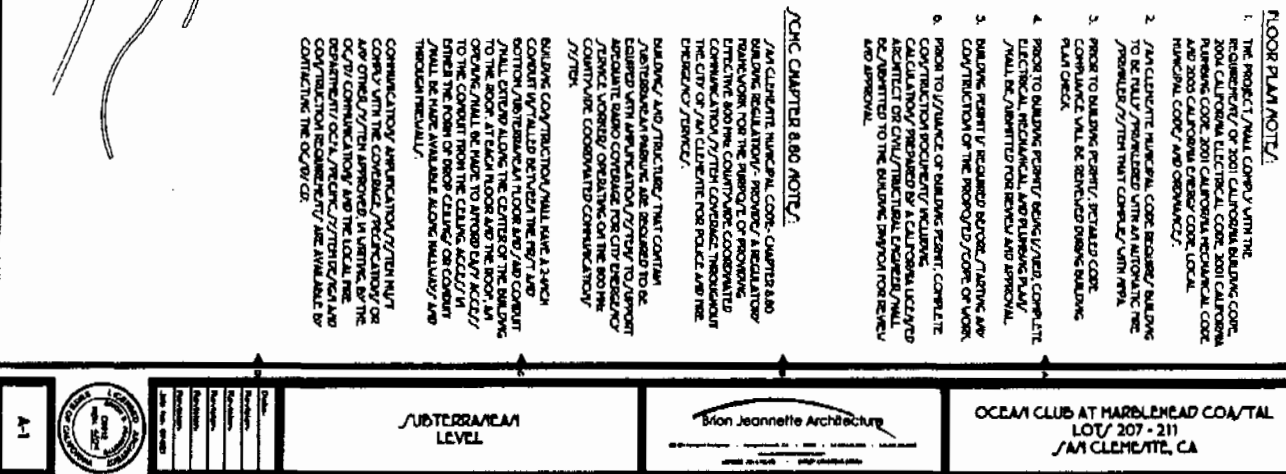
RECEIVED BY
RBF
RECORDS & MAPS
10/11/07



OCEAN CLUB AT MARLBOROUGH COASTAL
LOT MERGER

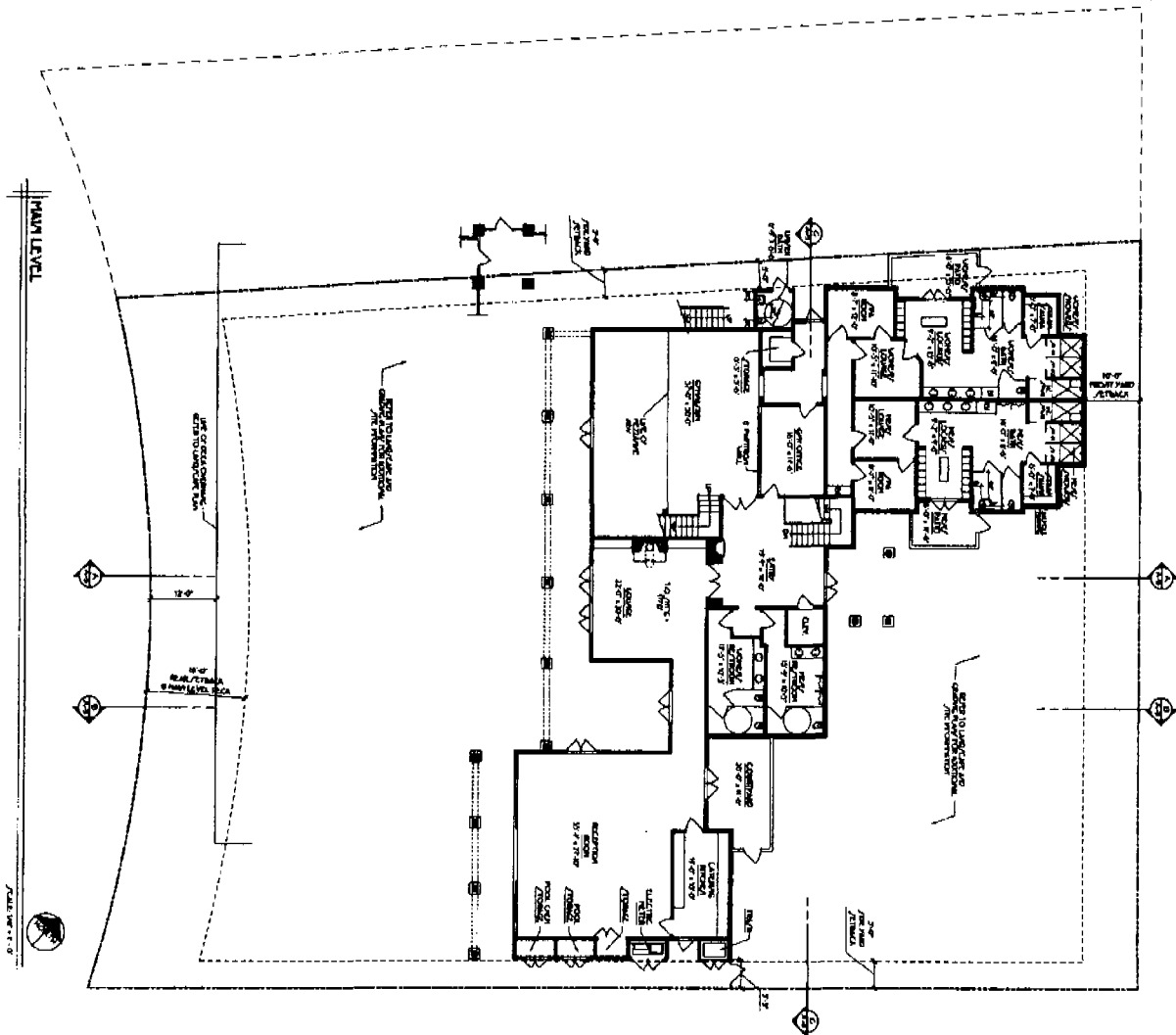
10/11/07

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6C-38



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		DATE							
DESCRIPTION									
BY									
CHECKED									
APPROVED									
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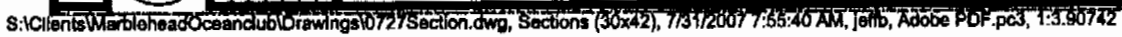
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5-03-013-A5
Exhibit No. 4
Page 3 of 5

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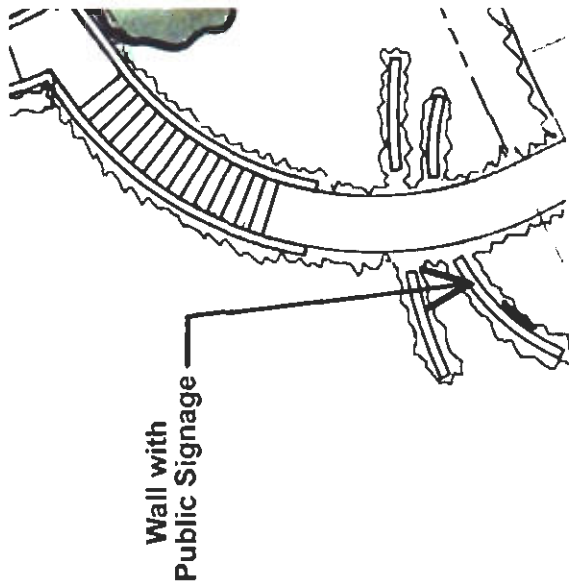
5-03-013-A5
Exhibit No. 4
Page 5 of 5



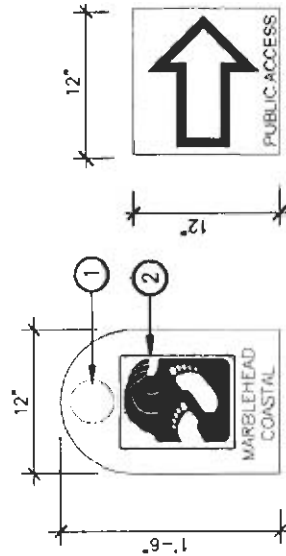
Ocean Club Rear Elevation (Lot GG Entrance at Via Artemesia)



Enlargement of Lot GG Entrance at Via Artemesia with Signage Location



Plan View: 42" Wall with Public Signage



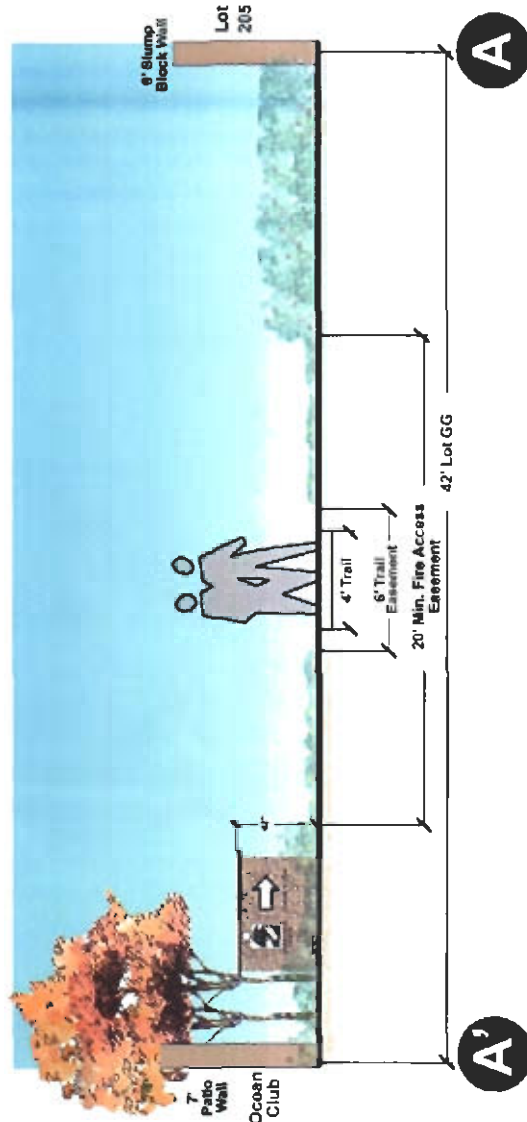
- ① CITY OF SAN CLEMENTE LOGO
- ② COASTAL ACCESS LOGO THIS SHEET

CONTRACTOR NOTE:
SIGN MATERIAL TO BE CONSTRUCTED AND INSTALLED PER
MANUFACTURERS' RECOMMENDATIONS.

Public Access Signage and Detail

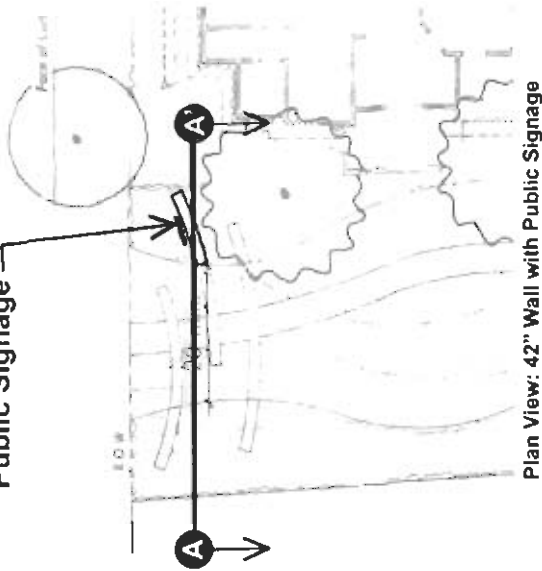


Ocean Club Front Elevation (Lot GG Entrance at Via Galicia)

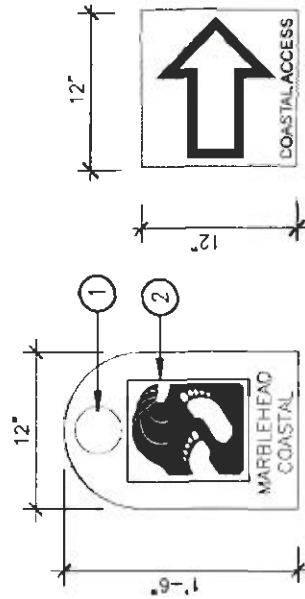


Cross Section of Lot GG Entrance at Via Galicia with Signage Location

Wall with
Public Signage



Plan View: 42" Wall with Public Signage

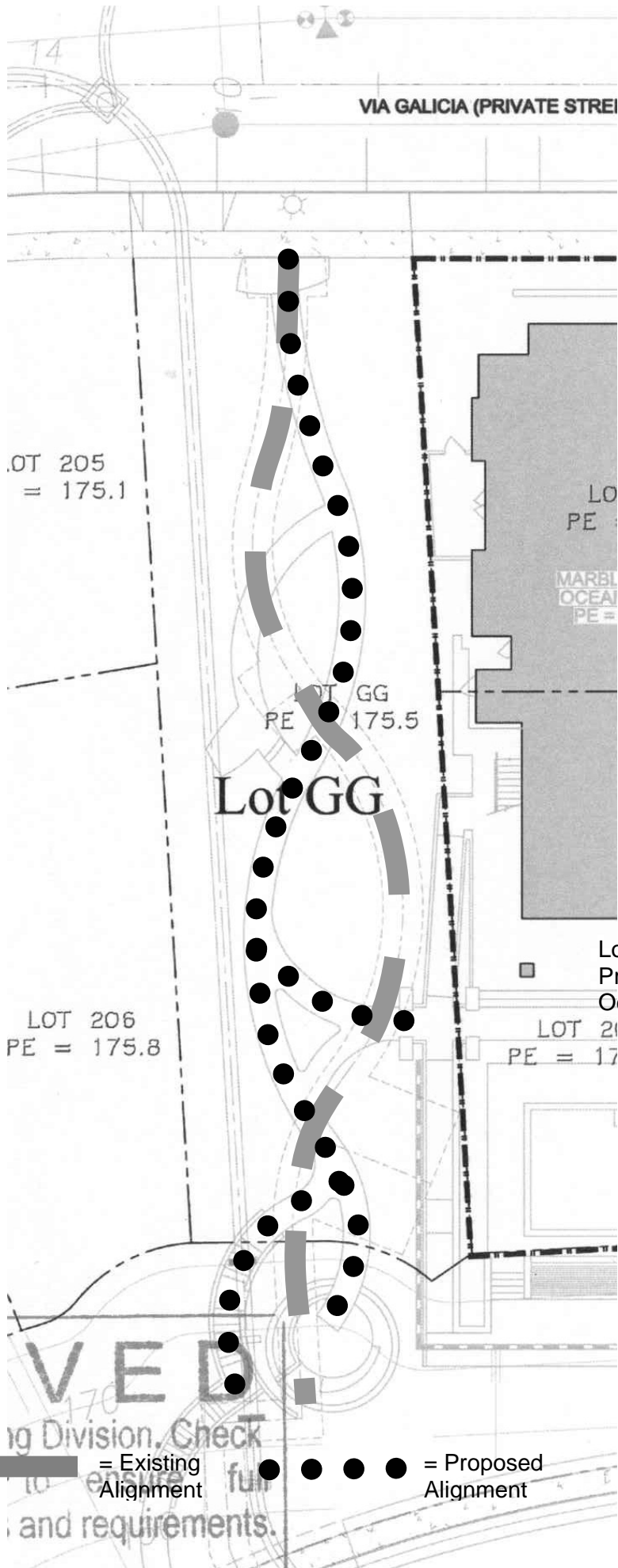


- ① CITY OF SAN CLEMENTE LOGO
- ② COASTAL ACCESS LOGO THIS SHEET

CONTRACTOR NOTE:
SIGN MATERIAL TO BE CONSTRUCTED AND INSTALLED PER
MANUFACTURERS RECOMMENDATIONS.

Public Access Signage and Detail

OCEAN CLUB AT MARBLEHEAD COASTAL PUBLIC TRAIL (LOT GG VIA GALICIA) PROPOSED WALLS AND SIGNAGE



EXHIBIT#6

Page 1 of 1

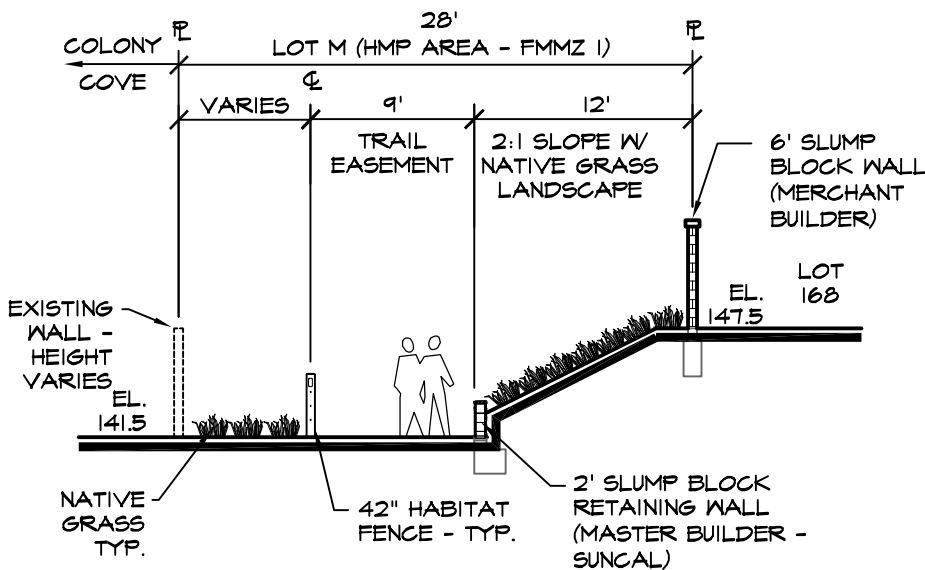
Application Number:
5-03-013-A5



California Coastal
Commission

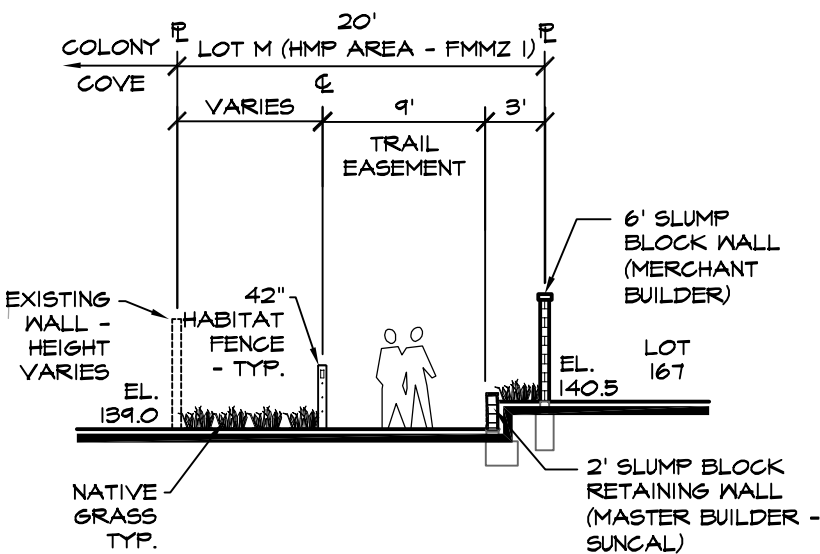
Marblehead Coastal
LOT M TRAIL REALIGNMENT

REVISED JANUARY 9, 2008



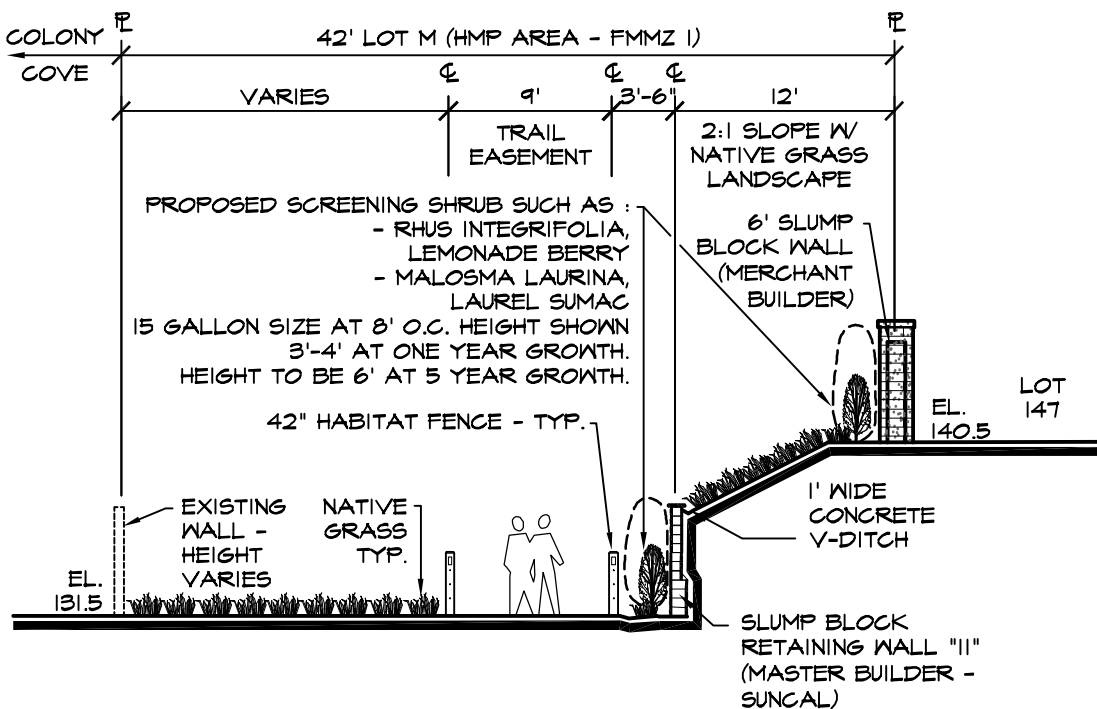
SECTION A-A'

SCALE: 1"=10'



SECTION B-B'

SCALE: 1"=10'



SECTION C-C'

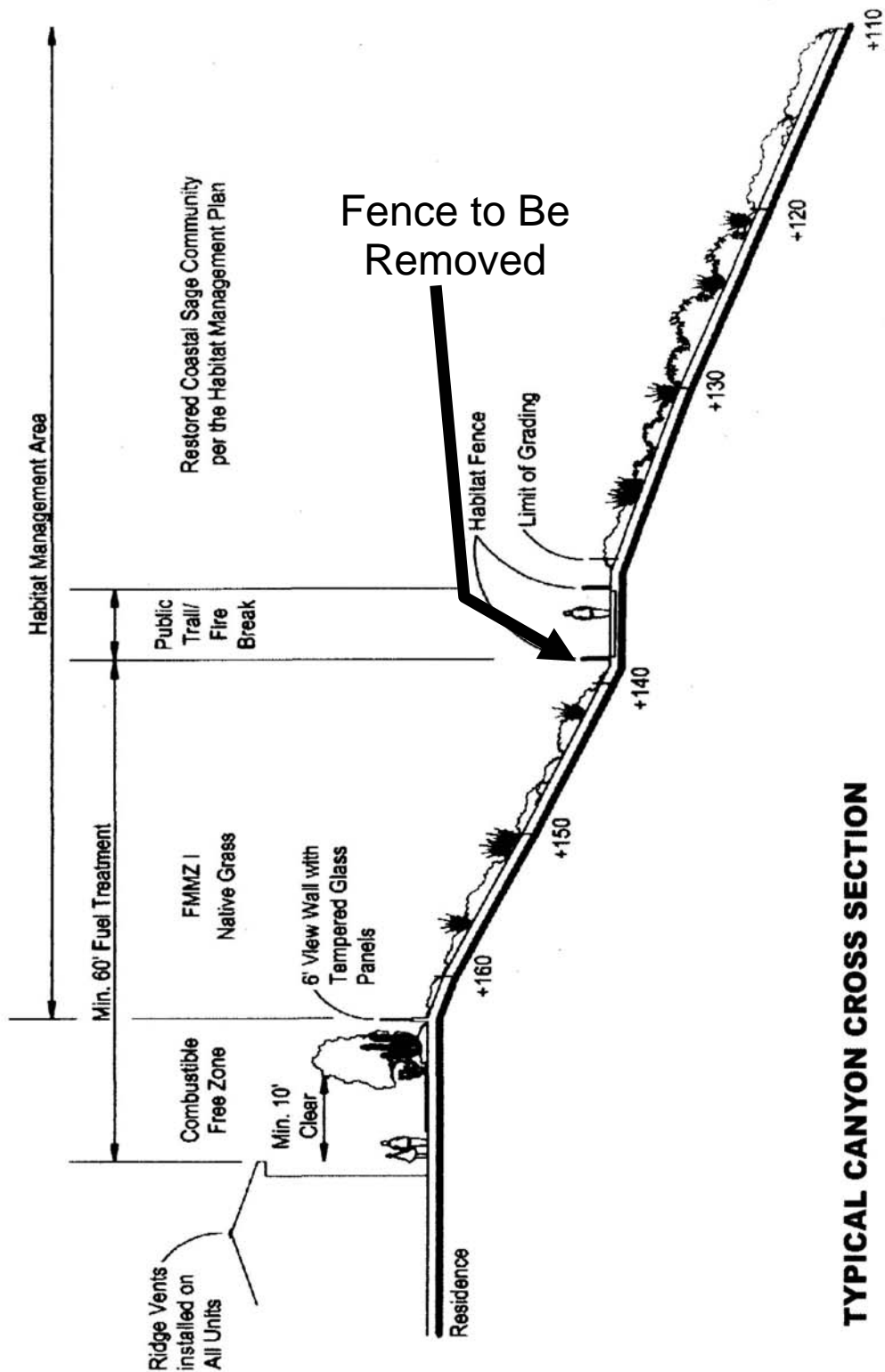
SCALE: 1"=10'

LEGEND

- X' NEW DIMENSION
- (X') PREVIOUS DIMENSION
- REVISED TRAIL ALIGNMENT
- PREVIOUS TRAIL ALIGNMENT



SCALE: 1"=40'



TYPICAL CANYON CROSS SECTION

CANYON CROSS SECTION SHOWING LOCATION OF FENCE ALONG TRAIL THROUGH HABITAT AREA THAT IS PROPOSED TO BE REMOVED ALONG A SEGMENT OF THE TRAIL

EXHIBIT# 8

Page 1 of 1

Application Number:
5-03-013-A5



California Coastal
Commission