

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

Permit Approved: 04-12-95
First Extension: 04-12-97
Extension Filed: 03-13-98
Objection Received: 05-18-98
Staff: RMR/LB *RMR*
Staff Report: 09-14-98
Hearing Date: October 13-16, 1998
Commission Action:

**STAFF REPORT: PERMIT EXTENSION REQUEST**

APPLICATION NO.: 5-95-029-E2

APPLICANT: Perry & Lois Secor

AGENT: None

PROJECT LOCATION: 307 Boca del Canon, San Clemente, Orange County

PROJECT DESCRIPTION: Construction of a two-story, 4,050 square foot single-family residence with a 452 square foot garage. Grading consists of 1,155 cubic yards of cut and 43 cubic yards of fill.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente certified Land Use Plan, Coastal Development Permit 5-91-471 (Secor), 5-95-029 (Secor), 5-95-029E1 (Secor), Geotechnical Update Letter dated August 31, 1998 from GeoFirm

PROCEDURAL NOTE.

The Commission's regulations provide that permit extension requests shall be reported to the Commission if:

1) The Executive Director determines that due to changed circumstances the proposed development may not be consistent with the Coastal Act, or

2) Objection is made to the Executive Director's determination of consistency with the Coastal Act.

If three (3) Commissioners object to an extension request on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not received, the permit will be extended for an additional one-year period.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the extension be granted for the following reason:

There are no changed circumstances relative to the Coastal Act or the certified LUP since approval of the original permit.

FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and History

The applicant has requested a one-year extension of a permit for the construction of a 4,050 square foot single-family residence with a 452 square foot garage. Grading consists of 1,155 cubic yards of cut and 43 cubic yards of fill.

On September 13, 1991 the Commission approved, on the regular calendar, coastal development permit 5-91-471 for construction of a 4,050 square foot single-family residence and two-car garage. Grading consisted of 834 cubic yards of cut and 120 cubic yards of fill. The project was approved with special conditions calling for revised plans and a future improvement deed restriction. The permit was sent to the applicant on May 7, 1993 and an extension of permit was issued on September 20, 1993. The permit was extended as an immaterial extension and no objections were received. However, the permit was not activated or extended and therefore expired.

In April 1995 the Commission approved, on the consent calendar, coastal development permit 5-95-029 (Secor) for the development described in the project description in the first paragraph. The permit was approved with the following special conditions: future improvement, landscape plan, conformance with geologic recommendations and removal of excess cut dirt. The permit has not been issued, but was extended prior to the original two-year permit expiration date of April 12, 1995.

B. Grounds for Extension

The applicant submitted an Application for Extension of Permit on 3-13-98. The Executive Director subsequently determined that there were no changed circumstances which would affect the consistency of the proposed development with the Coastal Act and notice of said determination was mailed to all interested parties on May 11, 1998, pursuant to Section 13169 of the California Code of Regulations. The regulations state that if no written objection is received at the Commission office within 10 working days of the mailing date or posting of notice, the Executive Director's determination will be conclusive and a one year extension will be granted.

In this case a written objection to the extension was received within the allotted time period (see Exhibit 2). Therefore, the determination of consistency is hereby reported to the Commission pursuant to Section 13169 of the California Code of Regulations, which further states that if three

(3) or more Commissioners object to the extension, the application shall be set for a full public hearing as though it were a new application.

The expiration date of the permit is automatically extended until the Commission has acted on the extension request although development may not commence during this period.

Section 13169 states that in the case of objection the Executive Director shall include in a report a description of pertinent changes in conditions or circumstances relating to the extension request. The letter of objection centers on geologic grounds. Specifically, the letter states that sink holes have developed, and the canyon walls are deteriorating and for these reasons the objector expressed concerns about site stability in relation to existing adjacent residences (see Exhibit 2). However, the objector has not supplied any information supporting these contentions. Moreover, what the objector describes is consistent with normal erosion patterns in coastal canyons in San Clemente.

In response to the objector's concerns and a request from staff, the applicant submitted a letter from the consulting geotechnical experts, GeoFirm (see Exhibit 3). This letter, dated August 31, 1998 states that the geotechnical consultants conducted a site visit to determine if conditions at the property had changed significantly since the last geotechnical report and to determine if existing setbacks are appropriate. The geotechnical update concludes:

The site was found to be in substantially the same condition as identified in the preliminary geotechnical report, with the exception of the minor slumping/erosion on the easterly slope.

The geotechnical update discusses the site erosion:

The easterly slope, descending into the natural drainage canyon, has experienced recent shallow slumping and erosion, probably due to high rainfall and high stream flows this past winter. However, this phenomenon was anticipated in the preliminary geotechnical investigation. The recommended foundation setbacks are designed to address this condition and are still considered appropriate for the site, as the recommended foundation location is below a 2:1 setback, well beyond the influence of shallow slumping or erosion.

The geotechnical report update concludes:

In summary, it is our opinion that site conditions have not changed substantially and that the foundation setback recommendations for the site are appropriate and applicable.

The applicant's 1990 geological report states that the site is grossly stable and that minor slumping or sloughing is possible in the canyon. A geologic report was prepared by Geofirm on August 3, 1990. This report states:

No evidence of former pregraded onsite gross bedrock instability was detected during field investigation or literature-map review. Future gross bedrock instability is considered unlikely because of favorable geotechnical conditions. Although limited minor slumping and/or sloughing of canyon walls is possible, the proposed improvements should not be adversely affected providing recommended foundation design is implemented in near slope areas.

The special conditions of the staff report (see Exhibit 1) also include measures to ensure the stability of the proposed residence and site. Special condition 3 of coastal development permit 5-95-029 is "Conformance with Geologic Recommendations." This condition requires that the final plans be reviewed by the consulting geologist and that changes to the proposed development may require an amendment to the permit or a new coastal development permit. Special Condition 2 of coastal development permit 5-95-029 requires the submittal of a landscape plan. The landscape plan requires that all graded areas on the canyon side be planted and maintained for erosion control and preservation of native vegetation. The condition also requires that only native, drought-tolerant plants be placed on the canyon slope.

The 1990 geologic report affirms that canyon erosion is occurring and recommends a caisson and grade beam system to support the proposed residence. The geologic report states that the site is grossly stable and that canyon erosion is an ongoing process. The geotechnical update letter of August 31, 1998 concludes that there have been no substantive changes at the site and that the foundation setback recommendations are appropriate. Therefore, the Executive Director concludes that there are no changed circumstances relative to the Coastal Act or the Certified LUP since approval of the original permit.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

4.12.95 W 24c

COMMISSION ACTION

☒ Approved as submitted

☐ Denied

☐ Approved with conditions

☐ Denied

☐ Other

Filed: 02-06-95
49th Day: 03-27-95
180th Day: 08-05-95
Staff: RMR-LB **RMR**
Staff Report: 03-20-95
Hearing Date: April 11-14, 1995
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-95-029

APPLICANT: Perry & Lois Secor

AGENT: Jay Crawford

PROJECT LOCATION: 307 Boca del Canon, San Clemente, County of Orange

PROJECT DESCRIPTION: Construction of a two-story, 4,050 square foot single family residence with a 452 square foot garage. Grading consists of 1,155 cubic yards of cut and 43 cubic yards of fill.

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|---------------------|---------------------------------|
| Lot area: | 12,180 sq. ft. |
| Building coverage: | 2,610 sq. ft. |
| Pavement coverage: | 1,501 sq. ft. |
| Landscape coverage: | 4,520 sq. ft. |
| Parking spaces: | 2 |
| Zoning: | R-1 |
| Plan designation: | Medium High Density Residential |

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

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan, Coastal Development Permit 5-91-471 (Secor), 5-91-471E (Secor), Geotechnical Report by Geofirm dated August 30, 1990

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development 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

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| EXHIBIT NO. 1 |
| APPLICATION NO. 5-95-029E2 |
| STAFF REPORT |

the provisions 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.

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. Future Improvement Condition

Prior to the issuance of the permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 5-95-029 is for the proposed development only and that any future additions or improvements to the property, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation to scrub up to 30 feet around the residence, if required for fire protection, is permitted. The document shall run with the land, binding all successors and assigns and shall be recorded free and clear of prior liens.

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2. Landscape Plan

Prior to issuance of the coastal development permit, the applicant shall submit a landscaping and erosion control plan for the canyon slope for the review and approval of the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded areas on the canyon side of the proposed residence shall be planted and maintained for erosion control and preservation of native vegetation. To minimize the need for irrigation and reduce potential erosion and slope failure, development landscaping shall consist primarily of native, drought tolerant or fire resistant plants. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All graded slope areas shall be stabilized with planting at the completion of the project. Planting should consist primarily of native plant species indigenous to the area using accepted planting procedures. Such planting shall be adequate to provide 80 percent coverage within 180 days and shall be repeated, if necessary, to provide such coverage.

3. Conformance with Geologic Recommendations

All recommendations contained in the Geologic Report dated August 3, 1990 by GeoFirm, shall be incorporated into all final design and construction plans, including drainage. Prior to the issuance of the coastal development permit the applicant shall submit, for the review and approval of the Executive Director, final design plans signed by the consultant incorporating the recommendations made in the referenced report.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

4. Removal of Excess Cut Material

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, the location of the proposed dump site for all excess cut material. If the disposal site is within the coastal zone a coastal development permit may be required.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant is proposing to construct a two-story, 4,050 square foot single family residence with a 452 square foot garage. Grading consists of 1,155 cubic yards of cut and 43 cubic yards of fill. The proposed development is

Exhibit 1
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located on Toledo Canyon, which is designated as an Environmentally Sensitive Habitat Area in the certified LUP. The proposed development is not located between the sea and the first public road.

The site contains a previously graded pad which is small, flat and backs directly onto a drainage course through Toledo Canyon. Non-native vegetation consisting primarily of ice plant is dominant on the canyon slope adjacent to the graded pad.

B. Project History

On September 13, 1991 the Commission approved on the regular calendar Coastal Development Permit 5-91-471 for construction of a 4,050 square foot residence with a two car garage. Proposed grading consisted of 834 cubic yards of cut and 120 cubic yards of fill. The project was approved with special conditions calling for revised plans and a future improvement deed restriction. In order to comply with the revised plan condition the applicant had to submit plans showing that that portion of the development which exceeded the 30 percent depth of lot line was removed, that the existing pad was not increased, that grading plans be submitted, and drainage plans if required. All special conditions were met and the permit was sent to the applicant on May 7, 1993. An extension of permit was issued on September 20, 1993. The permit was extended as an immaterial extension and no objections were received.

The permit was due to expire on September 13, 1994. The applicant did not file an application for an extension of permit prior to the September 13, 1994 date and therefore, the permit expired.

Prior to issuance of coastal development permit 5-91-471 the applicant did submit a future improvements deed restriction and revised plans showing that development beyond the 30% depth of lot line was removed and grading would not exceed the existing pad line (see Exhibit 4). The revised approved plans are shown as Exhibit 3. The plans submitted with application 5-95-029 are shown as Exhibit 2. The revisions made to permit 5-91-471 are reflected in the plans submitted for application 5-95-029.

C. Environmentally Sensitive Habitat Area

Section 30240 of the Coastal Act states:

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

The project site is located on Toledo Canyon, an area identified in the certified Land Use Plan as an environmentally sensitive habitat area. The coastal canyons provide habitat for native vegetation, small wildlife, and bird species. The canyons are the remnant of what was once a much larger

Exhibit 1

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habitat area. Toledo Canyon is a narrow canyon, with one side much higher than the other. Along the rear of the subject lot, there is a wide variety of vegetation and a drainage course in the canyon bottom.

The certified San Clemente Land Use Plan states:

New development shall not encroach into coastal canyons, and shall be set back either:

a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge;

a minimum of 30% of the depth of the lot, and set back from the primary vegetation line (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from the riparian vegetation) or;

in accordance with house and deck/patio stringlines drawn between the nearest corners of adjacent structures.

The development shall be set back according to site characteristics.

There is a developed lot directly north of the residence, but there is no adjacent lot to the south. Therefore, a stringline is not applicable in this situation. Because the lot is shallow as measured from the street to the drainage course, a fifteen foot setback from the "break in grade" or canyon edge would severely reduce the developable portion of the lot. Therefore, because the policy stipulates that the development be set back according to site characteristics, the applicable policy is the 30 percent depth of lot line.

The lot has been previously developed as evidenced by the grading and the non-native vegetation. The findings in CDP 5-91-471 stated that the applicable policy is the 30 percent depth of lot line. The plans submitted with the currently application conform with the revised plans submitted for the prior permit.

In order to protect native vegetation resources in the coastal canyons the Commission has consistently applied a future improvements deed restriction on canyon-fronting lots. The deed restriction stipulates that the deed restriction is for the proposed development and that any future additions or improvements to the property, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation to 30 feet around the residence, if required for fire protection, is permitted. A landscaping plan was submitted for permit 5-91-471 but has not been submitted with the application 5-95-029. Because the applicant has indicated that the slope will be cleared of non-native vegetation (ice plant) and replanted, the applicant is being conditioned to provide a landscape plan. The plant palette shall include drought-tolerant native plants and also native plants which have low fire potential.

A future improvements deed restriction was recorded as a special condition of permit 5-91-471 (Secor). However, pages 1-6 of the deed restriction reference

Exhibit 2

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permit number 5-91-471, the prior date of approval and the attached staff report. The deed restriction runs with the land. In this instance the permit has expired and therefore a new coastal development permit application has been assigned to this project. Because the deed restriction runs with the land and has already been recorded, the existing deed restriction must be updated to reflect the change in permit number.

Therefore, as conditioned to provide an updated future improvements deed restriction and a landscaping plan, the Commission finds that the development conforms with the resource protection policies of Chapter 3 of the Coastal Act.

D. Geologic Stability

Section 30253 of the Coastal Act states:

New development shall:

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

The proposed development is located on a coastal canyon adjacent to a drainage course. The canyon bottom is located 20 feet below the pad elevation and canyon slopes are generally 1:1. Due to heavy rainfall in the past several years, development on coastal bluffs and coastal canyons in San Clemente has been subject to damage by erosion and bluff failure. Some of the damage has been caused by direct drainage course erosion at the toe of canyon slopes. Other damage has been caused by inadequate drainage systems on residential lots. Runoff from hardscape surfaces has been directed to slopes and has resulted in slope failures. Therefore, it is important that on-site drainage be taken away from canyon slopes in new development.

A geologic report was conducted for the proposed development on August 30, 1990. This report contains recommendations relating to the foundation design. It states:

No evidence of former pregraded onsite gross bedrock instability was detected during field investigation or literature-map review. Future gross bedrock instability is considered unlikely because of favorable geotechnical conditions. Although limited minor slumping and/or sloughing of canyon walls is possible, the proposed improvements should not be adversely affected providing recommended foundation design is implemented in near slope areas.

In addition, the geologic report contains recommendations for site drainage. It states:

Exhibit 1

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Proposed development will modify and may increase post-development surficial discharge. This must be intercepted and controlled by appropriate civil engineering or landslide architectural design to drain so as to preclude potentially damaging erosion and/or subgrade saturation.

Conclusion number 7 of the geologic report states:

Adverse surface discharge onto or off the property is not anticipated, assuming proper engineering design and post-construction site grading.

Therefore, the plans submitted in compliance with the conformance with geologic recommendations condition should include site drainage.

The geologic report contains recommendations for the design of the foundation, placement of caissons, and design of footings. The geologic report states:

In order to help assure conformance with recommendations of this report and as a condition of the use of this report, the undersigned should help formulate and/or review certain grading and foundation plans and specifications prior to their submission to the building official for issuance of permits. Of particular importance in this regard is the layout of the caisson/grade beam system and underpinning of certain existing house footings. Such plans should be signed by the undersigned prior to agency submittal as conforming with the recommendations of this report.

The geologic report concludes that the development is considered feasible and safe provided the recommendations of the geologic report are followed during design, construction and maintenance.

In addition, the applicant is proposing 1,155 cubic yards of cut. In order to ensure that the cut material is disposed of in a suitable location, the Commission determines that the applicant shall notify the Executive Director as to the proposed location of the cut material. If the material is to be placed in the coastal zone, a coastal development permit may be required.

Therefore, the Commission finds that the applicant shall submit plans signed and stamped by the consulting geologist. Only as conditioned for geologic recommendations and location of cut material does the Commission find that the development conforms with the geologic stability provisions of Section 30253 of the Coastal Act.

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.

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988. Among the policies contained in the certified LUP are those discussed in the preceding sections regarding the proposed development. Previous findings have demonstrated the project's consistency with Chapter 3

Exhibit 1

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of the Coastal Act. It has also been shown that the proposal is consistent with the certified land use plan which includes these Chapter 3 policies. Therefore, the Commission finds that the project approval would not prejudice the ability of the City to prepare a certifiable LCP for the City of San Clemente.

F. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, 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)(i) 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 impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic safety and biological resource policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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Exhibit 1
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5-91-471

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PACIFIC

JUN 20 1991

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SOUTH COAST DISTRICT

Exhibit 9 of 12

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PACIFIC JUN 20 1991
CALIFORNIA

**CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT**

Exhibit 7
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| EXHIBIT NO. 1 |
| APPLICATION NO. 5-95-029 |
| VICINITY |
|  California Coastal Commission |

EXHIBIT NO. 2

APPLICATION NO.
5-95-029

SITE PLAN

California Coastal Commission

NOTE:
EXACT LOCATION, HEIGHT & DETAIL OF
PER STRUCTURAL ENGINEERS RECOMMENDATION

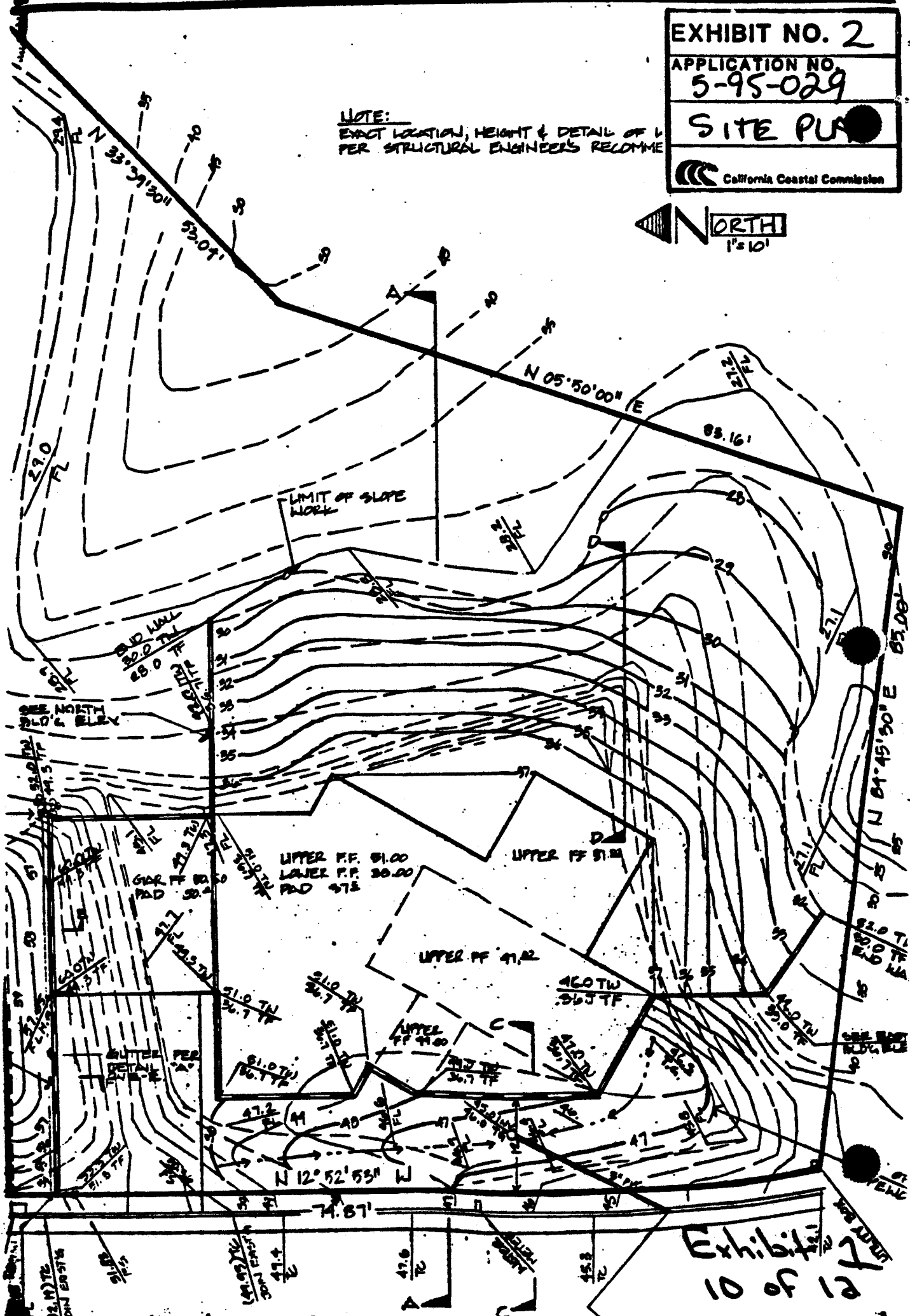


Exhibit
10 of 12

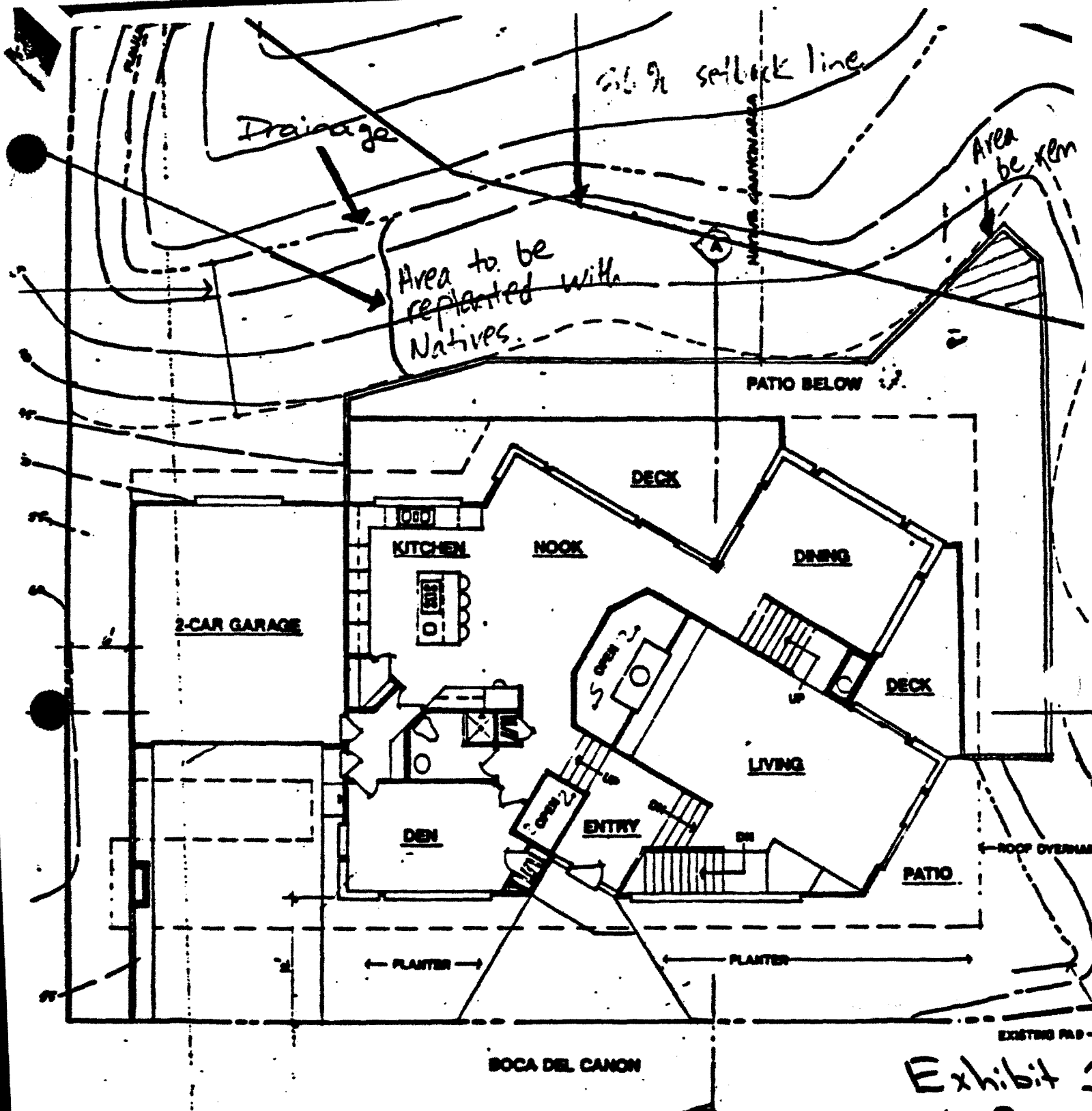



EXHIBIT 2
SITE PLAN/ UPPER FLOOR PLAN

Exhibit 2
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| EXHIBIT NO. 3 |
| APPLICATION NO. 5-95-024 |
| 5-91-471 PLN |
| California Coastal Commission |

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| EXHIBIT NO. | 4 |
| APPLICATION NO. | 5-95-029 |
| 5-91-471 SECTION | |
|  California Coastal Commission | |

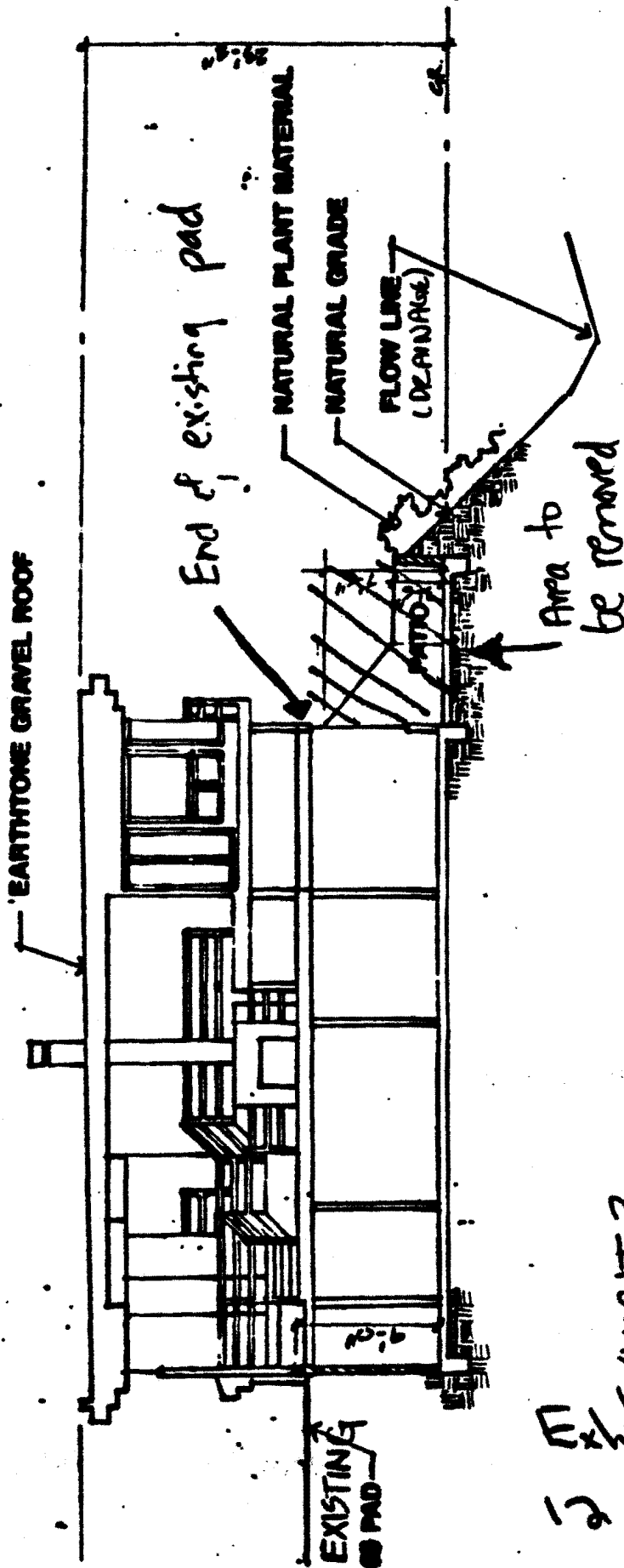


EXHIBIT 3
ON GRADING SECTION

RECEIVED
May 15, 1998
MAY 18 1998

To whom it may concern,
CALIFORNIA
COASTAL COMMISSION

I am writing in regards to an

external request by Mr. & Mrs. Perry Hearn
at 305 Wren del Camo - San Clemente, Ca. -
Permit # 5-95-029-E2.

I believe the commission have charges
in regards to building on the lot. The lot
has developed land filled in recent years and
large portions of the canyon walls where
fallen into the canyon. I feel excited
yesterday morning needs to be done prior to
digging down into the canyon. so can
commenced w/ stability of the ground on
which other homes sit surrounding and
canyon of such excavation is permitted.

Thank you for your consideration.

Sincerely,

Harry E. McRae
305 Wren del Camo
San Clemente, Ca.
72672

EXHIBIT NO. 2

APPLICATION NO.
5-95-029E2

OBJECTION



801 Glenneyre St. • Suite F • Laguna Beach • CA 92651
(714) 494-2122 • FAX (714) 497-0270

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SEP 09 1998

CALIFORNIA
COASTAL COMMISSION

August 31, 1998

Ms. Lois Secor
1001 Suderland Street
Santa Ana, California 92705

Project No: 70943-00
Report No: 8-2904

Subject: Geotechnical Observations of Existing Site Conditions
307 Boca del Canon
San Clemente, California


Reference: "Limited Preliminary Geotechnical Investigation for Single Family Residence,
308 Boca del Canon, San Clemente, California", prepared by Geofirm Inc., dated
August 3, 1990, Project No 89-958-2.

Dear Ms. Secor:

This letter presents findings and conclusions of our geotechnical observation of existing site conditions at 308 Boca del Canon in San Clemente, California. The purpose of the site visit was to evaluate if conditions at the property had changed significantly since the referenced preliminary geotechnical report, and if the design setback recommendations on the report are still applicable to the site conditions.

The site visit was conducted on August 28, 1998. The site was found to be in substantially the same condition as identified in the preliminary geotechnical report, with the exception of the minor slumping/erosion on the easterly slope. The northerly and southerly slopes are well vegetated and appear to be in good condition. The pad area also appears undisturbed. The easterly slope, descending into the natural drainage canyon, has experienced recent shallow slumping and erosion, probably due to high rainfall and high stream flows this past winter. However, this phenomenon was anticipated in the preliminary geotechnical investigation. The recommended foundation setbacks are designed to address this condition and are still considered appropriate for the site, as the recommended foundation location is below a 2:1 (horizontal:vertical) setback, well beyond the influence of shallow slumping or erosion.

In summary, it is our opinion that site conditions have not changed substantially and that the foundation setback recommendations for the site are appropriate and applicable.

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| EXHIBIT NO. 3 |
| APPLICATION NO. 5-95-029E2 |
| UPDATE |
| LETTER |
|  California Coastal Commission |

August 31, 1998

Project No: 70943-00

Report No: 8-2904

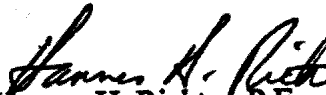
Page No: 2

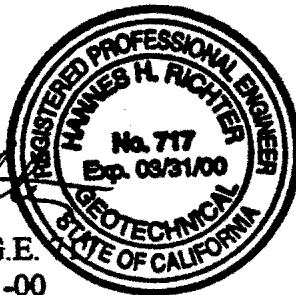
It is noted that an update report will be required at the time of building plan check submittal to assure the final design meets current Uniform Building Code requirements and the recommendations of the referenced report.

Please call this office if you have any questions.

Sincerely,

GEOFIRM


Hannes H. Richter, P.E.
Geotechnical Engineer, G.E.
Registration Expires 3-31-00



HHR:kaa

Distribution: Addressee (3)

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A
1
B
2

