CALIFORNIA COASTAL COMMISSION

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Staff Report:	02-16-99
Hearing Date:	March 9-12, 1999
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: **5-98-493**

APPLICANT: Milton Vaughn

AGENT: William Porrazzo

PROJECT LOCATION: 2815 La Ventana St., San Clemente, Orange County

PROJECT DESCRIPTION: Construction of a two-story, 4,201 square foot single-family residence with a 606 square foot two-car garage. 95 cubic yards of grading is proposed.

Lot Area:	6,000 sq. ft.
Building Coverage:	2,851 sq. ft.
Pavement Coverage:	1,380 sq. ft.
Landscape Coverage:	1,769 sq. ft.
Parking Spaces:	2
Zoning:	RL
Land Use Designation:	RL (residential low)
Ht above final grade:	15 feet 6 inches

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission approve the proposed development with special conditions regarding future development, assumption of risk, conformance with geologic recommendations, drainage and irrigation plan, identification of the disposal site for excess cut dirt and landscaping plan.

ISSUES OF CONTROVERSY:

The proposed development is located on a coastal bluff which failed in 1993 and destroyed five residences, including a residence at this site. The bluff has been reconstructed, however, having failed once, it is conceivable that the bluff may fail again. The conditions of this staff report are geared towards minimizing future damage to the reconstructed bluff by the development and informing the applicant or future landowner of the possible risks of development. Staff does not know whether the applicant agrees or disagrees with the special conditions of this staff report. This information will be made available to the Commission during staff's presentation at the hearing.

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

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente certified Land Use Plan, Coastal Development Permits A5-DPT-93-275 (City of Dana Point), A5-DPT-93-275 (Revised Findings), 5-94-256 and –256-A (City of San Clemente), 6-93-20, 6-98-20A, 5-97-185 (Schaeffer), "Mass Movement and Seacliff Retreat along the Southern California Coast" by Antony R. Orme in Bull. Southern California Acad. Sci. 1991, "Greatly Accelerated Man-Induced Coastal Erosion and New Sources of Beach Sand, San Onofre State Park and Camp Pendleton, Northern San Diego County, California" by Gerald G. Kuhn in Shore and Beach, 1980, "High-Quality, Unbiased Data are Urgently Needed on Rates of Coastal Erosion" by Wendell Gayman, Geotechnical Report by Peter and Associates dated November 17, 1998 and Appendix C entitled "Maintenance Guidelines for Homeowners"

LIST OF EXHIBITS

1. Vicinity Map
2. Site Plan
3. Stringline Map
4. Reconstructed Bluff Face
5. Reconstructed Bluff Wall Section
6. Assessor's Parcel Map

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 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. Conformance with Geotechnical Recommendations

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, grading, foundation and basement plans. The approved foundation plans shall include plans for the foundation, retaining walls, and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the report by Peter and Associates dated November 17, 1998.

The approved development shall be constructed in compliance with the final plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2. Assumption of Risk

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

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

3. Future Development

Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit 5-98-493 is for the

approved development only and that any future improvements or additions on the property, including, but not limited to, installation of hardscape improvements, grading, vegetation removal, landscaping and structural improvements not permitted in this permit, will require a coastal development permit or permit amendment from the Coastal Commission or its successor agency.

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

4. Drainage and Irrigation Plan

Prior to the issuance of a coastal development permit the applicant shall submit, for the review and approval of the Executive Director, drainage and irrigation plans. The approved drainage plans shall show that rainwater runoff from the roof and residence is taken to the street. Any runoff at the rear of the residence not taken to the street must be taken to an existing gunite lined downdrain which is part of the reconstructed bluff drainage system.

No in-ground irrigation systems shall be allowed on the property, either front or rear. Temporary above ground irrigation is allowed.

The approved development shall be constructed in compliance with the final plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

5. Landscaping Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and bluff top erosion control plans, subject to the review and approval of the Executive Director, for any landscaped areas on the site. The plans shall incorporate the following criteria:

(a) Landscaped areas in the front and rear yards not occupied by hardscape shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

(b) The applicant shall submit a list of plants to be placed in the front and rear yards. Planting shall be of native plant species indigenous to the area using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage.

(c) Landscaped areas in the front and side yards can include ornamental or native, drought-tolerant plants. Vegetation installed in the ground shall consist of native, drought tolerant plants. Other vegetation which is placed in above ground pots or planters or boxes may be non-invasive, non-native ornamental plants. Sod or non-native ground covers which require watering shall not be placed on the site.

(d) No in-ground irrigation systems shall be installed on the site. Temporary irrigation is allowed.

The approved development shall be constructed in compliance with the final plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

6. Disposal of Excess Cut Dirt

Prior to the issuance of a coastal development permit, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the proposed disposal site of the excess cut dirt resulting from the proposed project. Disposal shall occur at the approved disposal site. If the disposal site is located within the coastal zone a coastal development permit or an amendment to this permit shall be required before disposal can take place.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed development consists of the construction of a two-story, 4,201 square foot single-family residence with a 606 square foot two-car garage. 95 cubic yards of grading is proposed.

The development is located on a coastal bluff and is bounded by single-family residences to the north and south, by La Ventana Street to the east, and by Pacific Coast Highway on the west. The property is located in the northernmost part of the City of San Clemente. Pacific Coast Highway, below the property, is

in the jurisdiction of the City of Dana Point. The coastal bluff is not subject to wave attack.

B. Project History

In January and February of 1993, heavy winter rains caused the failure of the slope below blufftop homes located at 2807-2821 La Ventana St. The bowl shaped failure caused damage to the homes, in many cases shearing off patios, back yards and portions of residences. The residences were evacuated and the portion of PCH below the bluff was blocked with landslide debris, causing the closure of PCH and the railroad tracks.

Pacific Coast Highway and the slope face are located in the City of Dana Point which has a certified LCP. The residences and lots on the bluff-top are located in the City of San Clemente.

The Commission approved coastal development permit A5-DPT-93-275 and A5-DPT-93-275A for the stabilization of the 80 foot high coastal bluff. Coastal development permit A5-DPT-93-275 was approved in February 1994 for a 300 foot long and 25 foot high wall with buried caissons extending 100 feet on either side of the wall with special conditions regarding submittal of final plans, conformance with geological recommendations, landscaping plan, evidence of permission to construct, assumption of risk, city conditions of approval, and location of disposal site.

Coastal Development Permit Amendment 5-93-275A was approved in April of 1994 for a 595 foot long, 30-50 foot high textured bluff face wall with a drainage system and tie-backs. Special conditions included submittal of final plans, conformance with geological recommendations, agreement to hold harmless and prior conditions of approval. Exhibit 4 shows the wall and reconstructed bluff, including the two stepped-down lots. Exhibit 5 is a cross-section of the wall, tie-backs and bluff top.

The bluff reconstruction included: removal of landslide debris, grading and compaction of new soils, installation of soil nails and rows of tie-back anchors, reconstruction of the bluff face with textured shotcrete, and widening of PCH. Grading consisted of 64,000 cubic yards of cut and 10,000 cubic yards of fill. At the conclusion of the reconstruction the toe of the bluff was landscaped with native plants.

The proposed site previously contained a single-family residence which was damaged in the landslide and subsequently demolished. The site is currently vacant.

C. Geologic Stability

Section 30253 of the Coastal Act states:

> New development shall:
>
> (l) 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 Orange County Interpretive Guidelines contain the stringline policy which was adopted by the Commission. This policy states:

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

The Certified LUP contains policies limiting new development on coastal bluff faces to public staircases and policies establishing stringlines for purposes of limiting the seaward encroachment of development onto eroding coastal bluffs. Although the standard of review for projects in San Clemente is the Coastal Act, the policies of the Certified LUP are used as guidance. These policies are:

Policy VII.13:

> Development shall be concentrated on level areas (except on ridgelines and hilltops) and hillside roads shall be designed to follow natural contours. Grading, cutting, or filling that will alter landforms (e.g.: bluffs, cliffs, ravines) shall be discouraged except for compelling reasons of public safety. Any landform alteration proposed for reasons of public safety shall be minimized to the maximum extent feasible. ...

Policy VII.14 states:

> Proposed development on blufftop lots shall be set back at least 25 feet from the bluff edge, or set back in accordance with a stringline drawn between the nearest corners of adjacent structures on either side of the development. This minimum setback may be altered to require greater

setbacks when required or recommended as a result of a geotechnical review.

Policy VII.16 states:

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

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

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

The stringline is applicable in this situation because the site is located on a coastal bluff where the residences are in a line. The applicant's development plans show that the proposed development conforms with a deck stringline and a primary residence stringline. The line of the residence is located 25 feet from the top of bluff.

2. Bluff Stability and Erosion

This section includes a general discussion of the causes of bluff erosion in the southern California region, particularly San Clemente, and specific bluff erosion at the project site.

a. Generalized Findings on Bluff Erosion

In general, bluff erosion is caused by environmental factors and impacts caused by man. Environmental factors include seismicity, wave attack, drying and wetting of soils, wind erosion, salt spray erosion, rodent burrowing, percolation of rain water, poorly structured bedding, and soils conducive to erosion. Factors attributed to man include bluff oversteepening from cutting roads and railroad tracks, irrigation, over-watering, building too close to the bluff edge, improper site drainage, use of impermeable surfaces to increase runoff, use of water-dependent vegetation, pedestrian or vehicular movement across the bluff top and toe, and breaks in sprinkler lines, water or sewage lines. In addition to runoff percolating at the bluff top site, increased residential development inland also leads to increased water percolation into the bluff.

There are numerous articles about seacliff retreat and bluff erosion in coastal literature. Much of this literature pertains to bluffs subject to wave attack and to large-scale

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

In conclusion Orme states:

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

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

The coastal bluffs are natural landforms which have been removed from wave attack since the early 1900's, when the railroad was constructed. The coastal bluffs from North Beach north to the Dana Point City Boundary (Marblehead, Colony Cove and La Ventana) have been massively altered and reconstructed. The bluffs at Marblehead were contour graded en masse. The bluffs at Colony Cove were restructured as per the La Ventana model. All of these bluffs have a documented history of instability. The coastal bluffs at the vacant Marblehead site adjacent to North Beach failed in 1990.

In addition to Marblehead, there are two recent, major coastal bluff stabilization projects in the City of San Clemente (La Ventana and Colony Cove) where residences on coastal bluffs have either been destroyed or endangered by bluff failure [CDPs 5-93-243 (San Clemente), A5-DPT-93-275, 5-DPT-93-275A (Dana Point)].

Landsliding of coastal bluffs below La Ventana St. in the City of Dana Point resulted in the destruction of five homes. Landsliding of the bluffs below Colony Cove resulted in the undermining of terrace walls and patio structures. On page 9 of the La Ventana geotechnical report drainage is discussed. The primary cause of the La Ventana Landslide was water infiltration into the bluff along a deep seated slope failure line. The

report states that water seepage onto the bluff face was longstanding and that landscaping on the rear yards of some bluff top homes may have contributed to the accumulation of water in the slopes.

An emergency permit was issued in 1990 for massive grading of unstable bluffs at the Marblehead site. Landsliding in 1990 had caused repeated closures of the Pacific Coast Highway at the base of the bluffs. Unlike the La Ventana and Colony Cove sites, there was no development on the Marblehead bluffs. The Marblehead Bluffs erosion problem was created in part by the construction of the railroad and the Pacific Coast Highway which resulted in oversteepening of the bluffs. The Marblehead geological report by Zeiser Kling Consultants, Inc., discusses the process of bluff retreat:

> The oversteepened bluffs fail due to erosion, such as wave action along the base of the bluff, and due to other environmental factors such as water saturation during periods of abundant rainfall. Fallen debris accumulates at the foot of the slopes where it forms an unstable talus pile. Secondary failures occur as the talus erodes. As more failures occur, the bluff retreats landward. In its mature state, the landform no longer has the appearance of a bluff. The talus pile grows into a large "apron" that buries the bluffs, but continues to fail intermittently as it seeks its angle of repose. The landform may become temporarily stable when the talus apron is large enough to cover the bluff face, protecting the otherwise steep slopes from exposure and possibly buttressing the base of the slopes.

Talus was not allowed to accumulate at the toe of the bluff slope because of the presence of Pacific Coast Highway. The Marblehead geotechnical report states that the process of coastal bluff erosion can be slowed by landscaping, setting buildings back from the blufftop and constructing impact barriers at the base of the bluff, or by grading and terracing the slope.

The Colony Cove, La Ventana, and Marblehead bluff stabilization projects are all located in the project vicinity. However, there are bluff stability problems along the entire stretch of San Clemente coastal bluffs as evidenced by applications for foundation support systems for residences on coastal bluffs and by foundation support systems built previous to the Coastal Act. The Commission also has received many individual application requests to protect structures on coastal bluffs and coastal canyons in San Clemente (CDPs 5-93-181 and 5-93-143 among others) which were caused by inadequate drainage systems, i.e., broken irrigation lines, overwatering, directing uncontrolled runoff to the bluff slopes, and differential settling due to improperly compacted fill.

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

b. Site Specific Geology

The generalized findings, above, concerning bluff stability in the City of San Clemente include some information on the La Ventana landslide and on coastal bluffs in the project vicinity. The project site contained one of the residences which was damaged by the landslide in 1993 and subsequently demolished. It is clear that although the bluff has been reconstructed, there is a pre-existing landslide potential on the site.

The geologic report notes that the vacant lot is 60 feet wide by 100 feet deep. The site originally was a one-level pad but during the slide/bluff restructuring it was converted to a two-level pad, the upper pad close to the street and the lower pad 10 feet below the upper pad. The bluff was reconstructed into a configuration consisting of a 2:1 slope area near the top, a near vertical 1/3:1 bluff in the middle and a 2:1 fill prism near the bottom. Failed bluff materials were removed, replaced and recompacted to engineering standards. The tie-backs, subdrains and concrete facing have all been installed.

The applicant included the final geotechnical Report, Landslide Remediation, Bluff and Slope Reconstruction Adjacent to Pacific Coast Highway by Leighton and Associates, Inc. dated July 10, 1996. The recommendations of this report state:

> The residential pads at the bluff top are graded with a drainage gradient to La Ventana, except for two split-level pads. The bluff side of the residential pads at 2813 and 2815 are graded at approximately 10 feet lower than La Ventana grade. These areas are contoured to drain via a gunite-lined down drain over the bluff. Future residential construction of the bluff top properties should be designed so as all lot and roof drainage is either to La Ventana or though the lined down drain to PCH. The 2:1 slope descending from the back of these lots is provided with slope cover vegetation. The vegetation needs to be maintained and the slope should be protected from rodent infestation.

Plans submitted by the applicant show that there is an existing patio and residence stringline along the bluff (see Exhibit 3). The site plans show that the proposed residence conforms with the residence stringline. The stringline map (exhibit 3) was drawn incorrectly. The correct residence stringline extends in a line from the corners of the nearest adjacent structures. Exhibit 3 shows the corrected stringline. The development still conforms with the residence stringline because the seaward-most portion of the residence is an unenclosed second story deck which is not subject to the structural stringline. The patio stringline is a fixed linear line set back 10 feet from the property line. The top of bluff is located beyond the property line and undulates in and out relative to the fixed property line. The rear yard patio conforms with the deck stringline.

The geotechnical report states that the construction of the proposed residence is feasible provided the recommendations of the geotechnical report are adhered to. The geotechnical report includes recommendations regarding site preparation and grading, building foundation design guidelines, placement of slabs, retaining walls, landscaping and drainage.

The report also includes recommendations regarding drainage. The first recommendation is that yard and slope landscaping should be kept to a minimum. A second recommendation is that the site should be graded so that surface water flows away from the top of slope and into a drainage system. A third recommendation is the use of area drains to facilitate surface drainage and prevent ponding and slope saturation. The geotechnical report states:

> Unlined flower beds, planters, and lawn should not be constructed against the perimeter of the structure. If such landscaping (against the perimeter of the structure) is planned, it should be properly drained and provided with an underground moisture barrier in order to prevent water from seeping into foundation areas or beneath slabs.
>
> Irrigation of yard and slope landscaping should be kept to a minimum required to support plant life.

Finally, the geotechnical consultant recommends that modifications to the slope should not be attempted without consulting a geotechnical consultant.

Appendix C of the geotechnical report includes guidelines for property maintenance. In particular the guidelines discuss the maintenance of drains and gutters, adequate provision for taking runoff to the street and cautions against doing any substantive work on the slope without consulting a geotechnical consultant. The final paragraph of the guidelines states:

> Hillside lot owners should not let conditions on their property create a problem for their neighbors. Cooperation with neighbors could prevent problems, promote slope stability, adequate drainage, proper maintenance, and also increase the aesthetic attractiveness of the community.

The proposed development requires several special conditions necessary to bring the project into conformance with the Coastal Act.

Special condition 1 requires the applicant to submit foundation plans, reviewed, signed and stamped by a geotechnical consultant. The geotechnical report includes specific recommendations for foundations, footings, etc., which will ensure the stability of the proposed residential structure.

Special condition 2 is an assumption of risk condition. Development on the project site has been destroyed once by landslide. Although, the coastal bluff was reconstructed, there is no guarantee that the site will not be subject to further landslides in the future. Therefore, the standard waiver of liability condition has been attached through special condition 2. By this means, the applicant is notified that the residence is being built in an area that is potentially subject to bluff erosion that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. Finally, recordation of the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity for liability.

Special condition 3 is a future development deed restriction which states that any future improvements or additions on the property, including hardscape improvements, grading, landscaping, vegetation removal and structural improvements, require a coastal development permit from the Commission or its successor agency. This condition ensures that development on coastal bluffs which may affect the stability of the bluffs and residential structures, require a coastal development permit.

Special conditions 4 and 5 require the applicant to submit drainage plans and landscaping plans for the review and approval of the Executive Director. These conditions ensure that proposed drainage and landscaping will not contribute in any way to percolation of water into the bluff and potential future bluff instability. To ensure that the development plan complies with the geotechnical recommendations, the applicant is conditioned to provide a drainage plan which shows that wherever possible any runoff is taken via drains to the street. In the event that some runoff is taken down the slope, the condition stipulates that the applicant connect with the existing drains and subdrain system for the restructured bluff face.

The landscape condition requires that all in-ground plants consist of native, drought-tolerant plants, that no in-ground irrigation systems be utilized, and that any water-dependent plants be contained in above-ground planters or boxes and that any runoff be directed to site drains. Breaks and leaks in in-ground irrigation systems have been associated with slope failures in canyon and bluff areas of San Clemente. Irrigation of lawns is the equivalent of 60 to 300 inches of rainfall per year. *[Irrigation figure disclosed at a lecture given to Coastal Commission staff in Ventura on January 30, 1995 by James E. Slosson, Professor Emeritus of Geology, Los Angeles Valley College, head of the geologic consulting firm of Slosson & Associates.]* The special condition does allow for above ground temporary irrigation until the plants become established. No permanent, in-ground irrigation systems are allowed.

Finally, in order to ensure that the excess cut dirt is not improperly used, the applicant is being conditioned to provide in writing the location of the disposal site of the excess cut dirt.

4. Conclusion/Project Consistence with Coastal Act

The Commission has found that the applicant shall be conditioned to: 1) submit plans reviewed and stamped by a consulting geotechnical expert, 2) submit a drainage and irrigation plan, 3) submit a future development deed restriction, 4) submit an assumption of risk, 5) submit a landscape plan prepared by a qualified consultant, and 6) supply the location of the disposal site for the excess cut dirt. Only as conditioned does the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

D. 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. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding public access. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

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

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic hazards protection policies of the Coastal Act. Mitigation measures; special conditions requiring, conformance with geotechnical recommendations, assumption of risk, future development deed restriction, drainage plans, landscape plans and location of disposal site of the excess cut dirt will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those

required, which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, 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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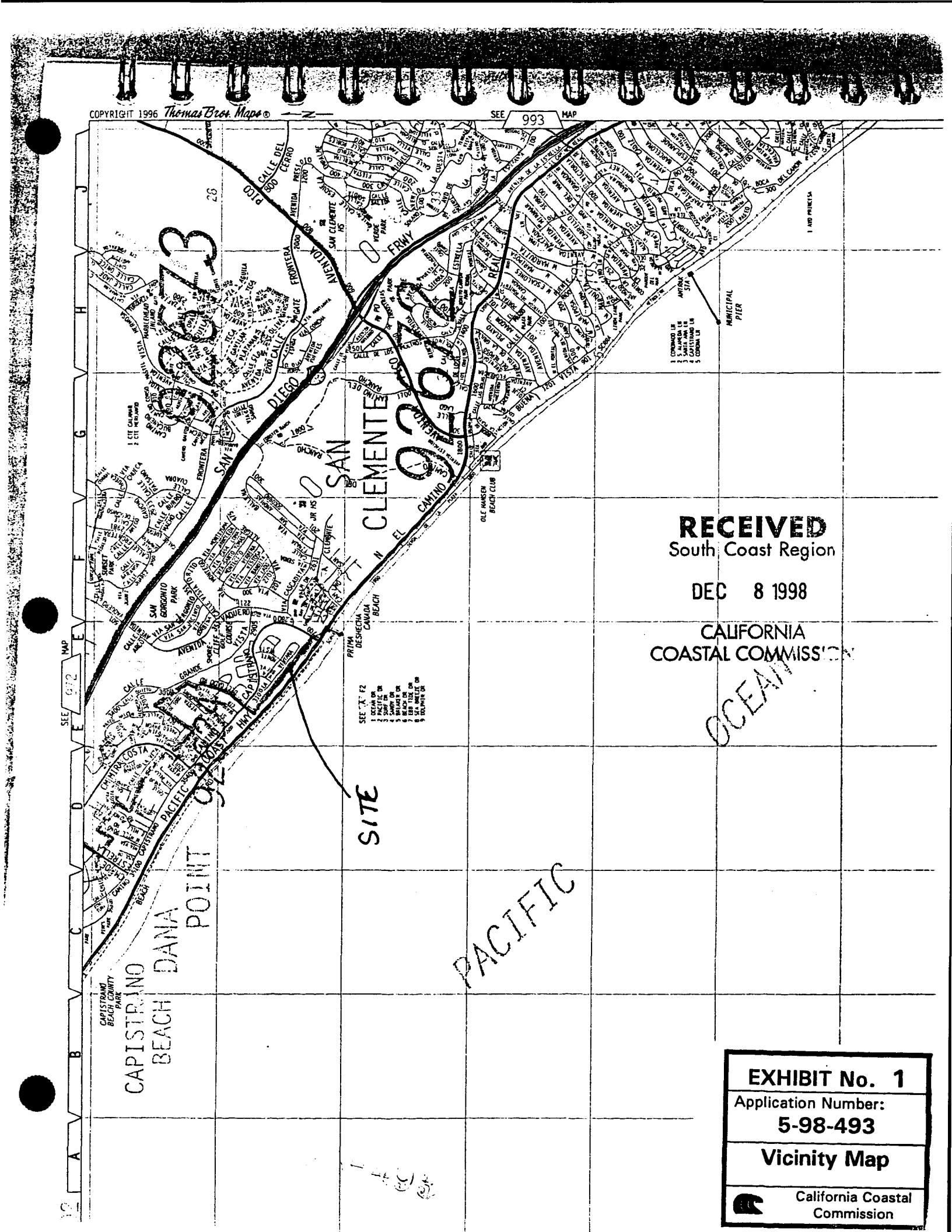

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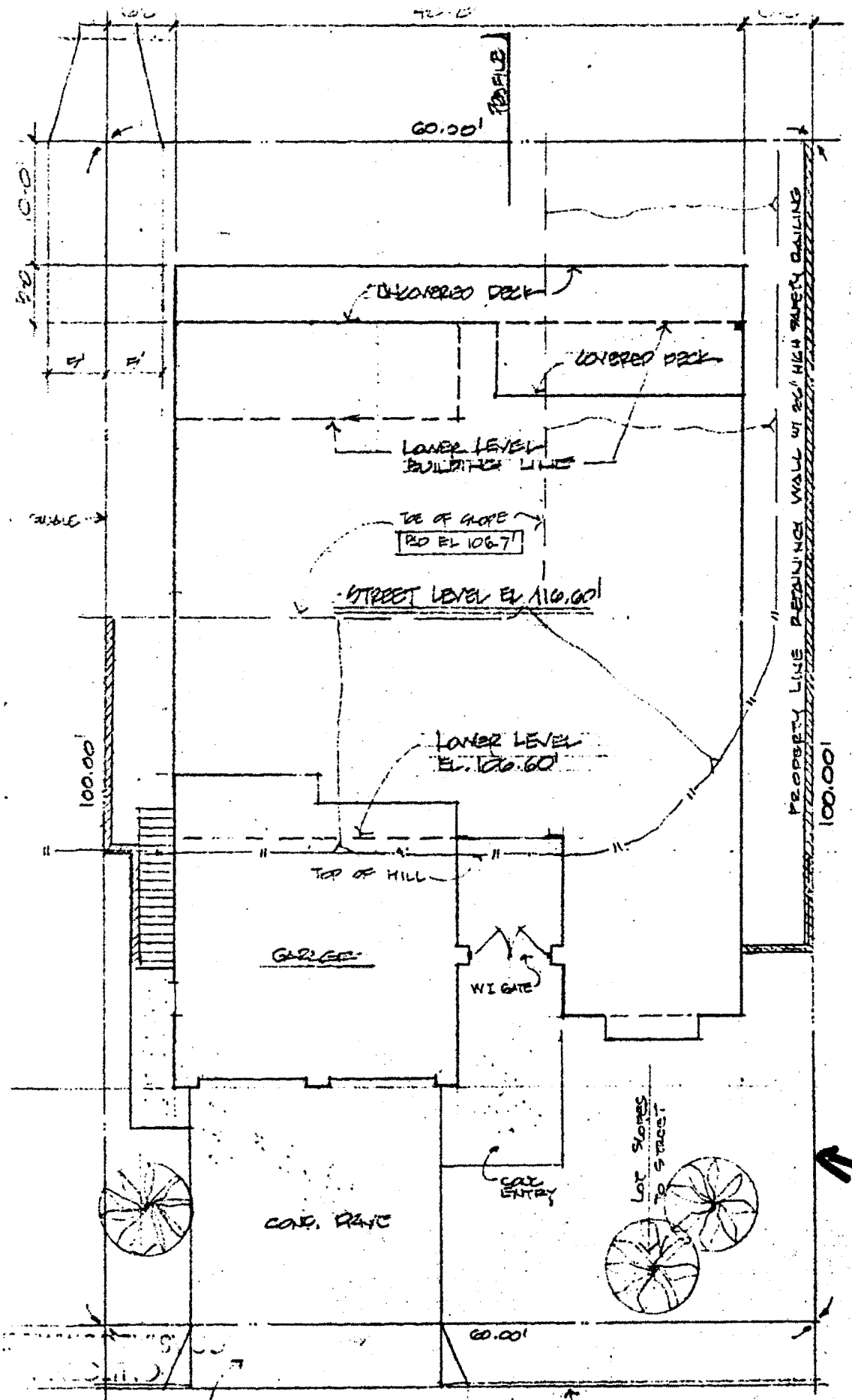
South Coast Region

DEC 8 1998

CALIFORNIA
COASTAL COMMISSION

EXHIBIT No. 1
Application Number: 5-98-493
Vicinity Map
California Coastal Commission



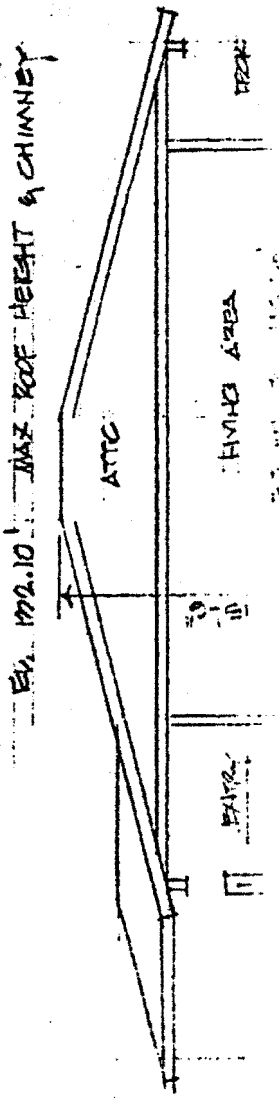
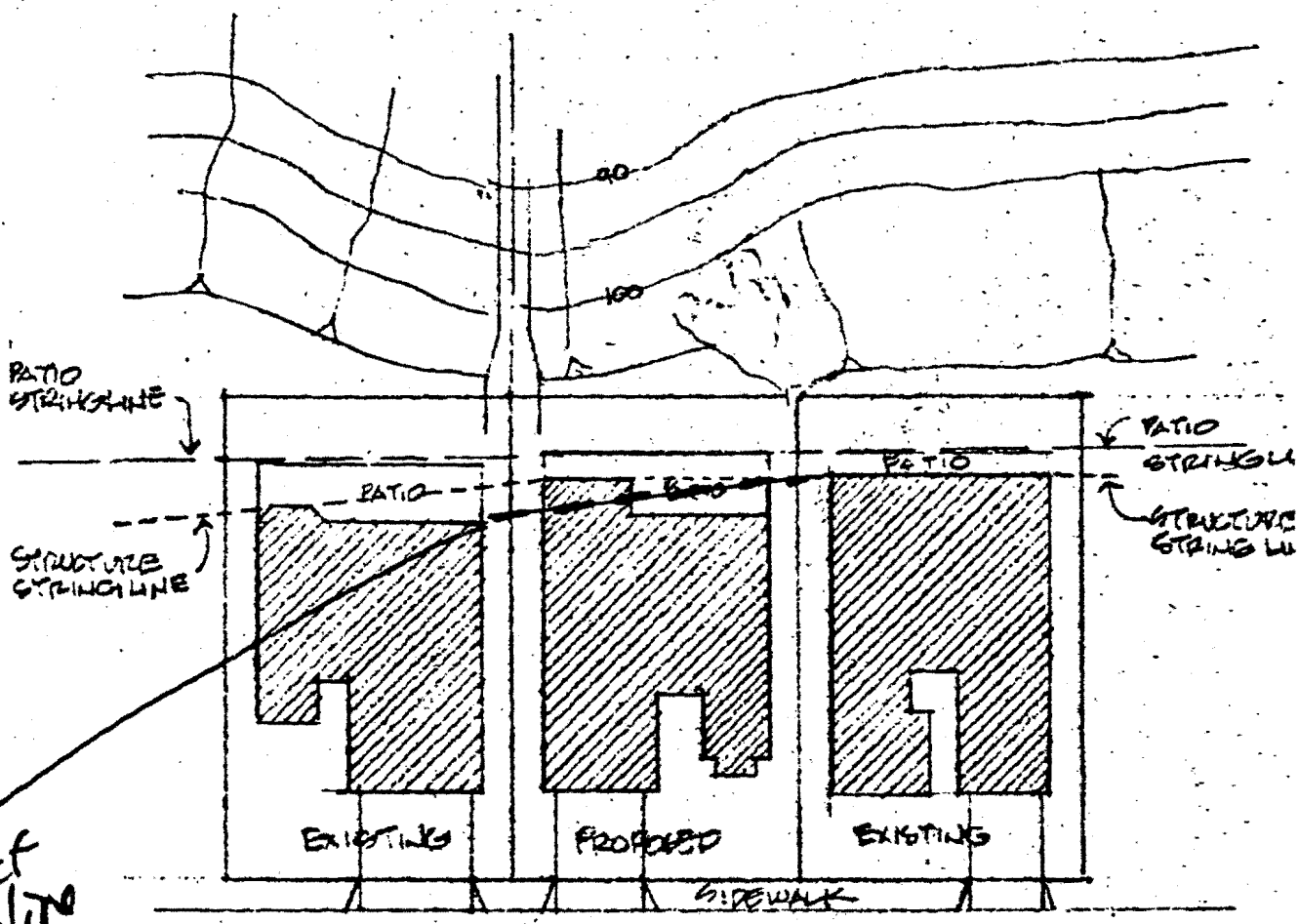


EXHIBIT No. 2

Application Number: 5-98-493

Site Plan

California Coastal Commission



correct stringline

LA VENTANA

N →

STRINGLINE ALONG BLUFF EDGE

SCALE 1" = 40'

EXHIBIT No. 3
Application Number:
5-98-493
Stringline Map
California Coastal Commission

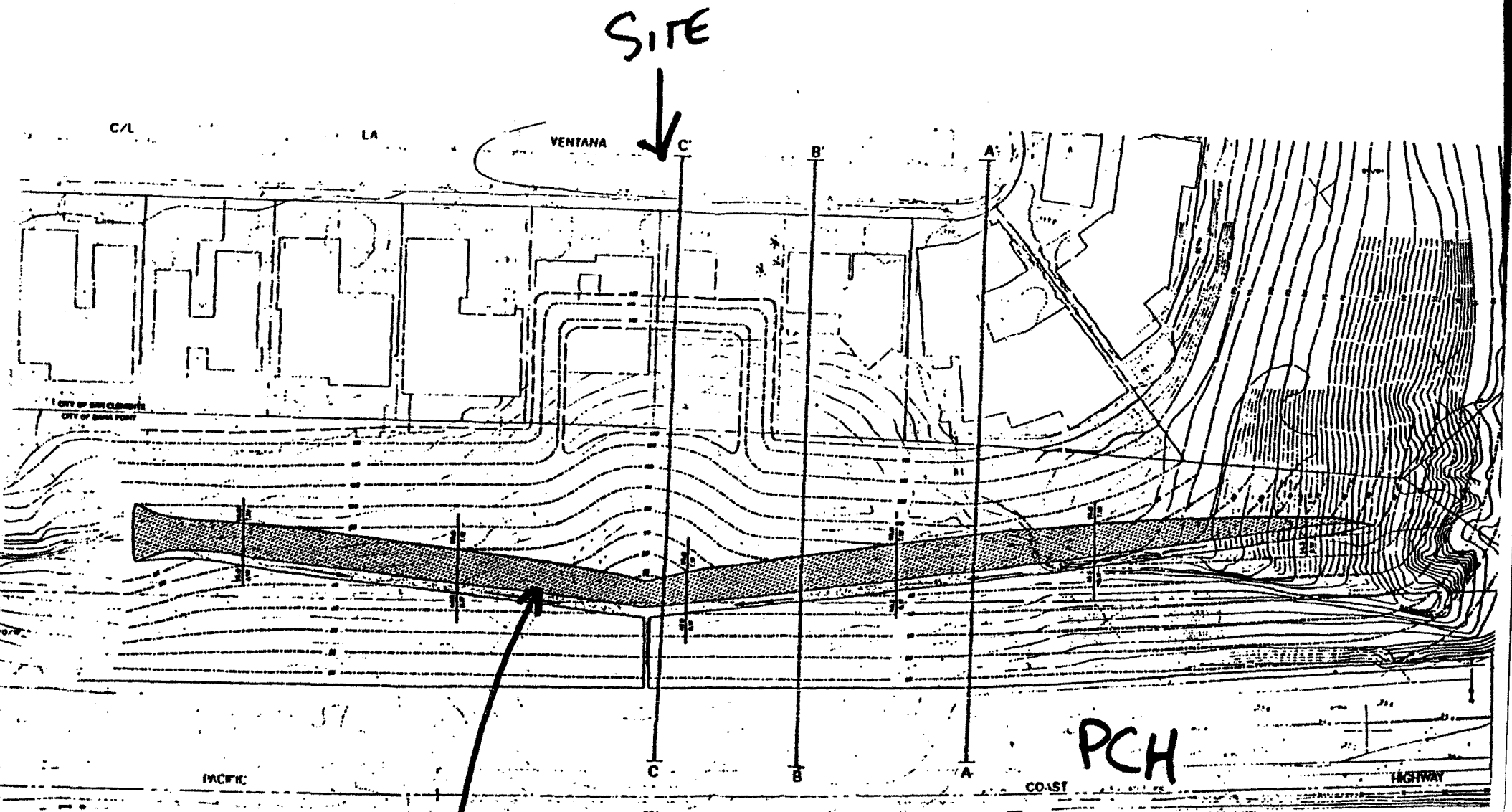
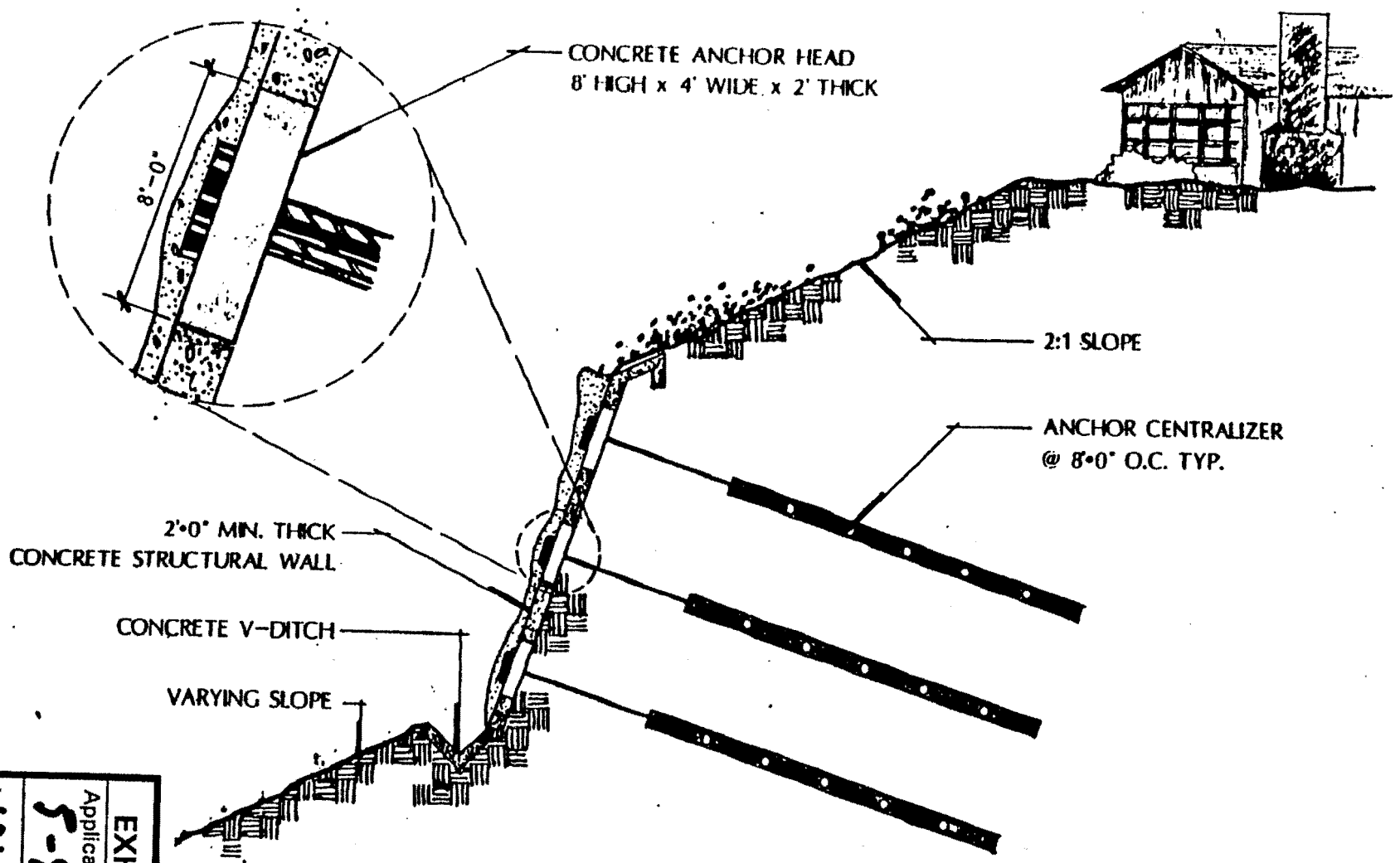


EXHIBIT A

EXHIBIT No.
Application Number:
5-98-493
BLUFF WALL
California Coastal

ROPOSED STABILIZATION OF COAST HIGHWAY LANDSLIDE

Project No.	1930733-01
Scale	1"=50'
Engr. / Geol.	IP
Drafted By	laf/kp
Date	1/26/94



WALL ANCHOR SYSTEM

EXHIBIT No. 5
Application Number:
5-88-453
WALL SECTION
California Coastal

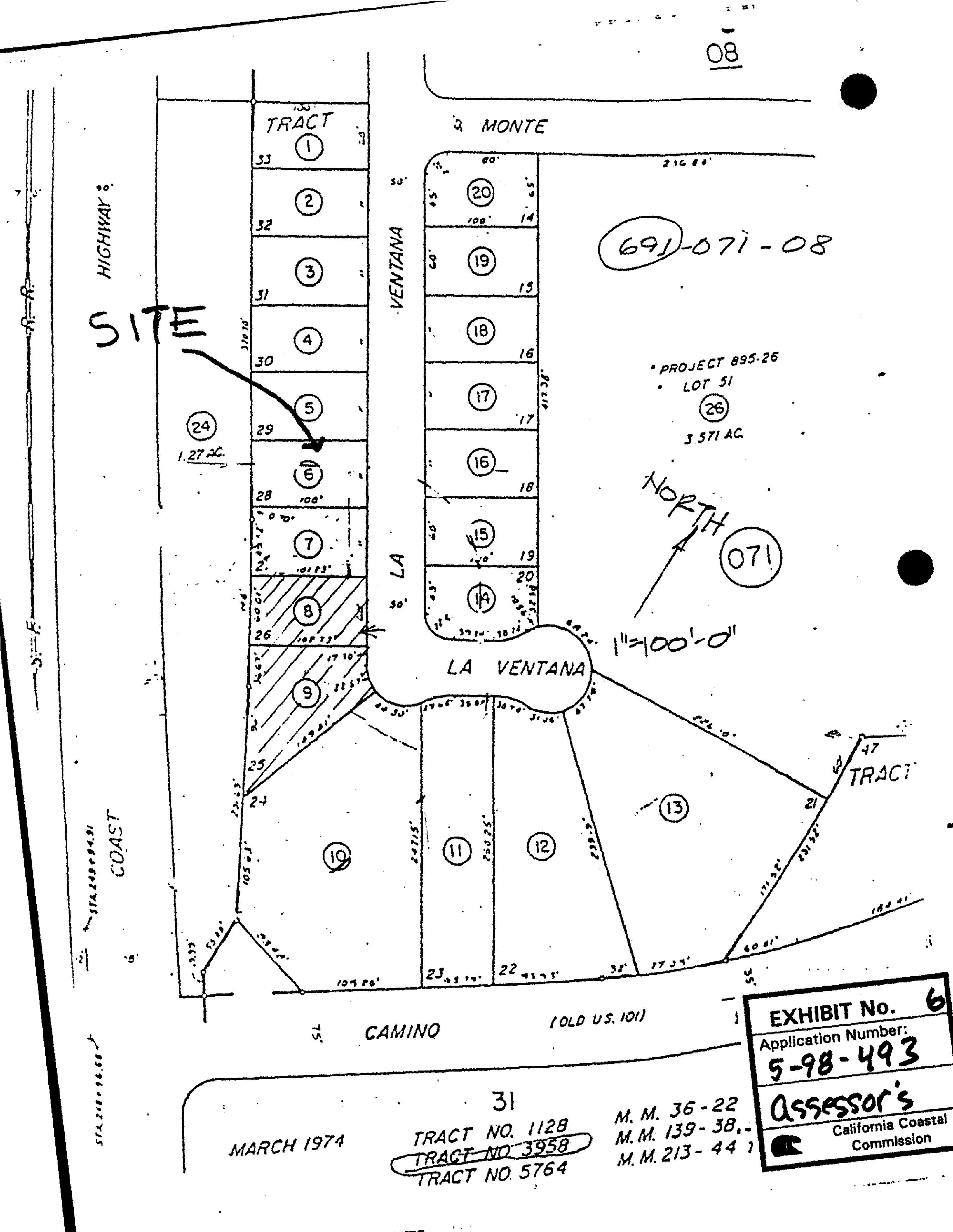


EXHIBIT No. 6

Application Number: 5-98-493

Assessor's

California Coastal Commission