

CALIFORNIA COASTAL COMMISSION

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13 RECORD PACKET

July 5, 2000

To: All Interested Parties**From: Lane Yee** *Lane Yee*
Chief Administrative Services**Re: Commission Meeting Staff Reports**

Please replace Item W15b (5-99-466) and Item W15d (5-00-178) for the upcoming July Commission Meeting to be held in San Rafael with the corrected copies.

Please accept my apology, and I do regret any inconvenience this may have caused you.

Enclosure: As stated

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

Filed: April 14, 2000
 49th Day: June 2, 2000
 180th Day: October 11, 2000
 Staff: ALK-LB **ALK**
 Staff Report: June 20, 2000
 Hearing Date: July 11-14, 2000
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-99-380

APPLICANT: Harold J. Beck, Jr.

PROJECT LOCATION: 2250 South Ola Vista, San Clemente, Orange County

PROJECT DESCRIPTION: Construction of a two-story, 2414 square foot single-family residence with an attached 425 square foot two-car garage and 470 square foot workshop on an existing vacant lot adjacent to Riviera Canyon. The project also involves the construction of two (2) new retaining walls with sixteen (16) caissons to support the driveway and slope. Six hundred (600) cubic yards of cut and 750 cubic yards of fill will be utilized to overexcavate and recompact the site prior to development.

LOCAL APPROVALS RECEIVED: Approval-in-Concept from the City of San Clemente Community Development Department dated October 8, 1999.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with five (5) special conditions. The site is located adjacent to Riviera Canyon, one of seven coastal canyons in San Clemente identified as containing environmentally sensitive habitat. Primary issues include assurance that the proposed development is consistent with the geologic hazard policies of the Coastal Act, as well as assuring that the development is consistent with protection of environmentally sensitive habitat areas (ESHA). The proposed development conforms to the canyon setback policies in the certified LUP, as development will be set back 15' from the canyon edge and more than 15' from the line of native vegetation.

Special Condition 1 requires the applicant to submit plans that show evidence of conformance with geotechnical recommendations, including those regarding site preparation, foundation design, and drainage. Special Condition 2 requires submission of a revised landscape plan to ensure use of native plant species for all in-ground plantings and restrict any in-ground irrigation on the canyon-facing yard areas. Special Condition 3 requires compliance with the drainage and runoff plan. Special Condition 4 requires the recordation of an assumption of risk deed restriction. Special Condition 5 requires the applicant to record a deed restriction, which ensures that the applicant and future landowners are aware that future development requires a coastal development permit.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente certified Land Use Plan; Coastal Development Permits 5-99-385 (Reddington); P-7-10-73-1429 (Villa Development Co.); 5-82-785 (Di Stephano); G5-92-400 (Villa Montalvo Vista Ltd.); 5-92-478 (Villa Montalvo Vista Ltd.); P-193 (36 Unit Condominium); P-193-A (33 Unit Condominium); *Preliminary Geotechnical Investigation for a Proposed Single Family Development Vacant Flagship Parcel on the Westerly Side of South Ola Vista near Avenida Cornelio, San Clemente, California (Lots 54-59 of Tract 2312) prepared by William R. Munson and Lotus Consulting Engineers, Inc. dated May 27, 1989; Geotechnical Review of New Project Plans, Update of Site Conditions, and Addendum to 1989 Preliminary Geotechnical Investigation Report; 2250 South Ola Vista, San Clemente, California (Tract 14374) prepared by William R. Munson and Lotus Consulting Engineers, Inc. dated January 28, 2000 and revised April 3, 2000.*

STAFF RECOMMENDATION:

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

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-99-380 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit 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 TO APPROVE THE PERMIT:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned 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 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 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 development on the environment.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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 of Design and Construction Plans To Geotechnical Recommendations
 - A. The applicant shall comply with the Grading Plan prepared by Robin B. Hamers & Associates, Inc. submitted on April 14, 2000 and with all recommendations contained in the *Conclusions and Recommendations* section of the *Preliminary Geotechnical Investigation for a Proposed Single Family Development Vacant Flagship Parcel on the Westerly Side of South Ola Vista near Avenida Cornelio, San Clemente, California (Lots 54-59 of Tract 2312)* prepared by William R. Munson and Lotus Consulting Engineers, Inc. dated May 27, 1989, as updated by the *Geotechnical Review of New Project Plans, Update of Site Conditions, and Addendum to 1989 Preliminary Geotechnical Investigation Report; 2250 South Ola Vista, San Clemente, California* prepared by William R. Munson dated January 28, 2000 and revised April 3, 2000.
 - B. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved 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 required.

2. Submittal of Revised Landscaping Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a revised landscaping plan which demonstrates the following:
- (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) Landscaped areas in the canyon-facing (southern and western) yard areas not occupied by hardscape shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing native plant areas all landscaping shall consist of native, drought resistant plants. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
 - (d) Landscaped areas in the courtyard and northern yard areas 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. Non-native, non-drought tolerant ground covers shall not be placed on the site;
 - (e) No in-ground irrigation systems shall be installed on the canyon-facing (southern and western) yard areas. Temporary above ground irrigation is allowed to establish plantings.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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 required.

3. Conformance with Drainage and Runoff Control Plan

- A. The applicant shall comply with the Grading (and Drainage) Plan prepared by Robin B. Hamers & Associates, Inc. submitted on April 14, 2000 and with all recommendations contained in the *Conclusions and Recommendations* section of the *Preliminary Geotechnical Investigation for a Proposed Single Family Development Vacant Flagship Parcel on the Westerly Side of South Ola Vista near Avenida Cornelio, San Clemente, California (Lots 54-59 of Tract 2312)* prepared by William R. Munson and Lotus Consulting Engineers, Inc. dated May 27, 1989, as updated by the *Geotechnical Review of New Project Plans, Update of Site Conditions, and Addendum to 1989 Preliminary Geotechnical*

Investigation Report; 2250 South Ola Vista, San Clemente, California prepared by William R. Munson and Lotus Consulting Engineers, Inc. dated January 28, 2000 and revised April 3, 2000. In addition, the applicant shall comply with the following provisions:

- (a) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged to the canyon bottom to avoid ponding or erosion either on or off site;
- (b) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged via pipe or other non-erosive conveyance to the canyon bottom.
- (c) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.

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

4. Assumption-of-Risk, Waiver of Liability, and Indemnity Deed Restriction

- A. By acceptance of this permit, the applicant and any landowner acknowledges and agrees (i) that the site may be subject to hazards from geologic instability; (ii) to assume the risks to the applicant and the property, that is the subject of this permit, of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards, (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from injury or damage due to such hazards; (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (iv).
- B. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant and landowner shall execute and record a deed restriction and/or lease restriction as applicable, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection A of this condition. The deed restriction and lease restriction shall include a legal description of the applicant's entire parcel. The deed restriction and lease restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability

of the restriction. The deed restriction and lease restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. Future Development Deed Restriction

- A. This permit is only for the development described in coastal development permit No. 5-99-380. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-99-380 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. **PRIOR TO 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, reflecting the above restrictions on development within the parcel. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The proposed development is located at 2250 South Ola Vista in the City of San Clemente, Orange County (Exhibits 1 & 2). The project site is adjacent to the uppermost portion of Riviera Canyon, which is identified in the City of San Clemente Certified Land Use Plan (LUP) as one of seven environmentally sensitive coastal canyon habitat areas (Exhibit 3). The surrounding development consists of low-density single-family residences. The project site is located inland, greater than one-half mile from the beach. The subject parcel is a large elongated flag lot comprised of a rough graded approximately 4000-square foot triangular shaped pad at the westerly end of a 12'-18' wide by 10' long crudely graded driveway that ascends approximately 10' to South Ola Vista (Exhibit 4).

The proposed development consists of the construction of a 22' 6" high, split level (one- and two-story), 2414 square foot single-family residence with an attached 425 square foot two-car garage and 470 square foot workshop on an existing vacant, previously-graded lot adjacent to Riviera Canyon. Project plans are provided in Exhibit 5. The project also involves the construction of a 16' wide by 45' long asphalt driveway with a concrete turn-around designed to meet the requirements of the Orange County Fire Authority (OCFA).

A retaining wall with subterranean caisson system is required to support the canyon-facing portion of the new driveway. Sixteen (16) caissons extending to a depth of approximately 20' are proposed beneath the 120' long (two sections of 60' each) by 4' high retaining wall. In addition, an approximately 4' high retaining wall with deepened footings is proposed along the interior portion of the site to support approximately 180 linear feet of the adjacent slope. The proposed residence does not necessitate the same subterranean foundation system and will be constructed using a conventional foundation design.

The canyon edge travels along the southern and western portions of the site in an irregular pattern, approximately 40' interior of the southerly property line. As shown on Exhibit 4, the applicant's southerly property line extends approximately to the center of the canyon bottom. All proposed development would occur on the existing building pad, a minimum of 15' inland of the designated canyon edge. Grading of the pad and driveway occurred in the 1950s or 1960s, and may have been done in conjunction with development grading of several northerly and easterly adjacent lots that front on South Ola Vista. The existing fill pad will be overexcavated and recompacted for the proposed project. Approximately 50 cubic yards of cut and 400 cubic yards of fill are proposed. This includes grading necessary to remediate areas of previous slope failure caused by improper drainage and slope creep of artificial fill. There is no existing native vegetation on the proposed building pad; however, native species exist on the adjacent slope and canyon bottom.

B. PRIOR COMMISSION ACTION AT THE SUBJECT SITE

On June 7, 1989, the Commission approved Coastal Development Permit 5-89-386 (Burns) for the construction of a 3509 square foot, 16' high, single-family residence with a 576 square foot 3-car garage at the subject site. The permit included a special condition that required all recommendations of the engineering and geologic evaluation to be incorporated into the design and construction of the project; however, the approved residence was never constructed.

C. GEOLOGIC STABILITY

1. Coastal Act Policies

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.

2. Project Site Geotechnical Report

The applicant submitted a geotechnical report (dated 1989) and update (dated 2000) prepared by William R. Munson, Inc. and Lotus Consulting Engineers, Inc. The geotechnical investigation included: on-site reconnaissance, subsurface exploration, soil sampling and laboratory testing. The report includes an appendix entitled "*Risk Reduction: Guidelines for Site Drainage, Maintenance, Monitoring, Etc.*" that provides general guidelines for protecting property terrain and structures.

The property site is an irregularly-shaped, canyon-fronting parcel approximately 10'-15' below street level (Exhibit 4). The central/western portion of the site is a level building pad, which is the result of grading and fill completed in the 1950s/1960s based on information provided in the geotechnical report. A rough graded driveway extends from South Ola Vista westward to the existing building pad. As estimated in the geotechnical investigation, "*the pad was mostly manufactured by cut grading and the driveway was manufactured by mostly fill grading.*" The pad and driveway-related fills are assumed to be non-engineered (i.e., not compacted under the observation, testing and approval of geotechnical engineers) and/or substandard relative to current Code and industry grading requirements. A 10-foot wide sewer easement also runs across the southern third of the property. The sewer pipe is exposed where it bridges the northerly perimeter canyon and is buried elsewhere. No development is proposed over the existing easement and measures are included to protect the structural integrity of the sewer line and other utilities during and after construction.

The geotechnical report states that much of the existing fill material is unsuitable for development and should be removed and recompacted prior to development. The report identifies areas of the site that will require remediation due to poor drainage conditions and slope creep of existing fill material. As stated in the "Additional and Replacement Recommendations" section of the geotechnical update:

"Except for the slope washout areas below the proposed driveway turnaround and adjacent front yard, all overexcavation/ recompaction grading of the pad and driveway, and remedial slope grading, should be confined to non-natural terrain (i.e. pre-existing graded terrain)."

The applicant's geotechnical consultant concludes that the site terrain exhibits no evidence of deep-seated natural terrain instability (e.g., landsliding), nor is it known to be transected by an active fault. Additionally, the report states that the site has low to nil liquefaction potential. The report recognizes that *"low density/uncompacted fill, soil expansivity, downslope creep movement, soluble sulfates, poor drainage, and apparent sewer effluent are the potentially problematic conditions that may affect residential construction at the site."* However, with proper site preparation and removal/recompaction of existing fills, the site is deemed suitable for development by the applicant's geotechnical consultant. The report concludes that the proposed project *"is feasible from a geotechnical standpoint, subject to the recommendations rendered herein."* (Recommendations are discussed in the subsequent section.)

3. Project Analysis/Special Conditions

Section 30253(2) of the Coastal Act states that new development shall assure stability and structural integrity and shall not contribute to erosion, geologic instability or destruction of the site or require the construction of protective devices which would substantially alter natural landforms.

The geotechnical report states that the construction of the proposed residence is feasible provided the applicant complies with the recommendations of the geotechnical report. The geotechnical report includes recommendations regarding earthwork grading, foundation design, hardscape improvements, drainage and landscaping. Appendix A of the geotechnical report includes further guidelines for "Risk Reduction." In particular, the guidelines discuss yard drainage, roof drainage, drainage maintenance and monitoring, retaining walls, landscaping, landscape irrigation, grading, utility line protective measures and weatherizing.

As discussed previously, much of the proposed grading is required to remove and recompact existing artificial fills and to remediate areas affected by historically poor drainage and slope creep. The proposed project involves earthwork that will ensure proper drainage, thereby minimizing adverse effects to slope stability. In addition, as illustrated in Exhibit 6, the project involves grading necessary to accommodate the construction of an engineered driveway, which will allow for safe vehicular access from the street above (South Ola Vista).

The geotechnical report describes the structural requirements for the proposed access driveway, as well as the drainage system. The project requires a continuous northerly perimeter retaining wall to be constructed along the toe of slope (inland/non-canyon side of site). The retaining wall will be equipped with a concrete drainage swale or V-ditch and catch basin/drainpipe system for the collection and disposition of off-site slope runoff. The southerly unpaved shoulder of the driveway will be equipped with several 12" by 12" square area drains. The buried common drainpipe will extend westerly around the driveway turnaround and into the front yard perimeter. The yard areas will drain to two (2) area drain systems. All of these drainage devices will outlet at a canyon bottom onto energy dissipaters via drainpipes on the canyon slopes. The drainpipes will be buried and replanted with vegetation, thereby mitigating any adverse visually impacts.

This drainage plan is consistent with the consultant's recommendation that the site be prepared so that surface water flows into a drainage system deigned to discharge to the canyon bottom. Drainage to the street is not recommended for development at the subject site. As described by the applicant in a letter of April 12, 2000, *"the site drainage is directed*

toward the canyon bottom (drainage easement) because the street level is approximately 15 feet above the pad level and pumping storm water back up to the street would not be practical. All existing drainage from the streets runs through storm drains to the canyon bottom."

The applicant contacted the Regional Water Quality Control Board (RWQCB), San Diego Region, regarding applicable permitting requirements. The staff member informed the applicant that a permit is required for projects that disturb five acres or more of total land area. As the project site is less than one acre, the applicant was informed that no RWQCB approval is necessary. Nonetheless, the applicant intends to incorporate construction best management practices (BMPs) to prevent any sediments or runoff from entering the canyon during construction and is proposing to incorporate drainage recommendations included in the geotechnical report.

Specifically, the geotechnical report recommends the use and maintenance of roof gutters, downspouts, and area drains to facilitate surface drainage and prevent ponding and slope saturation. Another recommendation suggests that irrigation be minimized through the use of drought-tolerant plant species. Finally, the geotechnical consultant recommends that any modifications to the slope should not be attempted without consulting a geotechnical consultant.

Since the recommendations provided by the geotechnical consultant include measures to mitigate any adverse geologic effects, the Commission finds that Special Condition 1 ensures that the consulting geotechnical expert has reviewed the development plans and verified their conformance with the geotechnical recommendations. As such, Special Condition 1 guarantees that the development plan is consistent with Section 30253 of the Coastal Act.

The structure is set back 15 feet from the canyon edge, in accordance with requirements set forth in the LUP. Based on the geotechnical report, the City's setback is found to be adequate for the proposed development. The applicant has submitted a landscaping plan that has been designed to minimize the amount of irrigation necessary (Exhibit 7). This has been accomplished by utilizing native, drought tolerant plant material on the portions of the lot adjacent to the canyon (southern- and western-facing yards). In addition, the landscape plan submitted by the applicant indicates that the irrigation system will be *"low precipitation type and drip type to provide low application rates and no runoff."* It is unclear from this description whether the irrigation system will be located throughout the entire yard area (including the canyon slope), or if irrigation is limited to the interior courtyard area and non-canyon facing landscaped areas along the eastern and northern portions of the site. The applicant has since informed Commission staff that no in-ground irrigation is proposed adjacent to the canyon edge. However, to ensure that this is carried out, the Commission imposes Special Condition 2, which requires the submittal of a revised landscaping plan showing that no in-ground irrigation is proposed on the canyon-facing yard areas.

Breaks and leaks in in-ground irrigation systems have been associated with slope failures in canyon and bluff areas of San Clemente (5-98-181, 5-98-143, 5-93-304, and 5-93-217). Irrigation of lawns and other non-native, non-drought tolerant in-ground plantings is estimated to add 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.] Therefore, the Commission imposes Special Condition 2, which requires that only native, drought tolerant plant species may be planted in the ground and that no in-ground irrigation systems may be installed on the canyon-facing portions of the site (western and southern). Special Condition 2 allows non-native, non-invasive ornamental plants to be utilized in above-ground pots and planters and does allow the use of temporary irrigation systems to help plantings establish. Special Condition 2 also requires the applicant to utilize native, drought tolerant plant species, as proposed. Lastly, Special Condition 2 requires that the plantings be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

Since the manner in which the site drains is important to site stability, plans have been submitted which document how site drainage will be accomplished. Special Condition 3 notifies the applicant that diverting runoff from impervious surfaces toward the canyon must be done in a non-erosive manner. Special Condition 3 also requires that drainage devices must be maintained throughout the life of the development.

As noted above, the geotechnical report provides recommendations regarding site drainage. These recommendations are provided by the geologist in order to avoid any adverse effects that site drainage may have upon site stability. For instance, improper site drainage could cause the area subject to slope creep identified by the geologist to activate and cause damage to the structure. The geologist's recommendations regarding site drainage are designed to avoid such adverse effects.

Although the proposed project will be constructed with geotechnical approval, risk from development on a coastal canyon is not eliminated entirely. While the project is deemed entirely adequate at this time to minimize any potential hazard, future protection and repair may be required as subsurface conditions continue to change. Therefore, the standard waiver of liability condition has been attached through Special Condition 4. By this means, the applicant is notified that the residence is being built in an area that is potentially subject to geologic hazard 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.

Finally, in order to ensure that development on the site does not occur which could potentially adversely impact the geologic stability concerns expressed in this staff report, the Commission finds that the applicant shall comply with Special Condition 5, a future development deed restriction. This deed restriction will ensure that the applicant and all successors and assigns are aware that a coastal development permit is required for development at the site.

4. Conclusion/Project Consistence with Coastal Act

The Commission has found that in order to assure that the proposed development minimizes risks to life and property in areas of high geologic hazard and assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area the applicant shall be conditioned to: 1) conform to recommendations prepared by geotechnical consultants, William R. Munson and Lotus

Consulting Engineers, Inc.; 2) submit a revised landscaping plan; 3) conform to drainage plan submitted on April 14, 2000 and recommendations of the geotechnical consultant, William R. Munson and Lotus Consulting Engineers, Inc.; 4) execute and record an assumption-of-risk deed restriction; and 5) execute and record a deed restriction regarding future improvements to the subject site. Only as conditioned does the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREA

1. Coastal Act and Land Use Plan (LUP) Policies

Section 30240(b) of the Coastal Act states:

- (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.*

San Clemente's certified Land Use Plan (LUP) discusses the importance of coastal canyons and states:

In most cases, coastal canyons are designated for natural open space, which limits potential development and helps to ensure preservation.

Policy VII.12 of the certified LUP states:

Encourage activities which improve the natural biological value, integrity and corridor function of the coastal canyons through vegetation restoration, control of alien plants and animals, and landscape buffering.

Policy XV.13 of the certified LUP states:

The removal of native vegetation and the introduction of non-native vegetation in the canyons shall be minimized. The use of native plant species in and adjacent to the canyons shall be encouraged.

The policy in the certified LUP concerning setbacks on coastal canyons is found in Chapter 3, Section 302 G, policy VII.15, and states:

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

- a. *a minimum of 30% of the depth of the lot, and not less than 15 feet from the canyon edge; or*
- b. *a minimum of 30% of the depth of the lot, and set back from the line of native vegetation (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from riparian vegetation); or*
- c. *in accordance with house and deck/patio stringlines drawn between the nearest corners of the adjacent structures.*

The development setback shall be established depending on site characteristics.

2. Site Analysis

The proposed development is located adjacent to Riviera Canyon, one of seven coastal canyons designated as Environmentally Sensitive Habitat Area (ESHA) in the certified LUP. Riviera Canyon is located in the southern part of San Clemente. The proposed development is consistent with LUP canyon setback policy "a" above, in that the proposed development, which is set back a minimum of 30% of the depth of the lot and greater than 15 feet from the "canyon edge". There is not definitive "line of native vegetation" on the subject site, as native and ornamentals are interspersed throughout the parcel (Exhibit 8). As such, setback policy "b" can not be applied. Additionally, due to the configuration of the subject parcel and location of nearby residences, the stringline concept cannot be applied. Therefore, setback policy "c" can not be applied.

The property site is an irregularly shaped, canyon-fronting parcel with a distinct canyon edge. The site topography is presented in Exhibit 4. The property line is located beyond the canyon edge to the south. The northwestern portion of the site is a level building pad, which is the result of grading and fill occurring approximately 40-50 years ago.

The existing accessway and building pad contain annual grasses and weeds. Vegetation in the adjacent canyon consists of a mixture of natives and exotics. The adjacent canyon supports a dense growth of eucalyptus trees, palm trees and pepper trees. The canyon slope contains medium blade iceplant and a few sage and chaparral bushes. The ascending slope to the surrounding residences contains numerous ornamental trees, iceplant, ivy and pampas grass.

The plans provided by the applicant show that the entire site will be landscaped with drought-tolerant native trees, shrubs, and groundcovers. This is in conformance with Special Condition 2 (landscaping), which requires that only native, drought-tolerant plants be installed on the canyon sides (southern and western) of the property. However, the landscape plan submitted does not provide adequate illustration of the proposed irrigation system. Therefore, Special Condition 2 requires that the applicant submit revised plans to demonstrate that no in-ground irrigation is proposed on the canyon-facing portions of the site.

3. Special Conditions

The previous section on geologic hazards includes findings to support the four special conditions: conformance with geologic recommendations, submittal of a revised landscape plan, conformance with a drainage plan, and future development deed restriction. These conditions are necessary to ensure compliance with Section 30253 of the Coastal Act concerning prevention of erosion and promotion of geologic stability.

San Clemente's certified Land Use Plan (LUP) advocates the preservation of native vegetation and discourages the introduction of non-native vegetation. The coastal canyons act as open space and potential wildlife habitat as well as corridors for native fauna. Decreases in the amount of native vegetation due to displacement by non-native vegetation would result in an adverse impact upon habitat value of the canyons. Riviera Canyon has been designated by the City of San Clemente as an environmentally sensitive habitat area (ESHA). Special Conditions 2, 3, and 4 ensure that the proposed development, which is adjacent to the canyon, does not have any significant adverse effect on environmentally sensitive habitat

area. Special Condition 2 requires that landscaping be of native, drought tolerant species on the portion of the lot adjacent to Riviera canyon. Therefore, non-native invasive species will not encroach into the adjacent canyon. In addition, all in-ground vegetation on the site, both in the front and back of the lot must be of native plant species. All water intercepted by the proposed structure should be conveyed in a non-erosive manner to the canyon bottom by the use of roof and area drains to reduce excessive runoff, erosion, and sedimentation. Special Condition 3 requires that the drainage plan ensure that sedimentation in the canyon, which may adversely effect the designated environmentally sensitive habitat area, will be prevented. Special Condition 4, the future development special condition, ensures that no development, including landscaping, takes place that would adversely impact the existing designation of the adjacent Riviera Canyon as an environmentally sensitive habitat area.

4. Consistency with Section 30240 and Land Use Plan (LUP) Policies

The proposed development is adjacent to Riviera Canyon, which is identified in the certified LUP as an Environmentally Sensitive Habitat Area (ESHA). The special conditions of this staff report (future development and erosion control plan) are designed to enhance Riviera Canyon as an environmentally sensitive habitat area. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30240(b) of the Coastal Act and the policies of the certified LUP.

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.

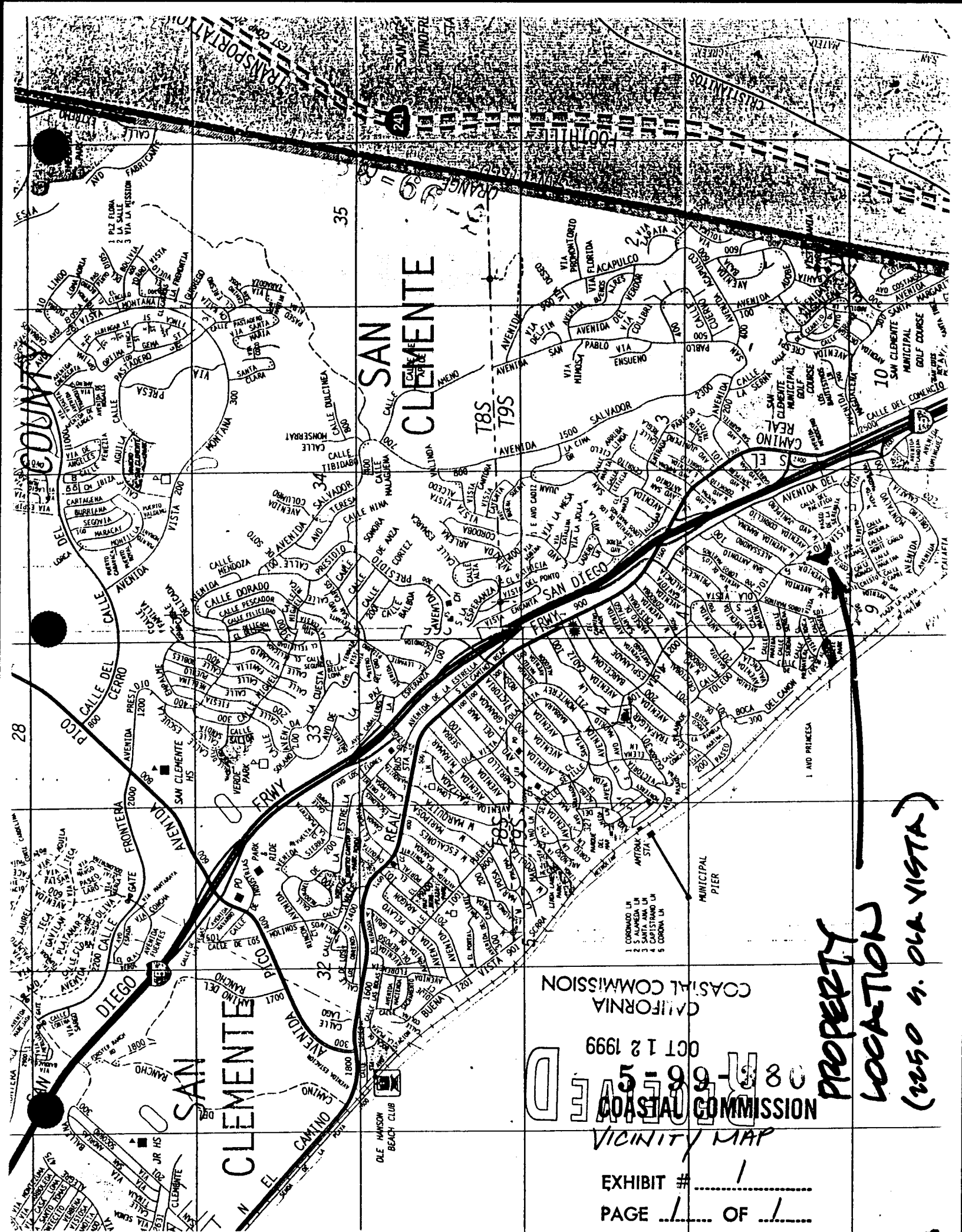
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998 the Commission certified with suggested modifications the IP portion of the Local Coastal Program. The City did not accept the suggested modifications within six months and therefore the Commission's approval of the IP portion of the LCP is no longer effective. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding enhancement of native vegetation, and geological stability. 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).

F. 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 that the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic hazards, water quality and environmentally sensitive habitat policies of the Coastal Act. Mitigation measures, in the form of special conditions, require 1) conformance with geologic recommendations; 2) recordation of a deed restriction regarding future development; 3) recordation of a deed restriction regarding assumption of risk; 4) submittal of a revised landscaping plan; and 5) conformance with the drainage and runoff plan, will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.





RED

CALIFORNIA COASTAL COMMISSION
OCT 12 1999
5-99-380
COASTAL COMMISSION

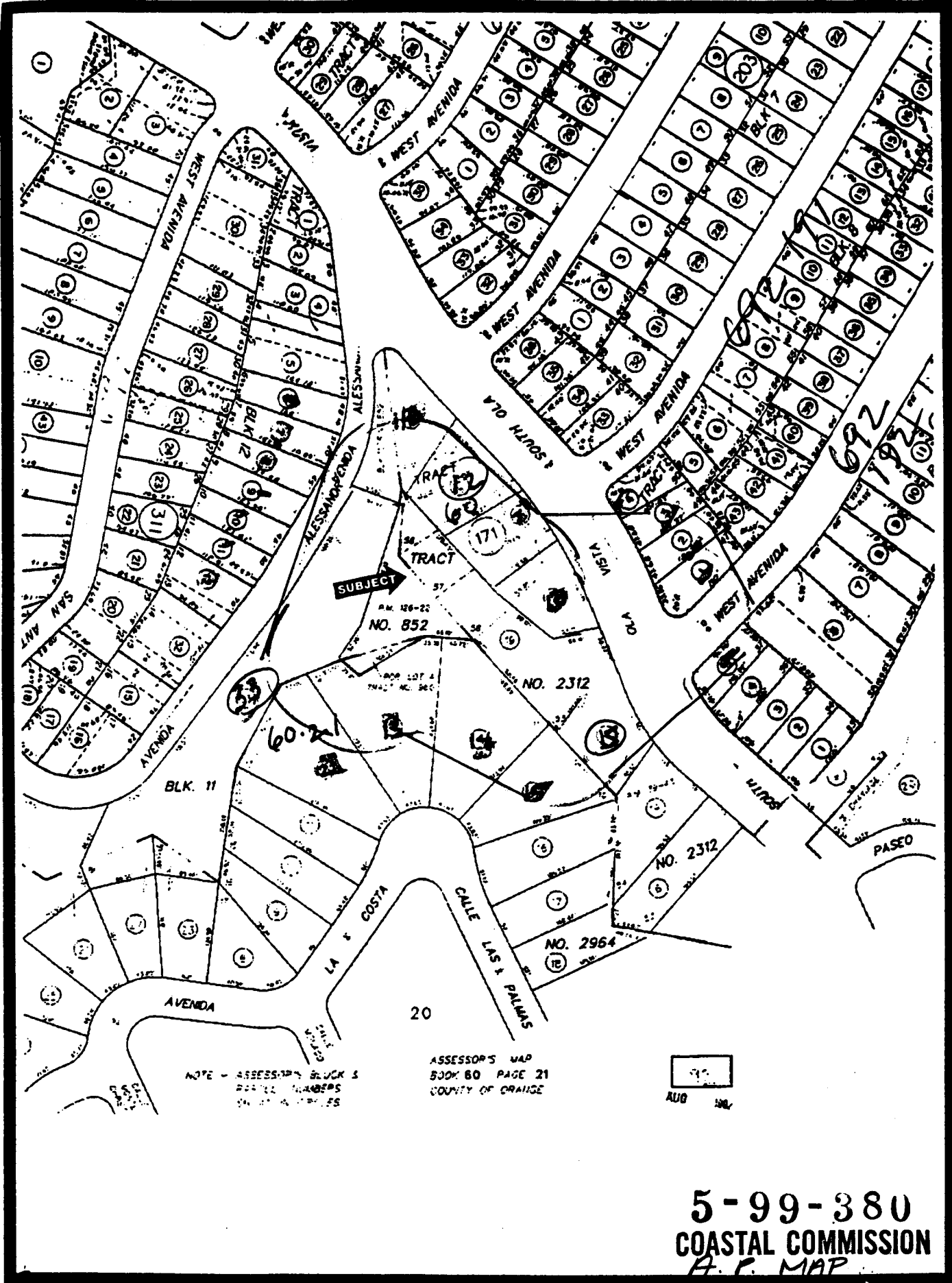
PROPERTY LOCATION (2250 N. OLA VISTA)

VICINITY MAP
 EXHIBIT # 1
 PAGE 1 OF 1

SAN CLEMENTE

SAN CLEMENTE

RED

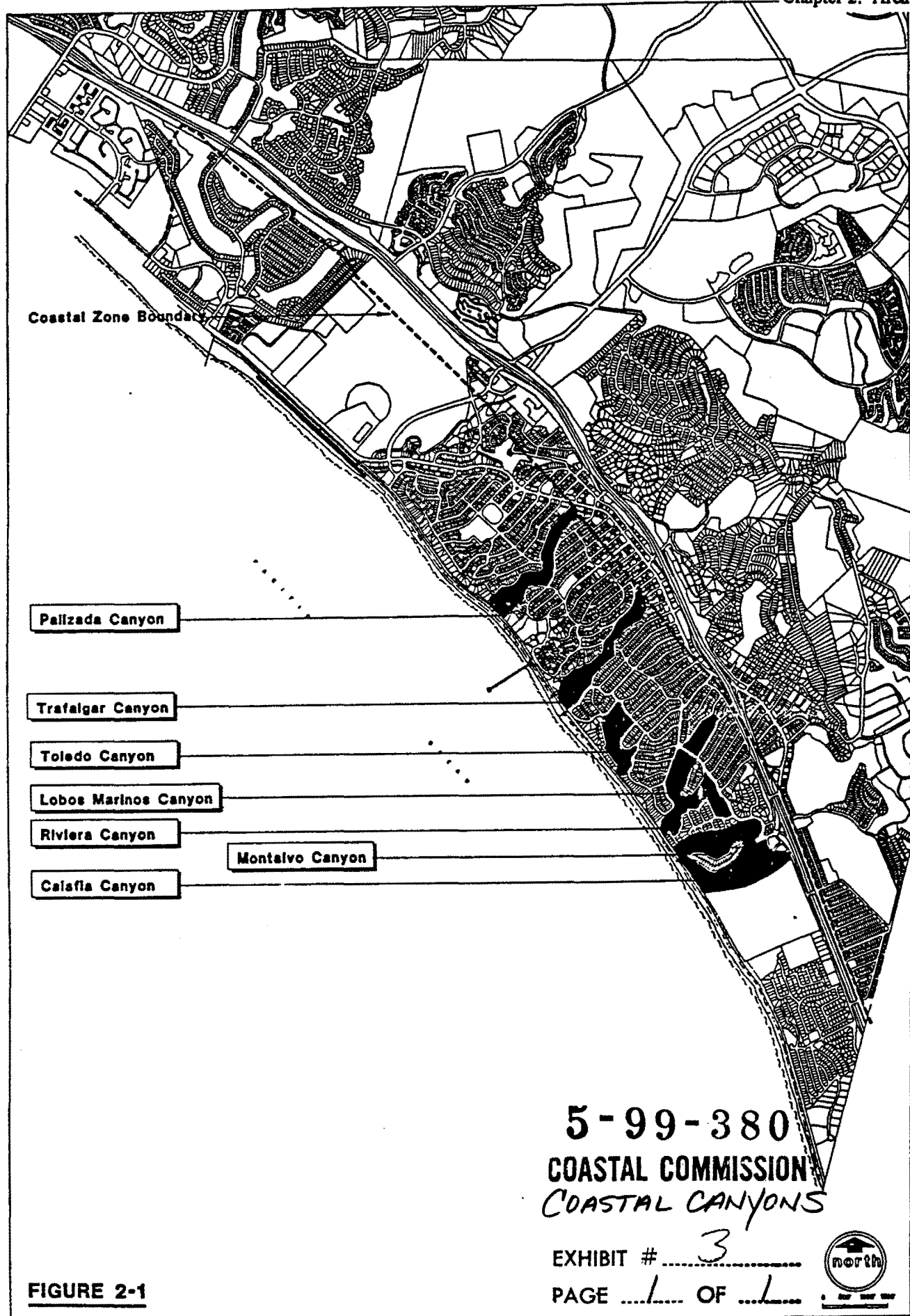


Ownership Map

CLTA Preliminary Report Form (Rev. 1/1/95)

5-99-380
 COASTAL COMMISSION
 A.C. MAP

EXHIBIT # 2
 PAGE 1 OF 1



Pallada Canyon

Trafalgar Canyon

Toledo Canyon

Lobos Marinos Canyon

Riviera Canyon

Montalvo Canyon

Calafia Canyon

5-99-380
 COASTAL COMMISSION
 COASTAL CANYONS

EXHIBIT # 3
 PAGE 1 OF 1

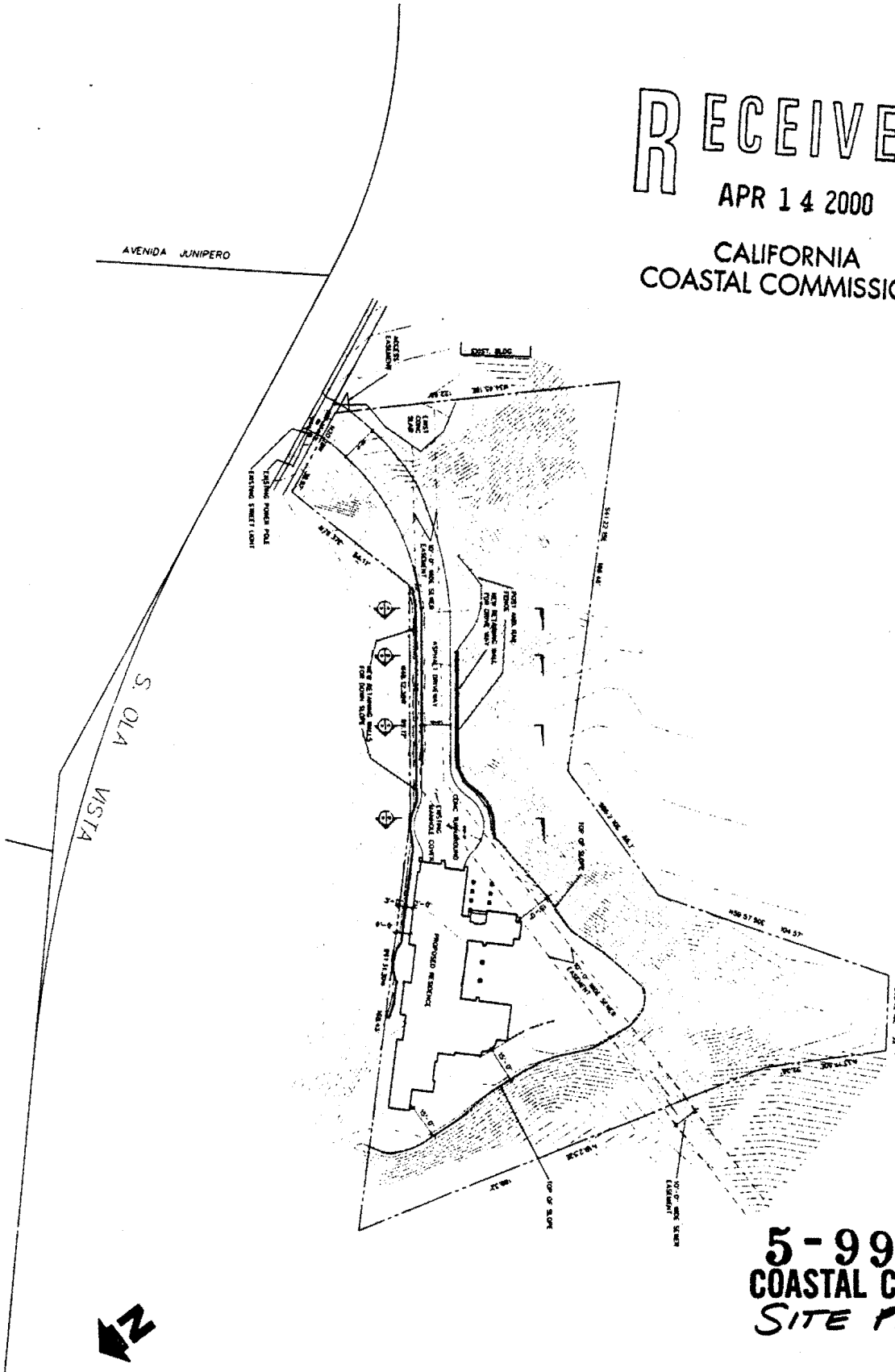


FIGURE 2-1



RECEIVED
APR 14 2000

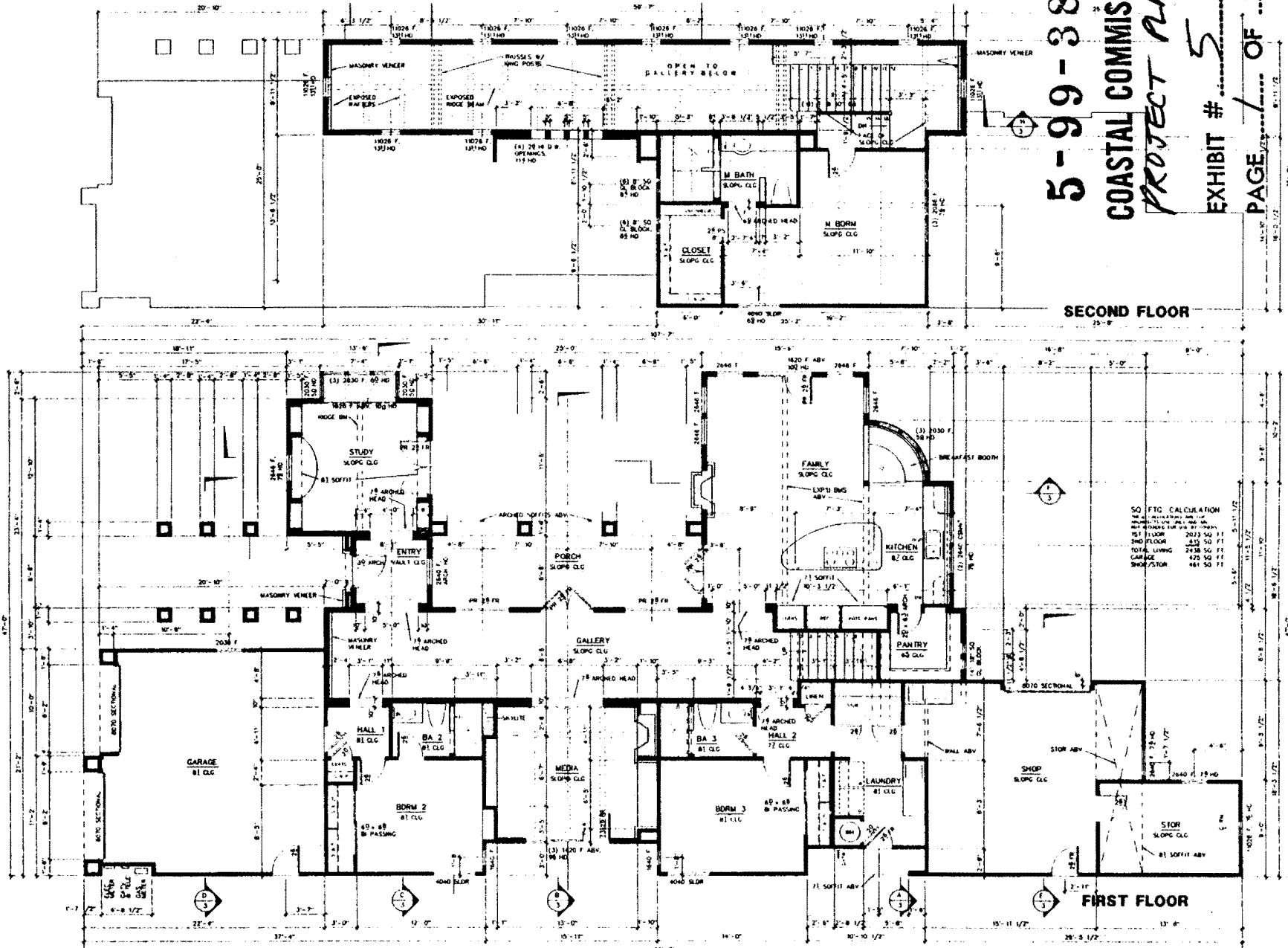
CALIFORNIA
COASTAL COMMISSION



OVERALL SITE

5-99-380
COASTAL COMMISSION
SITE PLAN

EXHIBIT # 4
PAGE 1 OF 1



5-99-380
 COASTAL COMMISSION
 PROJECT PLANS
 EXHIBIT # 5
 PAGE 1 OF 4

SECOND FLOOR

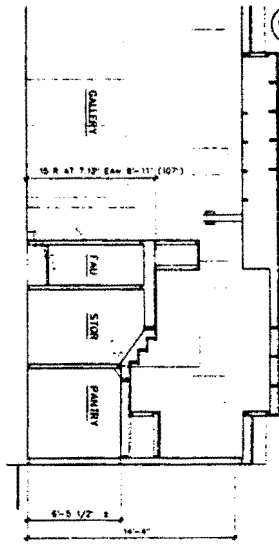
FIRST FLOOR

FLOOR PLANS

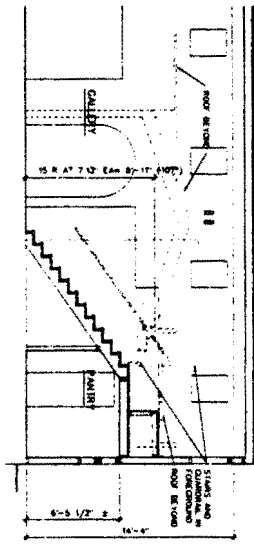
50 FTG. CALCULATION

1ST FLOOR	2012 SQ. FT.
2ND FLOOR	115 SQ. FT.
TOTAL LIVING	2127 SQ. FT.
GARAGE	472 SQ. FT.
SHOP/STOR.	141 SQ. FT.

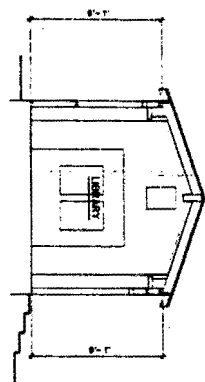
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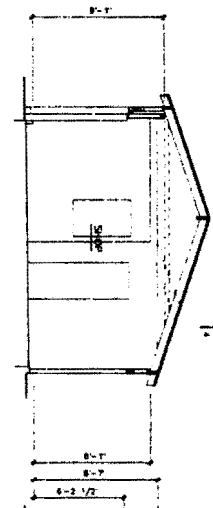
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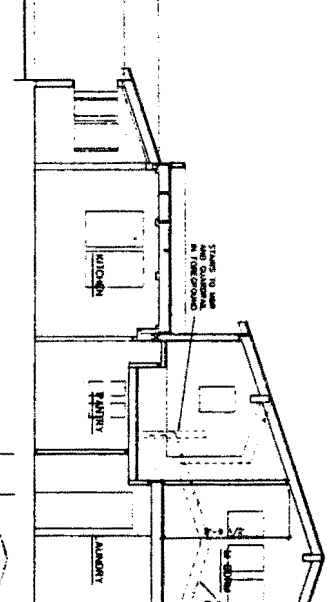
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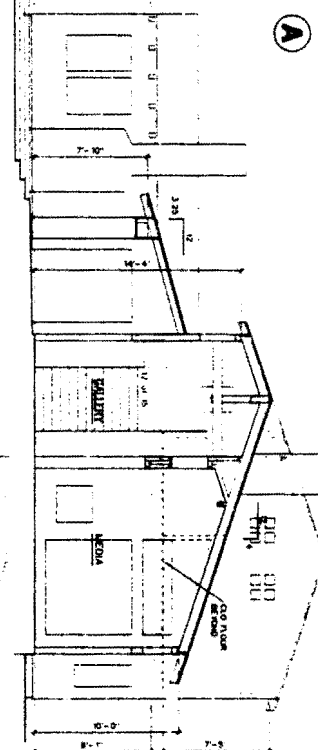
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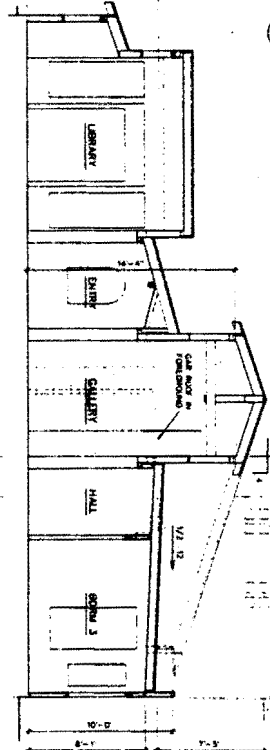
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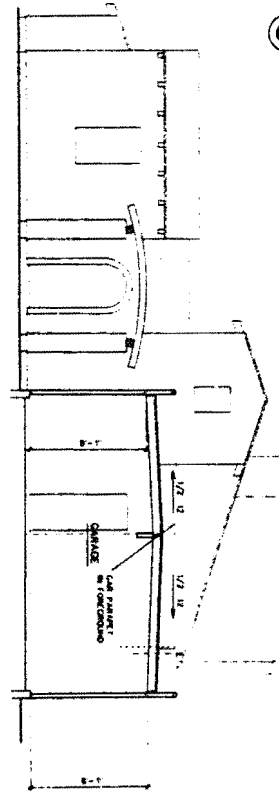
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(C)



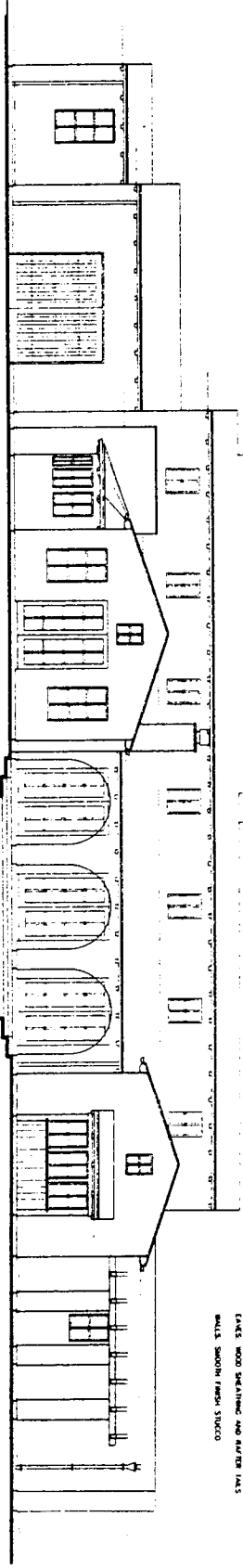
(D)



SECTIONS

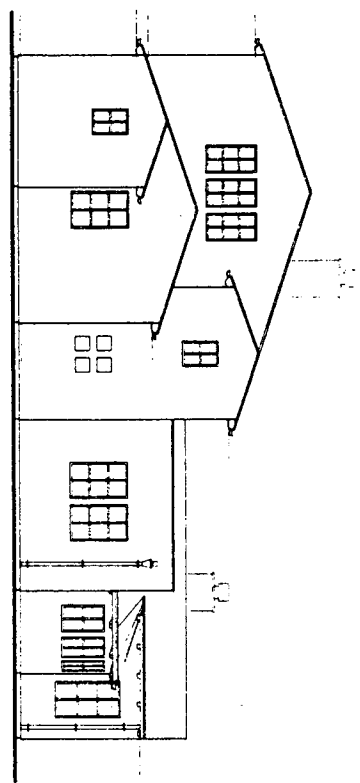
5-99-380
 COASTAL COMMISSION
 PROJECT PLAN

DATE: 05/11/00
BY: JAZ
PROJECT: BECK RESIDENCE

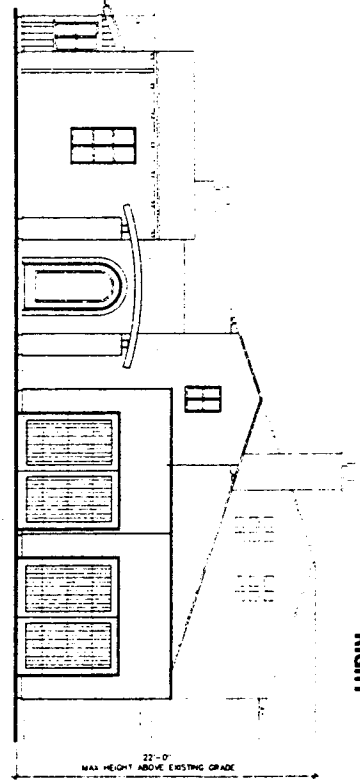


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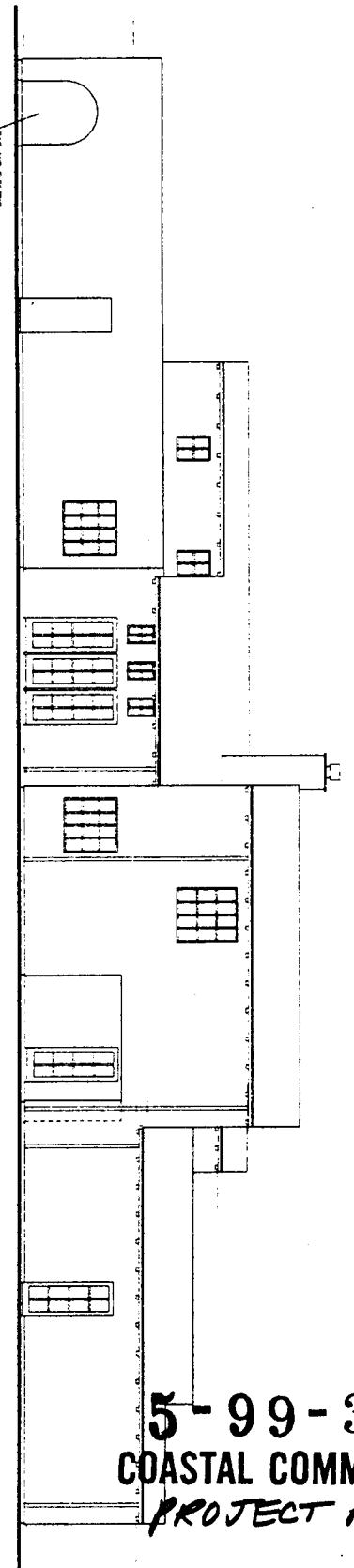
REAR



FRONT



RIGHT



LEADER MATERIALS:
ROOFING: SHIP LAP CEDAR
CLADDING: SHIP LAP CEDAR
SILLS: WOOD SHAKING AND RAFTER TAILS
WALLS: SMOOTH FINISH STUCCO

22'-0"
MAX HEIGHT ABOVE EXISTING GRADE

1/8" = 1'

EXTERIORS

5-99-380
COASTAL COMMISSION
PROJECT PLANS

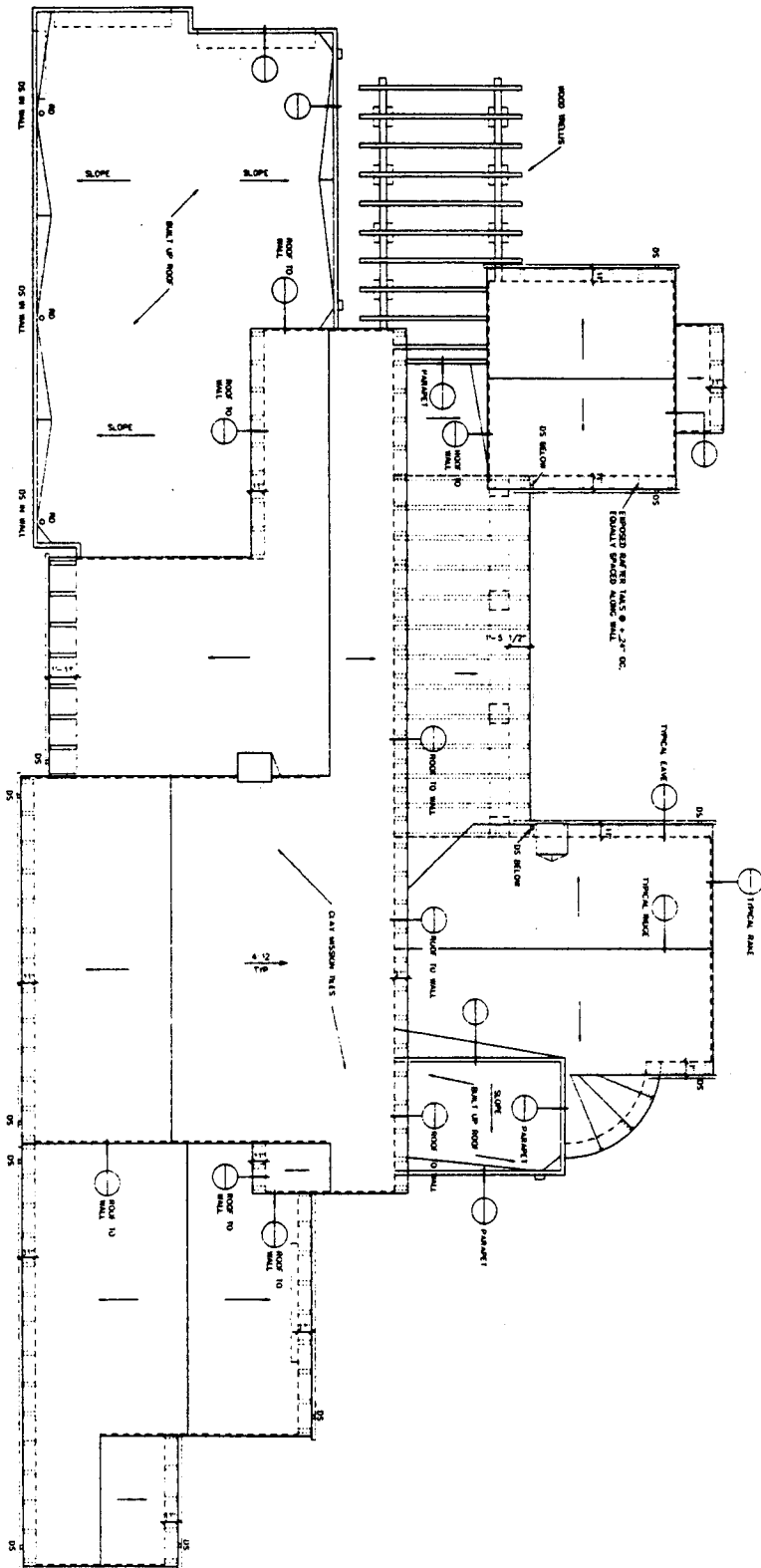
4

2018 CHANGE NO. 01113 1.00
MAY/2001 BECK
CALIFORNIA STATE
ARCHITECTURE
NO. 12527
DATE: 11/00

JAZ
ARCHITECTURE
PLANNING

BECK RESIDENCE
2230 E. OLA VISTA, SAN CLEMENTE

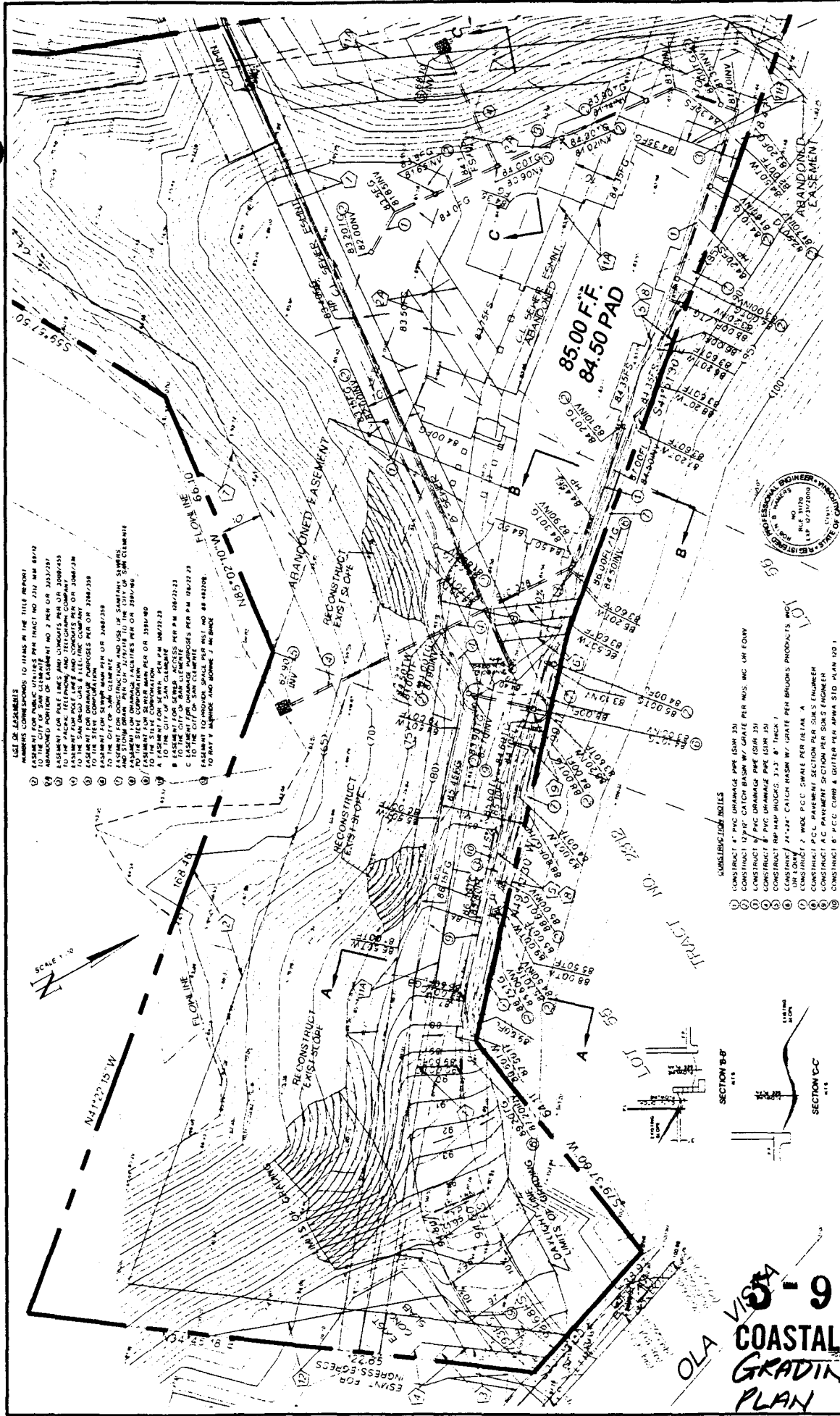
EXHIBIT # 5
PAGE 3 OF 4



1/8" = 1' ROOF PLAN

5-99-380
 COASTAL COMMISSION
 PROJECT PLANS

EXHIBIT # 5
 PAGE 4 OF 4



GRADING PLAN
2250 SOUTH OLA VISTA
SAN CLEMENTE, CA
 TRACT NO. 14574

PREPARED BY: **ROBIN B. HAMERS & ASSOC., INC.**
 CIVIL ENGINEERS
 224 E. 17TH STREET, SUITE 208
 COSTA MESA, CA 92627
 PHONE: (714) 761-1111

OWNER: **JOHN BECK**
 2250 S. OLA VISTA
 SAN CLEMENTE, CA
 (UNRECORDED)

REGISTERED PROFESSIONAL ENGINEER - CIVIL
 NO. 10137
 STATE OF CALIFORNIA
 EXPIRES 12/31/2000

DATE: 11/10/99

SHEET **G1** OF 1

- LIST OF EASEMENTS**
- 1. EASEMENT TO HANG IN THE TITLE REPORT
 - 2. EASEMENT TO THE CITY OF SAN CLEMENTE PER TRACT NO. 1212 AND 6914
 - 3. ABANDONED PORTION OF EASEMENT NO. 2 PER OR 3033/287
 - 4. EASEMENT TO THE CITY OF SAN CLEMENTE PER TRACT NO. 14574
 - 5. EASEMENT TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY
 - 6. EASEMENT FOR POST, LINE AND CONDUITS PER OR 3086/238
 - 7. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 8. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 9. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 10. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 11. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 12. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 13. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 14. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 15. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 16. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 17. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 18. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 19. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258
 - 20. EASEMENT FOR DRAINAGE APPROPRIATES PER OR 3282/258

- CONSTRUCTION NOTES**
- 1. CONSTRUCT 4" PVC DRAINAGE PER USIN 331
 - 2. CONSTRUCT 12" PVC CATCH BASIN W/ GAPE PER M.S. INC. UN FLOW
 - 3. CONSTRUCT 8" PVC DRAINAGE PER USIN 331
 - 4. CONSTRUCT 6" PVC DRAINAGE PER USIN 331
 - 5. CONSTRUCT 4" PVC DRAINAGE PER USIN 331
 - 6. CONSTRUCT 2" PVC DRAINAGE PER USIN 331
 - 7. CONSTRUCT 1" PVC DRAINAGE PER USIN 331
 - 8. CONSTRUCT 1/2" PVC DRAINAGE PER USIN 331
 - 9. CONSTRUCT 3/4" PVC DRAINAGE PER USIN 331
 - 10. CONSTRUCT 1" PVC DRAINAGE PER USIN 331
 - 11. CONSTRUCT 1/2" PVC DRAINAGE PER USIN 331
 - 12. CONSTRUCT 3/4" PVC DRAINAGE PER USIN 331
 - 13. CONSTRUCT 1" PVC DRAINAGE PER USIN 331
 - 14. CONSTRUCT 1/2" PVC DRAINAGE PER USIN 331
 - 15. CONSTRUCT 3/4" PVC DRAINAGE PER USIN 331
 - 16. CONSTRUCT 1" PVC DRAINAGE PER USIN 331
 - 17. CONSTRUCT 1/2" PVC DRAINAGE PER USIN 331
 - 18. CONSTRUCT 3/4" PVC DRAINAGE PER USIN 331
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 - 20. CONSTRUCT 1/2" PVC DRAINAGE PER USIN 331

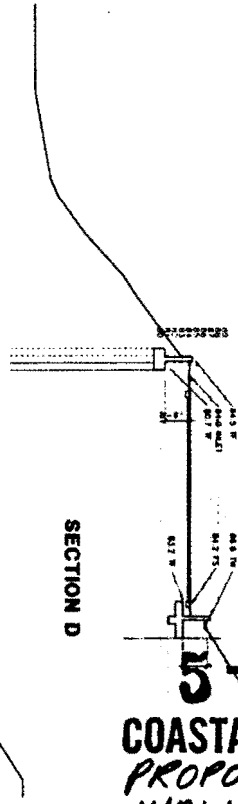
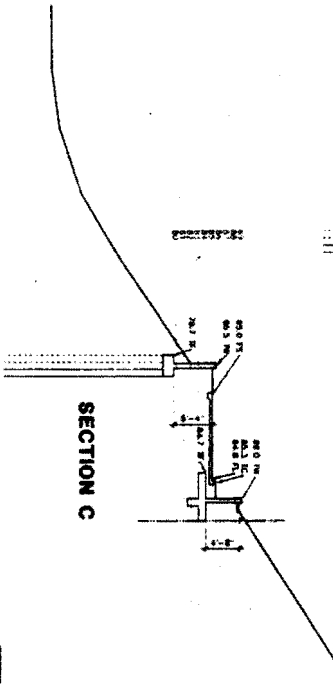
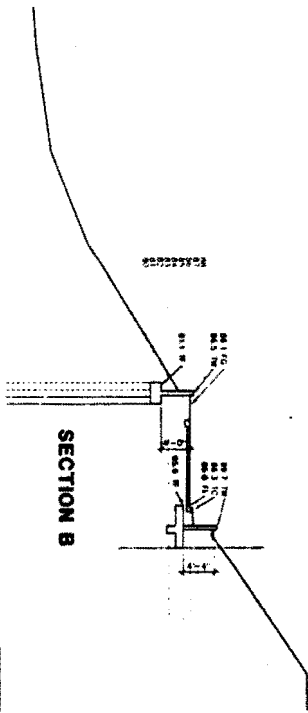
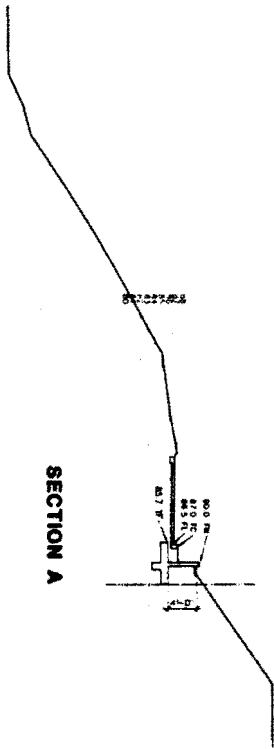
EXHIBIT # 6

PAGE 1 OF 2

5-99-380
COASTAL COMMISSION
GRADING + DRAINAGE
PLAN
EXHIBIT # 6
PAGE 1 OF 2



RETAINING WALL SECTIONS



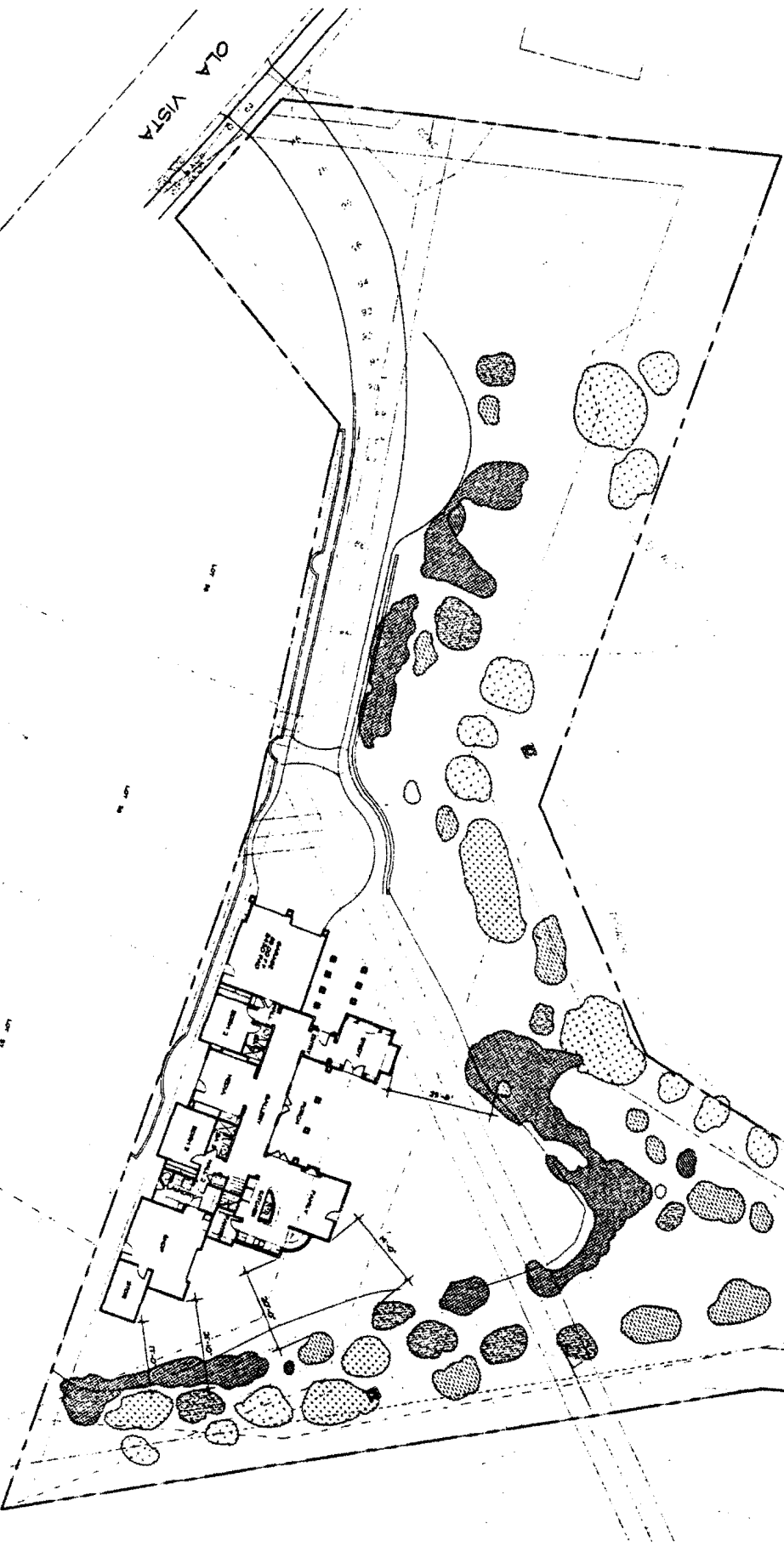
5-99-380
 COASTAL COMMISSION
 PROPOSED RETAINING
 WALL SECTIONS
 EXHIBIT # 6
 PAGE 2 OF 2

OLA VISTA

EXISTING ON-SITE VEGETATION EXHIBIT

PLANTING LEGEND

	ARTEMISIA CALIFORNICA		RETINOSPORA ARISTATA
	CALIFORNIA SAGE		YUCCA
	CAMPHOROSMA SPINOSUM		MALVA INTERTEXTA
	COPRINUS		ECHINOCYSTIS ALBUS
	PROSOPIS JULIFLORA		SIDA INULA
	CALIFORNIA REDWOOD		CALIFORNIA TOYON
	CALIFORNIA SYCAMORE		CALIFORNIA SYCAMORE



5-99-380
 COASTAL COMMISSION
 EXISTING LANDSCAPE

EXHIBIT # 8
 PAGE 1 OF 1

SCALE: 1"=10'-0"



PROJECT: BECK RESIDENCE 2250 S. OLA VISTA SAN CLEMENTE, CALIFORNIA LANDSCAPE PLAN		OWNER: JOHN BECK 2650 S. OLA VISTA SAN CLEMENTE, CALIFORNIA (949) 280-7771		DATE/REVISION <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>											
DESIGNED BY: JLB CHECKED BY: JLB DATE: 12/24/00 SCALE: 1/4"=1'-0" PROJECT NUMBER: 5-99-380		PROJECT: BECK RESIDENCE DATE: 12/24/00 SCALE: 1/4"=1'-0" PROJECT NUMBER: 5-99-380		PROJECT: BECK RESIDENCE DATE: 12/24/00 SCALE: 1/4"=1'-0" PROJECT NUMBER: 5-99-380											