

CALIFORNIA COASTAL COMMISSION

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Staff: ALK-LB **ALK**
Staff Report: February 22, 2001
Hearing Date: March 13-16, 2001
Commission Action:

**RECORD PACKET COPY****Item Mon 7b****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-00-424

APPLICANT: Tony and Erin Spriggs

AGENT: Michael Luna, Architect

PROJECT LOCATION: 911 Buena Vista, San Clemente, Orange County

PROJECT DESCRIPTION: Demolition of an existing duplex and construction of a new 8,920 square foot three-unit apartment complex with partially subterranean parking garage, side yard retaining walls and rear yard patios on a coastal blufftop lot.

LOCAL APPROVALS RECEIVED: City of San Clemente Approval-in-Concept dated October 19, 2000 and Cultural Heritage Permit 00-63 approved by the Planning Commission on July 18, 2000.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with seven (7) special conditions. The subject site is a coastal blufftop lot located between the first public road and the sea in San Clemente. The proposed development conforms to the blufftop setback policies in the certified LUP, as development will be set back in accordance with a stringline drawn between the nearest corners of the adjacent single-family residences. In addition, the project is set back substantially further than the existing duplex which is to be demolished. However, the northwestern portion of the development encroaches into the required 25-foot structural setback and 10-foot patio/deck setback. The primary issue addressed in the staff report is assurance that the proposed development is appropriately set back from the bluff edge to be consistent with the geologic hazard and visual resource policies of the Coastal Act.

Special Condition 1 requires the applicant to submit revised plans showing relocation of the northwestern portions of the structure and patio. Special Condition 2 requires the applicant to submit final plans that show evidence of conformance with geotechnical recommendations, including those regarding site preparation, foundation design, and drainage. Special Condition 3 requires the recordation of an assumption of risk deed restriction. Special Condition 4 requires the recordation of a no future blufftop protective device 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 new coastal development permit or an amendment to this permit. Special Condition 6 requires the submittal of a drainage and run-off control plan which demonstrates that rooftop run-off will be taken to the street. Lastly, Special Condition 7 requires submission of a final landscaping plan which shows that only drought-tolerant natives will exist in the rear yard area and restricts any in-ground irrigation.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente Certified Land Use Plan; *Staff Recommendation on Major Amendment 1-95 San Clemente Land Use Plan; Preliminary Geotechnical Investigation for Multi-Unit Apartment Building/Condominiums, 911 Buena Vista, San Clemente, California* prepared by Geofirm, Inc. dated September 27, 2000.

Coastal Development Permits: 5-00-081 (Cramer); 5-00-034 (McKinley-Bass); 5-99-351 (McMurray); 5-99-231 (Smith); 5-99-204 (Brown)—application withdrawn; 5-98-508 (Desert Cities Properties); 5-98-469 (Ferber); 5-98-300 (Loughnane); 5-98-273-G (McKinley & Bass); 5-98-210 (Nelson); 5-98-178 (McMullen); 5-98-082 (Westberg); 5-98-064 (Barnes); 5-98-020 (Conrad); 5-97-371 (Conrad); 5-97-185 (Schaeffer); 5-97-107 (Spruill); 5-95-121 (Watson); 5-95-069 (Westberg); 5-94-256 (Colony Cove); 5-94-243 (Gilmour), 5-94-213; 5-94-199 (Westberg); 5-93-307 (Ackerly); 5-93-304 (Rosenstein); A5-DPT-93-275 (La Ventana); 5-93-243 (La Ventana); 5-93-143 (Mertz & Erwin); 5-93-254-G (Arnold); 5-93-181 (Driftwood Bluffs); P-3967 (Cypress West); Engineering geologic report by C. Michael Scullin of Canoga Park, California titled *Engineering Geological Feasibility of Design for a Single Family Residence, Lot 35, Tract 897, 2014 Calle de Los Alamos, San Clemente, California* (Project #79149) dated July 22, 1979; Draft Environmental Impact Report Elmore Ranch, 1978, Final Soil Engineering and Engineering Geologic Grading Report P3967; "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.

LIST OF EXHIBITS:

1. Vicinity Map
2. Assessors Parcel Map
3. Coastal Access Points Map
4. Project Plans
5. Plate 2 (Site Sections) from Geotechnical Investigation

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP #5-00-424 pursuant to the staff recommendation.

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

RESOLUTION:

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, located between the first public road and the sea, 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. Submittal of Revised Plans

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of revised project plans that demonstrate conformance with the following blufftop setbacks:
 - 1) No portion of the structure shall be constructed nearer than 25 feet from the designated "top of bluff," as generally depicted on page 2 of Exhibit 4 attached in the current staff report, and
 - 2) No portion of the patio shall be constructed nearer than 10 feet from the designated "top of bluff" as generally depicted on page 2 of Exhibit 4 attached in the current staff report.

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

2. Conformance of Design and Construction Plans to Geotechnical Report

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the *Preliminary Geotechnical Investigation for Multi-Unit Apartment Building/Condominiums, 911 Buena Vista, San Clemente, California* prepared by Geofirm, Inc. dated September 27, 2000. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Assumption of Risk, Waiver of Liability and Indemnity

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards such as bluff erosion and landslides; (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; and (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 any injury or damage due to such hazards.
- 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 incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. 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.

4. No Future Blufftop Protective Device

- A. By acceptance of this permit, the applicant agrees, on behalf of himself and all other successors and assigns, that no blufftop protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal

Development Permit No. 5-00-424, including the patios and any future improvements, in the event that the property is threatened with damage or destruction from bluff failure in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

- 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, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. 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.

5. **Future Development Deed Restriction**

- A. This permit is only for the development described in Coastal Development Permit No. 5-00-424. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structure, 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. 5-00-424 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. 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.

6. **Drainage and Runoff Control Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a drainage and runoff control plan. The drainage and runoff control plan shall show that all roof drainage, including roof gutters, collection drains, and sub-drain systems for all landscape and hardscape improvements for the residence and all yard areas, shall be collected on site for discharge to the street through piping without allowing water to percolate into the ground. The applicant shall maintain the functionality of the approved drainage and runoff control plan to assure that water is collected and discharged to the street without percolating into the ground.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the

Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Submittal of Final Landscaping Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final 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 rear yard area 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 front yard area 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; and
 - (e) No permanent in-ground irrigation systems shall be installed on site. 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

1. Project Location

The project site is located at 911 Buena Vista, a coastal blufftop lot between the first public road and the sea in the City of San Clemente, County of Orange (Exhibits 1 and 2).

The subject site is a roughly trapezoidal, level pad that slopes gently toward an approximately 80-foot high coastal bluff. The site is surrounded to the north by a multi-family residential complex, to the south by a single-family residence, to the east by Buena Vista and to the west by a coastal bluff. The bluff slope descends to a railroad and sandy beach below.

The coastal bluffs in San Clemente are not subject to direct wave attack because they are separated from the beach by the Orange County Transportation Authority (OCTA) railroad tracks and right-of-way. The railroad tracks have a rip-rap revetment which protects the tracks from erosion and wave overtopping. Though not subject to direct wave attack, the bluffs are subject to weathering caused by natural factors such as wind and rain, poorly structured bedding, soils conducive to erosion and rodent burrowing. Bluffs may also be subject to erosion from human activities, such as irrigation, improper site drainage and grading.

The nearest vertical coastal access is available approximately 250' west of the subject site via a stairway at the El Portal public access point (Exhibit 3). Lateral public access is located seaward of the railroad right-of-way at the beach below the subject site.

2. Project Description

The proposed project involves the demolition of an existing 4112 square foot, two-story duplex and construction of a new 24' high, three-story (including partial basement), 8920 square foot, three-unit apartment complex with a 2658 square foot, partially subterranean nine (9) car parking garage on a coastal blufftop lot (Exhibit 4). The project also involves the construction of side yard retaining walls along the northern and southern property lines. Approximately 1180 cubic yards of grading is required for site preparation and parking garage excavation (1150 cubic yards to be exported and 30 cubic yards to be used on site). Excavated material will be disposed of at a site outside of the coastal zone.

The proposed project will be set back from the existing bluff edge in conformance with the existing structural and deck stringlines, but will encroach into the minimum 25-foot structural and 10-foot patio/deck setbacks specified in the certified LUP. The new structure is proposed approximately 50 feet inland of the bluff edge at its central point. This reflects a greater structural setback than was previously applied at this site, as the existing duplex is located approximately 40 feet from the bluff edge. The proposed rear yard patios will be located approximately 40 feet from the bluff edge at its central point, consistent with the stringline setback.

While the development is consistent with both the structural and patio stringline setbacks, the subject site varies in shape from the adjacent properties. The bluff edge protrudes along the seaward portion of the property, resulting in a rounded promontory at the center of the subject site. Consequently, the northwestern and southwestern corners of the proposed apartment complex will be located nearer to the bluff edge than the central portion of the structure. As shown on the site plan (Exhibit 4), the northwestern corner of the proposed structure will be sited approximately 8 feet from the bluff edge and the southwestern corner of the structure will be sited approximately 40 feet from the bluff edge. The patio will be located approximately 1 foot from the northwestern edge and approximately 24 feet from the southwestern edge. Again, both the structure and the patio are consistent with the applicable stringline setbacks. However, development proposed in the northwestern portion of the rear yard will encroach into the 25-foot building setback and the 10-foot patio setback from the bluff edge.

As recommended by the geotechnical consultant, the structure will be mostly supported by conventional foundations, combined with caissons and grade beams supporting rear bluffward portions of the structure and rear patio. Slabs on grade are planned for the garage and lower level and structural slabs will be required along the rear portions of the residence and rear patio. The geotechnical consultant did not recommend a greater setback than currently proposed for either the structure or the patio. Blufftop stability and appropriate setbacks will be discussed further in Section B (Blufftop Stability) and Section C (Scenic Resources) of the current staff report.

The project will also involve landscaping of the front yard area. A preliminary landscaping plan has been submitted which demonstrates that landscaping will consist of native groundcover in the rear yard area (existing) and a mix of native and ornamental plants in the front yard area. Existing native vegetation on the bluff slope will remain undisturbed. The plan notes that no permanent, in ground irrigation is to be placed at the bluff side of the lot. However, as will be discussed on page 16, staff recommends a prohibition on in-ground irrigation throughout the entire lot.

3. Prior Commission Actions in Subject Area / Similar Special Conditions

Many of the homes in the immediate vicinity were constructed prior to passage of the Coastal Act. As such, there are few examples of Commission actions on new residential development along this stretch of Buena Vista. However, as discussed below, there have been several coastal development permits issued for multi-unit projects on blufftop lots north of the subject site.

Projects on Buena Vista

On November 20, 1997, the Commission approved Coastal Development Permit No. 5-97-256 for construction of a 25' high, three-story, 7082 square foot, four-unit apartment building with 1991 square foot garage at 1511 Buena Vista. The project also included 798 cubic yards of grading and landscaping. The Commission imposed special conditions regarding assumption of risk, conformance with geotechnical recommendations, submittal of revised landscaping plans to show use of native plants, temporary structures in the setback area and future improvements.

On December 10, 1997, the Commission approved Coastal Development Permits No. 5-97-269 and No. 5-97-270. CDP No. 5-97-269 allowed the construction of a 30-ft. high, three-story, 6906 square foot four-unit apartment building with a 2079 square foot garage with nine parking spaces at 1509 Buena Vista. The project also included 752 cubic yards of grading and landscaping. CDP No. 5-97-270 allowed the construction of a 30-ft. high, three-story, 6672 square foot four unit apartment building with a 2533 square foot garage with nine parking spaces at 1513 Buena Vista. The project also included 807 cubic yards of grading and landscaping. On both of these permits, the Commission imposed special conditions regarding assumption of risk, conformance with geotechnical recommendations, submittal of revised landscaping plans to show use of native plants, temporary structures in the setback area and future improvements.

Similar Projects on Blufftop Lots in San Clemente

Coastal Development Permit 5-98-508 allowed construction of a 25 foot high, 6,600 square foot single-family residence with a 3-car garage and 6 parking spaces on a vacant lot at 115 Vista Blanca, south of the subject site. No grading was proposed. The Commission imposed special conditions regarding assumption of risk, conformance with geologic recommendations, future development, restriction on future bluff protective devices, landscaping, and drainage and irrigation. The project conformed to both the stringline and the 25 foot setback requirements.

Administrative Permit 5-95-121 (Watson) allowed the construction of a two-level 4669 square foot residence and 825 square foot three-car garage on a blufftop lot at 4016 Calle Ariana, south of the subject site. No special conditions were imposed. The project was allowed to be constructed in conformance with the existing stringline setback from the bluff edge.

Coastal Development Permit 5-85-391 (Miller) allowed the construction of a new single family residence on a vacant lot at 2014 Calle de Los Alamos, south of the subject site. In this case, the proposed development was approved as it conformed with a stringline which provided at least an 18 foot setback from the bluff edge. It should be noted that the edge of the bluff is roughly linear at the Calle de Los Alamos location, whereas the bluff edge is not linear at the subject site (911 Buena Vista). As such, the proposed building setback at the subject site

ranges from an 8-foot minimum to a 50-foot maximum from the existing bluff edge, as discussed in the subsequent section.

B. BLUFFTOP STABILITY

Blufftop development poses potential adverse impacts to the geologic stability of coastal bluffs, to the preservation of coastal visual resources, and to the stability of residential structures. Blufftop stability has been an issue of historic concern throughout the City of San Clemente. Coastal bluffs in San Clemente are composed of fractured bedding which is subject to block toppling and unconsolidated surface soils which are subject to sloughing, creep, and landsliding. The setback and stringline policies of the Commission were instituted as a means of limiting the encroachment of development seaward to the bluff edges on unstable bluffs and preventing the need for construction of revetments and other engineered structures to protect development on coastal bluffs, as per Section 30253 of the Coastal Act.

1. Coastal Act and City of San Clemente Certified Land Use Plan (LUP) 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.

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...

The City of San Clemente 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 include the following:

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.

Both the stringline policy and the 25-foot bluff setback policy could be applied in this situation because the applicant is proposing infill development between existing single-family residences on a blufftop lot. The plans submitted by the applicant show that the project conforms to the structural and deck stringline setbacks from the bluff edge (Exhibit 4). Consequently, the proposed residence will be set back as much as 50 feet from the central portion of the bluff edge and a minimum of 8 feet from the northern edge and 24 feet from the southern edge. Hardscape development in the rear yard will be set back a maximum of 45 feet to a minimum of 1 foot from the bluff edge. The standard that the Commission has been using on coastal bluffs for hardscape setbacks is 10 feet, or consistent with the stringline where appropriate.

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 water or sewage lines. In addition to runoff percolating at the bluff top site, increased residential development inland also leads to increased water percolation through the bluff. Over-watering and improper irrigation often contribute to this increased water percolation.

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. 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 bluff instability in the Los Angeles area was the construction of the Pacific Coast Highway and the railroad. Like Los Angeles, the coastal bluffs in the City of San Clemente were disrupted by the construction of the Pacific Coast Highway and the railroad. Wherever the railroad tracks removed the toe of a coastal bluff, that coastal bluff became unstable. The bluffs in the Cypress Shores private community are separated from the ocean by the railroad. However, the railroad 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. As stated in the Marblehead focused EIR:

In the case of the Marblehead site, the geomorphic process responsible for bluff erosion is no longer wave action. El Camino Real has been constructed along the base of the bluff, with the AT&SF railroad and housing also having been built between the road and the shoreline. Instead of erosion by wave action, the bluffs continue to erode partly due to oversteepening that resulted from construction of the railroad and El Camino Real.

The Marblehead bluffs are located in the northern part of San Clemente, but the composition of the coastal bluffs in San Clemente is similar. There are railroad tracks located at the base of the coastal bluffs at the project location. The tracks contribute to coastal bluff erosion by not allowing talus and landslide materials to accumulate and by causing vibration in the bluffs due to passing trains.

There were two 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 (Dana Point)]. Other residences on coastal bluffs in San Clemente have received permits to install caissons or other foundation protection measures (CDPs 5-00-034 (McKinley-Bass); 5-99-351 (McMurray); 5-93-181 (Driftwood Bluffs), 5-93-307 (Ackerly), and 5-93-143 (Mertz & Erwin) because existing decks or residences were threatened by bluff erosion.

Landsliding of coastal bluffs below La Ventana Street 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. 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.

Additionally, in a letter dated October 1, 1999 discussing a bluff repair project at 327 and 327 ½ Paseo De Cristobal [5-00-034 (McKinley-Bass)], Stoney-Miller Consultants made the following general observation regarding San Clemente: *"The failure was the result of seepage flows along the lithologic contact between the Terrace Deposit and Bedrock. This contact is a geologic feature that underlies the majority of the City of San Clemente east of the shoreline bluff to the Interstate 5 Freeway. Irrigation and rainfall throughout this area provides recharge to the perched water at this contact."*

The Commission has received many application requests to resolve geotechnical problems and protect existing structures on coastal bluffs and coastal canyons in San Clemente 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.

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.

The Marblehead and other geotechnical reports state 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 located only a few miles north of the project site. 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 prior to passage of the Coastal Act. 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.

In addition to documentation of the instability of coastal bluffs in San Clemente, Gerald G. Kuhn published an article entitled "Greatly Accelerated Man-Induced Coastal Erosion and New Sources of Beach Sand, San Onofre State Park and Camp Pendleton, Northern San Diego County, California," in which it is noted that 80% of the cliffs between the San Onofre Nuclear Power Plant and Target Canyon have experienced landslides. Camp Pendleton is approximately five miles south of the project site.

b. Site Specific Geotechnical Data

To address the feasibility of constructing the project in this potentially hazardous area, the applicant submitted a *Preliminary Geotechnical Investigation for Multi-Unit Apartment Building/Condominiums, 911 Buena Vista, San Clemente, California* prepared by Geofirm, Inc. dated September 27, 2000.

The report presents the results of the field investigation and laboratory testing and provides geotechnical recommendations based on the design of the proposed structure. The scope of the investigation included the following: review of literature, reports and maps; surface reconnaissance of the property and nearby areas and geologic mapping of the rear; excavation and logging of two exploratory borings to determine the character and distribution of subsurface materials; laboratory testing of samples obtained during subsurface exploration; geotechnical analysis of site conditions pertinent to foundation design and bluff setback requirements; and preparation of a topographic-geologic cross section to relate site conditions to proposed development and to depict certain geotechnical recommendations for proposed construction.

The geotechnical report states that the subject site is situated on a regionally extensive marine terrace. The site is determined to be underlain at depth by bedrock strata of the Capistrano Formation which is successively overlain by marine terrace deposits and nonmarine terrace deposits. Regarding site and slope stability, the geotechnical consultant found the following:

"No evidence of former gross bedrock instability has been observed in the site vicinity based upon site reconnaissance, review of published maps and interpretation of aerial photographs and none is anticipated in the future based upon the favorable geologic structure with bedding planes dipping into the bluff face. Surficial instability of the upper and middle portions of the bluff which are backed by terrace deposits and weathered jointed siltstone is considered likely, especially during seasons of heavy precipitation or resulting from seismic shaking."

The geotechnical report states that episodes of significant bluff erosion in the area generally correlate with years of significant rainfall. As discussed in the report, bluff instability is certain to continue and will occur episodically during seasons of heavy rainfall, resulting in a gradual flattening of the bluff slope. The report indicates that such instability should not adversely affect proposed improvements if they are *"adequately set back from the bluff top or supported by foundation below the zone of potential instability."*

Stability analyses performed by the consultant suggests that stable conditions will prevail in the future within those areas located landward of the structural setback plane identified in Exhibit 5. The setback plane is devised based upon a 1.5:1 (horizontal: vertical) slope within bedrock originating at the base of the former seacliff beneath the talus deposits and a 2:1 (horizontal: vertical) setback plane within the terrace deposits. The report recommends that all structural development sited seaward of the structural setback plane (located 70 feet inland of the bluff edge) be supported by caissons. As such, the seawardmost 20 feet of the proposed structure have been designed with a caisson and grade beam foundation system.

As submitted, the proposed project will be set back from the existing bluff edge in conformance with the existing structural and deck stringlines, which places the structure approximately 50 feet inland of the bluff edge at its protruding central point. The proposed rear yard patios will be located approximately 40 feet from the bluff edge at its central point. As described previously, the shape of the bluff edge varies along the seaward portion of the property, protruding at the center of the site. Consequently, the northwestern and southwestern corners of the proposed apartment complex will be located nearer to the bluff edge than the central portion.

As shown on the proposed site plan, the southwestern corner of the structure will be sited 40 feet from the bluff edge, with the patio located 24 feet from the bluff edge. The northwestern corner of the structure is proposed as close as 8 feet from the bluff edge and the patio is proposed only 1 foot from the bluff edge. The proposed structure and patio are consistent with the stringline requirements specified in the certified LUP. However, the northwestern portion of the site will encroach into the 25-foot structural and 10-foot deck setback areas by 17 feet and 9 feet respectively. As discussed previously, the City of San Clemente LUP requires proposed development on blufftop lots to 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. The Commission has typically imposed a minimum 25-foot setback on new blufftop developments in San Clemente. Application of the 25-foot setback in this instance will provide for greater protection from potential hazard resulting from bluff failure.

As proposed, the patios and approximately 20 feet of the structure will extend beyond the setback plane identified in Exhibit 5. The foundation plan has been designed in accordance with the recommendations presented by the geotechnical consultant. As such, those portions of the project located seaward of the setback plane will be supported by a caisson and grade beam

system. Development inland of this plane will be supported by shallow footings and a traditional slab on grade foundation system.

The report concludes that from a soils engineering and engineering geologic point of view, the subject site is considered suitable for the proposed development and construction provided certain recommendations are incorporated into the design criteria and project specifications. Recommendations include those related to grading, site preparation, site drainage, structural design of foundations and slabs and hardscape design and construction.

3. Conclusions and Determination of Consistency

The coastal bluff at the subject site is considered grossly stable. However, in years past, bluff instability and erosion have detrimentally affected nearby properties along Buena Vista due to soil saturation and high groundwater activity correlating to heavy rainfall. The problems were exacerbated by poor drainage conditions. The geotechnical consultant concludes that the subject development will not be subject to the same instability issues if the recommended design measures are adhered to. Additionally, staff has conducted a site visit and observed that the bluff face supports a moderate amount of vegetation, which indicates that less surface area is open to erosion from the wind, salt spray, exposure to the sun, and wetting and drying. The vegetation also means that there are root systems adding cohesion to the soils.

The proposed development is consistent with the applicable structural and deck stringline setbacks. However, at its closest point, the new structure is proposed approximately 8 feet from the bluff edge. As has been noted in this staff report, bluff failures have occurred within the subject area and throughout San Clemente. Failures in the Buena Vista neighborhood have been attributed to over-watering, broken irrigation lines, broken water lines, and inadequate drainage systems. These types of failures in some instances have created the need for blufftop protective devices, such as caisson and grade beam systems to protect existing structures. The seaward portion of the proposed project (including approximately 20 feet of the structure and the seaside patios) will be supported by a caisson and grade beam system. If a bluff failure were to occur, the caissons may become exposed, posing a threat to the safety of the residence as well as the entire site. As such, while the site is considered stable at this time, the proposed development must be adequately setback from the designated "top of bluff" to assure stability over the life of the structure.

To meet the requirements of the Coastal Act, bluff and cliff developments must be sited and designed to assure stability and structural integrity for their expected economic lifespans while minimizing alteration of natural landforms. The Commission typically requires that structures be setback at least 25 feet from the bluff edge and hardscape features (including decks and patios) be setback at least 10 feet from the bluff edge to minimize the potential that the development will contribute to slope instability. Bluff and cliff developments (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, waste water disposal and other activities and facilities accompanying such development) must not be allowed to create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas which would then require stabilization measures such as caissons, pilings or bluff re-structuring.

Geologic reports for blufftop development recommend setbacks for fixed residential structures and recommendations for other blufftop improvements. As was stated in the section on generalized bluff erosion, there is ample evidence in the City of San Clemente that the bluffs are adversely impacted by human development. Specifically, the installation of lawns, in-ground irrigation systems, inadequate drainage, and watering in general are common factors precipitating accelerated bluff erosion, landsliding and sloughing, necessitating protective devices. The report submitted by the applicant includes provisions to ensure proper drainage

and runoff control, such as directing roof runoff to the street and avoiding surface runoff over the face of the bluff.

Also, geologic reports generally include recommendations for landscaping, but unlike other engineering specifications, these recommendations are not reviewed and implemented by the consulting geologist/engineer. For instance, Geofirm recommends the following:

"Landscape design should include provisions for subsurface drains beneath high water use areas. It is recommended that deep-rooted, low water need plants be selected for general landscaping proposes to minimize irrigation requirements and consequent saturation of underlying soils. Irrigation of the rear bluff top areas should be avoided."

The report also provides more specific recommendations regarding site drainage, including (1) all roofs should be guttered and discharge conducted away from the house and rear bluff slope in a nonerosive manner, (2) all finished grades should assure that no water ponds in the vicinity of footings or adjacent to the bluff slope, (3) all planters adjacent to principal footings should be sealed and drained; and (4) the rear bluff area should not be irrigated.

Development on blufftop lots in San Clemente are required to submit landscape plans, consisting primarily of native plants, for the review and approval of the Executive Director, in order to be found in conformance with Section 30253 of the Coastal Act. The applicant must also submit drainage and runoff control plans to demonstrate that geotechnical recommendations have been incorporated accordingly. In this instance, the applicant has submitted a landscaping plan, but has not yet submitted a drainage and runoff control plan.

a. Special Conditions and Coastal Act Consistency

Development on a coastal bluff is inherently hazardous. Consequently, the Commission requires applicants on blufftop lots to comply with certain specific special conditions to bring the project into compliance with the resource protection policies of the Coastal Act. In this case, the special conditions include relocation of development in the northwestern portion of the lot; conformance with geotechnical recommendations; recordation of assumption of risk, no future bluff protective device, and future development deed restrictions; and submittal of a drainage, irrigation, and landscaping plan.

Special Condition No. 1 requires the applicant to submit revised project plans that demonstrate conformance with the 25-foot structural setback and the 10-foot patio/deck setback from the bluff edge. The "top of bluff" has been delineated by the geotechnical consultant and depicted on Exhibits 4 and 5. As proposed, the structure encroaches into the required setback approximately 17 feet and the patio encroaches approximately 9 feet. To ensure that the proposed project is not subject to hazard resulting from site instability and/or bluff failure over the life of the development, these features must be sited further inland.

Special Condition No. 2 requires the applicant to submit foundation plans, which have been reviewed, signed and stamped by a geotechnical consultant. The geotechnical report includes specific recommendations for foundations, footings, drainage, etc. which will ensure the stability of the proposed residential structure. Only as conditioned for relocation of development in the northwestern portion of the rear yard and conformance with geotechnical recommendations does the Commission find that the proposed development conforms with Section 30253 of the Coastal Act.

Special Condition No. 3 requires the recordation of an assumption of risk deed restriction. Although adherence to the required bluff top setback will minimize the risk of damage from erosion, the risk is not eliminated entirely. Therefore, the standard waiver of liability condition has been attached through Special Condition No. 3. 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 No. 4 of the permit requires the applicant to record a deed restriction on the property placing the applicant and their successors in interest on notice that no bluff protective devices shall be permitted to protect the structure, patios or future improvements if threatened by bluff failure. The development could not be approved if it included provision for a bluff protective device. Instead, the Commission would require the applicant to set the development further landward. The condition states that in the event any bluff protective work is proposed in the future, the applicant acknowledges that as a condition of filing an application for a coastal development permit, the applicant must provide the Commission or its successor agency with sufficient evidence enabling it to consider all alternatives to bluff protective works, including consideration of relocation of portions of the residence that are threatened, structural underpinning, or other remedial measures identified to stabilize the residence that do not include bluff or shoreline stabilization devices.

Whereas Special Condition No. 4 applies to bluff protective measures, Special Condition No. 5 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 or may require future bluff protective structures, require a coastal development permit.

Special Condition No. 6 requires the applicant to submit a drainage and run-off control plan for the review and approval of the Executive Director. In keeping with the geotechnical recommendations, this condition requires that the drainage system reduces water infiltration into the subgrade soils and directs surface waters away from the building foundations, walls and sloping areas. In addition, the condition requires that all rooftop drainage be taken to the street to minimize infiltration.

Special Condition No. 7 requires that the applicant submit a final landscaping plan which consists primarily of native, drought-tolerant plants and prohibits in-ground irrigation throughout the entire lot. This special condition requires that areas not occupied by hardscape be planted primarily with native, drought tolerant plants indigenous to the area. The condition distinguishes between the types of plants allowed in the rear, side and front yards. Non-native ornamental plants are allowed in the front and side yards only if they are kept in containers. Rear yard, bluff top plantings consist entirely of native, drought-tolerant plants. Native, drought-tolerant plants common to coastal bluffs serve the following functions: require watering initially (1-3 years) but not after they become established, drought-tolerant plants have deep root systems which tend to stabilize soils, are spreading plants and tend to minimize the erosive impact of rain, and provide habitat for native animals. The condition allows for the placement of non-drought-tolerant, water-dependent plants in containers, i.e., boxes and planters, along the side and front yards.

In recent actions on unstable bluffs [5-00-034 (McKinley-Bass), 5-98-469 (Ferber)], the Commission has required that no in-ground irrigation systems be installed on blufftop lots. This special condition conforms with the previous actions of the Commission regarding in-ground irrigation systems. The condition does acknowledge that temporary above ground watering is allowed for plant establishment and growth.

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire 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 or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (emphasis added). Only as conditioned for inland relocation of development at the northwestern portion of the property; conformance with geotechnical recommendations; assumption of risk; no future blufftop protective devices; future improvements; submittal of a drainage and irrigation plan; and submittal of a final landscaping plan, does the Commission find the proposed development in conformance with Section 30253 of the Coastal Act.

C. SCENIC RESOURCES

Section 30251 of the Coastal Act pertains to visual resources. It states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...

The project is located on a blufftop lot north of the Municipal Pier and south of North Beach. The site is located inland of the OCTA railroad tracks and is highly visible when traveling along the beach below. Because the new apartment complex will affect views inland from the shoreline, any adverse impacts must be minimized. Consequently, it is necessary to ensure that the development will be sited to protect views to and along the beach area and minimize the alteration of existing landforms.

The seaward portion of the proposed development (including approximately 20 feet of the structure and the seaside patios) will be supported by a caisson and grade beam system. As stated previously, if a bluff failure were to occur, the caissons may become exposed. Not only would this create a hazardous condition, but it would also present an adverse visual impact. Therefore, although the site is considered stable at this time, the development must be appropriately sited to prevent such an occurrence in the future. The Commission has typically required structural development in this area to be sited at least 25 feet from the bluff edge and hardscape features to be sited at least 10 feet from the bluff edge.

In order to ensure that adverse visual impacts to the bluff are minimized, the applicant is being conditioned to set back the development at the northwestern portion of the site and comply with a future development deed restriction and landscape condition. A greater setback will reduce the visibility of the structure from the shoreline below. In addition, the future development deed restriction will ensure that improvements are not made at the blufftop which could affect the visual appearance of the coastal bluff or affect the stability of the bluff. The landscaping condition requires that the applicant install native, drought-tolerant plants along the bluff-top and rear yard and that only temporary irrigation to establish the plants is permitted. These native plants will be compatible with the native plants already in existence on bluff faces in San Clemente.

Therefore, the Commission finds that, as conditioned for the landscaping condition and future development deed restriction, the project is consistent with the visual resource protection policies of Section 30251 of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

Section 30212(a)(2) of the Coastal Act states, in pertinent part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) *adequate access exists nearby*

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. The proposed development is located between the sea and the first public road at 911 Buena Vista. The nearest vertical coastal access is available approximately 250' west of the subject site via a stairway at the El Portal public access point. Lateral access to the Pacific Ocean and sandy beach is available immediately adjacent to the proposed development, seaward of the railroad tracks located at the toe of the adjacent slope.

A public access dedication can be required pursuant to Section 30212 only if it can be shown that the development either individually or cumulatively directly impacts physical public access, impacts historic public use, or impacts or precludes use of Public Trust Lands. In this situation, the development is located between the sea and the first public road, however, it does not impact access either directly or indirectly to the ocean. The project site is currently developed with a duplex and construction of a three-unit apartment complex will result in only a minor intensification of use. The development will not create adverse impacts, either individually or cumulatively, on public access and will not block public access from the first public road to the shore. Therefore, the Commission finds that the proposed development is consistent with Section 30212 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The proposed development is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. 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(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 project is located within an existing residential neighborhood. Development already exists on the subject site. In addition, the proposed development has been conditioned, as follows, to assure the proposed project is consistent with policies of the Coastal Act: 1) submittal of revised plans showing inland relocation of development; 2) submittal of final plans showing evidence of conformance with geotechnical recommendations; 3) recordation of an assumption of risk deed restriction; 4) recordation of a no future blufftop protective device deed restriction; 5) recordation

of a deed restriction, which ensures that the applicant and future landowners are aware that future development requires a new coastal development permit or an amendment to this permit; 6) submittal of a drainage and run-off control plan which demonstrates that rooftop run-off will be taken to the street; and 7) submittal of a final landscaping plan which shows that only drought-tolerant natives will exist in the rear yard area and restricts any in-ground irrigation..

As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA.

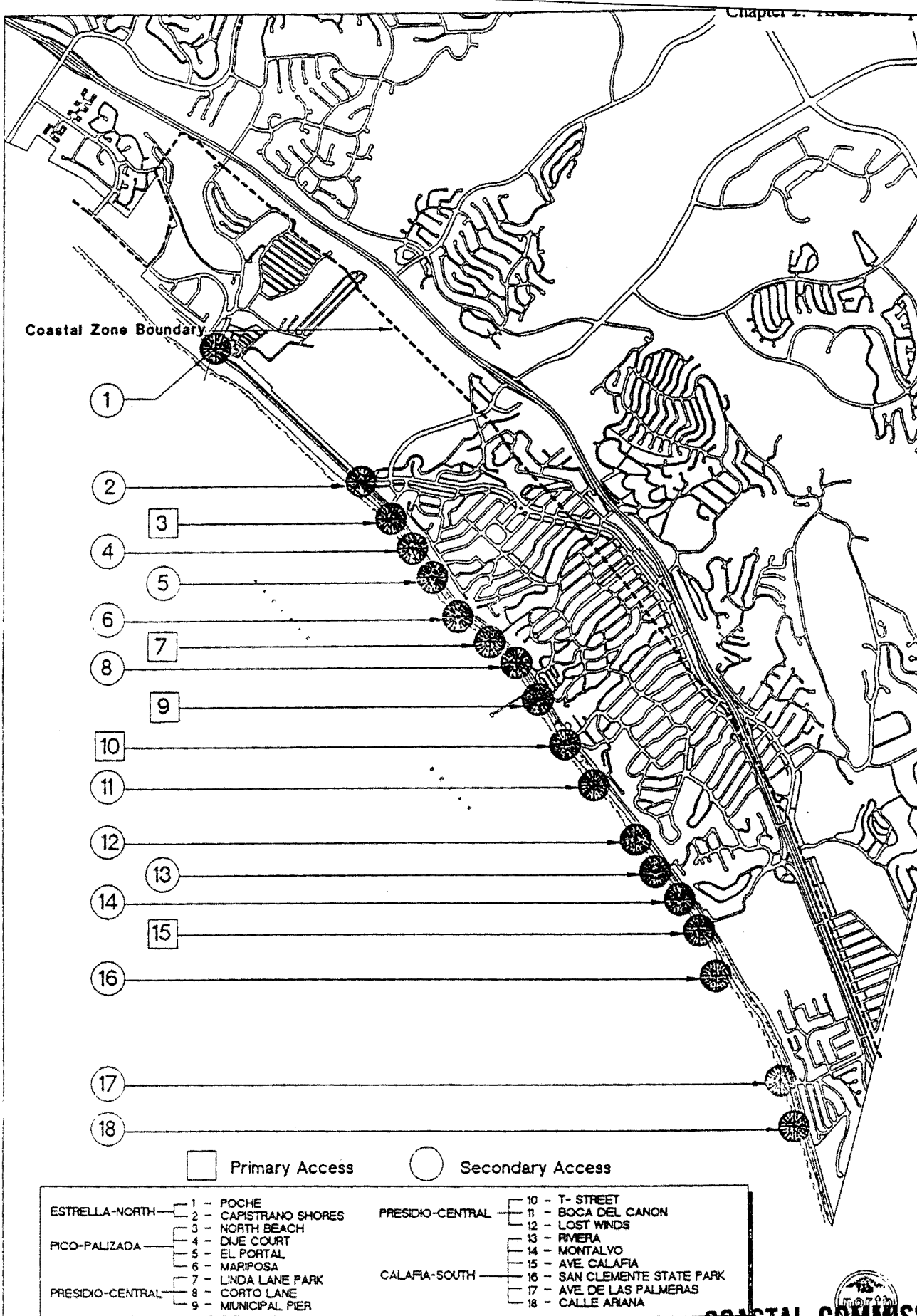


FIGURE 2-5

**CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS**

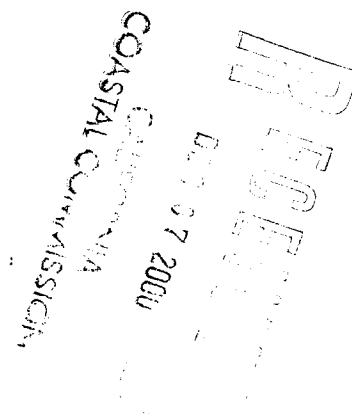
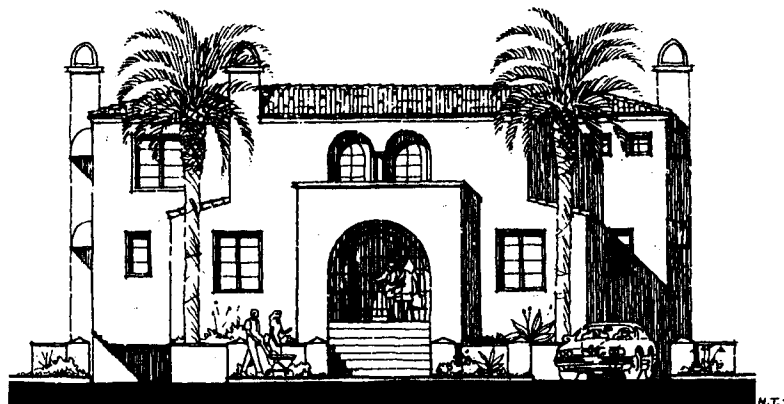
COASTAL COMMISSION

5-00-424

EXHIBIT # 3

PAGE 1 OF 1

COASTAL COMMISSION
5-00-424
EXHIBIT # 4
PAGE 1 OF 9



Michael
Luna

&
Associates

Architects

Buena Vista
Apartments

911 Buena Vista Avenue
San Clemente
California

Title
Sheet



Project No. _____
Plot Date 4.17.00
S.D. Submittal _____
S.D. Issues _____
Client Issues _____
Revision 1 2.28.00
Revision 2 _____
Revision 3 _____
Revision 4 _____

T-1

Buena Vista

Triplex Apartments

911 Buena Vista Avenue
San Clemente, California

PROJECT DIRECTORY

OWNER:
TONY & ERIN SPRUGGS
P.O. BOX 220
PLEASANTON, CALIFORNIA

LEGAL DESCRIPTION:

LOT 9
BLOCK 7
TRACT 794
PARCEL MAP: 652
PARCEL PAGE: 186
PARCEL 6

JOB ADDRESS:

911 BUENA VISTA AVENUE
SAN CLEMENTE, CALIFORNIA

ARCHITECT:

MICHAEL LUNA & ASSOCIATES
MICHAEL LUNA, ARCHITECT
31601 CAHINO CAPISTRANO, SUITE 100
SAN JUAN CAPISTRANO, CA 92675
(949) 453-5200

CIVIL ENGINEER

TOAL ENGINEERING
135 AVENIDA NAVARO
SAN CLEMENTE, CA 92672
949.452.0000

LIST OF DRAWINGS

T-1 PROJECT DIRECTORY, GENERAL NOTES
OVERALL SITE PLAN

ARCHITECTURAL

A1.0 SITE PLAN
A2.0 FIRST FLOOR PLAN
A2.1 SECOND FLOOR PLAN
A2.2 THIRD FLOOR PLAN
A3.0 ROOF PLAN
A4.0 EXTERIOR ELEVATIONS
A5.0 BUILDING SECTIONS

TABULATIONS

LOT AREA: 8,800 S.F. (21 ACRES)
SITE COVERAGE: 510 S.F. (42%)
BUILDING TABULATIONS:
UNIT 'A' 3,206 S.F.
UNIT 'B' 2,638 S.F.
UNIT 'C' 222 S.F.
TOTAL BLDG. SQUARE FOOTAGE: 7,526 S.F.

AREA OF SITE LANDSCAPE 2,440 S.F. (28.4%)

AREA OF PARKING/CIRCULATION 1,526 S.F.

PARKING PROVIDED:
STANDARD SPACES 8 SPACES
4.0' x 7.0' SPACES 1 SPACE

PARKING PROVIDED: 9 SPACES

EXISTING STRUCTURE TO BE REMOVED 411 S.F.

CODE DATA

OCCUPANCY GROUP:

R-1

ZONING DESIGNATION:

R-1

TYPE OF CONSTRUCTION:

TYPE V - NON RATED

NUMBER OF STORIES:

THREE STORIES

SQUARE FOOTAGE

TOTAL BUILDING SQUARE FOOTAGE:

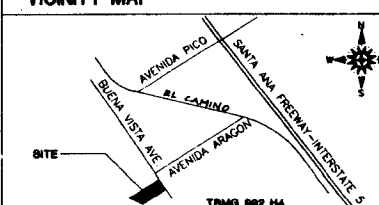
DWELLING UNIT 'A' 3,206 S.F.
DWELLING UNIT 'B' 2,638 S.F.
DWELLING UNIT 'C' 222 S.F.
TOTAL BUILDING 7,526 S.F.

ALL WORK SHALL COMPLY WITH THE 1989 CALIFORNIA BUILDING CODE
COMPRISED OF THE 1981 UNIFORM BUILDING CODE & AMENDMENTS,
UPC & UFG AND THE 1986 EDITION OF THE NEC.

FIRE AUTHORITY

1. LOCATIONS AND CLASSIFICATIONS OF EXTINGUISHERS
TO BE DETERMINED BY FIRE INSPECTOR.

VICINITY MAP

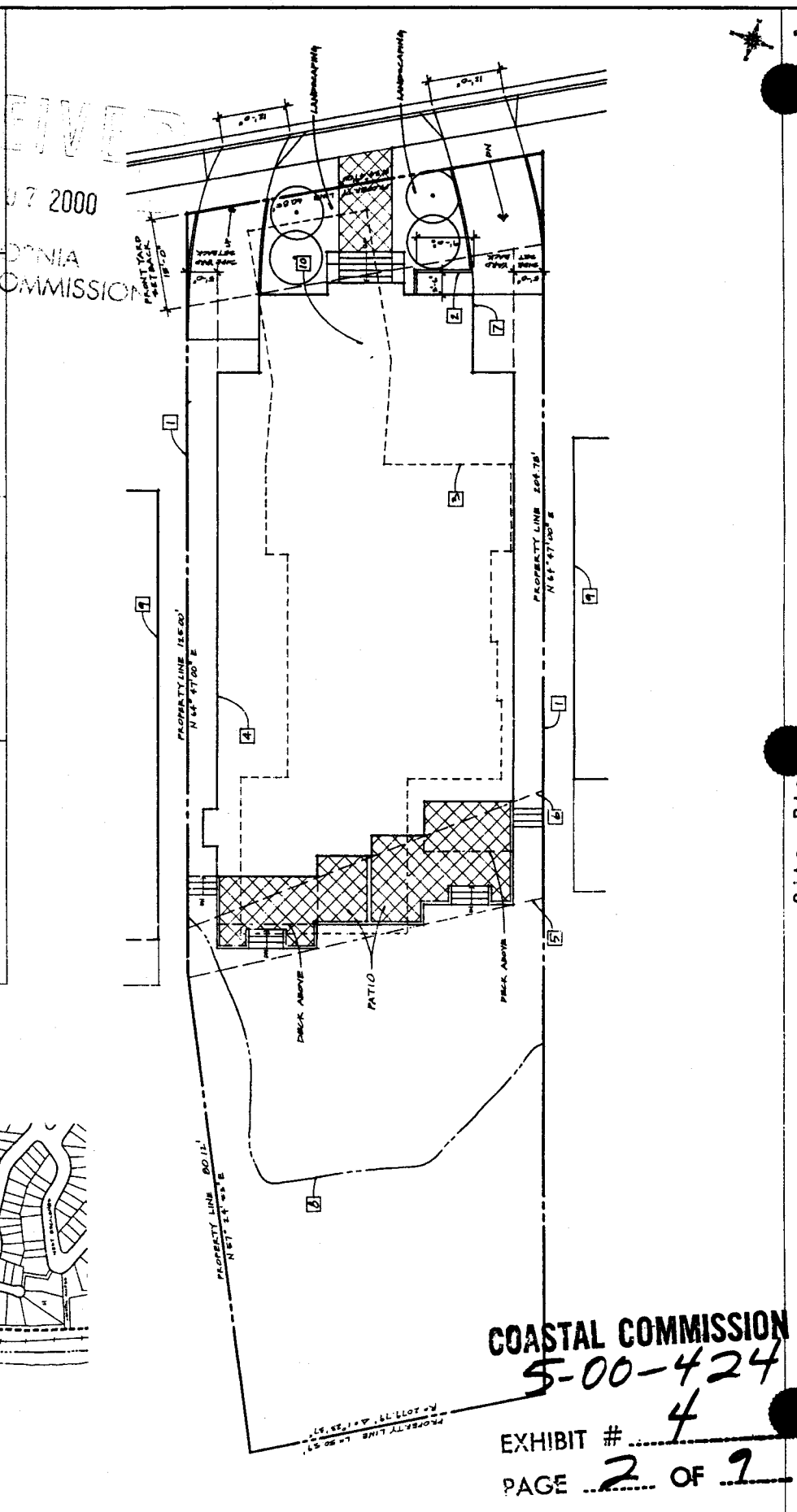


TBMG 002 H4



Project No.	5-00-424
Sheet No.	8/17/00
Scale	AS SHOWN
Author	ML
Checker	ML
Engineer	ML

General Site Plan	Tabulations	Site Information	Site Plan Keynotes	Site Plan Notes

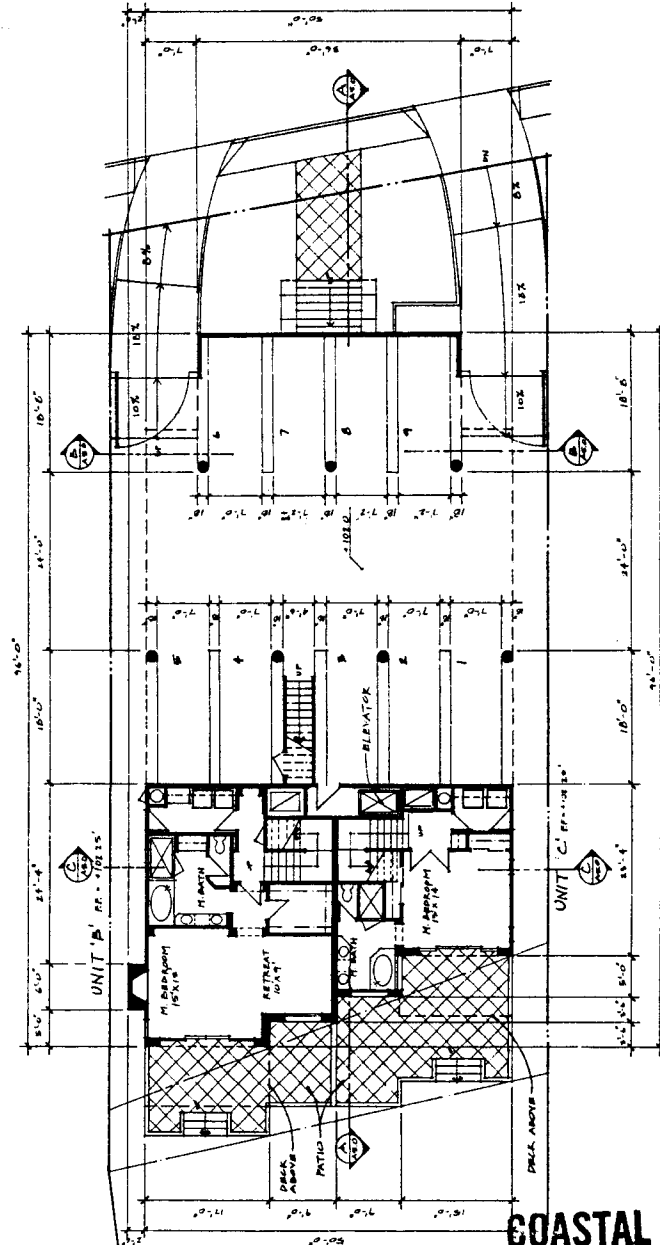


COASTAL COMMISSION
5-00-424
4
EXHIBIT #
PAGE 2 OF 2



Project No.	41740
Sheet No.	
Scale	
Date	
Author	
Checker	
Engineer	
Architect	
Interior Designer	
Structural Engineer	
MEP Engineer	
Other	

RECEIVED
DEC 17 2000
CALIFORNIA
COASTAL COMMISSION



Floor Plan Keynotes

SCALE 1/8" = 1'-0"

First Floor Plan

Wall Legend and Notes

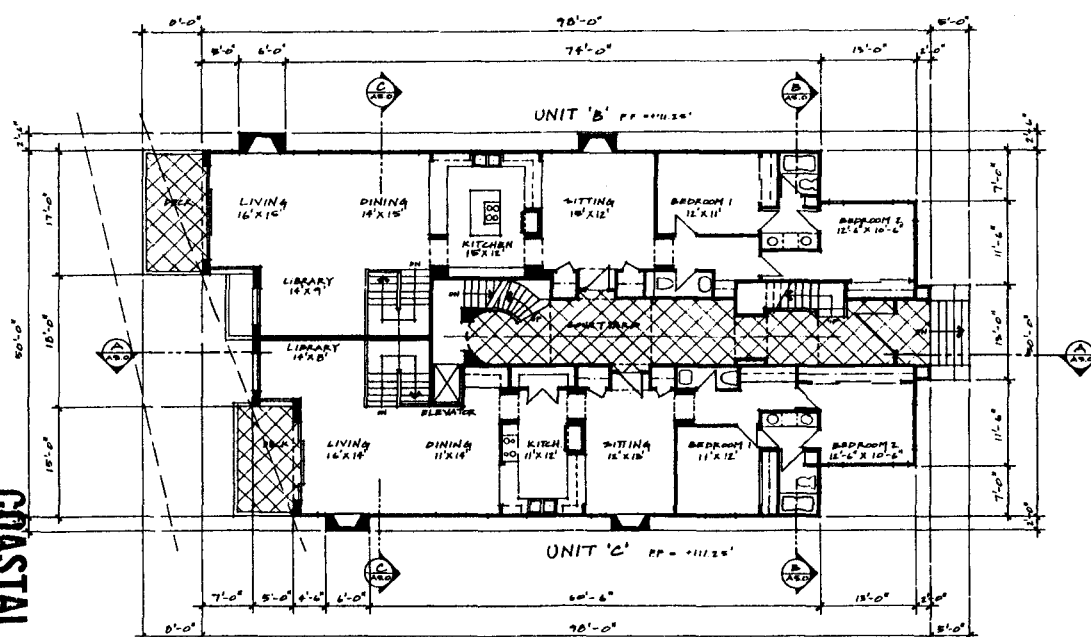
COASTAL COMMISSION
5-00-424

EXHIBIT # 4
PAGE 3 OF 9



Project No.	417260
Plot Date	4.17.80
Scale	1/8" = 1'-0"
Sheet No.	
Client Name	
Project Name	
Location	
Architect	
Engineer	

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DEC 07 1980
CALIFORNIA
COASTAL COMMISSION



Floor Plan Keynotes

Wall Legend and Notes

Second Floor Plan

SCALE: 1/8" = 1'-0"

COASTAL COMMISSION
5-00-424

EXHIBIT # 4

PAGE 4 OF 9

■
&
Associates

[illegible]

Architect:





Buena Vista Apartments

911 Buena Vista Ave
San Clemente,
California

Third Floor Plan



Project No. 88-00000000
 Date 4-17-00

U.S. Submitted _____
 Old Issue _____
 Const. Issue _____
 Revision _____  _____
 Revision _____  _____
 Revision _____  _____
 Revision _____  _____

A2.2



Floor Plan Keynotes

Walt Legend and Notes

CALIFORNIA
COASTAL COMMISSION

DEC 27 2000

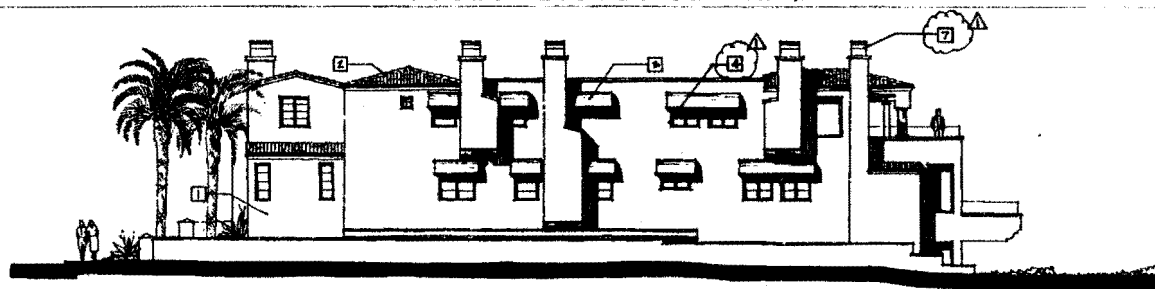
COASTAL COMMISSION
5-00-424
EXHIBIT #
PAGE 5 OF 9

Third Floor Plan

SCALE: 1/8" = 1'-0"



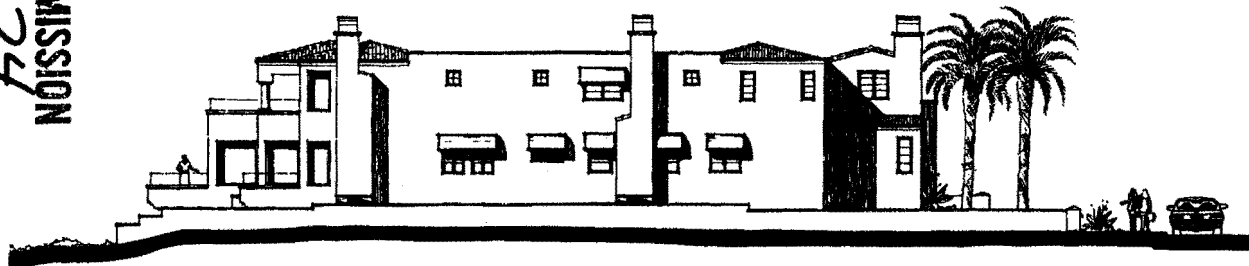
Front Elevation SCALE: 1/8" = 1'-0"



Right Side Elevation SCALE: 1/8" = 1'-0"



Rear Elevation SCALE: 1/8" = 1'-0"



Left Side Elevation SCALE: 1/8" = 1'-0"

- 1 SMOOTH EXTERIOR PLASTER WHITE
- 2 TWO-PIECE MIMOSA ROOF TILE RED
- 3 MARRI MARBLE MEDITERRANEAN BLUE
- 4 HARD MARBLE QUINCY BLUE
- 5 HARD DARK DARK BROWN STAIN
- 6 HARD TRILLIS QUINCY BLUE
- 7 WHITE PLASTER CHIMNEY CAP W/ DARK ARCHITECTURE

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Michael
Luna

&
Associates

Architects

Architects

Buena Vista
Apartments

911 Buena Vista Ave.
San Clemente
California

Exterior
Elevations



Project No. _____
Plot No. 4.17.00
S.D. Number _____
S.D. Name _____
Scale: 1/8" = 1'-0"
Author: _____
Checker: _____
Date: _____

A4.0

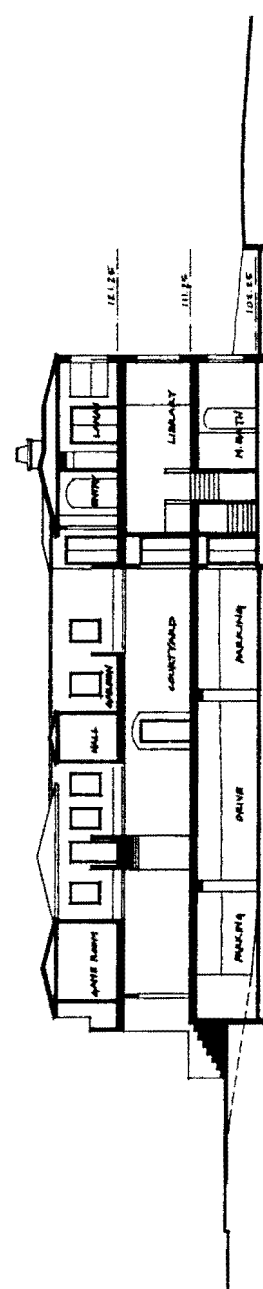
Elevation Key



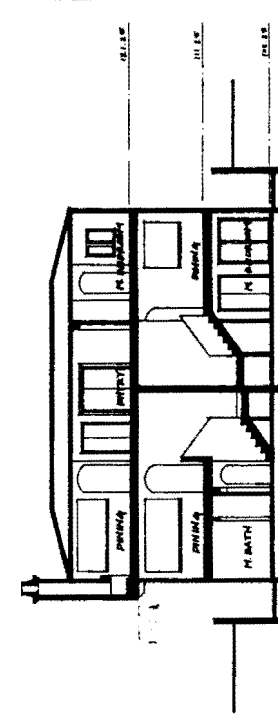
Scale	1/8" = 1'-0"
Notes	
1. All dimensions are to the center of the member unless otherwise noted.	
2. All materials and workmanship shall conform to the latest edition of the Building Code of the City of San Clemente.	
3. All structural steel shall be A36.	
4. All concrete shall be 3000 psi.	
5. All masonry shall be CMU.	
6. All exterior finish shall be stucco.	
7. All interior finish shall be drywall.	
8. All floor finish shall be tile.	
9. All ceiling finish shall be drywall.	
10. All paint shall be white.	

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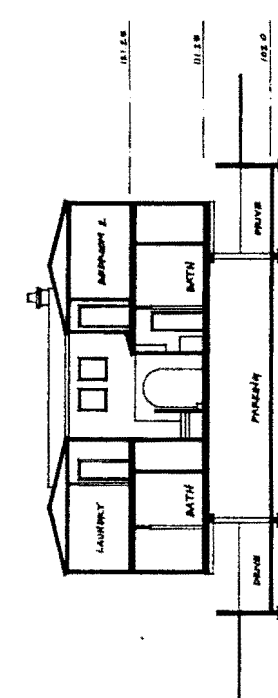
CALIFORNIA
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Section 'A' SCALE: 1/8" = 1'-0"



Section 'B' SCALE: 1/8" = 1'-0"



Section 'C' SCALE: 1/8" = 1'-0"

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SCALE: 1"=1'-0"






BUENA VISTA AVENUE

BUENA VISTA APARTMENTS

PLANT PALETTE



SYMBOL	BOTANICAL NAME (COMMON NAME)	DESCRIPTION	SIZE
	INDICATING SCHISMOPHYLL (COMMON PALM)	ACCENT PALM USED AS ARCHITECTURAL ELEMENT	10' BRONZE
	INDICATING ACUTE TRIANGULAR COMMON PALM	ACCENT PALM	30' BRONZE
	THREE TRIANGULAR COMMON PALM	PALM TRING ACCENT PALM	34' BRONZE

POSTAGE WILL BE PAID BY ADDRESSEE



BOTANICAL	COTTON	SIZE
1. EASTERN UPLAND	SMALLER PLY	36-44L
2. PIEDMONT UPLAND	PART DYE PLY	34-50
3. SOUTHERN UPLAND	CROSS PLY	36-44L

SYNOPSIS

[illegible]

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EXHIBIT # 4

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Michael
Luna

&
Associates

Architect

Buena
Vista
Apartments

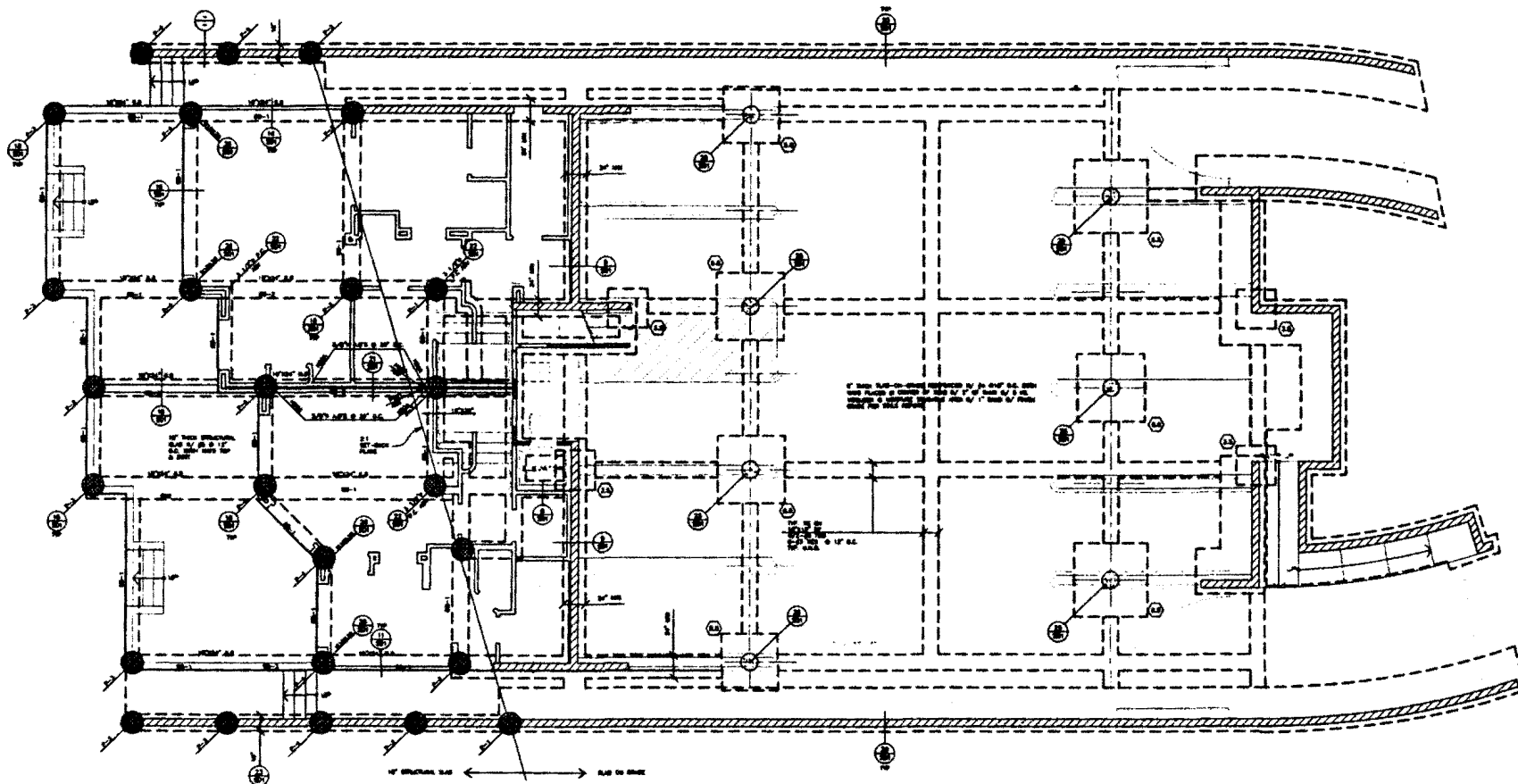
San Bruno, Vista
Apartments
San Francisco
California

Foundation
Plan

WVP Engineering, Inc.
Structural Engineers
2010 1st St., Suite 200
San Bruno, CA 94061

Project No. 00-424
Drawing No. S1.1
Scale: As Shown
Date: 02/15/2001
By: [Signature]
Check: [Signature]

S1.1



FOOTING SCHEDULE			
MARK	SIZE	THICKNESS	REINFORCING
(20)	2'-0" SQ	12"	2-#5 E.W.
(20)	3'-0" SQ	12"	3-#5 E.W.
(13)	3'-6" SQ	12"	4-#5 E.W.
(10)	4'-0" SQ	16"	4-#5 E.W.
(10)	5'-0" SQ	16"	5-#5 E.W.
(10)	6'-0" SQ	18"	6-#5 E.W.
(10)	6'-6" SQ	18"	7-#5 E.W.
(10)	---	---	---

GRADE BEAM SCHEDULE	
MARK	SIZE & REINFORCING
GB-1	18" X 24" W/3-#6 T&B #3 TIES @ 8" O.C.
GB-2	18" X 24" W/3-#7 T&B #3 TIES @ 8" O.C.
GB-3	---

FOUNDATION PLAN

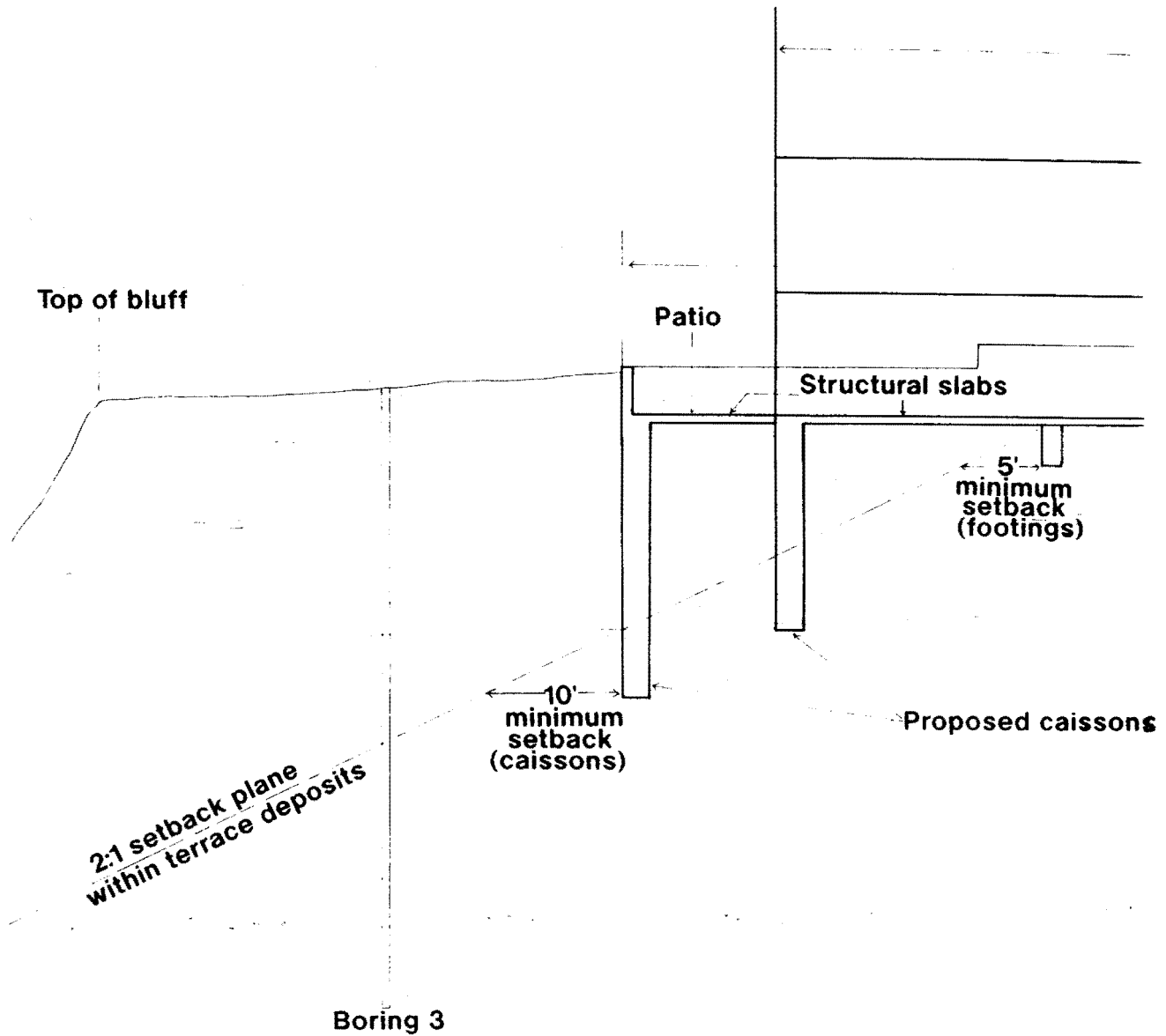
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Capistrano