CALIFORNIA COASTAL COMMISSION

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Commission Action:	

Item Tu 9b

STAFF REPORT: REGULAR CALENDAR

RECORD PACKET COPY

APPLICATION NUMBER: 5-01-040

APPLICANT: James and Glenys Slavik

AGENT: Frank Wen, Diane Johnson Design

PROJECT LOCATION: 4120 Calle Isabella, San Clemente, Orange County

PROJECT DESCRIPTION: Construction of a new 12,966 square foot, two-story single family residence with attached 2,073 square foot, five-car garage areas (four-car garage and one-car garage), 1,285 square foot guest house, swimming pool, spa, and associated landscape and hardscape improvements on a vacant coastal blufftop lot located within the Cotton Point Estates private community. The project also involves approximately 2,500 cubic yards of grading (2,100 cy export and 400 cy to remain) for pool and basement excavation and site preparation.

PROJECT SPECIFICS:

Lot Area:	88,389 sq. ft.
Building Area:	15,039 sq. ft.
Building Coverage:	11,011 sq. ft.
Pavement Coverage:	21,341 sq. ft.
Landscape Coverage:	34,071 sq. ft.
Unimproved Area:	21,966 sq. ft.
Parking Spaces:	Five (5)
Land Use Designation:	Residential Low Density
Ht. above final grade:	25 feet

LOCAL APPROVALS RECEIVED: City of San Clemente Approval-in-Concept dated December 21, 2000 and Cultural Heritage Permit 00-160 approved by the City of San Clemente Planning Commission on December 5, 2000.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing the construction of a new single-family residence, guesthouse and associated improvements on an approximately two-acre coastal blufftop lot located between the first public road and the sea in the City of San Clemente, Orange County. Staff recommends the Commission **APPROVE** the proposed development with eight (8) special conditions. The primary issues addressed in the staff report are landscaping and irrigation, grading and drainage, and assurance that all portions of the proposed development are appropriately set back from the bluff edge to be consistent with the geologic hazard and visual resource policies of the Coastal Act.

The proposed single-family residence and guesthouse conform to the structural setback policies in the certified LUP, as they will be set back in accordance with the required 25-foot structural setback. However, the proposed swimming pool is sited 16 feet from the bluff edge, thereby encroaching into the required setback area. In addition, the applicant is proposing wrought iron fencing along the bluff edge that will encroach into the required 10-foot hardscape setback.

Special Condition 1 requires the applicant to submit a revised site plan showing inland relocation of the swimming pool and fencing. 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 conformance with the grading and drainage prepared by Duca and McCoy. Special Condition 7 requires submission of a revised landscaping and irrigation plan, which shows that primarily native or drought-tolerant plant species will be planted in all landscaped areas and identifies specific irrigation requirements. Lastly, Special Condition No. 8 requires the applicant to submit a revised site and hardscape plan showing incorporation of turf block driveways and motor courts to allow percolation for water quality purposes.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente Certified Land Use Plan (LUP); *Preliminary Geotechnical Investigation for Custom Single Family Residence, 4120 Calle Isabella, San Clemente, California* prepared by Geofirm, Inc. dated July 19, 2000, revised January 8, 2001 and *Depiction of "Original" Bluff Edge* prepared by Geofirm, dated March 15, 2001.

Coastal Development Permits: P-81-7789; A-148-81; 5-82-790-A; 5-00-501 (Brue); 5-00-424 (Spriggs); 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); 5-97-270 (Noah); 5-97-269 (Noah); 5-97-256 (Noah); 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, 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. Assessor's Parcel Map
3. Coastal Access Points Map
4. Project Plans
5. Location of "Original" Top of Bluff
6. Required Structural and Hardscape Setbacks
7. 5-82-790-A Staff Report
8. Partial Plate 5 from Geotechnical Investigation
9. Letter from Larry Steinle, Landscape Architect, dated June 14, 2001
10. Letter from Michael Childs, Geotechnical Consultant, dated June 24, 2001
11. Memorandum from Mark Johnsson, Senior Staff Geologist, dated June 26, 2001

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP #5-01-040 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 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 swimming pool shall be constructed nearer than 25 feet from the designated "top of bluff," as generally depicted in Exhibit 6, attached in the current staff report, and

2) No portion of the wrought iron fence shall be constructed nearer than 10 feet from the designated "top of bluff," as generally depicted in Exhibit 6, 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 Custom Single Family Residence, 4120 Calle Isabella, San Clemente, California* prepared by Geofirm, Inc. dated July 19, 2000, revised January 8, 2001 and *Depiction of "Original" Bluff Edge* prepared by Geofirm, dated March 15, 2001.

B. **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. 5-01-040, including the walkways, fencing 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. 5-01-040. 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 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.5-01-040 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. Conformance with Grading and Drainage Plan

A. The applicant shall carry out the project in conformance with the Grading and Drainage Plan prepared by Duca and McCoy submitted February 5, 2001. All roof drainage, including roof gutters, collection drains, and sub-drain systems for all landscape and hardscape improvements for the structures and all yard areas shall be collected on site and conveyed in a non-erosive manner for discharge at the designated outlet point at the base of the bluff face cribwall. The applicant shall maintain the functionality of the approved drainage and runoff control system to assure that water is collected and properly discharged to the outlet point without over-saturation of the subject property.

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 Revised Landscaping and Irrigation Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a revised landscaping and irrigation plan prepared by an appropriately licensed professional which demonstrates the following:

(a) The subject site shall be planted and maintained for slope stability and erosion control. To minimize the need for irrigation, landscaping shall consist of a majority of native or drought tolerant plant species;

(b) No permanent in-ground irrigation systems shall be installed within 25 feet of the "top of bluff," as generally depicted in Exhibit 6, attached in the current staff report;

(c) The existing irrigation system on the bluff face shall be removed. No new irrigation system shall be placed on, or installed in, the bluff face;

(d) The new irrigation system shall be limited to the level pad area inland of the 25-foot setback area, as specified in (b) above, and shall incorporate the following features:

- Separate water meter for landscaping and swimming pool;

- Automatic controller with dual programs for trees, shrubs, lawn and bedding;
- Rain sensor, which turns off during wet weather;
- Irrigation zones based on shade and sun;
- Water sensors, which are tied to the irrigation controller to prevent overwatering;
- Irrigation master valve, which shuts the main line off during non-operating times; and
- Below ground bubble and drip system in narrow shrub and groundcover areas.

(e) The new irrigation system shall be maintained on a bi-weekly basis to ensure proper functionality.

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.

8. Water Quality

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a revised site and hardscape plan which incorporates the use of a permeable surface (i.e. turf block) into the design of all driveways and motor court areas for filtration purposes.

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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION, BACKGROUND AND DESCRIPTION

1. Location

The proposed development is located on a vacant blufftop lot between the first public road and the sea at 4120 Calle Isabella within the private gated and guarded community of Cotton Point Estates in the most southerly portion of the City of San Clemente, Orange County. The site is bounded to the north by the former Nixon residence; to the east by single-family residential development along the Calle Isabella cul-de-sac; to the south by a vacant residential lot and a U.S. Marine housing development beyond the San Diego County line; and to the west by an approximately 60 foot high coastal bluff, the OCTA railway and the Pacific Ocean beyond. (See Exhibits 1 & 2, Vicinity Map & Assessor's Parcel Map)

Access to the site is gained through the guarded and locked gate community of Cypress Shores and through a locked gate entrance to Cotton Point Estates. The subject lot is part of a 17-lot subdivision, site of the former Richard Nixon estate. The Nixon residence (Casa Pacifica) and accessory structures remain at the subdivision site, immediately north of the subject site. An improved pedestrian pathway maintained by the Cotton Point Estates Community Association traverses the northern property line between the subject lot and the former Nixon lot.

The project site is located on a blufftop lot directly inland of the OCTA railroad right-of-way. Public vertical access is located to the southeast of the subject lot, beyond the adjacent military housing development at the Trestles accessway through an easement granted by the Federal government until the year 2021. Public lateral access is located directly beyond the OCTA railroad right-of-way to the west. (See Exhibit 3, Coastal Access Map)

2. Project Description

The proposed project involves construction of a new 12,966 square foot, two-story single family residence with attached 2,073 square foot, five-car garage area (four-car garage to serve main house and one-car garage to serve guesthouse), 1,285 square foot guesthouse, swimming pool and spa on an approximately 2.0-acre vacant coastal blufftop lot (Exhibit 4, Project Plans). The project involves approximately 2,500 cubic yards of grading (2,100 cy export and 400 cy to remain) for pool and basement excavation and site preparation. Exported material will be disposed of at an appropriate disposal site outside of the coastal zone.

The proposed residential structures will be set back from the existing bluff edge in conformance with the 25 foot setback specified in the City's certified LUP. As shown on the site plan, the primary residence will be set back approximately 95 feet from the bluff edge at its closest point and the guesthouse will be set back approximately 70 feet at its closest point. However, the proposed swimming pool with subterranean foundation system is to be sited 16 feet from the bluff edge, inconsistent with the 25-foot setback requirement.

The majority of proposed rear yard accessory improvements (including patios and walkways) will be located a minimum of 10 feet from the bluff edge, consistent with the typical deck and hardscape setback in this area. However, a segment of the wrought iron fencing encroaches into the setback area at the northwestern corner of the property. (A greater setback of the pool and fencing is recommended by staff in Section B, beginning on page 18.)

For the current project, the structural and hardscape setbacks have been measured from the location of the original bluff edge, prior to site grading and crib wall construction in the early 1980s that created a more seaward bluff edge. (The original top of bluff is shown in Exhibit 5 and the setback requirements for the current project are depicted in Exhibit 6.) As recommended by the geotechnical consultant and proposed by the applicant, the existing bluff retaining wall (approved by CDP No. 5-82-790-A) will remain in place. Minor repairs to the wall are proposed. Blufftop stability and appropriate setbacks will be discussed further in Section B (Geologic Hazard) and Section C (Scenic Resources) of the current staff report.

The project also involves the installation of patios, walkways, fencing and extensive landscaping. A preliminary landscaping plan has been submitted which includes a mix of primarily non-native, ornamental plants throughout the multiple lawn and garden areas. Some drought tolerant plantings are proposed nearest the structures. The plant palette is consistent with that of the property to the north, Casa Pacifica, which supports a dense growth of ornamental plants, as well as drought tolerant plants. Existing non-native vegetation (primarily Acacia and Myoporum) on the face of the bluff will remain undisturbed.

The preliminary landscaping plan submitted states that all landscape areas will be irrigated with low precipitation heads and all container plantings will be irrigated with a drip system. The plan notes that the bluff face is currently irrigated with a drip irrigation system that will be repaired and connected to the new automatic controller. (However, the landscape architect has since clarified in writing that the bluff face system will be removed.) The landscaping plan also states that *"all irrigation valves will be controlled by an Irritrol controller located on the mechanical enclosure and will include a rain sensor for automatic shut-off."* The irrigation system will also include a reduced pressure backflow device. In addition, the applicant's landscape architect has indicated that a master control valve system with separate water meter will be used for the swimming pool and irrigation. As will be discussed in Section B, staff recommends the use of a majority of native or drought-tolerant plant species throughout the site to minimize the need for irrigation.

3. Previously Approved Development at the Project Site

a. **P-81-7789**

On May 11, 1981, the Commission approved coastal development permit P-81-7789 for the subdivision of 19.2 acres of blufftop property to 17 single-family residential lots. The project included the construction of a road, utility lines and the demolition of five accessory structures. The former Nixon estate, including one home and accessory structures (i.e. guesthouses, gazebos) were to remain on site. The project was approved subject to four special conditions.

Special Condition No. 2 required the recordation of an irrevocable offer of dedication for an easement 15' wide along the eastern boundary of the tract to the City of San Clemente, subject to the following stipulations:

a) The offer shall be valid until the year 2021 at which time it may be cancelled on three years prior written notice to City by Developer or its successors or assigns;

b) Developer, through Title Insurance and Trust Co. or such other entity approved by the City Attorney, shall provide notice to the City of the existence of the offer on or about 1-1-2021 or upon termination of the access described in (c) below;

c) The City agrees not to accept the offer until the existing public access to the beach across the San Clemente Point Coast Guard property or other

adequate public access in the immediate area is no longer available to the public or unreasonably restricted for public use;

d) Upon acceptance of the offer, the improvement of the easement shall be at the City's expense;

e) No permanent improvements other than landscaping shall be placed within the easement area unless an until the offer is cancelled pursuant to (a) above;

f) The existence of the offer shall be noted in the deeds and initial CC&Rs for the property subject to the offer;

g) The easement shall be used exclusively for beach access.

b. **A-148-81**

The Commission's approval of P-81-7789 was appealed on the contention that the project delegated the lowest priority use (single-family residential) to one of the few undeveloped coastal parcels in Orange County prior to approval of San Clemente's LCP; that there was a total lack of public access to the coast and to the number one desired visitor destination point—the Nixon home and grounds or viewpoint thereof; and that there was a lack of a substantial public benefit for the approval of the low priority use (residential development) of this valuable coastal resource.

The appellant recommended that, if the Commission were to approve the project, a limited easement on the edge of the bluff next to the former coast guard property be required and that the restrictions on the 15' easement along the eastern portion of the property be removed.

On June 17, 1981, the Commission heard the appeal and approved the project subject to a clarification of Special Condition No. 2 (Vertical Access). The vertical access condition language was modified to read as follows:

2. *Vertical Access. Prior to issuance of permit the applicant shall submit evidence of an agreement, the form and content of which has been approved by the Executive Director, offering to dedicate to a public agency or private association acceptable to the Executive Director, an easement for public access allowing the public to pass and repass over a strip of the applicant's property 15 ft. in width and running along the entire eastern boundary of the project site, from the northern property line to the railroad right-of-way. The offer of dedication shall contain a clause restricting the agency accepting the offer from opening up the accessway to the public unless and until the "Trestles" accessway across the Coast Guard property to the south is no longer available to the public or is unreasonably restricted for public use. The offer shall be made free of prior liens and encumbrances except for tax liens. The offer shall be irrevocable for a period of 21 years, running from the date of recordation and shall run with the land in favor of the people of the State of California, binding successors and assigns of the applicant.*

In addition, prior to sale of any of the lots, the applicant shall submit evidence that the CC&Rs of the sudivision note the existence of the accessway and prohibit any permanent improvements within the accessway.

In early March 1983, the Cotton Point CC&Rs were adopted. The CC&Rs properly identify the existence of the accessway easement and prohibit any permanent improvements within the accessway.

On April 11, 1983, the irrevocable offer of dedication across the easternmost 15' of the property was recorded in document no. 83-151464.

Since that time, six new single-family residences have been constructed within the previously approved subdivision and two are under construction. The currently proposed project at 4120 Calle Isabella does not affect the previously imposed special conditions of the underlying subdivision permit. No public access easement exists across the subject property.

4. Previous Commission Actions and Existing Development in Project Vicinity

a. **P-81-7789**
As discussed previously, P-81-7789 allowed the subdivision of the larger 19.2-acre property at the subject site.

b. **A-148-81**
Also discussed previously, A-148-81 resulted in a modification to the vertical access condition language.

c. **5-82-790-A**
On December 16, 1982, the Commission approved an amendment to CDP No. A-148-81 which allowed the construction of a bluff retaining wall and modified prior restrictions on bluff alteration (Exhibit 7, Staff Report). The permit allowed the applicant to regrade and recompact the bluff, install drainage facilities to prevent water flow over the top of the bluff and to prevent soils from eroding onto the railroad right-of-way located at the base of the bluff. The project also involved *"revegetation of the bluff by endemic species."* The Commission found that the project would not interfere with natural shoreline processes or substantially alter natural landforms and would minimize visual impacts. No special conditions were imposed.

d. **5-83-219**
Administrative Permit 5-83-219 allowed the construction of a gateway, perimeter walls and fencing, tennis court and pool house at 4100 Calle Isabella, the former Nixon estate, immediately north of the subject site.

B. GEOLOGIC HAZARD

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:

(l) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

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.

Application of the stringline setback policy would be inappropriate at this location due to the absence of development to the south. Consequently, the City's minimum 25-foot setback policy will be applied as an appropriate setback standard to achieve Coastal Act policies. For the current project, the structural and hardscape setbacks are measured from the location of the original bluff edge, prior to site grading and crib wall construction in the early 1980s. The original top of bluff, which was located further inland than the post-grading top of bluff, is shown in Exhibit 5 and the setback requirements for the current project are depicted in Exhibit 6.

The plans submitted by the applicant show that the proposed primary residence and guesthouse conform to the 25-foot setback from the bluff edge. However, the swimming pool will encroach 9 feet into the required setback zone (Exhibit 4). As the pool is considered structural development, this portion of the proposed development does not comply with the applicable blufftop setback standard.

The majority of hardscape development in the rear yard will be set back at least 10 feet from the bluff edge. However, a segment of the proposed wrought iron fencing extends into the setback area along the northern portion of the bluff edge. As discussed below, the typically imposed hardscape setback is 10 feet from the bluff edge. The landscape architect states that the fence is a City code requirement for pool enclosures. While the Commission recognizes the safety concern, the fence can be sited further inland to meet the intent of the local requirement.

The Commission has previously found that a 10-foot setback for hardscape features (including fencing) is appropriate for coastal bluffs in San Clemente, although the hardscape stringline may sometimes be appropriate. In addition, the Commission has imposed the 25-foot structural setback and the 10-foot hardscape setback on projects in the vicinity, including 5-00-501 (Brue) and 5-98-300 (Loughnane).

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. In it he states that there are other factors in bluff erosion other than 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 Cotton Point 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 Coastal Development 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, while the subject site is in the southern portion of the City. However, 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 have been 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 La Ventana geotechnical report discusses drainage. 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. Geotechnical problems in the area have also been attributed to construction of the railroad line.

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 as follows:

> *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 report and other geotechnical reports prepared to evaluate sites in San Clemente state that the process of coastal bluff erosion can be slowed by landscaping, setting buildings back from the blufftop, controlling runoff 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 several 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 Plan and Target Canyon have experienced landslides. Camp Pendleton is located less than one-half mile south of the project site.

b. Site Specific Geotechnical Data

To address the feasibility of constructing the proposed project in this potentially hazardous area, the applicant submitted a report entitled *Preliminary Geotechnical Investigation for Custom Single Family Residence, 4120 Calle Isabella, San Clemente, California* prepared by Geofirm, Inc. dated July 19, 2000, revised January 8, 2001. This report was later supplemented by a report entitled *Depiction of "Original" Bluff Edge* prepared by Geofirm, dated March 15, 2001, and a letter dated June 24, 2001 (Exhibit 10).

The Geofirm report presents the results of their geotechnical investigation of the subject property to *"determine the site and certain regional geotechnical conditions pertinent to the*

design and construction of a custom single-family residence at the subject site." The scope of the investigation included the following: (1) a review of pertinent geologic literature, reports, and maps and a brief review of the Grading Plan for Tract 10909; (2) surface reconnaissance of the property and nearby areas and review of the cribwall at the sea bluff; (3) excavation and logging of three exploratory borings and four trenches to determine the character and distribution of subsurface materials; (4) laboratory testing of samples obtained during the site subsurface exploration; (5) geotechnical evaluation of the current cribwall condition; (6) geotechnical analysis of site conditions pertinent to foundation design; (7) preparation of topographic cross sections to relate site conditions to proposed development; and (8) preparation of the geotechnical report.

The subject site is located on an elevated coastal marine terrace. Based on information provided in the geotechnical report, the property and vicinity are underlain at depth by bedrock strata of the San Mateo and Capistrano Formations which are successively overlain by marine terrace deposits and nonmarine deposits. According to the report, "*Marine and subaerial erosion of the marine terrace during recent geologic time has created the terrace surface, sea bluff and a former reentrant gully which was incised into the sea bluff face and extended into the central portions of the property."* Based on Commission files, the "reentrant gully" at the center of the blufftop was subject to significant erosion in the early 1980s, which necessitated construction of the cribwall. (As discussed previously, the cribwall, drainage improvements and grading were approved by CDP No. 5-82-790-A.)

The geotechnical report describes the property as a *"large, essentially level pad which extends seaward from Calle Isabella, a partially graded/partially natural former sea bluff."* The pad slopes gently toward the bluff. The bluff area was previously graded to construct a *"maximum 20± feet high cribwall and variable graded slope which ascends from the sea bluff and cribwall to the level pad."* The cribwall extends approximately 80 feet across the face of the coastal bluff. The area behind the cribwall has been backfilled with compacted material. The face of the bluff is vegetated with a mix of non-native plant species, while the buildable pad area is primarily denuded with some scattered weeds.

Regarding the slope stability of the subject site, the geotechnical consultant found that the level pad portion of the site, as well as the graded slope adjacent to the rear bluff slope, will not be affected by gross or surficial slope instability. As stated in the report,

> *"No evidence of former gross bluff instability has been observed in the site vicinity where the bluff slope is backed by sandstone lithologies of the San Mateo Formation. Future gross bedrock instability affecting the sea bluff is not anticipated due to the favorable lithology and geologic structure."*

Additionally, the report states that the bluff at the subject site is protected from marine erosion by the rock revetment located seaward of the railroad tracks below. Consequently, the site is not subject to wave attack.

Drainage

The geotechnical report states that *"no evidence of significant uncontrolled, concentrated, erosive runoff onto or from the property has been observed. Site grades are engineered to direct surface water to a drainage swale and berm adjacent to the bluff top and through an existing storm drain constructed beneath the fill slope and cribwall. The storm drain discharges below the base of the cribwall at the base of the bluff slope."* The existing drainage system was approved by the Commission under CDP No. 5-82-790-A, which allows neighborhood runoff to be directed through a pipe system running beneath the subject site.

As stated in the geotechnical report, future development at this site will modify and increase post-development surficial discharge. Therefore, it is recommended that discharge be

controlled and conducted offsite by appropriate design to preclude soil saturation and bluff erosion. As stated in the report, *"all roofs should be guttered and discharge conducted away from the house and rear bluff slope in a nonerosive manner as specified by the project civil engineer or landscape architect."* As proposed, all site drainage will be conveyed to the slope bottom through multiple area drains, as shown in the Grading and Drainage Plan prepared by Duca and McCoy submitted February 5, 2001 (Exhibit 4). Directing runoff to the street in this instance would achieve the same result as the proposed on-site subdrain system, as neighborhood runoff from the cul-de-sac is currently directed through the subject site for discharge beneath the crib wall. The proposed drainage system conforms to the requirements of the geotechnical report and assures appropriate discharge of off-site runoff. However, for water quality purposes, additional on-site filtration is required on the streetside of the property (see discussion in Section D).

Irrigation and Swimming Pool Monitoring

The issue of irrigation is important for slope stability and water conservation purposes. As submitted, the applicant proposes extensive landscaping of the subject site, including lawn areas and various types of ornamental gardens (i.e. rose, iris, etc.). Drought tolerant plants are only proposed nearest the structures. Much of the proposed landscaping will require large amounts of irrigation.

In past permit actions, the Commission has found that non-drought tolerant plants species (invasive and non-native plant species in particular) are typically characterized as having a shallow root structure in comparison with their high surface/foliage weight and/or require a greater amount of irrigation and maintenance than drought tolerant vegetation. The Commission notes that non-drought tolerant plant species with high surface/foliage weight and shallow root structures do not serve to stabilize steep slopes and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that drought-tolerant plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foliage weight, but also by their low irrigation and maintenance requirements. Drought tolerant species also serve to reduce water consumption. In this case, the Commission is requiring the use of a majority of native or drought-tolerant plants in an effort to minimize the need for irrigation, thereby reducing geologic risk and promoting water conservation. As the site is not adjacent to a sensitive native plant area (the bluff face is currently vegetated with non-natives), a requirement for solely native plant species, pursuant to Section 30240 of the Coastal Act, is not necessary at this location.

The Commission notes that landscaping improvements which require intensive watering requirements, such as many lawn and turf species, will result in potential adverse effects to the stability of the bluff slope due to increased groundwater infiltration along the rear (bluff-facing) portion of the subject site. Therefore, in order to ensure stability of the bluff slope, all permanent irrigation improvements, included as part of the landscaping plan for the subject site must be designed to minimize groundwater infiltration in the rear yard and must be primarily limited to drip irrigation systems. No permanent irrigation may be allowed within 25 feet of the landward edge of the top of the bluff or on the bluff face itself to prevent potential erosion or over-saturation of the slope.

To further evaluate the effects of irrigation on slope instability at the subject site, Commission technical staff was consulted to review the proposed project. Regarding irrigation, the Senior Staff Geologist states the following in a preliminary memorandum dated June 26, 2001 (Exhibit 11),

> *"Given the overall stability of the subject slope, and the permeability of both the San Mateo formation and the overlying terrace deposits, infiltration of groundwater deep into the soils and rocks should not lead to the buildup of high pore water pressures or to slope*

instability. Furthermore, the proposed drainage plan, as you have described it, appears to adequately convey surface runoff away from the bluff edge and to the base of the bluff. Accordingly, it is my opinion that permanent irrigation systems may safely be installed on the subject property. Within the 25 foot structural setback and on the coastal bluff itself, however, I recommend no permanent irrigation systems, as excess irrigation could lead to surficial slumping, rilling, and gullying."

Based on site-specific analysis of the subject site, the Commission is allowing installation of an in-ground irrigation system at the project site subject to several requirements. One such requirement restricts any in-ground irrigation within 25 feet of the bluff edge to minimize saturation of the bluff, which could lead to slope instability. The applicant is also responsible for installing a separate meter for domestic water and landscaping and pool water. With this, water usage can be closely monitored and leaks in either the pool or the irrigation system may be more easily detected. Additionally, the applicant is required to carry out bi-weekly monitoring and maintenance of the irrigation system.

Blufftop Setback

The City of San Clemente certified LUP requires proposed development on blufftop lots to be set back at least 25 feet from the bluff edge. The primary residence and guesthouse conform to the setback requirements specified in the certified LUP, as they are sited 95 and 70 feet from the bluff edge, respectively. The swimming pool, however, will encroach into the 25-foot structural setback area by 9 feet. For purposes of Commission review, the foundation system for the swimming pool is considered a structural feature of the proposed development. Therefore, the project as proposed is inconsistent with the required structural setback from the bluff edge.

The consultant has determined the setback of the proposed pool to be appropriate to assure stability for the life of the development. As stated in their letter of June 24, 2001 (Exhibit 10),

"It is our conclusion that probable future bluff erosion will not expose the bluffward wall of the swimming pool. The recommended foundation setback form the structural setback plan will conservatively isolate the swimming pool from any soil creep, loosening or dilation of material bluffward of the swimming pool which may occur as a result of material erosion and weathering processes. Future corrective earthwork or foundation underpinning of the swimming pool will not be required if the recommended setback recommendations are incorporated into design and construction."

However, the Commission has typically imposed a minimum 25-foot setback on all portions of new blufftop developments in San Clemente. As stated by the Commission's staff geologist,

"Due to the uncertainty inherent in predicting geologic process into the future, I recommend a structural setback from the bluff edge for any future development. Major principal structures--including the proposed residence, guest house, and swimming pool--should be set behind this line. Ancillary structures--such as patios, decks, and walkways--may encroach within the setback area provided that the permit is conditioned to require their removal should they become threatened by erosion. The minimum setback that the Commission generally approves is 25 feet, for the geologically most favorable circumstances, and I recommend that a 25-foot setback for the major principal structures described above be applied to this project."

Consequently, application of the 25-foot setback in this instance is consistent with past Commission action and will provide for adequate protection from potential hazards resulting from bluff failure.

The geotechnical report and supplemental submittals from the consultant conclude that from a geotechnical viewpoint, the subject site is considered suitable for the proposed development provided certain recommendations are incorporated into the design criteria and project specifications. Recommendations include those related to remedial grading, cribwall restoration, structural design of the foundations and slabs, structural setback, hardscape design and construction, finish grading, foundation plan review and observation and testing. As conditioned in the subsequent section, the proposed project is considered consistent with the geologic hazard policies of the Coastal Act.

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 in San Clemente due to soil saturation and high groundwater activity correlating to heavy rainfall. The problems on these nearby properties were exacerbated by poor drainage conditions. Even the proposed project site was subject to erosional problems that were remedied through construction of a crib wall and drainage improvements in the early 1980s. The geotechnical consultant concluded that the subject development will not be subject to the same instability issues if the recommended design and construction measures are adhered to. Additionally, staff has conducted a site visit and observed that the bluff face supports a substantial amount of drought-tolerant, non-native 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.

As discussed previously, the proposed main house and guesthouse conform to the 25-foot structural setback, but the proposed swimming pool is inconsistent with the applicable setback. The proposed pool will encroach 9 feet into the required 25-foot setback area. Additionally, the applicant proposes to construct a wrought iron fence, which will encroach into the required 10' hardscape setback. As has been noted previously in this staff report, bluff failures have occurred throughout San Clemente. Failures 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 large retaining walls or caisson and grade beam systems to protect existing structures. For example, erosional problems in the early 1980s resulted in the construction of a cribwall, drainage improvements and grading at the subject site. If a bluff failure were to occur in the future, the foundation of the pool or the footings of the wrought iron fence may become exposed, thereby threatening those features. As such, while the site is expected to be grossly stable, all portions of the proposed structure and accessory improvements 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. Consistent with the LUP, the Commission typically requires that structures be set back at least 25 feet from the bluff edge and hardscape features (including patios, walkways and fencing) be set back at least 10 feet from the bluff edge to minimize the potential that the development will contribute to slope instability or be subject to future hazard. 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.

In this case, the applicant has provided geotechnical data to support the siting of the buildings and swimming pool in their proposed configuration. The geotechnical consultant recommends that the *"bottom of all footings should be set back a minimum of 5 and 10 feet, respectively, from the structural setback plane as depicted on Plate 5. Based upon review of the preliminary landscape plan, slope setback requirements are anticipated to apply only to the swimming pool."* (Plate 5 is provided in Exhibit 8). A described previously, the main house will be sited 95 feet from the bluff edge and guesthouse will be sited 70 feet from the edge. No further structural setback is recommended by the consulting geologist.

The required 25-foot setback for all structural development, including the swimming pool, will provide adequate setback to assure development stability and no additional setback would be needed. In addition, the 10-foot hardscape setback will be adequate for the proposed hardscape features, including the walkway and fencing. Consequently, the proposed development is found to be consistent with the certified LUP and Section 30253 of the Coastal Act, so long as the pool is relocated to conform to the 25-foot structural setback requirement and the wrought iron fencing is relocated to conform to the 10-foot hardscape setback.

In addition to being consistent with applicable setback requirements, the proposed project must also demonstrate conformance with grading, drainage and landscaping recommendations included in the geotechnical report. The grading plan submitted by the applicant indicates that positive drainage measures consisting of sloping flatwork, top-of-slope earth berms, and area drains will be provided within the site and around the structures to collect and direct all surface waters away from the rear yard slope, as well as to prevent ponding. The plan shows roof gutters with downspouts connected to an onsite area drainage system to mitigate discharge of roof drainage toward the top of the rear yard slope, as well as to prevent a rapid buildup of roof drainage in planter and lawn area adjacent to building walls and foundations. The grading plan shows ultimate discharge to the rubble outlet point at the base of the bluff face crib wall.

Past erosion problems at the site were addressed through engineering mechanisms. In 1982, the Commission allowed the construction of a bluff retaining wall, drainage facilities and grading of the subject site. The consultant recommends that minor repairs be made to the existing cribwall. No further protective devices are proposed or anticipated. As indicated in the geotechnical report, the wall is functioning as designed and should remain in place to ensure proper drainage and stability of the bluff face.

Geologic reports generally include recommendations for landscaping and irrigation, but unlike other engineering specifications, these recommendations are not reviewed and implemented by the consulting geologist/engineer. No recommendations are given for specific plant types along the bluff edge or face. Due to potentially adverse effects on site stability, irrigation and landscaping are closely evaluated on blufftop lots.

Developments on blufftop lots in San Clemente are required to submit landscaping and irrigation plans, consisting primarily of native or drought-tolerant plants, for the review and approval of the Executive Director, in order to be found in conformance with Section 30253 of the Coastal Act. Review of landscaping plans is necessary to assure that appropriate plant species are selected and limited watering methods are applied. In addition, appropriate vegetation can help to stabilize slopes. Native, drought-tolerant plants common to coastal bluffs do not require watering after they become established, 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. Landscaping on blufftop lots that involves in-ground irrigation may lead to overwatering or sprinkler line breaks that can contribute to slope instability. Therefore, review and approval of final landscaping and irrigation plans is necessary prior to the issuance of a coastal development permit. In this case, the applicant submitted a landscaping plan which incorporates a majority of ornamental plantings and an in-ground watering system. The quantity of water necessary to support primarily ornamental plantings is greater than that required for native and drought tolerant species. For slope stability and water conservation purposes, a landscaping palette with a majority of native or drought tolerant plant species is more appropriate at the subject site. The applicant must submit a revised landscaping plan showing such a plant mix.

The applicant must also submit a grading and drainage plan to demonstrate that geotechnical recommendations have been incorporated accordingly. These may include recommendations for appropriate conveyance of rooftop and hardscape runoff, and avoidance of ponding or sheet flow that would contribute to slope instability. In this instance, the applicant has submitted a grading plan, which incorporates the recommended drainage and runoff control measures.

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 the swimming pool and wrought iron fence; conformance with geotechnical recommendations; recordation of an assumption of risk deed restriction; no future bluff protective device deed restriction; future development deed restriction; conformance with the grading and drainage plan submitted, and submittal of a revised irrigation and landscaping plan showing a majority of drought-tolerant plant species.

Special Condition No. 1 requires the applicant to submit revised project plans that demonstrate conformance with the 25-foot structural setback. The "top of bluff" has been delineated by the geotechnical consultant and depicted on Exhibit 4. However, the pre-grading, or "original", top of bluff is used for applying setbacks at the subject site (Exhibit 6). As proposed, the swimming pool encroaches into the required structural setback approximately 9 feet. The wrought iron fencing encroaches into the required hardscape setback as well. 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, at least 25 feet from the blufftop edge for the pool, and 10 feet from the edge for the walkway and fence.

Special Condition No. 2 requires the applicant to submit final project 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 the swimming pool and hardscape features and conformance with geotechnical recommendations does the Commission find that the proposed development conforms to 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 structures, pool, walkways, 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.

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 or amendment to this 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 conform to the Grading and Drainage Plan prepared by Duca and McCoy submitted February 5, 2001. In keeping with the geotechnical recommendations, this condition requires that on-site runoff be conveyed in a non-erosive manner through area drains to the designated outlet point at the base of the existing crib wall. The plan shows that surface waters are directed away from the building foundations, walls and sloping areas.

Special Condition No. 7 requires the applicant to submit a revised landscaping plan which consists of a majority of native or drought-tolerant plants and prohibits in-ground irrigation within 25-feet of the bluff edge. This special condition requires that areas not occupied by hardscape be planted primarily with native or drought tolerant plants to reduce the need for irrigation. As the site is not adjacent to a sensitive native plant area, a requirement for solely natives is not necessary at this location. No disturbance of the bluff face vegetation is proposed.

Special Condition No. 8 requires the applicant to submit a revised site and hardscape plan showing incorporation of turf block in the driveways and motor court areas. As further discussed in Section D (Water Quality), the condition is intended to improve water quality through infiltration of site runoff.

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.

Only as conditioned for inland relocation of the swimming pool and wrought iron fence; conformance with geotechnical recommendations; assumption of risk; no future blufftop protective devices; no future improvements; conformance with the grading and drainage plan; and submittal of a revised landscaping and irrigation 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 approximately one-quarter mile north of Trestles, a popular surfing spot in San Diego County. The site is located inland of the OCTA railroad tracks and the bluffward portion is highly visible when traveling along the beach below. Because the new residence and guesthouse 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.

As proposed, the project consists of a two-story Spanish style structure with a one-story guesthouse, decks, patios, walkways and landscaping. The project is designed to be compatible with development in the surrounding area, including the designated historic structure next door, and will not have an adverse effect on visual resources. The proposed structures will not be visible form a public vantage point (i.e. the beach below) as they will be sited at least 75 feet from the bluff edge. Additionally, the proposed project will not result in significant landform alteration, as the grading necessary for the proposed development will not be visible from the beach below.

The seaward portion of the proposed swimming pool will be supported by deepened footings. As stated previously, if a bluff failure were to occur, the foundation may become exposed. Not only would this create a hazardous condition, but it would also present an adverse visual impact. Therefore, 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. The applicant's proposal includes siting of the swimming pool within the 25-foot setback area. Hardscape features will be located 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 swimming pool and hardscape features and comply with a future development deed restriction and landscaping condition. A greater setback will reduce the potential for visibility of the subterranean foundation system of the pool from the shoreline below if a bluff failure were to occur. 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 drought-tolerant plants throughout the site. Additionally, the established vegetation on the bluff face will remain undisturbed.

Therefore, the Commission finds that, as conditioned for appropriate setback of the pool and fence and recordation of a future development deed restriction, the project is consistent with the visual resource protection policies of Section 30251 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states, in pertinent part:

> *Marine resources shall be maintained, enhanced, and where feasible, restored.*

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and*

substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Single family residences have the potential to increase local runoff due to the creation of impervious areas. This runoff could carry with it pollutants such as suspended solids, oil and grease, nutrients, and synthetic organic chemicals. The proposed project involves the development of an existing vacant, undeveloped lot. While the project retains a substantial amount of open space (34,071 square feet of landscaping and 21,966 square feet of unimproved slope area) the project also includes 11,011 square feet of building coverage and 21,341 square feet of pavement; thereby decreasing current permeable area. Of this paved area, much is dedicated to vehicular uses such as driveways and motor courts. On site filtration of runoff through vegetated areas can reduce pollutants that might otherwise be carried into coastal waters from residential development, particularly that generated from motor vehicles. Further, providing opportunities for percolation of stormwater through permeable green space on site can also reduce the total volume of runoff leaving the developed site through the process of infiltration; thus, minimizing to the extent feasible, adverse impacts upon water quality.

In an effort to improve water quality through increased percolation, the Commission imposes Special Condition No. 8. This condition requires the applicant to submit a revised Site and Hardscape Plan showing that site runoff from the driveways and motor court areas are collected and directed in a non-erosive manner through vegetated areas such as turf block for filtration purposes.

Only as conditioned does the Commission find the proposed development to be consistent with Sections 30230 and 30231 of the Coastal Act.

D. PUBLIC ACCESS

1. Coastal Act Policies

Sections 30211 and 30212 (a) of the Coastal Act contain policies regarding public access to the shoreline.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including; but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 (a) states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The issue of public access was addressed by the Commission's approval of CDP P-81-7789, which allowed the original subdivision. The Commission, in its previous action at the site, required that lateral access be provided from the railroad right-of-way to the mean high tide line.

The subject site is a blufftop lot within the subdivision, as shown in Exhibit 2. The proposed development will not affect the lateral access provided along the beach below. Therefore, the project, as it relates to lateral access, is consistent with Section 30212 of the Coastal Act. In regard to vertical access, existing public vertical access to the beach is located approximately one-quarter mile south of the subject property at the improved Trestles accessway in San Diego County. (See Exhibit 3, Coastal Access Map) A newly completed military housing development at San Mateo Point lies between the subject site and the Trestles accessway. The Trestles accessway is located on Federal Coast Guard property and is available to the public through an easement granted by the Department of the Navy to the State of California until the year 2021. Another coastal development permit (P-80-7164, Cyprus West) was conditioned to provide a 100-space parking lot to serve this accessway. Vertical access to the north exists at San Clemente State Beach approximately 1600 yards upcoast from the subject site. Additionally, there is an OTD located along the eastern portion of the Cotton Point subdivision site. However, as discussed previously, the offer has not been picked up or opened to public use. Nonetheless, the vertical access easement is not located on the subject parcel. Consequently, the proposed development will not affect vertical public access to the shoreline. Therefore, the proposed project, as conditioned, is consistent with the access provisions of the Coastal Act, specifically Sections 30211 and 30212.

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 the swimming pool and blufftop walkway; 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) conformance with the grading and drainage plan submitted; 7)

submittal of a revised landscaping plan which shows that only drought-tolerant natives will exist in the rear yard area and restricts any in-ground irrigation with the 25-foot setback; and 8) incorporation of turf block driveways to improve water quality.

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.

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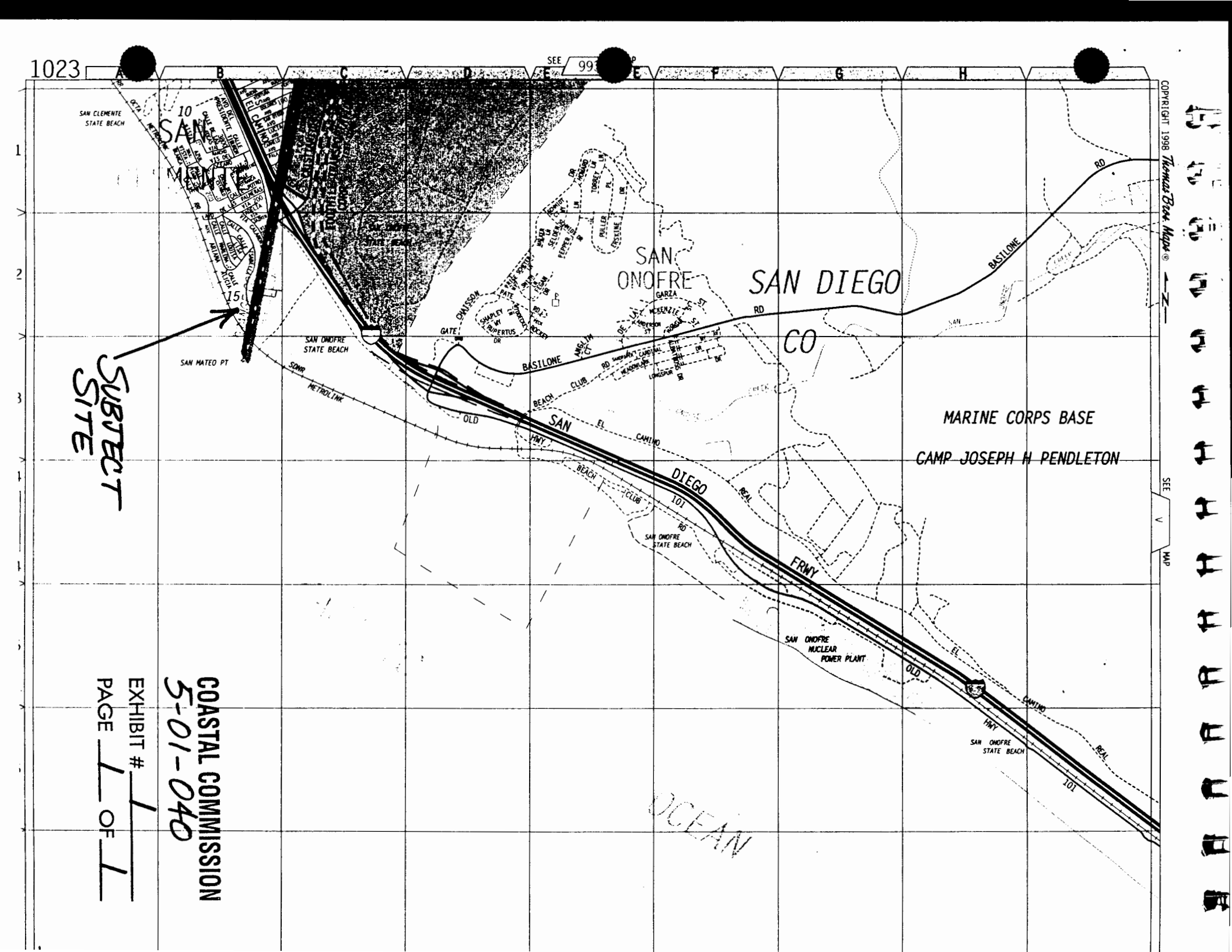

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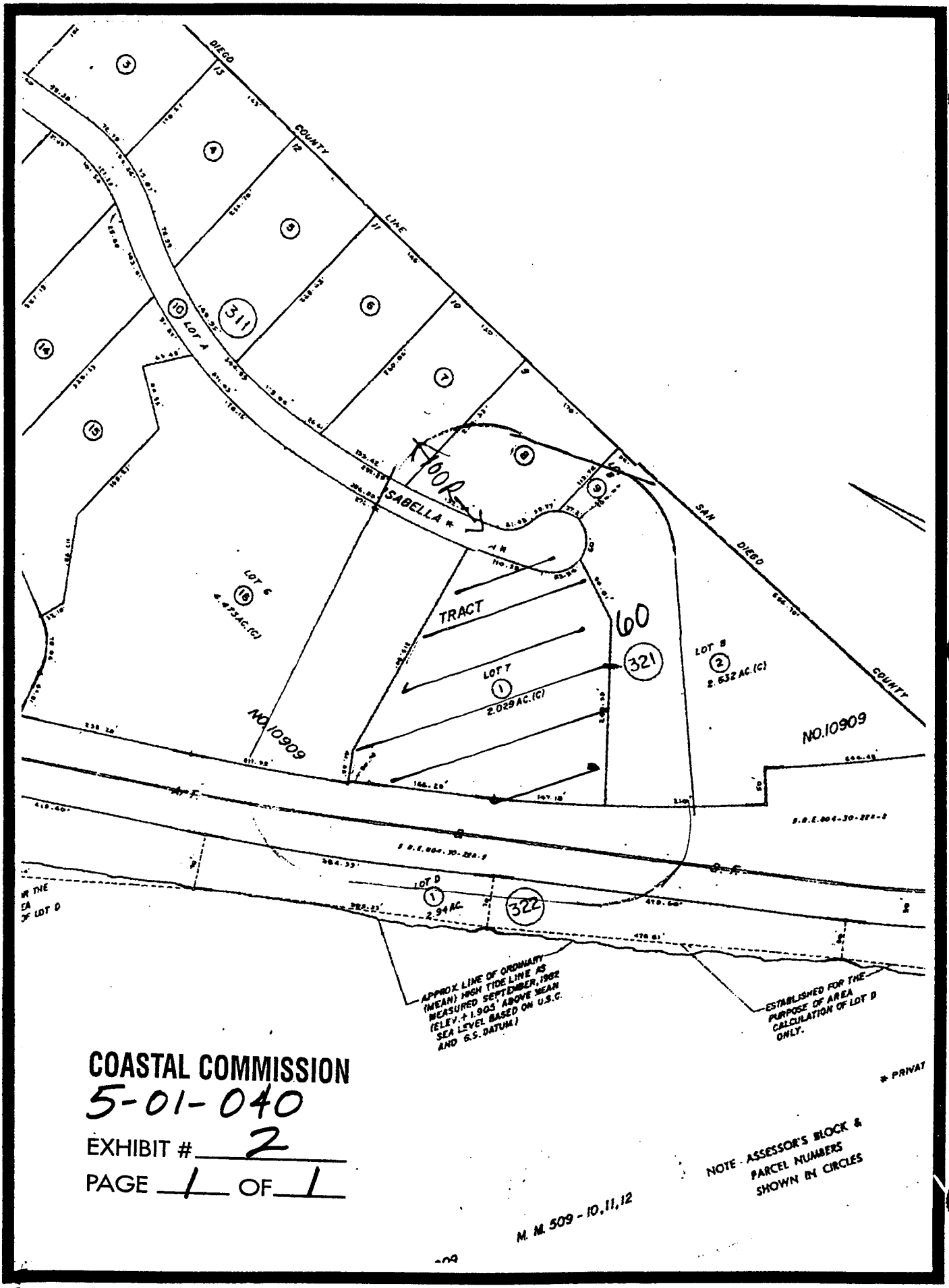

COASTAL COMMISSION
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Ownership Map

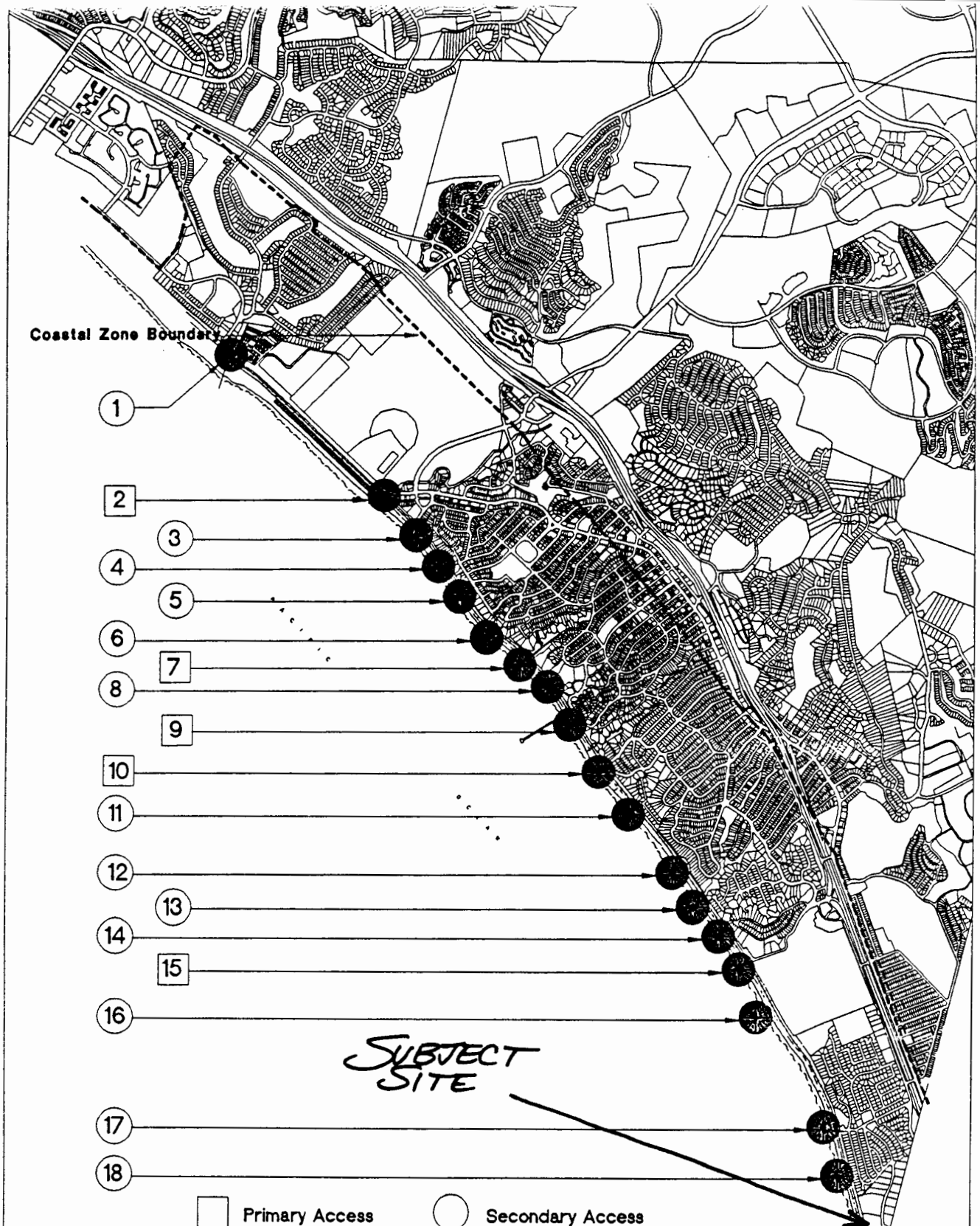
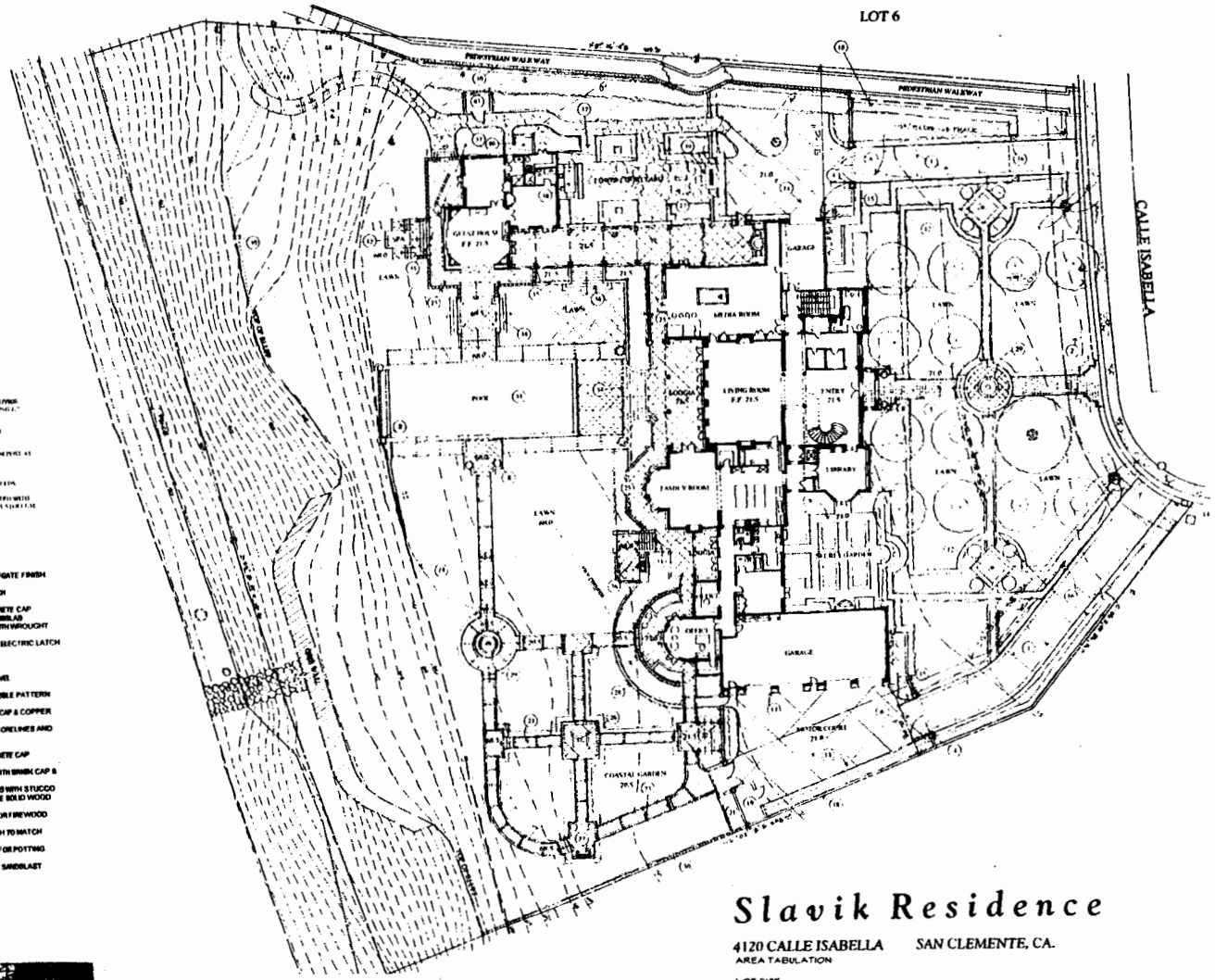


FIGURE 2-5

CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS



DIRECTORY

ADDRESS
COTTON POINT ESTATE
TRACT 10909, LOT 7
4120 CALLE ISABELLA,
SAN CLEMENTE, CA 92672

OWNER
MR. & MRS. JAMES D. SLAVIK
MARK IV CAPITAL, INC.
100 BAYVIEW CIRCLE, SUITE 4500
NEWPORT BEACH, CA 92660
(949) 509-1444

ARCHITECT
FRANK MEN AIA
DIANE JOHNSON DESIGN
833 DOVER DR. SUITE 6
NEWPORT BEACH, CA 92663
(949) 642-4059

LANDSCAPE ARCHITECT
LARRY STEINLE
LA STUDIO
20944 S COAST HWY. STUDIO 4
LAGUNA BEACH, CA 92651
(949) 494-6244

CIVIL ENGINEER
PETE DUCA
DMI
3840 EAST COAST HWY.
CORONA DEL MAR, CA 92625

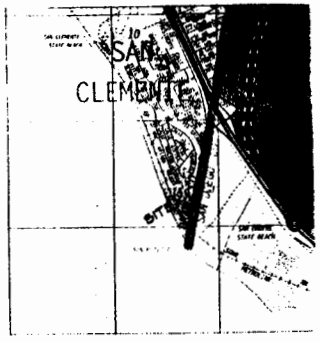
SHEET INDEX

N

SITE & HARDSCAPE PLAN
1/16"=1'-0"

CONSTRUCTION NOTES

1 COLORED CONCRETE DRIVE WITH EXPOSED AGGREGATE FINISH
2 RELOCATE EXISTING PHOENIX CANARIENSIS PALM
3 6'0" HIGH STUCCO WALL WITH BRICK CAPS TO MATCH ARCHITECTURAL GUIDELINES
4 7'0" HIGH STUCCO COLUMNS WITH PRECAST CONCRETE CAP
5 FRENCH TERRACOTTA PAVERS ON A CONCRETE SUBSLAB
6 7'0" HIGH AUTOMATED WOOD VEHICULAR GATES WITH WROUGHT IRON PANEL IN UPPER PORTION OF GATE
7 7'0" HIGH WROUGHT IRON PEDESTRIAN GATE WITH ELECTRIC LATCH AND INTERCOM SYSTEM
8 PRECAST CONCRETE PLANTER BOWLS
9 PEA GRAVEL WALKWAY
10 FRENCH TERRACOTTA PAVING BAND WITH PEA GRAVEL GROUNDCOVER
11 COLORED CONCRETE WALKWAY WITH SEEDED PEBBLE PATTERN
12 4'0" HIGH GREEK OLIVE JAR
13 4'0" HIGH STUCCO COLUMN WITH PRECAST CONC. CAP & COPPER MAIL BOX
14 COLORED CONCRETE DRIVEWAY WITH TOOLED SCORELINES AND SANDBLASTED FINISH
15 5'0" HIGH STUCCO WALL WITH STUCCO CAP
16 5'6" HIGH STUCCO COLUMN WITH PRECAST CONCRETE CAP
17 VINE PICKET
18 6'0" HIGH FREESTANDING PROPERTY LINE WALL WITH BRICK CAP & STUCCO FINISH TO MATCH HOUSE
19 TRASH ENCLOSURE WITH 6'0" HIGH STUCCO WALLS WITH STUCCO CAP & FINISH TO MATCH HOUSE. PROVIDE DOUBLE SOLID WOOD GATES WITH FINISH TO MATCH GARAGE DOORS
20 CONCRETE PAD WITH 6'0" HIGH STUCCO WALLS FOR FIREWOOD STORAGE
21 6'0" HIGH SELF CLOSING WOOD GATES WITH FINISH TO MATCH GARAGE DOORS
22 7'0" HIGH STUCCO COLUMNS WITH WIRE TRELLIS FOR POTTING BENCH AND GARDEN CENTER
23 COLORED CONCRETE WALKWAY WITH TEXTURED SANDBLAST FINISH AND ENLAYED TILE BANDS
24 COLORED CONCRETE MOW STRIP
25 PRECAST CONCRETE BALLUSTRADES
26 ANTIQUE SUNDIAL
27 TEAK BENCH
28 CARVED STONE PLANTERS
29 30" HIGH STONE FOUNTAIN BOWL
30 6'0" HIGH WROUGHT IRON FENCE



Slavik Residence

4120 CALLE ISABELLA SAN CLEMENTE, CA.

AREA TABULATION

LOT SIZE
88,388.59 SF
2.0291 ACRES

MAIN HOUSE
FIRST FLOOR LIVABLE 6,855 SF
SECOND FLOOR LIVABLE 4,079 SF
TOTAL LIVABLE 10,934 SF

BASEMENT 747 SF
GARAGE 2,013 SF
COVERED PORCH 748 SF

GUEST HOUSE 1,285 SF

FLAT ROOF & ROOF DECK 2,803 SF
TOTAL ROOF 11,036 SF
FLAT ROOF PERCENTAGE 25%

LOT COVERAGE

BUILDING COVERAGE 11,011 SF

LANDSCAPE COVERAGE 77,377.59 SF

F.A.R.

BUILDING SQUARE FOOTAGE/LOT AREA
15,837 SF / 88,388.6 SF = 17.9%

STUDIO

SD-1
W" 2/20
2/15/01

COASTAL COMMISSION
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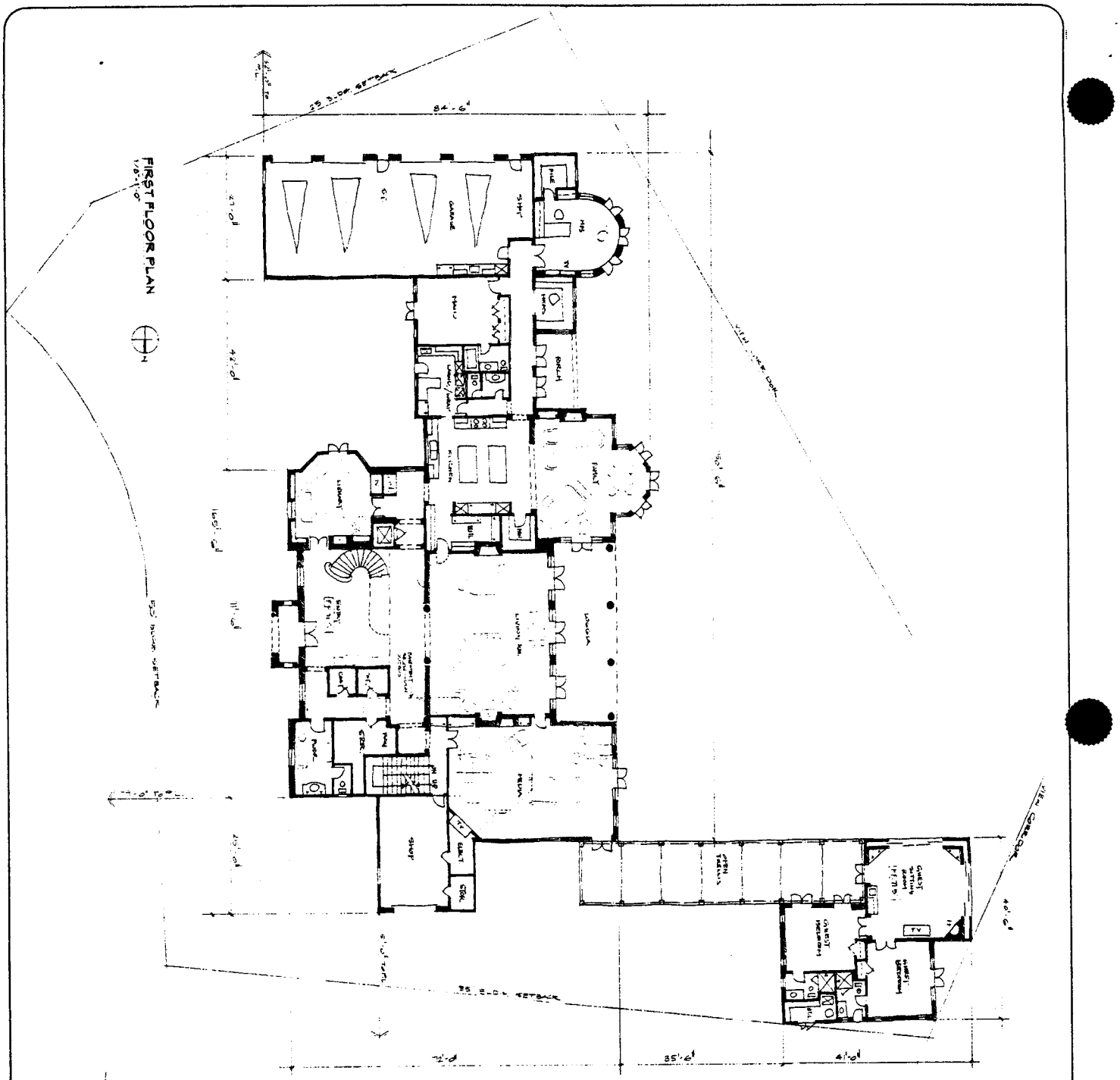
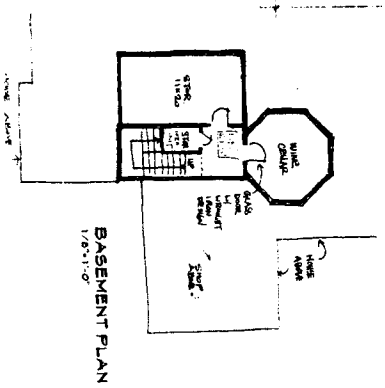
SD-2
ROOF PLAN & SURVEY
NEW RESIDENCE FOR:
MR. & MRS. JIM SLAVIK
TRACT 10909 LOT 7
4120 CALLE ISABELLA SAN CLEMENTE CA 92672
diane johnson design





AREA TABULATION

MAIN HOUSE	
BASEMENT	747 SF
FIRST FLOOR LIVABLE	6655 SF
GARAGE	2073 SF
COVERED PORCH	749 SF
SECOND FLOOR LIVABLE	4059 SF
TOTAL LIVABLE	10,934 SF
GUEST HOUSE	1,265 SF
FLAT ROOF / ROOF DECK	2803 SF
TOTAL ROOF	11,599 SF
FLAT ROOF PERCENTAGE	25%

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SD-3 FIRST FLOOR PLAN

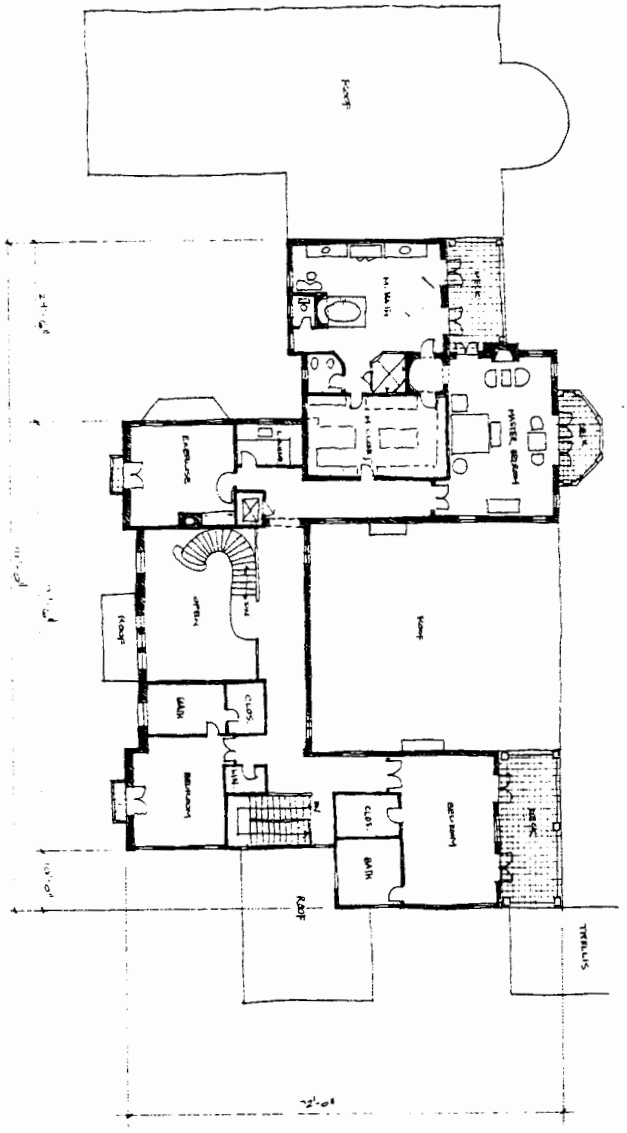
NEW RESIDENCE FOR:
MR. & MRS. JIM SLAVIK
TRACT 1090 LOT 7
4120 CALLE ISABELLA SAN CLEMENTE CA 92672

diane johnson design

SECOND FLOOR PLAN

1/8"=1'-0"

N



COASTAL COMMISSION

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SD-4

SECOND FLOOR PLAN

6/12/00

NEW RESIDENCE FOR

MR. & MRS. JIM SLAVIK

TRACT 10409 LOT 7

41 20 CALLE ISABELLA SAN CLEMENTE CA 92672

diane johnson design

COASTAL COMMISSION
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SD-5

MAIN HOUSE ELEVATIONS

NEW RESIDENCE FOR:
MR. & MRS. JIM SLAVIK
TRACT 10909 LOT 7
4120 CALLE ISABELLA SAN CLEMENTE CA 92672

diane johnson design

COASTAL COMMISSION
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SD-6

GUEST HOUSE ELEVATIONS

NEW RESIDENCE FOR
MR. & MRS. JIM SLAVIK
TRACT 10909, LOT 7
41 20 CALLE ISABELLA, SAN CLEMENTE CA 92672

diane johnson design

COASTAL COMMISSION
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COASTAL COMMISSION
5-01-040
EXHIBIT # 4
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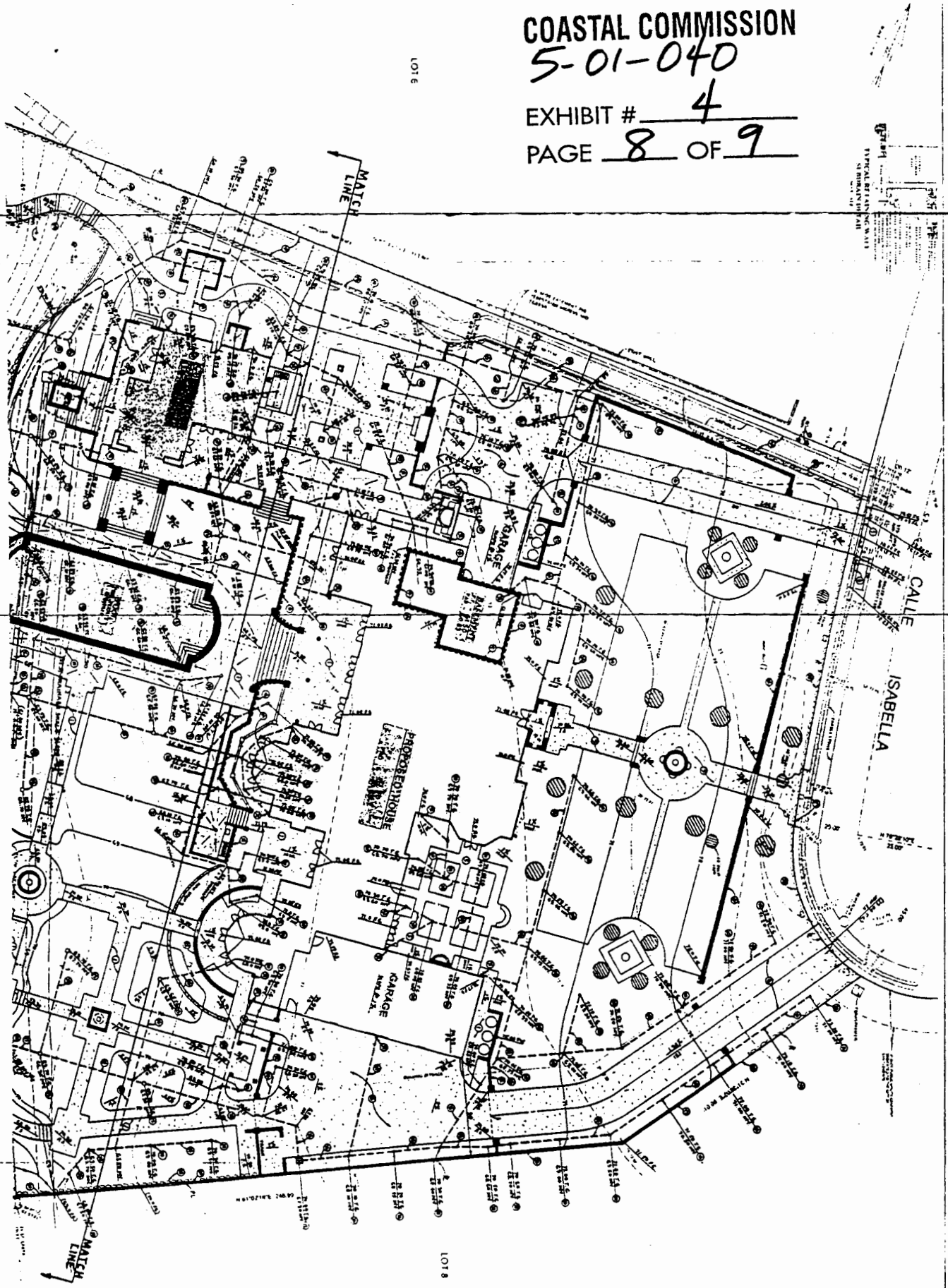

CURVE DATA:

LOT AREA.

ELEVATION LEGEND

SOILS ENGINEER:

BENCHMARK.

PREPARED BY:
DUCA - McCOY, INC.

GRADING PLAN
OF
4120 CALLE ISABELLA
SAN CLEMENTE, CALIF.
LOT 7 OF TRACT No. 10808

COASTAL COMMISSION
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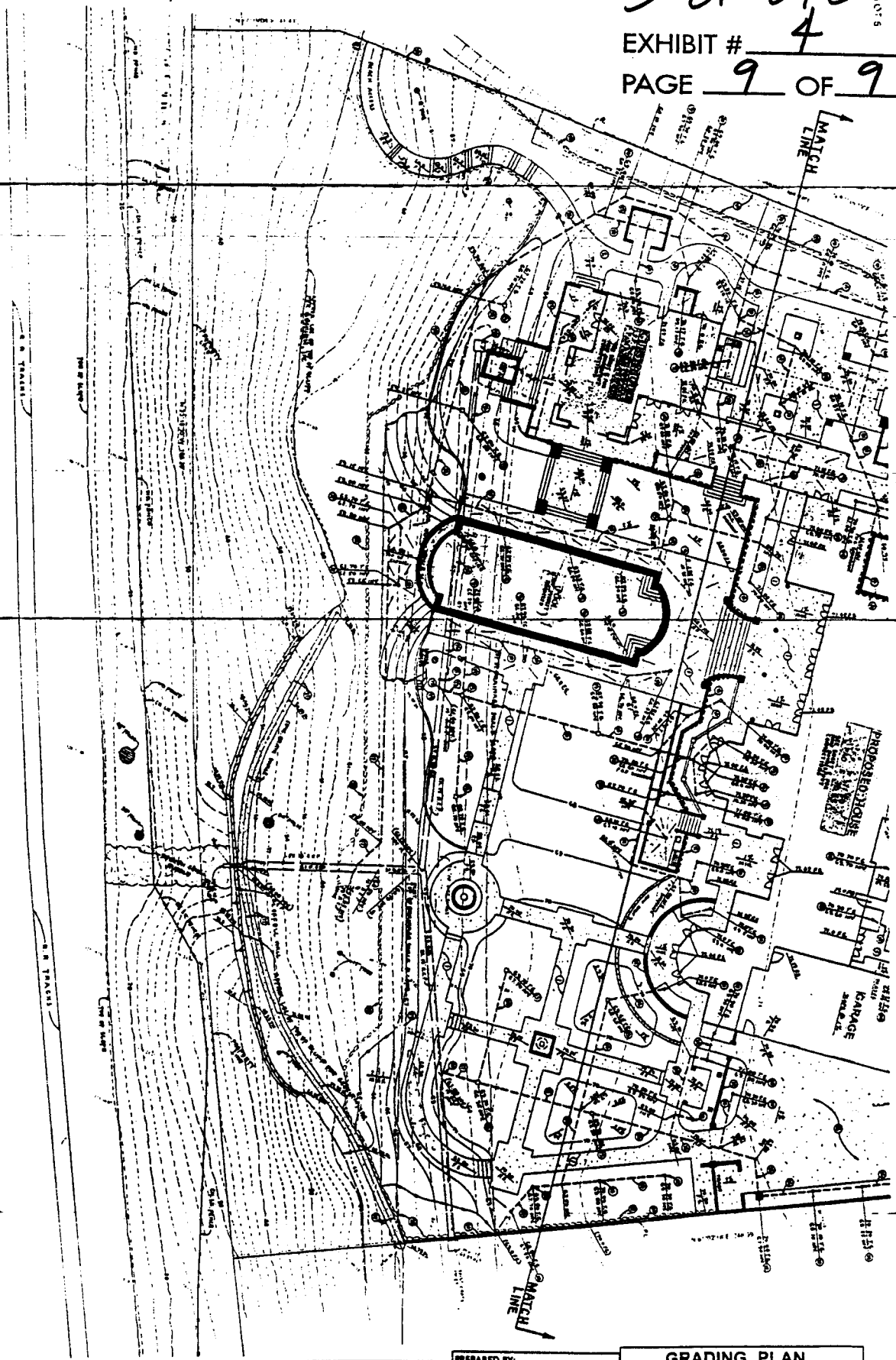
EXHIBIT # 4
PAGE 9 OF 9



SOILS ENGINEER:

BENCHMARK:

PREPARED BY:
DUCA - McCOY, INC.

GRADING PLAN
OF
4120 CALLE ISABELLA
SAN CLEMENTE, CALIF.
LOT 7 OF TRACT No. 10809

COASTAL COMMISSION
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EXHIBIT # 5
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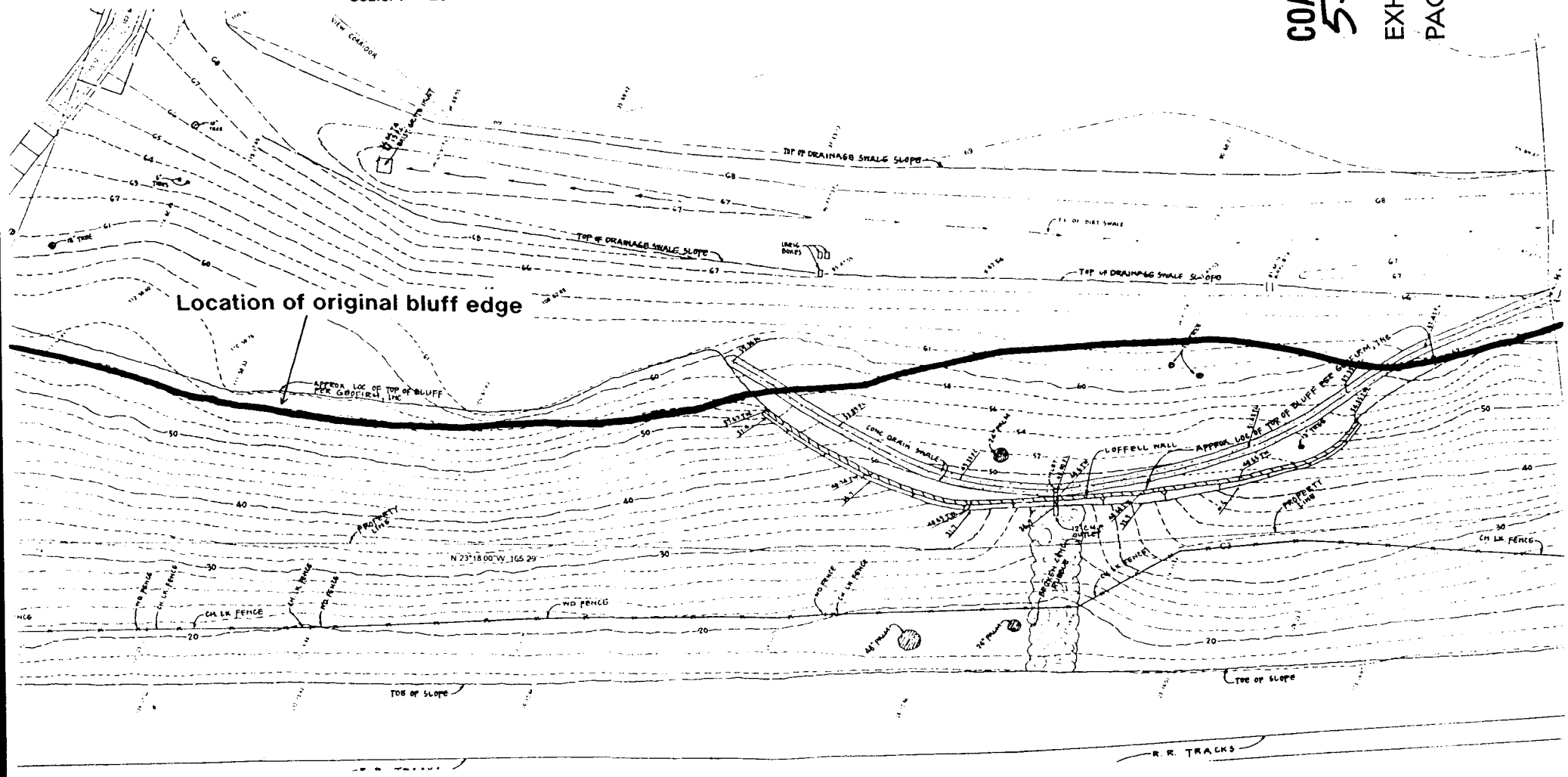
n Depicting Bluff Edge
Coy Topographic Survey Basemap
lle Isabella
nente, California

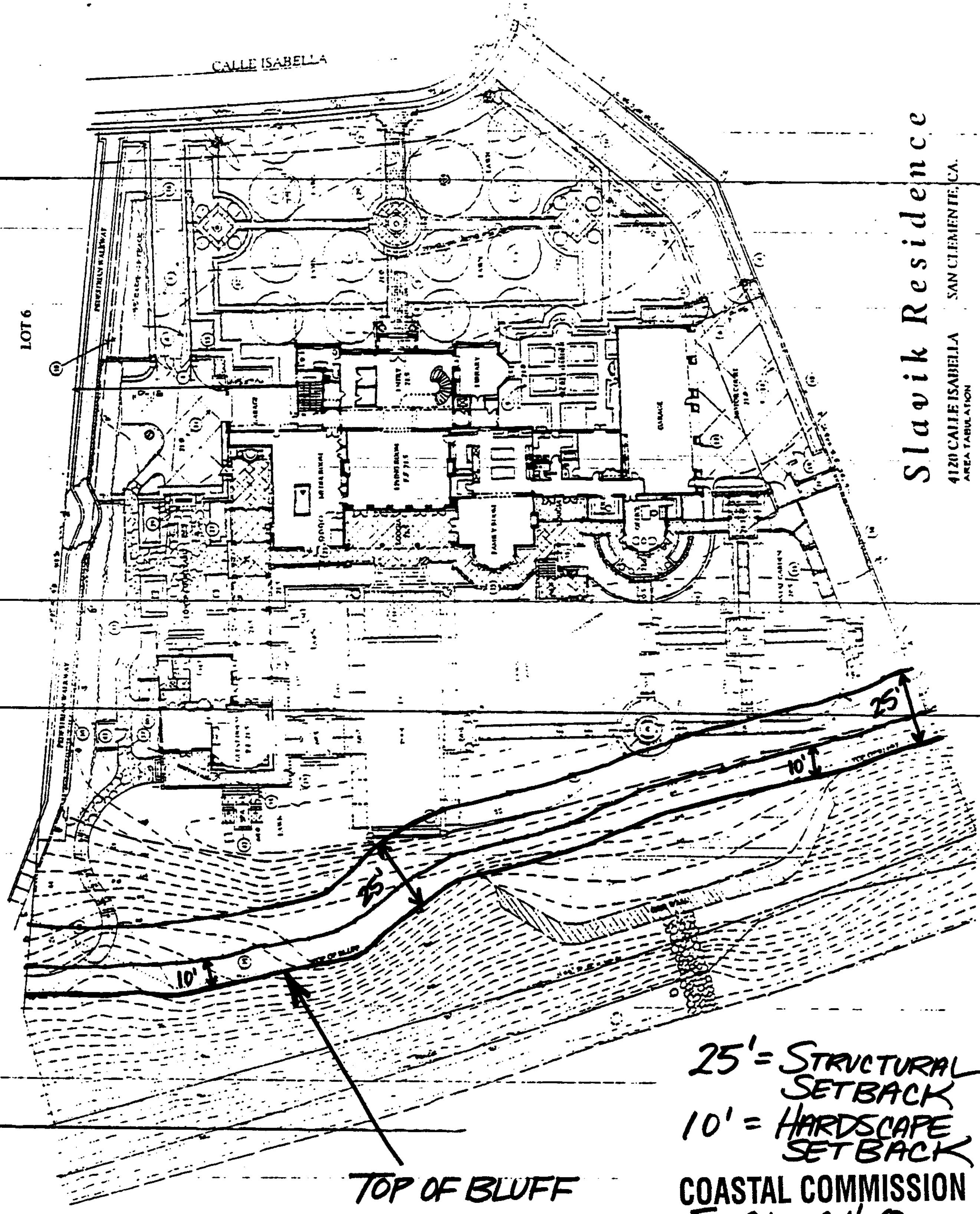
	DATE:	PLATE:
183-01	March, 2001	2

Scale: 1" = 20'



Slavik Residence

4120 CALLE ISABELLA
SAN CLEMENTE, CA.



COASTAL COMMISSION
5-01-040

EXHIBIT # 6

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CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

file (with P-81-7789)

November 2, 1982

TO: STATE COMMISSION

FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

SUBJECT: REQUEST FOR AMENDMENT TO PERMIT NO. A-146-81 (TITLE INSURANCE AND TRUST)

dont file here

Procedures

In the case of permits issued by the Commission under the Coastal Act, the Commission's regulations (Section 13166) permit applicants to request approval by the Commission of amendments to the project or permit conditions. The Commission may approve an amendment if it finds that the revised development is consistent with the Coastal Act of 1976. The staff recommends that the Commission hold a public hearing on the request, and after closing the public hearing, vote on the request.

1. Project Description/History. On June 17, 1981 the State Commission granted a permit with conditions to Title Insurance and Trust Co. for the division of a 19.2 acre parcel into 17 lots for residential purposes, including roads and utilities and demolition of several structures. The project site is southwest of Del Presidente and Las Palmeras at the southern boundary of the City of San Clemente in Orange County. The Commission's conditions required dedication of lateral access, dedication of potential future vertical access in the event that nearby vertical access becomes terminated, provision of 2 units of low and moderate income housing, and recordation of a deed restriction preventing bluff or beach alteration except for beach access facilities. The Commission's findings are attached as Exhibit 3.

2. Amendment Request. During the City's recent review of the applicant's subdivision map, the City noted the existence of bluff erosion and required the applicant to construct a bluff retaining wall to alleviate the problem. The applicant has therefore submitted the subject Amendment request, to allow regrading of the bluff edge, construction of drainage facilities, construction of an 18 ft. high crib wall, and alteration of the Commission's condition prohibiting bluff alteration. The applicant has submitted grading and drainage plans (Exhibit 1), engineering drawings for the crib wall (Exhibit 2) and landscaping and revegetation plans.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval

The Commission hereby grants an amendment for the proposed development on the grounds that, as amended, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program in conformity with the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the sea and will be consistent with

the public access and recreation policies of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Findings and Declarations

The Commission finds and declares as follows:

1. Geologic Hazard. Section 30253 of the Coastal Act provides that new development shall:

(1) Minimize risks to life and property in areas of high geologic... 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.

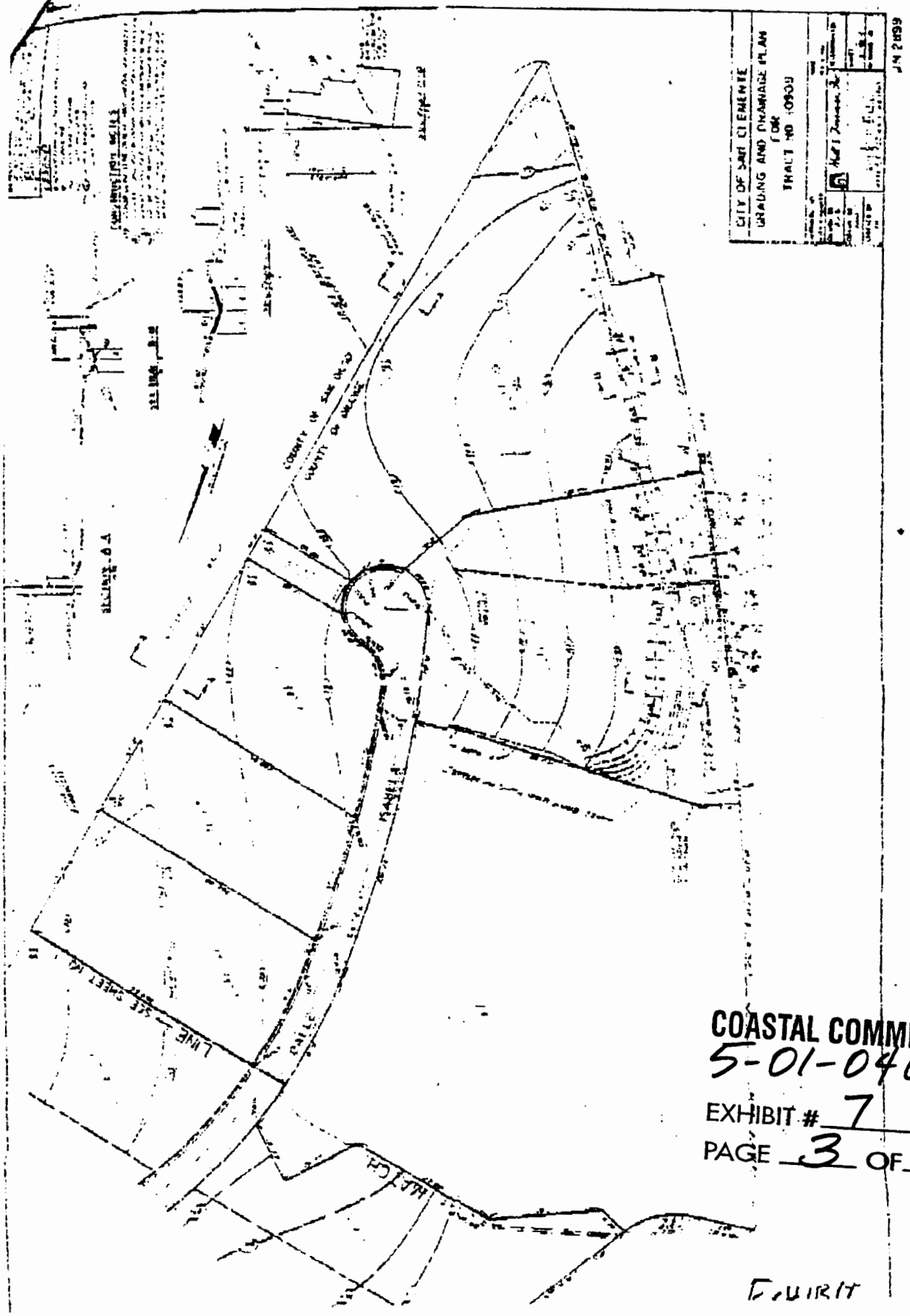
Section 30251 provides:

> 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 current erosion problem is a result of the existing drainage pattern, causing surface runoff to be carried to and over the bluff edge by a gully running perpendicular to the bluff edge. In order to alleviate the erosion problem, the City has determined that it is necessary to regrade and recompact the bluff edge, install drainage facilities to prevent water from flowing over the bluff edge, and to construct a crib wall to further stabilize the bluff and prevent soils from eroding onto the railroad right-of-way located at the base of the bluff. The crib wall is proposed not to protect existing development but to protect future development resulting from the applicant's approved land division. Thus, the Commission can only approve the project if it will not interfere with natural shoreline processes or substantially alter natural landforms, and if the visual impact will be minimized.

The Commission's staff geologist has reviewed the proposed amendment and has agreed with the City and the applicant that the proposal should successfully prevent further erosion and represents the least environmentally damaging alternative. The staff geologist notes that, because the railroad right-of-way cuts off the bluff edge from wave action and other natural shoreline processes, the proposed project does not fit into the category of protective devices that would substantially alter natural landforms or natural coastal processes. Rather the project would help alleviate erosion of the bluff and help retain the natural landform. Furthermore, the applicant has submitted and landscape and revegetation plan, to assure revegetation of the bluff by endemic species and to assure for revegetation of the face of the crib wall in order to diminish the visual impact of the crib wall from the public beach below. The Commission therefore finds the proposed amendment consistent with Section 30253 and 30251 of the Coastal Act.

In approving this project it is also necessary to alter the terms of the Commission's original permit condition that prohibited bluff alteration with the exception of beach access facilities. The Commission finds that it would also be appropriate to exempt from that restriction the proposed bluff alteration for erosion control purposes; the applicant is therefore authorized to alter that restriction, subject to the review and approval of the Executive Director, to reflect this understanding.



COASTAL COMMISSION
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EXHIBIT # 7
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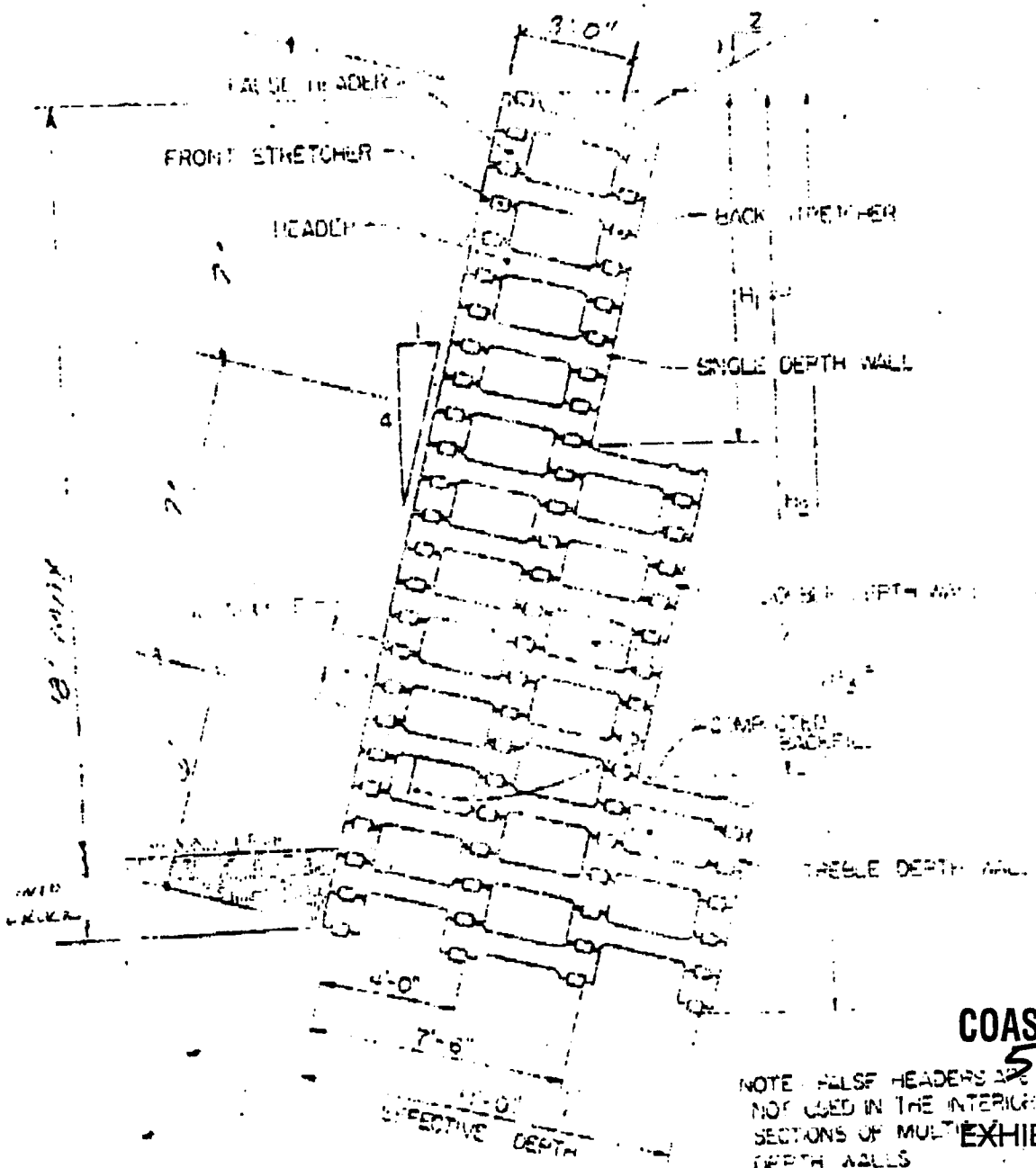
EXHIBIT 1

REAGAN & KRAMER
STRUCTURAL ENGINEERING

CAISLOCK GRAVITY RETAINING WALL



NOTE: FALSE HEADERS ARE NOT USED IN THE INTERIOR SECTIONS OF MULTIPLE DEPTH WALLS

MULTIPLE DEPTH WALL (TYPICAL)

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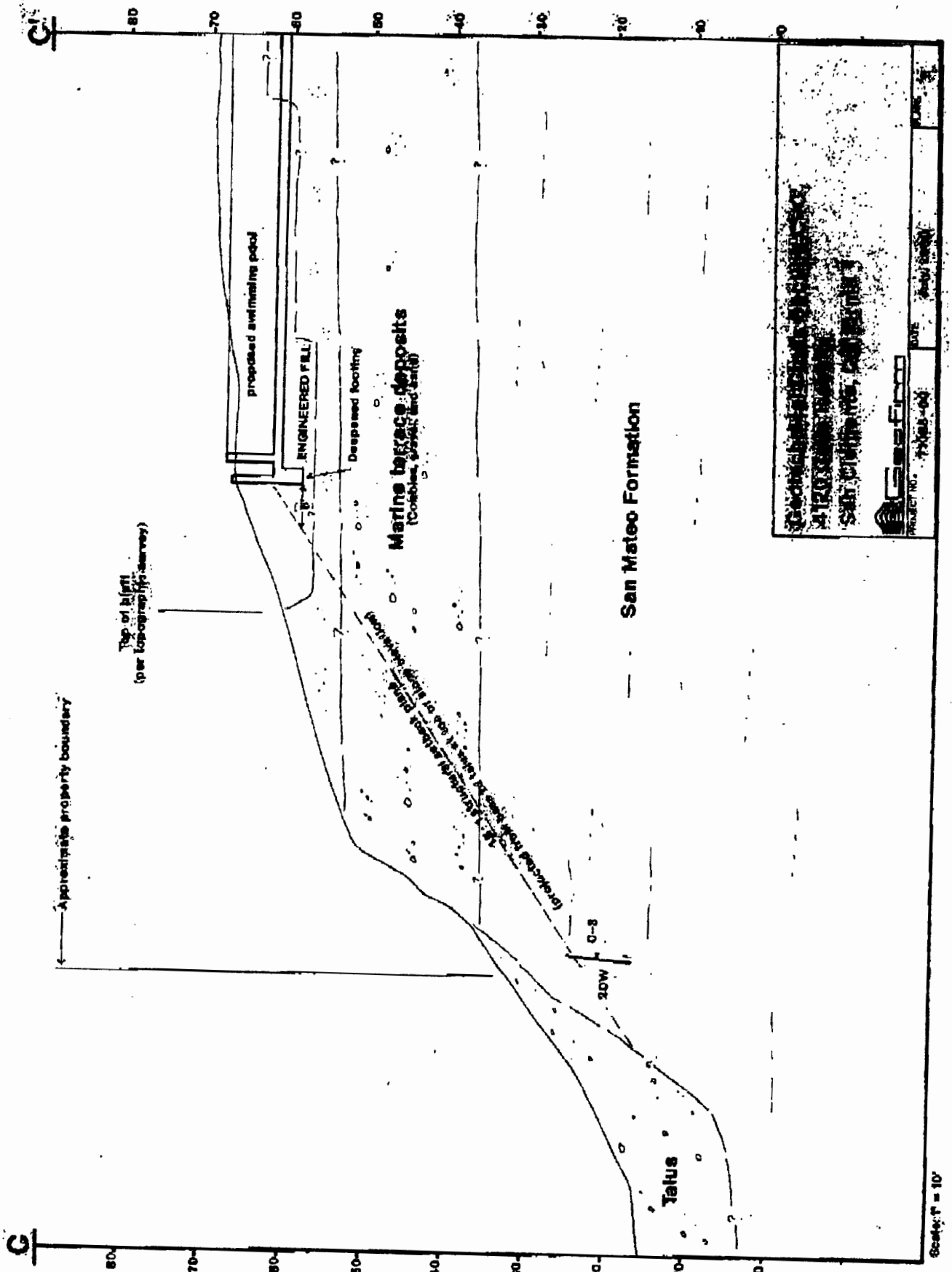
EXHIBIT 2

J. W. REAGAN, S.E. 959 DAVID R. KRAMER, S.E. 2309



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June 14, 2001

STUDIO

California Coastal Commission
South Coast Area
200 Oceangate, 10th Floor
Long Beach, CA 90802

COASTAL COMMISSION
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EXHIBIT # 9
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Attention: Ann Kramer

Project: Slavik Residence
4120 Calle Isabella
San Clemente, CA

Coastal Permit #: 5-01-040

Purpose: Response to Coastal Commissions conditions of approval

Dear Ann:
Thank you for taking the time to review the conditions of approval for the Slavik Residence at Cottons Point. As requested, per our phone conversation on June 13th, I have prepared this letter in response to several conditions placed upon this project and those items are as follows:

A. Recommendation by Staff to move walkway to Northern beach access 10' back from top of slope.

1 This access walkway is a natural dirt path, which exists today and provides a short cut to the beach access easement following the natural contours of the slope.

2 The plan retains the existing path, vegetation and trees but covers the surface with stabilized decomposed granite.

B. Recommendation by Staff to place all irrigation in the rear yard (top of bluff to the house) above grade.

1 This recommendation assumes that above grade systems are safer and less difficult to maintain which is not the case especially when you have large landscape areas. Pipes which are exposed can become brittle are exposed to traffic and may be affected by rodents which destroy the drip lines trying to obtain water. Breaks or failures in the lines are just as difficult to locate after plant material matures.

2 The most efficient way to control water is through proper maintenance and good irrigation design, which we propose as follows:

a Automatic controller with dual programs for trees, shrubs, lawn and bedding

b Irrigation zones based on shade and sun.

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california license 1921

c Water sensors, which are tied to the irrigation controller to prevent over watering.

d Irrigation master valve, which shuts the mainline off during non-operating times. This will prevent remote control valves which stick or broken mainlines from running for hours before being shut down.

e Use of below ground bubblers and drip system in narrow shrub and groundcover areas.

f Rain sensor, which turns irrigation controller off during wet weather.

g These technologies have all been improved upon over the past twenty years but the key to any system is proper maintenance and monitoring, which will be provided for with bi-weekly maintenance service.

h Note: A clarification to the plan, which indicates repairing the existing irrigation on the bluff. This is not an accurate statement. The irrigation drip system cannot be repaired and will be removed from the bluff. The planting is well established and would be hand watered if supplemental water was required during the dry summer months.

C. Recommendation by Staff to relocate pool fencing back 10' from top of bluff.

1 Pool fencing is a code requirement by the City of San Clemente. Two thirds of the bluff is non climbable and will not require the 5' high pool fence. One third is climbable and if the fence is pulled back 10' from the top of the bluff and returned at the non-climbable portion, it will eliminate an unnecessary fence. This will reduce the visual clutter from the beach and from the property and still provide security and safety.

D. Recommendation by Staff to plant drought tolerant plants in the rear yard from top of bluff to the house.

1 This project is not a typical lot in the coastal bluff zone. Unlike other projects along the coast, this bluff is manufactured and supports non-native plants. A large pad has been engineered and slopes away from the bluff top. Many drainage devices are provided in all landscape areas, which removes water from flowing over the bluff. The water sensitive irrigation system also controls excess watering.

2 This project is adjacent to a historic site (The Western White House), which supports ornamental plants as well as drought tolerant plants.

3 This project should complement the historic site and use many of the same ornamentals due to resistance to salts and winds.

4 This project is large enough and flat enough to support lawns, ornamentals and drought tolerant plants. The lawn areas allow for entertainment and play without paving over the site.

5 The only non-drought tolerant plants are used next to the house.

6 None of the proposed plantings can be seen from the public beach.

If you have any questions regarding these responses, please contact me at your earliest convenience so we may discuss further.

Sincerely,

L.A. Studio
Larry Steinle A.S.L.A.

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Geofirm
801 Glenneyre St. • Suite F • Laguna Beach • CA 92651
(949) 494-2122 • FAX (949) 497-0270

June 24, 2001

Project No. 71187-01
Report No. 01-3642

Anne Kramer
California Coastal Commission
P. O. Box 1450
200 Oceangate, 10th Floor
Long Beach, CA. 90802-4416

Subject: Explanation of Structural Setback Plane and Limit of Probable Erosion.
4120 Calle Isabella
San Clemente, California 92672
Coastal Development Permit Application No. 5-01-040

Reference: "Preliminary Geotechnical Investigation For Custom Single Family Residence 4120 Calle Isabella, (Lot 7, Tract 10909) San Clemente, California 92672," prepared by Geofirm, dated April 11, 2001; Project No. 71187-00, Report No. 01-3670.

Dear Ms. Kramer,

This letter and attached illustration are presented to clarify the purpose of the structural setback plane recommended for development at the subject site. A structural setback plane is a conservatively devised generalized geometric tool formulated by the engineering geologist for use in establishing the building setback criteria. The setback plane considers physiographic and geologic conditions, anticipated erosional and weathering processes, engineering properties of earth materials, and other boundary conditions which may exist. The purpose of the setback plane is to ensure that foundations will be supported within earth materials which will not be detrimentally affected by erosional processes. The structural setback plane commonly incorporates a conservative safety factor. The structural setback plane does not represent the anticipated limit of possible erosion, or in this case, the future bluff profile.

Erosion of the bluff top is certain to continue at a slow rate resulting primarily from episodic sloughing of the terrace deposits exposed in the steeper upper bluff slope. This erosion will result in an aggradation of the talus deposit which mantles the lower bluff slope. The base of the bluff is protected from marine erosion by the rock revetment which underlies the adjacent railroad track and the talus slope is considered permanent. The natural angle of repose of the talus slope in the site vicinity is near 1.5:1 (horizontal vertical). It is anticipated that continued erosion of the bluff top and aggradation of the talus slope will result in a hypothetical slope which is slightly flatter than 1.5:1

(horizontal : vertical), with a bluff top which is located landward of the present bluff top as depicted on the attached Geotechnical Cross Section C-C'.

It is our conclusion that probable future bluff erosion will not expose the bluffward wall of the swimming pool shell. The recommended foundation setback from the structural setback plane will conservatively isolate the swimming pool from any soil creep, loosening or dilation of materials bluffward of the swimming pool which may occur as a result of natural erosion and weathering processes. Future corrective earthwork or foundation underpinning of the swimming pool will not be required if the recommended setback recommendations are incorporated into design and construction.

Please call this office if you have any questions or wish to further discuss this or other issues regarding this project.

Sincerely

GEOFIRM

Michael B. Childs, E.G. 1664
Engineering Geologist
Registration Expires 3-31-02

MBC/hlb

Attachment: Plate 1, Geotechnical Cross Section C - C'

Distribution: (5) Addressee

COASTAL COMMISSION
5-01-040
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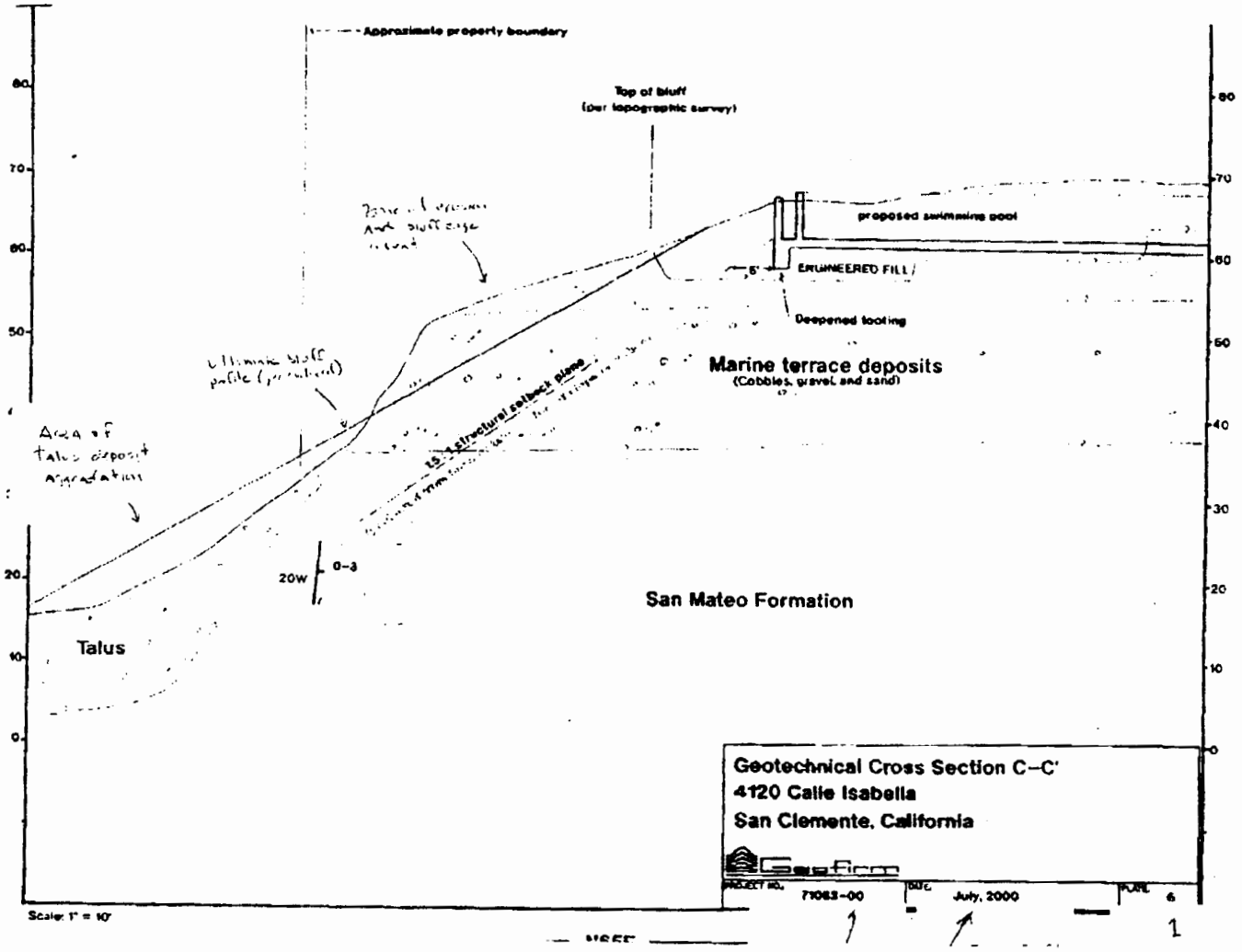

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STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
VOICE AND TDD (415) 904- 5200
FAX (415) 904- 5400

26 June 2001

PRELIMINARY GEOLOGIC REVIEW MEMORANDUM

To: Anne Kramer, Coastal Program Analyst
From: Mark Johnsson, Senior Geologist
Re: Slavik CDP Application (5-01-040)

This memo is to follow up on our conversation yesterday, in which I gave you my preliminary impressions of siting and hazard issues associated with the proposed development. In preparing this memo, I have examined the following documents:

1) Geofirm 2000, "Preliminary geotechnical investigation for custom single family residence, 4120 Calle Isabella (Lot 7, Tract 10909), San Clemente, California", 15 p. geotechnical report dated 19 July 2000 (revised 8 January 2001) and signed by M. B. Childs (CEG 1664) and H. H. Richter (GE 717).

2) Geofirm 2001, "Depiction of "original" bluff edge, 4120 Calle Isabella, San Clemente, California", 2 p. geotechnical report dated 15 March 2001 and signed by M. B. Childs (CEG 1664).

Due to timing constraints, I have not conducted a formal review of these documents; this memo should be considered a preliminary review. Nor have I visited the subject site or spoken with the project geologist. Nonetheless, I am familiar with the geologic environment in the general area of the subject site (San Clemente to San Onofre), having made several site visits nearby for other projects.

The site lies at the top of a coastal bluff approximately 60 feet tall. The bluff edge has been modified by grading, making the definition of bluff edge difficult. A slope situated above the natural coastal bluff appears to have been the product of prior grading, and as such is not part of the coastal bluff. Per your discussion with the applicant, the location of the bluff edge prior to the latest period of grading is addressed in reference (2), above. This location has been transferred to a current topographic survey, leading to a bluff edge line below the top of the current topographic slope. This is an apparent inconsistency with the definition of bluff edge in CCR Title 14, § 13577 (h) (2). Nevertheless, it appears that, prior to grading, the bluff edge as shown in reference (2) was consistent with the Title 14 definition, and so it is an appropriate line to use for defining bluff edge setbacks at this time. In addition, however, consistency with § 30253 of the Coastal Act would require that the geologic stability of the upper fill slope be assured. Given my preliminary review of reference (1), a finding can be made to that effect.

Defining an appropriate setback for hard structures from this line is complicated by the fact that neither reference contains hard data on a bluff retreat rate, nor is the stability of the bluff quantitatively addressed. The bluff is not subject to wave attack. Accordingly, although deep-seated failures are possible, they are unlikely in that the slope will not tend to be oversteepened by marine erosion. Instability could result, however, from surficial erosion. Nevertheless, the lack of apparent landslide slumps or scars, the competent nature of the San Mateo formation bedrock, the favorable orientation of bedding, and the history of stability of this bluff (with the exception discussed below) would tend to indicate that slope stability is not currently a major concern.

The existence of the crib wall does indicate, however, that there have been stability issues in the past. The marine and non-marine terrace deposits in the area are subject to gullying and rilling, spectacular examples of which can be observed five miles to the south at San Onofre State Beach. Erosion of the heads of the nearly vertical bajadas (canyons) can occur at rates exceeding 100 feet per day during extreme rain events if surface runoff is not controlled. Judging from reference (1), it appears that a gully on the subject property was the site of ongoing erosion prior to grading and the construction of the crib wall. However, this gully has now been filled, its mouth secured behind the crib wall, and surface runoff is now collected and directed away from the former gully and the bluff face. This grading, in conjunction with drainage improvements, appears to have corrected the erosion problem. Periodic maintenance will be necessary, and is recommended in reference (1).

Due to the uncertainty inherent in predicting geologic process into the future, I recommend a structural setback from the bluff edge for any future development. Major principal structures--including the proposed residence, guest house, and swimming pool--should be set behind this line. Ancillary structures--such as patios, decks, and walkways--may encroach within the setback area provided that the permit is conditioned to require their removal should they become threatened by erosion. The minimum setback that the Commission generally approves is 25 feet, for the geologically most favorable circumstances, and I recommend that a 25-foot setback for the major principal structures described above be applied to this project.

Irrigation of bluff top lots has the capacity to allow infiltration of ground water into the slope, leading to potential slope stability problems through the reduction of effective stress within the slope and the increase in unit weight of surficial soils. This has lead the Commission to condition permits for many bluff top lots to prohibit permanent irrigation systems. Given the overall stability of the subject slope, and the permeability of both the San Mateo formation and the overlying terrace deposits, infiltration of groundwater deep into the soils and rocks should not lead to the buildup of high pore water pressures or to slope instability. Furthermore, the proposed drainage plan, as you have described it, appears to adequately convey surface runoff away from the bluff edge and to the base of the bluff. Accordingly, it is my opinion that permanent irrigation systems may safely be installed on the subject property. Within the 25 foot

structural setback and on the coastal bluff itself, however, I recommend no permanent irrigation systems, as excess irrigation could lead to surficial slumping, rilling, and gullying.

I hope that this preliminary review and recommendations are helpful. Please do not hesitate to contact me with any further questions.

Sincerely,

Mark Johnsson, Ph.D., CEG
Senior Geologist