

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



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Item Tu 9i

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Staff Report:	December 20, 2001
Hearing Date:	January 7-11, 2002
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-228

APPLICANTS: Rose and Edward Makasjian

AGENT: Albert Makasjian

PROJECT LOCATION: 2819 La Ventana, San Clemente, Orange County

PROJECT DESCRIPTION: Partial demolition and reconstruction of a single-family residence resulting in a one-story 2673 square foot single-family residence with an attached 400 square foot garage on a blufftop lot. The project also involves hardscape and landscape improvements. No grading is proposed.

LOCAL APPROVALS RECEIVED: Approval in concept from the Department of Community Development of the City of San Clemente dated May 30, 2001.

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes to partially demolish an existing single-family residence and reconstruct a larger residence on a coastal blufftop lot. The primary issue associated with development at the subject site is geologic hazard. Staff recommends the Commission **APPROVE** the proposed development with five (5) special conditions regarding a future development deed restriction, assumption of risk deed restriction, conformance with geologic recommendations, conformance with the drainage and irrigation plan submitted, and submittal of a final landscaping plan.

ISSUES OF CONCERN:

The proposed development is located on a coastal bluff which failed in 1993 and destroyed five residences and damaged others to the southeast (downcoast) of the subject site. The bluff has been reconstructed. However, having collapsed once, it is conceivable that the bluff may collapse again. The conditions of this staff report are geared towards minimizing the potential to affect the structural integrity of the reconstructed bluff by the development and informing the applicant or future landowner of the possible risks of development.

PROJECT SPECIFICS:

Lot Area:	6,000 sq. ft.
Building Coverage:	2,673 sq. ft.
Pavement Coverage:	500 sq. ft.
Landscape Coverage:	2827 sq. ft.
Parking Spaces:	2
Land Use Designation:	RL (Residential Low)
Ht above final grade:	16 feet

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente certified Land Use Plan, Coastal Development Permits 5-93-363 (Vaughn), 5-96-253-W (Makasjian), 5-97-261-W (Taras 2817 La Ventana), 5-97-036-X (Taras 2817 La Ventana) 5-095-97-371 (Conrad), 5-98-020 (Conrad), 5-98-064 (Barnes), 5-98-178 (McMullen), A5-DPT-93-275 (City of Dana Point), A5-DPT-93-275 (Revised Findings), 5-94-256 and -256-A (City of San Clemente), 6-93-20, 6-98-20A, 5-97-185 (Schaeffer), *"Mass Movement and Seacliff Retreat along the Southern California Coast"* by Antony R. Orme in Bull. Southern California Acad. Sci. 1991, *"Greatly Accelerated Man-Induced Coastal Erosion and New Sources of Beach Sand, San Onofre State Park and Camp Pendleton, Northern San Diego County, California"* by Gerald G. Kuhn in Shore and Beach, 1980, *"High-Quality, Unbiased Data are Urgently Needed on Rates of Coastal Erosion"* by Wendell Gayman, Geotechnical Report by Peter and Associates dated November 17, 1998 with Appendix C entitled "Maintenance Guidelines for Homeowners" and Geotechnical Recommendations for Shallow Footings and Slabs-on-Grade, Proposed Remodel of Existing House, 2819 La Ventana, Lot 30 of Tract 3958, San Clemente, CA (JN01G1086) dated March 27, 2001.

LIST OF EXHIBITS:

1. Vicinity Map
 2. AP Map
 3. Project Plans
 4. Reconstructed Bluff Face
 5. Reconstructed Bluff Wall Section
 6. Newsletter dated November 16, 1994
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RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby **grants** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions:

1. Conformance with Geotechnical Recommendations
 - A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Geotechnical Report by Peter and Associates dated November 17, 1998 with Appendix C entitled "Maintenance Guidelines for Homeowners" and Geotechnical Recommendations for Shallow Footings and Slabs-on-Grade, Proposed Remodel of Existing House, 2819 La Ventana, Lot 30 of Tract 3958, San Clemente, CA (JN01G1086) dated March 27, 2001.
 - B. **PRIOR TO 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.

2. Assumption of Risk

- A. **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 shall provide: (a) that the applicant understands that the site may be subject to hazard from bluff erosion and landslides and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards.
- B. The document shall run with the land binding all successors and assigns, and shall be recorded free and clear of prior liens and encumbrances which the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Future Development

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit 5-01-228 is for the approved development only and that any future improvements or additions on the property, including, but not limited to, installation of hardscape improvements, grading, vegetation removal, landscaping and structural improvements not permitted in this permit, will require a coastal development permit or permit amendment from the Coastal Commission or its successor agency.
- B. The document 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 Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Drainage Plan

- A. By acceptance of this permit, the applicant agrees to carry out the project in conformance with the drainage and runoff control plan submitted. The drainage plan shows that all stormwater runoff from the rooftop, hardscape areas and front yard is taken to the street. Drains will be installed within the hardscape proposed along the rear and side yard areas, which will drain to the street via pipe. No in-ground irrigation systems shall be allowed on the property, either front or rear yard.

- B. The permittee shall undertake development in accordance with the approved drainage plan. The drainage system shall be maintained to uphold its functionality throughout the life of the development. 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.

5. Landscaping Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final landscape plan prepared by an appropriately licensed professional which demonstrates the following:
- (a) Landscaped areas in the rear yard (bluff-facing) shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing native plant areas, all landscaping adjacent to the bluff edge shall consist of native, drought resistant plants. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
 - (b) All rear yard (bluff-facing) landscaping shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) Landscaped areas in the front yard (street-facing) area can include ornamental or native, drought-tolerant plants. If non-native, plants must be non-invasive. Any water-dependent plants shall be contained in above-ground planters or boxes; and
 - (d) No permanent in-ground irrigation systems shall be installed on site. Temporary above ground irrigation is allowed to establish plantings.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Location and Description

The subject site is located at 2819 La Ventana in the City of San Clemente, Orange County (Exhibits 1 and 2). The site is located atop an approximately 80 foot high coastal bluff, but is not located between the sea and the first public road. Pacific Coast Highway (PCH), the first public road, separates the coastal bluff from the sandy beach. The site is bounded by single-family residences to the north and south, by La Ventana Street to the east, and by PCH at the base of the bluff to the west. The property is located in the northernmost part of the City of San Clemente. Pacific Coast Highway, below the property, is in the jurisdiction of the City of Dana Point. The coastal bluff is not subject to wave attack.

The proposed development consists of the partial demolition and reconstruction of a one-story, single-family residence. The applicant proposes to pour new footings for the portion of the residence that is to be demolished, and rebuild the structure on a new raised slab foundation. The project also involves a 932 square foot addition to the current footprint. The resultant structure will be a one-story, 2673 square foot, single-family residence with an attached 400 square foot garage on a blufftop lot (Exhibit 3). The structure will be set back 25 feet from the bluff edge, in accordance with the City's LUP setback policy. No grading is proposed.

The project also involves the placement of hardscape in the rear and side yards and landscaping of the front yard. No landscaping of the bluff face or seaward portion of the property is proposed. Existing vegetation on the bluff face will remain undisturbed.

B. Project History

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

Pacific Coast Highway and the slope face are located in the City of Dana Point which has a certified LCP. The residences and lots on the bluff-top are located in the City of San Clemente, as shown in Exhibit 1.

The Commission approved Coastal Development Permit (CDP) A5-DPT-93-275 and A5-DPT-93-275A for the stabilization of the 80 foot high coastal bluff. Coastal Development Permit A5-DPT-93-275 was approved in February 1994 for a 300 foot long and 25 foot high retaining wall with buried caissons extending 100 feet on either side of the wall with special conditions regarding submittal of final plans, conformance with geological recommendations, landscaping plan, evidence of permission to construct, assumption of risk, city conditions of approval, and location of disposal site. Exhibit 4 shows the retaining wall and reconstructed bluff.

Coastal Development Permit Amendment 5-93-275A was approved in April of 1994 for a 595 foot long, 30-50 foot high textured bluff face retaining wall with a drainage system and tie-backs. Special conditions included submittal of final plans, conformance with geological recommendations, agreement to hold harmless and retention of prior conditions of approval. Exhibit 5 is a cross-section of the wall, tie-backs and bluff top. Exhibit 6 is a newsletter sent to residents affected by the bluff reconstruction, which outlined the status of the project.

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

The applicant was granted CDP Waiver #5-96-253 for a minor addition and interior remodeling on December 12, 1996. Some of the work authorized pursuant to 5-96-253, such as partial demolition, was undertaken. However, the project was not completed. The applicant now seeks a "new" project and has applied for a coastal development permit, as a waiver of CDP requirements cannot be amended. At present, the home is partially demolished and unoccupied. The applicant has revised the project plans and has reapplied with the currently proposed project (5-01-228).

There have been several permits issued for single-family residences on the bluff following the bluff reconstruction. 5-97-036-X was an exemption issued by Commission staff for the disaster replacement of the seaward portion of the residence which was damaged during the landslide and demolished. Coastal Development Permit 5-97-261 (2817 La Ventana) was issued by Commission staff for a 456 square foot addition to the existing residence. Emergency permit G5-93-363 was issued by Commission staff to allow salvage operations and partial demolition of residences at 2809 and 2811 La Ventana. Coastal Development Permit 5-93-363 (Vaughn) was for demolition of the residence at 2809 La Ventana and partial demolition and reconstruction of the residence at 2811 La Ventana.

C. Geologic Stability

Section 30253 of the Coastal Act states:

New development shall:

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

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

Policy VII.13:

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

Policy VII.14 states:

Proposed development on blufftop lots shall be set back at least 25 feet from the bluff edge, or set back in accordance with a stringline drawn between the nearest corners of

adjacent structures on either side of the development. This minimum setback may be altered to require greater setbacks when required or recommended as a result of a geotechnical review.

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

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

The City of San Clemente certified LUP allows the application of either the 25-foot setback from the bluff edge or conformance with a stringline drawn between the nearest corners of the adjacent residences. No private development is allowed on the bluff face. In this instance, the applicant's property does not include the bluff face, which is under separate ownership and in the jurisdiction of the City of Dana Point. Also, no development is proposed on the bluff face. The structural addition/remodel is proposed on the blufftop.

Based on the City's LUP, either the stringline policy or the 25-foot bluff setback policy could be applied in this situation because the applicant is proposing infill development between existing structures on a blufftop lot. However, the agent contends that application of the stringline setback would be inappropriate due to the unique siting of the residence to the west (upcoast). As described previously, the adjacent structure is older and further set back than is typical along La Ventana. After the 1992 failure, the affected property owners to the southeast (downcoast) rebuilt their structures nearer to the newly created bluff edge. The landslide did not significantly affect the property to the northwest and the house exists in its original location further back from the bluff edge. As such, the agent states that the use of the adjacent structure for determination of the stringline would result in an unfair restriction for the owners of the subject lot.

The plans submitted by the applicant show that the proposed structure conforms to the 25-foot setback from the bluff edge. The geotechnical report concludes that the application of the City's required 25-foot structural setback should be followed in this instance. The Commission has previously found the 25-foot setback appropriate in the subject area. Hardscape development in the rear yard will be set back 10 feet from the bluff edge. The Commission has previously found that a 10-foot setback for hardscape setbacks is appropriate for coastal bluffs in San Clemente. The Commission has imposed the 25-foot structural setback and the 10-foot hardscape setback on projects in the vicinity, including 5-97-269, 5-97-270 and 5-97-256. Therefore, based on prior Commission actions and the fact that this project is infill development where the geotechnical evaluation concluded that the proposed project is safe, the Commission finds that the 25-foot blufftop setback is adequate in this instance.

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. Anthony R. Orme wrote a paper entitled "*Mass Movement and Seacliff Retreat along the Southern California Coast*" published in the Bulletin of the Southern Academy of Science in 1991. He states that there are other factors in bluff erosion besides wave attack, including weathering of coastal cliffs by salt spray evaporation. The coastal bluff at the project location is subject to wind-borne salt spray from the ocean. 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.

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 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. Recently, a property owner approximately one mile downcoast of the subject site requested a permit to waterproof a bluff face after the existing gunite wall had failed (5-01-420). That application is currently under consideration. In addition, 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 that resulted in oversteepening of the bluffs. The

Marblehead geological report by Zeiser Kling Consultants, Inc., discusses the process of bluff retreat:

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

The Marblehead and other geotechnical reports state that the process of coastal bluff erosion can be slowed by landscaping, setting buildings back from the blufftop and constructing impact barriers at the base of the bluff, or by grading and terracing the slope.

The Colony Cove and Marblehead bluff stabilization projects are located south of the project site. However, there are bluff stability problems along the entire stretch of San Clemente coastal bluffs, as evidenced by applications for foundation support systems for residences on coastal bluffs and by foundation support systems built prior to passage of the Coastal Act. Much of the development on coastal bluffs prior to the Coastal Act was constructed close to the bluff top edge and later required support systems for failing patios, decks and other improvements.

In addition to documentation of the instability of coastal bluffs in San Clemente, Gerald G. Kuhn published an article entitled "*Greatly Accelerated Man-Induced Coastal Erosion and New Sources of Beach Sand, San Onofre State Park and Camp Pendleton, Northern San Diego County, California*," in which it is noted that 80% of the cliffs between the San Onofre Nuclear Power Plant and Target Canyon have experienced landslides. Camp Pendleton is approximately 6-7 miles south of the project site.

b. Site Specific Geology

The generalized findings, above, concerning bluff stability in the City of San Clemente include some information on the La Ventana landslide and on coastal bluffs in the project vicinity. While the existing residence was not damaged, the bluff face seaward of the project site was severely affected by the landslide in 1993. Although the coastal bluff was reconstructed, there is a pre-existing landslide potential on the site and there is no guarantee that the site will not be subject to further landslides in the future.

The bluff was reconstructed into a configuration consisting of a 2:1 slope area near the top, a near vertical 1/3:1 bluff in the middle and a 2:1 fill prism near the bottom. Failed bluff materials were removed, replaced and recompact to engineering standards. The tie-backs, subdrains and concrete facing have all been installed.

The final geotechnical report for the La Ventana slide project entitled *Landslide Remediation, Bluff and Slope Reconstruction Adjacent to Pacific Coast Highway* by Leighton and Associates, Inc. dated July 10, 1996 included the following recommendations:

The residential pads at the bluff top are graded with a drainage gradient to La Ventana, except for two split-level pads. The bluff side of the residential pads at 2813 and 2815 are graded at approximately 10 feet lower than La Ventana grade. These areas are contoured to drain via a gunite-lined down drain over the bluff. Future residential construction of the bluff top properties should be designed so as all lot and roof

drainage is either to La Ventana or through the lined down drain to PCH. The 2:1 slope descending from the back of these lots is provided with slope cover vegetation. The vegetation needs to be maintained and the slope should be protected from rodent infestation.

The applicant has also submitted a "letter report" prepared by Peter and Associates dated March 27, 2001. The report provides geotechnical recommendations for structural design and construction of shallow footings and slabs-on-grade for the proposed remodel at the subject site. The geotechnical report states that the construction of the proposed addition/remodel is feasible provided the recommendations of the geotechnical report are adhered to. The geotechnical report includes recommendations regarding site preparation and grading, building foundation design, placement of slabs, blufftop setback, concrete flatwork, landscaping and drainage.

Regarding setback, the Peter and Associates report states, *"the city's required structural setback from a descending slope should be followed."* As reference above, the City's setback requirement is either 25 feet from the bluff edge or in accordance with the stringline. The site plans submitted by the applicant show that the residence conforms to the 25-foot setback from the bluff edge. As such, the proposed project is consistent with the local setback requirement and the typically required Commission setback in the subject area.

The Peter and Associates report also includes recommendations regarding drainage. The report recommends that surface water flows be directed away from all structures and should not be allowed to pond anywhere at the site. Irrigation should be kept to a minimum. The report also recommends the use of area drains to facilitate surface drainage and prevent ponding and slope saturation. The geotechnical report states:

Again, it is emphasized that proper drainage of the lot be provided and maintained in order to reduce the potential for surface water infiltrating the underlying soil, which may cause earth movement and structural distress.

As proposed, all rooftop and surface runoff from the subject property will drain to the street. The applicant has submitted a drainage plan which specifies that drains leading to the street will be installed along the seaward portion of the property and along the side yards. Only hardscape is proposed along the rear yard and side yards. As such, there will be no on-site percolation, consistent with the geotechnical recommendations.

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

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

c. Special Conditions

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

Special Condition 1 requires the applicant to submit foundation plans, reviewed, signed and stamped by a geotechnical consultant. The geotechnical report includes specific

recommendations for foundations, footings, etc., which will ensure the stability of the proposed residential structure.

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

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

Special Condition 4 requires conformance with the drainage plan submitted and Special Condition 5 requires the submittal of a final landscaping plan. These conditions ensure that proposed drainage and landscaping improvements will not contribute in any way to percolation of water into the bluff and potential future bluff instability. To ensure that the development complies with the geotechnical recommendations regarding drainage, the applicant is conditioned to take all site runoff to the frontage street (La Ventana) in a non-erosive manner. The applicant is also required to maintain the drainage system throughout the life of the development.

The preliminary landscape plan submitted by the applicant demonstrates that only hardscape and potted plants will be used in the rear yard. No landscaping or irrigation of the bluff face is proposed. Existing vegetation will remain undisturbed. Although the applicant has indicated that no landscaping is proposed on the bluffward side of the property, Special Condition 5 requires submittal of a final landscape plan. The landscape condition requires that all in-ground plants in the rear yard (bluff-facing) consist of native, drought-tolerant plants, that no permanent in-ground irrigation systems be utilized, and that any water-dependent plants be contained in above-ground planters or boxes. Breaks and leaks in in-ground irrigation systems have been associated with slope failures in canyon and bluff areas of San Clemente. Therefore, no permanent in-ground system is allowed throughout the entire lot. The special condition does allow for temporary above-ground irrigation until plants become established. In this instance, monitoring of the landscaping is not required, as only hardscape is proposed on the bluffward side of the property.

4. Conclusion/Project Consistency with Coastal Act

The Commission has found that the applicant shall be conditioned to: 1) submit plans reviewed and stamped by a consulting geotechnical expert, 2) record an assumption of risk deed restriction; 3) record a future development deed restriction; 4) conform to the drainage and runoff plan submitted, 5) submit a final landscape plan. Only as conditioned does the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources. Section 30231 of the Coastal Act states that:

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, minimizing alteration of natural streams.

As described previously, the proposed project includes the partial demolition and reconstruction of a single-family residence. The Commission typically encourages filtration of runoff through impermeable surfaces (i.e. vegetative strips) as a Best Management Practice (BMP) in new residential development. However, based on the geologic conditions at the subject site, infiltration is not appropriate in this instance. The site is located on a blufftop lot that failed in the early 1990s. As stated in the geotechnical report, "it is emphasized that proper drainage of the lot be provided and maintained in order to reduce the potential for surface water infiltrating the underlying soil, which may cause earth movement and structural distress." Therefore, based on site specific conditions and past geologic instability, all site runoff must be directed to the street via pipe.

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.

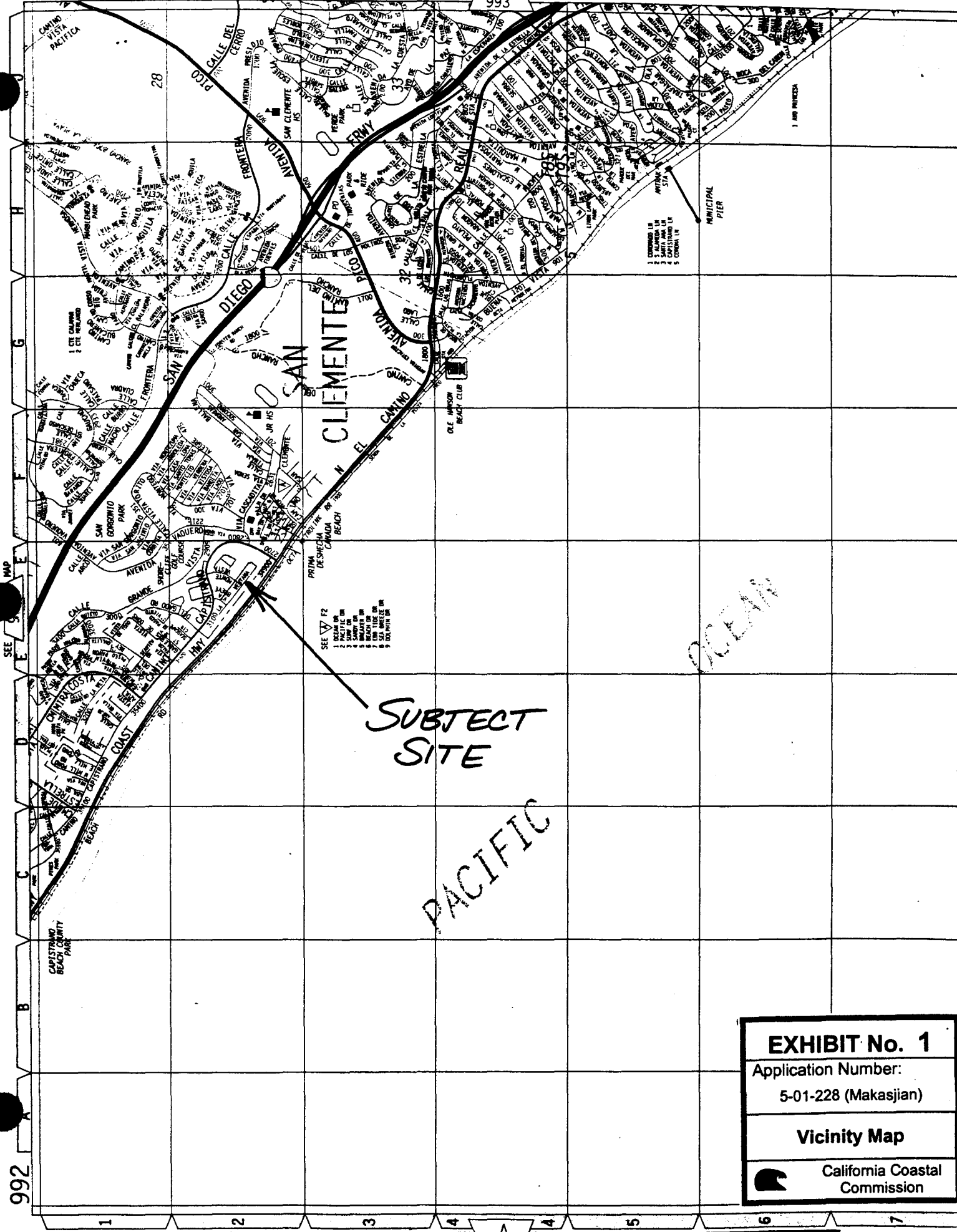
The proposed development is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's 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 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic hazard protection policies of the Coastal Act. Mitigation measures; special conditions requiring conformance with geotechnical recommendations, assumption of risk deed restriction, future development deed restriction, conformance with drainage plans, and submittal of a final landscape plan, will minimize all adverse effects.

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.



SUBJECT SITE

PACIFIC

OCEAN

EXHIBIT No. 1

Application Number:
5-01-228 (Makasjian)

Vicinity Map



California Coastal
Commission

POR. S.E. 1/4 SEC 30 T8S-R7W

691-07

08

06

1"=100'

THIS MAP WAS PREPARED FOR ORANGE COUNTY
ASSESSOR DEPT. PURPOSES ONLY. THE ASSES-
SOR MAKES NO GUARANTEE AS TO ITS ACCURACY
NOR ASSUMES ANY LIABILITY FOR OTHER USES.
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RECEIVED
South Coast Region

JUN 15 2001

CALIFORNIA
COASTAL COMMISSION

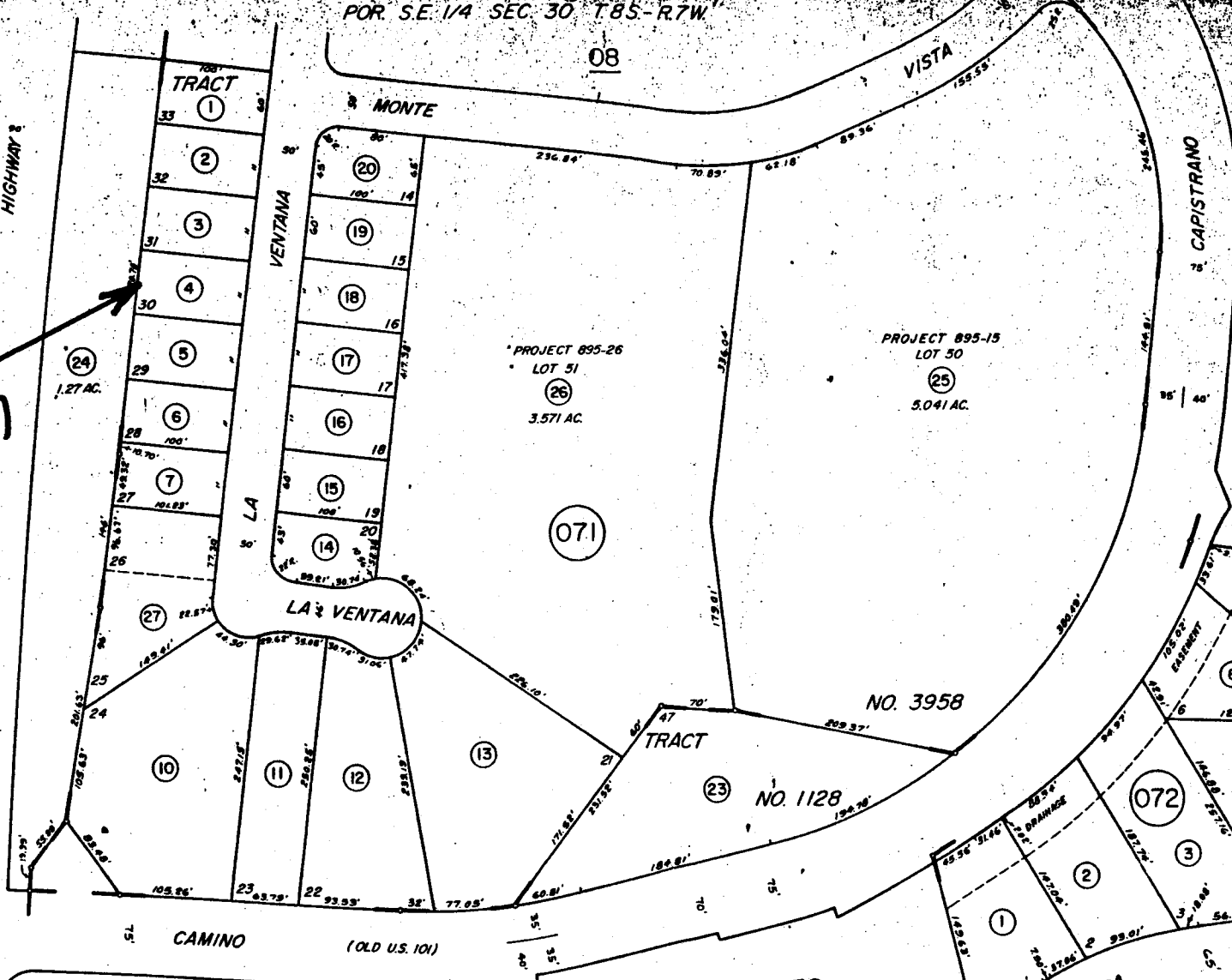
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NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 691 PAGE 07
COUNTY OF ORANGE



MARCH 1974

31
TRACT NO. 1128 M.M. 36-22 TO 25 INC.
TRACT NO. 3958 M.M. 139-38,39
TRACT NO. 5764 M.M. 213-44 TO 46 INC.

EXHIBIT NO.
Application Number:
5-01-228 (Makasjian)

AP Map

California Coast

SUBJECT SITE

LS003

HIGHWAY 2

VENTANA

MONTE

VISTA

CAPISTRANO

LA VENTANA

TRACT

TRACT

VIA NADA

AVENIDA

VAQUERO

NO. 3958

NO. 1128

NO. 5764

CAMINO

(OLD U.S. 101)

TRACT

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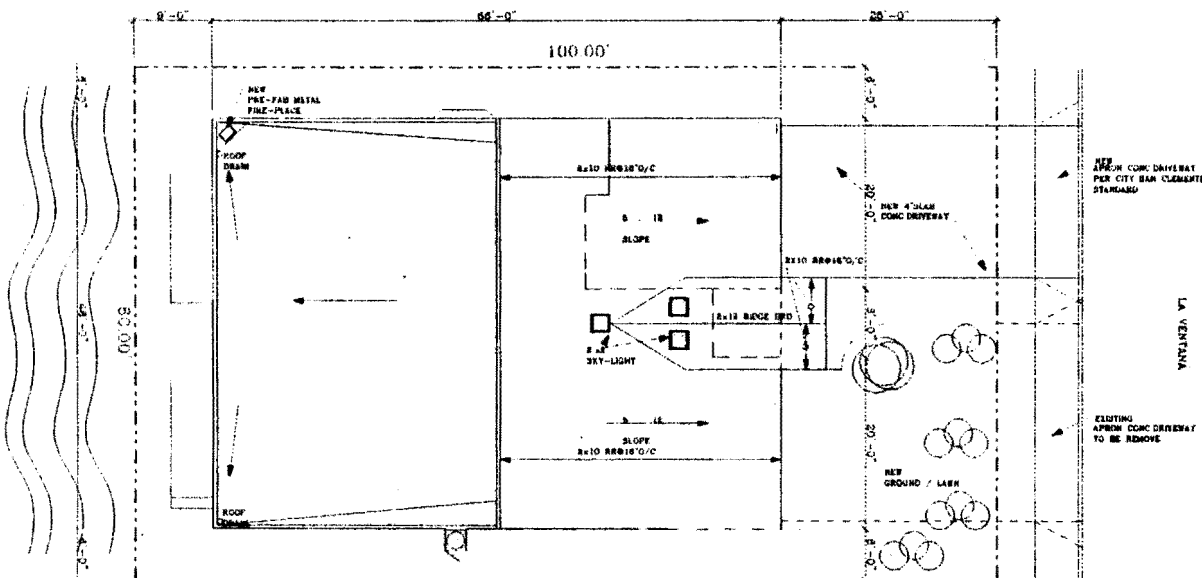
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CALIFORNIA
COASTAL COMMISSION

P L O T P L A N

SCALE 1" = 8' - 0"

TRUE NORTH
PLAN NORTH

VICINITY MAP

SHEET INDEX

EXHIBIT No. 3

Application Number:

5-01-228 (Makasjian)

Project Plans

California Coastal

131256681028-0322
2241 7821 THIRD ST.
E C T U R A L

2819 LA VENTANA, SAN CLEMENTE, CA

PROPOSED ADDITION AND REMODEL

RIGG	DRAWN
RCS	CHECKED
08/18/03	DATE
AS NOTED	SCALE
A 24 00	JOB NO.

A 1

- A1 - PLOT PLAN PROJECT DATA
CONTRACTORS NOTICE NOTES
- A2 - FLOOR PLAN NOTES
- A3 - ELEVATIONS DETAILS NOTES
- A4 - ELEVATIONS DETAILS NOTES
- A5 - FOUNDATION PLAN & SECTION NOTES
- A6 - ELECTRICAL FLOOR PLAN
SHEAR DOOR & WINDOW SCHEDULE
- A7 - GENERAL SPECIFICATIONS
- S1 - DETAILS

PROJECT DATA

EXISTING
PROPOSED
REMOVE

LOT SIZE	=	80,100	=	8,000.00 SF
EXISTING COVER AREA	=		=	8,098.45 SF
PROPOSED COVER AREA	=		=	1,045.50 SF
<hr/>				
TOTAL	=	81 %	=	3,192.48 SF
<hr/>				
PROPOSED				
ONE STORY ADDITION	=		=	1,045 SF
EXISTING HOUSE	=		=	2,000 SF
<hr/>				
EXISTING GARAGE	=		=	450.42 SF
<hr/>				
LANDSCAPE AREA	=		=	1,000 SF

TYPE V-R CONSTRUCTION

234E • B-2

LEGAL DESCRIPTION

TRACT No. _____ BLOCK No. _____
LOT No. _____
Elev. LA PLANTANA
SAN CLEMENTE CALIFORNIA

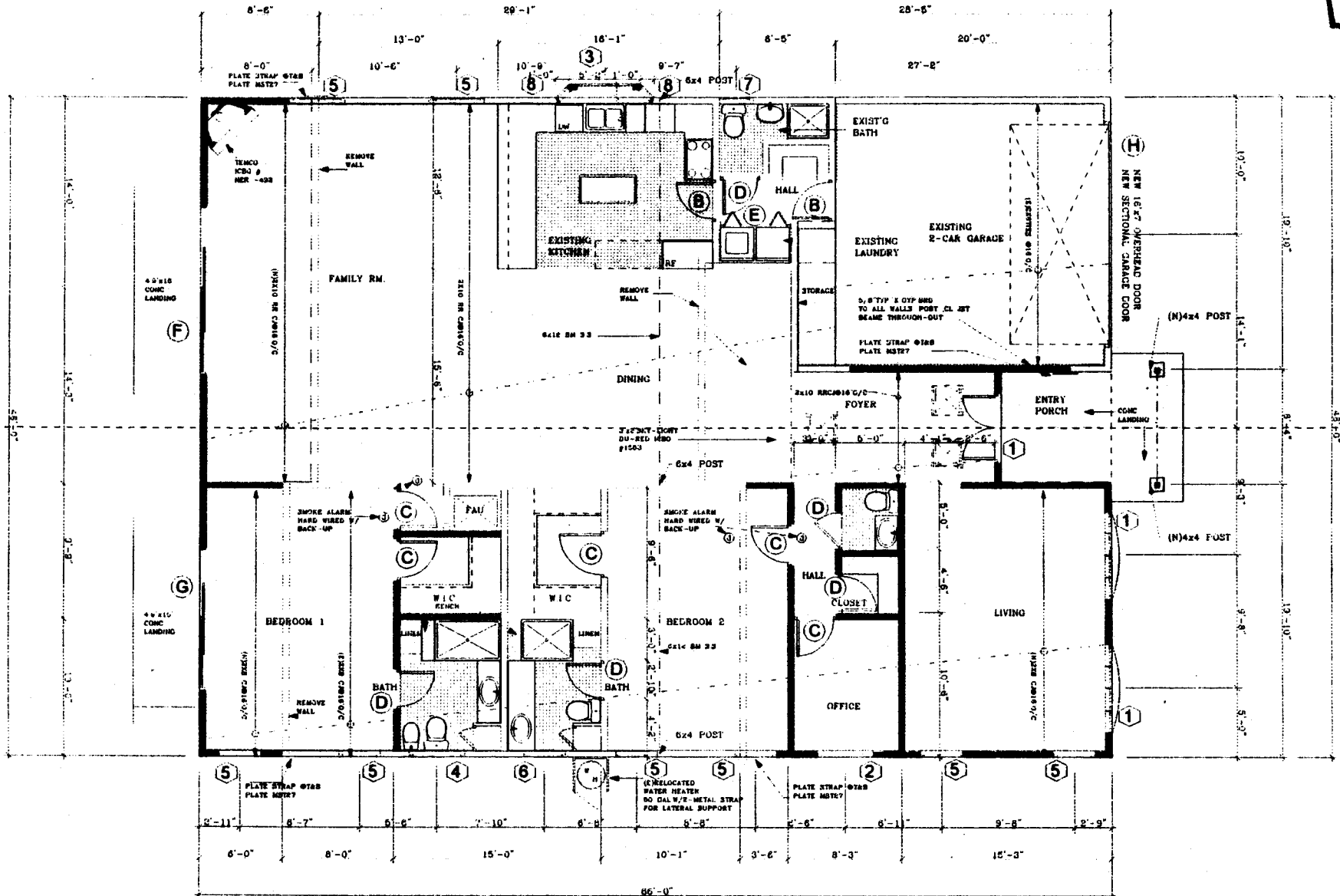
NOTICE 1

GENERAL CONTRACTOR / OWNER SHALL TRANSFER DATE SUBMITTALS
ALTERNATE DESIGN, SHALL NOTIFICATION AND ALL DATA CONTAINED
RELATED TO DESIGN / DRAWINGS OR LOCAL CODES AND REGULATIONS,
IF ANY DISCREPANCIES ARE FOUND CONTRACTOR / OWNER
SHALL IMMEDIATELY NOTIFY THE PARTIES ARCHITECT, ENGINEER,
ETC SURVEYOR SHALL VERIFY LOT / BUILDING CORNERS, DRAINAGE,
ETC

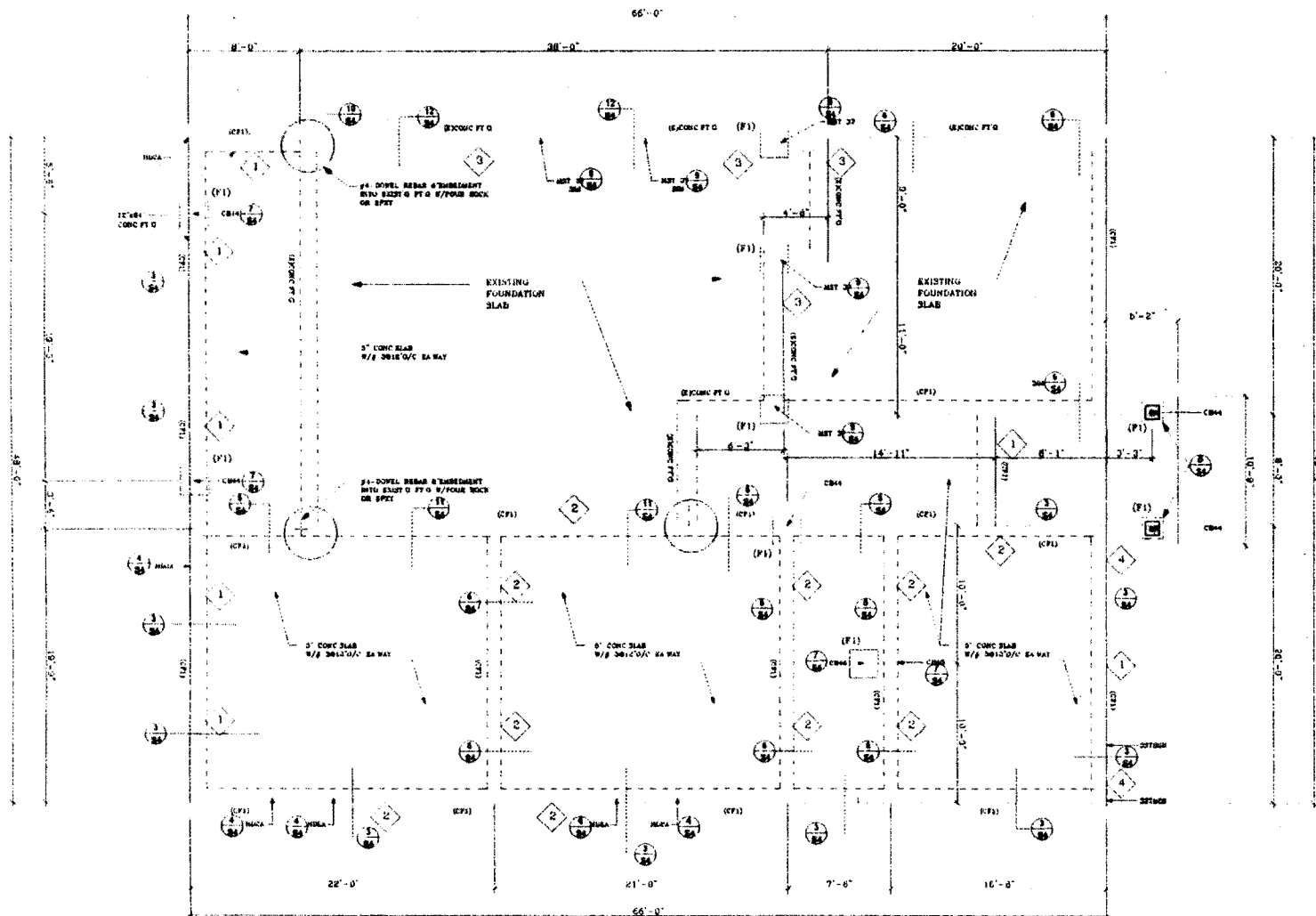
NOTICE 2

[illegible]

EX. 3
2/5



EX. 3
3/5



FOUNDATION PLAN
SCALE 1/4" = 1'-0"

FOUNDATION SCHEDULE

F1 - 12" WIDE x 4" DEEP
CONC PTG W/2#4 TWD

F1 - 2'-0" 3/4 x 4" DEEP
CONC PTG W/2#4 EA WAY

SHEAR WALL SCHEDULE									
ITEM	DESCRIPTION	QTY	UNIT	REMARKS	REMARKS	REMARKS	REMARKS	REMARKS	REMARKS
1	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG
2	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG
3	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG
4	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG
5	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG
6	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG
7	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG
8	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG
9	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG
10	12" WIDE x 4" DEEP	1	EA	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG	CONC PTG

USE 2-2x4 POST FOR ALL HOLDOWNS AND STRAPS
FOR CEMENT PLASTER USE No. 11 GAUGE 1-1/2" LONG 7/16" HEAD 66" O/C
** COMMON NAILS ONLY FOR ROOF, FLOOR PLYWOOD AND SHEAR WALLS.

- 1 - 5/8" x 10" A.B.#4 - 0"
- 2 - 5/8" x 10" A.B.#6 - 0"
- 3 - (S) 1/2" x 10" A.B.#6 - 0"
- 4 - 5/8" x 12" A.B.#1 - 0"

NOTE :

* A FIELD MEMO IS REQUIRED FROM THE GEOTECHNICAL / CIVIL ENGINEER FOR SOIL INSPECTION AND RECOMMENDATIONS OF FOOTING DEPTH AND EXCAVATION. THE GEOTECHNICAL / CIVIL ENGINEER OR ENGINEERING GEOLOGIST MUST STAMP AND SIGN THE FIELD MEMO.

NOTE :

- * ALL HOLDOWNS ANCHOR BOLTS AND STRAPS MUST BE TIED IN PLACE PRIOR TO FOUNDATION INSPECTION AND POURING CONCRETE.
- * TREATED WOOD FOR FRAMING IN CONTACT WITH CONCRETE OR MASONRY (U.B.C. SEC. 2306.4).

TYPICAL MATERIALS

1. JACOBI, JAMES AND ASSOCIATES, INC.
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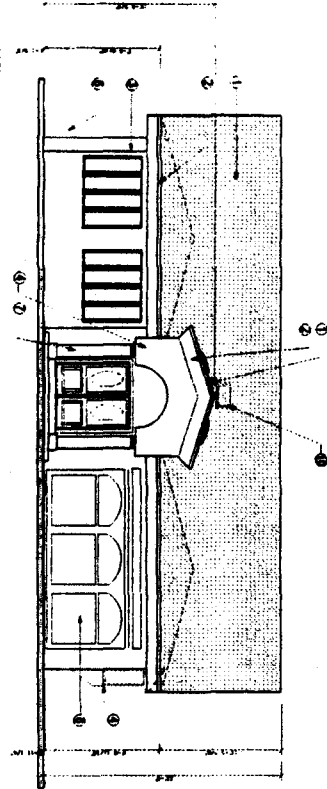
NOTE:

1. ALL MATERIALS TO BE USED AS SHOWN ON THESE PLANS UNLESS OTHERWISE SPECIFIED.

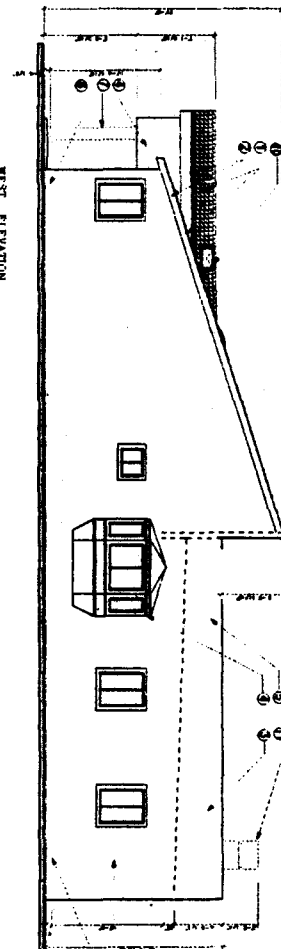
ROOFING

1. ALL ROOFING TO BE USED AS SHOWN ON THESE PLANS UNLESS OTHERWISE SPECIFIED.

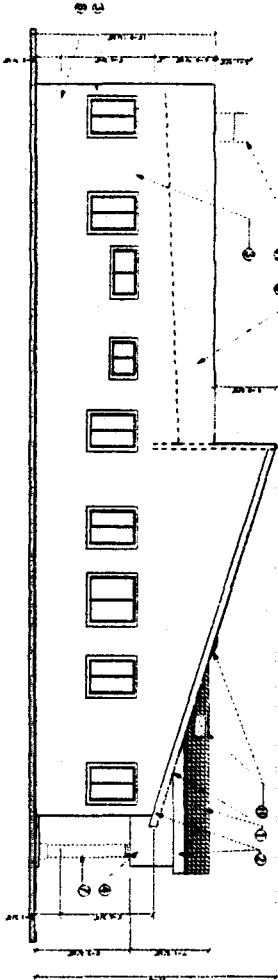
NORTH ELEVATION
SCALE 1/4" = 1'-0"



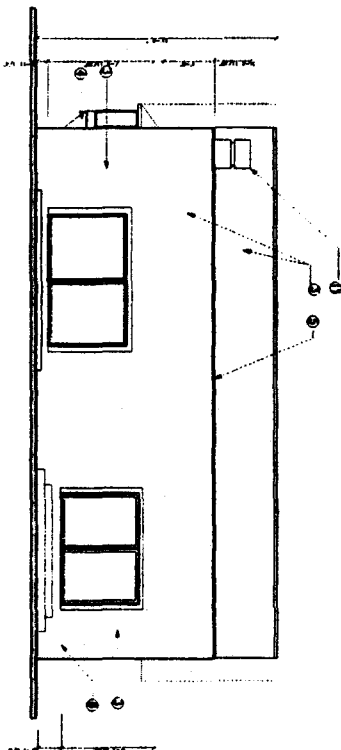
WEST ELEVATION
SCALE 1/4" = 1'-0"



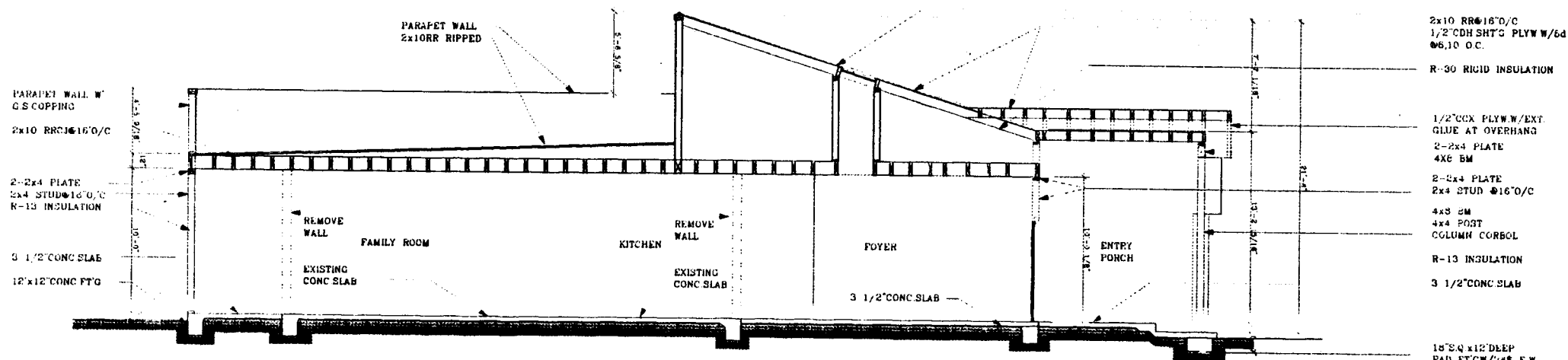
EAST ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



Ex. 3
5/5



SECTION "X"
SCALE 1/4" = 1'-0"

TYPICAL MATERIALS

- ① GABLE/ROOF TILE /SPANISH TEXTURE
- ② 2x FASCIA
- ③ 1" STUCCO
- ④ STUCCO CORBOL
- ⑤ PARAPET WALL
- ⑥ G.S. WEEP SCREED
- ⑦ COLUMN CORBOL
- ⑧ GARAGE DOOR
- ⑨ 18"x9" DORMER VENT
- ⑩ SKY-LIGHT 2'x2'
- ⑪ PRE-FAB METAL FIRE PLACE

NOTE :

* 44" HIGH MAX. PT. SILL above finish floor
on all bedrooms windows for emergency exit.

ROOFING

* Clay Tile Spanish Texture
over 1-layer of 15 # felt use Galv. Roofing nails.

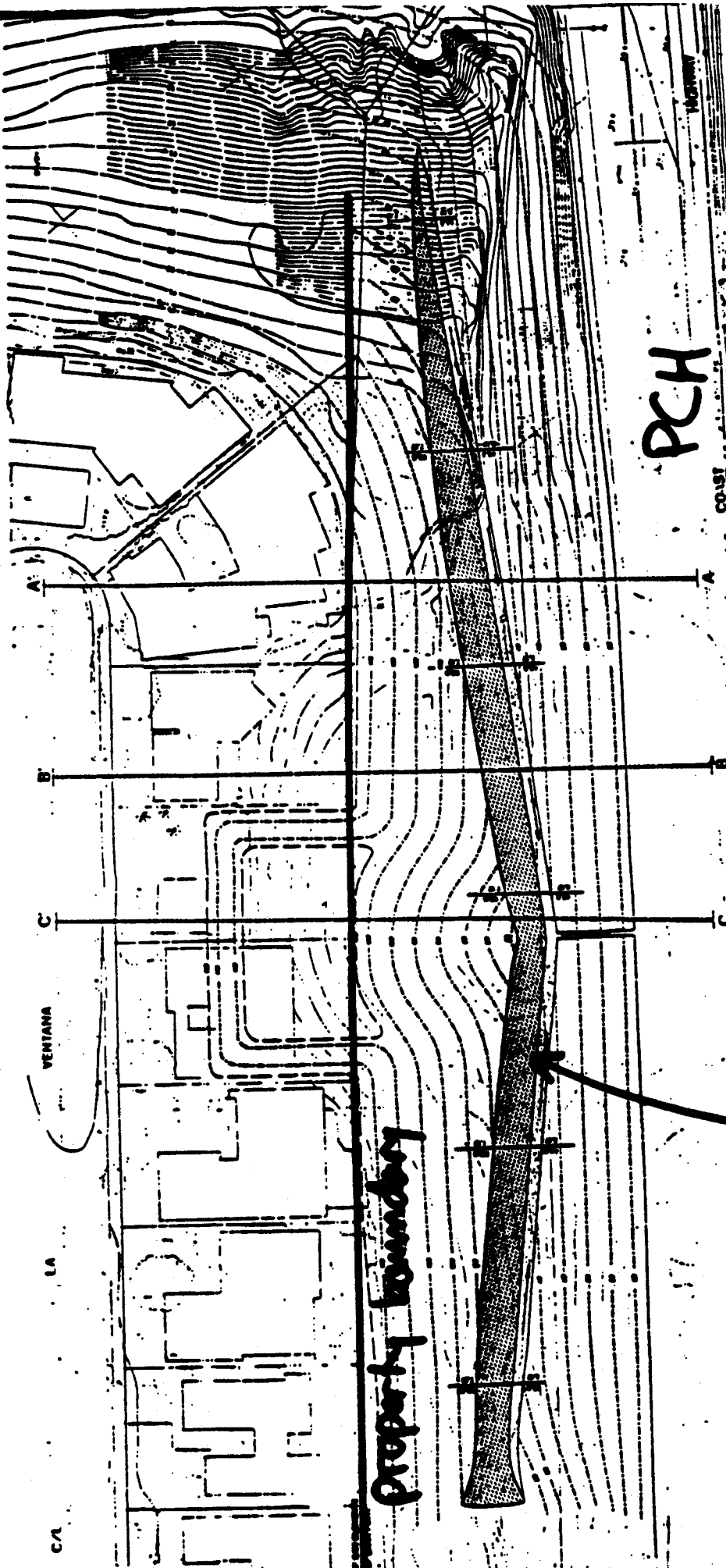


EXHIBIT A

WALL & TIE-BACKS

←

Project No. 1830733-01
 Scale 1"=50'
 Engr./Geol. P
 Drafted By 1/26/94
 Date

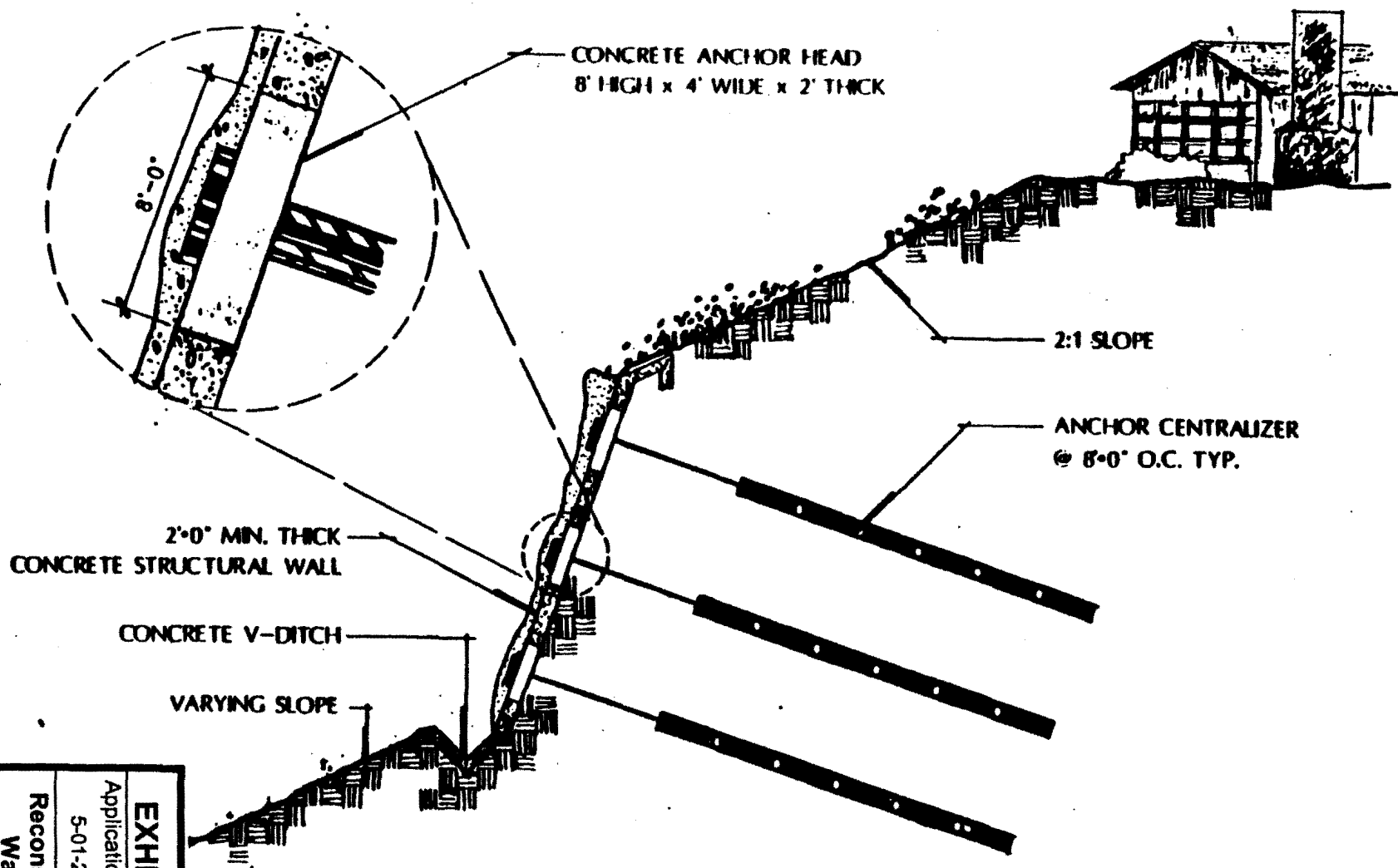
EXHIBIT No. 4

Application Number:

5-01-228 (Makasjian)

Reconstructed
 Bluff Face

PROPOSED STABILIZATION OF COAST HIGHWAY LANDSLIDE



WALL ANCHOR SYSTEM

EXHIBIT NO. 5

Application Number:

5-01-228 (Makasjian)

Reconstructed Bluff

Wall Section



COAST HIGHWAY REOPENING PROJECT

November 16, 1994

NEWSLETTER

WHAT'S GOING ON?

Sukut Construction is continuing to make excellent progress. 90% of the dirt which slid down the bluff has been replaced. Currently, the crew is replacing dirt within five feet of the top of the bluff. The dirt-replacement process will be completed within a couple of days.

Additionally, the crew has completed the shot-creting on the south side of the bluff. Their next project is to proceed with the boulderscape, which will create a beautiful natural finish on the bluff face.

On the north side, the hangers were recently installed. The Sukut workers are now preparing to shot-crete the area.

Excess dirt was removed from the north side and pushed to the middle fill. Currently, workers are preparing to bring the slope down in the middle to about mid-level. Once this has been accomplished, they will proceed to install a new row of tie-backs.



July 13, 1994



November 10, 1994



EXHIBIT No. 6
Application Number:
5-01-228 (Makasjian)
11/16/94 Newsletter