

CALIFORNIA COASTAL COMMISSION

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

**RECORD PACKET COPY****Item Tu 9c**

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Staff: ALB-LB
Staff Report: August 22, 2002
Hearing Date: September 9-13, 2002
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-483

APPLICANTS: Bill and Amelia Dickinson

PROJECT LOCATION: 1910 Calle de los Alamos, San Clemente, Orange County

PROJECT DESCRIPTION: Demolition of an existing single-family residence with detached garage and construction of a new two-story, 3661 square foot single-family residence with an attached 720 square foot three-car garage with hardscape improvements, landscaping and upper bluff repair on a coastal blufftop lot. The project also involves approximately 195 cubic yards of fill for slope repair and site preparation.

LOCAL APPROVALS RECEIVED: Approval-in-Concept from the City of San Clemente Planning Department dated December 13, 2001.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with seven (7) special conditions. The subject site is located on a coastal bluff inland of the OCTA railroad tracks. Primary issues raised by the project include avoidance of geologic hazard and landform alteration. The proposed development conforms to the blufftop setback requirements of the certified LUP, as the proposed structure will be sited 25 feet from the bluff edge. However, the proposed grading plan includes a slope repair beyond the bluff edge, which constitutes alteration of the natural landform inconsistent with Section 30253 of the Coastal Act.

Special Condition 1 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 2 requires submittal of a revised grading and drainage plan demonstrating that grading will not extend beyond the bluff edge. Special Condition 3 requires conformance to the landscape plan, which shows that only drought-tolerant native and non-invasive species will be used. Special Condition 4 requires an assumption of risk. Special Condition 5 requires no future protective device. Special Condition 6 informs the applicant that future development and improvements require review to determine the need for a coastal development permit. Special Condition 7 requires recordation of a deed restriction incorporating all standard and special conditions of this permit.

At the time of this staff report, the applicant disagrees with Special Condition 2, which prohibits grading beyond the bluff edge. The applicant's geotechnical consultant states that the adjacent properties will be subject to hazard if the surficial slope repair is not allowed.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente certified Land Use Plan; Coastal Development Permits 5-99-351 (McMurray) and 5-99-204 (Brown)--application withdrawn; and Geotechnical Evaluation prepared by Lawson & Associates dated December 17, 2001 and Geotechnical Grading Plan Review prepared by Lawson & Associates dated April 22, 2002.

EXHIBITS:

1. Vicinity Map
2. Assessor's Parcel Map
3. Coastal Access Points
4. Project Plans
5. Geologic Cross Section
6. Letter from Geotechnical Consultant received August 22, 2002

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP #5-01-483 pursuant to the staff recommendation.

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

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, located between the first public road and the sea, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of

time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Conformance of Design and Construction Plans to Geotechnical Report

- A. All final design and construction plans, including foundation, grading and drainage plans, shall be consistent with all recommendations contained in the Geotechnical Evaluation prepared by Lawson & Associates dated December 17, 2001 and Geotechnical Grading Plan Review prepared by Lawson & Associates dated April 22, 2002.
- 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.

2. Submittal of Revised Grading and Drainage Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a revised Grading and Drainage Plan prepared by an appropriately licensed professional, for the review and approval of the Executive Director, which demonstrates the following:
 - (a) No grading shall occur beyond the bluff edge, as depicted in Exhibit 4, page 1 of the current staff report. Grading may occur on the level pad area to direct drainage toward the street.
 - (b) Run-off from all roofs, patios, driveways and other impervious surfaces on the site shall be collected and discharged via pipe or other non-erosive

conveyance to the frontage street to avoid ponding or erosion either on- or off- site.

- (c) Run-off shall not be allowed to pond adjacent to the structure or sheet flow directly over the bluff edge;
- (d) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.

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

3. Landscaping

A. The applicant shall comply with the Planting and Irrigation Plan prepared by Bachelder Associates submitted June 3, 2002. In addition, the applicant shall comply with the following provisions:

- (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
- (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
- (c) Landscaped areas in the yard areas shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing native plant areas, all landscaping shall consist of native and/or non-invasive drought tolerant plants. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The bluff slope shall be planted with solely native vegetation;
- (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 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 legally required.

C. Five years from the date of issuance of Coastal Development Permit No. 5-01-483, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping

plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from geologic instability; (ii) to assume the risks to the applicant and the property, that is the subject of this permit, of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards, (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from injury or damage due to such hazards.

5. No Future Blufftop Protective Device

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 5-01-483, including the patios and any future improvements, in the event that the property is threatened with damage or destruction from bluff failure in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights to construct such bluff stabilization work or devices that may exist under Public Resources Code Section 30235.

6. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit 5-01-483. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the development authorized by this permit, including, but not limited to, repair and maintenance activities 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. 5-01-483 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on

the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The proposed project site is located at 1910 Calle de los Alamos in the City of San Clemente, Orange County (Exhibits 1 & 2). The project site is located between the first public road and the sea, atop an approximately 100-foot high coastal bluff directly inland of the OCTA railroad tracks. The nearest public coastal access is available via the Lost Winds accessway, approximately 100 feet downcoast (Exhibit 3).

The proposed development consists of the demolition of an existing one-story single-family residence with a detached garage and construction of a new two-story, 3661 square foot single-family residence with an attached 720 square foot three-car garage with hardscape improvements, landscaping and upper bluff repair. The residence will be supported by a caisson and grade beam foundation system. The project also involves approximately 195 cubic yards of fill for slope reconstruction and site preparation. The slope reconstruction is necessary to repair a surficial failure that occurred near the upper portion of the bluff in the winter of 1997/1998.

The proposed development conforms to the bluff setback policies in the certified LUP, as the residence will be set back 25 feet from the bluff edge to the southwest. The existing residence is sited approximately 12 feet from the bluff edge at its closest point.

Coastal sage scrub exists along portions of the adjacent bluff slope. The applicant is proposing to retain and not disturb the native vegetation along the slope.

B. GEOLOGIC STABILITY

The subject site is located on a coastal bluff. This type of 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. The City's 25-foot blufftop setback will be utilized in this instance.

1. Coastal Act Policies

Section 30253 of the Coastal Act states:

New development shall:

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

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

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...

2. City of San Clemente Policies

The City of San Clemente Certified LUP contains policies establishing setbacks for purposes of limiting the seaward encroachment of development onto eroding coastal bluffs and into sensitive coastal canyons. 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.

3. Project Site Geotechnical Reports

The applicant submitted a Geotechnical Evaluation prepared by Lawson & Associates dated December 17, 2001. The study was carried out to "evaluate the pertinent geotechnical conditions at the site and adjacent sites to provide design criteria relative to the proposed redevelopment of the site." The scope of the investigation included: 1) review of pertinent available literature (including previous geotechnical reports of the site and adjacent sites), and geologic maps; 2) review of the project development plans; 3) reconnaissance level geologic mapping of the site; 4) geotechnical analysis of the data reviewed/obtained; and 5) preparation of the report presenting finding, conclusions, and recommendations with respect to the proposed site redevelopment.

The applicant also submitted a Geotechnical Grading Plan Review prepared by Lawson & Associates dated April 22, 2002. The purpose of the report was to "review the site grading plans and to provide recommendations for grading of the site, with special attention to the proposed

slope repair." The report also addresses questions raised by Coastal Commission staff regarding the December 2001 Geotechnical Evaluation.

As described by the geotechnical consultant, the site consists of a *"relatively flat area at the top of the bluff and a steep to moderately sloping bluff face in the western portion of the site that descends approximately 100 feet to the base of the slope."* The site primarily consists of a marine platform cut into Capistrano Formation bedrock and overlain by marine and nonmarine terrace material. As stated in the geotechnical report, a thin veneer of artificial fill soils has been placed above the terrace materials in the flat building pad area and a moderate-sized landslide complex is present in the western portion of the site. This moderate-sized landslide extends from the base of the slope to approximately three-quarters of the way up the slope. Based on information collected by the consultant, the landslide is believed to be approximately 25 feet deep and spans laterally for several hundred feet. According to the consultant, the landslide has failed to its stable position and will not affect the stability of the proposed residence, provided the foundation recommendations are implemented.

The consultant states that there is no indication of landslides within the limits of the proposed building footprint, but describes a second landslide on the property—a small surficial landslide within the upper portion of the bluff. As stated in the report, *"...several sign of distress related to the smaller, most recent failure have been observed on the site."* The distress is believed to be the result of *"oversteepening of the top of the bluff and subsequent loss of lateral support in this area due to the recent slope failure (occurring in the winter of 1997/1998). This more recent failure was likely caused by water infiltrating the slope face."* The report presents recommendations to address the recent slope failure, as will be discussed in the following section.

The report also presents the results of their slope stability analyses, which show that *"the southwest portion of the site has a factor of safety of less than 1.5 for static conditions, while the remainder of the site has a factor of safety greater than 1.5. The dividing line between these two zones is located approximately 23 feet northeast of the top of slope and has been depicted on Figure 3."* (See Exhibit 5). The proposed residence will be sited inland of the 23 foot dividing line.

The report states that the proposed development is feasible from a geotechnical standpoint, provided that their conclusions and recommendations are incorporated into the project plans, specifications, and followed during site grading and construction.

4. Project Analysis/Special Conditions

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

Geotechnical Recommendations

The December 2001 Geotechnical Evaluation includes recommendations focusing on site preparation, foundation design, setback and drainage. The Geotechnical Evaluation gives recommendations for the redevelopment of the site based on the presence of the surficial landslide and includes the possibility that further instabilities may occur in the future. The report recommends the entire rear foundation be supported by a series of caissons and grade beams.

The April 2002 Grading Plan Review more specifically addresses the proposed grading at the site, which includes reconstruction of the upper portion of the failed slope to surficially stabilize the rear portion of the lot. The proposed grading will raise the rear pad elevation by approximately 2 feet to

facilitate proper lot drainage. The proposed grading plan calls for a 1.5:1 (vertical: horizontal) fill slope to be constructed along the upper 30 feet of the rear yard slope. As stated in the Grading Plan Review, the proposed fill slope will *"add stability to the upper portion of the slope and reduce the potential for surficial failures at this location."* Recommendations are provided in the Grading Plan Review that clarify and update the 2001 Geotechnical Evaluation.

Since the recommendations provided by the geotechnical consultant include measures to mitigate any adverse geologic effects, the Commission finds that Special Condition 1 ensures that the consulting geotechnical expert has reviewed the development plans and verified their conformance with the geotechnical recommendations. The condition requires the applicant to submit two (2) full-size copies of the project plans (including final foundation plans) that have been reviewed and approved by the geotechnical consultant prior to issuance of the coastal development permit. As such, Special Condition 1 guarantees that all final development plans are consistent with Section 30253 of the Coastal Act.

Setback Requirements/Coastal Bluff

The site is located at the top of an approximately 100' high bluff within a residential neighborhood. The coastal bluffs in San Clemente are not subject to direct wave attack because they are separated from the beach by the OCTA railroad tracks and right-of-way. The railroad tracks have a rip-rap revetment which protects the tracks from erosion and wave overtopping. Though not subject to direct wave attack, the bluffs are subject to weathering caused by natural factors such as wind and rain, poorly structured bedding, soils conducive to erosion and rodent burrowing. Bluffs may also be subject to erosion from human activities, such as irrigation, improper site drainage and grading.

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

The structure and patio proposed by the applicant will be set back 25 feet from the bluff edge. The rear (bluffward portion) of the structure will be supported by a caisson and grade beam system. According to the geotechnical consultant, the building setback and caisson supported foundation design is appropriate to ensure long-term stability of the proposed development. The applicant is also proposing to repair a surficial slope failure along the upper portion of the bluff by restructuring the slope with "Geogrid" material and installing subdrains. This will entail work beyond the bluff edge in a manner that will alter the existing natural landform. Section 30253 of the Coastal Act prohibits the approval of new development that will *"in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."* As such, the slope repair cannot be approved in conjunction with the proposed new development.

Although the proposed slope improvements discussed in the Grading Plan Review will *"essentially eliminate the distressed area at the top of slope, the setback and caissons are still necessary because the potential for global instabilities of the large landslide still exist."* As referred to previously, an underlying moderate-sized landslide exists near the base of the bluff and extends

well beyond the property limits. According to the geotechnical consultant, that landslide is not anticipated to affect the proposed development so long as the foundation system incorporates the design recommendations contained in the geotechnical report. The new development will be sited within an area of the site with a factor of safety greater than 1.5 and will be supported by caissons. In addition, the applicant's geotechnical consultant has indicated that the proposed development is feasible with or without the proposed slope reconstruction to repair the smaller surficial landslide. The repair would provide an increased level of slope stabilization, but is not necessary to construct the proposed residence on the subject site. However, in a letter received August 22, 2002, the geotechnical consultant asserts that the adjacent properties will be subject to hazard as a result of continued surficial failures and is requesting that the proposed slope stabilization be allowed (Exhibit 6).

With implementation of proper drainage and erosion control measures, erosion of the blufftop will not adversely affect the subject property. The site is not subject to erosion from wave attack. As such, the proposed development's bluff setback is consistent with the geologic hazard policies of the Coastal Act. However, the proposed slope repair is inconsistent with those same policies. Therefore, the structure can be approved only without the proposed slope repair.

Site Drainage

Since the manner in which a site drains is important to site stability on blufftop lots, a grading and drainage plan has been submitted which documents how site drainage will be accomplished. The Grading and Drainage Plan prepared by Ron Martin & Associates, Inc. shows how runoff from impervious surfaces will be diverted toward the street in a non-erosive manner. All rooftop, front yard and side yard runoff will be directed toward the street.

The plan also illustrates the proposed slope repair. As discussed previously, the slope repair would entail work along the upper portion of the bluff face. Installation of Geogrid and subdrains is proposed to stabilize a surficial failure within the upper 30 feet of the slope. To ensure that grading is limited to the level pad area of the site and drainage is directed toward the street, the Commission imposes Special Condition 2. Special Condition 2 requires the applicant to submit a revised grading and drainage plan, which demonstrates that grading does not go beyond the bluff edge and shows that all runoff will be directed toward the frontage street. The special condition also requires that drainage devices be maintained throughout the life of the development.

As noted above, the geotechnical report provides recommendations regarding site drainage. These recommendations are provided by the geologist in order to avoid any adverse effects that improper site drainage may have upon site stability. For instance, improper site drainage could cause an area subject to slope creep and/or failure to activate and cause damage to the structure. Excessive water infiltration at the subject site will result in potentially hazardous conditions. The geologist's recommendations regarding site drainage are designed to avoid such adverse effects. The special condition requires the revised plan to incorporate the recommendations of the geotechnical report.

Landscaping

Developments on both coastal canyon and blufftop lots in San Clemente are required to submit landscaping and irrigation plans, consisting primarily of native, drought-tolerant plants, 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. Appropriate vegetation can help to stabilize slopes. Native, drought-tolerant plants common to the local area 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 that involves in-ground irrigation may lead to overwatering or sprinkler line breaks that can contribute to slope instability. Therefore, review and approval of landscaping and irrigation plans is necessary prior to the issuance of a coastal development permit.

The applicant has submitted a Planting and Irrigation Plan prepared by Bachelder Associates that shows use of entirely non-invasive and native, drought-tolerant species throughout the project site. Only native species will be planted on the bluff slope. No permanent in-ground irrigation is proposed. A temporary above-grade system will be installed along the slope initially so that the new planting can take root.

To ensure that the project is carried out in conformance with the plan submitted, the Commission imposes Special Condition 3. The condition specifies that only drought tolerant plant species may be planted in the ground throughout the entire lot and affirms that no permanent in-ground irrigation systems may be installed on the slope. The special condition allows non-native, non-invasive ornamental plants to be utilized at the level pad area and allows the use of temporary irrigation systems to help plantings establish. Lastly, the condition requires that the plantings be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

Assumption of Risk, No Future Protective Devices and Future Improvements

Although the proposed project will be constructed in conformance with the geologic recommendations, risk from development on a coastal bluff is not eliminated entirely. Specifically, development on a coastal bluff is inherently risky. Therefore, the standard waiver of liability condition has been attached through Special Condition 4. By this means, the applicant is notified that the residence is being built in an area that is potentially subject to geologic hazard that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development.

Special Condition No. 5 of the permit informs the applicant that no bluff protective devices shall be permitted to protect the structure, patios or future improvements if threatened by bluff or slope 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. 5 applies to bluff or slope protective measures, Special Condition No. 6 is a future development condition 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. Future development includes, but is not limited to, structural additions, landscaping and fencing. Finally, recordation of all of the standard and special conditions of the permit through Special Condition 7 ensures that future owners of the property will be informed of the requirements set forth by the aforementioned conditions.

5. Conclusion/Project Consistence with Coastal Act

The Commission has found that in order to assure that the proposed development minimizes risks to life and property in areas of high geologic hazard and assure stability and structural integrity,

and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, the applicant shall be conditioned to: 1) conform to recommendations prepared by the geotechnical consultant; 2) submit a revised grading and drainage plan; 3) conform to the landscape plan; 4) assume the risk associated with development; 5) waive the right to future stabilization work; and 6) obtain a permit or amendment for future improvements and 7) record the standard and special conditions of the permit. Only as conditioned does the Commission find that the proposed development is consistent with Sections 30235 and 30253 of the Coastal Act.

C. PUBLIC ACCESS

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The proposed development is located between the sea and the first public road.

Section 30212 of the Coastal Act states, in relevant part:

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

(2) adequate access exists nearby.

Sections 30210, 30211 and 30212 of the Coastal Act require that new development provide maximum public access and recreation, not interfere with the public's right of acquired access, and provide public access from the nearest public roadway to the shoreline and along the coast except under certain circumstances.

The nearest public access to the coast exists at the Lost Winds accessway, approximately 100 feet south of the subject property (Exhibit 3). The proposed development, the demolition and reconstruction of an existing single-family residence, will not create new adverse impacts on coastal access and recreation. Therefore, the Commission finds that the proposed development does not pose significant adverse impacts to existing public access and recreation; there is adequate public access in the vicinity and the project is therefore consistent with Section 30212 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

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

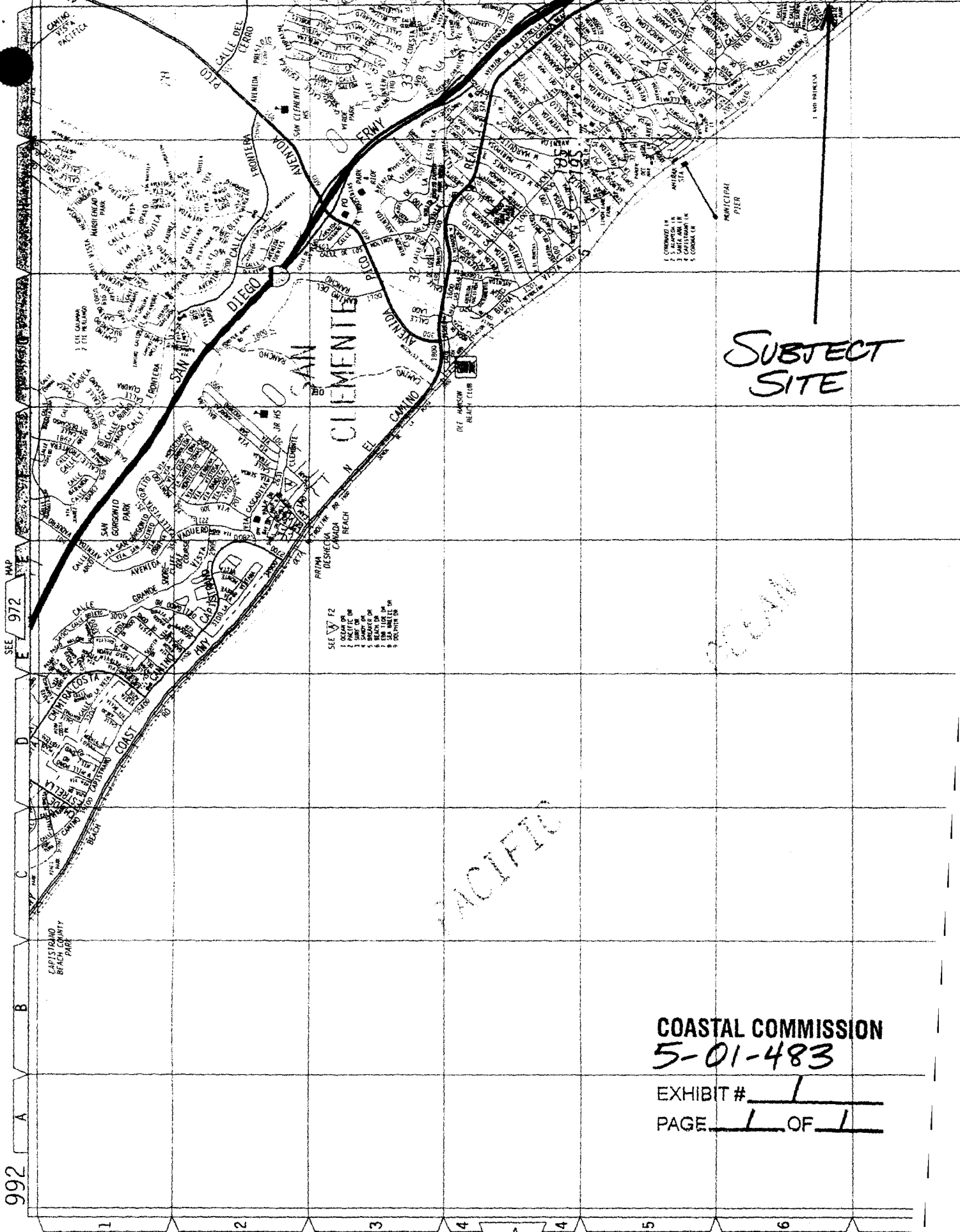
The proposed development is consistent with the policies contained in the certified Land Use Plan, specifically those related to blufftop development. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the 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).

E. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

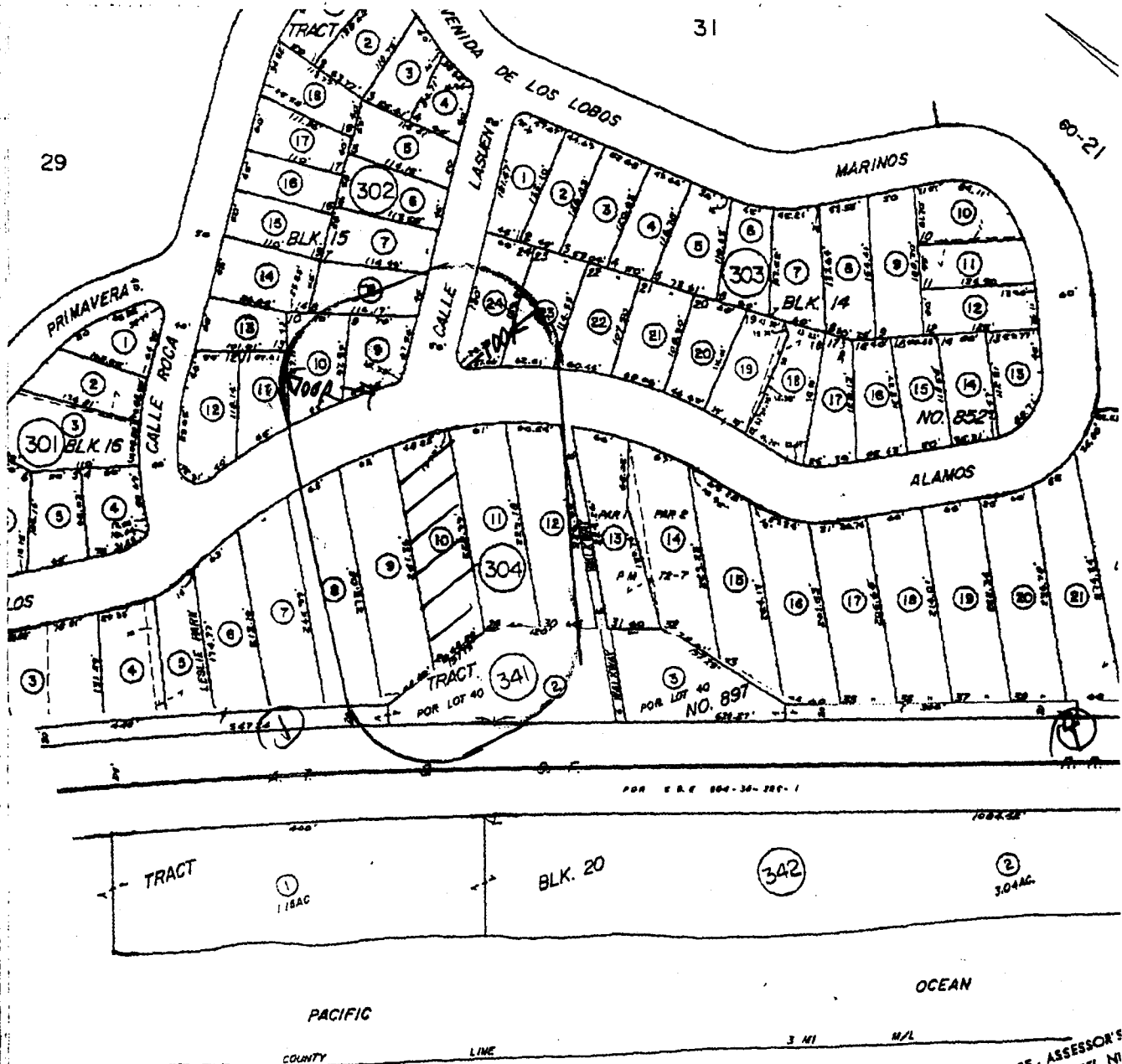
The proposed project has been conditioned in order to be found consistent with the geologic hazards policies of the Coastal Act. Mitigation measures, in the form of special conditions, require the applicant to 1) submit final plans that show evidence of conformance with geotechnical recommendations, including those regarding site preparation, foundation design and drainage; 2) submit a revised grading and drainage plan; 3) conform to the landscape plan, which shows that only drought-tolerant native species will be used; 4) assume the risk associated with development; 5) acknowledge that construction of a future protective device is prohibited; 6) acknowledge that future development requires review; and 7) record a deed restriction incorporating all standard and special conditions of this permit. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



SUBJECT SITE

COASTAL COMMISSION
5-01-483

EXHIBIT # 1
PAGE 1 OF 1



RECEIVED
M. M. 25-21
M. M. 27-25
South Coast Region

DEC 26 2001

TRACT NO. 822
TRACT NO. 897

MARCH 1979

COASTAL COMMISSION

CALIFORNIA
COASTAL COMMISSION

5-01-483

EXHIBIT # 2

PAGE 1 OF 1

483

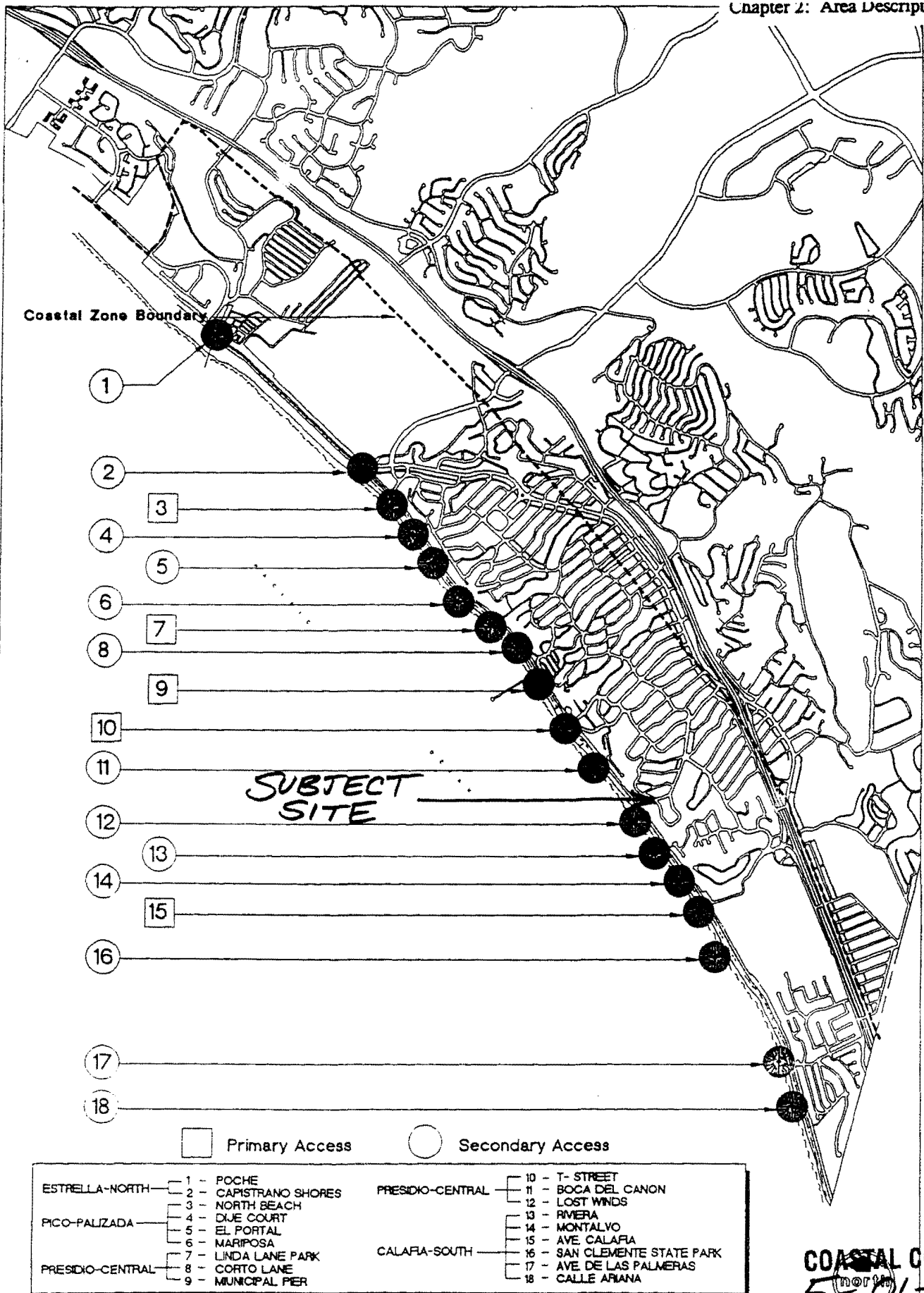


FIGURE 2-5



CITY OF SAN CLEMENTE COASTAL ACCESS POINTS

COASTAL COMMISSION
501-483
EXHIBIT # 3
PAGE 1 OF 1

RECORD
South Coast Region

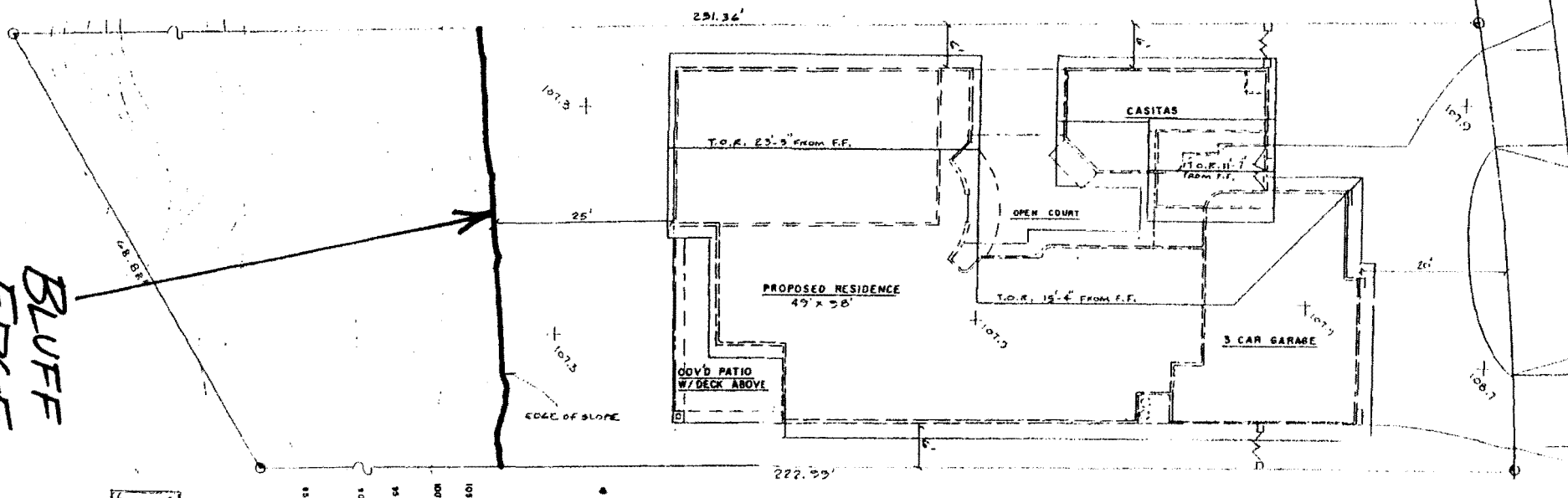
JUL 11 1992

COASTAL COMMISSION

BLUFF
EDGE



PLOT PLAN



LOT SIZE S.F. 14,448
BUILDING FOOTPRINT 4,381
LOT COVERAGE 30.3%

OWNER:

MR & MRS BILL D. DICKINSON

LOCATION:

1910 CALLE DE LOS ALAMOS, SAN CLEMENTE, CA.
LOT 10, BLK 304, TRACT NO. 852, B97, PARCEL MAP PM72-7
A.P. NO. 692-304-10

PLAN NO. 3830

MAILING ADDRESS: P.O. BOX 429
(909) 795-7798 CALIMESA, CA. 92320

APPROVED:

PLOT PLAN

DATE MAY 2002

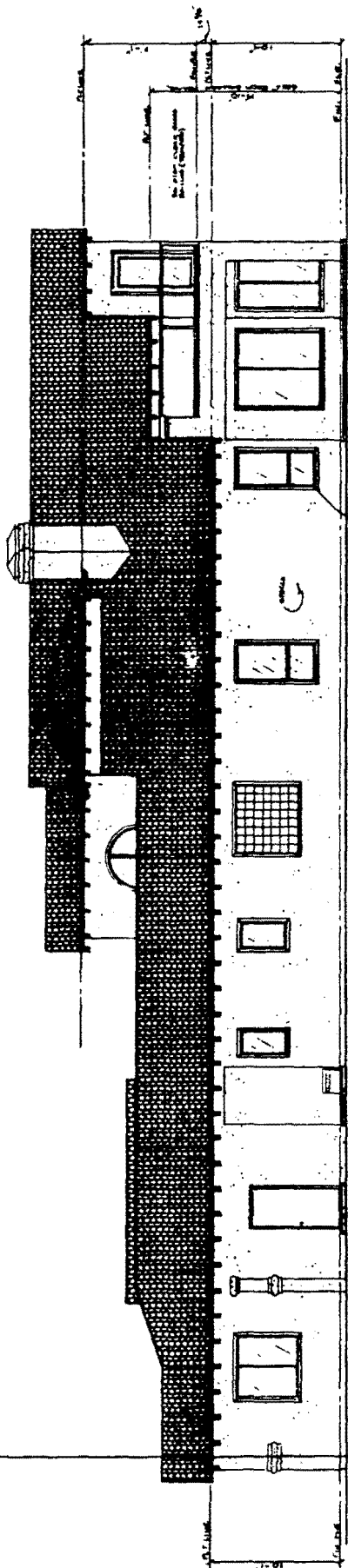
CURRENT DATE

SCALE 1" = 10'-0"

GRAPHIC NUMBER

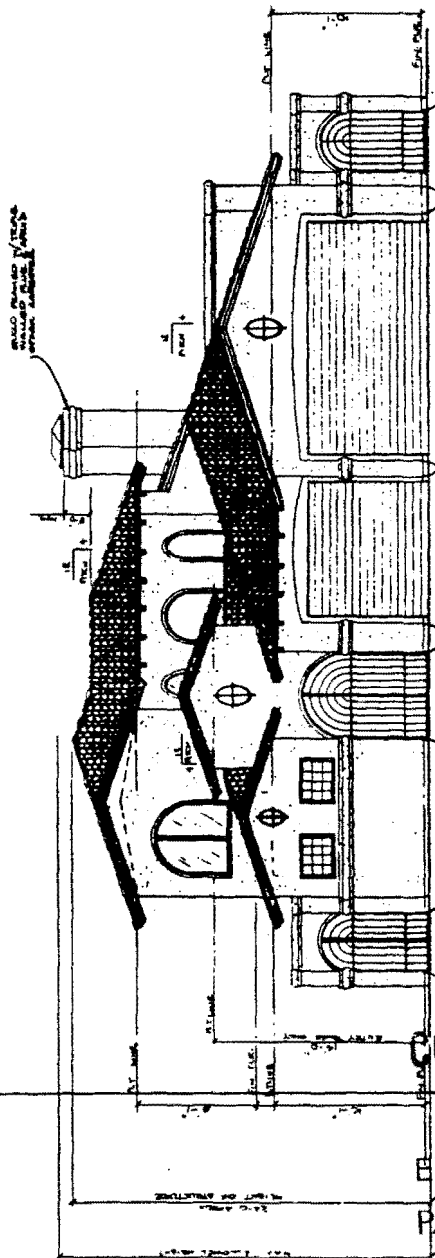
1 OF 14

COASTAL COMMISSIO
EXHIBIT # 4
PAGE 1 OF 11




RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

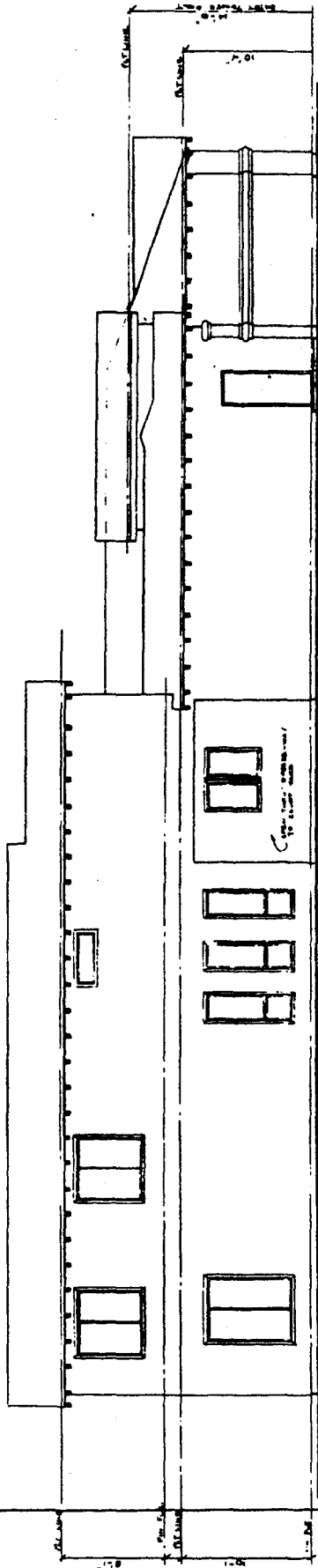
NOTE: ALL DIMENSIONS ARE APPROXIMATE
AND SHOULD BE CHECKED ON SITE



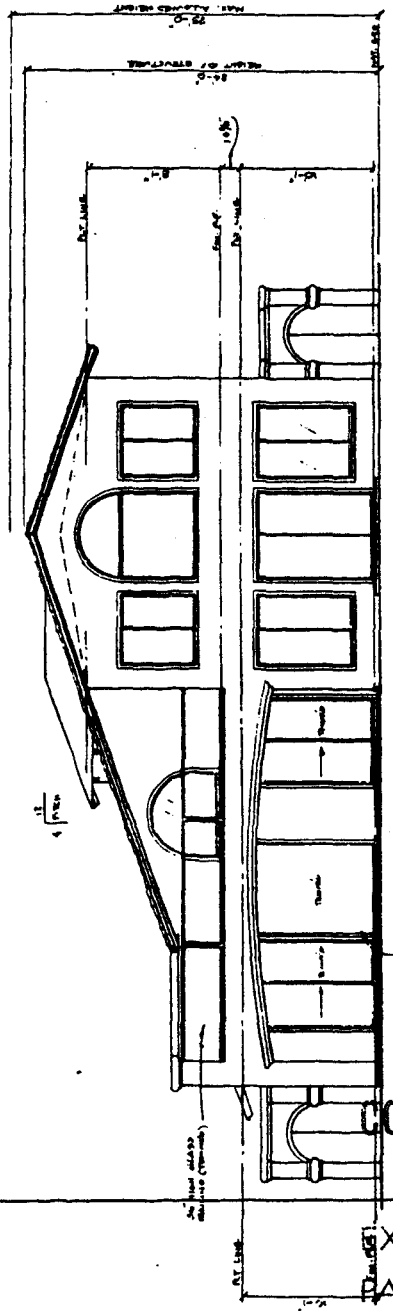
FRONT ELEVATION
SCALE: 1/4" = 1'-0"

	
GARY L. MORTETLER Engineer	
CALIFORNIA REGISTERED ENGINEER	
PLAN NO. 3830	DATE: 1/15/14
PROJECT: 17527	
FIRM: RAY'S DRAFTING (908)798-2909	
ELEVATIONS	
3 OF 14	


NOTE: TO BE BUILT IN REVERSE



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

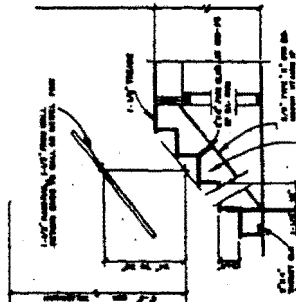
		SHEET NO. 3630 PLAN NO. 3630 DATE: 10/1/00 BY: G.L.M.
GARY L. MORTIMER PROFESSIONAL ENGINEER STATE OF CALIFORNIA		SHEET DRAFTING (000706-2000) ELEVATIONS 4 OF 14

NOTE: TO BE BUILT IN ACCORDANCE WITH THE COASTAL COMMISSION ORDER NO. 501-483

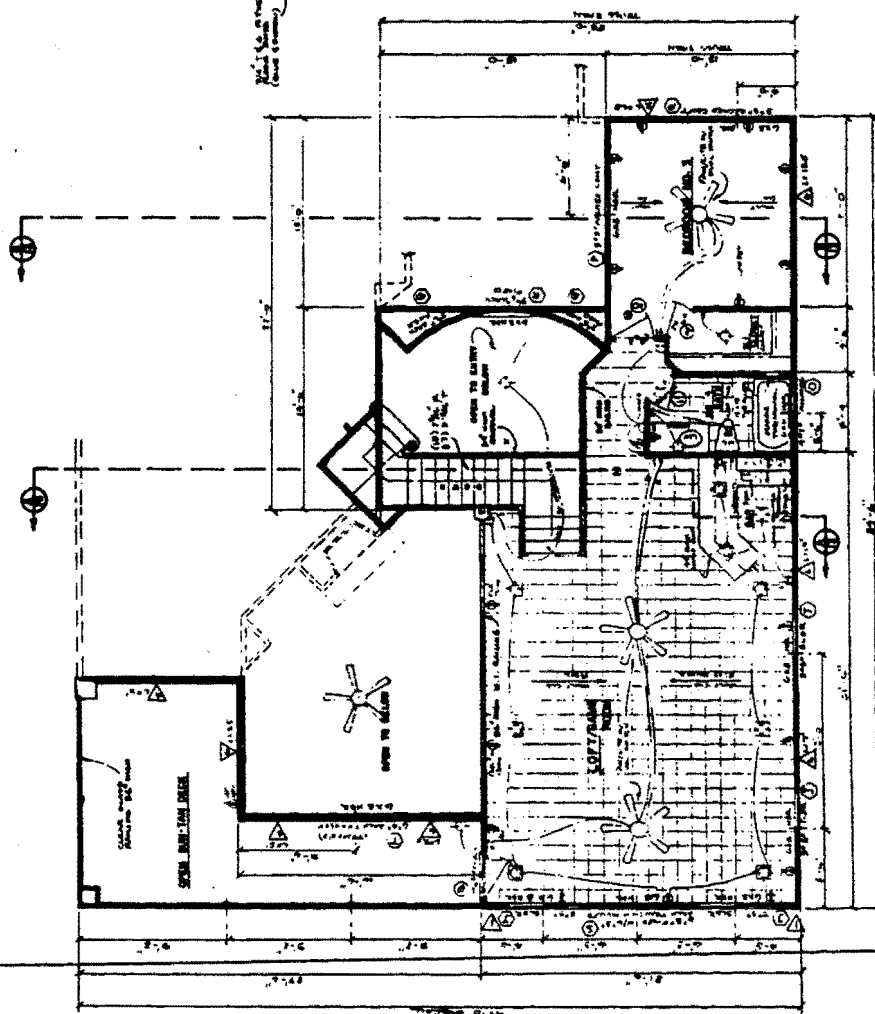
COASTAL COMMISSION

501-483

EXHIBIT # 4
PAGE 3 OF 11

[illegible]

	PLAN NO. 3830 DRAWING NO. 112
GARY S. MORTIMER GUYANA, SOUTH AMERICA	RING#2 DRAFTING (809) 796-2809 2nd STORY FLR & PLUMBING 5 OF 14



2nd STORY FLOOR PLAN W/ ELECTRICAL

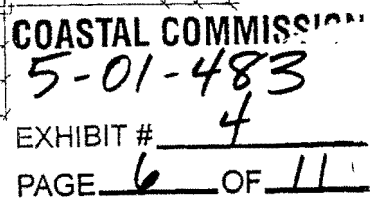
NOTE: For additional details, please see 10/1/80

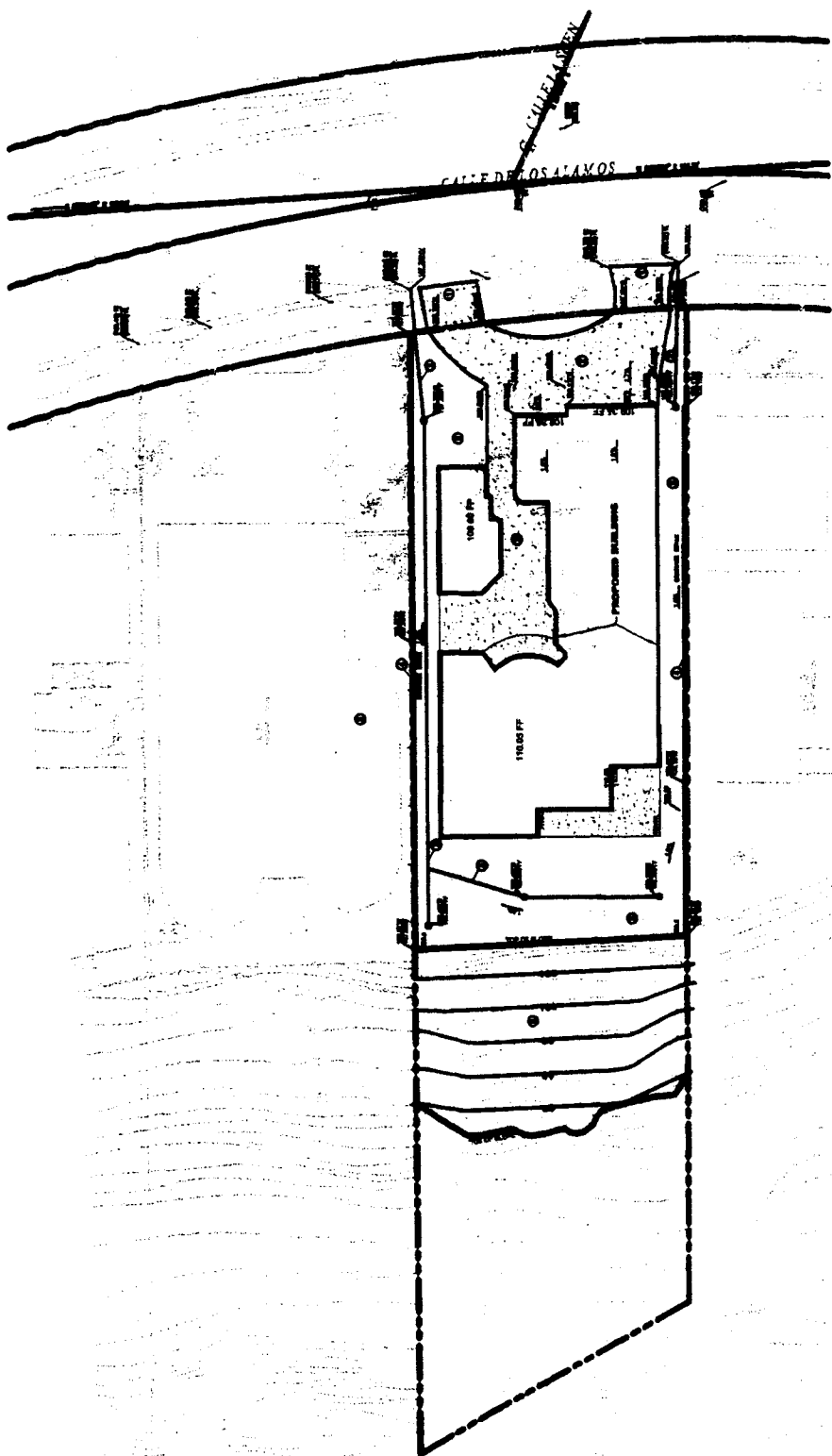
TYPICAL STAIR DETAIL

TO BE BUILT IN REVERSE

NOTE: TO BE GUILTY IN NEVERTIME

COASTAL COMMISSION
5-01-483
EXHIBIT # 4
PAGE 5 OF 11

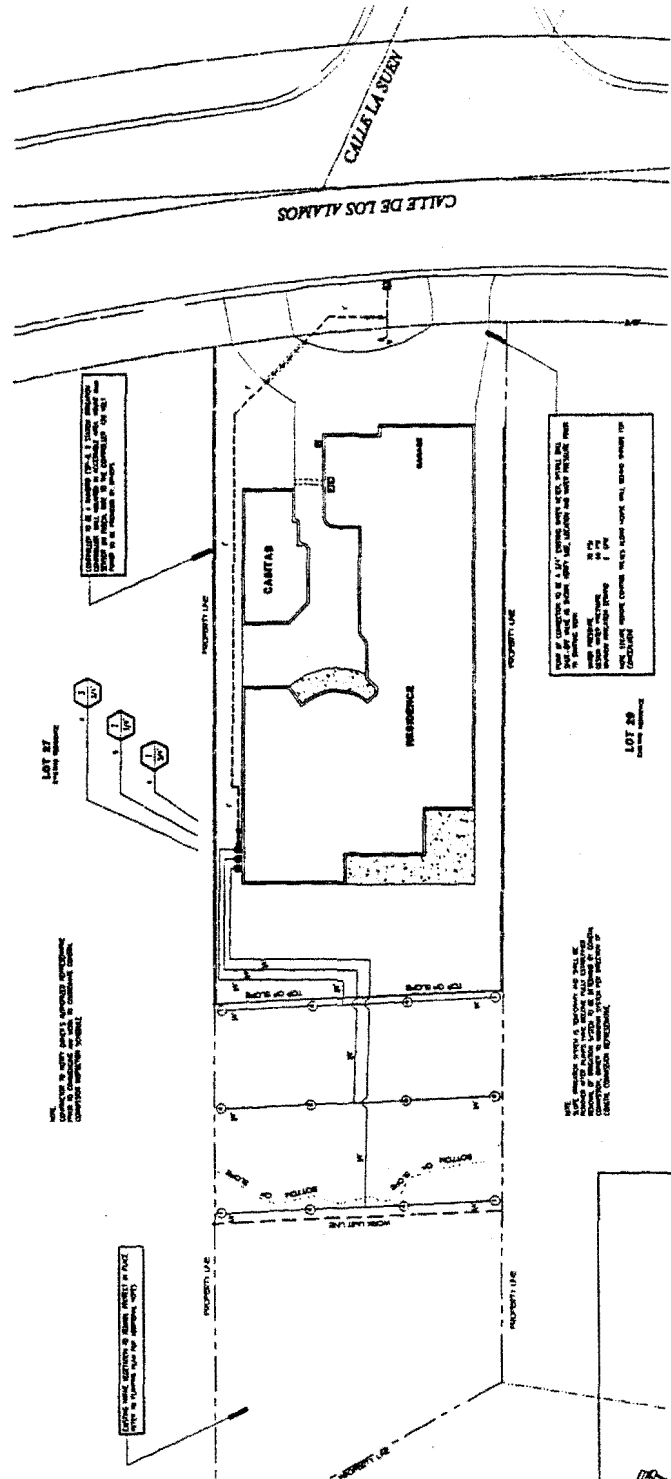




- GENERAL CONSTRUCTION NOTES**
- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE CALIFORNIA SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
 - 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE CALIFORNIA SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
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 - 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE CALIFORNIA SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.

TO BE BUILT IN REVERSE

COASTAL COMMISSION
 5-01-483
 EXHIBIT # 4
 PAGE 7 OF 11



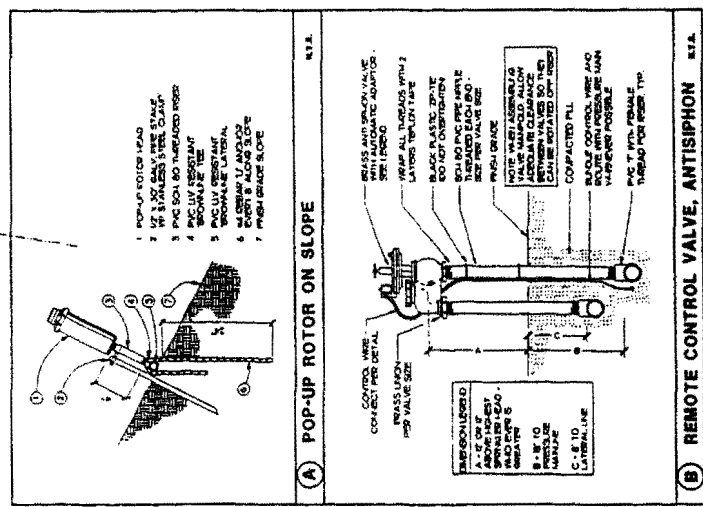
NOTE:
REFER TO SHEET L-2 FOR PLANTING PLAN, DETAILS & NOTES

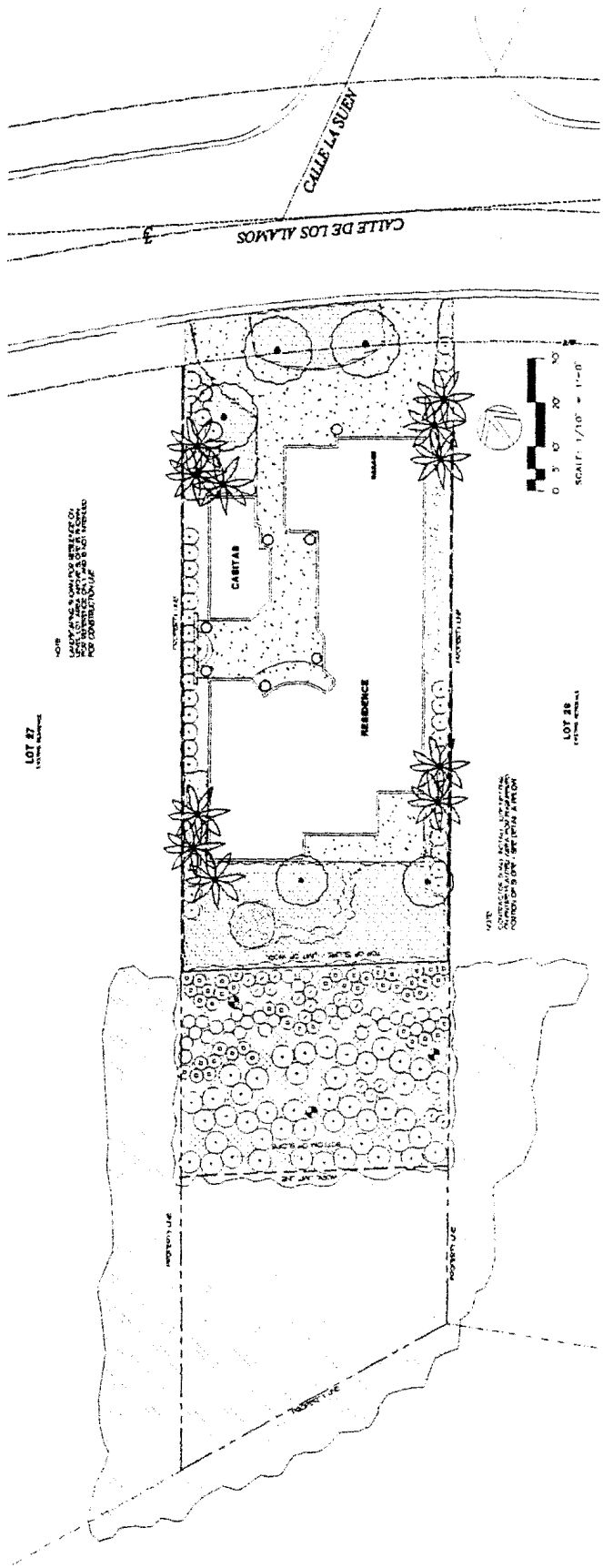
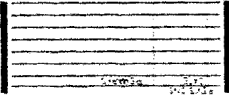
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REGISTRATION NOTES

TO BE BUILT IN REVERSE

COASTAL COMMISSION
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PAGE 9 OF 11





PLANTING NOTES

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE SLOPE MITIGATION PLAN AND SHALL BE DONE BY THE OWNER. NO CONTRACTOR TO BE USED.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE SLOPE MITIGATION PLAN AND SHALL BE DONE BY THE OWNER. NO CONTRACTOR TO BE USED.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE SLOPE MITIGATION PLAN AND SHALL BE DONE BY THE OWNER. NO CONTRACTOR TO BE USED.
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10. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE SLOPE MITIGATION PLAN AND SHALL BE DONE BY THE OWNER. NO CONTRACTOR TO BE USED.

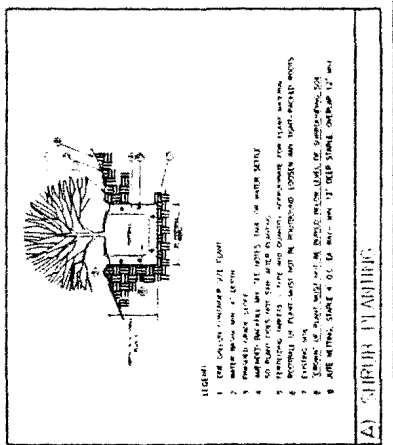
NOTE:
REFERS TO SHEET L-1 FOR REVISION
PLAN DETAILS AND NOTES

PRELIMINARY PLANT PALETTE - RESIDENCE

SYMBOL	BOTANICAL COMMON NAME	HT.	LT.
(1)	AGAVE	2' X 18"	
(2)	YUCCA	20" X 20"	
(3)	SPIDER PLANT	8" X 8"	
(4)	FLORIDA BURNING BUSH	6' X 14.5"	
(5)	FLORIDA BURNING BUSH	6' X 14.5"	
(6)	FLORIDA BURNING BUSH	6' X 14.5"	
(7)	FLORIDA BURNING BUSH	6' X 14.5"	
(8)	FLORIDA BURNING BUSH	6' X 14.5"	
(9)	FLORIDA BURNING BUSH	6' X 14.5"	
(10)	FLORIDA BURNING BUSH	6' X 14.5"	

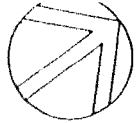
SLOPE PLANTING LEGEND

SYMBOL	SYMBOL	HT.	LT.	QTY
(1)	AGAVE	2' X 18"	4"	
(2)	YUCCA	20" X 20"	4"	
(3)	SPIDER PLANT	8" X 8"	4"	
(4)	FLORIDA BURNING BUSH	6' X 14.5"	4"	
(5)	FLORIDA BURNING BUSH	6' X 14.5"	4"	
(6)	FLORIDA BURNING BUSH	6' X 14.5"	4"	
(7)	FLORIDA BURNING BUSH	6' X 14.5"	4"	
(8)	FLORIDA BURNING BUSH	6' X 14.5"	4"	
(9)	FLORIDA BURNING BUSH	6' X 14.5"	4"	
(10)	FLORIDA BURNING BUSH	6' X 14.5"	4"	



NOTE:

CONTRACTOR SHALL INSTALL JUTE NETTING
ON ENTIRE PLANTED AREA FOR ENGINEERED
PORTION OF SLOPE - SEE DETAIL A BELOW



SCALE: 1/10" = 1'

LOT 22
EXISTING RESIDENCE

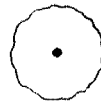
PRELIMINARY PLANT PALETTE - RESIDENCE

SYMBOL BOTANICAL / COMMON NAME HT. / SPD.

TREES



ARECASTRUM ROMANZOFFIANUM /
QUEEN PALM 25'-30' / 16'



EVERGREEN CANOPY TREE 20'-25' / 20'



SMALL FLOWERING ACCENT TREE 12' / 8'



TALL EVERGREEN SHRUB 8'-10' / 4'-5'

LOW SHRUBS & GROUNDCOVERS



DROUGHT TOLERANT SHRUBS
AND GROUNDCOVERS. ALL PLANT
SPECIES TO BE NON-INVASIVE
AND NON-SEED CARRYING VARIETIES 6'-8' / 2'-4'

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C. V
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DETAIL REF. QTY.
PER SHEET

DETAIL A
SHEET 1-2 47

DETAIL A
SHEET 1-2 18

DETAIL A
SHEET 1-2 24

DETAIL A
SHEET 1-2 18

DETAIL A
SHEET 1-2 27









N/A 1000 SQ. FT.

N/A N/A

COASTAL COMMISSION
5-01-483
EXHIBIT # 4
PAGE 11a OF 11

NOTE:
CONTRACTOR
ON ENTIRE P
PORTION OF

SLOPE PLANTING LEGEND

SYMBOL	BOTANICAL / COMMON NAME	SIZE / SPACING	HT.	DETAIL REF.	QTY.
					PER SHEET
SHRUBS					
	ARTEMESIA CALIFORNICA / COASTAL SAGEBRUSH	1 GAL. / 3' O.C.	3'	DETAIL A, SHEET L-2	47
	ATRIPLEX LENTIFORMIS / COASTAL QUAIL BUSH	1 GAL. / 5' O.C.	4'-6'	DETAIL A, SHEET L-2	18
	ERIOGONUM CNERUM / ASH-LEAF BUCKWHEAT	1 GAL. / 3' O.C.	3'	DETAIL A, SHEET L-2	24
	RHAMNUS CROCEA / SPINY REDBERRY	1 GAL. / 3' O.C.	3'-4'	DETAIL A, SHEET L-2	25
	RHUS INTEGRIFOLIA / LEMONADEBERRY	1 GAL. / 5' O.C.	6'	DETAIL A, SHEET L-2	27
GROUNDCOVERS					
	NATIVE COASTAL SAGE SCRUB 'BEACH MIX' FROM: TREE OF LIFE NURSERY OR SES SEEDS	SEED MIX		N.A.	3,000 SQ. FT.
	EXISTING PLANTS PROTECT IN PLACE	EXISTING		N.A.	N.A.
	SOIL SAMPLE LOCATION - SEE NOTES				

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EXHIBIT # 4
PAGE 11b OF 11

Lawson & Associates
Geotechnical Consulting, Inc.

August 22, 2002

Project No. 010019-02

Mr. Bill Dickinson
P.O. Box 429
Calimesa, California 92390

Subject: Response to California Coastal Commission Regarding 1910 Calle De Los Alamos, City of San Clemente, California

References: Lawson and Associates, Inc., 2001, Geotechnical Evaluation, 1910 Calle De Los Alamos, City of San Clemente, California, Project No. 010019-01, dated December 17, 2001.

Lawson and Associates, Inc., 2002, Geotechnical Grading Plan Review for 1910 Calle De Los Alamos, City of San Clemente, California, Project No. 010019-02, dated April 22, 2002.

As you are aware, representatives of the California Coastal Commission have requested a clarification of the effect of the current surficial stability issues on the existing residence located at 1910 Calle De Los Alamos in the city of San Clemente, California. We have prepared this letter to address questions they have raised on this issue.

Question 1:

Is the existing structure in danger due to the slope stability issues?

Response:

Yes the existing structure is in danger of being severely damaged/destroyed by the current slope instabilities. As discussed in our referenced geotechnical reports (LGC, 2001 and 2002), the existing house is located within approximately 12 feet of the top of the existing slope. Our slope stability calculations indicate, that under the current conditions, the rear 23 feet of the flat portion of the lot has a slope stability factor of safety of less than 1.5. The rear portion of the existing structure is located within this unstable zone. Tension cracks have been observed and reported in the rear yard in close proximity to the existing structure, indicating that movement has/is occurring in the rear yard area.

Question 2:

Are the adjacent properties in danger?

Yes, the adjacent properties are in danger of being severely damaged by the current slope instabilities. As we have reported and has been noted by those consultants referenced in our

1030 Calle Cordillera, Suite 101, San Clemente, CA 92673 • (949) 369-6141 • Fax (949) 369-6148

COASTAL COMMISSION

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EXHIBIT #

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PAGE 1 OF 3

referenced report, the mutual wall between the subject residence and the residence to the south is cracked and tilted towards the top of slope indicating that it too has experienced recent stress, likely the result of slope movement. We understand, this issue resulted in a lawsuit where the previous owner of the residence to the south had taken legal action against the previous owner of the subject residence to prompt repair of the surficial failure because it threatened the stability of their property.

Question 3:

Can the slope be repaired while maintaining the existing structure?

Response:

Due to the space limitations between the existing structure and the top of slope, it is unlikely the proposed repair operation could be performed without damaging the existing house. Equipment access to the rear yard area is extremely limited due to the presence of the existing house, which would likely preclude performance of the slope reconstruction. In addition, we anticipate the size of the excavation necessary to complete the proposed slope repair would need to extend into the rear portion of where the existing house is currently located. Therefore, it is our opinion that destruction of the existing residence, so that the slope can be repaired and site regraded to drain properly, is the appropriate way to protect the subject property and the adjacent residences from further surficial problems.

Question 4:

How far from the top of slope would the proposed new house need to be setback to protect it from potential surficial failures for a period of 75 years, if the slope reconstruction was not performed.

Response:

Provided our recommendations, presented in our referenced geotechnical report (LGC, 2001), are implemented during construction of the proposed residence, the proposed 25 foot setback would likely be sufficient to protect the home from surficial failures without reconstruction the slope. The proposed location of the residence would be outside of the area with a calculated factor of safety of less than 1.5, indicating that it would be outside of the area determined to be currently unstable. In addition, our recommendations include constructing the proposed residence on a foundation supported on a grade beam connecting a series of caissons, extending approximately 35 feet below the ground surface, into bedrock materials below the site. In preparation of this design we considered the possibility of continued surficial failures within the rear-yard and provided a foundation design that, would isolate the structure from these failures by founding it deep below the zone of likely surficial failures. However, our design does not protect the adjacent properties, nor is it likely that the failures will remain isolated to the subject property. If the slope is left as is, similar failures will likely continue to occur and will likely affect the adjacent properties as well as the subject residence.

COASTAL COMMISSION

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EXHIBIT # 6

PAGE 2 OF 3

If you have any questions, please do not hesitate to contact this office. We appreciate this opportunity to be of service.

Sincerely,

LAWSON & ASSOCIATES GEOTECHNICAL CONSULTING, INC.

Kevin B. Colson

Kevin B. Colson, CEG 2210
Project Geologist

KBC

Distribution: (2) Addressee
(1) California Coastal Commission
Attention: Anne Blomker

COASTAL COMMISSION

5-01-483

EXHIBIT # 6

PAGE 3 OF 3

