

CALIFORNIA COASTAL COMMISSION

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Staff: ALB-LB *ALB*
Staff Report: June 24, 2004
Hearing Date: July 14-16, 2004
Commission Action:

**Item Th19e****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-04-164

APPLICANT: Martin Colombatto

RECORD PACKET COPY

AGENTS: James Glover, Jr. and Brad Smith

PROJECT LOCATION: 4130 Calle Isabella, San Clemente, Orange County

PROJECT DESCRIPTION: Construction of a new two-story, 12,765 square foot single-family residence with a 1469 square foot four-car garage, half basketball court, sand volleyball court, pool & spa, fencing, hardscape improvements and landscaping on a vacant coastal blufftop lot. The project also involves approximately 980 cubic yards of grading (490 cy cut, 490 cy fill) for pool and basement excavation and site preparation.

PROJECT SPECIFICS:	Lot Area:	2.63 acres
	Building Area:	14,234 sq. ft.
	Building Coverage:	10,140 sq. ft.
	Pavement Coverage:	28,030 sq. ft.
	Landscape Coverage:	53,445 sq. ft.
	Unimproved Area:	23,050 sq. ft.
	Parking Spaces:	Four (4)
	Land Use Designation:	Residential Low Density
	Ht. above Final Grade:	25 feet

LOCAL APPROVALS RECEIVED: City of San Clemente Approval-in-Concept dated March 24, 2004

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing the construction of a new single-family residence, garage and associated improvements on a vacant 2.63-acre coastal blufftop lot located between the first public road and the sea in the City of San Clemente, Orange County. Staff recommends the Commission **APPROVE** the proposed development with ten (10) special conditions. The primary issues addressed in the staff report are landscaping and irrigation, grading and drainage, public access, and assurance that all portions of the proposed development are appropriately set back from the bluff edge to be consistent with the geologic hazard and visual resource policies of the Coastal Act.

The proposed single-family residence, pool and spa conform to the structural setback policies in the certified LUP, as they will be set back in accordance with the required 25-foot structural setback. All ancillary improvements, including fencing and walkways, will be sited at least 16' from the bluff edge, in accordance with the typical 10-foot hardscape setback.

The site is subject to a 15' wide vertical public access easement located along the perimeter of the property that was accepted by the Coastal Conservancy on February 26, 2004. The original subdivision permit prohibits any permanent improvement other than landscaping within the easement. The applicant proposes to construct ancillary improvements within the easement, including an 18" high stacked rock wall, a carport and a sand volleyball court. To ensure consistency with the easement requirements, no such encroachments will be allowed.

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 the applicant to assume the risk of development. Special Condition 3 prohibits the construction of any future protective devices to protect the development approved by this permit. Special Condition 4 requires that proposals for future improvements be submitted to the Commission for a new permit or permit amendment. Special Condition 5 requires submission of a revised landscaping and irrigation plan, which shows that primarily native or drought-tolerant plant species will be planted in all landscaped areas and identifies specific irrigation requirements. Special Condition 6 requires the submittal of a mitigation plan to prevent potential leakage of the proposed pool and spa. Special Condition No. 7 requires the applicant to submit a revised site and hardscape plan showing incorporation of turf block driveways and motor courts to allow percolation for water quality purposes. Special Condition 8 requires the submittal of a revised grading and drainage plan. Special Condition 9 requires the applicant to submit a revised site plan showing relocation of the encroachments into the public access easement and prohibits the placement of any permanent improvement other than landscaping within the easement. Lastly, Special Condition 10 requires recordation of a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente Certified Land Use Plan (LUP); *Preliminary Geotechnical Investigation for Proposed New Single Family Residence, Lot 8, Tract 10909, San Clemente, California* prepared by Geofirm, Inc. dated December 3, 2003.

Coastal Development Permits: 5-01-040 (Slavik); P-81-7789; A-148-81; 5-82-790-A; 5-00-501 (Brue); 5-00-424 (Spriggs); 5-00-081 (Cramer); 5-00-034 (McKinley-Bass); 5-99-351 (McMurray); 5-99-231 (Smith); 5-99-204 (Brown)—application withdrawn; 5-98-508 (Desert Cities Properties); 5-98-469 (Ferber); 5-98-300 (Loughnane); 5-98-273-G (McKinley & Bass); 5-98-210 (Nelson); 5-98-178 (McMullen); 5-98-082 (Westberg); 5-98-064 (Barnes); 5-98-020 (Conrad); 5-97-371 (Conrad); 5-97-270 (Noah); 5-97-269 (Noah); 5-97-256 (Noah); 5-97-185 (Schaeffer); 5-97-107 (Spruill); 5-95-121 (Watson); 5-95-069 (Westberg); 5-94-256 (Colony Cove); 5-94-243 (Gilmour); 5-94-213; 5-94-199 (Westberg); 5-93-307 (Ackerly); 5-93-304 (Rosenstein); A5-DPT-93-275 (La Ventana); 5-93-243 (La Ventana); 5-93-143 (Mertz & Erwin); 5-93-254-G (Arnold); 5-93-181 (Driftwood Bluffs); P-3967 (Cypress West).

LIST OF EXHIBITS:

1. Vicinity Map
2. Assessor's Parcel Map
3. Coastal Access Points Map
4. Project Plans
5. Restricted Development Areas

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP #5-04-164 pursuant to the staff recommendation.

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

RESOLUTION:

I. APPROVAL WITH CONDITIONS

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

II. STANDARD CONDITIONS

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

III. SPECIAL CONDITIONS**1. Conformance of Design and Construction Plans to Geotechnical Report**

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the *Preliminary Geotechnical Investigation for Proposed New Single Family Residence, Lot 8, Tract 10909, San Clemente, California* prepared by Geofirm, Inc. dated December 3, 2003.
- 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. Assumption of Risk, Waiver of Liability and Indemnity

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

3. 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 No. 5-04-164, including the residence, pool/spa, walkways, fencing and any future improvements, in the event that the property is threatened with damage or destruction from bluff failure in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

4. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-04-164. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the parcel. Accordingly, any future improvements to the permitted structure,

including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-04-164 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Submittal of Revised Planting Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full sized sets of a revised planting plan prepared by an appropriately licensed professional which demonstrates the following:
- (1) The subject site will be planted and maintained for slope stability and erosion control. To minimize the need for irrigation, landscaping shall consist of native and/or drought tolerant non-invasive plant species;
 - (2) All planting will be completed within 60 days after completion of construction;
 - (3) All required plantings will be maintained in good growing condition throughout the life of the project, and whenever necessary, will be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (4) No permanent in-ground irrigation systems will be installed within 25 feet of the "bluff edge," as generally depicted in Exhibit 5, attached in the current staff report;
 - (5) No new irrigation system will be placed on, or installed in, the bluff face;
 - (6) The new irrigation system will be limited to the level pad area inland of the 25-foot setback area, as specified in (4) above, and will incorporate the following features:
 - ◆ Separate water meter for landscaping;
 - ◆ Automatic controller with dual programs for trees, shrubs, lawn and bedding;
 - ◆ Rain sensor, which turns off during wet weather;
 - ◆ Irrigation zones based on shade and sun;
 - ◆ Water sensors, which are tied to the irrigation controller to prevent overwatering;
 - ◆ Irrigation master valve, which shuts the main line off during non-operating times; and
 - ◆ Below ground bubble and drip system in narrow shrub and groundcover areas.
 - (7) The new irrigation system will be maintained on a regular basis to ensure proper functionality.
- B.** The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Minimizing Swimming Pool Impacts

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a written plan prepared by an appropriately licensed professional to mitigate for the potential for leakage from the proposed swimming pool and spa. The plan shall include, at a minimum: 1) installing a separate water meter for the pool and spa which are separate from the water meter for the house to allow for the monitoring of water usage for the pool and spa, and 2) identification of the materials, such as plastic linings or specially treated cement, to be used to waterproof the undersides of the pool and spa to prevent leakage, and information regarding the past success rates of these materials. The applicant shall comply with the mitigation plan approved by the Executive Director.

7. Submittal of Final Grading and Drainage Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full sized sets of a final grading and drainage plan which incorporates the following:
- (1) All roof drainage, including roof gutters, collection drains, and sub-drain systems for all landscape and hardscape improvements for the structures and all yard areas will be collected on site and conveyed in a non-erosive manner for discharge at the designated outlet point at the base of the bluff face cribwall sited on the parcel immediately upcoast of the subject site;
 - (2) Where feasible, runoff shall be filtered through permeable areas, such as vegetation or gravel;
 - (3) The applicant shall maintain the functionality of the approved drainage and runoff control system to assure that water is collected and properly discharged to the outlet point without over-saturation of the subject property.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. Water Quality

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of a revised site and hardscape plan which incorporates the use of a permeable surface (i.e. turf block) into the design of all driveways and motor court areas for filtration purposes where feasible.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

9. **Submittal of Revised Plans/Removal of Public Access Encroachment**

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of revised project plans that demonstrate that no permanent improvement other than landscaping be sited within the 15' wide coastal access easement, as generally depicted in Exhibit 5.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. **Deed Restriction**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants have executed and recorded against the parcel governed by this permit 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; and (2) imposing all 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 entire parcel or parcels governed by this permit. 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:

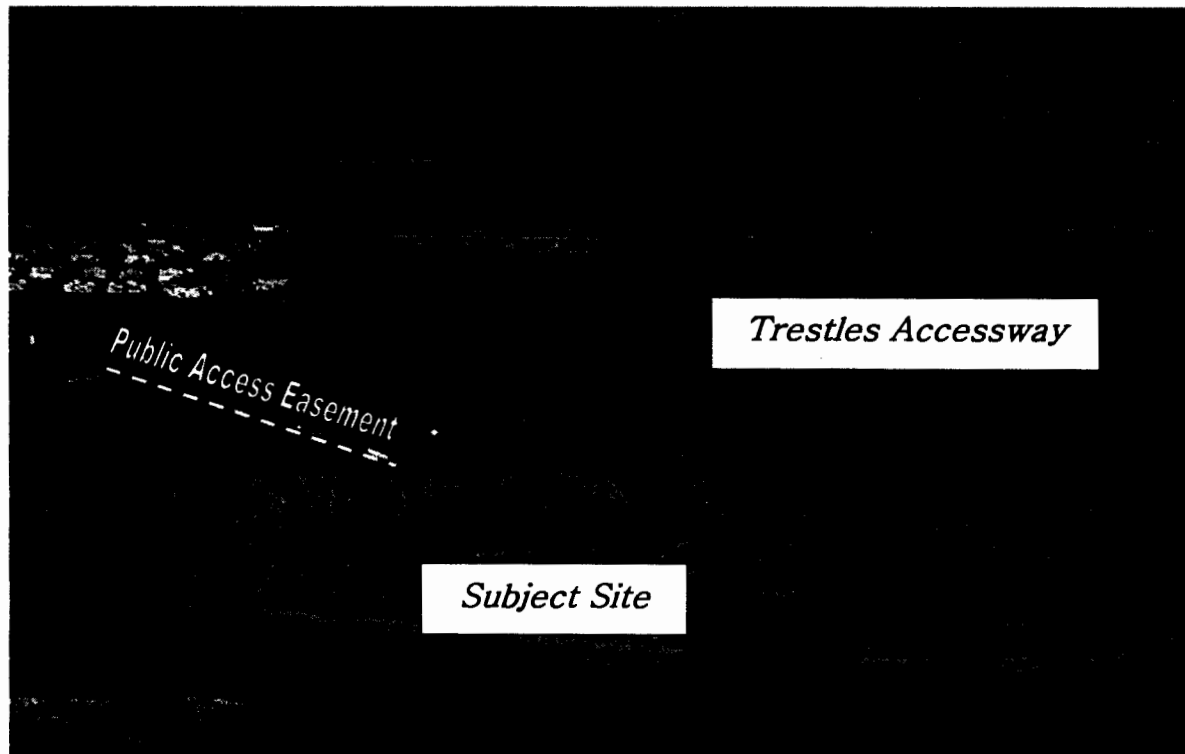
A. PROJECT LOCATION, BACKGROUND AND DESCRIPTION

1. Location

The proposed development is located on a vacant 2.63 acre blufftop lot between the first public road and the sea at 4130 Calle Isabella within the private gated and guarded community of Cotton Point Estates in the most southerly portion of the City of San Clemente, Orange County. The subject site is designated RL (Residential Low Density) in the San Clemente certified Land Use Plan (LUP). The site is bounded to the north (upcoast) by a single-family residence with the former Nixon residence beyond; to the east by single-family residential development along the Calle Isabella cul-de-sac; to the south by a U.S. Marine housing development and vacant land beyond the San Diego County line; and to the west by an approximately 60 foot high coastal bluff with the OCTA railway, beach and the Pacific Ocean beyond. (See Exhibits 1 & 2, Vicinity Map & Assessor's Parcel Map)

Access to the site is gained through the guarded and locked gate community of Cypress Shores and through a locked gate entrance to Cotton Point Estates. The subject lot is part of a 17-lot subdivision, site of the former Richard Nixon estate. The Nixon residence (Casa Pacifica) and accessory structures remain at the subdivision site.

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



2. Project Description

The proposed project involves the construction of a new two-story, 25 foot high, 12,765 square foot single-family residence with a 1,469 square foot four-car garage, half basketball court, sand volleyball court, swimming pool & spa, fencing, hardscape improvements and landscaping (Exhibit 4, Project Plans). The structure will be supported by conventional foundations and slabs-on-grade. The project also involves approximately 980 cubic yards of grading (490 cy cut and 490 cy fill to balance on site) for pool excavation and site preparation.

The proposed residential structure, pool and spa will be set back from the bluff edge in conformance with the minimum 25-foot setback specified in the City's certified LUP. As shown on the site plan, the residence will be set back approximately 35 feet from the bluff edge at its closest point. The pool will be sited approximately 40 feet from the bluff edge. The proposed rear yard accessory improvements (including fencing, patios and walkways) will be located at least 15 feet from the bluff edge, consistent with the typical 10-foot deck and hardscape setback applied in this area.

While the proposed development conforms to the required bluff edge setbacks, portions of the proposed side yard accessory improvements encroach into a public access easement located along the southern property line (Exhibit 5, Restricted Development Areas). Removal of these encroachments is recommended by staff in Section D (Public Access).

A planting plan has been submitted which includes a mix of primarily non-native, ornamental plants throughout the multiple lawn and garden areas. Existing vegetation on the face of the bluff will remain undisturbed. No irrigation plan was submitted; however, the planting plan indicates that irrigation will be prohibited within the 25-foot bluff edge setback. As will be discussed in Section B (Geologic Hazard), staff recommends the use of native and/or drought-tolerant non-invasive plant species throughout the site to minimize the need for irrigation.

The majority of site runoff will be conveyed to the bottom of the bluff through multiple area drains leading to the existing neighborhood drainage system. As will be discussed in Section C (Water Quality), staff recommends the incorporation of impervious surface materials to allow infiltration where feasible.

3. Previously Approved Development at the Project Site

a. **P-81-7789**

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

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

- a) *The offer shall be valid until the year 2021 at which time it may be cancelled on three years prior written notice to City by Developer or its successors or assigns;*
- b) *Developer, through Title Insurance and Trust Co. or such other entity approved by the City Attorney, shall provide notice to the City of the*

existence of the offer on or about 1-1-2021 or upon termination of the access described in (c) below;

- c) The City agrees not to accept the offer until the existing public access to the beach across the San Clemente Point Coast Guard property or other adequate public access in the immediate area is no longer available to the public or unreasonably restricted for public use;*
- d) Upon acceptance of the offer, the improvement of the easement shall be at the City's expense;*
- e) No permanent improvements other than landscaping shall be placed within the easement area unless and until the offer is cancelled pursuant to (a) above;*
- f) The existence of the offer shall be noted in the deeds and initial CC&Rs for the property subject to the offer;*
- g) The easement shall be used exclusively for beach access.*

b. A-148-81

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

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

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

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

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

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

On April 11, 1983, the irrevocable offer of dedication across the easternmost 15' of the property was recorded in Orange County document no. 83-151464. On February 26, 2004, the offer was accepted by the Coastal Conservancy and recorded in document no. 2004000148786.

Since the time of the original subdivision approval, eight new single-family residences have been constructed within the previously approved subdivision and one is under construction. The currently proposed project at 4130 Calle Isabella will affect the previously imposed special conditions of the underlying subdivision permit as development is proposed which will encroach into the easement. These encroachments must be removed. Only landscaping will be allowed within the easement.

4. Previous Commission Actions and Existing Development in Project Vicinity

a. **P-81-7789**

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

b. **A-148-81**

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

c. **5-82-790-A**

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

d. **5-83-219**

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

e. **5-01-040**

On July 10, 2001, the Commission approved the construction of a new 12,966 square foot, two-story single family residence with an attached 2,073 square foot, five-car garage, 1,285 square foot guest house, swimming pool, spa, and associated landscape and hardscape improvements on a vacant coastal blufftop lot, immediately upcoast of the subject lot. The approval was subject to eight (8) special conditions. The conditions required 1) submittal of revised plans showing inland relocation of the swimming pool and blufftop walkway; 2) submittal of final

plans showing evidence of conformance with geotechnical recommendations; 3) recordation of an assumption of risk deed restriction; 4) recordation of a no expansion of blufftop protective device deed restriction; 5) recordation of a deed restriction, which ensures that the applicant and future landowners are aware that future development requires a new coastal development permit or an amendment to this permit; 6) conformance with the grading and drainage plan submitted; 7) submittal of a revised landscaping plan which shows that only drought-tolerant natives will exist in the rear yard area and restricts any in-ground irrigation with the 25-foot setback; and 8) incorporation of turf block driveways to improve water quality. The project is currently under construction.

B. GEOLOGIC HAZARD

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

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

Section 30253 of the Coastal Act states:

New development shall:

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

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

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

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

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

Policy VII.13:

Development shall be concentrated on level areas (except on ridgelines and hilltops) and hillside roads shall be designed to follow natural contours. Grading, cutting, or filling that will alter landforms (e.g. bluffs, cliffs, ravines) shall be discouraged except for

compelling reasons of public safety. Any landform alteration proposed for reasons of public safety shall be minimized to the maximum extent feasible.

Policy VII.14 states:

Proposed development on blufftop lots shall be set back at least 25 feet from the bluff edge, or set back in accordance with a stringline drawn between the nearest corners of adjacent structures on either side of the development. This minimum setback may be altered to require greater setbacks when required or recommended as a result of a geotechnical review.

Policy VII.16 states:

In a developed area where new construction is generally infill, no part of a proposed new structure, including decks, shall be built further onto a beachfront than a line drawn between the nearest adjacent corners of the adjacent structures. Enclosed living space in the new unit shall not extend further seaward than a second line drawn between the most seaward portions of the nearest corner of the enclosed living space of the adjacent structures.

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

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

Application of the stringline setback policy would be inappropriate at this location due to the absence of development to the south. Consequently, the City's minimum 25-foot setback policy will be applied as an appropriate setback standard to achieve Coastal Act policies.

The plans submitted by the applicant show that the proposed primary residence, pool and spa conform to the 25-foot setback, as all structural development is sited at least 35 feet from the bluff edge. In addition, the rear yard improvements will conform to the 10-foot setback.

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.

The Commission has received many application requests to resolve geotechnical problems and protect existing structures on coastal bluffs and coastal canyons in San Clemente which were caused by inadequate drainage systems, i.e., broken irrigation lines, overwatering, directing

uncontrolled runoff to the bluff slopes, and differential settling due to improperly compacted fill. Geotechnical problems in the area have also been attributed to construction of the railroad line.

b. Site Specific Geotechnical Data

To address the feasibility of constructing the proposed project in this potentially hazardous area, the applicant submitted a report entitled *Preliminary Geotechnical Investigation for Proposed New Single Family Residence, Lot 8, Tract 10909, San Clemente, California* prepared by Geofirm, Inc. dated December 3, 2003.

The Geofirm report presents the results of their geotechnical investigation of the subject property to *"relate certain site and regional geotechnical conditions to the proposed design and construction of a single-family residence at the subject property."* The scope of the investigation included the following: (1) a review of geologic literature, maps, and interpretation of paired stereographic serial photographs; (2) reconnaissance of the property and nearby areas; (3) excavation and logging of three exploratory borings to determine the character and distribution of subsurface materials; (4) laboratory testing of sample obtained during the site subsurface exploration; (5) geotechnical analysis of site conditions pertinent to foundation design; (6) preparation of two topographic-geologic cross sections to relate site conditions to proposed development and to depict certain geotechnical recommendation for proposed construction; and (7) preparation of the geotechnical report and its illustrations.

The subject site is located on an elevated coastal marine terrace. Based on information provided in the geotechnical report, the property and vicinity are underlain at depth by bedrock strata of the San Mateo and Capistrano Formations which are successively overlain by marine terrace deposits and nonmarine terrace deposits. According to the report, *"Marine and subaerial erosion of the marine terrace during recent geologic time has created the terrace surface and sea bluff."*

Rough grading of the site and the adjacent property occurred in 1983. As discussed previously, the Commission approved construction of a cribwall, drainage improvements and grading through CDP No. 5-82-790-A. The cribwall is located on the property immediately upcoast from the subject site. Based on Commission files, a "reentrant gully" at the center of the blufftop was subject to significant erosion in the early 1980s, which necessitated construction of the cribwall next door. The cribwall does not extend onto the subject property.

The geotechnical report describes the property as a *"roughly triangular shaped bluff top property"* that consists of a *"large, essentially level pad, which extends seaward from the cul-de-sac of Calle Isabella."* The pad slopes gently toward the bluff. The face of the bluff is vegetated with a mix of non-native plant species, while the buildable pad area is primarily denuded with some scattered weeds.

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

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

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

Blufftop Setback

The City of San Clemente certified LUP requires proposed development on blufftop lots to be set back at least 25 feet from the bluff edge. The primary residence and swimming pool/spa conform to the structural setback requirements specified in the certified LUP, as they are sited 35 and 40 feet from the bluff edge, respectively. All hardscape development, walkways and fencing will be sited at least 15 feet from the bluff edge, consistent with the typically applied hardscape setback. Consequently, all components of the proposed project are adequately set back from the bluff edge to assure stability for the life of the development. Application of the 25-foot setback in this instance is consistent with past Commission action and will provide for adequate protection from potential hazards resulting from bluff failure.

The geotechnical report concludes that from a geotechnical viewpoint, the subject site is considered suitable for the proposed development provided certain recommendations are incorporated into the design criteria and project specifications. Recommendations include those related to remedial grading, removal of existing improvement (i.e. trees and stumps), compaction standard, temporary construction slopes, structural design of the foundations and slabs, footing reinforcements, design of retaining walls, hardscape design and construction, structural design of swimming pool and spa, seismic structural design, finish grading and surface design, foundation plan review and observation and testing. As conditioned in the subsequent section, the proposed project is considered consistent with the geologic hazard policies of the Coastal Act.

Irrigation and Swimming Pool Monitoring

The issue of irrigation is important for slope stability and water conservation purposes. As submitted, the applicant proposes extensive landscaping of the subject site, including lawn areas and various types of ornamental trees, shrubs and groundcovers. Much of the proposed landscaping will require large amounts of irrigation.

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

Nonetheless, the placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.caleppc.org/>) and California Native Plant Society (www.CNPS.org) in their publications.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term "drought tolerant" is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the

California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

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

Based on site-specific analysis of the subject site, the Commission is allowing installation of an in-ground irrigation system at the project site subject to several requirements. One such requirement restricts any in-ground irrigation within 25 feet of the bluff edge to minimize saturation of the bluff, which could lead to slope instability. The applicant will be required to install a separate meter for domestic water and landscaping irrigation. The applicant must also submit a mitigation plan to prevent potential leakage of the swimming pool and spa. The mitigation plan must include the use of a separate water meter and the use of special lining materials. With this, water usage can be closely monitored and leaks in either the pool or the irrigation system may be more easily detected. Additionally, the applicant is required to carry out regular monitoring and maintenance of the irrigation system.

Grading and Drainage

The existing drainage system was approved by the Commission under CDP No. 5-82-790-A, which allows neighborhood runoff to be directed through a pipe system running beneath the site immediately upcoast. Future development at the subject site will modify and increase post-development surficial discharge. Therefore, it is recommended that discharge be controlled and conducted offsite by appropriate design to preclude soil saturation and bluff erosion. As stated in the report, *"all finished grades should assure that no water ponds in the vicinity of footings or adjacent to the bluff slope."*

As proposed, the majority of site drainage will be conveyed to the slope bottom through multiple area drains, as shown in the Grading Plan prepared by Toal Engineering dated March 9, 2004. (A small area will drain to the frontage street.) Directing runoff to the street in this instance would achieve the same result as the proposed on-site subdrain system, as neighborhood runoff from the cul-de-sac is currently directed through the subject site for discharge beneath the crib wall. The proposed drainage system conforms to the requirements of the geotechnical report and assures appropriate discharge of off-site runoff. However, for water quality purposes, additional on-site filtration is required on the streetside of the property (see discussion in Section D).

3. Conclusions and Determination of Consistency

The coastal bluff at the subject site is considered grossly stable. However, in years past, bluff instability and erosion have detrimentally affected nearby properties in San Clemente due to soil saturation and high groundwater activity correlating to heavy rainfall. The problems on these nearby properties were exacerbated by poor drainage conditions. Even the proposed project site was subject to erosional problems that were remedied through drainage improvements and the construction of a crib wall on the adjacent property in the early 1980s. The geotechnical consultant concluded that the subject development will not be subject to the same instability issues if the recommended design and construction measures are adhered to. Additionally, staff has conducted a site visit and observed that the bluff face supports a substantial amount of drought-tolerant, non-native vegetation, which indicates that less surface area is open to

erosion from the wind, salt spray, exposure to the sun, and wetting and drying. The vegetation also means that there are root systems adding cohesion to the soils.

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

Geologic reports for blufftop development recommend setbacks for fixed residential structures and recommendations for other blufftop improvements. There is ample evidence in the City of San Clemente that the bluffs are adversely impacted by human development. Specifically, the installation of lawns, in-ground irrigation systems, inadequate drainage, and watering in general are common factors precipitating accelerated bluff erosion, landsliding and sloughing, necessitating protective devices.

In this case, the applicant has provided geotechnical data to support the siting of the buildings and swimming pool in their proposed configuration. As described previously, the residence will be sited 35 feet from the bluff edge at its closest point. No further structural setback is recommended by the consulting geologist.

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

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

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

Developments on blufftop lots in San Clemente are required to submit landscaping and irrigation plans, consisting primarily of native or drought-tolerant non-invasive plants, for the review and approval of the Executive Director, in order to be found in conformance with Section

30253 of the Coastal Act. Review of landscaping plans is necessary to assure that appropriate plant species are selected and limited watering methods are applied. In addition, appropriate vegetation can help to stabilize slopes. Native, drought-tolerant non-invasive plants common to coastal bluffs do not require watering after they become established, have deep root systems which tend to stabilize soils, are spreading plants and tend to minimize the erosive impact of rain, and provide habitat for native animals. Landscaping on blufftop lots that involves in-ground irrigation may lead to overwatering or sprinkler line breaks that can contribute to slope instability. Therefore, review and approval of final landscaping and irrigation plans is necessary prior to the issuance of a coastal development permit. In this case, the applicant submitted a planting plan which incorporates a majority of ornamental plantings. The quantity of water necessary to support primarily ornamental plantings is greater than that required for native and drought tolerant species. For slope stability and water conservation purposes, a landscaping palette with a majority of native or drought tolerant plant species is more appropriate at the subject site. The applicant must submit a revised planting plan showing such a plant mix.

The applicant must also submit a final grading and drainage plan to demonstrate that geotechnical recommendations have been incorporated accordingly. These may include recommendations for appropriate conveyance of rooftop and hardscape runoff, and avoidance of ponding or sheet flow that would contribute to slope instability. In this instance, the applicant has submitted a grading plan, which incorporates the recommended drainage and runoff control measures. However, the grading plan must be modified to reflect changes required by other conditions of approval of this permit—specifically, the incorporation of additional permeable area on site.

a. Special Conditions and Coastal Act Consistency

Development on a coastal bluff is inherently hazardous. Consequently, the Commission requires applicants on blufftop lots to comply with certain specific special conditions to bring the project into compliance with the resource protection policies of the Coastal Act. In this case, the special conditions relating to blufftop development include conformance with geotechnical recommendations; assumption of risk; no future bluff protective device; notification that future improvements must come back to the Commission for review; submittal of a mitigation plan for the swimming pool and spa to prevent leakage; submittal of a final grading and drainage plan, and submittal of a revised irrigation and landscaping plan showing the use of drought-tolerant non-invasive plant species.

Special Condition No. 1 requires the applicant to submit final project plans, which have been reviewed, signed and stamped by the geotechnical consultant. The geotechnical report includes specific recommendations for foundations, footings, drainage, etc. which will ensure the stability of the proposed residential structure and associated improvements.

Special Condition No. 2 requires the applicant to assume the risk of development. Although adherence to the required bluff top setback will minimize the risk of damage from erosion, the risk is not eliminated entirely. Therefore, the standard waiver of liability condition has been attached through Special Condition No. 2. By this means, the applicant is notified that the residence is being built in an area that is potentially subject to bluff erosion that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. Finally, recordation of the condition (through Special Condition 10) ensures that future owners of the property will be informed of the risks and the Commission's immunity for liability.

Special Condition No. 3 of the permit informs the applicant and their successors in interest that no bluff protective devices shall be permitted to protect the structures, pool, walkways, patios or future improvements if threatened by bluff failure. The development could not be approved if it

included provision for a bluff protective device. Instead, the Commission would require the applicant to set the development further landward.

Whereas Special Condition No. 3 applies to bluff protective measures, Special Condition No. 4 is a future development notification which states that any future improvements or additions on the property, including hardscape improvements, grading, landscaping, vegetation removal and structural improvements, require a coastal development permit or amendment to this permit from the Commission or its successor agency. This condition ensures that development on coastal bluffs which may affect the stability of the bluffs and residential structures or may require future bluff protective structures, require a coastal development permit.

Special Condition No. 5 requires the applicant to submit a final grading and runoff control plan that reflects any design changes made in response to Special Condition 8, which requires the incorporation of additional pervious surfaces where feasible. In keeping with the geotechnical recommendations, this condition requires that on-site runoff be conveyed in a non-erosive manner through area drains to the designated outlet point at the base of the existing crib wall next door. The plan must demonstrate that surface waters are directed away from the building foundations, walls and sloping areas.

Special Condition 6 requires the submittal of a mitigation plan to prevent potential leakage of the proposed pool and spa. This condition requires the applicant to 1) install a separate water meter for the pool and spa which is separate from the water meter for the house to allow for the monitoring of water usage for the pool and spa, and 2) identify the materials, such as plastic linings or specially treated cement, to be used to waterproof the undersides of the pool and spa to prevent leakage, and information regarding the past success rates of these materials.

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

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard, and assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Only as conditioned for conformance with geotechnical recommendations; assumption of risk; no future blufftop protective devices; future improvements; submittal of a final grading and drainage plan; submittal of a revised planting plan; and submittal of a revised hardscape plan does the Commission find the proposed development in conformance with Section 30253 of the Coastal Act.

C. WATER QUALITY

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

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the

protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Single-family residences have the potential to increase local runoff due to the creation of impervious areas. This runoff could carry with it pollutants such as suspended solids, oil and grease, nutrients, and synthetic organic chemicals. The proposed project involves the development of an existing vacant, undeveloped lot. While the project retains a substantial amount of open space (53,445 square feet of landscaping and 23,050 square feet of unimproved area) the project also includes 10,140 square feet of building coverage and 28,030 square feet of pavement; thereby decreasing current permeable area. Of this paved area, much is dedicated to vehicular uses such as driveways and motor courts. On site filtration of runoff through vegetated areas can reduce pollutants that might otherwise be carried into coastal waters from residential development, particularly that generated from motor vehicles. Further, providing opportunities for percolation of stormwater through permeable green space on site can also reduce the total volume of runoff leaving the developed site through the process of infiltration; thus, minimizing to the extent feasible, adverse impacts upon water quality.

In an effort to improve water quality through increased percolation, the Commission imposes Special Condition No. 8. This condition requires the applicant to submit a revised Site and Hardscape Plan showing that site runoff from the driveways and motor court areas are collected and directed in a non-erosive manner through vegetated areas such as turf block for filtration purposes where feasible. Only as conditioned for additional infiltration of site runoff does the Commission find the proposed development to be consistent with Sections 30230 and 30231 of the Coastal Act.

D. PUBLIC ACCESS

1. Coastal Act Policies

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

Section 30211 states:

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

Section 30212 (a) states:

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

The issue of public access was addressed by the Commission's approval of CDP P-81-7789, which allowed the original subdivision. The Commission, in its previous action at the site, required that lateral access be provided from the railroad right-of-way to the mean high tide line. The subject site is a blufftop lot within the subdivision, as shown in Exhibit 2. The proposed development will not affect the lateral access provided along the beach below. Therefore, the project, as it relates to lateral access, is consistent with Section 30212 of the Coastal Act.

In regard to vertical access, existing public vertical access to the beach is located approximately one-quarter mile south of the subject property at the improved Trestles accessway in San Diego County. (See Exhibit 3, Coastal Access Map) A newly completed military housing development and vacant property at San Mateo Point lies between the subject site and the Trestles accessway. The Trestles accessway is located on Federal Coast Guard property and is available to the public through an easement granted by the Department of the Navy to the State of California until the year 2021. Another coastal development permit (P-80-7164, Cyprus West) was conditioned to provide a 100-space parking lot to serve this accessway. Vertical access to the north exists at San Clemente State Beach approximately 1600 yards upcoast from the subject site. Additionally, there was an OTD located along the eastern portion of the Cotton Point subdivision site. As discussed previously, the Coastal Conservancy accepted the offer in February 2004. However, the easement has not been opened to public use. Nonetheless, the vertical access easement extends across the subject parcel and must remain free of any permanent development in case the easement is eventually opened. As currently proposed, portions of the proposed development encroach into the easement. These encroachments include an 18" high rock wall, driveway, sand volleyball court, and modular fence as shown in Exhibit 5. The applicant's agent contends that these features are non-permanent improvements that could be easily removed if necessary. Nonetheless, no development other than landscaping is to be allowed within the easement. Consequently, the Commission imposes Special Condition No. 9.

Special Condition No. 9 requires the applicant to submit revised project plans that demonstrate the removal of encroachments into the public access easement and prohibits the placement of any permanent improvement other than landscaping within the easement. As conditioned, the proposed project is consistent with the access provisions of the Coastal Act, specifically Sections 30211 and 30212.

E. SCENIC RESOURCES

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

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

The project is located on a blufftop lot less than one-quarter mile north of Trestles, a popular surfing spot in San Diego County. The site is located inland of the OCTA railroad tracks and the bluffward portion of the site is highly visible from the beach below. The site is also visible when traveling northbound along the 5 Freeway. Because the new residence will potentially affect views inland from the shoreline and from a major freeway, any adverse impacts must be minimized. Consequently, it is necessary to ensure that the development will be sited to protect views to and along the beach area and minimize the alteration of existing landforms.

As proposed, the project consists of a two-story Spanish style structure with swimming pool, decks, patios, walkways and landscaping. The project is designed to be compatible with development in the surrounding area and will not have an adverse effect on visual resources within the neighborhood.

The proposed structure will not be highly visible from the beach below, as it will be sited at least 35 feet from the bluff edge. All fencing and hardscape improvements will be set back at least 15 feet from the bluff edge. Additionally, the proposed project will not result in significant landform alteration, as the grading necessary for the proposed development will not be visible from the beach below.

In addition, the future development deed restriction will ensure that improvements are not made at the blufftop which could affect the visual appearance of the coastal bluff or affect the stability of the bluff. The landscaping condition requires that the applicant install native and/or drought-tolerant non-invasive plants throughout the site. The established vegetation on the bluff face will remain undisturbed.

A distant view of the site is available from the 5 Freeway when traveling northbound. However, the site is obscured by an existing concrete block wall and tall trees located along the County Line, as shown in the photograph on page 8. In addition, the southernmost portion of the site will remain free of development that would be visible from the freeway.

The proposed development will not obstruct significant coastal views from public vantage points. Therefore, the Commission finds that, as proposed and conditioned, the project is consistent with the visual resource protection policies of Section 30251 of the Coastal Act.

F. 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).

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

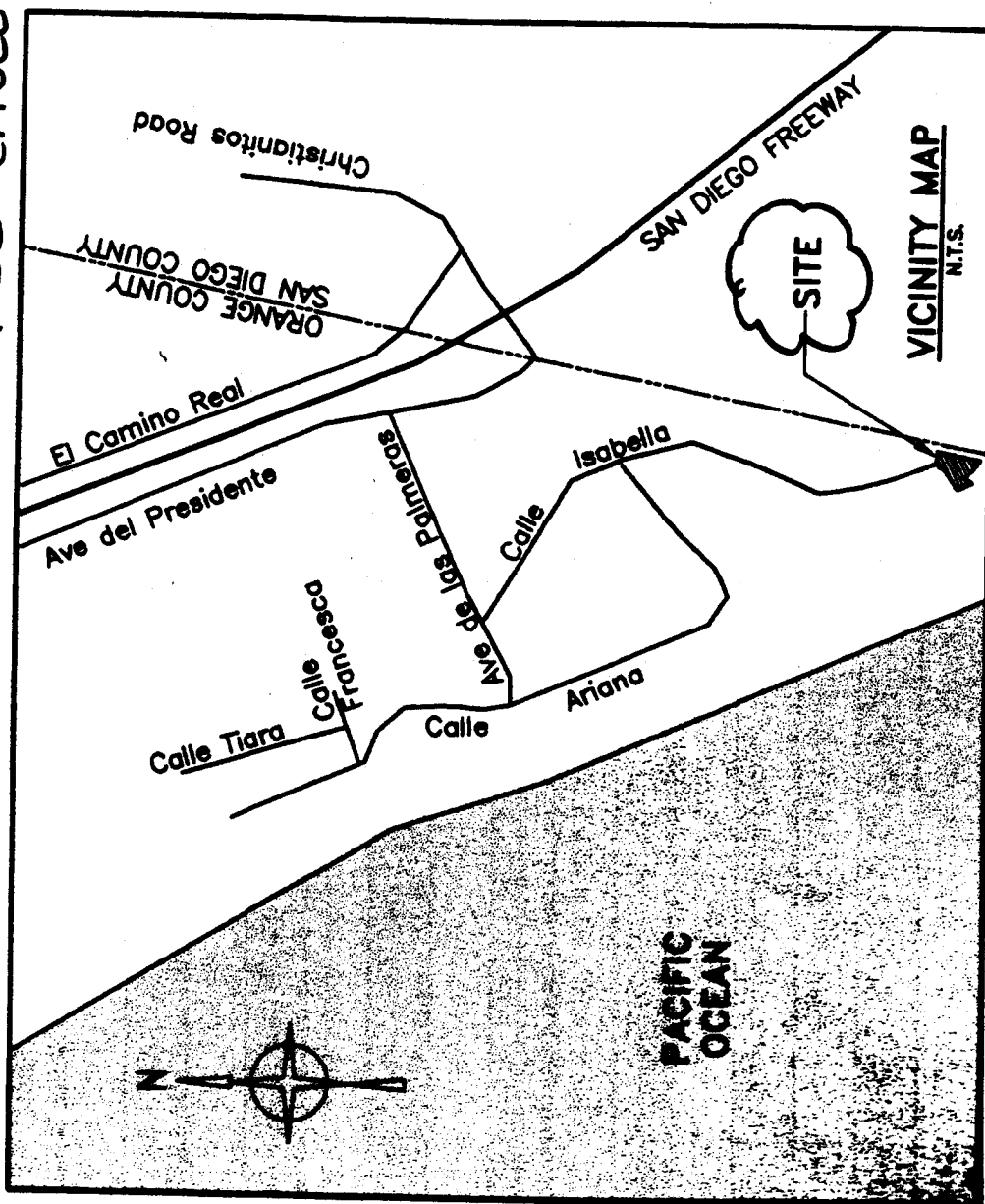
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

The project is located within an existing residential neighborhood. Development already exists on the subject site. In addition, the proposed development has been conditioned, as follows, to assure the proposed project is consistent with policies of the Coastal Act. 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 the applicant to assume the risk of development. Special Condition 3 prohibits the construction of any future protective devices to protect the

development approved by this permit. Special Condition 4 requires that proposals for future improvements be submitted to the Commission for a new permit or permit amendment. Special Condition 5 requires submission of a revised landscaping and irrigation plan, which shows that primarily native or drought-tolerant plant species will be planted in all landscaped areas and identifies specific irrigation requirements. Special Condition 6 requires the submittal of a mitigation plan to prevent potential leakage of the proposed pool and spa. Special Condition No. 7 requires the applicant to submit a revised site and hardscape plan showing incorporation of turf block driveways and motor courts to allow percolation for water quality purposes. Special Condition 8 requires the submittal of a revised grading and drainage plan. Special Condition 9 requires the applicant to submit a revised site plan showing relocation of the encroachments into the public access easement and prohibits the placement of any permanent improvement other than landscaping within the easement. Lastly, Special Condition 10 requires recordation of a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

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.

COLOMBATTO PROJECT-4130 CALLE ISABELLA



COASTAL COMMISSION

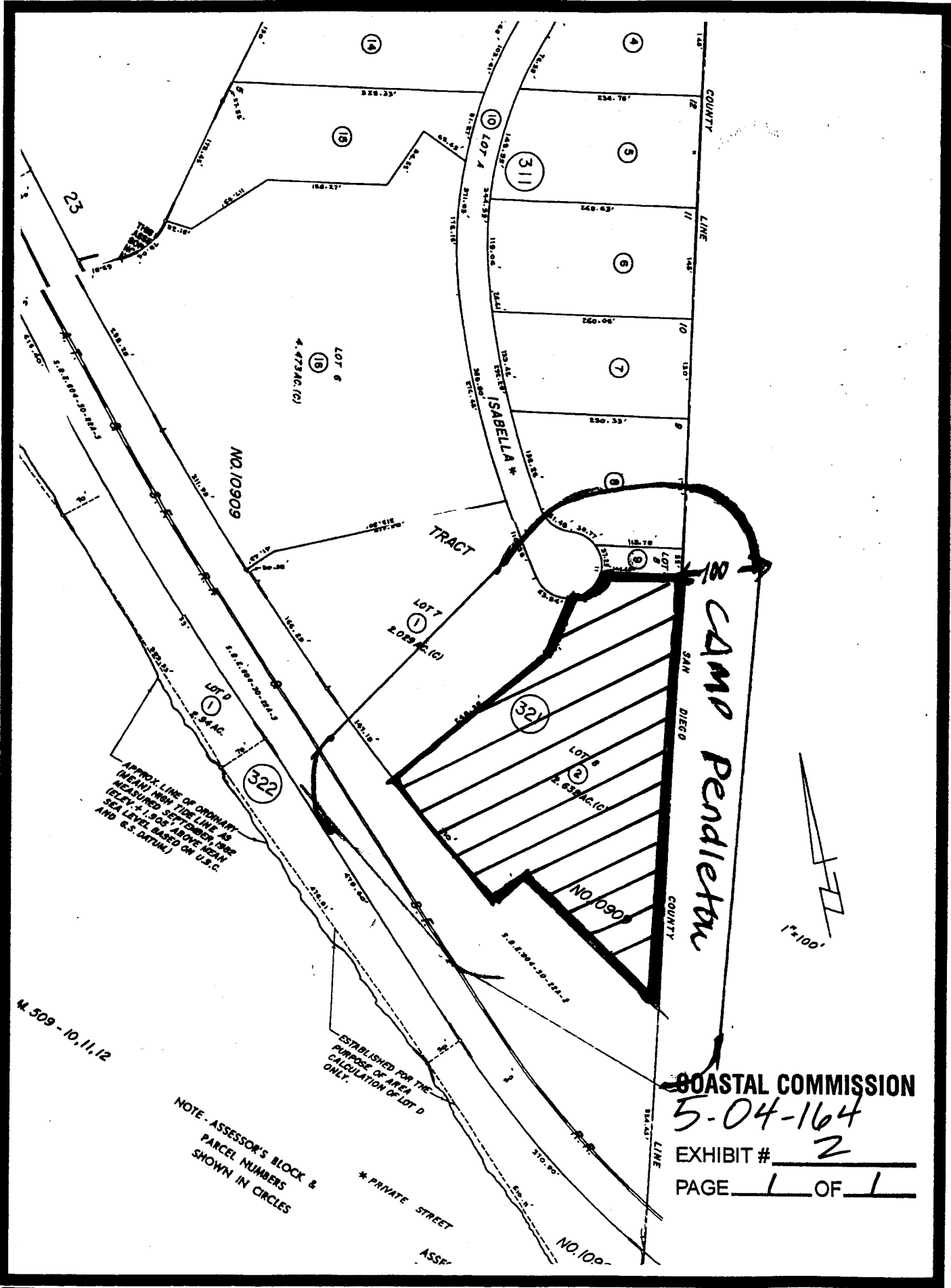
APR 29 2004

COASTAL COMMISSION

5-04-164

EXHIBIT # 1

PAGE 1 OF 1



Ownership Map

PREPARED BY: SUSAN W. CASE, INC.
 917 GLENNEYRE ST #7
 LAGUNA BEACH CA 92651
 949 494-6105

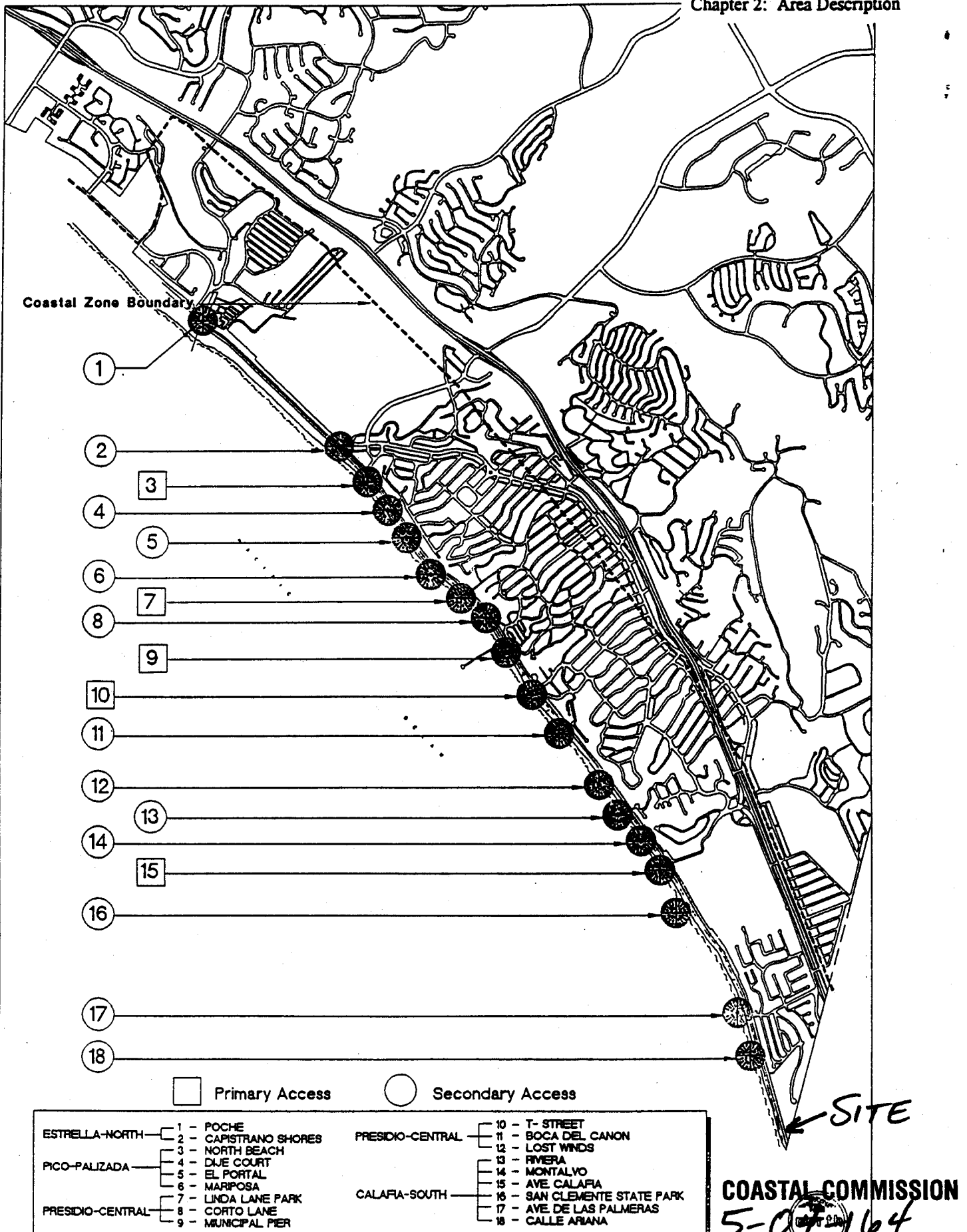
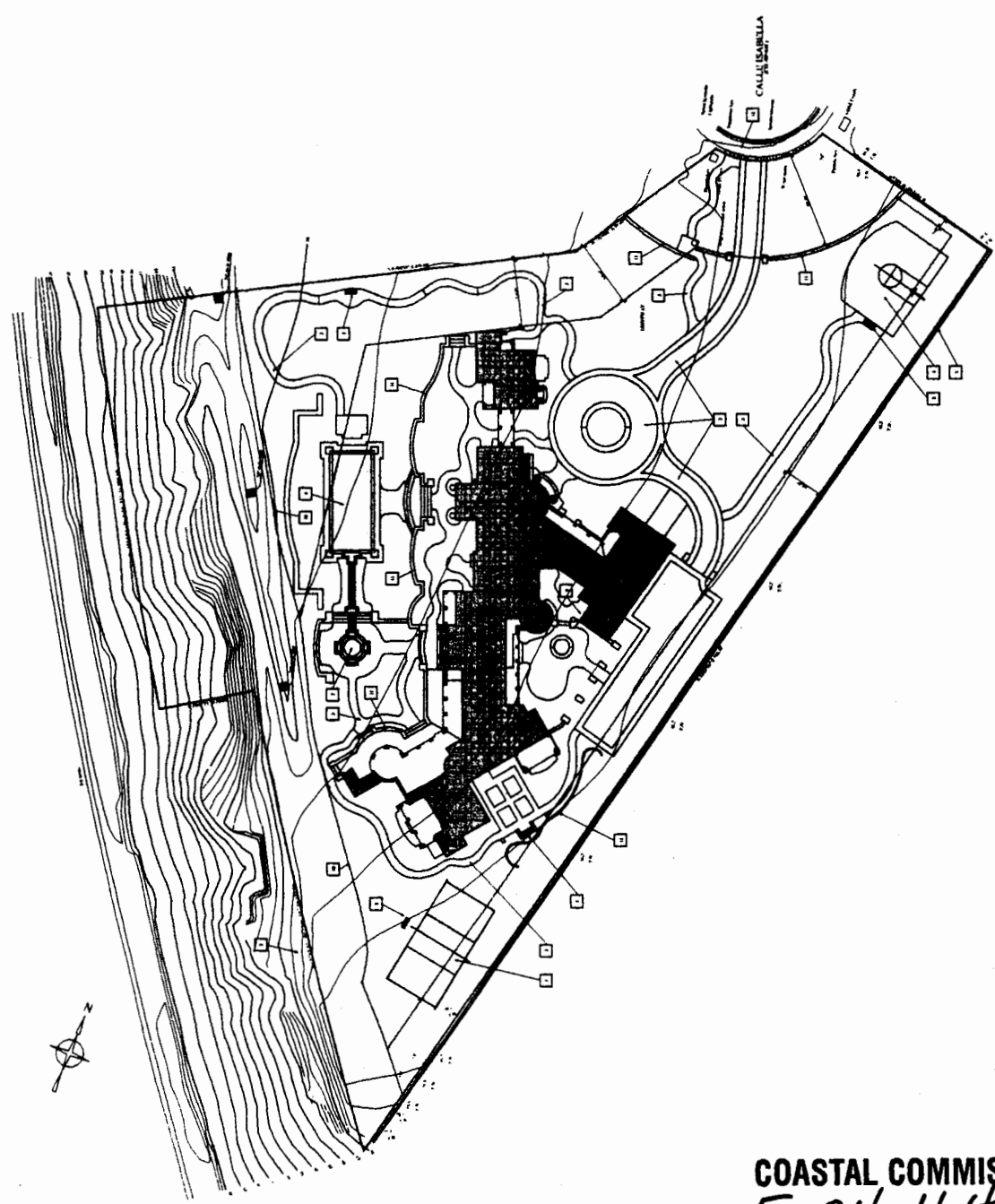


FIGURE 2-5



- NOTES
- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.
 - 2. THE EXISTING UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY.
 - 3. THE PROPOSED UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.
 - 4. THE PROPOSED UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.
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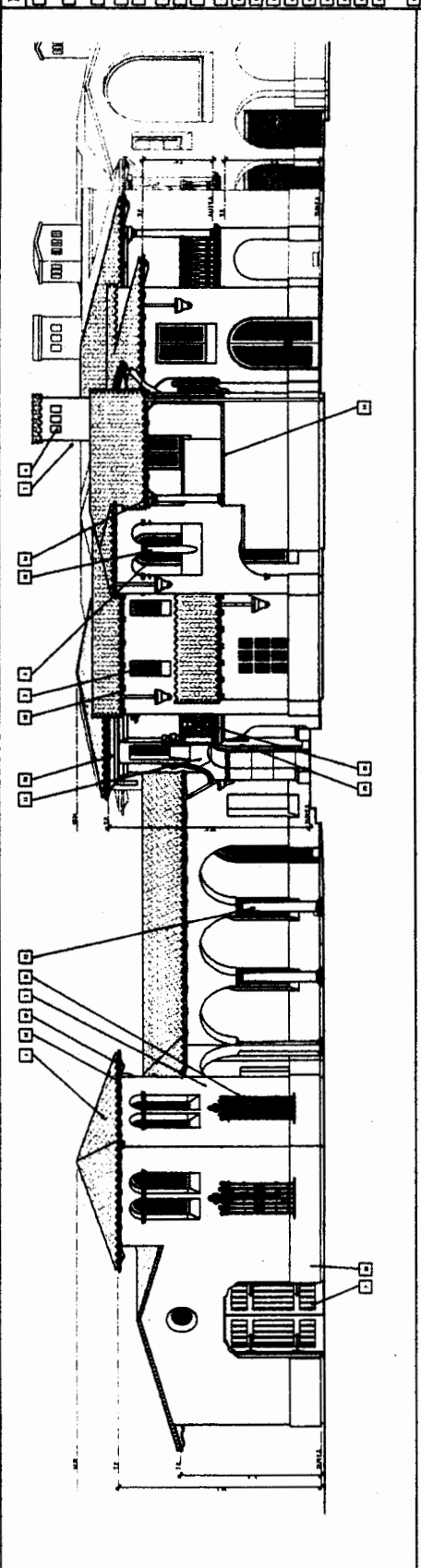


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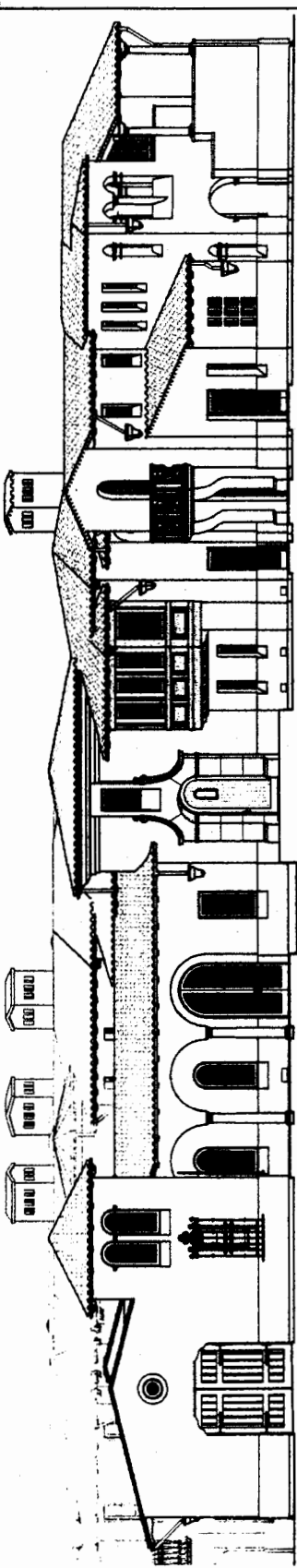
SITE PLAN

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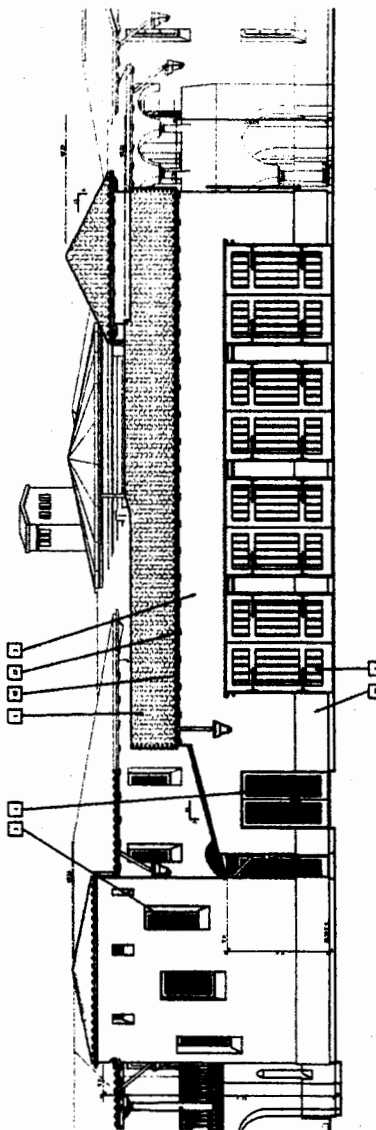
ADDITIONAL NOTES



NORTHWEST ELEVATION



NORTH ELEVATION - ENTRANCE VIEW



GARAGE EAST ELEVATION

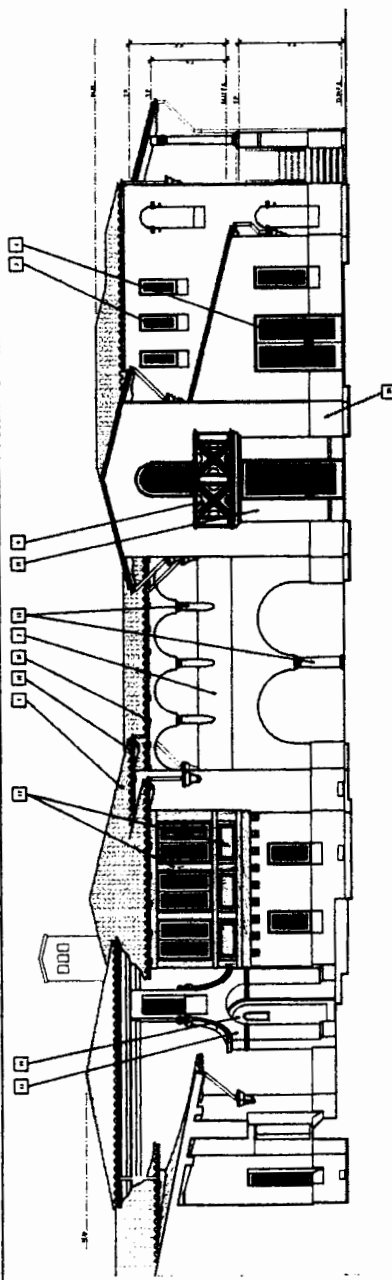
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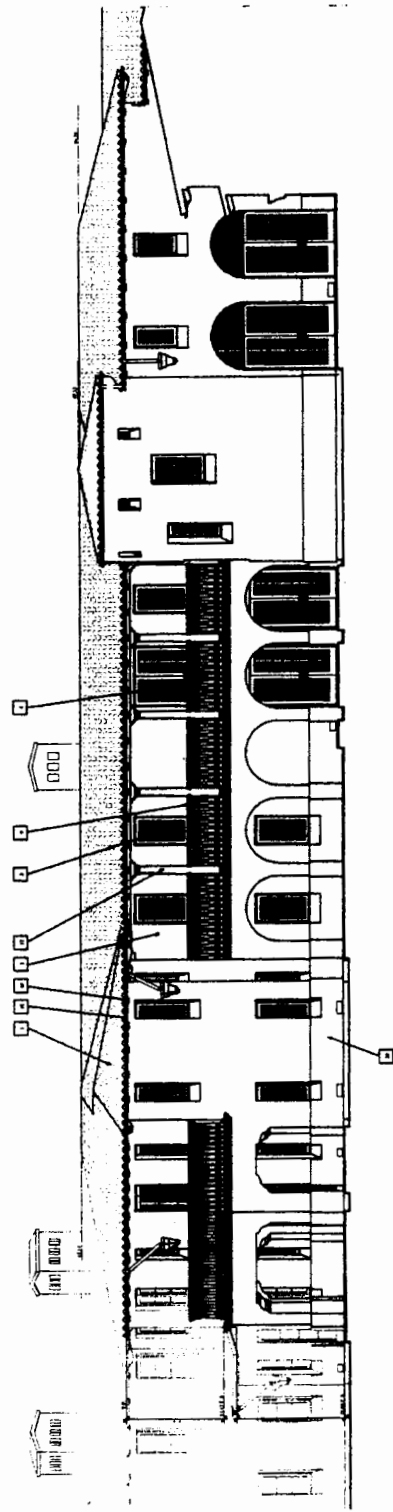
1. GENERAL NOTES: SEE SHEET A-12 FOR NOTES 1 THROUGH 10.
2. THE ARCHITECT'S DESIGN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE CITY OF SAN CLEMENTE. THE ARCHITECT MAKES NO WARRANTY AS TO THE ACCURACY OF THE INFORMATION PROVIDED.
3. THE ARCHITECT'S DESIGN IS BASED ON THE ASSUMPTION THAT THE SITE IS AS SHOWN ON THE SITE PLAN. THE ARCHITECT MAKES NO WARRANTY AS TO THE ACCURACY OF THE SITE PLAN.
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ADDITIONAL NOTES

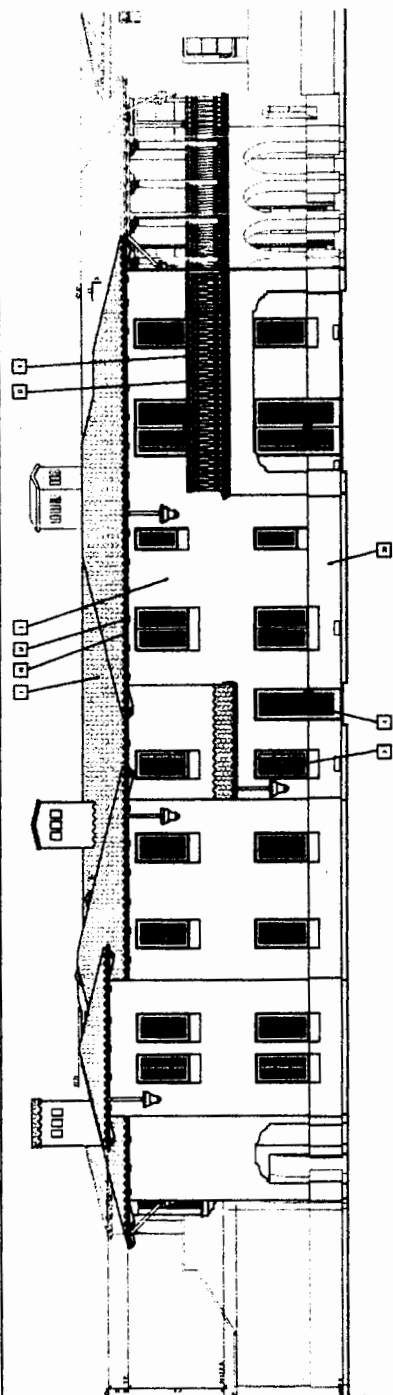
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PARTIAL NORTHEAST ELEVATION



PARTIAL NORTHEAST ELEVATION



EAST ELEVATION

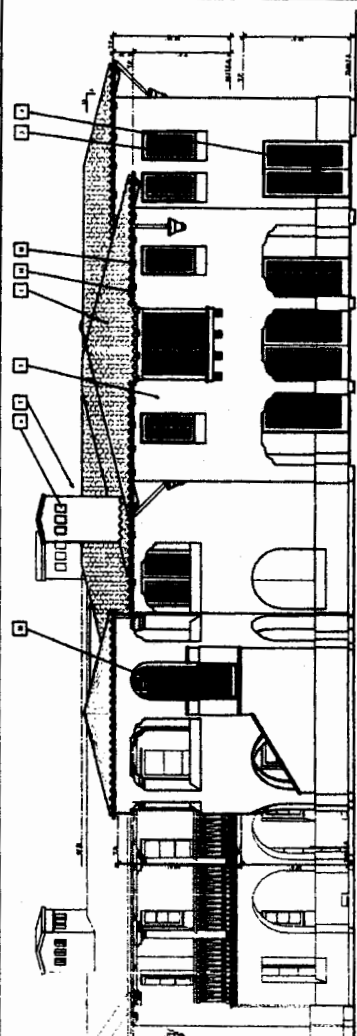
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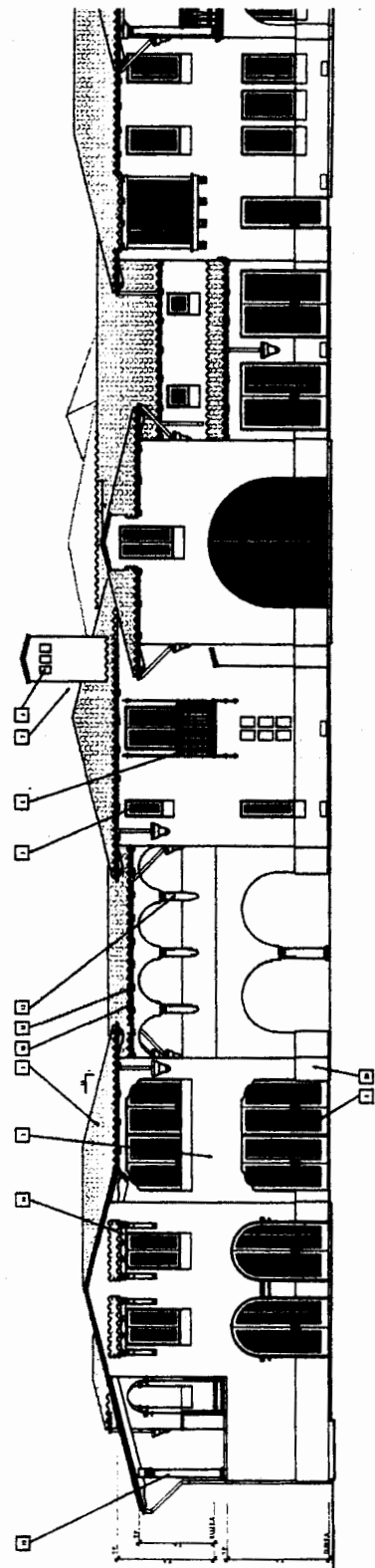
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2. SEE SHEET A-13 FOR MATERIALS AND FINISHES.
3. SEE SHEET A-13 FOR DIMENSIONS.
4. SEE SHEET A-13 FOR ELEVATIONS.
5. SEE SHEET A-13 FOR SECTION CUTS.
6. SEE SHEET A-13 FOR FOUNDATION.
7. SEE SHEET A-13 FOR ROOF.
8. SEE SHEET A-13 FOR MECHANICAL.
9. SEE SHEET A-13 FOR ELECTRICAL.
10. SEE SHEET A-13 FOR PLUMBING.
11. SEE SHEET A-13 FOR PAINTS AND COATINGS.
12. SEE SHEET A-13 FOR LANDSCAPE ARCHITECTURE.
13. SEE SHEET A-13 FOR INTERIORS.
14. SEE SHEET A-13 FOR EXTERIORS.
15. SEE SHEET A-13 FOR DETAILS.
16. SEE SHEET A-13 FOR SPECIFICATIONS.
17. SEE SHEET A-13 FOR SCHEDULES.
18. SEE SHEET A-13 FOR LEGEND.
19. SEE SHEET A-13 FOR INDEX.
20. SEE SHEET A-13 FOR TITLES.

ADDITIONAL NOTES

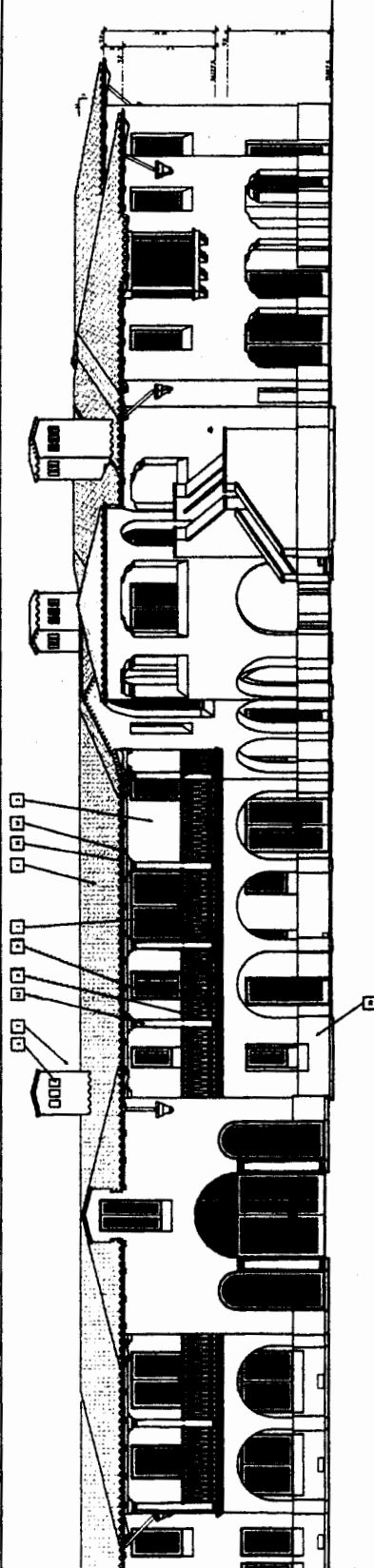
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SOUTH ELEVATION



PARTIAL SOUTHWEST ELEVATION



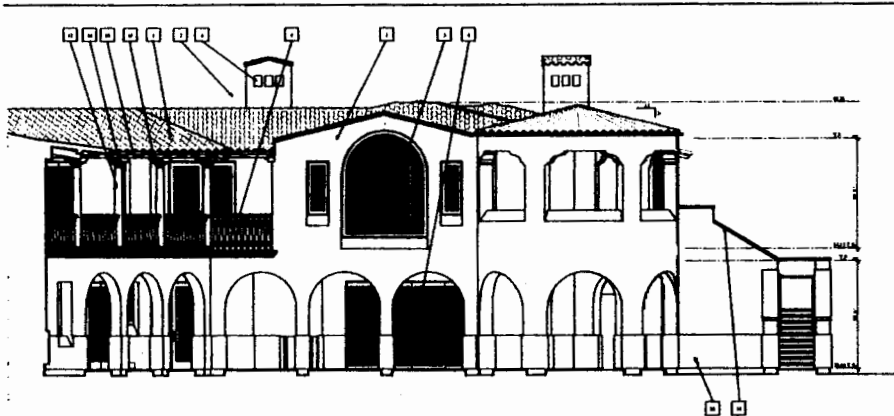
PARTIAL SOUTHWEST ELEVATION

COASTAL COMMISSION

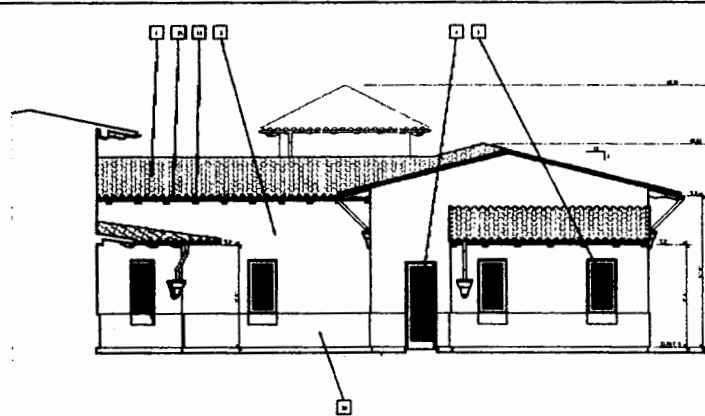
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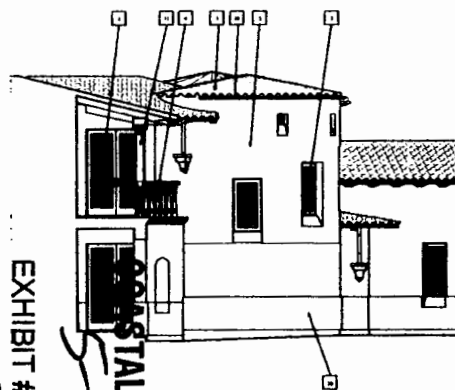
PAGE 4 OF 7



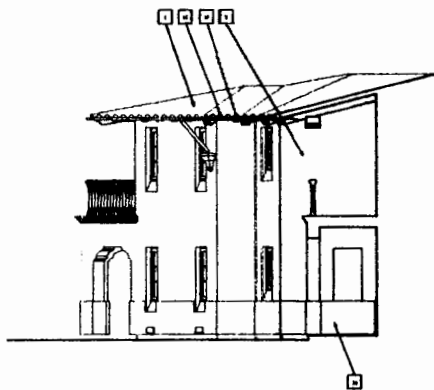
SOUTH WING WEST ELEVATION



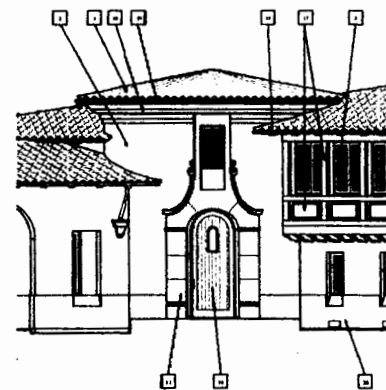
GARAGE SOUTH ELEVATION



COURTYARD NORTH ELEVATION



COURTYARD SOUTH ELEVATION



ENTRY TOWER ELEVATION

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SOUTHWEST ELEVATION

NOTES

1. EXISTING BUILDING TO BE DEMOLISHED AND REPLACED BY NEW BUILDING.
2. NEW BUILDING TO BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING NOTES.
3. ALL DIMENSIONS ARE IN FEET AND INCHES.
4. ALL MATERIALS AND FINISHES TO BE APPROVED BY THE ARCHITECT.
5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES.
6. ALL UTILITIES TO BE LOCATED AND DEPTH NOTED PRIOR TO CONSTRUCTION.
7. ALL FOUNDATIONS TO BE DESIGNED BY A LICENSED CIVIL ENGINEER.
8. ALL ROOFS TO BE DESIGNED BY A LICENSED STRUCTURAL ENGINEER.
9. ALL MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS TO BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER.
10. ALL CONSTRUCTION TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

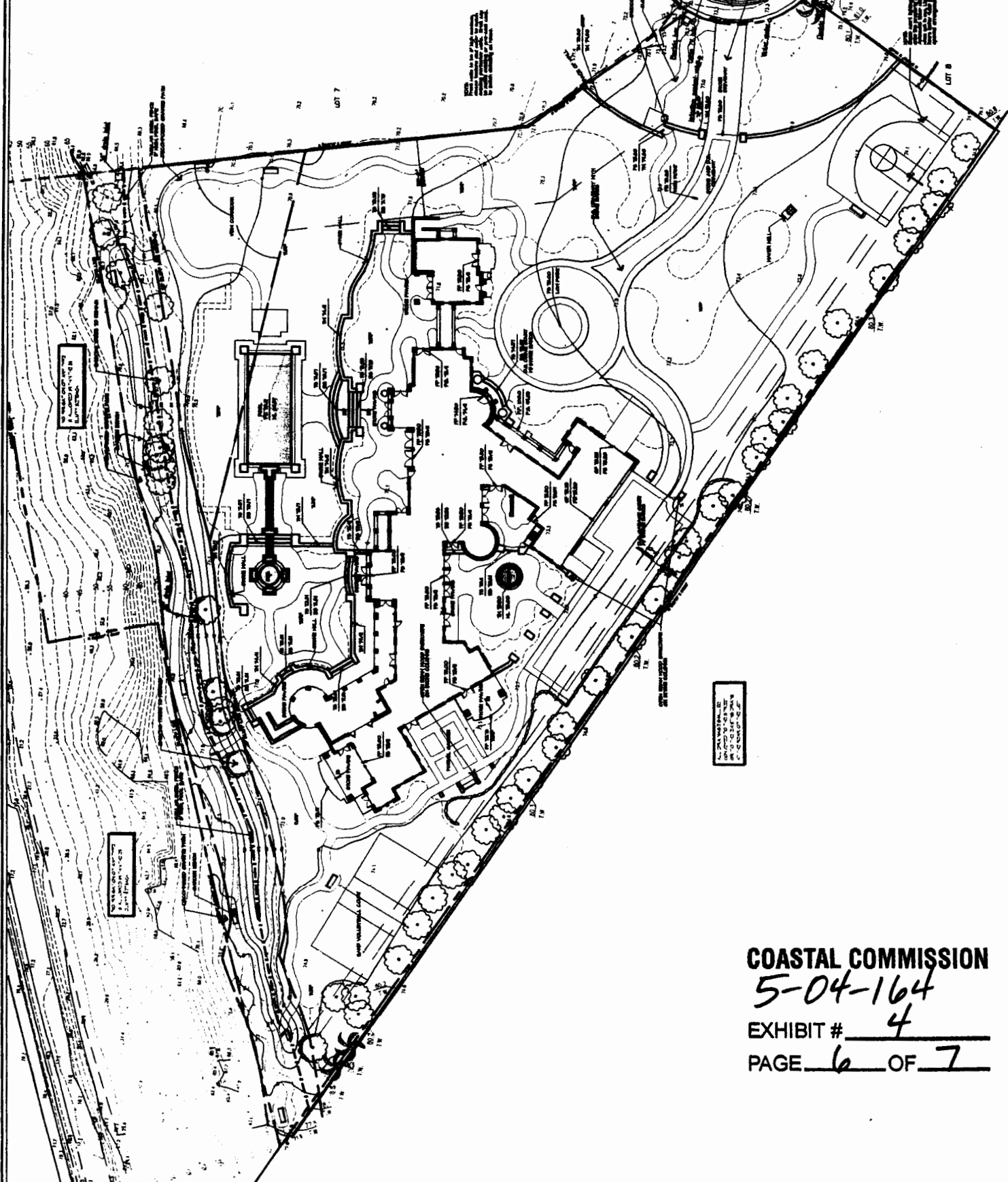
ADDITIONAL NOTES

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2. ALL MATERIALS AND FINISHES TO BE APPROVED BY THE ARCHITECT.
3. ALL UTILITIES TO BE LOCATED AND DEPTH NOTED PRIOR TO CONSTRUCTION.

JAMES L. GLOVER JR., DESIGNER
4020 CALLE LOUISA, SAN CLEMENTE, CALIFORNIA 92672 (949) 492-7618

1. *What is the purpose of the study?*
2. *What are the research questions?*
3. *What is the significance of the study?*
4. *What are the limitations of the study?*
5. *What are the conclusions of the study?*
6. *What are the implications of the study?*
7. *What are the future research directions?*
8. *What are the key findings of the study?*
9. *What are the strengths of the study?*
10. *What are the weaknesses of the study?*

[The page contains dense handwritten notes in cursive script, likely from a manuscript or ledger.]

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COASTAL COMMISSION

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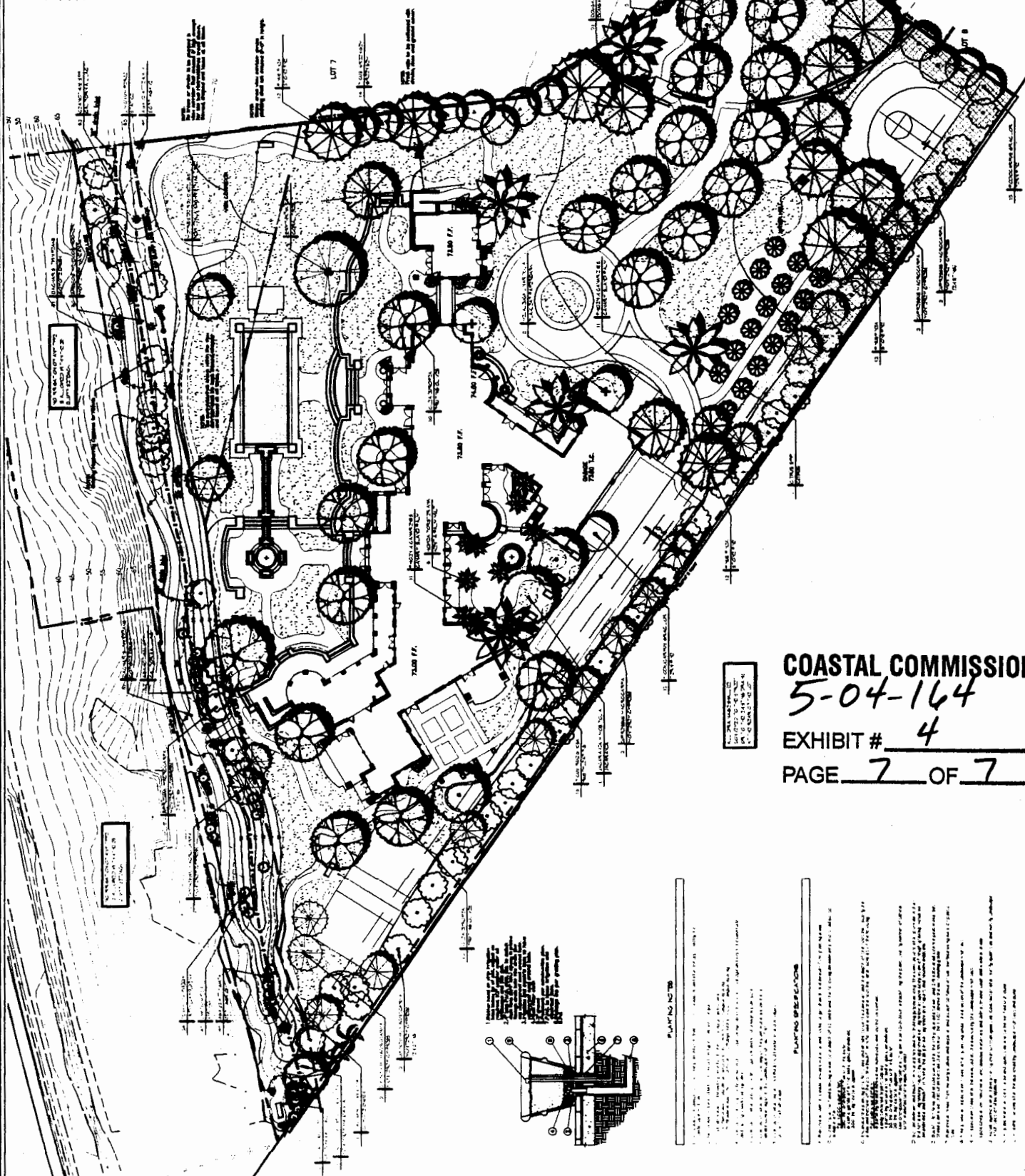
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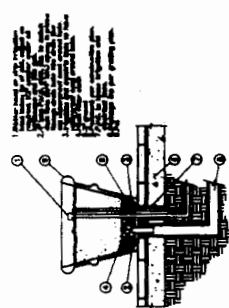
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PLANNING PLAN
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15 FOOT WIDE
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