CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

RECORD PACKET COPY

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Filed:	August 5, 2004
49th Day:	September 23, 2004
Staff:	GDC-SD
Staff Report:	August 19, 2004
Hearing Date:	September 8-10, 2004

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Encinitas

DECISION: Approved with Conditions

APPEAL NO.: A-6-ENC-04-81

APPLICANT: Mark and Sena Hendrick

PROJECT DESCRIPTION: Demolish an existing single-family residence and construct approximately 3,376 sq. ft. two-story single-family residence that includes an approximately 1,604 sq. ft. basement garage and a cantilevered second story on a 9,758 sq. ft. blufftop lot.

PROJECT LOCATION: 736 Fourth St., Encinitas, San Diego County.
APN No. 258-153-05

APPELLANT: Robert W. Marshall

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that substantial issue exists with respect to the grounds on which the appeal has been filed.

SUBSTANTIVE FILE DOCUMENTS: Appeal Application by Robert W. Marshall dated August 5, 2004; City of Encinitas Case #03-165/DR/MIN/CDP; Christian Wheeler Engineering 2003, "Report of preliminary geotechnical investigation, proposed Hendrick residence, 736 4th Street, Encinitas, California; Geopacifica Geotechnical Consultants 2003, "Third party review, Case No: 03-165 DR/CDP, 736 Fourth Street, APN: 258-153-05, Applicant: Mark Hendrick", dated 29 September 2003; Ahles Landscape Architecture 2003, "Landscape plans for Hendrick residence, 736 Fourth Avenue, Encinitas, California" dated 8 October 2003; Cohn and Associates 2003, "Hendrick residence, Fourth Street, Encinitas, California", 5 p. architectural plans dated 10 October 2003; American Geotechnical, Inc. 2004, "Slope stability analyses, proposed development, 736 4th Street, Encinitas, California" dated 15 June 2004; Christian Wheeler Engineering

2004, "Response to appeal of City of Encinitas Planning Commission approval of design review permit, minor use permit, and coastal development permit, proposed single-family residence, 736 4th Street, Encinitas, California", dated 6 July 2004; Geopacifica Geotechnical Consultants 2004, "Review of geotechnical reports and appeal, Hendrick residence, 736 4th Street, Encinitas, California, 03-165 DR/HA/CDP dated 8 July 2004; American Geotechnical, Inc. 2004, "Review of report by consultant for City of Encinitas and Christian Wheeler Engineering, proposed development, 736 4th Street, Encinitas, California, dated 14 July 2004; "A-6-ENC-04-081 (Hendrick) Appeal", Geotechnical Review Memorandum from Dr. Mark Johnsson dated August 13, 2004.

I. Appellant Contends That: The City's decision is inconsistent with several provisions of the City's LCP which require that new development on the blufftop be supported by a site specific geotechnical report that addresses the necessary bluff edge setback for new development based on overall site stability and the potential need of shoreline protection over the lifetime of the development. The appellant contends that the geotechnical reports reviewed and approved by the City failed to adequately consider several factors including the impact of construction activity involving a basement on bluff stability, ground water conditions, evidence of recent landslide conditions, and a slope failure analysis demonstrating a safety factor against sliding of 1.5. Because an adequate geotechnical assessment was not performed, the appellant contends that it is not known if the proposed bluff edge setback for the subject residence is adequate to assure structural stability for the life of the structure as required by the certified LCP.

II. Local Government Action: The coastal development permit was approved by the City of Encinitas Planning Commission on June 3, 2004. The Planning Commission decision was appealed by Mr. Marshall to the City Council and on July 21, 2004, the City Council affirmed the Planning Commission decision. Specific conditions were attached which, among other things, require all site runoff to be directed away from the bluff to the street, prohibit future bluff protection for all accessory structures located within the 40 ft. coastal bluff setback if threatened in the future, require removal of threatened sections of accessory structures within the 40 ft. setback when bluff edge erodes within one foot of the accessory improvements and prohibit permanent automatic irrigation devices within 40 ft. of the edge of the bluff.

III. Appeal Procedures. After certification of a municipality's Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permit applications. One example is that the approval of projects within cities and counties may be appealed if the projects are located within mapped appealable areas. The grounds for such an appeal are limited to the assertion that "development does not conform to the standards set forth in the certified local coastal program or the [Coastal Act] public access policies." Cal. Pub. Res. Code § 30603(b)(1). Where the local government action is approvable on the basis that the project is located between the sea and the first public road paralleling the sea or

within 300 ft. of the mean high tide line, the grounds are limited to those contained in Section 30603(b)(1) of the Coastal Act.

After the local government has taken final action on an appealable project, it must send a notice of that final action (NOFA) to the Commission. Cal. Pub. Res. Code § 30603(d); 14 C.C.R. § 13571. Upon proper receipt of a valid NOFA, the Commission establishes an appeal period, which runs for 10 working days. Cal. Pub. Res. Code § 30603(c); 14 C.C.R. § 13110 and 13111(b). If an appeal is filed during the appeal period, the Commission must "notify the local government and the applicant that the effective date of the local government action has been suspended," 14 C.C.R. § 13572, and it must set the appeal for a hearing no later than 49 days after the date on which the appeal was filed. Cal. Pub. Res. Code § 30621(a).

Section 30625(b)(2) of the Coastal Act requires the Commission to hear an appeal of the sort involved here unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed to a de novo hearing on the merits of the project, either immediately or at a later date, with the hearing held open in the interim.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project either immediately or at a subsequent meeting. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Coastal Act requires that, for a permit to be granted, a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: ***I move that the Commission determine that Appeal No. A-6-ENC-04-81 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.***

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. ***A-6-ENC-04-81*** presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Findings and Declarations.

1. Project Description. The proposed development involves the demolition of an existing one-story single-family blufftop residence and construction of an approximately 3,376 sq. ft. two-story single-family residence that includes an approximately 1,604 sq. ft. basement garage and a cantilevered second story on a 9,758 sq. ft. blufftop lot. Also proposed are an at-grade deck and other minor accessory improvements to be located within the 40-foot blufftop setback area. The existing single-family residence is set back approximately 12 feet from the edge of the approximately 85 foot-high coastal bluff and the subject residence is proposed to be set back approximately 40 feet from the edge of the bluff.

The existing single-family residence was constructed prior to enactment of the Coastal Act and, subsequently, no other application for coastal development on the subject blufftop or on the bluffs below has been reviewed or approved by the Commission. In addition, based on a review of the geotechnical reports submitted with the appeal, there is no evidence of any existing shoreline protection devices on or below the subject bluff. The approximately 10,454 sq. ft. subject site is located on the west side of Fourth St in the City of Encinitas approximately 6 blocks south of the Moonlight Beach Park and approximately 4 blocks north of "Swamis" Beach Park.

2. Geologic Stability. Public Safety (PS) Policy 1.3 of the City's LUP requires that:

> The City will rely on the Coastal Bluff and Hillside/Inland Bluff Overlay Zones to prevent future development or redevelopment that will represent a hazard to its owner or occupants, and which may require structural measures to prevent destructive erosion or collapse.

In addition, PS Policy 1.6 of the LUP requires that:

> The City shall provide for the reduction of unnatural causes of bluff erosion, as detailed in the Zoning Code, by:
>
> [. . .]
>
> f. Requiring new structures and improvements to existing structures to be set back 25 feet from the inland blufftop edge, and 40 feet from coastal blufftop edge with exceptions to allow a minimum coastal blufftop setback of no less than 25 feet. For all development proposed on coastal blufftops, a site-specific geotechnical report shall be required. The report shall indicate that the coastal setback will not result in risk of foundation damage resulting from bluff erosion or retreat to the principal structure within its economic life and with other engineering evidence to justify the coastal blufftop setback. (Emphasis added)

In addition, Section 30.34.020(D) of the City's Certified IP states, in part, that:

> D. APPLICATION SUBMITTAL REQUIREMENTS. Each application to the City for a permit or development approval for property under the Coastal Bluff Overlay Zone shall be accompanied by a soils report, and either a geotechnical review or geotechnical report as specified in paragraph C "Development Processing and Approval" above. Each review/report shall be prepared by a certified engineering geologist who has been pre-qualified as knowledgeable in City standards, coastal engineering and engineering geology. The review/report shall certify that the development proposed will have no adverse affect on the stability of the bluff, will not endanger life or property, and that any proposed structure or facility is expected to be reasonably safe from failure and erosion over its lifetime without having to propose any shore or bluff stabilization to protect the structure in the future. Each review/report shall consider, describe and analyze the following: (Ord. 95-04)
>
> 1. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;
>
> 2. Historic, current and foreseeable-cliffs erosion, including investigation or recorded land surveys and tax assessment records in addition to land use of historic maps and photographs where available and possible changes in shore configuration and sand transport;

3. Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features, such as bedding, joints and faults;

4. Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity;

5. Impact of construction activity on the stability of the site and adjacent area;

6. Ground and surface water conditions and variations, including hydrologic changes caused by the development e.g., introduction of irrigation water to the ground water system; alterations in surface drainage);

7. Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design);

8. Effects of marine erosion on seacliffs and estimated rate of erosion at the base of the bluff fronting the subject site based on current and historical data; (Ord. 95-04)

9. Potential effects of seismic forces resulting from a maximum credible earthquake;

10. Any other factors that might affect slope stability;

11. Mitigation measures and alternative solutions for any potential impacts.

The report shall also express a professional opinion as to whether the project can be designed or located so that it will neither be subject to nor contribute to significant geologic instability throughout the life span of the project. The report shall use a current acceptable engineering stability analysis method and shall also describe the degree of uncertainty of analytical results due to assumptions and unknowns. The degree of analysis required shall be appropriate to the degree of potential risk presented by the site and the proposed project.

In addition to the above, each geotechnical report shall include identification of the daylight line behind the top of the bluff established by a bluff slope failure plane analysis. This slope failure analysis shall be performed according to geotechnical engineering standards, and shall:

- Cover all types of slope failure.

- Demonstrate a safety factor against slope failure of 1.5.

- Address a time period of analysis of 75 years.

The project approved by the City is located within the Coastal Bluff Overlay Zone and involves the demolition of an existing one-story single-family residence and construction of an approximately 3,376 sq. ft. two-story single-family residence that includes an approximately 1,604 sq. ft. basement garage and a cantilevered second story that extends up to 8 ft. into the 40 ft. setback. The new residence will be sited 40 ft. from the edge of an approximately 85 ft.-high coastal bluff subject to marine erosion. The appellant contends that the geotechnical report prepared for the subject development, which asserts that a 40 foot setback will be adequate to protect the foundation of the residence from coastal erosion or retreat over its lifetime without requiring construction of any shoreline protective device, was inadequately prepared such that it cannot be determined if the proposed geologic setback of 40 ft. is adequate to meet the standards of the Section 30.34.020(D) of the City's certified IP.

The appellant specifically asserts the slope stability analysis prepared by the applicants' representative used a higher soil cohesion value for the terrace deposits than was found in the core samples extracted from the subject property. The applicants' slope stability analysis estimates the minimum factor of safety of 1.5 against sliding to be located between 33 and 39 ft. from the edge of the bluff, based on application of the slope stability analyses on two cross-sections of the property. The appellant asserts that the applicants' core samples extracted from the property determined soil cohesion values to be from 125 pounds per square foot (psf) to 250 psf. However, instead of using these site-specific soil cohesion values, the applicants' slope stability analyses used a value of 300 psf without any justification. The appellant asserts that use of a soil cohesion value other than that found to exist onsite was inappropriate.

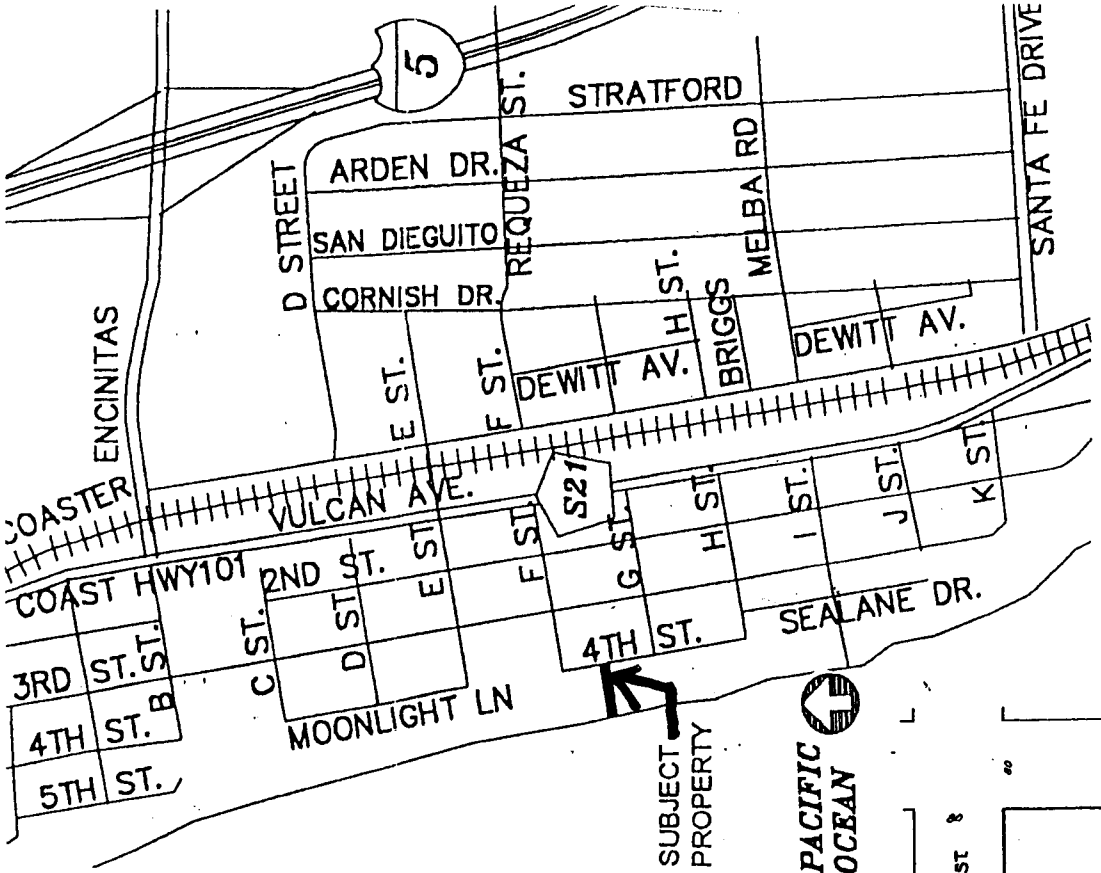
The appellant also asserts that three other issues were inadequately addressed by the applicants' geotechnical report. The appellant asserts the report failed to adequately evaluate the role of ground water and its affect on slope stability, failed to adequately address a block failure which occurred two lots south of the subject site in recent years and failed to adequately evaluate the impact construction activities involving the proposed approximately 1,604 sq. ft. basement garage would have on bluff stability (ref. Exhibit #4).

The Commission's staff geologist, Dr. Mark Johnsson has reviewed the appellant's assertions and the geotechnical reports prepared by the applicants' representative. Based on his review (ref. Exhibit #5), the Commission's staff geologist has determined that many of the issues raised by the appellant were adequately addressed in the applicants' geotechnical reports. Specifically, Dr. Johnsson believes the role of groundwater on slope stability, the affect of nearby block falls and the potential for adverse impacts to the bluffs involving construction of the basement were adequately evaluated. However, it is Dr. Johnsson's opinion that the use of a higher soil cohesion value than was found to

occur as result of the onsite boring, "is not well supported by the data". In addition, "it is possible that use of the actual cohesion valued measured would push the 1.5 factor of safety line landward . . .". Therefore, if the lower values which were actually found onsite were used in the calculations, it is possible the 1.5 factor of safety location would be landward of the 33 to 39 ft. from the bluff edge. However, since the applicants did not perform the calculations using the actual values found on site, it is not known where the 1.5 factor of safety line is located. Therefore, it appears that the geotechnical report approved by the City is inadequate to determine an appropriate safe setback for new development on the blufftop which is inconsistent with the requirements of Section 30.34.020(D) of the City's certified IP. Thus, the appellant has raised a substantial issue.

In addition, however, as Dr. Johnsson explains in his attached memo (Exhibit #5), the location of the 1.5 factor of safety is but one part of the equation needed to determine an adequate setback for new development on a coastal bluff. To this must also be added the erosion rate for the site. In this case, the geotechnical report approved by the City identifies that the long-term erosion rate for the site is in the range of 0.15 to .27 feet per year. The report takes the medium value and predicts 16 ft. of erosion over 75 years. Dr. Johnsson agrees the range of erosion rate estimates, but recommends a more conservative estimate of the erosion by use of the maximum erosion rate of 0.27 feet per year, which translates into approximately 20 ft. of erosion over 75 years. Therefore, in estimating an appropriate setback for development it is necessary to add the approximately 20 ft. of erosion over 75 years to the setback to required to reach a 1.5 factor of safety. For instance, in this case, if the location of the 1.5 factor of safety for the two cross-sections analyzed, (i.e., 33 to 39 ft.) were added to the erosion rate over 75 years (i.e., 20 ft.), Dr. Johnsson would recommend a geologic setback of approximately 53 to 59 ft. from the edge of the bluff. In this case, the City only required a setback of 40 ft. However, Dr. Johnsson's opinion is only an approximation since the applicants' slope stability analyses for determining the 1.5 factor of safety failed to adequately support the use of the 300 psf soil cohesion value instead of the soil cohesion values found from the onsite core samples. Therefore, since the information necessary to determine an adequate geologic setback was not well supported, the City's action in accepting the applicants' geologic assessment raises a substantial issue with respect to the grounds on which the appeal was filed.

In summary, in approving the geologic setback of 40 ft. from the edge of the bluff for the proposed single-family residence the City did not have sufficient information to determine an adequate geologic setback, as the geotechnical reports required by the LCP did not meet all of the applicable standards. In addition, based on the information that was provided, it appears that an insufficient setback may have been approved such that the approved development may require shoreline protection over its lifetime, which would be inconsistent with Section 30.34.020(D) of the City's certified IP. Therefore, the City's action raises a substantial issue regarding consistency with at least some of the requirements of the LCP as asserted by the appellant.



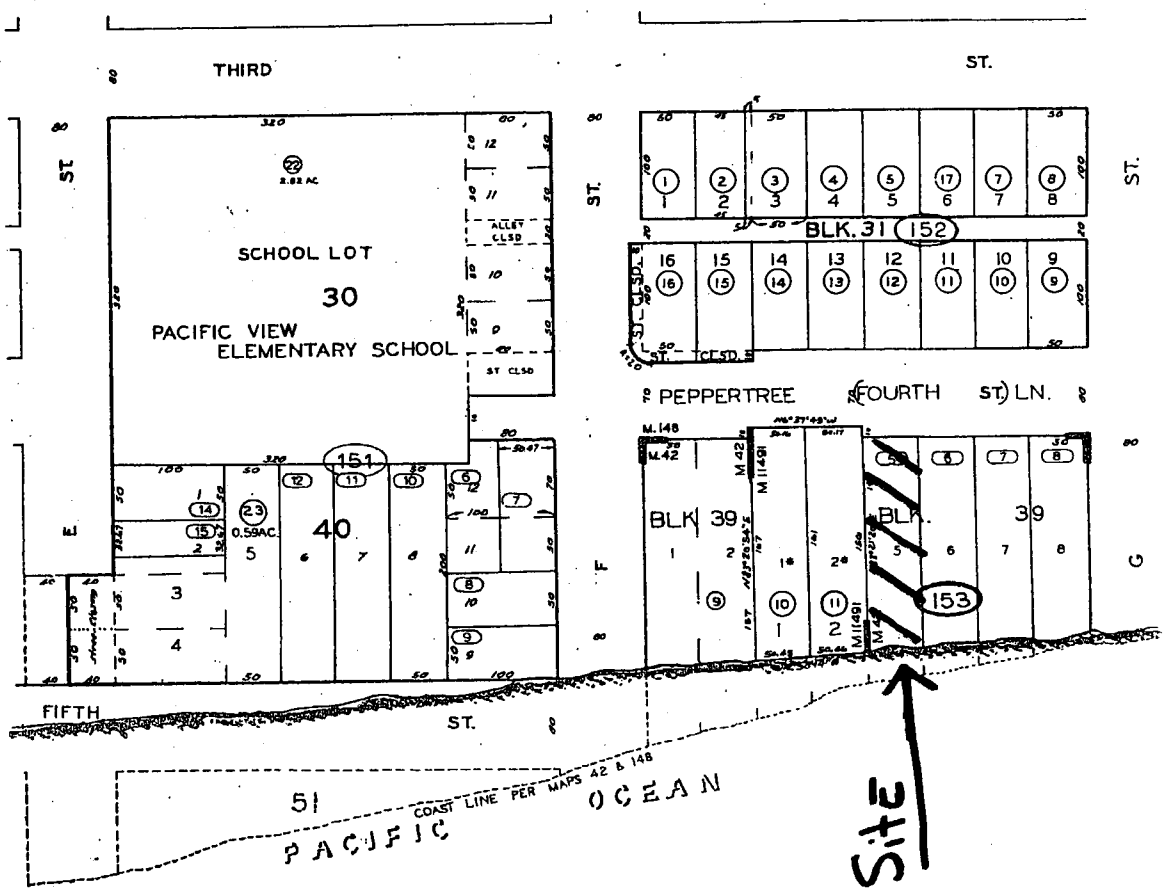


EXHIBIT NO. 1
APPLICATION NO.
A-6-ENC-04-81
Location Map
California Coastal Commission

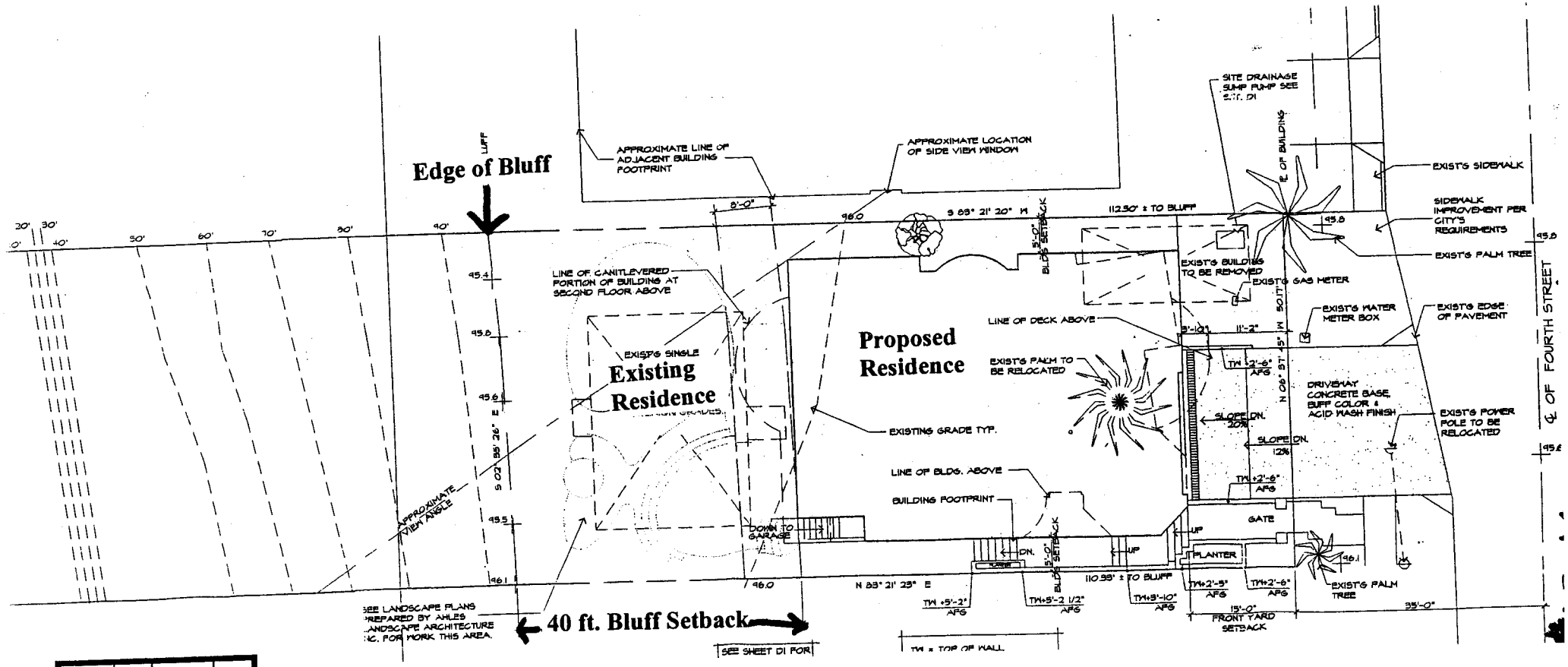
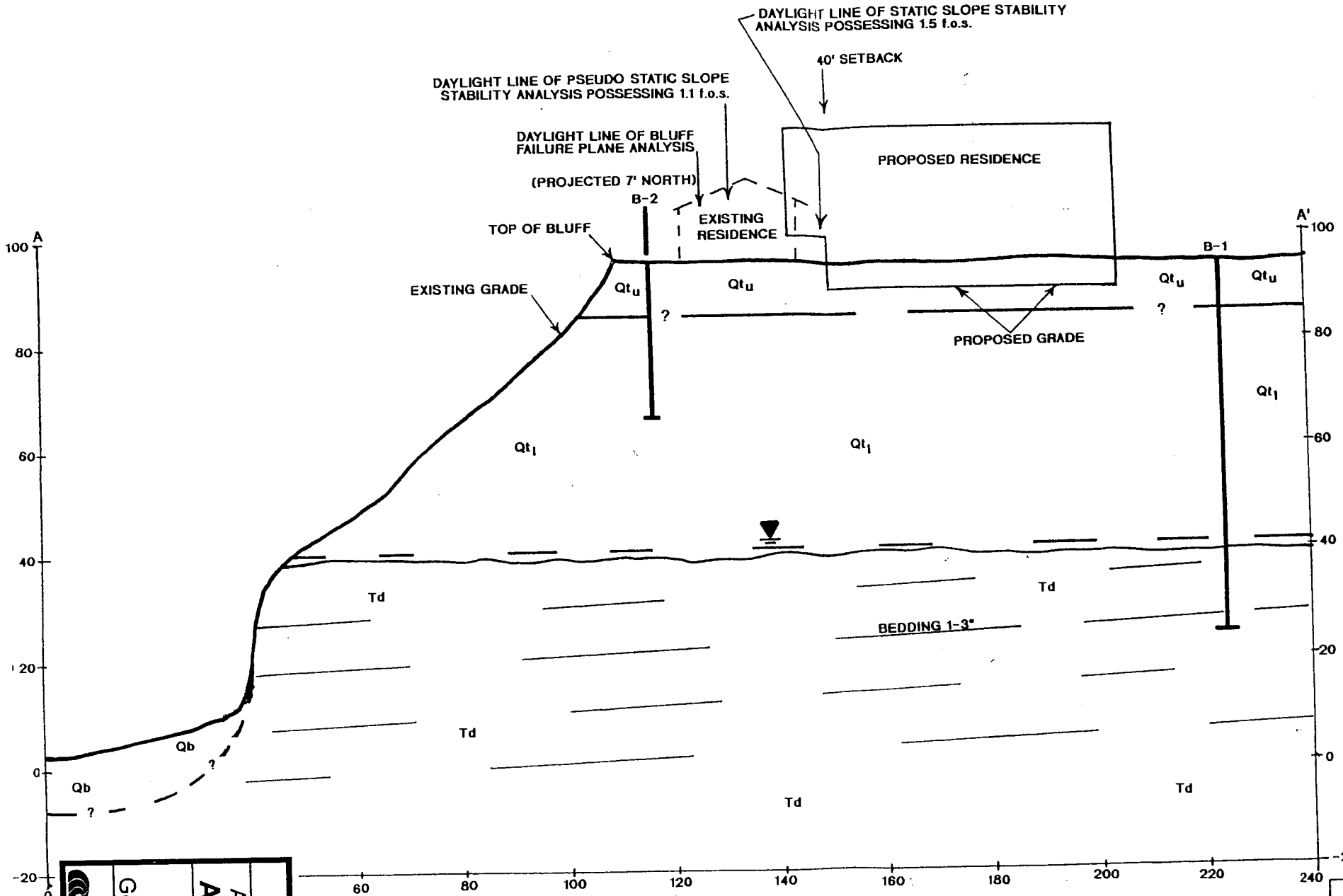


EXHIBIT NO. 2
APPLICATION NO.
A-6-ENC-04-81
Site Plan

California Coastal Commission



LEGEND

B-2	APPROXIMATE BORING LOCATION
Qb	BEACH DEPOSITS
Qt_u	UPPER TERRACE DEPOSITS
Qt_l	LOWER TERRACE DEPOSITS
Td	DEL MAR FORMATION

EXHIBIT NO. 3
APPLICATION NO.
A-6-ENC-04-81
Bluff Profile from Applicants' Geotechnical Report

California Coastal Commission

4925 Mercury Str

BY: CHC/T

JOB NO.: 2

CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: **Robert W. Marshall**
Mailing Address: **726 4th Street Unit 3C**
City: Zip Code: **Encinitas, CA 92024**
Phone: **(760) 634-0408**

SECTION II. Decision Being Appealed

1. Name of local/port government:
Encinitas

2. Brief description of development being appealed:
Design Review Permit, Minor Use Permit, and Coastal Development Permit for the demolition of an existing single-story family structure and an associated detached storage structure and the construction of a new two-story single family dwelling on the existing lot within the Residential 15 Zoning District of the Downtown Encinitas Specific Plan and the Coastal Bluff Overlay Zone. The Design Review includes a request for a second story cantilever to encroach up to 8 feet into the 40-foot coastal bluff setback. The Design Review also Request Authority to Exceed the Standard Height Envelope of 26 foot to a maximum height of 30 feet. The Minor Use Permit is requested for a proposed 1,604 square foot basement garage to exceed the 1,000 square foot standard garage limit.

3. Development's location (street address, assessor's parcel no., cross street, etc.):
736 4th Street
Encinitas, CA 92024

4. Description of decision being appealed:
Approval; no special conditions

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:
APPEAL NO: A-6-ENC-04-81
DATE FILED: 8/5/04
DISTRICT: San Diego

EXHIBIT NO. 4
APPLICATION NO.
A-6-ENC-04-81
Appeal Application

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by:
City Council/Board of Supervisors

6. Date of local government's decision:
July 21, 2004

7. Local government's file number:
Case No. 03-165 DR/MIN/CDP

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Mark and Sena Hendrick
13576 Kibbings Road
San Diego, CA 92130

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.
(1) Jim Jones 726 4th Street Unit 2A, Encinitas CA 92024
(2) Elaine Tippett 726 4th Street Unit 1B, Encinitas CA 92024
(3) Yilang Cheng 744 4th Street, Encinitas CA 92024
(4) Bruce Babcock 929 Doris Drive, Encinitas CA 92024
(5) Robert Marshall 726 4th Street Unit 3C Encinitas CA 92024

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The Local Coastal Program of the City of Encinitas Municipal Code Section 30.34.020 requires the applicant to hire a certified engineering geologist to prepare a report certifying the development proposed will have no adverse affect on the stability of the bluff. I have included (as exhibit A) the City Code for your inspection. Many of those items are not addressed in the "Report of Preliminary Geotechnical Investigation"dated July 21, 2003 prepared by Christian Wheeler Engineering (included as Exhibit B).

On June 12th, 2004, I requested the firm of American Geotechnical Inc., and their geotechnical engineer Mr. Robert Day to review the Christian Wheeler Engineering report with regards to the slope stability analysis performed by Christian Wheeler.

Mr Wheeler's report for slope stability analysis at 40 feet uses a cohesion value of 300psf (67% higher than their own shear test results) in the lower terrace deposits (see page No. 12 of their report). If you look at Plate No, 10 of the Wheeler report the results of their Direct Shear Tests and specifically at the Apparent Cohesion results:
Boring B-1 @ 15' = 250 psf
Boring B-1 @ 25' = 150 psf **THE AVERAGE FOR THIS LEVEL IS 180 psf**
Boring B-1 @ 35' = 200 psf
Boring B-1 @ 50' = 125 psf

Mr Day's report dated June 15, 2004 (Included as exhibit C) on page 2 maintains "we utilized a soil cohesion value = 180psf, which is the average value from the results of direct shear test performed on this layer by Christian Wheeler Engineering. The results of our slope stability analyses are as follows:
Factor of safety = 1.316 (Ordinary method)
Factor of safety = 1.436 (Bishop method)
Factor os safety = 1.299 (Janbu method, see Figure 3, Appendix A)"

Mr. Day also stated on page 3 of this report "they used a cohesion value of 300 psf for their slope stability analyses. However, none of their shear test indicate a value this high. In our opinion, using a cohesion value that is higher than as recorded by the shear strength test is inappropriate."

Mr Day also pointed out on page 2 of his report "Christian Wheeler considered the groundwater table as simply sitting on top of the Del Mar Formation and not flowing through the ground, In our opinion, this is an incorrect approach, and the groundwater should be assumed to be flowing through the ground and contributing to the destabilization of the slope."

On July 6th 2004, Mr. Wheeler prepared a "Response to the Appeal of City of Encinitas Planning Commission" (included as exhibit D) and responded to Mr. Day's report of June 15th 2004. Mr. Wheeler states "the modeling of cohesion values, angles of internal friction, and unit weights of the terrace deposits on-site were estimated based on the results of our direct shear testing and our experience and judgement with similar soils types"

Mr Day prepared a report on July 14, 2004 (included as exhibit E) and responds on page 4 of the report "Christian Wheeler states that they can raise the cohesion value from 180 psf to 300 psf based on their professional judgement. While we agree that a professional can raise the shear strength values somewhat, in this case, the shear strength cohesion value

have been raised 67%. In our opinion, this is much too large a raise to be simply based on experience when test data shows a much lower value. If Christian Wheeler believes that the lower strength of the earth material is due to sample disturbance, then they should have used other sampling techniques, such as Shelby tubes or coring techniques, to obtain better quality soil samples."

And also on page 4 of the July 14, 2004 report from Mr. Day he states "Christian Wheeler provides a detailed description of their groundwater analyses, which is rather technical. However, nowhere do they state that they have used flowing groundwater in their analyses. As previously mentioned, we believe that the slope stability analyses must include flowing groundwater, which contributes to the destabilization of the bluff."

Mr. Knowlton, a geologist engineering consultant, working as a third party review for the City of Encinitas apparently condoned Christian Wheeler's alteration of the laboratory test results (180psf for cohesion to the 300psf used in the formula for slope stability analysis) and states on page 2 of a memo dated July 8,2004 (exhibit F) "the use of the specific strength parameters for slope stability analysis were in the range of strength parameters utilized in reports reviewed by this firm for bluff stability reports in the City of Encinitas over the last 12 years."

My question is, if you are going to perform a boring, than perform lab test to determine direct shear values resulting in a parameter, than change that parameter 67% based on your experience – why even perform the boring? Obviously Mr. Knowlton has seen values around 300 psf for cohesion in reports submitted to him in the past 12 years because that cohesion number is needed to yield a result of 1.5 or better for the slope stability analyses formula. It is the cohesion value and slope stability for this project that we are determining and not the values of other projects in the Encinitas, Cardiff and Solana Beach area.

I must also bring up Christian Wheeler's experience in the City of Encinitas with bluff top properties. That question was asked at the City Council meeting by a Commissioner and Mr. Wheeler stated that this is the third bluff top property that he has worked on. The other two are in their infancy and are in construction and he stated that he has no long term history as to his projects long term safety. This is I believe the first bluff top project that he has worked on that includes a basement/garage.

In Mr. Wheeler's original report dated July 21, 2003 on page 8 he states "During our recent visits to the subject site and our reconnaissance along the base of the bluff face in the vicinity of the subject site, we noted that the lower bluff face was relatively in tact and has not experienced any recent block failures." That is incorrect and needs to be addressed. Around two years ago there was a large block failure two lots to the South of the subject site. As per City Code 30.34.020D (exhibit A) number 4 states "Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity." This block failure should be addressed in his report.

The excavation of the 2000 sq. ft. basement/garage, large enough to house eight cars, is extremely risky. The geotechnical engineer Robert Day on page 4 of his report dated July 14, 2004 states "The subterranean portion of the proposed residence will not increase the factor of safety for that portion of the bluff from the top of slope to a distance of 40 feet back from the bluff top. In addition, the consultant is not considering the effect of vibrations that will be induced into the bluff caused by the excavation of the basement. Especially if heavy excavation equipment is utilized, these vibrations certainly will not increase the factor of safety of the slope and may even decrease the bluff's strength." At the Planning Commission Meeting their were five neighbors worried about the safety of the bluff and the affect this project would have on the future of their homes.

It is my hope that the soils engineers of the Coastal Commission will review the attached reports and require Christian Wheeler's firm to:

1. **Perform additional sampling techniques to obtain soil samples that reflect the parameters that were used in their slope stability analyses.**
2. **Obtain the data pertaining to the block failure that occurred two lots to the South of the project a few years ago and the implications of that block failure on the safety of the surrounding homes.**
3. **Respond to the fact that flowing groundwater effects the destabilization of the bluff and why it is not included in their report.**
4. **Address the effects of vibrations induced into the bluff during excavation of the large basement/garage and their implications as to the future safety of the bluff.**

Please evaluate the reports submitted for your inspection. I find it very difficult to understand how a soil sample is collected by boring, than that soil is tested for shear strength parameters and a numerical result is determined, and than that number can be changed 67% in value in order to get the results needed to show a factor of safety of 1.5.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)
SECTION V. Certification
The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: 8/5/04

STATE OF CALIFORNIA—THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *GOVERNOR*

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

13 August 2004

GEOTECHNICAL REVIEW MEMORANDUM

To: Gary Cannon, Coastal Program Analyst
From: Mark Johnsson, Staff Geologist
Re: A-6-ENC-04-081 (Hendrick) Appeal

In regard to the above referenced appeal, I have reviewed the following documents:

1) Christian Wheeler Engineering 2003, "Report of preliminary geotechnical investigation, proposed Hendrick residence, 736 4th Street, Encinitas, California", 24 p. geotechnical report prepared for Mark Hendrick dated 21 July 2003 and signed by C. H. Christian (GE 215) and D. R. Russell (CEG 2225).

2) Geopacifica Geotechnical Consultants 2003, "Third party review, Case No: 03-165 DR/CDP, 736 Fourth Street, APN: 258-153-05, Applicant: Mark Hendrick", 3 p. review letter addressed to Mark Hoffman dated 29 September 2003 and signed by J. Knowlton (RCE 55754 CEG 1045).

3) Ahles Landscape Architecture 2003, "Landscape plans for Hendrick residence, 736 Fourth Avenue, Encinitas, California", 1 p. plan dated 8 October 2003, unsigned.

4) Cohn and Associates 2003, "Hendrick residence, Fourth Street, Encinitas, California", 5 p. archictural plans dated 10 October 2003 and signed by G. I. Cohn (C15560).

5) American Geotechnical, Inc. 2004, "Slope stability analyses, proposed development, 736 4th Street, Encinitas, California", 4 p. report prepared for Robert Marshall dated 15 June 2004 and signed by R. W. Day (GE 2059).

6) Christian Wheeler Engineering 2004, "Response to appeal of City of Encinitas Planning Commission approval of design review permit, minor use permit, and coastal development permit, proposed single-family residence, 736 4th Street, Encinitas, California", 11 p. report prepared for Mark Hendrick dated 6 July 2004 and signed by C. H. Christian (GE 215) and D. R. Russell (CEG 2225).

7) Geopacifica Geotechnical Consultants 2004, "Review of geotechnical reports and appeal, Hendrick residence, 736 4th Street, Encinitas, California, 03-165 DR/HA/CDP", 3 p. review letter addressed to Mark Hoffman dated 8 July 2004 and signed by J. Knowlton (RCE 55754 CEG 1045).

8) American Geotechnical, Inc. 2004, "Review of report by consultant fro City of Encinitas and Christian Wheeler Engineering, proposed development, 736 4th Street, Encinitas, California", 5 p. report prepared for Robert Marshall dated 14 July 2004 and signed by R. W. Day (GE 2059).

In addition, I have discussed the geotechnical aspects of the appeal with Mr. Robert Day, geotechnical engineer for the appellant, Mr. David Russell, engineering geologist for the applicant, and with Mr. James Knowlton, third-party reviewer for the City of Encinitas. I have not visited the subject property, but have on many occasions examined the geology of the coastal bluff in the general area of the property.

The proposed project is the demolition and rebuild of a single family home, including the construction of a basement, on a bluff top lot in Encinitas. The coastal bluff at the site is composed of the Del Mar Formation, which forms a nearly vertical sea cliff approximately 30 feet high, and terrace deposits forming an upper bluff at an angle of approximately 45 degrees, to a height of approximately 85 feet above sea level. The principal issues concerning this appeal is whether the development at its proposed location will be stable for its projected economic life of 75 years, and whether the development will contribute to instability or erosion. The scope of this review is an evaluation of the geotechnical issues brought forth in the appeal. I will address each of these issues in turn, drawing on my review of the cited references to evaluate the merits of the grounds for the appeal.

Basement excavation

The appellant contends that the excavation of the basement garage will be extremely risky. At the Planning Commission hearing, Mr. Marshall indicated that he felt that "if there is a failure of the bluff due to the proposed excavation it is most likely to be approximately 25 feet back from the existing bluff." It is unclear how he arrived at this conclusion, although the critical surface with the minimum factor of safety against sliding of the bluff does indeed daylight at that approximate location. I do not believe that the excavation would in any way destabilize the bluff by adding driving forces to cause such a landslide. In reference (6) the applicant's geologist concludes that the excavation will actually reduce the driving forces. To this, the appellant's geologist rebuts in reference (8) that the excavation would not, in fact, reduce the driving forces on this failure plane as it would be landward of the critical surface. With this I concur, although I note that as bluff retreat occurs through time the critical surface will migrate landward, eventually intersecting the basement excavation and at that time the reduction in driving forces will indeed increase the factor of safety against sliding along such a potential failure surface.

In reference (8) the appellant's geologist concludes that vibrations produced during the excavation could have a destabilizing effect on the bluff face. Noting that the excavation will be a full 40 feet from the bluff edge, it is my opinion that the level of vibrations reaching the bluff face will be minimal given the usual standard of care in undertaking such an excavation.

Finally, I note that the side wall excavations, that would in my opinion pose the most direct threat to structures on adjacent properties, can and should be properly shored during excavation to mitigate any risk to adjacent structures.

Accordingly, it is my opinion that the basement excavation poses no substantial risk to the stability of either the bluff face or to the adjacent properties, provided that the customary standard of care is exercised during construction.

Nearby recent block failures

The appellant is concerned that reference (1) makes no mention of a recent block failure that he reports occurred "two lots to the south of the project a few years ago." In fact, reference (1) does state that "no joints or fractures were observed within the bluff adjacent to the site, nor was there any evidence of recent blockfalls." I conclude from these two statements that there was a block fall several years ago, but that no evidence of it remained at the time of the site inspection by the applicant's geologist. This is consistent with process acting on these bluffs and along the coast, which tend to very quickly carry away material that falls to the beach. Reference (1) does acknowledge that this bluff does tend to fail by block falls, and that such events are expected in the future. The slope stability analyses (discussed below) are designed to test the stability of the bluff in its current topographic configuration, which takes into account any block falls that would affect the subject property.

Accordingly, it is my opinion that any recent block falls that may have occurred near the subject property have no impact on the conclusions regarding slope stability that were reached in reference (1), that indicate that the proposed development lies behind the daylight line of the 1.5 factor of safety slide surface.

Slope Stability Analyses

The appellant's geologist performed additional slope stability analyses (reference 5) that were designed to evaluate several aspects of the analyses performed by the applicant's geologist in reference (1). Unfortunately, none of these analyses exactly mirrored the conditions and assumptions modeled in reference (1), so a direct comparison is not possible. Further, the cross section used by the appellant's geologist may have been slightly inaccurate, as it was scaled from the small scale plate 26 of reference (1), rather than the large-scale cross section in plate (2).

The first analysis in reference (5) was done "to check the results of [reference (1)]," and made use of the same shear strength parameters as reference (1). This analysis did not, however, include ground water, whereas those in reference (1) did. A variety of methods were used for the analysis, but none of these methods exactly coincided with those used in reference (1). This analysis yielded factors of safety ranging from 1.308 to 1.390, whereas reference (1) found a factor of safety of 1.436. Reference (5) attributes these differences to the use of more potential failure plane surfaces and by a greater variety of methods. I disagree with this conclusion; the methods used in reference (1) are in my opinion adequate to yield correct results. I think it is more likely that differences relate to small differences in the cross sections used and differences in the computer programs. I note that I would have expected the analysis performed in reference (5) to yield a *higher* factor of safety than in reference (1), since it does not include ground water effects.

The second analysis performed by the appellant's geologist introduced ground water into the model. It used the same location for the water table as reference (1), but also included seepage forces in the Del Mar Formation. The resulting factors of safety ranged from 1.066 to 1.117. I feel that both models for ground water are consistent with the site geology. Typically, slope stability analyses of this type assume a flat ground water table and no seepage forces, consistent with reference (1). The addition of seepage forces may be appropriate, but to fully evaluate them I would have liked to have seen more information on the ways they are contributing to the analysis. Finally, I note that both models used by references (1) and (5) are only approximations of what I feel are the actual ground water conditions at the site. I feel that the porous marine terrace deposits are usually largely unsaturated except for the lowermost few feet above the relatively impermeable Del Mar Formation; that seepage forces are confined to these few feet (contributing to piping failures in the bluff face); and that the Del Mar Formation, while saturated, contains very little ground water (mostly in fractures) and would have very low seepage forces at the bluff face.

The third analysis reported in reference (5) was undertaken to find the factor of safety 40 feet back from the bluff edge. It made use of the same ground water model as the analysis described above, but used a lower cohesion for the terrace deposits than did either the previous analyses in reference (5), or all of the analyses in reference (1). The results of this analysis were a factor of safety between 1.299 and 1.436, less than the required 1.5. I note that this lower factor of safety is related both to the addition of seepage forces and to the lower cohesion value, as well as any differences in the cross section and analytical methods.

I concur that the value of cohesion used for the lower portion of the terrace deposits (below the cemented cap) in the analyses in reference (1), 300 psf, is not well supported by the data. The direct shear test data reported from samples collected on site range from 125 to 250 psf (mean of 181.25; that the appellant rounds off to 180 psf). The applicant's geologist in reference (1) justifies using a value of 300 psf as based on the fact that the samples were disturbed during sample, their professional judgment, and experience in similar materials. The appellant indicates that the extent to which the cohesion has been raised (67% above the mean value of 180 psf) is excessive. I concur that there has been inadequate justification for essentially discarding the data collected on site, but I also note that a cohesion value of 300 psf is well within the range observed from tests conducted for many other projects in Encinitas and Solana Beach. I have certainly accepted cohesion values of 300 psf (and higher) for similar slope stability analyses in the past.

To summarize, I disagree with the appellant's contention that the slope stability analyses in reference (1) were not performed using adequate methodology. I likewise disagree that seepage forces should be added to the slope stability analysis. I concur, however, that the higher cohesion value used in the analyses in reference (1) is not well supported, although it is within the range of my experience with similar materials at nearby sites. It is possible that use of the actual cohesion value measured would push the 1.5 factor of safety line landward from the location(s) indicated in reference (1), but no such analyses have been performed to date by either the applicant or the appellant.

Adequacy of setback

Ultimately, the question that was before the Planning Commission is the adequacy of the proposed setback. All parties concur that the bluff face is unstable or marginally stable, that it will migrate landward with time, and ultimately threaten the location at which the house is planned. The question is whether this will occur within the design life of 75 years or not. Put another way, what setback is necessary to assure stability for 75 years.

The applicant has submitted a variety of slope stability analyses, performed on two cross sections. For each cross-section there are failure mechanisms that indicate a factor of safety of less than 1.5. For cross-section A-A', the minimum factor of safety of 1.5 daylights 39 feet east of the bluff edge. For cross-section B-B' the minimum factor of safety of 1.5 daylights 33 feet east of the bluff edge. Seismic analyses were also performed; the surface with a factor of safety of 1.1 (industry standard for pseudostatic analysis with a seismic coefficient of 0.15g) in both cross sections lies west of the daylight point for the static factor of safety of 1.5. Accordingly, the static condition is dictating the setback necessary to assure safety of the development from instability of the bluff in its current configuration. This setback is 33-39 feet, at the two cross section locations.

However, to assure that this same level of stability will be maintained for the expected life of the development, we must predict the position of the bluff edge 75 years in the future and measure this "stability" setback from that location. Thus, we need an estimate of the long-term bluff retreat rate, which can be multiplied by the expected life of the development to arrive at an expected position of the future bluff edge relative to the existing bluff edge.

Reference (1) contains an assessment of the historic long-term average bluff retreat rate, taken from comparison of 1928 and 2003 vertical aerial photographs, ranging from 0.15 to 0.27 feet per year at the subject site. The report takes the median value, and predicts 16 feet of erosion over the next 75 years. I would advocate a more conservative approach, and apply the maximum measured rate (0.27 feet per year), which would predict approximately 20 feet of erosion over this time.

The development setback necessary to assure stability for the design life of the structure is thus the sum of the setbacks necessary to assure slope stability today, and the expected amount of bluff retreat over the design life of the structure. To this, a buffer, generally a minimum of 10 feet, should be added to address uncertainty in the analysis, to allow for any future increase in the long-term bluff retreat rate (as a result of sea level rise, for example), to assures that the foundation elements aren't actually undermined at the end of the design life of the development, and to allow access for remedial measures. A buffer is not necessary in this case, as the slope stability setback is wide enough that it can do "double duty" as both a setback to assure slope stability and a buffer for the purposes listed above. Thus, in my opinion, a minimum setback to assure stability for the life of the development at this site would be approximately 53 to 59 feet.

I hope that this review is helpful. Please do not hesitate to contact me if you have any additional questions.

Sincerely,

Mark Johnsson, Ph.D., CEG, CHG
Staff Geologist

RESOLUTION NO. PC 2004-23

A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION APPROVING A DESIGN REVIEW PERMIT, INCLUDING AUTHORITY TO EXCEED THE STANDARD HEIGHT ENVELOPE FOR ROOF ELEMENTS UP TO A MAXIMUM HEIGHT OF 30 FEET, MINOR USE PERMIT, AND COASTAL DEVELOPMENT PERMIT FOR THE DEMOLITION OF AN EXISTING ONE-STORY SINGLE FAMILY DWELLING AND THE CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY DWELLING WITH SECOND STORY DECK/BALCONY ELEMENTS WHICH CANTILEVER UP TO 8 FEET WITHIN THE STANDARD 40 FOOT COASTAL BLUFF SETBACK AND A 1,604 SQUARE FOOT BASEMENT GARAGE ON AN EXISTING LEGAL LOT LOCATED WITHIN THE RESIDENTIAL 15 (D-R15) ZONING DISTRICT OF THE DOWNTOWN ENCINITAS SPECIFIC PLAN AND THE COASTAL BLUFF OVERLAY ZONE, FOR THE PROPERTY LOCATED AT 736 FOURTH STREET

(CASE NO. 03-165 DR/MIN/CDP; APN: 258-153-05)

WHEREAS, a request for consideration of a Design Review Permit, Minor Use Permit, and Coastal Development Permit was filed by Mark and Sena Hendrick to allow the demolition of an existing single-story single family residence and the construction of a new two-story single family residence with a 1,604 square foot basement garage and to allow two second story deck elements of the structure to cantilever up to 8 feet into the standard 40-foot coastal bluff setback and roof elements to exceed the Standard Height Envelope up to a maximum height of 30 feet, in accordance with Chapters 30.16 (Residential Zones), 30.34 (Special Purpose Overlay Zones), 30.74 (Use Permits), and 30.80 (Coastal Development Permit) of the Encinitas Municipal Code, for the property located within the Residential 15 (D-R15) Zoning District and the Coastal Bluff Overlay Zone, legally described as:

> LOT 5 OF FARRAR'S SUBDIVISION OF BLOCK 39 OF ENCINITAS, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 42, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 21, 1887, EXCEPTING THEREFROM ANY PORTION THEREOF HERETOFORE OR NOW LYING BELOW MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

WHEREAS, the Planning Commission conducted a noticed public hearing on the application on June 3, 2004, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning Commission considered, without limitation:

1. The June 3, 2004 agenda report to the Planning Commission with attachments;

2. The General Plan, Local Coastal Program, Downtown Encinitas Specific Plan, Municipal Code, and associated Land Use Maps;

3. Oral evidence submitted at the hearing;

4. Written evidence submitted at the hearing;

5. Color/Materials Board Exhibit stamped received by the City of Encinitas on August 12, 2003, Colored Elevations consisting of two (2) sheets stamped received by the City of Encinitas on May 17, 2004, and project drawings consisting of seven (7) sheets, including Site Plan, Floor Plans, Exterior Elevations, Height Adjustment Study, Building Sections and Second Floor/Loft Plan, Site Drainage Plan, and Landscape Plan, all stamped received by the City of Encinitas on April 20, 2004; and

WHEREAS, the Planning Commission made the following findings pursuant to Section 30.16.010B7 (Authority to Exceed Standard Height) and Chapters 30.34 (Special Purpose Overlay Zones), 30.74 (Use Permits), and 30.80 (Coastal Development Permit) of the Encinitas Municipal Code:

(SEE ATTACHMENT "A")

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Encinitas hereby approves application No. 03-165 DR/MIN/CDP subject to the following conditions:

(SEE ATTACHMENT "B")

BE IT FURTHER RESOLVED that the Planning Commission, in its independent judgment, finds that this project is categorically exempt from environmental review pursuant to Sections 15301(l)(1) and 15303(a) which categorically exempt the demolition and construction of up to three single family dwellings in urbanized areas.

PASSED AND ADOPTED this 3rd day of June, 2004, by the following vote, to wit:

AYES: Commissioners Avis, Bagg, and Chapo.

NAYS: None.

ABSENT: Commissioners McCabe and Snow.

ABSTAIN: None.

Gene Chapo, Chair of the
Encinitas Planning Commission

ATTEST:

Patrick Murphy
Secretary

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

ATTACHMENT "A"
Resolution No. PC 2004-23
Case No. 03-165 DR/MIN/CDP

Bluff Setback and Cantilever Portion of a Structure Determination:

The criteria required to be considered in order to approve construction on the coastal bluff maintaining the standard 40 foot setback have been addressed by the Report of Preliminary Geotechnical Investigation dated July 21, 2003, and Response to Third Party Geotechnical Review Comments dated March 11, 2004, prepared by Christian Wheeler Engineering. The geotechnical reports were reviewed by a third party geotechnical consultant, Geopacifica, which found that said geotechnical reports provide information to adequately meet the standards of the City of Encinitas Municipal Code, Section 30.34.020C and D. The project includes a second story master bedroom balcony and second level loft deck which cantilever a maximum of 8 feet (20%) into the bluff setback. The issue of the cantilever portions of the structure were addressed in the above cited reports by Christian Wheeler Engineering Southland and said reports were reviewed and accepted by the third party geotechnical consultant. As noted in the project geotechnical report, the cantilever portion of the structure will not adversely surcharge the bluff area.

FINDINGS FOR ALLOWING A PORTION OF A STRUCTURE TO CANTILEVER INTO THE COASTAL BLUFF SETBACK:

STANDARD: In accordance with Sect. 30.34.020 C.(1) of the Municipal Code, the authorized agency must make the following findings of fact, based upon the information presented in the application and during the Public Hearing, in order to approve a project to cantilever:

No private or public views would be significantly impacted by the construction of the cantilevered portion of the structure.

Facts: Pursuant to Section 30.34.020C.1 of the Municipal Code, a second story cantilevered portion of a structure is permitted 20% beyond the top edge of the standard 40 foot coastal bluff setback, if demonstrated through standard engineering practices not to create an unnecessary surcharge load upon the bluff area and if a finding can be made that no private or public views would be significantly impacted by the construction of the cantilevered portion of the structure. The project application includes a second story cantilevered master bedroom deck to encroach 2 feet, 6 inches into the standard forty (40) foot coastal bluff setback and for a second story cantilevered curved loft deck to encroach 8 feet into the 40-foot coastal bluff setback.

Discussion: The subject property is not adjacent to any existing public viewpoints, therefore public views are not affected with the cantilever. The proposed residential structure will be set back significantly further than the existing neighboring structures and thus no private views will be significantly impacted by the construction of the cantilevered

portions of the structure. The significant 180-degree views currently enjoyed by the adjacent properties to the north and south will remain from viewpoints located on their respective western elevations because the subject residence will be pulled back from the current 12-foot bluff setback the existing structure maintains to the 40-foot setback required for new development in the Coastal Bluff Overlay Zone. The neighbor directly to the north has a second story bedroom window located near the center of his southern exterior elevation with an existing southwestern view over the existing single story dwelling on the subject lot. The southernmost direction of this second story bedroom window view will be impacted, as detailed on the Site Plan, by the second story portion of the proposed structure that conforms to the required 40-foot coastal bluff setback. The second story loft balcony cantilever element extends up to 8 feet into the coastal bluff setback but will be visually screened from the northern neighbor's second story side bedroom window by the northwest corner and northern elevation of the proposed dwelling.

The second story master bedroom deck cantilever is located near the proposed dwelling's southwest corner and will also not be visible from the side elevation of the northern neighbor. The second story master bedroom deck cantilever extends only 2 feet, 6 inches into the 40-foot coastal bluff setback and is situated far enough back on the lot to not impact any existing northward views of the neighboring structure to the south. The two cantilevered elements are not visible to properties lying to the east of the project site because they do not extend into the required side yard setbacks.

Conclusion: Therefore, the Planning Commission finds that the proposed cantilever portion of the structure will not significantly impact any existing private or public views.

FINDINGS FOR DESIGN REVIEW PERMIT
AUTHORITY TO EXCEED STANDARD HEIGHT

STANDARD: Section 30.16.010B7(d) of the Municipal Code provides that residential buildings that exceed the standard height envelope may be approved to a maximum height of 30 feet through the Administrative Design Review process if the following findings can be made:

1. The portion of the building outside the standard height maintains some of the significant views enjoyed by residents of nearby properties; and

2. The building is compatible in bulk and mass with buildings on neighboring properties.

Facts: As per Municipal Code Section 30.16.010B(7), the standard height limit for residential buildings on lots with an average lot slope less than 10% is 22 feet above the lower of adjacent existing or finished grade, with an allowed additional 4-foot projection for pitched roof elements (26 feet max.), provided the outside edge of the finished roof directly above the finished wall does not exceed the applicable 22 feet. A maximum of a 2-foot projection above the 26-foot building height is permitted for chimneys, provided the width of the chimney does not exceed 30 inches in any dimension for the portion above 26 feet. As per Municipal Code Section 30.16.010B7(d), buildings may be approved through the Design Review process for a maximum height of 30 feet if it can be found that the portion of the building outside of the standard height envelope maintains some of the significant views enjoyed by residents of nearby properties, and that the building is compatible in bulk and mass with buildings on neighboring properties.

The subject application includes a request to exceed the standard height envelope for various flat and pitched roof elements of the structure, up to the maximum height limit of 30 feet. The average lot slope of the portion of the property lying eastward of the coastal bluff edge is less than 10% (approximately 0.67%) from the Fourth Street right-of-way to the bluff edge. The bluff then slopes with varying grade down to the beach below. Therefore, the standard 22/26 foot height envelope as measured from the lower of natural or finished grade applies to the project.

As depicted on the project drawings (building elevations), the project includes varied articulated rooflines with flat roof and skylight elements that exceed the applicable 22-foot standard height limit, pitched roof elements that exceed the applicable 26-foot standard height limit, and two chimneys (including the required spark arrestors) proposed at the 30-foot maximum height limit. The highest pitched roof element is shown on the West Elevation at a height of 28 feet, ½ inch above adjacent grade. The highest flat roof element is shown on the South Elevation at a height of 28 feet, 10 inches above adjacent grade. The two proposed chimney elements are also proposed at a height of 28 feet, 10 inches above adjacent grade, though spark arrestors will be incorporated for a total height of 30 feet maximum. The proposed second story cantilevered master bedroom balcony and the second

level cantilevered loft deck comply with the 22-foot standard height limit for flat roof elements.

Discussion: Due to existing site vegetation there are currently no views through the site with exception of a side window of the adjacent neighbor to the north. When the vegetation is removed, a structure at the standard 22/26-foot height limit would block any views through the site due to the flat topography of the area. A Sight Line Study and Streetscape Exhibit were submitted as part of the project drawings **(Sheet A4)**. The Sight Line Study shows that the portion of the proposed two-story structure below the standard height limit would block any second story eye-level view from the existing residence directly to the east at 735 Fourth Street whereby the portion of the structure exceeding the standard height envelope would not create any additional view impacts. The Streetscape Exhibit details the existing heights and relative bulk and mass of residential structures to the south and north of the project site. Adjacent to the south, an existing two story single family dwelling appears to be in conformance with current standard height envelope regulations. However, the three existing structures to the north were constructed under County height regulations, previous to City incorporation, and each exceeds the present standard height envelope regulations. The two adjacent triplexes are shown to exceed 30 feet in overall height and a three-story, 12-unit apartment building is shown to approach 30 feet in height. The subject application's two-story with basement design is similar in bulk and mass with these neighboring structures and provides a transition from the over 30-foot structure adjacent to the north to the under 26-foot two-story structure adjacent to the south.

The adjacent property to the north has an existing southwestern view over the site's existing single-story dwelling which is observed from a second level bedroom window located near the center of the adjacent structure's south elevation. This existing southwesterly view will be impacted by the second story portion of the proposed two-story dwelling that is in within the standard height limit whereby the flat and pitched roof elements proposed above the standard height limit up to a maximum height of 30 feet will not block any additional views. Additionally, the adjacent properties to the north and south will have a 180-degree unobstructed ocean view from the major rooms on the western face of their dwellings because the project dwelling will be significantly further back at the required 40-foot coastal bluff setback line. The northern and southern adjacent existing structures are located approximately 12 feet from the bluff edge.

Conclusion: Therefore, the Planning Commission finds that the portions of the proposed building outside the standard height envelope will not significantly impact existing views from surrounding properties and that the proposed building is compatible in bulk and mass with buildings on neighboring properties.

FINDINGS FOR A USE PERMIT

STANDARD: In accordance with Section 30.74.070 of the Municipal Code, a use permit application shall be approved unless findings of fact are made, based upon the information presented in the application or during the hearing, which support one or more of the following conclusions:

1. The location, size, design or operating characteristics of the proposed project will be incompatible with or will adversely affect or will be materially detrimental to adjacent uses, residences, buildings, structures or natural resources, with consideration given to, but not limited to:

   a. The inadequacy of public facilities, services and utilities to serve the proposed project;

   b. The unsuitability of the site for the type and intensity of use or development which is proposed; and

   c. The harmful effect, if any, upon environmental quality and natural resources of the city;

   Facts: The proposed 3,376-sq. ft. two-story dwelling unit project includes a 1,604 square foot basement garage. The garage area is accessed directly from Fourth Street via a 21-foot wide buff colored decorative concrete surface with an acid wash finish. Initially, the driveway slopes down from the Fourth Street right-of-way at a 12% grade then transitions to a 20% grade to enter the subterranean garage area.

   Discussion: A minor use permit for the additional garage area normally requires only an administrative application, but is included as part of this discretionary application since the Planning Commission is the authorized agency for development on property within the Coastal Bluff Overlay Zone. The proposed garage poses no significant visual impact because it is entirely enclosed, largely buried into grade, and only the front door panels facing Fourth Street and several small side elevation windows reveal its presence. The project's basement design was reviewed as part of the Geotechnical Investigation Report by Christian Wheeler Engineering and the site was found to be suitable for the proposed improvements. The project site is currently developed with a single-story dwelling and no significant natural habitat or species are present on or adjacent to the subject lot. All applicable public facilities, services and utilities are present and available to adequately serve the project. The project has been determined to be categorically exempt from environmental review pursuant to Sections 15301(1) and 15303(a) of the California Environmental Quality Act (CEQA) Guidelines, which exempt the demolition and the construction of up to three single-family residences from environmental review in urbanized areas.

   Conclusion: Therefore, the Planning Commission finds that the 1,604 square foot basement garage will be adequately served by existing or adjacent public facilities, services, and

utilities, is suitable for the type and intensity of use and development proposed, and will not have a harmful effect upon environmental quality or the natural resources of the City.

2. The impacts of the proposed project will adversely affect the policies of the Encinitas General Plan or the provisions of the Municipal Code; and

3. The project fails to comply with any other regulations, conditions, or policies imposed by the Municipal Code.

Facts: As per Municipal Code Section 30.48.040A, private attached garages are allowed a total area not to exceed 1,000 sq. ft. or 50% of the living area of the principal residence, whichever is less. Additional area may be permitted by issuance of a minor use permit. The subterranean basement area includes a 1,604 sq. ft. garage, 383 sq. ft. game room, 79 sq. ft. wine room, and 112 sq. ft. of stair and circulation area (2,178 sq. ft. total).

Discussion: Residential garage space is permitted by right as part of the construction of a single family dwelling on a residentially zoned property. The basement garage complies with all applicable setback requirements for the Residential 15 (D-R15) Zoning District. Basement calculations provided with the project drawings demonstrate the project's compliance with the City's basement requirements and the subterranean basement level is not to be counted as a story for purposes of story limits.

Conclusion: Therefore, the Planning Commission finds that the 1,604 square foot basement garage will not adversely affect the policies of the Encinitas General Plan or the provisions of the Municipal Code and is in compliance with all applicable regulations, conditions, or policies imposed by the Municipal Code.

FINDINGS FOR A COASTAL DEVELOPMENT PERMIT

STANDARD: Section 30.80.090 of the Municipal Code provides that the authorized agency must make the following findings of fact, based upon the information presented in the application and during the Public Hearing, in order to approve a coastal development permit:

1. The project is consistent with the certified Local Coastal Program of the City of Encinitas; and

2. The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment; and

3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.

Facts The site is designated as Residential 11.01 – 15.00 dwelling units per acre on the Land Use Designation map of the General Plan and is zoned Residential 15 (D-R15) on the Zoning Map for the Downtown Encinitas Specific Plan. Additionally, as the site sits atop the coastal bluff it lies within the Coastal Bluff Overlay zone. The project proposes the demolition of an existing single-story single family dwelling and the construction of a new two-story single family dwelling, which maintains a 40 foot setback from the top edge of the coastal bluff. The new residence also includes a second story master bedroom balcony cantilevered 2 feet, 6 inches into the standard coastal bluff setback of 40 feet and a second level oval-shaped loft deck cantilevered up to 8 feet into the coastal bluff setback. The project site does not currently provide access to the shore, and the project does not propose any public access or public recreational facilities. Policy 1.6 of the Public Safety Element of the General Plan stipulates that all new construction shall be designed and constructed such that it could be removed in the event of endangerment and the applicant shall agree to participate in any comprehensive plan adopted by the City to address coastal bluff recession and shoreline erosion problems in the City.

Discussion: In conformance with Policy 1.6 of the Public Safety Element of the General Plan, the applicant has submitted a statement noting that they agree to participate in any comprehensive plan adopted by the City to address coastal bluff recession and shoreline erosion problems in the City. Additionally, in correspondence dated March 10, 2004, the structural engineer for the project notes that the project could be moved, either as a unit or as structurally separable units. This in no way represents a commitment on the part of the owner or owner's successors to remove the structure(s) at any time. With authorization to construct the second story cantilevers, the request to exceed the standard height envelope, and the Minor Use Permit, the proposed project is in conformance with the development standards of the Municipal Code, the General Plan and the Local Coastal Program. The

project will not cause significant negative impacts to the surrounding area and the project will not adversely impact public coastal access.

Public access or public recreational facilities are not feasible given the project site's conditions as a blufftop residential property. Therefore no condition requiring public access is imposed with this approval. Public access to the shore is available in the vicinity with Swami's Beach Park to the south and the D Street stairway access to the north. Since there was not public access through the property prior to this application, the ability of the public to access the shore is not adversely impacted with this application.

Conclusion: Therefore, the Planning Commission finds that 1) the project is consistent with the certified Local Coastal Program of the City of Encinitas, 2) required finding No. 2 is not applicable since no significant adverse environmental impact is associated with the project, and 3) the providing of public access or recreational facilities is not feasible or appropriate for a project of this scale.

ATTACHMENT "B"
Resolution No. PC 2004-23
Case No. 03-165 DR/MIN/CDP

Applicant: Mark & Sena Hendrick.

Location: 736 Fourth Street (APN 258-153-05).

SC1 **SPECIFIC CONDITIONS:**

SC2 This approval will expire on June 3, 2006 at 5:00 PM, two years after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.

SC5 This project is conditionally approved as set forth on the application, Color/Materials Board Exhibit stamped received by the City of Encinitas on August 12, 2003, Colored Elevations consisting of two (2) sheets stamped received by the City of Encinitas on May 17, 2004, and project drawings consisting of seven (7) sheets, including Site Plan, Floor Plans, Exterior Elevations, Height Adjustment Study, Building Sections and Second Floor/Loft Plan, Site Drainage Plan, and Landscape Plan, all stamped received by the City of Encinitas on April 20, 2004, all designated as approved by the Planning Commission on June 3, 2004, and shall not be altered without express authorization by the Planning and Building Department.

SCA The project site fronts to vacated portions of Fourth Street where public improvements are proposed. The applicant shall construct the public improvements approved as per the street vacation or post a security bond for the future construction of the improvements.

SCB The property shall be graded to provide positive drainage onto Fourth Street. No flows shall discharge over the bluff.

SCC To the satisfaction of the Planning and Building Department prior to any issuance of grading or building permits, the applicable drawing Sections and Details for the proposed rear yard fire pit and the concrete stairway element descending down from the wood terrace deck shall be revised to reflect that these improvements will be constructed with at-grade pier footings, or similar, in compliance with Municipal Code Section 30.34.020B.1(b) instead of the continuous footings depicted.

SCD As agreed to by the applicant, no bluff protection for improvements within the standard 40 foot coastal bluff setback, including the rear yard deck, shall be authorized if said improvements are threatened in the future. Additionally, the improvements shall be monitored and planned retreat of the minor accessory structures shall occur with bluff erosion. When the bluff edge erodes to a point which is within one foot of an improvement, affected improvements shall be relocated eastward in 10 foot increments.

SCE No permanent irrigation system is permitted within 40 feet of the coastal bluff edge.

SCF To the satisfaction of the Planning and Building Department, the applicant shall provide a lintel design element on the project drawings submitted for Building Permit issuance in order to provide visual support for the stone veneer element directly above the garage entry on the front elevation facing Fourth Street.

G1 **STANDARD CONDITIONS:**

CONTACT THE PLANNING AND BUILDING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

G2 This approval may be appealed to the City Council within 15 calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.

G3 This project is located within the Coastal Appeal Zone and may be appealed to the California Coastal Commission pursuant to Coastal Act Section 30603 and Chapter 30.04 of the City of Encinitas Municipal Code. An appeal of the Planning Commission's decision must be filed with the Coastal Commission within 10 days following the Coastal Commission's receipt of the Notice of Final Action. Applicants will be notified by the Coastal Commission as to the date the Commission's appeal period will conclude. Appeals must be in writing to the Coastal Commission, San Diego Coast District office.

G4 Prior to building permit issuance, the applicant shall cause a covenant regarding real property to be recorded. Said covenant shall set forth the terms and conditions of this grant of approval and shall be of a form and content satisfactory to the Planning and Building Director.

G5 Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

G7 Prior to issuing a final inspection on framing, the applicant shall provide a survey from a licensed surveyor or a registered civil engineer verifying that the building height is in compliance with the approved plans.

G10 All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (e.g. stucco-coated masonry, split-face block or slump stone). These items shall be approved by the Planning and Building Department prior to the issuance of building and/or grading permits.

G12 Prior to any use of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Planning and Building Department.

G13 The applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, and Fire Mitigation/Cost Recovery Fees. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Planning and Building and Engineering Services Departments. The applicant is advised to contact the Planning and Building Department regarding Park Mitigation Fees, the Engineering Services Department regarding Flood Control and Traffic Fees, applicable School District(s) regarding School Fees, the Fire Department regarding Fire Mitigation/Cost Recovery Fees, and the applicable Utility Departments or Districts regarding Water and/or Sewer Fees.

G19 Garages enclosing required parking spaces shall be kept available and usable for the parking of owner/tenant vehicles at all times.

L2 All required plantings and automated irrigation systems shall be in place prior to use or occupancy of new buildings or structures. All required plantings and automated irrigation systems shall be maintained in good condition, and whenever necessary, shall be replaced with new materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping and irrigation systems shall be maintained in a manner that will not depreciate adjacent property values and otherwise adversely affect adjacent properties. All irrigation lines shall be installed and maintained underground (except drip irrigation systems).

U1 At all times during the effective period of this permit, the responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the operation of the authorized activity.

U2 In the event that any of the conditions of this permit are not satisfied, the Planning and Building Department shall cause a noticed hearing to be set before the authorized agency to determine whether the City of Encinitas should revoke this permit.

U3 Upon a showing of compelling public necessity demonstrated at a noticed hearing, the City of Encinitas, acting through the authorized agency, may add, amend, or delete conditions and regulations contained in this permit.

U4 Nothing in this permit shall relieve the applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit.

U5 Nothing in this permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this permit.

U7 Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a use permit contained in Section 30.74.105 of the Municipal Code. Modifications beyond the scope described therein will require submittal of an amendment to the use permit and approval by the authorized agency.

DR1 Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a design review permit contained in Section 23.08.140 of the Municipal Code. Modifications beyond the scope described therein may require submittal of an amendment to the design review permit and approval by the authorized agency.

BL1 Owner(s) shall enter into and record a covenant satisfactory to the City Attorney waiving any claims of liability against the City and agreeing to indemnify and hold harmless the City and City's employees relative to the approved project. This covenant is applicable to any bluff failure and erosion resulting from the development project.

BL3 An "as-built geotechnical report" shall be submitted to the Planning and Building and Engineering Services Departments, for review and acceptance, prior to approval of the foundation inspection. The report shall outline all field test locations and results, and observations performed by the consultant during construction of the proposed structure(s), and especially relative to the depths and actual location of the foundations. The report shall also verify that the recommendations contained in the Geotechnical Investigation Report, prepared and submitted in conjunction with the application, have been properly implemented and completed.

BL4 An "as-built geotechnical report", reviewed and signed by both the soils/geotechnical engineer and the project engineering geologist, shall be completed and submitted to the City within 15 working days after completion of the project. The project shall not be considered complete (and thereby approved for use or occupancy) until the as-built report is received and the content of the report is found acceptable by the Planning and Building and Engineering Services Departments.

B1 **BUILDING CONDITION(S):**

CONTACT THE ENCINITAS BUILDING DIVISION REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

B2R The applicant shall submit a complete set of construction plans to the Building Division for plancheck processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). These comments are preliminary only. A comprehensive plancheck will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

F1 **FIRE CONDITIONS:**

CONTACT THE ENCINITAS FIRE DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

F13 ADDRESS NUMBERS: Address numbers shall be placed in a location that will allow them to be clearly visible from the street fronting the structure. The numbers shall contrast with their background, and shall be no less in height than: Four inches (4") for single family homes and duplexes; Eight inches (8") for commercial and multi-family residential buildings; and Twelve inches (12") for industrial buildings.

F15A AUTOMATIC FIRE SPRINKLER SYSTEM - SINGLE-FAMILY DWELLINGS AND DUPLEXES: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to issuance of building permit(s).

F18 CLASS "A" ROOF: All structures shall be provided with a Class "A" roof assembly to the satisfaction of the Encinitas Fire Department.

E1 **ENGINEERING CONDITIONS:**

CONTACT THE ENGINEERING SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

E2 All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.

EG1 **Grading Conditions**

EG3 The owner shall obtain a grading permit prior to the commencement of any clearing or grading of the site.

EG4 The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Engineering Services Director and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.

EG5 No grading shall occur outside the limits of the project unless a letter of permission is obtained from the owners of the affected properties.

EG7 All newly created slopes within this project shall be no steeper than 2:1.

EG8 A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work. The report shall be approved prior to at first submittal of a grading plan.

EG9 Prior to hauling dirt or construction materials to any proposed construction site within this project the owner shall submit to and receive approval from the Engineering Services Director for the proposed haul route. The owner shall comply with all conditions and requirements the Engineering Services Director may impose with regards to the hauling operation.

EG10 In accordance with Section 23.24.370 (A) of the Municipal Code, no grading permit shall be issued for work occurring between October 1st of any year and April 15th of the following year, unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the field inspector to protect the adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

EG13 Owner shall provide a precise grading plan prior to approval of building permit. Grading plan shall provide design for drainage improvements, erosion control, storm water pollution control, and on-site pavement.

ED1 **Drainage Conditions**

ED2A An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Best Management Practice Manual shall be employed to determine appropriate storm water pollution control practices during construction.

ED3 A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent lands, shall be required. Said drainage system shall include any easements and structures required by the Engineering Services Director to properly handle the drainage.

ED5 The owner shall pay the current local drainage area fee prior to issuance of the building permit for this project or shall construct drainage systems in conformance with the Master Drainage Plan and City of Encinitas Standards as required by the Engineering Services Director.

ES1 **Street Conditions**

ES5 Prior to any work being performed in the public right-of-way, a right-of-way construction permit shall be obtained from the Engineering Services Director and appropriate fees paid, in addition to any other permits required.

ES6 In accordance with Chapter 23.36 of the Municipal Code, the owner shall execute and record a covenant with the County Recorder agreeing not to oppose the formation of an assessment district to fund the installation of right-of-way improvements.

ES7 In accordance with Chapter 23.36 of the Municipal Code, the owner shall execute and record a covenant with the County Recorder agreeing not to oppose the formation of an assessment district to fund the undergrounding of utility facility improvements.

EU1 **Utilities**

EU2 The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project.

EU3 The owner shall be responsible for coordination with SDG&E, SBC/Pacific Bell, and other applicable authorities.

EU4A The existing overhead utilities service to the property shall be undergrounded.

ESW1 **Storm Water Pollution Control Conditions**

ESW3 Best Management Practice shall be utilized for storm water pollution control to the satisfaction of the City Engineer. The surface run off shall be directed over grass and landscaped areas prior to collection and discharge onto the street and/or into the public storm drain system. If pipes are used for area drainage, inlets shall be located to allow maximum flow distance over grass and non-erodable landscape areas. A grass lined ditch, reinforced with erosion control blanket, or a rip-rap lined drainage ditch shall be used instead of a concrete ditch where feasible. Hardscaped areas and driveways shall be sloped toward grassy and landscaped areas. Driveways with a grass- or gravel-lined swale in the middle can be used if the site topography does not allow for the discharge of driveway runoff over landscaped areas. The Grading Plan shall identify all landscape areas designed for storm water pollution control (SWPC). A note shall be placed on the plans indicating that the modification or removal of the SWPC facilities without a permit from the City is prohibited.

ESW9 For storm water pollution control purposes, all runoff from all roof drains shall discharge onto grass and landscape areas prior to collection and discharge onto the street and/or into the public storm drain system. Grass and landscape areas designated for storm water pollution control shall not be modified without a permit from the City. A note to this effect shall be placed on the Grading Plan.

ECB1 **Coastal Bluff Conditions**

ECB2 In order to prevent any runoff from discharging over the coastal bluff, a drainage collection system shall be designed to intercept all the on-site runoff. The runoff shall be directed to a holding tank/wet well. The wet-well pump system shall be designed to

handle a 50-year storm event and must be pumped onto a street or into a controlled storm drain system. No storm or irrigation water shall flow over the bluff edge.

ECB3 If an automatic irrigation system is proposed for this project, it shall be designed to avoid any excess watering. The system shall also be designed to automatically shut off in case of a pipe break. Automatic shut-off system, moisture shut-off sensors, and other advanced controls will be required for the installation of an automatic irrigation system.