STATE OF CALIFORNIA - THE RESOURCES AGENCY
CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Arnold Schwarzenegger, *Governor*

RECORD PACKET COPY

W 26 a

Filed:	11/24/04
49th Day:	1/12/05
180th Day:	5/23/05
Staff:	MV-LB
Staff Report:	3/24/05
Hearing Date:	4/13-15/05
Commission Action:	

STAFF REPORT: PERMIT AMENDMENT

AMENDMENT APPLICATION No.: 5-99-206-A4

APPLICANT: Ronald K. and Yolanda R. Loder Living Trust

AGENT: Thiep Cung, Warner Group Architects

PROJECT LOCATION: 2585 Riviera Drive, Laguna Beach Orange County a.k.a. Parcel 3

DESCRIPTION OF CURRENT AMENDMENT No. 4: Construction of a new 13,278 square foot, three level, single family residence with 5,032 square foot basement storage/mechanical area and an attached 1,159 square foot garage on a vacant, bluff top lot.

DESCRIPTION OF ORIGINAL COASTAL DEVELOPMENT PERMIT: Subdivision of a single 2.04 acre parcel into three parcels of: .92 acre/40,279 square feet (Parcel 1), .62 acre/27,012 square feet (Parcel 2) and .49 acre/21,500 square feet (Parcel 3).

DESCRIPTION OF AMENDMENT NO. 1: Public sewer relocation and driveway construction.

DESCRIPTION OF AMENDMENT NO. 2: Reduction in minimum bluff edge setback from 40 feet to 25 feet on Parcel 3 and a minor lot line adjustment to modify the size of each parcel.

DESCRIPTION OF AMENDMENT NO. 3: Combined drainage plan for parcels 1, 2, and 3 (not approved).

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval in Concept dated July 9, 2004.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 5-99-206 (Smith and Swinden); City of Laguna Beach Local Coastal Program (used as guidance in this area of deferred certification).

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed coastal development permit amendment with ten special conditions. The special conditions would: 1) clarify that all conditions imposed under the original permit and previous amendments remain in effect unless modified by this amendment or previous Commission approved amendments; 2) require that development conform with the 25 foot setback from the edge of the bluff previously approved by the Commission; 3) require a Water Quality Management Plan demonstrating that post construction runoff will not exceed pre-construction runoff; that runoff be treated prior to discharge off-site; and that impervious surface area is minimized where feasible; 4) require a construction phase erosion control/ water quality management plan; 5) require a water storage tank and pool leak prevention and monitoring plan; 6) require a revised landscape plan;6) require conformance to geotechnical recommendations; 7) require conformance with geotechnical recommendations; 8) prohibit future shoreline/bluff protective devices; 9) require that the applicant assume the risk of development; and, 10) requires the recordation of a deed restriction reflecting the above restrictions on the property. The special conditions are necessary to bring the proposed development into conformance with the geologic stability, water quality, and shoreline protection policies of the Coastal Act.

PROCEDURAL NOTE

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1) The Executive Director determines that the proposed amendment is a material change,

2) Objection is made to the Executive Director's determination of immateriality, or

3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The project is a substantial change from that previously approved. Therefore, pursuant to Section 13166 of the Commission's regulations, the Executive Director is referring this application to the Commission.

NOTE: Several letters of objection to the proposed development have been received in the Commission's South Coast District office. A representative sample of these letters is attached to this staff report (see exhibits O, P, Q, and R). The letters all raise concerns regarding the amount and quality of runoff that will leave the site, and enter, ultimately, the ocean water. Commission staff believe these concerns are addressed with the special conditions regarding site drainage and water quality.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-99-206 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

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

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Previously Imposed Conditions

All conditions of the previously approved permit, as amended, remain in effect except as modified herein.

2. Revised Project Plans

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicants shall submit, for review and approval of the Executive Director, two (2) full size sets of revised project plans. The revised plans shall demonstrate the following:

As required by Special Condition No. 2 of Permit Amendment No. 5-99-206-A2, except for the planting of native, drought tolerant plant species, no development, as defined in Section 30106 of the Coastal Act, shall occur in the area between (a) the bluff edge, as identified on Parcel Map No. 98-212 (where it is referred to as "BLUFF TOP"), and (b) the point twenty-five feet (25') landward of that bluff edge.

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

3. Water Quality Management Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, THE APPLICANT SHALL SUBMIT FOR THE REVIEW AND APPROVAL OF THE Executive Director, two (2) copies of a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans,

descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

a. Post-development peak runoff rates and average volumes shall not exceed pre-development conditions;
b. Appropriate structural and non-structural BMPs (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters;
c. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement and natural vegetation shall be used where feasible;
d. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized;
e. Runoff from all roofs, driveways and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips and other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner;
f. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;
g. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies; (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season'
h. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
i. It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to the manufacturer's specifications.
j. The WQMP shall be reviewed and approved by the project geotechnical consultant.

B. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal

development permit unless the Executive Director determines that no amendment is required.

4. Construction Best Management Practices

The permittee shall comply with the following construction-related requirements:

a) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction.
b) Reasonable and prudent measures shall be taken to prevent all discharge of fuel or oily waste from heavy machinery or construction equipment or power tools into areas subject to runoff into the storm drains. The applicant and applicant's contractors shall have adequate equipment available to contain any such spill immediately.
c) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain, and shall not be stored in contact with the soil.
d) All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
e) All storm drain inlets and catch basin shall be protected by sand bags and/or straw waddles during construction.

5. Water Storage Tank and Pool Leak Prevention & Monitoring Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicants shall submit, for review and approval of the Executive Director, two (2) full size sets of final water storage tank and pool plans prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed water storage tank and swimming pool and spa. The final water storage tank and pool plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a water storage tank and pool leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the water storage tank and pool and spa which are separate from the water meter for the house to allow for the monitoring of water usage for the pool and spa, and 2) use of materials and design features, such as but not limited to double linings, plastic linings or specially treated cement, to be used to waterproof the undersides of the water storage tank and pool and spa to prevent leakage, along with information regarding the past and/or anticipated success of these materials in preventing leakage; and where feasible 3) installation of a sub drain or other equivalent drainage system under the water storage tank and pool that conveys any water leakage to an appropriate drainage outlet.

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. **Revised Landscape Plan**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full sized sets of a revised planting plan prepared by an appropriately licensed professional which demonstrates the following:

1. The subject site will be planted and maintained for slope stability and erosion control. To minimize the need for irrigation, landscaping shall consist of native and/or drought tolerant non-invasive plant species, except that within the bluff edge setback area identified in Special Condition 2 above only native plant species shall be used;

2. All planting will be completed within 60 days after completion of construction;

3. All required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, will be replaced with new plant materials to ensure continued compliance with the landscape plan;

4. No permanent in-ground irrigation systems will be installed on site. Temporary above-ground irrigation is allowed to establish plantings;

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

7. **Conformance of Design and Construction Plans to Geotechnical Information**

A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall be consistent with all recommendations contained in the Preliminary Geotechnical Design Criteria, prepared by GMU Geotechnical Consultants, dated 3/2/04.

B. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit, for the Executive Director's review and approval, evidence that the geotechnical consultant has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

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

8. **No Future Shoreline/Bluff Protective Device**

A. By acceptance of this permit, the applicant agrees, on behalf of him/herself and all other successors and assigns, that no shoreline/bluff protective device(s) shall ever be constructed to protect the development at the subject site approved pursuant to Coastal Development Permit Amendment No. 5-99-206 A4 including future improvements, in the event that the property is threatened with damage or destruction from bluff and slope instability, erosion, landslides or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of him/herself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this permit, the applicant further agrees, on behalf of him/herself and all successors and assigns, that the landowner shall remove the development authorized by this permit if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that any portion of the development is destroyed, the permittee shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

C. In the event the edge of the bluff recedes to within five (5) feet of the principal residence but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the applicant, that addresses whether any portions of the residence are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without shore or bluff protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

9. **Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards due to bluff and slope instability, erosion, landslides or other natural

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

10. Deed Restriction

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT (5-99-206-A4), the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit amendment, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit amendment, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Amended Project Description

The applicant is proposing to amend coastal development permit 5-99-206 to allow the construction of a single family residence on one of the three lots (parcel 3) created by the subdivision approved under coastal development permit 5-99-206. The subject lot is 43,560 square feet. The proposed single family residence will be a 13,278 square foot, three level, single family residence with an additional 5,032 square foot basement storage/mechanical area, and an attached 1,159 square foot garage on a vacant, bluff top lot. The height of the proposed structure above the curb of the frontage road is approximately 10 feet (maximum height of curb is shown on plans as at elevation 87.5 feet and the maximum height of the proposed residence is at elevation 96 feet).

The site is located in the R-1 Residential Low Density Zoning District. However, this designation has not been certified by the Commission. The site is a vacant sloping parcel

bound to the north, west and east by residential development and to the south by a coastal bluff and the Pacific Ocean.

The subject site is located between the first public road and the sea at Riviera Drive and Monaco Drive in the private community of Abalone Point, which is located within the Irvine Cove area of deferred certification within the City of Laguna Beach, County of Orange.

B. Description of Project Originally Approved and Subsequent Amendments

ORIGINAL PROJECT DESCRIPTION:

Approval of the original coastal development permit allowed the subdivision of a single 2.04 acre parcel into three parcels of: .92 acre/40,279 square feet (Parcel 1), .62 acre/27,012 square feet (Parcel 2) and .49 acre/21,500 square feet (Parcel 3) for future residential development. No construction was included in the original coastal development permit.

Approval of original permit was subject to five (5) special conditions: 1) establishment of a setback from the bluff edge for all development, ranging from 40 to 25 feet inland from the bluff edge; 2) prohibition of future shoreline protection devices and the recordation of a deed restriction reflecting this prohibition; 3) recordation of an Assumption of Risk deed restriction; 4) incorporation of drainage and run-off control measures necessary to minimize potential adverse effects on blufftop stability and the recordation of a deed restriction reflecting this requirement; and, 5) imposition of landscaping requirements necessary to reduce adverse visual and geologic impacts and adverse impacts to environmentally sensitive habitat areas through the spread of non-native invasive plant species.

DESCRIPTION OF AMENDMENT NO. 1: Public sewer relocation and driveway construction. The amendment allowed the existing sewer line to be relocated to a more inland location across the three parcels that were approved under the original CDP. The relocation of the sewer line minimizes potential hazards associated with development sited near the bluff edge. The driveway construction that was approved under this amendment allows the removal of a long, meandering driveway or access road that runs parallel to the frontage street (Riviera Drive) and continues down to a private community beach house located below the subject site (not a part of the subdivision approved by CDP 5-99-206). As reconstructed, the driveway takes more direct access from the frontage street. The relocation of the access road allows accommodation of individual driveway access from Riviera Drive to the parcels created by the subdivision approved under CDP 5-99-206.

DESCRIPTION OF AMENDMENT NO. 2: Reduction in minimum bluff edge setback from 40 feet to 25 feet (to apply to future development) at Parcel 3 of Parcel Map No. 98-212. The Commission's original approval imposed a minimum 40 foot bluff edge setback for the portion of parcel 3 between the western property line and the midpoint of the promontory between parcels 1 and 3, and a minimum setback of 25 feet from the bluff edge for the remainder of the site. In approving the original CDP, the Commission recognized that a lesser setback may be appropriate if evidence is provided that the long-term stability of the

area subject to the 40 foot setback is comparable with the stability of the eastern portion of the property. Such evidence was submitted to the satisfaction of the Commission, and the required minimum setback was reduced accordingly.

The amendment also involved a minor lot line adjustment to modify the size of each parcel. Revised parcel sizes are: .59 acre (Parcel 1); .45 acre (Parcel 2); 1.0 acre (Parcel 3).

DESCRIPTION OF AMENDMENT NO. 3: Combined drainage plan for parcels 1, 2, and 3 as required in Special Condition No. 4 of the original CDP to address site drainage if proposed over the bluff face. Amendment request No. 3 is currently incomplete and will become moot if the drainage is directed onto the street rather than over the bluff face, as is the case in the proposed development.

C. Water Quality

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

New development on vacant parcels has the potential to adversely impact coastal water quality through the increase of impervious surfaces, increase of runoff, erosion and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources. Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters be maintained and, where feasible, restored. The proposed project includes development of a 19,469 square foot structure with a building footprint of 12,210 square feet, as well as associated hardscape and driveway areas, where no impermeable area currently exists. Thus, the proposed development will result in an increase in impervious area, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with

residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters and reduce the optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource polices of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition 3, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water quality and marine resource protection policies of the Coastal Act.

The Commission finds that in order to assure that the proposed development will not create adverse impacts to water quality, BMPs shall be incorporated into the design of the project which assure that the volume and velocity of post-construction runoff from the subject site will not exceed the pre-construction level of runoff. In addition, BMPs which are capable of treating the specific types of pollutants generally anticipated with single family residential development shall be incorporated into the design of the project.

In conjunction with the third amendment to the underlying permit, 5-99-206-A3, a Hydrologic and Hydraulic Report for was prepared for the three lots created by the subdivision, of which the subject site comprises approximately half of the total area (one

acre of a 2.04 acre site). The Hydrologic and Hydraulic Report was prepared by Huitt-Zollars, Inc., and is dated June 15, 2004. The parcels extend beyond the bluff edge. The area below the bluff edge was not included in the drainage analysis. The area analyzed in the Report includes the bluff top area which totals approximately 1.7 acres. Regarding existing drainage conditions on the three lot site, the Report states:

> *"In the existing condition, storm flows sheet flow over the bluff at several locations. A storm drain has been proposed to collect flows on top of the bluff and convey them to a single out flow location [proposed project per Amendment application 5-99-206A3, not currently proposed]. At this location, the 100-year existing condition peak flow rate is 1.7 cfs which includes flows from a portion of the slope area down to the proposed outlet location. The1.7 cfs produces a velocity of approximately 7.0 fps at a depth of 0.29' in the existing swale.*
>
> *For the proposed condition, the site produces a 100-year peak flow rate of 7.7 cfs. At the pipe outlet, the 7.7 cfs produce a velocity of 5.7 fps at a depth of 1.08'in the 18" pipe."*

Although the Report does not address the subject site alone, it does provide a basis for estimating the increase in runoff due to development. Based on the Report, it appears that runoff from the site would be expected to quadruple if it is simply collected and conveyed off site. However, water quality Best Management Practices (BMPs) can feasibly be incorporated into the project design which would allow the post-construction run-off volumes and velocities to be equal to or less than those of undeveloped site. The applicant has proposed a drainage plan which is intended to address post development site runoff.

The proposed drainage plan pipes site drainage to a low point near the seaward side of the bluff top. At that point the drainage is collected in an on-site, below ground, water reservoir storage tank. From the storage tank it would be directed to a stormwater treatment unit (continuous deflective separation unit, or equivalent), and then pumped to the street, where it will join the existing storm drain system for the area which ultimately outlets to the ocean. The applicant has submitted information on Continuous Deflective Separation units, but has not yet determined which size or treatment type will be installed. In addition, the size of the proposed storage tank has not yet been specified by the applicant. However, in meetings with Commission staff, the applicant's representative has indicated that the size of the storage tank is extremely flexible.

Without knowing which specific stormwater treatment system will be used, or what the actual size of the proposed storage tank will be, it is impossible to determine whether the goal of maintaining post-construction runoff velocities and volumes, as well as pollutant loads, to pre-construction velocities, volumes, and loads, will be met. In order to assure that the proposed water quality BMPs will be adequate to meet the goals described above, a special condition is imposed which requires the applicant to submit a Water Quality Management Plan (WQMP) that specifies the type of stormwater treatment system and the size of the storage tank. More specifically the required water quality management plan must specify what types of pollutants the treatment system is capable of treating, and the

volume and velocity of runoff it can process. In addition, the WQMP shall document that the storage tank will be adequate to retain enough stormwater such that current volumes and velocities of site runoff are not exceeded once the proposed development is in place. The WQMP may include other methods to reduce off site runoff such as infiltration and minimizing contiguous impermeable surface area. In addition, the water quality management plan shall include provisions for monitoring and maintaining all BMPs for the life of the proposed development. The WQMP must also include a Hydrologic Study specific to the subject site that calculates the existing runoff conditions and documents whether the WQMP will adequately maintain or decrease the post-construction site runoff compared with pre-construction levels. Because the site is a bluff top lot, the applicant's geotechnical consultant must review the Water Quality Management Plan to assure that it will be consistent with continued site stability.

Finally, interim erosion control measures implemented during construction will minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction. Therefore a Special Condition 4 is imposed which requires that interim erosion control and construction BMPS to be incorporated during construction.

The Commission finds that Special Conditions 3 and 4 are necessary to ensure the proposed development will not adversely impact water quality or coastal resources. Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a water quality management plan for the site, as well as implement erosion control and construction BMPs, is consistent with Section 30231 of the Coastal Act.

D. Blufftop Development

Section 30253 of the Coastal Act states:

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

Section 30251 of the Coastal Act states that:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation*

and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Setback

The subject site is a gently sloping blufftop parcel. The bluff top portion of the site has a relief of about 20 feet and is adjacent to an approximately 60 foot high coastal bluff. Development on a coastal bluff is inherently risky. In previous actions the Commission has imposed a minimum setback of 25 feet from the bluff edge and found that a stringline setback was not applicable at the subject site.

Section 30253 of the Coastal Act requires that risks and geologic instability be minimized. Setting development back from the edge of the bluff can substantially decrease risk because the further from the bluff edge development is located, the less likely it is that that development may become jeopardized. Likewise, setbacks decrease the likelihood of geologic instability. The added weight of development, watering or irrigating plants, and human activity closer to the bluff edge can all increase the rate of erosion and bluff retreat. Thus, by reducing these factors bluff stability can be increased. In addition, Section 30251 of the Coastal Act requires that scenic and visual qualities of coastal areas be protected. Setting development further back from the edge of the coastal bluff decreases the project's visibility from the beach below and as seen from the water. For these reasons, the Commission typically imposes some type of bluff top set back. The edge of the bluff at this site was determined by the Commission at the time the underlying subdivision was approved.

In the project vicinity, the Commission typically imposes a minimum bluff top setback of 25 feet from the edge of the. The intent of the setback is to substantially reduce the likelihood of proposed development becoming threatened given the inherent uncertainty in predicting geologic processes in the future, and to allow for potential cnanges in bluff erosion rates as a result of rising sea level. The geotechnical information submitted with the proposed amendment indicates that a 25 foot setback is adequate to maintain stability of the site. Special Condition No. 2 of underlying coastal development permit 5-99-206 A2 states:

A. *No Development, as defined in Section 30206 of the Coastal Act, shall occur in the designated blufftop setback area generally depicted on Exhibit 6 of the current staff report (dated January 16, 2003) and as specifically defined as follows:*

    (1) The areas on all three parcels subject to this permit between (a) the bluff edge, as identified on Parcel Map No. 98-212 (where it is referred to as "BLUFF TOP"), and (b) the point twenty-five feet (25') landward of that bluff edge.

B. *Within the designated blufftop setback area, only native drought-tolerant plant species shall be allowed.*

C. *The following development may be allowed within the setback area, if approved by the Coastal Commission or successor agency, as an amendment to this coastal development permit:*

(1) Construction of the realigned sewer line.

Proposed hardscape, planters, and drain pipes would extend up to within ten feet of the bluff edge (see exhibit C). In addition, grading to accommodate these features is proposed within the 25 foot setback area. Portions of the proposed drain pipes would be closer than ten feet of the bluff edge. Development within the 25 foot bluff edge setback is inconsistent with the Commission's previously imposed special condition that limits development within the 25 foot setback area specifically to native, drought-tolerant planting and construction of a realigned sewer line. The development described above is not consistent with the Commission's previously imposed special conditions. The Commission found that the condition was necessary for the project to be consistent with the hazard and visual protection policies of the Coastal Act. Therefore, the project must be revised to conform with the 25 foot bluff edge setback requirements.

In order to reduce risk and the likelihood of geologic instability, and reduce the potential need for shoreline protection in the future, as well as to protect public scenic coastal views, the Commission finds that a 25 foot setback from the edge of the bluff (see exhibits B and C) is appropriate. Therefore, as a condition of approval, the project shall be redesigned to eliminate development seaward of the 25 foot setback from the bluff edge. The 25 foot setback approved by the Commission is depicted on exhibits B and C.

Only as conditioned can the Commission find that the proposed development is consistent with requirements of Sections 30251 and 30253 of the Coastal Act which require that hazards be minimized and that coastal views be protected.

Geotechnical Recommendations

To evaluate the feasibility of residential development at the subject site, the applicants commissioned a geotechnical investigation by Goffman, McCormick & Urban, Inc. The scope of the investigation involved review of previous research and surface mapping; surface reconnaissance; excavation of 5 drill holes to depths of up to 70 feet; laboratory testing of site materials; and analysis of the exploration and laboratory data to develop recommendations pertaining to use of the site, bluff stability and grading. In addition, the following reports were prepared for the subject site: Report of Sea Bluff Stability, prepared by GMU, Inc., dated October 9, 2002; and Preliminary Geotechnical Design Criteria, prepared by GMU, Inc., and dated March 2, 2004. The *Report of Geotechnical Studies, Parcels 1, 2 and 3, Tentative Parcel Map 98-212, Laguna Beach, California* (Project 98-104) dated November 19, 1999 concludes that "site development is feasible from a geological and geotechnical standpoint."

The geotechnical consultant has found that the subject site is suitable for the proposed development provided the recommendations contained in the geotechnical information prepared by the consultant are implemented in design and construction of the project. In

order to assure that risks are minimized, the geotechnical consultant's recommendation should be incorporated into the design of the project. As a condition of approval the applicant shall submit plans, including grading and foundation plans, indicating that the recommendations contained in the Report of Geotechnical Studies, Parcels 1, 2 and 3, Tentative Parcel Map 98-212, Laguna Beach, California, (Project 98-104) dated November 19, 1999; Report of Sea Bluff Stability, prepared by GMU, Inc., dated October 9, 2002; and Preliminary Geotechnical Design Criteria, prepared by GMU, Inc., and dated March 2, 2004 have been incorporated into the design of the proposed project.

Future Protective Device

The subject site is a bluff top ocean front lot. In general, bluff top lots are inherently hazardous. It is the nature of bluffs, and especially ocean bluffs, to erode. Bluff erosion can be episodic, and bluffs that seem stable now may not be so in the future. Even when a thorough professional geotechnical analysis of a site has concluded that a proposed development is expected to be safe from bluff retreat hazards for the life of the project, it has been the experience of the Commission that in some instances, unexpected bluff retreat episodes that threaten development during the life of a structure sometimes do occur (e.g. coastal development permit files 5-99-332 A1 (Frahm); P-80-7431 (Kinard); 5-93-254-G (Arnold); 5-88-177(Arnold)). In the Commission's experience, geologists cannot predict with absolute certainty if or when bluff erosion on a particular site may take place, and cannot predict if or when a residence or property may be come endangered.

Section 30253 of the Coastal Act requires that new development shall not require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed development could not be approved as being consistent with Section 30253 of the Coastal Act if projected bluff retreat would affect the proposed development and necessitate construction of a protection device.

The Coastal Act limits construction of these protective devices because they have a variety of negative impacts on coastal resources including adverse affects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Under Coastal Act Section 30235, a shoreline protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for residential development only for existing principal structures. The construction of a shoreline protective device to protect a new residential development would not be required by Section 30235 of the Coastal Act. In addition, the construction of a shoreline protective device to protect new residential development would conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including coastal bluffs which would be subject to increased erosion from such a device.

No shoreline protection device is proposed. The proposed development includes construction of a new single family residence, which constitutes new development for the purposes of Sections 30235 and 30253. Because the proposed project is new development, it can only be found consistent with Section 30253 of the Coastal Act if a shoreline/bluff protective device is not expected to be needed in the future. The applicant's geotechnical consultant has indicated that the site is stable, that the project should be safe for the life of the project, and that no shoreline protection devices will be needed. If not for the information provided by the applicant that the site is safe for development, the Commission could not conclude that the proposed development will not in any way "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." However, as stated above, the record of coastal development permit applications and Commission actions has also shown that geologic conditions change over time and that predictions based upon the geologic sciences are inexact. Even though there is evidence that geologic conditions change, the Commission must rely upon, and hold the applicant to their information which states that the site is safe for development without the need for protective devices. Therefore, the Commission imposes a special condition which prohibits the applicant and their successors in interest from constructing shoreline/bluff protective devices to protect the proposed development and requiring that the applicant waive, on behalf of itself and all successors and assigns, any right to construct protective devices for the proposed project that may exist under 30235.

Assumption of Risk

Although adherence to the geotechnical consultant's recommendations will minimize the risk of damage from erosion, the risk is not eliminated entirely. The site is an oceanfront, bluff top lot, which is inherently hazardous. Given that the applicant has chosen to implement the project despite potential risks from bluff erosion and landslide, the applicant must assume the risks. Therefore, the Commission imposes a special condition requiring the applicant to assume the risk of the development. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

Landscape and Irrigation

Another factor that can minimize the hazards inherent to bluff development is limiting the amount of water introduced to the bluff top area. In order to maximize bluff stability the amount of water introduced to the site should be minimized. Water on site can be reduced by limiting permanent irrigation systems. The proposed landscape and irrigation plans include permanent, in-ground irrigation. Irrigation anywhere on the site would be detrimental to bluff stability. In addition, Special Condition No. 5(A)(5) of the original, underlying permit prohibits in-ground irrigation and allows only temporary above ground

irrigation to establish plantings. Consequently, irrigation must be limited to temporary irrigation only as needed to establish plants. Therefore, the Commission imposes a special condition which prohibits permanent irrigation on the site and requires revised landscape and irrigation plans reflecting this requirement. Temporary irrigation may be allowed to establish plantings. Only as conditioned can the Commission find the proposed development consistent with Section 30253 of the Coastal Act which requires that hazards be minimized.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm.

Low water use, drought tolerant, native plants require less water than other types of vegetation, thereby minimizing the amount of water introduced into the bluff top. Drought resistant plantings and minimal irrigation encourage root penetration which increases bluff stability. The applicant has submitted a landscape plan that includes plants that are not low water use and that are not natives to coastal Orange County. The Commission typically requires that applicants utilize native plant species, particularly along coastal bluffs. Native plants species should be used adjacent to the bluff and non-invasive, drought-tolerant plants may be used elsewhere on the site.

As a condition of approval, the applicant shall submit a revised landscape plan that indicates no permanent irrigation on the site, and the use of plants that are low water use, drought tolerant, non-invasive plants, primarily native to coastal Orange County. The landscaping plan as conditioned will reduce the amount of water introduced into the bluff top area and so would not contribute to instability of the bluff. Thus, only as conditioned, is the landscape plan consistent with Section 30253 of the Coastal Act.

The proposed project includes construction of a water storage tank (for water quality control purposes) and a pool and spa. If water from the proposed storage tank, pool and spa is not properly controlled there is a potential for bluff failure due to the infiltration of water into the bluff. For this reason, the potential for infiltration into the bluff should be minimized. This can be achieved by various methods, including having the water tank, and pool/spa double lined and installing a water tank and pool leak detection system to prevent the infiltration of water into the bluff due to any possible pool or spa problems. However, the applicants have not proposed any such measures. Therefore, the Commission imposes Special Condition No. 5, which requires the applicants to submit a water tank, pool and spa leak prevention and monitoring plan. Only as conditioned can the proposed water tank, pool and spa be found consistent with Section 30253 which requires that risks be minimized.

E. Public Access and Recreation

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

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

> *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
>
> *(2) adequate access exists nearby.*

The proposed development is located within an existing locked gate community (Abalone Point) located between the sea and the first public road paralleling the sea. Public access through this community does not currently exist. However, the proposed development, construction of a single family residence in an area inaccessible to the public, will not affect the existing public access condition. It is the locked gate community, not this residence, that impedes public access. Access is provided in the project vicinity at Crystal Cove State Park, located immediately north of the subject site. The proposed development will not create any new adverse impacts to existing public access or recreation in the area. Therefore, the Commission finds that the project is consistent with the public access and recreation policies of the Coastal Act.

F. Local Coastal Program

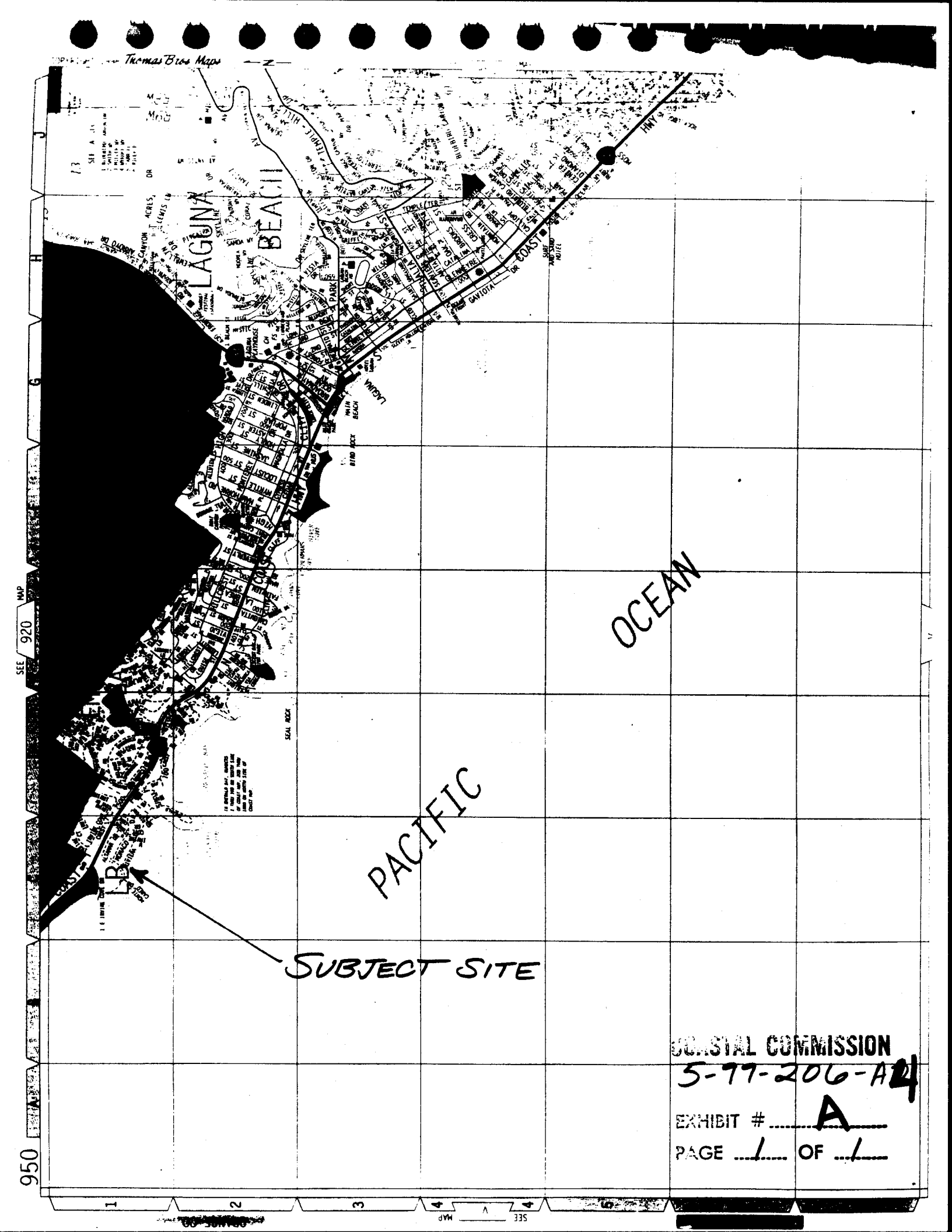
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for four areas of deferred certification, in July 1992. In February 1993, the Commission concurred with the Executive Director's determination that the suggested modifications had been properly accepted and the City assumed permit issuing authority at that time. The subject site is located within the Irvine Cove area of deferred certification. Certification in this area was deferred due to issues of public access arising from the locked gate nature of the community. However, as previously discussed above, the proposed development itself will not further decrease public access which is already adversely affected by the existing locked gate community. Further, the project has been found to conform to the water quality, hazard, and shoreline protection policies of the Coastal Act. Therefore, the Commission finds that approval of this project will not prevent the City of Laguna Beach from preparing a total Local Coastal Program for the areas of deferred certification.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

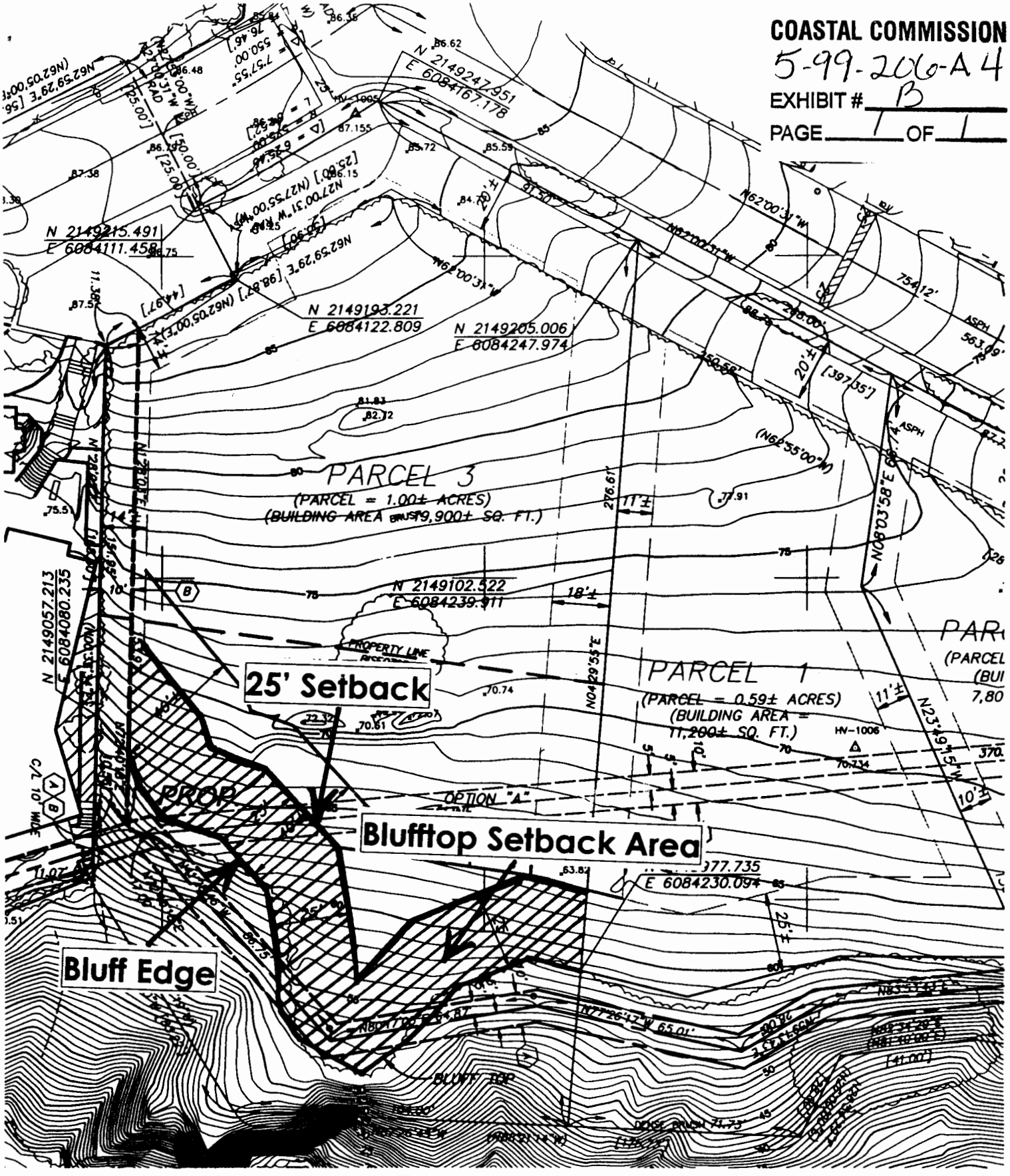
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality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

The proposed development has been conditioned to assure that the project will not have a significant adverse impact on coastal resources, specifically, water quality and geologic hazard. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



COASTAL COMMISSION
5-77-206-A4
EXHIBIT # A
PAGE 1 OF 1

COASTAL COMMISSION
5-99-206-A4
EXHIBIT # B
PAGE 1 OF 1

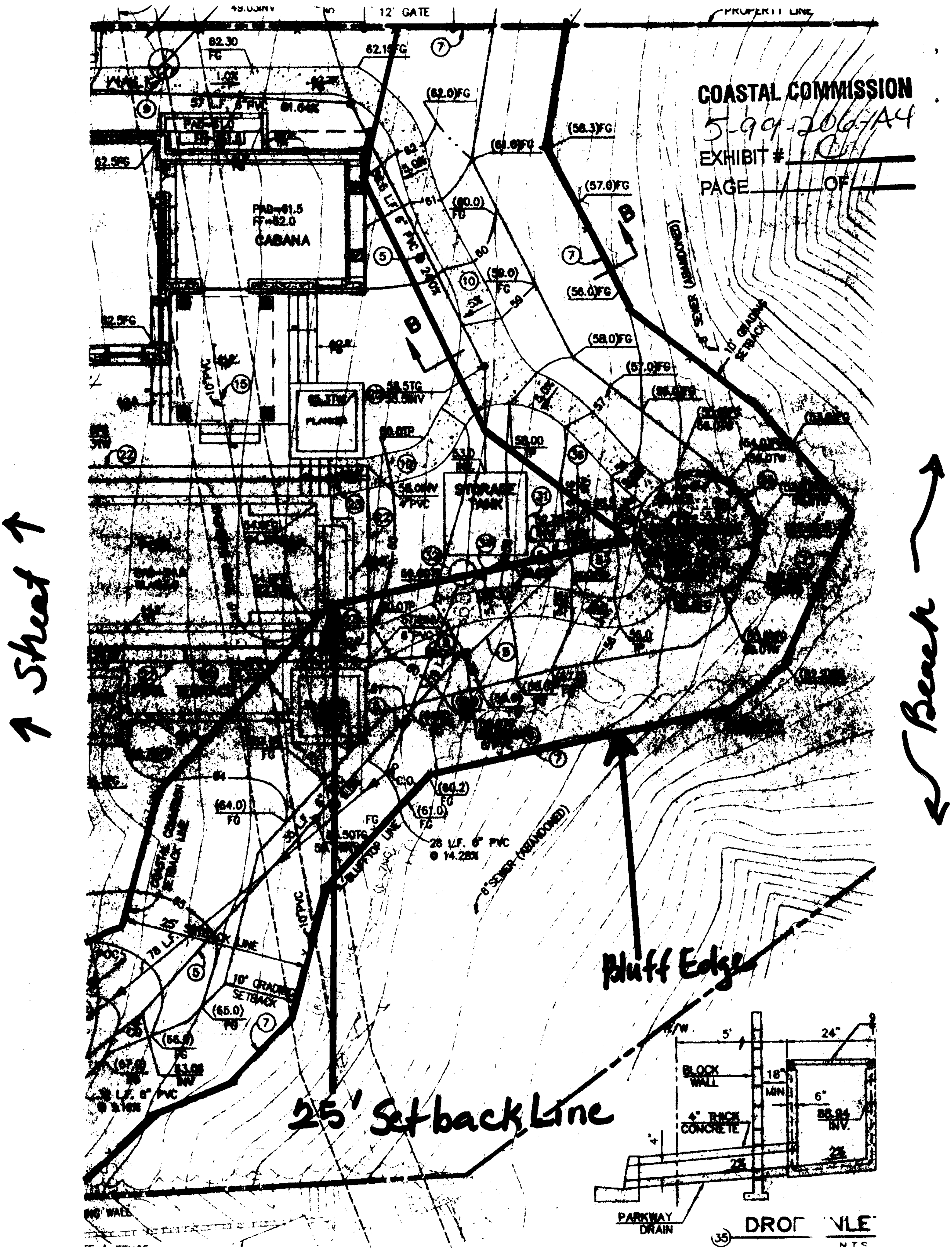


PROJECT :	LODER RESIDENCE
SCALE:	1"=40'
TITLE:	SETBACKS
BY:	SDW
DATE :	12.11.02

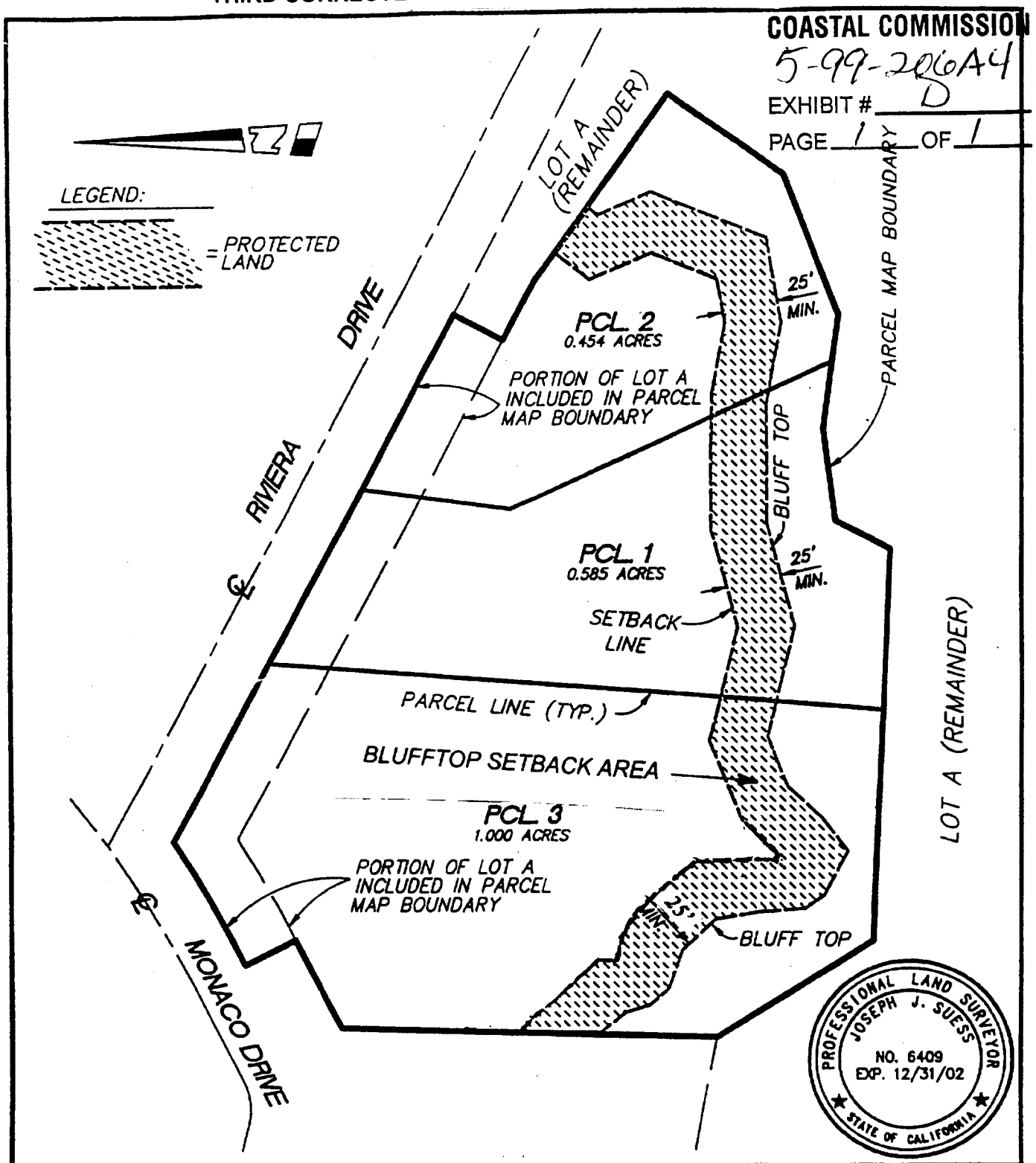
Warner Group
ARCHITECTS, INC.

1250 Coast Village Road
Suite J
Santa Barbara, CA 93108
Telephone 805.969.5074
Facsimile 805.565.3797

COASTAL COMMISSION
5-99-206-A4
EXHIBIT # C
PAGE 1 OF 1



THIRD CORRECTED NOTICE OF INTENT – EXHIBIT B-1



PROFESSIONAL LAND SURVEYOR
JOSEPH J. SUESS
NO. 6409
EXP. 12/31/02
STATE OF CALIFORNIA

HUITT-ZOLLARS
Huitt-Zollars, Inc.
15101 Red Hill Avenue, Tustin, CA 92780
(714) 259-7900

APPROVED BY Joseph J. Suess PLS6409

SKETCH DEPICTING PROPOSED BLUFF TOP AND SETBACK LIN
FOR
PARCEL MAP NO. 98-212

SCALE 1"=60'

G:\100546

The Warner Group
ARCHITECTS, INC.

LODER RESIDENCE

3' HEIGHT REDUCTION AT MASTER BEDROOM AS APPROVED BY CITY COUNCIL ON DEC. 16, 2003

LODER RESIDENCE
390 RIVIERA DRIVE
LAGUNA BEACH, CA 92651

EXISTING TOPOGRAPHY SURVEY

A-1.0

COASTAL COMMISSION
5-99-206-A4
EXHIBIT # E
PAGE 1 OF 1

the Warner Group ARCHITECTS, INC.	LODER RESIDENCE 3' HEIGHT REDUCTION AT MASTER BEDROOM AS APPROVED BY CITY COUNCIL ON DEC. 16, 2003		LODER RESIDENCE 2361 RIVIERA DRIVE LAGUNA BEACH, CA 92651	A-1.2

LEGEND

TOP OF PAVING
FINISH GRADE
TOP OF WALL
PLANTER
TOP OF PLANTER
TOP OF CURB
FINISH FLOOR
UPPER FINISH FLOOR
LOWER FINISH FLOOR

PARCEL 3 OF PARCEL MAP NO 96-313 LOCATED IN THE CITY OF LAGUNA BEACH, ORANGE COUNTY CALIFORNIA

ALL UNDERGROUND UTILITY LINES TO THE NEAREST EXISTING UTILITY POLE

CUT AND FILL QUANTITIES OUTSIDE OF THE PROPOSED STRUCTURAL FOOTPRINT IS +/- 600 CUBIC YARDS

ADJACENT PROPERTY BUILDING ENVELOPE

RIVIERA DRIVE

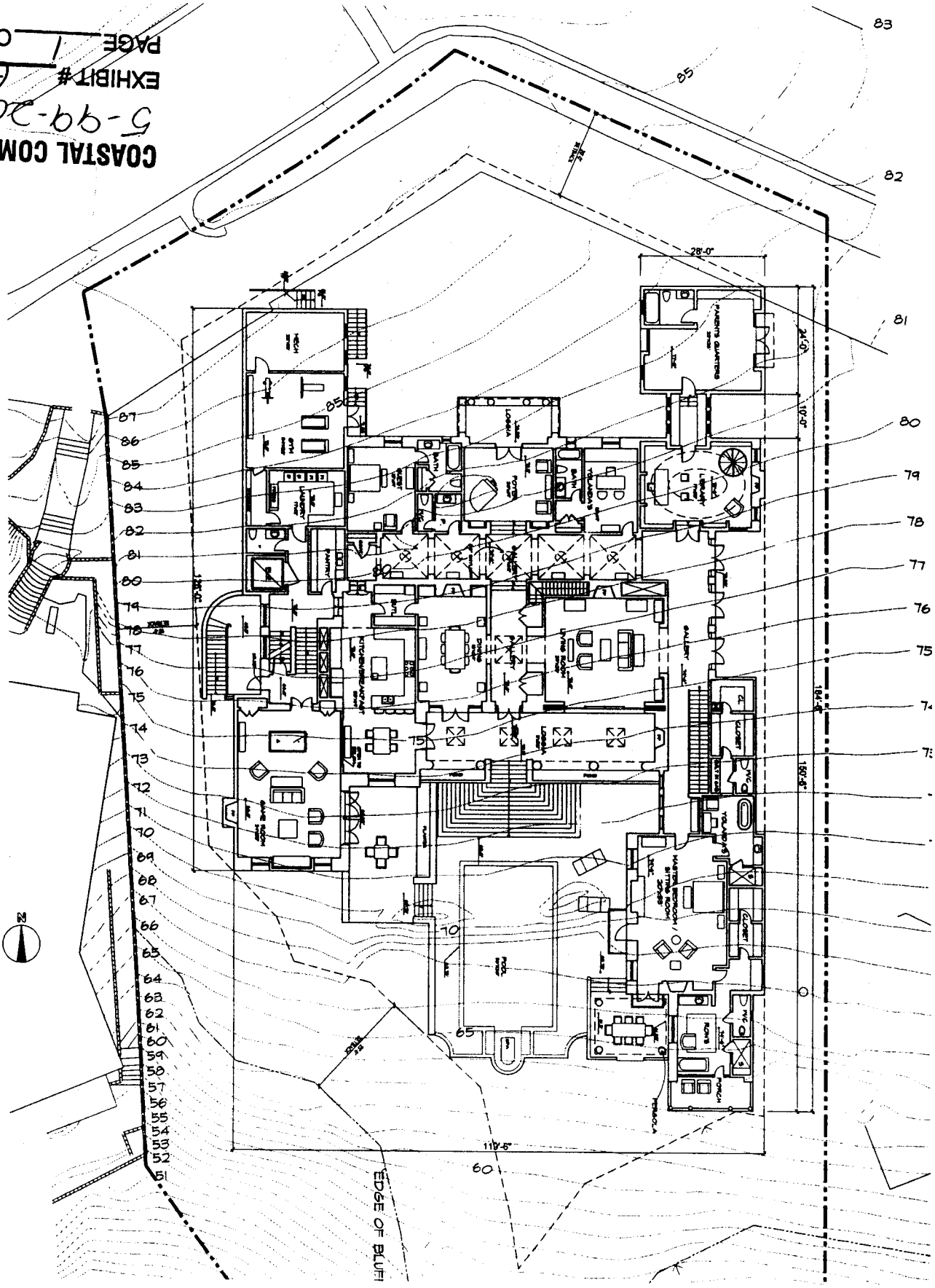
MONACO DRIVE

NEW PROPERTY LINES

N

SITE PLAN

COASTAL COMMISSION
5-99-206-A4
EXHIBIT # E
PAGE 1 OF 1



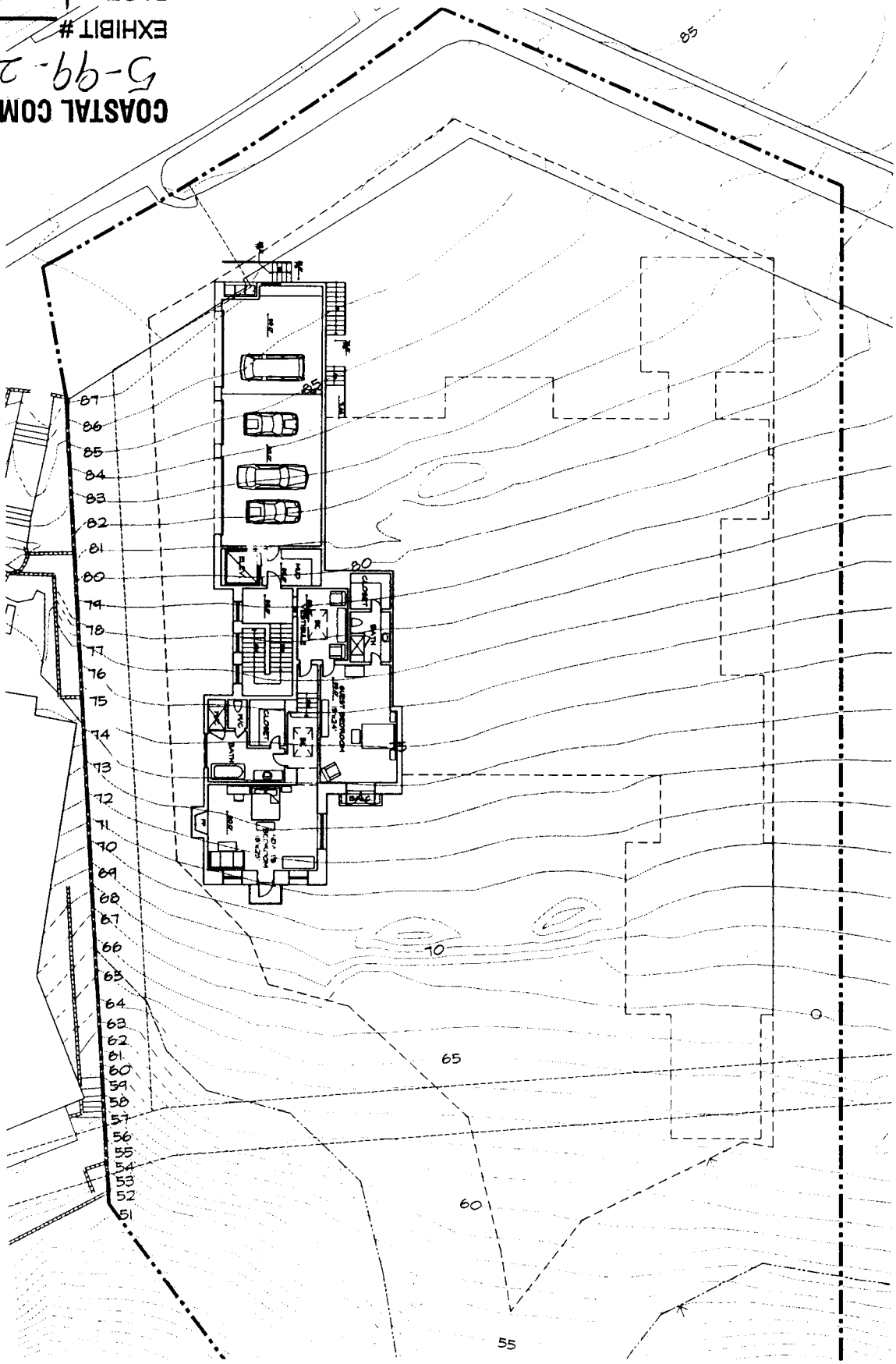
A-2.0

LODER RESIDENCE
3' HEIGHT REDUCTION AT MASTER BEDROOM AS APPROVED
BY CITY COUNCIL ON [illegible] 16, 2003

MAIN LEVEL FLOOR PLAN

LODER RESIDENCE

tWarner Group ARCHITECTS, INC.



UPPER LEVEL PLAN

A-2.1

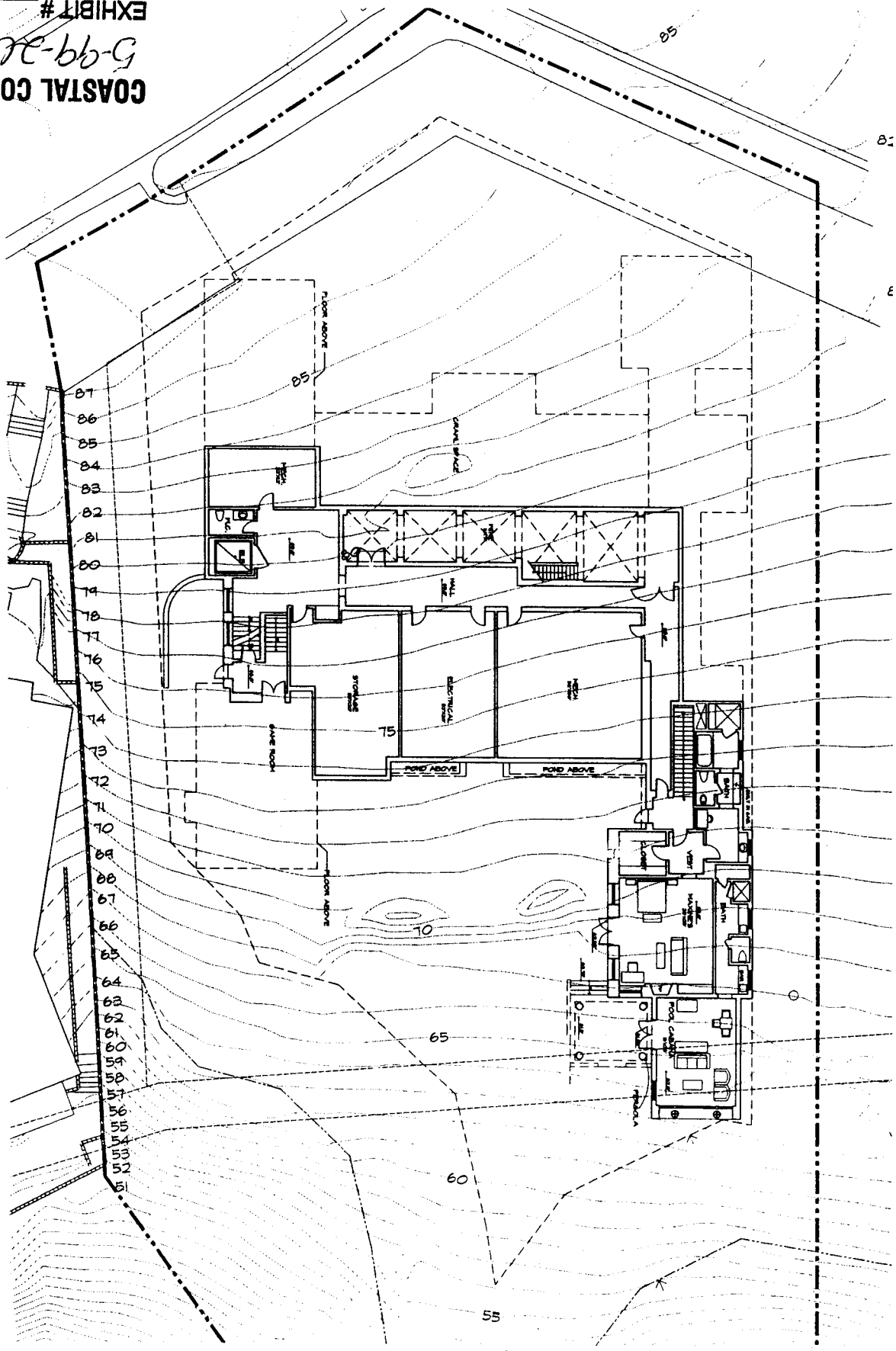
3RD LEVEL FLOOR PLAN

LODER RESIDENCE

LODER RESIDENCE

3' HEIGHT REDUCTION AT MASTER BEDROOM AS APPROVED BY CITY COUNCIL ON DEC. 16, 2003

tWarner Group ARCHITECTS, INC.



LOWER LEVEL PLAN

LODER RESIDENCE

3' HEIGHT REDUCTION AT MASTER BEDROOM AS APPROVED BY CITY COUNCIL ON DEC. 16, 2003

LODER RESIDENCE
MAIN LEVEL FLOOR PLAN

A-2.2

The Warner Group
ARCHITECTS, INC.

the Warner Group ARCHITECTS, INC.

LODER RESIDENCE

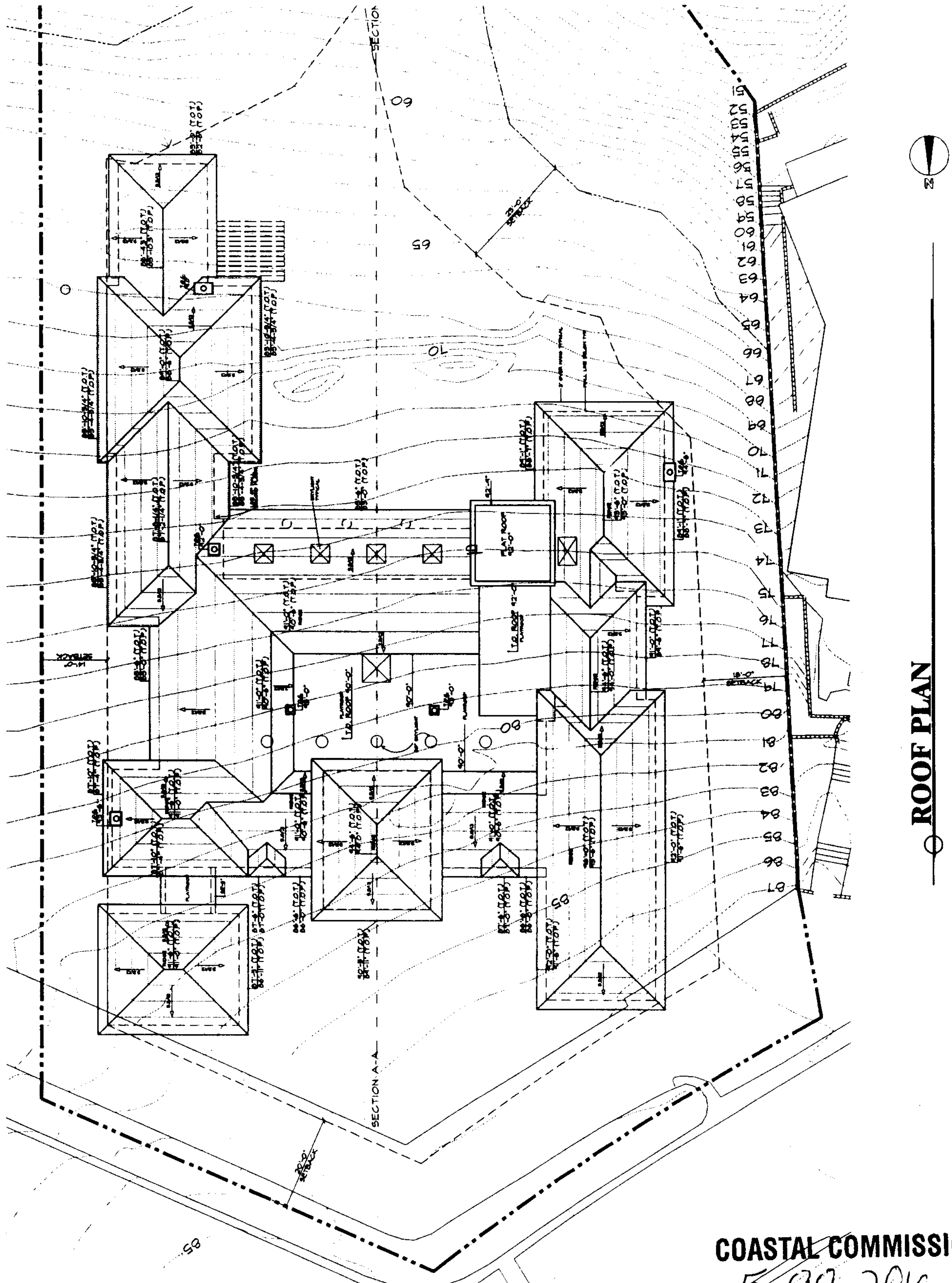
3' HEIGHT REDUCTION AT MASTER BEDROOM AS APPROVED BY CITY COUNCIL ON DEC. 16, 2003

LODER RESIDENCE

LAGUNA BEACH CA

ROOF PLAN

A-2.3

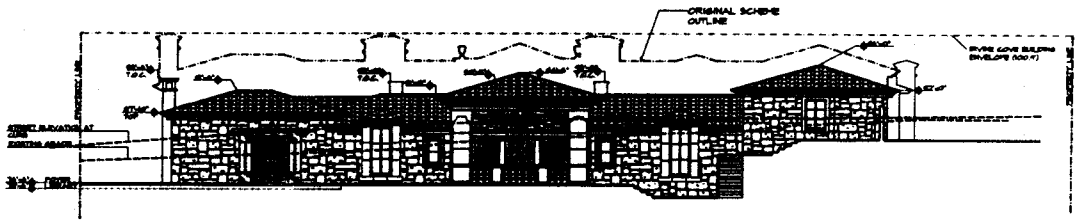


COASTAL COMMISSION

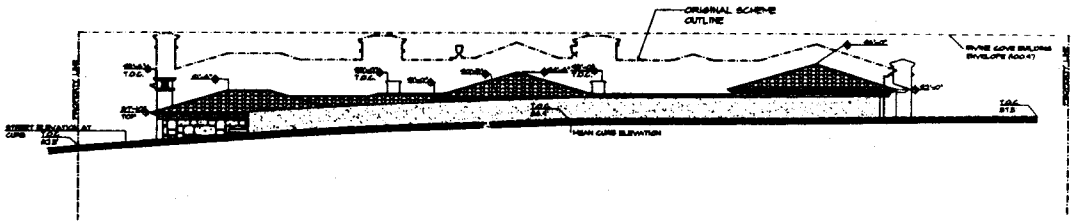
5-99-206-A4

EXHIBIT # J

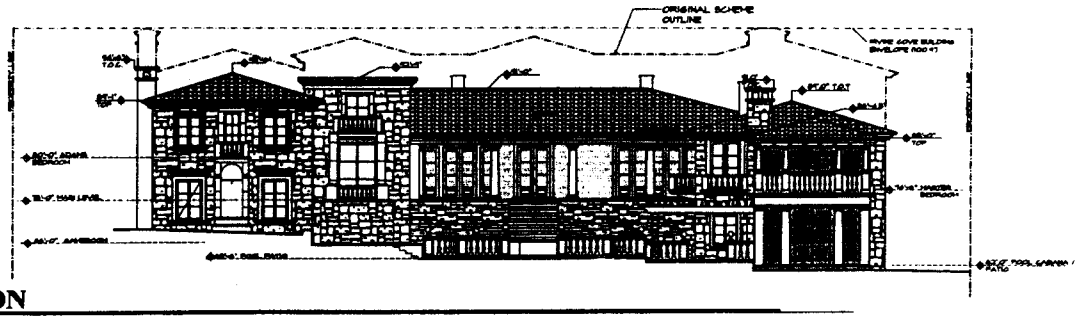
PAGE 1 OF 1



FRONT ELEVATION



STREET ELEVATION



SOUTH ELEVATION

the Warner Group
ARCHITECTS, INC.

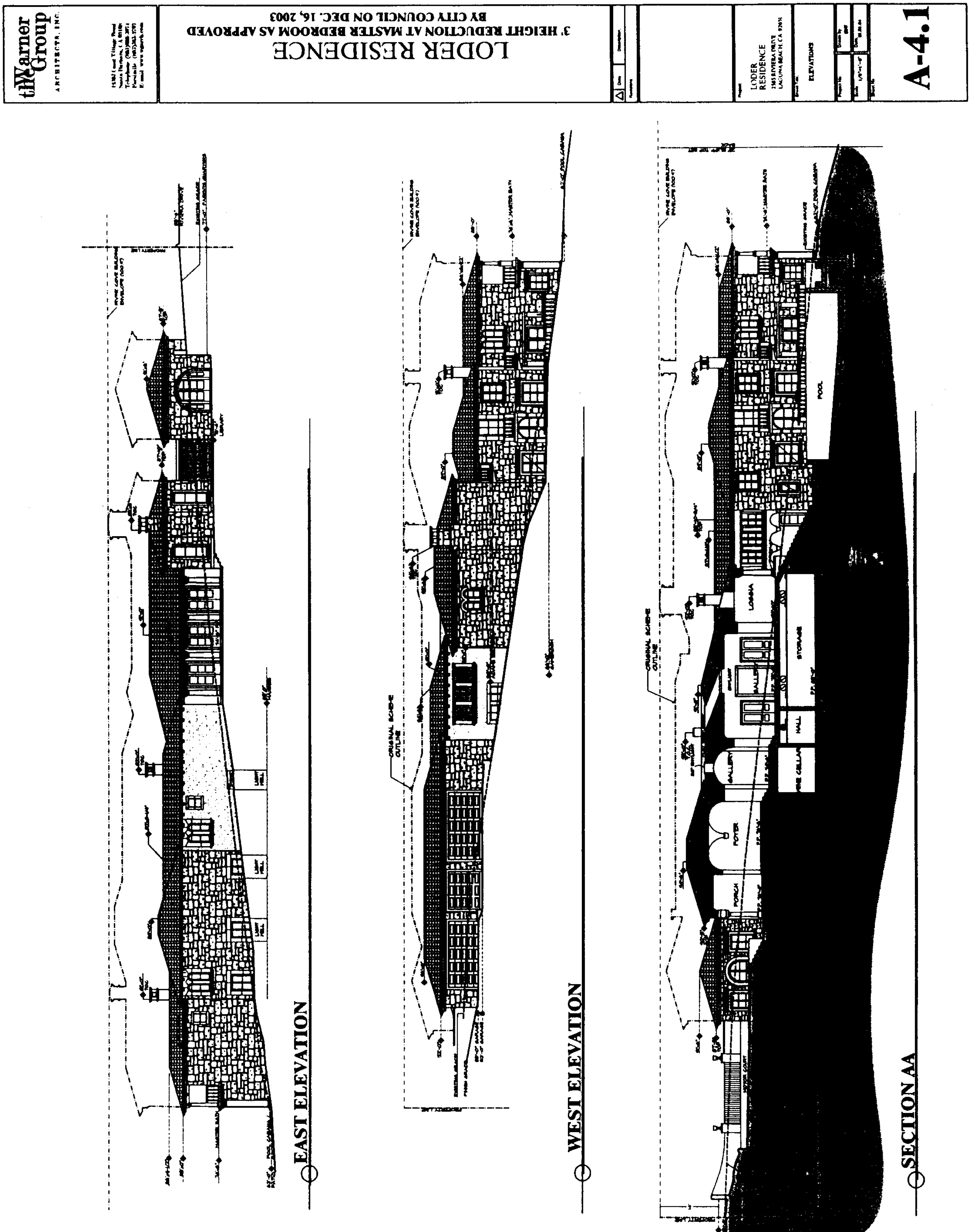
LODER RESIDENCE

3' HEIGHT REDUCTION AT MASTER BEDROOM AS APPROVED BY CITY COUNCIL ON DEC. 16, 2003

LODER RESIDENCE
2505 RIVIERA DRIVE
LAGUNA BEACH, CA 92651

ELEVATIONS

A-4.0



COASTAL COMMISSION

5-99-206-A4

EXHIBIT # L

PAGE 1 OF 1

HARDSCAPE LEGEND

1. Driveway Apron per City of Laguna Beach standards
2. A.C. And Pool Equipment
3. Entry Gate and Wall per Architect
4. Stone Motor Court Paving - Stone to be selected
5. Courtyard Fountain
6. Stone Paving with Planting between
7. Property Line Wall
8. Wall Fountain at Property Line
9. Terrace - Stone to be selected
10. Stone Walk around to Bluff
11. Swimming Pool and Spa per Architect
12. Walk to Garage Motor Court - Stone to be selected
13. Garage Motor Court - Stone to be selected
14. Entry Paving - Material to be selected
15. Gravel walk - Crushed pea gravel

IRRIGATION NOTE:

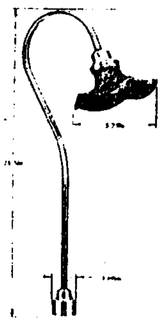
The irrigation system shall be fully automated, using low-volume heads with matched precipitation rates and head to head coverage.
Blufftop irrigation: No in-ground irrigation systems shall be allowed. Temporary above-ground irrigation for the purpose of establishing vegetation is allowed.

GRADING LEGEND

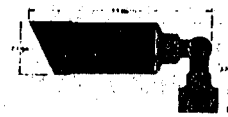
Symbol	Description
— 70 —	Existing Contour
(·70.0)*	Existing Spot Elevation
+70.0	Proposed Spot Elevation

LIGHTING LEGEND

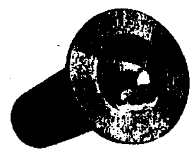
Symbol	Fixture (Name or Stock No.)	Number of Fixtures	Bulb Wattage & Type	Type of Mount	Mounting Height	Notes
■	[illegible] - Copper Path Light FL310 [illegible]	[illegible]	[illegible]	Stake Mounted	[illegible] High	Solid Brass, Copper Fixture
▼	[illegible] - Copper Spot Light [illegible]	[illegible]	[illegible]	[illegible]	Adjustable	Solid Brass, Copper [illegible]
▲	[illegible] - Copper Wall Light [illegible]	[illegible]	[illegible]	[illegible]	[illegible] above finish grade	Solid Brass, Copper Fixture



Copper Path Light
FL310



Copper Spot Light
SL1000



Copper Wall Light
SWS-12L-15-C

TREE LEGEND

- Citrus Species Dwarf; 36" Box; [illegible] Max. height [illegible]
- Cupressus macrocarpa Monterey Cypress; 48" Box; [illegible] Max. height [illegible]
- Leptospermum laevigatum/Australian Tea Tree; 48" Box Sculpted; 10'H x 10'W Max. height 12'
- Metrosideros excelsus/New Zealand Christmas Tree; 36" Box; [illegible] Max. height [illegible]
- Olea europaea/Olive [illegible]; [illegible] Max. height [illegible]

Landscaping Requirements

To reduce adverse visual and geologic impacts due to erosion and adverse impacts to environmentally sensitive habitat areas through the spread of non-native, invasive, plant species, the applicant hereby agrees to the following landscaping requirements:

(1) Landscaped areas in the blufftop setback area shall be planted and maintained for erosion control and visual enhancement Purposes. To minimize the need for irrigation and to screen or soften the visual impact of development, all landscaping shall consist of native, drought resistant plants;
(2) Invasive, non-indigenous plant species which tend to supplant native species shall not be used;
(3) All required plantings will be maintained in good growing conditions throughout the life of the project and whenever necessary shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
(4) Landscaped areas in the front and side yards can include ornamental or native, drought-tolerant plants. Vegetation installed in the ground shall consist of native, drought tolerant plants. Other vegetation which is placed in above ground pots or planters or boxes may be non-invasive, non-native ornamental plants.

BLUFF LEGEND

CAR	Carissa grandiflora 'Green Carpet' Natal Plum; 1 Gallon @ 30" O.C., 1-1/2'H x 3'W
CIS	Cistus purpureus/Rockrose; 1 Gallon @ 30" O.C., 3'H x 3'W
ECH	Echium fastuosum/Pride of Madeira; 5 Gallon @ 48" O.C., 4'H x 4'W
LIM	Limonium perezii/Sea Lavender; 1 Gallon @ 24" O.C., 1'H x 3'W
ROS	Rosmarinus officinalis 'Prostratus'/Prostratus Rosemary; 1 Gallon @ 24" O.C., 2'H x 6'W

UNDISTURBED AREA - EXISTING PLANTS

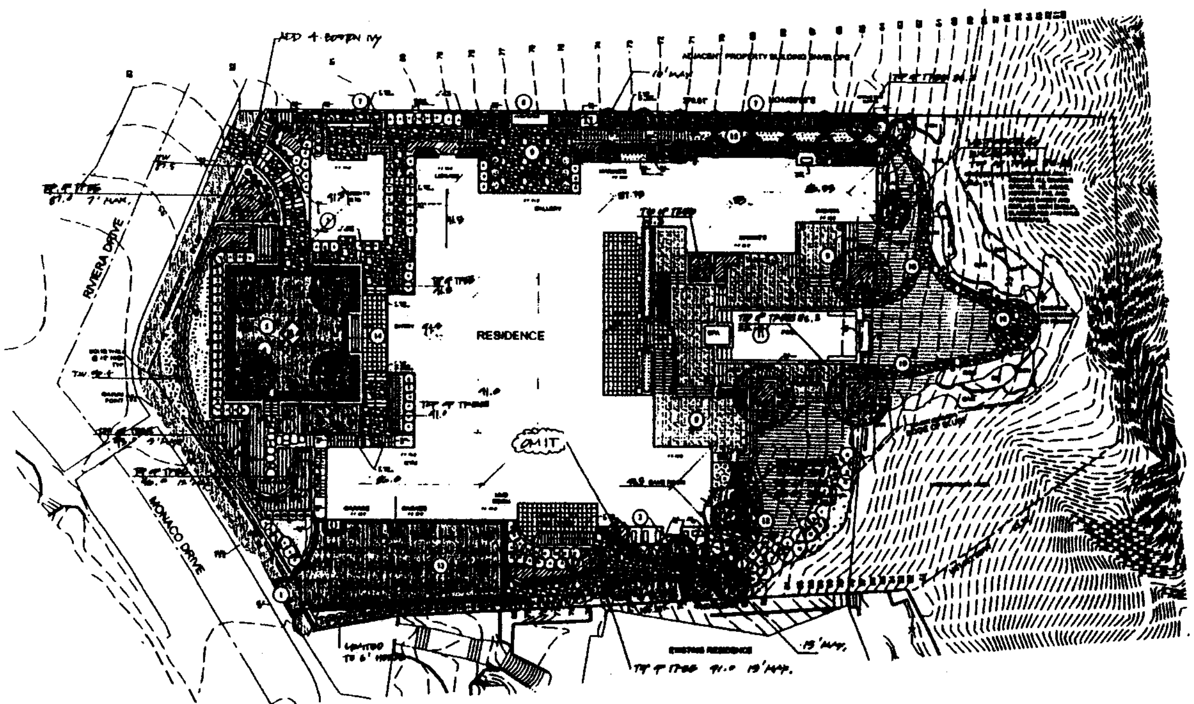
Within the designated blufftop setback area, only native, drought-tolerant plant species shall be allowed.

Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

Carpobrotus spp./Ice Plant
Chamus [illegible]
Encelia californica/California Encelia
Eriogonum fasciculatum/Common Buckwheat
Opuntia spp./Prickly Pear
Rhus integrifolia/Lemonade Berry

SHRUB / GROUNDCOVER LEGEND

- Annual Color - to be selected; 1 Gallon @ 14" O.C.
- Buxus microphylla japonica 'Green Beauty' Japanese Boxwood; 5 Gallon; 18"H x 18"W
- Camellia japonica/Hybrid White Camellia; 15 Gallon; 6'H x 5'W
- Cistus x purpureus/Orchid Rockrose; 5 Gallon; 4'H x 4'W
- Citrus Species Dwarf; 24" Box; 6'Hx4'W
- Lavandula angustifolia/English Lavender; 1 Gallon @ 18" O.C.; 3'H x 3'W
- Ligustrum 'Texanum' Texas Privet; 5 Gallon; 3'H x 4'W
- Lippia repens/Lippia (Lawn substitute); Flats @ 6" O.C.; Flat Mat
- Liriope muscari 'Variegata'/Variegated Lily Turf; 1 Gallon @ 12" O.C.; 1'H x 1'W
- Melaleuca armillaris Drooping Melaleuca; 24" Box; 10'H x 10'W Max. height [illegible]
- Melaleuca nesophila/Pink Melaleuca; 42" Box Sculpted; 15'H x 15'W Max. height [illegible]
- Marathon II Sod
- Parthenocissus tricuspidata Boston Ivy; 1 Gal @ [illegible]; Height of wall
- Perennial Garden for Cut Flowers - to be selected; 5 Gallon @ 12" O.C.
- Pittosporum crassifolium 'Compactum' N.C.N.; 15 Gallon; 6'H x 5'W
- Pittosporum tobira 'Creme De Mint' N.C.N.; 15 Gallon; 3'H x 3'W
- Pittosporum variegata Variegated Pittosporum; 15 Gallon; 6'H x 6'W
- Prunus caroliniana 'Bright n Tight' Carolina Laurel Cherry; 15 Gallon; 6'H x 3'W
- Rosmarinus officinalis 'Prostratus'/Prostratus Rosemary; 5 Gallon; 2'H x 6'W
- Rosmarinus officinalis 'Tuscan Blue'/Tuscan Blue Rosemary; 5 Gallon; 6'H x 6'W
- Trachelospermum jasminoides/Star Jasmine; 5 Gallon @ 18" O.C.; 2'H x 6'W
- Westringia fruticosa Coast Rosemary; 15 Gallon; 2'H x 4'W



LODER RESIDENCE
2585 RIVERIA DRIVE
LAGUNA BEACH, CA. 92651

STUDIO
LANDSCAPE ARCHITECTURE STUDIO

PRELIMINARY LANDSCAPE PLAN

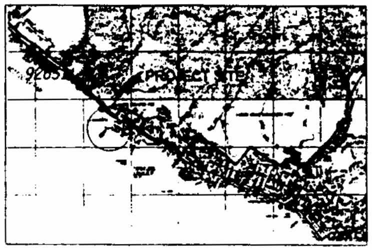
CRAIG DE PFYFFER
SEPTEMBER 17, 2002
1/16" = 1'-0"

L-1

5-99-206-A4

Exhibit M

CITY OF LAGUNA BEACH
ORANGE COUNTY, CALIFORNIA



VICINITY MAP
NOT TO SCALE

EROSION CONTROL

1. IN THE CASE OF EMERGENCY, CALL JOHN ALLEN @ (949) 719-5420
2. EQUIPMENT AND WORKERS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON. NECESSARY MATERIALS SHALL BE AVAILABLE ON SITE AND STOCKPILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.
3. EROSION CONTROL DEVICES SHALL NOT BE MOVED OR MODIFIED WITHOUT THE APPROVAL OF THE BUILDING OFFICIAL.
4. ALL REMOVABLE EROSION PROTECTIVE DEVICES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN THE 5-DAY RAIN PROBABILITY FORECAST EXCEEDS 40%.
5. AFTER A RAINSTORM, ALL SILT AND DEBRIS SHALL BE REMOVED FROM STREETS, CHECK BERMS AND BASINS.
6. GRADED AREAS ON THE PERMITTED AREA PERIMETER MUST DRAIN AWAY FROM THE FACE OF SLOPES AT THE CONCLUSION OF EACH WORKING DAY. DRAINAGE IS TO BE DIRECTED TOWARD.
7. THE PERMITTEE AND CONTRACTOR SHALL BE RESPONSIBLE ONTO AREAS WHERE IMPOUNDED WATER CREATES A HAZARDOUS CONDITION
8. THE PERMITTEE AND CONTRACTOR SHALL INSPECT THE EROSION CONTROL WORK AND INSURE THAT THE WORK IS IN ACCORDANCE WITH THE APPROVED PLANS.

ENVIRONMENTAL NOTES

9. THE PERMITTEE SHALL NOTIFY ALL GENERAL CONTRACTORS, SUBCONTRACTORS, MATERIAL SUPPLIERS, LESSEES, AND PROPERTY OWNERS THAT DUMPING OF CHEMICALS INTO THE STORM DRAIN SYSTEM OF THE WATERSHED IS PROHIBITED
10. PERMITTEE SHALL MAINTAIN CONSTRUCTION SITE IN SUCH A CONDITION THAT AN ANTICIPATED STORM DOES NOT CARRY WASTES OR POLLUTANTS OFF THE SITE. POTENTIAL POLLUTANTS INCLUDE BUT ARE NOT LIMITED TO: SOLID OR LIQUID CHEMICAL SPILLS; WASTES FROM PAINTS, STAINS, SEALANTS, GLUES, LIMES, PESTICIDES, HERBICIDES, WOOD PRESERVATIVES AND SOLVENTS; ASBESTOS FIBERS, PAINT FLAKES OR STUCCO FRAGMENTS, FUELS, OILS, LUBRICANTS, AND HYDRAULIC RADIATOR OR BATTERY FLUIDS, FERTILIZERS, VEHICLE/EQUIPMENT WASH WATER AND CONCRETE WASH WATER; CONCRETE, DETERGENT OR FLOTABLE WASTES, WASTES FROM ANY ENGINE/EQUIPMENT STEAM CLEANING OR CHEMICAL DEGREASING AND SUPERCHLORINATED POTABLE WATER LINE FLUSHING. DURING CONSTRUCTION, PERMITTEE SHALL DISPOSE OF SUCH MATERIALS IN A SPECIFIED AND CONTROLLED TEMPORARY AREA ON-SITE, PHYSICALLY SEPARATED FROM POTENTIAL STORMWATER RUNOFF, WITH ULTIMATE DISPOSAL IN ACCORDANCE WITH LOCAL STATE AND FEDERAL REQUIREMENTS.
11. PERMITTEE MAY DISCHARGE MATERIAL OTHER THAN STORMWATER ONLY WHEN NECESSARY FOR PERFORMANCE AND COMPLETION OF CONSTRUCTION PRACTICES AND WHERE THEY DO NOT CAUSE OR CONTRIBUTE TO A VIOLATION OF ANY WATER QUALITY STANDARD, CAUSE OR THREATEN TO CAUSE POLLUTION, CONTAMINATION, OR NUISANCE; OR CONTAIN A HAZARDOUS SUBSTANCE IN A QUANTITY REPORTABLE UNDER FEDERAL REGULATIONS 40 CFR PARTS 117 AND 302.
12. DEWATERING OF CONTAMINATED GROUNDWATER, OR DISCHARGING CONTAMINATED SOILS VIA SURFACE EROSION IS PROHIBITED. DEWATERING OF NON-CONTAMINATED GROUNDWATER REQUIRES A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FROM THE RESPECTIVE STATE REGIONAL WATER QUALITY CONTROL BOARD

NOTES

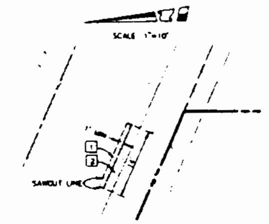
HOUSE STREET NUMBER SHALL BE VISIBLE AND LEGIBLE FROM THE STREET (NUMBERS SHALL BE OF NON-COMBUSTIBLE MATERIALS IF LOCATED IN SPECIAL FIRE PROTECTION AREA)

EVE OVERHANGS LESS THAN THREE FEET FROM THE PROPERTY LINE SHALL BE HEAVY TIMBER CONSTRUCTION OR ONE-HOUR CONSTRUCTION

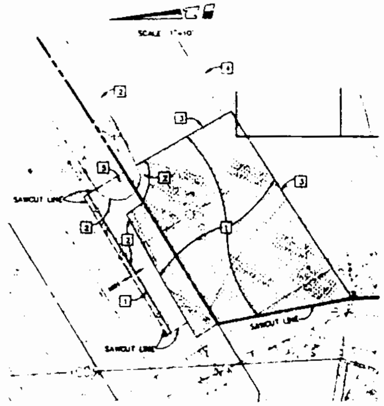
FIRE SPRINKLERS REQUIRED ON ALL BUILDINGS

PERMIT APPLICANT SHALL INFORM THE COUNTY BUILDING INSPECTOR IN WRITING AT THE TIME OF ROUGH MEPS INSPECTION OF ANY BUILDER OPTION THAT HAS BEEN SELECTED FOR EACH DWELLING UNIT

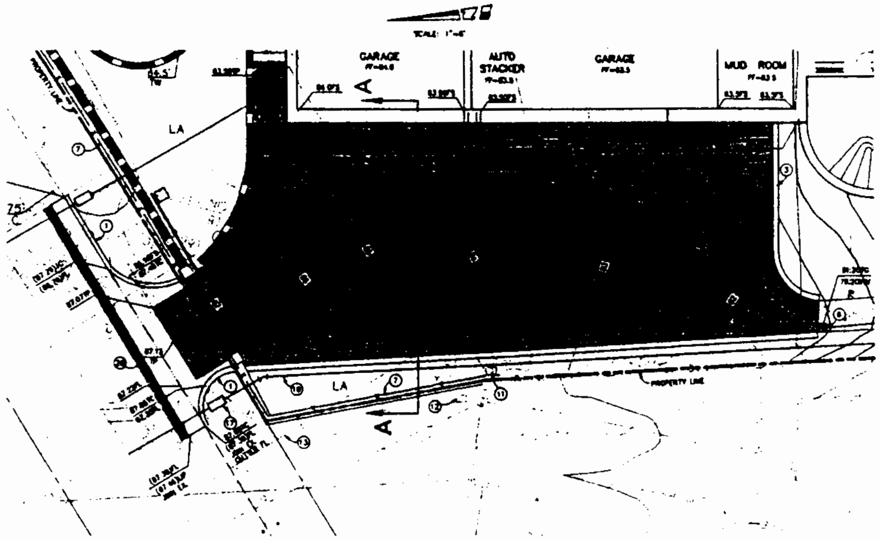
FOOTING SHALL COMPLY WITH FINAL APPROVAL SOILS REPORT AND FOOTING DESIGN OF MASTER SET



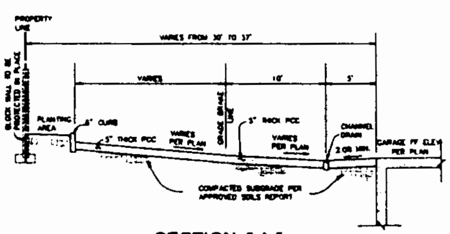
DEMOLITION PLAN DETAIL "A"



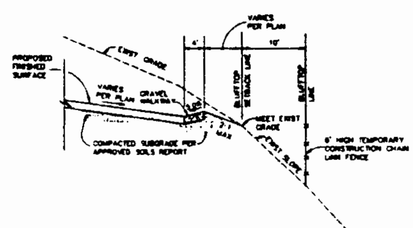
DEMOLITION PLAN DETAIL "B"



GRADING PLAN DETAIL FOR DRIVEWAY



SECTION "A"
NOT TO SCALE



SECTION "B"
NOT TO SCALE
(TYPICAL SECTION @ BLUFFTOP LINE)

DEMOLITION NOTES AND QUANTITIES

NO	ITEM
1	SAWCUT, REMOVE AND DISPOSE OF OFFSITE, EXISTING A.C. PAVING AND BASE
2	SAWCUT, REMOVE AND DISPOSE OF OFFSITE, EXISTING CONCRETE CURB OR CURB AND GUTTER
3	REMOVE AND DISPOSE OF OFFSITE, EXISTING A.C. BERM
4	REMOVE AND RELOCATE EXISTING CONSTRUCTION FENCE
5	REMOVE AND DISPOSE OF OFFSITE, EXISTING ROCK WALL. CONTRACTOR TO SALVAGE EXISTING ROCK

GENERAL NOTES:

1. ALL WORK SHALL CONFORM TO THE CITY OF LAGUNA BEACH STANDARD PLANS AND SPECIFICATIONS, THE STANDARD PLANS AND SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION PROMULGATED BY THE AMERICAN PUBLIC WORKS ASSOCIATION, AND THE LAGUNA BEACH COUNTY WATER DISTRICT STANDARD PLANS.
2. ESTIMATE OF QUANTITIES IS APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING QUANTITIES AND CONDITIONS AT THE SITE.
3. AN ATTEMPT HAS BEEN MADE TO SHOW THE EXISTING UTILITY LOCATIONS ON THESE PLANS. THE CONTRACTOR, HOWEVER, IS REQUIRED TO UNCOVER ALL UTILITIES HE MAY BE CROSSING OR PARALLELING TO VERIFY BOTH HORIZONTAL AND VERTICAL LOCATIONS.
4. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND NOTIFY ALL UTILITY COMPANIES A MINIMUM OF 72 HOURS PRIOR TO THE START OF CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE ALL PHASES OF CONSTRUCTION WITH THE VARIOUS UTILITY COMPANIES INVOLVED.
5. TRAFFIC CONTROL DURING CONSTRUCTION SHALL CONFORM TO THE STATE OF CALIFORNIA MANUAL OF TRAFFIC CONTROLS, THE SPECIAL PROVISIONS, AND THE W.A.T.C.H. HANDBOOK.
6. CONTRACTOR SHALL NOTIFY CITY FIRE AND POLICE DEPARTMENTS 48 HOURS PRIOR TO THE START OF CONSTRUCTION BY CALLING (949) [illegible].
7. ALL WORK IS SUBJECT TO INSPECTION. CONTRACTOR SHALL NOTIFY THE ENGINEER 24 HOURS PRIOR TO THE START OF CONSTRUCTION.
8. ALL EXISTING STREET INTERSECTIONS ARE TO BE OPEN FOR TRAFFIC AT ALL TIMES.
9. STATIONING OF REMOVALS AND WIDTHS OF REMOVALS INDICATE SCOPE OF WORK AND ARE APPROXIMATE ONLY. ACTUAL REMOVALS SHALL BE AS DIRECTED BY THE CITY ENGINEER.

IMPORTANT NOTICE TO CONTRACTOR:

1. THE CONTRACTOR SHALL, PRIOR TO STARTING CONSTRUCTION, UNCOVER ALL UTILITIES THAT HE MAY BE CROSSING OR PARALLELING TO VERIFY BOTH HORIZONTAL AND VERTICAL LOCATIONS. ANY CONFLICT OR DISCREPANCY SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO CONSTRUCTION. OTHERWISE, THE CONTRACTOR ASSUMES SOLE AND COMPLETE RESPONSIBILITY FOR ANY COST OF REPLACEMENT, RELOCATION, OR ADDITIONAL COST OF CONSTRUCTION RELATED TO UTILITY CONFLICTS.
2. CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

UNAUTHORIZED CHANGES:

CAUTION: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO THESE PLANS. ALL CHANGES TO THESE PLANS MUST BE APPROVED BY THE PREPARER.

BEFORE EXCAVATION CALL THE FOLLOWING TELEPHONE NUMBERS

SERVICE	CONTACT	TELEPHONE NO.
UNDERGROUND SERVICE ALERT USA		800-422-4133
CITY OF LAGUNA BEACH (SEWER)	LLOY THOMPSON	949-497-0765
SOUTHERN CALIFORNIA EDISON CO	BOB HART	949-458-4447
SOUTHERN CALIFORNIA GAS CO	JIM BEVANS	714-634-3841
GTE CALIFORNIA	ROB STEWART	714-375-6721
COX COMMUNICATIONS CONSTRUCTION	STEVE WEIDEL	949-735-3020
LAGUNA BEACH COUNTY WATER DISTRICT	JIM HESTOR	949-494-1041
CITY OF LAGUNA BEACH TRANSIT DIVISION	BILL LEWIS	949-497-0363

CONSTRUCTION NOTES

1. CONSTRUCT 8" CURB & GUTTER PER APWA STANDARDS NO. 104 LATEST EDITION
2. CONSTRUCT 5" THICK PCC PAVEMENT (PER APPROVED SOILS REPORT RECOMMENDATIONS).
3. CONSTRUCT 6" CONCRETE CURB ONLY PER APWA STANDARDS NO. 104 LATEST EDITION
4. INSTALL 2" WATER SERVICE WITH 2" WATER METER PER LAGUNA BEACH WATER DISTRICT STANDARD PLANS.
5. CONSTRUCT 8" PVC DRAIN LINE (SCH 40)
6. CONSTRUCT 12"X12" BROOKS CATCH BASIN
7. CONSTRUCT 6' HIGH TEMPORARY CONSTRUCTION CHAIN LINK FENCE W/2-12' WIDE GATES AS SHOWN HEREON
8. CONSTRUCT CONCRETE DEPRESSED CURB DRIVEWAY APPROACH PER APWA STANDARDS NO. 101 LATEST EDITION (MINIMUM PAVEMENT THICKNESS SHALL BE 4")
9. ADJUST EXISTING SEWER MANHOLE TO GRADE
10. CONSTRUCT 4" THICK GRAVEL WALKWAY (PER APPROVED SOILS REPORT RECOMMENDATION).
11. PROTECT AND ADJUST EXISTING TELEPHONE PULLBOX TO GRADE
12. PROTECT EXISTING GAS METER IN PLACE
13. PROTECT EXISTING ELECTRIC CONDUIT IN PLACE
14. CONSTRUCT CONCRETE CROSS GUTTER PER APWA STANDARDS NO. 108 LATEST EDITION
15. PROTECT EXISTING 10" PVC SEWER LINE IN PLACE
16. PROTECT ALL EXISTING IRRIGATION LINES IN PLACE
17. INSTALL 1" WATER SERVICE WITH 1" WATER METER PER LAGUNA BEACH WATER DISTRICT STANDARD PLANS.
18. INSTALL 2" K-COPPER TUBING WATERLINE
19. INSTALL 1" K-COPPER TUBING WATERLINE
20. INSTALL 3"X3 1/8" NDS CHANNEL DRAIN
21. INSTALL 6"X6 1/4" NDS HEAVY DUTY CHANNEL DRAIN
22. INSTALL 4" PVC PERFORATED SUBDRAIN (SCH. 40, SDR 35) WITH MINIMUM 3/4" GRAVEL, WRAPPED WITH FILTER FABRIC
23. INSTALL 4" PVC (SCH 40) DRAIN PIPE
24. CONSTRUCT DECORATIVE CMU RETAINING WALL
25. INSTALL 6" ROUND GRATE INLET
26. CONSTRUCT FULL DEPTH AC PAVEMENT SECTION TO MATCH EXISTING

COASTAL COMMISSION
5-99-206-A4
EXHIBIT # N
PAGE 1 OF 7

BENCH MARK
ORANGE COUNTY SURVYOR BENCH MARK
3K-45-91 ELEVATION 114.93 (1986)
ALUMINUM DISC SET IN THE BACK OF WALK @ THE NORTH CORNER OF THE NORTHEAST SIDE OF THE BRIDGE ON P.C.H. OVER IRVINE COVE ENTRANCE

BASIS OF ELEVATIONS
ELEVATIONS SHOWN HEREON ARE BASED UPON THE SITE SPECIFIC BENCHMARKS SHOWN ON THE PLAN FOR EACH PROJECT

Underground Service Alert
Call TOLL FREE
1-800
422-4133
TWO WORKING DAYS BEFORE YOU DIG

REVISIONS

PLANS PREPARED BY
HUITT-ZOLLARS

CITY OF LAGUNA BEACH
MUNICIPAL SERVICES DEPARTMENT
CONCEPTUAL GRADING PLAN FOR
LODER RESIDENCE
PARCEL 2 OF LOT LINE ADJUSTMENT LL-03-11

SHEET 1 OF 2 SHEETS

March 13, 2005

RECEIVED
South Coast Region

MAR 22 2005

CALIFORNIA
COASTAL COMMISSION

Ms. Teresa Henry, District Manager
California Coastal Commission
200 Oceangate, 11th Floor
Long Beach, CA 90802

Re: Comments and Recommendations to Loder Compound—Permit # 5/99/206 A4

Dear Teresa:

I have had the opportunity to review the Commission file, discuss components of this project with Karl Schwing and Meg Vaughn as well as the conversation we had a couple of weeks ago. I have discussed drainage of this parcel and the two adjacent undeveloped parcels with Steve May, City Engineer for the City of Laguna Beach. I have looked further into the environmental issues affecting the proposed development and believe they are broader in scope than staff appears to reflect. Although the development's impacts on private views remain important and should not be dismissed, the proposed development's environmental and aesthetic effects are extensive, potentially impacting the environment in the following ways:

- The drainage course and storm water management plan for this development is unclear whether it will drain to the bluff and plunge down a pipe onto the beach or to the front of the property to the street and eventually into the existing drainage system. Either way, runoff from this project and the eventual buildout of the adjacent lots will be discharged onto the beach and into the ocean;
- This development is close enough to two designated Areas of Special Biological Significance (ASBS), the Irvine Coast Marine Life Refuge and the Heisler Park Ecological Reserve, to potentially threaten the biological resources within those ASBS's. Keep in mind the discharge prohibitions into an ASBS as defined in the Ocean Plan pertain to discharges "in or near" an ASBS;
- Letters contained in the project file to the Commission from the applicant's representatives for application A3 state the existing storm drain system was not designed to accommodate flows from this and the adjacent two yet undeveloped properties. Further, they state the capacity of the existing system is inadequate. The most recent application, A4, reverses the drainage course pumping runoff into the same existing storm drain system that A3 states has inadequate capacity;
- Construction and urban runoff from the site has the potential to carry sediments, insecticides, pesticides, fertilizers, pet waste, soil amendments and metals into the ocean below; and

COASTAL COMMISSION
5-99-206-A4
EXHIBIT # 0
PAGE 1 OF 3

601 LIDO PARK DRIVE, SUITE 4F
NEWPORT BEACH, CALIFORNIA 92663
P: 949.723.4066 F: 949.675.9343
E: INFO@IGERASSOCIATES.COM

- Both construction on and residential use of the property will increase noise, light, and contaminated runoff that could impact the Pacific Coast Bottlenose Dolphins. I have personally observed dolphins many times all around the Abalone Point area.

Additionally, I have enclosed the main brief and related materials which Latham & Watkins filed recently on behalf of the Laguna Beach Citizens for Responsible Coastal Development (the "Citizens"). I found the brief to be a useful reference because it clearly presents the numerous potential adverse impacts of the proposed development.
Of course, I have attached the brief for informational purposes only; I understand that the Coastal Commission is not involved in that ongoing CEQA case.

The potential impacts of this project need to be addressed before a Coastal Development Permit is issued. Alternatively, special conditions addressing these impacts should be incorporated into the Permit. I have come up with the following special conditions that I believe will help address these issues:

Construction Stormwater Mitigation Plan—A Storm Water Pollution Prevention Plan (SWPPP) with Best Management Practices (BMP's) for the Construction Phase Must Be Submitted to the Coastal Commission Staff for review and Approval

If a SWPPP is maintained and BMP's implemented by the builders during construction, it will go a long way towards controlling sediments and other pollutants resulting from construction activities. In view of that, a SWPPP and associated BMP's should be submitted for review and approval to the Coastal Commission staff.

Post-Construction Stormwater Mitigation Plan—Permanent Post-Construction BMP's to Treat Stormwater runoff Must Be Incorporated

Post construction stormwater runoff from the site needs to be treated. The Permit should require permanent BMP's to improve water quality to the numeric standards of the California Toxics Rule (CTR) before it is discharged from the property. Such treatment measures as bioswales, biofiltration basins, or media filtration systems could be required in the Permit. Neighboring developments are complying to CTR standards for discharges into the coastal waters.

Outfall Mitigation Plan—A Mitigation Plan for the Storm Drain Outlet to the Beach Must be Incorporated

It remains unclear exactly where and how the applicant plans on diverting the stormwater runoff from this site. The developer has told the Coastal Commission it intends to discharge into the existing stormdrain system, but told the City of Laguna Beach that they would be building a new outfall location discharging from the bluff. Whether the developer ends up utilizing the existing storm drain or construction a new one, a mitigation plan is needed to reduce the impact of the new flow. Specifically, an energy dissipation device is necessary protect the sandy beach below from this flow. Additionally, a properly designed energy dissipation device may need a permit from the Army Corps of Engineers.

Flow Mitigation Plan—A Cap on the Allowable Increase in Stormwater Flow Must Be Established and Compliance with the Cap Must Be Proven By the Applicant

As quadrupling stormwater flow is unreasonable, especially in light of the flow restrictions placed on nearby development, a cap on the allowable increase in flow should be established. A maximum increase in flow from the site of 10% appears both reasonable and consistent with recent caps imposed by the Coastal Commission on nearby developments.

The Permit will be Suspended if Either the Underlying Design Review Board or the City's Approvals are Thrown Out by the Court

If the underlying approvals for the proposed development are found by a court to be flawed, the Permit could end up being issued on inaccurate assumptions of local planning approval. As such, the Permit should include a provision that it will be nullified in the event the underlying approvals are thrown out by the court hearing the CEQA case.

I believe that by incorporating the above special conditions into the Permit, the proposed development's adverse impacts can be diminished. I hope this letter proves helpful and I appreciate the willingness of the staff to consider suggestions such as these from the public. Should you have any question, please contact me.

Sincerely,

Garry Brown

Garry Brown

Enclosures

650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: (714) 540-1235 Fax: (714) 755-8290
www.lw.com

LATHAM & WATKINS LLP

File No. 038005-0000

November 29, 2004

Ms. Meg Vaughn
Staff Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: CDP Amendment Application No 5-99-206-A4 (Loder)

Dear Ms. Vaughn:

On behalf of our client, the Laguna Beach Citizens for Responsible Coastal Development (the "Citizens"), we appreciate the opportunity afforded to comment on the above-referenced application currently pending before the Commission The Citizens maintain that the proposed Loder compound as presently designed and presented to the Agency will result in significant impact to the environment without appropriate mitigation for all adverse environmental impacts. The Citizens urge the Commission to conduct a comprehensive environmental review of the proposed project under its processes deemed "functional equivalent" to processes under the California Environmental Quality Act (CEQA) and also to consult with the appropriate agencies under this functional equivalent process.

Pursuant to Article 17 of the CEQA Guidelines (14 Cal. Code Regs. §15250 *et seq.*) the Agency's process of coastal development permit review has been deemed a functionally equivalent process to preparation of an Environmental Impact Report under CEQA. We remind the Agency, however, that pursuant to this functional equivalent certification, the review of Application No 5-99-206-A4 must include an assessment of the potential environmental impacts of the project (including cumulative impacts), potential alternative of the project, and potential mitigation measures for identified significant environmental impacts. Pursuant to the Agency's regulations regarding processing of coastal development permits, the Agency's review of the proposed Loder compound must examine the significant environmental issues raised during the permit application process and must ensure that feasible alternatives or feasible mitigation measures are adopted if such measures would substantially lessen a significant environmental impact of the development (14 Cal. Code Regs. §13057(c)(2)-(3).) Inherent in this review is that the Agency must determine if significant environmental impacts are presented by the proposed development according to factors discussed in the CEQA guidelines (14 Cal. Code Regs. §13053.5(a).) Only after assessment of potentially significant environmental impacts can potentially feasible alternatives or mitigation measures to such impacts be assessed.

COASTAL COMMISSION
5-99-206-A4
EXHIBIT # P
PAGE 1 OF 2

With particular regard to the potential impacts to water resources from the proposed Loder compound, the Citizens call attention to those provisions of the CEQA guidelines that discuss assessment of water resources, and principally the factor regarding compliance of the project with permit issued pursuant to state and federal water quality control laws (*See* 14 Cal. Code Regs. §15387, Appx. G). Adherence to such water quality control laws and permits issued thereunder necessarily requires coordination with federal and state agencies overseeing these regulatory programs. Most notably, the Citizens would identify the need for the Agency to coordinate with:

- The U.S. Army Corps of Engineers—regarding the proposed project's compliance with the Federal Clean Water Act Section 404 Permit process (the Citizens maintain that the flows from the proposed project may impact "waters of the United States" and may require obtaining a 404 Permit from the Corps in order to construct necessary drainage facilities for the project on or near the shoreline in the area of the Loder compound;

- The California Regional Water Quality Control Board, Santa Ana Region—regarding compliance with the areawide storm drain permit (the Citizens maintain that the structural treatment device proposed by the permit applicant pursuant to this permit is not sufficient to comply with the permit and its implementing programs); and

- The California State Water Resources Control Board—regarding compliance with the statewide construction stormwater permit (the Citizens assert that the information provided to the Coastal Commission does not sufficiently demonstrate that the proposed project will maintain a Stormwater Pollution Prevention Plan containing appropriate Best Management Practices during the construction phase such that significant adverse impacts to water resources are avoided and/or mitigated).

Until such time as the Agency is certain that the project applicant has identified all potentially significant impacts to water resources and presented all feasible alternatives and/or mitigation measures relative to such significant impacts, the Citizens request that the Agency not deem Application No. 5-99-206-A4 complete. Furthermore, the Citizens request that the Agency consult with the above-referenced water resources agencies to determine if the Loder compound, as proposed, would comply with the necessary water quality permitting requirements.

We appreciate this opportunity to comment on the pending application. If you should have any questions or if we can be of any further assistance, please feel free to contact me.

Kind regards,

Shanda M. Beltran
of LATHAM & WATKINS LLP

P 2

Weston Solutions, Inc.
Suite 1000
14724 Ventura Boulevard
Sherman Oaks, California 91403-3501
818-382-1800 • Fax 818-382-1801
www.westonsolutions.com

November 23, 2004

Ms. Meg Vaughn
Staff Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 200
Long Beach, California 90802

Re: CDP Amendment Application No 5-99-206-A4 (Loder)—Need for Additional Information on Water Resources Issues

Dear Ms. Vaughn:

On behalf of the Laguna Beach Citizens for Responsible Coastal Development (the "Citizens"), we appreciate the opportunity afforded us to review the above-referenced application file and to comment on the above-referenced application currently pending before the Commission The Citizens maintain that the applicant has not provided sufficient information to ensure that the proposed Loder compound will not result in significant impact to the environment. The information provided thus far does not adequately inform the Commission as to all the potentially significant adverse environmental impacts related to the Loder's proposed plans or describe how the project applicant (Loder) would avoid and/or mitigate such impacts. The Citizens urge the Commission to require the permit applicant to conduct additional studies and provide additional information to the Commission before deeming application 5-99-206-A4 complete.

The Citizens have three issues of concern that will be discussed in this letter:

- Water Quality: The water quality control device selected by the Loders to address water quality in runoff from their proposed development does not appear to be capable of addressing all of the potential pollutants that are anticipated to be generated at the property. Additional studies and/or information must be provided to the Commission to indicate how the quality of runoff from the property will not adversely affect the environment as it discharges into the ocean.
- Runoff Volume: Information already provided to the Commission by the Loders indicates that runoff from the developed property would increase over 400 percent from its current condition. The information provided to the Commission thus far does not appropriately indicate how adverse effects, such as beach erosion, will be avoided or mitigated given this massive increase in flow rate.
- Drainage: In order to accommodate the markedly increased flows from the Loder site post-development appropriate drainage facilities will be needed. It is unclear whether

these facilities would encroach into ocean waters, thus triggering requirements for coordination with and approval from other government agencies, such as the U.S. Army Corps of Engineers. Information regarding the need for or other government agency approval of such drainage facilities has not been provided to date to the Commission.

Water Quality

Development projects such as the compound proposed by the Loders are subject to the requirements of the Orange County Drainage Area Management Plan (DAMP) as implemented by the County of Orange and the City of Laguna Beach. Per Section 7 of the DAMP, residential developments of the type under consideration by the Commission are deemed to have the following categories of anticipated pollutants within runoff from the project: bacteria and viruses, nutrients, pesticides, sediments, trash and debris, oxygen demanding substances, and oil and grease. The project applicant has proposed only one water quality control device to address runoff from the property in its developed condition, a continuous deflection unit (or CDS unit). CDS units work primarily to remove larger pollutants such as trash and large sediment particles and are particularly inefficient at removing dissolved substances, such as nutrients, bacteria and pesticides. Per Table 7.II-4 of the DAMP, hydrodynamic separator systems such as a CDS unit are deemed of low effectiveness for every type of pollutant listed above with the exception of trash and debris, where CDS units are considered to be of medium to high efficiency, and sediment, where CDS units are considered to be of medium to high efficiency (CDS units are still considered of low efficiency for turbidity, which is related to sediment). (See Attachment 1).

Use of a CDS unit as the sole water quality devices would not appropriately address the bacteria, viruses, nutrients, pesticides, turbidity, oxygen demanding substances, or oil and grease anticipated to be generated at the Loder compound. Consequently, the proposed treatment system would not be deemed sufficient to satisfy requirements of the DAMP. A more appropriate water quality protection strategy for the project would be to include a series of water quality controls. This "treatment train" type of approach that would comprehensively address all the pollutants anticipated for the development. Other coastal residential developments, such as the nearby Crystal Cove development, have implemented such a treatment train concept. Through these treatment train concepts, several different types of water quality devices and programs are used in concert to reduce or remove pollutants anticipated from the development project. The proposed Loder project does not include such treatment train concepts and based upon the information provided to the Commission would not appropriately address anticipated pollutants. Additional information or studies of alternative or additional water quality controls must be provided to the Commission to ensure that the proposed project will not adversely affect the sensitive marine environment into which flows from the project will reach. This concern is consistent with the opinion expressed in your agency's letter of October 20, 2004 to Huitt Zollars

Runoff Flowrate

Information already provided to the Commission by the Loders indicates that peak flows from the developed property will increase from 1.7 cubic feet per second to 7.7 cubic feet per second. This flowrate represents an approximate 450 percent increase over existing conditions. The applicant should be required to evaluate the magnitude of impacts associated with the increased flow rate from this property, especially in light of the property's location on sensitive bluffs directly adjacent to the beach.

Q2

Coastal planning documents prepared by the Commission for areas near the Loder property shed some light on what would be considered more appropriate runoff volume increases. The Local Coastal Plan for the Newport Coast contains a requirement that peak flow rates not increase over undeveloped conditions by more than 10 percent unless it is demonstrated that greater increases in flow rate will not significantly affect beach sand replenishment processes (Newport Coast LCP at I-3.28). The concept inherent in this rate restriction is that flow rates increases in excess of 10 percent would tend to adversely affect beach areas, eroding such areas and impairing the beach sand replenishment process. To date, the Loders have not provided adequate information to the Commission that would demonstrate the extraordinary increased flows from the property post-development would not erode the beach or adversely affect beach sand replenishment.

In contrast with the 450 percent increase in flowrate projected from the Loder compound, other proposed development in the coastal zone near the Loder property has been designed to mimic pre-existing hydrology, inclusive of peak flow rates and has not increased flow rates beyond the 10 percent rate discussed in Commission documents. Endorsed by environmental experts and activists, including the Orange County CoastKeeper, the proposed Pelican Hill resort will use a combination of hydrology and water quality programs and structural controls will conserve and recycle water so that in the final developed state, the project will "mimic and even improve upon nature." (Orange County CoastKeeper Magazine (Summer 2004) at 45 (See Attachment 2).)

No justification is provided in either the studies or other information provided to support the application for the magnitude of runoff increase proposed by the Loders. Nor does the information provided to the Commission sufficient to guarantee that a 450 percent increase in runoff rate will not erode sensitive bluffs or beach areas and adversely affect beach sand replenishment. Additional information is necessary in order to make such a determination as well as to develop an environmentally appropriate flowrate from the Loder property.

Drainage

Given the considerable proposed increase in peak flows proposed from the Loder property in its developed state, it is quite possible that, following more detailed engineering, the drainage facilities necessary to accommodate flow from the Loder compound will need to extend farther out onto the beach and perhaps into the surf zone. Any placement of structures within the navigable waters, which would include structures seaward of the high tide line must be coordinated with the U.S. Army Corps of Engineers.

We understand that the Army Corps is aware of the proposed development at the Loder property and has indicated the need to consult on the project should the project propose placement of structures within areas governed by the Corps. The Citizens believe it would be prudent to coordinate a site visit with the Corps to ensure that the drainage system from the Loder property is sufficient to handle peak flows and avoid permanent damage to the beach Placement of drainage facilities within the surf area may be unavoidable if permanent damage to the beach is to be avoided and it should be determined whether modifications to the permit applicant's drainage design are warranted. Additional information regarding coordination of the project proponent with the Army Corps and any necessary approval of the project by the Corps must be

Q3

submitted to the Commission in order for the Commission to consider the application complete. Such information has not yet been provided to the Commission.

In light of all these factors, the Citizens urge the Commission to insist upon additional studies or information being provided by the Loders. The natural resources surrounding the property, including beach and marine environments potentially impacted by the Loder proposed compound are sensitive and deserve protection. To date, information that would allow the Commission to make an informed decision regarding the potential magnitude of the impacts to these resources and the most appropriate method of impact mitigation is neither complete or adequate.

We appreciate the opportunity to contribute to the Commission's application review process and look forward to working with your agency to ensure that this development proceeds in an environmentally acceptable manner.

Sincerely,

Margaret Lobnitz

Dr. Margaret Lobnitz
Weston Solutions, Inc.

Q 14

Surfrider Foundation
668 N. Coast Highway, #266
Laguna Beach, CA 92651

July 13, 2004

Members of the City Council
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

Subject: Proposed Development at 2585 Riviera Drive (Loder Compound)

Dear Members of the City Council:

The Laguna Beach Chapter of Surfrider Foundation is concerned about plans for the development of property located at 2585 Riviera Drive, within Irvine Cove in Laguna Beach. This property is also referred to as the "Loder Compound." We understand that the City Council approved this project on January 6, 2004 by overturning a Design Review Board denial of the project application. We further understand that the landscaping plan for the project will be considered at the July 20 City Council meeting.

With respect to the landscaping plan, we urge the City Council to incorporate measures in the landscaping plan to minimize water use, chemical use and the amount of runoff water generated by the project. Key considerations should include maximizing the use of native, drought-tolerant plants; minimizing the amount of impervious surfaces on the property; and utilizing "bioswales" or other similar features to minimize and pre-treat any runoff water that leaves the property.

Surfrider Foundation, Laguna Beach Chapter also takes issue with certain findings of Resolution NO.04.004, approved on January 6. Specifically, we believe that the presence of an Area of Special Biological Significance (ASBS) at Crystal Cove State Park, just around Abalone Point from Irvine Cove, indicates that the project is located in a particularly sensitive environment. This is further supported by the fact that Irvine Cove has a "WQSEA" designation in the zoning constraints mapping maintained by the City of Laguna Beach.

Project development plans call for construction of a 12" diameter storm drain that will terminate in a 36" diameter outlet structure bedded in rock rip rap at the base of the cliff. The storm drain design does not appear to incorporate any features that utilize best available technology to filter or treat the site runoff, as required by Regional Water Quality Control Board Order No. R9-2002-0001 for new construction. This permit includes the following text:

> *In contrast to the conventional "conveyance" approach, a more natural approach to storm water management seeks to filter and infiltrate runoff by allowing it to*

flow slowly over permeable vegetated surfaces. By "preserving and restoring the natural hydrologic cycle", filtration and infiltration can greatly reduce the volume/peak rate, velocity, and pollutant loads of urban runoff. The greatest opportunities for changing from a "conveyance" to a more natural management approach occur during the land use planning and zoning processes and when new development projects are under early design.

New construction projects are required by the permit to incorporate Best Management Practices, including:

- *Control the post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion, and to protect...habitat*
- *Minimize storm water pollutants of concern in urban runoff from the new development (through implementation of source control BMPs)*
- *Remove pollutants of concern from urban runoff (through implementation of structural treatment BMPs)*
- *Minimize directly connected impervious areas where feasible;*
- *Protect slopes...from eroding*
- *Be correctly designed so as to remove pollutants to the maximum extent practicable*
- *Be implemented close to pollutant sources, when feasible, and prior to discharging into receiving waters supporting beneficial uses*
- *Ensure that post-development runoff does not contain pollutant loads which cause or contribute to an exceedance of water quality objectives and which have not been reduced to the maximum extent practicable.*

We are concerned that the proposed storm drain discharge pipe will either accelerate cliff erosion at Irvine Cove and/or contribute pollutants to a sensitive environmental area. Surfrider recommends that both the landscaping plan and the storm water treatment, conveyance and discharge system for the proposed project be carefully re-evaluated to assure compliance with regulatory requirements and to minimize environmental impacts to the ocean.

Sincerely,

Rick Wilson

Rick Wilson
Chairman, Laguna Beach Chapter
Surfrider Foundation

Cc: Mayor Cheryl Kinsman
Mayor Pro-tem Elizabeth Pearson
Councilmember Wayne Baglin

R-2