

CALIFORNIA COASTAL COMMISSION

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



Click here to go to
original staff report

Th12b

ADDENDUM

DATE: April 8, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **Addendum to Item Th12b:** Coastal Development Permit Application No. 5-15-0751, scheduled for the Commission meeting of April 14, 2016

I. APPLICANT'S RESPONSE

The Commission received a letter from the applicant's representative, Mr. Sherman Stacey, dated April 5, 2016, included in this addendum. The applicant's letter responds to the staff report and special conditions.

II. CORRESPONDANCE RECEIVED

The Commission received two letters in opposition to the project, attached with photographs.

III. EX PARTE COMMUNICATIONS

The applicant's representative, Mr. Sherman Stacey, prepared an Ex Parte letter and presentation that was sent directly to Commissioners, attached.

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April 5, 2016

Amber Dobson
California Coastal Commission
South Coast District
200 Ocean Gate, #1000
Long Beach, California 90802

Re: Coastal Development Permit Application No. 5-15-0571 (Foxdale),
19 Bay Drive, Laguna Beach

Dear Amber:

I have had the opportunity to review the Staff Report dated April 1, 2016 related to CDP No. 5-15-0571 (Foxdale) for improvements to the existing single family dwelling at 19 Bay Drive, Laguna Beach. I believe that there are a number of factual inaccuracies set forth in the proposed Findings and the Summary. This letter is intended to address the factual inaccuracies. A subsequent letter addressed to the Commissioners, together with Exhibits in support of that letter, will address the recommended Special Conditions.

1. On page 2 in the first full paragraph there is a description that states that "after the property owners constructed an extension of the landscaping wall 27.5 feet further seaward than authorized, and installed non-native landscaping, the Commission's Enforcement Division issued a Notice of Violation." The applicants did not install the extension of the landscaping wall until after Permit No. CDP 5-05-459-A1 had been approved by the Commission on March 9, 2011. The Applicant had placed a sandbag wall to control erosion which was removed upon the construction of the landscaping wall. (See also ¶7 below.)

2. The landscaping plan approved by the Executive Director under Special Condition 4 to CDP 5-05-459-A1 allowed "native and/or drought tolerant non-invasive plant species." I believe this is essentially what is stated in this paragraph but the word "and" should come between "drought tolerant" and "non-invasive species" in the middle of this paragraph. The landscaping plan was limited to the area affected by the wall. Landscaping was installed in accordance with the plan.

3. Non-native vegetation does continue to exist on the bluff face. The only vegetation that was required by CDP 5-05-459-A1 was that in the vicinity of the slope supported by the 27.5 extension of the wall. Ivy and other preexisting landscaping does continue to exist on the bluff face. However, the applicant's landscape architect and geologist have recommended against attempting to remove this landscaping because of its location and the potential to cause, rather than resist, erosion. No permit to remove this landscaping has been sought.

4. There is no irrigation seaward of the house. Special Condition 4A(1)(d) to CDP 5-05-459-A1, required the applicant to cap all of the irrigation lines that extended seaward of the house. The applicant did so. The applicant did not dig up the irrigation pipes that had been buried, as this was not required. You are welcome to come examine the capped lines on both sides of the house. Had the inquiry been made on March 11, 2016, when a site visit was made, we would have happily shown the capped lines. The landscaping at the bluff is watered by hand.

5. On the next to the last line on page 2, the elevated deck is described separately from the "proposed concrete patio." The lower proposed patio is not a concrete patio. It is a patio with permeable pavers. No impermeable surface is planned. Although the patio may extend onto what the Commission now defines as the bluff face, almost all development in Three Arch Bay extends onto what the Commission would now consider to be the bluff face. I would note in particular the properties at 21-33 Bay Drive (all of which received CDP's) are constructed on the bluff face seaward of the bluff edge.

6. On the top of page 13, the lower patio again is described as a 388 square foot concrete at-grade patio. It is not a concrete patio. There are permeable pavers placed in order to allow rainfall to percolate naturally.

7. The next to the last paragraph on page 13, the description of the violation letter having been directed to a prior construction of a 27.5 foot long extension to the landscaping wall is inaccurate. The letter referred to sandbags which had secured the slope. The sandbags were removed and the 27.5 foot long extension was not constructed until after CDP 5-05-459-A1 was issued. The violation issues were resolved.

8. On page 14 in the paragraph under the heading "Local Government Actions," the following statement is made: "The City did not require a public hearing or make findings on the bluff edge or setback requirements." This is not accurate. The City Design Review Board held three hearings and the City Council held one hearing. The bluff edge as defined under City Code and the setback requirements for that bluff edge were clearly detailed on the plans and described by the staff of the City as meeting City requirements. Specific findings were not required.

9. On page 15 in the first full paragraph there is a description of the 6 homes which lie to the north of 19 Bay Drive. I provided you with a chart identifying that each of these homes was

built at and beyond the bluff edge, an opportunity denied to the applicant. In addition, in CDP 5-93-204, the Commission approved a 3,436 square foot 2-story house on the applicant's property which extended far beyond the line presently identified as the bluff edge. In approving this project, the Commission defined the bluff edge in a far more seaward location. The applicant became aware of the decision on CDP 5-93-204 when purchasing the property because a Deed Restriction had been recorded. I have attached a drawing superimposing the approval in 5-93-204 on the existing plan. As you can see, the Commission approved a house far beyond the current "bluff edge."

10. At the end of that same paragraph, the massive amounts of fill on the bluff face are described as facilitating the permeable patios that exist today. However, this fails to describe the non-permeable patios, swimming pools, spas, and other improvements which extend seaward from these homes, all of which are seaward of the bluff edge. The finding admits that these are bluff face accessory patios. The reason that they are at grade is that the Commission approved tens of thousands of yards of fill in order to be able to place them at grade. The applicant proposes no more than 20 yards of fill.

11. The 8 x 30 foot level area outside the seaward side of 19 Bay Drive is filled material. However, the filled material was not created by the applicant. This filled material has been there since the house was constructed.

12. On page 19 you describe the manner in which the stringline should be drawn. You cite as guidance Zoning Code § 25.44.050(E)(1), which states: "Oceanfront buildings on both sides of Coastal lots" are to be used to measure the stringline. Yet you draw the stringline from 21 Bay Drive to 17 Bay Drive. 17 Bay Drive is not an oceanfront building. The adjacent oceanfront building is 6 Barranca.

13. At the bottom of page 23 the findings state that "the proposed patio and deck would impact the existing landscaped area which provides an erosion control function." However, the proposed patio and deck also provide an erosion control function. The patio is permeable and therefore does not differ from the existing landscaped area in terms of its erosion potential. The deck would provide an erosion control function by preventing penetration of water and directing it into erosion preventing devices as required by Special Condition No. 3.

I have attached the stringline drawing which I believe appropriately carries out the stringline policy. With the bluff edge setback, there is little reason to apply an inappropriate stringline to control development as well.

Tomorrow I anticipate sending you our arguments regarding the elimination of the deck and patio through Special Condition No. 1. This is our principal difference with the recommendation.

Amber Dobson
California Coastal Commission
April 5, 2016
Page 4

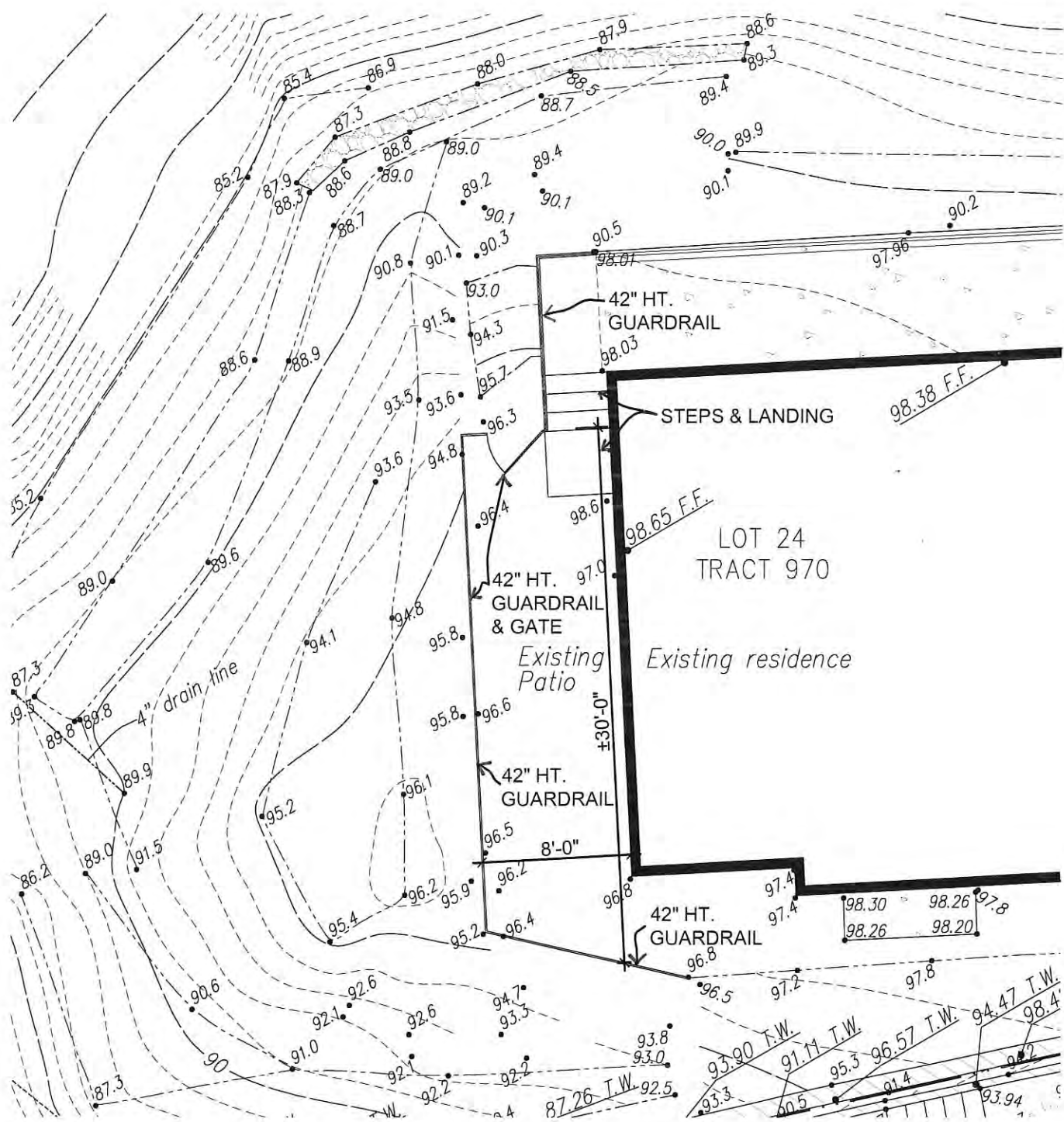
I would like to discuss this by telephone on Thursday afternoon if you are available.

Sincerely,


SHERMAN L. STACEY

SLS:ck

cc: Mr. & Mrs. Dennis Gertmenian
Morris Skendarian



To: Chair and members of the CALIFORNIA COMMISSION
RE: Pending Permit 5-15-0751 : Applicant, Foxdale Properties LLC
LOCATION: 19 Bay Drive, Laguna Beach, CA 92651

FROM: G.J.(Pete) Fielding, 7 La Senda Place, Laguna Beach, CA 92651

: 949 499 2529: gjfieldi@gmail.com

DATE: March 25, 2016

ABSTRACT: Potential for the **adverse impact on the bluff on this oceanfront property deserves critical attention.** I've resided in Three Arch Bay for 45 years and visit the beach regularly. I'm concerned over the how bluff faces are deteriorating and anxious about the trivial manner in which this application has been evaluated in Laguna Beach. The Three Arch Bay's Zone Code protects the entire oceanfront bluff as intended by the *California Coastal Act and Regulations*. The *Land Use Element* of the Laguna Beach certified *Local Coastal Program* requires similar protections. But City employees have misguided applicants and attendees at public hearings by not advising them about how the updated *Local Coastal Plan* and *California Coastal Commission Regulations* apply to this application. **Application for Permit 5-15-0751 should be denied or approved with conditions.**

LOCAL TOPOGRAPHY: Although the area of the lot at 19 BAY DRIVE is large, the allowable buildable pad is quite small, narrow, and supported in part by fill on the western side. The pad is also bordered by steeply-sloping, east and west side yards. Present residence occupies most of the buildable pad and is arranged with the entrance and garage facing northward and the views southward towards the ocean. The critical bluff is on the ocean side (**Exhibit 1**). It is almost vertical in places on the **bluff face** and slopes between 30 and 40 degrees on the curved bluff top before meeting the **bluff line** at the edge of the building pad.

DEFINITION OF THE BLUFF TOP: Determining the contour line for establishing the top of the bluff is difficult without an accurate topographic map for proposed developments: It is even more difficult to explain to public members who serve on appointed, local government committees who are asked to vote for or against compliance. Three different lines drawn on maps representing the **bluff line** for this property have been presented at public hearings since 2009: None of which comply with the City Municipal Code or the updated Laguna Beach certified Coastal Plan (LCP) 2012.

City of Laguna Beach definition: Laguna Beach has adopted definitions closely following California Coastal Commission's Regulations. In the Land Use Element portion the City's Local Coastal Program (LCP) states in Definition 101. Oceanfront Bluff Edge or Coastal Bluff Edge:

"The California Coastal Act and Regulations define the oceanfront bluff edge as the upper termination of a bluff, cliff, or sea cliff. In cases where the top edge of the bluff is rounded away from the face of the bluff, the bluff edge shall be defined as that point nearest the bluff face beyond which a downward gradient is maintained continuously to the base of the bluff. In a case where there is a step like feature at the top of the bluff, the landward edge of the topmost riser shall be considered the bluff edge. Bluff edges typically retreat over time as a result of erosional processes, landslides, development of gullies, or by grading (cut). In areas where fill has been placed near or over the bluff edge, the original bluff edge, even if buried beneath fill, shall be taken to be the bluff edge."

And further, the Land Use Element portion of the City's Local Coastal Program states in Definition 102. Oceanfront Bluff/Coastal Bluff is: *"A bluff overlooking a beach or shoreline or that is subject to marine erosion. Many oceanfront bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term "oceanfront bluff" or "coastal" bluff refers to the entire slope between a marine terrace or upland area and the sea. The term "sea cliff" refers to the lower, near vertical portion of an oceanfront bluff."*

Source for LCP citations: Coastal Commission, A-5-LGB-13-0223 (Meehan)

Three Arch Bay Definitions: Three Arch Bay (TAB) has a separate zoning code. It was negotiated before the community agreed to merge with Laguna Beach in 1989. Its intent was to protect ocean bluffs, preserve ocean views and to promote respect for the unique character of its area, particularly with respect for mass, scale and architectural diversity. Although the definition for an ocean-front bluff is based on the Coastal Commission Regulations, the **bluff line**, in addition to defining the edge of the buildable pad, was intended as a marker to require development to be pushed back from the oceanfront bluff. It was also used to establish allowable, coverage of the buildable pad by buildings and limit floor area in new developments.

The Laguna Municipal Code (Section 25.44.050, D 2) for TAB states that: "On bluff-top coastal lots, the net area of the lot shall be considered in calculating the maximum building site coverage allowed. For the purpose of defining building site coverage, a **"bluff line"** is that line which separates the buildable pad from the bluff top. The **"bluff top"** shall be defined as an incline greater than the slope of the buildable pad. The **"bluff face"** is defined as that portion of bluff which slope is forty-five degrees or greater from horizontal, and whose top is ten or more feet above mean sea level. The **net area of the lot** is the area that extends from the side corner property lines along the **bluff line** to the front corner property lines." (**Exhibit 2**)

And In the event that there is **no applicable stringline** on adjacent oceanfront lots, (as in 19 Bay Drive) **the setback shall be at least twenty-five feet from the top of an oceanfront bluff (the bluff line).**

Comment: Despite the Municipal Code and adoption of the updated LCP by the City of Laguna Beach, public members of Design Review Board and public members of the TAB, Architectural Review Board refused to utilize the updated codes for this application, because they were not included in information for public hearings by employees from the Community Development Department. I opposed these omissions at three hearings held to consider this proposal. At hearings in TAB, I was told that if the City didn't identify variances, TAB would not consider them. I've also visited City Hall on two occasions to discuss definitions of coastal bluffs only to receive misleading and erroneous advice from City employees. **City staff continues to ignore the new requirements**

The Meehan Report, cited above, regarding an application for property about one mile to the west of Three Arch Bay had a similar opinion about the City's omissions. Although this application is for a smaller development, **it will create a precedent that encourages owners of coastal lots to enlarge properties and adopt landscape activities that will likely increase erosion on the bluff and obstruct views.** These actions are inconsistent with the policies of the Coastal Act 30251.

The staff report on the Meehan Appeal had a similar opinion for disregarding Coastal Commissions regulations. Their report outlined definitively, the new Land Use Elements

added to the Laguna Beach Plan in 2011, and how they created definitions of Coastal Bluff and Coastal Bluff Edge: "However, the City's decision appears to have relied on the previous definition of a coastal bluff as a landform with a slope of at least 45 degrees. This definition places the bluff edge much lower and much further seaward than the new definitions would require."

The same policy of disregard for Coastal Commission regulations continues in 2015 & 16

RECOMMENDATIONS (Revised April 6, 2016:

1. If the applicant and the architect refuse to acknowledge the requirements of the Laguna LCP and the Laguna General Plan as required by the Coastal Commission, I recommend that their application be denied.
2. If the applicant and the architect agree to the location of the ***ocean front bluff edge*** and required setbacks at 19 Bay Drive, Laguna Beach as defined by the Coastal Commission and mandated Actions in the updated Laguna Beach LCP, the following provisional incentives should be added to the approval:
 - (a) No development above or on the ground should be allowed on the ocean side of the ***ocean front bluff edge (bluff line)***.
 - (b) No planting or irrigation of plants or trees that disrupt ocean views is permitted on the ocean side of the ***ocean front bluff edge***.
 - (c) **In recognition of the comparatively small size of the existing house**, the application should be returned to Laguna Beach with the condition that the City **schedule a variance hearing** on the location and size in square feet, of the new building on the west side of the property that is not in conformance with setbacks behind the ***ocean front bluff edge*** as defined in the Laguna Beach LCP plan.

G.J.(Pete) Fielding
CC Report 3_28_2016:

Re: staff report for 5-15-0751; photographic evidence of applicant's own bluff changes late June 2002

Dear Zach and Amber,

Thank you very much for the staff report on application No.: 5-15-075. We appreciated the thoroughness with which you applied the law to this particular case, and the fine way you expressed it.

We wanted to add something that we believe is important to the commentary. On Page 20, in the section, *Proposed deck and patio, existing landscape terrace, and alternatives analysis*, the report states, "The filled step between the home and bluff that facilitates the landscaped terrace would not be permitted if a new home were constructed today because it is on the bluff face, but its construction appears to pre-date the Coastal Act..." This is not the case, because on or about June 30th, 2002, the applicant scraped, graded, and raised what in the report is called the "8 -foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the existing home..." In addition, on July 7, 2002 the applicant added irrigation to the bluff directly adjacent to this terrace. Prior to that, the bluff came directly up to the edge of the house.

We have included in this email photographic evidence of all of these changes, and the original state the property was in—going back to December 14, 1998. We also have earlier photos(not included) dating back to when we purchased our home in December of 1997. How might we add these photographs to the discussion? Because of our photos and our knowledge of the property, we have visual evidence that this step is not "an existing non-conforming feature," and that the current applicant added the feature themselves. We feel the bluff should be returned to its original state.

How might we best present this material to yourselves and to the Commission Members?

Thank you again for your diligent report, and assisting us in allowing us to share with you and the Commission Members information that will lend a full understanding of this important section of the California Coastline.

Sincerely,

Joyce Weatherford and Jim Cushing

19 Bay Drive, Bluff Top



Grading 06-30-02

19 Bay Drive, Bluff Top

12/14/1998





7-02-02

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Th 12b

April 7, 2016

California Coastal Commission
South Coast District
200 Ocean Gate, #1000
Long Beach, California 90802

Attention: Commissioners

Re: Coastal Development Permit Application No. 5-15-0751 (Foxdale)
19 Bay Drive, Laguna Beach

Dear Commissioners:

On April 14, 2016, I shall appear on behalf of the Gertmenian Family (Foxdale Properties LLC) in connection with CDP 5-65-075). The Gertmenians disagree with Special Condition No. 1. Special Condition No. 1 eliminates the deck and patio which is proposed to be placed on the seaward side of the house. The deck is a small deck, measuring only 276 square feet and the patio is a permeable surface patio of only 388 square feet. The Gertmenians request that the Commission delete subsections A, B and C to Special Condition No. 1 and substitute the following:

A. The deck at the floor level of the house shall be permitted, but shall extend no further toward the ocean than as shown on the June 12, 2015 plan and shall provide drainage in accordance with Special Condition 3.

B. The lower patio shall be permitted, but shall extend no further toward the ocean than as shown on the June 12, 2015 plan, and shall be surfaced with a permeable material which shall allow precipitation to percolate naturally into the soil.

The reasons for this request are set forth below and in the Power Point presentation which accompanies this letter. There are three basic reasons why the Commission should grant the requested change: (1) the stringline has been applied to the wrong house; (2) the Commission approved a larger house at 19 Bay Drive, which extends farther than the Gertmenian's request; and (3) in seven additional permit decisions, the Commission has allowed homes to encroach beyond the bluff edge to a far greater degree.

First, the staff application of the stringline is incorrect. The findings state that the guideline for application of the stringline is "the setback of oceanfront buildings on both adjacent sides of coastal lots." (See, Findings, p. 19.) But the Staff then recommends that the stringline be drawn from 17 Bay Drive which is not an "oceanfront building." The property for 17 Bay Drive does not extend to the ocean. The property adjacent to the Applicant at 6 Barranca Way is the next "oceanfront building." The attached PowerPoint slide 4 shows the relationship of the three properties. The findings on pages 18-19 to the effect that the outdoor development is beyond the stringline should be revised.

Second, prior to the Gertmenians' purchase of 19 Bay Drive in 2002, the Commission had approved CDP 5-93-204 for a 3,436 square foot house at 19 Bay Drive. The approved house extended almost to the seaward edge of the deck which the Staff recommends be disapproved. The Commission allowed the house because the bluff edge found by the Commission was 25-40 feet seaward from Mark Johnsson's designation today. (See Slides A, 5.)

Third, the Commission has approved every residence from 23 Bay Drive to 33 Bay Drive with structures that extend entirely beyond the bluff edge and used massive quantities of approved grading for the construction. (See Slides 5-16.)

| <u>Address</u> | <u>CDP Number</u> | Area | Grading | Floors |
|------------------|------------------------------------|----------|-----------|--------|
| 21 Bay Drive | 5-98-251 & 5-98-251-A (Boehringer) | 3,989 sf | | 3 |
| 23 Bay Drive | 5-98-020 (Conrad) | 3,720 sf | 9,984 cy | 5 |
| 25 Bay Drive | 5-98-064 (Barnes) | 3,719 sf | 7,662 cy | 5 |
| 29 Bay Drive | 5-98-307 (Griswold) | 5,078 sf | 12,250 cy | 5 |
| 31 Bay Drive | 5-98-178 (McMullen) | 5,099 sf | 12,900 cy | 5 |
| 33 Bay Drive | 5-99-332-A1 (Frahm) | 4,671 sf | 3,840 cy | 4 |
| Road Restoration | 5-97-371 | | 44,000 cy | |

COMPARE TO PROPOSAL BY GERTMENIANS

| | | | | |
|--------------|---------------------|----------|-------|---|
| 19 Bay Drive | 5-15-0751 (Foxdale) | 1,741 sf | 30 cy | 2 |
|--------------|---------------------|----------|-------|---|

The Staff Report distinguishes the approval of development to the north on the basis that none of the structures includes a cantilevered deck. The photographs show that this is not true. There are numerous cantilevered decks. In addition, there are lawns, swimming pools, walls, and other improvements, all of which are seaward of the houses and therefore seaward of the bluff edge. If several entire houses can extend over the bluff edge on Bay Drive, certainly a small deck and patio can be permitted by Coastal Act policies.

We request a motion to amend the Staff Recommendation as provided on the first page of this letter.

Sincerely,

Sherman L. Stacey

SHERMAN L. STACEY

SLS:ck

cc: Amber Dobson
Dennis and Susi Gertmenian
Morris Skendarian

CDP 5-15-0751 (Foxdale)

Thursday, April 14, 2016

Item 12b

Presentation in support of Applicant's request to
modify Special Condition No. 1.

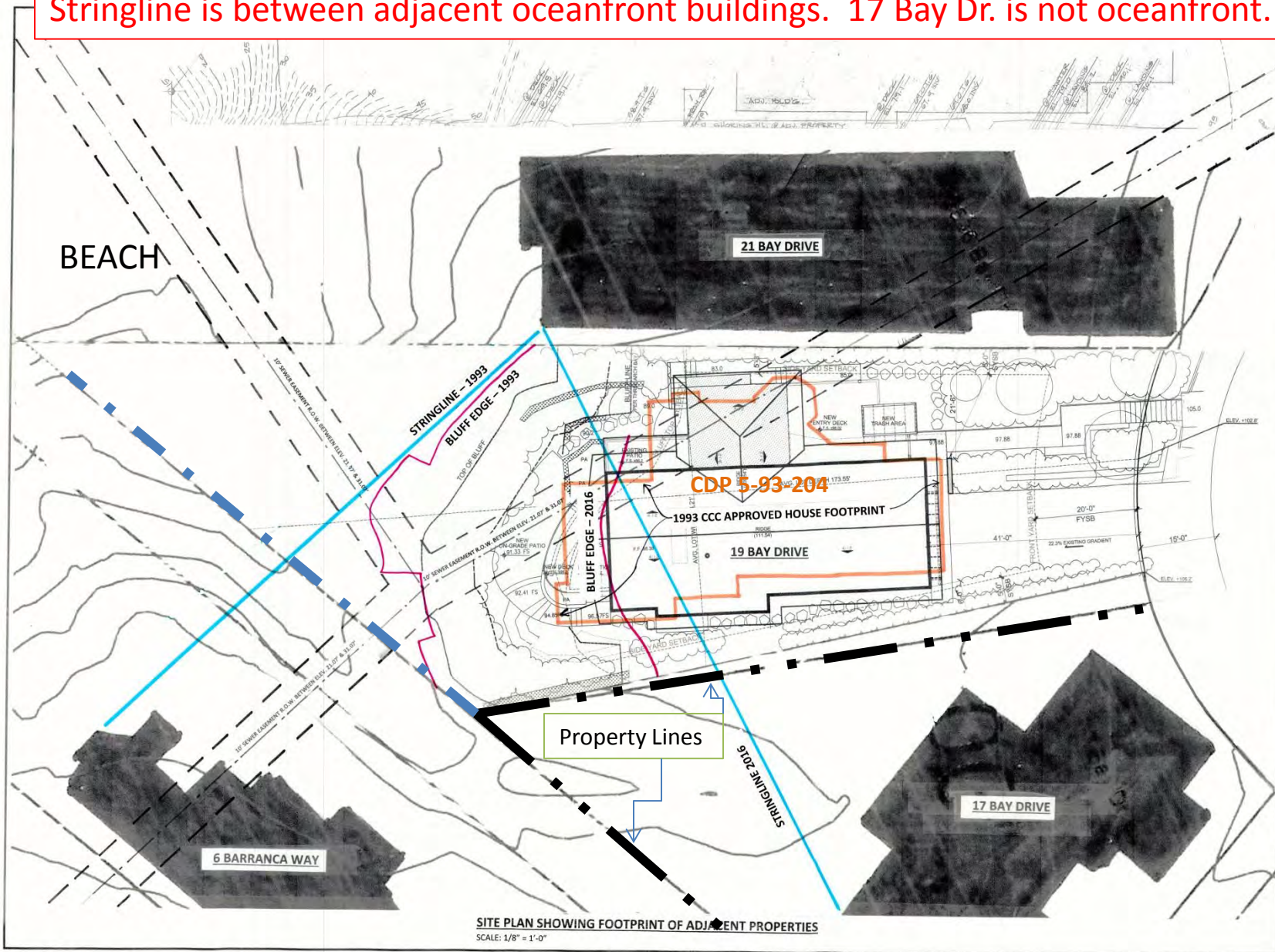
CDP 5-15-0751

19 Bay Drive, Laguna Beach

- Application to add 577 square feet to existing 1,164 square foot house and minor remodel to existing house.
- Recommended Special Condition 1 would eliminate a 276 square foot concrete deck and a 388 square foot permeable patio.
- The deck and patio are on the seaward side of the existing house and are similar to approved seaside uses in the vicinity.

- Foxdale Properties LLC is owned by the family of Dennis and Susan Gertmenian. The Gertmenians acquired 19 Bay Drive in 2002.
- At the time that the Gertmenians acquired the property, the Commission in 8 separate permit decisions on Bay Drive made findings in support of allowing very large structures that extend over the bluff edge.
- The Commission had approved CDP 5-93-204 allowing a much larger home at 19 Bay Drive which extended beyond what is now being designated as the bluff edge.

Stringline is between adjacent oceanfront buildings. 17 Bay Dr. is not oceanfront.



| REVISIONS | | |
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M&A
MORRIS & ASSOCIATES
ARCHITECTS

2004 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949-497-2356
Fax: 949-497-9814

Professional Seal
MORRIS & ASSOCIATES
ARCHITECTS
No. 1000
State of California

FOYDALE PROPERTIES
19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA 92651

FOYDALE PROPERTIES
19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA 92651

DATE
PROJECT COMPLETION DATE
1-23-2014
DESIGNED BY
M.S.A.
DATE SUBMITTED
12-012

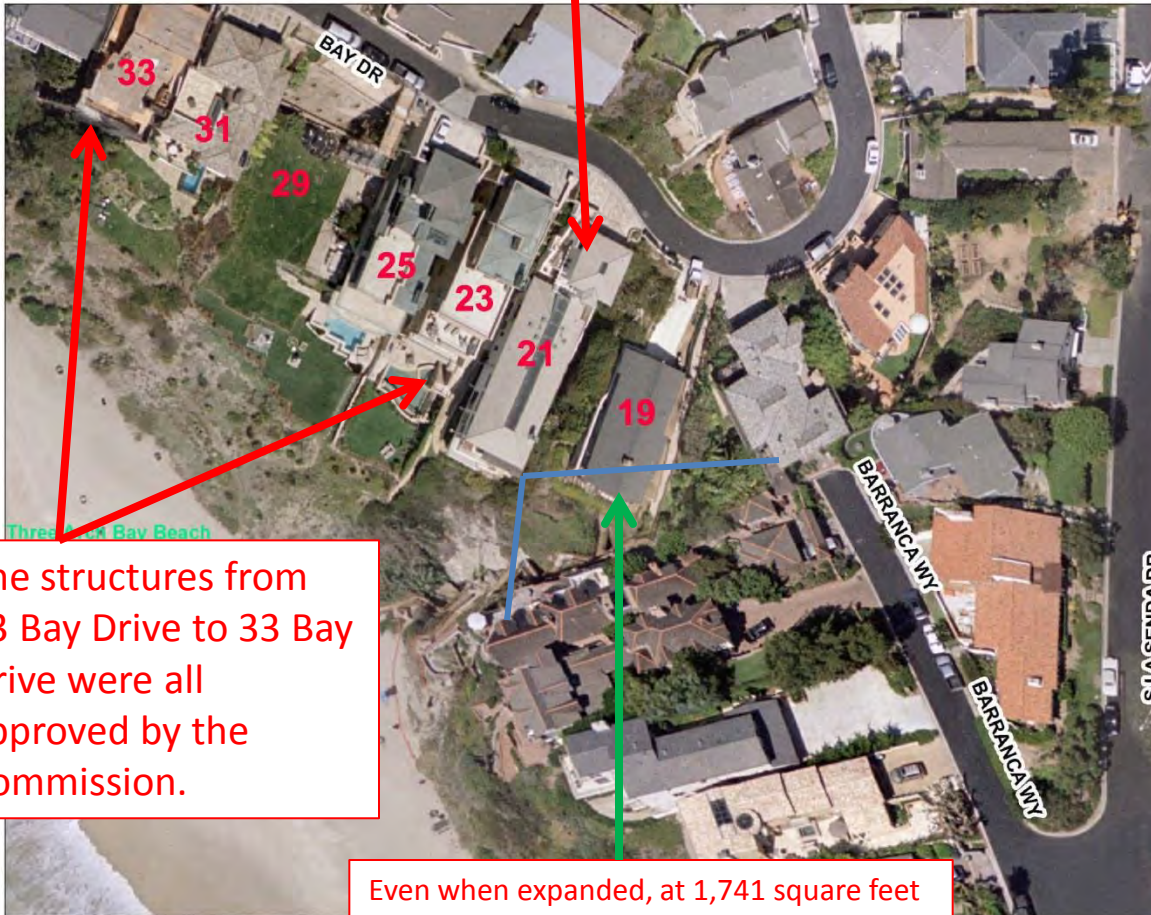
EXHIBIT 5
4/ 4/16

CDP 5-93-204 permitted larger house based on Commission finding of bluff edge at different location.

The structure at 21 Bay Drive was reinforced with 50 new caissons.

Comparison of size, decks and grading for 19 Bay Drive to 33 Bay Drive under the CDP listed below.

City of Laguna Beach



The structures from 23 Bay Drive to 33 Bay Drive were all approved by the Commission.

Even when expanded, at 1,741 square feet 19 Bay Drive will still be 34% to 47% of the size of any home from 21 to 33 Bay Drive.

SUBJECT PROPERTY:

19 BAY DRIVE
CCC APPLICATION NO. 5-15-0751 APR 2016
HABITABLE: 1741 SF
DECK: 279 SF
GRADING: 15 CY

ADJACENT PROPERTY ANALYSIS:

21 BAY DRIVE CDP 5-98-251 OCT 1998
HABITABLE: 3,989 SF
DECK: 689 SF
GRADING: 225 CY

23 BAY DRIVE CDP 5-98-020 AUG 1998
HABITABLE: 3,720 SF (5-LEVEL)
DECK: 997 SF
GRADING: 9,984 CY

25 BAY DRIVE CDP 5-98-064 AUG 1998
HABITABLE: 3,719 SF (5-LEVEL)
DECK: 812 SF
GRADING: 7,662 CY

29 BAY DRIVE CDP 5-98-307 OCT 1998
HABITABLE: 5,078 SF (5-LEVEL)
DECK: 1,278 SF
GRADING: 12,250 CY

31 BAY DRIVE CDP 5-98-178 AUG 1998
HABITABLE: 5,099 SF (5-LEVEL)
DECK: 1,935 SF
GRADING: 12,900 CY

33 BAY DRIVE CDP 5-98-332 JAN 2000
HABITABLE: 4,671 SF (4-LEVEL)
DECK: 3 DECKS (SF NOT AVAILABLE)
GRADING: 3,840 CY

ROAD RESTORATION CDP 5-97-371 AUG 1998
GRADING: 44,000 CY



THIS DOCUMENT CONTAINS
ALL INFORMATION THAT IS
NECESSARY TO THE
UNDERSTANDING OF THE
PROJECT AND THE
COMPLETION OF THE
WORK.



FOXDALE PROPERTIES
19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA 92651

The CDPs for 21 to 33 Bay Drive allowed a total of 90,000 cubic yards of grading.

The drawing below shows Bay Drive where the roadway from 21 Bay Drive to the cul-de-sac was reconstructed after a landslide under CDP 5-97-371. Grading of 44,000 cubic yards was approved, all of which was seaward of the bluff edge. The grading created a new bluff edge at the seaward side of Bay Drive. Following the new bluff edge, all the homes from 23 Bay Drive to 33 Bay Drive were approved for construction seaward of the new bluff edge.



The applicants here have difficulty understanding how they are denied even a 276 square foot deck and a 388 square foot patio.

The deck and patio are far smaller than those permitted at other Bay Drive Homes

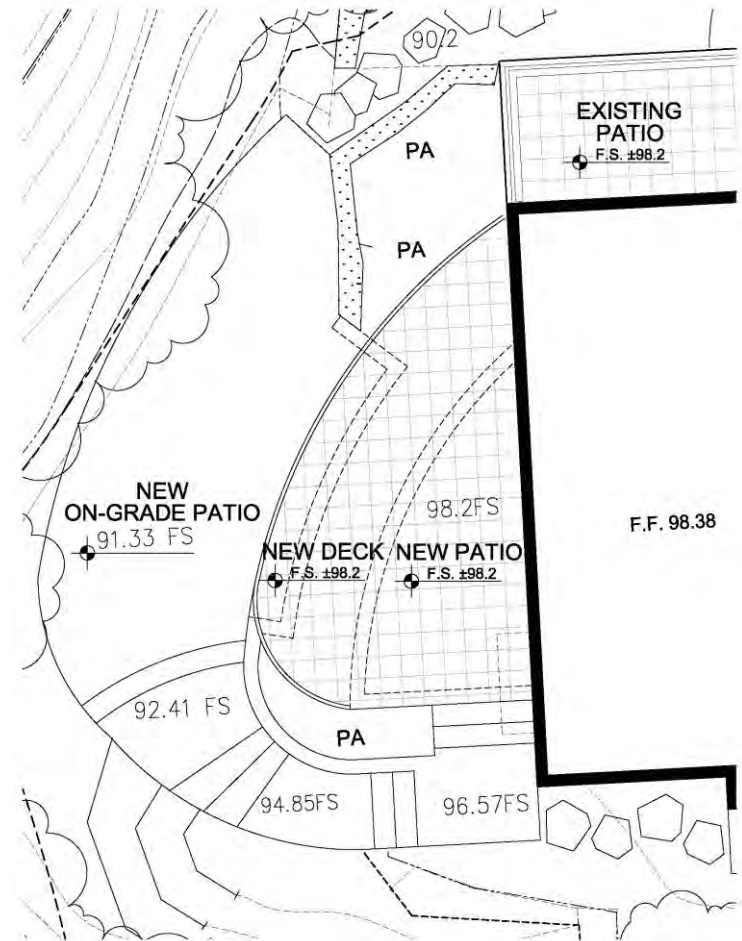
The 276 square foot curved deck would be outside the main floor at elevation 98.2.

The 388 square foot Permeable surface patio At elevation 91.



Deck and Patio

Special Condition No. 1 removes the deck and on grade patio shown here. The deck is a concrete deck at the floor level of the home. The on-grade patio is a permeable surface patio with a small bench inset under the overhang of the deck. The deck and patio both assure stability and structural integrity. The deck and patio provide outdoor space to enjoy the views of the ocean in the manner which every house on Bay Drive enjoys.



The following slides show the decisions of the Commission on every other house on Bay Drive

21 Bay Drive, CDP 5-98-251

In CDP 5-98-251, the Commission approved additional foundation support for the pre-existing house consisting of 49 caissons. eleven of these caissons were needed for a large retaining wall that provides support to 19 Bay Drive. The caisson design approved by the Commission appears on the next page.



CAISSON SCHEDULE

| NO. | SHA. DIA. | DEPT. FT. | WTS. TONS | SPACED FT. | TOTAL |
|-----|-----------|-----------|-----------|------------|--------|
| 1 | 24" | 4.00 | 250 | 48.00 | 120.00 |
| 2 | 24" | 4.00 | 250 | 48.00 | 120.00 |
| 3 | 24" | 4.00 | 250 | 48.00 | 120.00 |
| 4 | 24" | 4.00 | 250 | 48.00 | 120.00 |
| 5 | 24" | 4.00 | 250 | 48.00 | 120.00 |
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| 70 | 24" | | | | |

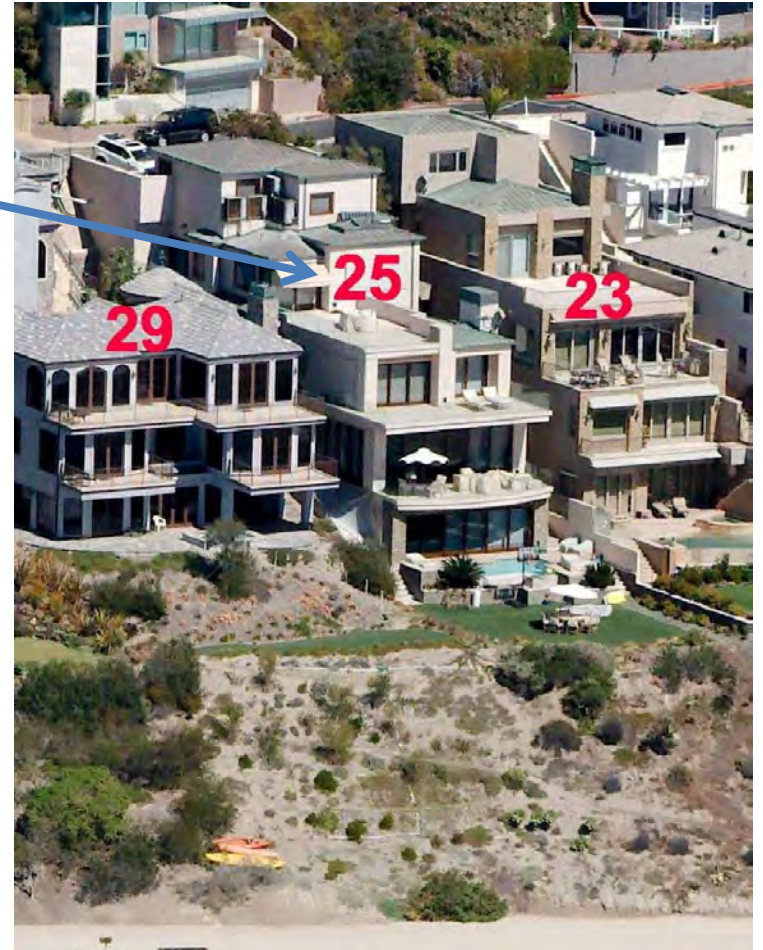
23 Bay Drive, CDP 5-98-020

In August 1998, the Commission approved CDP 5-98-020 for this 5 level, 3,720 square foot house with swimming pool, walls, lawns and 997 square feet of decks. Grading of 9,984 yards was approved for the construction. The entire project is seaward of the Bluff Edge.



25 Bay Drive, CDP 5-98-064

In August 1998, the Commission approved CDP 5-98-064 for this 5 level, 3,719 square foot house with swimming pool, walls, Lawns and 812 square feet of decks. Grading of 7,662 yards was approved for the construction. The entire project is seaward of the Bluff Edge.



29 Bay Drive, CDP 5-98-307

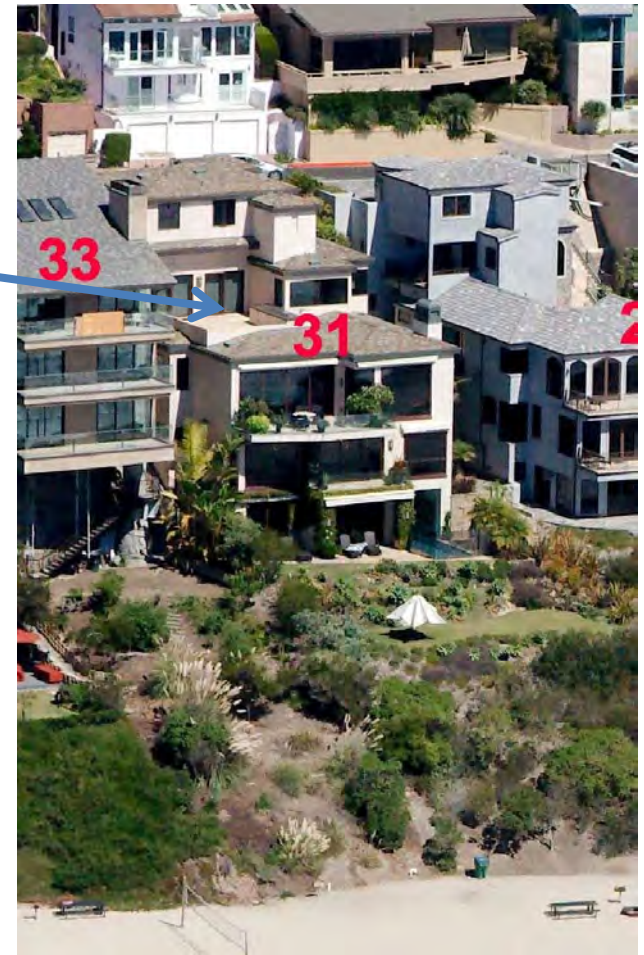
In October 1998, the Commission approved CDP 5-98-307 for this 5 level, 5,078 square foot house with lawn and 1,278 square feet of decks.

Grading of 9,984 yards was approved for the construction. The entire project is seaward of the Bluff Edge.



31 Bay Drive, CDP 5-98-178

In August 1998, the Commission approved CDP 5-98-178 for this 5 level, 5,099 square foot house with swimming pool, walls, Lawns and 1,935 square feet of decks. Grading of 12,250 yards was approved for the construction. The entire project is seaward of the Bluff Edge.



33 Bay Drive, CDP 5-99-332

In January 2000, the Commission approved CDP 5-99-332 for this 4 level, 4,671 square foot house with stairs and cantilevered decks. lawns. Grading of 3,840 yards was approved for the construction. The entire project is seaward of the Bluff Edge.



The Applicant asks that the Commission delete subparagraphs A, B and C to Special Condition No. 1 and insert in their place:

- A. The deck at the floor level of the house shall be permitted but shall extend no further toward the ocean than as shown on the June 12, 2015 plan and shall provide drainage in accordance with Special Condition 3.**
- B. The lower patio shall be permitted but shall extend no further toward the ocean than as shown on the June 12, 2015 plan and shall be surfaced with a permeable material which shall allow precipitation to percolate naturally into the soil.**

CALIFORNIA COASTAL COMMISSION

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



Th12b

| | |
|---------------|------------------------|
| Filed: | 10/23/15 |
| 180th Day: | 4/20/16 |
| Staff: | Z. Rehm & A. Dobson-LB |
| Staff Report: | 4/1/16 |
| Hearing Date: | 4/14/16 |

STAFF REPORT: REGULAR CALENDAR

| | |
|------------------------------|--|
| Application No.: | 5-15-0751 |
| Applicant: | Foxdale Properties LLC |
| Agents: | Morris Skenderian Architects and Sherman Stacey |
| Location: | 19 Bay Drive, Laguna Beach (Three Arch Bay), Orange County (APN: 056-180-31) |
| Project Description: | Remodel and addition to an existing 1,665 sq. ft. one-story single family home on ocean fronting bluff top/coastal canyon lot above Three Arch Bay. Construction of a 330 sq. ft. lower level addition and a 247 sq. ft. upper level addition on the west side of the home, and a 296 sq. ft. elevated deck and 388 sq. ft. pervious paving patio on the south (seaward) side of the home. |
| Staff Recommendation: | Approval with conditions. |

SUMMARY OF STAFF RECOMMENDATION

Foxdale Properties LLC requests a permit to remodel and construct an addition to an existing single family home on an ocean fronting bluff top/coastal canyon lot in Three Arch Bay, an area of deferred certification in the city of Laguna Beach. Three Arch Bay is a private community with shared ownership of amenities including an easement over the portion of the beach between the subject property and the mean high tide line of the Pacific Ocean. There is no public access through the development between the nearest public road (Pacific Coast Highway) and the coast, but the public may access the tidelands below the mean high tide line by sea or by air. The subject parcel is bordered by residential development to the northeast, the east, and the west, and a coastal bluff and the ocean to the south. A beach access stairway shared by the Three Arch Bay homeowners association runs along the coastal canyon at the southeast property line and a recent landslide has been stabilized and developed with homes to the west [see Coastal Development Permit 5-97-371 (Conrad)]. The native coastal bluff wraps around the property from the landslide area to the ocean

fronting bluff to the coastal canyon, and has been partially disturbed by non-native landscaping, irrigation features, and landscape walls.

The existing one-story home was constructed in 1955, prior to passage and implementation of the Coastal Act. Demolition of the existing home and construction of a new home was authorized by Coastal Development Permit 5-93-204, but that development was never carried out and the permit has since expired. In 2006 the Commission approved Coastal Development Permit 5-05-459 for the construction of a 30 foot long landscape wall immediately adjacent to the private beach access stairway to secure the steep slope in that location. The applicants were the same property owners who control the LLC identified as the applicant in the subject application. After the property owners constructed an extension of the landscaping wall 27.5 feet further seaward than authorized and installed non-native landscaping, the Commission's Enforcement Division issued a Notice of Violation, which was resolved through Coastal Development Permit Amendment 5-05-459-A1. That permit amendment authorized the landscape wall in its existing location, but stated that the approved wall was not considered a bluff protective device. Additionally, the amendment included specific landscaping requirements on the portion of the bluff face disturbed by the permitted and unpermitted activities, including standards for 90% coverage, maintenance of landscaping for slope stability and erosion control, planting of only native drought tolerant non-invasive species, and prohibition of permanent irrigation. Based on a March 11, 2016 Commission staff site visit, the applicant does not appear to have complied with the conditions of Coastal Development Permit 5-05-459-A1; non-native vegetation has been allowed to persist on the bluff face and continues to be irrigated, potentially contributing to slope instability. Additionally, an approximately 8-foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the existing home has been improved and maintained – in the approximate location where the applicant now proposes to construct a concrete patio and an elevated deck supported by five caissons.

The proposed 577 square foot two-story addition at the west side of the home is within 25 feet of the edge of the coastal bluff, as defined under section 13577(h) of the Commission's regulations, and the Laguna Beach certified Land Use Plan, but behind a stringline with other approved development on Bay Drive. The applicant's geotechnical investigation determined that the addition can be safely supported by the proposed partial slab and caisson foundation. The applicant's wave runoff and bluff /shoreline erosion analysis indicates that the proposed remodeled residence and addition will not be impacted by coastal hazards and will not require a shoreline protective device over the next 100 years. A concrete patio, elevated deck, and permeable patio are proposed at the south side of the home on the coastal bluff face. Construction of the deck and patios would require grading of the bluff face on the ocean side to the west and the coastal canyon side to the southeast, and the addition of five caissons and a structural support system on the bluff face.

The Commission received comments from two members of the public in opposition to any new structural development within the 25-foot bluff edge setback area and any development (including new landscaping) on the bluff face. The comments indicate that the subject site has been defined as an ocean front lot and should be reviewed with the same bluff setback requirements as other Commission-approved development in Laguna Beach. In this case, the Chapter 3 policies of the Coastal Act are the standard of review and the Laguna Beach certified Land Use Plan may be used as guidance. Commission Staff is recommending approval of the addition based on a stringline analysis and a review of other Commission-approved projects in the area, but staff is not recommending approval of the proposed concrete patio and elevated deck, which would extend beyond the line of existing development onto the bluff face. Staff recommends that the applicant be

required to submit revised plans which eliminate the deck, caissons, structural support, and hardscape patios seaward of the southern wall identified on the plans, but which may include the existing approximately 8-foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the existing home, which may be improved with a new railing or fence no higher than 42-inches at the seaward edge of the existing filled material.

Commission staff recommends **approval** of the permit with ten special conditions requiring the applicant to: 1) submit final plans consistent with the requirements summarized above, 2) submit final landscape and erosion control plans consistent with the requirements of Coastal Development Permit 5-05-459 and carry out development in accordance with such plans; 3) submit a final drainage and runoff control plan; 4) conform to the geotechnical recommendations; 5) implement construction best management practices; 6) confirm that the extent of demolition is consistent with the approved demolition plan by submitting a copy of the City building inspector's report for the Executive Director's review and approval prior to construction of the new development authorized by this permit; 7) agree that no expansion of existing bluff protective devices or new bluff or shoreline protective device(s) that would substantially alter natural landforms along bluffs and cliffs shall ever be constructed to protect the development approved by this permit; 8) assume the risks of the development, waive any claim of damage or liability against the Commission, and indemnify the Commission against future claims; 9) declare that any future improvements to the structure authorized by this permit shall require a permit amendment or a new permit and the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development authorized by this permit; and 10) record a deed restriction against the property incorporating the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property.

The motion and resolution to carry out the staff recommendation are on page five.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Photos

Exhibit 3 – Proposed Plans

Exhibit 4 – Geotechnical Cross Section

Exhibit 5 – Commission Staff’s Determination of Bluff Edge

Exhibit 6 – Commission Staff’s Stringline Analysis

Exhibit 7 – Public Correspondence

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-15-0751 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit 5-15-0751 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit amendment is granted subject to the following 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 permittees 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 on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Submittal of Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, two (2) sets of final demolition plans, architectural plans, foundation plans, grading plans, landscape plans, and drainage and erosion control plans that substantially conform with the plans submitted to the Commission on June 12, 2015 prepared by Morris Skenderian Architects and Alpine Engineering Inc., but shall be revised to satisfy the following sub-conditions:
 - A. No new accessory structures or addition to the principal structure shall extend further seaward than the stringline between the southeastern wall of the home located at 21 Bay Drive and the southeastern wall of the home located at 17 Bay Drive, identified as Exhibit 6 of the staff report dated April 1, 2016, and which shall be identified on the final plans.
 - B. The proposed deck, caissons, structural support, and associated patio seaward of the southern wall identified on the plans submitted June 12, 2015 shall be removed from the final plans.
 - C. The final plans shall identify the existing approximately 8-foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the southern wall of the existing home, which may be improved with a new railing or fence no higher than 42-inches at the seaward edge of the existing filled material. All new development in that area shall be limited to at grade construction with no new fill or foundational support and the fence or railing shall extend no further than 8 feet seaward of the edge of the exiting home.

The applicant 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-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Final Landscape and Erosion Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of landscaping and erosion control plans prepared by an appropriately qualified professional, which shall demonstrates the following:
 - A. All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - B. All plantings shall be maintained in good growing condition throughout the life of the development approved by the subject permit, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - C. Landscaped areas within the development footprint not occupied by hardscape shall be planted and maintained for slope stability and erosion control. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent or nearby native plant areas, all landscaping adjacent to the coastal bluffs at the east, south, and west sides of the property shall consist of drought tolerant non-invasive plant species

native to coastal Southern California. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

- D. With the exception of the north façade of the residence fronting Bay Drive and the approximately 8-foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the existing home, no permanent irrigation system shall be permitted on site. Any existing in-ground irrigation systems on or adjacent to the coastal bluffs at the east, south, and west sides of the property shall be disconnected and capped. Temporary above ground irrigation necessary to establish native drought tolerant landscaping for purposes of erosion control shall be called out on the final landscaping plan. The final plan shall show all existing and proposed vegetation and any existing and proposed irrigation systems on the property.
- E. If using potable water for temporary or permanent irrigation (as authorized by sub-conditions A through D, the project shall implement water-conserving emitters (e.g. microspray) and drip irrigation. Use of weather-based irrigation controllers and reclaimed water for irrigation is encouraged.

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.

- 3. **Drainage and Run-Off Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a final drainage and run-off control plan prepared by an appropriately licensed professional that has been reviewed and approved by the City of Laguna Beach. The plan shall incorporate the following criteria:

- A. Runoff from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be directed to dry wells, trench drains or vegetated/landscaped areas to the maximum extent practicable within the constraints of City requirements;
- B. Where City code prohibits on-site infiltration, runoff shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street to the maximum extent practicable. Runoff from impervious surfaces that cannot feasibly be directed to the street shall be discharged via pipe or other non-erosive conveyance to a designated outlet point to avoid ponding or erosion either on- or off- site;
- C. Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the coastal bluff to the beach below; and
- D. The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.

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.

4. **Conformance with Geotechnical Recommendations.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and approval, along with two (2) sets of final plans, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans to be submitted pursuant to Special Condition 1 including foundation and grading/drainage plans and certified that each of those final plans is consistent with all the recommendations contained in the Geological Investigation for Foundation Design prepared by ViaGeos March 21, 2014 and submitted to the Commission on June 12, 2015.

The applicant 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-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- C. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- D. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- E. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained

in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- F. The permittee shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
 - G. The permittee shall develop and implement spill prevention and control measures;
 - H. The permittee shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water; and
 - I. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
6. **Confirmation of the Extent of Demolition.** After demolition has been completed, and the framing of the walls to remain is exposed pursuant to the demolition plan approved in this permit, but PRIOR TO ANY NEW CONSTRUCTION, the applicant shall provide the Executive Director, for review and approval, a certified copy of the City of Laguna Beach Building Department job card showing that all demolition has been performed pursuant to the demolition plans approved under this coastal development permit.

If the building department job card, accepted by the Executive Director, indicates additional demolition has already occurred or must occur due to the deteriorated state of the walls which were proposed by the applicant to remain, the applicant shall halt construction and submit a complete coastal development permit amendment application or an application for a new coastal development permit. The application shall address the issue of revisions to the project due to the need for additional demolition. Whether an amendment or a new application is submitted shall be determined by the Executive Director.

No further development may occur until either:

- A. The Executive Director determines, pursuant to the Building Department job card, that all walls identified as walls to remain are intact and structurally sound; or
- B. the applicant submits a coastal development permit amendment application if so directed by the Executive Director and the coastal development permit amendment is subsequently approved by the Coastal Commission and issued by the Executive Director; or
- C. the applicant submits a new coastal development permit application if so directed by the Executive Director and the coastal development permit is approved by the Coastal Commission and issued by the Executive Director.

7. No Future Bluff or Shoreline Protective Devices that would Substantially Alter Natural Landforms along Bluffs and Cliffs.

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no expansion of existing bluff protective devices or new bluff or shoreline protective device(s) that would substantially alter natural landforms along bluffs and cliffs shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-15-0751 including, but not limited to, the residence, foundations, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, erosion, sea level rise or other natural coastal hazards in the future. By acceptance of this Permit, the applicant/landowner hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that would substantially alter natural landforms along bluffs and cliffs that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove the development authorized by this Permit, including the residence, foundations, and any other future improvements if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above if no future Coastal Development Permit is issued to construct protection for the development authorized by this Permit. In the event that portions of the development fall to the beach before they are removed, the landowner 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. By acceptance of this Permit, the applicants/landowners further agrees, on behalf of itself and all successors and assigns, that periodic bluff edge monitoring reports will be submitted as continued condition compliance. The submission of a bluff edge monitoring report to the Executive Director of the Coastal Commission, sent directly to the Coastal Commission's South Coast District office shall be submitted at least once every 10 years (or at earlier intervals if geologic conditions degrade such that geologic review is warranted) and shall include:
 - i. A geotechnical investigation shall be prepared by a licensed coastal engineer and geologist, with expertise in coastal processes and hazards) retained by the applicants, that addresses whether any portions of the residence or accessory structures are threatened by waves, erosion, storm conditions, bluff retreat, landslides, erosion, sea level rise or other natural coastal hazards.
 - ii. The report shall document any changes in the condition of the bluff, including erosion since the date of permit issuance, and shall document the location of the bluff edge in relation to the primary residence.
 - iii. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without the use of bluff or shoreline protective device(s) that substantially alter the natural landform along bluffs and cliffs including but not limited to removal or relocation of portions of the residence.
 - iv. If the geotechnical report concludes that the bluff has retreated more than 3 feet landward, or 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 through measures that could stabilize the principal residence without the use of bluff or shoreline protective device(s) that substantially alter the natural landform along bluffs and cliffs or through which shall include removal of the threatened portion of the structure.

8. **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 from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (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.
9. **Future Improvements.** This permit is only for the development specifically described in Coastal Development Permit 5-15-0751. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to this development governed by Coastal Development Permit 5-15-0751. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require a Commission-approved amendment to Permit 5-15-0751 or shall require an additional coastal development permit from the Commission.
10. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The subject site is an ocean fronting bluff top/coastal canyon lot at 19 Bay Drive in Three Arch Bay, an area of deferred certification in the city of Laguna Beach, Orange County (**Exhibit 1**). Three Arch Bay is a private community with shared ownership of amenities including the portion of the beach between the subject property and the mean high tide line of the Pacific Ocean. The lot slopes gently seaward between the road and the bluff edge, and then slopes more sharply to the sandy beach below (**Exhibit 2**). A one-story single-family residence and attached garage occupies the pad portion of the 10,629 square-foot lot. The land use designation for the lot is Village Low Density and adjacent lots are also developed with single-family residences.

There is no public access through the Three Arch Bay gated community between the nearest public road (Pacific Coast Highway) and the coast, but the public may access the tidelands below the mean high tide line by sea or by air. The nearest public access point is 1,000 Steps Beach, approximately ½ mile to the north. The subject parcel is bordered by residential development to the northeast, the east, and the west, and a coastal bluff and the ocean to the southwest (**Exhibit 1** and **Exhibit 2**). A beach access stairway shared by the Three Arch Bay homeowners association [see 5-06-129] runs along the coastal canyon at the southeast property line and a recent landslide has been stabilized and developed with Commission-approved homes to the west [see 5-98-251 & 5-98-251-A (Boehrer; 21 Bay Drive), 5-98-020 (Conrad; 23 Bay Drive), 5-98-064 (Barnes; 25 Bay Drive), 5-98-307 (Griswold; 29 Bay Drive), 5-98-178 (McMullen; 31 Bay Drive), and P-80-7431 & 5-99-332-A1 (Frahm; 33 Bay Drive)]. The native coastal bluff wraps around the property from the landslide area to the ocean fronting bluff to the coastal canyon, and has been partially disturbed by non-native landscaping, irrigation features, and landscape walls.

Although the Local Coastal Program for Laguna Beach has been certified by the Commission, certification of the Three Arch Bay area was deferred due to the access restrictive nature of the community. The proposed project is located within an area of deferred certification, and is located within 50 feet of a coastal bluff; therefore the project requires a coastal development permit from the Coastal Commission.

The proposed development is a remodel and addition to the existing 1,665 sq. ft. one-story single family residence. The applicant proposes to construct a 330 sq. ft. lower level addition and a 247 sq. ft. upper level addition on the west side of the home, and a 296 sq. ft. elevated deck and 388 sq. ft. at-grade patio on the south (seaward) side of the home (**Exhibit 3**). Because the home is situated on a slope, the addition would occupy space on the lower level, similar to a basement level. The upper level addition would occupy space at the current street level. The existing house is a single story at street level with an exposed raised foundation on the west side. The addition would be supported by a partial slab and caisson and grade beam foundation, with six caissons spread around the addition area.

There is an existing deck on the west side of the home at street level over the exposed raised foundation. The new addition on the west side of the home would replace the existing deck over the raised foundation. There is also an existing approximately 8-foot by 30-foot permeable landscaped terrace area on filled material on the south side immediately seaward of the existing home. The proposed new concrete patio and elevated deck would replace the existing landscaped terraces and

would be level with the upper level of the home at the current street level, supported by five caissons drilled into the bluff face, up to 14 feet deep (**Exhibit 2**). Further down the bluff face, in an area currently landscaped with native and non-native vegetation, the applicant proposes a 388 sq. ft. concrete at-grade patio.

The proposed work does not involve demolition of more than 50% of the existing structure. For instance the proposal involves less than 50% demolition (approximately 42%) of existing exterior walls, less than a 50% addition, and less than 1% change to the roof and floor; therefore the proposed project would not be considered a ‘major remodel’¹ or re-development of the site.

The property contains several easements. There is a 25 foot wide section of land with irregular 6 foot wide private access easements that runs along the southeastern side of the property, which provides for the private beach access stairway that runs along the coastal canyon between the subject property and the property to the east, owned by the Three Arch Bay homeowner’s association. There is also a 6 foot wide beach access easement (for Three Arch Bay residents) on the property leading from the end of the stairs down to the beach. Additionally, in the location of the artificial fill at the northwest corner of the residence, there is a 10 foot wide easement for sewer and utility lines. The Commission recently approved Coastal Development Permit 5-14-1291 to the South Coast Water District for the repair of a sewer pipe approximately 70 feet below the subject home and the neighboring homes – all work subject to the easement on the subject site will be carried out underground.

Permit History

On August 13, 1993, the commission approved Coastal Development Permit 5-93-204 to demolish the existing house and construct a new two-story 3,646 sq. ft. single family residence with 2,584 cubic yards of grading. That project was never constructed.

On July 12, 2006, the Commission approved Coastal Development Permit 5-05-459 for the construction of a 30 foot long landscaping wall immediately adjacent to the beach access way to secure the steep slope in that location. The wall was not considered a bluff protective device. The applicants were the same property owners who control the LLC identified as the applicant in the subject application.

In 2008, the property owners were issued a notice of violation (V-5-08-022) for the unpermitted excavation of the coastal bluff and construction of a 27.5 foot long extension to the landscaping wall described above. The letter indicated that the structure should be removed.

In order to resolve the unpermitted development, the property owners filed an amendment application to Coastal Development Permit 5-05-459. On March 9, 2011, the Commission approved CDP Amendment 5-05-459-A1 to allow for the extension of the existing landscaping wall by a distance of 27.5 feet and construction of a new wall of approximately 4 feet along the adjacent beach access stairway. Again, the wall approved was not considered a bluff protective device. To

¹ The certified Land Use Plan, land use element (used as guidance in Three Arch Bay), defines a ‘major remodel’ as follows: Alteration of or an addition to an existing building or structure that increases the square footage of the existing building or structure by 50% or more; or demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure; greater specificity shall be provided in the Laguna Beach Municipal Code.

further clarify that the proposed wall was a minor accessory structure and not a protective device, the Commission imposed Special Condition 6, which stated that future development on the site shall not rely on the landscape wall for structural stability or support. Additionally, the amendment included Special Condition 4 for the landscaping on the bluff side, to include minimum 90% coverage and stated that landscaped areas shall not be occupied by hardscape and shall be maintained for slope stability and erosion control. These conditions continue to apply to the project site, because of Special Condition 7, which required a deed restriction.

Local Government Actions

The Three Arch Bay Architectural Review Board supported the proposed project after the applicant agreed to lower the proposed new roof height, reduce the size of the trash enclosure, reduce the scope of the lower floor addition, revise the landscape palate, and reduce the size of the outdoor patios on the bluff face. The letter from the Design Review Board notes that the Coastal Commission has not approved the planting palate on the bluff – and makes reference to neighbors who felt the project was not consistent with “past Coastal approvals.” The City of Laguna Beach approved the plans in concept on May 26, 2015. The City did not require a public hearing or make findings on the bluff edge or setback requirements.

After the applicant submitted Coastal Development Permit Application 5-15-0751, the Commission received public correspondence from two Three Arch Bay residents. Two written letters are included in **Exhibit 7**. The first letter suggests that the local government did not apply the correct bluff edge determination and did not require adequate setbacks for the addition or the patio and deck. The second letter emphasizes the ocean front nature of the proposed project and indicates that the application should be reviewed with the same bluff setback requirements as other Commission-approved development in Laguna Beach.

B. DEVELOPMENT

Section 30251 of the Coastal Act states:

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

Section 30253 of the Coastal Act states, in relevant part:

New development shall do all of the following:

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

The property is located on an ocean fronting bluff top/coastal canyon lot. The native coastal bluff wraps around the property from the landslide area to the northwest to the ocean fronting bluff to the coastal canyon, and has been partially disturbed by non-native landscaping, irrigation features, and landscape walls. A beach access stairway shared by the Three Arch Bay homeowners association runs along and within the coastal canyon at the southeast property line. A massive landslide along the northwest property line occurred in 1997, resulting in the loss of a portion of Bay Drive and five homes to the west. The landslide to the northwest has been stabilized and developed with homes on filled material with caissons and deepened foundations [see 5-98-251 & 5-98-251-A (Boehringer; 21 Bay Drive), 5-98-020 (Conrad; 23 Bay Drive), 5-98-064 (Barnes; 25 Bay Drive), 5-98-307 (Griswold; 29 Bay Drive), 5-98-178 (McMullen; 31 Bay Drive), and P-80-7431 & 5-99-332-A1 (Frahm; 33 Bay Drive)]. After reconstruction of the road [see Coastal Development Permit 5-97-371 (Conrad; Bay Drive roadway)] and redevelopment of the residential parcels to the west after the landslide in the 1990s and early 2000s, the bluff edge on the northwest side of the property is largely indeterminable. The homes to the west were reconstructed on the bluff face with intense grading, and the associated fill on the bluff face facilitated the permeable patios that exist today (**Exhibit 1**). However, none of those homes have elevated or cantilevered decks supported by caissons. All bluff face accessory patios are at grade, similar to the existing landscaped terrace at the subject site 19 Bay Drive constructed at grade on top of fill and improved with a hardy groundcover and stones.

Previous staff reports describe the bluff edge as oriented along undulations of the coastal bluff. The undulations are a combination of the obscured bluff edge due to artificial fill and the edges of the adjacent coastal canyon. Because the lot is a peninsula shape separated from other lots in the area by the canyon to the southeast and landslide area to the west/northwest the building pad of the property is located much further inland than the surrounding lots. The majority of the building pad is on top of fill and/or loose material, on top of a layer of grossly stable bedrock.

The existing conditions at the property include an approximately 8-foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the existing home, above the landscape wall, which has been improved and maintained – in the approximate location where the applicant now proposes to construct a deck supported by caissons and an on-grade concrete patio seaward of that (**Exhibit 2**). The applicant has expressed safety concerns because of the steep bluff slope surrounding the exterior areas of the home and the limited outdoor patio space.

Setbacks

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic hazard. The Commission has consistently found that development on a bluff site that is adjacent to the sea, like the project site, is inherently subject to high geologic hazard from erosional forces imposed against the bluff material from wave energy, wind and rain. Setting development back from the edge of the bluff can substantially decrease risk to life, because the further from the bluff edge development is located, the less likely it is that that development may become jeopardized by erosion, landslides, and similar hazards. 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, increasing the setback of the development from the natural bluff edge ensure that there is no adverse effect to the existing natural bluff stability. 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, which the public may access below the mean high tide line. For these reasons, the Commission typically imposes a bluff edge setback.

Commission's regulations, Section 13577(h)(2), provides the definition of "bluff edge":

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. IN a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

Defining this line on the ground can be complicated by the presence of irregularities in the bluff edge, a rounded or stepped bluff edge, a sloping bluff top, and previous grading and development near the bluff edge. According to the applicant's plans (**Exhibit 3**) and geotechnical cross section (**Exhibit 4**), the bluff edge is less than 40 feet in width along the southern edge of the property, near the 84 foot elevation contour line. The remainder of the bluff edge is identified as a coastal canyon edge. The geotechnical response from ViaGeos submitted Sept. 23, 2015 states:

"The bluff edge occurs only for a short distance at the rear of the subject property. As depicted, the bluff edge is terminated at the rear, masterly property margin by the coastal canyon that occurs adjacent to the southeasterly side of the property, and is terminated on the northwesterly property margin by residential development into the upper bluff slope that has occurred on the adjacent property and other nearby properties extending northwesterly from the site. The southeasterly termination point occurs where the observable break in topographical slope is the result of erosion of the coastal canyon rather than the result of marine and subaerial erosion due to the presence of the sea cliff. The coastal canyon located adjacent to the east property margins formerly extended in an east-northerly direction a distance further than 1,000 feet, and terminated beyond coast highway easterly from the site... The bluff edge terminates near the northwesterly property boundary where the steep upper sea cliff and bluff top area have been removed by excavation in conjunction with the development of the adjacent residence at 21 Bay Drive."

The Commission's staff geologist, Dr. Mark Johnsson, visited the site on March 11, 2016 and reviewed the applicant's geotechnical analysis, bluff edge determination, and proposed architectural and foundation plans. Dr. Johnsson determined that the applicant's bluff edge determination is not consistent with the definition of bluff edge in section 13577(h)(2) of the Commission's regulations.

The Land Use Element, a component of the City of Laguna Beach certified LCP, contains the following definition of "Oceanfront Bluff Edge or Coastal Bluff Edge":

The California Coastal Act and Regulations define the oceanfront bluff edge as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the bluff

is rounded away from the face of the bluff, the bluff edge shall be defined as that point nearest the bluff face beyond which a downward gradient is maintained continuously to the base of the bluff. In a case where there is a step like feature at the top of the bluff, the landward edge of the topmost riser shall be considered the bluff edge. Bluff edges typically retreat over time as a result of erosional processes, landslides, development of gullies, or by grading (cut). In areas where fill has been placed near or over the bluff edge, the original bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

Laguna Beach Zoning Code Section 25.44.050 sets property development standards specifically for Three Arch Bay (not certified by the Commission). Section 25.44.050(C)(2) states:

For the purpose of defining building site coverage, a “bluff line” is that line which separates the buildable pad from the bluff top. The “bluff top” shall be defined as an incline greater than the slope of the buildable pad. The “bluff face” is defined as that portion of bluff which slope is forty-five degrees or greater from horizontal, and whose top is ten or more feet above mean sea level. The net area of the lot is the area that extends from the side corner property lines along the bluff line to the front corner property lines.

Based on the definitions of bluff edge in the Commission’s regulations, the Laguna Beach Land Use Element, and the Three Arch Bay Zoning Code, Coastal Commission staff identified the bluff edge as depicted in **Exhibit 5**, seaward of which a downward gradient is maintained continuously to the base of the bluff, with a steplike feature created by the filled material near the southern wall of the structure. The ocean fronting bluff edge is at approximately the 97 foot elevation contour line, where the applicant’s plans show the 25 foot blufftop setback line. The applicant’s bluff edge determination and the correct bluff edge location can be interpreted from the geotechnical cross section in **Exhibit 4**, which shows the continuous downward gradient beginning under the southern wall of the existing home. The applicant misidentifies the bluff edge at the point which is actually the sea cliff, further down the bluff. The applicant’s bluff edge analysis appears to be based on the Laguna Beach Zoning Code, which states that the bluff edge is the point at which a 45 degree downward angle begins and the bluff descends to the beach, but this definition is neither consistent with the definition of bluff edge in the Commission’s regulations, which is used to determine the appropriate siting of the development so that it can be consistent with section 30253 of the Coastal Act, which is the standard of review, nor is it consistent with the certified Laguna Beach Land Use Element, which prevails over the zoning code in cases of conflict.

Coastal Act Sections 30251 and 30253 require that new development minimize the alteration of natural land forms and not contribute to geologic instability. The Laguna Beach Land Use Element contains more specific policies.

Policy 7.3 of the Land Use Element states:

Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.

Action 7.3.3 of the Land Use Element states:

Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.

Action 7.3.5 of the Land Use Element states:

Prohibit development on oceanfront bluff faces, except public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize landform alteration of the oceanfront bluff face, to not contribute to further erosion of the oceanfront bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

Action 10.2.7 of the Land Use Element states:

Require all new development located on oceanfront bluffs to be sited in accordance with the stringline but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools that require a structural foundation. The setback shall be increased where necessary to ensure geologic safety and stability of the development.

Action 10.2.8 of the Land Use Element states:

On oceanfront bluffs, require new minor accessory structures such as decks, patios and walkways that do not require structural foundations to be sited in accordance with stringline but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, geologic instability or other coastal hazards.

In Laguna Beach, the Commission typically requires a setback of 25 feet from the edge of the coastal bluff for primary structures (e.g. the enclosed living area of residential structures) and a 10 foot setback for accessory structures (e.g. decks and patios). In this case, the existing single family home is built up to the bluff edge. The proposed addition would be setback approximately 10 feet from the ocean fronting bluff edge as determined by Commission staff (and on the side face of the coastal canyon to the northwest, partially filled in the recent landslide and subsequent remediation). The proposed concrete patio and deck supported on caissons would be seaward of the bluff edge, on the bluff face. Based on the setbacks typically applied by the Commission in Laguna Beach, neither the proposed addition nor the proposed patio and deck supported on caissons could be permitted. However, recognizing the unique nature of the peninsula parcel, in an area which has been developed with other bluff top homes on top of the landslide and adjacent to similar coastal canyons, the Commission may look to other standards in order to provide a consistent and equitable analysis.

Stringline Analysis

The existing single family home at 19 Bay Drive, constructed prior to the Coastal Act, is built up to the bluff edge, which is the pattern of development on the street. Because the addition is proposed landward (north) of the existing seaward extent of the home, the addition meets all stringline

setback requirements. Stringlines drawn from the southern wall of the existing structure to the structures to the northeast, the east, or the west place the proposed addition behind the existing line of development. The most logical stringline for primary structures in this instance is between the southeastern wall of the home located at 21 Bay Drive and the southeastern wall of the home located at 17 Bay Drive. A stringline from 21 Bay Drive to the southern extent of the home at 6 Barranca Way would be illogical because it would enable development of the entire lot at 19 Bay Drive, down the entire bluff face to the beach and ocean below, and does not take into account the bluff edges of the adjacent canyon.

Three Arch Bay Zoning Code Section 25.44.050(E)(1) is not certified, but may be used as guidance, and is more restrictive of bluff top development than the underlying Laguna Beach Zoning Code:

All coastal lots are subject to a stringline setback. The building stringline averages the setback of oceanfront buildings on both adjacent sides of coastal lots and is defined as follows: The stringline setback shall be depicted as a line across a parcel that connects the oceanward ends of the nearest adjacent walls of the main buildings on adjacent lots.

The stringline identified in **Exhibit 6** is consistent with this definition and would support approval of an addition to the existing home behind the line of existing development of primary structures. The addition would be in character with the existing line of development of the home and the surrounding homes. In fact, the addition would be set back further than the existing home from the coastal ocean fronting bluff – and approximately the same distance from the northwest coastal canyon. Also, approval of the addition will not set a negative precedent for new bluff development because it is an addition to an existing single family home built prior to passage of the Coastal Act – not development of an entirely new single family home.

The stringline would not support the construction of a new elevated deck at the southern (seaward) side of the home. Even if a stringline were drawn from the outdoor deck at 21 Bay Drive to the furthest seaward extent of any structural wall at 23 Bay Drive, the stringline would not permit a new outdoor deck on the bluff face at 19 Bay Drive. The only stringline which would support a deck at the subject property is the line drawn to the home at 6 Barranca Way, a different street on the opposite side of the coastal canyon, also constructed prior to passage of the Coastal Act and not a good example for conservative bluff top development as it was constructed on the bluff face and has no bluff setbacks. Such a stringline would permit development of the entire coastal bluff, all the way down to the beach, which would set an adverse precedent for the area and negatively impact the natural visual resource of the existing bluff face, which is visible from the public intertidal zone on the beach, below the development.

Sea Level Rise

The applicant conducted a hazards analysis, considering potential effects of sea level rise and bluff erosion. The report, *Wave Uprush and Bluff/Shoreline Erosion Analysis*, by GeoSoils Inc., dated March 17, 2014, indicates that the shoreline erosion rate in this location will be the same as it has historically been, even with the most severe sea level rise scenario of 66 inches by the year 2100 (National Research Council 2014). Because of the presence of erosion resistant bedrock on the southern ocean fronting coastal bluff, the expected erosion rate from today until 2050 is less than 1

inch per year. Given sea level rise, the analysis indicates that the most conservative estimate for bluff retreat is 5.2 feet by the year 2100, which mimics the geotechnical estimate of 5 feet. However, retreat of coastal bluffs can be episodic, especially if the bluff is undermined by wave attack at the toe of the bluff.

The existing house extends to the bluff edge, which slopes from approximately 30 to 140 degrees down to the sandy beach. An erosional retreat or a bluff collapse equal to 5.2 feet would not impact the existing residence or the proposed addition but could impact the existing landscaped terrace and landscaped areas on the bluff face. Severe storms and stormwater flows could also affect the bluff face, and could expose portions of the proposed caissons of the elevated deck on the bluff face.

The coastal and canyon bluffs in this location are more than 80 feet above the beach and the maximum expected wave run-up is 33 feet; therefore wave up-rush will not impact the existing structure or proposed addition, although wave up-rush may contribute to episodic collapse or erosion.

Proposed deck and patio, existing landscape terrace, and alternatives analysis

The proposed caisson supported deck, concrete patio, and permeable patio on the bluff face are not consistent with the landform alteration or geologic stability policies of the Coastal Act, are not consistent with the certified Laguna Beach Land Use Element or the Three Arch Bay Zoning Code, and cannot be supported by a stringline analysis. Installation of the concrete patio and deck would require grading of the bluff face and the installation of five 30-inch diameter caissons in an area of the bluff which is already partially covered by fill and subject to erosion.

In order to offer the applicant the benefit of a safe outdoor area on the property, the Commission asked the applicant to conduct an alternatives analysis, which the applicant has not provided. Based on a Commission staff site visit and a review of the plans, the applicant already enjoys the benefit of a large outdoor deck at the west side of the property, which the applicant is proposing to replace, in part, with the two-story addition.

One potential location for a new patio or deck is along the front façade of the residence, at Bay Drive, but such location would not offer an ocean view. If the applicant desires an outdoor space with an ocean view, retention of the existing approximately 8-foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the existing home is an alternative option. The filled step between the home and the bluff that facilitates the landscaped terrace would not be permitted if a new home were constructed today because it is on the bluff face, but its construction appears to pre-date the Coastal Act and the proposed project wouldn't be considered a 'major remodel' (see 'extent of demolition' below).

The applicant has indicated that the existing approximately 8-foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the existing home is unsafe because it is on the bluff face and does not provide a barrier to prevent children and guests from wandering down the bluff face and potentially falling off the sea cliff. The fill is an existing non-conforming feature and removing it could risk further destabilization of the bluff. Coastal Act Section 30253 states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard and assure stability and

structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The applicant could accomplish the desired safety feature and enjoy the benefit of an outdoor space by installing a new railing or fence no higher than 42-inches at the seaward edge of the existing filled material. Such an at-grade landscaped terrace seaward of the home, but no further down the bluff than the area already covered by fill, would be consistent with the condition of the homes to the west along Bay Avenue, which feature grass landscaped areas on top of filled material on the bluff. Approval of such a patio with a clearly defined barrier, beyond which no disturbance of the bluff was permitted or encouraged, would also be consistent with the safety and geologic stability goals of Coastal Act Section 30253.

The Commission therefore finds that the applicant's proposed elevated deck supported by five caissons and at grade patio further down the bluff face are not consistent with the Chapter 3 policies of the Coastal Act, but that there are alternative locations for outdoor an outdoor patio and/or at grade landscaped terrace on the site, including the existing grass area built up on fill at the southern extent of the existing home which currently serves as an informal terrace. **Special Condition 1** requires the applicant to submit final plans which shall be revised to comply with the following sub-conditions.

- A. No new accessory structures or addition to the principal structure shall extend further seaward than the stringline between the southeastern wall of the home located at 21 Bay Drive and the southeastern wall of the home located at 17 Bay Drive, identified as Exhibit 6 of the staff report dated April 1, 2016, and which shall be identified on the final plans.
- B. The deck, caissons, structural support, and associated patio seaward of the southern wall identified on the plans submitted June 12, 2015 shall be removed from the final plans.
- C. The final plans shall identify the existing approximately 8-foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the southern wall of the existing home, which may be improved with a new railing or fence no higher than 42-inches at the seaward edge of the existing filled material. All new development in that area shall be limited to at grade construction with no new fill or foundational support and the fence or railing shall extend no further than 8 feet seaward of the edge of the exiting home.

The applicant 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-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

Extent of Demolition

One way the Commission determines whether substantial redevelopment of a site is occurring, thereby constituting a replacement structure, is to look at the extent of demolition occurring to the existing structure and the location where such demolition is taking place. Typically, the Commission has quantified demolition by tabulating the extent of exterior linear walls to be removed compared to the total overall amount of exterior linear walls existing prior to the proposed development. The walls proposed to remain must retain their structural components such as studs and foundation. Cosmetic portions of the wall, such as exterior stucco and interior drywall, may be

removed. More recently, the Commission has considered a newer way of measuring demolition that has been employed by the City, which measures demolition using the total surface area of walls, floors and roofs that are planned for demolition, as well as the amount of any addition. The applicant has submitted information regarding the extent of demolition proposed using both ways for calculation. The Commission has generally found that if less than 50% of the existing structure is removed, the project can be reviewed as a remodel rather than a 'major remodel' or substantial re-development. The significance of this distinction is that existing non-conformities for a minor remodel, such as existing development within the setback area, can be considered for retention if such retention would not raise significant inconsistencies with Coastal Act requirements. The 50% demolition threshold provides one consistent and equitable method of dealing with existing non-conformities associated with extensive major remodel projects.

The project would not be considered a major remodel under the Laguna Beach LCP because the project involves less than 1% demolition to the roof and floors, and 42% demolition of the existing exterior walls. This amount of demolition amounts to less than 50% of the total structure and under past Commission actions as described above, a project of this scope and scale would be considered a standard remodel. As a remodel, the project is allowed to maintain the existing non-conforming setback of the existing single family home under the LCP.

However, contingencies must be in place once the demolition is under way to assure that the quantity and location of demolition occurs in the manner proposed and if the quantity or location of demolition changes, to establish an avenue which allows the project to be re-assessed based on the revised demolition plan. **Special Condition 6** requires that the applicant submit a copy of the City building inspector's report done after the proposed demolition is complete and the framing of the walls to remain is exposed, but before any new construction has commenced. The inspector's report would verify the extent of demolition and the condition of the walls remaining. If the inspector's report indicates that more demolition has occurred than was approved or that the walls originally proposed to remain are not structurally sound, the applicant is required to submit an amendment application or an application for a new coastal development permit. The Executive Director would determine whether an amendment or new permit application is appropriate. Once a complete application is received, the project would then be evaluated based on the newly discovered information.

The existing structure is considered by the Commission to be non-conforming. If the site were to be substantially re-developed, the Commission would typically require the entire site development, including accessory development, to conform to current setback requirements. In this case, the proposed project is a remodel/addition and does not involve a 'major remodel' or substantial redevelopment of the site. **Special Condition 9** notifies the applicant that future improvements and repair and maintenance activities require a coastal development permit.

The applicant's geotechnical report concludes that the site is grossly stable and that the rate of erosion is sufficiently low that the proposed residence will be safe for at least an anticipated 75-year life of the development. The Commission's staff geologist has reviewed this information and concurs that the proposed addition and the existing residential structure, while non-conforming to setbacks, will be safe from coastal bluff erosion over the life of the development and will, thereby, minimize risk to life and property, consistent with section 30253 of the Coastal Act..

Future Shoreline/Bluff Protective Device(s)

The proposed development is located on a bluff top ocean front lot. Bluff top development is inherently hazardous. It is the nature of bluffs, and especially ocean bluffs, to erode. Bluff failure 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. In the Commission's experience, geologists cannot predict with absolute certainty if or when bluff failure on a particular site may take place, and cannot predict if or when a residence or property may be come endangered.

The Geological Investigation for Foundation Design prepared by ViaGeos March 21, 2014 found that the subject site is suitable for the proposed two-story addition at the northwest side of the property and remodel of the existing single family home, provided the recommendations contained in the geotechnical investigation prepared by the consultant are implemented in design and construction of the project. The geotechnical investigation assumed a partial slab foundation supported by caissons, which is what the applicant has proposed for the addition. The six caissons would be 30-to-36 inches in diameter, drilled at least 10 feet deep into bedrock under the proposed addition (with a layer of fill and landslide debris in-between)

The geotechnical consultant's slope stability analysis indicates there is a factor of safety of 1.5 for the global static conditions, but only 1.1 for the pseudo-static conditions. Coastal Commission guidelines recommend a minimum 1.5 factor of safety for approving new development, which must minimize risk of life and property over the economic life of the project. The bluff in this location is subject to episodic collapse at some point in the future. The report indicates there is a possible 5 feet of bedrock erosion and bluff edge retreat. The proposed caissons and foundational elements (including shoring walls installed during construction) will increase the stability of the addition and the existing home.

The geotechnical response recommends: "foundations adjacent to the bluff slope should be deepened to provide a minimum horizontal setback distance of 5 feet from the structural setback plane." The construction of the on-grade patio seaward of the existing landscape wall would impact the bluff edge and would be constructed on the bluff face. The construction of the elevated deck would be cantilevered over the bluff edge and the deepened caisson foundation for the construction of the deck would impact the bluff face. The geotechnical consultant also notes that "proper landscaping and proper design and construction of hardscape elements is a very important aspect of maintaining site stability," and further notes that "drought resistant plants are recommended to prevent possibility of over-watering" and "fill placement for landscaping elements, terraces, or slopes, or construction of hardscape devices such as planters, walkways, patios, and steps should avoid flow patterns for proper drainage."

The proposed patio and deck would impact the existing landscaped area which provides an erosion control function. The geotechnical response highlights the importance of erosion control and adherence to the recommendations by the geotechnical investigation is necessary to ensure that the proposed project assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area. Therefore, **Special Condition 4** requires that the applicant conform to the geotechnical recommendations in the above mentioned geotechnical investigation and **Special Condition 1**

requires the applicant to submit revised plans which eliminate the patio and deck from the bluff face.

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 that would substantially alter natural landforms along bluffs and cliffs.

The Coastal Act limits construction of these protective devices that would substantially alter natural landforms along bluffs and cliffs because they have a variety of negative impacts on coastal resources including adverse effects 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. The proposed project can only be found consistent with Section 30253 of the Coastal Act if a shoreline/bluff protective device that would substantially alter natural landforms along bluffs and cliffs is not expected to be needed to protect the new development 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 or bluff protection devices that would substantially alter natural landforms along bluffs and cliffs will be needed. If not for the information provided by the applicant that the site is safe for the proposed new 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, geologic conditions change over time and 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 that would substantially alter natural landforms along bluffs and cliffs. Therefore, the Commission imposes **Special Condition 7** which requires that the applicants, on behalf of themselves and all successors and assigns, that no expansion of existing bluff protective devices or new bluff or shoreline protective device(s) that would substantially alter natural landforms along bluffs and cliffs shall ever be constructed to protect the development approved pursuant to this permit including, but not limited to, the residence, foundations, decks, balconies and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, erosion, sea level rise or other natural coastal hazards in the future. **Special Condition 3** also requires that, by acceptance of this permit, applicants waive, on behalf of themselves and all successors and assigns, any right to construct protective devices to protect the proposed project that may exist under section 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 **Special Condition 8**, 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.

Drainage and Landscaping

In order to prevent adverse impacts to visual resources and ensure that the coastal bluff is landscaped with native species, the Commission imposes special conditions regulating the landscaping on bluff top properties. The special conditions imposed under the permit and amendment for the landscape wall (5-05-459 and 5-05-459-A1) are still relevant to the subject site and are therefore, reimposed in this permit through **Special Condition 2**, with the clarification that all landscaping on the bluff face shall not only be drought tolerant and non-invasive, but also native to coastal Southern California. In order to ensure that the applicant does not develop the bluff face with accessible features aside from the approved at grade landscape terrace, Special Condition 2 sets specific landscaping requirements for the previously disturbed bluff area, requiring 90% coverage and active maintenance of species native to coastal Southern California which are drought tolerant and non-invasive.

Because of the fragile nature of coastal bluffs and their susceptibility to erosion and collapse, the Commission requires special conditions to minimize irrigation and control water runoff. The installation of in-ground irrigation systems, inadequate drainage, and landscaping that requires intensive watering are potential contributors to accelerated weakening of some geologic formations; increasing the lubrication along geologic contacts and increasing the possibility of failure, landslides, and sloughing, which could necessitate protective devices. Use of non-native vegetation that is invasive can have an adverse impact on the existence of native vegetation. 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. Water on site can be reduced by limiting permanent irrigation systems. Consequently, irrigation must be limited to temporary irrigation only as needed to establish plants. **Special Condition 2** carries out the requirement to prohibit permanent irrigation with the exception of the north façade of the residence fronting Bay Drive and the approximately 8-foot by 30-foot permeable landscaped terrace area on filled material immediately seaward of the existing home. Any existing in-ground irrigation systems on or adjacent to the coastal bluffs at the east, south, and west sides of the property shall be disconnected and capped. Temporary above ground irrigation necessary to establish native drought tolerant landscaping for purposes of erosion control shall be called out on the final landscaping plan. **Special Condition 3** provides specific requirements for a drainage and runoff control plan to ensure that irrigation and stormwater do not cause bluff erosion or instability.

Conclusion

The existing home and proposed addition are located within an existing developed residential neighborhood and are compatible with the character and scale of the surrounding area. However, the proposed deck, caissons, structural support, and associated patio seaward of the southern wall of the home are not consistent with the character and scale of surrounding development, nor consistent with 30251 or 30253 of the Coastal Act, thus they shall be removed from the final plans. The Commission finds that only as conditioned as described above, can the proposed development be found consistent with Sections 30251 and 30253 of the Coastal Act which require that landform alteration be minimized, development not rely on shoreline or bluff protective devices, scenic coastal views be protected, and geologic stability be assured.

C. 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 project is located within an existing locked gate community located between the sea and the first public road paralleling the sea. Public access through this community does not currently exist. The proposed development on an existing residential lot will not affect the existing public access conditions. It is the locked gate community and not this home that impedes public access. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with the Chapter 3 public access and recreation policies of the Coastal Act.

D. WATER QUALITY AND BIOLOGICAL PRODUCTIVITY

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 and 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.

Since the subject site is adjacent to the ocean, the proposed development has a potential for a discharge of polluted runoff from the project site into geologically and environmentally sensitive coastal bluffs and coastal waters. The project plans submitted by the applicant included a site plan and landscape plan that increases hardcape coverage on the lot. A final drainage and run-off control plan is required by **Special Condition 3**, which states that runoff from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be directed to dry wells, trench drains or vegetated/landscaped areas to the maximum extent practicable within the constraints of City requirements; and where City code prohibits on-site infiltration, runoff shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street to the maximum extent practicable. Runoff from impervious surfaces that cannot feasibly be directed to the street shall be

discharged via pipe or other non-erosive conveyance to a designated outlet point to avoid ponding or erosion either on- or off- site. Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the coastal bluff to the beach below; and the functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development. The Commission also imposes **Special Condition 5**, which requires the applicant to implement construction best management practices. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of noninvasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition 10**, which requires that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. LOCAL COASTAL PROGRAM

Coastal Act Section 30604 (a) states that, prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time.

The subject site is located within the Three Arch Bay 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 discussed above, the proposed development will not further decrease or impact public access within the existing locked gate community. Additionally, the proposed project will not set an adverse precedent for bluff face development. Therefore the Commission finds that approval of this project, as conditioned, will not prejudice the ability of the City of Laguna Beach from preparing a total Local Coastal Program for the areas of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

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 City of Laguna Beach is the lead agency for purposes of CEQA; on May 26, 2015 the City determined that the proposed addition and remodel was categorically exempt from CEQA requirements (Class 1(e)(1)).

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

1. City of Laguna Beach certified Local Coastal Program (LCP)
2. City of Laguna Beach Approval In Concept dated 3/6/15
3. *Geological Investigation for Foundation Design*, by ViaGeos, dated 3/21/14
4. *Wave Uprush and Bluff/Shoreline Erosion Analysis*, by GeoSoils Inc., dated 3/17/14

Vicinity Map: 19 Bay Drive, Laguna Beach

Exhibit 1

Page ¹ of 1



California Coastal
Commission





Site Photos: 19 Bay Drive, Laguna Beach



**Private Beach
Access Stairway**

**Proposed Concrete
Patio, Elevated Deck,
and Permeable Patio**

Site Photos: 19 Bay Drive, Laguna Beach

Exhibit 2

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California Coastal
Commission



Site Photos: 19 Bay Drive, Laguna Beach

Exhibit 2

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California Coastal
Commission



Existing (improved)
permeable grass patio
on filled material on
bluff edge

Site Photos: 19 Bay Drive, Laguna Beach



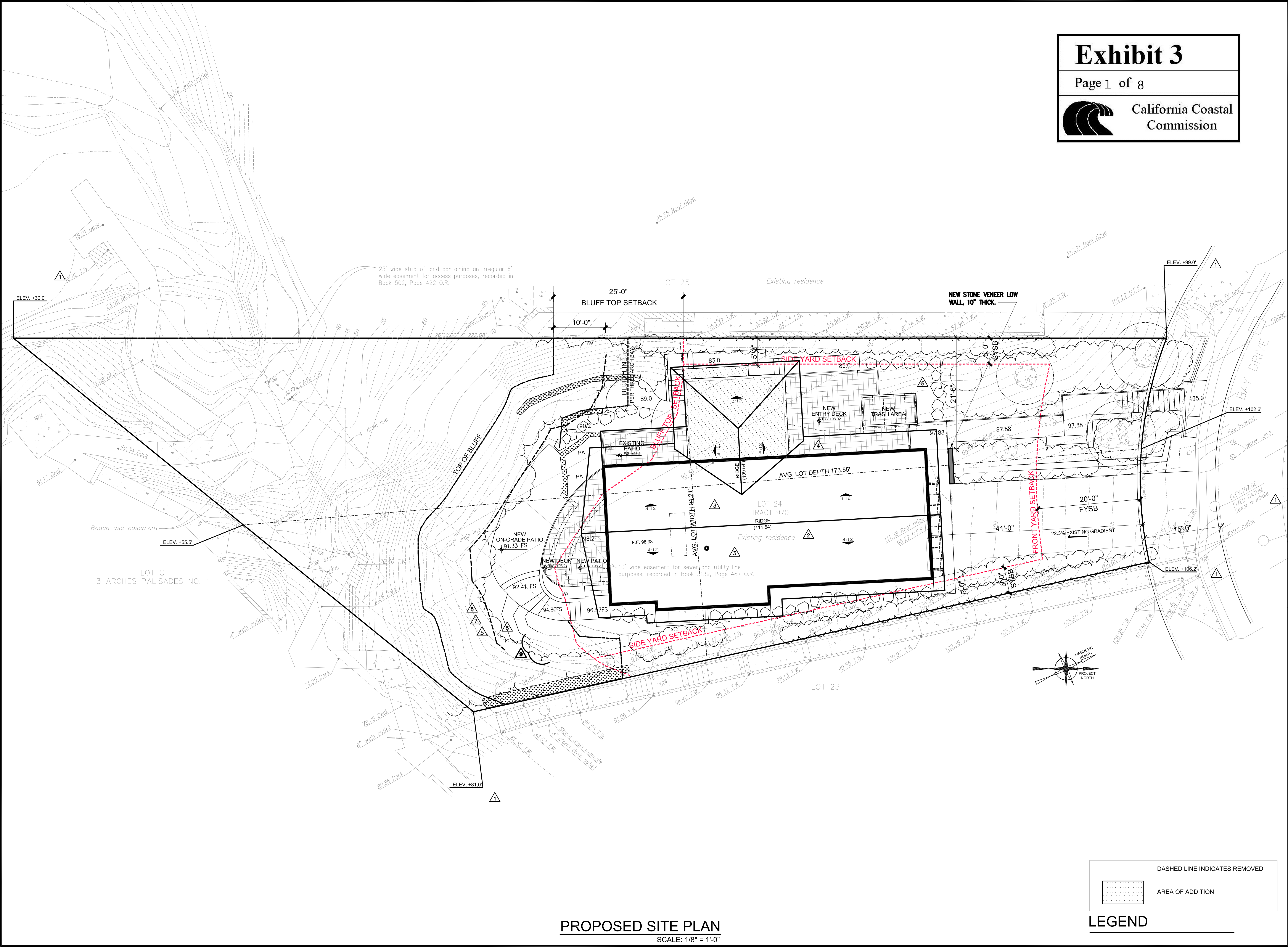


Exhibit 3

Page 1 of 8



California Coastal Commission

| REVISIONS | | |
|-----------|----------|----|
| NO. | DATE | BY |
| 1 | 4-1-14 | JL |
| 2 | 5-1-14 | JL |
| 3 | 6-11-14 | JL |
| 4 | 7-1-14 | DB |
| 5 | 9-9-14 | JL |
| 6 | 10-10-14 | JL |
| 7 | 4-3-15 | JL |
| 8 | 5-7-15 | JL |
| 9 | 9-22-15 | JL |



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ARCHITECTS

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PROPOSED SITE PLAN

FOXDALE PROPERTIES

19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA 92651

| | |
|-----------------------------|------------|
| REVIEWED BY / DATE | |
| ----- | |
| FIRST ZONING SUBMITTAL DATE | |
| 1-23-2014 | |
| DRAWN BY | JOB NUMBER |
| M.S.A. | 12-012 |
| SHEET NUMBER | |

A-1.0

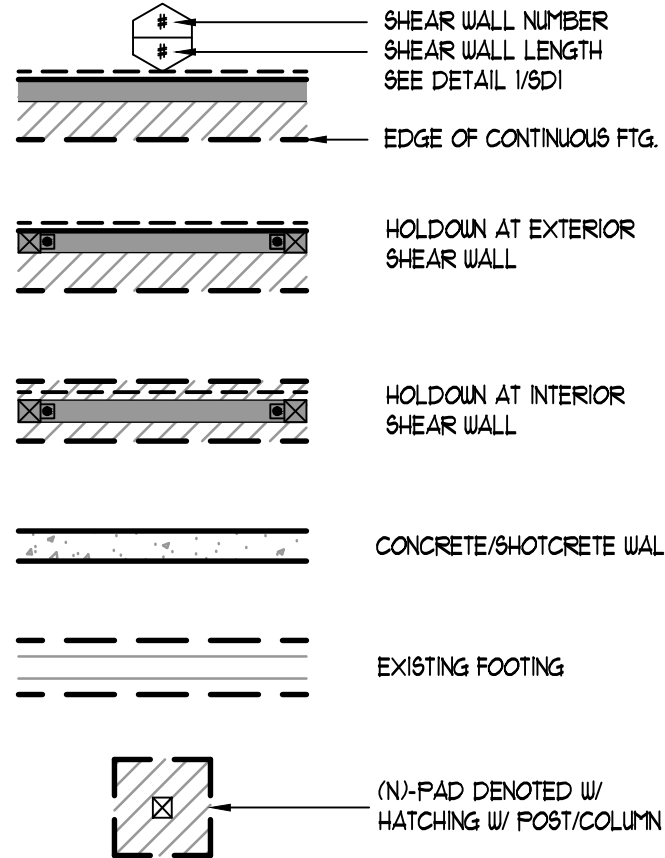
FOUNDATION NOTES

1. SEE SHEET SGN FOR GENERAL NOTES AND TYPICAL DETAILS.
2. ALL MEMBERS IN THE AREA OF CONSTRUCTION OR INFLUENCED IN ANY WAY DURING CONSTRUCTION THAT ARE NOTED ON PLANS AS EXISTING SHALL BE VERIFIED IN THE FIELD FOR LOCATION, SIZE, AND GRADE. CONTACT THE ENGINEER WITH DISCREPANCIES.
3. DIMENSIONS ARE TO CENTERLINE OR FACE OF FOOTINGS. SEE OTHER PLANS FOR LOCATIONS OF POSTS, WALLS, ETC. CONTRACTOR SHALL VERIFY ALL DIMENSIONS WITH THE OWNER AND ARCHITECT PRIOR TO CONSTRUCTION.
4. DIMENSIONS ARE NOT FURNISHED TO HOLD-DOWNS. IT IS THE RESPONSIBILITY OF CONTRACTOR'S SUPERINTENDENT, THE FRAMING CONTRACTOR AND THE CONCRETE CONTRACTOR TO LOCATE THE ANCHORS FOR THE HOLD-DOWNS IN THE EXACT LOCATION. REFER TO DETAILS AND MANUFACTURER'S SPECIFICATIONS FOR PROPER INSTALLATIONS.
5. WHERE REQUIRED, USE TYPICAL CONCRETE SLAB OF 4" THICK CONCRETE WITH #5 BARS AT 16" ON CENTER EACH WAY AT CENTER OF SLAB. SLAB SHALL BE POURED OVER A 2" THICK SAND LAYER. AT LIVING SPACES AND OTHER MOISTURE SENSITIVE AREAS PROVIDE A 10-MIL VAPOR BARRIER IN THE MIDDLE OF A 4" THICK SAND LAYER.
6. PROVIDE MULTIPLE STUDS AT ALL BEAMS FOR FULL BEARING UNLESS NOTED OTHERWISE ON PLANS.
7. SPECIAL INSPECTION IS REQUIRED FOR ALL EPOXY-INSTALLED BOLTS AND DOUELS AND FOR ALL TITEN HDs. SEE SGN FOR MORE INFORMATION.
8. ALL POSTS WITH HOLD-DOWNS OR STRAPS SHALL BE CONTINUOUSLY EDGE NAILED.
9. ALL MEMBERS NOT NOTED AS EXISTING SHALL BE CONSIDERED NEW.

FOUNDATION NOTES (CONT.)

10. ALL MEMBERS NOTED ON PLANS AS EXISTING SHALL BE VERIFIED IN THE FIELD FOR LOCATION, SIZE, AND GRADE. CONTACT ENGINEER WITH DISCREPANCIES.
11. ENSURE ALL NEW FOUNDATIONS ARE POURED OVER NATURAL SOILS OR COMPACTED FILL.
12. WHERE EXISTING SILL PLATES ARE CUT AND REMOVED, ENSURE THAT AN EXISTING ANCHOR BOLT IS WITHIN 12" OF END OF SILL. ADD TITEN HD (SEE DETAILS) WHERE REQUIRED.
13. THE LOCATION OF THE EXISTING FOOTINGS SHALL BE VERIFIED IN THE FIELD DURING CONSTRUCTION. THE SIZE AND LOCATION OF THE FOOTINGS WERE ASSURED. CONTACT ENGINEER WITH ANY DISCREPANCIES. IF AN ASSUMED EXISTING FOOTING DOES NOT OCCUR UNDER A POST SHOWN ON THE PLANS, CONTACT ENGINEER IMMEDIATELY.
14. FASTENERS FOR PRESERVATIVE TREATED WOOD SHALL BE OF HOT DIPPED ZINC COATED GALVANIZED STEEL OR STAINLESS STEEL (SEE WOOD NOTES FOR MORE INFORMATION).
15. EXISTING FOUNDATION MAY CONSIST OF A POST TENSION (PT) SYSTEM. LOCATE ALL TENDONS/REINFORCING IN THE AREAS OF NEW CONSTRUCTION PRIOR TO DRILLING, CUTTING, OR PERFORMING ANY NEW CONSTRUCTION. DO NOT DAMAGE EXISTING TENDONS/REINFORCING.

FOUNDATION LEGEND



FOUNDATION SCHEDULE

| MARK | SIZE, TYPE, SPACING |
|------|--|
| A | 2'-0" SQ. x 1'-6" DEEP PAD FOOTING W/ (4)-#4 BARS EACH WAY T18 |
| B | 2'-6" SQ. x 1'-6" DEEP PAD FOOTING W/ (4)-#4 BARS EACH WAY T18 |

RETAINING WALL/SHORING NOTES

- GENERAL
1. CONTRACTOR TO VERIFY ALL DIMENSIONS WITH OWNER AND ARCHITECT PRIOR TO CONSTRUCTION.
2. ALL DETAILS AND NOTES ON RECORD DRAWINGS BY ARCHITECT AND ENGINEER ARE TO APPLY FOR ALL PERMANENT WORK.
3. SPECIAL INSPECTION IS REQUIRED FOR ALL SHORING ELEMENTS. SEE SHEET SGN FOR MORE INFORMATION.
4. SOILS REPORT BY VIA GEOS, PROJECT NO. H362, DATED MARCH 21, 2015 IS A PART OF THESE PLANS. SHORING DESIGN VALUES INCLUDE A PASSIVE RESISTANCE OF 4000 PSF/FT OF DEPTH IN BEDROCK (3000 PSF/FT MAX.), A SKIN FRICTION OF 500 PSF IN BEDROCK AND AN END BEARING CAPACITY OF 4000 PSF.
5. ALL CONSTRUCTION SHALL CONFORM TO REQUIREMENTS OF THE CONSTRUCTION AND GENERAL INDUSTRY SAFETY ORDERS, THE OCCUPATIONAL SAFETY AND HEALTH ACT, CALIFORNIA OSHA IN ADDITION TO OTHER PUBLIC AGENCIES HAVING JURISDICTION.
6. SOILS ENGINEER SHALL REVIEW THE SHORING DESIGN. SHORING EXCAVATION OPERATIONS AND REMOVAL OF THE SHORING (WHERE APPLICABLE) SHALL BE PERFORMED UNDER THE CONTINUOUS INSPECTION AND APPROVAL OF THE SOILS ENGINEER.
7. GEOTECHNICAL ENGINEER TO STAMP A SIGN SHORING PLAN CERTIFYING THAT THE DESIGN IS IN COMPLIANCE WITH RECOMMENDATIONS.
8. CONTRACTOR SHALL LOCATE ALL EXISTING UTILITY LINES, STORY DRAINS, SEWERS AND ALL OTHER UNDERGROUND ELEMENTS PRIOR TO EXCAVATION OR SHORING AND CONFIRM THAT NO CONFLICT EXISTS BETWEEN THE SHORING SYSTEM AND ANY EXISTING ELEMENTS.
9. AN UNDERGROUND SERVICE ALERT INQUIRY IDENTIFICATION NUMBER SHOULD BE REQUIRED AND MUST BE OBTAINED AT LEAST TWO DAYS BEFORE STARTING WORK (SEE NOTICE AND PHONE NUMBER ON THIS SHEET).
10. CONTRACTOR SHALL COORDINATE SHORING WITH ALL DRAWINGS TO INSURE PROVISIONS FOR POCKETS, BLOCKOUTS, OFFSETS, STEPPED FOOTINGS, AND ANY OTHER ITEMS AFFECTED BY THE SHORING.
11. DRAINAGE AND WATERPROOFING BY OTHERS. NOTE THAT CERTAIN SHORING SECTIONS REQUIRE SPECIAL APPLICATIONS OF DRAINAGE AND WATERPROOFING AND THUS A SPECIALIST IN THESE AREAS SHOULD BE CONSULTED. THE DETAILS AND PLANS HEREIN ARE ONLY MEANT TO BE A GUIDE.
12. HEAVY EQUIPMENT OR CRANES SHALL NOT BE LOCATED ADJACENT TO THE SHORING BULKHEAD EXCEPT WHERE SPECIFICALLY PROVIDED FOR IN THE DESIGN AS SHOWN ON THE PLANS (WHERE APPLICABLE).
13. STRUCTURAL OBSERVATION WILL BE PERFORMED WHEN REQUIRED BY THE BUILDING OFFICIAL.
14. CONTINUOUS INSPECTION BY A CITY LICENSED DEPUTY INSPECTOR IS REQUIRED DURING SHORING, EXCAVATION & REMOVAL (WHERE APPLICABLE) OF SHORING.
15. ALL EXCAVATIONS SHOULD BE STABILIZED WITHIN 15 DAYS OF INITIAL EXCAVATION, AND ALL EXCAVATIONS SHOULD BE PROTECTED FROM INCLEMENT WEATHER.
16. THE TOP OF THE EXCAVATIONS SHOULD BE BARRICADED TO ENSURE THAT NO VEHICULAR SURCHARGE BE ALLOWED WITHIN FEET OF THE TOP OF CUT.
17. THE PERIMETER WALLS ARE NOT TO BE BACKFILLED UNTIL THE FLOOR SLABS ARE POURED AND CURED.

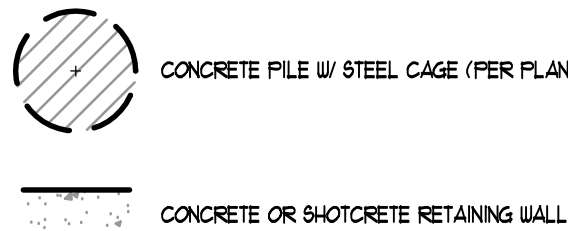
- PROPOSED TEMPORARY SHORING PROCEDURE (SOLDIER PIERS)
1. DRILL EXCAVATE PIERS SHAFT.
 2. PLACE REINFORCING CAGE IN SHAFT.
 3. PLACE STEEL WIDE FLANGE SOLDIER PIER IN SHAFT.
 4. BACK FILL TOE OF SHAFT, UP TO THE ELEVATION OF EXCAVATION BOTTOM WITH 3000 PSI CONCRETE (MIN.) FILL. BALANCE OF SHAFT WITH 2 SACK SLURRY.
 5. THEN, WAIT A MINIMUM OF 1 DAYS (OR WHEN CONCRETE REACHES DESIGN STRENGTH).
 6. BEGIN EXCAVATION FOR RETAINING WALL.
 7. PLACE LAGGING, WHICH SHALL BE PRESSURE TREATED (SEE DETAILS FOR MORE INFORMATION). PROVIDE SLURRY OR OTHER MATERIAL ACCEPTABLE TO THE SOILS ENGINEER BEHIND LAGGING IN AREAS OF CAVING. OTHERWISE BACK-FILL WITH GRANULAR MATERIAL.
 8. INSTALL WALL REINFORCING AND SHOOT WALL WITH 3000 PSI SHOTCRETE.
- PROPOSED PERMANENT SHORING PROCEDURE
1. DRILL EXCAVATE PIERS SHAFT.
 2. PLACE REINFORCING CAGE IN SHAFT.
 3. INSTALL 3000 PSI CONCRETE IN SHAFT UP TO FINISH ELEVATION.
 4. WAIT A MINIMUM OF 1 DAYS (OR WHEN CONCRETE REACHES DESIGN STRENGTH).
 5. BEGIN EXCAVATION FOR RETAINING WALL.
 6. PLACE LAGGING, WHICH SHALL BE PRESSURE TREATED (SEE DETAILS FOR MORE INFORMATION). PROVIDE SLURRY OR OTHER MATERIAL ACCEPTABLE TO THE SOILS ENGINEER BEHIND LAGGING IN AREAS OF CAVING. OTHERWISE BACK-FILL WITH GRANULAR MATERIAL.
 7. INSTALL WALL REINFORCING AND SHOOT WALL WITH 3000 PSI SHOTCRETE.

| # SHORING SCHEDULE | | | | | | | |
|--------------------|-------|--------------------------|-----------------------|--------------|-------------|-----------|----------|
| PIER MARK | DIA. | DEPTH TO RETAINED FIXITY | DEPTH FROM HT. (MAX.) | SOLDIER PIER | LONG. REIN. | TIES | |
| P1 | 2'-6" | 10'-0" | 6'-0" | 13'-0" | - | (10) x #3 | #4 AT 6" |
| P2 | 2'-6" | 10'-0" | 6'-0" | 13'-0" | - | (10) x #3 | #4 AT 6" |
| P3 | 2'-6" | 14'-0" | 10'-0" | 19'-0" | - | (10) x #3 | #4 AT 6" |
| P4 | 3'-0" | 14'-0" | 10'-0" | 25'-0" | - | (14) x #1 | #4 AT 6" |

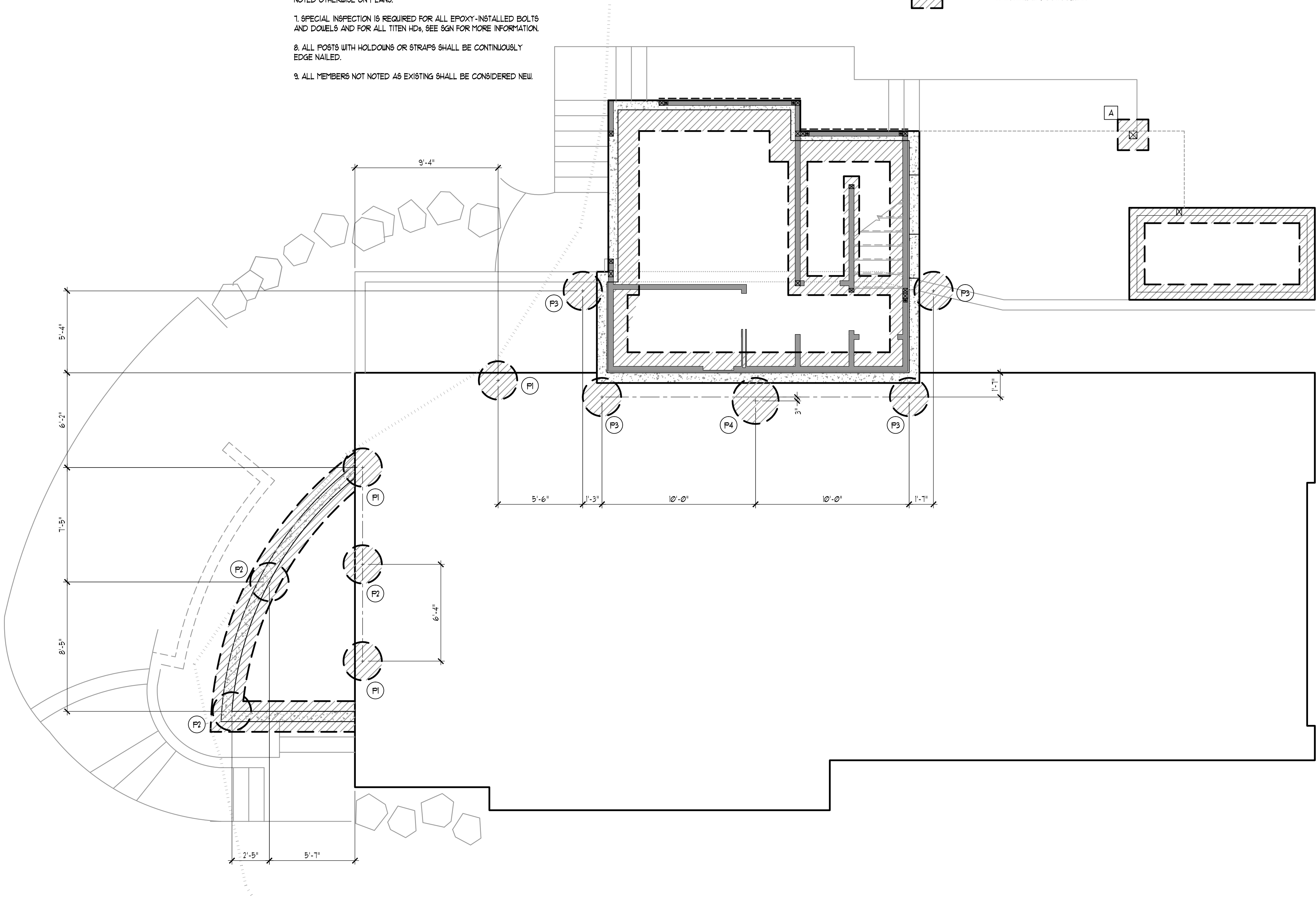
NOTES:

1. ALL CONCRETE PIERS SHALL HAVE A f_c' OF 4500 PSI MINIMUM. SEE SHEET SGN FOR MORE INFORMATION.
2. SPECIAL INSPECTION IS REQUIRED FOR CONCRETE PIERS PER CBC 2013.
3. REFER TO SOILS REPORT FOR OBSERVATIONS REQUIRED FOR CONCRETE PIERS BY GEOTECHNICAL ENGINEER.
4. THE MAXIMUM RETAINED HEIGHT WAS AN ASSUMED VALUE BASED ON SOILS REPORT INFORMATION AND THE SITE PLAN. WHERE THE ACTUAL RETAINED HEIGHT VARIES BY MORE THAN 12" CONTACT ENGINEER.
5. THE "DEPTH FROM F.S./F.G. ELEV." TO BE TAKEN AS THE LOWER PLANTING AREA F.S. ELEVATION OF 93.33 FOR MARKS P1 AND P2 AND THE NEW LOW F.F. ELEVATION OF 93.39 FOR MARKS P3 AND P4.
6. DO NOT SPLICE LONGITUDINAL PIER REINFORCING IN UPPER HALF OF PIER.
7. SEE PLANS AND DETAILS FOR LENGTH OF STEEL SOLDIER PIER IN STRUCTURAL CONCRETE (TO BE 15x THE RETAINED HEIGHT).
8. SPECIAL DETAILING IS REQUIRED TO CONNECT ALL PIERS TO GRADE BEAMS. SEE DETAILS FOR MORE INFORMATION.
9. WHERE PIERS ARE SPACED CLOSER TOGETHER THAN ALLOWED BY SOILS ENGINEER TO BE EXCAVATED AT THE SAME TIME, USE AN ALTERNATING METHOD OF EXCAVATION AND INSTALLATION. EXCAVATE AND INSTALL ONLY THOSE PIERS THAT ARE AT LEAST 25 PILE DIAMETERS APART (CENTER TO CENTER) DURING A SINGLE FOUR WHERE SPACING VIOLATES THIS CRITERIA. DELAY PILE EXCAVATIONS AS REQUIRED. CONTACT SOILS ENGINEER TO VERIFY 25 PIER DIAMETER REQUIREMENT.
10. MONITORING OF THE SHORING DEFLECTION SHALL BE CONDUCTED BY A LICENSED SURVEYOR ON A REGULAR BASIS.
11. FOUNDATION CONTRACTOR SHALL VERIFY THE ASSUMED RETAINED HEIGHT AND USE THE APPROPRIATE SHORING PIER IF DIFFERENT FROM THAT SPECIFIED ON THE APPROVED PLANS.

LEGEND



VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. NOTIFY OWNER/ENGR IMMEDIATELY OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK.



ADDED DECK AND BEDROOM FOUNDATION PLAN

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

AP ENGINEERING
STRUCTURAL & CIVIL DESIGN
400 E. ESTHER PLACE
PLACENTIA, CA 92670
PHONE 714.986.1219
FAX 714.986.1218
EMAIL: KEN@APENGINEER.COM

KEN KOLODZIEJ, PE
CIVIL ENGINEER
LIC# C6768

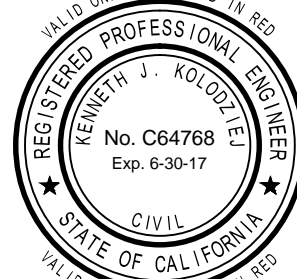
PRIVATE RESIDENCE
19 BAY DR
LAGUNA BEACH, CA 92651

JOB TITLE

FOUNDATION PLAN

SHEET TITLE

STAMP



09/21/15

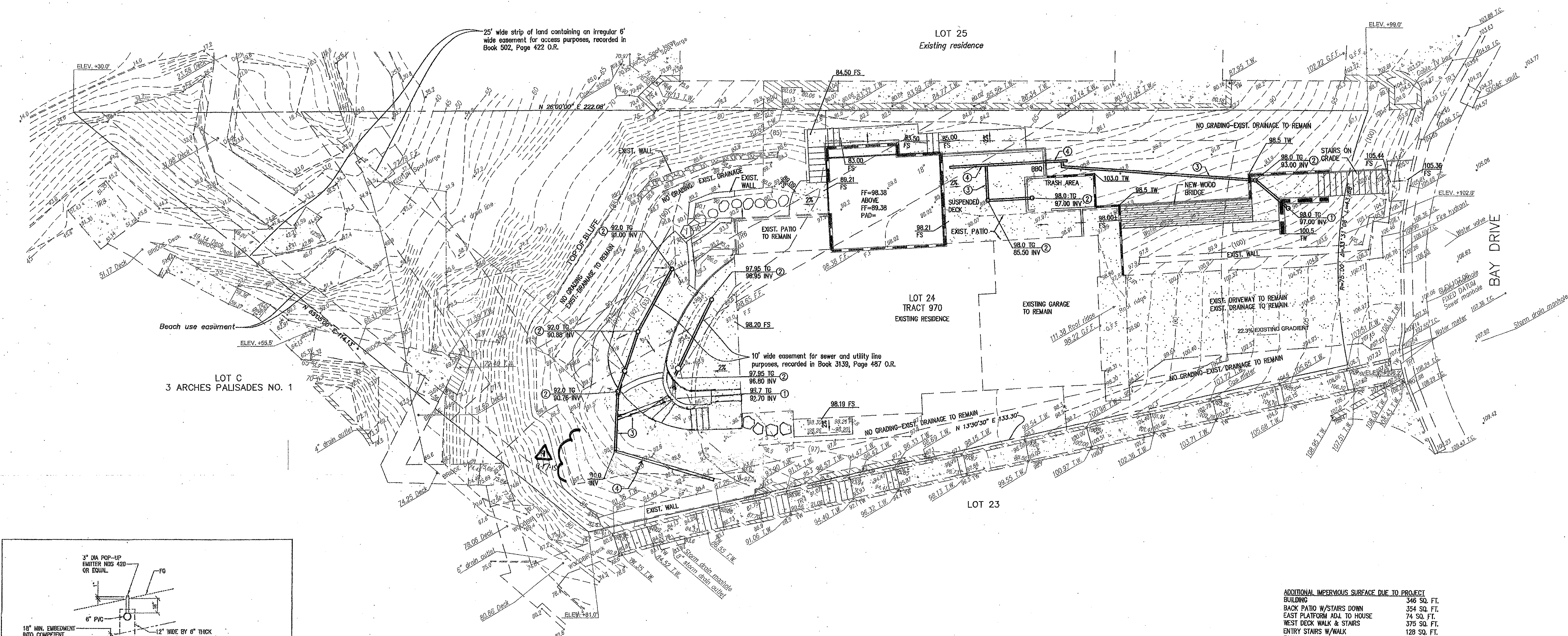
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| | |
|-------------|----------|
| PROJECT NO. | 15-126 |
| DRAWN BY | KJK |
| CHECKED BY | KJK |
| SCALE | AS NOTED |
| PRINT DATE | 09/21/15 |
| SHEET NO. | 51 |

CONSTRUCTION NOTES

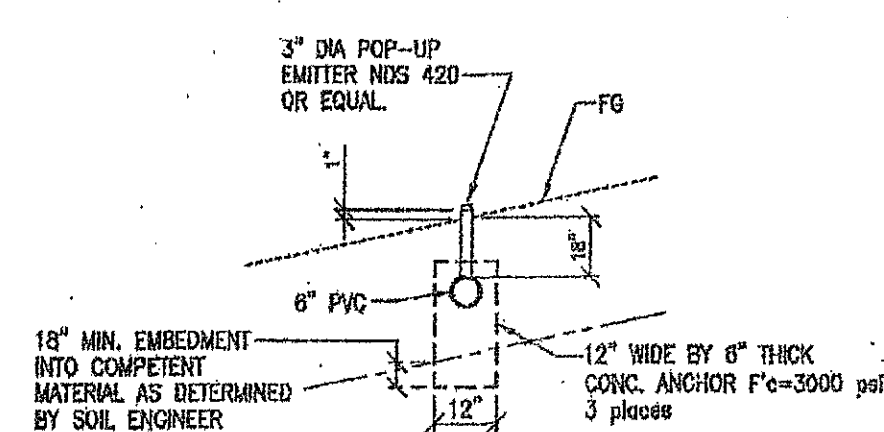
NOTE: TOP OF BASEMENT WALLS TO BE PER ARCHITECTURAL & STRUCTURAL DESIGN PLANS. OUTSIDE DIRT OT BE MIN. 8" BELOW ANY WOOD & CONCRETE TO BE MIN. 3" BELOW ANY WOOD

1. INSTL. 6" DIA. PLANTER DRAIN W/ATRIUM, NDS 80 OR EQUAL
2. INSTL. 3" DIA. DECK DRAIN, NDS 909B OR EQUAL
3. INSTL. 4" DIA. DRAIN PIPE, SCH 40 PVC
4. CONST. DRAINAGE OUTLET/SPREADER. SEE DETAIL TO LOWER LEFT

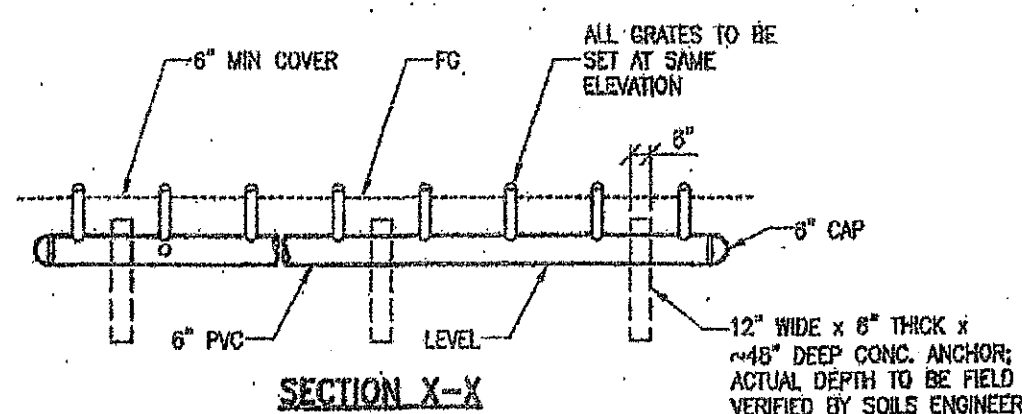


| ADDITIONAL IMPERVIOUS SURFACE DUE TO PROJECT | |
|--|--------------|
| BUILDING | 346 SQ. FT. |
| BACK PATIO W/STAIRS DOWN | 354 SQ. FT. |
| EAST PLATFORM ADA TO HOUSE | 74 SQ. FT. |
| WEST DECK WALK & STAIRS | 378 SQ. FT. |
| ENTRY STAIRS W/WALK | 128 SQ. FT. |
| TOTAL INCREASE | 1277 SQ. FT. |

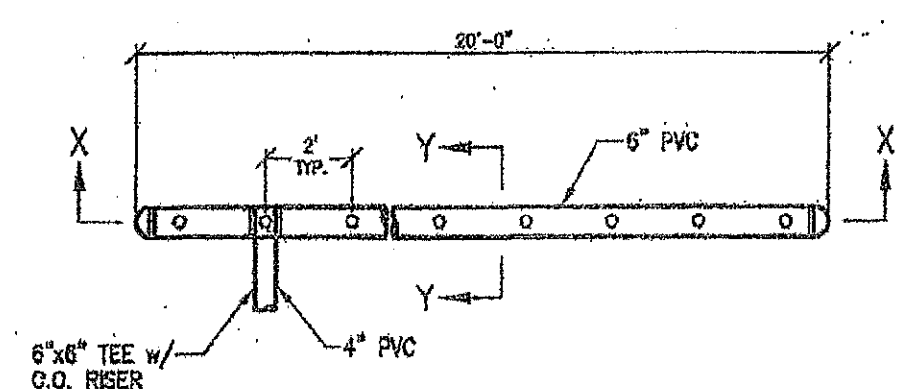
CFS DIVERSION TO BAY DRIVE
COLLECTING 1320 SQ. FT. TO PROPOSED SUMP PUMP
Q=0.08 C.F.S.
(EXISTING ON-SITE STORM DRAINS BELOW PROPOSED BACK PATIO COULD ACCEPT WATER - ELIMINATING NEED FOR SUMP PUMP)



SECTION Y-Y

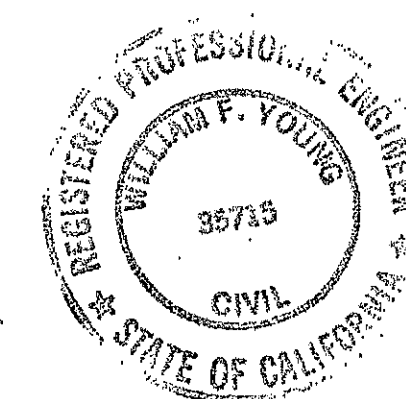
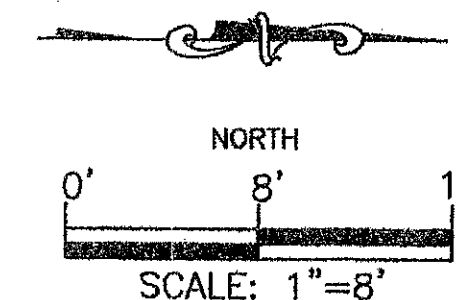


SECTION X-X



PLAN

DETAIL
DRAINAGE OUTLET/SPREADER
NOT TO SCALE



APN: 056-180-31

LOT 24, TRACT 970
19 BAY DRIVE
LAGUNA BEACH, CA

DRAINAGE & GRADING PLAN

OWNER: GERTMENIAN
C/O FOXDALE PROPERTIES
2094 S. COAST HIGHWAY, STE. 3
LAGUNA BEACH, CA 92651
(949) 497-9814

THESE PLANS WERE PREPARED UNDER THE SUPERVISION OF:

William F. Young
WILLIAM F. YOUNG
EXP. 9-30-15
R.C.E. 35715
DATE 5-7-15

| REV. | DATE | DESCRIPTION | APP. |
|------|------|-------------|------|
| | | | |
| | | | |

| | | | |
|---|--------|--------------------------|-------------|
| CD-2465 | W.F.Y. | (949) 855-8058 | L.J.C. |
| 5-8-15 | 200 | ALPINE ENGINEERING, INC. | 2 |
| 23011 MOULTON PKWY., J-12, LAGUNA HILLS, CA 92653 | | | OF 2 SHEETS |

PROVIDE AUTOMATIC IRRIGATION FOR ALL PLANTED AREAS. IRRIGATION WILL CONSIST OF A COMBINATION OF LOW VOLUME DRIP TUBING AND SPRAY HEADS, CONTROLLED WITH AUTOMATIC VALVES AND A FLEXIBLE AUTOMATIC CONTROLLER. A REDUCED PRESSURE BACKFLOW PREVENTER WILL BE USED AND WILL NOT BE LOCATED IN THE RIGHT OF WAY. AREAS NEXT TO THE STREET WILL RECEIVE DRIP TUBING TO AVOID RUNOFF. ANY IRRIGATION WITHIN BLUFF TOP SETBACK WILL BE ON-GRADE AND TEMPORARY.

THIS PRELIMINARY PLAN IS NOT INTENDED FOR CONSTRUCTION



TREES

* California native

TREES

* *California native*

Sheet Title::

Project Number:

Scale

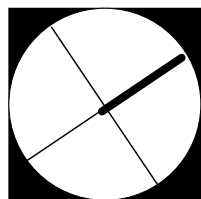
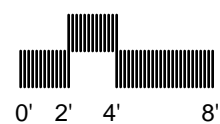
$$1/8'' = 1'-0''$$

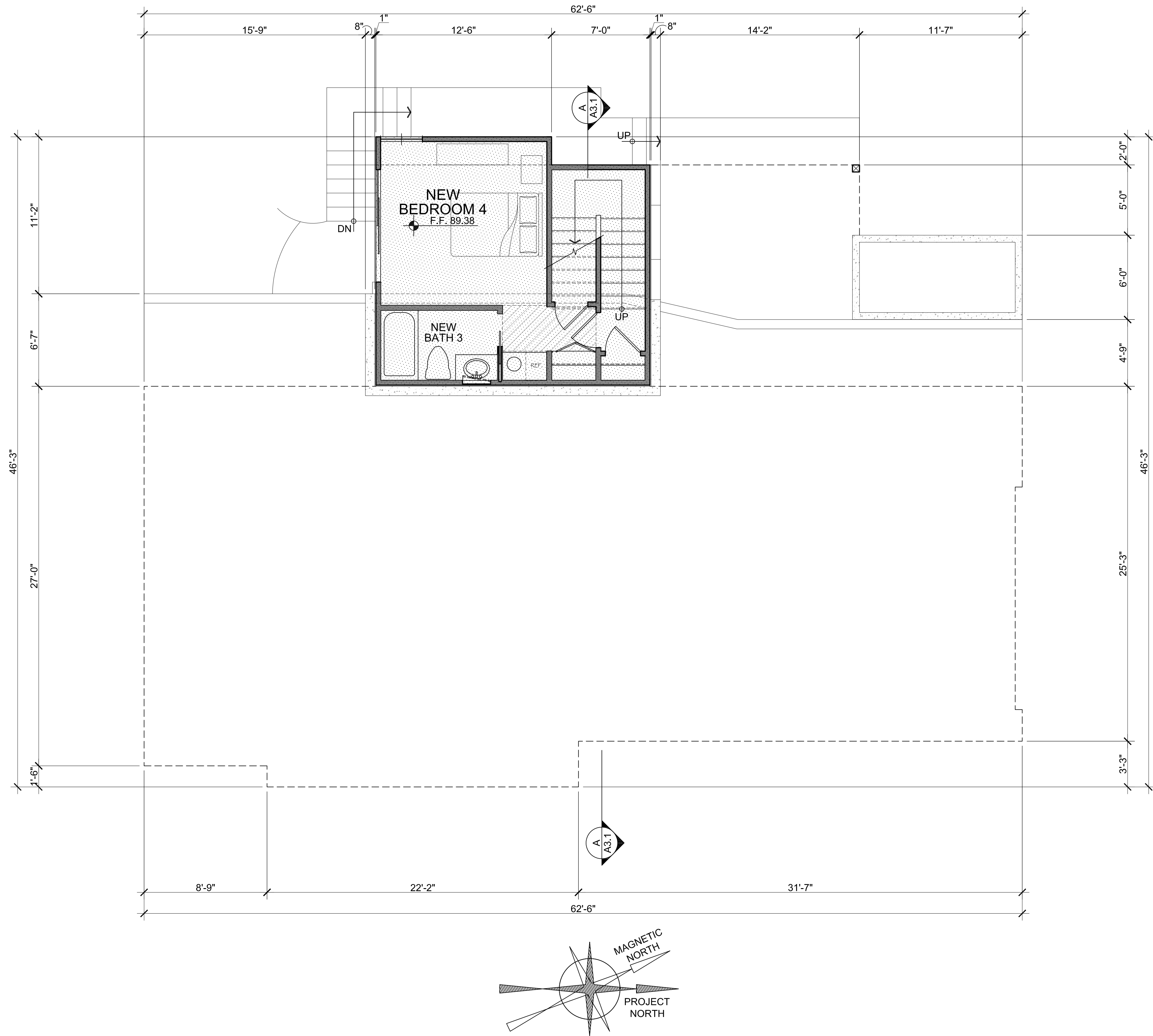
Date: _____

JUNE 2013

Sheet

L-01 of ____ Sheets





PROPOSED LOWER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

| | |
|--|-----------------------------|
| | EXISTING WALL TO REMAIN |
| | EXISTING WALL TO BE REMOVED |
| | NEW WALLS |
| | AREA OF REMOVAL |
| | AREA OF ADDITION |

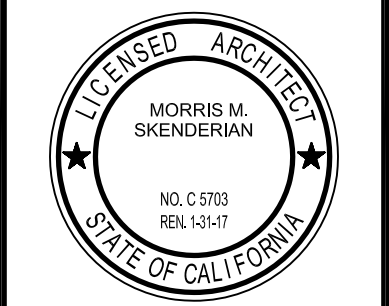
LEGEND

| REVISIONS | | |
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| NO. | DATE | BY |
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| | | |
| | | |

MSA
Morris Skenderian
& Associates, A.I.A.
ARCHITECTS

2094 S Coast Highway
Laguna Beach, CA 92651
Tel: 949-497-3374
Fax: 949-497-9814

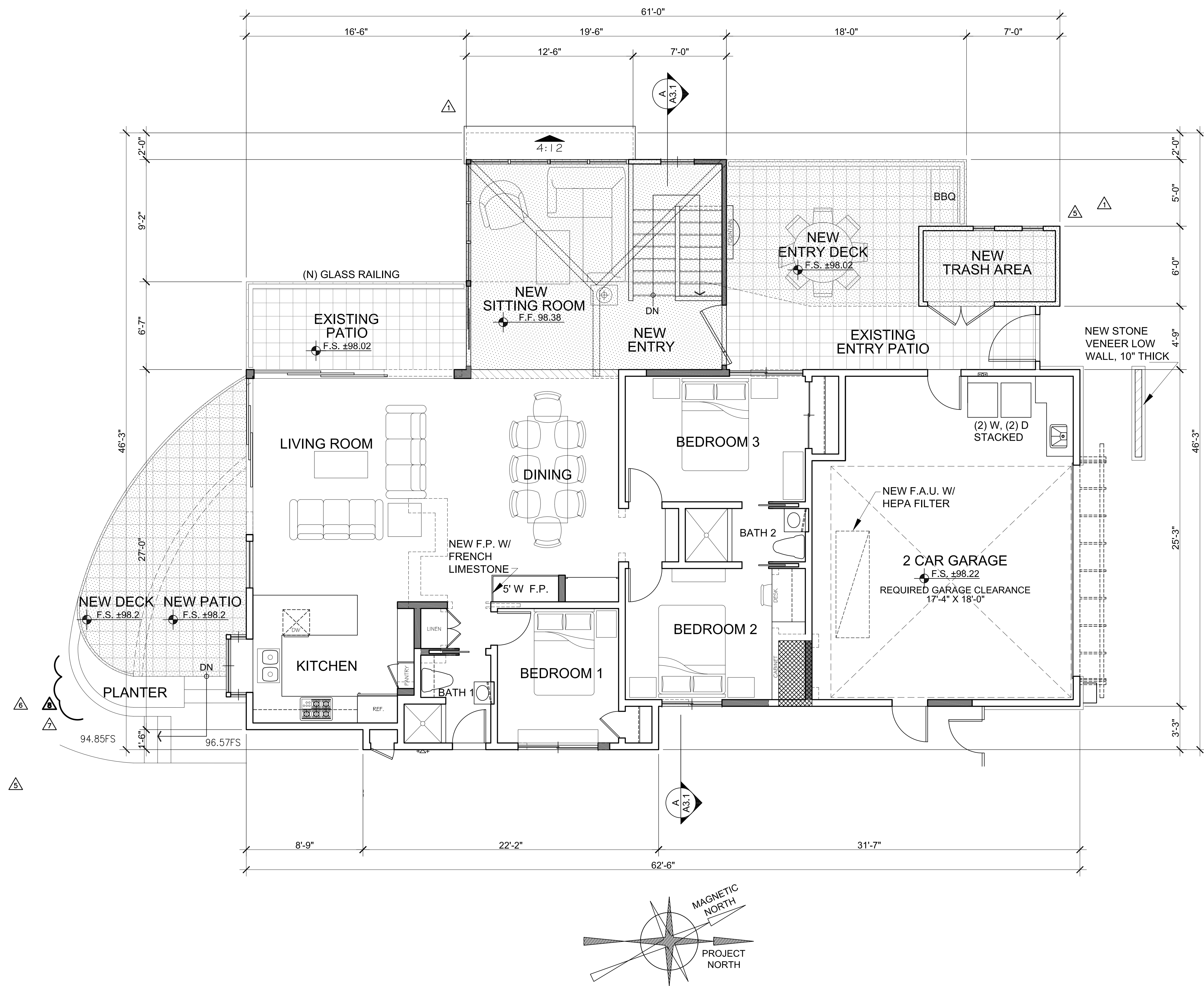
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PROPOSED LOWER LEVEL FLOOR PLAN

FOXDALE PROPERTIES
19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA 92651

| | |
|--|----------------------|
| REVIEWED BY / DATE ----- | |
| FIRST ZONING SUBMITTAL DATE 1-23-2014 | |
| DRAWN BY M.S.A. | JOB NUMBER 12-012 |
| SHEET NUMBER A-2.0 | |



PROPOSED UPPER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

| | |
|--|-----------------------------|
| | EXISTING WALL TO REMAIN |
| | EXISTING WALL TO BE REMOVED |
| | NEW WALLS |
| | AREA OF REMOVAL |
| | AREA OF ADDITION |

LEGEND

| REVISIONS | | |
|-----------|----------|----|
| NO. | DATE | BY |
| 1 | 4-1-14 | JL |
| 2 | | |
| 3 | 9-9-14 | JL |
| 4 | 10-10-14 | JL |
| 5 | 4-3-15 | JL |
| 6 | 5-7-15 | JL |

MSA
Morris Skenderian
& Associates, A.I.A.
A R C H I T E C T S

20941 S Coast Highway
Laguna Beach, CA 92651
Tel: 949-497-3374
Fax: 949-497-9814

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PROPOSED UPPER LEVEL FLOOR PLAN
FOXDALE PROPERTIES
19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA 92651

| | |
|-----------------------------|------------|
| REVIEWED BY / DATE | |
| FIRST ZONING SUBMITTAL DATE | |
| 1-23-2014 | |
| DRAWN BY | JOB NUMBER |
| M.S.A. | 12-012 |
| SHEET NUMBER | |

| REVISIONS | | |
|-----------|----------|----|
| NO. | DATE | BY |
| 1 | 4-1-14 | JL |
| 2 | 5-1-14 | JL |
| 3 | 6-11-14 | JL |
| 4 | 7-1-14 | DB |
| 5 | 9-9-14 | JL |
| 6 | 10-10-14 | JL |
| 7 | 4-3-15 | JL |
| | | |
| | | |

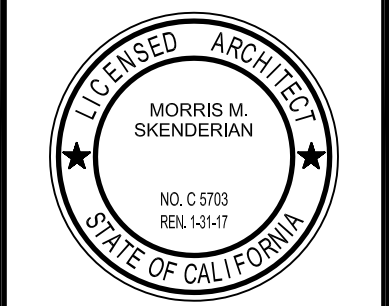
MSA

Morris Skenderian & Associates, A.I.A.

A REGISTERED FIRM

209416 Coast Highway
Laguna Beach, CA 92651
Tel: 949-497-3374
Fax: 949-497-9814

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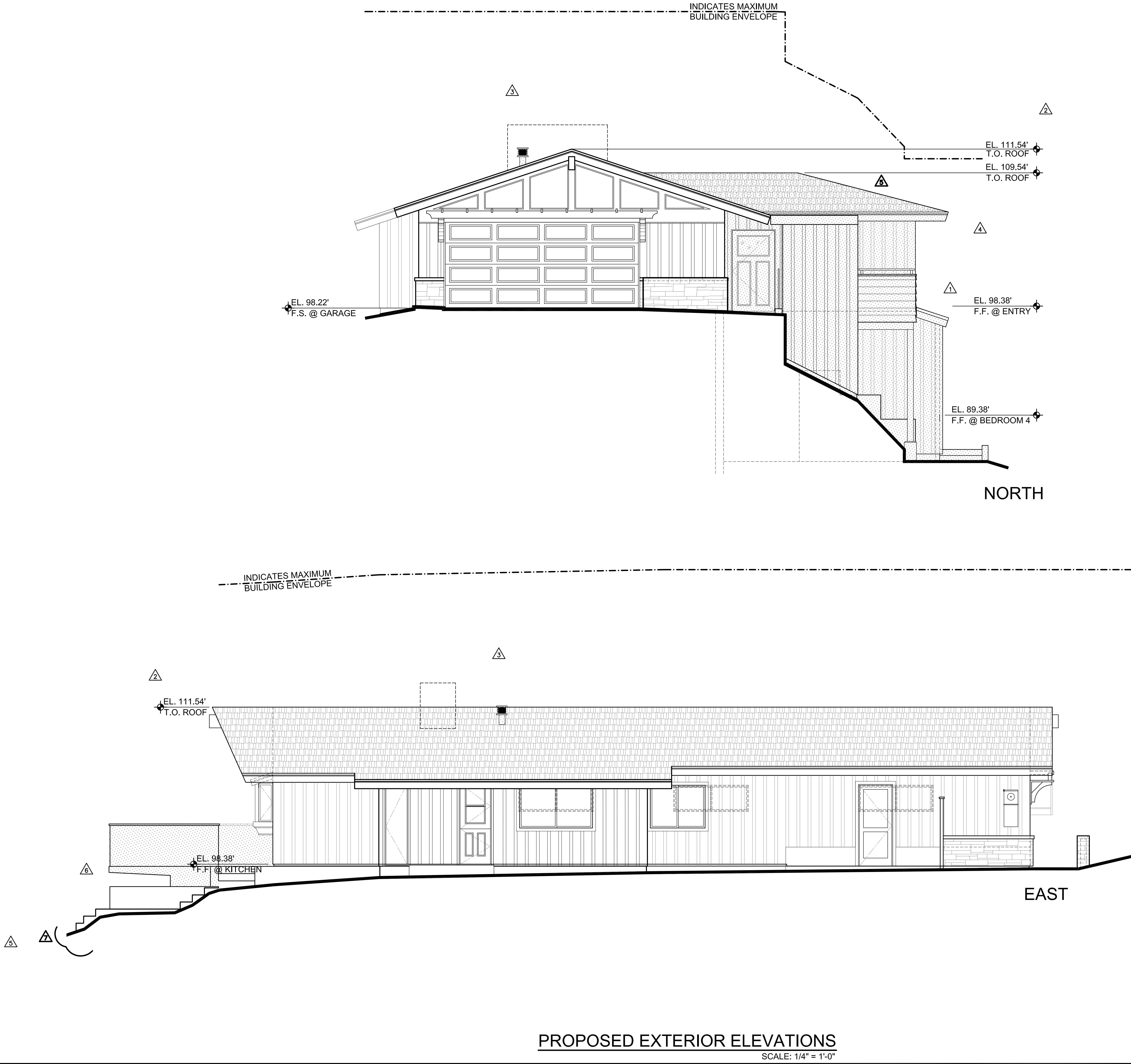


PROPOSED EXTERIOR ELEVATIONS

FOXDALE PROPERTIES

19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA 92651

| | |
|-----------------------------|------------|
| REVIEWED BY / DATE | |
| ----- | |
| FIRST ZONING SUBMITTAL DATE | |
| 1-23-2014 | |
| DRAWN BY | JOB NUMBER |
| M.S.A. | 12-012 |
| SHEET NUMBER | |
| A-3.0 | |



PROPOSED EXTERIOR ELEVATIONS
SCALE: 1/4" = 1'-0"

| REVISIONS | | |
|-----------|----------|----|
| NO. | DATE | BY |
| 1 | 4-1-14 | JL |
| 2 | 5-1-14 | JL |
| 3 | 6-11-14 | JL |
| 4 | 7-1-14 | DB |
| 5 | 9-9-14 | JL |
| 6 | 10-10-14 | JL |
| 7 | 4-3-15 | JL |
| | | |
| | | |

MSA

Morris Skenderian & Associates, A.I.A.

A REGISTERED FIRM

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Laguna Beach, CA 92651
Tel: 949-497-3374
Fax: 949-497-9814

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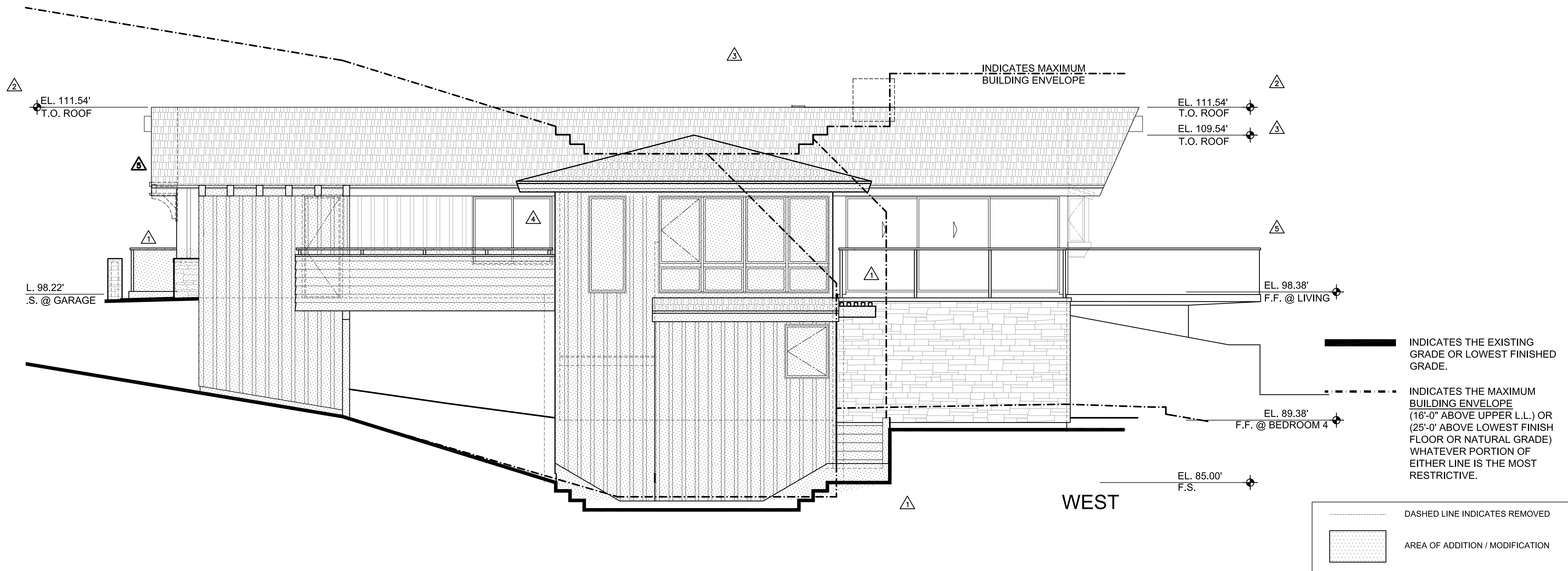
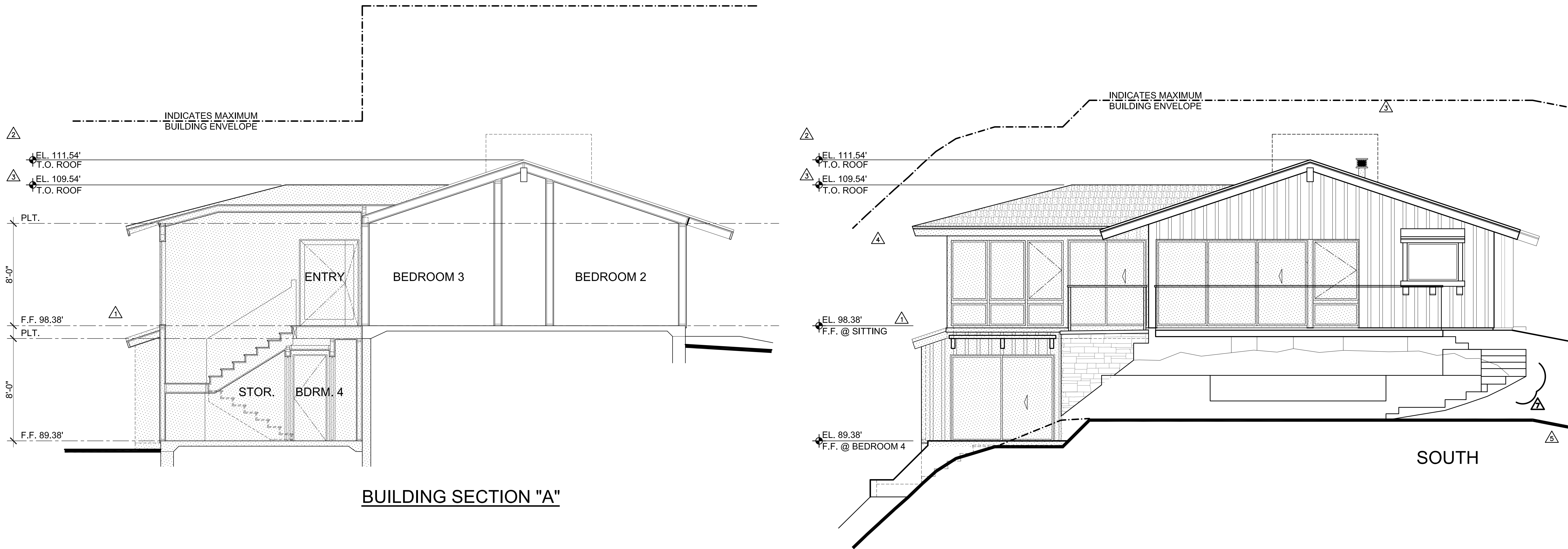


PROPOSED EXTERIOR ELEVATIONS

FOXDALE PROPERTIES

19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA 92651

| | |
|-----------------------------|------------|
| REVIEWED BY / DATE | |
| ----- | |
| FIRST ZONING SUBMITTAL DATE | |
| 1-23-2014 | |
| DRAWN BY | JOB NUMBER |
| M.S.A. | 12-012 |
| SHEET NUMBER | |



Geotechnical Cross Section

With applicant and Commission staff bluff edge determinations

Exhibit 4

Page 1 of 1



California Coastal
Commission

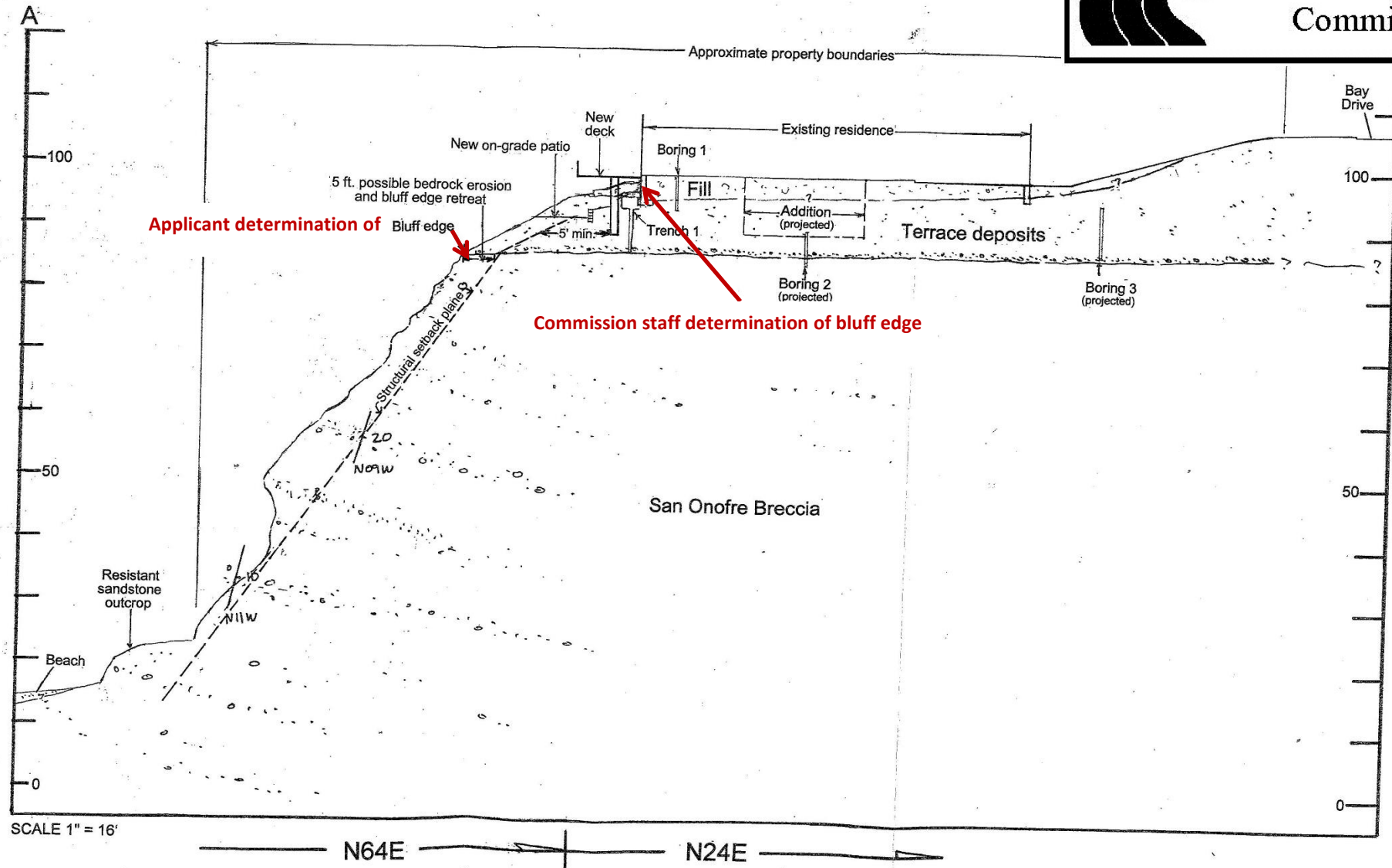


PLATE 2 Geotechnical Cross Section A-A'
19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA
ViaGeos

Commission Staff Bluff Edge Determination

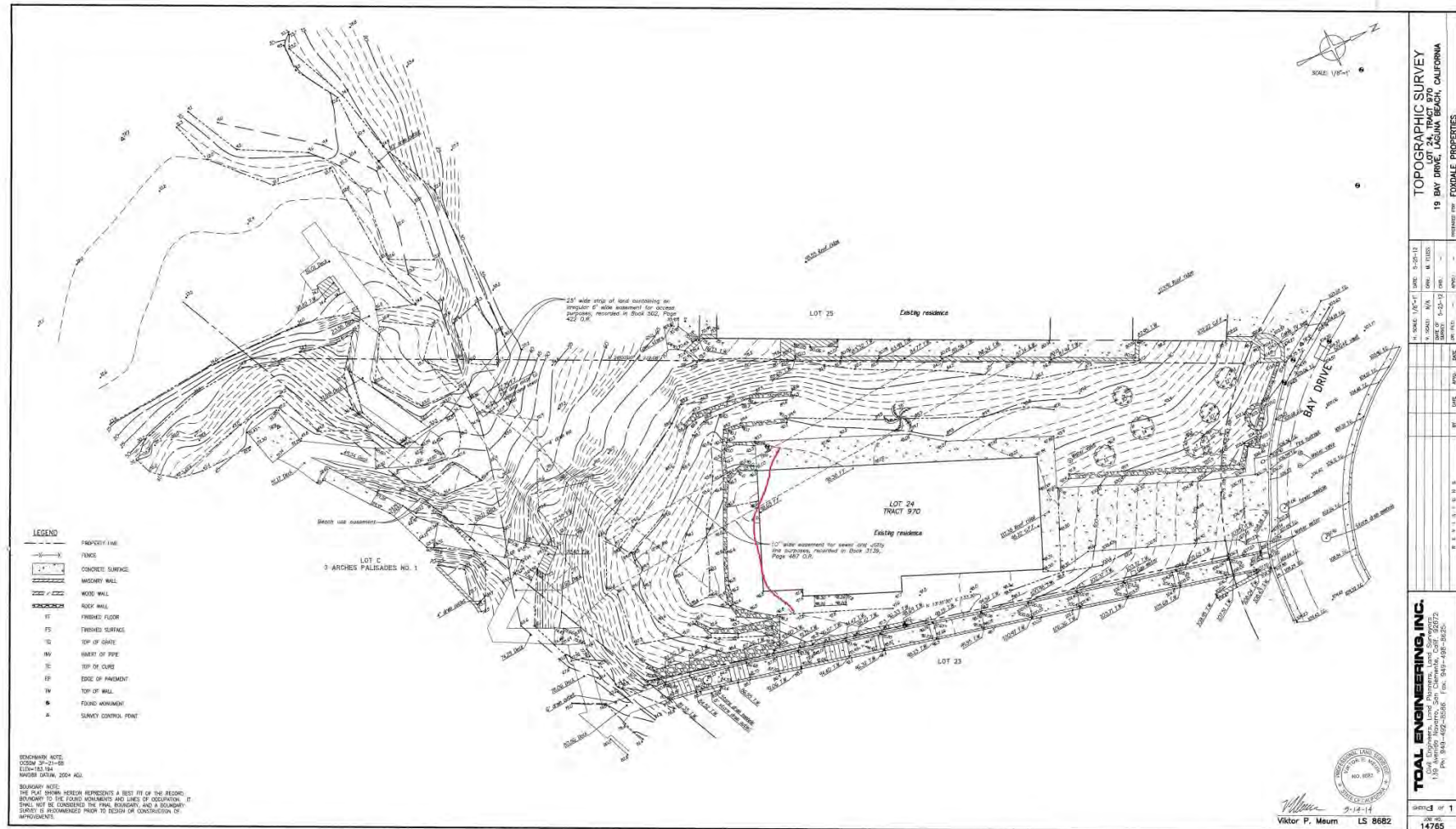
(see red line at approximately 97 foot contour elevation)

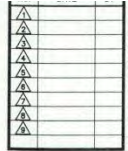
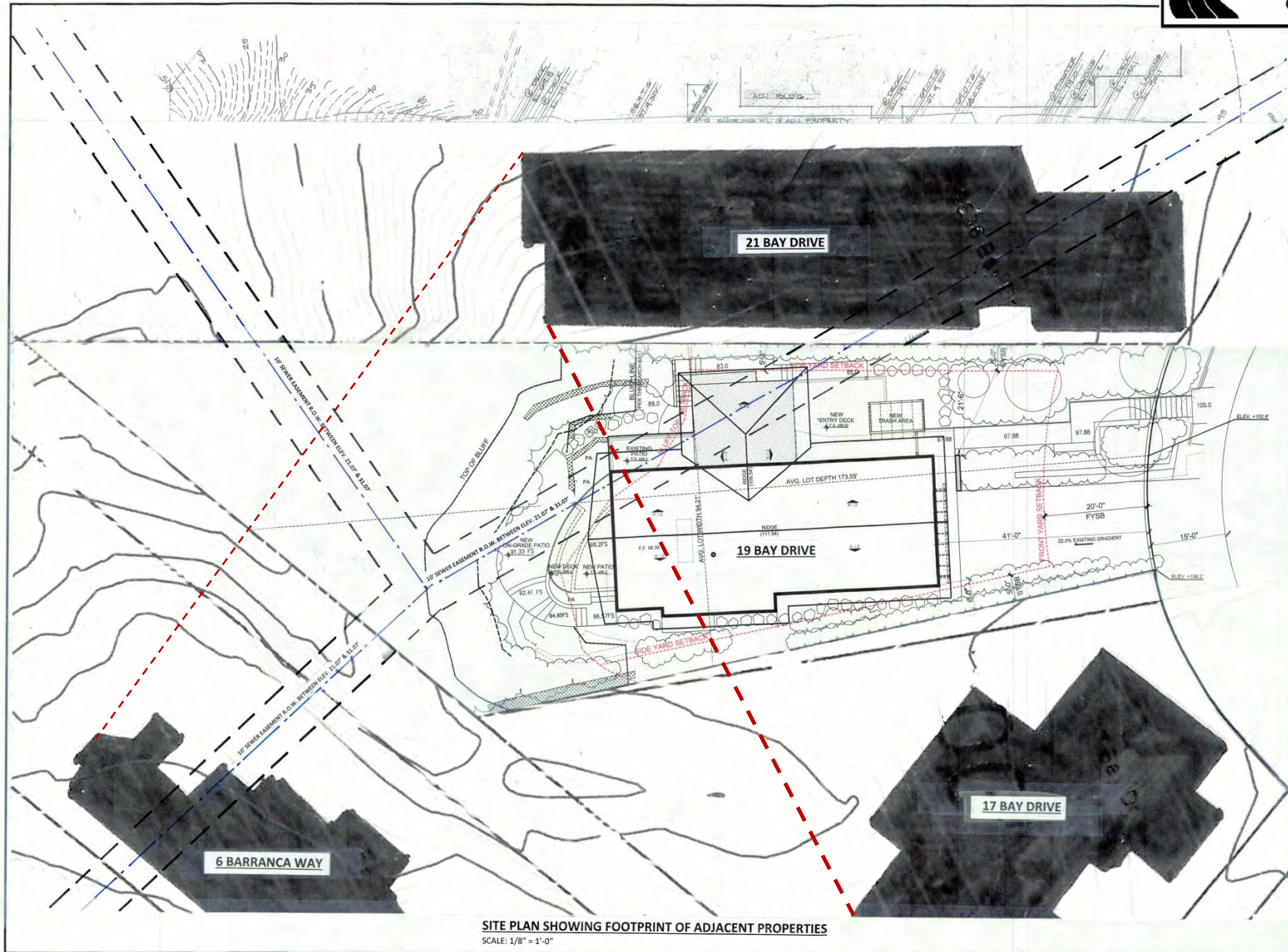
Exhibit 5

Page 1 of 1



California Coastal
Commission





2094 S. Coast Highway
Laguna Beach, CA 92651
Tel.: 949-497-3374
Fax: 949-497-9814

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FOXDALE PROPERTIES
40 BAY DRIVE

19 BAY DRIVE
LAGUNA BEACH, CALIFORNIA 92651

| | |
|--|----------------------|
| DATE | |
| FIRST ZONING SUBMITTAL DATE 1-23-2014 | |
| DRAWN BY M.S.A. | JOB NUMBER 12-012 |
| SHEET NUMBER | |

EXHIBIT 1
3/16/16



To: Chair and members of the CALIFORNIA COMMISSION
RE: Pending Permit 5-15-0751 : Applicant, Foxdale Properties LLC
LOCATION: 19 Bay Drive, Laguna Beach, CA 92651

FROM: G.J.(Pete) Fielding, 7 La Senda Place, Laguna Beach, CA 92651

: 949 499 2529: gjfieldi@gmail.com

DATE: March 25, 2016

ABSTRACT: Potential for the **adverse impact on the bluff on this oceanfront property deserves critical attention.** I've resided in Three Arch Bay for 45 years and visit the beach regularly. I'm concerned over the how bluff faces are deteriorating and anxious about the trivial manner in which this application has been evaluated in Laguna Beach. The Three Arch Bay's Zone Code protects the entire oceanfront bluff as intended by the *California Coastal Act and Regulations*. The *Land Use Element* of the Laguna Beach certified *Local Coastal Program* requires similar protections. But City employees have misguided applicants and attendees at public hearings by not advising them about how the updated *Local Coastal Plan* and *California Coastal Commission Regulations* apply to this application. **Application for Permit 5-15-0751 should be denied or approved with conditions.**

LOCAL TOPOGRAPHY: Although the area of the lot at 19 BAY DRIVE is large, the allowable buildable pad is quite small, narrow, and supported in part by fill on the western side. The pad is also bordered by steeply-sloping, east and west side yards. Present residence occupies most of the buildable pad and is arranged with the entrance and garage facing northward and the views southward towards the ocean. The critical bluff is on the ocean side (**Exhibit 1**). It is almost vertical in places on the **bluff face** and slopes between 30 and 40 degrees on the curved bluff top before meeting the **bluff line** at the edge of the building pad.

DEFINITION OF THE BLUFF TOP: Determining the contour line for establishing the top of the bluff is difficult without an accurate topographic map for proposed developments: It is even more difficult to explain to public members who serve on appointed, local government committees who are asked to vote for or against compliance. Three different lines drawn on maps representing the **bluff line** for this property have been presented at public hearings since 2009: None of which comply with the City Municipal Code or the updated Laguna Beach certified Coastal Plan (LCP) 2012.

City of Laguna Beach definition: Laguna Beach has adopted definitions closely following California Coastal Commission's Regulations. In the Land Use Element portion the City's Local Coastal Program (LCP) states in Definition 101. Oceanfront Bluff Edge or Coastal Bluff Edge:

"The California Coastal Act and Regulations define the oceanfront bluff edge as the upper termination of a bluff, cliff, or sea cliff. In cases where the top edge of the bluff is rounded away from the face of the bluff, the bluff edge shall be defined as that point nearest the bluff face beyond which a downward gradient is maintained continuously to the base of the bluff. In a case where there is a step like feature at the top of the bluff, the landward edge of the topmost riser shall be considered the bluff edge. Bluff edges typically retreat over time as a result of erosional processes, landslides, development of gullies, or by grading (cut). In areas where fill has been placed near or over the bluff edge, the original bluff edge, even if buried beneath fill, shall be taken to be the bluff edge."

And further, the Land Use Element portion of the City's Local Coastal Program states in Definition 102. Oceanfront Bluff/Coastal Bluff is: *"A bluff overlooking a beach or shoreline or that is subject to marine erosion. Many oceanfront bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term "oceanfront bluff" or "coastal" bluff refers to the entire slope between a marine terrace or upland area and the sea. The term "sea cliff" refers to the lower, near vertical portion of an oceanfront bluff."*

Source for LCP citations: Coastal Commission, A-5-LGB-13-0223 (Meehan)

Three Arch Bay Definitions: Three Arch Bay (TAB) has a separate zoning code. It was negotiated before the community agreed to merge with Laguna Beach in 1989. Its intent was to protect ocean bluffs, preserve ocean views and to promote respect for the unique character of its area, particularly with respect for mass, scale and architectural diversity. Although the definition for an ocean-front bluff is based on the Coastal Commission Regulations, the **bluff line**, in addition to defining the edge of the buildable pad, was intended as a marker to require development to be pushed back from the oceanfront bluff. It was also used to establish allowable, coverage of the buildable pad by buildings and limit floor area in new developments.

The Laguna Municipal Code (Section 25.44.050, A 2) for TAB states that: "On bluff-top coastal lots, the net area of the lot shall be considered in calculating the maximum building site coverage allowed. For the purpose of defining building site coverage, a **"bluff line"** is that line which separates the buildable pad from the bluff top. The **"bluff top"** shall be defined as an incline greater than the slope of the buildable pad. The **"bluff face"** is defined as that portion of bluff which slope is forty-five degrees or greater from horizontal, and whose top is ten or more feet above mean sea level. The **net area of the lot** is the area that extends from the side corner property lines along the **bluff line** to the front corner property lines." (**Exhibit 2**)

And In the event that there is **no applicable stringline** on adjacent oceanfront lots, (as in 19 Bay Drive) **the setback shall be at least twenty-five feet from the top of an oceanfront bluff (the bluff line).**

Comment: Despite the Municipal Code and adoption of the updated LCP by the City of Laguna Beach, public members of Design Review Board and public members of the TAB, Architectural Review Board refused to utilize the updated codes for this application, because they were not included in information for public hearings by employees from the Community Development Department. I opposed these omissions at three hearings held to consider this proposal. At hearings in TAB, I was told that if the City didn't identify variances, TAB would not consider them. I've also visited City Hall on two occasions to discuss definitions of coastal bluffs only to receive misleading and erroneous advice from City employees. **City staff continues to ignore the new requirements**

The Meehan Report, cited above, regarding an application for property about one mile to the west of Three Arch Bay had a similar opinion about the City's omissions. Although this application is for a smaller development, **it will create a precedent that encourages owners of coastal lots to enlarge properties and adopt landscape activities that will likely increase erosion on the bluff and obstruct views.** These actions are inconsistent with the policies of the Coastal Act 30251.

The staff report on the Meehan Appeal had a similar opinion for disregarding Coastal Commissions regulations. Their report outlined definitively, the new Land Use Elements

added to the Laguna Beach Plan in 2011, and how they created definitions of Coastal Bluff and Coastal Bluff Edge: “However, the City's decision appears to have relied on the previous definition of a coastal bluff as a landform with a slope of at least 45 degrees. This definition places the bluff edge much lower and much further seaward than the new definitions would require.”

The same policy of disregard for Coastal Commission regulations continues in 2015 & 16

RECOMMENDATIONS:

If the applicant and the architect refuse to acknowledge the requirements of the Laguna LCP and the Laguna Municipal Code as required by the Coastal Commission, I recommend that their application be denied.

If the applicant and the architect agree to the location of the **bluff line or ocean front bluff edge** and required setbacks at 19 Bay Drive, Laguna Beach as defined by the Coastal Commission and mandated by the updated Laguna Beach LCP plan, as well as development restrictions based upon this bluff line mandated by the Laguna Municipal Code, the following provisional incentives should be added to the approval:

1. No development above or on the ground should be allowed on the ocean side of the top of the oceanfront bluff
2. No planting or irrigation of plants or trees that disrupt ocean views of residents is permitted on the ocean side of the bluff line or
3. **In recognition of the comparatively small size of the existing house**, the application should be returned to Laguna Beach with the condition that the City be asked to **schedule a variance hearing** on the location and size in square feet, of the new building on the west side of the property that is not 25 feet behind the top of the oceanfront bluff as defined in the Laguna Beach LCP plan and/or the Laguna Municipal Code.

G.J.(Pete) Fielding
CC Report 3_28_2016:



March 24, 2016

Re: 19 Bay Drive, Three Arch Bay, Laguna Beach, CA

Dear Chairman and Members of the California Coastal Commission:

My family and I live at 70 South La Senda Drive approximately behind the property at 19 Bay Drive. Our white water view of breaking waves and distant ocean will be obstructed by any development allowed further than the Coastal Commission defined blufftop setback. We live in the "view preservation" zone of Three Arch Bay, distinct from the "view equity" zone of the rest of the City of Laguna Beach. The City of Laguna Beach and The California Coastal Commission seem to have differing opinions on the bluff top as illustrated in the Meehan Case, 31381 Coast Highway, (A-5-LGB-13-0223) where the Coastal Commission's decision was more restrictive than the city's.

I have opposed bluff top development at 19 Bay Drive since we purchased our property in 1997. Along the way I have gathered documentation that shows this property consistently designated as an "oceanfront" property. These documents include material put together by the owner and their staff and distributed to the public in a 2010 appeal to the City Council of Laguna Beach. Also attached is the January 17, 2011 California Coastal Commission Staff Report: Permit Amendment, Application No.: 5-05-459-A1, stating on page six, "The subject site is an oceanfront bluff top lot, located at 19 Bay Drive, Laguna Beach (Three Arch Bay), Orange County." I note another California Coastal Commission document from 2007 application number 5-06-129. In Three Arch Bay's quest for stairway reconstruction on page nine, staff refers to this site as, "an oceanfront bluff face."

Also included is a document from the Community Development Department of the City of Laguna Beach (2008), a City of Laguna Beach Agenda Bill (2010) a sale advertisement for the property when sold to the current owner (2002). I have enclosed copies of the documents. We trust that as Coastal Commission members, you will also find the property constitutes an oceanfront property and apply the appropriate bluff top setback.

The applicant may reference a property at 151 Moss Point, Laguna Beach. It is my opinion that the property at 19 Bay Drive is very different from Moss Point; it is bordered by a man-made Coastal Commission permitted retaining wall, Three Arch Bay Association easements, and a private walkway/stairway. Additionally, The City of Laguna Beach revised their definition of "oceanfront" in 2013 Chapter 25.44.050 C 3(b) to read, "oceanfront site means any lot... located adjacent to the ocean... along the shoreline on and/or immediately adjacent to beaches. And on oceanfront bluffs including oceanfront bluff top lots." This definition in my opinion clearly includes the property at 19 Bay Drive.

I agree with Coastal Commission's findings of 2011 that 19 Bay Drive should be considered "oceanfront" and have the proper setbacks applied in this current case. I also have to agree with the applicant's architect, Morris Skenderian, who defined the property as oceanfront, when, at the Laguna Beach Design Review Board hearing on this proposal on 1/22/15 (at 8:50pm) he stated, "This is the smallest **oceanfront** house in Three Arch Bay."

Sincerely,

James Cushing
70 South La Senda Drive, Laguna Beach, CA 92651