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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
LONG BEACH, CA 90802-4416  
(310) 590-5071

Filed: 7/18/96  
49th Day: 9/5/96  
180th Day: 1/14/97  
Staff: MV-LB  
Staff Report: 8/19/96  
Hearing Date: 9/10-13/96  
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-112

APPLICANT: Gerald (Bud) & Paula Lingelbach

AGENT: John O'Neill

PROJECT LOCATION: 1855 Riviera Drive, Laguna Beach, Orange County

PROJECT DESCRIPTION:

Demolition of single family residence and construction of a new 8,833 square foot, two story, 30 foot high, single family residence with an attached two-car garage and an attached three-car garage. Also proposed are hardscape, landscaping, and grading consisting of 1298 cubic yards of cut and 313 cubic yards of fill. A caisson supported retaining wall and subdrain system are also proposed.

Lot area:	18,270 square feet
Building coverage:	6,385 square feet
Pavement coverage:	5,064 square feet
Landscape coverage:	6,821 square feet
Parking spaces:	5
Zoning:	R-1
Plan designation:	Village Low Density

LOCAL APPROVALS RECEIVED:

City of Laguna Beach Approval in Concept;  
Laguna Beach Design Review approval 96-068

SUBSTANTIVE FILE DOCUMENTS:

Preliminary Geotechnical Investigation, prepared by  
Geofirm, dated July 17, 1996, Report No. 6-2277.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with one special condition requiring adherence to the geologic consultant's recommendations.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions.**

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and the first public road nearest the sea and is in conformance with the public access and public recreation policies of the Coastal Act and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. Standard Conditions.**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions.

#### 1. Geotechnical Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, final revised grading and foundation plans. The approved foundation plans shall include plans for the caisson supported retaining wall, subdrains, and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the geotechnical investigation prepared by Geofirm (Project No. 70667-00, Report No. 6-2277) for Bud & Paula Lingelbach dated July 17, 1996. In addition, the applicant shall agree in writing to comply with Appendix F (Maintenance of Slope) of the Preliminary Geotechnical Investigation. The approved development shall be constructed in accordance with the final revised plans as approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

### IV. Findings and Declarations.

#### A. Project Description

The applicants propose to demolish a single family residence and construct a new 8,833 square foot, two story, 30 foot high, single family residence with an attached two-car garage and an attached three-car garage. Also proposed are 589 square feet of loggia and porches, 587 square feet of terraces and balconies, hardscape and landscaping. Grading consisting of 1298 cubic yards of cut and 313 cubic yards of fill is also proposed. The project also includes construction of a caisson supported retaining wall.

The subject site is located within the City of Laguna Beach. Laguna Beach has a certified Local Coastal Program (LCP). However, at the time the LCP was certified, five geographical areas were deferred certification. The subject site is located within one of the areas of deferred certification, Irvine Cove. Because the subject site is located in an area of deferred certification, the coastal development permit is processed through the Coastal Commission rather than the local government. The standard of review is the Chapter 3 policies of the Coastal Act.

#### B. Hazard

Section 30253 of the Coastal Act states, in part:

New development shall:

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

The subject site is a bluff top lot. The proposed project includes 1298 cubic yards of cut and 313 cubic yards of fill. Topographically, the site consists of a relatively flat pad adjacent to and slightly below Riviera Drive, and the

upper portions of a descending slope. The top of slope is terraced to accommodate grade changes of the existing residence, and forms a +/-45 feet wide level terrace for the lower level of the house and rear yard, which are situated +/- 18 feet below street grade. The remaining portion of the slope descends +/- 30 feet from the rear of the terrace to the beach at a slope ratio near 1.5:1 (horizontal:vertical). The lower slope's topography is approximately natural, modified slightly by an existing narrow private beach access path and low retaining wall at the toe of slope. The slope has been similarly altered on adjacent properties. The slope face is densely landscaped with mature trees and shrubs.

In addition to the path and wall, existing development on the property includes a two story single family residence with two attached garages. The proposed residence is consistent with the enclosed structural area stringline. The decks are consistent with a deck stringline. A lawn area is proposed seaward of the deck, and is consistent with the pattern of development in the area. The lawn area is proposed adjacent to the proposed caisson supported retaining wall.

Coastal blufftop parcels can be subject to geologic hazards, including erosion. The Coastal Act requires that risks to life and property be minimized. A Preliminary Geotechnical Investigation was prepared for the proposed project by Geofirm, dated July 17, 1996. The report states:

The proposed development is considered geotechnically feasible and safe provided the recommendations presented herein are incorporated into design, construction and long-term maintenance. Proposed development, including the environmental wall and lawn area, should not adversely affect adjacent properties to the north and south or the slope below the site.

Regarding slope stability, the Geotechnical Investigation states:

Engineering review indicates the slope should remain grossly stable under existing topographic conditions and in consideration of proposed improvements. However, the slope may be prone to limited surficial instability, although it should perform favorably based on good historical performance, assuming continued maintenance of the landscaped slopeface.

It is noted that stability of the slope will be enhanced following proposed construction due to placement of a caisson supported retaining wall partway down the slope and placement of proposed subdrain systems to control groundwater seepage.

The caisson supported retaining wall will be visually screened by existing and proposed landscaping on the site.

The Preliminary Geotechnical Investigation contains recommendations, including recommendations regarding foundation design, construction of a caisson supported retaining wall, footings, subdrains, and slope maintenance. Incorporation of these recommendations will assure that risks to life and property due to geologic hazard are minimized, as required by Section 30253 of the Coastal Act. As a condition of approval, the applicant shall submit, for the review and approval of the Executive Director, grading and foundation

plans signed and approved by the geologic consultant indicating that the recommendations contained in the Preliminary Geotechnical Investigation have been incorporated into the design of the project. As conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act which requires that risk to life and property be minimized.

### C. Public Access & Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

In addition, Section 30212 of the Coastal Act provides that access shall be provided in new developments except under specified circumstances.

The subject site is located on an ocean front bluff top, between the first public road and the shoreline. Section 30212(a) states that public access from the nearest public roadway to the shoreline shall be provided in new development projects. The proposed development, demolition and construction of a single family residence, constitutes development under the Coastal Act and does not meet the requirements of any of the exceptions identified in Section 30212(b). However, the proposed project will not result in an intensification of use.

A public access dedication can be required pursuant to Section 30212 only if it can be demonstrated that the development, either individually or cumulatively, directly impacts physical public access, i.e. by increasing erosion or sand scouring; impacts historic public use; or impacts or precludes the use of Public Trust Lands. In this case, the project will not have any adverse impacts on natural shoreline processes. The proposed development will not occupy public trust lands. The proposed project will not create adverse impacts on public access or recreation.

Therefore, the Commission finds that the proposed project conforms with Sections 30210, 30211, and 30212 of the Coastal Act regarding public access and recreation.

### D. Local Coastal Program

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

The Laguna Beach Local Coastal Program was certified with suggested modifications, excluding several areas of deferred certification (including the Irvine Cove area), at the July, 1992 Commission hearings. The City accepted the Commission's suggested modifications and the Commission subsequently concurred with the Executive Director's determination of adequacy on January 13, 1993.

The Laguna Beach LCP was effectively certified on January 25, 1993 after Notice of the Certification of the Local Coastal Program was filed with the Secretary of Resources. The Commission is reviewing this project because it is in an area of deferred certification.

The proposed development, as conditioned to adhere to the geologist's recommendations, will not create adverse impacts on coastal access or coastal resources under Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the project will not prejudice the City's ability to prepare a Local Coastal Program for this area of deferred certification.

#### E. California Environmental Quality Act

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

The proposed project has been conditioned in order to be found consistent with the hazard policies of the Coastal Act. Mitigation measures, including adherence to the geologist's recommendations, will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

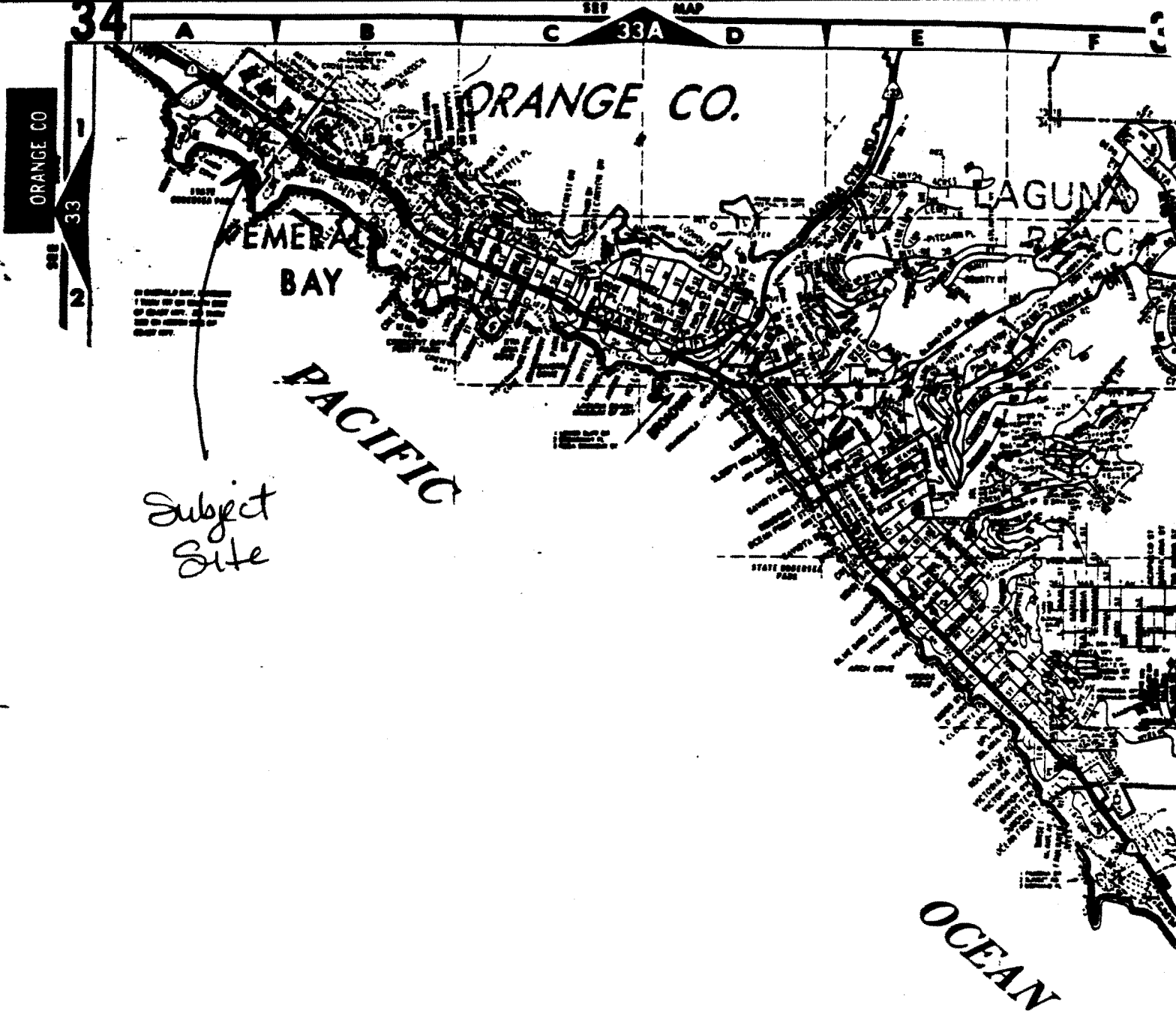



EXHIBIT NO. A
APPLICATION NO.
5-96-112
 California Coastal Commission

VICINITY MAP

MAY 31 1996

5-96-119

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

IN EXISTG HOUSE (DOTTED)  
NEW HOUSE

51 SETBACK

~~EX-100~~

~~EX-1005~~

**PIPE**


WALL

274

101

LOGGIA

RIDGE 00.2  
(EXIST'G 81.02)

PATIO 

**RIDGE**

100

WR#

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1998

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# SITE PLAN

# LINGELBACH RESIDENCE

2457 RIVIERA DRIVE

IRVINE COVE

**NORTH**  
**68-11-1**

PATUM  
T.C. 69.9.

5-96-112  
Exhibit B

1864 Upper Rim Rock Road Laguna Beach, CA 92651 Phone/Fax 714-497-6170