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CALIFORNIA COASTAL COMMISSION

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Staff Report: 11-10-97
Hearing Date: Dec. 9-12, 1997
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-185

APPLICANT: John & Kathleen Schaefer

AGENT: Mark Singer, A.I.A.

PROJECT LOCATION: 2665 Riviera Drive, Laguna Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing single family residence and construction of a new two-story, 30 feet high from existing grade, 10,795 square foot, single-family residence with an attached 957 square foot, 4 car garage, and grading consisting of 320 cubic yards of cut and 120 cubic yards of fill. Exterior development proposed includes a patio area at the seaward side of the residence and a swimming pool and motor court at the landward side of the residence. Also proposed are replacement of a clay pipe sewer line with PVC pipe sewer line and a minor lot line adjustment.

Lot area:	23,997 sq. ft.
Building coverage:	8,185 sq. ft.
Pavement coverage:	5,011 sq. ft.
Landscape coverage:	9,700 sq. ft.
Parking spaces:	4
Zoning:	R-1
Plan designation:	Village Low Density
Ht abv fin grade:	30 feet

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval in Concept; Variance No. 6409 and Design Review 96-096; Lot Line Adjustment No. LL 97-02

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 5-97-054 (Price), Coastal Development Permit 5-89-180 (Hcpkins), City of Laguna Beach Certified Local Coastal Program

SUMMARY OF UNRESOLVED ISSUES:

This application was scheduled for hearing in September and was continued by the Commission at the request of the applicant. The applicant mistakenly believed that staff was assessing the bluff edge at the 103 foot contour line, which would have resulted in the residence being set back approximately 14 feet which would have necessitated a total redesign of the residence. After

the continuance, the applicants and agent met with staff to discuss the bluff edge line. The applicants and staff agreed that the 103 foot contour line was not the bluff edge and that the residence conformed with the 25 foot setback line except at two points. The applicants submitted revised plans showing that the residence at the southern part of the site had been redesigned to conform with the 25 foot bluff top setback. Staff is requesting revised plans showing that the residence in the central portion of the site be set back to conform with the 25 foot bluff top setback line. The applicant did not voice an objection to this point.

Therefore, there are no unresolved issues.

SUMMARY OF STAFF RECOMMENDATION :

Staff recommends approval of the proposed project with special conditions necessary to minimize the risk of bluff top development, consistent with Section 30253 of the Coastal Act. The special conditions would: 1) require the proposed project to adhere to the recommended bluff top setback; 2) require elimination of deepened footings and removal of the patio development if threatened by bluff retreat; 3) require adherence to the geotechnical consultant's recommendations; 4) require drainage be directed to the street to the maximum extent feasible and require all drainage to be conducted off site in a non-erosive manner; 5) require only low water use, drought tolerant vegetation in the bluff top setback area; and 6) require that the applicant record an assumption of risk deed restriction acknowledging the inherent risks of the subject site and relieving the Commission of liability.

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landslide and soil erosion, and the applicant assumes the liability from such hazards and (b) the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

2. Conformance with Geologic Recommendations

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, grading, foundation and drainage plans. The approved foundation plans shall include plans for the foundation, retaining walls, subdrains and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations, with the exception of the deepened footings for the patio, contained in the geotechnical investigation prepared by Geofirm (Project No. 70740-00, Report No. 7-2514) and Response to Coastal Commission Comments (Project No. 70740-01, Report No. 7-2543) for Mr. John Schaefer dated June 17, 1997 and July 28, 1997.

The approved development shall be constructed in accordance with the plans 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.

3 Final Plans

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final plans indicating that: 1) no portion of the proposed residence will extend seaward of the 25 foot bluff top setback, 2) no portion of the patio development will extend seaward of the 10 foot bluff top setback, and 3) deepened footings for the patio have been eliminated.

4. Protection of Accessory Structures

In the event that erosion/bluff failure threatens the development seaward of the 25 foot bluff top setback line, as described in Special Condition No. 1 above, the threatened structure shall be removed. These structures shall not be entitled to shoreline protection.

5. Drainage Plans

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a drainage plan, prepared by a licensed engineer, that identifies how drainage will be collected and directed and that demonstrates that all site drainage will be conducted off site in a non-erosive manner. To the maximum extent feasible, drainage shall be directed to the street. If a portion of the site is drained over the bluff, a written explanation of why the area drainage cannot be directed to the street shall be included with the drainage plans.

Site drainage shall occur consistent with the approved drainage plan.

6. Landscape Plan

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a landscape plan that shows the location and types of all plantings for the area seaward of the 25 foot setback line and which indicates that only drought tolerant, low water use plants will be planted seaward of the 25 foot setback. Temporary irrigation to allow establishment of the plantings is allowed. No permanent irrigation system shall be allowed within the 25 foot setback area. The landscaping plan shall be prepared by a licensed landscape architect.

Landscaping shall occur consistent with the approved landscaping plan.

IV. Findings and Declarations

A. Project Description

The applicant proposes to demolish an existing single family residence and to construct a new 10,795 square foot, two story, 30 feet high (as measured from existing grade), single family residence with an attached 957 square foot, four car garage and grading consisting of 320 cubic yards of cut and 120 cubic yards of fill. Exterior development proposed includes a patio area at the

seaward side of the residence and a swimming pool and motor court at the landward side of the residence. Also proposed are replacement of a clay pipe sewer line with PVC pipe sewer line and a minor lot line adjustment.

A sewer easement crosses the subject site. The City of Laguna Beach is the holder of the sewer easement. A portion of the proposed residence will be constructed within the easement. The City has given permission for the proposed development within the easement provided the applicant replaces the existing clay pipe sewer line with plastic (PVC) material. The applicant has included as part of the proposed project the replacement of the clay sewer pipe with the plastic (PVC) pipe per the City's requirement.

Lot Line Adjustment No. LL 97-02 was approved at the subject site by the Laguna Beach City Council on April 9, 1997. The lot line adjustment is minor in size and would modify the western property line to more closely follow the edge of the bluff. The lot line adjustment is part of the currently proposed project.

The subject site is located in the Irvine Cove community in the City of Laguna Beach. Irvine Cove is a private, located gate community between the sea and the first public road paralleling the sea and so was included as one of the areas of deferred certification at the time of certification of the City's Local Coastal Program.

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.
- (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 subject site is a bluff top property which fronts 140+/- feet on Riviera Drive and extends westerly to the rear property boundary located adjacent to the top of the bluff. Topographically, the site consists of a relatively flat pad and gently bluffward sloping terrain adjacent to and below Riviera Drive. The top of the bluff is terraced to accommodate the grade changes of the existing split level residence and rear yard. The sea cliff to the west of the house drops steeply 100+/- feet to the ocean at a slope angle of 65 to 80 degrees. The sea cliff is backed by resistant andesite bedrock.

Due to location and topography, bluff top parcels are subject to greater risks than are normally incurred with development. However, a number of factors can minimize the risks inherent to bluff development including adherence to an adequate setback, proper drainage, and limiting the amount of water introduced to the bluff top area.

A Preliminary Geotechnical Investigation was prepared for the site by Geofirm, dated June 17, 1997. In addition, a Response to Coastal Commission Comments document was also prepared for the site by Geofirm, dated July 28, 1997. The Preliminary Geotechnical Investigation 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 should not adversely affect adjacent properties.

1. Bluff Top Setback

Specifically, regarding slope stability the Preliminary Geotechnical Investigation prepared by Geofirm states:

The sea cliff profile is strongly controlled by the intersecting joints in the bedrock which back the sea cliff face. The sea cliff is subject to erosion from wave action along the toe, as well as from very slow weathering of bedrock materials along the bluff face. The sea cliff is anticipated to experience ongoing slow retreat, primarily in the form of episodic wedge failures involving andesite blocks controlled along intersecting joints. These are historically relatively narrow failures. The sea cliff is anticipated to remain grossly stable as it is backed by hard andesite bedrock. Two small sea caves are present at the base of the sea cliff; however, such should not affect overall sea cliff stability.

The geotechnical consultant has determined that bluff retreat at the site has been minimal. This is based on review of 1931 aerial photographs which cover the project site and which indicate that the outline, shape and topography along the bluff edge have not changed significantly over the past 65+/- years. The air photos from 1931 show no appreciable change in the shoreline, further indicating a relatively stable bluff. The inherent strength of the andesite bedrock is expected to contribute to the relatively minimal bluff retreat at the site. The rate of erosion and bluff retreat is considered to be sufficiently slow by the geotechnical consultant, based on historical performance, that the proposed residence is not expected to be affected during the life of the proposed structure provided the geotechnical consultant's recommendations are incorporated into the design of the project.

Nevertheless, the subject site is a bluff top lot and is expected to experience some bluff retreat during the life of the structure. The geotechnical consultant has recognized that bluff retreat will occur and has provided a recommended structural setback from the edge of the bluff. The geotechnical consultant's setback is based on the hard, resistant nature of the andesite bedrock found at the subject site. The Preliminary Geotechnical Investigation finds that a shoreline protective device is not expected to be needed.

The geotechnical consultant recommends a setback where new foundations are set back a minimum horizontal distance of 5 feet from a 65 degree setback plane originating at the base of the bluff; this results in the surficial trace of the setback plane located 30+/- feet inward from the top of the bluff. The proposed residence is consistent with the geotechnical consultant's recommended setback plane.

The City's certified LCP (not effective in this area of deferred certification, but useful in providing guidance) generally requires a structural setback of 25 feet from the edge of the bluff or a setback ascertained by a stringline, whichever is more restrictive. The Commission's adopted Regional Interpretive Guidelines for Orange County recommend a minimum 25 foot setback from the edge of a coastal bluff. The Guidelines also recognize that in a developed area, where new construction is generally infilling and is otherwise consistent with the Coastal Act policies, no part of the proposed new structure, including decks, should be built further seaward than a line drawn between the nearest adjacent corners of the adjacent structures (stringline setback).

The proposed residential structure appears to be set back 25 feet from the edge of the bluff except at two points (see exhibits 3 & 4). One of these two points was corrected by the applicant. Exhibit 3 was taken from revised plans submitted by the applicant and shows that the southern portion of the residence has been revised to conform with the 25 foot bluff top setback.

The other point where the residence exceeds the setback is in the central portion of the residence (see Exhibit 4). The initial topographic survey did not include the bluff face (see Exhibit 3). The applicants submitted a revised site topo (see Exhibit 4) which the applicants claim is more accurate. Exhibit 4 shows an area in which the applicant and staff disagree on the location of the bluff edge. Staff believes the top of bluff is the contour line indicated in writing as "top of bluff, staff". The applicant believes the top of bluff is the dashed line on the site topo. However, in the meeting with the applicant following the continuance staff conveyed to the applicant that staff would hold firm to setting the top of bluff at the point indicated on Exhibit 4. The applicant did not voice objection. Whether the top of bluff line on Exhibit 3 or 4 is used, the residence still does not conform to the 25 foot setback at this location.

Because no enclosed structural area exists at the adjacent site, a stringline cannot be applied in this case. The residence is proposed in an area of hard, resistant andesite bedrock, and so a 25 foot setback is sufficient to minimize risk and to prevent the need for shoreline protection. Consequently, the proposed project should be revised to eliminate that portion of the residence that encroaches seaward of the 25 foot setback. As a condition of approval the applicant shall submit revised plans indicating that no portion of the proposed residence extends seaward of the 25 foot bluff top setback line. Therefore, as conditioned, the location of the residence is consistent with Section 30253 which requires that risks be minimized.

The applicant is proposing patio development seaward of the 25 foot setback line. In past actions, the Commission has allowed at grade development such as patios seaward of the 25 foot setback line. The City of Laguna Beach's certified (though not effective in this area of deferred certification, it can provide guidance) Local Coastal Program states that "decks, patios and other similar improvements that are thirty inches or less above finished grade shall not encroach closer than ten feet to the top of an oceanfront bluff." (Section 25.50.004(b)(4)(d)(ii)). Coastal Development Permit 5-97-054 (adjacent to the subject site) allowed a portion of the patio to exceed the 25 foot setback line because it was consistent with the stringline setback and the City's LCP. In this case a 10 foot setback for at grade patio development would be consistent with the requirements of the LCP. Furthermore, the

proposed patio development would be consistent with the existing pattern of development in the area. The Commission finds that a 10 foot setback from the edge of the bluff for the proposed patio area is consistent with Section 30253 of the Coastal Act for minimizing risks. As a condition of approval the applicant shall submit plans which indicate that the proposed patio development is set back a minimum of 10 feet from the edge of the bluff.

2. Patio Development

The geotechnical consultant has found that the location of the residence is adequately set back from the bluff edge so that it is not expected to be adversely effected by bluff retreat. In addition, the proposed residence meets the Commission's setback guidelines recommended in the adopted Orange County Regional Guidelines in that it is set back 25 feet from the edge of the bluff. The patio development, however, is proposed seaward of the 25 foot setback. Regarding the patio development, the Preliminary Geotechnical Investigation states:

The rear sea cliff is considered grossly stable; however, it may experience episodic joint controlled wedge failures along the cliff face. Additionally, the thin upper terrace deposit along the top of the sea bluff will experience sloughing or shallow slumping. Proposed site improvements with the exception of the rear patio should not be affected by long term bluff retreat provided implementation of foundation recommendations presented herein. (Emphasis added).

The above cited section makes clear that there is a strong likelihood that the rear yard will be damaged by bluff retreat. The geotechnical consultant has found that development in the area of the proposed patios is likely to be subject to damage or destruction in the long term.

Seawalls, upper bluff protection, and other forms of shoreline protection that are placed on and along coastal bluffs alter the natural landforms of bluffs. The residence is conditioned to be located 25 feet landward of the bluff edge. As a result, the residence is not likely to be in danger from erosion during its useful life and will not need shoreline protection. Therefore, the proposed residence is consistent with Coastal Act Section 30253(2). However, patio development is proposed to be located seaward of the bluff top setback. Therefore, it is likely to become threatened by erosion. The geologic cross section prepared for the proposed project shows deepened footings for the patio. The deepened footings extend into competent bedrock. However, deepened footings do not eliminate the threat of danger from erosion. While they may enable the structure to remain in place even when the bluff has eroded to a point landward of the structure, the structure would at that point be hanging over the edge of the bluff. In that condition the structure is likely to be considered unsafe for use and in need of shoreline protection. It would also be visually intrusive.

Furthermore, the deepened footings themselves are an alteration of the natural landforms of the bluff. When the bluff erodes to a point that the deepened footings are exposed, with the structure they support hanging over the edge of the bluff, they effectively alter the natural landform. Thus, the Commission finds that the patio development is inconsistent with Coastal Act Section 30253(2). The Commission finds that the applicant can construct the patio development only on condition that these structures are built without deepened

footings and are removed when threatened by bluff erosion or retreat. This will enable the applicant to have the structures at least temporarily. The use of deepened footings on a temporary basis (i.e., subject to a condition that they be removed) is not consistent with the Coastal Act because removal of the deepened footings would cause damage to the bluff and increase instability.

3. Landscaping

The type of vegetation that is established in the bluff top area can effect bluff stability. Low water use, drought tolerant plants require less water than other types of vegetation, thereby minimizing the amount of water introduced into the bluff top. Low water use plants reduce the need for irrigation. The preliminary Geotechnical Investigation recommends that deep-rooted, low water need plants be used for general landscaping and that irrigation be minimized and that soil saturation be avoided. In order to maximize bluff stability the amount of water introduced to the site should be minimized. If the bluff top area were over-irrigated, adverse impacts on bluff stability could occur.

An irrigation system may be used to establish plantings. Once established, the plants should be able to survive without irrigation. As a condition of approval, the applicant shall plant only low water use, drought tolerant vegetation in the bluff top setback area. Only temporary irrigation to establish plants, if necessary, shall be allowed. This shall be reflected in a landscape plan prepared by a licensed landscape architect.

4. Drainage

Uncontrolled drainage flowing over the bluff also has the potential to cause destructive erosion and adversely effect bluff stability. The Preliminary Geotechnical Investigation states:

The property currently drains toward the rear bluff. No evidence of uncontrolled, concentrated erosive runoff onto or from the property was observed. Proposed development, which will modify and may slightly increase post-development surficial discharge, must be intercepted, controlled and conducted offsite by appropriate engineering design to preclude the potential for erosion or soil saturation.

To the maximum extent feasible, drainage should be directed to the street, away from the bluff edge. Minimizing the amount of water along the bluff face reduces the potential for the bluff to be eroded by run-off. However, due to the topography of the site it may be necessary to allow a portion of the site to be drained down the bluff in a non-erosive manner. Non-erosive drainage mechanisms may include piping drainage down the bluff with energy dissipation devices at the base or may include subdrains. As a condition of approval, the applicant shall submit a drainage plan, prepared by a licensed engineer, which indicates that to the maximum extent feasible site drainage is directed to the street and any remainder is conducted off site in a non-erosive manner.

5. Geotechnical Recommendations

The geotechnical consultant has found that the proposed development is feasible provided the recommendations contained in the geotechnical reports

prepared by the consultant are implemented in design and construction of the project. The geotechnical recommendations address site preparation, structural setbacks, structural design of retaining walls, slabs on grade, and hardscape design and construction. In order to assure that risks are minimized, the geotechnical consultant's recommendations should be incorporated into the design of the project. As a condition of approval the applicant shall submit grading and foundation plans indicating that the recommendations contained in the Preliminary Geotechnical Investigation prepared by Geofirm, dated June 17, 1997 and July 28, 1997 have been incorporated into the design of the proposed project with the exception that the deepened footings to support the patio shall be eliminated.

6. Assumption of Risk

Although adherence to the required bluff top setback will minimize the risk of damage from erosion, the risk is not eliminated entirely. Therefore, the standard waiver of liability condition has been attached through Special Condition No. 1. By this means, the applicant is notified that the residence is being built in an area that is potentially subject to bluff erosion that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. In addition, the condition insures that the Commission not incur damages as a result of its approval of the coastal development permit. Finally, recordation of the condition insures that future owners of the property will be informed of the risks and the Commission's immunity for liability. Pursuant to Section 13166(a)(1) of the Commission's administrative regulations, an application may be filed to remove Special Condition No. 1 from this permit if new information is discovered which refutes one or more findings of the Commission regarding the existence of any hazardous condition affecting the property and which was the basis for the condition.

The Commission finds that only as conditioned as described above, can the proposed development be found to be consistent with Section 30253 of the Coastal Act. Therefore, as conditioned, the Commission finds the proposed development is consistent with Section 30253 of the Coastal Act which requires that risks be minimized and geologic stability be assured.

C. Future Development

The applicant is hereby notified that any future development will require a coastal development permit or an amendment to this permit. Coastal Act Section 30610(a) provides that no coastal development permit is required for improvements to existing single family residences except for those classes of development which the Commission has specified by regulation involve a risk of adverse environmental effect. Section 13250(b)(1) of the California Code of Regulations states that improvements to a single family structure where the residence or proposed improvement would encroach within 50 feet of the edge of a coastal bluff require a coastal development permit.

D. Public Access & Recreation

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

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. However, the proposed development, construction of a single family residence on an existing subdivided parcel in an area inaccessible to the public, will not effect the existing public access conditions. It is the locked gate community not this home that impedes public access. The proposed development, as conditioned, will not result in any adverse impacts to existing public access or recreation in the area. Therefore the Commission finds that the project is consistent with the public access and recreation policies of the Coastal Act.

E. 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 Chapter 3 policies of the Coastal Act.

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

F. Consistency with the California Environmental Quality Act (CEQA)

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 alternatives or 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 section 30253 of the Coastal Act. Mitigation measures include conditioned the project so that geologic risks are minimized, conforming with geotechnical recommendations, submittal of drainage plans, submittal of landscape plans, and submitting an assumption of risk. 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.

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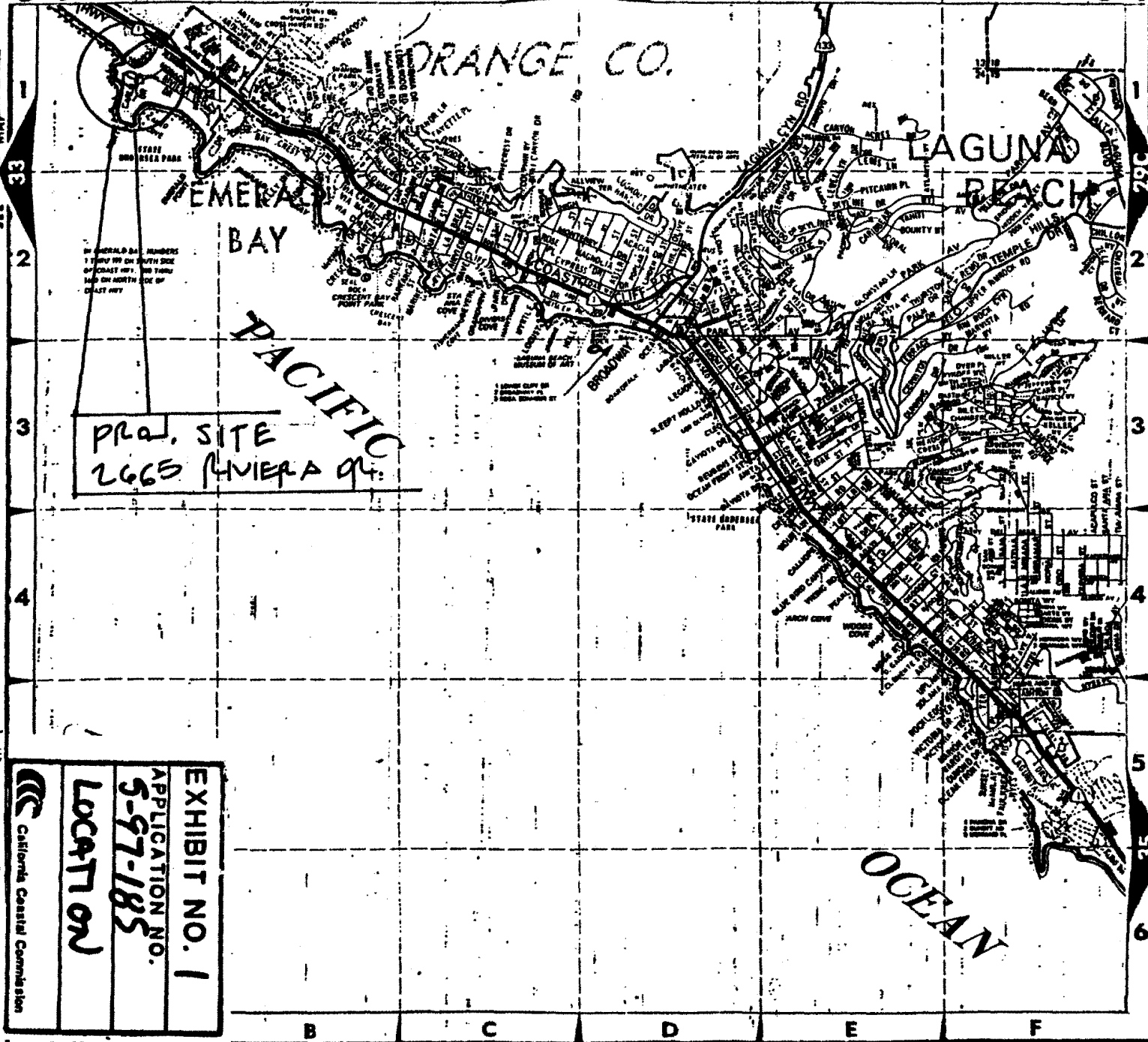


EXHIBIT NO. 1
APPLICATION NO.
5-97-185
LOCATION

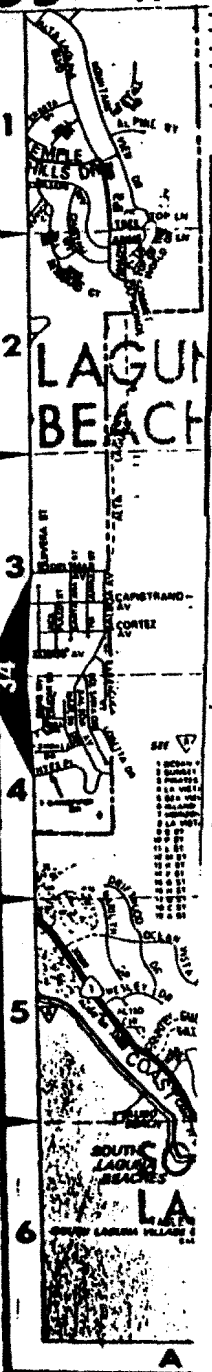
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 219. TIME _____
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PROJECT DATA

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SITE PLAN

MARK H. SINGER

SITE PLAN



California Coastal Commission

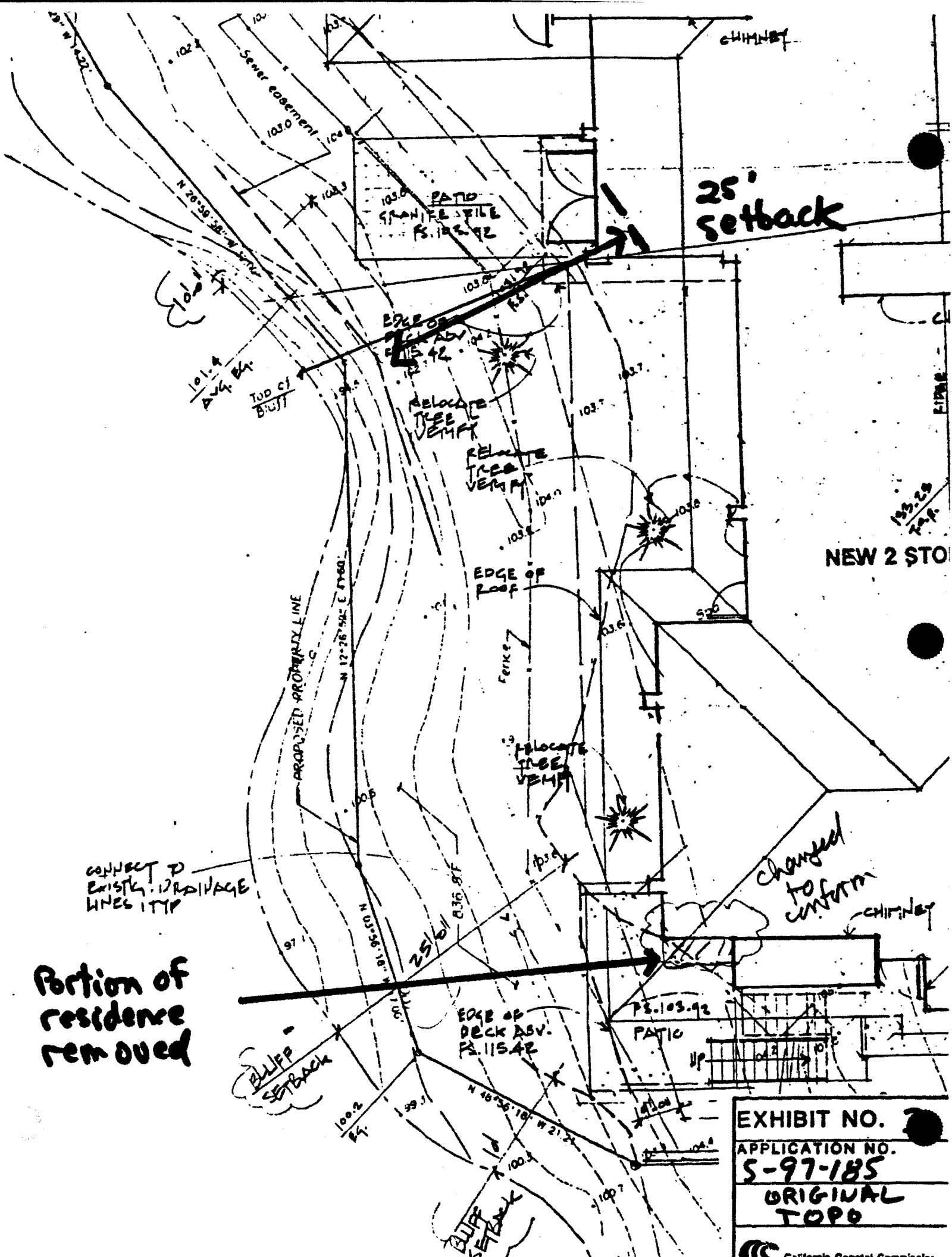


EXHIBIT NO.
APPLICATION NO
S-97-185
ORIGINAL
TOPP

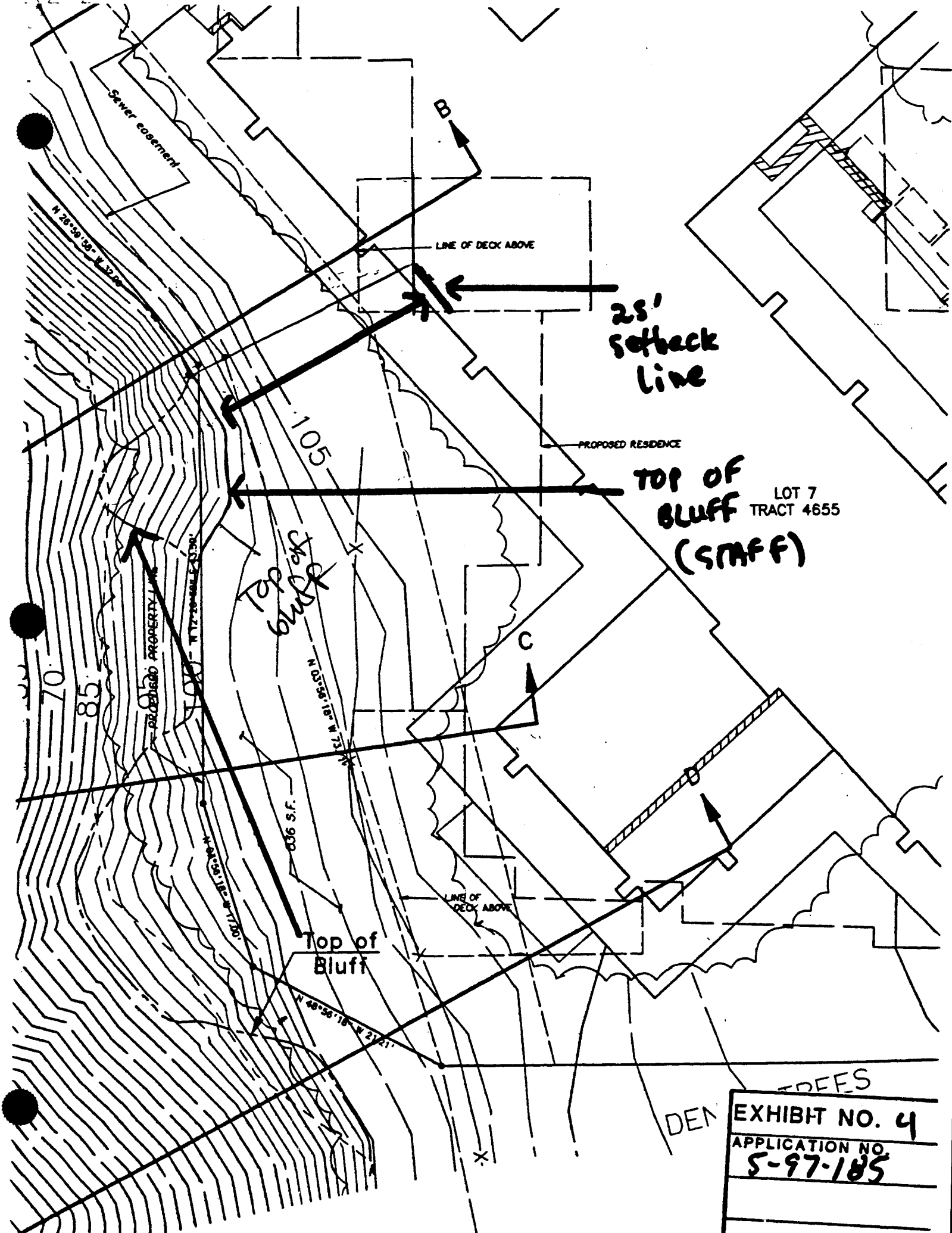


EXHIBIT NO. 4
APPLICATION NO.
5-97-185

