

CALIFORNIA COASTAL COMMISSION

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Filed: July 30, 1998
49th Day: September 17, 1998
180th Day: January 26, 1998
Staff: John T. Auyong-LB *John*
Staff Report: September 24, 1998
Hearing Date: October 13-16, 1998
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-98-307

APPLICANT: Charles and Valerie Griswold

AGENT: Jim Conrad

PROJECT LOCATION: 29 Bay Drive, Three Arch Bay, City of Laguna Beach, County of Orange

PROJECT DESCRIPTION: Construction of a 5,078 square foot, 5 level single-family residence with attached 750 square foot three-car garage and 1,278 square feet of deck area which will step down a vacant, reconstructed bluff lot, and 12,250 cubic yards of grading.

Lot Area	18,520 square feet
Building Coverage	2,950 square feet
Pavement Coverage	650 square feet
Landscape Coverage	14,920 square feet
Parking Spaces	Three
Height above final grade	53 ft. from lowest to highest point

LOCAL APPROVALS RECEIVED: City of Laguna Beach Variance 6505 and Design Review 98-095.

SUBSTANTIVE FILE DOCUMENTS: City of Laguna Beach certified local coastal program; Coastal development permits 5-97-371 (Conrad), 5-98-020 (Conrad), 5-98-064 (Barnes), and 5-98-178 (McMullen); "Preliminary Geotechnical Investigation", Proposed Four Lot Residential Development, Lots 26, 27, 28, and 29 of Tract 970, Three Arch Bay, South Laguna Beach, California, dated April 11, 1997, prepared for James Conrad by Hetherington Engineering, Inc. (Job No. 1800.2); "Supplemental Geotechnical Investigation", Proposed Residential Development, Lots 26, 27, 28, 29, and 30 of Tract 970, Three Arch Bay, South Laguna Beach, California, dated January 26, 1998, prepared for James Conrad by Hetherington Engineering, Inc. (Project No. 1800.3); August 11, 1998 letter from Osman Pekin of Leighton and Associates, Inc. to Three Arch Bay (Leighton and Associates, Inc. Project No. 1971218-001).

SUMMARY OF STAFF RECOMMENDATION – STAFF NOTE:

Staff is recommending approval of the proposed project with special conditions for: 1) an assumption-of-risk deed restriction, 2) conformance with geotechnical recommendations, 3) the use of drought-tolerant landscaping and conformance with the deck stringline, 4) prohibition on the placement of construction materials and equipment on the beach, 5) disposal of construction debris, and 6) mitigation measures to minimize leaks from proposed courtyard water features.

At the August 1998 Coastal Commission hearing, the Commission approved coastal development permit 5-97-371 for a shoring system/slope stabilization project across five lots, along with the merger of three of these lots into two, in the private beachfront community of Three Arch Bay in the City of Laguna Beach. At the same hearing, the Commission approved permits for the construction of one home each on three of the four resultant lots. The Commission reviewed conceptual drawings for the home on the fourth lot. The subject permit application is for the construction of the home on the fourth lot. The special conditions being recommended are identical to those of the other 3 permits for homes approved in August.

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, and will not have any significant adverse effects 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 ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant and all landowners shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant and all landowners understand that the entire site may be subject to extraordinary hazards from landslides/slope failure and wave attack, and the applicant assumes the liability from such hazards; (b) that the applicant and all landowners unconditionally waive any claim of liability on the part of the Commission and agree 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 the natural hazards, and (c) that the applicant agrees that no shoreline protective devices shall be constructed on the parcel; and (d) the applicant accepts sole responsibility for the removal of any structural debris resulting from landslides, slope failures or erosion on the site. The document 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. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Geotechnical Recommendations. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two sets of final revised site plans, floor plans, elevations, grading, drainage, foundation, and engineering plans for the proposed home and related accessory development (e.g., courtyard water features, patios, etc.) approved by this permit. These plans shall show all cut and fill slope profiles extending the entire length of the site from the

existing beach/toe of existing slope interface through the seaward edge of Bay Drive. These plans shall be consistent with the preliminary plans received by the Commission on July 14, 1998, as generally depicted in the exhibits to the staff report for the October 1998 Coastal Commission hearing for this permit except that these plans shall incorporate the recommendations pertaining to the homes and accessory development contained in both; 1) the "Preliminary Geotechnical Investigation", Proposed Four Lot Residential Development, Lots 26, 27, 28, and 29 of Tract 970, Three Arch Bay, South Laguna Beach, California, dated April 11, 1997, prepared for James Conrad by Hetherington Engineering, Inc. (Job No. 1800.2), 2) the "Supplemental Geotechnical Investigation", Proposed Residential Development, Lots 26, 27, 28, 29, and 30 of Tract 970, Three Arch Bay, South Laguna Beach, California, dated January 26, 1998, prepared for James Conrad by Hetherington Engineering, Inc. (Project No. 1800.3), and 3) the August 11, 1998 letter from Osman Pekin of Leighton and Associates, Inc. to Three Arch Bay (Leighton and Associates, Inc. Project No. 1971218-001).

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, evidence that the appropriate licensed professional has reviewed and approval all final design and construction plans and certified that each of those final plans incorporates all of the recommendations specified in the above referenced documents.

The approved development shall be constructed in accordance with the final revised plans as approved by the Executive Director. Any proposed deviations from said plans shall require a Coastal Commission-approved amendment to this permit, or unless the Executive Director determines a permit amendment is not needed.

3. Landscaping. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, revised landscaping plans. The revised landscaping plans shall: 1) be consistent with the preliminary landscaping plans dated September 12, 1997 prepared by Lawson's Landscape Services, 2) be prepared by a licensed landscaped architect, and 3) incorporate the following criteria: (a) planting shall be of drought tolerant plants (native, non-invasive drought tolerant plants are preferred), (b) the turf grass areas depicted seaward of the proposed homes shall be deleted unless planted with drought tolerant plants which do not need to be irrigated, (c) all hardscape and structural development, including patios, stairs, and all paths to the beach, located seaward of the deck stringline shall be deleted, and (d) only temporary irrigation to help establish the landscaping shall be allowed. The applicant shall undertake the approved development in compliance with the plans approved by the Executive Director.

4. Staging and Storage of Construction Materials and Equipment. Construction material and equipment shall not be staged or stored on the beach. Any accidental spills of construction equipment fluids shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.

5. Disposal of Landslide and Construction Debris. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify in writing, for the review and

approval of the Executive Director, the location of the disposal site of the exported excavated soil and debris resulting from the proposed project. A coastal development permit shall be obtained for the disposal site, if in the coastal zone, prior to disposal occurring. Disposal shall occur at the approved disposal site.

6. Minimizing Water Feature Impacts. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a written plan to mitigate for the potential for leakage from the proposed ponds, waterfall, stream, and other courtyard water features. The plan shall include, at a minimum: 1) installing separate water meters for the water features which are separate from the water meters for the house to allow for the monitoring of water usage by the water features, and 2) identification of the materials, such as plastic linings or specially treated cement, to be used to waterproof the undersides of the water features to prevent leakage, and information regarding the past success rates of these materials. The applicant shall comply with the mitigation plan approved by the Executive Director.

7. Drainage. All runoff and drainage from the site shall be directed to the street except where it is infeasible to do so. Where it is infeasible to direct drainage and runoff to the street, drainage and runoff shall be appropriately collected and conveyed to the beach in a non-erosive manner and discharged at the base of the bluffs with an energy dissipator at the drain outlet. The drainage devices which direct runoff and drainage to the beach shall be below grade unless it is infeasible to do so. If the drainage devices cannot be below grade, they shall be designed to blend in with and maintain the natural character of the bluffs.

IV. FINDINGS AND DECLARATIONS

A. Detailed Project Description and Location

The applicant is proposing to construct a 5,078 square foot, 5 level single-family residence with attached 750 square foot three-car garage and 1,278 square feet of deck area which will step down a vacant, reconstructed bluff lot. The proposed home would be 53 feet tall from the finished floor of its lowest level to the top of the highest point of the roof. Only the proposed garage level, however, would be above street level. The proposed garage would be 12 feet high above street level. Also proposed is 12,250 cubic yards of grading (6,125 cubic yards of cut and 6,125 cubic yards of fill).

B. Chapter 3 Policy Analysis

1. Geologic Hazards

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

New development shall:

(l) 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 vacant lot in the private community of Three Arch Bay in the City of Laguna Beach. It is one of a group of five contiguous former blufftop residential lots upon which a landslide exists. The Commission approved coastal development permit 5-97-371 (Conrad) to repair the landslide and rebuild the bluff. As part of this permit for bluff repair, the Commission also approved the merger of three of the lots into two. The subject site is one of the two lots which resulted from the merger.

The geotechnical reports submitted by the applicant's geotechnical consultant are: 1) the "Preliminary Geotechnical Investigation, Proposed Four Lot Residential Development, Lots 26, 27, 28, and 29 of Tract 970, Three Arch Bay, South Laguna Beach, California", dated April 11, 1997, prepared for James Conrad by Hetherington Engineering, Inc. (Job No. 1800.2), 2) the "Supplemental Geotechnical Investigation, Proposed Residential Development, Lots 26, 27, 28, 29 and 30 of Tract 970, Three Arch Bay, South Laguna Beach", dated January 26, 1998, prepared for James Conrad by Hetherington Engineering, Inc., (Job No. 1800.3, Log No. 4376), and 3) the "Preliminary Geotechnical Parameters for Structural Design of Toe Wall" prepared by Hetherington Engineering, Inc. on June 19, 1998 (Project No. 1800.3, Log No. 4561). In addition, at the August hearing, the geologist for the Three Arch Bay Homeowner's Association presented recommendations.

The proposed home would be built on the buttress fill approved under coastal development permit application 5-97-371. The Commission found in approving permit 5-97-371 with conditions that the site will be stable for the construction of a home. Structural integrity would be ensured in part because: 1) the proposed home would be setback 100 feet from the seacliff, and 2) the slope stabilization on the site approved by coastal development permit 5-97-371 includes a buttress keyway and a toe protection wall which would stabilize the adjacent structures and also provide protection for the proposed home.

The proposed home would be built on caisson-grade beam foundations which would be tied into the approved shoring wall to provide stability. The Commission finds that it is necessary for the applicant to submit plans depicting the final foundation and house designs which incorporate the recommendations contained in all the geotechnical reports to further assure structural integrity. For example, the supplemental geotechnical report dated January 26, 1998 (Hetherington Engineering, Inc. Project No. 1800.3, Log No. 4376) provided by the applicant includes recommendations that the drilled piers for the proposed foundation extend at least 10 feet into the bedrock, provide a minimum horizontal clearance of 30 feet from the face of the slope to the outer edge of the bearing surface, and that the piers be a minimum diameter of two feet.

In addition, because groundwater levels have contributed to the landslide episodes on the subject site, the Commission also finds that it is necessary to lessen the amount of groundwater on-site. Therefore, the Commission finds that it is necessary to: 1) require the

submittal of measures to minimize and mitigate leakage from the proposed courtyard water features (e.g., pond, waterfall, etc.) to reduce the amount of groundwater on-site, 2) require that drainage be directed to the street, except that where it cannot be feasibly directed to the street, it shall be conveyed over the bluff to the beach in a controlled and non-erosive manner, and 3) minimize irrigation on the site and require drought-tolerant landscaping. Drought-tolerant landscaping may include yarrow, as requested by the applicant.

To further ensure structural integrity and stability, as part of its approval of coastal development permit 5-97-371 for the bluff repair of the subject site and lot merger, the Commission required a deed restriction which requires the proposed house to conform with the deck and structural stringlines to minimize the creation of hardscape, pools, and paths which could serve as conduits for runoff which would cause gullying and erosion, resulting in bluff instability.

Further because landsliding has occurred several times on the subject site, the Commission also finds that, as a condition of approval, the applicant must record an assumption-of-risk deed restriction to inform the applicant and all current and future owners of the subject site that the site is subject to hazards from landslides and coastal erosion/wave attack.

As conditioned for: 1) an assumption-of-risk deed restriction, 2) the incorporation of the recommendations contained in the applicant's geotechnical reports, 3) the elimination of water dependent landscaping areas, 4) directing drainage to the street or, if not feasible, over the bluff in a controlled manner, and 5) measures to mitigate water feature leakage, the proposed home is consistent with Section 30253 of the Coastal Act.

2. Shoreline Protective Devices

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

The subject site is on a beach. The subject beach is a deep pocket beach approximately 1,400 feet long flanked by headlands that project seaward from either end of the crescent shaped beach by about 800 feet. The Commission approved coastal development permit 5-97-371 for a bluff repair/stabilization project that involved construction of both a shoring wall along Bay Drive and part way along the sides of the adjacent properties, and a buried vertical wall seaward of the toe of the repaired slope. Although these walls would alter natural shoreline processes, the Commission found that the project was consistent with Section 30235 of the Coastal Act because: 1) the project is necessary to protect existing structures (the Bay Drive roadway and the existing homes at 21 and 33 Bay Drive) in close proximity to the subject site, and 2) the project will not result in adverse impacts to natural shoreline sand supply. As described above, the approved vertical wall would provide

protection for the proposed home, although the primary reason for the vertical wall is to protect the stabilized slope which in turn protects adjacent existing structures.

However, there are no existing structures on the subject site itself. Therefore, the Commission finds that, in order to minimize the need to construct additional seawalls that would have an adverse impact on shoreline processes to protect the proposed home, the assumption-of-risk deed restriction must include a provision that no shoreline protective devices shall be constructed. Thus, the Commission finds that the proposed project is consistent with Section 30235 of the Coastal Act.

3. Marine Resources/Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that would sustain the biological productivity of coastal waters and that would 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.

The applicant has indicated that no construction equipment or supplies would be placed upon the sandy beach. (See Exhibit E, Page 2) The applicant has indicated that a flat pad would be graded approximately midway on the slope for temporary storage of equipment and materials to be used in the construction of the approved shoring wall. The pad would then serve as a base for the lowest level of the proposed home. The applicant has indicated that contractors would be briefed as to minimizing the occurrence of and containing spills of petroleum and other toxic fluids. A health risk to marine life and swimmers would be created if toxic substances were to get on the beach and leak into the ocean. In addition, staging or storing construction equipment and material on the beach would take up beach area needed for grunion spawning, thus resulting in adverse impacts on the grunion.

In order to ensure that adverse impacts to marine resources and water quality are minimized, the Commission finds that it is necessary to require a condition which prohibits the staging or storing of construction equipment or materials on the beach and to minimize and control

spillage of toxic substances. Further, the Commission finds that the construction debris must be disposed of outside the coastal zone, or at an approved site in the coastal zone, to minimize adverse impacts on marine resources. As conditioned, the proposed project is consistent with Section 30231 of the Coastal Act.

4. Public Access

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

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby . . .

The subject site is a beachfront site located between the nearest public roadway and the shoreline in the private community of Three Arch Bay. The toe of the slope contains an easement, between 46 to 57 feet wide, for access and recreation purposes solely for the residents of the private Three Arch Bay community. The beach is a cove beach separated from public beaches by rocky headlands. Thus, the beach is not readily accessible from nearby public beaches. A December 10, 1997 survey of the mean high tide line indicates that the mean high tide line is anywhere from approximately 275 feet to 365 feet from Bay Drive. (See Exhibit D) The seaward most extent of the proposed project would be only 220 to 250 feet seaward of Bay Drive. The California State Lands Commission ("CSLC") has acknowledged the presence of the above mentioned private recreation easement on the beach. Thus, it appears the proposed project would not extend seaward of the mean high tide line onto sovereign land.

In addition, the CSLC has written in regards the issue of encroachment of the proposed development onto state lands. (See Exhibit C) The CSLC is not asserting any claim at this time that the proposed development intrudes onto state lands. However, the CSLC indicates that the decision not to assert a claim at this time does not prejudice any future assertion of state ownership or public rights.

The subject site is in a private community. The proposed development would not result in direct adverse impacts, either individually or cumulatively, on physical vertical or lateral public access, or on sovereign lands seaward of the mean high tide line. Vertical public access and public recreation opportunities are provided at nearby Salt Creek County Beach Park a mile to the southeast. Therefore, the Commission finds that no public access is necessary with the proposed development. Thus, the Commission finds that the proposed development is consistent with Section 30212 of the Coastal Act.

5. Visual Quality

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 the character of its setting.

The proposed home is stepped down the hillside, with only the proposed garage located at street level. The proposed garage would only extend 12 feet above the centerline of Bay Drive. Thus, when viewed from the level of Bay Drive (a private street), only the garage would be visible. This is similar to the character of the adjacent homes, where only the garages of the homes are visible since the remainder of the homes step down the hillside.

In addition, the proposed project is located in a private community. Therefore, the proposed project would not block any public views to the shoreline. Public views along the coast from public trust land seaward of the mean high tide line would be similar to the views which currently exist since the bluffs are altered and developed with homes which step down the bluff face. Further, since the private beach is flanked on either side by rocky headlands which extend several hundred feet into the ocean, it would be difficult for the public to access the part of the beach seaward of the mean high tide line in order to view the bluffs. Even if the public were to be able to view the private bluffs (e.g., from a boat offshore), the proposed home would be consistent with the character of the adjacent homes, which are also multi-level and step down the hillside.

However, the Commission required, as a condition of approval for permit 5-97-371 for the underlying slope repair and lot merger, a deed restriction that any homes to be built on the repaired slope must conform to deck and structural stringlines. The Commission found that to allow development, such as swimming pools or paths and stairs to the beach, seaward of the stringlines would not be in character with the nature of existing development and would result in adverse visual impacts.

The City's certified local coastal program ("LCP") is not effective in Three Arch Bay because the area is not certified, but it can be used for guidance. The LCP 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 has consistently required in Orange County that development be setback a minimum of 25 feet from the edge of a coastal bluff. The Commission has also recognized 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 development should be built further seaward than a line drawn between the nearest adjacent corners of either decks or structures of the immediately adjacent homes.

In this case, the applicability of the 25 foot setback from the edge of a coastal bluff is moot since the proposed development is occurring on a bluff face. The use of a stringline therefore is the appropriate solution for determining the seaward extent of development considering that the proposed residential development is infill development. Normally, the stringline is applied to a new house which is being built between two existing houses. However, in this situation, because of a prior landslide which destroyed prior development, the application of the stringline must be modified to use existing residential structures and accessory structures on either side of the proposed development that were not affected by the landslide as the "anchors" for determining the stringline since this is bluff face development. Taking this approach is reasonable and equitable since it would limit new development to the seaward extent of existing development.

The applicant is proposing development seaward of the stringlines drawn between the nearest existing decks and structures on either side of the subject site. (See Exhibit B, Page 1) The structure stringline limits the seaward extent of enclosed living areas. The deck stringline limits the seaward extent of all other accessory structures including swimming pools, spas, hardscape, decks, and at-grade patios. Though the proposed residence complies with the structural stringline, development occurring seaward of the deck stringline consists of hardscape, patios, stairs, and paths. The purpose of the stringline is to minimize the impacts of new development on both bluff stability and visual resources. The geologic instability of the project site has been detailed in preceding sections of this report. Though development is occurring on the bluff face rather than the bluff top because virtually no bluff top exists on the subject site, forcing the development to step down the hillside, the intent of the stringline and bluff top setback policies must be kept intact.

The Commission's regularly used stringline policy applies to all structures whether they are at grade or above grade since all impermeable surfaces act to accelerate and increase the amount of runoff and erosion of slope areas and may adversely impact bluff stability and visual resources. The Commission has routinely required that all non-habitable accessory structures and hardscape conform to the deck stringline.

The intent of the bluff top and stringline policies of the LCP is similar to the Commission's policy for controlling seaward encroachment of development, including hardscape. Chapter 25.50.004 of the City's Zoning Code states that "no new buildings, additions to existing buildings, or structures or improvements shall encroach beyond the applicable building stringline or be closer than twenty-five feet to the top of an ocean front bluff; the more restrictive shall apply." While the City does allow hardscape up to ten feet from the bluff edge, it does not usually allow development on the bluff face.

In the case of the subject application, the adjacent existing residences do not have beach paths or stairways to the beach or hardscape seaward of the deck stringline. To allow such development with the proposed project would result in an adverse visual impact and would

not be consistent with existing development patterns. Therefore, the Commission finds it necessary to impose a special condition requiring the applicant to submit revised landscape plans which show that the hardscape and other structural development seaward of the deck stringline have been deleted. Further, this was a requirement of the approval of permit 5-97-371 for the underlying bluff stabilization and lot merger as well as the approvals of the permits for the other three homes on the stabilized slope. Thus, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. Local Coastal Program

The City of Laguna Beach local coastal program ("LCP") is effectively certified. However, several locked-gate beachfront communities are deferred, including Three Arch Bay. The subject site is located in Three Arch Bay. Therefore, the standard of review for the proposed project is conformity with the Chapter 3 policies of the Coastal Act and not the certified LCP. However, Section 30604(a) provides that a coastal development permit should not be approved for development which would prejudice the ability of the local government to prepare an LCP consistent with the Chapter 3 policies.

The proposed project is also consistent with the certified LCP, which may be used for guidance in non-certified area. Land Use Plan Policy 10-C provides, in part, that projects located in geological hazards areas are required to be designed to void the hazards where feasible. The proposed project has been conditioned to assure geologic stability and structural integrity. The proposed project has also been conditioned to comply with the stringline provisions of the certified LCP.

Further, the proposed project, as conditioned, would be consistent with the geologic hazards, marine resources, and visual resources policies of Chapter 3 of the Coastal Act. Therefore, the Commission finds that the proposed project would not prejudice the ability of the City of Laguna Beach to prepare an LCP for the Three Arch Bay community, the location of the subject site, that is consistent with the Chapter 3 policies of the Coastal Act.

D. 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)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed development is located in an urban area. All infrastructure necessary to serve the site exist in the area. The proposed project has been conditioned in order to be found consistent with the development policies regarding hazards, shoreline protection devices, and marine resources of Chapter Three of the Coastal Act. To assure structural stability and to minimize risks to life and property from geologic hazards, feasible mitigation measures

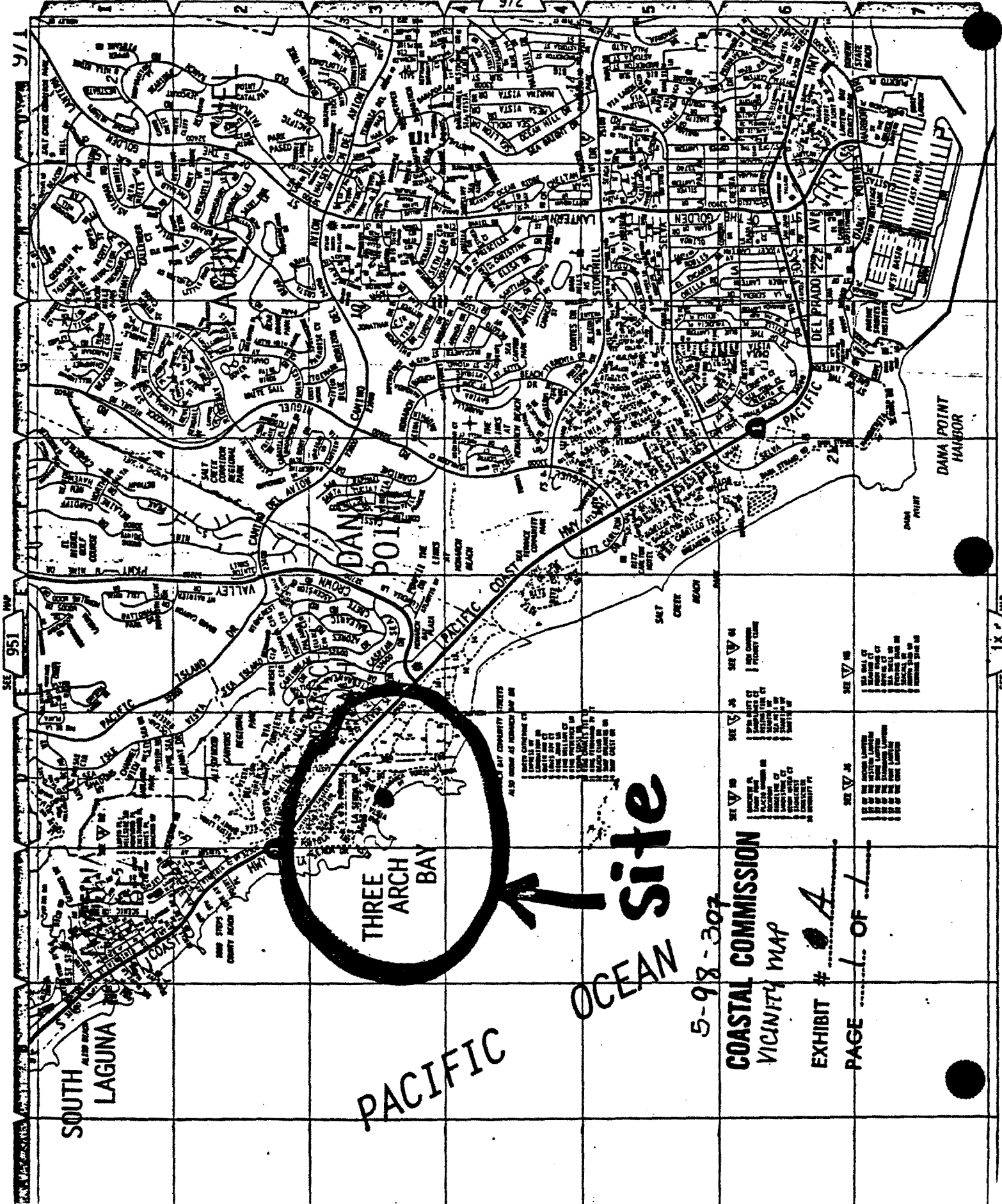
requiring: 1) an assumption-of-risk deed restriction, 2) conformance with geotechnical recommendations, 3) landscaping requirements and adherence to the deck stringline, 4) prohibiting the staging and storing of construction equipment and materials on the beach, 5) identifying the disposal site, and 6) controlling runoff and drainage; would minimize all significant adverse environmental effects.

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

ORANGE CO.

SEE 972 MAP

DETAIL



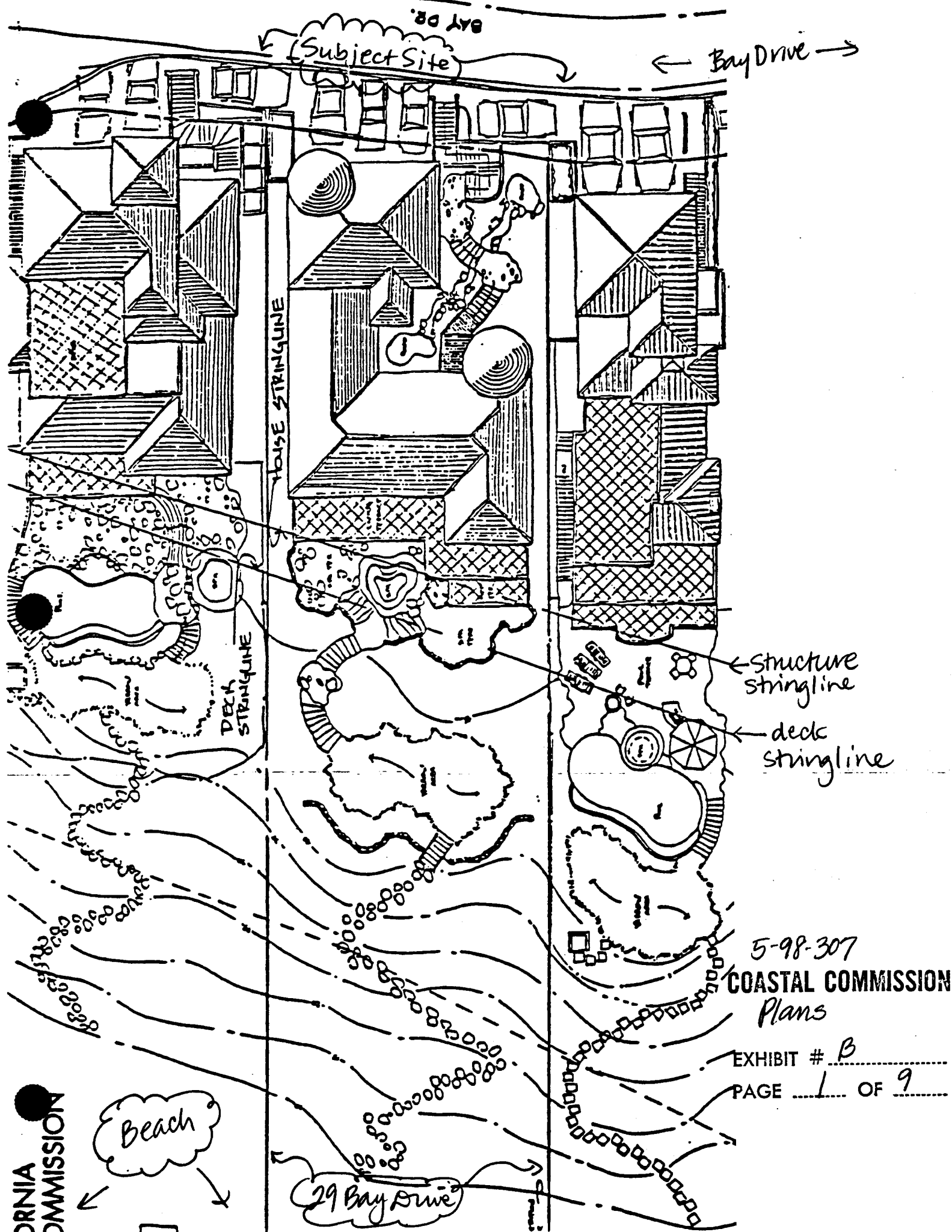
PACIFIC OCEAN

5-98-307

COASTAL COMMISSION
VICINITY MAP

EXHIBIT # A

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CRNIA
COMMISSION

Beach

29 Bay Drive

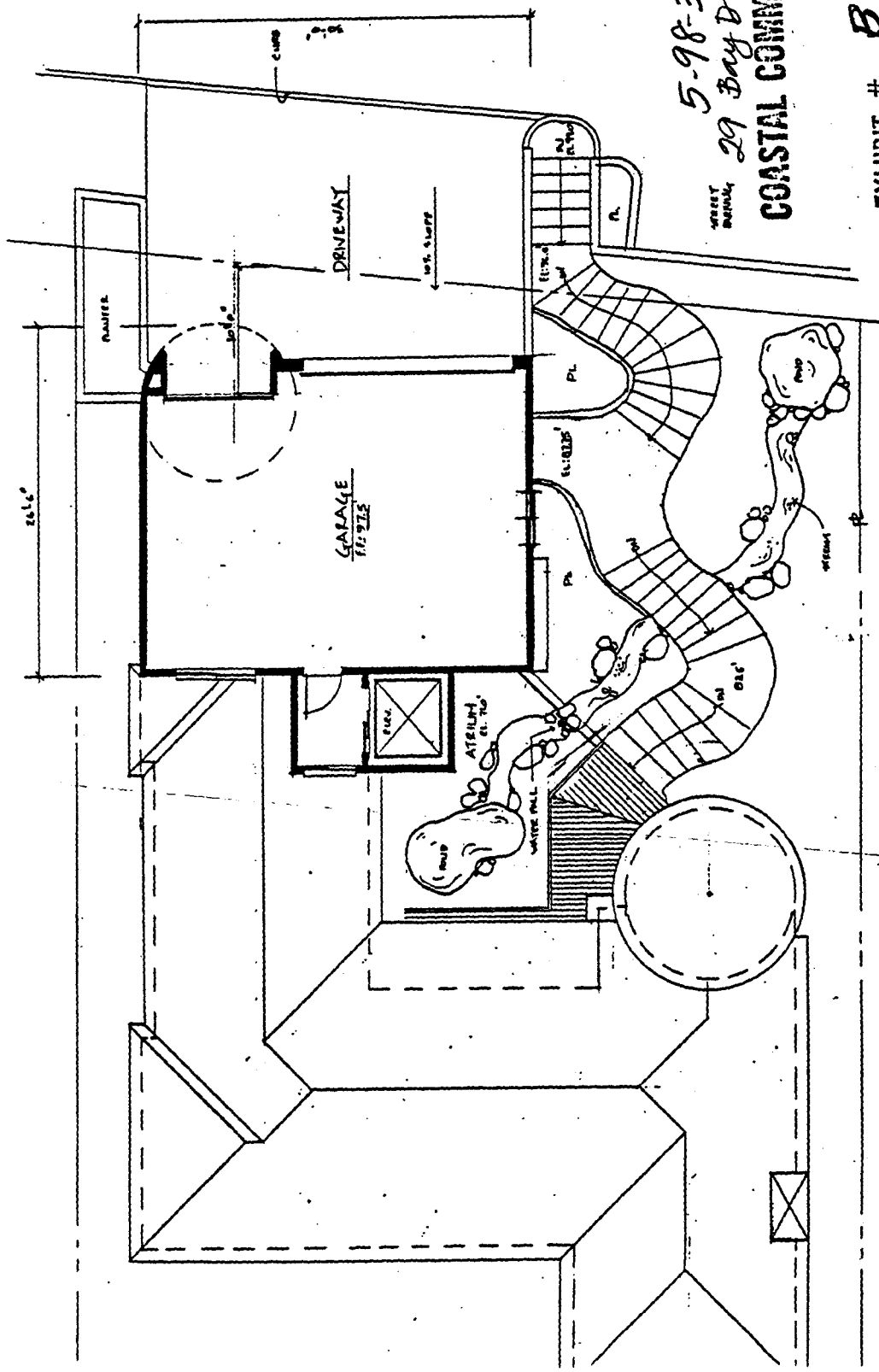
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COASTAL COMMISSION
Plans

EXHIBIT # B
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1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

beinck

Street



5-98-307.
29 Bay Drive
COASTAL COMMISSION

EXHIBIT # B
PAGE 3 OF 9

Beach →
GARAGE LEVEL II
STREET →

A-3

DATE 10-1-97	REV. DATE
TITLE GARAGE LEVEL FLOOR PLAN	
APPROVED	

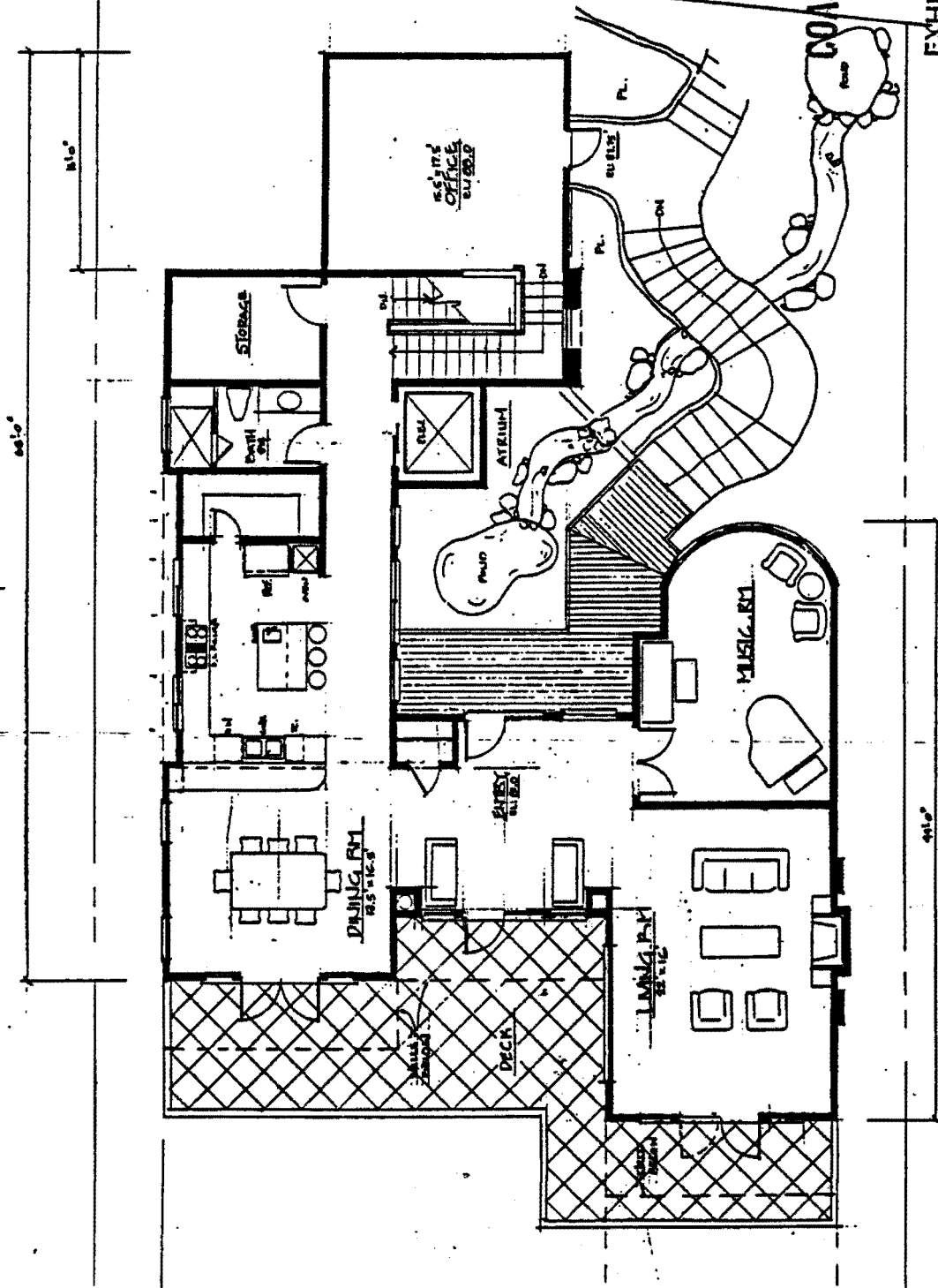
Griswold Residence

James Conrad
Architect
1000 N. COAST HWY., STE. 17
LAGUNA BEACH, CA. 92653
TEL. NO. (714) 498-0000

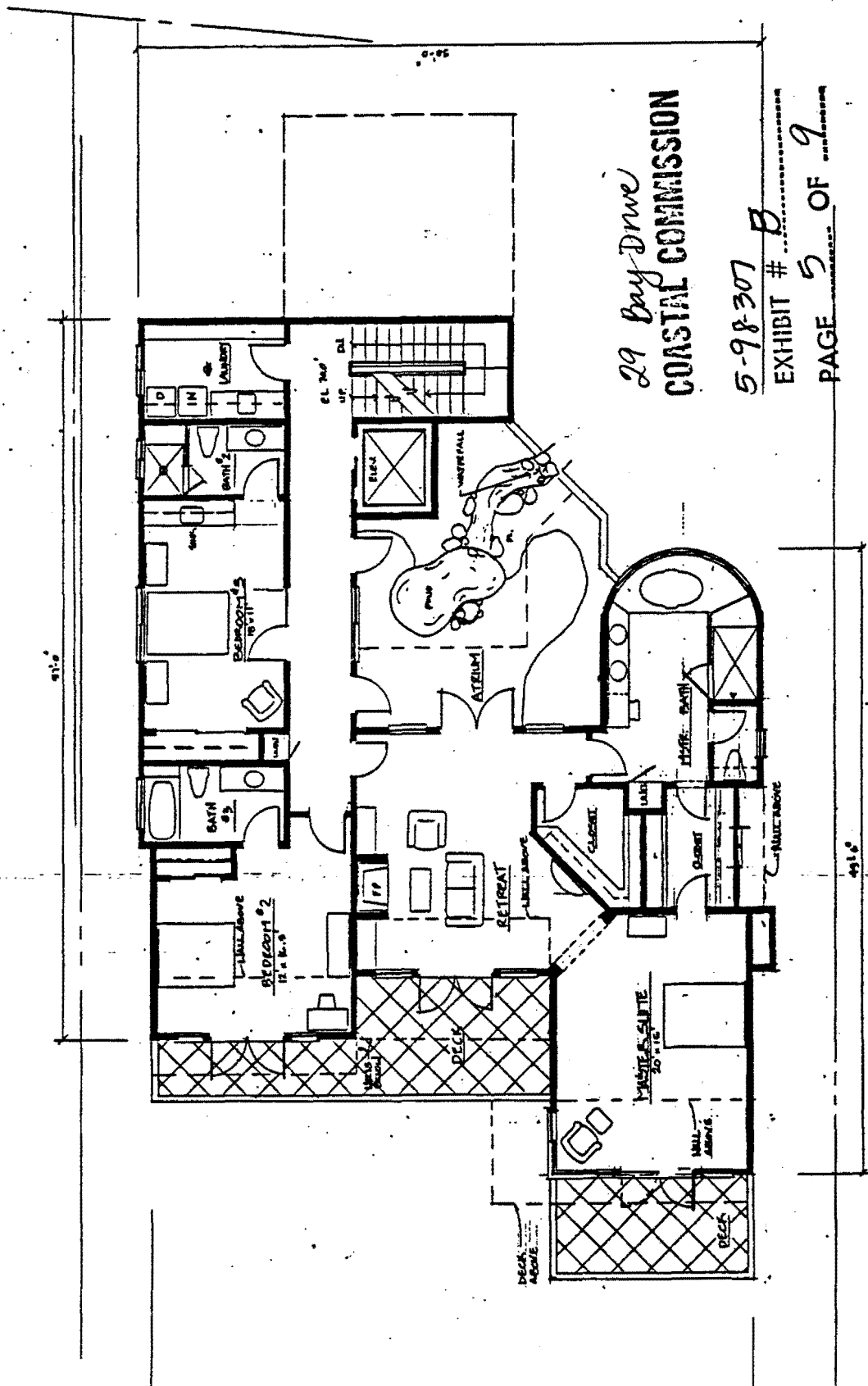
5-98-307
 29 Bay Drive
 COASTAL COMMISSION

EXHIBIT # B

PAGE 4 OF 9



LIVING LEVEL 1
 TOTAL FLOORING AREA = 333 SQFT 0000



29 Bay Drive
COASTAL COMMISSION

5-98-307

EXHIBIT # B

PAGE 5 OF 9

Sheet

Beach

BEDROOM LEVEL II
DUE LEFT LIVING AREA - SEE SPT. BEGS

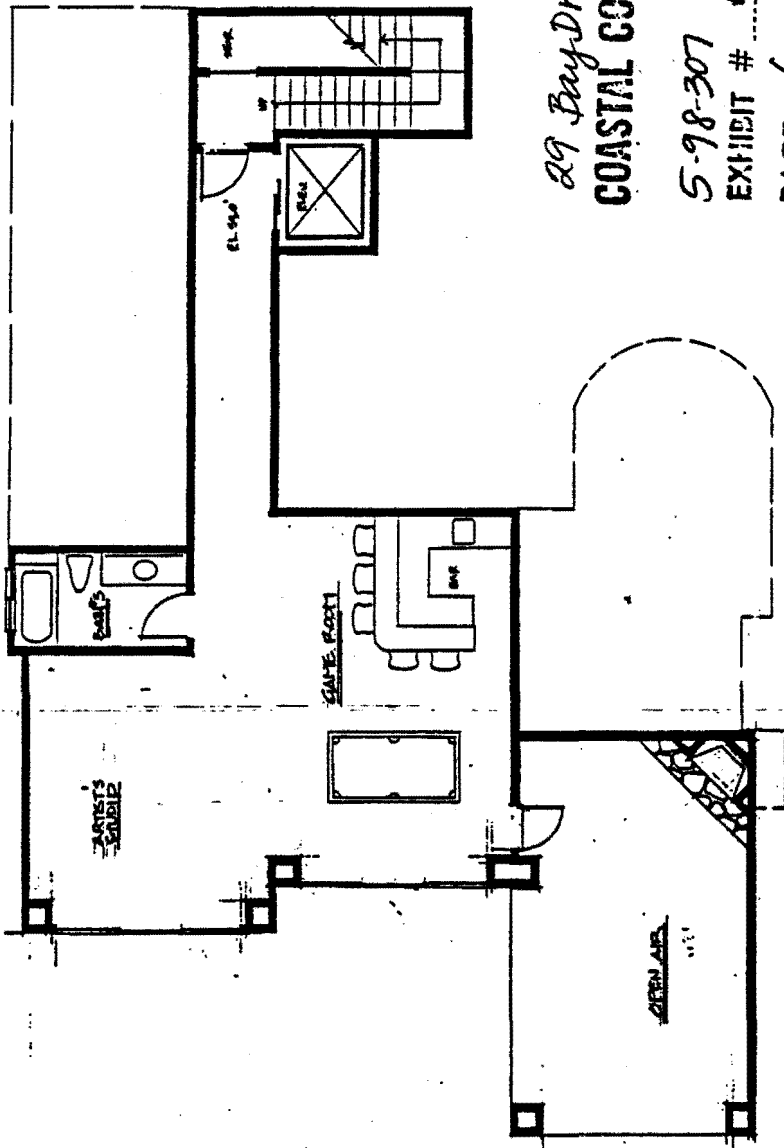
DATE: 10-1-97	REV. DATE:
TITLE: LOWER LEVEL PLAN	
DRAWN BY: J. J. J.	

Griswold Residence

29 Bay Drive
San Diego, CA

1000 S. COAST HWY. 070, 17
LA JOLLA, CALIF. 92037
TEL. NO. (714) 437-0000

James Conrod
Architect



29 Bay Drive
COASTAL COMMISSION

5-98-307

EXHIBIT # B

PAGE 6 OF 9

Street →

Beach ←

LOWER LEVEL EXHIBIT B
1000 S. COAST HWY. 070, 17
LA JOLLA, CALIF. 92037



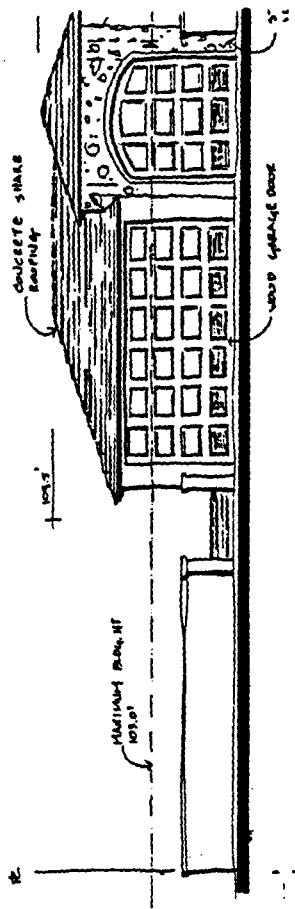
EAST ELEVATION

598-307. **EXHIBIT #** 10 **PAGE** 7 **OF** 9

598-307. 19

EXHIBIT

PAGE 7 OF 9



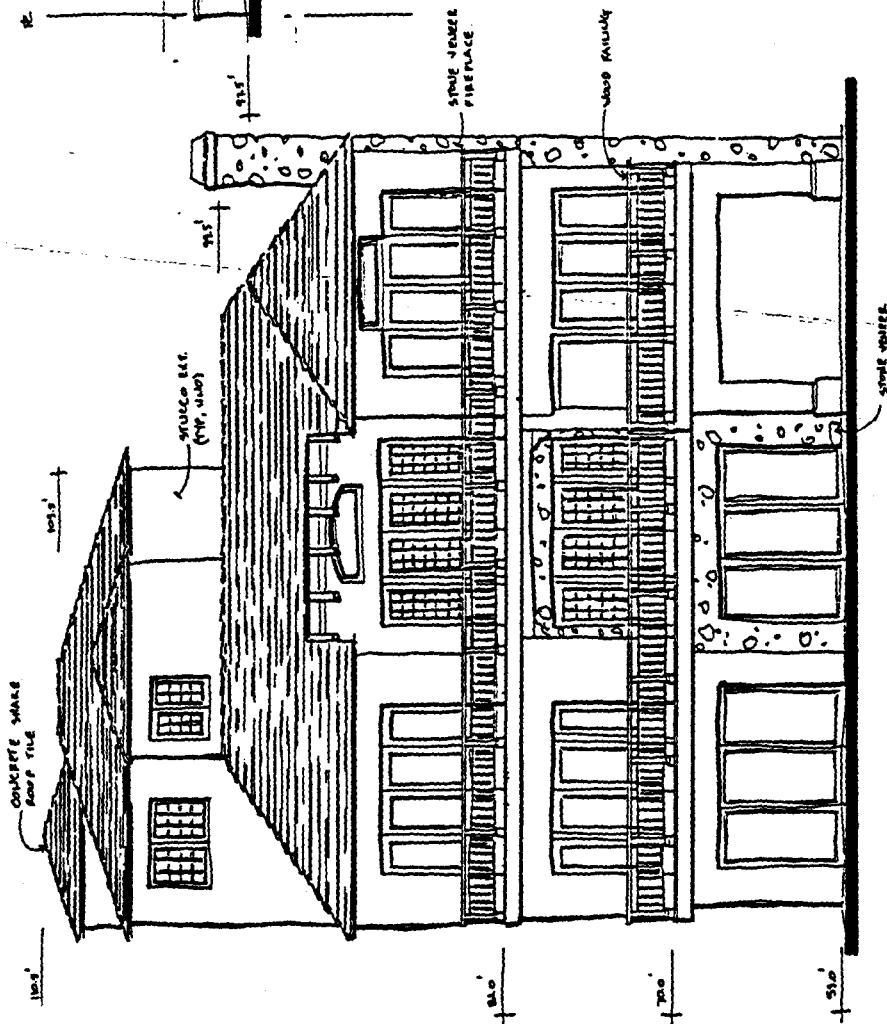
NORTH ELEVATION
Streetside

5 98-307

29 Bay Drive

COASTAL COMMISSION

EXHIBIT # *P*
PAGE *9* OF *9*



SOUTH ELEVATION
Beachside

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202



ROBERT C. HIGHT, Executive Officer
(916) 574-1800 FAX (916) 574-1910
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1892
Contact FAX: (916) 574-1925
E-Mail Address: smithj@slc.ca.gov

January 14, 1998

James Conrad, Architect
1590 S. Coast Hwy. Suite 17
Laguna Beach CA 92651

5-98-307
5-98-307
File Ref: SD 97-12-15.4
COASTAL COMMISSION
State Lands Comm. Letter

EXHIBIT # C

PAGE 1 OF 2

Dear Mr. Conrad:

SUBJECT: Coastal Development Project Review for Proposed Retaining Wall
and Grading, Three Arch Bay, Laguna Beach

This is in response to your request for a determination by the California State Lands Commission (CSLC) whether it asserts a sovereign title interest in the property that the subject project will occupy and whether it asserts that the project will intrude into an area that is subject to the public easement in navigable waters.

The facts pertaining to the project, as we understand them, are these:

You propose to construct a retaining wall, fill and regrade an existing slope, and construct a subdrain system in the bluff adjacent to Lots 26, 27, 28, 29 and 30 of Tract 970, M.M. 31-5, Orange County, adjacent to Three Arch Bay, also referred to as 23, 25, 27, 29 and 31 Bay Drive in Laguna Beach. The work is needed to protect the bluff top road and reestablish the bluff due to the effects of a landslide. These lots run some 200' parallel to the ocean and are presently undeveloped. There are existing residences on the lots both up and down coast. Based on the Concept Grading Plan dated September 3, 1997 and revised September 11, 1997, the retaining wall will be located between the 50' and 85' contour and the subdrain system will terminate at the 10' contour. The plan identifies an existing recreation easement. This easement is more specifically described in the title report as a 1932 recorded easement, dedicated and conveyed to the record owners of each and every lot in Tract 970 and 971, and/or their successors in interest, as being "... an easement over that portions of Lot 25 and Lots 27 to 32, both inclusive, of said Tract 970, between the foot of the slope and the line of ordinary high tide of the Pacific Ocean as shown on ..., for ingress and regress over and across, conduct of lawful sports upon, and for the free use and enjoyment of the record owners of each and every of said lots".

As to that portion of the project involving the proposed retaining wall, it does not

January 14, 1998

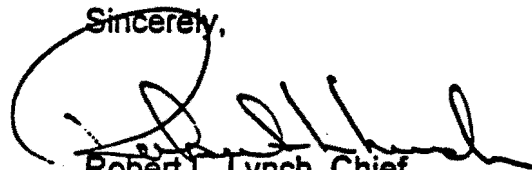
appear that it will occupy sovereign lands or intrude into an area that is subject to the public easement in navigable waters.

The subdrain system will involve the underground placement of four 12" Corrugated Metal Pipes which will drain into four eight-foot diameter outlet structures surrounded by rip rap. The outlet structures appear to terminate at or about the 10' elevation. We do not at this time have sufficient information to determine whether this portion of the project will intrude upon state sovereign lands or interfere with other public rights. Development of information sufficient to make such a determination would be expensive and time-consuming. We do not think such an expenditure of time, effort and money is warranted in this situation, given the limited resources of this agency and the circumstances set forth above. This conclusion is based on the size and location of the property, the character and history of the adjacent development, and the minimal potential benefit to the public, even if such an inquiry were to reveal the basis for the assertion of public claims and those claims were to be pursued to an ultimate resolution in the state's favor through litigation or otherwise.

Accordingly, the CSLC presently asserts no claims that the subdrain system intrudes onto sovereign lands or that it would lie in an area that is subject to the public easement in navigable waters. This conclusion is without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information come to our attention.

If you have any questions, please contact Jane E. Smith, Public Land Management Specialist, at (916) 574-1892.

Sincerely,


Robert L. Lynch, Chief
Division of Land Management

5-98-307

COASTAL COMMISSION
State Lands Comm. Letter

EXHIBIT # C 211
PAGE 2 OF 2

TOTAL ENGINEERING
139 AVENIDA NAVARRO
SAN CLEMENTE, CALIFORNIA 92672
(714) 492-8586
FAX (714) 498-8625

JOB 0397

SHEET NO. _____ OF _____

CALCULATED BY MSF

DATE 12-11-97

CHECKED BY _____

DATE _____

SCALE 1"=50'

5-93-307
COASTAL COMMISSION
current mean high
tide line survey

EXHIBIT # D

PAGE 1 OF 1

SCALE: 1"=50'

☐ LINE TABLE

LINE	BEARING	DISTANCE
1	N 39°11'48" W	30.84
2	N 48°35'40" W	33.20
3	N 48°35'40" W	2.00
4	N 39°49'20" W	21.54
5	N 36°43'33" W	43.22
6	N 36°43'33" W	9.14
7	N 30°44'18" W	38.09
8	N 30°44'18" W	8.89
9	N 53°46'19" W	3.10

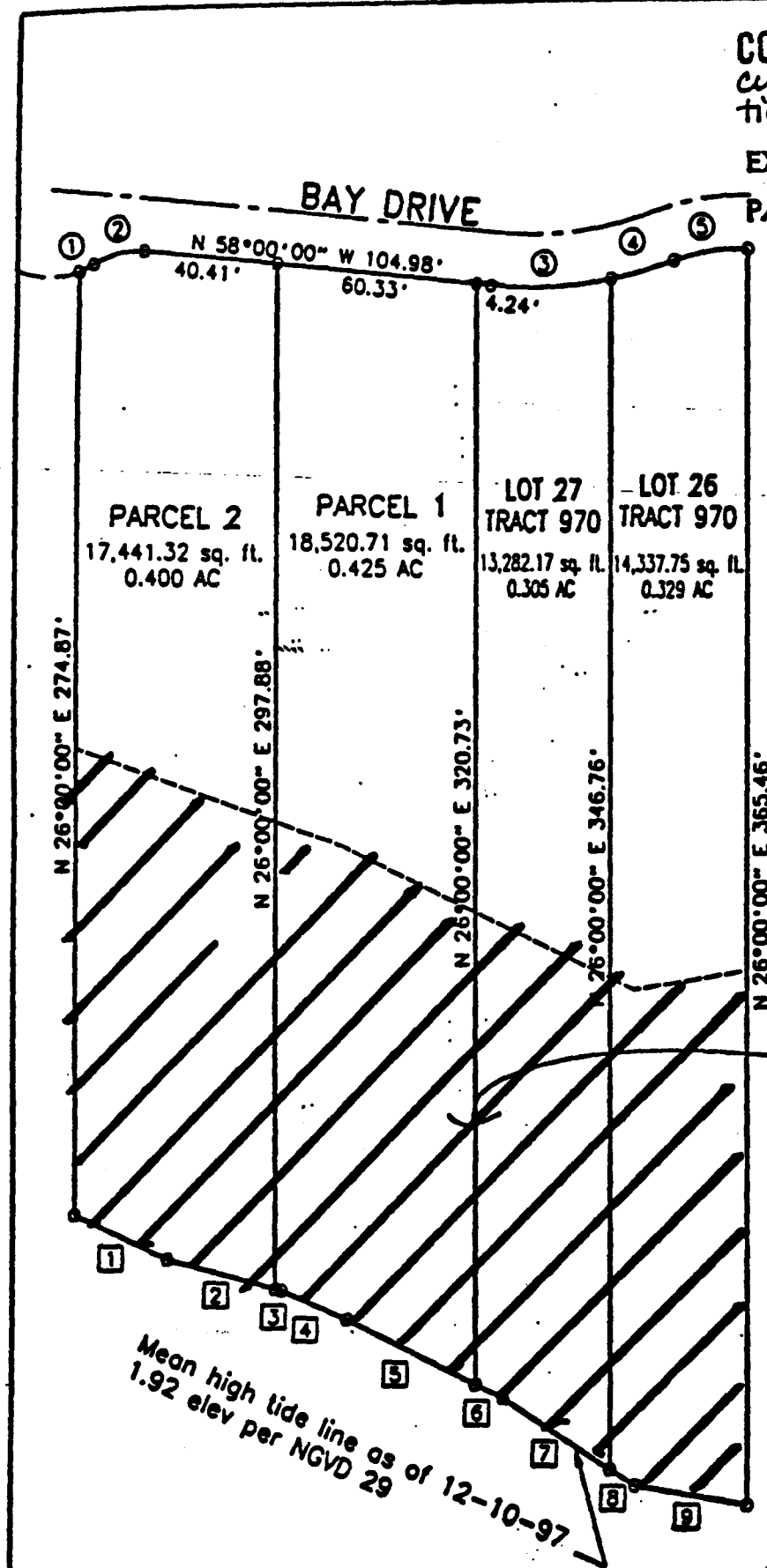
☐ CURVE TABLE

ARC	DELTA	RADIUS	LENGTH
1	11°08'55"	25.00	4.85
2	36°52'10"	25.00	18.09
3	18°27'38"	125.00	35.91
4	8°50'24"	125.00	19.29
5	22°38'13"	55.00	21.73

RECREATIONAL
EASEMENT AREA



Olav S. Meum
Olav S. Meum LS 4384



James Conrad, Architect

Telephone (714) 497-0200
Fax (714) 497-0288

February 2, 1998

RECEIVED
FEB 9 1998

Mr. John T. Auyong
Staff Analyst
200 Oceangate, Suite 1000
Long Beach, CA 90802-4303

CALIFORNIA
COASTAL COMMISSION

RE: Coastal Development Permit application 5-97-371. The Bay Drive Improvement.

Dear Mr. Auyong,

I am in receipt of your letter dated 1-31-98. I will respond to the items that I can immediately. The items that are to be answered by others will follow.

1. Public Access

No further information requested.

2. Geology Coastal Processes

a. Sand Supply

Coastal Engineer to comment.

b. Grading Volumes / Plans

You are correct in that there will be approximately 22,000 cu. yds. of soil that is to be reworked. This is an approximation because we do not know the exact contour of the slide plane that we must penetrate. We have a pretty good idea what depth the slide plane is based upon the borings that have been done. It is with this information that we came up with the volume, 22,000 cu yds.

The amount of import and export is assumed to be equal. The reason for export is that we assume that approximately 30% of the material will be unsuitable for recompaction. This is due to the presence of organic material and too much moisture in some of the on-site material. The actual amount of export will be determined as construction proceeds based upon the recommendation of the on-site geologist.

COASTAL COMMISSION
5-98-307

EXHIBIT # E
PAGE 1 OF 2

The amount of import will approximate the amount of export so that the new contours will essentially replicate the existing.

c. Slope Sections

Please see the plans enclosed. The plans include four site sections through the property.

3. Marine Resources

There will be no construction equipment or supplies placed upon the sandy beach. We plan to grade a flat pad on the site for temporary storage of equipment and materials to be used in the erection of the shoring wall. Because we are not planning to place any construction equipment or supplies on the beach, we had not considered grunion runs. With regard to spills, we have an environmental briefing that we always give to the various contractors that will be working on the site. The briefing includes the importance of containing any spillage of petroleum or other toxic fluid.

I will encourage the consultants to get their responses to you as soon as possible. Thank you for your help with this application. If you need anything further please give me a call.

Respectfully Submitted,


James Conrad, Architect
Owner of 23 Bay Drive. (lot 26)

COASTAL COMMISSION
5-98-307

EXHIBIT # E
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