

CALIFORNIA COASTAL COMMISSION

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49th Day: 11-06-98
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Staff: RMR/LB RMR
Staff Report: 11-17-98
Hearing Date: 12/8-11/98
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.: 5-98-394****APPLICANT:** Jeff Elghanayan **AGENT:** None**PROJECT LOCATION:** 2481 Monaco Dr., Laguna Beach, County of Orange

PROJECT DESCRIPTION: Demolish an existing driveway, garage, swimming pool and portions of an existing residence and add a 5,242 square foot addition. Grading consists of 4,000 cubic yards of cut and 570 cubic yards of fill. Three parking spaces will be provided. The gross square footage of the residence, including garage, upon completion will be 10,822 square feet.

LOCAL APPROVALS RECEIVED: Approval in Concept from the City of Laguna Beach**SUBSTANTIVE FILE DOCUMENTS:** City of Laguna Beach Certified Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed development with special conditions regarding the disposal of excess cut dirt and conformance with geologic recommendations.

There are no issues of controversy associated with this project and the applicant is in agreement with the special conditions.

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 shoreline and in conformance with the public access and public recreation policies 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. Removal of Excess Cut Dirt

Prior to the issuance of the coastal development permit, the applicant shall submit in writing, for the review and approval of the Executive Director, a document stating where the applicant will dispose of the excess cut dirt. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required.

2. Conformance with Geotechnical 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 basement 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 contained in the report by Geofirm dated September 20, 1996.

The approved development shall be constructed in compliance with the final 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.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant is proposing to construct a major addition to an existing single-family residence. The development consists of removing an existing driveway, garage, swimming pool and portions of an existing residence and add a 5,242 square foot addition. Grading consists of 4,000 cubic yards of cut and 570 cubic yards of fill. Three parking spaces will be provided. The gross square footage of the residence, including garage, upon completion will be 10,822 square feet. The new addition consists of a basement, garage and recreation room. The new addition will include a basement level, mezzanine level, and ground floor level.

The project site is located in the seaward side of the Irvine Cove private gated community. The Irvine Cove community straddles Pacific Coast Highway at the northern boundary of the City of Laguna Beach. To the north is Crystal Cove State Park. The project site is not located on the beach or coastal bluff, but is an inland lot situated

midway between Pacific Coast Highway and the beach. The site is separated from the coastal bluffs by a lot, Riviera Drive, another lot and another parcel (see Exhibit 2).

The proposed improvements will be situated at the front of the lot between the existing residence and Monaco Dr.

The development is an addition to an existing single-family residence which is not located on the beach, coastal bluff or sensitive environmental habitat area. The amount of grading (4,000 cubic yards of cut and 570 cubic yards of fill) is well beyond the amount of grading normally required for single-family development. However, the addition will not pose any adverse visual impacts because the addition is subterranean, in a private community, and not visible from public view areas.

- B. Geologic Safety

Section 30253 of the Coastal Act states:

New development shall:

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

The applicant submitted a Supplemental Geotechnical Investigation by Geofirm dated September 20, 1996. The geotechnical investigation included exploratory borings, an engineering analysis of construction methodology and review of prior geologic reports at the site.

The applicant is proposing to remove improvements at the front of the residence, swimming pool, driveway, landscaping, portions of the existing residence, and add a basement and garage addition. The proposed construction will utilize a caisson supported shoring system and conventional concrete cantilevered retaining walls. Wood lagging will be utilized between caissons to prevent caving.

The geotechnical report states that there is no evidence of gross instability at the site and concludes that:

Development as described above is geotechnically feasible and safe provided recommendations contained herein are incorporated in design, construction and long-term maintenance.

The geotechnical consultant's recommendations concern site preparation and grading, design of foundations and retaining walls, shoring during construction and construction of concrete slabs.

The development involves the excavation of a substantial amount of dirt beneath an existing residence for an extensive basement level. The development is not characteristic of the house additions that the Commission normally reviews because of the large size of the addition and the amount of excavation. Therefore, the Commission finds that the applicant shall submit, for the review and approval of the Executive Director, foundation and grading plans signed by a consulting geotechnical expert. In addition, the construction involves 4,000 cubic yards of cut. The applicant has not identified the final destination of the cut dirt. In order to ensure that this dirt is taken and disposed of in a satisfactory manner, the Commission finds that the applicant shall submit, in writing, the final destination of the cut dirt. If the dirt is to be taken to a site in the coastal zone, a coastal development permit is required.

C. Public Access and Recreation

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The proposed development is located in a private, gated community (Irvine Cove) between the sea and the first public road.

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

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

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. The proposed development is located between the sea and the first public road. Access to the Pacific Ocean and sandy beach is provided at Crystal Cove State Park which borders this development on the north (see Exhibit 1). No public access is provided through the Irvine Cove Community. The proposed development consists of improvements to a single-family residence on a lot which is not on the beach, coastal bluff or environmentally sensitive habitat area. In addition, the lot is not located adjacent to Crystal Cove State Park.

A public access dedication can be required pursuant to section 30212 only if it can be shown that the development either individually or cumulatively directly impacts physical public access, i.e., impacts historic public use, or impacts or precludes use of Public

public access, i.e., impacts historic public use, or impacts or precludes use of Public Trust Lands. In this situation, the development is located between the sea and the first public road, however, it does not impact access either directly or indirectly to the ocean.

The development will not create adverse impacts, either individually or cumulatively on public access and will not block public access from the first public road to the shore. Therefore, the Commission also finds that adequate access exists nearby and the proposed development is consistent with Section 30212(a)(2) of the Coastal Act.

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 Irvine Cove), at the July, 1992 Commission hearings. The City accepted the Commission's suggested modifications and the Commission subsequently concurred, on January 13, 1993, with the Executive Director's determination that the suggested modifications had been properly accepted. The City assumed permit issuing authority on January 25, 1993.

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 affected by the existing locked gate community.

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.

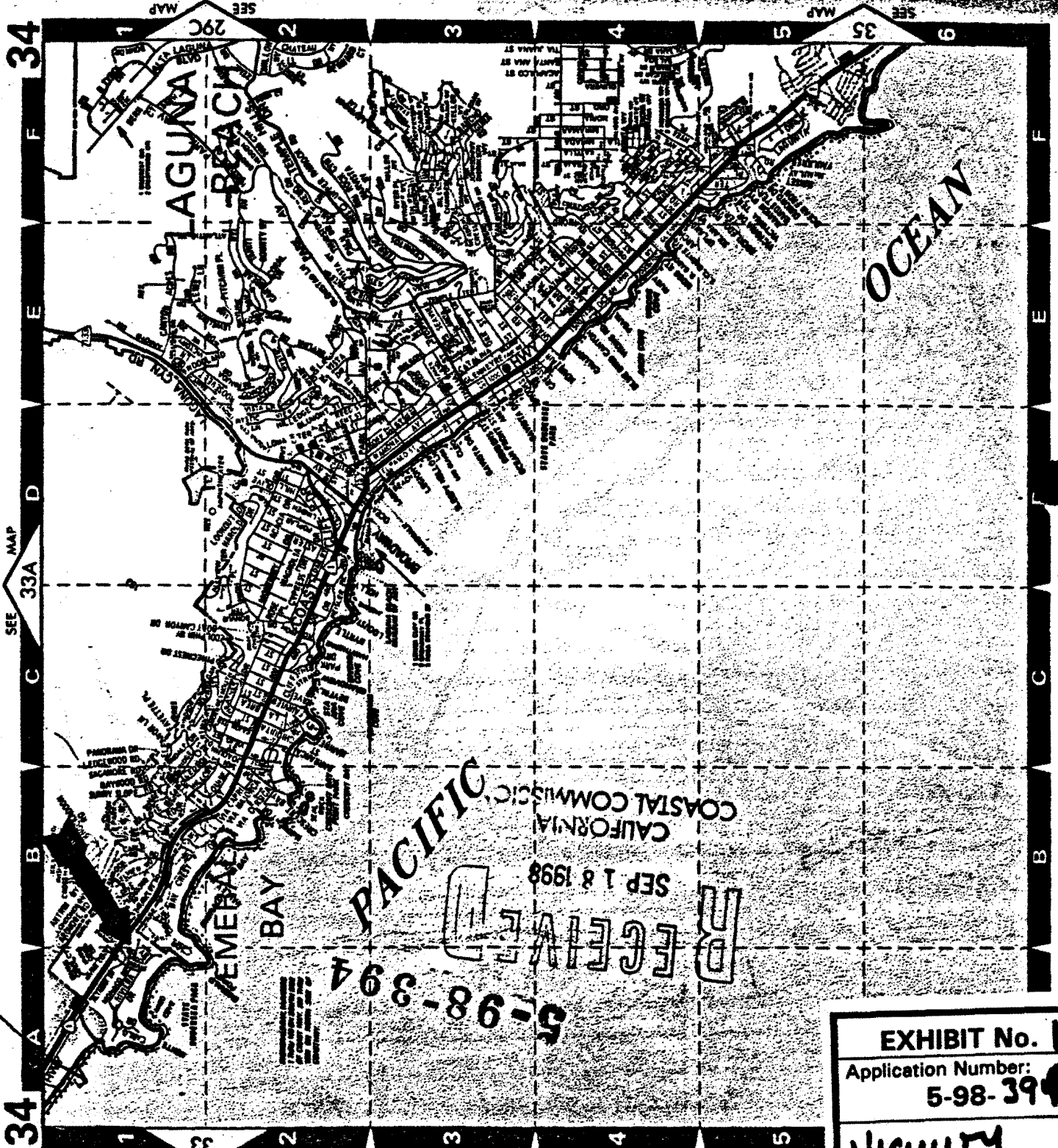
E. Consistency with the California Environmental Quality Act (CEQA).

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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic hazards policies of the Coastal Act. Mitigation measures, consisting of

conformance with geotechnical recommendations and disposal of excess cut dirt, will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, 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 to mitigate the identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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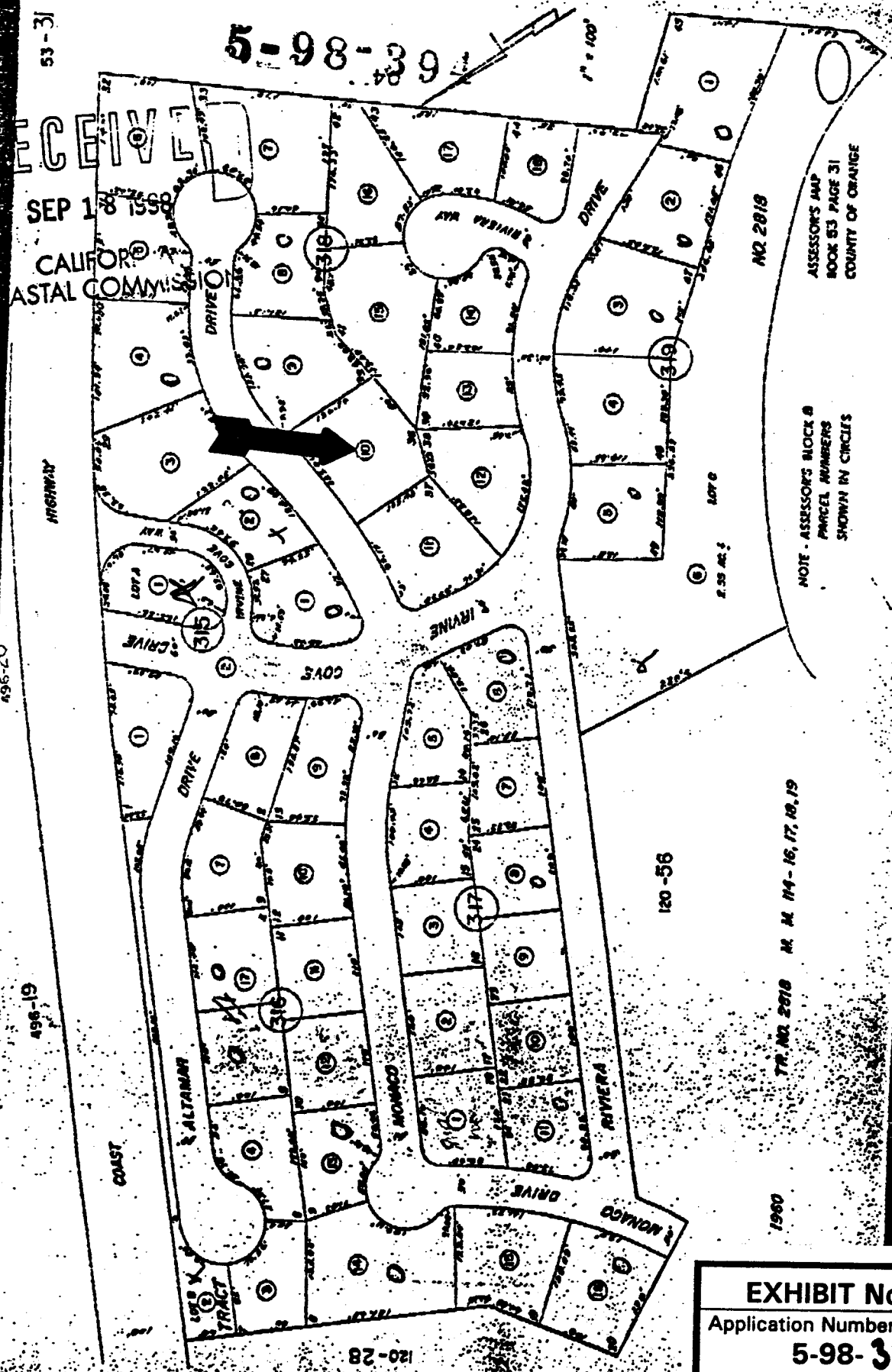
MAP

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NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 53 PAGE 30
COUNTY OF ORANGE



53-31

RECEIVED
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1" = 100'

NO. 2818

ASSESSOR'S MAP
BOOK 53 PAGE 31
COUNTY OF ORANGE

NOTE - ASSESSOR'S BLOCK &
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EXHIBIT No. 2
Application Number: 5-98-397
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California Coastal Commission

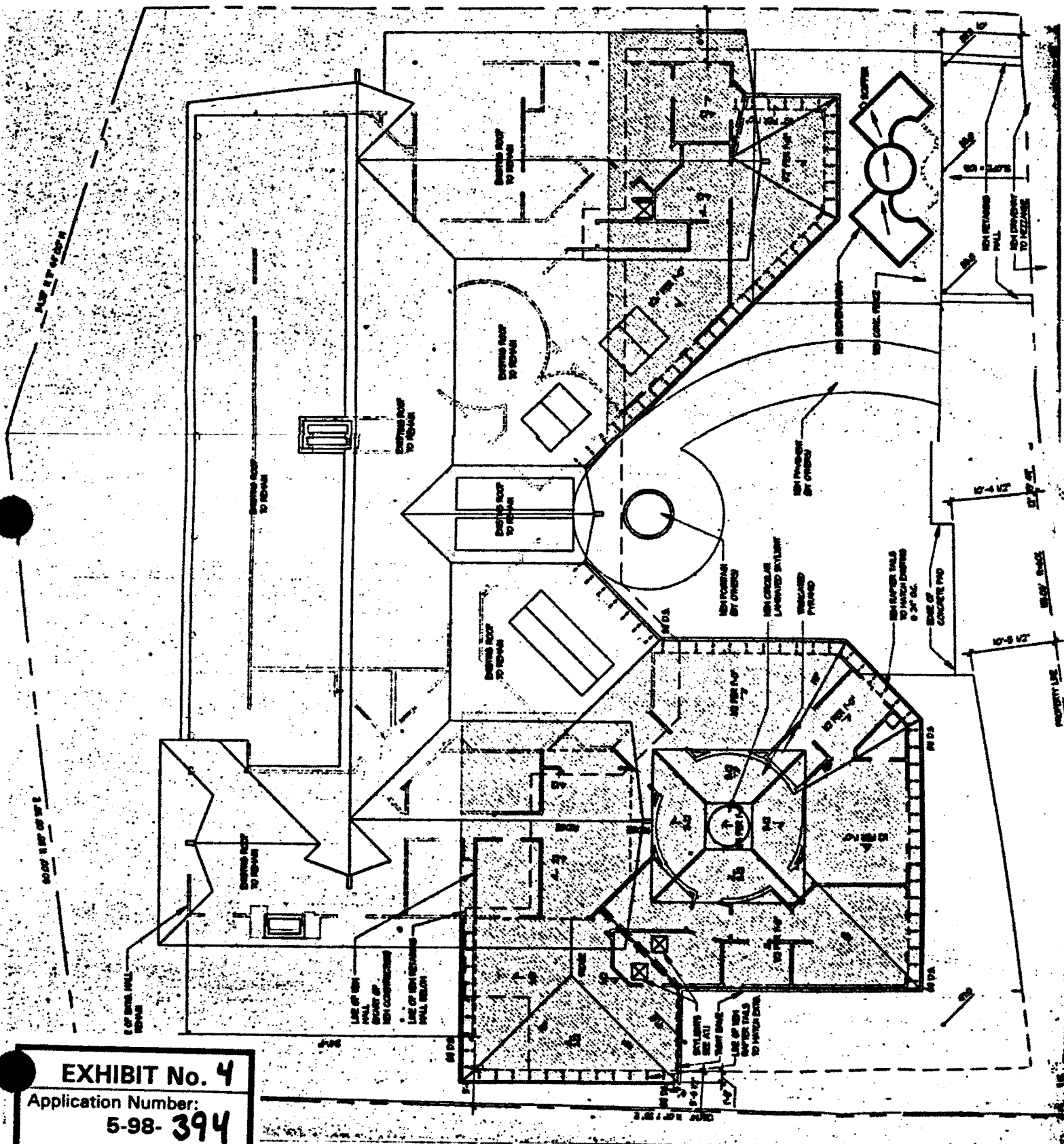


EXHIBIT No. 4

Application Number:

5-98- 394

PROPOSED SITE

California Coastal