

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Filed: October 7, 1998
49th Day: November 25, 1998
180th Day: April 5, 1999
Staff: SFR-LB *[Signature]*
Staff Report: December 18, 1998
Hearing Date: Jan. 12-15, 1999
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-98-374

APPLICANT: Mr. Gerald Garner – Coast Plaza Realty, LLC

AGENT: Mehdi Rafaty – TAG Front Architects

PROJECT LOCATION: 34 North Stonington Road, City of Laguna Beach, County of Orange

PROJECT DESCRIPTION: Construction on a vacant lot of a three level, single-family residence with 3,008 square feet of enclosed living area and a 394 square foot attached two-car garage. The proposed home, which cascades down a hillside, would be 43 feet tall from its lowest point to the top of the roof, but would be an average of 29 feet tall. Grading consists of 40 cu. yds. which will balance on-site.

Lot Area	6,360 square feet
Building Coverage	3,402 square feet
Pavement Coverage	854 square feet
Landscape Coverage	1,362 square feet
Parking Spaces	Two
Zoning	Three Arch Bay 3-7
Plan Designation	Village Low Density 3-7
Height above grade	29'-6"

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval-in-Concept, City of Laguna Beach Design Review 98-194

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Investigation Report prepared by T. K. Engineering Corp. (dated March 16, 1998, Job. No. 98-122FG) and the Engineering Geologic Report prepared by The Geologic Outfit (dated March 10, 1998, Project No. 1834).

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project with three special conditions regarding assumption of risk, conformance with geotechnical recommendations, and conformance with a landscaping plan. The major issue of this staff report concerns geologic stability since the project is hillside development which is on the inland side of

Pacific Coast Highway, a major coastal visitor roadway, in the City of Laguna Beach. The applicant has not indicated disagreement with any of 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, 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 DEED RESTRICTION

Prior to 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 hazards from hillside instability and 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 resulting from such hazards. 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. CONFORMANCE WITH GEOTECHNICAL RECOMMENDATIONS.

Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director:

- a) final revised plans. These plans shall include the signed statement of the licensed geotechnical consultant certifying that the plans incorporate the geotechnical recommendations contained in the Geotechnical Investigation Report prepared by T. K. Engineering Corp. (Job. No. 98-122FG, dated March 16, 1998) and the Engineering Geologic Report prepared by the Geologic Outfit (Project No. 1834, dated March 10, 1998) into the final design of the proposed development.

The approved development shall be constructed in compliance with the final plans as approved by the Executive Director. Any deviations from the plans shall require a Coastal Commission approved amendment to this permit, or written concurrence from the Executive Director that the deviation is not substantial and therefore a permit amendment is not needed.

3. LANDSCAPING PLAN

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, landscaping plans which have

been reviewed and signed by a licensed landscape architect. The plans shall incorporate the following criteria:

- a) The twenty-five foot rear yard setback area shall be planted and maintained for erosion control, screening, and visual enhancement. To minimize the need for irrigation and to reduce potential erosion and slope failure, the landscaping within the twenty-five foot rear yard set back shall consist of native plants similar to that found on existing hillsides in the vicinity or deep rooted non-native plants which are drought tolerant and non-invasive. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- b) All graded areas shall be stabilized with planting at the completion of the project. Planting shall follow accepted planting procedures adequate to provide 70% coverage within one year, and shall be repeated, if necessary, to provide such coverage.
- c) No permanent irrigation system shall be allowed within the twenty-five foot rear yard setback. Temporary irrigation to allow the establishment of the plantings is allowed.

The landscaping plan shall be carried out as approved by the Executive Director.

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. Project Description and Location

Construction on a vacant lot of a three level, single-family residence with 3,008 square feet of enclosed living area and a 394 square foot attached two-car garage. The proposed home, which cascades down a sixty foot high hillside, would be about 43 feet tall from its lowest point to the top of the roof, but would be an average of 29 feet tall above grade. The garage would extend about 10 feet above the level of North Stonington Road (Exhibits 1 and 2). Grading consists of 40 cu. yds. which will balance on-site.

B. Geologic Hazards

The subject site is a vacant inland lot. It is not a coastal blufftop lot subject to wave attack. However, it is a hillside lot with a relatively steep drop. Consequently the lot is subject to water induced erosion from rainfall and irrigation. The lot overlooks Pacific Coast Highway ("PCH"), the major coastal access road in the area. Should a landslide occur, it could block Pacific Coast Highway. The geotechnical report prepared by T.K. Engineering Corp. cites a letter from an engineering geologist which states that: *"The site is grossly stable in as much as massive landslides or active faults are not known to be present. Moreover, the site topography and dense massive characteristics of the terrace deposit and bedrock are favorable for gross stability. The fill and colluvium, however, are subject to sloughing and down slope creep, and same is particular evident at the cut slope*

at PCH". The engineering geologist concludes that the existing fill and colluvium are not suitable in general for the proposed residential development. Section 30253 of the Coastal Act states, in relevant 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.*

To minimize the potential for slope failure, the geotechnical investigation prepared by T.K. Engineering Corp. contains recommendations regarding slope maintenance to minimize the potential for surficial sloughing. Recommendations include that the slope should not be steeper than 2:1 (horizontal:vertical), that it be planted with deep-rooted and drought-resistant vegetation, that landscape watering be kept to the minimum, and that a berm or drainage channel be placed on the slope where the building pad terminates to prevent the flow of uncontrolled water into the twenty-five foot rear-yard setback. Since the existing fill and colluvium soils are not considered suitable to support the foundation system, the geotechnical consultants recommend that all footings be embedded into the competent terrace deposit or bedrock. If these recommendations are not incorporated as special conditions the project will not assure stability, structural integrity, and would contribute to erosion thereby promoting geologic instability.

To assure that the project plans incorporate the recommendations of the geotechnical consultants the Commission finds it necessary to impose a special condition requiring that the plans be approved by the geotechnical consultants and that the development be undertaken in conformance with the plans as approved by the Executive Director.

A landscaping plan has been submitted (Exhibit 5). However, the submitted landscaping plan has not been reviewed and stamped by a licensed landscape architect confirming that it would be consistent with geotechnical recommendations concerning slope maintenance through the use of native or deep rooted drought tolerant vegetation. The landscaping plan includes a note that existing native vegetation within the rear yard setback is to be left undisturbed. However, for the area closest to Stonington the landscaping plan proposes irrigation and includes non-native plants such as ZOYZIA (Korean Blue Grass) and EQUISTETUM HYEMALE (Horse Tail). According to the "Sunset Western Garden Book" ZOYZIA is a fairly deep rooted drought tolerant perennial grass. Though ZOYZIA appears acceptable, EQUISTETUM HYEMALE (Horse Tail) is a wetland plant that should be used with caution since it is invasive. The landscaping plan also contains CYPERUS PAPYRUS (Papyrus) which is a fast growing water dependant plant. If these plants are not properly controlled they could have an adverse impact on the plants within the rear yard setback. To assure that the proposed development minimizes adverse impacts, the Commission finds it necessary through a special condition to require that prior to issuance of this permit, that the applicant have the landscaping plan reviewed and endorsed by a licensed

landscape architect and then submitted to the Executive Director for approval to assure that the project is implemented as conditioned by the Commission.

The landscaping plan special condition which the Commission is imposing requires that landscaping within the twenty-five foot rear yard setback shall consist of native plants similar to that found on existing hillsides or deep rooted drought tolerant plants that are non-invasive. The purpose of this requirement is to minimize the introduction of water onto the slope face within the twenty-five foot rear setback as recommended by the geotechnical consultant to assure geologic stability and to assure that native vegetation is not displaced. Consistent with this requirement, the permittee shall not install a permanent irrigation system within the rear yard setback. A temporary irrigation system may be used to establish the plantings. These requirements are also consistent with Policy 1-B of the Laguna Beach Open Space and Conservation Plan which is part of the City's LCP which the Commission is using as guidance. Policy 1-B states: *"Require the use of drought-resistant plantings and natural vegetation to reduce irrigation practices."*

Although adherence to the geological consultant's recommendations will minimize the risk of damage, the risk is not eliminated entirely. Therefore the standard waiver of liability condition has also been attached as a special condition. By this means, the applicant is notified that the home is being built in an area that is potentially subject to slope failure that could 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 future owners of the property will be informed of the risks and the Commission's immunity of liability.

If these recommendations are incorporated into the final plans, the proposed project would result in stability of the site and not contribute to off-site impacts, as well as assuring the structural integrity of the proposed home. Therefore, the Commission finds that it is necessary to impose the special conditions cited above. Thus, as conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act to minimize risks to life and property, and to assure geologic stability.

C. Visual Resources

The project site is on an existing vacant lot which is a sloping lot above Pacific Coast Highway. Pacific Coast Highway is the major coastal access route paralleling the coast through the City of Laguna Beach. The City of Laguna Beach has designated Pacific Coast Highway as a scenic highway (however, this designation is not part of the City's LCP). The City's General Plan states that: *"The scenic quality of the local landscape remains high today because significant portions of the hillsides and coastline continue to function as natural open space."* The City's General Plan goes on to state that: *"The scenic value of the hillside and coastal areas is especially important, because they are so visible to residents and visitors alike."* 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 residential development will have an impact on scenic resource since it will result in the construction of a residential dwelling on what was a vacant lot. The proposed development's impact on scenic resources will be minimal for a variety of reasons. First, the lot is on the inland side of Pacific Coast Highway. Consequently the project will not have an adverse impact on public views toward the ocean. Second, the landscaping plan has been conditioned to require that the rear yard setback area, which abuts Pacific Coast Highway be planted with native or drought tolerant plants which will partially preserve the natural look of the lot and would screen the residential development. Finally the residential development will be built over twenty feet above Pacific Coast Highway, consequently the public, to view the structure, will need to look in an upward and landward direction. To assure that the rear yard setback provides screening and enhances visual resources, the Commission requires that the landscaping plan include these requirements. Thus, as conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act as it has been designed to protect views in scenic coastal areas and to be visually compatible with the character of surrounding areas.

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 City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for 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 Three Arch Bay area of deferred certification. Certification in this area was deferred due to issues of public access arising from the locked gate nature of the community. However, as previously discussed above, the proposed development itself will not further decrease public access which is already adversely affected 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.

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

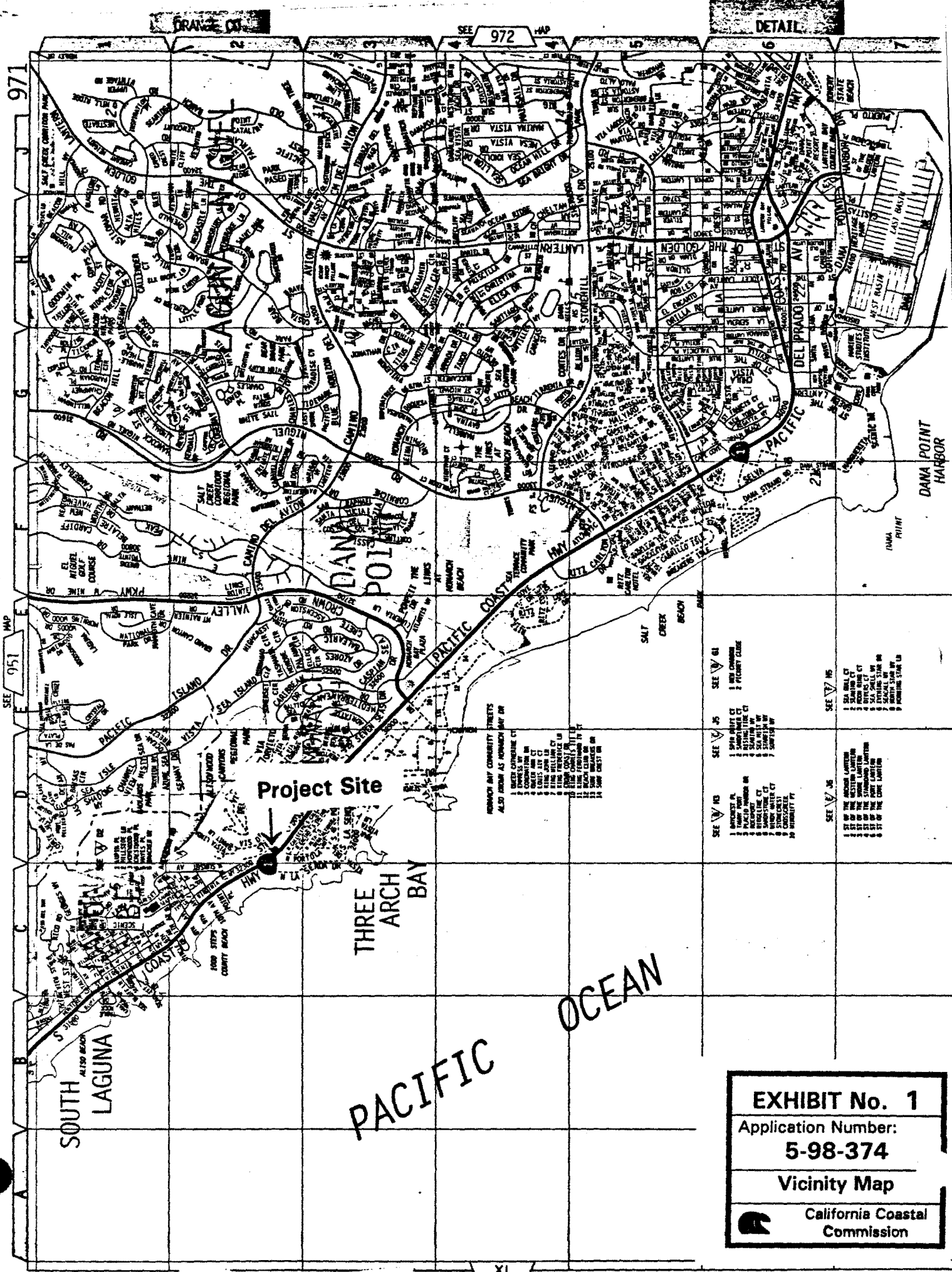
located in geological hazards areas are required to be designed to avoid the hazards where feasible. The proposed project, as conditioned, would minimize hazards from surficial sloughing of material from the steep slope overlooking Pacific Coast Highway. Further, the proposed project, as conditioned, would be consistent with the geologic hazards 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 Heights community, the location of the subject site, that is consistent with the Chapter 3 policies of the Coastal Act.

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project is infill development 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 geologic hazards policies of Chapter Three of the Coastal Act. Mitigation measures requiring incorporation of geotechnical recommendations into the final plans, the submission of a landscaping plan, and an assumption of risk deed restriction will minimize all significant adverse 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.



5-98-374

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EXHIBIT No. 2

Application Number:

5-98-374

Project Location

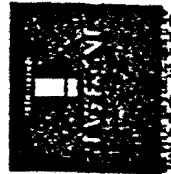
California Coastal
Commission

Ownership Map

COAST
RESIDENCE

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NEVER SUPPLYING ROAD
LUNDA ROAD, CA 94077



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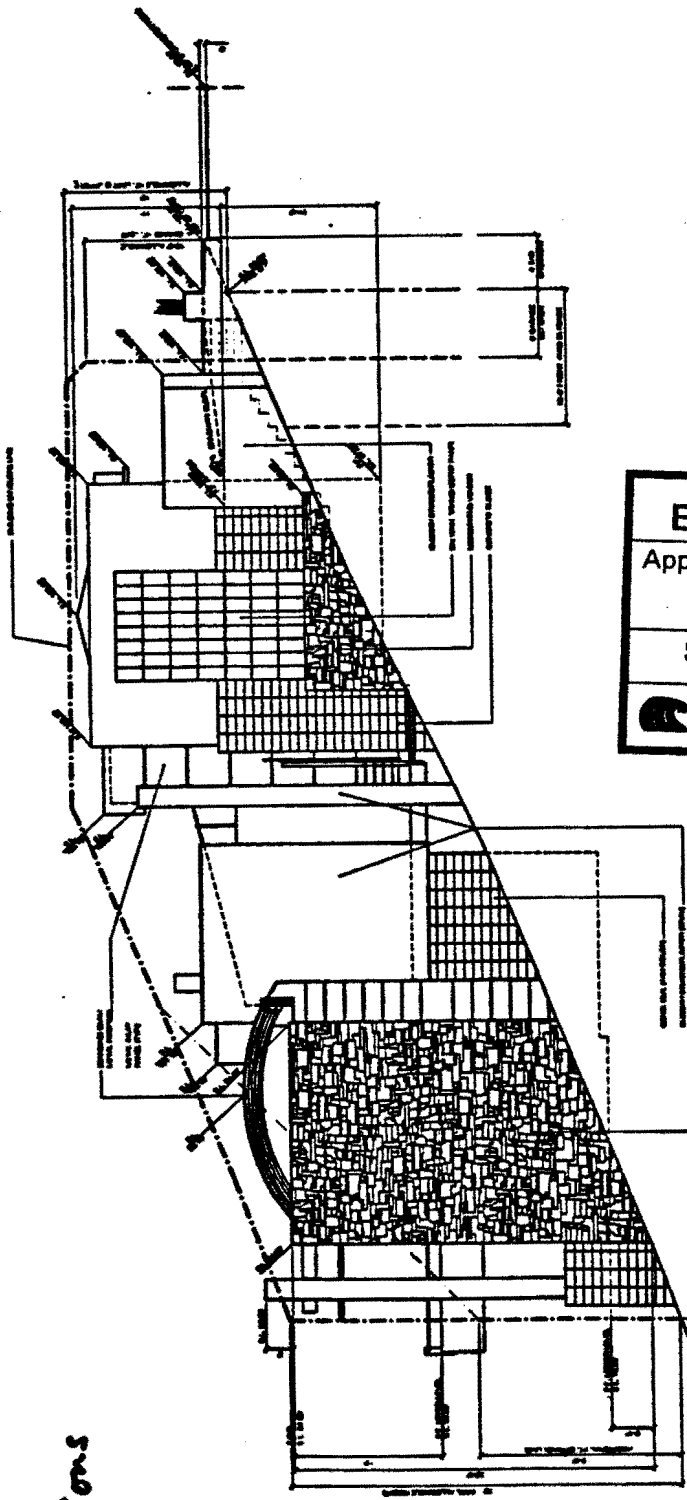


EXHIBIT No. 3	
Application Number:	
5-98-374	
South Elevation	
	California Coastal Commission

SOUTH ELEVATION

Elevations

100'

90'

80'

70'

60'

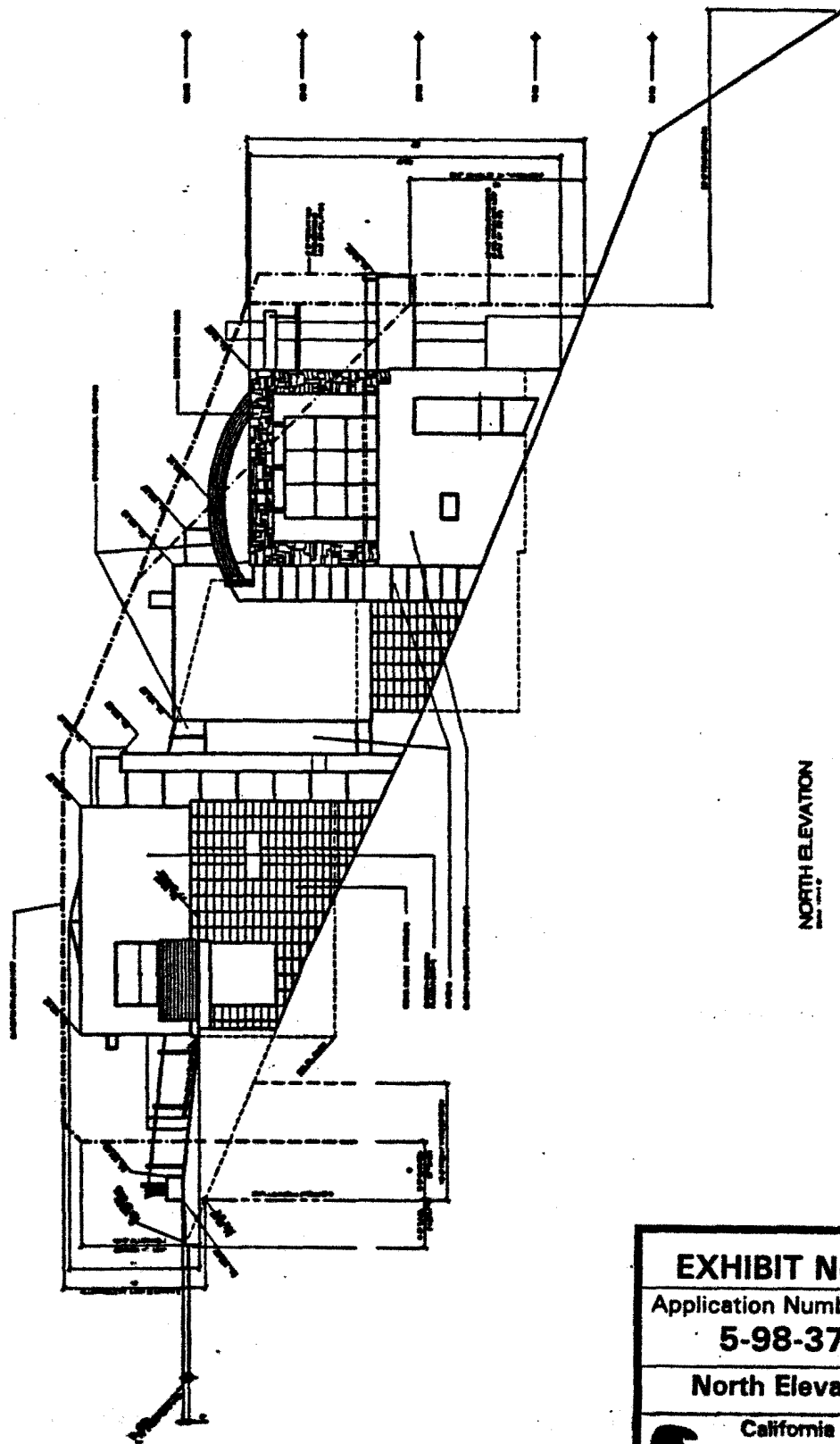
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LABOR IN THE U.S.A.



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NORTH ELEVATION

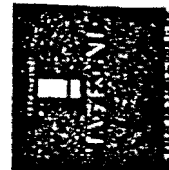
EXHIBIT No. 4	
Application Number: 5-98-374	
North Elevation	
	California Coastal Commission

1 I am not a member of the Communist Party, U.S.A.

CONFIDENTIAL

2

LEADS TO TUMOR PROMOTION
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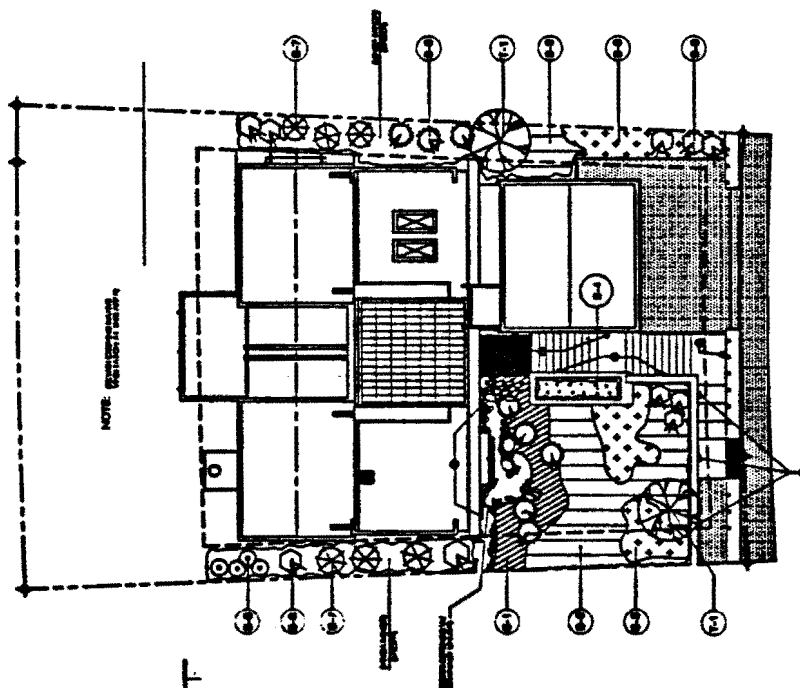
LABORATORY INVESTIGATION

THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION

1009 Broadway New York City N.Y.

**NOTE: ALL LANDSCAPE AVIAR IS HAVE
AUTOMATIC IRRIGATION SYSTEM**



NOTE: STUDENT RESPONSES MAY VARY. DISCUSS WITH STUDENTS TO SEE IF THEY CAN REASONABLY EXPLAIN ANY DIFFERENCES.

W-00764 (DETAIL)
N.T.S.

LANDSCAPE PLAN

EXHIBIT No. 5

Application Number:

5-98-374

Landscape Plan



**California Coastal
Commission**

SHRUBS/ GROUNDCOVERS:

REMARKS:

- | | | | |
|-----|---|--------------------------------------|---|
| S-1 | FESTUCA OVINA GLAUCA
(Blue Fescue) | FLATS @ 12" O.C. | |
| S-2 | ZOYZIA
(Korean Blue Grass) | FLATS @ 12" O.C. | |
| S-3 | PHORMIUM TENAX
Tiny 'Tini' - Dwarf | 1 GAL. @ 2 FT. O.C. _____ | (3' LONG LEAVES AT MATURITY) |
| S-4 | EQUISETUM HYEMALE
'Horse tail' | 5 GAL. @ 1 FT. O.C. _____ | (SLENDER 4' STEMS AT MATURITY) |
| S-5 | PAPYRUS
(Cyperus Papyrus) | 15 GAL. @ 3 FT. O.C. _____ | (CLUSTERS OF 6 TO 8' STEMS AT MATURITY) |
| S-6 | OCOTILLO
(Fouquieria Splendens) | 15 GAL. spacing as shown _____ | (GRAY STEMS 10 TO 15' LONG AT MATURITY) |
| S-7 | PORMIUM TENAX
(New Zealand Flax-standard size, purple color) | 15 GAL. spacing as shown _____ | (4' LONG LEAVES AT MATURITY) |
| S-8 | AGAVE ATTENUATA | 15 GAL. MIN. location as shown _____ | (CLUMPS TO 5' ACROSS AND
STOUT TRUNK TO 5' TALL) |

TREES:

- | | | |
|--|-------------------------|----------------------------|
| CERCIS OCCIDENTALIS
(Western Red Bud) | 24" BOX, as shown _____ | (15' - 18' HT. @ 10 YEARS) |
|--|-------------------------|----------------------------|

EXHIBIT NO. 5A

Application Number:

5-98-374

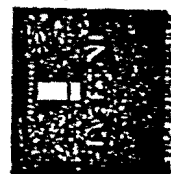
Landscape Plan

California Coastal
Commission

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34

WILSON SUPERSTITION 89348
LOS ANGELES AREA, CA 90077



ROOM INDEX

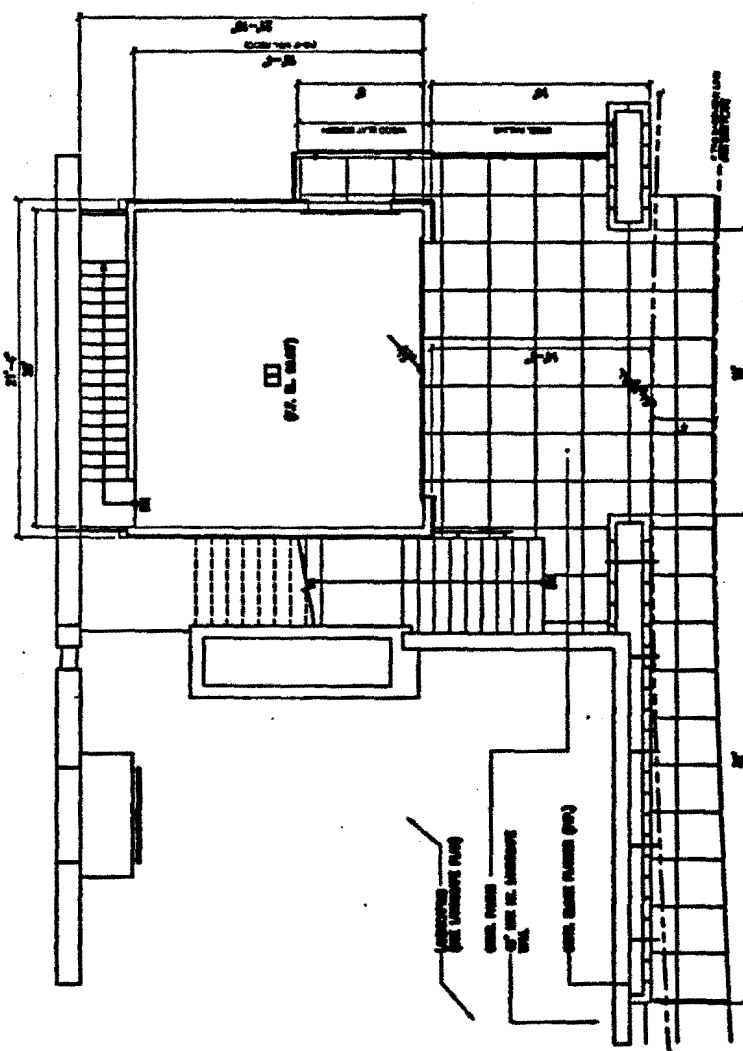
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EXHIBIT No. 6

Application Number:

5-98-374

Garage Level Plan



**California Coastal
Commission**

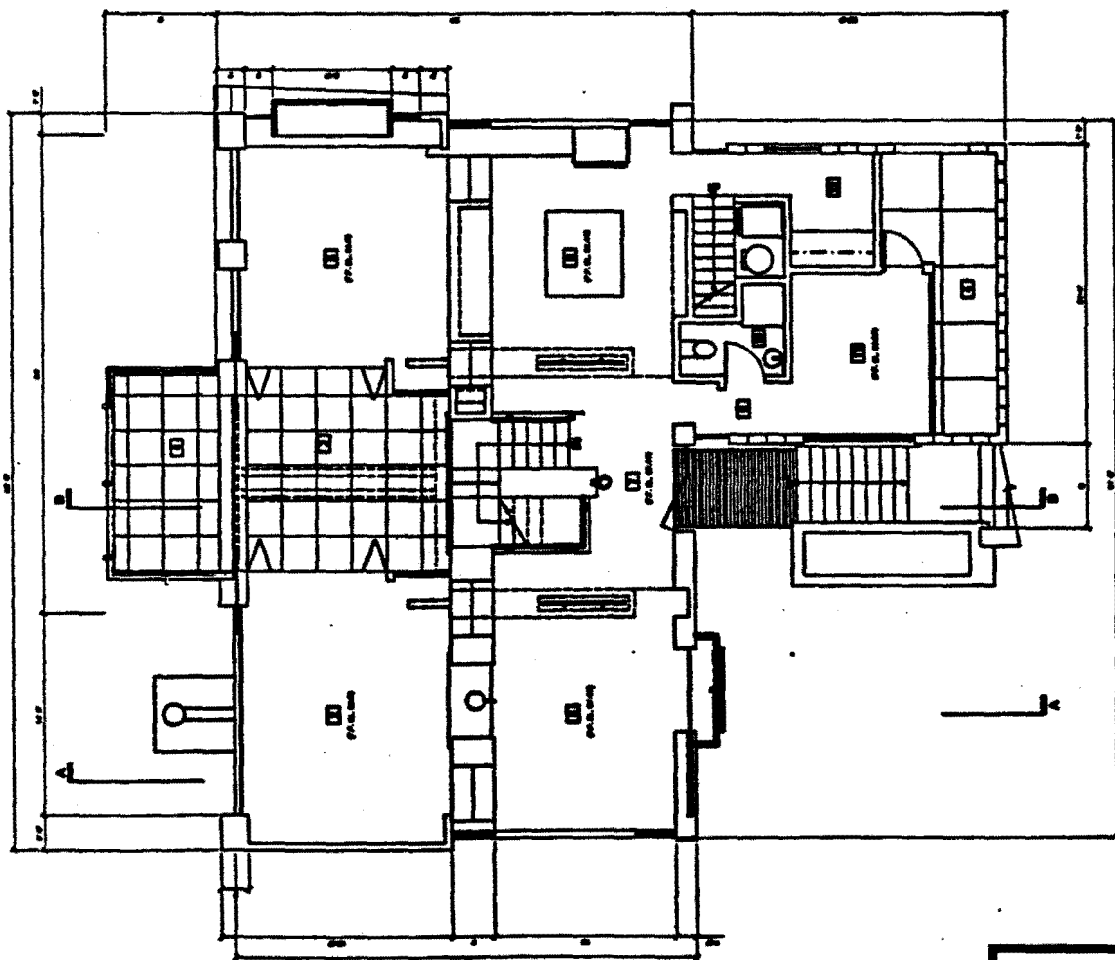
GARAGE LEVEL PLAN

CONFIDENTIAL

2

DAVID H. GILBERTSON, JR.
LAWRENCE BLANCH, CO. PRES.

KIRK WOOD



UPPER LEVEL PLAN

EXHIBIT No. 7

Application Number:

5-98-374

Upper Level Plan



**California Coastal
Commission**

REVISION	DATE
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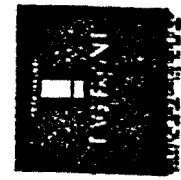
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COAST
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NORTH LUTHERAN ROAD
LAUREL HILLS, CA 94041



A4

ROOM INDEX

1	Living Room
2	Dining Room
3	Kitchen
4	Bathroom
5	Bedroom
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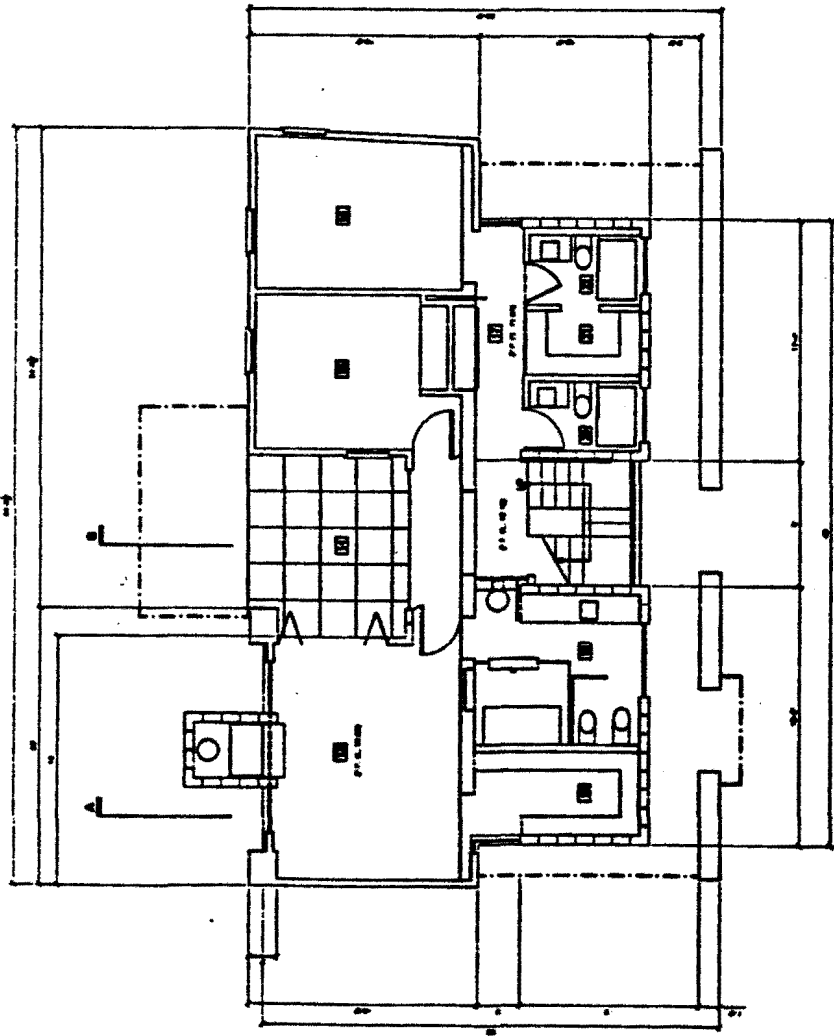


EXHIBIT No. 8

Application Number:
5-98-374

Lower Level Plan


California Coastal
Commission

LOWER LEVEL PLAN

REVISION DATA

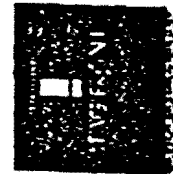
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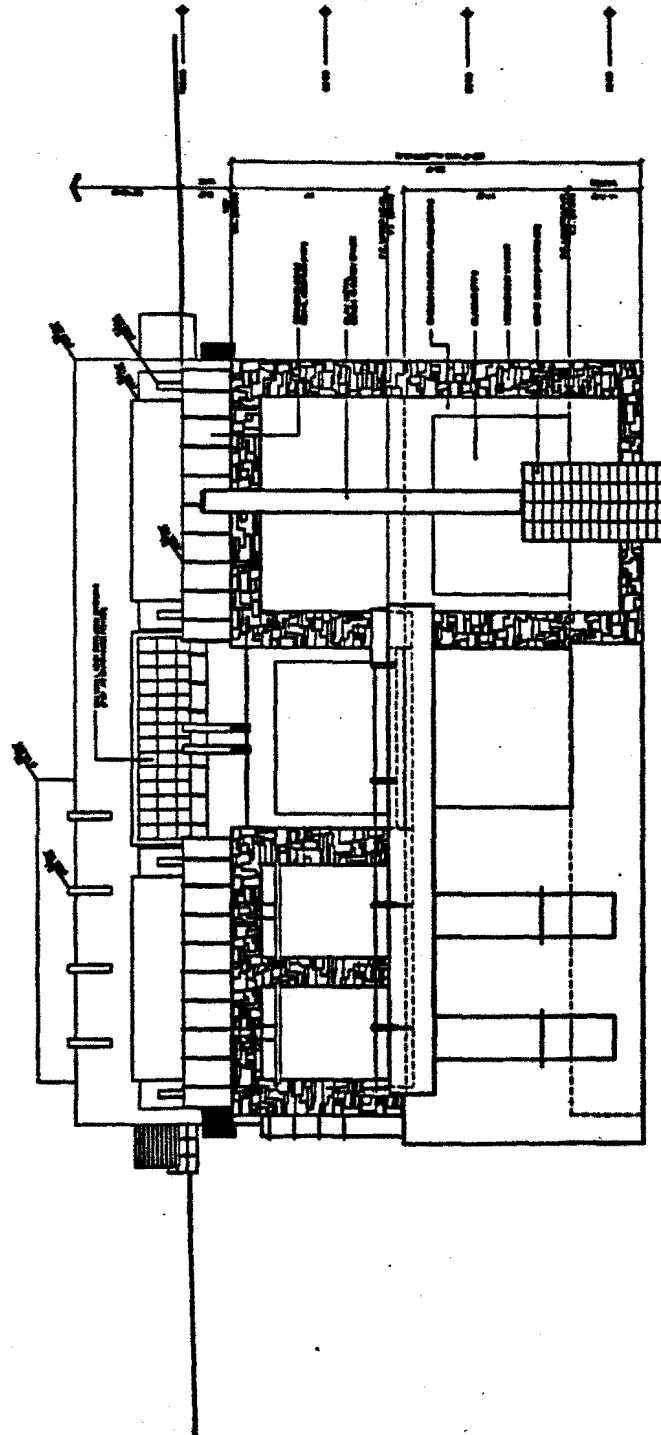
COAST
RESIDENCE

34

ARCHITECTURE
LAWSON BLACK & BERRY



A7



WEST ELEVATION


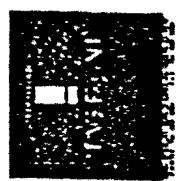
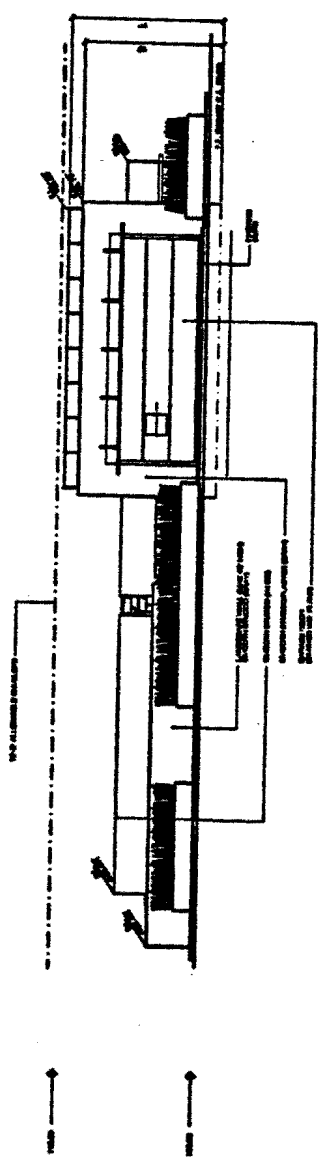
EXHIBIT No. 9
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West Elevation
 California Coastal Commission

EXHIBIT No. 10
Application Number:
5-98-374
East Elevation

COAST
RESIDENCE
34
MARTIN LUTHER KING JR. BLVD
LOS ANGELES, CA 90007



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EAST ELEVATION

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East Elevation
California Coastal
Commission

