

**CALIFORNIA COASTAL COMMISSION**

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 49<sup>th</sup> Day: 9/13/99  
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 Staff: MV-LB  
 Hearing Date: 10/15/99  
 Commission Action:  
 Approval w/  
 Conditions

**STAFF REPORT: REVISED FINDINGS**

APPLICATION NO.: 5-99-231

APPLICANT: Bill & Rhonda Smith

PROJECT LOCATION: 80 N. La Senda, Laguna Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing single family residence and construction of a new 5086 square foot, 3 story, 26 foot high, single family residence with an attached 775 square foot three car garage. A pool on caissons is proposed seaward of the residence. Grading consisting of 2240 cubic yards of cut and 231 cubic yards of fill is proposed. The subject site is a bluff top lot.

Lot area:	16,926.5 square feet
Building Coverage:	3,795 square feet
Pavement Coverage:	5,037 square feet
Landscape Coverage:	5,534.5 square feet
Parking Spaces:	3
Ht abv fin grade:	29 feet

COMMISSION ACTION: October 15, 1999

COMMISSIONERS ON PREVAILING SIDE: Commissioners Daniels, Dettloff, Flemming, Kehoe, McClain-Hill, Potter, Reilly.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on October 15, 1999 granting the permit, with special conditions. The special conditions require: 1) recordation of a deed restriction providing that no shoreline protective device shall be constructed, now or in the future; 2) conformance with the geotechnical recommendations; 3) recordation of an assumption of risk deed restriction; 4) submittal of a landscaping plan demonstrating that only low water use, drought tolerant, native plants and no permanent irrigation will be established in the area seaward of the residence, and 5) identification of the location of the disposal site for the excess cut material.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the Revised Findings.

Motion. Staff recommends a YES vote on the following motion:

*I move that the Commission adopt the following revised findings in support of the Commission's approval with conditions of permit application #5-99-231.*

[Adoption of findings requires a majority vote of the members from the prevailing side present at the meeting, with at least three of the prevailing members present and voting (Public Resources Code Section 30315.1)].

Commissioners eligible to Vote on revised Findings:

Commissioners Daniels, Dettloff, Flemming, Kehoe, McClain-Hill, Potter,  
and Reilly

CALIFORNIA COASTAL COMMISSION ACTION:

On October 15, 1999 the Commission adopted the following resolution:

II. 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 impacts on the environment within the meaning of the California Environmental Quality Act.

III. 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.

IV. Special Conditions:

1. No Future Shoreline Protective Device

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 that no shoreline protective device shall be constructed, now or in the future, for the purpose of protecting the residential development approved pursuant to coastal development permit 5-99-231 including, but not limited to, the residence, foundations, decks, driveways, or the pool in the event these structures are threatened with imminent damage or destruction from waves,

erosion, storm conditions, or other natural hazards in the future and by acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

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**

A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in Geotechnical Investigation, prepared by Peter E. Borella, Ph.D. and dated October 12, 1998, and augmented on July 20, 1999 and September 20, 1999. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**3. Assumption of Risk**

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff retreat, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to

indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**B. 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 incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**4. Landscaping Plan**

Prior to issuance of the coastal development permit the applicant shall submit for the review and approval of the Executive Director, a revised landscape plan for the area seaward of the residence. The plan shall be prepared by a licensed landscape professional. The plan shall demonstrate that only low water use, drought tolerant, native plants and only temporary irrigation necessary to establish the plants will be used. No permanent irrigation system shall be allowed within the property.

The permittee shall under take development in accordance with the approved final landscape plan. Any proposed changes to the approved final landscape plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**5. Disposal of Cut Material**

Prior to issuance of the coastal development permit the applicant shall submit, for the review and approval of the Executive Director, a letter identifying the location of the disposal site of the excess cut material. If the disposal site is in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

V. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Location

The applicants propose to demolish an existing single family residence and construct a new 5,086 square foot, three level, 26 foot high above natural grade (29 feet above finished grade and 6.5 feet above the centerline of the frontage road), single family residence with an attached 775 square foot, 3-car garage. Grading consisting of 2,240 cubic yards of cut and 231 cubic yards of fill are proposed primarily to recess the structure into the site. The subject site is an oceanfront bluff top lot.

Also proposed is a pool on caissons, seaward of the residence. Proposed to be placed beneath the pool is a thick visqueen or plastic layer, 10 mil thick or more, with one foot thickness of gravel above the plastic. The visqueen and gravel are to be inclined towards the center to drain to a perforated-holes down, schedule 40 PVC pipe wrapped in gravel and filter fabric. The pipe is to be outletted to a solid pipe.

The subject site is located in the locked gate community of Three Arch Bay in the City of Laguna Beach. Laguna Beach has a certified Local Coastal Program (LCP) except for the four areas of deferred certification: Irvine Cove, Blue Lagoon, Hobo Canyon, and Three Arch Bay. The proposed development needs a coastal development permit from the Coastal Commission because it is located in Three Arch Bay, one of the areas of deferred certification.

Because the site is located within a locked gate community, no public access exists in the immediate vicinity. The nearest public access exists at 1,000 Steps County Beach approximately one mile upcoast of the site.

The proposed development includes 2,009 cubic yards of export. The applicant has indicated that the excess cut material will be disposed of at an approved Orange County dump site. However, the specific location has not been identified. In order to ensure that the excess cut material will not be improperly disposed of or be placed elsewhere in the coastal zone without a permit, the permit has been conditioned to require the applicant to provide, in writing, a statement indicating where the excess cut dirt will be deposited. If the disposal site is in the coastal zone, a coastal development permit shall be required before disposal can take place.

B. Hazard

Section 30235 of the Coastal Act states:

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. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

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.

Section 30253 of the Coastal Act states, in part:

New development shall:

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

The subject site is located on an oceanfront bluff top. A site specific Geotechnical Investigation was prepared for the proposed development (titled Geotechnical Investigation and Recommendations for New Residence 80 N. La Senda Three Arch Bay, Laguna Beach, CA 92651, by Peter E. Borella, Ph.D., and dated October 12, 1998). The Geotechnical Investigation was augmented in letters dated July 22, 1999 and September 20, 1999. The Geotechnical Investigation included literature review, stereoscopic aerial photograph study, site reconnaissance, geologic mapping and observations of this property and the surrounding areas, topographic and geologic profile construction, subsurface trench exploration and logging, soil and rock descriptions, and soil and stability analysis.

The subject site is a developed lot situated on a coastal bluff descending to the beach shoreline. The front of the property (driveway area) is located adjacent to North La Senda. North and south of the property are existing residences while to the west lies the bluff and Pacific Ocean. The approximate lot area is 15,600 square feet. The total relief on the property is 110 feet with a 62 foot high overhanging to vertical sea bluff on the western margin. Gradients at the top of the vertical portion of the bluff and in the area of existing and proposed building are 1.5:1 (H:V) to horizontal.

The proposed project includes 2,240 cubic yards of cut and 231 cubic yards of fill, primarily to recess the residence into the site to make it less visually intrusive. In addition, the applicants have proposed a pool seaward of the proposed residence. The pool is proposed to be constructed on caissons.

### Setback

The Commission typically applies some form of setback on bluff top development. The setback limits seaward encroachment in order to minimize adverse visual impacts and to minimize hazards inherent to bluff top development. One setback method the Commission often imposes on bluff top development in Laguna Beach to minimize risks and assure stability is a 25 foot setback from the edge of the bluff. Generally, the Commission considers the edge of the bluff to be the upper termination of the bluff. When the top edge of the bluff is rounded away from the face of the bluff, the edge is considered to be defined as that point nearest the bluff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff.

Applying this method of determining the bluff top setback to the subject site, the edge of the bluff would be located at the seaward edge of the existing patio, at approximately elevation 89 (see exhibit E). The 25 foot setback would then be taken from that bluff edge location. As proposed development would encroach into this version of the bluff top setback. However it is not possible to move the house further landward without reducing the size of the house.

In deciding on the appropriate setback the Commission must consider a number of factors, including the site specific geology, the existing pattern of development in the area, other existing development seaward of the proposed development, and comparison of the location of the residence to be demolished to the proposed residence. In addition, although the City's certified LCP also requires a 25 foot setback from the edge of the bluff, the LCP defines the bluff edge differently than the Commission does. Since this is an area of deferred certification, the certified LCP may be used as guidance.

The City's LCP defines an oceanfront bluff as an oceanfront landform having a slope of forty-five degrees or greater from horizontal whose top is ten or more feet above mean sea level. According to the City's definition, the bluff is only the vertical portion of the subject lot. Because the sloping area between the top of the vertical portion of the bluff and the existing building pad is less than 26 degrees, the area is not considered to be bluff face. Since the City's 25 foot setback is taken from the top of the vertical portion of the bluff, the proposed development is consistent with the City's 25 foot bluff top setback.

Both the City's and the Commission's 25 foot setback apply to the enclosed structural area. Both the Commission and the LCP allow some minor development seaward of the enclosed structural area setback. The LCP allows minor development as follows: balconies, patios or decks in excess of thirty inches above finished grade may project a maximum of five feet beyond the applicable building setback or deck stringline, whichever is least restrictive but in no case closer than 10 feet to the edge of the bluff; decks, patios and other similar development that are thirty inches or less above finished grade are not allowed to be closer than 10 feet to the edge of the coastal bluff.

In developed areas where new construction is generally infilling and is otherwise consistent with Coastal Act policies, the Commission sometimes applies a stringline setback for bluff top development. A stringline is a line drawn from the nearest adjacent corners of the adjacent structures. A stringline setback allows an applicant to have a setback that averages the setback of the adjacent neighbors provided it is otherwise consistent with Coastal Act policies. This allows equity among neighbors and recognizes existing patterns of development. One stringline setback applies to enclosed structural area, a second stringline applies to minor development such as patios and decks. The proposed project is consistent with the enclosed structural area stringline.

The vicinity of the subject site is a built out area. The proposed development will replace an existing single family residence. The seaward-most point of the proposed residence is slightly landward of the seaward-most point of the existing residence. The proposed residence is landward of the existing residences on either side of the subject site. Proposed patio type development is also landward of the existing patio development on either side of the subject site. The proposed development will not result in seaward encroachment, and is consistent with the existing pattern of development in the area. In addition, seaward of the proposed development is an active City sewer line. Thus, the proposed development will not be the seaward most development on the bluff. If the bluff were to retreat, the sewer line would be the first development to be effected. Also, as stated above, it is not possible to move the house further landward without reducing the size of the house.

The geologic consultant states in a letter dated September 20, 1999 that "failure in this area is unlikely as the slope angle is less than 26 degrees or 2:1 (H:V) in the terrace deposits and these silty sands sit on highly competent San Onofre Breccia." In addition the geologic consultant inspected the existing, approximately 50 year old residence and found no signs of distress. For these reasons the geologic consultant has indicated that, though nothing can be guaranteed on a bluff top lot, the site is expected to remain geologically stable. The geologic consultant finds that the proposed bluff top setback is adequate to assure stability and structural integrity.

Therefore, because the proposed development is consistent with the existing pattern of development, will not extend seaward of existing on-site development nor adjacent development, meets the City's required setback which is applied throughout the certified area of the City, will not be the seaward-most development on the site, and will be located on a site that is expected to remain geologically stable, the Commission finds that the stringline setback is appropriate and that the proposed bluff top setback is adequate to meet the requirements of Section 30253 of the Coastal Act.

#### Future Protective Devices

The subject site is a bluff top ocean front lot. In general, bluff top lots are inherently hazardous. It is the nature of bluffs to erode. Bluff failure can be episodic, and bluffs that seem stable now may not be so in the future. Even when a thorough professional geotechnical analysis of a site has concluded that a proposed development is expected to be safe from bluff retreat hazards for the life of the project, it has been the experience of the Commission that in some instances, unexpected bluff retreat episodes that threaten development during the life of the structure sometimes do occur (5-84-46 & 5-98-39: Denver/Canter; 5-95-23 & 5-99-56: Bennett; 6-88-515 & 6-99-114G [pending]; McAllister). The geotechnical report itself states that "a catastrophic event may eliminate 50-75 feet of the bluff face." In the Commission's experience, geologists cannot predict with absolute certainty if or when bluff erosion on a particular site may take place, and cannot predict if or when a house or property may become endangered.

Section 30253 of the Coastal Act requires that new development shall not require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed development could not be approved as being consistent with Section 30253 of the Coastal Act if projected bluff retreat would affect the proposed development and necessitate construction of a shoreline protection device.

The Coastal Act limits construction of protective devices because they have a variety of negative impacts on coastal resources including adverse effects on sand supply,

public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Under Coastal Act Section 30235, a shoreline protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for residential development only for existing principal structures. The construction of a shoreline protective device to protect a new residential development would not be required by Section 30235 of the Coastal Act. In addition, the construction of a shoreline protective device to protect new residential development would conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including coastal bluffs which would be subject to increased erosion from such a device.

No shoreline protection device is proposed. The geotechnical report prepared for the subject development addresses bluff stability and expected bluff retreat. Review of aerial photographs over the last sixty years indicates that the slope, bluff and property are virtually unchanged during that time. The consultant states that the lot lies in a protected cove where very little bluff erosion has occurred according to the aerial photographs. Wave diffraction patterns and wave orthogonal patterns show that this area is not subject to intense wave action. The geotechnical report also discusses the rate of bluff retreat. The report finds that the site's bedrock, San Onofre Breccia, erodes at a rate of 1 cm per year. The marine and non-marine terrace deposits erode at a rate of approximately 1 foot per year. The house is to be founded at least 15 feet into competent bedrock. Except for the overhang area the geotechnical consultant estimates that the resistant rock will not erode more than a foot in the next 75 years. The geotechnical consultant also states that "no bluff stabilization devices or shoreline protection devices will be needed."

The geologic consultant states in a letter dated September 20, 1999 that "failure in this area is unlikely as the slope angle is less than 26 degrees or 2:1 (H:V) in the terrace deposits and these silty sands sit on highly competent San Onofre Breccia." In addition the geologic consultant inspected the existing, approximately 50 year old residence and found no signs of distress. For these reasons the geologic consultant has indicated that, though nothing can be guaranteed on a bluff top lot, the site is expected to remain geologically stable. The geologic consultant finds that the proposed bluff top setback is adequate to assure stability and structural integrity.

In the proposed project, the existing single family residence is proposed to be demolished. The proposed development, a new single family residence, constitutes new development. As new development, the proposed project can only be found

consistent with Section 30253 of the Coastal Act if a shoreline/bluff protection device is not expected to be needed in the future. The applicant's geotechnical consultant has indicated that the site is stable, that the project should be safe for the life of the project (75 years), and that no shoreline protection devices will be needed. If not for the information provided by the applicant that the site is safe for development, the Commission could not conclude that the proposed development will not in any way "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." However, as stated above, the record of coastal development permit applications and Commission actions has also shown that geologic conditions change over time and that predictions regarding site stability based upon the geologic sciences are inexact. Even though there is evidence that geologic conditions change, the Commission must rely upon, and hold the applicant to their information which states that the site is safe for development without the need for protective devices. Therefore, the Commission imposes special condition 1 which requires the applicant to record a deed restriction against the property placing the applicant and their successors in interest on notice that no protective devices shall be permitted to protect the proposed development and that the applicant waives, on behalf of itself and all successors and assigns, any rights to construct protective devices that may exist under Coastal Act Section 30235.

#### Pool Caissons

The location of the proposed pool is consistent with setback requirements typically applied by the Commission for accessory development. The pool is proposed to be constructed on caissons. Caissons are not considered minor development. However, seaward of the proposed pool location is an active City sewer line within a ten foot wide easement. The sewer line constitutes major development seaward of the proposed caisson supported pool. Although the geotechnical report indicates that the site is expected to be grossly stable for the life of the project, if the bluff were to retreat in the future, the sewer line would be the first development to be threatened.

The Commission's concern with the placement of caissons to support otherwise minor development near the bluff edge is that if the bluff erodes to a point that the caissons are exposed they would become visually intrusive. However, in this case, because major development (in the form of the existing sewer line) already exists seaward of the proposed caisson supported pool, these concerns are not expected to occur. Should any failure occur, it would be the existing sewer line and vaults that would be exposed. In addition, although the geotechnical consultant has stated that the caisson support for the pool is not essential to the project's stability, the consultant nevertheless believes it is the safest method for pool construction. Also, portions of the pool would be located landward of the enclosed structural area stringline.

Therefore the Commission finds that placement of caissons to support the pool is consistent with Section 30251 of the Coastal Act which requires protection of visual resources and minimizing landform alteration and with Section 30253 which requires that risks be minimized.

#### Geotechnical Recommendations

Regarding the feasibility of the proposed project the geotechnical consultant states:

"The geotechnical impact of construction on this lot and that of the adjoining lots is nil, if proper care is taken in site preparation, emplacement of slabs, foundations, footings, caissons, retaining walls, and drainage. This office should be retained to insure that all of these recommendations are implemented properly."

The geotechnical consultant has found that the proposed development is feasible provided the recommendations contained in the Geotechnical Investigation prepared by the consultant are implemented in design and construction of the project. The geotechnical recommendations address site grading, site clearing, compaction standard, caissons, bearing capacity and settlement, lateral pressures, reinforcements for footings, slabs on grade, retaining wall design, subdrain design, concrete, surface drainage, setback distance, excavations, cut/fill transition zones, planters and slope maintenance, and recommendation on the swimming pool and/or spa. In order to assure that risks are minimized, the geotechnical consultant's recommendations should be incorporated into the design of the project. As a condition of approval the applicant shall submit grading and foundation plans indicating that the recommendations contained in the geotechnical investigation prepared by Peter E. Borella, Ph.D. dated October 12, 1998, July 20, 1999, and September 20, 1999, have been incorporated into the design of the proposed project and that caissons to support the proposed pool have been eliminated.

#### Assumption of Risk

Although adherence to the geotechnical consultant's recommendations will minimize the risk of damage from erosion, the risk is not eliminated entirely. Therefore, the standard waiver of liability condition has been attached as a special condition of approval. By this means, the applicant is notified that the home is being built in an area that is subject to wave attack and bluff erosion that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. In addition, the condition insures that the applicant will indemnify and hold harmless the Commission for any damages related to the Commission's approval of the coastal development

permit. Finally, recordation of the condition insures that future owners of the property will be informed of the risks and the Commission's immunity from liability.

### Drainage and Landscaping

Another factor that can minimize the hazards inherent to bluff development is limiting the amount of water introduced to the bluff top area. In order to maximize bluff stability the amount of water introduced to the site should be minimized. Water on site can be reduced by proper drainage and by limiting landscaping which requires irrigation. The applicant has submitted a drainage plan which indicates that all drainage will be directed to the street. The proposed drainage plan is adequate to assure proper site drainage. Regarding landscaping and irrigation of the site, the geotechnical consultant states: "The property should be properly landscaped and irrigated. Native, deep rooted, drought tolerant plants are recommended. Irrigation should be kept to a minimum."

However, the proposed landscape plan indicates that non-native plantings will be used and permanent irrigation is proposed in the area seaward of the residence. The landscape plan as proposed could cause excess water on the bluff top, which would not maximize stability. The type of vegetation that is established in the bluff top area can effect bluff stability. Low water use, drought tolerant, native plants require less water than other types of vegetation, thereby minimizing the amount of water introduced into the bluff top. Drought resistant plantings and minimal irrigation encourage root penetration which increases bluff stability. Low water use plants reduce the need for irrigation. Once established the plants should be able to survive without irrigation. A temporary irrigation system may be necessary to establish plantings. As a condition of approval, the applicant shall plant only low water use, drought tolerant, native vegetation in the area seaward of the residence. Only temporary irrigation to establish plants, if necessary, shall be allowed. These conditions shall be reflected in a landscaping plan prepared by a licensed landscape architect.

### Conclusion

The Commission finds that only as conditioned as described above, can the proposed development be found to be consistent with Sections 30251 and 30253 of the Coastal Act. As conditioned, the Commission finds the proposed development is consistent with Sections 30251 and 30253 of the Coastal Act which requires that landform alteration be minimized and geologic stability be assured.

**C. Public Access & Recreation**

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

The proposed project is located within an existing locked gate community located between the sea and the first public road paralleling the sea. Public access through this community does not currently exist. The proposed development, replacement of a single family residence with another single family residence, will not effect the existing public access conditions. It is the locked gate community, not this home, that impedes public access. The proposed development, as conditioned, will not result in any adverse impacts to existing public access or recreation in the area. Therefore the Commission finds that the project is consistent with the public access and recreations policies of the Coastal Act.

**D. Local Coastal Program**

Section 30604 of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program (LCP) which conforms with, and is adequate to carry out, the Chapter 3 policies of the Coastal Act.

The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modification 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 discussed above, the proposed development will not further decrease or impact public access within the existing locked gate community. Further, the project has been conditioned to conform to the hazard polices 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 that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

**E. California Environmental Quality Act**

Section 13096 of the Commission's 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 has been conditioned in order to be found consistent with the hazard policies of the Coastal Act. Mitigation measures include conditioning the project so that geologic risks are minimized. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.



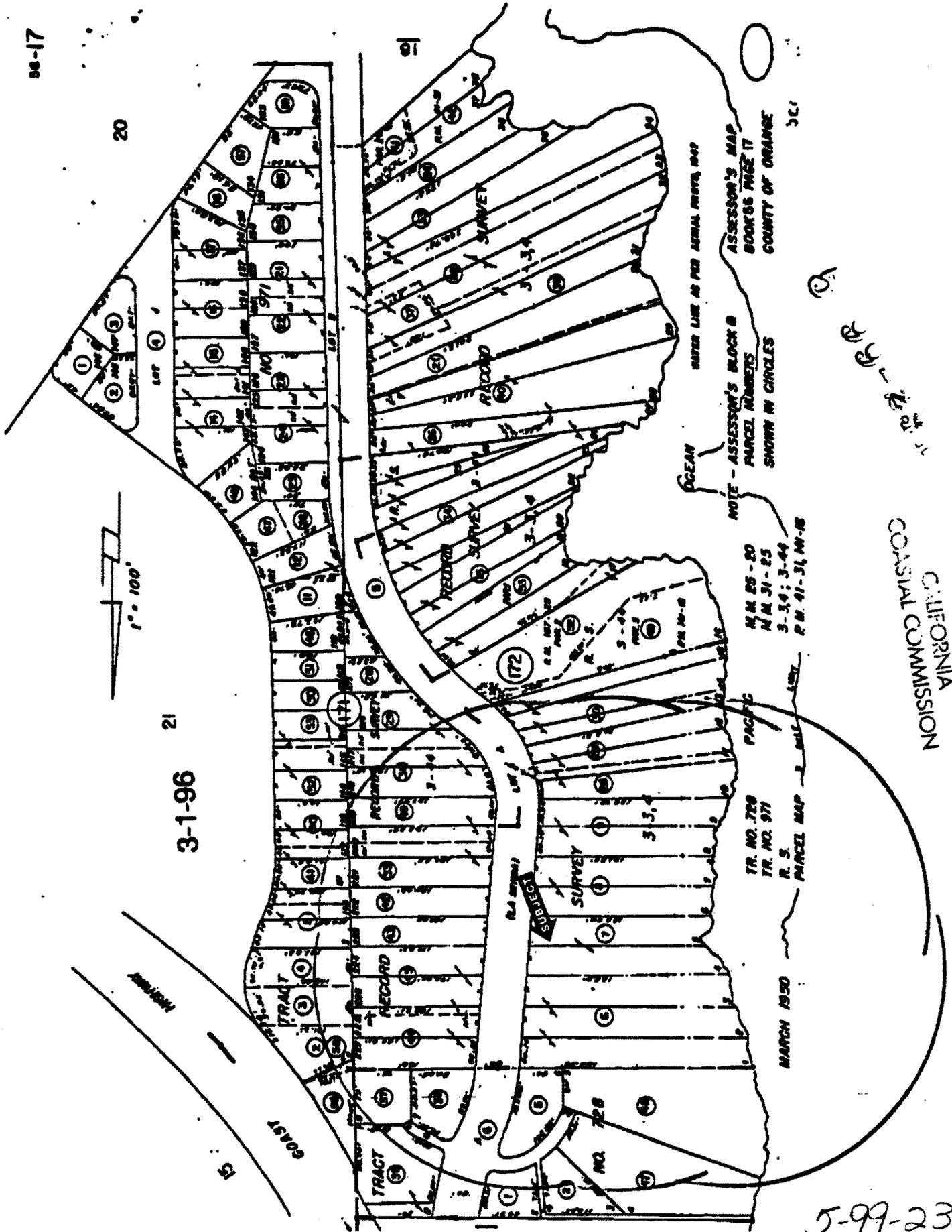
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  - 5 IMPROVE PI
  - 6 IMPROVE PI
  - 7 IMPROVE PI
  - 8 IMPROVE PI
  - 9 IMPROVE PI
  - 10 IMPROVE PI
- SEE D 41
  - 1 IMPROVE PI
  - 2 IMPROVE PI
  - 3 IMPROVE PI
  - 4 IMPROVE PI
  - 5 IMPROVE PI
  - 6 IMPROVE PI
  - 7 IMPROVE PI
  - 8 IMPROVE PI
  - 9 IMPROVE PI
  - 10 IMPROVE PI
- SEE E 15
  - 1 IMPROVE PI
  - 2 IMPROVE PI
  - 3 IMPROVE PI
  - 4 IMPROVE PI
  - 5 IMPROVE PI
  - 6 IMPROVE PI
  - 7 IMPROVE PI
  - 8 IMPROVE PI
  - 9 IMPROVE PI
  - 10 IMPROVE PI

VICINITY MAP

**RECEIVED**  
 South Coast Region  
 JUN 21 1999  
 CALIFORNIA  
 OCEANOGRAPHIC COMMISSION

THE SITE  
 PACIFIC

Vicinity Map  
 5-99-231  
 Exhibit A



20

1" = 100'

21

3-1-96

15

ASSASSOR'S MAP  
BOOK 66 PAGE 17  
COUNTY OF ORANGE

NOTE - ASSASSOR'S BLOCK #  
PARCEL NUMBERS  
SHOWN IN CIRCLES

M.M. 25 - 20  
M.M. 31 - 25  
3-3-4; 3-4-4  
P.M. 41-31, 41-26

TR. NO. 728  
TR. NO. 971  
P. 5  
PARCEL MAP - 3 MILE  
LINT

MARCH 1950

CALIFORNIA  
COASTAL COMMISSION

JUN 7 1966

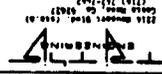
Assessor's Parcel  
Map

5-99-231  
Exhibit B



DATE	5-99-231
SCALE	1" = 40'
PROJECT	SMITH RESIDENCE
CLIENT	SMITH RESIDENCE
LOCATION	40 NORTH LA SENDA DRIVE
CITY	LAGUNA BEACH, CA
COUNTY	ORANGE
STATE	CALIFORNIA

SMITH RESIDENCE  
40 NORTH LA SENDA DRIVE  
LAGUNA BEACH, CA



**LEGAL DESCRIPTION:**  
LOT 5, TRACT 1000, MAP 1000, COUNTY OF ORANGE, STATE OF CALIFORNIA.

**SITE ADDRESS:**  
40 NORTH LA SENDA DRIVE  
LAGUNA BEACH, CA

**RECORD MAKE:**  
SMITH RESIDENCE

# TOPOGRAPHIC SURVEY:

THIS SURVEY WAS MADE FOR THE PURPOSES OF:  
  
 DATE: 5-99-231  
 SCALE: 1" = 40'



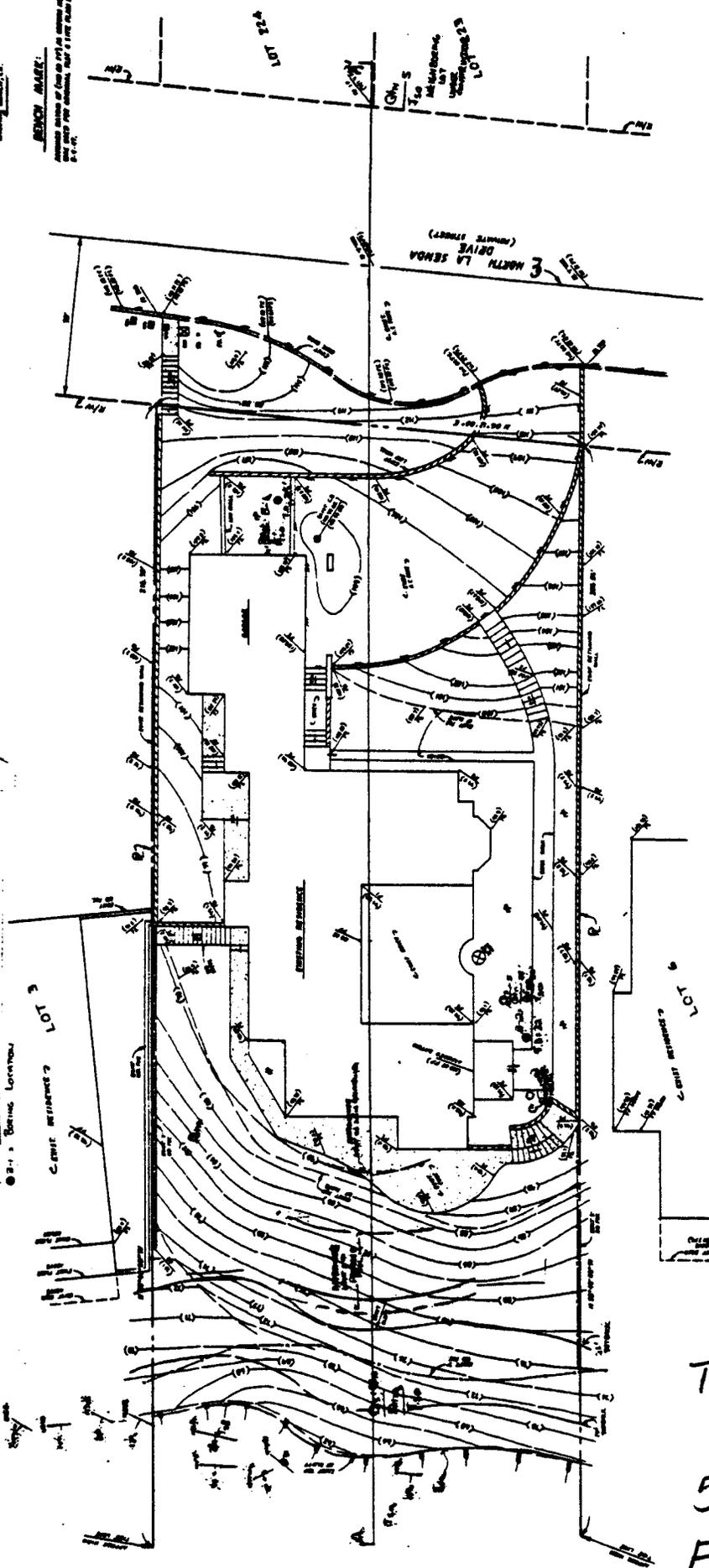
RECEIVED  
 JUL 26 1999  
 CALIFORNIA COASTAL COMMISSION

Geographic Symbols:  
 G.S. = Topographic Contour  
 C.S. = Contour Interval  
 T.S. = Spot Elevation  
 P.S. = Proposed Structure  
 S.S. = Existing Structure  
 S.W. = Surveyed Well  
 S.W. = Surveyed Well  
 S.W. = Surveyed Well

SCALE: 1" = 40'

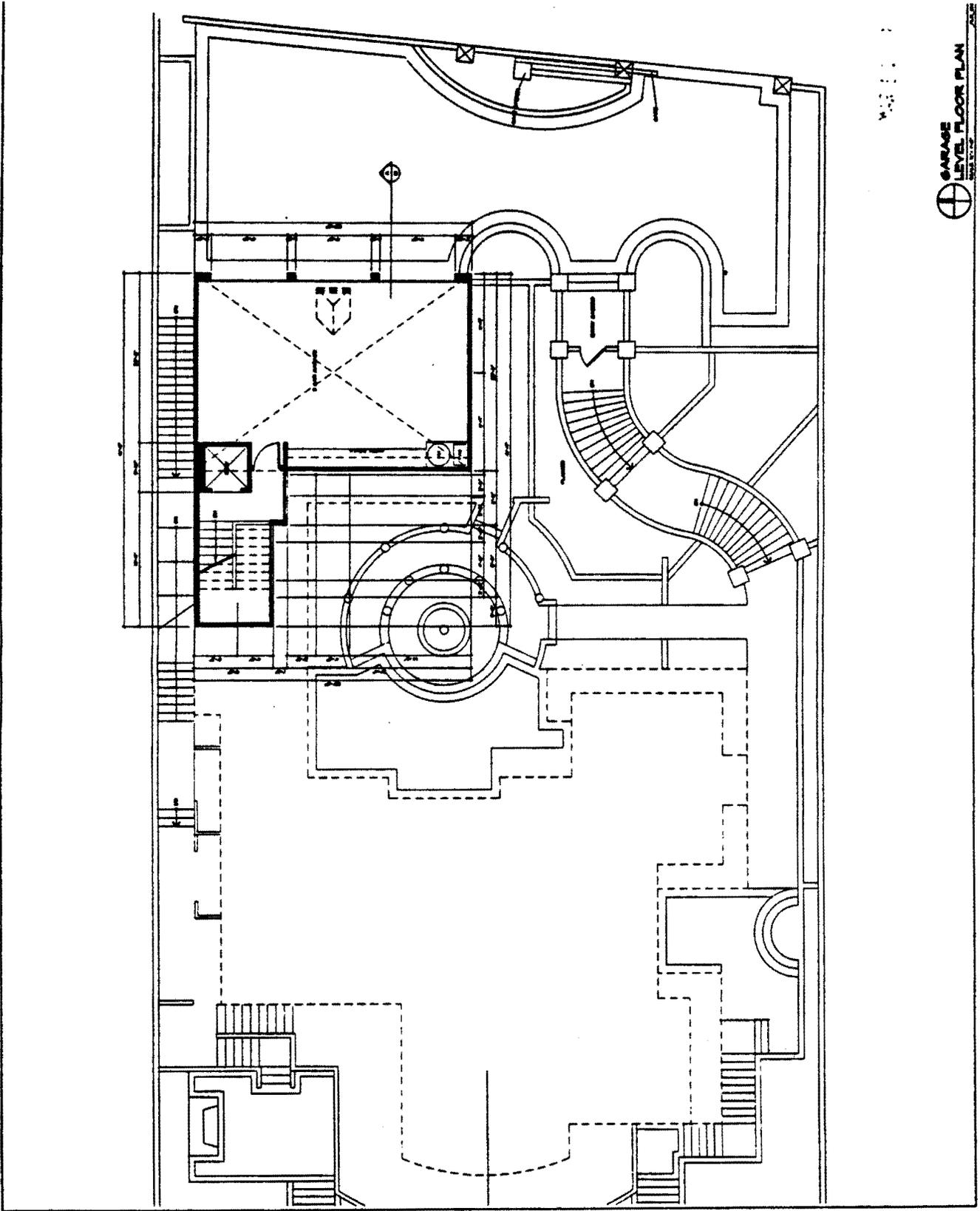
**LEGEND**

---	Proposed Structure
---	Existing Structure
---	Proposed Driveway
---	Existing Driveway
---	Proposed Walkway
---	Existing Walkway
---	Proposed Fencing
---	Existing Fencing
---	Proposed Pool
---	Existing Pool
---	Proposed Deck
---	Existing Deck
---	Proposed Patio
---	Existing Patio
---	Proposed Stairs
---	Existing Stairs
---	Proposed Retaining Wall
---	Existing Retaining Wall
---	Proposed Foundation
---	Existing Foundation
---	Proposed Foundation
---	Existing Foundation



Topographical Survey  
 5-99-231  
 Exhibit D



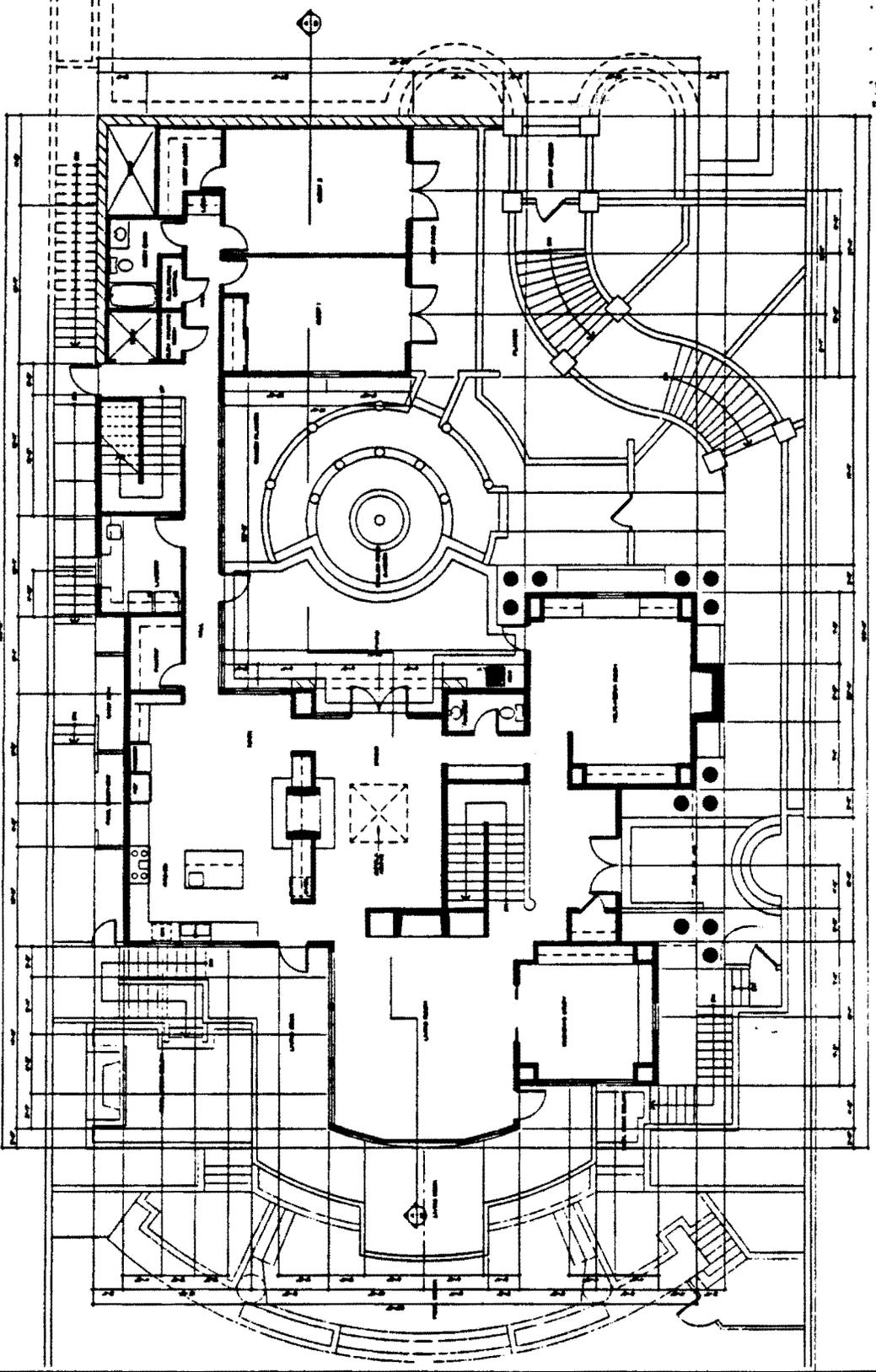


⊕ GARAGE LEVEL FLOOR PLAN

SMITH RESIDENCE  
80 N. LAGUNA  
LAGUNA BEACH, CA

Floor Plans

5-99-231  
Exhibit F<sub>1</sub>

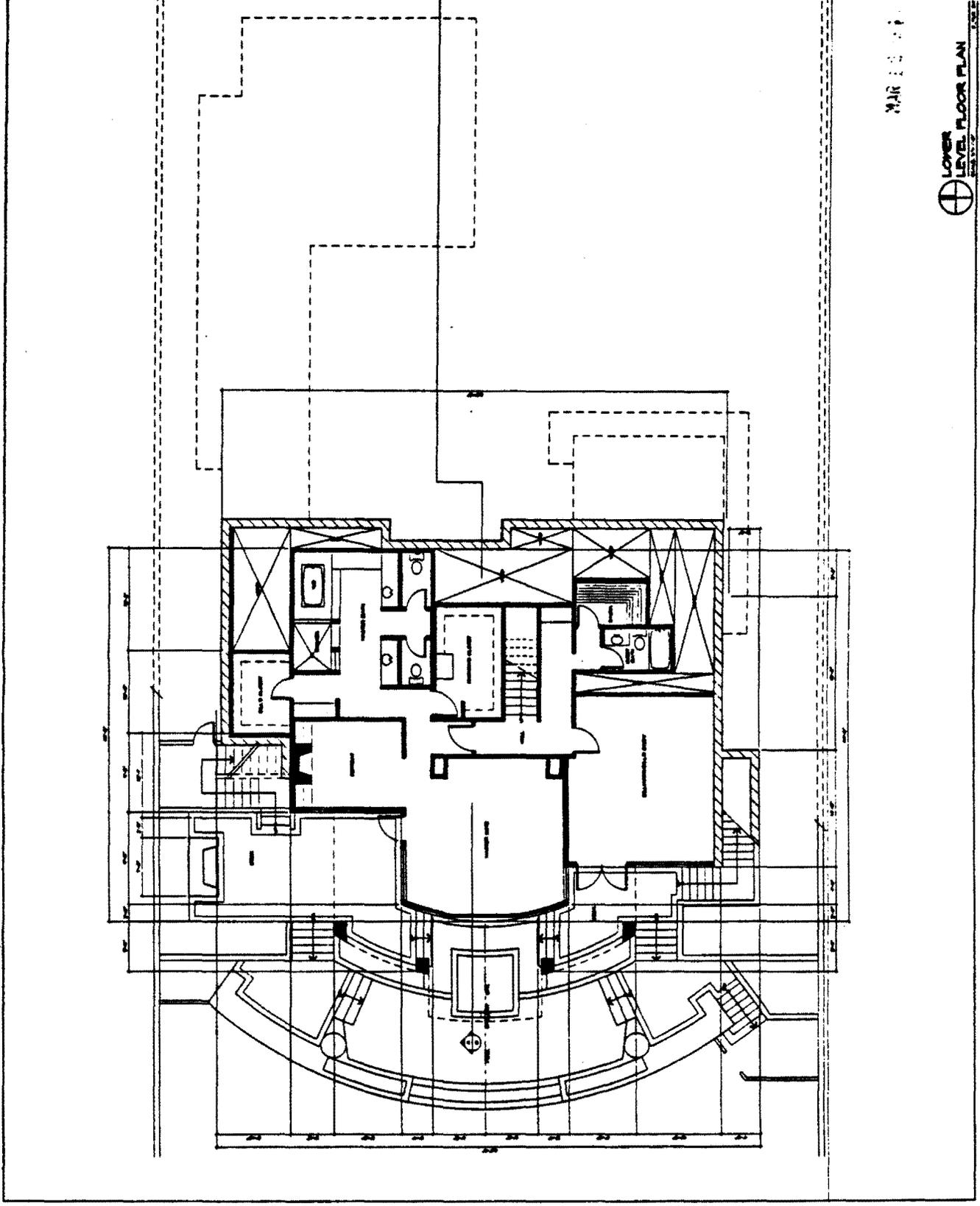


⊕ MAIN LEVEL FLOOR PLAN

SMITH RESIDENCE  
60 N. LA JOLLA  
LAGUNA BEACH, CA 92653

Exhibit F<sub>2</sub>

BLAIR BALLARD ARCHITECTS • 1590 SOUTH COAST HWY, SUITE 18, LAGUNA BEACH, CA 92651 • PHONE 949 • 494 8093 • FAX 949 • 494 2772

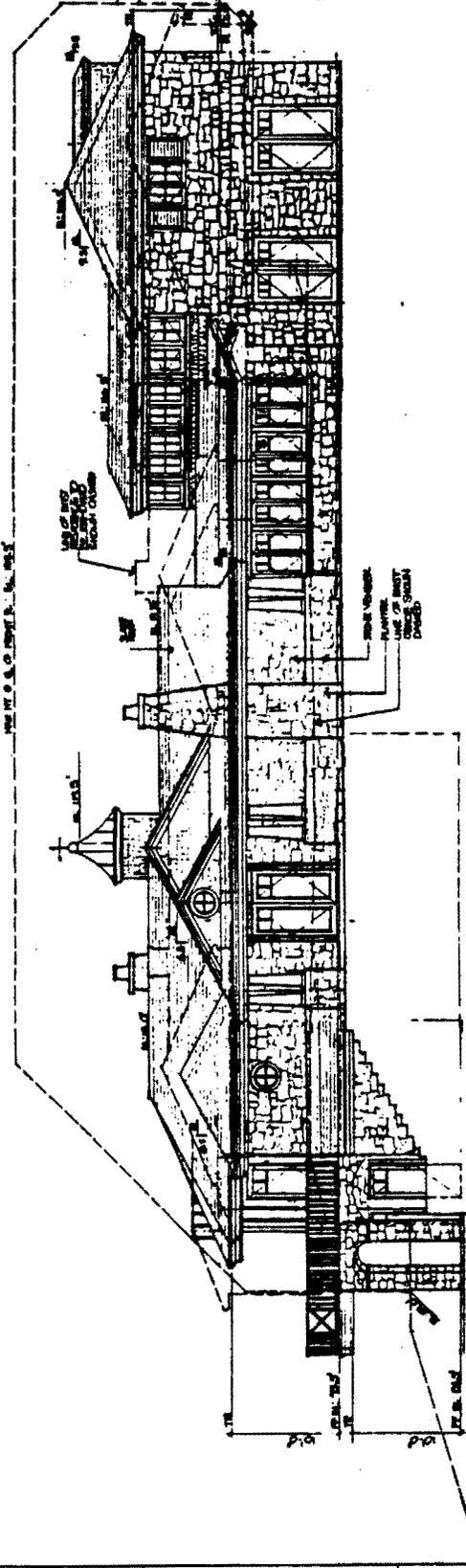


DATE: 11/11/01

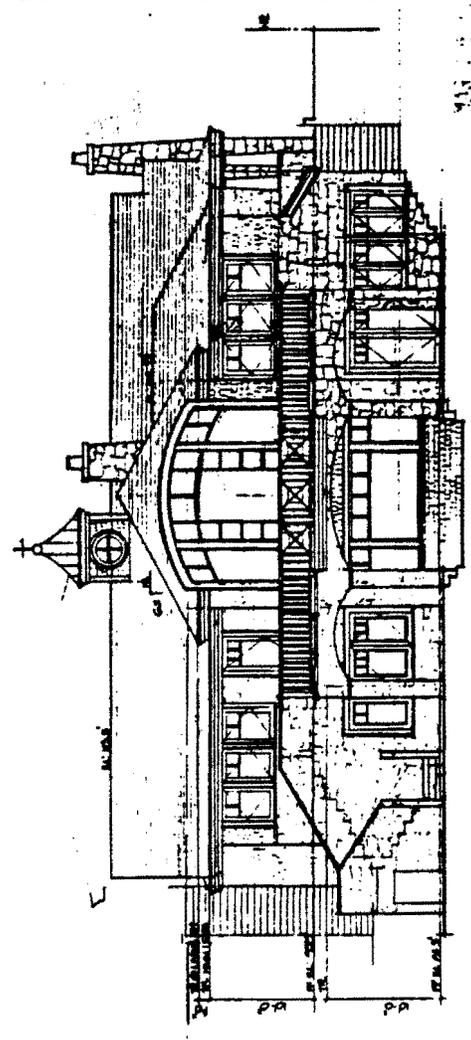
LOWER LEVEL FLOOR PLAN

SMITH RESIDENCE  
& N. LA SALLE  
LAGUNA BEACH, CA 92651

Exhibit F3



LEFT SIDE EXTERIOR ELEVATION

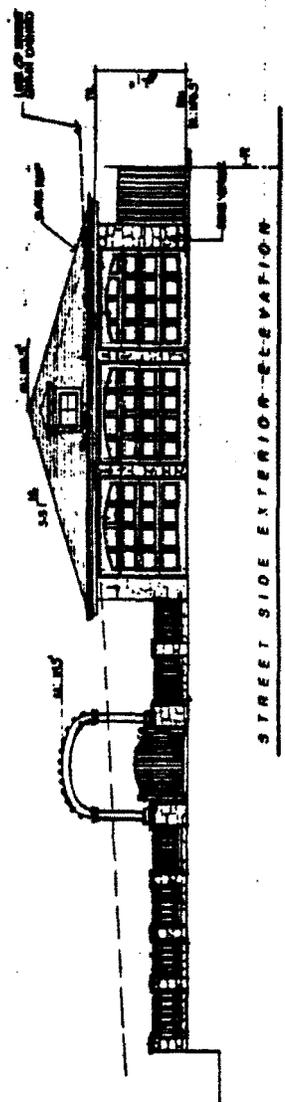
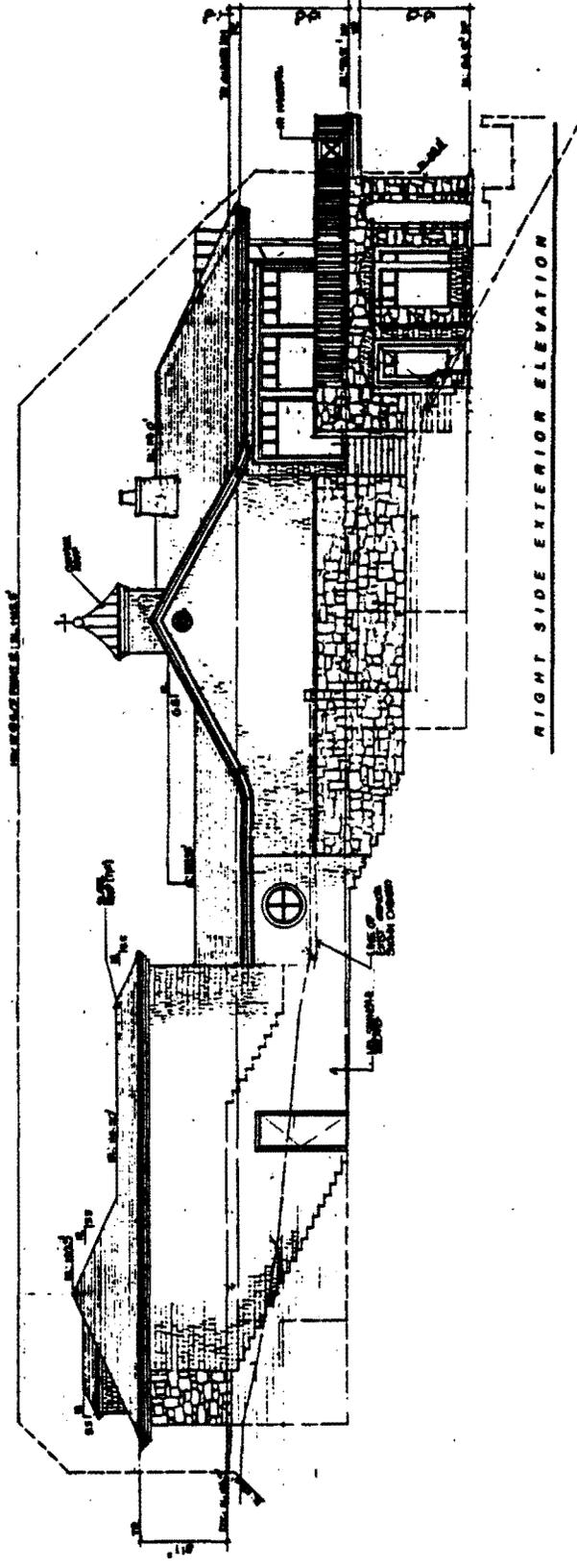


OCEAN SIDE EXTERIOR ELEVATION

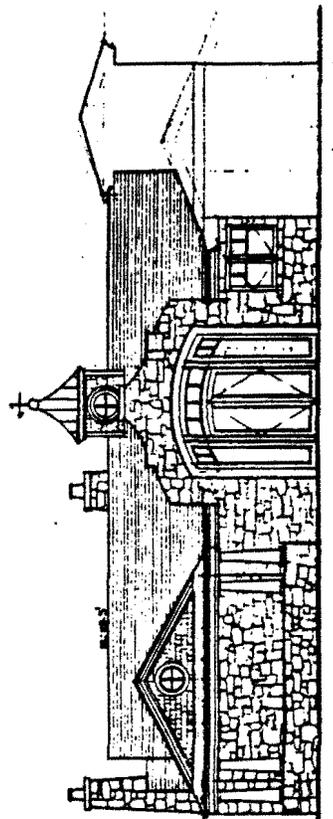
SMITH RESIDENCE  
80 N. LA S. DR

Elevations

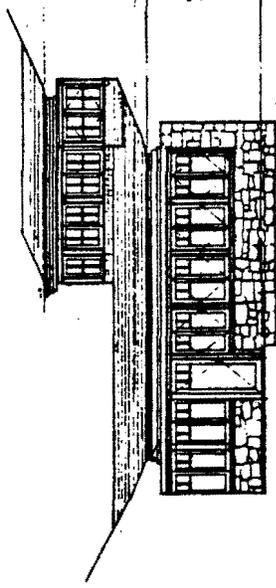
5-99-231  
Exhibit G,



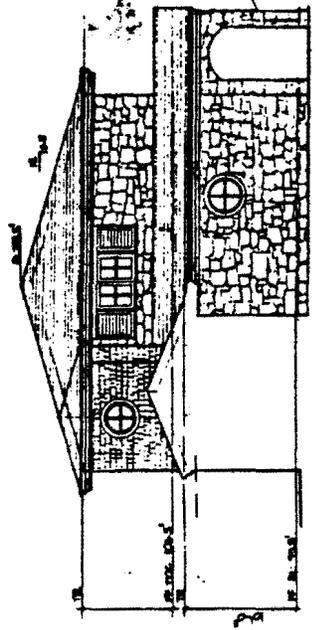
SMITH RESIDENCE  
 80 N. CHOCOMA  
 LAGUNA BEACH, CA 92651



COURTYARD EXTERIOR ELEVATION  
DINING ROOM



COURTYARD EXTERIOR ELEVATION  
HALL



COURTYARD EXTERIOR ELEVATION  
GUEST BEDROOM/GARAGE

SMITH RESIDENCE  
80 N. LA SE VA.

Exhibit G<sub>3</sub>

