

CALIFORNIA COASTAL COMMISSION

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



Filed: March 12, 1999
49th Day: April 30, 1999
180th Day: September 8, 1999
Staff: SFR-LB
Staff Report: May 20, 1999
Hearing Date: June 8-11, 1999
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-98-460

APPLICANT: Stuart and Katherine Moisen **AGENT:** Tim Nicol

PROJECT LOCATION: 2620 Riviera Drive, City of Laguna Beach, County of Orange

PROJECT DESCRIPTION: Construction of a 28 foot high (above grade) 8,011 square foot house with an attached 1,383 square foot garage on a vacant lot. Accessory development includes a pool, spa, pool house, and fountain feature. Grading consists of 1038 cubic yards of cut, 470 cubic yards of fill and 568 cubic yards of export.

Lot Area	16,527 square feet
Building Coverage	4,930square feet
Pavement Coverage	3,900square feet
Landscape Coverage	4,340square feet
Parking Spaces	Four
Zoning	R-1
Plan Designation	Village Low Density (3-7 du/acre)
Height above grade	28

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval-in-Concept, City of Laguna Beach Design Review 98-223

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Investigation Report prepared by GeoSoils, Inc. (dated January 21, 1999, Job. No. W.O. 3407-A1-OC). Coastal Development Permits 5-82-449 (Arciero), 5-83-787 (Hopkins), and 5-83-833 (Palmer),

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project with one special condition regarding conformance with geotechnical recommendations. The major issue of this staff report concerns geologic stability since the project constitutes development on a hillside.

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, located between the nearest public roadway and the shoreline, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 including the public access and recreation policies of Chapter 3, 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. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL REPORT

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the "Conclusions and Recommendations" section of the *"Preliminary Geotechnical Investigation and Grading Plan Review, 2620 Riviera Drive Lot 10, Tract 4655, Irvine Cove, City of Laguna Beach, California"* prepared by GeoSoils, Inc. and dated January 21, 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.

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. Project Description and Location

The project site is located at 2620 Riviera Drive in the City of Laguna Beach (Exhibits 1 & 2). The project site is located on the seaward side of Pacific Coast Highway which constitutes the first public road since the development is in the private community of Irvine Cove. The applicant proposes to construct a 28 foot high (above grade) 8,011 square foot house with an attached 1,383 square foot garage on a vacant lot (Exhibits 3 through 10). Accessory development includes a pool, spa, pool house, and fountain feature. A five foot high retaining wall will be constructed between the house and Riviera Drive. The retaining wall will be screened with perennials and shrubs. Grading consists of 1038 cubic yards of cut, 470 cubic yards of fill and 568 cubic yards of export. Exported material will be sent to R.J. Noble in the City of Orange which is outside the coastal zone. Four on-site parking spaces will be provided.

The plans for the proposed home were reviewed by the Architectural Committee for the Abalone Point Association and no objections were made. The Design Review Board for the City of Laguna Beach approved the plans on September 17, 1998.

B. Geologic Hazards

The subject site is a vacant hillside lot. It is not located on a coastal blufftop lot subject to wave attack. The approximately 1/3 acre lot consists of an irregular shaped parcel sloping southerly at a slope ratio varying from 3:1 to 6:1 with up to 35 feet of total relief. The geotechnical report by GeoSoils notes that the project site contains no evidence of landsliding or mass wasting either on the project site or adjacent to the site. The project site is not located within an Alquist-Priolo Special Studies Zone nor within a Seismic Hazards Zone. Further no subsurface water was encountered. Though no obvious indicators of slope instability were noted; development on hillsides is inherently risky. To minimize the potential for slope failure GeoSoils has consequently recommended that the findings of the geotechnical report be incorporated into the final design plans and construction of the project. 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.*

Though the City of Laguna Beach has a certified Local Coastal Program (LCP), the project site is in an area of deferred certification and the Coastal Act is used as the standard of review. Consequently the policies of the LCP are used as guidance. Policy 3-A of the City of Laguna Beach General Plan (Land Use Element) requires adequate consideration of environmental hazards in the development review process. Policy 10-C of the City of Laguna Beach General Plan (Open Space/Conservation Element) requires that projects located in geological hazard areas be designed to void the hazards where feasible.

To minimize the potential for slope failure, the geotechnical investigation prepared by GeoSoils contains several recommendations. GeoSoils notes that water has been shown to weaken the inherent strength of soil material and often causes instability. Recommendations to minimize the adverse effects of water percolating into the soil include three feet of over excavation and re-compaction, the use of fill keys, installation of subdrains, foundation designs, pool design, and the use of light weight, deep rooted plants which require little water and are capable of surviving the prevailing climate. 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.

If these recommendations are incorporated into the final plans, the proposed project would promote site stability and not contribute to off-site impacts, as well as assuring the structural integrity of the proposed home. Adherence to the geological consultant's recommendations will minimize the risk of damage. Therefore, the Commission finds that it is necessary to impose the special condition 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. 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 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 development is located within an existing locked gate community (Irvine Cove) located between the sea and the first public road paralleling the sea. Public access through this community does not currently exist. However, the proposed development, construction of a single family residence on an existing subdivided parcel in an area inaccessible to the public, will not affect the existing public access condition. It is the locked gate community not this home that impedes public access. Public access to the coast exists to the north at Crystal Cove State Park. The proposed development, as conditioned, will not result in any adverse impacts to existing public access or recreation in the area. Therefore, the Commission finds that the project is consistent with the public access and recreation policies of the Coastal Act.

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. On August 13, 1998 the Commission certified the Treasure Island Area of Deferred Certification which leaves three remaining areas. 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.

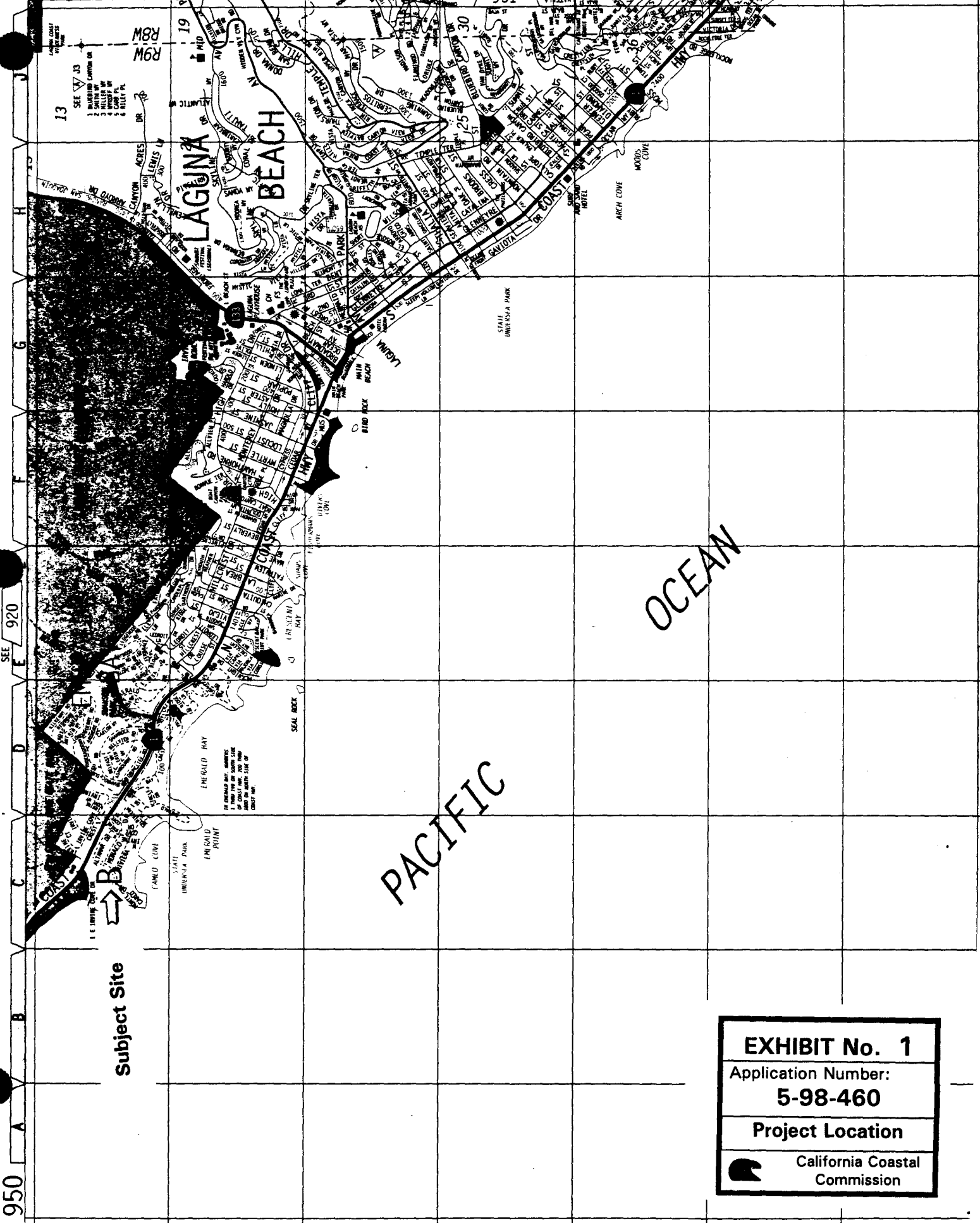
The proposed project is also consistent with the certified LCP, which may be used for guidance in non-certified area. Policy 3-A of the City of Laguna Beach General Plan (Land Use Element) requires adequate consideration of environmental hazards in the development review process. Policy 10-C of the City of Laguna Beach General Plan (Open Space/Conservation Element) 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 be consistent with both the geologic hazards policies of Chapter 3 of the Coastal Act and the City's LCP. 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.



Subject Site

PACIFIC

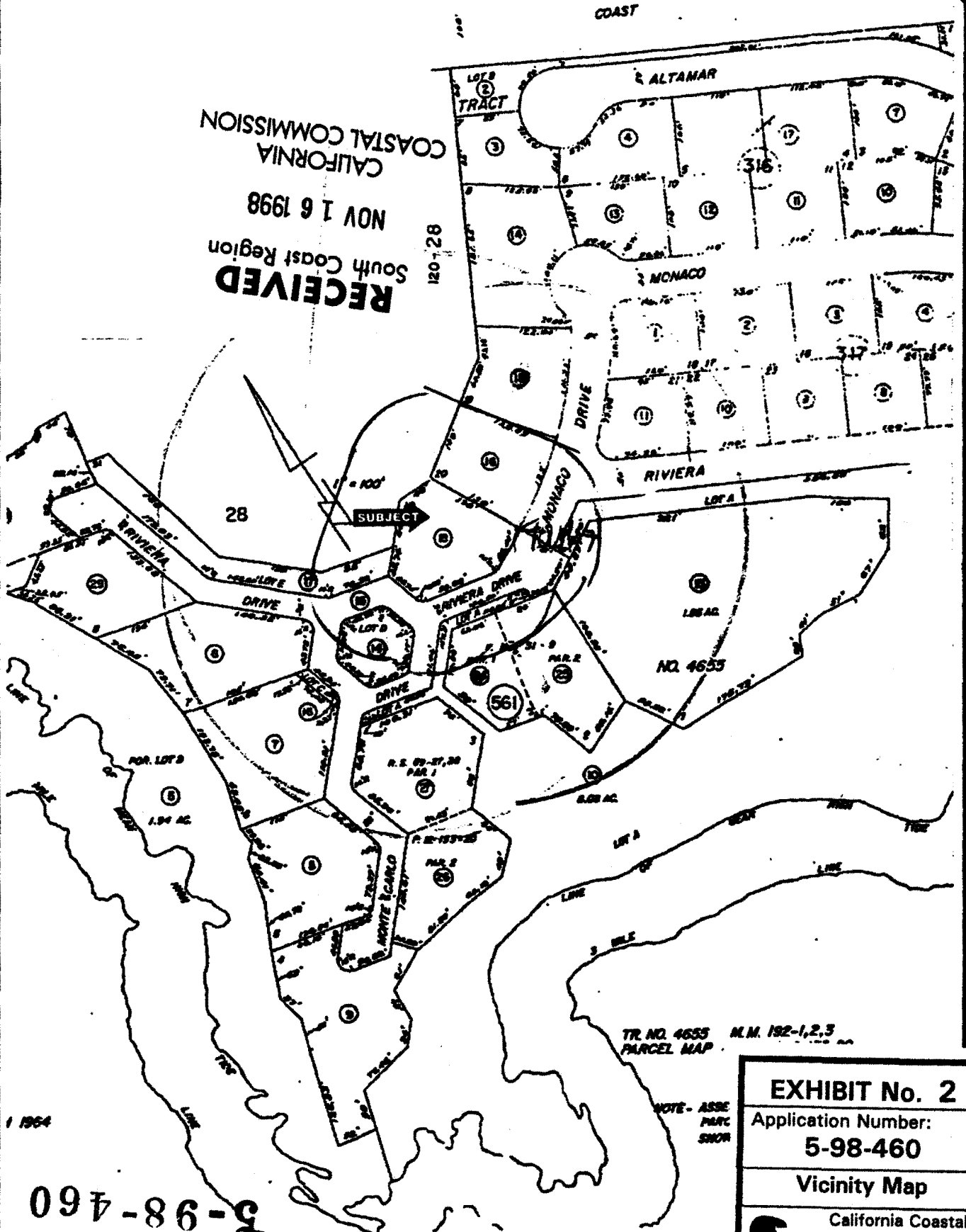
OCEAN

EXHIBIT No. 1
Application Number: 5-98-460
Project Location
 California Coastal Commission

950

SEE 920

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TR. NO. 4655 M.M. 192-1,2,3
PARCEL MAP

NOTE - ASSE
PARC
SNOR

EXHIBIT No. 2
Application Number: 5-98-460
Vicinity Map
California Coastal Commission

1 1964

5-98-460

Ownership Map

DATE	BY
NO.	
REVISION	
DATE	BY
NO.	
REVISION	
DATE	BY
NO.	
REVISION	

PROJECT SUMMARY

OWNER: MOISEN RESIDENCE
 1598 RIVIERA DRIVE, AVALON POINT, RIVIERA COVE
 LAGUNA BEACH, CA 92653
 ARCHITECT: TIM NICOL ARCHITECTURE
 699 VISTA LARE, LAGUNA BEACH, CA 92653
 DATE: 10/27/00
 SHEET: 10/27/00 - 10/27/00
 SCALE: 1/8" = 1'-0"
 AREA: 10,500 SF
 PERMIT: 10/27/00
 PROJECT: 10/27/00

NO.	REVISION
1	ISSUED FOR PERMIT

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 SITE PLAN

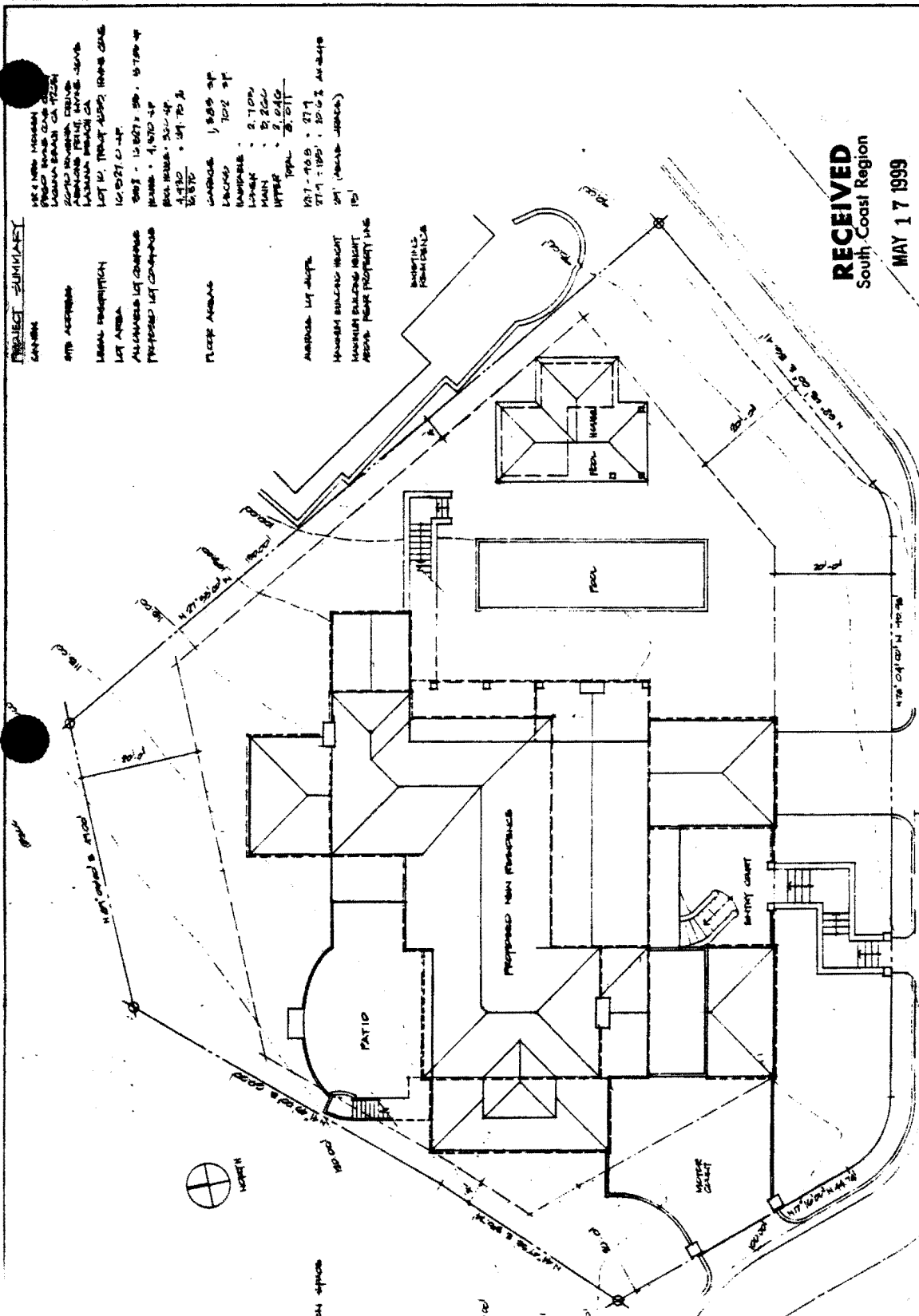


EXHIBIT No. 3
 Application Number:
5-98-460
 Site Plan
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LOWER FLOOR PLAN

MOISEN AREA 7/2000

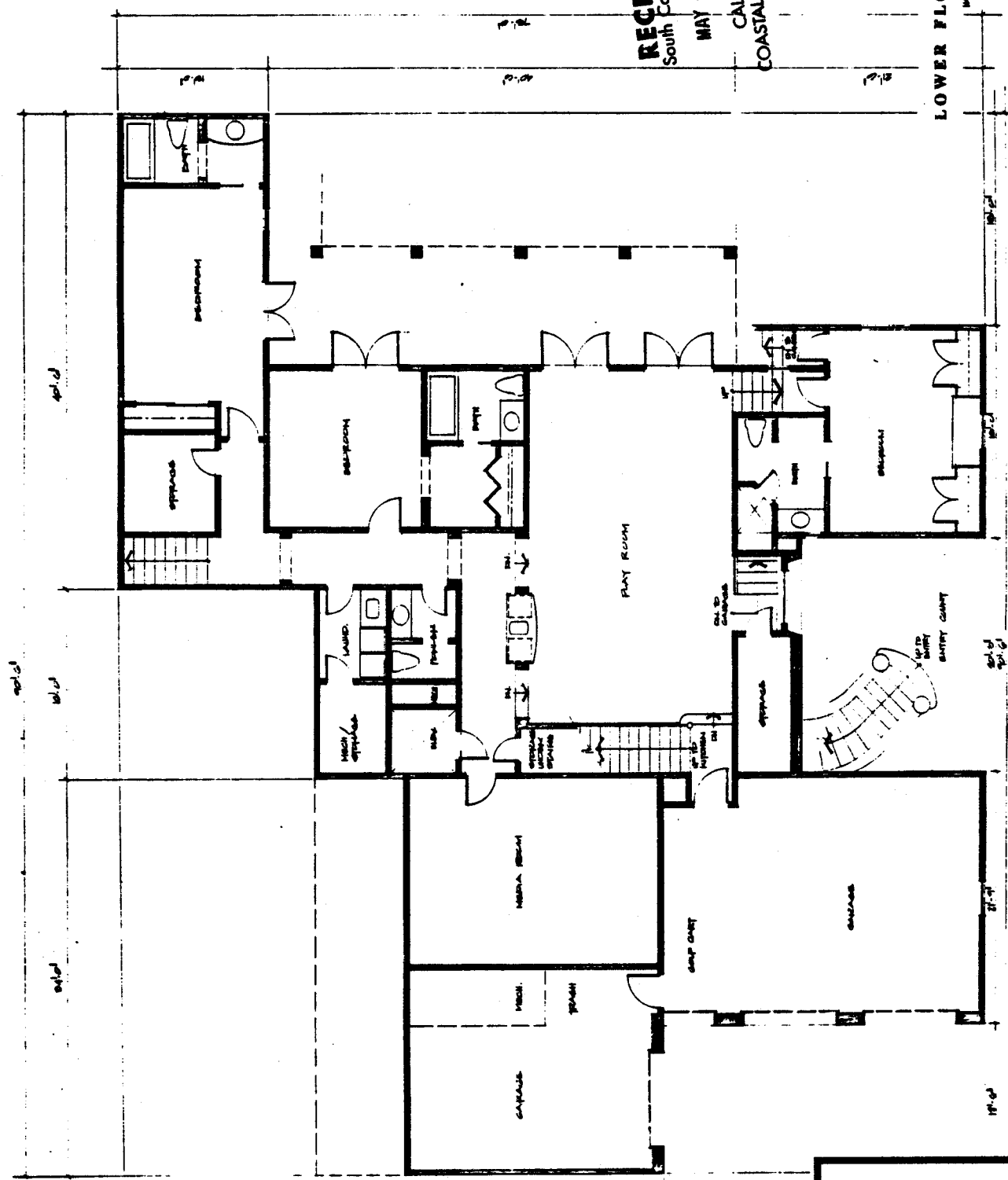


EXHIBIT No. 4
Application Number: 5-98-460
Lower Floor Plan
California Coastal Commission

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MAIN FLOOR PLAN
INCLUDES AREA 2, 3, 4 & 5

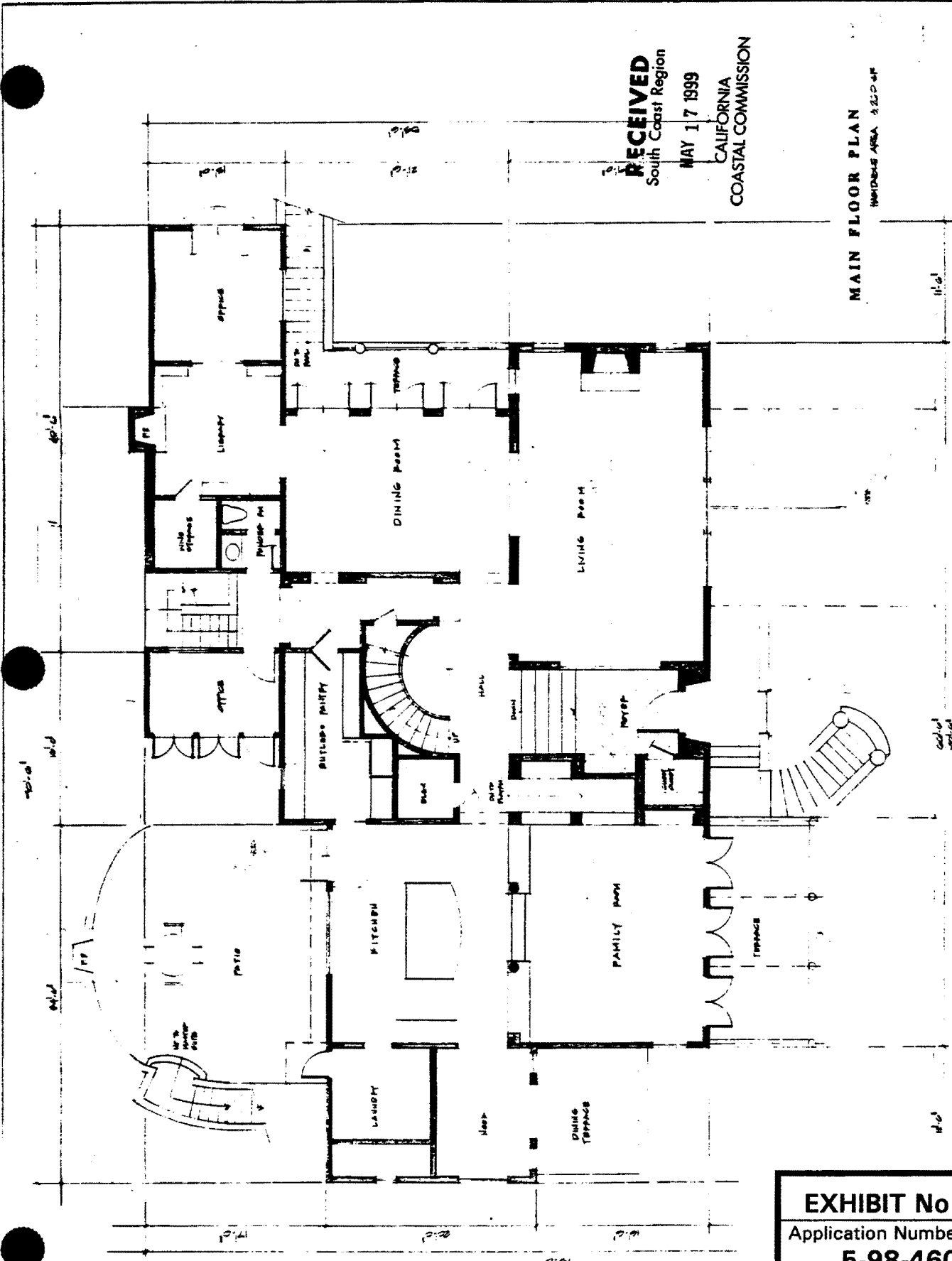


EXHIBIT No. 5
Application Number:
5-98-460
Main Floor Plan
California Coastal
Commission

TIM NICOL - ARCHITECTURE
404 VISTA LANE
LAGUNA BEACH, CALIFORNIA
714 494-0226

MOISEN RESIDENCE
3800 RIVIERA DRIVE, PALMDALE, CALIFORNIA 91367

DATE: 5-1-98
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN

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UPPER FLOOR PLAN
MAY 17 1999

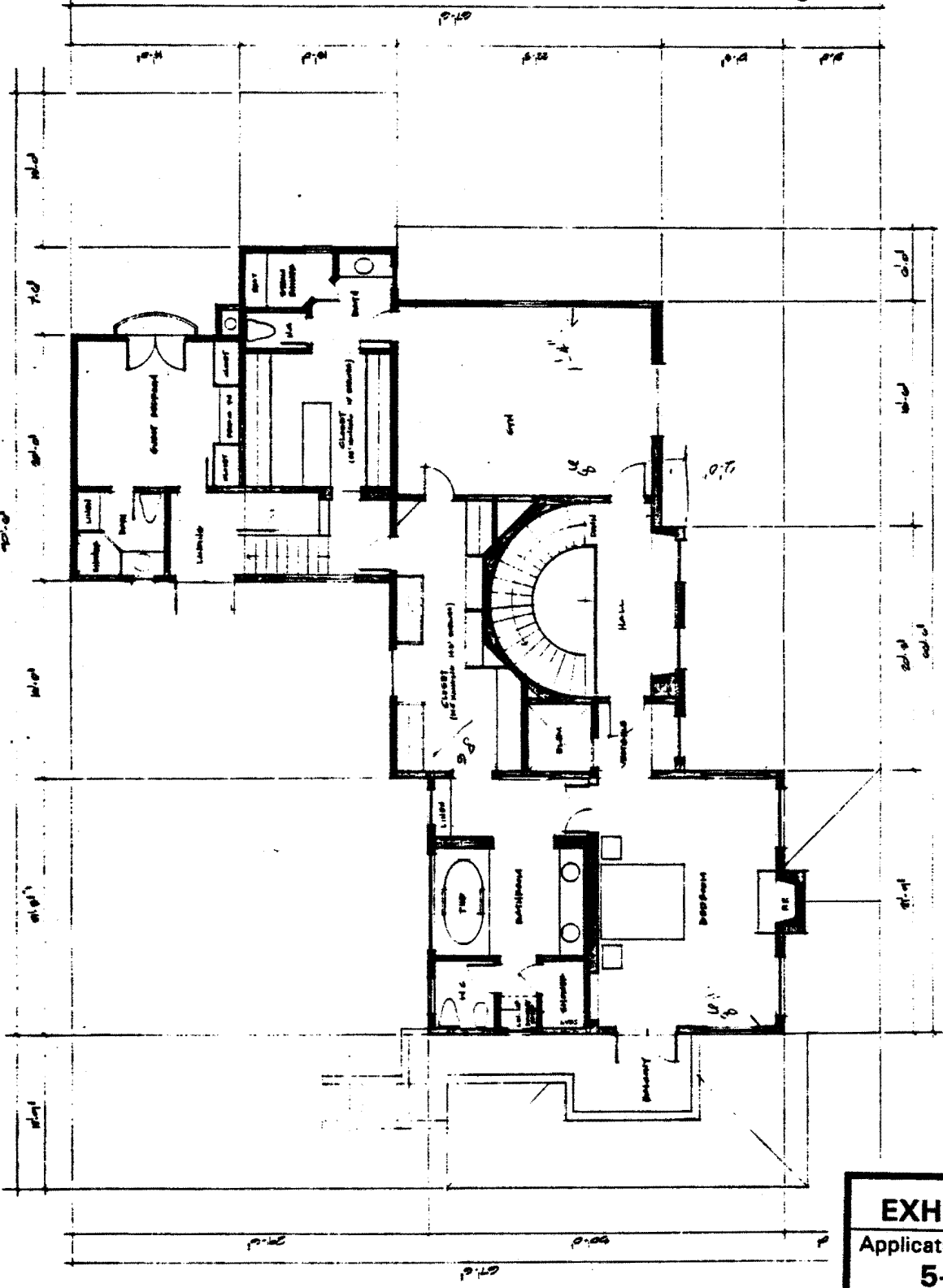
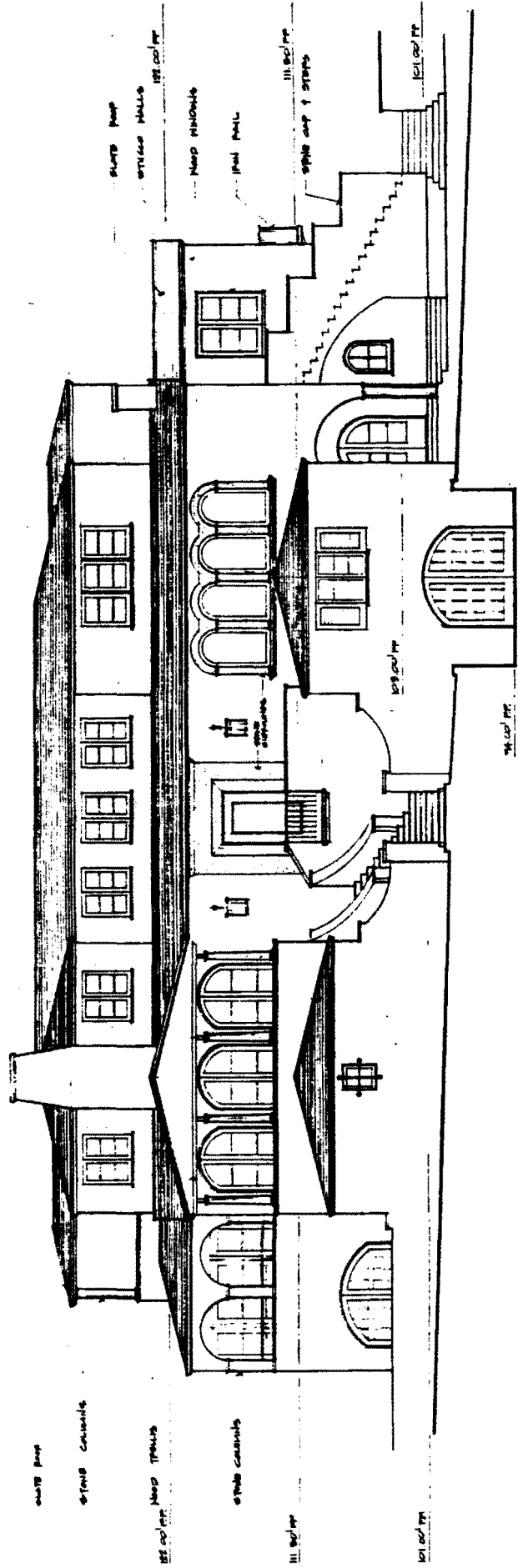


EXHIBIT No. 6
Application Number:
5-98-460
Upper Floor Plan
California Coastal
Commission



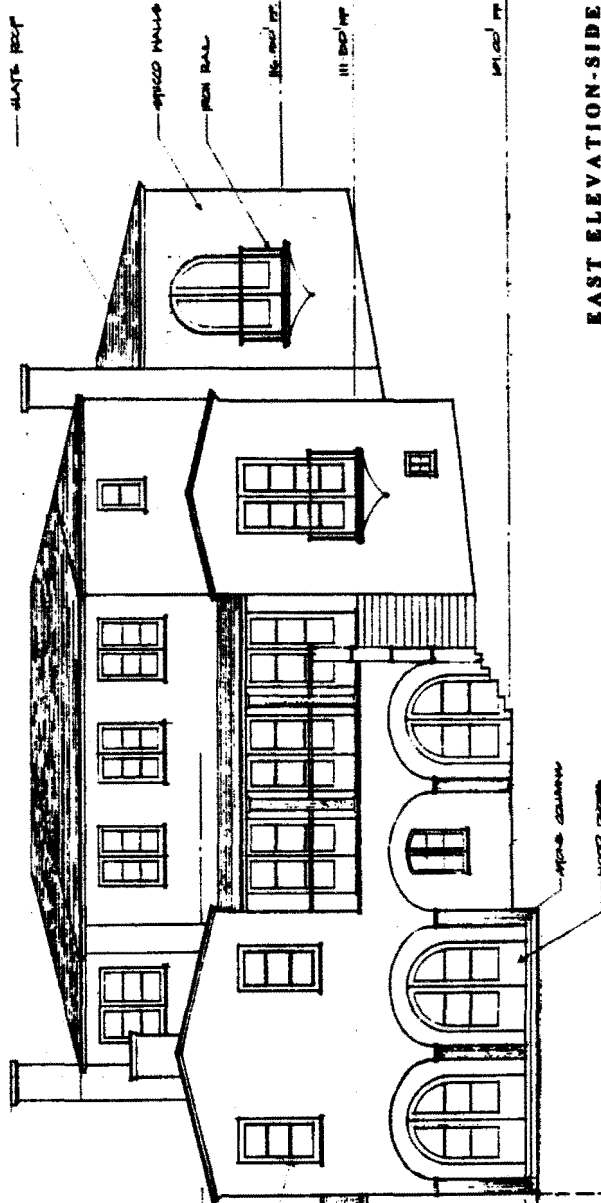
SOUTH ELEVATION-FRONT

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TIM NICOL
 ARCHITECT

EXHIBIT No. 7
Application Number: 5-98-460
South Elevation
California Coastal Commission

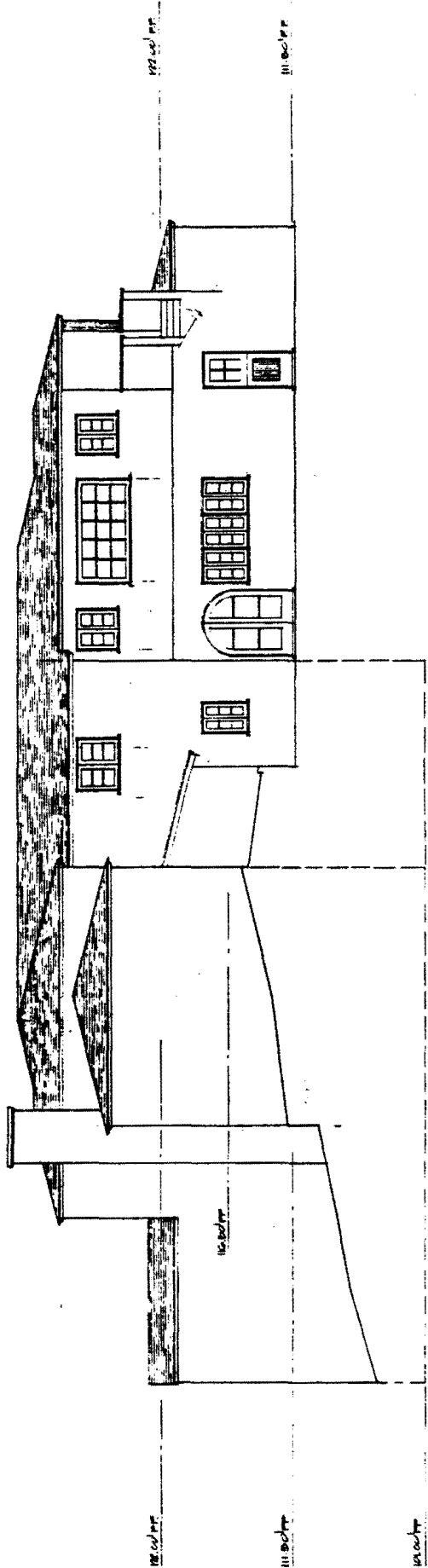
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EAST ELEVATION-SIDE

EXHIBIT No. 8
Application Number:
5-98-460
East Elevation
California Coastal
Commission

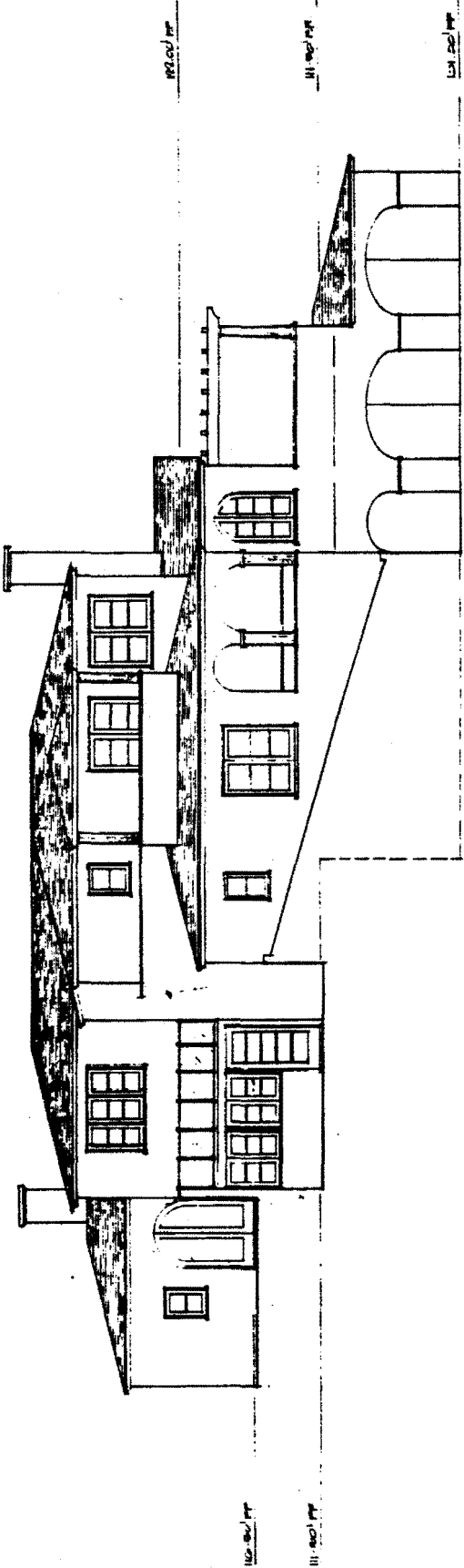
18'-0" FT.
10'-0" FT.
14'-0" FT. (approx.)



NORTH ELEVATION-REAR

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EXHIBIT No. 9
Application Number: 5-98-460
North Elevation
 California Coastal Commission



WEST ELEVATION-SIDE

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EXHIBIT No. 10
Application Number: 5-98-460
West Elevation
 California Coastal Commission