

CALIFORNIA COASTAL COMMISSION

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Staff: KFS-LB
Hearing Date: November 14-17, 2000
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-00-223

APPLICANT: Bill & Rhonda Smith

RECORD PACKET COPY

AGENT: Donna Olsen, Blair Ballard Architects

PROJECT LOCATION: 78 & 80 N. La Senda
Laguna Beach (Three Arch Bay), Orange County

PROJECT DESCRIPTION: Merge four lots equaling 34,110 square feet into one lot equaling 34,110 square feet. Substantial demolition of an existing 6,545 square foot single family residence and attached 682 square foot garage and construction of a new residence that will have 9,346 square feet of living space, a 1,640 square foot garage, and 1,801 square feet of decks. The completed development will result in a single family residence that is 25 feet high above existing grade and 15 feet high above the centerline of the frontage road. The proposed development also includes 1,050 cubic yards of cut, 336 cubic yards of fill, and the export of 714 cubic yards of soil. The subject site is an oceanfront bluff top lot.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the proposed development subject to several conditions. The major issues of the staff report relate to development on an oceanfront bluff top including the hazards from such development. Staff recommends the following special conditions: 1) a requirement that the applicant build the project in accordance with the plans submitted and revised pursuant to the conditions of approval; 2) recordation of a no future shoreline protective device special condition; 3) an assumption-of-risk deed restriction; 4) conformance with geotechnical recommendations of the applicant's geotechnical consultants, 5) submission and conformance with revised landscaping plans; 6) submission and conformance with drainage plans; 7) a requirement that a debris disposal site be identified; and 8) a notification that all development rights granted under Coastal Development Permit 5-99-231 are abandoned by acceptance of Coastal Development Permit 5-00-223.

LOCAL APPROVALS RECEIVED: City of Laguna Beach approval-in-concept dated October 17, 2000; City of Laguna Beach approval for variance 6717 dated July 6, 2000; City of Laguna Beach Design Review 00-138; City of Laguna Beach

Lot Line Adjustment No. LL 00-07; Three Arch Bay Architectural Review
Committee approval dated June 7, 2000.

SUBSTANTIVE FILE DOCUMENTS: *Additional Geotechnical Investigation and Recommendations for New Residence on Double Lot, Lots 4, 5, 6, and 7 of Three Arch Palisades 31, 80 N. La Senda, Three Arch Bay, Laguna Beach, CA 92651*, by Peter E. Borella, Ph.D. of Laguna Beach, California, and dated May 6, 2000; Letter from Peter E. Borella to Commission staff with subject *78-80 North La Senda, Laguna Beach (Three Arch Bay), Bill and Rhonda Smith, Owners*, dated August 4, 2000; Letter from Peter E. Borella to Bill and Rhonda Smith with subject *Addendum to Geotechnical Letter and Geotechnical Response to Coastal Commission Questions...* dated September 20, 1999; Letter from Peter E. Borella to Bill and Rhonda Smith with subject *Geotechnical Response to Coastal Commission Questions...* dated July 22, 1999; Geotechnical report titled *Geotechnical Investigation and Recommendations for New Residence...* dated October 12, 1998, by Peter E. Borella of Laguna Beach, California; Coastal Development Permit file 5-99-231 (Smith).

PROCEDURAL NOTE:

The City of Laguna Beach has a certified local coastal program ("LCP"). However, the proposed project is located within Three Arch Bay, one of several locked gate communities in Laguna Beach where certification has been deferred. Therefore, the standard of review is the Chapter 3 policies of the Coastal Act. The Laguna Beach certified LCP will also be used as guidance.

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL.

Staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION

I move that the Commission approve CDP #5-00-223 pursuant to the staff recommendation.

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION

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, is located between the nearest public road and the sea and is in conformity with the public access and public recreation policies of the Coastal Act, 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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. COMPLIANCE WITH PLANS SUBMITTED

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 Executive Director and may require Commission approval.

2. NO FUTURE SHORELINE PROTECTIVE DEVICE

A(1). By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-00-223 including, but not limited to, the residence, foundations, decks, driveways and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. 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 30253.

A(2). By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the permittee and/or landowner shall remove the development authorized by this permit, including the residence, foundations, decks, driveways, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

A(3). In the event the bluff recedes to within 10 feet of the principal residence but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee, that addresses whether any portions of the residence are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without shore or bluff protection, including but not limited to removal or relocation of portions of the residence. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, in accordance with a coastal development permit remove the threatened portion of the structure.

B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 5-00-223, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a

legal description of the applicant's entire parcel(s). 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.

3. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY AGREEMENT

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslides, slope failures, erosion, and waves; (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 subsection (a) 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. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL REPORT GEOLOGIC HAZARD

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the following Engineering Geologic Reports: *Additional Geotechnical Investigation and Recommendations for New Residence on Double Lot, Lots 4, 5, 6, and 7 of Three Arch Palisades 31, 80 N. La Senda, Three Arch Bay, Laguna Beach, CA 92651*, by Peter E. Borella, Ph.D. of Laguna Beach, California, and dated May 6, 2000.
- B. **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 evaluations approved by the California Coastal Commission for the project site.

- C. 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.

5. REVISED LANDSCAPE PLANS

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised landscape plans for the area seaward of the residence to the Executive Director for review and approval. The plans shall include the following elements:
 - (a) Plantings shall be of southern California native, drought tolerant plants;
 - (b) No permanent irrigation system shall be allowed on the property seaward of the proposed residence. Only temporary irrigation to help establish the landscaping shall be allowed. The period of temporary irrigation shall be specified (e.g. number of months); and
 - (c) The plantings established shall provide 90% cover in 90 days;
 - (d) All required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (e) The plans shall be prepared by a licensed landscape architect.
- B. The plans shall, prior to submittal to the Executive Director, be reviewed and certified by a qualified professional to ensure that they are consistent with the Commission's approval and with the recommendations outlined in Special Condition 4 above.
- C. 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.

6. REVISED DRAINAGE PLAN

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised plan for site drainage. The plan shall be prepared by a licensed engineer.

1. The plan shall demonstrate that:

- (a) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged to avoid ponding or erosion either on or off site;
- (b) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged to the street via pipe or other non-erosive conveyance.

- B.** The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final 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.

7. LOCATION OF DEBRIS DISPOSAL SITE

PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the disposal site of the demolition and construction debris resulting from the proposed project. Disposal shall occur at the approved disposal site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

8. ABANDONMENT OF DEVELOPMENT RIGHTS

By acceptance of Coastal Development Permit 5-00-223 the applicant abandons, on behalf of itself and all successors and assigns, all development rights granted under Coastal Development Permit 5-99-231.

IV. APPROVAL FINDINGS AND DECLARATIONS

A. DETAILED PROJECT DESCRIPTION AND LOCATION

The applicant is proposing a lot merger and the substantial demolition of an existing house and construction of a new house at 78 and 80 N. La Senda, Laguna Beach (Three Arch Bay), Orange County (Exhibits 1 - 4). The subject site is an oceanfront bluff top lot.

The proposed lot merger consists of the merging of four lots that are 40.14 feet wide by 202 to 232 feet long (varies due to variable location of the high tide line) equaling approximately 34,110 square feet into one lot that is 160.56 feet wide by 202 to 232 feet long (also varies due to variable location of the high tide line) equaling 34,110 square feet (Exhibit 3).

In addition, the proposed project includes the substantial demolition of an existing 6,545 square foot single family residence and attached 682 square foot garage (Exhibit 2) and construction of a new residence that will have 9,346 square feet of living space, a 1,640 square foot garage and 1,801 square feet of decks (Exhibit 4). The completed development will result in a single family residence that is 25 feet high above existing grade and 15 feet high above the centerline of the frontage road, N. La Senda. The proposed development will also include the addition of a new caisson and grade beam foundation system throughout the retained, re-developed, and expanded footprint areas of the proposed house. In addition, new patios, driveway, landscape retaining walls, landscaping, and a pool on the landward side of the lot are proposed¹. The proposed development also includes 1,050 cubic yards of cut, 336 cubic yards of fill, and the export of 714 cubic yards of soil.

As described briefly above, the proposed development includes the substantial demolition of the existing 6,545 square foot residence and 682 square foot garage (Exhibit 2). On the main level of the existing house, this demolition includes the existing kitchen, dining area, living area, study, entryway, and a bedroom and bathroom. Minor portions of an existing bedroom and bathroom on this level will remain in place and minor portions of the existing garage on this level will be retained and remodeled into living area. In addition, minor portions of an existing upper level guest room which is accessible from the main level of the existing house will remain in place. Meanwhile, the entire lower level of the existing house will be removed. In addition, all portions of the existing house which will remain will undergo extensive re-development. For instance, all existing interior drywall and exterior coping of the walls, all flooring, electrical fixtures, wiring, mechanical ducting, cabinets, plumbing fixtures, windows and doors will be removed and replaced with new materials. Finally, the existing driveway, all existing concrete walkways and stairways, patio, pool, and pool gazebo will be demolished. The Commission considers this activity substantial demolition of the existing structure with selected and limited retention of minor portions of the pre-existing structure. Accordingly, the Commission is treating the proposed development as demolition and reconstruction of a residence, rather than as an addition to an existing residence.

The project site is a roughly rectangular lot that will be approximately 160 feet wide by approximately 202 to 232 feet long (as described above). The lot descends from an elevation of approximately 112 feet (MSL) to the toe of bluff at sea level. The slope of the site varies. Beginning at N. La Senda, the site gradually descends from

¹ Since the pool is more than 50 feet away from the coastal bluff on the project site, the Executive Director processed an exemption for this portion of the project. Therefore, no coastal development permit is required for the proposed pool.

elevation 112 to elevation 90 over a distance of approximately 150 feet. This gradually sloping area is where the existing and proposed residence occur. At elevation 90 the slope descends more sharply to approximately elevation 64 over a distance of approximately 50 feet. At elevation 64 the site descends in a near vertical drop to the toe of the bluff and sea level where there is a small sandy and rocky intertidal area (Exhibit 4, page 2, and Exhibit 5).

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.

The site is located within a locked gate community, therefore, no public access exists in the immediate vicinity. The nearest public access exists at 1,000 Steps County Beach approximately ¼ mile upcoast of the site (Exhibit 1).

As noted above, the proposed development includes 1,050 cubic yards of cut, 336 cubic yards of fill, and the export of 714 cubic yards of soil. 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 (Special Condition 7) 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. HISTORY OF DEVELOPMENT ON THE SITE

Coastal Development Permit Exemption 5-00-208-X

On October 2, 2000, the Executive Director of the Commission issued an exemption for the demolition of an existing pool and spa and construction of a new pool and spa in the same location. The proposed development was occurring at least 100 feet from the coastal bluff on the project site.

Coastal Development Permit 5-99-231

On October 15, 1999, the Commission approved with conditions Coastal Development Permit 5-99-231 for the demolition of an existing single family residence and construction of a new 5,086 square foot residence including a pool on caissons at 80 N. La Senda. The major issues of controversy on this project were the construction of a pool with caissons near a coastal bluff and the adequacy of the bluff top setback. The approval was subject to several special conditions requiring 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 soil to be exported from the site.

The applicant complied with the prior to permit issuance conditions and the permit was issued. Pursuant to the permit, the applicant demolished the existing house, graded and exported 2000 cubic yards of soils from the site, and installed 66 out of 72 caissons proposed for the foundation for the house and pool. During this period, the applicant decided to purchase the adjacent property at 78 N. La Senda with the intention of implementing the development that is now proposed. Subsequently, the applicant restored site grades to pre-existing conditions by replacing the 2000 cubic yards of soil previously exported and halted implementation of their development plans at 80 N. La Senda. The 66 caissons installed were left in place and covered when site grades were restored. The applicant has indicated their intention of abandon all development rights under Coastal Development Permit 5-99-231 if the project now proposed under Coastal Development Permit Application 5-00-223 is approved. The Commission imposes Special Condition 8 which carries out the applicants intention to abandon the development rights granted under Coastal Development Permit 5-99-231.

Coastal Development Permit A-4646

In 1975 the California Coastal Zone Conservation Commission (predecessor to the Coastal Commission) granted Coastal Development Permit A-4646 to Everett Mangam for the addition of a guest room to an existing single family home and enlargement of the garage at 78 N. La Senda.

C. HAZARDS

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 *Additional Geotechnical Investigation and Recommendations for New Residence on Double Lot, Lots 4, 5, 6, and 7 of Three Arch Palisades 31, 80 N. La Senda, Three Arch Bay, Laguna Beach, CA 92651*, by Peter E. Borella, Ph.D. of Laguna Beach, California, and dated May 6, 2000). The Geotechnical Investigation was augmented in a letter dated August 4, 2000. 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. Additional geotechnical information regarding the site is also contained in geotechnical reports and letters dated October 12, 1998, July 22, 1999, and September 20, 1999, prepared by Peter E. Borella of Laguna Beach, California (see Substantive File Documents for titles).

The subject site consists of a pair of developed lots (80 N. La Senda) and an adjacent pair of vacant lots (78 N. La Senda) 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 site are existing residences while to the west lies the bluff and Pacific Ocean. The approximate lot area is 34,110 square feet. The total relief on the property is 112 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 is the construction of a single family home with a caisson and grade beam foundation plus associated patios and landscaping. This development includes 1,050 cubic yards of cut and 336 cubic yards of fill and the export of 714 cubic yards of soil.

Setback

The Commission typically applies some form of setback on bluff top development. The setback limits seaward encroachment of development 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 enclosed living space setback from the edge of the bluff. Section 13577 of the Coastal Commission's regulations define 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. Section 13577 of the California Code of Regulations is, in relevant part, as follows:

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

Using the Commission's regulatory definition of the bluff edge, the edge of the bluff on the project site would be located at the seaward edge of the existing patio, at approximately elevation 89 (see Exhibit 4, page 2). The 25 foot setback would then be taken from that bluff edge location. As proposed, enclosed living space would encroach 14 feet and decks would encroach 19 feet into this version of the bluff top setback (i.e. there would be an 11 foot enclosed living space setback and a 6 foot patio setback from elevation 89).

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, the Commission may look at relevant policies regarding setbacks, such as a local governments certified Local Coastal Program and the local governments

development policies and ordinances. For instance, the City's certified LCP requires a 25 foot setback from the edge of the bluff. However, the City's certified LCP defines the bluff edge differently than the Commission's regulations define the bluff edge. Therefore, the effect of the setback imposed by the LCP upon development is different (i.e. typically less restrictive) than the Commission's practice. Since Three Arch Bay is an area of deferred certification, the certified LCP may be used as guidance, but is not the standard of review.

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 (i.e. the area seaward of existing elevations 64). Since the sloping area between the top of the vertical portion of the bluff and the existing building pad (i.e. between existing elevations 64 to 89) 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, and the proposed development is located a minimum of 51 feet from the vertical portion of the bluff, the proposed development is consistent with the City's 25 foot bluff top setback (Exhibit 4, page 2).

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 Commission commonly requires that decks, patios, and other similar structures encroach no closer than 10 feet to the edge of the bluff. The City's 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 to the applicable 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. The proposed development would encroach 4 feet into the Commission's 10 foot patio and deck setback when such setback is taken from the Commission's regulatory definition of the bluff edge. Whereas, the proposed development would conform with all aspects of the City's LCP policies regarding decks and patios in that the proposed decks and patios would conform with both a deck stringline and a 10 foot deck and patio setback when such setback is taken from the LCP's definition of the bluff edge.

In some cases, such as 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.k.a. structural stringline), a second stringline applies to minor development such as patios and decks (a.k.a. deck stringline). The proposed project is consistent with both the structural and deck stringlines.

In addition to the proposed development conforming with both the structural and deck stringlines, the proposed development also results in an overall landward retreat of development on the subject site. For instance, the seaward face of the enclosed living space of the proposed residence will be located 11 feet landward of the existing residence at 80 N. La Senda. In addition, the seawardmost extent of proposed decks will be located 14 feet landward of the existing decks on the existing residence at 80 N. La Senda.

Furthermore, the proposed development results in the landward retreat of development on 78 N. La Senda compared with the development previously approved at 78 N. La Senda under Coastal Development Permit 5-99-231. For instance, under the proposed project, the seawardmost extent of the enclosed living space is 11 feet landward of the seawardmost position of the enclosed living space approved under Coastal Development Permit 5-99-231. In addition, under the proposed project, the seawardmost position of decks and patios is moving at least 25 feet landward of the position approved for the same such structures under Coastal Development Permit 5-99-231. It is also notable that the controversial pool on caissons, which was located near the bluff, and which was approved under Coastal Development Permit 5-99-231, is no longer proposed under the current project. Rather, the applicant is reconstructing an existing pool that is at the landward side of the property and is approximately 100 feet from the coastal bluff.

As noted above, the applicant has prepared a geologic investigation which analyzes the geologic structure and stability of the subject site. The geologic report indicates that the subject site consists of a layer of engineered fill and non-marine and marine terrace deposits overlaying San Onofre Breccia Formation sedimentary bedrock (Exhibit 5). The geologic report states that there are no major landslides or major faults transecting the property. Accordingly, the site is not threatened by the landslide hazards which have been prevalent in other areas of the Three Arch Bay community, such as Bay Drive.

In addition, the geologic report states that a review of aerial photography of the site covering the past 60 years show that the seacliff on the property has been stable over that time period. However, there is an 8-10 foot overhang along a portion of the top of the bluff which the geologist states should be considered unstable and will likely collapse during the lifetime of the residence (Exhibit 5, page 2). However, the geologist also states that the remaining rock is resistant and will not erode more than a foot in the next 75 years. Given that there is an approximately 43 foot setback between the proposed development and the shear plane of the overhanging area, the one foot of potential erosion in this area will not threaten the proposed development.

Also, there are some minor cracks in the seaward portion of the foundation of the existing residence at 78 N. La Senda which provides evidence of settlement and minor creep on the slope seaward of the existing residence. The geologist states that the area seaward of the existing residence at 78 N. La Senda, and the area seaward of the residence at 80 N. La Senda (which was demolished under Coastal Development

Permit 5-99-231) should be considered to be subject to minor creep and settlement. However, the geologist also notes in a letter dated September 20, 1999, that failure of the coastal bluff in this area is unlikely because the slope angle is less than 26 degrees or 2:1 (H:V) in the terrace deposits and that such deposits sit on highly competent San Onofre Breccia. It should also be noted that the proposed project provides at least an 11 foot setback from the area considered to be subject to creep and settlement. In addition, the geologist notes that the 63 caissons which were installed at 80 N. La Senda pursuant to the development which was approved and commenced under Coastal Development Permit 5-99-231 (but which was not completed) renders that portion of the site extremely stable². Furthermore, the geologist recommends a caisson and grade beam foundation for the proposed development, similar to that which has already been installed at 80 N. La Senda, to mitigate any hazards from creep and settlement. In accordance with the geologists recommendations, the applicant is proposing to install a caisson and grade beam foundation.

As part of the geologic report, the geologist has also prepared a slope stability analysis. According to the applicant's geologist, the proposed development needs to be carried out in a manner which meets a minimum factor of safety of 1.5. The slope stability analysis indicates the project exceeds a 1.5 factor of safety.

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.

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 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 patios and decks are also landward of the existing patio and deck 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. Furthermore, the proposed development is located on a site that is expected to remain geologically stable. Therefore, the Commission finds that the stringline setback is appropriate in this case 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

² The applicant has indicated that, where feasible, the 63 caissons which were already installed under Coastal Development Permit 5-99-231 will be used in the development now proposed. However, in most cases the applicant will not be able to use the caissons already installed because the layout of the development now proposed is substantially different than the layout previously approved under Coastal Development Permit 5-99-231. The applicant has indicated that any caissons not used will be sheared off below grade and abandoned in place.

geotechnical analysis of a site has concluded that a proposed development is expected 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 (e.g. coastal development permit files 5-99-332-A1 (Frahm); P-80-7431 (Kinard); 5-93-254-G (Arnold); 5-88-177(Arnold)). In fact, a geotechnical letter prepared for the subject site dated July 22, 1999, 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 affects 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 of the area seaward of the existing and proposed residence "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." The geologist has also indicated that no landslides or faults are present on the site. Furthermore, the geologists stability analyses indicate a factor of safety which exceeds 1.5. 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 substantially 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 2 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.

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 *Additional Geotechnical Investigation and Recommendations for New Residence on Double Lot, Lots 4, 5, 6, and 7 of Three Arch Palisades 31, 80 N. La Senda, Three Arch Bay, Laguna Beach, CA 92651*, by Peter E. Borella, Ph.D. of Laguna Beach, California, and dated May 6, 2000, have been incorporated into the design of the proposed project. Therefore, the Commission imposes Special Condition 4.

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. The site is a shorefront development which may be subject hazards from coastal erosion, wave attack and similar natural hazards, the Commission finds that, as a condition of approval (Special Condition 3), the applicant must record an assumption-of-risk deed restriction to inform the applicant and all current and future owners of the subject site that the site is subject to hazards from landslides and coastal erosion/wave attack.

The applicant's geotechnical consultants assert that the proposed development is designed in a geotechnically safe manner. However, geotechnical evaluations do not guarantee that future bluff retreat or further landslides will not affect the stability of the proposed development. There is always some risk of an unforeseen natural disaster, such as an unexpected landslide due to an unknown failure plane, erosion of the bluff due to unusually large waves, among other hazards, that would result in complete or partial destruction of the site or the development.

In case such an unexpected event occurs on the subject property, the Commission attaches Special Condition 3, which requires recordation of a deed restriction whereby the landowner assumes the risks of extraordinary erosion and geologic hazards of the property and accepts sole responsibility for the removal of any structural debris resulting from landslides, slope failures, erosion, and waves on the site.

The Commission further finds that Special Condition 3 must be attached because recordation of the deed restriction will provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the

property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely in the future.

In addition, even though there is a potential for future geologic hazard, no one can predict when or if there might be bluff failure that would affect the proposed development since such failure appears to be episodic in nature. Special Condition No. 3 also requires that the landowner assume the risks of extraordinary erosion and geologic hazards of the property and waives any claim of liability on the part of the Commission or its officers, agents, and employees for any damage due to these natural hazards; in addition, the landowner accepts sole responsibility for the removal of any structural debris resulting from landslides, slope failures, or erosion on the site.

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 grading and drainage plan which indicates that all drainage will be directed to the street via a sump system. The proposed drainage plan concept is adequate to assure proper site drainage. However, since submittal of the initial drainage plan the applicant changed the design of the proposed residence to conform with the stringline. Accordingly, a revised drainage plan must be submitted. Therefore, the Commission imposes Special Condition 6 which requires that a revised drainage plan be submitted which demonstrates that all run-off shall be collected and discharged to avoid ponding or erosion either on or off site. In addition, Special Condition 6 requires, consistent with the applicants proposal, that all run-off shall be collected and discharged to the street via pipe or other non-erosive conveyance.

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." The applicant submitted landscape plans with their initial application. However, since submittal of the initial landscape plan the applicant changed the design of the proposed residence to conform with the stringline. Accordingly, a revised landscape plan must be submitted. 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 (Special Condition 5), the applicant shall plant only low water use, drought tolerant, native vegetation in the

area seaward of the residence³. 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.

D. VISUAL QUALITY

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project includes the construction of a residential structure on an oceanfront bluff top. If not sited appropriately, this structure would have adverse impacts upon views to and along the ocean and would be visually incompatible with the character of the surrounding area. Furthermore, appropriate siting can restore and enhance visual quality.

The proposed residential structure will be 25 feet high above existing and finished grade and approximately 15 feet high above the centerline of N. La Senda, the frontage road. This is similar to the character of the existing adjacent homes on N. La Senda. Therefore, the height of the proposed structure above the centerline of N. La Senda is compatible with the character of development in the area.

The proposed project is located in a private community (Three Arch Bay) that is between the first public road (Pacific Coast Highway in this area) and the sea. This existing, pre-Coastal Act private community is built upon a bluff top terrace which descends from PCH to the water. Several rows of homes and various other structures

³ In other communities in Orange County, such as Newport Beach and San Clemente, the Commission has prohibited the use of permanent irrigation systems anywhere within bluff top sites where new development is occurring. This prohibition has been imposed due to a history of bluff instability. In this case, the Commission is only prohibiting the use of permanent irrigation seaward of the proposed residence because there is no history of bluff instability at the site.

in the private community obstruct public views of the water from PCH. The proposed development occurs seaward of these existing structures and does not extend above the height of existing development. Therefore, public views to the shoreline from inland areas such as PCH will not be adversely affected by the proposed development.

However, unlike some areas of Three Arch Bay where public views of the community from the beach are somewhat limited due to the presence of rocky headlands, the subject site is clearly visible from the popular 1000 Steps Beach which is immediately north of the Three Arch Bay community. Development on the oceanfront bluff top can affect public views along the coast from this nearby public beach as well as from public trust land seaward of the mean high tide line. Degradation of those views would be inconsistent with Section 30251 of the Coastal Act. Degradation of views can occur when development is not consistent with the character of surrounding development. For instance, development seaward of the line of development established for an area can interfere with views to and along the shoreline leading to degradation of those views.

The Commission has recognized that, in a developed area, where new construction is generally infilling and is otherwise consistent with the Coastal Act policies, no part of the proposed development should be built further seaward than a line drawn between the nearest adjacent corners of either decks or structures of the immediately adjacent homes. In this case, the structural and deck stringlines would be drawn from the property immediately south of the subject site, at 82 N. La Senda, to the property immediately north of the subject site, at 76 N. La Senda (see Exhibit 4, page 2). The applicant is proposing to conform with the structural and deck stringlines.

As noted previously, by conforming with the stringline the proposed development results in an overall landward retreat of development on the subject site. For instance, the seaward face of the enclosed living space of the proposed residence will be located 11 feet landward of the existing residence at 80 N. La Senda. In addition, the seawardmost extent of proposed decks will be located 14 feet landward of the existing decks on the existing residence at 80 N. La Senda. By moving development on the site landward, consistent with the line of adjacent development, visual impacts from the proposed project are minimized.

Development beyond the stringline would have an adverse visual impact because it would be inconsistent with existing development patterns resulting in degradation of views along the shoreline. The project, as proposed and depicted on plans submitted by the applicant and received by Commission staff on October 18, 2000, conforms with the structural and deck stringlines. In order to assure the development is carried out consistent with the proposal and the plans submitted on October 18, 2000, the Commission finds it necessary to impose Special Condition 1 which requires that all development occur in strict compliance with the proposal and that any deviation from the approved plans must be reviewed and approved by the Executive Director. As conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

E. WATER QUALITY

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed residential development has impervious surfaces, such as roofs where pollutants such as particulate matter may settle, as well as driveways where pollutants such as oil and grease from vehicles may drip. In addition, landscaped areas may contain fertilizers and pesticides. During storm events, the pollutants which have collected upon the roof and upon other impervious surfaces created by the proposed project may be discharged from the site into the storm water system and eventually into coastal waters which can become polluted from those discharges. Water pollution results in decreases in the biological productivity of coastal waters.

Typically, water quality impacts to coastal waters can be avoided or minimized by directing storm water discharges from roof areas and other impervious surfaces to landscaped areas where pollutants may settle out of the storm water. In addition, reducing the quantity of impervious surfaces and increasing pervious water infiltration areas can improve water quality.

However, these common techniques of addressing water quality problems, by design, result in increased infiltration of water into the ground. However, as noted in the hazard section of these findings, the infiltration of water into the bluff is the primary potential source of bluff instability at the project site. Therefore, decreasing the amount of impervious surfaces, increasing the quantity of pervious areas, and encouraging water infiltration for water quality purposes could have adverse impacts upon bluff stability.

Due to the potential for increased hazards in bluff top areas which could be caused by encouraging water infiltration for water quality purposes, water quality issues are more appropriately handled at a community-wide level within Three Arch Bay. As with other new development in Three Arch Bay along the bluffs, the proposed project includes a drainage system that is designed to capture discharges from roof areas, walkways, and driveways and to discharge run-off to the street and the storm drain system. Accordingly, water quality issues can be addressed by implementing appropriate water quality treatment features in the storm drain system, through which discharges from the individual sites flow. Since Three Arch Bay is a private community, the storm drain system is owned and maintained by the Three Arch Bay Community Services District. Presently, the Three Arch Bay Community Services District has submitted an

application for a coastal development permit (5-00-011) for a new storm drain system to service the area where the proposed project is occurring. While the application is incomplete, the Three Arch Bay Community Services District is designing the proposed storm drain system to address water quality concerns.

Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. 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.

G. LOCAL COASTAL PROGRAM

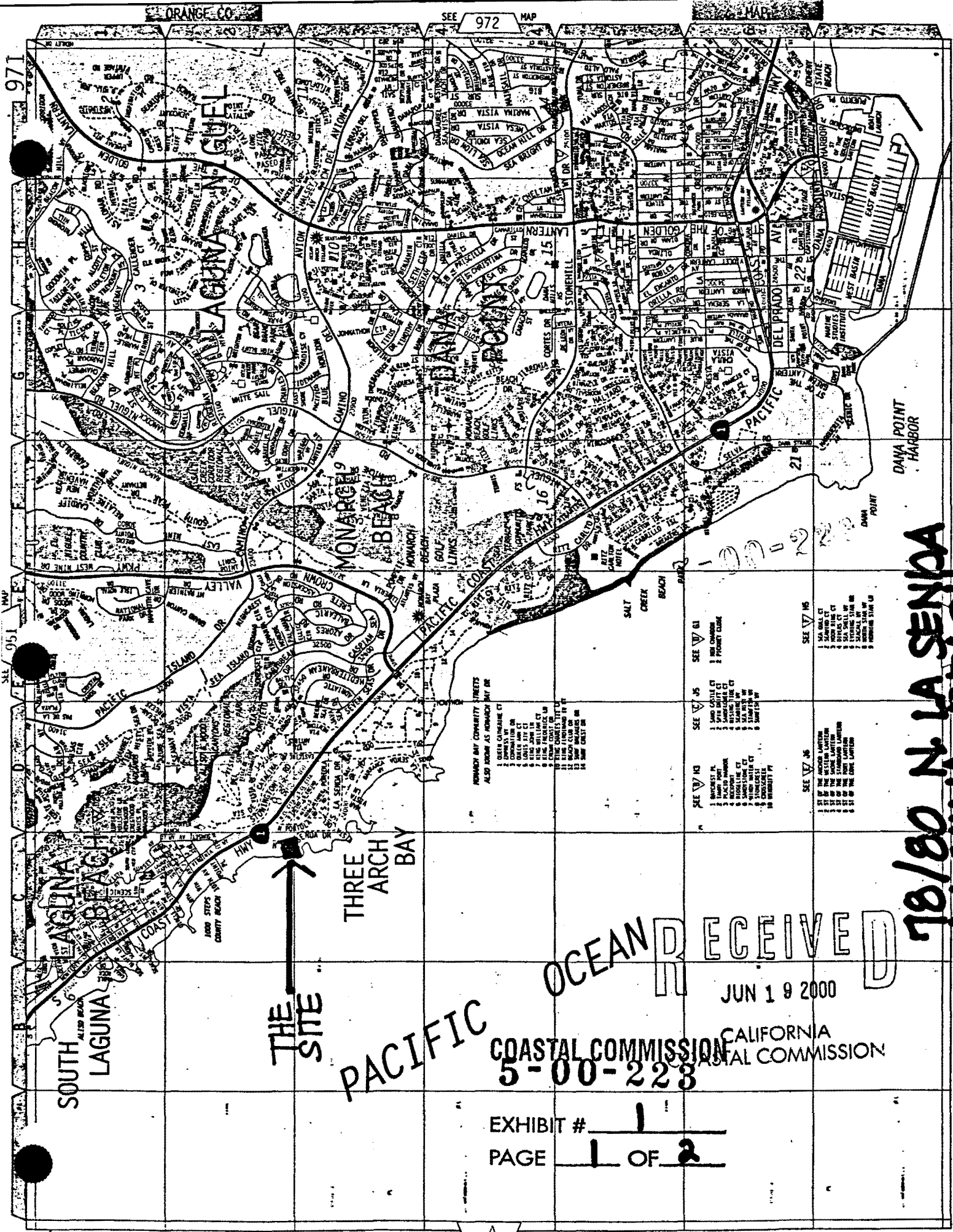
Section 30604 of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program (LCP) which conforms with, and is adequate to carry out, the Chapter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

H. 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 and visual resource protection policies of the Coastal Act. These conditions also serve to mitigate any significant adverse impacts under CEQA. In order to minimize impacts upon visual resources, Special Condition 1 requires the applicant to comply with the plans they have submitted which show the development conforms with the line of development and minimizes visual impacts of the proposed project. Special Condition 2 avoids adverse visual impacts of protective works by requiring that no future protective works are allowed on the project site. Special Condition 3 minimizes the adverse impacts of hazards on the site by notifying the applicant and future landowners of potential hazards. Special Condition 4 minimizes hazards by requiring the applicant to conform with certain geologic recommendations. Special Condition 5 minimizes hazards by requiring the use of landscaping that minimizes the quantity of irrigation necessary and by providing ground cover to reduce erosion. Special Condition 6 requires that site drainage be discharged to the street and not over the bluff to avoid adverse erosion hazards. Special Condition 7 requires the applicant to identify a debris disposal site so that soil and debris are not disposed in a manner which impacts coastal resources. 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 CEQA.



78/80 N LA SENPA
LAGUNA BEACH

OCEAN RECEIVED
JUN 19 2000

PACIFIC COASTAL COMMISSION
5-00-223

EXHIBIT # 1
PAGE 1 OF 2

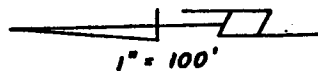
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COASTAL COMMISSION 5-00-223

EXHIBIT # 1

PAGE 2 OF 2

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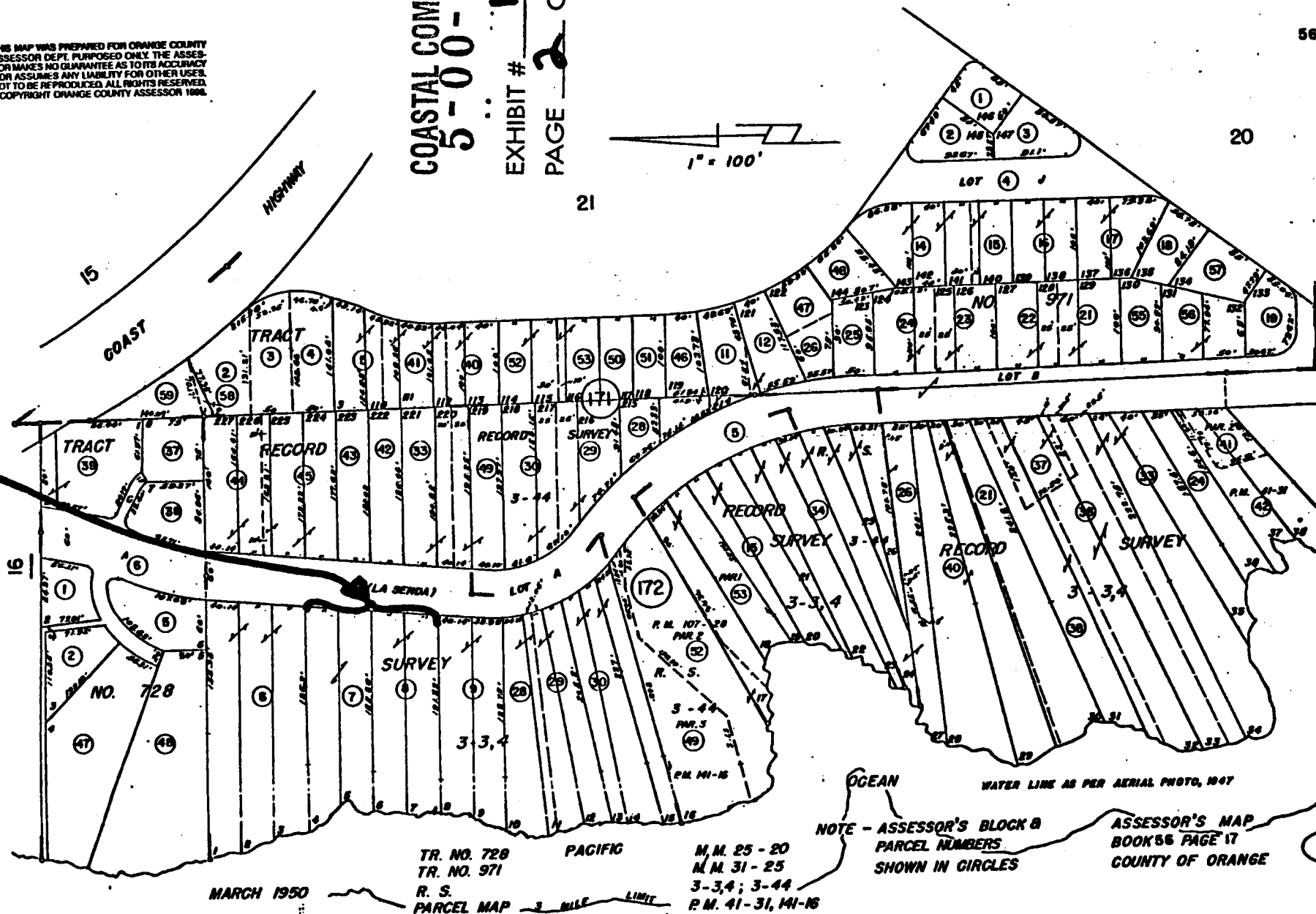
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Page 1 of 1

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Site



TR. NO. 728
TR. NO. 971
R. S.
PARCEL MAP

PACIFIC

M. M. 25 - 20
M. M. 31 - 25
3-3,4; 3-44
P. M. 41-31, 141-16

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

ASSESSOR'S MAP BOOK 56 PAGE 17 COUNTY OF ORANGE

MARCH 1950

BLAIR BALLARD ARCHITECTS • 1590 SOUTH COAST HWY, SUITE 18, LAGUNA BEACH • CA 92651 • PHONE 949 • 494 8083 • FAX 949 • 494 2772
 A NEW RESIDENCE FOR BILL & RHONDA SMITH
 80 NORTH LASENDA, THREE ARCH BAY
 LAGUNA BEACH, CALIFORNIA 92677



LEGAL DESCRIPTION:
 LOT 1, BLOCK 1, TRACT 1, COUNTY OF ORANGE, STATE OF CALIFORNIA.

SITE ADDRESS:
 80 NORTH LASENDA, LAGUNA BEACH, CA

BENCH MARK:
 AN IRON PIPER IN THE CORNER OF THE LOT, 10 FEET NORTH OF THE LOT LINE, 10 FEET WEST OF THE LOT LINE.

COASTAL COMMISSION

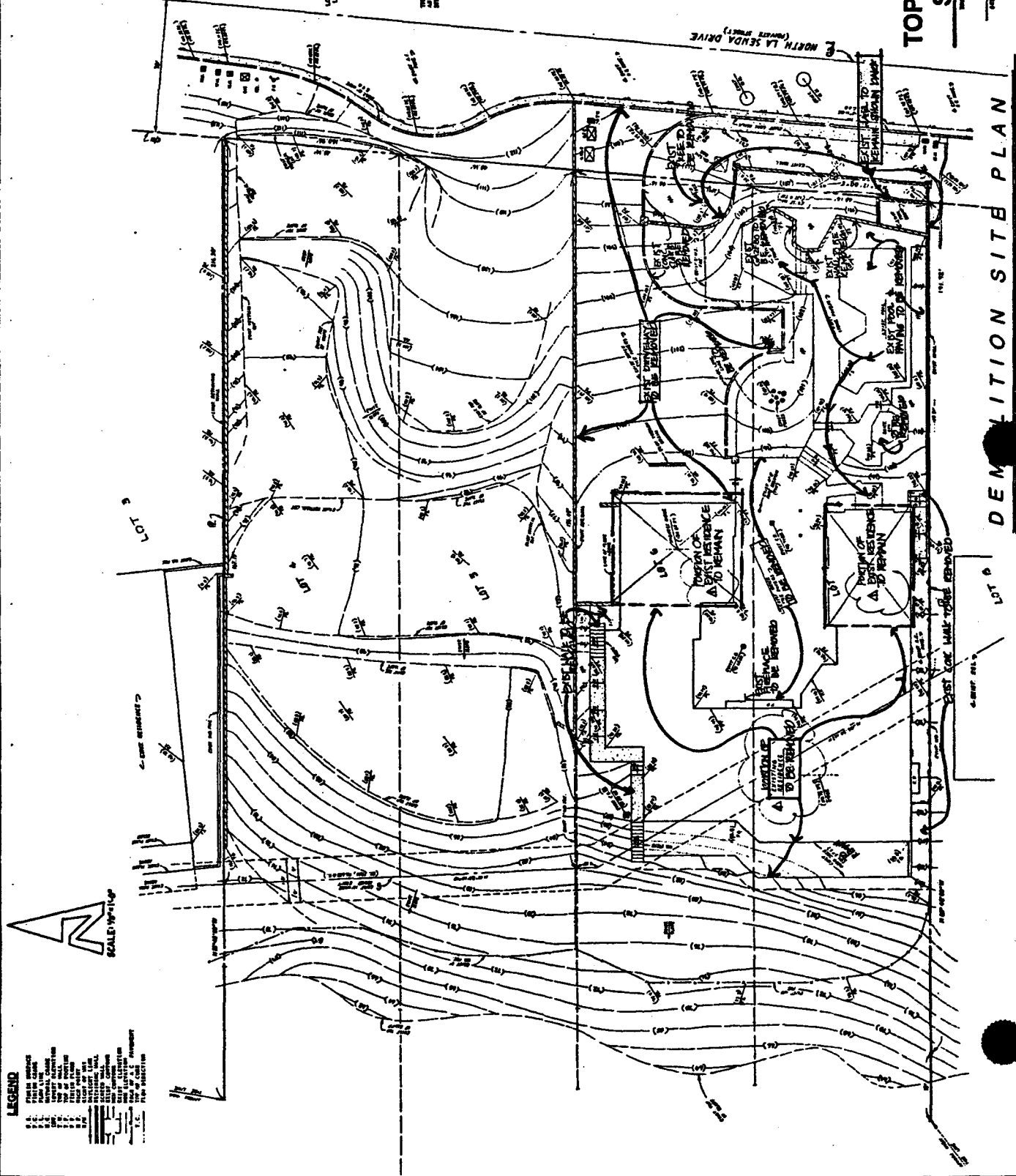
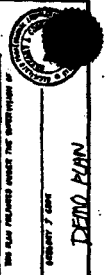
5-00-223

EXHIBIT # 2

PAGE 2 OF 5

TOPOGRAPHIC SURVEY:

THE PLAN INCLUDES ABOUT THE SUBMITTER'S



LEGEND

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51.00' Contour Interval

52.00' Contour Interval

53.00' Contour Interval

54.00' Contour Interval

55.00' Contour Interval

56.00' Contour Interval

57.00' Contour Interval

58.00' Contour Interval

59.00' Contour Interval

60.00' Contour Interval

61.00' Contour Interval

62.00' Contour Interval

63.00' Contour Interval

64.00' Contour Interval

65.00' Contour Interval

66.00' Contour Interval

67.00' Contour Interval

68.00' Contour Interval

69.00' Contour Interval

70.00' Contour Interval

71.00' Contour Interval

72.00' Contour Interval

73.00' Contour Interval

74.00' Contour Interval

75.00' Contour Interval

76.00' Contour Interval

77.00' Contour Interval

78.00' Contour Interval

79.00' Contour Interval

80.00' Contour Interval

81.00' Contour Interval

82.00' Contour Interval

83.00' Contour Interval

84.00' Contour Interval

85.00' Contour Interval

86.00' Contour Interval

87.00' Contour Interval

88.00' Contour Interval

89.00' Contour Interval

90.00' Contour Interval

91.00' Contour Interval

92.00' Contour Interval

93.00' Contour Interval

94.00' Contour Interval

95.00' Contour Interval

96.00' Contour Interval

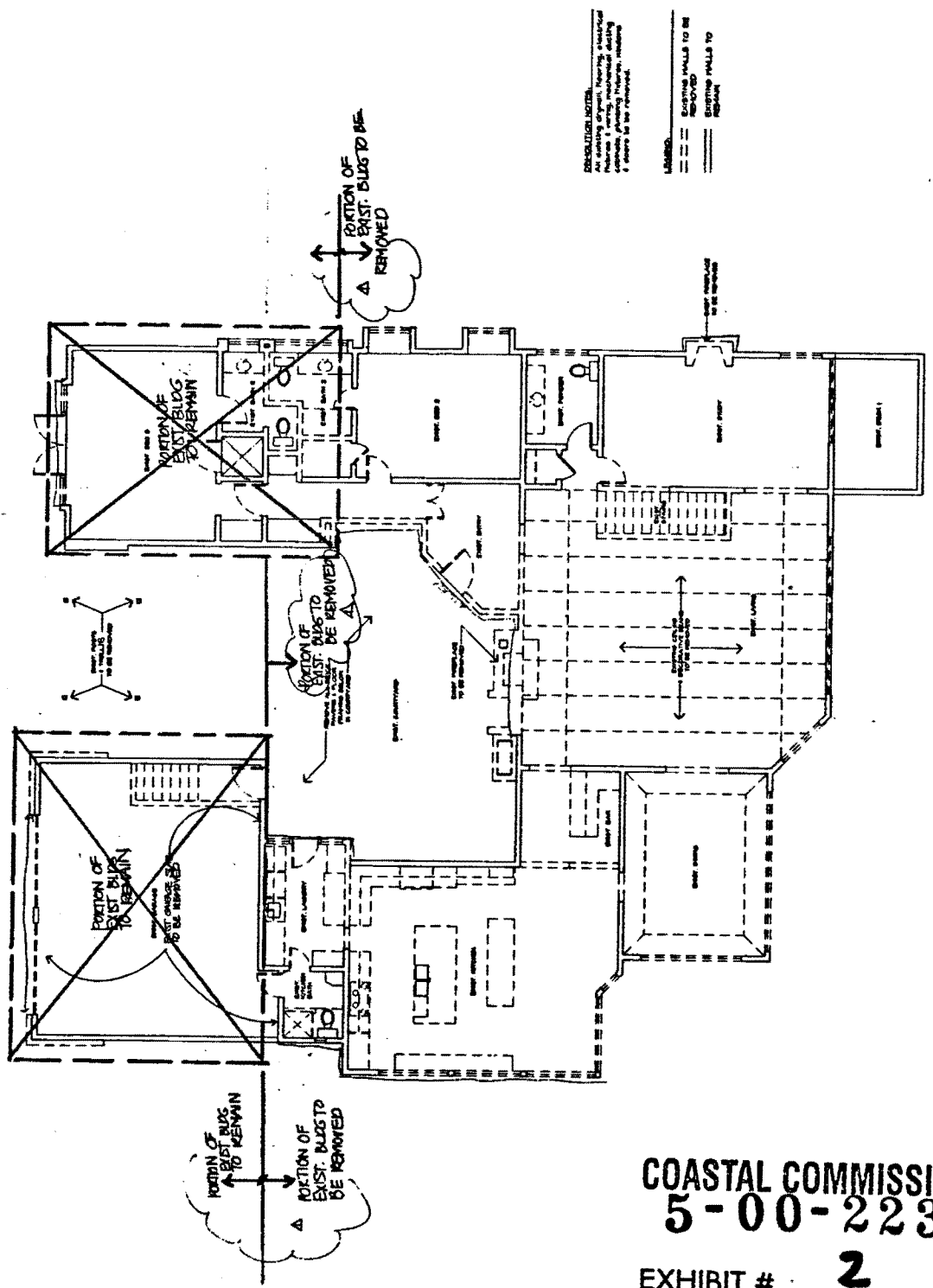
97.00' Contour Interval

98.00' Contour Interval

99.00' Contour Interval

100.00' Contour Interval

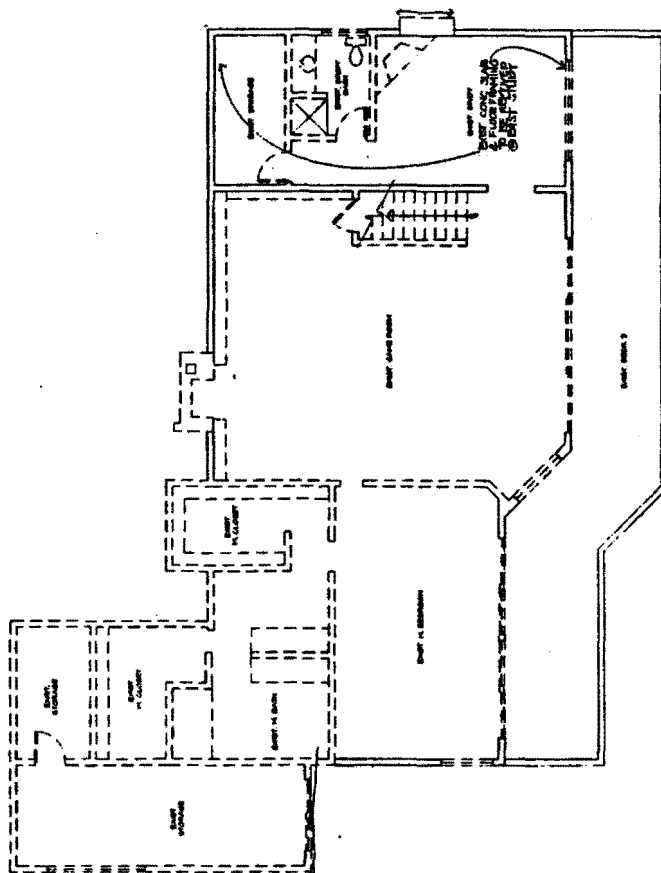
Dem. Plans



DEMOLITION NOTES:
 1. All existing walls, doors, windows, and structural elements are to be removed unless otherwise noted.
 2. All existing walls, doors, windows, and structural elements are to be removed unless otherwise noted.
 3. All existing walls, doors, windows, and structural elements are to be removed unless otherwise noted.

COASTAL COMMISSION
 5-00-223
 EXHIBIT # 2
 PAGE 3 OF 5

Demolition Plans

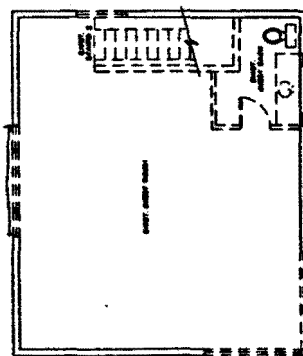


GENERAL USE HINTS:
All existing dryout, flooring, electrical
wires & wiring mechanical ducting
systems, plumbing fixtures, windows
doors to be removed.

1. EXISTING WALLS TO BE
REMOVED
 2. EXISTING WALLS TO
BE

**LOWER LEVEL
DEMOLITION PLAN**

ENTIRE LOWER LEVEL TO
BE REMOVED



Δ WATER LEVEL TO REMAIN

**UPPER LEVEL
DEMOLITION PLAN**

COASTAL COMMISSION

5-00-223

EXHIBIT # 2

PAGE 4 OF 5

Demolition Plans

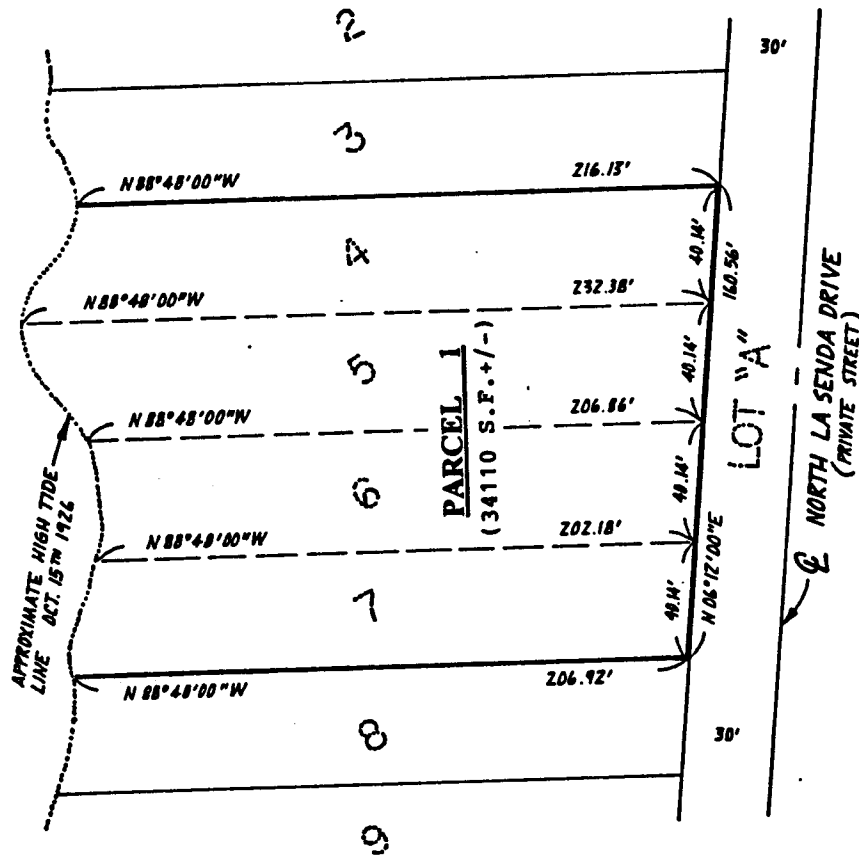
EXHIBIT "B"

LOT LINE ADJUSTMENT NO. LLA _____ - _____

(MAP)

| OWNERS | EXISTING PARCELS AP NUMBERS | PROPOSED PARCELS REFERENCE NUMBER |
|--|--------------------------------|--------------------------------------|
| William W. Smith, Jr. & Rhonda Lynn Smith | 056-172-07 & 056-172-08 | PARCEL 1 |

Sheet 4 of 4 Sheets



LEGEND TO SYMBOLS:

- Existing Lot Line to Remain
- Existing Lot Line to be Revised
- Proposed Lot Line

COASTAL COMMISSION
5-00-223

EXHIBIT # 3

PAGE 1 OF 1

Proposed Lot Merger



Gregory J. Cook

R.C.E. 31570
Exp. 12-31-2000

| ARCHITECTURAL | | LEGAL DESCRIPTION |
|---------------|----------------------|---|
| 1. | 1st Floor Plan | Lots 4, 5, 6, & 7 Three Arches Palisades No. 1, in the City of Laguna County of Orange, State of California |
| 2. | 2nd Floor Plan | |
| 3. | 3rd Floor Plan | |
| 4. | 4th Floor Plan | |
| 5. | 5th Floor Plan | |
| 6-7 | 6th & 7th Floor Plan | |
| 8-9 | 8th & 9th Floor Plan | |
| 10. | 10th Floor Plan | |
| 11. | 11th Floor Plan | |
| 12. | 12th Floor Plan | |
| 13. | 13th Floor Plan | |
| 14. | 14th Floor Plan | |
| 15. | 15th Floor Plan | |
| 16. | 16th Floor Plan | |
| 17. | 17th Floor Plan | |
| 18. | 18th Floor Plan | |
| 19. | 19th Floor Plan | |
| 20. | 20th Floor Plan | |
| 21. | 21st Floor Plan | |
| 22. | 22nd Floor Plan | |
| 23. | 23rd Floor Plan | |
| 24. | 24th Floor Plan | |
| 25. | 25th Floor Plan | |
| 26. | 26th Floor Plan | |

[illegible]

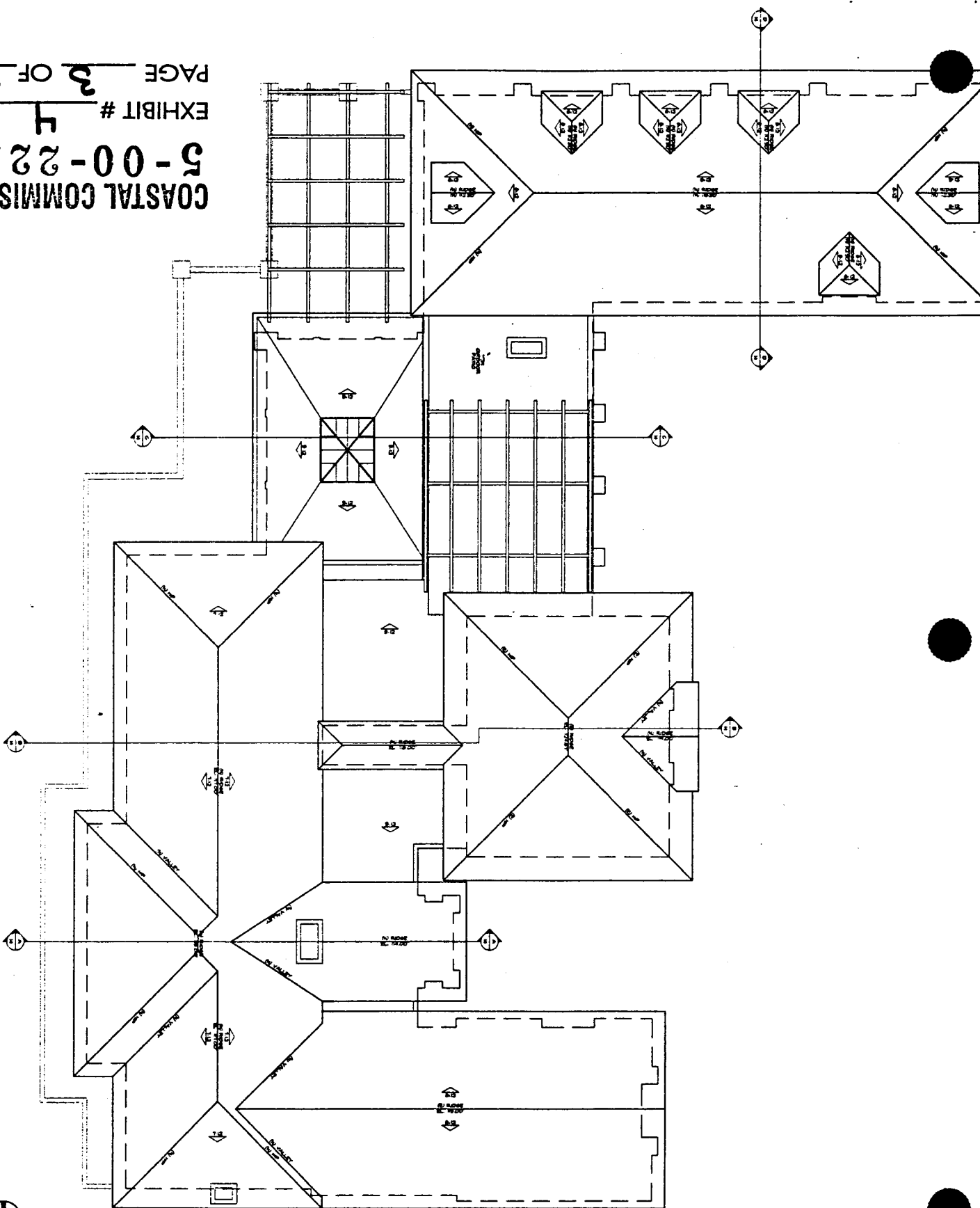
| PLANNING INFORMATION | | | |
|----------------------|-----|-----|-----|
| NAME TYPE | 1 | 2 | 3 |
| NAME | 4 | 5 | 6 |
| TYPE | 7 | 8 | 9 |
| DATE | 10 | 11 | 12 |
| TIME | 13 | 14 | 15 |
| LOCATION | 16 | 17 | 18 |
| DATE | 19 | 20 | 21 |
| TIME | 22 | 23 | 24 |
| LOCATION | 25 | 26 | 27 |
| DATE | 28 | 29 | 30 |
| TIME | 31 | 32 | 33 |
| LOCATION | 34 | 35 | 36 |
| DATE | 37 | 38 | 39 |
| TIME | 40 | 41 | 42 |
| LOCATION | 43 | 44 | 45 |
| DATE | 46 | 47 | 48 |
| TIME | 49 | 50 | 51 |
| LOCATION | 52 | 53 | 54 |
| DATE | 55 | 56 | 57 |
| TIME | 58 | 59 | 60 |
| LOCATION | 61 | 62 | 63 |
| DATE | 64 | 65 | 66 |
| TIME | 67 | 68 | 69 |
| LOCATION | 70 | 71 | 72 |
| DATE | 73 | 74 | 75 |
| TIME | 76 | 77 | 78 |
| LOCATION | 79 | 80 | 81 |
| DATE | 82 | 83 | 84 |
| TIME | 85 | 86 | 87 |
| LOCATION | 88 | 89 | 90 |
| DATE | 91 | 92 | 93 |
| TIME | 94 | 95 | 96 |
| LOCATION | 97 | 98 | 99 |
| DATE | 100 | 101 | 102 |
| TIME | 103 | 104 | 105 |
| LOCATION | 106 | 107 | 108 |
| DATE | 109 | 110 | 111 |
| TIME | 112 | 113 | 114 |
| LOCATION | 115 | 116 | 117 |
| DATE | 118 | 119 | 120 |
| TIME | 121 | 122 | 123 |
| LOCATION | 124 | 125 | 126 |
| DATE | 127 | 128 | 129 |
| TIME | 130 | 131 | 132 |
| LOCATION | 133 | 134 | 135 |
| DATE | 136 | 137 | 138 |
| TIME | 139 | 140 | 141 |
| LOCATION | 142 | 143 | 144 |
| DATE | 145 | 146 | 147 |
| TIME | 148 | 149 | 150 |
| LOCATION | 151 | 152 | 153 |
| DATE | 154 | 155 | 156 |
| TIME | 157 | 158 | 159 |
| LOCATION | 160 | 161 | 162 |
| DATE | 163 | 164 | 165 |
| TIME | 166 | 167 | 168 |
| LOCATION | 169 | 170 | 171 |
| DATE | 172 | 173 | 174 |
| TIME | 175 | 176 | 177 |
| LOCATION | 178 | 179 | 180 |
| DATE | 181 | 182 | 183 |
| TIME | 184 | 185 | 186 |
| LOCATION | 187 | 188 | 189 |
| DATE | 190 | 191 | 192 |
| TIME | 193 | 194 | 195 |
| LOCATION | 196 | 197 | 198 |
| DATE | 199 | 200 | 201 |
| TIME | 202 | 203 | 204 |
| LOCATION | 205 | 206 | 207 |
| DATE | 208 | 209 | 210 |
| TIME | 211 | 212 | 213 |
| LOCATION | 214 | 215 | 216 |
| DATE | 217 | 218 | 219 |
| TIME | 220 | 221 | 222 |
| LOCATION | 223 | 224 | 225 |
| DATE | 226 | 227 | 228 |
| TIME | 229 | 230 | 231 |
| LOCATION | 232 | 233 | 234 |
| DATE | 235 | 236 | 237 |
| TIME | 238 | 239 | 240 |
| LOCATION | 241 | 242 | 243 |
| DATE | 244 | 245 | 246 |
| TIME | 247 | 248 | 249 |
| LOCATION | 250 | 251 | 252 |
| DATE | 253 | 254 | 255 |
| TIME | 256 | 257 | 258 |
| LOCATION | 259 | 260 | 261 |
| DATE | 262 | 263 | 264 |
| TIME | 265 | 266 | 267 |
| LOCATION | 268 | 269 | 270 |
| DATE | 271 | 272 | 273 |
| TIME | 274 | 275 | 276 |
| LOCATION | 277 | 278 | 279 |
| DATE | 280 | 281 | 282 |
| TIME | 283 | 284 | 285 |
| LOCATION | 286 | 287 | 288 |
| DATE | 289 | 290 | 291 |
| TIME | 292 | 293 | 294 |
| LOCATION | 295 | 296 | 297 |
| DATE | 298 | 299 | 300 |
| TIME | 301 | 302 | 303 |
| LOCATION | 304 | 305 | |

ARCHITECTS • 1590 SOUTH COAST HWY.,
AREMOBE & ADDOMONRA
80 NORTH LA SEND,
LAGUNA BEACH, CA

Proposed Home

COASTAL COMMISSION
5-00-223
EXHIBIT # 4
PAGE 3 OF 9

ROOF PLAN



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

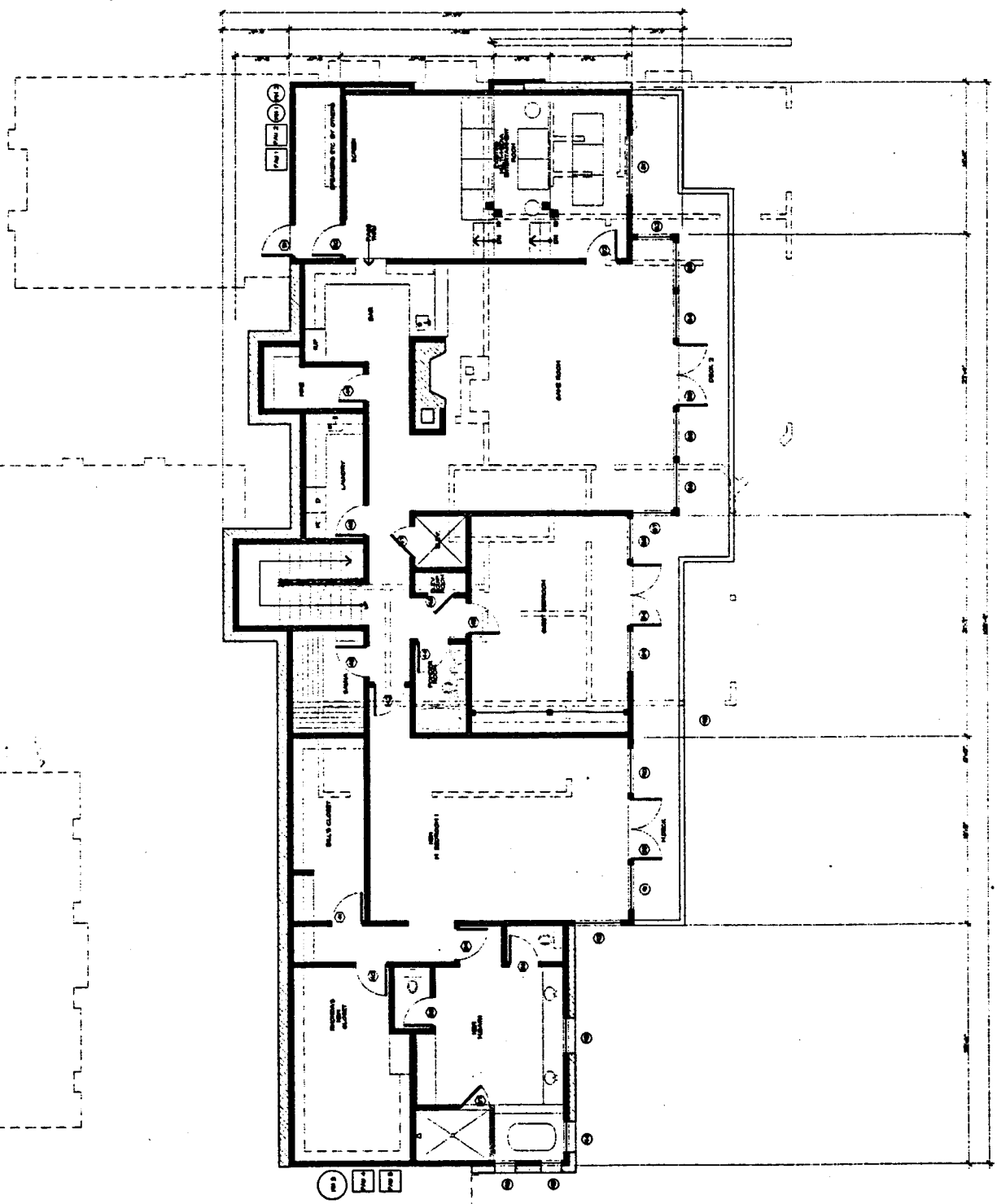
| | | | | | | | |
|------------|------------------|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <p>A.3</p> | <p>ROOF PLAN</p> | <p>A REMODEL & ADDITION FOR BILL & RHONDA SMITH 80 NORTH LA SENDA, THREE ARCH BAY LAGUNA BEACH, CALIFORNIA 92677</p> | <p>BLAIR BALLARD architects</p> | <p>BLAIR BALLARD architects</p> | <p>BLAIR BALLARD architects</p> | <p>BLAIR BALLARD architects</p> | <p>BLAIR BALLARD architects</p> |
|------------|------------------|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|

APPROVAL & ADDITION FOR BIL & RHONDA SMITH
80 NORTH LASENDA, THREE ARCH BAY
LAGUNA BEACH, CALIFORNIA 92677

LOWER LEVEL
FLOOR PLAN

A1.4

LOWER LEVEL
FLOOR PLAN



COASTAL COMMISSION
5-00-223

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PAGE 4 OF 9

Proposed Home

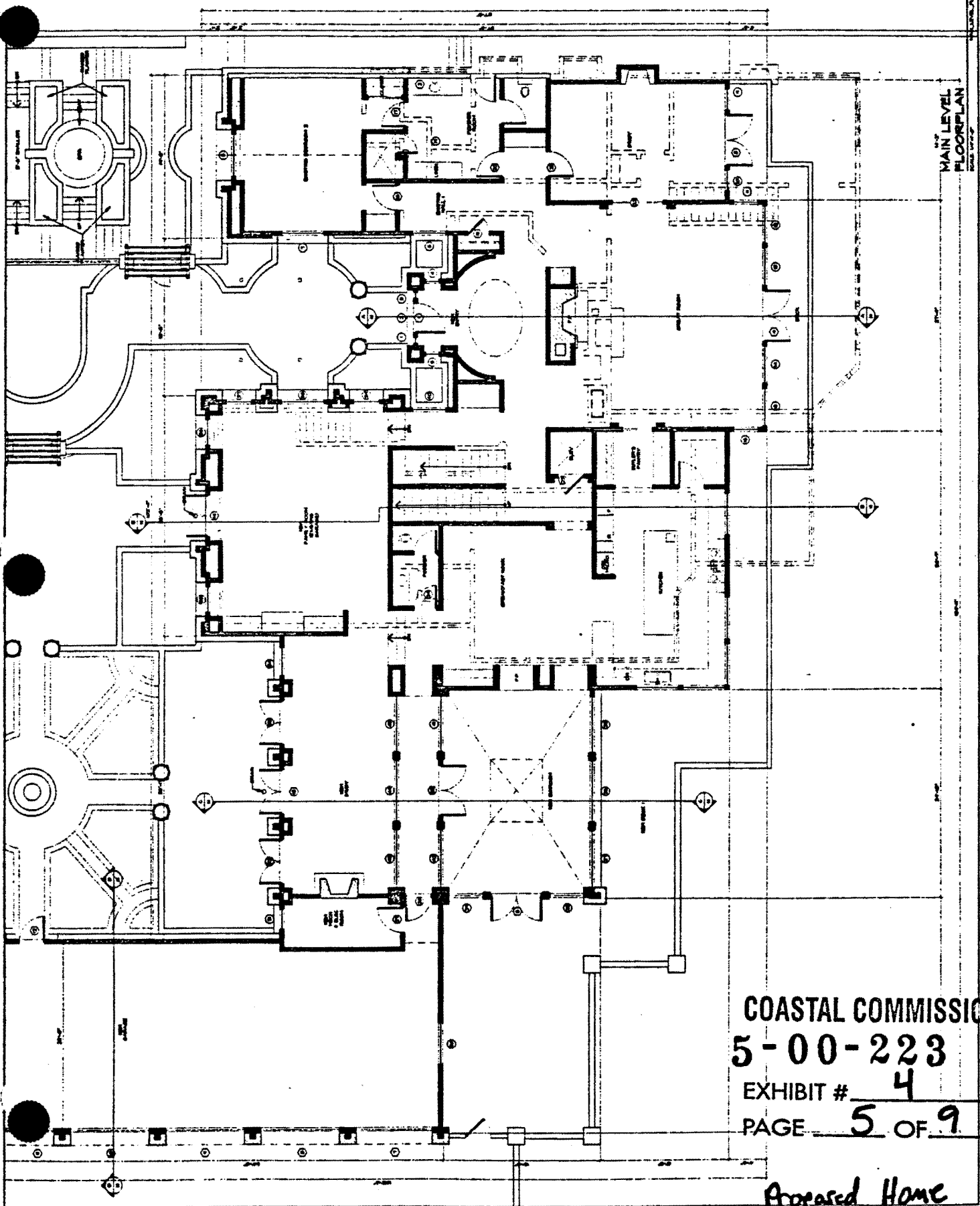
APR MODEL 5 ADDITION FOR BILL & RHONDA SMITH
80 NORTH LASSENDA, THREE ARCH BAY
LAGUNA BEACH, CALIFORNIA 92677

BBVA
blair ballard
architects

MAIN LEVEL
FLOOR PLAN

A.5

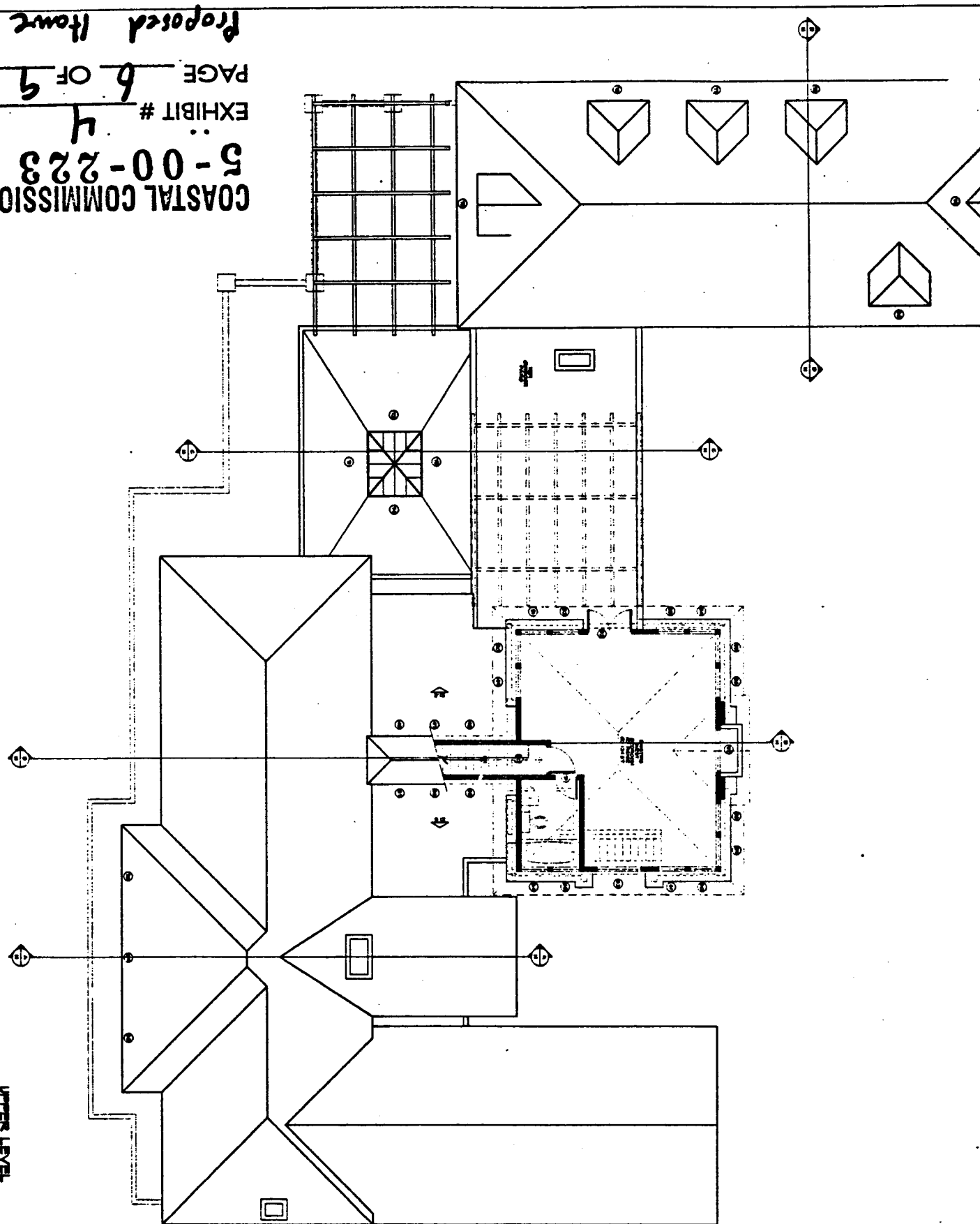
BLAIR BALLARD ARCHITECTS • 1590 SOUTH COAST HWY, SUITE 18, LAGUNA BEACH • CA. 92651 • PHONE 949 • 494 8093 • FAX 949 • 494 2772 •



COASTAL COMMISSION
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EXHIBIT # 4
PAGE 5 OF 9

Proposed Home

COASTAL COMMISSION
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 PAGE 6 OF 9
 Proposed House

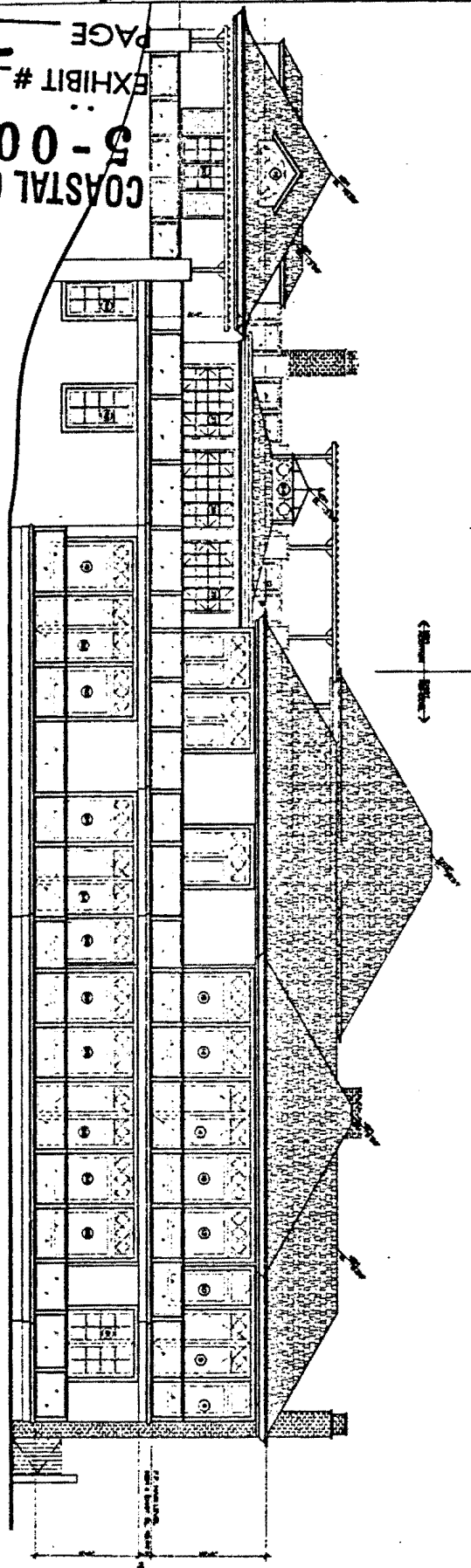


UPPER LEVEL
 FLOOR PLAN

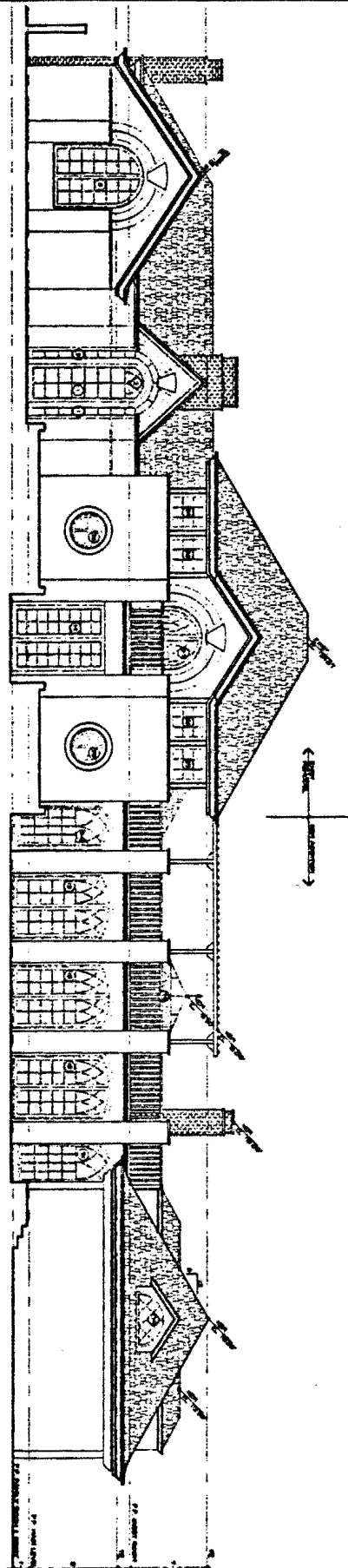
A.S.

A REMODEL & ADDITION FOR BILL & RHONDA SMITH
 80 NORTH LA SENDA, THREE ARCH BAY
 LAGUNA BEACH, CALIFORNIA 92677

Blair Ballard Architects
 1590 South Coast Hwy, Suite 18
 Laguna Beach, CA 92651
 Phone: 949.494.8093
 Fax: 949.494.2772
 Email: info@blairballard.com



WEST ELEVATION



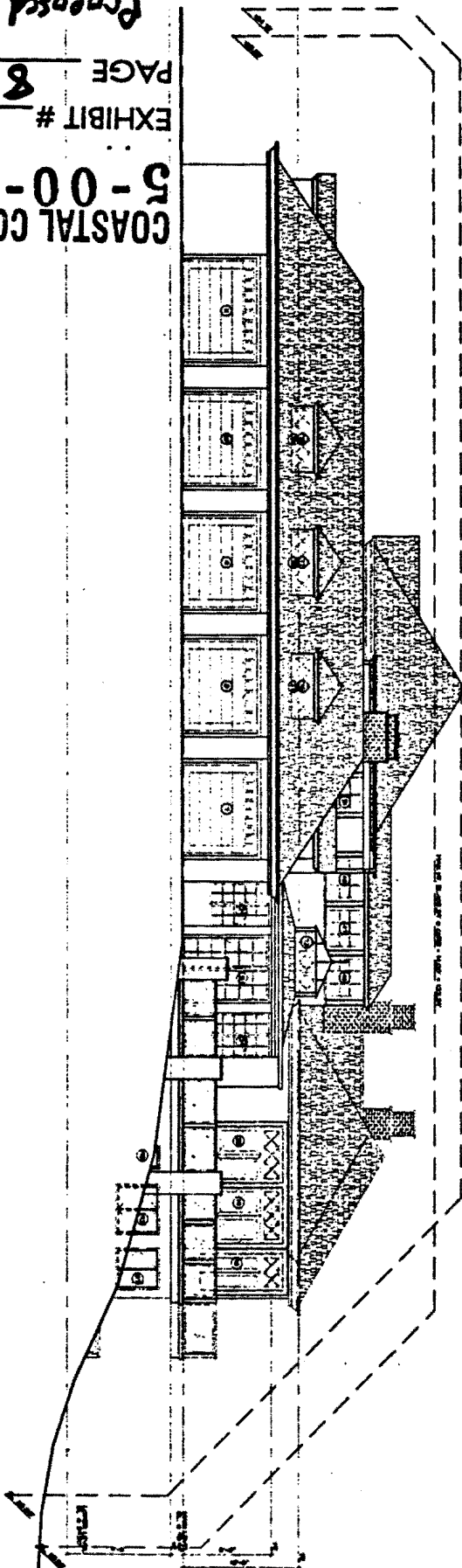
EAST ELEVATION

AREMODEL & ADDITION FOR BILL & RHONDA SMITH
 80 NORTH LA SENDA, THREE ARCH BAY
 LAGUNA BEACH, CALIFORNIA 92677

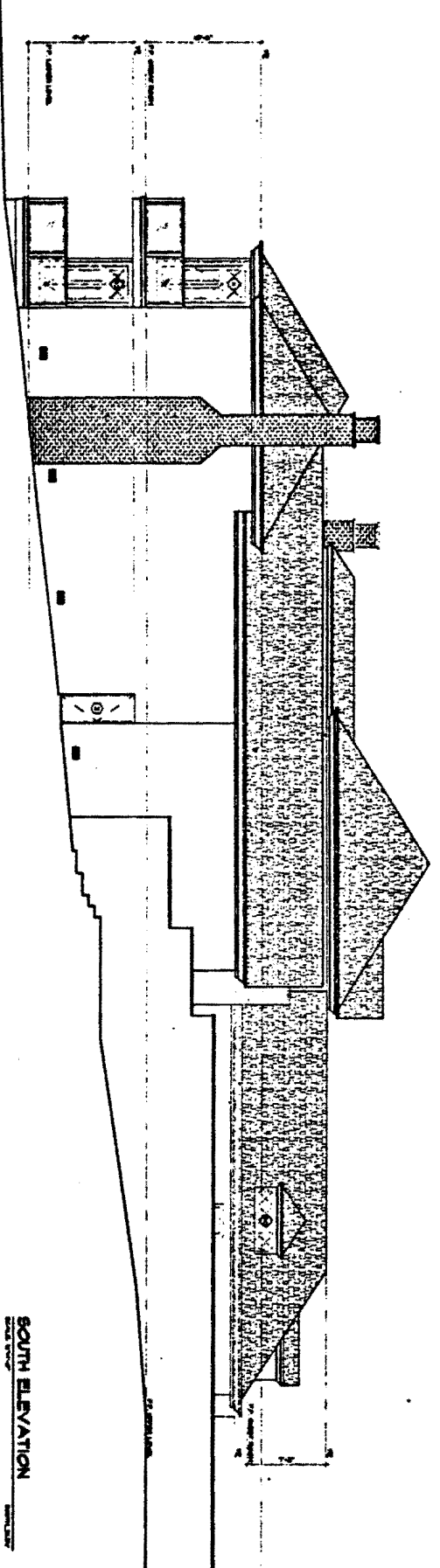
DBA
 Blair Ballard
 Architects

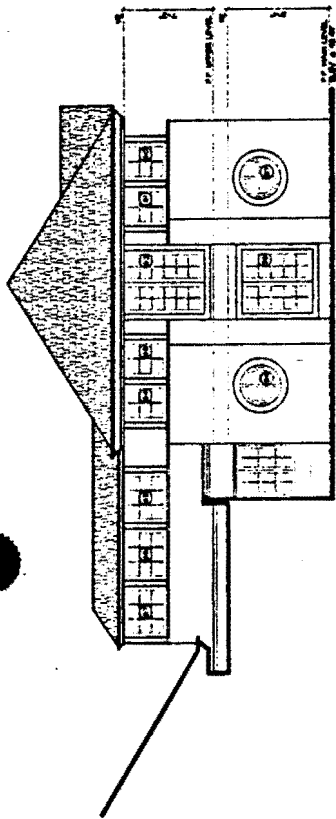
| | |
|---|---|
| 1. Project Name 2. Project Address 3. Project City 4. Project State 5. Project Zip 6. Project Phone 7. Project Fax 8. Project Email 9. Project Website 10. Project Notes | 11. Project Start Date 12. Project End Date 13. Project Status 14. Project Budget 15. Project Cost 16. Project Revenue 17. Project Profit 18. Project Loss 19. Project Breakdown 20. Project Summary |
|---|---|

NORTH ELEVATION

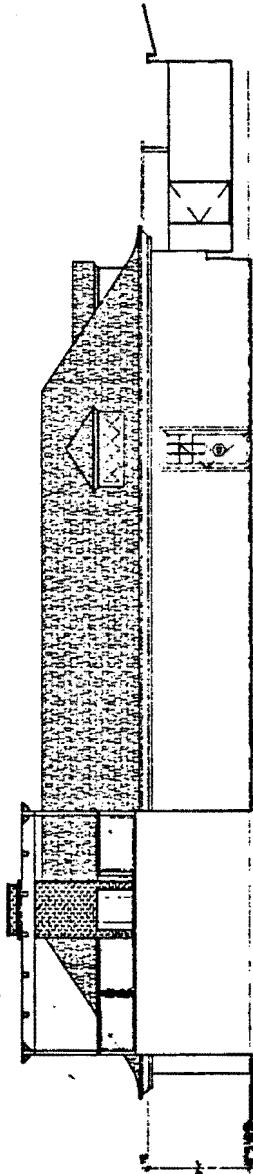


SOUTH ELEVATION

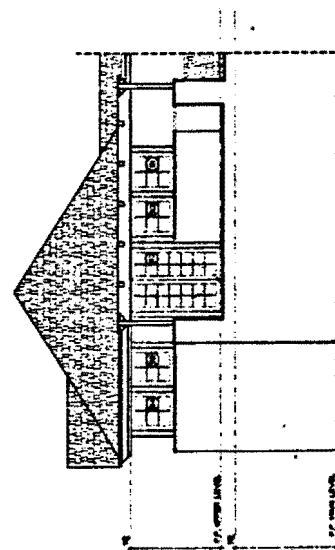




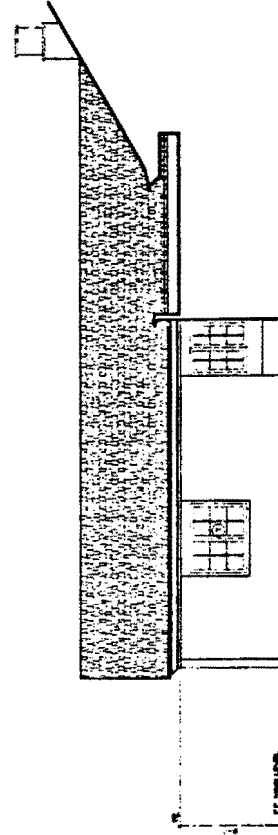
PARTIAL SOUTH
EXTERIOR ELEVATION
SCALE 1/8" = 1'-0"



PARTIAL SOUTH
EXTERIOR ELEVATION
SCALE 1/8" = 1'-0"



PARTIAL NORTH
EXTERIOR ELEVATION
SCALE 1/8" = 1'-0"



PARTIAL NORTH
EXTERIOR ELEVATION
SCALE 1/8" = 1'-0"

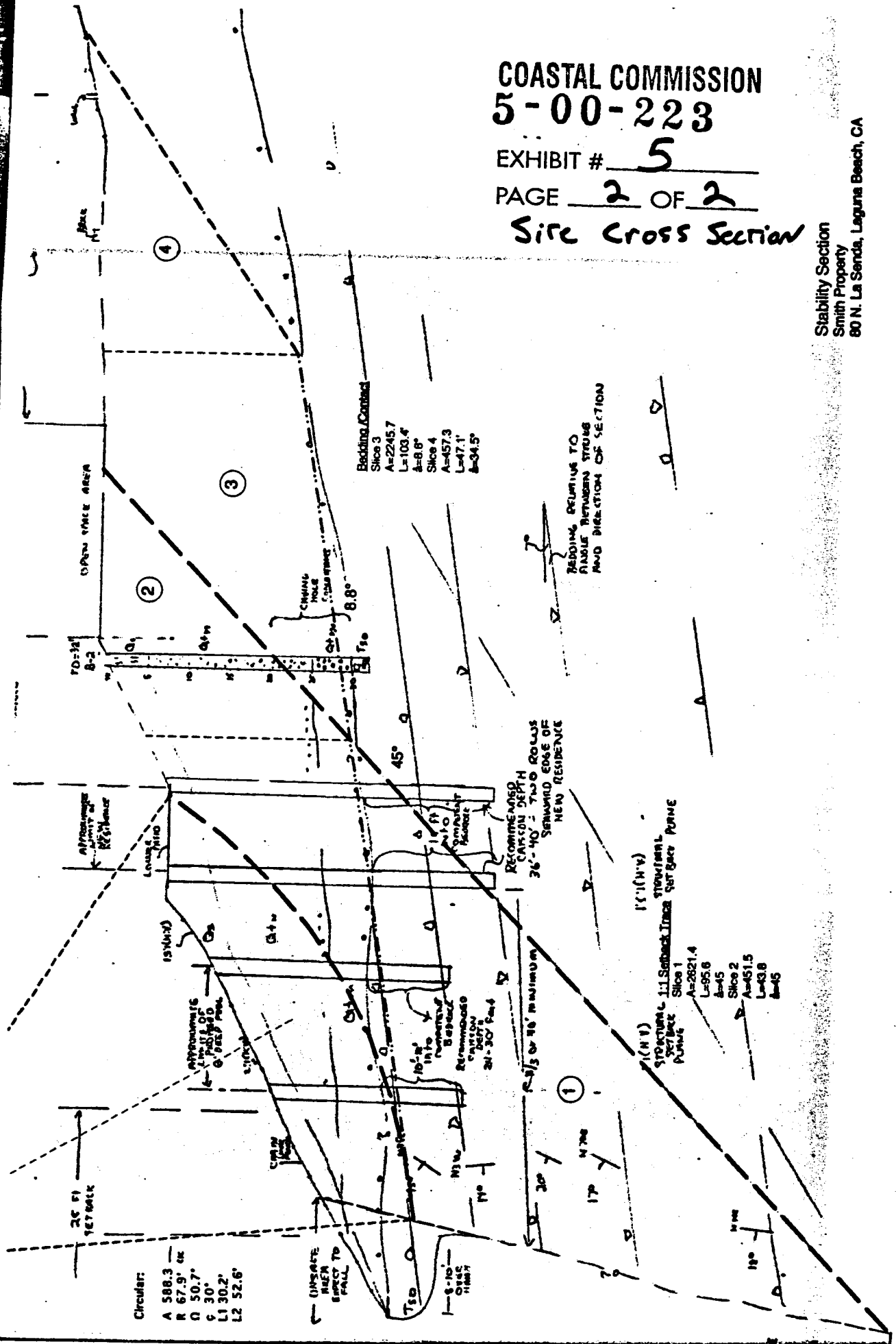
COASTAL COMMISSION
5-00-223

EXHIBIT # 4
PAGE 9 OF 9

Proposed Home

Site Cross Section

1



Bob and Elizabeth Braun
33 N. La Senda, So. Laguna, CA 92651

RECEIVED
OCT 23 2000
CALIFORNIA
COASTAL COMMISSION

October 20, 2000

Mr. Karl Schwing
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 92651

Re: 80 North La Senda, So. Laguna, CA.

Dear Mr. Schwing:

This letter requests that the plans for the property at 80 North La Senda be returned to the Three Arch Bay Architectural Committee for further review. The project consisted of two properties (78 North La Senda and 80 North La Senda) that were combined into one building site. At the time the lots were merged, 78 North La Senda was improved with approximately a 5,000 square foot home and the improvements on 80 North La Senda had been demolished. The property owner's application to the Three Arch Bay Architectural Committee indicated that the existing structure at 78 North La Senda would remain relatively intact and unmodified. The Architectural Committee thus approved the plans, despite the fact that the existing structure at 78 North La Senda exceeded the maximum allowable height limit. At the time of this approval, however, neither the Architectural nor the neighbors realized that the existing improvements would be stripped down to the bare framing.

Our understanding is that the Coastal Commission determined that a portion of the existing structure that encroached beyond the applicable string line would have to be demolished because the exterior cladding of that portion of the structure had been removed. We appreciate this direction because it is beneficial to view preservation and minimizes both the visual and physical intrusion to the bluff top area. We respectfully request that similar logic be applied to the portion of the existing roof above the maximum allowable height limit as similar beneficial results would be achieved. The burden imposed by modifying the preexisting structure, in light of the current demolition, would be de minimis, and should be reevaluated by the Architectural Committee. The project should also be reevaluated because the modifications to the bluff top set back and roof ridge lines have altered the views of the project's neighbors and the public at large.

Mr. Karl Schwing
October 20, 2000
Page Two

Thank you for your consideration of this matter.

Very truly yours,


Robert C. Braun

RCB:dc

