

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 (62) 590-5071

**TU 3a**

Filed: 7/2/01
 49th Day: 9/5/01
 180th Day: 1/14/02
 Staff: MV-LB
 Staff Report: 7/18/01
 Hearing Date: 8/11-14/01
 Commission Action:

RECORD PACKET COPY**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER: 5-01-212****APPLICANT: Michael & Lynn Douglas****AGENT: Frank Montesinos****PROJECT LOCATION: 31 Stonington Road, Laguna Beach, Orange County**

PROJECT DESCRIPTION: Construction of a 2,825 square foot, three level, 19 feet high (as measured from finished grade), single family residence with an attached 590 square foot, 3 car garage. Also proposed is 920 cubic yards of cut.

Lot Area:	6,032 square feet
Building Coverage:	2,025 square feet
Pavement Coverage:	1,850 square feet
Landscape Coverage:	1,152 square feet
Parking Spaces:	3
Zoning	Three Arch Bay 3-7 du/ac
Ht above final grade	19 feet

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: Report on Investigation of Geologic/Soils and Foundation Conditions, prepared by Ian S. Kennedy, Inc., 10/1/00; City of Laguna Beach certified Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project subject to two special conditions necessary to bring the project into conformance with the hazard policies of the Coastal Act. The two special conditions recommended by staff are: 1) conformance with the geotechnical consultant's recommendations and, 2) identification of the location of the disposal site for the excess cut material.

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP #5-01-212 pursuant to the staff recommendation.

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

RESOLUTION TO APPROVE THE PERMIT WITH CONDITIONS:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
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. **Conformance of Design and Report on Investigation of Geologic/Soils and Foundation Conditions**

- A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall be consistent with all recommendations contained in the Report on Investigation of Geologic/Soils and Foundation Conditions prepared by Ian S. Kennedy, Inc., dated October 1, 2000. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately 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.

2. **Location of Disposal Site**

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

IV. **FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

A. **Project Description and Location**

The applicant is proposing the construction of a 2,825 square foot, three level, 19 feet high (as measured from finished grade), single family residence with an attached 590 square foot, 3 car garage. The subject site is a vacant residential lot. Also proposed is 920 cubic yards of cut.

The subject site is located on an interior lot within the locked gate community of Three Arch Bay in the City of Laguna Beach. Three Arch Bay extends on both sides of Coast Highway. The subject site is located inland of Coast Highway. 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 the Three Arch Bay area of deferred certification.

Because the site is located within a locked gate community, no public access exists in the immediate vicinity. The nearest public access exists at 1000 Steps County Beach approximately one half mile upcoast of the site.

The proposed development includes 920 cubic yards of export. The applicant has indicated that the location of the disposal site for the excess cut material is unknown at this time. In order to ensure that the excess cut material will not be improperly disposed of or be placed elsewhere in the coastal zone without a permit, the permit has been conditioned to require the applicant to provide, in writing, a statement indicating where the excess cut material 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. Geology

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 not an oceanfront or blufftop lot. It is located on an interior lot within the locked gate community of Three Arch Bay. The subject property is an existing, undeveloped residential lot. The lot slopes from the road to the rear property line above, at a gradient of 1 ½ to 1 (horizontal to vertical), adjacent to the road, and at an average gradient of 2 to 1 to the rear property line. The proposed project includes 920 cubic yards of cut to recess the structure into the hillside. Excavation of this magnitude creates the potential for instability at the site. Section 30253 requires that new development assure stability and structural integrity. A site specific Report on Investigation of Geologic/Soils and Foundation Conditions was prepared for the proposed development by Ian S. Kennedy, Inc. and is dated October 1, 2000. Preparation of the Report on Investigation of Geologic/Soils and Foundation Conditions included mapping the front slope area, logging the two test hole-type excavations, analysis of site materials, and review of geologic reports and aerial photographs.

Regarding the feasibility of the proposed project the geotechnical consultant makes the following statements:

"Geologic conditions at the subject site are considered to be favorable. The apparent dip of the bedding planes, noted in the underlying bedrock and in the area of the subject site, have angles of inclination that would be into the natural slope."

"The San Onofre breccia bedrock material underlying the proposed new residence is considered stable and adequate for support of structural loads."

"The upper slope area is considered to be stable due to no evidence of slope movement in the form of creep, slumping, or landsliding."

"The subject site is considered suitable for its intended use; and that the proposed development will not negatively attack adjoining properties."

"Final plans for construction of the proposed foundation system should be reviewed by an engineering geologist or soils engineer to confirm compliance with these recommendations."

The geotechnical consultant has found that the proposed development is feasible provided the recommendations contained in the Report on Investigation of Geologic/Soils and Foundation Conditions prepared by the consultant are implemented in design and construction of the project. The geotechnical recommendations address bearing material, foundation bearing, lateral resistance, conventional foundation, settlements, lateral earth pressures, seismic design, cement, surface drainage, exterior flatwork, grading, planting, and construction inspection. 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 Report on Investigation of Geologic/Soils and Foundation Conditions prepared by Ian S. Kennedy, Inc., dated October 1, 2000, have been incorporated into the design of the proposed project.

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

C. Public Access & Recreation

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

The proposed project is located within an existing locked gate community located between the sea and the first public road paralleling the sea. Although the subject site is located inland of Coast Highway (the first public road paralleling the sea), the entire Three Arch Bay community includes the area seaward of Coast Highway. Public access through this community does not currently exist. The proposed development, construction of a new single family residence on an existing residential lot, 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 recreation policies of the Coastal Act.

E. 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 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.

F. California Environmental Quality Act

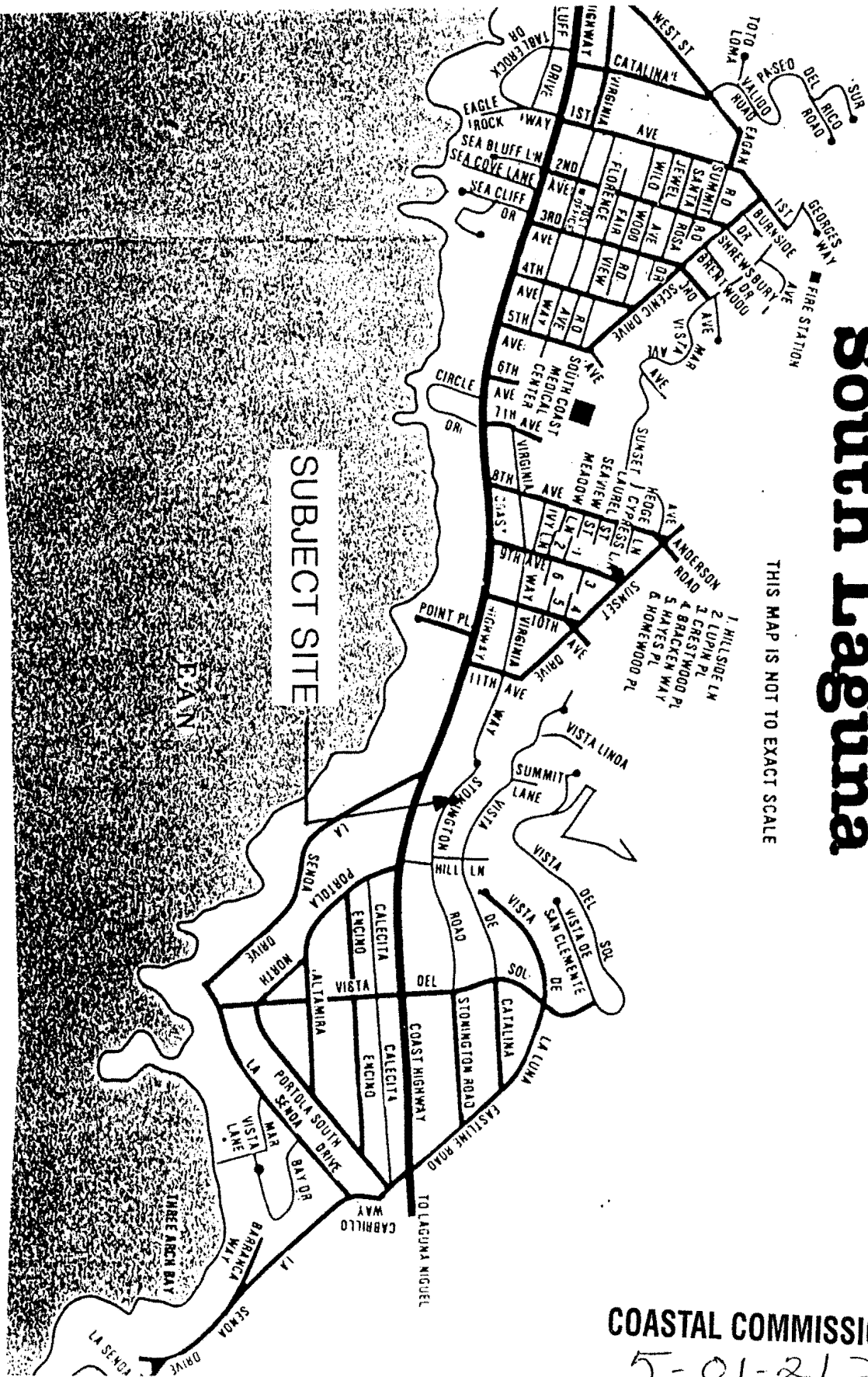
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality 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 is located in an urban area. All infrastructures necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the hazard policies of Chapter 3 of the Coastal Act. These conditions also serve to mitigate any significant adverse impacts under CEQA. Mitigation measures requiring conformance with geotechnical recommendations and identification of the location of the disposal site for excess cut material will minimize any significant adverse effects that the activity may have on the environment.

There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

South Laguna

THIS MAP IS NOT TO EXACT SCALE




INDEX MAP

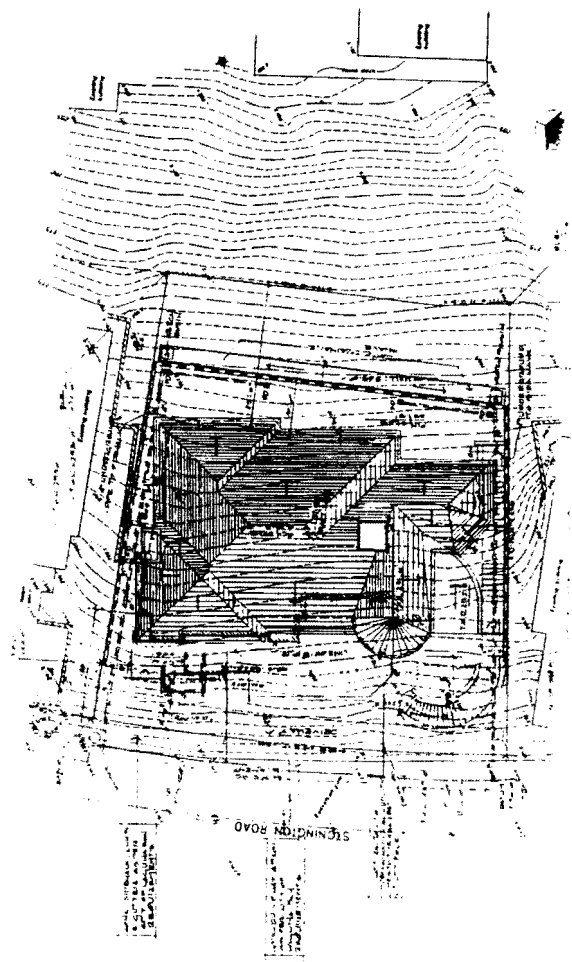
COASTAL COMMISSION

5-01-212

EXHIBIT # A

PAGE 1 OF 1

	<p>FRANK R. ROBERTSON, AIA ARCHITECT 100 N. BAY ST. SUITE 1210 MIAMI, FL 33131 (305) 375-1212</p>	<p>APPLICANT PROJECT</p>	<p>DATE OF SUBMISSION PROJECT NO.</p>	<p>PROJECT NO.</p>	<p>1-1-85</p>
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SHEET NO. 1


COASTAL COMMISSION

5-01-212

EXHIBIT # C

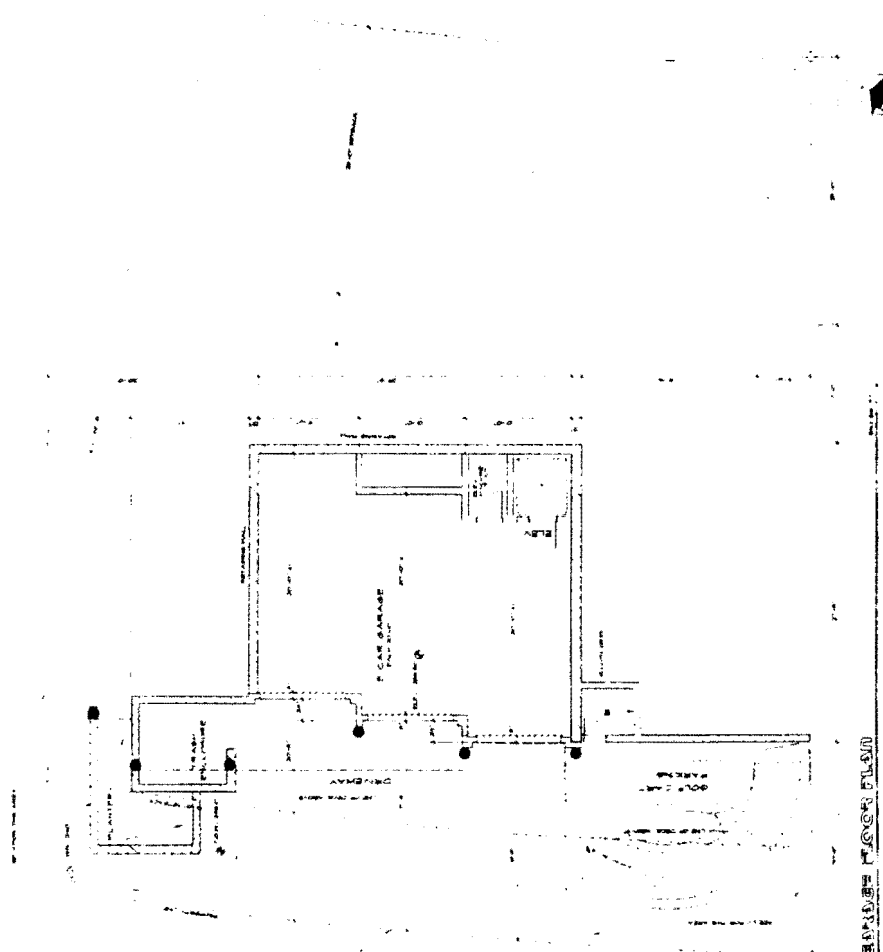
PAGE 1 OF 1

Site Plan


FRANK J. MONTENOSOR, A.P.E.
 License No. 1110
 License Exp. 12/31/90
 10000 S. 10th St.
 Laguna Beach, CA 92653
 (949) 541-2500

Artels
 11 N. STONINGTON
 WARE, ARCH. & ENGRS.
 LAGUNA BEACH, CA 92653

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 SHEET NO. A-1



Lower Level
Floor Plan

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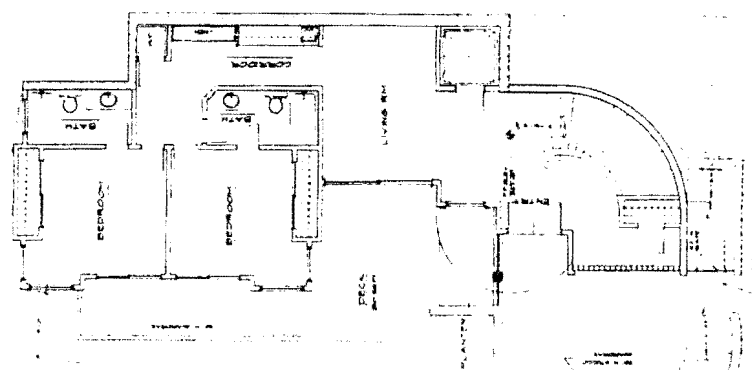
FRANK J. MONTENON, AIA
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Amtek

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A-2



Mid Level
 Floor Plan

COASTAL COMMISSION
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 EXHIBIT # E
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FRANK P. MONTENON, AIA
 ARCHITECT
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 LAJUNA BEACH, CA 92651
 TEL: (949) 361-2570
 FAX: (949) 361-2779
 FRANKP@MONTENON.COM

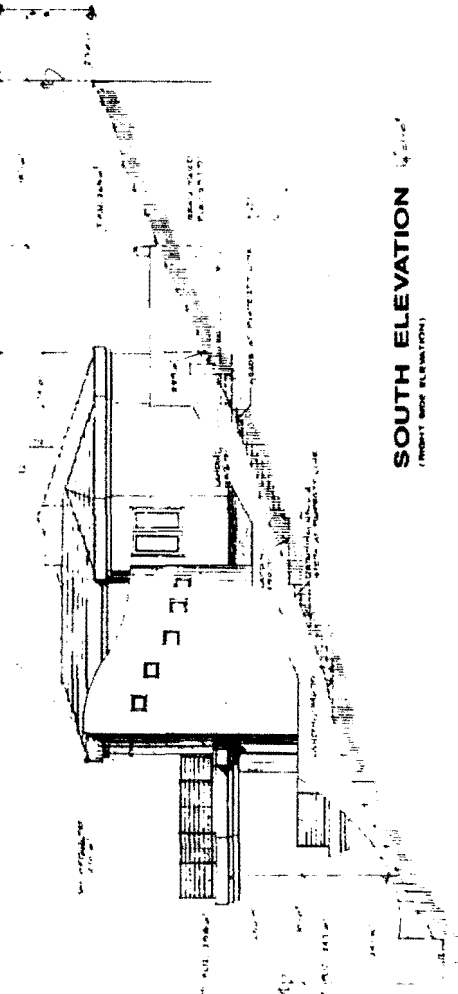


PROJECT NAME: EXHIBIT # 4
 ADDRESS: 31 N. STONINGTON
 THREE BEACH BLVD.
 LAJUNA BEACH, CA 92651

DATE: 05/01/12
SCALE: AS SHOWN
PROJECT: EXHIBIT # 4
ADDRESS: 31 N. STONINGTON
CITY: LAJUNA BEACH, CA
CLIENT: [REDACTED]
DESIGNER: FRANK P. MONTENON, AIA
ARCHITECT: [REDACTED]
ENGINEER: [REDACTED]
PLUMBER: [REDACTED]
ELECTRICIAN: [REDACTED]
Mechanical: [REDACTED]
Structural: [REDACTED]
Interior: [REDACTED]
Exterior: [REDACTED]
Site: [REDACTED]
Other: [REDACTED]



EXTERIOR FINISHES, GENERAL NOTES
 1. EXTERIOR FINISHES SHALL BE AS SHOWN ON THE DRAWINGS.
 2. ALL EXTERIOR SURFACES SHALL BE PROTECTED FROM DAMAGE DURING CONSTRUCTION.
 3. ALL EXTERIOR SURFACES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 4. ALL EXTERIOR SURFACES SHALL BE REPAIRED OR REPLACED AS NECESSARY.
 5. ALL EXTERIOR SURFACES SHALL BE CLEANED AND POLISHED UPON COMPLETION.
 6. ALL EXTERIOR SURFACES SHALL BE PROTECTED FROM DAMAGE DURING MAINTENANCE.
 7. ALL EXTERIOR SURFACES SHALL BE MAINTAINED THROUGHOUT MAINTENANCE.
 8. ALL EXTERIOR SURFACES SHALL BE REPAIRED OR REPLACED AS NECESSARY.
 9. ALL EXTERIOR SURFACES SHALL BE CLEANED AND POLISHED UPON COMPLETION.
 10. ALL EXTERIOR SURFACES SHALL BE PROTECTED FROM DAMAGE DURING CONSTRUCTION.



SOUTH ELEVATION
 (FRONT SIDE ELEVATION)

SOUTH
 ELEVATION

COASTAL COMMISSION
 5-01-212
 EXHIBIT # 4
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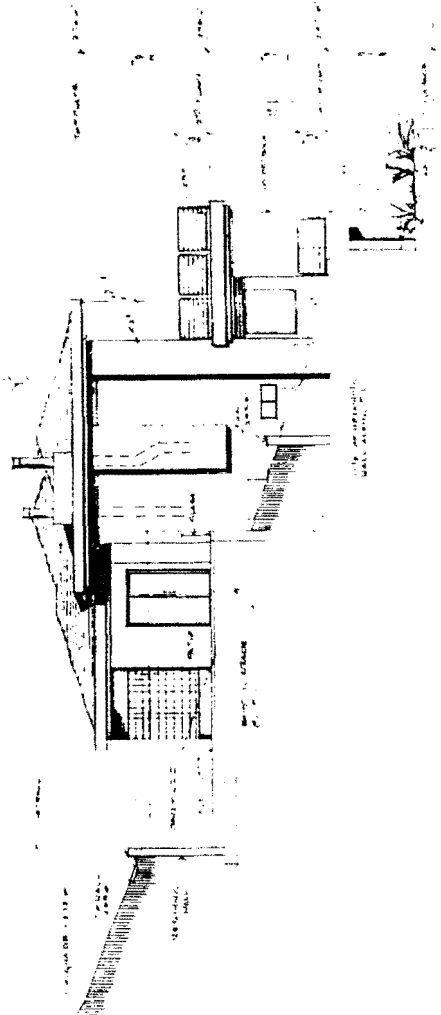
ARCHITECT: **JOHN J. MONTGOMERY, AIA**
 1000 W. 15th Ave., Suite 100
 Fort Lauderdale, FL 33304
 Phone: (305) 463-1111
 Fax: (305) 463-1112
 E-mail: jmont@jmont.com

PROJECT: **21 N. SW 22nd St.**
 Fort Lauderdale, FL 33304
 DATE: 11/2005

SCALE: **1/8" = 1'-0"**

SHEET: **A-3**

EXTERIOR FINISHES, GENERAL NOTES
 1. EXTERIOR FINISHES SHALL BE AS SHOWN ON THE DRAWINGS.
 2. ALL EXTERIOR SURFACES SHALL BE PROTECTED FROM WEATHER AND VANDALISM.
 3. ALL EXTERIOR SURFACES SHALL BE MAINTAINED IN GOOD CONDITION.
 4. ALL EXTERIOR SURFACES SHALL BE REPAIRED OR REPLACED AS NECESSARY.
 5. ALL EXTERIOR SURFACES SHALL BE CLEANED AND MAINTAINED.
 6. ALL EXTERIOR SURFACES SHALL BE PAINTED AS SHOWN ON THE DRAWINGS.
 7. ALL EXTERIOR SURFACES SHALL BE FINISHED TO THE SATISFACTION OF THE ARCHITECT.
 8. ALL EXTERIOR SURFACES SHALL BE FINISHED TO THE SATISFACTION OF THE OWNER.
 9. ALL EXTERIOR SURFACES SHALL BE FINISHED TO THE SATISFACTION OF THE LOCAL GOVERNMENT.
 10. ALL EXTERIOR SURFACES SHALL BE FINISHED TO THE SATISFACTION OF THE COASTAL COMMISSION.



NORTH ELEVATION
 (LEFT SIDE ELEVATION)

NORTH
 ELEVATION

COASTAL COMMISSION
 5-01-212
 EXHIBIT # I
 PAGE 1 OF 1



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 ARCHITECT
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 TEL: (202) 561-1520
 FAX: (202) 561-1520

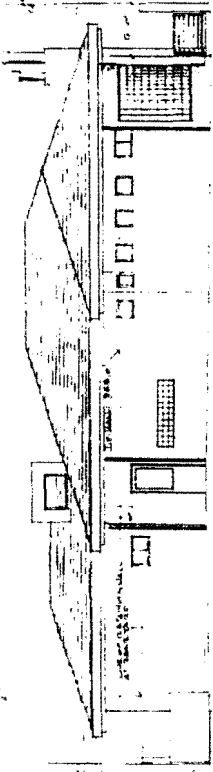
Architect

PROJECT: THREE M STONEWELL
 ADDRESS: LAYUNA BEACH, FLORIDA
 DRAWING NO.: 5-01-212

DATE: 5/1/02
SCALE: AS SHOWN
BY: FRANKLIN P. MONTGOMERY
CHECKED BY: FRANKLIN P. MONTGOMERY
APPROVED BY: FRANKLIN P. MONTGOMERY



GENERAL NOTES:
 1. REFER TO ALL DRAWINGS FOR NOTES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 6. ALL UTILITIES SHALL BE PROTECTED AND DEEPLY REVEALED PRIOR TO CONSTRUCTION.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.
 8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 9. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
 10. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.



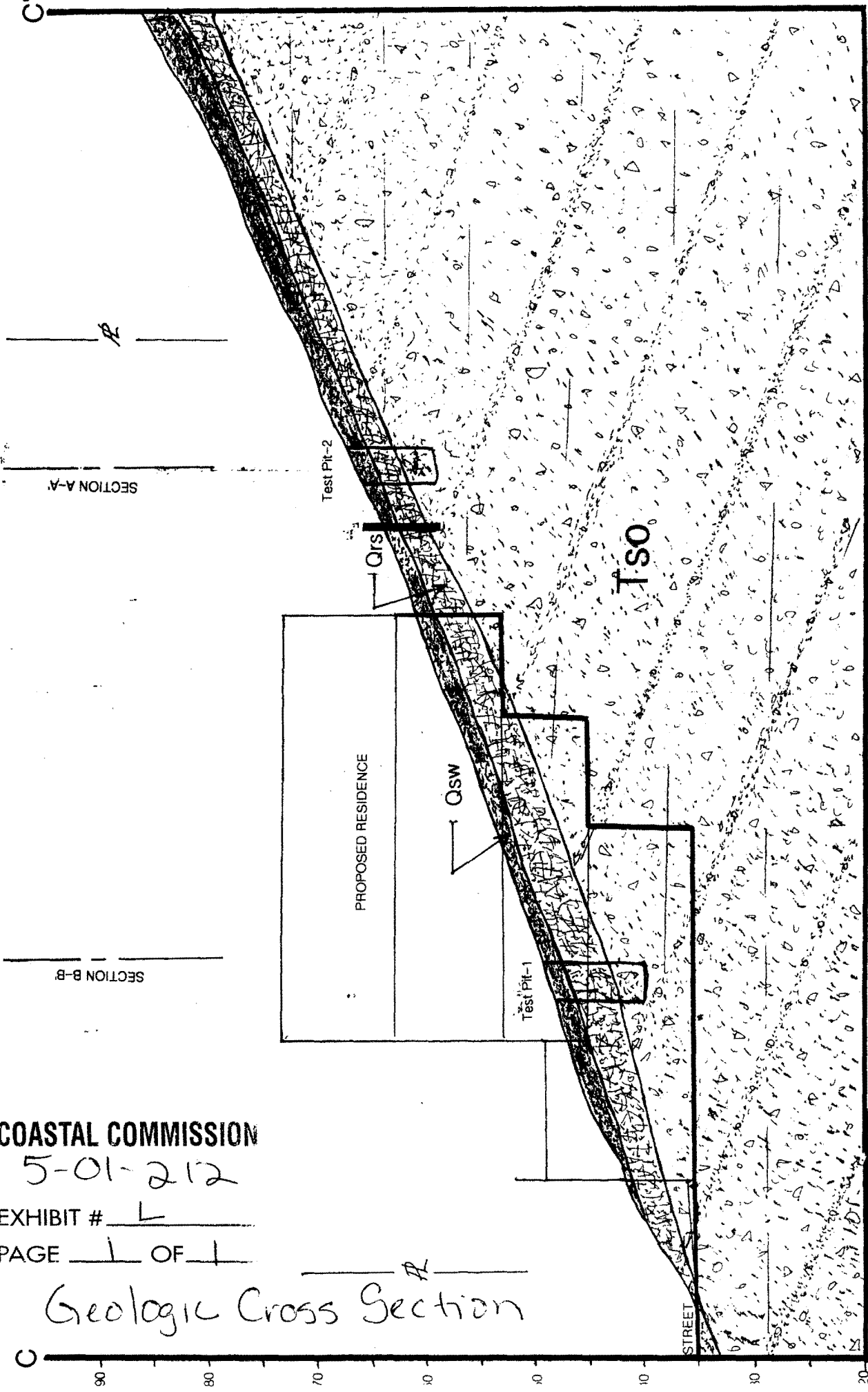
REAR ELEVATION

REAR ELEVATION

COASTAL COMMISSION
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CROSS SECTION C-C'

SCALE 1"=8 FEET



COASTAL COMMISSION

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EXHIBIT # L

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Geologic Cross Section

Landscaping and Fencing

11. Prior to the issuance of any construction permits, submit landscape, irrigation and landscape maintenance plans in accordance with Section 23.04.180 through 23.04.186 of the Coastal Zone Land Use Ordinance to the Development Review Section of the Planning and Building Department for review and approval. Plans shall include location, species and container size of all proposed plant materials and method of irrigation. All proposed plant material shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. The landscape plan shall include the following:
- a. utilize native-type plants
 - b. provide street trees within 10 feet of the sidewalk
 - c. indicate the location of all trees
 - d. landscape all unused areas (areas of the site not identified as intended for a specific use or purpose)
 - e. indicate location and height of all proposed fencing materials
12. Landscaping shall be installed or bonded for prior to finaling the building permits.

Miscellaneous

13. Prior to issuance of a construction permit, the applicant shall obtain an encroachment permit from Engineering Department for all improvements within the right-of-way.

Report prepared by: Terry Wahler, Senior Planner

EXHIBIT NO. 4
APPLICATION NO.
3-01-053
PS 7 of 7 California Coastal Commission

