

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
1000 Ocean Gate, Suite 1000
Laguna Beach, CA 90802-4302
(562) 590-5071

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Filed: 2/11/02
49th Day: 5/29/02
180th Day: 10/7/02
Staff: MV-LB
Staff Report: 4/18/02
Hearing Date: 5/7-10/02
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER: 5-02-032****APPLICANT: Irvine Cove Community Association**
Mrs. Sue Femino, President**AGENT: David A. Kaech, A.I.A.****PROJECT LOCATION: 2 Irvine Cove Way, Laguna Beach, Orange County****PROJECT DESCRIPTION:** Demolish existing 115 square foot guardhouse and construct a new guardhouse relocated to an expanded traffic island at the entry of the Irvine Cove private residential community. The proposed guardhouse will be 131 square feet, single story and 14 foot high. Also proposed are entryway traffic improvements.

Lot Area:	22,660 square feet
Building Coverage:	131 square feet
Pavement Coverage:	8350 square feet
Landscape Coverage:	14,179 square feet
Parking Spaces:	n/a
Zoning:	R-1 Residential Low Density
Ht above final grade	14 feet

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval in Concept,
dated 2/6/02**SUBSTANTIVE FILE DOCUMENTS: City of Laguna Beach certified Local Coastal**
Program.**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval of the proposed project with no special conditions. Although the project involves demolition and reconstruction of the guard house for a private, locked gate community which is located between the sea and the first public road, the project itself does not provide a sufficient nexus to allow the Commission to require access through the community. In addition, no public views to the sea currently exist at the site and the proposed development will have no impact on existing public views.

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application.

MOTION:

I move that the Commission approve CDP #5-02-032 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.

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **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: None

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant is proposing to demolish an existing 115 square foot guardhouse and construct a new guardhouse relocated to an expanded traffic island at the entry of the Irvine Cove private residential community. The proposed guardhouse will be 131 square feet, single story and 14 feet high. Also proposed are entryway traffic improvements, including the addition of a second entry lane.

The applicant's intent in replacing the guardhouse is to address existing deficiencies in the current location and design. The existing deficiencies to be corrected include: guardhouse is located on the right hand side of the entry lane which requires that the guard cross in front of entering cars; a single entry lane which sometime causes stacking back onto Coast Highway; the existing guardhouse has no restroom facilities; the existing guardhouse has four uneven, awkward steps leading to the doorway creating a personal safety hazard for the guard. These inadequacies are proposed to be remedied by relocating the guardhouse to the center median island, creating the second entry lane, and the addition of a restroom facility within the guardhouse. The addition of the second entry lane will decrease vehicular stacking on Coast Highway.

Irvine Cove is a private locked gate community located between the sea and the first public road (North Coast Highway). The private community was established prior to the Coastal Act. It is situated between Emerald Bay and El Moro Cove mobile home park, at the north end of the City of Laguna Beach. The community's location between the sea and the first public road prevents public access to the cove beach at the base of the bluffs within the community. The nearest public access to the shore is at Crescent Bay approximately two miles downcoast and at Crystal Cove State Park approximately 2 miles upcoast.

Irvine Cove is one of the areas of deferred certification within the otherwise certified City of Laguna Beach. Irvine Cove, along with four other private, locked gate communities between the sea and the first public road, were deferred certification due to the public access issue raised by their locked gate nature. The Commission's ability to require public access through these communities is described below. Because of the deferral of certification, the City of Laguna Beach Local Coastal Program does not apply in this area, and the policies in Chapter 3 of the Coastal Act, Cal. Pub. Res. Code §§ 30200 *et seq.*, constitute the standards by which the permissibility of the proposed development is to be determined.

B. Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

As described above, the proposed project is a part of a private locked gate community located between the sea and the first public road. Such private, locked gate communities interfere with the public's ability to gain access to the beaches adjacent to the communities. Assuring public access to the shoreline is one of the strongest mandates of the Coastal Act. However, because this locked gate community was established prior to the Coastal Act, acquiring public access to the beach presents a special challenge. The Nollan Supreme Court decision, 483 U.S. 825 (1987), requires that a nexus be found between the burden(s) imposed (or public need(s) created) by a proposed project and the end advanced by some proposed condition. Here, the proposed development does not impose a sufficient impact on access to justify the imposition of an access requirement as a condition of approval of a permit for the project. In this case, a guardhouse already exists. The replacement of the existing guardhouse will not create new adverse impacts on coastal access. A nexus cannot be demonstrated between the proposed project and new adverse impacts on coastal access. Thus the provision of public access to the shoreline cannot be required as a special condition of this permit. Therefore the Commission finds that the project as proposed is consistent with the public access policies of the Coastal Act.

C. Public Views

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.

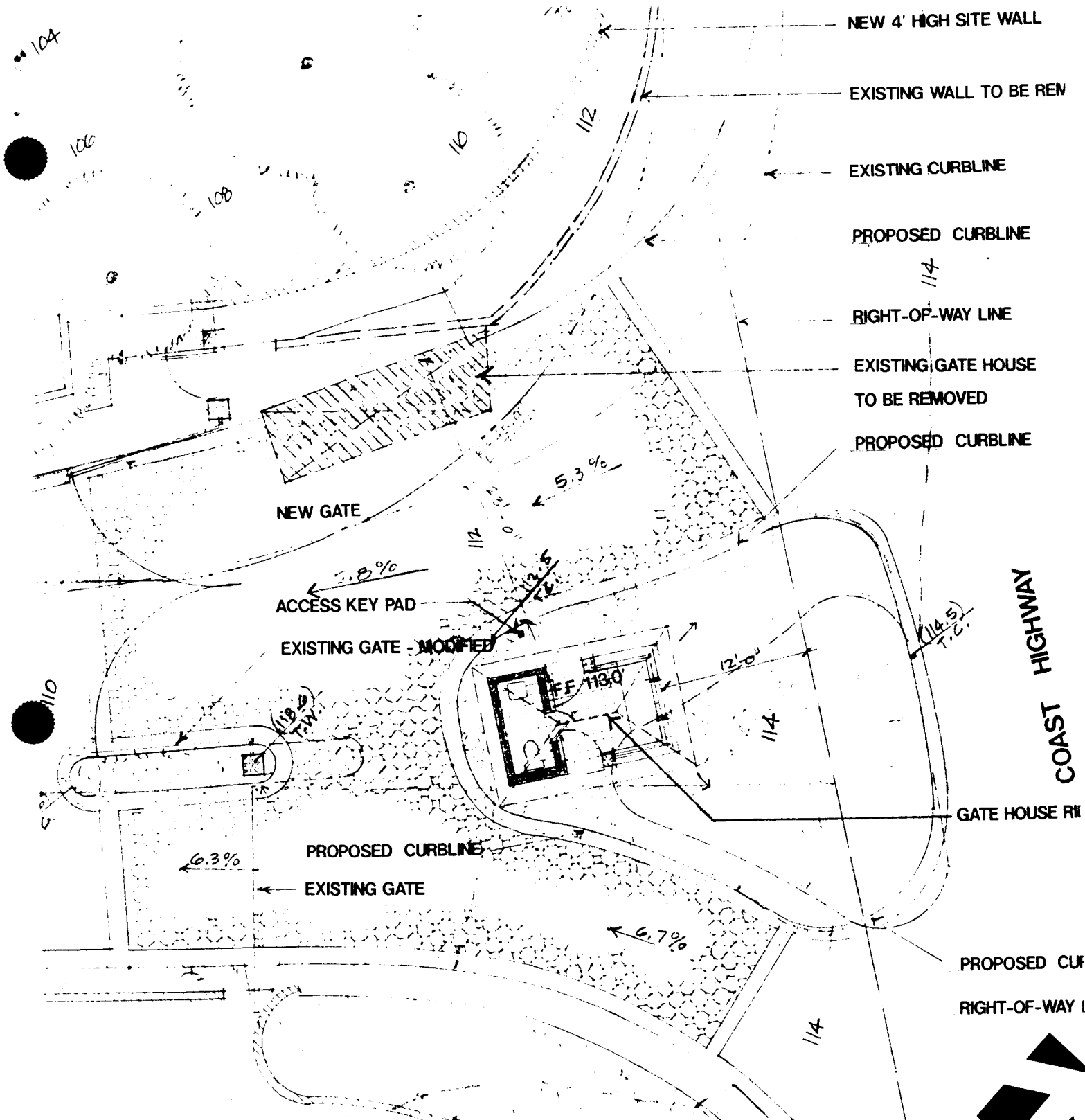
The subject site is located between the sea and the first public road. Section 30251 of the Coastal Act requires that scenic and visual qualities of coastal areas be considered and protected. Consequently impacts the proposed project may have on existing public views must be considered.

Public views from Coast Highway across the site, including the center median (site of the proposed guardhouse), to the sea do not currently exist. Existing development, primarily mature vegetation but also walls and homes, prevent views of the sea from the public road. Consequently, relocating the guardhouse from its current entry lane side to the expanded center median will not impact any public views. Furthermore, existing views from Coast Highway of the entry area are limited due to the speed of the cars traveling along Coast Highway in this area. In any case, the existing view is primarily of mature vegetation and a small guardhouse. The view after the proposed project will be the same except that the guardhouse will be approximately 15 square feet larger than the existing guardhouse and will be in the center of the entryway rather than to one side. The proposed changes are minor and will not create adverse visual impacts. Therefore, the Commission finds that the proposed project will not result in any adverse impacts on public views and so is consistent with Section 30251 of the Coastal Act.

D. 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. The proposed project has been found consistent with the public access and public view policies of Chapter 3 of the Coastal Act. As proposed the project will not have any significant adverse impacts under CEQA. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



SITE PLAN

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

VINE COVE GATE HOUSE

COASTAL COMMISSION

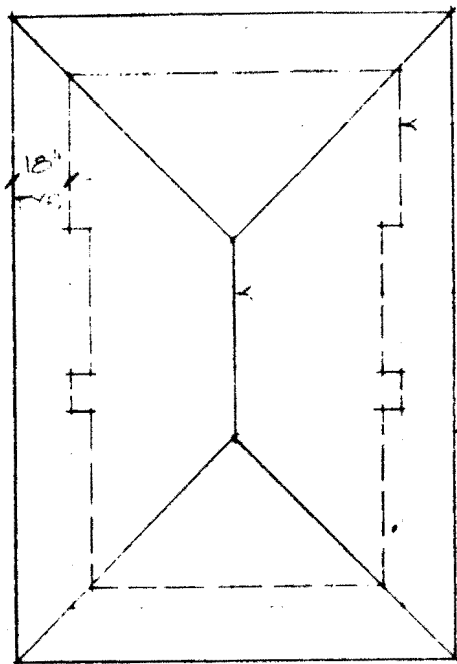
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EXHIBIT # 13

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David A. Paech & Associates
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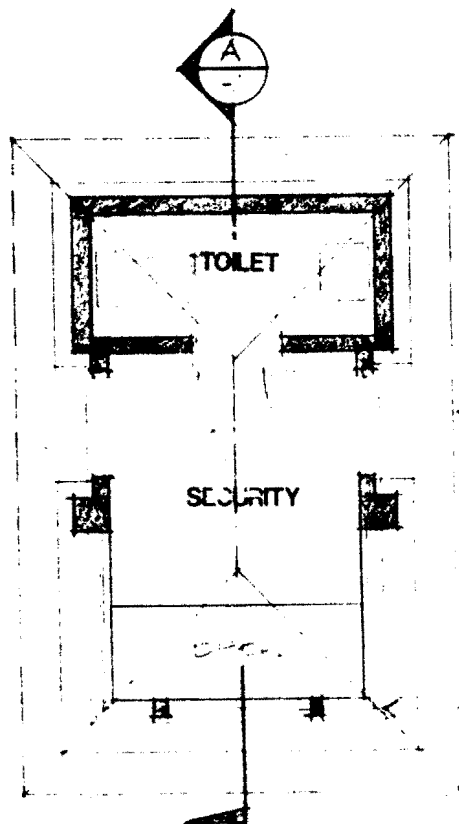


LINE OF BUILDING
ELEV. 123.5

ROOF
ELEV. 122.75 MAX.

EAVE LINE
ELEV. 123.5 MAX.

ROOF PLAN



EAVE LINE
ACROSS

MARKED PLUMB

FLOOR PLAN

NOTE

TITLE 24 ENERGY
CONSERVATION HAS
BEEN TAKEN INTO
CONSIDERATION.



California Coastal Comm
South Coast District Off
APPROVED
Permit No. 5-02-

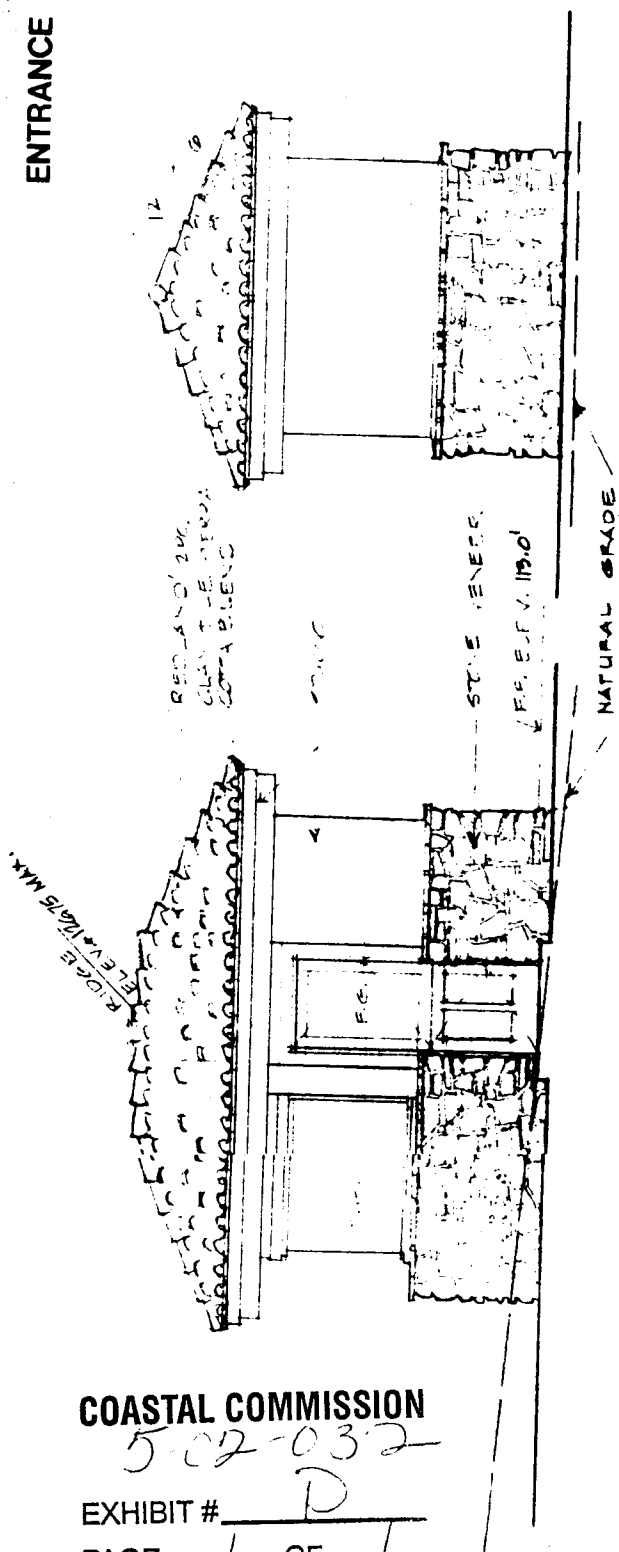
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IRVINE COVE GATE HOUSE



ENTRANCE GATE



COASTAL COMMISSION

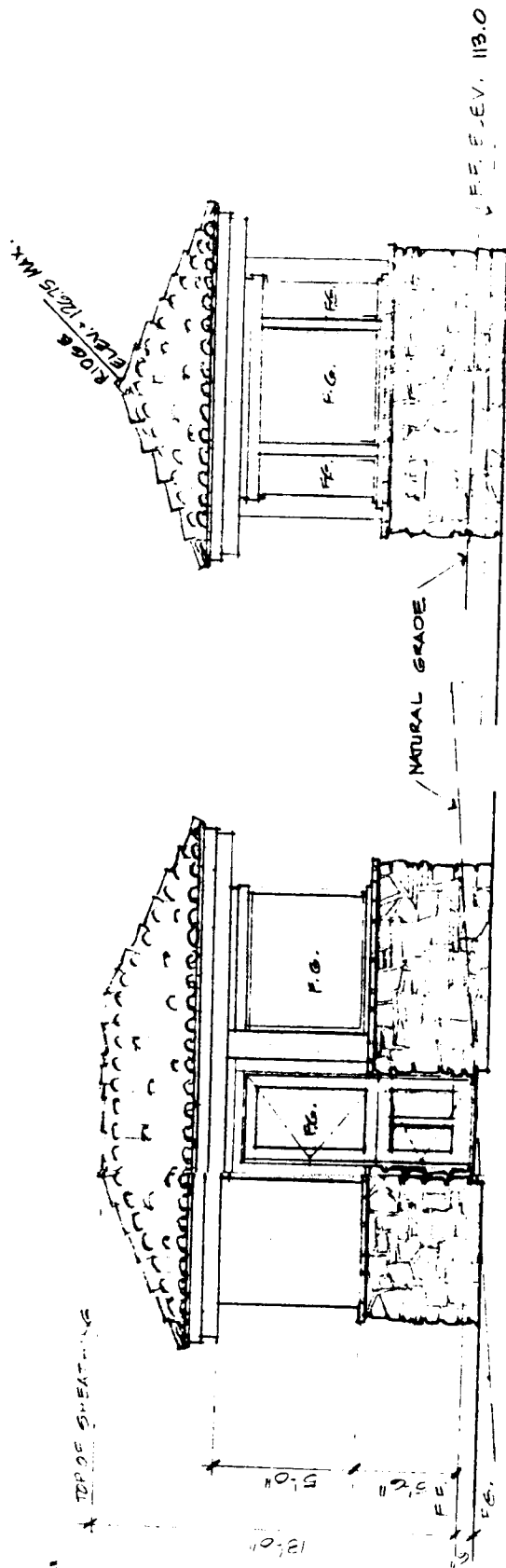
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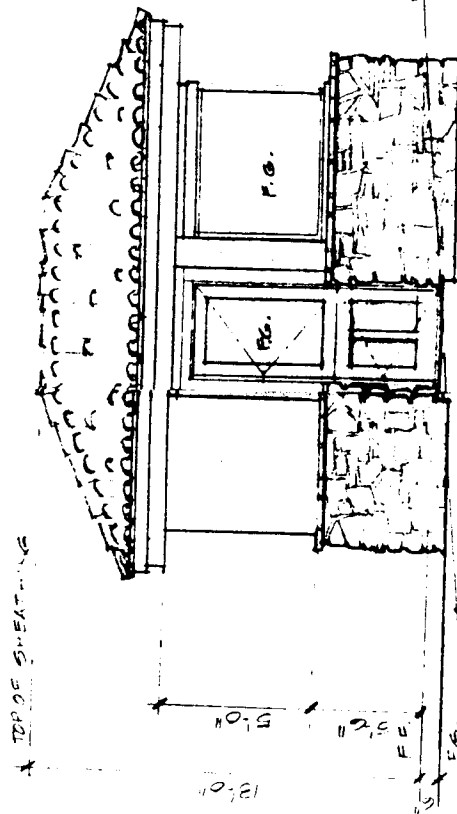
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SOUTH ELEVATION



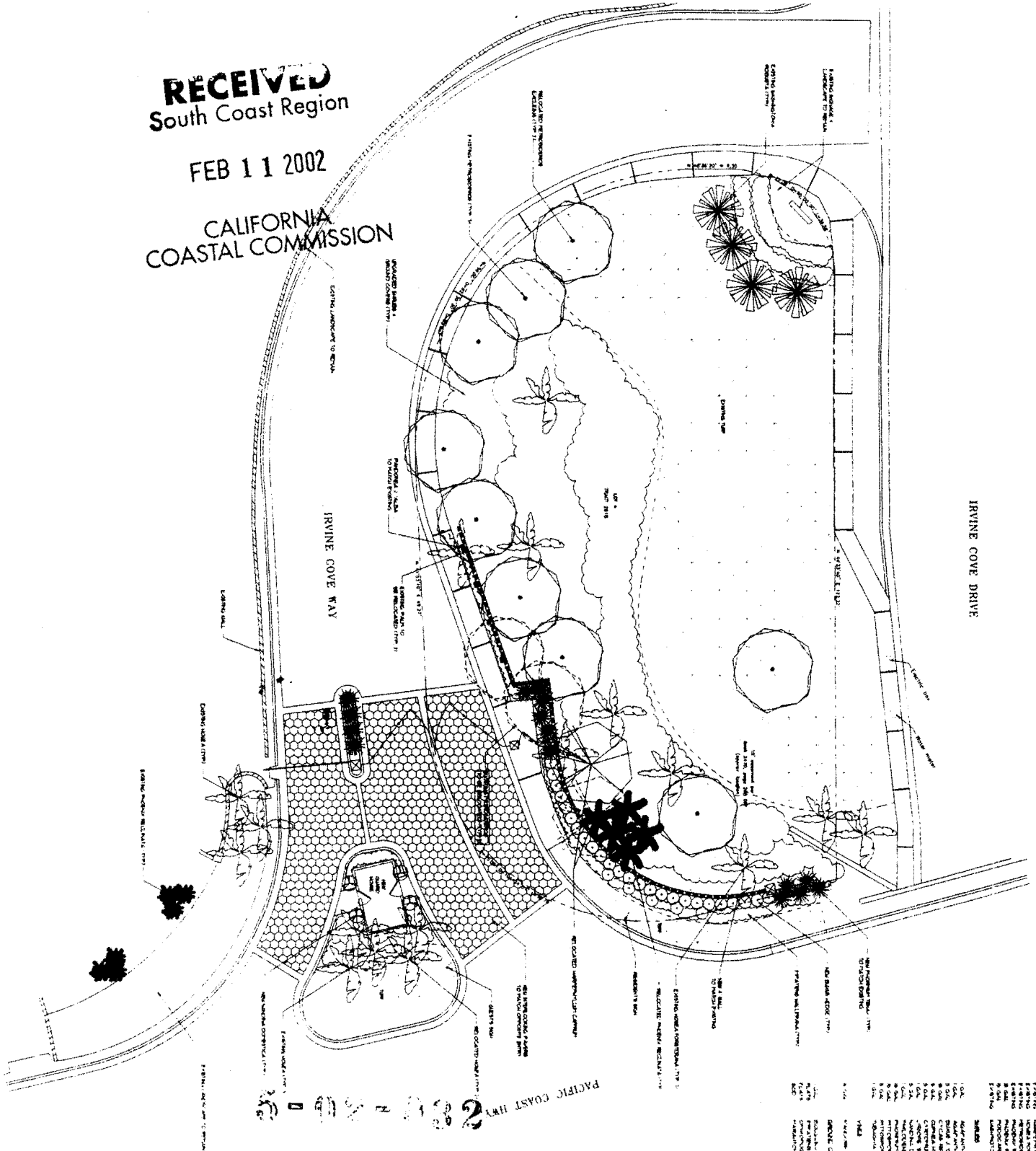
WEST ELEVATION



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South Coast Region

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5-02-032

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PLANT PALETTE

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IRVINE COVE ENTRY
TRACT 2818, LOT A
LAGUNA BEACH, CA

PRELIMINARY
LANDSCAPE PLAN

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