

CALIFORNIA COASTAL COMMISSION

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



Filed: 5/31/02
 49th Day: 7/19/02
 180th Day: 11/27/02
 Staff: MV-LB
 Staff Report: 7/18/02
 Hearing Date: 8/6-9/02
 Commission Action:

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STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-02-007

APPLICANT: Frank & Marlene Darras

RECORD PACKET COPY

AGENT: Brion Jeannette

PROJECT LOCATION: 68 North La Senda, Laguna Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing single family residence and construction of a new 6,053 square foot, three story, 27 foot high (above existing grade), single family residence with an attached two car garage and an attached two car carport. A swimming pool and patio are proposed seaward of the residence within the 25 foot setback from the bluff edge. Also proposed is 1200 cubic yards of cut and 500 cubic yards of fill on an ocean front bluff top lot.

Lot Area: 13,168 square feet
 Building Coverage: 2,896 square feet
 Pavement Coverage: 3,375 square feet
 Landscape Coverage: 2,335 square feet
 Parking Spaces: 4 spaces
 Zoning: Three Arch Bay Zone
 (Low Density Single Family Residential)
 Ht above final grade: 29 feet

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: City of Laguna Beach certified Local Coastal Program (except areas of deferred certification including subject Three Arch Bay); Preliminary Geotechnical Investigation (August 4, 2000), Geotechnical Update for Foundation Design (June 1, 2001), Response to Geotechnical Report Review (August 1, 2001), Additional Geotechnical Information (March 26, 2002) prepared by ViaGeos.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project subject to the following eight special conditions which require: 1) that the applicant assume the hazards of development; 2) prohibition of future bluff/shoreline protection devices; 3) conformance to geotechnical recommendations; 4) landscaping with primarily native and drought tolerant vegetation; 5) drainage be collected, filtered and directed off site (not over the bluff face); 6) that the pool/spa

be located no closer than 25 feet from the edge of the bluff as proposed; 7) that the pool/spa be double walled with blanket drainage and a leak detection system; and 8) that the applicant record a deed restriction to make future owners aware of the restrictions placed on the site by this permit.

These conditions are necessary in order to assure stability and structural integrity as required by Coastal Act Section 30253; to avoid the adverse effects of development on coastal bluffs and shoreline processes as required by Coastal Act Section 30235; and to protect water quality to promote the biological productivity of coastal waters and to protect human health as required by Coastal Act Sections 30230 and 30231.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development 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**1. Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability and landslides; (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.

2. No Future Shoreline/Bluff Protective Device

By acceptance of this permit, the applicant agrees, on behalf of him/herself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development at the subject site approved pursuant to Coastal Development Permit No. 5-02-007 including future improvements, in the event that the property is threatened with damage or destruction from bluff and slope instability, erosion, landslides or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of him/herself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this permit, the applicant further agrees, on behalf of him/herself and all successors and assigns, that the landowner shall remove the development authorized by this permit, including the single family residence and patio area, and swimming pool, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that any portion of the development is destroyed, the permittee 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.

3. Conformance of Design and Construction Plans to Geotechnical Information

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 Preliminary Geotechnical Investigation (August 4, 2000), Geotechnical Update for Foundation Design (June 1, 2001), Response to Geotechnical Report Review (August 1, 2001), Additional Geotechnical Information (March 26, 2002) prepared by ViaGeos.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, evidence that the geotechnical consultant 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.

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.

4. **Revised Landscape Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a revised landscape plan that incorporates primarily native and drought tolerant vegetation. Invasive plants are prohibited.

No permanent in-ground irrigation systems shall be installed on site. Temporary above ground irrigation is allowed to establish plantings.

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

5. **Drainage**

Drainage from the entire site (including driveways, patios, roofs and decks) shall be collected and piped to a duplex sump pump system and pumped to the street, where it will enter the Three Arch Bay storm drain system (as shown on Site Plan/Concept Drainage Plan, page A-1). No drainage from the subject site shall be allowed over the bluff face.

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

6. **Pool/Spa Location**

The swimming pool and spa shall be set back a minimum of 25 feet from the edge of the bluff as shown on the Site Plan/Concept Drainage plan, page A-1, dated 4/1/02.

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

7. **Pool/Spa Construction**

Construction of the pool and spa shall include double wall construction, a blanket drain system, and a leak detection system.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a pool/spa plan that incorporates double wall construction, a blanket drain system, and a leak detection system.

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

8. **Deed Restriction**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. **FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

A. **Project Description and Location**

The applicants propose to demolish an existing single family residence and construct a new 6,053 square foot, three story, 27 foot high (above existing grade), single family residence with an attached two car garage and an attached two car carport. A swimming pool and patio are proposed seaward of the residence and 25' from the edge of the bluff. Also proposed is 1200 cubic yards of cut and 500 cubic yards of fill on an ocean front bluff top lot.

The bluff edge, as determined by the applicants' geotechnical consultant and concurred with by the Commission's staff geologist, is identified on the Site Plan/Concept Drainage Plan, page A-1 (see exhibit B). The structure and pool/spa are set back a minimum of 25 feet from the bluff edge. An at grade patio is set back a minimum of 13 feet from the bluff edge. Site drainage will be collected and pumped to the street. Site runoff will be filtered by trench drains prior to discharge off site. Discharge from the site will enter the Three Arch Bay storm drain system.

The majority of the excavation proposed is proposed to accommodate the lowest level of the residence. The excess cut material is proposed to be disposed of at the Brea Landfill site. The Brea Landfill is located outside the coastal zone.

The subject site is located within 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.

Certification of the Three Arch Bay area was deferred due to access issues arising from the locked gate nature of the community. 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.

B. Hazard

Development adjacent to coastal bluff edges and the ocean is inherently hazardous. Development which may require a bluff or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs and shoreline processes the development has been conditioned to require an appropriate set-back from the bluff edge, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the bluff, for a landscaping plan which is limited to primarily native and non-invasive drought tolerant plants, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

D. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Standard and Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

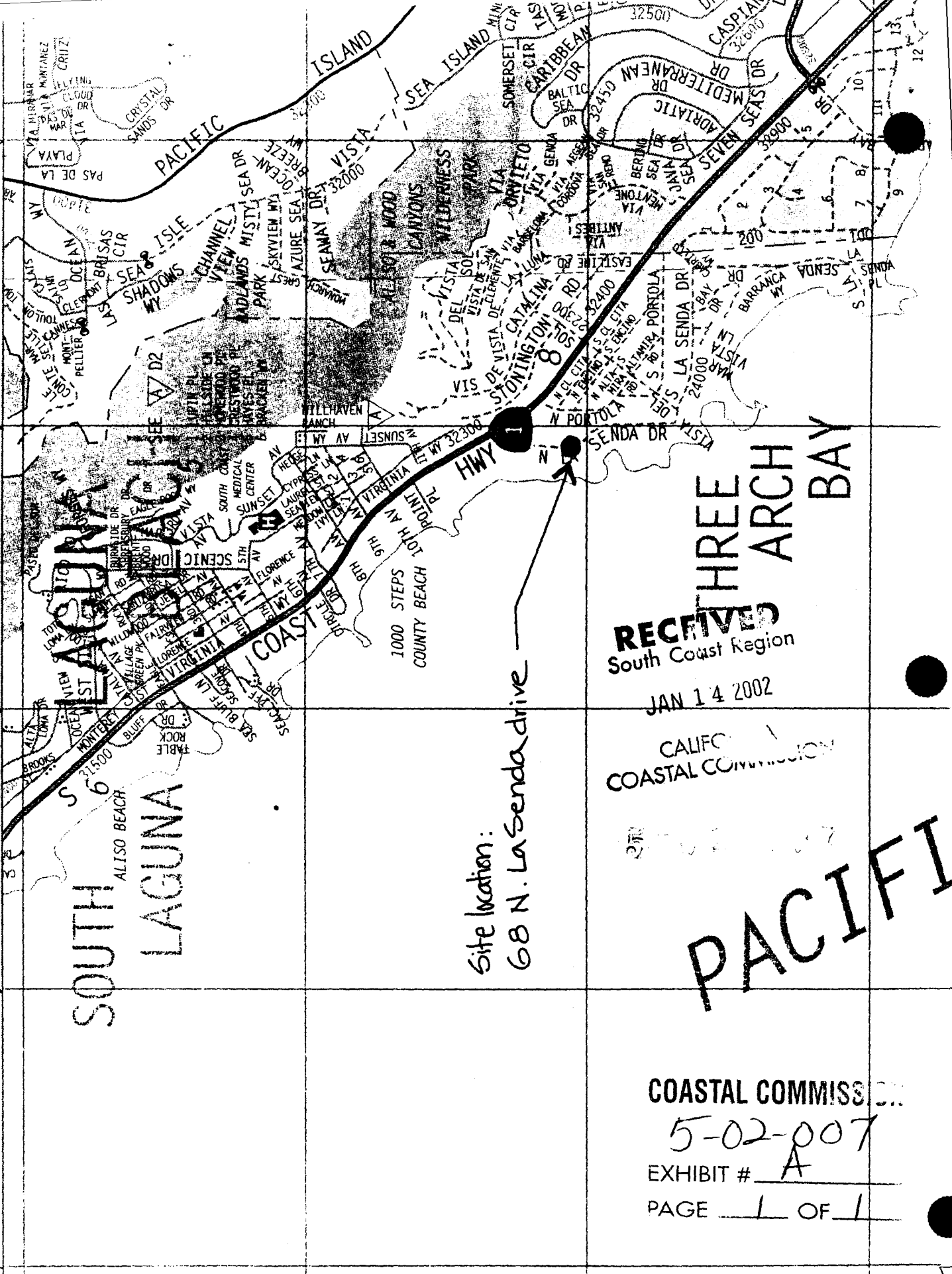
F. Local Coastal Program

The LCP for City of Laguna Beach was effectively certified in February 1993. However, the proposed development is occurring within an area of deferred certification. Consequently, the standard of review is the Coastal Act and the City's LCP is used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program for this area that is in conformity with the provisions of Chapter 3.

G. California Environmental Quality Act

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and be found consistent with the requirements of the Coastal Act to conform to CEQA.

SEE E D C B A



Site location:
68 N. La Senda drive

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South Coast Region
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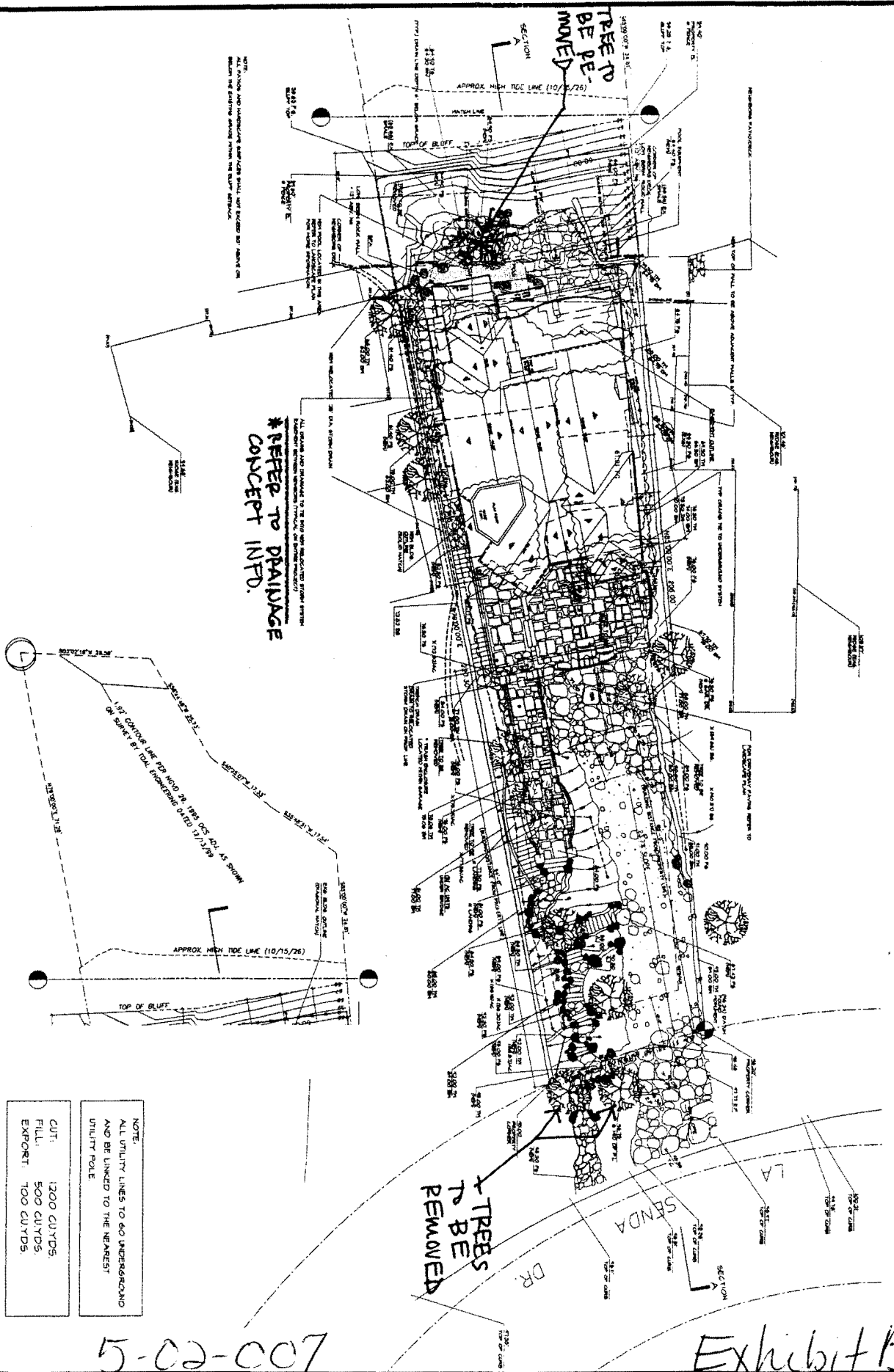
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COASTAL COMMISSION
5-02-007
EXHIBIT # A
PAGE 1 OF 1

SITE PLAN

BLUFF SIDE OF SITE



NOTE:
 ALL UTILITY LINES TO BE UNDERGROUND
 AND BE LINKED TO THE NEAREST
 UTILITY POLE

CUT: 1200 CU YDS.
 FILL: 500 CU YDS.
 EXPORT: 700 CU YDS.

5-02-007

Exhibit B

SCALE 1/8" = 1'-0"



A-1

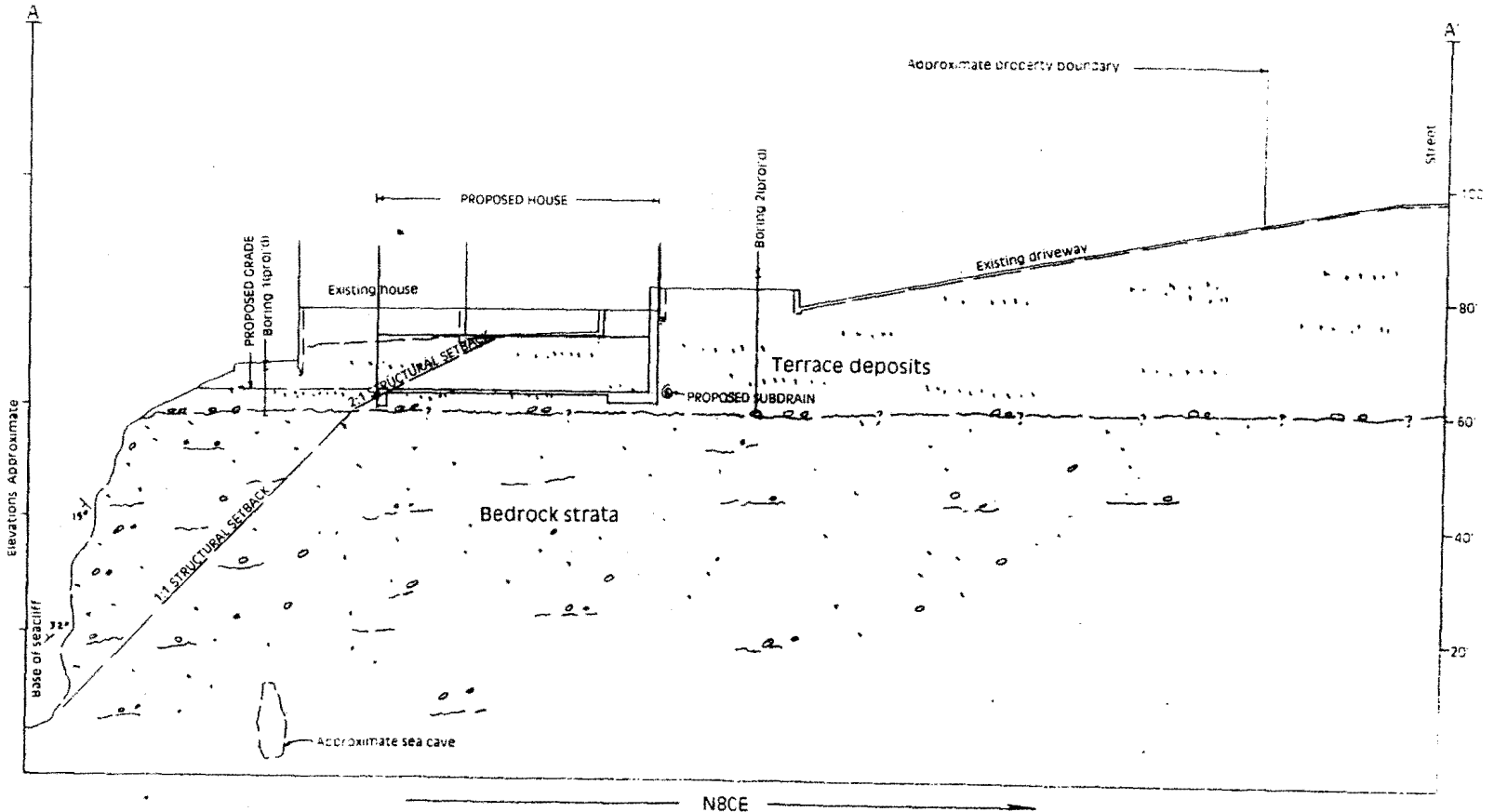


DATE	DESCRIPTION

SITE PLAN/
 CONCEPT DRAINAGE

Brion S. Jeannette and Associates, Inc.
 ARCHITECTURE

DARRAS RESIDENCE
 68 N. LA SENDA DRIVE
 LAGUNA BEACH, CA



Cross Section A-A
ViaGeos

6571 La Senda
Laguna Beach
Project No. 000403
June 2001

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Geo Cross Section

PLATE 2
COASTAL COMMISSION

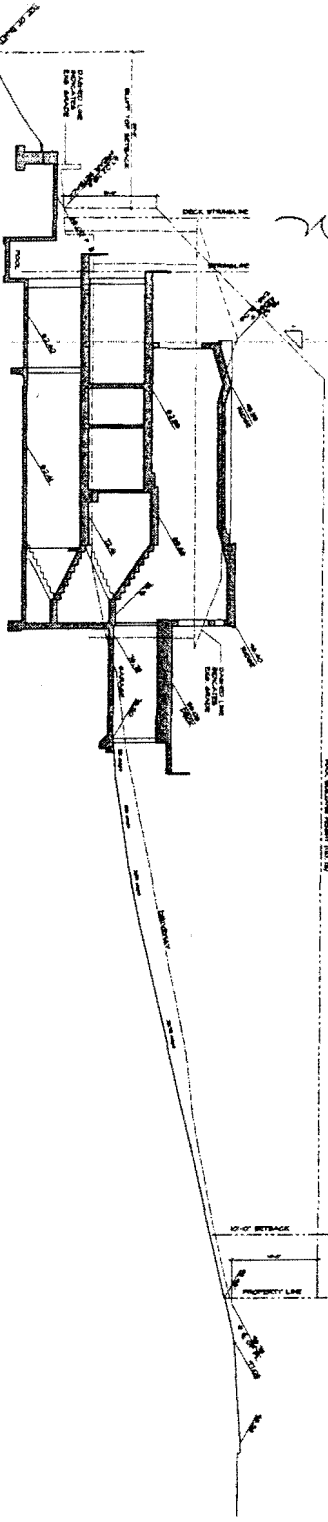
EXHIBIT # 5-02-0017

PAGE 1 OF 1

Arch. Cross Section

SECTION A-A

SCALE 1/8" = 1'-0"



A-11



DATE	01/10/02
DRAWN	BRUNO
CHECKED	JEANNETTE
DESIGNED	BRUNO
PROJECT	DARRAS RESIDENCE
NO. OF SHEETS	10
SHEET NO.	0041

SECTION

Bruno & Jeannette and Associates, Inc.
 ARCHITECTURE
 100 N. LA SENDA DRIVE
 LAGUNA BEACH, CA 92653
 TEL: 949/761-1111 FAX: 949/761-1112

DARRAS RESIDENCE
 68 N. LA SENDA DRIVE
 LAGUNA BEACH, CA.

DARRAS RESIDENCE
68 N. LA SENDA DRIVE
LAGUNA BEACH, CA

STROTT, DeBennette and Associates, Inc
ARCHITECTURE

STRINGLINE
PLAN

Date:	
Revision:	
Revision:	
Revision:	
Revision:	
Job No. 00-041	

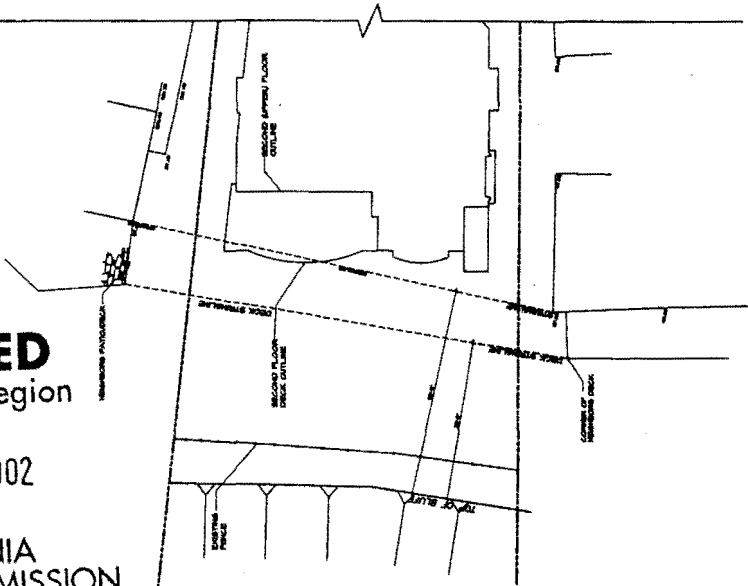


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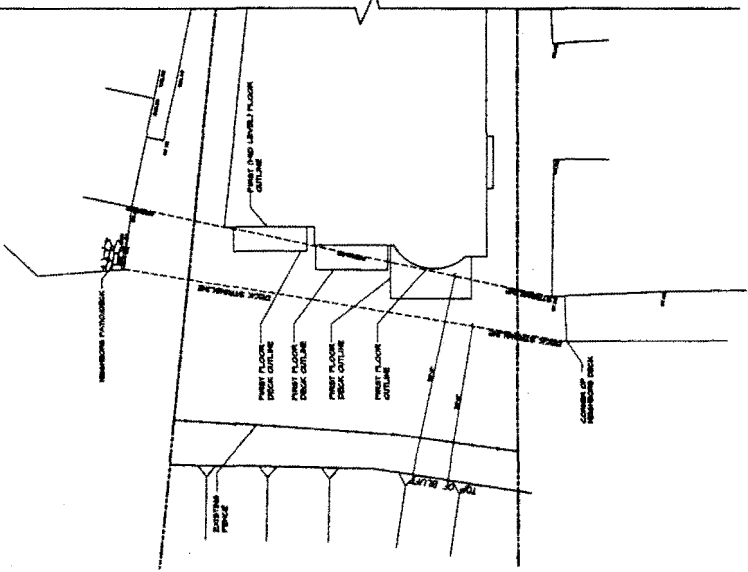
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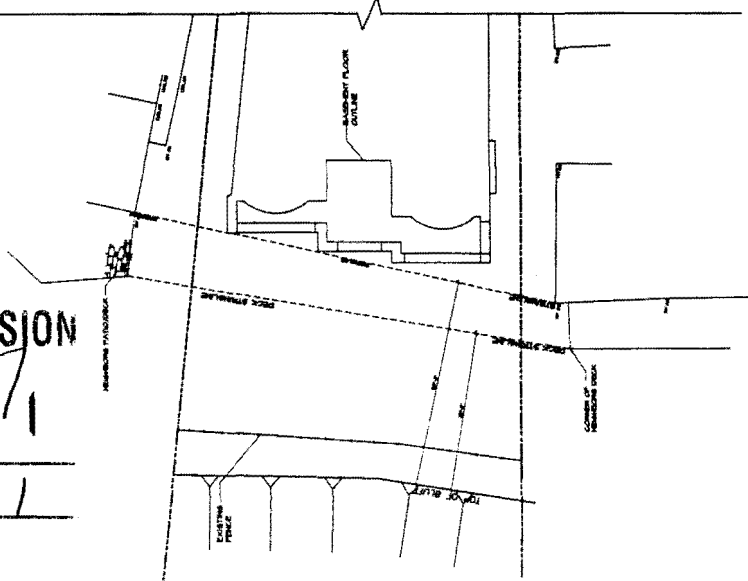
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SECOND (UPPER LEVEL) FLOOR STRINGLINE PLAN



FIRST (MIDDLE LEVEL) FLOOR STRINGLINE PLAN



BASEMENT (LOWER LEVEL) STRINGLINE PLAN

COASTAL COMMISSION

5-02-007

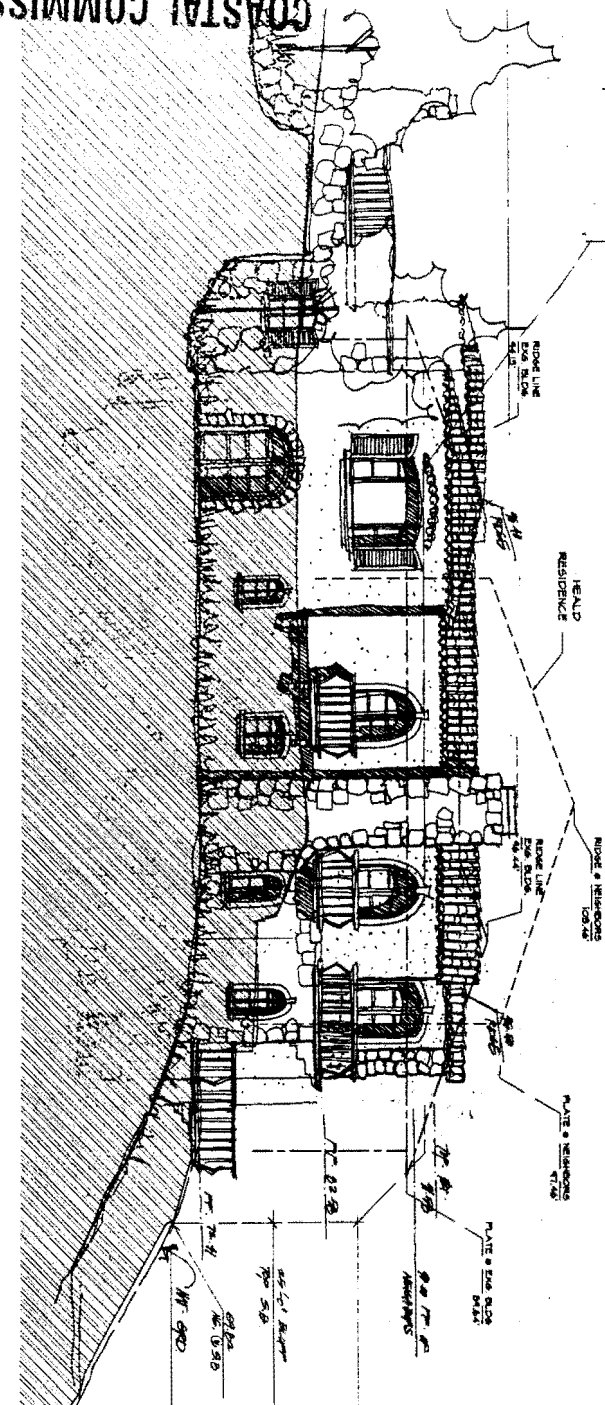
EXHIBIT # E

PAGE 1 OF 1



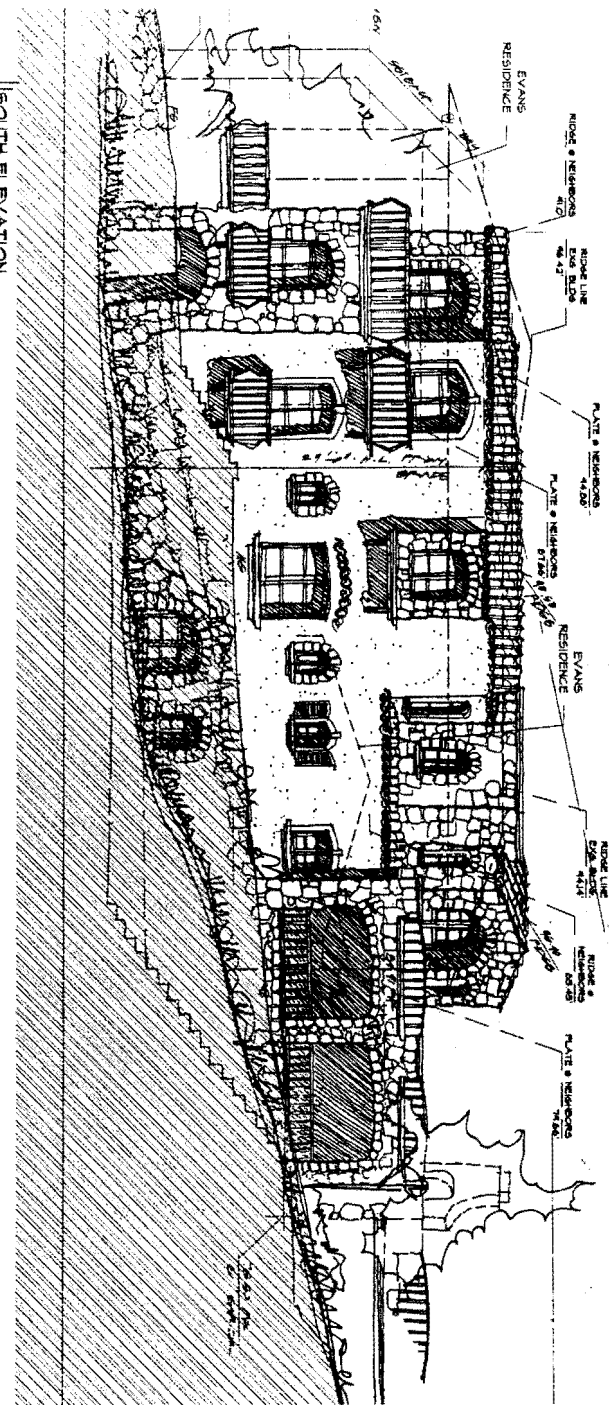
SCALE: 1/8" = 1'-0"

NORTH ELEVATION



SCALE 1/4\"/>

SOUTH ELEVATION



SCALE 1/4\"/>

A-8		<p>EXTERIOR ELEVATIONS</p>	<p>Brian S. Jeannette and Associates, Inc. ARCHITECTURE</p>	<p>DARRAS RESIDENCE 68 N. LA SENDA DRIVE LASUNA BEACH, CA.</p>
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