

CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-02-357**APPLICANT:** Kenneth & Judi Saczalski**AGENT:** Mark Grosher & John McInnes**PROJECT LOCATION:** 10 S. La Senda, Laguna Beach, Orange County

PROJECT DESCRIPTION: Demolition of existing single family residence and construction of a new, two story, 2,983 square foot, 28 foot high above finished grade, single family residence with an attached 419 square foot, two car garage. The subject site is an oceanfront, bluff top lot.

Lot Area:	6,756 square feet
Building Coverage:	1,910 square feet
Pavement Coverage:	2,233 square feet
Landscape Coverage:	1,268 square feet
Parking Spaces:	4
Zoning:	R-1
Ht above final grade	28 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project subject to seven special conditions which are necessary to assure that the project conforms with Section 30253 of the Coastal Act regarding geology and hazard, with Section 30251 regarding landform alteration and visual quality, and with Section 30231 regarding protection of water quality. Special Condition No. 1 limits development within the blufftop setback area; Special Condition No. 2 requires a revised landscape plan which requires the use of native and drought tolerant plantings, and prohibits permanent irrigation and invasive plants; Special Condition No. 3 requires a revised drainage plan that requires drainage to be pumped to the street; Special Condition No. 4 requires conformance with the geotechnical recommendations; Special Condition No. 5 prohibits future shoreline/bluff protection devices; Special Condition No. 6 requires that the applicant assume the risk of developing on an oceanfront, blufftop site; Special Condition No. 7 requires the applicant to record a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval in Concept, dated 2/5/02.

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Second Response, Ian S. Kennedy, 4/13/03; Letter Review, Ian Kennedy, 2/9/03; Report of Geologic/Soils, Ian S. Kennedy, 1/2/03; Update Review of Geologic/Soils, 2/17/00; City of Laguna Beach certified Local Coastal Program (as guidance only).

I. APPROVAL WITH CONDITIONS

STAFF RECOMMENDATION:

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

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-02-357 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion 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:

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. 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. Revised Setback**

- A. All primary structures, including but not limited to the enclosed living area of the residential structure, shall be set back a minimum of 25 feet from the edge of the bluff and shall comply with the stringline setback as depicted on exhibit D. The location of the edge of the bluff shall be as shown on The Geologic Site Plan, prepared by Ian S. Kennedy, Job No:00-19 (exhibits C and I).
- B. All structural foundation elements such as, but not limited to, caissons for all development, including but not limited to the foundation for the residence and any foundations for decks or other appurtenances, shall be set back a minimum of 25 feet from the bluff edge. Development shall be modified as necessary to meet this requirement. The location of the edge of the bluff shall be as shown on The Geologic Site Plan, prepared by Ian S. Kennedy, Job No:00-19 (exhibits C and I).
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, revised plans reflecting the requirements of section A and B above.

- D. 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.

2. Revised Landscape Plan

- A. All new landscaping shall be primarily native (common to coastal Orange County), drought tolerant vegetation. Invasive plants are prohibited.
- B. No permanent in-ground irrigation systems shall be installed on site. Temporary above ground irrigation is allowed to establish plantings.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised landscape plan reflecting the requirements of sections A and B above.
- D. 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.

3. Revised Drainage Plan

- A. All site drainage shall be collected and directed/pumped to the street.
- B. The exposed portion of the existing drainpipe outlet at the bluff top shall be sheered off and the remainder in the ground shall be sealed (e.g. grouted). The area surrounding the drainpipe outlet remnant shall be screened by landscaping (consistent with special condition 2 above).
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised drainage plan reflecting the requirements of sections A and B above.
- D. 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.

4. Conformance of Design and Construction Plans to Geotechnical Information

- 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 of Geologic/Soils and Foundation Conditions prepared by Ian S. Kennedy, dated January 2, 2003, February 9, 2003, April 13, 2003, and February 17, 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 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.
- 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. No Future Shoreline/Bluff Protective Device

- A. By acceptance of this permit, the applicant agrees, on behalf of him/herself and all other successors and assigns, that no shoreline/bluff protective device(s) shall ever be constructed to protect the development at the subject site approved pursuant to Coastal Development Permit No. 5-02-357 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.
- B. 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 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.

6. 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 due to bluff and slope instability, erosion, landslides or other natural hazards associated with development on an oceanfront, bluff top, site; (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.

7. 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 landowner has executed and recorded against the parcel(s) governed by this permit 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; and (2) imposing the 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 entire parcel or parcels governed by this permit. 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 applicant proposes to demolish an existing single family residence and construct a new, two story, 2,983 square foot, 28 foot high above finished grade, single family residence with an attached 419 square foot, two car garage. The subject site is an oceanfront, bluff top lot.

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. Blufftop Development

Section 30253 of the Coastal Act states:

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.

Section 30251 of the Coastal Act states that:

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 an oceanfront bluff top lot. The lot slopes more or less gradually from the street elevation of approximately 100 feet, to the edge of the bluff at approximately the 70 foot elevation. The height of the bluff is approximately 70 feet. A 10 foot high talus slope has accumulated at the toe of the sea cliff and, during high tide, is within the surf zone. During low tide, a sandy beach exists at the base of the bluff.

An Update Report and Review of Geologic/Soils and Foundation Conditions was prepared for the proposed development by Ian S. Kennedy, Inc. dated February 17, 2000, and was augmented on 4/13/03, 2/9/03, and 1/2/03. The geologic report and review included review of available geologic literature for the site area, reconnaissance and mapping of exposed geologic conditions and other pertinent site features, inspection of existing structural conditions, and report preparation. In addition, geologic mapping of the bluff area, logging of six test pit-style excavations, and sampling and testing of soils were conducted.

Setback

Section 30253 of the Coastal Act requires that risks and geologic instability be minimized. Setting development back from the edge of the bluff can substantially decrease risk because the further from the bluff edge development is located, the less likely it is that that development may become jeopardized. Likewise, setbacks decrease the likelihood of geologic instability. The added weight of development, watering or irrigating plants, and human activity closer to the bluff edge can all increase the rate of erosion and bluff retreat. Thus, by reducing these factors bluff stability can be increased. In addition, Section 30251 of the Coastal Act requires that scenic and visual qualities of coastal areas be protected. Setting development further back from the edge of the coastal bluff decreases the project's visibility from the beach below and as seen from the water. For these reasons, the Commission typically imposes some type of bluff top set back.

In the project vicinity, the Commission typically imposes a minimum bluff top setback of 25 feet from the edge of the bluff for primary structures (e.g. the enclosed living area of residential structures). The minimum 25 foot setback from the bluff edge is deemed acceptable within the Three Arch Bay community based on the relatively stable, underlying San Onofre formation bedrock. The intent of the setback is to substantially reduce the likelihood of proposed development becoming threatened given the inherent uncertainty in predicting geologic processes in the future, and to allow for potential changes in bluff erosion rates as a result of rising sea level.

The applicant's geologic consultant has determined that the edge of the bluff is generally located along the 70 foot contour elevation (see exhibits C and I). Commission staff has reviewed the applicant's bluff edge determination and concurs. The bluff edge determination is based on the definition contained in Section 13577 of the California Code of Regulations which states, in part: "...the edge shall be defined as that point nearest the

cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff."

Because development setbacks are normally measured from the edge of the bluff top, a great deal of effort often is focused on defining that "bluff edge." The bluff edge is the line of intersection between the steeply sloping bluff face and the flat or more gently sloping bluff top. Defining this line can be complicated, however, by the presence of irregularities in the bluff edge, a rounded stepped bluff edge, a sloping bluff top, or previous grading or development near the bluff edge. The position of the bluff edge may be changed by a variety of processes, natural and anthropogenic. Most obvious is the landward retreat of the bluff edge through coastal erosion. Anthropogenic modification of the bluff edge may occur by grading or construction of structures. A landward shift of the bluff edge commonly occurs through cutting into and removing natural materials during grading operations or the construction of seawalls. Conversely, placing artificial fill on or near the bluff edge generally does not alter the position of the natural bluff edge; the natural bluff edge still exists, buried beneath fill, and the natural bluff edge is used for purposes of defining development setback.

In the case of the subject site, grading and development has occurred in the past along the bluff edge. Fill was placed near the bluff edge, presumably during grading of the lot in the 1950s. In addition, small garden walls, terraced landscaped areas, and concrete walks are in place. No development is proposed in these areas. In determining the bluff edge location, all site alterations were considered, including both the fill and the pre-Coastal Act development.

In addition to the 25 foot setback from the bluff edge, the Commission often imposes a setback determined by a stringline. A stringline is the line formed by connecting the nearest adjacent corners of the adjacent residences. A stringline most often is imposed to maximize protection of public coastal views. A stringline setback also provides equity among neighboring development's setbacks. At the subject site, the stringline setback ranges from approximately 12 feet to 17 feet landward of the 25 foot setback from the bluff edge. The proposed enclosed living area is consistent with the 25 foot setback, but would encroach up to approximately 1 to 5 feet into the stringline setback.

In order to protect scenic coastal views and provide equity among bluff top development in the project area, the Commission finds that a stringline setback for enclosed living area is appropriate. Therefore, as a condition of approval, the project shall be redesigned to eliminate enclosed structural area seaward of the stringline. The stringline approved by the Commission is depicted on exhibit D.

The proposed at grade patio and upper level deck are consistent with the Commission's typically imposed setbacks for this area of 10 feet from the bluff edge for at grade patios and 15 feet from the bluff edge for above grade decks. The proposed at grade patio is set back a minimum of 20 feet from the bluff edge. The proposed upper level deck is set back 25 feet from the bluff edge.

The location of the proposed upper-level deck is consistent with setback requirements typically applied by the Commission for accessory development for this area. However, the upper level deck is proposed to be constructed on caissons. Because of their size and the excavation necessary to accommodate them, caissons do not constitute minor, accessory development. The caissons themselves are an alteration of the natural landforms of the bluff. When the bluff erodes to a point that the caissons are exposed, with the structure they support hanging over the edge of the bluff, they effectively alter the natural landform. They are also visually intrusive. For these reasons the Commission finds that caissons cannot be considered minor or accessory development.

The proposed development includes emplacement of 5 caissons within the 25 foot bluff top setback. The caissons are proposed at approximately 22 feet from the bluff edge. The caissons are proposed beneath the seaward edge of the proposed upper level deck. The geologic consultant has indicated that these caissons are proposed to support the residence as well as the deck. Caissons also are proposed beneath the seaward edge of the residence, but these are consistent with the required setback. Caissons cannot be allowed to support minor development such as a deck. If the caissons were relocated approximately 2 to 3 feet landward of the proposed location, they would be consistent with the required 25 foot bluff top setback.

Only accessory development can be approved seaward of the enclosed structural area setback. Major development closer to the bluff edge increases the risk of bluff instability and alteration of the natural landforms. In addition, caissons (which constitute major development) can adversely impact scenic coastal views if they become exposed. Therefore, as a condition of approval, the caissons shall be relocated such that they are a minimum of 25 feet from the edge of the bluff (as shown on exhibit C). Only as conditioned can the Commission find that the proposed development is consistent with requirements of Sections 30251 and 30253 of the Coastal Act which require that coastal views be protected and that hazards be minimized.

Geotechnical Recommendations

Regarding the feasibility of the proposed project the Report of Geologic/Soils and Foundation Conditions, prepared by Ian S. Kennedy, dated 1/2/03 states:

"The subject site is considered suitable for support of the proposed new residence built in compliance with the recommendations made in this report and during construction."

Specifically regarding bluff slope stability the geologic consultant concludes, in the Report of Geologic/Soils and Foundation Conditions, prepared by Ian S. Kennedy, dated 1/2/03:

"The results of stability analyses indicate that the factors of safety for static and pseudo-static conditions are in excess of 1.5 and 1.1, respectively."

And:

"The San Onofre Formation Breccia and Sandstone bedrock that supports the marine terrace sands at depth is considered to be in a stable condition."

The geologic consultant has found that the subject site is suitable for the proposed development provided the recommendations contained in the Report of Geologic/Soils and Foundation Conditions prepared by the consultant are implemented in design and construction of the project.

The recommendations contained in the Report of Geologic/Soils and Foundation Conditions address bearing material, foundation bearing, lateral resistance, lateral earth pressures, seismic design, settlements, floor slab, exterior flatwork, fill area, trench backfills, surface drainage, construction inspection, and construction plans. In order to assure that risks are minimized, the geologic consultant's recommendation should be incorporated into the design of the project. As a condition of approval the applicant shall submit plans, including grading and foundation plans, indicating that the recommendations contained in the Report of Geologic/Soils and Foundation Conditions prepared for the proposed development by Ian S. Kennedy, dated January 1, 2003 and related reports dated 2/17/00, 2/9/03, and 4/13/03 have been incorporated into the design of the proposed project.

Future Protective Device

The subject site is a bluff top ocean front lot. In general, bluff top lots are inherently hazardous. It is the nature of bluffs, and especially ocean 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 geotechnical analysis of a site has concluded that a proposed development is expected to 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 a 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 the Commission's experience, geologists cannot predict with absolute certainty if or when bluff failure on a particular site may take place, and cannot predict if or when a residence or property may be come 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 protection device.

The Coastal Act limits construction of these 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 geologic consultant for the subject development does not anticipate the need for a future shoreline or bluff protection device, and states:

"Based on historical performance, the potential need for future shoring and/or bluff protective devices are not anticipated for the life of the project."

The proposed development includes demolition of the existing residence and construction of a new single family residence, which constitutes new development for the purposes of Sections 30235 and 30253. Because the proposed project is new development, it can only be found consistent with Section 30253 of the Coastal Act if a shoreline/bluff protective 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, 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 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 a special condition which prohibits the applicant and their successors in interest from constructing shoreline/bluff protective devices to protect the proposed development and requiring that the applicant waive, on behalf of itself and all successors and assigns, any right to construct protective devices for the proposed project that may exist under 30235.

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 an oceanfront, bluff top lot, which is inherently hazardous. Given that the applicant has chosen to implement the project despite potential risks from bluff erosion and landslide, the applicant must assume the risks. Therefore, the Commission imposes a special condition requiring the applicant to assume the risk of the development. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

Drainage and Landscaping

One factor that can minimize the hazards inherent to blufftop development is proper collection of site drainage. The proposed project's plans indicate that all drainage will be collected in area drains, and then be directed toward the existing outlet, which pipes the drainage down the face of the bluff to its base. Piping drainage down the bluff face and outletting at the base of the bluff will not minimize hazards. Outletting at the base of the bluff can cause erosive scour, and lead to undermining of bluff stability. In addition, the bluff face drainpipe could break or crack, which could cause immediate damage or could lead to damage over time. Because of the drainpipe's location and relative inaccessibility, such a break or leak may not be discovered until significant damage has occurred. This too would contribute to bluff instability. In order to avoid increases in bluff instability and to minimize hazard as required by Section 30253 of the Coastal Act, the applicant shall submit a drainage plan that indicates that all site drainage be collected and piped to the street. Only as conditioned, does the Commission find the proposed development consistent with Section 30253 which requires that hazards be minimized.

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 limiting permanent irrigation systems. The proposed landscaping plan includes permanent, in-ground irrigation. A landscaping plan note states: "Contractor is to provide an automatic overhead spray irrigation system with 100% coverage and separate sun/shade and turf/groundcover systems." No new landscaping is proposed in the area between the proposed development and the bluff edge. Existing landscaping in that area is to remain. It is not clear whether the proposed irrigation system would be placed in the area adjacent to the bluff edge. Irrigation anywhere on the site would be detrimental to bluff stability. Consequently, irrigation must be limited to temporary irrigation only as needed to establish plants. Therefore, the Commission imposes a special condition which prohibits permanent irrigation on the site. Temporary irrigation may be allowed to establish

plantings. Only as conditioned can the Commission find the proposed development consistent with Section 30253 of the Coastal Act which requires that hazards be minimized.

In addition, to further decrease the potential for bluff instability, deep-rooted, low water use, plants, native to coastal Orange County, should be selected for general landscaping purposes in order to minimize irrigation requirements and saturation of underlying soils. 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. The applicant has submitted a landscape plan that includes plants that are not deep rooted, low water use plants and that are not primarily natives to coastal Orange County. In addition, some of the proposed plants are invasive such as English Ivy. Therefore, as a condition of approval, a revised landscape plan must be submitted.

As a condition of approval, the applicant shall submit a revised landscape plan that indicates no permanent irrigation on the site, and the use of only plants that are low water use, drought tolerant, non-invasive plants, primarily native to coastal Orange County. The landscaping plan as conditioned will reduce the amount of water introduced into the bluff top area and so would not contribute to instability of the bluff. Thus, only as conditioned, is the landscape plan consistent with Section 30253 of the Coastal Act.

Conclusion

The Commission finds that only as conditioned as described above, can the proposed development be found consistent with Sections 30251 and 30253 of the Coastal Act which require that landform alteration be minimized, scenic coastal views be protected, and geologic stability be assured.

C. 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 decreases the biological productivity of coastal waters.

Typically, adverse 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. As noted in the hazard section of these findings, the infiltration of water into the bluff is a primary potential source of bluff instability at the project site. Therefore, increasing the quantity of pervious areas, directing runoff to those pervious areas, and encouraging water infiltration for water quality purposes could have adverse impacts upon bluff stability.

There are measures, however, that would contribute to increased water quality that could feasibly be applied even to bluff top lots such as the subject site without increasing instability. In general, the primary contributors to storm drain pollution stemming from single family residential development are irrigation, fertilizers, swimming pool discharges, and pet waste. These can be eliminated or significantly reduced even on bluff top lots. For example, permanent, in-ground irrigation tends to result in over-watering, causing drainage to run off site. Irrigation runoff carries with it particulates such as soil, debris, and fertilizers. Limiting irrigation to that necessary to establish and maintain plantings, reduces the chance of excess runoff due to over-irrigation. Permanent, in-ground irrigation, in general, is set by timer and not by soil moisture condition. Thus, the site is irrigated on a regular basis regardless of the need, resulting in over-saturation and run off. The run off, carrying soil, fertilizer, etc, is then directed either to the storm drain system (which then enters the ocean) or directly over the bluff to the rocky beach and ocean below. This can be avoided by limiting irrigation on bluff top lots.

Another way to improve water quality on bluff top lots without jeopardizing stability is the use of native/drought tolerant plantings. 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. As these plantings use less water than ornamental plants, incidents of over-watering, causing saturation and excess runoff, is substantially reduced. As previously stated, reducing site runoff reduces the extent of pollutants carried into the storm drain system and into the ocean.

Due to the potential for increased hazards in bluff top areas which could be caused by encouraging water infiltration for water quality purposes, maximizing on site retention of drainage is not required. However, the measures described above including no permanent irrigation and the use of native/drought tolerant plants, can help to increase water quality in the area. Special Condition 2 requires primarily native and drought tolerant vegetation and

prohibits permanent irrigation. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Section 30231 of the Coastal Act regarding protection and enhancement of water quality.

D. 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 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, demolition and construction of a single family residence on an existing residential lot, will not affect 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 significant 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(a) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

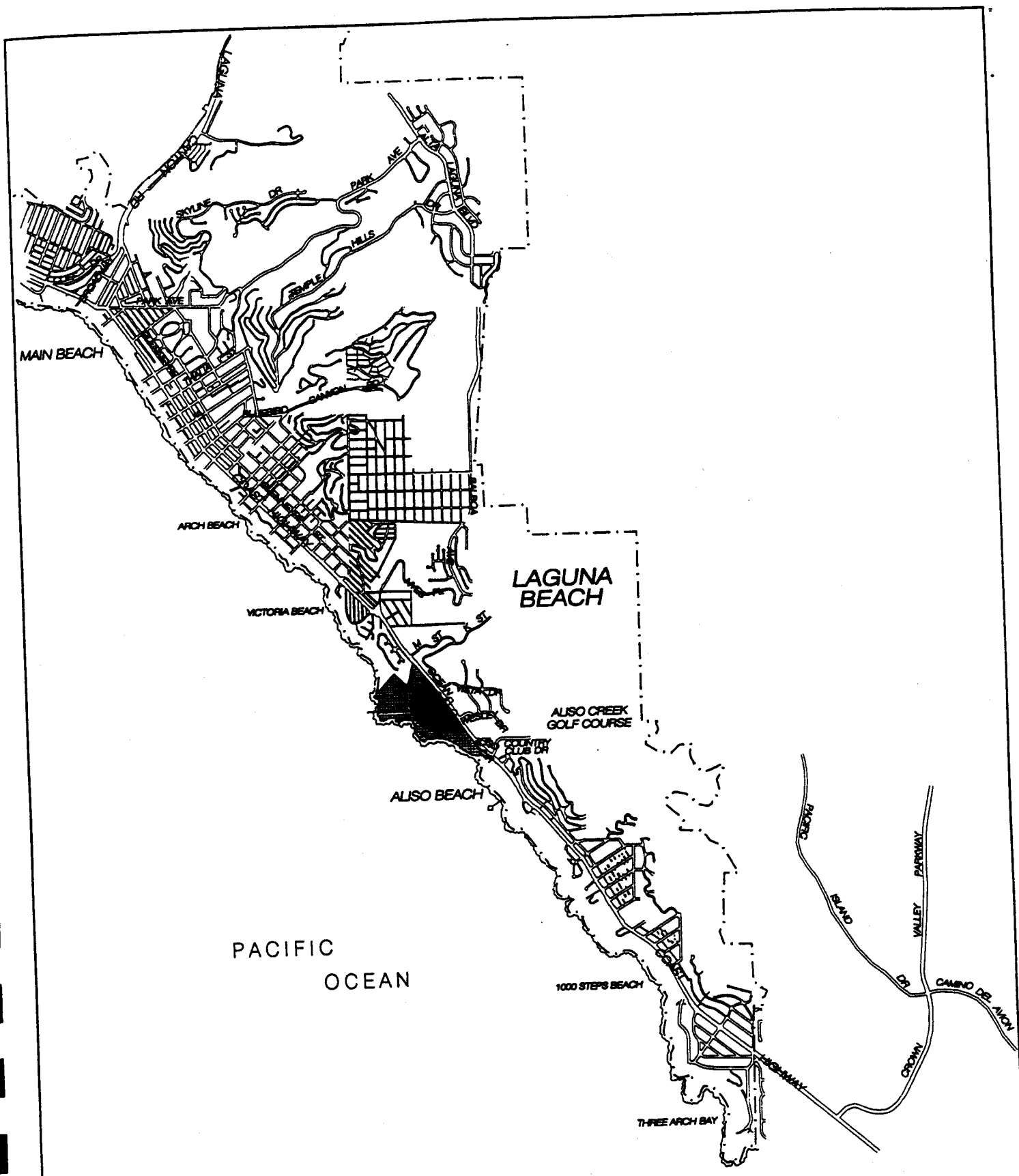
The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and 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. 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 as conditioned has been found consistent with the hazard, visual, landform alteration, and public access policies of the Coastal Act. 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

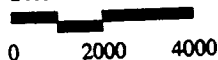


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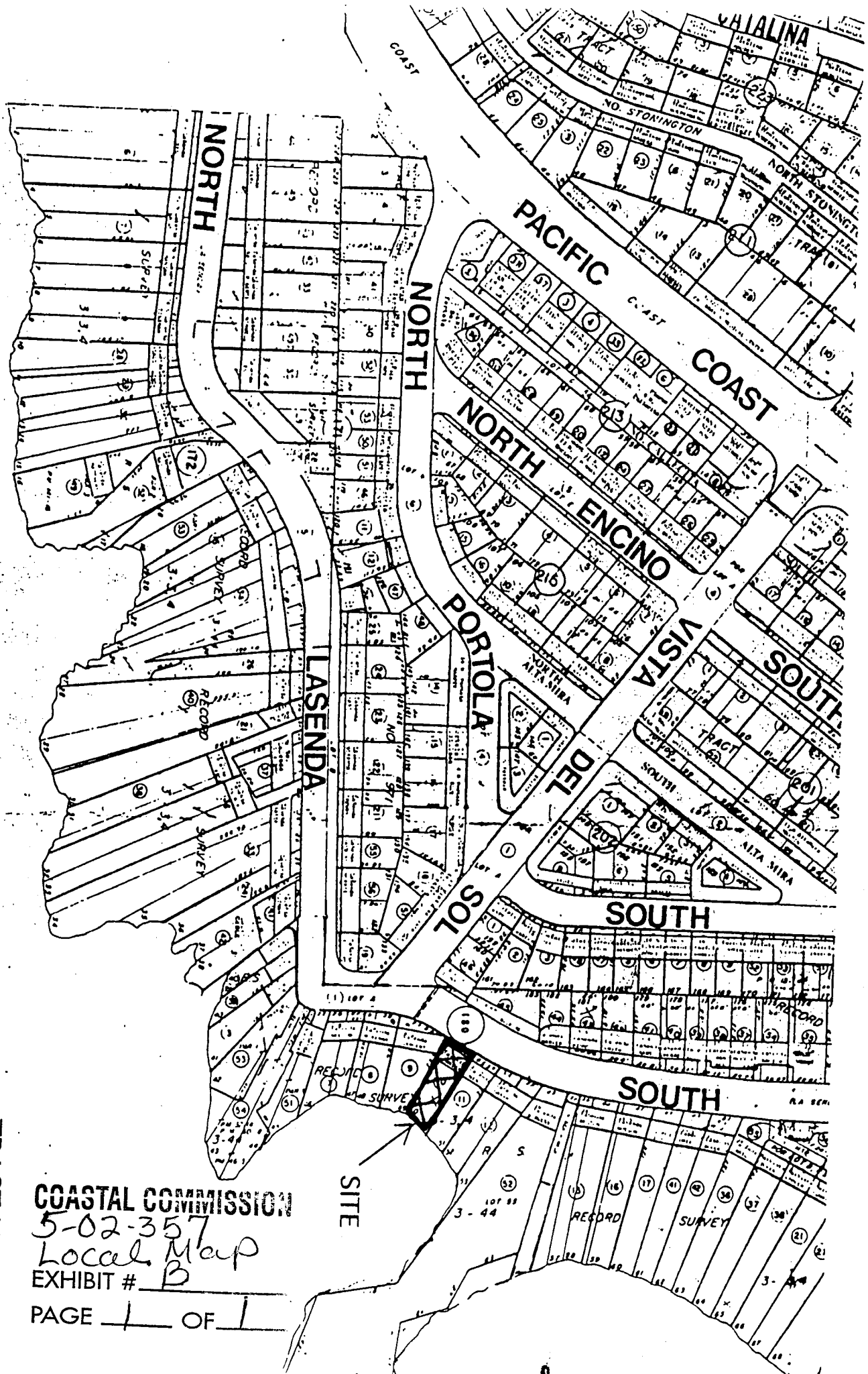
COASTAL COMMISSION

5-02-357

EXHIBIT # A

PAGE 1 OF 1

Vicinity Map



TRACT MAP

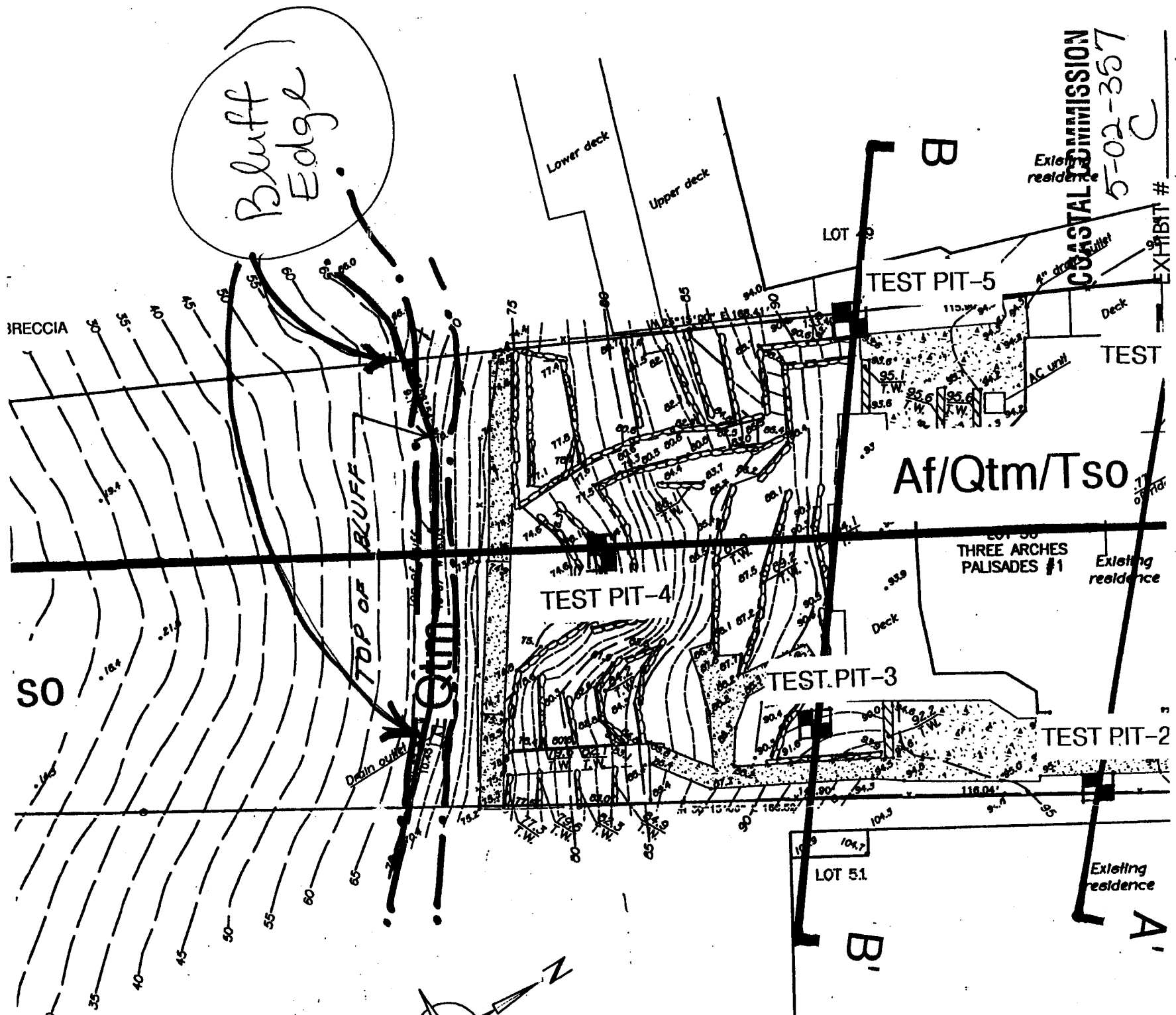
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COASTAL COMMISSION

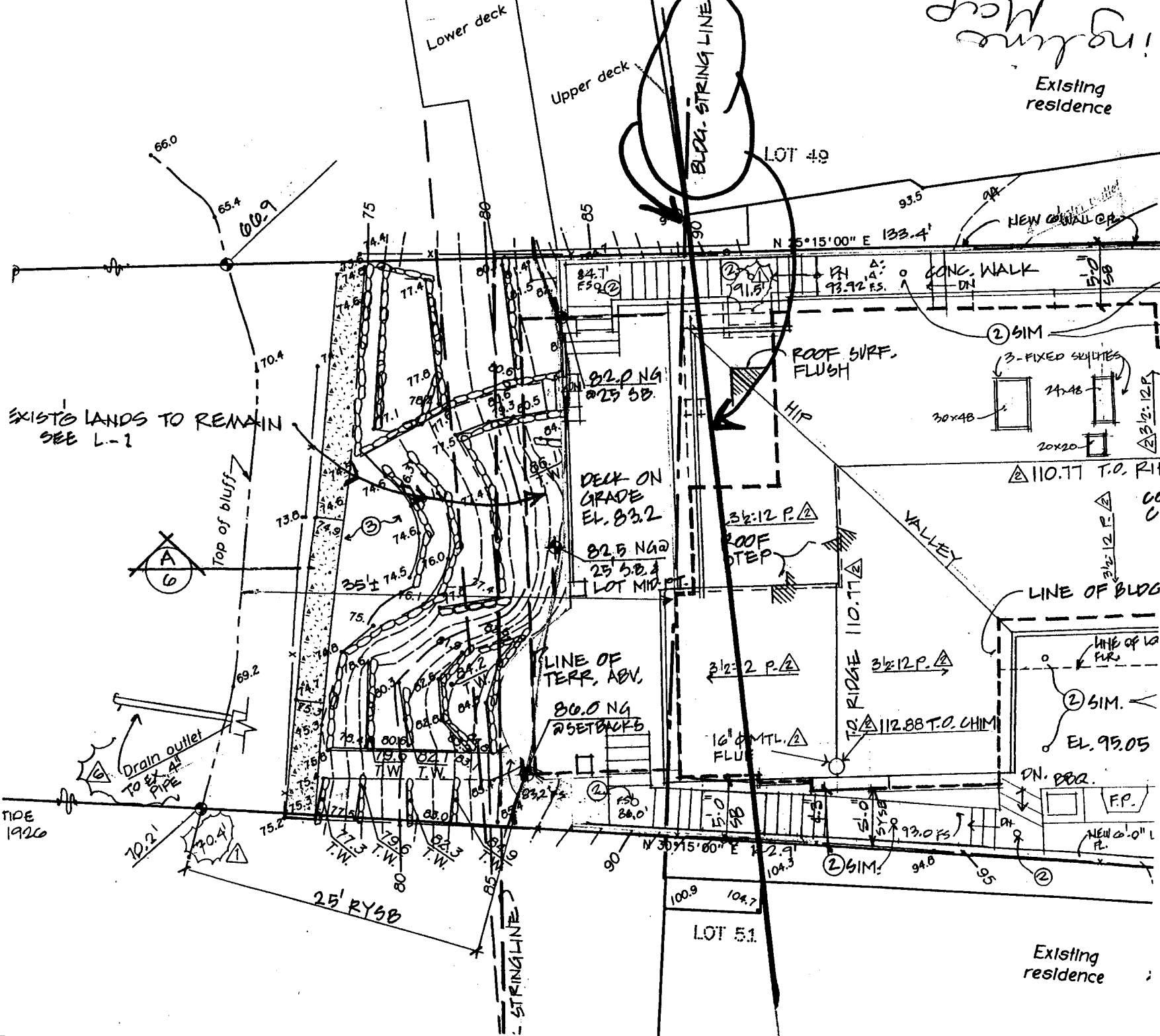
5-02-357
Local Map
EXHIBIT # B

PAGE 1 OF 1

Beach



Sheet 7



EXISTING LANDS TO REMAIN
SEE L-1

NDE
1926

A Beach

Stringline Map

COASTAL COMMISSION

5-02-357

Street

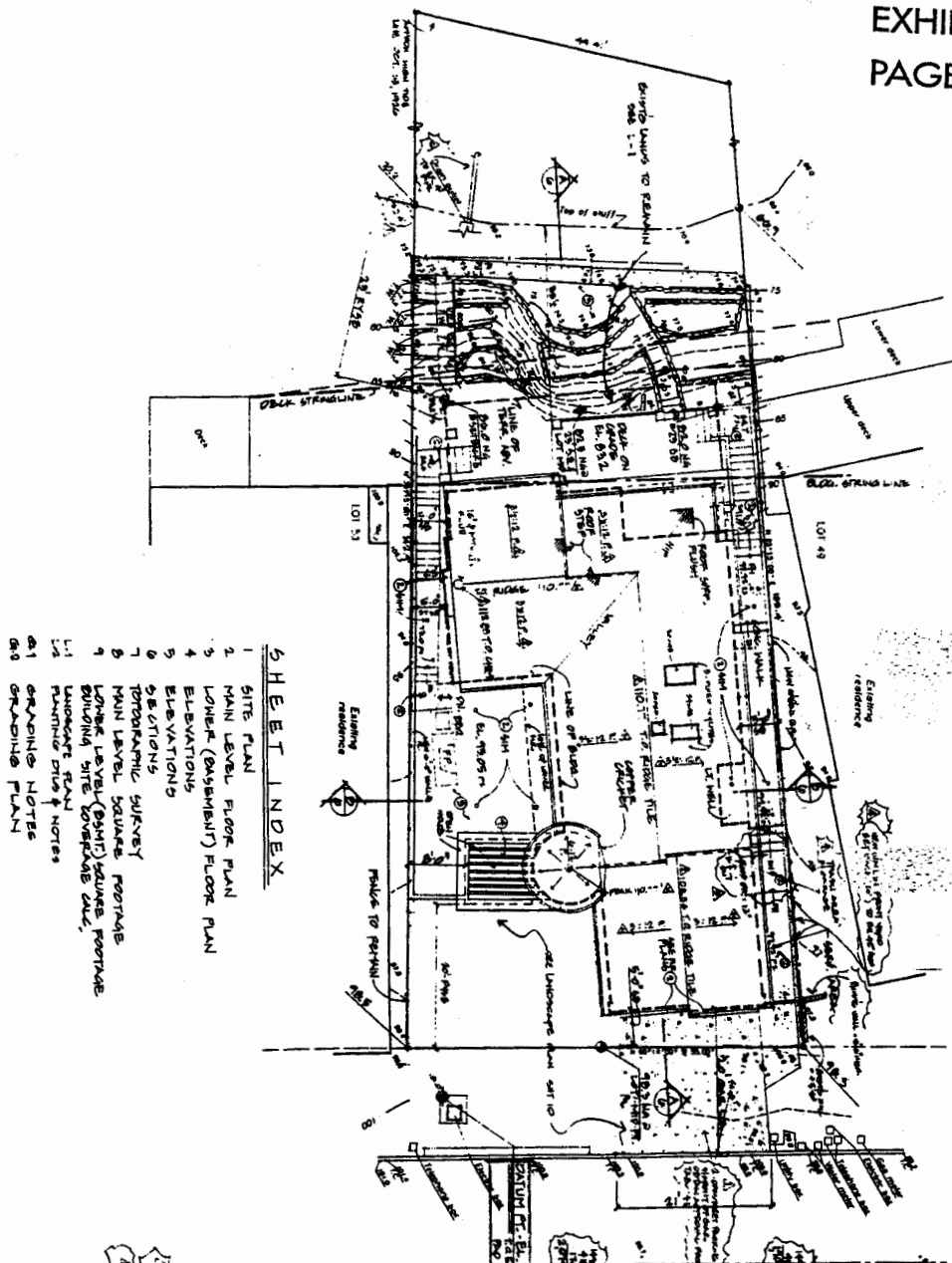
Site Plan

COASTAL COMMISSION

5-02-357

EXHIBIT # E

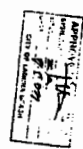
PAGE 1 OF 1



- SHEET INDEX**
- 1 SITE PLAN
 - 2 MAIN LEVEL FLOOR PLAN
 - 3 LOWER (BASEMENT) FLOOR PLAN
 - 4 ELEVATIONS
 - 5 ELEVATIONS
 - 6 ELEVATIONS
 - 7 TOPOGRAPHIC SURVEY
 - 8 MAIN LEVEL SQUARE FOOTAGE
 - 9 LOWER LEVEL (BASEMENT) SQUARE FOOTAGE
 - 10 BUILDING SITE DEVELOPMENT DATA
 - 11 PLANNING NOTES
 - 12 GRADING PLAN

SITE PLAN NOTES

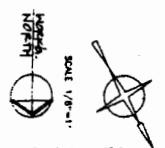
- 1 DRAINAGE: CONNECT TO UNDERGROUND DRAIN SYSTEM TO APPROVED EXIT AREA
- 2 FOR LOTS 49 & 51 SEE SHEET 10
- 3 SEE SHEET 10 (REAR) FOR EXISTING DRIVE
- 4 SEE SHEET 10 (REAR) FOR EXISTING DRIVE
- 5 SEE SHEET 10 (REAR) FOR EXISTING DRIVE
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5-02-357

RECEIVED
South Coast
MAR 12 2003

COASTAL COMMISSION



TABLETS:

- LET AREA (b) 6,750
NO AREA (TOTAL OF BLDG) 6,750
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PROJECT TITLE

LA SENDA
THREE ADJACENT LOTS, CA

SHEET TITLE

SITE PLAN
ROOF PLAN



JOHN MCINNES ARCHITECT

313 SOUTH MAIN STREET, SUITE 100
LOS ANGELES, CALIFORNIA 90013
TEL: (213) 413-1111 FAX: (213) 413-1112

SHEET NO.

1

Floor Plans

COASTAL COMMISSION
5-02-357
EXHIBIT # F
PAGE 1 OF 2

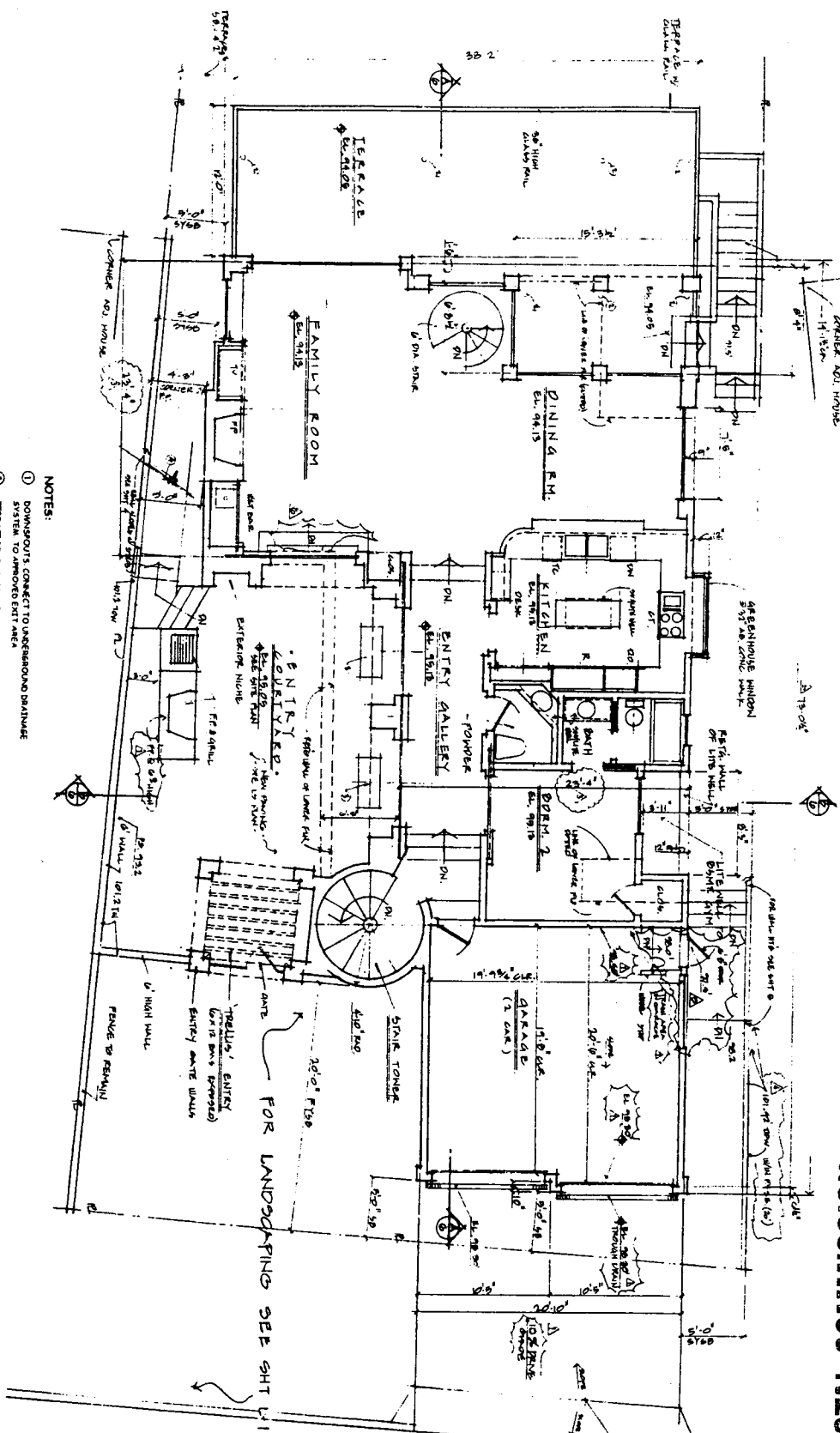
JOHN MCINNES ARCHITECT
ARCHITECT
111 SOUTH PARK (CANT MCINNES)
LACUNA BEACH, CALIFORNIA 92151
404.444.0012 FAX 404.444.0011

PROJECT TITLE
SACIAL SHIP REST
AND LA SENDA
THREE ARCH DAY

SHEET TITLE
MAIN LEVEL FLOOR
PLAN



REVISIONS	DATE
1. AS NOTED FOR REVISION	10/1/01
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- NOTES:**
1. DOWNSPOUTS CONNECT TO UNDERGROUND DRAINAGE SYSTEM TO IMPROVED EXIT AREA
 2. TERRACE DRAINING CONNECT TO UNDERGROUND DRAINAGE SYSTEM TO IMPROVED EXIT AREA
 3. GLASS BLOCK PARTS AT ENTRY COURTYARD
 4. CONC. STEPS ON GRADE 4" MAX ABOVE EXIST. GRADE
- LEGEND:**
- NATURAL GRADE AT BUILDING LINE
 - NATURAL GRADE AT PROPERTY LINE

LIVING: 1,490.9 sq. ft.
GARAGE: 410.3 sq. ft.
TOTAL MAIN FLOOR: 1,901.2 sq. ft.

THE REQUIREMENTS ON THIS SET HAVE BEEN
OBTAINED AND APPROVED IN THE DESIGN.

John McInnes

JOHN MCINNIS ARCHITECT

111 SOUTH PARK COURT, LOS ANGELES, CALIFORNIA 90024
 (213) 481-1111

PROJECT TITLE

SACIAL BLDG. REBID
 110 W. 1ST ST.
 LOS ANGELES, CA.

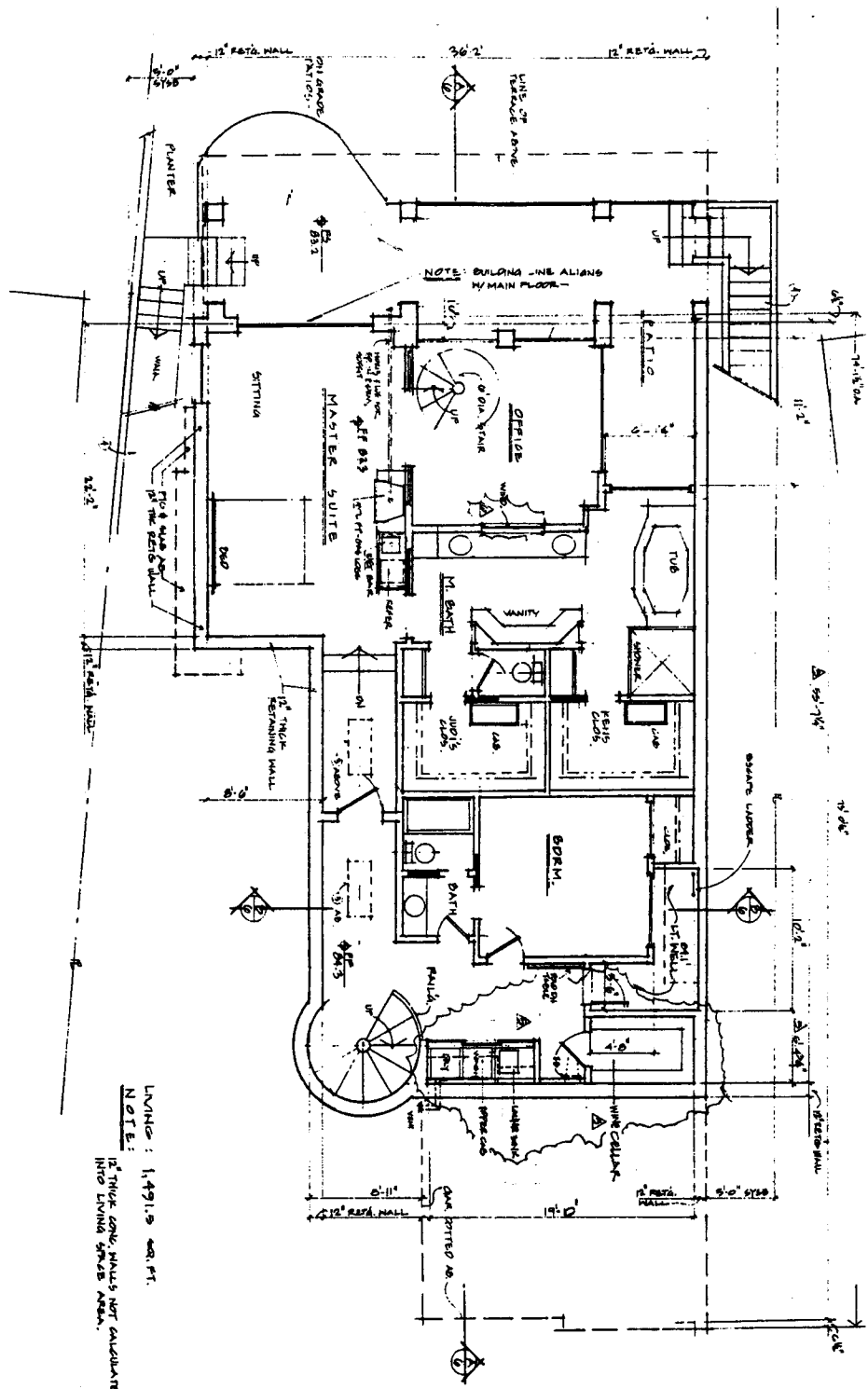
SHEET TITLE

LOWER (BASEMENT)
 FLOOR PLAN



DATE: _____
 BY: _____
 CHECKED BY: _____
 DESIGNED BY: _____
 DRAWN BY: _____

SHEET NO. 3

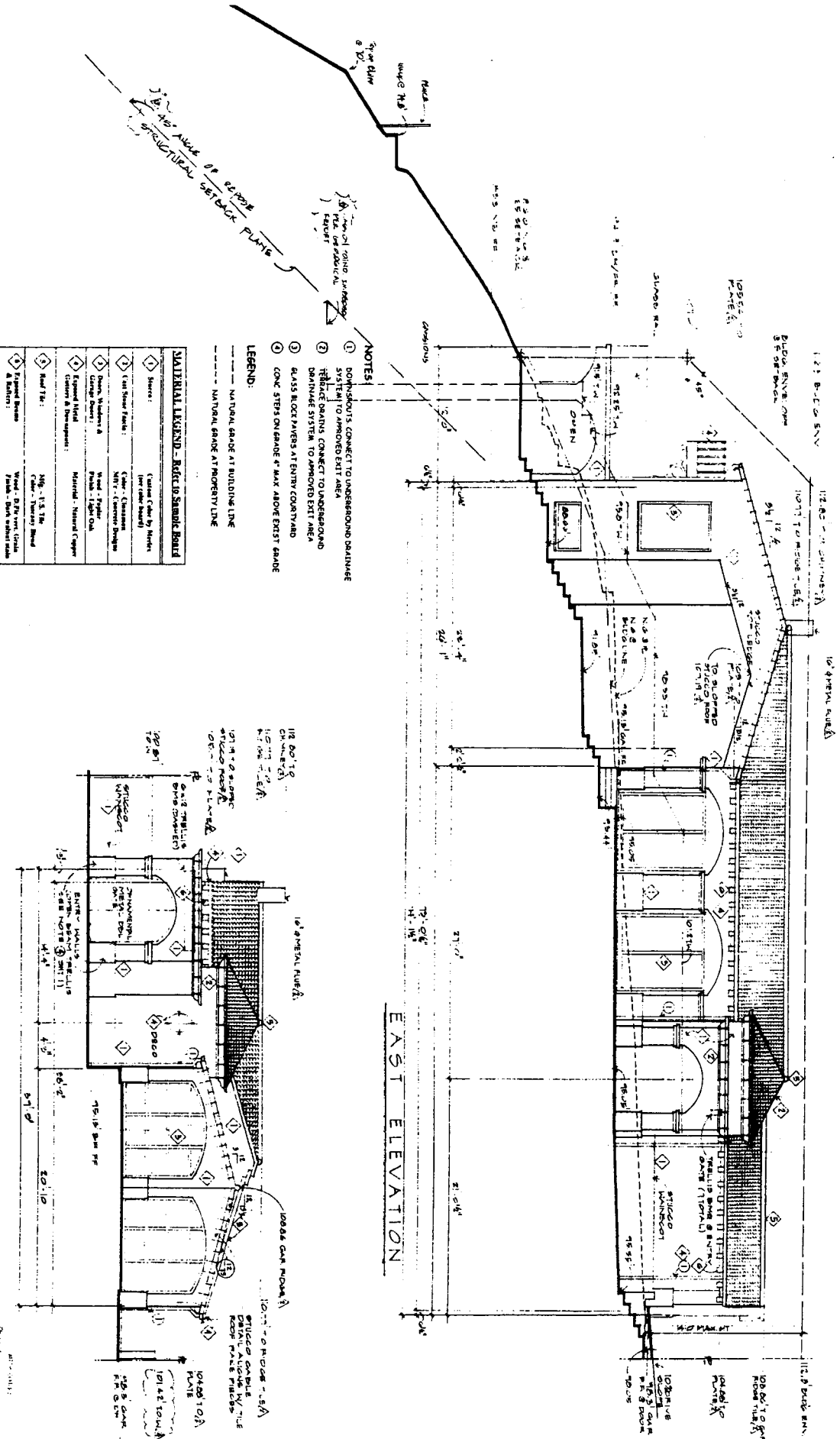


SEE SHEET 4 FOR KEYNOTES

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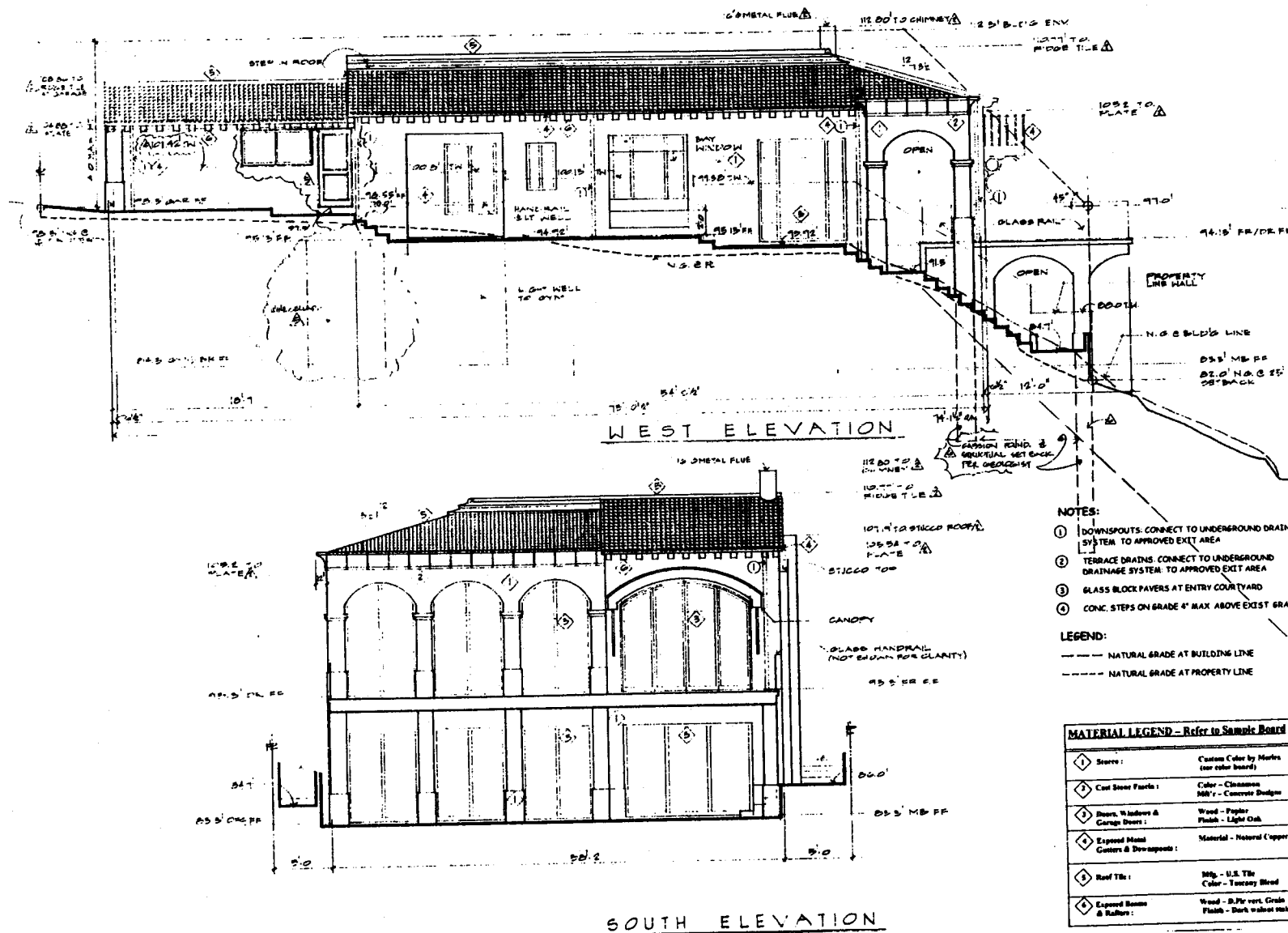
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PAGE 1 OF 5



THE REQUIREMENTS OF TITLE 24 HAVE BEEN
TAKEN INTO CONSIDERATION IN THE DESIGN

52



- NOTES:**
1. DOWNSPOUTS: CONNECT TO UNDERGROUND DRAINAGE SYSTEM TO APPROVED EXIT AREA
 2. TERRACE DRAINS: CONNECT TO UNDERGROUND DRAINAGE SYSTEM TO APPROVED EXIT AREA
 3. GLASS BLOCK PAVERS AT ENTRY COURTYARD
 4. CONC. STEPS ON GRADE 4" MAX ABOVE EXIST. GRADE

- LEGEND:**
- NATURAL GRADE AT BUILDING LINE
 - NATURAL GRADE AT PROPERTY LINE

MATERIAL LEGEND - Refer to Sample Board	
1. Stone:	Custom Color by Marles (see color board)
2. Cast Stone Pavers:	Color - Cinnamon MW's - Concrete Design
3. Doors, Windows & Garage Doors:	Wood - Poplar Finish - Light Oak
4. Exposed Metal Gutters & Downspouts:	Material - Natural Copper
5. Roof Tile:	Mfg. - U.S. Tile Color - Tuscany Blend
6. Exposed Beams & Rafters:	Wood - S.P.F. red, Grade Finish - Dark walnut stain

JOHN MCINNES ARCHITECT

JMA ARCHITECT
933 SOUTH PACIFIC COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA 92651
949.494.0476 FAX 949.494.0826

PROJECT TITLE

SACZALSKI RESIDENCE
#10 LA SENDA
THREE ARCH BAY, CA.

SHEET TITLE
ELEVATIONS



REVISIONS

NO.	DATE	REVISION
1	08.01.02	ADDED SECTION
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3	08.01.02	ADDED SECTION
4	08.01.02	ADDED SECTION
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6	08.01.02	ADDED SECTION
7	08.01.02	ADDED SECTION
8	08.01.02	ADDED SECTION
9	08.01.02	ADDED SECTION
10	08.01.02	ADDED SECTION

DESIGNED BY: [Signature]
CHECKED BY: [Signature]

SHEET NO.
5

G3

JOHN MCINNES ARCHITECT

113 JOHN STREET (OLD INDIAN)
UPLAND, CALIFORNIA 91786
PH 951-241-1111 FAX 951-241-1112

PROJECT TITLE
SACZALSKI RESIDENCE
#101A SENDA
THREE ARCH BAY, CA.

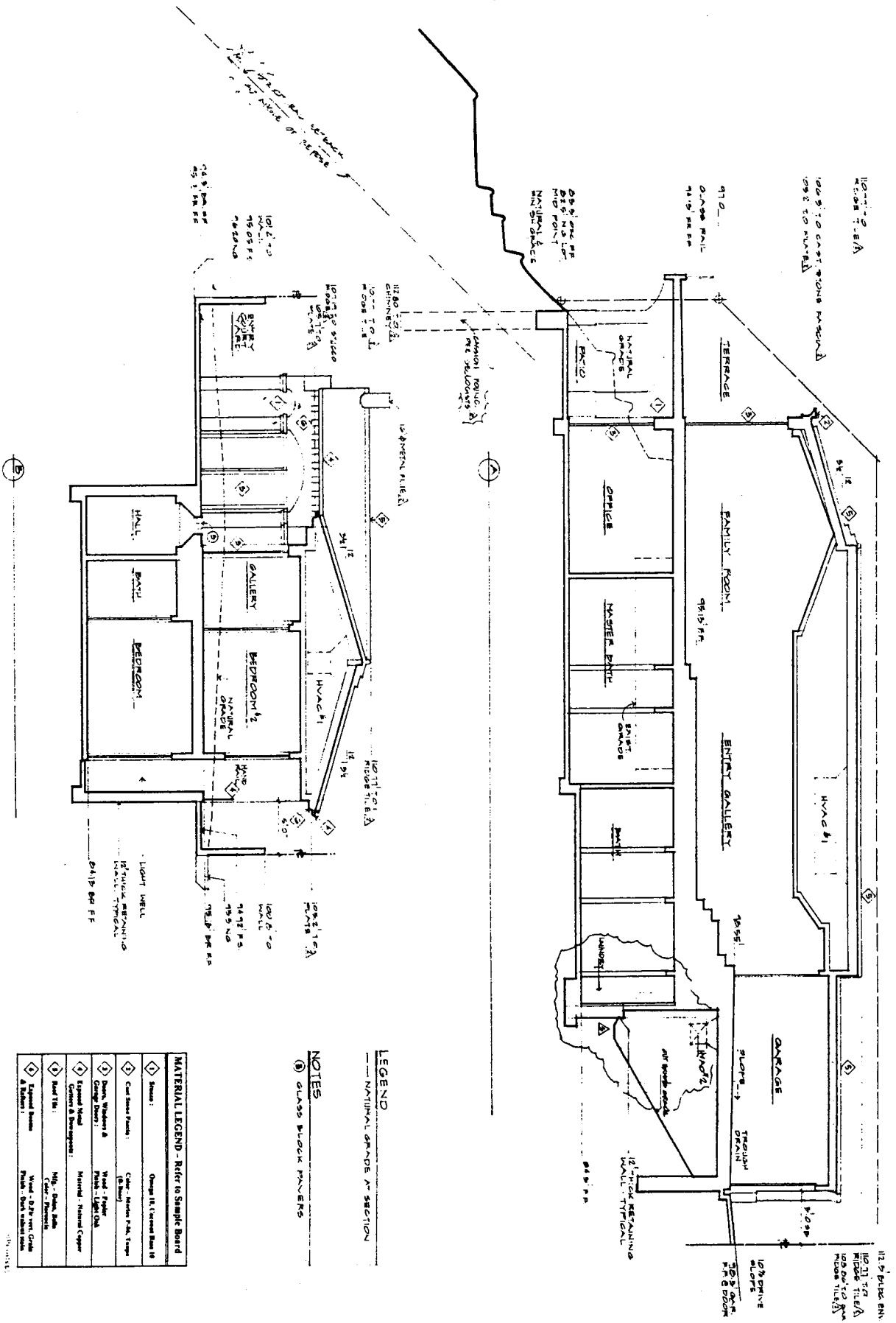
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SECTIONS

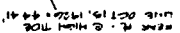


REVISIONS

NO.	DATE	DESCRIPTION
1	11/10/99	ISSUED FOR PERMIT
2	11/10/99	ISSUED FOR PERMIT
3	11/10/99	ISSUED FOR PERMIT

BY: J. McInnes
DATE: 11/10/99
SCALE: AS SHOWN
SHEET NO. 6





SCALE

COASTAL COMMISSION
5-02-357

5-02-357

1

Wm. Lloyd Garrison





Geologic Site Plan

COASTAL COMMISSION

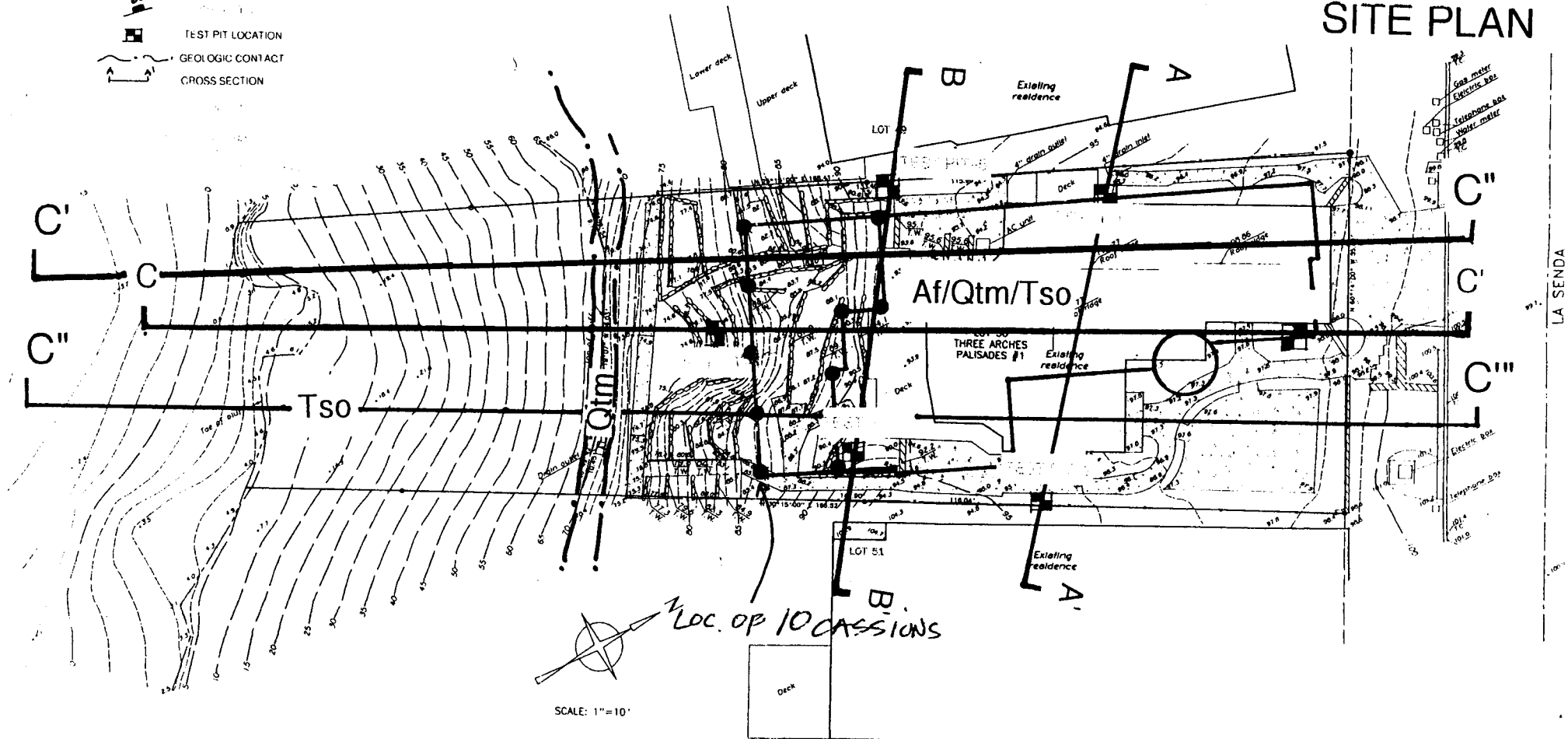
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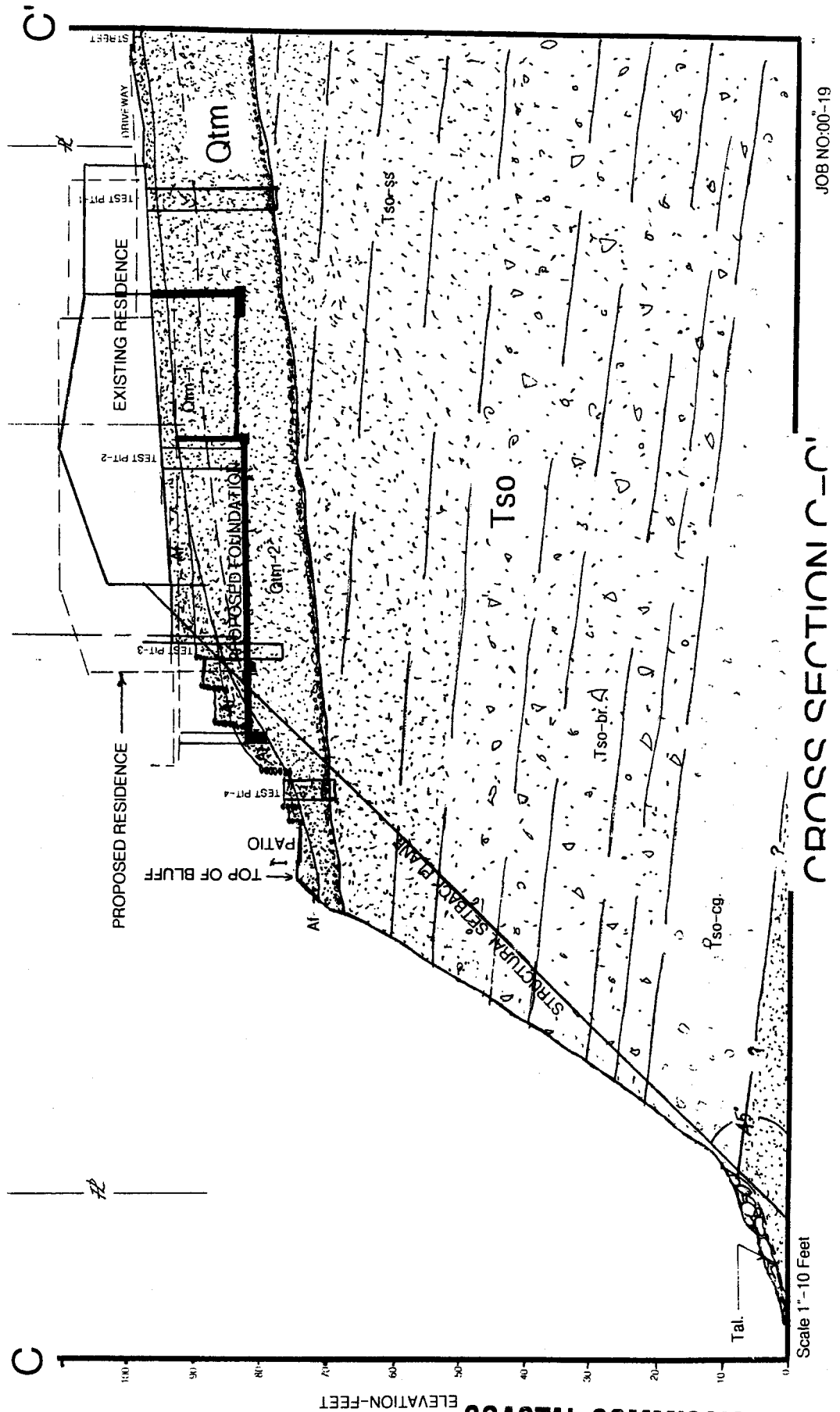
PAGE 1 OF 1

- LEGEND
-  BEDDING ATTITUDE
 -  TEST PIT LOCATION
 -  GEOLOGIC CONTACT
 -  CROSS SECTION

SITE PLAN



Geologic Cross Sections

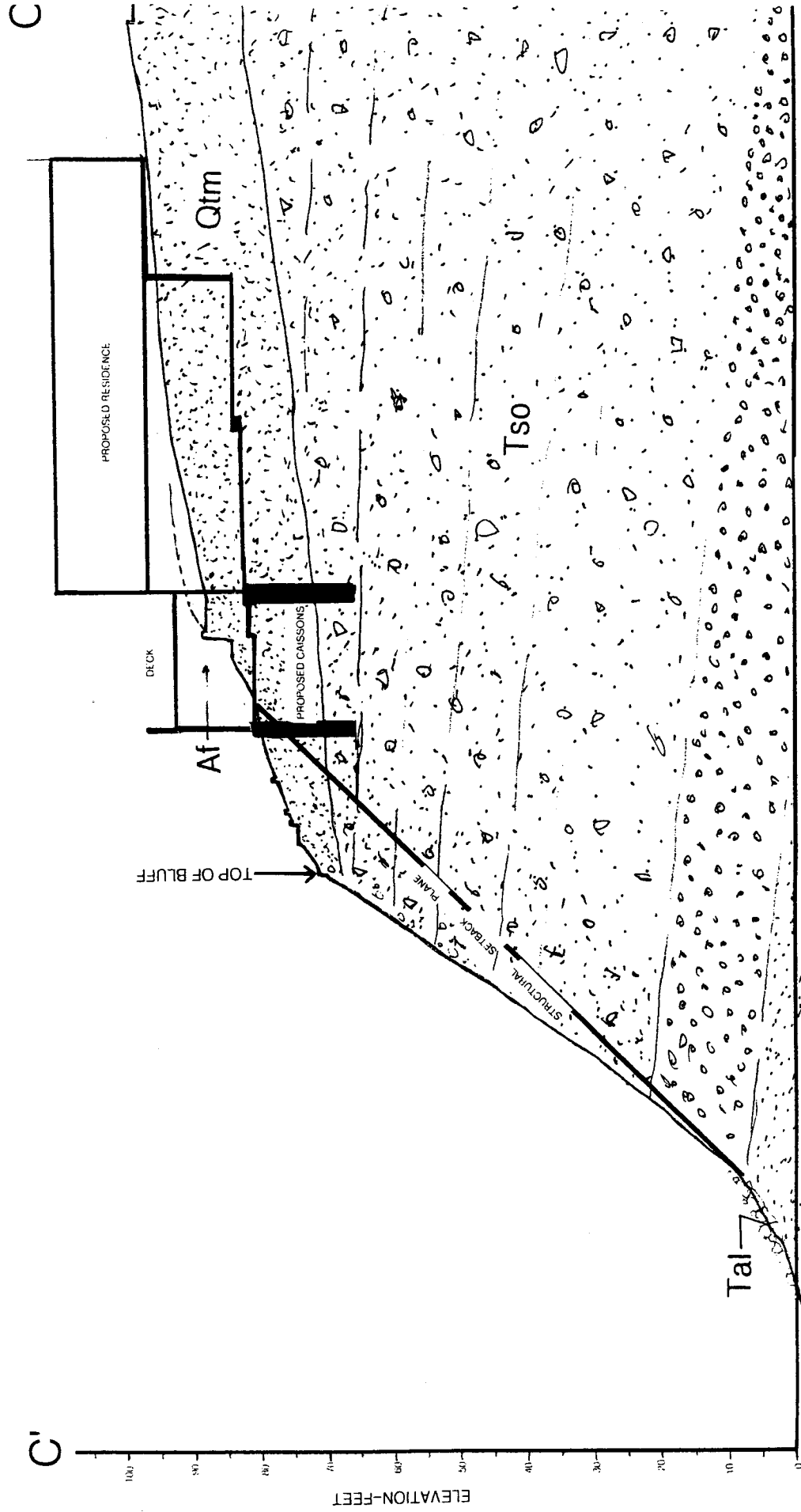


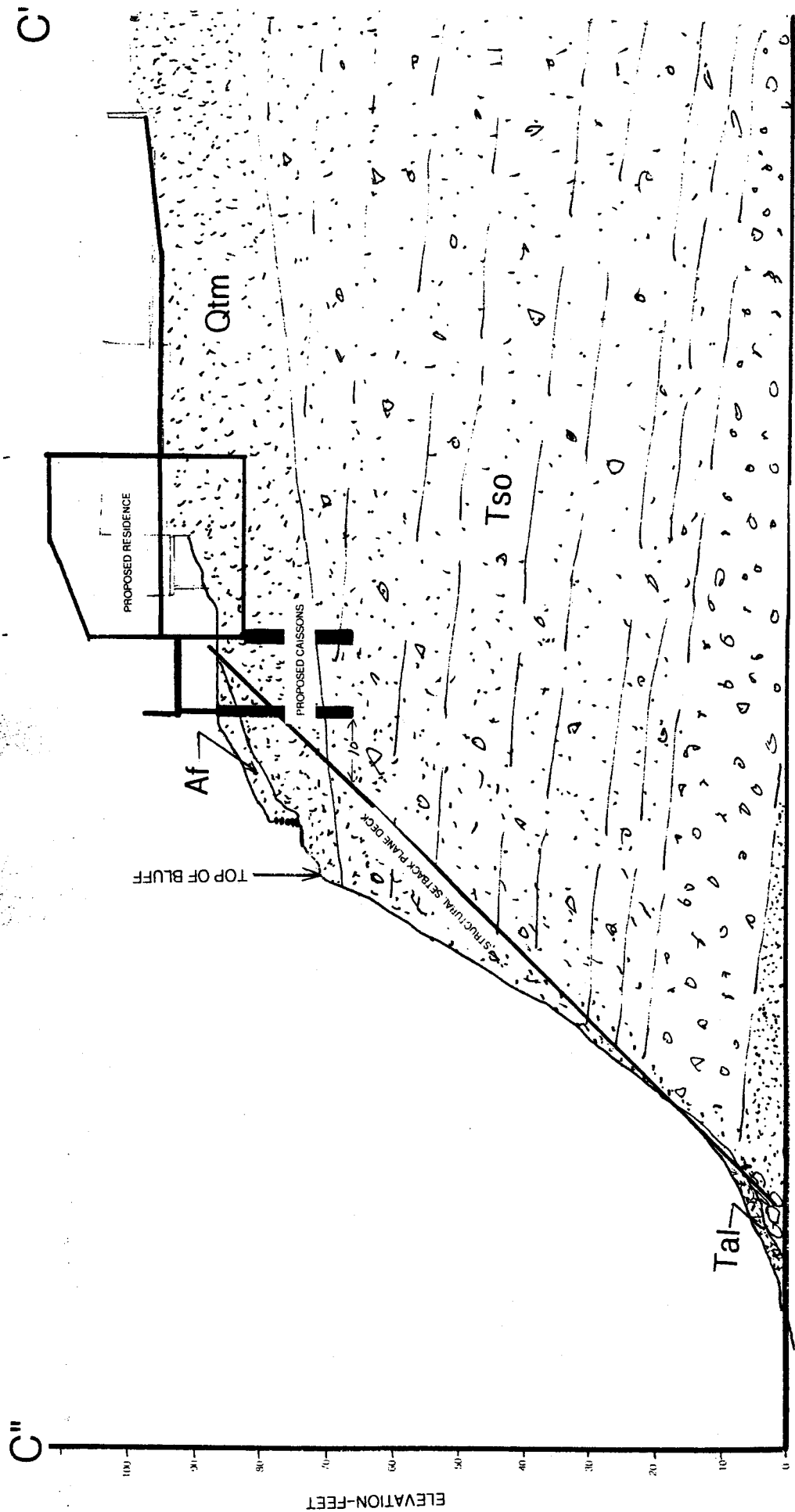
COASTAL COMMISSION

5-02-357

EXHIBIT # J

PAGE 1 OF 3





CROSS SECTION C''-C'''

JOB NO:00-19

Scale 1"=10 Feet

U3