

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY**W4a**

Filed: 12/16/03
49th Day: 2/3/04
180th Day: 6/13/04
Staff: MV-LB
Staff Report: 1/29/04
Hearing Date: 2/18-20/04
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-03-318
APPLICANTS: LARRY & KATHY FISHER
AGENT: Marshall Innins
PROJECT LOCATION: 39 N. Stonington, Laguna Beach, Orange County

PROJECT DESCRIPTION: Demolish existing single family residence and construct new, 5,402 square foot, three story, 25 foot high (from existing and finished grade) single family residence with attached 881 square foot, 4 car garage. Also proposed are retaining walls and 683 cubic yards of cut and 240 cubic yards of fill.

LOCAL APPROVALS RECEIVED: Laguna Beach Approval in Concept dated 7/25/03.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project subject to two special conditions which require that the project conform to the geotechnical consultant's recommendations and implementation of water quality measures as proposed.

SUBSTANTIVE FILE DOCUMENTS: City of Laguna Beach certified Local Coastal Program, used as guidance in this area of deferred certification.

STAFF RECOMMENDATION:

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

MOTION: I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL 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. 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. 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 Update of Preliminary Geotechnical Investigation, prepared by Geofirm, dated July 11, 2001 and updated on October 3, 2003.
- 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.

2. Water Quality

The water quality measures identified by the applicant's consultant in a letter dated October 9, 2003 and on Preliminary Grading and Drainage Plans (sheet G-1), dated 5/7/02, shall be carried out, as proposed.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION, LOCATION AND PAST PERMIT

The applicant is proposing to demolish an existing single family residence and construct a new, 5,402 square foot, three story, 25 foot high (from existing and finished grade) single family residence with attached 881 square foot, 4 car garage (two sets of tandem spaces). Also proposed are retaining walls and 683 cubic yards of cut and 240 cubic yards of fill.

The maximum topographic relief across the subject is approximately 50 feet. The grading is proposed primarily to allow the lowest level, which includes the garage and approximately 740 square feet of living area, to be recessed into the hillside. The geotechnical consultant has reviewed the proposed development, including the grading and related retaining walls, and found: "Proposed development of the property is considered feasible and safe from a geotechnical viewpoint providing the recommendations herein are integrated into the design and construction." To assure that

this occurs, a special condition is imposed which requires design and construction of the proposed development adhere to the geotechnical consultant's recommendations.

The subject site is located on an interior lot in Three Arch Bay, a private locked gate community. The Three Arch Bay Community is located both seaward and inland of the first public road (South Coast Highway). The subject site is located within the private community on the inland side of Coast Highway, thus the proposed development will have no impact on existing access in the vicinity. The nearest public access to the shore is at Thousand Steps County Beach approximately ½ mile upcoast and at Salt Creek Beach Park, approximately 1 ½ miles downcoast.

Three Arch Bay is one of the areas of deferred certification within the otherwise certified City of Laguna Beach. Three Arch Bay, along with three 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. 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.

The applicant has proposed measures to promote the protection of water quality in conjunction with the proposed development. The site drainage is proposed to be collected and directed to the southeast corner catch basin. The southeast corner catch basin will include a debris catcher and sediment sump adjacent to the street. From the sediment sump drainage will be directed to the street catch basin. In addition, hardscape at the site has been minimized. The total site area is 13,707 square feet. Of that area, 8,585 will be landscaped. The proposed water quality measures are adequate to minimize water quality impacts arising from the proposed project. In order to assure that the proposed water quality measures are carried out as proposed, a special condition is imposed which requires these water quality measures to be implemented.

B. Geology

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, 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, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, 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 hillside or bluff, 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.

C. Public Access

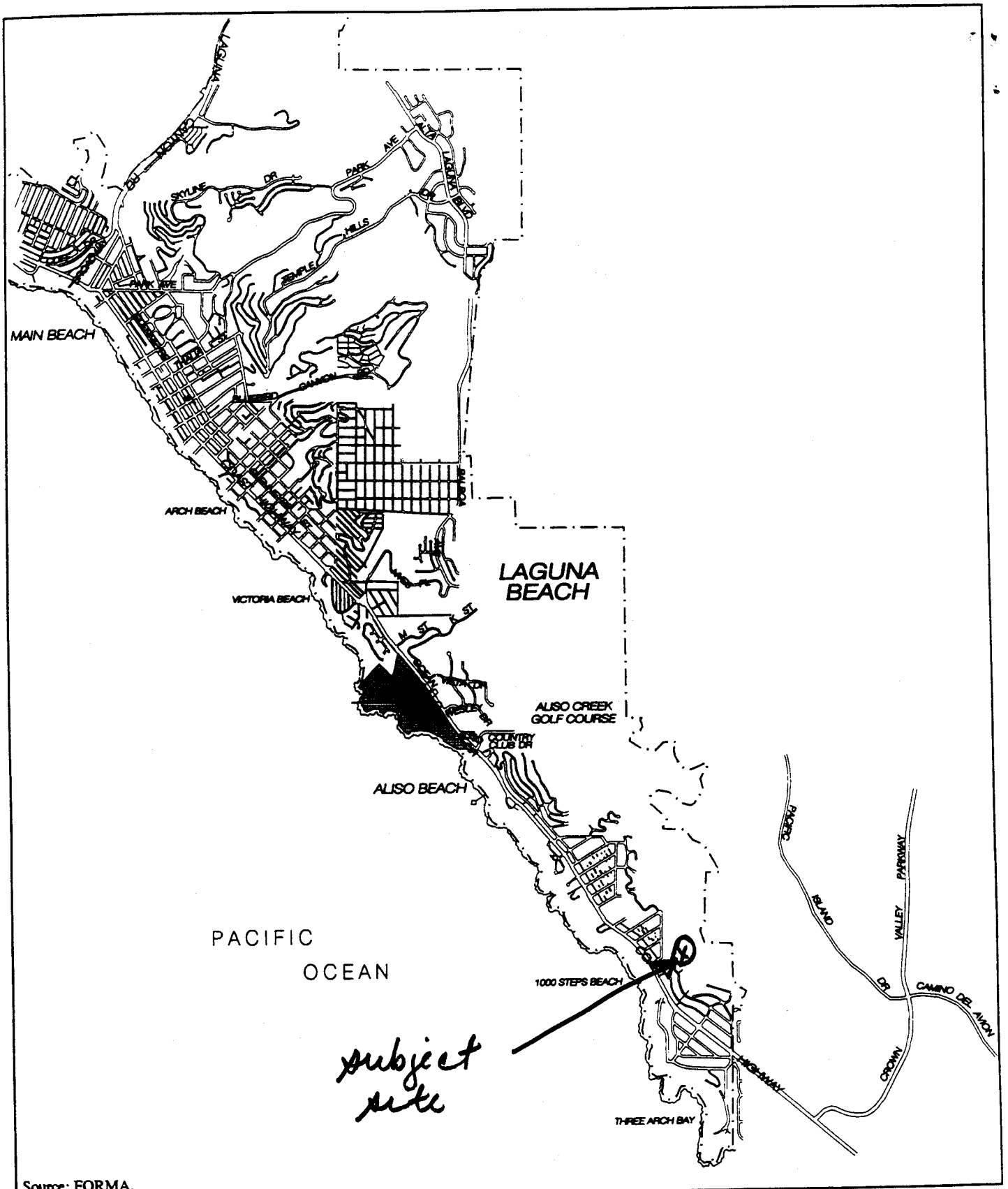
As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. 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.

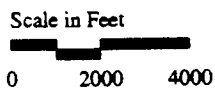
E. California Environmental Quality Act

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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Source: FORMA.

6/9/97(LAB730)



5-03-318
EXHIBIT A

Vicinity Map

TOPOGRAPHIC SURVEY

DATE: 6-7-82 JOB# 0282

RDM Surveying Inc.
25010 Lake Forest Drive, #109
Laguna Hills, CA 92653
(949) 458-2824
San Mateo, CA 94063

OWNER:

Richard
and
Lynne Baker

LEGAL DESCRIPTION:

Lot 81 and 82, Tract No. 1001
Laguna Beach, CA
BENCH MARK:
Show 1st Iron Nail
on Stonnington
Driveway = 100.00

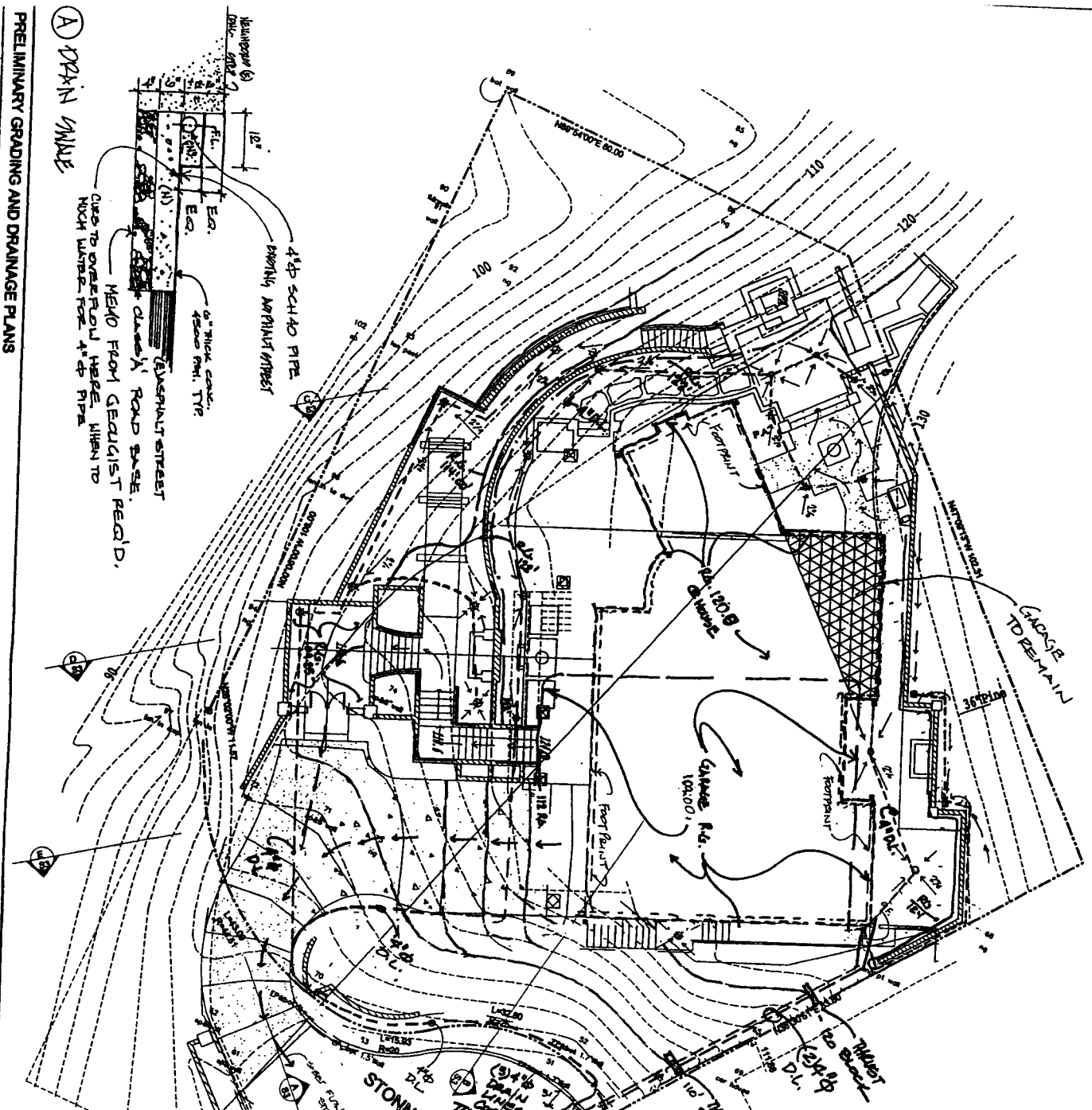
ADDRESS OF PROJECT:

33 Stonnington
Laguna Beach, CA 92653

STONNINGTON
EXHIBIT # **B**
PAGE 1 OF 1
CASUAL COMMISSION
5-08-82/B


- LEGEND -**
- CONNECTION
 - 1/2" DIA. ASPHALT STREET
 - 12" DIA. DRAIN BOX
 - 6" DIA. DRAIN PIPE
 - 6" DIA. ASPHALT DRAIN

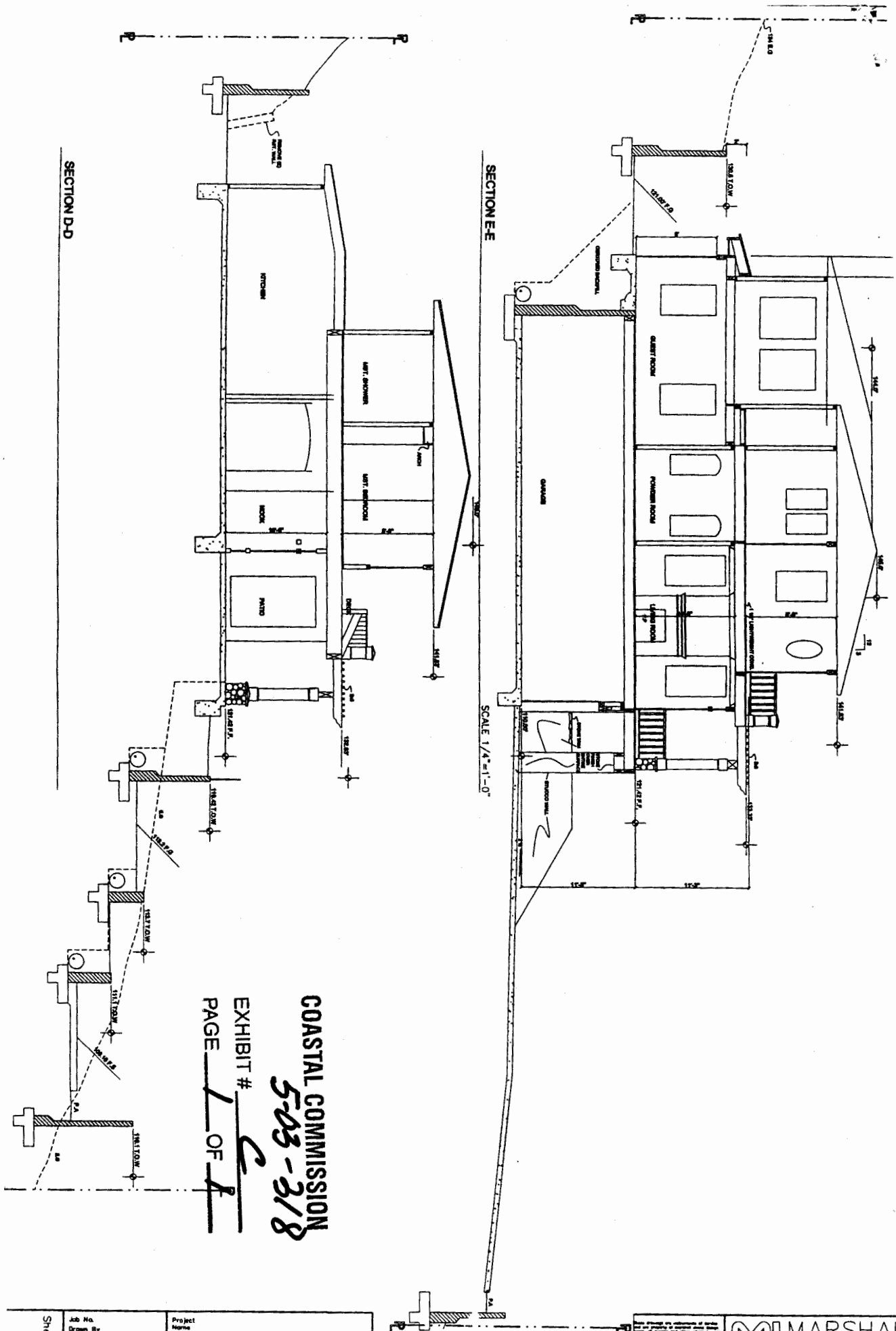
Our notes, 78-4440
or attached, are part of
this drawing. See sheet
for details of 24" dia. pipe.



(A) DRAIN MANHOLE

PRELIMINARY GRADING AND DRAINAGE PLANS

Sheet No G-1 of	THE FISHER RESIDENCE 33 STONNINGTON Laguna Beach, California 92651	 MARSHALL ININNS PHONE (949) 276-1794 FAX (949) 276-2265 479 OCEAN AVENUE, SUITE C LAGUNA BEACH CA 92651
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COASTAL COMMISSION
 EXHIBIT # C
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Job No.	Drawn By	Checked By	Date	5.13.03	Revisions
Sheet No	A-7	Of			
Project Name		The Fisher Residence 39 North Stonegate			

MARSHALL
Architectural Firm