

CALIFORNIA COASTAL COMMISSION

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



Filed: 7/15/05
49th Day: waived
Staff: RT-LB
Staff Report: 9/22/05
Hearing Date: 10/12-10/14, 2005
Commission Action:

Th 9b

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STAFF REPORT: APPEAL NO SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Laguna Beach

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-LGB-05-272

APPLICANT: Jeffrey Garner

PROJECT LOCATION: 1530 Glenneyre Street, Laguna Beach, Orange County

PROJECT DESCRIPTION: The applicant proposes to construct a new single-family residence and attached carport.

APPELLANT: Annette Stephens

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed for the following reason: Pursuant to Section 30603(b)(1) of the Coastal Act the locally approved development does conform to the City of Laguna Beach certified Local Coastal Program (LCP). The motion to carry out the staff recommendation is on page 4.

The appellant contends that the proposed project is located too close to a watercourse, is subject to flooding and is within an Environmentally Sensitive Area. Staff analyzed the appellants contentions and concludes that no substantial issue exists with the approved Local Coastal Permit 04-69 on the grounds that it does comply with the required setbacks in regards to the watercourse, the development does comply with the City's requirements for development within a floodplain, the development is not within a mapped ESHA and therefore conforms to the policies of the City of Laguna Beach certified Local Coastal Program.

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Development Permit No. 04-69.
2. City of Laguna Beach Certified Local Coastal Program.

I. APPELLANTS' CONTENTIONS

Local Coastal Development Permit No.04-69, approved by the City Council on May 17, 2005, has been appealed by Annette Stephens on the grounds that the approved project does not conform to the requirements of the Certified LCP (Exhibit #2). The appellant contends that the proposed development does not conform to the requirements of the certified LCP with regard to the following issues:

A. Watercourse

The appellant contends that the project approved by the City is within 100 feet from the banks of a watercourse.

B. Biological Resources/Environmentally Sensitive Habitat

The appellant contends that the project approved by the City is located on property that provides valuable biological habitat.

C. Base Flood Elevation

The appellant contends that the project approved by the City is within the Base Flood Elevation.

II. LOCAL GOVERNMENT ACTION

Since February 24, 2002, the City of Laguna Beach Design Review Board and City Council held several public hearings for this locally controversial project. As a result of these numerous hearings, the project has gone through many design changes, mostly related to a reduction in size of the residence and the parking design. The original project considered by the City consisted of a 1,504 square-foot, two-story single-family residence. The final design approved by the City is a 1,100 square-foot, single-story residence. The Design Review Board denied the project several times, primarily because of the parking design. At the Laguna Beach City Council meeting of May 17, 2005 the City Council overturned the Design Review Board's denial of the project and the proposed project was finally approved with conditions (Exhibit #3).

III. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within 300 feet of the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the four areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modifications had been properly accepted and the City assumed permit issuing authority at that time. Section 30603(a)(2) of the Coastal Act identifies the proposed project site as being in an appealable area by its location being within 100 feet of a stream.

Section 30603 of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

The grounds for appeal of an approved local Coastal Development Permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION:

I move that the Commission determine that Appeal No. A-5-LGB-05-272 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-5-LGB-05-272 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The project approved by the City is the construction of a 1,100 square foot, single-story single-family residence with an attached 368 square foot two-car carport, elevated decks and landscaping. The subject site is located several blocks inland of Pacific Coast Highway on a 3,840 square foot lot in the R-2 Residential Medium Density Zone and it is located within the 100-year floodplain and within 100 feet of a blue-line stream. The site is traversed by an Orange County Flood Control easement, which is improved with an 84" storm drain pipe/inlet. The proposed residence will primarily be located next to the easement, with a portion of the carport located over the easement and a wooden deck will be located over the storm drain pipe inlet (Exhibit #4).

B. Substantial Issue Analysis

As stated in Section III of this report, the grounds for appeal of a Coastal Development Permit issued by the local government after certification of its Local Coastal Program are specific. In this case, the local Coastal Development Permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

In this case, the appellant contends that the City's approval of the proposed project does not conform to the requirements of the certified LCP (See Section I). However, staff is recommending that the Commission find that the locally approved project does conform to the certified LCP and find that no substantial issue exists with respect to the grounds on which the appeal has been filed.

1. Watercourse

The appellant contends that the project approved by the City is within 100 feet from the banks of a watercourse. Although the project is located approximately 100 feet from a watercourse, there are no policies within the certified LCP that outright prohibit development within 100 feet of a watercourse, only that the developments are appealable to the Commission.

There are policies in the Open Space Conservation Element of the Certified LCP, which regulate development located within 25 feet of streams. However, these provisions don't apply to "channelized sections of streams without significant habitat value." The portion of the stream that crosses the subject site is channelized and doesn't provide significant habitat value.

Policy 9B of the Open Space Conservation Element of the Certified LCP states:

Prohibit filling and substantial alteration of streams and/or diversion or culverting of such streams except as necessary to protect existing structures in the proven interest of public safety, where no other methods for protection of existing structures in the flood plain are feasible or where the primary function is to improve fish and wildlife habitat. This provision does not apply to channelized sections of streams without significant habitat value.

Policy 9C of the Open Space Conservation Element of the Certified LCP states:

- a. *Streams on the Major Watershed and Drainage Courses Map which are also streams as identified on the USGS 7.5 Minute Quadrangle Series, shall be identified and mapped on the Coastal Environmentally Sensitive Areas Map of the Land Use Plan. For these streams, a minimum setback of 25 feet from the top of the stream banks shall be required in all new developments. A greater setback may be necessary in order to protect all riparian habitat based on site-specific assessment. No disturbance of major vegetation, or development, shall be allowed within the setback area. This provision shall not apply to channelized sections of streams without significant habitat value. Where development is proposed on an existing subdivided lot which is otherwise developable consistent*

with all City ordinances and other policies on this Plan except that application of this setback would result in no available building site on the lot, the setback may be reduced provided it is maintained at a width sufficient to protect all existing riparian habitat on the site and provided all other feasible alternative measures, such as modifications to the size, siting and design of any proposed structures, have been exhausted.

- b. Require a setback of a minimum of 25 feet measured from the centerflow line of all natural drainage courses other than streams referenced in 9-C(a) above. Such setback shall be increased upon the recommendation of the city engineer and environmental planner through the environmental review process. However, a variance may be given in special circumstances where it can be proven that design of a proposed structure on an affected lot will preserve, enhance or restore the significance of the natural watercourse. At no time shall grubbing of vegetation, elimination of trees, or disturbance of habitat be allowed within the setback area before or after construction.*

The property in which the proposed project is located on is not mapped as a significant drainage course (Exhibit #5) on the City's Major Watersheds and Drainage Courses Map, which is part of the City's certified LCP. The more inland, upper reaches of the stream is 'blue-line' and is mapped as a 'significant drainage course', but this section is not because it has been channelized. The site is traversed by an Orange County Flood Control easement, which is improved with an 84" storm drain pipe/inlet. This storm drain is not considered a significant drainage course.

In addition, on December 3, 1985, the Laguna Beach City Council passed resolution 85.98, which deleted a portion of a Significant Natural Watercourse designation from the Map of Environmentally Sensitive Areas because the watercourse in question has been substantially altered by the installation of this 84" storm drain pipe, which is believed to have been installed in 1966 (Exhibit #6).

The fact that development is being proposed within 100 feet of a watercourse does not raise an issue as to the conformity of the development with the policies of the certified LCP, nor does this raise an issue of statewide importance. Therefore, the project as approved by the City raises no substantial issue with regard to development within 100 feet from the banks of a watercourse.

2. Biological Resources/Environmentally Sensitive Habitat

The appellant contends that the project approved by the City is located on property that provides valuable biological habitat. However, the project site is not mapped as high or very high value habitat on the City's Biological Resource Values map, which is part of the City's certified LCP. The appellant didn't provide any evidence that the City's maps are inaccurate. On a recent Commission staff site visit, there was no evidence to question the City's mapping.

The City does not require preparation of a biological study before issuance of a CDP if the subject site is not mapped as high or very high value habitat on the City's Biological Resource Values map. Because the project site is not mapped as high or very high value

habitat, this project was not required to prepare a biological study before issuance of the CDP.

However, as a condition of approval by the City Council and as a mitigation measure from the Mitigated Negative Declaration prepared for the proposed project, prior to the issuance of any grading or building permit, the applicant is required to provide a biological study completed by a certified wildlife biologist indicating that there is no sensitive riparian habitat or biological resources located on the project site, or the report shall provide measures to avoid adverse impacts to such habitat or resources.

In addition, the applicant was required to provide evidence that the U.S. Army Corps of Engineers has issued a permit to allow the proposed development. The applicant has provided evidence in the form of a letter from the U.S. Army Corps of Engineers that no such permit is required (Exhibit #7).

There is no evidence to support the appellant's assertion that the proposed development will impact Environmentally Sensitive Habitat Area. Therefore, the project as approved by the City raises no substantial issue with regard to biological resources.

3. Base Flood Elevation

The appellant contends that the project approved by the City is within the Base Flood Elevation. However, the appellant has not explained how this fact renders the development inconsistent with the City's certified LCP. The project site is located within the 100-year floodplain, as mapped by the Federal Emergency Management Agency (FEMA).

The applicant's hydrologist has provided calculations indicating that the proposed project will not result in any increase in flood levels during the occurrence of the base flood discharge, which is in compliance with Municipal Code 25.38 (Flood Damage Prevention) and Policy 10-F from the Open Space/Conservation Element of the City's certified LCP, which states:

To minimize risk to life and structures, new development located in established floodprone lands shall incorporate all appropriate measures pursuant to the City's Flood Damage Prevention and Prohibition Ordinance."

As a condition of approval by the City Council and as a mitigation measure from the Mitigated Negative Declaration prepared for the proposed project, prior to the issuance of any grading or building permit, the applicant is required to provide certification from the project hydrologist and an on/off site drainage plan stating the proposed development "will create no increase in the BFE." In addition, the County of Orange, which has a storm drain easement and a storm drain on the subject property, is requiring review of the plans prior to construction to verify that there is no encroachment into the storm drain easement or other impacts to the storm drain facility on site. The City required the applicant to design the project such that the lower level, which is below the base flood elevation consists solely of car-port/non-habitable area whereas the habitable area is designed to be above the base flood elevation.

The applicant has provided an approval letter from the Orange County Flood Control District for the proposed project (Exhibit #8). As was stated above, the applicant has provided an approval letter from the U.S. Army Corps of Engineers for the proposed project.

The fact that development is being approved within the Base Flood Elevation does not raise an issue of statewide importance. The development approved by the City is consistent with the certified LCP. Therefore, the project as approved by the City raises no substantial issue with regard to development within the base flood elevation.

4. Conclusion

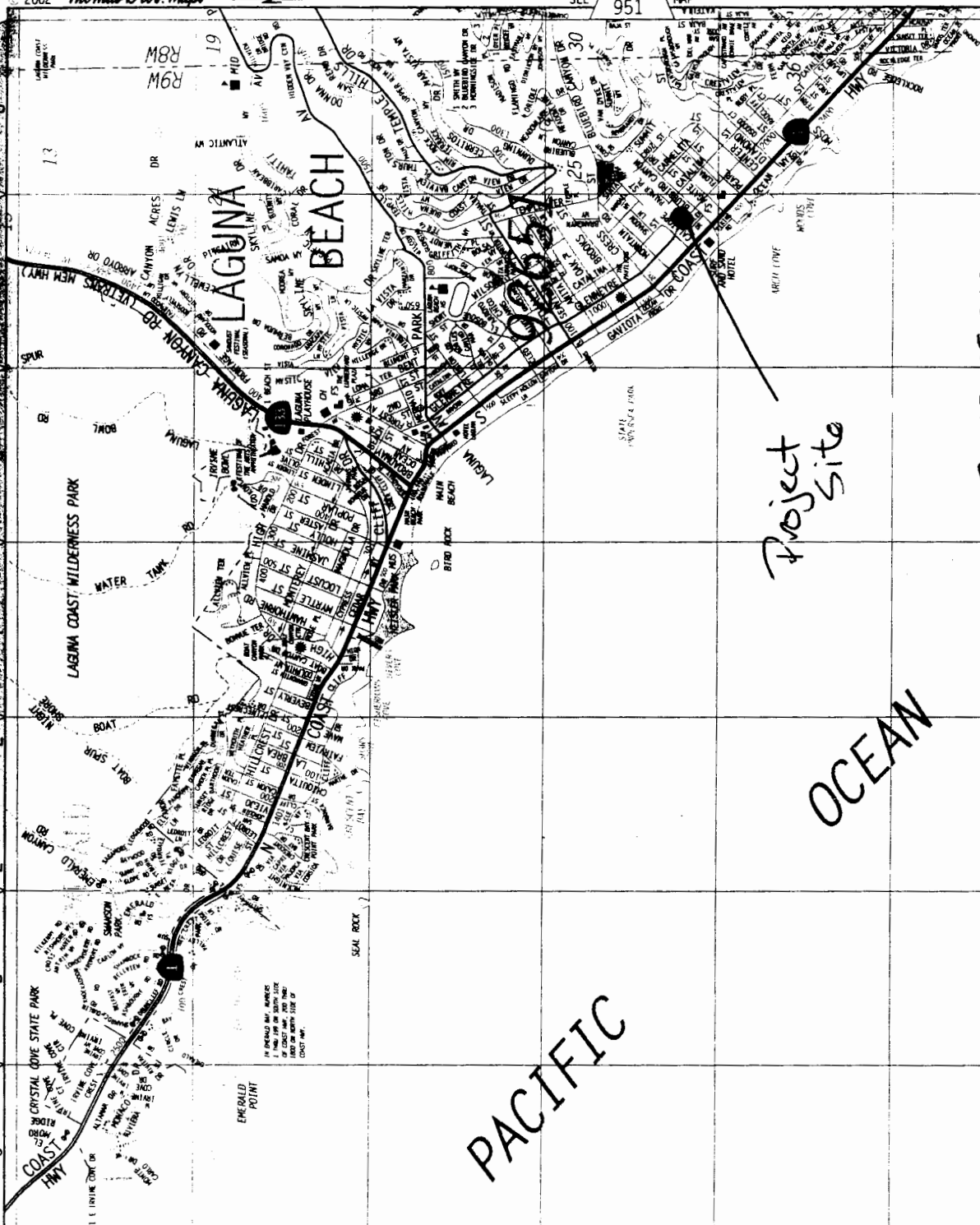
In conclusion, the proposed project is consistent with the policies of the City's certified LCP. Therefore, staff recommends that the Commission find that no substantial issue exists with the approval Local Coastal Permit 04-69 on the grounds that it does conform to the policies of the City of Laguna Beach certified Local Coastal Program.

950

SEE 920 MAP

1 2 3 4 5 6 7

2002 Thomas Bros. Maps



PACIFIC OCEAN

Project Site

A-5-LCB-05-272
COASTAL COMMISSION

EXHIBIT # 1
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A-5-L6B-05-272

COASTAL COMMISSIONEXHIBIT # 2
PAGE 1 OF 4

Annette Stephens
1555 Glenneyre
Laguna Beach, CA 92651
949 376-6088
PlanetLaguna@msn.com

May 18, 2005

RECEIVED
South Coast Region

MAY 19 2005

CALIFORNIA
COASTAL COMMISSION

Karl Schwing, Supervisor
Regulations and Planning Division
200 Oceangate 10th Floor
Long Beach, Ca 90802-4416

Re: Coastal Development Permit 04-69

Dear Mr. Schwing,

On May 17th, 2005 the City Council of Laguna Beach approved Coastal Development Permit 04-69 for the property at 1530 Glenneyre, Laguna Beach, CA 92651 where the placement of an 1,100 sq ft home is planned including a two car garage, decks and hardscape within the appealable coastal zone

Based on Section 30603(a)(b)(1)(2) of the coastal Act projects are appealable to the California Coastal Commission when:

(2) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

"Developments approved by the local governments not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary or stream, or within 300 feet of the top of the seaward face of any coastal bluff."

Policy 9C(a) in the Open Space Conservation Element of the Laguna Beach General Plan defines Major Watersheds.

"Streams on the Major Watershed and Drainage Map and the South Laguna and Laguna Canyon Biological Values maps which are also "blue line" streams identified on the USGS 7.5 Minute Quadrangle Series, shall be identified and mapped on the Coastal

**Environmentally Sensitive Areas Map of the Land Use
Plan (OSCE3-69) (see map)**

The proposed project intends to place

1. Caesons
2. Single Family Dwelling
3. Two Car Carport
4. Rear yard dog run
5. Automotive runoff
6. Retaining wall

not only within 100 feet from the banks of the watercourse but within the Base Flood Elevation of this flood channel. Please accept this as an appeal of this project for review by the California Coastal Commission.

Feel free to contact me at 949 376-6088 for any questions.

Sincerely,

Annette Stephens

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COASTAL COMMISSION

EXHIBIT # 2
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COASTAL COMMISSION

1530 Glenneyre, Laguna Beach
CDP 04-69
May 18, 2005

EXHIBIT # 2
PAGE 3 OF 4

City Council Conditions of approval

1. (3)(a) Prior to issuance of any grading or building permit, the applicant shall provide a biological study completed by a certified wildlife biologist indicating that there is no sensitive riparian habitat located on the project site or the report shall provide measures to mitigate adverse impacts to such habitat.

The application shall provide measures to mitigate adverse impacts to such habitat.

The applicant shall also provide evidence that the USACOE (United States Army Corp of Engineers) has issued a (401) Permit to allow the proposed development in a blue line stream. Such documentation shall be reviewed and determined whether adequate by the director of community development.

2. Prior to the issuance of any grading or building permit, the applicant shall submit a water quality management plan (WQMP) compliant with municipal code section 16.01.040 (I), and incorporate Best Management Practices (BMP's) into the design of the building to minimize the potential for contaminated water runoff into the storm drain.

The applicant shall also submit a written mitigation plan outlining the proposed source and treatment control BMP's that will be utilized to address urban runoff permit requirements.

Such drainage and BMP's shall be identified on the building plans and shall be reviewed and approved by the director of public works.

3. Prior to issuance of any grading or building permit, the applicant shall provide a certification from the project hydrologist and an on/off site drainage plan stating the proposed development "will create no increase in the BFE".

Such plans shall be stamped, signed and dated, and reviewed and approved by the director of public works.

The applicant shall also provide documentation that the County of Orange has reviewed and approved the building plans for compliance and its regulations related to proposed development and landscaping near the Orange County Flood Control Easement and drain pipe.

Prior to issuance of any grading or building permit, the applicant shall submit a construction staging plan for review and approval by the director of public works and the building official.

4. The applicant is required to indemnify the city against any lawsuits arising from possible damages caused to anyone by the building on this site.

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EXHIBIT # 2

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South Coast Region

JUL 14 2005

**NOTICE OF FINAL LOCAL ACTION
FOR COASTAL DEVELOPMENT PERMITS** CALIFORNIA COASTAL COMMISSION

Date: July 11, 2005

The following project is located within the City of Laguna Beach Coastal Zone:

Location: 1530 Glenneyre Street, Laguna Beach

Coastal Development Project No: 04-69

Project Description: Single-family residence

Applicant: Jeffrey Garner

Mailing Address: 1420 Morningside Circle, Laguna Beach, CA 92651

On June 21, 2005 a coastal development permit application for the project was

- ☐ approved
☒ approved with conditions
☐ denied

*Please open
appeal period.*
[Signature]
A-5-LGB-05-272
COASTAL COMMISSION

Local appeal period ended June 21, 2005

This action was taken by: ☒ City Council
☐ Design Review Board
☐ Planning Commission

EXHIBIT # 3
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The action (X) did () did not involve a local appeal; in any case, the local appeal process has been exhausted. Findings supporting the local government action and any conditions imposed are found in the attached resolution.

This project is

- ☐ not appealable to the Coastal Commission
☒ appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission if a valid appeal is filed. Appeals must be in writing to the appropriate Coastal Commission district office and in accordance with the California Code of Regulation Section 13111. The Coastal Commission may be reached by phone at (562) 590-5071 or by writing to 200 Oceangate, 10th Floor, Long Beach, CA 90802-4416

Att: CDP Resolution No. 05-066

RESOLUTION NO. 05.066

EXHIBIT # 3
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, SUSTAINING AN APPEAL AND OVERTURNING THE DENIAL BY THE DESIGN REVIEW BOARD OF DESIGN REVIEW 04-333, COASTAL DEVELOPMENT PERMIT 04-69 AND MITIGATED NEGATIVE DECLARATION (1530 GLENNEYRE STREET)

WHEREAS, an application was filed on June 24, 2002 by the owner of the real property located at 1530 Glenneyre Street for Design Review 02-375, Variance 6972 and Coastal Development Permit 02-66 in accordance with the provisions of Municipal Code Sections 25.05 and 25.07 to construct a 1,504 square-foot single-family residence in the R-2 Zone; and

WHEREAS, in accordance with the California Environmental Quality Act, an Initial Study was conducted that determined a Mitigated Negative Declaration was appropriate for the project subject to the incorporation of specified mitigation measures to reduce potential impacts to less than significant; and

WHEREAS, the public comment period for the Mitigated Negative Declaration was from March 21, 2003 through April 30, 2003; and

WHEREAS, the Design Review Board/Board of Adjustment conducted legally noticed public hearings on the application on December 12, 2002, January 23, 2003, and May 1, 2003 and, after reviewing and considering all documents and testimony, voted to deny the application; and

WHEREAS, the applicant filed an appeal of the decision of the Design Review Board/Board of Adjustment; and

WHEREAS, after the City Council conducted a legally noticed public hearing on the appeal on July 15, 2003 and, after reviewing and considering all documents and testimony, voted to sustain the decision of the Design Review Board/Board of Adjustment and, with the applicant's concurrence, to remand the project to the Design Review Board/Board of Adjustment for further proceedings following a revised project; and

COASTAL COMMISSION

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EXHIBIT # 3

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WHEREAS, the applicant thereafter filed a new application for Design Review 03-368 and Coastal Development Permit 03-50 in accordance with the provisions of Municipal Code Sections 25.05 and 25.07 to construct a 1,048 square-foot single-family residence on the subject property; and

WHEREAS, the Design Review Board conducted legally noticed public hearings on the application on November 20, 2003, December 18, 2003, January 8, 2004, January 29, 2004, and February 12, 2004 and, after reviewing and considering all documents and testimony, voted to conditionally approve the application; and

WHEREAS, a member of the City Council filed an appeal of the decision of the Design Review Board; and

WHEREAS, the City Council conducted a legally noticed public hearing on the appeal on April 6, 2004 and, after reviewing and considering all documents and testimony, voted to overturn the decision of the Design Review Board and to deny the project; and

WHEREAS, the applicant thereafter filed a new application for Design Review 04-333 and Coastal Development Permit 04-69 in accordance with the provisions of Municipal Code Sections 25.05 and 25.07 to construct a 1,100 square-foot single-family residence on the subject property; and

WHEREAS, the Design Review Board conducted a legally noticed public hearing on November 4, 2004 and, after reviewing and considering all documents and testimony, voted to deny the application; and

WHEREAS, the applicant filed an appeal of the decision of the Design Review Board; and

WHEREAS, the City Council conducted a legally noticed public hearing on the appeal on May 17, 2005 and, after reviewing and considering all documents and testimony, voted to sustain the appeal, to overturn the decision of the Design Review Board, to adopt the Mitigated Negative Declaration, and to approve Design Review 04-333 and Coastal Development Permit 04-69.

1 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH
2 does RESOLVE and ORDER as follows:

3
4 SECTION 1. The City Council hereby determines that on the basis of the evidence
5 presented, the decision of the Design Review Board as to the proposed project should be
6 reversed, and that Design Review 04-333 and Coastal Development Permit 04-69 should be
7 and hereby are conditionally approved.

8 SECTION 2. The City Council has reviewed and hereby adopts the Mitigated
9 Negative Declaration prepared for the project.

10 SECTION 3. With regard to the application for Design Review 04-333, the City
11 Council finds and determines as follows:

12
13 A. The subject property constitutes a legal building site pursuant to the City's
14 land use regulations, and some reasonable development and use of the subject property must
15 be allowed consistent with applicable standards.

16 B. The proposed project was considered and evaluated with respect to the
17 standards, guidelines, and criteria established in Municipal Code Section 25.05.040 and, as
18 conditionally approved, the proposed project is consistent with those provisions.

19 C. The proposed project represents an appropriately scaled development for the
20 neighborhood, taking into account the site constraints.

21 D. The issue of access was raised as a concern during the public hearing.
22 Subdivision (h)(1) of Municipal Code Section 25.05.040, states, in relevant part: "Conflicts
23 between vehicles, pedestrians and other modes of transportation should be minimized." The
24 proposed project provides onsite vehicular turnaround as required by Municipal Code Section
25 25.53.004(C) for lots fronting on arterial and residential collector streets, allowing motor
26 vehicles to head into the street and thereby addressing access concerns related to the site.
27
28

1 E. The issue of potential flood damage was also raised as a concern during the
2 public hearing. Municipal Code Chapter 25.38 sets forth development standards for the
3 prevention of flood damage and, as conditionally approved, the proposed project complies
4 with those standards.

5
6 SECTION 4. With regard to the application for Coastal Development Permit 04-69,
7 the City Council finds and determines as follows:

8 A. The proposed project, as conditioned, is in conformity with all the applicable
9 provisions of the General Plan, including the Certified Local Coastal Program, in that (among
10 other matters) visual impacts of the proposed project have been minimized.

11 B. The proposed project, as conditioned, will not have any significant adverse
12 impacts on the environment within the meaning of the California Environmental Quality Act in
13 that the Mitigated Negative Declaration concludes that the proposed project will not have any
14 such impacts because of the incorporation of specified mitigated measures.

15
16 SECTION 5. The City Council hereby determines that the following conditions are
17 deemed necessary to comply with the requirements of the California Environmental Quality
18 Act and other applicable laws, and to protect the public health, safety and general welfare:

19 A. Prior to the issuance of any grading or building permit, the applicant shall
20 provide a biological study completed by a certified wildlife biologist indicating that there is
21 no sensitive riparian habitat or biological resources located on the project site, or the report
22 shall provide measures to mitigate adverse impacts to such habitat or resources. The
23 applicant shall also provide evidence that the U. S. Army Corps of Engineers has issued a
24 permit to allow the proposed development in a blue-line stream. Such documentation shall
25 be reviewed and determined adequate by the Director of Community Development.

26 B. Prior to the issuance of any grading or building permit, the applicant shall
27 submit a Water Quality Management Plan (WQMP) in compliance with Municipal Code
28

1 Section 16.01.040(I), and incorporate Best Management Practices (BMP's) into the design of
2 the building to minimize the potential for contaminated water runoff into the storm drain.
3 The applicant shall also submit a written mitigation plan outlining the proposed source and
4 treatment control BMP's that will be utilized to address urban runoff permit requirements.
5 Such drainage and BMP's shall be identified on the building plans and shall be reviewed and
6 approved by the Director of Public Works and/or the Director of Water Quality.
7

8 C. Prior to the issuance of any grading or building permit, the applicant shall
9 provide a certification from the project hydrologist and an on/off site drainage plan stating
10 the proposed development "will create no increase in the base flood elevation." Such plans
11 shall be stamped, signed and dated, and reviewed and approved by the Director of Public
12 Works. The applicant shall also provide documentation that the County of Orange has
13 reviewed and approved the building plans for compliance with its regulations related to
14 proposed development and landscaping near the Orange County Flood Control easement and
15 drain pipe.

16 D. Prior to the issuance of any grading or building permit, the applicant shall
17 submit a construction staging plan for review and approval by the Director of Public Works
18 and the Building Official. The construction staging plan shall provide for all construction
19 staging to be located on the subject property.
20

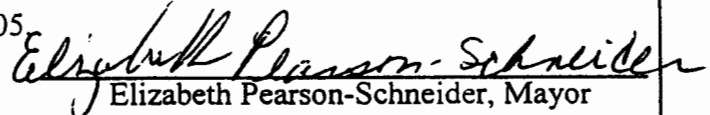
21 E. The applicant shall defend, indemnify, and hold harmless the City and its
22 officers, employees, and agents from any claim, action or proceeding against the City or its
23 officers, employees or agents to attack, set aside, void or annul the approval of Design
24 Review 04-333, Coastal Development Permit 04-69 or the Mitigated Negative Declaration
25 for the project.

26 F. Prior to the issuance of any grading or building permit, the applicant shall
27 execute a recordable agreement in a form satisfactory to the City Attorney under which the
28

applicant shall covenant not to sue or to make claims or demands against the City and its officers, employees and agents with respect to any matter arising out of or resulting from the project approval or the use and occupancy of the subject property in accordance with the project approval, including but not limited to vehicular ingress and egress, flooding or other hydrology conditions and soils and geology conditions.

G. Prior to the issuance of any grading or building permit, the applicant shall execute a recordable agreement in a form satisfactory to the City Attorney under which the applicant shall defend, indemnify, and hold harmless the City and its officers, employees, and agents from any claim, action, proceeding, demand, damage, loss or liability arising out of or resulting from the use and occupancy of the subject property in accordance with the project approval, including but not limited to vehicular ingress and egress, flooding or other hydrology conditions, and soils and geology conditions.

ADOPTED this 21st day of June, 2005


Elizabeth Pearson-Schneider, Mayor

ATTEST:


City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 05.066 was duly adopted at a Regular Meeting of the City Council of said City held on June 21, 2005 by the following vote:

AYES: COUNCILMEMBER(S): Kinsman, Egly, Pearson-Schneider

NOES COUNCILMEMBER(S): Iseman, Dictrow

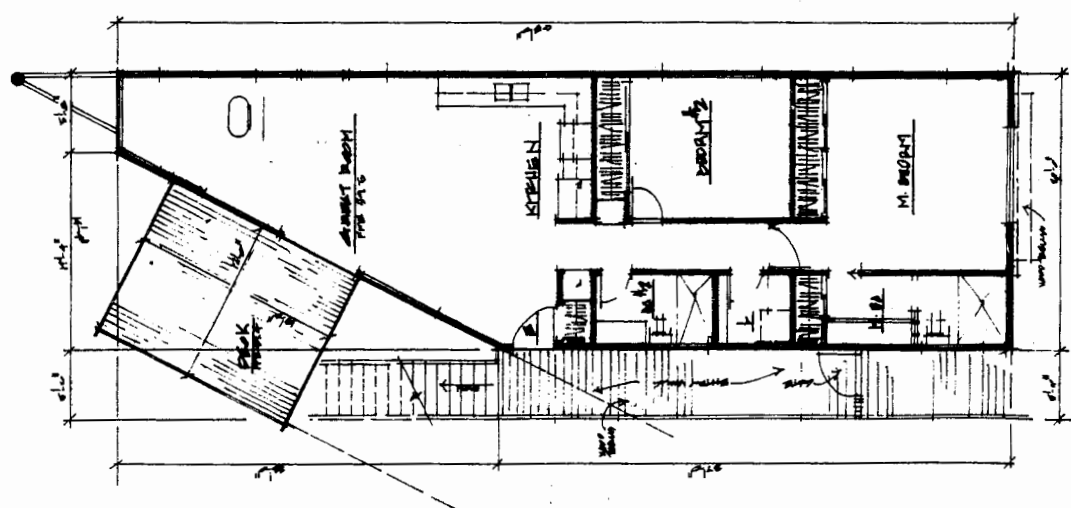
ABSENT COUNCILMEMBER(S): None

ABSTAIN COUNCILMEMBER(S): None

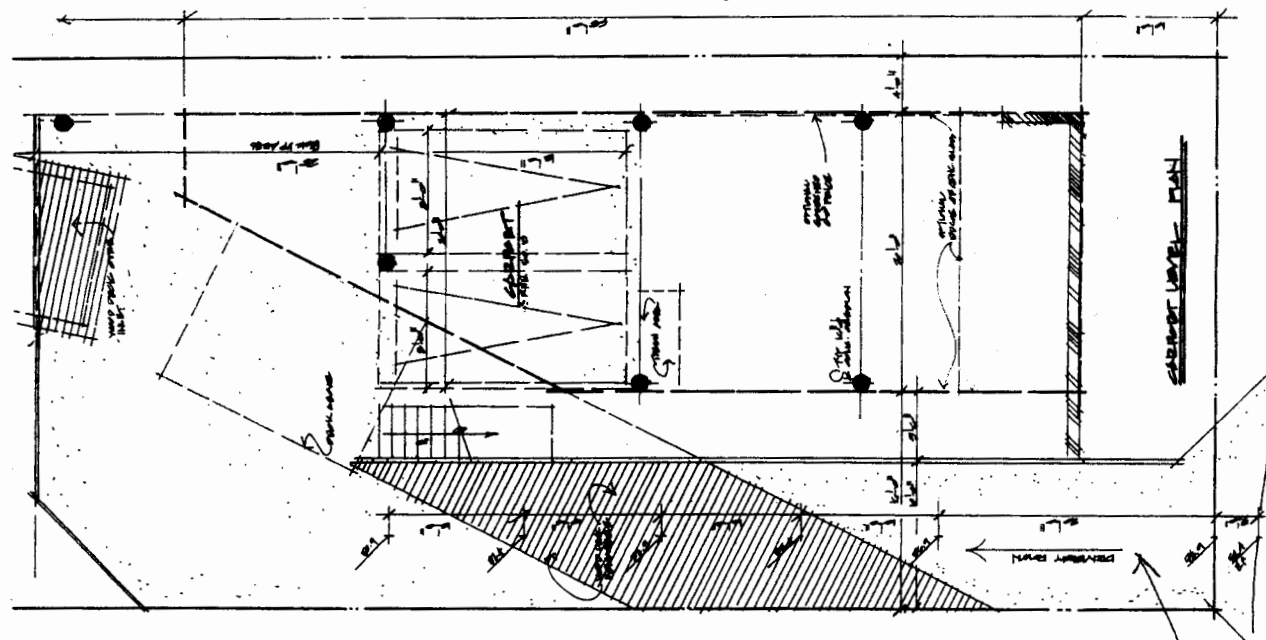

City Clerk of the City of Laguna Beach, CA

A-S-LGB-05-272
COASTAL COMMISSION

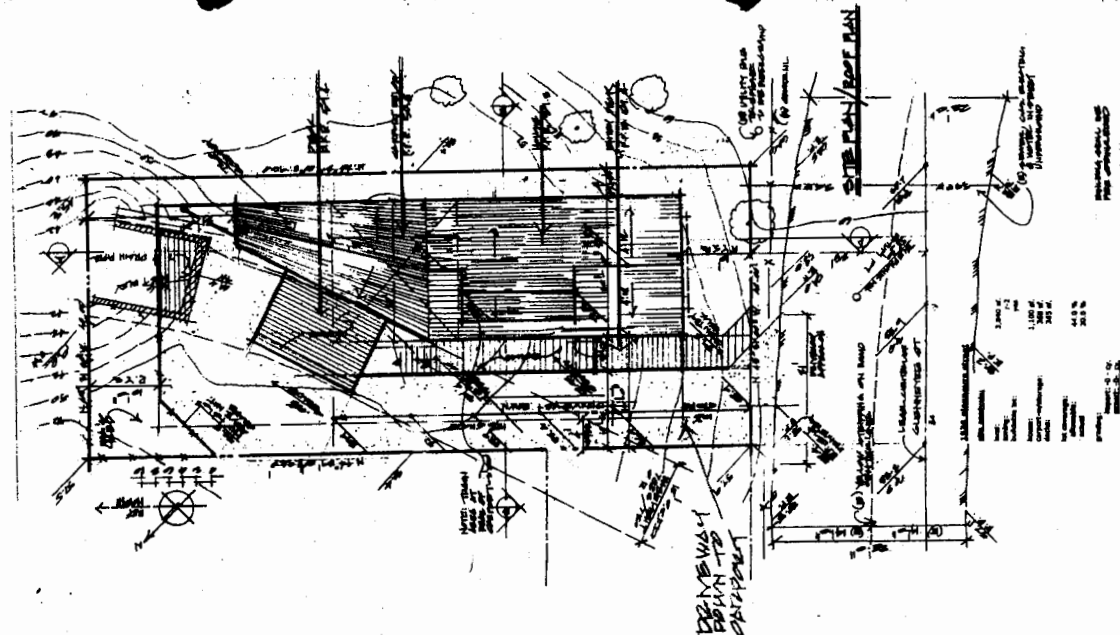
EXHIBIT # 4
PAGE 1 OF 3



PLAN VIEW
PLAN



SIDE ELEVATION
PLAN



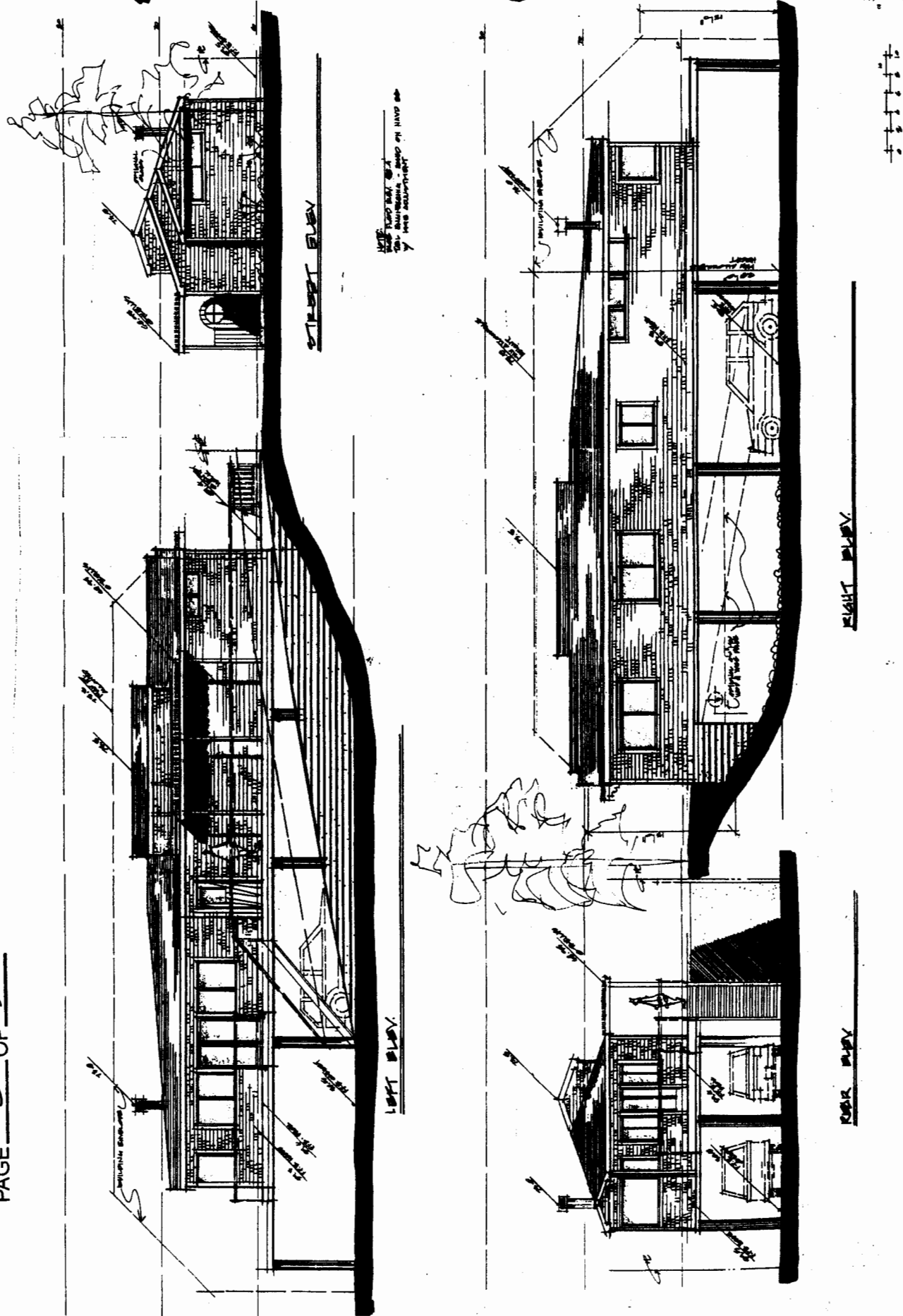
ROOF PLAN
PLAN

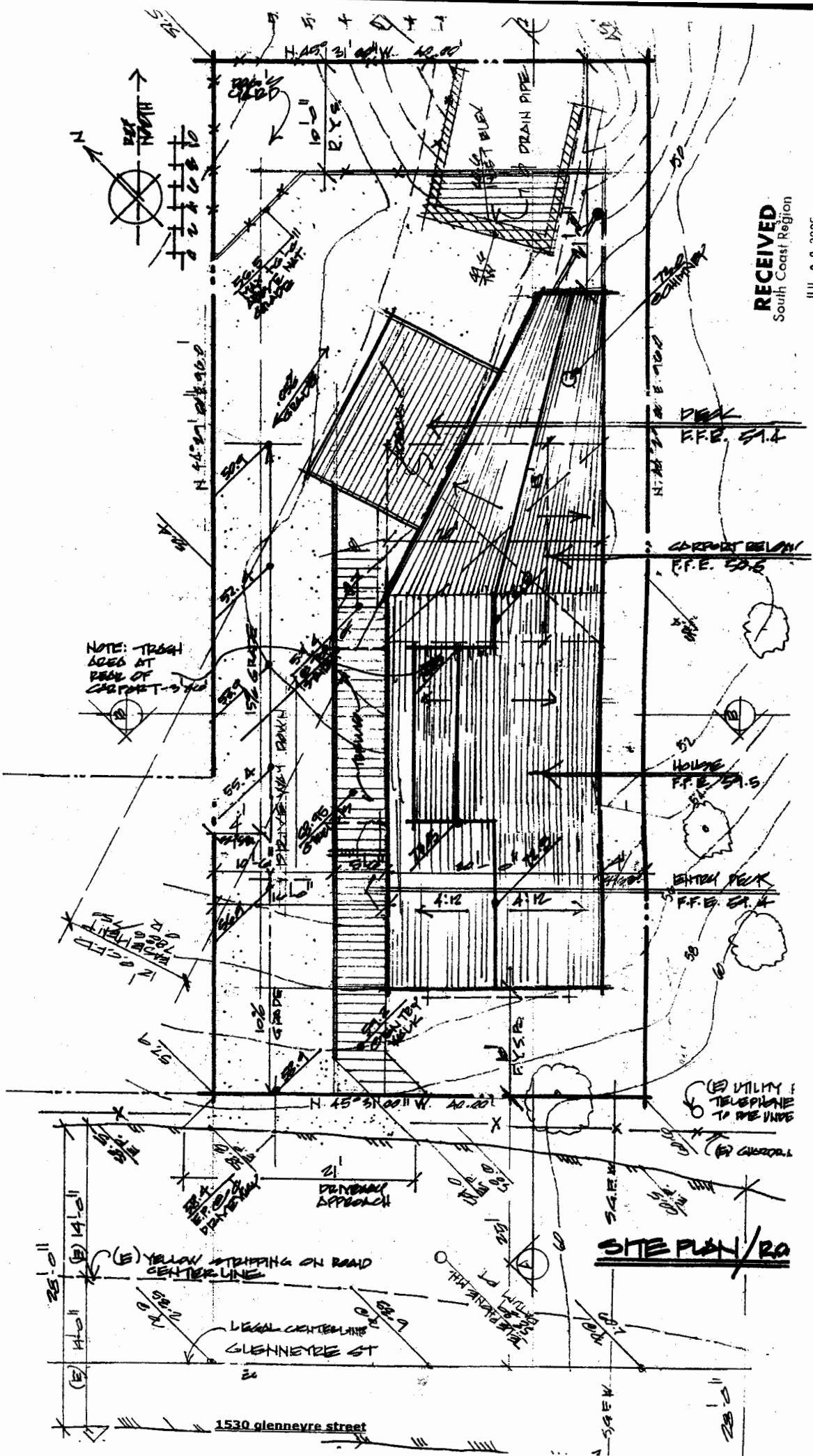
ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	Foundation	1	SQ. FT.	100.00	100.00
2	Framing	1	SQ. FT.	200.00	200.00
3	Roofing	1	SQ. FT.	150.00	150.00
4	Interior Finishes	1	SQ. FT.	300.00	300.00
5	Exterior Finishes	1	SQ. FT.	250.00	250.00
6	Windows	1	EA.	100.00	100.00
7	Doors	1	EA.	50.00	50.00
8	Stairs	1	EA.	75.00	75.00
9	Porches	1	SQ. FT.	120.00	120.00
10	Landscaping	1	SQ. FT.	80.00	80.00
11	Permits	1	EA.	20.00	20.00
12	Professional Fees	1	EA.	100.00	100.00
13	Contingency	1	EA.	50.00	50.00
14	Subtotal				1495.00
15	Tax				149.50
16	Total				1644.50

EXHIBIT "A-C"

A-5-LGB-05-272
COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 3



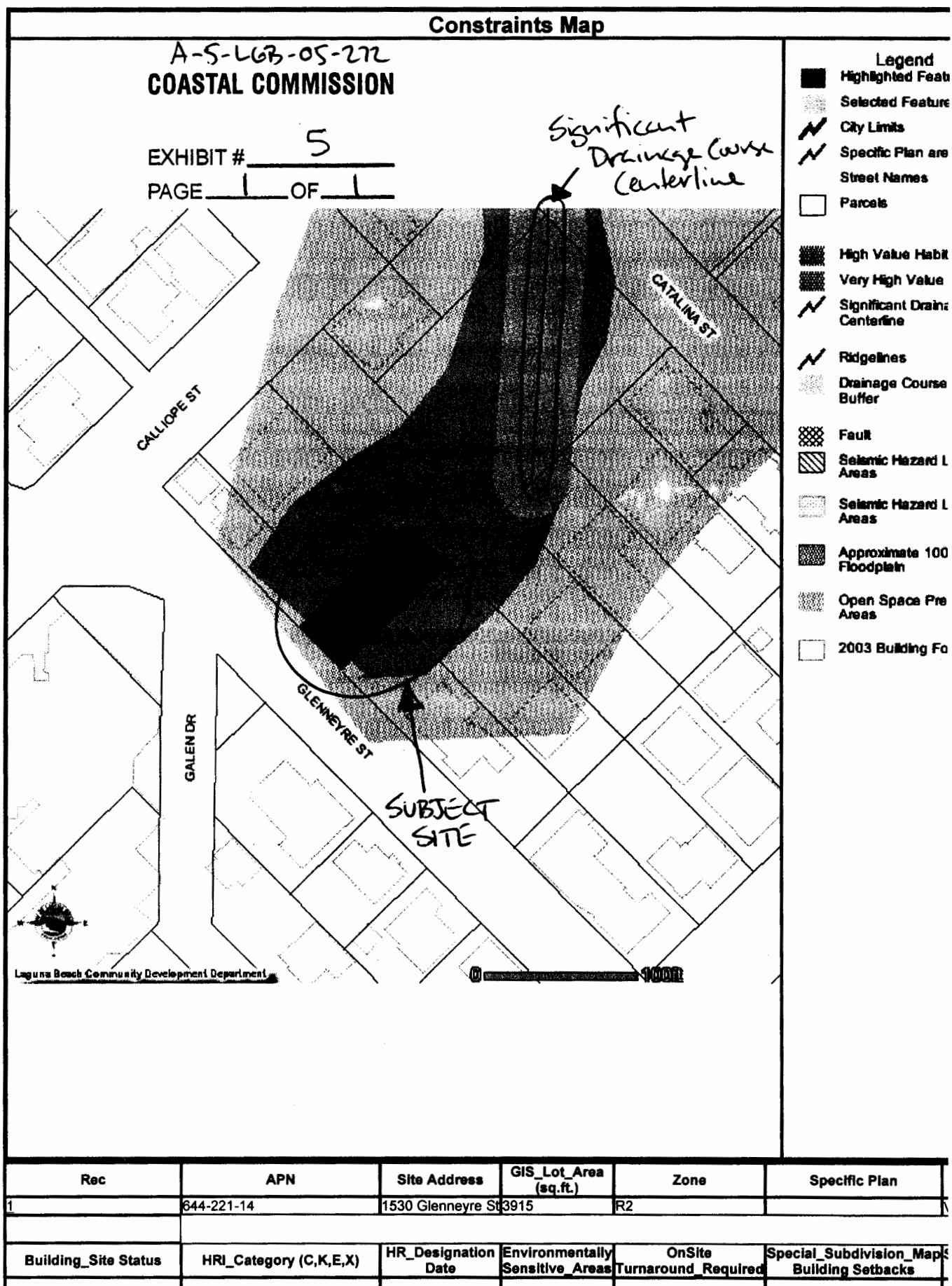


RECEIVED
South Coast Region
JUL 9 A 2005

COASTAL COMMISSION
A-S-668-05-272

EXHIBIT # 4
PAGE 3 OF 3

65-6011



1530 Glenheysre
Street

RESOLUTION NO. 85.98

A RESOLUTION OF THE CITY COUNCIL OF LAGUNA BEACH
TO DELETE A PORTION OF A SIGNIFICANT NATURAL
WATERCOURSE FROM THE MAP OF ENVIRONMENTALLY SENSITIVE AREAS

The City Council of the City of Laguna Beach does resolve and determine as follows:

WHEREAS, application was received to delete a portion of a Significant Natural Watercourse designation from the Map of Environmentally Sensitive Areas; and

WHEREAS, the Planning Commission considered the request at a public hearing on November 13, 1985, adopted Negative Declaration No. 85-015 and recommended approval of the deletion; and

WHEREAS, the City Council held a public hearing on December 3, 1985, and adopted Negative Declaration No. 85-015 and considered the deletion.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Laguna Beach hereby deletes a portion of a Significant Natural Watercourse designation located at 1530 ~~1522~~ Glenheysre Street from the Map of Environmentally Sensitive Areas for reasons described in the attached staff report dated November 13, 1985, incorporated herewith by reference.

ADOPTED the 3rd day of December, 1985.

Martha Collins
Mayor

ATTEST:

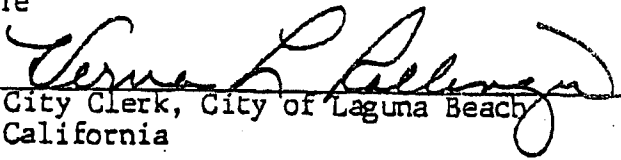
Terma L. Ballinger
City Clerk

AS-163-05-272
COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 3

1 I, Verna L. Rollinger, City Clerk of the City of Laguna Beach,
2 certify that the foregoing Resolution was duly adopted at a Regular meeti
3 the City Council in said City held on December 3, 1985, by t
4 following vote:

5 AYES: COUNCILMEMBERS: Gentry, Kenney, Minkin, Fitzpatrick,
6 NOES: COUNCILMEMBERS: Collison
7 ABSENT: COUNCILMEMBERS: None

8 
9 City Clerk, City of Laguna Beach
California

10
11 AS-L6B-CS-27
12 COASTAL COMMISSION

13 EXHIBIT # 6
14 PAGE 2 OF 3
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City of Laguna Beach

AGENDA BILL

NO: _____

MEETING DATE: 12/3/85

SUBJECT: DELETION OF NATURAL WATERCOURSE DESIGNATION FROM THE MAP OF
ENVIRONMENTALLY SENSITIVE AREAS (ESA) AT ~~1522~~ GLENNEYRE STREET
1930

SUMMARY OF THE MATTER:

The applicant has submitted this application in order to remove the development restrictions attendant to a "Natural Watercourse" designation. Significant natural watercourses are defined as those "which serve distinct functional, scenic or ecological purposes in their natural condition and setting." Field investigation revealed that the watercourse in question has been substantially altered by the installation of an 84-inch reinforced concrete pipe in 1965 by the Orange County Flood Control District.

The Planning Commission heard the request at a public hearing on November 13, 1985, adopted Negative Declaration 85-015 and recommended removal of the "Natural Watercourse" designation as delineated on

RECOMMENDATION - It is recommended that the City Council:

A-5-LCB-05-22
COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 3



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF:

August 23, 2005

Office of the Chief
Regulatory Branch

Jeffrey Garner
1480 Morningside Circle
Laguna Beach, California 92651

Dear Mr. Garner:

Reference is made to your application/letter (No. 200501902-CLM) dated July 21, 2005 for a Department of the Army Permit to construct a single family residential development near the Pacific Ocean in the city of Laguna Beach, Orange County, California.

Based on the information furnished in your application/letter, we have determined that your proposed project does not discharge dredged or fill material into a water of the United States or an adjacent wetland. Therefore, the project is not subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required from our office.

Furthermore, you are hereby advised that the Corps of Engineers has established an Administrative Appeal Process for jurisdictional determinations which is fully described at 33 CFR Part 331. The Administrative Appeal Process for jurisdictional determinations is diagrammed on the enclosed Appendix C. If you decide not to accept this approved jurisdictional determination and wish to provide new information, please send the information to this office. If you do not supply additional information you may appeal this approved jurisdictional determination by completing the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form and submitting it directly to the Appeal Review Officer at the address provided on the form.

Please be aware that our determination does not preclude the need to comply with Section 13260 of the California Water Code (Porter/Cologne) and we recommend that you contact the California Regional Water Quality Control Board to insure compliance with the above regulations. Furthermore, our determination does not obviate the need to obtain other Federal, state, or local authorizations required by law.

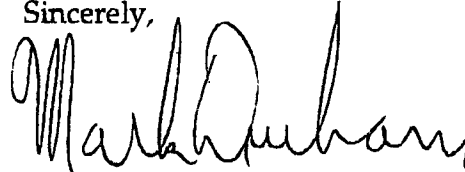
A-5-UGB-05-272
COASTAL COMMISSION

EXHIBIT # 7
PAGE 1 OF 2

-2-

If you have any questions, please contact Crystal L. Marquez of my staff at (213) 452-3418.

Sincerely,



Mark Durham
Chief, South Coast Section
Regulatory Branch

A-5-L63-05-27
COASTAL COMMISSION

EXHIBIT # 7
PAGE 2 OF 2

Signature



COUNTY OF ORANGE

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

Bryan Spangle, Director
300 N. Flower Street
Santa Ana, CA

P.O. Box 4048
Santa Ana, CA 92702-4048
Telephone: (714) 834-2300
Fax: (714) 834-5188

September 8, 2005

Mr. Jeffrey Garner
1480 Morningside Circle
Laguna Beach, CA 92651

Subject: Bluebird Storm Drain (100P03) - 1530 Glenneyre Street, Laguna Beach, CA

Dear Mr. Garner:

We have reviewed the concept plans for the proposed improvements at 1530 Glenneyre Street in Laguna Beach adjacent Orange County Flood Control District's (OCFCD) Bluebird Storm Drain (100P03) and the attached summary letter dated August 8, 2005 and find them to be acceptable.

All proposed work within OCFCD right-of-way shall require a County Property Encroachment Permit. Please contact Valerie Oxford of County Property Permits at (714) 834-3474 to obtain additional information regarding the permit application process. A comprehensive review of the detailed improvement plans and the proposed ingress/egress easement shall be performed during the permit review process.

If you have questions concerning this letter, please contact Khoi Do at (714) 834-2687.

Sincerely,

Kevin Onuma

Kevin Onuma, P.E., Manager
PW/FCD/Flood Program

S:\Flood Program\Development Support\Khoi Do\Projects\Bluebird SD (100P03)\letters\05Sep08 - Concept Approval - JG.doc

Attachment: Letter from Jeffrey T. Garner, August 8, 2005

cc: Valerie Oxford, County Property Permits

A-5-L6B-05-22
COASTAL COMMISSION

EXHIBIT # 8
PAGE 1 OF 1

General Plan and Local Coastal Plan

Biological Resource Values

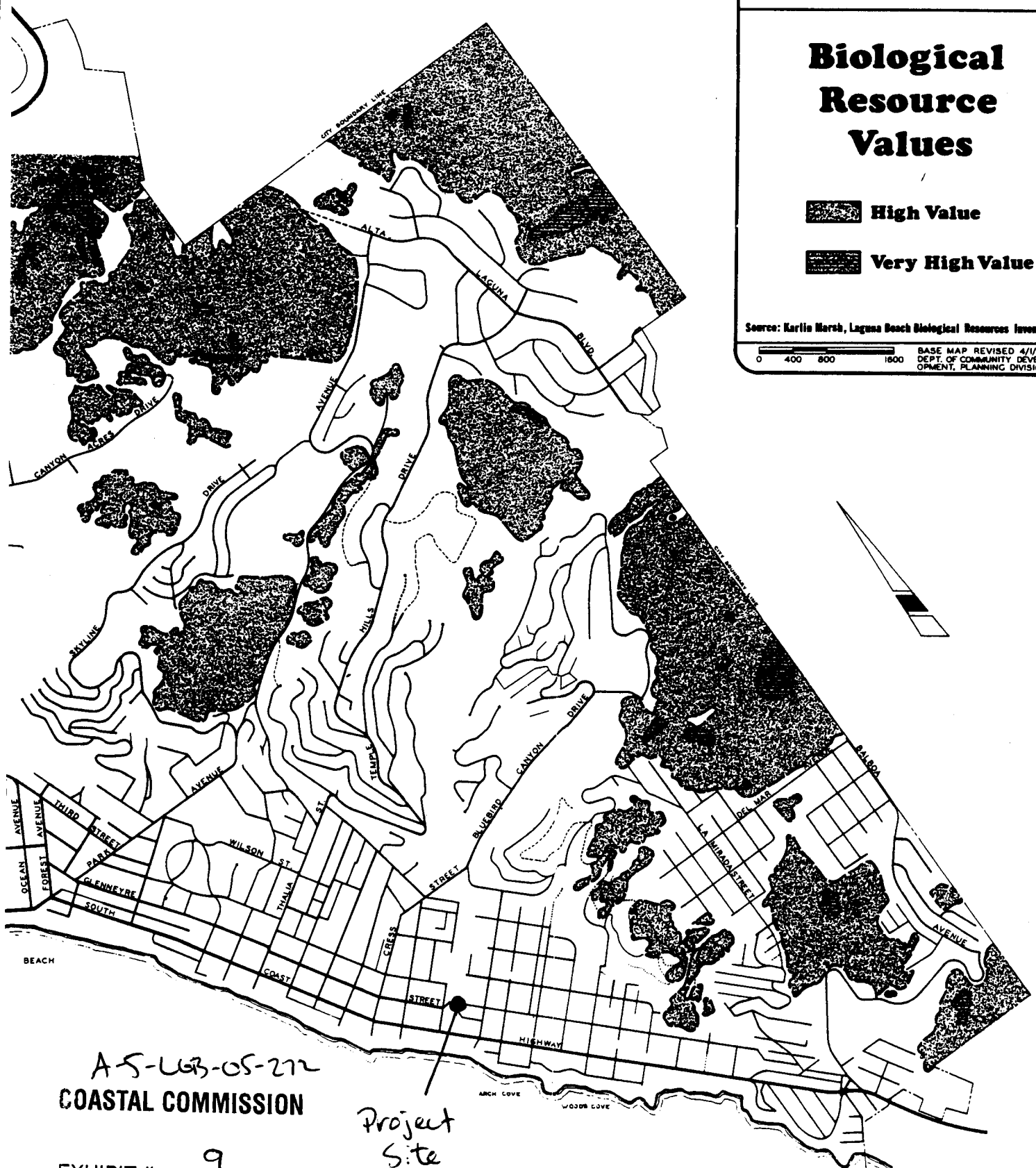
 High Value

 Very High Value

Source: Karlis Marsh, Laguna Beach Biological Resources Inventory

0 400 800 1600

BASE MAP REVISED 4/1/81
DEPT. OF COMMUNITY DEVELOPMENT, PLANNING DIVISION



A-5-UGB-05-272
COASTAL COMMISSION

EXHIBIT # 9
PAGE 1 OF 1

Project
Site

City of Laguna Beach

