

**CALIFORNIA COASTAL COMMISSION**

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Commission Action:

# Tu9f

## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NUMBER:** 5-04-414 **RECORD PACKET COPY**

**APPLICANT:** **Larry Swartz**

**AGENTS:** Phil Edmondson, Architect  
Mark Grosher

**PROJECT LOCATION:** No. 1 Barranca, (Three Arch Bay) Laguna Beach  
Orange County

**PROJECT DESCRIPTION:** Substantial demolition and reconstruction resulting in a 2,925 square foot, two story, 22 foot high, single family residence with an attached 361 square foot, three car garage on an ocean-fronting bluff top parcel, Laguna Beach, Orange County.

|                      |                  |
|----------------------|------------------|
| Lot Area:            | 7489 square feet |
| Building Coverage:   | 2033 square feet |
| Pavement Coverage:   | 1874 square feet |
| Landscape Coverage:  | 731 square feet  |
| Parking Spaces:      | 5                |
| Zoning:              | R-1              |
| Ht above final grade | 22 feet          |

### SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending the Commission **approve** the proposed project subject to eight (8) special conditions which are necessary to assure that the project conforms with Section 30253 of the Coastal Act regarding geology and hazards, with Section 30251 regarding landform alteration and visual quality, and with Section 30231 regarding protection of water quality. Special Condition No. 1 requires submittal of revised plans reflecting conformance with development restrictions 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 conformance with the drainage plan that proposes drainage 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 conformance with the water quality filtration proposed; Special Condition No. 8 requires the applicant to record a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

At the time of this staff report, the applicant disagrees with Special Condition 1, regarding the imposition of a revised blufftop setback. The applicant disagrees with staff with regard to the amount of demolition occurring and to the location of the bluff edge. The Commission staff's determination of bluff edge is located approximately 65 to 75 feet inland of the applicant's. Consistent with prior Commission practice in Three Arch Bay, Commission staff's recommended bluff edge is based on Section 13577 of the regulations; whereas the applicant is utilizing a City bluff edge definition that has not been applied by the Commission in Three Arch Bay. Establishing a bluff edge setback based on the regulatory definition of the bluff edge necessitates re-siting the residence, approximately 2½' to 5' further inland than proposed. This more inland location is much more in keeping with the predominant pattern of development in the community than the proposed location and still provides substantial development area for the construction of a residence that is comparable in size to surrounding residences.

These are ocean-fronting coastal bluffs where waves directly interact with the toe of the bluff. Thus, even where the bluff is found to be grossly stable, the Commission has required at least a minimal bluff edge setback to account for uncertainties in geologic conditions and to address visual issues. In Three Arch Bay, the Commission has typically required that new development conform with either a 25 foot bluff edge setback (or in some limited cases a more modest setback on the order of 5 to 10 feet), stringline, or combination thereof, depending on the geologic characteristics of the site, and the predominant pattern of development. The geologic study prepared by the applicant indicates that this site is grossly stable. Applying the 25 foot bluff edge setback would reduce the development footprint on the site to an area much smaller than the typical residence in Three Arch Bay. On the other hand, applying the stringline would allow development on the site to encroach seaward of the bluff edge. Therefore, Commission staff is recommending the use of a 10' bluff edge setback for structural development and a 5' bluff edge setback for deck/hardscape development. This setback would adequately address any geologic uncertainties, is consistent with the pattern of development in the community, and allows for a development footprint comparable to surrounding sites. Application of the Commission staff's recommended setback would require the applicant to revise their project plans to remove development beyond the respective 5'-10' setback areas. Additionally, the applicant would be required to limit development between the structural setback and the 5' bluff edge setback to only nominal, ancillary improvements not requiring foundations. No development would be allowed seaward of the 5 foot bluff edge setback or beyond the bluff edge.

In addition, there is disagreement regarding the extent of demolition. The Commission has generally found that if 50% or more of the linear feet of the existing exterior walls are removed, the project constitutes demolition and reconstruction. If a project is considered as new development, then existing non-conformities (such as set back from the bluff edge) must be evaluated.

The applicant asserts that a total of 120 linear feet of the existing exterior linear footage will be removed. However, in comparing the proposed plan with the existing plan, Commission staff believes that a total of 203 linear feet of existing exterior linear footage will be removed. Part of this discrepancy stems from whether to include infill, removal and/or replacement of window and doors in the demolition figure. Commission staff does include this type of work, while the applicant does not. Notably, the seawardmost wall is being entirely replaced. However because the existing wall includes windows and doors, the applicant has not included the area of the windows and doors, even though the entire

wall is being removed and replaced. Another discrepancy arises due to the applicants assertion that demolition and re-construction of the attached garage shouldn't be included in the demolition figure. The City has required the applicant to demolish and rebuild the garage to bring the grade of the driveway up to City code. Because it is a requirement of the City, the applicant does not believe the garage figure should be included. However, the Commission typically does include demolition of garage walls if it is attached to the main structure, as is the case here. If the garage walls are included in the demolition figure, then, even using applicant's demolition (plus the garage) the percent demolition exceeds 50%. Because the amount of demolition exceeds 50%, the existing non-conforming bluff edge setback must be addressed.

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**LOCAL APPROVALS RECEIVED:** City of Laguna Beach Approval in Concept, dated 10/19/04.

**SUBSTANTIVE FILE DOCUMENTS:** Geotechnical and Engineering Geologic Investigation, prepared by Geo-Etka, Inc. dated July 26, 2002, and revised and updated March 17, 2005; 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. 5-04-414 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 sited a minimum of 10 feet from the bluff edge, as generally depicted on Exhibits 4-6 of the staff report dated May 19, 2005. Development shall be modified as necessary to meet this requirement.
- 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 sited a minimum of 10 feet from the bluff edge, as generally depicted on Exhibits 4-6 of the Staff Report dated May 19, 2005. Any structural foundation elements shall be an integrated component of the associated structure and not a separate feature. Development shall be modified as necessary to meet this requirement.
- C. All hardscape improvements, including decks and planters, shall be sited a minimum of 5 feet from the bluff edge, as generally depicted on Exhibits 4-6 of the Staff Report dated May 19, 2005. Development shall be modified as necessary to meet this requirement.

- D. No form of development (including but not limited to grading, hardscape and planters) shall occur seaward of the minimum 5-foot bluff edge setback or beyond the bluff edge, as generally depicted on Exhibit 6 of the Staff Report dated May 19, 2005.
- E. **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 Sections A through D above.
- F. 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 legally required.

**2. Revised Landscape Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full sized sets of a revised planting plan prepared by an appropriately licensed professional which demonstrates the following:
  - (1) The subject site will be planted and maintained for slope stability and erosion control. To minimize the need for irrigation, landscaping shall consist of native and/or drought tolerant non-invasive plant species;
  - (2) All planting will be completed within 60 days after completion of construction;
  - (3) All required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, will be replaced with new plant materials to ensure continued compliance with the landscape plan;
  - (4) No permanent in-ground irrigation systems will be installed on site. Temporary above-ground irrigation is allowed to establish plantings;
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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 legally required.

**3. Drainage Plan**

- A. All site drainage shall be collected and directed/pumped to the street.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a final drainage plan reflecting the requirements of Section A above.
- C. 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 legally required.

**4. Conformance of Design and Construction Plans to Geotechnical Recommendations**

- A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall be consistent with the conditions of this permit and all recommendations contained in the Geotechnical and Engineering Geologic Investigation, prepared by Geo-Etka, dated July 26, 2002, and revised and updated on March 17, 2005.
- 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 legally 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. 5-04-414 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.
- C. In the event the edge of the bluff recedes to within five (5) feet of the principal residence but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the applicant, that addresses whether any portions of the residence are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without shore or bluff protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

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. **Conformance with the Water Quality Measures Proposed**

The applicant shall carry out development in conformance with the water quality measures described in the Site Grading and Drainage plan, prepared by Pacific Coast Architects, dated March 11, 2005, which incorporated the structural Best Management Practice (BMP) of filtering site drainage prior to pumping it to the street. This measure shall be carried out

at frequencies sufficient to effectively minimize the accumulation of pollution which could be washed into coastal waters.

**8. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the 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 substantially demolish and reconstruct an existing single family residence, resulting in a 2,925 square foot, two story, 22 foot high, single family residence with an attached 361 square foot, three car garage on an ocean-fronting bluff top parcel. The garage will be able to accommodate a third car via the use of a car lift. The existing residence is 2,497 square feet, two stories, and 22 feet high. Also proposed is 250 cubic yards of fill, to be imported from a location outside the coastal zone. No caissons are shown on foundation plans for the residence submitted by the applicant, however, the applicant's geotechnical report recommends use of caissons to support the residence.

The subject site is located at No. 1 Barranca in the private community of Three Arch Bay in the City of Laguna Beach. The land use designation at the site is Village Low Density (7 du/ac). The subject site is flanked by single family residences. The seaward side of the site is comprised of an approximately 100 foot tall coastal bluff, with a sandy beach and the ocean below.

At the time of the staff report, there are at least two points of disagreement raised by the applicant concerning: 1) the location of the bluff edge, and 2) whether the proposed development constitutes demolition and reconstruction or merely a remodel of the existing



residence. These two points are critical because the location of the bluff edge is a controlling factor with regard to the seaward extent of allowable development and the quantity of demolition involved determines whether an existing non-conforming bluff edge setback would need to be addressed. These issues are discussed in greater detail below.

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. Demolition vs. Remodel**

The issue of whether a project constitutes demolition and new construction rather than a remodel of an existing structure becomes significant when an existing non-conformity is proposed to be retained. The Commission has generally found that if less than 50% of the linear feet of the existing exterior walls are removed, the project can be reviewed as a remodel rather than new construction. The significance of this distinction is that existing non-conformities, such as existing development within the bluff edge setback area, may be allowed to remain if no work is proposed to occur on them.

In the case of the proposed project, the existing residence extends beyond the bluff edge setback the Commission would normally impose. On bluff top lots the Commission routinely imposes a bluff edge setback to assure geologic stability based on local geologic conditions. In the event that a site is grossly stable and shows little or no historic long-term bluff retreat, a minimal bluff edge setback of 10 to 25 feet may be imposed to allow for uncertainty in geologic conditions, or a setback determined by a stringline may be imposed to protect visual resources. A stringline is determined by drawing a line from the nearest adjacent corners of the adjacent structures. The existing structure at the subject site extends beyond both types of bluff edge setbacks. The applicant is not proposing any development beyond the existing development at the site. However, the existing and proposed enclosed living area are/would be located within 6 to 8 ½ feet of the bluff edge. The existing at grade patio (proposed to remain) extends to the bluff edge. A second story balcony (both existing and proposed) extends to within approximately 3 feet of the bluff edge. The encroachment into the stringline setback is less pronounced. A small triangle of enclosed living area (3' deep by 6' long) extends into the stringline setback. When a demolition and new construction project is reviewed by the Commission, an appropriate bluff edge setback is imposed. The bluff edge setback is used to address Coastal Act issues including avoidance of hazards, address adverse impacts to public views, minimizing the potential need for shoreline and bluff protection devices, and public access. In this case, a bluff edge setback would be used to address the Coastal Act issues of

hazards, public views and minimizing the potential need for shoreline and bluff protection devices.

The applicant has submitted detailed information about the amount of demolition that would occur with the proposed project. Typically, the Commission has quantified demolition by tabulating the extent of exterior linear walls to be removed compared to the total overall amount of exterior linear walls existing prior to the proposed development. The walls proposed to remain must retain their structural components such as studs. Cosmetic portions of the wall, such as exterior stucco and interior drywall, may be removed.

There is disagreement regarding the extent of demolition. The applicant asserts that a total of 120 linear feet of the existing exterior linear footage will be removed. However, in comparing the proposed plan with the existing plan, Commission staff believes that a total of 203 linear feet of existing exterior linear footage will be removed. The total amount of existing linear footage is 317 feet. Thus, by the applicant's calculation, the percent demolition would be 38% ( $120/317 = 37.85\%$ ). But, by staff's calculation, the total percent demolition would be 64% ( $203/315 = 64.0\%$ ). Part of this discrepancy stems from whether to include infill, removal and/or replacement of windows and doors in the demolition figure. Commission staff does include this type of work, while the applicant does not. The applicant's criteria was to include in the demolition figure wall area where new doors or windows are proposed where they don't currently exist, but not to include in the demolition figure areas where existing window or doors are to be in-filled to become solid wall. However, such work clearly effects the exterior walls and staff believes such work should be counted in the demolition total.

Most significant is the discrepancy with regard to the calculation for the seawardmost wall. Staff included the entire 31-foot length of the wall as wall to be removed, but the applicant did not. The existing seawardmost wall includes 23 feet of door and/or window. However, the proposed wall will be a entirely accordion style glass door with new 2' long, supporting walls at either end. This change is proposed at both the first and second story. Thus, no part of the existing wall will remain. Because no part of the existing wall will remain, it is appropriate to include the 31-foot length of the wall in the demolition calculation. Furthermore, even if the 50% demolition criteria were not met, complete removal of the seawardmost wall provides an appropriate opportunity to evaluate the appropriate location for the seaward edge of enclosed living area. Staff notes that extensive new foundation elements are required to support this portion of the residence.

Moreover, in arriving at the 64% demolition figure above, staff has not included demolition of the attached garage. The applicant has indicated that the City has required that the garage be demolished and reconstructed in order to bring the driveway grade into conformity with the City's code (it is currently too steep). The existing garage must be removed in it's entirety, including walls, roof and foundation in order to construct the new garage in accordance with City requirements. Because the applicant is required to demolish the garage, he does not believe it is fair to include it in the demolition figure. Thus, the applicant's 38% demolition figure does not include the garage. However, the Commission typically does include the linear footage of the exterior walls of the garage if

the garage is attached to the main structure, as is the case here. The linear footage of exterior garage walls is 84 feet. That brings the total figure for existing linear walls up to 401 ( $317 + 84 = 401$ ). According to staff calculations, then, the total exterior walls to be removed including the garage would be 287 ( $203 + 84 = 287$ ), bringing the total percent demolition to 72% ( $287/401 = 0.715$  or 72 %). Even using the applicant's demolition calculation, when the garage figure is added, the percent demolition would exceed 50% ( $120 + 84 = 204/317 = 0.643$  or 64%). Thus, when the linear footage of the exterior garage walls is included in the demolition figure, the total percent demolition, by either staff or the applicant's calculation, would be well over the 50% threshold.

The proposed development will significantly extend the life of the residence. Development proposed at this time would be expected to have a useful life of 50 – 75 years. The Commission must consider possible events that may occur over that life span. For this reason too, the development should be considered as new development rather than predominantly a remodel. Staff believes, taking everything into account, that the proposed project includes more than 50% demolition and so must be evaluated as demolition and new construction.

The Commission finds that application of the 50% demolition threshold provides a consistent and equitable method of dealing with existing non-conformities associated with extensive remodel projects. Therefore, the Commission finds that because the proposed project exceeds the 50% threshold, it does constitute demolition and new construction and so the existing non-conforming bluff edge setback must be addressed. The appropriate bluff edge setback for the proposed development is discussed below.

### **C. 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.*

A Geotechnical and Engineering Geologic Investigation was prepared for the proposed development by Geo-Etka, Inc. dated July 26, 2002, and revised and updated on March 17, 2005. The geologic report included review of readily available existing published and unpublished geologic maps, geotechnical reports and other geotechnical data from the site and surrounding area; reconnaissance level geologic mapping of the site and immediate vicinity; excavation, sampling, and logging of three exploratory borings; subsequent excavation of a 50-foot deep bucket auger boring and down hole logging of the boring; laboratory testing of relatively undisturbed and representative bulk samples taken from the exploratory excavations; engineering and geologic analysis of the collected data; and, preparation of the report.

The subject site is an oceanfront bluff top lot. The lot steps down slightly, dropping about eight feet between the street and the house. From the seaward side of the existing residence, the slope descends another 100 feet to the beach below. Elevations across the site range from a low of about 26 feet mean sea level near the base of the bluff to a high of about 140 feet MSL at the street.

#### Bluff Edge Location

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.

The Commission's bluff edge determination is based on the definition contained in Section 13577 of the California Code of Regulations which states, in part: "*Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff.*"

The applicant's geologic consultant has determined that the edge of the bluff is generally located along the 100-foot contour elevation (Exhibit 4). Commission staff has reviewed the applicant's bluff edge determination and disagrees.

Based on the geologic information provided by the applicant, Commission staff has determined the bluff edge to be located approximately along the 129-foot contour elevation

(roughly coinciding with the existing edge of the graded pad and the low, railroad tie garden wall). The applicant's geologic consultant, however, places the bluff edge much further down the bluff, at approximately the 100-foot contour elevation. There is a break in slope along the 100-foot contour elevation, where the bluff face becomes almost vertical. However, the definition of bluff edge contained in the Regulation (cited above) puts the bluff edge at the point nearest the cliff where the downward gradient begins to increase continuously. The start of the steady descent begins at the 129-foot contour elevation and continues through the 100-foot contour elevation, where it becomes even steeper, to the sandy beach below. The increase in the steepness does not mark the beginning of the descent, and therefore cannot be considered the edge of the bluff. Therefore, the Commission finds according to the definition of bluff edge contained in Section 13577 of the California Code of Regulations, the bluff edge at the subject site is located along the 129-foot contour elevation, as depicted on Exhibits 4 and 5.

### 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 edge set back.

The first consideration for establishing a bluff edge setback is the requirement to assure stability of the development pursuant to Section 30253 of the Coastal Act. Both the current site stability and its stability for the expected life of the development must be addressed. Although site-specific geologic characteristics must be considered, generally stability is defined through the use of a quantitative slope stability analysis modeling the potential failure mechanism of the bluff.

In such an analysis, the forces resisting a potential landslide are first determined. These are essentially the strength of the rocks or soils making up the bluff. Next, the forces driving a potential landslide are determined. These forces are the weight of the rocks as projected along a potential slide surface. The resisting forces are divided by the driving forces to determine the "factor of safety." A value below 1.0 is theoretically impossible, as the slope would have failed already. A value of 1.0 indicates that failure is imminent. Factors of safety at increasing values above 1.0 lend increasing confidence in the stability of the slope. The industry-standard for new development is a factor of safety of 1.5, and many local grading ordinances in California and elsewhere (including the County of Los Angeles, and the Cities of Irvine, Malibu, and Saratoga, among others) require that artificial slopes meet this factor of safety. Seismic forces normally are considered through a separate *pseudostatic* analysis, in which a force equal to 15% of the force of gravity is

added to the driving forces. Because seismic driving forces are of short duration, a factor of safety of 1.1 generally is considered adequate to assure stability during an earthquake.

A slope stability analysis is performed by testing hundreds of potential sliding surfaces. The surface with the minimum factor of safety will be the one on which failure is most likely to occur. Generally, as one moves back from the top edge of a slope, the factor of safety against landsliding increases. Therefore, to establish a safe set-back for slope stability from the edge of a coastal bluff, one needs to find the distance from the bluff edge at which the factor of safety is equal to 1.5.

In this case, the applicant has submitted an analysis that indicates that the bluff currently has a static gross factor of safety of 1.50 and a pseudostatic factor of safety of 1.17. The Commission's staff geologist has reviewed this analysis. Although he concludes that there are several errors in the analysis, each of them would actually tend to *underestimate* the factor of safety, so he concurs with the assessment that the bluff as a whole exhibits a gross factor of safety in excess of 1.5 and no setback is needed for slope stability purposes.

The second aspect to be considered in the establishment of a development set-back line from the edge of a coastal bluff is the issue of long-term bluff retreat. In order to develop appropriate setbacks for bluff top development, the position of the bluff edge must be predicted into the future. In other words, at what distance from the bluff edge will bluff top development be safe from long-term coastal erosion? In order to assure "safety" the same minimal factor of safety must be attained at the end of the developments expected economic life.

The long-term bluff retreat rate can be defined as the average value of bluff retreat as measured over a sufficient time interval that increasing the time interval has negligible effect on the average value. The rate at which gradual bluff retreat occurs generally is measured by examining historic data.

In this case, the applicant has submitted data to indicate that *no* erosion is detectable over the last 67 years, through examination of aerial photographs. The Commission's staff geologist has reviewed this report, and based in part on familiarity with geologic conditions at other nearby sites in Three Arch Bay, concurs that little or no detectable coastal erosion has occurred at the site over the time period reviewed.

To define the total development setback, one must combine any setback needed to assure safety from landsliding or block failure, and any setback necessary for long-term bluff retreat. The resulting setback assures that minimal slope stability standards are maintained for the design life of the structure.

In this case, minimal setback is necessary to assure geologic stability due to the gross stability of the current bluff and its very low historic long-term bluff retreat rate. Nevertheless, as pointed out in the applicant's Geotechnical and Engineering Geologic Investigation, prepared by Geo-Etka, dated July 26, 2002 and March 17, 2005 "due to the nature of the terrace materials that form the upper or inland facing portion of the bluff,

proper surficial erosion control and protection should be maintained." The Commission's staff geologist concurs with this statement, but also feels that some minimal setback should be applied in order to account for uncertainty in the analysis, possible increase in long-term bluff retreat rates (as a result of sea level rise, for example), and to allow access for remedial action if and when erosion does threaten the structure

In the project vicinity, when geologic conditions warrant a minimal setback, the Commission typically imposes either a minimum bluff edge setback of 25 feet from the edge of the bluff for primary structures (e.g. the enclosed living area of residential structures) or requires conformance with the structural stringline. These setbacks are deemed acceptable at the subject site based on the relatively stable, underlying San Onofre formation bedrock.

A stringline is the line formed by connecting the nearest adjacent corners of the enclosed living area of the adjacent residences. A stringline most often is imposed to maximize protection of public coastal views and to provide equity among neighboring developments. However, a stringline setback in this location would allow development seaward of the bluff edge. Because development seaward of the bluff edge is not consistent with the hazard, visual, and shoreline protection policies of the Coastal Act, a different setback approach is necessary. Therefore, the Commission finds that a stringline line setback is not appropriate at the subject site.

However, a strict application of the 25-foot bluff edge setback would require the applicant to set their development back approximately 22' to 23' further landward than currently proposed. A 25-foot bluff edge setback would be significantly more restrictive than development on either side of the subject site. The Commission's staff geologist has determined that the 25-foot bluff edge setback is not necessary for geologic stability purposes at the subject site because the site has been found to be grossly stable. In addition, application of the 25-foot bluff edge setback would be inequitable as compared to surrounding development. In this case, the purpose of the setback would be primarily to maintain the predominant line of development, while still minimizing risk.

In order to both reduce potential geologic hazard and provide equity among bluff top development in the project area, the Commission finds that a modified setback is appropriate. The modified setback is necessary because sole reliance upon the stringline would be too permissive, while application of a 25-foot setback would be excessively restrictive. Without some setback, surficial erosion could quickly threaten development and provide little margin for error relative to hazards. The City's LCP, which provides guidance but not the standard of review in this case, identifies a minimum 10 foot bluff edge setback. The Commission finds that this same minimum bluff edge setback is appropriate in this case. As a condition of approval, the project must be redesigned to eliminate enclosed structural area seaward of the minimum 10-foot bluff edge setback. The 10-foot bluff edge setback approved by the Commission is generally depicted on Exhibit 6.

Although only two foot deep foundation footings are depicted on the proposed foundation plan, the Geotechnical and Engineering Geologic Investigation prepared for the project

recommends caissons to support the proposed structure at the west end (i.e. at the seaward side of the proposed residence). The caissons are recommended to extend a minimum depth of at least 5 feet into competent bedrock. The subject site is grossly stable. The caissons are not necessary to stabilize the site. The proposed residence could be constructed within 10 feet of the bluff edge (as recommended), without the need for caissons. However, they would provide an additional measure of safety to the proposed residence. Because the subject site and proposed development would be grossly stable with or without caissons, locating the residence within 10 feet of the bluff edge is acceptable.

However, 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. Therefore, as a condition of approval, the 10-foot bluff edge setback shall apply to caissons.

Only minor accessory development may be approved seaward of the enclosed living area setback. Major development near the bluff edge increases the risk of bluff instability and alteration of the natural landforms. As with a stringline setback for enclosed living area, the deck stringline would also allow ancillary improvements to extend up to the bluff edge, and on portions of the site, beyond the bluff edge. If such improvements were allowed to be placed at or beyond the bluff edge, there would be no margin for error to accommodate surficial sloughage and erosion that is common to bluffs. However, ancillary deck related improvements can be moved away from hazards more readily than primary structures. Thus, in this case, the Commission finds that a minimum 5-foot bluff edge setback is appropriate for these ancillary improvements.

An upper level deck is proposed that would be located within the 5-foot setback area. The upper level deck must also be made to conform to the 5-foot setback for ancillary improvements. In addition, there is an existing at-grade patio that extends beyond the 5-foot bluff edge setback, to the edge of the bluff. Although no work is proposed to this at grade patio, it is likely that, in the course of construction, it may become damaged. If the patio is to be replaced, it must conform with the 5-foot bluff edge setback.

As proposed, the development is not consistent with the 5-foot bluff edge setback for ancillary development. Therefore, as a condition of approval, the project must be redesigned to eliminate ancillary development within the 5-foot setback. Only nominal development may occur between the 10 foot enclosed living area setback and the 5-foot bluff edge setback for ancillary improvements. Within the deck setback area, accessory development must be limited to at-grade hardscape improvements, landscaping and second story balcony. No new development, including minor hardscape improvements and grading, may be allowed seaward of the 5-foot bluff edge setback or beyond the bluff edge. This will ensure that new hardscape development is appropriately set back.



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 Geotechnical and Engineering Geologic Investigation, prepared by Geo-Etka, dated July 26, 2002 and March 17, 2005 states:

*"Based on the results of our research, field exploration, laboratory testing, and geologic and engineering analysis, it is our opinion that, the site can be made suitable for the construction of the proposed additions, provided the recommendations presented in this report are incorporated into the project plans and specifications."*

Specifically regarding bluff slope stability, the geologic consultant concludes:

*"Bluff retreat at the subject site was reviewed from aerial photos spanning the last 67 years suggesting little change to the bluff in this area during that time. Based on this, performance of the bluff below this site is expected to continue for at least the design life of this project. However, due to the nature of the terrace materials that form the upper or inland facing portion of the bluff proper surficial erosion control and protection should be maintained."*

The geologic consultant has found that the subject site is suitable for the proposed development provided the recommendations contained in the Geotechnical and Engineering Geologic Investigation prepared by the consultant are implemented in design and construction of the project.

The recommendations contained in the Geotechnical and Engineering Geologic Investigation address foundations, caissons, flatwork areas, retaining walls, soil parameters, settlement, rough grading, fill placement, excavatability, trench excavations, utility trench backfill, erosion and drainage, construction observation, plan review, and footing inspection. 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 June 6, 2003 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 and one is not anticipated. However, the proposed development includes substantial 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 includes collecting all drainage in area drains and then directing it to a new sump pump and pumping it to the frontage street. Piping drainage to the street will minimize hazards that can occur from uncontrolled surface runoff along a bluff face. 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 final drainage plan that indicates that all site drainage be collected and piped to the street, in conformance with the proposed plan. 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 appears to include permanent, in-ground irrigation. No irrigation plan was submitted. New landscaping is proposed throughout the property. 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. The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.caleppc.org/>) and California Native Plant Society ([www.CNPS.org](http://www.CNPS.org)) in their publications.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

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 Commission typically requires that applicants utilize native plant species, particularly along coastal bluffs. Native plants species should be used adjacent to the bluff and non-invasive, drought-tolerant plants may be used elsewhere on the site. The proposed landscaping plan is not consistent with these requirements.

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.

**D. 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. In addition, the proposed drainage plan indicates that collected drainage will be filtered prior to being pumped to the street. 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.

#### **E. 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, which 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.

**F. 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.

**G. 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.



92651

PACIFIC

#1 Barranca  
Project Site

OCEAN 5-04-414

VICINITY MAP

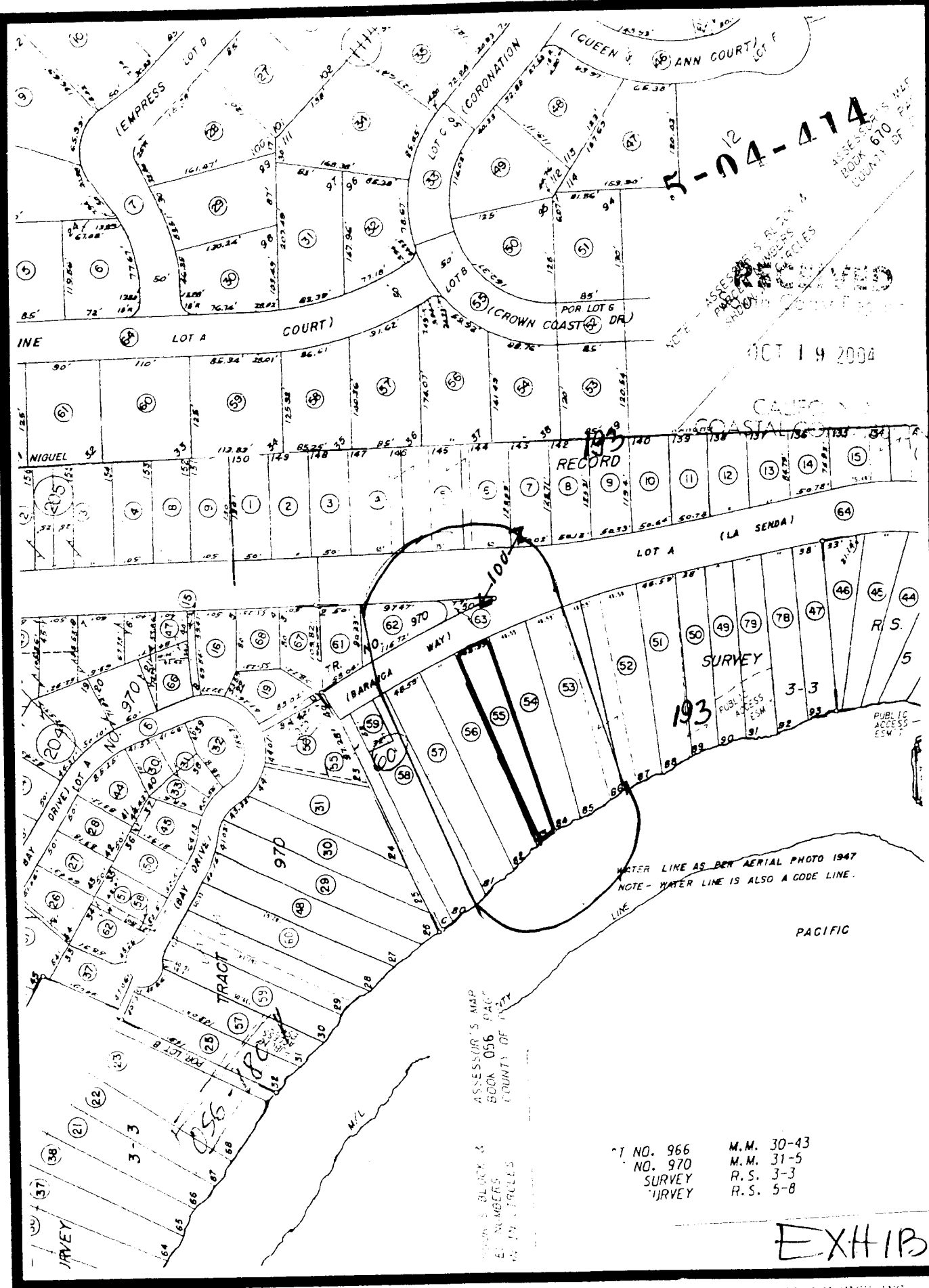
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APR 19 2004

Exhibit

5-04-414 Vicinity Map





**Ownership Map**

5 04-414

PREPARED BY: JUDAN W. COBB, INC.  
 117 GLENVIEW ST #7  
 LAGUNA BEACH CA 92651  
 419 734 9105

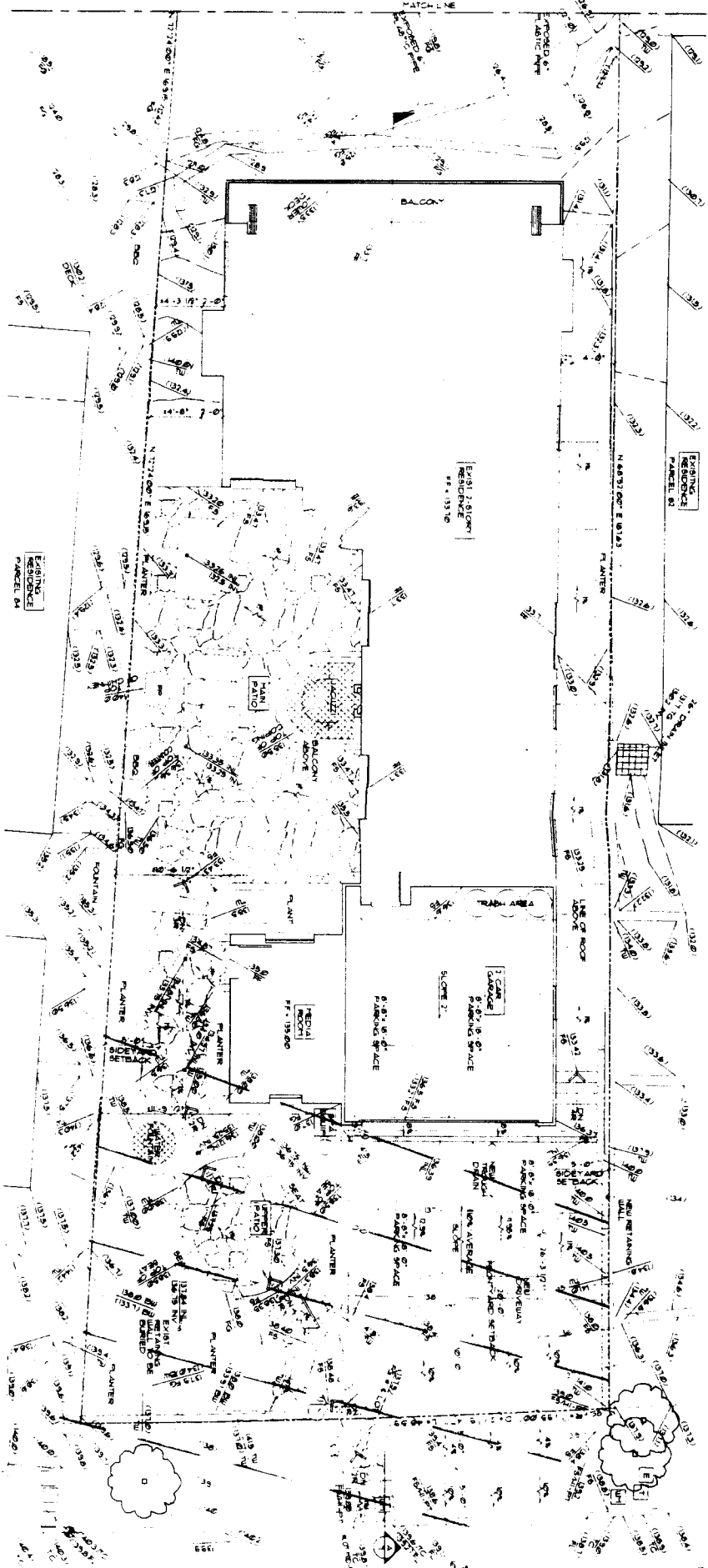
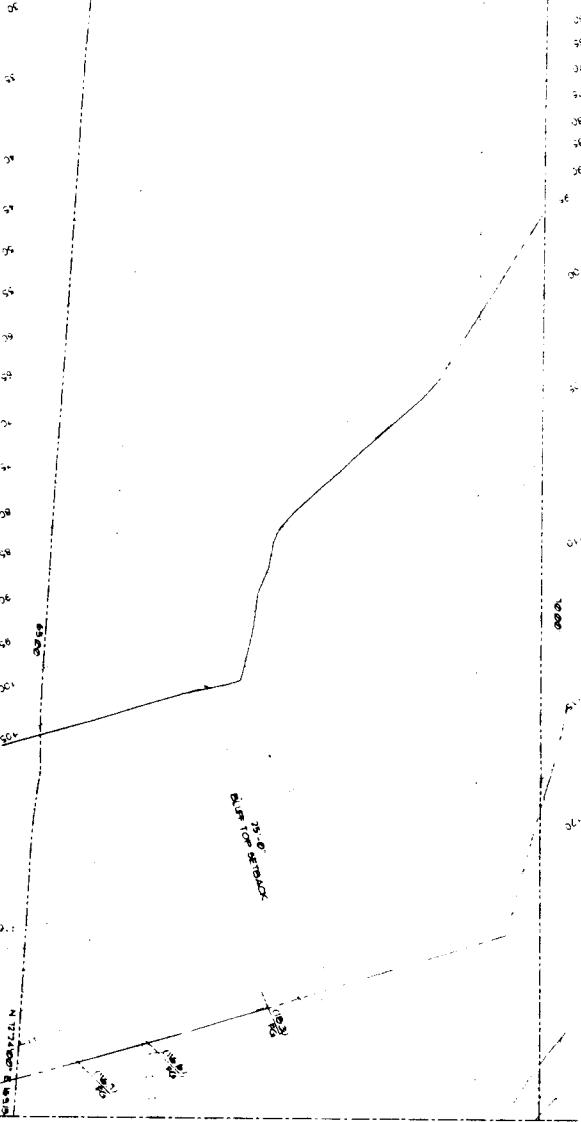
EXHIBIT

2

**SITE PLAN**

LEGAL DESCRIPTION PARCEL B3 THREE JACQUES PALMADORS \*\*

ASSASSIN'S PARCEL NO. 004-13-30



**CUT/FILL DATA**  
 CUT  $\circ$  FILL  $\circ$  1:34 CUT YRDS

- SYMBOLS LEGEND**
- 1)  $\circ$  EXISTING SPOT ELEVATION
  - 2)  $\circ$  PROPOSED SPOT ELEVATION
  - 3)  $\circ$  TOP OF WALL
  - 4)  $\circ$  TOP OF FINISHING
  - 5)  $\circ$  FINISH FLOOR
  - 6)  $\circ$  FINISH GRADE
  - 7)  $\circ$  FINISH SURFACE
  - 8)  $\circ$  NET ELEVATION
  - 9)  $\circ$  FINISH ELEVATION
  - 10)  $\circ$  4" SCHED 40 LBS DRAIN LINE
  - 11)  $\circ$  4" FLUSH DRAIN INLET
  - 12)  $\circ$  4" DUCT TOP AND DRAIN INLET
  - 13)  $\circ$  FLOOR LINE
  - 14)  $\circ$  FLOOR LINE
  - 15)  $\circ$  INTERPOLATED CURB GRADE
- SITE PLAN NOTES**
1. ALL CURB CRITERIA FOR PAVED SURFACES SHALL BE IN ACCORDANCE WITH THE CALIFORNIA PUBLIC WORKS ACT.
  2. ALL CURB CRITERIA FOR UNPAVED SURFACES SHALL BE IN ACCORDANCE WITH THE CALIFORNIA PUBLIC WORKS ACT.
  3. MINIMUM SLOPE SHALL BE 1/4" PER FOOT AND SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
  4. ALL CURB SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CALIFORNIA PUBLIC WORKS ACT.
  5. SUBSURFACE DRAIN LINES SHALL HAVE MINIMUM 4% COVER AND SHALL BE PROTECTED BY A CONCRETE CURB.
  6. ALL CURB SHALL BE TAKEN TO AVOID ANY ADJACENT PROPERTY OR STRUCTURES.
  7. ALL CURB SHALL BE TAKEN TO AVOID ANY ADJACENT PROPERTY OR STRUCTURES.
  8. ALL CURB SHALL BE TAKEN TO AVOID ANY ADJACENT PROPERTY OR STRUCTURES.
  9. ALL CURB SHALL BE TAKEN TO AVOID ANY ADJACENT PROPERTY OR STRUCTURES.
  10. ALL CURB SHALL BE TAKEN TO AVOID ANY ADJACENT PROPERTY OR STRUCTURES.

**31 BARRANCA**

5-04-4114

**SITE PLAN**

DRAWN: LARRY SWARTZ  
 51 CORONADO PONTE  
 LAGUNA HILLS, CA 92653

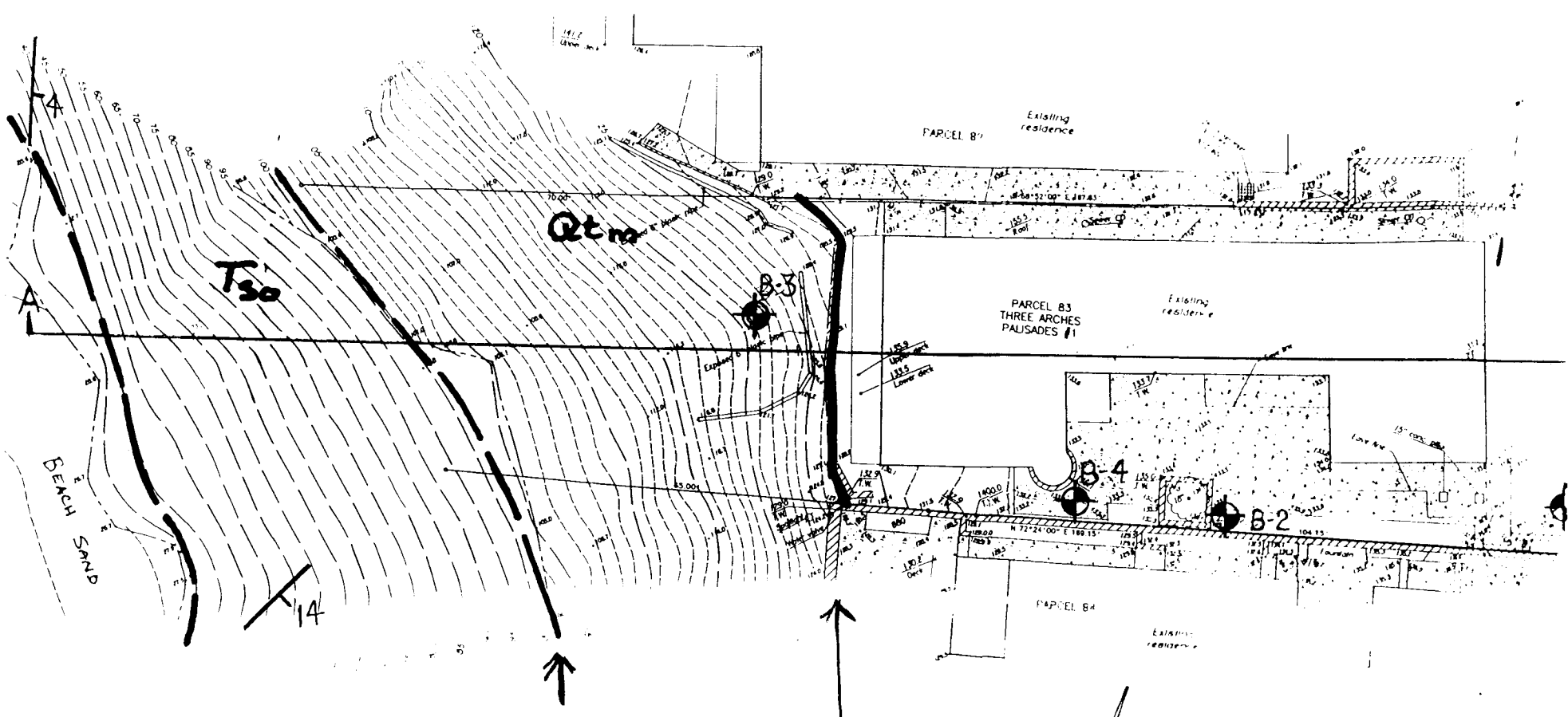
EX. 3



5-04-114

EXHIBIT 4







Bluff Edge



applicant

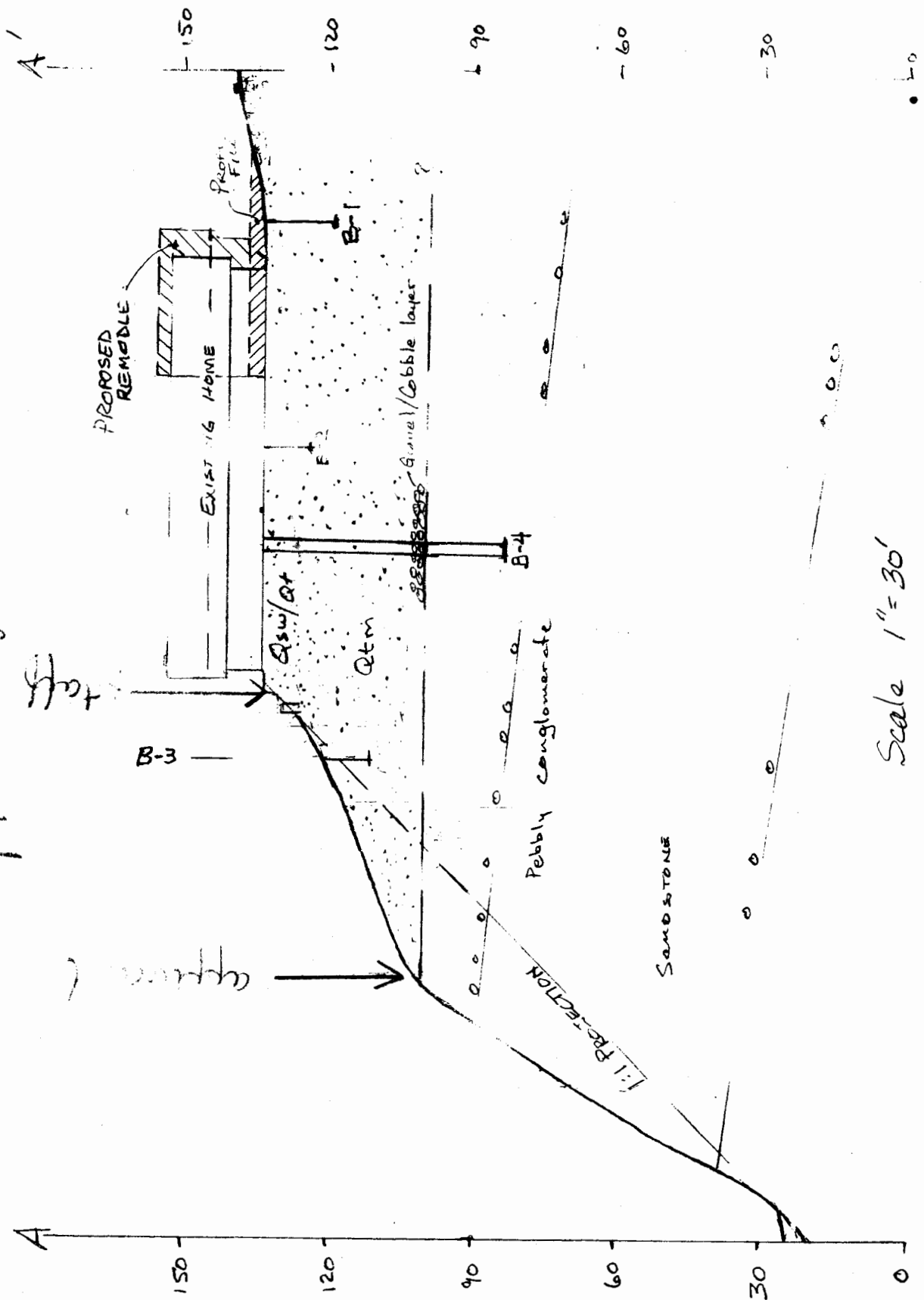
staff

SYMBOLS

-  - MARINE Terrace Deposits
-  - BEDROCK: Sandstone
-  - GEOLOGIC CONTACT
-  - BEDDING ATTITUDE
-  - B-3 - LOCATION OF BORING
-  - B-4 - LOCATION OF BORING

**BORING LOCATION & SITE GEOL**

Bluff Edge - per.



Scale 1" = 30'

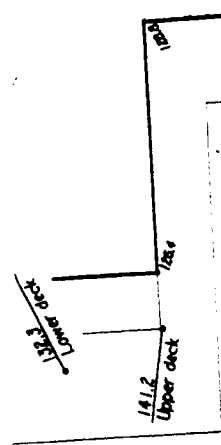
GEOLOGIC CROSS SECTION

Plate 4.0

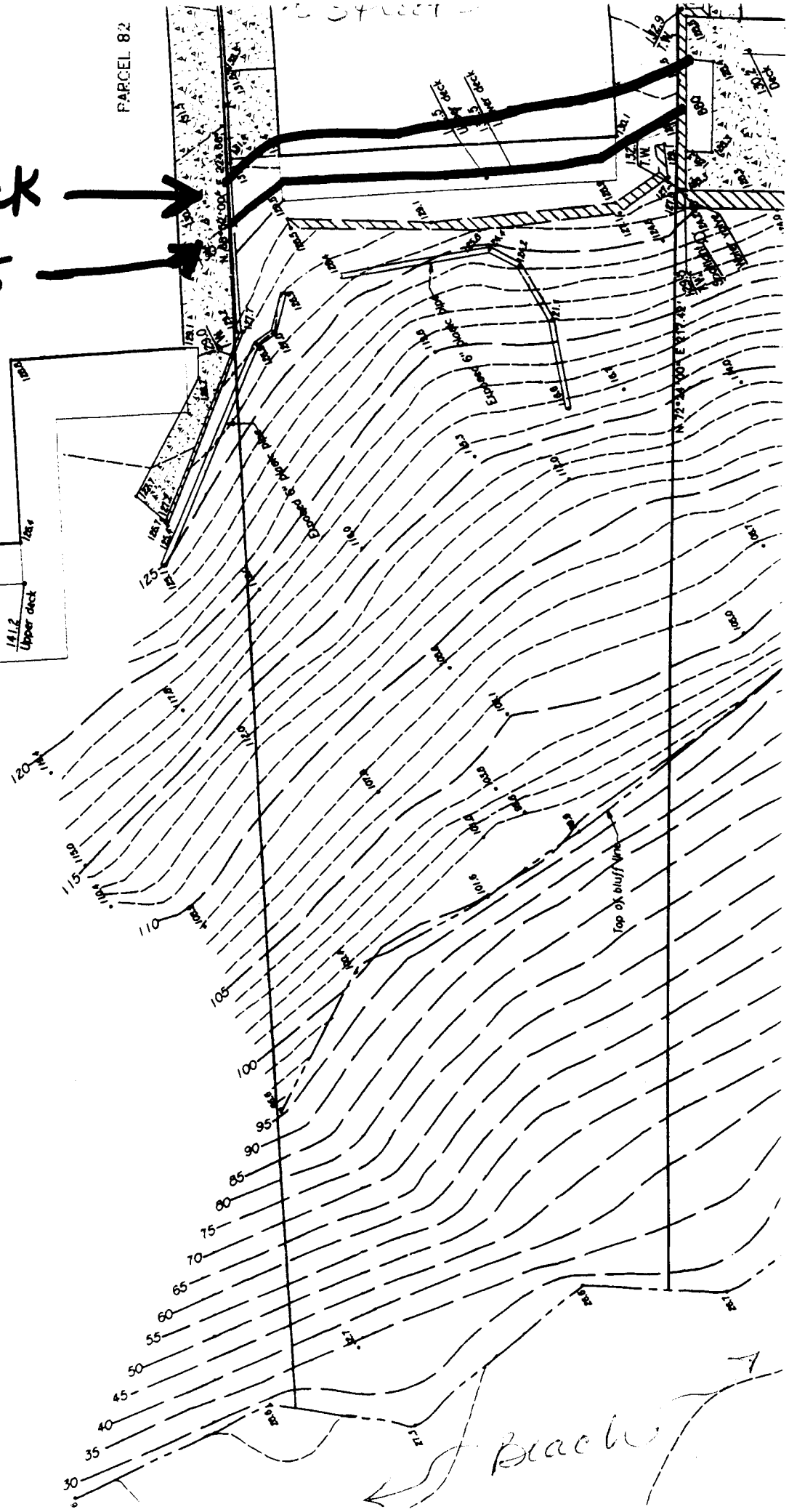
5-04-414

EXHIBIT 5

10' setback  
5' setback

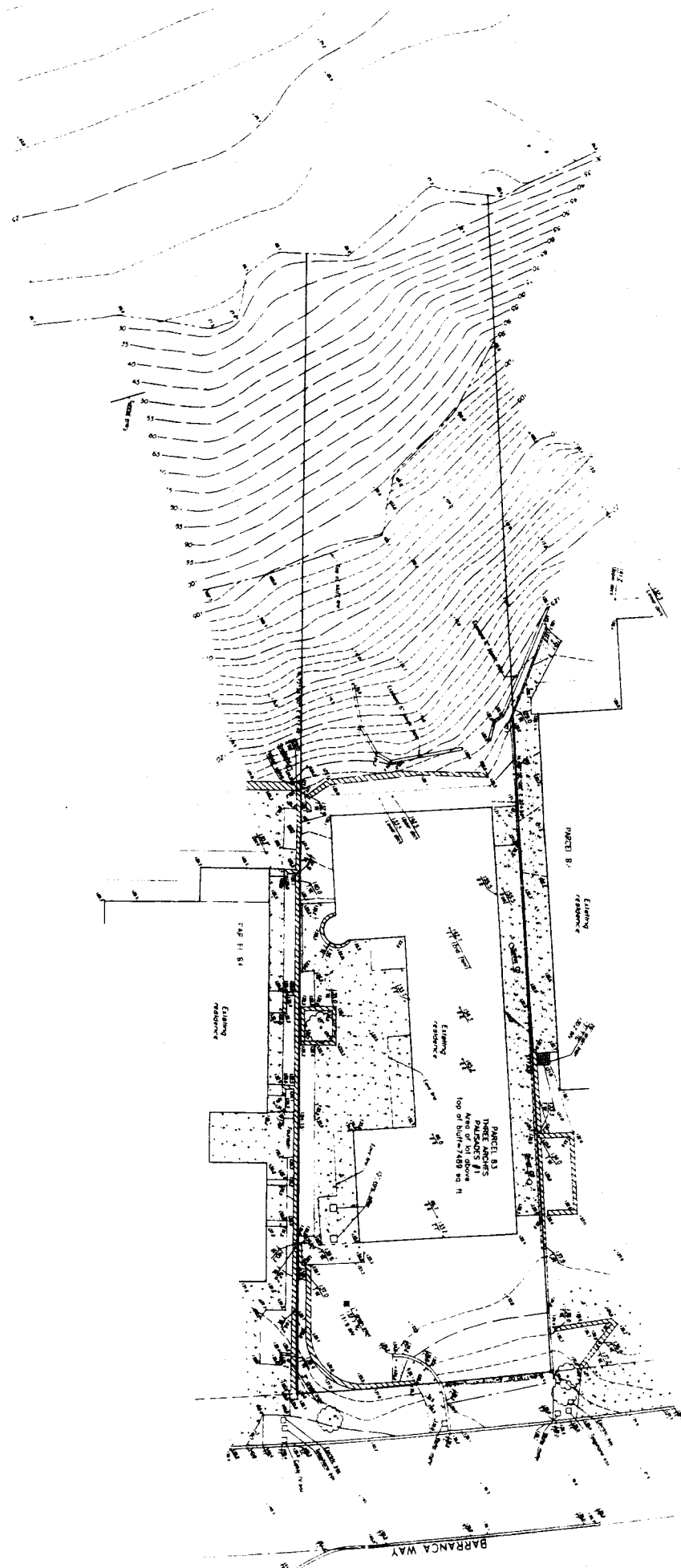


PARCEL 82

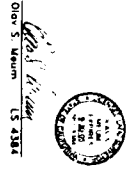


15-04-414  
EXHIBIT 6

TOAL ENGINEERING, INC.  
130 Avenida Novatos  
San Clemente, Calif. 92672  
949 487-9500 Fax 949 488-8625 E-mail: toal@toaleng.com



5-04-414  
Site Survey  
EXHIBIT 7



**TOAL ENGINEERING, INC.**  
Civil Engineers, Land Planners, and Surveyors  
130 Avenida Novatos  
San Clemente, Calif. 92672  
949 487-9500 Fax 949 488-8625 E-mail: toal@toaleng.com

|             |             |
|-------------|-------------|
| DATE        | 5/4/14      |
| BY          | D.S.V.      |
| CHECKED     |             |
| SCALE       | AS SHOWN    |
| PROJECT     | 5-04-414    |
| DESCRIPTION | Site Survey |

**TOPOGRAPHIC SURVEY**  
PARCEL 83, THREE ARCHES PALMS #1  
LAGUNA BEACH, CALIFORNIA

11/25

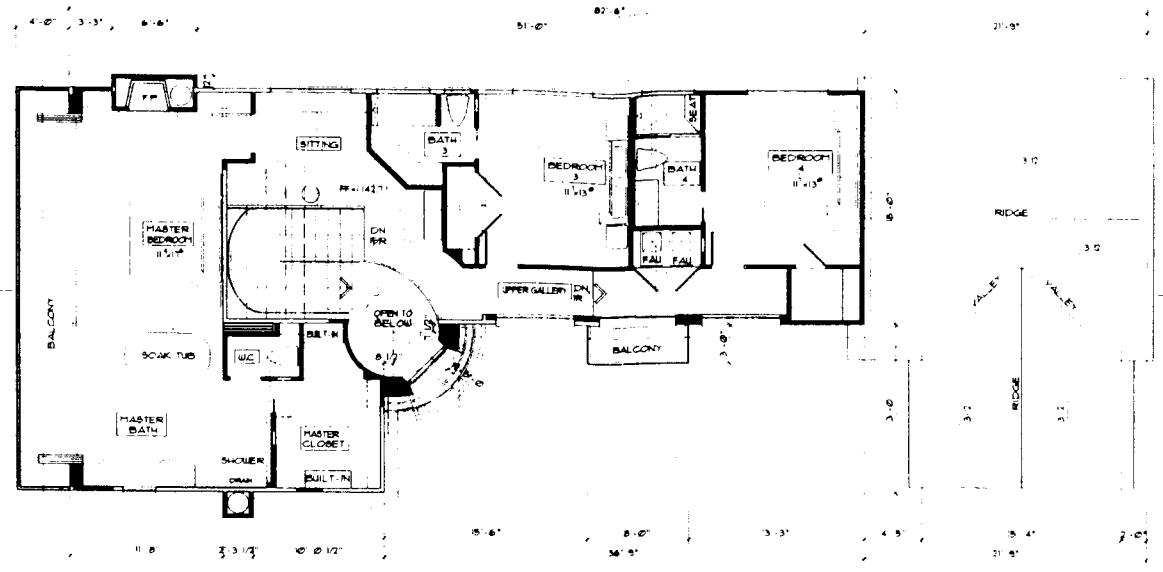


EXHIBIT 8

5-04-414 Project Plans

PROPOSED FLOOR PLANS

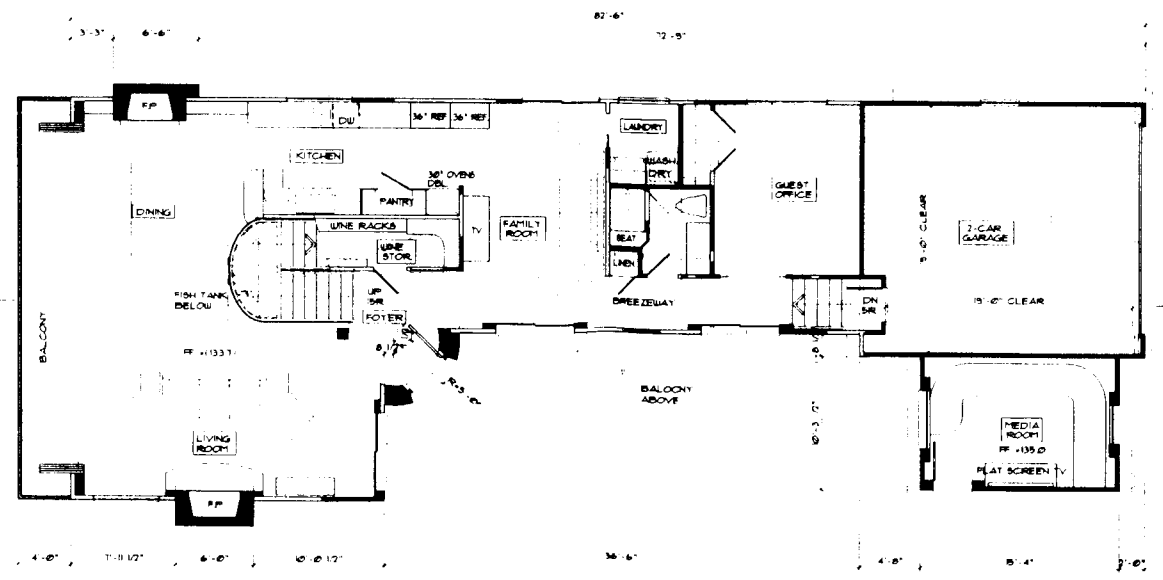
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SECOND FLOOR PLAN

SCALE 1/4" = 1'-0"

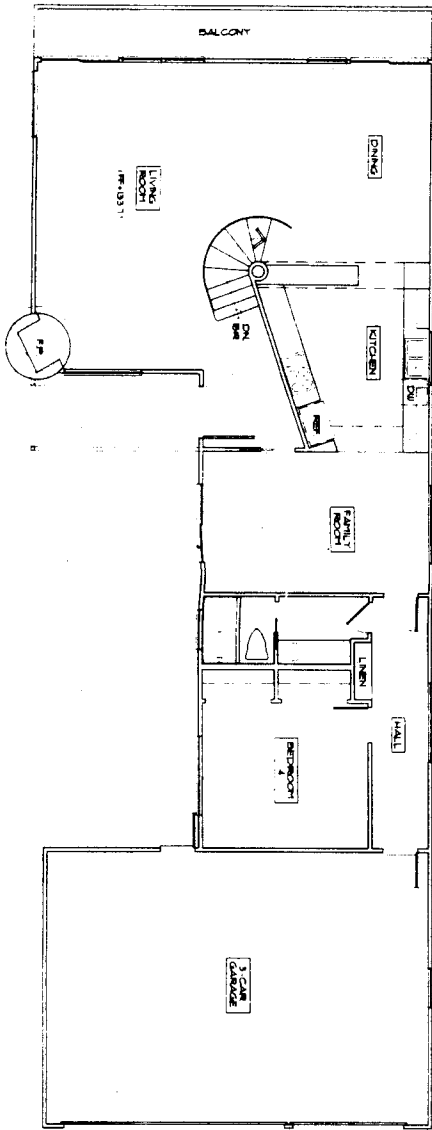
- WALL LEGEND**
- EXISTING WALLS TO REMAIN
  - WALLS TO BE REMOVED
  - NEW 2x4 STUD WALLS @ 16" O.C. 7/8" STUDS FOR PLUMBING WALLS



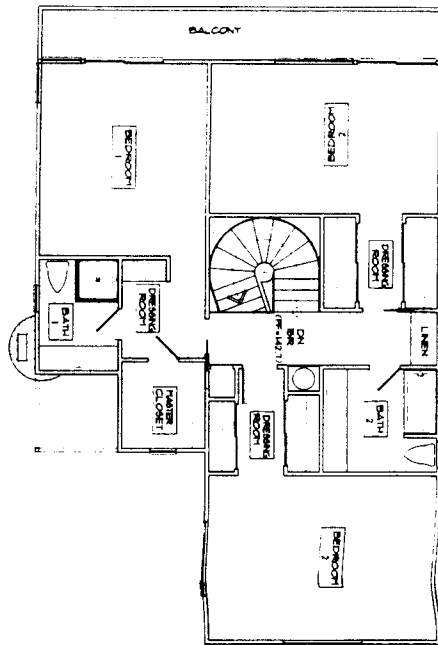
FIRST FLOOR PLAN

SCALE 1/4" = 1'-0"

EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN



01 BARRANCA

EXISTING FLOOR PLANS

OWNER: LARRY BLAIR  
AT CORONADO POINT



Ex. 8b



ROOF PLAN

NEW ROOF MATERIAL

NEW CLAY TILE ROOF SHALL INCLUDE TILE,  
WOOD SHEATHING, AND BRACKETS

PLAN NOTES

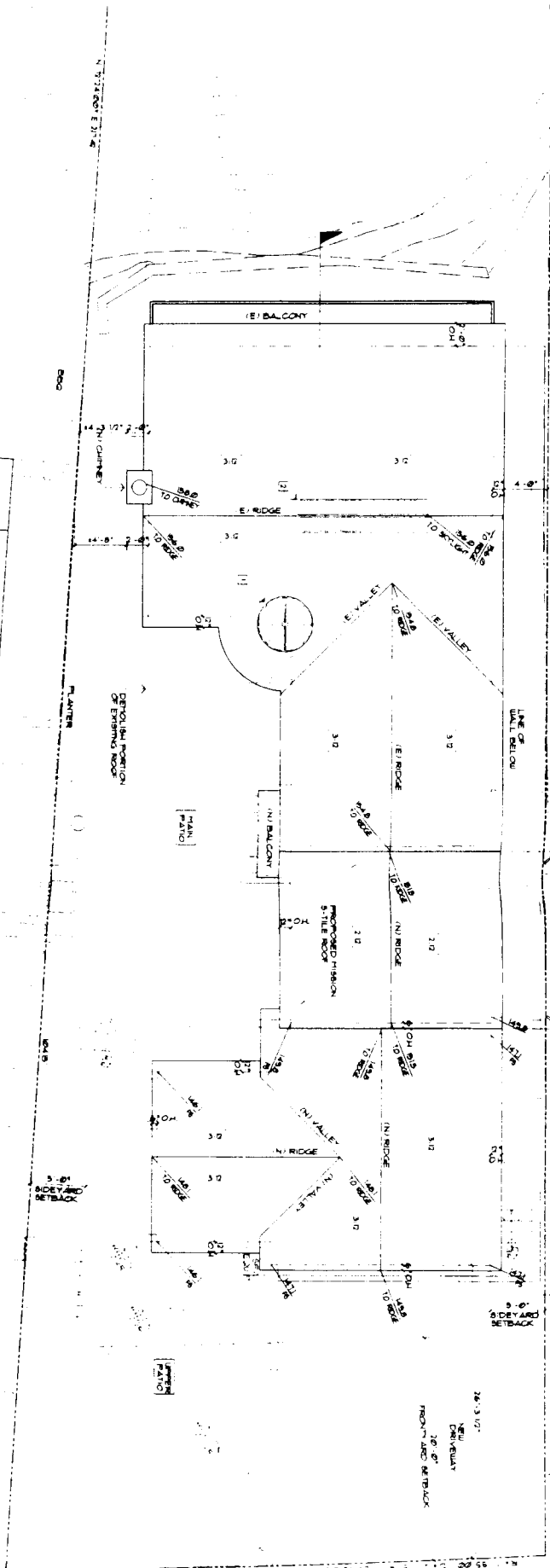
SCALE: 1/4" = 1'-0"



- 1. NEW CLAY TILE ROOF SHALL INCLUDE TILE, WOOD SHEATHING, AND BRACKETS
- 2. NEW RIDGE SECTION SHOWN IN NOTE 1

EXISTING RESIDENCE PARCEL B1

EXISTING RESIDENCE PARCEL B1



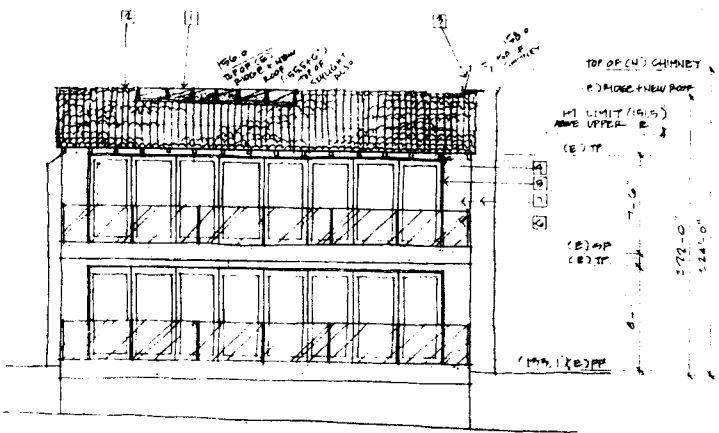
Ex 8c

81 BARRANCA

ROOF PLAN

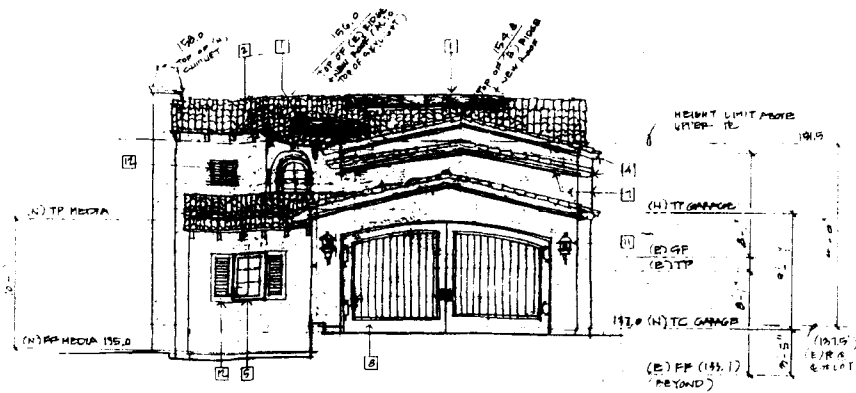
OWNER: LARRY SLARTZ  
11111 BARRANCA





WEST ELEVATION

SCALE 1/4" = 1'-0"

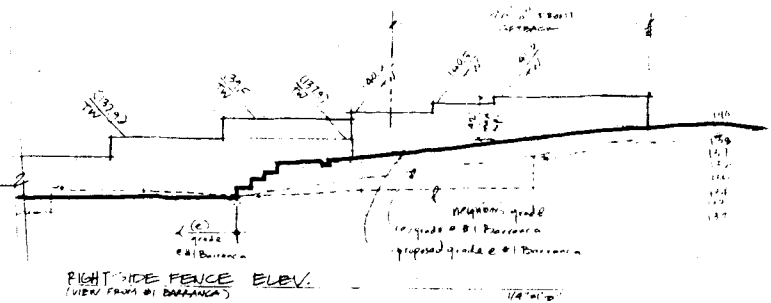


EAST ELEVATION

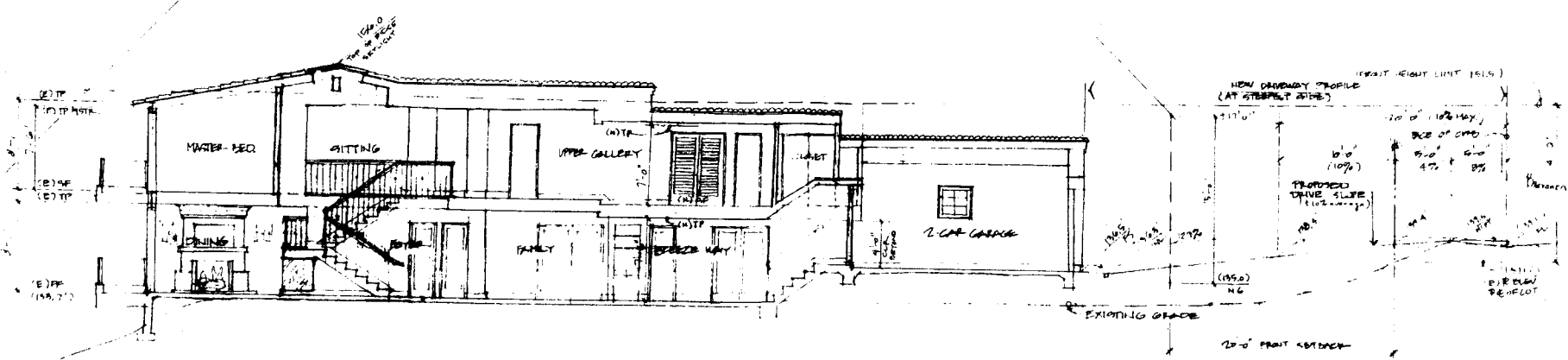
SCALE 1/4" = 1'-0"

ELEVATION NOTES

1. BRONZE ANODIZED ALUMINUM MOUNTING W/ PLAT GLASS OR SCREENS W/ ANODIZED ALUMINUM MOUNTING
2. NEW CLAY BARREL TILE ROOF (SANTA MONICA TILE BY REDLANDS TILE MANUFACTURING)
3. COPPER CHIMNEY CAP
4. WOOD RAFTER TAIL (MEDIUM STAIN)
5. MEDIUM STAIN WOOD DOORS & WINDOWS
6. GLASS GUARDRAIL
7. STUCCO UNGLAZING SMOOTH FINISH
8. REGIONAL WOOD GARAGE DOOR (MEDIUM STAIN)
9. UNPAINTED IRON GUARDRAIL (ANTIQUE BRONZE FINISH)
10. WOOD TRELLIS (MEDIUM STAIN)
11. ANTIQUE BRONZE LIGHT FIXTURES
12. WOOD SHUTTERS



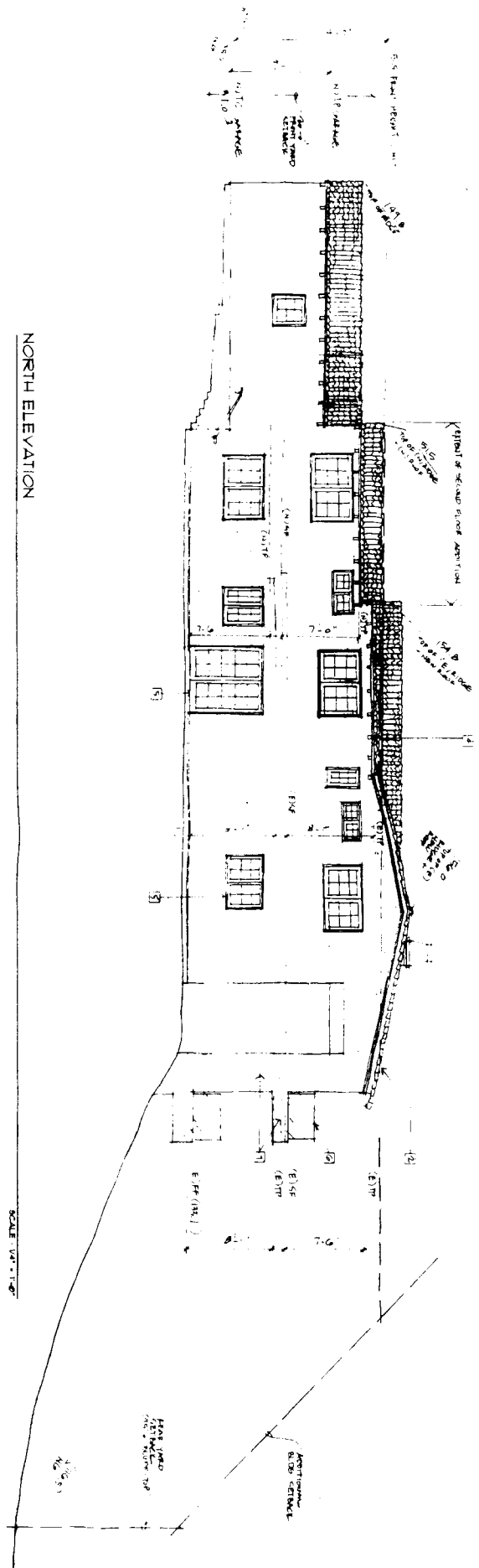
RIGHT SIDE FENCE ELEV. (VIEW FROM 81 BARRANCA)



BUILDING SECTION A

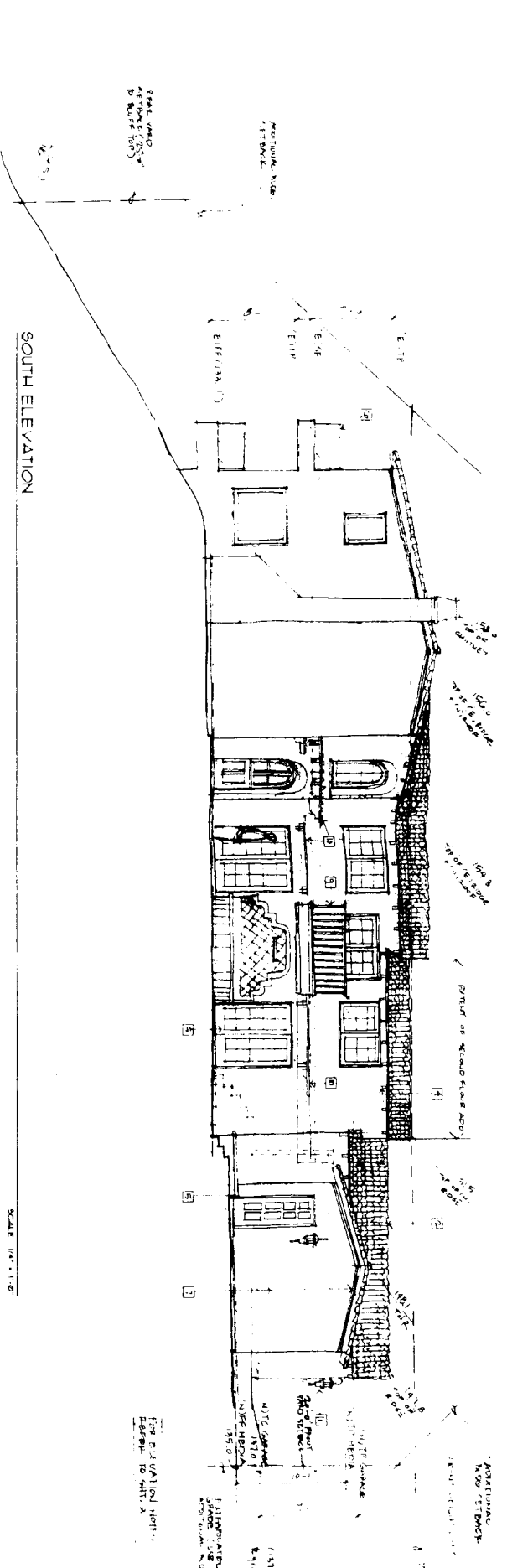
SCALE 1/4" = 1'-0"

NORTH ELEVATION



SCALE 1/4" = 1'-0"

SOUTH ELEVATION



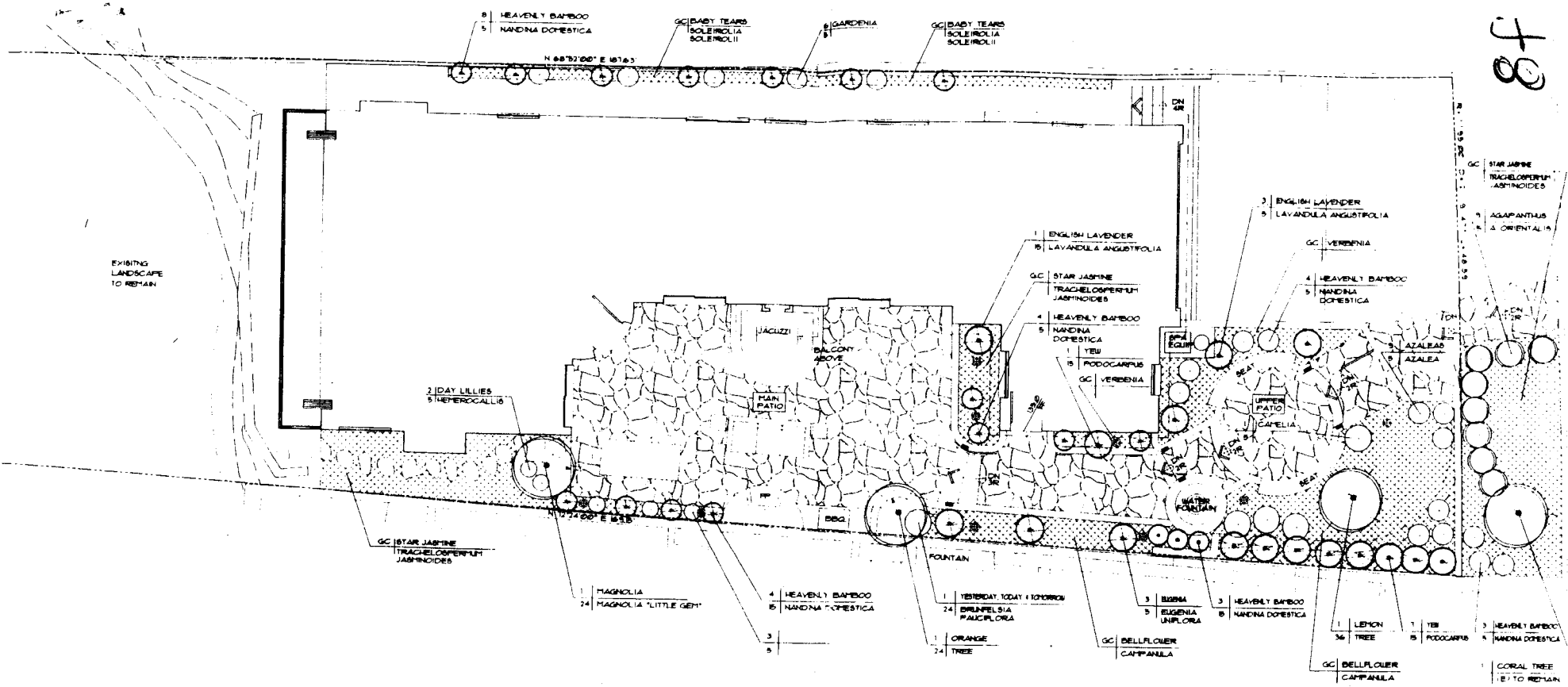
SCALE 1/4" = 1'-0"

8e





8f



**LANDSCAPE PLAN**

LEGAL DESCRIPTION: PARCEL 83, THREE ARCHES PALISADES #1

ASSESSOR'S PARCEL NO.: 056-193-00

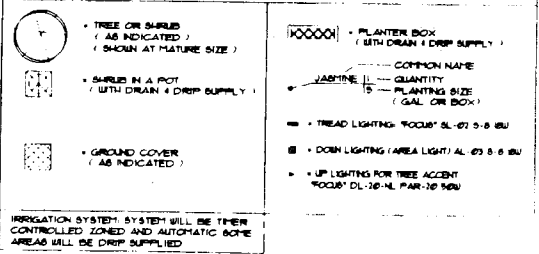
SCALE: 1/4" = 1'-0"

**LANDSCAPE PLANT LEGEND: (1)**

| COMMON NAME                  | BOTANICAL NAME                  | TYPE  | SIZE | MATURE (1) |        | NOTES                  |
|------------------------------|---------------------------------|-------|------|------------|--------|------------------------|
|                              |                                 |       |      | WIDTH      | HEIGHT |                        |
| YESTERDAY, TODAY & TOMORROW  | BRUNFELSA PALCIPLOSA FLOREBUNDA | SHRUB | 5    | 2'-0"      | 3'-0"  |                        |
| GARDENIA                     | G. JASMINOIDES                  | SHRUB | 5    | 3'-0"      | 4'-0"  | COLORS PER OWNER       |
| CAPPELLIA                    | MISC.                           | TREE  | 8    | 4'-0"      | 7'-0"  | COLOR VARIES PER OWNER |
| AGAPANTHUS                   | A. ORIENTALIS                   | SHRUB | 5    | 4'-0"      | 5'-0"  | PURPLE                 |
| BABY TEARS                   | SOLEIROLIA SOLEIROLII           | G.C.  | FLAT | TRAILER    | 6"     | SHADE                  |
| BELLFLOWER                   | CAMPANULA                       | G.C.  | FLAT | TRAILER    | 6"     | PURPLE STARS           |
| ENGLISH LAVENDER             | LAVANDULA ANGSTIFOLIA           | SHRUB | 5    | 3'-0"      | 3'-0"  | LAVENDER               |
| NOT USED                     |                                 |       |      |            |        |                        |
| VERBENIA                     | V. PERUVIANA                    | G.C.  | FLAT | TRAILER    | 6"     | "LITTLE PINKIE"        |
| STAR JASMINE                 | TRACHELOSPERMUM JASMINOIDES     | G.C.  | FLAT | TRAILER    | 7"     |                        |
| DAY LILIES/LELLY OF THE NILE | HEMEROCALLIS                    | SHRUB | 5    | 3'-0"      | 3'-0"  | COLORS PER OWNER       |
| LEMON TREE                   | CITRUS DULCIS                   | TREE  | 36   | 8'-0"      | 0'-0"  | PER OWNER              |
| ORANGE TREE                  | CITRUS DULCIS                   | TREE  | 36   | 8'-0"      | 0'-0"  | PER OWNER              |
| AZALEA                       |                                 | SHRUB | 8    | 3'-0"      | 4'-0"  | COLORS PER OWNER       |
| YEU                          | PODOCARPUS                      | SHRUB | 5    | 3'-0"      | 6'-0"  | COLORS PER OWNER       |
| HEAVENLY BAMBOO              | NANDINA DOMESTICA               | SHRUB | 5    | 3'-0"      | 3'-0"  | COLORS PER OWNER       |
| EUGENIA                      | EUGENIA UNIFLORA                | SHRUB | 8    | 4'-0"      | 6'-0"  | PER OWNER              |
| MAGNOLIA                     | MAGNOLIA "LITTLE GEM"           | TREE  | 24   | 0'-0"      | 20'-0" | PER OWNER              |

NOTES:  
 (1) MATURE SIZE IS FOR SHRUBS AT 5 YEARS AND TREES AT 20 YEARS  
 (2) MINIMUM INSTALLED SIZE: TREES - 8 GAL., SHRUBS - 5 GAL.  
 GROUND COVERS - PLANTS OR NEEDED: LAWN - SOID OR NEEDED  
 (3) GAL. NATIVE MAY BE AT 5 GAL. (1 GAL.) TREES OR SHRUBS

**SYMBOLS LEGEND:**



IRRIGATION SYSTEM: SYSTEM WILL BE ZONED AND AUTOMATIC SOPE AREAS WILL BE DRAIN SUPPLIED

LANDSCAPE PLAN

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