

CALIFORNIA COASTAL COMMISSION

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Staff: Ryan Todaro-LB
Staff Report: March 22, 2007
Hearing Date: April 11-13, 2007
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-06-258

APPLICANT: John Stanton

AGENT: Tim Nicol

PROJECT LOCATION: 50 North La Senda Drive, Laguna Beach, Orange County

PROJECT DESCRIPTION: Remodel and 1,021 square-foot addition to an existing two-story, 2,701 square-foot single-family residence, new pool, spa, hardscape improvements and landscaping on a blufftop lot.

SUMMARY OF STAFF RECOMMENDATION:

Commission staff is recommending **APPROVAL** of the proposed project with **Eight (8) Special Conditions** regarding: **1)** assumption of risk; **2)** no future blufftop or shoreline protective devices; **3)** additional approvals for any future development; **4)** conformance with drainage and run-off control plan; **5)** revised landscaping plan; **6)** conformance with geotechnical recommendations; **7)** a pool protection plan; **8)** a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

The proposed project conforms to the bluff edge setback that is generally 25 feet from the edge of the bluff for primary structures (e.g. the enclosed living area of residential structures) and generally 10 feet from the edge of the bluff for accessory structures (hardscape/patio type development).

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Investigation Report, Proposed Residential Addition, 50 North La Senda, Laguna Beach, California, prepared by Global Geo-Engineering, Inc., dated May 5, 2006; Supplemental Geologic Assessment, Proposed Residential Addition, 50 North La Senda, Laguna Beach, California, prepared by Global Geo-Engineering, Inc., dated February 13, 2007; City of Laguna Beach certified Local Coastal Program (as guidance only); CDP No. 5-05-303 & CDP No. 5-06-165.

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval in Concept, dated 5/9/06.

LIST OF EXHIBITS:

1. Location Map
2. Assessor's Parcel Map
3. Site Plan/Elevations

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-06-258 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.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability, erosion, landslides and wave uprush; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

2. No Future Blufftop or Shoreline Protective Devices

- A. By acceptance of this Permit, the applicant agrees, on behalf of himself and all other successors and assigns, that no bluff protective device(s) or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-06-258 including, but not limited to, the residence and hardscape and any future improvements, in the event that the development is threatened with damage or destruction from bluff and slope instability, erosion, landslides, wave uprush, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself 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 himself and all successors and assigns, that the landowner shall remove the development authorized by this permit, including the residence and hardscape, if any government agency has ordered that the structure(s) is/are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner 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 ten (10) feet of the principal residence but no government agency has ordered that the structures are not to be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the landowner, that addresses whether any portions of the residence are threatened by bluff and slope instability, erosion, landslides or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without 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 landowner 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.

3. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-06-258. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-06-258. Accordingly, any future improvements to the single-family house authorized by this permit, including but not limited to improvements to the residence, hardscape, change in use from a permanent residential unit and repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-06-258 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. Drainage and Run-Off Control Plan

- A. The applicant shall conform to the drainage and run-off control plan received on October 25, 2006 showing all roof drainage and runoff directed to area collection drains and sub-drain systems on site for discharge to the street through piping without allowing water to percolate into the ground.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Revised Landscaping Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a revised landscaping plan prepared by an appropriately licensed professional that satisfies the following requirements:

- (1) The plan shall demonstrate that:

- a. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping within the

limits of the proposed project that doesn't meet the above requirements in this paragraph and those requirements listed in subsection b below shall be removed;

- b. All plants employed on the site shall be drought tolerant, (low water use) plants identified by U. C. Davis and/or the Water Resources Board;
- c. All planting will be completed within 60 days after completion of construction;
- d. All vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscaping plan.
- e. No permanent in-ground irrigation systems shall be installed on site. Temporary above ground irrigation is allowed to establish plantings.

(2) The plan shall include, at a minimum, the following components:

- a. A map showing the type, size, and location of all plant materials that will be on the developed site, the temporary irrigation system, topography of the developed site, and all other landscape features;
- b. A schedule for installation of plants.

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.

6. **Conformance with Geotechnical Recommendations**

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the following geologic engineering investigations: Geotechnical Investigation Report, Proposed Residential Addition, 50 North La Senda, Laguna Beach, California, prepared by Global Geo-Engineering, Inc., dated May 5, 2006; Supplemental Geologic Assessment, Proposed Residential Addition, 50 North La Senda, Laguna Beach, California, prepared by Global Geo-Engineering, Inc., dated February 13, 2007.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering report.

- 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 unless the Executive Director determines that no amendment is required.

7. Pool Protection Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, two (2) full size sets of a pool protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed pool. The pool protection plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a pool leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the pool which is separate from the water meter for the house to allow for the monitoring of water usage for the pool, and 2) use of materials and pool design features, such as but not limited to double linings, plastic linings or specially treated cement, to be used to waterproof the undersides of the pool and spa to prevent leakage, along with information regarding the past and/or anticipated success of these materials in preventing leakage; and where feasible 3) installation of a sub drain or other equivalent drainage system under the pool that conveys any water leakage to an appropriate drainage outlet. The applicant shall comply with the final pool plan approved by the Executive Director.

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

The subject site is a 14,247 square-foot, oceanfront bluff top lot, located at 50 North La Senda, Laguna Beach (Three Arch Bay), Orange County. The land use designation for this lot is Village

Low Density and adjacent lots are also developed with single-family residences (Exhibit #2). The applicant proposes a remodel and add 1,021 square-feet of living space to an existing two-story, 2,701 square-foot single-family residence, new pool, spa, hardscape improvements and landscaping on a blufftop lot (Exhibits #3). Grading will consist of approximately 250 cubic feet of cut and 50 cubic yards of fill. The height of the proposed development would be 24 feet as measured from the existing and finished grade, but would only measure 20.25 feet as measured from the centerline of the frontage road (North La Senda). The foundation system proposed for the new construction would be shallow spread footings.

The proposed project conforms to the bluff edge setback that is generally 25 feet from the edge of the bluff for primary structures (e.g. the enclosed living area of residential structures) and generally 10 feet from the edge of the bluff for accessory structures (hardscape/patio type development).

The subject site is located within the locked gate community of Three Arch Bay in the City of Laguna Beach (see Exhibit #1). Laguna Beach has a certified Local Coastal Program (LCP) except for the four areas of deferred certification: Irvine Cove, Blue Lagoon, Hobo Canyon, and Three Arch Bay. Certification of the Three Arch Bay area was deferred due to access issues arising from the locked gate nature of the community. The proposed development needs a coastal development permit from the Coastal Commission because it is located in the Three Arch Bay area of deferred certification. Because the site is located within a locked gate community, no public access exists in the immediate vicinity. The nearest public access exists at 1000 Steps County Beach approximately one half mile upcoast of the site.

B. Blufftop Development

Section 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.

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.

The subject site is an oceanfront bluff top lot with the existing single-family residence located upon a terraced hillside while the remainder of the lot is comprised of a descending terraced hillside,

which slopes downward gently to the edge of a natural coastal bluff. Total topographic relief from the street to the bluff edge is approximately 47.5 feet. Beyond the bluff edge, the slope descends steeply about 60 feet to the beach below. The toe of the bluff is subject to direct attack by waves (i.e. there is no wide sandy beach or other natural protection for the toe of the bluff).

A preliminary geotechnical investigation was prepared for the proposed development by Global Geo-Engineering, Inc., dated May 5, 2006 as well as a supplemental Geologic Assessment, dated February 13, 2007. The geologic reports present results and recommendations from preliminary planning and preparation, review of geotechnical reports and maps pertaining to the site, and field exploration consisting of excavating two hand-excavated borings and two test pits to maximum of 25 feet. The Commission's staff geologist concurs with the findings of these reports.

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 setback.

In the project vicinity, the Commission typically requires a minimum bluff edge setback that is generally 25 feet from the edge of the bluff for primary structures (e.g. the enclosed living area of residential structures). This minimum setback from the bluff edge is generally deemed acceptable within the Three Arch Bay community based on the relatively stable, underlying San Onofre formation bedrock. The intent of the setback is to substantially reduce the likelihood of proposed development becoming threatened given the inherent uncertainty in predicting geologic processes in the future, and to allow for potential changes in bluff erosion rates as a result of rising sea level. The applicant's geologist has determined that the setback proposed in this case is approximately 65 feet, which complies with the minimum setback the Commission typically requires.

The Commission finds that the setback proposed by the applicant is acceptable at this site because of the low erosion rate and stability of the site. The applicant has submitted a geotechnical investigation prepared by Global Geo-Engineering, Inc., dated May 5, 2006 as well as a supplemental Geologic Assessment, dated February 13, 2007, which assesses bluff stability and the rate of bluff retreat at the site. The supplemental Geologic Assessment, dated February 13, 2007 contains the following discussion regarding these topics:

"It has been determined that the new additions will not surcharge the slope significantly. The factor of safety will essentially remain unchanged. The computed factors of safety were greater than 1.5 for the static calculations and shown 1.1 for the pseudo-static conditions."

“It is our opinion that natural bluff retreat and erosional processes will continue throughout the expected life of the structure (100+ years). We do not consider that these processes will detrimentally affect the planned additions to the property.”

In summary, the applicant's geologic report concludes that the site is grossly stable and that the rate of erosion is sufficiently low that the proposed residence will be safe for at least an anticipated 75-year life of the development. The Commission's staff geologist has reviewed this information and concurs that the residential structure is sited appropriately to address geologic/coastal hazards. The Commission concurs as well.

Along with a bluff edge setback for enclosed living area, the Commission typically requires a minimum bluff edge setback for hardscape/patio type development, that is generally 10-feet within Three Arch Bay. Hardscape/patio type improvements can be moved away from hazards more readily than primary structures. In addition, consistently applying an appropriate bluff edge setback provides equitability for developments within the same general area. The applicant proposes to remove all existing landscaping and hardscape features in the rear yard except for a small terrace (Exhibit #3) and construct a new pool, spa, landscaping and new hardscape improvements. According to the plans submitted by the applicant, the small terrace, which is proposed to remain, is setback approximately 15 feet from the bluff edge. The applicant's geologist has determined that the setback proposed in this case is approximately 32 feet for the proposed hardscape improvements. Therefore, the applicant's existing and proposed hardscape/patio improvements comply with this setback. The Commission's staff geologist has determined and the Commission itself finds that the new hardscape/patio improvements are sited appropriately to address geologic/coastal hazards.

The applicant's geologist has made a bluff edge determination, which generally runs along the 62-foot contour line (Exhibit #3) shown on their topographic survey. 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 for several reasons; by the presence of irregularities in the bluff edge, a rounded stepped bluff edge, a sloping bluff top, or a previous grading or development near the bluff edge. The Commission's staff geologist has reviewed this bluff edge determination, but has not endorsed it and further investigation, including a site visit by the Commission's geologist, could identify a different alignment. Nevertheless, given the stability of the site, the setback proposed was deemed to be adequate and a bluff edge delineation made with finer precision was found to be unnecessary.

Geotechnical Recommendations

Regarding the feasibility of the proposed project the geotechnical investigation prepared by Global Geo-Engineering, Inc., dated May 5, 2006 states:

“It is our opinion that the site will be suitable for the proposed development from a geotechnical aspect, assuming that our recommendations are incorporated in the project plan designs and specifications, and are implemented during construction.”

The geologic consultant has found that the subject site is suitable for the proposed development provided the recommendations contained in the geotechnical investigation prepared by the consultant are implemented in design and construction of the project. Adherence to the recommendations contained in the above-mentioned geotechnical investigations is necessary to ensure that the proposed project assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding

area. Therefore, Special Condition #6 requires that the applicant conform to the geotechnical recommendations in the above mentioned geotechnical investigation.

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. 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.

The proposed project 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, 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 Special Condition #2, 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 Special Condition #1, 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

Because of the fragile nature of coastal bluffs and their susceptibility to erosion, the Commission requires a special condition regarding the types of vegetation to be planted. The installation of in-ground irrigation systems, inadequate drainage, and landscaping that requires intensive watering are potential contributors to accelerated weakening of some geologic formations; increasing the lubrication along geologic contacts and increasing the possibility of failure, landslides, and sloughing, which could necessitate protective devices. Use of non-native vegetation that is invasive can have an adverse impact on the existence of native vegetation. Invasive plants are generally those identified by the California Invasive Plant Council (www.cal-ipc.org) and California Native Plant Society (www.CNPS.org) in their publications. Commission staff reviewed the submitted landscape plan and determined that the plan contains two invasive species: *echium candicans* and *pennisetum setaceum*.

As discussed previously, 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>. Commission staff reviewed the submitted landscaping plan for drought tolerant vegetation and determined that all of the plants proposed were drought tolerant.

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. Water on site can be reduced by limiting permanent irrigation systems. Consequently, irrigation must be limited to temporary irrigation only as needed to establish plants.

The Commission imposes Special Condition #5, which requires that prior to the issuance of this permit, the applicant shall prepare a revised landscape plan, which shall be submitted for the review and approval of the Executive Director. To minimize the potential for the introduction of non-native invasive species and to minimize the potential for future bluff failure, a revised landscaping plan shall be prepared by a licensed landscape architect. As conditioned, to minimize infiltration of water, the development will be consistent with section 30253 of the Coastal Act.

Pool Protection Plan

The proposed project includes a new pool and spa on the bluff top terrace. If water from the proposed pool and spa is not properly controlled there is a potential for bluff failure due to the infiltration of water into the bluff. The geologic reports evaluated the project to include a pool, but no recommendations for leak prevention are addressed. There is a clear need to minimize the potential for the infiltration of water into the bluff. With regard to pools, spas and other water features, this can be achieved by various methods, including having the pool, spa and water features double lined to prevent leakage, installing appropriate drainage under these various water bodies to capture any water that could leak despite preventative efforts, and installing a leak detection system so that leaks can be identified and addressed. Therefore, Special Condition #7 requires that prior to the issuance of this permit, the applicant must submit a pool protection plan for review and approval by the Executive Director. The plan must incorporate mitigation of the potential for geologic instability caused by leakage from the proposed pool.

Conclusion

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

C. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition #3, which requires either an amendment or an additional coastal development permit from the Commission for any future improvements to the single-family residence not authorized by this permit.

D. PUBLIC ACCESS

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 on an existing residential lot will not affect the existing public access conditions. It is the locked gate community, not this home that impedes public access. As conditioned, the proposed development will not have any new adverse impact on

public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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 development has a potential for a discharge of polluted runoff from the project site into coastal waters. Due to the potential for increased hazards in blufftop areas, which could be caused by encouraging water infiltration for water quality purposes, maximizing on site retention of drainage is not required. The project plans submitted by the applicant included a drainage and run-off control plan showing all roof drainage and runoff directed to area collection drains and sub-drain systems on site for discharge to the street. The Commission imposes Special Condition #4, which requires the applicant to conform to the submitted drainage and run-off control plan.

The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

F. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes Special Condition #8, which requires that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on

the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

G. LOCAL COASTAL PROGRAM

Section 30604 (a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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.

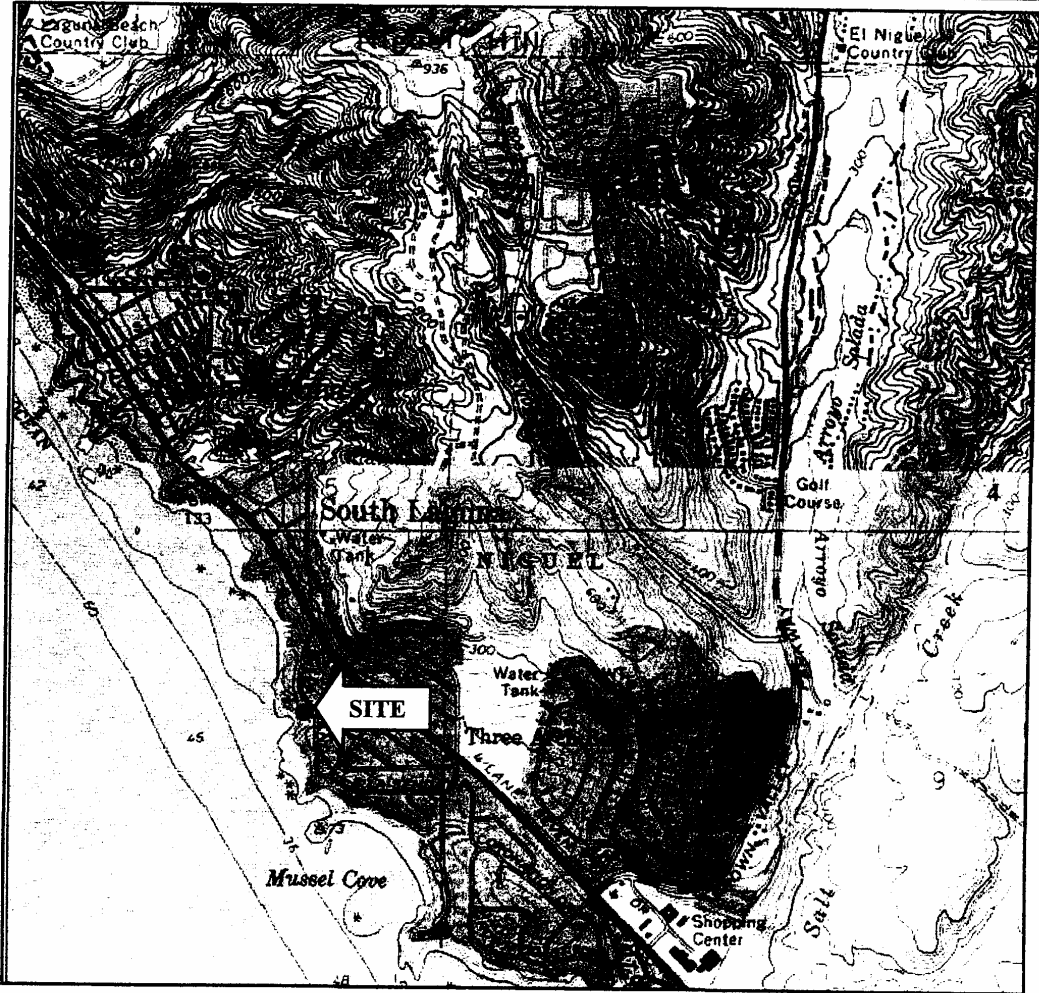
The subject site is located within the Three Arch Bay area of deferred certification. Certification in this area was deferred due to issues of public access arising from the locked gate nature of the community. However, as discussed above, the proposed development will not further decrease or impact 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.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

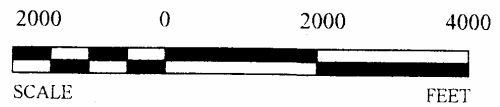
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality 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.

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

LOCATION MAP



BASE MAP: USGS 7.5-Minute Topographic Map,
 Laguna Beach and San Juan Capistrano, Quadrangles, 1981



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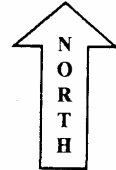
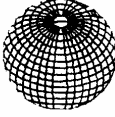
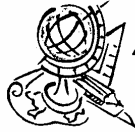


EXHIBIT # 1
 PAGE 1 OF 1



GLOBAL GEO-ENGINEERING, INC.
 GEOLOGIC AND SOILS ENGINEERING TUSTIN, CALIFORNIA

50 North La Senda Drive Laguna Beach, California	
Date: May 2006	Figure No:
Project No.: 2282-04	1



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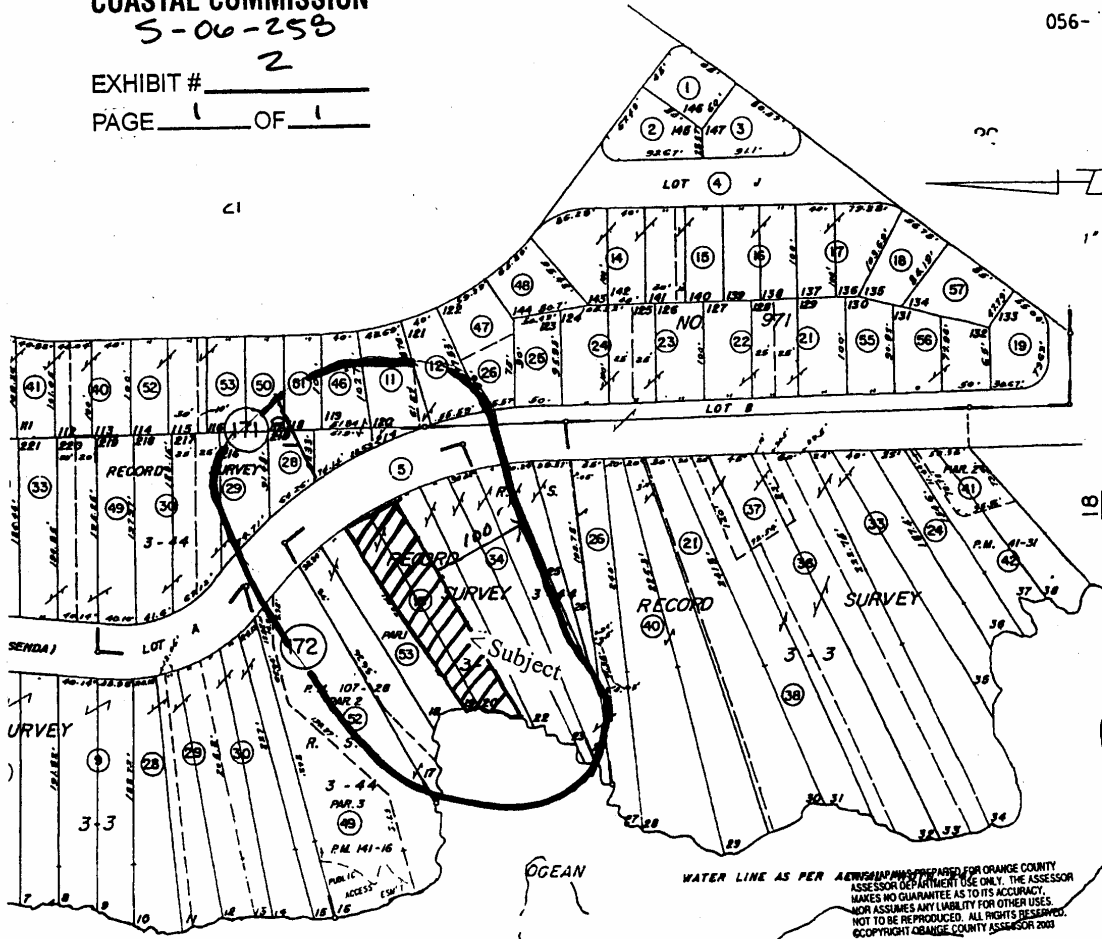
Address: 50 N La Senda
 Laguna Beach, CA 92651

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5-06-258

EXHIBIT # 2
 PAGE 1 OF 1

056-1

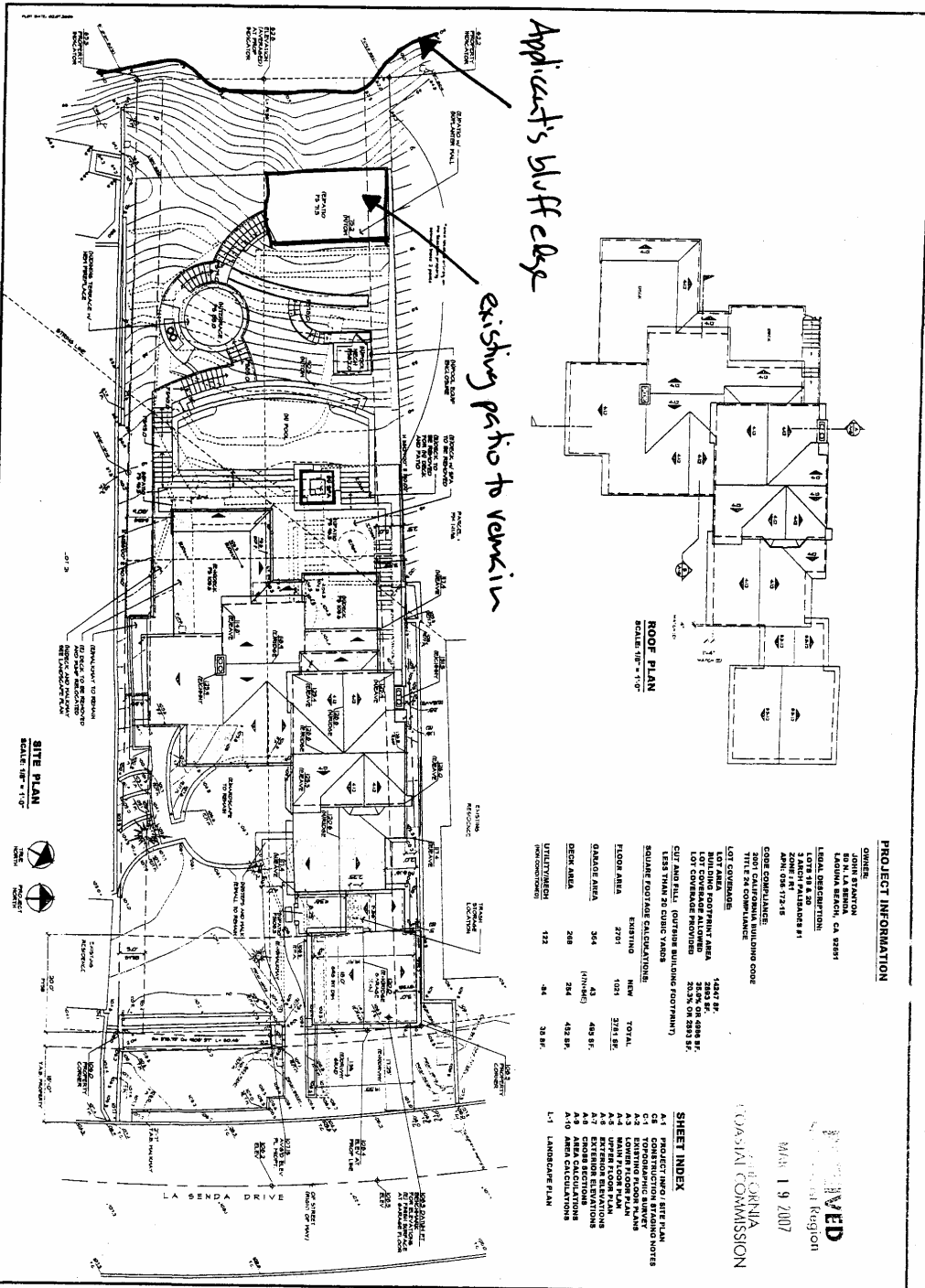


TRACT NO. 728 PACIFIC M.M. 25-20
 TRACT NO. 971 M.M. 31-25
 RECORD SURVEY R.S. 3-3, 3-44
 PARCEL MAP 3 MILE LIMIT P.M. 41-31, 141-16

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 056 PAGE 17 COUNTY OF ORANGE

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COASTAL COMMISSION
 S-06-258
 EXHIBIT # 3
 PAGE 1 OF 3

REVISIONS

NO.	DATE	DESCRIPTION
1	5/19/07	ISSUED FOR PERMIT

PROJECT INFORMATION

SITE PLAN

STANTON RESIDENCE

50 N. LA SENDA
 LAGUNA BEACH, CA 92651

REVISIONS

NO. DATE DESCRIPTION

1 5/19/07 ISSUED FOR PERMIT

PROJECT INFORMATION

SITE PLAN

STANTON RESIDENCE

50 N. LA SENDA
 LAGUNA BEACH, CA 92651

REVISIONS

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