CALIFORNIA COASTAL COMMISSION

South Coast Area Office 200 Oceangate, Suite 1000 Long Beach, CA 90802-4302 (562) 590-5071



Item W7b

Filed: August 30, 2011
49th Day: October 18, 2011
180th Day: February 26, 2012
Staff: Liliana Roman-LB
Staff Report: January 19, 2012
Hearing Date: February 8-10, 2012

Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-11-212

APPLICANT: Mr. Steve Morgan

AGENT: Brion Jeannette Architecture

PROJECT LOCATION: 26 S. La Senda Drive, Laguna Beach (Three Arch Bay)

Orange County

PROJECT DESCRIPTION: New development consisting of major demolition and

remodel to an existing 2-story, 3,130 sq. ft. single-family residence including a 662 sq. ft. addition to residence and 65 sq. ft. addition to existing 2-car garage, new basement foundation, grading consisting of 184 cu. yds. of cut, new windows and doors and façade improvements, courtyard improvements including spa, water feature, fire feature and outdoor bbq and bluff side hardscape and landscape improvements including new outdoor spiral stair case, outdoor bbg/kitchen and fire feature on an 11,366 sq. ft.

bluff top lot.

LOCAL APPROVALS RECEIVED Three Arch Bay Architectural Review, Approval-in-Concept

dated 8/13/09.

SUBSTANTIVE FILE DOCUMENTS: Preliminary Geotechnical Investigation, Proposed Single-

Family Residence Additions, 26 South La Senda Drive, Laguna Beach, CA prepared by Geofirm dated June 21,

2011

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending <u>APPROVAL</u> of the proposed project with nine (9) special conditions, which require 1) conformance with geotechnical recommendations; 2) spa protection plan; 3) bird strike prevention; 4) landscaping; 5) compliance with construction-related best management practices (BMPs); 6) no future shoreline or bluff protection device; 7) assumption of risk, waiver of liability and indemnity; 8) future improvements come back to the Commission for review; and 9) deed restriction. The primary issues associated with this development are conformance with coastal bluff edge setbacks and water quality. The existing/proposed residence conforms to the minimum 25-foot bluff edge setback. Proposed hardscape improvements along the bluff meet the minimum 10 foot setback. The proposed project is being treated as new development because the proposal involves demolition of more than 50% of the existing structure.

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The proposed development is located within the private, gated community of Three Arch Bay. The applicant is proposing major demolition and remodel to an existing two-story single-family, and new hardscape and landscape improvements. The proposed development is located on a bluff top site. The geotechnical study of the site deems the site is grossly stable under current and proposed conditions.

The proposed project constitutes new development for the purposes of Sections 30235 and 30253. Because the proposed project is considered 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 proposed development appears to be safe from erosion on the basis of available information provided by the applicant. To assure conformity with Coastal Act section 30253, a "No Future Blufftop/Shoreline Protective Device" Special Condition is recommended, along with other typical conditions for bluff top development in Three Arch Bay.

LIST OF EXHIBITS:

- 1. Location Map
- 2. Assessors Parcel Map
- 3. Coastal Access Points
- 4. Project Plans

MOTION: I move that the Commission approve the coastal development permit

applications included on the consent calendar in accordance with the staff

recommendations.

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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

RESOLUTION:

I. APPROVAL WITH CONDITIONS

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

II. STANDARD CONDITIONS:

1. <u>Notice of Receipt and Acknowledgment.</u> The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent,

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acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

- 2. <u>Expiration.</u> If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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.

II. SPECIAL CONDITIONS:

- 1. Conformance of Design and Construction Plans to Geotechnical Report Geologic Hazard
- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Engineering Geologic Report titled "Preliminary Geotechnical Investigation, Proposed Single-Family Residence Additions, 26 South La Senda Drive, Laguna Beach, CA" prepared by Geofirm dated June 21, 2011. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans (including a copy of such 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.
- B. 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.

2. Spa Protection Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for review and approval of the Executive Director, two (2) full size sets of a pool/spa protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed spa. The spa protection plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a spa leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the spa which is separate from the water meter for the house to allow for the monitoring of water usage for the spa, and 2) use of materials and spa 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 spa to prevent leakage, along with information regarding the past and/or

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anticipated success of these materials in preventing leakage; and where feasible 3) installation of a sub drain or other equivalent drainage system under the spa that conveys any water leakage to an appropriate drainage outlet. The applicants shall comply with the final spa plan approved by the Executive Director.

3. Bird Strike Prevention

- A. Ocean front glass railings, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the railing, screen wall, fence, or gate. Such materials may consist, all or in part, of wood; metal; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless an ultraviolet-light reflective coating specially designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any coating used shall be installed to provide coverage consistent with manufacturer specifications and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas. All materials and coatings shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director. PRIOR TO ISSUANCE OF THE COASTAL **DEVELOPMENT PERMIT,** the permittee shall submit final revised plans showing the location, design, height and materials of glass railings, fences, screen walls and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition.
- B. The permittee shall undertake development in accordance with the approval 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.
- 4. Landscaping Native/Drought Tolerant, Non Invasive Plants

Vegetated landscaped areas in the front yard (street side) shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. Any landscaping in the rear yard (adjacent to coastal bluff) shall consist of native plants appropriate to the habitat type. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://www.owue.water.ca.gov/docs/wucols00.pdf). No permanent irrigation system shall be installed.

5. <u>Storage of Construction Materials, Mechanized Equipment and Removal of Construction</u>
Debris

The permittee shall comply with the following construction-related requirements:

(a) No construction materials, debris, or waste shall be placed or stored where it may enter the storm drain system leading to the Pacific Ocean;

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- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed of outside the coastal zone, as proposed by the applicant.

6. No Future Blufftop or Shoreline Protective Devices

- A. By acceptance of this Permit, the applicant agrees, on behalf of himself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-11-212 including, but not limited to, the residence, foundations, decks, balconies and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future. By acceptance of this Permit, the applicant/landowner 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/landowner further agrees, on behalf of himself and all successors and assigns, that the landowner(s) shall remove the development authorized by this Permit, including the residence, foundations, patios, balconies and any other future improvements if any government agency has ordered that the structures 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 five (5) 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 applicants, 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 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.

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7. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledge and agree (i) that the site may be subject to hazards from bluff and slope instability, erosion, landslides, sea level rise and wave uprush; (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.

8. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-11-212. 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 entire parcel. Accordingly, any future improvements to the development authorized by this permit, including but not limited to repair and maintenance activities 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. 5-11-212 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. 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 landowners have 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

Project Location

The subject site is located within the locked gate community of Three Arch Bay in the City of Laguna Beach between the sea and the first public road paralleling the sea (see Exhibit #1). The existing residence is on an oceanfront, bluff top lot. There is a sandy beach between the toe of the bluff and the ocean. Surrounding development consists of low-density single-family residences. 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. Public access through this locked gate community does not currently exist in the immediate vicinity of the project site. The nearest public access exists at 1000 Steps County Beach approximately a mile upcoast of the site (Exhibit 3). The proposed development of major demolition and remodel to a single-family residence on an existing residential lot, will not affect the existing public access conditions. It is the locked gate community, not this home that impedes public access. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities.

Project Description

The proposed project is a complete interior and exterior remodel including major demolition and a 662 sq. ft. addition to an existing 2-story plus a semi-subterranean basement level, 3,130 sq. ft. single-family residence and a 65 sq. ft. addition to existing 2-car garage, new lower basement floor and conventional foundation, grading consisting of 184 cu. yds. of cut, new windows and doors and façade improvements, courtyard improvements including spa, water feature, fire feature and outdoor bbq and bluff side hardscape and landscape improvements including new outdoor spiral stair case to second story balcony deck, outdoor bbq/kitchen and fire feature on an 11,366 sq. ft. bluff top lot (see Exhibit #3). The new single-family residence will be 3,742 sq. ft. with a 460 sq. ft. 2-car garage. The remodel and addition will not result in an increase in height of the existing residence (25' above finished grade). The proposed project is being treated as new development because the proposal involves demolition of more than 50% of the existing structure.

The applicant proposes slab on grade foundation for the remodeled basement with new deepened footings; no caissons along the bluff facing basement wall are proposed. The proposed development includes approximately 184 cubic yards of cut on the bluff side of the lot for the proposed landscape/hardscape improvements. New landscaping and hardscape improvements within a courtyard between the garage and residence and on the bluff side of the lot, including drainage improvements are also proposed. All grading will be at least 10 feet inland of the bluff edge, thus it will not alter the bluff edge or bluff face.

The proposed landscaping plan submitted depicts the location of proposed raised planters within the courtyard area planted with drought tolerant plants and a turf area on the bluff side of the lot. 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 soils. Drought resistant plantings and minimal irrigation encourage root penetration that increases slope stability. Reducing the

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amount of irrigation water used can address both geologic stability issues as well as water quality/dry-weather urban runoff issues. Therefore, 'drought tolerant' or 'low to ultra low water use' plants should only be used with no permanent in-ground irrigation system installed on the bluff side of the lot, only temporary above ground irrigation to establish plantings. As proposed, only a temporary above ground irrigation system will be utilized in planter areas until plants are established and then removed, no permanent irrigation system is proposed anywhere on the site. **Special Condition No. 4** requires the use of native, or non-native drought tolerant plants that are non-invasive.

Furthermore, the proposed plans depict the use a 3' 6" tall glass railing/screenwall on the reconstructed second story balcony deck. Due to the coastal bluff top location of the proposed glass railing/screenwall there is a substantial risk of bird strikes to the screenwall. Glass walls are known to have adverse impacts upon a variety of bird species. Birds are known to strike glass walls causing their death or stunning them which exposes them to predation. Some authors report that such birds strikes cause between 100 million to 1 billion bird deaths per year in North America alone. Birds strike the glass because they either don't see the glass, or there is some type of reflection in the glass which attracts them (such as the reflection of bushes or trees that the bird might use for habitat). To provide further protection to coastal avian species, **Special Condition No. 3** requires the applicant submit final revised plans showing use of a different material for the proposed fence/screenwall or a treatment to the proposed tempered glass screenwall to address bird strike issues, necessary to protect against significant disruption of habitat values.

The applicant has also submitted a preliminary drainage plan that shows all roof and surface runoff directed to area drains connected to a sump pump system to drain back up to the frontage road to existing on-street storm drains and away from the coastal bluff to preclude potential soil saturation and erosion. The proposed grading/drainage plan is consistent with past Commission approvals in the area. During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the storm drain system and the ocean. In order to minimize adverse construction-related impacts upon marine resources, **Special Condition No. 5** provides construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. These best management practices (BMP) are designed to minimize erosion and prevent debris from being dispersed down the coastal bluff or the storm drain system leading to the ocean.

<u>Geology</u>

The geologic stability of the site has been evaluated by Geofirm in a report titled "Preliminary Geotechnical Investigation, Proposed Single-Family Residence Additions, 26 South La Senda Drive, Laguna Beach, CA" dated June 21, 2011. The bedrock slope supporting the development is backed by resistant, cemented strata and is considered grossly stable, but that erosion of the terrace materials on the upper slope may occur episodically promoted by heavy rainfall and saturated conditions. Wave erosion along the base of the slope and lateral retreat of the bedrock seacliff is considered unlikely over the next 75+/- years given the evidence for resistance to erosion over the past 64 years.

The study concludes that the proposed development is considered geotechnically feasible provided the recommendations of the report are incorporated. Recommendations relate to site preparation and grading, general foundation design and drainage; no special design or construction methods were deemed necessary for construction of the project. The Commission imposes **Special Condition No. 1** requiring the applicant to submit a full set of final plans certified consistent with the recommendations specified in the geotechnical report. Furthermore, **Special Condition No. 2** requires a spa protection plan that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed spa on this blufftop lot.

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Bluff Setbacks

On blufftop lots in Laguna Beach subject to Commission review, the Commission has typically required new development to conform to a minimum 25-foot setback from the bluff edge for primary structures (e.g. the enclosed living area of residential structures) and minimum10 foot setback for secondary structures (e.g., patios, decks, garden walls) or requires conformance with the stringline setbacks. These setbacks are deemed acceptable within the Three Arch Bay community based on the relatively stable, underlying bedrock. The bluff edge setback is imposed in order to ensure that the development conforms to Section 30253 of the Coastal Act which requires that hazards be minimized and that new development will not have to rely on future shoreline or bluff protection devices. Although the site has currently been found to be grossly stable from a geotechnical perspective, bluffs are subject to forces that cause instability and geologic predictions of site stability over the life of the proposed development cannot be made with certainty. Thus, the Commission requires a bluff edge setback that would provide the most protection from coastal hazards for new development without having to rely on future bluff protection devices 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 proposed development conforms to the 25' foot bluff edge setback. No expansion of the residence beyond the existing footprint is proposed. However, all new bluff-side hardscape improvements including a spiral stairway, planters, firepit with hardscape seating are proposed. These conform to the Commission's typical 10-foot bluff edge setback requirement for non-structural, at-grade features on blufftop lots. The proposed project is consistent with the pattern of development in the surrounding area.

To minimize the project's potential future impact on shoreline processes, **Special Condition No. 6** prohibits construction of any future bluff or shoreline protective device(s) to protect the development approved pursuant to Coastal Development Permit No. 5-11-212 including, but not limited to, the residence, foundations, patios and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future. Thus, pursuant to Special Condition 5, the applicant agrees to waive any right to construct any future bluff or shoreline protective devices such as revetments, seawalls, caissons, cliff retaining walls, shotcrete walls, and other such construction that armors or otherwise substantially alters the bluff face. Special Condition 5 does not preclude the applicant from applying for future coastal development permits for maintenance of existing development or future improvements to the site (other than blufftop or shoreline protective devices) including landscaping and drainage improvements aimed to prevent slope and bluff instability. The Commission would determine the consistency of such proposals with the Coastal Act in its review of such applications.

Development on coastal bluff sites is inherently dangerous, therefore, the Commission imposes **Special Condition No. 7** requiring the applicant to assume the risk of development. By this means, the applicant is notified that the proposed development is built in an area that is potentially subject to bluff erosion that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. Finally, the condition requires the applicant to waive claims against the Commission and indemnify the Commission for third-party claims.

<u>Future Development</u>

The proposed development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The proposed addition is entirely within the footprint

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of the existing residence. However, the proposed project raises concerns that future development at the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development on the site does not occur which could potentially adversely impact the geologic stability concerns expressed in this staff report, the Commission imposes **Special Condition No. 8**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-11-212) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping, hardscape and fencing.

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 No. 9** requiring 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.

As conditioned, the project is required to provide an appropriate set-back from the bluff edge; prohibit construction of protective devices (such as bluff or shoreline protective devices) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. Only as conditioned, does the Commission find that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in a hazardous location.

B. 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 that 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 finds that a future improvements special condition must be imposed. As conditioned the development is in conformance with the Chapter 3 policies of the Coastal Act.

C. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. 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 and 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.

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D. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

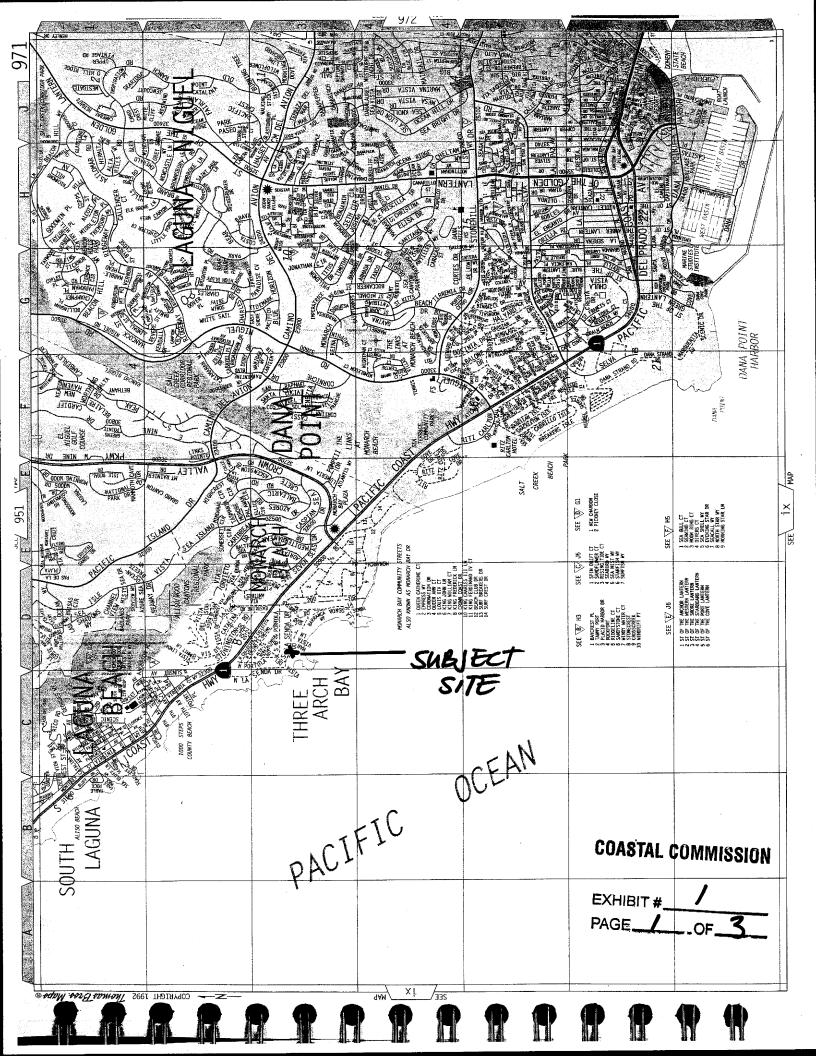
E. LOCAL COASTAL PROGRAM

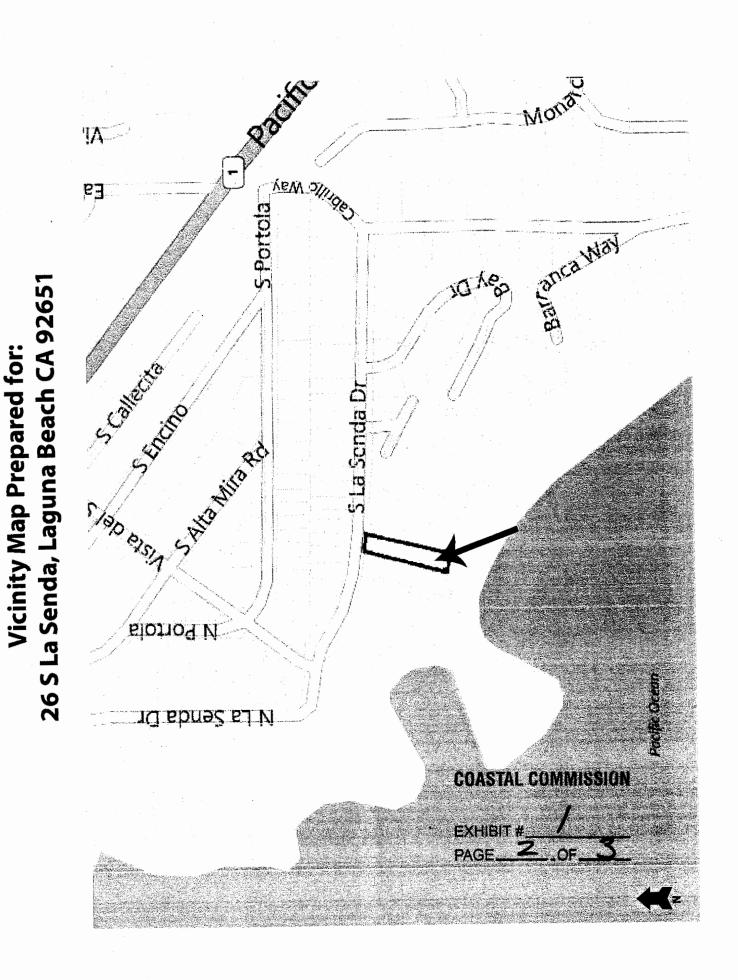
The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time.

The subject site is located within the Three Arch Bay area of deferred certification. Certification in this area was deferred due to issues of public access arising from the locked gate nature of the community. However, as discussed above, the proposed development will not further decrease or impact public access within the existing locked gate community. Therefore the Commission finds that approval of this project, as conditioned, will not prevent the City of Laguna Beach from preparing a total Local Coastal Program for the areas of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which 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.





16 S. La Senda

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COASTAL COMMISSION

EXHIBIT#_/PAGE_3_OF_3



www.Advancedlisting.com

Subject APN: 056-180-16 100' Radius (Excluding Streets)

Address:

26 S La Senda Dr Laguna Beach Ca 92651

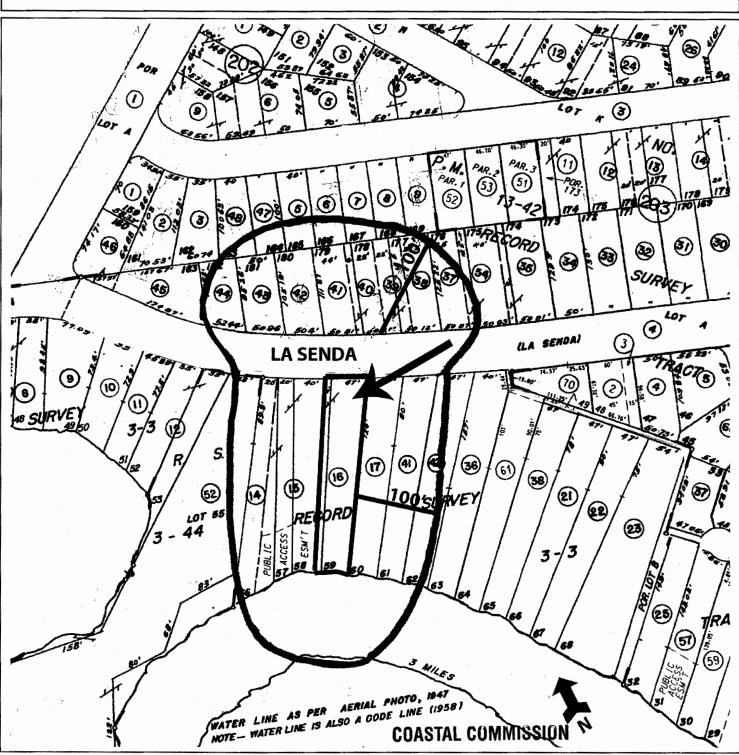


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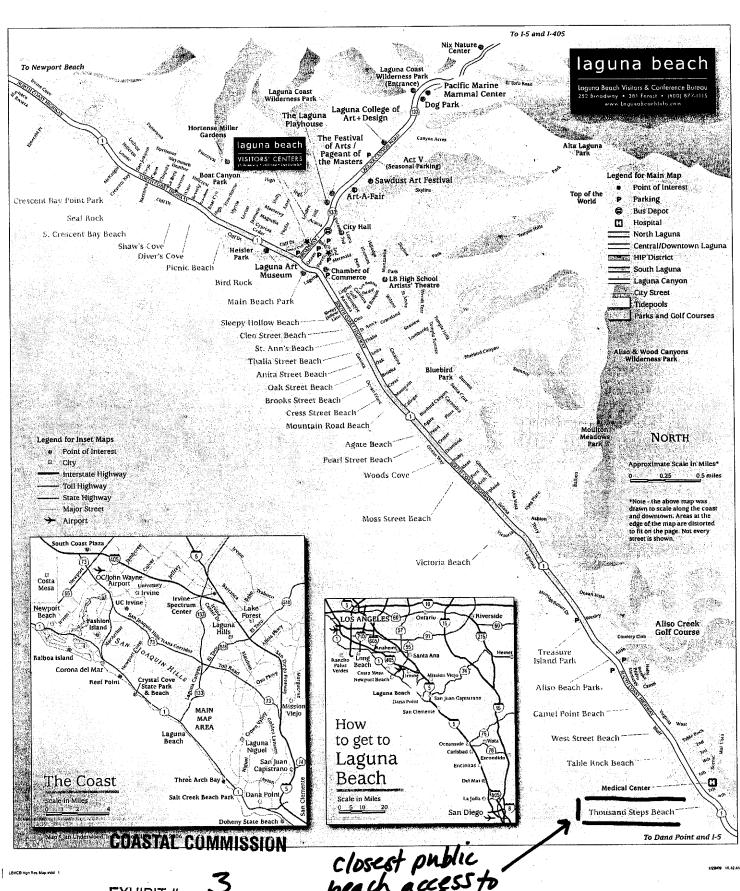
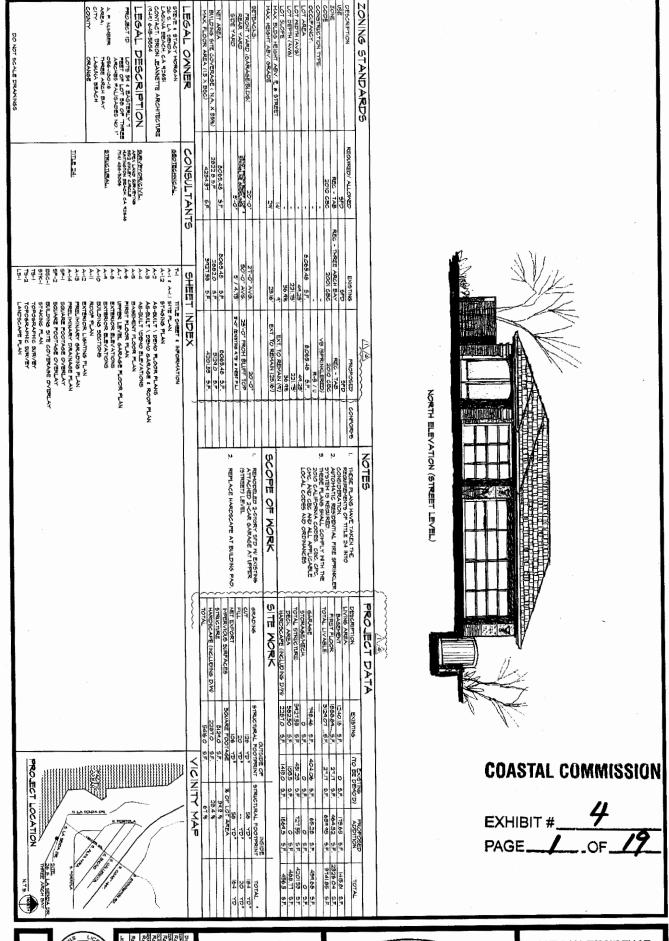


EXHIBIT # PAGE___ closest public beach access to Three Arch Bay

7/29/09 10.42.41 AM



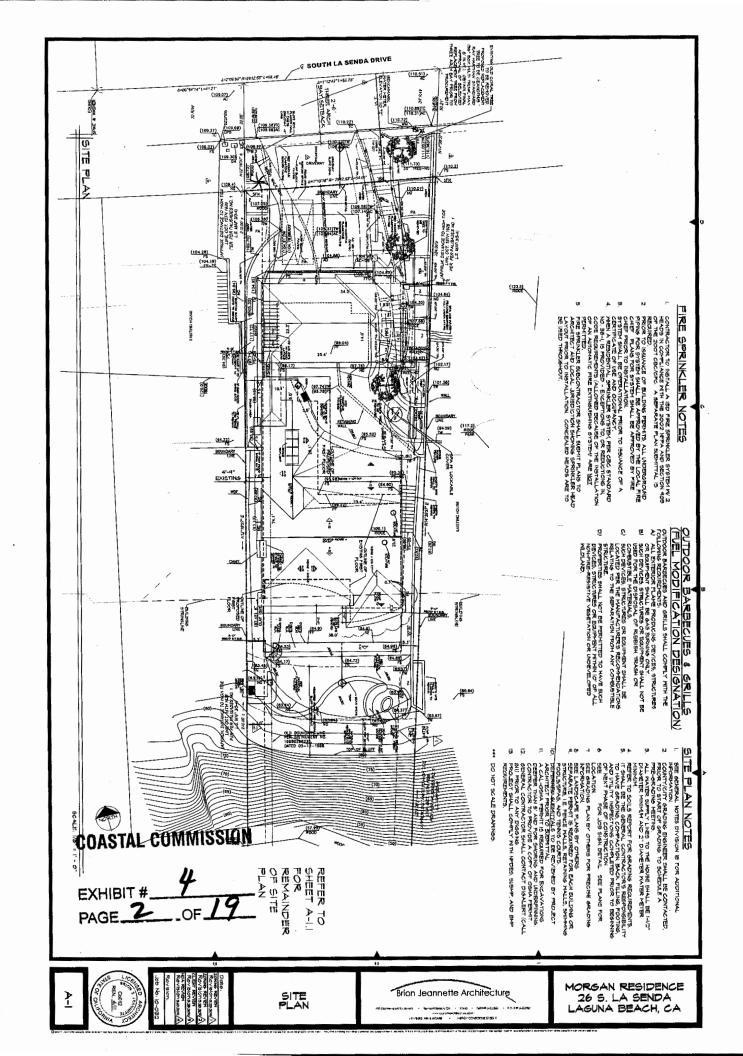


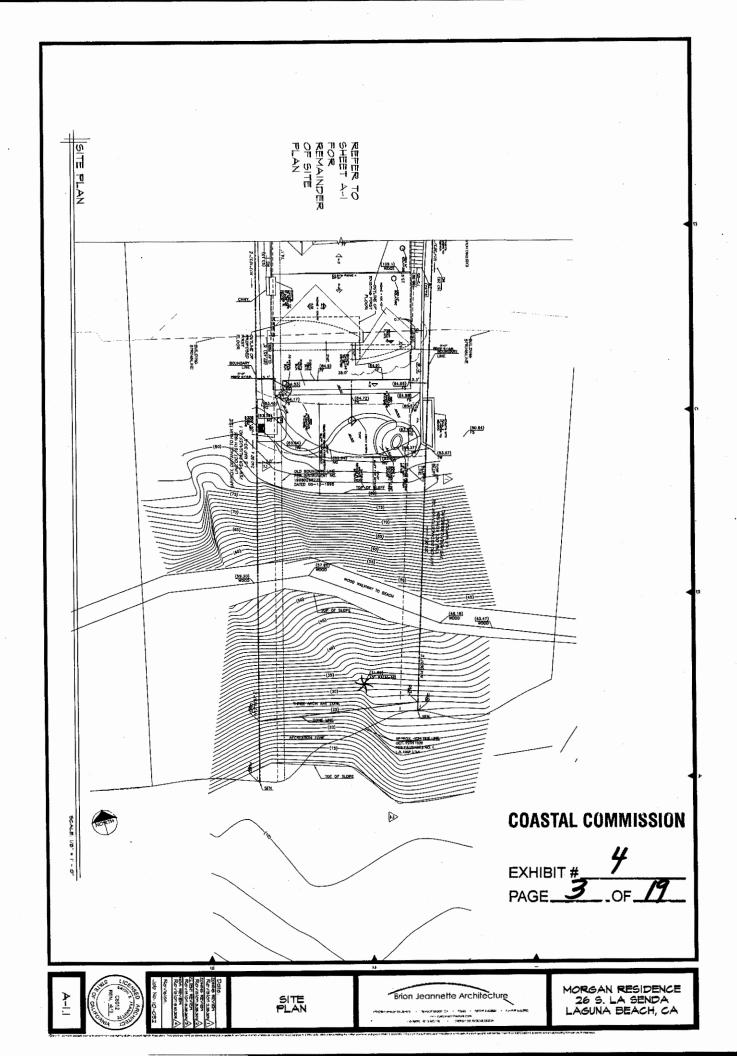


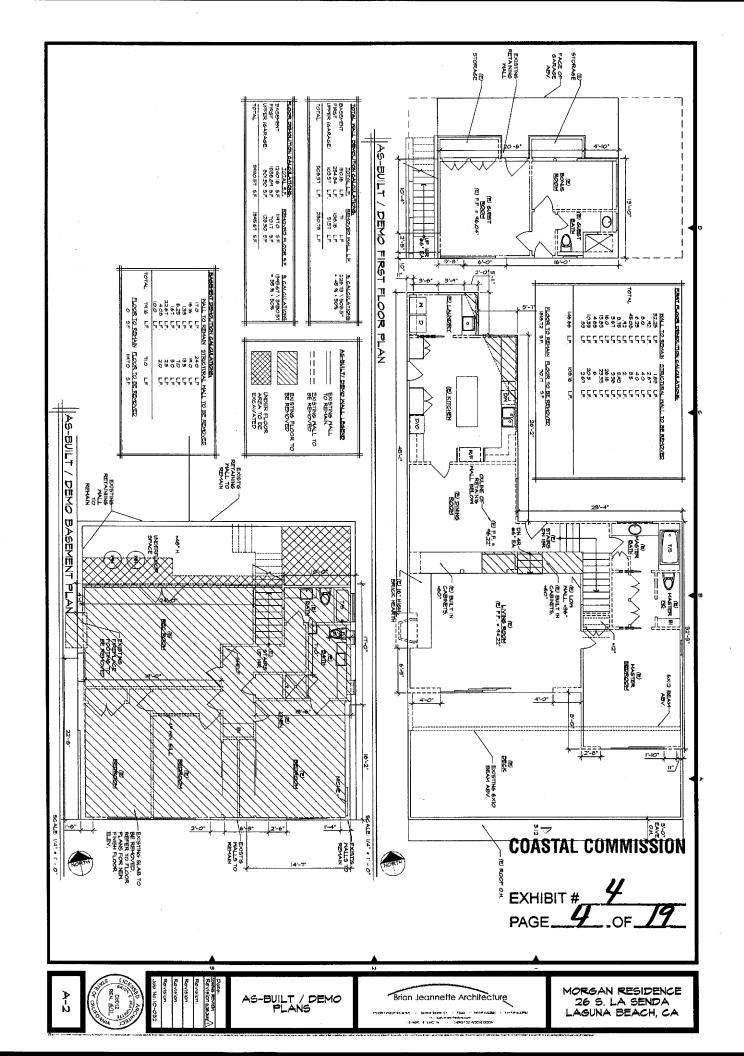
TITLE SHEET & INFORMATION

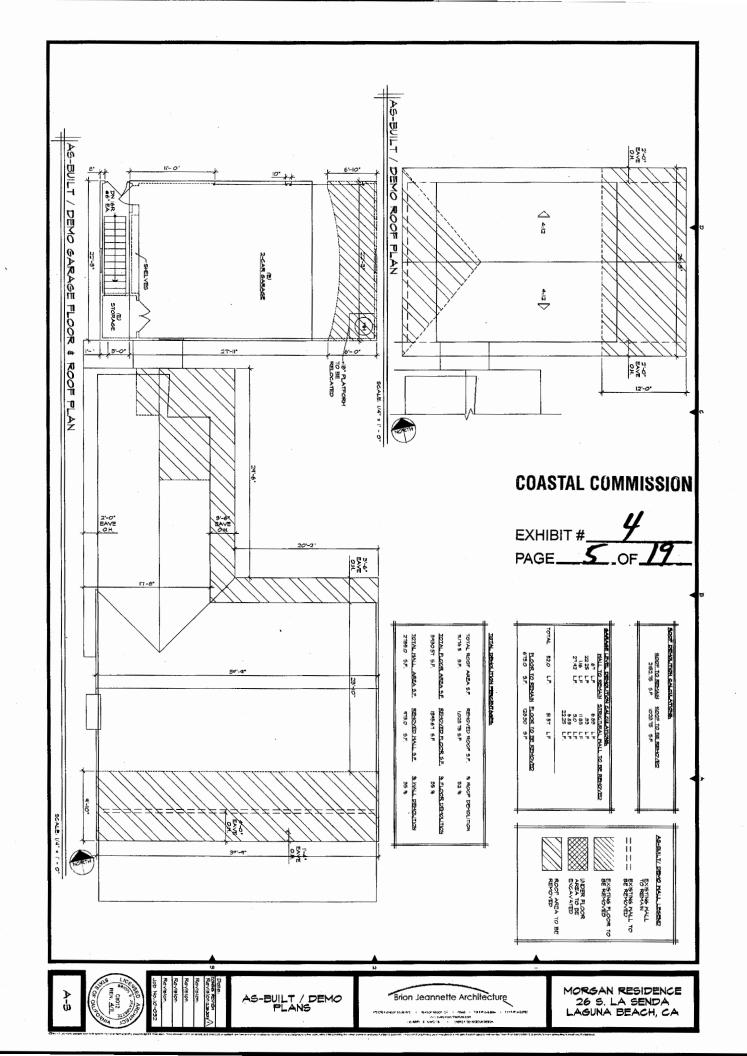


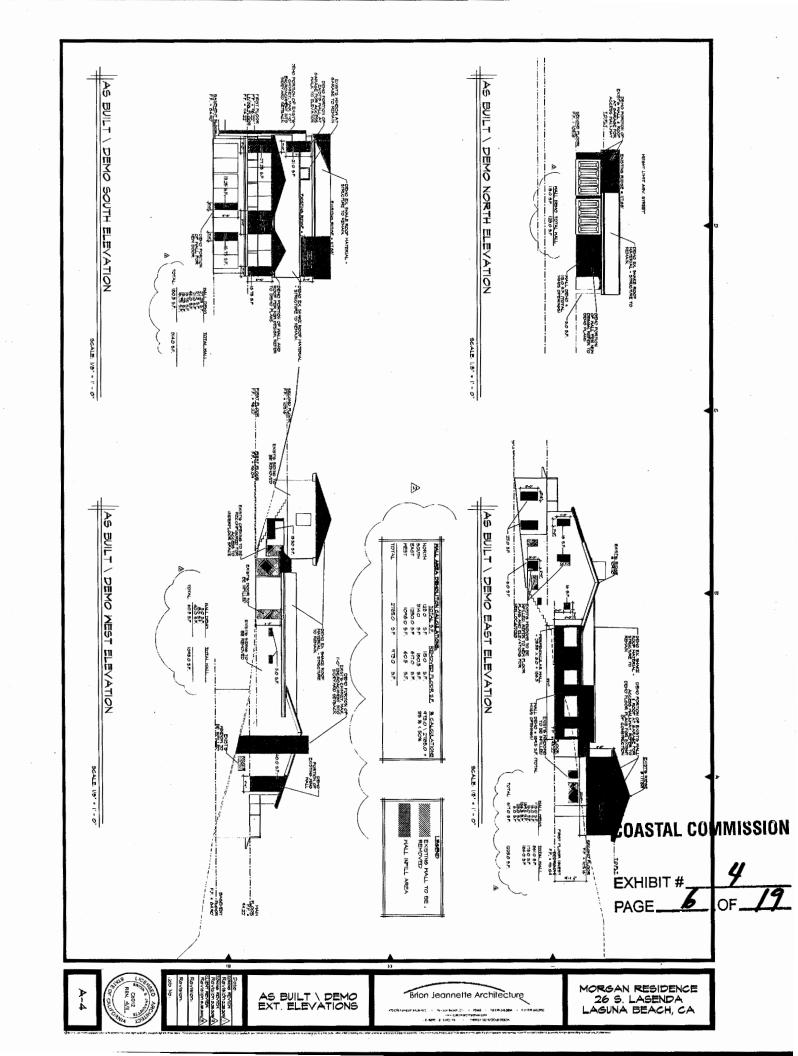
MORGAN RESIDENCE 26 S. LA SENDA LAGUNA BEACH, CA

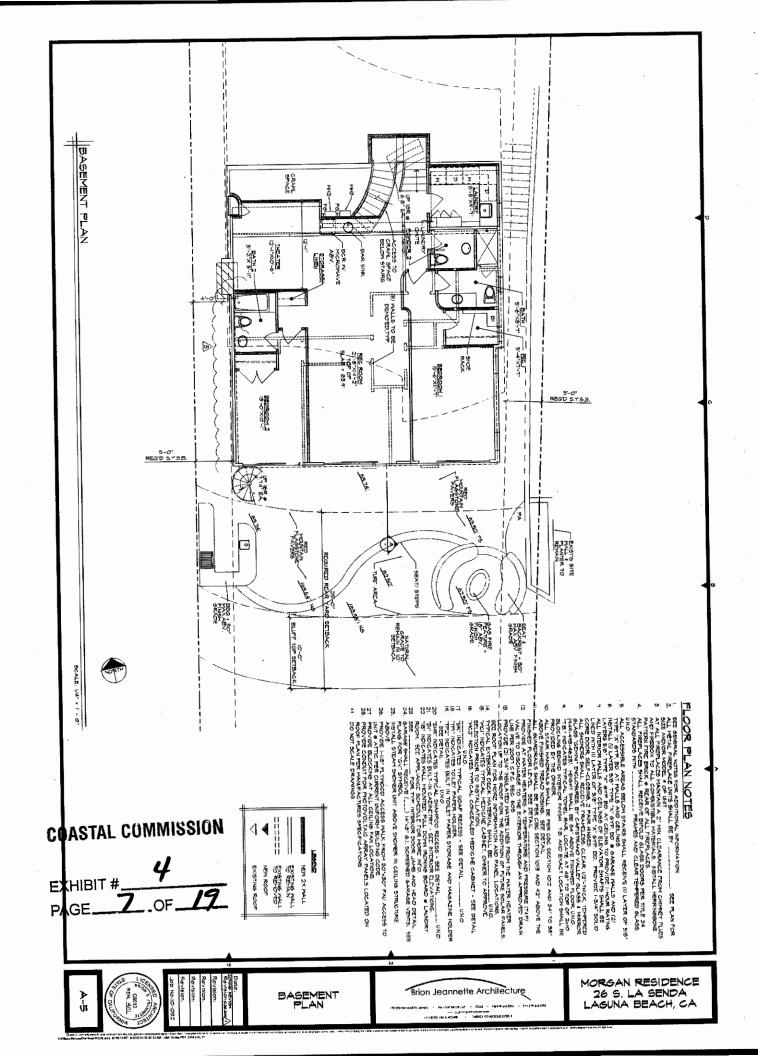


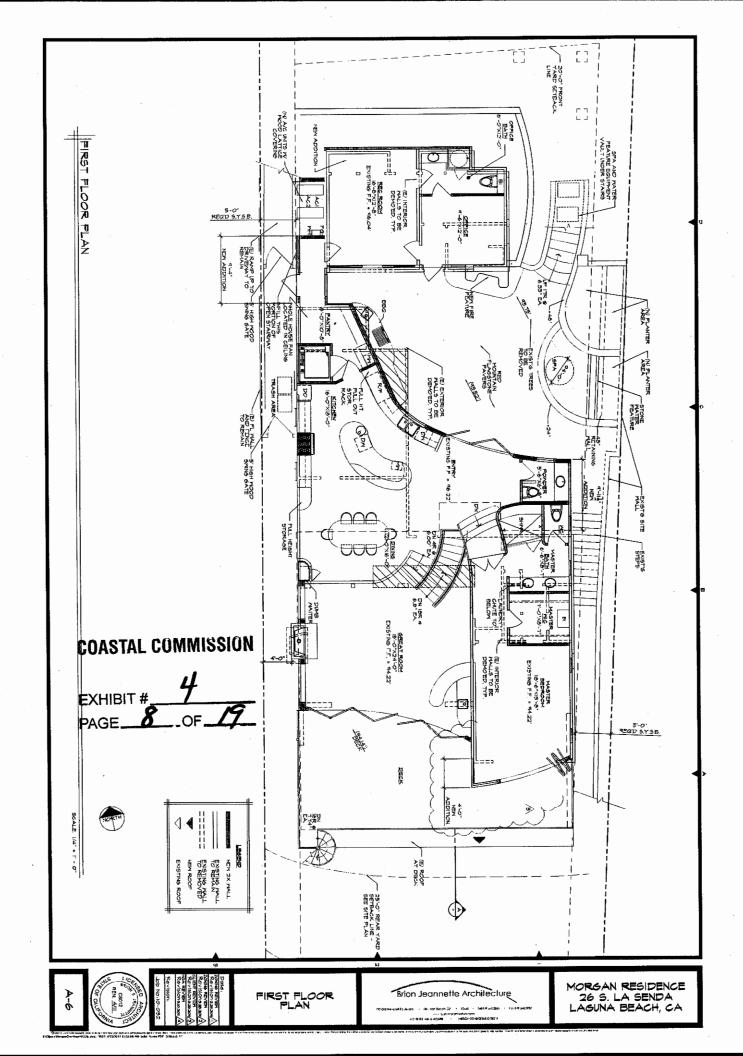


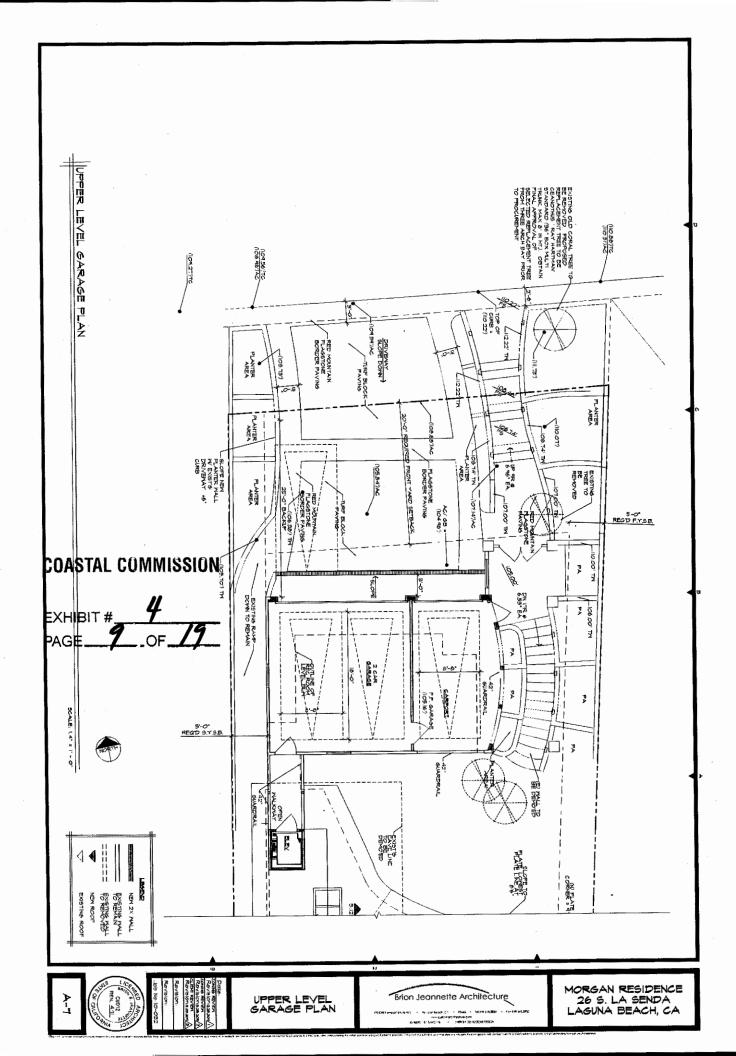


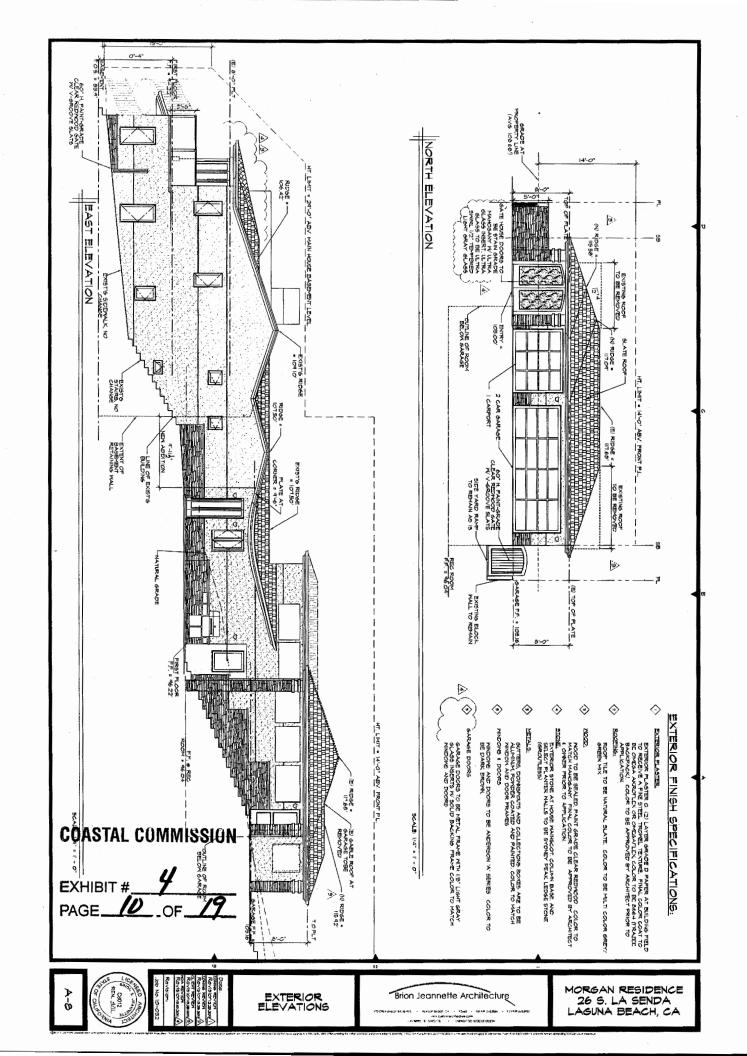


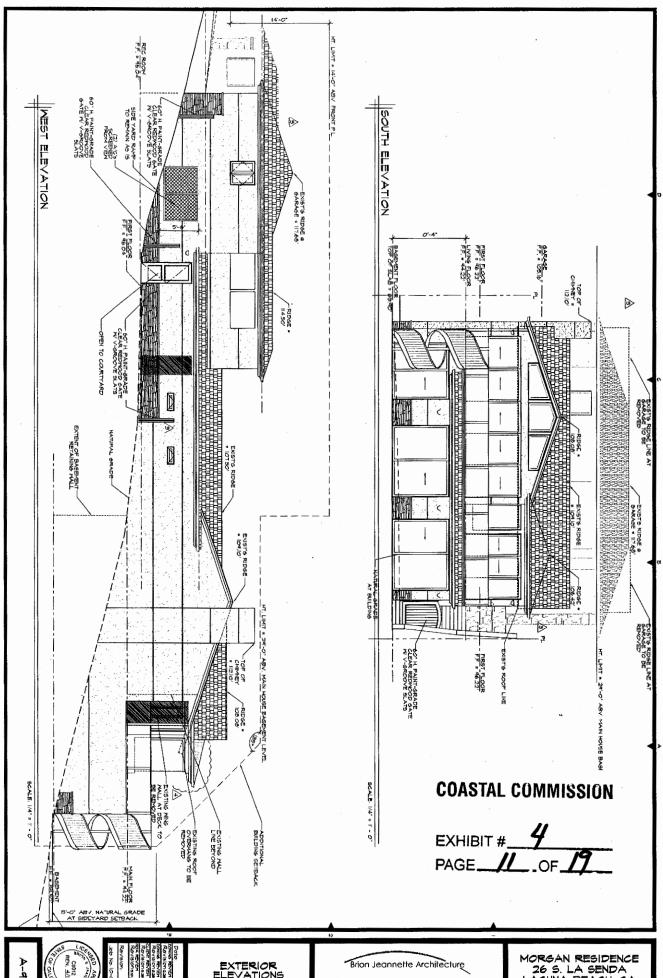










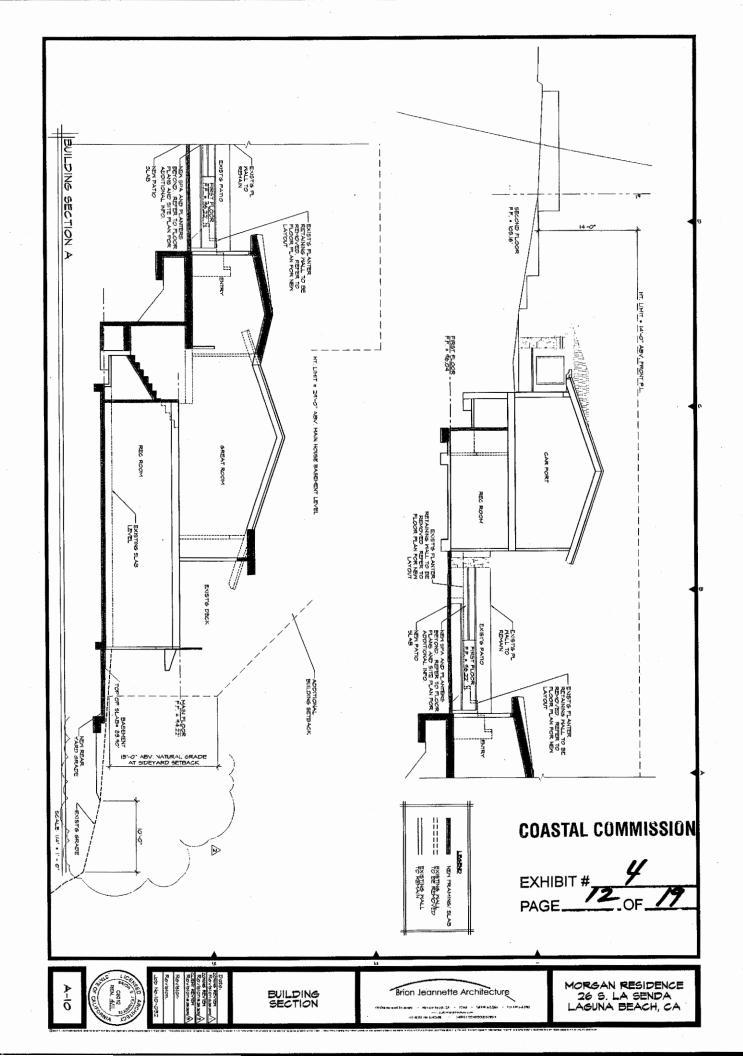


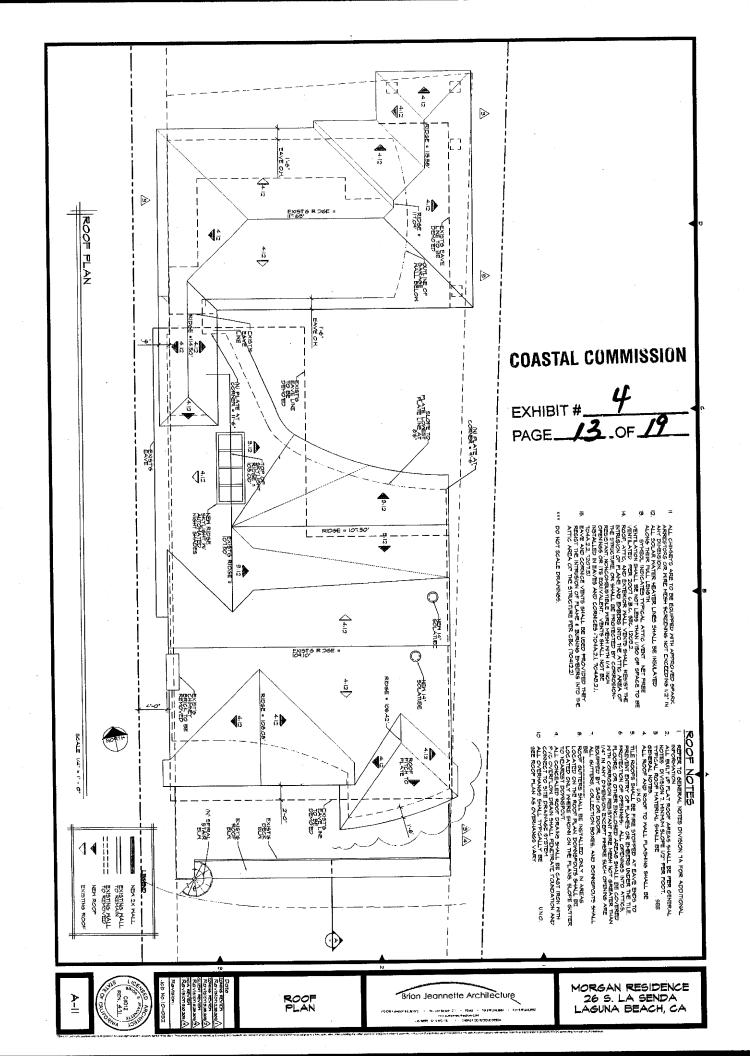


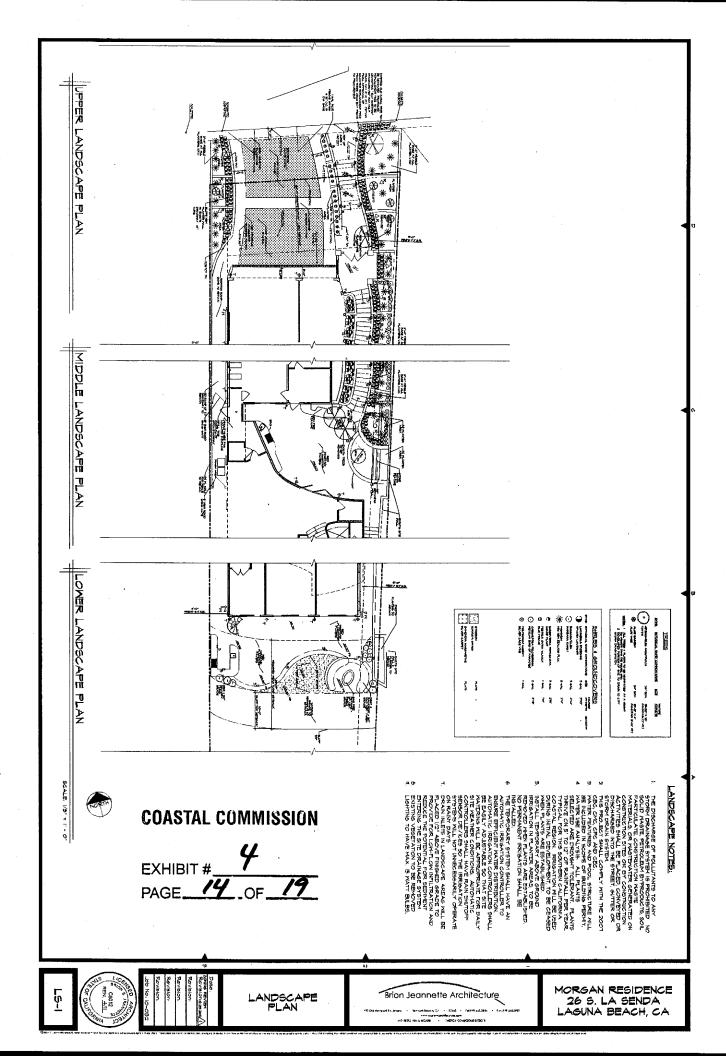
EXTERIOR ELEVATIONS

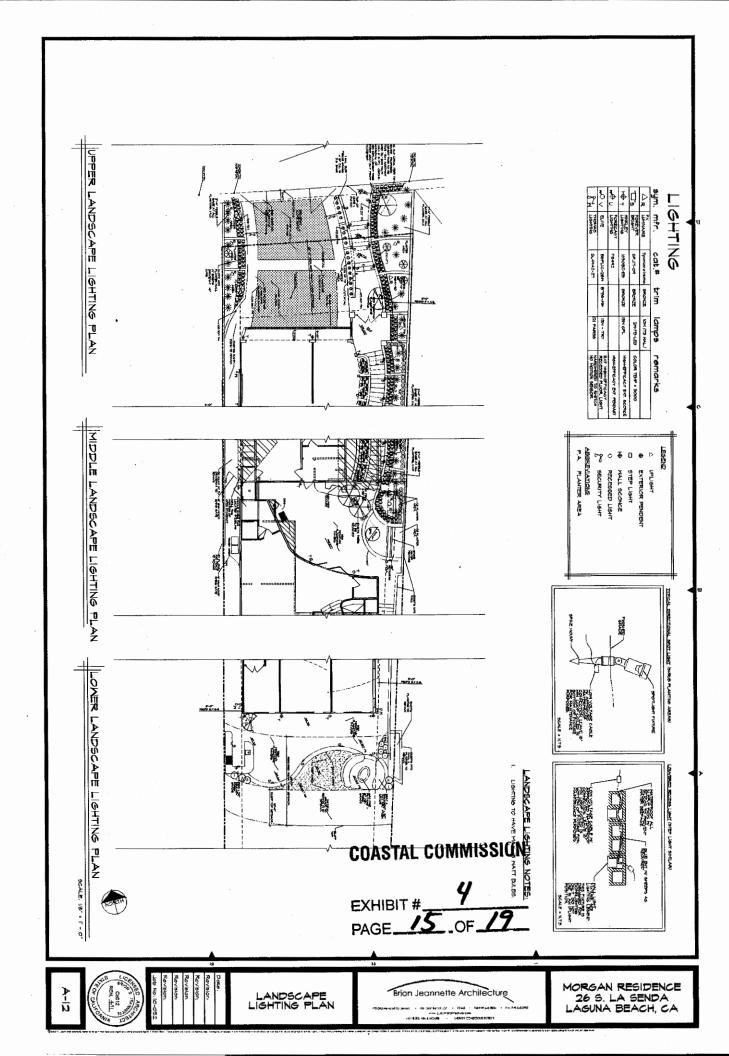


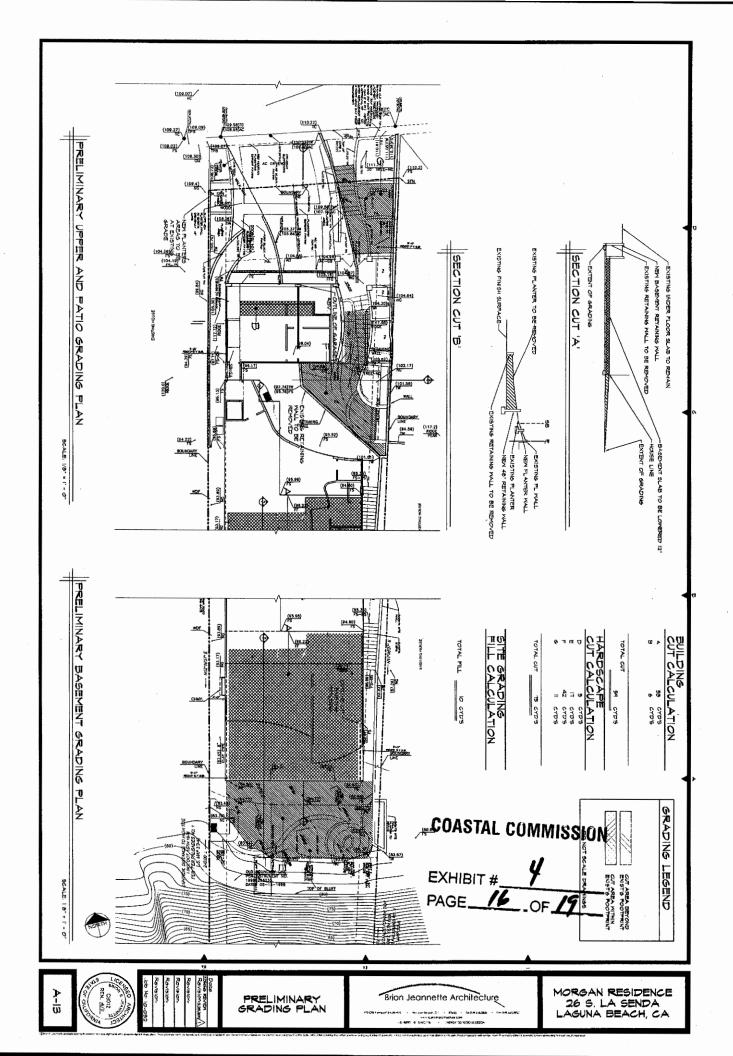
MORGAN RESIDENCE 26 S. LA SENDA LAGUNA BEACH, CA

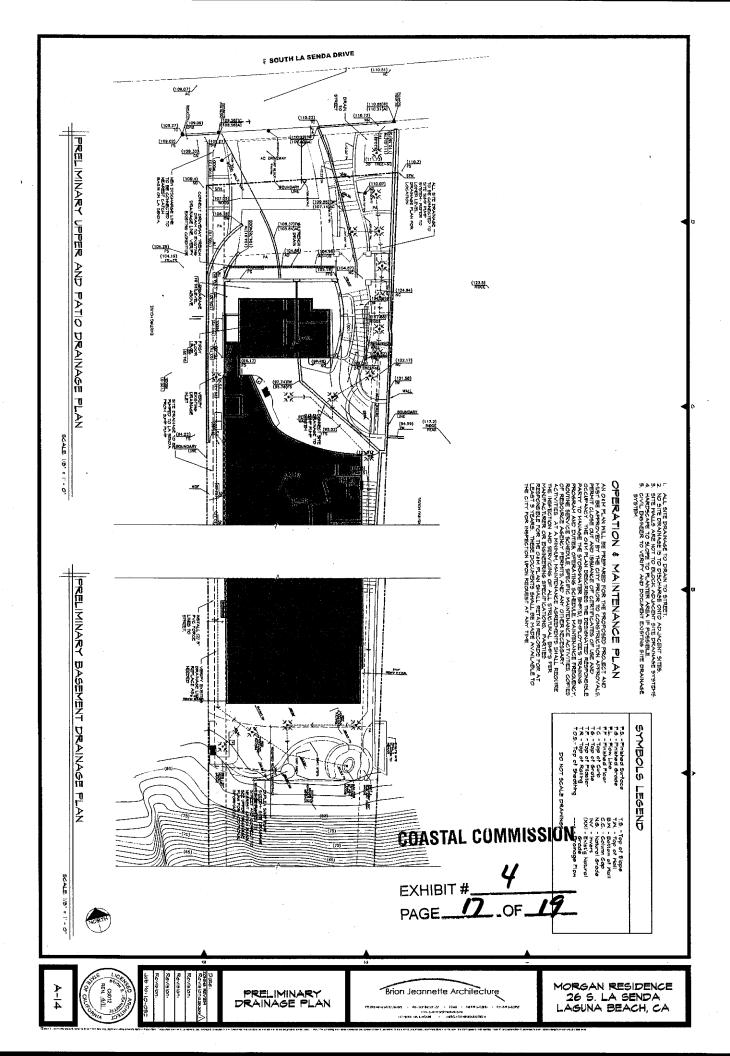


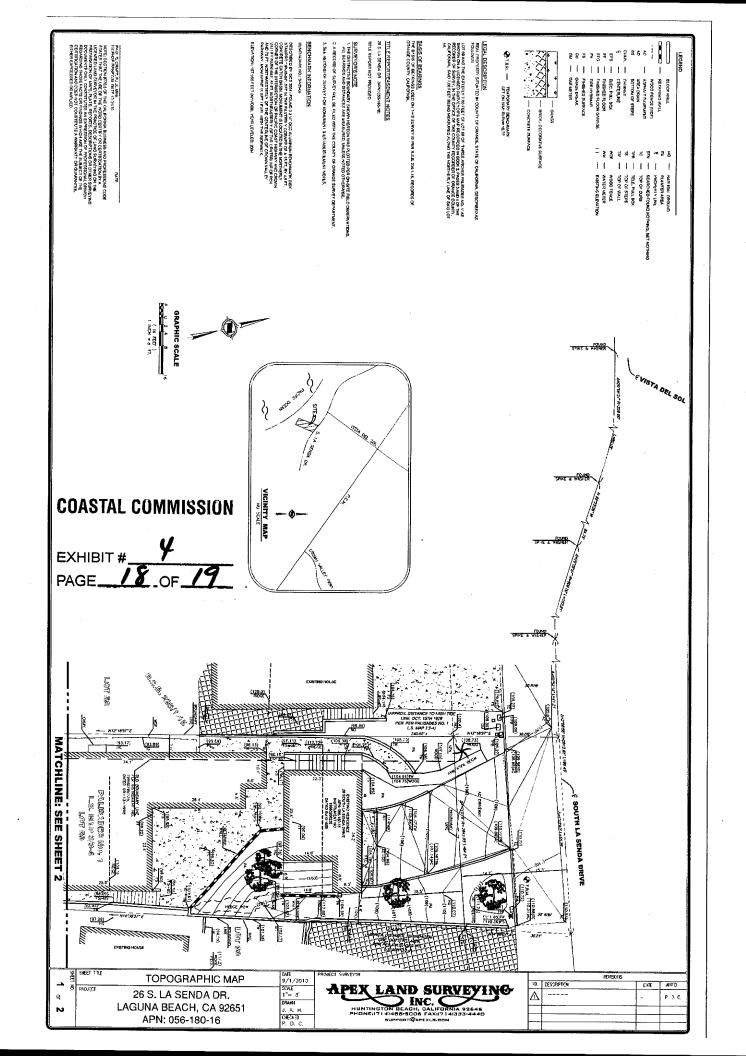


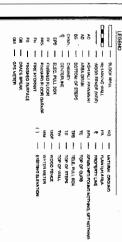




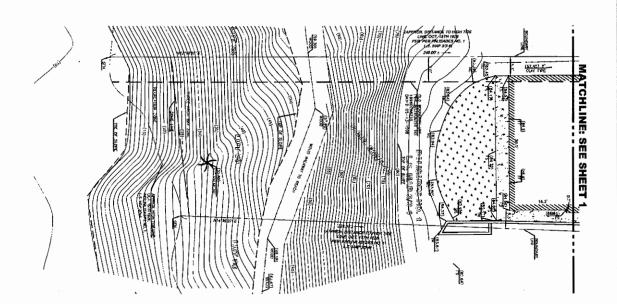












COASTAL COMMISSION

EXHIBIT # 4 PAGE 19 OF 19

	2		9/1/2010	PROJECT SURFETUR
	2 2 2	LAGUNA BEACH, CA 92651	SCALE 1"≈ 8' DRAWN J. A. H. CHECKED	APEX LAND SURVEYING MUNTINGTON BEACH, GALFORNIA 928-16 PHONEIT 1 41488-9006 FAXX7 141333-4440 SURVEYING FAXX7 141333-4440
-		AFIN. 030-100-10	P. D. C.	

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