

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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 (562) 590-5071



Click here to go to
 original staff report

Th12a

ADDENDUM

DATE: April 8, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **Addendum to Item Th12a:** Coastal Development Permit Application No. 5-15-0240 (Wills), scheduled for the Commission meeting of April 14, 2016

I. REVISIONS TO THE STAFF REPORT

This addendum modifies the staff report dated 2/22/16 in the following sections: Special Conditions and Findings and Declarations. Language removed from the staff report is identified in ~~strike through~~ and added language is identified in **bold underline**.

Page 2 of the staff report – Summary of Staff Recommendation

The existing ~~one~~ **two**-story home was constructed prior to passage and implementation of the Coastal Act. The residence has an existing bluff retaining wall with artificial fill that extends over the natural bluff edge...

...The proposed project is a remodel with additions to an existing pre-coastal 29-foot high, 3,844 sq. ft. single family residence. There is no permit history for the subject property. The proposed project includes removal of an existing sunroom to be replaced with approximately 120 sq. ft. of deck on the seaward side of the home **and the deck will be resurfaced.** The resulting deck on the seaward side of the home will increase from 285 sq. ft. to 405 sq. ft....

...The structure has an existing ~~partial~~ second floor with an open atrium in the center. The new deck and addition to the second floor would enclose the atrium and be on the seaward side of the home, within the footprint of the existing house, but will not result in an increase in height of the existing residence. The roofline on the seaward side of the home would be modified to create the second floor deck over the existing first floor and setback from the seaward-most edge of the house. The remodel will reduce the first floor square footage by 559 sq. ft., increase the second floor square footage by 506 sq. ft., and will reduce the overall square footage of the home from 3,844 to 3,790 sq. ft.

The 465 sq.ft. existing garage and 4 parking spaces will remain as-is. ~~No~~ **New** landscaping ~~or~~ **and** additional drainage improvements are proposed as part of the addition and remodel. No

grading is proposed. No work is proposed on the community restroom building at the toe of the bluff...

Page 8- Special Condition 3(C)

3. No Future Bluff or Shoreline Protective Devices that would Substantially Alter Natural Landforms along Bluffs and Cliffs.

A. By acceptance of this Permit, the applicants agree, ...[no intervening changes]...

B. By acceptance of this Permit, the applicants/landowners further agree, ...[no intervening changes]...

C. By acceptance of this Permit, the applicants/landowners further agree, on behalf of themselves and all successors and assigns, that ~~periodic bluff edge monitoring reports will be submitted as continued condition compliance.~~ **if geologic conditions degrade to such a point that the bluff edge retreats more than 1 foot landward of the position identified in Exhibit 5 and/or any portion of the bluff recedes down the seaward face of the existing retaining wall by more than 1 foot, a** ~~The submission of a bluff edge monitoring report~~ **will be submitted** to the Executive Director of the Coastal Commission, sent directly to the Coastal Commission's South Coast District office ~~at least once every 10 years (or at earlier intervals if geologic conditions degrade such that geologic review is warranted)~~ and shall include:

- 1) A geotechnical investigation shall be prepared by a licensed engineer and geologist, with expertise in coastal processes and hazards) retained by the applicants, that addresses whether any portions of the residence or accessory structures are threatened by waves, erosion, storm conditions, bluff retreat, landslides, erosion, sea level rise or other coastal hazards.
- 2) The report shall document any changes in the condition of the bluff, including erosion since the date of permit issuance, and shall document the location of the bluff edge in relation to the primary residence.
- 3) The report shall identify all those immediate or potential future measures that could stabilize the principal residence without the use of bluff or shoreline protective device(s) that substantially alter the natural landform along bluffs and cliffs including but not limited to removal or relocation of portions of the residence.
- 4) If the geotechnical report concludes ~~that the bluff has retreated more than 3 feet landward, or~~ 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 through: measures that could stabilize the principal residence without the use of bluff or shoreline protective device(s) that substantially alter the natural landform along bluffs and cliffs or measures which include removal of the

threatened portion of the structure.

Page 12- Special Condition 9

9. Confirmation of the Extent of Demolition. After demolition has been completed, ~~and the framing of the walls to remain is exposed pursuant to the demolition plan approved in this permit, but~~ **PRIOR TO ANY NEW CONSTRUCTION**, the applicant shall provide the Executive Director, for review and approval, a certified copy of the City of Laguna Beach Building Department job card showing that all demolition has been performed pursuant to the demolition plans approved under this coastal development permit.

If the building department job card, accepted by the Executive Director, indicates additional demolition has already occurred or must occur due to the deteriorated state of the walls which were proposed by the applicant to remain, the applicant shall halt construction and submit a complete coastal development permit amendment application or an application for a new coastal development permit. The application shall address the issue of revisions to the project due to the need for additional demolition. Whether an amendment or a new application is submitted shall be determined by the Executive Director.

No further development may occur until either:

- a) The Executive Director determines, **in writing**, pursuant to the Building Department job card, that all walls identified as walls to remain are intact and structurally sound; or
- b) the applicant submits a coastal development permit amendment application if so directed by the Executive Director and the coastal development permit amendment is subsequently approved by the Coastal Commission and issued by the Executive Director; or
- c) the applicant submits a new coastal development permit application if so directed by the Executive Director and the coastal development permit is approved by the Coastal Commission and issued by the Executive Director.

Page 14 of the staff report – Findings and Declarations [Project Location and Description] is modified as follows:

The subject site is an ocean fronting bluff lot in Three Arch Bay, an area of deferred certification in the city of Laguna Beach, Orange County (**Exhibit 1**). Three Arch Bay is a private community with shared ownership of amenities including the portion of the beach between the subject property and the mean high tide line of the Pacific Ocean. The lot slopes gently seaward between the road and the bluff edge, and then slopes more sharply to the sandy beach below. There are houses on the lots immediately adjacent to the site as well as along the remainder of the bluffs in the area. A ~~one~~**two**-story single-family residence and attached garage occupies the pad portion of the 6,175 square-foot lot.

Page 15 of the staff report – Findings and Declarations [Project Location and Description] is modified as follows:

The structure has an existing ~~partial~~ second floor with an open atrium in the center. The new deck and addition to the second floor would enclose the atrium and be on the seaward side of the home, within the footprint of the existing house, but will not result in an increase in height of the existing residence. The roofline on the seaward side of the home would be modified to create the second floor deck over the existing first floor and setback from the seaward-most edge of the house. The remodel will reduce the first floor square footage by 559 sq. ft., increase the second floor square footage by 506 sq. ft., and will reduce the overall square footage of the home from 3,844 to 3,790 sq. ft.

The 465 sq.ft. existing garage and 4 parking spaces will remain as-is. ~~No~~ New landscaping ~~or~~ **and** additional drainage improvements are proposed as part of the addition and remodel. No grading is proposed. No work is proposed on the community restroom building at the toe of the bluff.

The residence has an existing bluff retaining wall with artificial fill that extends over the natural bluff edge. **No changes are proposed to this existing accessory structure at this time.** The residence includes a cantilevered deck over the natural bluff edge from the first floor of the house out to the retaining wall. **After the removal of the sunroom on the seaward side of the home, the area will be converted to deck space and the existing deck will be resurfaced.** ~~No changes are proposed to these existing accessory structures at this time.~~

Page 20 of the staff report – Findings and Declarations [Hazards] is modified as follows:

The existing accessory structures do not conform to the 10 foot setback. The existing retaining wall and deck/patio area at the seaward side of the residence are proposed to be retained. No improvements to or maintenance of ~~this~~ **the** existing development **retaining wall** is proposed. These structures were constructed prior to the Coastal Act and therefore, a coastal development permit was not required for its original construction. ~~No changes are proposed to these existing features.~~ These features are considered existing non-conforming development.

Page 26 of the staff report – Findings and Declarations [Hazards] is modified as follows:

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. ~~While no~~ New landscaping is proposed as part of this project, **therefore Special Condition 4** requires that the applicants accept that no invasive or facultative vegetation will be planted on the site. **Special Condition 5** requires final drainage and erosion control plans for the treatment of runoff to be maintained for the life of the project. As conditioned, the development will be consistent with section 30253 of the Coastal Act.

II. APPLICANT'S RESPONSE

The Commission received a letter from the applicant's representative, Mr. Sherman Stacey, dated April 4, 2016, included in this addendum. The applicant's letter responds to the staff report and special conditions. The changes by staff to the conditions and findings identified above are in response to Mr. Stacey's letter.

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April 4, 2016

BY EMAIL

Amber Dobson
Permit Analyst
California Coastal Commission
200 Ocengate, #1000
Long Beach, CA 90802

Re: CDP No. 5-15-0240 (Wills)
32 S. La Senda, Laguna Beach

Dear Amber:

Eric Wills, Todd Skendearian and I have had the opportunity to read your Staff Report which we received on March 30, 2016, although it is marked incorrectly as dated 2/22/16. We have the following comments and requests related to the proposed Special Conditions and Findings.

COMMENTS ON SPECIAL CONDITIONS

Special Condition 3C – Special Condition 3C requires a geotechnical report on the property every ten years. I am unfamiliar with this condition on other projects. There is no evidence that such a geotechnical report is necessary in the absence of any material change to the property. Therefore, unless there are changes, it is a financial burden on the property owner, and an administrative burden to the Coastal Commission Staff, to prepare a report every 10 years. We request that the opening paragraph of 3C be modified to read as follows:

“By acceptance of this Permit, the applicants/landowners further agree, on behalf of themselves and all successors and assignees, that if geologic conditions degrade such that geologic review is warranted, a monitoring report will be submitted to the Executive Director of the Coastal Commission, sent directly to the Coastal Commission’s South Coast District office as continued condition compliance, and shall include:”

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As you know, the bluff edge has been determined by Mark Johnsson to be underneath the residence deck and a portion of the existing residence which will be removed and replaced by deck. Further, an existing retaining wall located 7-8 feet from the determined bluff edge already protects the bluff edge. Subsection 2 will result in a report which shows the bluff edge in the same place every 10 years. Subsection 4 is unclear as to when remedial measures must be proposed. I can understand the need for proposed remedial measures should any portion of the structure become unsafe. This is addressed in 3B.

The language requiring remedial measures if “the bluff has retreated more than 3 feet landward” is unclear. Does this mean the bluff edge, the bluff toe, or any portion of the bluff? If it means the bluff edge, then the potential for retreat of a bluff edge that is already beneath the residence and behind an existing retaining wall is negligible. If it means the bluff toe or any portion of the bluff, there is no reason to conclude that any such movement would require any remedial measures. Additional geotechnical investigation should not be necessary until there are events which would reasonably give rise to the need for such investigation.

Special Condition 6 -- We request that you add to subsection (iii) of Special Condition 6, after the word “damage”, the following language “to the development authorized by this coastal development permit”.

Special Condition 9 – We discussed with Karl Schwing at the time of the site visit that in the ordinary performance of the work, the demolition may not all proceed before there is new construction. Some portions, once removed, must be replaced immediately to avoid unnecessary period of temporary support. However, we believe that the job card when signed off for demolition can satisfy the condition. We request that the first paragraph of Special Condition 9 read as follows:

“After demolition has been completed, the applicant shall provide the Executive Director, for review and approval, a certified copy of the City of Laguna Beach Building Department job card showing that all demolition has been performed pursuant to the demolition plans approved under this coastal development permit.”

Subsection a of Special Condition 9 should have some time limit for the response of the Executive Director. We request that you add the following: “The Executive Director shall make the determination required above within five (5) business days of the date on which the job card is submitted.”

COMMENTS ON FINDINGS:

On pages 2, 15 and 15, there are references to the existing residence being a one-story residence and that the second floor is only a “partial” second floor. This is not correct. The residence is a two story residence, with a high ceiling on the first floor in the middle of the structure. Many two story residences have rooms on the ground floor which are two story in height. This does not make the residence a one-story residence nor give rise to the second floor being “partial”. We request that these portions of the findings be modified.

On pages 3, 15 and 26, the findings state that no new landscaping is proposed. This is not correct. A landscaping plan is on file and Special Condition 4 governs landscaping. We would ask that you modify these portions of the findings.

On page 2, the findings state that no additional drainage improvements are proposed. There will be new roof gutter systems and Special Condition 5 requires that the applicant submit a final drainage plan which will detail new drainage systems.

On pages 15 and 20, there are statements that there are no improvements or maintenance to accessory structures on the seaward side of the residence. There are two types of accessory structures that appear to be included in this finding, i.e., the retaining walls and the deck. It is true that no changes are proposed to any of the retaining walls. However, the existing deck will be enlarged by the area of the existing enclosed structure which is removed. This does not extend seaward but is at the back of the deck. Because this previously interior area will become exterior deck area, improvements and maintenance to the deck will be required to make the surface materials uniform. We ask that the last paragraph on page 15 before the heading “B. STANDARD OF REVIEW” be modified to read as follows:

“The residence has an existing bluff retaining wall with artificial fill that extends over the natural bluff edge. The residence include a cantilevered deck over the natural bluff edge from the first floor of the house toward the retaining wall. A portion of the enclosed structure on the seaward side will be removed and the area from which that portion is removed will become part of the deck. No changes are proposed to the retaining wall.”

We ask that the first full paragraph on page 20 be modified to read as follows:

“The existing accessory structures do not conform to the 10 foot setback. The existing retaining wall and deck/patio area at the seaward side of the residence are proposed to be retained. These structures were constructed prior to the Coastal Act and therefore, a coastal development permit was not required for its original construction. A portion of the enclosed structure on the seaward side will be

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removed and the area from which that portion is removed will become part of the deck. No changes are proposed to the retaining walls. The deck and retaining walls are considered existing non-conforming development.”

If these modifications can be made in an Addendum, the Applicant would agree to the Special Conditions and request that the matter be moved to the Consent Calendar on April 14. If you have any questions or comments, please do not hesitate to contact me at any time.

Sincerely,

Sherman L. Stacey

SHERMAN L. STACEY

SLS/sh

cc: Eric Wills
Todd Skendarian

CALIFORNIA COASTAL COMMISSION

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Th12a

Filed: 11/3/16
180th Day: 5/1/16
Staff: A. Dobson & Z. Rehm-LB
Staff Report: 2/22/16
Hearing Date: 4/14/16

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-15-0240

Applicant: Eric and Becky Wills

Location: 32 South La Senda, Laguna Beach (Three Arch Bay), Orange County

Project Description: Remodel existing 29-ft. high 3,844 sq. ft. bluff top single family residence including removal of 559 sq. ft. living space on lower floor and construction of a 120 sq. ft. first floor deck addition; addition of 506 sq. ft. living space to second floor, and a new 359 sq. ft. second floor deck, resulting in 29-ft. high, 3,790 sq. ft. single family residence.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION:

The applicant requests a permit to remodel and construct an addition to an existing single family home on an ocean fronting bluff lot in Three Arch Bay, an area of deferred certification in the city of Laguna Beach. Three Arch Bay is a private community with shared ownership of amenities including the portion of the beach between the subject property and the mean high tide line of the Pacific Ocean. There is no public access through the development between the nearest public road (Pacific Coast Highway) and the coast, but the public may access the tidelands below the mean high tide line by sea or by air. The subject parcel is bordered by residential development to the east and west, and a coastal bluff and the ocean to the south.

Although the Local Coastal Program for Laguna Beach has been certified by the Commission, certification of the Three Arch Bay area was deferred due to the access restrictive nature of the community. The proposed project is located within an area of deferred certification, and is located within 50 feet of a coastal bluff; therefore the project requires a coastal development permit from the Coastal Commission.

The existing one-story home was constructed prior to passage and implementation of the Coastal Act. The residence has an existing bluff retaining wall with artificial fill that extends over the natural bluff edge. The report submitted by the applicant identified the bluff edge at the point of the retaining wall and artificial fill, and not at the location of the natural bluff edge. Based on a March 11, 2016 site visit the Commission staff Geologist has been able to identify the accurate location for the natural bluff edge.

The proposed project is a remodel with additions to an existing pre-coastal 29-foot high, 3,844 sq. ft. single family residence. There is no permit history for the subject property. The proposed project includes removal of an existing sunroom to be replaced with approximately 120 sq. ft. of deck on the seaward side of the home. The resulting deck on the seaward side of the home will increase from 285 sq. ft. to 405 sq. ft. The proposed project also includes additions consisting of constructing a 506 sq. ft. second floor addition, and a new 359 sq. ft. second floor deck. The plans state the existing home has a current 5.5 foot setback from the bluff edge, and with the proposed remodel and removal of the sunroom, the bluff edge setback will increase to approximately 14 feet.

The remodel will include changes to the interior and the existing courtyard between the house and the garage will be expanded and will result in additional permeable space and reduced lot coverage. The existing atrium on the first floor is open to the second floor in the center of the house and is proposed to be enclosed and become a first floor bedroom and part of the second floor addition. There is an existing covered patio on the first floor, partially under the garage on the street-side of the home adjacent to the courtyard, with an approximately 100 sq. ft. room that would be removed and become part of the courtyard. Portions of the existing first floor living space and portions of existing covered patio space near the entrance to the home on the street-side would be removed to further expand the courtyard.

The structure has an existing partial second floor with an open atrium in the center. The new deck and addition to the second floor would enclose the atrium and be on the seaward side of the home, within the footprint of the existing house, but will not result in an increase in height of the existing residence. The roofline on the seaward side of the home would be modified to create the second floor deck over the existing first floor and setback from the seaward-most edge of the house. The remodel will reduce the first floor square footage by 559 sq. ft., increase the second floor square footage by 506 sq. ft., and will reduce the overall square footage of the home from 3,844 to 3,790 sq. ft.

The 465 sq.ft. existing garage and 4 parking spaces will remain as-is. No new landscaping or additional drainage improvements are proposed as part of the addition and remodel. No grading is proposed. No work is proposed on the community restroom building at the toe of the bluff.

The project would include demolition of 39% of the existing roof and floors combined and approximately 48% of the existing exterior walls, including removal of a first floor sunroom on the seaward side of the home, bringing the setback of the home landward by approximately 6 feet and increasing the bluff top setback. The existing home is on a pier foundation, with the most-seaward portion of the structure (a sunroom) partially cantilevered over the bluff edge by approximately 6 feet. The applicant proposes to retain and use the existing foundation and add new foundational elements on the seaward side of the home to support the second floor addition. There would be 6 new piers, 30 inch in diameter and 15-20 feet deep into the coastal bluff with a grade beam foundation. These new piers/grade beams would be constructed no further seaward than the existing foundation and existing piers.

The seaward side of the residence is within approximately 2 feet of the natural bluff edge and existing deck and sunroom are cantilevered over the natural bluff edge. The bluff top setback in the rear yard is required to be 25 feet and is presently 5.5 feet, from the bluff edge as identified by the applicant's consultant. Approximately one-third of the existing living space on the first floor is also located in the typical 25-foot bluff edge setback area. The existing development that is located seaward of the bluff edge or within the setbacks typically used in Three Arch Bay, is considered by the Commission to be non-conforming. If any development was proposed that would be considered a 'major remodel'¹, or if the existing house was demolished and a completely new one proposed, the Commission would typically require the entire site, including accessory development, be made to conform to current setback requirements. In this case, the proposed project is a remodel with less than 50% demolition of the exterior walls and roof/floor considered independently, and an addition.

The existing first floor meets stringline requirements, except for a small portion on the southwest side of approximately 58 sq. ft. that exceeds the stringline for habitable space, however no demolition is proposed to the existing first floor exterior walls in this location with the exception of the removal of the sunroom, so this area represents existing non-conforming development. The new addition of the second floor will meet the stringline requirements for habitable space, and the new addition of the second floor deck will meet the stringline requirements for decks. The addition would be in character with the existing line of development of the home and the surrounding homes. Therefore, Staff is recommending approval of the addition and remodel based on conformance to stringline requirements for new development and a review of other Commission-approved projects in the area.

Staff recommends **approval** with conditions which require: the applicant be required to submit revised plans which correctly identify the bluff edge and ensure that no new development or improvements of principal structures or accessory structure shall be further seaward than the existing home's current seaward line of development; conform to landscape and erosion control requirements and geotechnical recommendations; implement construction best management practices; confirm that the extent of demolition is consistent with the approved demolition plans;

¹ The certified Land Use Plan, land use element, defines a 'major remodel' as follows: Alteration of or an addition to an existing building or structure that increases the square footage of the existing building or structure by 50% or more; or demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure; greater specificity shall be provided in the Laguna Beach Municipal Code.

5-15-0240 (Wills)

agree that no bluff or shoreline protective device(s) that would substantially alter natural landforms along bluffs and cliffs shall ever be constructed to protect the development; assume the risks of the development, waive any claim of damage or liability against the Commission, and indemnify the Commission against future claims; declare that any future improvements to the structure authorized by this permit shall require a permit amendment or a new permit; and record a deed restriction against the property incorporating the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property.

The motion and resolution to carry out the staff recommendation are on **page six**.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Location Map/Project Site

Exhibit 2 – Project Plans

Exhibit 3 – Site Photos

Exhibit 4 – Bluff edge identified by applicant’s consultant

Exhibit 5 – Bluff edge identified by Commission staff Geologist

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-15-0240 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development 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:

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

This permit is granted subject to the following 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 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. **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

This permit is granted subject to the following special conditions:

1. **Submittal of Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director two (2) sets of final architectural plans, foundation plans, grading plans, and drainage and erosion control plans that substantially conform with the plans submitted to the Commission on June 25, 2015 prepared by Todd Skenderian, Architect and foundation plans submitted on Nov. 18, 2015 prepared by Nader Khoury, Engineering Structures Inc., but shall be revised to include the following:
- a) All final plans shall depict the existing bluff edge line (“CC Bluff Edge”) as determined by Dr. Mark Johnsson’s on the March 11, 2016 site visit, represented in **Exhibit 5** of this staff report, and shall depict a 25-foot bluff edge setback from that CC Bluff Edge.
 - b) No new development or improvements of principal structures shall be further seaward than the existing home’s current seaward line of development (except for the sunroom proposed to be removed) which is at a point 132.5 feet seaward from the inland side of the property line, as measured from the centerpoint of the property line that borders the South La Senda street right-of-way, and no new development or improvements of accessory structures shall be further seaward than the existing deck as reflected on the plans, which is at the point of 144 feet seaward from the inland side of the property line, centerpoint of the property line that borders the South La Senda street right-of-way.

The applicant 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. **Conformance with Geotechnical Recommendations.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants 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 including foundation and grading/drainage plans, including those plans submitted pursuant to Special Condition 1, and certified that each of those final plans is consistent with all the recommendations

contained in the geologic engineering investigation prepared by GeoSoils Inc. dated Nov. 17, 2014.

The applicants 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 legally required.

3. **No Future Bluff or Shoreline Protective Devices that would Substantially Alter Natural Landforms along Bluffs and Cliffs.**

- A. By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no expansion of existing bluff protective devices or new bluff or shoreline protective device(s) that would substantially alter natural landforms along bluffs and cliffs shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-15-0240 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, erosion, sea level rise or other natural coastal hazards in the future. By acceptance of this Permit, the applicants/landowners hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that would substantially alter natural landforms along bluffs and cliffs that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicants/landowners further agree, on behalf of themselves and all successors and assigns, that the landowner(s) shall remove the development authorized by this Permit, including the residence, foundations, patios, decks, 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 if no future Coastal Development Permit is issued to construct protection for the development authorized by this Permit. In the event that portions of the development fall to the beach before they are removed, the landowner(s) 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. By acceptance of this Permit, the applicants/landowners further agree, on behalf of themselves and all successors and assigns, that periodic bluff edge monitoring reports will be submitted as continued condition compliance. The submission of a bluff edge monitoring report to the Executive Director of the Coastal Commission, sent directly to the Coastal Commission's South Coast District office at least once every 10 years (or at earlier intervals if geologic conditions degrade such that geologic review is warranted) and shall include:

- 1) A geotechnical investigation shall be prepared by a licensed engineer and geologist, with expertise in coastal processes and hazards) retained by the applicants, that addresses whether any portions of the residence or accessory structures are threatened by waves, erosion, storm conditions, bluff retreat, landslides, erosion, sea level rise or other coastal hazards.
 - 2) The report shall document any changes in the condition of the bluff, including erosion since the date of permit issuance, and shall document the location of the bluff edge in relation to the primary residence.
 - 3) The report shall identify all those immediate or potential future measures that could stabilize the principal residence without the use of bluff or shoreline protective device(s) that substantially alter the natural landform along bluffs and cliffs including but not limited to removal or relocation of portions of the residence.
 - 4) If the geotechnical report concludes that the bluff has retreated more than 3 feet landward, or 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 through: measures that could stabilize the principal residence without the use of bluff or shoreline protective device(s) that substantially alter the natural landform along bluffs and cliffs or measures which include removal of the threatened portion of the structure.
4. **Landscaping – Drought Tolerant, Non-Invasive Plants.** By acceptance of this permit, the permittee agrees that landscaped areas shall consist of native plants shall be from local stock wherever possible. No permanent in-ground irrigation systems shall be installed on the bluff-facing portion of the site. Temporary above ground irrigation is allowed to establish plantings. Vegetated landscaped areas on the street-side of the residence are encouraged to use native plant species; however, non-native drought tolerant non-invasive plant species may also be used in that area. 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 (<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

If using potable water for irrigation, the project shall include water-conserving emitters (e.g. microspray) and drip irrigation. Use of weather-based irrigation controllers and reclaimed water for irrigation is encouraged.

5. Drainage and Run-Off Control 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 final drainage plan prepared by an appropriately licensed professional that has been reviewed and approved by the City of Laguna Beach. The plan shall incorporate the following criteria:

- a) Runoff from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be directed to dry wells, trench drains or vegetated/landscaped areas to the maximum extent practicable within the constraints of City requirements;
- b) Where City code prohibits on-site infiltration, runoff shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street to the maximum extent practicable. Runoff from impervious surfaces that cannot feasibly be directed to the street shall be discharged via pipe or other non-erosive conveyance to a designated outlet point to avoid ponding or erosion either on- or off- site;
- c) Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the coastal bluff to the beach below; and
- d) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.

B. The permittee shall undertake development in accordance with the approved plan. 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.

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 from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (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. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-15-0240. 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 this development governed by the Coastal Development Permit No. 5-15-0240. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, 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. 5-15-0240 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris. By acceptance of the permit, the permittee agrees to comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

- a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- 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) 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;
- d) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- e) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. By acceptance of the permit, the permittee agrees that the following measures shall be used during construction:

- f) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum

products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;

- g) The applicant shall develop and implement spill prevention and control measures;
- h) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water; and
- i) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

9. **Confirmation of the Extent of Demolition.** After demolition has been completed, and the framing of the walls to remain is exposed pursuant to the demolition plan approved in this permit, but **PRIOR TO ANY NEW CONSTRUCTION**, the applicant shall provide the Executive Director, for review and approval, a certified copy of the City of Laguna Beach Building Department job card showing that all demolition has been performed pursuant to the demolition plans approved under this coastal development permit.

If the building department job card, accepted by the Executive Director, indicates additional demolition has already occurred or must occur due to the deteriorated state of the walls which were proposed by the applicant to remain, the applicant shall halt construction and submit a complete coastal development permit amendment application or an application for a new coastal development permit. The application shall address the issue of revisions to the project due to the need for additional demolition. Whether an amendment or a new application is submitted shall be determined by the Executive Director.

No further development may occur until either:

- a) The Executive Director determines, pursuant to the Building Department job card, that all walls identified as walls to remain are intact and structurally sound; or
- b) the applicant submits a coastal development permit amendment application if so directed by the Executive Director and the coastal development permit amendment is subsequently approved by the Coastal Commission and issued by the Executive Director; or
- c) the applicant submits a new coastal development permit application if so directed by the Executive Director and the coastal development permit is approved by the Coastal Commission and issued by the Executive Director.

10. **Termite Inspection.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a termite inspection report, prepared by a licensed professional, indicating the degree, if any, of termite damage that exists within the existing residential structure that is the subject of the permit. The termite inspection report shall also be submitted to the City of Laguna Beach Building Department.

If the termite inspection report indicates that additional demolition will be necessary in order for the structure to meet building and safety standards, the applicant shall submit a complete amendment request application or a complete application for a new coastal development permit. Whether an amendment or permit application is submitted shall be determined by the Executive Director. The application shall address the issue of revisions to the project due to the need for additional demolition.

No development may proceed if an amendment or new coastal development permit application pursuant to the special conditions of this permit is pending.

11. **Non-Conforming Development.**
- A. Other than as permitted under the plans approved under Special Condition No. 1, no improvements to the existing non-conforming development seaward of the CC Bluff Edge as depicted in **Exhibit 5** of this staff report and the 25-foot CC Bluff Edge setback area, shall be permitted, except to bring the development into complete conformity with the 25-foot bluff edge setback.
 - B. The permittee shall undertake the development in accordance with subsection A above. 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 permit unless the Executive Director.
12. **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:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is an ocean fronting bluff lot in Three Arch Bay, an area of deferred certification in the city of Laguna Beach, Orange County (**Exhibit 1**). Three Arch Bay is a private community with shared ownership of amenities including the portion of the beach between the subject property and the mean high tide line of the Pacific Ocean. The lot slopes gently seaward between the road and the bluff edge, and then slopes more sharply to the sandy beach below. There are houses on the lots immediately adjacent to the site as well as along the remainder of the bluffs in the area. A one-story single-family residence and attached garage occupies the pad portion of the 6,175 square-foot lot. The land use designation for the lot is Village Low Density. There is also a community restroom owned by the Home Owners Association on the applicant's lot at the toe of the bluff that is a beach support facility for the residents of Three Arch Bay and there are two 10-foot wide sewer easements that run down and across the bluff face.

There is no public access through the Three Arch Bay gated community between the nearest public road (Pacific Coast Highway) and the coast, but the public may access the tidelands below the mean high tide line by sea or by air. The nearest public access point is 1,000 Steps Beach, approximately ½ mile to the north. The subject parcel is bordered by residential development to the east and west, the La Senda street right-of-way to the north, and a coastal bluff and the ocean to the south.

Although the Local Coastal Program for Laguna Beach has been certified by the Commission, certification of the Three Arch Bay area was deferred due to the access restrictive nature of the community. The proposed project is located within an area of deferred certification, and is located within 50 feet of a coastal bluff; therefore the project requires a coastal development permit from the Coastal Commission.

The project received an approval in concept from the City of Laguna Beach on March 6, 2015. The local approvals included a variance to the side yard setbacks, which require 5 feet on both sides of the home. The existing home does not meet the setbacks required on all sides. The side yard setbacks are reduced to approximately 4 feet on the west side and approximately 3 feet on the east side. The setback in the front yard is required to be 20 feet, but the existing setback is reduced to approximately 12 feet, and the bluff top setback in the rear yard is required to be 25 feet and is presently 5.5 feet, from the bluff edge as identified by the GeoSoils report. The local approval also included a variance to the minimum roof pitch of 3:12. The roof pitch of the proposed project will not meet that requirement.

The proposed project is a remodel with additions to an existing pre-coastal 29-foot high, 3,844 sq. ft. single family residence. There is no permit history for the subject property. The proposed project includes removal of an existing sunroom (described further below) to be replaced with approximately 120 sq. ft. of deck on the seaward side of the home. The resulting deck on the seaward side of the home will increase from 285 sq. ft. to 405 sq. ft. The proposed project also includes additions consisting of constructing a 506 sq. ft. second floor addition, and a new 359

sq. ft. second floor deck (**Exhibit 2**). The remodel will include changes to the interior and the existing courtyard between the house and the garage will be expanded and will result in additional permeable space and reduced lot coverage. The existing atrium on the first floor is open to the second floor in the center of the house and is proposed to be enclosed and become a first floor bedroom and part of the second floor addition. There is an existing covered patio on the first floor, partially under the garage on the street-side of the home adjacent to the courtyard, with an approximately 100 sq. ft. room that would be removed and become part of the courtyard. Portions of the existing first floor living space and portions of existing covered patio space near the entrance to the home on the street-side would be removed to further expand the courtyard.

The structure has an existing partial second floor with an open atrium in the center. The new deck and addition to the second floor would enclose the atrium and be on the seaward side of the home, within the footprint of the existing house, but will not result in an increase in height of the existing residence. The roofline on the seaward side of the home would be modified to create the second floor deck over the existing first floor and setback from the seaward-most edge of the house. The remodel will reduce the first floor square footage by 559 sq. ft., increase the second floor square footage by 506 sq. ft., and will reduce the overall square footage of the home from 3,844 to 3,790 sq. ft.

The 465 sq.ft. existing garage and 4 parking spaces will remain as-is. No new landscaping or additional drainage improvements are proposed as part of the addition and remodel. No grading is proposed. No work is proposed on the community restroom building at the toe of the bluff.

The project would include demolition of 39% of the existing roof and floors combined and approximately 48% of the existing exterior walls, including removal of a first floor sunroom on the seaward side of the home, bringing the setback of the home landward by approximately 6 feet, effectively increasing the bluff top setback for habitable space (**Exhibit 3**). The existing home is on a pier foundation. The applicant proposes to retain and use the existing foundation and add new foundational elements on the seaward side of the home to support the second floor addition. There would be 6 new piers, 30 inch in diameter and 15-20 feet deep into the coastal bluff with a grade beam foundation. These new piers/grade beams would be constructed no further seaward than the existing foundation and existing piers.

The residence has an existing bluff retaining wall with artificial fill that extends over the natural bluff edge. The residence includes a cantilevered deck over the natural bluff edge from the first floor of the house out to the retaining wall. No changes are proposed to these existing accessory structures at this time.

B. STANDARD OF REVIEW

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. Therefore,

the standard of review for this project is Chapter 3 of the Coastal Act with the Laguna LCP as guidance.

C. HAZARDS & SCENIC QUALITIES

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 do all of the following:
(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.

A Geotechnical and Geologic Investigation was prepared for the proposed development by GeoSoils, Inc., dated November 17, 2014. In addition, a Response to Coastal Commission letter was prepared by GeoSoils, Inc. dated October 15, 2015. The geologic reports present results and recommendations regarding the proposed development at the subject site. Preparation of the reports included research of readily available geotechnical records for the site and environs, identification of the site's subsurface soil and bedrock conditions by observation and exploration, collection of soil and bedrock samples, geotechnical laboratory testing of selected soil and bedrock samples obtained from exploratory work for the project, engineering analyses of the data obtained from the exploration, establishing the location of the bluff edge, slope stability analysis, and an assessment of expected long term bluff retreat.

The applicant's geotechnical 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. However, the maximum erosion over 75 years, accounting for sea level rise, is expected to be 5.2 feet. The existing house is within 2-11 feet of the natural bluff edge, therefore, with 5.2 feet of erosion the bluff retreat would undermine the house on the western side. However, the existing bluff retaining wall may prevent some erosion in this location and erosion may be far less than expected, given the stable bedrock in this area. The report concludes that the structure will be safe from coastal bluff erosion for the life of the development.

Setbacks

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic hazard . The Commission has consistently found that development on a bluff site that is adjacent to the sea, like the project site, is inherently subject to high geologic hazard from erosional forces imposed against the bluff material from wave energy, wind and rain. Setting development back from the edge of the bluff can substantially decrease risk to life, like those who will dwell in the proposed development, because the further from the bluff edge development is located, the less likely it is that that development may become jeopardized by erosion, landslides, and similar hazards. 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 increasing the setback of the development from the natural bluff edge, the development will not likely reduce the existing natural bluff stability. 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, although the beach here is a private community beach and the development proposed does not impact public coastal views. For these reasons, the Commission typically imposes a bluff edge setback. In addition, consistently applying an appropriate bluff edge setback provides equitability for developments within the same general area.

Section 13577(h)(2) of the Commission’s regulations defines the “bluff edge” as follows:

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 face, 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. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

Defining the bluff edge 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 location of the bluff edge identified by the applicant’s geotechnical consultant was depicted at the point of the retaining wall, at approximately 85-foot elevation contour line on the topographic map (**Exhibit 4**). Based on this bluff edge, the plans state the existing home has a current 5.5 foot setback from the bluff edge, and with the proposed remodel and removal of the sunroom, the bluff edge setback will increase to approximately 14 feet.

However, the Commission’s staff geologist, Dr. Mark Johnsson, visited the site on March 11, 2016 and reviewed the applicant’s geotechnical analysis, bluff edge determination, and proposed architectural and foundation plans and determined that the applicant’s bluff edge determination is not consistent with the definition of bluff edge in the Section 13577(h)(2) of the Commission’s regulations.

The Land Use Element, a component of the City of Laguna Beach certified LCP, contains the following definition of “Oceanfront Bluff Edge or Coastal Bluff Edge”:

The California Coastal Act and Regulations define the oceanfront bluff edge as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the bluff is rounded away from the face of the bluff, the bluff edge shall be defined as that point nearest the bluff face beyond which a downward gradient is maintained continuously to the base of the bluff. In a case where there is a step like feature at the top of the bluff, the landward edge of the topmost riser shall be considered the bluff edge. Bluff edges typically retreat over time as a result of erosional processes, landslides, development of gullies, or by grading (cut). In areas where fill has been placed near or over the bluff edge, the original bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

Laguna Beach Zoning Code Section 25.44.050 set property development standards specifically for Three Arch Bay. Section 25.44.050(C)(2) states:

For the purpose of defining building site coverage, a “bluff line” is that line which separates the buildable pad from the bluff top. The “bluff top” shall be defined as an incline greater than the slope of the buildable pad. The “bluff face” is defined as that portion of bluff which slope is forty-five degrees or greater from horizontal, and whose top is ten or more feet above mean sea level. The net area of the lot is the area that extends from the side corner property lines along the bluff line to the front corner property lines.

Contrary to the bluff edge provided by the applicant’s consultant, the Commission staff Geologist identified the natural bluff edge between the 95 and 97 foot elevation contour lines depicted in **Exhibit 5** (CC Bluff edge), which is approximately 10 to 11 feet landward of the applicant’s bluff edge determination. Because the bluff edge runs somewhat diagonally across the site, the bluff edge setback is greater on the east side of the property and smaller on the west side of the property. According to the CC Bluff edge, the existing home has a current setback of approximately 11 feet on the east side and only 2 feet on the west side. The existing deck is cantilevered over the natural bluff edge and approximately half of the existing sunroom is constructed over the bluff edge.

Based on the definitions in the Commission’s regulations, the Laguna Beach Land Use Element, and the Three Arch Bay Zoning Code, the bluff edge is as depicted in **Exhibit 5**, seaward of which a downward gradient is maintained continuously to the base of the bluff. In this location, this point is inland of the “step-like feature” which is identified as the bluff retaining wall. The bluff edge is inland of the retaining wall, under the existing cantilevered deck.

Coastal Act Sections 30251 and 30253 require that new development minimize the alteration of natural land forms and not contribute to geologic instability. The Laguna Beach Land Use Element contains more specific policies.

Policy 7.3 of the Land Use Element states:

Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.

Action 7.3.3 of the Land Use Element states:

Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.

Action 7.3.5 of the Land Use Element states:

Prohibit development on oceanfront bluff faces, except public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize landform alteration of the oceanfront bluff face, to not contribute to further erosion of the oceanfront bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

Action 10.2.7 of the Land Use Element states:

Require all new development located on oceanfront bluffs to be sited in accordance with the stringline but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools that require a structural foundation. The setback shall be increased where necessary to ensure geologic safety and stability of the development.

Action 10.2.8 of the Land Use Element states:

On oceanfront bluffs, require new minor accessory structures such as decks, patios and walkways that do not require structural foundations to be sited in accordance with stringline but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, geologic instability or other coastal hazards.

In Laguna Beach, the Commission typically requires a setback of 25 feet from the edge of the coastal bluff for primary structures (e.g. the enclosed living area of residential structures) and a 10 foot setback for accessory structures (e.g. decks and patios). A lesser setback for accessory developments is deemed acceptable because hardscape/deck and patio type improvements can be removed from hazards more readily than primary structures.

In this case, the existing single family home is built up to within roughly feet of the bluff edge. The bluffs of the Three Arch Bay community are relatively stable with 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 existing residence, specifically the sunroom, is partially cantilevered over the bluff edge and the entire structure does not conform to a 25 foot bluff edge setback and is considered existing non-conforming development.

The existing accessory structures do not conform to the 10 foot setback. The existing retaining wall and deck/patio area at the seaward side of the residence are proposed to be retained. No improvements to or maintenance of this existing development is proposed. These structures were constructed prior to the Coastal Act and therefore, a coastal development permit was not required for its original construction. No changes are proposed to these existing features. These features are considered existing non-conforming development.

While the existing structures do not meet the appropriate setbacks, the second floor new deck does meet the 10 foot bluff edge setback and the second floor addition does meet the 25 foot bluff edge setback. Consistent with the policies, all new development proposed by the applicant will conform with the setback requirements.

Stringline Analysis

The existing single family home is built up to the bluff edge, and the existing sunroom is partially cantilevered over the bluff edge, as well as the cantilevered deck, which is the pattern of development in this location.

Three Arch Bay Zoning Code Section 25.44.050(E)(1) states, in part:

All coastal lots are subject to a stringline setback. The building stringline averages the setback of oceanfront buildings on both adjacent sides of coastal lots and is defined as follows: The stringline setback shall be depicted as a line across a parcel that connects the oceanward ends of the nearest adjacent walls of the main buildings on adjacent lots.

Because the addition is proposed on the second floor, it will stay within the footprint of the existing home on the seaward side. The existing house meets stringline, except for a small portion on the southwest side of the first floor of approximately 58 sq. ft. that exceeds the stringline for habitable space, however no demolition is proposed to the existing first floor exterior walls in this location, so this area represents existing non-conforming development. The new addition of the second floor will meet the stringline requirements for habitable space, and the new addition of the second floor deck will meet the stringline requirements for decks.

The addition would be in character with the existing line of development of the home and the surrounding homes. The approval of the addition will not set a negative precedent for new bluff development because it is an addition to an existing single family home built prior to passage of the Coastal Act – not development of a new single family home.

Extent of Demolition

Where existing and/or proposed development is undertaken under the guise of a ‘remodel’ or ‘remodel-addition’ it's important to determine the quantity and location where work is occurring on the existing structure. This is needed in order to assess whether the extent of the development actually constitutes a replacement structure that requires the applicant to address all existing non-conformities, such as a reduced or absent bluff edge setback, and have the entire proposed development comply with all other applicable Chapter 3 policies. To the maximum extent possible it is also important to avoid creating new nonconformities, especially where they may interfere with bringing the structure into conformity in the future. One way the Commission determines whether a ‘major remodel’ or substantial redevelopment of a site is occurring, thereby constituting a replacement structure, is to look at the extent of demolition occurring to the existing structure and the location where such demolition is taking place. 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 and foundation. Cosmetic portions of the wall, such as exterior stucco and interior drywall, may be removed. The applicant has submitted information regarding the extent of demolition proposed. 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 as a ‘major remodel’ or substantial re-development. The term ‘major remodel’ is defined by the City’s certified Land Use Element (used as guidance in this case) is:

Alteration of or an addition to an existing building or structure that increases the square footage of the existing building or structure by 50% or more; or demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure; greater specificity shall be provided in the Laguna Beach Municipal Code.

The significance of this distinction between a minor remodel and a major one is that existing non-conformities for a minor remodel, such as existing development within the setback area, can be considered for retention if such retention would not raise significant inconsistencies with Coastal Act requirements. The 50% demolition threshold provides one consistent and equitable method of dealing with existing non-conformities associated with extensive major remodel projects.

The existing first floor of the structure is upon a pier foundation and the seaward-most portion (the sunroom) is partially cantilevered over the natural bluff edge. While work is proposed to the first floor of the structure, the removal of the first floor sunroom will bring the home 6 feet landward and eliminate habitable space cantilevered over the bluff edge, increasing conformity of the total development (proposed and retained existing development), although not in complete conformance with the 25 foot bluff edge setback typically required by the Coastal Commission in past actions in this area and the 25 foot bluff edge setback required by the Laguna LCP.

Using the City’s current approach, the proposed project would not be considered a ‘major remodel’. The City’s approach looks at the total quantity of demolition of exterior walls, roof and floors, and total addition. Each is considered individually, and not totaled together. If any one of the parameters exceeds 50%, the City would consider the project a ‘major remodel’ and

require that all non-conformities be remedied. The proposed project involves a total of 39% demolition to the roof and floors, and 48% demolition of the existing exterior walls. There is a net reduction in total square footage of the residence, so, the quantity of the addition, in this case, isn't relevant for purposes of making a major remodel determination. Even if it were considered separately, the 506 sq.ft. addition is not more than 50% of the total square footage of the existing residence (3,844 sq.ft.). While the City doesn't typically factor in changes to the foundation, the Commission has considered the extent of such work. In this case, the existing foundation would be retained and used and new foundational elements are proposed on the seaward side of the home to support the second floor addition. There would be 6 new piers, 30 inch in diameter and 15-20 feet deep into the coastal bluff with a grade beam foundation. All of this proposed work is no further seaward than the existing foundation. Based on the calculations and analysis provided by the applicant, the proposed project wouldn't be considered a 'major remodel' as that term is currently defined and used by the City. Therefore, as a remodel the project would be allowed to maintain the existing non-conforming setback.

Also in past Commission action, the amount of development on the non-conforming side of the home may provide a basis for permit conditions that require the structure be brought into conformance with appropriate setbacks. In this case, the proposed demolition and remodel is significant on both the seaward and landward sides of the home, and the remodel includes the seaward side of the structure with the existing non-conforming setback. However, none of the individual parameters considered (e.g. wall demolition, floor/roof demolition, etc.) exceed 50% (though wall demolition is close at 48%). Also, the entire addition is within the footprint of the existing structure and is no further seaward than adjacent development. The existing/proposed structure is visually consistent with current community character. Furthermore, the proposed foundational elements are no further seaward than the existing caisson and grade beam deepened foundation system. Finally, the subject site is located on San Onofre Breccia, which is a highly stable geologic formation, thus a smaller setback is satisfactory and will minimize risk to life and property, consistent with section 30253 of the Coastal Act. Thus, the Commission finds the project does not constitute a 'major remodel' or substantial re-development and so the existing non-conforming development may remain as proposed. The demolition of the sunroom increases the setback of habitable space by approximately 6 feet, while the existing first floor walls, foundational piers, existing bluff retaining wall and cantilevered deck are proposed to remain inconsistent with bluff edge setback standards for the area, and in some cases will remain seaward of the natural bluff edge.

However, contingencies must be in place once the demolition is under way to assure that the quantity and location of demolition occurs in the manner proposed and if the quantity or location of demolition changes, to establish an avenue which allows the project to be re-assessed based on the revised demolition plan.

Special Condition 9 requires that the applicant submit a copy of the City Building Department job card after the proposed demolition is complete and the framing of the walls to remain is exposed, but before any new construction has commenced. The City's card would verify the extent of demolition and the condition of the walls remaining. If the card indicates that more demolition has occurred than was approved or that the walls originally proposed to remain are not structurally sound, the applicant is required to halt construction and submit an amendment

application or an application for a new coastal development permit, if legally required. Further, **Special Condition 10** requires a termite inspection to ensure that additional demolition of the structure will not occur due to termite damage. The Executive Director would determine whether an amendment or new permit application is appropriate. Once a complete application is received, the project would then be evaluated based on the newly discovered information.

The existing structure and accessory development are considered by the Commission to be existing non-conforming. If the site were to be substantially re-developed, the Commission would typically require the entire site, including accessory development, to be made to conform to current setback requirements. In this case, the proposed project is a remodel/addition and does, by the LCP's definition, not involve a 'major remodel' or substantial redevelopment of the site. The Commission has imposed **Special Condition 11**, which does not allow improvements to this existing non-conforming development (except as may be specifically authorized by this CDP) and identifies permit requirements if the permittee decides to change the plans with respect to the non-conforming development. **Special Condition 7** also notifies the applicant that future improvements and repair and maintenance activities require a coastal development permit.

Geotechnical Recommendations

Regarding the feasibility of the proposed project the geotechnical investigation prepared by GeoSoils, Inc., states:

As an alternative to undercutting and fill placement for the support of footings, footings may be deepened through any existing, loose and compressible surficial soil, and be embedded into the underlying formation (paralic/terrace deposits). This alternative would require the use of structural slabs, that do not rely on the underlying loose soil for support, but span the footings.

Deepened footings to support the second floor addition are proposed. Therefore, no excavation, grading, or other disturbances to the coastal bluff are approved by this permit. The report has recommendations for construction of a retaining wall. No retaining walls are approved by the permit.

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 investigation 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 2** requires that the applicant conform to the geotechnical recommendations in the above mentioned geotechnical investigation, as summarized above.

Sea Level Rise

The report, *Wave Uprush and Bluff/Shoreline Erosion Analysis* by GeoSoils Inc. was submitted March 17, 2014. The report indicates that the shoreline erosion rate in this location will be the same as it has historically been, even with the most severe sea level rise scenario of 66 inches by the year 2100 (National Research Council 2014). Because of the presence of erosion resistant bedrock on the southern ocean fronting coastal bluff, the expected erosion rate from today until

2050 is less than 1 inch per year. Given sea level rise, the analysis indicates that the most conservative estimate for bluff retreat is 5.2 feet by the year 2100. However, retreat of coastal bluffs can be episodic, especially if the bluff is undermined by wave attack at the toe of the bluff.

The existing house is built out to the bluff edge. An erosional retreat or a bluff collapse, under the worst case scenario, equal to 5.2 feet would impact the existing residence and existing cantilevered deck. Severe storms and stormwater flows could also affect the bluff face, and could expose portions of the caisson foundation of the structure. Future redevelopment of the site would be required to maintain a 25 foot bluff edge setback to maximize safety in the event of gradual bluff erosion or bluff collapse. The addition is proposed to be within the existing footprint of the structure and setback from the most seaward-point of the existing development, and the foundational elements of the addition will be inland of the existing foundation caissons. As conditioned for the applicant to accept the assumption of risk and the waiver of liability in light of the identified coastal hazards, the project can be approved consistent with the Coastal Act.

The coastal bluffs in this location are more than 80 feet above the beach and the maximum expected wave run-up is 33 feet; therefore wave up-rush will not impact the existing structure or proposed addition, although wave up-rush may contribute to episodic collapse or erosion.

Future Protective Devices

The proposed development is located on a bluff top ocean front lot. In general, lots comprised of bluffs 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 that would substantially alter natural landforms along bluffs and cliffs.

The Coastal Act limits construction of these protective devices because they have a variety of negative impacts on coastal resources including adverse effects 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. The proposed project can only be found consistent with Section 30253 of the Coastal Act if a shoreline/bluff protective device that would substantially alter natural landforms along bluffs and cliffs is not expected to be needed to protect the new development 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 or bluff protection devices that would substantially alter natural landforms along bluffs and cliffs will be needed. If not for the information provided by the applicant that the site is safe for the new proposed 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 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 that would substantially alter natural landforms along bluffs and cliffs. Therefore, the Commission imposes **Special Condition 3** which requires that the applicants, on behalf of themselves and all successors and assigns, that no expansion of existing bluff protective devices or new bluff or shoreline protective device(s) that would substantially alter natural landforms along bluffs and cliffs shall ever be constructed to protect the development approved pursuant to this permit 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, erosion, sea level rise or other natural coastal hazards in the future. **Special Condition 3** also requires that, by acceptance of this permit, applicants waive, on behalf of themselves and all successors and assigns, any right to construct protective devices to protect the proposed project that may exist under section 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 lot, where conditions are inherently hazardous. Given that the applicants have chosen to implement the project despite potential risks from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion, the applicants must assume the risks. Therefore, the Commission imposes **Special Condition 6**, requiring the applicants to assume the risk of the development. In this way, the applicants are notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicants 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 and collapse, 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. 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. While no new landscaping is proposed as part of this project, **Special Condition 4** requires that the applicants accept that no invasive or facultative vegetation will be planted on the site. **Special Condition 5** requires final drainage and erosion control plans for the treatment of runoff to be maintained for the life of the project. As conditioned, the development will be consistent with section 30253 of the Coastal Act.

Conclusion

The existing home and proposed additions are located within an existing developed residential neighborhood and are compatible with the character and scale of the surrounding area. 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, development not rely on shoreline or bluff protective devices, scenic coastal views be protected, and geologic stability be assured.

D. DEVELOPMENT

As described in the Hazards Section above, the Coastal Act requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard and assure stability and structural integrity. In order for the proposed development to minimize risk and assure stability, the development must be setback a safe distance from the bluff edge. Therefore, **Special Condition 1** requires the applicant to submit revised final architectural plans, foundation plans, grading plans, and drainage and erosion control plans which identify the correct location of the bluff edge in relation to the existing home and the proposed addition, and shall depict the location of the 25-foot bluff edge setback. The condition also requires that the plans reflect no new development or improvements of principal structures or accessory structures further seaward than the existing home's current seaward line of development.

The development is located within an existing developed area and the proposed development is compatible with the character and scale of the surrounding area. As proposed the project is consistent with Chapter 3 policies of the Coastal Act for new development. 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. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition 7**, 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.

E. 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.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

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, and 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 the Chapter 3 public access protection policies of the Coastal Act.

F. 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.

Since the subject site is adjacent to the ocean, the proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The project plans submitted by the applicant included a drainage and run-off control plan that increases permeable area on the lot. Runoff that does leave the site will be directed to the Three Arch Bay Community Services District's existing storm drain system. The Commission imposes **Special Condition 5**, which requires the applicant to conform to the submitted drainage and run-off control plan. The Commission also imposes **Special Condition 8**, which requires the applicant to implement construction best management practices, which also protect water quality during construction.

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.

G. 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 12**, 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.

H. 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 prejudice the ability of 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.

I. 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.

APPENDIX A - SUBSTANTIVE FILE DOCUMENTS

- 1) City of Laguna Beach LCP
- 2) Laguna Beach Zoning Code: development standards for Three Arch Bay

PROJECT LOCATION

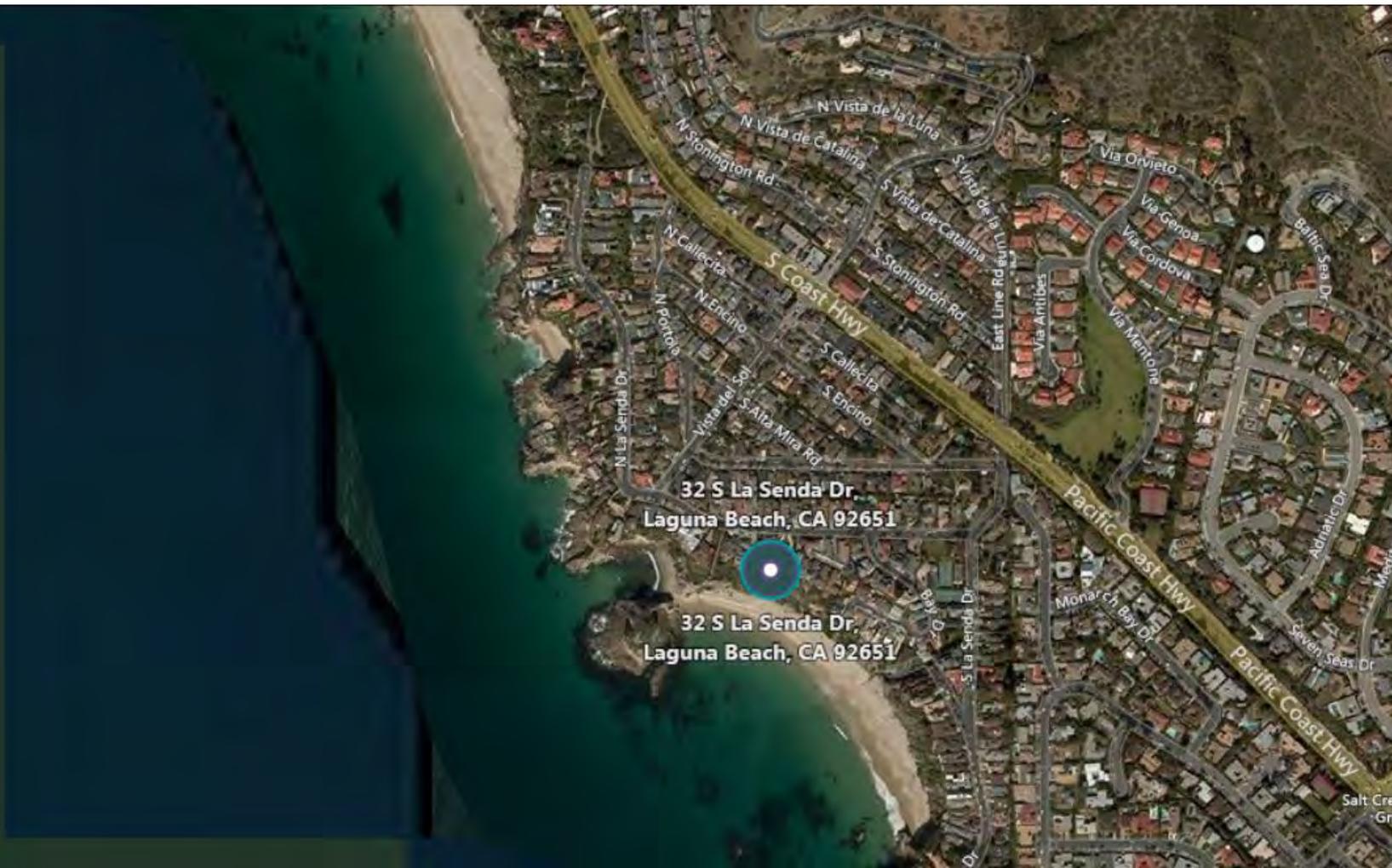


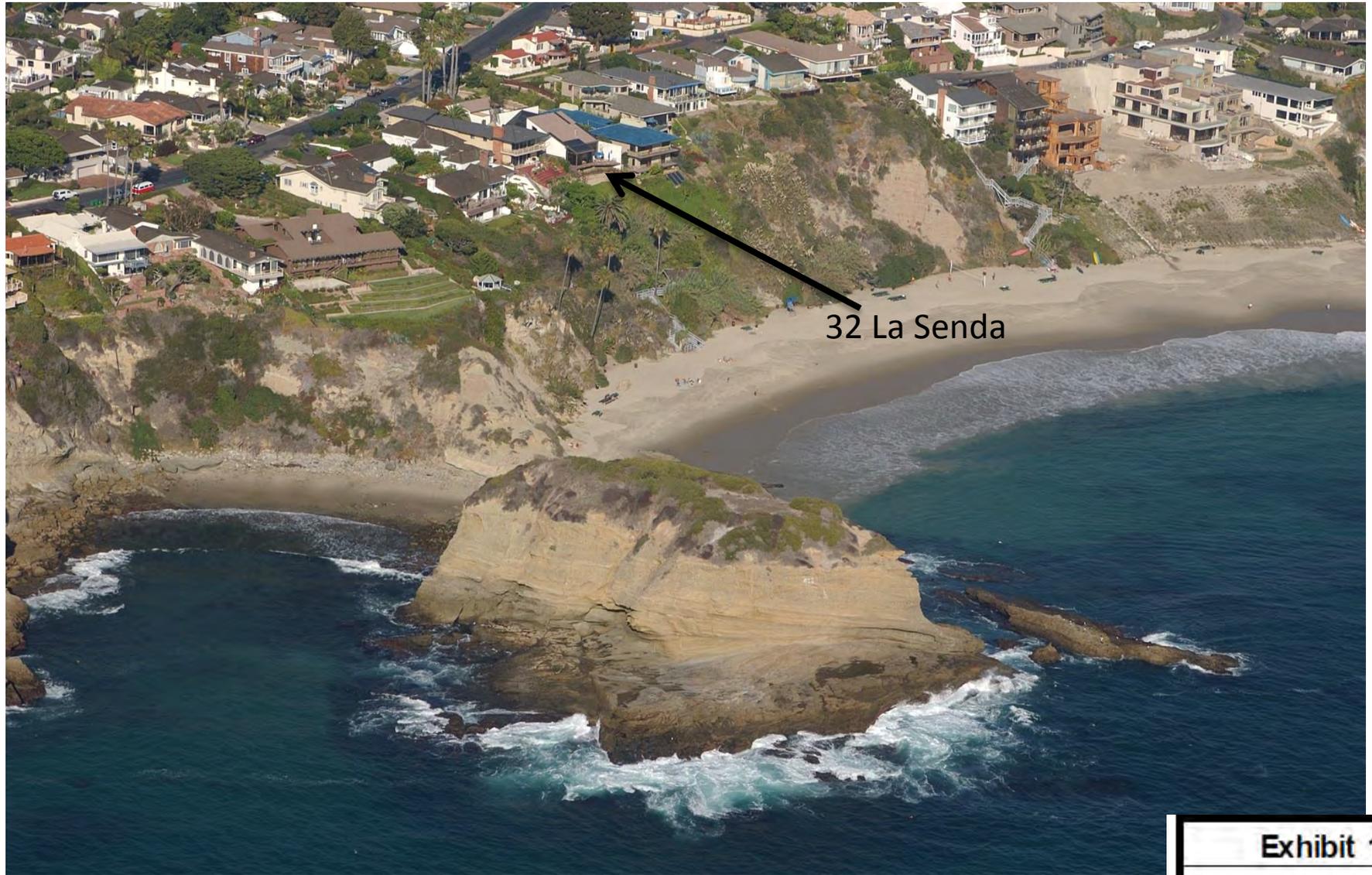
Exhibit 1

5-15-0240



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Commission

PROJECT SITE



32 La Senda

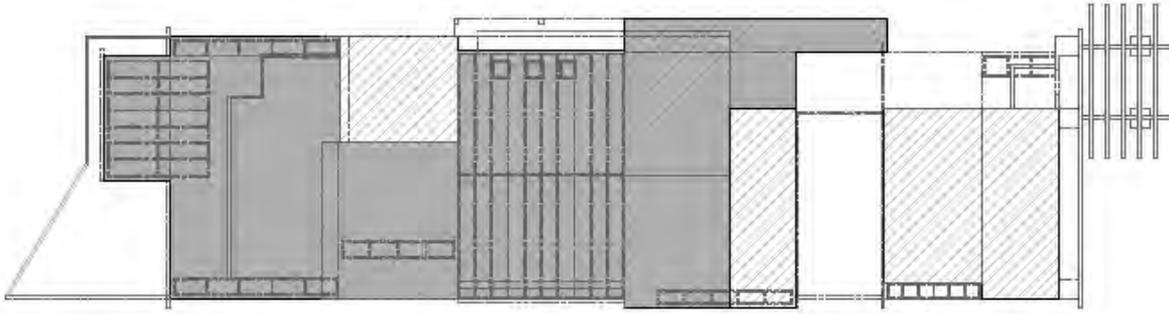
Exhibit 1

5-15-0240



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DEMOLITION PLANS



ROOF PLAN

18" = 1'-0"

LEGEND:

- Demolish AREA TO BE DEMOLISHED AND/OR RECONSTRUCTED
- Demolish AREA OF ROOF FRAMING SYSTEM AND STRUCTURAL FLOOR SYSTEM

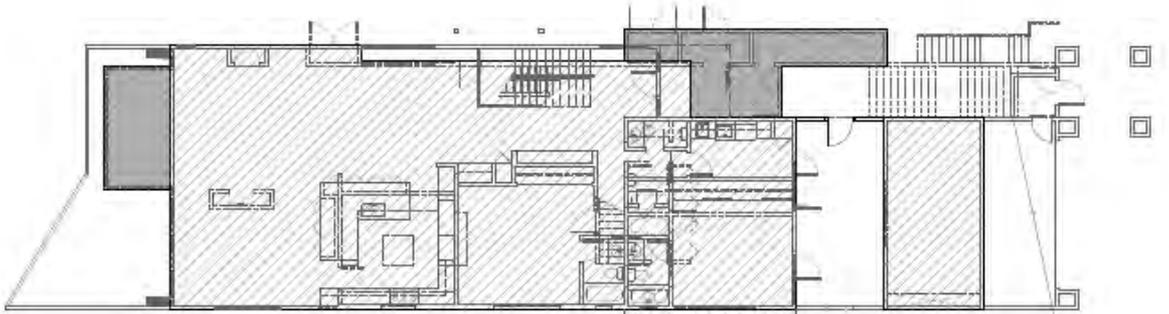
AREA CALCULATIONS:

Demolish ROOF FRAMING SYSTEM (RAVE) AND RECONSTRUCT OR STRUCTURAL FLOOR SYSTEM	Demolish AREA	Demolish AREA% TO BE DEMOLISHED AND/OR RECONSTRUCTED
LOWER LEVEL	2,617.13	325 / 7,366.60 = 4.40%
UPPER LEVEL	1,436.47	332 / 7,366.60 = 4.49%
ROOF	3,077	2,214.04 / 7,366.60 = 30.00%
TOTAL	7,366.60	2,879.04 / 7,366.60 = 38.94% < 50%



UPPER FLOOR PLAN

18" = 1'-0"



LOWER FLOOR PLAN

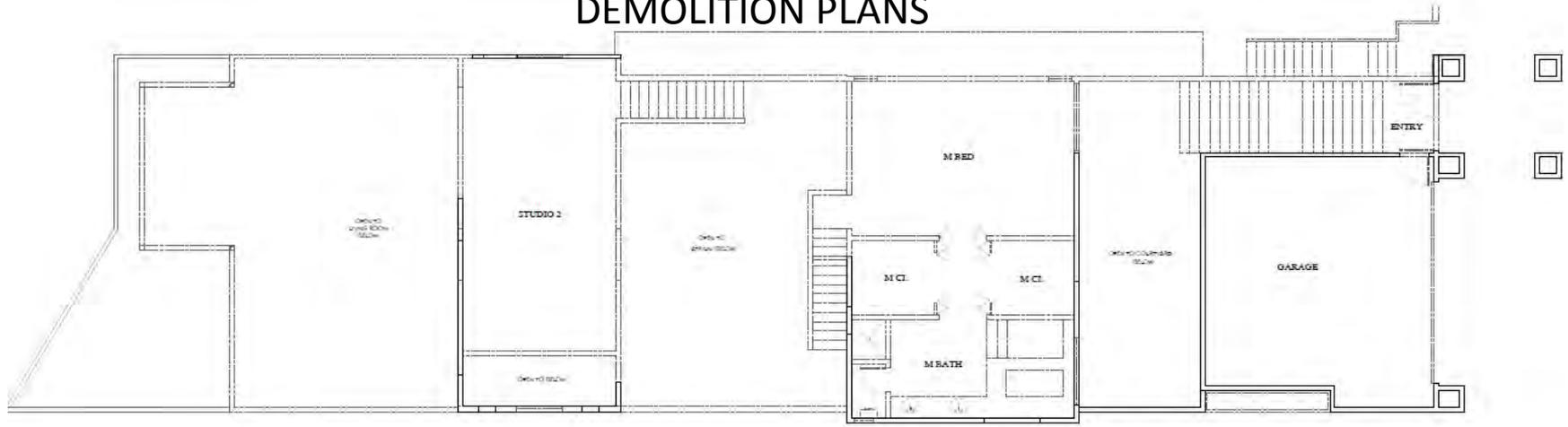
18" = 1'-0"

Exhibit 2

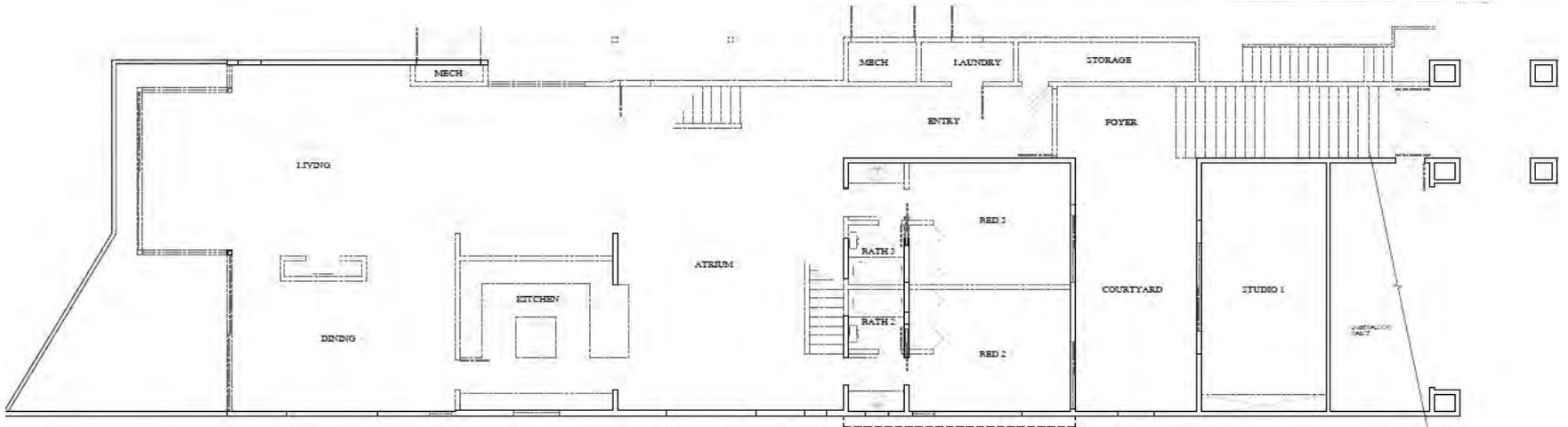
5-15-0240

California Coastal Commission

DEMOLITION PLANS



UPPER FLOOR DEMO PLAN



LOWER FLOOR DEMO PLAN

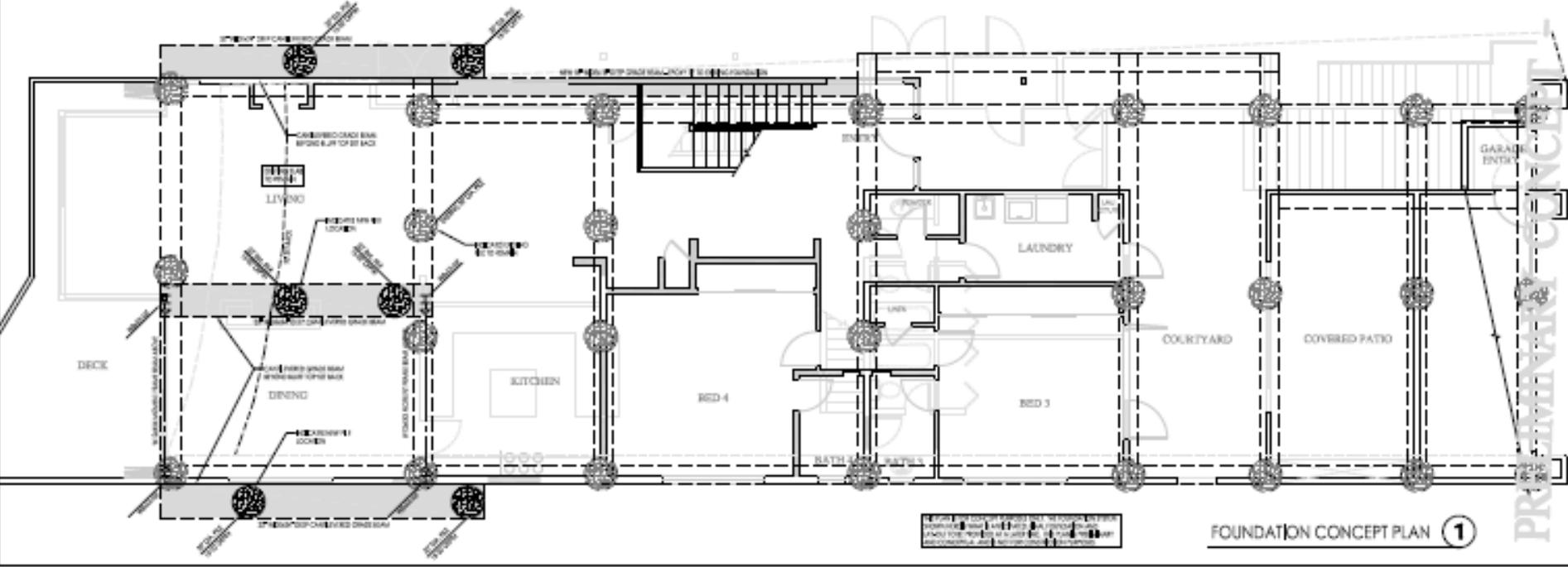
Exhibit 2

5-15-0240



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FOUNDATION PLANS



FOUNDATION CONCEPT PLAN ①

Exhibit 2	
5-15-0240	
	California Coastal Commission

EAST ELEVATION

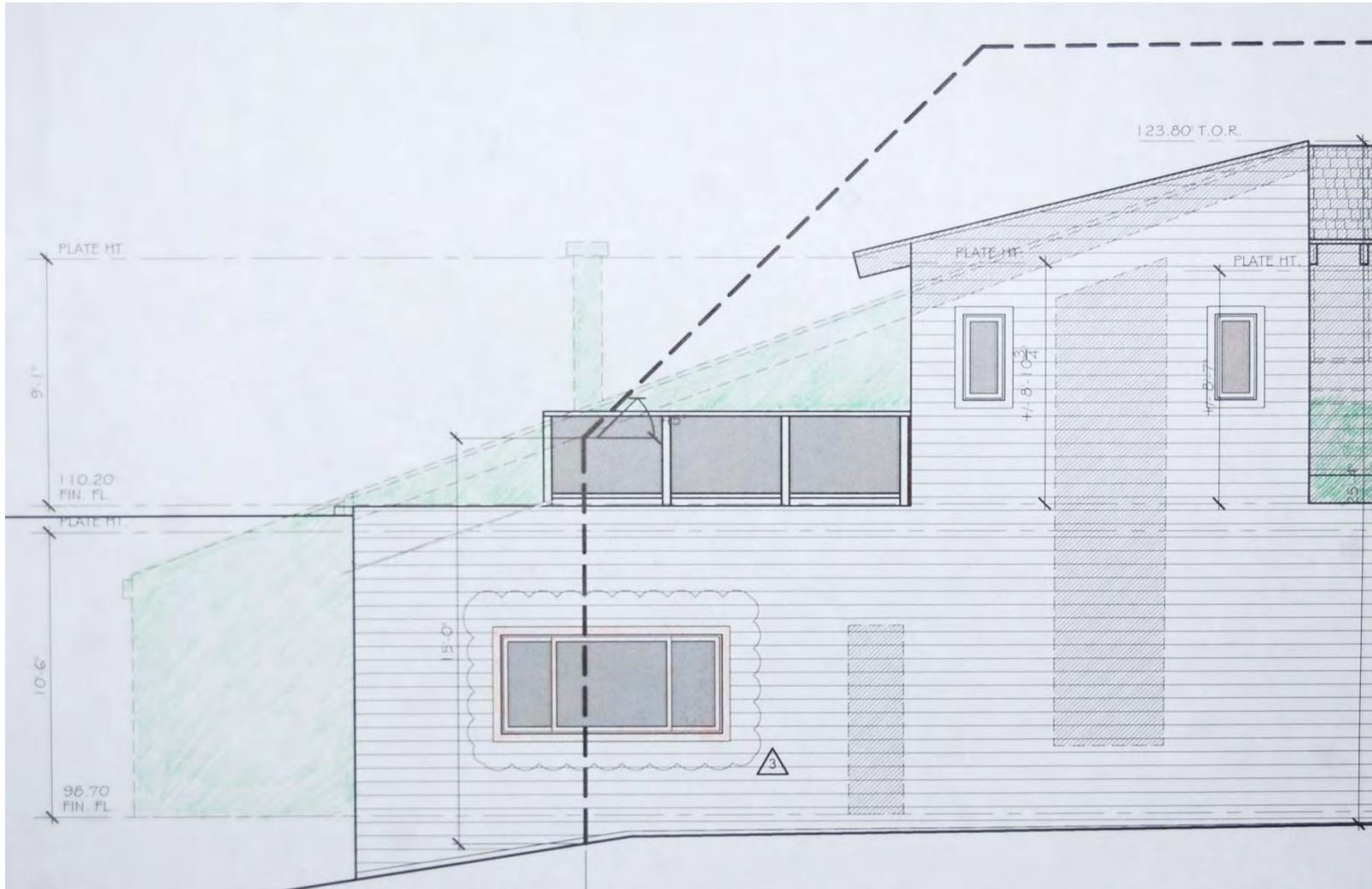


Exhibit 2

5-15-0240



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WEST ELEVATION



Exhibit 2

5-15-0240



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ELEVATIONS

NOTES:	
1.	SHADED GLAZING INDICATES NEW OR REPLACED WINDOWS
LEGEND:	
	PROPOSED ACCESSORIES

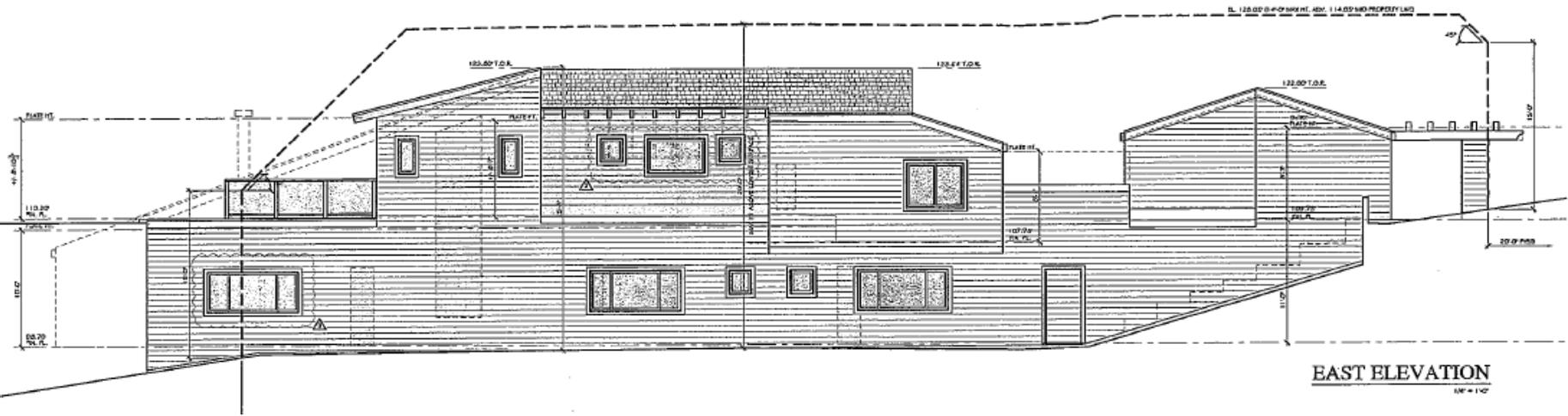
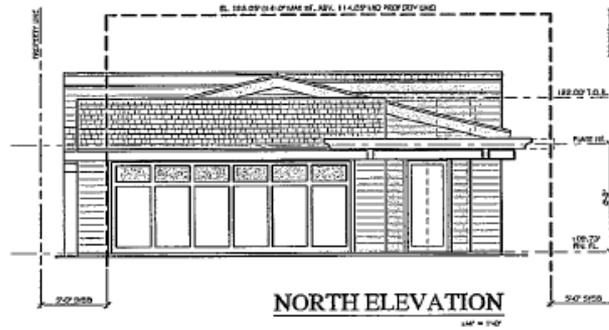


Exhibit 2	
5-15-0240	
	California Coastal Commission

ELEVATIONS

1. SHAVED SASHES INDICATES VIEW OF REPLACED WINDOWS

LEGEND:

 PROPOSED ADDITION AREA

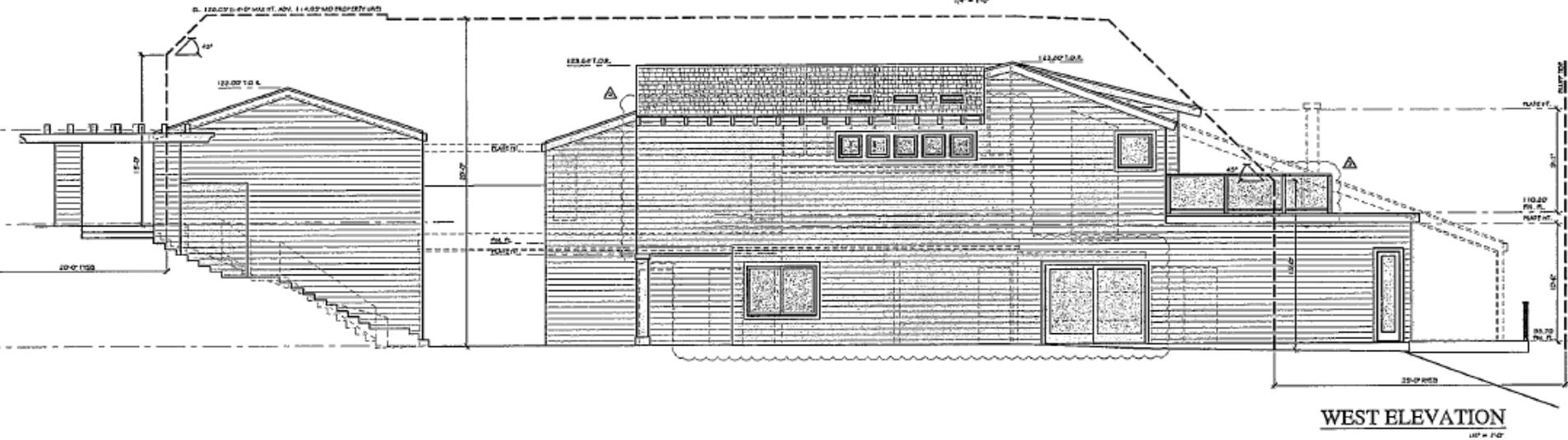
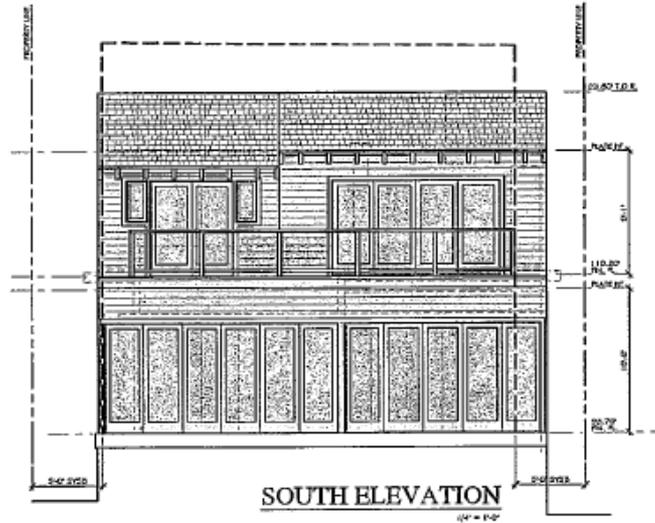


Exhibit 2

5-15-0240



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PHOTOS

Sunroom to be removed



Cantilevered deck



Retaining wall location



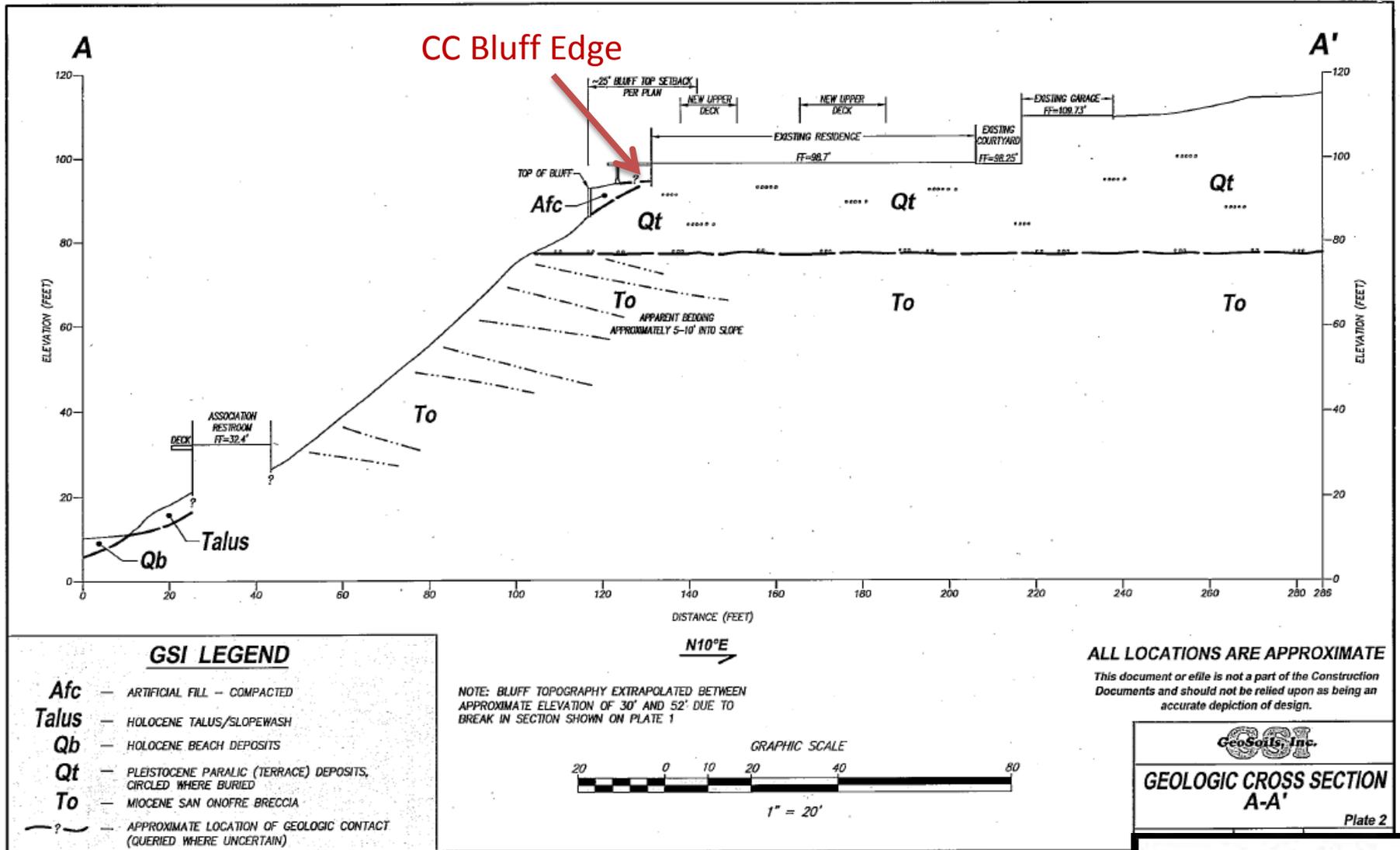
Exhibit 3

5-15-0240



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BLUFF EDGE



Bluff edge provided by Applicant

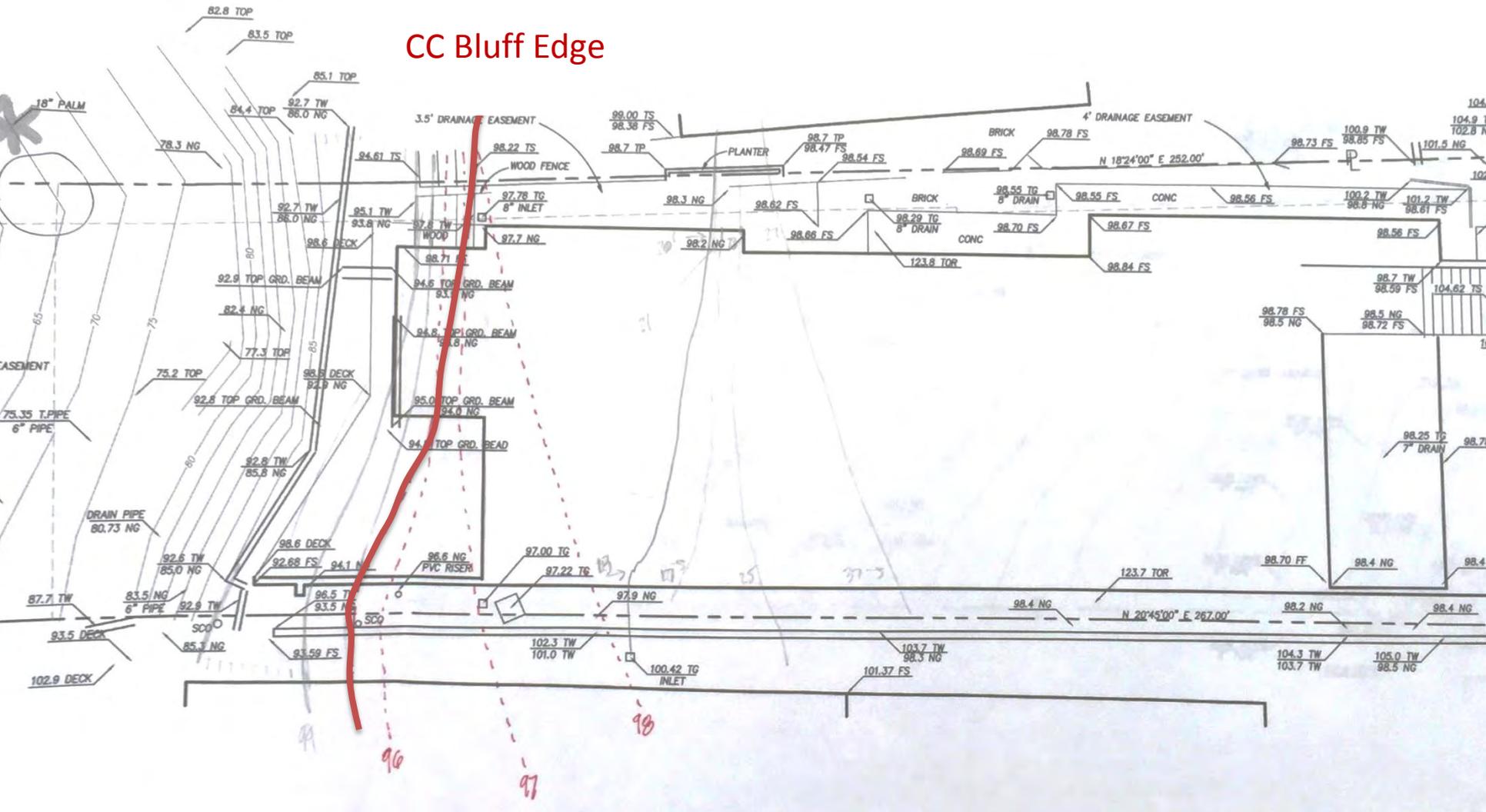
Exhibit 4

5-15-0240



California Coastal Commission

CC BLUFF EDGE



Bluff edge identified by Commission Staff Geologist

Exhibit 5

5-15-0240



California Coastal Commission