

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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# Th12a

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original staff report

## Addendum

Date: June 9, 2015

To: COMMISSIONERS & INTERESTED PERSONS

From: SHERILYN SARB, DEPUTY DIRECTOR  
SHANNON VAUGHN, COASTAL PROGRAM ANALYST  
SOUTH COAST DISTRICT STAFF

Subject: Addendum to Th12a, Coastal Development Permit Appeal No. A-5-LGB-14-0027 (MSSK Ventures, LLC), Laguna Beach, Orange County, for Commission Meeting of June 11, 2015

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Staff recommends the following changes be made to the above-referenced staff report, dated May 29, 2015. The proposed changes modify the passive erosion mitigation condition and add more detailed findings, and correct typos; the recommended changes are generally proposed for clarification. Additions are shown in underline text and deletions are shown in ~~strike out~~ text.

1. On page 5 of the staff report, the first paragraph under II. APPELLANTS' CONTENTIONS, shall be revised as follows:

On April 25, 2014, the Commission received a notice of final local action for City of Laguna Beach Local CDP 14-0308 (**EXHIBIT 2**). Local CDP 14-0308 approved ~~the major~~ a remodel of and additions to an existing 4,878 sq. ft. single-family residence including the backfill of unpermitted excavated dirt behind the garage, converting 718 sq. ft. of crawl space into habitable area on the lower level, converting the caterer's kitchen into garage area, reconfiguring an interior staircase and outside upper level decks, hardscaping within a bluff top setback, foundation work, and permitting the existing temporary seawall. ~~The total demolition of the City approved project includes demolition of 2.1% of the roof, 54.6% of the interior floors and walls, and 46.12% of the exterior walls~~ **EXHIBIT 2**). Construction for the site is in an environmentally sensitive area due to its oceanfront location in the Lagunita Zone.

2. On page 8 of the staff report, the second paragraph under V. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE, shall be revised as follows:

The City-approved development includes a ~~major~~ remodel of and additions to the existing residence including: converting 718 sq. ft. of crawl space into habitable area on the lower level, converting the caterer's kitchen into garage area, reconfiguring an interior staircase and outside upper level decks, hardscaping in a bluff top setback, foundation work to the home, the backfill of unpermitted excavated dirt behind the garage, and shoring of and

extending an existing unpermitted seawall from 80' to 187', which "will provide additional structural support for the existing structure" (page 10 of EXHIBIT 2). The total demolition of the City-approved project includes demolition of 2.1% of the roof, 54.6% of the interior floors and walls, and 46.12% of the exterior walls. The City-approved project plans are included as EXHIBIT 4. It is not clear from the documents submitted by the City if there was detailed analysis to determine whether or not the proposed remodel would constitute a "major remodel" pursuant to the City's LUP definition; however, the City documents indicate variances will be required to maintain the non-conforming conditions, if the project is classified as a major remodel. The City-approved project includes a variance for construction of improvements within the bluff top setback including a system of tiebacks, grade beams, and shotcrete finish to secure the existing home in its current location. Such modifications to fortify any non-conforming portions of the structure would increase the degree of non-conformity of the structure.

3. On page 11 of the staff report, the following paragraph shall be added after the 5<sup>th</sup> full paragraph:

Definition (Land Use Element page A 10 # 89 ): Major remodel – 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.

4. On page 13 of the staff report, the last paragraph shall be revised as follows:

Additionally, the City's Land Use Element Actions 10.2.7 and 10.2.8, require the City-approved project to conform to oceanfront setbacks. The City-approved project includes substantial renovations to the existing house including: converting 718 sq. ft. of crawl space into habitable area on the lower level; converting the caterer's kitchen into garage area; reconfiguring an interior staircase and outside upper level decks; foundation work to the home including a retaining wall and footing; the backfill of unpermitted excavated dirt behind the garage; shoring of and extending an existing unpermitted seawall from 80' to 187', which "will provide additional structural support for the existing structure" (page 10 of EXHIBIT 2); and a variance for construction of hardscape improvements within the bluff top setback, thereby perpetuating and increasing the nonconforming conditions of the site. The City's permit states that the residence will result in 'no net increase' despite proposed additions to the structure. Also, the City's initial analysis expressed concerns that the applicant's proposed project would be considered a "major remodel" and that variances would be required to maintain the non-conforming conditions of the site (page 15 of EXHIBIT 2). However, there is no specific analysis regarding the characterization ("major remodel" or not) of the proposed project in the City's final staff report dated March 27, 2014 (pages 4 – 13 of EXHIBIT 2). Thus, there is no apparent resolution of the issue the basis for that decision is unclear. The City's LCP prohibits approval of new development, major remodels, and additions to existing structures on oceanfront sites that would rely on existing or future shoreline protective devices (see Land Use Element, Action 7.3.9). The LCP also prohibits improvements to legally non-conforming residences that increase the size or degree of nonconformity (see Land Use

**Element, Action 7.3.10).** These policies are in place to ensure that development is not perpetuated in hazardous locations like the subject site. Furthermore, **Policy 7.3.9** requires that development, including additions to existing structures and major remodels include as a condition of the permit "...a waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction..." No such deed restriction was imposed by the City in conjunction with its action. Thus, the City's approval appears in conflict with these various requirements in the LCP. The City-approved project plans are included as EXHIBIT 4.

5. On page 16 of the staff report, Special Conditions 1A and 2A shall be revised as follows:

**1. Revised Plan.** 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 plans that include the approved shoreline protection structures work, plans to backfill of the previously excavated area under the existing house, and limited approved foundation work for the house. Those plans shall substantially conform with the plans submitted to the Commission on January 13, 2015 (prepared by James Conrad Architect), but shall be revised to incorporate the following:

A. Seawall Design. The 80 foot length of the existing seawall shall not be extended. However, return walls shall be constructed at the north and south ends of the seawall and all rocks at the north end of the seawall shall be replaced in their proper original location ~~within at the north end of the seawall~~ as scour protection, at 2:1 slope or steeper, and within a footprint that is no further seaward than the a linear protection of projection established by the existing seawall. New caissons, grade beams, steel plates, etc. that would extend the existing seawall to on the north end of the seawall shall be deleted from the plan (**Page 3 of EXHIBIT 7**).

[No intervening changes to remainder of this condition.]

**2. Duration of Armoring Approval as Related to the Existing Bluff Top Residence.**

A. Authorization Expiration. This coastal development permit authorizes the seawall to remain until the time when the currently existing residence requiring protection is: A) redeveloped in a manner that constitutes new development; B) is no longer present or is uninhabitable; or C) no longer requires a shoreline protective device, whichever occurs first. Prior to the anticipated expiration of the permit and/or in conjunction with redevelopment of the property, the Permittee shall apply for a ~~new coastal development permit~~ of permit amendment to remove the seawall or to modify the terms of its authorization.

[No intervening changes to remainder of this condition.]

6. On page 18 of the staff report, Special Condition 3 shall be revised as follows:

**3. Mitigation for Impacts to Public Access & Recreation, Sand Supply, and Passive Erosion.**

A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the Permittee shall provide evidence, in a form and content acceptable to the Executive

Director, that a fee in an amount of \$63,250.50, which is the amount equal to the average of the three approved bids for delivering 2,222 cu. yds. of beach quality sand to the beach for 20 years of mitigation from 2015 – 2035 plus 1,111 cu. yds. of beach quality sand for the 10 years that the wall and rock has been in place from 2005 - 2015, has been deposited into an interest bearing account designated by the Executive Director, and held by the Coastal Conservancy, the City of Laguna Beach, or an Executive Director approved alternate entity, for the purposes of beach nourishment or public access and recreation projects at the beach adjacent to the project site, or at a beach close to the project site that is within the same littoral cell.

~~If the funds and any accrued interest aren't all used for beach nourishment projects within five years of the funds being deposited into the account, then any remaining funds and accrued interest may also be used for provision, restoration and enhancement of public access and recreational opportunities along the shoreline in Laguna Beach, including but not limited to public access improvements, recreational amenities, and/or acquisition of privately owned beach or beach fronting property for such uses. All of the funds and any accrued interest shall be used for the above stated purposes, in consultation with the Executive Director, within ten years of the funds being deposited into the account. All development funded by this account will require review and approval by the Executive Director of the Coastal Commission and a coastal development permit if legally required.~~

B. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT the applicant shall provide evidence, in a form and content acceptable to the Executive Director, that a full mitigation fee of ~~\$51,238.03~~ \$34,158.69 has been deposited into an interest bearing account designated by the Executive Director, in-lieu of providing the total amount of sand to replace, through nourishment, the sand beach area that will be lost due to the impacts of the seawall ~~to passive erosion~~ from fixing the back of the beach for the previous 10 year period and the subsequent 20 year a 20-year period (2005 ~~2015~~ – 2035) beginning on the building permit completion certification date. ~~based upon land value for 3,000 sq. ft. of undeveloped property within the Lagunitas Zone area as required to address the impacts of the seawall and rock revetment for the an initial 20-year period (2015 – 2035) and the prior 10 year period (2205 – 2015), beginning on the building permit completion certification date.~~ All interest earned by the account shall be payable to the account for the purposes stated below.

~~The purpose of the account shall be to establish a beach sand replenishment fund to aid the Coastal Conservancy, the City of Laguna Beach, or an alternate entity approved by the Executive Director, in the restoration of the beaches within Orange County. The funds shall be used solely to pay for sand used to implement projects which provide sand to the region's beaches, not to fund operations, maintenance or planning studies. The funds shall be released only upon approval of an appropriate project by the Executive Director of the Coastal Commission. The funds shall be released as provided for in an MOA between the Coastal Conservancy, the City of Laguna Beach, or an alternate entity approved by the Executive Director, and the Commission, setting forth terms and conditions to assure that the in-lieu fee will be expended in the manner intended by the Commission. If the MOAU is terminated, the Executive Director may appoint an alternate entity to administer the fund for the purpose of restoring beaches within Orange County.~~



~~C. Prior to expenditure of any funds contained in~~ The purpose of the Executive Director approved this account (as described in paragraphs A and B above), shall be to establish a beach sand replenishment fund to aid the Coastal Conservancy, the City of Laguna Beach, or an alternate entity approved by the Executive Director, in the restoration of the beaches within Orange County. The funds shall be used solely to pay for sand to implement projects which provide public access and recreation opportunities to the region's beaches, or as otherwise approved by the Executive Director, not to fund operations, maintenance, or planning studies. ~~shall review and approve, in writing, the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition, the entity accepting the in-lieu fee funds required by this condition shall enter into a~~ The funds shall be released as provided for in a mMemorandum of Understanding (MOU) ~~with~~ between the Coastal Conservancy, the City of Laguna Beach, or an alternate entity approved by the Executive Director, and the Commission, which shall include, but not be limited to, the following: 1) a description of how the funds will be used for beach nourishment projects or to provide public access and recreation opportunities to the region's beaches within the vicinity of the project site; 2) the terms provided in subsections A and B of this condition; 3) an agreement that the entity accepting the funds will obtain all necessary regulatory permits and approvals, including but not limited to a coastal development permit for beach nourishment or public access and recreational development required by this condition; and 4) acknowledgement that the Executive Director may appoint an alternate entity to administer the funds if the MOU is terminated.

The shoreline armoring approved by this CDP results in the extension of the useful life of the existing seawall fronting the bluff top home at 11 Lagunita Drive. Pursuant to CDP A-5-LGB-14-0027, the applicant is required to provide mitigation for the impacts of the seawall for a 20-year period (2015 – 2035). Additional reassessment for impacts to sand supply, public access and recreation and any other relevant coastal resources impacted by the seawall will be required if the seawall remains beyond the initial approved mitigation period and if expansion and/or alterations to the existing seawall is proposed or if any significant alteration or improvement is proposed for the existing bluff top residence.

7. On page 24 of the staff report, paragraph 4 shall be revised as follows:

Because the existing seawall is an unpermitted structure, the Commission must review the site conditions and proposed seawall as if the seawall does not exist. The existing temporary seawall sits inland of the southern half of the oceanfront property line and reaches a height of approximately 11' above the natural finished grade. It is approximately 80' in length and consists of nine 24" diameter concrete caissons drilled into bedrock approximately 27' below the natural grade supported with steel flange beams and steel plates. Rocks/boulders have been placed at both ends of the seawall, which was authorized under Emergency Permit 5-05-080-G (EXHIBIT 1). The applicant originally proposed to extend the seawall installed in 2005 by approximately 107' but then reduced the proposed extension to 28'. The purpose of the 28' extension is to protect the existing residence, the existing sewer line that runs under the residence, and the existing storm drain outlet located approximately 11' up coast of the end of the current seawall. The extension would be created by adding five caissons (four extending toward the storm drain outlet and one that will wrap around the southern corner of the property) with steel plates in between each beam that will extend to the same depth and

height of the existing seawall, ~~and to add~~ Eleven (11) tiebacks would also be added to the entire wall (existing 80' and 28' extension), each approximately 60' long embedded a minimum of 26' into the bedrock. The current seawall has been designed for 2' of sea level rise, based on the National Research Council's upper projection of sea level rise by 2050. In the event that actual sea-level rise exceeds the considered elevation the seawall will be designed to tolerate an increase in height of 2'-6" from its current height above the natural finished grade, although the applicant is not proposing to increase the height of the seawall at this time. The applicant also proposes a textured and colored façade along the entire exposed face of the seawall, which will be designed to reflect the natural environment surrounding the site.

8. On page 28 of the staff report, the following paragraph shall be added after the first full paragraph and paragraphs 2 and 3 shall be revised as follows:

In 2005, the beach fronting the residence was severely eroded and wave uprush threatened the existing residence. Section 30519(b) of the Coastal Act provides that the Commission retains permit authority for any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands. Furthermore, the City's certified LCP (Municipal Code 25.07.020 (B)) calls for the Coastal Commission to take action on emergency permits for any development that is within an area that is appealable to the Coastal Commission. As a result, the Commission had permit jurisdiction to issue Emergency Permit 5-05-080-G. The emergency permit authorized the construction of a temporary, steel-beam, vertical seawall (EXHIBIT 1). There are no other vertical seawalls on this stretch of beach. The only other shoreline protection devices have been rock revetments, most of which are currently buried under the sand.

The City's certified LUE Action 7.3.2, Action 7.3.11, Action 7.3.9, Action 7.3.10, Action 7.3.12, and Action 7.3.18 require that an applicant provide extensive information documenting that any new oceanfront development will be safe over its lifetime from coastal hazards so as to not require future shoreline protection, and requires applicants take into account predicted future changes in sea level when they site and design new ocean front development. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea-level rise over the expected economic life of the structure. The applicant is proposing to protect the existing residence, sewer line, and storm drain outlet.

In this case, the single-family home is an existing structure because it was originally permitted and built prior to November 8, 1972 (see former Public Resources Code, section 27404), thereby predating the enactment of The California Coastal Zone Conservation Act of 1972 (Prop 20).<sup>1</sup> Although a sewer line happens to run under the house, the property owner is not required or responsible for maintaining or protecting it. Consequently, the sewer line will receive protection from the seawall, but the purpose of the seawall is to protect the existing residence only and not the sewer line. If, in the future, the existing residence is demolished or undergoes a major remodel or if the seawall is no longer needed to protect the existing residence as described in **Special**

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<sup>1</sup> Prop 20's effective date for coastal permitting requirements is February 1, 1973. The subject site would have been subject to Prop 20 jurisdiction because it is within 1000 yards inland of the mean high tide line. (Former Public Resources Code, section 27104)

**Conditions 2 & 4**, the seawall will no longer be authorized under this permit and the sewer line may not be cited by the applicant as an existing structure to justify keeping or maintaining the seawall. Alternatives, such as removing the sewer line from possible exposure to coastal hazards by moving it to a more landward location, should be considered. Furthermore, any requests for maintenance or protection of the sewer line should be initiated by the South Coast Water District, who is legally responsible for the upkeep and preservation of the existing sewer line, not from the property owner.

9. On page 29 of the staff report, the following paragraph shall be inserted before the first complete paragraph:

At this time, the seawall is only authorized to protect the existing residence. If, in the future, the existing residence undergoes a major remodel or is demolished, per Actions 7.3.9, 7.3.10, and 7.3.12 of the City's LUP and Special Condition 2 the seawall will no longer be authorized and must be removed from the site.

10. The first full paragraph on page 30 shall be revised as follows:

The subject site lies within the Laguna Beach Mini Littoral Cells, one of eight coastal segments defined and studied in the US Army Corps of Engineers "Coast of California Storm and Tidal Wave Study, South Coast Region, Orange County" (USACOE, 2002). This shoreline is characterized by a series of small pocket beaches. The pocket beach size varies with wave conditions and shoreline orientation but according to the study, mean beach widths have been relatively stable. The beach/shoreline in front of the project site is subject to seasonal erosion and accretion but is, in general, described by the USACOE, stable with little or no retreat over the last 80 years. However, the "Coastal Hazards Analysis" report submitted by the applicant ~~indicates that~~ states "11 Lagunita Drive is positioned over an ancient canyon that was incised considerably during periods when sea level was significantly lower than [it is] today. As a result, depth to competent bedrock is quite a bit deeper than in other sections of the beach, making construction of a protective wall more difficult.... Shoreline erosion is a serious concern for Victoria beach and the subject site at 11 Lagunita Drive....temporary yet extreme beach erosion does occur during large storm events, damaging existing seawalls, jeopardizing home foundations, and accelerating erosion for sections of the bluff not consisting of resistant bedrock."

11. The following paragraph shall be added after the 2<sup>nd</sup> full paragraph on page 30 of the staff report:

All the properties adjacent to this pocket beach are at some risk from erosion and wave attack. The residence at 11 Lagunita, is sited further seaward and at a lower elevation than the surrounding properties (EXHIBIT 9), putting it at greater risk than the neighboring structures. Furthermore, this property is within an ancient channel that extends into an offshore canyon, which can channel higher wave energy toward the center of the pocket beach, where this project site is located. Therefore, the residence at 11 Lagunita, is more exposed to severe episodic erosion and wave action than the surrounding residences.

Vertical seawalls are not characteristic of this section of beach. The few structures that already have some type of shore protection rely upon buried revetments. A buried rock revetment was considered at this location but due to the canyon and depth to bedrock

shoreward of the residence, a rock revetment would sink into the sand and additional rock would be needed on a regular basis. As stated below in the alternatives analysis, a revetment is currently not the most practical solution for this site at this point in time.

12. The last paragraph on page 31, shall be revised as follows:

**Long-Term Stability, Maintenance, and Risk**

In order to assure long-term stability and structural integrity in the dynamic shoreline environment within which the proposed project is located, **Special Condition 4** requires that the applicant provide monitoring reports every five years from the date of CDP issuance which evaluate whether the seawall is still required to protect the existing structure it was designed to protect. If it is determined that the seawall ~~extension~~ is no longer needed to protect the existing structure, the applicant must submit a CDP application within 6 months to remove the seawall. Such monitoring will ensure that the applicant and the Commission are aware of any damage to or weathering of the armoring and other project elements and can determine whether repairs or other actions are necessary to maintain the project in its approved state before such repairs or actions are undertaken. Future monitoring and maintenance activities must be understood in relation to clear as-built plans. Therefore, **Special Condition 1 & 8** of this approval require the submittal of revised final plans and as-built plans.

13. On page 35 of the staff report, the following paragraph shall be added before the first full paragraph:

In this case, impacts from fixing the back of the beach (often referred to as passive erosion) is calculated for 20 years from 2015 – 2035. Bedrock is at a depth of -9' to -14' MSL due to the ancient canyon under this property. At the time the seawall was constructed, the beach was deeply scoured. No surveys of the scoured beach elevation are available, however maximum scour elevation has been estimated by the applicant's engineer to be -2' MSL, and this quite likely represents the general condition of the beach at the time of the 2005 storms. Beach scour to a depth approaching -2' MSL would have placed the MHT line (elevation approximately +1.9' MSL) inland of the location of the seawall, and resulting in a seawall located in an area subject to the public trust. At the present time, mitigation is required to address the impact of the proposed seawall which fixes the back of the beach and prevents its landward migration resulting in loss of sandy beach area that could be used by the public. This potential for loss of public beach exists during the time the seawall is present and must be mitigated. It is not necessary to account for the previous 10 years (2005 – 2015) that the seawall was present because beach sand has returned to restore the beach area that was severely eroded at the time of emergency authorization of the seawall. Since sea level is expected to rise in the future, the back shore could be expected to retreat more quickly than has occurred historically and mean high tide line will migrate inland. As this happens, the beach seaward of the seawall will narrow and become subject to the public trust due to the presence of the seawall preventing its landward migration and formation of new beach area. After the year 2035, the required mitigation will expire, as described in **Special Condition 3**, and the need for the seawall and additional mitigation for the presence of the seawall will need to be reevaluated. Given the calculations provided by the applicant's geotechnical report, in this particular case 1,800 cubic yards of sand would be necessary to replace,

through nourishment, the 2,000 sq. ft. of beach that will be lost through fixing the back of the beach for 20 years (2015 – 2035). The formula is described below:

$$\begin{aligned} \text{Passive erosion} &= \text{erosion rate (1 ft/yr)} * \text{time (20 yrs)} * \text{length (100 ft)} * \text{area to volume} \\ &\text{conversion}^2 \text{ (0.9 cu yds/sq. ft.)} \\ &= 1,800 \text{ cu yds} \end{aligned}$$

14. Paragraphs 3 and 4 on page 36, shall be revised as follows:

**Special Condition 3** requires the applicant to participate in a sand supply mitigation in-lieu fee program to mitigate the loss of sand replenishment due to the presence of the seawall for 20 years. The mitigation monies will provide the Coastal Conservancy, the City, or an Executive Director approved entity, the opportunity to carry out a project benefitting public access and recreation in the vicinity, including potential beach nourishment projects or projects that enhance and/or provide public access. **Special Conditions 2** authorizes the seawall to remain until the time when the currently existing residence requiring protection is: A) redeveloped in a manner that constitutes new development; B) is no longer present or is uninhabitable; or C) no longer requires a shoreline protective device, whichever occurs first. If the applicant intends to keep the seawall past the initial 20-year mitigation period, it must apply for an amendment to CDP A-5-LGB-14-0027. The amendment would include a reassessment of appropriate mitigation for impacts on coastal resources beyond the 20-year mitigation period.

Using a 20-year period for initial impact mitigation is appropriate in this case to determine the projected impacts of the seawall from this point forward, however, this mitigation period does not account for impacts that have occurred prior to 2015 as a result of the unpermitted seawall on the property; thus, a 30-year time period is used in the calculations to determine the impacts from the unpermitted and proposed seawall. Accounting for the initial 10 years (2005 – 2015) that the seawall was present at the site will resolve the standing violation. While the erosion rates used for mitigation calculations in this case can be expected to provide a reasonable estimate of future erosion for the coming one or two decades, projections much farther into the future are far more uncertain; and the uncertainty concerning future erosion only increases with time. Using a time period of 20 years for the mitigation calculations ensures that the mitigation will cover the likely initial impacts from the seawall from this point forward, and then allows a recalculation of the impacts based on better knowledge of future erosion rates and associated impacts accruing to the armoring when the 20 years is up.

15. The following page shall be added to **EXHIBIT 3** of the staff report:

Page 3 of 3 – project location

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<sup>2</sup> The value of 0.9 cy/sq ft provides the general volume of sand (cubic yards) necessary to nourish a given area (square feet) of beach. The conversion factor (0.9 cy/sq.ft.) is based on nourishment projects and offshore beach profiles for north San Diego County.





COASTAL COMMISSION  
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EXHIBIT # 3  
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**CALIFORNIA COASTAL COMMISSION**

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# Th12a

Filed:	May 9, 2014
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Staff:	S. Vaughn-LB
Staff Report:	May 29, 2015
Hearing Date:	June 11, 2015
Commission Action:	

## STAFF REPORT: APPEAL SUBSTANTIAL ISSUE AND DE NOVO

<b>Appeal Number:</b>	<b>A-5-LGB-14-0027</b>
<b>Applicant:</b>	<b>MSSK Ventures, LLC</b>
<b>Local Government:</b>	City of Laguna Beach
<b>Local Decision:</b>	Approval with Conditions
<b>Appellants:</b>	Commissioners Mary Shallenberger and Effie Turnbull-Sanders
<b>Project Location:</b>	11 Lagunita Drive, City of Laguna Beach, Orange County; (APN# 656-171-76).
<b>Project Description:</b>	Authorization of an existing unpermitted temporary steel panel and beam seawall approved for a limited term in 2005 under Emergency Permit 5-05-080-G, and additional reinforcement of that seawall. The City-approved development includes a major remodel and additions to the existing 4,878 sq. ft. single-family residence on the 10,016 sq. ft. beach front lot.
<b>Staff Recommendation:</b>	Substantial Issue - Approval with Conditions

### IMPORTANT NOTE

The Commission will not take testimony on this "substantial issue" recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take public testimony.

## SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after a public hearing, determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed because the locally approved development raises issues of consistency with the City of Laguna Beach Local Coastal Program (LCP) and the public access and recreation policies of Chapter 3 of the Coastal Act.

Staff also recommends that the Commission **approve** the de novo permit, with conditions, for the applicant's revised project.

The primary issues raised by the proposed development are related to coastal hazards, including shoreline erosion, wave runup, sea-level rise, and public access and recreation. The City's approval would result in authorization of a "major remodel" of a residence in a location that is subject to coastal hazards including wave attack and erosion.

In 2005 a seawall was constructed on the property, under emergency conditions, to protect the existing residence from wave damage. The vertical steel beam and panel seawall was built under And emergency permit, the terms of which required the applicant to remove the seawall within 150 days or apply for a follow-up CDP. A follow-up CDP was never approved, nor was a complete application for a follow-up CDP submitted by the property owner at the time. The emergency CDP approval has since expired; therefore, per the emergency CDP, the seawall that was built should have been removed and is now considered unpermitted development.

The City's approval would allow significant modifications to the residential development which is located 10 ft. inland of the seawall. The existing residence relies on protection from the seawall and the City approval would allow a major remodel to that residence. Hazards studies prepared on behalf of the applicant indicate the proposed residence would rely on the seawall for protection from erosion, wave attack, tsunamis, and the effects of sea-level rise; however, the City's action did not address the effect of prolonging the life of the residence on the need for a shoreline protective device.

Such reliance is not consistent with LCP policies that require new development to avoid reliance on shoreline protection. The City did not impose a condition waiving the right to additional shoreline protection in the future, as is required for new development by the LCP. Furthermore, the presence of the seawall will prevent erosion thereby preventing future sand supplies from reaching the beach, which can limit and prevent the public's ability to access the coast. The City did not require any mitigation for the loss of sand supply with its local coastal development permit (CDP). Authorization of development under these circumstances raises an issue of statewide significance.

Due to the above mentioned inconsistencies with the LCP, staff recommends that the Commission determine that the City's approval of the project raises a **substantial issue** regarding conformance with the certified LCP and the public access and public recreation policies of the Coastal Act.

The applicant has since revised the proposed project to eliminate additions to and remodel of residence, and instead requests authorization of the existing seawall and proposes to reinforce the existing seawall, backfill an illegally excavated area under the existing residence, and complete minor foundation work. Therefore, the Commission is considering the applicant's request for



approval of a reinforced seawall to protect the existing residence through de novo review. The Commission's engineer concurs the proposed seawall, as conditioned, is necessary to protect the existing structure in danger from erosion.

Staff is recommending the Commission **approve** the revised project subject to special conditions. **Special Condition No. 1** requires the applicant to submit revised plans showing that the proposed development includes work on the seawall, backfill of the excavated area, and foundation work only. As modified through conditions of approval, the seawall is the minimum necessary to protect the existing structure. Staff is also recommending that the proposed seawall only be authorized for as long as the existing residential structure requiring protection exists. Upon future redevelopment of the property, alternatives including potential removal of the seawall would be considered. Furthermore, staff is requiring mitigation to address impacts to sand supply and public access and recreational opportunities on the adjacent public beach resulting from fixing the back of the beach and denying sand material from the bluff. A maintenance and monitoring program, restrictions on future development, and other related conditions to address coastal resource impacts and issues for the proposed seawall are also required. .

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## APPENDICES

Appendix A – Substantive File Documents

## LIST OF EXHIBITS

1. Appeal filed by Commissioners Shallenberger and Turnbull-Sanders and Emergency Permit 5-05-080-G
2. Notice of Final Local Action & City of Laguna Beach Staff Report for 14-0308
3. Project Location
4. Project Plans
5. Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions, Coastal Commission Staff Report 5-83-878-A (Lagunita Community Association), Certificate of Acceptance of Offer to Dedicate by the City of Laguna Beach
6. Back Fill of Excavated Area and Foundation Work Plans
7. Old and New Seawall Plans
8. Memo Regarding Quantification of Shoreline Protection Impacts

## I. MOTION AND RESOLUTION FOR SUBSTANTIAL ISSUE

**Motion:** *I move that the Commission determine that Appeal No. A-5-LGB-14-0027 raises **NO Substantial Issue** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

### **Resolution to Find Substantial Issue:**

*The Commission hereby finds that Appeal No. **A-5-LGB-14-0027** presents a **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

## II. APPELLANTS' CONTENTIONS

On April 25, 2014, the Commission received a notice of final local action for City of Laguna Beach Local CDP 14-0308 (**EXHIBIT 2**). Local CDP 14-0308 approved the major remodel of and additions to an existing 4,878 sq. ft. single-family residence including the backfill of unpermitted excavated dirt behind the garage, converting 718 sq. ft. of crawl space into habitable area on the lower level, converting the caterer's kitchen into garage area, reconfiguring an interior staircase and outside upper level decks, hardscaping in a bluff top setback, foundation work, and permitting the existing temporary seawall. The total demolition of the City-approved project includes demolition of 2.1% of the roof, 54.6% of the interior floors and walls, and 46.12% of the exterior walls (**EXHIBIT 2**). Construction for the site is in an environmentally sensitive area due to its oceanfront location in the Lagunita Zone.

On May 9, 2014, Commissioners Mary Shallenberger and Effie Turnbull-Sanders filed an appeal of Local CDP 14-0308 on behalf of the Commission, which contends that the City approved project does not conform to the policies and regulations of the certified LCP and the public access and recreation policies of the Coastal Act (**EXHIBIT 1**). The appeal contends that the City's approval would result in a significantly remodeled residence in a non-conforming location that relies on shoreline protection; that the City did not require the consideration of alternative more landward locations for the seawall or design alternatives, as was required by the special conditions of the 2005 emergency CDP and by the City's LCP; that the City did not investigate the need for, or impose any requirements to offset the adverse effects that the seawall may have on shoreline sand supply or public access and recreation, as is required by the LCP and the Coastal Act; that the applicant's geotechnical report/coastal hazards analysis does not fully address issues that are explicitly required by the LCP and may not have adequately addressed predicted future changes in sea level; that the existing residence is non-conforming as to oceanfront setbacks required in the City's Land Use Element (Actions 10.2.7 and 10.2.8); that the City did not include as a condition of

the permit, a waiver of a shoreline protection device as is required by the City's LCP; and that the applicant did not consult with the State Lands Commission, which is necessary to determine whether the proposed development is located on public tidelands or on land within an area subject to the public trust.

Therefore, this appeal was filed in order to address conflicts with the City's Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

### **III. LOCAL GOVERNMENT ACTION**

On March 27, 2014, the City of Laguna Beach Design Review Board held a public hearing on the proposed project and approved with conditions local CDP No. 14-0308, and Design Review 14-0305 for the reinforcement of an existing seawall that was constructed under Emergency Permit 5-05-080-G, but did not receive a regular Coastal Development Permit. The City-approved development includes additions to the existing 4,878 sq. ft. single-family residence on the 10,016 sq. ft. beach front lot. The Coastal Commission South Coast Office received the notice of final action on April 25, 2014. On May 9, 2014 the appeal was filed by Commissioners Mary Shallenberger and Effie Turnbull-Sanders (**EXHIBIT 1**) during the ten (10) working day appeal period. No other appeals were received.

### **IV. APPEAL PROCEDURES**

After certification of an LCP, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on CDPs. Development approved by cities or counties may be appealed if they are located within certain geographic appealable areas, such as those located between the sea and the first public road paralleling the sea or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the mean high tide line of beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not a designated "principal permitted use" under the certified LCP. Finally, any local government action on a proposed development that would constitute a major public work or a major energy facility may be appealed, whether approved or denied by the city or county [Coastal Act Section 30603(a)].

Section 30603 of the Coastal Act states:

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

*any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

Section 30603(a)(1) of the Coastal Act establishes the project site as being in an appealable area because it is located between the sea and the first public road paralleling the sea and within 300 feet of the inland extent of the beach **(EXHIBIT 3)**. The project site fronts a sandy beach.

### **Grounds for Appeal**

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

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

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

The grounds for the current appeal include contentions that the approved development does not conform to the standards set forth in the certified LCP regarding public access and recreation and coastal hazards policies, nor with the public access and recreation policies of Chapter 3 of the Coastal Act.

### **Qualifications to Testify before the Commission**

If the Commission, by a vote of 3 or more Commissioners, decides to hear arguments and vote on the substantial issue question, proponents and opponents will have an opportunity to address whether the appeal raises a substantial issue. The time limit for public testimony will be set by the chair at the time of the hearing. As noted in Section 13117 of Title 14 of the California Code of Regulations, the only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant(s), persons who opposed the application before the local government (or their representatives), and the local government. In this case, there is no indication of opposition in the City's record. Testimony from other persons must be submitted in writing.

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

The de novo hearing is scheduled at the same hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

## **V. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE**

### **A. Project Location and Description**

The beachfront site is located on a 10,016 sq. ft. lot at 11 Lagunita Drive in the Lagunita Zone in the City of Laguna Beach. The road into the Lagunita neighborhood is gated, but the beach seaward of the site, Victoria Beach, is subject to a public access easement accepted by the City of Laguna Beach (**EXHIBIT 3**). The site is currently developed with a pre-Coastal Act (built in 1952) 4,878 sq. ft., three-level, single-family residence with an attached two-car garage. There is an unpermitted 80-ft. long seawall landward of the oceanfront property line, and a storm drain outlet that discharges runoff on to the beach approximately 11 feet up-coast of the north end of the seawall. Oceanfront and bluff top single-family residences characterize the surrounding area. Public access to the beach is available via a public access way extending from the termination of Dumond Drive about 60 feet up-coast of the subject site (**EXHIBIT 3**).

The City-approved development includes a major remodel of the existing residence including converting 718 sq. ft. of crawl space into habitable area on the lower level, converting the caterer's kitchen into garage area, reconfiguring an interior staircase and outside upper level decks, hardscaping in a bluff top setback, foundation work to the home, the backfill of unpermitted excavated dirt behind the garage, and shoring of and extending an existing unpermitted seawall from 80' to 187'. The total demolition of the City-approved project includes demolition of 2.1% of the roof, 54.6% of the interior floors and walls, and 46.12% of the exterior walls. The City-approved project plans are included as **EXHIBIT 4**.

The project area is an historic dune/back beach area that characterized the site and neighboring properties prior to the construction of Lagunita Drive in the 1930s. The existing seawall was constructed in 2005 on the property inland of the oceanfront property line pursuant to an emergency CDP in order to protect the existing residence from wave damage and erosion that occurred in storm events during 2003 and 2005. Although the terms of the emergency CDP required either the removal of the temporary seawall or a follow-up CDP to authorize the seawall, no complete application for a follow up CDP was submitted, nor was such a CDP approved or issued; therefore the existing seawall is unpermitted development (**EXHIBIT 1, page 12**).

The 50 to 150 ft. wide sandy beach in front of the subject site is owned by the Lagunitas Home Owners Association. The sandy beach was made accessible to the public through a public access easement over the entire parcel, part of which abuts the applicant's property, in conjunction with an

after-the-fact approval of a gate and guardhouse at the entry to the Lagunitas community under CDP 5-83-878 and amendment 5-83-878-A1 (**EXHIBIT 5**). The public access easement was accepted by the City on December 13, 1991. In addition to the public access easement, the CDPs required the construction of a public accessway, which was built approximately 60 feet upcoast from the applicant's property.

## **B. Local Coastal Program Certification**

The City of Laguna Beach Local Coastal Program was certified on January 13, 1993. The City's LCP is comprised of a variety of planning documents including the Land Use Element (LUE), Conservation/Open Space Element, and Safety Element of the City's General Plan. The Implementation Plan (IP) portion is Title 25, the City's Zoning Code.

## **C. Factors to be Considered in Substantial Issue Analysis**

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with the certified LCP and, if applicable, the access policies of Chapter 3 of the Coastal Act. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **a substantial issue exists** with respect to whether the local government action conforms with the access provisions of Chapter 3 of the Coastal Act and the access, recreation and hazards policies of the City's certified LCP for the reasons set forth below.

## **D. Substantial Issue Analysis**

As stated in Section IV of this report, the local CDP may be appealed to the Commission on the grounds that the proposed development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

The following contentions made by the appellants raise a substantial issue of consistency with the regulations and standards set forth in the certified LCP, and public access and recreation policies of Chapter 3 of the Coastal Act.

### **Relevant LCP Policies**

*Land Use Plan, Land Use Element Policies -*

Policy 7.3 (same as Policy 10.2) - 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 7.3.2 Review all applications for new development to determine potential threats from coastal and other hazards.

Action 7.3.3 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 Prohibit development on oceanfront bluff faces...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 7.3.9 Ensure that new development, major remodels and additions to existing structures on oceanfront and oceanfront bluff sites do not rely on existing or future bluff/shoreline protection devices to establish geologic stability or protection from coastal hazards. A condition of the permit for all such new development on bluff property shall expressly require waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction.

Action 7.3.10 Allow oceanfront and oceanfront bluff homes, commercial structures, or other principal structures, that are legally nonconforming as to the oceanfront and/or oceanfront bluff edge setback, to be maintained and repaired; however, improvements that increase the size or degree of nonconformity, including but not limited to development that is classified as a major remodel pursuant to the definition in the LUE Glossary, shall constitute new development and cause the pre-existing nonconforming oceanfront or oceanfront bluff structure to be brought into conformity with the LCP.

Action 7.3.11 Require all coastal development permit applications for new development on an oceanfront or oceanfront bluff property subject to wave action to assess the potential for flooding or damage from waves, storm surge, or seiches, through a wave uprush and impact report prepared by a licensed civil engineer with expertise in coastal processes. The conditions that shall be considered in a wave uprush study are: a seasonally eroded beach combined with long-



term (75 years) erosion; high tide conditions, combined with long term (75 years) projections for sea level rise; storm waves from a 100-year event or a storm that compares to the 1982/1983 El Nino event. (*Ongoing implementation.*)

Action 7.3.12 Site and design new structures to avoid the need for shoreline and/or oceanfront bluff protective devices during the economic life of the structure (75 years).

Action 7.3.13 Limit the use of shoreline/bluff protective devices to the minimum required to protect existing development in danger from erosion. Site and design any such protective devices as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principal structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc. No shoreline/bluff protective device shall be allowed for the sole purpose of protecting an accessory structure.

Action 7.3.18 – Site and design new oceanfront development and bluff development and bluff/shoreline protective devices where that siting/design takes into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the CA Ocean Protection Council), and reports by national and international groups such as the National Research Council and the IPCC. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure.

Action 10.2.7 Require all new development located on the 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 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.

*Open Space/Conservation Element Policies -*

Policy 1-F: Shoreline protective devices which may adversely affect the sand supply or cause an adverse impact to shoreline processes shall not be approved unless there is clear evidence that the existing structures are in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and unless feasible alternatives have been explored.

Policy 1.5C: An investigation of reasonable and feasible alternatives that accomplish the same, or similar level of protection must be provided with every application for the construction of a shoreline protection device in the required consideration of alternatives, the lead project shall be the

one with the least significant impact to the shoreline environment unless a statement of overriding consideration is adopted pursuant to CEQA Guidelines.

Policy 1.5Q: Any development application for shoreline protection construction shall be reviewed with respect to the criteria contained in the Guidelines for Shoreline Protection, including the effects of beach encroachment, wave reflection, reduction in sea cliff sand contribution, end effects and aesthetic criteria.

Guidelines for Shoreline Protection –

1) A shoreline Protective Device (SPD) should not significantly encroach onto the beach; 2) reflected wave energy from the SPD must not be greater than the amount of wave energy that is reflected from the sea cliff; 3) the SPD must not significantly reflect wave energy toward adjacent sea cliffs; and 4) the SPD must not remove a sea cliff source of sand.

### **Appellants' Contentions – Shoreline Protection and Alternatives Analysis**

The appellants' contend that the City's approval will result in new development that will rely on a shoreline protection device. In its review of the seawall, the City did not require the consideration of alternative more landward locations for the seawall or design alternatives, as is required by the special conditions of the 2005 emergency CDP, and by the City's LCP. The City also did not investigate the need for, or impose any requirements, to offset the adverse effects the seawall may have on shoreline sand supply or public access and recreation as is required by the LCP and the Coastal Act.

### **Analysis**

The existing vertical steel beam and panel seawall was built under a Coastal Commission-issued emergency coastal development permit, CDP 5-05-080-G in 2005 (**Page 12 of EXHIBIT 1**). The site was threatened by erosion in 2005 and the former property owner sought emergency stabilization measures. Pursuant to the City's LCP, emergency permits for development located in appeals areas must be obtained directly from the Commission. Also, the proposed emergency work was potentially located in an area of the Commission's original permit jurisdiction due to the location of the mean high tide line at the time the temporary seawall was constructed. A follow-up CDP application was never approved. Emergency CDPs only provide temporary authorization, and a follow-up review by the Commission itself is required in order to retain any development undertaken pursuant to an emergency CDP. Despite initial staff contact in 2005, and enforcement contact in 2006 and at other times afterward, the former property owner failed to obtain a follow-up CDP from the Commission, or to remove the structure after 150 days, as is required by emergency CDP 5-05-080-G (see **Special Condition 4, Page 13 of EXHIBIT 1**). Thus, the existing seawall structure is considered to be "unpermitted"; there is currently an open enforcement case. Given that history and the shoreline location of the development (which may be tidelands or otherwise subject to a public trust easement), the City may not have had the jurisdiction to authorize a follow-up CDP for the seawall or any additional work to the wall. Thus, unless appealed, the City's approval could complicate future follow-up by the Commission and any required enforcement efforts.

The conditions imposed through emergency CDP 5-05-080-G require the applicant to consider various alternative designs and locations for the seawall, such as, alternative methods of addressing the hazards, including but not limited to, the following alternatives: no-project, removal of the shoreline protection authorized under this emergency permit and no further protection, beach sand replenishment, engineered revetment, vertical seawall, foundation underpinning for the residence

with and without accompanying shoreline protection device(s), and planned shoreline retreat (i.e., reconfiguration and/or removal of existing development) during the follow-up permit process (see **Special Conditions 4 and 9, Pages 13 & 14 in EXHIBIT 1** for full condition language). The City's LCP also requires these structures be located as far landward as possible (see **Land Use Element Action 7.3.13** above). A more landward alignment, such as in conjunction with foundation underpinning, could help alleviate erosion of the beach seaward of the structure and have lesser visual impacts.

There is no evidence that the alternatives analysis required by the emergency permit were provided or analyzed in the City's review of the local CDP. Additionally, the City's approval of the proposed development does not conform to the standards set forth in the certified LCP policies identified below. There is no discussion of an alternatives analysis in City staff report and no alternatives analysis was included as part of the geotechnical report/coastal hazards analysis submitted by the applicant. This alternatives analysis is critically important as a means to identify the option that has the least adverse impact on shoreline sand supply, public access and recreation, and visual resources.

#### **Appellants' Contentions – Coastal Hazards**

The appellants' contend that the applicant's geotechnical report/coastal hazards analysis does not fully address issues that are explicitly required by the LCP and may not have adequately addressed predicted future changes in sea level. Additionally, the appellants' contend that the existing residence is non-conforming as to oceanfront setbacks.

#### **Analysis**

The City's **'Guidelines for Shoreline Protection'** require evaluation of four factors in the hazards analysis. Two out of the four required review criteria were not addressed in the analysis as it does not discuss reflected wave energy from the shoreline protective device and its impact on adjacent sea cliffs and there is no analysis of the proposed shoreline protective device's impact on bluff erosion rates, effects of beach encroachment, reduction in sand contribution and end effects. Seawalls can have adverse impacts on shoreline sand supply by preventing erosion of bluffs that contribute to beach sand supply. Seawalls can also adversely impact public access and recreation by occupying beach area used for recreation and by causing the beach in front of the seawall to erode resulting in loss of that beach area for public access. The LCP and the public access and recreation policies of Chapter 3 of the Coastal Act require the City to consider and address these impacts when authorizing shoreline protective structures (see **Land Use Element Actions 7.3.5, Open Space/Conservation Element Policy 1-F**). However, these impacts were not addressed in the City's approval.

Additionally, the City's **Land Use Element Actions 10.2.7 and 10.2.8**, require the City-approved project to conform to oceanfront setbacks. The City-approved project includes substantial renovations to the existing house including expanding living area, reconfiguration of living and garage areas, among other changes to the structure. The City's permit states that the residence will result in 'no net increase' despite proposed additions to the structure. Although information that accompanies the City's permit state the proposed project would constitute a "major remodel," the basis for that decision is unclear. The City's LCP prohibits approval of new development, major remodels, and additions to existing structures on oceanfront sites that would rely on existing or future shoreline protective devices (see **Land Use Element, Action 7.3.9**). The LCP also prohibits improvements to legally non-conforming residences that increase the size or degree of

nonconformity (see **Land Use Element, Action 7.3.10**). These policies are in place to ensure that development is not perpetuated in hazardous locations like the subject site. Furthermore, **Policy 7.3.9** requires that development, including additions to existing structures and major remodels include as a condition of the permit “...a waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction...” No such deed restriction was imposed by the City in conjunction with its action. Thus, the City’s approval appears in conflict with these various requirements in the LCP.

#### **Appellant’s Contentions – Other Agency Approvals**

The project site is located on a beach front lot and has been subjected to wave action. The site could be located on public tidelands or within an area subject to the public trust. The applicant has not provided evidence of consultation with the State Lands Commission to make that determination.

#### **Analysis**

Given the location and history of the subject site, it is necessary for the applicant to consult with the State Lands Commission to ensure that public trust resources are protected. It appears that the applicant has not consulted with the State Lands Commission to ensure that public trust lands are not infringed upon. Therefore, a substantial issue is raised by the appeal that warrants further investigation to determine whether the City’s approval of local CDP 14-0308 is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

#### **Conclusion**

The subject site is located on an oceanfront lot adjacent to an important public sandy beach recreation area. The site is subject to coastal hazards related to erosion due to among other things, coastal flooding, wave run-up, storm conditions, tsunamis and sea level rise; therefore, the site is of local and statewide significance. The City’s action lacks legal support under both the LCP and Chapter 3 public recreation and access policies because its action on the CDP could adversely impact valuable coastal resources, including recreational and access amenities.

Through certification of the LCP, the City was delegated the responsibility to assure implementation of a development plan at the subject site that delivers all of the benefits promised to the public. All inconsistencies in the City’s approval with the LCP will have lasting effects and could result in adverse impacts upon coastal resources, public access and coastal hazards. Accordingly, the appellants’ contentions raise concerns about the future interpretation of LCP policies to ensure LCP compliance.

Therefore, the appeal is both precedential and raises issues of statewide significance. For the reasons stated above, the appeal raises a substantial issue of consistency with the regulations and standards set forth in the certified City of Laguna Beach LCP and the Chapter 3 public access policies of the Coastal Act.

## VI. MOTION AND RESOLUTION – DE NOVO PERMIT

**Motion:** *I move that the Commission **approve** Coastal Development Permit No. A-5-LGB-14-0027 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution:**

*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 certified City of Laguna Beach Local Coastal Program and the public access and recreation policies in Chapter 3 of the Coastal Act. 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 will substantially lessen any significant adverse impacts of the development on the environment.*

## VII. 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. Legal commencement of development can only occur after issuance of the permit. 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.

## VIII. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Plan.** 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 plans that include shoreline protection work, plans to backfill the previously excavated area, and foundation work. Those plans shall substantially conform with the plans submitted to the Commission on January 13, 2015 (prepared by James Conrad Architect), but shall be revised to incorporate the following:

A. Seawall Design. The length of the existing seawall shall not be extended. However, return walls shall be constructed at the north and south ends of the seawall and all rocks at the north end of the seawall shall be replaced in their proper location within the seawall as scour protection, at 2:1 slope or steeper, and within a footprint that is no further seaward than a linear protection of the seawall. New caissons on the north end of the seawall shall be deleted from the plan (**Page 3 of EXHIBIT 7**).

B. Visual Treatment of Seawall. The seawall construction shall include a shotcrete surface treatment that has been colored to minimize the project's contrast with and be compatible in color to the adjacent sandy beach and natural bluff's earth tones. The proposed color shall be verified through submittal of a color board. The seawall shall also be designed to incorporate surface treatments (e.g. sculpted shotcrete) that resemble the surface texture and undulation of the adjacent natural bluffs. Final plans shall include a materials palette and/or brochures and photo examples describing the visual treatment facing techniques that will be applied to achieve this objective, and shall include color elevation drawings that accurately depict the anticipated appearance of the seawall.

C. Work under the Residence. The plans shall clearly depict the area of unpermitted excavation and the proposed backfill of the previously excavated area under the house as well as the retaining wall, crawl space with dirt floor, and installation of the one new footing within the crawl space.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Duration of Armoring Approval as Related to the Existing Bluff Top Residence.**

A. Authorization Expiration. This coastal development permit authorizes the seawall to remain until the time when the currently existing residence requiring protection is: A) redeveloped in a manner that constitutes new development; B) is no longer present or uninhabitable; or C) no longer requires a shoreline protective device, whichever occurs first. Prior to the anticipated expiration of the permit and/or in conjunction with redevelopment of

the property, the Permittee shall apply for a new coastal development permit of permit amendment to remove the seawall or to modify the terms of its authorization.

B. Modifications. If, during the term of this authorization, the Permittee desires to expand or alter the seawall, the Permittee shall apply for an amendment to this coastal development permit. Additional mitigation requirements for the impacts of the enlarged or reconstructed armoring on public views, public recreational access, shoreline processes, and all other affected coastal resources that have not already been mitigated through this permit will be addressed and required at that time.

C. Amendment. If the Permittee intends to keep the seawall in place beyond the initial year mitigation period defined in **Special Condition 3** (retroactive 10 years with a 20 year mitigation period beginning on the building permit completion certification date), the Permittee must submit a complete coastal development permit amendment prior to the expiration of the 20-year mitigation term proposing mitigation for the coastal resource impacts associated with the retention of the seawall beyond 20 years (beyond 2035) and shall include consideration of alternative feasible measures in which the Permittee can modify the coastal structure to lessen the seawall's impacts on coastal resources. As detailed in **Special Condition 4**, monitoring reports are required every 5 years to determine if the seawall is still required to protect the bluff top structure in the future.

3. **Mitigation for Impacts to Public Access & Recreation, Sand Supply, and Passive Erosion.**

A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the Permittee shall provide evidence, in a form and content acceptable to the Executive Director, that a fee in an amount of \$63,250.50, which is the amount equal to the average of the three approved bids for delivering 2,222 cu. yds. of beach quality sand to the beach for 20 years of mitigation from 2015 – 2035 plus 1,111 cu. yds. of beach quality sand for the 10 years that the wall and rock has been in place from 2005 - 2015, has been deposited into an interest bearing account designated by the Executive Director, and held by the Coastal Conservancy, the City of Laguna Beach, or an Executive Director approved alternate entity, for the purposes of beach nourishment projects at the beach adjacent to the project site, or at a beach close to the project site that is within the same littoral cell.

If the funds and any accrued interest aren't all used for beach nourishment projects within five years of the funds being deposited into the account, then any remaining funds and accrued interest may also be used for provision, restoration and enhancement of public access and recreational opportunities along the shoreline in Laguna Beach, including but not limited to public access improvements, recreational amenities, and/or acquisition of privately-owned beach or beach-fronting property for such uses. All of the funds and any accrued interest shall be used for the above-stated purposes, in consultation with the Executive Director, within ten years of the funds being deposited into the account. All development funded by this account will require review and approval by the Executive Director of the Coastal Commission and a coastal development permit if legally required.

B. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT the applicant shall provide evidence, in a form and content acceptable to the Executive Director, a full mitigation fee based upon land value for 3,000 sq. ft. of undeveloped property within the Lagunitas Zone area as required to address the impacts of the seawall and rock revetment for the an initial 20-year period (2015 – 2035) and the prior 10 year period (2205 – 2015), beginning on the building permit completion certification date. All interest earned by the account shall be payable to the account for the purposes stated below.

The purpose of the account shall be to establish a beach sand replenishment fund to aid the Coastal Conservancy, the City of Laguna Beach, or an alternate entity approved by the Executive Director, in the restoration of the beaches within Orange County. The funds shall be used solely to pay for sand used to implement projects which provide sand to the region's beaches, not to fund operations, maintenance or planning studies. The funds shall be released only upon approval of an appropriate project by the Executive Director of the Coastal Commission. The funds shall be released as provided for in an MOA between the Coastal Conservancy, the City of Laguna Beach, or an alternate entity approved by the Executive Director, and the Commission, setting forth terms and conditions to assure that the in-lieu fee will be expended in the manner intended by the Commission. If the MOA is terminated, the Executive Director may appoint an alternate entity to administer the fund for the purpose of restoring beaches within Orange County.

C. Prior to expenditure of any funds contained in this account, the Executive Director shall review and approve, in writing, the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition, the entity accepting the in-lieu fee funds required by this condition shall enter into a memorandum of Understanding (MOU) with the Commission, which shall include, but not be limited to, the following: 1) a description of how the funds will be used for beach nourishment projects within the vicinity of the project site; 2) the terms provided in subsection A of this condition; 3) an agreement that the entity accepting the finds will obtain all necessary regulatory permits and approvals, including but not limited to a coastal development permit for beach nourishment development required by this condition; and 4) acknowledgement that the Executive Director may appoint an alternate entity to administer the funds if the MOU is terminated.

The shoreline armoring approved by this CDP results in the extension of the useful life of the existing seawall fronting the bluff top home at 11 Lagunita Drive. Pursuant to CDP A-5-LGB-14-0027, the applicant is required to provide mitigation for the impacts of the seawall for a 20-year period (2015 – 2035). Additional reassessment for impacts to sand supply, public access and recreation and any other relevant coastal resources impacted by the seawall will be required if the seawall remains beyond the initial approved mitigation period and if expansion and/or alterations to the existing seawall is proposed or if any significant alteration or improvement is proposed for the existing bluff top residence.

4. **Monitoring and Reporting Program.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a monitoring program prepared by a licensed civil engineer or geotechnical engineer to monitor the performance of the seawall which requires the following:



A. An annual evaluation of the condition and performance of the seawall addressing whether any significant weathering or damage has occurred that would adversely impact the future performance of the structure. This evaluation shall also include an assessment of the color and texture of the structure compared to the surrounding native bluffs.

B. Annual measurements of any differential retreat of bluff material between the face of the natural bluff and the seawall face, at the north and south ends of the seawall and at 20-foot intervals (maximum) along the top of the seawall face/bluff face intersection. The program shall describe the method by which such measurements shall be taken.

Provisions for submittal of a report to the Executive Director of the Coastal Commission by May 1 of each year (beginning the first year after construction of the project is completed) for a period of three years and then, each third year following the last annual report, so long as the seawall remains. In addition, reports shall be submitted in the spring immediately following either:

1. An “El Niño” storm event – comparable to or greater than a 20-year storm.
2. An earthquake of magnitude 5.5 or greater with an epicenter in Orange County.

Thus, reports may be submitted more frequently depending on the occurrence of the above events in any given year.

C. Each report shall be prepared by a licensed civil engineer, geotechnical engineer or geologist. The report shall contain the measurements and evaluation required in sections a and b above. The report shall also summarize all measurements and analyze trends such as erosion of the bluffs, changes in sea level, the stability of the overall bluff face, including the upper bluff area, and the impact of the structure on the bluffs to either side of the wall. In addition, each report shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the seawall.

D. An agreement that, if after inspection or in the event the report required in subsection c above recommends any necessary maintenance, repair, changes or modifications to the project including maintenance of the color of the structure to ensure a continued match with the surrounding native bluffs, the permittee shall contact the Executive Director to determine if an amendment to this permit is legally required, and, if required, shall subsequently apply for a permit amendment for the required maintenance within 90 days of the report or discovery of the problem.

E. Additional monitoring reports to the City and Coastal Commission shall be required every five years from the date of CDP issuance until CDP expiration (as detailed in Special Condition 2), which evaluate whether or not the seawall is still required to protect the existing structure it was designed to protect. The permittee is required to submit a CDP application to remove the authorized coastal structure within six months of a determination that the coastal structure is no longer required to protect the existing structure it was designed to protect.

The applicant shall undertake monitoring and reporting in accordance with the approved final monitoring and reporting program. Any proposed changes to the approved final monitoring and reporting program shall be reported to the Executive Director. No changes to the approved final monitoring and reporting program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. **Future Improvements – Shoreline Protective Device.** This permit is only for the development described in Coastal Development Permit A-5-LGB-14-0027. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit A-5-LGB-14-0027. 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 A-5-LGB-14-0027 from the Commission or shall require an additional coastal development permit from the Commission.
6. **Future Development of the Site.** Future development, which is not otherwise exempt from coastal development permit requirements, or redevelopment of the existing structure on the bluff top portion of the applicant's property, shall not rely on the permitted seawall to establish geologic stability or protection from hazards. Any future new development on the site shall be sited and designed to be safe without reliance on shoreline protective devices.
7. **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. By acceptance of this permit, the applicant acknowledges, on behalf of himself/herself/itself and his/her/its successors in interest, that issuance of the permit and construction of the permitted development shall not constitute a waiver of any public rights, which may exist on the property.
8. **As-Built Plans.** WITHIN 60 DAYS OF COMPLETION OF CONSTRUCTION, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit two copies of As-Built Plans, based on the plans approved by the City, and reviewed by the City for conformance with the approved plans, showing all development completed pursuant to this coastal development permit; all property lines; and all residential development inland of the seawall. The As-Built Plans shall be substantially consistent with the approved revised project plans described in **Special Condition 1** above, including providing for all of the same requirements specified in those plans, and shall account for all of the parameters of **Special Condition 4** (Monitoring and Reporting). The As-Built Plans shall include a graphic scale and all elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show all components of the as-built project, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from representative viewpoints from the beaches located directly upcoast, downcoast, and

seaward of the project site. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the shoreline armoring has been constructed in conformance with the approved final plans.

9. **State Lands Commission Approval.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, a written determination from the State Lands Commission that:
  - A. No state lands are involved in the development; or
  - B. State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
  - C. State lands may be involved in the development, but pending a final determination of state land involvement, and agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.
10. **Protection of Marine Resources.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid onto the adjacent beach or into the Pacific Ocean, the applicant shall implement the following staging and construction best management practices during the staging and construction of the seawall:
  - A. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
  - B. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
  - C. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and all work areas and equipment storage areas to prevent any unpermitted material from entering the ocean.
  - D. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of the ocean or onto the beach. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.
  - E. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and construction. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
  - F. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.

- G. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into the ocean or onto the beach. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- H. Washout from construction trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- I. All debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- J. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- K. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.
- L. At the end of the construction period, the applicant shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to recreation or navigation.

The applicant shall include the requirements of this condition on all plans and contracts issued for the project. The applicant shall implement and carry out the project staging and construction plan during all demolition, staging, and construction activities.

- 11. **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 slope instability, erosion, landslides and wave uprush, storm conditions, and sea-level rise; (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.
- 12. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the

parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## **IX. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION AND DESCRIPTION**

The project location is hereby incorporated by reference from Section V of the Substantial Issue portion of this staff report on page 7.

The applicant has revised the proposed project to include minor modifications to the residence, including backfill of the previously excavated area under the house, foundation work to the residence, and permitting the seawall landward of the seaward property line as described below.

The applicant proposes to shore up and extend an existing unpermitted temporary seawall; backfill an illegally excavated area behind the garage (under the house); and to make foundation repairs to the residence (**EXHIBITS 6 & 7**). The seawall work is proposed to protect an existing residence, sewer line, and stormdrain outlet and includes: extending the seawall from 80' to 187' and adding return walls at both ends, installing tiebacks, attaching a façade along the entire face of the seawall, and reconfiguring the existing rock at the north end of the seawall to its original configuration. Although the applicant's coastal hazards/geotechnical report recommends increasing the height of the seawall by 2' – 6", the applicant is not proposing to do so at this time. The seawall, however, is designed to withstand an increase in height of 2' – 6" should it be necessary due to future coastal conditions. An area underneath the residence was previously excavated without a permit. The applicant proposes to backfill the previously excavated area with 14 cubic yards of fill. The applicant also proposes foundation work to the residence, which includes: the addition of one 4" X 4" post with a concrete footing embedded 24" into the ground, and two 7'- 6" high retaining walls that reach a depth of 18" and are 20'-2" long in one direction and 15'-8" long in the other direction and meet at a 90 degree angle. The applicant has changed the project description from the original project approved by the City and no changes to the single-family residence are proposed at this time.

The existing temporary seawall sits inland of the southern half of the oceanfront property line and reaches a height of approximately 11' above the natural finished grade. It is approximately 80' in length and consists of nine 24" diameter concrete caissons drilled into bedrock approximately 27' below the natural grade supported with steel flange beams and steel plates. Rocks/boulders have been placed at both ends of the seawall, which was authorized under Emergency Permit 5-05-080-G (**EXHIBIT 1**). The applicant proposes to extend the seawall by approximately 28' to protect the existing residence, the existing sewer line that runs under the residence, and the existing storm drain outlet approximately 11' up coast of the end of the current seawall, by adding five caissons (four extending toward the storm drain outlet and one that will wrap around the southern corner of the property) with steel plates in between each beam that will extend to the same depth and height of the existing seawall; and to add 11 tiebacks, each approximately 60' long embedded a minimum of 26' into the bedrock. In the event that actual sea-level rise exceeds the considered elevation the seawall will be designed to tolerate an increase in height of 2'-6" from its current height above the natural finished grade, although the applicant is not proposing to increase the height of the seawall at this time. The applicant also proposes a façade along the entire exposed face of the seawall, which will be designed to reflect the natural environment surrounding the site.

As mentioned in Section V of the Substantial Issue portion of this staff report, a previous owner excavated an area underneath the existing development without a CDP (**EXHIBIT 6**). The City of Laguna Beach staff report, dated March 27, 2014, specifies that “in 2010, code enforcement became aware of excavation under the home. On October 12, 2010, [City] staff met with the prior homeowner and the project architect at that time. [City] staff confirmed that the [prior owner] had excavated [35 cubic yards of] dirt behind the garage and that the new finished grade did not comply with the 30-foot height limit. [City] staff advised [the prior owner] to backfill the area to restore the grade. Permits were issued to restore the grade, but have since expired without the work being completed. The [current] applicant [(owner)] has incorporated the previously approved grade restoration into the current project to address the outstanding code enforcement case” (**EXHIBIT 2**). In an effort to remedy the violation, the applicant proposes to backfill the excavated area with 14 cubic yards of soil to bring the existing property into conformance with the height limit for the development. The applicant also proposes to install one additional footing and two retaining walls that meet at a 90-degree angle underneath the residence to reinforce the foundation. The previously excavated area within the new retaining wall cannot be backfilled with the remaining 16 cubic yards of soil because the area is too small to use a compactor to properly compact the soil. The area within the new retaining wall will remain a dirt subfloor area with no slab.

## **B. HAZARDS**

### Land Use Plan, Land Use Element Policies -

*Action 7.3.3 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 Prohibit development on oceanfront bluff faces...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 7.3.9 Ensure that new development, major remodels and additions to existing structures on oceanfront and oceanfront bluff sites do not rely on existing or future bluff/shoreline protection devices to establish geologic stability or protection from coastal hazards. A condition of the permit for all such new development on bluff property shall expressly require waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction.*

*Action 7.3.10 Allow oceanfront and oceanfront bluff homes, commercial structures, or other principal structures, that are legally nonconforming as to the oceanfront and/or oceanfront bluff edge setback, to be maintained and repaired; however, improvements that increase the size or degree of nonconformity, including but not limited to development that is classified as a major remodel pursuant to the definition in the Land Use Element Glossary, shall constitute new development and cause the pre-existing nonconforming oceanfront or oceanfront bluff structure to be brought into conformity with the LCP.*

*Action 7.3.11 Require all coastal development permit applications for new development on an oceanfront or oceanfront bluff property subject to wave action to assess the potential for*

*flooding or damage from waves, storm surge, or seiches, through a wave uprush and impact report prepared by a licensed civil engineer with expertise in coastal processes. The conditions that shall be considered in a wave uprush study are: a seasonally eroded beach combined with long-term (75 years) erosion; high tide conditions, combined with long term (75 years) projections for sea level rise; storm waves from a 100-year event or a storm that compares to the 1982/1983 El Nino event. (Ongoing implementation.)*

*Action 7.3.12 Site and design new structures to avoid the need for shoreline and/or oceanfront bluff protective devices during the economic life of the structure (75 years). (Ongoing implementation.)*

*Action 7.3.13 Limit the use of shoreline/bluff protective devices to the minimum required to protect existing development in danger from erosion. Site and design any such protective devices as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principal structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc. No shoreline/bluff protective device shall be allowed for the sole purpose of protecting an accessory structure. (Ongoing implementation.)*

*Action 7.3.18 – Site and design new oceanfront development and bluff development and bluff/shoreline protective devices where that siting/design takes into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the CA Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure.*

*Action 10.2.7 Require all new development located on the 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 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.*

*Policy 7.4 Ensure that development...is evaluated to ascertain potential negative impacts on natural resources. Proposed development shall emphasize impact avoidance over impact mitigation. Any mitigation required due to unavoidable negative impact should be located on-site, where feasible. Any off-site mitigation should be located within the City's boundaries.*



*Policy 7.5 (Same as Policy 10.5) Require payment of an environmental impact fee for development whenever mitigation is not feasible and a nexus exists.*

*Action 7.5.1 Adopt appropriate mitigation measures that require the payment of environmental impact fees whenever impacts in environmental resources cannot be mitigated to a level of insignificance.*

Open Space/Conservation Element Policies –

*Policy 1-F: Shoreline protective devices which may adversely affect the sand supply or cause an adverse impact to shoreline processes shall not be approved unless there is clear evidence that the existing structures are in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and unless feasible alternatives have been explored.*

*Policy 1.5A: The shoreline environment should remain in a natural state unless existing, substantial improvements are in imminent danger from erosion, flooding or collapse. "Imminent Danger" is defined as a short-range threat from the immediate to a maximum range of three (3) to five (5) years. A threat presented in the context of geologic time shall not constitute imminent danger.*

*Policy 1.5B: Structural protective solutions should not be approved for ancillary or appurtenant improvements to the main structure, or for unimproved land, unless they are found to be in the public interest.*

*Policy 1.5C: An investigation of reasonable and feasible alternatives that accomplish the same, or similar level of protection must be provided with every application for the construction of a shoreline protection device in the required consideration of alternatives, the lead project shall be the one with the least significant impact to the shoreline environment unless a statement of overriding consideration is adopted pursuant to CEQA Guidelines.*

*Policy 1.5E: Reconstruction or substantial alterations to existing shore protective devices that have not performed adequately should not be approved unless those causative factors will be corrected in substantial compliance with the Guidelines for Shoreline Protection.*

*Policy 1.5J Beach area created by avulsion and/or wave induced erosion should not be reclaimed for private use unless the only feasible alternative for the protection of pre-existing, habitable structures requires encroachment thereon.*

*Policy 1.5Q: Any development application for shoreline protection construction shall be reviewed with respect to the criteria contained in the Guidelines for Shoreline Protection, including the effects of beach encroachment, wave reflection, reduction in sea cliff sand contribution, end effects and aesthetic criteria.*

*Policy 1.5R: Due to the oftentimes unexpected and sudden onslaught of damaging waves, whether associated with a regional storm system or not, observance of the above policies*

*may be temporarily suspended under an emergency declaration by the proper local authorities. The design principles, however, shall be observed to the maximum extent feasible in order to preclude the need for costly alterations or removal of structures once an emergency has abated. Any structure placed under emergency conditions shall be classified as temporary and the project sponsor shall be responsible for its removal if a regular permit, processed in accordance with applicable regulations, is not obtained.*

### **Existing Structure to be Protected**

The proposed development is located on an oceanfront lot inland of public beach known as Victoria Beach. The site is developed with a pre-coastal single-family residence, a temporary unpermitted seawall inland of the oceanfront side of the property line that was constructed in 2005, and a storm drain outlet that discharges runoff on to the beach. The subject location is an historic dune/back beach area that characterized the site and neighboring properties prior to the construction of Lagunita Drive in the 1930's. According to the City's staff report, "the property is relatively flat except for the area along the [beach], which slopes down. The calculated average slope is 22.8%."

The City's certified LUE Action 7.3.2, Action 7.3.11 and Action 7.3.18 require that an applicant provide extensive information documenting that any new oceanfront development will be safe over its lifetime from coastal hazards so as to not require future shoreline protection, and requires applicants take into account predicted future changes in sea level when they site and design new ocean front development. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea-level rise over the expected economic life of the structure. The applicant is proposing to protect the existing residence, sewer line, and storm drain outlet.

In this case, the single-family home is an existing structure because it was originally permitted and built prior to November 8, 1972 (see former Public Resources Code, section 27404), thereby predating the enactment of The California Coastal Zone Conservation Act of 1972 (Prop 20).<sup>1</sup> Although a sewer line happens to run under the house, the property owner is not required or responsible for maintaining or protecting it. Consequently, the sewer line will receive protection from the seawall, but the purpose of the seawall is to protect the residence not the sewer line. If, in the future, the existing residence is demolished or undergoes a major remodel, or if the seawall is no longer needed to protect the existing residence as described in **Special Conditions 2 & 4**, the sewer line may not be cited as a reason to keep or maintain the seawall. Alternatives, such as removing the sewer line from possible exposure to coastal hazards by moving it to a more landward location, should be considered. Furthermore, any requests for maintenance or protection of the sewer line should be initiated by the South Coast Water District, who is responsible for the upkeep and preservation of the existing sewer line, not from the property owner.

The applicant also proposes to protect the existing storm drain outlet that exists on the property by extending the seawall. The Commission finds that reconfiguration of the rock revetment placed at the north end of the seawall to protect the storm drain outfall and the beach from possible erosion caused from storm drain outfall a less environmentally damaging feasible alternative. In this particular case and at this time, it is reasonable to use and reconfigure the rock that already exists at

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<sup>1</sup> Prop 20's effective date for coastal permitting requirements is February 1, 1973. The subject site would have been subject to Prop 20 jurisdiction because it is within 1000 yards inland of the mean high tide line. (Former Public Resources Code, section 27104)

the site to protect the storm drain outlet and the beach. In the future, however, if work is proposed at the site that requires a CDP, the applicant should consider alternatives for the storm drain outlet such that it will not rely on protection from coastal hazards including erosion.

The applicant's coastal hazards consultant provided an initial "Coastal Hazards Analysis" conducted by Borella Geology, Inc. dated October 10, 2013 to the City of Laguna Beach. That coastal hazards analysis took into consideration potential coastal hazards and determined that shoreline erosion, coastal flooding, waves and tsunamis were the primary hazards operating at the subject site; the report did not take into consideration an acceleration of the historic rate of sea-level rise based upon up-to-date scientific papers and studies and agency guidance as required by the City's LCP.

In response to the Commission's appeal of the City's CDP approval and subsequent Commission staff requests for additional information, the applicant provided additional "Coastal Hazard Analysis" by Borella Geology, Inc. dated August 17, 2014 and September 23, 2014, both of which incorporated the required sea-level rise studies. All staff recommendations for the proposed project are based on information provided in the applicant's coastal hazards reports.

The most recent Coastal Hazards Analysis investigation report considered impacts from erosion, flooding, and wave impacts. The analysis was performed with consideration for the proposed improvements to the existing shoreline protection device currently in place in order to determine if the proposed shoreline protection would be adequate over the life of the structure. The reports include an analysis of design alternatives, sea-level rise, wave runup and overtopping analysis, an erosion hazard analysis, tsunami analysis, flooding analysis, and a sand replenishment mitigation plan. This analysis, combined with the geologic coastal hazards studies, was used to determine the area of the site that is safe for development and the need for the seawall.

The potential flooding that could occur over the anticipated life of the project is based on high tides, storm surge, water elevation due to sea-level rise and severe storm events, and the combination of long-term erosion and seasonal beach erosion. A design life up to the year 2100 is used to determine the amount of sea-level rise to which the project site could be exposed. This is not determining how long the project will exist (and be permitted) but rather is identifying a project life timeframe that is typical for a residential structure so that the hazard analysis will adequately consider the impacts that may occur over the entire life of the development.

The sea-level rise projections by Borella Geology, Inc. were based on the best available science. In this particular case, the projected elevation following sea-level rise elevation is a five-foot rise in sea level over the next 100 years, which is the worst case probability prediction published by the National Academy of Science Report, Sea Level Rise for the Coast of California, Oregon and Washington. The report further found that the lower floor level of the home is at an elevation of 22' MSL and is located 9' – 10' landward of the seawall. Due to energy of the overtopping wave, it is unlikely that the over topping using the two-foot rise in sea level model will cause any significant damage to the lower floor, however, a five-foot rise in sea level with 5.5' of water overtopping the seawall would damage the lower floor of the home and cause significant damage and erosion. Therefore, the report recommends broken wave force of 2,000 lbs/ft to be incorporated into the seawall design and to increase the height of the seawall by an additional 2.4' to accommodate a rise

in sea level until 2050 with a redesign alternative to accommodate a height increase of 5.3', which would prevent damage to the existing residence based on a five-foot increase in sea level.

The subject site lies within the Laguna Beach Mini Littoral Cells, one of eight coastal segments defined and studied in the US Army Corps of Engineers "Coast of California Storm and Tidal Wave Study, South Coast Region, Orange County" (USACOE, 2002). This shoreline is characterized by a series of small pocket beaches. The pocket beach size varies with wave conditions and shoreline orientation but according to the study, mean beach widths have been relatively stable. The beach/shoreline in front of the project site is subject to seasonal erosion and accretion but is, in general, described by the USACOE, stable with little or no retreat over the last 80 years. However, the "Coastal Hazards Analysis" report submitted by the applicant indicates that "11 Lagunita Drive is positioned over an ancient canyon that was incised considerably during periods when sea level was significantly lower than [it is] today. As a result, depth to competent bedrock is quite a bit deeper than in other sections of the beach, making construction of a protective wall more difficult....Shoreline erosion is a serious concern for Victoria beach and the subject site at 11 Lagunita Drive....temporary yet extreme beach erosion does occur during large storm events, damaging existing seawalls, jeopardizing home foundations, and accelerating erosion for sections of the bluff not consisting of resistant bedrock.

Extreme beach erosion can occur at this location during major storms, especially when those storms are coincident with high tide events. As discussed previously, this residence was at risk from erosion in 2005. The beach elevation had been lowered and erosion had come within 10 to 15 feet of the home, resulting in the emergency approval for the temporary seawall that still remains at this location. The Commission's coastal engineer has reviewed the Coastal Hazards Analysis and concurs that the residence at 11 Lagunita Drive is an existing structure that would be at risk from episodic beach erosion events without shoreline protection. Furthermore Dr. Ewing concurs that some form of protection is warranted.

### **Feasible Protection Alternatives**

LUP Action 7.3.5 allows development on oceanfront bluff faces only when no other feasible alternative exists. In other words, a shoreline protective device may only be permitted if it is the only feasible alternative capable of protecting an existing endangered structure. Other, less environmentally damaging alternatives typically considered include, but are not limited to: the "no project" alternative; drainage and vegetation measures on the blufftop; planned retreat, including abandonment and demolition of threatened structures; relocation of the threatened structure; a smaller coastal structure; a rip rap revetment; foundation underpinning; seacave/notch infill at the base of the bluff; chemical grouting; or combinations of each.

The "no project" alternative in this case would be to allow for the bluff to remain in a natural unaltered state. As indicated above, there is an existing structure in danger from erosion at this location. Continued erosion would adversely impact the foundation of the existing bluff top structure and would likely lead to an expansive upper bluff failure. Therefore, the "no-project" alternative is not by itself a feasible alternative in this case.

Improved drainage and landscaping atop the bluff is another option that is typically considered. Appropriate drainage measures coupled with planting long-rooted native bluff species can help to stabilize some bluffs and extend the useful life of setbacks. This option can be applied as a stand-

alone alternative, but it is most often applied in tandem with other measures. In this case, the existing residence is set back approximately 10' from the property line and is an exposed beachfront property. Landscaping and improved drainage will likely not address the identified threat to the existing bluff top structure.

Alternatives such as relocation of the residence and/or removal of the threatened portions of the residence would be considered as part of a proposal to redevelop the property; however, the applicant has removed from this proposal any significant modifications to the existing residence such that the proposed improvements are no longer considered to be a major remodel. As indicated above, the applicant has demonstrated a need to protect the existing structure pursuant to the requirements of the certified LCP.

A second potential alternative involves underpinning of the existing home. In this case, underpinning of the residence would require a new residential foundation and result in a major remodel. Underpinning would only be a viable alternative if it would result in relocation of the home further landward and elimination of the need for a seawall entirely. Such an alternative should be considered in the future at the time of potential redevelopment of the property.

There are a variety of structural shoreline protection types which were considered, including a riprap revetment. These structures can be relatively quickly installed and can protect the base of the bluff. However, they also require significant maintenance to ensure they continue to function in the approved state, leading to significant adverse resource impacts each time. Because their foundations are wide, revetments normally occupy a large area of the public beach. Migrating boulders can also lead to isolated impacts over time, expand the loss of beach area, and cumulatively can lead to larger impacts. Thus, in this case, a riprap revetment would not be a preferable alternative to reduce impacts to coastal resources or resolve the threat to the subject home.

In summary, the Commission's coastal engineer has determined that the existing residence at 11 Lagunita Drive is in danger from erosion. However, the proposed 102'-long seawall is longer than what is required to protect the bluff top home at this site. Reinforcement of the current seawall, that is approximately 80' long, will provide sufficient protection from coastal erosion while minimizing significant adverse impacts on coastal resources. There are no other feasible less damaging alternatives available to address the threat to the existing residence. Only as conditioned to limit the size of the proposed seawall to approximately 80' in length can the proposed shoreline protection be found consistent with the shoreline and hazard protection policies of the City of Laguna Beach certified LCP and the Chapter 3 policies of the Coastal Act.

#### **Designed to Eliminate or Mitigate Sand Supply Impacts**

LUE Policies 7.4, 7.5 & 10.5 set forth requirements that must be met in order to allow Commission approval including shoreline structures must be designed to eliminate or mitigate adverse impacts to local shoreline sand supply. The impact to sand supply and, thus, public access and recreational opportunities is addressed in the Public Access/Recreation and Sand Supply Mitigation findings later in the staff report.

#### **Long-Term Stability, Maintenance, and Risk**

In order to assure long-term stability and structural integrity in the dynamic shoreline environment within which the proposed project is located, **Special Condition 4** requires that the applicant

provide monitoring reports every five years from the date of CDP issuance which evaluate whether the seawall is still required to protect the existing structure it was designed to protect. If it is determined that the seawall extension is no longer needed to protect the existing structure, the applicant must submit a CDP application within 6 months to remove the seawall. Such monitoring will ensure that the applicant and the Commission are aware of any damage to or weathering of the armoring and other project elements and can determine whether repairs or other actions are necessary to maintain the project in its approved state before such repairs or actions are undertaken. Future monitoring and maintenance activities must be understood in relation to clear as-built plans. Therefore, **Special Condition 1 & 8** of this approval require the submittal of revised final plans and as-built plans.

The applicant is required to maintain the project in its approved state, subject to the terms and conditions identified by the special conditions. Development in dynamic shoreline environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the applicant to assume all risks for developing at this location (**Special Condition 11**).

To ensure that future property owners are properly informed regarding the terms and conditions of this approval, this approval is also conditioned for a deed restriction to be recorded against the applicant's property (**Special Condition 12**). This deed restriction will record the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property.

### C. PUBLIC ACCESS AND RECREATION/IMPACTS TO SAND SUPPLY

Section 30210 of the Coastal Act states,

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states, in part:

*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 standard of review of a locally issued coastal development permit on appeal is the certified LCP, and, when it is located between the sea and the first public road paralleling the sea, the access and public recreation policies of the Coastal Act.

The 50 to 150 ft. wide sandy beach in front of the subject site is owned by the Lagunitas Home Owners Association. The sandy beach was made accessible to the public through a public access

easement over the entire parcel, part of which abuts the applicant's property, in conjunction with an after-the-fact approval of a gate and guardhouse at the entry to the Lagunitas community under CDP 5-83-878 and amendment 5-83-878-A1 (**EXHIBIT 5**). The public access easement was accepted by the City on December 13, 1991. Public access to the beach is available via a public accessway extending from the termination of Dumond Drive about 60 ft. up-coast of the subject site.

Seawalls can have many impacts to the coast, altering sediment transport, scour, visual character, and the overall coastal setting. Some of the more identified and quantifiable impacts from the proposed seawall include passive erosion through fixing the back beach location and denial of sand from the bluffs into the littoral sand supply.

### **Shoreline Processes**

Beach sand material comes to the shoreline from inland areas, carried by rivers and streams; from offshore deposits, carried by waves; and from coastal dunes and bluffs, becoming beach material when the bluffs or dunes lose material due to wave attack, landslides, surface erosion, gulying, etc. Many coastal bluffs are marine terraces – ancient beaches that formed when land and sea levels differed from current conditions. Since the marine terraces were once beaches, much of the material in the terraces is often beach-quality sand or cobble, and is a valuable contribution to the littoral system when it is added to the beach. While beaches can become marine terraces over geologic time, the normal exchange of material between beaches and bluffs is for bluff erosion to provide beach material. Bluff retreat and erosion is a natural process resulting from many different factors such as erosion by wave action causing cave formation, enlargement and eventual collapse of caves, saturation of the bluff soil from groundwater causing the bluff to slough off, and natural bluff deterioration. When the back-beach or bluff is protected by a shoreline protective device, the natural exchange of material either between the beach and dune or from the bluff to the beach will be interrupted and, if the shoreline is eroding, there will be a measurable loss of material to the beach. Since sand and larger grain material are the most important components of most beaches, only the sand portion of the bluff or dune material is quantified as sandy beach material.

These natural shoreline processes affecting the formation and retention of sandy beaches can be significantly altered by the construction of shoreline protection devices because bluff retreat is one of several ways that beach quality sand is added to the shoreline, and is also one of the critical factors associated with beach creation/retention. Bluff retreat and erosion are natural processes that result from the many different factors described above. Shoreline armoring directly impedes these natural processes.

The project site is located in Laguna Beach where, according to the applicant's coastal hazards analysis, erosion more episodic than gradual, and can increase dramatically as a result of winter storm events and sections of bluff material can slough several feet at a time. This sandy beach material is carried off and redistributed through wave action along the shoreline and serves to nourish the beaches.

Some of the effects of engineered armoring structures on the beach (such as scour, end effects and modification to the beach profile) are temporary or are difficult to distinguish from all the other actions that modify the shoreline. Others are more qualitative (e.g., impacts to the character of the shoreline and visual quality). Some of the effects that a shoreline protection device may have on natural shoreline processes can be quantified, however, including: (1) the loss of the beach area, on

which the structure is located; (2) the long-term loss of beach that will result when the back-beach location is fixed on an eroding shoreline; and (3) the amount of bluff material that would have been supplied to the littoral system if the back-beach or bluff were to erode naturally to renourish beach areas nearby with eroded bluff material.<sup>2</sup> In this particular case, the applicant proposes to site the seawall inland of the property line which defines the public access easement and the private, thus, the seawall placement will not result in a direct loss of existing public beach area. However, the proposed seawall will have indirect and long-term impacts to the public beach area seaward of the property associated with fixing the back of the beach and loss of shoreline sand supply.

### **Fixing the back of the beach**

Where the shoreline is eroding and armoring is installed, the armoring will eventually define the boundary between the sea and the upland. On an eroding shoreline, a beach will exist between the shoreline or waterline and the bluff as long as sand is available to form a beach. As bluff erosion proceeds, the profile of the beach also retreats and the beach area migrates inland with the bluff. This process stops, however, when the backshore is fronted by a hard protective structure such as a revetment or a seawall. While the shoreline on either side of the armor continues to retreat, shoreline in front of the armor eventually stops at the armoring. This effect is also known as passive erosion. The beach area will narrow, being squeezed between the moving shoreline and the fixed backshore. Eventually, there will be no available dry beach area and the shoreline will be fixed at the base of the structure. In the case of an eroding shoreline, this represents the loss of a beach as a direct result of the armor.

In addition, sea level has been rising for many years. Also, there is a growing body of evidence that there has been an increase in global temperature and that acceleration in the rate of sea level rise can be expected to accompany this increase in temperature (some shoreline experts have indicated that sea level could rise by as much as 5.5 feet by the year 2100). Mean sea level affects shoreline erosion in several ways, and an increase in the average sea level will exacerbate all these conditions. On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore, leading to a faster loss of the beach as the beach is squeezed between the landward migrating ocean and the fixed backshore.

Such passive erosion impacts can be calculated over the time. The passive erosion impacts of the seawall, or the long-term loss of beach due to fixing the back beach, is equivalent to the footprint of the bluff area that would have become beach due to erosion and is equal to the long-term average annual erosion rate multiplied by the width of property that has been fixed by a resistant shoreline protective device. In this case, the existing seawall is 80 linear feet plus a total approximately 20 feet of rock place at each end of the seawall. For purposes of determining the impacts from fixing the back beach; it is assumed that new beach area would result from landward retreat of the bluff. The area affected by passive erosion can be approximated by multiplying the 100 linear feet of bluff, which is armored, by the annual expected erosion rate. At the time that the Commission approved the seawall fronting the subject site in 2015, the applicant's geotechnical consultant estimated the average bluff recession for this site at 1 – 2 feet per year. Using the estimated rate of 1 foot of erosion per year, every year that the proposed seawall extension is in place would result in a

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<sup>2</sup> The sand supply impact refers to the way in which the project impacts creation and maintenance of beach sand. Although this ultimately translates into beach impacts, the discussion here is focused on the first part of the equation and the way in which the proposed project would impact sand supply processes.



loss of 100 sq. ft. of beach that would have been created if the back beach had not been fixed by the seawall.

### **Retention of Potential Beach Material**

If natural erosion were allowed to continue (absent shoreline protective devices), some amount of beach material would be added to the beach at this location, as well as to the larger littoral cell sand supply system fronting the bluffs. The volume of total material that would have gone into the sand supply system over the lifetime of the shoreline structure would be the volume of material between (a) the likely future bluff-face location with shoreline protection; and (b) the likely future bluff-face location without shoreline protection. Since the main concern is with the sand component of this bluff material, the total material lost must be multiplied by the percentage of bluff material, which is beach sand, giving the total amount of sand that would have been supplied to the littoral system for beach deposition if the proposed device were not installed. The applicant's geotechnical consultant estimated a loss of approximately 5696 cubic yards of sand over a 100 year period due to the presence of a 102' long seawall. Staff is recommending the seawall be maintained at the existing 80' and requiring mitigation for 20 years, at which point, the need for the seawall and additional mitigation would be reevaluated. Given the calculations provided by the applicant's geotechnical consultant, the amount of sand prevented from reaching the beach due to the presence of the seawall is approximately 2,222 cubic yards over a 20-year period.

### **Mitigation Measures**

When shoreline protection devices cannot be avoided and have been reduced to the maximum extent feasible, mitigation for any remaining adverse impacts of the development on access and public resources is required. When physical impediments adversely impact public access and create a private benefit for the property owners, the Commission has found in numerous cases ( see 4-87-161/Pierce Family Trust & Morgan, 6-87-371/Van Buskirk, 5-87-576/Miser and Cooper, 3-02-024/Ocean Harbor House, 6-05-72/Las Brisas, 6-07-133/Li, 6-07-134/Caccavo, 6-03-33-A5/Surfsong, 6-08-73/DiNoto, et.al, 6-08-122/Winkler, 6-09-033/Garber et. al., 6-13-025/Koman et. al.) that a public benefit must arise through mitigation conditions in order for the development to be consistent with the access policies of the Coastal Act, as stated in Sections 30210, 30211, and 30212.

### **Shoreline Sand Supply and Passive Erosion Mitigation**

The engineers for 11 Lagunita Drive have provided the following information concerning potential impacts from construction and long-term use of the seawall that can be used to quantify three of the main impacts – encroachment, fixing the back of the beach, and denial of sand to the littoral cell.

- Erosion = 1 – 2'/yr. (for the initial 20-year period, calculations can use 1'/yr)
- Wall length = 100'
- Height of sand bluff inland of wall = 30'
- Wall thickness = 2', based on diameter of caissons

Based on this information and an assumed mitigation life of 20 years, the wall will have the following impacts, if 2015 is used as the starting point for calculations. These calculations have been used for many years by the Commission as part of the In-Lieu Beach Sand Mitigation and are summarized in **EXHIBIT 8**.

**Passive erosion** = wall length x erosion x mitigation life  
= 100' x 1'/yr x 20 yr. = 2,000 sf. ft.

**Denial of Sand** = wall length x height of sand bluff inland of wall x erosion x mitigation life  
= 100' x 30' x 1'/yr x 20yr = 60,000 cu. ft. = 2,222 cu. yds.

The first impact, passive erosion, is reported as sq. ft. and it represents an area of beach that will be lost due to the seawall construction. The second impact, denial of sand, is reported as cu. ft. or cu. yds. and it represents the volume of sand that will not enter the littoral cell because the seawall will prevent erosion from the bluff which supplies the sand. Encroachment (sq. Ft.) of land covered by the seawall is also an impact, but, as noted earlier, this is not being mitigated by this project.

The losses of beach area have been mitigated through several different methods, often based on the types of programs that are already in place by a local or regional entity that helps with the beach mitigation. Land losses can be mitigated through projects to provide an equivalent area of beach for public use, to purchase an area of land or to nourish an area of beach equivalent to the lost area. All of these methods have been described in previous staff reports. For examples of land value see CDP #6-07-133 (Li), or 6-09-033 (Garber et al.); for user value see CDP 3-02-024 (Ocean Harbor House) or CDP 6-04-156 (Las Brisas). The sand nourishment method is included in the calculations from Table 1 (**EXHIBIT 8**).

**Special Condition 3** requires the applicant to participate in a sand supply mitigation in-lieu fee program to mitigate the loss of sand replenishment due to the presence of the seawall for 20 years. The mitigation monies will provide the Coastal Conservancy, the City, or an Executive Director approved entity, the opportunity to carry out a project benefitting public access and recreation in the vicinity, including potential beach nourishment projects or projects that enhance and/or provide public access. **Special Conditions 2** authorizes the seawall to remain until the time when the currently existing residence requiring protection is: A) redeveloped in a manner that constitutes new development; B) is no longer present or uninhabitable; or C) no longer requires a shoreline protective device, whichever occurs first. If the applicant intends to keep the seawall past the initial 20-year mitigation period, it must apply for an amendment to CDP A-5-LGB-14-0027. The amendment would include a reassessment of appropriate mitigation for impacts on coastal resources beyond the 20-year mitigation period.

Using a 20-year period for initial impact mitigation is appropriate in this case to determine the projected impacts of the seawall from this point forward, however, this mitigation period does not account for impacts that have occurred prior to 2015 as a result of the unpermitted seawall on the property; thus, a 30 year time period is used in the calculations to determine the impacts from the unpermitted and proposed seawall. While the erosion rates used for mitigation calculations in this case can be expected to provide a reasonable estimate of future erosion for the coming one or two decades, projections much farther into the future are far more uncertain; and the uncertainty concerning future erosion only increases with time. Using a time period of 20 years for the mitigation calculations ensures that the mitigation will cover the likely initial impacts from the seawall from this point forward, and then allows a recalculation of the impacts based on better knowledge of future erosion rates and associated impacts accruing to the armoring when the 20 years is up.

### **Duration of Armoring Approval**

At this point in time, the only feasible option that could both protect the threatened residence and remain consistent with all applicable provisions of the LCP and the public access and recreation policies of the Coastal Act, is the proposed seawall as conditioned in **Special Conditions 2 & 3**. As proposed and conditioned, the proposed seawall can be found consistent with all other applicable provisions of the LUE, Action 7.3.13 and Policies 1-F, 1.5C, 1.5Q, and 1.5R and the public access and recreation policies of the Coastal Act.

Due to the age of many of the bluff top and beachfront structures in Laguna Beach, including the subject property, applications for redevelopment and additions to existing homes are reasonably foreseeable and illustrate the importance of regulating shoreline armoring in a manner that ties the authorization period to the existing structure it is designed to protect. In this way, the authorization period mirrors the language in LUE Action 7.3.9 because that provision allows for protective devices only if it is required to protect the existing home in danger from erosion; once the existing home is no longer there or no longer needs protection, LUE Action 7.3.9 does not support the continued existence of the shoreline protection if no longer necessary.

Given the reasonably foreseeable trend of redevelopment of bluff top homes in the City, it is important to ensure that the need for shoreline armoring is evaluated when an applicant proposes an alteration to his or her home to determine if the proposed alteration triggers the end of the authorization period for any shoreline protection that is approved to protect the existing structure and requires removal of that shoreline protection. Notably, there are several coastal resource benefits that would result from the removal of shoreline armoring after the authorization period including, but not limited to, restoration of the bluff's natural visual integrity, removing the seawall's physical impediments to access, allowing the bluff material trapped behind a seawall to return to the littoral cell and potentially restoring marine habitat within the intertidal zone (if the seawall is sited or will be sited in the intertidal zone with rising sea levels).

Another reason to limit the authorization of shoreline protective devices is to ensure that the Commission can properly implement LUE Action 7.3.9. If a landowner is seeking new development on a bluff top lot, LUE Policies 7.3 and 1-F require that such development be sited and designed such that it will not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The above referenced policies prohibit such armoring devices for new development and require new development to be sited and designed so that it does not require the construction of such armoring devices. These sections do not permit landowners to rely on such armoring devices when siting new structures or additions to existing structures on bluff tops and/or along shorelines. If a shoreline protective device exists in front of a lot, but is no longer required to protect the existing structure it was authorized to protect, it cannot accommodate future redevelopment of the site in the same location relying on the shoreline protection provisions outlined in the LCP and the public access and recreation policies of the Coastal Act. Otherwise, if a new structure is able to rely on shoreline armoring which is no longer required to protect an existing structure, then the new structure can be sited without a sufficient setback, perpetuating an unending reconstruction/redevelopment loop that prevents proper siting and design of new development, as required by LUE Policies 7.3 & 1-F and the public access and recreation policies of the Coastal Act. By limiting the length of development authorization of a new shoreline protective device to the existing structure it is required to protect, the Commission can more effectively apply LUE Policies 7.3 and 1-F when new development is proposed.

Therefore, given the foregoing, under **Special Condition 2**, this CDP expires when the currently existing blufftop residence requiring protection is redeveloped is no longer present, or no longer requires the protective device approved under this CDP, whichever occurs first.

Only as conditioned can the proposed development be found to be consistent with the public access and recreation policies of the Coastal Act.

#### **D. 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 one additional condition (**Special Condition 12**) requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

#### **E. MARINE RESOURCES - WATER QUALITY**

LCP Land Use Plan, Land Use Element Policies -

*Policy 7.7 Protect marine resources by implementing methods to minimize runoff from building sites and streets to the City's storm drain system (e.g., on-site water retention).*

LCP Open Space/Conservation Element Policies -

*Policy 4G: Minimize Construction Impacts – Ensure that all development minimizes erosion, sedimentation and other pollutants in runoff from construction-related activities to the maximum extent practicable. Ensure that development minimizes land disturbance activities during construction (e.g., clearing, grading, cut and fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize the impacts on water quality.*

*Policy 4F: Water Conservation and Native Plants – Ensure that development encourages water conservation, efficient irrigation practices and the use of native or drought tolerant non-invasive plants appropriate to the local habitat to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation. Prohibit the use of invasive plants, and require native plants appropriate to the local habitat where the property is in or adjacent to Environmentally Sensitive Areas (ESAs)/*

*Policy 4J: Infiltrate Runoff – Promote infiltration of both storm water and dry weather runoff, as feasible, to protect natural hydrological conditions.*

Due to the proposed project's oceanfront location, construction activities may have adverse impacts upon water quality and the marine environment. Storage or placement of construction materials, debris, or waste in a location subject to wave erosion and dispersion would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For

instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of heavy machinery along roads near coastal waters may result in the release of lubricants or oils that are toxic to marine life.

In order to minimize adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 10** providing for the safe storage of construction materials, the safe disposal of construction debris and best management practices (BMP). The applicant will be required to implement BMPs designed to avoid temporary construction impacts by minimizing erosion and preventing debris from entering coastal waters. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project.

#### **F. OTHER AGENCY APPROVALS**

The California State Lands Commission (CSLC) has not been contacted by the applicant for a jurisdictional determination. The permit is conditioned to require written evidence either of CSLC approval of the project or evidence that such approval is not required (see **Special Condition 9: State Lands Commission Approval**).

#### **G. LOCAL COASTAL PROGRAM**

The City of Laguna Beach's Local Coastal Program was certified with suggested modifications, in July 1992 except for the three areas of deferred certification, Irvine Cove, Hobo Aliso Canyon, and Three Arch Bay. 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 City's LCP is comprised of a variety of planning documents including the Land Use Element (LUE), Conservation/Open Space Element, and Safety Element of the City's General Plan. The Implementation Plan (IP) portion is Title 25, the City's Zoning Code.

#### **H. UNPERMITTED DEVELOPMENT**

Unpermitted development has occurred on the subject parcel prior to submission of this permit application, including, but not limited to, construction of a temporary shoreline protection device (i.e. the seawall that is the subject of this permit application) and excavation of soil. Moreover, failure to either remove the temporary seawall or obtain authorization for it after-the-fact, constituted non-compliance with the terms and conditions of Emergency CDP 5-05-080-G. Commission enforcement staff informed the previous property owner through Notice of Violation letters, as recently as 2010, that the persistence of the seawall on site constituted unpermitted development and the seawall must be removed or authorized by the Commission in a location and design consistent with the Coastal Act and LCP. A notice of default was recorded against the property in July 2009, and the pending foreclosure hampered resolution of the violation at the time. The property was transferred to the current owner and applicant in March 2013.

The applicant is requesting approval of the unpermitted seawall and excavation as part of the subject application. The Commission is approving the development, with conditions, for the reasons discussed in full in the preceding sections of this report.

Although development has taken place prior to submission and during processing of this permit application, consideration of this application by the Commission has been based solely upon the LCP and public access and recreation policies in Chapter 3 of the Coastal Act. Commission review and action on this permit application will resolve the violations identified in this section above once the permit has been fully executed and the terms and conditions of the permit complied with by the applicant.

**I. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096(a) of the Commission's administrative 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 mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

**APPENDIX A**

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Laguna Beach Local Coastal Program (LCP)
2. City File Record for Local Coastal Development Permit No. 14-0308
3. Coastal Hazards Analysis, 11 Lagunita Drive, Laguna Beach, California prepared by Borella Geology, Incorporated dated October 10, 2013, revised August 17, 2014 and September 23, 2013
4. Emergency Permit 5-05-080-G, March 11, 2005

**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
200 Oceangate, 10th Floor  
Laguna Beach, California 90802-4416  
Tel) 590-5071 FAX (562) 590-5084  
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: May 09, 2014

TO:

City of Laguna Beach  
505 Forest Ave  
Laguna Beach, CA 92651

FROM: Lilitana Roman

RE: **Commission Appeal No. A-5-LGB-14-0027**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

Local Permit #: 14-308  
Applicant(s): Mssk Ventures LLC  
Description: Addition (no net increase) to the existing single family dwelling  
Location: 11 Lagunita Drive (APN(s) 656-171-)  
Local Decision: Approval With Special Conditions  
Appellant(s): Commissioner Mary Shallenberger  
Date Appeal Filed: May 9, 2014

The Commission appeal number assigned to this appeal is A-5-LGB-14-0027. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Orange's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Lilitana Roman at the South Coast District Office.

cc: Mssk Ventures LLC  
Commissioner Mary Shallenberger Attn: Commissioner Effie Turnbull-Sanders

**COASTAL COMMISSION**

**A-5-LGB-14-0027**

EXHIBIT # 1

PAGE 1 OF 14



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## CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10<sup>TH</sup> FLOOR

LONG BEACH, CA 90802-4416

VOICE (562) 590-5071 FAX (562) 591-5084



MAY - 9 2014

CALIFORNIA  
COASTAL COMMISSION

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Mary Shallenberger and Effie Turnbull-Sanders

Mailing Address: 200 Oceangate, Suite 100

City: Long Beach

Zip Code: CA

Phone: 562.590.5071

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Laguna Beach

2. Brief description of development being appealed:

The proposed project requires Board of Adjustment/Design Review Board approval and a Coastal Development Permit for additions (no net increase) to the existing single-family dwelling. Design review is required for upper level additions, deck modifications, stringline violation, covered parking, landscaping, and construction in an environmentally sensitive area due to ocean front proximity. A variance is required to construct improvements within the blufftop setback which include terrace railing and securing the existing (temporary) soldier pile wall [LBMC 25.50.004(B)(4)].

3. Development's location (street address, assessor's parcel no., cross street, etc.):

11 Lagunita Drive, Laguna Beach, CA 92651

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions  
☒ Approval with special conditions:  
☐ Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**APPEAL NO: AS-LGB-14-0027DATE FILED: 5.9.14DISTRICT: South CoastEXHIBIT # 1PAGE 2 OF 14

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator  
☐ City Council/Board of Supervisors  
☐ Planning Commission  
☒ Other

6. Date of local government's decision: March 27, 2014

7. Local government's file number (if any): CDP 2014-0308

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Mssk Ventures, LLC  
2885 East La Cresta Ave., Anaheim, CA 92806

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### **SECTION IV. Reasons Supporting This Appeal**

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

On March 27, 2014, the City of Laguna Beach conditionally approved a coastal development permit for a remodel/addition to an oceanfront residence, as well as after-the-fact authorization of a temporary steel panel and beam seawall installed under an emergency coastal development permit (CDP) in 2005, and additional reinforcement of that seawall including new tiebacks, grade beams, and shotcrete. The subject site is located at 11 Lagunita Drive, Laguna Beach, Orange County.

The City's approval would result in a significantly remodeled residence in a non-conforming location that relies on a shoreline protective device. In its review of the seawall, the City did not require the consideration of alternative more landward locations for the seawall or design alternatives, as was required by the special conditions of the 2005 emergency CDP, and by the City's LCP (Attachment A identifies relevant LCP policies). The City also did not investigate the need for, or impose any requirements, to offset the adverse effects the seawall may have on shoreline sand supply or public access and recreation, as is required by the LCP and the Coastal Act.

The existing vertical steel beam and panel seawall was built under a Coastal Commission-issued emergency coastal development permit, CDP 5-05-080-G in 2005 (see Attachment B). A follow-up CDP application was never approved; therefore, per the emergency CDP, the structure built should have been removed and is now considered unpermitted. The site was threatened by erosion in 2005 and the former property owner sought emergency stabilization measures. Pursuant to the City's LCP, emergency permits for development located in appeals areas must be obtained directly from the Commission. Also, the proposed emergency work was potentially located in an area of the Commission's original permit jurisdiction. Emergency CDPs only provide temporary authorization, and a follow-up review by the Commission itself is required in order to retain any development undertaken pursuant to an emergency CDP. Despite initial staff contact in 2005, and enforcement contact in 2006 and at other times afterward, the former property owner failed to obtain a follow-up CDP from the Commission, or to remove that structure after 150 days, as is required by emergency CDP 5-05-080-G (see Special Condition 4, in Attachment B). Thus, the existing seawall structure is considered to be 'unpermitted'; there is currently an open enforcement case. Given that history and the shoreline location of the development (which may be tidelands or otherwise subject to a public trust easement), the City may not have had jurisdiction to authorize a follow-up CDP for the seawall or any additional work to that wall. Thus, unless appealed, the City's approval could complicate future follow-up by the Commission and any required enforcement efforts.

The conditions imposed through emergency CDP 5-05-080-G require the applicant to consider various alternative designs and locations for the seawall, such as, alternative methods of addressing the hazards,

including but not limited to, the following alternatives: no-project, removal of the shoreline protection authorized under this emergency permit and no further protection, beach sand replenishment, engineered revetment, vertical seawall, foundation underpinning for the residence with and without accompanying shoreline protection device(s), and planned shoreline retreat (i.e., reconfiguration and/or removal of existing development) during the follow-up permit process (see Special Conditions 4 and 9 in Attachment B for full condition language). The City's LCP also requires these structures be located as far landward as possible (see Land Use Element Action 7.3.13 in Attachment A). A more landward alignment, such as in conjunction with foundation underpinning, could help alleviate erosion of the beach seaward of the structure and have lesser visual impacts.

There is no evidence that the alternatives analysis required by the emergency permit were provided or analyzed in the City's review of the local CDP. Additionally, the City's approval of the proposed development does not conform to the standards set forth in the certified LCP policies identified in Attachment A to this appeal. There is no discussion of an alternatives analysis in City staff report and no alternatives analysis was included as part of the geotechnical report/coastal hazards analysis submitted by the applicant. This alternatives analysis is critically important as a means to identify the option that has the least adverse impact on shoreline sand supply, public access and recreation, and visual resources.

Furthermore, the applicant's geotechnical report/coastal hazards analysis does not fully address issues that are explicitly required by the LCP and may not have adequately addressed predicted future changes in sea level. Staff needs to investigate if the approach taken in the sea level rise analysis (e.g., utilizing an average value) is the appropriate approach. The City's 'Guidelines for Shoreline Protection' require evaluation of four factors in the hazards analysis (see Attachment A). Two out of the four required review criteria were not addressed in the analysis as it does not discuss reflected wave energy from the shoreline protective device and its impact on adjacent sea cliffs and there is no analysis of the proposed shoreline protective device's impact on bluff erosion rates, effects of beach encroachment, reduction in sand contribution and end effects. Seawalls can have adverse impacts on shoreline sand supply by preventing erosion of bluffs that contribute to beach sand supply. Seawalls can also adversely impact public access and recreation by occupying beach area used for recreation and by causing the beach in front of the seawall to erode resulting in loss of that beach area for public access. The LCP and the public access and recreation policies of Chapter 3 of the Coastal Act require the City to consider and address these impacts when authorizing shoreline protective structures (see Land Use Element Actions 7.3.5, Open Space/Conservation Element Policy 1-F in Attachment A). However, these impacts were not addressed in the City's approval.

Additionally, the existing residence is non-conforming as to oceanfront setbacks (see setbacks required in Land Use Element Actions 10.2.7 and 10.2.8, in Attachment A and Section 25.50.004 of the City's Zoning Code/Implementation Plan). The proposed project includes substantial renovations to the existing house including expanding living area, reconfiguration of living and garage areas, among other changes to the structure. The City's Notice of Final Action (NOFA) states that the residence will result in 'no net increase' despite proposed additions to the structure. Although information that accompanied the City's NOFA state the proposed project would constitute a 'major remodel', City staff separately communicated they did not treat the project as a 'major remodel'. The basis for that decision is unclear. The City's LCP prohibits approval of new development, major remodels, and additions to existing structures on oceanfront sites that would rely on existing or future shoreline protective devices (see Land Use Element, Action 7.3.9, in Attachment A). The LCP also prohibits improvements to legally non-conforming residences that increase the size or degree of nonconformity (see Land Use Element, Action 7.3.10 in Attachment A). These policies are in place to ensure that development is not perpetuated in

hazardous locations like the subject site. Furthermore, Policy 7.3.9 requires that development, including additions to existing structures and major remodels include as a condition of the permit "...a waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction...". No such deed restriction requirement was imposed by the City in conjunction with its action. Thus, the City's approval appears in conflict with these various requirements in the LCP.

Finally, there is no evidence of consultation with the State Lands Commission, which is necessary to determine whether the proposed development is located on public tidelands or on land within an area subject to the public trust. This determination is important in order to ensure that public trust resources are protected.

Therefore, this appeal is filed in order to address conflicts with the City's Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

Appeal of Local CDP No. 14-0308; 11 Lagunita Dr., Laguna Beach, CA

Coastal Commission Post-Certification Tracking No. 5-LGB-14-0363

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

Effie Turnbull Sanders  
Signature of Appellant(s) or Authorized Agent

Date: 5/8/14

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize \_\_\_\_\_

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

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EXHIBIT # 1  
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

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South Coast Region

MAY 09 2014

CALIFORNIA  
COASTAL COMMISSION

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: \_\_\_\_\_  
Appellant or Agent

Date: \_\_\_\_\_

**5-9-2014**

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## ATTACHMENT A - Applicable Local Coastal Program Policies

### Land Use Plan, Land Use Element Policies -

Policy 7.3 (same Same Policy 10.2): 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 7.3.5 - Prohibit development on oceanfront bluff faces...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 7.3.9 Ensure that new development, major remodels and additions to existing structures on oceanfront and oceanfront bluff sites do not rely on existing or future bluff/shoreline protection devices to establish geologic stability or protection from coastal hazards. A condition of the permit for all such new development on bluff property shall expressly require waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction.

Action 7.3.10 Allow oceanfront and oceanfront bluff homes, commercial structures, or other principal structures, that are legally nonconforming as to the oceanfront and/or oceanfront bluff edge setback, to be maintained and repaired; however, improvements that increase the size or degree of nonconformity, including but not limited to development that is classified as a major remodel pursuant to the definition in the Land Use Element Glossary, shall constitute new development and cause the pre-existing nonconforming oceanfront or oceanfront bluff structure to be brought into conformity with the LCP.

Action 7.3.12 Site and design new structures to avoid the need for shoreline and/or oceanfront bluff protective devices during the economic life of the structure (75 years). (Ongoing implementation.)

Action 7.3.13 Limit the use of shoreline/bluff protective devices to the minimum required to protect existing development in danger from erosion. Site and design any such protective devices as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principal structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc. No shoreline/bluff protective device shall be allowed for the sole purpose of protecting an accessory structure. (Ongoing implementation.)

Action 7.3.18 - Site and design new oceanfront development and bluff development and bluff/shoreline protective devices where that siting/design takes into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the CA Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure.

Action 10.2.7 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 - 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.

Land Use Plan, Open Space/Conservation Element Policies -

Policy 1-F: Shoreline protective devices which may adversely affect the sand supply or cause an adverse impact to shoreline processes shall not be approved unless there is clear evidence that the existing structures are in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and unless feasible alternatives have been explored.

Policy 1.5C: An investigation of reasonable and feasible alternatives that accomplish the same, or similar level of protection must be provided with every application for the construction of a shore protection device. In the required consideration of alternatives, the lead project shall be the one with the least significant impact to the shoreline environment unless a statement of overriding consideration is adopted pursuant to CEQA Guidelines.

Policy 1.5Q: Any development application for shoreline construction shall be reviewed with respect to the criteria contained in the Guidelines for Shoreline Protection, including the effects of beach encroachment, wave reflection, reduction in sea cliff sand contribution, and effects and aesthetic criteria.

Guidelines Shoreline Protection -

1) A Shoreline Protective Device (SPD) should not significantly encroach onto the beach; 2) reflected wave energy from the SPD must not be greater than the amount of wave energy that is reflected from the sea cliff; 3) the SPD must not significantly reflect wave energy toward adjacent sea cliffs; and 4) the SPD must not remove a sea cliff source of sand.

**ATTACHMENT B – EMERGENCY PERMIT 5-05-080-G issued 3/11/05**

**CALIFORNIA COASTAL COMMISSION**

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

**EMERGENCY PERMIT****FILE COPY**

**DATE:** March 11, 2005  
**EMERGENCY PERMIT:** 5-05-080-G  
**APPLICANT:** Dr. Kae Kiermeyer, MD  
**LOCATION:** 11 Lagunita, City of Laguna Beach (Orange County)

**EMERGENCY WORK PROPOSED:**

Construction of a temporary shoreline protection device consisting of nine (24" in diameter) concrete caissons drilled into bedrock and supporting steel wide flange beams and steel plates to retain site soils for temporary shoring of existing residence and sewer line and to mitigate against the effects of beach erosion. This structure will be approximately 80 feet in length and will include the placement of rock at both ends, as depicted on the revised plans (dated February 28, 2005).

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of heavy surf conditions and beach erosion requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the attached conditions.

Very Truly Yours,

Peter M. Douglas  
Executive Director

By: Teresa Henry

Title: District Manager

**CONDITIONS OF APPROVAL:**

1. The enclosed form must be signed by the permittee and returned to our office within 15 days.
2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit.
4. Within 60 days of the date of this emergency permit, the permittee shall submit a complete application for a regular Coastal Development Permit for their proposal to address the wave uprush and erosion hazards that may remain at the site (i.e. the longer term solution). Such application shall include an analysis, prepared by an appropriately qualified professional (e.g. engineer with expertise in coastal processes), of alternative methods of addressing the hazards, including but not limited to, the following alternatives: no-project, removal of the shoreline protection authorized under this emergency permit and no further protection, beach sand replenishment, engineered revetment, vertical seawall, foundation underpinning for the residence with and without accompanying shoreline protection device(s), and planned shoreline retreat (i.e. reconfiguration and/or removal of existing development). The alternatives analysis shall identify which alternative is the least environmentally damaging feasible alternative and identify the applicant's preferred alternative along with the reasons for selecting the preferred alternative.

The follow-up application submittal shall also, at minimum, address the following issues: visual treatment of any proposed-to-be retained and/or revised shoreline protection devices at the site; beach restoration including removal of debris associated with prior shoreline protection efforts at this location; mitigation of any effects upon adjacent properties of shoreline protection at the subject site; effects upon the beach and public access to and along the beach associated with shoreline protection efforts at this site.

If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless such deadline is extended or waived in writing by the Executive Director of the Commission.

5. In exercising this permit the permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g. City of Laguna Beach, U.S. Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife Service, California State Lands Commission).
7. Only clean rock shall be used to construct the temporary shoreline protective device. No unapproved fill materials or construction spoils shall be used. Applicant shall promptly remove any rock that becomes dislodged and deposited on the beach.

## 8. Construction Responsibilities and Debris Removal

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

- (a) No construction materials, debris, waste, oil or liquid chemicals shall be placed or stored where it may be subject to wave erosion and dispersion, stormwater, or where it may contribute to or come into contact with nuisance flow;
- (b) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
- (c) No machinery or construction materials not essential for project implementation shall be allowed at any time in coastal waters;
- (d) If turbid conditions are generated during construction, a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable;
- (e) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (f) All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- (g) The discharge of any hazardous materials into coastal waters or any receiving waters shall be prohibited.
- (h) All temporary construction access measures (e.g. earthen access ramps) from the site to the sandy beach shall be removed in their entirety upon completion of the emergency work and the area restored to the pre-construction condition.

9. Authorization of this emergency permit shall not preclude consideration, through the regular coastal development permit process, of a smaller and more landward protection response, modified foundation or other protective options.

Condition number four (4) indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes some type of permanent development to address the wave uprush and erosion hazards to the residence that may remain at the site upon removal of the temporary revetment (i.e. the longer term solution), a regular Coastal Development Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include, but are not limited to, provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves, and removal of debris associated with prior shoreline protection efforts at this location.

If you have any questions about the provisions of this emergency permit, please call the Commission office in Long Beach (562) 590-5071.

Enclosure: Acceptance Form

cc: Steve Wade, Agent  
John Montgomery, City of Laguna Beach  
File

EXHIBIT # 1  
PAGE 14 OF 14

**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
1000 Ocean Gate, 10th Floor  
Laguna Beach, California 90802-4416  
Tel: (562) 590-5084 FAX (562) 590-5084  
www.coastal.ca.gov

**NOTIFICATION OF APPEAL PERIOD**

DATE: May 07, 2014

TO:

City of Laguna Beach  
505 Forest Ave  
Laguna Beach, CA 92651

FROM: Liliana Roman

RE: **Application No. 5-LGB-14-0363**

Please be advised that on April 25, 2014 our office received notice of local action on the coastal development permit described below:

Local Permit #: 14-308

Applicant(s): Mssk Ventures LLC

Description: Addition (no net increase) to the existing single family dwelling

Location: 11 Lagunita Drive (APN(s) )

Unless an appeal is filed with the Coastal Commission, the action will become final at the end of the Commission appeal period. The appeal period will end at 5:00 PM on May 9, 2014

Our office will notify you if an appeal is filed.

If you have any questions, please contact me at the address and telephone number shown above.

cc: Mssk Ventures LLC, Attn:

**COASTAL COMMISSION**  
**A-5-LGB-14-0027**  
EXHIBIT # 2  
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**RECEIVED**  
South Coast Region

APR 25 2014

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

**Date:** April 23, 2014

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

**Location:** 11 Lagunita Drive, Laguna Beach, CA 92651

**Coastal Development Project No:** 14-308

**Project Description:** The proposed project requires Board of Adjustment/Design Review Board approval and a Coastal Development Permit for additions (no net increase) to the existing single-family dwelling. Design review is required for upper level additions, deck modifications, stringline violation, covered parking, landscaping and construction in an environmentally sensitive area due to ocean front proximity. A variance is required to construct improvements within the bufftop setback which include terrace railing and securing the existing (temporary) soldier pile wall [LBMC 25.50.004 (B)(4)].

**Applicant:** Mssk Ventures, LLC

**Mailing Address:** 2885 East La Cresta Avenue, Anaheim, CA 92806-1817

On March 27, 2014 a coastal development permit application for the project was

- ☐ approved
- ☒ approved with conditions
- ☐ denied

Local appeal period ended April 11, 2014

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

The action ☐ did ☒ did not involve a local appeal; in any case, the local appeal process has been exhausted. Findings supporting the local government action and any conditions imposed are found in the attached resolution.

This project is

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

Attn: CDP Resolution No. 14-8

**COASTAL COMMISSION**

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**CALIFORNIA COASTAL COMMISSION**

South Coast District Office

1000 Ocean Gate, 10th Floor  
Laguna Beach, California 92651-4416  
(562) 590-5071 FAX (562) 590-5084

www.cal.ca.gov

**NOTIFICATION OF DEFICIENT NOTICE**

DATE: April 18, 2014

TO:

City of Laguna Beach  
505 Forest Ave  
Laguna Beach, CA 92651

FROM: Liliana Roman

RE: Local Permit No. 14-308 (Commission File No. 5-LGB-14-0363)

Please be advised of the following deficiency(ies) in the notice of local action we have received for Local Permit No. 14-308 pursuant to 14 Cal. Admin. Code Section 13571 or 13332.

Applicant(s): Mssk Ventures LLC

Description: Addition (no net increase) to the existing single family dwelling

Location: 11 Lagunita Drive, Laguna Beach; 11 Lagunita Drive (APN(s) )

Deficiency noted by check mark below:

1. ☒ Project description not included or not clear, doesn't include seawall and proposed shotcrete
2. ☐ Conditions for approval and written findings not included.
3. ☐ Procedures for appeal of the decision to the Coastal Commission not included.
4. ☐ Notice not given to those who requested it.
5. ☐ Notice does not indicate if local government action is appealable to Coastal Commission.
6. ☐ Final Local Action Notice not sent by first class mail.
7. ☐ Local appeal period is still pending.

As a result of the deficiency(ies) noted above:Post-Certification LCP Permits:

☒ The effective date of the local government action has been suspended, and the 10 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

Post-Certification LUP Permits:

☐ The effective date of the local government action has been suspended, and the 20 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

If you have any questions, please contact **Liliana Roman** at the South Coast District Office.

cc: Mssk Ventures LLC

**COASTAL COMMISSION**EXHIBIT # 2  
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**CITY OF LAGUNA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**HEARING DATE:** March 27, 2014

**TO:** BOARD OF ADJUSTMENT/DESIGN REVIEW BOARD

**CASE:** Design Review 2014-0305  
Variance 2014-0305  
Coastal Development Permit 2014-0308

**APPLICANT:** Jim Conrad, Architect  
(949) 497-0200

**LOCATION:** Mssk Ventures LLC  
11 Lagunita Drive  
APN 656-171-76

**ENVIRONMENTAL STATUS:** In accordance with State CEQA Guidelines, the project is categorically exempt pursuant to Section 15301, Class 1(e)(1) (Existing Facilities) and Section 15303, Class 3(e), which allow construction of an addition to an existing structure, provided that the addition does not result in an increase of more than 50 percent of the existing floor area, and new appurtenant structures.

**PREPARED BY:** Martina Speare, Associate Planner  
(949) 464-6629

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**REQUESTED ACTION:** The proposed project requires Board of Adjustment/Design Review Board approval and a Coastal Development Permit for additions (no net increase) to an existing single-family dwelling. Design review is required for upper level additions, deck modifications, stringline violation, covered parking, landscaping and construction in an environmentally sensitive area due to ocean front proximity. A variance is required to construct improvements within the blufftop setback [LBMC 25.50.004 (B)(4)].

**PROJECT SITE DESCRIPTION:** The 10,016 square-foot ocean front parcel is located at the end of a private street (formerly known as Falkner Road) that is accessed from Dumond Drive. The property is currently developed with a 4,878 square-foot single-family dwelling with an attached two-car garage. The property is relatively flat except for the area along the ocean, which slopes down. The calculated average slope is 22.8%.

The existing structure was constructed under county jurisdiction and the original permit is not in the City's file.

**STAFF REVIEW BACKGROUND** Staff met with the applicant and the homeowners on September 3, 2013 for a pre-application site meeting to discuss potential variances. The plans that were originally submitted for zoning plan check included new deck area that would exceed the maximum building height. Staff suggested that the applicant eliminate the variances associated with the height limits. The applicant has since redesigned the plans and a variance to exceed the maximum height is no longer required.

**COASTAL COMMISSION**

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In the winter of 2003, a storm caused damage to the property and a portion of the bluff edge started to slip. In an effort to secure the structure, an emergency coastal development permit was issued on March 11, 2005 to allow temporary shoring. The shoring included nine 24-inch diameter caissons and a soldier pile wall. The emergency coastal development permit was approved with the condition that the homeowner had 60 days within which to submit an application for a regular coastal development permit. This application was never filed. At the preliminary site meeting, staff informed the applicant that obtaining permits for the shoring wall would need to be incorporated into the remodel application.

In 2010, code enforcement became aware of excavation under the home. On October 12, 2010, staff met with the prior homeowner and the project architect at the time. Staff confirmed that the applicant had excavated dirt behind the garage and that the new finished grade did not comply with the 30-foot height limit. Staff advised the applicant to backfill the area to restore the grade. Permits were issued to restore the grade, but have since expired without the work being completed. The applicant has incorporated the previously approved grade restoration into the current project to address the outstanding code enforcement case.

**STAFF ANALYSIS:** The applicant proposes additions and a remodel to the existing home. Overall, the living area of the home will be reduced by 7 square feet. The lower level is proposed to extend toward the street and a total of total of 718 square feet of crawl space will be converted into living area. The existing caterer's kitchen will be converted to garage area and the net floor area increase on the lower level is 323 square feet. The interior staircases will be redesigned and will reduce the living area of the home. This reduction will offset the remainder of the lower level addition.

The applicant proposes to reconfigure the existing deck design on the upper level. The upper level deck has split levels and a portion of the uppermost deck will be removed. Staff was able to verify in the field that the upper level deck was constructed on top of the existing middle level deck. The applicant proposes to remove a portion of the split level deck and a chimney and to restore the middle level deck across the south elevation of the structure. Sheets A-8.1 and A-10.1 show this modification.

Sliding glass doors are currently installed on the south elevation at the lower level. The doors lead to an unimproved grass or dirt area. The applicant proposes to install sand-set pavers and a railing. This area is located within the blufftop setback and a variance is required for new construction in this area.

The current application includes permitting the existing soldier pile wall that was installed in 2005 with an emergency coastal development permit. The applicant has incorporated the recommendations of the geologist into the current proposal and the wall is proposed to be finished with shotcrete. This area is located within the blufftop setback and a variance is required for new construction in this area.

**COASTAL COMMISSION**EXHIBIT # 2  
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**Property Development Standards and Zoning Code Consistency:** The calculated average lot slope is 22.8% and the prescribed height limit of the home is 12 feet above the curb and 30 feet above lowest finish floor, natural grade or finished grade. The existing structure measures 29.75 feet above the curb and is legal non-conforming.

The rear of the property drops down to the sand and is steep enough to create a bluff. A 25-foot blufftop setback is required from the edge of the bluff. The existing structure is constructed within the blufftop setback and is legal non-conforming.

**Design Review Criteria:** Physical improvements and site developments subject to design review should be designed and located in a manner that best satisfies the design review criteria specified in this section. Please refer to the *City's Design Guidelines - A Guide to Residential Development* on the City's website. The intent of these guidelines is to clarify the criteria that members of the community, the Design Review Board and design professionals use in the design review process.

**Access:** *Conflicts between vehicles, pedestrians and other modes of transportation should be minimized by specifically providing for each applicable mode of transportation. Handicapped access shall be provided as required by applicable statutes.*

The applicant proposes to convert the caterer's kitchen to garage area. A second garage door will be installed to access this garage. The existing driveway will be extended to provide access to the new garage. No other access modifications are proposed at this time.

**Design Articulation:** *Within the allowable building envelope, the appearance of building and retaining wall mass should be minimized. Articulation techniques including, but not limited to, separation, offsets, terracing and reducing the size of any one element in the structure may be used to reduce the appearance of mass.*

Design Guideline 5.7 states: "minimize the impacts of a deck or balcony." The applicant proposes to eliminate portions of the upper level deck and restore the middle level deck across the structure. Reducing the deck area at the upper level may reduce the appearance of mass.

**Design Integrity:** *Consistency with the applicant's chosen style of architecture should be achieved by the use of appropriate materials and details. Remodels should be harmonious with the remaining existing architecture.*

The existing wood siding is in poor condition and the applicant proposed to update the exterior of the home with a stucco finish and a stone veneer. Stainless steel railings and a standing seam metal roof are proposed.

**COASTAL COMMISSION**

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**Environmental Context:** *Development should preserve and, where possible, enhance the city's scenic natural setting. Natural features, such as existing heritage trees, rock out-cropping, ridgelines and significant watercourses should be protected. Existing terrain should be utilized in the design and grading should be minimized.*

This property is located in an environmentally sensitive area due to ocean front proximity. The applicant has submitted a Coastal Hazard Analysis for the proposed project. The report discusses the proposed foundation repairs and the existing soldier pile wall. The report concludes that the best remedy to protect the property would be a 75-foot long wall across multiple properties. At this time, however, the applicant is only seeking approval to secure the existing wall. The geologist recommends that using tiebacks, grade beams and a sculpted concrete face (shotcrete) will further secure the slope and the residence.

**General Plan Compliance:** *The development shall comply with all applicable policies of the general plan, including all of its elements, applicable specific plans, and the certified local coastal program.*

Land Use:

The proposed additions and modifications are consistent with the intent of the village low density land use designation.

Open Space/Conservation Element:

*Policy 1.5A: The shoreline environment should remain in a natural state unless existing, substantial improvements are in imminent danger from erosion, flooding or collapse. "Imminent Danger" is defined as a short-range threat from the immediate to a maximum range of three (3) to five (5) years. A threat presented in the context of geologic time shall not constitute imminent danger.*

In 2005, the California Coastal Commission issued an emergency coastal development permit to install a temporary shoring wall. At that time, the Coastal Commission found that there was an immediate emergency to the existing structure. The modifications proposed will secure the wall along the bluff permanently.

*Policy 1.5G Unless found to be in the interest of public safety and/or welfare and in the interest of protecting existing habitable structures, devices that create a net loss in beach width shall not be approved. A determination as to "net loss" is to be based on the pre-event beach measurement in the case of abrupt erosion or seacliff failure.*

The proposed existing wall remain in the same location and will not create a net loss in beach width.

*Policy 1.5H Construction and grading activities on the beach shall be staged and phased to minimize interference with public use.*

The applicant has provided a staging plan on sheet A-1.4. The Board may request a more detailed staging plan which specifically addresses the construction within the blufftop setback.

*Policy 1.5L: A protective device will best blend into the seacliff when its surface texture, including shape, size and roughness elements, most nearly duplicate that of the seacliff. A similar surface roughness will also be in accordance with the wave reflection criterion discussed in the Guidelines for Shoreline Protection.*

The geologist recommends that the wall be finished with a sculpted concrete face to further secure the proposed tieback system. The applicant has incorporated this recommendation into the design of the wall to help blend the wall into the natural surroundings.

*Policy 1.5P The owner, successors and assigns of shore protective devices shall adequately maintain such device and assure its structural integrity, maintain its approved appearance, and shall absolve the City of any liability arising out of its location, placement and construction.*

*Policy 1.5Q: Any development application for shoreline construction shall be reviewed with respect to the criteria contained in the Guidelines for Shoreline Protection, including the effects of beach encroachment, wave reflection, reduction in seacliff sand contribution, end effects and aesthetic criteria.*

The City's Guidelines for Shoreline Protection list four review criteria: 1) a Shoreline Protective Device (SPD) should not significantly encroach onto the beach; 2) reflected wave energy from the SPD must not be greater than the amount of wave energy that is reflected from the seacliff; 3) the SPD must not significantly reflect wave energy toward adjacent seacliffs; and 4) the SPD must not remove a seacliff source of sand. These topics are discussed in the attached coastal hazard analysis prepared by Borella Geology. - sand source not discussed in Borella report

The City's Guidelines for Shoreline Protection specify three submittal requirements for the shoreline protective device: 1) a Topographic Survey; 2) an Engineering geology/soils engineering report; 3) a Coastal Engineering Analysis and Report. The applicant has submitted all of the required documents as noted.

**Landscaping:** *Landscaping shall be incorporated as an integrated part of the structure's design and relate harmoniously to neighborhood and community landscaping themes. View equity shall be an important consideration in the landscape design. The relevant landscaping guidelines contained in the city's "Landscape and Scenic Highways Resource Document" should be incorporated, as appropriate, in the design and planned maintenance of proposed landscaping.*

Design review of a landscaping plan is required in conjunction with upper level additions. The applicant has provided a landscaping plan on sheet L-2. The plan indicates that none of the plants will grow higher than six feet.

**Lighting and Glare:** *Adequate lighting for individual and public safety shall be provided in a manner which does not significantly impact neighboring properties. Reflective materials and appurtenances that cause glare or a negative visual impact (e.g., skylights, white rock roofs, high-gloss ceramic tile roofs, reflective glass, etc.) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties.*

An exterior lighting plan has been provided on sheet A-1.2 and identifies fourteen 60-watt exterior light fixtures.

Design Guideline 10.1 states: "Avoid large expanses of floor-to-ceiling glass and picture windows. Floor to ceiling glass is proposed on the south elevation of the lower and middle levels and may contribute to glare and night spillage.

**Neighborhood Compatibility:** *Development shall be compatible with the existing development in the neighborhood and respect neighborhood character. Neighborhood character is the sum of the qualities that distinguish areas within the city, including historical patterns of development (e.g., structural heights, mass, scale or size), village atmosphere, landscaping themes and architectural styles.*

The proposed changes are primarily within the footprint of the existing home. The exterior changes are consistent with the pattern of development in the neighborhood.

**Privacy:** *The placement of activity areas (e.g., decks, picture windows and ceremonial or entertainment rooms) in locations that would result in a substantial invasion of privacy of neighboring properties should be minimized.*

The applicant proposes living area additions within the existing footprint of the structure and neighbor privacy impacts are not anticipated. The overall deck square footage will be reduced by two square feet. No privacy concerns have been identified.

**Sustainability:** *New development should consider architecture and building practices which minimize environmental impacts and enhance energy efficiency by: (a) reducing energy needs of buildings by proper site and structural design; (b) increasing the building's ability to capture or generate energy; (c) using low-impact, sustainable and recycled building materials; (d) using the latest Best Management Practices regarding waste and water management; and (e) reducing site emissions.*

Design Guideline 14.2 states: "select building materials that will withstand local environmental conditions." The proposed stucco, stone, metal roof and railings are durable and should withstand the local coastal environment.

**View Equity:** *The development, including its landscaping, shall be designed to protect existing views from neighboring properties without denying the subject property the reasonable opportunity to develop as described and illustrated in the city's "Design Guidelines." The "Design Guidelines" are intended to balance preservation of views with the right to develop property.*

The applicant is reducing the massing of the structure by lowering the upper deck area and removing one chimney. The new stainless steel and glass rails will improve views over the home. The applicant has noted that the existing decks slope and the finished surface varies as much as 12 inches in some locations. The deck railing will follow the slope of the decks and will not exceed 42 inches at any location. The new terrace railing at the lower level may impact neighbor views from behind. If view issues become a concern, the railing could be pulled back toward the building.

**Design Review Guidelines:**

**Stringline Violation:** The existing structure is constructed beyond the building stringline. A majority of the new floor area proposed will not comply with the building stringline. The Board may modify approve a stringline violation provided it determines that unique conditions relating to landform, lot orientation or excessive building setbacks on an adjacent property prevent or severely restrict residential development that otherwise meets the intent of the zoning code.

**Covered Parking:** The applicant proposes to convert the existing caterer's kitchen to garage area. This will create a third covered parking space. The Board may approve a third covered space if it determines that the additional covered parking does not increase the appearance of mass and bulk.

**Requested Variances:** The existing area between the sand and the home is currently grass and dirt. Sliding glass doors lead to this area. Currently, the walking surface is uneven and hard to navigate. The applicant wishes to install pavers and a glass railing to create a useable area at the front of the home. The applicant also proposes to permit the existing temporary shoring wall and secure the wall with a system of tiebacks, grade beams and a shotcrete finish (as recommended by the geologist and structural engineer). These improvements require a variance to encroach into the blufftop setback [LBM 25.50.004 (B)(4)].

The Design Review Board must make all of the following findings in order to grant the variance:

1. *There are special circumstances applicable to the property involved, including size, shape, topography, location or surroundings which cause the strict application of the zoning ordinance to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

There are special circumstances applicable to the property involved, which cause the strict application of the zoning regulations to deprive the subject property of privileges enjoyed by other property in the same vicinity and zone, in that the lot configuration unique in that the lot is shallow. The configuration limits opportunities for improvement of the subject property in contrast with the improvement opportunities on other properties in the vicinity. Further, permitting the shoring wall will provide additional structural support for the existing structure.



2. *Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone.*

The requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone, in that the granting of this variance is necessary for the applicant to enjoy reasonable use of the property the same manner as enjoyed by other properties in the vicinity.

3. *The granting of the variance will not be detrimental to the public health, safety, convenience and welfare or injurious to property or improvements in the vicinity in which the property is located.*

The granting of the variance will not be detrimental to the public health, safety, convenience and welfare or injurious to property or improvements in the vicinity in which the property is located, in that the project will have improve public health, safety and welfare. The pavers and the railing will provide a safe walkway around the structure and the proposed shotcrete wall will further secure the existing home. There is no evidence of any adverse impacts on the use or enjoyment of other properties in the vicinity.

4. *The granting of such a variance will not be contrary to the objectives of the zoning ordinance or the general plan.*

The granting of variance will not be contrary to the objectives of the zoning regulations and the General Plan, in that the development is consistent with the zoning ordinance, the City's Guidelines for Shoreline protection and other provisions of the General Plan.

**Coastal Development Permit:** The proposed project constitutes development for which a Coastal Development Permit is required because the project involves new construction within the coastal zone. The City's determination is appealable to the California Coastal Commission.

**Review Criteria:** To ensure compliance with the certified local coastal program, the following criteria shall be incorporated into the review of all applications for coastal development permits:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in the adopted local coastal program land use plan;
2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources;
3. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources;
4. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources;



5. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards;
6. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas;
7. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource;
8. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
9. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

Findings: The Design Review Board may consider the following findings for approval:

1. *The project is in conformity with all the applicable provisions of the General Plan, including the Certified Local Coastal Program and any applicable specific plans in that:*

The visual impacts of the development have been minimized because the proposed structure is similar in size to neighboring buildings therefore maintaining compatibility with surrounding development (1G).

2. *Any development located between the sea and the first public road paralleling the sea is in conformity with the Certified Local Coastal Program and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that:*

Vertical and lateral public access exists to and along this portion of the coast and the proposed development will not create any adverse impacts to this access; therefore no clear nexus can be demonstrated in this case for a public access dedication (2B).

3. *The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act in that:*

The proposed project is designed to minimize impacts on the visual and scenic quality of coastal resources and does not present any adverse impacts on the environment (3A).

**COMMUNITY INTEREST:** The neighbor at 12 Lagunita Drive has met with staff at the public counter on several occasions to review the plans. The neighbor has expressed concerns regarding views over the structure and drainage. A letter listing her concerns is attached.

The project received approval from the Lagunita Homeowners Association on January 28, 2014.

**CONCLUSION:** A majority of the proposed improvements are located within the existing footprint of the home. The new deck configuration and glass rails will improve views over the existing structure. A coastal hazard analysis has been prepared and provides discussion about permitting the existing temporary shoring wall. Justification for the requested variance has been provided in the staff report.

**ATTACHMENTS:** Project Summary Tables  
Pre-Submittal Site Meeting  
Letter from the neighbors at 12 Lagunita Drive  
Color and Materials  
Vicinity/Aerial Maps  
Coastal Hazard Analysis (2014)

# Project Data

Description	Existing	Removed	Added	Net Added	Total
Living Area:					
Lower Level: (Includes Stairway)	1,712 SF	-395 SF	+718 SF	+323 SF	5,203 SF
Middle Level: (Includes Stairway)	2,156 SF	-273 SF	+82 SF	-191 SF	1,965 SF
Upper Level: (Excludes Stairway)	919 SF	-139 SF	+0 SF	-139 SF	780 SF
Total Living Area:	4,787 SF	-807 SF	+800 SF	-7 SF	4,780 SF
Garage Area:	634 SF	0 SF	+408 SF	+408 SF	1,042 SF
Mechanical Room Area:	0 SF	0 SF	0 SF	0 SF	0 SF
Storage Area:	138 SF	-116 SF	+0 SF	-116 SF	22 SF
Deck Area:					
Middle Level:	1,345 SF	0 SF	+107 SF	+107 SF	1,452 SF
Upper Level:	1,525 SF	-179 SF	+0 SF	-179 SF	1,346 SF
Total Deck Area:	2,870 SF	-179 SF	+107 SF	-72 SF	2,798 SF

## Project Summary

Zoning Standards				
Description	Required/Allowed	Existing	Proposed	Conforms (Yes/No)
Use:	SFD	SFD	SFD	Yes
Zone:	R-1	R-1	R-1	Yes
Lot Area:	10,016.18'	10,016.18'	10,016.18'	
Average Lot Width:	149.25'	149.25'	149.25'	
Average Lot Depth:	57.67'	57.67'	57.67'	
Lot Slope (%):	22.8%	22.8%	22.8%	
Max Building Height From Grade:	30'	29'-1"	29'-1"	No Code Enforcement
Max Building Height From Curb:	12'	29'-9"	29'-9"	No/Non-Conforming
Setbacks:				
Front Yard:	15'-6"	1'-1"	1'-1"	No/Non-Conforming
Rear Yard:	20'-0"	8'-11"	8'-11"	No/Non-Conforming
Side Yard:	22'-10" W / 7'-0" E	63'-2" W / 4'-0" E	63'-2" W / 4'-0" E	No/Non-Conforming
Lot Coverage:	3,505.7 SF / 35.0%	3,332 SF / 33.3%	3,131 SF / 31.3%	Yes
Landscape Open Space:	2,754.4 SF / 27.5%	5,037 SF / 50.29%	4,915 SF / 49.07%	Yes

## Demolition Data

Description	Existing	Removed	Remaining	Demo Total %
Roof Area:	3,776 SF	-78 SF	3,698 SF	2.1%
Floor Area:				
Lower Level:	2,346 SF	-395 SF	1,951 SF	16.8%
Middle Level:	2,156 SF	-273 SF	1,883 SF	12.7%
Upper Level:	919 SF	-139 SF	780 SF	15.1%
Total Floor + Roof Area:	8,563 SF	-885 SF	7,678 SF	10.3%
Total Exterior Wall:	4,188 SF	2,070 SF	2,118 SF	46.12%

## Site Data

Impervious Surfaces:	Square Footage:		Total % of Lot Area:	
	Existing	Proposed	Existing	Proposed
Structure:	3,332 SF	3,131 SF	33.3%	31.2%
Hardscape (Concrete Steps, Pool, Retain. Walls):	1,647 SF	1,970 SF	16.4%	19.7%
Total Impervious:	4,979 SF	5,101 SF	49.7%	50.9%

## Site Work

Grading	Outside Building Footprint	Inside Building Footprint	Total
Cut:	0 CuYds	64 CuYds	64 CuYds
Fill:	0 CuYds	0 CuYds	0 CuYds
Net Export:	0 CuYds	64 CuYds	64 CuYds

EXHIBIT # 2  
PAGE 14 OF 24

**City of Laguna Beach – Community Development Department  
Pre-Application Site Development Review Meeting Evaluation**

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**Evaluation Meeting Number:** 13-1606

**Date:** 9/3/13

**Planners:** Martina Speare, Associate Planner

**Architect:** Jim Conrad

**Homeowner:** MSSK Ventures Inc.

**Site Address:** 11 Lagunita Drive

**Zone/Specific Plan:** Lagunita Zone

**Assessor Parcel Number:** 656-171-76

**Background:** This property is developed with a 4,218 square-foot, single-family dwelling and a two-car garage. The property has been in code enforcement since October 2009, for excavation at the lower level and construction of a block wall without permits.

The applicant is proposing to remodel the existing structure. Staff is concerned that the proposed demolition will be considered a major remodel. If the project is classified as a major remodel, variances will be required to maintain the non-conforming conditions.

In 2005, an emergency coastal development permit was issued for temporary shoring after a slope failure along the beach. The permit was issued for 60 days and has expired. The applicant must submit an application to legitimize the existing wall as part of this application.

**Development Standards:** (to be verified with a survey during zoning plan check)

Front Setback:	20% of the average lot depth
Rear Setback:	20-feet
Side Setback:	10% average lot width, 7-feet minimum
Lot slope in percent:	14.9%
Height:	12 feet above the curb and 25 feet above lowest finish floor, natural grade or finished grade.
Landscape Open Space (LSO):	28.20%
Building Site Coverage (BSC):	35%
Parking:	two covered, and one uncovered (over 3600 square feet)
Landscape Guidelines:	Neighborhood area 3g

**Design Review Criteria**

1. *Access: Conflicts between vehicles, pedestrians and other modes of transportation should be minimized by specifically providing for each applicable mode of transportation.*

2. ***Design Articulation:** Within the allowable envelope, the appearance of building and retaining wall mass should be minimized. Articulation techniques including, but not limited to, separation, offsets, terracing and reducing the size of any one element in the structure may be used to reduce the appearance of mass.*

New deck area should be designed to step from the lower levels. Cantilevered decks are discouraged.

3. ***Design Integrity:** Consistency with the applicant's chosen style of architecture should be achieved by the use of appropriate materials and details. Remodels should be harmonious with the remaining existing architecture.*
4. ***Environmental Context:** Development should preserve and, where possible, enhance the city's scenic natural setting. Natural features, such as existing heritage trees, rock out-cropping, ridgelines and significant watercourses should be protected. Existing terrain should be utilized in the design and grading should be minimized.*

The property is located in an environmentally sensitive area due to water quality and ocean front proximity. Foundation work is proposed within the home and a Coastal Hazard Analysis report is required prior to design review. This report must be prepared by a coastal geologist.

5. ***General Plan Compliance:** The development shall comply with all applicable policies of the general plan, including all of its elements, applicable specific plans, and the local coastal program.*
6. ***Landscaping:** Landscaping shall be incorporated as an integrated part of the structure's design and relate harmoniously to neighborhood and community landscaping themes. View equity shall be an important consideration in the landscape design. The relevant landscaping guidelines contained in the city's Landscape and Scenic Highways Resource Document should be incorporated, as appropriate, in the design and planned maintenance of proposed landscaping.*

A landscaping plan is required in conjunction with upper level additions and/or a major remodel. If no new landscaping is proposed then an as planted plan can be provided.

7. ***Lighting and Glare:** Adequate lighting for individual and public safety shall be provided in a manner which does not significantly impact neighboring properties. Reflective materials and appurtenances that cause glare or a negative visual impact (e.g., skylights, white rock roofs, high-gloss ceramic tile roofs, reflective glass, etc.) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties.*

An exterior lighting plan is required in conjunction with a major remodel and/or aggregate additions exceeding fifty percent of the original floor area. Typically, lighting is limited to 20 watts, and night shades are required for skylights. Up-lights are discouraged.

Large spans of floor to ceiling glass is discouraged as it can contribute to glare.

8. **Neighborhood Compatibility:** *Development shall be compatible with the existing development in the neighborhood and respect neighborhood character. Neighborhood character is the sum of the qualities that distinguish areas within the city, including historical patterns of development (e.g., structural heights, mass, scale or size), village atmosphere, landscaping themes and architectural styles.*

It is important to remain consistent with the neighborhood particularly in terms of building site coverage, square footage and the number of stories. The applicant should do some research to evaluate neighborhood square footages, mass and scale, styles and garage design access.

It is also important to consider the amount of program requested. The Design Review Board reviews total program (living, garage, deck, mechanical and storage areas) for neighborhood compatibility.

9. **Privacy:** *The placement of activity areas, (e.g., decks, picture windows and ceremonial or entertainment rooms) in locations that would result in a substantial invasion of privacy of neighboring properties should be minimized.*

New deck areas should respect neighbor privacy.

10. **View Equity:** *The development, including its landscaping, shall be designed to protect existing views from neighboring properties without denying the subject property the reasonable opportunity to develop as described and illustrated in the city's "design guidelines." The "design guidelines" are intended to balance preservation of views with the right to develop property.*

**Major Remodel:** The plans indicate that the proposed modifications are classified as a major remodel. A major remodel consists of the alteration of or an addition to an existing building or structure if any one of the following occurs at any time over a three-year period:

(1) Demolition, removal and/or reconstruction of fifty percent or more of the total existing above grade exterior wall area (both exterior cladding and framing systems must be altered to count toward the fifty percent total). Any continuous run of remaining exterior wall surfaces measuring ten feet or less in length are counted as removed and/or reconstructed,

(2) Demolition, removal and/or reconstruction of fifty percent or more of the combined total area(s) of the existing roof framing system and structural floor systems, not including eaves or decks,

(3) One or more additions to an existing building or structure within any consecutive three-year period that increases the square footage of the existing building or structure by fifty percent or more, but not including additions to an existing building on a residential lot where the square footage of the existing building and any additions total no more than one thousand five hundred square feet.

Whenever modifications to an existing building or structure constitute a major remodel, the construction shall constitute and be classified as a new building or structure subject to current development standards of the subject zone, and all requirements applicable to the construction of a new building or structure including undergrounding requirements, required dedication of on and off-site improvements and payment of new development fees.

**Potential Variance Issues:** To exceed the maximum height above the front lot line.

**Special Processing Requirements:** The proposed project requires Design Review Board / Board of Adjustment approval and a Coastal Development Permit for the proposed addition. Design review is required for an upper level addition, elevated decks (?), landscaping and construction in an environmentally sensitive area due to ocean front proximity.

The applicant must receive an approval from the Lagunita Community Association prior to scheduling for Design Review.

This preliminary evaluation is being provided to applicants and their design advisors to utilize as early as possible in the design stage of a contemplated project so that the ensuing design is more likely to meet the Design Review Board's approval before substantial time and resources have been expended. However, this preliminary evaluation provided by staff does not bind the Design Review Board in any manner in its review of or decisions on an application.

Vickie Collins  
12 Lagunita  
Laguna Beach, Ca. 92651

Dear City of Laguna Beach and Design Review Board:

I request that the drainage and the Geo evaluation be part of the DRB process. As you are aware #11 Lagunita was almost condemned after the Lagunita lower street was altered with regard to drainage below the street surface. The foundation became impacted. I want the opportunity to have my own geologist evaluate the excavation, retaining walls and all drainage for possible impact to my property which lies above this property.

Thank you,

Vickie Collins

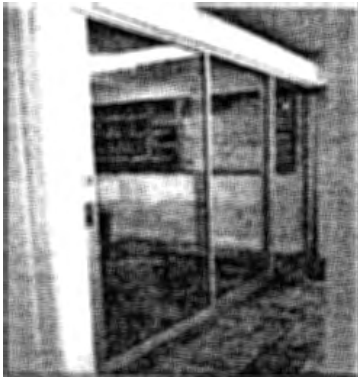
FEB 03 2014

*Vickie Collins*  
*Feb. 3, 2014*

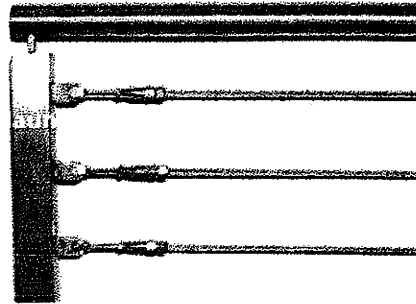


11 Lagunita  
Color and Material Board

Travertine stone veneer

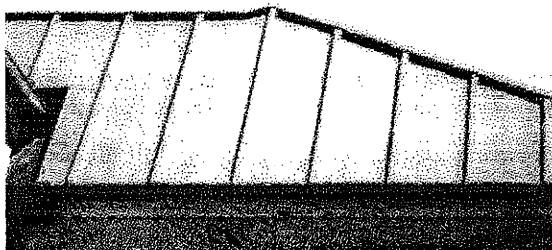


Stucco color



Window and door frames

Stainless steel railings



Standing seam Zinc roof

RECEIVED

FEB 19 2014

ZONING DIVISION

LAGUNITA BEACH, CA

EXHIBIT # 2  
PAGE 20 OF 24

**RESOLUTION CDP 14.8**

**A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE  
CITY OF LAGUNA BEACH APPROVING COASTAL DEVELOPMENT PERMIT  
APPLICATION NO 14-308**

Whereas, an application has been filed in accordance with Title 25-07 of the Laguna Beach Municipal Code, requesting a Coastal Development Permit for the following described property located within the City of Laguna Beach:

11 Lagunita Drive  
APN 656-171-76

and;

Whereas, the review of such application has been conducted in compliance with the requirements of Title 25.07, and;

Whereas, after conducting a noticed public hearing, the Design Review Board has found:

1. The project is in conformity with all the applicable provisions of the General Plan, including the Certified Local Coastal Program and any applicable specific plans in that the visual impacts of the development have been minimized because the proposed structure is similar in size to neighboring buildings therefore maintaining compatibility with surrounding development.
2. Any development located between the sea and the first public road paralleling the sea is in conformity with the Certified Local Coastal Program and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that vertical and lateral public access exists to and along this portion of the coast and the proposed development will not create any adverse impacts to this access; therefore no clear nexus can be demonstrated in this case for a public access dedication.
3. The proposed project, subject to the conditions included in the associated Design Review approval 14-305, to minimize impact on an environmentally sensitive area in compliance with the applicable rules and regulations set forth in the Municipal Code and will not cause any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that a Coastal Development Permit is hereby approved to the extent indicated:

Permission is granted in the Lagunita zone for additions to the existing single-family residence.

1. Notice of Receipt and Acknowledgement. The Coastal Development Permit ("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 Community Development Department.
2. Expiration. If development has not commenced within two years from the final action of the approval authority on the application, the permit will expire. Development, once

commenced, 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 Community Development Director or permit approval authority.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Community Development Department 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 approval authority and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6. Indemnification. The permittee, and the permittee's successors, heirs and assigns, shall protect, defend, indemnify and hold harmless the City, its officers, employees or agents arising out of or resulting from the negligence of the permittee or the permittee's agents, employees or contractors.

7. Plan Reliance and Modification Restriction. In the absence of specific provisions or conditions herein to the contrary, the application and all plans or exhibits attached to the application are relied upon, incorporated and made a part of this resolution. It is required that such plans or exhibits be complied with and implemented in a consistent manner with the approved use and other conditions of approval. Such plans and exhibits for which this permit has been granted shall not be changed or amended except pursuant to a subsequent amendment to the permit or new permit as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code.

8. Grounds for Revocation. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.

BE IT FURTHER RESOLVED, that the subject Coastal Development Permit shall not become effective until after an elapsed period of fourteen (14) calendar days from and after the date of the action authorizing such permit.

PASSED on March 27, 2014, by the following vote of the Design Review Board of the City of Laguna Beach, California.

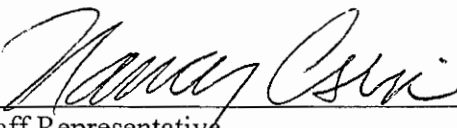
AYES: LeBon, McErlane, Simpson, Zur Schmiede

NOES: Liuzzi

ABSENT: None

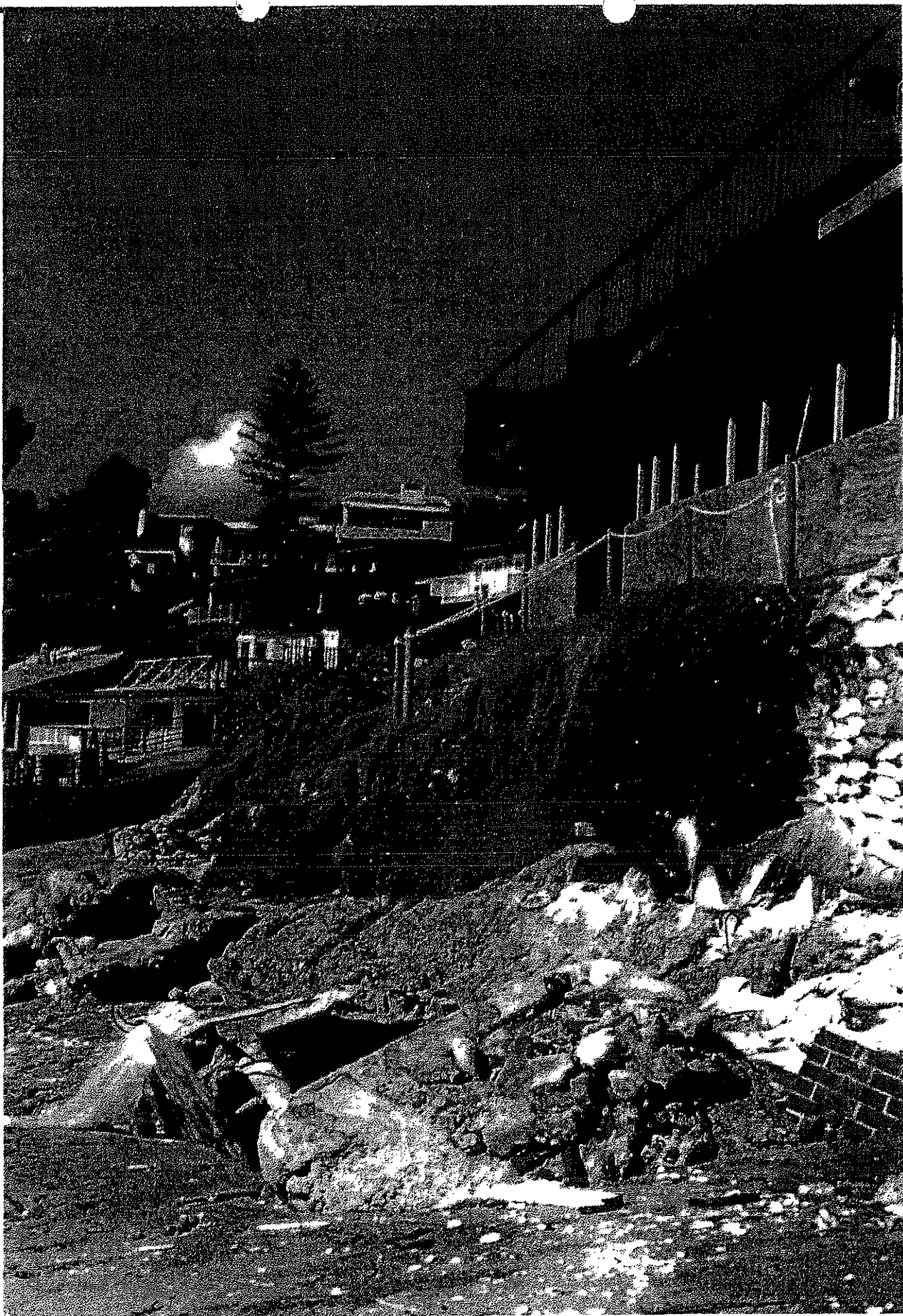
ABSTAIN: None

ATTEST:

  
\_\_\_\_\_  
Staff Representative

  
\_\_\_\_\_  
Chair Pro Tem Simpson

Board of Adjustment Resolution No. CDP 14.8







11 Lagunita Dr, Laguna Beach, CA 92651

Street View · Search nearby



COASTAL COMMISSION

A-5-26B-14-0027

EXHIBIT # 3

PAGE 1 OF 2



Sugarloaf  
Point

Public Access

Project Location

Lagunita Dr

Fouraker Rd

Marble Terrace

COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 2









# Topographic Survey

# COASTAL COMMISSION

EXHIBIT # 4

PAGE 2 OF 34

Drawn By	HN
Date	11 August 2015
Scale	1/4" = 1'-0"
Format	AutoCAD 2007
Sheet #	T-1.1

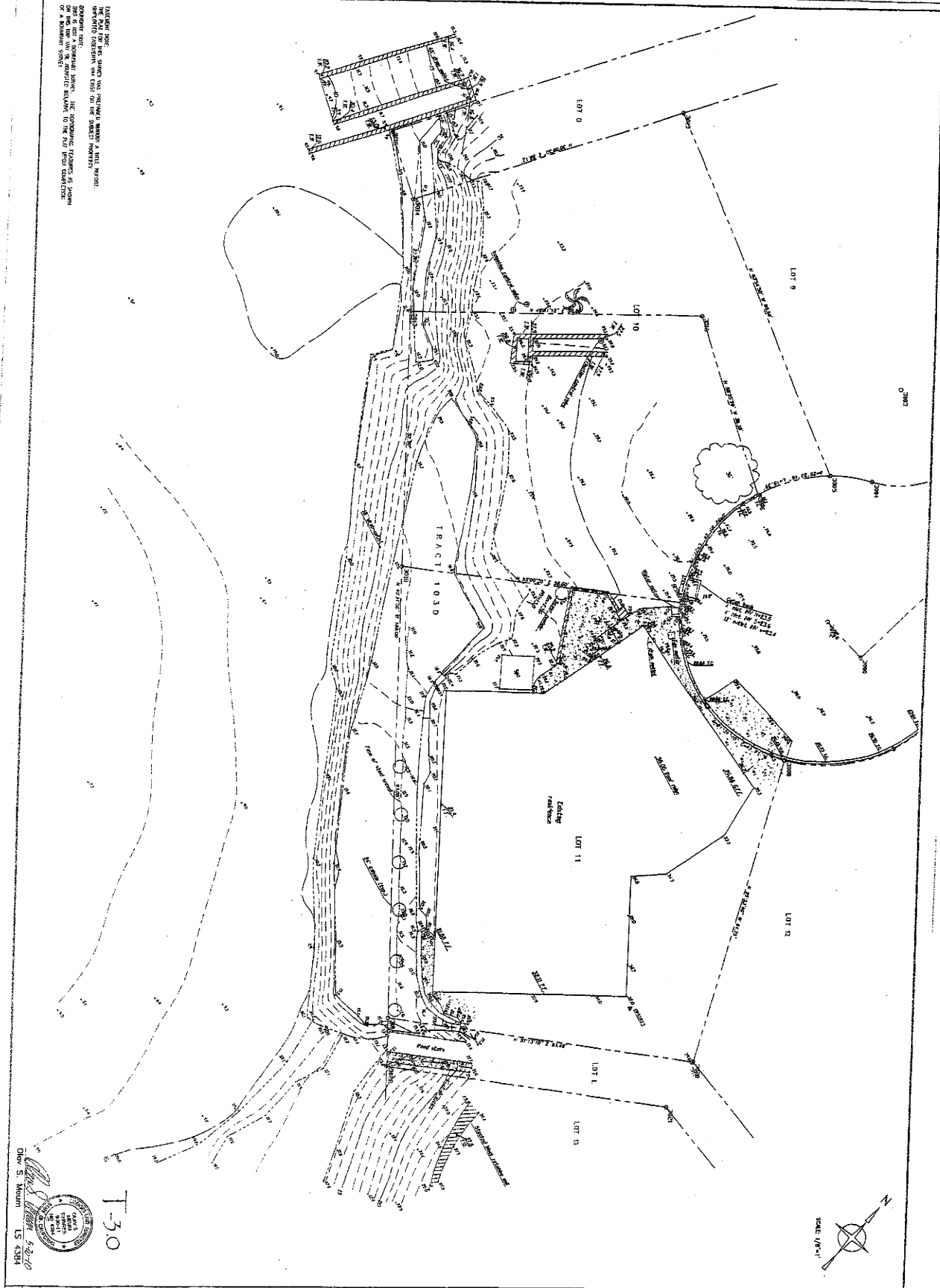
James Conrad Architect  
1550 So. Coast Hwy #201  
Laguna Beach, CA 92651  
(949) 497-0200 Office  
jconradarc@gmail.com



Lagunita Residence  
11 Lagunita Drive  
Laguna Beach, CA 92651

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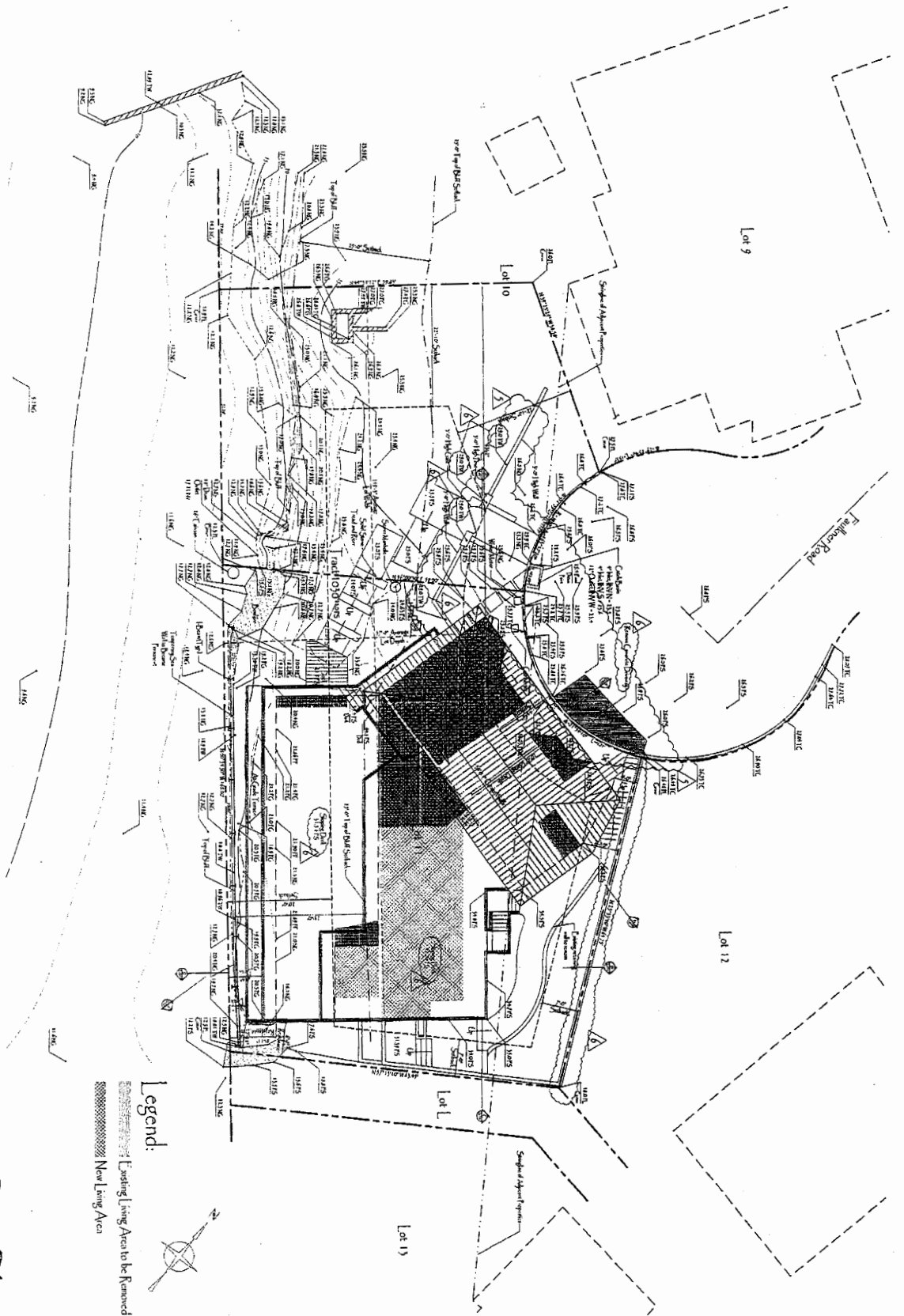
LEGEND:  
 THE DATA FOR THIS SURVEY WAS OBTAINED FROM A TITLE INSURANCE  
 COMPANY'S RECORD. THE SURVEYOR HAS CONDUCTED A VISUAL  
 INSPECTION OF THE SURVEYED PROPERTY AND HAS FOUND NO  
 EVIDENCE OF ANY OTHER SURVEYING OR RECORDING OF THE  
 PROPERTY OR ANY PART THEREOF. THE SURVEYOR HAS THEREFORE  
 CONDUCTED A VISUAL INSPECTION OF THE SURVEYED PROPERTY  
 AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEYING OR  
 RECORDING OF THE PROPERTY OR ANY PART THEREOF.



<b>TOAL ENGINEERING, INC.</b> Civil Engineers, Land Planners, Land Surveyors 139 Avenida Stearns, San Clemente, Calif. 92672 Ph: 949-492-8556 Fax: 949-498-8825		H. SCALE: 1/4" = 1' V. SCALE: N/A DATE OF SURVEY: 5-18-10 DATE OF PLOT: 5-18-10		DATE: 5-18-10 DRY: SL. FLUSS CHD: - APPD: -		<b>TOPOGRAPHIC SURVEY</b> LOT 11, TRACT 1030 11 LAGUNITA, LAGUNA BEACH, CALIFORNIA PREPARED FOR: DR. KAE KIERMEYER	
REVISIONS BY DATE APPLD. DATE		DR. FILE: - APPD: -		PREPARED FOR: DR. KAE KIERMEYER		SCALE: 1/4" = 1'	

COASTAL COMMISSION

EXHIBIT # 4  
 PAGE 3 OF 316



Legend:

Landscaping [Living Area] to be Removed  
New Living Area

Site Plan

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 4 OF 316

Drawn By	JN
Checked By	JN
Scale	1" = 10'
Sheet #	A-10

**James Conrad Architect**  
1550 So Coast Hwy #201  
Laguna Beach, CA 92651  
(949) 497-0200 Office  
jconradarc@gmail.com



**Lagunita Residence**  
11 Lagunita Drive  
Laguna Beach, CA 92651

Revised	12/1/2013
Revised	11/1/2013
Revised	10/1/2013
Revised	9/1/2013
Revised	8/1/2013
Revised	7/1/2013
Revised	6/1/2013
Revised	5/1/2013
Revised	4/1/2013
Revised	3/1/2013
Revised	2/1/2013
Revised	1/1/2013

# Grading Plan

# COASTAL COMMISSION

EXHIBIT # 4  
PAGE 5 OF 36

Drawn By	
H.N.	
Date:	17 June 2013
Scale:	1/2" = 10'
North	
Assoc. Address	
Sheet #	
G-1.0	

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jconradarc@gmail.com



Lagunita Residence  
11 Lagunita Drive  
Laguna Beach, CA 92651

City School

Revisions

17 June 2021

△

△

△

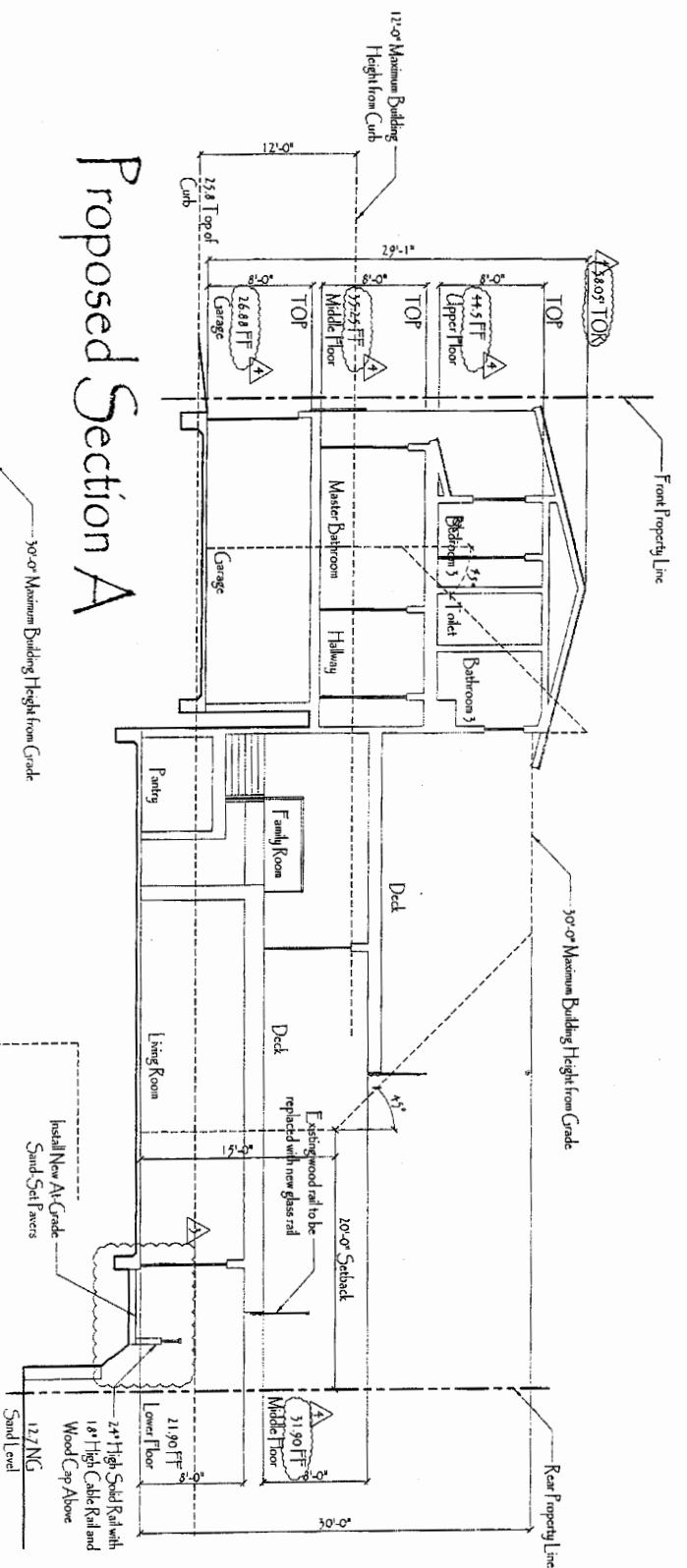
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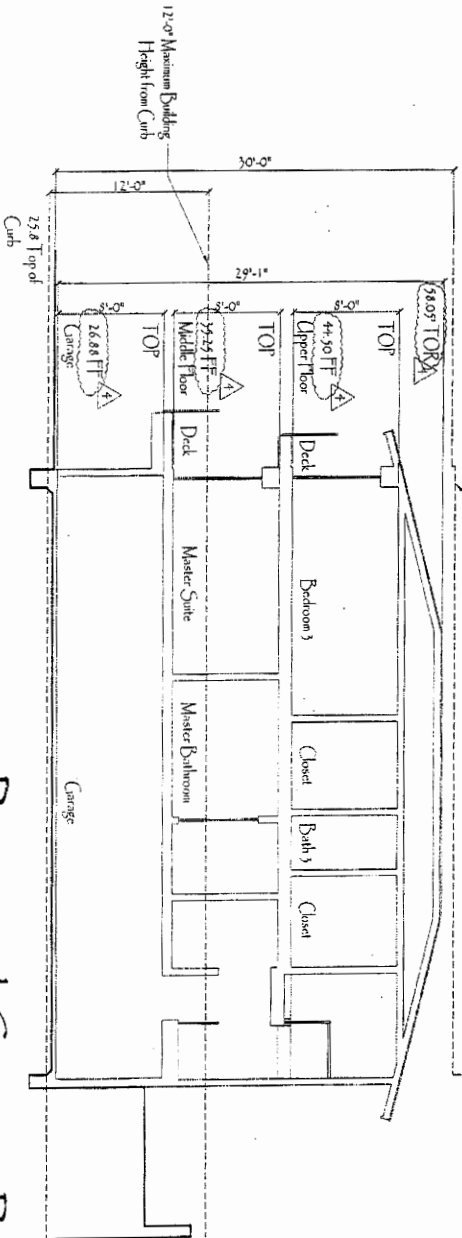
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△

# Proposed Section A



# Proposed Section B



Client: New Home Development, LLC; Architect: James Conrad Architect, Inc.; Project: 1201 Laguna Drive, Laguna Beach, CA 92651; Project No.: 1201-201; Project Date: 12/12/2011; 4:17 PM PM

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 4 OF 34

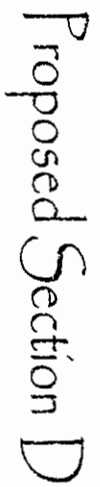
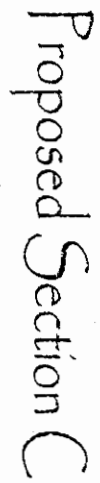
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Check By	HN
Scale	As Shown
Notes	See Notes
Sheet	G-20

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Laguna Beach, CA 92651  
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Laguna Residence  
11 Laguna Drive  
Laguna Beach, CA 92651

Revisions	
1. 12/12/2011	
2. 12/12/2011	
3. 12/12/2011	
4. 12/12/2011	



Drawn By	HN
Date:	2 September 2007
Scale	1:10
Format	AutoCAD
Sheet #	G-2.1

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Lagunita Residence  
11 Lagunita Drive  
Laguna Beach, CA 92651

Revisions
17 Jan 2013
12 August 2013
4 September 2013
20 January 2014

## EROSION CONTROL STANDARDS

- ## CONTROL SYSTEM
1. The lines of cut and flag poles and pipes shall be prepared and maintained at all times to control against erosion according with these standards. Where cut slopes are not subject to erosion, the line of cut shall be prepared and maintained according to the standards set out in the plan on slope; it may, after, be covered from the cut or stored on-site, as approved, to protect the cut and cause erosion or slope problems.
  2. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the building Official, shall be employed to control erosion and provide safety. Sediment shall be removed on site.
  3. No building or grading work shall be allowed on any building or grading site under permit unless an erosion control system has been approved and installed or waived by the building Official.
  4. Fences, ditches, ditches, and other improvements shall be maintained in a neat and clean condition free of snow and construction debris and trash. Street sweeping or other regular maintenance work shall be required to prevent construction on off-site storm flows carrying sediments and debris to public thoroughfares. Warning shall only be used to warn passing motorists when it snow during or in blocked or slow moving water along the storm drain, or when it is necessary to warn passing motorists.
  5. The cut or exposed or other exposed elements that prevent the grading of building plots shall be responsible for inspection and modification of the erosion control system as necessary.
  6. A properly designed storm water discharging system should be used whenever possible at drainage sites from the construction site. Draining basins must remove all sediment prior to discharging storm water from the site.
  7. Equipment and workers for emergency work shall be made available at all times. Necessary materials shall be available on-site and installed at convenient locations to facilitate rapid construction of temporary ditches whenever it is needed.
  8. Erosion protection shall consist of temporary slope stabilization material or the effective placement of a layer of erosion control matting. The high level of information regarding the building Official's Supercharge Manual (1) (a) high impervious or impervious systems is determined by the Building Official.
  9. The erosion control provisions shall take into account drainage patterns during the current and future periods of grading or building.
  10. All proposed practices, devices shall be in place at the end of each working day when the time to stop work is reached. Erosion control measures shall be in place at the end of each working day.
  11. (a) Guard areas and flow ways from the face of slopes at the conclusion of each working day. Drains must be checked and cleaned regularly.
- ## EROSION CONTROL MAINTENANCE
1. Prior to any construction, the erosion control system shall be inspected and deficiencies corrected.
  2. After each rainstorm, the erosion control system shall be inspected and deficiencies corrected. The system may be repaired or changed if necessary.
  3. After each rainstorm, the erosion control system shall be inspected and deficiencies corrected and repaired as necessary.
  4. Drains shall not be covered or modified without the approval of the Building Official.
  5. The contractor shall be responsible and shall be responsible for the maintenance of the system. Drains must be checked and cleaned regularly.

## EROSION CONTROL MAINTENANCE

- ## CONTROL SYSTEM
1. The lines of cut and fill slopes and riprap shall be prepared and maintained at all times to ensure against erosion, encroachment, and other obstructions. Where encroachments are not subject to erosion due to building failure, a cut shall be generated and riprap encroachment may not be placed on riprap; it may either be removed from the site or stored on site as an approved location that will not cause encroachment or drainage problems.
  2. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the Building Official, shall be employed to control erosion and provide safety. Sediment shall be retained on site.
  3. No building or grading work shall be allowed on any building or grading site under permit unless an erosion control system has been approved and installed as required by the Building Official.
  4. If sand, silt, or debris, and other impurities shall be maintained as a waste and clean condition free of loose and objectionable debris and trash. Speed eroding or other equally objectionable work shall be avoided; a single phase to permit construction on all of storm basin, storage, treatment, and debris outside the project boundaries. Warning shall only be used to clean existing materials and debris outside the project boundaries.
  5. The site engineer or other public official shall be responsible for grading or building shall be responsible for inspection and modification of the erosion control devices as necessary.
  6. A properly designed storm water handling plan shall be in place and under permit at all drainage areas where rain, construction, etc. Draining basins must remain at minimum prior to building, storage water from the site.
  7. Equipment and workers for emergency work shall be made available at all times. Necessary materials shall be on site and stockpiled in convenient locations to facilitate rapid construction of emergency response measures as indicated in the contract.
  8. Erosion protection shall consist of preventing slope stabilization material in the effective planting of all slopes reaches of the (1) cut slope and other erosion, especially the building official. Slopes exceeding Building (1) cut slope may require an adequate riprap system, as determined by the Building Official.
  9. The erosion control measures shall take into account drainage patterns through the current and future phases of grading, building.
  10. Allowable practices, limits shall be in place at the end of each working day when the final (3) day or public safety measures are required (4) percent.
  11. (a) Cut and fill areas must be kept free of debris at the conclusion of each working day.  
(b) Drains must be checked for debris, debris.
- ## EROSION CONTROL MAINTENANCE
1. Prior to construction, the erosion control system shall be inspected and deficiencies corrected.
  2. After construction, all cut and fill shall be controlled from the erosion and debris basins and debris basins shall be maintained. If debris from water from the basins can be pumped to the storm drains. (If material may be used).
  3. After construction, the performance of the erosion control system shall be evaluated and revised and reported as necessary.
  4. Debris shall not be stored or collected without the approval of the Building Official.
- Intercept with areas where riprap shall be maintained as a function condition.

## WATER QUALITY NOTES

- ## CONTROL SYSTEM
1. The lines of cut and fill slopes and riprap shall be prepared and maintained at all times to ensure against erosion, accretion, and other instability. Where cut-slopes are not subject to erosion due to leaking effluent, a cut shall be prepared and maintained accretion may not be placed on slope; it was either removed from the site or stored on site as an approved location that will not cause erosion or drainage problems.
  2. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the Building Official, shall be employed to control erosion and provide safety. Sediment shall be retained on site.
  3. No building or grading work shall be allowed on any building or grading site under permit unless an erosion control plan has been approved and installed as required by the Building Official.
  4. If sand, silt, or sediments, and other impurities shall be maintained at a state and degree that will not cause erosion, accretion, or other instability. Where cut-slopes are not subject to erosion due to leaking effluent, a cut shall be prepared and maintained accretion may not be placed on slope; it was either removed from the site or stored on site as an approved location that will not cause erosion or drainage problems.
  5. The contractor or other public official shall be responsible for the grading or building shall be responsible for inspection and modification of the erosion control devices as necessary.
  6. A properly designed storm water handling system shall be installed and maintained in accordance with the requirements of the Building Official. Draining storm water from the building shall be done from the site.
  7. Equipment and workers for emergency work shall be made available at all times. Necessary materials shall be on site and stockpiled in convenient locations to facilitate rapid construction of emergency response measures as indicated in the contract.
  8. Erosion protection shall consist of preventing slope stabilization material in the effective planting of all slopes means of the (1) cut slope means otherwise approved by the Building Official. Slopes exceeding Building (1) cut slope means otherwise approved by the Building Official.
  9. The erosion control measures shall take into account drainage patterns through the current and future phases of grading, building.
  10. Approved practices, devices shall be in place at the end of each working day when the final (3) day or public safety measures are required (4) percent.
  11. (C) shall ensure that any final work from the face of slopes at the conclusion of each working day. Draining shall be directed toward existing facilities.
- ## EROSION CONTROL MAINTENANCE
1. Prior to construction, the erosion control system shall be inspected and deficiencies corrected.
  2. After construction, the site shall be inspected for deficiencies and deficiencies shall be corrected.
  3. After construction, the performance of the erosion control system shall be evaluated and revised and reported as necessary.
  4. Devices shall not be moved or modified without the approval of the Building Official.
- Intercept with areas where exposed water carries a hazardous condition.

## ROOF & AREA DRAINS

- ## CONTROL SYSTEM
1. The lines of cut and fill slopes and riprap shall be prepared and maintained at all times to ensure against erosion, accretion, and other instability. Where cut-slopes are not subject to erosion due to leaking effluent, a cut shall be prepared and maintained accretion may not be placed on slope; it was either removed from the site or stored on site as an approved location that will not cause erosion or drainage problems.
  2. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the Building Official, shall be employed to control erosion and provide safety. Sediment shall be retained on site.
  3. No building or grading work shall be allowed on any building or grading site under permit unless an erosion control plan has been approved and installed as required by the Building Official.
  4. If sand, silt, or sediments, and other impurities shall be maintained at a state and degree that will not cause erosion, accretion, or other instability. Where cut-slopes are not subject to erosion due to leaking effluent, a cut shall be prepared and maintained accretion may not be placed on slope; it was either removed from the site or stored on site as an approved location that will not cause erosion or drainage problems.
  5. The contractor or other public official shall be responsible for the grading or building shall be responsible for inspection and modification of the erosion control devices as necessary.
  6. A properly designed storm water handling system shall be installed and maintained in accordance with the requirements of the Building Official. Draining storm water from the building shall be done from the site.
  7. Equipment and workers for emergency work shall be made available at all times. Necessary materials shall be on site and stockpiled in convenient locations to facilitate rapid construction of emergency response measures as indicated in the contract.
  8. Erosion protection shall consist of preventing slope stabilization material in the effective planting of all slopes means of the (1) cut slope means otherwise approved by the Building Official. Slopes exceeding Building (1) cut slope means otherwise approved by the Building Official.
  9. The erosion control measures shall take into account drainage patterns through the current and future phases of grading, building.
  10. Approved practices, devices shall be in place at the end of each working day when the final (3) day or public safety measures are required (4) percent.
  11. (C) shall ensure that any final work from the face of slopes at the conclusion of each working day. Draining shall be directed toward existing facilities.
- ## EROSION CONTROL MAINTENANCE
1. Prior to construction, the erosion control system shall be inspected and deficiencies corrected.
  2. After construction, the site shall be inspected for deficiencies and deficiencies shall be corrected.
  3. After construction, the performance of the erosion control system shall be evaluated and revised and reported as necessary.
  4. Devices shall not be moved or modified without the approval of the Building Official.
- Intercept with areas where exposed water carries a hazardous condition.

# COASTAL COMMISSION

# Story Pole Construction Notes Table

Story	Height	Notes	Remarks
1	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
2	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
3	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
4	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
5	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
6	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
7	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
8	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
9	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
10	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
11	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
12	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
13	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
14	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
15	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
16	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
17	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
18	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
19	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
20	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
21	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
22	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
23	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
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25	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
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35	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
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43	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
44	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
45	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
46	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
47	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
48	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
49	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"
50	10' 0"	10' 0" x 10' 0" x 10' 0"	10' 0" x 10' 0" x 10' 0"

## Story Pole Height & Location Certification

Date: 10/10/2010

Location: 10000 N. 100th Ave, Edmonds, WA 98149

Building: 10000 N. 100th Ave, Edmonds, WA 98149

Inspector: 10000 N. 100th Ave, Edmonds, WA 98149

Inspector: 10000 N. 100th Ave, Edmonds, WA 98149

Inspector: 10000 N. 100th Ave, Edmonds, WA 98149

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Inspector: 10000 N. 100th Ave, Edmonds, WA 98149

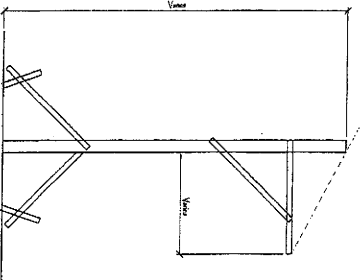
Inspector: 10000 N. 100th Ave, Edmonds, WA 98149

Inspector: 10000 N. 100th Ave, Edmonds, WA 98149

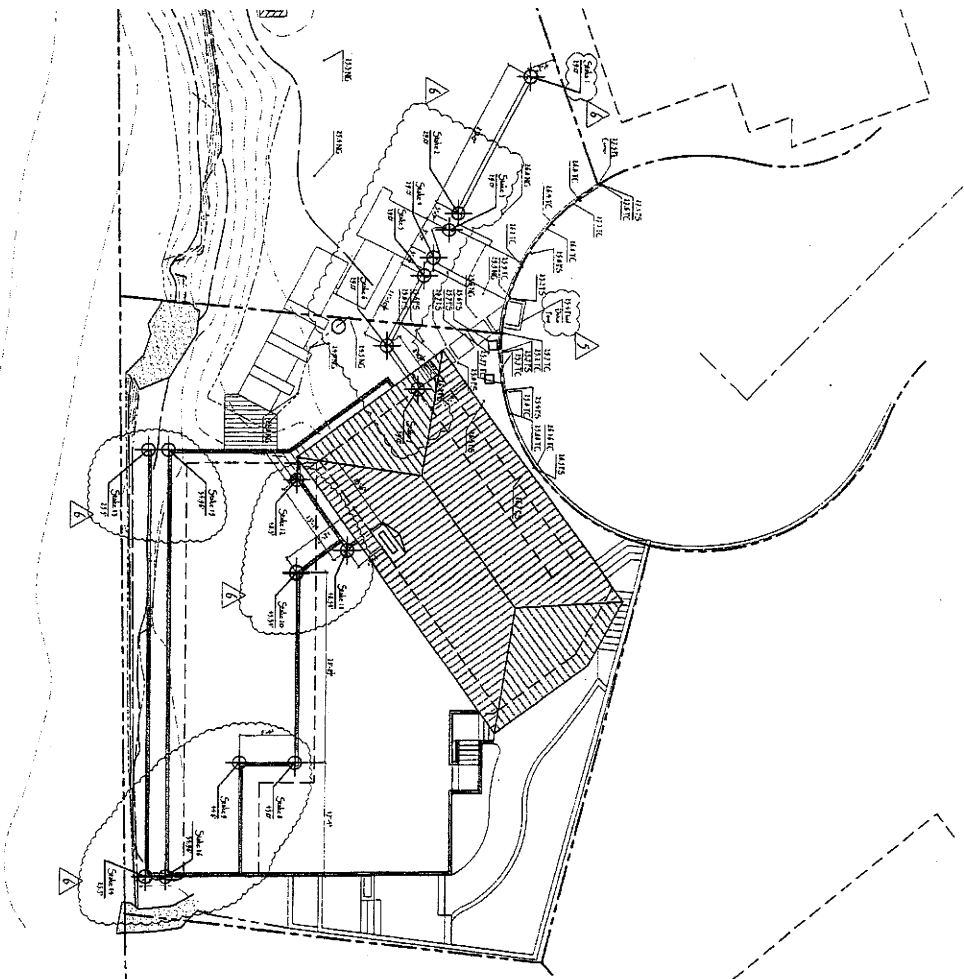
Inspector: 10000 N. 100th Ave, Edmonds, WA 98149

Inspector: 10000 N. 100th Ave, Edmonds, WA 98149

Inspector: 10000 N. 100th Ave, Edmonds, WA 98149



Connect Stakes @ Significant Roof & Deck Outlines With a Ribbon or String, Spray Paint Chimney Tops a bright Color



Staking Plan

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EXHIBIT # 4  
PAGE 9 OF 30

Drawn By	HN
Date	10/10/2010
Check By	HN
Issue	As of 10/10/2010
Sheet	A-1.1

James Conrad Architect

1350 So. Coast Hwy #201  
 Laguna Beach, CA 92651  
 (949) 497-0200 Office  
 jconradarc@gmail.com



Lagunita Residence

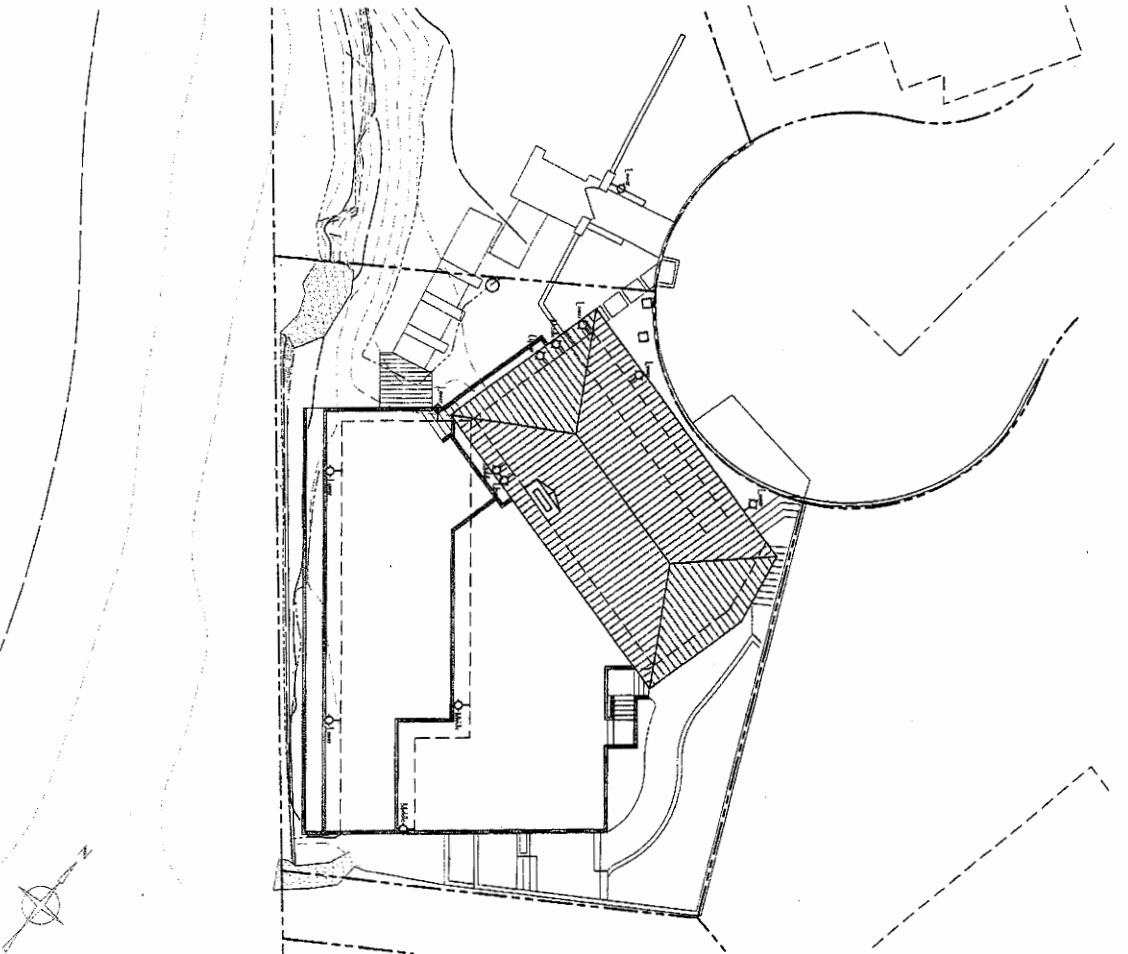
11 Lagunita Drive  
 Laguna Beach, CA 92651

City/State	CA/CA
County	Orange
City	Laguna Beach
Address	11 Lagunita Drive
City	Laguna Beach
State	CA
Zip	92651



Symbol	Description
1	1' Spotlights
2	2' Spotlights
3	3' Spotlights
4	4' Spotlights
5	5' Spotlights
6	6' Spotlights
7	7' Spotlights
8	8' Spotlights
9	9' Spotlights
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97	97' Spotlights
98	98' Spotlights
99	99' Spotlights
100	100' Spotlights

# Exterior Lighting Plan



COASTAL COMMISSION

EXHIBIT # 4  
PAGE 10 OF 36

Drawn By	JIN
Date	1/1/2011
By	JIN
Check	JIN
Approved	JIN
Scale	As Shown
Sheet #	A12

James Conrad Architect	1550 So. Coast Hwy #201 Laguna Beach, CA 92651 (949) 497-0200 Office jconradarc@gmail.com
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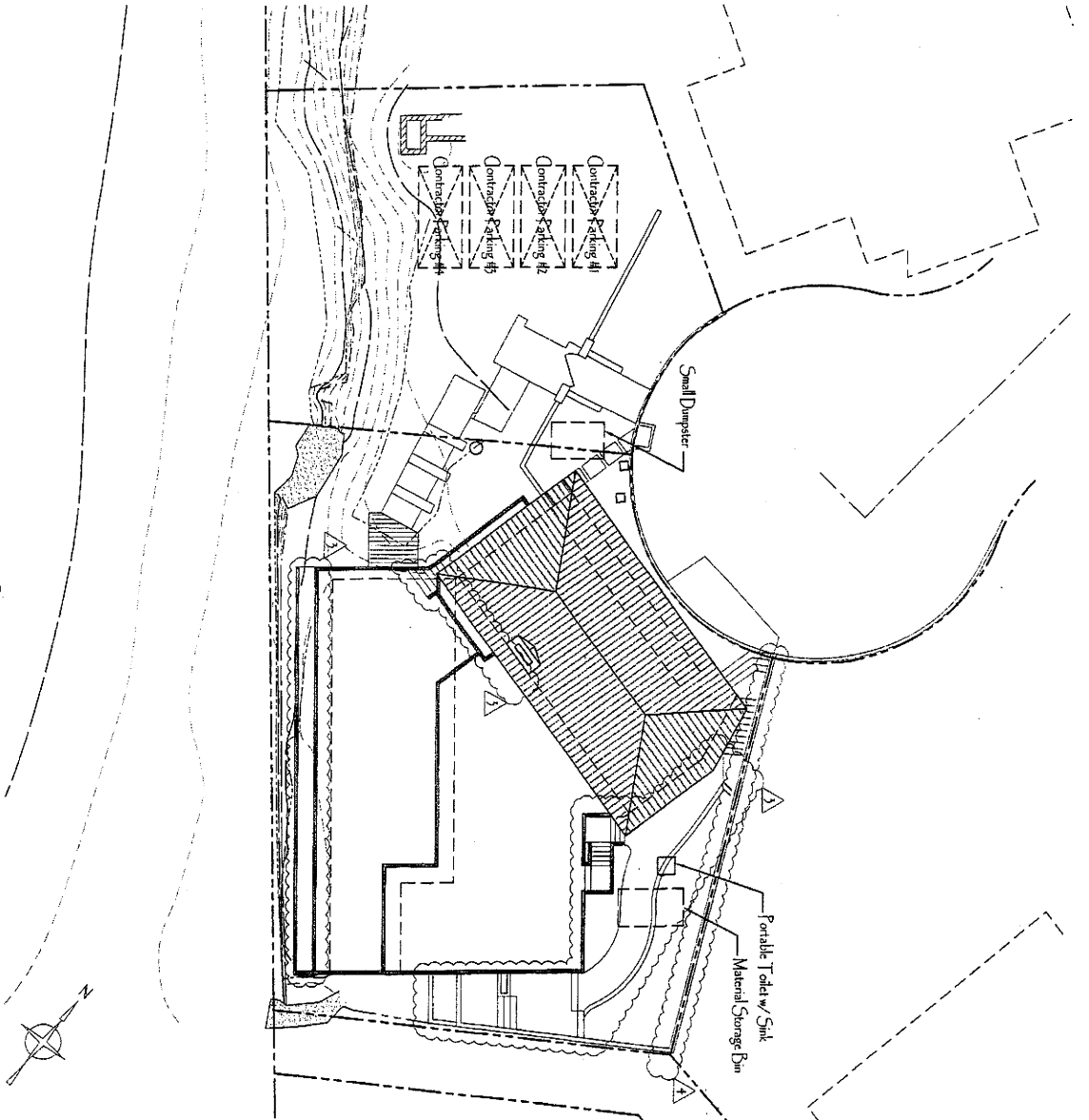
Lagunita Residence	11 Lagunita Drive Laguna Beach, CA 92651
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Revisions
1. 1/1/2011
2. 1/1/2011
3. 1/1/2011
4. 1/1/2011
5. 1/1/2011
6. 1/1/2011
7. 1/1/2011
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96. 1/1/2011
97. 1/1/2011
98. 1/1/2011
99. 1/1/2011
100. 1/1/2011

# Construction Staging Requirements

1. As quickly as possible, the garage retaining walls shall be constructed in order to create a flat off street storage & parking area for as many vehicles as possible on up-hill lots.
2. All refuse & waste shall be kept on site & off street until it can be hauled away.
3. The building site surrounds shall be kept clean, it is highly recommended that the building site be fenced & locked at all times when no one is working.
4. Neighbors shall be notified a day prior to any large or prolonged concrete pour.
5. Deliveries of materials, especially ready mix concrete, shall be limited to one (1) truck at a time on the street, & a flag man (walker-talker) shall be employed during this time period, the contractor shall use appropriately located concrete pump(s) to minimize traffic impediment.
6. If parking outside the hill when any gate becomes scarce, the contractor shall establish a shuttle service for all laborers & subcontractors not requiring immediate access to their vehicles.
8. All materials, adherents, etc., shall be limited to an amount or quantity that can be off loaded & stored within the forced area.
9. Dumpsters shall be located on site whenever possible, dumpsters placed on the street shall be filled & removed as soon as is practical, dumpsters are permitted on the street Monday through Friday only.
10. Any street damage attributed to the construction process shall be repaired within ten (10) days after the completion of construction & prior to occupancy.
11. Contractor shall use the appropriate tarps, masking and protection devices to protect adjacent homes & their landscaping from paint over spray, stucco splash, etc.

## Construction Staging Plan



Drawn By	HN
Date	11/11/11
Scale	1/8" = 1'-0"
Project	Lagunita Residence
Sheet	A-14

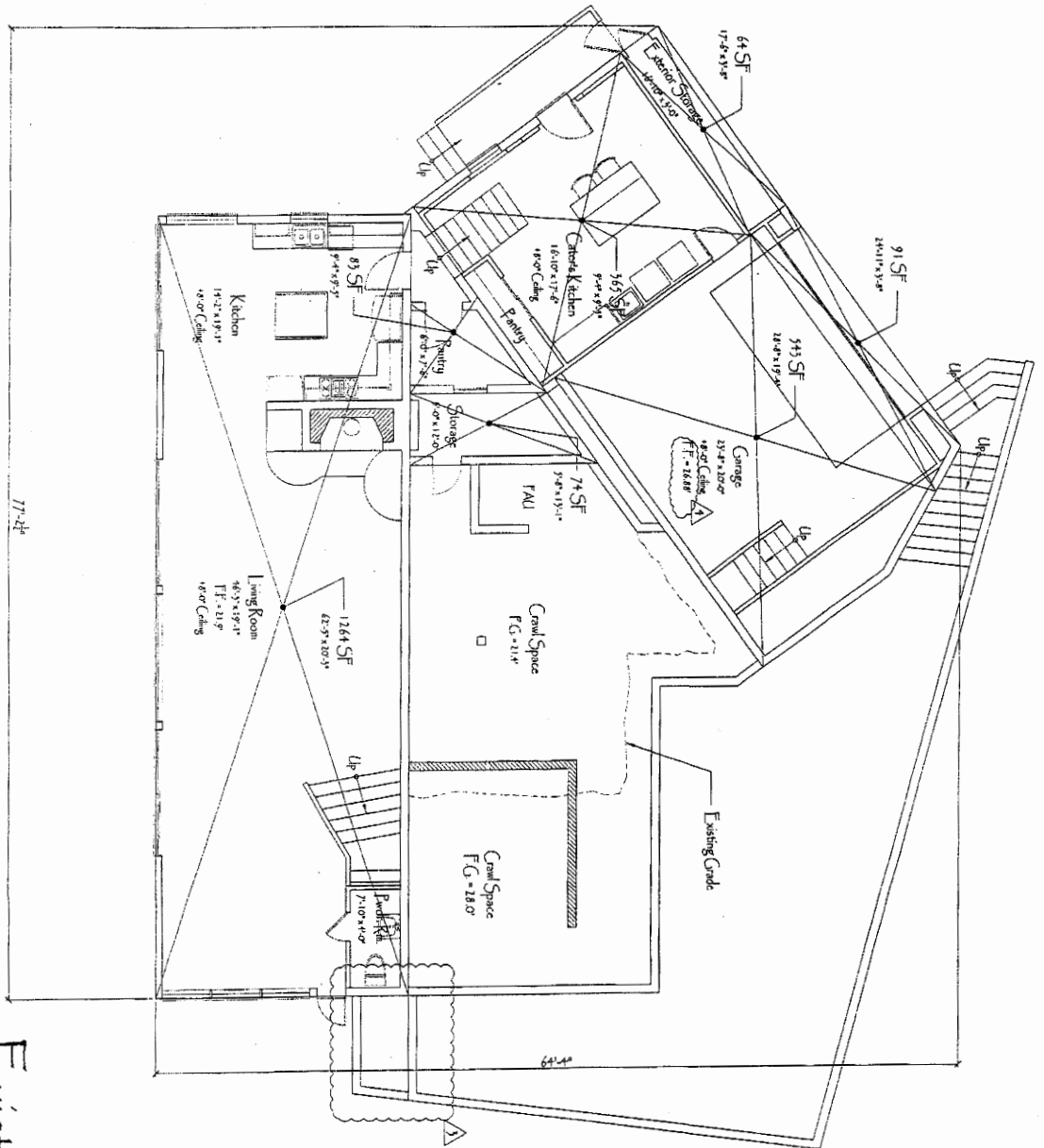
**James Conrad Architect**  
 1350 So. Coast Hwy #201  
 Laguna Beach, CA 92651  
 (949) 497-0200 Office  
 jconradarc@gmail.com



**Lagunita Residence**  
 11 Lagunita Drive  
 Laguna Beach, CA 92651

Revisions	
1/1/2011	1/1/2011
2/1/2011	2/1/2011
3/1/2011	3/1/2011
4/1/2011	4/1/2011
5/1/2011	5/1/2011
6/1/2011	6/1/2011
7/1/2011	7/1/2011
8/1/2011	8/1/2011
9/1/2011	9/1/2011
10/1/2011	10/1/2011
11/1/2011	11/1/2011
12/1/2011	12/1/2011

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## Existing Lower Floor Plan

### Area Calculations:

Living Area: 1,712 SF  
Garage Area: 634 SF  
Storage Area: 136 SF

### Wall Legend:

HN Existing Walls  
Existing Retaining Wall

Drawn By	HN
Date	11/10/11
Scale	1/8" = 1'-0"
Author	James Conrad
Checker	James Conrad
Sheet	A-3.0

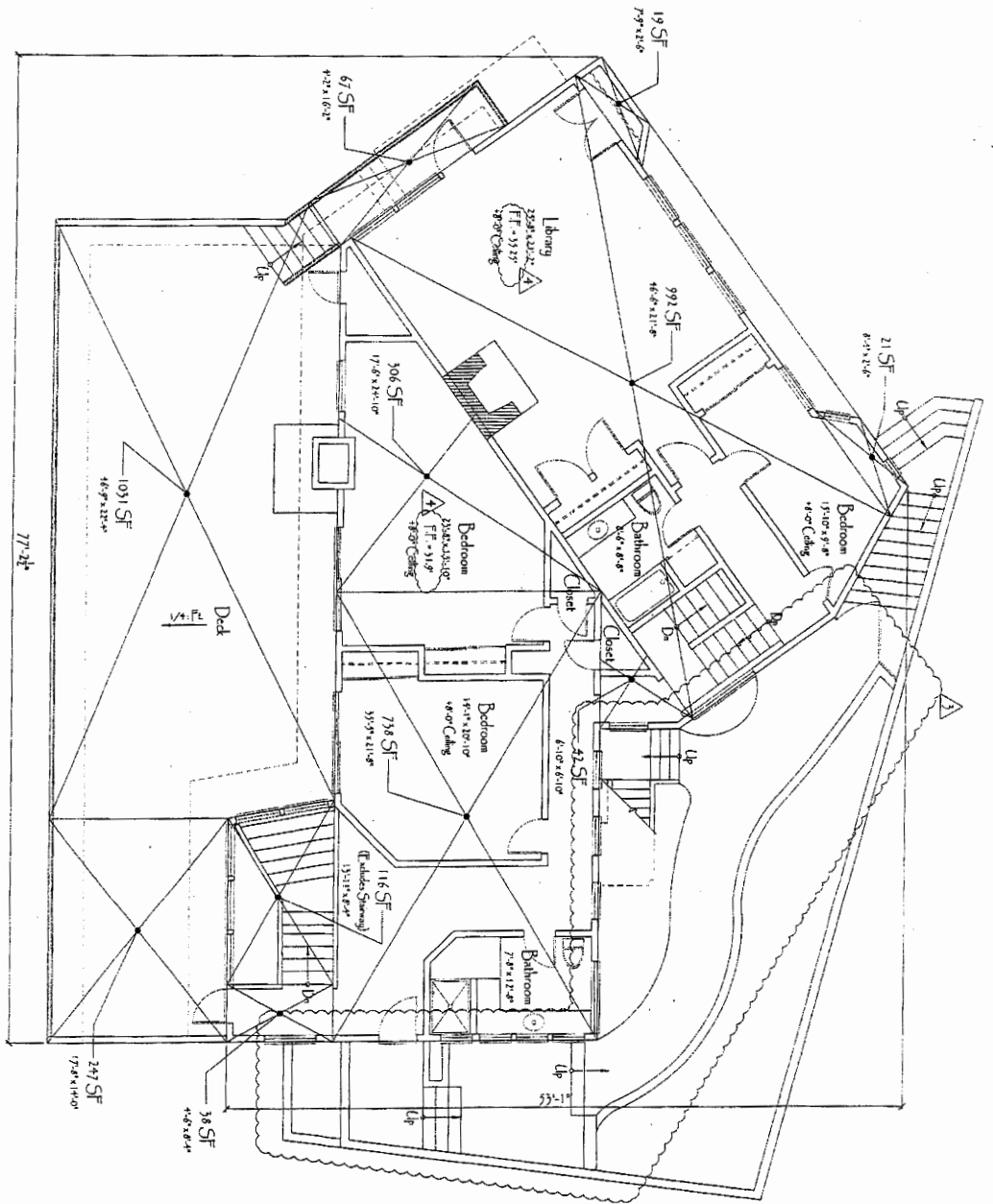
James Conrad Architect  
1550 So. Coast Hwy #201  
Laguna Beach, CA 92651  
(949) 497-0200 Office  
jconradarc@gmail.com



Lagunita Residence  
111 Lagunita Drive  
Laguna Beach, CA 92651

Revisions	11/10/11
1	11/10/11
2	11/10/11
3	11/10/11
4	11/10/11
5	11/10/11
6	11/10/11
7	11/10/11
8	11/10/11
9	11/10/11
10	11/10/11

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# Existing Middle Floor Plan

Area Calculations:

Living Area: 2,196 SF  
Deck Area: 1,343 SF

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EXHIBIT # 4  
PAGE 13 OF 36

Drawn By	JN
Date	1/1/01
Scale	1/8" = 1'-0"
Author	JN
Sheet #	A-3.1

**James Conrad Architect**  
1550 So. Coast Hwy #201  
Laguna Beach, CA 92651  
(949) 497-0200 Office  
jconradarc@gmail.com

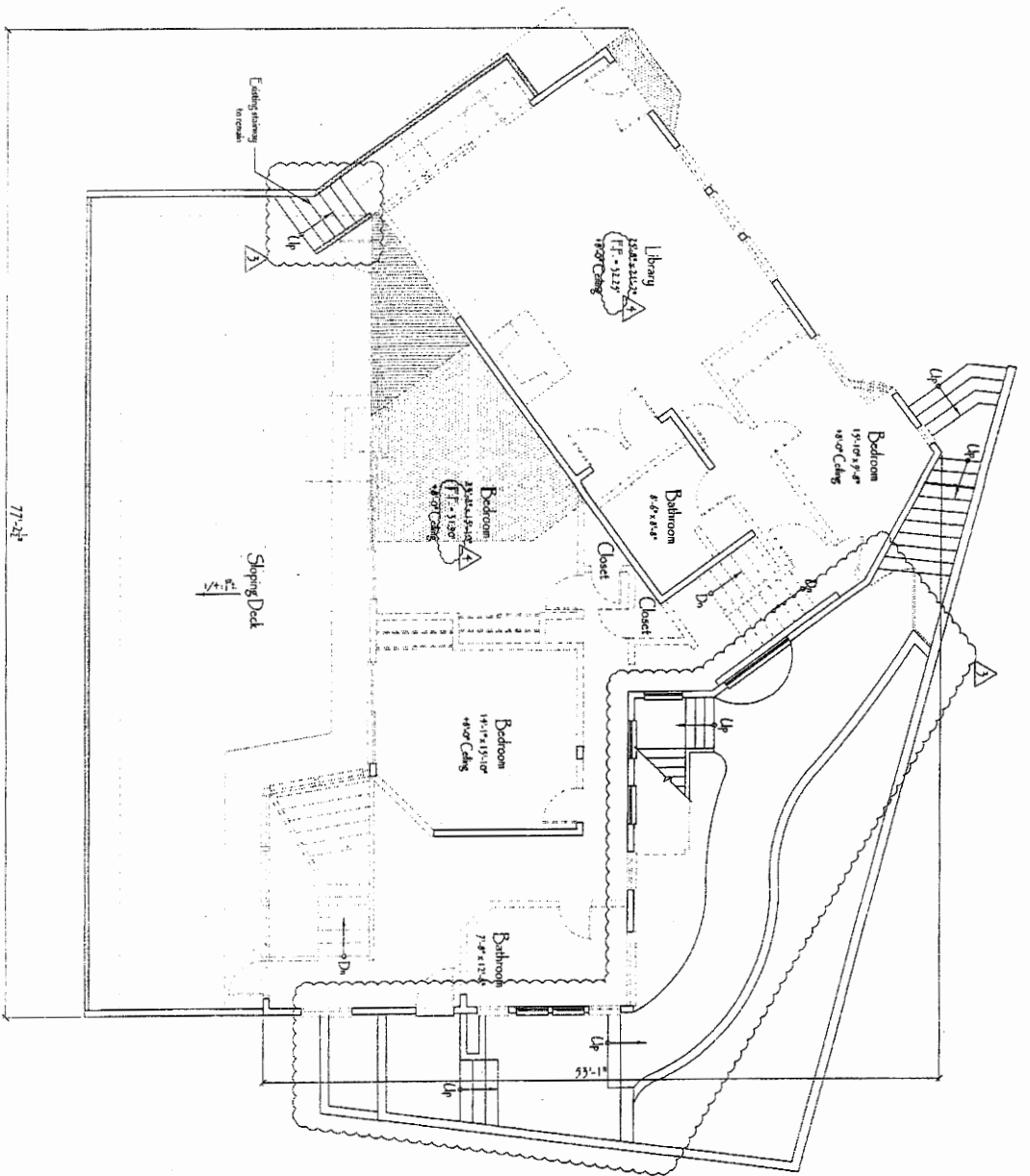


**Lagunita Residence**  
11 Lagunita Drive  
Laguna Beach, CA 92651

Revisions	17 Jan 01
1/2" = 1'-0"	1/2" = 1'-0"
1/4" = 1'-0"	1/4" = 1'-0"
1/8" = 1'-0"	1/8" = 1'-0"



Revisions  
 17 Jan 2013  
 18 August 2013  
 27 October 2013  
 28 January 2014  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
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# Demo Middle Floor Plan

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EXHIBIT # 4  
PAGE 16 OF 36

**Demo Area Calculation:**

Existing Living Area	12.78 S.F.
Existing Living Area to be Demolished	3.20 S.F.
Existing Living Area to Remain	12.78 S.F.
Percent of Demolition	12.78

## Wall Legend:

- Existing Walls to Remain
- Existing Walls to be Demolished
- Existing Living Area to be Demolished
- Existing Living Area Converted to Deck

Living Area	12.78 S.F.
Living Area to be Demolished	3.20 S.F.
Living Area to Remain	12.78 S.F.
Percent of Demolition	12.78

**James Conrad Architect**

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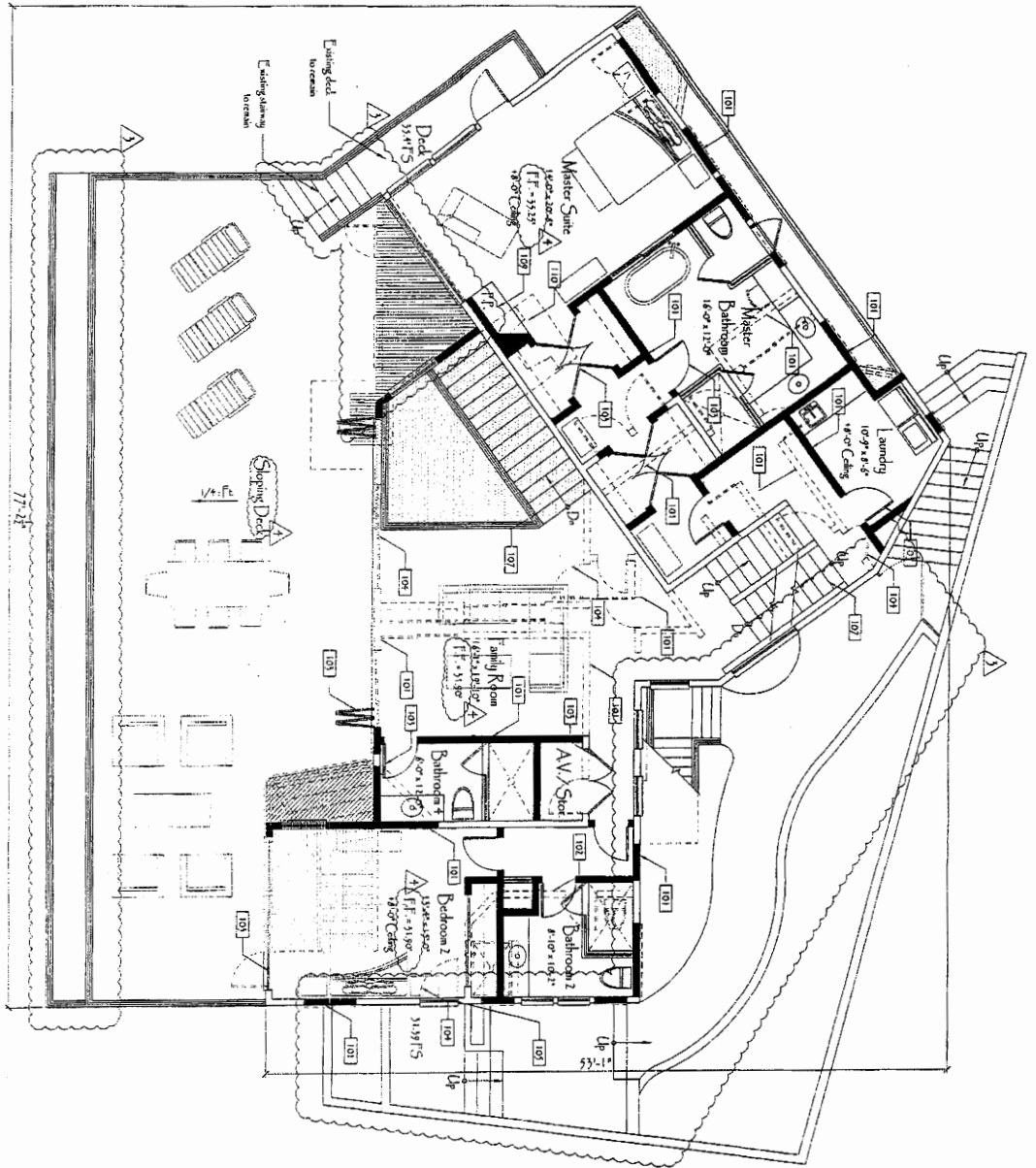
**Lagunita Residence**

11 Lagunita Drive  
Laguna Beach, CA 92651

Revisions	
1. 12/31/2011	
2. 12/31/2011	
3. 12/31/2011	
4. 12/31/2011	
5. 12/31/2011	
6. 12/31/2011	
7. 12/31/2011	
8. 12/31/2011	
9. 12/31/2011	
10. 12/31/2011	

- Key Note:**
- [101] Constant Name Walk For Legend Typ
  - [102] Dendritic Name Walk For Legend Typ
  - [103] Initial Name Dose For Legend Typ
  - [104] Roman Ending Doors For Legend Typ
  - [105] Initial Name Windows For Legend Typ
  - [106] Roman Ending Windows For Legend Typ
  - [107] Constant Name Strips
  - [108] Dendritic Name Strips
  - [109] Constant Name Case Prefixes
  - [110] Dendritic Name Prefixes
  - [111] Constant Name + Initial Sub Initials + Initials Color Random Word Color





# Proposed Middle Floor Plan

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 18 OF 32

## Key Note:

- 101 Construct New Wall Per Legend Tg
- 102 Demolish Existing Wall Per Legend Tg
- 103 Install New Door Per Legend Tg
- 104 Remove Existing Door Per Legend Tg
- 105 Install New Window Per Legend Tg
- 106 Remove Existing Window Per Legend Tg
- 107 Construct New Steps
- 108 Demolish Existing Steps
- 109 Construct New Cast Footing
- 110 Demolish Existing Footing

## Area Calculations:

Description	Existing	Removed	Added	Net Added	Total
Floor Area	1,115.57	41.57	141.57	1,215.57	1,215.57
Wall Area	1,591.57	0.57	1,097.57	1,097.57	1,592.57

## Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- New Walls
- Existing Living Area to be Removed
- New Living Area
- New Deck Area
- Existing Living Area Converted to Deck

Drawn by	JN
Date	11/1/01
Scale	1/8" = 1'-0"
Author	JN
Check	JN
Sheet	A5.1

James  
Conrad Architect

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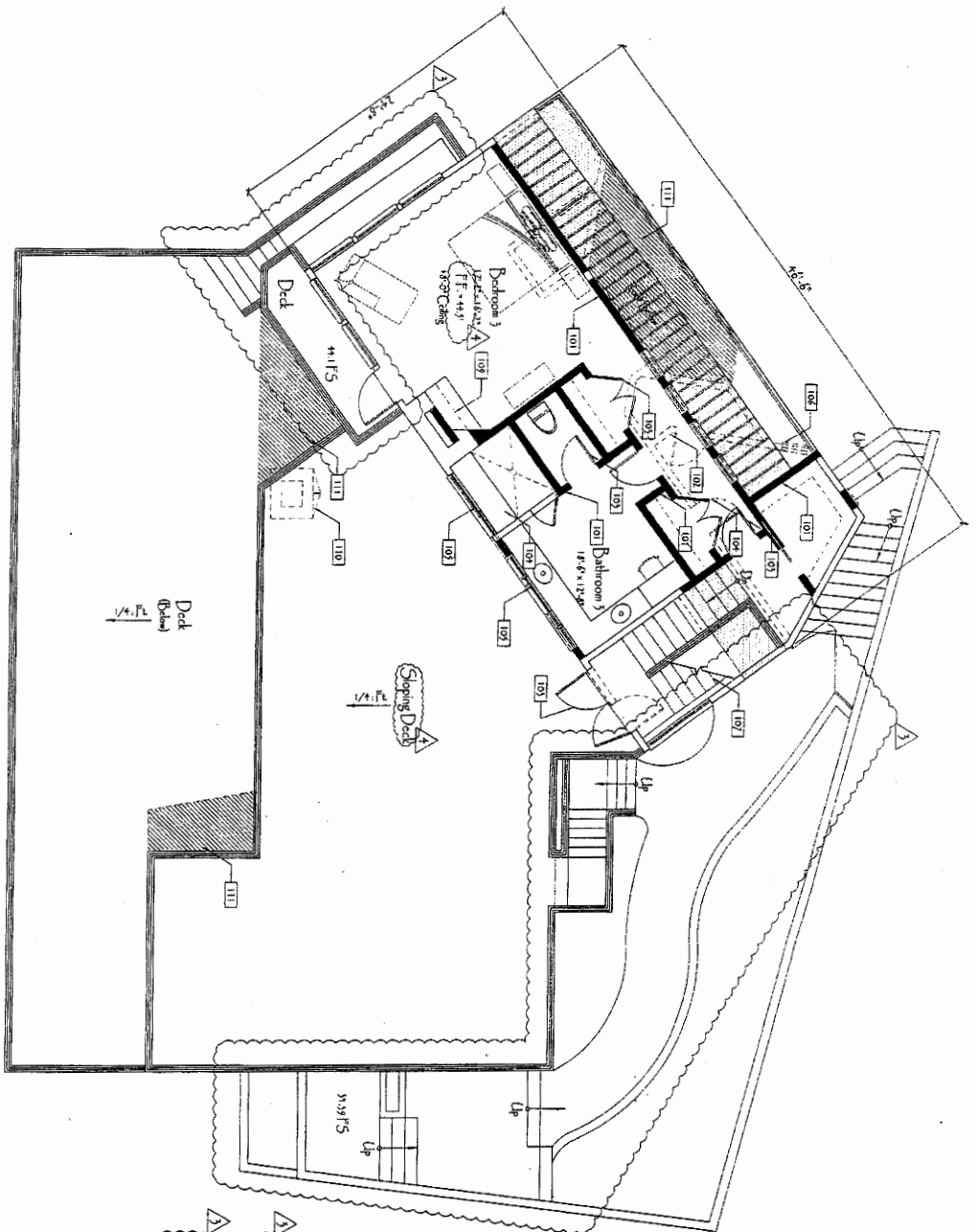


Lagunita Residence

11 Lagunita Drive  
Laguna Beach, CA 92651

Revisions	
1/1/01	
11/1/01	
11/1/01	
11/1/01	
11/1/01	

Proposed Upper Floor Plan



# Proposed Upper Floor Plan

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 19 OF 34

## Key Note:

- 100 Construct New Wall For Legend Tip
- 101 Dashed Existing Wall For Legend Tip
- 102 Dashed New Wall For Legend Tip
- 103 Dashed New Wall For Legend Tip
- 104 Remove Existing Wall For Legend Tip
- 105 Dashed New Wall For Legend Tip
- 106 Dashed New Wall For Legend Tip
- 107 Dashed New Wall For Legend Tip
- 108 Dashed New Wall For Legend Tip
- 109 Dashed New Wall For Legend Tip
- 110 Dashed New Wall For Legend Tip
- 111 Dashed New Wall For Legend Tip

## Area Calculations:

Room	Area	Perimeter	Notes
Living Area	18'6" x 12'4"	62'0"	100
Bedroom	11'5" x 11'5"	40'0"	101
Bathroom	5'0" x 7'0"	24'0"	102
Deck	11'5" x 11'5"	40'0"	103
Total			

## Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- New Walls
- Existing Living Area to be Removed
- Existing Deck Area to be Removed
- New Deck

Drawn By	HN
Date	10/1/01
Project	Lagunita Residence
Sheet	A52

James Conrad Architect

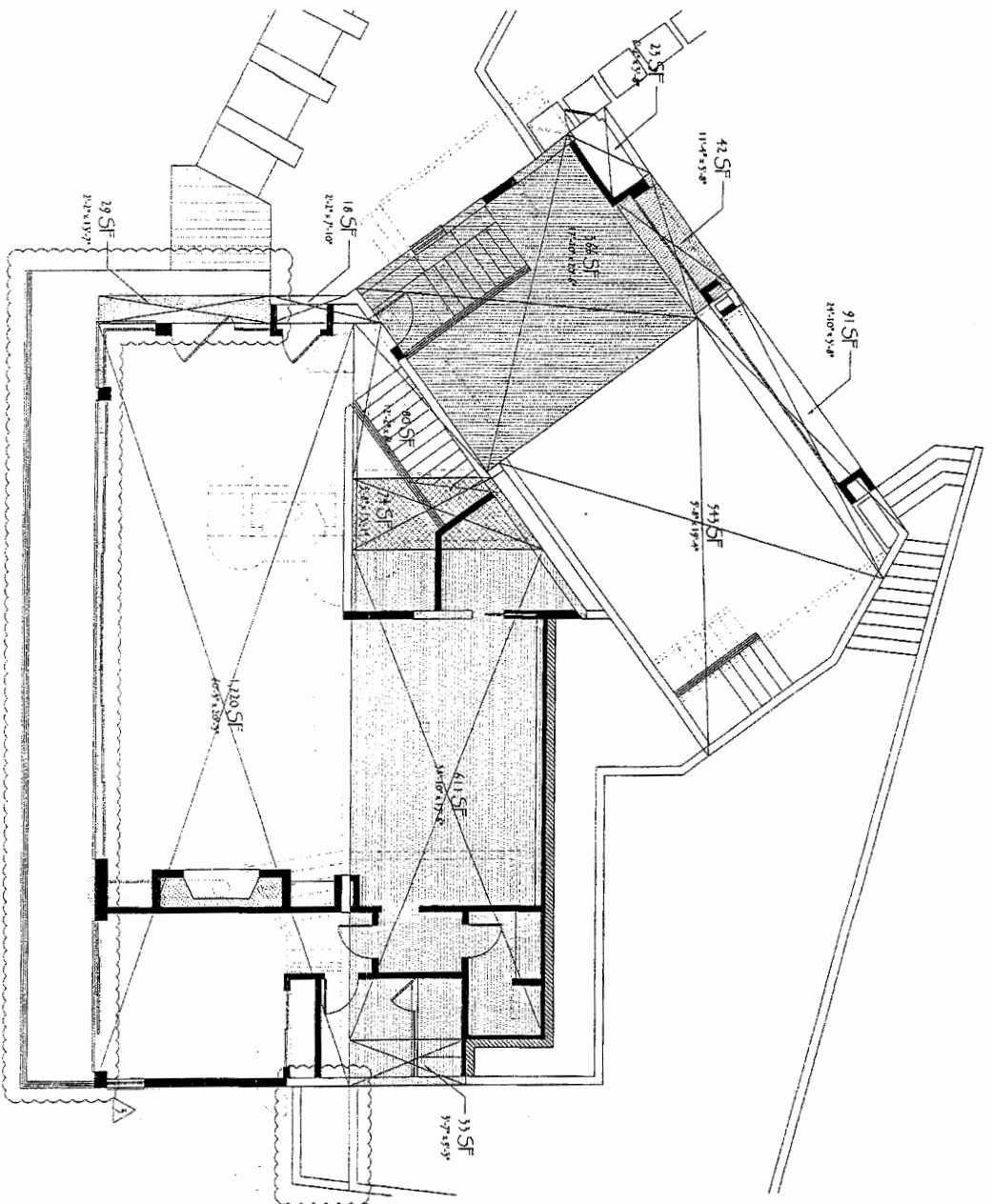
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(949) 497-0200 Office  
jconradarc@gmail.com



Lagunita Residence

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Revisions
1. 10/1/01
2. 10/1/01
3. 10/1/01
4. 10/1/01
5. 10/1/01



# Lower Floor Area Calculations

## Area Calculations:

Description	Existing	Removed	Add	Net Add	Total
Living Area	1,113	212	212	0	1,113
Kitchen Area	120	0	0	120	120
Dining Area	119	0	0	119	119
Bedroom	91	0	0	91	91
Bathroom	42	0	0	42	42
Garage	33	0	0	33	33
Stairs	0	0	0	0	0
Walls	0	0	0	0	0
Other	0	0	0	0	0
<b>Total</b>	<b>1,475</b>	<b>212</b>	<b>212</b>	<b>0</b>	<b>1,475</b>

## Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- New Retaining Walls
- New Walls
- Existing Living Area to be Removed
- Existing Living Area Converted to Living Area
- Existing Living Area Converted to Garage Area
- Existing Storage Area Converted to Garage Area
- Existing Storage Area Converted to Living Area

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 20 OF 34

Drawn By	JN
Scale	1/8" = 1'-0"
Date	1/21/2014
Sheet	20 of 34
Project	LAGUNITA WOODCREST ASSOCIATION
Client	LAGUNITA WOODCREST ASSOCIATION

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Revisions
1. 1/21/2014
2. 1/21/2014
3. 1/21/2014
4. 1/21/2014
5. 1/21/2014
6. 1/21/2014
7. 1/21/2014
8. 1/21/2014
9. 1/21/2014
10. 1/21/2014

## COASTAL COMMISSION

PAGE 21 OF 36

Description	F <sup>1</sup> yield	Recovered	Added	Net Added	Total
ling Area	2.16 S <sup>1</sup>	-27.5 S <sup>1</sup>	+22.5 S <sup>1</sup>	-0.65 S <sup>1</sup>	1.96 S <sup>1</sup>
Dist Area	1.93 S <sup>1</sup>	0 S <sup>1</sup>	+102 S <sup>1</sup>	+100 S <sup>1</sup>	1.73 S <sup>1</sup>

☐ Existing Walls to Remain

☐ Existing Wall to be Demolished

Existing Living Area to be Removed

New Deck Area

### Existing Living Area Converted to Deck

Description	F <sup>1</sup> yield	Recovered	Added	Net Added	Total
ling Area	2.16 S <sup>1</sup>	-27.5 S <sup>1</sup>	+22.5 S <sup>1</sup>	-0.65 S <sup>1</sup>	1.96 S <sup>1</sup>
Dist Area	1.93 S <sup>1</sup>	0 S <sup>1</sup>	+102 S <sup>1</sup>	+100 S <sup>1</sup>	1.73 S <sup>1</sup>

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Sheet #	
A-6.1	

# COASTAL COMMISSION

Existing Walls to Remain  
Existing Wall to be Demolished  
New Walls

Existing Living Area to be Removed

Existing Deck Area to be Removed

New Deck

Description	Existing	Removed	Added	Net Added	Total
Living Areas	919 SF	-199 SF	40 SF	40 SF	760 SF
Deck Areas	1,923 SF	-179 SF	40 SF	-179 SF	1,546 SF

Description	Existing	Removed	Added	Net Added	Total
Living Areas	919 SF	-199 SF	40 SF	40 SF	760 SF
Deck Areas	1,923 SF	-179 SF	40 SF	-179 SF	1,546 SF

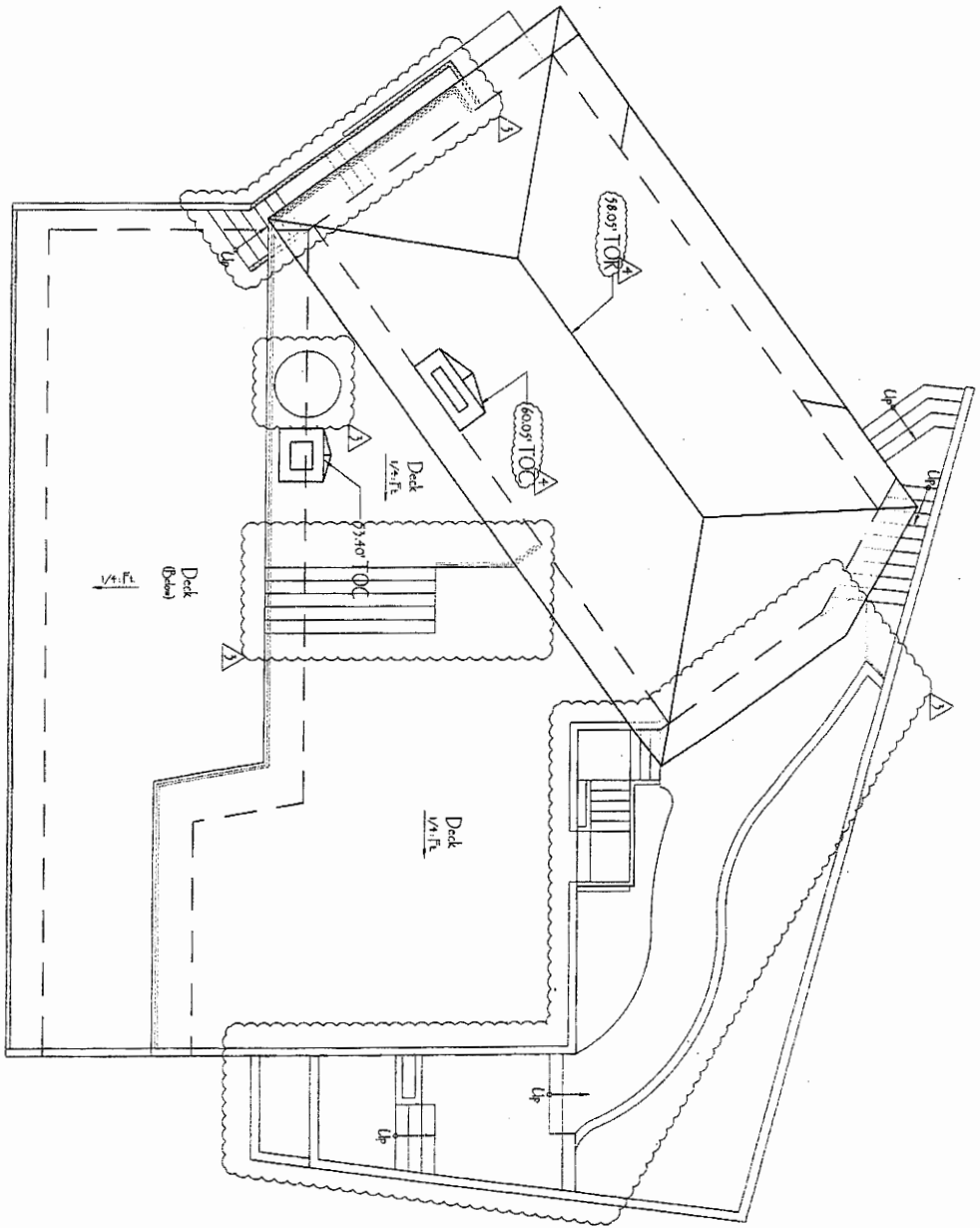
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Revisions
$\Delta$ 17 Jan 2019
$\Delta$ 18 April 2019
$\Delta$ *Sept 2019
$\Delta$
$\Delta$
$\Delta$
$\Delta$
$\Delta$

Drawn By:	I-N
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# Existing Roof Plan

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EXHIBIT # 4  
PAGE 23 OF 34

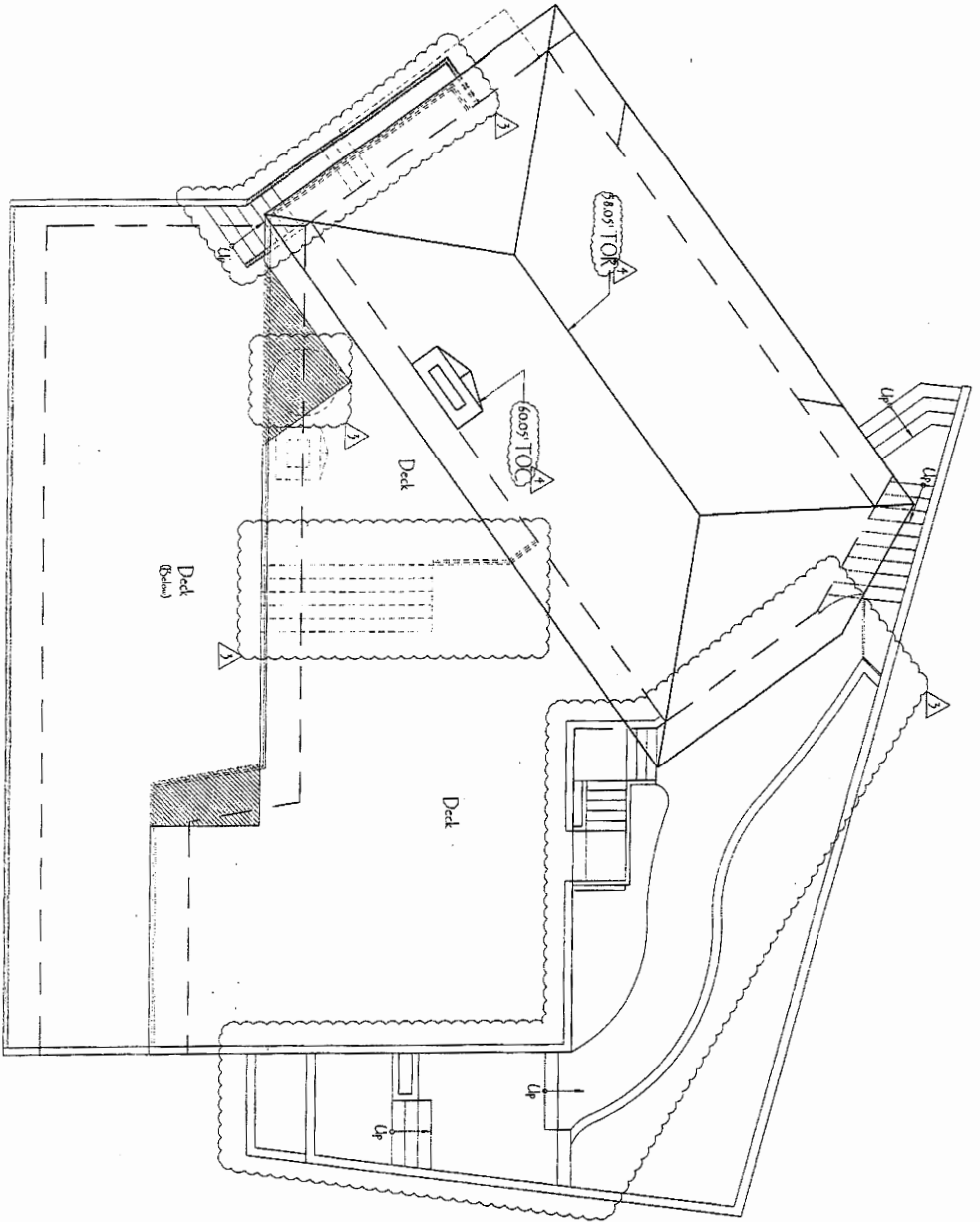
Drawn By	JN
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Scale	As Shown
Sheet	A-70

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Revised	11/1/2014
By	JN
For	Architect
Sheet	A-70



### Living Area Calculation:

Existing Living Area	4,471 Sq Ft
Existing Living Area to be Demolished	407 Sq Ft
Existing Living Area to Remain	3,964 Sq Ft
Percent of Demolition	16.9%

### Roof Area Calculation:

Existing Roof Area	3,772 Sq Ft
Existing Roof Area to be Demolished	718 Sq Ft
Existing Roof Area to Remain	2,954 Sq Ft
Percent of Demolition	21.8%

### Total Area Calculation:

Existing Living Area	4,471 Sq Ft
Existing Living Area to be Demolished	407 Sq Ft
Existing Living Area to Remain	3,964 Sq Ft
Percent of Demolition	10.3%

### Wall Legend:

Existing Deck Area to be Removed

## Demo Roof Plan

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 24 OF 36

Drawn By	HN
Date	10/10/10
Scale	As Shown
Project	Lagunita Residence
Sheet #	A-7.1

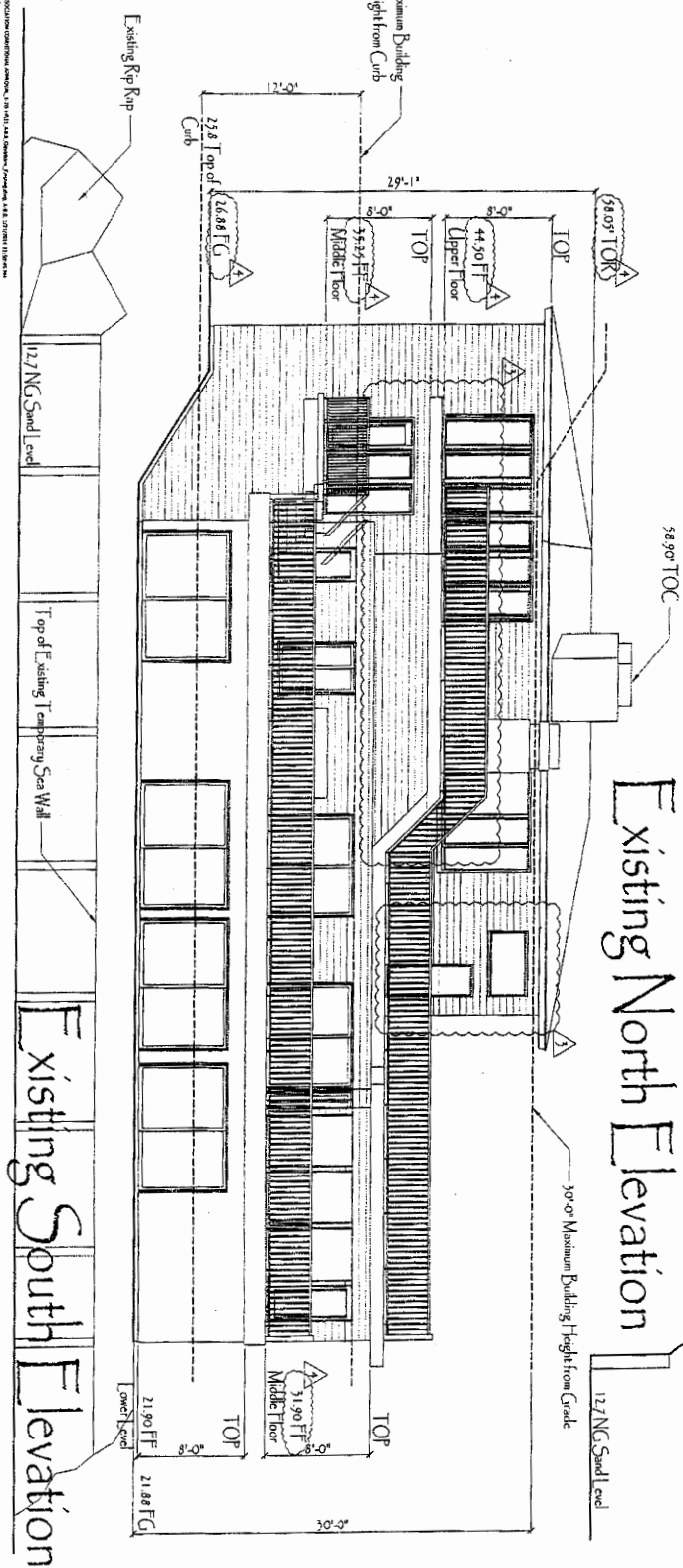
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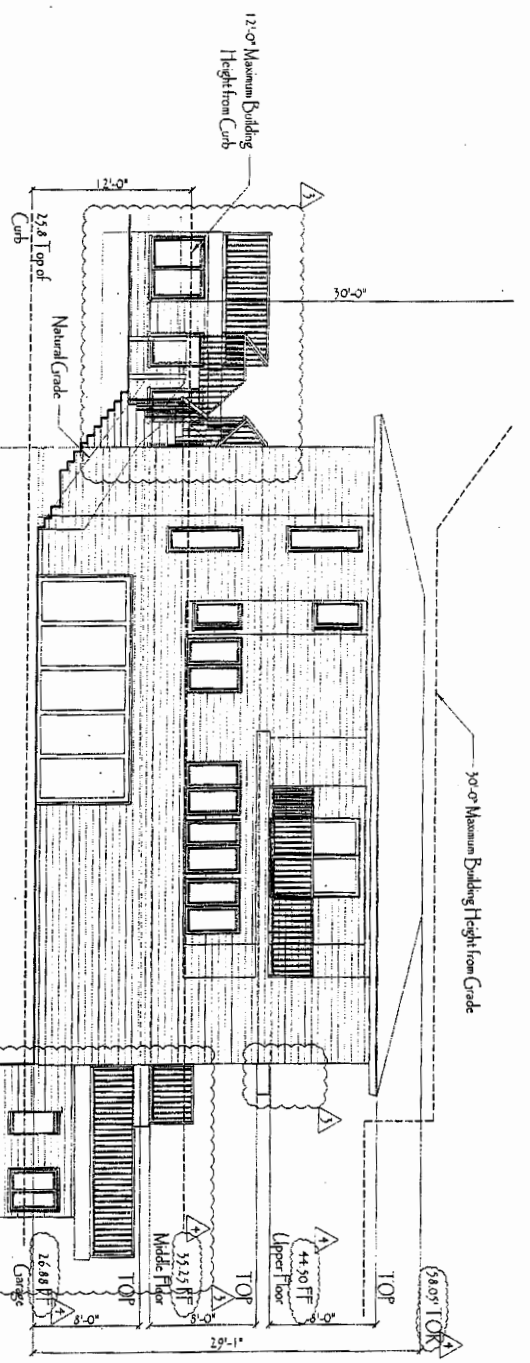
Lagunita Residence
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Revisions
1. 10/10/10
2. 10/10/10
3. 10/10/10
4. 10/10/10
5. 10/10/10
6. 10/10/10
7. 10/10/10
8. 10/10/10
9. 10/10/10
10. 10/10/10

12'-0" Maximum Building Height from Curb



Existing North Elevation



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EXHIBIT # 4  
PAGE 25 OF 34

Drawn By	HN
Date	5/1/2011
Scale	1/8" = 1'-0"
Sheet	A-8.0

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Revisions	11/1/2011
By	HN
Check	HN
Scale	1/8" = 1'-0"
Sheet	A-8.0

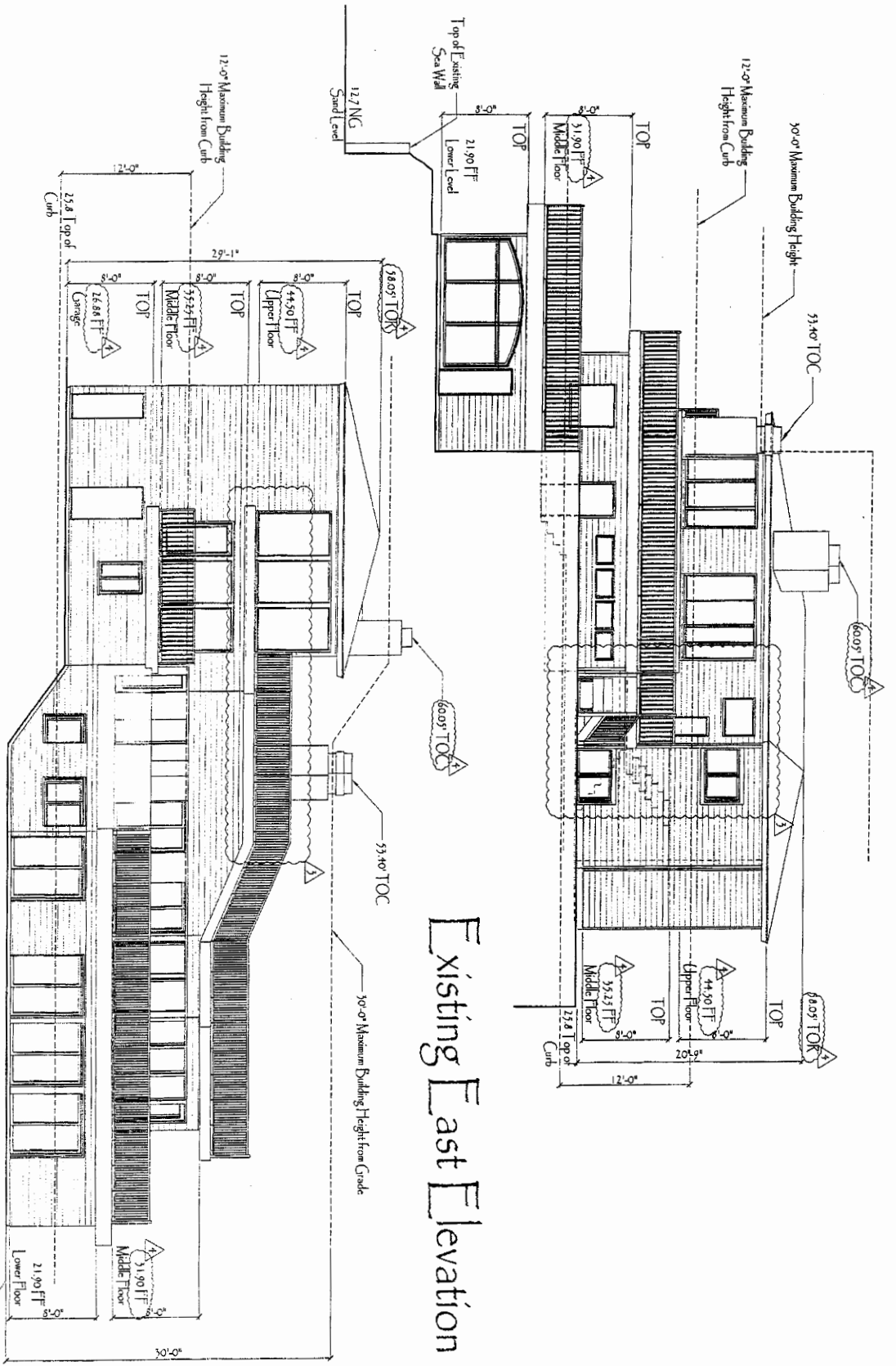


# Existing West Elevation

Existing R/P Rap

Top of Existing Temporary Sea Wall

Sea Level



COASTAL COMMISSION

EXHIBIT # 4  
PAGE 24 OF 34

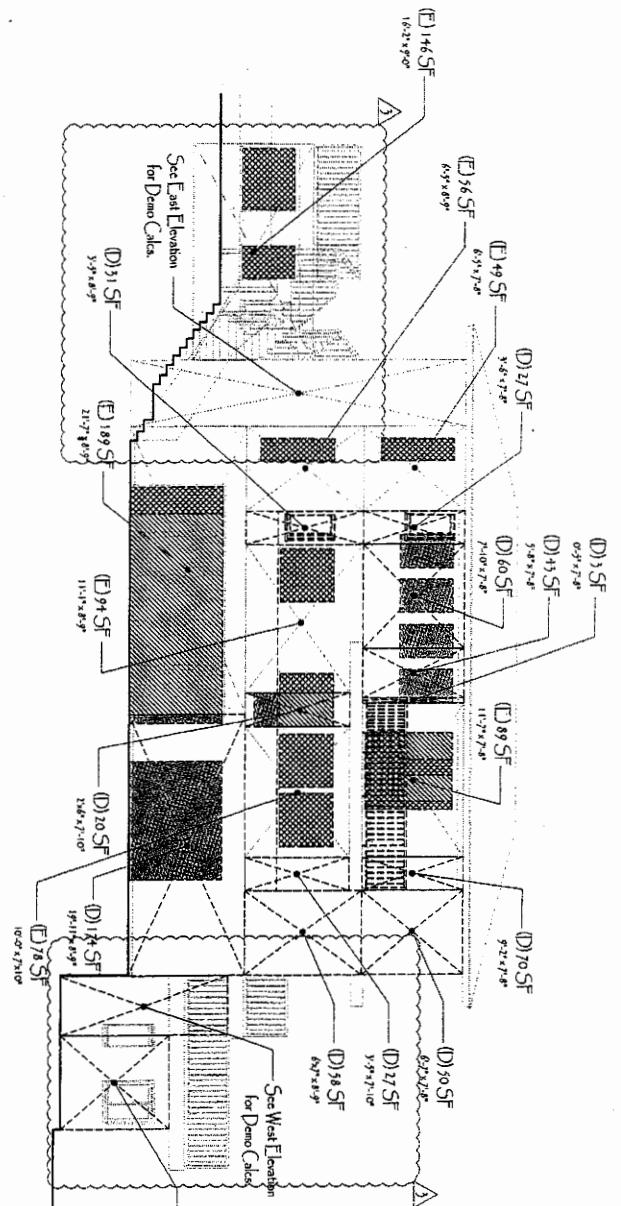
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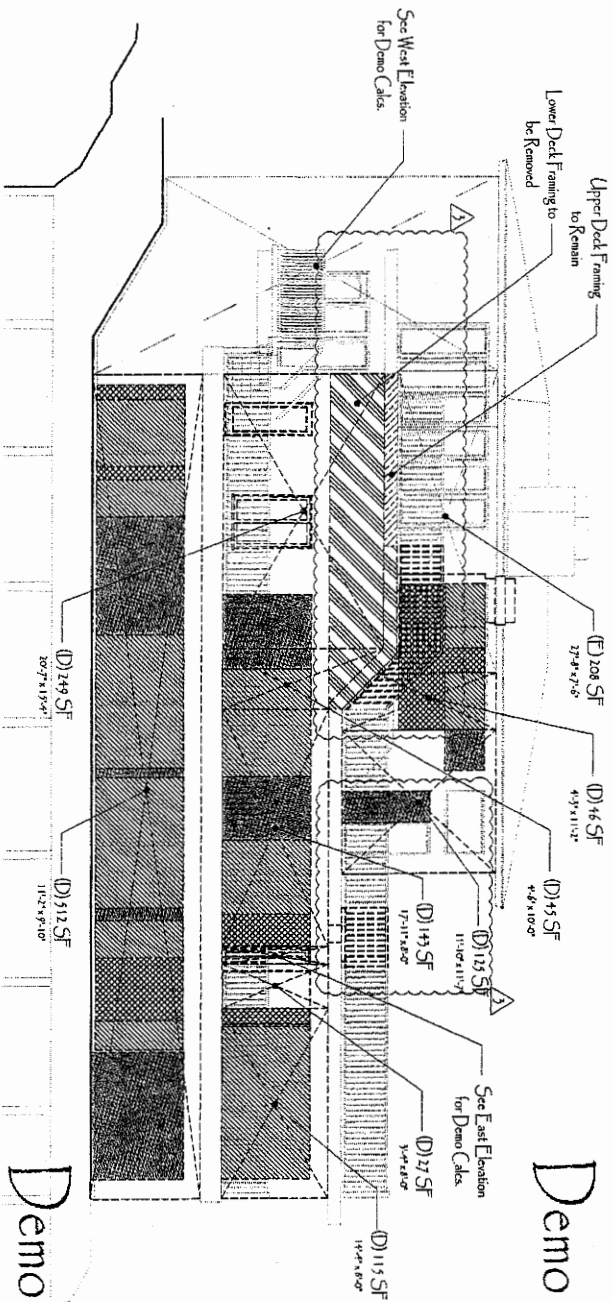


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Revisions	1/21/2014
By	JN
Check	JN
Scale	As Shown
Sheet #	A-8.1








North Elevation Area:	Sq ft
Existing Wall Area	1,261 Sq ft
Existing Wall Area to be Demolished (D)	565 Sq ft
Existing Wall Area to Remain (R)	701 Sq ft
Percent of Demolition	42.4 %

[illegible]

South Elevation Area:	Sqft
Existing Wall Area	1,470 Sqft
Existing Wall Area to be Demolished (D)	1,262 Sqft
Existing Wall Area to Remain (E)	208 Sqft
Percent of Demolition	85.9 %

Legend:

- |   |                                     |
|---|-------------------------------------|
|  | Existing Window Door to be Replaced |
|  | Existing Window Door to be Filled   |
|  | New Window/Door                     |
|  | Existing Area to be Demolished (D)  |
|  | Existing Area to Remain (E)         |

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HN	
Date	4 September 2009
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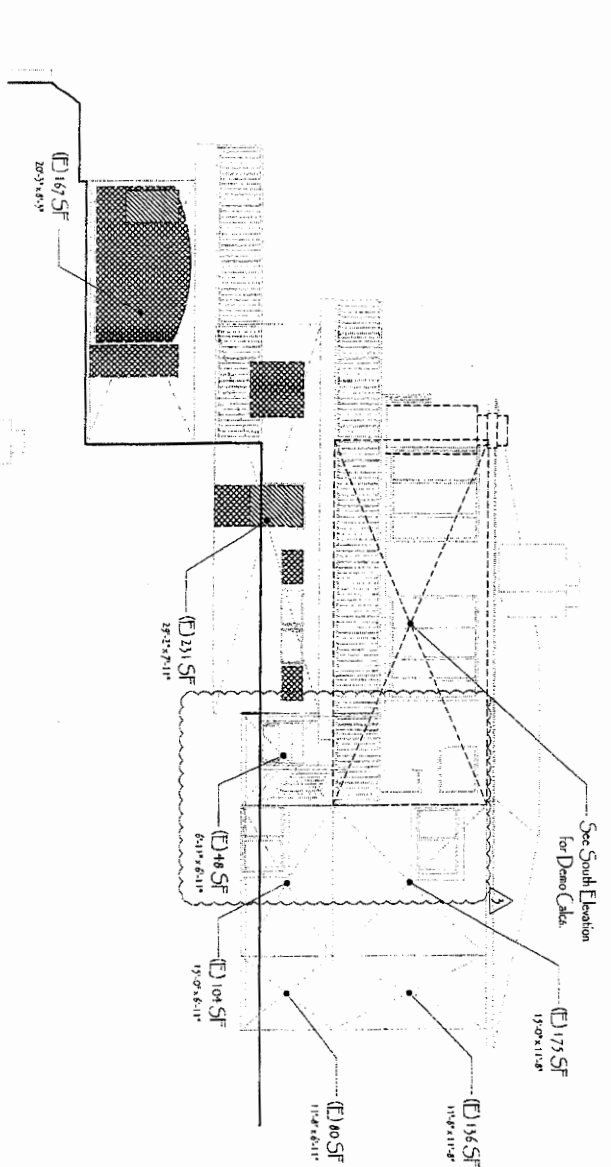
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# Demo East Elevation



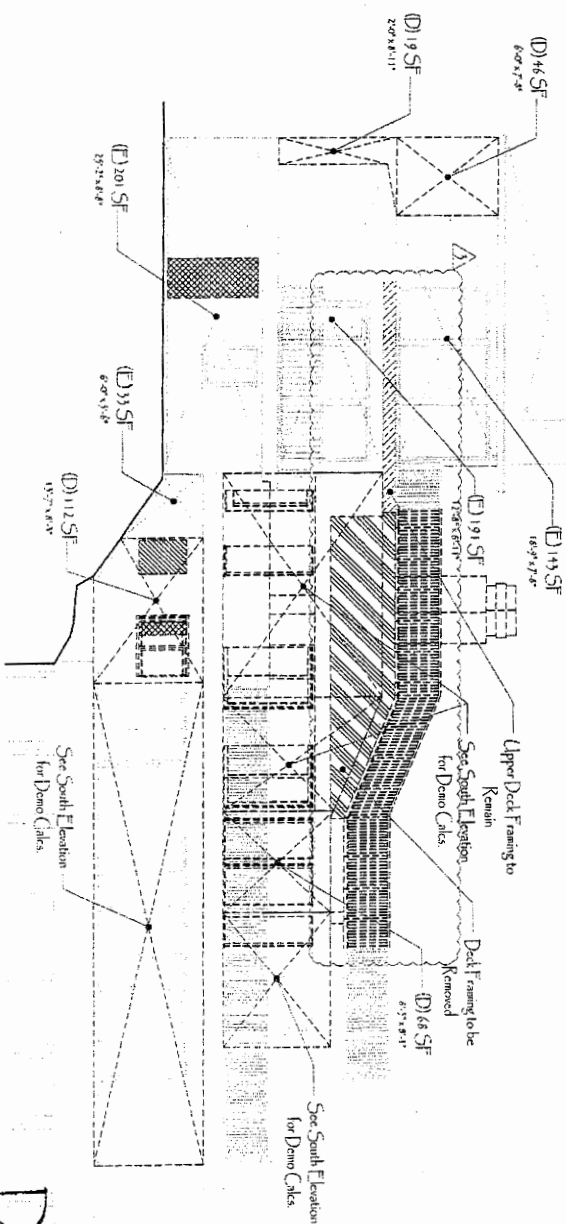
East Elevation Area:	Sq Ft
Existing Wall Area	941 Sq Ft
Existing Wall Area to be Demolished (D)	0 Sq Ft
Existing Wall Area to Remain (E)	941 Sq Ft
Percent of Demolition	0.0 %

West Elevation Area:	Sq Ft
Existing Wall Area	813 Sq Ft
Existing Wall Area to be Demolished (D)	245 Sq Ft
Existing Wall Area to Remain (E)	568 Sq Ft
Percent of Demolition	30.1 %

## Legend:

- Existing Window/Door to be Replaced
- Existing Window/Door to be Filled
- New Window/Door
- Existing Area to be Demolished (D)
- Existing Area to Remain (E)

# Demo West Elevation



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EXHIBIT # 4  
PAGE 28 OF 34

Drawn By	JLC
Check By	JLC
Date	1/27/2014
Scale	As Shown
Sheet #	A9.1

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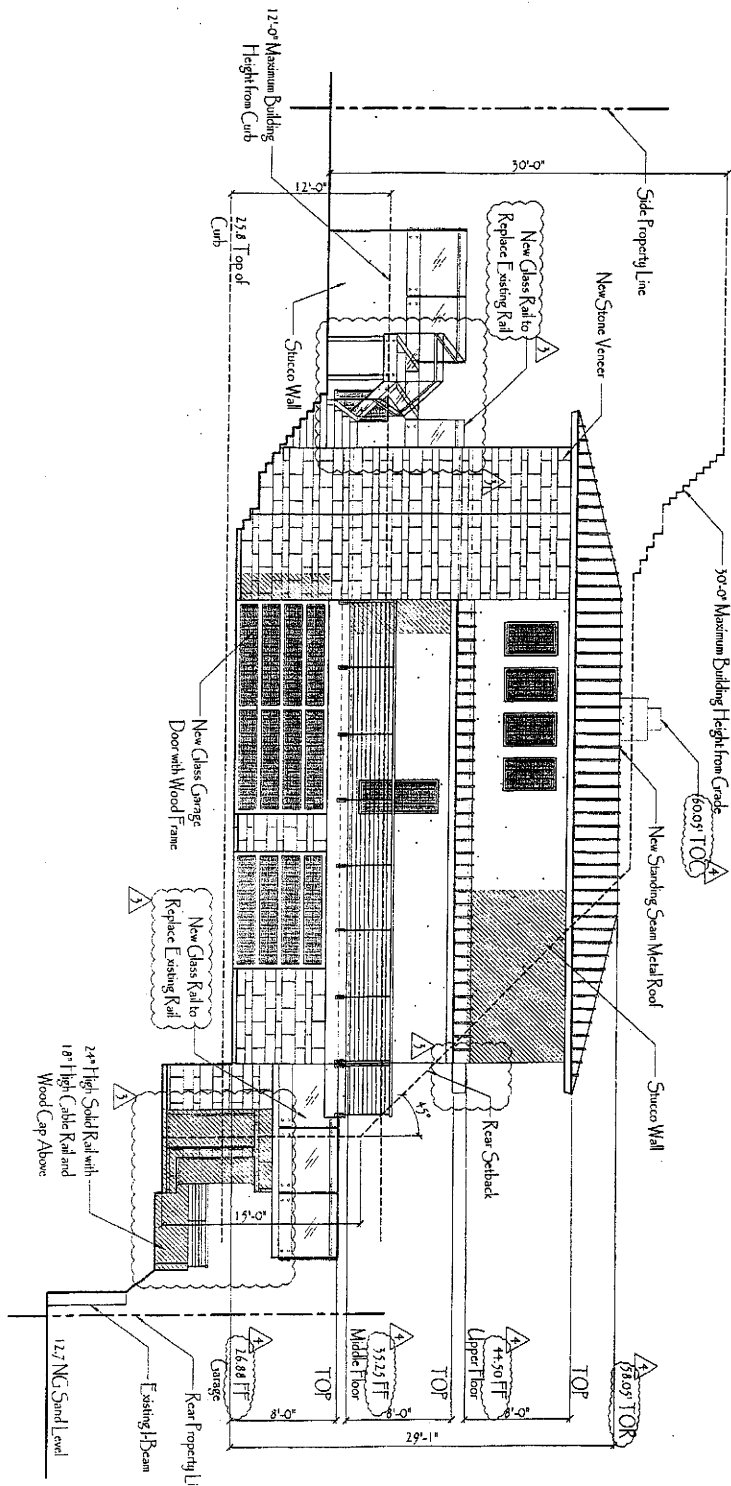


Lagunita Residence	111 Lagunita Drive Laguna Beach, CA 92651
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Revisions	
1. 12/1/13	
2. 12/1/13	
3. 12/1/13	
4. 12/1/13	
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6. 12/1/13	
7. 12/1/13	
8. 12/1/13	
9. 12/1/13	
10. 12/1/13	



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Legend:  
 New Wall Area  
 Proposed North Elevation

COASTAL COMMISSION

EXHIBIT # 4  
 PAGE 30 OF 36

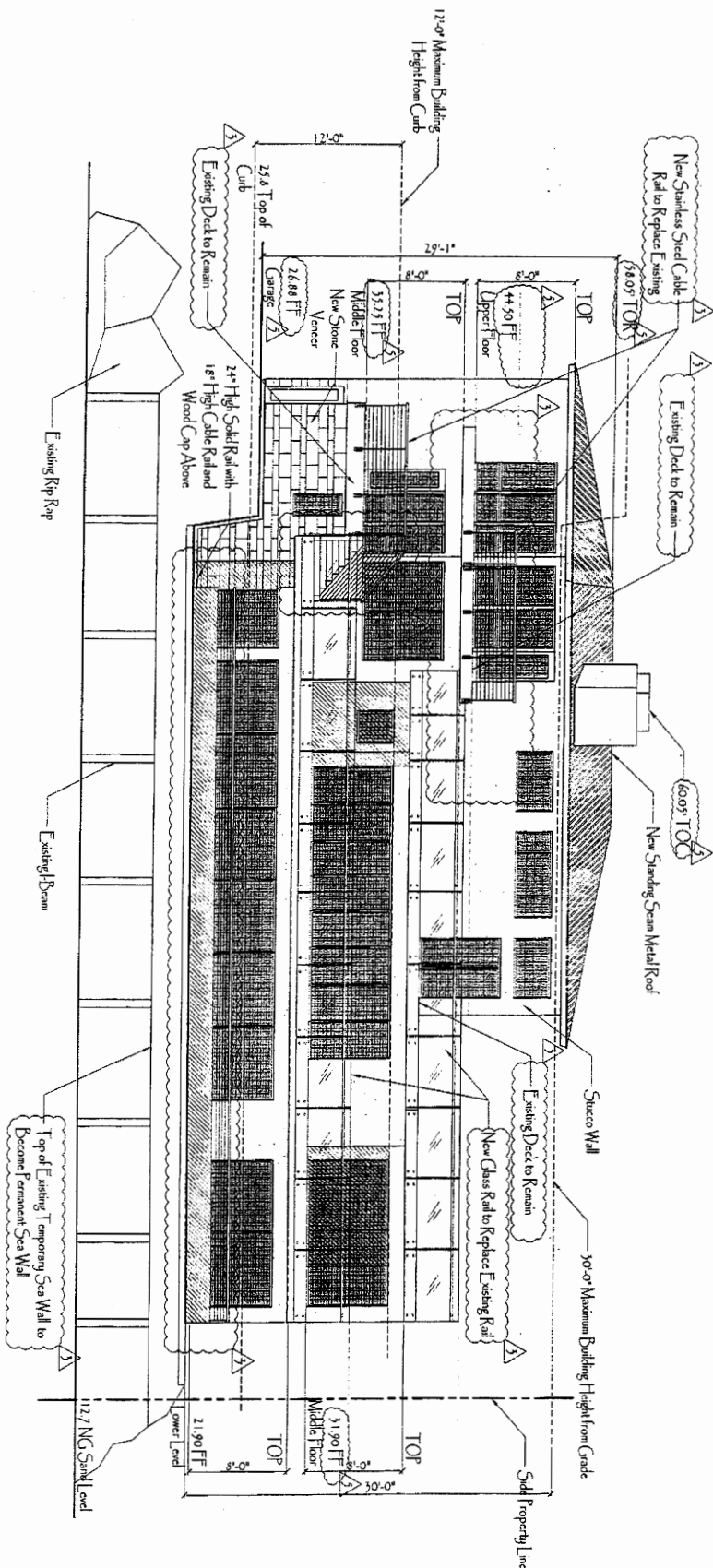
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Scale	As Shown
Project Name	Lagunita Residence
Sheet	A-100

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Revisions
1. 12/20/01
2. 1/14/02
3. 1/14/02
4. 1/14/02
5. 1/14/02
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11. 1/14/02
12. 1/14/02



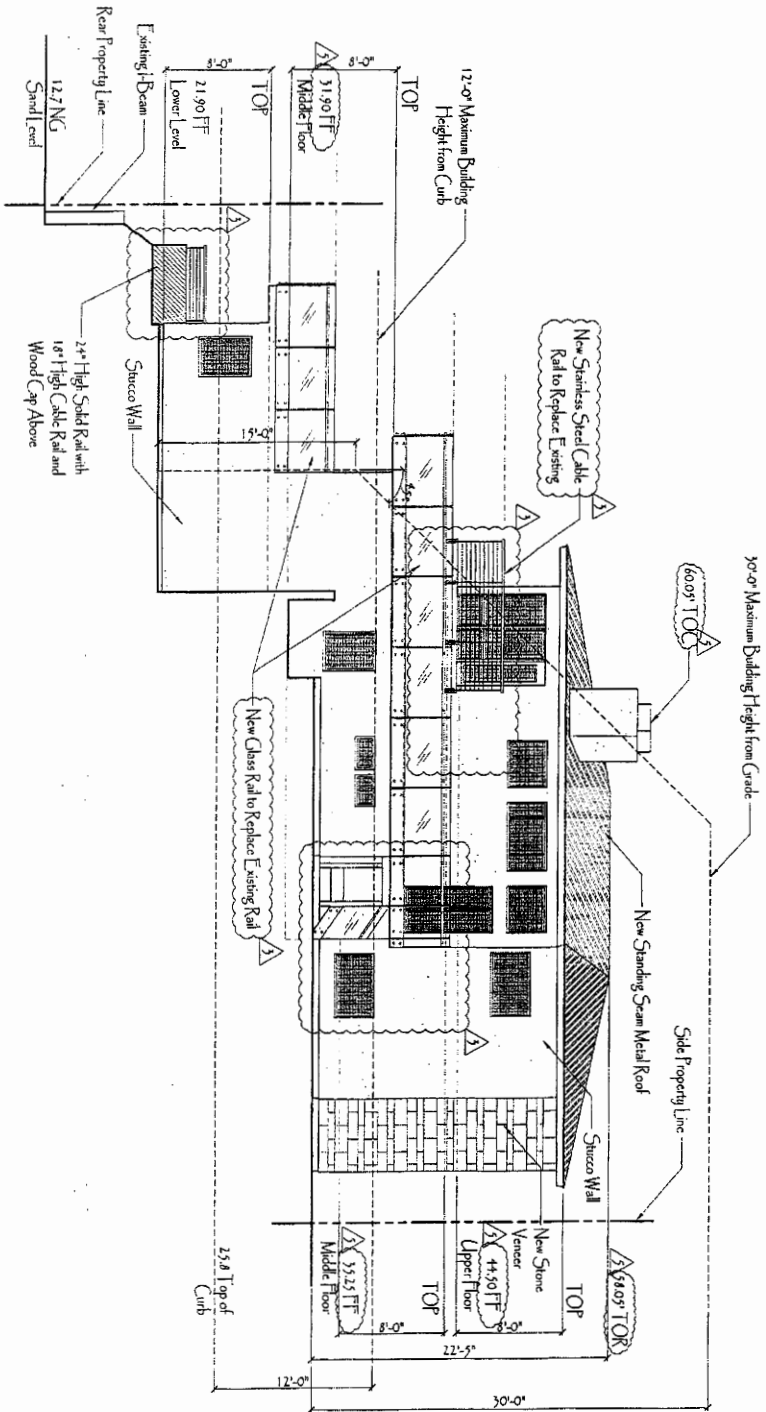
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Legend:  
 New Wall Area

Proposed East Elevation

COASTAL COMMISSION

EXHIBIT # 4  
 PAGE 32 OF 36

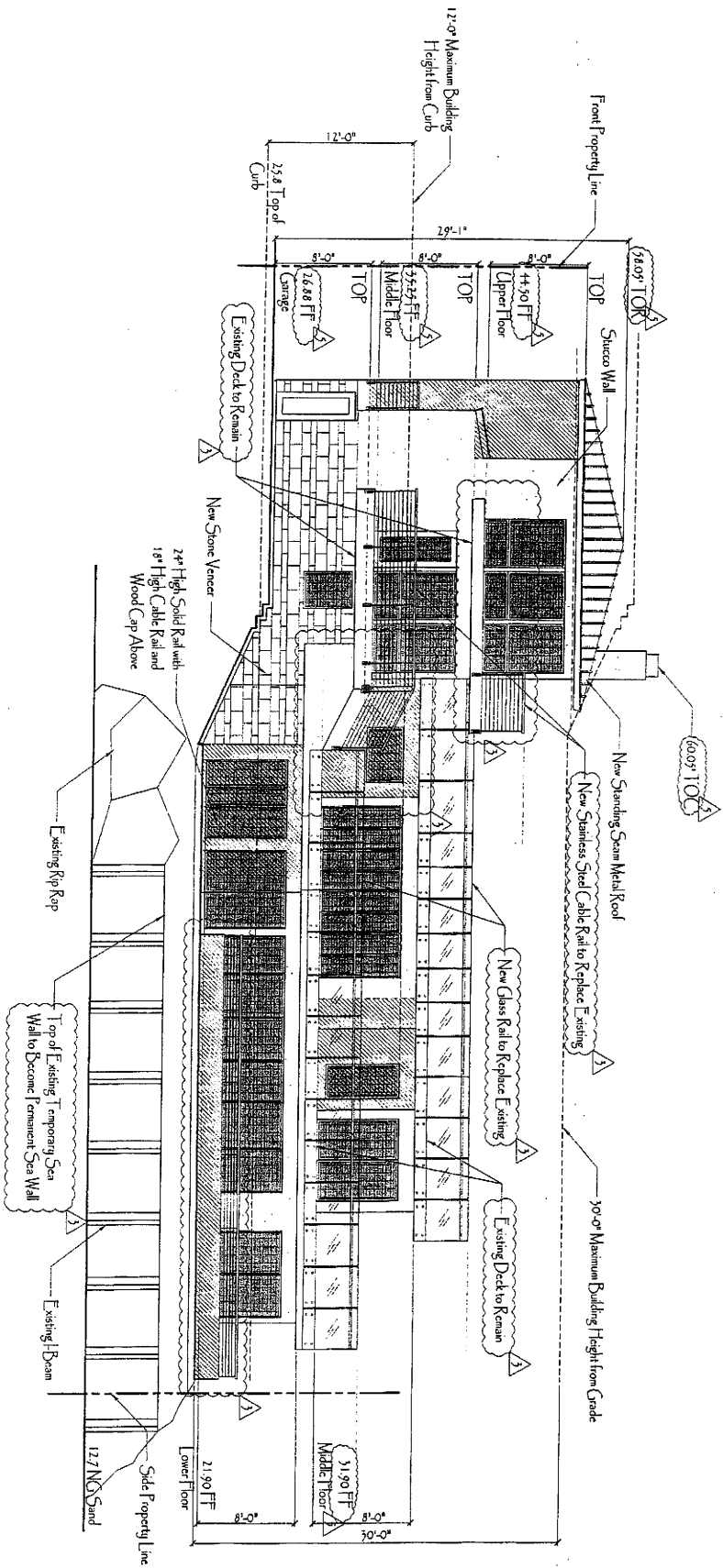
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Sheet	A-102

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Revisions	By	Date
1	LN	1/21/2014
2	LN	1/21/2014
3	LN	1/21/2014
4	LN	1/21/2014
5	LN	1/21/2014
6	LN	1/21/2014
7	LN	1/21/2014
8	LN	1/21/2014
9	LN	1/21/2014
10	LN	1/21/2014



Legend:  
 New Wall Area

# Proposed West Elevation

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Drawn By	HN
Date	10/1/11
Scale	AS SHOWN
Sheet	10/1/11
Added	01/11/11
Sheet #	A-103

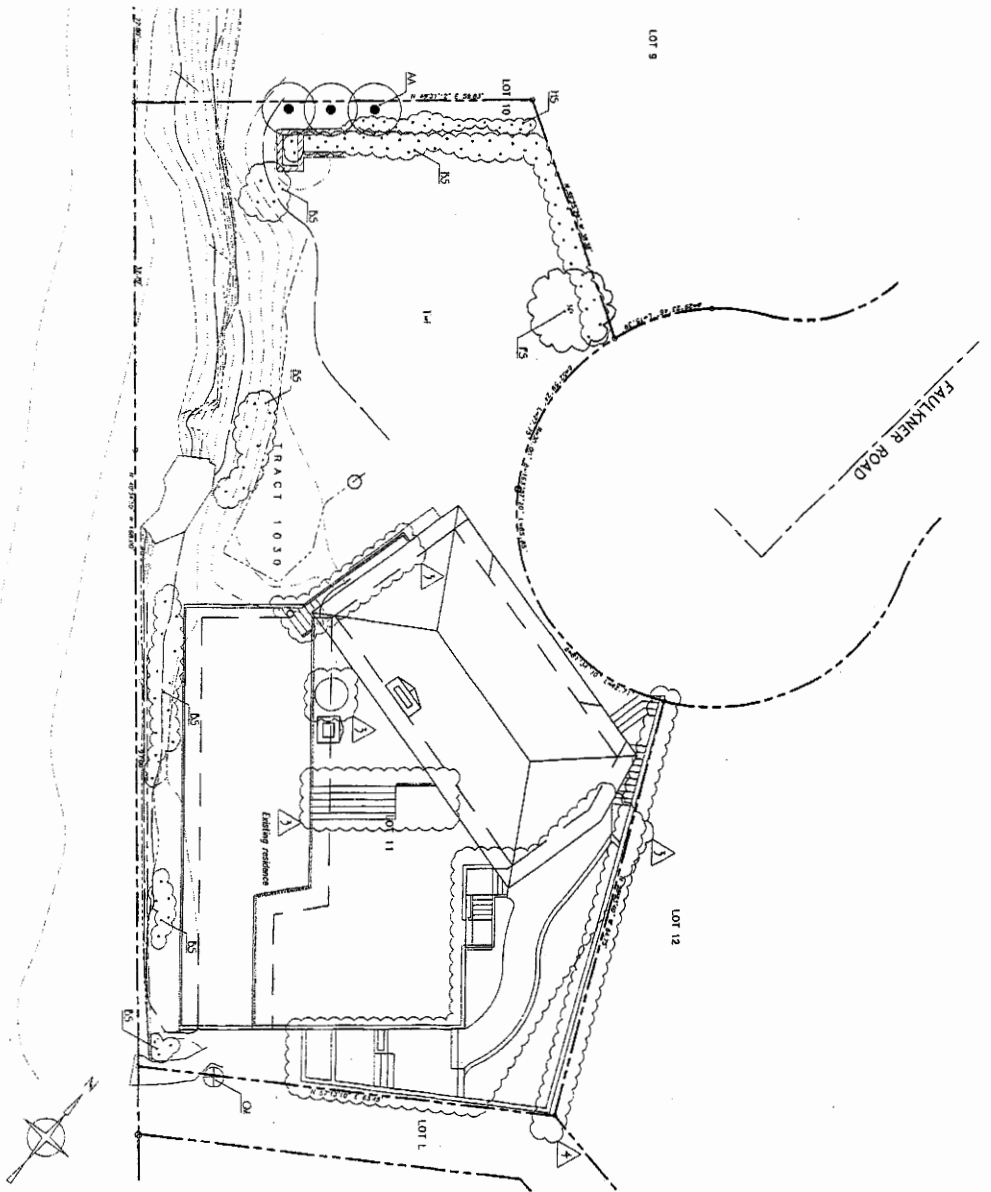
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1	10/1/11
2	10/1/11
3	10/1/11
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7	10/1/11
8	10/1/11
9	10/1/11
10	10/1/11





Legend of Plants			
Symbol	Botanical Name	Tree	Common Name
TS	Tree	Tree	Tree
AS	Shrub	Shrub	Shrub
CS	Groundcover	Groundcover	Groundcover
IS	Impatiens	Impatiens	Impatiens
BS	Begonia	Begonia	Begonia

Existing Planting Plan

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 34 OF 34

Drawn By	HN
Date	
Checked By	
Sheet	L-10

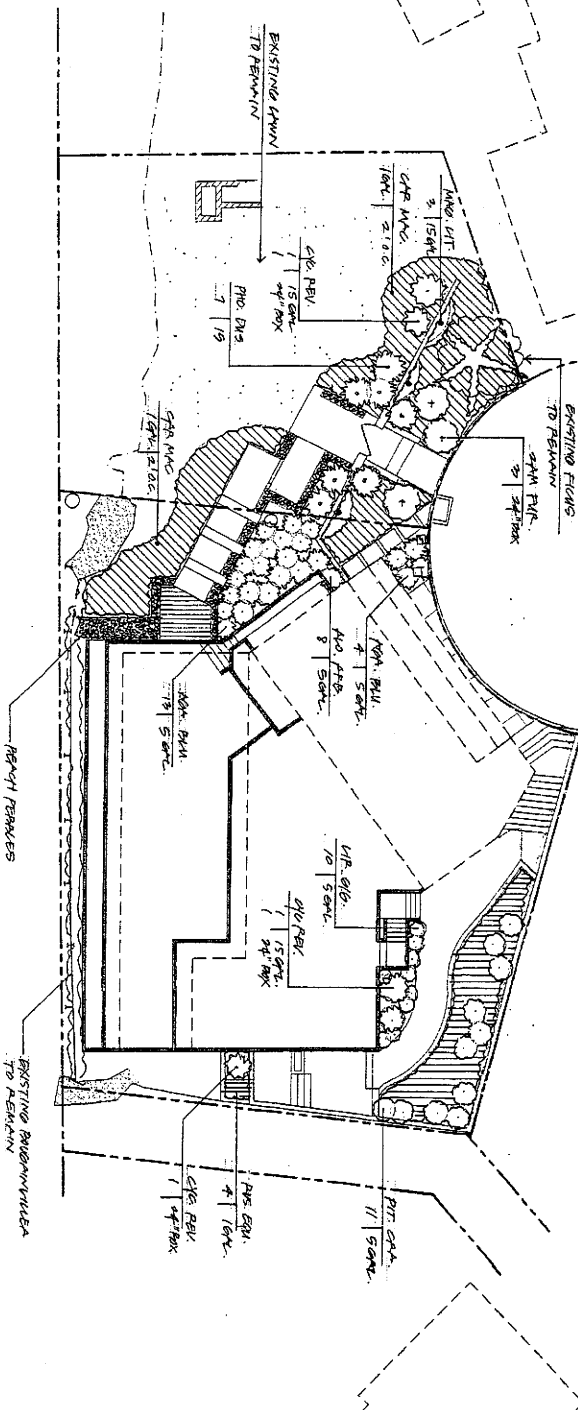
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Revisions	
1	
2	
3	
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10	

# Proposed Landscape Plan

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**STUDIO**  
LANDSCAPE  
ARCHITECTURE  
S T U D I O

1506 s. coast highway  
jupiter beach, fl 33405  
949 / 474-6644  
fax 949 / 474-0130  
california license 19971

Lagunita Residence  
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Laguna Beach, CA 92651



Drawn By LTS	Date 11/18/83	Scale 1/8" = 1'-0"	Permit 1	Sheet # L-2.0
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LEGEND  
 PROPERTY LINE  
 FENCE  
 CONCRETE SURFACE  
 MASONRY WALL  
 ROCK WALL  
 IRON WALL  
 IRON FLOOR  
 FINISHED SURFACE  
 TOP OF SOIL  
 MOUNTAIN TOP  
 TOP OF CROWN  
 TOP OF PAVEMENT  
 TOP OF WALL  
 TOP OF MOUNTAIN  
 SURVEY CONTROL POINT

LEGEND  
 PROPERTY LINE  
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 CONCRETE SURFACE  
 MASONRY WALL  
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 SURVEY CONTROL POINT

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 SURVEY CONTROL POINT

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 SURVEY CONTROL POINT

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 SURVEY CONTROL POINT

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 SURVEY CONTROL POINT

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 SURVEY CONTROL POINT

LEGEND  
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 MASONRY WALL  
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 SURVEY CONTROL POINT

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 SURVEY CONTROL POINT

LEGEND  
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 MASONRY WALL  
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 SURVEY CONTROL POINT

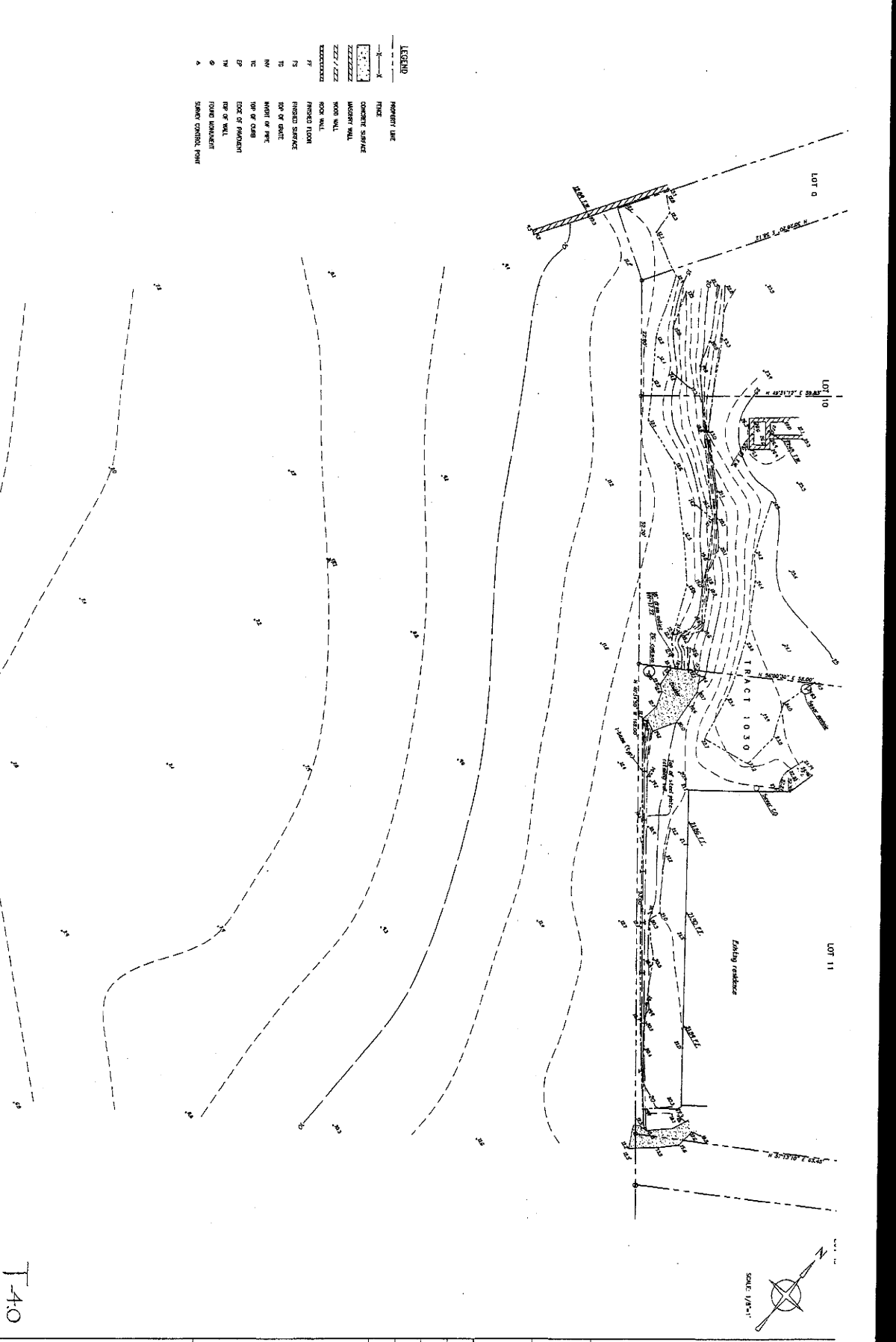
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 TOP OF WALL  
 TOP OF MOUNTAIN  
 SURVEY CONTROL POINT

LEGEND  
 PROPERTY LINE  
 FENCE  
 CONCRETE SURFACE  
 MASONRY WALL  
 ROCK WALL  
 IRON WALL  
 IRON FLOOR  
 FINISHED SURFACE  
 TOP OF SOIL  
 MOUNTAIN TOP  
 TOP OF CROWN  
 TOP OF PAVEMENT  
 TOP OF WALL  
 TOP OF MOUNTAIN  
 SURVEY CONTROL POINT

LEGEND  
 PROPERTY LINE  
 FENCE  
 CONCRETE SURFACE  
 MASONRY WALL  
 ROCK WALL  
 IRON WALL  
 IRON FLOOR  
 FINISHED SURFACE  
 TOP OF SOIL  
 MOUNTAIN TOP  
 TOP OF CROWN  
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 TOP OF MOUNTAIN  
 SURVEY CONTROL POINT

LEGEND  
 PROPERTY LINE  
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 MASONRY WALL  
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 SURVEY CONTROL POINT

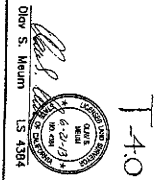


H. SCALE: 1/8"=1'		DATE: 6-21-13		V. SCALE: N/A		CHK: M. FLUSS	
DATE OF SURVEY: 6-12-13		CHK: -		DATE OF SURVEY: 6-12-13		CHK: -	
DR. FILE: -		APPROVED: -		DATE: -		APPROVED: -	

TOPOGRAPHIC SURVEY  
 LOT 11, TRACT 1030  
 11 LAGUNITA, LAGUNA BEACH, CALIFORNIA  
 PREPARED FOR JIM CONRAD

COASTAL COMMISSION

EXHIBIT # 4  
 PAGE 36 OF 36



TOAL ENGINEERING, INC.  
 Civil Engineers and Land Surveyors  
 139 Avenida Navarro, San Clemente, Calif. 92672  
 Ph: 949-492-8586 Fax: 949-498-0625

87-385802

Recording Requested By And  
When Recorded, Mail To:  
California Coastal Commission  
631 Howard Street, 4th Floor  
San Francisco, California 94105  
Attention: Legal Department

RECORDED IN OFFICIAL RECORDS  
OF ORANGE COUNTY, CALIFORNIA

\$60.00  
C11

10 05 AM JUL -7 '87

Lee A. Branch COUNTY RECORDER

IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT

AND

DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT  
AND DECLARATION OF RESTRICTIONS (hereinafter "offer") is made  
this 16th day of June, 1987, by Lagunita Community  
Association (hereinafter referred to as "Grantor").

I. WHEREAS, Grantor is the legal owner of a fee interest  
of certain real property located in the County of Orange, State  
of California, and described in the attached Exhibit A (here-  
inafter referred to as the "Property"); and

II. WHEREAS, all of the Property is located within the  
coastal zone as defined in Section 30103 of the California  
Public Resources Code (which code is hereinafter referred to as  
the "Public Resources Code"); and

III. WHEREAS, the California Coastal Act of 1976 (herein-  
after referred to as the "Act") creates the California Coastal  
Commission (hereinafter referred to as the "Commission") and  
requires that any coastal development permit approved by the  
Commission must be consistent with the policies of the Act set  
forth in Chapter 3 of Division 20 of the Public Resources Code;  
and

IV. WHEREAS, pursuant to the Act, Grantor applied to the  
California Coastal Commission for a permit to undertake

COASTAL COMMISSION

1

A-5-LGB-14-0027

EXHIBIT # 5

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1 development as defined in the Act within the coastal zone of  
2 Orange County (hereinafter the "Permit"); and

3 V. WHEREAS, a coastal development permit (Permit No. 5-  
4 83-878) was granted on May 24, 1984, and amended on April 23,  
5 1987 (Permit No. 5-83-878A), by the Commission in accordance  
6 with the provision of the Staff Recommendation and Findings,  
7 attached hereto as Exhibit B and hereby incorporated by  
8 reference, subject to the following condition:

9 Prior to transmittal of the permit, the Permittee  
10 shall record an irrevocable offer for a period of twenty-  
11 one (21) years to dedicate a lateral access easement to a  
12 public agency or private nonprofit association to allow  
13 public passive recreational use of the beach (excluding  
14 the construction of permanent structures, fire rings, and  
15 the location of portable restrooms) on Lot A owned by  
16 Lagunita, as measured from the mean high tide line to the  
17 landward boundary of Lot A. The public shall not be  
18 allowed to use the beach closer than 15 feet to any struc-  
19 ture other than for pass and repass in the event that the  
20 front of the beach is submerged.

21 This offer shall be of a form and content approved by  
22 the Executive Director, shall be recorded free of prior  
23 liens and encumbrances (except tax liens) which in the  
24 opinion of the Executive Director, could adversely affect  
25 the interest being conveyed, and shall run with the land  
26 binding future owners.

27 VI. WHEREAS, the subject property is a parcel located  
28 between the first public road and the shoreline; and

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1 VII. WHEREAS, under the policies of Sections 30210 through  
2 30212 of the California Coastal Act of 1976, public access to  
3 the shoreline and along the coast is to be maximized, and in  
4 all new development projects located between the first public  
5 road and the shoreline shall be provided; and

6 VIII. WHEREAS, the Commission found that but for the  
7 imposition of the above conditions, the proposed development  
8 could not be found consistent with the public access policies  
9 of Section 30210 through 30212 of the California Coastal Act of  
10 1976 and the Local Coastal Program as defined in Public  
11 Resources Code Section 30108.6 and that therefore in the  
12 absence of such a condition, a permit could not have been  
13 granted; and

14 IX. WHEREAS, it is intended that this Offer is irrevocable  
15 and shall constitute enforceable restrictions within the  
16 meaning of Article XIII, Section 8 of the California Constitution  
17 and that said Offer, when accepted, shall thereby qualify  
18 as an enforceable restriction under the provision of the  
19 California Revenue and Taxation Code, Section 402.1.

20 NOW, THEREFORE, in consideration of the granting of Permit  
21 No. 5-83-878A to Grantor by the Commission, the owner hereby  
22 offers to dedicate to the People of California an easement in  
23 perpetuity for the purposes of public passive recreational use  
24 (excluding the construction of permanent structures, fire  
25 rings, and the location of portable restrooms) of the beach  
26 located on the subject property and as specifically set forth  
27 by attached Exhibit C hereby incorporated by reference. The  
28 public shall not be allowed to use the beach closer than 15

COASTAL COMMISSION

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1 feet to any structure other than for pass and repass in the  
2 event that the rest of the beach is submerged.

3 1. BENEFIT AND BURDEN. This Offer shall run with and  
4 burden the Property and all obligations, terms, conditions, and  
5 restrictions hereby imposed shall be deemed to be covenants and  
6 restrictions running with the land and shall be effective  
7 limitations on the use of the Property from the date of record-  
8 ation of this document and shall bind the Grantor and all  
9 successors and assigns. This Offer shall benefit the State of  
10 California.

11 2. DECLARATION OF RESTRICTIONS. This Offer of Dedic-  
12 tion shall not be used or construed to allow anyone, prior to  
13 acceptance of the Offer, to interfere with any rights of public  
14 access acquired through use which may exist on the Property.

15 3. ADDITIONAL TERMS, CONDITIONS, AND LIMITATIONS. Prior  
16 to the opening of the accessway, the Grantee, in consultation  
17 with the Grantor, may record additional reasonable terms,  
18 conditions, and limitations on the use of the subject property  
19 in order to assure that this Offer for public access is  
20 effectuated.

21 4. CONSTRUCTION OF VALIDITY. If any provision of these  
22 restrictions is held to be invalid or for any reason becomes  
23 unenforceable, no other provision shall be thereby affected or  
24 impaired.

25 5. SUCCESSORS AND ASSIGNS. The terms, covenants, condi-  
26 tions, exceptions, obligations, and reservations contained in  
27 this Offer shall be binding upon and inure to the benefit of  
28 the successors and assigns of both the Grantor and the Grantee,

COASTAL COMMISSION

EXHIBIT # 5  
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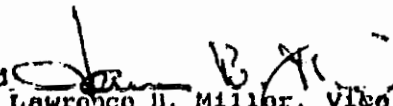
87-385802

1 whether voluntary or involuntary.

2 6. TERM. This irrevocable Offer of Dedication shall be  
3 binding for a period of 21 years starting from the date of  
4 recordation. Upon recordation of an acceptance of this Offer  
5 by the Grantee, this Offer and terms, conditions, and restric-  
6 tions shall have the effect of a grant of access easement in  
7 gross and perpetuity that shall run with the land and be bind-  
8 ing on the parties, heirs, assigns, and successors. The People  
9 of the State of California shall accept this offer through the  
10 local government in whose jurisdiction the subject property  
11 lies, or through a public agency or a private association  
12 acceptable to the Executive Director of the Commission or its  
13 successor in interest.

14 Acceptance of the Offer is subject to a covenant which  
15 runs with the land, providing that any offeree to accept the  
16 easement may not abandon it but must instead offer the easement  
17 to other public agencies or private associations acceptable to  
18 the Executive Director of the Commission for the duration of  
19 the term of the original Offer to Dedicate.

20 Executed on this 16th day of June, 1971, at Laguna Hills,  
21 California.

22  
23 Signed   
24 Lawrence B. Miller, Vice President  
Lagunita Community Association

25  
26 Signed   
27 Betty Coffey, Secretary  
28 Lagunita Community Association

COASTAL COMMISSION

5

EXHIBIT # 5  
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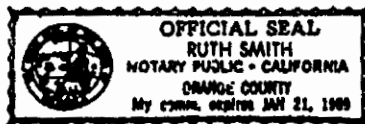


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1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF ORANGE )

4 On June 16, 1987, before me, the undersigned, a Notary  
5 Public in and for said State, personally appeared Bette Coffyn  
6 and Lawrence Miller, personally known to me, or proved to me  
7 on the basis of satisfactory evidence, to be the persons who  
8 executed the within instrument as Secretary and Vice President  
9 on behalf of Legunita Community Association, the nonprofit  
10 corporation therein named, and acknowledged to me that such  
11 nonprofit corporation executed the within instrument pursuant  
12 to its by-laws or a resolution of its Board of Directors.

13 WITNESS my hand and official seal.



*Ruth Smith*  
Notary Public in and for said  
State and County

(SEAL)

COASTAL COMMISSION

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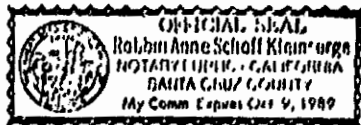
1 This is to certify that the Offer to Dedicate set forth  
2 above is hereby acknowledged by the undersigned officer on  
3 behalf of the California Coastal Commission pursuant to the  
4 action of the Commission when it granted Coastal Development  
5 and amended it on April 23, 1987, (5-83-878A)  
6 Permit No. 5-83-878 on May 24, 1984, and the California  
7 Coastal Commission consents to recordation thereof by its duly  
8 authorized officer.

9 Dated: June 18, 1987

John Bowers  
John Bowers, Staff Counsel  
California Coastal Commission

12 STATE OF CALIFORNIA )  
13 ) ss.  
14 COUNTY OF San Francisco )

15 On June 18, 1987, before me Robbin Anne Schloff Klein Notary  
16 Public, personally appeared John Bowers, per-  
17 sonally known to me (or proved to me on the basis of satis-  
18 factory evidence) to be the person who executed this instrument  
19 as the Staff Counsel an authorized representative of the  
20 California Coastal Commission and acknowledged to me that the  
21 California Coastal Commission executed it.



Robbin Anne Schloff Klein  
NOTARY PUBLIC IN AND FOR  
SAID STATE AND COUNTY

COASTAL COMMISSION

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EXHIBIT # 5  
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EXHIBIT "A"

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TICOR TITLE INSURANCE COMPANY OF CALIFORNIA

DESCRIPTION:

PARCEL 1:

LOT A OF TRACT NO. 1017. IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA. AS PER MAP RECORDED IN BOOK 33, PAGES 26, 27 AND 28 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

LOTS E AND Q, OF TRACT NO. 1030, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 33, PAGE 39 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3:

THAT PORTION OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 31 TOWNSHIP 7 SOUTH, RANGE 8 WEST OF THE SAN BERNARDINO MERIDIAN, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, BEING A STRIP OF LAND 70.00 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT DISTANT NORTH 46 DEGREES 10 MINUTES 00 SECONDS EAST 60.1 FEET AND SOUTH 40 DEGREES 18 MINUTES 00 SECONDS EAST 10.02 FEET FROM THE MOST EASTERLY CORNER OF LOT 64 OF TRACT NO. 1017 AS PER MAP RECORDED IN BOOK 33, PAGES 26 THROUGH 28 OF MISCELLANEOUS MAPS; THENCE SOUTH 46 DEGREES 10 MINUTES 00 SECONDS WEST 574.62 FEET; THENCE SOUTH 49 DEGREES 58 MINUTES 40 SECONDS WEST 84.41 FEET.

EXCEPT THEREFROM THAT PORTION LYING WITHIN LOT 26 OF TRACT NO. 1017, AS PER MAP RECORDED IN BOOK 33, PAGES 26 THROUGH 28 OF MISCELLANEOUS MAPS OF SAID COUNTY.

PARCEL 4:

THAT PORTION OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 31, TOWNSHIP 7 SOUTH, RANGE 8 WEST OF THE SAN BERNARDINO MERIDIAN, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, BOUNDED ON THE SOUTHEAST BY THE NORTHWEST LINE OF PARCEL 1 ABOVE DESCRIBED; BOUNDED NORTHERLY, WESTERLY AND SOUTHWESTERLY BY THE SOUTHERLY, EASTERLY, NORTHERLY BOUNDARIES OF LOTS 28, 29, LETTERED LOT 1 AND LOT 26 OF TRACT NO. 1017, AS PER MAP RECORDED IN BOOK 33, PAGES 26 THROUGH 28 OF MISCELLANEOUS MAPS OF SAID COUNTY.

COASTAL COMMISSION

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0703029 PAGE 05

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STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST AREA  
243 WEST BROADWAY, SUITE 380  
LONG BEACH, CA 90802  
(213) 590-3071



Filed: 2/27/87  
49th Day: 4/11/87  
130th Day: 8/20/87  
Staff: Gary Timm/sws  
Staff Report: 4/09/87  
Hearing Date: 4/21-24/87

AD.

**PERMIT AMENDMENT**  
**STAFF REPORT AND RECOMMENDATION**

**Application No.**

5-83-878A

**Applicant**

Lagunita Community Association  
30598 Pacific Coast Highway  
South Laguna, CA 92677

**Description:**

Amend permit to construct an electric entrance gate and guardhouse 75 feet from Pacific Coast Highway at entrance way to private residential community in order to make revisions to special conditions regarding lateral and vertical access

**Site:**

30598 Pacific Coast Highway  
South Laguna, CA Orange County

**SUMMARY**

Staff recommends approval of the proposed amendment request with revised special conditions regarding lateral and vertical access.

**COASTAL COMMISSION**

EXHIBIT B

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STAFF RECOMMENDATION:

Staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS: See Attachment X.

III. SPECIAL CONDITIONS

This permit is subject to the following special conditions:

1. Lateral Access

Prior to transmittal of the permit, the permittee shall record an irrevocable offer for a period of twenty-one (21) years to dedicate a lateral access easement to a public agency or private nonprofit association to allow public passive recreational use of the beach (excluding the construction of permanent structures, fire rings, and the location of portable restrooms) on Lot A owned by Lagunita, as measured from the mean high tide line to the landward boundary of Lot A. The public shall not be allowed to use the beach closer than 15 feet to any structure other than for pass and repass in the event that the rest of the beach is submerged.

This offer shall be of a form and content approved by the Executive Director, shall be recorded free of prior liens and encumbrances (except tax liens) which in the opinion of the Executive Director, could adversely affect the interest being conveyed, and shall run with the land binding future owners.

2. Vertical Access

Prior to transmittal of the permit, the permittee shall record an irrevocable offer for a period of twenty-one (21) years to dedicate a vertical access easement to a public agency or private nonprofit association to allow the public to pass and repass from along Dumond Drive to the beach. Access shall be allowed during daylight hours 7 days a week.

COASTAL COMMISSION

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This offer shall be of a form and content approved by the Executive Director, shall be recorded free of prior liens and encumbrances (except tax liens) which in the opinion of the Executive Director could adversely affect the interest conveyed, and shall run with the land binding future owners.

The vertical accessway shall be located along two 15-foot wide strips of land (Lots E and Q) owned by Lagunita Community Association along the northern perimeter of the subdivision as generally depicted on Exhibit A. The Association shall be able to relocate and maintain a fence comparable to the existing fence along the property line abutting private lots in Lagunita and said vertical accessway.

#### IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

- A. Project Description and History. On 5/24/84 the Commission approved a permit to construct an electric entrance gate to the private community 75 feet from Pacific Coast Highway and place a guardhouse near the entrance gate. The Commission approved the development request subject to special conditions which required recorded offers to dedicate lateral access along the Association's beachfront and vertical access through the Community to the beach. The dedications of access were required because the proposed development would prohibit the public from utilizing a vertical passageway historically used to get to the beach and because of the burdens on public access that the project would cause after construction.

Subsequent to approval of the permit, the Community Association notified the Commission by letter on 10/29/84 of its intent to not construct the approved development due to its opposition to the lateral and vertical access conditions. Commission staff later discovered, however, that a guardhouse had been placed at the entrance to the site and a violation investigation was pursued by staff in conjunction with the State Attorney General's office. The proposed permit amendment is the result of a settlement agreement (subject to the Commission's approval) reached between representatives of the Commission, the Attorney General and the Community Association.

The proposed amendment would make revisions to the lateral and vertical access conditions. As originally approved, the two conditions are stated as follows:

COASTAL COMMISSION

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1. Lateral Access

Prior to issuance of the permit, the permittee shall record an irrevocable offer to dedicate a lateral access easement to a public agency or private nonprofit association to allow public passive recreational use of the beach as measured from the mean high tide line to the toe of the bluff. The public shall not be allowed to use the beach closer than 15 feet to any structure other than for pass and repass in the event that the rest of the beach is submerged.

This offer shall be of a form and content approved by the Executive Director and shall be recorded free of prior liens and encumbrances (except tax liens) which in the opinion of the Executive Director, could adversely affect the interest conveyed, and shall run with the land binding future owners.

2. Vertical Access

Prior to issuance of the permit, the permittee shall record an irrevocable offer to dedicate a vertical access easement to a public agency or private nonprofit association to allow the public to pass and repass from Pacific Coast Highway to the beach. Access shall be allowed during daylight hours 7 days a week.

This offer shall be of a form and content approved by the Executive Director, shall be recorded free of prior liens and encumbrances (except tax liens) which in the opinion of the Executive Director could adversely affect the interest conveyed, and shall run with the land binding future owners.

The vertical accessway shall be located through the proposed gate and on the streets and walks leading directly to the beach in a straight line, as generally depicted in Exhibit 2. The gate shall be designed to allow public pedestrian passage and may be limited to daylight hours. OR:

If at such time as vertical public access is obtained (via acquisition, donation, dedication or gift) on that portion of the Blue Lagoon property which connects the following described, narrow Lagunita parcel and the beach bordering Blue Lagoon and Lagunita; the applicant may choose to transfer vertical public access from the above walkway to the 20 foot (or less) wide strip of land owned by the Community Association, currently used as a private walkway, and for utilities along the southern

COASTAL COMMISSION

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perimeter of the subdivision as generally depicted on Exhibit 2. The strip narrows at the seaward edge of the subdivision, and access shall be offered for dedication along the entire strip from PCH to the connecting vertical accessway at Blue Lagoon (at such time as this vertical access is provided by the Blue Lagoon Community Association) and hence to the beach. The width of the accessway shall be no less than 10 feet except where the property narrows to approximately 8 feet. Then, the accessway shall be a minimum of 8 feet wide or the entire width of the parcel at that point. The accessway shall again widen to a minimum width of 10 feet extending across the Blue Lagoon driveway to the beach.

As originally approved, the special condition regarding lateral access required a dedication from the mean high tide line to the toe of the bluff with a 15 foot privacy buffer. The amendment will change the area of dedication to include all of lot A which is owned by the Community Association. This is virtually the same easement which was originally required. The reason for the requested revision is because the "toe of the bluff" cuts across several of the residential lots which are privately owned. The Association only has the legal authority to convey Lot A which is essentially the whole beach (see Exhibit A). In addition, the proposed lateral access condition excludes the construction of permanent structures, fire rings, and the location of portable restrooms.

The vertical access condition originally approved by the Commission granted the Community Association two alternative accessways to choose from. The first alternative would provide an accessway directly through the center of the Association's property while the second would provide an accessway at the southern edge of the community where Lagunita borders Blue Lagoon private community.

The proposed amendment will change the vertical access easement to a 15-foot wide strip of land (Lots E and Q) along the northern boundary of the Association's property adjacent to Dumond Drive in the City of Laguna Beach, which provides access to Victoria Beach. This alternative is proposed because the vertical accessways required by the permit are located along a stretch of Coast Highway where no parking is permitted on either side and where no pedestrian crosswalks are located nearby.

## COASTAL COMMISSION

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B. New Development/Access

Sections 30210 and 30211 of the Coastal Act state:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211.

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.

In addition, Section 30212 of the Coastal Act provides that public access be provided in new development projects with limited exceptions:

Section 30212 (a & b)

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

COASTAL COMMISSION

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(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

In approving the permit, the Commission found that the proposed project constituted new development and that it would impede public access to the shoreline which has historically been available and, as a result, limit public use of the beach fronting the ocean as well. Construction of the gate and prohibition of vertical access creates a burden on the public's ability to use the area while providing a benefit for the residents of the private community. Therefore, the Commission found it was necessary to balance the benefits and burdens by requiring vertical and lateral access dedications to and along the shoreline as special conditions of approval.

As mentioned, the proposed revision to the lateral access condition results in essentially the same area of beach being dedicated as originally required. The proposed amendment to the vertical access condition, however, will result in the vertical easement's relocation from the south or central sections of the Community to the northern edge near Dumond Drive and the City of Laguna Beach. Although this easement is immediately adjacent to a public street which provides vertical access to Victoria Beach and the Lagunita Beach, there are some benefits to

**COASTAL COMMISSION**

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widening the accessway at this location. Diamond Drive is very steep and narrow and is quite often very wet and slippery. In addition, pedestrian traffic must share the street with automobiles. The additional 15 feet would permit the construction of a pedestrian stairway or ramp next to the street or the easement could be used to provide bicycle racks or additional parking which would enhance public access to the beach in this area. For these reasons, staff is recommending that the Commission find that the proposed amendment to revise special conditions 1 and 2 regarding lateral and vertical access is consistent with the public access requirements of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act requires that the Commission find that new development not prejudice the ability of local government to prepare a Local Coastal Program.

Section 30604(a)

(a) 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). A denial of a coastal development permit on grounds it would 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) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The South Laguna Segment of Orange County's Local Coastal Program was conditionally certified on August 21, 1984 with suggested modifications. In denying the LCP, the Commission found that too few vertical accessways were proposed and identified several private communities including Lagunita as locations where vertical access should be provided. Because the proposed development does expand or promote vertical and lateral access opportunities, the Commission finds that the proposed development, as conditioned, will not prejudice the county's ability to prepare a certifiable Local Coastal Program consistent with the policies contained in Chapter 3 of the Coastal Act.

COASTAL COMMISSION

EXHIBIT # 5  
PAGE 16 OF 23

87-385802

D. Violation

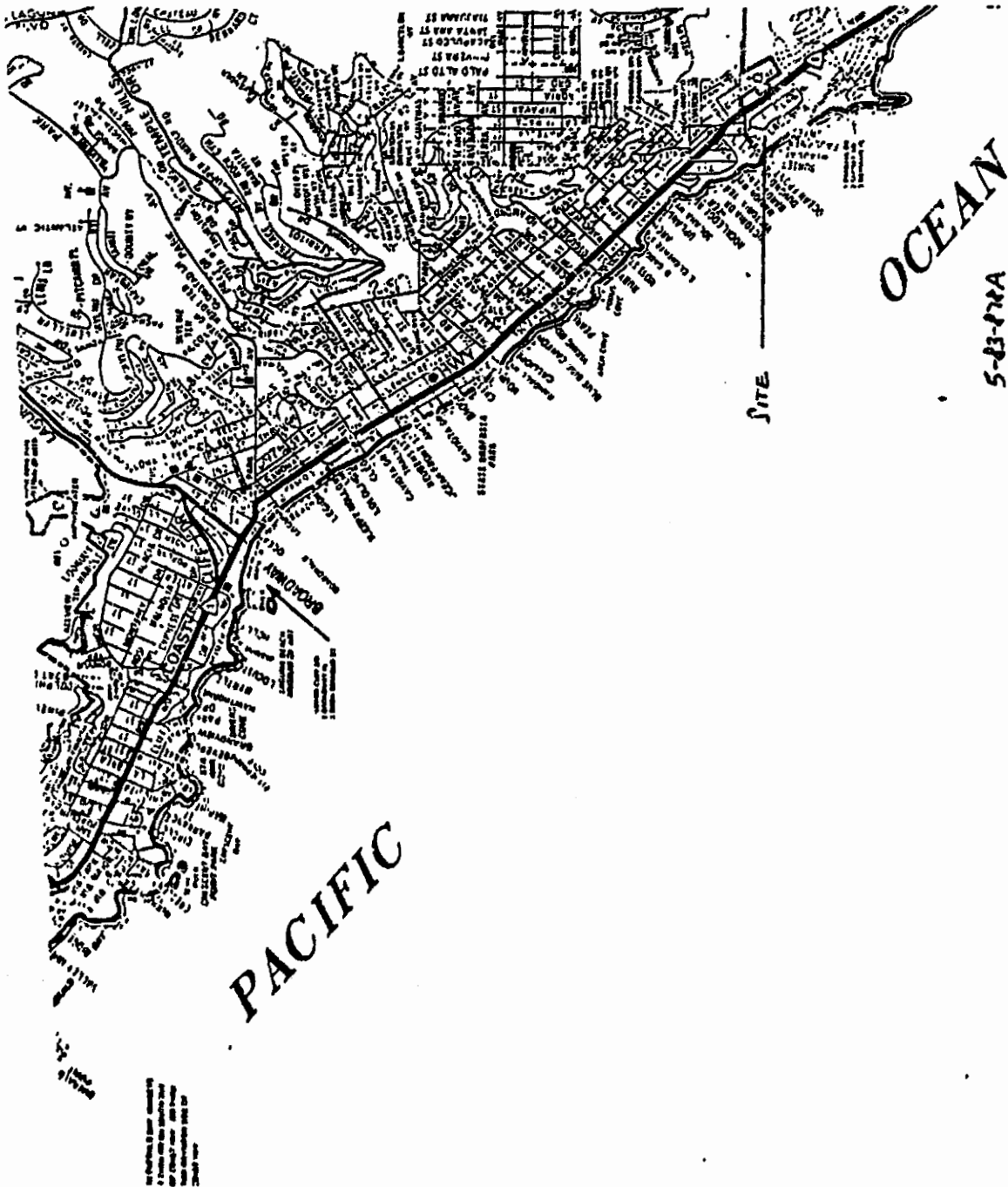
Although development has taken place prior to submission of this permit amendment, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

2615A

COASTAL COMMISSION

EXHIBIT # 5  
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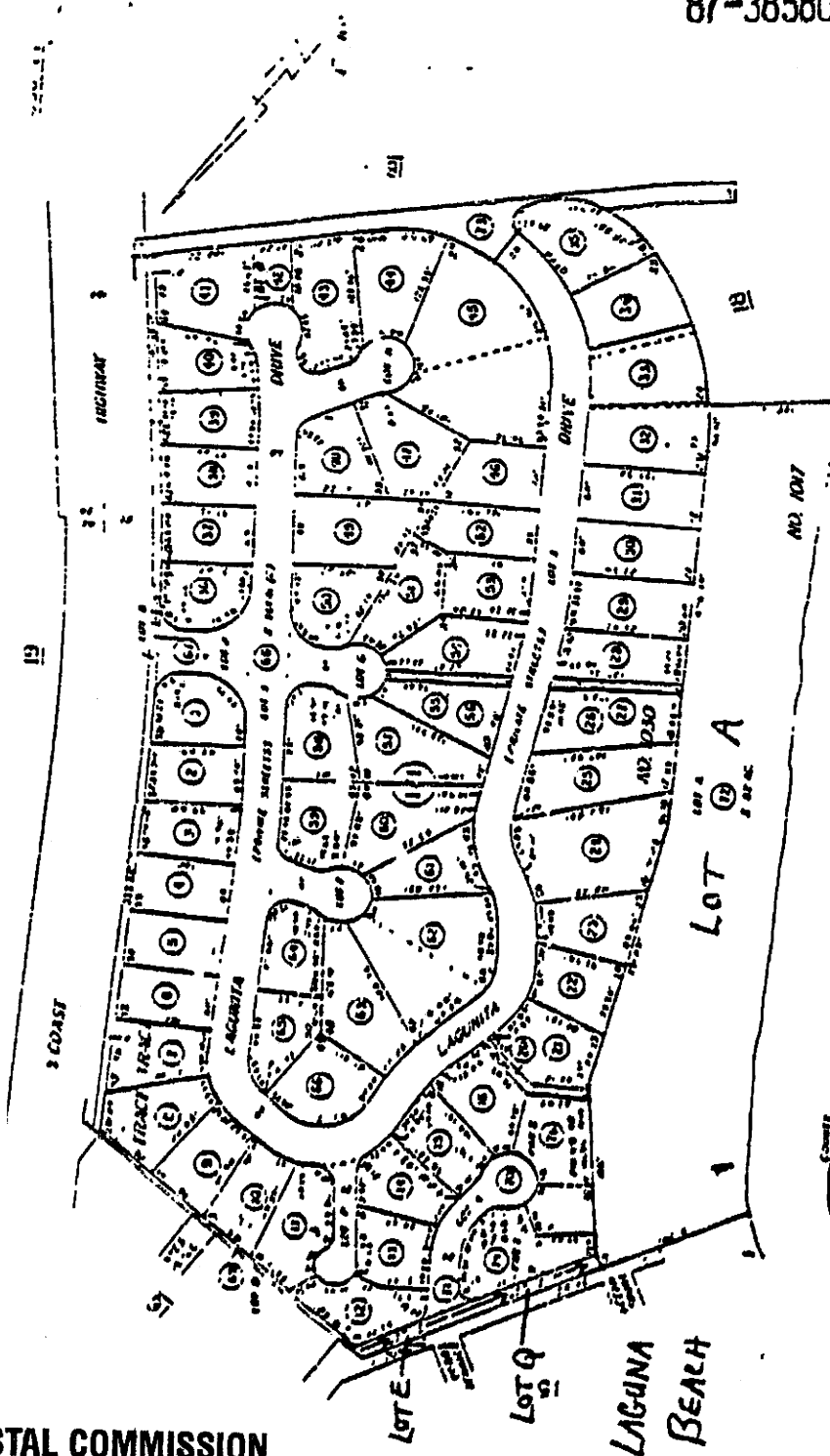
COASTAL COMMISSION

EXHIBIT # 5  
PAGE 18 OF 23

[illegible]

## EXHIBIT A

✓ 83-878 A



# COASTAL COMMISSION

EXHIBIT # 5  
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87-385802

EXHIBIT C  
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Description of Easement Area

All of Lot A of Tract No. 1017, in the County of Orange,  
State of California, as per Map recorded in Book 33, Pages 26,  
27 and 28 of Miscellaneous Maps, in the Office of the County  
Recorder of said County, attached hereto and incorporated  
herein by this reference.

COASTAL COMMISSION

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1 NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of  
2 persons signing on behalf of a corporation, partnership, trust,  
3 etc., please use the correct notary acknowledgment form as  
4 explained in your Notary Public Law Book.

5 STATE OF CALIFORNIA )  
6 ) SU.  
COUNTY OF ORANGE )

7 On this 16th day of June, in the year 1987,  
8 before me Ruth D. Smith, a Notary Public, personally  
9 appeared State of California and Barbara Miller,  
10 personally known to me (or proved to me on the basis of satis-  
11 factory evidence) to be the persons whose names are subscribed  
12 to this instrument, and acknowledged that they executed it.



Ruth D. Smith  
NOTARY PUBLIC IN AND FOR  
SAID STATE AND COUNTY

ASTAL COMMISSION

EXHIBIT # 5  
PAGE 21 OF 23



92-034585

RECORDING REQUESTED BY AND RETURN TO:  
 California Coastal Commission  
 45 Fremont Street, Suite 2000  
 San Francisco, CA 94105-2219  
 Attention: Legal Division

RECORDED IN OFFICIAL RECORDS  
 OF ORANGE COUNTY, CALIFORNIA

1:00 PM JAN 21 1992

Lee A. Branch RECORDER

Titles	\$
Ex	0
Add.	\$
Pg	\$
Lien Nt	\$
Other	\$
Total Rec. Fees	\$ 0
D.T.T.	\$
PCOR	\$
SMF	\$
RDE-2	

### CERTIFICATE OF ACCEPTANCE

This is to certify that the City of Laguna Beach hereby accepts the Offer to Dedicate executed by Lagunita Community Association on June 16, 1987, and recorded on July 7, 1987, as Instrument No. 87-385802 in the Official Records of the Office of the Recorder of Orange County.

DATED:

12/13/91

BY:

Kenneth Frank

FOR:

City of Laguna Beach

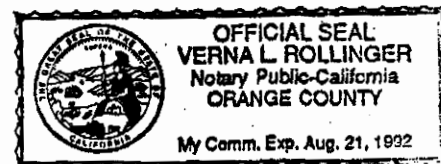
STATE OF CALIFORNIA  
 COUNTY OF Orange

On December 13, 1991, before me, Thomas L. Rollinger, a Notary Public, personally appeared Kenneth Frank personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Thomas L. Rollinger



COASTAL COMMISSION

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ACKNOWLEDGEMENT BY CALIFORNIA COASTAL COMMISSION

This is to certify that the City of Laguna Beach is a public agency/private association acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Offer to Dedicate executed by Lagunita Community Association on June 16, 1987, and recorded on July 7, 1987, in the office of the Recorder of Orange County as Instrument No. 87-385802.

DATED:

January 10, 1992

CALIFORNIA COASTAL COMMISSION

John Bowers  
John Bowers, Staff Counsel

STATE OF CALIFORNIA

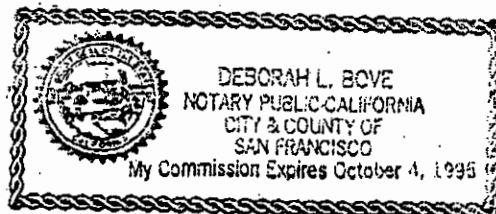
COUNTY OF SAN FRANCISCO

On January 10, 1992, before me, Deborah L. Bove, a Notary Public, personally appeared John Bowers, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Deborah L. Bove



COASTAL COMMISSION

Page 2 of 2

EXHIBIT #

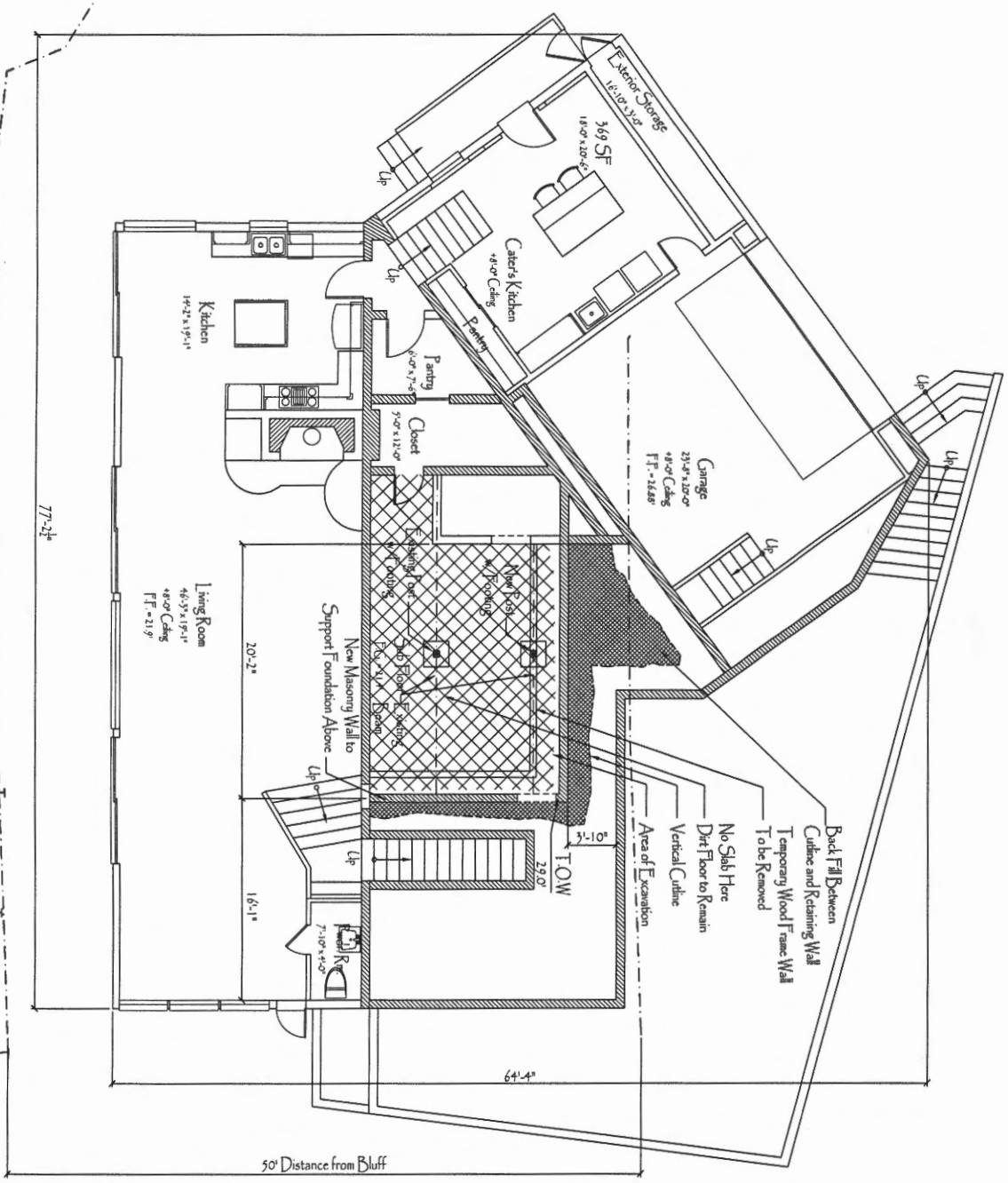
5

PAGE

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**COASTAL COMMISSION**

**Existing Lower Floor Plan**



**Area Calculations:**

Living Area: 1,774 SF  
 Garage Area: 629 SF  
 Storage Area: 63 SF

**Wall Legend:**

Existing Wood Frame Walls  
 Existing Retaining Wall

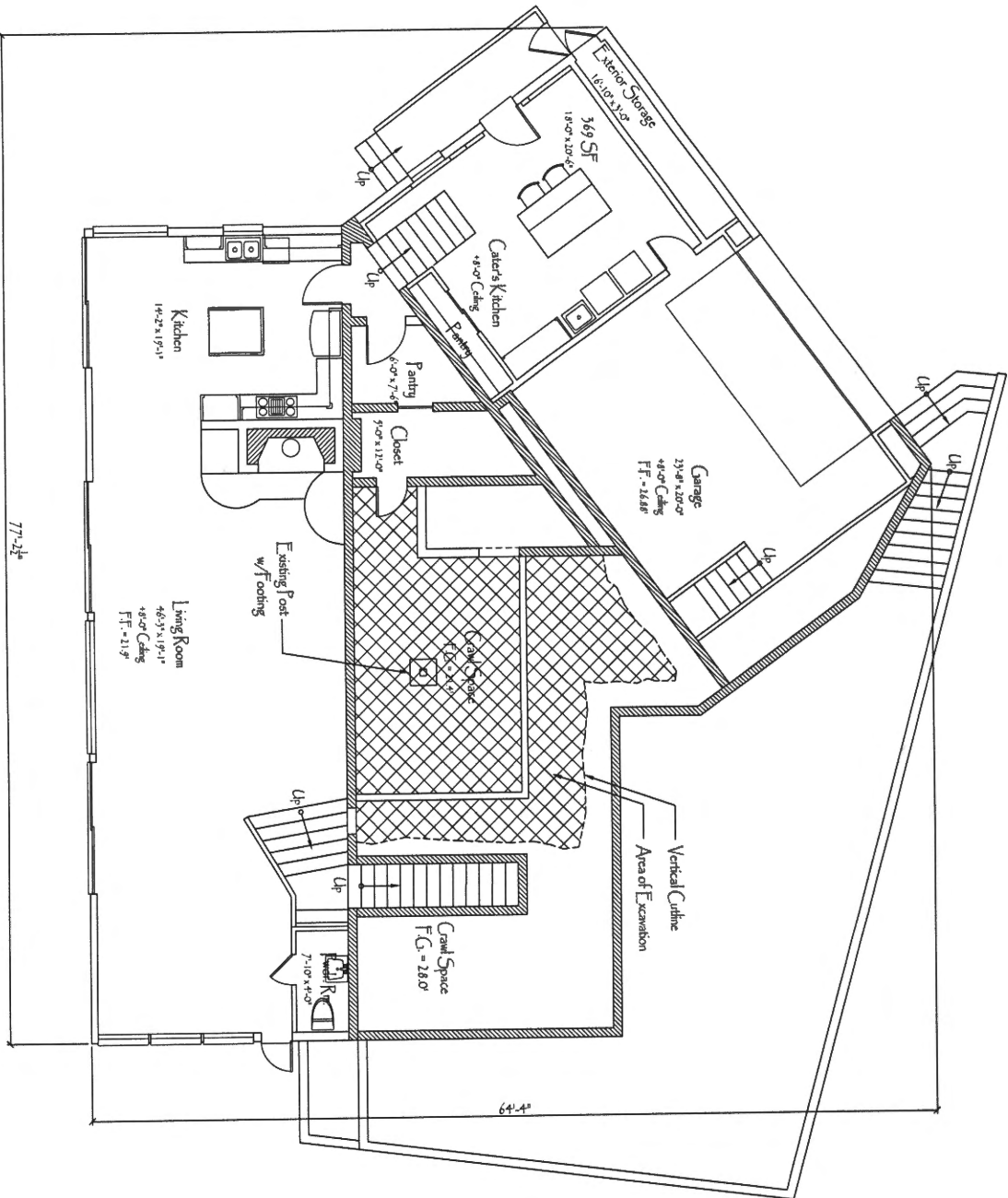
Drawn By	MS
Date	1/1/2015
Scale	1/8" = 1'-0"
Project	A-5-LGB-14-0027
Sheet #	A-3.0

**James Conrad Architect**  
 1550 So. Coast Hwy #201  
 Laguna Beach, CA 92651  
 (949) 497-0200 Office  
 jconradarc@gmail.com



**Lagunita Residence**  
 11 Lagunita Drive  
 Laguna Beach, CA 92651

Revisions	17 Jan 2015
1	1/17/2015
2	1/17/2015
3	1/17/2015
4	1/17/2015
5	1/17/2015
6	1/17/2015
7	1/17/2015
8	1/17/2015
9	1/17/2015
10	1/17/2015



# Existing Lower Floor Plan

## Area Calculations:

Living Area: 1,794 SF  
Garage Area: 613 SF  
Storage Area: 63 SF

## Wall Legend:

Existing Wood Frame Wall  
Existing Retaining Wall

Drawn By	MB
Date	11/10/2010
Scale	1/4" = 1'-0"
Project	11 Lagunita Drive
Sheet #	A-3.0

James Conrad Architect  
1550 So. Coast Hwy #201  
Laguna Beach, CA 92651  
(949) 497-0200 Office  
jconradarc@gmail.com



Lagunita Residence  
11 Lagunita Drive  
Laguna Beach, CA 92651

Revisions	17 Jan 2011
12 Aug 2011	
6 Sep 2011	
21 Jan 2012	

# OLD SEAWALL PLANS

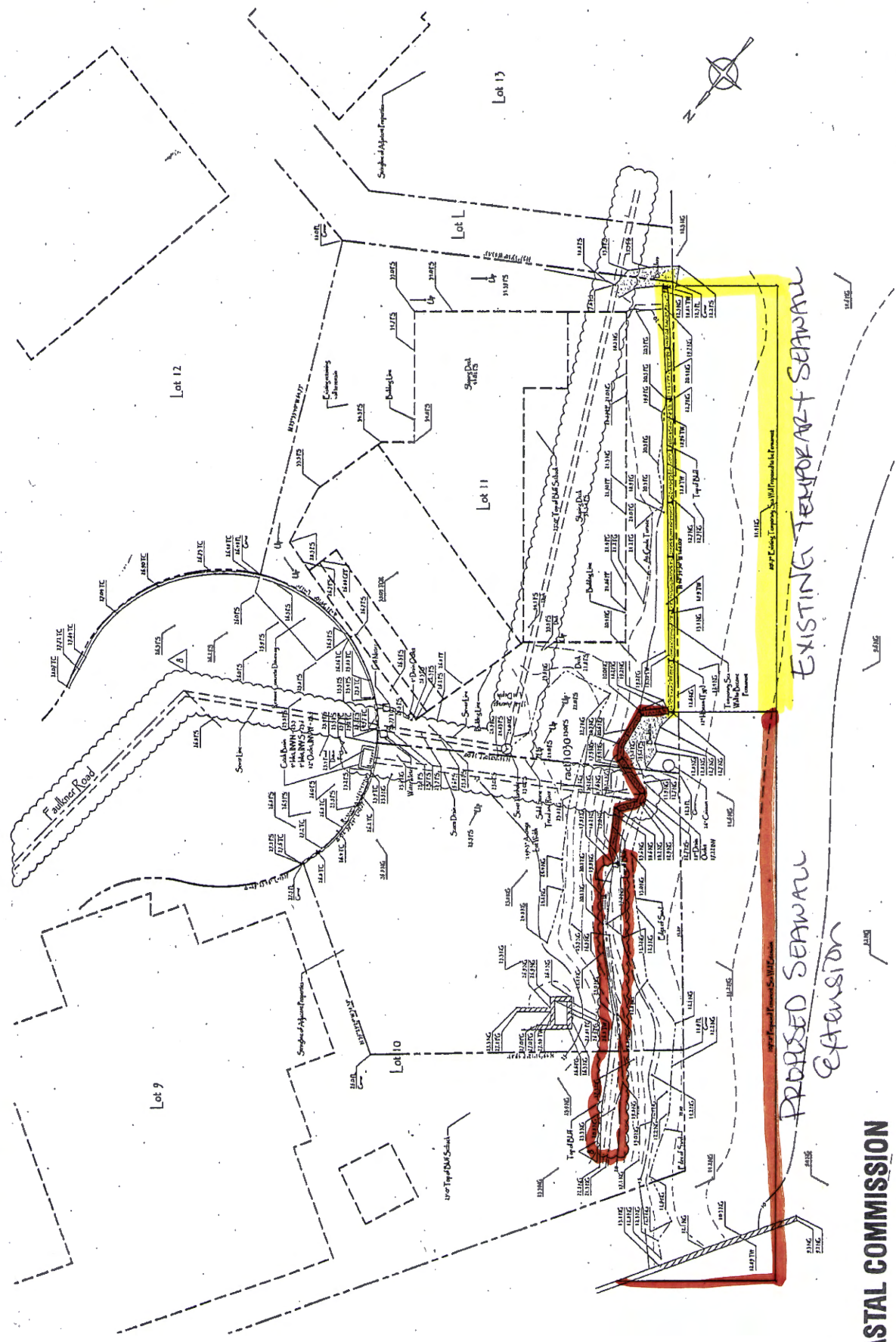
Revisions
1. Initial
2. Final
3. Approved
4. Approved
5. Approved
6. Approved
7. Approved
8. Approved
9. Approved
10. Approved
11. Approved
12. Approved
13. Approved
14. Approved
15. Approved
16. Approved
17. Approved
18. Approved
19. Approved
20. Approved

Lagunita Residence  
11 Lagunita Drive  
Laguna Beach, CA 92653



James A. Conrad Architect  
1550 So. Coast Hwy #201  
Laguna Beach, CA 92653  
(949) 497-0200  
conradarchitect@gmail.com

Drawn By
HN/SL
Date
Project
Sheet
Scale
Notes
Sheet
A-10



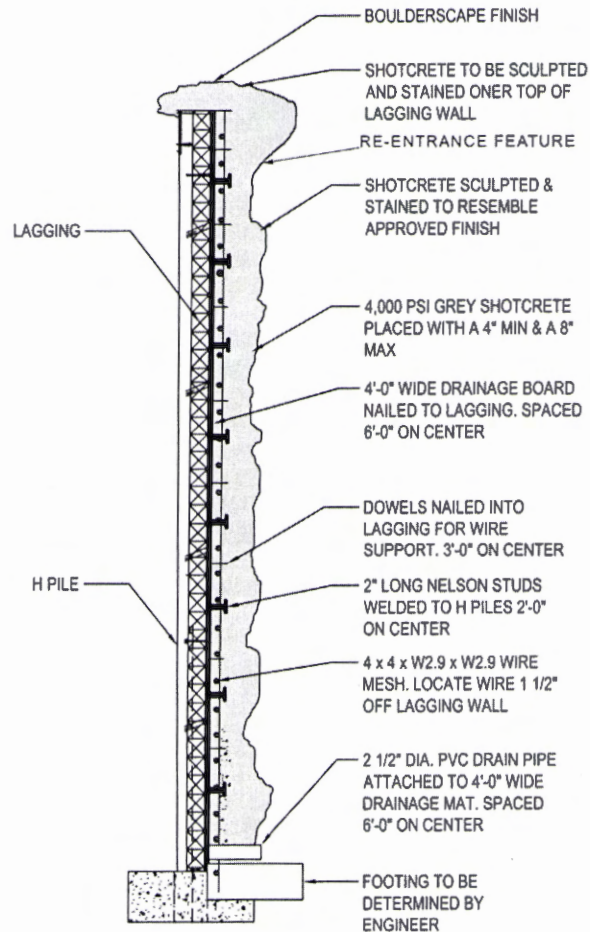
Site Plan



# Section showing the Rock facing on the Sea wall



BOULDERSCAPE, INC.  
 33081 CALLE PERFECTO, STE. A  
 SAN JUAN CAPISTRANO, CA, 92675  
 TOLL FREE: 1-866-448-7625  
 PHONE: (949) 661-5087  
 FAX: (949) 661-3397  
 www.boulderscape.com



## NOTES:

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWINGS.
3. CONTRACTORS NOTE: FOR PRODUCT AND PURCHASING INFORMATION VISIT [www.CADdetails.com/info](http://www.CADdetails.com/info) REFERENCE NUMBER 411-101.



## TYPICAL BOULDERSCAPE FINISH DETAIL

BOULDERSCAPE FINISH OVER SOLDIER PILE/LAGGING WALL

411-101

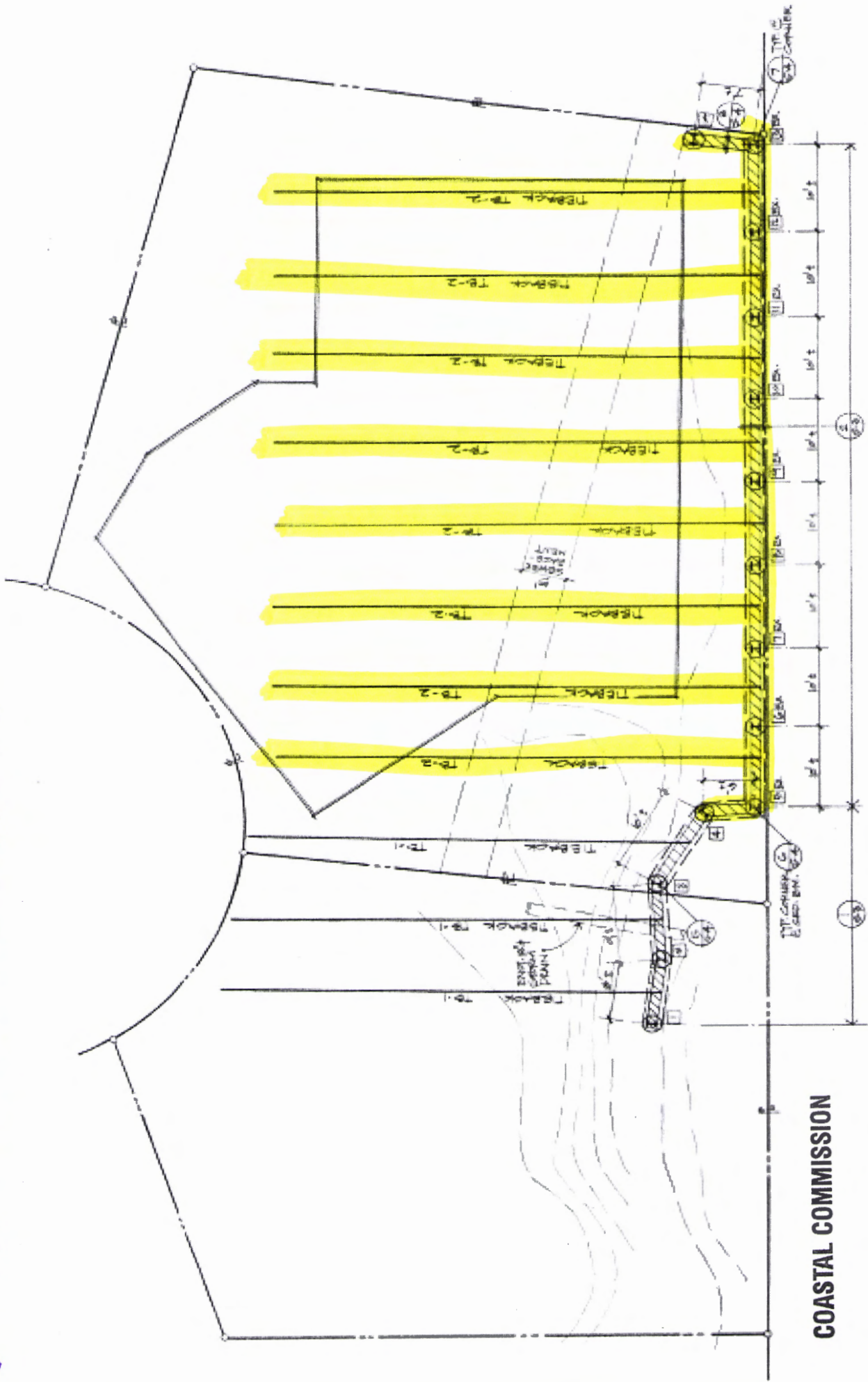
PROTECTED BY COPYRIGHT - 05/23/07

[www.CADdetails.com](http://www.CADdetails.com)

**COASTAL COMMISSION**

EXHIBIT # 7  
 PAGE 2 OF 6

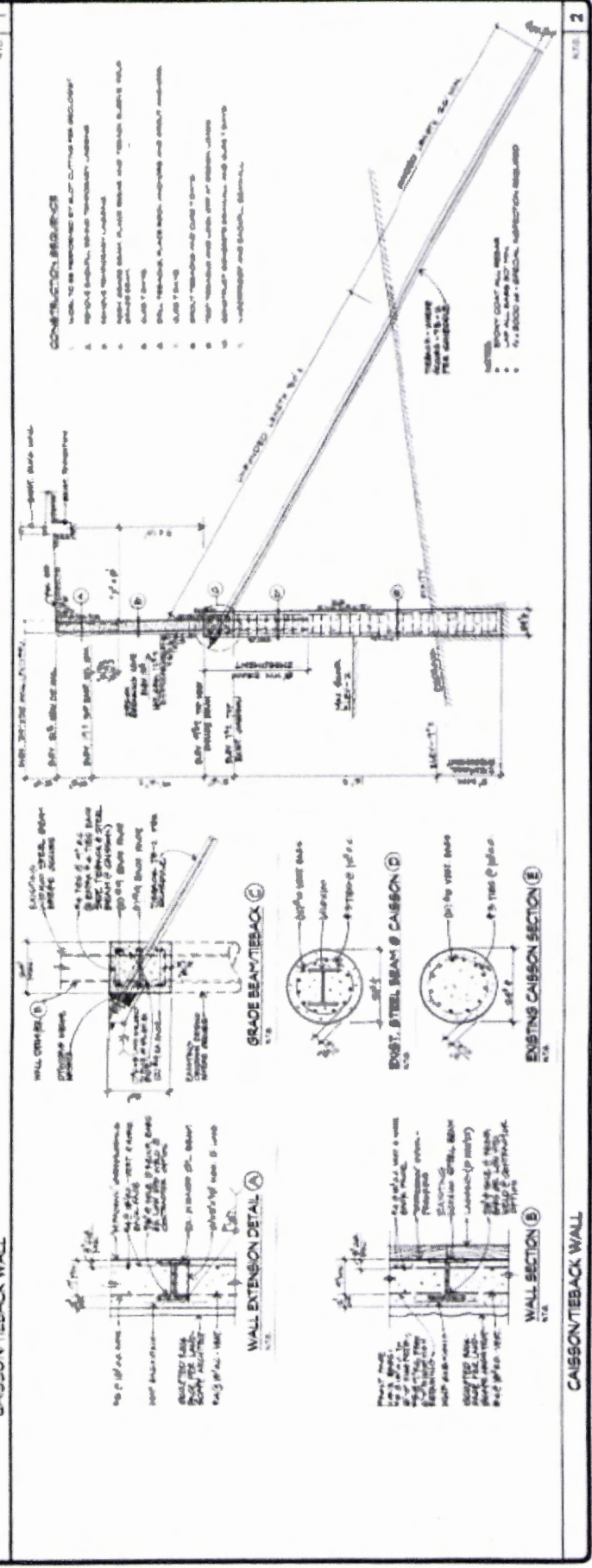
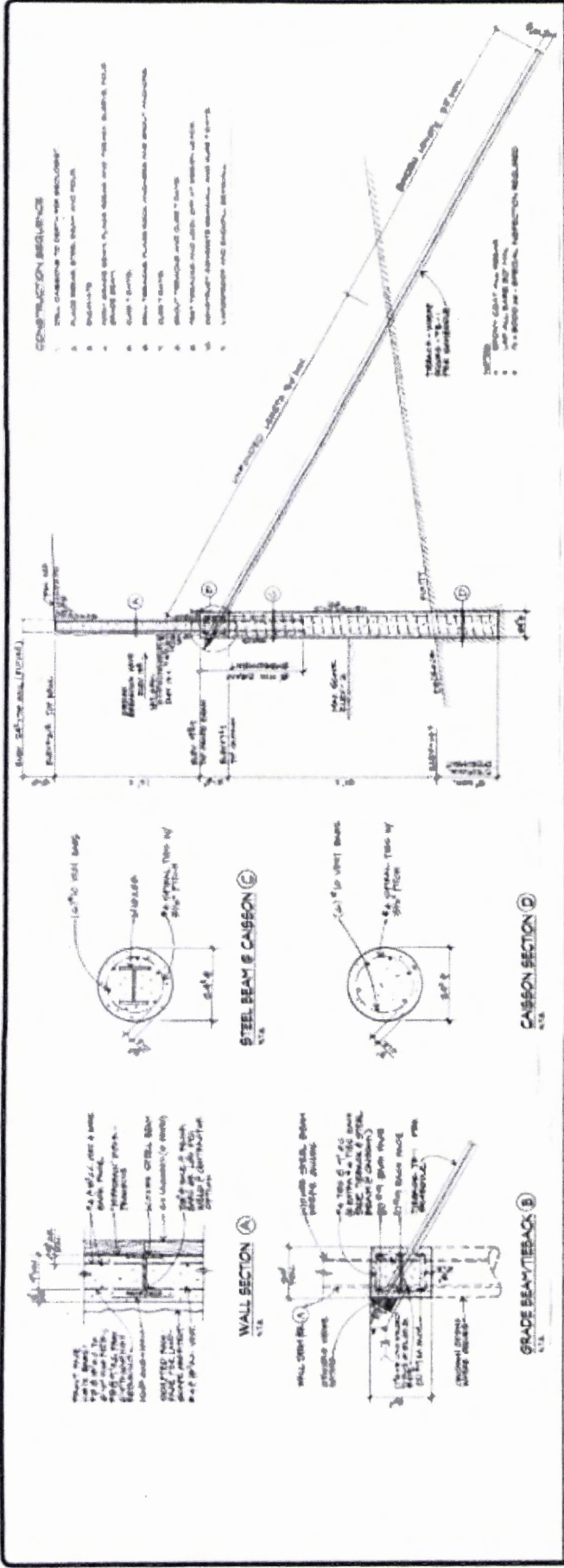
# New Seawall Plans



COASTAL COMMISSION

EXHIBIT # 7  
PAGE 3 OF 6







DATE	
BY	
CHECKED	
APPROVED	

STRUCTURAL DETAILS

LAGUNITA SEA WALL

LAGUNITA DRIVE

LAGUNITA BEACH, CALIFORNIA

HAROLD LARSON structural design

LAGUNITA BEACH, CALIFORNIA

LAGUNITA DRIVE

LAGUNITA BEACH, CALIFORNIA

LAGUNITA BEACH, CALIFORNIA


DATE	
BY	
CHECKED	
APPROVED	

	<p>4</p> <p>TIEBACK DETAIL</p>	<p>5</p> <p>TYPICAL CAISSON</p>	<p>6</p> <p>GRADE BEAM BAR LAPS</p>	<p>7</p> <p>FOOTING REBAR LAPS</p>	<p>8</p> <p>CAISSON WALL</p>
	<p>7</p> <p>FOOTING REBAR LAPS</p>	<p>6</p> <p>GRADE BEAM BAR LAPS</p>	<p>5</p> <p>TYPICAL CAISSON</p>	<p>4</p> <p>TIEBACK DETAIL</p>	<p>3</p> <p>CAISSON WALL</p>
	<p>6</p> <p>GRADE BEAM BAR LAPS</p>	<p>5</p> <p>TYPICAL CAISSON</p>	<p>4</p> <p>TIEBACK DETAIL</p>	<p>3</p> <p>CAISSON WALL</p>	<p>2</p> <p>CAISSON WALL</p>
	<p>7</p> <p>FOOTING REBAR LAPS</p>	<p>6</p> <p>GRADE BEAM BAR LAPS</p>	<p>5</p> <p>TYPICAL CAISSON</p>	<p>4</p> <p>TIEBACK DETAIL</p>	<p>3</p> <p>CAISSON WALL</p>
	<p>8</p> <p>CAISSON WALL</p>	<p>7</p> <p>FOOTING REBAR LAPS</p>	<p>6</p> <p>GRADE BEAM BAR LAPS</p>	<p>5</p> <p>TYPICAL CAISSON</p>	<p>4</p> <p>TIEBACK DETAIL</p>

COASTAL COMMISSION



Simulation showing the rock face on the proposed sea wall.



Before

PROJECT: 11 Lagunita Beach, Laguna BOULDERSCAPE FINISH: Eroded Sandstone COLOR: Med. Earth Blend

Additional Textures

FS #30475 FS #22372 FS #20227

Additional Colors

www.boulderscape.com

"Retaining Nature. Sustaining Beauty"

BOULDERSCAPE

COASTAL COMMISSION

EXHIBIT # 7  
PAGE 6 OF 6

March 23, 2015

TO: Shannon Vaughn, Coastal Program Analyst  
FROM: Lesley Ewing, Sr. Coastal Engineer  
RE: Sand Impacts from 11 Lagunita Drive, Laguna Beach

Seawalls can have many impacts to the coast, altering sediment transport, scour, visual character, and the overall coastal setting. Some of the more identified and quantifiable impacts from the proposed seawall include possible encroachment onto the beach, passive erosion through fixing the back beach location and denial of sand from the bluffs into the littoral sand supply. These impacts are discussed in detail in many studies, articles, and staff reports for seawall permits and will not be covered here.

The engineers for 11 Lagunita Drive have provided the following information concerning potential impacts from construction and long-term use of the seawall that can be used to quantify three of the main impacts – encroachment, fixing the back of the beach and denial of sand to the littoral cell.

- Erosion =  $1 - 2' / \text{yr.}$  (for the initial 20-year period, calculations can use  $1' / \text{yr.}$ )
- Wall length = 100'
- Height of sand bluff inland of wall = 30'
- Wall thickness = 2', based on diameter of caissons

Based on this information and an assumed mitigation life of 20 years, the wall will have the following impacts. These calculations have been used for many years by the Commission as part of the In-Lieu Beach Sand Mitigation and are summarized in Table 1, at the end of this memo.

**Encroachment** = wall thickness x wall length  
=  $100' \times 2' = 200 \text{ sq. ft.}$

**Passive erosion** = wall length x erosion x mitigation life  
=  $100' \times 1' / \text{yr} \times 20 \text{ yr.} = 2,000 \text{ sf. ft.}$

**Denial of Sand** = wall length x height of sand bluff inland of wall x erosion x mitigation life  
=  $100' \times 30' \times 1' / \text{yr} \times 20 \text{ yr} = 60,000 \text{ cy. ft.} = 2,222 \text{ cu. yds.}$

The first two impacts, encroachment and passive erosion, are reported as sq. ft and they represent an area of beach that will be lost due to the seawall construction. The final impact, denial of sand, is reported as cu. ft. or cu. yds. and it represents the volume of sand that will be denied the littoral cell by halting ongoing erosion.

Mitigation for the sand volume has normally be achieved through an in-lieu fee that provided a responsible party with funds that are equivalent to the cost to purchase the calculated volume of beach quality sand and deliver it to the beach. The cost is normally obtained as the average of three separate bids for delivered beach quality sand. The beach quality aspect of the sand has been determined by taking samples of the existing beach sand, determining the  $d_{50}$ , the % of fine sediment (sediment less than 0.125 mm) and the % of coarse sediment (sediment greater than 1.0 mm). The sand used for mitigation should match the  $d_{50}$  within 10% and have a percentage of fines and coarse material that is equal to or less than the percentages identified for the native beach sand.

The losses of beach area have been mitigated though several different methods, often based on the types of programs that are already in place by a local or regional entity that helps with the beach mitigation. Land losses can be mitigated through projects to provide an equivalent area of beach for public use, to purchase an area of

**COASTAL COMMISSION**

A-5-LGB-14-0027

EXHIBIT # 8

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land or to nourish an area of beach equivalent to the lost area. All of these methods have been described in previous staff reports. For examples of land value see CDP #6-07-133 (Li), or 6-09-033 (Garber et al.); for user value see CDP 3-02-024 (Ocean Harbor House) or CDP 6-04-156 (Las Brisas). The sand nourishment method is included in the calculations from Table 1.

Table 1 – Shoreline Protection Impacts Quantified

<b>Shoreline Protection Impacts Quantified</b>	
Volume of Sediment Trapped by Armoring	$V_b = (S \times W \times L) \times [(R \times h_s) + (0.5 H_u \times (R_{cw} - R_{cs}))] / 27$ [Often this reduces to: $V_b = S \times W \times L \times R \times h$ ]
Encroachment onto the Beach	$A_e = W \times E$
Passive Erosion	$A_w = R \times L \times W$
Mitigation Fee	Sand Volume x Cost of Sand
Lost Beach Area	Encroachment + Passive Erosion
<b>Values Defined</b>	
S (Not used for this analysis since all bluff material identified as sand)	Fraction of beach quality material in the bluff material, based on analysis of bluff material to be provided by the applicant.
W	Width of property to be armored (ft.)
L	The length of time the back beach or bluff will be fixed or the design life of armoring without maintenance (yr.) For repair and maintenance projects, the design life should be an estimate of the additional length of time the proposed maintenance will allow the seawall to remain without further repair or replacement.
R	The retreat rate which must be based on historic erosion, erosion trends, aerial photographs, land surveys, or other accepted techniques and documented by the applicant. The retreat rate should be the same as the predicted retreat rate used to estimate the need for shoreline armoring.
$h_s$ (Not used for this analysis since all bluff material will erode similarly)	Height of the seawall from the base to the top (ft).
$H_u$ (Not used for this analysis since all bluff material will erode similarly)	Height of the unprotected upper bluff, from the top of the seawall to the crest of the bluff (ft).
$R_{cu}$ (Not used for this analysis since all bluff material will erode similarly)	Predicted rate of retreat of the crest of the bluff, during the period that the seawall would be in place, assuming no seawall were installed (ft/yr). This value can be assumed to be the same as R unless the applicant provides site specific geotechnical information supporting a different value.
$R_{cs}$ (Not used for this analysis since all bluff material will erode similarly)	Predicted rate of retreat of the crest of the bluff, during the period that the seawall would be in place, assuming the seawall has been installed (ft/yr). This value will be assumed to be zero unless the applicant provides site specific geotechnical information supporting a different value.
E	Encroachment by seawall, measured from the toe of the bluff or back beach to the seaward limit of the protection (ft.)

**COASTAL COMMISSION**

EXHIBIT # 8

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