

Click here to go to  
original staff report

**RECEIVED**  
South Coast Region

AUG 11 2015

To: California Coastal Commissioners  
From: Mark Fudge  
Date: August 10, 2015  
Re: Appeal A-5-LGB-15-0048

CALIFORNIA  
COASTAL COMMISSION

Honorable Commissioners,

I am writing today to express my objections to the staff report recommending a finding of "No substantial issue" for my appeal on the project at 31949 Coast Highway in Laguna Beach. I believe there is missing information as well as mis-information presented.

It is indisputable that the project lies in an ESA (environmentally sensitive area) as mapped on the Water Quality ESA Map (Exhibit 1), and as described on the city staff report and the city's GIS maps(Exhibit 2). This fact alone requires compliance with Action 7.4.2 of the city's certified LCP to "*continue preparation of initial studies...for any proposed development, including single-family residences located within environmentally sensitive areas.*" Curiously, this WQESA location fact was not discussed in the coastal staff report even though it was brought up in the original appeal. Instead, the staff contorted the rational to take this oceanfront property and attempt to remove it from a protected status area. This downplay is directly opposed to usual procedures and causes great concern as to the precedent it may set.

Additionally, I want to address 3 other issues in my objection -

1) The coastal staff has confused the specific meaning of ESA(ESHA) as defined by the Coastal Act with the much broader meaning of "an environmentally sensitive area". ESAs are environmentally sensitive areas, but they are not the exclusive environmentally sensitive areas - they are a subset. In other words, all ESAs are environmentally sensitive areas but not all environmentally sensitive areas are ESAs.

2) To say that the city staff was "in error" to determine the property is in an environmentally sensitive area is an over-reach the coastal staff's authority.

3) The separation of the 'beach cottage' from the 'beach house' as a means to avoid historic significance review.

I will go into more detail below:

1. The definition of "ESA" vs "environmentally sensitive areas"

The Coastal Commission has recommended (in the Local Programs Update Guide) that cities '*...incorporate the definition of ESHA in Section 30107.5 as the definition of an ESA to avoid confusion.*'... This effectively equates ESA with ESHA. In contrast, an 'environmentally sensitive area' is a much broader term - this definition would include watercourses, earthquake faults, landslide areas, etc. In Laguna Beach the definition includes oceanfront coastal properties.

The City of Laguna Beach's certified Land Use Plan Open Space/Conservation Element contains a definition of ESA that has determined that these ESA(ESHA) areas **shall be identified and mapped on a Coastal ESA Map.** (These areas include "*areas shown on the Biological Resource Values Map as very high habitat value and (certain)streams ... areas of open coastal water ... areas of special biological significance...*" etc.)

In 1974 the City Council adopted an 'Environmentally Sensitive Areas Map'. The map records not only watercourses (major drainage courses), but also earthquake faults, major landslide areas, open space preserve areas and **sensitive coastal properties (oceanfront lots)**. (See Exhibit 3). Unfortunately, this map has (to my knowledge) not been updated to show the ESAs(ESHAs) but instead new maps were created showing 'Biological Values' (Exhibit 3) and 'Watercourses' but did not include the area of South Laguna since the LUP Amendment 1-95 addressing such was withdrawn in March of 1996. For over 20 years, the maps have been lacking. It is confusing and unconscionable that this situation still exists to this day.

2. The City's determination of subject location in an 'environmentally sensitive area' and the coastal staff's characterization of such as an error.

I believe the staff's declaration that the city 'made an error' in determining the environmental sensitivity of the location of the project is an extreme over-reach of their authority. Since 1974, the City has determined 'coastal properties' (i.e. oceanfront) to be 'environmentally sensitive areas' on a map. To say that the oceanfront is an 'environmentally sensitive resource' not 'area' and that it is therefore not subject to a higher standard of review is to loosen the restrictions on the parcel and would be counter-intuitive to well established city and commission policies and historic decisions. The fact that the definition of environmentally sensitive areas is not included in the definition of environmentally sensitive lands/resources does not negate the fact that the oceanfront also qualifies as an environmentally sensitive area.

The determination of the parcel as an 'environmentally sensitive area' is noted on the city's staff report, on the "Parcel Information Report" (Exhibit 2) from the city's GIS (Geographic Information System). The parcel is also on the city's environmental constraints maps in the Seismic Hazard Liquefaction Area and the Seismic Hazard Landslide Area (Exhibit 4).

As two court cases (Yost v Thomas and San Mateo County Landowner Assoc. v CCC) explain, the Coastal Act "does not explicitly claim to preempt local planning authority..." and "Under the act, local governments, therefore, also have the discretion to be more restrictive than the act." "The Commission performs a judicial function when it reviews a local government's LCP— it determines whether the LCP meets the minimum standards of the act, but once an LCP has been approved by the Commission, a local government has discretion to choose what action to take to implement its LCP: it can decide to be more restrictive with respect to any parcel of land, provided such restrictions do not conflict with the act."

"The discretion accorded local governments in establishing, creating and implementing land use plans is most clearly reflected in the language of section 30005: "No provision of this division is a limitation on any of the following: (a) Except as otherwise limited by state law, on the power of a city or county or city and county to adopt and enforce additional regulations, not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use of other activity which might adversely affect the resources of the coastal zone." "The act, therefore, leaves wide discretion to a local government not only to determine the contents of its land use plans, but to choose how to implement these plans."

### 3. Historic aspects

For some reason, the analyst is making some distinction between the 'beach cottage' and 'the beach house' and is claiming that there is no development on the 'beach cottage' and therefore the 'possible environmental sensitivity of the project due to the potential historical nature of the cottage is outside of the scope of the City-approved project because no work to the beach cottage is proposed by the applicant or approved by the City."

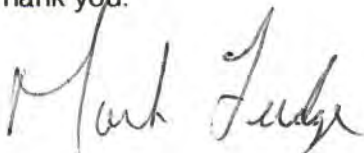
While it is true that no work is being proposed to the cottage on the sand, that cottage building is not the full extent of the "John Wayne Beach House". The property is essentially a 'compound' - not just a house, or a cottage but multiple buildings. All it takes is to look at the plans provided by the project designer to see that each of them say "John Wayne Beach House". The owner himself has written a letter to neighbors with the claim "After 40 years of owning and my family living at **The John Wayne Beach House**, you'll be delighted to know that I'm doing a **refresh of the exterior** over the next few years". (Exhibit 5). There are also multiple other documents that are attached in Exhibit 5 that will show the entire parcel, including all buildings, were part of the "John Wayne Beach House". As one letter describes it: "We purchased the property from actor John Wayne and we know that he made no alterations...This is a large property of 9100 square feet consisting of three separate buildings, each in its original as purchased condition. In other words, the property was designed for a large active family, including guests and attendant service personnel, and use of this property has not intensified since the day it was originally constructed".

Neither the coastal analyst nor the city staff have the qualifications to make any determination of the historic value of this home. This can only be done by a historian through an assessment. The property is not on the city's historic inventory because the inventory was done so long ago (early 1980's) that the house/cottage/property did not qualify by age at that time - but it does now. In the LUE glossary, item 58. Historic Preservation states that '*Special preservation consideration should also be given to any structure over 45 years old*".

As per CEQA 21084.1 - "*The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set for the in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section*". Criterion 2 of the Criteria for Designation spelled out by the California Office of Historic Preservation is "*Associated with the lives of persons important to local, California or national history*". Clearly the beach house of an American icon such as John Wayne should be given consideration by properly qualified experts. This beach house is the only remaining possible historic home of his in Orange County in that the city of Newport Beach allowed his primary residence to be demolished.

In conclusion, the staff report (page 10) states that the '*project will, in fact, have no impact on environmentally sensitive area resources or other coastal resources.*' This statement is unsubstantiated. There is no evidence presented to come to that conclusion until an initial study is prepared as required by the city's General Plan Land Use Element - Action 7.4.2.

Thank you.



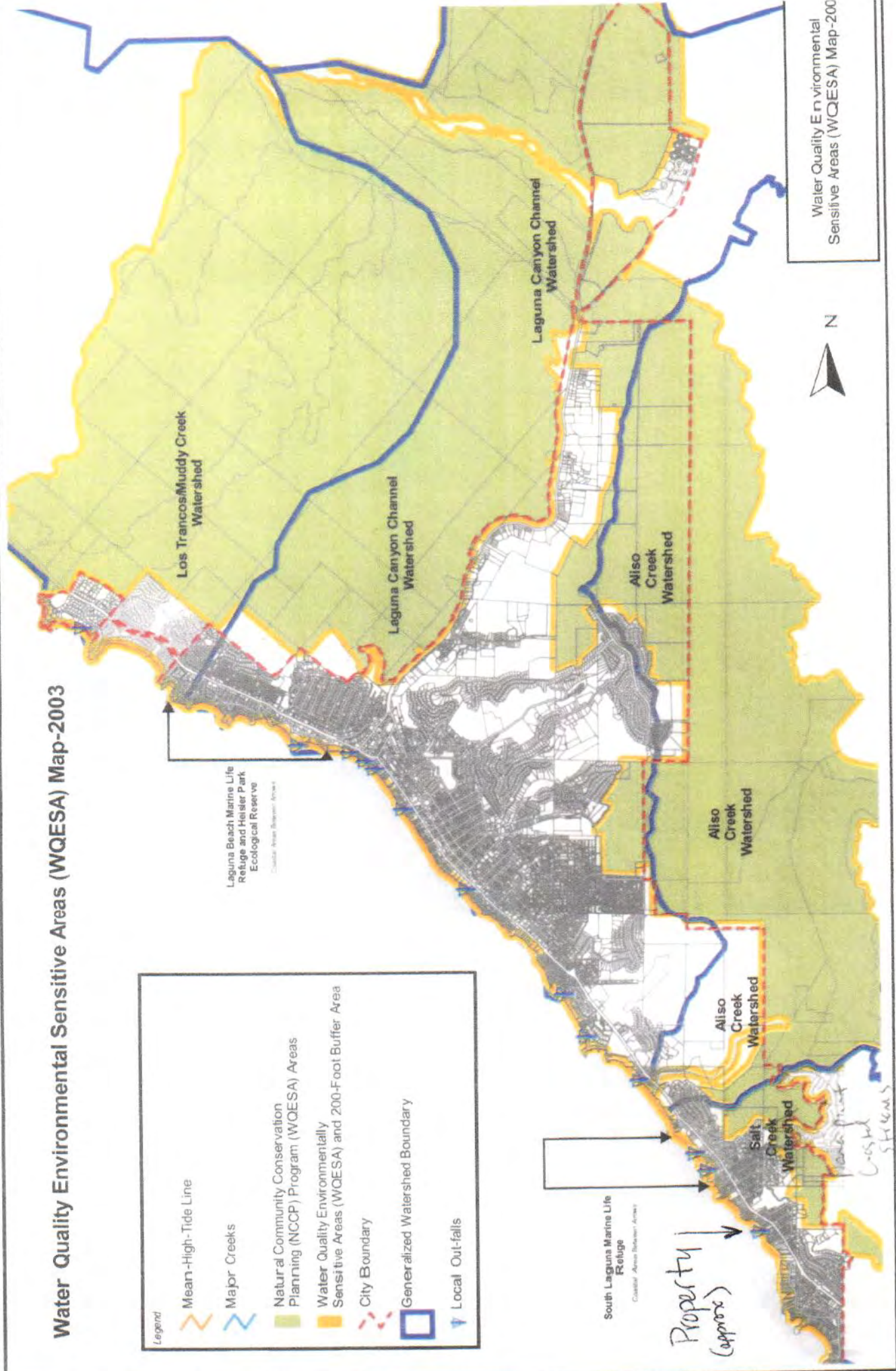
# EXHIBIT 1

Water Quality ESA Map

# Water Quality Environmental Sensitive Areas (WQESA) Map-2003

**Legend**

-  Mean-High-Tide Line
-  Major Creeks
-  Natural Community Conservation Planning (NCCP) Program (WQESA) Areas
-  Water Quality Environmentally Sensitive Areas (WQESA) and 200-Foot Buffer Area
-  City Boundary
-  Generalized Watershed Boundary
-  Local Out-falls



Water Quality Environmental Sensitive Areas (WQESA) Map-2003

# EXHIBIT 2

## Parcel Information Report

City of Laguna Beach Geographic Information System (GIS)

**Parcel Information Report**

08/01/2015

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Site Street Address	31949 Coast Hy
Assessor Parcel No. (APN)	658-113-49
Parcel ID No. (PIN)	11006
Property Owner(s)	Greg A Macgillivray
Parcel Area (sq. ft.)	8224
Zone(s)	R1
Specific Plan	None
General Plan Land Use Designation(s)	VLD
Building Site Status	Yes
Historic Resources Inventory Rating (C, K, E, X)	
Historic Register Designation Date	
<b>Environmental Constraints</b>	<b>Coastal/WQESA/VHFHSZ</b>
On-Site Turnaround Required	Yes
Special Subdivision Map Building Setbacks	None
Special Street Plan Requirements	100ft Coast Hwy ROW
Special Subdivision Map Height Standards	None
Recommended Landscaping and Setbacks	Refer to Landscape & Scenic Hwys Res DocRefer to La
FEMA Flood Zone	X
Flood Plain Map Effective Date	12/03/2009
FEMA Flood Zone Map Panel	06059C0501J
Private Sewer Lateral Corrective Notice Date	
Private Sewer Lateral Compliance Clearance Date	

# EXHIBIT 3

environmentally sensitive areas map(2)  
("Coastal ESA map")  
and  
Biological Resources Value map



# environmentally sensitive areas

- open space preserved areas
- major landslide areas
- earthquake faults
- coastal properties

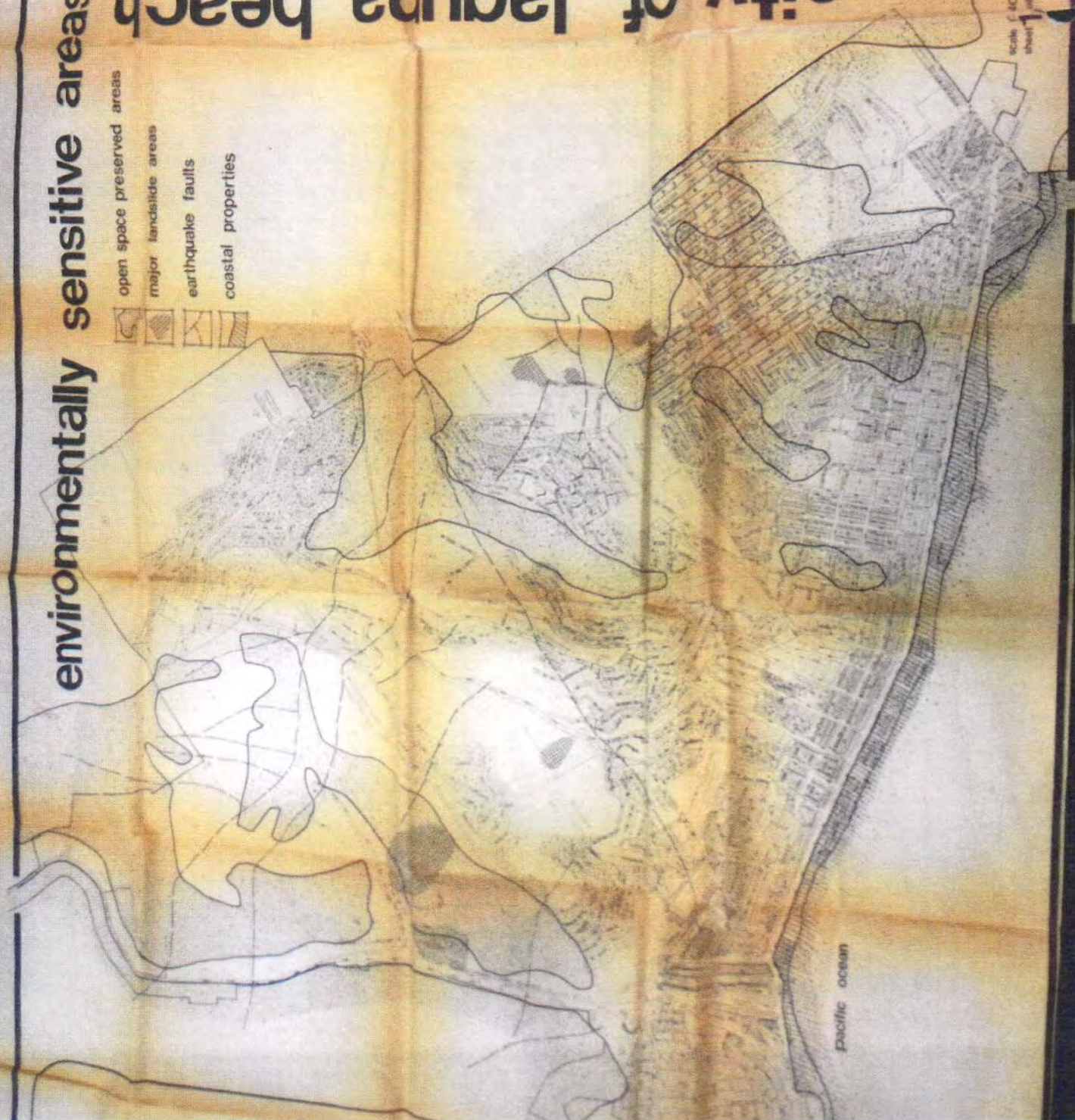


# city of laguna beach



scale 1:400  
sheet 1 of 2

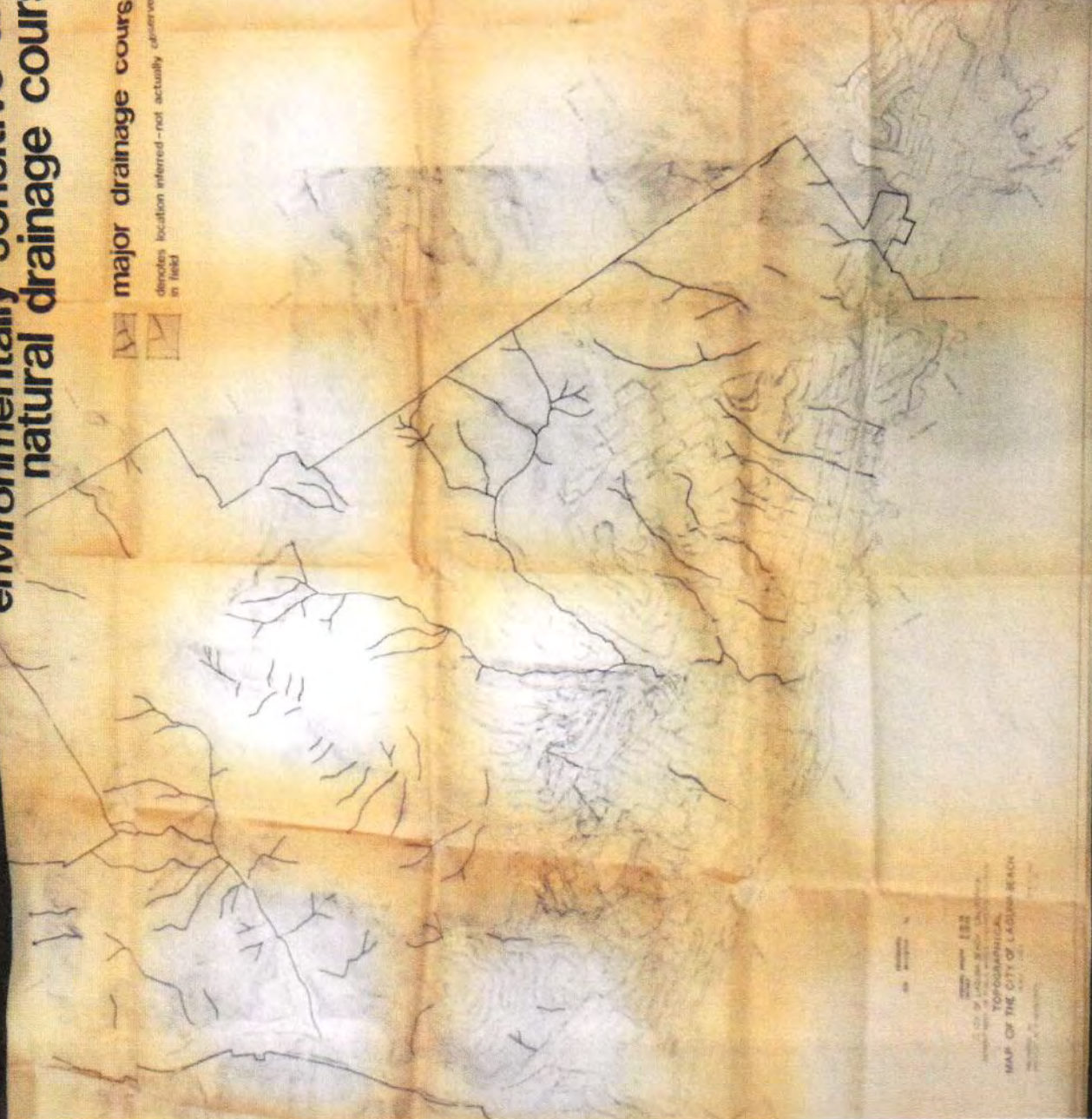
pacific ocean



**environmentally sensitive areas:  
natural drainage courses**

**City of Laguna Beach**

**major drainage course**  
direction location inferred - not actually observed  
in field



1982  
City of Laguna Beach, California  
TOPOGRAPIK  
MAP OF THE CITY OF LAGUNA BEACH

212

**General Plan and Local Coastal Plan**

**Biological Resource Values**

- High Value
- Very High Value

Scale: 1 inch = 100 feet

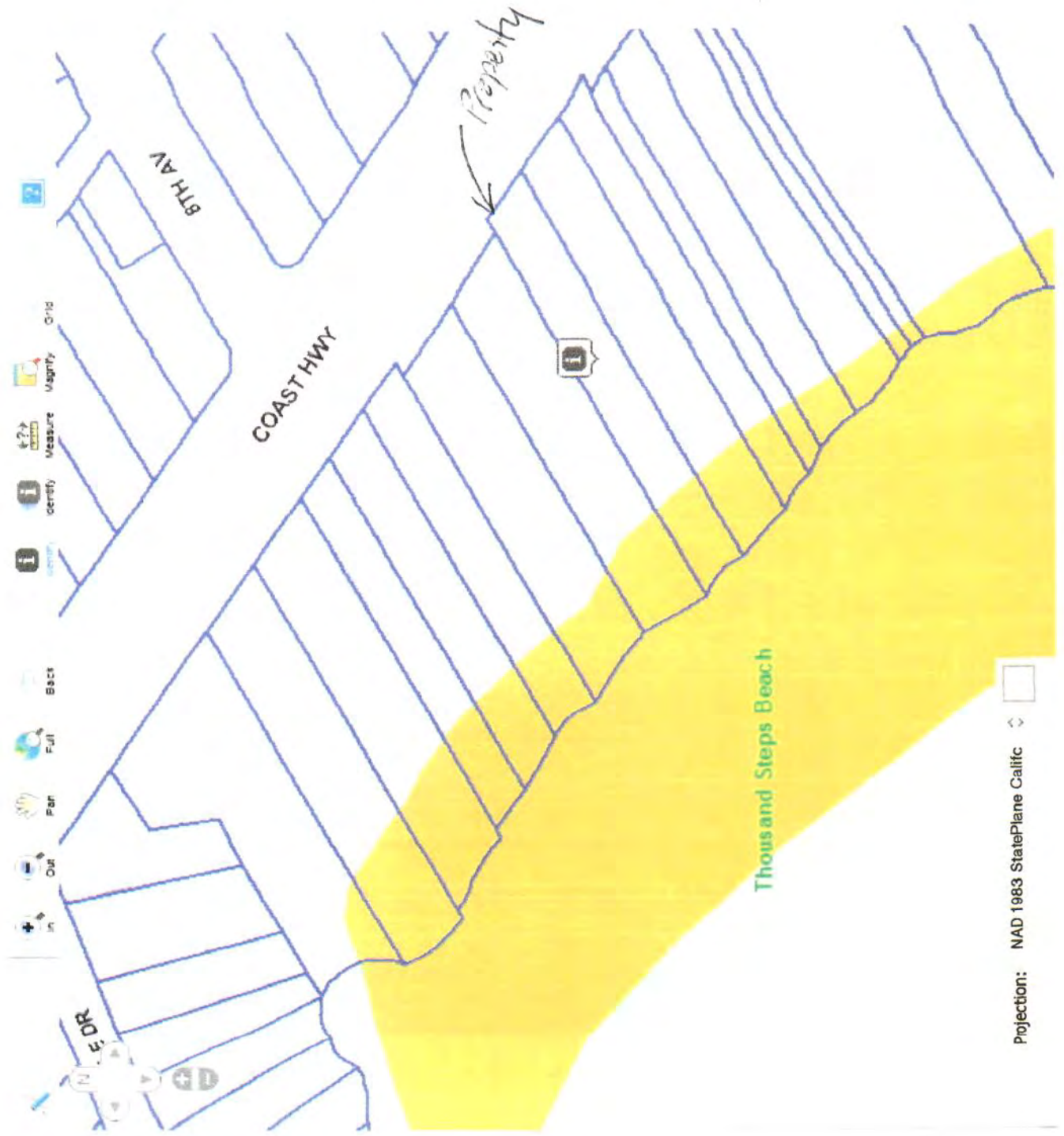


City of Laguna Beach

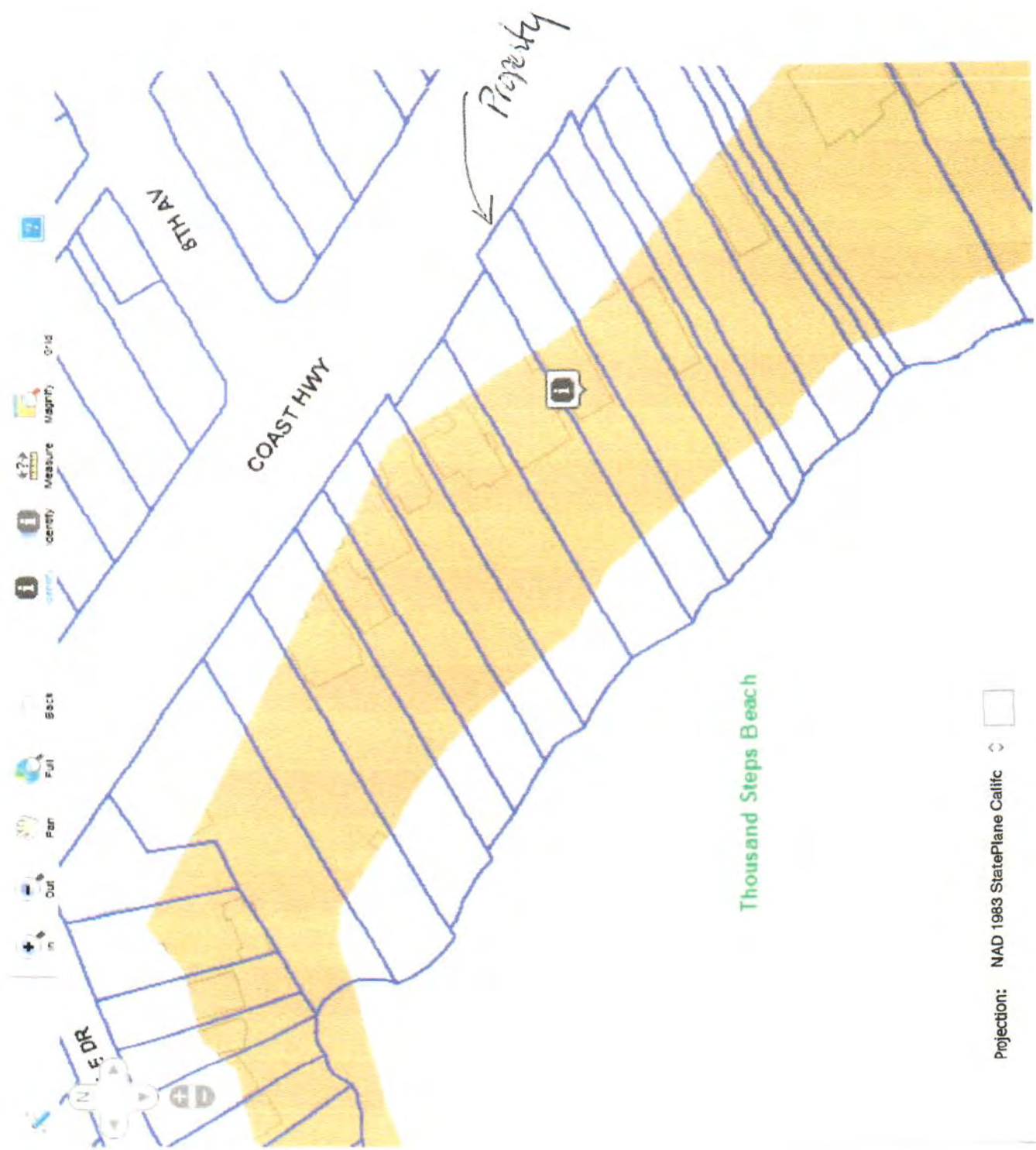
# EXHIBIT 4

environmental constraint maps -  
Seismic Hazards (2)

Seismic Hazard  
Liquifaction Area



Seismic Hazard  
Landslide Area



Projection: NAD 1983 StatePlane Calif

# EXHIBIT 5

John Wayne Beach House documents

CC: BD

April 20, 2015

Dear Neighbors,

# NEIGHBORS,

After 40 years of owning and my family living at **The John Wayne Beach House**, you'll be delighted to know that I'm doing a **refresh of the exterior** over the next few years. The remodel work will probably take place in 2017 or 2018.

We're at 31949 Coast Highway, just 3 doors north of The Thousand Steps, and we bought the house from actor John Wayne in 1973. Yes, he and his cronies would ride the tram to the Beach House, play poker, drink whiskey, and enjoy our beautiful cove, 1960 to 1973. The building hasn't changed since then! So, now, finally, we're making it look better – and **NOT BIGGER**, but smaller! You'll see by the enclosed plans that we're actually moving the oceanfront wall in by 3 feet, so we can have a wider deck – **so the neighbors will love that the building is even smaller**. The Beach House, on the sand, will have no change.

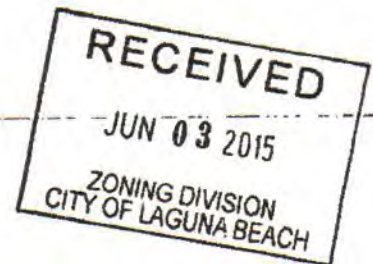
Since we've all been such good neighbors and friends over the past 42 years that we've owned this building, I want you to be comfortable with what our plan is over the coming years. And yes, we plan to keep the building for at least the next ten years.

Please review the plans and **let me know over the next month** if you have any suggestions or concerns. I've enclosed a form and SASE for that use. And, if you like the change (it will look better, believe me), let me know that too.

Thanks.

Yours in a healthy ocean,

Greg MacGillivray  
Producer/Director



PO Box 205  
Laguna Beach, CA 92652  
FLY TO: [MacFreeFilms.com](http://MacFreeFilms.com), or [OneWorldOneOcean.com](http://OneWorldOneOcean.com), or  
[OneWorldOneOceanFoundation.org](http://OneWorldOneOceanFoundation.org)

*"The only thing blurry about a MacGillivray Freeman film is the line between prose and poetry. They have opened the door to science education for thousands of people by making some of the most beautiful films of this century."*

— Meryl Streep



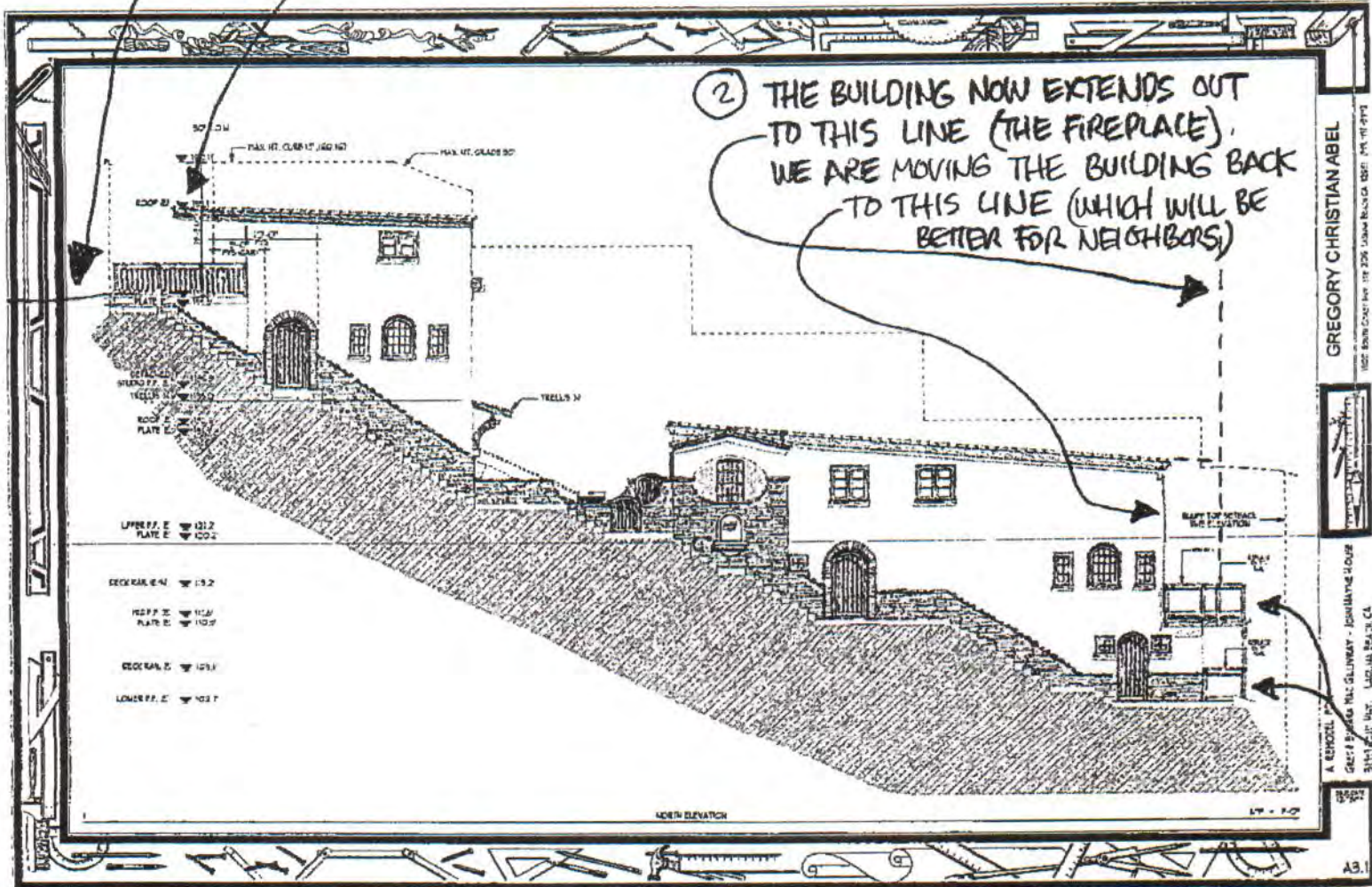
# JOHN WAYNE BEACH HOUSE

31949 COAST HWY, LAGUNA

THIS PROPERTY FOR 42 YEARS & ARE NOW PLANNING AN EXTERIOR "SPRUCING-UP!" HERE ARE THE CHANGES

- ① THE COAST HIGHWAY GARAGES ARE UNCHANGED -- SAME HEIGHT AND BULK -- BUT THEY'LL LOOK BETTER.

COAST HIGHWAY



- ③ TODAY, THE BUILDING IS WOOD SHINGLE. THIS DESIGN WILL BE "TUSCAN" WITH BEAUTIFUL STUCCO AND RED TILE ROOF (MORE CHARMING).

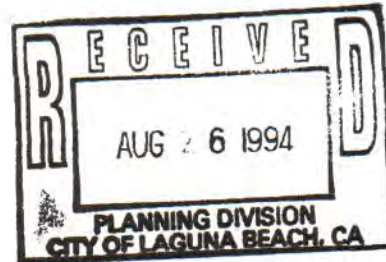
- ④ THE NEW DECK & HANDRAILS WILL EXTEND TO THE SAME LINE AS TODAY

- ⑤ IF YOU, OUR NEIGHBOR, HAVE ANY CONCERNS, PLEASE WRITE ME (USE SASE) OR BY EMAIL [gm@macfreefilms.com](mailto:gm@macfreefilms.com)

- GREG MACGILLMURRAY

Greg MacGillivray  
P.O. Box 205  
Laguna Beach, CA 92652

August 24, 1994



Kathryn Lottes  
Principal Planner  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651

Dear Ms. Lottes:

Re: Application for Use Permit for Second Unit in  
South Laguna at 31949 Coast Highway

In response to your letter of July 27, I have enclosed floor plans of the second and third buildings at the above address.

Mr. MacGillivray has explained to me that the property was built in the 1950's with a beach house, main house, and maid's unit -- all permitted at the time. The lower bedroom of the main house was made into an apartment sometime in the '60's before John Wayne purchased the property. Mr. MacGillivray purchased the property from Mr. Wayne in 1973 and the maid's unit and beach house are already permitted structures.

If you have any questions or need further information, please let me know. Thank you for your assistance.

Sincerely,

*Cheryl Real*

Cheryl Real  
for  
Greg MacGillivray

SCANNED

FAX MEMO

TO: Kathy Lottes  
RE: 31949 Coast Highway  
FAX #: 497-0771  
FROM: Cheryl

NUMBER OF PAGES: Six

DATE: January 8, 1995

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Dear Kathy:

The following five pages are taken from Greg's purchase file for the above property. They do seem to fully describe the property as it was then (1973) and the basic layout is the same today.

We had no luck in getting anything from the Board of Realtors in the way of the original listing.

Please let me know your thoughts on this.

Thank you,

*Cheryl*  
Cheryl Real

SCANNED

Greg MacGillivray  
P.O. Box 205  
South Laguna, CA 92677

April 6, 1990

Ms. Dee Dillon  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651

Dear Dee:

In response to your letter of March 29, 1990, our property at 31949 Coast Highway was purchased by us in 1973 (17 years ago) and no kitchens have been added to the property either by us or by other previous owners. We purchased the property from actor John Wayne and we know that he made no alterations on the property after the original construction which was done under permit in the 1950's. This is a large property of 9100 square feet consisting of three separate buildings, each in its original as purchased condition. In other words, the property was designed for a large active family, including guests and attendant service personnel, and use of this property has not intensified since the day it was originally constructed.

We have done our best to make this response by your deadline of April 6, 1990. Please give me a call if you have further questions.

Sincerely,

*Cheryl Real*

Cheryl Real  
Property Supervisor  
for Greg MacGillivray

CR:kb

**RECEIVED**  
**APR 6 1990**  
**BUILDING DIVISION**

SCANNED

RECORDING REQUESTED BY

3237

BOOK 10676 PAGE 762

\$3.00

RECORDED AT REQUEST OF SECURITY TITLE INS. CO. IN OFFICIAL RECORDS OF ORANGE COUNTY, CALIF. MAY 3 1973 J. WYLIE CAMBLE, County Recorder

AND WHEN RECORDED MAIL TO

NAME MacGillivray-Freeman Films ADDRESS P. O. Box 205 CITY & STATE South Laguna Beach, California 92677

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO

NAME ADDRESS abc JOHN WAYNE GRANT DEED CITY & STATE

Documentary transfer tax \$90.20 [ ] Computed on full value of property conveyed, or [x] Computed on full value less liens & encumbrances remaining thereon at time of sale. Signature of declarant or agent determining tax - firm name [ ] Unincorporated area [ ] City of A.P.# 4-124-23

Grant Deed

THIS FORM FURNISHED BY SECURITY TITLE INSURANCE COMPANY

This is the GRANT DEED dated 3/7/73

Recorded 5/3/73

35958

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

JOHN WAYNE and PILAR WAYNE, husband and wife.

hereby GRANT(S) to

MAC GILLIVRAY-FREEMAN FILMS, a Partnership.

the following described real property in the unincorporated area of the county of Orange, state of California:

The Northwesterly 35 ft. (measured along the Northeasterly line) of Lot 24 of Three Arches Palisades No. 2, as per map recorded in Book 3, pages 16 and 17, of Records of Surveys, in the Office of the County Recorder of said County.

EXCEPTING any portion of said land which lies below the line of the mean high tide of the Pacific Ocean. Subject to covenants, conditions, restrictions, easements, rights and rights of way and encumbrances of record.

CALIFORNIA COUNTY DOCUMENTARY TAX CANCELED MAY 10 1973 \$90.20

Dated March 7, 1973

John Wayne Pilar Wayne

STATE OF CALIFORNIA COUNTY OF Los Angeles ss.

On March 15, 1973 before me, the undersigned, a Notary Public in and for said County and State, personally appeared John Wayne and Pilar Wayne

FOR NOTARY SEAL OR STAMP

known to me to be the person(s) whose name(s) are subscribed to the within

OFFICIAL SEAL

Date Recorded 5-3-73

# F. M. Tarbell Co.

Escrow No. 7-1119

ESCROW DEPARTMENT

SELLER - BORROWER

BUYER - LENDER  
MAC GILLIVRAY and  
FREEMAN

Property: 31949 Coast Highway, South Laguna, Calif.

SELLER - BORROWER		BUYER - LENDER		
Debit	Credit	ITEMS	Debit	Credit
		DEPOSIT		5,000 00
		DEPOSIT	210,000 00	28,000 00
		<del>DEMAND</del> Demand for Deed		126,346 3
		<del>DEMAND</del> Principal balance of 1st T.D. of record		
		PRINCIPAL BALANCE OF FIRST TRUST DEED OF RECORD		
		PRINCIPAL BALANCE OF SECOND TRUST DEED OF RECORD		53,653 6
		PURCHASE MONEY DEED OF TRUST		
		NEW LOAN		
		ADJUSTMENTS		
		TAXES \$ 929.50 PER 6 mo. FR. 5-3 TO 7-1	299 42	
		\$ PER FR. TO		
		INSURANCE \$ 662.00 PER 3 yrs. FR. 5-3 TO 5-13-74	226 76	
		\$ 639.00 PER 3 yrs. FR. 5-3 TO 5-13-74	219 00	
		RENT \$ PER FR. TO		
		\$ PER FR. TO		52 5
		INTEREST ON \$ 126,346.35 AT % FR. 5-1 TO 5-3		
		\$ AT % FR. TO		
		PRINCIPAL OF NOTE - DEMAND FOR RECONVEYANCE OF TD		
		PLUS INT. on \$ at % To		
		PRINCIPAL OF NOTE - DEMAND FOR RECONVEYANCE OF TD		
		PLUS INT. on \$ at % To		
		DISBURSEMENTS		
		RENTS- Apt. A- Vacant		173
		Apt. B- \$400 mo. paid to 5-5		180
		Apt. C- \$200 mo. paid to 5-30		303
		Beach house- APT. \$350 mo. paid to 5-28		900
		Cleaning deposits and Security Deposits		
		Transfer fee to Laguna Federal Savings and Loan	1,900 28	
		LENDERS SERVICE CHARGE		
		COMMISSION PAID TO		
		COMMISSION PAID TO		
		COMMISSION PAID TO		
		TERMITE REPORT - WORK		
		HALF TAXES FR. TO		
		TITLE POLICY		
		RECONVEYANCE FEE		
		REVENUE STAMPS (ON DEED)		
		TAX SERVICE	15 00	
		RECORDING		
		INSURANCE ENDORSEMENT FEES	295 00	
		ESCROW FEE	10 00	
		DRAWING DOCUMENTS		
		NOTARY FEE		
		ESCROW LOAN FEE IN FEE	10 00	
		SERVICE CHARGE FOR SENDING PAPERS		
		BALANCE - CHECK HEREWITH	1,633 83	
		BALANCE - CHECK HEREWITH		

WAYNE  
CLOSING  
PAPERS

This is the Escrow closing statement showing the costs per unit

Dated 5/3/73

COMPLETED



DATE: 4/10/73

SUBJECT: Furnishings Inventory

JUNE PLACE, BROKER  
PHONE 714-424-9704  
2969 SO. COAST HWY.  
LAGUNA BEACH CALIFORNIA 92651

FURNISHINGS WITH THE WAYNE UNITS  
LOCATED AT 31949 SO COAST HIGHWAY

APARTMENT #A

Refrigerator & Stove

Apartment #B

Kitchen units built in complete and refrigerator  
(1) Round game table and six chairs  
Gas log and grate for fireplace  
(1) Kitchen iron stool  
(1) Wall lamp.  
(1) Bedroom wall lamp  
(1) Bedroom wall lamp

Apartment #C

(1) Refrigerator  
(1) Built in stove

Beach House

(1) Swag lamp  
(1) Wall lamp  
(1) King size bed complete with spread  
(1) G.E. refrigerator & stove  
(1) Gas log and grate  
(2) Outdoor lounges

Balance of furniture belongs to Mr. Wayne and can be purchased  
by contacting agent E. Robinson for arrangements.

Respectfully submitted:

E. Robinson  
Agent for Mr. Wayne

This is an  
inventory statement  
from John Wayne's  
agent dated  
4/10/73

SCANNED

46 YEARS OF SERVICE

OFFICES IN CALIFORNIA • OREGON

1920 S. Coast Highway  
Laguna Beach, Ca. 92651  
(714) 494-8003

RENT STATEMENT

21045 Coast Highway, South Laguna

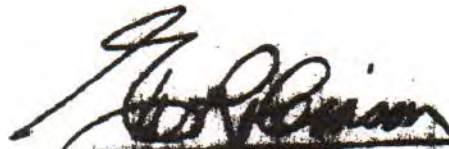
Apt A - Vacant

Apt B - Churchill - \$400. per month paid to 5/15/73  
Plus \$100. Security deposit and \$150. Cleaning deposit

Apt C - MacLean - \$200. per month paid to 4/30/73  
Cleaning deposit \$100.

(Above rentals are month to month)

Beach House - Sheffield. Leased to 7/31/73 @ \$350. per month  
paid to 4/29/73. Cleaning deposit \$250.00



E. W. Robinson  
Agent for seller

This is a rent statement  
from Jim Wayne's agent  
dated 4/10/1973

SCANNED



ADDRESS OF PROPERTY INSPECTED: 3194 S. Coast Hwy. City Laguna Beach CO CODE 30 4017 DATE OF INSPECTION 3-12-73

FIRM NAME AND ADDRESS: Sears Termites & Pest Control, 2051 E. Cerritos Avenue, Anaheim, California 92806

Affix stamp here on Board copy only  
 ↓ A LICENSED PEST CONTROL OPERATOR IS AN EXPERT IN HIS FIELD. ANY QUESTIONS RELATIVE TO THIS REPORT SHOULD BE REFERRED TO HIM.

FIRM LICENSE NO 4476 CC REPORT NO (if any) 2157 STAMP NO. 098652E

Inspection Ordered by (Name and Address): Ed Robinson Place Realty 2969 S. Coast Hwy. Laguna Beach  
 Report Sent to (Name and Address): Same  
 Owner's Name and Address: Markab Management Assoc. Same

Name and Address of a Party in Interest: \_\_\_\_\_  
 INSPECTED BY: G. Jackman LICENSE NO 5495 Original Report  Supplemental Report  Number of Pages \_\_\_\_\_

YES	CODE	SEE DIAGRAM BELOW	YES	CODE	SEE DIAGRAM BELOW	YES	CODE	SEE DIAGRAM BELOW
<input checked="" type="checkbox"/>	S	Subterranean Termites	<input type="checkbox"/>	E	Beams/Other Wood Parts	<input checked="" type="checkbox"/>	Z	Dampwood Termites
<input type="checkbox"/>	K	Dry Wood Termites	<input type="checkbox"/>	FG	Faulty Grade Levels	<input type="checkbox"/>	SL	Shower Leaks
<input type="checkbox"/>	F	Fungus or Dry Rot	<input checked="" type="checkbox"/>	EC	Earth-wood Contact	<input checked="" type="checkbox"/>	X	CD Cellulose Debris

- SUBSTRUCTURE AREA (soil conditions, accessibility, etc.) Slab & Conventional, Dry access S, CD, (See 1)
- Was Stall Shower water tested? Yes Did floor coverings indicate leaks? No
- FOUNDATIONS (Type, Relation to Grade, etc.) Concrete above grade EC, (See 3)
- PORCHES... STEPS... PATIOS O.K.
- VENTILATION (Amount, Relation to Grade, etc.) Adequate
- ABUTMENTS... Stucco walls, columns, arches, etc. None
- ATTIC SPACES (accessibility, insulation, etc.) No attic open beam
- GARAGES (Type, accessibility, etc.) Triple garage attached
- OTHER

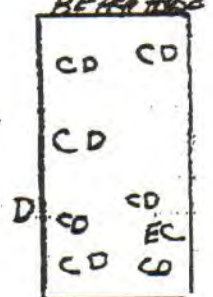
DIAGRAM AND EXPLANATION OF FINDINGS (This report is limited to structure or structures shown on diagram.)

General Description: Three split level apartments and beach house. Interior furnished and occupied at time of this inspection. In compliance with the Structural Pest Control Act of California, we do not move furniture, rugs or carpeting, so inspection of these areas is not practical, nor is it included in this report.

This is a pest report dated 3/12/73 showing the 4 units

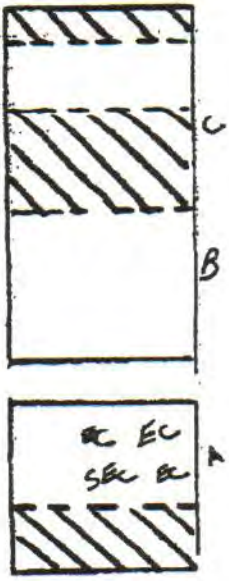
FINDINGS

- SUBSTRUCTURE: A-Medium debris noted in underarea.  
 B-Subterranean Termites noted in subarea as marked by S on diagram.
- FOUNDATION: A-Piers as indicated on diagram do not have masonry footing. Earth contact exists. Beach House.  
 B-Earth wood contact at bench legs as indicated by EC on diagram.



RECOMMENDATIONS

- SUBSTRUCTURE: A-Remove all scrapwood and cellulose debris from the underarea and haul away from premises. Form boards and stakes that are impractical to remove will be chemically treated.  
 B-Treat underarea with our registered toxic solution for extermination of Subterranean Termites, using not less than 5 gallons per each 100 square feet. Apartment A.
- FOUNDATIONS: A-Install concrete pier and new pier post to eliminate earth wood contact.  
 B-Apartment A-cut off legs and insert concrete brick to break earth to wood contact.



**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4302  
(562) 590-5071



# Th18c

Filed: 7/21/2015  
49th Day: 9/8/2015  
Staff: S. Vaughn – LB  
Staff Report: 7/31/2015  
Hearing Date: 8/13/2015  
Commission Action:

## STAFF REPORT: APPEAL - NO SUBSTANTIAL ISSUE

**Appeal Number:** A-5-LGB-15-0048

**Applicant:** Greg MacGillivray

**Local Government:** City of Laguna Beach

**Local Decision:** Approval with Conditions

**Appellants:** Mark Fudge

**Project Location:** 31949 Coast Hwy., City of Laguna Beach, Orange County;  
APN# 658-113-49

**Project Description:** Appeal of City of Laguna Beach local CDP for the remodel and addition to a 2,303 sq. ft. single-family residence with an additional attached residential unit, a detached 575 sq. ft. guest house, and a detached 800 sq. ft. beach cottage. Project work includes exterior refinish, 254 sq. ft. of demolition, a 253 sq. ft. addition, and installation of two new AC units, a new water feature, and a new spa.

**Staff Recommendation:** No Substantial Issue

### IMPORTANT NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

## SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after a public hearing, determine that **no substantial issue exists** with respect to the grounds on which appeal number A-5-LGB-15-0048 has been filed because the locally approved development is consistent with the City of Laguna Beach certified Local Coastal Program (LCP) and the public access policies of Chapter 3 of the Coastal Act.

The issue raised by the appellant is related to the project's consistency with the City of Laguna Beach LCP with regard to the City's compliance with procedures for projects proposed in environmentally sensitive areas. The appellant contends that the City did not require an initial environmental study, which is required for the proposed project because it is located in an environmentally sensitive area due to its oceanfront location. Additionally, the appellant raises the issue that there is a possible environmental sensitivity with respect to the historic value of John Wayne's beach cottage, which is located on the beach of the applicant's property, landward of the seaward property line. The approved project is a remodel and addition to an existing residential development which will result in a reduction of habitable area by 21 sq. ft., the addition of 70 sq. ft. of deck area, the addition of 280 sq. ft. of hardscaped area, a new exterior finish, and the addition of two new air-conditioning (AC) units, a new water feature, and a new spa (**EXHIBIT 5**). No work to the beach cottage (John Wayne's beach cottage) is proposed. The City determined that the project is categorically exempt under CEQA because the proposed development will not result in an increase of more than 50% of existing floor area and is therefore categorically exempt under CEQA. Additionally, no coastal resources will be impacted as a result of the City-approved project.

Staff is recommending the Commission find **no substantial issue** with respect to the grounds on which the appeal has been filed.

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### APPENDICES

Appendix A – Substantive File Documents

### LIST OF EXHIBITS

1. Location Map
2. Appeal
3. Design Review Board Case 2015-0610
4. City Resolution for local CDP 15-0611
5. Project Plans

## **I. MOTION AND RESOLUTION - NO SUBSTANTIAL ISSUE**

**Motion:** *I move that the Commission determine that Appeal No. A-5-LGB-15-0048 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 **YES** 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-15-01048 presents **NO 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. APPELLANT’S CONTENTIONS**

The Commission received a notice of final local action for City of Laguna Beach Local Coastal Development Permit (CDP) 15-0611 on July 7, 2015. The local CDP No. 15-0611 (California Coastal Commission assigned Appeal No. A-5-LGB-15-0048) approved a remodel and addition to an existing development which will result in a reduction of habitable area by 21 square feet, the addition of 70 square feet of deck area, the addition of 280 square feet of hardscaped area, a new exterior finish, the addition of two new air-conditioning (AC) units, a new water feature, a new spa, and construction in an environmentally sensitive area due to its oceanfront location. No work to the John Wayne beach cottage is proposed by the applicant or approved by the City.

On July 21, 2015 the appeal was filed by Mr. Mark Fudge (**EXHIBIT 2**). Mr. Fudge contends that the City’s approval does not comply with the City’s certified LCP. More specifically, his concerns regard:

- 1) The City did not require an initial study, which is required under Land Use Element (LUE) polices for “any proposed development in an environmentally sensitive area,” such as the subject site;
- 2) Because there was no initial study, the Design Review Board did not make the required findings in the LCP that (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 plan;* and (2) *the proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act,* which led to the City’s improper approval of the local CDP; and

3) That there is a possible environmental sensitivity with respect to the historic value of John Wayne's beach cottage, which is located on the beach of the applicant's property, landward of the seaward property line of the project site.

### III. LOCAL GOVERNMENT ACTION

On June 4, 2015, the City of Laguna Beach Design Review Board held a public hearing on the proposed project and approved with conditions local CDP No. 15-0611, and Design Review 15-0610 for the remodel and addition to an existing residential development which will result in a reduction of habitable area of the single-family residence by 21 square foot, the addition of 70 square feet of deck area, the addition of 280 square feet of hardscaped area, a new exterior finish, and the addition of two new air-conditioning (AC) units, a new water feature, and a new spa. The Coastal Commission's South Coast District Office received the notice of final action on July 7, 2015. On July 21, 2015 the appeal was filed by Mr. Mark Fudge (**EXHIBIT 2**) during the ten (10) working day appeal period. No other appeals were received.

### IV. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. 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 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 or within 300 feet of

the inland extent of any beach (**EXHIBIT 1**). The issue raised in the subject appeal, on which the Commission finds there is no substantial issue as described further below, applies to proposed development located in the appeals area.

### **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 on which an appeal has been filed pursuant to Section 30603 of the Coastal Act. 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 at the de novo stage of the appeal 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 the City's CEQA determination.

### **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, the City's record reflects that Mr. Mark Fudge did oppose the project in writing at the local hearing. Testimony from other persons must be submitted in writing.

Upon the close of the public hearing, the Commission will 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.

At the de novo hearing, the Commission will hear the proposed project de novo and all interested persons may speak. The de novo hearing will occur at a subsequent meeting date. All that is before the Commission at this time is the question of substantial issue

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

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

The beachfront site is located at 31949 Coast Highway, Laguna Beach, Orange County. The site is a 6,000 square-foot oceanfront lot that is currently developed with a pre-Coastal Act (1950s) 2,303 square-foot single-family residence with an additional attached residential unit on the lower level, a detached 575 square-foot studio residential unit (attached to the garage), a detached 800 square-foot beach cottage (John Wayne’s beach cottage), and a detached three-car garage. The City determined that the second residential unit was legalized in 1996 (UP-068). Oceanfront and bluff top single-family residences characterize the surrounding area. Public access to the beach is available via a public access stair way (1,000 Steps Beach) located approximately 140 feet down coast of the project site.

The applicant proposes to renovate the exterior finish of the residence and garage (excluding the beach cottage); remodel the detached 575 square-foot studio residence; remodel and expand the upper level of the main residence including: demolition of 104 square feet of habitable area and converting it to patio area, addition of a new spa, pond, barbeque, countertop, bench, and trellis at the rear patio of the upper level, and additional interior modifications; renovations, demolition, and an addition to the mid-level of the main residence including: the addition of 233 square feet of habitable area at the landward side of the residence, demolition of 70 square feet of habitable area at the ocean front side of the residence and expanding the existing oceanfront facing deck, and interior modifications; and combining the second unit on the lower level to the main unit by installing new stairs and interior modifications to the lower level (**EXHIBIT 5**). No changes are proposed to the existing beach cottage.

### **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)(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 on which the appeal has been filed pursuant to Section 30603 of the Coastal Act. Section 13115(b) of the Commission’s regulations indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.”

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 no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603 of the Coastal Act.



#### **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 Local Coastal Program (LCP) or the public access policies of the Coastal Act. Pursuant to Section 30625 of the Coastal Act, the Commission must assess whether the appeal raises a substantial issue with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act.

#### **Relevant LCP Policies**

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

##### Land Use Element Glossary

43. Environmentally Sensitive Lands/Resources - Land or resources that have been identified in the City's General Plan as having one or more of the following characteristics: 1) high- or very-high-value biological habitat, as described in the Open Space/Conservation Element; 2) located on the oceanfront; 3) a City-mapped watercourse; 4) geologic conditions such as slide-prone formations, potentially active fault, inactive fault, landslide potential, liquefaction potential, and soft coastal headlands; 6) hillside slopes greater than 45%; 7) adjacent wildland area, which requires fuel modification; and 8) major or significant ridgelines.

Policy 7.4 Ensure that development, including subdivisions, new building sites and remodels with building additions, is evaluated to ascertain potential negative impacts on natural resources. Proposed development shall emphasize impact avoidance over impact mitigation. Any mitigation required due to an unavoidable negative impact should be located on-site, where feasible. Any off-site mitigation should be located within the City's boundaries close to the project, where feasible. *(Similar to Policies 5.2 and 10.3)*

Action 7.4.2 Continue preparation of initial studies, pursuant to the California Environmental Quality Act (CEQA), for any proposed development, including single-family residences located within environmentally sensitive areas. *(Same as Action 10.3.1.)*

Policy 10.3 Ensure all new development, including subdivisions, the creation of new building sites and remodels that involve building additions, is evaluated to ascertain potential negative impacts on natural resources, ESHA and existing adjacent development. Proposed development shall emphasize ESHA impact avoidance over impact mitigation. Any mitigation required due to unavoidable negative impact should be located on-site rather than off-site, where feasible. Any off-site mitigation should be located within the City's boundaries and in close proximity to the project. *(Similar to Policies 7.4 and 5.2.)*

Action 10.3.1 Continue preparation of initial studies, pursuant to the California Environmental Quality Act (CEQA), for any proposed development, including single-family residences, located within environmentally sensitive areas. *(Same as Action 7.4.2.)*

*Laguna Beach Municipal Code, Title 25 Zoning, Chapter 25.07 Coastal Development Permits*

25.07.012 Procedures. Each coastal development permit application shall be processed in accordance with the following requirements.

(G) Findings. A coastal development permit application may be approved or conditionally approved only after the approving authority has reviewed the development project and made all the following findings:

- (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;
- (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;
- (3) The proposed development will not have any significant adverse impacts within the meaning of the California Environmental Quality Act,

**Appellants' Contentions**

The appellant contends that the City improperly approved the local CDP because the City did not comply with the City's LCP policies with regard to their CEQA finding. The appellant contends that because the project site is located within an environmentally sensitive area, the City should have required an initial study pursuant to CEQA requirements. Because no such study was conducted, the Design Review Board erroneously found that the project was consistent with the City's LCP (Municipal Code, Title 25, Chapter 25.07.012 above), and therefore the City's approval of the local CDP was done so based on erroneous findings. Additionally, the appellant raises the issue that there is a possible environmental sensitivity with respect to the historic value of John Wayne's beach cottage, which is located on the beach of the applicant's property, landward of the seaward property line of the project site.

**Analysis**

For the following reasons, none of the appellant's grounds of appeal raise substantial issues. First, the appellant raises issues related to the City's compliance with CEQA, arguing that the City failed to conduct an initial study for the project since it is in an environmentally sensitive area. Primarily, the Commission has no authority to review the City's CEQA determination and even if it did have authority to do so, the proposed project is sited in an environmentally sensitive land/resource as defined in the Land Use Element Glossary, not an environmentally sensitive area as decided by the Design Review Board. There is nothing in the LCP that indicates that this area is an environmentally sensitive area. The Design Review Board apparently made an error when it took this matter up for consideration and found that this oceanfront residential lot is in an environmentally sensitive area. As noted in the cited Land Use Element Glossary definition above, oceanfront lots are considered environmentally sensitive lands/resources, not environmentally sensitive areas. Notably, the definition of environmentally sensitive lands/resources does not include environmentally sensitive areas so they are mutually exclusive. So, the City was under no obligation pursuant to Policies 7.4.2 and 10.3.1 of the certified LUP to conduct an initial study because the project is not within an environmentally sensitive area. While the City made an error, it is not a substantial issue because the result is that it supports the City's

position to not conduct an initial study since the oceanfront site is an environmentally sensitive land/resource not subject to policies 7.4.2 and 10.3.1 of the certified LUP and negates the appellant's grounds for appeal on that issue. Further, the error in defining the site as an environmentally sensitive area is also not a substantial issue because the project will, in fact, have no impact on environmentally sensitive area resources or other coastal resources. Second, as mentioned above, the applicant did not propose any development on John Wayne's beach cottage. Therefore, the possible environmental sensitivity of the project due to the potential historical nature of the cottage is outside of the scope of the City-approved project because no work to the beach cottage is proposed by the applicant or approved by the City.

The appellant did not cite any coastal resources that may be affected by the City-approved development. The proposed improvements to the single-family residence will be within the foot print of the existing structure and will not extend the residential structure any further seaward than the existing structure or impact the coastal bluff. Further, the proposed improvements will not affect the bulk or view of the structure from the public beach below the bluff and the proposed addition will be on the inland side of the existing structure and will also not be visible from the public beach. The proposed project will not have any adverse impacts to any significant coastal or historic resources, public coastal views or public access and is consistent with the LCP and the Chapter 3 policies of the Coastal Act. For the foregoing reasons, the Commission finds that no substantial issues exist with respect to the grounds on which the appeal was filed pursuant to section 30603 of the Coastal Act.

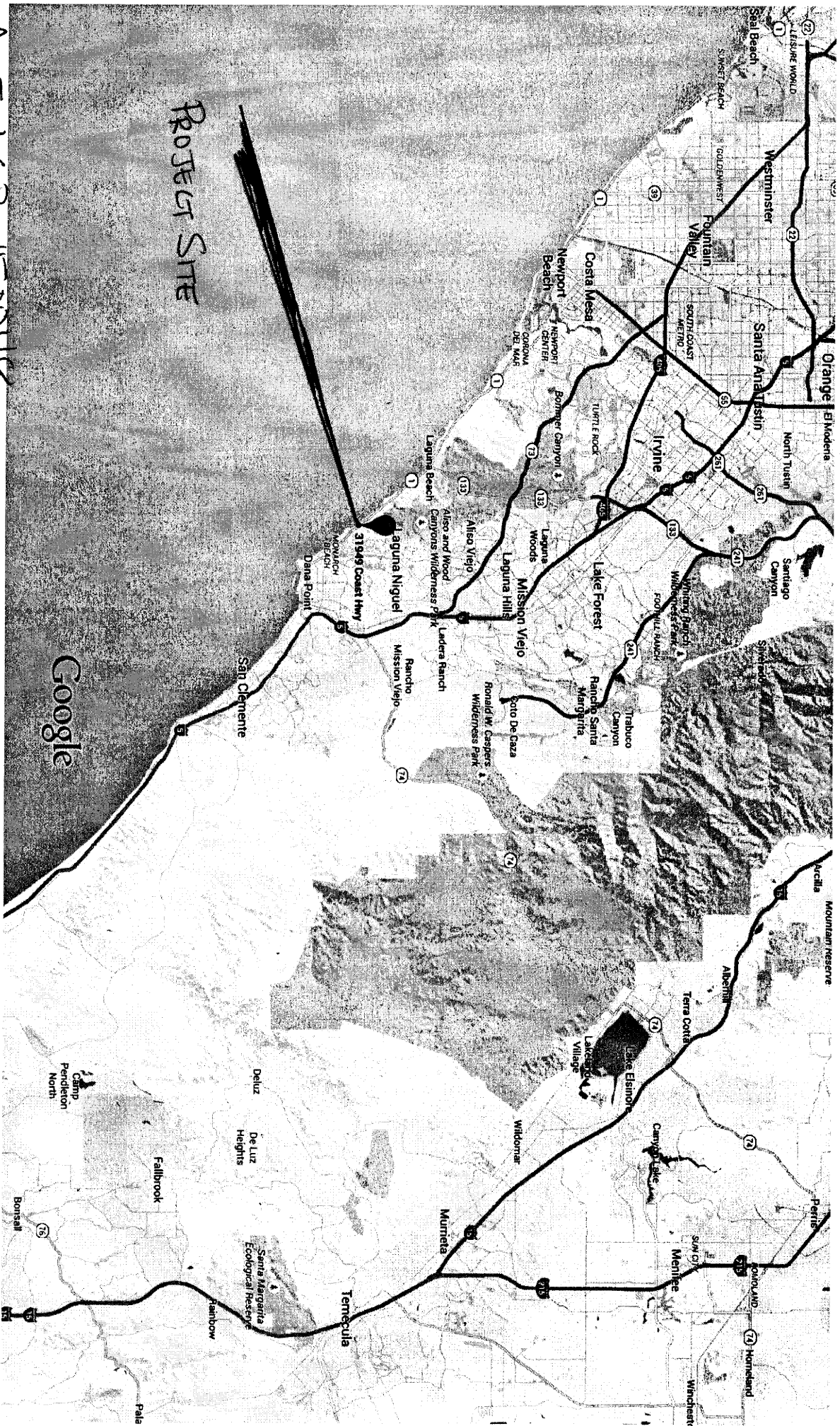
## **APPENDIX A**

### **SUBSTANTIVE FILE DOCUMENTS:**

1. City of Laguna Beach Local Coastal Program (LCP)



Google 31949 Coast Hwy



A-5-2613-15-2048

EXHIBIT # 1 OF 2



Google 31 949 Coast Hwy



A.S.LGB.15.0048

RECEIVED BROWN JR., Governor  
South Coast Region

JUL 21 2015



**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10TH FLOOR  
LONG BEACH, CA 90802-4416  
VOICE (562) 590-5071 FAX (562) 590-5084

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: Mark Fudge

Mailing Address: P.O. Box 130

City: Laguna Beach

92652

Phone: 949-481-1100

**SECTION II. Decision Being Appealed**

1. Name of local/port government: City of Laguna Beach

2. Brief description of development being appealed:

31949 COAST HIGHWAY, APN 658-113-49 DESIGN REVIEW 15-0610, COASTAL DEVELOPMENT PERMIT 15-0611 AND A CATEGORICAL EXEMPTION [SECTION 15301, CLASS 1(e)]

**The applicant requests design review and a coastal development permit to construct alterations to a single-family residence in the R-1 (Residential Low Density) zone. Design review is required for roof alterations, elevated decks (70 square feet), spa, water feature, air conditioning units and construction in an environmentally sensitive area (oceanfront).**

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

31949 Coast Highway, APN 658-113-49

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

**COASTAL COMMISSION**

A-5-LGB-15-0048

EXHIBIT # 2

PAGE 1 OF 17

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
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LONG BEACH, CA 90802-4416  
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Approval; no special conditions

X 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: A-S-LGB-15-0048

DATE FILED: 7-21-15

DISTRICT: South Coast

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 2 OF 17


**CALIFORNIA COASTAL COMMISSION**

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**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

X Other - Design Review Board

6. Date of local government's decision: June 4, 2015

7. Local government's file number (if any): Design Review 15-0610/ CDP 15-0611

**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:

Greg MacGillivray  
 31949 Coast Highway  
 Laguna Beach, CA 92651

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) Mark Fudge -  
 P.O. Box 130  
 Laguna Beach CA 92652-0130

**COASTAL COMMISSION**

EXHIBIT # 2  
 PAGE 3 OF 17





**CALIFORNIA COASTAL COMMISSION**

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(2)

(3)

(4)

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 4 OF 17


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**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 June 4, 2015 the Design Review Board of Laguna Beach met and approved a project located at 31949 Coast Highway in Laguna Beach. I was unable to attend the meeting but prior to the meeting I submitted a letter (attached) to the City Clerk for distribution to the Design Review Board members. The letter voices my concerns that the City was not following the certified LCP if they were to approve the project on the environmentally sensitive oceanfront without benefit of a required Initial Study as per Actions 7.4.2 and 10.3.1 of the Land Use Element.

*LUE Action 7.4.2 - "Continue preparation of initial studies, pursuant to the California Environment Quality Act (CEQA), for any proposed development, including single-family residences located within environmentally sensitive areas." (same as action 10.3.1)*

*LUE Action 10.3.1 - "Continue preparation of initial studies, pursuant to the California Environment Quality Act (CEQA), for any proposed development, including single-family residences located within environmentally sensitive areas." (same as action 7.4.2)*

The Agenda Bill for the DRB meeting (attached) states that the location of the project is "in an environmentally sensitive area (oceanfront)" however there was no initial study done.

31949 COAST HIGHWAY, APN 658-113-49 DESIGN REVIEW 15-0610, COASTAL DEVELOPMENT PERMIT 15-0611 AND A CATEGORICAL EXEMPTION [SECTION 15301, CLASS 1(e)]

**The applicant requests design review and a coastal development permit to construct alterations to a single-family residence in the R-1 (Residential Low Density) zone. Design review is required for roof alterations, elevated decks (70 square feet), spa, water feature, air conditioning units and construction in an environmentally sensitive area (oceanfront).**

**COASTAL COMMISSION**

EXHIBIT # 2  
 PAGE 5 OF 17

**CALIFORNIA COASTAL COMMISSION**

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LONG BEACH, CA 90802-4416  
VOICE (562) 590-5071 FAX (562) 590-5084

This project is environmentally sensitive due to its location on the oceanfront and is also designated by the City as a Water Quality ESA. (see City staff report - attached). Two other sensitivities were not mentioned in the city's staff report: 1) it is located on a city designated scenic highway (Pacific Coast Highway) and 2) is possibly environmentally sensitive because it was John Wayne's beach house and it needs to be studied to determine historic value.

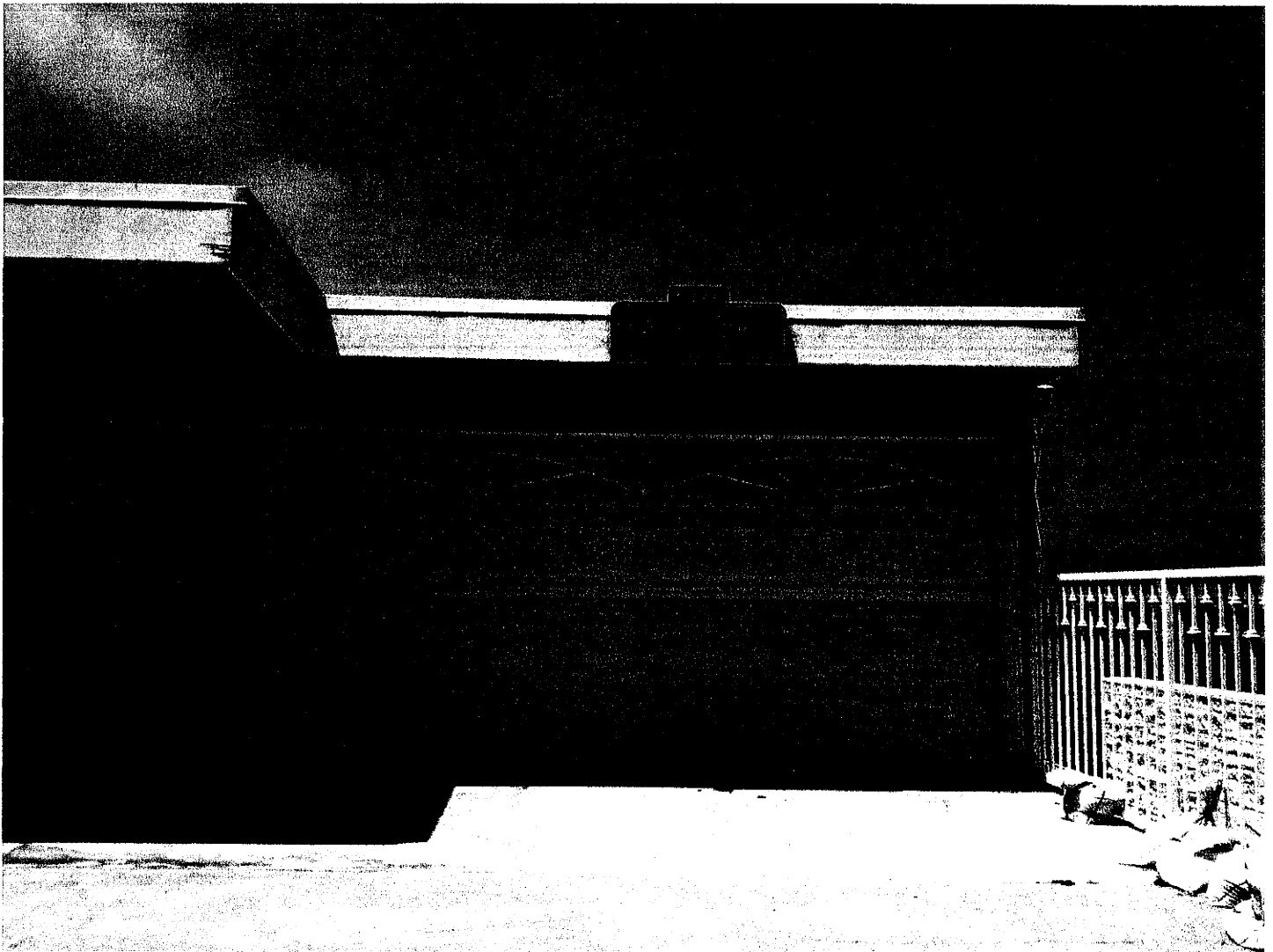
**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 6 OF 17

**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) 590-5084

Chapter 25 of The City of Laguna Beach's Municipal Code is also part of the city's certified LCP and is the implementation instrument for the LCP. *Chapter 25.07 Coastal Development Permits* directs that the deciding body must make the following findings to approve a permit:

*25.07.012 Procedures:*

- (G) *Findings. A coastal development permit application may be approved or conditionally approved only after the approving authority has reviewed the development project and made all of the following findings:*
- (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;*
  - (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;*
  - (3) *The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.*

Due to the lack of compliance with the certified Land Use Element actions requiring an initial study to be done for 'any proposed development in an environmentally sensitive area', and the inability for the Design Review Board to have made the required findings (1) and (3) above, this project was improperly granted a CDP by the City of Laguna Beach.

The only issue I bring before you is - did the City properly follow the certified LCP? I am not requesting a CEQA finding as the Coastal Commission is not the lead agency.

I ask that the California Coastal Commission find Substantial Issue on this matter and deny this permit. Thank you.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 7 OF 17



**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) 590-5084

**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.

Signature of Appellant(s) or Authorized Agent

Date: July 21, 2015

**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.

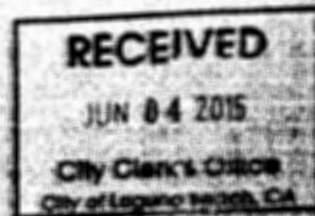
\_\_\_\_\_  
Signature of Appellant(s)

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

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 8 OF 17

To: Members of the Design Review Board  
From: Mark Fudge  
Re: June 4, 2015 Agenda Items  
Date: June 4, 2015



Ladies and Gentlemen of the Design Review Board,

Tonight's agenda contains 3 projects that have been determined by staff to be categorically exempt from CEQA despite their location in environmentally sensitive areas. In addition to being non-compliant with CEQA guidelines, the projects will be non-compliant with the city's municipal code, the General Plan and the certified LCP.

CEQA Guidelines section 15300.2(a) does not allow for Class 3, 4, 5, 6 or 11 categorical exemptions to be used for projects in Environmentally Sensitive Areas (ESA). The noted projects (below) have all been determined by the City to be located in mapped ESAs. The mapped designation itself would be the substantial evidence needed for the exceptions to the exemptions to be employed.

A Class 1 (Existing facilities) exemption may only be used if the location is not in an environmentally sensitive area (see CEQA Guidelines 15301(a)(2)(b)).

For approval, the DRB must make a finding that "the proposed development will not have any significant adverse impacts on the environment within the meaning of DEQA" (LBMC 25.07.D12(G)(3)).

The Land Use Element of the City's General Plan (a part of the City's certified LCP) requires the continued "preparation of initial studies, pursuant to the California Environmental Quality Act (CEQA), for any proposed development, including single-family residences located within environmentally sensitive areas." (Action 7.4.2 and Action 10.3.1). (emphasis added)

These projects can not be approved tonight without having had initial studies done as required by DEQA, the General Plan and the certified LCP. I am stating my opposition to establish my standing in the administrative record for each of the individual projects below.

Projects:

1. Agenda Item 8: 31871 Coast Highway (Coastfront) (Water Quality BSA) (VHRHSZ)
2. Agenda Item 10: 81949 Coast Highway (Coastfront) (Water Quality BSA) (VHRHSZ)
3. Agenda Item 18: 909 Summit Way (High Value Habitat) (Extensive Coastal Sage Scrub) (FM/VHRHSZ) (Seismic Landslide Hazard Area)

Thank you for your consideration.

A handwritten signature in dark ink, appearing to read "Mark Fudge".

Mark Fudge  
P.O. Box 130  
Laguna Beach, CA 92652-0130

**BOARD OF ADJUSTMENT/DESIGN REVIEW BOARD  
PROJECT OVERVIEW**

**CASE:** **DESIGN REVIEW 2015-0610**

**APPLICANT:** Gregg Abel, Designer  
(949) 497-3442  
gad1@cox.net

**LOCATION:** MacGillivray Residence  
31949 Coast Highway  
APN 658-113-49

**REQUESTED ACTION:** The applicant requests design review and a coastal development permit to construct alterations to a single-family residence in the R-1 (Residential Low Density) zone. Design review is required for roof alterations, elevated decks (70 square feet), spa, water feature, air conditioning units and construction in an environmentally sensitive area (oceanfront).

**CEQA:** In accordance with California Environmental Quality Act guidelines, the project is categorically exempt pursuant to Section 15301, Class 1(e)(1) (Existing Facilities), which allows 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.

**EXISTING APPROVALS:** UP-068 (3/13/96) – Approval for a second residential unit, subject to the following conditions:

1. The designated second unit shall be limited to the studio apartment located on the lower level of the main house as shown on the floor plan submitted with the application.
2. The maid's quarters (located in the detached garage structure) and the beach house may only be used as ancillary to the primary unit and shall not be leased or used for separate occupancy.

**ZONING:** **R-1 (Residential Low Density)**  
 Environmentally Sensitive Area  
Coastal  
 Site Constraints  
VHFSHZ, WOESA

**ADDITIONAL REFERENCES:** None.

**REQUIRED FINDINGS:**  CDP [25.07.012(F)&(G)]  
 DRB [25.05.040(H)]

**ATTACHMENTS:**  Pre-Application Site Meeting Evaluation  
 Vicinity Map/Aerial Oblique Photo

**STAFF COMMENTS:** The proposed alterations result in a net loss of 21 square feet. The applicant proposes to remove the second residential unit and maintain the existing maid's quarters and beach house.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 10 OF 17

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

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**Evaluation Meeting Number:** 10-82

**Date:** 11-10-10

**Planners:** Martina Speare, Assistant Planner met with Gregg Able and Warren Hutcherson, Designers and Barbara MacGillivray, homeowner.

**Site Address:** 31949 Coast Highway

**Zone/Specific Plan:** R-1

**Assessor Parcel Number:** 685-113-49

**Background:** This home appears to have been originally constructed in the 1950s. City records show that the property is developed with a single-family dwelling (2,303 square feet), a second residential unit (575 square feet), a beach cottage (800 square feet) and a detached 3-car garage with a studio above (588 square feet). UP-068 was approved in 1996, legalizing the second residential unit. Currently, the property is non-conforming due to parking and use (density).

City records also show that the property maintains a funicular located in the side yard.

**Development Standards:**

Front Setback:	20-feet, may qualify for a 5-foot garage and 10-foot house setback
Rear Setback:	25-feet from the blufftop (stringline).
Side Setback:	10% average lot width with a minimum of 3-feet.
Lot slope in percent:	33% slope
Height:	15 feet above the curb and 30 feet above lowest finish floor, natural grade and finished grade.
Landscape Open Space (LSO):	24.45%
Building Site Coverage (BSC):	35% (A variance is required to exceed the maximum lot coverage on an ocean front property)
Parking:	Six spaces, four covered. Two covered parking spaces are required for the main house (under 3,600 square feet). Each guest house requires one uncovered parking space. At this time the second residential unit does not require any additional parking pursuant to the South Laguna Second Residential Unit amortization agreements.
Landscape Guidelines:	Neighborhood area 12

**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.*

This property is located on Coast Highway and on-site turnaround is required. A 50-foot right of way must be maintained from the centerline of Pacific Coast Highway. It appears that the right of way has not been dedicated.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 11 OF 17



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.*

The property is located on a steep lot and should respect the hillside guidelines and be designed to step down the hillside.

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.*

This property is located in an environmentally sensitive area due to ocean front proximity and water quality.

The project may require a Water Quality Management plan if the project creates 2,500 square feet of impervious area.

*Improvements in the blufftop [25.50.004 (d)]:* Balconies, patios or decks in excess of thirty inches above the finished grade, including patio deck covers, and other similar architectural features may project a maximum of five feet beyond the applicable building setback or to the applicable deck stringline, whichever is least restrictive. In no case shall such projections be closer than ten feet to the top of an oceanfront bluff. Decks, patios and other similar improvements that are thirty inches or less above finished grade shall not encroach closer than ten feet to the top of an oceanfront bluff.

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.*

**Second-Residential Unit Conversion:** The applicant has indicated that he is interested in combining the second residential unit with the main house. Staff advised the applicant that in order to internally connect the two, one of the kitchens would have to be removed. Staff will also need to see tax records indicating that the second residential unit is not a low to moderate income rental. See the below housing policy:

<p>Conversion or demolition of any low or moderate-income housing units. (Housing Element Policy 2.1/State Mello Act).</p>	<p>State law and the City's policy require the replacement of an equivalent number of low or moderate-income housing units in the City at the same time such conversion or demolition is taking place, OR if replacement housing is determined infeasible, the applicant is required to pay an in-lieu housing fee for each residence that is being removed or converted, based on the square footage. The in-lieu housing fee is \$221 per square foot of the unit(s) being converted or demolished.</p>
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**COASTAL COMMISSION**

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.*

Upper level additions require a landscaping plan. If the proposed addition exceeds 50% of the original structure, then the 24.45% of the lot must be maintained as landscaped open space.

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.*

The Design Review Board is in the practice of restricting all lighting to 20 watts or less.

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.

It is also important to consider the amount of program requested. The Design Review Board reviews total living, garage and deck areas for neighborhood compatibility. The property is not neighborhood compatible in that there are three separate building housing four separate units on the property. If the applicant were to reduce the total number of units, the property would become more compatible with the surrounding neighborhood.

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.*
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.*

Ocean front properties are required to observe the stringline between buildings defined by section [25.50.004 (4)(b)].

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 13 OF 17

**Non-Conformities:** Building height above the curb, parking dimensions, onsite turnaround, setbacks, blufftop setback and building stringline guideline violation. If an addition exceeding 10% of the existing structure is proposed then the non-conformities will be subject to design review.

**Proposed Project:** The applicant would like to remodel/enlarge the main unit and provide internal connection to the lower second-residential unit.

It appears that the main house encroaches into the bluff top setback and staff advised the applicant that if fifty percent or more of a nonconforming portion of the structure is substantially removed or modified, that portion must be rebuilt in conformance with zoning regulations [25.53.009].

**Potential Variance Issues:** The property is currently non-conforming due to density and parking. If any addition is proposed, then a variance will be required to not provide the required parking and to exceed the maximum density allowed.

**Density:** Only one guesthouse or second one residential unit is permitted on properties within the R-1 zone. However, the second-residential unit was approved during the South Laguna amortization period and is not included in the density calculations of the property therefore, the property can maintain another second residential unit or a guest house (if parking is provided). This means that if the property has a main house, the second residential unit, and a guest house it will still comply with the density standards.

Currently, the property maintains the main house, the second residential unit and two guest houses. Staff suggests combining the guest house below the garage with the main house to bring the property up to compliance in terms of density.

**Parking:** If the guesthouse is combined with the main house then the property will only be deficient in parking by one onsite parking space. The main house requires two parking spaces, and the guest house requires one covered and one uncovered parking space. The second residential unit does not require any additional parking. The property maintains three covered parking spaces, and one more uncovered parking space is required to comply.

If the main home exceeds 3,600 square feet an additional parking space will be required and a total of 5 off street spaces, 3 covered, 2 uncovered would be required to comply. Staff suggests remaining under 3,600 square feet.

It doesn't appear that the driveway can accommodate an additional legal parking space, so the applicant is looking into providing tandem parking to eliminate the parking variance.

**Special Processing Requirements:** If any addition is proposed then a variance will be required to not provide the required parking and to exceed the allowable density unless the applicant can combine the guest house below the garage with the main house, and then provide the required additional parking. A coastal development permit will also be required for the additions and or any planting in the blufftop setback.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 14 OF 17

**Variance Findings:** All four of the below findings must be made for the Board of Adjustment to support a 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.
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.
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.
4. The granting of such a variance will not be contrary to the objectives of the zoning ordinance or the general plan.

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.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 15 OF 17



31949 Coast Highway Vicinity Map. City of Laguna Beach GIS.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 10 OF 17



31949 Coast Highway Aerial Oblique Photo. *Bing Maps.*

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 17 OF 17

BOARD OF ADJUSTMENT/DESIGN REVIEW BOARD  
PROJECT OVERVIEW

CASE: DESIGN REVIEW 2015-0610

APPLICANT: Gregg Abel, Designer  
(949) 497-3442  
gad1@cox.net

LOCATION: MacGillivray Residence  
31949 Coast Highway  
APN 658-113-49

REQUESTED ACTION: The applicant requests design review and a coastal development permit to construct alterations to a single-family residence in the R-1 (Residential Low Density) zone. Design review is required for roof alterations, elevated decks (70 square feet), spa, water feature, air conditioning units and construction in an environmentally sensitive area (oceanfront).

CEQA: In accordance with California Environmental Quality Act guidelines, the project is categorically exempt pursuant to Section 15301, Class 1(e)(1) (Existing Facilities), which allows 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.

EXISTING APPROVALS: UP-068 (3/13/96) – Approval for a second residential unit, subject to the following conditions:

1. The designated second unit shall be limited to the studio apartment located on the lower level of the main house as shown on the floor plan submitted with the application.
2. The maid's quarters (located in the detached garage structure) and the beach house may only be used as ancillary to the primary unit and shall not be leased or used for separate occupancy.

ZONING: R-1 (Residential Low Density)  
 Environmentally Sensitive Area  
Coastal  
 Site Constraints  
VHFSHZ, WOESA

ADDITIONAL REFERENCES: None.

REQUIRED FINDINGS:  CDP [25.07.012(F)&(G)]  
 DRB [25.05.040(H)]

ATTACHMENTS:  Pre-Application Site Meeting Evaluation  
 Vicinity Map/Aerial Oblique Photo

STAFF COMMENTS: The proposed alterations result in a net loss of 21 square feet. The applicant proposes to remove the second residential unit and maintain the existing maid's quarters and beach house.

COASTAL COMMISSION  
A-5-LGB-15-0048  
EXHIBIT # 3  
PAGE 1 OF 9

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

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Evaluation Meeting Number: 10-82

Date: 11-10-10

Planners: Martina Speare, Assistant Planner met with Gregg Able and Warren Hutcherson, Designers and Barbara MacGillivray, homeowner.

Site Address: 31949 Coast Highway

Zone/Specific Plan: R-1

Assessor Parcel Number: 685-113-49

**Background:** This home appears to have been originally constructed in the 1950s. City records show that the property is developed with a single-family dwelling (2,303 square feet), a second residential unit (575 square feet), a beach cottage (800 square feet) and a detached 3-car garage with a studio above (588 square feet). UP-068 was approved in 1996, legalizing the second residential unit. Currently, the property is non-conforming due to parking and use (density).

City records also show that the property maintains a funicular located in the side yard.

**Development Standards:**

Front Setback:	20-feet, may qualify for a 5-foot garage and 10-foot house setback
Rear Setback:	25-feet from the blufftop (stringline).
Side Setback:	10% average lot width with a minimum of 3-feet.
Lot slope in percent:	33% slope
Height:	15 feet above the curb and 30 feet above lowest finish floor, natural grade and finished grade.
Landscape Open Space (LSO):	24.45%
Building Site Coverage (BSC):	35% (A variance is required to exceed the maximum lot coverage on an ocean front property)
Parking:	Six spaces, four covered. Two covered parking spaces are required for the main house (under 3,600 square feet). Each guest house requires one uncovered parking space. At this time the second residential unit does not require any additional parking pursuant to the South Laguna Second Residential Unit amortization agreements.
Landscape Guidelines:	Neighborhood area 12

**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.*

This property is located on Coast Highway and on-site turnaround is required. A 50-foot right of way must be maintained from the centerline of Pacific Coast Highway. It appears that the right of way has not been dedicated.

**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 2 OF 9



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.*

The property is located on a steep lot and should respect the hillside guidelines and be designed to step down the hillside.

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.*

This property is located in an environmentally sensitive area due to ocean front proximity and water quality.

The project may require a Water Quality Management plan if the project creates 2,500 square feet of impervious area.

*Improvements in the blufftop [25.50.004 (d)]:* Balconies, patios or decks in excess of thirty inches above the finished grade, including patio deck covers, and other similar architectural features may project a maximum of five feet beyond the applicable building setback or to the applicable deck stringline, whichever is least restrictive. In no case shall such projections be closer than ten feet to the top of an oceanfront bluff. Decks, patios and other similar improvements that are thirty inches or less above finished grade shall not encroach closer than ten feet to the top of an oceanfront bluff.

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.*

*Second-Residential Unit Conversion:* The applicant has indicated that he is interested in combining the second residential unit with the main house. Staff advised the applicant that in order to internally connect the two, one of the kitchens would have to be removed. Staff will also need to see tax records indicating that the second residential unit is not a low to moderate income rental. See the below housing policy:

Conversion or demolition of any low or moderate-income housing units. (Housing Element Policy 2.1/State Mello Act).

State law and the City's policy require the replacement of an equivalent number of low or moderate-income housing units in the City at the same time such conversion or demolition is taking place, OR if replacement housing is determined infeasible, the applicant is required to pay an in-lieu housing fee for each residence that is being removed or converted, based on the square footage. The in-lieu housing fee is \$221 per square foot of the unit(s) being converted or demolished.

**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 3 OF 9

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.

Upper level additions require a landscaping plan. If the proposed addition exceeds 50% of the original structure, then the 24.45% of the lot must be maintained as landscaped open space.

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.

The Design Review Board is in the practice of restricting all lighting to 20 watts or less.

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.

It is also important to consider the amount of program requested. The Design Review Board reviews total living, garage and deck areas for neighborhood compatibility. The property is not neighborhood compatible in that there are three separate building housing four separate units on the property. If the applicant were to reduce the total number of units, the property would become more compatible with the surrounding neighborhood.

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.

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.

**COASTAL COMMISSION**

EXHIBIT #

3

Ocean front properties are required to observe the stringline between buildings as defined by section [25.50.004 (4)(b)].

PAGE

4 OF 9

**Non-Conformities:** Building height above the curb, parking dimensions, onsite turnaround, setbacks, blufftop setback and building stringline guideline violation. If an addition exceeding 10% of the existing structure is proposed then the non-conformities will be subject to design review.

**Proposed Project:** The applicant would like to remodel/enlarge the main unit and provide internal connection to the lower second-residential unit.

It appears that the main house encroaches into the bluff top setback and staff advised the applicant that if fifty percent or more of a nonconforming portion of the structure is substantially removed or modified, that portion must be rebuilt in conformance with zoning regulations [25.53.009].

**Potential Variance Issues:** The property is currently non-conforming due to density and parking. If any addition is proposed, then a variance will be required to not provide the required parking and to exceed the maximum density allowed.

**Density:** Only one guesthouse or second one residential unit is permitted on properties within the R-1 zone. However, the second-residential unit was approved during the South Laguna amortization period and is not included in the density calculations of the property therefore, the property can maintain another second residential unit or a guest house (if parking is provided). This means that if the property has a main house, the second residential unit, and a guest house it will still comply with the density standards.

Currently, the property maintains the main house, the second residential unit and two guest houses. Staff suggests combining the guest house below the garage with the main house to bring the property up to compliance in terms of density.

**Parking:** If the guesthouse is combined with the main house then the property will only be deficient in parking by one onsite parking space. The main house requires two parking spaces, and the guest house requires one covered and one uncovered parking space. The second residential unit does not require any additional parking. The property maintains three covered parking spaces, and one more uncovered parking space is required to comply.

If the main home exceeds 3,600 square feet an additional parking space will be required and a total of 5 off street spaces, 3 covered, 2 uncovered would be required to comply. Staff suggests remaining under 3,600 square feet.

It doesn't appear that the driveway can accommodate an additional legal parking space, so the applicant is looking into providing tandem parking to eliminate the parking variance.

**Special Processing Requirements:** If any addition is proposed then a variance will be required to not provide the required parking and to exceed the allowable density unless the applicant can combine the guest house below the garage with the main house, and then provide the required additional parking. A coastal development permit will also be required for the additions and or any planting in the blufftop setback.

**Variance Findings:** All four of the below findings must be made for the Board of Adjustment to support a 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.
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.
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.
4. The granting of such a variance will not be contrary to the objectives of the zoning ordinance or the general plan.

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.

**COASTAL COMMISSION**

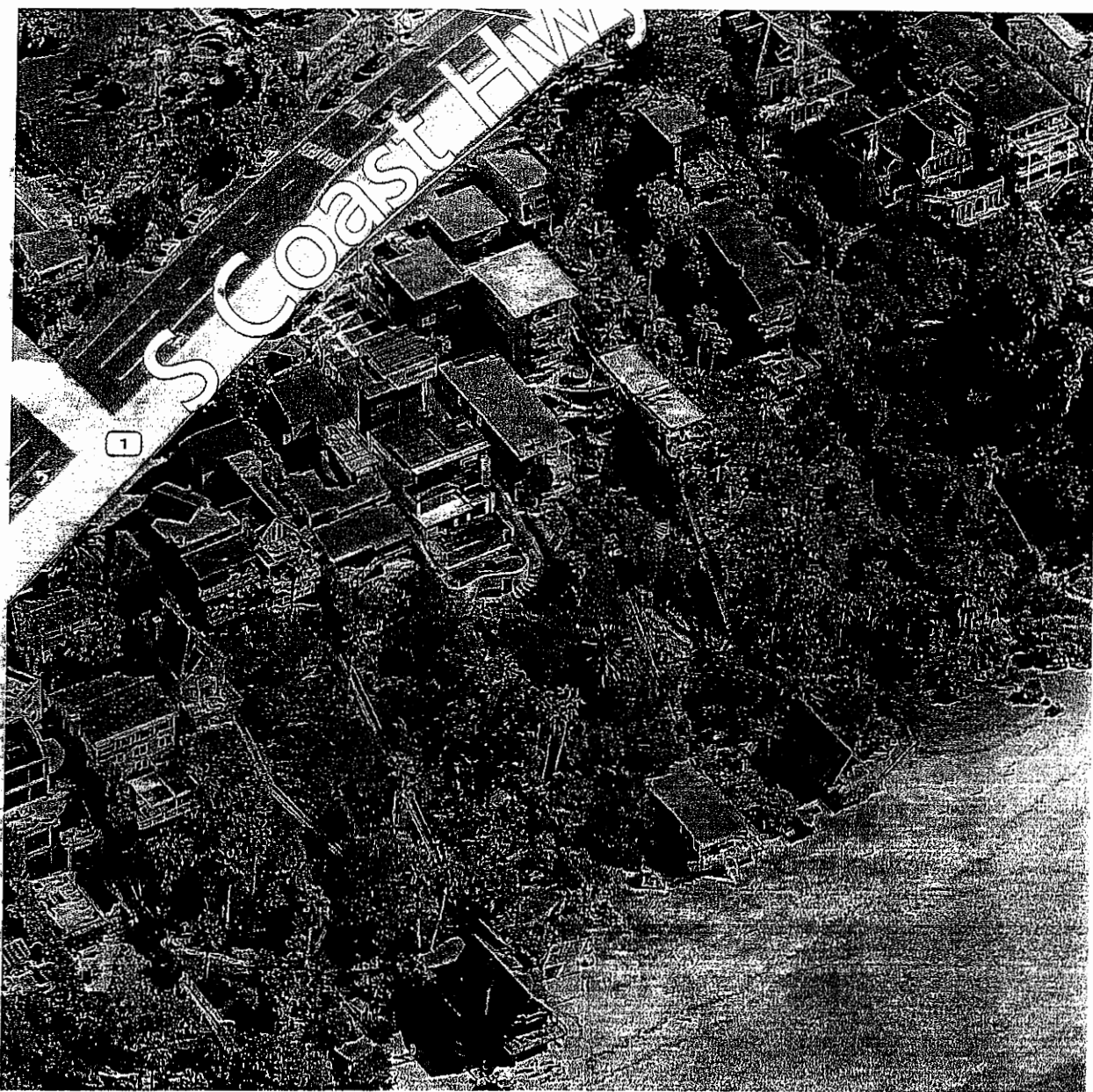
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31949 Coast Highway Vicinity Map. City of Laguna Beach GIS.

**COASTAL COMMISSION**

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31949 Coast Highway Aerial Oblique Photo. Bing Maps.

**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 8 OF 9

# NOTICE OF PUBLIC HEARING

## LAGUNA BEACH BOARD OF ADJUSTMENT / DESIGN REVIEW BOARD

The CITY OF LAGUNA BEACH BOARD OF ADJUSTMENT / DESIGN REVIEW BOARD will hold a public hearing in the City Council Chambers, located in City Hall at 505 Forest Avenue to consider: DESIGN REVIEW 15-0610, COASTAL DEVELOPMENT PERMIT 15-0611 AND A CATEGORICAL EXEMPTION for the:

MacGillivray Residence  
31949 Coast Highway  
APN 658-113-49

SAID PUBLIC HEARING TO BE HELD: **Thursday, June 4, 2015 at 6:00 p.m. NO FURTHER PUBLIC NOTICE WILL BE GIVEN.**

**Project Description:** The applicant requests design review and a coastal development permit to construct alterations to a single-family residence in the R-1 (Residential Low Density) zone. Design review is required for roof alterations, elevated decks (70 square feet), spa, water feature, air conditioning units and construction in an environmentally sensitive area (oceanfront).

The property is required to be staked with story poles at least **28 calendar days** prior to the hearing.

**The City encourages anyone with questions or concerns regarding the proposed project to contact:**

Project applicant: Gregg Abel, Designer (949) 497-3442 [gad1@cox.net](mailto:gad1@cox.net)

City staff: Evan Jedynak, Assistant Planner (949) 464-6632 [ejedynak@lagunabeachcity.net](mailto:ejedynak@lagunabeachcity.net)

**IMPORTANT!** If you have concerns about the effects this proposed project could have on your property and you wish those concerns to be considered by the Design Review Board at the public hearing, it is imperative that you invite the Board Members to view the project site and staking from your property prior to the meeting. Please contact the Board Members no earlier than the Friday before the scheduled hearing. A list of Board Members and phone numbers is available at City Hall. Board Members do visit the applicant's property prior to the hearing.

The plans and application may be examined and reviewed at the DEPARTMENT OF COMMUNITY DEVELOPMENT between the hours of 8:00 a.m. – 5:00 p.m. any regular workday. Comments may be made in person at the hearing, or in writing prior to the hearing, when brought or mailed to City Hall. It is recommended that written correspondence be delivered to City Hall at least 10 days prior to the public hearing – six (6) copies are required. It is possible that this project may be continued to some specific future date and/or modified during the Design Review process. If you challenge the nature of the proposed project in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Board at, or prior to, the Public Hearing. The City staff has determined the project to be subject to a Categorical Exemption Section 15301, Class 1(e) pursuant to the California Environmental Quality Act.

This project is located within the City of Laguna Beach Coastal Zone. The Coastal Development Permit application was filed on April 2, 2015 and constitutes development appealable to the California Coastal Commission.

*Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the Community Development Department at (949) 497-0723 (voice/TTY) or (949) 497-0723 (fax). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.*

**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 9 OF 9

**RESOLUTION CDP 15.27**

**A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE  
CITY OF LAGUNA BEACH APPROVING COASTAL DEVELOPMENT PERMIT  
APPLICATION NO 15-0611**

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:

31949 Coast Highway  
APN 658-113-49

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 development is limited to previously altered areas thereby preserving the majority of the existing natural vegetation.

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 the project does not present either direct or cumulative impacts on physical public access since existing public vertical and lateral access exists nearby and there are no new adverse impacts on beach access since the new development will not result in any further seaward encroachment.

3. The proposed development will not have any significant adverse impact on the environment within the meaning of the California Environmental Quality Act in that the proposed project is 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 R-1 (Residential Low Density) zone for alterations to an existing residential property.

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

A-5-LGB-15-008  
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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 June 4, 2015, by the following vote of the Design Review Board of the City of Laguna Beach, California.

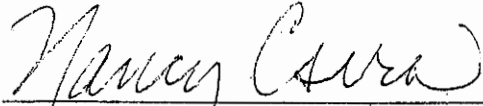
AYES: Liuzzi, McErlane, Mullen-Kress, Simpson

NOES: None

ABSENT: LeBon

ABSTAIN: None

ATTEST:

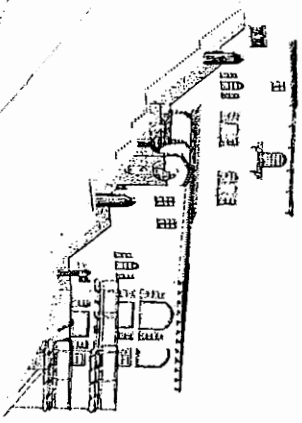
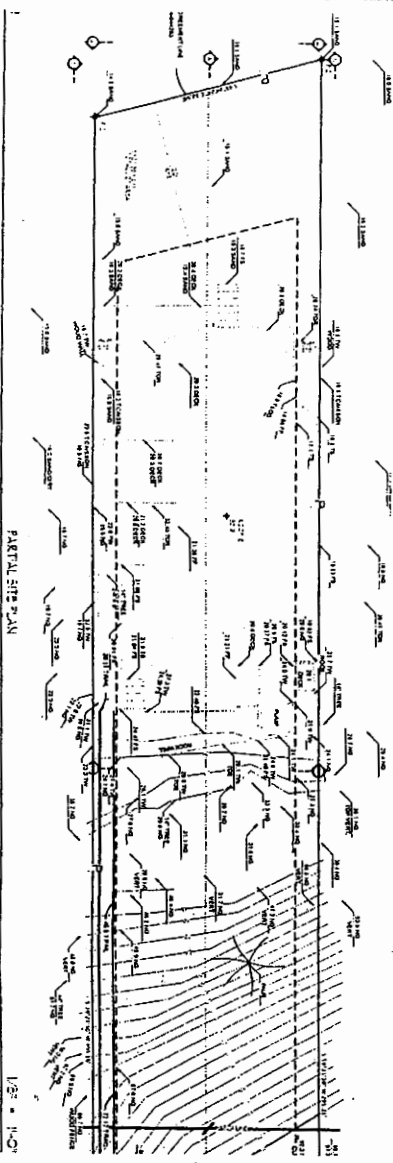
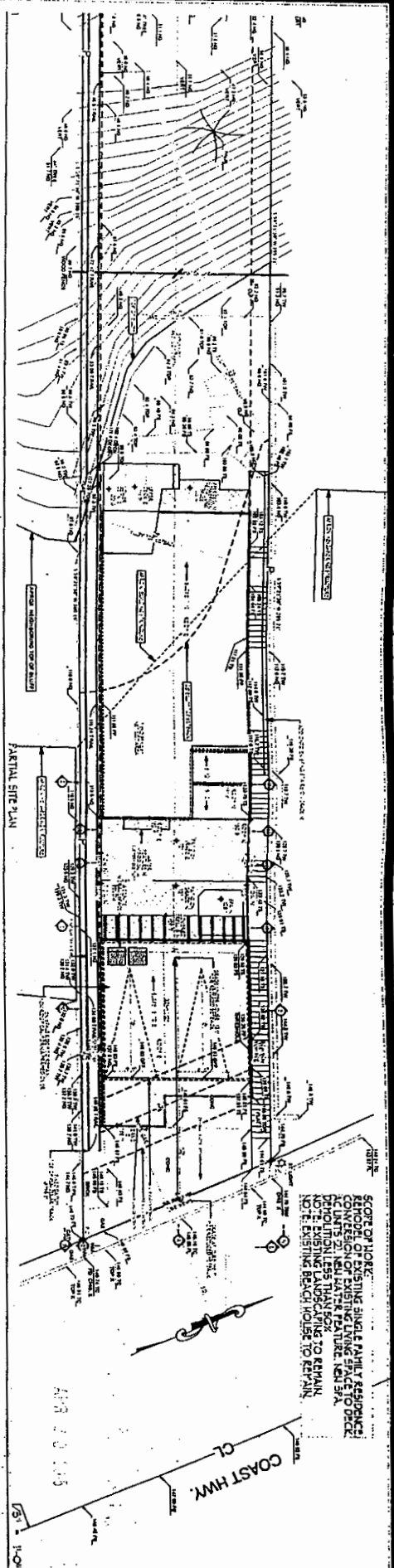
  
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Staff Representative

  
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Chair McErlane

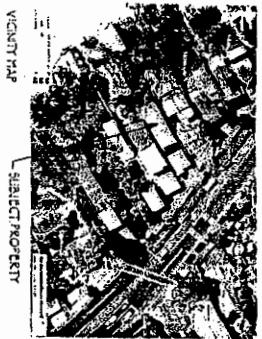
Board of Adjustment Resolution No. CDP 15.27

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 2 OF 3



NOTE: ALL UTILITIES TO BE UNDERGROUND TO THE NEAREST POLE OR VAULT  
 NOTE: TITLE 24 REQUIREMENTS HAVE BEEN TAKEN INTO CONSIDERATION



WICHTY MAP

SELECT PROPERTY

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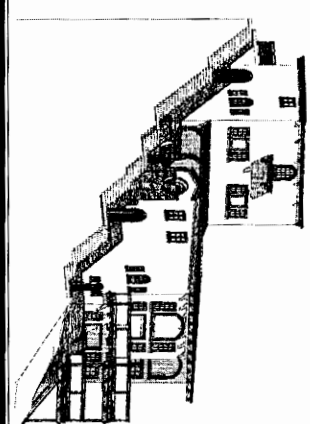
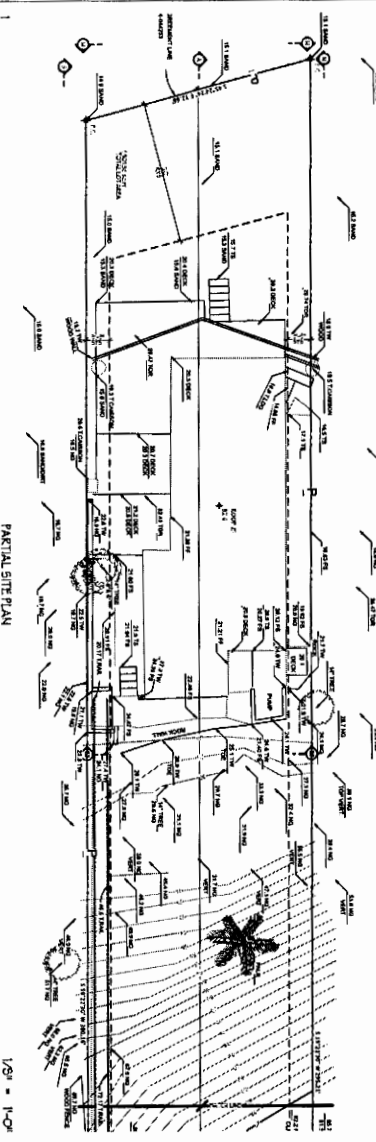
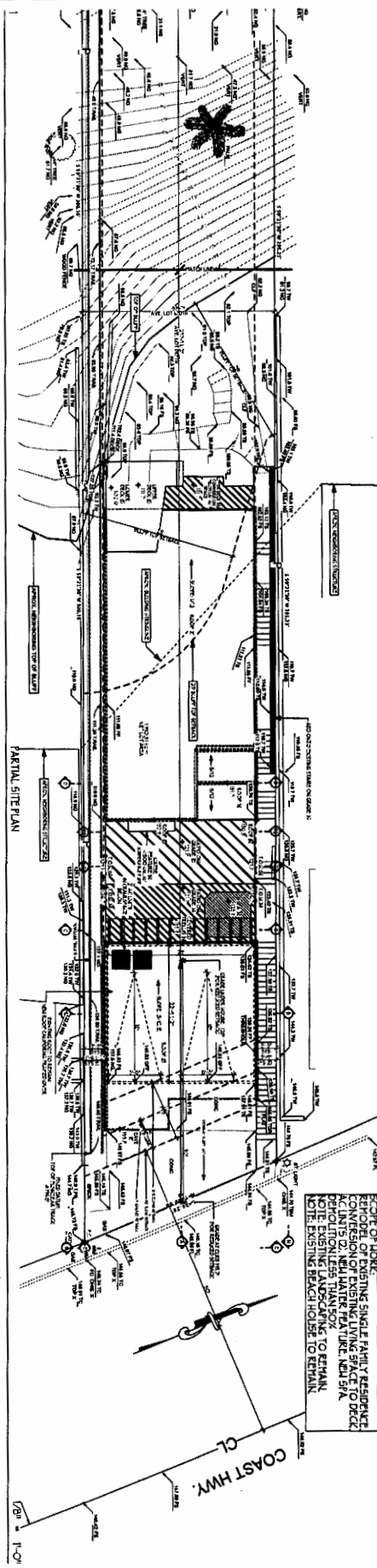
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SCOPE OF WORK:  
 REMOVAL OF EXISTING SINGLE FAMILY RESIDENCE  
 CONVERSION OF EXISTING LIVING SPACE TO DECK  
 REMOVAL OF EXISTING PORCH  
 CONSTRUCTION OF NEW PORCH  
 CONSTRUCTION OF NEW DECK  
 CONSTRUCTION OF NEW BENCH HOUSE TO REMAIN  
 NOTE: EXISTING BENCH HOUSE TO REMAIN

DR006.415

COASTAL COMMISSION

EXHIBIT # 4  
 PAGE 3 OF 3



NOTE: ALL UTILITIES TO BE UNDERGROUND TO THE NEAREST POLE OR VAULT  
 NOTE: TITLE 24 REQUIREMENTS HAVE BEEN TAKEN INTO CONSIDERATION



CITY OF HONOLULU  
 REMODEL OF EXISTING SINGLE FAMILY RESIDENTIAL HOME TO BE A SINGLE STORY HOME WITH A PORCH AND LANDSCAPING TO REMAIN.  
 NOTE: EXISTING BEACH HOUSE TO REMAIN.

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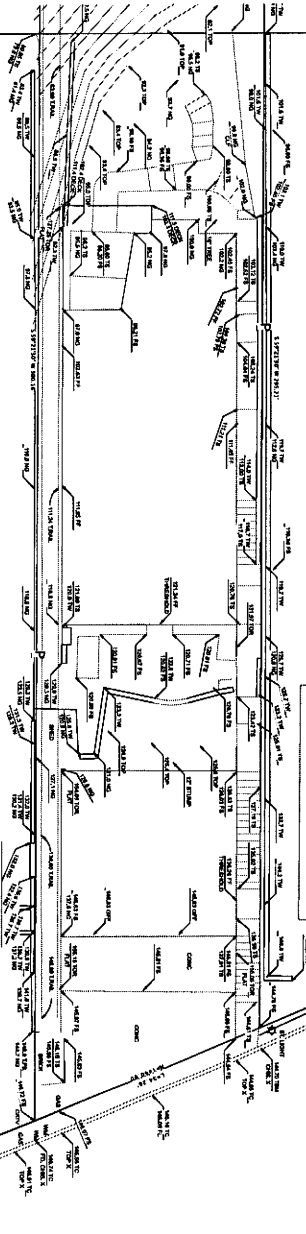
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41	EXTERIOR CLADDING
42	EXTERIOR CLADDING
43	EXTERIOR CLADDING
44	EXTERIOR CLADDING
45	EXTERIOR CLADDING
46	EXTERIOR CLADDING
47	EXTERIOR CLADDING
48	EXTERIOR CLADDING
49	EXTERIOR CLADDING
50	EXTERIOR CLADDING

A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31949 COAST HWY. LAGUNA BEACH, CA

GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH, CA. 92651 (949) 947-3442

EXHIBIT # 5  
 PAGE 1 OF 21  
 A-C-161R-15-MU1Y

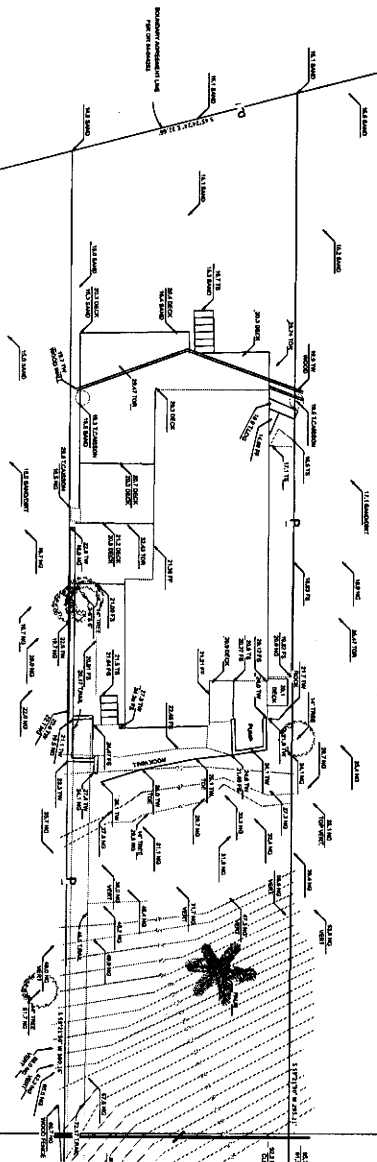


CL  
COAST HWY.  
15.00000'



LEGEND  
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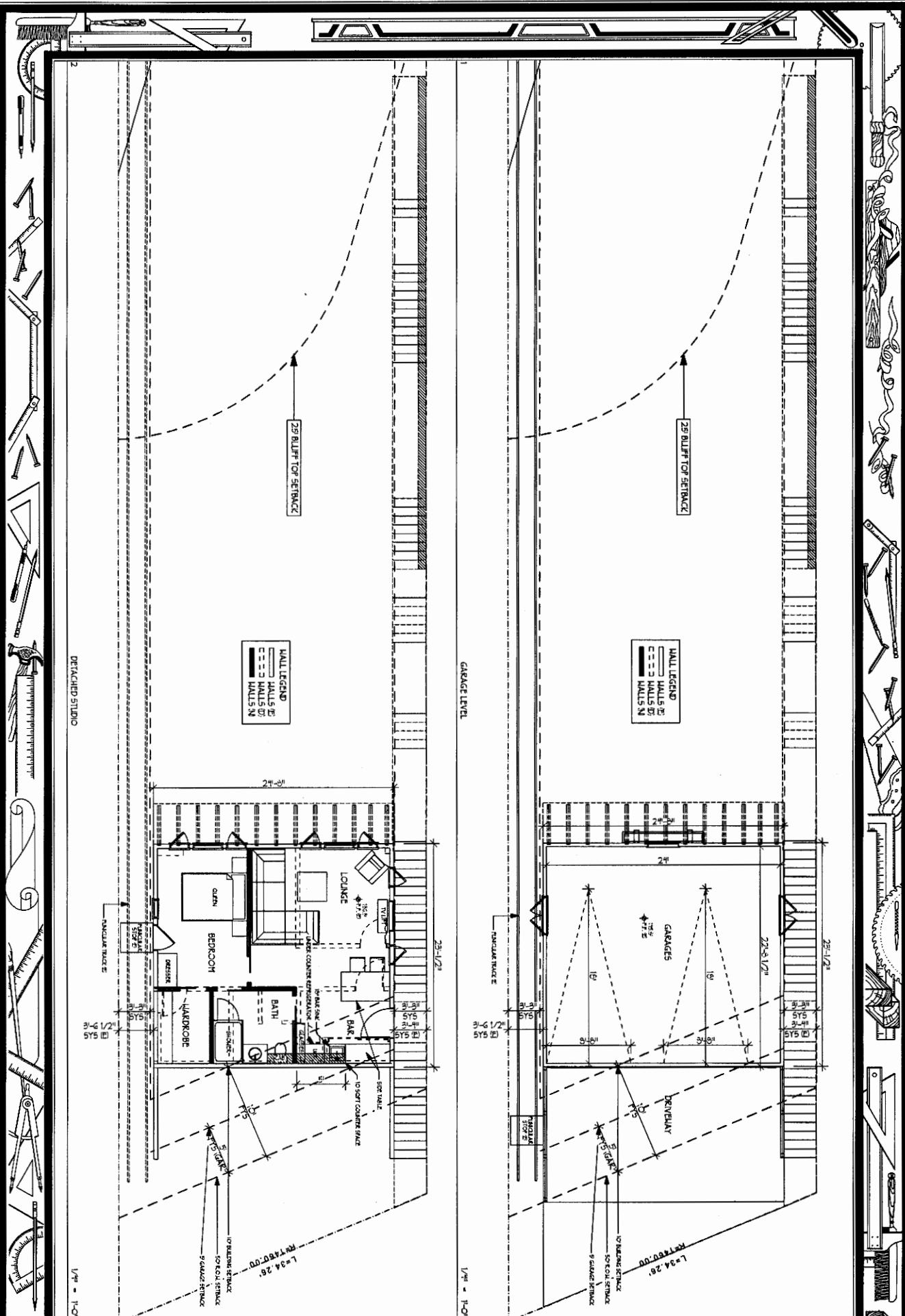
<b>TOPOGRAPHIC MAP</b>	
SCALE	PORTION LOT 5 TRACT NO. 2504
DATE	
31949 COAST HWY, LAGUNA BEACH CA.	
[Unreadable text]	



**LEGEND**

- 1. Contour Lines
- 2. Spot Elevation
- 3. Building Footprint
- 4. Building Footprint with Foundation
- 5. Building Footprint with Foundation and Roof
- 6. Building Footprint with Foundation, Roof and Siding
- 7. Building Footprint with Foundation, Roof, Siding and Windows
- 8. Building Footprint with Foundation, Roof, Siding, Windows and Doors
- 9. Building Footprint with Foundation, Roof, Siding, Windows, Doors and Stairs
- 10. Building Footprint with Foundation, Roof, Siding, Windows, Doors, Stairs and Porch
- 11. Building Footprint with Foundation, Roof, Siding, Windows, Doors, Stairs, Porch and Deck
- 12. Building Footprint with Foundation, Roof, Siding, Windows, Doors, Stairs, Porch, Deck and Pool
- 13. Building Footprint with Foundation, Roof, Siding, Windows, Doors, Stairs, Porch, Deck, Pool and Fencing
- 14. Building Footprint with Foundation, Roof, Siding, Windows, Doors, Stairs, Porch, Deck, Pool, Fencing and Driveway
- 15. Building Footprint with Foundation, Roof, Siding, Windows, Doors, Stairs, Porch, Deck, Pool, Fencing, Driveway and Garage

<b>TOPOGRAPHIC MAP</b>	
SCALE	NORTH LOT 1 TRACT NO. 2284
MAP DATE	3/19/00
31840 COAST HWY, LAGUNA BEACH, CA	
JACOBO SERRA, TITLE	
NO. 1001 COURT, SANFORD, FL 32111, ST. JOHNS COUNTY, FLORIDA 32111	



A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31949 COAST HWY. LAGUNA BEACH, CA

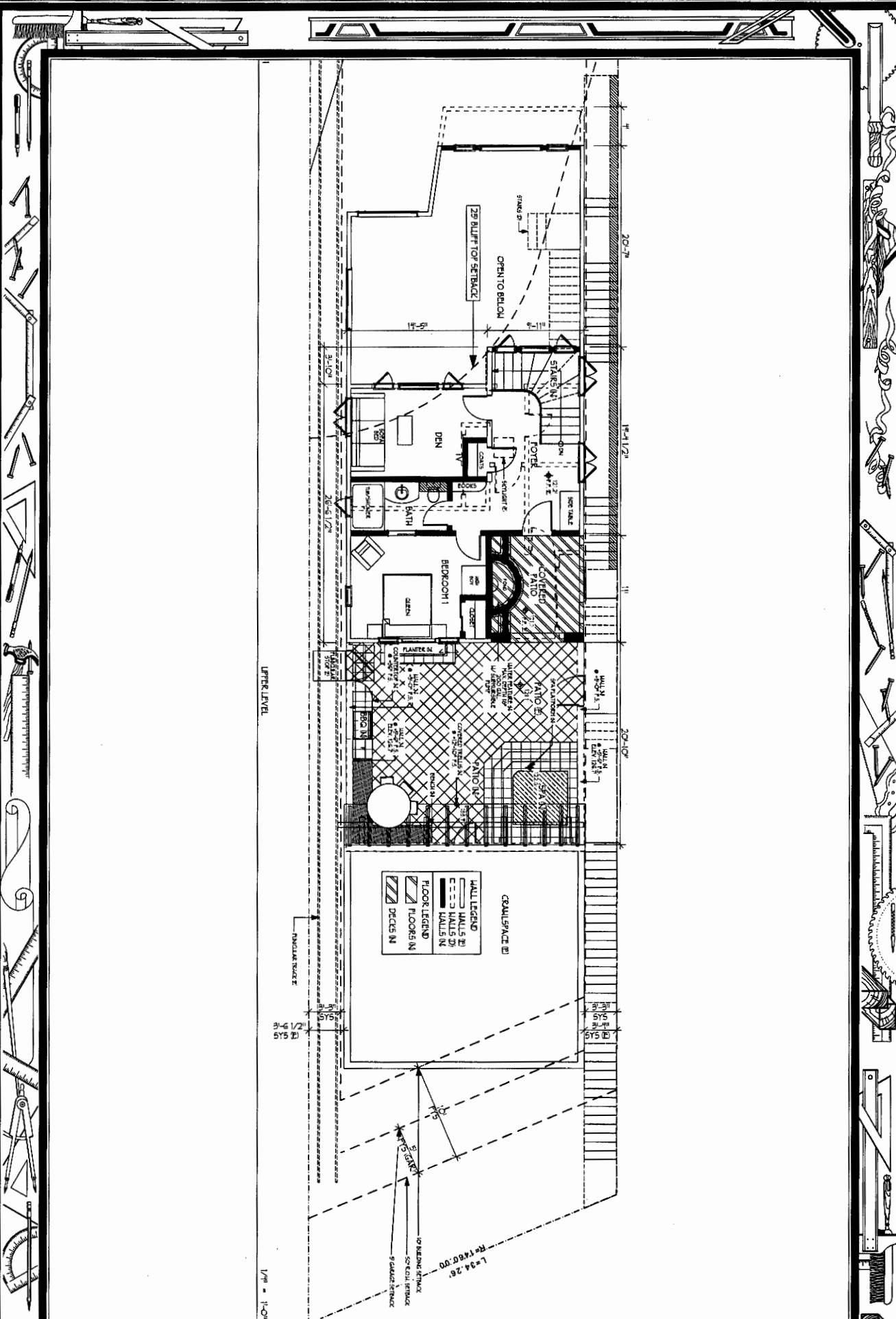
GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH, CA. 92651 (714) 417-3412

EXHIBIT # 5  
 PAGE 4 OF 21

A2.1

DATE: 1/22/8



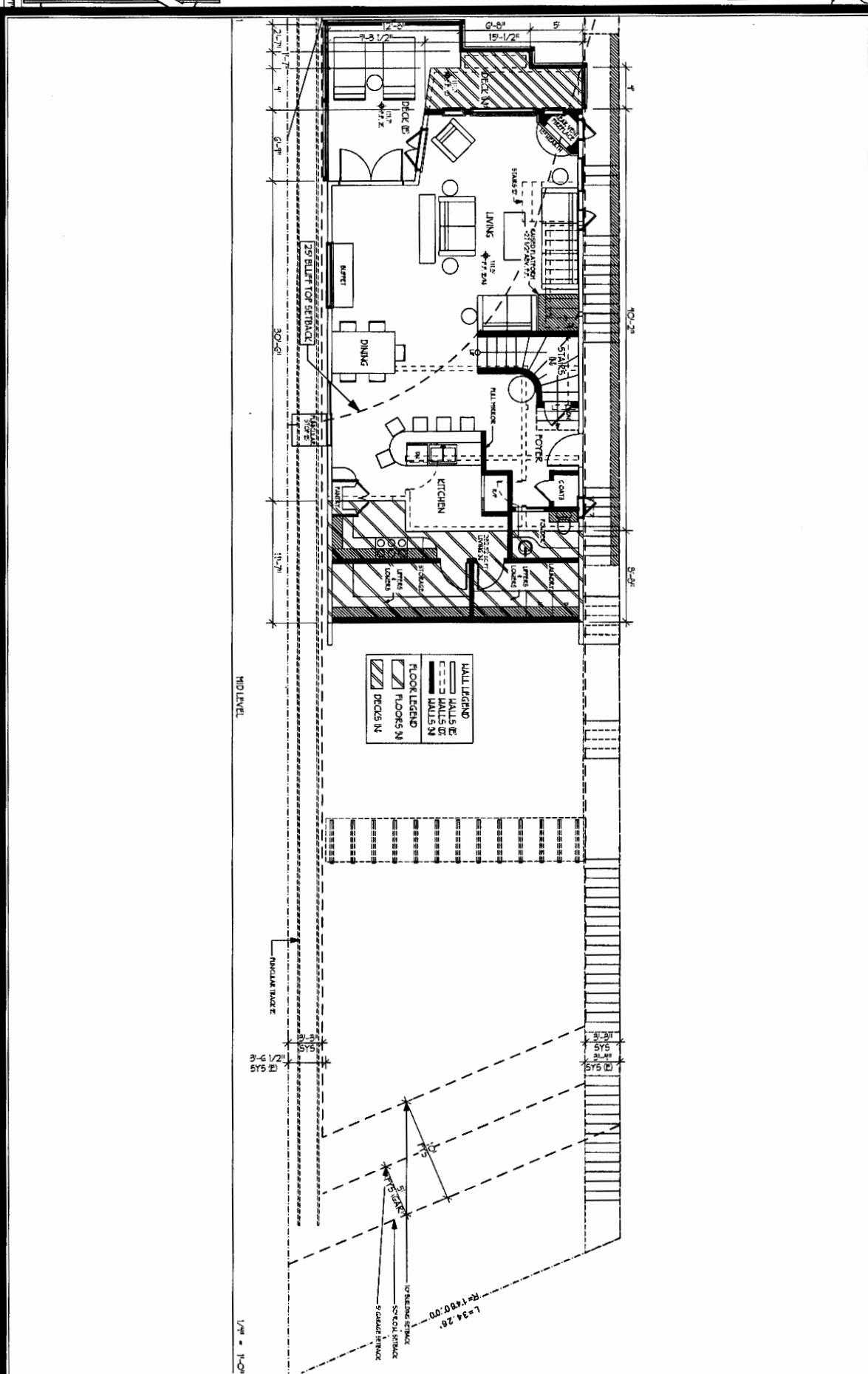
A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31991 COAST HWY. LAGUNA BEACH, CA

GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH CA. 92651 (919) 497-3442

A2.2

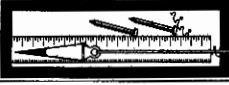
EXHIBIT # 5  
 PAGE 5 OF 21



A2.3

DATE 7/2/05

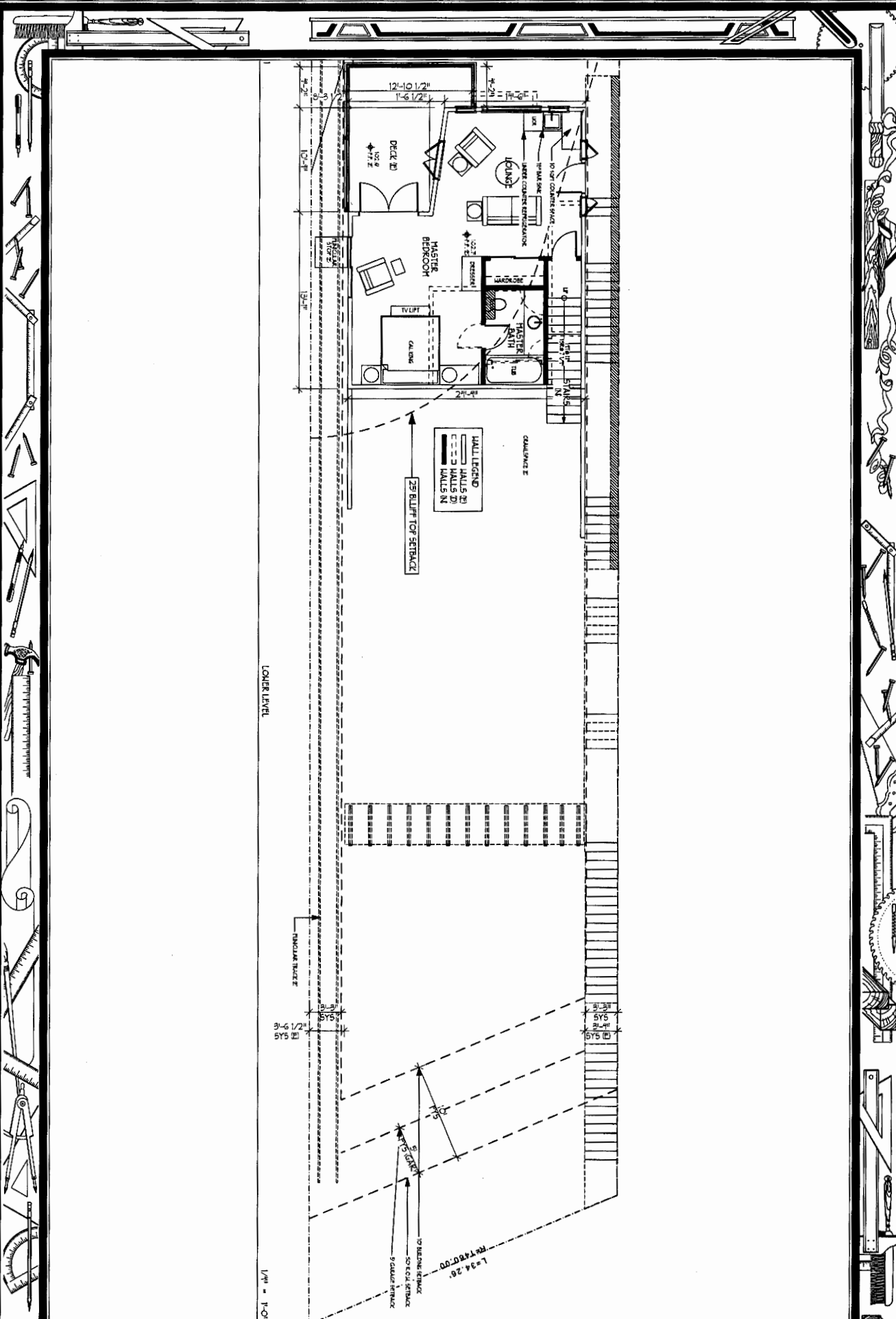
A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31949 COAST HWY. LAGUNA BEACH, CA



GREGORY CHRISTIAN ABEL

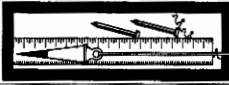
1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH CA. 92651 (949) 917-3112





A2.4

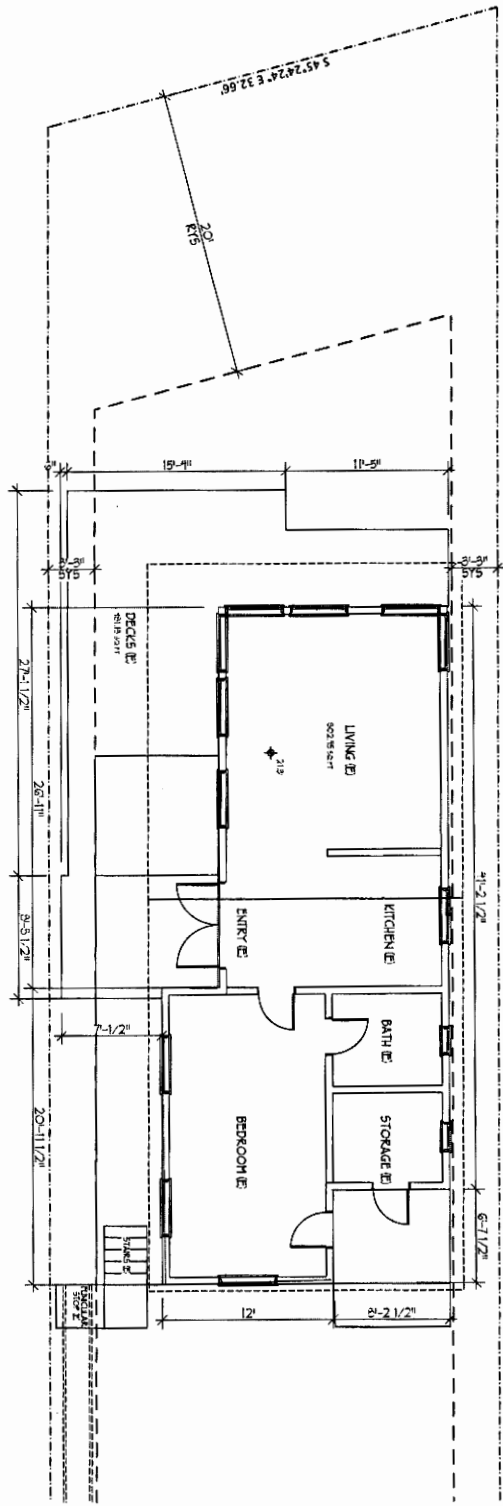
A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31999 COAST HWY. LAGUNA BEACH, CA



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EXHIBIT # 5  
 PAGE 7 OF 21



BEACH HOUSE. NO CHANGES PROPOSED

1/4" = 1'-0"

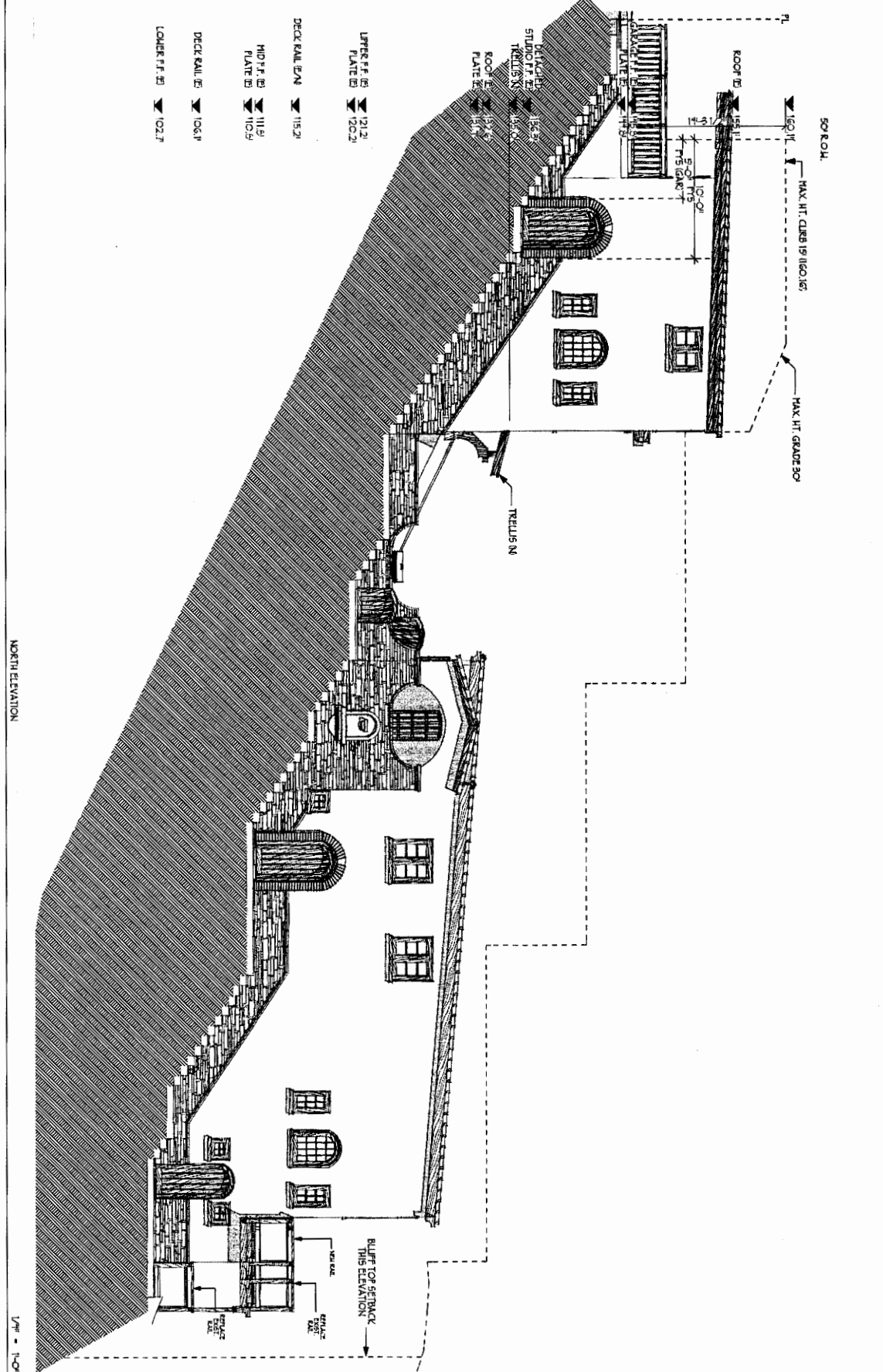
A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31949 COAST HWY. LAGUNA BEACH, CA

GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH CA. 92651 (949) 997-2992

A2.5

DATE PLOT  
 4/2/95



NORTH ELEVATION

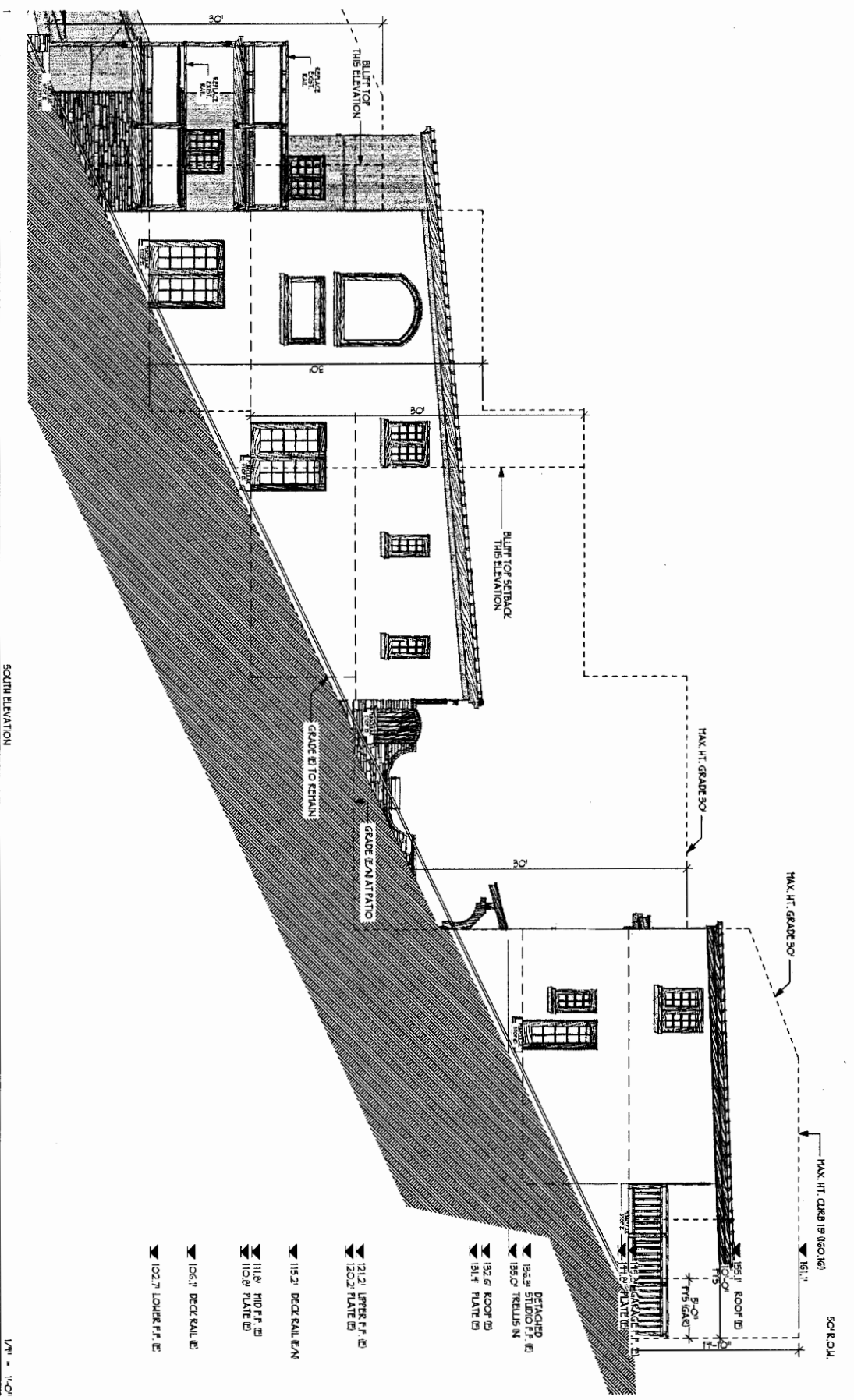
1/8" = 1'-0"

A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31911 COAST HWY. LAGUNA BEACH, CA

GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH, CA. 92651 (714) 417-2412

A3.1

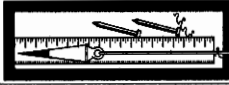


SOUTH ELEVATION

1/8" = 1'-0"

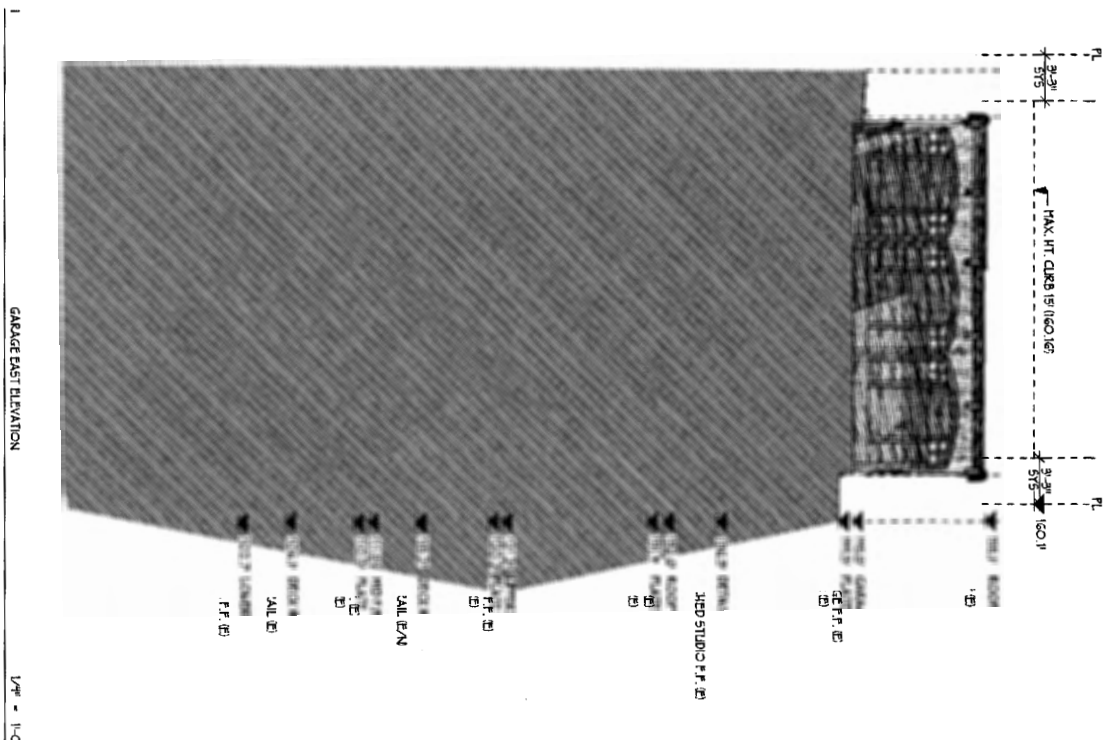
- ▶ 152.5' STUCCO F.F. E.D.
- ▶ 153.0' TRUSS L.N.
- ▶ 152.0' ROOF E.D.
- ▶ 151.4' PLATE E.D.
- ▶ 121.2' UPPER F.F. E.D.
- ▶ 120.2' PLATE E.D.
- ▶ 115.2' DECK RAIL E.N.
- ▶ 111.0' MID F.F. E.D.
- ▶ 110.0' PLATE E.D.
- ▶ 102.7' LOWER F.F. E.D.

A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31949 COAST HWY. LAGUNA BEACH, CA

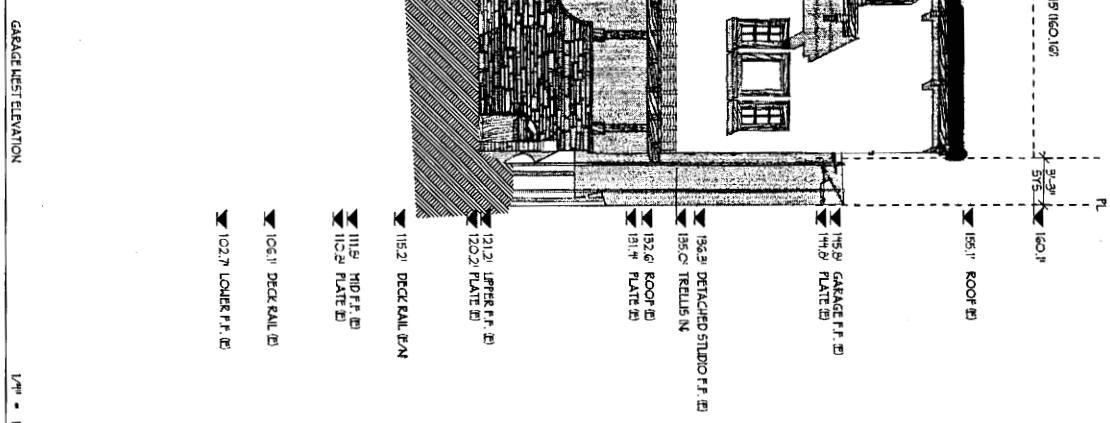


GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH, CA, 92651 (949) 417-3442



1/4" = 1'-0"

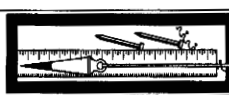


1/4" = 1'-0"

GARAGE EAST ELEVATION

GARAGE WEST ELEVATION

A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31141 COAST HWY. LAGUNA BEACH, CA

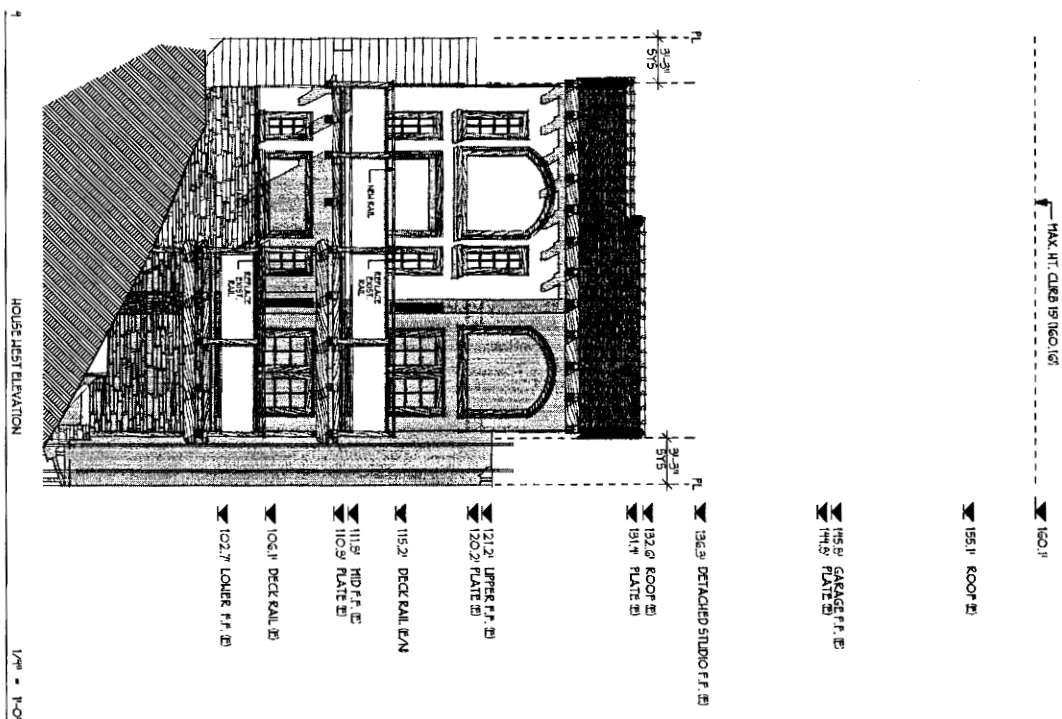
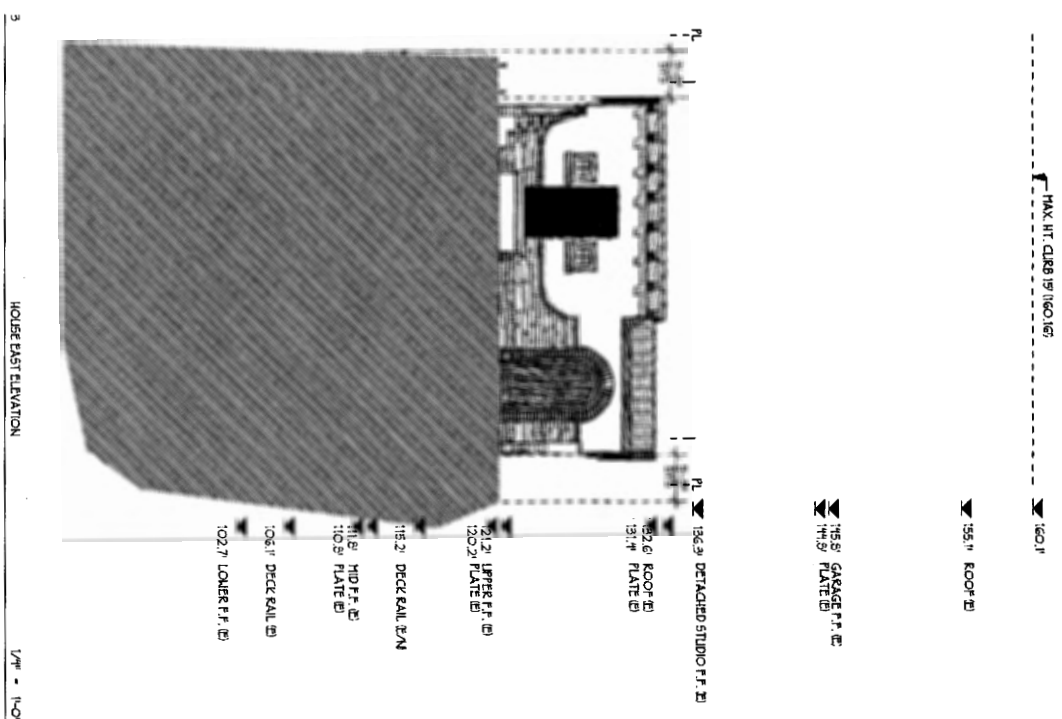


GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH, CA. 92651 (949) 447-3442

A3.3

EXHIBIT # 5  
 PAGE 11 OF 21



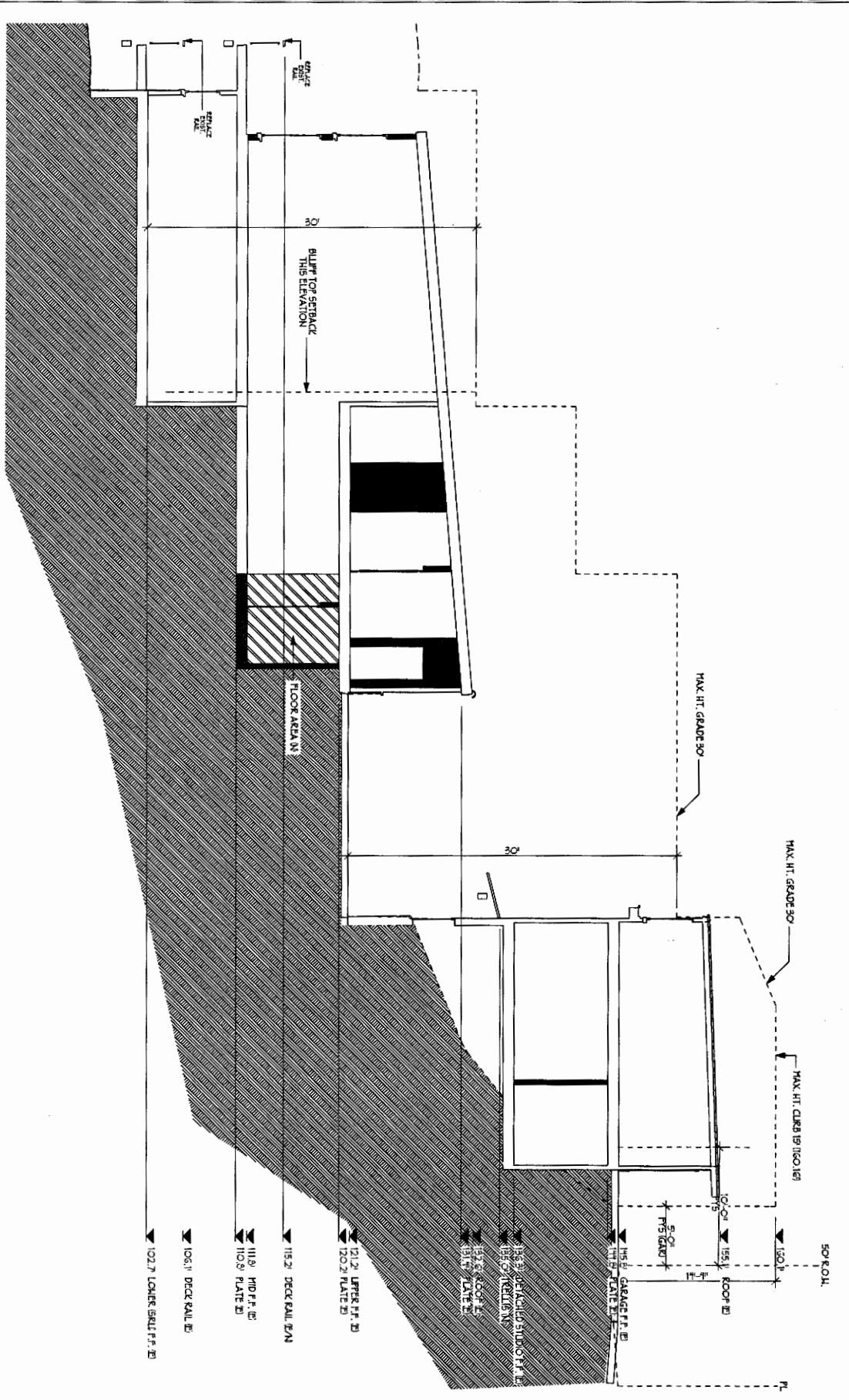
A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31949 COAST HWY. LAGUNA BEACH, CA

GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH, CA. 92651 (949) 917-3442

EXHIBIT # 5  
 PAGE 12 OF 21

A3.4



SECTION A

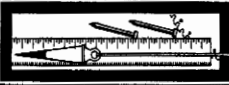
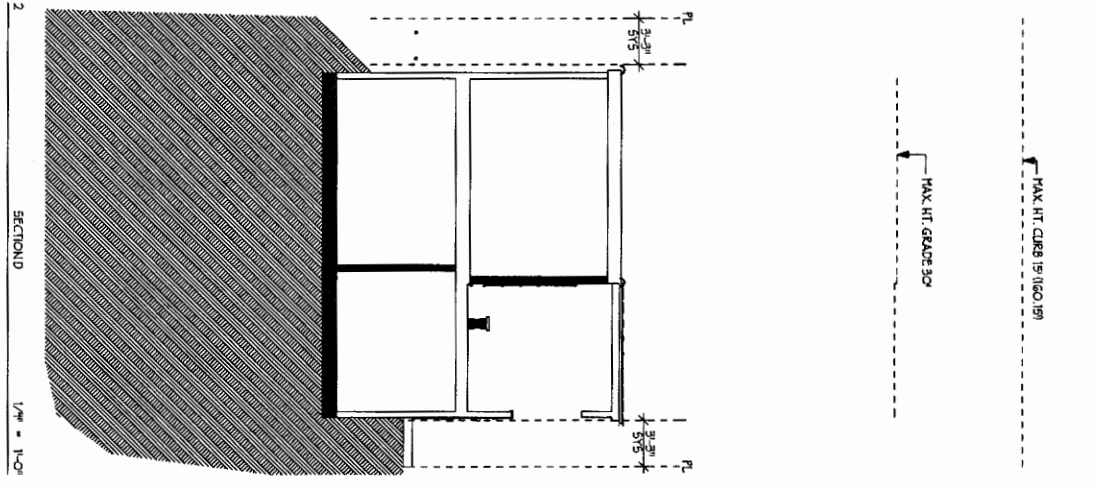
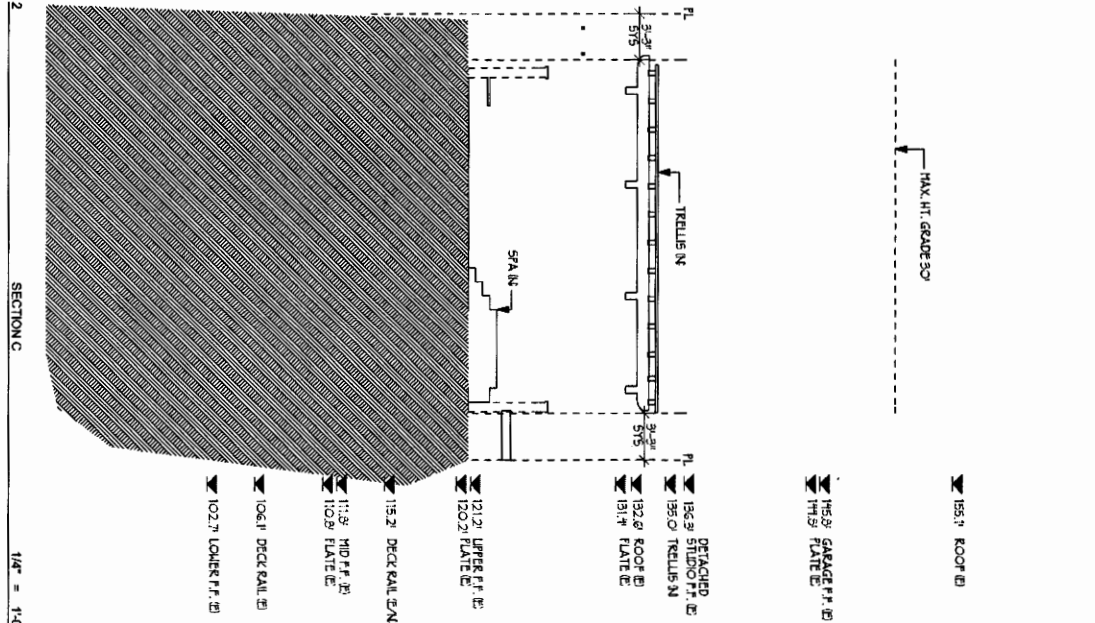
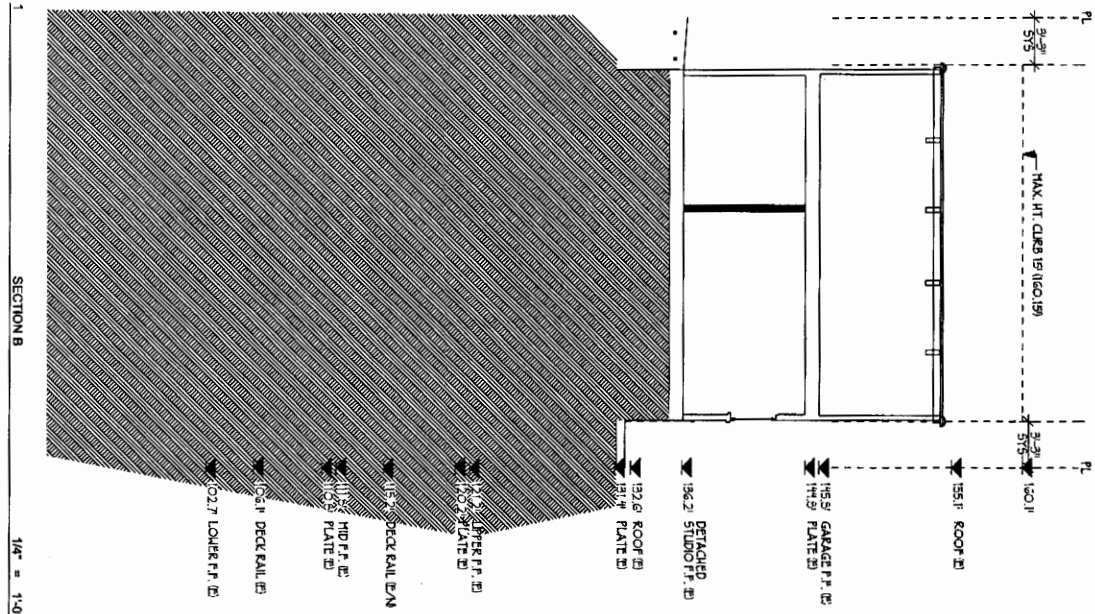
1/4" = 1'-0"

A REMODEL FOR  
Greg & Barbara Mac Gillivray - John Wayne House  
31441 Coast Hwy. Laguna Beach, CA

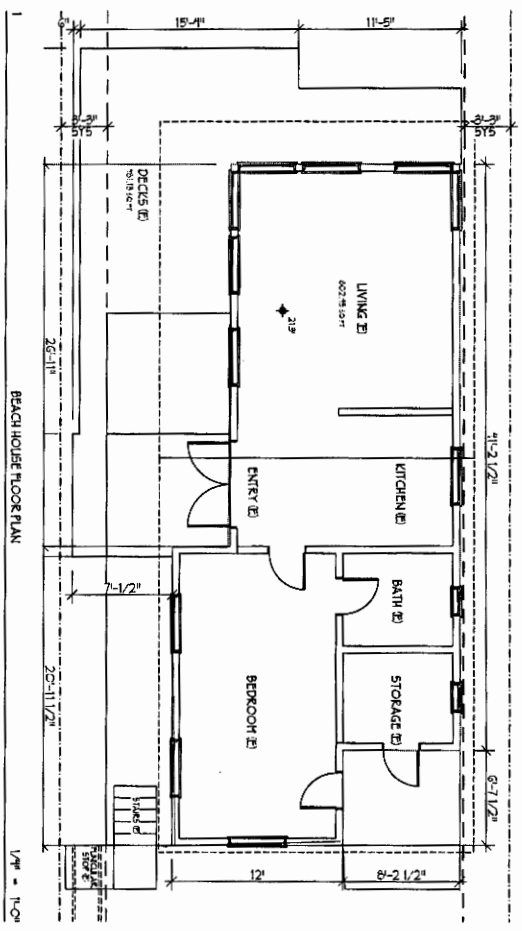
GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY, STE. 206, LAGUNA BEACH, CA. 92651 (949) 947-8442

A3.5

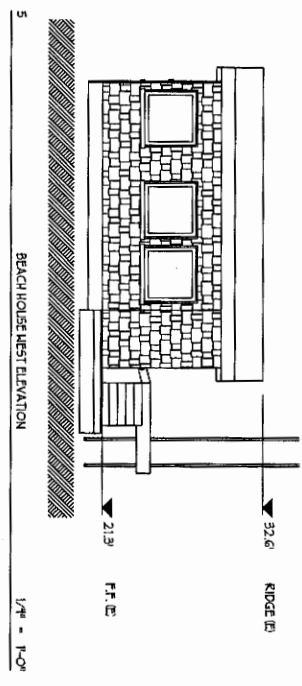
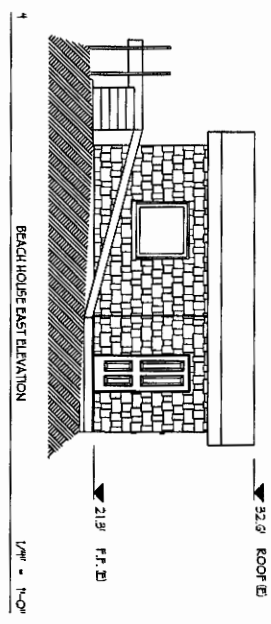
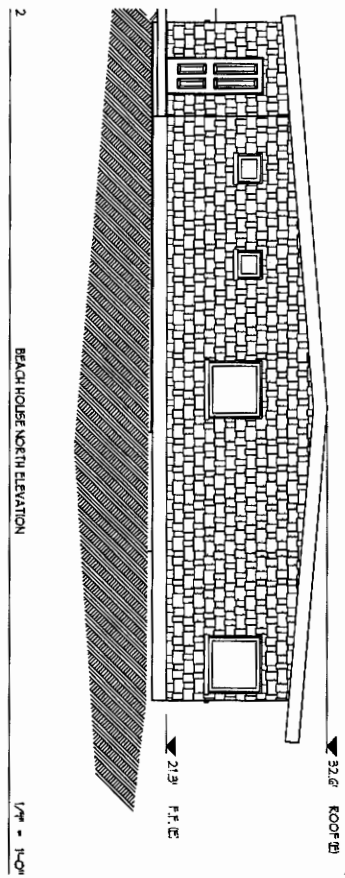
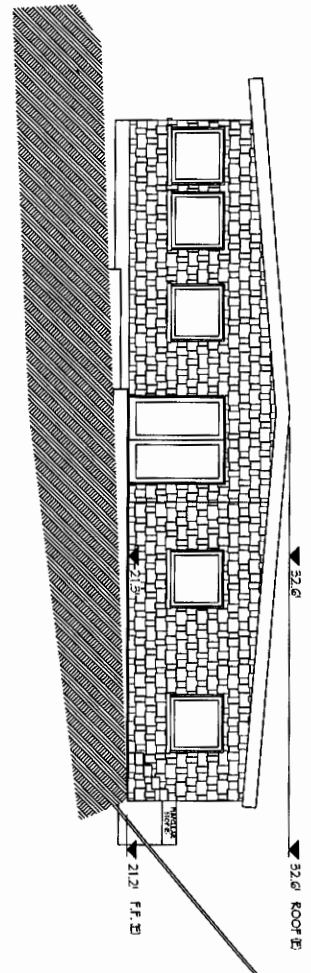






DEMOLITION CALCULATIONS

BEACH HOUSE	EXISTING	REMOVED	REMAINING	NET TOTALS	0.00
ROOF AREA	1179.11	0	1179.11	0.00	0.00
FLOOR AREA	1077.54	0	1077.54	0.00	0.00
TOTAL FLOOR AREA	2256.65	0	2256.65	0.00	0.00
TOTAL EXTERIOR WALL	1321.31	0	1321.31	0.00	0.00

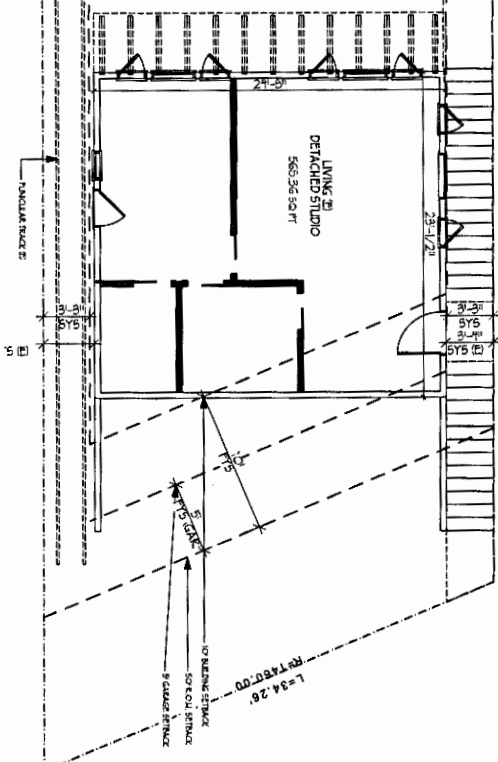


A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31949 COAST HWY. LAGUNA BEACH, CA

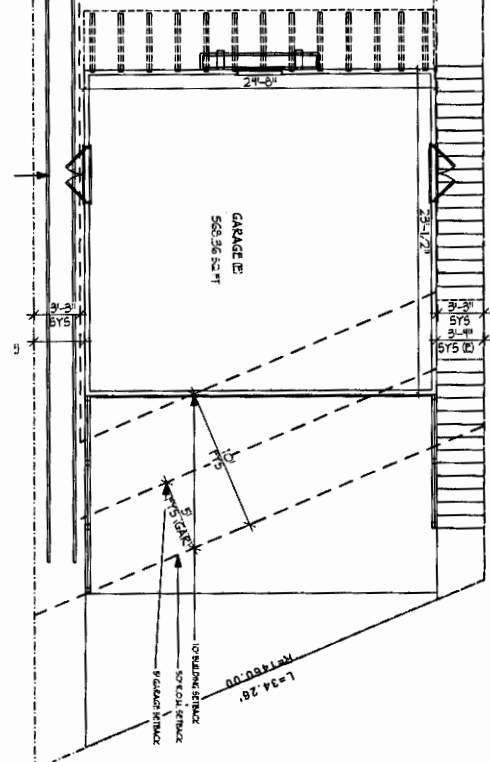
GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH, CA, 92651 (949) 417-9442

DETACHED STUDIO AREA CALCULATIONS



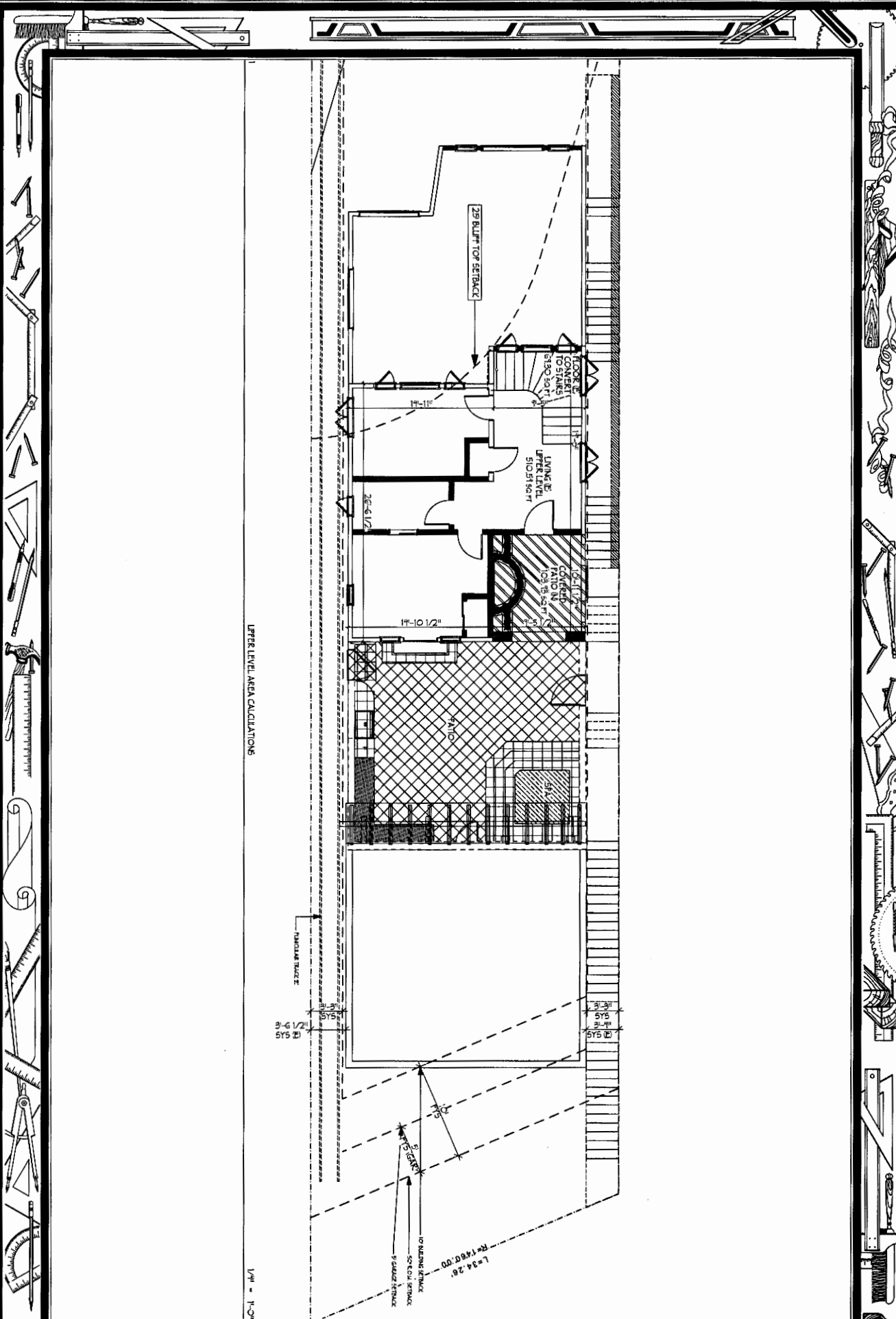
GARAGE LEVEL AREA CALCULATIONS



A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31741 COAST HWY. LAGUNA BEACH, CA

GREGORY CHRISTIAN ABEL

1100 SOUTH COAST HWY. STE. 206 LAGUNA BEACH CA. 92651 (949) 417-3442



UPPER LEVEL AREA CALCULATIONS

1/4" = 1'-0"

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 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31111 COAST HWY. LAGUNA BEACH, CA

GREGORY CHRISTIAN ABEL

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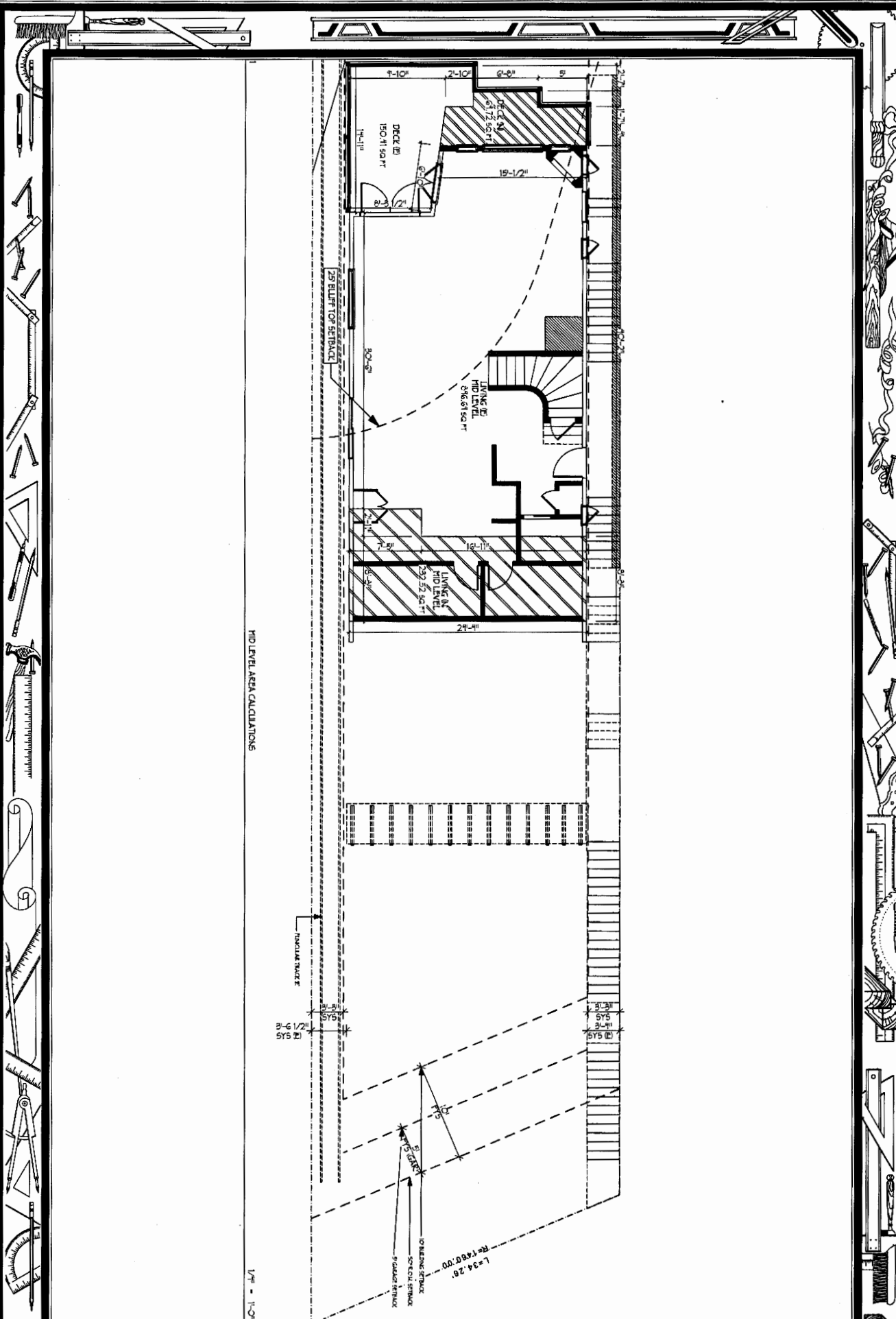
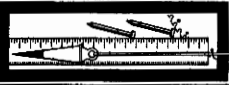


EXHIBIT # 5  
 PAGE 18 OF 21

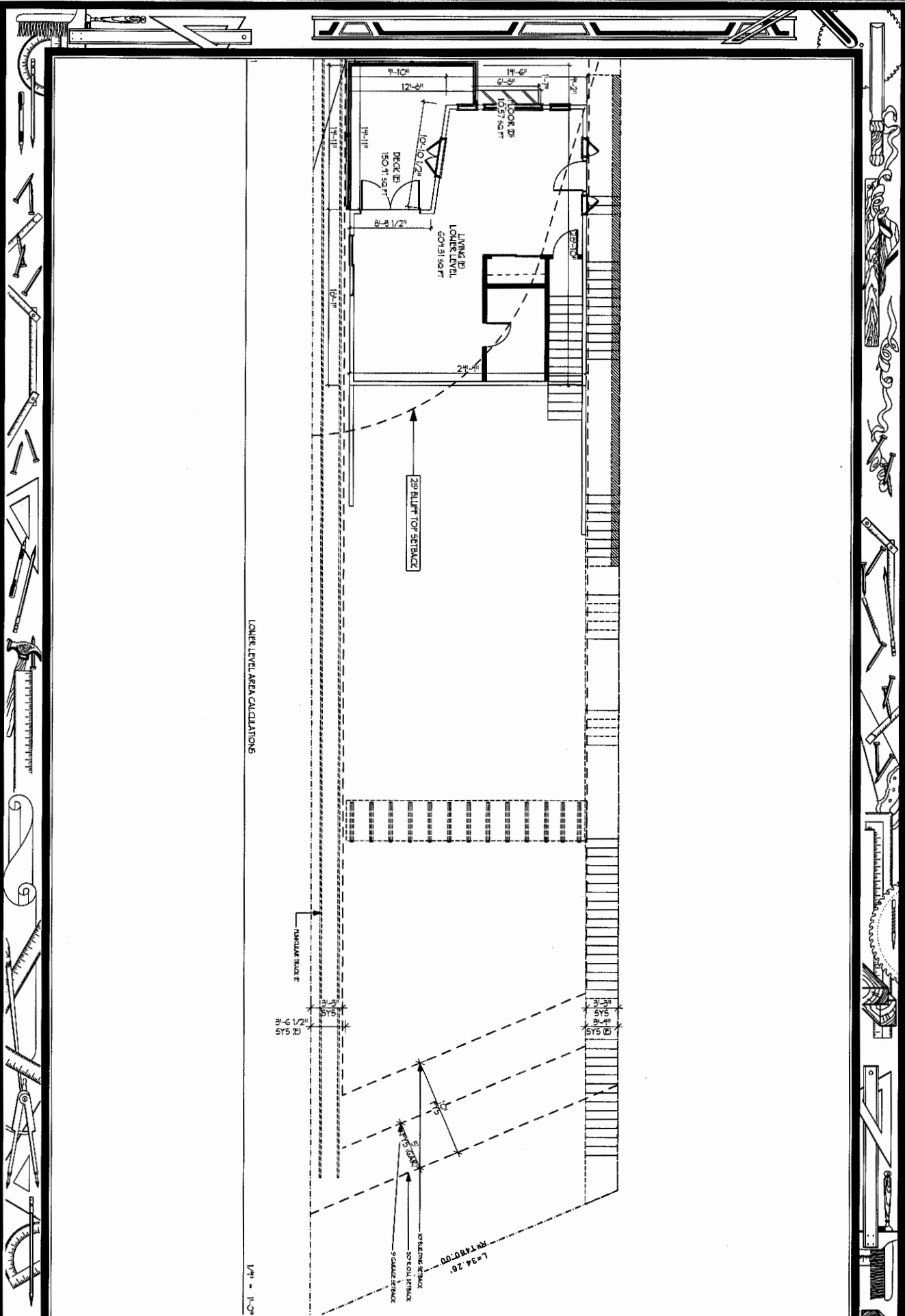
A5.3

A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31111 COAST HWY. LAGUNA BEACH, CA



GREGORY CHRISTIAN ABEL

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LOWER LEVEL AREA CALCULATIONS

1/8" = 1'-0"

A REMODEL FOR  
 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31999 COAST HWY. LAGUNA BEACH, CA

GREGORY CHRISTIAN ABEL

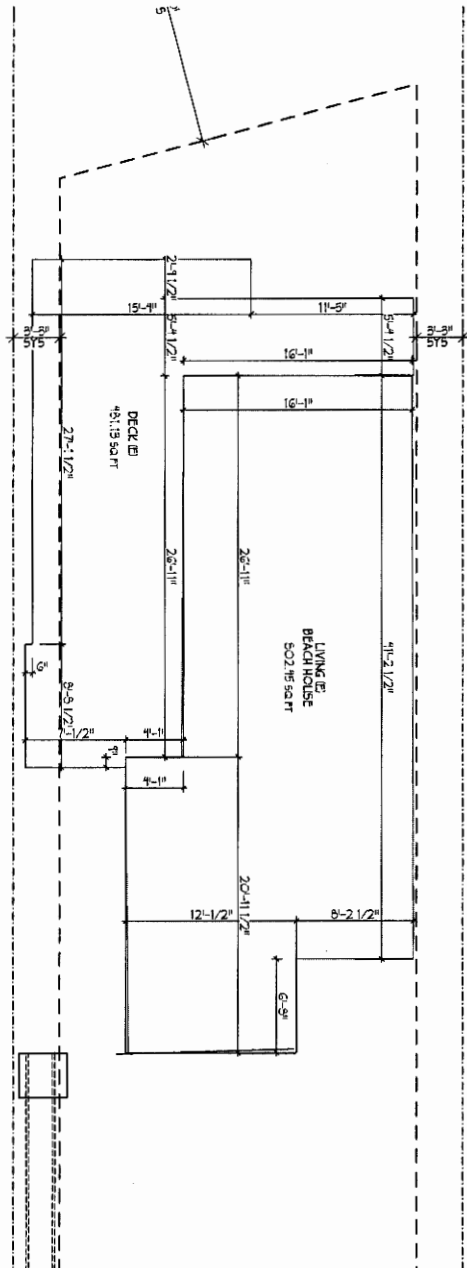
1100 SOUTH COAST HWY. STE. 206, LAGUNA BEACH, CA. 92651 (949) 417-3442

A54

DATE PLOTTED  
 9/1/00

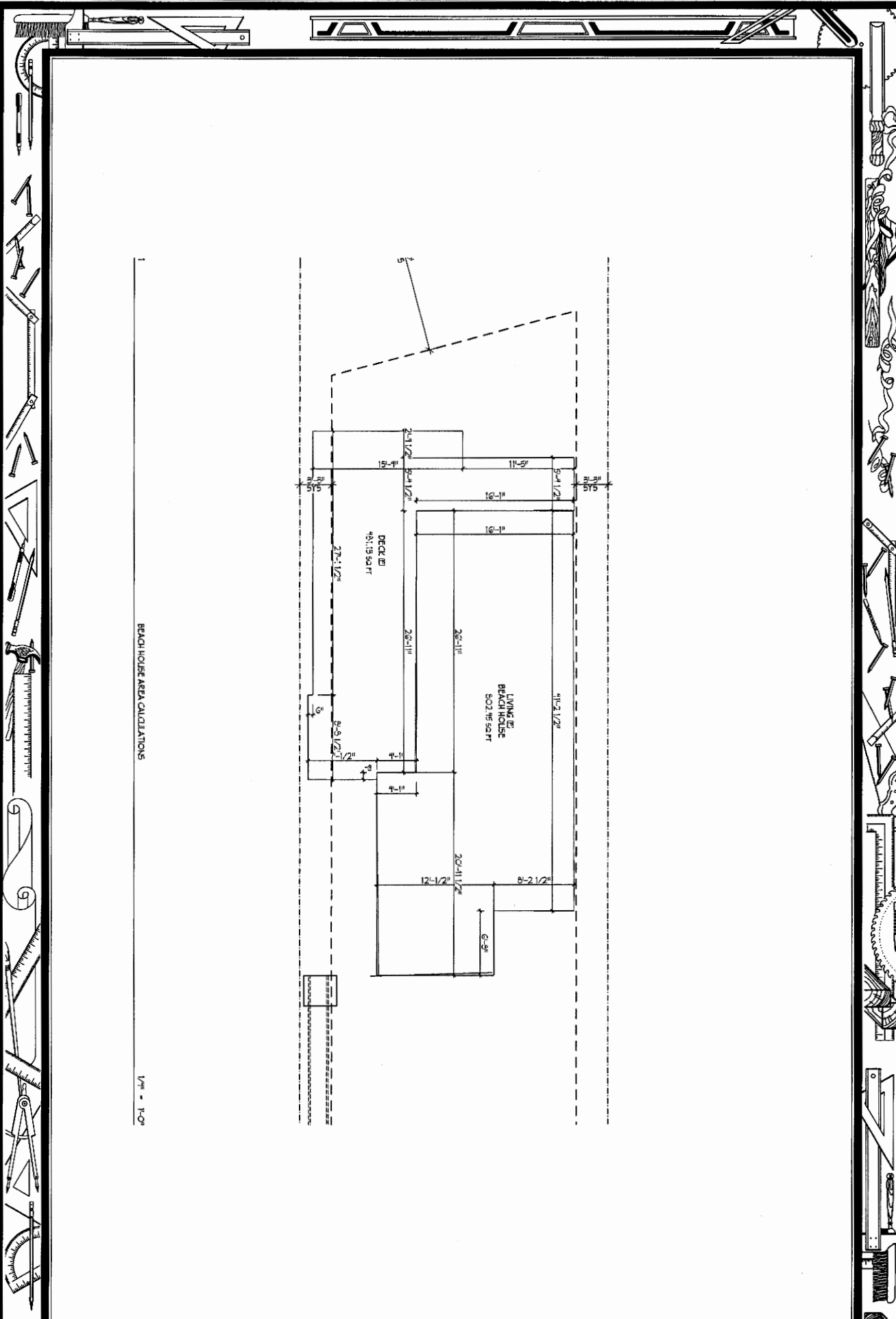


EXHIBIT # 5  
 PAGE 19 OF 21



BEACH HOUSE AREA CALCULATIONS

1/8" = 1'-0"

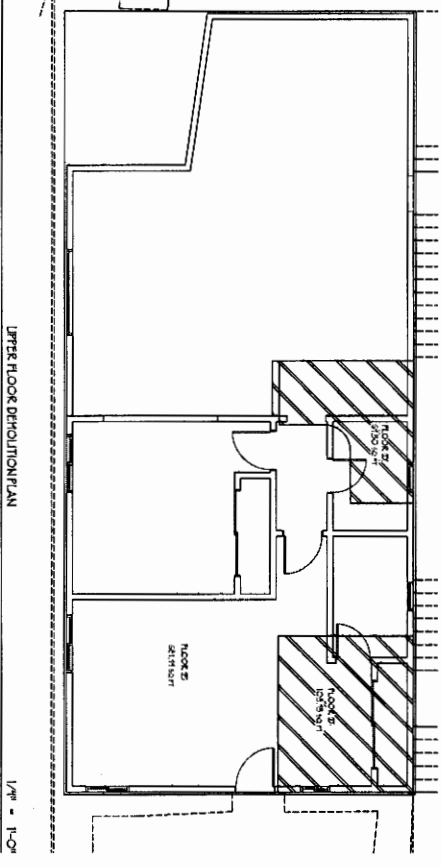
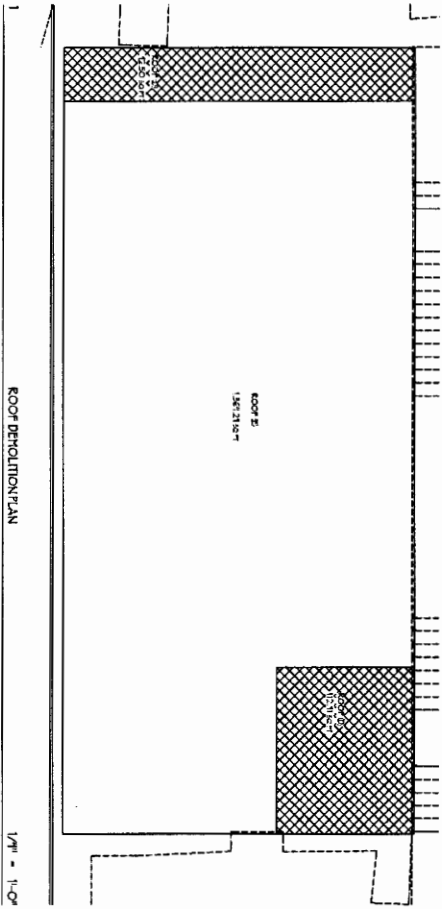
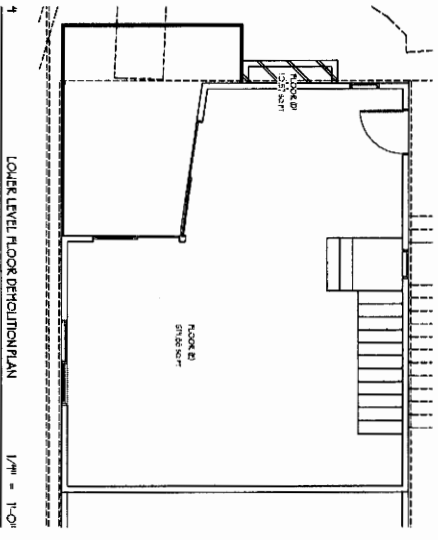
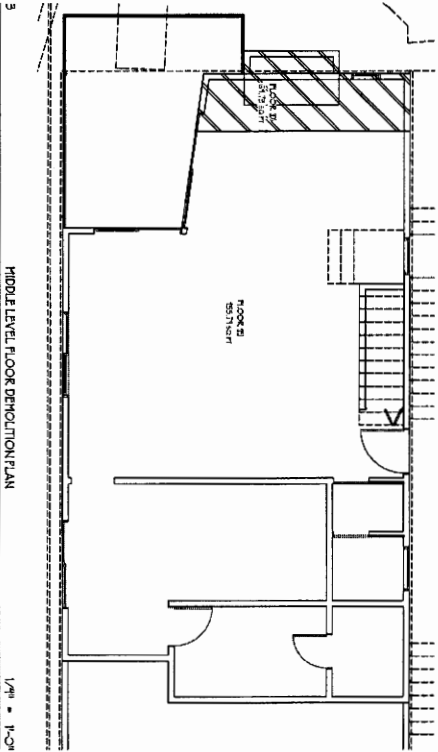
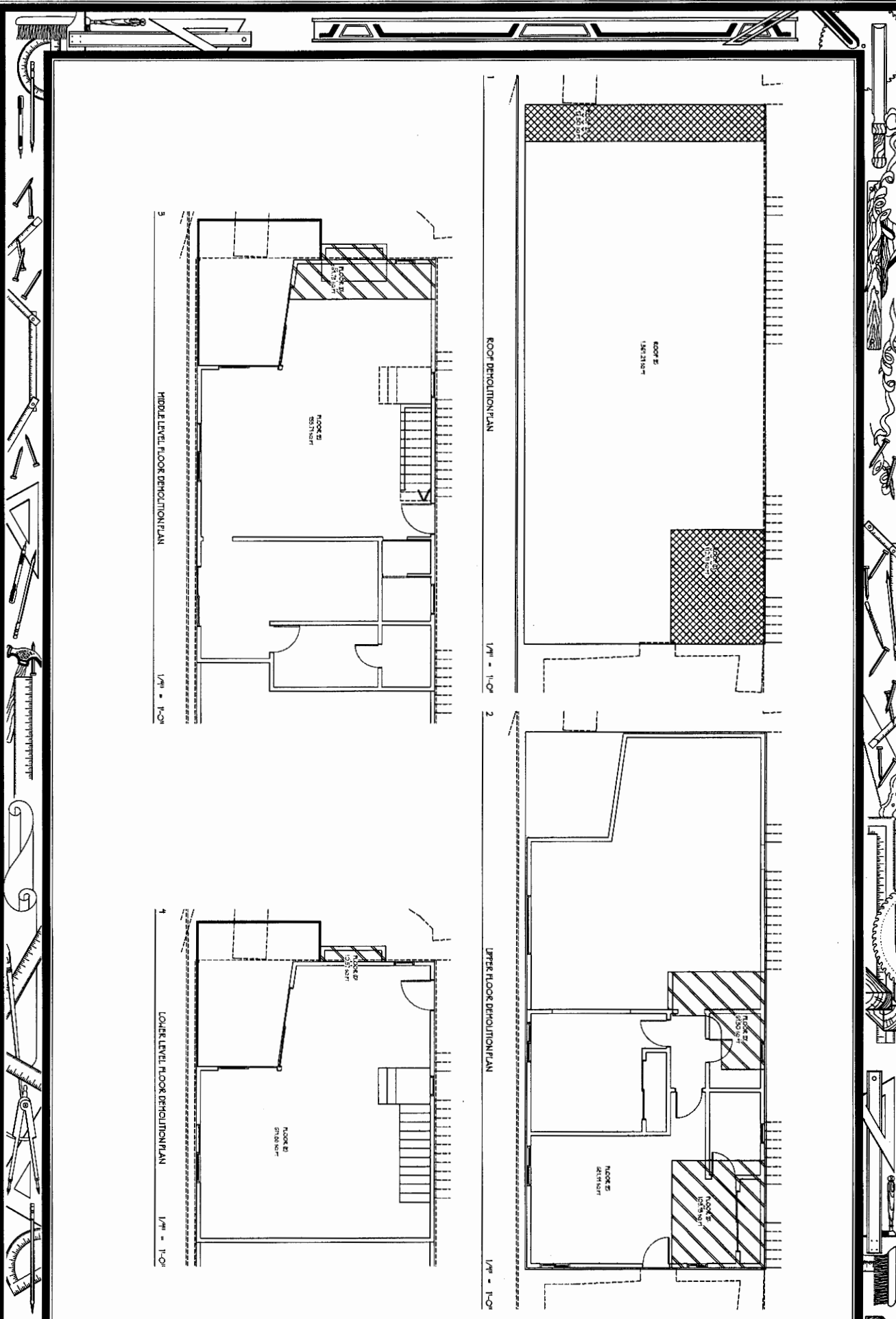


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 GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
 31999 COAST HWY. LAGUNA BEACH, CA

GREGORY CHRISTIAN ABEL

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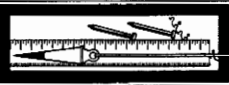
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AG-2

DATE  
1/1/07

A REMODEL FOR  
GREG & BARBARA MAC GILLIVRAY - JOHN WAYNE HOUSE  
31749 COAST HWY. LAGUNA BEACH, CA



GREGORY CHRISTIAN ABEL

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