

CALIFORNIA COASTAL COMMISSION

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Filed: 7/8/03
49th Day: 8/26/03
180th Day: 1/4/04
Staff: MV-LB
Staff Report: 10/16/03
Hearing Date: 11/5-7/03
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER: 5-02-192****APPLICANT: Jeanette & Michael Freedman****AGENT: Brion Jeannette, Architect, AIA****PROJECT LOCATION: 4 Mar Vista Lane, Laguna Beach, Orange County**

PROJECT DESCRIPTION: Remodel and addition of 1,200 square feet to an existing single family residence resulting in a 2,642 square foot, two story, 22 feet high from existing grade (13 from centerline of frontage road), single family residence with an attached 369 square foot two car garage. Also proposed is 114 cubic yards of cut to accommodate expansion of the existing lower level.

Lot Area:	11,193 square feet
Building Coverage:	2,642 square feet
Pavement Coverage:	1,955 square feet
Landscape Coverage:	687 square feet
Parking Spaces:	4
Zoning:	Three Arch Bay
Ht above final grade:	22 feet

LOCAL APPROVALS RECEIVED: City of Laguna Beach Approval in Concept**SUBSTANTIVE FILE DOCUMENTS:** City of Laguna Beach Local Coastal Program**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval of the proposed project subject to six special conditions which are necessary to assure that the project conforms with Section 30253 of the Coastal Act regarding geology and hazard, with Section 30251 regarding landform alteration and visual quality, and with Section 30231 regarding protection of water quality. Special Condition No.1 requires a revised landscape plan which requires the use of native and drought tolerant plantings, and prohibits permanent irrigation and invasive plants; Special Condition No. 2 requires a revised drainage plan that requires site drainage to be directed to the street; Special Condition No. 3 requires conformance with the geotechnical

recommendations; Special Condition No. 4 prohibits future shoreline/bluff protection devices; Special Condition No. 5 requires that the applicant assume the risk of developing on an oceanfront, blufftop site; Special Condition No. 6 requires the applicant to record a deed restriction against the property, referencing all of the special conditions contained in this staff report.

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-02-192 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS:

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

assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. **SPECIAL CONDITIONS**

1. **Revised Landscape Plan**

- A. All new landscaping shall be primarily native (to coastal Orange County), drought tolerant vegetation. Invasive plants are prohibited.
- B. No permanent in-ground irrigation systems shall be installed on site. Temporary above ground irrigation is allowed to establish plantings.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised landscape plan reflecting the requirements of sections A and B above.
- D. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development unless the Executive Director determines that no amendment is required.

2. **Revised Drainage Plan**

- A. All site drainage shall be collected and directed/pumped to the street.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised drainage plan reflecting the requirements of sections A and B above.
- C. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development unless the Executive Director determines that no amendment is required.

3. **Conformance of Design and Construction Plans to Geotechnical Information**

- A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall be consistent with all recommendations contained in the Preliminary Geotechnical Investigation for Foundation Design,

prepared by Geofirm, dated May 14, 2003.

- B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that the geotechnical consultant has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above referenced geologic evaluation approved by the California Coastal Commission for the project site.
- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. No Future Shoreline/Bluff Protective Device

By acceptance of this permit, the applicant agrees, on behalf of him/herself and all other successors and assigns, that no shoreline/bluff protective device(s) shall ever be constructed to protect the development at the subject site approved pursuant to Coastal Development Permit No. 5-02-192 including future improvements, in the event that the property is threatened with damage or destruction from bluff and slope instability, erosion, landslides or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of him/herself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this permit, the applicant further agrees, on behalf of him/herself and all successors and assigns, that the landowner shall remove the development authorized by this permit if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that any portion of the development is destroyed, the permittee shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

5. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards due to bluff and slope instability, erosion, landslides or other natural hazards associated with development on an oceanfront, bluff top, site; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands,

damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. Deed Restriction

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

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicants propose to remodel and add 1,200 square feet to an existing single family residence resulting in a 2,642 square foot, two story, 22 feet high from existing grade (13 from centerline of frontage road), single family residence with an attached 369 square foot two car garage. Also proposed is 114 cubic yards of cut to accommodate expansion of the existing lower level. The subject site is an oceanfront, bluff top lot.

The subject site is located within the locked gate community of Three Arch Bay in the City of Laguna Beach. Laguna Beach has a certified Local Coastal Program (LCP) except for the four areas of deferred certification: Irvine Cove, Blue Lagoon, Hobo Canyon, and Three Arch Bay. Certification of the Three Arch Bay area was deferred due to access issues arising from the locked gate nature of the community. The proposed development needs a coastal development permit from the Coastal Commission because it is located in the Three Arch Bay area of deferred certification.

Because the site is located within a locked gate community, no public access exists in the immediate vicinity. The nearest public access exists at 1000 Steps County Beach approximately one half mile upcoast of the site.

B. Blufftop Development

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The subject site is an oceanfront bluff top lot. Topographically, the parcel consists of a terraced pad at elevations 107 to 119 above sea level. The pad is located above an 85 foot high, southwesterly facing bluff face. The property descends to the sandy beach located at the toe of the bluff.

A Preliminary Geotechnical Investigation for Foundation Design was prepared by Geofirm on May 14, 2003. The Geotechnical Investigation included review of pertinent geologic literature and maps, and review of previous work by others on the site and by Geofirm in the site vicinity; surface reconnaissance of the property and nearby areas and interpretation of predevelopment aerial photographs; excavation and logging of two exploratory borings to determine the character and distribution of subsurface materials; laboratory testing of samples obtained during subsurface exploration; preparation of one topographic-geologic cross section relating site conditions to proposed development and depicting certain geotechnical recommendations; geotechnical analysis of site conditions pertinent to foundation design; review of and response to the Coastal Commission staff's request for additional information (dated 10/23/02); and preparation of the report and illustrations.

Setback

Section 30253 of the Coastal Act requires that risks and geologic instability be minimized. Setting development back from the edge of the bluff can substantially decrease risk because the further from the bluff edge development is located, the less likely it is that that development may become jeopardized. Likewise, setbacks decrease the likelihood of geologic instability. The added weight of development, watering or irrigating plants, and human activity closer to the bluff edge can all increase the rate of erosion and bluff retreat. Thus, by reducing these factors, bluff stability can be increased. In addition, Section 30251 of the Coastal Act requires that scenic and visual qualities of coastal areas be protected. Setting development further back from the edge of the coastal bluff decreases the project's visibility from the beach below and as seen from the water. For these reasons, the Commission typically imposes some type of bluff edge set back.

In the project vicinity, the Commission typically imposes a minimum setback of 25 feet from the edge of the bluff for primary structures (e.g. the enclosed living area of residential structures). The minimum 25 foot setback from the bluff edge is deemed acceptable within the Three Arch Bay community based on the relatively stable, underlying San Onofre formation bedrock. The intent of the setback is to substantially reduce the likelihood of proposed development becoming threatened given the inherent uncertainty in predicting geologic processes in the future, and to allow for potential changes in bluff erosion rates as a result of rising sea level.

Because development setbacks are normally measured from the bluff edge, a great deal of effort often is focused on defining that "bluff edge." The bluff edge is the line of intersection between the steeply sloping bluff face and the flat or more gently sloping bluff top. Defining this line can be complicated, however, by the presence of irregularities in the bluff edge, a rounded stepped bluff edge, a sloping bluff top, or previous grading or development near the bluff edge. The position of the bluff edge may be changed by a variety of processes, natural and anthropogenic. Most obvious is the landward retreat of the bluff edge through coastal erosion. Anthropogenic modification of the bluff edge may occur by grading or construction of structures. A landward shift of the bluff edge commonly occurs through cutting into and removing natural materials during grading operations or the construction of protective devices. Conversely, placing artificial fill on or near the bluff edge generally does not alter the position of the natural bluff edge; the natural bluff edge still exists, buried beneath fill, and the natural bluff edge is used for purposes of establishing the development setback.

In the case of the subject site, grading and development has occurred in the past along the bluff edge. Fill was placed near the bluff edge, presumably during grading of the lot in the 1940s. In determining the bluff edge location, all site alterations were considered, including the placement of fill at the time the pad was created.

The applicant's geologic consultant has evaluated the site and determined the location of the bluff edge. The bluff edge determination is based on the definition contained in

Section 13577 of the California Code of Regulations which states, in part: "...the edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff." Regarding the bluff edge location and development setbacks, the Geotechnical Investigation states:

"The present condition of the upper slope is such that "cut and fill" terracing development for the Three Arch Bay community modified the natural contour to create streets and level building pads. Within this lot, approximately 6 feet of artificial fill is present along the seaward top of slope, as depicted on Plate 2. With this modification the landward limit of the "Natural Bluff Edge" may be represented by the marine terrace deposit-artificial fill contact at the bluff face. The consistency of this artificial is poor with regard to surficial stability and support, and is recommended for removal and/or recompaction where needed for structural support. Without removal, deepened foundations to 5+ feet will be required to achieve embedment in competent terrace deposits.

Geologically, the bluff or seacliff portion of the slope was formed from wave-cut processes eroding resistant rock. In this case the lower surface of the San Onofre Breccia is mantled with an apron of slopewash and slough from an adjacent reentrant. The slopewash deposit is within the storm-tidal zone and may be partially or entirely eroded to resistant rock face within the 75-year life of the structure, and is given no consideration in our analyses. Adjacent areas expose bedrock to the beach. Given that adequate stability and structural integrity can be developed for improvements founded within the structural setback plane presented on Plate 2, the seaward limit of the "Natural Bluff Edge" may be represented by the fill-marine terrace deposit contact at the buried surface. From the geologic-engineering perspective and for development purposes, we recommend the building setback be established by a line 25 feet landward of the fill-marine terrace deposit contact. Based on the analyses presented in Appendix D, adequate safety factors are present at this setback distance.

This report provides and recommends the "Structural Setback Plane" be used to support foundation elements in materials that will remain unaltered by erosion and instability, as depicted on Plate 2. The setback plane is devised based upon a 2:1 (horizontal:vertical) ratio projection within the terrace deposits and originating from a conservatively presumed five feet of retreat in the bedrock seacliff. It is important to note that the structural setback plane does not represent the ultimate slope profile that may result from erosion, but is a conservatively devised maximum limit below which earth materials will retain their inherent strength for foundation support."

Commission staff has reviewed the applicant's bluff edge determination and concurs. Plate 2 referenced above is attached as exhibit C. The proposed development, including foundation elements, is consistent with the 25 foot setback from the bluff edge.

In addition to the 25 foot setback from the bluff edge, the Commission often imposes a setback determined by a stringline. A stringline is the line formed by connecting the nearest adjacent corners of the adjacent residences. A stringline most often is imposed to maximize protection of public coastal views. A stringline setback also provides equity among neighboring development's setbacks. The proposed enclosed living area is consistent with the stringline setback as well as the 25 foot setback.

As conditioned the Commission finds that the proposed development is consistent with requirements of Sections 30251 and 30253 of the Coastal Act which require that coastal views be protected and that hazards be minimized.

Geotechnical Recommendations

Regarding the feasibility of the proposed project the Preliminary Geotechnical Investigation, prepared by Geofirm, dated 5/14/03 states:

"Proposed development of the property is considered feasible and safe from a geotechnical viewpoint providing the recommendations herein are integrated into design and construction. The proposed development should not adversely affect adjacent properties, providing proper consideration and care is exercised during excavation and construction."

Specifically regarding bluff slope stability the geologic consultant concludes, in the Preliminary Geotechnical Investigation, prepared by Geofirm, dated 5/14/03:

"The prognosis for the site is that it is grossly stable, but that erosion of the fill materials on the upper slope and slopewash/slough mantling the lower slope may continue, episodically promoted by heavy rainfall, saturated conditions, and wave erosion along the base. Significant lateral retreat of the bedrock seacliff of over 5 feet is considered unlikely over the next 75+/- years, given the evidence for resistance to erosion over the past 56 years. Proposed improvements should not be affected by slow progressive retreat and erosion, providing appropriate foundation design as recommended herein. Shoreline bluff protection of the seacliff is therefore not anticipated during the 75-year life span of the proposed improvements."

And:

"The buried bedrock slope supporting the parcel is backed by resistant, cemented strata and is considered grossly stable based on geologic observation, analyses, and slope history. The lower half of the seacliff is mantled with slopewash and/or slough that is surficially unstable and subject to erosion. Normal erosion and retreat will not affect site improvements with appropriate foundation design. The sloping marine terrace deposits may experience surficial instability, but such will not affect proposed improvements located behind the recommended 2:1 structural setback plane."

The geologic consultant has found that the subject site is suitable for the proposed development provided the recommendations contained in the Preliminary Geotechnical Investigation prepared by the consultant are implemented in design and construction of the project.

The recommendations contained in the Preliminary Geotechnical Investigation address site preparation and grading, structural design of foundations, footing reinforcements, slab-on-grade construction, structural slabs, structural design of retaining walls, shoring, seismic structural design, concrete, utility trench backfill, finished grade and surface drainage, foundation plan review, observation and testing, job site safety, and pre-grade meeting. In order to assure that risks are minimized, the geologic consultant's recommendation should be incorporated into the design of the project. As a condition of approval the applicant shall submit plans, including grading and foundation plans, indicating that the recommendations contained in the Preliminary Geotechnical Investigation for Foundation Design prepared by Geofirm, dated 5/14/03 have been incorporated into the design of the proposed project.

Future Protective Device

The subject site is a bluff top ocean front lot. In general, bluff top lots are inherently hazardous. It is the nature of bluffs, and especially ocean bluffs, to erode. Bluff failure can be episodic, and bluffs that seem stable now may not be so in the future. Even when a thorough professional geotechnical analysis of a site has concluded that a proposed development is expected to be safe from bluff retreat hazards for the life of the project, it has been the experience of the Commission that in some instances, unexpected bluff retreat episodes that threaten development during the life of a structure sometimes do occur (e.g. coastal development permit files 5-99-332 A1 (Frahm); P-80-7431 (Kinard); 5-93-254-G (Arnold); 5-88-177(Arnold)). In the Commission's experience, geologists cannot predict with absolute certainty if or when bluff failure on a particular site may take place, and cannot predict if or when a residence or property may be come endangered.

Section 30253 of the Coastal Act requires that new development shall not require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed development could not be approved as being consistent with Section 30253 of the Coastal Act if projected bluff retreat would affect the proposed development and necessitate construction of a protection device.

The Coastal Act limits construction of these protective devices because they have a variety of negative impacts on coastal resources including adverse affects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Under Coastal Act Section 30235, a shoreline protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to

eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for residential development only for existing principal structures. The construction of a shoreline protective device to protect a new residential development would not be required by Section 30235 of the Coastal Act. In addition, the construction of a shoreline protective device to protect new residential development would conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including coastal bluffs which would be subject to increased erosion from such a device.

No shoreline protection device is proposed. The geologic consultant for the subject development does not anticipate the need for a future shoreline or bluff protection device, and states:

*"The prognosis for the site is that it is grossly stable, but that erosion of the fill materials on the upper slope and slopewash/sough mantling the lower slope may continue, episodically promoted by heavy rainfall, saturated conditions, and wave erosion along the base. Significant lateral retreat of the bedrock seacliff of over 5 feet is considered unlikely over the next 75+/- years, given the evidence for resistance to erosion over the past 56 years. Proposed improvements should not be affected by slow progressive retreat and erosion, providing appropriate foundation design as recommended herein. **Shoreline bluff protection of the seacliff is therefore not anticipated during the 75-year life span of the proposed improvements (emphasis added).**"*

The proposed development includes remodel and additions to the existing residence, which constitutes new development for the purposes of Sections 30235 and 30253. Because the proposed project is new development, it can only be found consistent with Section 30253 of the Coastal Act if a shoreline/bluff protective device is not expected to be needed in the future. The applicant's geotechnical consultant has indicated that the site is stable, that the project should be safe for the life of the project, and that no shoreline protection devices will be needed. If not for the information provided by the applicant that the site is safe for development, the Commission could not conclude that the proposed development will not in any way "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." However, as stated above, the record of coastal development permit applications and Commission actions has also shown that geologic conditions change over time and that predictions based upon the geologic sciences are inexact. Even though there is evidence that geologic conditions change, the Commission must rely upon, and hold the applicant to their information which states that the site is safe for development without the need for protective devices. Therefore, the Commission imposes a special condition which prohibits the applicant and their successors in interest from constructing shoreline/bluff protective devices to protect the proposed development and requiring that the applicant waive, on behalf of itself and all successors and assigns, any right to construct protective devices for the proposed project that may exist under 30235.

Assumption of Risk

Although adherence to the geotechnical consultant's recommendations will minimize the risk of damage from erosion, the risk is not eliminated entirely. The site is an oceanfront, bluff top lot, which is inherently hazardous. Given that the applicant has chosen to implement the project despite potential risks from bluff erosion and landslide, the applicant must assume the risks. Therefore, the Commission imposes a special condition requiring the applicant to assume the risk of the development. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

Drainage and Landscaping

One factor that can minimize the hazards inherent to blufftop development is proper collection of site drainage. The proposed project's plans indicate that all drainage will be collected in area drains, and then be directed toward the bluff, and piped down the face of the bluff to an energy dissipator. Piping drainage down the bluff face will not minimize hazards. The bluff face drainpipe could break or crack, which could cause immediate damage or could lead to damage over time. Because of the drainpipe's location and relative inaccessibility, such a break or leak may not be discovered until significant damage has occurred. This too would contribute to bluff instability. In order to avoid increases to bluff instability and to minimize hazards as required by Section 30253 of the Coastal Act, the applicant shall submit a drainage plan that indicates that all site drainage be collected and piped to the street where the water may be conveyed to the ocean via the existing storm drain. Only as conditioned, does the Commission find the proposed development consistent with Section 30253 which requires that hazards be minimized.

Another factor that can minimize the hazards inherent to bluff development is limiting the amount of water introduced to the bluff top area. In order to maximize bluff stability the amount of water introduced to the site should be minimized. Water on site can be reduced by limiting permanent irrigation systems. The proposed landscaping plan includes permanent, in-ground irrigation. Irrigation anywhere on the site would be detrimental to bluff stability. Consequently, irrigation must be limited to temporary irrigation only as needed to establish plants. Therefore, the Commission imposes a special condition which prohibits permanent irrigation on the site. Temporary irrigation may be allowed to establish plantings. Only as conditioned can the Commission find the proposed development consistent with Section 30253 of the Coastal Act which requires that hazards be minimized.

In addition, to further decrease the potential for bluff instability, deep-rooted, low water use, plants, native to coastal Orange County, should be selected for general landscaping purposes in order to minimize irrigation requirements and saturation of underlying soils. Low water use, drought tolerant, native plants require less water than other types of vegetation, thereby minimizing the amount of water introduced into the bluff top. Drought resistant plantings and minimal irrigation encourage root penetration which increases bluff stability. The applicant has submitted a landscape plan that includes plants that are not deep rooted, low water use plants and that are not primarily natives to coastal Orange County. In addition, some of the proposed plants are invasive such as bamboo and ivy. Therefore, as a condition of approval, a revised landscape plan must be submitted.

As a condition of approval, the applicant shall submit a revised landscape plan that indicates no permanent irrigation on the site, and the use of only plants that are low water use, drought tolerant, non-invasive plants, primarily native to coastal Orange County. The landscaping plan as conditioned will reduce the amount of water introduced into the bluff top area and so would not contribute to instability of the bluff. Thus, only as conditioned, is the landscape plan consistent with Section 30253 of the Coastal Act.

Conclusion

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

C. Water Quality

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed residential development has impervious surfaces, such as roofs where pollutants such as particulate matter may settle, as well as driveways where pollutants such as oil and grease from vehicles may drip. In addition, landscaped areas may contain fertilizers and pesticides. During storm events, the pollutants which have collected upon the roof and upon other impervious surfaces created by the proposed project may be discharged from the site into the storm water system and eventually into coastal waters which can become polluted from those discharges. Water pollution decreases the biological productivity of coastal waters.

Typically, adverse water quality impacts to coastal waters can be avoided or minimized by directing storm water discharges from roof areas and other impervious surfaces to landscaped areas where pollutants may settle out of the storm water. In addition, reducing the quantity of impervious surfaces and increasing pervious water infiltration areas can improve water quality.

However, these common techniques of addressing water quality problems, by design, result in increased infiltration of water into the ground. As noted in the hazard section of these findings, the infiltration of water into the bluff is a primary potential source of bluff instability at the project site. Therefore, increasing the quantity of pervious areas, directing runoff to those pervious areas, and encouraging water infiltration for water quality purposes could have adverse impacts upon bluff stability.

There are measures, however, that would contribute to increased water quality that could feasibly be applied even to bluff top lots such as the subject site without increasing instability. In general, the primary contributors to storm drain pollution stemming from single family residential development are irrigation, fertilizers, swimming pool discharges, and pet waste. These can be eliminated or significantly reduced even on bluff top lots. For example, permanent, in-ground irrigation tends to result in over-watering, causing drainage to run off site. Irrigation runoff carries with it particulates such as soil, debris, and fertilizers. Limiting irrigation to that necessary to establish and maintain plantings, reduces the chance of excess runoff due to over-irrigation. Permanent, in-ground irrigation, in general, is set by timer and not by soil moisture condition. Thus, the site is irrigated on a regular basis regardless of the need, resulting in over-saturation and run off. The run off, carrying soil, fertilizer, etc, is then directed either to the storm drain system (which then enters the ocean) or directly over the bluff to the rocky beach and ocean below. This can be avoided by limiting irrigation on bluff top lots.

Another way to improve water quality on bluff top lots without jeopardizing stability is the use of native/drought tolerant plantings. Low water use, drought tolerant, native plants require less water than other types of vegetation, thereby minimizing the amount of water introduced into the bluff top. As these plantings use less water than ornamental plants, incidents of over-watering, causing saturation and excess runoff, is substantially reduced. As previously stated, reducing site runoff reduces the extent of pollutants carried into the storm drain system and into the ocean.

Due to the potential for increased hazards in bluff top areas which could be caused by encouraging water infiltration for water quality purposes, maximizing on site retention of drainage is not required. However, the measures described above including no permanent irrigation and the use of native/drought tolerant plants, can help to increase water quality in the area. Special Condition 2 requires primarily native and drought tolerant vegetation and prohibits permanent irrigation. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Section 30231 of the Coastal Act regarding protection and enhancement of water quality.

D. Public Access & Recreation

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

The proposed project is located within an existing locked gate community located between the sea and the first public road paralleling the sea. Public access through this community does not currently exist. The proposed development, remodel and additions to a single family residence on an existing residential lot, will not affect the existing public access conditions. It is the locked gate community, not this home, that impedes public access. The proposed development, as conditioned, will not result in any significant adverse impacts to existing public access or recreation in the area. Therefore the Commission finds that the project is consistent with the public access and recreation policies of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

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

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

F. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project as conditioned has been found consistent with the hazard, visual, landform alteration, and public access policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

COPYRIGHT 1995 Thomas Bros. Maps

MAP VII SEE

SOUTH LAGUNA

Vicinity Map

PACIFIC

THREE ARCH BAY

OCEAN CALIFORNIA COASTAL COMMISSION

Subtype JUN 13 2002

South Coast Region

RECEIVED

COASTAL COMMISSION

5-02-192

EXHIBIT # A

PAGE 1 OF 1

ATTACHMENT # 6

MONARCH BAY COMMUNITY STREETS ALSO KNOWN AS MONARCH BAY DR

- 1 BEECH CATHEDRAL CT
- 2 IMPRESS WY
- 3 CONSTITUTION DR
- 4 BEECH HAVEN CT
- 5 LOUIS XIV CT
- 6 KING JOHN LN
- 7 KING WILLIAM CT
- 8 KING FREDERICK LN
- 9 CHERRY COAST DR
- 10 KING CHARLES III LN
- 11 KING FERDINAND IV CT
- 12 BEACH CLIM DR
- 13 SUNF BEAKERS DR
- 14 SUNF CREST DR

SEE H3

- 1 BAYCREST PL
- 2 TANNY PORT
- 3 PLACED HARBOR
- 4 ROCKPORT
- 5 RIDGELINE CT
- 6 SANDSTONE CT
- 7 WINDY WATER CT
- 8 STONECREST
- 9 WINDLIFT PY

SEE J6

- 1 THE ANCHOR LANTERN
- 2 THE BEECH LANTERN
- 3 THE BIRCH LANTERN
- 4 THE CYPRESS LANTERN
- 5 THE DOGWOOD LANTERN
- 6 THE ELM LANTERN
- 7 THE GUM LANTERN
- 8 THE HAWK LANTERN
- 9 THE OAK LANTERN
- 10 THE PINE LANTERN
- 11 THE REDWOOD LANTERN
- 12 THE SAGE LANTERN
- 13 THE SEASIDE LANTERN
- 14 THE SWEET LANTERN
- 15 THE TULIP LANTERN
- 16 THE WILLOW LANTERN
- 17 THE YACHT LANTERN

SEE J5

- 1 SAND CASTLE CT
- 2 SPIN DRIFT CT
- 3 SANDY LANE CT
- 4 RISING TIDE CT
- 5 SEASIDE WY
- 6 SEA WALK WY
- 7 STANFORD WY
- 8 SUNFISH WY

SEE G1

- 1 NEW CHANDON
- 2 PICKNEY CLOSE

SEE H5

- 1 BAY OAK CT
- 2 BAYVIEW CT
- 3 BAYVIEW CT
- 4 BAYVIEW CT
- 5 BAYVIEW CT
- 6 BAYVIEW CT
- 7 BAYVIEW CT
- 8 BAYVIEW CT
- 9 BAYVIEW CT
- 10 BAYVIEW CT
- 11 BAYVIEW CT
- 12 BAYVIEW CT
- 13 BAYVIEW CT
- 14 BAYVIEW CT
- 15 BAYVIEW CT
- 16 BAYVIEW CT
- 17 BAYVIEW CT
- 18 BAYVIEW CT
- 19 BAYVIEW CT
- 20 BAYVIEW CT

SALT CREEK BEACH

DANA POINT

DANA POINT HARBOR

MARINE STUDIES INSTITUTE

WEST BASTIN

EAST BASTIN

BOAT LAUNCH

DOHENY STATE BEACH

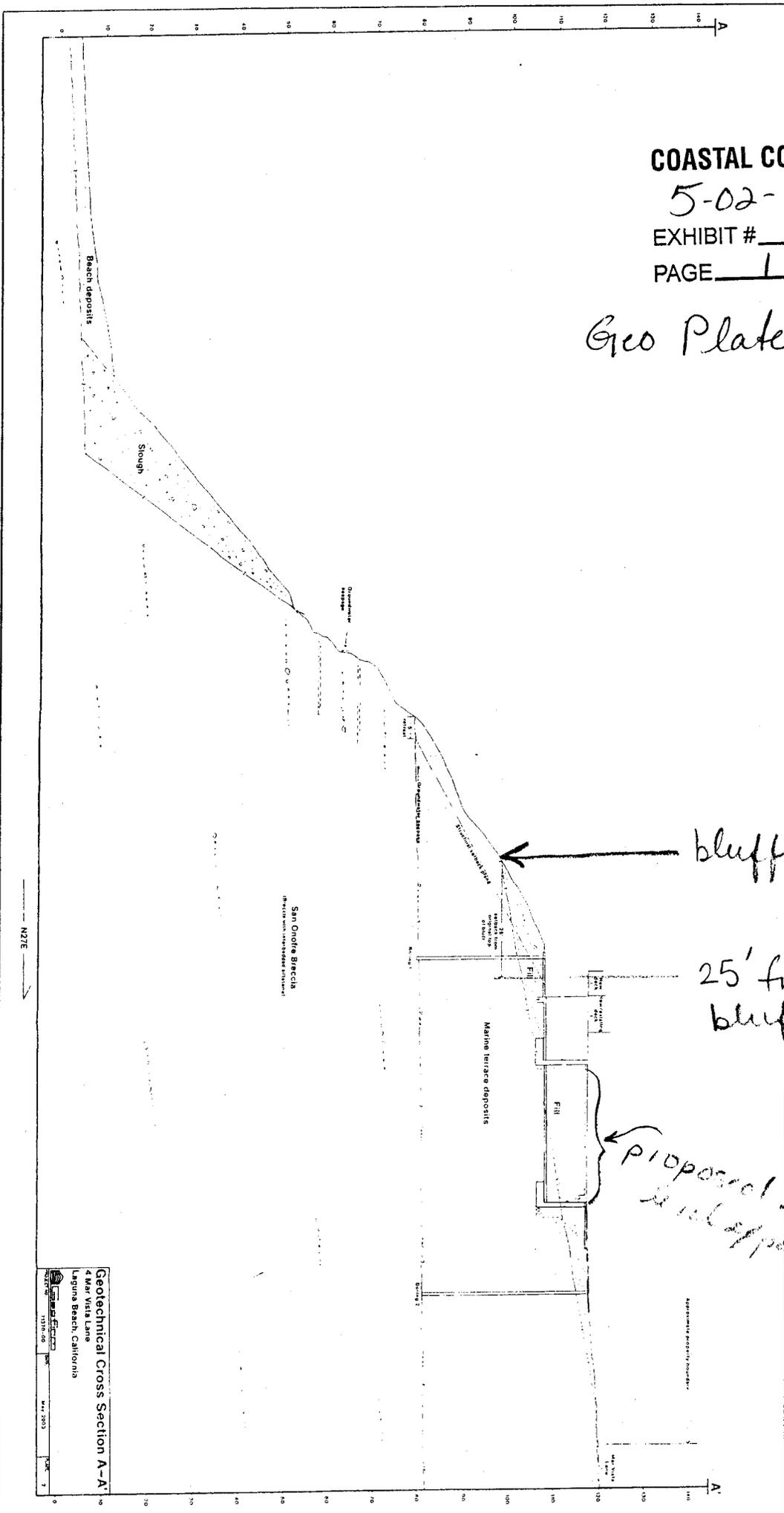
COASTAL COMMISSION

5-02-192

EXHIBIT # C

PAGE 1 OF 1

Geo Plate 2



bluff edge

25' from bluff edge

Proposed sewer and appurtenances

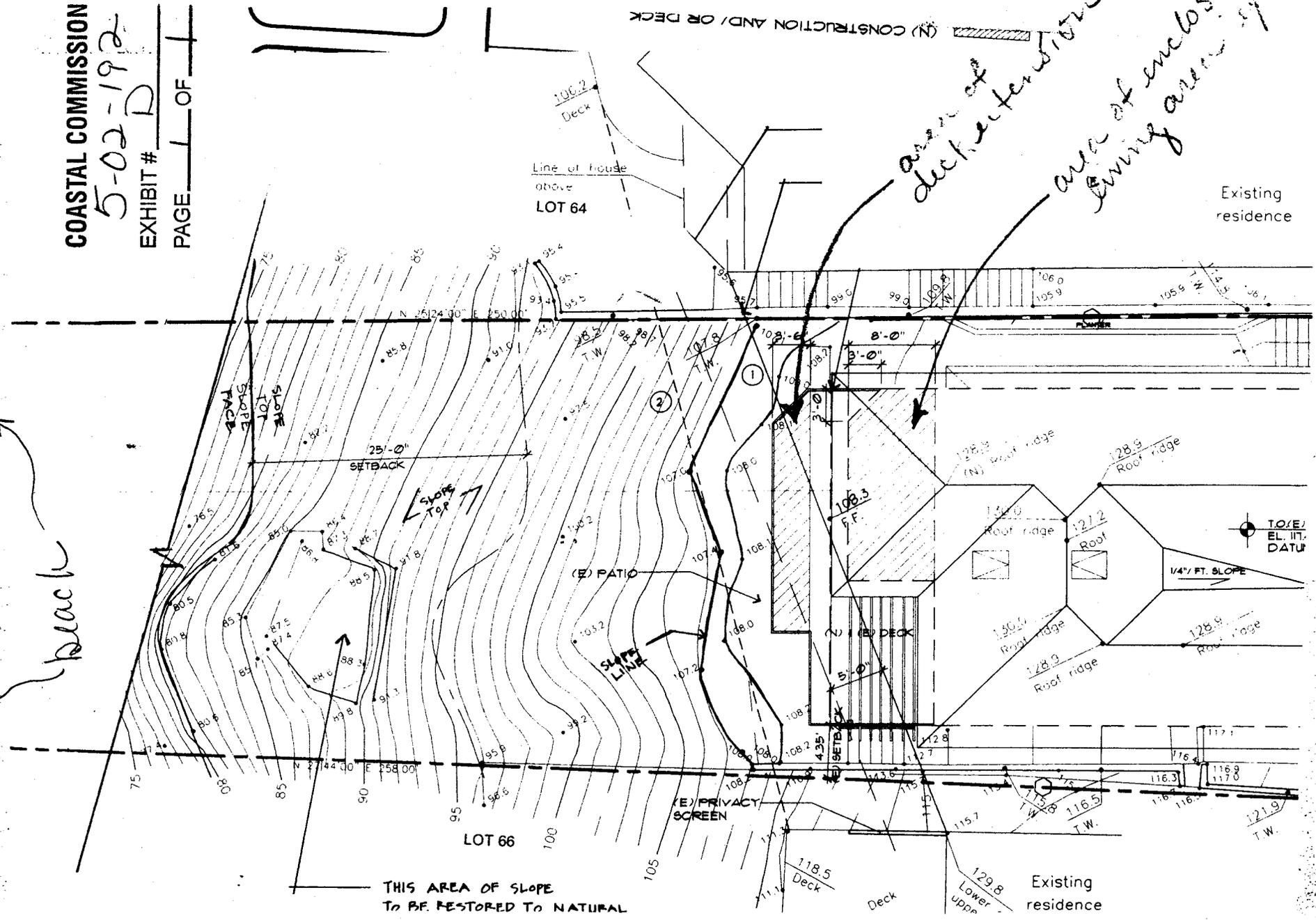
COASTAL COMMISSION

5-02-192

EXHIBIT # D

PAGE 1 OF 1

back



area of deck extension

area of enclosed living area system

Mar vista

Stringline

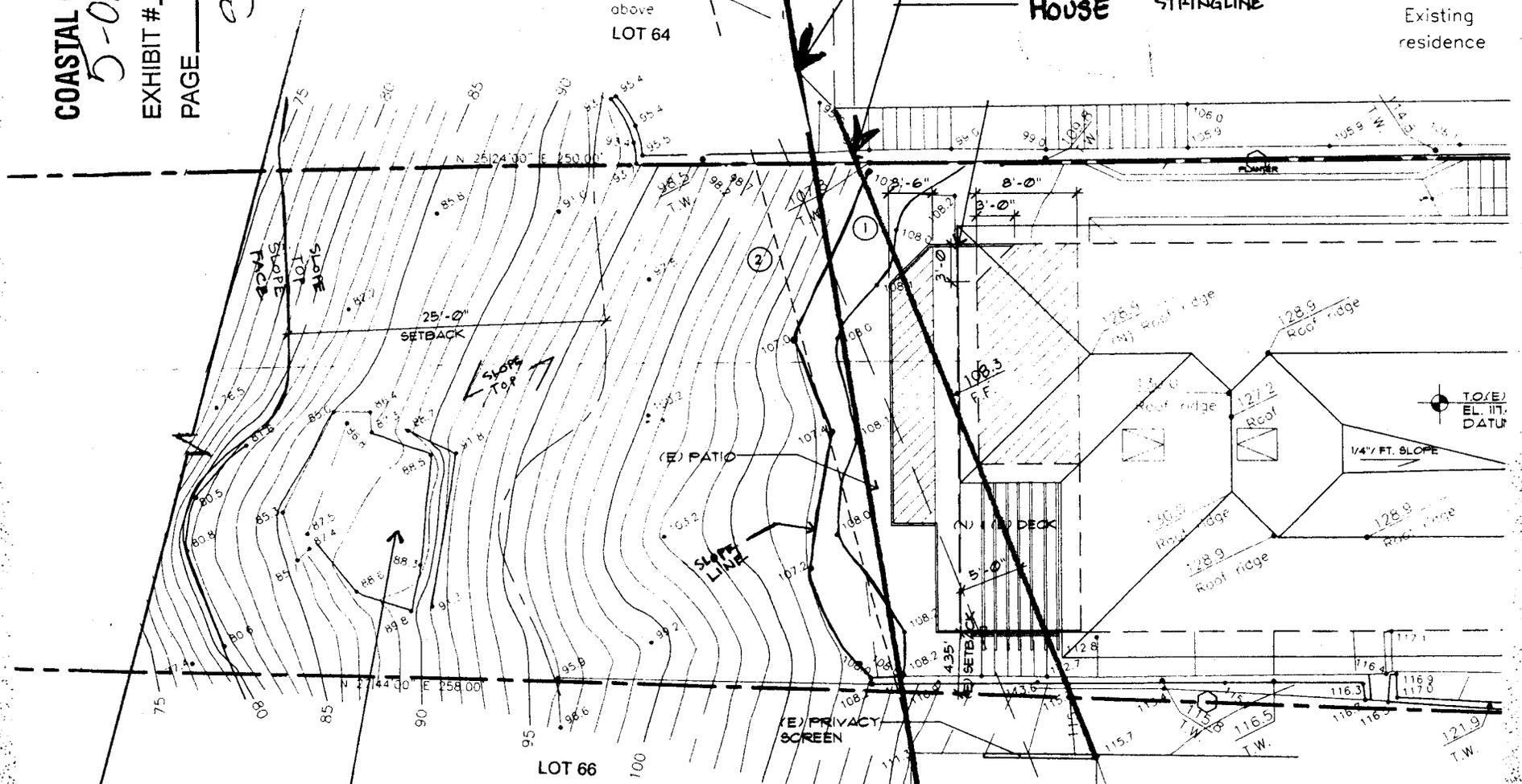
(N) CONSTRUCTION AND/OR DECK

106.2 Deck
Line of house above LOT 64

DECK STRINGLINE

HOUSE STRINGLINE

Existing residence



THIS AREA OF SLOPE TO BE RESTORED TO NATURAL

TO (E) EL. DATUM

1/4" FT. SLOPE

Existing residence

Deck

118.5 Deck

129.8 Lower upper

121.9 T.W.

116.3

117.0

128.9 Roof ridge

108.0

107.2

108.0

108.0

108.0

128.9 Roof ridge

128.9 Roof ridge

128.9 Roof ridge

128.9 Roof ridge

108.0

107.4

108.0

108.0

108.0

106.0

105.9

106.0

106.0

106.0

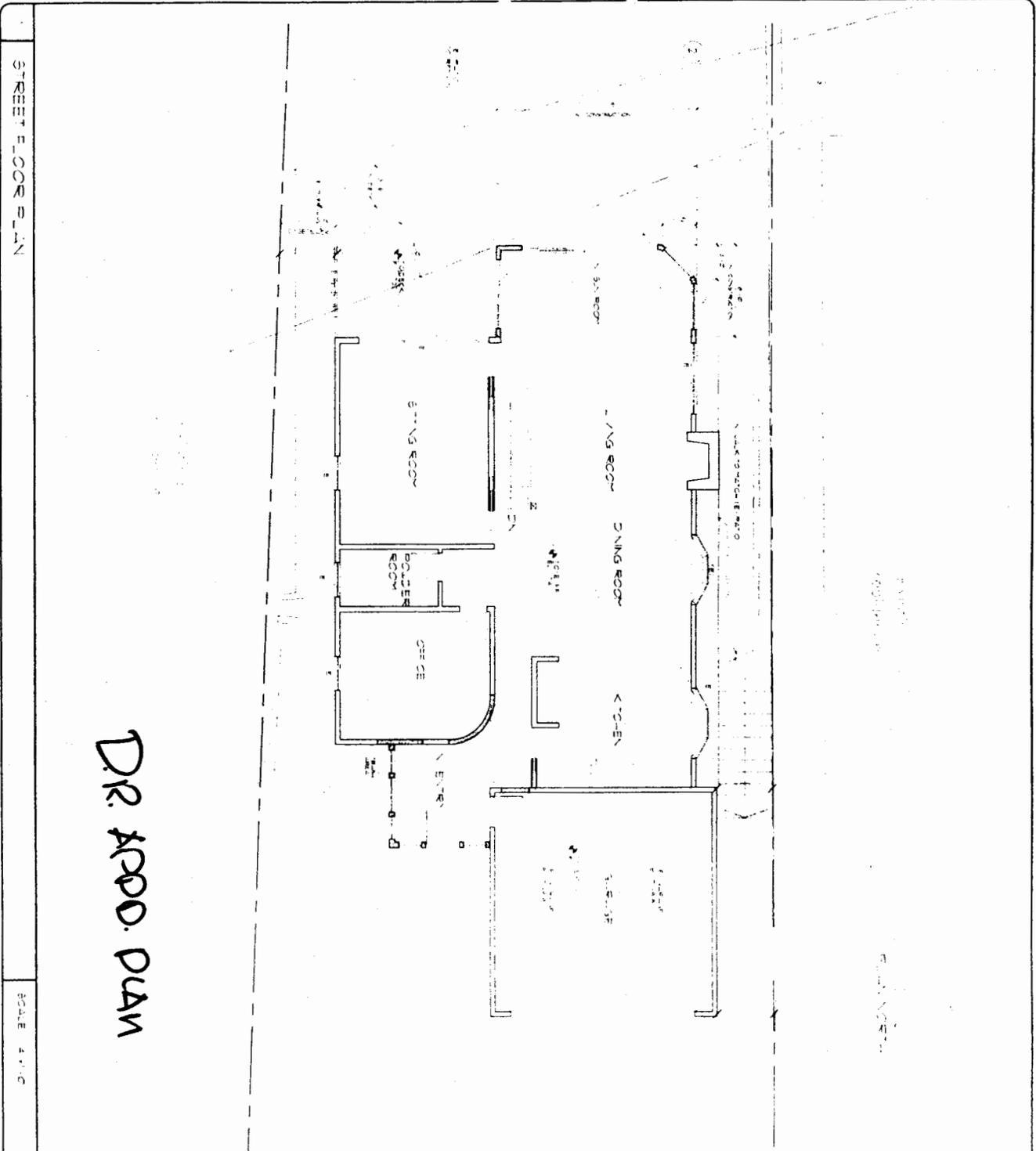
106.0

106.0

106.0

106.0

106.2 Deck



STREET

SCALE 1/4" = 1'-0"

DR. APPD. PLAN

Upper/Street
Level
Floor Plan

COASTAL COMMISSION
5-02-192
EXHIBIT # G
PAGE 1 OF 1

LEGEND

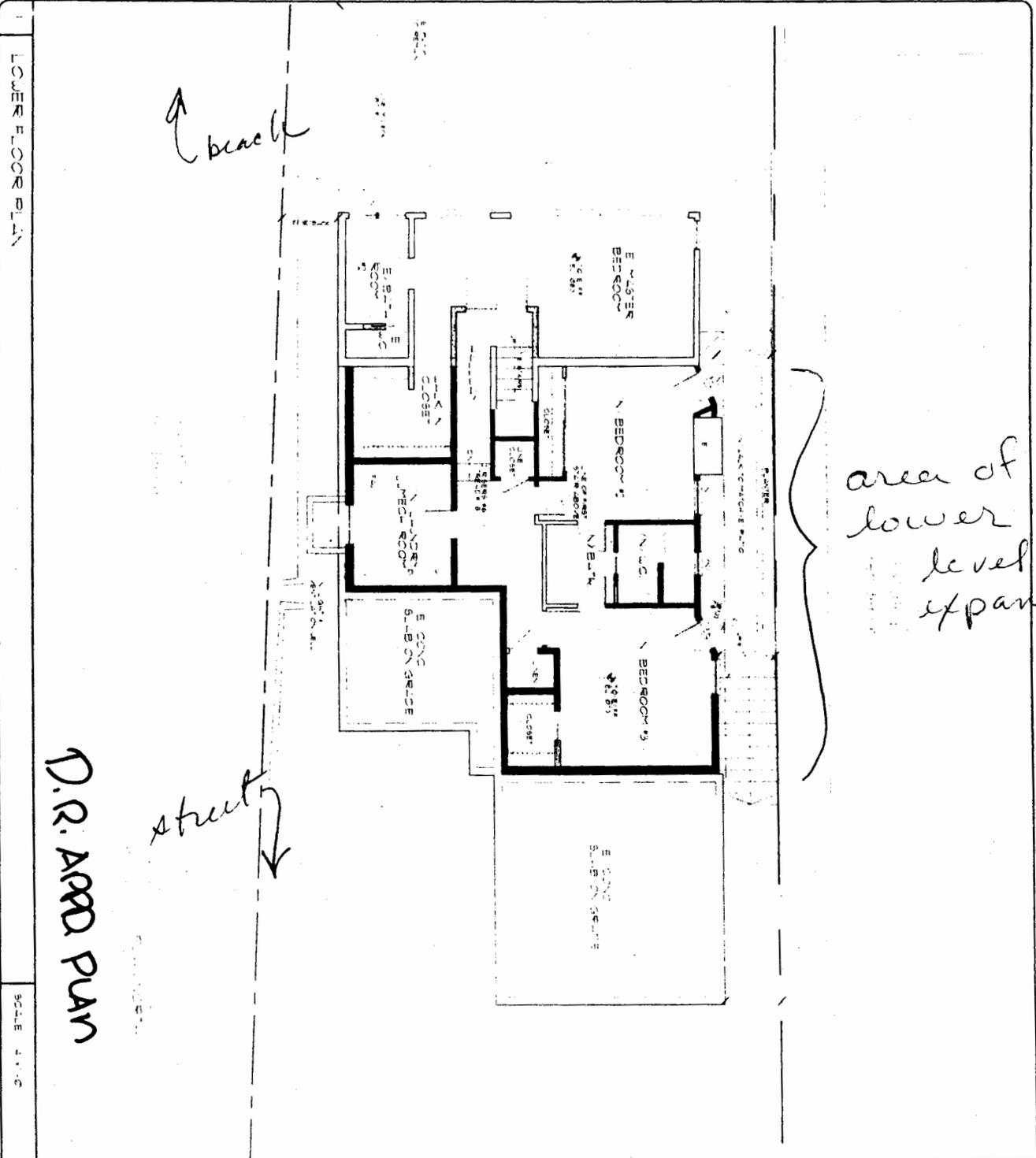
1. WALLS
2. DOORS
3. WINDOWS
4. FLOORING
5. CEILING

A-1

FLOOR PLAN REFERENCE
LEGEND

STREET L FLOOR PLAN

JUL 07 2003



D.R. ADD PLAN

SCALE 1/8" = 1'-0"

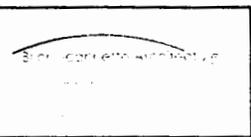
Lower Level Floor Plan

COASTAL COMMISSION
 5-02-192
 EXHIBIT # H
 PAGE 1 OF 1

JUL 07 2003

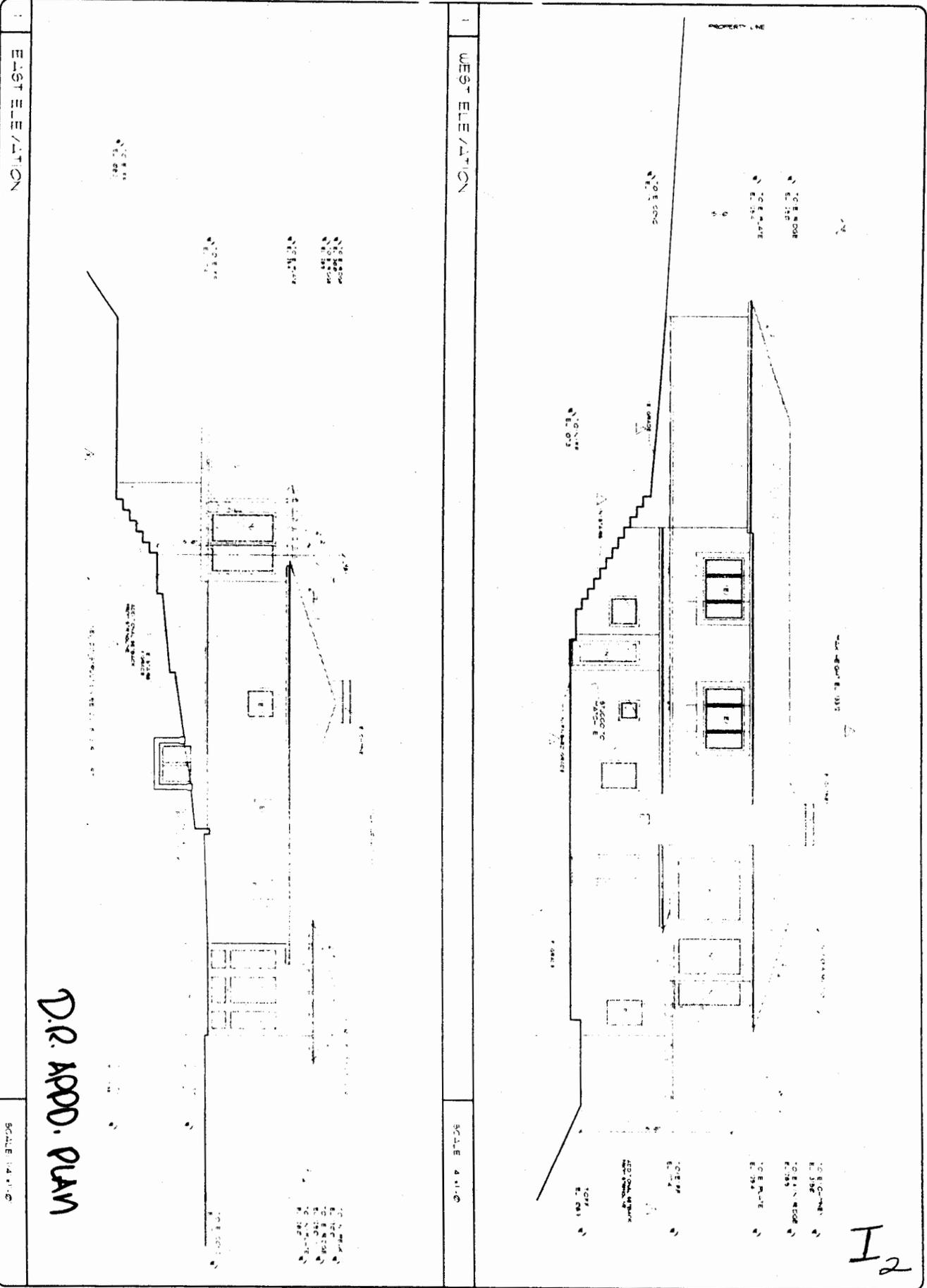
A-2

FREEDY A. RESIDENCE
 1400 1/2 ST. FLOWNE
 LEGAL BEACH FL 04



FLOOR PLANS

NO.	DATE	BY
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		



D.R. APPD. PLAN

I₂

FREEDOM RESIDENCE
 1344 1/2 ST. STREET
 1/2 MI. BELOW

Edon Ledramme Architecture

EXTERIOR ELEVATIONS

REV	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

JUL 07 2003

A-4

Brent B. Danninger

2 Mar Vista Lane, Laguna Beach CA 92651-6779
(949) 499-8182 Danninger@StanfordAlumni.org Fax: (949) 499-8183

RECEIVED
South Coast Region

Thursday, July 17, 2003

JUL 22 2003

Meg Vaughn
California Coastal Commission
200 Oceangate
Long Beach CA 90802

CALIFORNIA
COASTAL COMMISSION

Re: Project 5-02-192 at 4 Mar Vista Lane, Laguna Beach

Dear Ms. Vaughn:

Thank you for taking the time to speak with me today. As promised, I have summarized my concerns and provided the documentation I mentioned. I do ask that you forward my comments on the bluff edge determination to your geologist when s/he addresses this issue. I have enclosed multiple copies for your convenience.

1. **New structure within bluff line setback** The obvious bluff edge is at the 108' elevation line as you have previously pointed out. The house was built in 1951 and the pad was both cut and filled at that time. Evidence of the cut is apparent from the 5+ retaining wall (at the seaward end, photo attached) on the east side of the property. Geofirm argues that the fill in the pad should not be considered when determining the "natural bluff edge." However, Geofirm fails to consider that the pad was also cut.

The relevant portion of Mark Johnsson's paper "Establishing Development Setbacks from Coastal Bluffs", page 4, states:

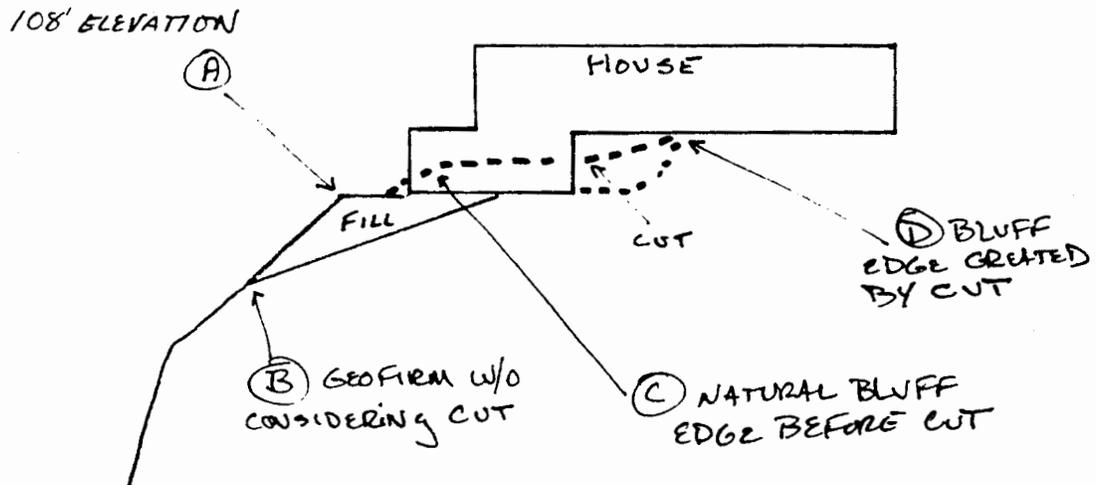
A landward shift of the bluff edge commonly occurs through cutting into and removing natural materials during grading operations or the construction of seawalls. Conversely, placing artificial fill on or near the bluff edge generally does not alter the position of the natural bluff edge; the natural bluff edge still exists, buried beneath fill, and the natural bluff edge is used for purposes of defining development setbacks.

Drawing from memory, the East Elevation looks something like this:

Comment
Letters

COASTAL COMMISSION

5-02-192
EXHIBIT # K
PAGE 1 OF 31



As Johnson anticipates, the cut moved the bluff edge inland from edge C to edge D. Adding the fill doesn't alter the fact that the "downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff" (CCR 13577(h)) beginning at edge D. If the criteria is the "natural bluff edge" prior to either cut or fill, then that should be edge C.

It is likely that there was more cut on the east side of the lot, and more fill on the west side. In other words, a cross slope previously existed. Geofirm did only one test drill in center of the lot. It is likely the natural bluff edge ran diagonally across property, with the eastern edge about 5' inland of the seaward corner of the existing house. However, without cut and fill depths at several locations on both eastern and western sides of the property, one cannot reasonably determine where the natural bluff edge was.

For expediency, I suggest using edge A, the 108' elevation, as the bluff edge. This is the apparent bluff edge in place for 50+ years, at the inception of the Coastal Commission, and was the condition when all the local homeowners purchased their homes. In short, it has been blessed by time. Also, I would point out that edge A is more favorable to the applicant than any bluff edge which considers the cut.

I object to the Geofirm bluff edge (B) because it ignores both the cross slope on the lot and the cutting of the pad.

The Coastal Commission is charged with protecting the structural and aesthetic integrity of the natural bluff. Regardless of the where the structural issues are satisfied, the aesthetic integrity of the bluff is best preserved by using edge A, the 108' elevation. Please note that the proposed 2nd floor seaward expansion of this house will be visible from the beach, South La Senda Drive, and dozens of neighborhood homes.

2. **Staging/Construction/Access** Mar Vista Lane in front of the Applicant is a private lane over which the Applicant has ingress and egress rights only. The attached easement shows the Applicant (lot 65) and my (lot 64) easement rights and my deed to the property. I purchased this lot from the homeowner at 36 S. La Senda (lot 49, across the lane from Applicant), who also has an access easement. Thus, three properties have

access privileges over this narrow lane. For this reason, the lane is not available for construction staging or parking. (During construction of my home, the Applicant insisted no construction vehicles park in the lane, and I complied.)

This project entails a large amount of excavation in a very small space. The Hillstrom Construction letter of 11/14/02 suggests it can all be done in the Applicant's front yard and driveway, but is silent about the lane. The Applicant may already be in agreement on this issue: It's just not clear.

It is within the Coastal Commission's purview to determine whether a project can be built within the constraints of the site. I request that Coastal clarify this issue. In addition to whatever assurances you may require, I would be satisfied if the architect simply stated in writing that no construction vehicles will park in the lane and that all construction loading/unloading will occur on the Applicant's own property.

3. **Demolition Plan** I did not see a demolition plan in the file.
4. **Bamboo Hedge on Bluff** The present (new) set of landscaping plans calls for Heavenly Bamboo (*Nandina Domestica*) to be planted on the bluff. The attached *Western Garden Book* description describes it as an invasive bamboo spreading by rhizomes that requires regular water. It is also 6' tall in a view sensitive location. The previously submitted landscape plans prepared by Mr. McGraw showed Newport Dwarf *Escallonia* at these locations. This McGraw plan was the one approved by Laguna's Design Review. Such a drought tolerant, view sensitive plant should be selected for these locations.
5. **Shoreline protective device** It appears to me that everyone is in agreement that there is no need for shoreline protective devices. There should therefore be no problem for Coastal to require a deed restriction against such devices, as was required for my home, 21, 23, 27 & 29 Bay Drive and other oceanfront lots in the vicinity.

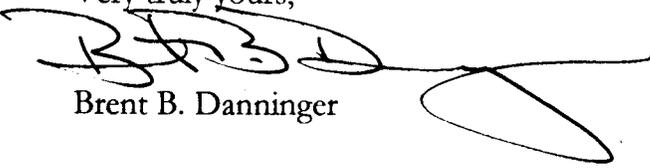
We oppose any seaward addition of decks and living space for three reasons: 1) The bluff is fragile and should not be loaded with any more weight, 2) Such construction compromises public and private views, and 3) Such construction would be within the 25' setback as defined by CCR 13577(h).

Let me be clear that we do not oppose the project in general. This is a 1,200 sf addition. We ask only that the applicant move the 140 sf second floor seaward expansion to an inland location and eliminate 45 sf of new decking that intrudes into the seaward setback. This is a very modest change to preserve the aesthetic integrity of the bluff.

I urge you to recommend to the Commission that the project be approved conditioned upon addressing the above issues and the elimination of the proposed seaward structures.

Thank you for your time.

Very truly yours,


Brent B. Danninger

RETAINING WALL AT SE CORNER OF
APPLICANT'S EXISTING HOUSE.



← NOTE BLUFF
EDGE ON
UNCUT
ADJACENT
PAD.

K4

CXh. 1

SPACE ABOVE THIS LOCK FOR RECORDER'S USE BOOK 2268 PAGE 317

63772 Grant Deed

AMERICAN S. 27.60 Order No. 24342C #9

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

HELEEN MARGARET QUIRK, a widow,

GRANTOR

VIRGINIA B. GRADY, a widow,

GRANTEE

Grant of certain, described as

lots 14 and 15 of Innes Arona, Palisades Co., N.Y., as shown on a licensed surveyor's map filed in book 11, page 3 and 4 of Record of Surveys in the office of the County Recorder of said Orange County.

Together with an easement for ingress and egress over the parcels that portion of lot 5 of said Three Arona Palisades Co., N.Y., lying between the northerly boundary line of the easterly line of said lot 5 and the line from the east northerly corner of a lot 14 to the southwest corner of lot 15 of Grant, as shown on the aforesaid records in book 11, page 3 and 4 of said Innes Arona, records of said Orange County, and the right to install and maintain public utilities, such as gas and water lines.

Heleen Margaret Quirk

HELEEN MARGARET QUIRK

GRANTEE

SPACE BELOW FOR RECORDER'S USE ONLY

RECORDED AT REQUEST OF GRANTEE

DEC 28 1961 10 300 A M

BOOK 2268 PAGE 317

OFFICIAL RECORDS Orange County, Oklahoma

Libby M. Strickland
County Recorder

R. H. Spearman
Notary Public in and for the State of Oklahoma
Commission Expires Mar. 1, 1967

When Recorded Mail to

VIRGINIA B. GRADY

238...

417...

K5

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY

This document was electronically recorded by
Chicago Title Company

AND WHEN RECORDED MAIL TO

Jay G. Tassin and
Brent B. Danninger
1070 Somera Road
Bel Air, CA 90077

Recorded in the County of Orange, California
Gary L. Granville, Clerk/Recorder



9.00

19990444271 3:31pm 06/15/99

004 21017002 21 22

G02 2 05 55.00 6.00 3.00 0.00 0.00 55.00 0.00

0.00 0.00

Escrow No. 98035244 - 540
Order No. 98035244 - 504

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Assessor's Parcel No.
506-204-55

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$110.00

unincorporated area City of Laguna Beach

computed on the full value of the interest or property conveyed, or is

computed on the full value less the value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
BRADLEY D. LARSEN, TRUSTEE OF THE BRADLEY D. LARSEN LIVING TRUST DATED MARCH 10, 1982

98035244-504

hereby GRANT(S) to

Jay G. Tassin, a single man and Brent B. Danninger, a single man as joint tenants

the following described real property in the City of Laguna Beach
County of ORANGE, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Dated April 1, 1999

STATE OF CALIFORNIA

COUNTY OF Orange

On April 20, 1999 before me,

Carol Ryan
a Notary Public in and for said County and State, personally appeared
Bradley D. Larsen

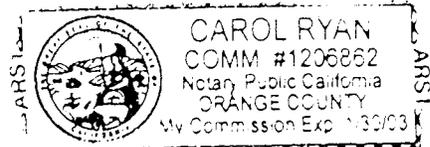
Bradley D. Larsen, Trustee
Bradley D. Larsen, Trustee

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Carol Ryan
Signature of Notary

1-30-03
Date My Commission Expires



FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City, State & Zip

K6

LEGAL DESCRIPTION EXHIBIT

THAT PORTION OF LOT "B" OF THREE ARCHES PALISADES NO. 1, IN THE CITY OF LAGUNA BEACH COUNTY OF ORANGE STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 3 PAGES 3 AND 4 OF RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY CALIFORNIA LYING NORTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 65 OF SAID THREE ARCHES PALISADES NO. 1 THENCE NORTHEASTERLY ALONG THE NORTHEASTERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 65 TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT "B".

K7

virtue is clean-looking foliage throughout the year. Branches are densely clad with tooth-edged, glossy, dark green leaves, paler beneath, 2-4 1/2 in. long, about 1/2 in. wide. Spring flowers inconspicuous; fall fruits are purplish nutlets coated with wax, attractive to birds. Useful screen or informal hedge, 6-25 ft. tall. Can be used as clipped hedge. Aridity tolerant.

M. pensylvanica (M. carolinensis), BAYBERRY. Deciduous or semi-evergreen shrub. Zones 4-7. Native to eastern United States. Dense, compact growth to 9 ft. Leaves to 4 in. long, narrowish, glossy green, dotted with resin glands, fragrant. Flowers inconspicuous. Fruit tiny, roundish, covered with white wax—the bayberry wax used for candles. Tolerates poor, sandy soil. Resistant to oak root fungus. Needs some water.

MYROBALAN. See **PRUNUS cerasifera** p. 442

Myrsinaceae. This plant family consists of evergreen shrubs and trees with (usually) inconspicuous flowers, attractive foliage and habit, and sometimes showy fruits. Representatives are *Myrsine* and *Ardisia*.

MYRSINE africana

AFRICAN BOXWOOD

Myrsinaceae

EVERGREEN SHRUB

ZONES 8-9, 14-24

FULL SUN OR PARTIAL SHADE

LITTLE WATER ONCE ESTABLISHED

Grows to 5-8 ft., slightly floppy when young, but stiffens into dense, rounded bush easily kept at 3-4 ft. with pinching, clipping. Stems vertical, dark red, closely set with very dark green, glossy, roundish, 1/2-in. leaves (excellent cut foliage). Insignificant flowers.

Smog resistant; relatively pest free, although susceptible to red spider mites and, occasionally, brown scale. Good for low hedges, clipping into formal shapes, low backgrounds, foundations, narrow beds, containers.



Myrsine africana

Myrtaceae. The immense myrtle family of trees and shrubs is largely tropical and subtropical. Leaves are evergreen and often aromatic. Flowers are conspicuous thanks to large tufts of stamens, often showy. Fruits may be fleshy (*Leptos*) or dry and capsular (*Eucalyptus*). Bottlebrush (*Callistemon*) and guava (*Psidium*) are two other familiar examples.

MYRTLE. See **MYRTUS VINCA** pp. 386, 519

MYRTUS

MYRTLE

Myrtaceae

EVERGREEN SHRUBS

ZONES 8-24

BRIGHT SUN OR PARTIAL SHADE

NO WATER ONCE ESTABLISHED

Included here are several of the most useful, basic evergreen shrubs for California and Arizona gardens.

M. communis, TRUE MYRTLE. Rounded form to 5-6 ft. high and 4-5 ft. wide; old plants can reach treelike proportions—15 ft. tall, 20 ft. across. Glossy bright green, pointed, 2-in. leaves, pleasantly aromatic when brushed or bruised. White, sweet-scented, 3/4-in.-wide flowers with many stamens in summer, followed by bluish black, 1/2-in. berries. Any soil, but good drainage is essential—tip chlorosis occurs if drainage is poor. Good formal or informal hedge or screen. Can also be trained to reveal attractive branches.



Myrtus communis

M. c. 'Boetica', Heavy, stiff, gnarled branches rise 4-6 ft. from base. Leaves large, leathery, very dark green, upward pointing, very fragrant. Popular in desert.

M. c. 'Buxifolia', BOXLEAF MYRTLE. Small elliptical leaves.

M. c. 'Compacta', DWARF MYRTLE. Slow-growing, small, compact plant densely set with small leaves. Very popular for low edgings and foundation plantings. Excellent for use as a low, compact, formal hedge.

M. c. 'Compacta Variegata', VARIEGATED DWARF MYRTLE. Similar to 'Compacta', but leaves are edged in white.

M. c. 'Microphylla', Dwarf myrtle with tiny, closely set leaves.

M. c. 'Variegata', VARIEGATED MYRTLE. White-edged leaves.

M. luma, See *Luma apiculata*

M. ugni, See *Ugni molinae*

NAKED LADY. See **AMARYLLIS belladonna** p. 149

NANDINA domestica

HEAVENLY BAMBOO, SACRED BAMBOO

Berberidaceae

EVERGREEN OR SEMIDECIDUOUS SHRUB

ZONES 5-24

SUN OR SHADE; COLORS BETTER IN SUN

BEST WITH REGULAR WATER; TAKES ARIDITY



Nandina domestica

Loses leaves at 10°F, killed to ground at 5°F, but usually recovers fast. *Nandina domestica* belongs to the barberry family but is reminiscent of bamboo in its lightly branched, canelike stems and delicate, fine-textured foliage.

Slow to moderate growth to 6-8 ft. (you can keep to 3 ft. by pruning oldest canes to ground). Leaves intricately divided into many 1-2-in. pointed, oval leaflets, creating lacy pattern. New foliage pinkish and bronzed when it expands, turns to soft, light green. Picks up purple and bronzed tints in fall; often turns fiery crimson in winter, especially in some sun and with some frost. Flowers pinkish white or creamy white in loose, erect 6-12-in. clusters at branch ends, late spring or summer. Shiny red berries follow if plants are grouped, single plants seldom fruit heavily.

Needs some shade in low desert and hot valley regions. Best in rich soil, but roots can even compete with tree roots in dry shade. Apply iron sulfate or chelates to correct chlorosis in alkaline soils. Resistant to oak root fungus. Most useful for light, airy vertical effects as well as narrow, restricted areas. Good for hedge or screen, as tub plant, for bonsai. Dramatic with night lighting. Varieties include the following:

'Alba' ('Aurea'). White berries, light yellow foliage turns golden in fall.

'Compacta'. Lower growing than species (4-5 ft.), with narrower, more numerous leaflets, has very lacy look.

'Harbour Dwarf'. Low growing (1 1/2-2 ft.), treely spreading. Underground rhizomes send up stems several inches from parent plants.

'Orange-red' to bronzy red winter color. Good ground cover.

'Moyers Red'. Standard-size plant with broad leaflets. Brilliant red winter color in Zones 5-7.

'Nana' ('Nana Compacta', 'Nana Purpurea'). At least two plants are grown under these names; they are often mixed in nurseries, so select plants carefully to get the kind you want. Both grow about 1 ft. tall. One has coarse foliage (purplish green in summer, reddish purple in winter) with broad, somewhat cupped leaflets. Very slow to spread, it is best as container plant or as single plant among rocks or in prominent corner where its dome-like growth may be emphasized. The other has finely cut leaves with narrow leaflets; it is green in summer, bright red in winter. It spreads fairly fast, making good small-scale ground cover.

'Umpqua Warrior'. Tallest and fastest growing of named forms, inclined to floppiness in its tallest stems. Large leaflets, good winter color.

'Woods Dwarf'. Rounded form to 5-4 ft. tall, densely foliated, crimson orange to scarlet in winter.

K8

Brent B. Danninger

2 Mar Vista Lane, Laguna Beach CA 92651-6779
(949) 499-8182 Danninger@Stanford.Alumni.org Fax: (949) 499-8183

Wednesday, July 02, 2003

Meg Vaughn
California Coastal Commission
200 Oceangate
Long Beach CA 90802

RECEIVED
South Coast Region

JUL 9 2003

CALIFORNIA
COASTAL COMMISSION

Re: Project 5-02-192 at 4 Mar Vista Lane, Laguna Beach

Dear Ms. Vaughn:

Thank you for taking the time to speak with me last week. Since I last wrote, there has been a new bluff slide approximately 60' from the subject property, caused by the March rains. This is subsequent to the slide in 1998 which was only 30' from the subject property. I have attached photos of both slides.

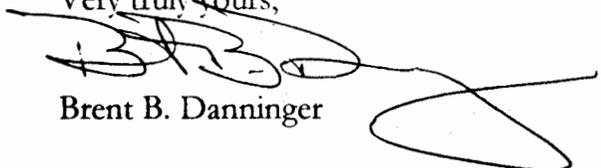
We oppose any seaward addition of decks and living space for three reasons: 1) As is obvious from the photos, the bluff is fragile and should not be loaded with any more weight, 2) Such construction compromises public and private views, and 3) Such construction would be within the 25' setback as defined by CCR 13577(h).

Let me be clear that we do not oppose the project in general. This is a 1,200 sf addition. We ask only that the applicant move the 140 sf second floor seaward expansion to an inland location and eliminate 45 sf of new decking that intrudes into the seaward setback. This is a very modest change to preserve the integrity of the bluff.

I urge you to recommend to the Commission that the project be approved conditioned upon the elimination of the proposed seaward structures.

Thank you for your time.

Very truly yours,


Brent B. Danninger

K9

36 S. LA SENDA

4 MAR VISTA
LANE



BLUFF SLIDE MARCH, 2003.

K10



2/98

K11

Brent B. Danninger

2 Mar Vista Lane, Three Arch Bay, Laguna Beach CA 92651-6779
Fax & Voice: (949) 499-8183 Danninger@StanfordAlumni.org

RECEIVED
South Coast Region
Thursday, October 03, 2002

OCT 7 2002

CALIFORNIA
COASTAL COMMISSION

Meg Vaughn
California Coastal Commission
200 Oceangate
Long Beach CA 90802

Re: Freedman Project, 5-02-192 at 4 Mar Vista Lane, Laguna Beach

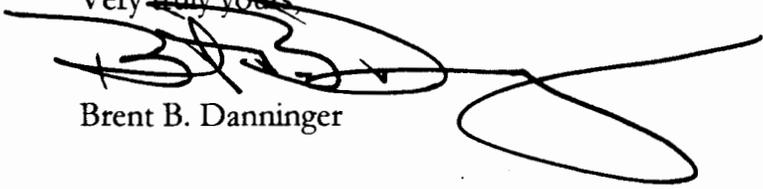
Dear Ms. Vaughn:

Thank you for setting the file out for me today so I could review it before leaving town. I would note three quick points:

- 1) The applicant still hasn't addressed the bluff line issue raised by CCR 13577(h). The plain language of CCR 13577(h) places the bluff edge at the 108' elevation line, making the second floor expansion within the 25' setback.. Mr. McGraw promises additional information on this topic, but I don't see what he could say that would change this conclusion. I urge you to protect the appearance of the bluff by insisting upon this 25' setback.
- 2) The new trellis and its structural support are beyond the clarified stringline, as is part of the proposed new deck. These new structures should be scaled back.
- 3) Mr. McGraw is quite mistaken that "no one knows" how the pad was cut on the bluff. It's hard to imagine how stacked concrete walls could be part of a "natural" process. Perhaps his clients have not fully informed him. As you will recall, I sent you a photo date stamped April, 1999 of the pad under construction.
 - If the pad is to be abandoned, why does the landscape plan show new steps "to the retreat" being installed?
 - Mr. McGraw says that Borella suggests planting more iceplant over the pad. In fact, Borella (page 8) says the iceplant is detrimental and should be replaced with a deep rooted plant.
 - Mr. McGraw says that Borella states the pad should not be disturbed. In fact, Borella says the pad should be "eliminated or abandoned." (page 8). So long as the unsightly broken concrete walls remain supporting the pad, the pad can easily be resurrected regardless of the landscaping. These walls should be removed and the bluff returned to its prior grade.

Thank you for your time.

Very truly yours,


Brent B. Danninger

K12

Brent B. Danninger

2 Mar Vista Lane, Laguna Beach CA 92651-6779
(949) 499-8182 Danninger@StanfordAlumni.org Fax: (949) 499-8183

Sunday, July 14, 2002

Meg Vaughn
California Coastal Commission
200 Oceangate
Long Beach CA 90802

RECEIVED
South Coast Region

JUL 18 2002

CALIFORNIA
COASTAL COMMISSION

Re: Project 5-02-192 at 4 Mar Vista Lane, Laguna Beach

Dear Ms. Vaughn:

Thank you for taking the time to speak with me last week. I did get a chance to review the file and have two photos of the bluff I'd like to share with you.

The first photo was taken in February 1998, after the El Nino rains and shows a moderate bluff slide at the western line of my property, about 45 feet from the subject site. I believe this slide was caused by improper drainage design and maintenance on the lot next to me, which discharged onto my lot. The photo was taken before my house was built. It demonstrates the need for attention to drainage and overbuilding on these fragile bluffs.

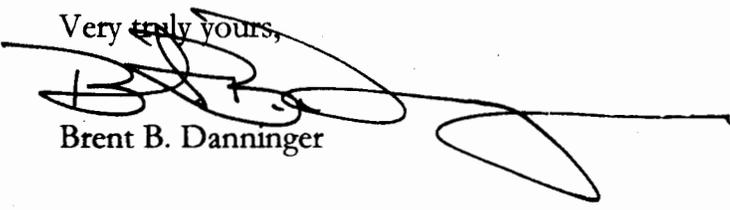
The second photo was taken this week and shows the bluff in front of the Freedman home. As you can see, the bluff has almost a 45 degrees slope right up to the brick patio. This is clearly the bluff edge, at about the 108-foot elevation line, as defined in CCR 13577(h). The proposed 2nd floor living room expansion ("sunroom") and deck extension would place new structure within 25' of the bluff edge.

The proposed lower floor new bedrooms also appear to intrude into the 25-foot setback. Unlike the 2nd floor, this area is already beneath the existing building structure and would produce no new visible intrusion into the setback. I believe the Coastal Commission could reasonably make an exception for the proposed downstairs bedrooms.

This is a 1,200 sf addition. Removing the 140 sf living room expansion and 45 sf of additional decking that intrude into the setback would be a modest reduction in the project's size to preserve the visual integrity of the bluff. Alternatively, there is plenty of basic site coverage left and the applicant could move this space to the inland part of the lot. I urge you to recommend to the Commission that the project be approved conditioned upon the elimination of the new seaward structures.

Thank you for your time.

Very truly yours,


Brent B. Danninger

PS In case it's useful, Coastal Geotechnical (949) 494-4484 has an extensive library of old photos of Three Arch Bay bluffs showing bluff retreat rates.

K13



2/98

K14



K15

Brent B. Danninger

2 Mar Vista Lane, Laguna Beach CA 92651-6779
(949) 499-8182 Danninger@Stanford.Alumni.org Fax: (949) 499-8183

Thursday, June 20, 2002

Meg Vaughn
California Coastal Commission
200 Oceangate
Long Beach CA 90802

RECEIVED
South Coast Region

JUN 25 2002

CALIFORNIA
COASTAL COMMISSION

Re: Project 5-02-192 at 4 Mar Vista Lane, Laguna Beach

Dear Ms. Vaughn:

This is a controversial project and that there are a number of people opposed to it. The approval of the project by Laguna's Design Review was appealed to the City Council, albeit unsuccessfully. Some of the issues raised at Design Review were deemed Coastal Commission issues and not addressed. My specific concerns about this project are:

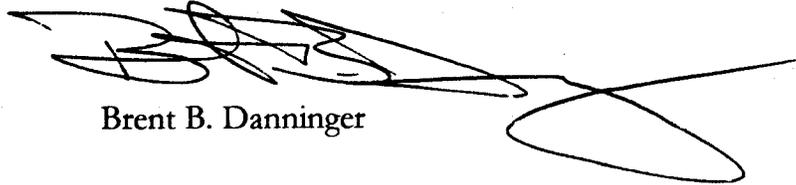
- 1. Illegal Pad** In April, 1999, the applicant created an unpermitted pad (called a "retreat" on the landscape plans) by making a cut in the bluff face. This pad has two associated broken concrete rubble retaining walls. The issue was raised in Laguna, but they punted, saying it was a Coastal Commission matter. Attached is a survey from 1995 showing no such pad, a photo of the pad under construction, and a letter from Gallo Corporation documenting the pad. Since we first raised this issue almost two years ago, the applicant has removed his patio furniture and allowed his iceplant to overgrow much of the pad. This could easily be removed, exposing the ugly broken concrete walls. The pad is visible from the beach, from the pathway down to the beach, and from neighboring properties. I suggest that the pad be removed and the bluff restored to its original state as a condition of approval.
- 2. Drainage** The applicant is installing a drainage system far superior to what presently exists and is to be commended for this. The proposed outlet is 5' from the northwestern property line. The adjacent property (mine) outlets very near this point. There was some talk about moving this outlet 10' further from the property line. In order to prevent creating a marshy area, it might be wise to move the outlet even further into the center of the property, thus avoiding concentrating drainage in one spot.
- 3. Stringline** The existing house and deck already exceeds the stringline, a Coastal Commission concept. The applicant proposes to extend the deck further beyond the stringline and add an arbor beyond stringline. Both of these features will affect neighbor views and privacy, and increase the bulk of the house when seen from the beach.

K 14

4. **Public hearing** Because of the sensitive issues involved, I request that this matter be placed on a regularly scheduled Coastal Commission agenda.
5. **Bluff protection devices** In 1998, when my project at 2 Mar Vista Lane and the Bay Drive homes (23, 25, 27 & 29 Bay Drive, 6 lots south of the applicant) were approved, all were required to submit a deed restriction prohibiting the installation of seawalls and bluff protective devices. No one wants to look at the butt end of a seawall. I request that the Coastal Commission treat all the properties on the beach equally and require a similar deed restriction on this project.

Thank you for your time.

Very truly yours,



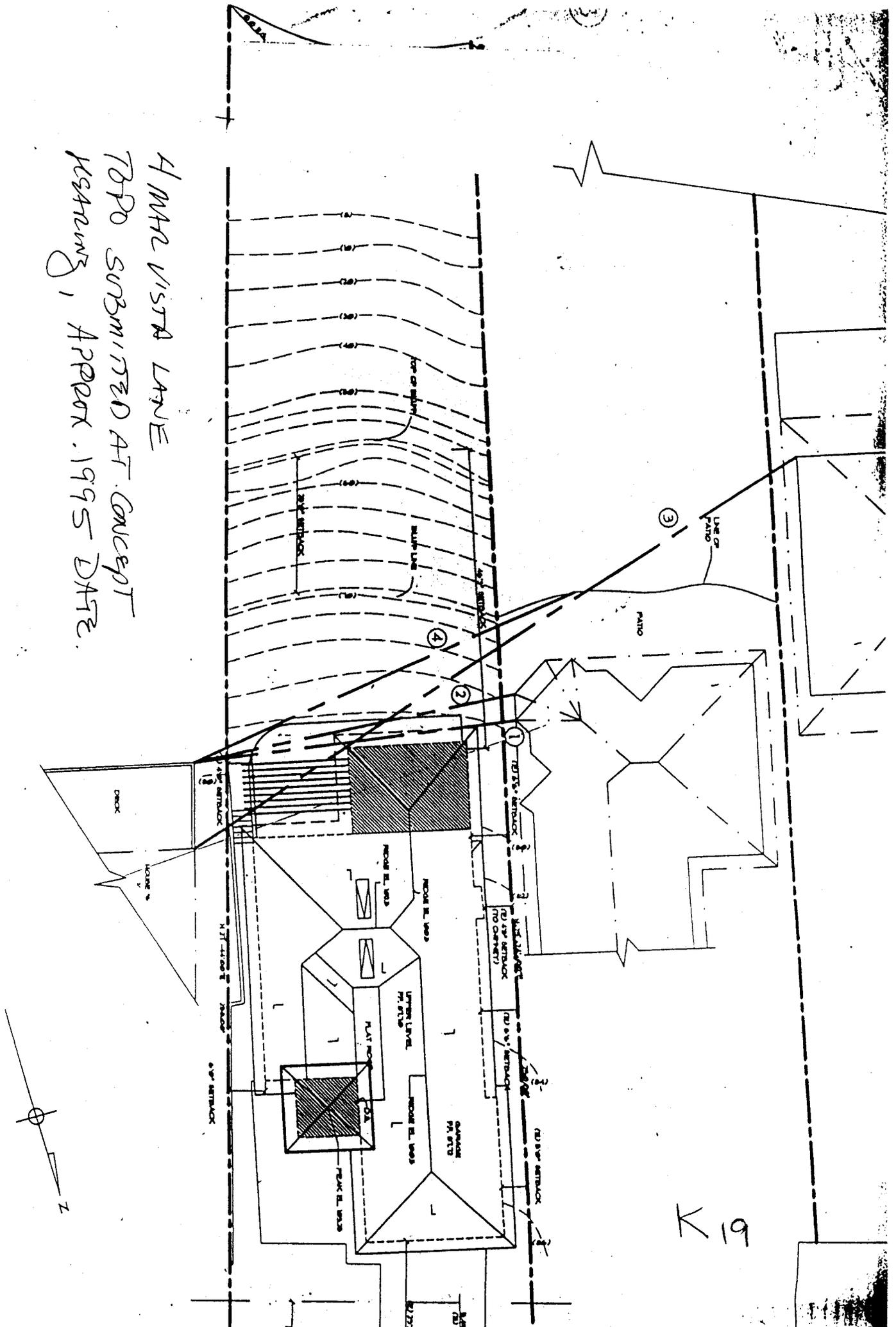
Brent B. Danninger

K 17



K18

AMAR VISTA LANE
 TPO SUBMITTED AT CONCEPT
 MEETING, APPROX. 1995 DATE



③

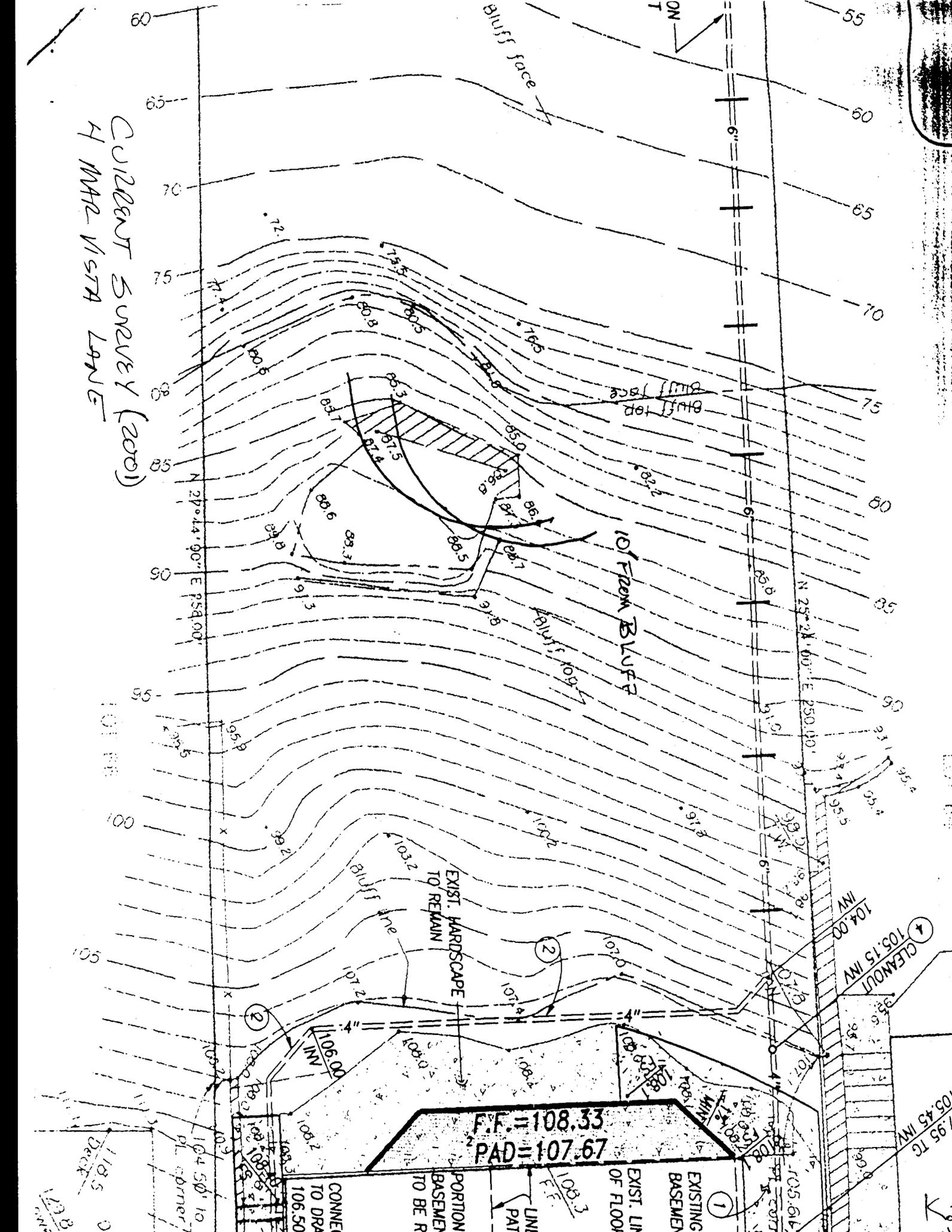
④

②

①

19

CURRENT SURVEY (2001)
4 MAR VISTA LANE



10' FROM BLUFF

EXIST. WARDSCAPE
TO REMAIN
TO BE RE

PORTION (BASEMENT)
TO BE RE

EXIST. LINE
OF FLOOR

EXISTING-
BASEMENT

CONNEC
TO DRAIN
106.50

F.F. = 108.33
PAD = 107.67

CLEANOUT
105.15 INW

104.00
INW

107.95 TC
105.45 INW

Deck
104.50' to
P.L. corner

103.3
103.5
103.8

GALLO CORPORATION
GENERAL CONTRACTORS

September 28, 2001

Mr. Brent Danninger
2 Mar Vista Lane
Laguna Beach, California 92651

Dear Mr. Danninger:

In April 1999, while supervising the construction of your home, I was approached by your neighbor, Mr. Freedman, who asked for a day laborer to clean up his side yard, which he claimed had been neglected because of construction. While I did not see any connection between the construction on your property and the weeds in his side yard, I generally try to be a good neighbor during construction and comply with reasonable requests.

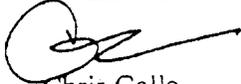
A few days later, I provided a day laborer and set him to work on the side yard. I assigned the other crews their tasks and left the job site. That afternoon, I returned to discover that Mr. Freedman had reassigned the laborer to cut a pad in Mr. Freedman's oceanfront bluff and I immediately pulled the laborer off the job. At this point, the pad had only been started. Over the next several days, other workers completed the digging and laid broken concrete walls to support the pad.

At no time did I, or anyone at Gallo Corporation, consent to this unauthorized construction.

I hope that this clarifies the matter for you. If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

GALLO CORPORATION



Chris Gallo
Project Manager

Brad and Liza Larsen
36 S. La Senda
Laguna Beach, CA 92651
949 499 9843

July 30, 2003

Meg Vaughn
California Coastal Commission
200 Ocean Gate Blvd.
Long Beach, CA 90802

Re: Project 5-02-192 at 4 Mar Vista Lane, Laguna Beach

Dear Ms. Vaughn,

Our property is located directly across on the inland side of the proposed project. We do not oppose any reasonable construction projects that are within existing standards. There are only two concerns we would like to address:

1. Access and construction staging.
We share an easement with the subject property whereby we each have certain ingress and egress rights. Access is presently minimal, and we do not want our access blocked at any time. A large-scale project such as proposed, would very easily do that.
2. The seaward expansion of the house because it conflicts with the basic purpose of the coastal setback. According to Mark Johnson's coastal setback paper, p. 3

"The most commonly assumed design lives for new development range from 50 to 100 years; the most common value is 75 years. The reasoning behind establishing a setback based on the design life is that by the time the bluff retreats sufficiently to threaten the structure, the structure is obsolete and is ready to be demolished for reasons other than encroaching erosion. Replacement development can then be appropriately sited at a new setback...the only alternative to an armored coast...is to continually site, and reposition, development in harmony with coastal erosion as it inevitably moves the shoreline inland".

The applicant's existing home is 50 years old. It is at the end of its design life. The Applicant is proposing to dig a 4-6 foot deep new foundation under the existing seaward wall, along its entire length. This is necessitated by the 2nd story addition and new deck extension. Such a new foundation within the coastal setback would be at odds with the intent of the coastal setback as described by Mr. Johnson above.

Ultimately, our property could be adversely affected in the future by this type of construction. As long time owners of property in Three Arch Bay, we have already paid large sums of money to stabilize adjacent Bay Drive due to bluff stability problems.

Thank you for your attention to this matter,



Brad and Liza Larsen

K22

BRAD AND LIZA LARSEN

July 17, 2002

California Coastal Commission
Attn: Ms. Meg Vaughn
200 Oceangate Blvd.
Long Beach, CA 90802

RECEIVED
South Coast Region

JUL 22 2002

RE: Project 5-02-192 at 4 Mar Vista Lane, Laguna Beach 92651

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn,

We are writing you today to express our opinion regarding the proposed remodel at the address noted above. Our home is directly across from the subject property making it one of the three homes that will be directly impacted by the proposed expansion. Our concerns regarding this project are that it may not be behind the string line, and that it is far too close to the bluff.

Several years ago we shared the same opinion with the Freedman's, owners of the subject property, in opposing numerous aspects of construction of a home next to them at 2 Mar Vista Lane. Together, we were successful in presenting constructive criticism to both Laguna Beach as well as Coastal Commission to keep all parts of 2 Mar Vista behind string line. It seems that the Freedman's are now asking that the same criteria previously fought for be overlooked in regards to their project.

As you can see from the attached photo taken before the neighboring property was built, the Freedman home is already quite close to the bluff. Any further expansion of this home (deck, trellis, and second floor living room) could well be placing too much structure too close to the bluff. As you examine the photos, you may also note the apparent slippage of soils.

We are also including a letter written by the Freedman's to the Coastal Commission opposing the house next door to them and which is also across from us. Please note that the Freedman's state "Since it appears that the bluff line may not be as stable as it should be, the placement of the proposed project could reasonably be expected to create a hazardous condition to both the proposed project *and our home*." Any expansion done in a seaward direction would certainly create the very conditions they themselves had previously opposed.

We would prefer that no additional construction in the area of the bluff be permitted. Certainly, if it was not acceptable for the project at 2 Mar Vista, it could not be acceptable next door at 4 Mar Vista. Three Arch Bay has experienced quite a number of major problems with the bluff areas continuing to this day due to what we believe has been overly aggressive construction practices. We would hope that all properties along our irreplaceable coastline would be treated with the highest level of scrutiny, and in the most fair-minded manner. All we ultimately want is a meticulous attention to detail to save our community and ourselves from serious problems and major expenses in the future.

Thank you very much for reviewing my concerns. Should you care to discuss the matter further, please do not hesitate to contact me.

Sincerely,



Liza and Bradley Larsen

K23

Michael and Jeanette Freedman

4 Mar Vista Lane
Laguna Beach, California 92651

RECEIVED
AUG 7 1998

August 5, 1998

CALIFORNIA
COASTAL COMMISSION

Mr. Steve Rynas, Orange County Area Supervisor
State of California
California Coastal Commission
South Coast Area
P.O. Box 1450
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Permit No.: 5-98-165
Applicants: Brent Danninger; Jay Tassin
Project Location: 2 Mar Vista Lane, South Laguna
(Orange County) (APN 056-180-37)
Project Description: Construction of oversized residence

Honorable Commissioners:

Please be advised that we are the owners of the property located at 4 Mar Vista Lane, Laguna Beach, California.

With respect to the above-referenced project, we respectfully advise you of our contention that the proposed residence is oversized for the lot and, if permitted to be built, will be detrimental to the surrounding homes. In contradiction with the California Coastal Commission's policies, the proposed project will not blend with the topography of the area or be visually compatible with the character of the existing homes or the natural landscaping on the coastline.

More importantly, we would call your attention to the fact that the proposed project may seriously jeopardize the geologic stability of our property. Since the severe rains last winter, we have noticed erosion on and around our property and the bluff. In fact, the property at 2 Mar Vista Lane suffered landslides and slope failure during the winter storms. It is our understanding that the Applicants intend to construct their project up to and past the bluff line, with no set back. You should be aware that because of the landslides, the bluff line is not in same place it was when the Applicants' plans were prepared. Since it appears

K24

State of California
California Coastal Commission
South Coast Area
August 5, 1998
Page 2

that the bluff line may not be as stable as it should be, the placement of the proposed project (at or past the supposed bluff line) could reasonably be expected to create a hazardous condition to both the proposed project and our home.

The residents of Malibu and other coastal communities unfortunately have recent, personal knowledge of what happens when you build too close to an unstable bluff which becomes saturated during winter rains. If the proposed project is permitted to be built, we fear that the added stress on the bluff may be the literal down fall of our home and our community.

It should also be noted that the construction of the proposed home would impact on our privacy rights in that it would restrict our light and air space.

For the foregoing reasons we implore you to deny the Applicants' request for a permit.

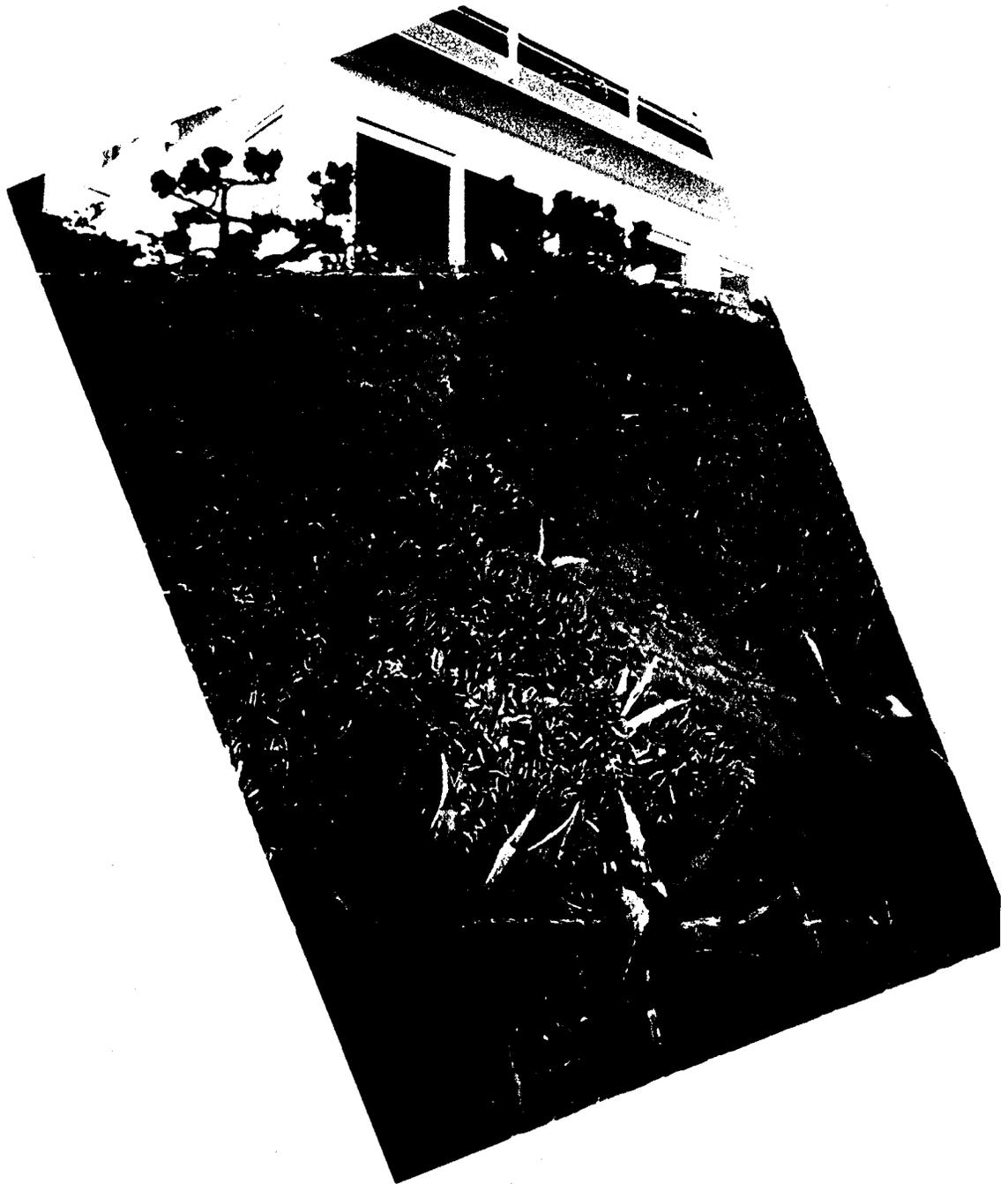
Respectfully submitted,

Michael Freedman
MICHAEL FREEDMAN

dac
C:\LAFFORDAS\FREEDM-N\4MARVIST\CCC.L01

K25

150



K24

Joe and Marjorie Davis
21 South La Senda
Laguna Beach, CA 92851
July 24, 2003

Ms. Meg Vaughn
California Coastal Commission
200 Oceangate
Long Beach, CA 90802

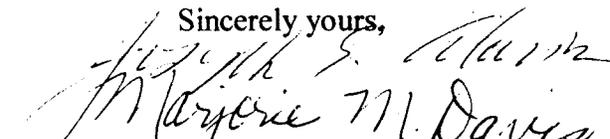
RE: Project 5-02-192 at 4 Mar Vista Lane, Laguna Beach

Dear Ms. Vaughn:

As neighbors who live close to the property at 4 Mar Vista Lane, we are concerned about plans for the proposed remodel because of the instability of the bluff. It seems to us that the additions would extend too far seaward, and we believe that the bluff should be protected as much as possible.

Thank you for the work you and the other members of the Commission are doing to help preserve our coastline.

Sincerely yours,


Marjorie M. Davis
Marjorie M. and Joseph E. Davis

K27

Joe and Marjorie Davis
21 South La Senda
Laguna Beach, CA 92651
June 23, 2002

RECEIVED
South Coast Region

JUN 28 2002

CALIFORNIA
COASTAL COMMISSION

Ms. Meg Vaughn
California Coastal Committee
200 Oceangate
Long Beach, CA 90802

Re: Project 5-02-192, 4 Mar Vista Lane, Laguna Beach

Dear Ms. Vaughn:

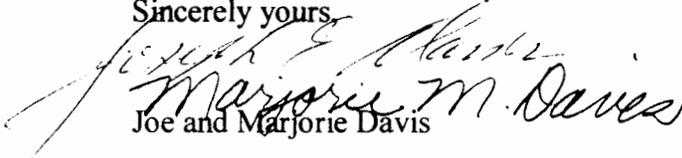
As concerned neighbors, we are writing to request that the plans for the alteration of this property be reviewed as part of the regularly scheduled agenda of the Coastal Commission.

Our own home is not on the bluff itself but we are not that far away, and naturally we are concerned with the stability of the bluffs in front of us. For one thing, we understand that there is an illegal pad on the Freedman property - caused by making an unauthorized cut into the face of the bluff in 1999 - which we believe should be investigated and the issue addressed. Also, we think the view from the sand looking up on the beach side should be protected by a deed restriction placed on the property prohibiting the installation of seawalls and bluff protective devices.

We are not in favor of the extension of the deck and the addition of an arbor, as called for in the plan, because we understand that the existing house and deck already protrude beyond the stringline. It is hard to understand why an exception should be made in this case.

Thank you for your consideration of this request. We appreciate the efforts of the Coastal Commission to protect our environment.

Sincerely yours,


Joe and Marjorie Davis

K28

RECEIVED
South Coast Region

JUL 24 2003

Shirley E. Deeley
6 Mar Vista Lane
Laguna Beach, Ca. 92621

July 18, 03

CALIFORNIA
COASTAL COMMISSION

Re: Freedman project 5-02-192
4 Mar Vista Lane, Laguna Beach, Ca.

California Coastal Commission
Long Beach, Ca. 90802

Attention: Meg Vaughn

We have had the property at 6 Mar Vista Lane
in the family for 45 years.

In all that time we have left the cliff
untouched by any type of structure. We
have always respected the vulnerability of
the cliff.

In '92 a very large portion of the south
cliff fell impacting 6 houses. This year,
just 3 lots away, a great portion of the
cliff became beach.

We are concerned about the further expansion
of the above project toward the cliff. We
have always felt comfortable with our set
back.

Thank you for your concern in this matter.

Sincerely,


Shirley E. Deeley

K29

June 22, 02

RECEIVED
South Coast Region

JUN 25 2002

Mea Vaughn
California Coastal Commission
200 Oceanate
Long Beach, Ca. 90802

CALIFORNIA
COASTAL COMMISSION

Re: 5-02-192 4 Mar Vista Lane, Laguna Beach, CA.

From 6 Mar Vista Lane

We have owned the 6 Mar Vista Lane property for over 40 years. We have always respected the cliff and have not done any changes to it over the years.

The above neighbors have built an illegal pad on the cliff which they know is not correct. In their plans to add on to their house toward the ocean (this will be the 2nd time) they have ignored the string line.

Three Arch Bay has had their share of cliff slippage over the years. In '92 a huge portion of the cliff to the south end came down and added to the beach. Several homes were badly damaged.

I think it is only fair to us who have paid attention to gain a modicum of security by not allowing the cliff to be weakened.

Thank you very much for your attention to this.

Sincerely,

Shirley E. Deeley
Shirley Edwards Deeley
P O Box 378
Oxford, Md. 21654

K 30

Theresa Drewry
15 South La Senda
Laguna Beach, CA 92651-6722
949 422 4706

RECEIVED
South Coast Region

JUL 3 2002

CALIFORNIA
COASTAL COMMISSION
July 1, 2002

Ms. Meg Vaughn
California Coastal Commission
200 Ocean Gate
Long Beach, CA 90802

RE: Project 5-02-192, 4 Mar Vista Lane, Three Arch Bay, Laguna Beach

Dear Ms. Vaughn:

Please add my plea to those who request the Coastal Commission to act to preserve the views and character of our cliffs and bay.

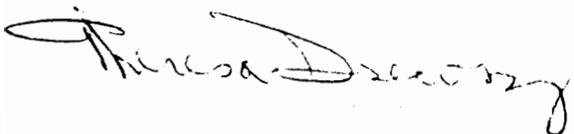
I believe that the rules and guidelines requiring residential constructs to maintain the existing stringline boundary, and all other means of preventing bluff encroachment should be adhered to equally, without granting arbitrary variances or allowing encroachments by mistake or oversight.

Precedence should not be established that makes it forever easier to build a wall of houses and cement on the bluff face diminishing everyone's enjoyment of the natural beauty of the bay.

We all know wonderful homes have been built on the bluffs within the established parameters and envelopes preserving the bluff for many generations. This can and should continue.

A public hearing at a regularly scheduled Coastal Commission meeting would be helpful to resolve issues and convince the owners of 4 Mar Vista that everyone adhering to community standards ultimately benefits all families.

Yours very truly,



Theresa Drewry

K31