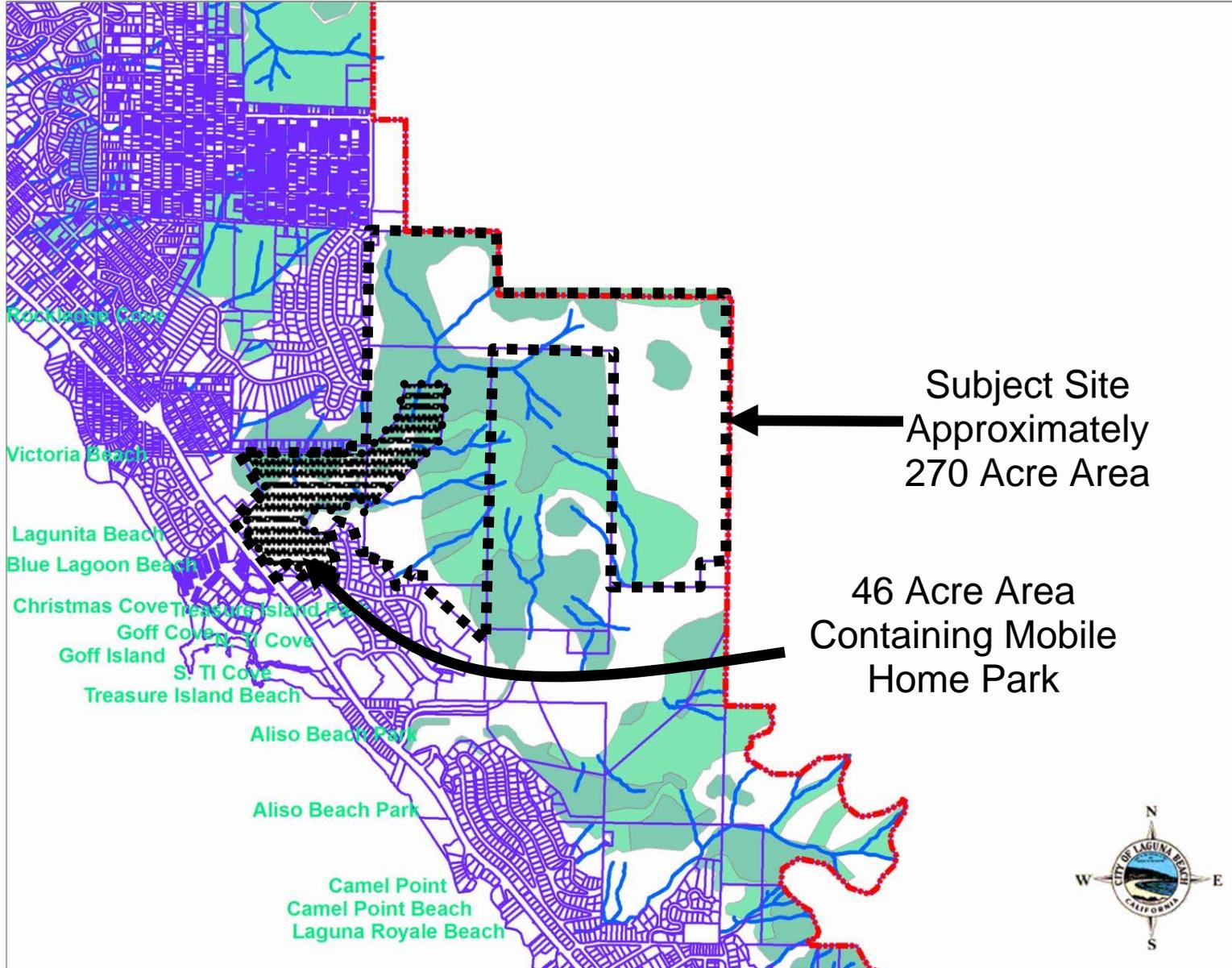
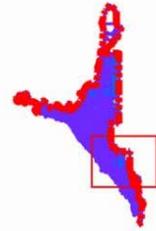


City of Laguna Beach



Subject Site
Approximately
270 Acre Area

46 Acre Area
Containing Mobile
Home Park

Legend

- City Limits
- Parcels
- Significant Drainage Course Cr
- Very High Value Habitat
- High Value Habitat



1: 19,634

0.6 0 0.31 0.6 Miles

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

Vicinity Map
Exhibit #1
5-10-014-EDD

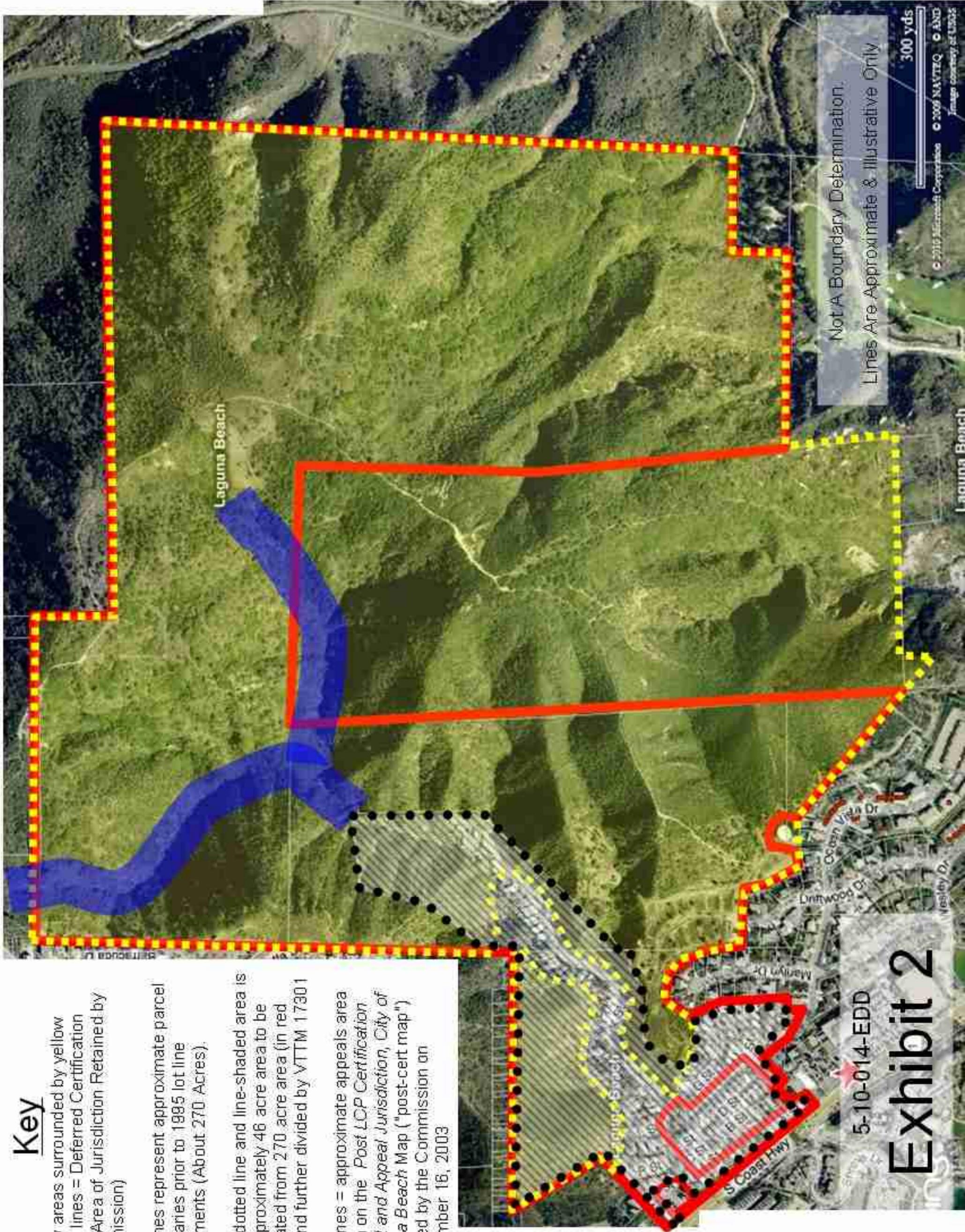
Key

Yellow areas surrounded by yellow dotted lines = Deferred Certification Area (Area of Jurisdiction Retained by Commission)

Red lines represent approximate parcel boundaries prior to 1995 lot line adjustments (About 270 Acres).

Black dotted line and line-shaded area is the approximately 46 acre area to be separated from 270-acre area (in red line) and further divided by VTTM 1730.1

Blue lines = approximate appeals area shown on the *Post LCP Certification Permit and Appeal Jurisdiction, City of Laguna Beach Map* ("post-cert map") adopted by the Commission on September 16, 2003



Not A Boundary Determination.
Lines Are Approximate & Illustrative Only

5-10-014-EDD
Exhibit 2

300 yds

© 2015 Microsoft Corporation © 2009 NAVTEQ © AND
Image courtesy of USGS



20

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

37.00

19950419070 04:30PM 10/11/95

RECORDING REQUESTED BY
FIRST AMERICAN TITLE INS. CO.

005 245112 12 50 2540
L00 11 7.00 30.00 5.00 0.00 0.00 0.00

WHEN RECORDED MAIL TO:
FIRST AMERICAN TITLE INSURANCE
114 E. FIFTY ST.
SANTA ANA, CA 92701
ATTN: JUDY MOORE

THIS SPACE FOR RECORDER'S USE ONLY

956282980

LOT LINE ADJUSTMENT NO. LL 95-04

IT
11P
420
OK

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(ADDITIONAL RECORDING FEE APPLIES)



CERTIFICATION OF APPROVAL OF LOT LINE ADJUSTMENT NO.LL 95-04
ACTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH CALIFORNIA
791 Barracuda Way

Whereas, Section 66412(d) of the Subdivision Map Act makes provisions for local agencies to approve lot line adjustments where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created; and

Whereas, the City council of the City of Laguna Beach had reviewed Lot Line Adjustment No.LL95-04 and has made a finding that the real property described in Exhibit A and shown on Exhibit B, complies with the provisions of the California Subdivision Map Act and applicable City ordinances and regulations; and

Whereas, the City Council of the City of Laguna Beach has made the following findings:

1. That the proposal is eligible for processing as a lot line adjustment pursuant to Section 66412 of the Subdivision Map Act; and
2. That the requirements of the California Environmental Quality Act have been met.

Therefore, it was resolved by Minute Motion on September 5, 1995 that the proposed Lot Line Adjustment No.LL 95-04 as shown on Exhibits A and B was approved.

I, Rosalie A. Allen, Deputy City Clerk of the City of Laguna Beach, California, hereby certify that the above and foregoing action was taken by said City Council at a meeting hereof held on September 5, 1995.

Dated: September 6, 1995

A handwritten signature in cursive script that reads "Rosalie A. Allen".

Rosalie A. Allen, Deputy City Clerk
City of Laguna Beach, California

605 FOREST AVE. • LAGUNA BEACH, CA 92651 • TEL (714) 497-3311 • FAX (714) 497-0771



ALL-PURPOSE ACKNOWLEDGMENT

No. 997

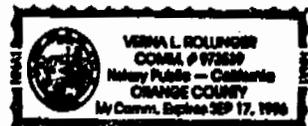
State of California

County of Orange

On September 6, 1995 before me, Verna L. Rollinger, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Rosalie A. Allen
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/was 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.

Verna L. Rollinger
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER
Deputy City Clerk
TITLE(S)
- PARTNER(S) LIMITED
 GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Lot Line Adjustment Certification

TITLE OR TYPE OF DOCUMENT

ONE

NUMBER OF PAGES

September 6, 1995
DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(S)
City of Laguna Beach

none
SIGNER(S) OTHER THAN NAMED ABOVE

Above reserved for county recorder's use

LOT LINE ADJUSTMENT
LL 95 -

RECORD OWNERS:

PARCEL 1

NAME: James E. Conrad & Katherine M. Conrad, Trustees and Settlers, as Community Property, of the 1991 James & Katherine Conrad Family Trust dated June 12, 1991.

ADDRESS: 1590 S. Coast Highway #17
Laguna Beach, CA 92651

DAYTIME
PHONE: (714) 497-0200

CONTACT PERSON: Olay S. Meun/Toal Engineering, Inc.

ADDRESS: 139 Avenida Navarro
San Clemente, CA 92672

DAYTIME PHONE: (714) 492-8586

PARCEL 2

Darren E. Esslinger, as Co-Trustee of Trust A and Trustee of Trust B of the Esslinger Family Trust Established April, 16, 1976 by Paul H. Esslinger and Maria M. Esslinger, Trustors, as amended.

Cheryl M. Wing as Co-Trustee of Trust A of the Esslinger Family Trust Established April 16, 1976 by Paul H. Esslinger and Marie M. Esslinger, Trustors, as amended.

30802 S. Coast Highway, K-2
Laguna Beach, CA 92651

499-1626
(714) ~~499-1626~~

DATE FILED	ZONING

EXHIBIT "A"
LOT LINE ADJUSTMENT
LL 95 -
LEGAL DESCRIPTION

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
<i>James & Katherine Conrad Family Trust</i>	<i>656-035-09</i>	<i>Parcel 1</i>

PARCEL 1.

In the City of Laguna Beach, County of Orange, State of California, being Lot 119 in Tract No. 6029, as per Map recorded in Book 230, Pages 21 through 26, inclusive, of Miscellaneous Maps, records of said Orange County.

TOGETHER with that portion of Fractional Section 31, Township 7 South, Range 8 West, San Bernardino Meridian, more particularly described as follows:

Beginning at the Northeast corner of said Lot 119; thence South 89°43'02" East, 80.00 feet; thence South 0°16'58" West, 89.38 feet; thence North 89°43'02" West, 80.00 feet to the Southeast corner of said Lot 119; thence Northerly along the East Line of said Lot 119, North 0°16'58" East, 89.38 feet to the POINT OF BEGINNING.



Olav S. Meurn

 Olav S. Meurn LS 4984

**EXHIBIT "A"
LOT LINE ADJUSTMENT
LL 95 -
LEGAL DESCRIPTION**

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
<i>Esslinger Family Trust</i>	656-191-29 56-241-55	<i>Parcel 2</i>

PARCEL 2

In the City of Laguna Beach, County of Orange, State of California, being that portion of Fractional Section 31 and Fractional Section 32, Township 7 South, Range 8 West, San Bernardino Meridian, more particularly described as follows:

Beginning at the quarter-section corner in the line between said Fractional Section 31 and Section 30, Township 7 South, Range 8 West, San Bernardino Meridian, as said quarter-section is shown on a Map of Tract No. 6029 recorded in Book 230, Pages 21 through 26 of Miscellaneous Maps in the Office of the County Recorder of said Orange County, California, said quarter-section corner being also the Northeastly corner of said Tract No. 6029; thence, along the Northerly line of said Fractional Section 31, North 89°10'38" East, 1420.33 feet to the Easterly line of Lot 8 of said Fractional Section 31; thence along said Easterly line South 0°05'08" West, 704.85 feet to a corner in the boundary of Lot 39 of the Niguel Rancho, as shown on a Map recorded in Book 2, Pages 230 and 231 of Patents, Records of Los Angeles County, California; thence along said boundary of Lot 39, North 89°55'38" East, 2594.67 feet to the Northeast corner of Lot 1 of said Fractional Section 32; thence, along the Easterly line of said Lot 1 and along the Easterly line of Lots 2 and 3 of said Fractional Section 32, South 0°03'28" West, 2927.74 feet to the Northeastly corner of that certain parcel of land described in a deed to the Girl Scouts Council of Laguna Beach, Incorporated, recorded in Book 772, Page 141 of Official Records in the Office of the County Recorder of said Orange County; thence along the Northerly and Westerly lines of said land, North 89°45'58" West, 295.16 feet, and South 0°03'28" West, 295.16 feet to the Southerly line of said Lot 3; thence along said Southerly line, North 89°45'58" West, 1008.56 feet to the Easterly line of said Fractional Section 31; thence along said Easterly line, North 0°36'29" East, 2607.88 feet to the Southeast corner of Lot 1 of said Fractional Section 31; thence, along said Southerly line of said Lot 1, North 89°37'53" West, 1369.98 feet to the Southwest corner of said Lot 1; thence North 89°37'53" West, 1370.88 feet to a point in the West line of the East Half of said Fractional Section 31, said point being in the East line of said Tract 6029; thence Northerly along said West line, North 0°16' 58" East, 1273.38 feet to the POINT OF BEGINNING.

**EXHIBIT "A"
LOT LINE ADJUSTMENT
LL 95 -
LEGAL DESCRIPTION**

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
<i>Esslinger Family Trust</i>	656-191-29 56-241-55	Parcel 2

EXCEPTING THEREFROM that portion described as follows:

Beginning at the Northeast corner of Lot 119 in said Tract No. 6029; thence South 89°43'02" East, 80.00 feet; thence South 0°16'58" West, 89.38 feet; thence North 89°43'02" West, 80.00 feet to the Southeast corner of said Lot 119; thence Northerly along the East line of said Lot 119, North 0°16'58" East, 89.38 feet to the POINT OF BEGINNING.



Olav S. Meurn
Olav S. Meurn 15 4384

Recording requested by and
when recorded mail to:

DARREN ESSLINGER
30802 SO. COAST HIGHWAY
LAGUNA BEACH CA. 92657

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

52.00

19950520276 4:30pm 11/22/95

005 000019 07 21 1847
L09 16 7.00 40.00 0.00 0.00 0.00 0.00

RECORDED BY
FIRST AMERICAN TITLE INSURANCE COMPANY

ACCOMMOD 157633210

Above reserved for county recorder's use.

Lot Line Adjustment LL 95 - 01

PT
16F
2N
10E

RECORD OWNERS:

PARCELS 1, 2 and 3

NAME: Darren F. Esslinger, as Co-Trustee of Trust A
and Trustee of Trust B of the Esslinger Family
Trust established April 16, 1976 by Paul H.
Esslinger and Marie M. Esslinger, Trustors, as
amended

Cheryl M. Wing, as Co-Trustee of Trust A of
the Esslinger Family Trust Established April
16, 1976 by Paul H. Esslinger and Marie M.
Esslinger, Trustors, as amended

ADDRESS: 30802 South Coast Highway
Laguna Beach, California 92651

DAYTIME PHONE: 714/497-3497

THIS INSTRUMENT FILED FOR RECORD BY
FIRST AMERICAN TITLE INSURANCE COMPANY AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN EXAMINED AS TO
ITS EXECUTION OR AS TO ITS EFFECT UPON THE TITLE

CONTACT PERSON: Garland Clark

ADDRESS: 14725 Alton Parkway

Irvine, California 92719

DAYTIME PHONE: 714/855-3652

DATE FILED	ZONING	
------------	--------	--

311811A

We hereby certify that: 1) We are the record owners of all parcels proposed for adjustment by this application; 2) We have knowledge of and consent to the filing of this application; and 3) the information submitted in connection with this application is true and correct.

Darren E. Esslinger, as Co-Trustee of Trust A and Trustee of Trust B of the Esslinger Family Trust established April 16, 1976 by Paul H. Esslinger and Marie M. Esslinger, Trustors, as amended

Cheryl M. Wing, as Co-Trustee of Trust A of the Esslinger Family Trust Established April 16, 1976 by Paul H. Esslinger and Marie M. Esslinger, Trustors, as amended

Darren E. Esslinger, TR
Signature of owner of Parcels 1, 2 and 3

Cheryl M. Wing, TR
Signature of owner of Parcels 1, 2 and 3

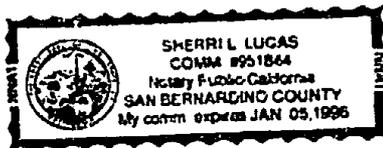
NOTARY ACKNOWLEDGEMENT

State of California)
County of ~~Orange~~ ^{SS} San Bernardino

On this January 31, 1995 before me, Sherri L. Lucas, personally appeared Darren E. Esslinger and Cheryl M. Wing, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal:

Sherri L. Lucas
Notary Public in and for said State



Line Adjustment
CL 95 - 01

THIS DOCUMENT CONSISTING OF 14 PAGES
WAS PREPARED BY ME OR UNDER MY DIRECTION.



Kevin D. McHugh, Jr.

P.L.S. 6310

MY LICENSE EXPIRES 9-30-98



EXHIBIT "A"
LOT LINE ADJUSTMENT
LL 95 - 01

LEGAL DESCRIPTION

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
ESSLINGER FAMILY TRUST	656-191-08, 09, 10, 13, 25, 26 & 23 (POR.)	1
ESSLINGER FAMILY TRUST	656-191-07, & 23 (POR.)	2
ESSLINGER FAMILY TRUST	656-191-23 (POR.) & 56-241-55 (POR.)	3

Parcel 1

That certain parcel of land situated in the City of Laguna Beach, County of Orange, State of California, being that portion of Fractional Section 31, Township 7 South, Range 8 West of the San Bernardino Meridian, according to the official plat of said land filed in the District Land Office May 19, 1873, described as follows:

BEGINNING at the most westerly corner of Lot 8 of Tract No. 2067 as shown on a map thereof filed in Book 68, Pages 37 through 39 of Miscellaneous Maps in the Office of the County Recorder of said Orange County, said most westerly corner being the southwesterly terminus of that certain course shown on said map as having a bearing and distance of "North 40°11'48" East 130.00 feet"; thence along the westerly line of said tract through the following courses: South 18°23'56" East 271.88 feet; thence South 04°16'07" East 141.78 feet; thence South 10°17'43" West 140.80 feet to the northerly line of Tract No. 1616 as shown on a map thereof filed in Book 48, Pages 42 through 44 of Miscellaneous Maps in said Office of the Orange County Recorder; thence leaving said westerly line of Tract No. 2067, along the northerly and westerly lines of said Tract No. 1616 North 87°05'00" West 35.12 feet and South 19°30'00" West 145.02 feet to the northeasterly line of Parcel Map No. 80-110 as shown on a map thereof filed in Book 157, Pages 8 through 13 of Parcel Maps in said Office of the Orange County Recorder; thence along said northeasterly line and along the northwesterly line of said parcel map through the following courses: North 34°03'30" West 116.96 feet to a point on a non-tangent curve concave southerly and having a radius of 180.00 feet, a radial line of said curve from said point bears South 11°06'03" West; thence along said curve westerly 28.98 feet through a central angle of 09°13'33" ; thence non-tangent from said curve North 34°03'30" West 141.30 feet; thence South 55°56'30" West 116.61 feet; thence North 40°18'00" West 12.00 feet; thence South 49°42'00" West 37.00 feet; thence South 40°18'00" East 20.00 feet; thence South 49°42'00" West 8.91 feet to the northeasterly line of the land described in a Joint Tenancy Grant Deed recorded December 19, 1961 in Book 5949, Page 755 of Official Records in said Office of the Orange County Recorder; thence leaving said northwesterly line of Parcel Map No. 80-110, along said northeasterly line North 40°18'00" West 0.20 feet to the southeasterly line of the land described in Parcel 1 of an Indenture of Lease recorded September 15, 1960 in Book 5417, Page 431 of Official Records in said Office of the Orange County Recorder; thence along said southeasterly line and the northwesterly line of said Parcel 1 North 49°42'00" East 8.17 feet and North 45°19'05" West 185.71 feet to the easterly corner of the land described in Parcel 1 of a Gift Deed recorded January 3, 1974 in Book 11051, Page 483 of Official Records in said Office of the Orange County Recorder; thence along the

EXHIBIT "A"

LOT LINE ADJUSTMENT

LL 95 - 01

LEGAL DESCRIPTION

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
ESSLINGER FAMILY TRUST	656-191-4E, 09, 10, 13, 25, 2L & 23 (POR.)	1
ESSLINGER FAMILY TRUST	656-191-47, & 23 (POR.)	2
ESSLINGER FAMILY TRUST	656-191-23 (POR.) & 56-241-55 (POR.)	3

northeasterly, northwesterly and southwesterly lines of said land through the following courses: North 40°18'00" West 46.17 feet; thence South 49°42'00" West 127.00 feet; thence South 40°18'00" East 46.17 feet to the northwesterly line of said Parcel 1 described in Book 5417 Page 431 of Official Records; thence leaving said southwesterly line, along said northwesterly line and southwesterly prolongation thereof South 49°42'00" West 70.00 feet to the northeasterly right-of-way line of Pacific Coast Highway (formerly California State Highway) 80.00 feet wide, as described in a Deed to the State of California recorded October 23, 1926 in Book 683, Page 215 of Deeds in said Office of the Orange County Recorder; thence along said northeasterly right-of-way line North 40°18'00" West 610.81 feet to the southerly corner of Parcel 1 as described in a Lease to Union Oil Company of California recorded August 23, 1966 in Book 8026, Page 735 of Official Records in said Office of the Orange County Recorder; thence along the southeasterly line of said Parcel 1 North 49°42'00" East 85.00 feet; thence North 19°24'00" East 57.42 feet to the beginning of a tangent curve concave westerly and having a radius of 70.00 feet; thence along said curve northerly 63.61 feet through a central angle of 52°04'00"; thence tangent from said curve North 32°40'00" West 47.66 feet to the beginning of a tangent curve concave southerly and having a radius of 20.00 feet; the southwesterly terminus of said curve shall be tangent to the northeasterly prolongation of the northwesterly line of said Parcel 1; thence along said curve westerly and southwesterly 34.08 feet through a central angle of 97°38'00" to said tangent line; thence along said northeasterly prolongation and northwesterly line South 49°42'00" West 155.14 feet to said northeasterly right-of-way line of Pacific Coast Highway; thence along said northeasterly right-of-way line North 40°18'00" West 54.97 feet to the southerly corner of the land described in a Deed recorded December 30, 1966 in Book 8141, Page 960 of Official Records in said Office of the County Recorder; thence along the southeasterly line of said land through the following courses: North 49°42'00" East 140.00 feet; thence South 40°18'00" East 6.36 feet; thence North 46°10'00" East 35.28 feet to the most southerly corner of the land described in a Deed to the Roman Catholic Archbishop of Los Angeles, recorded March 31, 1953 in Book 2479, Page 119 of Official Records in said Office of the Orange County Recorder; thence leaving said southeasterly line, along the southeasterly and northeasterly lines of said land of the Roman Catholic Archbishop of Los Angeles North 46°10'00" East 325.00 feet and North 31°26'20" West 515.42 feet to the southerly line of Block M of Arch Beach Heights as shown on a map filed in Book 8, Page 65 of Miscellaneous Maps in said Office of the Orange County Recorder; thence along said southerly line and the easterly prolongation thereof North 89°00'40" East 1413.55 feet to the westerly line of the easterly one-half of said Fractional Section 31; thence North 43°05'00" East 515.25 feet; thence North 09°45'00" East 377.51 feet; thence

EXHIBIT "A"
LOT LINE ADJUSTMENT
LL 95 - 01
LEGAL DESCRIPTION

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
ESSLINGER FAMILY TRUST	656-191-08, 09, 10, 13, 25, 26 & 23 (POR.)	1
ESSLINGER FAMILY TRUST	656-191-07, & 23 (POR.)	2
ESSLINGER FAMILY TRUST	656-191-23 (POR.) & 56-241-55 (POR.)	3

North 87°45'00" East 458.00 feet; thence South 05°15'00" West 612.00 feet; thence South 43°35'00" West 930.00 feet to the beginning of a tangent curve concave northwesterly and having a radius of 350.00 feet; thence along said curve southwesterly 129.85 feet through a central angle of 21°15'27" to a point of compound curvature with a curve concave northerly and having a radius of 45.00 feet, a radial line of said curves from said point bears North 25°09'33" West; thence along said curve westerly 50.15 feet through a central angle of 63°51'00" to a point of reverse curvature with a curve concave southerly and having a radius of 250.00 feet, a radial line of said curve from said point bears South 38°41'27" West; thence along said curve northwesterly 139.89 feet through a central angle of 32°03'39" to a point of compound curvature with a curve concave southeasterly and having a radius of 80.00 feet; a radial line of said curves from said point bears South 06°37'48" West; thence along said curve westerly 87.64 feet through a central angle of 62°46'00" to a point of reverse curvature with a curve concave northerly and having a radius of 170.00 feet, a radial line of said curve from said point bears North 56°08'12" West; thence along said curve southwesterly 218.48 feet through a central angle of 73°38'12" ; thence tangent from said curve North 72°30'00" West 78.00 feet to the beginning of a tangent curve concave southerly and having a radius of 125.00 feet; thence along said curve westerly 170.90 feet through a central angle of 78°20'00"; thence tangent from said curve South 29°10'00" West 144.00 feet to the beginning of a tangent curve concave easterly and having a radius of 45.00 feet; thence along said curve southwesterly and southerly 61.31 feet through a central angle of 78°04'00" ; thence tangent from said curve South 48°54'00" East 44.00 feet to the beginning of a tangent curve concave northerly and having a radius of 150.00 feet; thence along said curve southeasterly and easterly 203.25 feet through a central angle of 77°38'15" to a point of reverse curvature with a curve concave southeasterly and having a radius of 90.00 feet, a radial line of said curve from said point bears South 36°32'15" East; thence along said curve northeasterly 35.81 feet through a central angle of 22°47'41" to the POINT OF BEGINNING.

CONTAINING: 45.65 Acres, more or less.

Parcel 2

Beginning at the southerly corner of Parcel 1 as described in a Lease to Union Oil Company of California recorded August 23, 1966 in Book 8026, Page 735 of Official Records in said Office of the Orange County Recorder; thence along the southeasterly line of said Parcel 1 North 49°42'00" East 85.00 feet; thence

EXHIBIT "A"
LOT LINE ADJUSTMENT
LL 95 - 01
LEGAL DESCRIPTION

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
ESSLINGER FAMILY TRUST	656-191-08, 09, 10, 13, 25, 26 & 23 (POR.)	1
ESSLINGER FAMILY TRUST	656-191-07, & 23 (POR.)	2
ESSLINGER FAMILY TRUST	656-191-23 (POR.) & 56-241-55 (POR.)	3

North 19°24'00" East 57.42 feet to the beginning of a tangent curve concave westerly and having a radius of 70.00 feet; thence along said curve northerly 63.61 feet through a central angle of 52°04'00"; thence tangent from said curve North 32°40'00" West 47.66 feet to the beginning of a tangent curve concave southerly and having a radius of 20.00 feet; the southwesterly terminus of said curve shall be tangent to the northeasterly prolongation of the northwesterly line of said Parcel 1; thence along said curve westerly and southwesterly 34.08 feet through a central angle of 97°38'00" to said tangent line; thence along said northeasterly prolongation and northwesterly line South 49°42'00" West 155.14 feet to said northeasterly right-of-way line of Pacific Coast Highway and the westerly corner of said Parcel 1; thence along the southwesterly line of said Parcel 1 and said northeasterly right-of-way line of Pacific Coast highway South 40°18'00" East 150.00 feet to the POINT OF BEGINNING.

CONTAINING: 0.53 Acres, more or less.

Parcel 3

That certain parcel of land situated in the City of Laguna Beach, County of Orange, State of California, being that portion of Fractional Section 31, Township 7 South, Range 8 West of the San Bernardino Meridian, according to the official plat of said land filed in the District Land Office May 19, 1873, described as follows:

BEGINNING at the most westerly corner of Lot 8 of Tract No. 2067 as shown on a map thereof filed in Book 68, Pages 37 through 39 of Miscellaneous Maps in the Office of the County Recorder of said Orange County, said most westerly corner being the southwesterly terminus of that certain course shown on said map as having a bearing and distance of "North 40°11'48" East 130.00 feet"; thence along the northwesterly northerly and northeasterly lines of said tract through the following courses: along said course North 40°11'43" East 130.00 feet; thence South 79°02'45" East 157.88 feet; thence South 37°30'02" East 112.00 feet; thence South 07°29'46" East 222.89 feet; thence South 85°50'00" East 173.25 feet; thence South 04°10'00" West 65.92 feet; thence South 85°50'00" East 140.00 feet; thence South 09°38'45" East 92.20 feet; thence South 34°02'52" East 115.07 feet; thence South 03°28'00" East 95.92 feet; thence North 86°32'00" East 102.75 feet to the northeasterly corner of Lot 28 of said tract; thence leaving said northerly line, along the easterly prolongation of the northerly line of said Lot 28 North 86°32'00" East 50.00 feet to the northwesterly corner of Parcel 1 as shown on a map thereof filed in Book 80, Page 42 of Record of Surveys in said Office of the Orange County Recorder, said

EXHIBIT "A"
LOT LINE ADJUSTMENT
LL 95 - 01
LEGAL DESCRIPTION

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
ESSLINGER FAMILY TRUST	656-191-06, 09, 10, 13, 25, 26 & 23 (POR.)	1
ESSLINGER FAMILY TRUST	656-191-07, & 23 (POR.)	2
ESSLINGER FAMILY TRUST	656-191-23 (POR.) & 56-241-55 (POR.)	3

corner also being the southwesterly corner of the land described in Parcel A in a Grant Deed to South Coast County Water District of Orange County, California recorded October 11, 1971 in Book 9838, Page 779 of Official Records in said Office of the Orange County Recorder; thence along the westerly, northerly and easterly lines of said land through the following courses: North 03°28'00" West 135.00 feet; thence North 63°02'00" East 81.00 feet; thence South 78°43'00" East 69.00 feet; thence South 31°12'00" East 57.72 feet; thence South 06°48'00" West 100.25 feet to the northeasterly corner of Parcel 2 of said record of survey, said corner also being the most northerly corner of Tract No. 8296 as shown on a map thereof filed in Book 349, Pages 48 through 50 of Miscellaneous Maps in said Office of the Orange County Recorder; thence leaving said easterly line, along the northeasterly line of said tract South 49°13'17" East 948.10 feet to the west line of the east one-half of the east one-half of said Fractional Section 31; thence along said west line North 00°27'51" East 3254.75 feet to the southeast corner of Lot 8 of said Fractional Section 31; thence along the south line of said lot North 89°37'53" West 1370.88 feet to the southwest corner of said lot; thence along the west line of the east one-half of said Fractional Section 31 South 00°16'58" West 1178.05 feet to the easterly prolongation of the southerly line of Block M of Arch Beach Heights as shown on a map thereof filed in Book 8, Page 65 of Miscellaneous Maps in said Office of the Orange County Recorder; thence North 43°05'00" East 515.25 feet; thence North 09°45'00" East 377.51 feet; thence North 87°45'00" East 458.00 feet; thence South 05°15'00" West 612.00 feet; thence South 43°35'00" West 930.00 feet to the beginning of a tangent curve concave northwesterly and having a radius of 350.00 feet; thence along said curve southwesterly 129.85 feet through a central angle of 21°15'27" to a point of compound curvature with a curve concave northerly and having a radius of 45.00 feet, a radial line of said curves from said point bears North 25°09'33" West; thence along said curve westerly 50.15 feet through a central angle of 63°51'00" to a point of reverse curvature with a curve concave southerly and having a radius of 250.00 feet, a radial line of said curve from said point bears South 38°41'27" West; thence along said curve northwesterly 139.89 feet through a central angle of 32°03'39" to a point of compound curvature with a curve concave southeasterly and having a radius of 80.00 feet; a radial line of said curves from said point bears South 06°37'48" West; thence along said curve westerly 87.64 feet through a central angle of 62°46'00" to a point of reverse curvature with a curve concave northerly and having a radius of 170.00 feet, a radial line of said curve from said point bears North 56°08'12" West; thence along said curve southwesterly 218.48 feet through a central angle of 73°38'12"; thence tangent from said curve North 72°30'00" West 78.00 feet to the beginning of a tangent curve concave

EXHIBIT "A"
LOT LINE ADJUSTMENT
LL 95 - 01
LEGAL DESCRIPTION

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
ESSLINGER FAMILY TRUST	656-191-08, 09, 10, 13, 25, 26 & 23 (POR.)	1
ESSLINGER FAMILY TRUST	656-191-07, & 23 (POR.)	2
ESSLINGER FAMILY TRUST	656-191-23 (POR.) & 56-241-55 (POR.)	3

southerly and having a radius of 125.00 feet; thence along said curve westerly 170.90 feet through a central angle of 78°20'00"; thence tangent from said curve South 29°10'00" West 144.00 feet to the beginning of a tangent curve concave easterly and having a radius of 45.00 feet; thence along said curve southwesterly and southerly 61.31 feet through a central angle of 78°04'00" ; thence tangent from said curve South 48°54'00" East 44.00 feet to the beginning of a tangent curve concave northerly and having a radius of 150.00 feet; thence along said curve southeasterly and easterly 203.25 feet through a central angle of 77°38'15" to a point of reverse curvature with a curve concave southeasterly and having a radius of 90.00 feet, a radial line of said curve from said point bears South 36°32'15" East; thence along said curve northeasterly 35.81 feet through a central angle of 22°47'41" to the POINT OF BEGINNING.

CONTAINING: 74.81 Acres, more or less.

EXHIBIT "B"
LOT LINE ADJUSTMENT
LL 95-01
 MAP

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
ESSLINGER FAMILY TRUST	656-191-08, 09, 10, 11, 25, 26 & 23 (POR.)	1
ESSLINGER FAMILY TRUST	656-191-07 & 23 (POR.)	2
ESSLINGER FAMILY TRUST	656-191-23 (POR.) & 36-241-35 (POR.)	3

LEGEND OF SYMBOLS

- EXISTING PROPERTY LINE TO REMAIN
- REVISED PROPERTY LINE PER THIS MAP
- PROPERTY LINE TO BE ADJUSTED

NOTE:

SEE PAGE 14 FOR TABLE OF COURSES

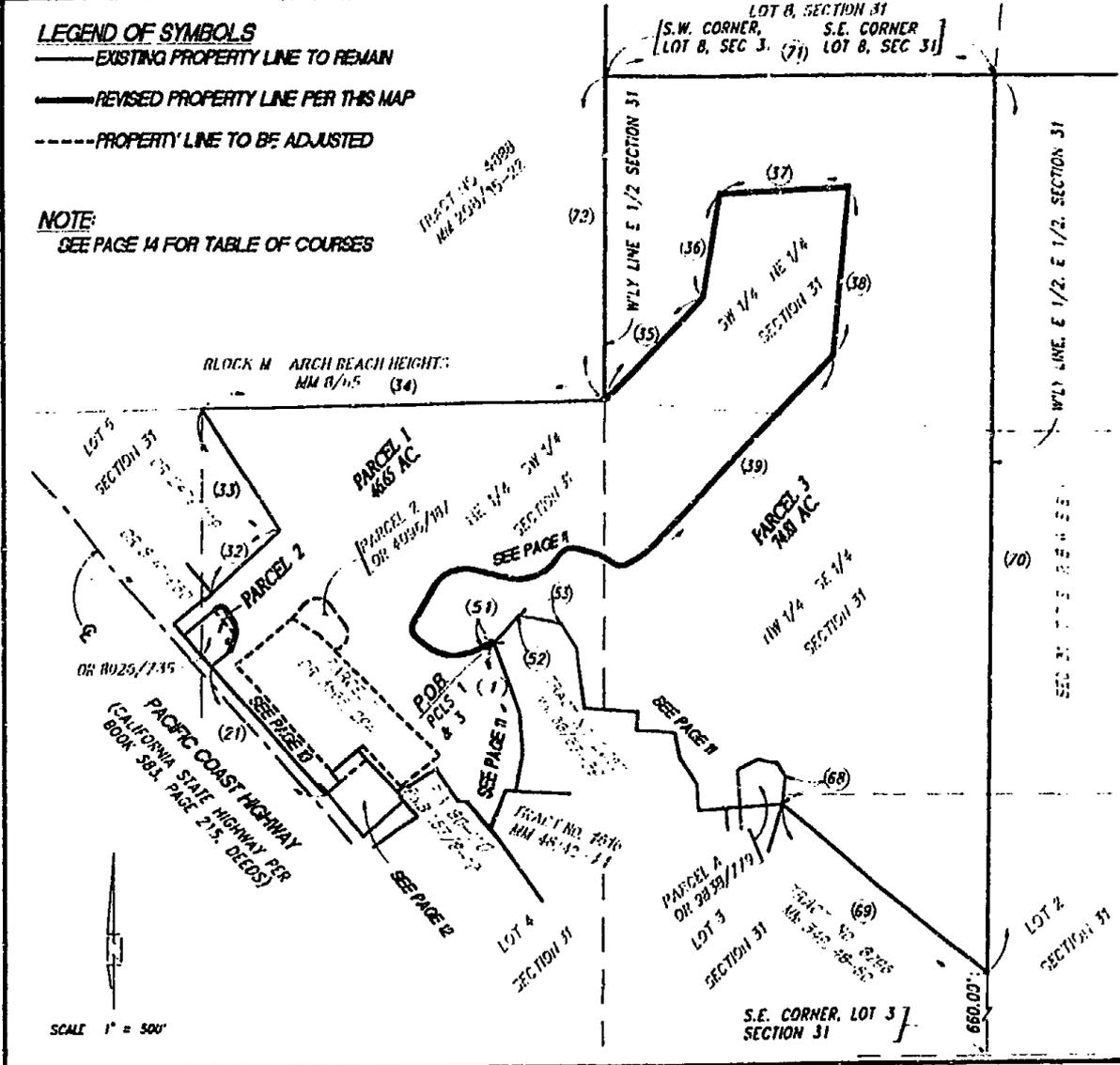


EXHIBIT "B"
LOT LINE ADJUSTMENT
LL 95-01
 MAP

LEGEND OF SYMBOLS

-  EXISTING PROPERTY LINE TO REMAIN
-  REVISED PROPERTY LINE PER THIS MAP
-  PROPERTY LINE TO BE ADJUSTED

NOTE:

SEE PAGE 14 FOR TABLE OF COURSES

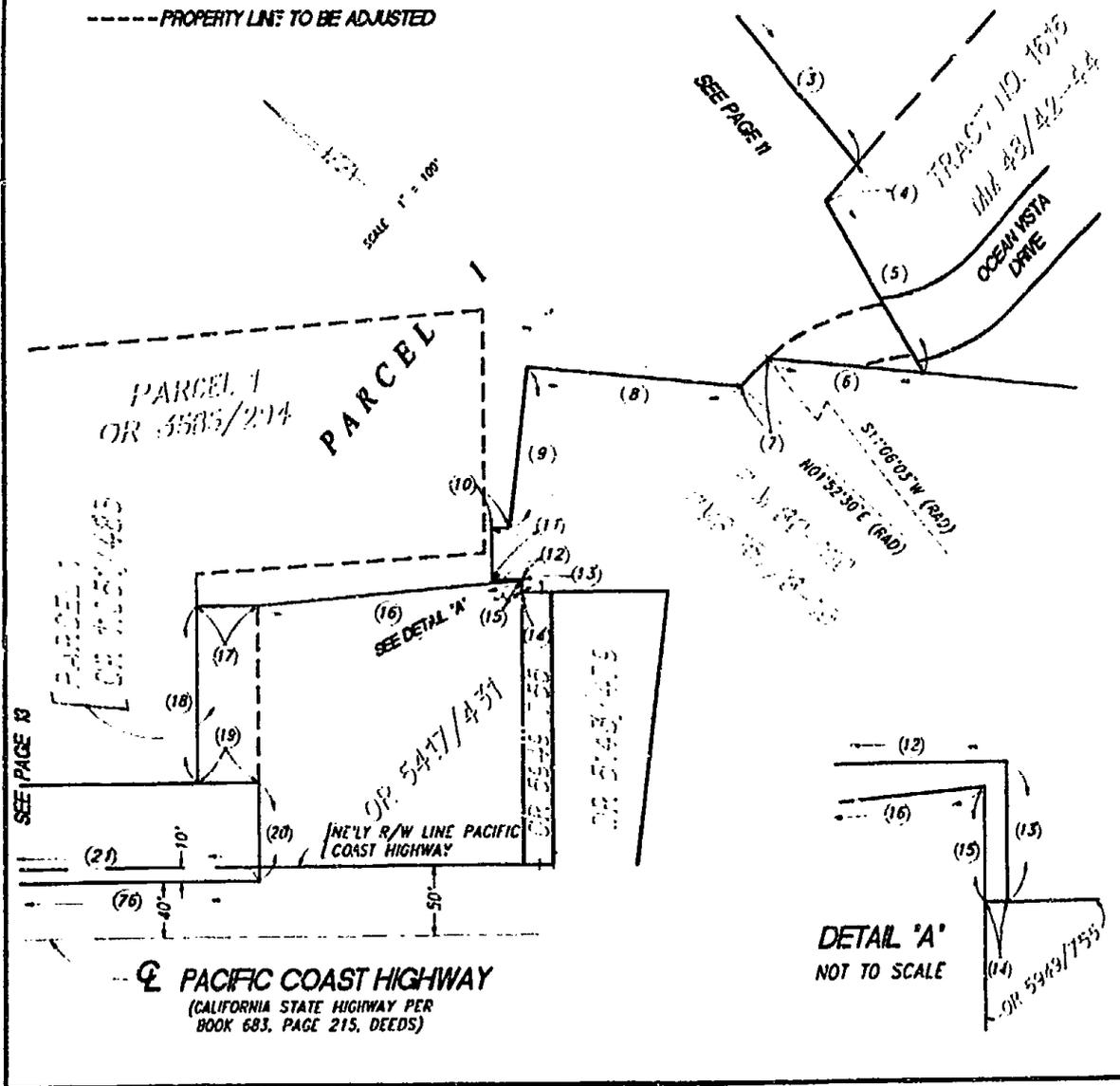


EXHIBIT "B"
LOT LINE ADJUSTMENT
LL 95-01
 MAP

LEGEND OF SYMBOLS

- EXISTING PROPERTY LINE TO REMAIN
- REVISED PROPERTY LINE PER THIS MAP
- PROPERTY LINE TO BE ADJUSTED

NOTE:

SEE PAGE 14 FOR TABLE OF COURSES

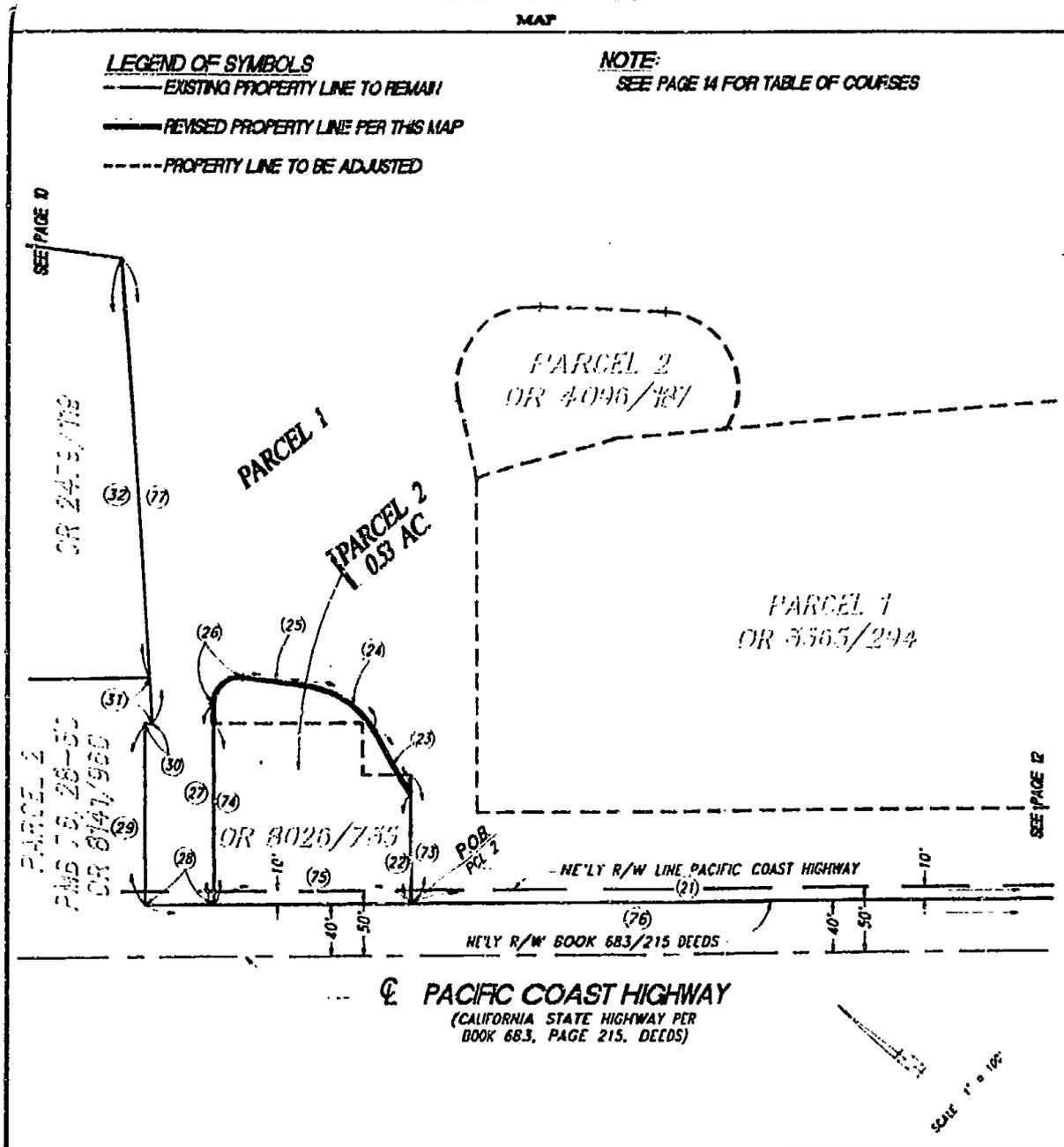


EXHIBIT "B"
LOT LINE ADJUSTMENT
LL 95-01

MAP

TABLE OF COURSES

(1) S 18°23'56" E	271.88'		(54) S 37°30'02" E	112.00'
(2) S 4°16'07" E	141.78'		(55) S 07°29'46" E	222.89'
(3) S 10°17'43" W	140.80'		(56) S 85°50'00" E	173.25'
(4) N 87°05'00" W	35.12'		(57) S 04°10'00" W	65.92'
(5) S 19°30'00" W	145.02'		(58) S 85°50'00" E	140.00'
(6) N 34°03'30" W	116.96'		(59) S 09°38'45" E	92.20'
(7) Δ=09°13'33"	R = 180.00'	L = 78.98'	(60) S 34°02'52" E	115.07'
(8) N 34°03'30" W	141.30'		(61) S 03°28'00" E	95.92'
(9) S 55°56'30" W	116.61'		(62) N 86°32'00" E	102.75'
(10) N 40°18'00" W	12.00'		(63) N 86°32'00" E	50.00'
(11) S 49°42'00" W	37.00'		(64) N 03°28'00" W	135.00'
(12) S 40°18'00" E	20.00'		(65) N 63°02'00" E	81.00'
(13) S 49°42'00" W	8.91'		(66) S 78°43'00" E	69.00'
(14) N 40°18'00" W	0.20'		(67) S 31°12'00" E	57.72'
(15) N 49°42'00" E	8.17'		(68) S 06°48'00" W	100.25'
(16) N 45°19'05" W	185.71'		(69) S 49°13'17" E	948.10'
(17) N 40°18'00" W	46.17'		(70) N 00°27'51" E	3254.75'
(18) S 49°42'00" W	127.00'		(71) N 89°37'53" W	1370.88'
(19) S 40°18'00" E	46.17'		(72) S 00°36'58" W	1178.05'
(20) S 49°42'00" W	70.00'		(73) N 49°42'00" E	100.00'
(21) N 40°18'00" W	610.81'		(74) N 49°42'00" E	140.00'
(22) N 49°42'00" E	85.00'		(75) S 40°18'00" E	150.00'
(23) N 19°24'00" E	57.42'		(76) N 40°18'00" W	815.78'
(24) Δ=52°04'00"	R = 70.00'	L = 63.61'	(77) N 46°10'00" E	360.28'
(25) N 32°40'00" W	47.66'			
(26) Δ=97°38'00"	R = 20.00'	L = 34.08'		
(27) S 49°42'00" W	155.14'			
(28) N 40°18'00" W	54.92'			
(29) N 49°42'00" E	140.00'			
(30) S 40°18'00" E	6.36'			
(31) N 46°10'00" E	35.28'			
(32) N 45°10'00" E	325.00'			
(33) N 31°26'20" W	515.42'			
(34) N 89°00'40" E	1413.55'			
(35) N 43°05'00" E	515.25'			
(36) N 9°45'30" E	377.51'			
(37) N 87°45'00" E	458.00'			
(38) S 5°15'00" W	612.00'			
(39) S 43°35'00" W	930.00'			
(40) Δ=21°15'27"	R = 350.00'	L = 129.85'		
(41) Δ=63°51'00"	R = 45.00'	L = 50.15'		
(42) Δ=32°03'39"	R = 250.00'	L = 139.89'		
(43) Δ=62°46'00"	R = 80.00'	L = 87.64'		
(44) Δ=73°38'12"	R = 170.00'	L = 218.48'		
(45) N 72°30'00" W	78.00'			
(46) Δ=78°20'00"	R = 125.00'	L = 170.90'		
(47) S 29°10'00" W	144.00'			
(48) Δ=78°04'00"	R = 45.00'	L = 61.31'		
(49) S 48°54'00" E	44.00'			
(50) Δ=77°38'15"	R = 150.00'	L = 203.25'		
(51) Δ=22°47'41"	R = 90.00'	L = 35.81'		
(52) N 40°11'48" E	130.00'			
(53) S 79°02'45" E	157.88'			



CERTIFICATION OF APPROVAL OF LOT LINE ADJUSTMENT NO.LL 95-01
ACTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH CALIFORNIA
30802 Coast Highway

Whereas, Section 66412(d) of the Subdivision Map Act makes provisions for local agencies to approve lot line adjustments where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created; and

Whereas, the City Council of the City of Laguna Beach had reviewed Lot Line Adjustment No.LL 95-01 and has made a finding that the real property described in Exhibit A and shown on Exhibit B, complies with the provisions of the California Subdivision Map Act and applicable City ordinances and regulations; and

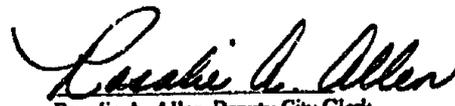
Whereas, the City Council of the City of Laguna Beach has made the following findings:

1. That the proposal is eligible for processing as a lot line adjustment pursuant to Section 66412 of the Subdivision Map Act; and
2. That the requirements of the California Environmental Quality Act have been met.

Therefore, it was resolved by Minute Motion on March 21, 1995 that the proposed Lot Line Adjustment No.LL 95-01 as shown on Exhibits A and B was approved.

I, Rosalie A. Allen, Deputy City Clerk of the City of Laguna Beach, California, hereby certify that the above and foregoing action was taken by said City Council at a meeting hereof held on March 21, 1995.

Dated: March 23, 1995


Rosalie A. Allen, Deputy City Clerk
City of Laguna Beach, California

505 FOREST AVE. • LAGUNA BEACH, CA 92651 • TEL (714) 497-3311 • FAX (714) 497-0771



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5807

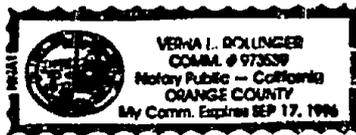
State of California

County of Orange

On March 23, 1995 before me, Verna L. Rollinger, Notary Public
DATE NAME TITLE OF OFFICE - E.G. "JANE DOE NOTARY PUBLIC"

personally appeared Rosalie A. Allen
NAME(S) OF SIGNER(S)

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.

Verna L. Rollinger
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER
Deputy City Clerk
TITLE(S)
- PARTNER(S) LIMITED
 GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Lot Line Adjustment Certification
TITLE OR TYPE OF DOCUMENT

one
NUMBER OF PAGES

3-23-95
DATE OF DOCUMENT

none
SIGNER(S) OTHER THAN NAMED ABOVE

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(ES)
City of Laguna Beach

From: Karl Schwing
Sent: Tuesday, December 22, 2009 5:25 PM
To: 'Drapkin, Scott CD'
Cc: Montgomery, John CD; Teresa Henry
Subject: Laguna Terrace Mobile Home Park, VTTM 09-03, CDP 09-36 - Appealability

Scott,

It has come to my attention that the City has mailed out a public hearing notice on the subject vesting tentative tract map and coastal development permit to divide the Laguna Terrace Mobile Home Park into 158 mobile home lots and 4 lettered lots and that a hearing is scheduled for January 5, 2010, before the City Council. As you know, part of the project area is within the City's jurisdiction and part is within the Commission's jurisdiction. We do believe there remain a number of outstanding issues with this land division and that it is premature for the City to proceed at this time, as discussed in our letter to the Planning Commission in October. However, the main purpose of this email is to advise you of our disagreement with your determination regarding the appealability of the City's action on its coastal permit to the Commission. The hearing notice states that the City's action on the portion of the development that is within its jurisdiction would not be appealable to the Commission. We can understand how the City arrived at this conclusion if it were relying on the lot lines identified by Lot Line Adjustment 95-01 that received certain City approvals but has not been approved by any coastal development permit. For purposes of the Coastal Act, the lot lines are as they were preceding that lot line adjustment. Therefore, we view the action the City is now considering on vesting tentative tract map 17301 (application no. 09-03/CDP 09-36) as authorizing a division of land that involves the larger approximately 229.31 acre parcel that we understand existed prior to LLA 95-01 and that this mobile home park is partly located on. Since there is an appeals area (which is identified on the City's post-cert map) within that larger parcel that is a part of the land division that would be partially authorized by this pending coastal permit, the City's action on that coastal permit is appealable to the Commission. Therefore, we recommend that the City re-circulate the hearing notice to indicate that its action on the coastal permit for the development that is within its jurisdiction is appealable to the Commission.

Please note that I will be out of the office and returning on January 4, 2010. If you have questions or wish to discuss further and are in need to urgent assistance, Teresa Henry, our District Manager, will have limited availability the week of December 28th and is familiar with this matter.

Thanks for your attention to this issue.

Karl Schwing
California Coastal Commission
South Coast Area Office/Long Beach



From: Penny Elia [<mailto:greenp1@cox.net>]

Sent: Monday, January 04, 2010 10:03 AM

To: Drapkin, Scott CD

Cc: Toni Iseman; elizabethpearson2@cox.net; kellyboyd2006@gmail.com; Jane Egly; Verna Rollinger; Karl Schwing; Sherilyn Sarb; Andrew Willis; Aaron McLendon; Erinn Wilson; Ben Neill; James Smith; Chad Loflen; Tony Felix; Phillips, Mike WQ; Frank, Ken CM; Montgomery, John CD; Peter Douglas; Lisa Haage; Teresa Henry; Shissler, David WQ; May, Steve
PW: jonathan_d_snyder@r1.fws.gov

Subject: Agenda Item #18 - Laguna Beach City Council - January 5, 2010

Good morning, Scott -

Hope you enjoyed a lovely holiday season.

Would you please be kind enough to advise why Coastal Commission staff's recommendation below has not been addressed?

However, the main purpose of this email is to advise you of our disagreement with your determination regarding the appealability of the City's action on its coastal permit to the Commission. The hearing notice states that the City's action on the portion of the development that is within its jurisdiction would not be appealable to the Commission. We can understand how the City arrived at this conclusion if it were relying on the lot lines identified by Lot Line Adjustment 95-01 that received certain City approvals but has not been approved by any coastal development permit. For purposes of the Coastal Act, the lot lines are as they were preceding that lot line adjustment. Therefore, we view the action the City is now considering on vesting tentative tract map 17301 (application no. 09-03/CDP 09-36) as authorizing a division of land that involves the larger approximately 229.31 acre parcel that we understand existed prior to LLA 95-01 and that this mobile home park is partly located on. Since there is an appeals area (which is identified on the City's post-cert map) within that larger parcel that is a part of the land division that would be partially authorized by this pending coastal permit, the City's action on that coastal permit is appealable to the Commission. Therefore, we recommend that the City re-circulate the hearing notice to indicate that its action on the coastal permit for the development that is within its jurisdiction is appealable to the Commission.

Based on the above along with decades of questionable and destructive development activity at the park, numerous LCP inconsistencies that include but are not limited to potential for additional development, impacts to biological resources (very high and high value habitat/ESAs and multiple mapped watercourses), fuel modification related to new subdivisions and requirements to protect sensitive habitat areas, implementation of water quality protection requirements (new MS4 Permit as an example), and the general complete lack of analysis of the impacts of this possible "priority development project" we are unclear as to why this is moving forward to City Council with approval recommendation.

Time and time again the words "bullet proof" are used from the dais as it relates to proposed projects and various issues. It would appear from staff's recommendation for adoption that you find this proposal bullet proof.

Thank you for taking the time to consider these comments.

Best wishes in the New Year -

Penny Elia
Sierra Club
949-499-4499



NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

NORTH PACIFICA LLC,
Plaintiff and Appellant,
v.
CALIFORNIA COASTAL
COMMISSION,
Defendant and Respondent;
CITY OF PACIFICA,
Real Party in Interest and
Respondent.

A101434

(San Mateo County
Super. Ct. No. CIV 426268)

The City of Pacifica (City) granted a coastal development permit to appellant North Pacifica LLC (NP), and determined that the permit was not subject to review by the California Coastal Commission (Commission). The Commission challenged the City's determination of the Commission's power of review, and informed the City that NP's proposed development was within 100 feet of a wetland and thus the City's approval of the development was appealable to the Commission. (Pub. Resources Code, § 30603.) The City maintained its original position, and the Commission set a hearing to resolve the appealability dispute. (Cal. Code Regs., tit. 14, § 13569.) NP filed a petition for a writ of mandate to restrain the Commission from holding an appealability hearing or any other proceeding concerning the project. The trial court denied NP's petition, finding

that NP had to exhaust its administrative remedies of proceeding through the regulatory hearing on the appealability issue. We agree, and affirm the trial court's order.

FACTS

Appellant NP is a building developer. In August 2002, the City granted NP a coastal development permit to build 43 residential units on 4.2 acres of land. The City sent notice of its approval of a coastal development permit to the Commission. (Pub. Resources Code, § 30603, subd. (d).) The City had concluded, and so advised the Commission, that approval of NP's project was not appealable to the Commission. (Cal. Code Regs., tit. 14, § 13569, subd. (a).) The Commission's executive director disagreed. The Commission explained to the City that NP's project was within 100 feet of wetlands and thus fell within the Commission's power to review the City's approval of the project. (Pub. Resources Code, § 30603, subd. (a)(2).)

Commission staff informed the City that its notice was deficient in misstating that approval of the project was not appealable, and suspended NP's coastal development permit until a corrected notice was issued and the appeal period to the Commission had expired. Alternatively, if the City continued to maintain that project approval was not appealable, then the Commission said it would conduct a hearing to resolve the appealability issue. (Cal. Code Regs., tit. 14, § 13569, subd. (d).) The City responded that it would not revise its notice because NP's project was not near wetlands and therefore not subject to Commission review. As the appealability controversy continued, a City resident filed a notice of appeal with the Commission.¹ The Commission set a hearing in December 2002 to decide the appealability issue.

NP protested the Commission's suspension of its coastal development permit and, on October 9, 2002, filed a petition for a writ of mandate to restrain the Commission from conducting an appealability hearing or any other proceeding concerning the coastal

¹ The City resident, John Curtis, is a real party in interest on the subject writ of mandate, but not a party to this appeal.

development permit. Following receipt of opposition papers and a hearing, the trial court denied the petition upon concluding that NP failed to exhaust its administrative remedies.² At the writ hearing, the court indicated that the question of whether the NP project approval was appealable to the Commission should proceed through the administrative process. NP timely appealed the court's November 2002 order, and completed briefing in September 2004. Meanwhile, NP filed a separate petition for a writ of mandate challenging the Commission's assertion of authority, and the trial court stayed the Commission from conducting its proposed appealability hearing pending resolution of this case.

DISCUSSION

A. *The California Coastal Act of 1976.*

The California Coastal Act of 1976 (Act) protects the coast from unregulated development. (Pub. Resources Code, § 30000 et seq.) The Act encourages state and local cooperation in coastal land use management and, to that end, provides for enactment of local coastal programs implementing the policies of the Act with oversight by the Commission, a state agency. (Pub. Resources Code, §§ 30001.5, subd. (e), 30004, subd. (a), 30108.6, 30500, 30510.) The Commission was established to provide “statewide supervision over coastal zone development, to avoid local pressures having an undue impact upon the planning for this unique and irreplaceable resource.” (*City of Chula Vista v. Superior Court* (1982) 133 Cal.App.3d 472, 481.)

Local governments within the coastal zone are charged with preparing a local coastal program that incorporates land use plans and zoning ordinances meeting the requirements of the Act. (Pub. Resources Code, §§ 30108.6, 30500.) A local coastal program serves “essentially the same function as a general plan.” (*City of Chula Vista v.*

² NP claims that the Commission admitted all facts pleaded in NP's petition because the Commission filed an opposition brief in the trial court, instead of a return. No admissions were made. The trial court specifically ordered the Commission to file an opposition brief instead of a return.

Superior Court, supra, 133 Cal.App.3d 472, 487.) Local coastal programs are developed in consultation with the Commission, and are subject to its approval. (*Ibid.*; Pub. Resources Code, §§ 30500, subd. (c), 30510.)

Commission oversight of coastal land use does not end with certification of a local coastal program. After certification of its local coastal program, a local government's approval of certain coastal development, such as development within 100 feet of a wetland, is subject to appeal and review by the Commission. (Pub. Resources Code, § 30603.) An appeal may be lodged by "any aggrieved person" or the Commission itself. (Cal. Code Regs., tit. 14, § 13111, subd. (a).) The local government makes the initial determination of whether the project under its consideration is appealable to the Commission. (Cal. Code Regs., tit. 14, § 13569, subd. (a).) "If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a Commission determination as to the appropriate designation [i.e., appealable or non-appealable], the local government shall notify the Commission . . . and shall request an Executive Director's opinion." (Cal. Code Regs., tit. 14, § 13569, subd. (b).)

If the executive director's determination of appealability for the project area "is not in accordance with the local government determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following local government request." (Cal. Code Regs., tit. 14, § 13569, subd. (d).)

B. Appellant NP's petition for a writ of mandate was properly denied.

Regulations promulgated under the Act authorize the Commission to hold a hearing to resolve the conflict between the City and the Commission as to whether the City's approval of the NP coastal development project is appealable to the Commission. (Cal. Code Regs., tit. 14, § 13569.) The trial court properly denied appellant NP's

petition for a writ of mandate that sought to constrain the Commission from conducting an appealability hearing.

NP's numerous arguments on this appeal from the denial of its writ petition are unavailing. NP first argues that the Commission has no jurisdiction over coastal development projects. The argument, made for the first time on appeal, is based upon a Third District opinion now under review by our Supreme Court. (*Marine Forests Society v. California Coastal Com.* (2002) 104 Cal.App.4th 1232, review granted Apr. 9, 2003, S113466 (*Marine Forests*)). In *Marine Forests*, the intermediate appellate court held that the appointment mechanism for the Commission constituted a violation of the separation of powers provision of the California Constitution because Commission members, who exercise executive powers, could be removed at the pleasure of the Legislature. (*Id.* at pp. 1239-1252.) The Third District affirmed a judgment enjoining the Commission from granting, denying, or conditioning permits or issuing enforcement orders affecting the plaintiff developer. (*Id.* at p. 1239, 1252.)

There are several points of weakness in NP's reliance on *Marine Forests*. The obvious one is that review was granted in the case, and it remains to be seen whether the California Supreme Court will agree with the Third District. The second point is that the plaintiff in *Marine Forests* made a timely separation of powers objection, unlike NP here. (*Marine Forests, supra*, 104 Cal.App.4th at p. 1252.) The third, and dispositive point, is that the appointment scheme criticized in *Marine Forests* has since been amended to correct the alleged constitutional defect. (Stats. 2003-2004, 2nd Ex. Sess., ch. 1 (A.B. 1.)) The Legislature no longer retains the power to remove Commission members, as it once did. (*Ibid* ; Pub. Resources Code, § 30312.) Any action of the Commission on NP's project will be conducted by members operating under a different appointment scheme from the one challenged by NP. NP does not deny this fact, but asserts that the suspension of its coastal development permit to set an appealability hearing was itself a prohibited executive action under the Commission as then constituted.

We are unprepared to extend *Marine Forests*, assuming the soundness of its holding, to invalidate the scheduling of a hearing by Commission staff. The *Marine*

Forests court worried that the independence of Commission members was compromised by legislative control. (*Marine Forests, supra*, 104 Cal.App.4th at p. 1251.) Here, NP’s project had not yet reached the Commission members, but was in the early stages of preliminary executive director decisions and staff scheduling. We do not believe that any defect in the prior appointment scheme of Commission members invalidates the preliminary actions by Commission staff challenged by NP.

Having found no constitutional impediment to the Commission’s decision to schedule an appealability hearing, the question becomes whether the hearing was statutorily authorized. It was. Public Resources Code section 30603 provides that a development within 100 feet of a wetland that is approved by a local government may be appealed to the Commission. The local government makes the initial determination of whether a development project is within 100 feet of a wetland, or is otherwise subject to Commission review, but the determination is not conclusive. (Cal. Code Regs., tit. 14, § 13569.) “If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a Commission determination . . . , the local government shall notify the Commission . . . and shall request an Executive Director’s opinion.” (Cal. Code Regs., tit. 14, § 13569, subd. (b).) If the “executive director’s determination is not in accordance with the local government determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area.” (Cal. Code Regs., tit. 14, § 13569, subd. (d).)

Here, the executive director’s determination that the City’s approval of NP’s coastal development project was appealable conflicted with the City’s determination that it was not appealable, thus authorizing a Commission hearing to resolve the conflict. NP argues that the regulation authorizing a hearing to determine appealability is inapplicable because the City did not formally “request” an executive director’s opinion on the matter. We reject the argument.

The regulation, and the statutory scheme it implements, empowers the Commission with the authority to resolve appealability conflicts between itself and local government. It is undisputed that the Commission and City had an open conflict over

appealability of the NP project.³ Moreover, an “interested person,” City resident John Curtis, challenged the City’s determination of nonappealability during the City’s review process, and filed an appeal with the Commission upon the City’s approval of the project. Under these circumstances, the City should have affirmatively requested an executive director opinion and a hearing to resolve the controversy, as the regulation requires. Instead of doing so, the City at first insisted on the rightness of its appealability determination and then adopted a neutral position, continued on appeal, of not objecting to an appealability hearing and agreeing to abide by the Commission’s decision.⁴

We cannot accept NP’s assertion that the Commission’s power to resolve an appealability conflict with local government is defeated if local government neglects its mandatory duty to request resolution of such conflicts. In interpreting its regulation, the Commission reasonably concluded that where, as here, “the determination of the local government [as to appealability] is challenged by . . . an interested person,” the executive director may make an appealability determination, and set a hearing to resolve a conflict on that issue, even if the local government neglects its obligations to notify the Commission of the “interested person’s” challenge to the local government’s determination and to request an executive director’s opinion on the matter. (See *Yamaha Corp. of America v. State Board of Equalization* (1998) 19 Cal.4th 1, 12 [agency’s interpretation of its own regulation entitled to judicial deference].)

Our determination that the Commission was empowered to hold an appealability hearing settles appellant NP’s remaining claims. The Commission properly suspended the coastal development permit until the appealability issue is resolved, and thus NP is

³ The conflict over appealability did not fully present itself until the time of permit approval. We have no occasion to consider whether a hearing to determine appealability would be appropriate at this stage of the proceedings had the conflict manifested itself early in the coastal permit application process.

⁴ In separate litigation, NP is suing the City for alleged violations of a City permit condition requiring the City’s cooperation in defending against proceedings regarding the development. In light of that litigation, the City has chosen not to respond to this lawsuit on the merits.

incorrect in contending that any finding of appealability would be irrelevant because the time to challenge the permit ran from the City's August 2002 permit approval, and has now lapsed. (Cal. Code Regs., tit. 14, §§ 13569-13572.) The Commission has the express authority to suspend the effective date of local government action if the notice of final local government action fails to include the procedures for appeal to the Commission. (Cal. Code Regs., tit. 14, §§ 13571, subd. (a), 13572, subd. (b).) If the City's approval of the NP project is found to be appealable, then the City's notice was defective in failing to include the procedures for appeal. A defective notice is ineffective, and does not trigger the time period allowed for appeals. NP argues to the contrary, asserting that the local government need only include a statement about appealability in its notice of final action, even if the statement is wrong. Such an interpretation of the regulation would defeat its purpose of providing notice of available appeal rights. A local government does not satisfy its regulatory obligation of providing notice of procedures for appeal of its decision by stating in its notice that the decision is not appealable if, in fact, the decision is appealable.

DISPOSITION

The order is affirmed.

Sepulveda, J.

I concur:

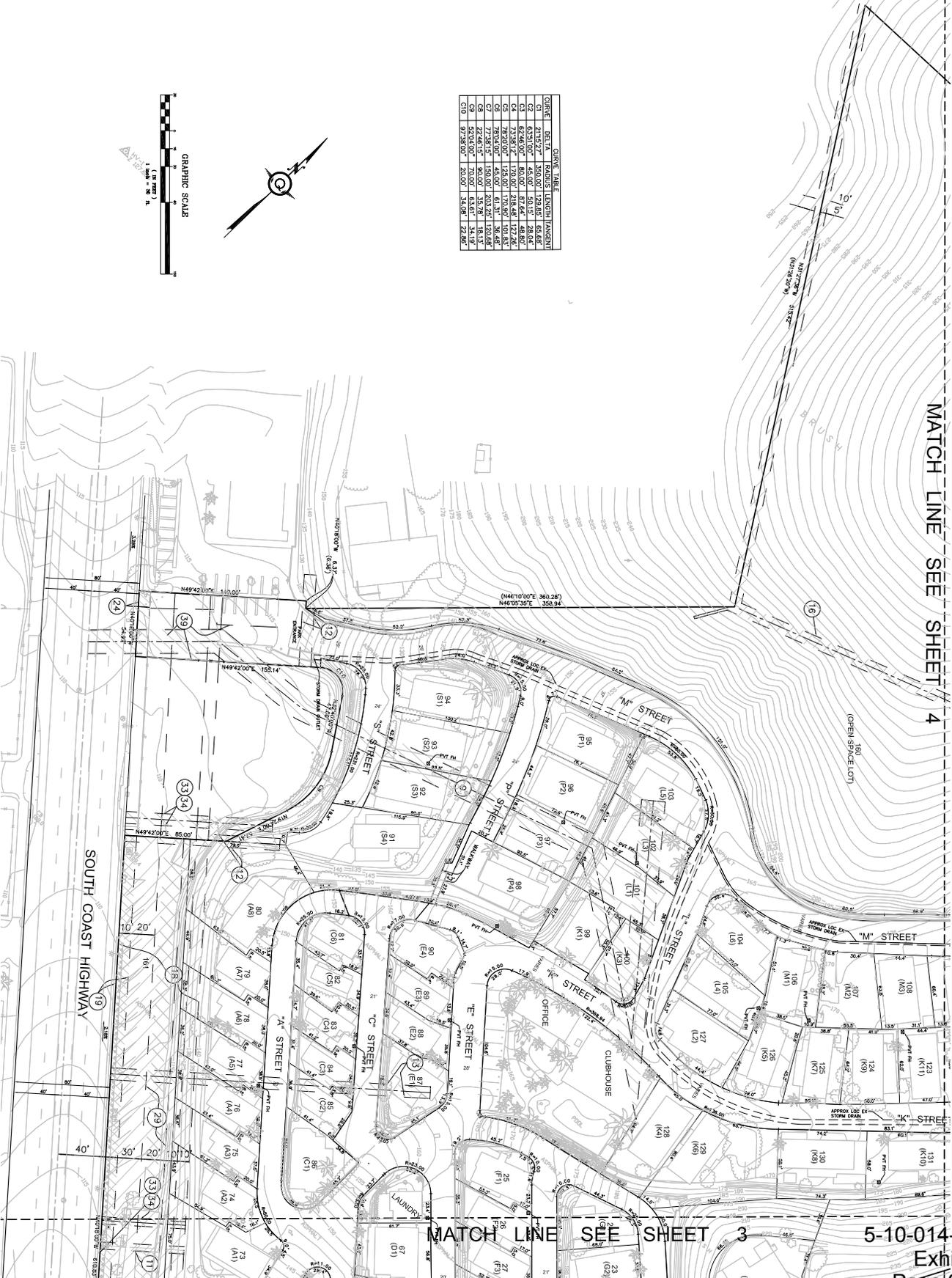
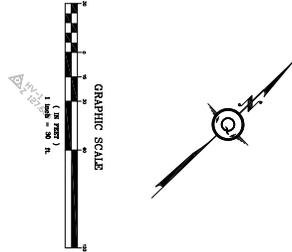
Reardon, Acting P.J.

I concur in the result:

Rivera, J.

MATCH LINE SEE SHEET 4

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	41°15'00"	450.00'	128.57'	48.80'
C2	67°46'00"	80.00'	87.64'	48.80'
C3	67°46'00"	80.00'	87.64'	48.80'
C4	73°38'12"	170.00'	218.48'	127.26'
C5	73°38'12"	170.00'	218.48'	127.26'
C6	78°04'00"	45.00'	61.31'	36.46'
C7	77°38'15"	150.00'	203.28'	120.68'
C8	62°46'00"	20.00'	23.28'	14.19'
C9	62°46'00"	20.00'	23.28'	14.19'
C10	97°38'00"	50.00'	154.08'	72.86'



MATCH LINE SEE SHEET 3

5-10-014-EDD
Exhibit 8
Page 2 of 6

DCA
DRAFTING & ARCHITECTURE
1000 SOUTH COAST HIGHWAY
LAJUNTA, CALIFORNIA 92031
TEL: 949.450.1234
WWW.DCA-ARCHITECTS.COM

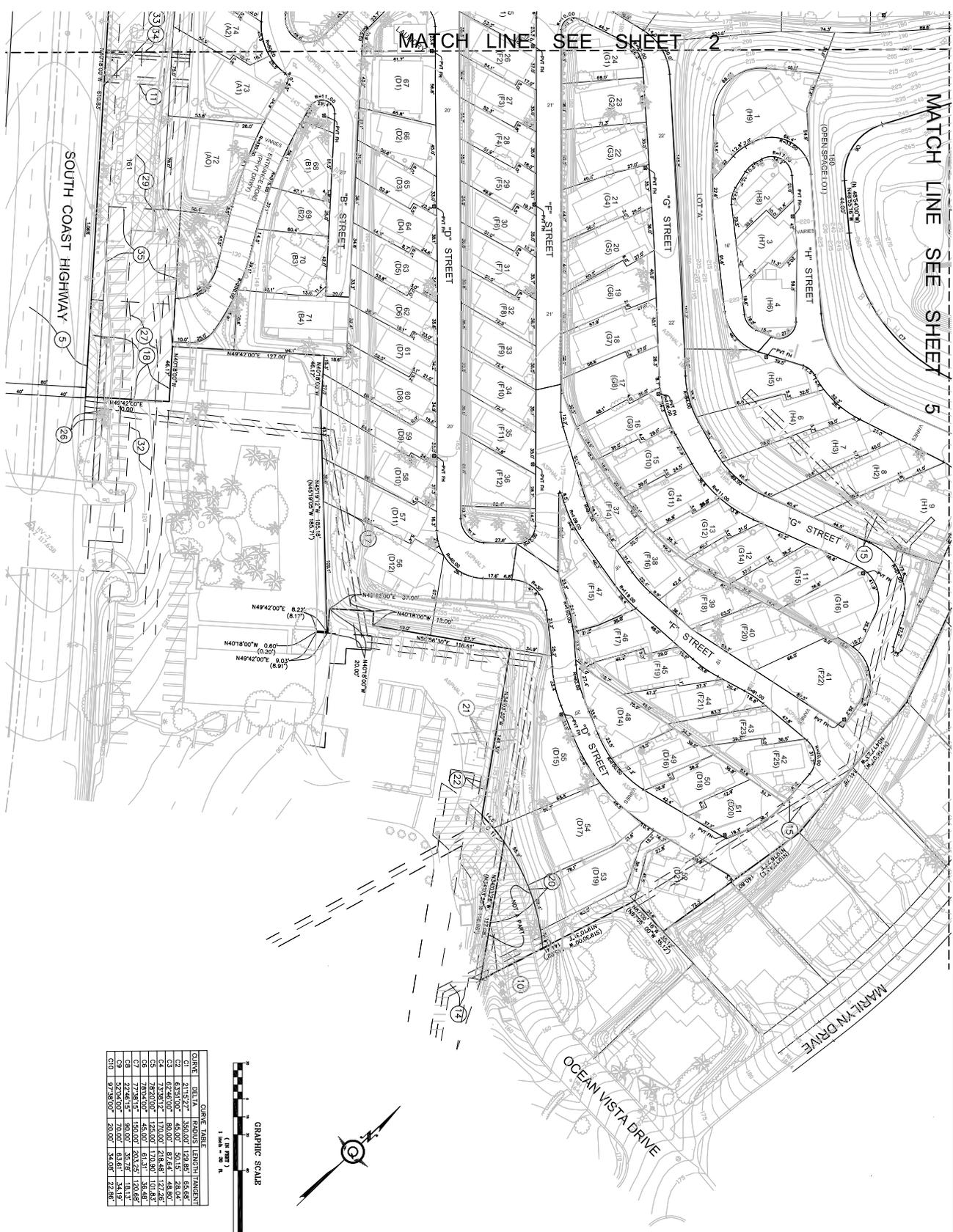
E. J. COLLINS & ASSOCIATES
REGISTERED PROFESSIONAL ENGINEER
No. 45892
1000 SOUTH COAST HIGHWAY
LAJUNTA, CALIFORNIA 92031
TEL: 949.450.1234
WWW.EJC-ENGINEERS.COM

LAJUNTA TERRACE PARK LLC
2000 SOUTH COAST HIGHWAY
LAJUNTA, CALIFORNIA 92031
TEL: 949.450.1234
WWW.LTP-LLC.COM

TENTATIVE TRACT NO. 17301
JOB ADDRESS:
LAJUNTA TERRACE PARK
LAJUNTA, CALIFORNIA 92031
DATE: 05/15/2014

17301
DRAWN BY: E.L.
SCALE: 1" = 20'

VESTING TENTATIVE TRACT MAP NO. 17301
DATE: 05/15/2014
DRAWN BY: E.L.
SCALE: 1" = 20'



MATCH LINE SEE SHEET 2

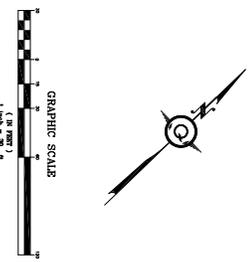
MATCH LINE SEE SHEET 5

SOUTH COAST HIGHWAY 5

OCEAN VISTA DRIVE

MANE IN DRIVE

OWNER	DELTA	ENDUS	LENGTH	PERCENT
C1	2115'27"	350'07"	123'82"	55.6%
C2	624'00"	80'00"	87'64"	48.8%
C3	624'00"	80'00"	87'64"	48.8%
C4	733'81'2"	170'00"	218'48"	72.2%
C5	782'00"	125'00"	171'81"	107.8%
C6	773'81'5"	150'00"	203'25"	120.8%
C7	224'61'5"	50'00"	53'78"	18.1%
C8	574'80'00"	20'00"	54'80"	22.8%



DISCLAIMER
 I, THE UNDERSIGNED, A PROFESSIONAL ENGINEER, HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA, LICENSE NO. 45678, AND THAT I AM THE AUTHOR OF THE ENGINEERING DESIGN AND CALCULATIONS SHOWN ON THESE PLANS. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED ON THESE PLANS. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE RECORDS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, AND FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED ON THESE PLANS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE RECORDS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, AND FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED ON THESE PLANS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE RECORDS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, AND FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED ON THESE PLANS.

DATE: 11/15/2011
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

REGISTERED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 LICENSE NO. 45678

P.L. COLLINS & ASSOCIATES
 CIVIL ENGINEERS
 1400 N. 16th Street, Suite 100
 San Diego, CA 92161
 (619) 594-1100
 www.plcollins.com

PROJECT NAME: [Name]
 SHEET NO.: [Number] OF [Total]
 DRAWING NO.: [Number]

NO.	DATE	BY	DESCRIPTION

RECORD OWNER AND SUBMITTER:
LAGUNA TERRACE PARK LLC
 3000 SOUTH COAST HIGHWAY
 LAGUNA BEACH, CA 92653
 (949) 440-0000
 www.lagunaterrace.com

PROJECT TITLE:
TENTATIVE TRACT NO. 17301

JOB ADDRESS:
 3000 SOUTH COAST HIGHWAY
 LAGUNA BEACH, CA 92653

SCALE: 1" = 40'
 SHEET NO. 3 OF 6

VESTING TENTATIVE TRACT MAP NO. 17301

CALIFORNIA COASTAL COMMISSION

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



**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
 REGULAR AND CERTIFIED MAIL**

May 4, 2007

Martyn Hoffmann
 The Athens Group
 31106 Pacific Coast Highway
 Laguna Beach, CA 92651

Laguna Terrace Park LLC
 c/o Stephen Esslinger
 30802 Coast Highway #K-2
 Laguna Beach, CA 92651

Violation File Number: V-5-07-006

Property Location: Assessor's Parcel No.s 056-240-64, 056-240-65, 656-191-38, 656-191-39, and 656-191-40, City of Laguna Beach, Orange County

Unpermitted Development: Lot lines adjusted (via LLA 95-01 and 95-04) without benefit of the required coastal development permits

Dear Mr. Hoffmann and Mr. Esslinger:

Our staff has confirmed that a purported adjustment of lot lines has occurred on properties currently owned by Driftwood Properties LLC and Laguna Terrace LLC without the benefit of the required coastal development permits. The subject properties are located within the Coastal Zone area of the City of Laguna Beach ("City") and an area of deferred certification, in which the Coastal Commission retains permit authority. The unpermitted purported lot line adjustments ("LLAs") at issue are numbered by the City of Laguna Beach as 95-01 (Orange County Recorder's Doc No. 19950520276) and 95-04 (Orange County Recorder's Doc No. 19950449870)

Pursuant to Section 30600(a) of the Coastal Act¹, any person wishing to perform or undertake non-exempt development in the coastal zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined, in relevant part, by Section 30106 as:

"Development" means... change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section

¹ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code ("PRC"). All further section references are to the PRC, and thus, to the Coastal Act, unless otherwise indicated.

66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use... [underlining added for emphasis]

Divisions of land are, as noted above, specifically included in the definition of "development" under the Coastal Act. Section 25.07.006(D) of the City's certified Local Coastal Program ("LCP"), which defines "development" for the purposes of the LCP, mirrors the definition of development in the Coastal Act and includes such land divisions. Lot line adjustments are a division of land in that they divide land by changing the boundaries of parcels. La Fe, Inc. v. Los Angeles County (1999) 73 Cal. App. 4th 231, 86 Cal. Rptr. 2d 217. Furthermore, lot line adjustments can reconfigure parcels to facilitate development, thus changing the density of intensity of use of a parcel. Id. In this sense as well, LLAs are development pursuant to the Coastal Act. Therefore, LLAs No.s 95-01 and 95-04 constitute development under the Coastal Act and LCP and require a coastal development permit.

Commission staff has researched our permit files and concluded that no coastal development permits have been issued by the Coastal Commission or the City for either LLA. The unpermitted purported LLAs affect parcels located in an area subject to the City's coastal development permit authority and an area of deferred certification, in which the Coastal Commission retains permit authority. Please note that even if the City found the LLAs to be exempt from the Subdivision Map Act because the LLAs would not result in a greater number of parcels than originally existed, they are still subject to the permit provisions of the Coastal Act and LCP, since these are separate and independent legal authorities.

Any attempt to conduct development in the Coastal Zone without a valid coastal development permit constitutes a violation of the Coastal Act and LCP. In order to resolve this violation, we are requesting that you take whatever steps are necessary to correct the records with all relevant departments of the City and Orange County, including, but not limited to, the County Recorder's Office, and with any other relevant regulatory bodies and state or local agencies, to accurately indicate that the line separating the two lots remains as it was prior to the purported LLAs at issue. Please contact me by no later than **May 21, 2007**, regarding how you intend to resolve this violation. If the lot lines are not clarified or if the unpermitted development were not otherwise resolved under the Coastal Act and LCP, we will consider taking formal enforcement action to resolve this matter. Please be aware that the Executive Director is authorized, after providing notice and the opportunity for a hearing before the Commission as provided for in Section 30812, to record a Notice of Violation against the subject properties.

Furthermore, since LLAs No.s 95-01 and 95-04 did not receive the approval of the required coastal development permit, neither LLA is valid. Thus, future development proposed on the parcels affected by the LLAs must be analyzed based on the pre-violation lot line configuration.

Thank you for your attention to this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (562) 590-5071, or in the event of my absence, Southern California Enforcement Supervisor Pat Veasart at (805) 585-1800.

Sincerely,

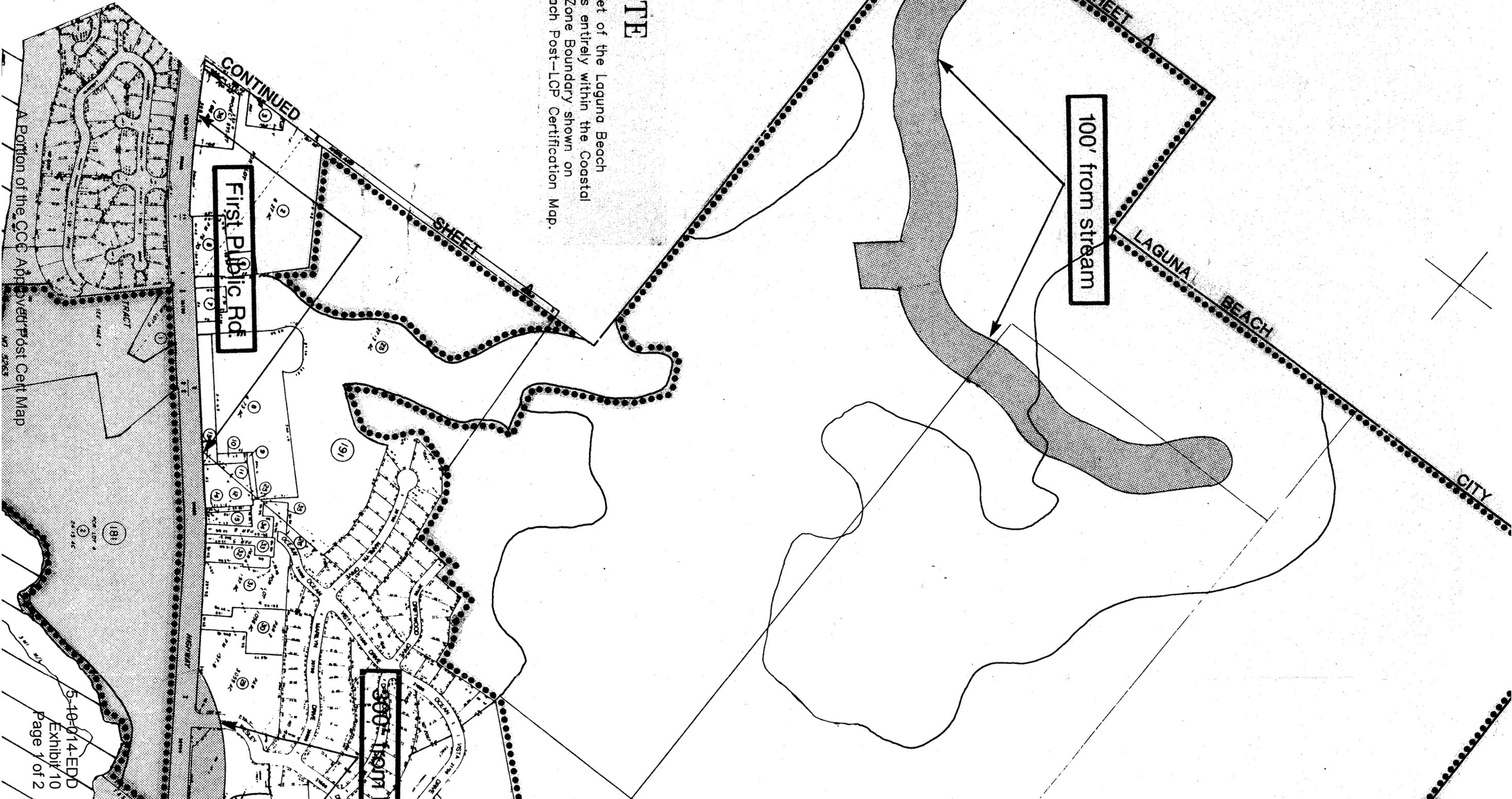


Andrew Willis
District Enforcement Analyst

cc: **John Montgomery, City of Laguna Beach**
Lisa Haage, Chief of Enforcement, CCC
Pat Veesart, Southern California Enforcement Supervisor, CCC
Teresa Henry, South Coast District Manager, CCC
Karl Schwing, Orange County Permit Supervisor, CCC
Alex Helperin, Staff Counsel, CCC

NOTE
The area depicted on this sheet of the Laguna Beach
Post-LCP Certification Map lies entirely within the Coastal
As such, there is no Coastal Zone Boundary shown on
this portion of the Laguna Beach Post-LCP Certification Map.

NOTE



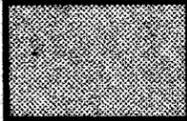
A Portion of the CCC App. Overlaid Post Cert Map

Post-LCP Certification Permit and Appeal Jurisdiction City of Laguna Beach

A Portion of the CCC Approved Post Cert Map

 Coastal Zone Boundary

 Permit Jurisdiction
This area includes only lands below the mean high tide line and lands where the public trust may exist.

 Appeal Jurisdiction
This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of any coastal bluff.

 Area of Deferred Certification
This area includes lands which remain subject to the Coastal Commission's original permit jurisdiction until land use and zoning designations for this location are effectively certified.

In addition to these geographic areas of appeal jurisdiction the following types of development are appealable throughout the Coastal Zone pursuant to P.R.C. Section 30603 (a)(4) and (a)(5):
1. Any development approved by a county that is not designated as a principal permitted use under zoning approved pursuant to the applicable Local Coastal Program;
2. Any development that constitutes a major public works project or a major energy facility.

In areas where a parcel is bisected by the appeal jurisdiction boundary, only that portion of the parcel within the area defined as appealable is subject to the Commission's appeal jurisdiction.

NOTE

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C §30519(b), and §30603(a)(1) and (a)(2). In addition, developments may also be appealable pursuant to P.R.C. §30603(a)(3), (a)(4) and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plat may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

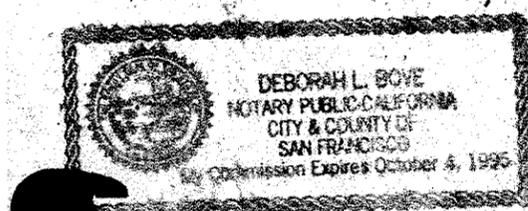
I hereby certify that this map portrays the boundaries for THE CITY OF LAGUNA BEACH (SHEET B)
(jurisdiction and geographic location)

adopted by the California Coastal Commission SEPT. 16, 1993
(date)

Name Jonathan Van Coops
Title Coastal Program Analyst

On this 16th day of SEPTEMBER in the year 1993, before me, DEBORAH L. BOVE, Notary Public, personally appeared JANATHAN VAN COOPS personally known to me (or proved to me on the basis of satisfactory evidence) to be the authorized representative of the California Coastal Commission and the person whose name is subscribed to this instrument and acknowledged that HE executed it. IN WITNESS WHEREOF I hereunto set my hand and official seal.

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO



Deborah L. Bove
Notary Public.

California Coastal Commission
Cartography Section

NOTE

The area depicted on this sheet of the Laguna Beach Post-LCP Certification Map lies entirely within the Coastal Zone. As such, there is no Coastal Zone Boundary shown on this portion of the Laguna Beach Post-LCP Certification Map.

