

CALIFORNIA COASTAL COMMISSION

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

W21.5a

Staff: Karl Schwing
Staff Report: May 26, 2010
Hearing Date: June 9, 2010
Commission Action:

**STAFF REPORT: APPEALABILITY****DISPUTE RESOLUTION**

NUMBER: 5-10-117-EDD

LOCAL CDP APPLICATION NO.: 10-26

Click here to go to the staff report addendum posted on June 8, 2010.

LOCAL JURISDICTION: City of Laguna Beach

APPLICANT FOR LOCAL PERMIT: Laguna Terrace Park LLC

PROJECT LOCATION: 30802 Coast Highway
City of Laguna Beach, Orange County

DESCRIPTION: Public hearing on appealability to Commission of City of Laguna Beach application for coastal development permit #10-26 to subdivide the Laguna Terrace Mobile Home Park into 157 lots for residences and one lettered lot containing streets and other commonly owned areas of land.

SUMMARY OF STAFF RECOMMENDATION:

The City of Laguna Beach contends that a pending application for coastal development permit for the subject division of land in the Coastal Zone is not appealable to the Coastal Commission. This determination appears to be based on an erroneous understanding of the legally authorized configuration of parcels within an approximately 270 acre area that is involved in the City's action. However, Commission staff assert that based upon the *Post LCP Certification Permit and Appeal Jurisdiction, City of Laguna Beach Map* ("post-cert map") adopted by the Commission on September 16, 1993, the proposed development involves a division of land and the reconfiguration of a parcel located within 100 feet of a stream, therefore, the City's action is appealable. Commission staff recommends that the Commission uphold the Executive Director's determination that the City's approval of a CDP for development in the subject area is appealable based on Section 30603(a)(2) of the Coastal Act.

The City appears to have made its appeals determination based on the configuration of lots/lot lines within the 270 acre area that resulted from two lot line adjustments that the City approved in 1995. However, those lot line adjustments were never authorized through any coastal development permit even though such authorization is required¹. If those actions had been fully authorized, the land division authorized in the City's latest action may have been isolated from an adjacent area of land where a stream/appeals area is present. However, since the 1995 lot line adjustments were not authorized under the Coastal Act, Commission staff is looking at the proposal as separating the developed mobilehome park portion of the subject 270 acre area that the mobilehome park partly occupies from the undeveloped portion, thus creating a new undeveloped parcel with a different size and configuration than the existing parcel. Because the appeals area extends into a parcel that would be reconfigured as a result of the proposed subdivision, the City's action on the coastal permit authorizing division of the developed mobilehome park from the remainder of the 270 acre area is an action that is appealable to the Commission.

¹ These unpermitted lot line adjustments are the subject of an ongoing enforcement investigation (Exhibit #9)

The Commission has previously addressed the appealability of a subdivision at this site in February 2010 (5-10-014-EDD), and found substantial issue on appeals that were filed at a hearing in March 2010 (A-5-LGB-10-039). After the substantial issue hearing, Commission staff requested the remainder of the City's record and requested that the applicant address the issues raised in the findings on substantial issue. However, the Commission has not received any of the documents requested. Instead, the applicant filed a new application for a slightly modified subdivision of the site with the City, that is the subject of this dispute resolution. The City's hearing notice states that the currently pending CDP application (no. 10-26) "...if approved, would replace the previously approved Vesting Tentative Tract Map 09-03 and Coastal Development Permit 09-36 and the prior subdivision will be abandoned." The 'draft' notice also states that the current proposal is different from the prior one in that "...[t]he previously proposed subdivided area within the Coastal Commission Post Certification Development Permit Jurisdictional Area, including the open space and unimproved land, is omitted pursuant to Government Code Section 66424.6." Staff maintains that these subdivision proposals are substantially the same, and the reasons that the prior subdivision was appealable are the same reasons the current proposal is appealable.

I. STAFF RECOMMENDATION ON APPEALABILITY DETERMINATION:

Staff recommends that the Commission adopt the following findings and resolution to determine that the City of Laguna Beach's approval of pending local Coastal Development Permit application No. 10-26 is an action on a coastal development permit application that would be appealable to the Commission. See, e.g., See Cal. Code Regs., tit. 14, § 13572.

MOTION: *I move that the Commission reject the Executive Director's determination that the City of Laguna Beach's approval of pending Coastal Development Permit Application No. 10-26 would be appealable to the Coastal Commission pursuant to Public Resources Code Section 30603.*

Staff Recommendation that City of Laguna Beach Coastal Development Permit No. 10-26 is Appealable:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in (1) the Commission upholding the Executive Director's determination that (a) the City's approval of CDP 10-26 would be an action on a coastal development permit application that is appealable to the Commission and that (b) City notices must reflect that the local action to approve the development is appealable to the Commission, and (2) the Commission's adoption of the following resolutions and findings. A majority of the Commissioners present is required to approve the motion.

Resolution:

The Commission hereby (1) finds that (a) it does have appeal jurisdiction in this matter pursuant to California Public Resources Code Section 30603(a) because the City's approval of CDP 10-26 is an action on a coastal development permit application that would be appealable to the Commission and that (b) City notices must reflect that the local action to approve the development is appealable to the Commission and (2) adopts the findings to support its jurisdiction that are set forth in the staff report.

Exhibits

1. Vicinity Map
- 2a. Map showing approximate parcel boundaries pre-1995 lot line adjustment & location of appeals area
- 2b. Map showing approximate parcel boundaries pre-1995 lot line adjustment, location of appeals area, & location of mobile home park area to be separated from remainder area
- 2c. Map showing location of appeals area, location of mobile home park area to be separated from remainder area & resultant remainder parcel(s)
3. Lot Line Adjustment 95-04
4. Lot Line Adjustment 95-01
5. E-mails b/t Ms. Penny Elia & Mr. Scott Drapkin re appealability dated 5/18 & 5/24, 2010
6. Executive Director's Appealability Determination dated May 25, 2010
7. Vesting Tentative Tract No. 17301 (Laguna Terrace Park) as revised 3/11/2010
8. Notice of Violation Letter dated May 4, 2007
9. A portion of *Post LCP Certification Permit and Appeal Jurisdiction, City of Laguna Beach* Map ("post-cert map") adopted by the Commission on September 16, 1993

II. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. COASTAL COMMISSION AND CITY ACTIONS

The subject site is an approximately 270 acre area partly developed with a mobile home park located at 30802 Coast Highway, in the City of Laguna Beach, Orange County (Exhibit #1). The developed part of the mobile home park occupies about 14 acres within and at the mouth of a steeply sided canyon. According to the applicant, the area of land occupied by the mobile home park is designated for mobile home use and surrounding lands are designated for various uses including residential, commercial and open space conservation. The majority of the developed part of the park is surrounded by undeveloped area. The site has varied topography, ranging from moderately steep slopes, and moderately sloped to flat areas at the bottom and mouth of the canyon where mobile homes and related structures currently exist. The surrounding undeveloped land is a mosaic of vegetation types including southern maritime chaparral, ceanothus chaparral, toyon-sumac chaparral and coastal sage scrub, which is identified in the City's LCP as high value habitat and has been determined by the Commission staff biologist to be environmentally sensitive habitat area (ESHA).

On May 5, 2010, staff of the City of Laguna Beach sent a 'draft' public hearing notice to a member of the public, Ms. Penny Elia, advising her that there would be a public hearing on an application for a coastal development permit for "...the approval of 157 individual mobile home lots and one lettered lot that includes the existing private streets and common areas" at the subject site. The 'draft' notice states that the City's action would not be appealable to the California Coastal Commission. On May 18, 2010, Ms. Elia sent a written objection to the City of Laguna Beach stating her objection to the City's determination that the currently pending proposal would not be appealable. Ms. Elia requested that the City correct its hearing notice to indicate the project would be appealable. On May 24th, in response to the May 18th email, City staff sent an email that the Executive Director of the Commission interpreted as a request for an Executive Director's determination as to whether City approval of Coastal Development Permit (CDP) application no. 10-26 would be appealable to the Coastal Commission (Exhibit #5). On May 25, 2010, the Executive Director sent a letter to the City with his determination that the City's action would be appealable to the Commission because there are streams in the vicinity of the proposed development (a subdivision) which establish the appeals area; and the appeals area extends into a parcel that would be reconfigured as a result of the proposed subdivision (Exhibit #6).

The proposal before the City is to subdivide the Laguna Terrace Mobile Home Park into 157 lots for residences and one lettered lot containing streets and other commonly owned areas of land (Exhibit #7). This subdivision would separate the developed mobilehome park portion of the subject 270 acre property, which the mobilehome park partly occupies, from the undeveloped portion, thus creating new undeveloped parcel(s). This proposal is substantially the same as one that came before the Commission earlier this year as a dispute resolution (5-10-014-EDD, in February), and which the Commission took up on appeal as the Commission found that the appeals filed raised a substantial issue (A-5-LGB-10-039, in March). The City's 'draft' hearing notice states that the currently pending CDP application (no. 10-26) "...if approved, would replace the previously approved Vesting Tentative Tract Map 09-03 and Coastal Development Permit 09-36 and the prior subdivision will be abandoned." The 'draft' notice also states that the current proposal is different from prior one in that "...[t]he previously proposed subdivided area within the Coastal Commission Post Certification Development Permit Jurisdictional Area, including the open space and unimproved land, is omitted pursuant to Government Code Section 66424.6."

Using the *Post LCP Certification Permit and Appeal Jurisdiction, City of Laguna Beach Map* ("post-cert map") adopted by the Commission on September 16, 1993, the subject 270 acre area is depicted as being partly within the City of Laguna Beach's coastal permit jurisdiction, and partly within an area of deferred certification (ADC) where the Commission retains direct coastal permitting authority (i.e. the area the City called "the Coastal Commission Post Certification Development Permit Jurisdiction Area") (Exhibit 9)². Based on a graphic plotted on the proposed subdivision map, it appears that the area of land that the applicant is proposing to divide into 157 numbered lots and one lettered lot, would be within the area the post-cert map says is City jurisdiction. However, the remainder area (i.e. remainder lot) would be in the ADC. The proposed subdivision map, apparently assuming the validity of un-permitted lot line adjustments that

² In reviewing its files for the Commission's dispute resolution hearing on the appealability of local coastal development permit 09-36 (see 5-10-014-EDD), Commission staff discovered that the Laguna Beach post-cert map may inaccurately depict the area of deferred certification in the vicinity of the mobile home park. When the Commission certified the Land Use Plan (LUP) for southern Laguna Beach in 1992, the Commission identified Hobo Canyon (a.k.a. Mayer Group/Mahboudi-Fardi and Esslinger Property) as an area raising Coastal Act concerns that were not adequately addressed in the LUP. The Commission therefore carved Hobo Canyon out as an area of deferred certification to which the LUP did not apply. The following are examples from the findings which make clear that the entire Hobo Canyon site was to be deferred:

On page 16 of the Revised Findings adopted November 17, 1992 for Laguna Beach Land Use Plan Amendment 1-92, the findings state:

"At the Hobo Canyon area (also known as the Mayer/Mahboudi-Fardi parcel or the Esslinger Family Parcel), the issue at the time of the County's LCP certification was vehicular access to the property, arising from intensity and location of development. The issue at the Hobo Canyon site remains the same and so certification for this area will also be deferred."

Similar statements are made elsewhere in the report, and in the accompanying findings for the Implementation Plan amendment (1-92). There is also an exhibit, Exhibit H, attached to the findings that lists the areas of deferred certification and shows on a map the boundaries of the Hobo Canyon/ Mayer Group/Mahboudi-Fardi area, which includes the entire mobile home park.

The LUP expressly referred to the mobile home park as being within the Hobo Canyon area of deferred certification. The City has not subsequently submitted an LCP amendment to apply the LCP to Hobo Canyon. The post-cert map for the City of Laguna Beach that the Commission approved in 1993, however, depicts significant portions of the mobile home park as being within the City's coastal development permit jurisdiction. Commission staff is still investigating this matter, but, in finding that the City's action to approve a coastal development permit for the project would be appealable, the Commission does not waive any arguments that the project is located within the Hobo Canyon area of deferred certification and that the Commission therefore has permit jurisdiction over the entire project for that reason.

occurred in 1995, depicts the remainder lot as a separate lot between the proposed mobilehome park subdivision and the rest of the 270 acre area. Commission staff maintains that the creation of the remainder lot would still require a coastal development permit directly from the Commission. Therefore, the City's approval only covers part of the land division and the applicant will need to apply to the Commission for a coastal permit to cover the remainder of the land division that is located in the ADC.

Furthermore, as described more fully below, the City's approval of the coastal permit in its area of jurisdiction is appealable to the Commission, however, the City has determined that its action is not appealable to the Commission. Thus, there is a dispute between the City and the Executive Director of the Commission regarding the appealability of the City's action. When, as here, a local government and the Executive Director disagree regarding the appealability of a coastal development permit, the Commission must hold a public hearing to resolve the dispute. Title 14, Cal. Code Regs. § 13569(d).

The legal status of division of the 270 acre area into various parcels is at the center of the debate about the appealability of the City's action. In 1995 there were two unpermitted, purported lot line adjustments recorded by the landowner(s) that substantially changed the configuration of lot lines within the subject 270 acre area, and resulted in the creation of new parcels of land having a greater potential for development than previously existed (Exhibit #3 & 4). Pursuant to Section 30600(a) of the Coastal Act³, 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 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.

These lot line adjustments, which require a coastal development permit, were all done without the benefit of any coastal development permit. If these lot lines had all of the required Coastal Act authorization(s), the City's latest action may not have been appealable⁴ as the City had determined. However, since these lot lines have not received Coastal Act authorizations, the City's action is appealable because the City's action results in a division of land that changes the shape of, and intensity of use of, parcel(s) of land that is/are within 100 feet of a stream.

³ 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.

⁴ The Commission takes no position at this time on the status of appealability of the City's action if the 1995 lot line adjustments had been fully authorized because further complicating factors would need to be analyzed, such as the potential for a larger appeals area than is indicated on the City's post-certification map due to the presence of a stream that is not depicted on the map.

The lot line adjustments that complicate this appeals determination occurred in late 1995. In October 1995, a lot line adjustment, LL 95-04 (Exhibit 3), was recorded that purported to make a relatively small adjustment to the boundary of the subject 270 acre property at its northwesterly corner near Barracuda Way, wherein about ¼ acre of the 270 acre property was taken out of the 270 acre property and added into an adjacent small lot developed with a residence. However, the drawings and descriptions of land boundaries that were part of that recorded lot line adjustment also added another lot line that did not previously exist which had the effect of dividing the 270 acre parcel (minus the ¼ acre) into two parcels that were about 153 acres and 117 acres (Exhibit 3, page 11). Subsequently, in November 1995, a second lot line adjustment was recorded, LL 95-01⁵ (Exhibit 4), that consolidated several small parcels near Coast Highway, and moved lot lines around so that the 117 acre area grew to about 121 acres, which was subsequently divided into an approximately 46 acre area and a 75 acre area. Dividing these large parcels into smaller ones allows for greater development potential on the resultant lots than might otherwise be had with the single, larger lot. These lot line adjustments are divisions of land and increase the intensity of use of the property. They therefore qualify as development and require a coastal development permit. See Pub. Resources Code § 30106, *La Fe, Inc. v. Los Angeles County* (1999) 73 Cal.App.4th 231. Since these lot line adjustments were never approved by a coastal development permit, those lots are not recognized under the Coastal Act and cannot be used in the determination of the appealability of the City's action⁶. Instead, the appealability of the City's action, and the effect of the development itself, must be viewed in the context of the lot configuration as it existed prior to those lot line adjustments. With the pre-existing lot configuration, the City's action is clearly appealable.

If the lot configuration contained in the unpermitted lot line adjustments had been permitted, the appealability of the City's action may have been different. However, without those prior lot line adjustments being recognized, and based on information available to Commission staff at this time, the area occupied by the mobile home park occupies part of two larger parcels of land (an approximately 35 acre parcel and an approximately 235 acre parcel) that combined are several hundred acres in size (i.e. about 270 acres)(Exhibits 2a-2c). The appeals area⁷ extends into the pre-lot line adjustment 235 acre parcel (Exhibit 2a-2c and 9). In effect, the land division that is the subject of the application now pending with the City would separate the land occupied by the mobilehome park from the larger parcels (and further divide that area into about 158 lots), leaving multiple remainder parcels (Exhibit 2c). Because the appeals area extends into a parcel that would be reconfigured as a result of the proposed subdivision, the City's action on the coastal permit authorizing division of the mobilehome park area from the 270 acre area is an action that is appealable to the Commission.

The Commission has had an extensive history of contact with the City and property owner(s) with regard to the appealability of a property division, as well as contact about concerns with the land division. This contact includes emails, letters, phone calls, and public hearings, all of which are documented in the findings and record for the prior dispute resolution hearing held in February 2010 (5-10-014-EDD) and in the findings and record for the appeal that was heard in March 2010(A-5-LGB-10-039) and which are incorporated here by reference.

⁵ This lot line adjustment makes reference to and perpetuates the existence of the lot line 'created' by lot line adjustment LL 95-04.

⁶ Those lot line adjustments are the subject of an ongoing enforcement investigation by the Commission (see Exhibit 8).

⁷ The appeals area being referenced is the one based on the presence of a stream identified on the Post LCP Certification Permit and Appeal Jurisdiction, City of Laguna Beach Map ("post-cert map") adopted by the Commission on September 16, 1993

B. COMMISSION DETERMINATION OF APPEALABILITY AND THE FILING OF APPEALS

The Commission finds that City approval of CDP Application No. 10-26 is an action on a coastal development permit application that would be appealable to the Commission.

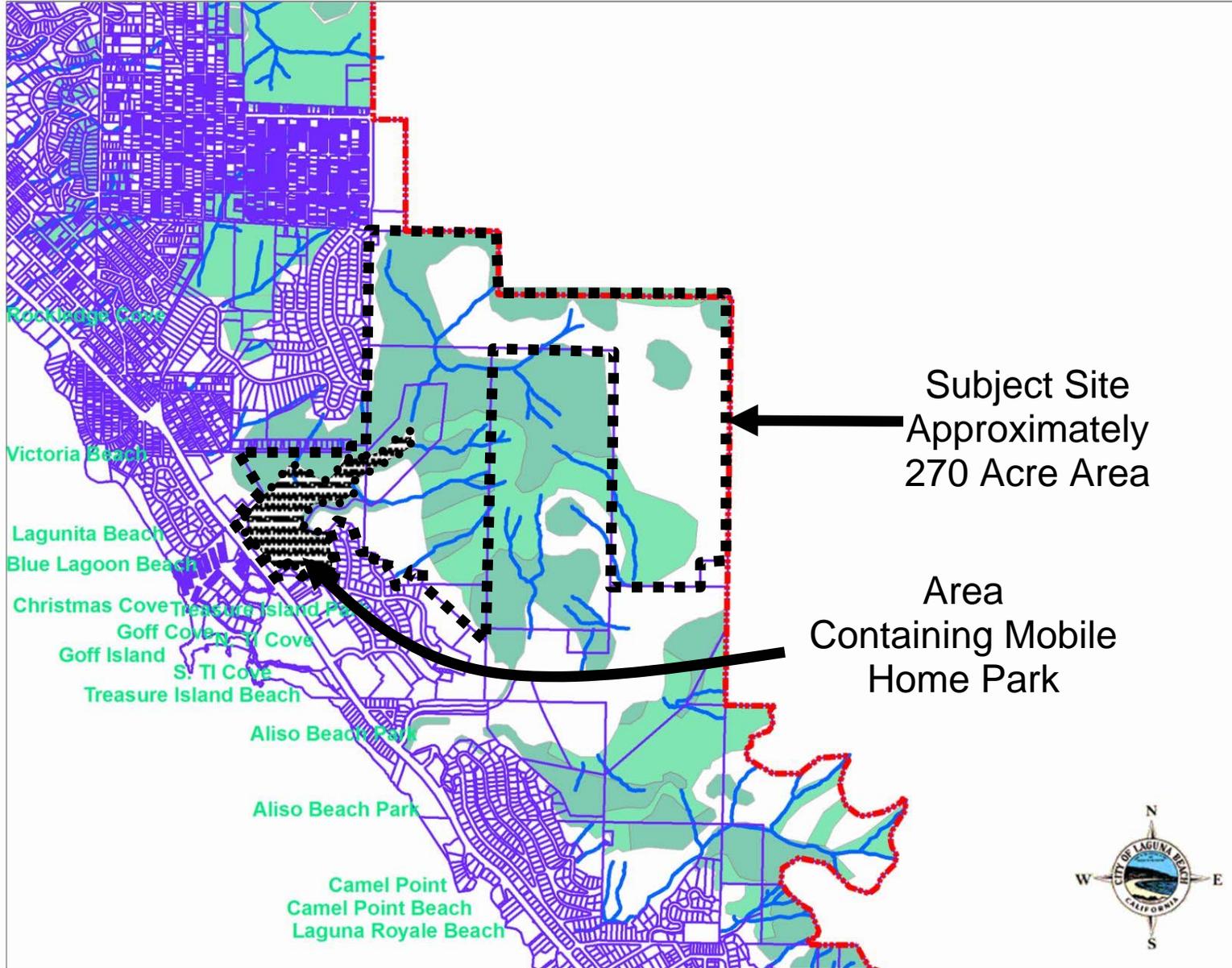
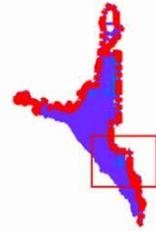
The Coastal Act establishes the Commission's appeals jurisdiction and makes a certified local government's approval of a CDP appealable to the Commission whenever the local CDP authorizes one of the types of development specifically listed, including, but not limited to, development "located ... within 100 feet of any wetland, estuary, or stream." Cal. Pub. Res. Code ("PRC") § 30603(a)(2). Section 25.07.006 of the City's zoning code, which is part of the City's LCP, contains a definition of the Commission's appeals jurisdiction that mirrors the language of PRC Section 30603(a).

The land division authorized by the City would separate the mobilehome park area from the subject 270 acre property, and further divide the mobilehome park area into 158 lots. The *Post LCP Certification Permit and Appeal Jurisdiction, City of Laguna Beach Map* ("post-cert map") adopted by the Commission on September 16, 1993 identifies a stream and an appeals area within the approximately 270 acre property that is involved in the land division that is the subject of the pending coastal development permit application before the City. Therefore, if the City approves the coastal development permit, that action is appealable to the Commission.

C. CONCLUSION

Public Resources Code Section 30603(a)(2) confers the Commission with appellate jurisdiction over development that is within 100 feet of any stream. The Commission finds that, because CDP application 09-36 seeks authorization for development within 100 feet of a stream identified on the City's post-cert map, approval of that application is appealable to the Commission pursuant to Section 30603(a)(2) of the Coastal Act.

City of Laguna Beach



Legend

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



1: 19,634

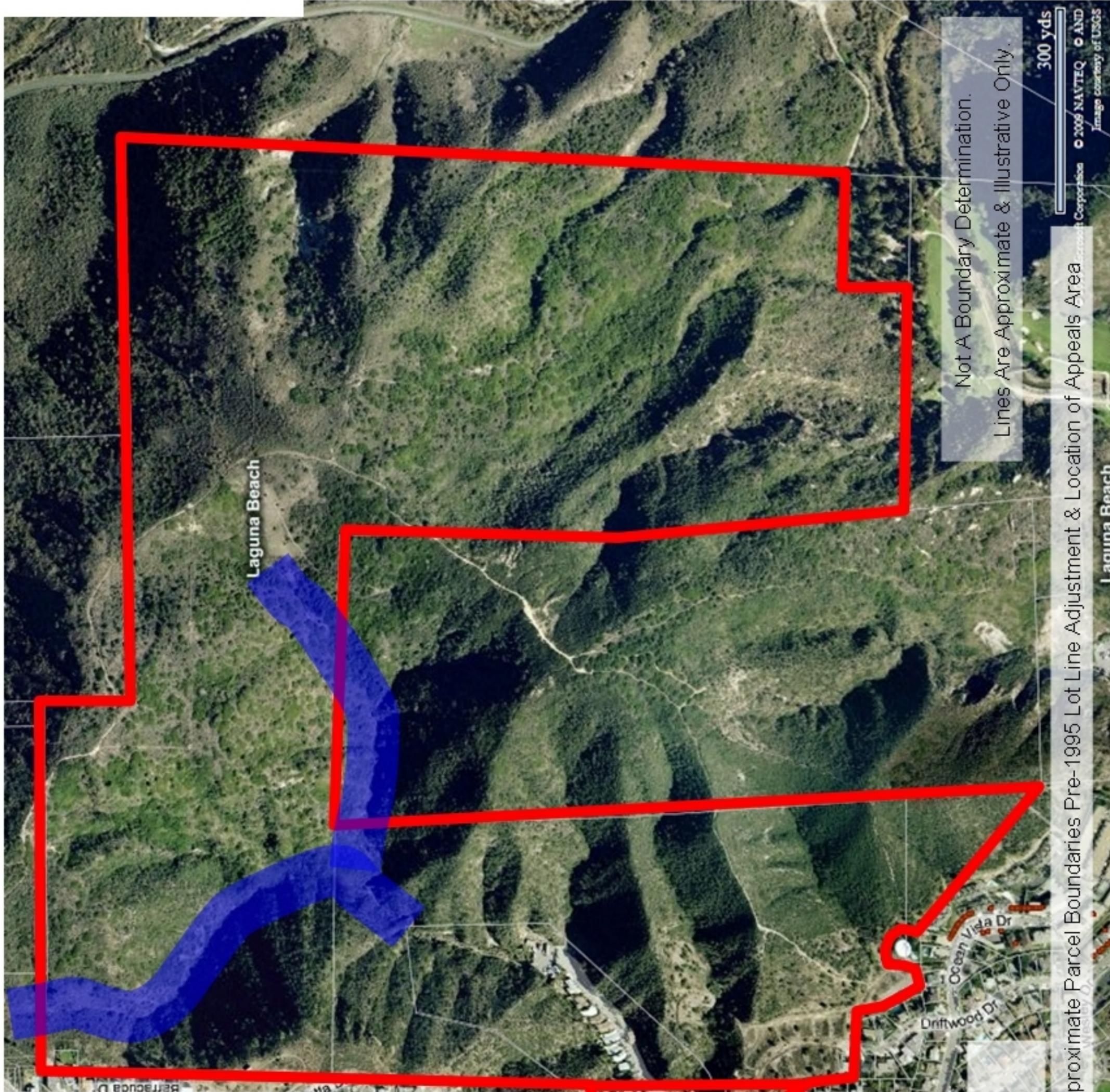
0.6 0 0.31 0.6 Miles

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.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Key

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

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, 1993



Not A Boundary Determination.
Lines Are Approximate & Illustrative Only.

5-10-117-EDD
Exhibit 2a

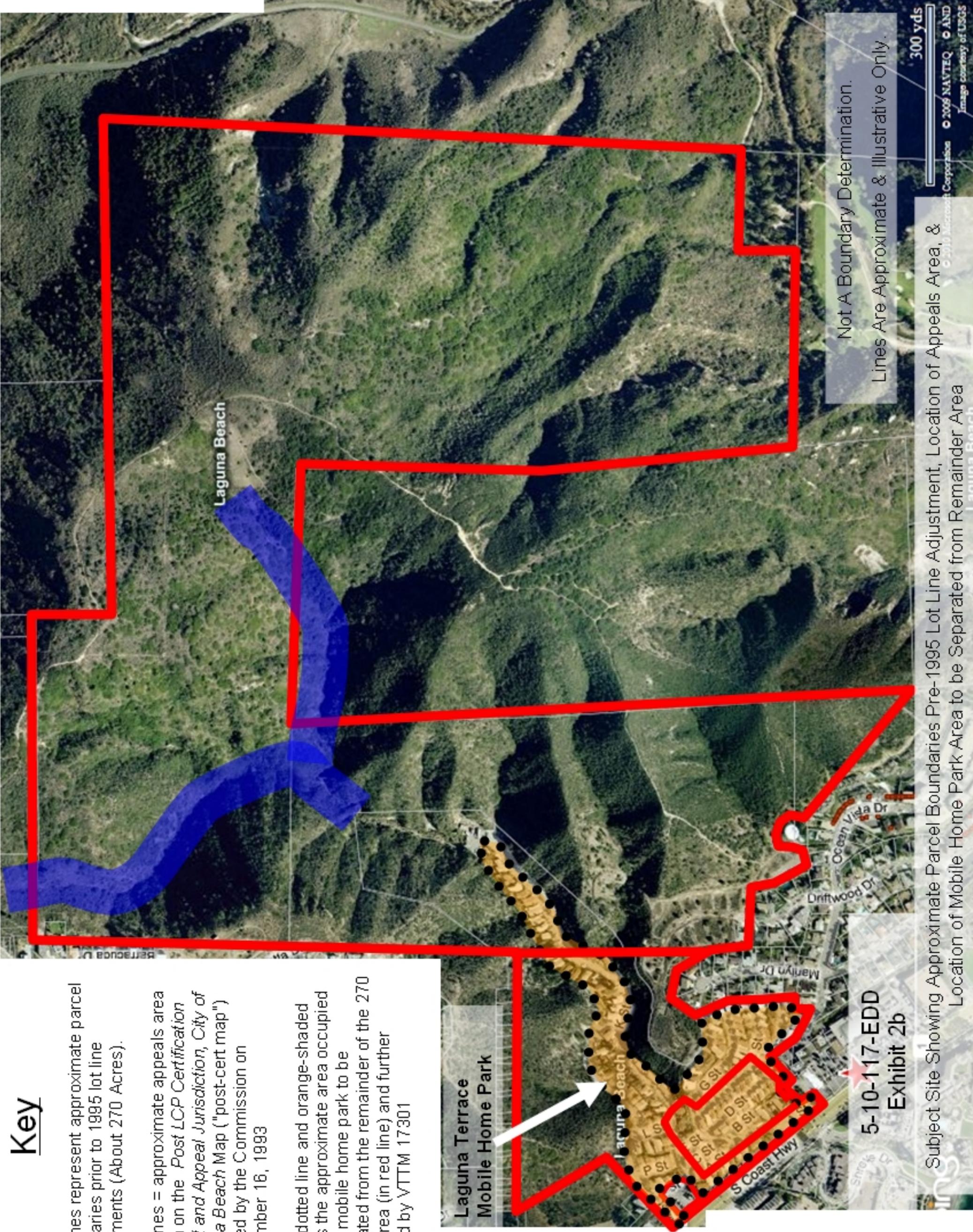
Subject Site Showing Approximate Parcel Boundaries Pre-1995 Lot Line Adjustment & Location of Appeals Area

Key

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

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, 1993

Black dotted line and orange-shaded area is the approximate area occupied by the mobile home park to be separated from the remainder of the 270 acre area (in red line) and further divided by VTTM 17301



Not A Boundary Determination.
Lines Are Approximate & Illustrative Only.

300 yds
© 2009 NAVTEQ © AND
Imagery courtesy of USGS

5-10-117-EDD
Exhibit 2b
Subject Site Showing Approximate Parcel Boundaries Pre-1995 Lot Line Adjustment, Location of Appeals Area, & Location of Mobile Home Park Area to be Separated from Remainder Area

Key

- Black dotted line and orange-shaded area is the approximate area to be separated from remainder of 270 acre area and further divided by VTTM 17301
- Purple dashed lines/purple shaded area = "remainder parcel(s)"
- 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, 1993

Approx area to be separated from remainder of 270-acre area

"Remainder Parcel(s)"
235 Acres (Approx.)

Laguna Beach

Not A Boundary Determination.
Lines Are Approximate & Illustrative Only.

5-10-117-EDD
Exhibit 2c

Subject Site Showing Location of Appeals Area, Location of Mobile Home Park Area to be Separated from Remainder Area & Resultant Remainder Parcel(s)



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
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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



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.

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.

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

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

DAYTIME
PHONE: (714) 497-0200

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

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

ADDRESS: 139 Avenida Navarro
San Clemente, CA 92672

DAYTIME PHONE: (714) 492-8586

DATE FILED	ZONING

LOT LINE ADJUSTMENT

LL95 -

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

Olav S. Meum

Olav S. Meum L.S. 4384

MY LICENSE EXPIRES 9-30-97



EXAMINED AND APPROVED:

By: _____ Date: _____

City Engineer
My Registration Expires _____

NOTARY ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

On _____, before me _____,
personally appeared _____ personally
known to me (or proved to be on the basis of satisfactory evidence)
to be the person whose name is subscribed to the within instrument
and acknowledged to me that he executed the same in his authorized
capacity, and that by his signature on the instrument the person or
the entity upon behalf of which the person acted, executed the
instrument.

WITNESS my hand and official seal:

Notary Public in and for said State My principal place of business
is in Orange County

(print name) My commission expires _____

DATED: This day of _____, 1995.

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 15 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.



Olar S. Meurn
Olar S. Meurn LS 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
10F

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	
------------	--------	--

311911A

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

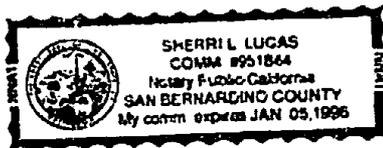
State of California)

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
L L 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

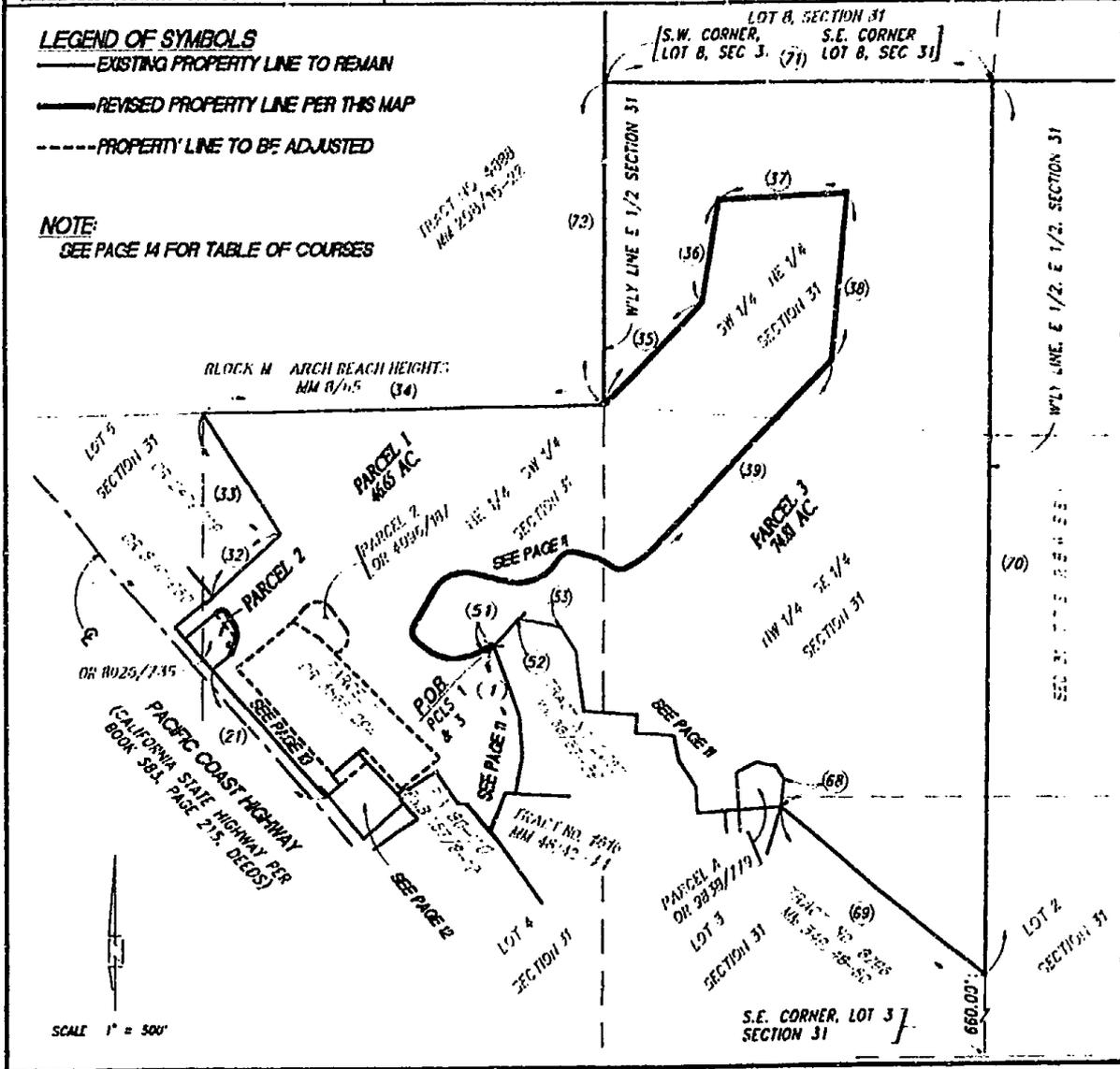


EXHIBIT "B"
LOT LINE ADJUSTMENT
LL 95-01
 MAP

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

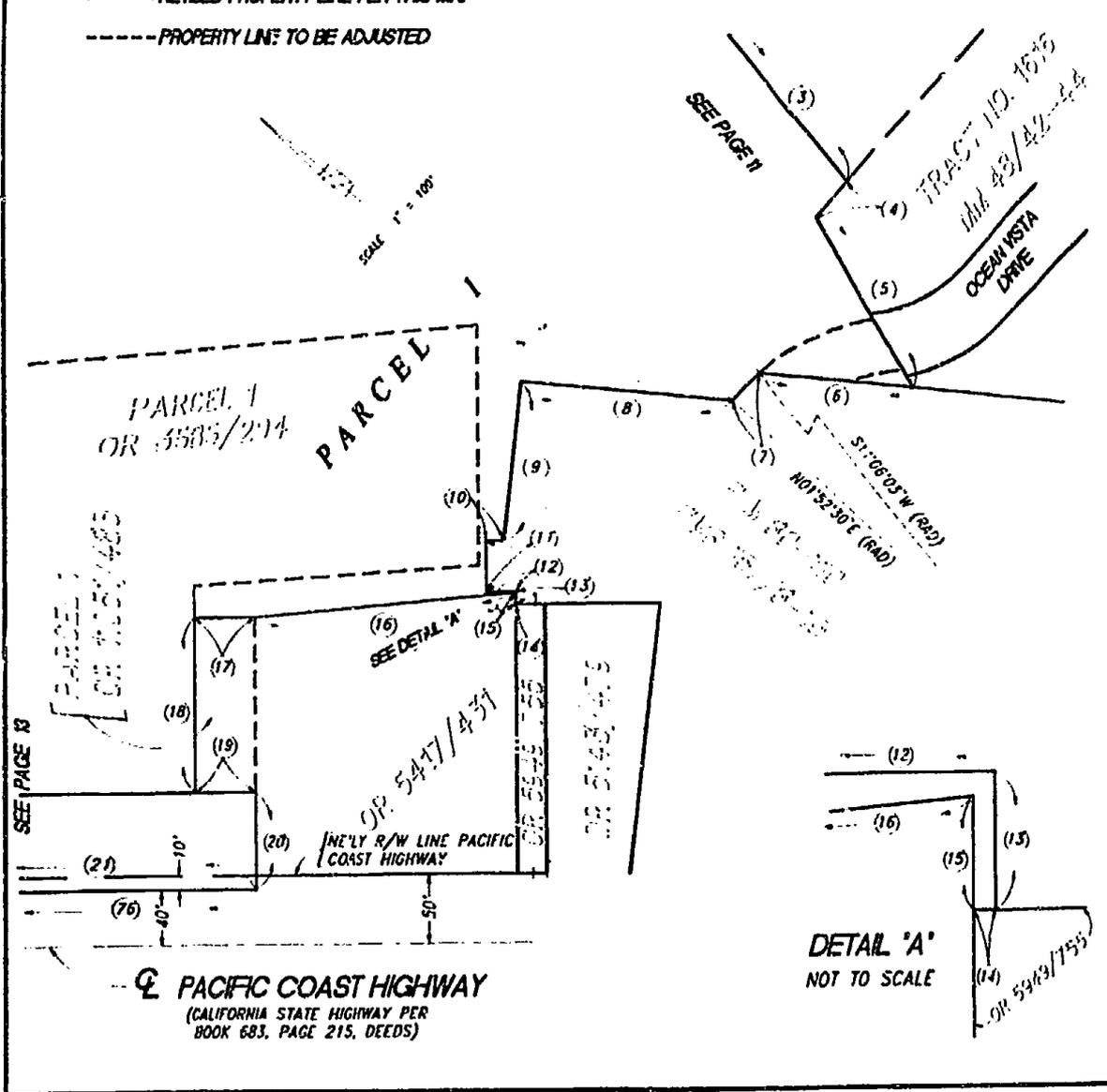


EXHIBIT "B"
LOT LINE ADJUSTMENT
LL 95-01
 MAP

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

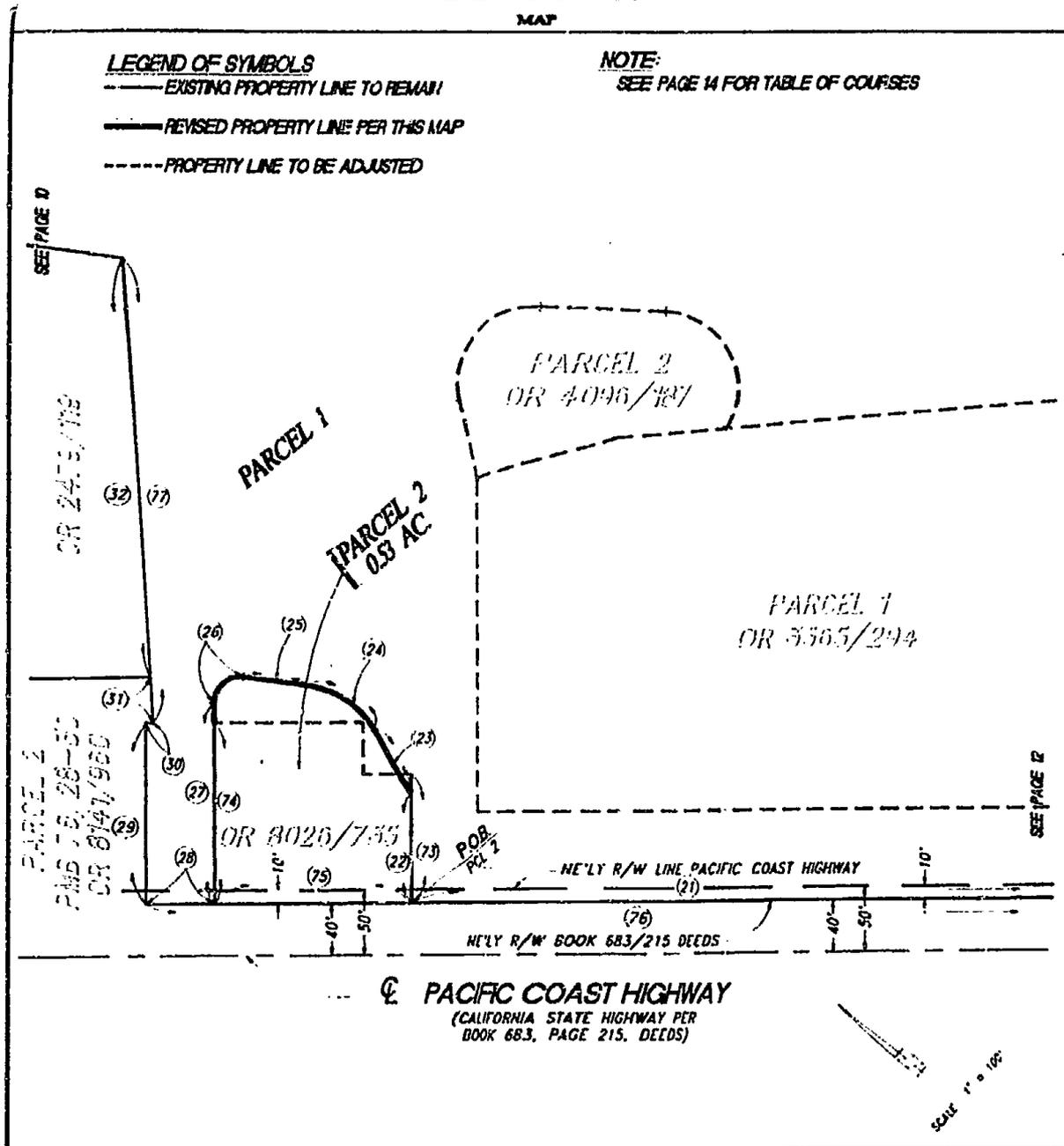


EXHIBIT "B"
LOT LINE ADJUSTMENT
LL 95-01

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=00°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	54.97'			
(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

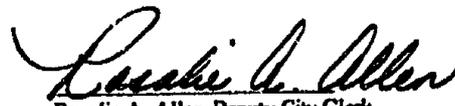
Whereas, the City Council of the City of Laguna Beach has made the following findings:

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

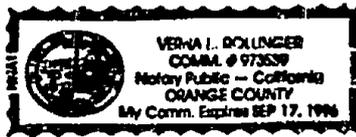
State of California

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: Penny Elia [greenp1@cox.net]

Sent: Monday, May 24, 2010 10:47 AM

To: Drapkin, Scott CD

Cc: Karl Schwing; Andrew Willis; Sherilyn Sarb; Aaron McLendon; Zur Schmiede; Norman Grossman; rwhalen@sycr.com; Anne Johnson; Linda Dietrich; Anderson, Martha CC

Subject: Re: Laguna Terrace MHP - Coastal Commission jurisdiction
Good morning, Scott -

Please allow my previous email to stand as a formal disagreement to the appealability of this item to the Coastal Commission. We are headed in the same direction: dispute resolution.

Also, the public notice that you sent was a "draft" notice. I'm not aware of the Coastal Commission staff having enough time or resources to respond to a "draft" of anything. At what point will a final public notice be going out? I assumed this hearing was not set in stone since I never received anything other than a draft, but felt it was important to go on record re: the appealability issue.

Thank you for advising as to the final public noticing release date as there are several organizations monitoring this project.

Penny Elia
Sierra Club

On May 24, 2010, at 10:01 AM, Drapkin, Scott CD wrote:

Good Morning Penny

This project is a new project with a different subdivision map. New fees will be paid and a new City number will be assigned. The previous subdivision is requested to be abandoned. In addition, the previous Coastal Development Permit does not apply and a new CDP will be reviewed. For your information, some time ago, the Coastal Commission was sent the same preliminary notice as you were and a copy of the proposed subdivision. The Coastal Commission has not replied.

Scott Drapkin, Senior Planner

*City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651
949/497-0362*

<image001.jpg>

sdrapkin@lagunabeachcity.net

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

Sent: Tuesday, May 18, 2010 5:01 PM

To: Drapkin, Scott CD

Cc: Karl Schwing; Andrew Willis; Sherilyn Sarb; Aaron McLendon; Zur Schmiede; Norman Grossman; rwhalen@sycr.com; Anne Johnson; Linda Dietrich; Anderson, Martha CC

Subject: Fwd: Laguna Terrace MHP - Coastal Commission jurisdiction
Good afternoon, Scott -

On February 12, 2010 the California Coastal Commission voted unanimously to uphold the following dispute resolution regarding Coastal Commission jurisdiction:

8. **DISPUTE RESOLUTION.**

[Additional correspondence received has been appended to the staff report for item 8a below on February 10]

E-mails between Ms. Penny Elia &
Mr. Scott Drapkin (City of Laguna Beach) re: appealability



a. **Dispute Resolution No. 5-10-14-EDD (Laguna Terrace Park LLC, Laguna Beach)** Public hearing on appealability to Commission of the City of Laguna Beach's decision to approve coastal development permit No. 09-36 requested by Laguna Terrace Park LLC to subdivide Laguna Terrace Mobile Home Park into 157 residential lots, 1 lettered common lot, 1 open space lot, 1 utility lot, and 2 undeveloped lots (Vesting Tentative Tract Map No. 17301), at 30802 South Coast Highway, Laguna Beach, Orange County. (KFS-LB) **[Executive Director's Determination Upheld]**

After reviewing the public notice you sent on May 5, 2010 (attached) on the same project, I am requesting that this email serve as documentation of my disagreement with respect to the City's determination that this project is not appealable to the California Coastal Commission. I request that the City change this public notice to indicate that this project is in fact appealable to the Coastal Commission and base this request on all of the previous documentation that was provided to the City for the first dispute resolution hearing.

Should the City refuse this request the matter will be referred to the Executive Director for determination (pursuant to California Code of Regulations Title 14 Section 13569).

Would you please advise of the City's decision on this matter no later than Tuesday, May 25, 2010.

Thank you -

Penny Elia

Sierra Club

949-499-4499

Begin forwarded message:

From: "Drapkin, Scott CD" <sdrapkin@lagunabeachcity.net>

Date: May 5, 2010 5:02:34 PM PDT

To: Penny Elia <greenp1@cox.net>

Subject: FW: Laguna Terrace MHP

Penny,

Staff has received the revised Vesting Tentative Tract Map and has preliminarily reviewed the proposed land division for General Plan, LCP, CEQA and Subdivision Map Act compliance. The applicant has requested the abandonment of the previously approved map and requested a new VTTM and CDP, with new assigned numbers. The map is tentatively scheduled for the June 23, 2010 PC hearing.

As you requested, I have attached the Map and the draft notice.

Scott Drapkin, Senior Planner

*City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651
949/497-0362*

E-mails between Ms. Penny Elia &
Mr. Scott Drapkin (City of Laguna Beach) re: appealability



CALIFORNIA COASTAL COMMISSION

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



May 25, 2010

Scott Drapkin
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

Re: **EXECUTIVE DIRECTOR'S DETERMINATION ON APPEALABILITY**

Coastal Development Permit Application No. 10-26
30802 South Coast Highway, Laguna Beach, CA,
APNs 056-240-57, -64, -65, -66 & 656-191-38, -39, -40
Laguna Terrace Mobile Home Park

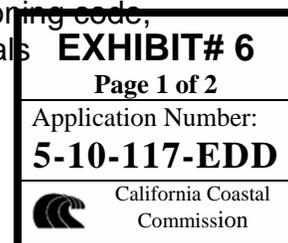
Dear Mr. Drapkin:

On Monday, May 24, 2010, the Executive Director received an email from you that Commission staff is interpreting as a request for an Executive Director's determination as to whether a City approval of Coastal Development Permit (CDP) application no. 10-26 would be appealable to the Coastal Commission. We note that the City received a written objection to the City's determination that the currently pending proposal would not be appealable, which also requested that the City correct its hearing notice to indicate the project would be appealable. That objection was sent via email from a member of the public last week (May 18th). The email dated May 24th was the City's response to the May 18th email.

The proposal before the City is to subdivide the Laguna Terrace Mobile Home Park into 157 lots for residences and one lettered lot containing streets and other commonly owned areas of land. This subdivision would separate the developed mobilehome park portion of the subject 270 acre property that the mobilehome park partly occupies from the undeveloped portion, thus creating a new undeveloped parcel. Based on information available, the Executive Director's determination is that City approval of the pending CDP application would be appealable to the Commission. As described more fully below, there are streams in the vicinity of the proposed development (a subdivision), which establish the appeals area in this case; and the appeals area extends into a parcel that would be reconfigured as a result of the proposed subdivision. Thus, the development proposal is appealable to the Commission.

The Coastal Act establishes the Commission's appeals jurisdiction and makes a certified local government's approval of a CDP appealable to the Commission whenever the local CDP authorizes one of the types of development specifically listed, including, but not limited to, development "located ... within 100 feet of any wetland, estuary, or stream." Cal. Pub. Res. Code ("PRC") § 30603(a)(2). Section 25.07.006 of the City's zoning code, which is part of the City's LCP, contains a definition of the Commission's appeals jurisdiction that mirrors the language of PRC Section 30603(a).

Executive Director's Appealability Determination



Executive Director Determination on Appealability
Laguna Terrace Mobile Home Park/CDP Application No. 10-26
Page 2 of 2

The land division before the City would separate the developed mobilehome park portion of the subject 270 acre property from the undeveloped portion, thus creating a new undeveloped parcel. The Post LCP Certification Permit and Appeal Jurisdiction, City of Laguna Beach Map ("post-cert map") adopted by the Commission on September 16, 2003 identifies a stream and an appeals area within the approximately 270 acre property that is involved in the land division proposed by the applicant. Therefore, the City's action on this application would be appealable to the Commission.

As you know, in a staff report for Dispute Resolution No. 5-10-014-EDD, dated January 27, 2010, Commission staff previously addressed the issue of whether the City of Laguna Beach's decision to approve Coastal Development Permit No. 09-36 authorizing subdivision of the property was appealable to the Commission, and the Commission adopted staff's recommendation that the action was appealable due to the proximity of the development approved by the City pursuant to CDP No. 09-36 to a stream. The proposed development and circumstances surrounding the current application are substantially the same with regard to the facts upon which that prior action was deemed appealable.

Based on recent telephone contact with City staff and the public notice that the City has already issued characterizing the permit application as non-appealable, it is our understanding that the City staff disagrees with the Executive Director's determination. Therefore, we have scheduled a hearing on the matter with the Commission on June 9, 2010, in Marina del Rey. Commission staff recommends that the City postpone taking any final action on the coastal development permit application until the Commission resolves the appealability issue, to the extent legal deadlines that apply to the City's pending discretionary action will allow.

On the other hand, should the City decide to agree with this Executive Director's determination, Commission staff recommends that the City revise and re-issue any public hearing notices to reflect the Executive Director's appeals determination. Please be sure that you send a copy of all public hearing notices on this matter to the Commission's Long Beach office. Furthermore, the City's eventual Notice of Final Action should indicate that any approval of this CDP application is appealable to the Coastal Commission.

Thank you for your attention to these matters. If you have any questions, please contact me at (562) 590-5071.

Sincerely,
[original signed by]

Karl Schwing
Supervisor, Regulation and Planning
Orange County Area

Cc: John Montgomery, Director of Community Development, City of Laguna Beach
Laguna Terrace Park LLC, Property Owner

Executive Director's Appealability Determination

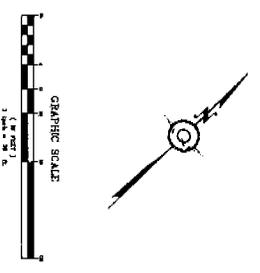


MATCH LINE SEE SHEET 4

NOT A PART
 CANNOT PURSANT TO
 CALIFORNIA GOVERNMENT
 CODE SECTION 64041.3

CLIMATE TABLE

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MATCH LINE SEE SHEET 5-10-117-100

Exhibit 7
 2 of 6

DEWBART
 1-800-271-2800
 1-800-271-2800
 1-800-271-2800

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DATE: 3/11/10
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

PROJECT TITLE: TENTATIVE TRACT NO. 17301

OWNER: [Name]

DATE: 3/11/10

PROJECT TITLE: TENTATIVE TRACT NO. 17301

OWNER: [Name]

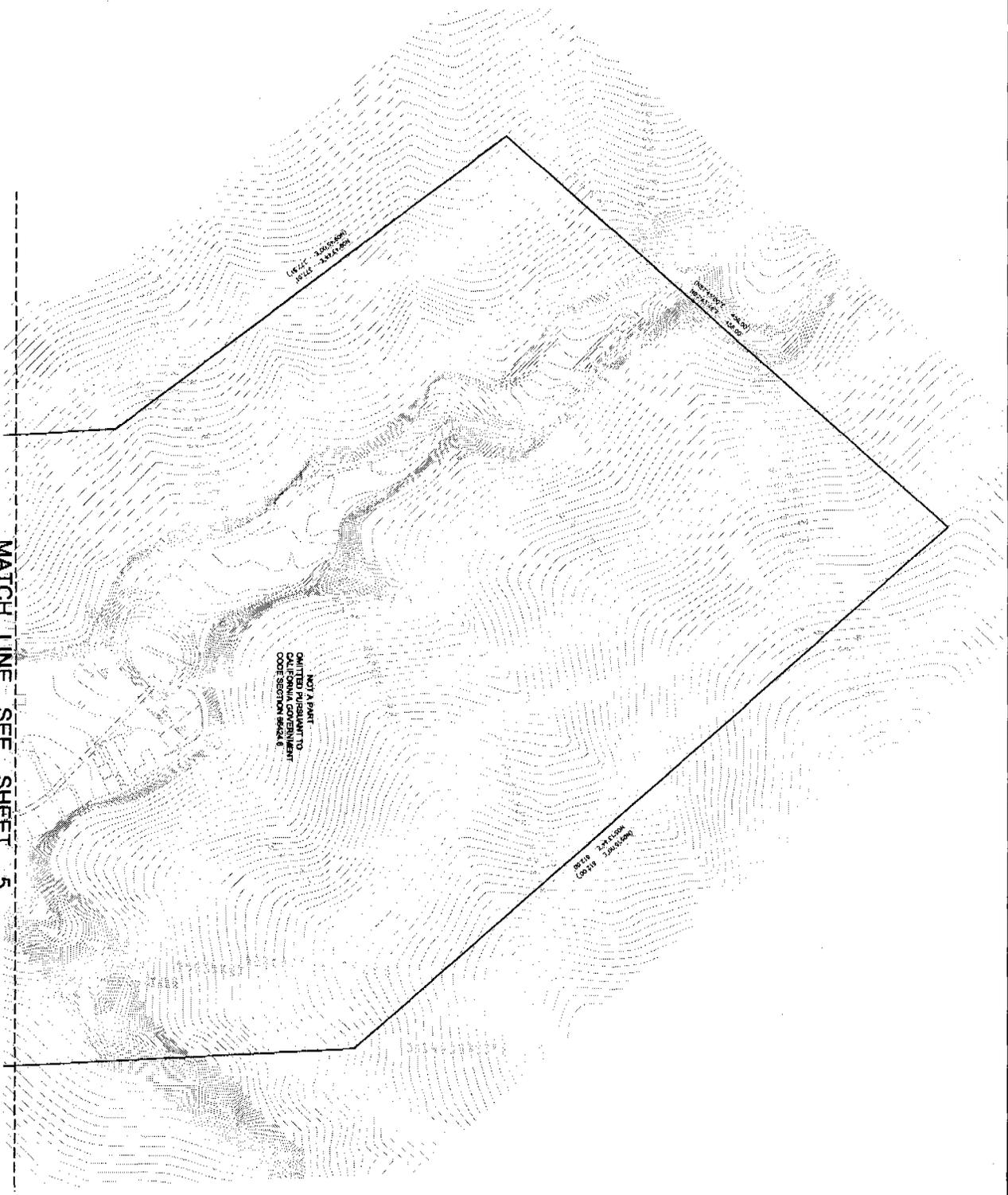
DATE: 3/11/10

PROJECT TITLE: TENTATIVE TRACT MAP NO. 17301

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MATCH LINE SEE SHEET 5



DATE: 3/11/10
 DRAWN BY: [Name]
 CHECKED BY: [Name]

PROJECT TITLE: VESTING TENTATIVE TRACT MAP NO. 17301

PREPARED BY: [Name]

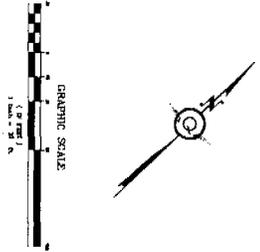


PLANNING & ASSOCIATES
 11111 15th Street, Suite 100
 San Diego, CA 92131
 (619) 594-1111

NO.	DATE	BY	DESCRIPTION
1	3/11/10	[Name]	PREPARED FOR FINAL SUBMITTAL

JOHN TERRY, INC.
 11111 15th Street, Suite 100
 San Diego, CA 92131
 (619) 594-1111

PROJECT TITLE: VESTING TENTATIVE TRACT MAP NO. 17301
 SHEET NO.: 6 OF 6



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,

Original Signed By

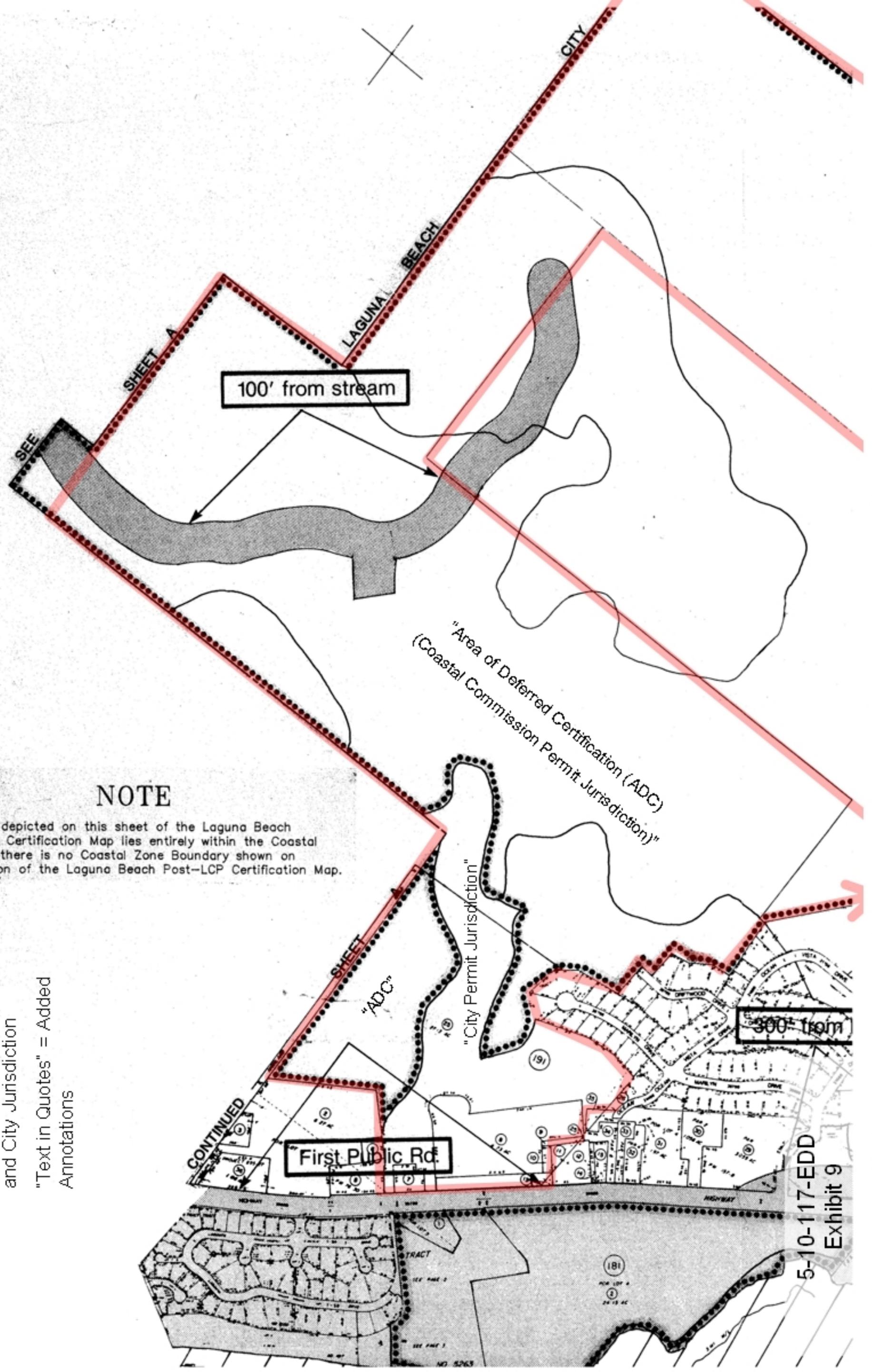
Andrew Willis
District Enforcement Analyst

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

- Faint Red Line = Subject Area
- Dotted Line = Boundary between Area of Deferred Certification and City Jurisdiction
- "Text in Quotes" = Added Annotations

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.



5-10-117-EDD
Exhibit 9