

CALIFORNIA COASTAL COMMISSION

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

W18a

Filed: 3/23/2012
49th Day: Waived
Staff: John Del Arroz-LB
Staff Report: January 17, 2013
Hearing Date: February 6-8, 2013
Commission Action:

**STAFF REPORT: APPEAL SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Laguna Beach

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-LGB-12-091

APPLICANT: John Meehan

PROJECT LOCATION: 31381 Coast Highway, Laguna Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing single family dwelling and detached two car garage

APPELLANTS: Village Laguna and South Laguna Civic Association

See addendum to this staff report

IMPORTANT NOTE

The Commission will not take public testimony during this phase of the appeal hearing unless at least three (3) commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that the appeal raises **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed. The submitted appeal raises no substantial issue regarding whether the City-approved development conforms with the City of Laguna Beach certified Local Coastal Program (LCP) or the public access policies of Chapter 3 of the Coastal Act because the City's approval of the proposed project is consistent with the historical preservation policies of the LCP, the public access policies of the LCP and the Coastal Act, and with the required procedure for the approval of Coastal Development Permits.

The subject development is a proposal for the demolition of a single family residence and garage located on a blufftop lot adjacent to a public beach. The site is between the first public road and the sea, an area where development approved by the City of Laguna

Beach pursuant to its certified Local Coastal Program (LCP) is appealable to the Coastal Commission. The subject site has a land use designation of Village Low Density.

The appellants contend that the project approved by the City is inconsistent with the City's certified Local Coastal Program(LCP) and the public access policies of Chapter 3 of the Coastal Act for the following reasons: a) The demolition of the residence would be inconsistent with LCP Policies regarding historic preservation; b) The City's action resulted in impacts to public access due to the presence of a nonconforming private beach access stairway that is being removed; c) The City's action failed to properly consider the applicable policies of the LCP; d) The City's action violated due process; and e) the City's action did not properly carry out CEQA.

In this case, there is substantial factual support for the City's decision regarding the historic preservation policies of the LCP, the demolition of a residence is not a sufficient basis to require the nonconforming structures be addressed at this time, and the City has adequately considered the applicable LCP policies. Therefore, the appeal raises no substantial issue regarding the conformity of the locally approved development with the LCP and the Public Access Policies of Chapter 3 of the Coastal Act. Therefore, staff is recommending that the Commission find that no substantial issue exists with respect to the grounds upon which the appeal was filed.

If the Commission adopts the staff recommendation, the Commission will not hear the application de novo and the local action will become final and effective. **The motion to carry out the staff recommendation is on Page 9 of this report.**

TABLE OF CONTENTS

I. APPELLANT’S CONTENTIONS	4
II. LOCAL GOVERNMENT ACTION.....	7
III. APPEAL PROCEDURES.....	7
IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE	9
V. FINDINGS AND DECLARATIONS	10
A. Project Description	10
B. Factors to be Considered in Substantial Issue Analysis	11
C. Substantial Issue Analysis	12
1. Historic Preservation	12
2. Impacts to Public Access.....	16
3. Adequate Consideration of LCP Policies	18
4. Due Process / Consistency with CEQA	19
5. Conclusion.....	20

Exhibits

1. Appeal by Village Laguna and South Laguna Civic Association
2. Site Plans

SUBSTANTIVE FILE DOCUMENTS:

City of Laguna Beach Certified Local Coastal Program
Appeal by South Laguna Civic Association and Village Laguna
City Permit Record for local Coastal Development Permit 12-222
Local Coastal Development Permit 12-222

I. APPELLANT’S CONTENTIONS

A. Summary of Appeal Contentions Raised by Village Laguna and South Laguna Civic Association

1. Development Approved By City Would Demolish Historic Residence and Is Inconsistent With LCP Policies Regarding Historic Preservation

There is ample evidence that the City’s decision is inconsistent with the historic preservation policies of the LCP, and that historic preservation is of particular importance to the public’s experience of Laguna Beach as a unique coastal community.

The residence and garage are significant to Laguna Beach history both in themselves and because of their mid 1920s connection with Guy Skidmore and the Skidmore Development Company, who planned and developed Coast Royal, the oldest subdivision in South Laguna. The Skidmores' pioneering plan was the first in Orange County to dedicate beaches for public use as well as a system of public parks and accessways to the beach.

Preservation of buildings that tell of the city's early settlement and beach-cottage days gives visitors and residents an impression of the community timeline and the opportunity to discover and enjoy the quaint and one-of-a-kind crafted houses of Laguna Beach's diverse neighborhoods.

The City’s finding that there are no reasonable alternatives to demolition is incorrect. Rehabilitation of the existing structure is a reasonable alternative supported by the Heritage Committee, the City’s historical consultant, and public testimony, and approved rehabilitation plans on file with the City.

The policies regarding historic preservation in the LCP include:

a) Historic preservation is important to preserving the “special communities and neighborhoods that, because of their unique characteristics are popular visitor destination points for recreational uses” as required in Coastal Act Section 30253. Section 25.45.002 of the City’s certified Implementation Plan parallels this Coastal Act provision.

b) Page one of the Land Use Element of the LUP¹, regarding guiding principles for the policies of the general plan, states:

1. Strengthen our sense of community. The General Plan envisions Laguna Beach as a place of abundant scenic natural beauty, small-town village charm, and cultural diversity. Laguna residents take great pride in their community which has a tradition of promoting the arts, historic preservation, and participation in civic and community organizations...

- c) Policy 1.1.13 of the Land Use Element of the LUP¹ states:
Encourage preservation of historic structures...
- d) Goal 2 of the Land Use Element of the LUP¹ states:
Preserve, enhance and respect the unique character and identity of Laguna's residential neighborhoods.
- e) Policy 2.2 of Land Use Element of the LUP¹ states:
Encourage the preservation of historically significant residential structures...
- f) Section 25.45.010 of the City's certified Implementation Plan, regarding procedures for demolition.

The applicant's rationale for demolition of the historical residence is the condition of the building due to previous illegal/unpermitted demolition. The property has been in code enforcement with the City since 2009. The City's action not only lets the illegal actions go unpunished (the penalties outline in the zoning code were not imposed or even discussed during the hearings), but in fact rewards unpermitted demolition. This rewarding of illegal behavior opens the way for more destruction of the city's historic structures and the deterioration of the "special community" and its "unique characteristics." Allowing illegal demolition to be used as justification for complete demolition could encourage lawless destruction of coastal historical resources statewide. The precedent set by the City's action is detrimental to the future of other local historic resources and through this case could become a reference for similar decisions elsewhere.

2. City's findings regarding public access are incorrect.

The existing beach access stair tower located seaward of the residence raises issues of public access to the beach by privatizing beach land dedicated for public use. Section 25.07.012 of the City's certified Implementation Plan regards the findings necessary for approval of a Coastal Development Permit. The City made the following finding to address the second required finding of Section 25.07.012 of the City's certified Implementation Plan:

Vertical and lateral public access exists to and along this portion of the coast and demolition of the existing single-family residence and garage structure will not create any adverse impacts to the existing access conditions.

However, this resolution does not address the status of the existing private access stair tower from this property that is built on the public beach below. A portion of the public

¹ The cited policy was included in LCP Amendment LGB-MAJ-1-10, which was approved by the Commission at the 12/7/2011 meeting, but which did not become effective until 5/9/2012, after the City's action.

beach dedicated by the Skidmores in 1924 has been taken over for private use of the owners of this property.

The applicant's attorney provided a site plan related to additions to the residence by Orange County in 1982 which shows an oceanfront property line. In October 2011 the applicant submitted a site plan for the purpose of obtaining a permit to repair the stair tower which shows the footprint of the stair tower. Superimposing the 1982 plan on the 2011 drawing makes it clear that nearly all of the stair tower is outside the property line and is on the public beach. It appears that since the oceanfront property lines were omitted from the 2011 site plan City plan reviewers were not aware that there could be coastal issues related to the stair tower, and they issued permits to repair the structure. In any case the City should not have been issuing any permits for this property until the code enforcement issues were resolved.

3. City's action did not properly consider LCP policies

The Design Review Board's December 15, 2011 approval of the demolition request was appealed to the City Council, and the appeal was set to be heard on January 24, 2012. However, by that time City staff had been advised by Coastal staff that a Coastal Development Permit (CDP) is required for a stand-alone demolition project. Therefore the Council continued the appeal hearing, referring the matter back to the Design Review Board for a second hearing, this time for the CDP.

At this hearing the Design Review Board was informed by staff that "the original design approval may not be revisited with this current Coastal Development Permit application, but rather that the review of the requisite Coastal Development Permit is a corrective procedural matter only." This advice overlooked the fact that the Board in the previous hearing had never made the findings for conformity with the LCP and General Plan. As a result, the historic preservation policies to which the project had to conform to make the required findings for the CDP were not considered.

If the City's approach to granting the CDP in this instance, that is, excluding applicable and to-the-point provisions of the LCP from consideration, becomes accepted practice, the implementation of the LCP policies on historic preservation and any other topic may be severely affected.

4. Due Process

Toni Iseman, the councilmember who filed the appeal of the Design Review Board's 3/2 approval of the demolition, was prevented from participating as a councilmember and voting on her own appeal by instruction of the city manager and city attorney. They said that the wording of her appeal revealed too much of her opinion for her to be an unbiased decision-maker. Her removal from the dais colored the view of the issue for the other

council members and prevented her from commenting during the decision-making process.

5. City's findings regarding consistency with CEQA were incorrect.

The City made the finding that:

The proposed demolition is in compliance with the applicable rules and regulations set forth by the Municipal Code and will not have any significant adverse impact on the environment within the meaning of the California Environmental Quality Act in that the area of work is separated from the bluff edge by separate and detached structures which are proposed to remain undisturbed, and appropriate erosion control measures (Best Management Practices) will be implemented during the demolition process.

This finding does not begin to cover all the potential environmental impacts that must be considered under CEQA. The City improperly exempted the project from CEQA. There is a disagreement among experts regarding demolition of a historic building, which requires preparation of an EIR. The City used an improper baseline of after illegal demolition occurred for evaluating the condition of the structure.

II. LOCAL GOVERNMENT ACTION

Local Coastal Development Permit 12-222 was approved by the City of Laguna Beach on March 6, 2012. Based on the date of receipt of the Notice of Final Action, the ten (10) working day appeal period for local Coastal Development Permit 12-222 began on March 13, 2012 and ran through March 26, 2012. An appeal of local Coastal Development Permit 12-222 was received from Village Laguna and South Laguna Civic Association on March 23, 2012 (see Exhibit 1), within the allotted ten (10) working day appeal period.

III. APPEAL PROCEDURES

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

Section 30603(a)(1) and (a)(2) of the Coastal Act establishes the project site as being in an appealable area because it is located between the sea and the first public road paralleling the sea and is within 300 feet of the inland extent of the beach.

Section 30603 of the Coastal Act states, in part:

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

The grounds for appeal of a local government action approving a Coastal Development Permit for development in the appealable area are stated in Section 30603(b)(1), which states:

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

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires the Commission to hold a de novo hearing on the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

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

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have an opportunity to address whether the appeal raises a substantial issue. The Chair will set the time limit for public testimony at the time of the hearing. As noted in Section 13117 of the California Code of Regulations, the only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

Upon the close of the public hearing regarding whether the appeal raises a substantial issue, the Commission will vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

If the Commission finds this appeal raises a substantial issue, at the de novo hearing, the Commission will hear the proposed project de novo and all interested persons may speak. The de novo hearing for this appeal will occur at a subsequent meeting date. What is before the Commission, at this time, is the question of whether or not this appeal raises a substantial issue with respect to the grounds for the appeal.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: I move that the Commission determine that Appeal No. A-5-LGB-12-091 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-5-LGB-12-091 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

1. Vicinity and Existing Development On Site:

The subject site is a 14,350 square foot blufftop lot located at 31381 Coast Highway, between the sea and the first public road, and has a designated land use of Village Low Density. The site is located south of the Montage Resort Hotel and Aliso Beach Park. Public access to the beach seaward of the site is available from Aliso Beach Park, located approximately 1200 feet to the north of the site, or by a pedestrian access at Camel Point Drive, approximately 460 feet to the north.

Existing development on the site includes a 2,654 sq. ft. residence and a 400 sq. ft. detached garage, which was constructed in the mid to late 1920s, a shade structure, a 199 sq. ft. guest house located seaward of the residence near the bluff edge, and a private beach access stairway located at the bluff face which is partially located on the applicant's property and partially located on the public beach.

2. Proposed Development

The development approved by the City would result in the complete demolition of the existing single family residence and detached garage on the site. The application for development, and thus the approved development, does not include the demolition or any other development activity to the existing shade structure, guest house, and private beach access stairway. These structures would remain on the site since they were not within the scope of the proposed development. The subject Coastal Development Permit 12-222 did not include the erection of any new structures.

3. History of Actions on Site

- Mid to Late 1920s – Residence is constructed on the site
- 1977 – permit filed to convert attic of residence to a bedroom and bathroom
- 1981 – City lists the site in the Historic Inventory with a Key rating, meaning that the building "strongly maintain[s] their original integrity and demonstrate[s] a particular architectural style or time period."
- 1992 - Permit filed for replacement of roof shingles
- 1993 - Permit filed for remodel of kitchen and roofing
- 1998 - Several code violations are reported
- 2006 - permit filed for demolition of drywall, roofing, and hardwood floors
- October 2009 – Heritage Committee recommends approval of plans for renovation of the existing residence

- November 2010 – citations issued by City Code Enforcement for the substantial demolition of a historic dwelling.
- August 15, 2011 – Heritage Committee considers the proposal to demolish the residence and recommends retention of the existing residence.
- December 15, 2011 – Design Review Board gives approval for demolition of the residence and detached garage. The Design Review Board’s approval is appealed by City Council Member Toni Iseman. The appeal is scheduled for hearing at the City Council, but is continued because the approval by the Design Review Board did not include consideration of a Coastal Development Permit.
- February 9, 2012 – Design Review Board approves a Coastal Development Permit for the demolition of the residence and garage.
- March 6, 2012 – City Council sustains the appeal raised by City Council Member Toni Iseman and upholds the decision of the Design Review Board to approve demolition of the residence and garage on the site.

B. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(2) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with the certified Local Coastal Program or the public access policies of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulations simply indicates that the Commission will hear an appeal unless it “finds that the appellant raises no significant questions”. In previous decisions on appeals, the Commission has at times, on a case-by-case basis, used the following factors in determining the substantial issue question

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

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5, within 60 days after the decision or action has become final.

As stated in Section III of this report, the grounds for appeal of a coastal development permit issued by the local government after certification of its Local Coastal Program are specific. In this case, the local Coastal Development Permit may be appealed to the Commission on the grounds that it does not conform to the certified Local Coastal Program or with the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists with respect to the grounds on which an appeal has been filed in order to decide whether to hear the appeal de novo.

In making the substantial issue assessment, the Commission considers whether the appellants' contentions regarding the inconsistency of the local government action with the certified LCP and the public access policies of Chapter 3 of the Coastal Act raise substantial issues in terms of the extent and scope of the approved development, the support for the local action, the precedential nature of the project, whether a significant coastal resource would be affected, and whether the appeal has statewide significance.

In this case, the appellants contend that the City's approval of the proposed project does not conform to the requirements of the public access policies of Chapter 3 of the Coastal Act, and/or the certified LCP regarding historic preservation, public access, and procedure for the issuance of Coastal Development Permits. The appellant also argues that the City's action is inconsistent with due process and that an incorrect CEQA analysis was performed.

Staff is recommending that the Commission find that **no substantial issue** exists with respect to whether the approval of the project is consistent with the certified LCP and the public access policies of the Coastal Act for the reasons set forth below.

C. Substantial Issue Analysis

1. Historic Preservation

Chapter 25.45 of the City's certified Implementation Plan is the section regarding historic preservation. Section 25.45.002 of the City's certified Implementation Plan states, in part:

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings and their settings... within the city that reflect special elements of the city's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage to achieve the following objectives:

- A) Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history;*
- B) Enhance the visual character of the city by encouraging the preservation of those buildings which make a significant contribution to the older*

neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;
C) Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
D) Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists and visitors...

Section 25.45.010 of the City's certified Implementation Plan states, in part:

Procedures for demolition. The following procedures shall be applied to all historic structures listed on the historic register and those structures listed on the historic inventory.

A. Demolition permits are subject to compliance with the provisions of the California Environmental Quality Act and Title 14 of this code.

B. Applicants for demolition of historic buildings which appear on the city's historic inventory or register or as required in this chapter shall make application for a demolition permit with the department of community development.

C. Upon receipt of the application to demolish, the department of community development shall, within thirty days, solicit input from the heritage committee prior to scheduling the request for public hearing before the design review board. Public noticing shall be as specified in Section 25.05.065(C) of this title.

D. Design Review Board Action. After the appropriate environmental review, pursuant to the California Environmental Quality Act (CEQA), the design review board shall receive a recommendation from the heritage committee and shall address and mitigate the cumulative impacts of allowing the demolition of structures that contribute to the overall neighborhood character or streetscape, but which may be individually insignificant. After conducting the public hearing, the design review board shall take the following action:

Approve permit, subject to a waiting period of up to ninety calendar days to consider relocation and/or documentation....

E. Findings. Prior to issuance of a demolition permit, the design review board shall make one of the following findings:

- 1. The action proposed is consistent with the purposes of the ordinance and the historic resources element of the general plan; or*
- 2. There are no reasonable alternatives to demolition.*

The appellants also cite the following policies, which were added to the City's Land Use Element of the Land Use Plan by LCP amendment LGB-MAJ-1-10, which was approved with suggested modifications by the Commission at the December 2011 hearing. However, LGB-MAJ-1-10 was not yet effective at the time of the March 2012 City action. The cited policies became certified as part of the City's certified Land Use Plan when the Commission concurred with the Executive Director's determination that the City's action in accepting the Commission's suggested modifications was legally adequate, on May 9, 2012, thereby creating that date as the effective date of the policies

(14 CCR §§ 13544.5, 13545.5.), which was after the City had acted on the subject Coastal Development Permit. For purposes of substantial issue review, however, the Commission only considers consistency of the approved development with LCP policies effective at the time of the City's action on the application for development. Therefore, the Commission cannot rely on the following policies for its substantial issue review since they weren't effective at the time of the City's action on the subject permit.

Policy 1.1.13 of the City's Land Use Element states, in part:

Encourage preservation of historic structures...

Goal 2 of the City's Land Use Element states:

Preserve, enhance and respect the unique character and identity of Laguna's residential neighborhoods.

Policy 2.2 of City's Land Use Element states, in part:

Encourage the preservation of historically significant residential structures...

a. Appellants Contentions

The appellants contend that the development approved by the City would result in the demolition of a historic residence, which is inconsistent with the historic preservation policies of the City's LCP, and would raise a negative precedent by basing their decision on illegal demolition and rewarding unpermitted development.

The appellants contend that the residence on the site is historic because 1) the residence is located on the City's historic inventory; 2) the residence is historic in and of itself; and 3) the residence is historic due to its connection with Guy Skidmore and the Skidmore Development Company.

The appellants contend that, due to the historic nature of the residence, and because there are reasonable alternatives to demolition including rehabilitation of the structure, the City-approved demolition of the residence would be inconsistent with City Implementation Plan Sections 25.45.002 and 25.45.010. The appellants also contend that the demolition would be inconsistent with Goal 2 and Policies 1.1.3 and 2.2 of the Land Use Element portion of the City's Land Use Plan, which were not yet effective at the time of the City's action.

The appellants contend that the applicant based their rationale for allowing demolition of the structure on the condition of the building due to previous unpermitted demolition. The appellants contend that allowing illegal demolition to be used as justification for complete demolition could encourage lawless destruction of coastal historical resources statewide. The appellants state that the precedent set by the City's action is detrimental to the future of other local historic resources and through this case could become a reference for similar decisions elsewhere.

b. Analysis

In the City's action, the City considered multiple contrasting viewpoints regarding the historic nature of the property, and reviewed expert testimony from multiple sources. The City's record includes: 1) a 2009 and 2011 report by Galvin Preservation Associates (GPA), 2) a Peer Review of the 2011 GPA report by Ostashay and Associates, and 3) letters from the public. The reports by Galvin Preservation Associates and the peer review by Ostashay and Associates determined that the residence did not have historical significance due to a lack of historic integrity of the original structure caused by alterations which occurred over the lifetime of the structure, and concerns relating to whether the original structure had sufficient historical importance. Public comment letters (including those from the appellants and the applicant) argued both for and against a historic significance for the residence.

There is substantial evidence that the City acted in a manner consistent with the certified LCP. The City's record includes evidence opposing a finding for historical significance of the residence, including expert testimony, multiple descriptions of the degraded condition of the site, and how the residence had changed over time. The City solicited the input of the Heritage Committee, as required by Section 25.45.010 of the implementation Plan. At the December 15, 2011 Design Review Board and March 6, 2012 City Council hearings, the City considered the presented evidence, including the historic significance of the original structure, the state of the existing house, the effects on the historic integrity that alterations to the original structure had over the years, and the effects that recent unpermitted demolition to the residence had on its historic nature. The City did not consider only the effects that unpermitted demolition in 2009 had on the historical integrity of the structure, but rather considered the state of the existing building as it had been modified over its lifetime, including additions and alterations to the structure made since the residence was listed as Key rated on the City's Historic Inventory in 1981. Although some members of the Design Review Board and City Council found that the residence did qualify as historic, the presented expert testimony and the majority of the Board and Council found that such historical significance did not exist. In their findings for their decision, both the Design Review Board and the City Council made clear that they no longer considered the residence to have historic significance, and that demolition of the structure was consistent with the historic preservation policies of the LCP.

Given the lack of historical significance, and the degraded condition of the residence, the City made findings that there were no reasonable alternatives to demolition and approved the demolition of the existing residence. The minutes for the City Council hearing show that alternatives, such as reconstruction of the original residence, were considered but determined infeasible due to the lack of historical integrity. Therefore, the City's action is consistent with Sections 25.45.002 and 25.45.010 of the City's certified Implementation Plan.

The policies of the Land Use Plan cited by the appellant were not effective at the time of the City's action. Nevertheless, the City's action is not inconsistent with the cited policies. The City found that the residence did not constitute a historic structure.

Therefore, demolition of the existing structure is consistent with Goal 2 and Policies 1.1.13 and 2.2 of the City's Land Use Plan, which encourage preservation of historically significant structures, and the protection of the character of residential neighborhoods.

2. Impacts to Public Access

Section 25.07.012 of the City's certified Implementation Plan states (in part):

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

- 1) The project is in conformity with all the applicable provisions of the general plan, including the certified local coastal program and any applicable specific plans;*
- 2) Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act;*
- 3) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.*

a. Appellants Contentions

The appellants contend that the City incorrectly made findings that the project would not result in impacts to public access because 1) the City erred in issuing building permits for repair of the stair tower before code enforcement issues on the site are resolved, and 2) that the subject permit, for demolition of the existing residence and garage, should have included measures to address the existing nonconforming beach access stair tower which is partially located on the public beach.

b. Analysis

The appellants state that the applicant has applied for a building permit to perform repairs to the existing stair tower, which is located past the bluff edge. The City has stated that they did receive a separate application from the subject CDP for repair of the stairway; however due to location of the stairway past the seaward property line the City did not issue a permit authorizing the repair of the stairway, and the applicant withdrew their application.

Section 25.07.008 of the City's Implementation Plan outlines the types of development that are exempt from Coastal Development Permit requirements. Subsections (A) (3) and

(B) (1) of this section state that improvements to existing structures within 50 feet of a coastal bluff require a Coastal Development Permit, and subsection (C) states that repair and maintenance activities within 50 feet of the edge of a coastal bluff require a Coastal Development Permit. The existing stairway and the existing guest house are located within 50 feet of a coastal bluff. Therefore, any repair and maintenance activities or improvements to these structures would require a Coastal Development Permit.

The City states they have no record of any permits for repair which have been issued since the City gained permitting jurisdiction over the area. Likewise, commission staff has been unable to find evidence that a Coastal Development Permit has been approved for repair of the existing stairway. Therefore, if repair, maintenance, alteration or improvements have been constructed to the existing stairway, those repairs have been done without the necessary local approvals, including Coastal Development Permits, and should be addressed through an enforcement action.

The appellant contends that the nonconforming structures on the site are resulting in impacts to public access, and that the nonconforming stairway should have been addressed by the City in their action to demolish the residence and garage on the site.

The stairway is a visible structure located on the bluff face (Exhibit 2), and which is located past the applicant's property line and on the area of the public beach. However, the scope of the development approved by the City is limited to the demolition of the existing residence and detached garage. The policies of the LCP do not state that demolition of one structure on the site necessitates the demolition of a separate nonconforming structure that was not included in the application. No alterations are being proposed to either the guest house near the bluff edge or the stairway on the bluff face. Furthermore, the applicant is not requesting in this action to redevelop the site, and is not requesting the retention of these nonconforming structures. The proposed demolition of the residence and garage would not result in impacts to public access, and the demolition of the structure would in no way rely on the presence of the nonconforming stairway and guest house. Therefore, the proposed development is consistent with LCP policies related to public access.

Commission staff has received notification that the City is currently in the process of reviewing an application for a Coastal Development Permit which includes a new 5,320 sq. ft. single family residence and retention of the existing nonconforming beach access stairway and guest house. The first Design Review Board hearing for the separate CDP application is scheduled for February 7, 2013.

The City's consideration of the new residence and the retention of the nonconforming stairway and guest house is an opportunity to evaluate the possibility of bringing all the development on the site into conformity with current land use regulations. The City's action should address the impacts of these structures, and whether the new residential construction and retention of the accessory structures would be consistent with the policies of the City's certified LCP and the Coastal Act's public access and recreation policies. Therefore, the City's review should address any potential for impacts to: 1)

scenic views; 2) public access, including impacts resulting from nonconforming private structures located on the public beach; 3) effects of nonconforming structures on the stability of the bluff; and 4) alterations to natural landforms. Any coastal development permit approved by the City is appealable to the Commission.

3. Adequate Consideration of LCP Policies

Section 25.07.012 of the City's certified Implementation Plan states (in part):

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

- 1) The project is in conformity with all the applicable provisions of the general plan, including the certified local coastal program and any applicable specific plans;*
- 2) Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act;*
- 3) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.*

a. Appellants Contentions

The Design Review Board's December 15, 2011 approval of the demolition request was appealed to the City Council, set to be heard January 24, 2012. However, by that time City staff had been advised by Commission staff that a Coastal Development Permit (CDP) is required for a stand-alone demolition project. Therefore the Council continued the appeal hearing, referring the matter back to the Design Review Board for a second hearing, this time for the CDP.

At the second design review hearing, City staff instructed the Board that the hearing was not a full hearing regarding the historical nature of the property, but a corrective procedural matter and not to revisit the original approval. The appellants contend that the Board did not consider the policies of the LCP, and that three findings made at the hearing were incorrect, inconsistent with Section 25.07.012 of the City's certified Implementation Plan, and the other respective portions of the LCP.

b. Analysis

The appellants are correct that the consideration of a Coastal Development Permit requires the consideration of all applicable policies of the City's Local Coastal Program, including the policies regarding historic preservation. However, as described above in

Section 1, the City conducted a thorough analysis of whether the existing residence constituted a historical resource. The minutes of the Design Review Board and the City Council hearing show that the City considered the applicable policies of the Implementation Plan in their decision to approve the demolition of the residence on the site. Although the City may have been incorrect in their instructions to not consider the historical preservation policies of the LCP in their approval of the Coastal Development Permit, the City's action did include the adequate consideration of those policies. Therefore, the City's action is consistent with the certified LCP.

4. Due Process / Consistency with CEQA

The appellant states that recusal of one of the members of the City Council at the hearing was inappropriate and incorrectly altered the final decision. Additionally, the appellant states that the exemption of the project from CEQA was inappropriate, given the dispute among experts regarding the historical significance of the property, and the City used an improper baseline of after illegal demolition occurred for evaluating the condition of the structure.

The appellant did not cite a specific policy of the LCP which pertains to the procedures for recusal of members of the City Council. The City determined that the recusal of one of the members of the Council would allow for a more impartial consideration of the appeal of the Design Review Board decision, and there is not substantial evidence that this recusal was inconsistent with the policies of the Local Coastal Program. Therefore, the recusal does not raise a substantial issue regarding consistency with the certified Local Coastal Program.

The appellant raises concerns regarding issues that the environmental review performed pursuant to the California Environmental Quality Act (CEQA) was inadequate. Specifically, the appellant cites section 25.45.012 of the certified LCP, regarding the findings that must be made in order to approve a Coastal Development Permit, and states that the City conducted an improper CEQA review.

An appeal to the Coastal Commission challenging a local agency's approval of a coastal development permit is limited to an allegation that the development does not conform to the standards set forth in a certified LCP. As a result, the Coastal Commission is not the appropriate governmental body to resolve the appellant's argument that the City did not comply with CEQA when it issued a CEQA exemption for the proposed development nor does this assertion constitute grounds for an appeal of a coastal permit. Therefore, the Commission finds that the appellant's arguments with respect to CEQA raise no substantial issue.

5. Conclusion

Based upon a review of all of the information provided to the Commission regarding this project, the Commission finds that the proposed development is consistent with the historic preservation policies of the LCP and the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that the appeal does not raise a substantial issue regarding the proposed development's conformity with the certified LCP or the public access and recreation policies of the Coastal Act.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****SECTION I. Appellants**

Village Laguna
P. O. Box 1309
Laguna Beach, CA 92652

South Laguna Civic Association
P. O. Box 9668
South Laguna, CA 92652

949-494-3624

949-499-0505

RECEIVED
South Coast Region

SECTION II. Decision Being Appealed

MAR 23 2012

1. Name of local/port government: City of Laguna Beach
2. Brief description of development being appealed:

CALIFORNIA
COASTAL COMMISSION

Approval to demolish "Stonehenge" a K (key)-rated historical house and garage with octagonal sun room above. The property is on the City's historic inventory. Resolve issue of existing private beach access stair tower on public beach.

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

31381 Coast Highway, Laguna Beach, on the ocean side of Coast Highway, between Camel Point Drive and West Street

APN 056-032-10 Lot C, Tract 831

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-LGB-12-091

DATE FILED:

3/23/2012

DISTRICT:

South Coast

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

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

Planning Director/Zoning Administrator

X City Council, upholding the decision of the Design Review Board on appeal.

Planning Commission

Other

6. Date of local government's decision: March 6, 2012

7. Local government's file number (if any): Design Review 11-193 and Coastal Development Permit 12-222

SECTION III. Identification of Other Interested Persons

Ann Christoph
31713 Coast Highway
Laguna Beach, CA 92651

Richard Picheny
32029 Point Place
Laguna Beach, Ca 92651

Barbara Metzger
2669 Nido Way
Laguna Beach, Ca 92651

Barbara Picheny
32029 Point Place
Laguna Beach, Ca 92651

Bill Ives
31538 Egan Road
Laguna Beach, CA 92651

Bill Rihn
31681 Third Avenue
Laguna Beach, Ca 92651

Charlotte Masarik
761 Oak Street
Laguna Beach, Ca 92651

Faith Fontan
1559 Catalina
Laguna Beach, Ca 92651

Gene Felder
2680 Park Avenue
Laguna Beach, Ca 92651

Johanna Felder
2680 Park Avenue
Laguna Beach, CA 92651

Ginger Osborne
31651 Santa Rosa Drive
Laguna Beach, Ca 92651

Leah Vasquez
606 Bluebird Canyon Drive
Laguna Beach, Ca 92651

Rosemary Boyd
3002 Bern Drive
Laguna Beach, Ca 92651

Toni Iseman,
2338 Glenneyre,
Laguna Beach, Ca 92651

Linda Morgenlander
872 Cliff Drive
Laguna Beach, CA 92651

Alan Hess
4991 Corkwood Lane
Irvine, CA 92612

Larry Nokes
470 Broadway, Suite 200
Laguna Beach, 92651

John Meehan
362 Pinecrest
Laguna Beach, CA 92651

Anders Lasater
Anders Lasater Architects
384 Forest Avenue, Suite 12
_Laguna Beach, California 92651

Clay Daniels
1745 S. Coast Hwy.
Laguna Beach, CA 92651

Josh Borella
Peter Borella Engineering Geology
900 N Coast Hwy.
Laguna Beach, CA 92651

Andrea Galvin
611 South Pacific Coast Highway, Suite 104
Redondo Beach, CA 90277

Jan Ostashay
P. O. Box 542
Long Beach, CA 90801-0542

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

We are appealing the City of Laguna Beach decision to allow demolition of historical structures at 31381 Coast Highway on the City's historic inventory, protected by numerous policies in the LCP. We are also raising issues related to an existing private stair tower that is built on the public beach. We are appealing for the following reasons:

1. **Important Resource, Pioneering Public Coastal Dedications**

The residence and garage/sunroom in question, known as "Stonehenge," are significant to Laguna Beach history both in themselves and because of their early (mid-1920s) connection with Guy Skidmore and the Skidmore Development Company, who planned and developed Coast Royal, the oldest subdivision in South Laguna. As noted by Eric Jessen, former Orange County Parks chief of planning and acquisition, the Skidmores' pioneering plan was the first in Orange County to dedicate beaches for public use as well as a system of public parks and accessways to the beach. **(See Attachment A for the history of the property)**

2. **Historic Preservation Critical to Laguna Beach LCP and Coastal Act policies**

Preservation of buildings that tell of the city's early settlement and beach-cottage days gives visitors and residents an impression of the community timeline and the opportunity to discover and enjoy the quaint and one-of-a-kind crafted houses of Laguna Beach's diverse neighborhoods. Historic preservation is important to preserving the "special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses" (Section 30253(e) of the Coastal Act). Laguna Beach and its neighborhoods are special in this way.

Section 25.45.002 of the LCP/Zoning Code contains several provisions that parallel this Coastal Act provision, including the following objectives:

- (A) Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history;
- (B) Enhance the visual character of the city by encouraging the preservation of those buildings which make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;
- (C) Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
- (D) Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists and visitors;

(See Attachment B, letter from Alan Hess, architect and architectural historian, on the neighborhood context of "Stonehenge")

3. Precedent Setting

This request for demolition is unusual in that the applicant's rationale for demolition is the condition of the building due to previous illegal/unpermitted demolition. The property has been in code enforcement since 2009. (See Attachment C, Chronology, Attachment D, Village Laguna letter of January 19, 2012, Attachment F, South Laguna Civic Association letter of January 8, 2012, and Attachment G, the power point presentation from the March 6, 2012 City Council hearing) The City's action not only lets the illegal actions go unpunished (the penalties outlined in the zoning code were not imposed or even discussed during the hearings) but in fact rewards unpermitted demolition. The damage to the historic resources will not only go unrepaired but total destruction will be allowed. This rewarding of illegal behavior opens the way for more destruction of the city's historic structures and the deterioration of the "special community" and its "unique characteristics." The first city body to consider the demolition request, the Heritage Committee, citing both the historic importance of the buildings and the precedent-setting nature of the case, unanimously recommended against demolition and urged the applicant to rehabilitate the structure.

4. Due Process

Toni Iseman, the councilmember who filed the appeal of the Design Review Board's 3/2 approval of the demolition, was prevented from participating as a councilmember and voting on her own appeal by instruction of the city manager and city attorney. They said that the wording of her appeal revealed too much of her opinion for her to be an unbiased decision-maker. It goes without saying that a councilmember who appeals a project must certainly think there was something wrong with the lower body's decision or he or she would not have considered appealing. Councilmember Iseman is in her fourth term and has filed numerous appeals. This is the only time that she has been pressured to disqualify herself for this reason. Her removal from the dais colored the view of the issue for the other council members and prevented her from commenting during the decision-making part of the meeting and, of course, from voting.

5. Lack of Compliance with the LCP

The City's LCP includes both the Land Use Element of the General Plan and the Zoning Code, and these documents include policies and regulations for historic preservation. While these policies are central to the consideration of the demolition of the historic structures, the Coastal Development Permit issued by the City does not include the findings that address them.

These provisions include the following (emphasis added) :

From the General Plan/Local Coastal Program, Land Use Element:

Page 1 Guiding Principles

The following guiding principles provide the basis for detailed policies included in the General Plan elements.

1. Strengthen our sense of community. The General Plan envisions Laguna Beach as a place of abundant scenic natural beauty, small-town village charm, and cultural diversity. Laguna residents take great pride in their community, which has a tradition of promoting the arts, historic preservation, and participation in civic and community organizations. The community is made up of quiet, close-knit neighborhoods of beachside and hillside homes. The residential neighborhoods are complemented by

amenities such as the beaches, trails, shops, and restaurants, and these amenities are easily accessible to residents and visitors. Ongoing public education, civic participation, and monitoring regional growth are keys to maintaining and enhancing the positive characteristics of the community.

Page 7-3 **Action 1.1.13** Encourage preservation of historic structures and adaptive reuse of buildings.

Page 7-5 **GOAL 2:** Preserve, enhance and respect the unique character and identity of Laguna's residential neighborhoods.

Intent - The residential neighborhoods of Laguna Beach are diverse in housing design and are characterized by a strong neighborhood identity. Styles range from traditional to contemporary, with a majority of neighborhoods being of an eclectic mix. Pressures for development created by Laguna Beach's spectacular coastal and hillside settings and consistently high property values are perceived as creating cumulatively negative aesthetic and other impacts on these unique neighborhoods. In response to such impacts, Goal 2 sets forth policies and actions to preserve, enhance, and respect the character and identity that make Laguna Beach a highly desirable community in which to live through actions such as 1) amending zoning ordinances, including the implementation of long-term anti-mansionization standards; 2) changing the Design Review guidelines and process; 3) encouraging the preservation of historic residences; and 4) strengthening the Landscape and Scenic Highways Resource Document.

Policy 2.2 Encourage the preservation of historically significant residential structures and protect the character-defining components of Laguna Beach's traditional neighborhoods.

From the Zoning Code:

Section 25.45 Historic Preservation

25.45.002 Intent and purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings and their settings, structures, objects, monuments, sites, places, and areas within the city that reflect special elements of the city's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage to achieve the following objectives:

- (A) Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history;
- (B) Enhance the visual character of the city by encouraging the preservation of those buildings which make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;
- (C) Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
- (D) Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists and visitors;
- (E) Promote the private and public use of historic resources for the education, prosperity and general welfare of the people;

(F) Stabilize and improve property values within the city. (Ord. 1458 § 1 (part), 2006: Ord. 1179 § 5 (part), 1989).

25.45.010 Procedures for demolition.

The following procedures shall be applied to all historic structures listed on the historic register and those structures listed on the historic inventory.

(A) Demolition permits are subject to compliance with the provisions of the California Environmental Quality Act and Title 14 of this code.

(B) Applicants for demolition of historic buildings which appear on the city's historic inventory or register or as required in this chapter shall make application for a demolition permit with the department of community development.

(C) Upon receipt of the application to demolish, the department of community development shall, within thirty days, solicit input from the heritage committee prior to scheduling the request for public hearing before the design review board. Public noticing shall be as specified in Section 25.05.065(C) of this title.

(D) Design Review Board Action. After the appropriate environmental review, pursuant to the California Environmental Quality Act (CEQA), the design review board shall receive a recommendation from the heritage committee and shall address and mitigate the cumulative impacts of allowing the demolition of structures that contribute to the overall neighborhood character or streetscape, but which may be individually insignificant. After conducting the public hearing, the design review board shall take the following action:

Approve permit, subject to a waiting period of up to ninety calendar days to consider relocation and/or documentation.

(1) During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city once a month for the first two months following the design review board's hearing. Such advertisement shall be one-quarter page in size and shall include a photograph of the structure, the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the department of community development prior to issuance of a demolition permit.

(2) Any application for relocation of the structure shall be filed within the specified waiting period as determined by the design review board.

(3) The design review board may extend the waiting period up to one hundred eighty days if it determines that relocation is imminent.

(4) During the continuance period, the heritage committee may investigate relocation of the building or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.

(5) During the continuance period, the applicant may pursue plan approval.

(E) Findings. Prior to the issuance of a demolition permit, the design review board shall make one of the following findings:

(1) The action proposed is consistent with the purposes of the ordinance and the historic resources element of the general plan; or

(2) There are no reasonable alternatives to demolition. (Ord. 1458 § 1 (part), 2006: Ord. 1179 § 5 (part), 1989).

The City's Design Review Board heard the Design Review permit application to demolish on December 15, 2011. In its approval of the demolition permit the Board made the finding that "there is no reasonable alternative." Yet the City's own historical consultant presented rehabilitation as a reasonable alternative, and that option was supported both by the recommendation of the City's Heritage Committee and by public testimony at the hearing. Approved rehabilitation plans, ready for building permits, have been on file at the City since March 2010. The rehabilitation option is a reasonable one.

At this meeting the Board made no findings related to consistency with the provisions of the General Plan or the LCP.

Chapter 25.07 Coastal Development Permits

25.07.012 Procedures.

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

- (1) The project is in conformity with all the applicable provisions of the general plan, including the certified local coastal program and any applicable specific plans;
- (2) Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act;
- (3) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

The Design Review Board's December 15, 2011 approval of the demolition request was appealed to the City Council, set to be heard January 24, 2012. However, by that time City staff had been advised by Coastal staff that a Coastal Development Permit (CDP) is required for a stand-alone demolition project. Therefore the Council continued the appeal hearing, referring the matter back to the Design Review Board for a second hearing, this time for the CDP.

At this hearing the Design Review Board was informed by staff that "the original design review approval may not be re-visited with this current Coastal Development Permit application, but rather that the review of the requisite Coastal Development Permit is a corrective procedural matter only." (See the staff report for the February 9, 2012 hearing.) This advice overlooked the fact that Board in the previous hearing had never made the findings for conformity with the LCP and General Plan. As a result, the historic preservation policies to which the project had to conform to make the required findings for the CDP were not considered.

FINDING (1)

On finding (1), the City's resolution approving the Coastal Development Permit reads:

The project is in conformity with all applicable provisions of the General Plan, including the Certified Local Coastal Program and any applicable specific plans, in that there is no alteration of the natural landform or grading of the site proposed in conjunction with the demolition of the existing single-family residence and garage structure.

This finding does not address the provisions of the General Plan/LCP that deal with historic preservation.

FINDING (2)

On finding (2), the resolution reads:

Vertical and lateral public access exists to and along this portion of the coast and demolition of the existing single-family residence and garage structure will not create any adverse impacts to the existing access conditions.

This resolution does not address the status of the existing private access stair tower from this property that is built on the public beach below. A portion of the public beach dedicated by the Skidmores in 1924 has been taken over for private use of the owners of this property.

In his power point presentation before the City Council, the applicant's attorney, Larry Nokes, raised issues related to some County of Orange approvals for additions to the Stonehenge/Guy Skidmore house in 1982. The site plan of the property submitted for the 1982 application shows an oceanfront property line that is in the form of an indented angle. **(See Attachment H)** The beach access stair tower is not shown on that site plan.

The tract maps for Coast Royal show the lot at 31381 Coast Highway (Lot C) with a similar shape. **(See Attachment K, Tract 702 and Attachment L, Tract 831, Lot C)** These maps also clearly delineate and designate the public beach dedication.

In October 2011 the applicant submitted a site plan for the purpose of obtaining a permit to repair the stair tower. The footprint of the stair tower is shown on this drawing. However, the oceanfront property lines are missing from this drawing, so it is not possible to see how the location of the stair tower relates to the oceanward limits of the lot. **(See Attachment I)**

Superimposing the 1982 plan on the 2011 drawing makes it clear that nearly all of the stair tower is outside the property line and is on the public beach. **(See Attachment J)**

It appears that since the oceanfront property lines were omitted from the 2011 site plan City plan reviewers were not aware that there could be coastal issues related to the stair tower, and they issued permits to repair the structure. In any case the City should not have been issuing any permits for this property until the code enforcement issues were resolved.

FINDING (3)

On finding (3), the resolution reads:

The proposed demolition is in compliance with the applicable rules and regulations set forth by the Municipal Code and will not have any significant adverse impact on the environment within the meaning of the California Environmental Quality Act in that the area of work is separated from the bluff edge by separate and detached structures which are proposed to remain undisturbed, and appropriate erosion control measures (Best Management Practices) will be implemented during the demolition process.

This finding does not begin to cover all the potential environmental impacts that must be considered under CEQA. In a letter of March 6, 2012, attorney Susan Brandt-Hawley, addressed the City Council on this point **(See Attachment E)**:

“To make the required findings under your Municipal Code and CEQA, the Council must consider the potential impacts of demolishing a vintage building that may qualify for historic status. (The Design Review Board was incorrectly informed that it could not consider such impacts.) A dispute among experts on this point — or any credible evidence supporting a fair argument of any other potentially significant historic impacts or general plan inconsistency — requires the preparation of an EIR. While I understand that the City Attorney provided an opinion that no consideration of historic resource impacts is required under LBMC section 25.07.012 (F), this does not apply to section (G) quoted above.”

In the letter referred to earlier, the architectural historian Alan Hess said, “In my opinion as an architect and architectural historian, the structure, though partially dismantled, retains sufficient original fabric and form to be restored. Its architectural integrity has not been compromised beyond rehabilitation.” This is the essence of the “dispute among experts,” offering a contrary view to that of the historians who say that the integrity of the structure has been compromised as result of the illegal demolition and therefore complete demolition should be permitted.

The city improperly exempted the project from CEQA despite arguable inconsistency with local plans and policies and impacts to cultural/historic resources. Therefore there is no CEQA document or analysis that the Coastal Commission can utilize. (The Coastal Commission's CDP process is the “functional equivalent” of the EIR process; but this equivalency has not been met here. In order to make a decision on this project there is still the need to analyze site-specific and cumulative impacts and consider mitigations and alternatives.)

In addition, Susan Brandt-Hawley states that the City has used an incorrect baseline for evaluating the condition of the structure, since the rehabilitation plans had already been applied for when the illegal demolition occurred:

“The appropriate CEQA baseline from which the City must measure and analyze the environmental impacts of this proposed demolition project is the 2009 application by the former owner to restore the historic home (Agenda Bill at 2.) Unpermitted partial demolition that subsequently occurred cannot now justify approval of design review of the CDP. And even if one (incorrectly) considers a 2011 baseline, the expert opinion of Alan Hess is substantial evidence that the home retains sufficient integrity to retain its historic status.”

CONCLUSION

In summary, we ask that the Commission find substantial issue and consider this permit de novo.

There is ample evidence that the City's decision was not consistent with the historic preservation provisions of the Local Coastal Program and that historic preservation is of particular importance to the public's experience of Laguna Beach as a unique coastal community.

The precedent set by the City's action is detrimental to the future of other local historic resources and through this case could become a reference for similar decisions elsewhere.

Allowing illegal demolition to be used as justification for complete demolition could encourage lawless destruction of coastal/historical resources statewide.

In a case such as this one, where damage occurred after the filing of an application, it is important to establish a baseline for evaluation of a historic resource as being before the illegal damage occurred,

If the City's approach to granting the CDP in this instance, that is, excluding applicable and to-the-point provisions of the LCP from consideration, becomes accepted practice, the implementation of the LCP policies on historic preservation and any other topic may be severely affected.

Finally, the existing beach access stair tower raises issues of public access to the beach by taking privatizing beach land dedicated for public use.

The illegal activities that have gone on at this property have harmed the public interest and coastal resources and should not remain unaddressed. It is time to set the development pattern on this property back on the right track.

Attachments:

- A. Historical Summary
- B. Letter from Alan Hess
- C. Chronology
- D. Village Laguna letters of January 19, 2012 and February 28, 2012
- E. Letter from Susan Brandt-Hawley
- F. South Laguna Civic Association letter of January 8, 2012
- G. Printout of Power Point presentation, March 6, 2012 City Council meeting
- H. Site plan, 1982
- I. Site plan, 2011
- J. Site Plan, 2011 with ocean front property line
- K. Tract 702, Coast Royal
- L. Tract 831, Amendment to Coast Royal Tract, showing Lot C

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

SECTION V. Certification

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

*Village Laguna
Singer Osborne,
President*

*SOUTH LAGUNA CIVIL ASSOCIATION
by Richard PICHENY, VICE President*

Signature of Appellant(s) or Authorized Agent

March 22, 2012

Date:

MARCH 22, 2012

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

Section VI. Agent Authorization

I/We hereby
authorize _____

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

Signature of Appellant(s)

Date: _____

Attachment A Historical Summary

STONEHENGE, THE BEGINNING

The historic "Stonehenge" house is marked by the octagonal cupola and sunroom just north of Laguna Royale, a landmark as viewed from Coast Highway. Stonehenge dates back to the very early days when there were no street numbers in South Laguna and each house had a name instead. "Stonehenge" may be a reference to the overhanging, steep stone cliff face on the ocean side of the property.

Stonehenge is not just an iconic feature but is associated with important events and people in Laguna's history.

The house is a Key (K-rated) historical resource, originally the home of Guy Skidmore. He and his brother Joe Skidmore of the Skidmore Development Company were stepsons of Nate Brooks, known as the "Father of Laguna Beach." The Skidmores were important to Laguna Beach history in the 1920s and '30s, associated with Laguna's first water system, the incorporation of the city, and the construction of a Laguna Beach airport where the St. Regis Hotel is now.

The Skidmores filed the tract map for Coast Royal in 1924, making the neighborhood north of Eagle Rock Way including Monterey, Brooks, Bluff Drive, and Camel Point the oldest in South Laguna.

The design of Coast Royal was innovative for its time. Former Orange County Parks chief of planning and acquisition Eric Jessen writes,

"The Skidmores made statewide history in dedicating for public use the County's West Street and Camel Point beaches. This is the earliest known public beach dedication in Orange County. The developers also established a series of public access ways cascading down the slope of Aliso Peak from Brooks Street to the shoreline. Using locally collected, native San Onofre Breccia (stone), they constructed for public use the stairway still located just south of Camel Point Drive and the picnic shelter at the foot of this stairway. These were among the first developer-constructed coastal access improvements in the state."

Joe and Guy Skidmore each built a home in Coast Royal to demonstrate their commitment to quality investment in the area. Joe's was at Camel Point, Guy's was Stonehenge. When the Great Depression hit, the Skidmores lost many of their properties. By 1931 Stonehenge was owned by Mr. and Mrs. William Crockett Watkins. Mr. Watkins was a key figure in the South Coast Improvement Association, working for scenic beautification. He was instrumental in arranging for State Emergency Relief Administration (SERA) workers to plant street trees in South Laguna. SERA was a state agency similar to the WPA on the federal level. Community meetings were often held at Stonehenge, and the Watkinses built the octagonal sunroom over the garage.

RECENT EVENTS

Stonehenge was stripped of its interior without permits in June of 2009. The City issued a stop work order (June 4, 2009) and a letter of violation (June 18, 2009). At the direction of the City, the owners prepared plans to rehabilitate the house and hired a historical consultant, Galvin Preservation Associates, to prepare historical recommendations. These plans were approved by the city's Heritage Committee and were ready for building permits in March of 2010. Then, in fall 2010, demolition resumed, again without permits, removing the exterior surfaces. The City issued another stop work order (September 28, 2010) and then an administrative citation (November 16, 2010).

The property remains in code enforcement, and according to the residential property report issued by the City, any new owner is obligated to resolve the outstanding code violations.

New owner John Meehan proposes to resolve those code violations by obtaining a demolition permit to destroy the structures completely. The applicant's position is that "the historic integrity has been compromised and there is no longer historic value to the buildings." However, the framing, foundation, fireplace, roof, and cross-gables are still intact, and an argument has been made that the house can and should be rehabilitated.

Prior to purchasing the property, in June 2011 prospective owner John Meehan asked the Heritage Committee to approve the idea of demolishing the house. The Heritage Committee informed him that they could not support demolition. He made the request again after purchase, in August 2011 and the Heritage Committee reaffirmed their recommendation not to demolish but to rehabilitate the house in keeping with the approved plans on file.

In fall 2011 an application for repair of the stair tower to the beach was submitted to the City and permits for that repair were approved on October 11, 2011. The owner is listed as John Meehan, Trustee and the applicant was Laguna Crest Enterprises, Inc., DBA Tresor Construction.

Following are the events in the City permit process for the application to demolish the buildings.

December 15, 2011 Design Review Board hearing, approval of Design Review Permit, 3/2 vote.

January 24, 2012 Appeal scheduled for City Council but project was sent back to Design Review for a Coastal Development Permit.

February 9, 2012 Design Review approves CDP, 3/2 vote

March 6, 2012 City Council upholds Design Review approvals to demolish, 3/1, with Council Member Iseman recused.

Attachment B Letter from Alan Hess

ALAN HESS
ARCHITECT
4991 CORKWOOD LANE
IRVINE, CA 92612
949.551.5543
alan@alanhess.net

February 28, 2012

Laguna Beach City Council
505 Forest Avenue
Laguna Beach, CA 92651

Re: 31381 Pacific Coast Highway (Stonehenge/Guy Skidmore House)

To the City Council:

I strongly advocate the preservation of the historic Stonehenge House. I have visited the site and reviewed its history. In my opinion as an architect and architectural historian, the structure, though partially dismantled, retains sufficient original fabric and form to be restored. Its historical architectural integrity has not been compromised beyond rehabilitation.

The importance of preserving Stonehenge goes beyond this one structure's significance as a historical resource, however. It is also a significant historical resource because it is an integral and representative part of the Skidmore brothers' vision to establish a high quality character for Laguna Beach.

Demolishing Stonehenge would materially diminish that larger vision. It is a vision which relates directly to the identity of Laguna Beach that we enjoy and appreciate today: a unified (not piecemeal or disjointed) urban design for neighborhoods, a simplicity of form to contrast with the magnificent mountains and ocean, and a respect for and integration with nature.

For the city's purpose, Stonehenge cannot be considered as just one isolated structure. It contributes to an existing (though unfortunately diminishing) historic district of early Laguna Beach homes in the Coast Royal neighborhood established by the Skidmores in the 1920s. This district's qualities are distinctive to Laguna Beach, and contribute to its current character. These qualities embodied in houses such as Stonehenge can be considered civic assets, as they create a valuable civic identity. To decimate this asset is to alter the city's value unnecessarily.

Stonehenge, the Joe Skidmore house (31302 Camel Point), the Ilsey house (31351 Coast Hwy.), and other historic houses in the immediate area form a set of buildings that define the appealing character of South Laguna. The low cottage-like form, the sloping gable roof, the local San Onofre Breccia stone walls, steps, and paths throughout this district (and on the Stonehenge site) are intentional architectural and aesthetic features that unify the entire district, not just one house. As an architect, it is clear to me that though the house may have

lost some of its original fabric, it can be brought back to its original character through rehabilitation. The house is not so far altered as to compromise these features.

Architecturally, the house appears to be more than a simple beach cottage; this reflects the level of quality as conceived by the Skidmore brothers. While the simplicity of the overall double-gabled roof fits with the simplicity of a beach cottage, certain elements suggest a more sophisticated house for the time and place. For example, the half timbering which appears to be part of the original exterior gives the house a specific historical style (Tudor) to distinguish it from a plain beach cottage.

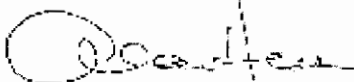
The value of rehabilitating Stonehenge lies in maintaining the character of the South Laguna neighborhood -- an effort that benefits the neighborhood, the city, and the property owner. Any meaningful evaluation of Stonehenge House must take this larger picture into account; it was part of the concept for the area historically, and it raises the level of public quality in the district today.

My own work and research as a historian focuses on the architecture of twentieth century California. I am a licensed architect, and have published eighteen books on architectural history, most focused on California and the West in the twentieth century. I have written on architecture for the *Los Angeles Times*. I am the architecture critic for the *San Jose Mercury News*, where I often write about the need for the kind of unifying urban design seen on the neighborhood scale in Coast Royal. My resume is attached.

Coast Royal's unifying civic and planning elements are no surprise; the Skidmore Development Company was involved in many civic improvements for infrastructure, services, and public amenities. Today it is essential for our generation to maintain the high quality of comprehensive civic design and planning instituted by pioneers such as the Skidmores by preserving the remaining pieces of their efforts. Rehabilitating the significant historical resource of Stonehenge House is one important way to do this. Allowing the house's demolition would damage that vision.

The issue here goes far beyond one single house. The idea of preserving Stonehenge and its character ties into the character of South Laguna, and Laguna Beach in general. The illegal demolition suffered by the house does not irrevocably compromise its historical integrity. It can be brought back to play its role in the character of Laguna Beach. I urge you to take all necessary steps to preserve this significant historical resource and the high quality of neighborhood design and character it embodies.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alan Hess", with a stylized flourish at the end.

Alan Hess

RESUME OF ALAN HESS, ARCHITECT

4991 Corkwood Lane, Irvine, CA 92612 949/551 5343 alan@alanhess.net

WORK 1981- Alan Hess, Architect
1986- Architecture critic, **San Jose Mercury-News**

EDUCATION 1975-78 M.Arch. I, School of Architecture and Urban
Planning, University of California, Los Angeles
1970-74 B.A., Principia College, Elmhurst, IL

DESIGN Jamm's Coffee Shop, Petersen Automotive Museum, Los
Angeles County Museum of Natural History; principal
contributor to interpretive exhibits
Gordon Onslow-Ford guesthouse, Marin County, CA

TEACHING 1989-91 Instructor, University of California, Los Angeles
1986-90 Lecturer, Southern California Institute of
Architecture

PRESERVATION Design Guidelines, Heatherstone Community, Mountain
View, CA
Honor Award 1997, National Trust for Historic Preservation
President's Award, California Preservation Foundation
Qualified for National Register of Historic Places:
Bullock's Pasadena (Wurdeman and Becket 1947),
Pasadena CA
McDonald's Drive-In (Stanley C. Meston 1953), Downey,
CA
Valley Ho Hotel (Edward Varney, 1957), Scottsdale, AZ
Stuart Pharmaceutical Factory (Edward Durrell Stone
1958), Pasadena, CA
Expert testimony on behalf of landmark designations for
Century Plaza Hotel, Los Angeles (Minoru Yamasaki, 1966);
Bob's Big Boy, Burbank (Wayne McAllister, 1949);
Wichstand, Los Angeles (Armet and Davis, 1957), Columbia
Savings, Los Angeles (1964), Stanford Hospital (Edward
Durrell Stone, 1959), National Theater, Westwood (1969) and
other mid-century modern structures

FELLOWSHIPS Fellow, National Arts Journalism Program, School of
Journalism, Columbia University, 1997-98

GRANTS Graham Foundation for Advanced Studies in the Fine Arts,
research on Brazilian landscape architect Roberto Burle Marx,
1990

LICENSE Licensed architect, California # C 15747

SELECTED PUBLICATIONS

BOOKS:

- Casa Modernista: A History of the Brazil Modern House** Rizzoli International, New York 2010
- Oscar Niemeyer Buildings** Rizzoli International, New York 2009
- Frank Lloyd Wright: The Buildings** Rizzoli International, New York 2008
- Julius Shulman: Palm Springs** Rizzoli International, New York 2008
- Forgotten Modern: California Houses 1940-1970** Gibbs Smith Publisher, Layton, UT 2007
- Frank Lloyd Wright: Mid-Century Modern**, Rizzoli International, New York 2007
- Organic Architecture: The Other Modernism** Gibbs Smith Publisher, Layton, UT 2007
- Frank Lloyd Wright: Prairie Houses**, Rizzoli International, New York 2006
- Oscar Niemeyer Houses**, Rizzoli International, New York 2006
- Frank Lloyd Wright: The Houses**, Rizzoli International, New York 2005
- The Ranch House**, Harry Abrams, Inc., New York 2005
- Googie Redux: Ultramodern Roadside Architecture**, Chronicle Books, San Francisco 2004
- Palm Springs Weekend: the Architecture and Design of a Midcentury Oasis**, Chronicle Books, San Francisco 2000
- Rancho Deluxe: Rustic Dreams and Real Western Living**, Chronicle Books, San Francisco 2000
- The Architecture of John Lautner**, Rizzoli International, New York 1999
- Hyperwest: American Residential Architecture on the Edge**, Thames & Hudson, London 1996
- Viva Las Vegas**, Chronicle Books, San Francisco, CA 1993
- The Car and the City**, "Styling the Strip," chap. 13, University of Michigan Press, Ann Arbor, MI 1991
- Googie: Fifties Coffee Shop Architecture**, Chronicle Books, San Francisco, CA 1986

MAGAZINES AND NEWSPAPERS:

- "John Lautner and Los Angeles," **Los Angeles Times**, July 23, 2011
- "Coming to Terms with the Sixties," **National Trust Forum Journal**, Summer 2010, vol 24 no 4
- "Colorful Landmarks: how color shaped public space in 1950s suburbia," **New Geographies**, Harvard Graduate School of Design, Oct 2010
- "The Suburbs and the Ranch House," **California College of the Arts Architecture Studio Series**, 2005
- "The Place of Histories," **Architecture California**, 04:1, 2003
- "Steven Ehrlich house, Pacific Palisades," **Metropolitan Home**, Dec. 2005
- "Montalvo Artists' Village," **Architectural Digest**, June 2005
- "Cliff May's Romantic Mandalay," **Architectural Digest**, May 2005
- "Meeting the Horizon in California, Roscoe House by Helena Arahuete," **Architectural Digest**, Jan. 2005
- "Historic Architecture: Oscar Niemeyer," **Architectural Digest**, May 2003
- "The Place of Histories," **Architecture California**, 04:1, 2003
- "San Jose: A Downtown in the Making," **Places**, vol. 15, no. 2
- "High Art Parking Lot," **Rearview Mirror: Automobile Images and American Identities**, University of California, Riverside 2000

"Eine kurze Geschichte von Las Vegas," *Stadt Bauwelt* 143, Sept. 1999
 "City Center to Regional Mall," *Journal of Preservation Technology*, vol XXVII, no 4, 1997
 "New York, New York," *Architectural Record*, March 1997
 "John Lautner" *Progressive Architecture*, December 1994
 "The Origins of McDonald's Golden Arches," *Journal of the Society of Architectural Historians*, XLV: 60-67, March 1986
 "Technology Exposed," *Landscape Architecture*, May 1992, pp 38-48
 "Burle Marx: A Shaky Legacy," *Landscape Architecture*, April 1992 p 38
 "Back to Brasilia," *Progressive Architecture*, October 1991 pp 96-97
 "Greenwald house," *Los Angeles Times Magazine*, October 27, 1991, p 31
 "Of Cities and Their Halls," *San Francisco Examiner*, Aug. 7, 1991
 "American Style and Fifties Style: reviews," *Design Book Review*, Winter 1989
 "Schindler and Goff: Architectures," *L.A. Style*, March 1989
 "Monsanto House of the Future," *Fine Homebuilding*, August/September 1986, No. 34
 "The Eichler Homes," *Arts + Architecture*, Vol. 3, No. 3, 1984

SELECTED TALKS

LECTURES:

Getty Research Institute; Kansas City Modern; Dallas Modern; Arizona Preservation Conference Keynote; Nevada Museum of Art Symposium; Society of Architectural Historians Tour; Commonwealth Club of San Francisco; Society for Commercial Archeology Conference Keynote; Los Angeles Conservancy Welton Becket Centennial Keynote; Columbia University School of Architecture; Houston Modern; Phoenix Modern; Walker Art Museum; Chicago Humanities Festival; Cooper-Hewitt Museum of Design; Yale University School of Architecture; Graham Foundation for Advanced Studies in the Fine Arts; Greenwich (England) National Maritime Museum; Cliff May Lecture, Los Angeles Conservancy; Vancouver (B.C.) Alcan Lecture Series; Architecture League; International Association of Shopping Center Owners; National Real Estate Editors Association; Colby College Southworth Lecture; Monterey Design Conference; University of British Columbia; National Trust for Historic Preservation Conference; AIA 2005 National Convention, Las Vegas; Hammer Museum Symposium; San Francisco AIA; California Preservation Foundation; Schusev State Museum of Architecture, Moscow.

BROADCAST MEDIA AND FILMS:

"A Kick in the Head—The Lure of Las Vegas," BBC-TV January 2010
 "William Krisel, Architect," DesignOnScreen, 2010
 "Journeyman Architect: The Architecture of Donald Wexler," DesignOnScreen 2009
 "Desert Utopia," DesignOnScreen, 2008
 "Which Way LA," KCRW-FM, July 7, 2008
 "Which Way LA," KCRW-FM July 27, 2007
 "The Late Show," BBC-TV January 16, 1996
 "CBS Sunday Morning News with Charles Kuralt, January 23, 1994
 "Good Morning America, August 3, 1993

CBS Morning News, Jan. 17, 1990
Videolog, KCET, Los Angeles, June 1985
Patrick Monroe Show, CBC Radio, February 1987
Morning Edition, NPR, May 2, 1986
Smithsonian World, "Speaking Without Words," PBS, March 1984

SELECTED REFERENCES TO WORK

Thomas Hines, **Architecture of the Sun**, 2010
"Las Vegas meets la-la land," **Smithsonian**, October 1995
"In Los Angeles, a '50s Flameout," **New York Times**, September 7, 1995
"Oldest McDonald's Closes," **New York Times**, March 6, 1994
"Would Las Vegas Landmark Be an Oxymoron?" **New York Times**, Oct. 7, 1993
"Restaurant Architecture," **Journal of the Society of Architectural Historians**, XLVIII:2, June 1989
"Legacy of the Golden Arches," **TIME**, June 2, 1986
"Books: Pop Style to Free Style," **Progressive Architecture**, December 1986
"Googie: *Fifties Coffee Shop Architecture*, a review," **Architectural Record**, May 1986
"Who Says It's Not a Landmark?" **Historic Preservation**, November/December 1987
"Googie -- History Closing the Menu on a 1950s style," **Los Angeles Times**, June 9, 1986
"Now let's hear it for Googie style," **Vancouver Sun**, February 5, 1987
"Architecture and Design reviews," **Philadelphia Inquirer**, November 30, 1986
"Architecture To Go," David Dillon, **Dallas News**, June 22, 1986
"Googie: *Fifties Coffee Shop Architecture*," **Art and Design**, London, June 1986

Feb 2012

Attachment C Chronology

Pietig, John CM

From: Montgomery, John CD
Sent: Monday, August 15, 2011 11:23 AM
To: Pietig, John CM
Subject: 31381 Coast Highway
Attachments: RPR 31381 Coast Hy (2).pdf

John,

Here is a chronology and an attached RPR. The Heritage Committee and DRB will be trying to figure out how to respond to the illegal demolition of an historic structure.

4/14/08 Anonymous Service Request / Code Enforcement for property management

5/18/08 Exploratory demolition building permit issued for drywall, roofing and hardwood flooring (main structure)

9/19/08 Site Meeting for upper level addition occurred with City Planner, Alicia Crump, designer, Hugo Sosa and Steve Kawaratan. Owner (Donald Castro) did not attend meeting. Informed that Historic Resource Assessment Report may be required.

6/4/09 Code Enforcement: unpermitted construction - remodel entire house and decks, patio structure rebuild, remodel of cabana and site work.

7/22/09 Zoning Plan Check (ZPC) application to remodel interior of single-family dwelling (2,480 square-feet), replace and/or relocate some windows, repair decks
- Michael Tekstra, architect and First Newport Properties, property owner

10/19/09 Heritage Committee reviewed plans and a Historic Resource Assessment Report prepared by GPA (attached) showing compliance with the Secretary of Interior Standards to complete the remodel.

3/9/10 Building Permit (P09-01101) ready for issuance for remodel but not obtained

11/18/10 Code Enforcement: Demolition of exterior materials of house and garage

6/15/11 Real Property Report (attached) prepared informing the buyer of conditions and restrictions applicable to the property
"K" rated Historic Inventory: Historic Resource Assessment Report may be required for CEQA determination.
Unresolved Problems: Buyer is advised that the subject property remains in active Code Enforcement for illegal construction activity (Major demolition to the interior and exterior of single-family dwelling). Buyer is advised and accepts responsibility to legitimize this construction through the City's permitting, inspection and approval processes, and to contact Code Enforcement and arrange for compliance inspection within 60 days of escrow.

6/20/11 Heritage Committee reviewed a Historic Resource Assessment Report prepared by GPA to demolish the existing residence and wanted peer review of the report.

7/11/11 GPA memorandum in response to Heritage Committee comments at meeting.

8/3/11 Oshlashay & Associates peer review of Historic Assessment Reports and findings, and Impact Assessment w/Mitigation Recommendations.

8/5/11 Response to Oshlashay & Associates peer review by new property owner's attorney. New property owner is John Mahan.

John Montgomery



JAN 19 2012

To preserve and enhance the unique village character of Laguna Beach

January 19, 2012

#17

Laguna Beach City Council
505 Forest Avenue
Laguna Beach, CA 92651

RE: 31381 Coast Highway

Dear Mayor Egly and members of the City Council:

We are grateful for the appeal of the Design Review approval (3/2 vote) of demolition of this historic property. Not only does it give you the opportunity to rectify an incorrect decision of the Design Review Board, but rejection of the demolition will provide an opportunity to restore a house with a significant history in the community.

Chronology

The staff has prepared an excellent chronology (attached). Events of the last two years have been complicated by foreclosures and a series of owners/lenders subsequent to Donie Castro who owned the property since 1978. We are listing some of the salient events that have brought us to this point.

1. The owner (at that time First Newport Properties) obtained approvals to restore the Stonehenge house, a K-rated historic property, and permits were ready to pull. (March, 2010)
2. The exterior and interior surfaces of the residence were demolished, leaving the roof, framing, fireplace and foundation. This demolition did not have a city permit.
3. Work on the property was stopped by the City because of the unpermitted demolition. The code violations have not been resolved.
4. The Real Property Report identifies the illegal demolition and points out new owners are responsible for correcting the situation.
5. A prospective buyer of the property, Mr. Meehan, met with the Heritage Committee in June, 2011 to request their approval to completely demolish the house. The Committee unanimously refused to endorse his proposal because of the illegal demolition that had already occurred and the historic nature of the property.

SCANNED

For some people, having a house designated as historic on their property is an inconvenience. If illegal demolition becomes an acceptable way of removing the historical significance of such houses, the character of the community is at risk.

Even though the penalties outlined in the Historic Preservation Ordinance could be applied, we think that an option that cures the problem by repairing the damage is beneficial to both the community and the applicant.

Rehabilitation is Feasible and Appropriate

There are approved plans for rehabilitation that can be used to return the house to an attractive, livable dwelling, with approved exterior materials and details that conform to the historical rehabilitation recommendations done in 2009. The applicant should be encouraged either to proceed with those plans or to return to the Design Review Board with modifications that meet the City's concerns about the value of the resource that has been destroyed.

Criteria for Preservation

The applicant's historical consultant argues that the loss of integrity of the historic structure due to the illegal demolition is reason to completely demolish it.

We disagree with this conclusion because:

1. The house still retains character defining features such as the distinctive cross gable shape, the fireplace, foundation and framing that shows locations for original windows and doors. On the exterior the house is in the same condition that a house would be that needed its siding and windows replaced. These can be put back by referring to the 2009 report and the approved drawings on file.
2. Other character defining features of the site are still intact such as the octagonal sunroom, the stone work and the original portions of the pavilion. These add to the integrity of the site as a whole.
3. There are other criteria in the historic preservation ordinance that apply here:

25.45.004 D2(d) The identification with a person or persons or groups who significantly contributed to the culture and development of the city.

Stonehenge and Significant Historic Contributions


The house is associated with two important figures, the first owner and builder, Guy Skidmore, and the second owner, William Crocker Watkins, who according to newspaper archives built the octagonal sunroom and

meetings and gatherings, as shown in newspaper archives.

Benefits To All

We recommend the rehabilitation solution, not only from the public's standpoint of preserving our community's history, but from the standpoint of the applicant's benefit. A new owner may not recognize the value and uniqueness of a historical property until it is too late. There is a value of having a house with a story special to Laguna, something a brand new structure can never have. He many not know of the many benefits that may result from the incentives of our historical preservation program. There are not very many properties in our city that offer this potential, and it is a shame even from a real estate value standpoint to destroy any of them.

We urge you to uphold the appeal, reject demolition and encourage the applicant to include historic preservation and rehabilitation in his future plans.



Ginger Osborne
President



To preserve and enhance the unique village character of Laguna Beach

February 28, 2012

Laguna Beach City Council
505 Forest Ave.
Laguna Beach, CA 92651

RE: 31831 Coast Highway, "Stonehenge," Guy Skidmore house,
Meeting of March 6

Dear Councilmembers,

Once again, we appreciate having the opportunity to discuss the issues raised by the Design Review Board's approval of the demolition of the historic home known as Stonehenge. We refer you to our letter of January 19 arguing the significance of the structure and its early inhabitants to the history of Laguna Beach, the existence of reasonable alternatives to demolition, and the precedent-setting nature of an approval that rewards illegal behavior.

Since we wrote our earlier letter we've been confronted by an additional reason for you to overturn the approval. At a hearing held on February 9 to decide whether a coastal development permit could be granted for the demolition, the Design Review Board was inappropriately instructed not to consider the building's status as a historical resource. The findings that staff suggested for the board's adoption were limited to impacts on the land and on public access to the coast, and it wasn't difficult to argue that there were none. The majority who voted to grant the permit made it clear that they were following these instructions, and it's possible that one or more of the board members might have voted differently without them.

COASTAL DEVELOPMENT PERMIT FINDINGS

The findings required to grant a coastal development permit (25.07.012) are as follows:

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

- (1) The project is in conformity with all the applicable provisions of the general plan, including the certified local coastal program and any applicable specific plans;
- (2) Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act;
- (3) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

First, demolishing this historic house violates the intent of the Historic Resources Element (Goal #1: "Preserve and enhance buildings and structures of historic significance in Laguna Beach") and Policy 2.2 of the Land Use Element ("Encourage the preservation of historically significant residential structures"). It also conflicts with Action 1.1.13 of the Land Use Element policy on reducing greenhouse gases and Action 5.1.3 of the policy on promoting compatibility of land uses ("Encourage preservation of historic structures and adaptive reuse of buildings"). Finally, Design Review criterion 6 calls upon you to avoid whenever possible "destruction or alteration to properties with historic significance, as identified in the city's historic resources inventory or historic register."

The significance of the house has been determined by

- its listing on the City's Historic Inventory
- the Heritage Committee's recommendation, after reviewing the first report from professional consultant, Galvin Preservation Associates (GPA), that it be rehabilitated and preserved according to approved plans on file with the City. (It's significant that even though the GPA report was written after the interior demolition that creates such a strong impression of hopelessness, GPA still recommended rehabilitation.)
- the additional information that we have uncovered (which we presented to the DRB) regarding the relationship of the house to important local people and events
- the letter of the architectural historian Alan Hess regarding the building's importance in the context of Coast Royal and the Skidmores' work.

The baseline for your decision should be the significance of the house *before* it was damaged. It makes no sense to let the damage to it go uncorrected and then say that the house is no longer significant because of the damage. In any case, "The illegal demolition suffered by the house does not irrevocably compromise its historical integrity," as stated by Alan Hess.

The **second** finding also requires conformity with the local coastal program, and the argument here is the same as the above.

As for the **third** finding, completing the demolition of this house will deprive the community of a historic resource, and this has to be treated as seriously as any other kind of environmental impact. CEQA makes clear that a project that may cause the substantial alteration of a historic resource, including projects that seek demolition to clear a site for new construction, *will have* a significant adverse environmental impact (Public Resources Code § 21084.1), and the requirement of an EIR is triggered if the record contains a "fair argument" that the building involved is historic. We feel that the Historic Inventory listing, the Heritage Committee's determination and the historical report on which it was based, and the additional information we have provided constitute such an argument.

DESIGN REVIEW PERMIT FINDINGS

According to section 25.45.010 of the zoning code,

"Prior to the issuance of a demolition permit, the design review board shall make one of the following findings:

- (1) The action proposed is consistent with the purposes of the ordinance and the historic resources element of the general plan; or
- (2) There are no reasonable alternatives to demolition. (Ord. 1458 § 1 (part), 2006: Ord. 1179 § 5 (part), 1989)."

Neither of these findings can be made.

In granting this permit, the DRB chose "no reasonable alternatives to demolition," but the fact that there are approved plans on file to rehabilitate the house demonstrates that rehabilitation is a reasonable alternative. The alternative finding—to find consistency with the purposes of the Historic Preservation Ordinance—also cannot be made, since demolition of a historic is counter to the purposes of the ordinance, such as:

- (A) Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history.

The lack of consistency with the historic resources element of the general plan, has been discussed on page 2 of this letter.


MORE COMPLETE PICTURE HAS BEEN REVEALED

Through this appeal, for the first time in the hearing process both the Design Review Permit and the Coastal Development permit will be considered at the same time. The Council has an opportunity for a comprehensive view of the situation—to consider

- code enforcement, precedent setting nature of a decision to allow demolition of an illegally damaged historic structure
- additional historical information and evaluation that DR said they were not allowed to consider
- lack of compliance with required findings.

We believe the response to this application should be to deny the coastal development permit and design review permits required for this demolition and encourage the applicant to pursue the reasonable alternative of rehabilitating this historic resource.

Sincerely,


Ginger Osborne
President

Dear Design Review Board members,

To grant a coastal development permit for the demolition of the historic house at 31381 Coast Highway, you have to make four findings, and we believe that that can't be done.

First, you have to find that the project (demolition) is in conformity with all the applicable provisions of the general plan, including the certified local coastal program. But demolishing this house violates the intent of the Historic Resources Element (Goal #1: "Preserve and enhance buildings and structures of historic significance in Laguna Beach") and Policy 2.2 of the Land Use Element ("Encourage the preservation of historically significant residential structures"). It also conflicts with Action 1.1.13 of the Land Use Element policy on reducing greenhouse gases and Action 5.1.3 of the policy on promoting compatibility of land uses ("Encourage preservation of historic structures and adaptive reuse of buildings").

The significance of the house has been determined by its listing on the City's Historic Inventory and by the Heritage Committee's recommendation, after reviewing a report from a professional consultant, that it be preserved according to approved plans on file with the City. In addition, we have uncovered additional information that increases its significance.

The house was built by Guy Skidmore, who with his brother, Joe, developed Coast Royal and what is now Diamond-Crestview and were involved in developments elsewhere in Laguna Beach. They built an airport where the St. Regis is now to show prospective buyers what the development looked like from the air. They were the stepsons of Nate Brooks, whom Merle and Mabel Ramsey, in their book *The First Hundred Years of Laguna Beach*, called the "Father of Laguna Beach" and managed their mother's real estate interests after his death.

Known as "Stonehenge," the house is one of the two oldest houses in Coast Royal, dating to about 1927. (The other is Joe Skidmore's house at Camel Point.) By 1931 it was owned by Mary and William Crocker Watkins, who made many landscape improvements and built "a violet ray sun room on top of their garage, the structure being modeled to conform to 'Stonehenge'" (*South Coast News*, November 13, 1931). Watkins owned silver and gold mines in Kingman, Arizona, and was active in the South Coast Improvement Association and president of its garden section. He was instrumental in obtaining funding from the federal Civil Works Administration (predecessor to the WPA) for street trees in South Laguna. Stonehenge was often the setting for community meetings.

Its association with these important figures in the history of Laguna Beach add to its physical properties in making it historically significant.

In addition, in approving demolition of the partially demolished building at your previous meeting you were required to find either (1) that it was consistent with the purposes of the ordinance and the Historic Resources Element or (2) that there was no reasonable

alternative. The demolition that you agreed to both failed to preserve the significant historical resource just described and overlooked a reasonable alternative—rehabilitation in accordance with the approved plans on file with the City. Finally, you failed to consider recommending any of the penalties for the previous partial demolition that are specified in the historic preservation ordinance.

The applicant has argued that he isn't to blame for the earlier demolition, but that's not the point. When he bought the property, the real property report made it clear that he was taking on the responsibility for correcting the situation. And the Heritage Committee told him on two occasions that the house was a historic resource that needed to be rehabilitated rather than destroyed. No matter who did the illegal demolition, permission to let the current owner finish the job is likely to be precedent-setting for property owners who view their historic houses as an inconvenience. This likelihood simply generalizes the violations of General Plan policies just described.

The second finding, which is specific to the location between the sea and the first public road, also requires conformity with the local coastal program, and the argument here is the same as the above.

The third finding is that the project "will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act." Completing the demolition of this house will deprive the community of a historic resource, and it has to be treated as seriously as any other kind of environmental impact. CEQA makes clear that a project that may cause the substantial alteration of a historic resource, including projects that seek demolition to clear a site for new construction, *will have* a significant adverse environmental impact (Public Resources Code § 21084.1), and an EIR is triggered if the record contains a "fair argument" that the building involved is historic. We feel that the Historic Inventory listing, the Heritage Committee's determination and the historical report on which it was based, and the additional information we have provided constitute such an argument.

We feel that you have no choice but to deny the coastal development permit required for this demolition and encourage the applicant to pursue the reasonable alternative of rehabilitating this historic resource.

Brandt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

March 6, 2012

Mayor Jane Egly
Members of the City Council
City of Laguna Beach

Subject: Appeal of Design Review Approval 11-193 and CDP 12-222
31381 Coast Highway/Stonehenge House

Dear Honorable Mayor Egly and Councilmembers:

On behalf of the members of Village Laguna and the South Laguna Civic Association, I am writing to request that the City Council grant the appeal of the Design Review Approval and Coastal Development Permit (CDP) for this project. If approval of the CDP or Design Review is considered, an EIR must first be prepared to inform your decision, because the record before you includes substantial evidence that the demolition project may have a significant environmental effect.

By way of introduction, since I have not appeared before this City Council, my law practice is focused on public interest environmental law and in particular the application of the California Environmental Quality Act (CEQA) to historic resources statewide. Among the published decisions of this office are *Friends of Sierra Madre v. City of Sierra Madre*, *Berkeley Hillside Preservation v. City of Berkeley*, *Flanders Foundation v. City of Carmel-by-the-Sea*, *Friends of the Juana Briones House v. City of Palo Alto*, *Lincoln Place Tenants Association v. City of Los Angeles*, *League for Protection v. City of Oakland*, *Stanislaus Natural Heritage Project v. County of Stanislaus*, *The Pocket Protectors v. City of Sacramento*, *Architectural Heritage Association v. County of Monterey*, *Preservation Action Council v. City of San Jose*, *Galante Vineyards v. Monterey Peninsula Water Management District*, and *Sierra Club v. County of Sonoma*.

Respectfully, this Council's consideration of demolition of the historic Stonehenge/Skidmore House, which is on the City's Historic Inventory List, must first be informed by the preparation of an EIR in light of arguable general plan inconsistencies (see, e.g., *The Pocket Protectors* case) and impacts to historic resources. As an alternative, the City could exempt the project from CEQA if it denies the CDP and Design Review approval. Public Resources Code section 21080 (b)(5)

provides that CEQA "does not apply to ... projects which a public agency rejects or disapproves." Guideline sections 15061 (b) (4) and 15270 implement the Code.

Expert fact-based analysis submitted by eminent architect and architectural historian Alan Hess in his letter dated February 28, 2012, adds to the ample information already in the City's files regarding the extant historic status of the threatened home. As concluded by Mr. Hess, "the illegal demolition suffered by the house does not irrevocably compromise its historical integrity. It can be brought back to play its role in the character of Laguna Beach." (Hess Letter at 2.) This letter was not before the Design Review Board¹ but should greatly assist this Council in what should be a straightforward decision to deny the project, or, if approval is to be considered, to first require the preparation of an EIR.

The appropriate CEQA baseline from which the City must measure and analyze the environmental impacts of this proposed demolition project is the 2009 application by the former owner to restore the historic home. (Agenda Bill at 2.) Unpermitted partial demolition that subsequently occurred cannot now justify approval of design review or the CDP. And even if one [incorrectly] considers a 2011 baseline, the expert opinion of Alan Hess is substantial evidence that the home retains sufficient integrity to retain its historic status.

There is no question that the historic status of the Stonehenge/Skidmore House is relevant to the discretionary decisions required for the currently proposed demolition project. In addition to the specific inquiries required by Laguna Beach Municipal Code section 25.07.012 (F), section (G) requires the following:

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

- (1) The project is in conformity with all the applicable provisions of the general plan, including the certified local coastal program and any applicable specific plans;
- (2) Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act;
- (3) The proposed development will not have any significant adverse

¹ I note that for some reason my letter to the Design Review Board was not included in the documents attached to the Agenda Bill. It is part of the record.

Letter to Laguna Beach City Council
March 6, 2012
Page 3

impacts on the environment within the meaning of the California
Environmental Quality Act.

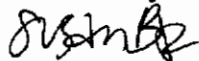
To make the required findings under your Municipal Code and CEQA, the Council must consider the potential impacts of demolishing a vintage building that may qualify for historic status. (The Design Review Board was incorrectly informed that it could not consider such impacts.) A dispute among experts on this point — or any credible evidence supporting a “fair argument” of any other potentially significant historic or other environmental impacts or general plan inconsistency — requires the preparation of an EIR. (CEQA Guideline §§ 15064 and 15064.5; *e.g., League for Protection, Architectural Heritage Association, and The Pocket Protectors* cases.) While I understand that the City Attorney provided an opinion that no consideration of historic resource impacts is required under LBMC section 25.07.012 (F), this does not apply to section (G) quoted above.

Here, there is a credible dispute among experts as to the historic integrity of the Stonehenge House. As already noted above, the appropriate baseline from which to consider historic integrity is 2009. But even if this Council were to consider the integrity of the House in its current condition as the CEQA baseline, at this stage in the environmental review process the City Council may not resolve that dispute without an EIR.

Village Laguna and the South Laguna Civic Association urge this Council to comply with the protective mandates of state law.

Thank you very much for your consideration.

Sincerely,



Susan Brandt-Hawley



P.O. BOX 9668
SOUTH LAGUNA, CA 92652-7639

January 18, 2012

Laguna Beach City Council
505 Forest Avenue
Laguna Beach, CA 92651

RE: 31381 Coast Highway, "Stonehenge"

Dear Councilmembers:

At our meeting on November 14, 2011, the board of the South Laguna Civic Association voted unanimously to oppose the demolition of the K-rated historic dwelling at 31381 Coast Highway, known as "Stonehenge." We were very disappointed in the Design Review Board's 3/2 vote to allow demolition. The Design Review Board did not make the required findings, nor did they consider the various timing and alternatives outlined in 25.45.010 of the Municipal Code. (See Attachment.)

Please review carefully the recommendations of the Heritage Committee—they got it right! Even though many of the surfaces of the house have been removed, it can nonetheless be rehabilitated to its historic condition. There are approved plans and photographs that can be used to guide the way to accomplish such a rehabilitation. We should also note that, in addition to the shape, form, framing, fireplace and foundation of the historic house that still remain, there are other historic components still existing such as the cupola/sunroom, the stone work and the foundation and walls of the pavilion.

The present owner, in doing his due diligence, was informed publicly by the Heritage Committee of the historic nature of this dwelling and that the recent dismantling had been done illegally, that is, without any permits. It is documented in the RPR that he received that there are outstanding code enforcement issues that he is obliged to resolve. We do not believe they should be resolved by allowing further demolition.

It just isn't right that such illegal actions could now result in permission to demolish what remains. Please, please do not allow the demolition of this iconic South Laguna dwelling.

In our opinion, the City's peer review historical consultant, Jan Ostashay, should have been present at the DRB hearing. As it was, the only historical consultant present was representing the applicant, and she was advocating for demolition. Without the city's peer review consultant there, objective information was not available to the deciding body.

Ms. Ostashay's report outlines various options for dealing with the illegal demolition. Rehabilitation of the house is one of the options suggested in her peer review historical

Attachment F
17

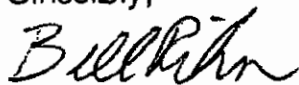
JAN 18 2012

report. Following is a quote:

Rehabilitate. Rehabilitate or reconstruct the subject property to its original condition prior to the violation using as much physical and photographic evidence as possible.

We recommend the option of rehabilitation of the structure rather than penalties or total demolition. Rehabilitation will preserve as many of the historic features as possible, and give the applicant an attractive and livable dwelling with the least expense and difficulty, since Heritage Committee-approved drawings are already on file at the city (ready for building permits as of March, 2010).

Sincerely,



Bill Rihn, president

Attachment:

From 25.45.010 of the Municipal Code

After conducting the public hearing, the design review board shall take the following action:

Approve permit, subject to a waiting period of up to ninety calendar days to consider relocation and/or documentation.

(1) During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city once a month for the first two months following the design review board's hearing. Such advertisement shall be one-quarter page in size and shall include a photograph of the structure, the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the department of community development prior to issuance of a demolition permit.

(2) Any application for relocation of the structure shall be filed within the specified waiting period as determined by the design review board.

(3) The design review board may extend the waiting period up to one hundred eighty days if it determines that relocation is imminent.

(4) During the continuance period, the heritage committee may investigate relocation of the building or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.

(5) During the continuance period, the applicant may pursue plan approval.

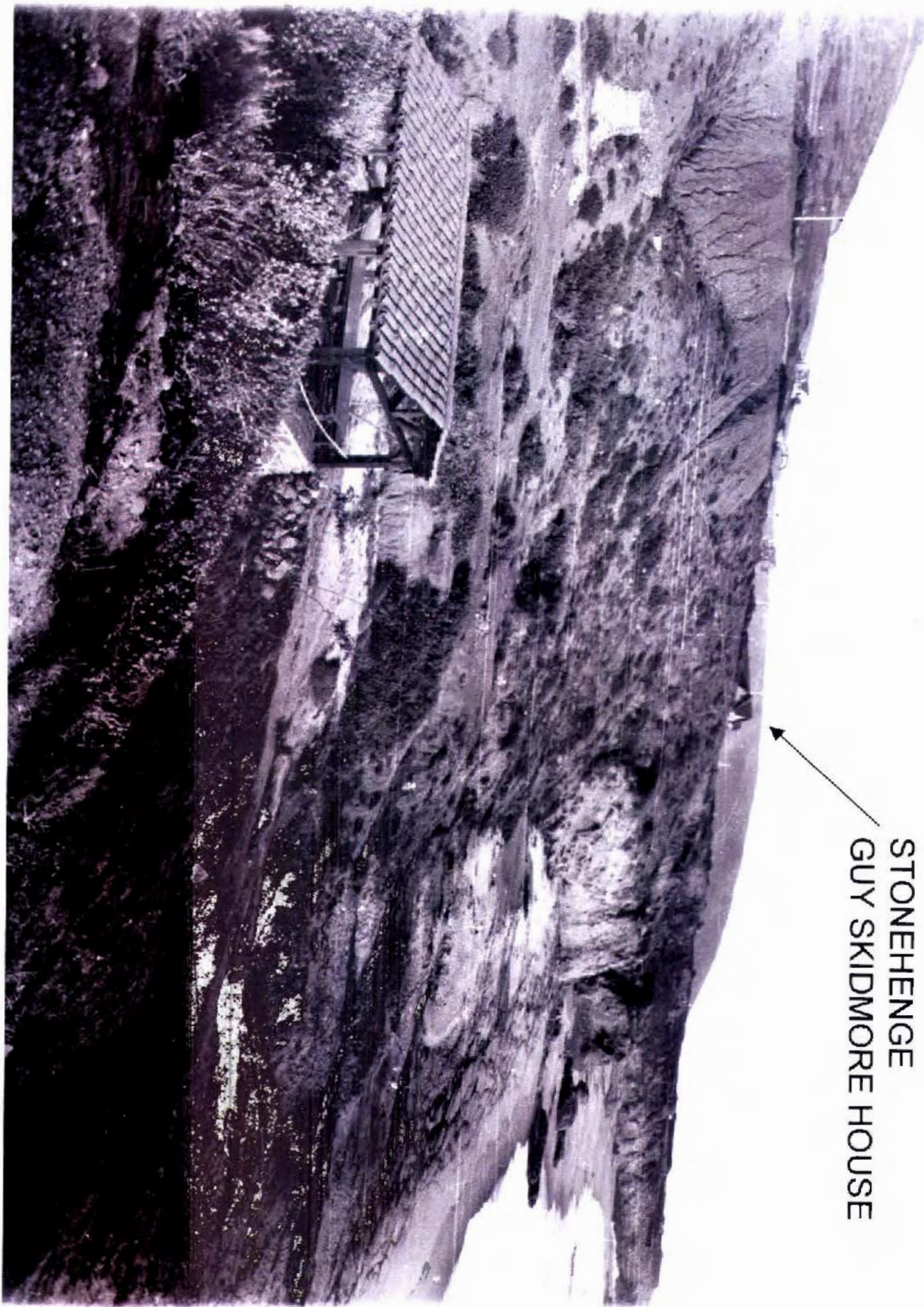
(E) Findings. Prior to the issuance of a demolition permit, the design review board shall make one of the following findings:

(1) The action proposed is consistent with the purposes of the ordinance and the historic resources element of the general plan; or

(2) There are no reasonable alternatives to demolition. (Ord. 1458 § 1 (part), 2006; Ord. 1179 § 5 (part) 1989).



STONEHENGE
GUY SKIDMORE HOUSE



CHRONOLOGY

Stonehenge built by Guy Skidmore about 1926



1928 Guy and Marion Skidmore lived at Coast Blvd. address

Ancestry.com - California Voter Registrations, 1900-1968

3/5/12 8:41 PM

ancestry

California Voter Registrations, 1900-1968

Return to Record

California Voter Registrations, 1900-1968

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INDEX TO GREAT REGISTER OF ORANGE COUNTY LAGUNA PRECINCT

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	Skidmore, Guy E.	Real Estate	Laguna Beach	Coast Blvd.
	Skidmore, Mrs. Flora B.	Housewife	Laguna Beach	Box 25
	Smith, Chester	Rancher	Laguna Beach	
	Sorensen, Cris L.	Camp Prop.	Laguna Beach	Box 464
T				
	Thomason, John W.	Merchant	Laguna Beach	Box 45
	Tyron, Robert M.	Camp Mgr.	Laguna Beach	671
	Tyron, Mrs. Emma E.	Housewife	Laguna Beach	Box 671
	Thomason, Mrs. Lorena M.	Housewife	Laguna Beach	Box 45

No house numbers at that time, each house was named--ie. Stonehenge.

CHRONOLOGY

Stonehenge built by Guy Skidmore about 1926

Skidmore loses property due to depression,

Second owners are Mr. and Mrs. William Crockett Watkins

Donald Castro becomes owner in 1978

2007 appraisal
photos





CHRONOLOGY

Castro loses house

First Newport Properties
cited for unpermitted
construction--interior
demolition, June, 2009
photos from City files

JULY, 2009

31381 CASE



06/04/2009

Interior Demolition



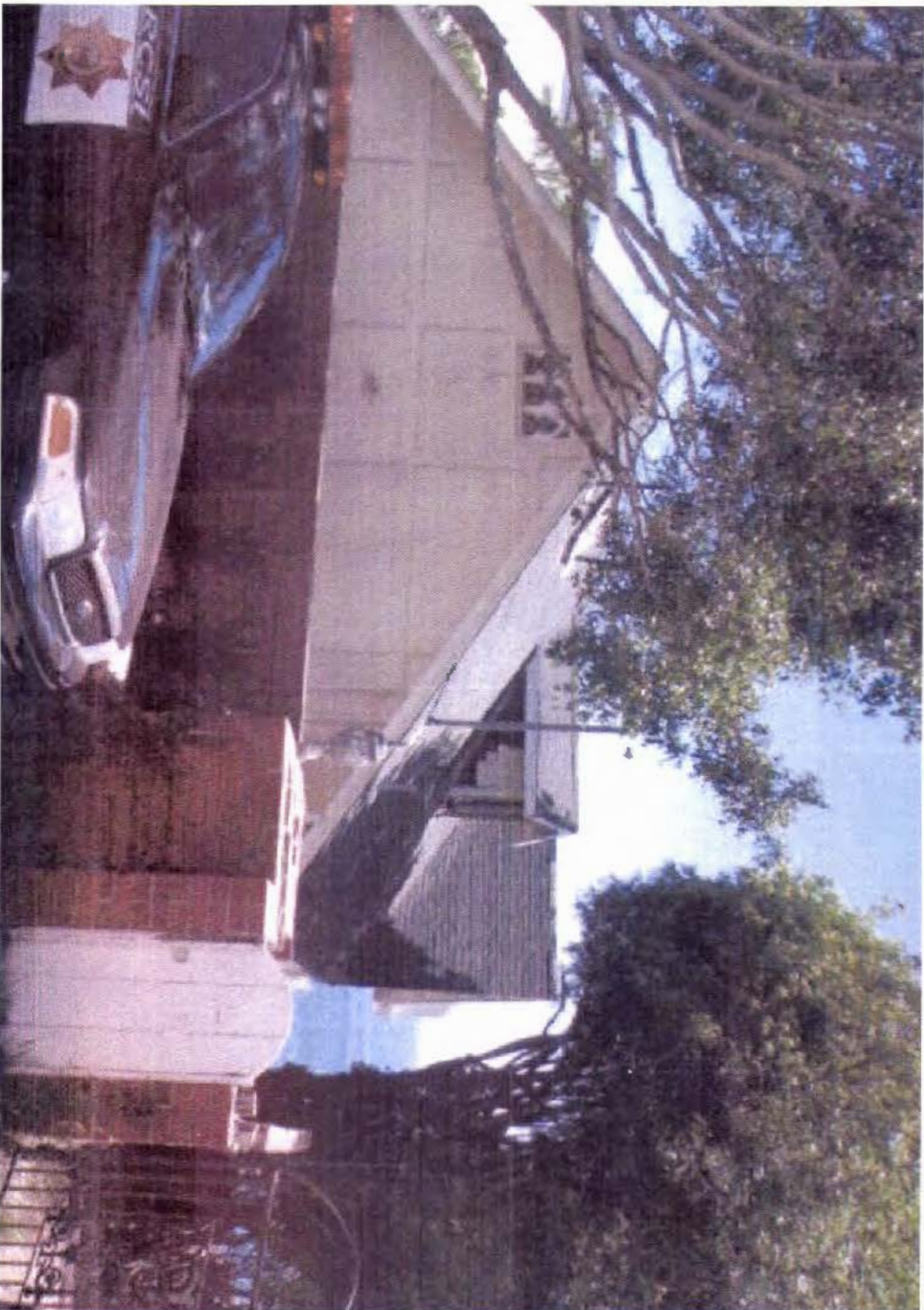
06/04/2009

Lower Floor

CHRONOLOGY

Galvin Preservation Associates (GPA) prepares historical memo,
September, 2009

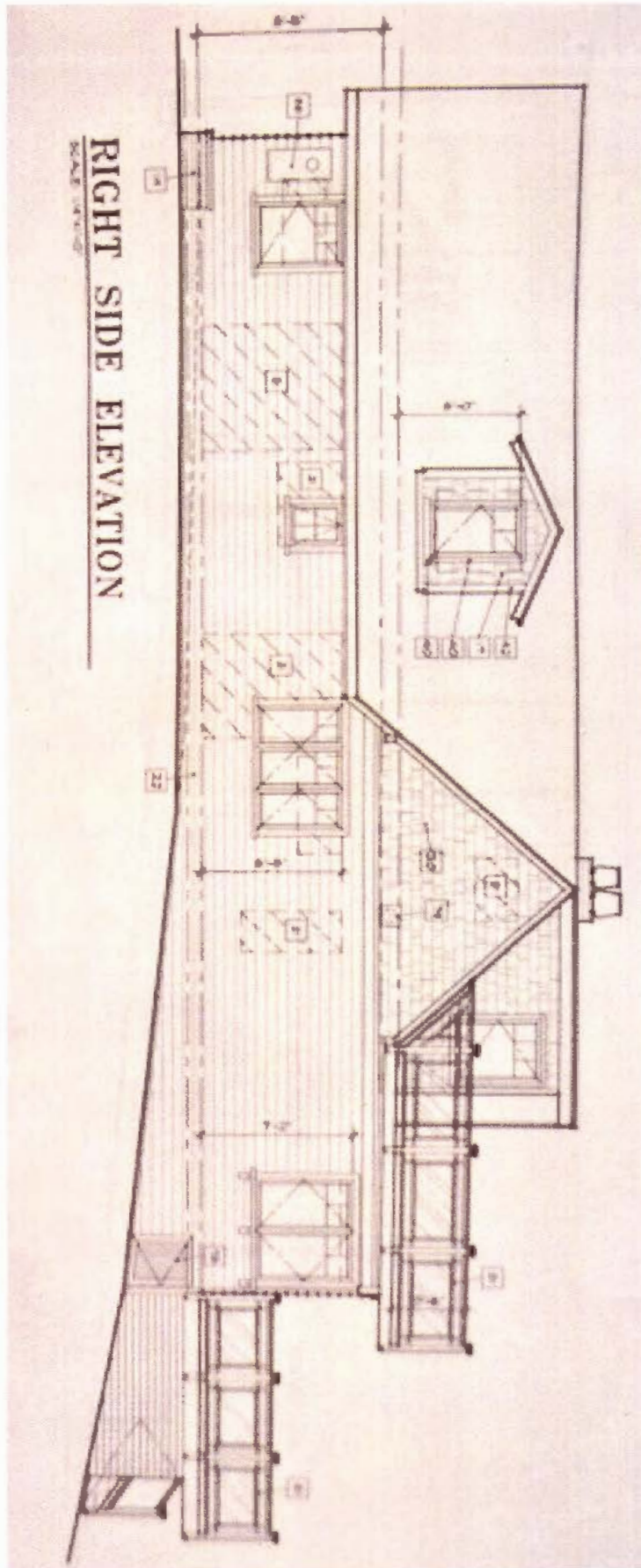
2009 photo
from historical
Report



“One method to avoid causing a substantial adverse change on the resource..would be to design alterations to the building in a manner that is consistent with the Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Rehabilitation.”

GPA report

CHRONOLOGY



rehabilitation plans

CHRONOLOGY

March, 2010 Building permit ready for issuance.
Permits are not pulled.



Stonehenge house exterior surfaces are removed without permits.
Code enforcement action, November 2010

June 15, 2011, Real Property Report

Buyer is advised that the subject property remains in active Code Enforcement for illegal construction activity (Major Demolition to the interior and exterior of single family dwelling.) **Buyer is advised and accepts responsibility to legitimize this construction...**

June 20, 2011

Mr. Meehan, prospective buyer, asks for complete demolition at meeting with the Heritage Committee. They advise Mr. Meehan that they cannot recommend demolition.

August, 2011

Mr. Meehan buys the property anyway, and asks the Heritage Committee again for demolition.

demolition and recommends using the plans for restoration that have already been approved.

December, 2011

Design Review Board approves demolition, 3/2 vote.

January, 2012

Appeal of Design Review decision to City Council, no action taken.

February, 2012

Project returns to Design Review for Coastal Development Permit

Rehabilitation is feasible and appropriate

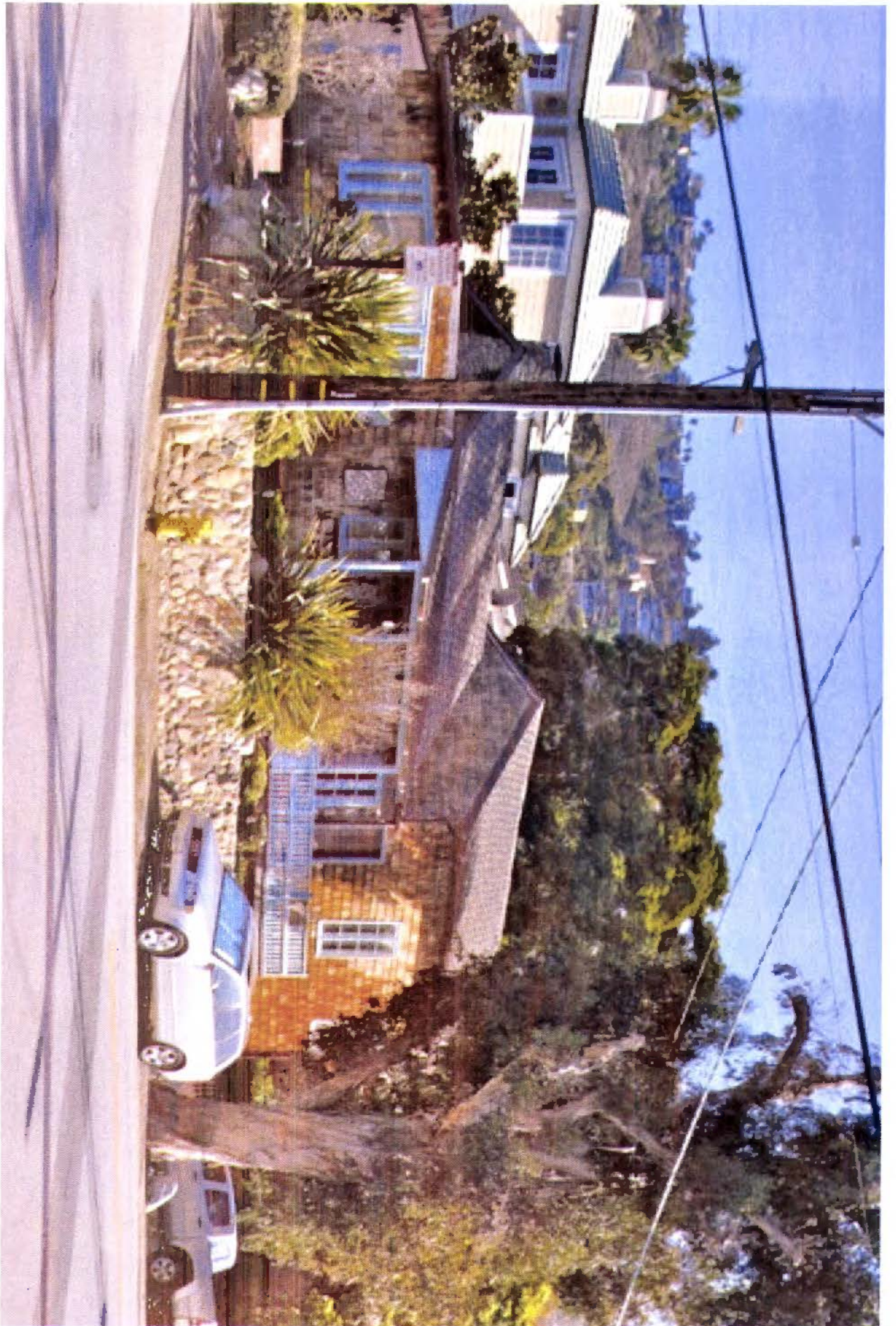
Example: Leonard Scheu studio, Agate and Glenneyre

Before



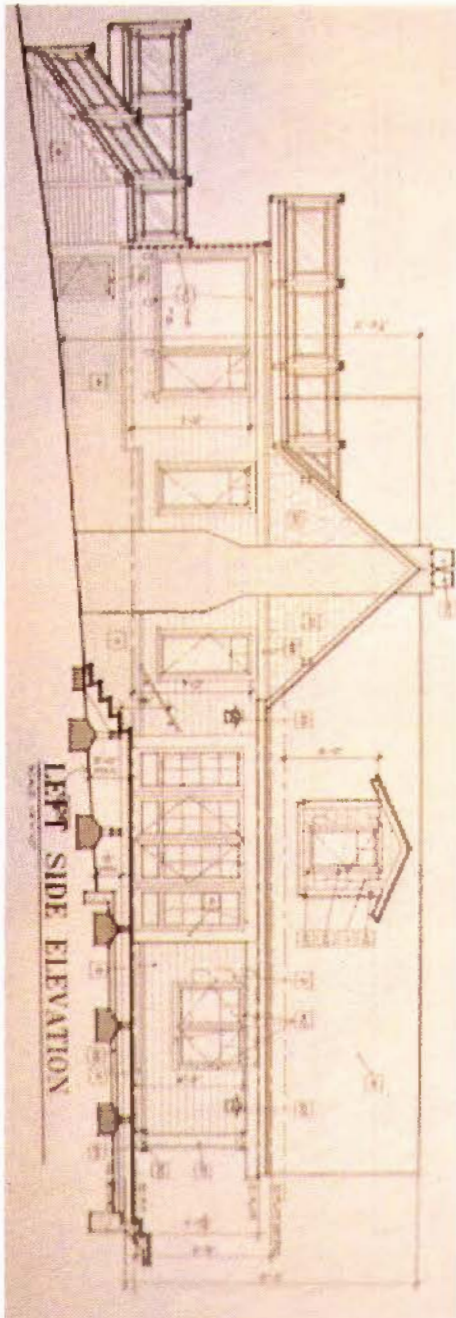
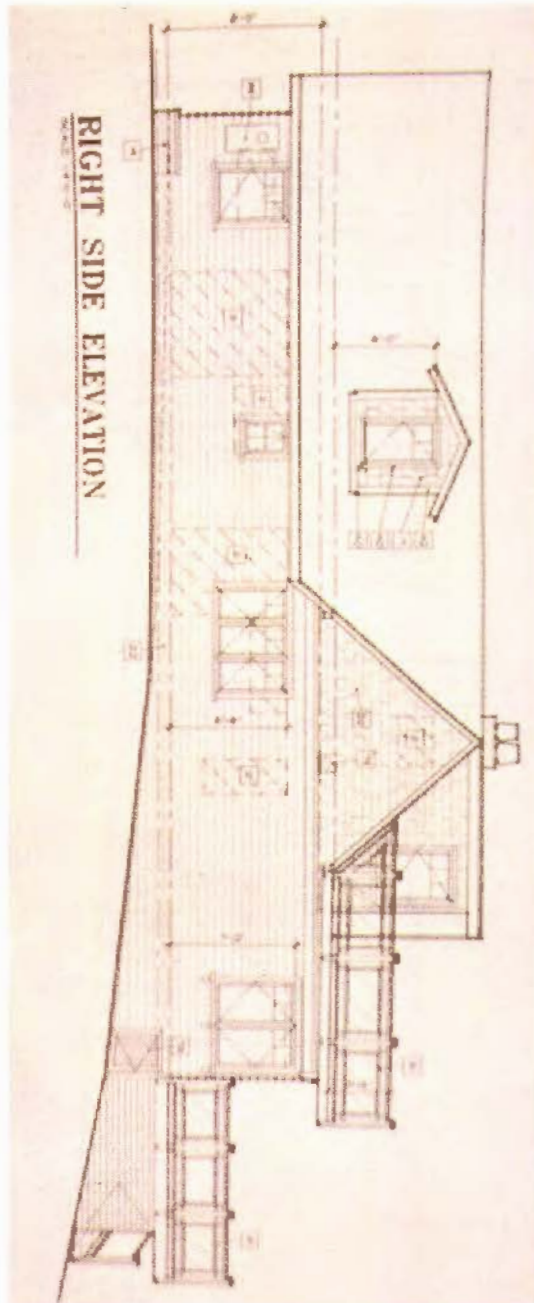
During Construction





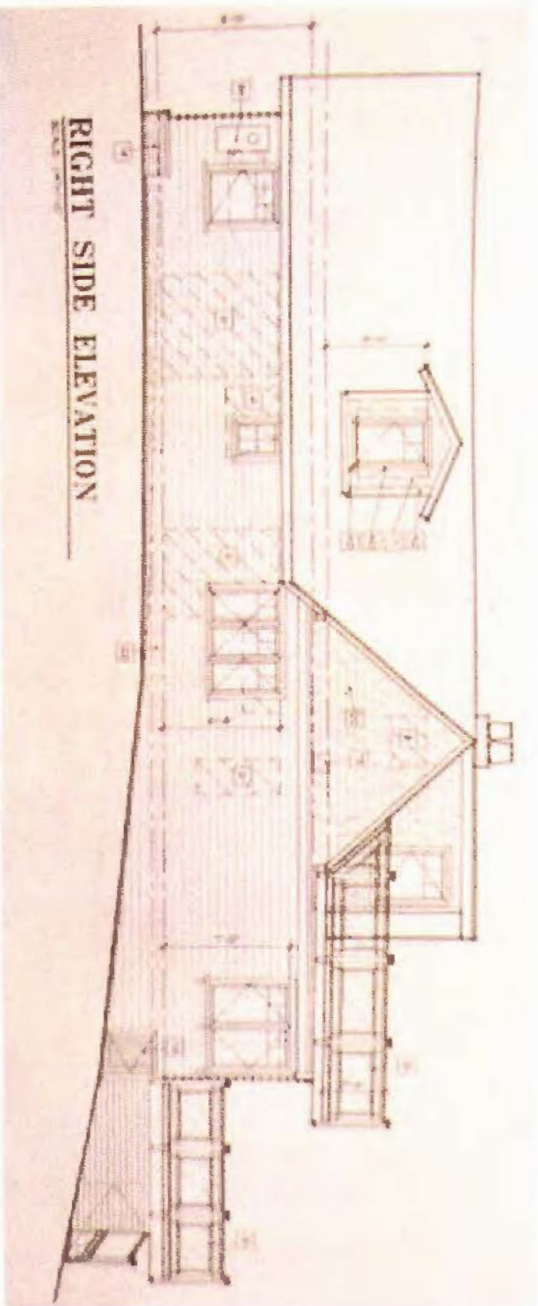
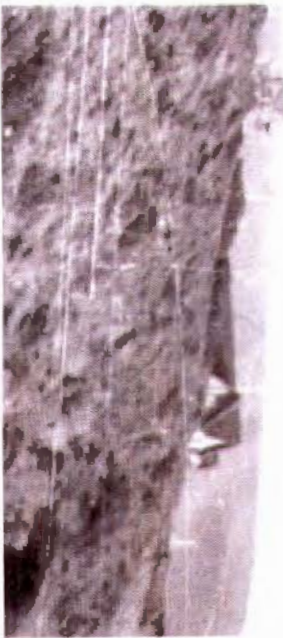
Completed restoration

Completed plans are approved to rehabilitate



Character defining features remain

Cross gable shape, fireplace, foundation and framing.



Character defining features remain

Octagonal sunroom



Character defining features remain

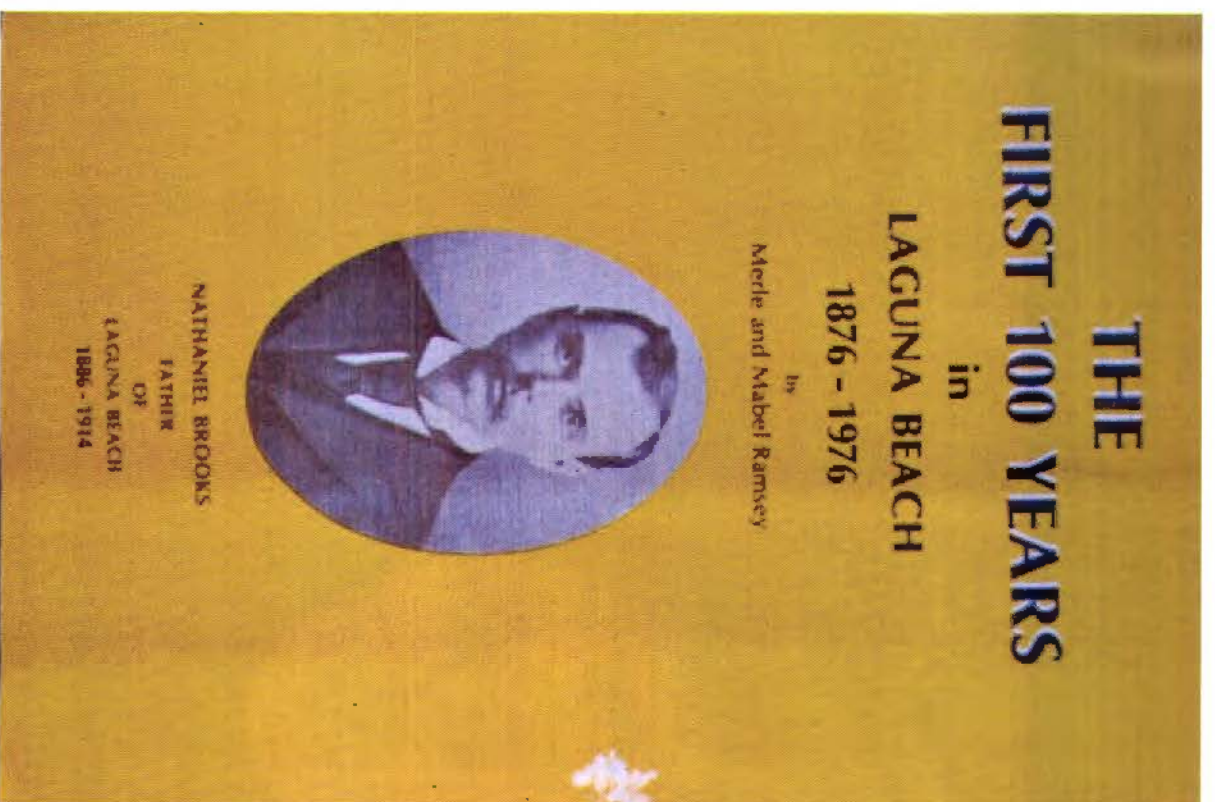
Stone work



Historic Preservation Ordinance Criteria

“Identification with persons who significantly
Contributed to the culture and development of the city.”

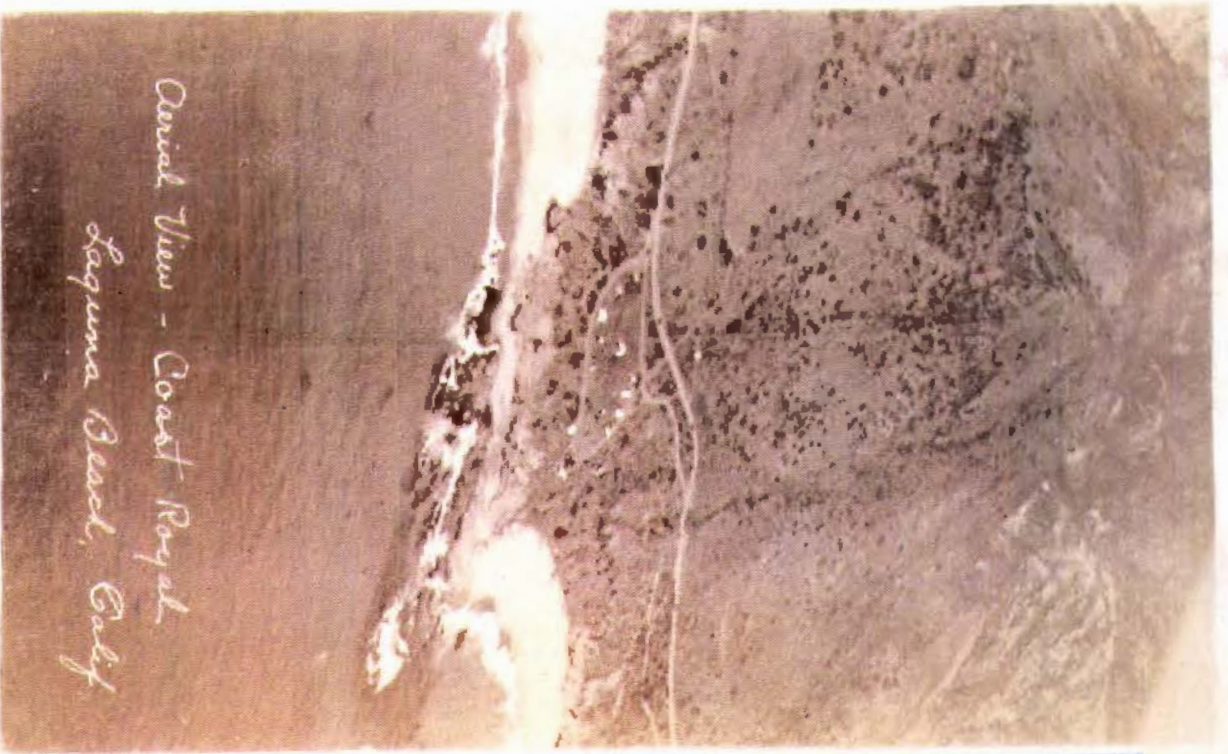
Those persons are Joe and Guy Skidmore the first owners
and William Crockett Watkins, the second owner.



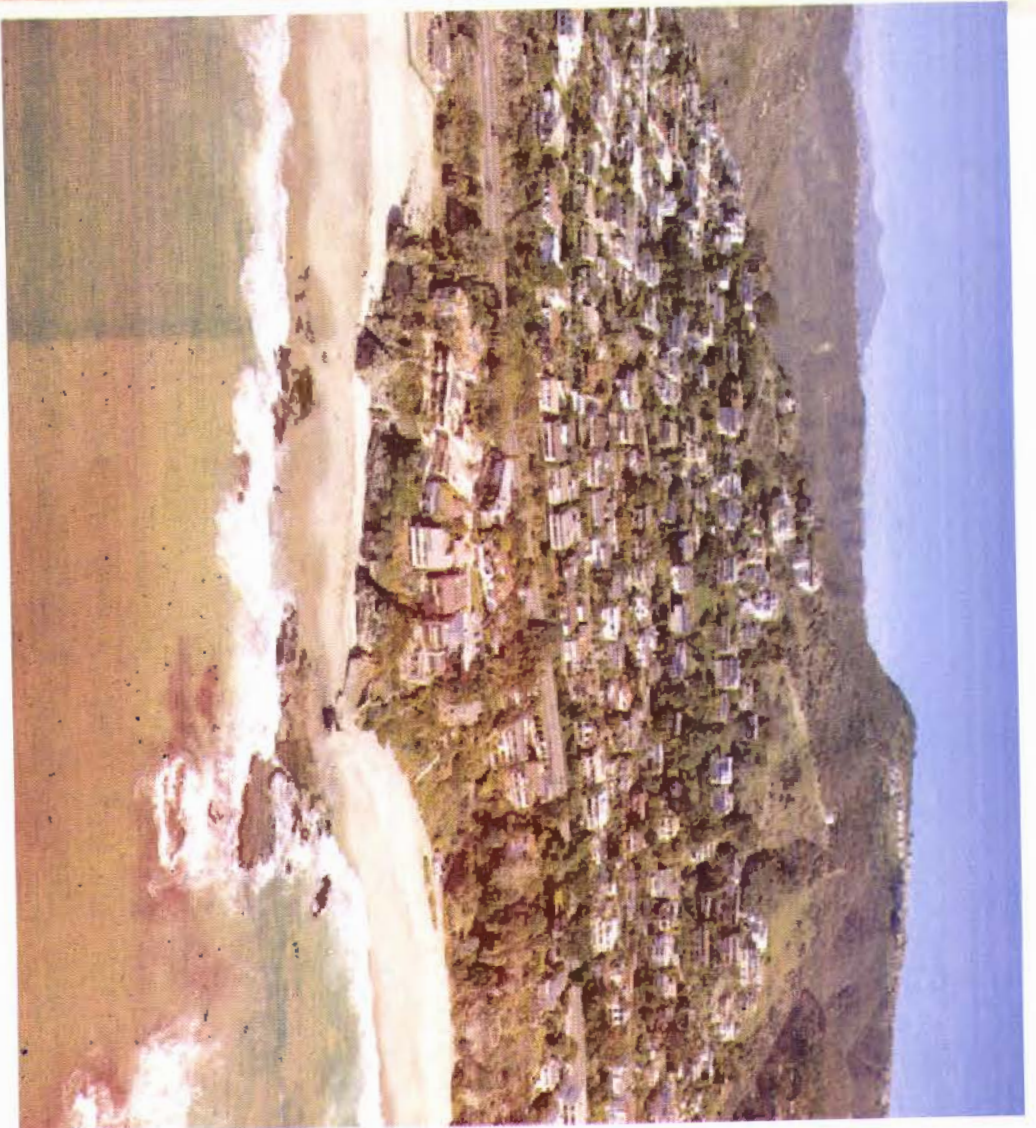
Nate Brooks, step-father of Joe and Guy Skidmore

Coast View - Coast Royal
Laguna Beach, Calif





Coast Royal, 1920s



Coast Royal, 2009

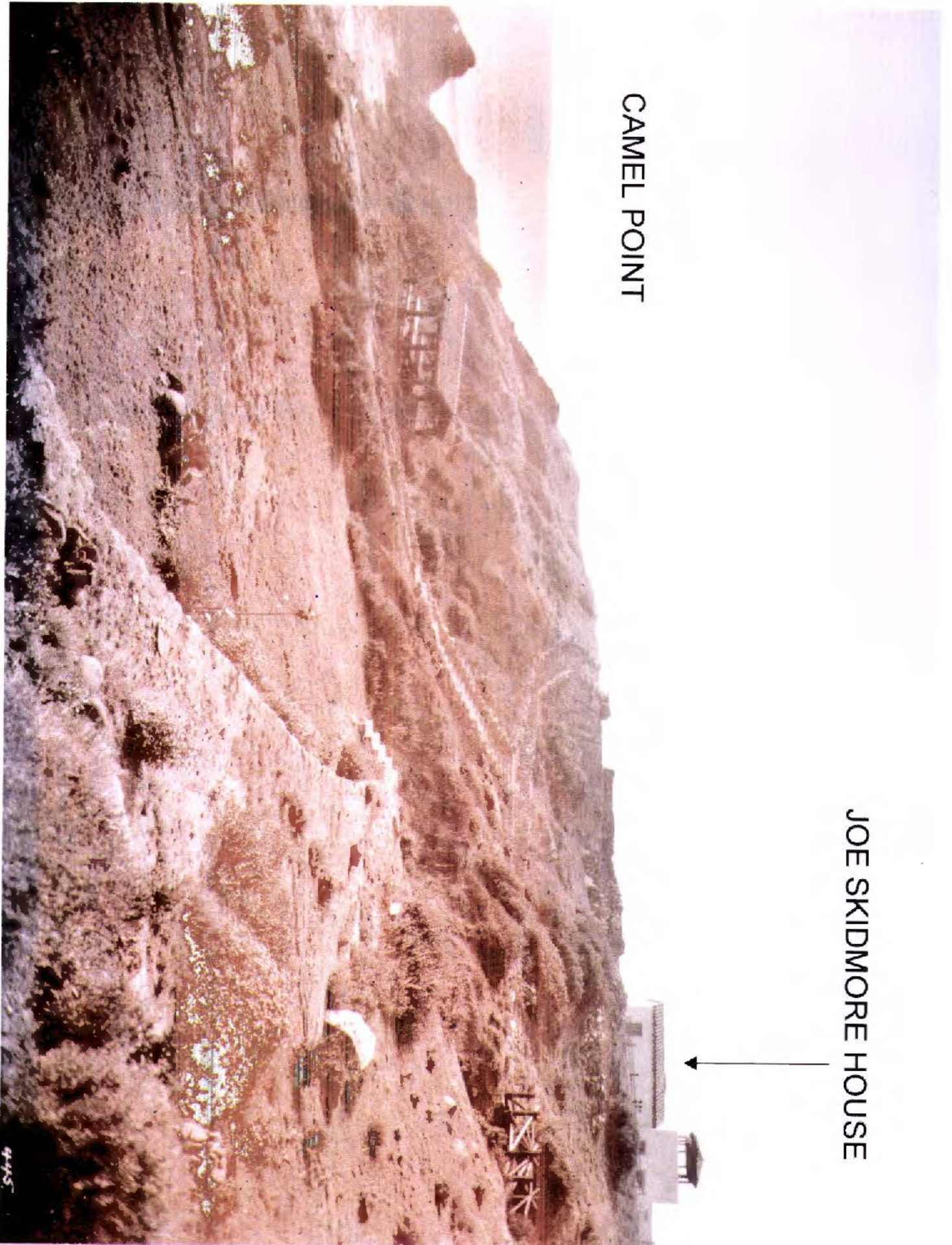
Joe Schidmayer's home
Guy - - - - - x x

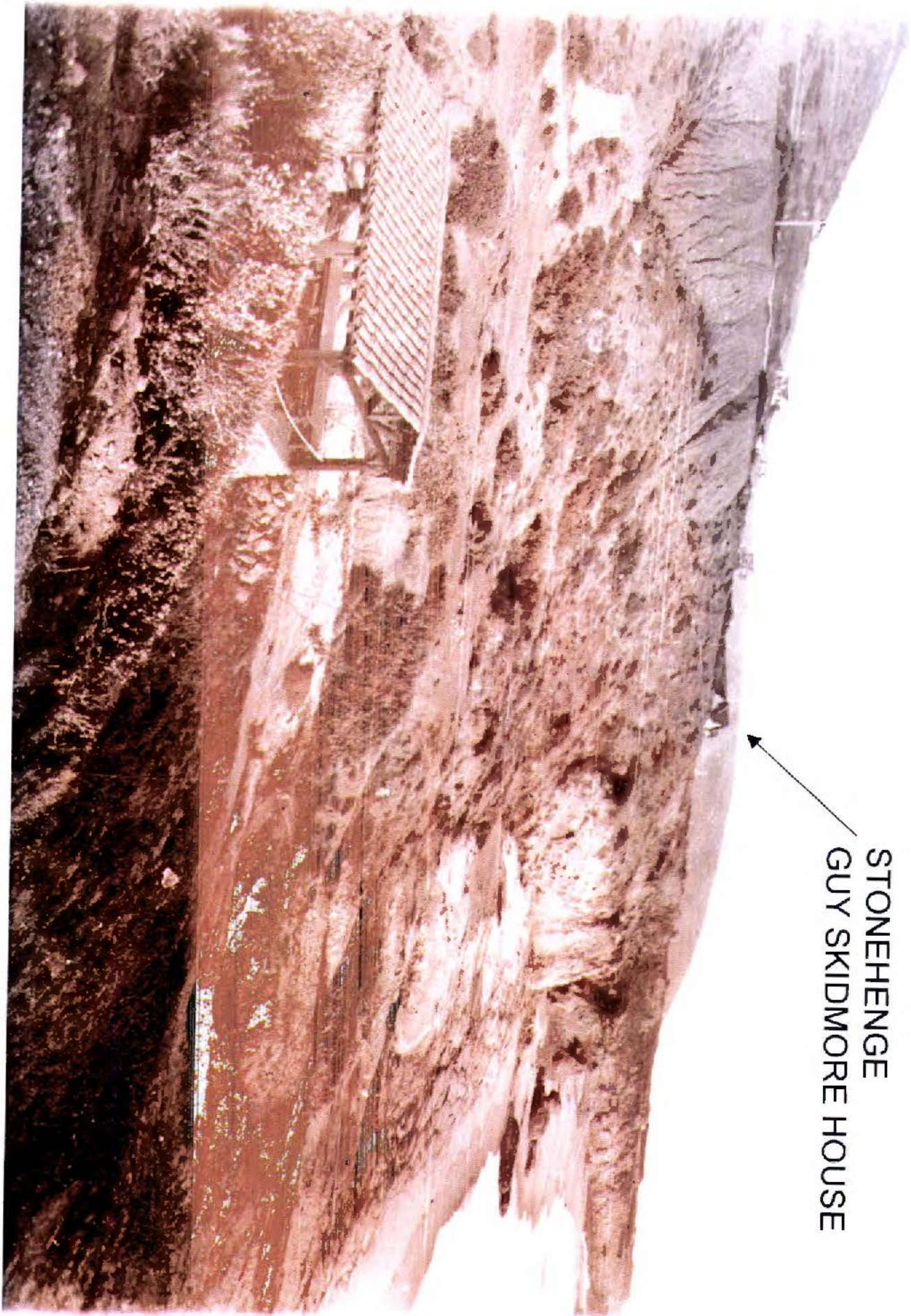
1926 or 1927
Lovers' Royal
South Laguna Base



CAMEL POINT

JOE SKIDMORE HOUSE





STONEHENGE
GUY SKIDMORE HOUSE

Mrs. Mary Watkins who bought South Coast News
the old Guy Skidmore house, is 6-6-30

having it remodeled and landscaped, with the intention of moving here shortly from her home in Santa Ana. Mrs. Watkins was formerly Mrs. Mary Ford and at one time owned considerable acreage in the heart of Santa Ana, which when sold became the center of the business district.

1931

Mr. and Mrs. W. C. Watkins are building a violet ray sun room on the top of their garage, the structure being remodeled to conform to "Santamerygo".

Mrs. W. C. Watkins entertained at "Santamerygo" her Coast Royal place on the highway, her brother John P. Teague, retired contractor from Long Beach, as guest of the week-end, also her nephew Lawrence Givley of Santa Ana, who was a visitor Saturday. Mrs. Watkins is entertaining on the 31st at "White Gables" Santa Ana, for the Women's Club of that city, when the program will include an address, music, and readings.

Garden Section

President William Crockett Watkins announces a business and social meeting of the garden section of the South Coast Improvement Association at his Coast Royal home, Wichita, Saturday, March 24, at 2:30 prompt.

ADMISSION TO SOUTH COAST COUNTY WATER DISTRICT IS SOUGHT BY GOLF ISLANDERS

Official Action Taken at Garden Section Meeting of Improvement Association, Held at Home of Mr. and Mrs. W. C. Watkins

The garden section of the South Coast Improvement Association featured a barbecued steak dinner at its regular monthly meeting July 21. The event was held at Wichita, the Coast Royal home of President and Mrs. William Crockett Watkins.

5/30/34

AUTHORITY WILL ADDRESS SOUTH COAST ASSOCIATION

1934

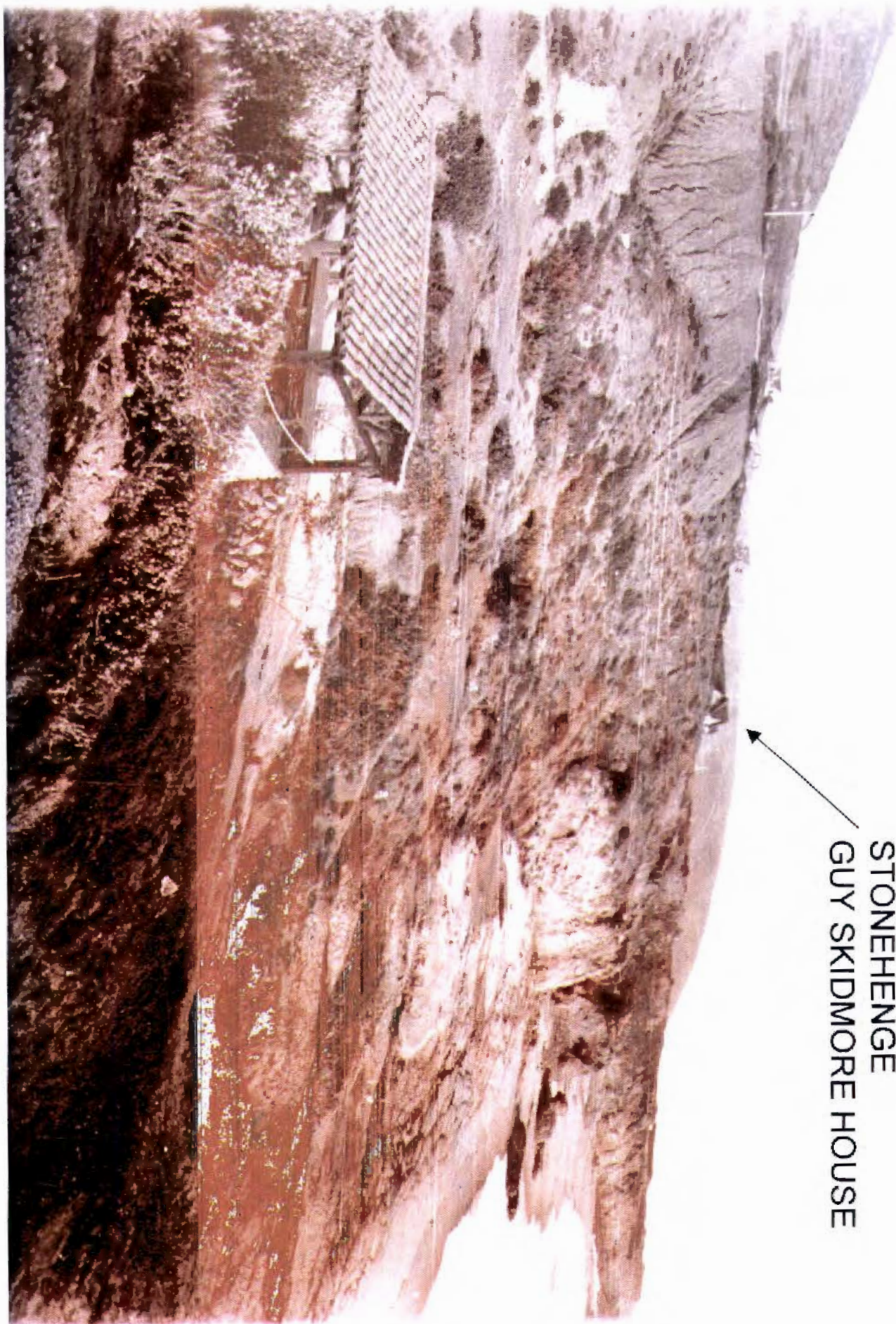
Other Organizations Are Invited to Hear Theodore Payne, Who Will Speak Here April 14

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Mrs. George A. Fortus was an-





STONEHENGE
GUY SKIDMORE HOUSE

FINDINGS--Coastal Development Permit

The Board must find that:

Demolition is in conformity with the General Plan and LCP

But

Demolition violates key provisions of those plans

"Preserve and enhance buildings and structures
of historic significance."

Historic Resources Element

FINDINGS--Coastal Development Permit

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But

Demolition violates key provisions of those plans

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of historic significance...”

Historic Resource Element

Historic Resource Element

Land Use Element

FINDINGS--Coastal Development Permit

Significance of the house has been documented:

- Historic Inventory
- Heritage Committee recommendations
- House connected with persons important to the culture and development of the city.--Skidmores and Watkins

FINDINGS--Coastal Development Permit

The Board must find

Conformity with the Historic Preservation Ordinance,
that the demolition is:

- Consistent with the Historic Resources Element
- There is no reasonable alternative

FINDINGS--Coastal Development Permit

These findings cannot be made

- Consistent with the Historic Resources Element

Demolition does not preserve historic resources

- There is no reasonable alternative

Rehabilitation is a reasonable Alternative.

FINDINGS--Coastal Development Permit

The Board must find that:

No adverse impacts on environment (CEQA)

But

EIR to meet CEQA requirements is triggered if the record contains a "fair argument" that the building involved is historic.

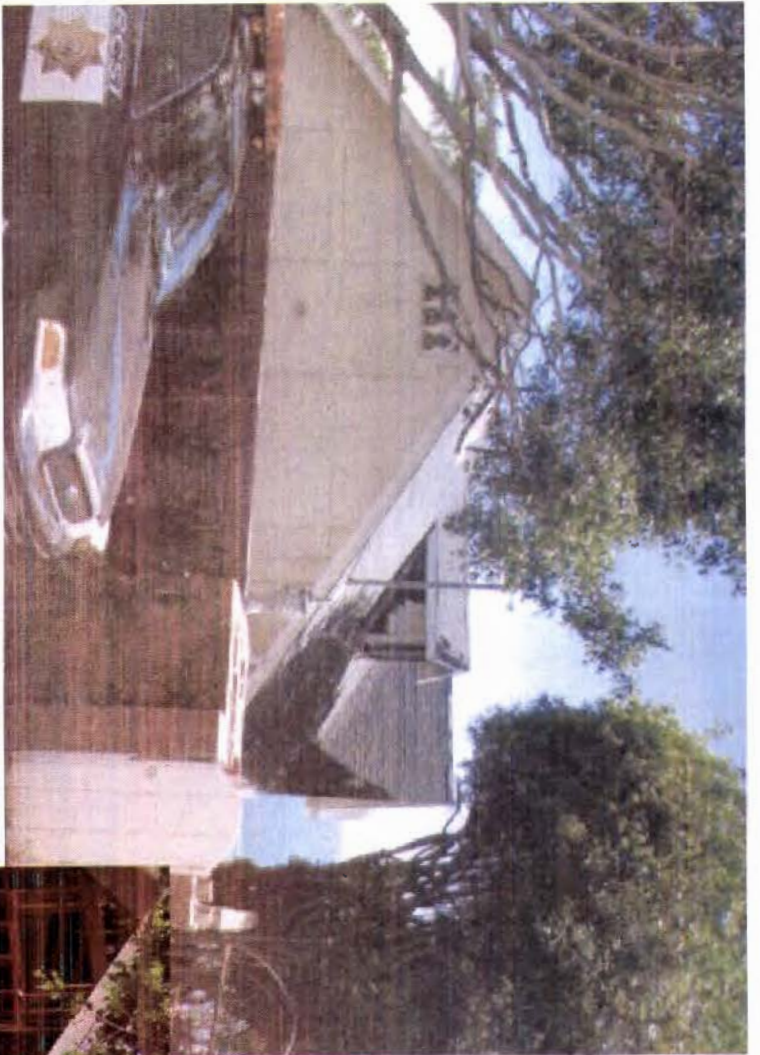
FINDINGS--Coastal Development Permit

The required findings cannot be made

1. Lack of conformity with General Plan and Local Coastal Program.
2. Lack of conformity with Local Coastal Program.
3. "Fair argument" for application of CEQA has been made.

Deny--Coastal Development Permit

Recommend Rehabilitation of historic resource

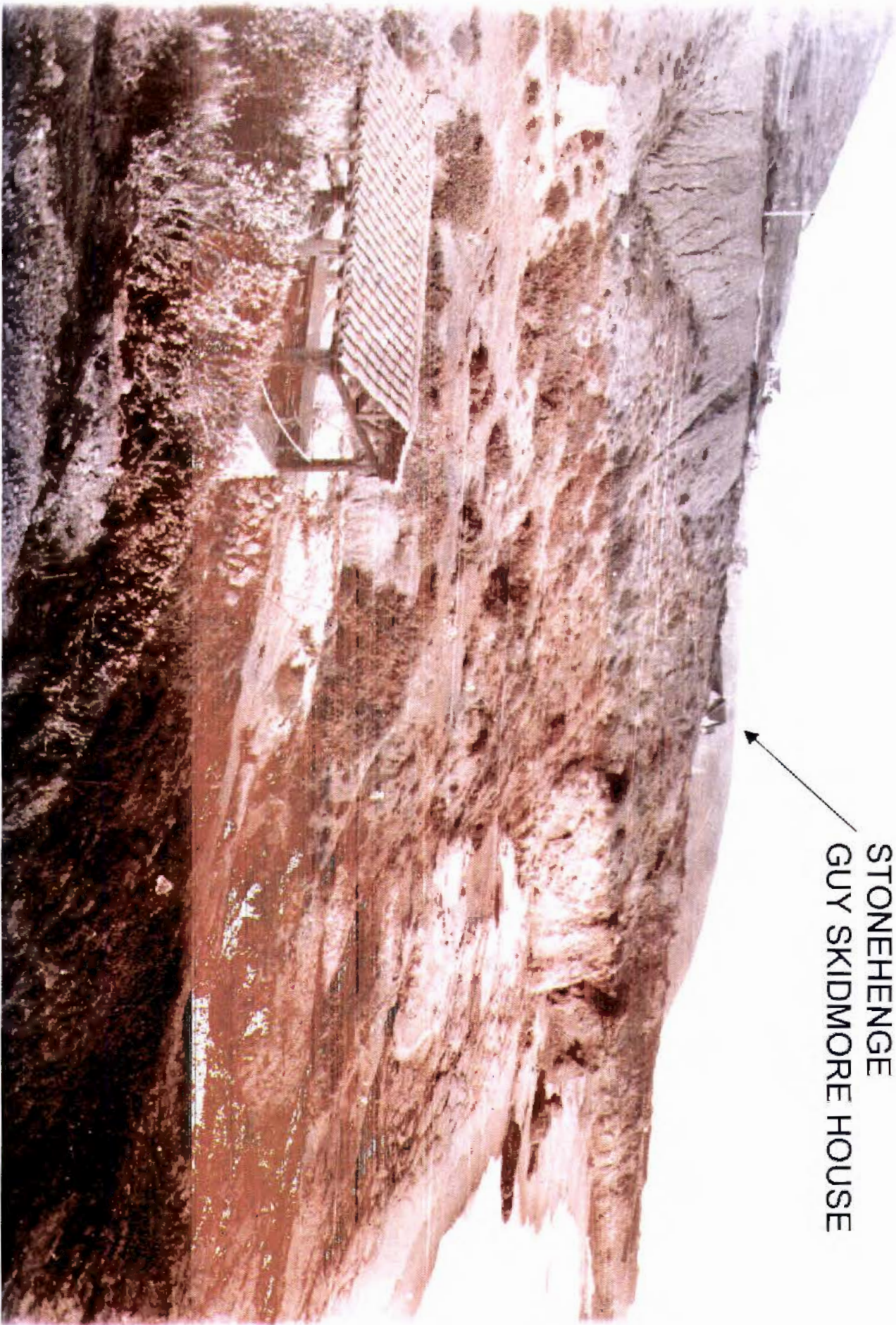


Before, 2009



Appeal Form

Rewarding illegal behavior sets a precedent



STONEHENGE
GUY SKIDMORE HOUSE

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Ancestry.com - California Voter Registrations, 1900-1968

3/5/12 8:41 PM

Ancestry

California Voter Registrations, 1900-1968

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	Smith, Chester	Rancher	Laguna Beach	
	Sorensen, Crie L.	Camp Prop.	Laguna Beach	Box 464
T				
	Thomason, John W.	Merchant	Laguna Beach	Box 45
	Tyron, Robert M.	Camp Mgr.	Laguna Beach	671
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South Coast News
6-6-30

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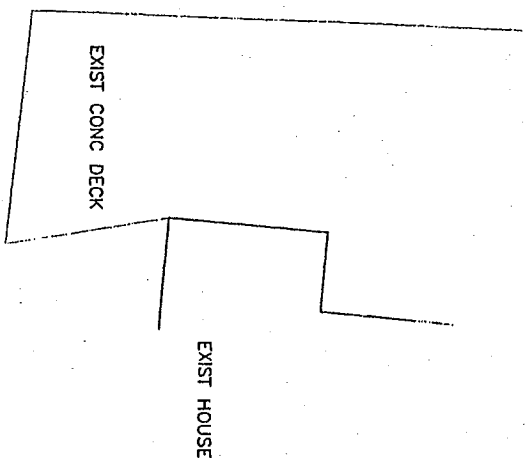
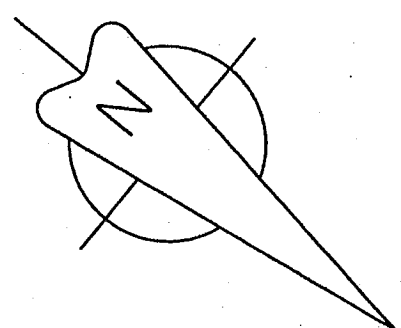
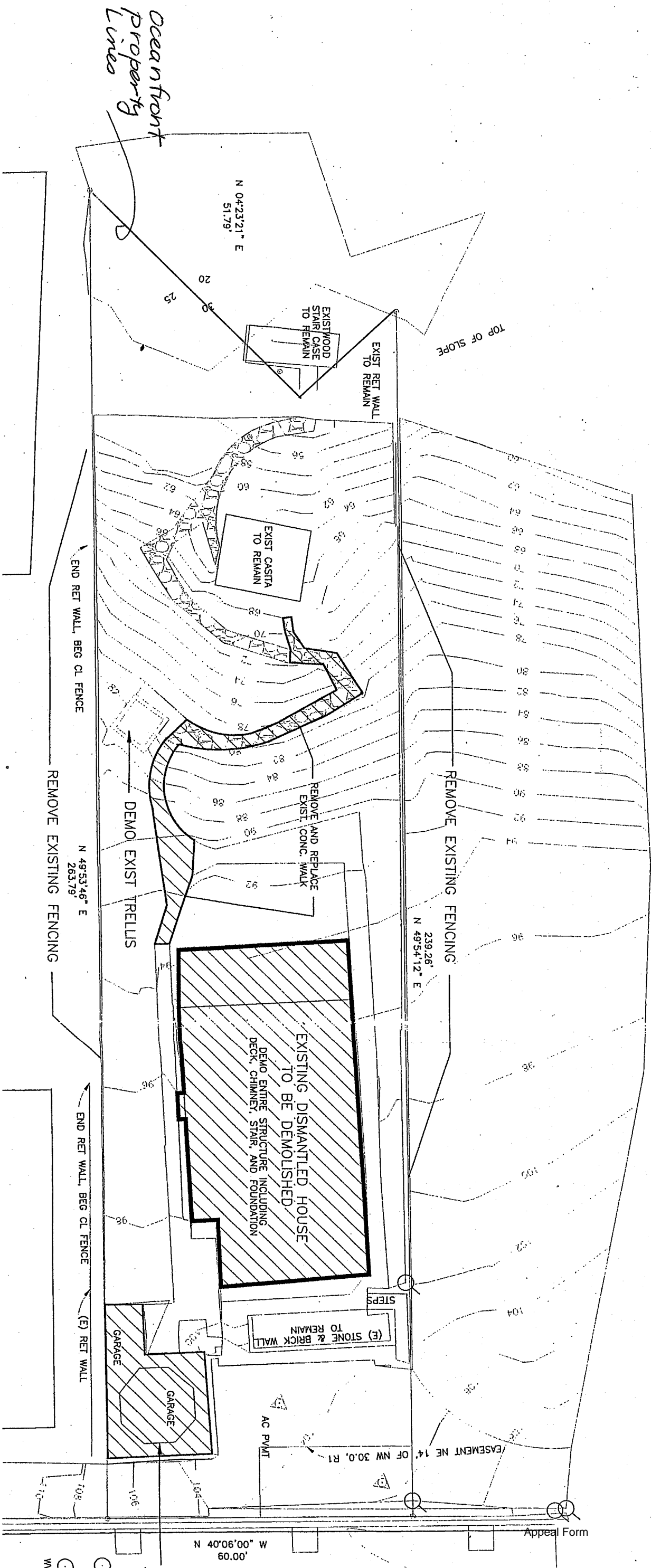
The Garden section of the South Coast Improvement Association held its regular monthly meeting last Saturday afternoon at "The Pines," the home of President and Mrs. William Crockett Watkins, who served a course of delicious refreshments at the close of the meeting.

South Coast County Water District, Inc. it would be beneficial for the waterworks in familiarize themselves with the locations of the different watersheds. It was decided to hold the April meeting of the Garden section in The Pines Canyon, April 21. Mrs. George A. Fortson was an-

1934



ENGINE ADDITION: NOT PLAN	LEGAL DESCRIPTION
<p><u>EDIE CASTRO</u></p> <p>31851 COAST HIGHWAY SO. LAQUINA</p>	<p>LOT "C" TRACT B31</p> <p>AP NO. 056-032-10</p> <p>DEED REF BK/PG 012508/00754</p>



We, the undersigned, do hereby consent to the making of the accompanying map

SANTA ANA BRANCH PACIFIC SOUTHWEST TRUST & SAVINGS BANK

By *John F. Crowell, Jr.* Vice-President By *W. J. Keenan* Asst. Secretary

State of California) ss: On this 4th day of February A.D. 1927 before me *A. F. Crowell, Jr.* a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared *J. K. Herman*, known to me to be the vice-president, and *E. C. D. Pettit*, known to me to be the asst. secretary of the SANTA ANA BRANCH PACIFIC SOUTHWEST TRUST & SAVINGS BANK, the corporation that executed the above instrument, and known to me to be the persons who executed the above instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in the certificate first above written.

A. F. Crowell, Jr.
Notary Public in and for Orange County, State of California.

We, the undersigned, do hereby consent to the making of the accompanying map, SKIDMORE BROS. CORPORATION.

Joe Skidmore
President

By *W. J. Keenan* Secretary

State of California) ss: On this day of February A.D. 1927 before me *A. F. Crowell, Jr.* a Notary Public in and for said County and State, residing therein duly commissioned and sworn, personally appeared *Joe Skidmore*, known to me to be the president and *Guy Skidmore*, known to me to be the secretary of SKIDMORE BROS. CORPORATION, the corporation that executed the above instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in the certificate first above written.

A. F. Crowell, Jr.
Notary Public in and for Orange County, State of California.

TRACT NO. 831

BEING A RESUBDIVISION OF LOTS NO. 33 TO 52 INCLUSIVE AND LOTS NO. 54 TO 63 INCLUSIVE OF TRACT NO. 702 AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 21 PAGES 1, 2 & 3 - MISC. MAPS RECORDS OF ORANGE COUNTY AFTER ABANDONMENT OF STREETS AND WALKWAYS AS PER RESOLUTION OF THE BOARD OF SUPERVISORS AS RECORDED IN MINUTE BOOK 20 PAGES 279 & 280 AND BOOK 21 PAGES 119-120 ALL IN T. 8 S. - R. 8 W. S. B. & M. COAST ROYAL, ORANGE COUNTY, CALIFORNIA

We hereby certify that we have examined the lots of this subdivision as shown on the accompanying map and approve said lots for residence or commercial uses.

James Alexander
County Assessor By *Walter D. Custer* Chief Deputy

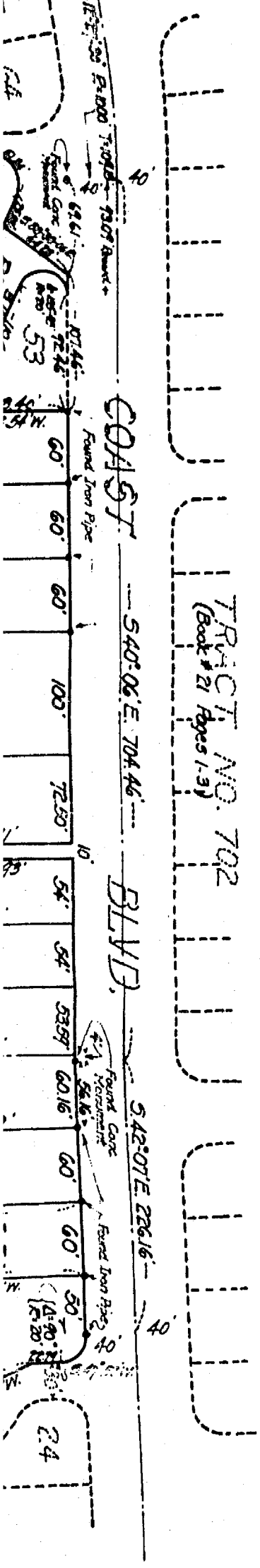
W. J. Keenan
County Surveyor

Examined and approved this 15 day of April A.D. 1927.

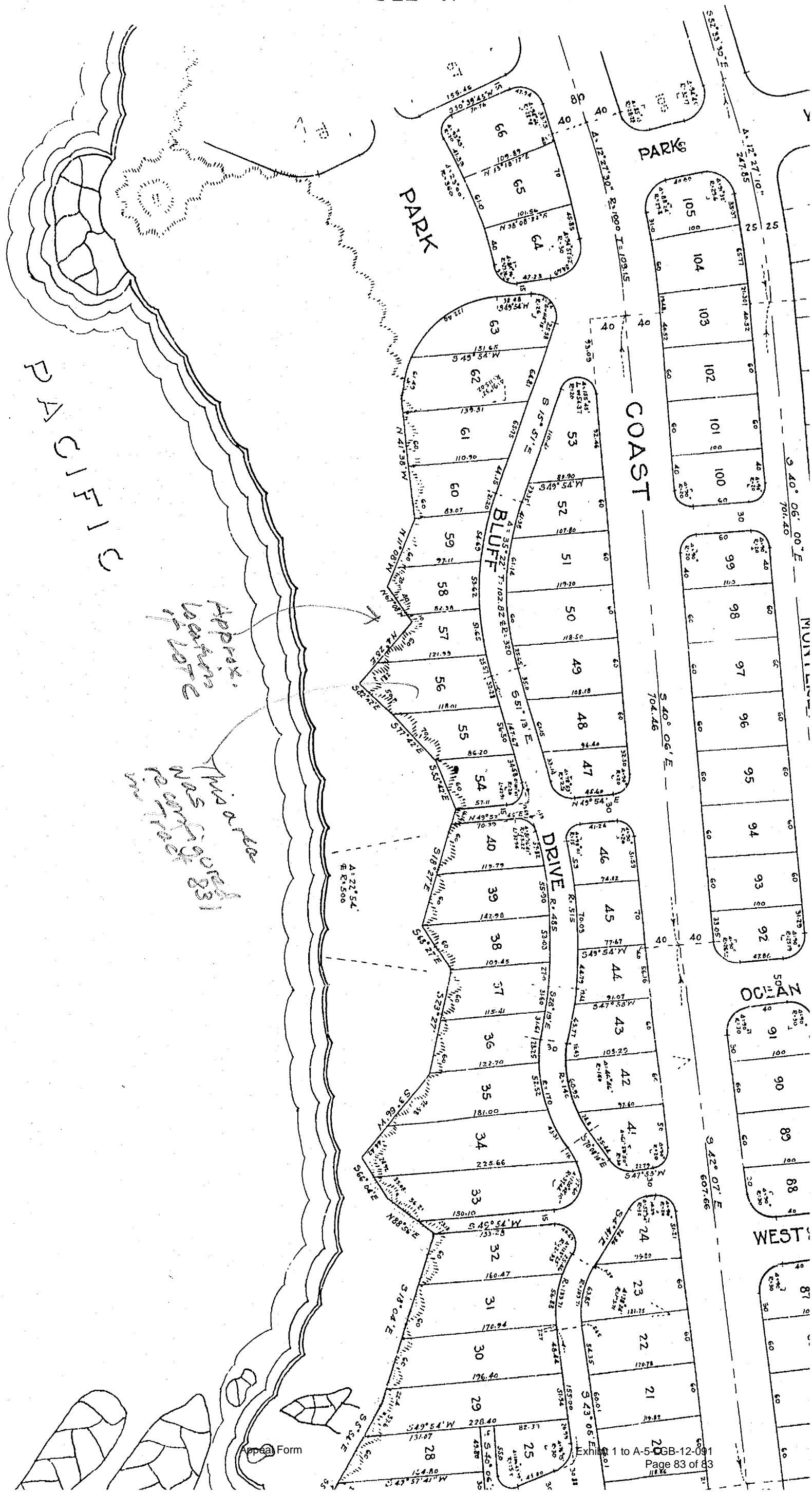
W. J. Keenan
County Surveyor

Walter D. Custer
Chief Deputy

D. 1927, before County and I, personally appeared and executed the above instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.



SEE SHEET No 1



SITE MAP W/ GEOLOGY

