CALIFORNIA COASTAL COMMISSION
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Item W15a

Filed:	June 30, 2014
49th Day:	Waived
Staff:	Liliana Roman-LB
Staff Report:	November 26, 2014
Hearing Date:	December 10, 2014
Commission Action:	

COMBINED STAFF REPORT: RECOMMENDATION ON APPEAL FINDING SUBSTANTIAL ISSUE AND STAFF REPORT AND RECOMMENDATION ON APPEAL - DE NOVO HEARING

Appeal Number:	A-5-LGB-14-0037
Applicant:	KOGA Properties LLC
Local Government:	City of Laguna Beach
Local Decision:	Approval with Conditions
Project Location:	23 Lagunita Drive, City of Laguna Beach, Orange County; APN# 656-171-32
Project Description:	Demolition of an existing 4,363 sq. ft. single family residence and construction of a new 5,559 sq.ft. single family residence with attached two-car garage, elevated decks, pool, spa and landscaping on an oceanfront lot.
Appellants:	Commissioners Mary Shallenberger and Dayna Bochco

IMPORTANT NOTE

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

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after a public hearing, determine that **a substantial issue exists** with respect to the grounds on which appeal number A-5-LGB-14-0037 has been filed because the locally approved development raises issues of consistency with the City of Laguna

Beach Local Coastal Program (LCP) and the public access and recreation policies of Chapter Three of the Coastal Act.

Staff also recommends that the Commission **approve** the de novo permit, with conditions.

The primary issues raised by the subject development are related to coastal hazards including coastal flooding, wave runup and shoreline erosion. The City's approval would have resulted in authorization of a new residence that their findings indicate would be subject to wave attack and, furthermore, the development appeared to rely on existing shoreline protection, all of which would be in noncompliance with LCP policies that require new development avoid reliance on shoreline protection. Furthermore, the City did not impose any condition waiving any right to additional shoreline protection in the future, as is required by the LCP and the Coastal Act. Authorization of development under these circumstances raises an issue of statewide significance.

Due to the above mentioned inconsistencies with the LCP and the Coastal Act, staff recommends that the Commission determine that the City's approval of the project raises a substantial issue regarding conformance with the certified LCP and the public access and public recreation policies of the Coastal Act.

As noted, the project site is known to be subject to wave uprush, flooding and erosion hazards. In 1988 a rock revetment was constructed on the subject property under emergency conditions, as well as across the properties to the north at 17 through 22 Lagunita, to protect the existing residences from wave damage and erosion that occurred during heavy storms that year. The construction was given temporary verbal authorization from the Executive Director because of the emergency. Though later approved by Commission action at its October 1988 meeting, the follow-up coastal development permits were never issued due to apparent non-compliance with prior to permit issuance conditions. Those approvals have since lapsed. Therefore, the existing rock revetment/ shoreline protective device is considered unpermitted development. Since the existing development that was being protected by that revetment is proposed to be demolished and a new residence and improvements proposed, Commission staff concluded that the accompanying revetment should also be considered for removal. Hazards studies prepared on behalf of the applicant that were submitted following the appeal revealed that the proposed residence would be sited to avoid adverse impacts from flooding, wave runup and erosion. In addition, the new residence would not be reliant on the existing revetment, nor would it require future shoreline protection. However, the applicant does not propose to remove the existing unpermitted revetment, or other unpermitted and nonconforming accessory structures currently on the site as part of this coastal development permit application. The applicant claims that the revetment could not be removed at this time because it continues to protect the residences to the north, which the applicant's studies claim do not have deepened foundation systems like the proposed structure will have. The Commission's enforcement division will evaluate further actions to address the unpermitted development on the site.

Staff is recommending the Commission **approve** the development subject to special conditions. Since the applicant is not applying to remove the unpermitted revetment, **Special Condition No. 1** requires the revetment and accessory development to be identified as unpermitted on the project plans. Special **Condition No. 4** would put this property owner and future property owners on notice of that they waive any right to repair or maintain the existing unpermitted revetment or obtain future shoreline protection for the purpose of protecting the proposed development approved herein. **Special Condition No. 5** ensures that the applicant is aware of the unpermitted nature of the

revetment on the subject property and acknowledges as much by acceptance of this permit and prohibits any development, including but not limited to, repair, enhancement/augmentation or reconstruction of the existing unpermitted revetment. Enforcement staff will evaluate further action to resolve the violation. The remaining are conditions typically recommended by staff to address future development, water quality, landscaping, geotechnical requirements and deed restriction.

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I. MOTION AND RESOLUTION FOR SUBSTANTIAL ISSUE WITH REGARD TO APPEAL NO. A-5-LGB-14-0037

Motion: *I move that the Commission determine that Appeal No. A-5-LGB-14-0037 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution to Find Substantial Issue:

*The Commission hereby finds that Appeal No. **A-5-LGB-14-0037** presents 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.*

II. APPELLANT'S CONTENTIONS

The Commission received a notice of final local action on City of Laguna Beach Local Coastal Development Permit (CDP) 14-0605 on June 11, 2014. As stated previously, CDP 14-0605 (assigned Appeal No. A-5-LGB-14-0037) approved the demolition of an existing single family dwelling and construction of a new 5,559 sq. ft. single-family dwelling with 897 sq. ft. of elevated decks, a pool, spa, landscaping and construction in an environmentally sensitive area due to its oceanfront location in the Lagunita zone.

The appeal by the California Coastal Commission contends that the proposed project does not conform to the policies and regulations of the certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act. The appeal is included as **Exhibit 2**. Briefly, the appeal contends that the proposed development would a) result in authorization of a new residence that would be subject to wave attack and appears to rely on existing shoreline protection, b) the applicant's geotechnical report/coastal hazards analysis did not fully address sea level rise issues/concerns as explicitly required by the LCP and may not have adequately addressed predicted future changes in sea level; in particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the California Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change, c) did not take into consideration project alternatives, such as a more landward location for the development to ensure it is safe for 75 years (the life of the structure) and new development alternatives that avoid reliance on shoreline protection, and finally, d) the local government did not impose any condition requiring the applicant to waive any right to additional shoreline protection in the future, as is required by the LCP.

III. LOCAL GOVERNMENT ACTION

On May 22, 2014, the City of Laguna Beach Design Review Board held a public hearing on the proposed project and approved with conditions local Coastal Development Permit CDP No. 14-0605, and Design Review 14-0607 for the demolition of an existing single family residence and construction of a new single family residence. The Coastal Commission South Coast Office received the notice of final action on June 11, 2014. On June 30, 2014 the appeal was filed by Commissioners Mary Shallenberger and Dayna Bochco (**Exhibit #2**) during the ten (10) working day appeal period. No other appeals were received.

IV. APPEAL PROCEDURES

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

Section 30603 of the Coastal Act states:

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

Section 30603(a)(1) of the Coastal Act establishes the project site as being in an appealable area because it is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach (**Exhibit #1**). All of the issues raised in the subject appeal, on which the Commission finds there is a substantial issue as described further below, apply to proposed development located in the appeals area.

Grounds for Appeal

The grounds for appeal of an approved local CDP in the appealable area are stated in Section 30603(b)(1), which states:

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

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds 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 public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

The grounds for the current appeal include contentions that the approved development does not conform to the standards set forth in the certified LCP regarding public access and recreation and coastal hazards policies, nor with the public access and recreation policies of Chapter 3 of the Coastal Act.

Qualifications to Testify before the Commission

If the Commission, by a vote of 3 or more Commissioners, decides to hear arguments and vote on the substantial issue question, proponents and opponents will have an opportunity to address whether the appeal raises a substantial issue. The time limit for public testimony will be set by the chair at the time of the hearing. As noted in Section 13117 of Title 14 of the California Code of Regulations, the only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant(s), persons who opposed the application before the local government (or their representatives), and the local government. In this case, there is no indication of opposition in the City's record. Testimony from other persons must be submitted in writing.

The Commission will then 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.

The de novo hearing is scheduled at the same hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

V. FINDINGS AND DECLARATIONS

A. Project Location and Description

The subject site is located at 23 Lagunita, Laguna Beach, Orange County. The road into the Lagunita neighborhood is gated, but the beach seaward of the site is public. The site is an 8,525 sq. ft. oceanfront lot in the Lagunitas zone. The subject site is currently developed with a pre-Coastal Act 4,363 sq. ft., two-level single-family residence with attached 2-car garage. Oceanfront and bluff top single family residences characterize the surrounding area. Public access to the beach is available via a public accessway extending from the termination of Dumond Drive about 900 feet upcoast of the subject site.

The applicant proposes demolition of the existing residence and construction of a new 5,559 sq. ft., three-level, 30' high from grade, single family residence with attached 472 sq. ft. two-car garage, on a caisson and grade beam foundation, retaining walls, 897 sq. ft. of slab on grade concrete/stone terrace patio, fire pit, spa, sliding wood deck spa cover landscape and hardscape improvements. The proposed residence consists of a garage at the street level and three levels of living space below (similar to existing residence) stair-stepping down a descending slope toward the beach. Proposed project plans are included as **Exhibit #5**.

The slope is a historic dune/back beach area that characterized the site and neighboring properties prior to the construction of Lagunita Drive in the 1930s. An existing lawn/landscaped area along the seaward side of the lot is bounded by an approximately 2-foot high wood wall (from top of wall to the present beach elevation) which is topped with a rope fence. The retaining wall is approximately 5' inland of the site's oceanfront property line. A rip-rap revetment was previously constructed on the property, inland of the oceanfront property line pursuant to an emergency CDP, to protect the existing residence from wave damage and erosion that occurred during the winter 1987-1988 past storm event. No follow up coastal development permit was ever issued for the revetment, making the existing revetment unpermitted development. The rip rap revetment is buried by sandy soils underneath the existing (oceanfront) rear yard **(Exhibit #5, page 10).**

The 80 to 150 ft. wide beach in front of the subject site was made accessible to the public in conjunction with approval of a gate and guardhouse at the entry to the Lagunitas community under Coastal Development Permit 5-83-878 and amendment 5-83-878-A1 (see findings for CDP 5-88-712(Chapman) on page 5 of **Exhibit #8).**

B. Local Coastal Program Certification

The City of Laguna Beach's Local Coastal Program was certified with suggested modifications, in July 1992 except for the three areas of deferred certification, Irvine Cove, Hobo Aliso Canyon, and Three Arch Bay. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time. The City's LCP is comprised of a variety of planning documents including the Land Use Element, Conservation/Open Space Element, and Safety Element of the City's General Plan. The Implementation Plan (IP) portion is Title 25, the City's Zoning Code.

C. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(1) 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 LCP and, if applicable, the access policies of Chapter 3 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 appeal raises no significant question." In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;

2. The extent and scope of the development as approved or denied 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.

Staff is recommending that the Commission find that a substantial issue exists with respect to whether the local government action conforms with the access and recreation provisions of Chapter 3 of the Coastal Act and the access, recreation and hazards policies of the City's certified LCP for the reasons set forth below.

D. Substantial Issue Analysis

As stated in Section IV of this report, the local CDP may be appealed to the Commission on the grounds that the proposed development does not conform to the standards set forth in the certified Local Coastal Program (LCP) or the public access policies of the Coastal Act. Pursuant to Section 30625 of the Coastal Act, the Commission must assess whether the appeal raises a substantial issue as to the project's consistency with the certified LCP or, if applicable, the access policies of the Coastal Act.

In making that assessment, the Commission considers whether the appellant's contentions regarding the inconsistency of the local government action with the certified LCP or the public access policies, if applicable, raise significant issues in terms of the extent and scope of the approved development, the factual and legal support for the local action, the precedential nature of the local action, whether a significant coastal resource would be affected, and whether the appeal has statewide significance.

On May 22, 2014, the City of Laguna Beach Design Review Board held a public hearing on the proposed project and approved with conditions Coastal Development Permit 14-0605 and Design Review 14-0607 for the demolition of an existing single family residence and construction of a new single family residence. The following contentions made by the appellants raise a substantial issue of consistency with the regulations and standards set forth in the certified LCP and public access and recreation policies of Chapter 3 of the Coastal Act.

1. Coastal Hazards – Reliance of New Development on Existing Shoreline Protection

Relevant LCP Policies

Land Use Plan, Land Use Element Policies -
Policy 7.3 (same as Policy 10.2) - Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.

Action 7.3.2 Review all applications for new development to determine potential threats from coastal and other hazards.

Action 7.3.3 Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.

Action 7.3.9 Ensure that new development, major remodels and additions to existing structures on oceanfront and oceanfront bluff sites do not rely on existing or future bluff/shoreline protection devices to establish geologic stability or protection from coastal hazards. A condition of the permit for all such new development on bluff property shall expressly require waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction.

Action 7.3.10 Allow oceanfront and oceanfront bluff homes, commercial structures, or other principal structures, that are legally nonconforming as to the oceanfront and/or oceanfront bluff edge setback, to be maintained and repaired; however, improvements that increase the size or degree of nonconformity, including but not limited to development that is classified as a major remodel pursuant to the definition in the Land Use Element Glossary, shall constitute new development and cause the pre-existing nonconforming oceanfront or oceanfront bluff structure to be brought into conformity with the LCP.

Action 7.3.12 Site and design new structures to avoid the need for shoreline and/or oceanfront bluff protective devices during the economic life of the structure (75 years).

Action 7.3.13 Limit the use of shoreline/bluff protective devices to the minimum required to protect existing development in danger from erosion. Site and design any such protective devices as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc. No shoreline/bluff protective device shall be allowed for the sole purpose of protecting an accessory structure.

Action 7.3.18 – Site and design new oceanfront development and bluff development and bluff/shoreline protective devices where that siting/design takes into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the CA Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure.

Open Space/Conservation Element Policies -
Policy 1.5A: The shoreline environment should remain in a natural state unless existing, substantial improvements are in imminent danger from erosion, flooding or collapse. "Imminent Danger" is defined as a short-range threat from the immediate to a maximum range of three (3) to five (5) years. A threat presented in the context of geologic time shall not constitute imminent danger.

Policy 1.5B: Structural protective solutions should not be approved for ancillary or appurtenant improvements to the main structure, or for unimproved land, unless they are found to be in the public interest.

Policy1.5E: Reconstruction or substantial alterations to existing shore protective devices that have not performed adequately should not be approved unless those causative factors will be corrected in substantial compliance with the Guidelines for Shoreline Protection.

Policy 1.5J Beach area created by avulsion and/or wave induced erosion should not be reclaimed for private use unless the only feasible alternative for the protection of pre-existing, habitable structures requires encroachment thereon.

Appellant's Contentions
The appellants contend that the City's approval would result in authorization of a new residence that would be subject to wave attack and rely on existing shoreline protection that currently protects the existing structure. The City's LCP prohibits approval of new development that would rely on existing or future shoreline protective devices. These policies are in place to ensure that development is not perpetuated in hazardous locations. Furthermore, Policy 7.3, Action 7.3.9 requires that new development, including additions to existing structures and major remodels include as a condition of the permit "…a waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction…". No such deed restriction requirement was imposed by the City in conjunction with its action.

Analysis
Laguna Beach Design Review Board Resolution 14.14 approving local CDP No. 14-0605 declares the project is in conformity with all the applicable provisions of the General Plan and certified LCP and specifically finds that 1) the visual impacts of the development have been minimized because the proposed structure is similar in size to neighboring buildings therefore maintaining compatibility with surrounding development; 2) that the proposed development will not create any

adverse impact to public access, therefore, no clear nexus can be demonstrated in this case for a public access dedication; and 3) the proposed development will not have any significant adverse impact on the environment. No other LCP policies are cited, such as those contained in the certified Land Use Element (LUE). Furthermore, the findings in the City staff report do not contain any discussion regarding coastal hazards or the existing shoreline protection built to protect the existing structure proposed to be demolished. The issue of new development proposed in a hazardous location in the coastal zone, which may rely upon existing or future shoreline protection, is of great significance both regionally and statewide.

The City's certified LUE Action 7.3.2, Action 7.3.11, Action 7.3.12 and Action 7.318 require an applicant provide extensive information documenting that any new oceanfront development will be safe over its lifetime from coastal hazards so as to not require future shoreline protection, and requires applicants site and design new oceanfront development taking into account predicted future changes in sea level. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, coastal hazards over the expected economic life of the structure.

To that end, the applicant's coastal hazards consultant provided an initial "Report of Coastal Hazards and Wave Runup" conducted by Coastal Geotechnical dated March 22, 2013 to the City of Laguna Beach. The wave runup analysis took into consideration potential coastal hazards and determined the FP3 (Base Flood) elevation for the site. Most importantly, the report identified the construction of an erosion prevention armament (rip rap) reportedly placed seaward of the residence in order to prevent damage to the residential structure in an emergency response type situation in late 1988. Significant erosion and destruction of the seaward yard area occurred during extreme tides and wave attack induced by a storm event on January 16-18, 1988. The specific elevation and location of the armament was not investigated but was believed by the geotechnical consultant to be generally beneath the existing lawn/landscape area along the seaward side of the property. The applicant's consultant analyzed the site with the existing shore protection in place and provided little analysis that considered the site without this existing protection. Findings were not made in the coastal hazards report or in the City's staff report that the proposed new development will not rely in some shape or form on that existing rock revetment for protection from coastal hazards. Removal/demolition of the rock revetment as part of demolition of the existing residence the rock revetment was built to protect was not considered. Overall, project alternatives were not considered.

Therefore, on this issue, there is a substantial issue raised by the appeal that warrant further investigation to determine whether the City's approval of Coastal Development Permit 14-0605 is consistent with the certified Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

2. Project Alternatives Analysis

Appellant's Contentions

The project site is located in an oceanfront area known to be subject to coastal hazards. In its review of the proposed development, the City did not require the consideration of project alternatives such as a more landward location for the development to ensure the development is safe for 75 years without reliance on shoreline protection. Additionally, the City did not review/consider

the demolition/removal of existing shoreline protection structures on the subject site or impose a condition waiving any right to additional shoreline protection in the future for the proposed new development, as is required by the LCP and the Coastal Act.

A rip-rap revetment was previously constructed on the property, pursuant to an emergency CDP, to protect the existing house from wave damage and erosion that occurred during past storm events. No follow up permit was ever issued for the revetment, making the existing revetment unpermitted development. Had there been a follow up permit, the shoreline protection device on the property would become a legal non-conforming structure when the residence it was built to protect is demolished. Since the existing development being protected by the revetment is being removed, the City could have also considered removal of the accompanying revetment, primarily using enforcement measures since it is an unpermitted structure and the new home will not rely on the unpermitted structure for its geologic stability.

Analysis

The applicant's geotechnical report/coastal hazards analysis (prepared in conjuction with the local action) states the subject property has been and is expected to be exposed to significant wave attack during high tides and storm events in the future. The coastal hazards analysis prepared by Coastal Geotechnical, dated March 22, 2013 submitted to the City by the applicant states:

> *"The seaward side of the property along the back beach area is exposed to wave attack during high tides and storm events. Review of the Guidelines For Shore Protection (Reference 8) indicates that the estimated rate of seacliff retreat for the Victoria Coast is on the order of approximately 0-2 feet per year although significantly higher rates of bluff retreat occurred generally between properties at 17 to 24 Lagunita Drive during the January 16,-18, 1988 storm event. It should be realized seacliff retreat is typically episodic, with periods of little to no retreat to a number of feet over a short period of time. The subject site, other adjacent oceanfront residences, and the seaward side of the Blue Lagoon complex to the southeast were impacted by severe wave-attack and erosion during January 1988, with many of the properties along Lagunita Drive undergoing significant erosion/damage and requiring repair…The subject and adjacent properties reportedly required emergency stabilization measures to prevent further erosion along the seaward side of the lots with the emergency work apparently consisting at least locally of the placement of rip rap revetment beneath the general area of what is presently the lawn/landscape area."*

The City's LCP prohibits approval of new development that would rely on existing or new shoreline protective devices to guard the new development against these types of tides and storm events (see Land Use Element Policy 7.3, Action 7.3.9). The City's approval appears in conflict with this policy in that the existing revetment is proposed to be retained, and the information in the City's record is not clear on whether the proposed new development is or is not sited to avoid reliance on that revetment or whether it would require any future shoreline protection device. It appears that project alternatives such as a more landward alignment of the new development and/or removal of the existing rock revetment should have been considered as part of the CDP review.

In this case, the City did not require the consideration of project alternatives such as a more landward location for the development to ensure the development is safe for 75 years and therefore in compliance with LCP policies that require new development avoid reliance on shoreline protection. If the proposed new development does not rely on the existing rock revetment, then consideration should be given to its removal in order to prevent the creation of a nonconforming structure on the subject property.

The appeal does raise a substantial issue relative to the proposed project's conformity with LCP provisions regarding coastal hazards which warrants further investigation due to the significance of the coastal resources that may be affected by the City's decision and the precedential value of the City's decision for future interpretation of its LCP.

3. Coastal Hazards – Consideration of Future Sea Level Rise

Appellant's Contentions

The appellant contends that the geotechnical report/coastal hazards analysis submitted to the City as part of the CDP application review did not fully address sea level rise concerns/issues explicitly required by the LCP and may not have adequately addressed predicted future changes in sea level. Land Use Element Policy 7.3, Action 7.3.18 has a requirement to site and design new oceanfront development where that siting/design takes into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise must be considered using up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the California Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change. Consistent with all provisions of the LCP, new structures shall be set back a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure. Therefore, further investigation is warranted to determine if the approach taken in the sea level rise analysis is consistent with the LCP.

Analysis

The applicant submitted a coastal hazards report to the City as part of the City's CDP application review titled, "Report of Coastal Hazards and Wave Runup for a Proposed Single-Family Residence, 23 Lagunita Drive" prepared by Coastal Geotechnical, dated March 22, 2013. The objective of the report was to a) research/review available geotechnical reports pertinent to the site, b) analyze potential coastal hazards; c) analyze wave runup and determine the Base Flood elevation, and d) provide results, conclusions and recommendations. It is unclear whether the report took into consideration an acceleration of the historic rate of sea level rise based upon up-to-date scientific papers and studies and agency guidance as required by the LCP. The coastal hazards report provides coastal design parameters based on data taken from the available referenced oceanographic reports/literature that are considered appropriate for the subject location and calculations in the report were performed in accordance with the guidelines presented in a 1985 Moffat and Nichol Engineers report titled *"Coastal Flood Plain Development, Orange County Coastline"* and a US Army Corps of Engineers, *"Shore Protection Manual"* dated 1984. The coastal hazards report states:

> *"The highest observed water level used in the calculations (+7.87 ft MLLW or + 5.15 ft NGVD) is from January 1983 in the Newport Bay entrance and includes*

storm surge and El Niño conditions (Reference 16). The anticipated rise in sea level over the next 75 years (estimated 1-3 feet) was then added to the previously described water level to obtain the Design Still Water Level (Hw). The design scour elevation provided herein is the result of the lack of bedrock at shallow depth along the beach area. While the sever storm event of January 1988 reportedly scoured the shoreline bounding the subject and adjacent properties to an elevation of approximately 3 to 5 feet NGVD (Reference 14) we have conservatively used a scour elevation of -2.0 feet NGVD in the analysis."

The coastal hazards report does not clearly specify how its calculation for anticipated rise in sea level was derived. Also, the calculations in the report were performed in accordance with the guidelines presented in documents from 30 years ago circa 1984 and 1985. Current LCP policies require an acceleration of the historic rate of sea level rise to be considered and to be based upon up-to-date scientific papers and studies and agency guidance such as the 2010 Sea Level Guidance from the California Ocean Protection Council.

It appears that the extent and scope of the City's approval did not fully address these coastal hazard issues of regional significance. Therefore, on this issue, there is a substantial issue raised by the appeal that warrants further investigation to determine whether the City's approval of Coastal Development Permit 14-0605 is consistent with the certified Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

Conclusion

The project site is significant due to its oceanfront location adjacent to an important public sandy beach recreation area. Due to its location the site is subject to coastal hazards related to erosion due to among other things, flooding, wave run-up, storm conditions, and sea level rise; therefore, the site is of local and statewide significance. The City's action lacks legal support under both the LCP and Chapter 3 public recreation and access policies because its action on the CDP could adversely impact valuable coastal resources, including recreational and access amenities.

Through certification of the LCP, the City was delegated the responsibility to assure implementation of a development plan at the subject site that delivers all of the benefits promised to the public. All inconsistencies in the City's approval with the LCP will have lasting effects and could result in adverse impacts upon coastal resources, public access and coastal hazards. Accordingly, the appellants' contentions raise concerns about the future interpretation of LCP policies to ensure LCP compliance.

Therefore, the appeal is both precedential and raises issues of statewide significance. For the reasons stated above, the appeal raises a substantial issue of consistency with the regulations and standards set forth in the certified City of Laguna Beach LCP and the Chapter 3 public access policies of the Coastal Act.

VI. STAFF RECOMMENDATION ON THE DE NOVO HEARING

Staff recommends that the Commission adopt the following:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR A-5-LGB-14-0037:

Staff recommends that the Commission make the following motion and adopt the following resolution:

Motion: *I move that the Commission approve Coastal Development Permit #A-5-LGB-14-0037 pursuant to the staff recommendation.*

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

Resolution:

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

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration**. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the

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

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

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Submittal of Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director two (2) sets of final architectural plans, grading plans, drainage and run-off control plans, and landscaping plans that substantially conform with the site plan submitted to the Commission on July 7, 2014, prepared by John Malick & Associates but shall be revised to include the following:

   a) Depict and identify the location of the unpermitted rock revetment, the 2' tall retaining wall with rope fence and the wood stairs to the beach in the vicinity of the western (beachfront) property line which the applicant is not proposing to remove at this time. Show these structures shaded and clearly marked with a note that *"these elements are not authorized by this or any other coastal development permit and are subject to separate enforcement action"* on each set of plans;

   b) All proposed accessory improvements including the slab on grade concrete/stone terrace patio, fire pit, spa, and sliding wood deck spa cover shall be located no further seaward than the deck stringline depicted on the project site plan submitted on July 7, 2014.

   The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Conformance with Geotechnical Recommendations.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, along with a copy of each plan, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans including foundation and grading/drainage plans and certified that each of those final plans is consistent with all the recommendations contained in the geologic engineering investigations.

   The applicant shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is legally required.

3. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from slope instability, erosion, landslides and wave uprush, storm conditions, and sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

4. **No Future Bluff or Shoreline Protective Device(s) to Protect the Proposed Development.** By acceptance of this permit, the applicant agrees, on behalf of itself and all other successors and assigns, that the existing unpermitted buried rock revetment shoreline protective device on the subject site shall not be repaired, enhanced/augmented or reconstructed for purposes of protecting the development approved by this coastal development permit and that no new shoreline or bluff protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit #A-5-LGB-14-0037 including, but not limited to, the residence, foundations, patios, decks, balconies and any future improvements, in the event that the development is threatened with damage or destruction from erosion, landslides, waves, storm conditions, flooding, sea level rise or other natural coastal hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to augment, maintain and/or construct such devices that may exist under Public Resources Code Section 30235 or the certified Local Coastal Program.

   By acceptance of this Permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove the development authorized by this Permit, including the residence, foundations, patios, decks, balconies and any other future improvements if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

5. **Existing Unpermitted Revetment**. No development, including but not limited to, repair, enhancement/augmentation or reconstruction of the existing unpermitted revetment located on the subject property shall occur.

   By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns that the existing revetment on the subject property as shown on the site plan submitted in compliance with **Special Condition #1** of CDP #A-5-LGB-14-0037 is unpermitted development.

6. **Future Improvements.** This permit is only for the development described in Coastal Development Permit A-5-LGB-14-0037. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section

30610(b) shall not apply to this development governed by the Coastal Development Permit A-5-LGB-14-0037. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit A-5-LGB-14-0037 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. **Landscaping – Drought Tolerant, Non-Invasive Plants.** No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://ucanr.edu/sites/WUCOLS/).

8. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The applicants shall comply with the following construction-related requirements:

   (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
   (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers, on the beach or in the intertidal zone.
   (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
   (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
   (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
   (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
   (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
   (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
   (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
   (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.

(k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

(l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity

(m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

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

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION AND DESCRIPTION

The project description and location is hereby incorporated by reference from Section V of the Substantial Issue portion of this staff report on page 6.

B. HAZARDS

Land Use Plan, Land Use Element Policies -

Policy 7.3 (Same as Policy 10.2): Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.

Action 7.3.2 Review all applications for new development to determine potential threats from coastal and other hazards.

Action 7.3.3 Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.

Action 7.3.9 Ensure that new development, major remodels and additions to existing structures on oceanfront and oceanfront bluff sites do not rely on existing or future bluff/shoreline protection devices to establish geologic stability or protection from coastal hazards. A condition of the permit for all such new development on bluff property shall expressly require waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction.

Action 7.3.12 Site and design new structures to avoid the need for shoreline and/or oceanfront bluff protective devices during the economic life of the structure (75 years). (Ongoing implementation.)

Action 7.3.13 Limit the use of shorelinelbluff protective devices to the minimum required to protect existing development in danger from erosion. Site and design any such protective devices as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc. No shorelinelbluff protective device shall be allowed for the sole purpose of protecting an accessory structure. (Ongoing implementation.)

Action 7.3.18 – Site and design new oceanfront development and bluff development and bluff/shoreline protective devices where that siting/design takes into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the CA Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure.

Open Space/Conservation Element Policies –

Policy 1.5A: The shoreline environment should remain in a natural state unless existing, substantial improvements are in imminent danger from erosion, flooding or collapse. "Imminent Danger" is defined as a short-range threat from the immediate to a maximum range of three (3) to five (5) years. A threat presented in the context of geologic time shall not constitute imminent danger.

Policy 1.5B: Structural protective solutions should not be approved for ancillary or appurtenant improvements to the main structure, or for unimproved land, unless they are found to be in the public interest.

Policy1.5E: Reconstruction or substantial alterations to existing shore protective devices that have not performed adequately should not be approved unless those causative factors will be corrected in substantial compliance with the Guidelines for Shoreline Protection.

Policy 1.5J Beach area created by avulsion and/or wave induced erosion should not be reclaimed for private use unless the only feasible alternative for the protection of pre-existing, habitable structures requires encroachment thereon.

Policy 1.5R Due to the oftentimes unexpected and sudden onslaught of damaging waves, whether associated with a regional storm system or not, observance of the above policies may be temporarily suspended under an emergency declaration by the proper local authorities. The design principles, however, shall be observed to the maximum extent feasible in order to preclude the need for costly alterations or removal of structures once an emergency has abated. Any structure placed under emergency conditions shall be classified as temporary and the project sponsor shall be responsible for its removal if a regular permit, processed in accordance with applicable regulations, is not obtained.

The proposed development is located on an oceanfront lot inland of an area known as Victoria Beach. The proposed residence consists of a garage at the street level and three levels of living space below (similar to existing residence) stair-stepping down a descending slope toward the beach. The slope is a historic dune/back beach area that characterized the site and neighboring properties prior to the construction of Lagunita Drive in the 1930s. An existing lawn/landscaped area along the seaward side of the residence is bounded by an approximately 2-foot high wood wall (from top of wall to the present beach elevation). The overall property slopes generally from the northeast along Lagunita Drive and down to the southwest to the beach with a maximum topographic relief of approximately 35 feet and elevations that vary from 57 feet NGVD29 at Lagunita Drive to approximately 16 to 18 feet NGVD29 at the beach elevation.

The City's certified LUP Action 7.3.2, Action, 7.3.11, Action 7.3.12 and Action 7.318 require that an applicant provide extensive information documenting that any new oceanfront development will be safe over its lifetime from coastal hazards so as to not require future shoreline protection, and requires applicants site and design new oceanfront development taking into account predicted future changes in sea level. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure.

To that end, the applicant's coastal hazards consultant provided an initial "Report of Coastal Hazards and Wave Runup" conducted by Coastal Geotechnical dated March 22, 2013 to the City of Laguna Beach. That wave runup analysis took into consideration potential coastal hazards and determined the FP3 (Base Flood) elevation for the site; the report did not take into consideration an acceleration of the historic rate of sea level rise based upon up-to-date scientific papers and studies and agency guidance as required by the LCP. Furthermore, the applicant's consultant analyzed the site with the existing shore protection in place and provided little analysis that considered the site without this protection.

In response to the Commission appeal of the City's CDP approval and subsequent Commission staff request for additional information, the applicant provided an additional "Wave Runup and Coastal

Hazard Investigation" by GeoSoils Inc. dated August 5, 2014. The site is in FEMA Zone X, which is outside the 1% chance annual sheet flow due to floods and not in any designated Special Flood Zone **(Exhibit 6).**

Flooding Hazard and Sea Level Rise (SLR)
The most recent GeoSoils Inc. Wave Runup and Coastal Hazard Investigation report considered impacts from erosion, flooding, and wave impacts. The analysis was performed without considering the existing shoreline protection device currently in place in order to determine if shoreline protection would be needed over the life of the structure. The report includes an analysis of sea level rise, wave runup and overtopping analysis, an erosion hazard analysis and flooding analysis. This analysis combined with the geologic stability analysis were used to determine the area of the site that is safe for development.

The potential flooding that could occur over the anticipated life of the project is based on high tides, storm surge, water elevation due to El Niño, Pacific Decadel Oscillations, a 100 year storm event, and the combination of long-term erosion and seasonal beach erosion. A 75 year design life or up to the year 2100 is used to determine the amount of sea-level rise to which the project site could be exposed. This is not determining how long the project will exist (and be permitted) but rather is identifying a project life timeframe that is typical for a residential structure so that the hazard analysis will adequately consider the impacts that may occur over the entire life of the development.

The sea level rise projections by GeoSoils Inc. were based on the best available science. **Exhibit 7** provides a figure from the GeoSoils Inc. report comparing many of the current SLR estimates including the US Army Corps of Engineers, the CA Coastal Conservancy, the CA Ocean Protection Council, and predictions of leading climate scientists Vermeer and Rahmstorf. Given that the proposed residential structure has an expected life of 75 years, the report establishes the projected future sea level rise at 5 feet over the next 100 years as the upper limit of the more conservative estimates and adding the design water level set at the maximum historical water level of +5.2 feet NGVD29 in 1983 to the 5 feet of future sea level rise, the highest water level will be +10.2 feet NGVD29.

In this particular case, the projected elevation following sea-level rise elevation is +10.2 feet NGVD29 and the proposed residence's lowest level elevation is at +24 feet NGVD29. Thus, rising seas are not expected to flood the proposed residence.

Erosion Hazard
The subject site lies within the Laguna Beach Mini Littoral Cells, one of eight coastal segments defined and studied in the US Army Corps of Engineers "Coast of California Storm and Tidal Wave Study, South Coast Region, Orange County" (USACOE, 2002). This shoreline is characterized by a series of small pocket beaches. The pocket beach size varies with wave conditions and shoreline orientation but, according to the study, mean beach widths have been relatively stable. The beach/shoreline in front of the subject site is subject to seasonal erosion and accretion, but is, in general described by the USACOE as stable with little or no retreat over the last 80 years. The GeoSoils Inc. analysis assumes that future shoreline changes over the next 75-100 years will be similar to the previous few decades. Furthermore, the report concludes that as the new structure is proposed to be supported by a caisson foundation, it will not be impacted by shoreline erosion either due to future sea level rise or any short-term extreme storm event.

Wave Runup Hazard
According to the information provided in the GeoSoils Inc. report, wave runup may reach the base of the slope at elevation +17 feet NGVD29 over the next 75 years. However, due to the elevation of the structure on the raised back beach, and the proposed caisson foundation for the new residence, wave runup is unlikely to reach the structure.

Existing Unpermitted Shoreline Protective Device – Rock Revetment
As a result of storm events during the winter of 1987-1988, nine beachfront lots in the Lagunita subdivision experienced erosion and structural damage to some existing single family dwellings. As previously discussed, a rock revetment that is currently buried under sand is present at the subject site and six other existing residential structures on Lagunita Drive. The rock revetment was constructed in 1988 with a verbal emergency authorization from the Executive Director (no actual written emergency permit was issued). That emergency authorization was granted on February 19, 1988 and given number 5-88-126-G. The temporary emergency authorization allowed for the construction of a shoreline protective device consisting of an engineered rock revetment to be built with 4,360 cu. yds. of rock and beach compatible sand, was to be 440 feet in length, and 16 feet in height above mean sea level. The revetment was built across eight of the nine beachfront lots that had been subjected to erosion (i.e., #17, 18, Lot M, 19, 20, 21, 22 and 23 Lagunita)[1]. **Exhibit #8, page 23** depicts the rock revetment constructed as an emergency response in 1988, and **Exhibit #5 page 10** provides a geologic cross-section of the oceanfront section of the subject lot depicting the assumed location of the buried revetment within the property line. All eight beachfront lot owners applied for follow-up coastal development permits as required via the temporary emergency authorization[2]; CDP application #5-88-712(Chapman) was submitted to make permanent the work temporarily authorized during the emergency at the subject site. The Commission took action to approve the follow-up permits at its October 1988 meeting, however, documents required to be submitted pursuant to prior to permit issuance conditions were never submitted to staff by the applicants and the follow-up coastal development permits for the revetment at all eight beachfront lots were never issued. Those approvals have since lapsed. Therefore, the existing rock revetment protecting the existing residence (and adjacent residences) is unpermitted development.

According to the information in the Wave Runup and Coastal Hazard Investigation by GeoSoils Inc., the rock revetment has remained buried below the sand level since its original placement. According to the study, the beach seaward of the revetment may remain stable and accommodate sea level rise without significant reduction in the amount of beach area available for public use. However, review of past history shows there have been events along this segment of shoreline which result in significant loss of beach sand during a combination of high tides and storms such as the El Niño storms of 1982 and 1983 and January 1988. Additionally, though not directly approved to protect the sewer line, the applicant's study states the existing rock revetment currently provides some protection to the existing municipal sewer line located inland of the revetment and seaward of the residence. In addition, the applicant's study states its removal could affect the level of protection to adjacent residences from significant wave runup.

Seawalls and rock revetments, while formidable, are not permanent structures and have a finite life. They are subject to erosion, wave scour and other forces that ultimately undermine and require

[1] Although the lot at 24 Lagunita had been affected by erosion, according to the findings for CDP Application No's 5-88-690, -695, -696, -708, -709, -710, -711, and -712 (combined report), the revetment was not extended across this lot.
[2] See CDP Application No's 5-88-690, -695, -696, -708, -709, -710, -711, and -712 (combined report)

repair and/or replacement of such structures. Moreover, in this case, the existing rock revetment built to protect existing development was constructed under an emergency situation and was never made permanent by issuance of a coastal development permit. The development that was given emergency protection is now proposed to be demolished and a new residence constructed.

As explained above, the applicant's hazards analyses have demonstrated that the proposed new residence will be safe from coastal hazards over its estimated lifetime without reliance on the existing buried rock revetment or any future protection, consistent with certified LCP standards.

According to the applicant's coastal hazard consultant, at this time it is infeasible to require removal of the rock revetment as part of this CDP approval as the adjacent residence at 22 Lagunita Drive may be adversely impacted. The GeoSoils Inc. report reads, as follows:

> "*While the proposed development does not rely on the existing rocks for protection, the adjacent properties that do not have pile foundations rely on the rocks to protect them from events similar to the 1988 extreme wave event. Removal of the section of the rocks that front the site would expose the adjacent properties to significant geologic instability because future extreme wave runup would erode the soils at the removed section of rocks and outflank the rocks fronting the adjacent properties."*

The status of the revetment and options for its removal are acknowledged in the following finding addressing Unpermitted Development. Future beach conditions and/or an enforcement action may change the feasibility of removal of the existing revetment from the subject property.
The LCP requires new development on oceanfront sites to not rely on existing or future bluff/shoreline protection devices for protection from coastal hazards and expressly requires a waiver of any such rights in the future, including recording of said waiver on the title of the property as a deed restriction, therefore, **Special Condition 4,** and **Special Condition 9** are also imposed. **Special Condition 4** requires that the applicant waive any rights to construct shoreline protection under 30235 of the Coastal Act or the certified LCP for the proposed new development. In addition, the condition states that the residence will remain only as long as it is reasonably safe from failure and erosion without having to propose any shoreline/bluff protection devices to protect the residence in the future. Thus, no new shoreline protective devices, including repair, enhancement/augmentation or reconstruction of existing unpermitted rock revetment, shall be constructed or undertaken to protect the development approved pursuant to this Coastal Development Permit, consistent with the certified LCP. Pursuant to **Special Condition 4** of this permit for new development on the site, the Commission would not be required to approve the repair, enhancement/augmentation or reconstruction of the rock revetment to protect the proposed new development on the property. In addition, **Special Condition 4** also requires that the applicant agree to remove the approved development (including the residence, in part or entirely), should the development be subject to threat in the future.

In addition to the rock revetment, there are other unpermitted structures that don't conform to current development standards on the subject site. The site plan submitted by the applicant depicts an existing 2 foot tall retaining wall with rope fence on top of it and wood stairs to the beach at the retaining wall with rope fence in the vicinity of the western (beachfront) property line. The rock revetment/shoreline protective device work was built in 1988 with verbal emergency authorization

from the Executive Director. However, there are no records for approval of the 2' tall retaining wall with rope fence and wood stairs to the beach at the retaining wall with rope fence. Photographs available from the California Coastal Records Project (**Exhibit #9**) show the site before and after the winter of 1987-88 storms. The wall, rope fence and wood stairs do not appear on images before 1988. Instead, it appears from these historical photographs that the 2' tall retaining wall with rope fence and wood stairs to the beach at the retaining wall were constructed sometime after construction of the rock revetment in 1988. Given their location on a beach, these new elements would not be exempt from coastal development permit requirements. Therefore, these elements are also considered unpermitted. At this time, the applicant is proposing to redevelop the entire site but keep these unpermitted elements without further improvements. These elements are located within a hazardous location that, based on past storm damage, are subject to flooding and erosion. Furthermore, these unpermitted accessory structures are nonconforming as to oceanfront setbacks.

Oceanfront Setbacks

The applicable rear yard setback policy in the certified LCP specific to the Lagunita Zone require the rear yard setback to be the same as the R-1 Zone, but in no case less than 20' from the property line. The R-1 Zone building setback policy for oceanfront development also includes a provision that deck stringline may be used to establish a setback for decks. The unpermitted 2' tall retaining wall with rope fence and wood stairs to the beach at the retaining wall in the vicinity of the western oceanfront property line are all within this 20' rear yard setback. Additionally, the proposed new development includes new oceanfront hardscape improvements consisting of a slab on grade concrete/stone terrace patio, fire pit, spa, and a sliding wood deck spa cover. All of these new accessory improvements meet the Lagunitas 20' rear yard setback but not the R-1 Zone deck stringline setback for oceanfront properties. The deck stringline is clearly identified on the project site plan and the proposed new hardscape elements are all beyond the deck stringline.

As previously discussed, the seaward side of the property along the back beach areas has been and is expected to be exposed to potentially significant wave attack during high tides and storm events in the future. Erosion during future significant tide/wave events of the surficial sandy soils placed above the unpermitted rock revetment and damage to the unpermitted 2' tall retaining wall with rope fence and wood stairs to the beach bounding the seaward portion of the property is considered possible. Per the above referenced LCP policies, accessory structures such as hardscape improvements not constructed on deepened foundations must be setback to avoid coastal hazards. Therefore, the Commission imposes **Special Condition 1** requiring the applicant submit final revised plans to among other things, comply with the deck stringline rear yard setback for oceanfront development requirement for all accessory improvements proposed to be retained or newly built such as proposed slab on grade concrete/stone terrace patio, fire pit, spa, sliding wood deck spa cover.

To ensure that future owners are aware of the existing unpermitted development, the significant coastal hazards on this site and the conditions imposed on this development by this permit, **Special Condition 8** requires the applicant record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. **Special Condition 3** requires the applicant to assume the risk of siting development in a hazardous location and to release the Commission from liability should the residence become threatened in the future.

Conclusion
In summary, the applicant is proposing construction of a new oceanfront single family residence with a setback approximately 40 feet from the current mean high tide line. The proposed residence would be supported by drilled pier caissons with the lowest floor elevation at 24 feet NGVD, which is approximately 5 feet higher than the FP3 (Base Flood) elevation. Based on information provided by the applicant the proposed new residence does not rely on the presence of an existing unpermitted rock revetment for protection from shoreline erosion, however, the applicant is not proposing to remove the existing unpermitted rock revetment as part of the redevelopment of the site. The existing shoreline protective device was constructed under an emergency situation but a final coastal development permit was never issued by the Commission. The City's LCP requires that new oceanfront development not rely on existing and future protective devices to be safe. It is only with this requirement and the included special conditions that the Commission finds that the proposed development is consistent with the above cited provisions of the certified LCP.

In conclusion, the updated wave run up analysis has taken into consideration sea level rise and this approval is consistent with adaptation strategy to remove unnecessary or obsolete protective devices over time, and new development as it becomes threatened.

C. UNPERMITTED DEVELOPMENT
Development has occurred on the subject site without benefit of the required coastal development permit consisting of construction of a permanent rock revetment/shoreline protective device without necessary approvals and construction of a 2' tall retaining wall with rope fence and wood stairs to the beach at the retaining wall with rope fence in the vicinity of the western (beachfront) property line. The rock revetment/shoreline protective device was constructed with verbal emergency authorization from the Executive Director. There are no records for approval of the 2' tall retaining wall with rope fence and wood stairs to the beach at the retaining wall with rope fence. California Coastal Records Project Photographs (**Exhibit #9**) document the site before and after the winter of 1988 storms. It appears from these historical photographs that the 2' tall retaining wall with rope fence and wood stairs to the beach at the retaining wall were constructed after the rock revetment in 1988. All work occurred on the sandy beach. The work that was undertaken constitutes development that requires a coastal development permit. A coastal development permit was not issued by the Commission to authorize/make permanent the work undertaken under the emergency permit. Nor was any coastal development permit issued by the City of Laguna Beach. Any development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. The applicant does not propose to remove the unpermitted shoreline protective device as part of this coastal development permit application; therefore enforcement staff will evaluate further action to resolve the violation.

Special Condition 1 requires submittal of revised project plans showing the existing buried rock revetment/shoreline protective device, the 2' tall retaining wall with rope fence and wood stairs to the beach at the retaining wall with rope fence in the vicinity of the western (beachfront) property line shaded and clearly marked "this element not permitted by this or any other coastal development permit."

Special Condition 5 is imposed to ensure that the applicant and all successors and assigns are aware of the unpermitted nature of the revetment on the subject property and acknowledge as much by acceptance of this permit and prohibits any development, including but not limited to, repair, enhancement/augmentation or reconstruction of the existing unpermitted revetment.

Special Condition 8 is imposed to require the applicant to record a deed restriction against the property so as to notify all prospective future property owners of the terms and conditions of approval to which they will also be required to adhere. It thus ensures that future owners of the property will be informed of existing unpermitted development that needs to be remedied.

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the certified Laguna Beach LCP and the coastal access policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit. The Commission's enforcement division will evaluate further actions to address unpermitted development not resolved under this permit.

D. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states,

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states, in part:

> *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The standard of review of a locally issued coastal development permit on appeal is the certified LCP, and, when it is located between the sea and the first public road paralleling the sea, the access and public recreation policies of the Coastal Act.

The proposed project is the demolition of an existing single family residence and construction of a new single family residence and accessory development such as patio/decks, fire pit, spa, etc. The subject site is adjacent to a public sandy beach. The 80 to 150 ft. wide beach in front of the subject site was made accessible to the public in conjunction with approval of a gate and guardhouse at the entry to the Lagunitas community under Coastal Development Permit 5-83-878 and amendment 5-83-878-A1 (see findings for CDP 5-88-712(Chapman) on page 5 of **Exhibit #8).** Public access to the beach is available via a public accessway extending from the termination of Dumond Drive about 900 feet upcoast of the subject site.

As proposed, the Commission finds that the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development is consistent with Sections 30210 and 30211 of the Coastal Act.

E. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. MARINE RESOURCES - WATER QUALITY

LCP Land Use Plan, Land Use Element Policies -

> *Policy 7.7 Protect marine resources by implementing methods to minimize runoff from building sites and streets to the City's storm drain system (e.g., on-site water retention).*

LCP Open Space/Conservation Element Policies -

> *Policy 4G Minimize Construction Impacts – Ensure that all development minimizes erosion, sedimentation and other pollutants in runoff from construction-related activities to the maximum extent practicable. Ensure that development minimizes land disturbance activities during construction (e.g., clearing, grading, cut and fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize the impacts on water quality.*
>
> *Policy 4F Water Conservation and Native Plants – Ensure that development encourages water conservation, efficient irrigation practices and the use of native or drought tolerant non-invasive plants appropriate to the local habitat to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation. Prohibit the use of invasive plants, and require native plants appropriate to the local habitat where the property is in or adjacent to Environmentally Sensitive Areas (ESAs)/*
>
> *Policy 4J Infiltrate Runoff – Promote infiltration of both storm water and dry weather runoff, as feasible, to protect natural hydrological conditions.*

Due to the proposed project's oceanfront location, construction activities may have adverse impacts upon water quality and the marine environment. Storage or placement of construction materials, debris, or waste in a location subject to wave erosion and dispersion would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In

addition, the use of heavy machinery along roads near coastal waters may result in the release of lubricants or oils that are toxic to marine life.

In order to minimize adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 8** providing for the safe storage of construction materials, the safe disposal of construction debris and best management practices (BMP). The applicant will be required to implement BMPs designed to avoid temporary construction impacts by minimizing erosion and preventing debris from entering coastal waters. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project.

Landscaping

The City's certified LCP policies ensure that new development encourages water conservation, efficient irrigation practices and the use of native or drought tolerant non-invasive plants appropriate to the local habitat to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation while also prohibiting the use of invasive plants, and requiring native plants appropriate to the local habitat where the property is in or adjacent to Environmentally Sensitive Areas. The property is considered to be located in an environmentally sensitive area due to oceanfront proximity.

Low water use, plants, preferably native to coastal Orange County should be selected for general landscaping purposes in order to minimize irrigation requirements and saturation of underlying soils. Low water use, drought tolerant, native plants require less water than other types of vegetation, thereby minimizing the amount of water and therefore water runoff into the Pacific Ocean. Drought resistant plantings and minimal irrigation encourage root penetration that increases slope stability. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" (a.k.a. WUCOLS) prepared by University of California Cooperative Extension and the California Department of Water Resources dated January 2014 available at http://ucanr.edu/sites/WUCOLS/.

Additionally, since the proposed development is adjacent to a public sandy beach area (recreational open space), the placement of vegetation that is considered to be invasive and spread quickly could supplant open sandy beach areas should not be allowed. Invasive plants are generally those identified by the California Invasive Plant Council (http://www.cal-ipc.org) and California Native Plant Society (www.CNPS.org/) in their publications.

The applicant has submitted a landscape plan proposing use of low water use plants including a mix of native and non-native plant species on both the oceanfront side of the property and throughout the remainder of the site. New plantings in the proposed landscaping plan are non-invasive, drought tolerant to minimize the use of water. However, some existing landscape elements on the site are proposed to be retained, including a turf lawn (considered high water use) and Washingtonia robusta palm trees (considered invasive to Southern California). **Special Condition 7** requires all landscaping to be drought tolerant, non-invasive plants.

As proposed and conditioned, the proposed development will minimize possible adverse impacts on coastal waters to such an extent that it will not have a significant impact on marine resources or

coastal water quality. Therefore, the Commission finds that the proposed development, as conditioned, conforms to certified LCP policies promoting protection of marine resources, water quality and water conservation.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS:

1. City of Laguna Beach Local Coastal Program (LCP)
2. City File Record for Local Coastal Development Permit No. 14-0605
3. Wave Runup and Coastal Hazard Investigation, 23 Lagunita Drive, Laguna Beach, California prepared by GeoSoils Inc. dated August 5, 2014
4. Report of Coastal Hazards and Wave Runup, Proposed Single-Family Residence, 23 Lagunita Drive, Laguna Beach, California prepared by Coastal Geotechnical, Project No. 1138-1, dated March 22, 2013
5. Geotechnical Investigation Proposed Single-Family Residence, 23 Lagunita Drive, Laguna Beach, California prepared by Coastal Geotechnical, Project No. 1138-1, dated April 15, 2013
6. CDP 5-88-712(Chapman), related to CDP 5-88-690, 695, 696, 708, 709, 710, and 711
7. Design Report, Lagunita Beach Shore Defense System 17-24 Lagunita, by Tetra Tech, dated February 11, 1988

Exhibit No. 1
Page 1 of 1

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

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Coastal Commissioners Dayna Bochco and Mary Shallenberger

Mailing Address: 200 Oceangate, Ste 1000

City: Long Beach Zip Code: CA Phone: 562.590.5071

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Laguna Beach

2. Brief description of development being appealed:

Demolish an existing single family dwelling and construction of a new 5,559 sq.ft. single family dwelling on an oceanfront lot.

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

23 Lagunita Drive, Laguna Beach, CA 92651

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-14-0037

DATE FILED: 6/30/14

DISTRICT: South Coast District Office/Long Beach

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

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

- ☐ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☐ Planning Commission
- ☒ Other

6. Date of local government's decision: June 5, 2014

7. Local government's file number (if any): CDP 2014-0605

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Koga Properties
210 Park Lane
Atherton, CA 94027

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

On June 5, 2014, the City of Laguna Beach finalized approval of a coastal development permit for demolition of an existing single family residence and construction of a new 5,559 sq.ft. single family residence. The subject oceanfront site is located at 23 Lagunita Drive, Laguna Beach, Orange County. The City's approval would result in authorization of a new residence that would be subject to wave attack and rely on shoreline protection.

In its review of the development, the City did not require the consideration of more landward locations for the development to ensure the development is safe for 75 years and is in compliance with LCP policies that require new development avoid reliance on shoreline protection. The City also did not impose any condition waiving any right to additional shoreline protection in the future, as is required by the LCP and the Coastal Act.

The project site is known to be subject to hazards. A rip-rap revetment was previously constructed on the property to protect the existing house from wave damage and erosion that occurred during past storm events. Since the existing development being protected by that revetment is being removed, the City should have considered removal of the accompanying revetment as well.

However, the applicant's geotechnical report/coastal hazards analysis states the subject property has been and is expected to be exposed to significant wave attack during high tides and storm events in the future. The City's LCP prohibits approval of new development that would rely on existing or new shoreline protective devices to guard the new development against these tides and storm events (see Land Use Element Policy 7.3, Action 7.3.9). The City's approval appears in conflict with this policy in that the existing revetment is being retained, and the new development is not sited to avoid reliance on that revetment or on a new piling/grade beam foundation system. It appears a more landward alignment of the new development should have been considered.

Furthermore, the applicant's geotechnical report/coastal hazards analysis does not fully address issues that are explicitly required by the LCP and may not have adequately addressed predicted future changes in sea level. Land Use Element Policy 7.3, Action 7.3.18 has a requirement to site and design new oceanfront where that siting/design takes into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the California Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change. Consistent with all provisions of the LCP, new structures shall be set back a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure. Further investigation is needed to determine if the approach taken in the sea level rise analysis is consistent with the LCP.

The City's LCP prohibits approval of new development that would rely on existing or future shoreline protective devices (see Land Use Element, Policy 7.3, Action 7.3.9, among other policies identified in Attachment A). These policies are in place to ensure that development is not perpetuated in hazardous locations like the subject site. Furthermore, Policy 7.3, Action 7.3.9 requires that development, including additions to existing structures and major remodels include as a condition of the permit "…a waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction…". No such deed restriction requirement was imposed by the City in conjunction with its action. Thus, the City's approval appears in conflict with these various requirements in the LCP.

Therefore, this appeal is filed in order to address conflicts with the City's Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

Signed: _____
Appellant or Agent

Date: JUN 30 2014

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

Signed: Mary K Shallenberger
Appellant or Agent

Dated: JUN 30 2014

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Dated: _____

ATTACHMENT A - Applicable Local Coastal Program Policies

Land Use Plan, Land Use Element Policies -
Policy 7.3 (same Same Policy 10.2): Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.

Action 7.3.9 Ensure that new development, major remodels and additions to existing structures on oceanfront and oceanfront bluff sites do not rely on existing or future bluff/shoreline protection devices to establish geologic stability or protection from coastal hazards. A condition of the permit for all such new development on bluff property shall expressly require waiver of any such rights to a new bluff/shoreline protection device in the future and recording of said waiver on the title of the property as a deed restriction.

Action 7.3.10 Allow oceanfront and oceanfront bluff homes, commercial structures, or other principal structures, that are legally nonconforming as to the oceanfront and/or oceanfront bluff edge setback, to be maintained and repaired; however, improvements that increase the size or degree of nonconformity, including but not limited to development that is classified as a major remodel pursuant to the definition in the Land Use Element Glossary, shall constitute new development and cause the pre-existing nonconforming oceanfront or oceanfront bluffstructure to be brought into conformity with the LCP.

Action 7.3.12 Site and design new structures to avoid the need for shoreline and/or oceanfront bluff protective devices during the economic life of the structure (75 years). (Ongoing implementation.)

Action 7.3.13 Limit the use of shorelinelbluff protective devices to the minimum required to protect existing development in danger from erosion. Site and design any such protective devices as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc. No shorelinelbluff protective device shall be allowed for the sole purpose of protecting an accessory structure. (Ongoing implementation.)

Action 7.3.18 – Site and design new oceanfront development and bluff development and bluff/shoreline protective devices where that siting/design takes into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the CA Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change. Consistent with all provisions of the LCP, new structures shall be setback a sufficient distance landward to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure.

Land Use Plan, Open Space/Conservation Element Policies -
Policy 1.5A: The shoreline environment should remain in a natural state unless existing, substantial improvements are in imminent danger from erosion, flooding or collapse. "Imminent Danger" is defined as a short-range threat from the immediate to a maximum range of three (3) to five (5) years. **A** threat presented in the context of geologic time shall not constitute imminent danger.

Policy 1.5B: Structural protective solutions should not be approved for ancillary or appurtenant improvements to the main structure, or for unimproved land, unless they are found to be in the public interest.

Policy1.5E: Reconstruction or substantial alterations to existing shore protective devices that have not performed adequately should not be approved unless those causative factors will be corrected in substantial compliance with the Guidelines for Shoreline Protection.

Policy 1.5J Beach area created by avulsion and/or wave induced erosion should not be reclaimed for private use unless the only feasible alternative for the protection of pre-existing, habitable structures requires encroachment thereon.

CITY OF LAGUNA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

HEARING DATE	May 22 2014
TO	DESIGN REVIEW BOARD
CASE	Design Review 14 0607 Coastal Development Permit 14-0605
APPLICANT	Greg Klein John Malick & Associates (510) 595 8042 -
LOCATION	Brody Residence 23 Lagunita Drive APN 656 171 32
ENVIRONMENTAL STATUS	In accordance with the California Environmental Quality Act (CEQA) guidelines, the project is categorically exempt pursuant to Section 15303 Class 3(a) - New Construction which allows a new single family residence to be constructed within a residential zone
PREPARED BY	Nancy Csira Acting Zoning Administrator (949) 497 0332

REQUESTED ACTION The applicant requests design review and a coastal development permit to demolish an existing dwelling and construct a 5,559 square foot single family dwelling with an attached two car garage in the Lagunita zone Design review is required for new structure, elevator height skylights elevated decks (897 square feet), pool spa air conditioning units landscaping and construction in an environmentally sensitive area due to oceanfront location

PROJECT SITE DESCRIPTION The site is an oceanfront property comprised of 8 525 square feet sloping down away from the street The topography of the lot is considered steep with a lot slope of 30 percent The private community is improved with single-family dwellings that have established ocean views

STAFF REVIEW BACKGROUND Staff conducted a pre application site meeting with the property owner and applicant on September 26, 2012 A copy of the site meeting evaluation is attached to this report The initial project included upper level additions Due to the extent of the demolition proposed and the need to construct a zoning code compliant structure the project resulted in a new construction

STAFF ANALYSIS The property is currently improved with a 4,363 square-foot single family dwelling with an attached two-car attached garage which was built under County jurisdiction The project plans eliminate the existing nonconforming front setback, side setbacks on site parking and wall heights in the front setback The applicant proposes to demolish the existing

structure and construct a new 5 559 square foot single family with an attached two car garage and on site parking space

Property Development Standards and Zoning Code Consistency The proposed scope of work is in compliance with all development standards for the Lagunita zone A reduced 7 -0 garage and 10 0 ' house front setback has been applied to the property due to the topography of the lot Project summary tables can be found in an attachment to this report Property development standards specific to each zone are intended to provide the City with maximum flexibility and discretion in the decision making process

Design Review Criteria Physical improvements and site developments subject to design review shall be designed and located in a manner which best satisfies the design review criteria specified in this section Please refer to the *City s Design Guidelines - A Guide to Residential Development* on the City s website www lagunabeachcity net The intent of these guidelines is to clarify the criteria that members of the community the Design Review Board the City Council and design professionals use in the design review process

Access *Conflicts between vehicles pedestrians and other modes of transportation should be minimized by specifically providing for each applicable mode of transportation*

The applicant proposes a two car garage located where the current garage exists An additional on-site space has been provided which is required when the square footage of the home exceeds 3,600 square feet Three foot wide fire fighter access around the entire structure has been provided

Design Articulation *Within the allowable building envelope the appearance of building and retaining wall mass should be minimized Articulation techniques including but not limited to separation offsets terracing and reducing the size of any one element in the structure may be used to reduce the appearance of mass*

The proposed home consists of a garage at the street level and three floors of living below which is similar to the existing home A portion of the proposed lowest floor will be lowered an additional three feet Existing residential development in the immediate area should serve as a guide for appropriate mass and scale Elevations include a variety of windows, wall offsets and architectural elements that provide visual interest and break up large wall planes The applicant proposes plate heights of 8 -6 ' on the garage level and varying plate heights for the lower three levels ranging from 8 -0' to 9 -9 with some cathedral ceilings

Design Integrity *Consistency with the applicant s chosen style of architecture should be achieved by the use of appropriate materials and details*

The proposed beach cottage design is comprised of good quality materials and details that are consistent throughout the building The selected colors and materials include white stucco, blue patina copper standing seam metal roofing bronze windows/doors, blue patina wood shutters and natural teak accents for railings brackets and rafter tails

Environmental Context *Development should preserve and where possible enhance the city's scenic natural setting Natural features such as existing heritage trees rock out-cropping ridgelines and significant watercourses should be protected Existing terrain should be utilized in the design and grading should be minimized*

This property is located in an environmentally sensitive area due to ocean front proximity The applicant has submitted a Coastal Hazard Analysis and Geotechnical Report for the proposed project The reports concludes recommended foundations be designed to resist wave forces produced by wave runup during severe storm event as necessary and notes improvements along the seaward side of the residence not supported by a deepened footing system may be subject to damage should significant erosion occur The reports are attached for reference

Proposed grading involves 50 cubic yards of cut and 10 cubic yards of fill outside of the building footprint A total of 375 cubic yards will be exported from the site to excavate for the house and site work The applicant proposes approximately 68 percent of the total lot area as impervious surfaces

General Plan Compliance *The development shall comply with all applicable policies of the general plan including all of its elements applicable specific plans and the certified local coastal program*

The proposed single family residence is in compliance with the current General Plan Land Use Designation for the subject site under Village Low Density

Landscaping *Landscaping shall be incorporated as an integrated part of the structure's design and relate harmoniously to neighborhood and community landscaping themes View equity shall be an important consideration in the landscape design The relevant landscaping guidelines contained in the city's Landscape and Scenic Highways Resource Document should be incorporated as appropriate in the design and planned maintenance of proposed landscaping*

Independent landscape review notes that Leptospermum, Melaleuca and Ligustrum can grow taller than shown and groupings of trees and shrubs could exceed hedge height restrictions A Fire Protection AM&M Report has been approved by the Fire Department which allows Palm trees to remain on site with stipulated annual maintenance (report attached)

Neighborhood Compatibility *Development shall be compatible with the existing development in the neighborhood and respect neighborhood character Neighborhood character is the sum of the qualities that distinguish areas within the city including historical patterns of development (e g structural heights mass scale or size) village atmosphere landscaping themes and architectural styles*

The pattern of development reflects multiple story single family residences with two car garages facing the street The Board should evaluate the proposed structure as it relates to mass and scale in comparison to immediately adjacent properties

Lighting and Glare *Adequate lighting for individual and public safety shall be provided in a manner which does not significantly impact neighboring properties Reflective materials and*

appurtenances that cause glare or a negative visual impact (e g skylights white rock roofs high-gloss ceramic tile roofs reflective glass etc) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties

I our skylights are proposed The Board may want to require that automatic night shades be provided to eliminate light spillage at night

Sheets A205 illustrates all proposed exterior building and site lighting as tabulated below

Quantity	Fixture	Lamp
36	Surface-mounted downward - directed step light	50 Watt, Halogen
25	Wall mounted down-directed and shielded	14 Watt Fluorescent
2	Surface-mounted deck lantern	100 Watt Fluorescent
8	Post mounted on grade low voltage path light	20 Watt, Halogen
2	Tree mounted	12 V 120V
5	Spa & Fountain Light	100 Watt, LED

Privacy *The placement of activity areas (e g decks picture windows and ceremonial or entertainment rooms) in locations that would result in a substantial invasion of privacy of neighboring properties should be minimized*

Air conditioning condensers are proposed to be located on the roof behind the stair tower screened by a low parapet wall No privacy concerns have been identified

Sustainability *New development should consider architecture and building practices which minimize environmental impacts and enhance energy efficiency by (a) reducing energy needs of buildings by proper site and structural design (b) increasing the building s ability to capture or generate energy (c) using low impact sustainable and recycled building materials (d) using the latest Best Management Practices regarding waste and water management and (e) reducing site emissions*

The Board should consider whether the amount of floor to ceiling west-facing glazing should be reduced to minimize solar heat gain The applicant proposes to utilize sustainable building materials

Spas and Water Features *Swimming pools spas and water features shall be located designed and constructed where (a) Geology conditions allow (b) Noise produced by circulatory mechanical pumps and equipment is mitigated and (c) Any associated fencing or other site improvements are compatible with neighboring properties*

An in ground spa is proposed to be located on the oceanside of the structure accessed from the main living areas on the lowest level A sliding wood deck is proposed to cover the spa when not in use Spa equipment is proposed within in an adjacent recessed vault area A water feature is proposed within the entry courtyard

View Equity *The development including its landscaping shall be designed to protect existing views from neighboring properties without denying the subject property the reasonable opportunity to develop as described and illustrated in the city s Design Guidelines The Design Guidelines are intended to balance preservation of views with the right to develop property*

Other than preserving and/or restoring ocean views for the adjacent neighbors relative to landscaping, no other concerns have been identified

Design Review Guidelines The Board must make findings to approve the proposed elevator height that extends 2 -6 above the maximum 30-foot building height limit Pursuant to LBMC 25 08 016 Height building ' (4), elevators may be permitted to a maximum height of thirty-six feet provided the Board finds the additional height is not in conflict with the standard design review criteria

Coastal Development Permit The proposed project constitutes development for which a Coastal Development Permit is required because the project involves new construction within the coastal zone The City s determination is appealable to the California Coastal Commission

Review Criteria To ensure compliance with the certified local coastal program, the following criteria shall be incorporated into the review of all applications for coastal development permits

1 *The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in the adopted local coastal program land use plan*

An existing public easement exists along the oceanfront of the subject property

2 *The proposed development will not adversely affect marine resources environmentally sensitive areas or archaeological or paleontological resources*

There are no known marine resources archaeological or paleontological resources in the project area

3 *The proposed development will not adversely affect recreational or visitor serving facilities or coastal scenic resources*

There are no recreational or visitor serving facilities in the project area

4 *The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources*

The proposed structure is sited over forty feet from the adjacent beach and recreation areas

5 *The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards*

The building site will be altered for the construction of a new single-family dwelling The proposed project will not result in any risks from geological and erosional forces and/or flood and fire hazards

6 *The proposed development will be visually compatible with the character of surrounding areas and where feasible will restore and enhance visual quality in visually degraded areas*

The new residence is visually compatible with the surrounding neighborhood The related landscape plan has been designed to maintain existing view sheds across the project site towards the ocean

7 *The proposed development will not have any adverse impacts on any known archaeological or paleontological resource*

There are no archaeological or paleontological resources in the project area

8 *The proposed development will be provided with adequate utilities access roads drainage and other necessary facilities*

The project does not involve any changes to existing facilities

9 *Other public services including but not limited to solid waste and public roadway capacity have been considered and are adequate to serve the proposed development*

The project does not involve any changes to existing public services

Findings The Design Review Board may consider the following findings for approval

1 *The project is in conformity with all the applicable provisions of the General Plan including the Certified Local Coastal Program and any applicable specific plans in that*

The visual impacts of the development have been minimized because the proposed structure is similar in size to neighboring buildings therefore maintaining compatibility with surrounding development (1G)

2 *Any development located between the sea and the first public road paralleling the sea is in conformity with the Certified Local Coastal Program and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that*

Vertical and lateral public access exists to and along this portion of the coast and the proposed development will not create any adverse impacts to this access, therefore no clear nexus can be demonstrated in this case for a public access dedication (2B)

3 *The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act in that*

The proposed project is designed to minimize impacts on the visual and scenic quality of coastal resources and does not present any adverse impacts on the environment (3A)

COMMUNITY INTEREST The Lagunita Community Association Board of Directors and Architectural Review Committee conditionally approved the project The following conditions apply to the proposed landscaping plans

1) The two Palm trees furthest south and north respectively existing in the side yard view corridors must be removed and
2) The remaining Palm tree must be trimmed above the horizontal base of leaves (approximately at a 45 degree angle)

There have been no letters or telephone calls received by the City as of the date of this report (5/12/14)

CONCLUSION The project involves construction of a new single family residence The applicant proposes approximately 5 559 square feet of living area with 472 square feet of garage area, 897 square feet of deck area and 140 square feet of mechanical area The Board should consider whether the project has been designed to minimize impacts to immediately adjacent properties whether the proposed total program is neighborhood compatible and landscaping preserves and/or restores ocean views for adjacent neighbors

ATTACHMENTS
Project Summary Tables
Site Meeting Notes (9/26/12)
Report of Coastal Hazards and Wave Runup (3/22/13)
Geotechnical Investigation (4/15/13)
AM&M Fire Report (5/17/14)
Lagunita Community Association Review Letter (2/24/14)
Color and Materials
Vicinity Maps

PROJECT SUMMARY TABLES

ZONING STANDARDS				
DESCRIPTION	**REQUIRED**	**EXISTING**	**PROPOSED**	**CONFORMS (yes/no)**
USE	SFD	SFD	SFD	yes
ZONE	Lagunita			
LOT AREA	6 000 SF	8 525 SF	No Change	yes
LOT WIDTH (AVG)	70 feet	69 57 feet	No Change	no
LOT DEPTH (AVG)	100 feet	123 25 feet	No Change	yes
LOT SLOPE (%)		29 86%		
MAX BUILDING HEIGHT	12 feet abv highest curb	10 9	9 6	yes
MAX HEIGHT FROM GRADE	30 feet	29 6	30 0	yes
SETBACKS				
Front Yard	7 feet garage 10 feet	6 3 13 6	7 0 10 0	yes yes
Rear Yard	20 feet/stringline	46 6	43 9	yes
Side Yards (combined/min)	7 feet each side	5 6 each	7 0 each	yes
LOT COVERAGE (BSC)	35% 2 983 75 SF	30% 2 546 SF	32% 2 732 SF	yes
LANDSCAPE OPEN SPACE	25% 2 132 SF	34 8% 2 965 SF	26 8% 2 283 SF	yes
PARKING	3 on site space 2 covered	2 on site spaces 2 covered	3 on site space 2 covered	yes yes

PROJECT DATA				
DESCRIPTION	**EXISTING**	**PROPOSED**	**TOTAL**	
LIVING AREA				
STREET LEVEL	0 SF	130 SF	130 SF	
COURTYARD LEVEL	961 SF	1 532 SF	1 532 SF	
BEDROOM LEVEL	1 978 SF	2 212 SF	2 212 SF	
BEACH LEVEL	1 212 SF	1 685 SF	1 685 SF	
STORAGE	212 SF	0 SF	0 SF	
TOTAL	**4 363 SF**	**5 559 SF**	**5 559 SF**	
GARAGE	398 SF	**472 SF**	**472 SF**	
ELEVATED DECK/TERRACE	340 SF	**897 SF**	**897 SF**	
MECHANICAL	unknown	**140 SF**	**140 SF**	

SITE WORK			
GRADING (CUBIC YARDS)	**OUTSIDE BUILDING FOOTPRINT**	**INSIDE BUILDING FOOTPRINT**	**TOTAL**
CUT	50 CY	340 CY	390 CY
FILL	10 CY	5 CY	15 CY
NET EXPORT	40 CY	335 CY	375 CY

IMPERVIOUS SURFACES	**LOT AREA**		**% OF LOT AREA**	
	EXISTING	**PROPOSED**	**EXISTING**	**PROPOSED**
STRUCTURE	2 546 SF	2 732 SF	29 9%	32 0%
HARDSCAPE (INCL DRIVEWAY)	1 665 SF	3 097 SF	19 5%	36 4%
TOTAL	4 211 SF	5 829 SF	49 4%	68 4%

City of Laguna Beach – Community Development Department

Pre-Application Site Development Review Meeting Evaluation

Evaluation Meeting Number 12 1691 **Date** 9/26/12

Attendees Nancy Csira Principal Planner
Greg Klein John Malick and Associates Architects
Jeff Brody property owner
Steve Kawaratani consultant

Site Address 23 Lagunita Drive

Zone Lagunita **Assessor Parcel Number** 656-171 32

Background The property is currently improved with single family dwelling with an attached two car garage which was built under Orange County jurisdiction The following entitlements have been granted by the County

1) **Variance 3689** - Allowed a detached garage to be connected to an existing dwelling that encroaches into the front setback (6/25/59)

2) **Variance 7080** Allowed to exceed the maximum wall and gate height (3/12/68)

3) **Use Permit 80-74Z** Allowed construction of additions to an existing single family dwelling on a shoreline building site (1/22/81)

Laguna Beach Building Permit 97 0846 Allowed a storage room to be converted to a wine cellar (6/17/97)

The Development Review Application indicates the existing floor area is 4,277 square-feet and the garage area is 398 square feet The entire interior and exterior will be remodeled and additions are proposed to all four levels including the installation of an elevator Elevated deck additions a new on site parking space and spa relocation is also proposed

Staff advised the applicant about the Coastal Major Remodel" currently in discussion with the Coastal Commission and reviewed the Major Remodel definition to determine if the proposed project will go beyond the demolition threshold If a major remodel is proposed the project is reviewed as new construction and variances will be required for all nonconformities front setback building height, wall heights in the front setback, etc

California Environmental Quality Act (CEQA) Depending on staff determination of an addition greater than 10% or major remodel (new construction), in accordance with the California Environmental Quality Act (CEQA) guidelines, the project is categorically exempt pursuant to Section 15301, Class 1(e)(1) (Existing Facilities) that allows an addition to an existing structure that will not result in an increase of more than 50% of the floor area of the structure or Section 15303 Class 3(a) (New Construction) that allows a new single family residence to be constructed within a residential zone

Development Standards City s G I S indicates that the lot is 8 618 square feet

Front Setback	7 feet garage/10 feet house
Rear Setback	20 feet and stringline guideline
Side Setback	10% of the average lot width each side/ min 7 feet
Lot slope in percent	> 20% (?)
Height	12 feet above highest curb and 30 feet above natural grade, finished grade or lowest finished floor, whichever is more restrictive
Elevator/Stair Height	36 feet maximum (Design Review Board must approve if over 30 feet)
Building Site Coverage (BSC)	35% or 3 016 3 square-feet
Parking	2 covered spaces one additional on-site space is required when floor area exceeds 3 600 square feet which can be in tandem but cannot be within the minimum 10 foot front setback or side setbacks (minimum space 8 8 x 18' 0")
Landscape Open Space (LOS)	25 2% or 2 171 5 square feet
Landscape Guidelines	Neighborhood 12 South Laguna of the City s Landscape and Scenic Highways Resource Document

Design Review Criteria Physical improvements and site developments subject to design review should be designed and located in a manner which best satisfies the design review criteria specified in this section Refer to the *City s Design Guidelines - A Guide to Residential Development* on the City's website www lagunabeachcity net The intent of these guidelines is to clarify the criteria that members of the community the Design Review Board the City Council and design professionals use in the design review process

1 **Access** *Conflicts between vehicles pedestrians and other modes of transportation should be minimized by specifically providing for each applicable mode of transportation*

Any proposed living or storage area additions to the existing structure requires the on site parking to be brought into conformance One additional on site parking must be provided and cannot be located within the 10 foot front setback or 7 foot side setbacks The required third space can be in tandem and/or covered but requires Board approval The applicant must show that the third covered space does not add to the mass and bulk of the structure The minimum parking space is 8 -8 wide x 18 -0" deep Staff will verify that the garage meets the minimum requirements during zoning plan check

If the project is a major remodel, the Fire Department will require 3' 0" wide minimum firefighter access around the entire structure

All public and private easements must be shown on the site plan Staff is aware of a 5-foot wide access easement located across the rear property line and a sewer easement along the south side property line

2 **Design Articulation** *Within the allowable envelope the appearance of building and retaining wall mass should be minimized Articulation techniques including but not limited to separation offsets terracing and reducing the size of any one element in the structure may be used to reduce the appearance of mass*

The architect proposes some new trellises/awnings and to maintain the existing symmetry as observed from the beach Similar roof shapes including low sloped ocean facing gables are proposed The architect proposes to excavate the lowest level to provide higher ceiling heights The main areas (kitchen and living room) are proposed on this expanded lowest level to take advantage of the back yard in close proximity to the beach

3 **Design Integrity** *Consistency with the applicant s chosen style of architecture should be achieved by the use of appropriate materials and details Remodels should be harmonious with the remaining existing architecture*

The existing Spanish style will be completely changed to a beach cottage style New materials may include standing seam metal roofing siding and stucco

4 **Environmental Context** *Development should preserve and where possible enhance the city s scenic natural setting Natural features such as existing heritage trees rock out cropping ridgelines and significant watercourses should be protected Existing terrain should be utilized in the design and grading should be minimized*

A wave run up study prepared by a coastal engineer will be required for new development on this site A geological study specific to the proposed improvements is also required which may be peer reviewed by the City s geology consultant Proposed grading on the site (inside and outside the building footprint) should be minimal

The site is located in an environmentally sensitive area due to oceanfront location and water quality All beachfront properties that discharge to a Water Quality Environmentally Sensitive Area (WQESA) require the preparation of a Water Quality Management Plan (WQMP) The plan is required to be prepared during structural plan check

5 **General Plan Compliance** *The development shall comply with all applicable policies of the general plan including all of its elements applicable specific plans and the local coastal program*

The Design Review Board approval of the coastal development permit is appealable to the California Coastal Commission (CCC) Staff notes that the adjacent property

development at 24 Lagunita Drive was approved before the current discussions with the CCC have been implemented The CCC wanted that project to respect the oceanfront stringline It appears that adjustments can be made to the project to respect the current building and deck stringline Staff encouraged the applicant to present their findings for the location of the stringline for the Director's opinion However, the CCC often has more restrict stringline adherence The applicant may want to get an opinion directly from the CCC

6 **Historic Preservation** *Destruction or alteration to properties with historic significance as identified in the city s Historic Resources Inventory or Historic Register should be avoided whenever possible Special preservation consideration should be given to any structures over forty five years old*

The original structure has been remodeled several times Staff notes that an addition was permitted to the existing home in 1959 Therefore, the original structure is at least 53 years old

7 **Landscaping** *Landscaping shall be incorporated as an integrated part of the structure s design and relate harmoniously to neighborhood and community landscaping themes View equity shall be an important consideration in the landscape design The relevant landscaping guidelines contained in the city s Landscape and Scenic Highways Resource Document should be incorporated as appropriate in the design and planned maintenance of proposed landscaping*

The project requires submittal of a landscape plan The applicant should consider mitigation of public and private view corridors with hedge height limitations and either trimming lacing or removing mature vegetation The Board suggests that the total amount of impervious surfaces should not exceed 60 percent of the lot area Landscaping can be used to minimize the visual impacts of walls and structures

Staff acknowledges that the Lagunita Homeowners Association (HOA) requires that the structure be framed prior to their HOA approval of the landscape plan However the City requires approval of the landscape plan in conjunction with the overall approval If landscape changes are required after the Design Review Board approval another noticed Design Review Board hearing may be required

8 **Lighting and Glare** *Adequate lighting for individual and public safety shall be provided in a manner which does not significantly impact neighboring properties Reflective materials and appurtenances that cause glare or a negative visual impact (e g skylights white rock roofs high-gloss ceramic tile roofs reflective glass etc) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties*

The proposed project requires submittal of an exterior lighting plan that shows all exiting doors and proposed lighting fixtures Any proposed landscape lighting must

be shown on the landscape plan The Design Review Board reviews the proposed quantity and wattage of site lighting and building lighting They usually consider the minimum site lighting required to safely access the site and prefer no up lighting of trees and plants The building lighting usually allowed is the minimum exit lighting one fixture at each door as required by the Building Code

The applicant must also take into consideration the placement of skylights in relationship to neighboring activity areas and upper levels Skylights are subject to design review and automatic night shades may be required

Expansive ocean facing glass often impacts the beach due to light spillage at night and sun reflectivity during the day and sunset Selection of non reflective glass and shading devices often can mitigate the Board s concerns

9 **Neighborhood Compatibility** *Development shall be compatible with the existing development in the neighborhood and respect neighborhood character Neighborhood character is the sum of the qualities that distinguish areas within the city including historical patterns of development (e g structural heights mass scale or size) village atmosphere landscaping themes and architectural styles*

Pattern of development include homes on the ocean side of Lagunita Drive with a single story appearance from street view The applicant should research and evaluate the characteristics of the neighborhood in terms of building site coverage, square footage, number of stories and parking egress The Design Review Board reviews total program including but not limited to living, garage, deck mechanical and storage areas

10 **Privacy** *The placement of activity areas (e g decks picture windows and ceremonial or entertainment rooms) in locations that would result in a substantial invasion of privacy of neighboring properties should be minimized*

11 **Sustainability** *New development should consider architecture and building practices which minimize environmental impacts and enhance energy efficiency by (1) reducing energy needs of buildings by proper site and structural design (2) increasing the building s ability to capture or generate energy (3) using low-impact sustainable and recycled building materials (4) using the latest Best Management Practices regarding waste and water management and (5) reducing site emissions*

Staff encourages the applicant to include all sustainable building features into their project plans

12 **Swimming Pools** *Swimming pools spas and water features shall be located designed and constructed where (a) Geology conditions allow (b) Noise produced by circulatory mechanical pumps and equipment is mitigated and (c) Any associated fencing or other site improvements are compatible with neighboring properties*

There is an existing spa located within a courtyard that will be demolished The applicant proposes a new spa to be located in the rear yard near the beach Staff encouraged the applicant to locate the spa close to the residence and mitigate the noise produced by the equipment Any proposed air conditioning equipment should also be sound attenuated

13 **View Equity** *The development including its landscaping shall be designed to protect existing views from neighboring properties without denying the subject property the reasonable opportunity to develop as described and illustrated in the city s design guidelines The design guidelines are intended to balance preservation of views with the right to develop property*

The applicant should install preliminary staking early on in the design process in an effort to work with neighbors and minimize potential impacts Staking identifies building mass and scale of the proposed project

The City requires each applicant to take reasonable steps to contact neighbors within 300 feet of the proposed project prior to scheduling a Design Review Board hearing Early informal communication with neighbors preferably prior to decision of a final design often resolves potential conflicts so that the formal design review process can be expedited A neighborhood meeting is required before the project can be scheduled for Design Review

Nonconforming Site Conditions If additions more than 10% of the existing floor area are proposed the Design Review Board will review the nonconforming site conditions and determine if any improvements can be made to lessen or eliminate the nonconformities Staff has identified that the garage encroaches into the front setback and the building height is higher than 30 feet as measured above the lowest finished floor

Potential Variance Issues If the project is processed as a major remodel, the following variances will be required

1) To encroach into the 7-foot minimum front setback [LBMC 25 24 004(A)(2)]
2) To exceed the maximum 30-foot building height [LBMC 25 50 008(D)] and
3) To exceed the maximum 4-foot wall height in the front yard [LBMC 25 50 012(B)(1)

Staff encouraged the applicant to eliminate all variances if the project is considered a major remodel/new construction

Decisions on a variance application must be supported by findings of fact in support of the action whether a variance is granted or denied The necessary findings cannot be implied Rather findings must be clearly articulated and based on evidence in the administrative record of the proceedings such as staff reports testimony, photographs, and documents Findings are not sufficient if they merely recite the very language of the standards set forth in the local ordinance or state statute The requirement for findings is designed to expose a

decision making body s mode of analysis " and that responsibility is not discharged by simply parroting required findings in a conclusory fashion Findings should incorporate statements of fact that bridge the gap between the evidence presented and the decision rendered In this way persons reviewing the decision will have an informed understanding of the reasons why the action was taken

All for findings must be made to grant the requested variances

1 There are special circumstances applicable to the property involved, including size, shape, topography location or surroundings which cause the strict application of the zoning ordinance to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification

2 Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which right is possessed by other property owners under like conditions in the same vicinity and zone

3 The granting of the variance will not be detrimental to the public health, safety convenience and welfare or injurious to property or improvements in the vicinity in which the property is located

4 The granting of such a variance will not be contrary to the objectives of the zoning ordinance or the general plan

If, based upon the facts presented at the hearing on a variance application any of the required findings cannot be made the application must be denied That is all of the required findings must be made in order to support the granting of a variance

The factor of special" or "unique circumstances relates to disparities between properties, not treatment of the subject property s characteristics in the abstract Indeed the standards for variances contemplate that at best only a small fraction of any zone can qualify for a variance In short, variances are an exception rather than a rule The "plight" of the applicant must be due to peculiar physical circumstances and conditions and such circumstances and conditions must be special or unique in contrast with those of other property owners in the same zoning district

The factor of unnecessary hardship" also requires a demonstration of uniqueness as to the difficulties asserted for the subject property Difficulties or hardships shared by all would not be a sufficient justification Again, the hardship must relate to physical characteristics and conditions of the property which distinguish it from other properties in the zoning district Financial hardship for example, development would be more expensive without a variance - - does not constitute the requisite hardship Furthermore, self-induced hardship affords no ground for the grant of a variance

The factor of "no special privilege intends to permit properties to be brought up to parity with other properties in the zoning district However the granting of a variance cannot confer special privileges over and above those enjoyed by other properties In a nutshell when there is no affirmative showing that the property subject to a variance application

differs substantially and in relevant aspects from other properties in the zone a variance granted could amount to a special privilege

The fact that another property has been granted a variance similar to one subsequently sought by another property owner does not justify the granting of a later variance for a different property Each application must be considered on a case by case basis in light of its individual circumstances and merit On the other hand the granting of previous similar variances may be relevant in assessing the privileges already enjoyed by other properties Certain criteria or standards applied by local agencies in justifying a variance have been held improper by the courts For example findings that the proposed development has attractive architectural features would be a benefit to the community would serve community needs is highly desirable would be unprofitable or less profitable absent a variance, would incorporate superior building standards, or would otherwise have practical difficulties are all legally irrelevant

Coastal Development Permit A Coastal Development Permit is required for additions greater than 10% of the existing floor area or a major remodel The Design Review Board must make three findings to approve the Coastal Development Permit

Finding 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

Finding 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

Finding 3 The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act

Special Processing Requirements Following zoning plan check and HOA review, Design Review Board approval and a Coastal Development Permit will be required for the project (addition or major remodel) including the spa relocation elevated decks pedestrian entry feature landscaping and construction in an environmentally sensitive area due to oceanfront and water quality

Attachments Laguna Beach Neighborhood Lighting
Landscape Submittal Requirements

This preliminary evaluation is being provided to applicants and their design advisors to utilize as early as possible in the design stage of a contemplated project so that the ensuing design is more likely to meet the Design Review Board s approval before substantial time and resources have been expended However this preliminary evaluation provided by staff does not bind the Design Review Board in any manner in its review of or decisions on an application

Lagunita
Community Association

February 24, 2014

The Brody Family Trust
210 Park Lane
Atherton, CA 94027

Property Address 23 Lagunita
Laguna Beach, CA 92651

Dear Brody Family

On behalf of the Lagunita Community Association Board of Directors and Architectural Review Committee, I am pleased to advise you that your revised application for building has been conditionally approved The landscape plans are conditionally approved in conjunction with this submittal, contingent upon the following

- The two Palm trees furthest South and North respectively existing in the side yard view corridors, must be removed
- The remaining Palm must be trimmed above the horizontal base of leaves, (approximately at a 45% angle)

Please complete the removal and trimming at your earliest convenience and no later than March 25 2014

Please bear in mind that the Association reviews applications based on design, location style and appeal, and does not review any engineering nor compliance with local building codes You are urged to retain the services of outside professionals for such reviews

Thank you for your cooperation with this program and please feel free to contact the undersigned should you have any questions regarding this matter

At the Direction of the Board of Directors
BHE MANAGEMENT CORPORATION

Gina M Pauley CMCA, AMS
Senior Community Manager

Managing Agent BHE Management Corporation
P O Box 7736 Laguna Niguel CA 92607
Telephone (949) 363 1963 Facsimile (949) 363 9930

The Brody Residence

23 Lagunita Drive, Laguna Beach, CA 92651

APP 07

DESIGN REVIEW SUBMITTAL:
COLORS AND MATERIALS

EXTERIOR BUILDING FINISHES

"Crystal White" Color X-50 stucco from LaHabra Stucco (Parex USA, Inc.)

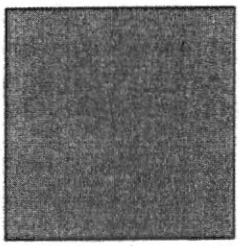
Stucco - Main Building Body

Standard "Chalk" colored 6"x6" concrete tiles and 3" wide vertical concrete trim from Concreteworks

Decorative Concrete Tile - Exterior Corner Pilasters

Natural teak with medium stain

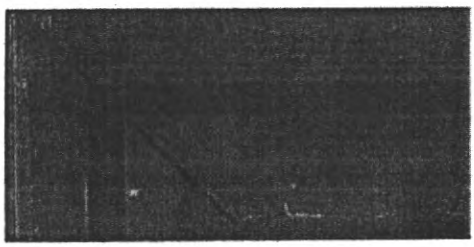
Teak - Exterior Railing Frames, Brackets, and Rafter Tails



Wood shutters in "Sea to Shining Sea" (#789) Classic Colors exterior paint finish from Benjamin Moore

Shutters - Wood with Painted Finish

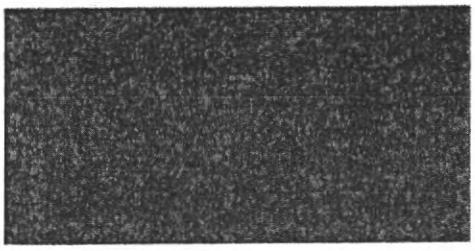
WINDOWS AND DOORS



Bronze windows and doors with medium bronze patina, from Kenner-USA, Inc.

Bronze Cladding

ROOFING

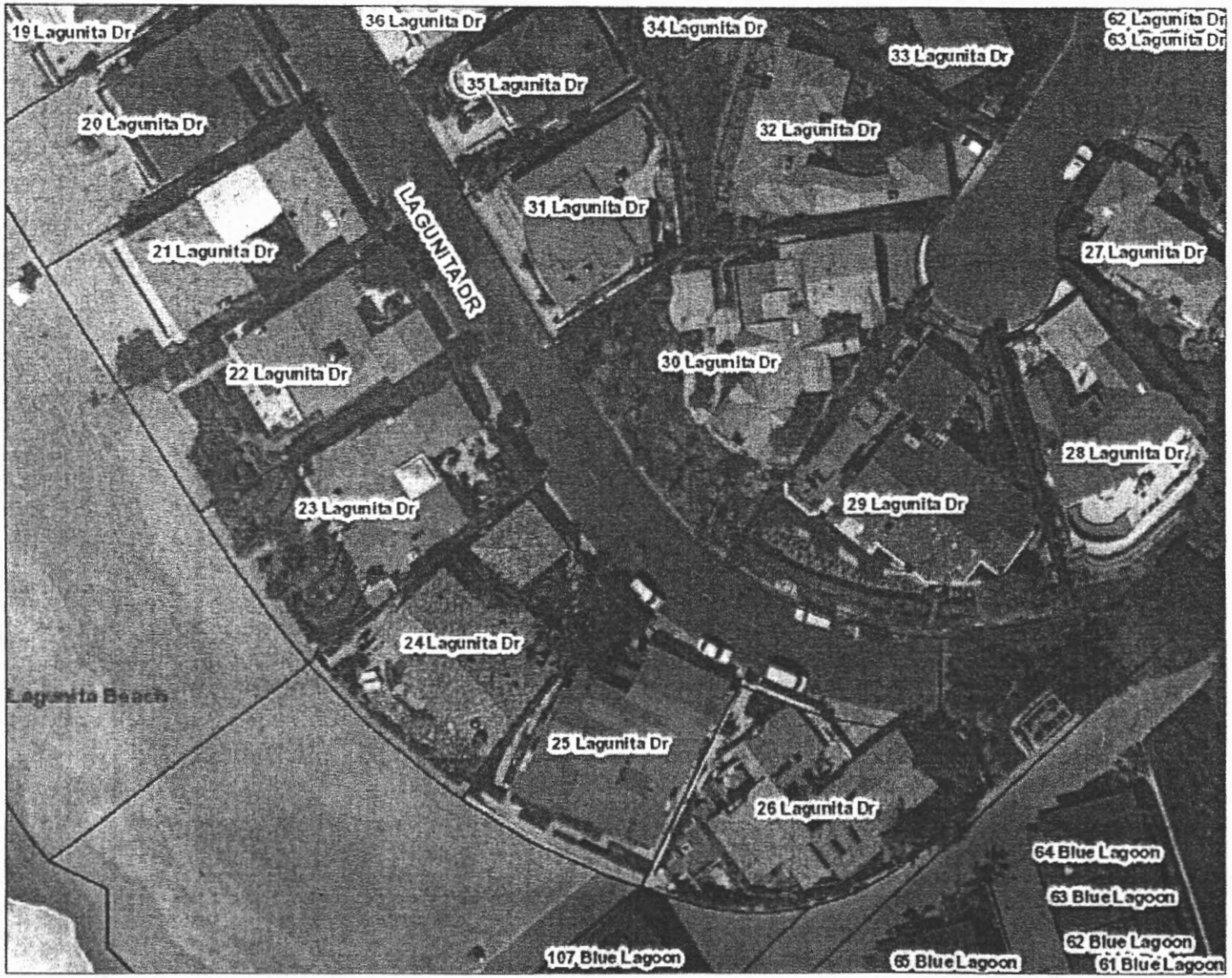


Nordic Blue Living Finish 1 pre-patinated copper from Aurubis, formed into locked, standing seam, flat pan metal roofing panels, with 18" exposure/panel width and 1"-2" seam height

Standing Seam Metal Roof

Prepared By:
John Malick & Associates (Architect)
1195 Park Avenue, Emeryville, CA 94608

City of Laguna Beach



Legend

- City Limits
- Specific Plan Areas
- Parcels
- 2008 Building Footprints

127 0 63 127 Feet

5/12/2014

Data layers that appear on this map may or may not be accurate, current or otherwise reliable.

RESOLUTION CDP 14.14

A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF LAGUNA BEACH APPROVING COASTAL DEVELOPMENT PERMIT APPLICATION NO 14-0605

Whereas, an application has been filed in accordance with Title 25-07 of the Laguna Beach Municipal Code, requesting a Coastal Development Permit for the following described property located within the City of Laguna Beach:

23 Lagunita Drive
APN 656-171-32

and;

Whereas, the review of such application has been conducted in compliance with the requirements of Title 25.07, and;

Whereas, after conducting a noticed public hearing, the Design Review Board has found:

1. The project is in conformity with all the applicable provisions of the General Plan, including the Certified Local Coastal Program and any applicable specific plans in that the visual impacts of the development have been minimized because the proposed structure is similar in size to neighboring buildings therefore maintaining compatibility with surrounding development.

2. Any development located between the sea and the first public road paralleling the sea is in conformity with the Certified Local Coastal Program and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that vertical and lateral public access exists to and along this portion of the coast and the proposed development will not create any adverse impacts to this access; therefore no clear nexus can be demonstrated in this case for a public access dedication.

3. The proposed development will not have any significant adverse impact on the environment within the meaning of the California Environmental Quality Act in that the proposed project is in compliance with the applicable rules and regulations set forth in the Municipal Code and will not cause any significant adverse impacts on the environment

NOW, THEREFORE, BE IT RESOLVED, that a Coastal Development Permit is hereby approved to the extent indicated:

Permission is granted in the Lagunita zone to demolish an existing dwelling and construct a new single-family residence.

1. Notice of Receipt and Acknowledgement. The Coastal Development Permit ("permit") is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Community Development Department.

2. Expiration. If development has not commenced within two years from the final action of the approval authority on the application, the permit will expire. Development, once

commenced, shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Community Development Director or permit approval authority.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Community Development Department an affidavit accepting all terms and conditions of the permit.

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

6. Indemnification. The permittee, and the permittee's successors, heirs and assigns, shall protect, defend, indemnify and hold harmless the City, its officers, employees or agents arising out of or resulting from the negligence of the permittee or the permittee's agents, employees or contractors.

7. Plan Reliance and Modification Restriction. In the absence of specific provisions or conditions herein to the contrary, the application and all plans or exhibits attached to the application are relied upon, incorporated and made a part of this resolution. It is required that such plans or exhibits be complied with and implemented in a consistent manner with the approved use and other conditions of approval. Such plans and exhibits for which this permit has been granted shall not be changed or amended except pursuant to a subsequent amendment to the permit or new permit as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code.

8. Grounds for Revocation. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.

BE IT FURTHER RESOLVED, that the subject Coastal Development Permit shall not become effective until after an elapsed period of fourteen (14) calendar days from and after the date of the action authorizing such permit.

PASSED on May 22, 2014, by the following vote of the Design Review Board of the City of Laguna Beach, California.

AYES:	LeBon, McErlane, Simpson
NOES:	None
ABSENT:	Liuzzi, Zur Schmiede
ABSTAIN:	None

ATTEST:

_____
Chairperson Simpson

_____
Staff Representative

EASEMENT NOTE:
THE PLAT FOR THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT.
UNPLOTTED EASEMENTS MAY EXIST ON THE SUBJECT PROPERTY.

BOUNDARY NOTE:
THIS IS NOT A BOUNDARY SURVEY. THE TOPOGRAPHIC FEATURES AS SHOWN ON THIS MAP MAY BE ADJUSTED RELATIVE TO THE PLAT UPON COMPLETION OF A BOUNDARY SURVEY

Olav S. Meum LS 4384

TOPOGRAPHIC SURVEY

LOT 23 & NORTHWESTERLY 2' OF LOT 24, TRACT 1017
23 LAGUNITA, LAGUNA BEACH, CALIFORNIA

PREPARED FOR JOHN MALICK AND ASSOCIATES

H. SCALE: 1/8"=1'	DATE: 12-19-12		
V. SCALE: N/A	DRN.: M. FLUSS		
DATE OF SURVEY: 12-12-12	CHD.: –		
DR. FILE: –	APVD.: –		

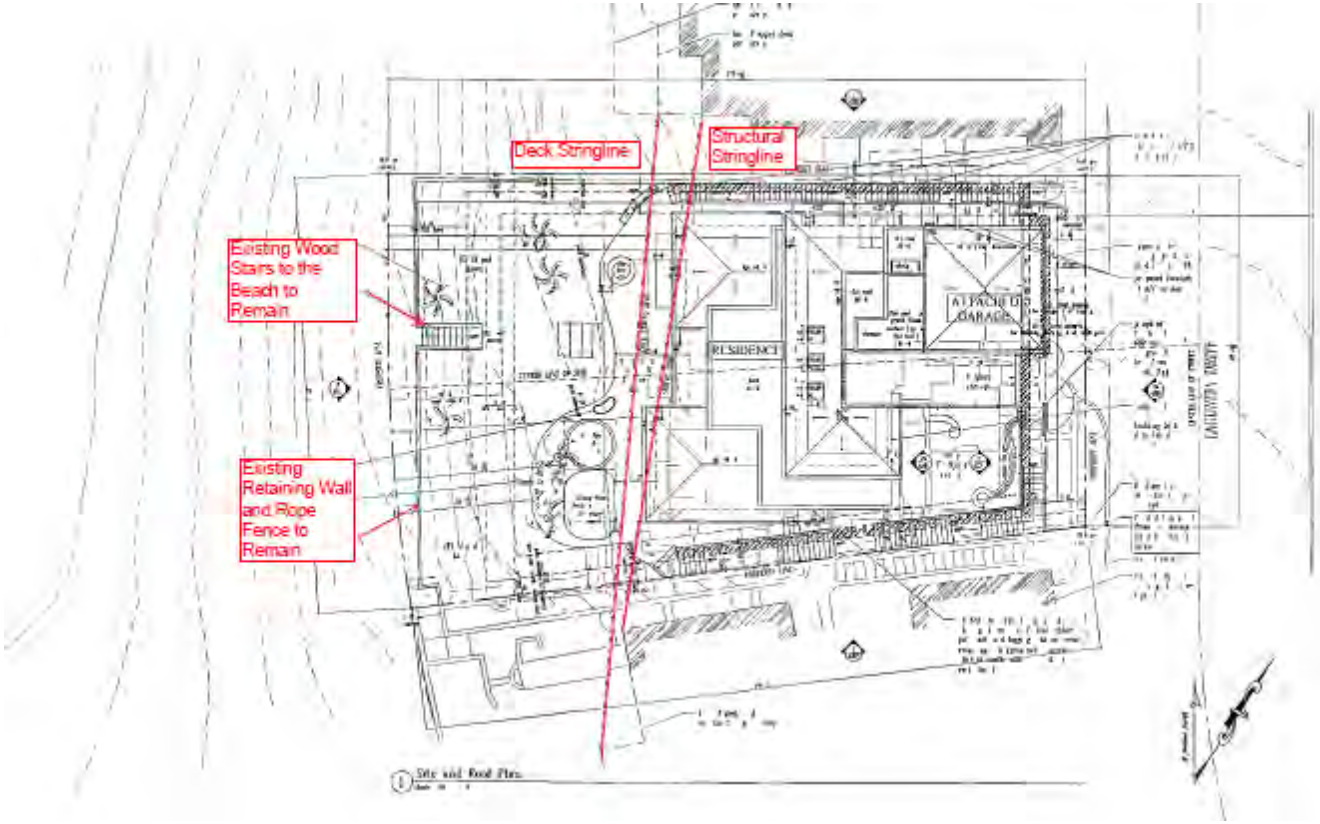
REVISIONS

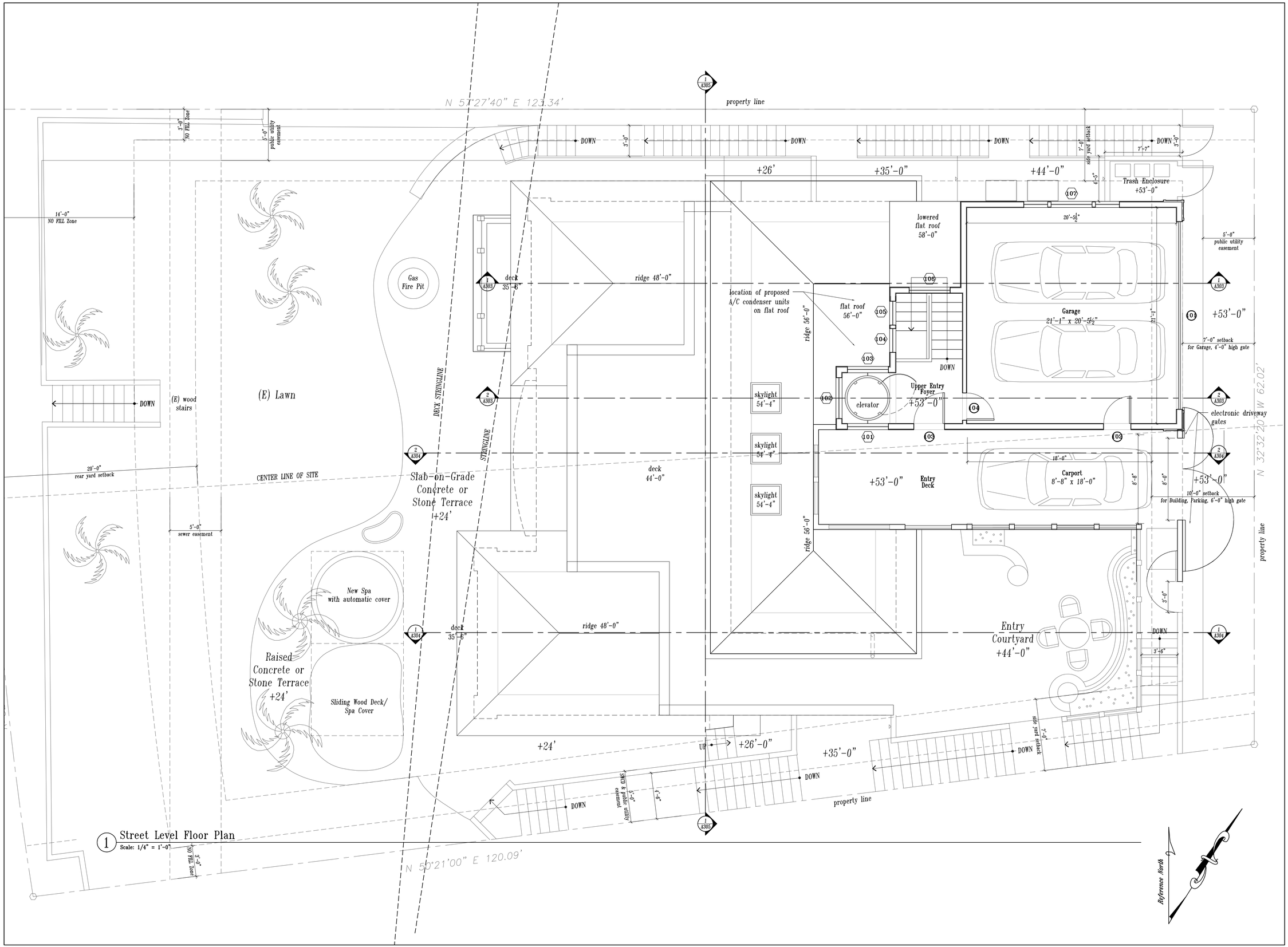
BY	DATE	APVD.	DATE

TOAL ENGINEERING, INC.
Civil Engineers and Land Surveyors
139 Avenida Navarro, San Clemente, Calif. 92672
Ph: 949-492-8586 Fax: 949-498-8625

SHEET 1 OF 1

JOB NO. 14911


Deck Stringline
Structural Stringline
Existing Wood Stairs to the Beach to Remain
Existing Retaining Wall and Rope Fence to Remain
RESIDENCE
ATTACHED GARAGE



1 Street Level Floor Plan
Scale: 1/4" = 1'-0"

JOHN MALICK & ASSOCIATES

Architecture · Planning

1195 Park Ave., Suite 102
Emeryville, California 94608
Tel: 510.595.8042 Fax: 510.595.8365

LICENSED ARCHITECT
JOHN D. MALICK
NO. C 15229
Exp. 04/30/15
STATE OF CALIFORNIA

Revisions	Date
Design Review Board Submittal	04/04/14
Zoning Review Re-Submittal	02/19/14
Lagunita HOA Revisions	01/30/14
Lagunita HOA Revisions	10/25/13
Lagunita HOA Revisions	09/25/13
Rev. staking viewing comments	09/03/13
Lagunita HOA Comments	07/19/13
Zoning Review Comments	04/23/13
Zoning Review Submittal	02/15/13

The Brody Residence

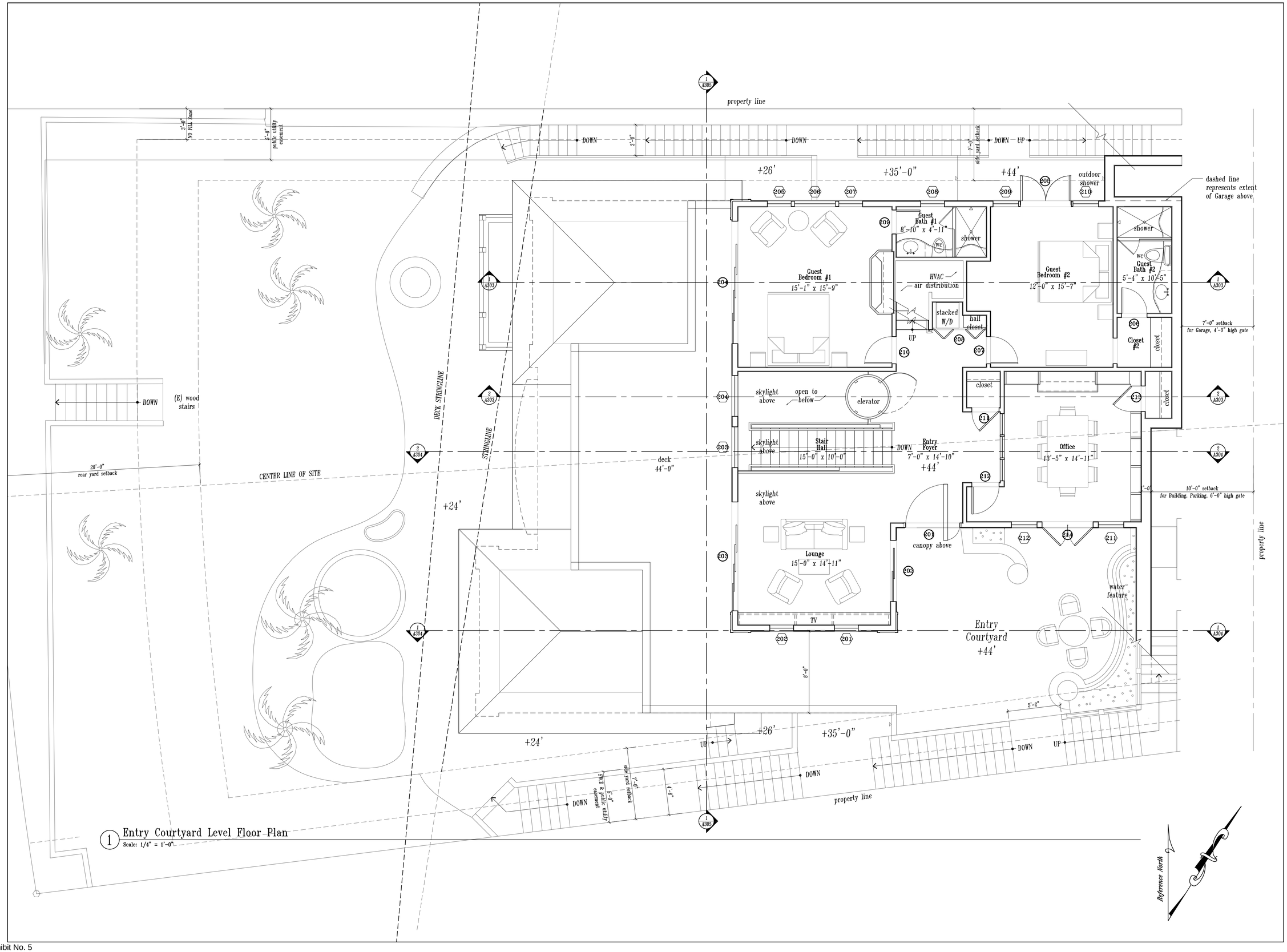
23 Lagunita Drive
Laguna Beach, CA 92651

APN: 656-171-32

Drawing Title

Street Level Floor Plan

Scale	1/4"=1'-0"
Drawn By	AG
Job Number	475.1
Drawing Number	A201



1 Entry Courtyard Level Floor Plan
Scale: 1/4" = 1'-0"

JOHN MALICK & ASSOCIATES

Architecture · Planning

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Laguna HOA Comments	07/19/13
Zoning Review Comments	04/23/13
Zoning Review Submittal	02/15/13

The Brody Residence

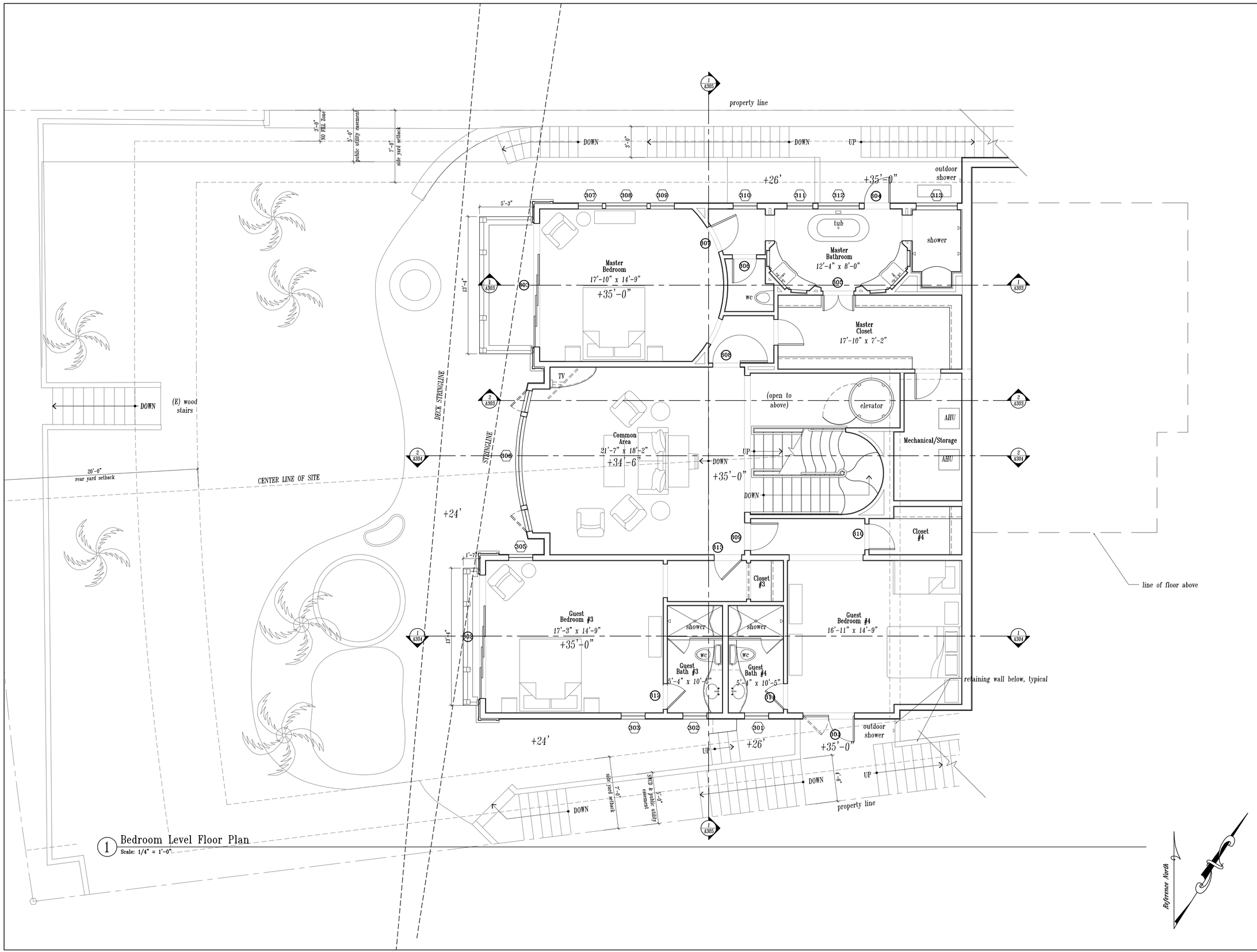
23 Lagunita Drive
Laguna Beach, CA 92651

APN: 656-171-32

Drawing Title

Entry Courtyard Level Floor Plan

Scale	1/4"=1'-0"
Drawn By	AG
Job Number	475.1
Drawing Number	A202



1 Bedroom Level Floor Plan
Scale: 1/4" = 1'-0"

Exhibit No. 5
Page 5 of 10

JOHN MALICK & ASSOCIATES

Architecture · Planning

1195 Park Ave., Suite 102
Emeryville, California 94608
Tel: 510.595.8042 Fax: 510.595.8365

LICENSED ARCHITECT
JOHN D. MALICK
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STATE OF CALIFORNIA

Revisions	Date
Design Review Board Submittal	04/04/14
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Lagunita HOA Revisions	02/14/14
Lagunita HOA Revisions	01/30/14
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Lagunita HOA Revisions	09/25/13
Zoning Review Comments	04/23/13
Zoning Review Submittal	02/15/13

The Brody Residence

23 Lagunita Drive
Laguna Beach, CA 92651

APN: 656-171-32

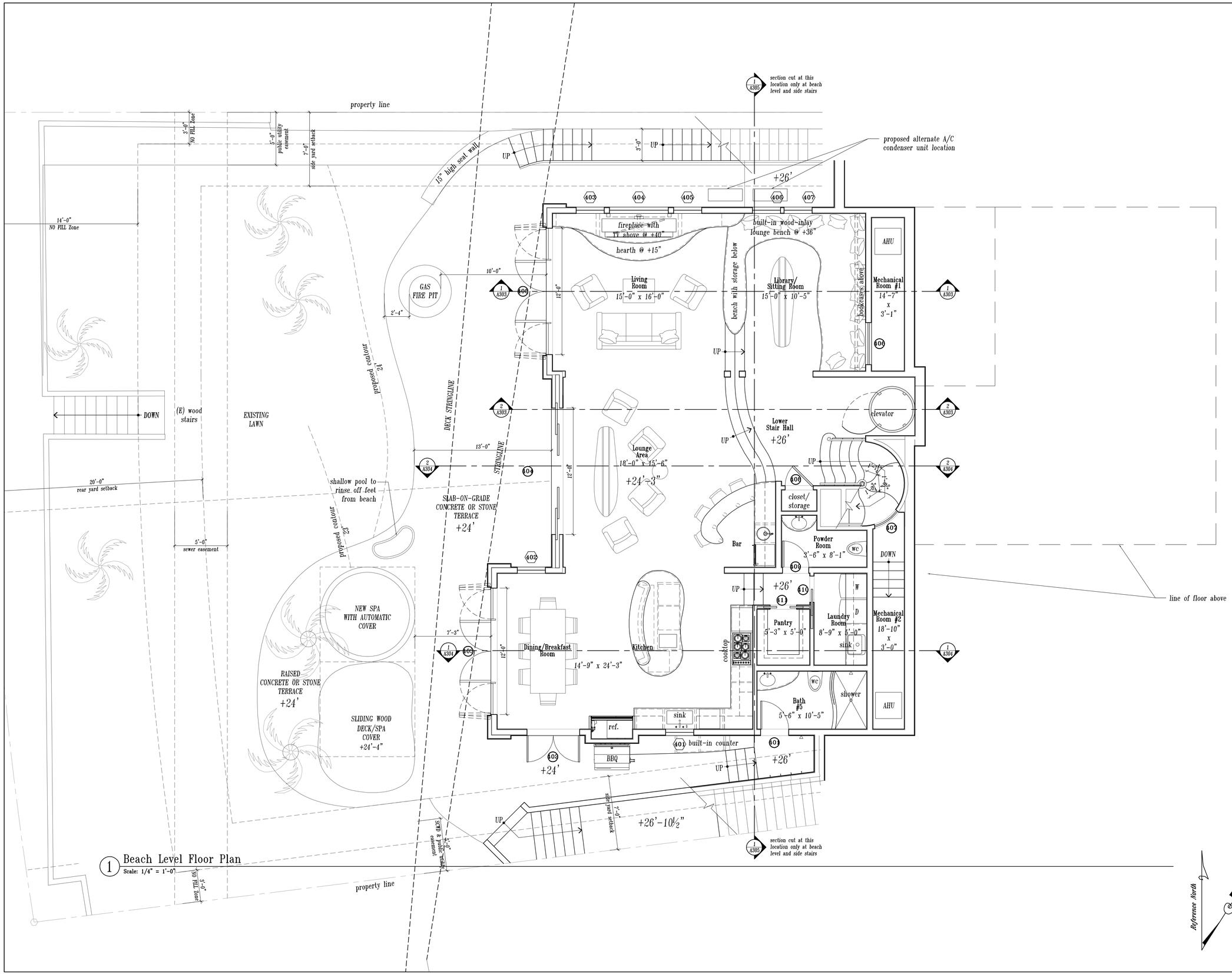
Drawing Title

Bedroom Level Floor Plan

Scale	1/4"=1'-0"
Drawn By	AG
Job Number	475.1

Drawing Number

A203



1 Beach Level Floor Plan
Scale: 1/4" = 1'-0"

Reference North

Exhibit No. 5
Page 6 of 10

JOHN MALICK & ASSOCIATES

Architecture · Planning

1195 Park Ave., Suite 102
Emeryville, California 94608
Tel: 510.595.8042 Fax: 510.595.8365

LICENSED ARCHITECT
JOHN D. MALICK
NO. C 15229
Exp. 04/30/15
STATE OF CALIFORNIA

Revisions	Date
Design Review Board Submittal	04/04/14
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Lagunita HOA Revisions	01/30/14
Lagunita HOA Revisions	10/25/13
Lagunita HOA Revisions	09/25/13
Zoning Review Comments	05/31/13
Zoning Review Comments	04/23/13
Zoning Review Submittal	02/15/13

The Brody Residence

23 Lagunita Drive
Laguna Beach, CA 92651

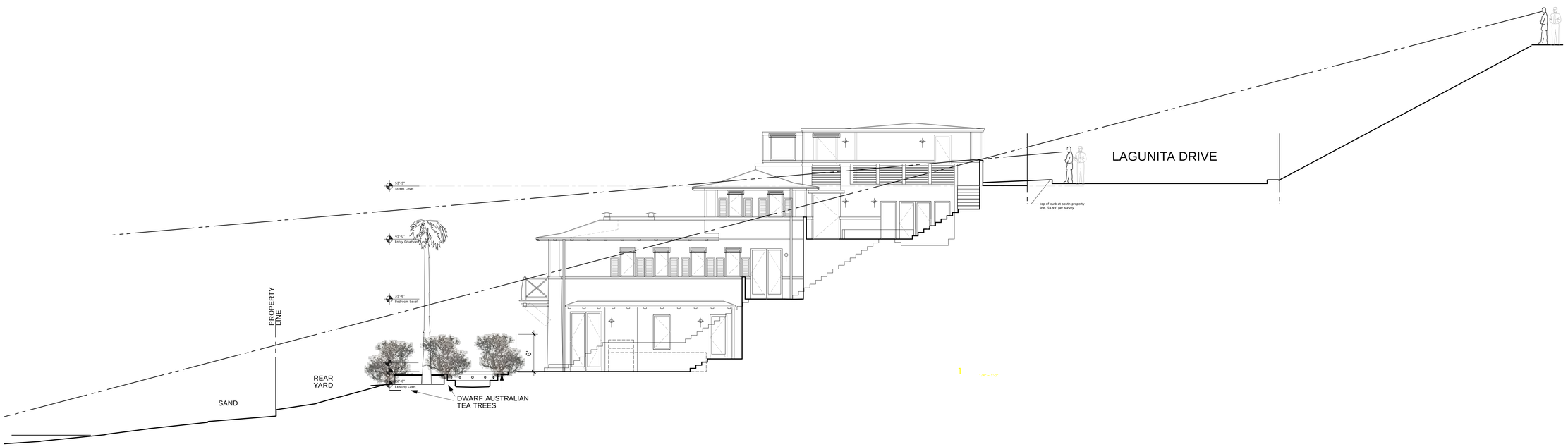
APN: 656-171-32

Drawing Title

Beach Level Floor Plan

Scale: 1/4"=1'-0"
Drawn By: AG
Job Number: 475.1
Drawing Number

A204



REVISIONS	BY
LAGUNITA COMMENTS 9-6-13	AC
LAGUNITA COMMENTS 10-28-13	AC
LAGUNITA COMMENTS 1-29-14	AC

ANN CHRISTOPH
LANDSCAPE ARCHITECT · ASLA
California State License #1419
Fellow, American Society of Landscape Architects

31713 COAST HIGHWAY · SOUTH LAGUNA · CA · 92651
TEL (949) 499 3574 FAX (949) 499 1804

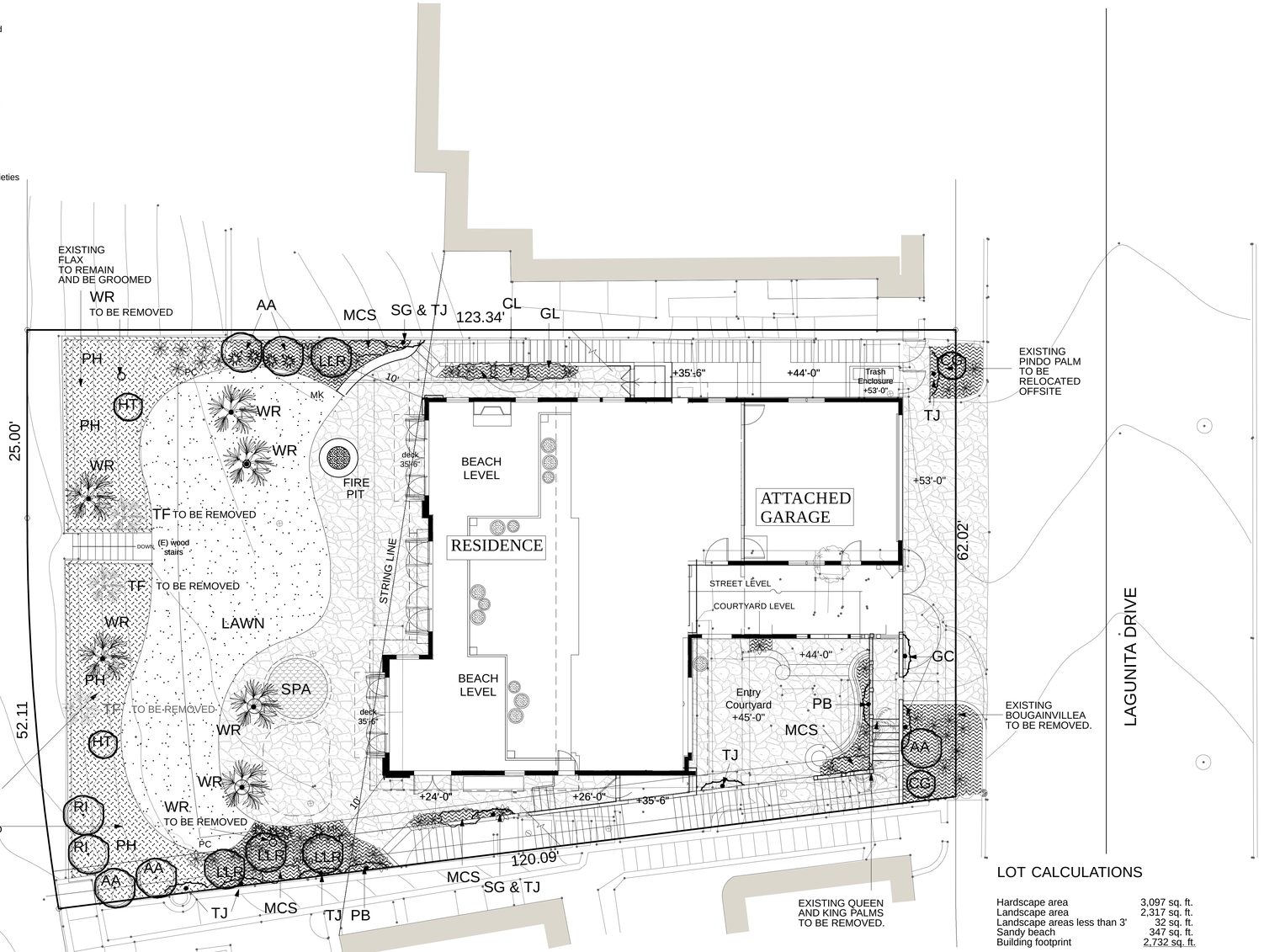
SOUTH ELEVATION

BRODY RESIDENCE
23 LAGUNITA
LAGUNA BEACH, CA 92651

DRAWN	A.C.
CHECKED	
DATE	2-15-13
SCALE	1/8" = 1'
JOB NO.	
SHEET	L-2
OF	2 SHEETS

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPD X HT (Shrubs at 5 years, Trees at 20 years)	COMMENTS
TREES					
TF	Trachycarpus fortunei	windmill palm	Existing	8' X 30'	To be removed
WR	Washingtonia robusta	Mexican fan palm	Existing	10'X 50'+	
SHRUBS					
AA	Aloe arborescens	Christmas aloe	5 gal.	8' X 6'	
BO	Bougainvillea var.	Bougainvillea	Existing	12' X 6'	
LLR	Leptospermum laevigatum 'Reevesii'	dwarf tea tree	15gal	6' X 6'	
PH	Phormium tenax	New Zealand flax	Existing		To remain and be groomed.
PT	Pittosporum tobira	mock orange	15 gal	4' X 6'	
RI	Rhus integrifolia	lemonade berry	1 & 5 gal.	8' X 6'	
LOW SHRUBS					
	Aloe striata	coral aloe	1 gal.	2' X 3'	
CG	Carissa grandiflora 'Tuttlei'	Natal plum	5 gal.	5' X 4'	Also dwarf varieties
HT	Hibiscus tiliaceous	Mahoe	5 gal.	6' X 2'	
MK	Metrosideros kermadecensis	'Tahiti' dwarf Pohutukawa	5 gal.	3' X 3'	
WRo	Westringia rosmarinifolius	coast Rosemary	1 gal.	4' X 4'	
PC	Pittosporum crassifoliumcompacta	dwarf Karo	5 gal.	4-6' X 3'	
VINES AND INFORMAL ESPALIERS 2' ± thick against walls					
CL	Corynocarpus laevigata	New Zealand laurel	15 gal	5' X 12'	
GC	Grewia caffra	lavender star flower	5 gal	5' X 5'	Train to wall
GL	Griselinia littoralis	No Common Name	15 gal	6' X 10'	
MCS	Metrosideros collina 'Springfire'	Lehua	5 gal.	10' X 12'	
PB	Phaedranthus buccinatorius	red trumpet vine	5 gal.	12'+X ht. of wall	Train to wall
SG	Solandra guttata cup of gold	5 gal.	10'+X	ht. of wall	Train to wall
TJ	Trachelospermum jasminoides	star jasmine	5 gal	8' X 6'	Train to wall
LOW PLANTINGS along beach edge					
	Artemisia pycnocephala	sand hill sage	1 gal.	3' X 1'	
	Atriplex semibaccata	Australian saltbush	5 gal.	6' X 1'	
	Camissonia cheiranthifolia	beach evening primrose	1 gal.	ground cover.	
	Erigeron glaucus	beach aster	1 gal.	2' X 1'	
	Frankenia thymifolia	sea heath	1 gal.	ground cover	
	Felicia amelloides	blue Marguerite	1 gal.	3' X 3'	
	Halimium atriplicifolium	yellow rock rose	5 gal.	4' X 6'	
	Lantana sellowiana	lavender, white lantana	1 gal.	1' X 3'	
	Limonium perezii	sea lavender	1 gal	2' X 2'	
	Oenothera berlandieri	Mexican evening primrose	1 gal.	ground cover	
	Pelargonium peltatum 'Jeanne d'Arc'	lavender ivy Geraniumfliats		ground cover	
LOW PLANTINGS UNDER SHRUBS in planting areas near patios, plus succulents below					
	Carissa grandiflora 'Green Carpet'	dwarf natal plum	1 gal	3' X 2'	
	Crassula multicava	NCN	cuttings	ground cover	
	Lantana 'Bandana'	lantana	1 gal.	3 X 3'	
	Ruscus hypglossum	butcher's broom	1 gal	18" X 18"	
POTS, SUCCULENTS such as		All less than 3'			
	Aloe sp.	aloe			
	Bulbine frutescens	stalked bulbine			
	Crassula arborescens	silver jade			
	Crassula argentea	jade plant			
	Echeveria sp.	hen and chicks			
	Kalanchoe sp.	felt plant			
	Kalanchoe blossfeldiana	NCN			
	Kleinia repens	blue iceplant			
	Lampranthus spectiabilis	trailing ice plant			



AM&M Proposal for 23 Lagunita Drive
May 2013

PROPOSED AM&M
The Brody residence will include the following AM&M for additional prevention and protection in compensation for retaining one undesirable tree species (Mexican Fan Palm) in the landscape. The proposed AM&M requires the property (rear, side, and front yards) to be maintained as a reduced irrigated, Zone A, according to partial LBFD Guidelines, as possible, given the small landscape and setback areas within the residence's footprint.

Accordingly, all landscaping on site will require the following:

1. Decks and spa covers will be non-combustible or fire treated wood (Hoover or similar) listed (2010-2011 Building Materials Listing) by the California State Fire Marshal's Office.
2. Automatic irrigation systems to maintain healthy vegetation with high moisture content.
3. Pruning of foliage to reduce fuel load, vertical continuity, and removal of plant litter and dead wood. Maintenance to be provided on an on-going basis. Trees and tree form shrub species shall be planted and maintained at a minimum 10 feet from the tree's dripline of a full growth crown to any combustible structure.
4. Special consideration should be given for geologic hazards, tree ordinances, or other conflicting restrictions.
5. Plant spacing will be in compliance with LBFD.
6. No vines shall be permitted on combustible structures (e.g., Type-V non-rated structures). Vines trained to height of non-combustible walls are allowed.
7. A minimum of 36 inches of horizontal clearance and unlimited vertical clearance around the exterior of the structure shall be provided for firefighter access. Firefighter access shall be made without the need for special tools (ladders) or ability and have permanent improvements installed when ascending or descending from street level.
8. Maintenance including ongoing removal and/or thinning of dead/dying plantings, maintenance of the operations integrity and programming of the irrigation system, regular trimming to prevent ladder fuels1 will occur at least annually and as needed.
9. The Mexican Fan Palms will be maintained annually, inspected by a certified arborist (International Society of Arboriculture or equivalent) who will submit to LBFD, documentation that the trees have been treated to comply with the specifications herein, and these measures will be made deed restrictions, to permanently follow the parcel, as long as the trees remain. Annual maintenance includes removal of dead palm fronds and cleaning the palm trunks of fibrous tissue or leaf bases (skinning) by June 15 each year. Should the property owner fail to submit documentation that the trees have been maintained, and upon inspection by the LBFD be determined to represent a fire hazard, the owner will have 7 days to provide maintenance or the trees will be removed at owner's expense.

CONDITIONS OF APPROVAL

1. The following eight palms are to be removed:
   a. One Pindo palm--Butia capitata
   b. Three Windmill palms--Trachycarpus fortunei
   c. One queen palm--Arecastrum romanzoffianum
   d. One king palm--Archontophoenix cunninghamiana
   e. Two Mexican fan palms--Washingtonia robusta
2. The following palms shall remain: six Mexican fan palms--Washingtonia robusta. The palms shall be maintained per Fire Department requirements. In addition, brown fronds shall be removed when the angle of the main stem (petiole) of the frond is lower than horizontal.
3. Leptospermum laevigatum Reevesii shall be maintained at heights not exceeding the heights shown on the legend on this landscape plan.
4. Plants shown on the legend can be substituted for plants shown on the plan.
5. Flax and Bougainvillea plants shall be maintained at heights not exceeding 4' in view corridor areas.
6. The location of plants under 3' tall such as Pittosporum crassifolium or Metrosideros kermadecensis 'Tahiti' is not an issue.
7. Pot locations are shown on the plan.
8. Vines and espaliers in the side view corridors will be properly maintained at a height not to exceed the adjacent support wall.
9. Carissa plantings to be maintained at height not to exceed 4'.

NOTES:

1. All landscape areas to be automatically irrigated.
2. Pots to be selected by owner and landscape architect.
3. Lighting is shown on Sheet A 205.
4. Grading is shown on the Civil Engineer's Plan.
5. All tree canopies shall be a minimum of 10' from the structure.

LOT CALCULATIONS

Hardscape area	3,097 sq. ft.
Landscape area	2,317 sq. ft.
Landscape areas less than 3'	32 sq. ft.
Sandy beach	347 sq. ft.
Building footprint	2,732 sq. ft.

LOT TOTAL 8525 SQ. FT.

Landscape area 2,317sq. ft./ 8525 sq. ft. =

27% LANDSCAPE OPEN SPACE AREA

Reference North

REVISIONS	BY
ZONING PLAN CHECK COMMENTS 4-18-13	AC
ZONING PLAN CHECK COMMENTS 5-3-13	AC
LAGUNITA COMMENTS 9-6-13	AC
LAGUNITA COMMENTS 10-28-13	AC
LAGUNITA COMMENTS 1-6-14	AC
LAGUNITA COMMENTS 1-29-14	AC
LAGUNITA COMMENTS 2-13-14	AC

ANN CHRISTOPH
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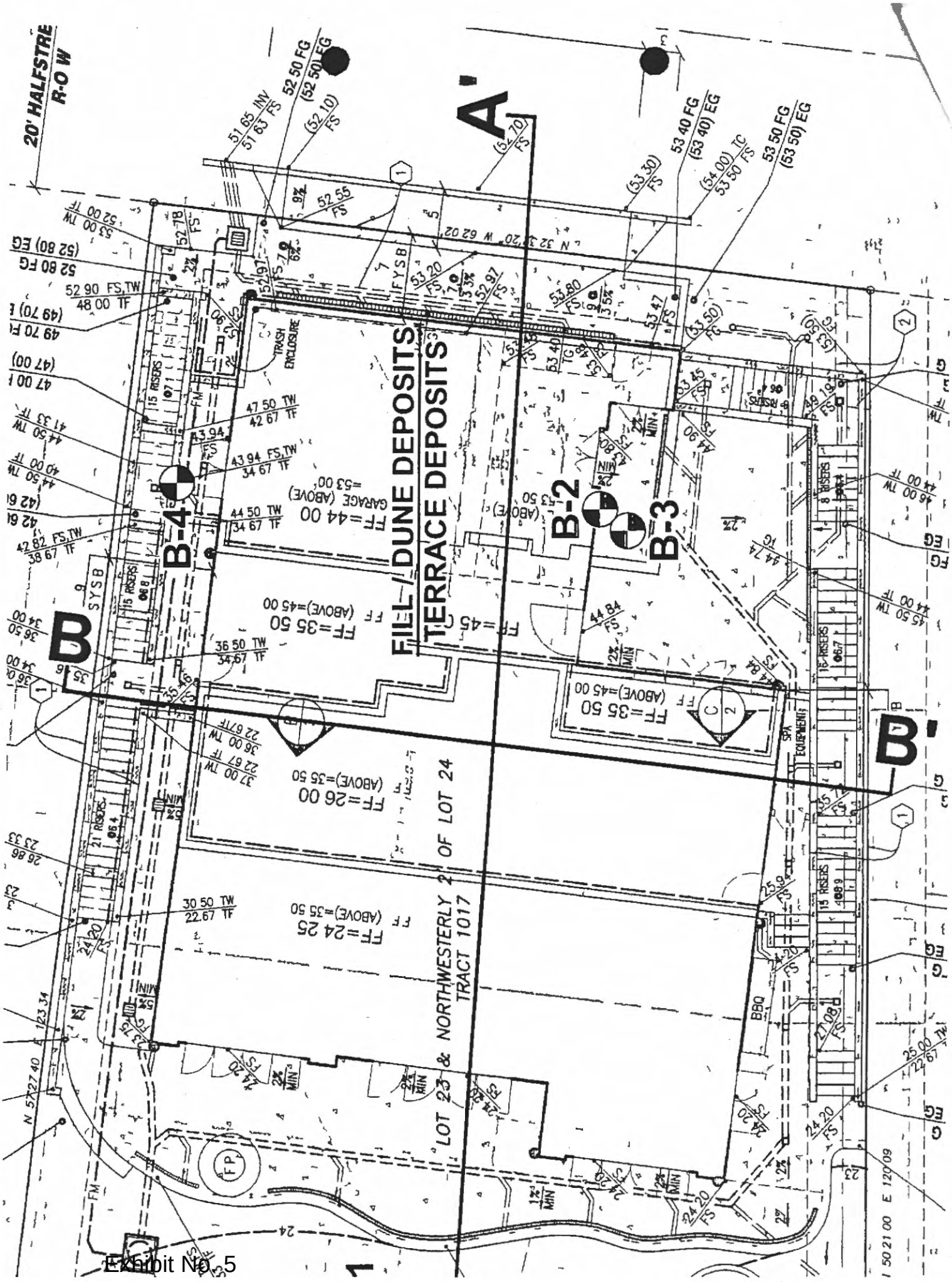
PRELIMINARY LANDSCAPE PLAN

BRODY RESIDENCE
23 LAGUNITA
LAGUNA BEACH, CA 92651

DRAWN A.C.
CHECKED
DATE 2-15-13
SCALE 1/8" = 1'
JOB NO.
SHEET **L-1**
OF 2 SHEETS


A
A'
B
B'
B-2
B-3
B-4
FILL/DUNE DEPOSITS
TERRACE DEPOSITS
LOT 23 & NORTHWESTERLY 2' OF LOT 24
TRACT 1017
20' HALFSTRE
R-O W
TRASH ENCLOSURE
GARAGE (ABOVE)
=53 00'
FF=44 00
FF=35 50
FF=45 00
FF=26 00
FF=24 25
(ABOVE)=45 00
(ABOVE)=35 50
SPA EQUIPMENT
BBQ
FP
SYSB
FYSB
15 RISERS
21 RISERS
13 RISERS
8 RISERS
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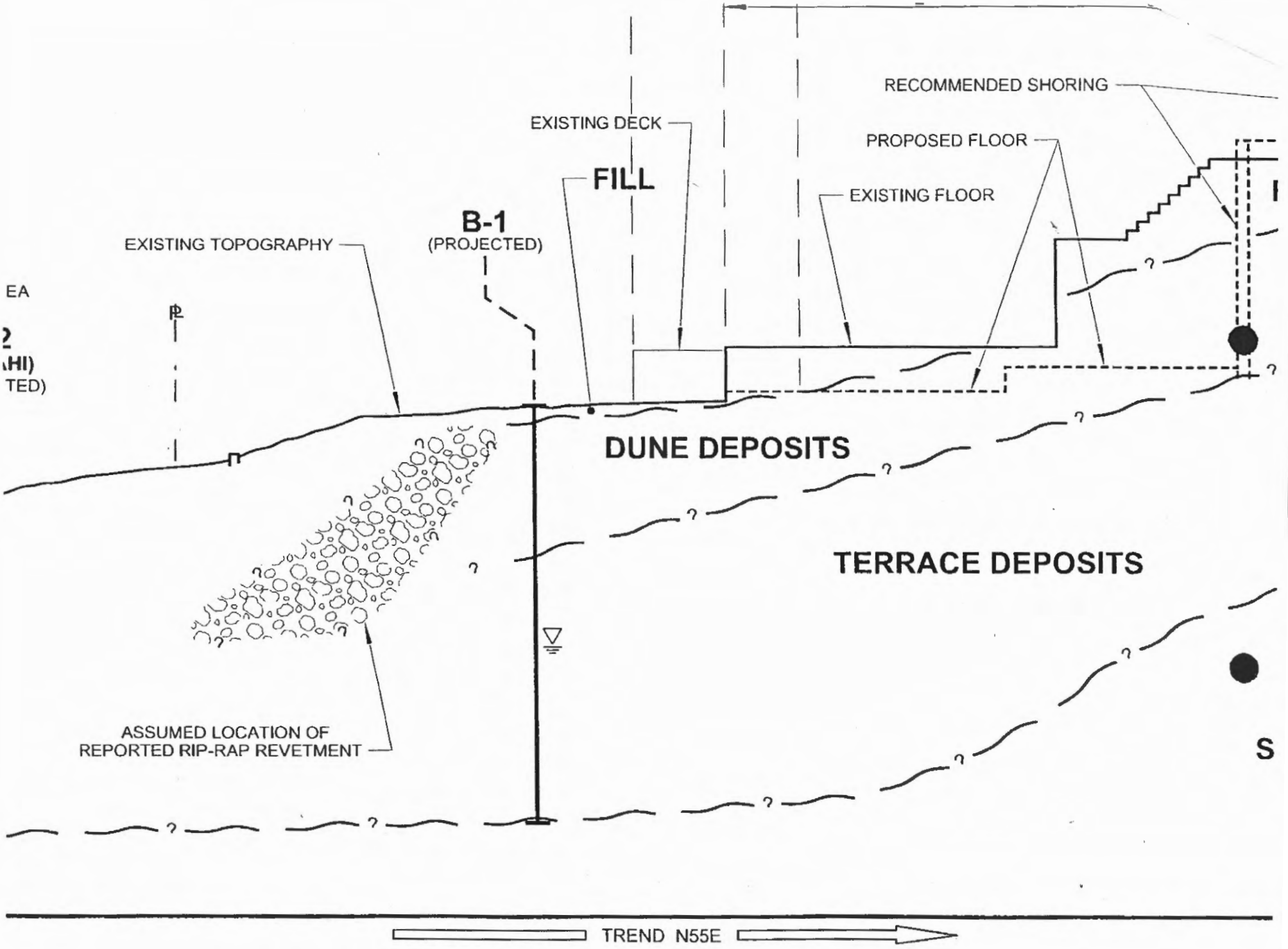
N 5X27 40
I 50 21 00 E 120 09


RECOMMENDED SHORING
EXISTING DECK
PROPOSED FLOOR
FILL
EXISTING FLOOR
B-1
(PROJECTED)
EXISTING TOPOGRAPHY
DUNE DEPOSITS
TERRACE DEPOSITS
ASSUMED LOCATION OF
REPORTED RIP-RAP REVETMENT
TREND N55E

City of Laguna Beach

Legend

- City Limits
- Specific Plan Areas
- FEMA 2-Ft. Cross-Sections
- FEMA 100-Year Base Flood (1
  - A
  - AE
  - AE, FLOODWAY
  - AH
  - VE
- Parcels
- 2008 Building Footprints

1: 3,431

572 0 286 572 Feet

Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

Enter Map Description

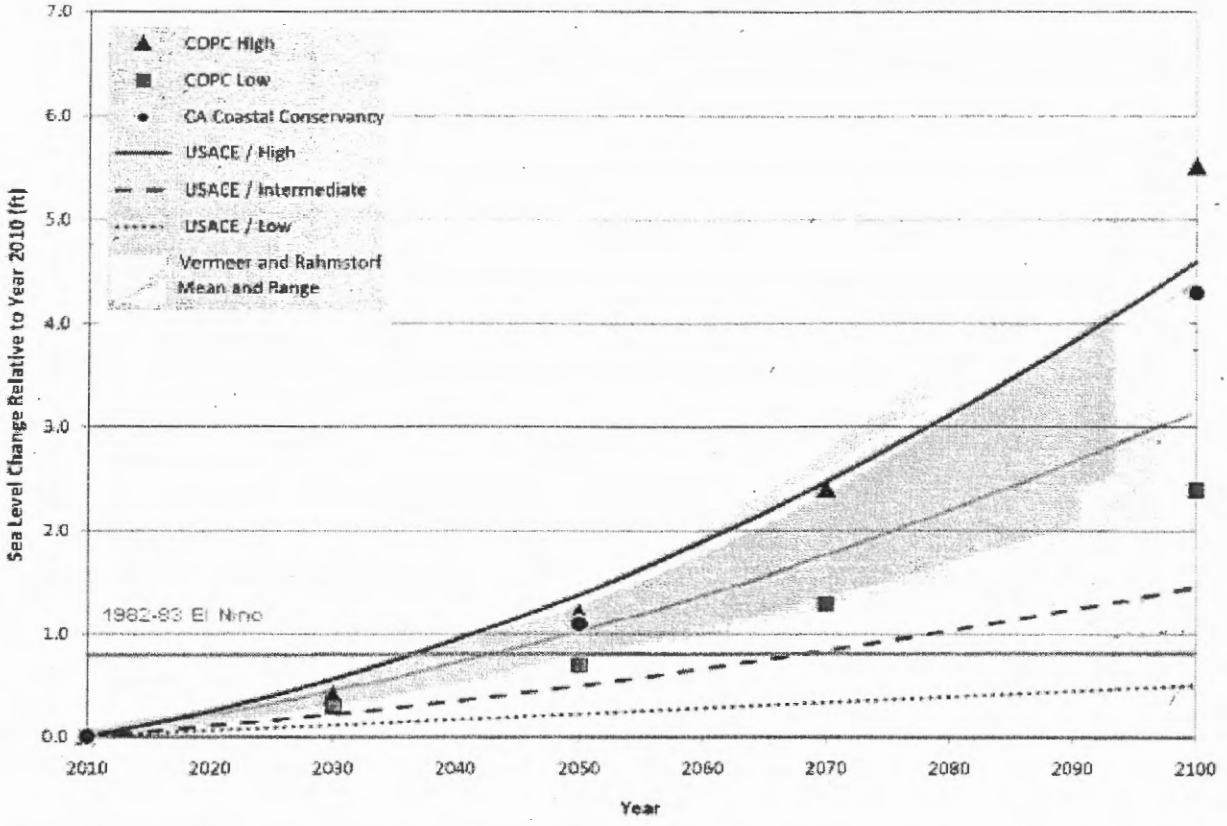


Figure 2. Sea level rise prediction comparison from Everest International Consultants Inc.

The proposed residential structure has an expected life of 75 years. The design water level will be the maximum historical water level of +5.2 feet NGVD29 plus 5.0 feet of SLR or +10.2 feet NGVD29. This 5 feet of future SLR is at the upper limit of the more conservative estimates.

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

Filed: 31 August 1988
49the Day: 19 October 1988
180the Day: 27 February 1989
Staff: DS DWS-LB
Staff Report: 12 October 1988
Hearing Date: October 11-14, 1988

REGULAR CALENDAR

STAFF REPORT AND RECOMMENDATION

Application No.: 5-88-690, 695, 696, 708, 709, 710, 711, and 712.

Applicant: Robert Bierschbach, Edwin Bushman, Bruce Bare, Lagunita Community Association, Dan Levine, Remy Chatain, Richard Wendt, and Ernest Chapman.

Agent: Javier Weckmann-TetraTech

Description: Construction of a rock revetment utilizing 4,360 cubic yards of quarry rock and beach compatible sand.

Lot Area	NA
Building Coverage	NA
Pavement Coverage	NA
Landscape Coverage	NA
Zoning	NA
Plan Designation	NA
G.P., LUP draft, LUP cert., LCP	
Project Density	NA
Parking Spaces	NA
Height Abv. Fin. Grade	16 ft.

Site: #17, 18, Lot M, 19, 20, 21, 22, and 23 Lagunita, Laguna Beach, Orange County

Substantive File Documents: 5-83-582, 5-83-493 through 5-83-501, 5-84-205, 5-84-588, 5-83-878, 5-87-878A, 5-88-126G, Saving the American Beach: A Position Paper by Concerned Coastal Geologists March 1981, Skidaway Institute of Oceanography; Shore Protection in California 1976, DONOD; Coastal Sediments '87 November 1977 "Economic Profiling of Beach Fills" Herman Christiansen; Coastal Sediments '87 "Coastal Sediment Processes: Toward Engineering Solutions" R.G. Dean; Coastal Sediments '87 "Coastal Erosion on the Barrier Islands of Pinellas County, West central Florida" William O. Sayre; Assessment and Atlas of Shoreline Erosion Along the California Coast 1977, DONOD; Proceedings of the Twelfth Coastal Engineering Conference September 13-18, 1970 "Seasonal Bottom Changes, Bolinas Bay, California" J.W. Johnson; The Impacts of Seawalls on Beaches Gary Griggs; Coastal Sediments '77 "The Role of Wave Reflection in Coastal Processes" Richard Silvester; Coastal Erosion Along Oceanside Littoral Cell, San Diego County, California Gerald G. Kuhn; Coastal Sediments '87 "Laboratory and Field Investigations of the Impact of Shoreline Stabilization Structures on Adjacent Properties" W.G. McDougal, M.A. Sturtevant, and P.D. Komar;

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the development with special conditions regarding structural integrity certification, future improvements and maintenance, State Lands Commission review, liability from hazards, and beach nourishment.

STAFF RECOMMENDATION

I. Approval with conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. SPECIAL CONDITIONS:

The development is subject to the following special conditions:

1. STORM DESIGN.

Prior to issuance of the Coastal Permit, the applicants shall submit certification by a registered civil engineer certifying that the revetment is designed to withstand storms comparable to the winter storms of 1982-83, and that all rock used for construction is of sufficient size and quantity to not become projectiles under typical high tide/storm wave conditions and that the revetment will not contribute to any increased potential for beach erosion or property/seawall damage to adjacent properties.

2. FUTURE DEVELOPMENT/MAINTENANCE.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No.5-88-690, 695, 696, 708, 709, 710, 711, and 712; and that any future additions or other development as defined in Public Resources Code section 30106 will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

The property owners shall be responsible for maintenance of the rock revetment . Any rock which becomes dislodged and impairs public access shall be removed from the beach. The applicants shall contact the Coastal Commission office should major repairs to the rock revetment be necessary to determine if a permit is required.

The applicants shall, in accepting this permit, agree to remove from the beach any portion of the revetment that is deposited on the beach as a result of revetment failure, and to accept responsibility its future maintenance and repair.

3. ASSUMPTION OF RISK.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive

Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from storm waves and high tides, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. STATE LANDS COMMISSION REVIEW.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall obtain a written determination from the State Lands Commission that:

a) No state lands are involved in the development; or

b) State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or

c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description and History.

The applicant and the seven other property owners cooperating in the construction of the stone revetment are part of the Lagunita subdivision. The subdivision was created in 1936, consisting of 64 single family lots.

The subdivision, located in Orange County, fronts Lagunita Beach (Exhibt A). It is a wide sandy beach approximately 700 feet long. Access to this beach is obtained via a dedicated public walkway within the City of Laguna Beach at Dumond Drive, to the north of the project site. Access to this beach is also obtained via the streets and walkways within the Lagunita subdivision, but is limited to the residents of the subdivision. On 5/24/84 the Commission approved a permit to construct an electric gate to the private community 75 feet from Pacific Coast Highway, and placé a guardhouse near the entrance gate (5-83-878). The Commission approved the development request subject to special conditions which required recorded offers to dedicate lateral access along the Lagunita Homeowners Association's beachfront and vertical access through the community to the beach. The dedications of access were required because the proposed development would prohibit the public from utilizing a vertical passageway historically used to get to the beach, and because of the burdens on public access that the project would cause after construction.

Subsequent to approval of the permit, the Community Association notified the Commission by letter on 10/29/84 of its intent to not construct the approved development due to its opposition to the lateral and vertical access conditions. Commission staff later discovered however, that a guardhouse had been placed at the entrance to the site, and a violation investigation was pursued by staff in conjunction with the State Attorney General's office. On 8/18/87 an amended permit (5-83-878A) was issued for the construction of the electric security gate as proposed originally. The amendment's special conditions of lateral and vertical access were modified from that proposed in 1983. The lateral access dedication was changed from encompassing the area from the mean high tide line to the toe of the bluff, to include all of lot A, which was owned by the Community Association (see exhibit B). The reason for the revision was that the "toe of the bluff" cuts across several of the residential lots which are privately owned. The Association only had the legal authority to convey Lot A. The vertical access dedication was changed from going through the center of the community to a 15 foot wide strip of land (lots E and Q) along the northern boundary of the Association's property adjacent to Dumond Drive (see exhibit B).

As the result of storm waves and high tides during the winter of 1987-88, nine beachfront lots in the Lagunita subdivision experienced bluff erosion and structural damage to existing single family dwellings (see exhibit C). As a result, Tetra Tech. Inc. was hired by the property owners to construct a shore defense system. On 16 February 1988 Tetra Tech. Inc. applied for an emergency permit for the construction of a shore defense system. Emergency permit 5-88-126G was issued on 19 February 1988 for the construction of a rock revetment for the above mentioned lots with the verbally agreed upon following conditions:

1. The standard permit application for approval of the shore defense system shall be submitted as quickly as possible.

2. Review of the standard permit application may result in required modifications, relocation or other changes in the shore defense system, prior to final approval.

3. Construction of the shore defense system under the Emergency Permit will not encroach in the beach area known as Lot "A".

The shoreline defense structure which was constructed is an engineered rock revetment , which does not exceed 16 feet in height above mean sea level. The structure is approximately 440 feet in length, and consists of a total of 4,360 cubic yards of rock and beach compatible sand. All toe stones are 3 tons, armor stones are 2 tons, and the rock underlayer consists of 400 pound stones (see exhibit D).

On 3 August 1988 a certified letter was sent by staff to each of the property owners involved in the construction of the revetment, as well as the contractor Tetra Tech Inc., which stated that they were obliged to apply for a regular permit within 60 days of the issuance of emergency permit 5-88-126G, and that the time limit had been exceeded. The applications were then received by staff within three weeks of that mailing.

B. SHORELINE PROTECTIVE DEVICES.

The Coastal Act policies related to construction of shoreline protective devices are as follows:

Section 30235.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosions and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253.

New development shall:

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

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

The project involves the construction of a revetment to protect the beach fronting homes located in the private community of Lagunita. Section 30235 of the Coastal Act permits shoreline protective devices or structures such as the above mentioned revetment when designed to protect existing structures. The beach front houses of the Lagunita subdivision were severely damaged as the result of the winter storms of 1987-88. Therefore, the shoreline protection structure is necessary to protect the beach front houses from future damage by wave run up, and is therefore consistent with Section 30235 of the Coastal Act. However, while the rock revetment may provide a degree of protection for the private community the structure will, in all probability, adversely impact the configuration of the shoreline and the beach profile which will reduce the availability of public access along the beach. The precise impact of shoreline structures on the beach is a persistent subject of controversy within the discipline of coastal engineering, and particularly between coastal engineers and marine geologists. Much of the debate focuses on whether seawalls or other factors

(such as the rise of sea level) are the primary cause of shoreline retreat. This debate tends to obscure the distinction between the long term trends of the shoreline, and the effects of seawalls on those long-term trends, and the shorter term effects that might not be permanent but may significantly alter the width and utility of a beach over the course of a year. The long term and short term effects of seawalls will be discussed separately below.

The ongoing debate in the literature does acknowledge that seawalls have some effect, at least on the supply of sand. A succinct statement of the adverse effects of seawalls, and the viewpoint of coastal geologists that view beach processes from the perspective of geologic time, is contained in Saving the American Beach: A Position Paper by Concerned Coastal Geologists (March 1981, Skidaway Institute of Oceanography) which was signed by 94 experts in the field of coastal geology (page 4):

> These structures are fixed in space and represent considerable effort and expense to construct and maintain. They are designed for as long a life as possible and hence are not easily moved or replaced. They become permanent fixtures in our coastal scenery but their performance is poor in protecting community and municipalities from beach retreat and destruction. Even more damaging is the fact that these shoreline defense structures frequently enhance erosion by reducing beach width, steepening offshore gradients, and increasing wave heights. As a result, they seriously degrade the environment and eventually help to destroy the areas they were designed to protect.

It is widely recognized that large structures such as groins and breakwaters will have significant and obvious impacts on sand supply and beach profiles, but even a relatively small structure such as the one proposed can have an impact on the site and the adjoining area. As stated in a publication by the State Department of Boating and Waterways (formerly called Navigation and Ocean Development), Shore Protection in California (1976) (page 30):

> While seawalls may protect the upland, they do not hold or protect the beach which is the greatest asset of shorefront property. In some cases, the seawall may be detrimental to the beach in that the downward forces of water, created by the waves striking the wall rapidly remove sand from the beach.

This impact is reiterated in the paper, "Economic Profiling of Beach Fills" by Herman Christiansen which is contained in the proceedings of Coastal Sediments '77 (November 1977). It states (page 1047):

> Observations at some of the investigated beaches have shown that an optimal profile becomes instable, if structures, such as rocks, groins, revetments, piles, stairs etc., are placed within the wave action zone of a beach. Steady erosions, caused by complex high turbulent surf currents, lead to heavy sand losses.

In contrast to the perspective of coastal geologists, a number of coastal engineers argue that seawalls are symptoms of coastal erosion rather than causes. At least in part, the perspective of coastal engineers reflects their perspective of a time scale that involves the life of a structure. This viewpoint is perhaps best expressed by the renowned expert in beach processes R. G. Dean, who attributes changes in beach profiles to erosion rather than structures, in this discussion from "Coastal Sediment Processes: Toward Engineering Solutions" in Coastal Sediments '87 (page 22):

> Placed along a shoreline with an erosional trend, armoring can perform the intended function of upland stabilization while the adjacent shoreline segments continue to erode. The resulting offset between stabilized and unstabilized segments may be interpreted incorrectly that the armoring has caused the adjacent erosion.

Dean's article goes on to acknowledge potential adverse effects and the responsibility for mitigation of those effects (page 23):

> ...Armoring can cause localized additional storm scour, both in front of and at the ends of the armoring...Under normal wave and tide conditions, armoring can contribute to the downdrift deficit of sediment through decreasing the supply on an eroding coast and interruption of supply if the armoring projects into the active littoral zone.
>
> If armoring is deemed warranted to protect a threatened structure and if rational assessment concludes that installation of the armoring would adversely affect the shoreline, mitigation in the form of periodic additions of beach quality sediment should be considered.

Research on the effects of seawalls continues, and many of the results are not yet available. Much of the research is anecdotal, with diminished beach width evident, but the major causes not clearly identified. The potential role of seawalls remains disturbing, as noted in the conclusion to "Coastal Erosion on the Barrier Islands of Pinellas County, West-central Florida', by William O. Sayre, also in Coastal Sediments '87 (page 1049):

> In two years of surveying, beach erosion and recovery on the barrier islands of Pinellas County has been measured. An undeveloped island's beach recovered quickly after winter-time and hurricane-caused erosion. A highly developed beach without a seawall and near a jetty fared almost as well, recovering more slowly, but showing no net erosion over the two year period. The two other sites, on highly developed barriers and backed by seawalls, have suffered greatly. One narrow beach was completely destroyed by a hurricane and only partially recovered. The other was reduced by at least a quarter and was artificially nourished

The Commission notes the continuing debate over the effects of seawalls, the lack of convergence in the literature, and the strong identification of viewpoints with the disciplines of coastal engineering and marine geology. The Commission does not believe that it is entirely accidental that this debate has arisen between disciplines with such fundamentally different perspectives on the time scale involved in analyzing physical processes. The Commission believes that more information can be shed on this subject through explicit consideration of long term and short term processes active on a beach.

Particularly germane to this project is whether Lagunita Beach is an eroding or equilibrium beach.

In the Department of Navigation and Ocean Development's Assessment and Atlas of Shoreline Erosion Along the California Coast (1977) (Page A-6 and A-255), Lagunita Beach is described as:

> Protective Beach - The shoreline consists of a sandy beach which advances and retreats on a seasonal basis but has sufficient width to protect the backshore against wave damage through one or two storm periods. These beaches are usually dependent upon a natural supply of sand to maintain their alignment and position under the prevailing wave climate. If the sand supply is significantly reduced or the wave climate altered either naturally or artificially, the shoreline may change, thereby losing its protective characteristics.

By this definition Lagunita beach is an equilibrium beach, as opposed to an eroding beach. However, the term equilibrium cannot accurately be applied to a feature that varies as much as a shoreline. Almost all California beaches vary dramatically in profile between winter and summer; the variation in the width of beach that can accompany that seasonal change can be over 200 feet. The persistent analytical problem in dealing with shore processes in California is to try to discern long-term trends in shoreline change from the normal, seasonal variation. The term "dynamic equilibrium" has come into use and has been applied to beaches that vary seasonally in width, but are approximately the same when summer (or winter) profiles are compared over a number of years. Essentially, a beach in dynamic equilibrium is one where the supply and loss of sand are in approximate balance (See Griggs and Jones, 1984). This term must be used with some caution, as there will be some variation in width even seasonally, shown graphically by J. W. Johnson in "Seasonal Bottom Changes, Bolinas Bay, California", Proceedings of the Twelfth Coastal Engineering Conference, September 13-18, 1970. That variability can mask long term changes (either erosion or accretion) unless sufficient data is available to detect a clear direction. This discussion will be equally applicable to shorelines that are in truly in "dynamic equilibrium", that is, not eroding on the long term, and to shorelines that are eroding at a relatively slow rate so that seasonal changes are approximately the same when viewed in the time frame of a few years.

The question of the effects of seawalls on shorelines that are in 'dynamic equilibrium' is more complicated, and research on the effects is even more anecdotal. At the same time, because the short-term effects may be of great importance, much more rigorous data collection is required in order to

establish any clear effects. The Corps of Engineers has begun funding research efforts into the effects of seawalls through their Coastal Engineering Research Center (CERC). One of the research efforts funded by CERC is that of Professor Gary Griggs of UC Santa Cruz. Professor Griggs is monitoring the profiles of beaches in Monterey Bay over the course of several years, and comparing the profiles of beaches with seawalls to control beaches without seawalls. Professor Griggs has completed work during the relatively storm-free winter of 1985-86, and presented his results on October 30, 1987 before the 1987 Conference of the California Shore and Beach Preservation Association. Professor Griggs is the author of various popular and technical works on beach processes and recently chaired a technical discussion of the effects of seawalls on beaches at "Coastal Sediments '87", a specialty engineering conference in coastal sediment processes. Griggs' work appears to establish two distinct effects of seawalls. First, beach profiles in front of seawalls differ from profiles along the control beaches selected during the process of beach erosion. Although the beach profiles are similar at their most accreted (summer profile) stage and at their most eroded (winter profile) stage, the beaches monitored were narrower and steeper in front of seawalls during the period when the beach was eroding from the summer profile to the winter profile. This difference represents a temporal loss in beach width in the short term, even where the time series is of too short a duration to detect erosion patterns on the beach. Second, beach profiles at the end of a seawall are further landward than natural profiles. This effect appears to extend for a distance of about 6/10 the length of the seawall. This effect represents both a spacial and temporal loss of beach width directly attributable to seawall construction. Dr. Griggs' own conclusion about the effects of seawalls, in a manuscript submitted to the Journal of Coastal Restoration titled "The Impacts of Seawalls on Beaches" is:

> Based on 12 months of surveying at 4 locations in northern Monterey Bay (including a winter of only mild or moderate wave conditions) where seawalls or revetments abut unprotected beaches, some consistent seasonal beach changes have been documented. These changes or differences in beach profiles are a result of greater wave reflection from the protective structures than from the adjacent control beaches. All of these changes observed in this study appear to be temporary or seasonal in nature and are best developed in the fall and winter months during the transition from summer swell to winter storm conditions.
>
> The seasonal effects documented include:
>
> 1) Loss of the summer berm sooner in front of all seawalls relative to adjacent unprotected control beaches.
> 2) Erosion of the berm in front of a vertical impermeable seawall (due to greater wave reflection) before berm loss on an adjacent beach backed by a permeable sloping revetment.
> 3) A lack of significant difference in winter beach profiles seaward of seawalls or revetments and adjacent control beaches.
> 4) Loss of beach up to 150 m downcoast from seawalls due

> to reflection from end of structure.
> 5) Late spring/summer berm rebuilding takes place independently of any protective structure leaving a uniform alongshore berm crest.

The Commission concludes from this information that seawalls have serious adverse effects on the width of the beach, even when examined over a relatively short period on a beach that might not be eroding. Although the beach profile at its widest and narrowest may not differ significantly, the beach width and utility will differ markedly during the period when the beach is changing from summer to winter profile. These effects have been observed by the Commission's staff over the years, and can lead to a situation where there is a narrow but usable beach on an unprotected portion of the beach, while the adjacent, protected beach is not passable. This phenomenon is evident on the South Eastern end of Lagunita Beach, where the seawall protecting the Blue Lagoon residential subdivision may have caused beach erosion to the point that lateral access no longer exists.

The 1981 statement signed by 94 respected coastal geologists indicates that important public interests in shoreline resources can be harmed through the introduction of shoreline defense structures. Thus, in evaluating an individual project, the Commission must assume that the principles reflected in that statement are applicable. To do otherwise would be inconsistent with the Commission's responsibilities under the Coastal Act to protect the public's interest in shoreline resources.

Although they do not have as great an impact as smooth, vertical seawalls, rock revetments, such as the one proposed by this application, have effects on the beach sand in front of and around the structure. A rock seawall operates on the principal that the wave's energy is dissipated within the voids of the wall, therefore producing less reflected wave energy. However, the rock seawall will still reflect enough energy to change the beach profile, steepen the beach, and cause accelerated erosion of the downcoast area. One mechanism that accounts for rock walls' impact on beaches is stated in "The Role of Wave Reflection in Coastal Processes" in Coastal Sediments '77 by Richard Silvester (page 653):

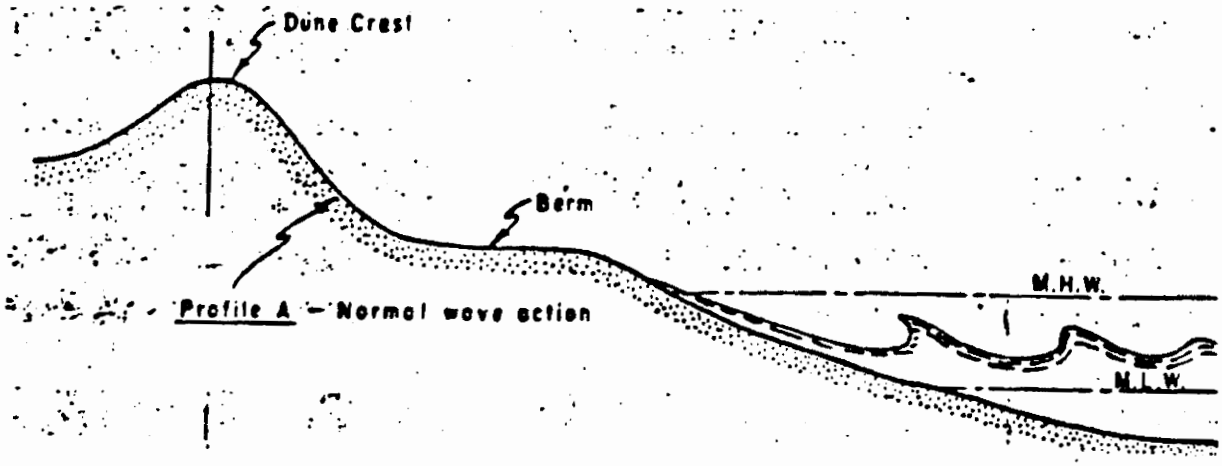
> Rubble-mound structures can reflect long period wave components with little dissipation and hence short-crested phenomena [waves] in front of and downcoast from them should be considered in design and maintenance.

Moreover, the literature on coastal engineering repeatedly warns that unprotected properties adjacent to the seawall may experience increased erosion. A rock wall very often protrudes seaward from development and exacerbates this situation. Field observations have verified this concern, see for example the paper by Gerald G. Kuhn of the Scripps Institution of Oceanography entitled "Coastal Erosion along Oceanside Littoral Cell, San Diego County, California" (1981). In this paper, it is written and pictorially illustrated that erosion on properties adjacent to rock seawall is intensified when wave run-up is high. This subject is presently being

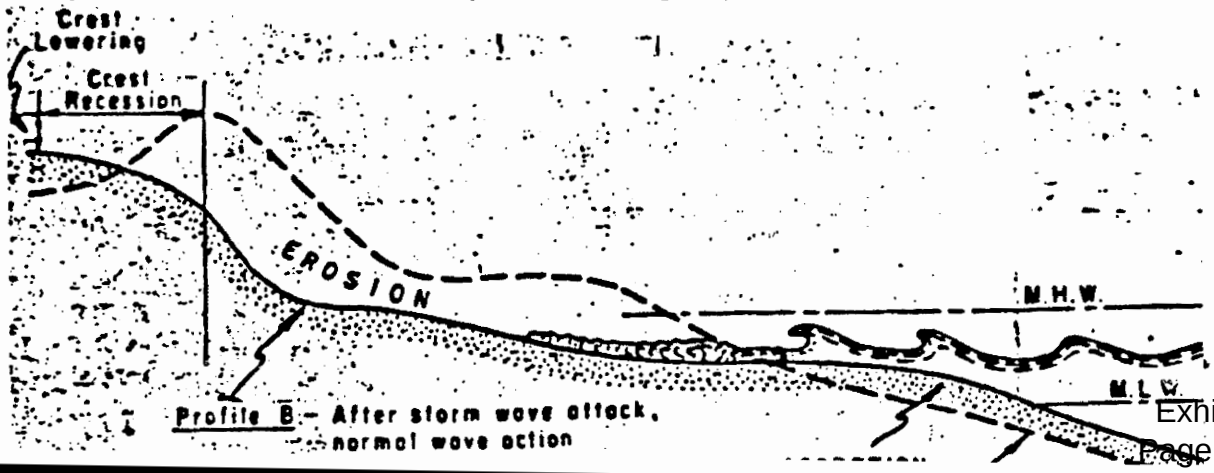
researched by scientists at Oregon State University. The preliminary results of that work was reported in "Laboratory and Field Investigations of the Impact of Shoreline Stabilization Structures on Adjacent Properties" by W.G. McDougal, M.A. Sturtevant, and P.D. Komar in Coastal Sediments '87. These researchers are investigating the length of shoreline affected by heightened erosion adjacent to seawalls. Their conclusion is (page 972):

> Results to date indicate that erosion at the ends of seawalls increases as the structure length increases. It was observed in both the experimental results and the field data of Walton and Sensabaugh (1978) that the depth of excess erosion is approximately 10% of the seawall length. The laboratory data also revealed that the along-coast length of excess erosion at each end of the structure is approximately 70% of the structure length.

A discussion of the physical processes of wave run-up on a natural shore will help establish the effects of seawalls on shoreline processes. Sandy beaches are dynamic systems, the individual grains of sand adjust quickly to reflect both the overall supply of sediment and the ongoing forces of waves. A typical non-storm profile of the beach looks like this: (from "Shore Protection in California, DNOD, 1976)

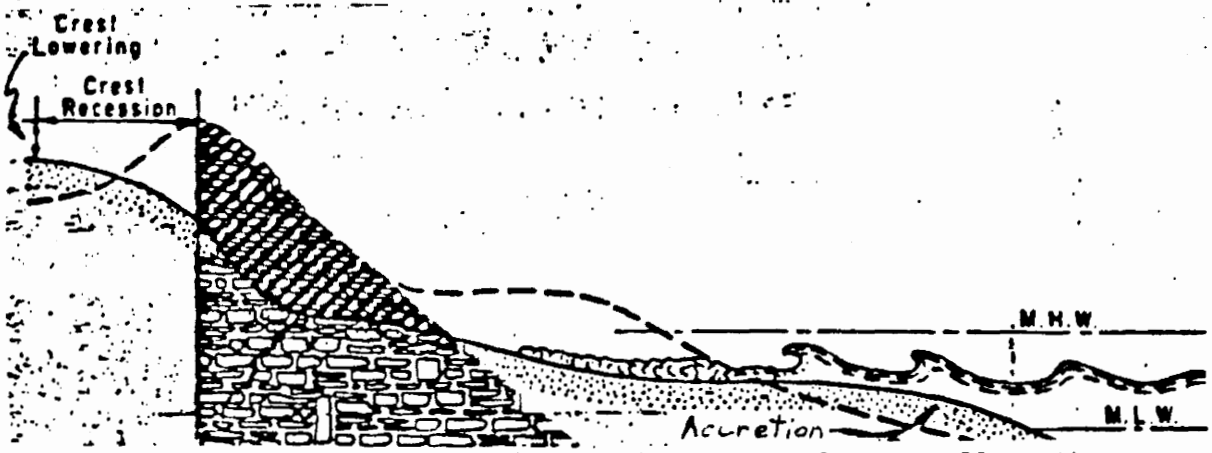


At this profile, the shore has adjusted to a low-energy wave environment, reflecting the short period, low energy waves that strike the beach. The next diagram shows how a beach adjusts to longer period, higher energy waves:



This cross section illustrates several important things about the beaches' adjustment to the higher energy of striking waves. First, the wave energy has eroded material from the foreshore and deposited the material off-shore in a bar. Second, the shoreline profile flattens to absorb the greater amount of wave energy, even with waves breaking on the bar. These adjustments are fundamental to the shore's adjustment to high wave energy. The migration of the material to an off-shore bar causes waves to break in deeper water, and begins the process of energy dissipation far from the inland extent of the beach. The dynamic process of eroding material from the foreshore enables the shoreline to absorb wave energy. This process goes on continuously, if a given shore profile is not sufficient to absorb wave energy without further erosion, additional material is moved from the shore to the bar to increase the distance between the bar and the inland extent of the wave uprush. The value of the bar cannot be over-emphasized, it is on the bar that winter waves break, and the dynamic processes of the actual shoreline are affected by wave uprush, not actual breaking waves.

The next diagram was made by superimposing a revetment on the shoreline profiles that we saw in the last diagram:



This diagram illustrates dramatically the effect of a seawall on the shoreline. The material shown in cross-hatching is the material formerly available to nourish the bar. This material is now unavailable because it is either behind the seawall, or has been replaced by the seawall. As a result, the bar receives less nourishment. This makes the bar less effective in causing waves to break offshore, and results in greater wave energy reaching the shoreline. That energy is then dissipated by uprush and reflection against the face of the revetment. However, since more energy comes on-shore, more energy is reflected and sand is scoured from the base of the revetment. The Commission concludes from the opinion of experts and from an analysis of the process of shoreline dynamics that placement of a seawall within the areas of a shore affected by those processes adversely affects shoreline processes in front of the seawall as well as property on either side of the seawall. Obviously the impact of a seawall is greater the more often it is exposed to wave attack, and seawalls located far up the beach have less impact than seawalls lower on the beach.

As mentioned on page 9 and 10 of this report, Lagunita beach is defined in the DNOD Atlas as a protective beach, and therefore is not an eroding beach. However, the construction of the Blue Lagoon seawall may have created a high

energy environment on the South Eastern section of Lagunita Beach. This may have resulted in the complete loss of sandy beach along the front of the seawall, partial loss of the sandy beach to the North West of the seawall, and an increased wave energy environment along 400 to 500 feet of sandy beach to the North West. Consequently, there has been a serious increase in beach and bluff erosion (see exhibit C). Verbal accounts from homeowners have confirmed that wave run up now flows in a circular pattern against the Blue Lagoon seawall, resulting in beach erosion, and necessitating the construction of the new rock revetment (see exhibit E). The construction of the new rock revetment may increase the energy environment as explained in "The Role of Wave Reflection in Coastal Processes" in Coastal Sediments '77 by Richard Silvester on page 12 of this report. According to the findings in "Laboratory and Field Investigations of the Impact of Shoreline Stabilization Structures on Adjacent Properties" by W.G. McDougal, M.A. Sturtevant, and P.D. Komar in Coastal Sediments 87 (page 12 and 13 of this report), potential increased erosion could occur for over 300 feet past the end of the new revetment. This area would clearly overlap the area of increased erosion potentially resulting from the Blue Lagoon seawall. Additionally, the "bowl" shape created by the two shoreline protection structures could create a whirlpool effect from wave run up, resulting in significantly increased erosion of the beach, and the consequent loss of beach area from Lot "A" (see exhibit F).

Based upon the foregoing, the Commission finds that the probable negative impacts of the revetment must be weighed against the property owner's need to protect the structures behind it. The Commission recognizes that the revetment will probably change the beach profile by steepening it and thereby increasing erosion. As previously noted, Section 30235 states that shoreline protective devices may be permitted to protect existing structures. However, both Section 30235 and 30253 also require that such structures be designed to limit and mitigate adverse impacts on local shoreline sand supply. In this case, the construction of the revetment was limited to the area behind Lot A, approximately 60 feet back from the adjacent Blue Lagoon seawall. Additionally, Lot A was dedicated as lateral access in permit #5-83-878A. Therefore, the Commission finds that as constructed the revetment is consistent with Sections 30235 and 30253 of the Coastal Act. However, the Commission further finds that in order to mitigate any additional adverse impacts it is necessary to require that the revetment be designed to withstand storms of the 1982-83 magnitude, and that the applicants be responsible for all maintenance including the removal of renegade rocks from the beach deposited as a result of damage to the structure. Only as conditioned does the Commission find the proposed development consistent with Sections 30235 and 30253 of the Coastal Act.

C. Public Access. Given the adverse effects of revetments on shoreline processes, the Commission must now turn its attention to the overall impact that these changed shoreline processes will have on public access. As noted in the Commission's findings on the public trust, the public has ownership and use rights in the lands of the State seaward of the ordinary high-water mark. Revetments affect the public's ownership and use rights by tending to eventually fix the line of mean high tide at or near the revetment. This interference with a dynamic system then has a number of effects on the public's ownership interests. First, changes in the shoreline profile,

particularly changes in the slope of the profile, alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the lines of mean low water and mean high water. This reduces the actual area in which the public can pass on property over which it has rights of access, and therefore adversely affects public access. The recent work by Gary Griggs demonstrates that a beach in front of a seawall is narrower than a beach not affected by a seawall along the same stretch of coastline. The effect of that narrowness is to reduce the area located seaward of the ordinary high water mark (or mean high water mark) that would otherwise be available for public use. This effect can occur even where the maximum summer width of the beach is essentially unchanged, and represents a temporal loss of access due to seawall construction. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. The effects of this on the public are again a loss of usable tidelands area where the public has use rights. Third, revetments cumulatively affect public access by causing greater erosion on adjacent public beaches. This effect may not become clear until revetments are constructed individually along a shoreline until they reach a public beach. The recent work at Oregon State University demonstrates the magnitude of this impact, which is of greater concern as more of California is armored. Fourth, revetments, by their occupation of beach area which may be seasonally either subject to wave action or actually below the most landward locations of the mean high tide line, interfere directly with areas of the beach in which the public has ownership interest or public trust related rights. Finally, materials attached to the revetment fall off and roll onto the sandy beach where they may also present physical hazards and obstacles to access. This is an inevitable result of flexible structures such as revetments under wave attack, and even with the most conscientious maintenance efforts, such material rolls down onto the public portions of the shore where it interferes at least temporarily with public access. For these reasons, the Commission finds that the new rock revetment will create a significant burden on public access.

The Coastal Act contains strong policies designed to protect the public right to access to and along the shoreline and to require that public access be provided in new development projects.

Section 30210.

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated access way shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

> As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.
>
> (c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

It is clear from the policies listed above that the construction of the revetment constitutes development, and that the public's right of access must be protected and expanded where necessary (as mitigation for potential adverse impacts to access caused by development). In past permit actions on applications for shoreline protective devices on private beaches, the Commission has consistently required a public access dedication as a mitigation for the adverse burden upon public access caused by the project, and in many situations has required that the seawall or revetment be placed further landward than proposed to mitigate the adverse impacts even further (5-83-582, 5-83-493 through 5-83-501, 5-84-205, 5-84-588). As specified in special condition number 4, it must be determined by State Lands Commission review that the project did not encroach onto public lands. Additionally, lateral access in front of this project was already obtained as compensation for the construction of an electric security gate on 4/9/87 (5-83-878A). The Commission finds that the probable negative impacts of this seawall must be weighed against the property owner's need to protect the structure behind it. The Commission recognizes that the seawall will probably change the beach profile by steepening it and increasing beach erosion around it; this in turn will interfere with and decrease the amount of sandy beach available for public access. As stated elsewhere in these findings, Section 30235 allows for the use of such a device where it is required to protect an existing structure and where it has been designed to mitigate adverse impacts upon local shoreline sand supply. It was required that the seawall be located and designed to minimize encroachment onto the beach and impact on adjacent properties, and is therefore consistent with section 30235 of the Coastal Act. Additionally, the Commission finds that the project as conditioned to require the removal of rouge rock from the public access easement called Lot "A", and the determination that state lands has not been encroached upon, is consistent with Sections 30235, 30210, 30211 and 30212 of the Coastal Act.

D. HAZARDS.

Section 30001.5 of the Coastal Act states that one of the basic goals of the State for the Coastal Zone is to:

> (b) Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the State.

In addition, Section 30253 of the Coastal Act states in part:

> New Development shall:
>
> (1) Minimize risks to life and property in areas of high geologic,

flood, and fire hazard.

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

Under Section 30253 new development in areas of high geologic flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies if Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associate with the project site and the potential cost to the public, as well as the individual's right to use his property.

The development is proposed on a sandy beach in an area which is susceptible to flooding and wave damage as evidenced by the storm damage which occurred in 1987-88. Past occurrences have resulted in public costs in the millions of dollars in Southern California alone.

The Commission notes that even the best designed seawalls have been known to fail. For example, many geologic studies are based on the risks which might be caused by an "average event". An event of greater than average magnitude may very likely occur. Although a structure may be engineered to withstand a certain statistical risk of harm, when the hazardous event actually does occur, it may not survive.

The applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards. Neither the Commission nor any other public agency that permits the development should be held liable for the applicants decision to develop. Therefore, as conditioned to assume risk of failure, the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. Only as conditioned is the proposed development consistent with Sections 30001.5 and 30253 of the Coastal Act.

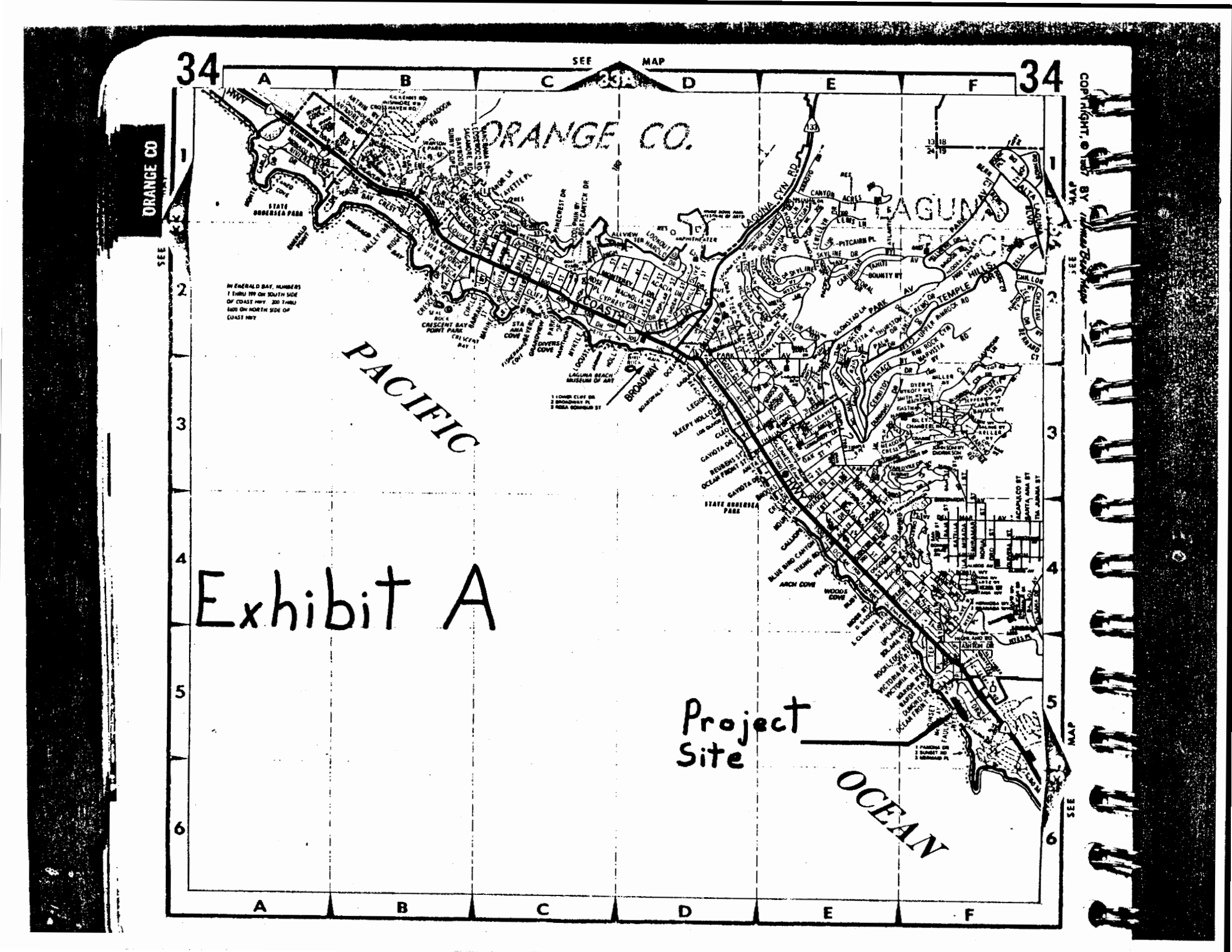
E. LOCAL COASTAL PROGRAM.

Section 30604 (a) of the Coastal Act states:

> (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The area of the Lagunita subdivision was completely certified in the South Laguna segment of Orange County but was annexed by the city of Laguna Beach on January 1, 1988, which at this time does not have a certified Land Use Plan (LUP) for this area. However, the Commission finds that the development, as conditioned to provide for maintenance of the lateral access way through the removal of any rouge rock, and as otherwise conditioned, will not prejudice the ability of the City of Laguna Beach to prepare a Local Coastal Program consistent with the provisions of Chapter 3 of the Coastal Act.

7344A


34
SEE MAP
A
B
C
D
E
F
ORANGE CO.
PACIFIC
OCEAN
LAGUNA BEACH
Exhibit A
Project Site
BROADWAY
LAGUNA CYN RD
COPYRIGHT, © 1987 BY Thomas Bros. Maps

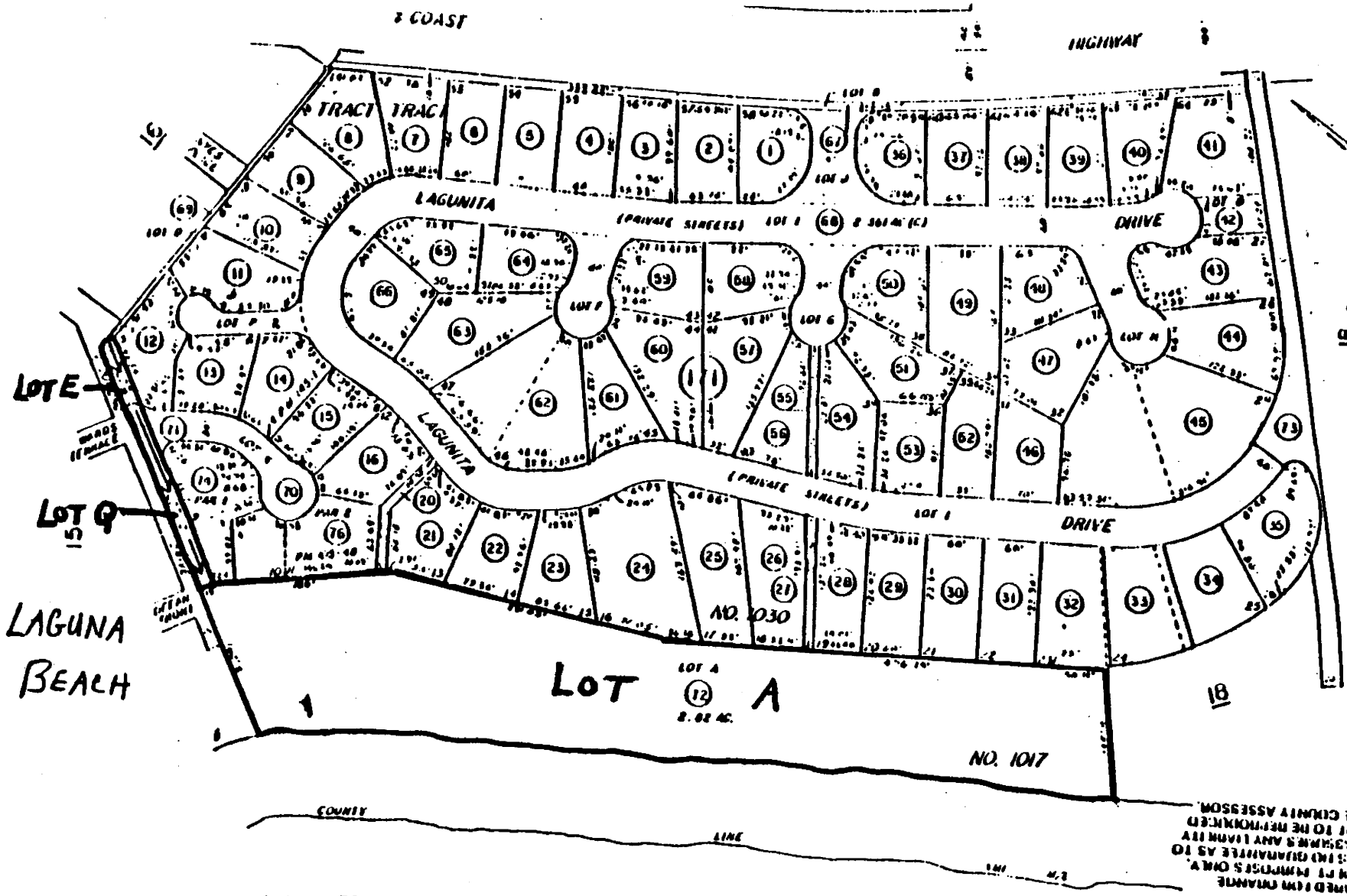
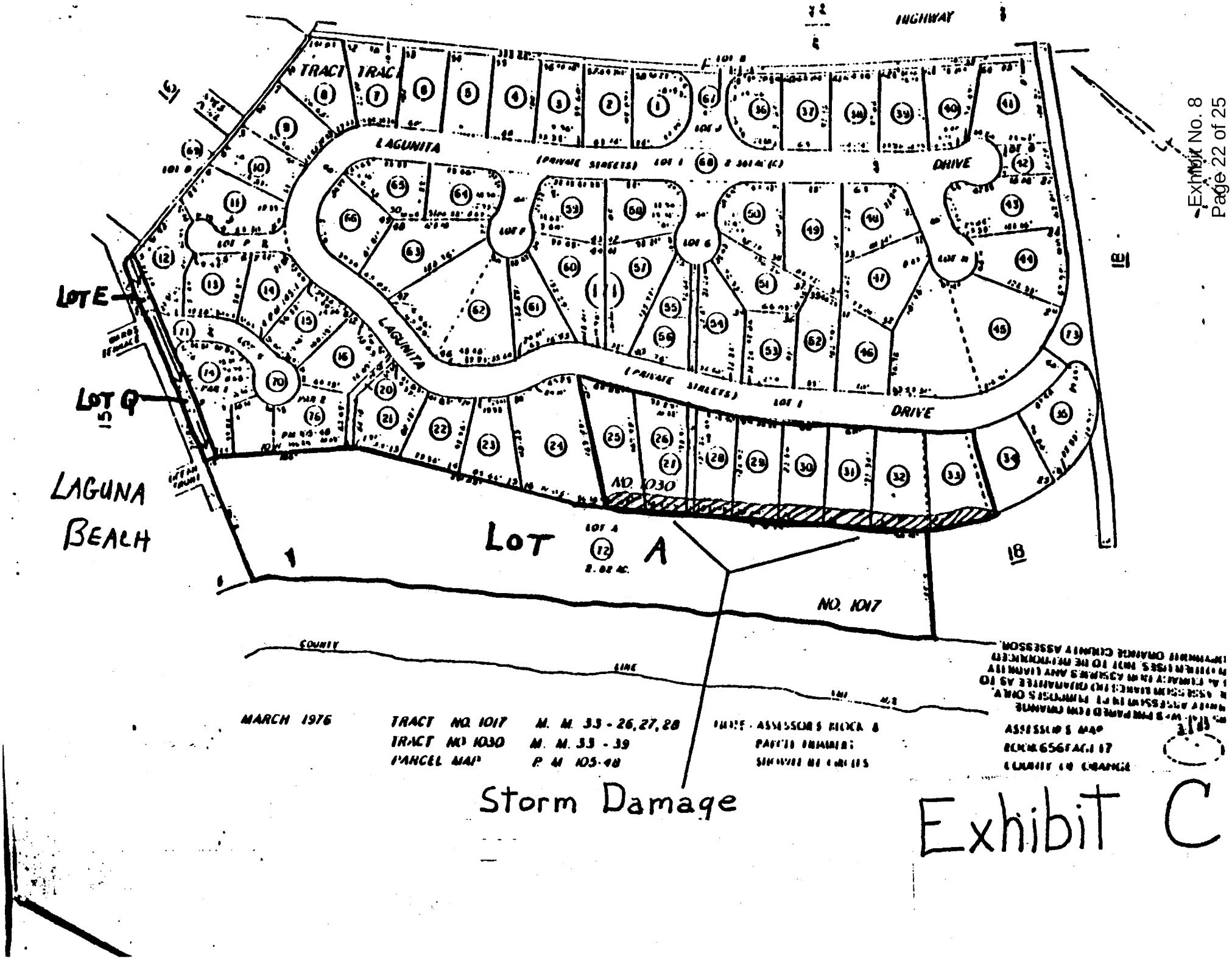

COAST
HIGHWAY
TRACT
LAGUNITA
(PRIVATE STREETS)
DRIVE
LOT E
LOT Q
LAGUNA BEACH
LOT A
NO. 1030
NO. 1017
COUNTY
LINE
MARCH 1976
TRACT NO. 1017 M. M. 33 - 26, 27, 28
TRACT NO. 1030 M. M. 33 - 39
PARCEL MAP P. M. 105-48
ASSESSOR'S MAP
COUNTY OF ORANGE

Exhibit B


HIGHWAY
TRACT
LAGUNITA
(PRIVATE STREETS)
DRIVE
LOT E
LOT Q
LAGUNA BEACH
LOT A
12
8.08 AC.
NO. 1030
NO. 1017
COUNTY LINE
MARCH 1976
TRACT NO. 1017 M. M. 33 - 26, 27, 28
TRACT NO. 1030 M. M. 33 - 39
PARCEL MAP P. M. 105-48
ASSESSOR'S MAP
Storm Damage
Exhibit C

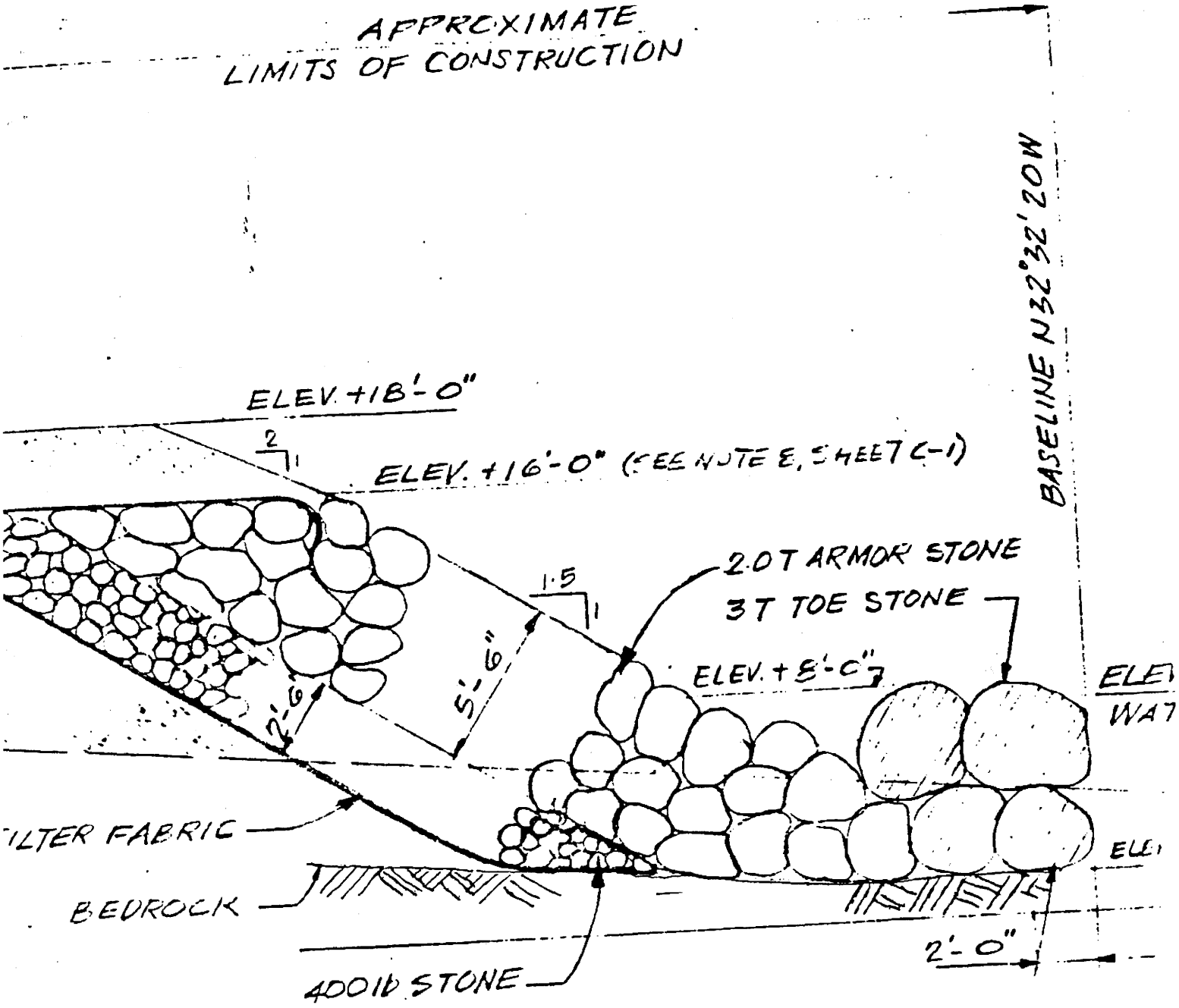

APPROXIMATE
LIMITS OF CONSTRUCTION
BASELINE N32°32'20W
ELEV. +18'-0"
2
1
ELEV. +16'-0" (SEE NOTE E, SHEET C-1)
2.0T ARMOR STONE
3T TOE STONE
1.5
1
ELEV. +8'-0"
5'-6"
2'-6"
FILTER FABRIC
BEDROCK
4001b STONE
2'-0"

Exhibit D

Exhibit E

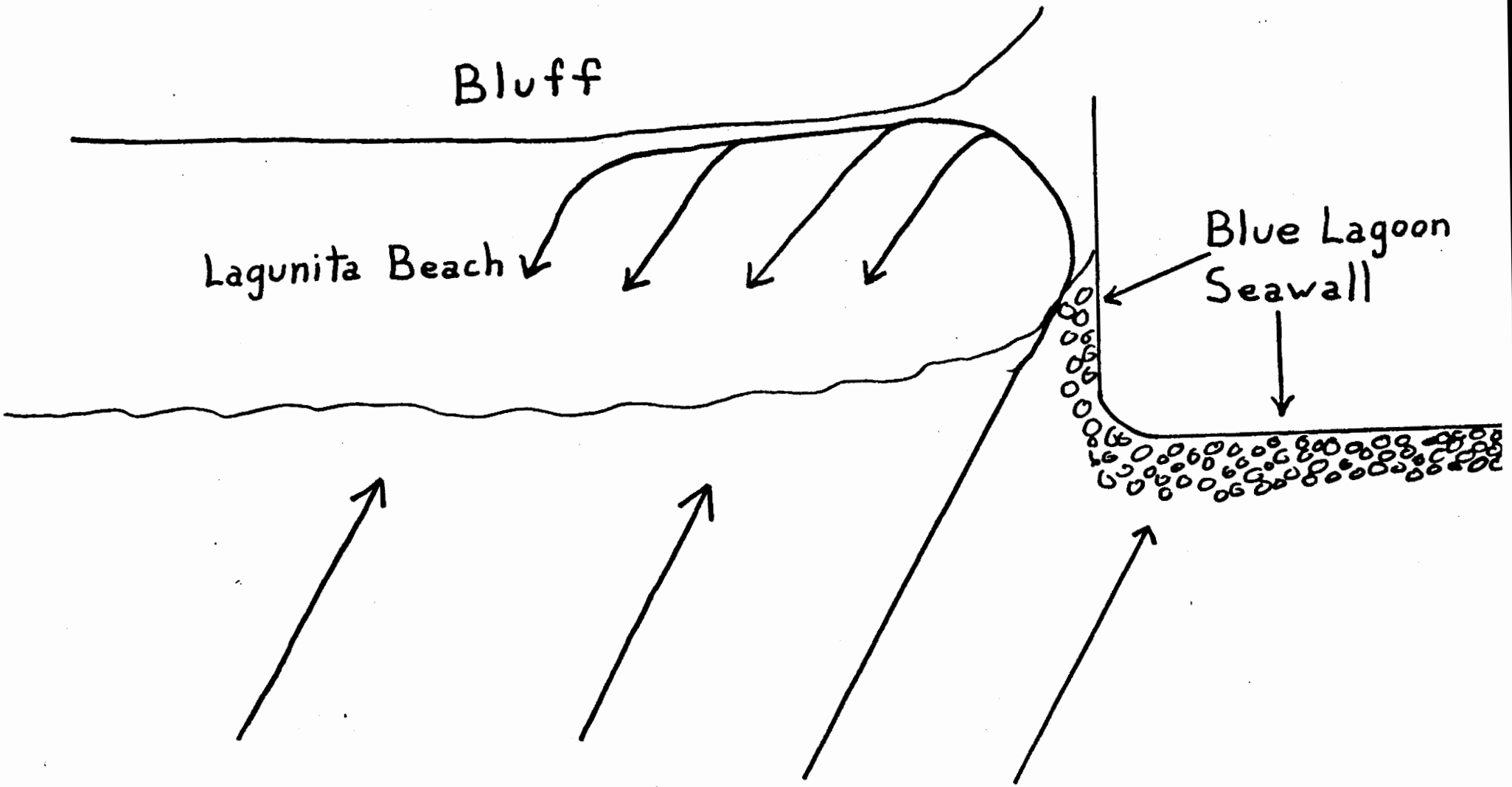
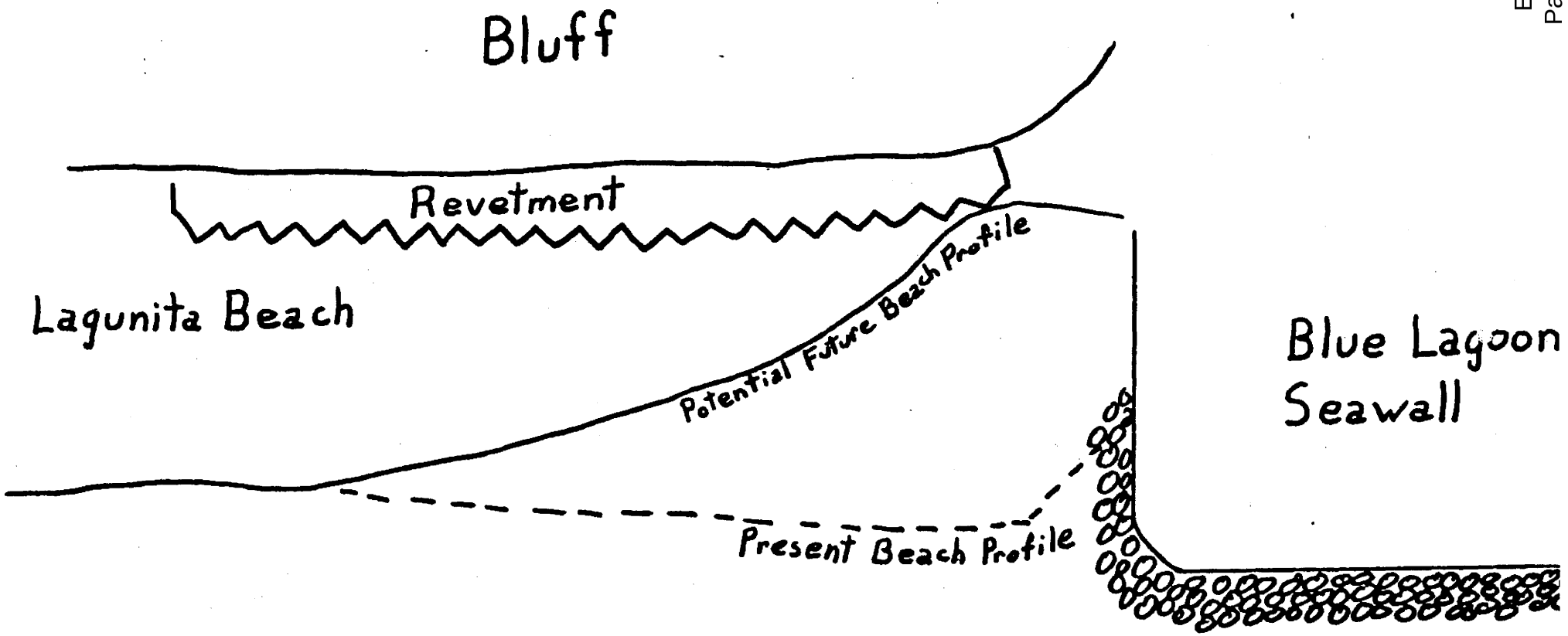


Exhibit 1


Bluff
Revetment
Lagunita Beach
Potential Future Beach Profile
Present Beach Profile
Blue Lagoon
Seawall

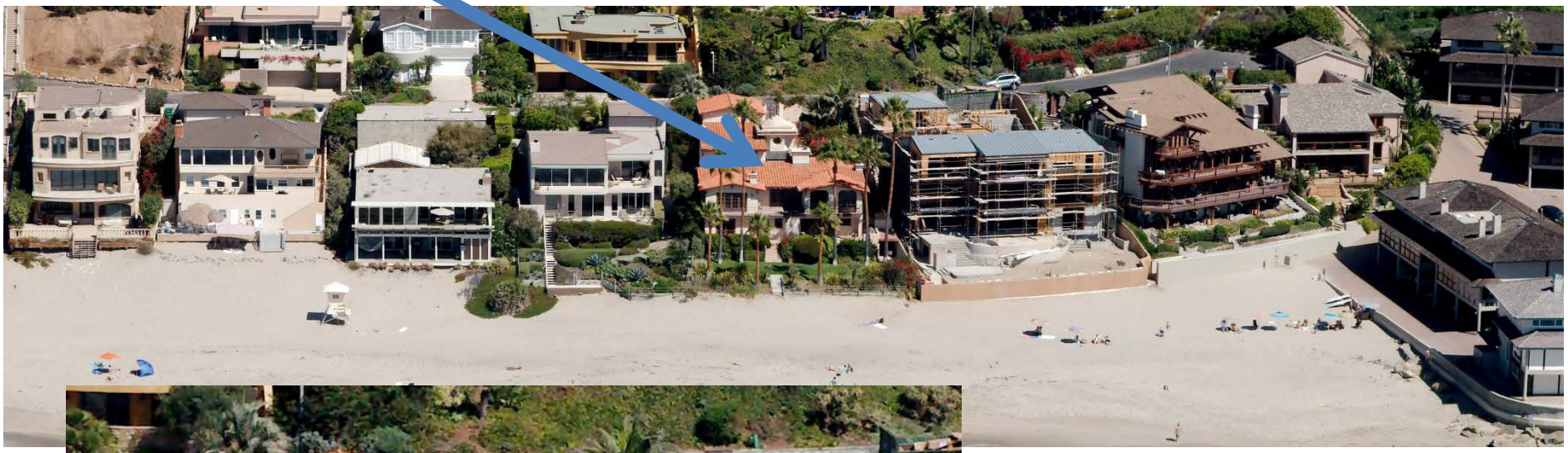
Subject Site - 23 Lagunita. Date: June, 1987 - prior to damage from winter 1987-88 storms

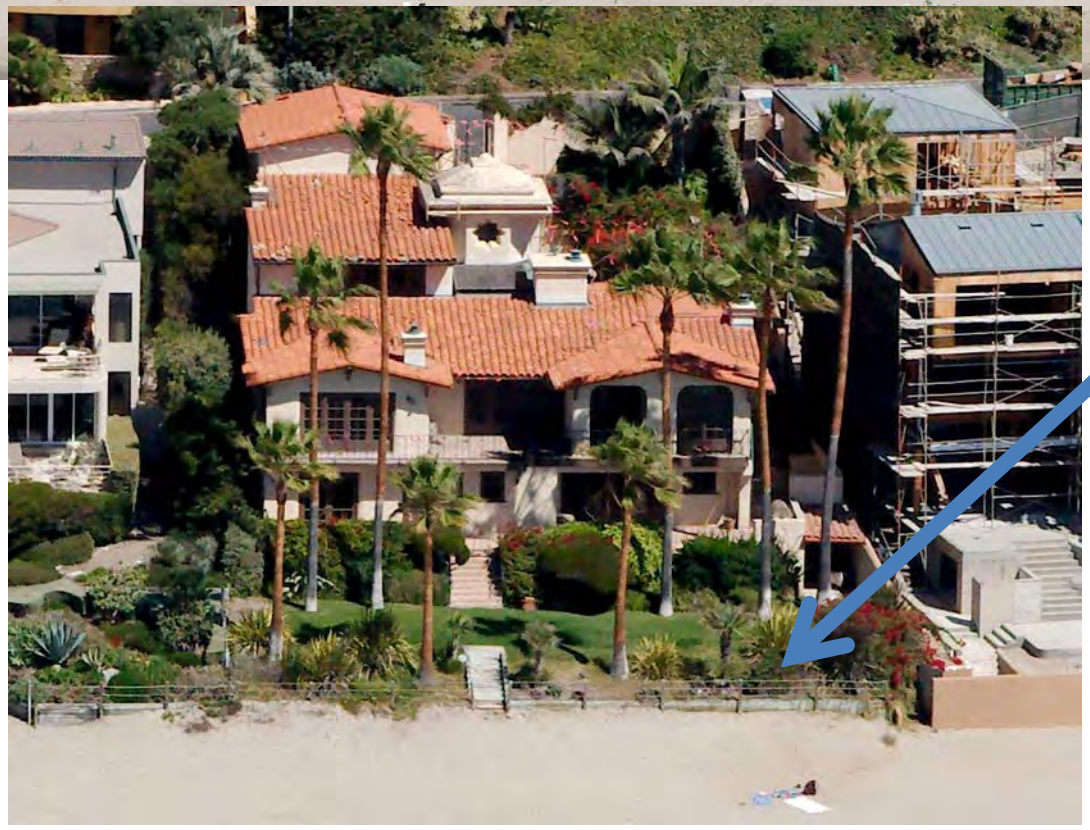
Detailed close-up: No retaining wall/rope fence and wood stairs are shown present on site in this 1988 photograph.

California Coastal Records Project Image 8703044

Subject Site - 23 Lagunita

Date: September, 2013





Detailed close-up showing unpermitted retaining wall/rope fence and wood stairs. Oceanfront property line approximately 5' seaward of retaining wall. Assumed location of unpermitted rock revetment immediately inland of retaining wall under landscaped slope.

California Coastal Records Project Image 201311242

Subject Site - 23 Lagunita

Date: 1972 (Pre-Coastal Act)

Close-up View: No retaining wall/rope fence and wood stairs are shown present on site in this 1972 photograph.

California Coastal Records Project Image 7238093