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

W9c

Click here to go to original staff report

Addendum

Date: October 5, 2015

To: COMMISSIONERS & INTERESTED PERSONS

From: SHERILYN SARB, DEPUTY DIRECTOR
SHANNON VAUGHN, COASTAL PROGRAM ANALYST
SOUTH COAST DISTRICT STAFF

Subject: Addendum to W9c, Coastal Development Permit Appeal No. A-5-LGB-14-0027 (MSSK Ventures, LLC), Laguna Beach, Orange County, for Commission Meeting of October 7, 2015

The following are letters with attachments from Mr. Samuel Salkin, a civil and structural engineer hired by Ms. Vickie Collins, received by the South Coast District Office on September 23, 2015 (faxed on September 22, 2015) and Mr. Dan Ernest, legal counsel for Ms. Collins, received by the South Coast District office in October 2, 2015. Ms. Collins is a neighbor of the applicant who lives at 12 Lagunita, upslope from the applicant.

Ms. Collins hired Mr. Salkin to conduct a slope stability analysis in relation to the proposed project. The analysis was conducted with regard to the City-approved project, which included the addition of room in the excavated area under the residence. The City-approved project was appealed and the applicant has since changed the project description to eliminate the proposed room under the residence. The applicant now proposes to backfill the excavated area and install a retaining wall, drain, and new footing. In a conversation between Commission staff the Mr. Salking on September 22, 2015, Mr Salkin was made aware that the applicant's project description had changed. Given the change in the project description, Mr. Salkin indicated that the threat to slope stability was no longer an issue, but recommended that the applicant use concrete to backfill the area instead of the current proposal because it is cheaper and would provide added stability to the hillside. Staff was not able to get a written statement from Mr. Salkin to that effect. In a conversation between Coastal staff and Ms. Collins on October 1, 2015, Ms. Collins expressed concern that if the applicant does not use concrete to backfill the area, her property, which is above the applicant's property, may experience slope failure.

The letter from Mr. Dan Ernst, counsel for Ms. Collins, echoes the concern of Ms. Collins for the excavated area to be filled with concrete. Mr. Ernst's letter references a geologic soils report conducted on June 16, 2013 by Ian Kennedy, Inc. In his letter, Mr. Ernst states that "[t]he Kennedy report found that the fill materials at the proposed site are 'poor to moderately compacted [and that] they are susceptible to erosion when exposed to rapid runoff and surficial

slumping when saturated.'" The part of the Kennedy report that Mr. Dan Ernst cited refers to fill materials that already exist at the site, not the material proposed for backfill of the area. The Kennedy report does make a recommendation for wall backfill (page 12 of the Kennedy report). Exhibit 9, pages 4 and 6, of the staff report, show that the applicant has incorporated the Kennedy report recommendations for the backfill and retaining wall under the residence in their project plans.

Staff has reviewed the concerns postulated by Ms. Collins and has concluded that the applicant should not backfill the excavated area with concrete because it will stop all water flow through the basement area and might cause water to pool upslope of the concrete, which could be detrimental to the site and adjacent areas. Additionally, should the site ever be redeveloped or be required to be vacated due to coastal hazards and/or sea level rise, removing a large concrete mass would pose a difficult and unnecessary obstacle. For wall backfill, the Kennedy report recommends using an approved self-compacting gravel, among other things. Staff also suggests that the applicant could use an amended soil or a soil-lean concrete mix to backfill the area.

In any case, the purpose of the Coastal Commission's approval of the backfilling of the excavated area is to correct the illegal work that occurred at the site. All of the work occurring under the residence – the backfilling, the retaining walls, the footing and the drain, will be subject to City requirements and finalized through the City's building permit. The proposed work is a structural repair that will not have an impact on public access or recreation to the coast and therefore, there are no Coastal Act issues to evaluate at this time.

SAMUEL SALKIN
ENTERPRISES, INC.
CIVIL & STRUCTURAL ENGINEERING

45 MARBELLA
SAN CLEMENTE, CA 92673
PHONE (949) 248-3808
FAX (949) 248-8519

September 18, 2015

Vicki Collins
12 Lagunita
Laguna Beach, Ca. 92651

The application to the California Coastal Commission for approval to build a sea wall and add underground living space to the home at 11 Lagunita, Laguna Beach, California, owned by Mssk Ventures LLC and the Plans for construction by the Architect (James Conrad C19888) have been reviewed together with Reports noted in the attached list of References.

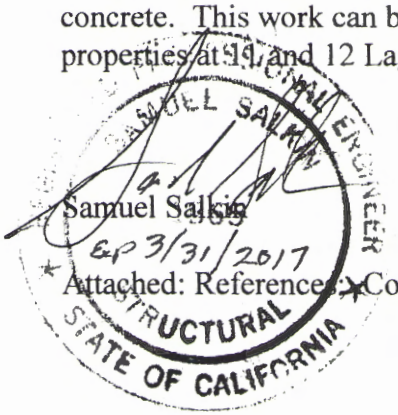
Borella Geology Inc.'s report of October 10, 2013 indicated 11 Lagunita is positioned over an ancient coastal canyon with depth to bedrock deeper than in other sections of the beach. Borella supports the need for a sea wall to protect 11 Lagunita and the upslope properties of 8 and 12 Lagunita.

The proposal to add underground living space to 11 Lagunita threatens to de-stabilize the steep slope behind 11 and 12 Lagunita and imperil the home at 12 Lagunita. Coastal Commissioners Mary Shallenberger and Effie Turnbull-Sanders correctly moved to deny permission to convert the crawl space into habitable area.

The excavated area under 11 Lagunita threatens the stability of the slope supporting the home at 12 Lagunita.. Behind the home at 11 Lagunita is a concrete deck, cobble stone retaining wall and concrete block retaining wall (see photos).

The plans prepared by the Architect do not precisely show the area and elevations of the material excavated below the home. Behind the proposed underground living space the topographic survey shows the base of the concrete block retaining wall is about 5 feet above the deck and 18 feet above the proposed addition. The excavation required to build the additional living space endangers the stability of the slope above.

In my opinion, to properly protect the slope the property owner, Mssk, should provide a subdrain around the existing excavated area (per Kennedy) and fill the excavation with concrete. This work can be done quickly, at a reasonable cost, and would protect both the properties at 11 and 12 Lagunita.



Samuel Salkin
EP 3/31/2017

Attached: References, Comments on Plans by James Conrad; photos.

REFERENCES

1. Plans by James Conrad, Architect dated 29 January 2105.

2. Reports by Borella Geology dated: August 17, 2014
   October 10, 2013
   June 1, 2011

3. Reports by Ian Kennedy dated: June 16, 2013
   January 2, 2013

4. Coastal Geotechnical dated: March 12, 2014

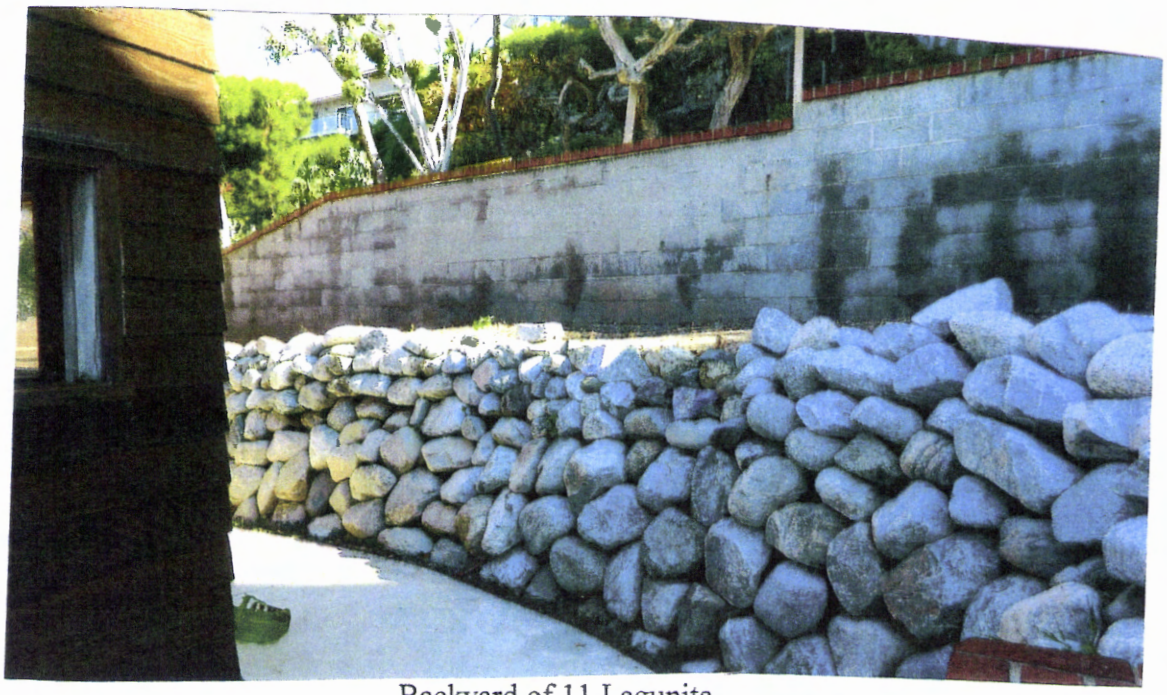
5. Harlar, LLC "11 Lagunita Sea Wall" January 5, 2015

6. California Coastal Commission Th12a Addendum dated June 9, 2015.

7. Map of Tract No. 1030, approved June 7, 1938.

8. Exhibit 6, "Existing Lower Floor Plan" and "Topographic Survey-Including Proposed Sea Wall-Drainage" by James Conrad-Architect

Backyard of 11 Lagunita
Looking Northeast
Note: Cobble retaining wall and
Concrete block retaining wall.



Backyard of 11 Lagunita
Looking Northeast
Note: Cobble retaining wall and
Concrete Block retaining wall

Looking northeast;
Note cracks in concrete block retaining wall.

COMMENTS ON PLANS BY
JAMES CONRAD, ARCHITECT
DATED 29 JANUARY 2015

Sheet

A-3.0 Existing Lower Floor Plan

Shows both existing condition and proposed construction..
The existing excavation imperils the slope above and the home at 12 Lagunita..

A-4.0 Proposed sub-floor finish grade of 21.4, approximately 12 feet below the adjacent grade as shown on the Topographic Survey, sheetT-2.0 creates a situation likely to cause a collapse of the ground of 11 Lagunita and the slope below the home at 12 Lagunita.

A-5.0, & 5.1 Words and dots on plans but lines not shown?

A-6.0 Not clear which areas are added living area. The basement addition of 38'-10" by 15'-1" ; 611 sq.ft. Appears top be added living area.

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A-11.0 & A-11.1 - Show sections, but plans do not show location of "Sections A,B,C&D.

Feldsott & Lee
A LAW CORPORATION

23161 MILL CREEK DRIVE, SUITE 300
LAGUNA HILLS, CA 92653

(949) 729-8002
(949) 729-8012 FAX
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12707 HIGH BLUFF DRIVE, SUITE 200
SAN DIEGO, CA 92130
(858) 755-3741

October 1, 2015

California Coastal Commission
Attn: Shannon Vaughn
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4416

Item Number: W9c
Application Number: A-5-LGB-14-0027
Vickie Collins
Opposing Project

Re: Backfill of Illegal Excavation at 11 Lagunita Drive, Laguna Beach California, 92651
Opposition to Staff Recommendation on Item W9c Application No: A-5-LGB-14-0027

Dear Commissioners:

This office serves as legal counsel to Vickie Collins, owner of 12 Lagunita Drive, Laguna Beach, California, the property immediately adjacent to and located on the slope directly above 11 Lagunita Drive. Ms. Collins opposes the Coastal Commission Staff's recommendation that dirt and a retaining wall are used to backfill an area illegally excavated at 11 Lagunita Drive. Backfilling the room-sided excavation in this manner is insufficient to protect the slope above 11 Lagunita Drive. Civil and Structural Engineer, Samuel Salkin, concludes that unless concrete is used to backfill the enormous hole excavated under the residence at 11 Lagunita Drive, the stability of the slope will continue to be compromised. (A copy of Mr. Salkin's report dated September 18, 2015, and a copy of Mr. Salkin's email letter dated September 30, 2015 are attached).

Mr. Salkin cites the report dated June 16, 2013 produced by Ian Kennedy, Engineering Geology, Soil Engineering, Geophysical Stuides ("Kennedy Report") on the Architectural plans of James Conrad regarding excavation necessary for a proposed subterranean room at 11 Lagunita Drive. The Kennedy Report found that the fill materials at the proposed site are "poor to moderately compacted. They are susceptible to erosion when exposed to rapid runoff and surficial slumping when saturated." (Kennedy Report, p.6; a copy of the Kennedy Report is attached).

Ms. Collins respectfully requests that the Coastal Commission require the owners of 11 Lagunita Drive to install a subdrain around the excavated area and fill the excavated area with concrete. Ms. Collins further requests that the Commissioners specify that a city permit be obtained to ensure that the pouring of the concrete is done a proper, timely and thorough manner.

Very truly yours,

FELDSOTT & LEE

By: _____
DAN ERNST

SF/DE/ns
Enclosures

EXHIBIT "A"

SAMUEL SALKIN
ENTERPRISES, INC.
CIVIL & STRUCTURAL ENGINEERING

45 MARBELLA
SAN CLEMENTE, CA 92673
PHONE (949) 248-3808
FAX (949) 248-8519

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The proposal to add underground living space to 11 Lagunita threatens to de-stabilize the steep slope behind 11 and 12 Lagunita and imperil the home at 12 Lagunita. Coastal Commissioners Mary Shallenberger and Effie Turnbull-Sanders correctly moved to deny permission to convert the crawl space into habitable area.

The excavated area under 11 Lagunita threatens the stability of the slope supporting the home at 12 Lagunita.. Behind the home at 11 Lagunita is a concrete deck, cobble stone retaining wall and concrete block retaining wall (see photos).

The plans prepared by the Architect do not precisely show the area and elevations of the material excavated below the home. Behind the proposed underground living space the topographic survey shows the base of the concrete block retaining wall is about 5 feet above the deck and 18 feet above the proposed addition. The excavation required to build the additional living space endangers the stability of the slope above.

In my opinion, to properly protect the slope the property owner, Mssk, should provide a subdrain around the existing excavated area (per Kennedy) and fill the excavation with concrete. This work can be done quickly, at a reasonable cost, and would protect both the properties at 11 and 12 Lagunita.

Samuel Salkin

REGISTERED PROFESSIONAL ENGINEER
SAMUEL SALKIN
1865
3/31/2017
STRUCTURAL
STATE OF CALIFORNIA

Attached: References; Comments on Plans by James Conrad; photos.

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CALIFORNIA
COASTAL COMMISSION

REFERENCES

1. Plans by James Conrad, Architect dated 29 January 2105.

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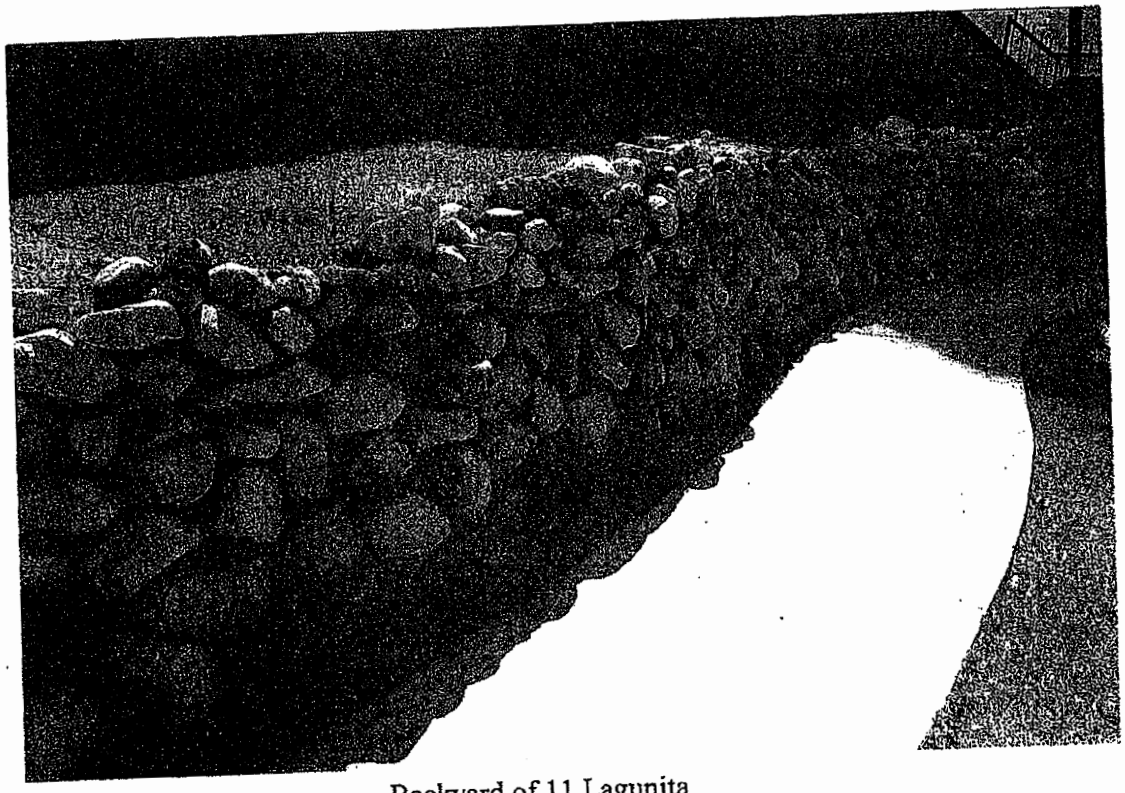

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EXHIBIT "B"

Dan Ernst

From: vickie collins <vickiedafirenze@yahoo.com>
Sent: Wednesday, September 30, 2015 10:34 AM
To: Dan Ernst
Subject: Fw: responsibility/vickie

On Wednesday, September 30, 2015 10:26 AM, "Salkinent@aol.com" <Salkinent@aol.com> wrote:

September 30, 2015

Vicki Collins
12 Lagunita
Laguna Beach, Ca. 92651

This note is in response to your telephone calling regarding the request of Coastal Commission, staff member Shannon Vaughn to withdraw the engineering recommendation to fill the void under the home at 11 Lagunita with concrete.

Neither the report of Ian Kennedy or the plans of James Conrad show the dimensions and elevations of the excavation below the home. There are no specific details on any plans to provide shoring for the excavation, construction of the proposed retaining wall, specifications for the backfill, requirements for inspection or a time line for the construction.

The rainy season is approaching and to properly protect the slope the Mssk owner should provide a subdrain around the existing excavated area (per Kennedy) and fill the excavation with concrete. This work can be done quickly, at a reasonable cost, and would protect both the properties at 11 and 12 Lagunita.

If Mssk agree to this there would be no reason to trouble the Coastal Commission with this issue.

Samuel Salkin
RCE 13420, SE 1865

EXHIBIT "C"

IAN S. KENNEDY Engineering Geology • Soil Engineering • Geophysical Studies

June 16, 2013

Lagunita Residence
c/o Jim Conrad, Architect
11 Lagunita
Laguna Beach, CA 92651

JOB NUMBER: 13-19

SUBJECT: Report on Geologic/Soils and Foundation Conditions for Proposed Subterranean Storage Room Addition and Residential Remodel, 11 Lagunita, Laguna Beach, California

REFERENCE: 1) Architectural Plans by James Conrad, Architect, dated March 12, 2013

INTRODUCTION

This report presents the results of observations of existing excavations made for a subterranean storage room addition that is situated below the subject residence.

The purpose of the investigation was to determine the subsurface soil conditions and their in-place physical properties.

This report includes a summary of conclusions regarding the adequacy of the soils for support of the proposed additions, and provides recommendations with respect to the design and construction of a new subterranean room.

1461 Regatta Rd. • Laguna Beach, CA 92651 • Office (949) 494-8114 • Fax (949) 497-1641

SITE DESCRIPTION

The subject site consist of two contiguous lots that are 4728 (Lot 10) and 7142 (Lot 11) foot square in areas, and have combined beach frontage of 145 feet.

The subject properties are located on the Faulkner Road cul-de-sac near Dumond Drive, which is off Victoria Drive in the City of Laguna Beach. The beach is located alongthe southwesterly side of the property. **Note:** See Site Plan – attached.

The subject site is a relatively level lot and is occupied by the existing residence that was reportedly constructed in the late 1920's. The structure is situated a few feet above beach level. A temporary shoring structure consisting of steel soldier piles and plate lagging was constructed in 2005 near the southwesterly facing bearing wall of the residential structure following storm surge beach erosion that left an eleven (11) foot high eroded headland just three feet from the building.

The property (Lot 11) has 5 to 40 foot high variable 1 ½ to 1 to 2 to 1 (horizontal to vertical) slopes ascending to the residential lots and street above along the southerly and easterly property lines. A five (5) foot wide utility easement containing a 8-inch diameter sewer main line passes in a north-south direction under the front rooms of the residence. Depth to the top of the sewer line is approximately eight (8) feet.

PROPOSED ADDITIONS

Plans for the additions have been prepared (refer to Reference 1). A subterranean storage room (basement level) and retaining walls are proposed. Recommendations for support of proposed improvements are presented in this report.

SITE GEOLOGIC CONDITIONS

San Onofre Breccia (Tso) The Victoria Beach and the terrace on which the subject property is situated are underlain by sedimentary bedrock that has been assigned to the San Onofre Breccia, a formation that is of marine origin and middle Miocene age. The breccia is exposed in the steep and ragged portions of the slope adjacent to the residences and at isolated rocky projections on the beach.

At depth and below the proposed room additions, the San Onofre Breccia consists predominantly of massive beds of sand to boulder size angular fragments of metamorphic rock materials (primarily schist) that are poorly sorted and indistinctly bedded. Sub-parallel orientation of flattened rock fragments or variations in the coarseness of the fragments of which portion of the rock are composed are the only suggestions of bedding within the breccia.

Interspersed within the breccia are occasional thin beds of sandstone. These beds are composed of fine to very coarse, poorly sorted sand similar to the matrix of the breccia. They vary from several inches to as much as a foot in thickness with the thinner beds

being discontinuous or lenticular in shape. There also are thin interbeds of greenish gray clayey to sandy siltstone.

Prior to its exposure as a result of uplift and erosion of the San Joaquin Hills, the San Onofre formation sediments were deeply buried, well consolidated, and moderately cemented. Because of its predominantly massive structure and moderate cementation, the San Onofre Breccia is one of the more stable and erosion resistant rock units exposed along this portion of the coastline. It typically forms steep to overhanging sea cliffs and sea caves of substantial proportions. However, the fine-grained beds within the formation constitute planes of weakness that control the stability of the sea cliffs. The rock tends to part along these surfaces and to slip down dip where they are adversely oriented with respect to the cliffs.

Bedrock Structure: The sedimentary bedrock sequence above and adjacent to the subject properties is inclined or tilted so that it dips uniformly toward the southwest at angles that vary from 35° to 45° below the horizontal. Bedding within the massive breccia does not readily part so these features do not constitute planes of significant weakness. However, bedding planes within the interbedded fine grained rock units are planes of weakness along which down dip sliding can occur.

Terrace Deposits (Qtu and Qtm)

Sedimentary deposits of marine origin and Pleistocene age (Qtm) rest on the nearly level bench cut in the bedrock by wave erosion prior to emergence of the coastal terrace.

These deposits form the sloping portion of the properties immediately above the top of the cliff. They are covered by a t hick mantle of residual soil and slopewash deposits that have washed and slumped down from the more gently sloping portion of the coastal terrace.

The marine terrace deposits consist of tan to light rusty brown fine to medium sand. The base of these deposits commonly includes cobbles and boulders that were derived from wave erosion of the underlying San Onofre Breccia. These deposits are not as well consolidated as the underlying bedrock and are only poorly cemented. Therefore, they are not as resistant to erosion or as stable as the bedrock.

The surface of the coastal terrace is covered by more recent deposits of soil and rock debris that washed down onto the terraces from higher slopes inland. Accumulation of these materials is termed non-marine terrace deposits (Qtn). These materials form the more gently inclined portion of the slope situated between the Coast Highway and the coastal beach deposits. A thick mantle of slopewash soils generally covers these materials. The non-marine terrace deposits are exposed in the road cut along the inland edge of the Coast Highway, nearby cut slopes, and the cut faces made for the subterranean room addition. These deposits generally consist of crudely stratified reddish-brown sandy clay or clayey sand with occasional lenses and streaks of gravel. They are moderately well consolidated but locally porous and poorly cemented.

Beach Sand (Qb) Beach deposits of geologically recent origin are present on the adjacent beach near sea level. These typically consist of white, fine to coarse sand intermixed with broken shell fragments. Included within the sands are thin lenses or streaks of rounded pebbles and small cobbles. The base of these deposits includes coarse cobble to boulder size fragments or rock debris that have eroded from and accumulated on the wave cut bench cut in the bedrock.

Artificial Fill (Af) A thick wedge of artificial fill has been placed on the lower coastal terrace to form the building pads on the subject sites and nearby properties. The relatively gentle slope that descends to the beach from the inside edge of the street is a part of that fill. Along the westerly edge of the residence on the subject site is as much as 13 feet thick.

Materials used to build the pad fill were excavated from cuts made in the non-marine terrace deposits along the inland edge of the streets above. They are composed of reddish-brown clayey and silty sands with scattered gravel, cobbles and boulders. In general, the fill materials are poor to moderately compacted. They are susceptible to erosion when exposed to rapid runoff and surficial slumping when saturated.

Groundwater A significant amount of water was found to be seeping along the bedrock contact exposed in the caisson excavations that were made during the shoring installations. Water that falls on the surface of the coastal terrace above from occasional rainfall and regular irrigation of landscaping easily penetrates the relatively permeable

terrace deposits. The infiltrated water migrated to the base of the terrace deposits and then moves seaward perched on the gently inclined erosion surface cut in the underlying dense bedrock. The water enters the permeable zones where they are exposed in the sea cliff. Water also emerges from the buried contact between the terrace deposits and underlying bedrock and flows to the ocean below the subject area. **Note:** It is anticipated that the groundwater table will rise during the heavy rainy seasons.

CONCLUSIONS

1. The non-marine terrace soil materials on the subject site are considered to be stable and suitable for support of the proposed foundation and slab on grade constructions.
2. No evidence of subsurface waters, other than normal soil moisture, was noted during our recent observations.
3. The soluble sulfate content of the soil materials is not anticipated to be deleterious to concrete and subgrade soils are not expansive.
4. Surface drainage should be controlled through proper civil engineering design and water should not be allowed to pond adjacent to the structural improvements.
5. Water proofing and sub-drainage systems are considered necessary for the possible rise of groundwater table elevations.

RECOMMENDATIONS

CONTINUOUS FOOTINGS

Bearing Capacity: The allowable bearing capacity of conventional strip footings having a minimum width of 15 inches and founded a minimum of 24 inches below lowest adjacent grade in approved earth materials should not exceed 2,000 pounds per square foot. This value may be increased by one-third for short duration loading as may result from seismic action. The bottoms of all footings should be placed upon a level surface.

Lateral Resistance: Lateral loads may be resisted by passive pressure forces and friction acting on the bottom of footings. For footings cast against approved earth materials, the lateral bearing resistance may be computed using a value of 150 pounds per square foot per foot of depth below natural grade, but should not exceed 2250 pounds per square foot. A coefficient of friction of 0.30 may be used in computing the frictional resistance. It should be noted that these allowable earth material resistance parameters appropriately reflect a factor-of-safety of 1.5.

Footing Reinforcement: A minimum of two No. 5 bars should be placed at the top and bottom of continuous footings in order to minimize tension cracks during seismic shaking due to subsurface imperfections.

Footing Geometry: All footings should be embedded a minimum of 24 inches below lowest adjacent grade in competent earth materials.

Settlement: Total settlement due to such structural loads is estimated not to exceed ¼ inch for footings supported on approved earth materials. Differential settlements can be estimated to be approximately ¼ inch over a horizontal distance of 20 feet. It is expected that settlements will do so essentially as the loads are applied.

ISOLATED PAD FOOTINGS

Bearing Capacity: The allowable bearing capacity of soils supporting pad footings founded a minimum of 24 inches below lowest adjacent grade in approved earth materials is 2,000 pounds per square foot. This value may be increased by one-third for short duration loading as may result from seismic action. The bottoms of all footings should be placed upon a level surface.

Lateral Resistance: Lateral loads may be resisted by passive pressure forces and friction acting on the bottom of footings. For footings cast against approved earth materials, the lateral bearing resistance may be computed using a value of 150 pounds per square foot per foot of depth below natural grade, but should not exceed 2250 pounds per square foot. A coefficient of friction of 0.30 may be used in computing the frictional resistance.

Pad Footing Geometry: Pad footings should be a minimum of 24 inches square and a minimum of 24 inches below lowest adjacent grade in competent earth materials.

RETAINING WALLS

Lateral Loading on the Subterranean Retaining Walls: The lateral loads acting on cantilevered retaining walls backfilled with approved non-expansive granular materials

such as compacted sands or gravel, can be computed using an active pressure force equal to an equivalent fluid pressure of 35 pounds per square foot per foot of depth for level backfill and 48 pounds per square foot per foot of depth for 2:1 (horizontal: vertical) sloping backfill. These values should be increased by 50 percent for walls structurally restrained.

The lateral loads acting on cantilevered retaining walls backfilled with native soils or supporting in place native soils can be computed using an active pressure force equal to an equivalent fluid pressure of 40 pounds per square foot per foot of depth for level backfill. These values should be increased by 50 percent for walls structurally restrained.

Surcharge Loading: Lateral loads acting on retaining walls due to structural surcharges should be superimposed atop the earth pressures.

Lateral loads due to structural surcharges should be computed for any portion of the retained wall face with a 45-degree plane of the bottom of any structural element founded in earth materials retained by the wall. A distributed lateral load, equal to 40 percent of the distributed dissipated vertical load from a footing acting on the portion of an imaginary plane within a 45-degree influence envelope at a depth equal to the point where the influence envelope intersects the back of the block, should be applied to that portion of retained wall below the intersection point.

Lateral Resistance Design Values: Lateral loads may be resisted by passive pressure forces and friction acting on the bottom of footings. For footings cast against approved soils, the lateral bearing resistance may be computed using a value of 150 pounds per square foot per foot of depth below natural grade, but should not exceed 2250 pounds per square foot. A coefficient of friction of 0.30 may be used in computing the frictional resistance. It should be noted that these resistant parameters appropriately reflect a factor-of-safety of 1.5.

Vertical Bearing Design Values: The allowable bearing capacity of earth materials supporting retaining wall footings founded atop approved soils is 2,000 pounds per square foot. This value may be increased by one-third for short duration loading as may result from seismic action. The bottoms of all footings should be placed upon a level surface.

Subdrains: A recommended drainage design for achieving control of seepage forces behind retaining walls is shown on Figure 1. This design consists of single sized gravel wrapped with geotextile fabric separator or a graded washed gravel placed in contact with undisturbed native material. Collection is with a 4-inch diameter perforated pipe embedded at the base of the gravel tied to a 4-inch diameter non-perforated outlet pipe which discharges at convenient locations selected during foundation plan review. The pipe should be placed such that the gradient is not less than 0.01 ft./ft. The fabric wrapped gravel envelope should be placed at a similar gradient. The drain should have a minimum of 2 cubic feet per foot of gravel.

All drainpipes should be SDR-35 or approved equivalent. Perforations may be either bored holes, not less than 3/16-inch or larger than 1/2 –inch diameter, or 1/8-inch slots placed on the bottom one-third of the pipe perimeter. If the pipe is to be bored, a minimum of 5 holes should be uniformly placed per foot of length. Slots should not exceed 2 inches in length and total length of slots should not be less than 50 percent of the pipe length.

The geotextile filter fabric should be in accordance with Orange County Standard Plan 808. The fabric pore spaces should be between 30 and 100 mesh openings. The fabric should be placed such that a minimum lap of 6 inches exists at all splices. The fabric wrapped gravel envelope should consist of ½-inch minimum single size drain rock. All subdrain installations should be inspected by this office or designated representative.

Waterproofing: All interior building retaining walls should be protected from moisture penetration with a suitable waterproofing method specified by the project architect or a qualified experienced professional.

Wall Backfill: The on-site soils may be used in the cap (upper 18 – 24 inches) or beyond the select backfill zone. Approved self-compacting gravel backfill may be placed in quantity behind the walls. All other materials should be placed in 6 to 8 inches loose lifts and mechanically compacted to at least 90 percent of ASTM-1557 maximum density. Notification of this office is required prior to all retaining wall backfill operations.

SEISMIC DESIGN

This site is subject to strong ground shaking due to potential fault movements along the Newport Inglewood Fault (off-shore). Engineered design and construction to mitigate earthquake damage allow development of seismic areas. The *minimum* seismic design should comply with the 2010 edition of the California Building Code and ASCE 7-05 using the seismic coefficients given in the table below.

2010 CBC (ASCE 7-05) Seismic Parameters

		Reference
Seismic Category:	D	
Seismic Class:	D	Table 1615.1.1
Short Period Spectral Response S_s:	1.687 g	Figure 1613.5(3)
1 second Spectral Response, S_1:	0.616 g	Figure 1613.5(4)
Site Coefficient, F_a:	1.0	Table 1613.5.3(1)
Site Coefficient, F_v:	1.5	Table 1613.5.3(2)
Short Period Spectral Response, S_{DS}	1.124 g	
1 second Spectral Response, S_{D1}	0.616g	

SLAB-ON-GRADE

Slabs supported by underlying soils should be designed with a minimum of No. 4 bars at 12 inches on-center each way and have a minimum thickness of 5 inches. Contractors should be advised to take appropriate precautions when pouring during hot weather in order to minimize the possibility of cracking and fracturing or large slabs. A minimum ten-mil visqueen moisture barrier atop 2 inches of sand and covered with an additional 2 inches of sand should be provided in interior slab areas.

TEMPORARY EXCAVATIONS

The excavations for the subterranean room addition have been previously made, and in so doing exposed the continuous wall foundation footings for the bearing walls of the existing residence. The residence is not inhabited at this time. The native (non-marine terrace deposit) soils exposed in the face of the remaining vertical cuts appear to be performing satisfactorily at this time frame. However, they can be expected to dry out, desiccate, and fail in time causing settlement related distress within the residence. Construction of permanent retaining structures should proceed as soon as possible. If construction is not imminent, then cuts should be laid back or shored. Excavation may be made vertical for the lower 4 feet and laid back at 1 vertical to 1 horizontal slope above.

The contactor is entirely responsible for the job site conditions during the entire course of construction, including insuring lateral support to and protection of existing structures and property.

SHORING DESIGN FOR UNFINISHED CUT SLOPE WORK

Construction excavations in areas where spatial limitations preclude geotechnical recommended laybacks should be shored during the duration of the excavation's exposure. Lateral loads acting on cantilevered temporary shoring elements supporting native soils can be computed using an active pressure force equal to an equivalent fluid pressure of 30 pounds per square foot per foot of depth for level retention conditions. The active pressure is based on anticipated earth materials and the temporary support condition. Any permanent installation should be designed in accordance with the loading

provided in the permanent retaining wall recommendations. Design of soldier pile type supports embedded in approved competent soils should use a passive pressure of 150 pounds per square foot per foot of depth, up to a maximum value of 2250 pounds per square foot. The passive resistance may be doubled for isolated piles spaced a minimum of three diameters edge to edge. All shoring elements should remain in place until permanent backfill is within 4 feet of the finished grade, pending field review by the geotechnical consultant.

UTILITY TRENCHES

Utility trenches should be backfilled with clean sand, gravel, or approved soils. The soil materials should be compacted to a density at least equal to 90 percent of the maximum density as determined by test designation ASTM 1557. Contractors should keep detailed records/map of the location and depths of all underground utility lines installed. Notification of this office is required prior to any utility line backfill operations.

REVIEW

The undersigned should review and approve the final project foundation plans to confirm compliance with the geotechnical recommendations.

****

Thank you for the opportunity to be of service. If you have any questions, please call.

Jan S. Kennedy, Inc.
Engineering Geologist (CEG 1057)
License Expires 1/31/14

REGISTERED GEOLOGIST
JAN S. KENNEDY
No. 1057
Exp: 1-31-14
CERTIFIED ENGINEERING GEOLOGIST
STATE OF CALIFORNIA

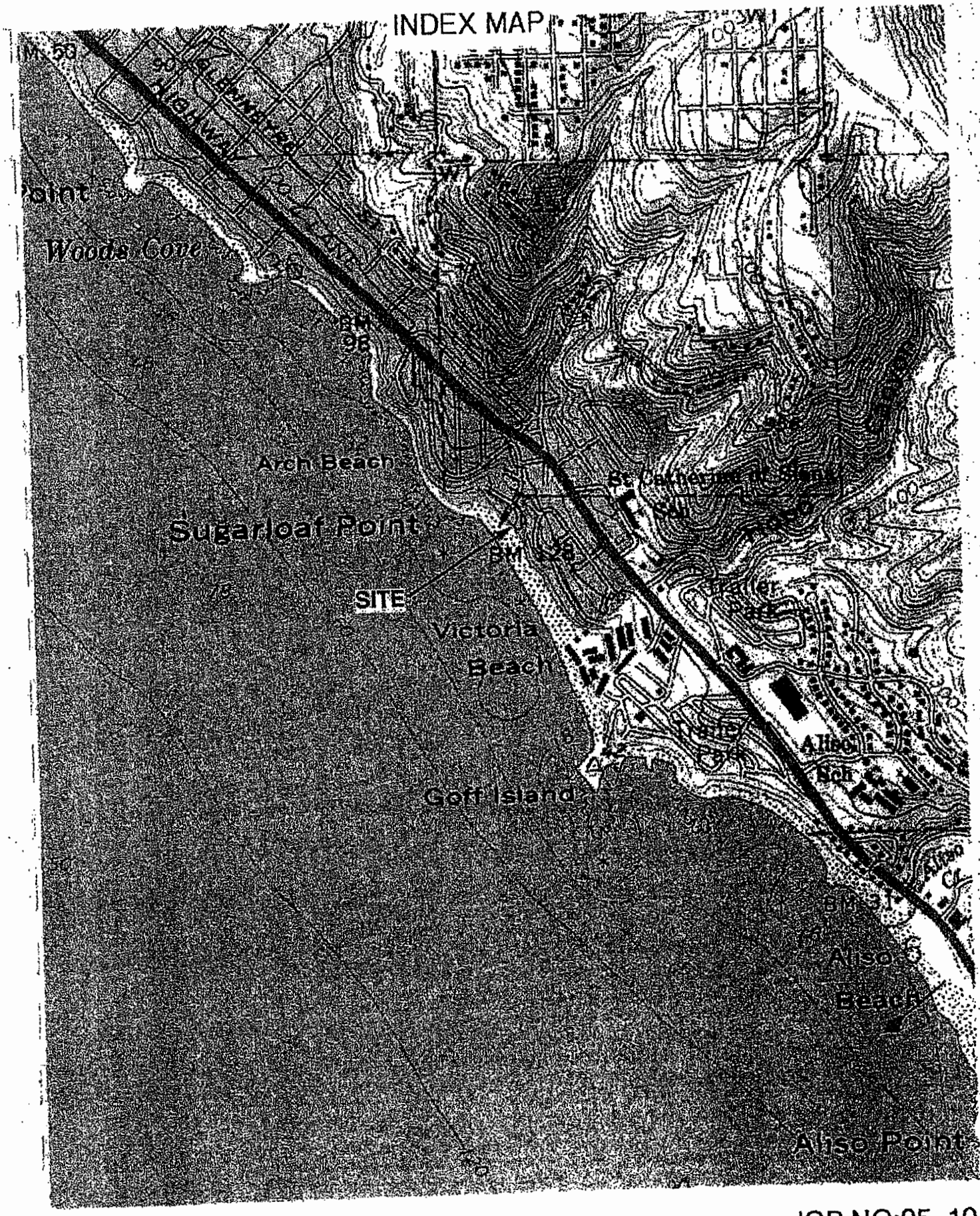
David A. Purkis, PE
Civil Engineer (RCE 42810)
License Expires 3-31-14

REGISTERED PROFESSIONAL ENGINEER
DAVID A. PURKIS
No. 42810
Exp: 3-31-14
CIVIL
STATE OF CALIFORNIA

ISK:tmm

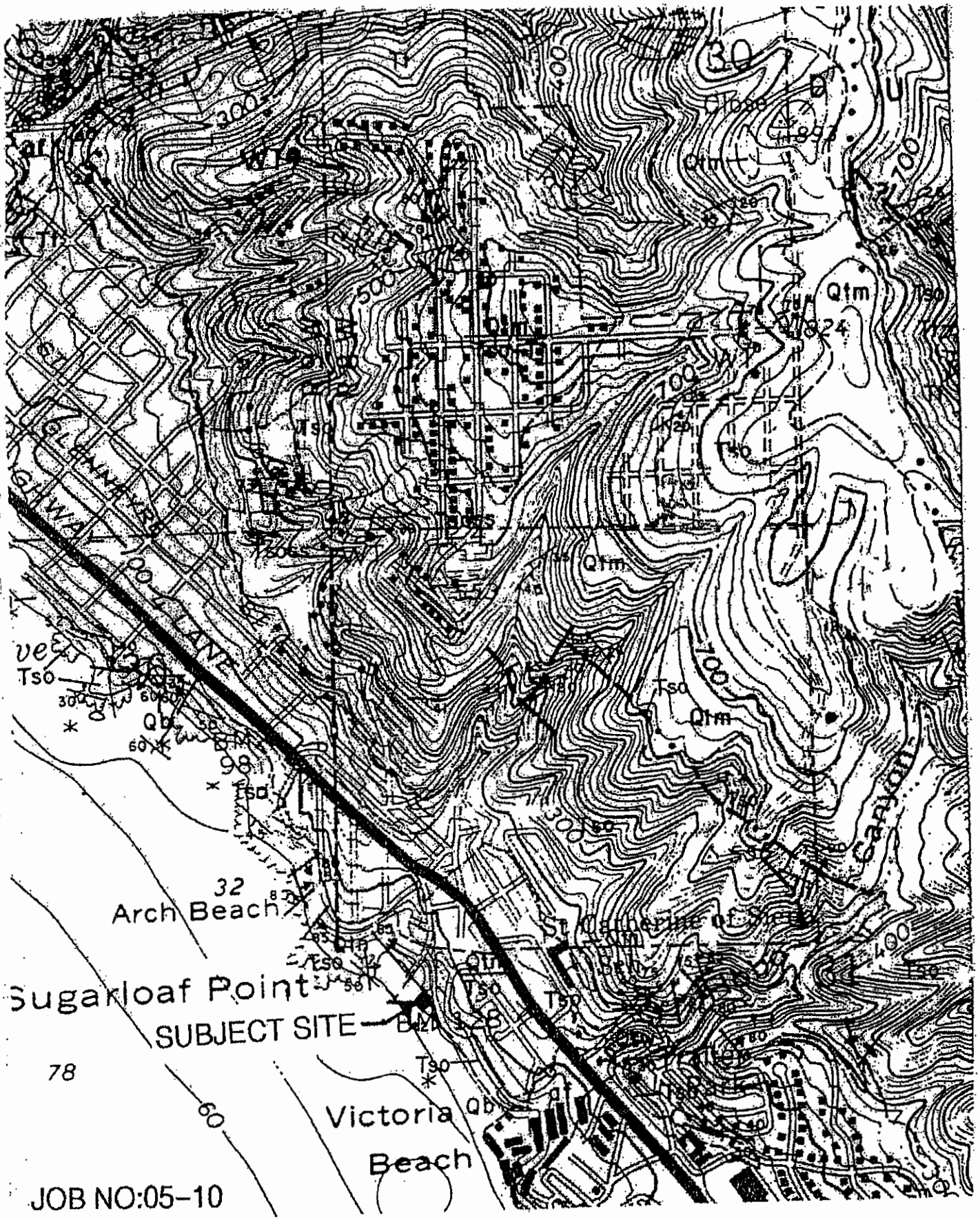
Attachments:

1. Index Map
2. Site Area Geologic Map
3. FEMA 100 Year Flood Plain Map
4. Specific Project References - Appendix C
5. Laboratory Testing Results - Appendix D
6. Typical Retaining Wall Subdrain Detail
7. Cross Section A-A'
8. Proposed Addition Plan


INDEX MAP
Woods Cove
Arch Beach
Sugarloaf Point
SITE
Victoria Beach
Goff Island
Aliso Beach
Aliso Point

JOB NO:05-10

SITE AREA GEOLOGIC MAP



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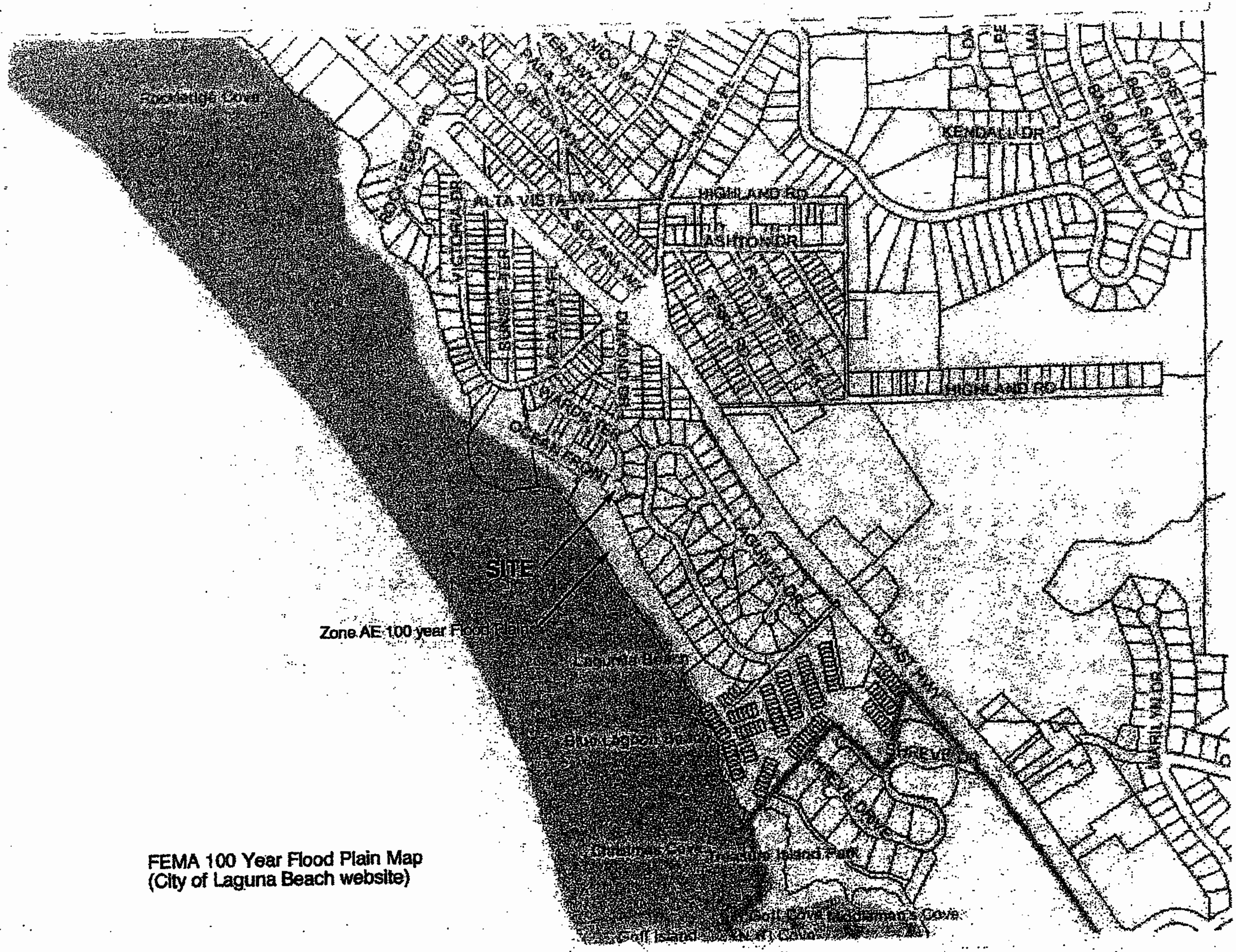


FEMA 100 Year Flood Plain Map
(City of Laguna Beach website)

APPENDIX C

SPECIFIC PROJECT REFERENCES

1. Report on Preliminary Geotechnical Recommendations for Temporary Shoring of the Subject Eroded Beach Head, 11 Lagunita, Laguna Beach, California, by Ian S. Kennedy (CEG), dated February 10, 2005.
2. Report on Structural Analysis of Temporary Shoring, 11 Lagunita, Laguna Beach, California, by David Purkis (PE), dated February 10, 2005.
3. Letter on Emergency Coastal Development Permit Items, 11 Lagunita, Laguna Beach, California, by Ian S. Kennedy (CEG), dated February 25, 2005.
4. Letter on Temporary Shoring Rationale, 11 Lagunita, Laguna Beach, California, by David A. Purkis (PE), dated March 1, 2005.
5. Letter on Temporary Shoring Items, 11 Lagunita, Laguna Beach, California, by David A. Purkis (PE), dated March 9, 2005.
6. Field Memo on Inspection of Drilled Caisson-Type Excavations for the Proposed Residential Underpinning and Headlands Protection, 11 Lagunita, Laguna Beach, California, by Ian S. Kennedy, (CEG), dated March 24, 2005.
7. Field Memo on Recommendations for Revised Bedrock Embedment for Drilled Caisson-Type Excavations, Proposed Residential Underpinning and Headlands Protection Wall, 11 Lagunita, Laguna Beach, California, by Ian S. Kennedy (CEG), dated March 26, 2005.
8. Field Memo on Inspection of Additional Caisson-Type Excavations for Proposed Residential Underpinning and Headlands Protection, 11 Lagunita, Laguna Beach, California, by Ian S. Kennedy (CEG), dated April 6, 2005.
9. Letter on Temporary Shoring Issues, by David A. Purkis (PE), dated April 12, 2005.

APPENDIX D

LABORATORY TESTING

PROJECT: Kiermeyer, 11 Lagunita **Project No. 05-1634**

DATE: 04/12/05

A. Maximum Density-Optimum Moisture Determination

Maximum density and optimum moisture content were determined in accordance with Test Designation ASTM D 1557-00. The test results are summarized below.

Sample Location	Material Type	Optimum Moisture %	Max. Dry Density PCF
Near surface, proposed wall location	Tan to brown silty fine to medium sand (SM)	10.0	128.0

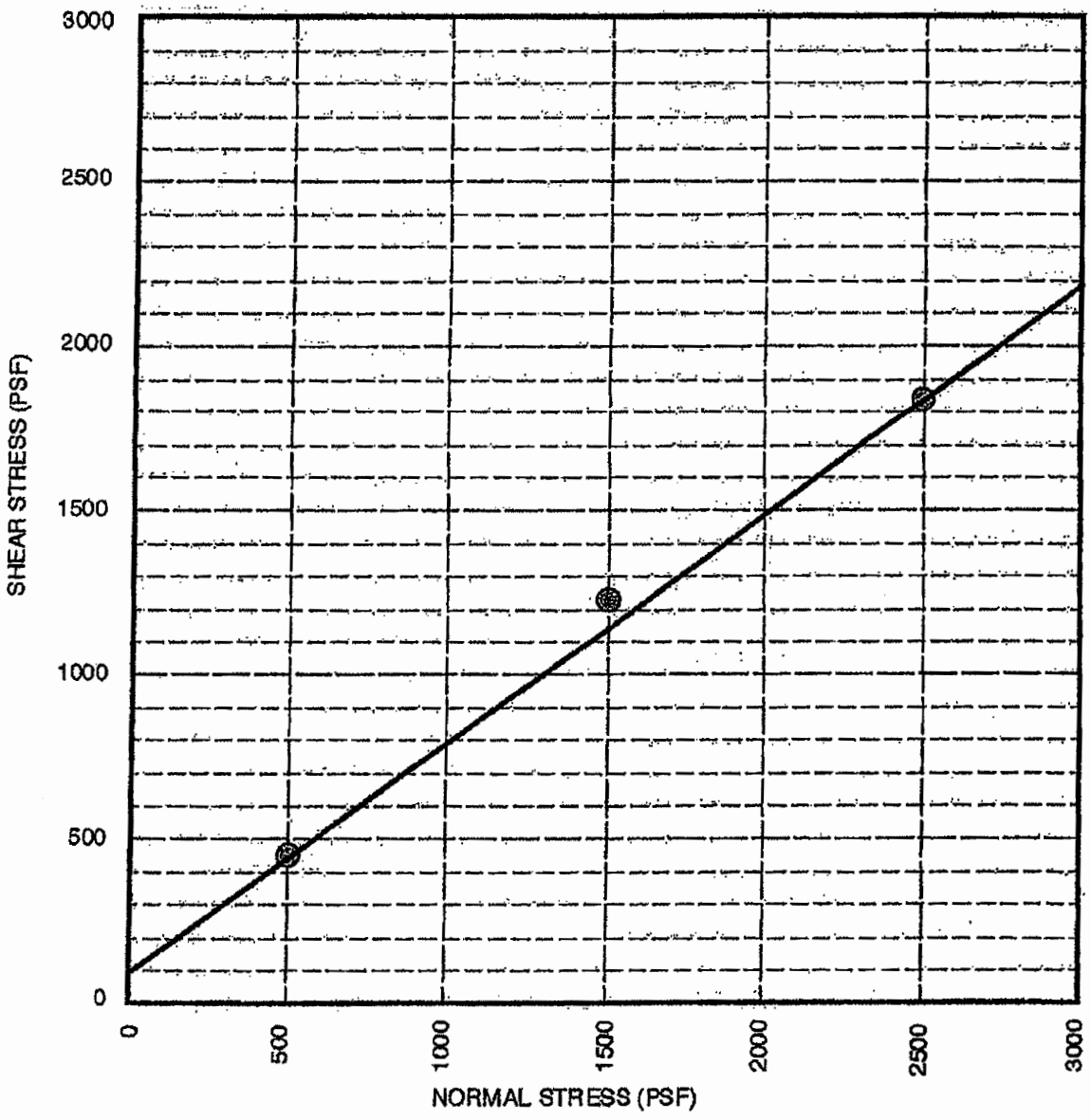
B. Direct Shear Test (Remolded)

Samples of typical on-site soils were formed in sample rings to a density of 90 percent of maximum density as determined by ASTM 1557-00. One Direct Shear Test was performed in accordance with ASTM D 3080 methods. The results are shown on the attached Drawing "SHEAR CHART".

			NORMAL (psf)	-	SHEAR (psf)
PROJECT:	Kiermeyer	MATERIAL:			
LOCATION:	wall location	Brown silty fine to coarse grained sand with gravel	500	-	447
DEPTH:	near surface		1500	-	1218
DATE:	04/12/05		2500	-	1830

Ø = 37° c = 100 psf

Samples remolded to 90 percent of maximum density per ASTM 1557-00



SHEAR CHART

LABORATORY TESTING

PROJECT: **11 Lagunita, LB** **Project No. 13-3020**

DATE: **06/03/13**

LABORATORY TESTING

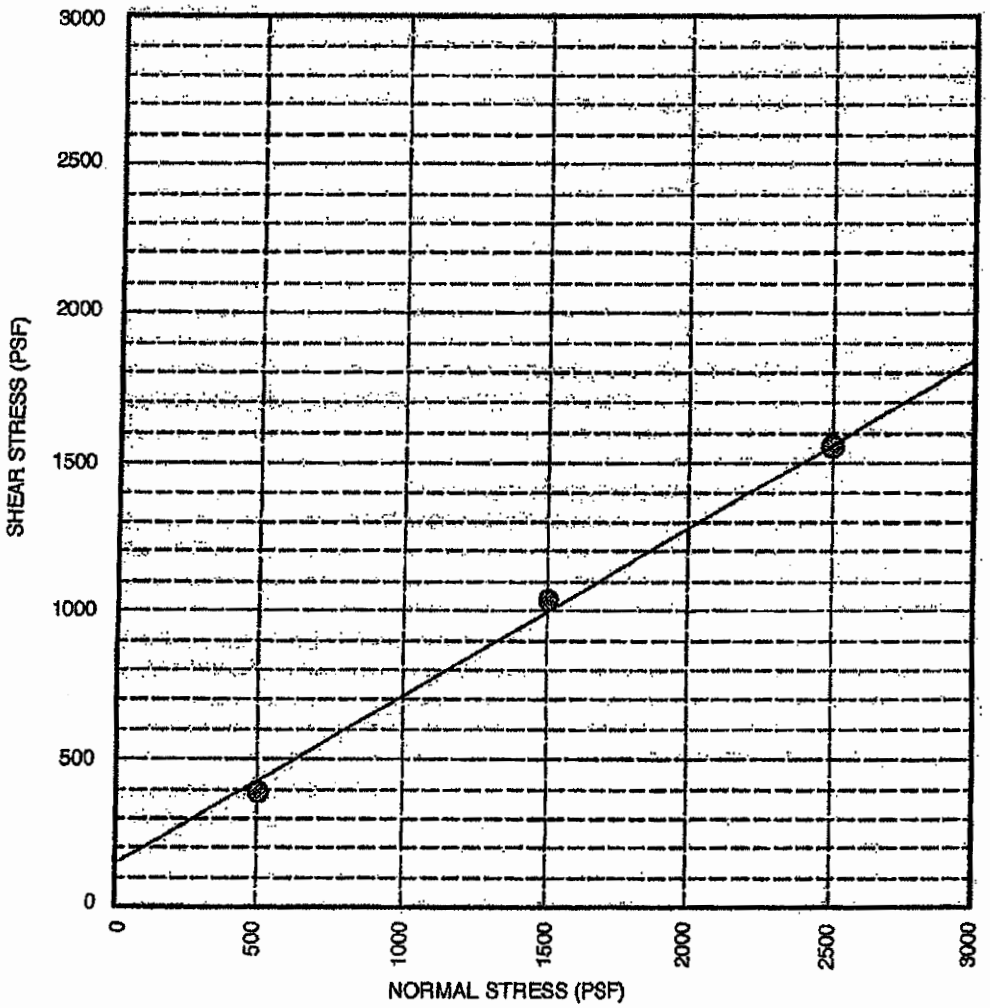
A. Direct Shear Test (Carved)

Samples of typical on-site terrace deposits were retrieved from the exposed excavation at the site. The fragments were cut and trimmed to 2.48-inch diameter by 1-inch high specimens. The specimens were tested in a direct shear apparatus in accordance with ASTM D 3080 methods. The results are shown on the attached Drawing "SHEAR CHART".

PROJECT :	Conrad	MATERIAL:	NORMAL (psf) -	SHEAR (psf)
LOCATION:	exposed cut	Reddish brown silty sand with some gravel (Qt)	500 -	389
DEPTH:			1500 -	1025
DATE:	06/01/13		2500 -	1582

Ø = 31° C = 170 psf

Samples carved from bulk fragments



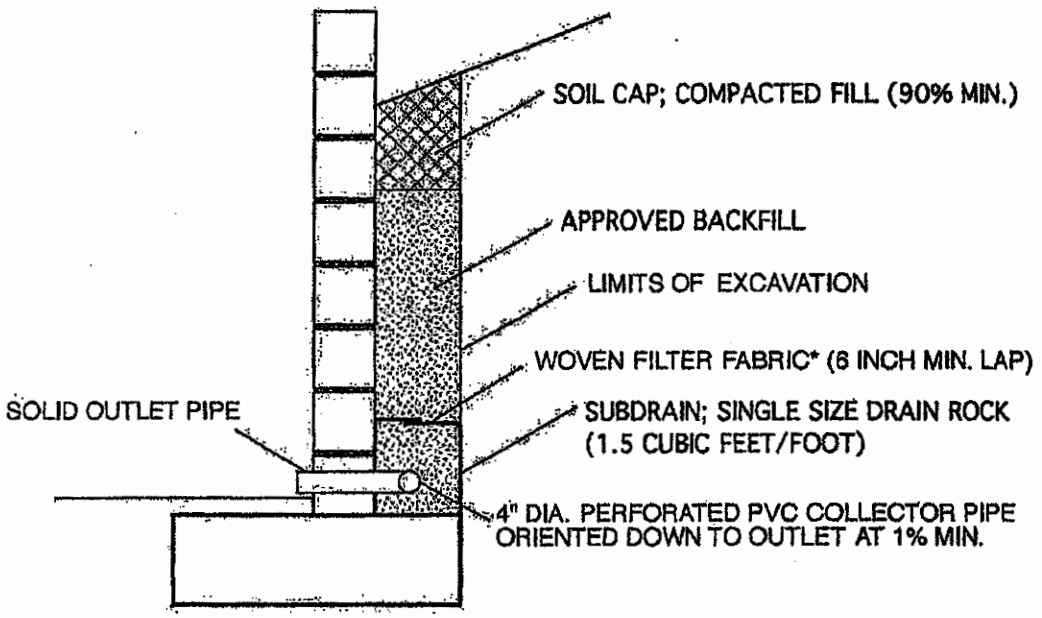
SHEAR CHART

TABLE 1 - GRADATION FOR CLASS II AGGREGATE

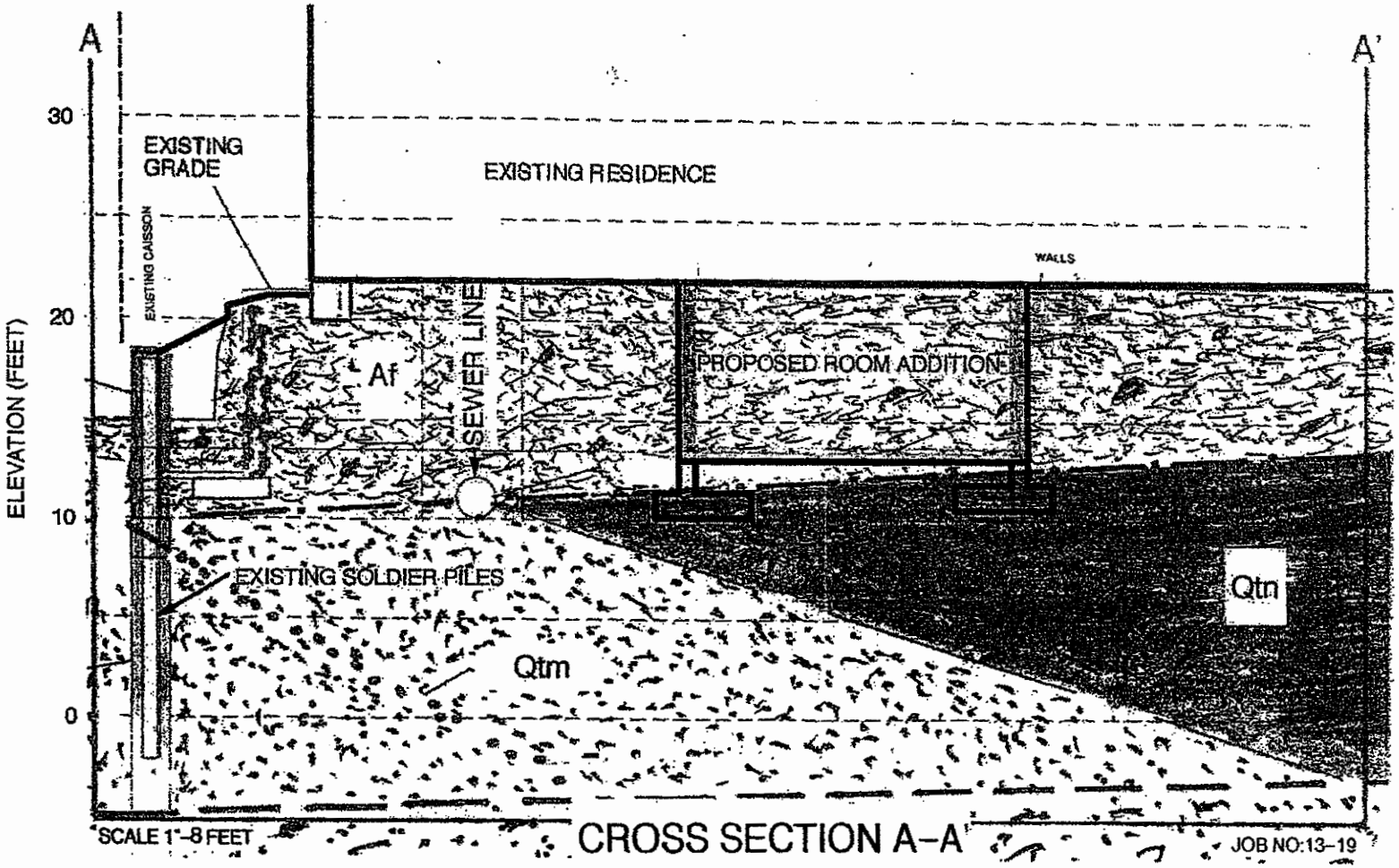
US STANDARD SIEVE SIZE	% PASSING
1"	100
3/4"	90-100
3/8"	40-100
NO. 4	25-40
NO. 8	18-33
NO. 30	5-15
NO. 50	0-7
NO. 200	0-3

SAND EQUIVALENT > 75

* FILTER FABRIC MAY BE OMITED IF A WELL GRADED CLASS II AGGREGATE MEETING THE GRADATION IN TABLE 1 IS USED. THE WELL GRADED CLASS II AGGREGATE SHOULD BE COMPACTED IN ACCORDANCE WITH THE STANDARD GRADING SPECIFICATIONS CONTAINED IN THIS REPORT.



TYPICAL RETAINING WALL SUBDRAIN DETAIL



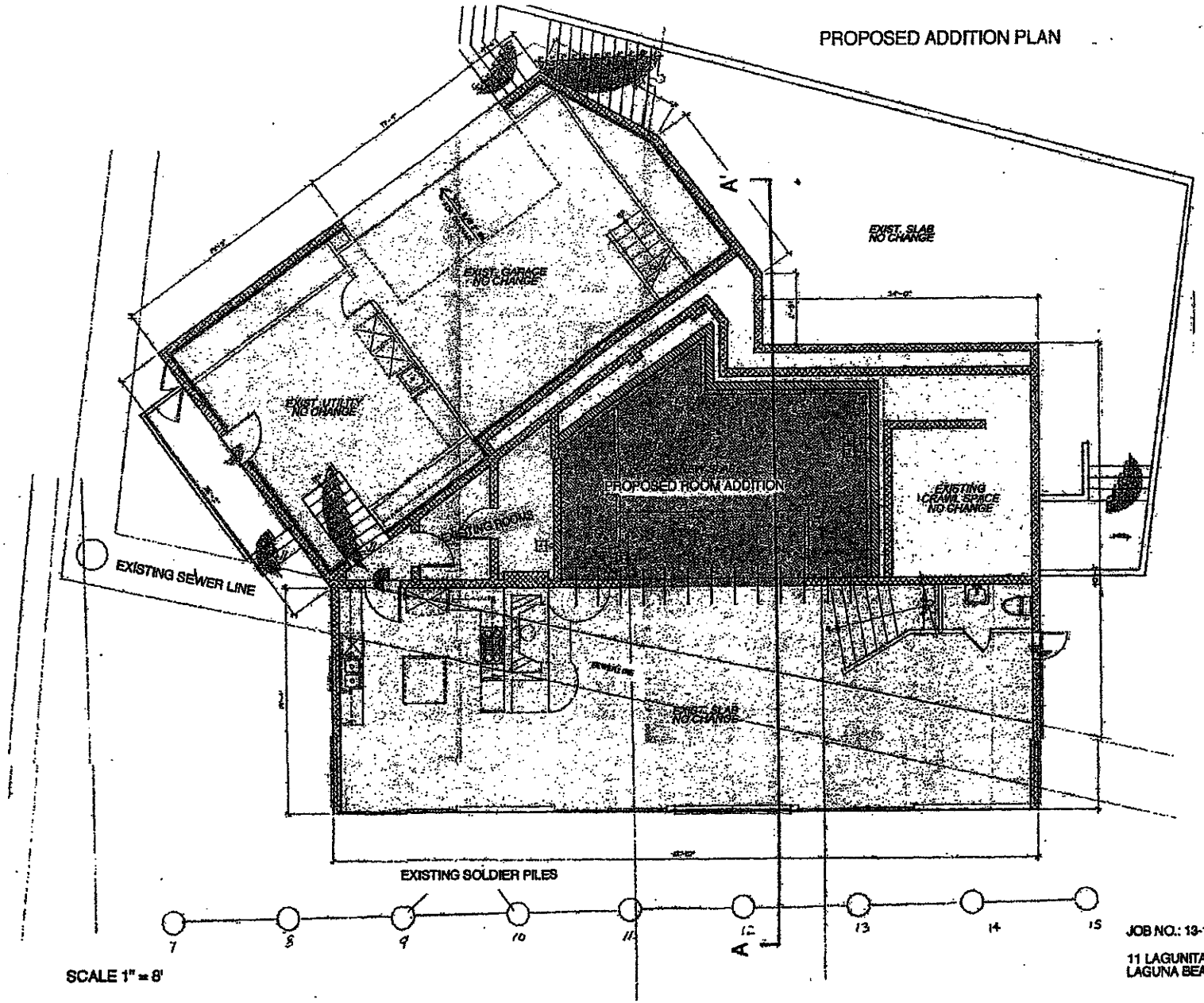
Legend:

Artificial Fill	Af
Non-marine Terrace Deposit	Qtn
Marine Terrace Deposit	Qtm

JOB NO. 13-19

11 LAGUNITA
LAGUNA BEACH, CA

PROPOSED ADDITION PLAN



SCALE 1" = 8'

JOB NO.: 13-19

11 LAGUNITA
LAGUNA BEACH, CA

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

W9c

Filed:	May 9, 2014
49th Day:	Waived
Staff:	S. Vaughn-LB
Staff Report:	September 24, 2015
Hearing Date:	October 7, 2015

STAFF REPORT: APPEAL DE NOVO

Appeal Number:	**A-5-LGB-14-0027**
Applicant:	**MSSK Ventures, LLC**
Agent:	Jim Conrad
Project Location:	11 Lagunita Drive, City of Laguna Beach, Orange County; (APN# 656-171-76).
Project Description:	Authorization of an unpermitted temporary steel panel and beam seawall approved for a limited term in 2005 under Emergency Permit 5-05-080-G, additional reinforcement of that seawall, backfill of an illegally excavated area under the residence, and construction of a footing and retaining wall with drain under the residence.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after a public hearing, **approve** the de novo permit, with eleven (11) Special Conditions, for the proposed development. The Special Conditions include: (1) Revise Plans; (2) Duration of Armoring Approval as Related to the Existing Bluff Top Residence; (3) Mitigation for Impacts to Public Access & Recreation and Sand Supply; (4) Monitoring and Reporting Program; (5) Future Improvements; (6) Future Development of the Site; (7) Public Rights; (8) As Built Plans; (9) Protection of Marine Resources; (10) Assumption of Risk, Waiver of Liability and Indemnity; and (11) Deed Restriction.

In 2005, the Commission approved emergency permit 5-05-080-G. The emergency permit approved the installation of a temporary seawall. The applicant was required to return to the Commission for a regular Coastal Development Permit (CDP) for the temporary seawall, but a complete application was never submitted by the applicant and a regular CDP was never issued by the Commission. On March 27, 2014, the City of Laguna Beach Design Review Board approved with conditions local CDP No. 14-0308, and Design Review 14-0305 for the reinforcement of the seawall that was constructed under Emergency Permit 5-05-080-G. The City-approved development also included

additions to the existing 4,878 sq. ft. single-family residence on the 10,016 sq. ft. beach front lot. Commissioners Mary Shallenberger and Effie Turnbull-Sanders appealed the Local CDP.

On June 11, 2015, the Commission found a substantial issue with respect to the grounds on which the appeals were filed. The De Novo portion of the hearing was continued in order for the applicant to obtain a determination letter from the California State Lands Commission (CSLC). On July 24, 2015 the applicant received a determination letter from the CSLC. In their letter, CSLC determined that "based on the information available, CSLC staff does not presently claim that the proposed [project will] intrude onto sovereign lands."

The applicant has revised the proposed project to eliminate the additions to and remodel of the residence that the City approved, and now requests authorization and reinforcement of the unpermitted seawall, backfill of an illegally excavated area under the existing residence, construction of a retaining wall with drain under the residence in order to stabilized the backfilled area, and a new footing under the residence.

Staff is recommending the Commission **approve** the proposed project subject to special conditions. **Special Condition No. 1** requires the applicant to submit revised final plans showing that the proposed development includes work on the seawall, backfill of the excavated area, a new retaining wall with drain under the residence, and one new footing. As modified through conditions of approval, the seawall is the minimum necessary to protect the existing structure. Staff is also recommending **Special Condition 2**, which will allow the proposed seawall to only be authorized for as long as the existing residential structure requiring protection exists. Upon future redevelopment of the property, alternatives including potential removal of the seawall would be considered. Furthermore, staff is recommending mitigation described in **Special Condition 3**, to address impacts to sand supply and public access and recreational opportunities on the adjacent public beach resulting from the denial of sand material from the bluff. A maintenance and monitoring program, restrictions on future development, and other related conditions to address coastal resource impacts and issues for the proposed seawall are also required by Special Conditions.

TABLE OF CONTENTS

APPENDICES

LIST OF EXHIBITS

I. MOTION AND RESOLUTION

Motion: *I move that the Commission **approve** Coastal Development Permit No. A-5-LGB-14-0027 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 certified City of Laguna Beach Local Coastal Program and the public access and recreation policies in Chapter 3 of the Coastal Act. 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. Legal commencement of development can only occur after issuance of the permit. 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. **Revised Plan.** 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 plans that include the approved shoreline protection structure, backfill of the previously excavated area under the house, retaining wall with drain under the house, and approved new footing under for the house. The revised plans shall substantially conform with the plans submitted to the Commission on January 13, 2015 (prepared by James Conrad Architect), but shall be revised to incorporate the following:

   A. Seawall Design. The 80-foot length of the existing seawall shall not be extended. However, return walls shall be constructed at the north and south ends of the seawall and all rocks at the north and south ends of the seawall shall be replaced in their original location at the ends of the seawall as scour protection, at 2:1 slope or steeper, and within a footprint that is no further seaward than the existing seawall. Caissons, grade beams, steel plates, or other development. that would extend the existing seawall to the north shall be deleted from the plan **(Page 3 of EXHIBIT 7)**.

   B. Visual Treatment of Seawall. The seawall construction shall include a shotcrete surface treatment that has been colored to minimize the project's contrast with and be compatible in color to the adjacent sandy beach and natural bluff's earth tones. The proposed color shall be verified through submittal of a color board. The seawall shall also be designed to incorporate surface treatments (e.g. sculpted shotcrete) that resemble the surface texture and undulation of the adjacent natural bluffs. Final plans shall include a materials palette and/or brochures and photo examples describing the visual treatment facing techniques that will be applied to achieve this objective, and shall include color elevation drawings that accurately depict the anticipated appearance of the seawall.

   C. Work under the Residence. The plans shall clearly depict the area of unpermitted excavation and the proposed backfill of the previously excavated area under the house as well as the retaining wall with drain, crawl space with dirt floor, and installation of the one new footing within the crawl space.

   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. **Duration of Armoring Approval as Related to the Existing Bluff Top Residence.**

   A. Authorization Expiration. This coastal development permit authorizes the seawall to remain until the time when the currently existing residence requiring protection is: A) redeveloped in a manner that constitutes new development; B) is no longer present or becomes uninhabitable; or C) no longer requires a shoreline protective device, whichever

occurs first. Prior to the anticipated expiration of the permit and/or in conjunction with redevelopment of the property, the Permittee shall apply for a permit amendment to remove the seawall or to modify the terms of its authorization.

B. Modifications. If, during the term of this authorization, the Permittee desires to expand or alter the seawall, the Permittee shall apply for an amendment to this coastal development permit. If approved, additional mitigation requirements for the impacts of the enlarged or reconstructed armoring on public views, public recreational access, shoreline processes, and all other affected coastal resources that have not already been mitigated through this permit will be addressed and required at that time.

C. Amendment. If the Permittee intends to keep the seawall in place beyond the initial mitigation period defined in **Special Condition 3** (total mitigation required by **Special Condition 3** is 30 years – 10 years that the seawall has existed without a permit, beginning on August 8, 2005 (150 days after the Emergency Permit 5-05-080-G was issued), and 20 years forward of that date ending on August 8, 2035), the Permittee must submit a complete coastal development permit amendment request prior to the expiration of the mitigation term (expires on August 8, 2035). The permit amendment shall propose mitigation for the coastal resource impacts associated with the retention of the seawall beyond 30 years (beyond August 8, 2035) and shall include consideration of alternative feasible measures in which the Permittee can modify the coastal structure to lessen the seawall's impacts on coastal resources. As detailed in **Special Condition 4**, monitoring reports are required every 5 years to determine if the seawall is still required to protect the bluff top structure in the future.

3. **Mitigation for Impacts to Public Access & Recreation/Sand Supply**

A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the Permittee shall provide evidence, in a form and content acceptable to the Executive Director, that a fee in an amount of $63,250.50 for 30 years of impacts on shoreline sand supply, which is the amount equal to the average of the three approved bids for delivering 2,222 cu. yds. of beach quality sand to the beach for 20 years of mitigation from 2015 – 2035, plus 1,111 cu. yds. of beach quality sand for the 10 years that the wall and rock has been in place from 2005 - 2015, without the benefit of a CDP, has been deposited into an interest bearing account designated by the Executive Director, and held by the Coastal Conservancy, the City of Laguna Beach, or an Executive Director approved alternate entity, for the purposes of beach nourishment or public access and recreation projects at the beach adjacent to the project site, or at a beach close to the project site that is within the same littoral cell.

B. The purpose of the Executive Director approved account (as described in paragraphs A above), shall be to establish a beach sand mitigation fund to aid the Coastal Conservancy, the City of Laguna Beach, or an alternate entity approved by the Executive Director, in the restoration of the beaches and public access to beaches within Orange County. The funds shall be used solely to pay for projects which provide sand and/or public access and recreation opportunities to the region's beaches, or as otherwise approved by the Executive Director. The fees shall not be used to fund operations, maintenance, or planning studies. The funds shall be released as provided for in a Memorandum of Understanding (MOU) between the Coastal Conservancy, the City of Laguna Beach, or an alternate entity approved

by the Executive Director, and the Commission, which shall include, but not be limited to, the following: 1) a description of how the funds will be used for beach nourishment projects or to provide public access and recreation opportunities to the region's beaches within the vicinity of the project site; 2) the terms provided in subsections A of this condition; 3) an agreement that the entity accepting the funds will obtain all necessary regulatory permits and approvals, including but not limited to a coastal development permit for beach nourishment or public access and recreational development required by this condition; 4) acknowledgement that the Executive Director may appoint an alternate entity to administer the funds if the MOU is terminated; and 5) annual reports detailing how the funds have been used shall be provided to the Executive Director. These reports shall include the project(s) the funds have contributed to, the status of the project(s), the overall cost of the project(s), the amount of mitigation funds contributed, and any other information that will be helpful in understanding how the funds have been used. These reports shall be submitted to the Executive Director annually until the funds have been depleted.

The shoreline armoring approved by this CDP results in the extension of the useful life of the existing seawall fronting the bluff top home at 11 Lagunita Drive. Pursuant to CDP A-5-LGB-14-0027, the applicant is required to provide mitigation for the impacts of the seawall for a 30-year period (August 8, 2005 – August 8, 2035). Additional reassessment for impacts to sand supply, public access and recreation and any other relevant coastal resources impacted by the seawall will be required if the seawall remains beyond the initial approved mitigation period and if expansion and/or alteration to the existing seawall is proposed or if any significant alteration or improvement is proposed for the existing bluff top residence.

4. **Monitoring and Reporting Program**. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a monitoring program prepared by a licensed civil engineer or geotechnical engineer to monitor the performance of the seawall which requires the following:

A. An annual evaluation of the condition and performance of the seawall addressing whether any significant weathering or damage has occurred that would adversely impact the future performance of the structure. This evaluation shall also include an assessment of the color and texture of the structure compared to the surrounding native bluffs.

B. Annual measurements of any differential retreat of bluff material between the face of the natural bluff and the seawall face, at the north and south ends of the seawall and at 20-foot intervals (maximum) along the top of the seawall face/bluff face intersection. The program shall describe the method by which such measurements shall be taken.

Provisions for submittal of a report to the Executive Director of the Coastal Commission by May 1 of each year (beginning the first year after construction of the project is completed) for a period of three years and then, each third year following the last annual report, so long as the seawall remains. In addition, reports shall be submitted in the spring immediately following either:

1. An "El Niño" storm event – comparable to or greater than a 20-year storm.

2. An earthquake of magnitude 5.5 or greater with an epicenter in Orange County.

Thus, reports may be submitted more frequently depending on the occurrence of the above events in any given year.

C. Each report shall be prepared by a licensed civil engineer, geotechnical engineer or geologist. The report shall contain the measurements and evaluation required in sections a and b above. The report shall also summarize all measurements and analyze trends such as erosion of the bluffs, changes in sea level, the stability of the overall bluff face, including the upper bluff area, and the impact of the structure on the bluffs to either side of the wall. In addition, each report shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the seawall.

D. An agreement that, if after inspection or in the event the report required in subsection c above recommends any necessary maintenance, repair, changes or modifications to the project including maintenance of the color of the structure to ensure a continued match with the surrounding native bluffs, the permittee shall contact the Executive Director to determine if an amendment to this permit is legally required, and, if required, shall subsequently apply for a permit amendment for the required maintenance within 90 days of the report or discovery of the problem.

E. Additional monitoring reports to the City and Coastal Commission shall be required every five years from the date of CDP issuance until CDP expiration (as detailed in Special Condition 2), which evaluate whether or not the seawall is still required to protect the existing structure it was designed to protect. The permittee is required to submit a CDP application to remove the authorized coastal structure within six months of a determination that the coastal structure is no longer required to protect the existing structure it was designed to protect.

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

5. **Future Improvements – Shoreline Protective Device.** This permit is only for the development described in Coastal Development Permit A-5-LGB-14-0027. 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-14-0027. 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-14-0027.

6. **Future Development of the Site**. Future development, which is not otherwise exempt from coastal development permit requirements, or redevelopment of the existing structure on the bluff top portion of the applicant's property, shall not rely on the permitted seawall to establish geologic stability or protection from hazards. Any future new development on the site shall be sited and designed to be safe without reliance on shoreline protective devices.

7. **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. By acceptance of this permit, the applicant acknowledges, on behalf of himself/herself/itself and his/her/its successors in interest, that issuance of the permit and construction of the permitted development shall not constitute a waiver of any public rights, which may exist on the property.

8. **As-Built Plans.** WITHIN 60 DAYS OF COMPLETION OF CONSTRUCTION, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit two copies of As-Built Plans, based on the plans approved by the City, and reviewed by the City for conformance with the approved plans, showing all development completed pursuant to this coastal development permit; all property lines; and all residential development inland of the seawall. The As-Built Plans shall be substantially consistent with the approved revised project plans described in **Special Condition 1** above, including providing for all of the same requirements specified in those plans, and shall account for all of the parameters of **Special Condition 4** (Monitoring and Reporting). The As-Built Plans shall include a graphic scale and all elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show all components of the as-built project, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from representative viewpoints from the beaches located directly upcoast, downcoast, and seaward of the project site. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the shoreline armoring has been constructed in conformance with the approved final plans.

9. **Protection of Marine Resources**. In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid onto the adjacent beach or into the Pacific Ocean, the applicant shall implement the following staging and construction best management practices during the staging and construction of the seawall:

   A. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.

   B. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

   C. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and all work areas and equipment storage areas to prevent any unpermitted material from entering the ocean.

D. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of the ocean or onto the beach. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.

E. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and construction. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.

F. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.

G. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into the ocean or onto the beach. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

H. Washout from construction trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.

I. All debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.

J. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

K. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

L. At the end of the construction period, the applicant shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to recreation or navigation.

The applicant shall include the requirements of this condition on all plans and contracts issued for the project. The applicant shall implement and carry out the project staging and construction plan during all demolition, staging, and construction activities.

10. **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.

11. **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.

IX. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The beachfront site is located on a 10,016 sq. ft. lot at 11 Lagunita Drive in the Lagunita Zone in the City of Laguna Beach. The road into the Lagunita neighborhood is gated, but the beach seaward of the site, Victoria Beach, is subject to a public access easement accepted by the City of Laguna Beach **(EXHIBIT 3)**. The site is currently developed with a pre-Coastal Act (built in 1952) 4,878 sq. ft., three-level, single-family residence with an attached two-car garage. There is an unpermitted 80-ft. long seawall landward of the oceanfront property line, and a storm drain outlet that discharges runoff on to the beach approximately 11 feet up-coast of the north end of the seawall. Oceanfront and bluff top single-family residences characterize the surrounding area. Public access to the beach is available via a public access way extending from the termination of Dumond Drive about 60 feet up-coast of the subject site **(EXHIBIT 3)**.

The project area is an historic dune/back beach area that characterized the site and neighboring properties prior to the construction of Lagunita Drive in the 1930s. The existing seawall was constructed in 2005 on the property inland of the oceanfront property line pursuant to an emergency CDP (5-05-080-G) in order to protect the existing residence from wave damage and erosion that occurred in storm events during 2003 and 2005. Although the terms of the emergency CDP required either the removal of the temporary seawall or a follow-up CDP to authorize the seawall, a complete application for a follow up CDP was not submitted, nor was such a CDP approved or issued; therefore the existing seawall became unpermitted development on August 8, 2005 (150 days after the emergency permit was issued) **(EXHIBIT 1, page 12).**

The 50 to 150 ft. wide sandy beach in front of the subject site is owned by the Lagunitas Home Owners Association. The sandy beach was made accessible to the public through a public access easement over the entire parcel, part of which abuts the applicant's property, in conjunction with an after-the-fact approval of a gate and guardhouse at the entry to the Lagunitas community under CDP 5-83-878 and amendment 5-83-878-A1 (**EXHIBIT 5**). The public access easement was accepted by the City on December 13, 1991. In addition to the public access easement, the CDPs required the construction of a public accessway, which was built approximately 60 feet upcoast from the applicant's property.

The applicant has changed the project description to include backfill of the previously excavated area under the house, installation of a retaining wall and one new footing under the house, and permitting and reinforcing the seawall landward of the seaward property line as described in the paragraphs below.

The applicant proposes to shore up the existing unpermitted temporary seawall; backfill an illegally excavated area behind the garage (under the house); and install a retaining wall with drain and new footing under the residence **(EXHIBITS 6 & 7)**. The seawall work is proposed to protect an existing residence and includes: adding return walls at both ends, installing tiebacks, attaching a façade along the entire face of the seawall, and reconfiguring the existing rock at the north end of the seawall to its original configuration. Although the applicant's coastal hazards/geotechnical report recommends increasing the height of the seawall by 2' – 6", the applicant is not proposing to

do so at this time. The seawall, however, is designed to withstand an increase in height of 2' – 6" should it be necessary due to future coastal conditions.

Because the existing seawall is an unpermitted structure, the Commission must review the site conditions and proposed seawall as if the seawall does not exist. The existing temporary seawall sits inland of the southernmost oceanfront property line and reaches a height of approximately 11' above the natural finished grade. It is approximately 80' in length and consists of nine 24" diameter concrete caissons drilled into bedrock approximately 27' below the natural grade supported with steel flange beams and steel plates. Rocks/boulders have been placed at both ends of the seawall, which was authorized under Emergency Permit 5-05-080-G **(EXHIBIT 1)**. The applicant originally proposed to extend the seawall by approximately 107' but then reduced the proposed extension to 28'. The purpose of the 28' extension was to protect the existing residence, the existing sewer line that runs under the residence, and the existing storm drain outlet located approximately 11' up coast of the north end of the current seawall. The applicant has since eliminated all proposed extensions of the seawall and now only proposes to add end/return walls at both ends of the seawall. The current proposal also includes eight tiebacks to be added to the seawall, each approximately 60' long embedded a minimum of 26' into the bedrock, and a façade along the entire face of the seawall. The current seawall has been designed for a 2' rise in sea level, based on the National Research Council's upper projection of sea level rise by 2050. In the event that actual sea-level rise exceeds the considered rise, the seawall will be designed to tolerate an increase in height of 2'-6" from its current height above the natural finished grade, although the applicant is not proposing to increase the height of the seawall at this time. The applicant also proposes a textured and colored façade along the entire exposed face of the seawall, which will be designed to reflect the natural environment surrounding the site.

A previous owner excavated an area underneath the existing development without a CDP **(EXHIBIT 6)**. The City of Laguna Beach staff report, dated March 27, 2014, specifies that "in 2010, code enforcement became aware of excavation under the home. On October 12, 2010, [City] staff met with the prior homeowner and the project architect at that time. [City] staff confirmed that the [prior owner] had excavated [35 cubic yards of] dirt behind the garage and that the new finished grade did not comply with the 30-foot height limit. [City] staff advised [the prior owner] to backfill the area to restore the grade. Permits were issued to restore the grade, but have since expired without the work being completed. The [current] applicant [(owner)] has incorporated the previously approved grade restoration into the current project to address the outstanding code enforcement case" **(EXHIBIT 2)**. In an effort to remedy the violation, the applicant proposes to backfill the excavated area with 14 cubic yards of soil to bring the existing property into conformance with the height limit for the development. The applicant also proposes to install two 7'- 6" high retaining walls that reach a depth of 18" and are 20'-2" long in one direction and 15'-8" long in the other direction and meet at a 90 degree angle underneath the residence in order to retain the new backfill. The area within the new retaining wall cannot be backfilled with the remaining 16 cubic yards of soil because the area is too small to use a compactor to properly compact the soil. The area within the new retaining wall will remain a dirt subfloor area with no slab. A drain that will collect surface runoff that makes it way under the house will also be installed. Runoff that is collected from under the house will be directed to the on-site drainage system **(EXHIBIT 9)**. The applicant also proposes to install one 4" X 4" post with a concrete footing embedded 24" into the ground in the open area outside of the retaining walls under the house **(EXHIBIT 6)**. No changes to the single-family residence are proposed at this time.

B. HAZARDS

Land Use Plan, Land Use Element Policies -

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 7.3.5 Prohibit development on oceanfront bluff faces…Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize landform alteration of the oceanfront bluff face, to not contribute to further erosion of the oceanfront bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

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 7.3.11 Require all coastal development permit applications for new development on an oceanfront or oceanfront bluff property subject to wave action to assess the potential for flooding or damage from waves, storm surge, or seiches, through a wave uprush and impact report prepared by a licensed civil engineer with expertise in coastal processes. The conditions that shall be considered in a wave uprush study are: a seasonally eroded beach combined with long-term (75 years) erosion; high tide conditions, combined with long term (75 years) projections for seal level rise; storm waves from a 100-year event or a storm that compares to the 1982/1983 El Nino event. (Ongoing implementation.)

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.

Action 10.2.7 Require all new development located on the oceanfront bluffs to be sited in accordance with the stringline but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools that require a structural foundation. The setback shall be increased where necessary to ensure geologic safety and stability of the development.

Action 10.2.8 On oceanfront bluffs, require new minor accessory structures such as decks, patios, and walkways that do not require structural foundations to be sited in accordance with stringline but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, geologic instability or other coastal hazards.

Policy 7.4 Ensure that development…is evaluated to ascertain potential negative impacts on natural resources. Proposed development shall emphasize impact avoidance over impact mitigation. Any mitigation required due to unavoidable negative impact should be located on-site, where feasible. Any off-site mitigation should be located within the City's boundaries.

Policy 7.5 (Same as Policy 10.5) Require payment of an environmental impact fee for development whenever mitigation is not feasible and a nexus exists.

Action 7.5.1 Adopt appropriate mitigation measures that require the payment of environmental impact fees whenever impacts in environmental resources cannot be mitigated to a level of insignificance.

Open Space/Conservation Element Policies –

Policy 1-F: Shoreline protective devices which may adversely affect the sand supply or cause an adverse impact to shoreline processes shall not be approved unless there is clear evidence that the existing structures are in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and unless feasible alternatives have been explored.

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.

Policy 1.5C: An investigation of reasonable and feasible alternatives that accomplish the same, or similar level of protection must be provided with every application for the construction of a shoreline protection device in the required consideration of alternatives, the lead project shall be the one with the least significant impact to the shoreline environment unless a statement of overriding consideration is adopted pursuant to CEQA Guidelines.

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 1.5Q: Any development application for shoreline protection construction shall be reviewed with respect to the criteria contained in the Guidelines for Shoreline Protection, including the effects of beach encroachment, wave reflection, reduction in sea cliff san contribution, end effects and aesthetic criteria.

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.

Guidelines for Shoreline Protection –

1) A shoreline Protective Device (SPD) should not significantly encroach onto the beach; 2) reflected wave energy from the SPD must not be greater than the amount of wave energy that is reflected from the sea cliff; 3) the SPD must not significantly reflect wave energy toward adjacent sea cliffs; and 4) the SPD must not remove a sea cliff source of sand.

Existing Structure to be Protected

The proposed development is located on an oceanfront lot inland of public beach known as Victoria Beach. The site is developed with a pre-coastal single-family residence, a temporary unpermitted seawall inland of the oceanfront property line that was constructed in 2005, and a storm drain outlet

that discharges runoff on to the beach. The subject location is an historic dune/back beach area that characterized the site and neighboring properties prior to the construction of Lagunita Drive in the 1930's. According to the City's staff report, "the property is relatively flat except for the area along the [beach], which slopes down. The calculated average slope is 22.8%."

In 2005, the beach fronting the residence was severely eroded and wave uprush threatened the existing residence. Section 30519(b) of the Coastal Act provides that the Commission retains permit authority for any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands. Furthermore, the City's certified LCP (Municipal Code 25.07.020 (B)) calls for the Coastal Commission to take action on emergency permits for any development that is within an area that is appealable to the Coastal Commission. As a result, the Commission had permit jurisdiction to issue Emergency Permit 5-05-080-G. The emergency permit authorized the construction of a temporary, steel-beam, vertical seawall **(EXHIBIT 1)**. There are no other vertical seawalls on this stretch of beach. The only other shoreline protection devices have been rock revetments, most of which are currently buried under the sand.

The City's certified LUE Action 7.3.2, Action 7.3.11, Action 7.3.9, Action 7.3.10, Action 7.3.12, and Action 7.3.18 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 take into account predicted future changes in sea level when they site and design new ocean front development. 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. Previous proposals from the applicant included protection for the existing residence, sewer line, and storm drain outlet. At this time, the applicant is only proposing to protect the residence.

In this case, the single-family home is an existing structure because it was originally permitted and built prior to November 8, 1972 (see former Public Resources Code, section 27404), thereby predating the enactment of The California Coastal Zone Conservation Act of 1972 (Prop 20).[1] Although a sewer line happens to run under the house, the property owner is not required or responsible for maintaining or protecting it. Consequently, the sewer line will receive protection from the seawall, but the purpose of the seawall is to protect the existing residence only and not the sewer line. If, in the future, the existing residence is demolished or undergoes a major remodel or if the seawall is no longer needed to protect the existing residence as described in **Special Conditions 2 & 4**, the seawall will no longer be authorized under this permit and the sewer line may not be cited by the applicant as an existing structure to justify keeping or maintaining the seawall. Alternatives, such as removing the sewer line from possible exposure to coastal hazards by moving it to a more landward location, should be considered. Furthermore, any requests for maintenance or protection of the sewer line should be initiated by the South Coast Water District, who is legally responsible for the upkeep and preservation of the existing sewer line, not from the property owner.

A storm drain outlet that exists on the property approximately 11 feet up coast of the northwesterly end of the seawall. The Commission finds that reconfiguration of the rock revetment placed at the

[1] Prop 20's effective date for coastal permitting requirements is February 1, 1973. The subject site would have been subject to Prop 20 jurisdiction because it is within 1000 yards inland of the mean high tide line. (Former Public Resources Code, section 27104)

north end of the seawall to protect the storm drain outfall and the beach from possible erosion caused from storm drain outfall a less environmentally damaging feasible alternative than extending the seawall. In this particular case and at this time, it is reasonable to use and reconfigure the rock that already exists at the site to protect the storm drain outlet and the beach. In the future, however, if work is proposed at the site that requires a CDP, the applicant should consider alternatives for the storm drain outlet such that it will not rely on protection from coastal hazards including erosion.

At this time, the seawall is only authorized to protect the existing residence. If, in the future, the existing residence undergoes a major remodel or is demolished, per Actions 7.3.9, 7.3.10, and 7.3.12 of the City's LUP and **Special Condition 2** the seawall will no longer be authorized and must be removed from the site.

The applicant's coastal hazards consultant provided an initial "Coastal Hazards Analysis" conducted by Borella Geology, Inc. dated October 10, 2013 to the City of Laguna Beach. That coastal hazards analysis took into consideration potential coastal hazards and determined that shoreline erosion, coastal flooding, waves and tsunamis were the primary hazards operating at the subject 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 City's LCP.

In response to the Commission's appeal of the City's CDP approval and subsequent Commission staff requests for additional information, the applicant provided additional "Coastal Hazard Analysis'" by Borella Geology, Inc. dated August 17, 2014 and September 23, 2014, both of which incorporated the required sea-level rise studies. All staff recommendations for the proposed project are based on information provided in the applicant's coastal hazards reports.

The most recent Coastal Hazards Analysis investigation report considered impacts from erosion, flooding, and wave impacts. The analysis was performed with consideration for the proposed improvements to the existing shoreline protection device currently in place in order to determine if the proposed shoreline protection would be adequate over the life of the structure. The reports include an analysis of design alternatives, sea-level rise, wave runup and overtopping analysis, an erosion hazard analysis, tsunami analysis, flooding analysis, and a sand replenishment mitigation plan. This analysis, combined with the geologic coastal hazards studies, was used to determine the area of the site that is safe for development and the need for the seawall.

The potential flooding that could occur over the anticipated life of the project is based on high tides, storm surge, water elevation due to sea-level rise and severe storm events, and the combination of long-term erosion and seasonal beach erosion. A design life 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 Borella Geology, Inc. were based on the best available science. In this particular case, the projected elevation following sea-level rise elevation is a five-foot rise in sea level over the next 100 years, which is the worst case probability prediction published by the National Academy of Science Report, Sea Level Rise for the Coast of California, Oregon and Washington. The report further found that the lower floor level of the home is at an elevation of 22'

MSL and is located 9' – 10' landward of the seawall. Due to energy of the overtopping wave, it is unlikely that the over topping using the two-foot rise in sea level model will cause any significant damage to the lower floor, however, a five-foot rise in sea level with 5.5' of water overtopping the seawall would damage the lower floor of the home and cause significant damage and erosion. Therefore, the report recommends broken wave force of 2,000 lbs/ft to be incorporated into the seawall design and to increase the height of the seawall by an additional 2.4' to accommodate a rise in sea level until 2050 with a redesign alternative to accommodate a height increase of 5.3', which would prevent damage to the existing residence based on a five-foot increase is sea level.

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 project site is subject to seasonal erosion and accretion but is, in general, described by the USACOE, stable with little or no retreat over the last 80 years. However, the "Coastal Hazards Analysis" report submitted by the applicant states "11 Lagunita Drive is positioned over an ancient canyon that was incised considerably during periods when sea level was significantly lower than [it is] today. As a result, depth to competent bedrock is quite a bit deeper than in other sections of the beach, making construction of a protective wall more difficult…. Shoreline erosion is a serious concern for Victoria beach and the subject site at 11 Lagunita Drive….temporary yet extreme beach erosion does occur during large storm events, damaging existing seawalls, jeopardizing home foundations, and accelerating erosion for sections of the bluff not consisting of resistant bedrock."

Extreme beach erosion can occur at this location during major storms, especially when those storms are coincident with high tide events. As discussed previously, this residence was at risk from erosion in 2005. The beach elevation had dropped and erosion had come within 10 to 15 feet of the home, resulting in the emergency approval for the temporary seawall that still remains at this time. The Commission's coastal engineer has reviewed the Coastal Hazards Analysis and concurs that the residence at 11 Lagunita Drive is an existing structure that would be at risk from episodic beach erosion events without shoreline protection. Furthermore, Dr. Ewing concurs that some form of protection is warranted.

All the properties adjacent to this pocket beach are at some risk from erosion and wave attack. The residence at 11 Lagunita, is sited further seaward and at a lower elevation than the surrounding properties **(EXHIBIT 9)**, putting it at greater risk than the neighboring structures. Furthermore, this property is within an ancient channel that extends into an offshore canyon, which can channel higher wave energy toward the center of the pocket beach, where this project site is located. Therefore, the residence at 11 Lagunita, is more exposed to severe episodic erosion and wave action than the surrounding residences.

Vertical seawalls are not characteristic of this section of beach. The few structures that already have some type of shore protection rely upon buried revetments. A buried rock revetment was considered at this location but due to the canyon and depth to bedrock shoreward of the residence, a rock revetment would sink into the sand and additional rock would be needed on a regular basis. As

stated below in the alternatives analysis, a revetment is currently not the most practical solution for this site at this point in time.

Feasible Protection Alternatives
LUP Action 7.3.5 allows development on oceanfront bluff faces only when no other feasible alternative exists. In other words, a shoreline protective device may only be permitted if it is the only feasible alternative capable of protecting an existing endangered structure. Other, less environmentally damaging alternatives typically considered include, but are not limited to: the "no project" alternative; drainage and vegetation measures on the blufftop; planned retreat, including abandonment and demolition of threatened structures; relocation of the threatened structure; a smaller coastal structure; a rip rap revetment; foundation underpinning; seacave/notch infill at the base of the bluff; chemical grouting; or combinations of each.

The "no project" alternative in this case would be to allow for the bluff to remain in a natural unaltered state. As indicated above, there is an existing structure in danger from erosion at this location. Continued erosion would adversely impact the foundation of the existing bluff top structure and would likely lead to an expansive upper bluff failure. Therefore, the "no-project" alternative is not by itself a feasible alternative in this case.

Improved drainage and landscaping atop the bluff is another option that is typically considered. Appropriate drainage measures coupled with planting long-rooted native bluff species can help to stabilize some bluffs and extend the useful life of setbacks. This option can be applied as a stand-alone alternative, but it is most often applied in tandem with other measures. In this case, the existing residence is set back approximately 10' from the property line and is an exposed beachfront property. Landscaping and improved drainage will likely not address the identified threat to the existing bluff top structure.

Alternatives such as relocation of the residence and/or removal of the threatened portions of the residence would be considered as part of a proposal to redevelop the property; however, the applicant has removed from this proposal any significant modifications to the existing residence such that the proposed improvements are no longer considered to be a major remodel. As indicated above, the applicant has demonstrated a need to protect the existing structure pursuant to the requirements of the certified LCP.

A second potential alternative involves underpinning of the existing home. In this case, underpinning of the residence would require a new residential foundation and result in a major remodel. Underpinning would only be a viable alternative if it would result in relocation of the home further landward and elimination of the need for a seawall entirely. Such an alternative should be considered in the future at the time of potential redevelopment of the property.

There are a variety of structural shoreline protection types that were considered, including a riprap revetment. These structures can be relatively quickly installed and can protect the base of the bluff. However, they also require significant maintenance to ensure they continue to function in the approved state, leading to significant adverse resource impacts each time. Because their foundations are wide, revetments normally occupy a large area of the public beach. Migrating boulders can also lead to isolated impacts over time, expand the loss of beach area, and cumulatively can lead to larger impacts. Thus, in this case, a riprap revetment would not be a preferable alternative to reduce

impacts to coastal resources or resolve the threat to the subject home.

In summary, the Commission's coastal engineer has determined that the existing residence at 11 Lagunita Drive is in danger from erosion. Reinforcement of the current seawall, that is approximately 80' long, will provide sufficient protection from coastal erosion while minimizing significant adverse impacts on coastal resources. There are no other feasible less damaging alternatives available to address the threat to the existing residence. Only as conditioned to limit the size of the proposed seawall to approximately 80' in length can the proposed shoreline protection be found consistent with the shoreline and hazard protection policies of the City of Laguna Beach certified LCP and the Chapter 3 policies of the Coastal Act.

Designed to Eliminate or Mitigate Sand Supply Impacts
LUE Policies 7.4, 7.5 & 10.5 set forth requirements that must be met in order to allow Commission approval including shoreline structures must be designed to eliminate or mitigate adverse impacts to local shoreline sand supply. The impact to sand supply and, thus, public access and recreational opportunities is addressed in the Public Access/Recreation and Sand Supply Mitigation findings later in the staff report.

Long-Term Stability, Maintenance, and Risk
In order to assure long-term stability and structural integrity in the dynamic shoreline environment within which the proposed project is located, **Special Condition 4** requires that the applicant provide monitoring reports every five years from the date of CDP issuance which evaluate whether the seawall is still required to protect the existing structure it was designed to protect. If it is determined that the seawall is no longer needed to protect the existing structure, the applicant must submit a CDP application within six (6) months to remove the seawall. Such monitoring will ensure that the applicant and the Commission are aware of any damage to or weathering of the armoring and other project elements and can determine whether repairs or other actions are necessary to maintain the project in its approved state before such repairs or actions are undertaken. Future monitoring and maintenance activities must be understood in relation to clear as-built plans. Therefore, **Special Condition 1 & 8** of this approval require the submittal of revised final plans and as-built plans.

The applicant is required to maintain the project in its approved state, subject to the terms and conditions identified by the special conditions. Development in dynamic shoreline environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the applicant to assume all risks for developing at this location (**Special Condition 10**).

To ensure that future property owners are properly informed regarding the terms and conditions of this approval, this approval is also conditioned for a deed restriction to be recorded against the applicant's property (**Special Condition 11**). This deed restriction will record the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property.

C. PUBLIC ACCESS AND RECREATION/IMPACTS TO SAND SUPPLY

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.*

Coastal Commission Sea Level Rise Policy Guidance

> Chapter 2: Principles for Addressing Sea Level Rise in the Coastal Zone – Maximize Protection of Public Access, Recreation, and Sensitive Coastal Resources
>
> *11.* ***Provide for maximum protection of coastal resources in all coastal planning and regulatory decisions.*** *New and existing development, redevelopment, and repair and maintenance activities as well as associated sea level rise adaptation strategies should avoid or minimize impacts to coastal resources, including public access, recreation, marine resources, agricultural areas, sensitive habitats, archeological resources, and scenic and visual resources in conformity with Coastal Act requirements. Impacts from development and related activities should be avoided or minimized; unavoidable impacts should be mitigated as necessary.*
>
> *12.* ***Maximize natural shoreline values and processes; avoid expansion and minimize the perpetuation of shoreline armoring.*** *If existing development (both private and public) is threatened by sea level rise hazards, it should employ the least environmentally damaging feasible alternatives and minimize hard shoreline protection. Priority should be given to options that enhance and maximize coastal resources and access, including innovative nature-based approaches such as living shoreline techniques or manage/planned retreat. If traditional hard shoreline protection is necessary and allowable under the Coastal Act, use the least-environmentally damaging feasible alternative, incorporate projections of sea level rise into the design of protection, and limit the time-period of approval, for example, to the life to the structure the device is protecting. Major renovations, redevelopment, or other new development should not rely upon existing shore protective devices for site stability or hazard protection. Where feasible, existing shoreline protection that is no longer being relied upon in this way, or no longer needed otherwise, should be phased out.*
>
> *13.* ***Recognize that sea level rise will cause the public trust boundary to move inland. Protect public trust lands and resources, including as sea level rises. New shoreline protective devices should not result in the loss of public trust lands.*** *Where allowable under the Coastal Act or relevant LCP, shoreline protective devices should be sited,*

designed, and conditioned to ensure that they do not result in the loss of public trust lands[2] or encroach into public trust lands without the permission of the appropriate trustee agency. When sea level rise causes the public trust boundary to move inland such that a protective device that was located on uplands becomes subject to the public trust, the permittee should either obtain permission from the appropriate trustee agency for the encroachment or apply for a permit to remove any encroachments.

16. ***Require mitigation of unavoidable coastal resource impacts related to permitting and shoreline management decisions.*** *Require mitigation for unavoidable public resources impacts over the life of the structure as a condition of approval for the Coastal Development Permit. For example, for impacts to sand supply or public recreation due to armoring and the loss of any beach from erosion in front of shoreline protections devices, require commensurate in-kind mitigations, a sand mitigation fee, and other necessary mitigation fees (for example, public access and recreation mitigation.) Because the longer term effects can be difficult to quantify, especially given uncertainty about the exact rate of future sea level rise, consider requiring periodic re-evaluation of the project authorization and mitigation for longer term impacts.*

17. ***Consider best available information on resource valuation when planning for, managing, and mitigating coastal resource impacts.*** *Planning, project development, and mitigation planning should evaluate the societal and ecosystem service benefits of coastal resources at risk from sea level rise or actions to prepare for sea level rise. These benefits can include flood protection, carbon sequestration, water purification, tourism and recreation opportunities, and community character. Resource values can be quantified through restoration costs or various economic valuation models.*

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.

Seawalls can have many impacts to the coast, altering sediment transport, scour, visual character, and the overall coastal setting. Some of the more identified and quantifiable impacts from the proposed seawall include passive erosion through fixing the back beach location and denial of sand from the bluffs into the littoral sand supply.

Shoreline Processes

Beach sand material comes to the shoreline from inland areas, carried by rivers and streams; from offshore deposits, carried by waves; and from coastal dunes and bluffs, becoming beach material when the bluffs or dunes lose material due to wave attack, landslides, surface erosion, gullying, etc. Many coastal bluffs are marine terraces – ancient beaches that formed when land and sea levels differed from current conditions. Since the marine terraces were once beaches, much of the material in the terraces is often beach-quality sand or cobble, and is a valuable contribution to the littoral

[2] The State holds and manages all tidelands, submerged lands, and beds of navigable waterways for the benefit of all people of the State for statewide purposes consistent with the common law Public Trust Doctrine ("public trust"). In coastal areas, the landward location and extent of the State's trust lands are generally defined by reference to the ordinary high water mark, as measured by the mean high tide line. Public trust uses include such uses as maritime commerce, navigation, fishing, boating, water-oriented recreation, and environmental preservation and restoration.

system when it is added to the beach. While beaches can become marine terraces over geologic time, the normal exchange of material between beaches and bluffs is for bluff erosion to provide beach material. Bluff retreat and erosion is a natural process resulting from many different factors such as erosion by wave action causing cave formation, enlargement and eventual collapse of caves, saturation of the bluff soil from groundwater causing the bluff to slough off, and natural bluff deterioration. When the back-beach or bluff is protected by a shoreline protective device, the natural exchange of material either between the beach and dune or from the bluff to the beach will be interrupted and, if the shoreline is eroding, there will be a measurable loss of material to the beach. Since sand and larger grain material are the most important components of most beaches, only the sand portion of the bluff or dune material is quantified as sandy beach material.

These natural shoreline processes affecting the formation and retention of sandy beaches can be significantly altered by the construction of shoreline protection devices because bluff retreat is one of several ways that beach quality sand is added to the shoreline, and is also one of the critical factors associated with beach creation/retention. Bluff retreat and erosion are natural processes that result from the many different factors described above. Shoreline armoring directly impedes these natural processes.

The project site is located in Laguna Beach where, according to the applicant's coastal hazards analysis, erosion more episodic then gradual, and can increase dramatically as a result of winter storm events and sections of bluff material can slough several feet at a time. This sandy beach material is carried off and redistributed through wave action along the shoreline and serves to nourish the beaches.

Some of the effects of engineered armoring structures on the beach (such as scour, end effects and modification to the beach profile) are temporary or are difficult to distinguish from all the other actions that modify the shoreline. Others are more qualitative (e.g., impacts to the character of the shoreline and visual quality). Some of the effects that a shoreline protection device may have on natural shoreline processes can be quantified, however, including: (1) the loss of the beach area, on which the structure is located; (2) the long-term loss of beach that will result when the back-beach location is fixed on an eroding shoreline; and (3) the amount of bluff material that would have been supplied to the littoral system if the back-beach or bluff were to erode naturally to renourish beach areas nearby with eroded bluff material.[3] In this particular case, the applicant proposes to site the seawall inland of the property line, which defines the public access easement and the private property, thus, the seawall placement will not result in a direct loss of existing public beach area. However, the proposed seawall will have indirect and long-term impacts to the public beach area seaward of the property associated with fixing the back of the beach and loss of shoreline sand supply.

Fixing the back of the beach

Where the shoreline is eroding and armoring is installed, the armoring will eventually define the boundary between the sea and the upland. On an eroding shoreline, a beach will exist between the shoreline or waterline and the bluff as long as sand is available to form a beach. As bluff erosion proceeds, the profile of the beach also retreats and the beach area migrates inland with the bluff.

[3] The sand supply impact refers to the way in which the project impacts creation and maintenance of beach sand. Although this ultimately translates into beach impacts, the discussion here is focused on the first part of the equation and the way in which the proposed project would impact sand supply processes.

This process stops, however, when the backshore is fronted by a hard protective structure such as a revetment or a seawall. While the shoreline on either side of the armor continues to retreat, shoreline in front of the armor eventually stops at the armoring. This effect is also known as passive erosion. The beach area will narrow, being squeezed between the moving shoreline and the fixed backshore. Eventually, there will be no available dry beach area and the shoreline will be fixed at the base of the structure. In the case of an eroding shoreline, this represents the loss of a beach as a direct result of the armor.

In addition, sea level has been rising for many years. Also, there is a growing body of evidence that there has been an increase in global temperature and that an increase in sea level can be expected to accompany this increase in temperature (some shoreline experts have indicated that sea level could rise by as much as 5.5 feet by the year 2100). Mean sea level affects shoreline erosion in several ways, and an increase in the average sea level will exacerbate all these conditions. On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore, leading to a faster loss of the beach as the beach is squeezed between the landward migrating ocean and the fixed backshore.

The passive erosion from a seawall, relates to the long-term loss of beach due to fixing the back beach. Such passive erosion impacts can be calculated over time and are equivalent to the footprint of the bluff area that would have become beach due to erosion. This footprint can be quantified as the long-term average annual erosion rate multiplied by the width of property that has been fixed by a resistant shoreline protective device.

In 2005, storm events caused major episodic erosion of the beach seaward of subject site, which led to the emergency permit for the present seawall. Major storm events similar to those in 2005 are expected to increase in frequency and severity with anticipated sea level rise. Physical impacts associated with expected sea level rise at this site include: inundation, flooding, increased erosion and bluff collapse, increased wave heights and forcing, and change in sediment movement patterns. Any one of these impacts or a combination thereof can cause the public trust boundary to move landward. A topographic survey performed on July 2, 2015 **(EXHIBIT 10)** shows that the mean high tide line (MHTL) is approximately 184 feet seaward of the applicant's seaward property line. Historically, the beach seaward of the applicant's property has been subject to extreme episodic erosion during major storm events combined with extreme high tides. After each extreme event, sand accretion rebuilt the beach over a relatively short period of time. We cannot say with 100% certainty that all of these impacts will occur at this site and to what extent. However, based on the best available information and information provided by the applicant, we can anticipate that the subject site will experience some the effects of sea level rise. Given the location of the MHTL relative to the applicant's property and historic erosion and accretion pattern of the beach, it is unlikely that passive erosion will affect the beach in this location over the next 20 years (by 2035). Because there is uncertainty of the actual effects of sea level rise, the mitigation required in **Special Condition 3** is limited to 30 years by **Special Condition 2**, after which point, mitigation for the seawall, if the seawall still remains, will need to be reassessed and additional mitigation, including mitigation for passive erosion may be required.

Retention of Potential Beach Material

If natural erosion were allowed to continue (absent shoreline protective devices), some amount of beach material would be added to the beach at this location, as well as to the larger littoral cell sand

supply system fronting the bluffs. The volume of total material that would have gone into the sand supply system over the lifetime of the shoreline structure would be the volume of material between (a) the likely future bluff-face location with shoreline protection; and (b) the likely future bluff-face location without shoreline protection. Since the main concern is with the sand component of this bluff material, the total material lost must be multiplied by the percentage of bluff material, which is beach sand, giving the total amount of sand that would have been supplied to the littoral system for beach deposition if the proposed device were not installed. The applicant's geotechnical consultant estimated a loss of approximately 5696 cubic yards of sand over a 100-year period due to the presence of a 102' long seawall. Staff is recommending the seawall be maintained at the existing 80' with the existing rock at both ends of the seawall that totals approximately 20 linear feet and requiring mitigation for 30 years, at which point, the need for the seawall and additional mitigation would be reevaluated. Given the calculations provided by the applicant's geotechnical consultant, the amount of sand prevented from reaching the beach due to the presence of the seawall is approximately 3,333 cubic yards over a 30-year period (2005 – 2035).

Mitigation Measures

When shoreline protection devices cannot be avoided and have been reduced to the maximum extent feasible, mitigation for any remaining adverse impacts of the development on access and public resources is required. When physical impediments adversely impact public access and create a private benefit for the property owners, the Commission has found in numerous cases (see 4-87-161/Pierce Family Trust & Morgan, 6-87-371/Van Buskirk, 5-87-576/Miser and Cooper, 3-02-024/Ocean Harbor House, 6-05-72/Las Brisas, 6-07-133/Li, 6-07-134/Caccavo, 6-03-33-A5/Surfsong, 6-08-73/DiNoto, et.al, 6-08-122/Winkler, 6-09-033/Garber et. al., 6-13-025/Koman et. al.) that a public benefit must arise through mitigation conditions in order for the development to be consistent with the access policies of the Coastal Act, as stated in Sections 30210, 30211, and 30212.

Shoreline Sand Supply

The engineers for 11 Lagunita Drive have provided the following information concerning potential impacts from construction and long-term use of the seawall that can be used to quantify the main impact –denial of sand to the littoral cell.

- Erosion = 1 – 2'/yr. (for the initial 30-year period, calculations can use 1'/yr)
- Wall length = 100'
- Height of sand bluff inland of wall = 30'
- Wall thickness = 2', based on diameter of caissons

Based on this information and an assumed mitigation life of 30 years, the wall will have the following impact, if 2005 is used as the starting point for calculations. These calculations have been used for many years by the Commission as part of the In-Lieu Beach Sand Mitigation and are summarized in **EXHIBIT 8**.

Denial of Sand = wall length (plus rocks) x height of sand bluff inland of wall x erosion x mitigation life

= 100' x 30' x 1'/yr x 30yr = 90,000 cu. ft. = 3,333 cu. yds.

Denial of sand is reported as cu. ft. or cu. yds. and it represents the volume of sand that will not enter the littoral cell because the seawall will prevent erosion from the bluff which supplies the sand.

The losses of beach area have been mitigated through several different methods, often based on the types of programs that are already in place by a local or regional entity that helps with the beach mitigation. Land losses can be mitigated through projects to provide an equivalent area of beach for public use, to purchase an area of land or to nourish an area of beach equivalent to the lost area. All of these methods have been described in previous staff reports. For examples of land value see CDP #6-07-133 (Li), or 6-09-033 (Garber et al.); for user value see CDP 3-02-024 (Ocean Harbor House) or CDP 6-04-156 (Las Brisas). The sand nourishment method is included in the calculations from Table 1 (**EXHIBIT 8**).

Special Condition 3 requires the applicant to contribute to a sand supply mitigation program to mitigate the loss of sand and, therefore, impacts to public access and recreation due to the presence of the seawall for 30 years (2005 – 2035). The mitigation monies will provide to the Coastal Conservancy, the City, or an Executive Director approved entity, the opportunity to carry out a public access and recreation project in the vicinity, including potential beach nourishment projects or projects that enhance and/or provide public coastal access. **Special Conditions 2** authorizes the seawall to remain until the time when the currently existing residence requiring protection is: A) redeveloped in a manner that constitutes new development; B) is no longer present or is uninhabitable; or C) no longer requires a shoreline protective device, whichever occurs first. If the applicant intends to keep the seawall past the initial 30-year mitigation period (past August 8, 2035), the applicant must apply for an amendment to CDP A-5-LGB-14-0027. The amendment would include a reassessment of appropriate mitigation for impacts on coastal resources beyond the 30-year mitigation period (beyond 2035).

Using a 20-year period for initial impact mitigation is appropriate in this case to determine the projected impacts of the seawall from this point forward, however, this mitigation period does not account for impacts that have occurred prior to 2015 as a result of the unpermitted seawall on the property; thus, a 30-year time period is used in the calculations to determine the impacts from the unpermitted and proposed seawall. Accounting for the initial 10 years (2005 – 2015) that the seawall was present at the site will resolve the standing violation. While the erosion rates used for mitigation calculations in this case can be expected to provide a reasonable estimate of future erosion for the coming one or two decades, projections much farther into the future are far more uncertain; and the uncertainty concerning future erosion only increases with time. Using a time period of 20 years for the mitigation calculations ensures that the mitigation will cover the likely initial impacts from the seawall from this point forward, and then allows a recalculation of the impacts based on better knowledge of future erosion rates and associated impacts accruing to the armoring when the initial mitigation period is up.

Duration of Armoring Approval

At this point in time, the only feasible option that could both protect the threatened residence and remain consistent with all applicable provisions of the LCP and the public access and recreation policies of the Coastal Act, is the proposed seawall as conditioned in **Special Conditions 2 & 3.** As proposed and conditioned, the proposed seawall can be found consistent with all other applicable provisions of the LUE, Action 7.3.13 and Policies 1-F, 1.5C, 1.5Q, and 1.5R and the

public access and recreation policies of the Coastal Act.

Due to the age of many of the bluff top and beachfront structures in Laguna Beach, including the subject property, applications for redevelopment and additions to existing homes are reasonably foreseeable and illustrate the importance of regulating shoreline armoring in a manner that ties the authorization period to the existing structure it is designed to protect. In this way, the authorization period mirrors the language in LUE Action 7.3.9 because that provision allows for protective devices only if it is required to protect the existing home in danger from erosion; once the existing home is no longer there or no longer needs protection, LUE Action 7.3.9 does not support the continued existence of the shoreline protection if no longer necessary.

Given the reasonably foreseeable trend of redevelopment of bluff top homes in the City, it is important to ensure that the need for shoreline armoring is evaluated when an applicant proposes an alteration to his or her home to determine if the proposed alteration triggers the end of the authorization period for any shoreline protection that is approved to protect the existing structure and requires removal of that shoreline protection. Notably, there are several coastal resource benefits that would result from the removal of shoreline armoring after the authorization period including, but not limited to, restoration of the bluff's natural visual integrity, removing the seawall's physical impediments to access, allowing the bluff material trapped behind a seawall to return to the littoral cell and potentially restoring marine habitat within the intertidal zone (if the seawall is sited or will be sited in the intertidal zone with rising sea levels).

Another reason to limit the authorization of shoreline protective devices is to ensure that the Commission can properly implement LUE Action 7.3.9. If a landowner is seeking new development on a bluff top lot, LUE Policies 7.3 and 1-F require that such development be sited and designed such that it will not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The above referenced policies prohibit such armoring devices for new development and require new development to be sited and designed so that it does not require the construction of such armoring devices. These sections do not permit landowners to rely on such armoring devices when siting new structures or additions to existing structures on bluff tops and/or along shorelines. If a shoreline protective device exists in front of a lot, but is no longer required to protect the existing structure it was authorized to protect, it cannot accommodate future redevelopment of the site in the same location relying on the shoreline protection provisions outlined in the LCP and the public access and recreation policies of the Coastal Act. Otherwise, if a new structure is able to rely on shoreline armoring which is no longer required to protect an existing structure, then the new structure can be sited without a sufficient setback, perpetuating an unending reconstruction/redevelopment loop that prevents proper siting and design of new development, as required by LUE Policies 7.3 & 1-F and the public access and recreation policies of the Coastal Act. By limiting the length of development authorization of a new shoreline protective device to the existing structure it is required to protect, the Commission can more effectively apply LUE Policies 7.3 and 1-F when new development is proposed.

Therefore, given the foregoing, under **Special Condition 2**, this CDP expires when the currently existing blufftop residence requiring protection is redeveloped in a manner that constitutes new development, is no longer present, or no longer requires the protective device approved under this CDP, whichever occurs first.

Only as conditioned can the proposed development be found to be consistent with the public access and recreation policies of the Coastal Act.

D. 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 **(Special Condition 11)** 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.

E. 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 10** 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.

F. OTHER AGENCY APPROVALS

On July 24, 2015 the applicant received a determination letter from the CSLC. In their letter, CSLC determined that "based on the information available, CSLC staff does not presently claim that the proposed [project will] intrude onto sovereign lands." However CSLC determined that they retain any right, title, or interest of the State in any lands under the jurisdiction of the CSLC, either now or in the future **(EXHIBIT 11)**.

G. LOCAL COASTAL PROGRAM

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 (LUE), 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.

H. UNPERMITTED DEVELOPMENT

Unpermitted development has occurred on the subject parcel prior to submission of this permit application, including, but not limited to, construction of a temporary shoreline protection device (i.e. the seawall that is the subject of this permit application) and excavation of soil. Moreover, failure to either remove the temporary seawall or obtain authorization for it after-the-fact, constituted non-compliance with the terms and conditions of Emergency CDP 5-05-080-G. Commission enforcement staff informed the previous property owner through Notice of Violation letters, as recently as 2010, that the persistence of the seawall on site constituted unpermitted development and the seawall must be removed or authorized by the Commission in a location and design consistent with the Coastal Act and LCP. A notice of default was recorded against the property in July 2009, and the pending foreclosure hampered resolution of the violation at the time. The property was transferred to the current owner and applicant in March 2013.

The applicant is requesting approval of the unpermitted seawall and excavation as part of the subject application. The Commission is approving the development, with conditions, for the reasons discussed in full in the preceding sections of this report.

Although development has taken place prior to submission and during processing of this permit application, consideration of this application by the Commission has been based solely upon the LCP and public access and recreation policies in Chapter 3 of the Coastal Act. Commission review and action on this permit application will resolve the violations identified in this section above once the permit has been fully executed and the terms and conditions of the permit complied with by the applicant.

I. 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. 14-0308
3. Coastal Hazards Analysis, 11 Lagunita Drive, Laguna Beach, California prepared by Borella Geology, Incorporated dated October 10, 2013, revised August 17, 2014 and September 23, 2013
4. Emergency Permit 5-05-080-G, March 11, 2005

CALIFORNIA COASTAL COMMISSION
South Coast District Office
200 Oceangate, 10th Floor
g Beach, California 90802-4416
2) 590-5071 FAX (562) 590-5084
www.coastal.ca.gov

COMMISSION NOTIFICATION OF APPEAL

DATE: May 09, 2014

TO:
City of Laguna Beach
505 Forest Ave
Laguna Beach, CA 92651

FROM: Liliana Roman

RE: **Commission Appeal No. A-5-LGB-14-0027**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

Local Permit #:	14-308
Applicant(s):	Mssk Ventures LLC
Description:	Addition (no net increase) to the existing single family dwelling
Location:	11 Lagunita Drive (APN(s) 656-171-)
Local Decision:	Approval With Special Conditions
Appellant(s):	Commissioner Mary Shallenberger
Date Appeal Filed:	May 9, 2014

The Commission appeal number assigned to this appeal is A-5-LGB-14-0027. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Orange's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Liliana Roman at the South Coast District Office.

cc: Mssk Ventures LLC
Commissioner Mary Shallenberger Attn: Commissioner Effie Turnball-Sanders

COASTAL COMMISSION
A-5-LGB-14-0027
EXHIBIT # 1
PAGE 1 OF 14

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

EDMUND G. BROWN JR., *Governor*

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: Mary Shallenberger and Effie Turnbull-Sanders

Mailing Address: 200 Oceangate, Suite 100

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:

The proposed project requires Board of Adjustment/Design Review Board approval and a Coastal Development Permit for additions (no net increase) to the existing single-family dwelling. Design review is required for upper level additions, deck modifications, stringline violation, covered parking, landscaping, and construction in an environmentally sensitive area due to ocean front proximity. A variance is required to construct improvements within the blufftop setback which inlude terrace railing and securing the existing (temporary) soldier pile wall [LBMC 25.50.004(B)(4)].

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

11 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: A5-LGB-14-0027

DATE FILED: 5-9-14

DISTRICT: South Coast

EXHIBIT # 1

PAGE 2 OF 14

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: March 27, 2014

7. Local government's file number (if any): CDP 2014-0308

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:

Mssk Ventures, LLC
2885 East La Cresta Ave., Anaheim, CA 92806

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)

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 March 27, 2014, the City of Laguna Beach conditionally approved a coastal development permit for a remodel/addition to an oceanfront residence, as well as after-the-fact authorization of a temporary steel panel and beam seawall installed under an emergency coastal development permit (CDP) in 2005, and additional reinforcement of that seawall including new tiebacks, grade beams, and shotcrete. The subject site is located at 11 Lagunita Drive, Laguna Beach, Orange County.

The City's approval would result in a significantly remodeled residence in a non-conforming location that relies on a shoreline protective device. In its review of the seawall, the City did not require the consideration of alternative more landward locations for the seawall or design alternatives, as was required by the special conditions of the 2005 emergency CDP, and by the City's LCP (Attachment A identifies relevant LCP policies). The City also did not investigate the need for, or impose any requirements, to offset the adverse effects the seawall may have on shoreline sand supply or public access and recreation, as is required by the LCP and the Coastal Act.

The existing vertical steel beam and panel seawall was built under a Coastal Commission-issued emergency coastal development permit, CDP 5-05-080-G in 2005 (see Attachment B) A follow-up CDP application was never approved; therefore, per the emergency CDP, the structure built should have been removed and is now considered unpermitted. The site was threatened by erosion in 2005 and the former property owner sought emergency stabilization measures. Pursuant to the City's LCP, emergency permits for development located in appeals areas must be obtained directly from the Commission. Also, the proposed emergency work was potentially located in an area of the Commission's original permit jurisdiction. Emergency CDPs only provide temporary authorization, and a follow-up review by the Commission itself is required in order to retain any development undertaken pursuant to an emergency CDP. Despite initial staff contact in 2005, and enforcement contact in 2006 and at other times afterward, the former property owner failed to obtain a follow-up CDP from the Commission, or to remove that structure after 150 days, as is required by emergency CDP 5-05-080-G (see Special Condition 4, in Attachment B) . Thus, the existing seawall structure is considered to be 'unpermitted'; there is currently an open enforcement case. Given that history and the shoreline location of the development (which may be tidelands or otherwise subject to a public trust easement), the City may not have had jurisdiction to authorize a follow-up CDP for the seawall or any additional work to that wall. Thus, unless appealed, the City's approval could complicate future follow-up by the Commission and any required enforcement efforts.

The conditions imposed through emergency CDP 5-05-080-G require the applicant to consider various alternative designs and locations for the seawall, such as, alternative methods of addressing the hazards,

including but not limited to, the following alternatives: no-project, removal of the shoreline protection authorized under this emergency permit and no further protection, beach sand replenishment, engineered revetment, vertical seawall, foundation underpinning for the residence with and without accompanying shoreline protection device(s), and planned shoreline retreat (i.e., reconfiguration and/or removal of existing development) during the follow-up permit process (see Special Conditions 4 and 9 in Attachment B for full condition language). The City's LCP also requires these structures be located as far landward as possible (see Land Use Element Action 7.3.13 in Attachment A). A more landward alignment, such as in conjunction with foundation underpinning, could help alleviate erosion of the beach seaward of the structure and have lesser visual impacts.

There is no evidence that the alternatives analysis required by the emergency permit were provided or analyzed in the City's review of the local CDP. Additionally, the City's approval of the proposed development does not conform to the standards set forth in the certified LCP policies identified in Attachment A to this appeal. There is no discussion of an alternatives analysis in City staff report and no alternatives analysis was included as part of the geotechnical report/coastal hazards analysis submitted by the applicant. This alternatives analysis is critically important as a means to identify the option that has the least adverse impact on shoreline sand supply, public access and recreation, and visual resources.

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. Staff needs to investigate if the approach taken in the sea level rise analysis (e.g., utilizing an average value) is the appropriate approach. The City's 'Guidelines for Shoreline Protection' require evalution of four factors in the hazards analysis (see Attachment A). Two out of the four required review criteria were not addressed in the analysis as it does not discuss reflected wave energy from the shoreline protective device and its impact on adjacent sea cliffs and there is no analysis of the proposed shoreline protective device's impact on bluff erosion rates, effects of beach encroachment, reduction in sand contribution and end effects. Seawalls can have adverse impacts on shoreline sand supply by preventing erosion of bluffs that contribute to beach sand supply. Seawalls can also adversely impact public access and recreation by occupying beach area used for recreation and by causing the beach in front of the seawall to erode resulting in loss of that beach area for public access. The LCP and the public access and recreation policies of Chapter 3 of the Coastal Act require the City to consider and address these impacts when authorizing shoreline protective structures (see Land Use Element Actions 7.3.5, Open Space/Conservation Element Policy 1-F in Attachment A). However, these impacts were not addressed in the City's approval.

Additionally, the existing residence is non-conforming as to oceanfront setbacks (see setbacks required in Land Use Element Actions 10.2.7 and 10.2.8, in Attachment A and Section 25.50.004 of the City's Zoning Code/Implementation Plan). The proposed project includes substantial renovations to the existing house including expanding living area, reconfiguration of living and garage areas, among other changes to the structure. The City's Notice of Final Action (NOFA) states that the residence will result in 'no net increase' despite proposed additions to the structure. Although information that accompanied the City's NOFA state the proposed project would constitute a 'major remodel', City staff separately communicated they did not treat the project as a 'major remodel'. The basis for that decision is unclear. The City's LCP prohibits approval of new development, major remodels, and additions to existing structures on oceanfront sites that would rely on existing or future shoreline protective devices (see Land Use Element, Action 7.3.9, in Attachment A). The LCP also prohibits improvements to legally non-conforming residences that increase the size or degree of nonconformity (see Land Use Element, Action 7.3.10 in Attachment A). These policies are in place to ensure that development is not perpetuated in

hazardous locations like the subject site. Furthermore, Policy 7.3.9 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.

Finally, there is no evidence of consultation with the State Lands Commission, which is necessary to determine whether the proposed development is located on public tidelands or on land within an area subject to the public trust. This determination is important in order to ensure that public trust resources are protected.

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.

SECTION V. Certification

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

Effie Turnbull Sanders
Signature of Appellant(s) or Authorized Agent

Date: 5/8/14

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

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date: _____

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

Date: 5-9-2014

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

Signed: _____

Date: _____

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 7.3.5 - Prohibit development on oceanfront bluff faces...Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize landform alteration of the oceanfront bluff face, to not contribute to further erosion of the oceanfront bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

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.

Action 10.2.7 Require all new development located on oceanfront bluffs to be sited in accordance with the stringline but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and

pools that require a structural foundation. The setback shall be increased where necessary to ensure geologic safety and stability ofthe development.

Action 10.2.8 - On oceanfront bluffs, require new minor accessory structures such as decks, patios, and walkways that do not require structural foundations to be sited in accordance with stringline but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, geologic instability or other coastal hazards.

Land Use Plan, Open Space/Conservation Element Policies -
Policy 1-F: Shoreline protective devices which may adversely affect the sand supply or cause an adverse impact to shoreline processes shall not be approved unless there is clear evidence that the existing structures are in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and unless feasible alternatives have been explored.

Policy 1.5C: An investigation of reasonable and feasible alternatives that accomplish the same, or similar level of protection must be provided with every application for the construction of a shore protection device. in the required consideration of alternatives, the lead project shall be the one with the least significant impact to the shoreline environment unless a statement of overriding consideration is adopted pursuant to CEQA Guidelines.

Policy 1.5Q: Any development application for shoreline construction shall be reviewed with respect to the criteria contained in the Guidelines for Shoreline Protection, including the effects of beach encroachment, wave reflection, reduction in sea cliff sand contribution, end effects and aesthetic criteria.

Guidelines Shoreline Protection -
1) A Shoreline Protective Device (SPD) should not significantly encroach onto the beach; 2) reflected wave energy from the SPD must not be greater than the amount of wave energy that is reflected from the sea cliff; 3) the SPD must not significantly reflect wave energy toward adjacent sea cliffs; and 4) the SPD must not remove a sea cliff source of sand.

ATTACHMENT B – EMERGENCY PERMIT 5-05-080-G issued 3/11/05

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

EMERGENCY PERMIT

FILE COPY

DATE: March 11, 2005

EMERGENCY PERMIT: 5-05-080-G

APPLICANT: Dr. Kae Kiermeyer, MD

LOCATION: 11 Lagunita, City of Laguna Beach (Orange County)

EMERGENCY WORK PROPOSED:

Construction of a temporary shoreline protection device consisting of nine (24" in diameter) concrete caissons drilled into bedrock and supporting steel wide flange beams and steel plates to retain site soils for temporary shoring of existing residence and sewer line and to mitigate against the effects of beach erosion. This structure will be approximately 80 feet in length and will include the placement of rock at both ends, as depicted on the revised plans (dated February 28, 2005).

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of heavy surf conditions and beach erosion requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

(a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;

(b) Public comment on the proposed emergency action has been reviewed if time allows; and

(c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the attached conditions.

Very Truly Yours,

Peter M. Douglas
Executive Director

Teresa Henry

By: Teresa Henry

Title: District Manager

EXHIBIT # 1
PAGE 12 OF 14

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the permittee and returned to our office within 15 days.

2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.

3. The work authorized by this permit must be completed within 30 days of the date of this permit.

4. Within 60 days of the date of this emergency permit, the permittee shall submit a complete application for a regular Coastal Development Permit for their proposal to address the wave uprush and erosion hazards that may remain at the site (i.e. the longer term solution). Such application shall include an analysis, prepared by an appropriately qualified professional (e.g. engineer with expertise in coastal processes), of alternative methods of addressing the hazards, including but not limited to, the following alternatives: no-project, removal of the shoreline protection authorized under this emergency permit and no further protection, beach sand replenishment, engineered revetment, vertical seawall, foundation underpinning for the residence with and without accompanying shoreline protection device(s), and planned shoreline retreat (i.e. reconfiguration and/or removal of existing development). The alternatives analysis shall identify which alternative is the least environmentally damaging feasible alternative and identify the applicant's preferred alternative along with the reasons for selecting the preferred alternative.

   The follow-up application submittal shall also, at minimum, address the following issues: visual treatment of any proposed-to-be retained and/or revised shoreline protection devices at the site; beach restoration including removal of debris associated with prior shoreline protection efforts at this location; mitigation of any effects upon adjacent properties of shoreline protection at the subject site; effects upon the beach and public access to and along the beach associated with shoreline protection efforts at this site.

   If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless such deadline is extended or waived in writing by the Executive Director of the Commission.

5. In exercising this permit the permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.

6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g. City of Laguna Beach, U.S. Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife Service, California State Lands Commission).

7. Only clean rock shall be used to construct the temporary shoreline protective device. No unapproved fill materials or construction spoils shall be used. Applicant shall promptly remove any rock that becomes dislodged and deposited on the beach.

8. Construction Responsibilities and Debris Removal

The permittee shall comply with the following construction-related requirements:

(a) No construction materials, debris, waste, oil or liquid chemicals shall be placed or stored where it may be subject to wave erosion and dispersion, stormwater, or where it may contribute to or come into contact with nuisance flow;
(b) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
(c) No machinery or construction materials not essential for project implementation shall be allowed at any time in coastal waters;
(d) If turbid conditions are generated during construction, a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable;
(e) 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;
(f) All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
(g) The discharge of any hazardous materials into coastal waters or any receiving waters shall be prohibited.
(h) All temporary construction access measures (e.g. earthen access ramps) from the site to the sandy beach shall be removed in their entirety upon completion of the emergency work and the area restored to the pre-construction condition.

9. Authorization of this emergency permit shall not preclude consideration, through the regular coastal development permit process, of a smaller and more landward protection response, modified foundation or other protective options.

Condition number four (4) indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes some type of permanent development to address the wave uprush and erosion hazards to the residence that may remain at the site upon removal of the temporary revetment (i.e. the longer term solution), a regular Coastal Development Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include, but are not limited to, provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves, and removal of debris associated with prior shoreline protection efforts at this location.

If you have any questions about the provisions of this emergency permit, please call the Commission office in Long Beach (562) 590-5071.

Enclosure: Acceptance Form

cc: Steve Wade, Agent
John Montgomery, City of Laguna Beach
File

ALIFORNIA COASTAL COMMISSION
uth Coast District Office
0 Oceangate, 10th Floor
ng Beach, California 90802-4416
32 5071 FAX (562) 590-5084
w.coastal.ca.gov

NOTIFICATION OF APPEAL PERIOD

DATE: May 07, 2014

TO:

City of Laguna Beach
505 Forest Ave
Laguna Beach, CA 92651

FROM: Liliana Roman

RE: **Application No. 5-LGB-14-0363**

Please be advised that on April 25, 2014 our office received notice of local action on the coastal development permit described below:

Local Permit #:	14-308
Applicant(s):	Mssk Ventures LLC
Description:	Addition (no net increase) to the existing single family dwelling
Location:	11 Lagunita Drive (APN(s))

Unless an appeal is filed with the Coastal Commission, the action will become final at the end of the Commission appeal period. The appeal period will end at 5:00 PM on May 9, 2014

Our office will notify you if an appeal is filed.

If you have any questions, please contact me at the address and telephone number shown above.

cc: Mssk Ventures LLC, Attn:

COASTAL COMMISSION
A-5-LGB-14-0027
EXHIBIT # 2
PAGE 1 OF 24

NOTICE OF FINAL LOCAL ACTION
FOR COASTAL DEVELOPMENT PERMITS

Date: April 23, 2014

The following project is located within the City of Laguna Beach Coastal Zone:

Location: 11 Lagunita Drive, Laguna Beach, CA 92651

Coastal Development Project No: 14-308

Project Description: The proposed project requires Board of Adjustment/Design Review Board approval and a Coastal Development Permit for additions (no net increase) to the existing single-family dwelling. Design review is required for upper level additions, deck modifications, stringline violation, covered parking, landscaping and construction in an environmentally sensitive area due to ocean front proximity. A variance is required to construct improvements within the bufftop setback which include terrace railing and securing the existing (temporary) soldier pile wall [LBMC 25.50.004 (B)(4)].

Applicant: Mssk Ventures, LLC

Mailing Address, 2885 East La Cresta Avenue, Anaheim, CA 92806-1817

On March 27, 2014 a coastal development permit application for the project was

( ) approved
(X) approved with conditions
( ) denied

Local appeal period ended April 11, 2014

This action was taken by:
( ) City Council
(X) Design Review Board
( ) Planning Commission

The action ( ) did (X) did not involve a local appeal; in any case, the local appeal process has been exhausted. Findings supporting the local government action and any conditions imposed are found in the attached resolution.

This project is

( ) not appealable to the Coastal Commission

(X) appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission if a valid appeal is filed. Appeals must be in writing to the appropriate Coastal Commission district office and in accordance with the California Code of Regulation Section 13111. The Coastal Commission may be reached by phone at (562) 590-5071 or by writing to 200 Oceangate, 10th Floor, Long Beach, CA 90802-4416

Attn: CDP Resolution No. 14-8

CALIFORNIA COASTAL COMMISSION
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4416
562) 590-5071 FAX (562) 590-5084
ww .tal.ca.gov

NOTIFICATION OF DEFICIENT NOTICE

DATE: April 18, 2014

TO: ,

City of Laguna Beach
505 Forest Ave
Laguna Beach, CA 92651

FROM: Liliana Roman

RE: **Local Permit No. 14-308 (Commission File No. 5-LGB-14-0363)**

Please be advised of the following deficiency(ies) in the notice of local action we have received for Local Permit No. 14-308 pursuant to 14 Cal. Admin. Code Section 13571 or 13332.

Applicant(s): Mssk Ventures LLC

Description: Addition (no net increase) to the existing single family dwelling

Location: 11 Lagunita Drive, Laguna Beach; 11 Lagunita Drive (APN(s))

Deficiency noted by check mark below:

1. **XX** Project description not included or not clear, doesn't include seawall and proposed shotcrete
2. ___ Conditions for approval and written findings not included.
3. ___ Procedures for appeal of the decision to the Coastal Commission not included.
4. ___ Notice not given to those who requested it.
5. ___ Notice does not indicate if local government action is appealable to Coastal Commission.
6. ___ Final Local Action Notice not sent by first class mail.
7. ___ Local appeal period is still pending.

As a result of the deficiency(ies) noted above:

Post-Certification LCP Permits:

X The effective date of the local government action has been suspended, and the 10 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

Post-Certification LUP Permits:

___ The effective date of the local government action has been suspended, and the 20 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

If you have any questions, please contact **Liliana Roman** at the South Coast District Office.

cc: Mssk Ventures LLC

COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 24

CITY OF LAGUNA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

HEARING DATE:	March 27, 2014
TO:	BOARD OF ADJUSTMENT/DESIGN REVIEW BOARD
CASE:	Design Review 2014-0305 Variance 2014-0305 Coastal Development Permit 2014-0308
APPLICANT:	Jim Conrad, Architect (949) 497-0200
LOCATION:	Mssk Ventures LLC 11 Lagunita Drive APN 656-171-76
ENVIRONMENTAL STATUS:	In accordance with State CEQA Guidelines, the project is categorically exempt pursuant to Section 15301, Class 1(e)(1) (Existing Facilities) and Section 15303, Class 3(e), which allow construction of an addition to an existing structure, provided that the addition does not result in an increase of more than 50 percent of the existing floor area, and new appurtenant structures.
PREPARED BY:	Martina Speare, Associate Planner (949) 464-6629

REQUESTED ACTION: The proposed project requires Board of Adjustment/Design Review Board approval and a Coastal Development Permit for additions (no net increase) to an existing single-family dwelling. Design review is required for upper level additions, deck modifications, stringline violation, covered parking, landscaping and construction in an environmentally sensitive area due to ocean front proximity. A variance is required to construct improvements within the blufftop setback [LBMC 25.50.004 (B)(4)].

PROJECT SITE DESCRIPTION: The 10,016 square-foot ocean front parcel is located at the end of a private street (formerly known as Falkner Road) that is accessed from Dumond Drive. The property is currently developed with a 4,878 square-foot single-family dwelling with an attached two-car garage. The property is relatively flat except for the area along the ocean, which slopes down. The calculated average slope is 22.8%.

The existing structure was constructed under county jurisdiction and the original permit is not in the City's file.

STAFF REVIEW BACKGROUND Staff met with the applicant and the homeowners on September 3, 2013 for a pre-application site meeting to discuss potential variances. The plans that were originally submitted for zoning plan check included new deck area that would exceed the maximum building height. Staff suggested that the applicant eliminate the variances associated with the height limits. The applicant has since redesigned the plans and a variance to exceed the maximum height is no longer required.

In the winter of 2003, a storm caused damage to the property and a portion of the bluff edge started to slip. In an effort to secure the structure, an emergency coastal development permit was issued on March 11, 2005 to allow temporary shoring. The shoring included nine 24-inch diameter caissons and a soldier pile wall. The emergency coastal development permit was approved with the condition that the homeowner had 60 days within which to submit an application for a regular coastal development permit. This application was never filed. At the preliminary site meeting, staff informed the applicant that obtaining permits for the shoring wall would need to be incorporated into the remodel application.

In 2010, code enforcement became aware of excavation under the home. On October 12, 2010, staff met with the prior homeowner and the project architect at the time. Staff confirmed that the applicant had excavated dirt behind the garage and that the new finished grade did not comply with the 30-foot height limit. Staff advised the applicant to backfill the area to restore the grade. Permits were issued to restore the grade, but have since expired without the work being completed. The applicant has incorporated the previously approved grade restoration into the current project to address the outstanding code enforcement case.

STAFF ANALYSIS: The applicant proposes additions and a remodel to the existing home. Overall, the living area of the home will be reduced by 7 square feet. The lower level is proposed to extend toward the street and a total of total of 718 square feet of crawl space will be converted into living area. The existing caterer's kitchen will be converted to garage area and the net floor area increase on the lower level is 323 square feet. The interior staircases will be redesigned and will reduce the living area of the home. This reduction will offset the remainder of the lower level addition.

The applicant proposes to reconfigure the existing deck design on the upper level. The upper level deck has split levels and a portion of the uppermost deck will be removed. Staff was able to verify in the field that the upper level deck was constructed on top of the existing middle level deck. The applicant proposes to remove a portion of the split level deck and a chimney and to restore the middle level deck across the south elevation of the structure. Sheets A-8.1 and A-10.1 show this modification.

Sliding glass doors are currently installed on the south elevation at the lower level. The doors lead to an unimproved grass or dirt area. The applicant proposes to install sand-set pavers and a railing. This area is located within the blufftop setback and a variance is required for new construction in this area.

The current application includes permitting the existing soldier pile wall that was installed in 2005 with an emergency coastal development permit. The applicant has incorporated the recommendations of the geologist into the current proposal and the wall is proposed to be finished with shotcrete. This area is located within the blufftop setback and a variance is required for new construction in this area.

Property Development Standards and Zoning Code Consistency: The calculated average lot slope is 22.8% and the prescribed height limit of the home is 12 feet above the curb and 30 feet above lowest finish floor, natural grade or finished grade. The existing structure measures 29.75 feet above the curb and is legal non-conforming.

The rear of the property drops down to the sand and is steep enough to create a bluff. A 25-foot blufftop setback is required from the edge of the bluff. The existing structure is constructed within the blufftop setback and is legal non-conforming.

Design Review Criteria: Physical improvements and site developments subject to design review should be designed and located in a manner that 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. The intent of these guidelines is to clarify the criteria that members of the community, the Design Review Board 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. Handicapped access shall be provided as required by applicable statutes.*

The applicant proposes to convert the caterer's kitchen to garage area. A second garage door will be installed to access this garage. The existing driveway will be extended to provide access to the new garage. No other access modifications are proposed at this time.

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.*

Design Guideline 5.7 states: *"minimize the impacts of a deck or balcony."* The applicant proposes to eliminate portions of the upper level deck and restore the middle level deck across the structure. Reducing the deck area at the upper level may reduce the appearance of mass.

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 wood siding is in poor condition and the applicant proposed to update the exterior of the home with a stucco finish and a stone veneer. Stainless steel railings and a standing seam metal roof are proposed.

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 for the proposed project. The report discusses the proposed foundation repairs and the existing soldier pile wall. The report concludes that the best remedy to protect the property would be a 75-foot long wall across multiple properties. At this time, however, the applicant is only seeking approval to secure the existing wall. The geologist recommends that using tiebacks, grade beams and a sculpted concrete face (shotcrete) will further secure the slope and the residence.

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.*

Land Use:
The proposed additions and modifications are consistent with the intent of the village low density land use designation.

policy 1-F policy 15C

Open Space/Conservation Element:
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.

In 2005, the California Coastal Commission issued an emergency coastal development permit to install a temporary shoring wall. At that time, the Coastal Commission found that there was an immediate emergency to the existing structure. The modifications proposed will secure the wall along the bluff permanently.

Policy 1.5G Unless found to be in the interest of public safety and/or welfare and in the interest of protecting existing habitable structures, devices that create a net loss in beach width shall not be approved. A determination as to "net loss" is to be based on the pre-event beach measurement in the case of abrupt erosion or seacliff failure.

The proposed existing wall remain in the same location and will not create a net loss in beach width.

Policy 1.5H Construction and grading activities on the beach shall be staged and phased to minimize interference with public use.

The applicant has provided a staging plan on sheet A-1.4. The Board may request a more detailed staging plan which specifically addresses the construction within the blufftop setback.

Policy 1.5L: A protective device will best blend into the seacliff when its surface texture, including shape, size and roughness elements, most nearly duplicate that of the seacliff. A similar surface roughness will also be in accordance with the wave reflection criterion discussed in the Guidelines for Shoreline Protection.

The geologist recommends that the wall be finished with a sculpted concrete face to further secure the proposed tieback system. The applicant has incorporated this recommendation into the design of the wall to help blend the wall into the natural surroundings.

Policy 1.5P The owner, successors and assigns of shore protective devices shall adequately maintain such device and assure its structural integrity, maintain its approved appearance, and shall absolve the City of any liability arising out of its location, placement and construction.

Policy 1.5Q: Any development application for shoreline construction shall be reviewed with respect to the criteria contained in the Guidelines for Shoreline Protection, including the effects of beach encroachment, wave reflection, reduction in seacliff sand contribution, end effects and aesthetic criteria.

The City's Guidelines for Shoreline Protection list four review criteria: 1) a Shoreline Protective Device (SPD) should not significantly encroach onto the beach; 2) reflected wave energy from the SPD must not be greater than the amount of wave energy that is reflected from the seacliff; 3) the SPD must not significantly reflect wave energy toward adjacent seacliffs; and 4) the SPD must not remove a seacliff source of sand. These topics are discussed in the attached coastal hazard analysis prepared by Borella Geology. - sand source not discussed in Borella report

The City's Guidelines for Shoreline Protection specify three submittal requirements for the shoreline protective device: 1) a Topographic Survey; 2) an Engineering geology/soils engineering report; 3) a Coastal Engineering Analysis and Report. The applicant has submitted all of the required documents as noted.

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.*

Design review of a landscaping plan is required in conjunction with upper level additions. The applicant has provided a landscaping plan on sheet L-2. The plan indicates that none of the plants will grow higher than six feet.

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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.*

An exterior lighting plan has been provided on sheet A-1.2 and identifies fourteen 60-watt exterior light fixtures.

Design Guideline 10.1 states: "Avoid large expanses of floor-to-ceiling glass and picture windows. Floor to ceiling glass is proposed on the south elevation of the lower and middle levels and may contribute to glare and night spillage.

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 proposed changes are primarily within the footprint of the existing home. The exterior changes are consistent with the pattern of development in the neighborhood.

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.*

The applicant proposes living area additions within the existing footprint of the structure and neighbor privacy impacts are not anticipated. The overall deck square footage will be reduced by two square feet. 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.*

Design Guideline 14.2 states: *"select building materials that will withstand local environmental conditions."* The proposed stucco, stone, metal roof and railings are durable and should withstand the local coastal environment.

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 is reducing the massing of the structure by lowering the upper deck area and removing one chimney. The new stainless steel and glass rails will improve views over the home. The applicant has noted that the existing decks slope and the finished surface varies as much as 12 inches in some locations. The deck railing will follow the slope of the decks and will not exceed 42 inches at any location. The new terrace railing at the lower level may impact neighbor views from behind. If view issues become a concern, the railing could be pulled back toward the building.

Design Review Guidelines:

Stringline Violation: The existing structure is constructed beyond the building stringline. A majority of the new floor area proposed will not comply with the building stringline. The Board may modify approve a stringline violation provided it determines that unique conditions relating to landform, lot orientation or excessive building setbacks on an adjacent property prevent or severely restrict residential development that otherwise meets the intent of the zoning code.

Covered Parking: The applicant proposes to convert the existing caterer's kitchen to garage area. This will create a third covered parking space. The Board may approve a third covered space if it determines that the additional covered parking does not increase the appearance of mass and bulk.

Requested Variances: The existing area between the sand and the home is currently grass and dirt. Sliding glass doors lead to this area. Currently, the walking surface is uneven and hard to navigate. The applicant wishes to install pavers and a glass railing to create a useable area at the front of the home. The applicant also proposes to permit the existing temporary shoring wall and secure the wall with a system of tiebacks, grade beams and a shotcrete finish (as recommended by the geologist and structural engineer). These improvements require a variance to encroach into the blufftop setback [LBMC 25.50.004 (B)(4)].

The Design Review Board must make all of the following findings in order to grant the variance:

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.*

   There are special circumstances applicable to the property involved, which cause the strict application of the zoning regulations to deprive the subject property of privileges enjoyed by other property in the same vicinity and zone, in that the lot configuration unique in that the lot is shallow. The configuration limits opportunities for improvement of the subject property in contrast with the improvement opportunities on other properties in the vicinity. Further, permitting the shoring wall will provide additional structural support for the existing structure.

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.*

   The requested 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, in that the granting of this variance is necessary for the applicant to enjoy reasonable use of the property the same manner as enjoyed by other properties in the vicinity.

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.*

   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, in that the project will have improve public health, safety and welfare. The pavers and the railing will provide a safe walkway around the structure and the proposed shotcrete wall will further secure the existing home. There is no evidence of any adverse impacts on the use or enjoyment of other properties in the vicinity.

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

   The granting of variance will not be contrary to the objectives of the zoning regulations and the General Plan, in that the development is consistent with the zoning ordinance, the City's Guidelines for Shoreline protection and other provisions of the General Plan.

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;

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

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

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;

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;

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;

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

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

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.

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 neighbor at 12 Lagunita Drive has met with staff at the public counter on several occasions to review the plans. The neighbor has expressed concerns regarding views over the structure and drainage. A letter listing her concerns is attached.

The project received approval from the Lagunita Homeowners Association on January 28, 2014.

CONCLUSION: A majority of the proposed improvements are located within the existing footprint of the home. The new deck configuration and glass rails will improve views over the existing structure. A coastal hazard analysis has been prepared and provides discussion about permitting the existing temporary shoring wall. Justification for the requested variance has been provided in the staff report.

ATTACHMENTS: Project Summary Tables
Pre-Submittal Site Meeting
Letter from the neighbors at 12 Lagunita Drive
Color and Materials
Vicinity/Aerial Maps
Coastal Hazard Analysis (2014)

Project Data

Description	Existing	Removed	Added	Net Added	Total
Living Area:					
Lower Level: (Includes Stairway)	1,712 SF	-395 SF	+718 SF	+323 SF	2,035 SF
Middle Level: (Includes Stairway)	2,156 SF	-273 SF	+82 SF	-191 SF	1,965 SF
Upper Level: (Excludes Stairway)	919 SF	-139 SF	+0 SF	-139 SF	780 SF
Total Living Area:	4,787 SF	-807 SF	+800 SF	-7 SF	4,780 SF
Garage Area:	634 SF	0 SF	+408 SF	+408 SF	1,042 SF
Mechanical Room Area:	0 SF	0 SF	0 SF	0 SF	0 SF
Storage Area:	138 SF	-116 SF	+0 SF	-116 SF	22 SF
Deck Area:					
Middle Level:	1,345 SF	0 SF	+107 SF	+107 SF	1,452 SF
Upper Level:	1,525 SF	-179 SF	+0 SF	-179 SF	1,346 SF
Total Deck Area:	2,870 SF	-179 SF	+107 SF	-72 SF	2,798 SF

Project Summary

Zoning Standards				
Description	Required/ Allowed	Existing	Proposed	Conforms (Yes/No)
Use:	SFD	SFD	SFD	Yes
Zone:	R-1	R-1	R-1	Yes
Lot Area:	10,016.18'	10,016.18'	10,016.18'	
Avergae Lot Width:	149.25'	149.25'	149.25'	
Average Lot Depth:	57.67'	57.67'	57.67'	
Lot Slope (%):	22.8%	22.8%	22.8%	
Max Building Height From Grade:	30'	29'-1"	29'-1"	No Code Enforcement
Max Building Height From Curb:	12'	29'-9"	29'-9"	No/Non-Conforming
Setbacks:				
Front Yard:	11'-6"	1'-1"	1'-1"	No/Non-Conforming
Rear Yard:	20'-0"	8'-11"	8'-11"	No/Non-Conforming
Side Yard:	22'-10" W / 7'-0" E	63'-2" W / 4'-0" E	63'-2" W / 4'-0" E	No/Non-Conforming
Lot Coverage:	3,505.7 SF / 35.0%	3,332 SF / 33.3%	3,131 SF / 31.3%	Yes
Landscape Open Space:	2,754.4 SF / 27.5%	5,037 SF / 50.29%	4,915 SF / 49.07%	Yes

Demolition Data

Description	Existing	Removed	Remaining	Demo Total %
Roof Area:	3,776 SF	-78 SF	3,698 SF	2.1%
Floor Area:				
Lower Level:	2,346 SF	-395 SF	1,951 SF	16.8%
Middle Level:	2,156 SF	-273 SF	1,883 SF	12.7%
Upper Level:	919 SF	-139 SF	780 SF	15.1%
Total Floor + Roof Area:	8,563 SF	-885 SF	7,678 SF	10.3%
Total Exterior Wall:	4,488 SF	2,070 SF	2,418 SF	46.12%

Site Data

Impervious Surfaces:	Square Footage:		Total % of Lot Area:	
	Existing	Proposed	Existing	Proposed
Structure:	3,332 SF	3,131 SF	33.3%	31.2%
Hardscape (Concrete Steps, Pool, Retain. Walls):	1,647 SF	1,970 SF	16.4%	19.7%
Total Impervious:	4,979 SF	5,101 SF	49.7%	50.9%

Site Work

Grading	Outside Building Footprint	Inside Building Footprint	Total
Cut:	0 CuYds	64 CuYds	64 CuYds
Fill:	0 CuYds	0 CuYds	0 CuYds
Net Export:	0 CuYds	64 CuYds	64 CuYds

EXHIBIT # 2
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City of Laguna Beach – Community Development Department

Pre-Application Site Development Review Meeting Evaluation

Evaluation Meeting Number: 13-1606 **Date:** 9/3/13

Planners: Martina Speare, Associate Planner

Architect: Jim Conrad

Homeowner: MSSK Ventures Inc.

Site Address: 11 Lagunita Drive

Zone/Specific Plan: Lagunita Zone **Assessor Parcel Number:** 656-171-76

Background: This property is developed with a 4,218 square-foot, single-family dwelling and a two-car garage. The property has been in code enforcement since October 2009, for excavation at the lower level and construction of a block wall without permits.

The applicant is proposing to remodel the existing structure. Staff is concerned that the proposed demolition will be considered a major remodel. If the project is classified as a major remodel, variances will be required to maintain the non-conforming conditions.

In 2005, an emergency coastal development permit was issued for temporary shoring after a slope failure along the beach. The permit was issued for 60 days and has expired. The applicant must submit an application to legitimize the existing wall as part of this application.

Development Standards: (to be verified with a survey during zoning plan check)

Front Setback:	20% of the average lot depth
Rear Setback:	20-feet
Side Setback:	10% average lot width, 7-feet minimum
Lot slope in percent:	14.9%
Height:	12 feet above the curb and 25 feet above lowest finish floor, natural grade or finished grade.
Landscape Open Space (LSO):	28.20%
Building Site Coverage (BSC):	35%
Parking:	two covered, and one uncovered (over 3600 square feet)
Landscape Guidelines:	Neighborhood area 3g

Design Review Criteria

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

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.*

   New deck area should be designed to step from the lower levels. Cantilevered decks are discouraged.

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.*

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.*

   The property is located in an environmentally sensitive area due to water quality and ocean front proximity. Foundation work is proposed within the home and a Coastal Hazard Analysis report is required prior to design review. This report must be prepared by a coastal geologist.

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.*

6. ***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.*

   A landscaping plan is required in conjunction with upper level additions and/or a major remodel. If no new landscaping is proposed then an as planted plan can be provided.

7. ***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.*

   An exterior lighting plan is required in conjunction with a major remodel and/or aggregate additions exceeding fifty percent of the original floor area. Typically, lighting is limited to 20 watts, and night shades are required for skylights. Up-lights are discouraged.

Large spans of floor to ceiling glass is discouraged as it can contribute to glare.

8. ***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.*

   It is important to remain consistent with the neighborhood particularly in terms of building site coverage, square footage and the number of stories. The applicant should do some research to evaluate neighborhood square footages, mass and scale, styles and garage design access.

   It is also important to consider the amount of program requested. The Design Review Board reviews total program (living, garage, deck, mechanical and storage areas) for neighborhood compatibility.

9. ***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.*

   New deck areas should respect neighbor privacy.

10. ***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.*

Major Remodel: The plans indicate that the proposed modifications are classified as a major remodel. A major remodel consists of the alteration of or an addition to an existing building or structure if any one of the following occurs at any time over a three-year period:

(1) Demolition, removal and/or reconstruction of fifty percent or more of the total existing above grade exterior wall area (both exterior cladding and framing systems must be altered to count toward the fifty percent total). Any continuous run of remaining exterior wall surfaces measuring ten feet or less in length are counted as removed and/or reconstructed,

(2) Demolition, removal and/or reconstruction of fifty percent or more of the combined total area(s) of the existing roof framing system and structural floor systems, not including eaves or decks,

(3) One or more additions to an existing building or structure within any consecutive three-year period that increases the square footage of the existing building or structure by fifty percent or more, but not including additions to an existing building on a residential lot where the square footage of the existing building and any additions total no more than one thousand five hundred square feet.

Whenever modifications to an existing building or structure constitute a major remodel, the construction shall constitute and be classified as a new building or structure subject to current development standards of the subject zone, and all requirements applicable to the construction of a new building or structure including undergrounding requirements, required dedication of on and off-site improvements and payment of new development fees.

Potential Variance Issues: To exceed the maximum height above the front lot line.

Special Processing Requirements: The proposed project requires Design Review Board / Board of Adjustment approval and a Coastal Development Permit for the proposed addition. Design review is required for an upper level addition, elevated decks (?), landscaping and construction in an environmentally sensitive area due to ocean front proximity.

The applicant must receive an approval from the Lagunita Community Association prior to scheduling for Design Review.

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.

Vickie Collins
12 Lagunita
Laguna Beach, Ca. 92651

Dear City of Laguna Beach and Design Review Board:

I request that the drainage and the Geo evaluation be part of the DRB process. As you are aware #11 Lagunita was almost condemned after the Lagunita lower street was altered with regard to drainage below the street surface. The foundation became impacted. I want the opportunity to have my own geologist evaluate the excavation, retaining walls and all drainage for possible impact to my property which lies above this property.

Thank you,

Vickie Collins

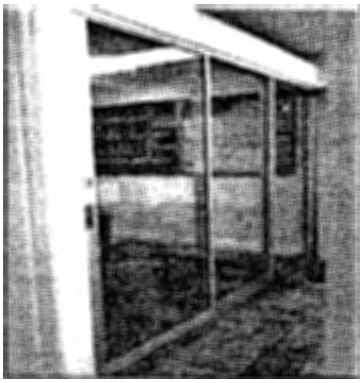
FEB 0 3 2014

Vickie Collens
Feb. 3, 2014

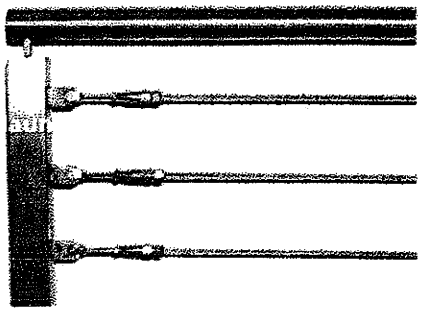
11 Lagunita

Color and Material Board

Travertine stone veneer

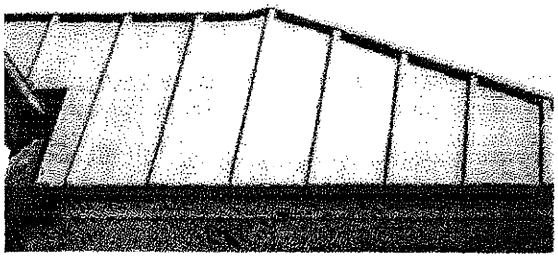


Stucco color



Window and door frames

Stainless steel railings



Standing seam Zinc roof

RESOLUTION CDP 14.8

A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF LAGUNA BEACH APPROVING COASTAL DEVELOPMENT PERMIT APPLICATION NO 14-308

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:

11 Lagunita Drive
APN 656-171-76

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 project, subject to the conditions included in the associated Design Review approval 14-305, to minimize impact on an environmentally sensitive area 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 for additions to the existing 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 March 27, 2014, by the following vote of the Design Review Board of the City of Laguna Beach, California.

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

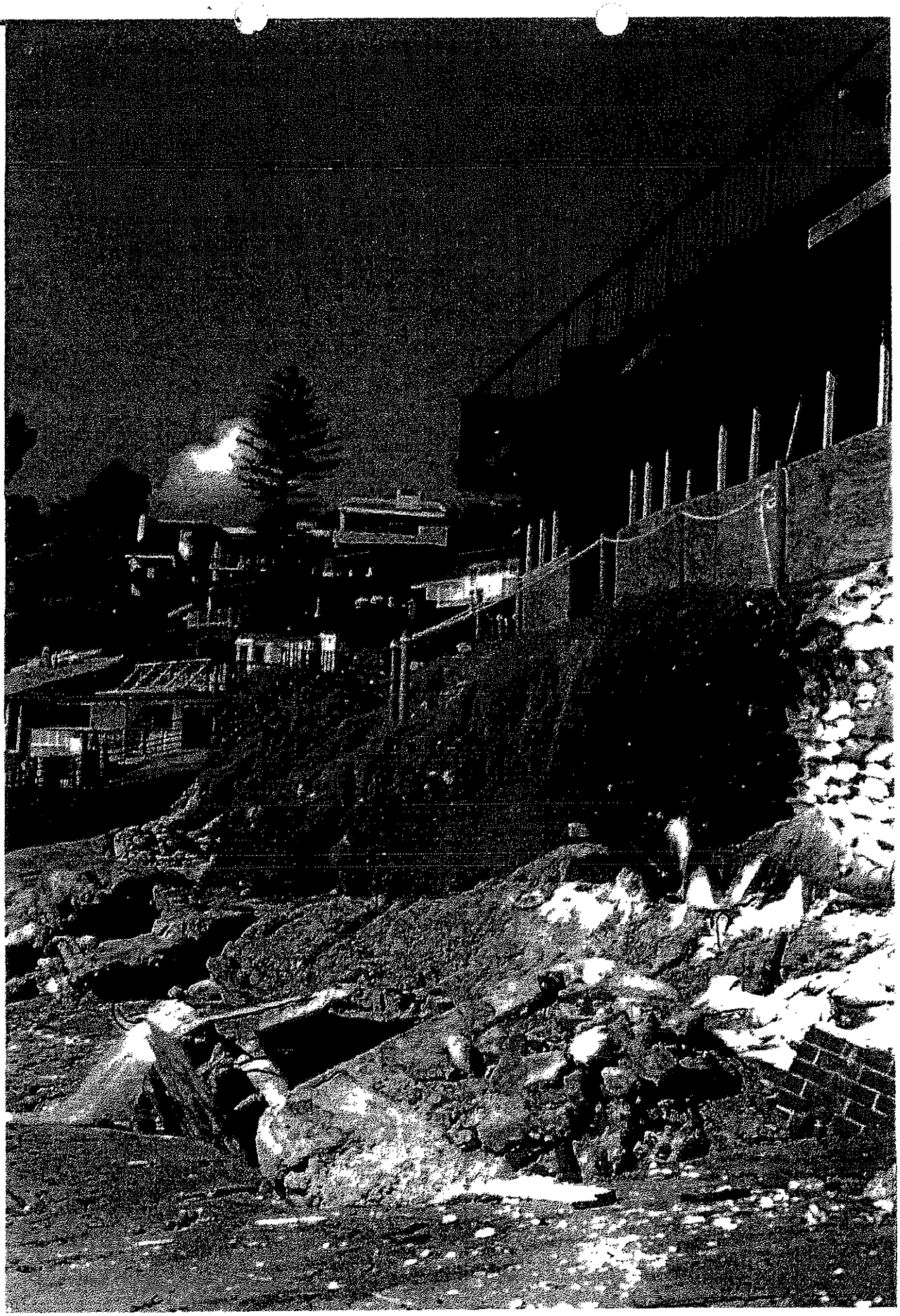
ATTEST:

Staff Representative

Chair Pro Tem Simpson

Board of Adjustment Resolution No. CDP 14.8

EXHIBIT # 2
PAGE 22 OF 24



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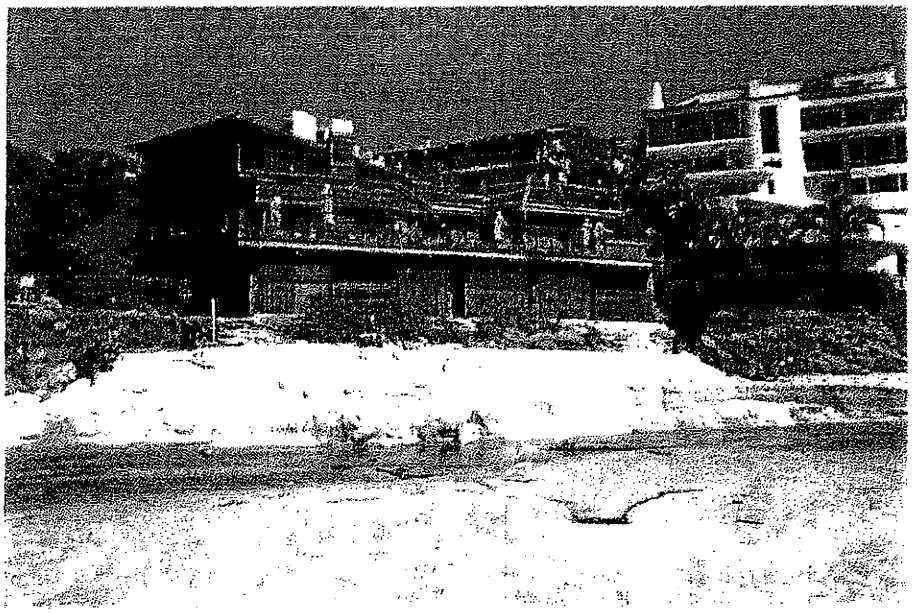
PAGE 23 OF 24



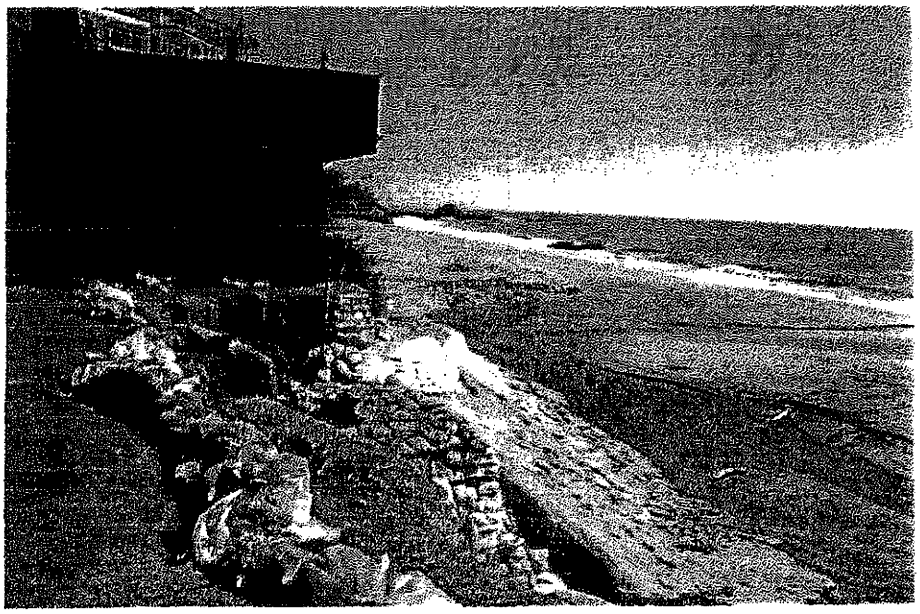


EXHIBIT # 2
PAGE 24 OF 24

COASTAL COMMISSION
A-5-LGB-14-0027
EXHIBIT # 3
PAGE 1 OF 2

COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 2

The Lagunita Residence

Required Special Inspections & Observations

Special Inspection Program:
Address or Legal Description: 11 Lagunita Drive, Laguna Beach, CA 92651
Plan Check Number: _____
Owner: MSSK Ventures, LLC
I, as Legal Owner or Agent of the Owner (Contractor may not Employee the Special Inspector), certify That the Architect or Engineer of record will be Responsible for Employing the Special Inspector(s) as required by the California Building Code for the Construction Project Located at the Site Listed Above.

Signed: _____

I, as Engineer or Architect of record, certify that I have Prepared the Following Special Inspection Program as Required by the California Building Code for the Construction project Located at the Site Listed Above.

Signed: _____
Engineer/Architect's Seal

1. List of Work requiring Special Inspections:
   - ___Soils Compliance Prior to Foundation Inspection
   - ___Post-tension Concrete Greater than 2,500 psi
   - ___Field Welding
   - ___High Strength Bolting
   - ___Masonry Where Indicated on Plans and details

   See Structural Plans and Details for Further Special Inspection Instructions
2. Names of Individuals or Firms responsible for Special Inspections Listed Above:
   - A. _____
   - B. _____
3. Duties of the Special Inspector(s) for Work Listed Above:
   - A. _____
   - B. _____
   - C. _____
   - D. _____

Special Inspectors Shall Check in With the City and Present Their Credentials for Approval Prior to Beginning Work on the Job Site.

This Project Will Comply With The Follwing Codes

Residential.....2010 CRC / 2009 IRC
Building.....2010 CBC / 2009 IBC
Mechanical.....2010 CMC / 2009 UMC
Electrical.....2010 CEC / 2008 NEC
Plumbing.....2010 CPC / 2009 UPC
Energy.....2008 Building Energy Efficiency Standards (BEES)
And All Applicable Local Codes & Ordinances NPDES, SUSMP, & BMP Requirements
Contact Dig Alert Prior to Construction 800-227-2600
Soils Engineer Shall Review, Stamp & Sign the Foundation Plan for Compliance with the Soils Report Recommendations

Project Data & Consultants

Owner:
MSSK Ventures, LLC
2885 E. La Cresta Ave.
Anaheim, CA 92806
(714) 630-4868 Ext. 201

Legal Description:
Lot 11, Tract No. 1030
City of Laguna Beach, County of Orange, State of California

Building Description:
Construction Type - V
Number Stories - Three
Single Family Dwelling

Scope of Project:
Remodel and Addition to an Existing Single-Family Residence.

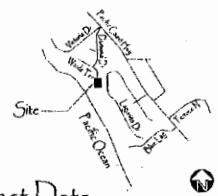
Civil Engineering:
Toal Engineering
139 Avenida Navarro
San Clemente, CA 92672
T: 949-492-8586
F: 949-498-8625

Landscape Architect:
LA Studio
Larry Steinle
1506 S. Coast Highway
Laguna Beach, CA 92651
T: 949-494-6244

Notes:

1. A separate plan check & permit is required for swimming pools, spas, fences, accessory buildings & grading.
2. Prior to any excavation a meeting shall be held at the site attended by the project engineering geologist, project building inspector, general contractor and shoring contractor.
3. Owners of adjacent properties that must underpin their buildings due to the proposed excavation shall be notified in writing 10 days prior to beginning excavation. Copies of these notification letters shall be provided to the city prior to beginning excavation.
4. CAL OSHA permit shall be obtained for all excavations deeper than 5 feet. A copy of the permit shall be provided to the city prior to issuance of the building permit.
5. Provide a lateral stability plan showing how lateral stability will be maintained when cuts exceed 5' in depth. Project engineering geologist & architect shall sign the plan.
6. This structure requires an approved automatic sprinkler system. Quick-response standard sprinkler heads shall be used in the dwelling unit of the building.
7. Maintenance information: the builder shall provide to the building owner at occupancy maintenance information for all features, materials, components & manufactured devices that require routine maintenance for efficient operation. Required routine maintenance actions shall be clearly stated & incorporated on a readily accessible label. The label may be limited to identifying, by title and/or publication number, the operation maintenance manual for that model & type of feature, material, component or manufactured device.

Vicinity Map



Sheet Index

Project Summary

Description	Zoning Standards Required/ Allowed	Existing	Proposed	Conforms (Yes/No)
Use:	SFD	SFD	SFD	Yes
Zone:	R-1	R-1	R-1	Yes
Lot Area:	10,016.18'	10,016.18'	10,016.18'	
Average Lot Width:	149.25'	149.25'	149.25'	
Average Lot Depth:	57.67'	57.67'	57.67'	
Lot Slope (%):	22.5%	22.5%	22.5%	
Max Building Height From Grade:	30'	29'-1"	29'-1"	No Code Enforcement
Max Building Height From Curb:	12'	29'-9"	29'-9"	No/Non-Conforming
Setbacks:				
Front Yard:	15'-0"	1'-1"	1'-1"	No/Non-Conforming
Rear Yard:	20'-0"	8'-11"	8'-11"	No/Non-Conforming
Side Yard:	22'-10" W / 7'-0" E	63'-2" W / 9'-0" E	63'-2" W / 9'-0" E	No/Non-Conforming
Lot Coverage:	3,505.7 SF / 35.0%	3,332 SF / 33.3%	3,331 SF / 33.3%	Yes
Landscape Open Space:	2,734.4 SF / 27.3%	3,017 SF / 30.13%	4,933 SF / 49.07%	Yes

Project Data

Description	Existing	Removed	Added	Net Added	Total
Living Area:					
Lower Level (Includes Stairway)	3,712 SF	-993 SF	+716 SF	-277 SF	3,435 SF
Middle Level (Includes Stairway)	2,136 SF	-273 SF	+81 SF	-191 SF	1,945 SF
Upper Level (Excludes Stairway)	919 SF	-139 SF	+0 SF	-139 SF	780 SF
Total Living Area	6,767 SF	-807 SF	+800 SF	-7 SF	6,760 SF
Garage Area:	634 SF	0 SF	+408 SF	+408 SF	1,042 SF
Mechanical Room Area:	0 SF	0 SF	0 SF	0 SF	0 SF
Storage Area:	138 SF	-116 SF	+0 SF	-116 SF	22 SF
Deck Area:					
Middle Level	1,345 SF	0 SF	+107 SF	+107 SF	1,452 SF
Upper Level	1,323 SF	-179 SF	+0 SF	-179 SF	1,144 SF
Total Deck Area:	2,670 SF	-179 SF	+107 SF	-72 SF	2,598 SF

Site Work

Grading	Outside Building Footprint	Inside Building Footprint	Total
Cut	0 Cu Yds	64 Cu Yds	64 Cu Yds
Fill	0 Cu Yds	0 Cu Yds	0 Cu Yds
Net Export	0 Cu Yds	64 Cu Yds	64 Cu Yds

Site Data

Impervious Surfaces:	Square Footage		Total % of Lot Area:	
	Existing	Proposed	Existing	Proposed
Structure:	3,332 SF	3,331 SF	33.3%	33.2%
Hardscapes (Concrete, Steps, Pool, Retain. Walls):	1,647 SF	1,970 SF	16.4%	19.7%
Total Impervious:	4,979 SF	5,301 SF	49.7%	52.9%

Demolition Data

Description	Existing	Removed	Remaining	Demo Total's
Roof Area:	3,376 SF	-78 SF	3,698 SF	2.1%
Floor Area:				
Lower Level	2,346 SF	-393 SF	1,951 SF	16.8%
Middle Level	2,136 SF	-273 SF	1,863 SF	12.7%
Upper Level	919 SF	-139 SF	780 SF	15.1%
Total Floor + Roof Area:	8,361 SF	-883 SF	7,678 SF	10.5%

City Submittal

Revisions
1. 17 June 2013
2. 13 August 2013
3. 5 September 2013
4. 26 November 2013
5. 13 January 2014

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES T. CONRAD No. C19868 Exp. 8-30-14 STATE OF CALIFORNIA

James Conrad Architect
1550 So. Coast Hwy #201
Laguna Beach, CA 92651
(949) 497-0100 Office
jconradarch@gmail.com

Drawn By: HN
Date: 13 January 2014
Scale: NTS
Format: Arch C ANSI D size
Sheet #: T-1.0

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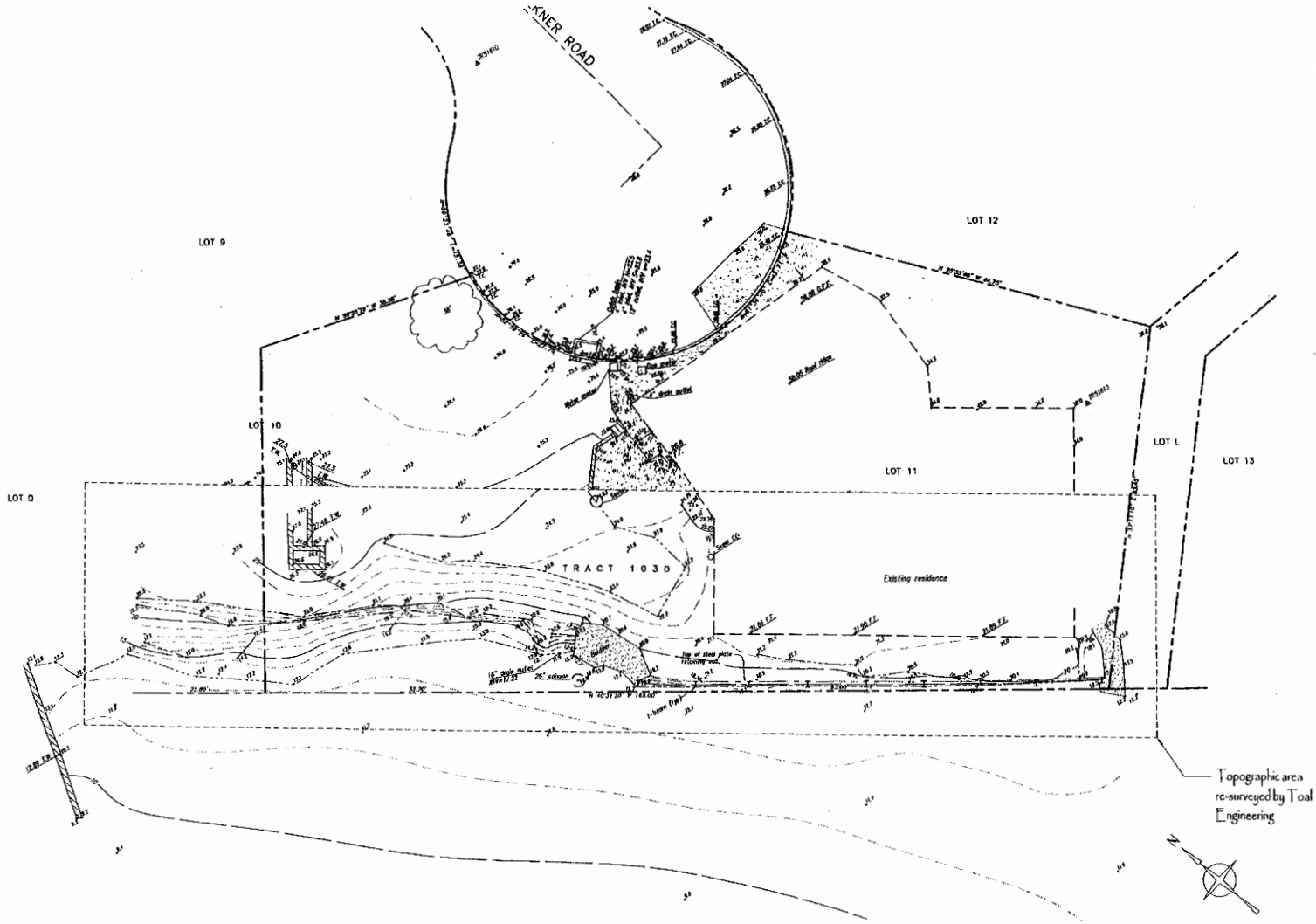
COASTAL COMMISSION
A-5-LGB-14-0027
EXHIBIT # 4
PAGE 1 OF 36



Topographic Survey

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City Submittal

Revisions

1	12 June 2013
2	13 August 2013

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

James Conrad Architect
1550 So. Coast Hwy #201
Laguna Beach, CA 92651
(949) 497-0200 Office
jconradarc@gmail.com

Drawn By:	HN
Date:	13 August 2013
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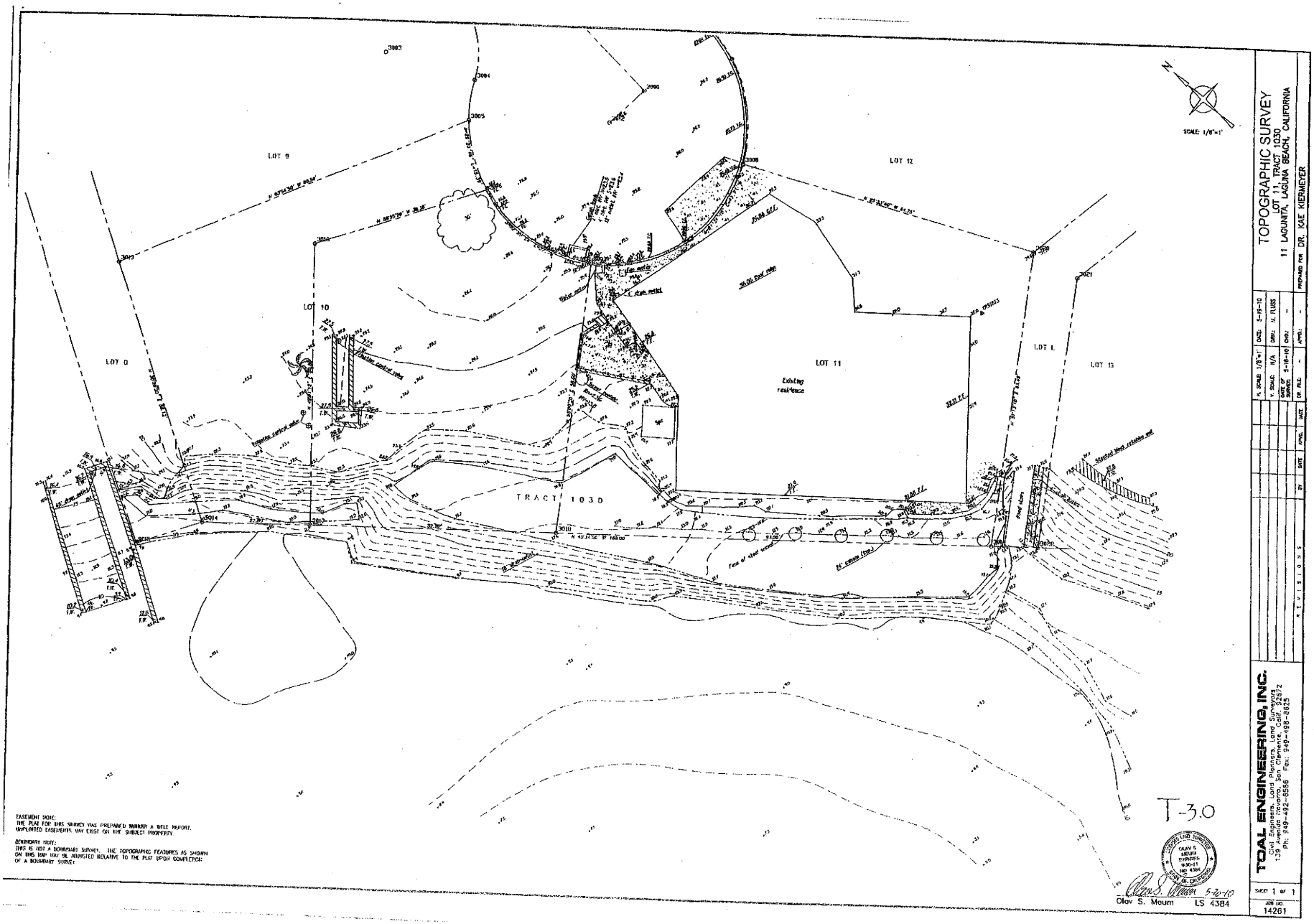
COASTAL COMMISSION

EXHIBIT # 4

PAGE 2 OF 36



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.

TOPOGRAPHIC SURVEY
LOT 11, TRACT 1030
11 LAGUNITA, LAGUNA BEACH, CALIFORNIA
PREPARED FOR: DR. KAE KIERMEYER

H. SCALE: 1/8"=1' | DATE: 5-19-10
V. SCALE: N/A | DRWG: SL PLOTS
SURVEY DATE: 5-18-10 | CHKD: -
DR. FILE: - | APPD: -

REVISIONS | BY | DATE | APPD. | DATE

TOAL ENGINEERING, INC.
Civil Engineering • Land Planning • Surveying
139 Avenida Navarro San Clemente, Calif. 92672
Ph. 949-492-8556 Fax: 949-498-8825

SHEET 1 of 1
JOB NO. 14261

COASTAL COMMISSION

EXHIBIT # 4
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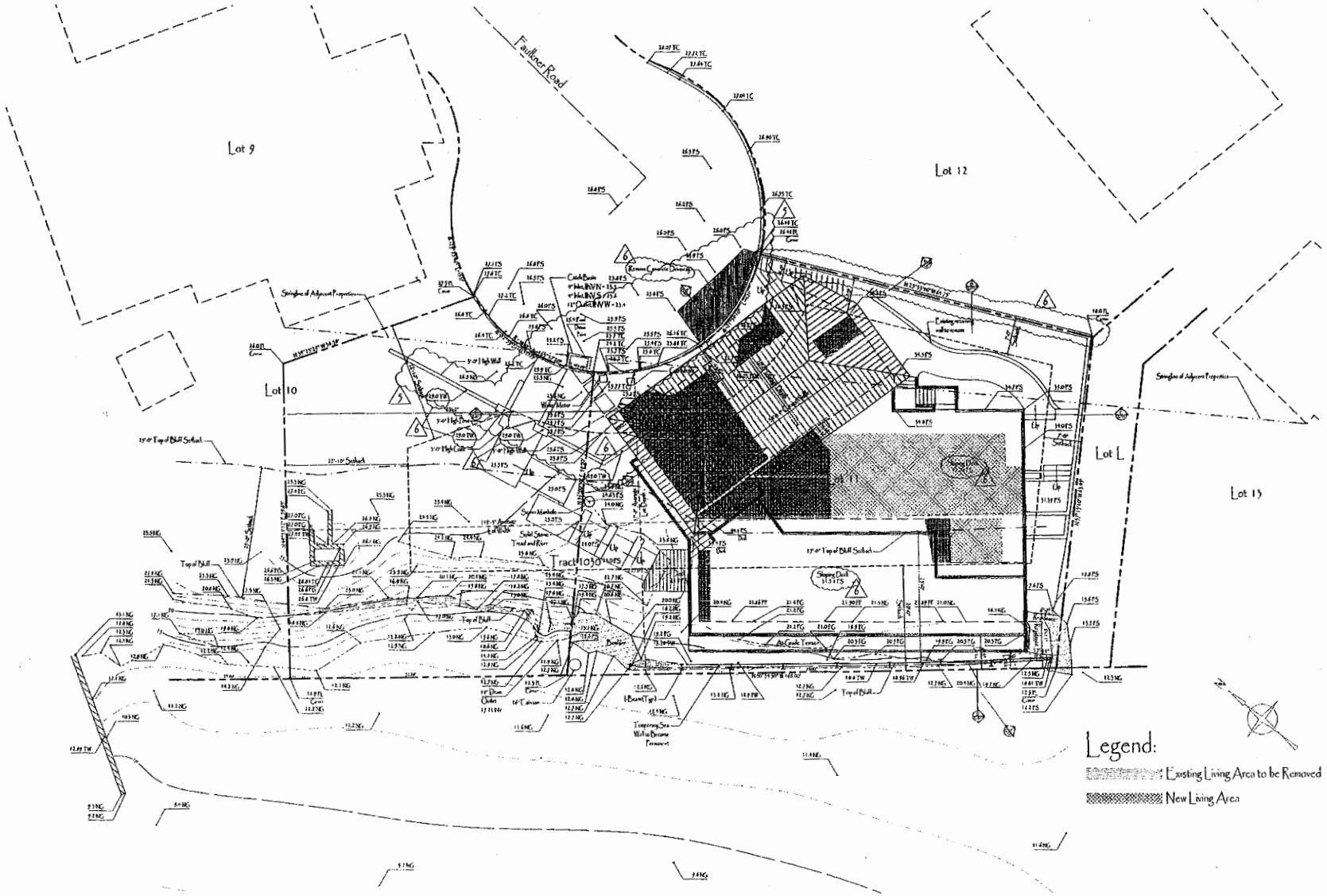

Site Plan

City Submittal
Revisions
1 12 June 2013
2 13 August 2013
3 9 September 2013
4 25 November 2013
5 13 January 2014
6 30 January 2014

Lagunita Residence
111 Lagunita Drive
Laguna Beach, CA 92651

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jconradarc@gmail.com

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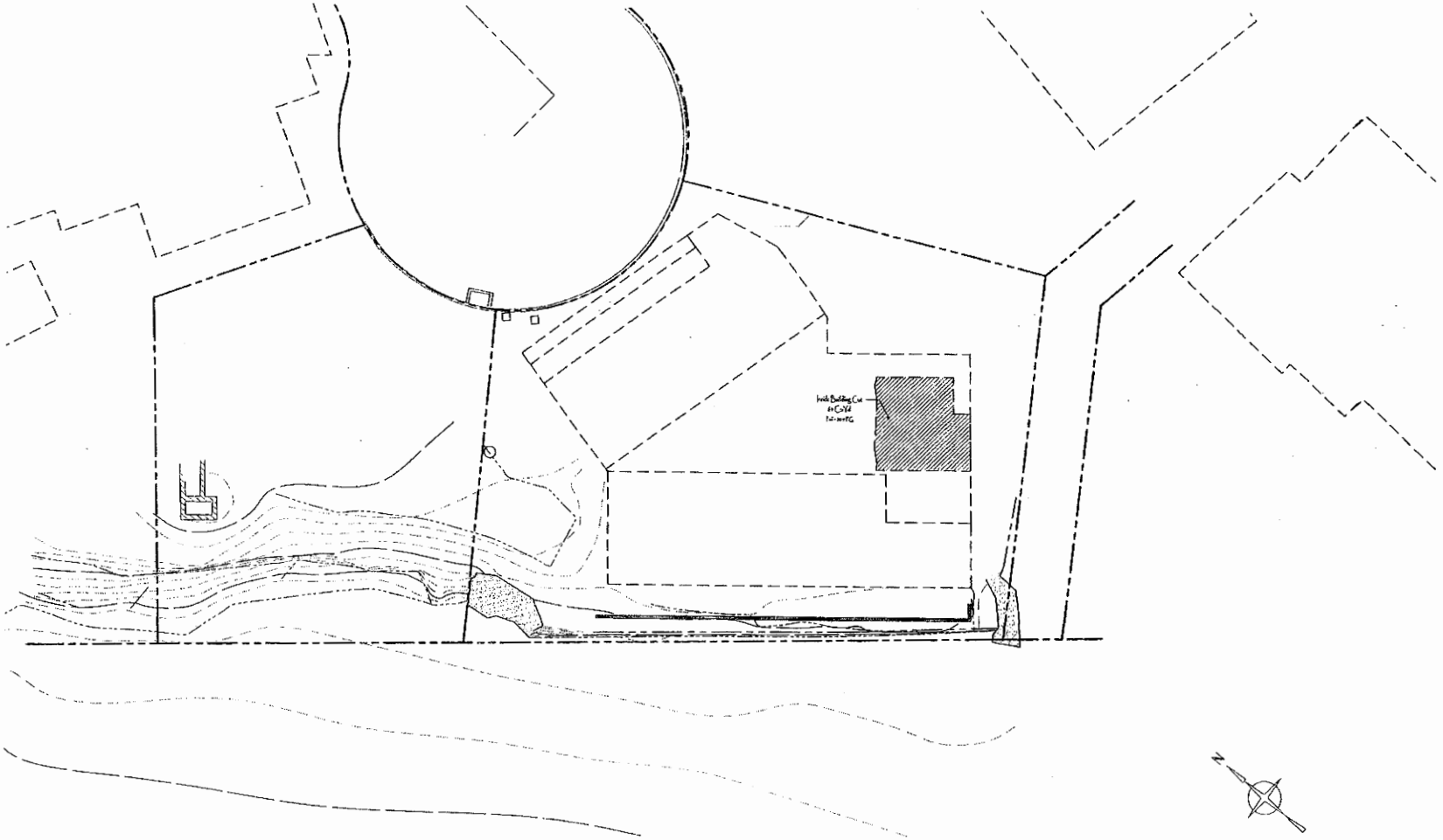
COASTAL COMMISSION

EXHIBIT # 4
PAGE 4 OF 36



Grading	Outside Building Footprint	Inside Building Footprint	Total
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Fill	0 CuYds	0 CuYds	0 CuYds
Net Export:	0 CuYds	61 CuYds	61 CuYds

Grading Plan

Revisions
17 June 2013

Lagunita Residence
11 Lagunita Drive
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jconradarc@gmail.com

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COASTAL COMMISSION

EXHIBIT # 4

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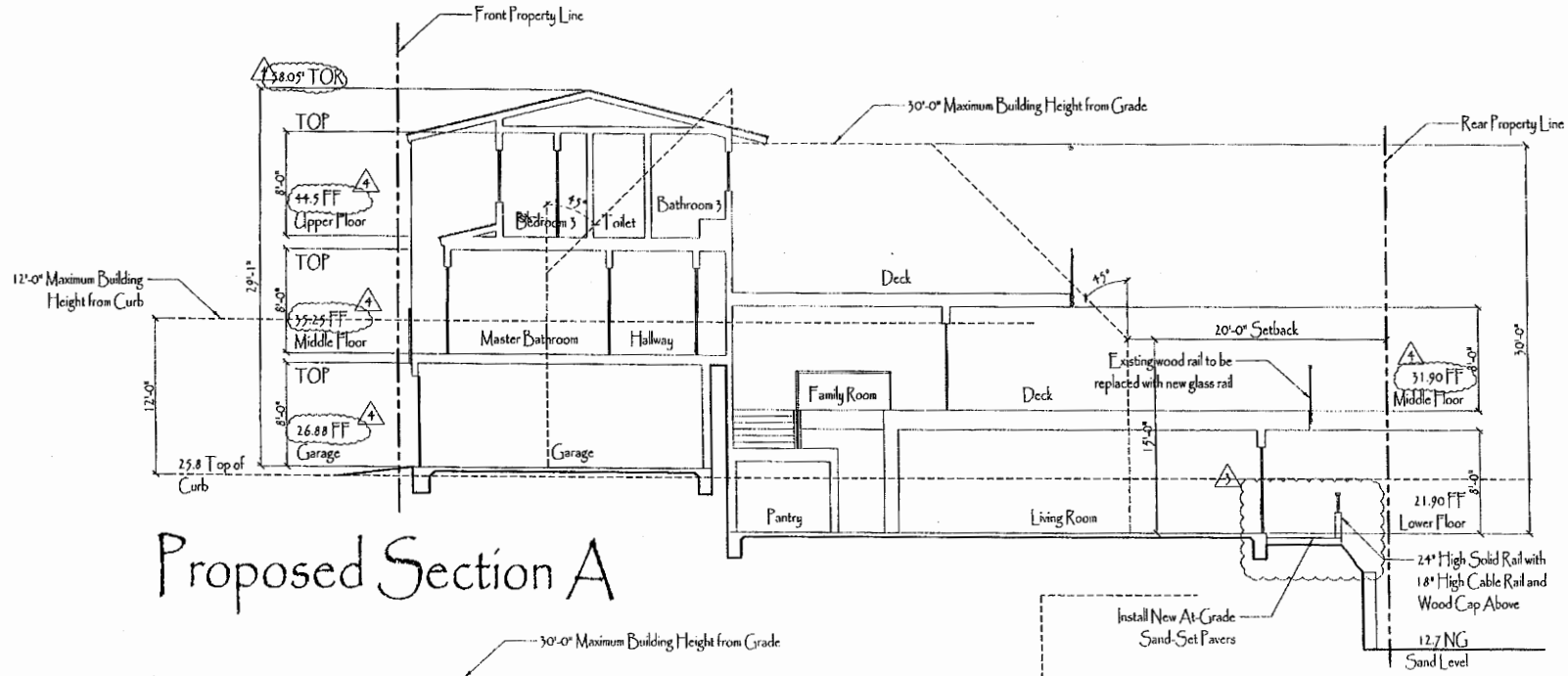
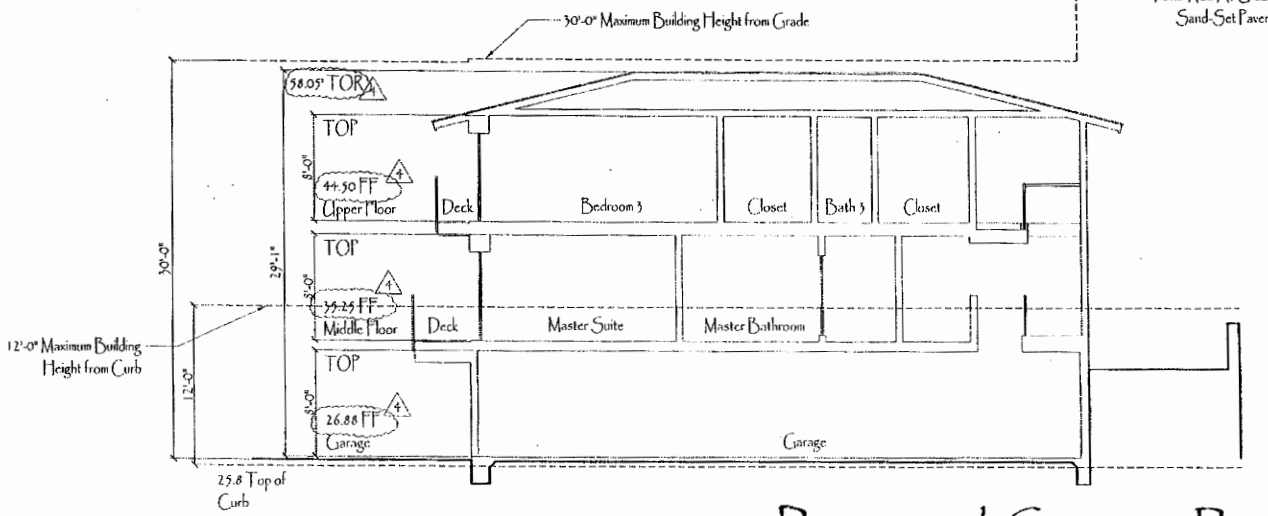


Proposed Section A



Proposed Section B

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Revisions
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2 12 August 2013
3 4 September 2013
4 31 January 2014

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

James Conrad Architect
1550 So. Coast Hwy #201
Laguna Beach, CA 92651
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jconradarc@gmail.com

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COASTAL COMMISSION

EXHIBIT # 4

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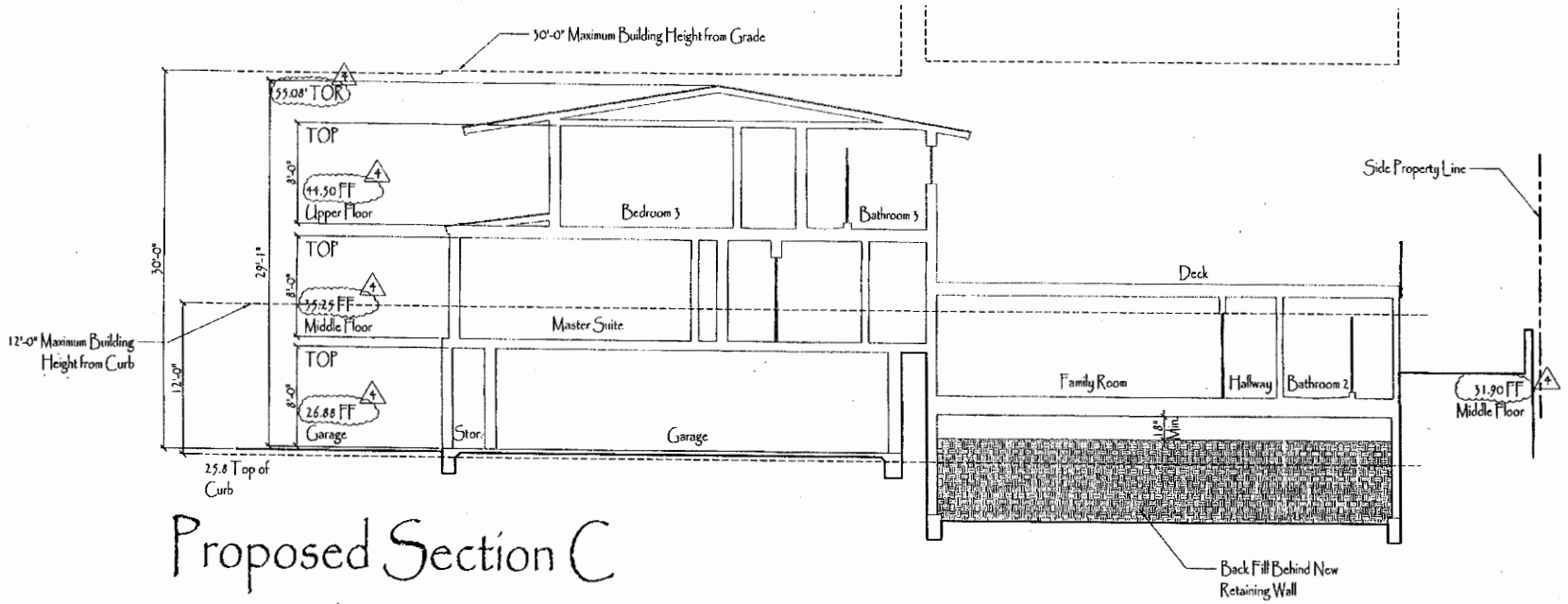

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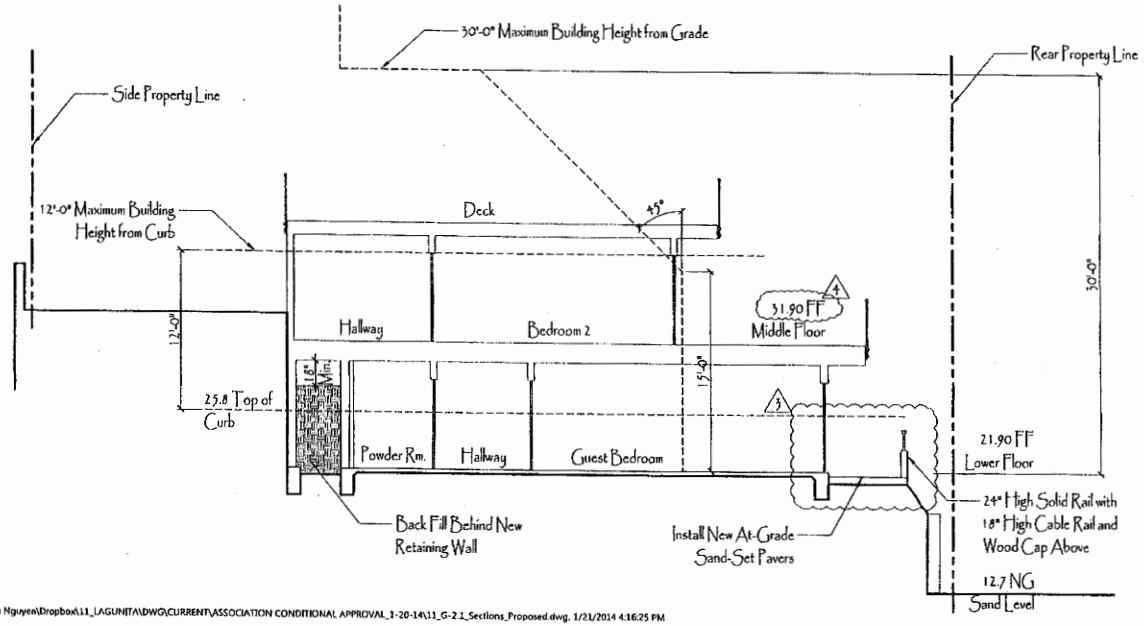

Proposed Section D

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Revisions

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

James Conrad Architect
1590 So. Coast Hwy #201
Laguna Beach, CA 92651
(949) 497-0200 Office
jconradarc@gmail.com

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Date: 1 September 2013
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COASTAL COMMISSION

EXHIBIT # 4
PAGE 7 OF 36

GRADING NOTES:

1. All work shall be in accordance with the grading code of the Laguna Beach and any special requirements of the permit. When referenced on the plans, a copy of F.M.A standard plans shall also be retained on the site.

2. Grading shall not be started without first notifying the City Building Official. A pre-grade meeting on site is required before the start of grading with the following people present: owner, grading contractor, design civil engineer, soil engineer, engineering geologist, City Building Official, and when required the archaeologist, paleontologist, and arborist. The grading contractor shall have the boundary of the grading area staked for the grading area staked for the pre-grade meeting unless waived by the Building Official. The required inspections for grading and erosion control will be explained at the meeting.

3. Approved copies of the grading and erosion control plans shall be on the permitted site while work is in progress.

4. Cut and fill slopes shall be no steeper than 2-foot horizontal to 1-foot vertical (2:1) except where specifically approved otherwise.

5. Fills shall be compacted throughout to a minimum of 90% relative compaction. Aggregate base for asphaltic areas shall be compacted to a minimum of 95% relative compaction. Maximum density and field density shall be determined by nationally recognized standards.

6. Areas to receive fill shall be properly prepared and approved in writing by the soil engineer prior to placing fill.

7. Fills shall be benched into competent material per details or as directed by the soils engineer.

8. All existing fills shall be approved by the soils engineer or removed prior to placing additional fills.

9. Any existing irrigation lines and cisterns shall be removed, or crushed in place, and approved by soils engineer.

10. The Building Official shall be tested and approved by the soils engineer.

11. All trench backfills shall be tested and approved by the soil engineer per the grading code.

12. The engineering geologist and soil engineer shall, after clearing and prior to the placement of fill in canyons, inspect each canyon for areas of adverse stability and to determine the presence or absence of subsurface water or spring flow. If needed, sub-drains will be designed and constructed prior to the placement of fill in each respective canyon.

13. All cut slopes shall be investigated both during and after grading by the engineering geologist to determine if any slope stability problem exists. Should excavation disclose any geological hazards or potential geological hazards, the engineering geologist shall submit recommended treatment to the Building Official for approval.

14. Where support or buttressing of cut and natural slopes is determined to be necessary by the engineering geologist and soil engineer, the soil engineer shall submit design, locations, and calculations to the Building Official prior to construction. The engineering geologist and soil engineer shall inspect and control the construction of the buttressing and certify to the stability of the slope and adjacent structures upon completion.

15. When cut pads are brought to near grade, the engineering geologist shall determine if the bedrock is extensively fractured or faulted and will readily transmit water. If considered necessary by the engineering geologist and soil engineer, a compacted fill blanket will be placed.

16. The engineering geologist shall perform periodic inspections and submit a complete report and map upon completion of rough grading.

17. The compacting report and approval from the soil engineer shall indicate the type of field testing performed. Each test shall be identified with the method of obtaining the in-place density, whether sand cone or drive ring and shall be so noted for each test.

18. The soil engineer and engineering geologist shall perform sufficient inspections and be available during grading and construction to verify compliance with the plans, specifications and the code within their purview.

19. The civil engineer shall be available during grading to verify compliance with the plans, specifications, code and any special conditions of the permit within their purview.

20. The permitee is responsibility for dust control measures.

21. Sanitary facilities shall be maintained on the site.

22. The location and protection of all utilities is the responsibility of the permittee.

23. Approved protective measures and temporary drainage provisions shall be used to protect adjoining properties during grading.

24. Any existing water wells shall be abandoned in compliance with the specifications approved by the city of Laguna Beach.

25. Any existing cesspools and septic tanks shall be abandoned in compliance with the Uniform Plumbing Code to the approval of the City Building Official.

26. Prior to final approval, the civil engineer shall certify to the building Official the amount of earth moved during the grading operation.

27. All concrete structures that come in contact with the on-site soils shall be constructed with type-5 cement, unless deemed unnecessary by soluable sulphate-content tests, conducted by the soil engineer.

28. Export soil must be transported to a legal dump ev to a permitted site.

29. Slopes exceeding five feet in height shall be planted with an approved plant material. In addition, slopes exceeding 15 feet in height shall be provided with an approved irrigation system, unless otherwise approved by the Building Official.

30. The grading contractor shall submit a statement of compliance to the approved grading plan prior to final approval.

31. Asphalt sections must be as follows: Parking stalls= 3" A/C over 6" A/B, drives 3" A/C over 10" (comm.) 12" (industrial) or the soil engineer shall submit, pavement section recommendations for approval based on "R" value analysis of the sub-grade soils and expected traffic indices.

32. Preliminary soil and geology and all subsequent reports as approved by the city are considered a part of the approved grading plan.

33. All existing drainage courses through this site shall remain in natural condition until facilities to handle.

34. Grading operations including maintenance of equipment shall not be conducted between the hours of 6:00 P.M. and 7:00 A.M. daily or on Saturdays or Sundays.

35. Roof drainage systems shall be installed in a manner to minimize erosion of slopes. Roof drainage should be dissipated into the ground on the subject property whenever possible.

36. The permitee shall give reasonable notice to the owner of adjoining lands and buildings prior to beginning excavations, which may affect the lateral and subjacent support of the adjoining property. The notice shall state the intended depth of excavation and when the excavation will commence. The adjoining owner shall be allowed at least 30 days and reasonable access on the permitted property to protect his structure, if he so desires, unless otherwise protected by law.

37. The approved erosion control plan, the City of Laguna Beach Erosion Control Standards, and the City of Laguna Beach Water Quality Notes are part of the plans.

38. Prior to final approval of the grading, the responsible civil engineer must certify that the grading was done in compliance with the approved plans.

EROSION CONTROL STANDARDS:

CONTROL SYSTEM

1. The faces of cut and fill slopes and project site shall be prepared and maintained at all times to control against erosion in accordance with these standards. Where cut slopes are not subject to erosion due to building official. Earth that is generated during foundation excavation must not be placed on slopes; it must either be removed from the site or stored on-site in an approved location that will not cause erosion or drainage problems.

2. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the building official, shall be employed to control erosion and provide safety. Sediment shall be retained on site.

3. No building or grading work will be allowed on any building or grading site under permit unless an erosion control system has been approved and installed or waived by the building official.

4. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition free of loose soil, construction debris and trash. Street sweeping or other equally effective means shall be used on a regular bases to prevent construction run-off of storm flows carrying sediments and debris outside the project boundaries. Watering shall only be used to clean streets except when all storm drains are blocked and when all wash-water may enter the storm drain.

5. The civil engineer or other qualified individual who prepared the grading or building plan shall be responsible for inspection and modification of the erosion control devices, as necessary.

6. A properly designed storm-water desilting basin should be used wherever possible at drainage outlets from the construction site. Desilting basins must remove all sediment prior to discharging storm water from the site.

7. Equipment and workers for emergency work shall be made available at all times. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.

8. Erosion protection shall consist of temporary slope stabilization material or the effective planning of all slopes in excess of five (5) feet high unless otherwise approved by the building official. Slopes exceeding fifteen (15) feet high may require an adequate sprinkler system, as determined by the Building Official.

9. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading or building.

10. All removable protective devices shall be in place at the end of each working day when the five (5) day rain probability forecast exceeds forty (40) percent.

11. Graded areas must drain away from the face of slopes at the conclusion of each working day. Drainage must be directed toward desilting facilities.

EROSION CONTROL MAINTENANCE:

1. Prior to each rainstorm the erosion control system shall be inspected and deficiencies corrected.

2. After each rainstorm, silt and debris shall be removed from check berms and desilting basins and the basins pumped dry. Only clean water from the basins can be pumped to the storm drains. (filter material may be used)

3. After each rainstorm, the performance of the erosion control system shall be evaluated and revised and repaired as necessary.

4. Devices shall not be moved or modified without the approval of the Building Official.

5. The contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous conditions.

6. The contractor and permitee or project owner shall be responsible for continual maintenance of the devices. In the event of failure or refusal by the contractor, permitee or project owner to properly maintain the devices, the Building Official may cause emergency maintenance work to be done to protect adjacent private and public property. The cost shall be charged to the owner and shall include an initial mobilization cost plus the cost of doing the work.

7. In the event the Building Official must cause emergency maintenance work to be done, he may revoke the building or grading permit in writing. The permit shall not be renewed until the erosion control system approved by the Building Official is installed and a fee of one-half the amount required for the original permit paid by the owner. The Building Official may waive installation of an erosion control system after before October 1 and after April 30.

WATER QUALITY NOTES:

1. Sediment from areas disturbed by construction shall be retained on site using structural drainage controls to the maximum extend practicable.

2. Stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind.

3. Construction-related materials, wastes, spills, or residues shall be retained on site to minimize transport from the site to streets, drainage facilities, or adjoining property by wind or runoff.

4. Runoff from equipment and vehicle washing shall be contained at construction site unless treated to remove sediment and other pollutants.

5. All construction contractor and subcontractor personnel are to made aware of the required best management practices and good housekeeping measures for the project site and any associated construction staging areas.

6. At the end of each day construction activity all construction debris and waste materials shall be collected and properly disposed in trash or recycle bins.

7. Construction sites shall be maintained in such a condition that an anticipated storm does not carry wastes to pollutants off the site. Discharges of material other than storm-water are allowed only when necessary for performance and completion of construction practices and where they not cause or contribute to violation of any water quality standards, cause or threaten to cause pollution, contamination or nuisance, or contain a hazardous substance in a quantity reportable under federal regulations 40 CFR Parts 117 and 302.

8. Potential pollutants include but are not limited to: sediments, cement products, solid or liquid chemical spills, wastes from paints, sealants, glues, lime, pesticides, herbicides, wood preservatives, and solvents, asbestos fibers, paint flakes or stucco fragments; fuels, oils lubricants, and hydraulic, radiator or battery fluids, concrete, detergent or float able wastes; eases from any engine/equipment steam cleaning or chemical degreasing; and super chlorinated portable water line flushings.

9. During construction, disposal of materials and potential pollutants should occur in and controlled temporary area on site physically separated from potential storm-water runoff, with ultimate disposal in accordance with local, state and federal requirements.

10. Dewatering of contaminated groundwater, or discharging contaminated soils via surface erosion is prohibited. Two dewatering of non-contaminated groundwater of non contaminated groundwater requires a national pollutant discharge elimination system (NPDES) permit from the respective state regional water quality control board.

ROOF & AREA DRAINS:

1. Area drain pipe to be 4" ABS PVC Schedule 40 unless noted otherwise.

2. Roof and deck drains to discharge into the nearest area drain pipe.

3. Area drain inlets to be 6" in diameter with basket grates unless noted otherwise.

4. Deck drains to be 4" in diameter and have copper flanges. Decks to have 4" square copper overflow scuppers (one per deck surface), 2" above the finished deck surface.

City Submittal
Revisions
12 Jun 2013

Laguna Residence
11 Laguna Drive
Laguna Beach, CA 92651

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Drawn By: HN
Date: 12 Jun 2013
Scale: None
Format: AutoCAD 2010
Sheet #: G-3.0

Story Pole Construction Notes Table

Pole Number	Offset Hub Elevation	Height of Story Pole From Hub Elevation	Proposed Maximum Elevation	Pole Number	Offset Hub Elevation	Height of Story Pole From Hub Elevation	Proposed Maximum Elevation
1	N/A	20.0'	20.0'				
2	N/A	20.0'	20.0'				
3	N/A	20.0'	20.0'				
4	N/A	20.0'	20.0'				
5	N/A	20.0'	20.0'				
6	N/A	20.0'	20.0'				
7	N/A	20.0'	20.0'				
8	N/A	45.0'	45.0'				
9	N/A	44.8'	44.8'				
10	N/A	45.34'	45.34'				
11	N/A	40.54'	40.54'				
12	N/A	40.33'	40.33'				
13	N/A	25.5'	25.5'				
14	N/A	25.5'	25.5'				
15	N/A	34.90'	34.90'				
16	N/A	34.90'	34.90'				
17							
18							
19							
20							
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Story Pole Height & Location Certification

Date:
Site Address: 11 Lagunita Drive
Datum Point: Top 25.4

Instructions: The Story Pole Height & Location Certification Notes Table must be executed by a registered land surveyor or civil engineer directly on a copy of this full-size roof and story pole plan. The completed certification must be submitted at least 10 days prior to the design review authorities first notice public hearing date.

* If standard survey hubs are not feasible because of the existence of rocks, paving or existing structural improvements, then the surveyor or engineer may use an alternative method of establishing horizontal and vertical control for the story poles that can be observed in the field. The surveyor or engineer shall describe the control method used directly on the full-size roof plan. Such alternate methods may include painted markings or nail with information tags attached.

Certifications: I hereby certify that the story poles located on the above referenced site were constructed under my supervision and survey, and the story poles are in conformance with the design, height and location as shown on the approved staking plan. I further certify that the attached table identifying 1) the story pole identification numbers, 2) elevations on the top of the surveyed offset hubs, 3) elevations on the top of the story poles and 4) the heights of the story poles measured from the top of the offset hubs is true and correct. I acknowledge and understand that the required project staking is for the purpose of informing the owner, architect, designer, City staff, design review authority and the public as to the accurate location and exterior dimensions of the proposed structure or addition.

Signature of Land Surveyor or Civil Engineer

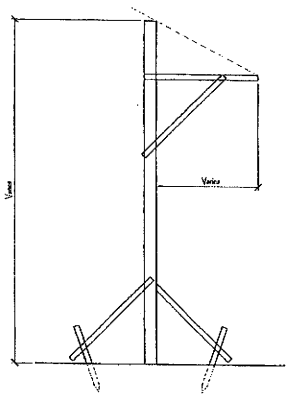
Name (print)

Stamp & Sign Below

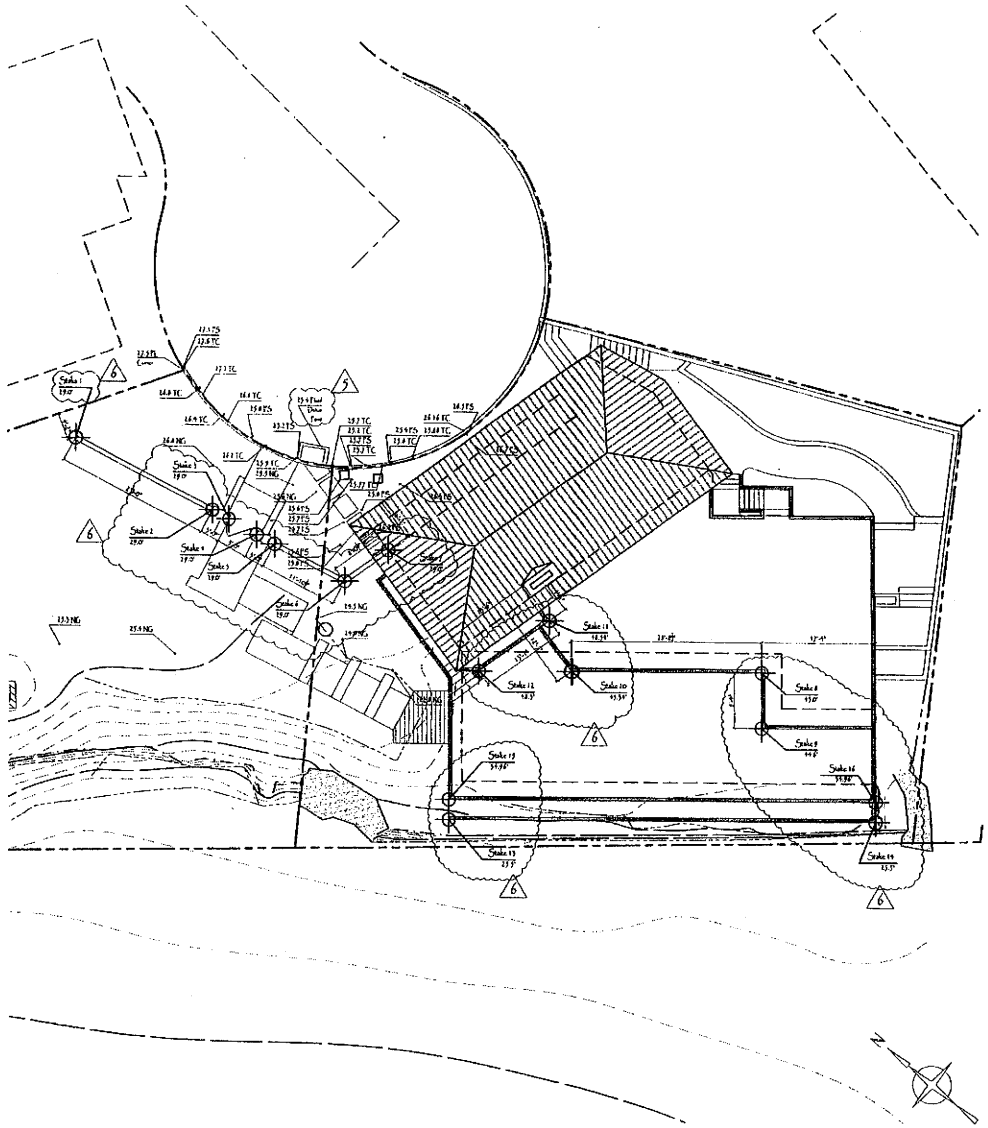
License Number/ Expiration date

Date

Connect Stakes @ Significant Roof & Dock Outlines With a Ribbon or String. Spray Paint Chimney Tops a bright Color



Outriggers for Staking Eaves



Staking Plan

City Submittal

Revisions
1 17 June 2013
2 12 August 2013
3 4 September 2013
4 25 November 2013
5 13 January 2014
6 30 January 2014

Lagunita Residence
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Drawn By: HN
Date: 15 January 2014
Scale: 1/16" = 1'-0"
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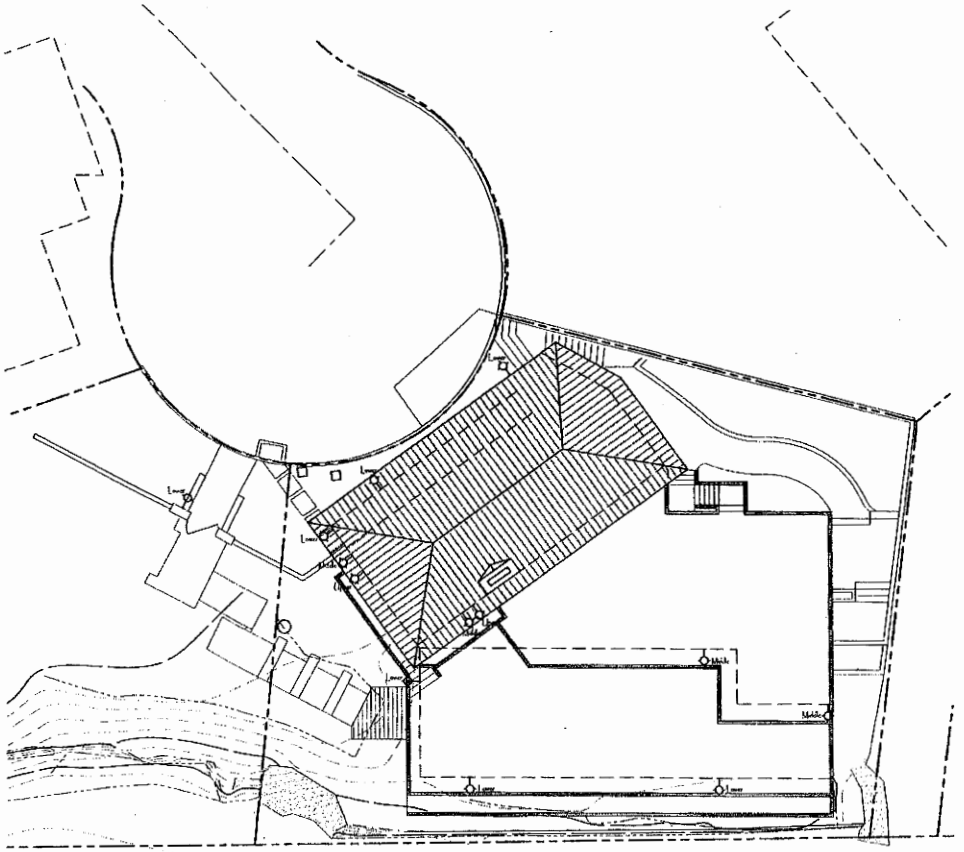
Sheet #: A-1.1

COASTAL COMMISSION

EXHIBIT # 4
PAGE 9 OF 36



Legend of Symbols		
Qty	Sym	Description
11		Surface Mounted Wall Fixture, 60 Watts
		Stairway Lights, 60 Watts
		J-Box for Decorative Ceiling Fixture
		Flush Mounted Fixture, 60 Watts
		Exterior Door
System Ground Per N.E.C. Art. 250.81		
See Electrical Plans for Further Specifications		

Exterior Lighting Plan

City Submittal

Revisions
17 June 2013
4 September 2013
14 November 2013
13 January 2014

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES E. CONRAD C-19060 Exp. 5-30-14 STATE OF CALIFORNIA

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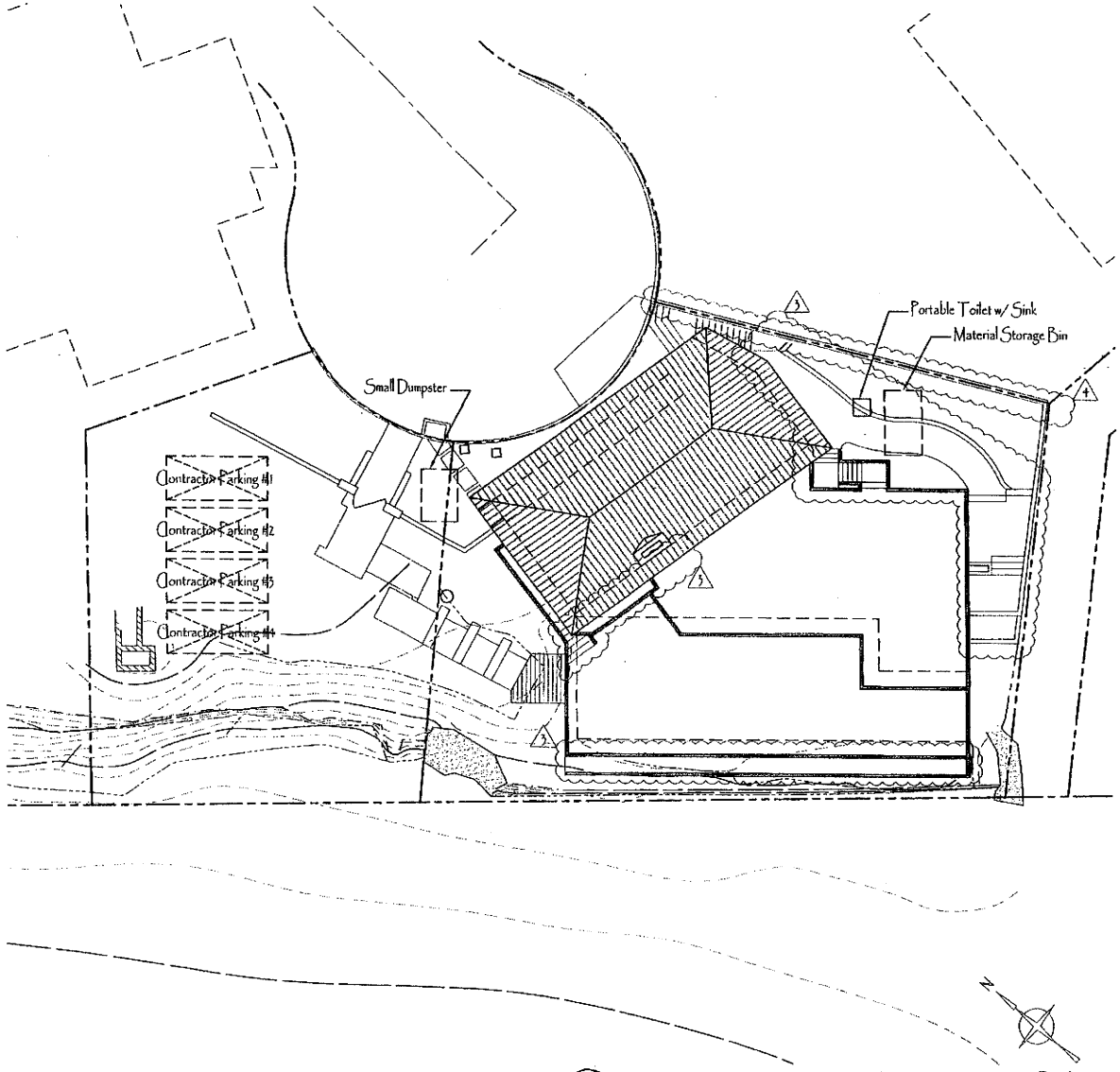
Drawn By: JJN
Date: 13 January 2014
Scale: 1/4"=1'-0"
Format: AutoCAD 2006
Sheet #: A-1.2

Construction Staging Requirements

1. As quickly as possible, the garage retaining walls shall be constructed in order to create a flat off street storage & parking area for as many vehicles as possible on uphill lots.
2. All refuse & waste shall be kept on site & off street until it can be hauled away.
3. The building site surrounds shall be kept clean. it is highly recommended that the building site be fenced & locked at all times when no one is working.
4. Neighbors shall be notified a day prior to any large or prolonged concrete pours.
5. Deliveries of materials, especially ready mix concrete, shall be limited to one (1) truck at a time on the street, & a flag man (walkie-talkies) shall be employed during this time period. the contractor shall use appropriately located concrete pump(s) to minimize traffic impediment.
6. If parking outside the hillhaven way gate becomes scarce, the contractor shall establish a shuttle service for all laborers & subcontractors not requiring immediate access to their vehicles.
8. All materials, deliveries, etc., shall be limited to an amount or quantity that can be off loaded & stored within the fenced area.
9. Dumpsters shall be located on site wherever possible. dumpsters placed on the street shall be filled & removed as soon as is practical. dumpsters are permitted on the street monday through friday only.
10. Any street damage attributed to the construction process shall be repaired within ten (10) days after the completion of construction & prior to occupancy.
11. Contractor shall use the appropriate tarps, masking and protection devices to protect adjacent homes & their landscaping from paint over spray, stucco splash, etc.



Construction Staging Plan

City Submittal

Revisions
1 17 June 2013
2 5 September 2013
3 14 November 2013

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES E. CONRAD C-19000 Exp. 2-28-14 STATE OF CALIFORNIA

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Drawn By: HN.
Date: 14 November 2013
Scale: 1/4"=1'-0"
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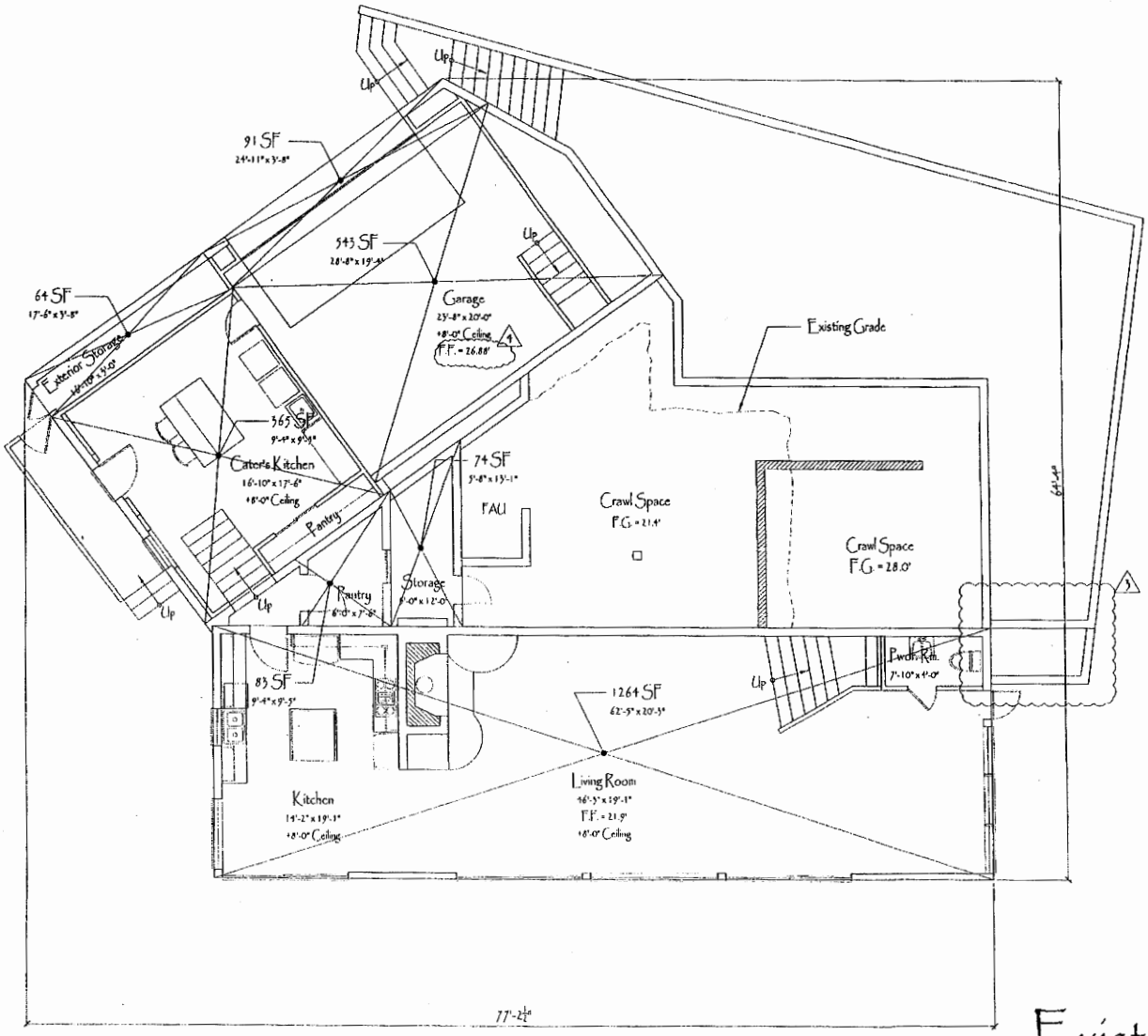
COASTAL COMMISSION

EXHIBIT # 4
PAGE 11 OF 36



Area Calculations:

Living Area:	1,712 SF
Garage Area:	634 SF
Storage Area:	138 SF

Wall Legend:

Existing Walls

Existing Retaining Wall

Existing Lower Floor Plan

City Submittal

Revisions

1	17 June 2013
2	12 August 2013
3	4 September 2013
4	31 January 2014

Lagunita Residence
111 Lagunita Drive
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RESIDENCE APPROVED
JAMES E. CONRAD
C15982
Exp. 2-28-14
STATE OF CALIFORNIA

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Date:	4 September 2013
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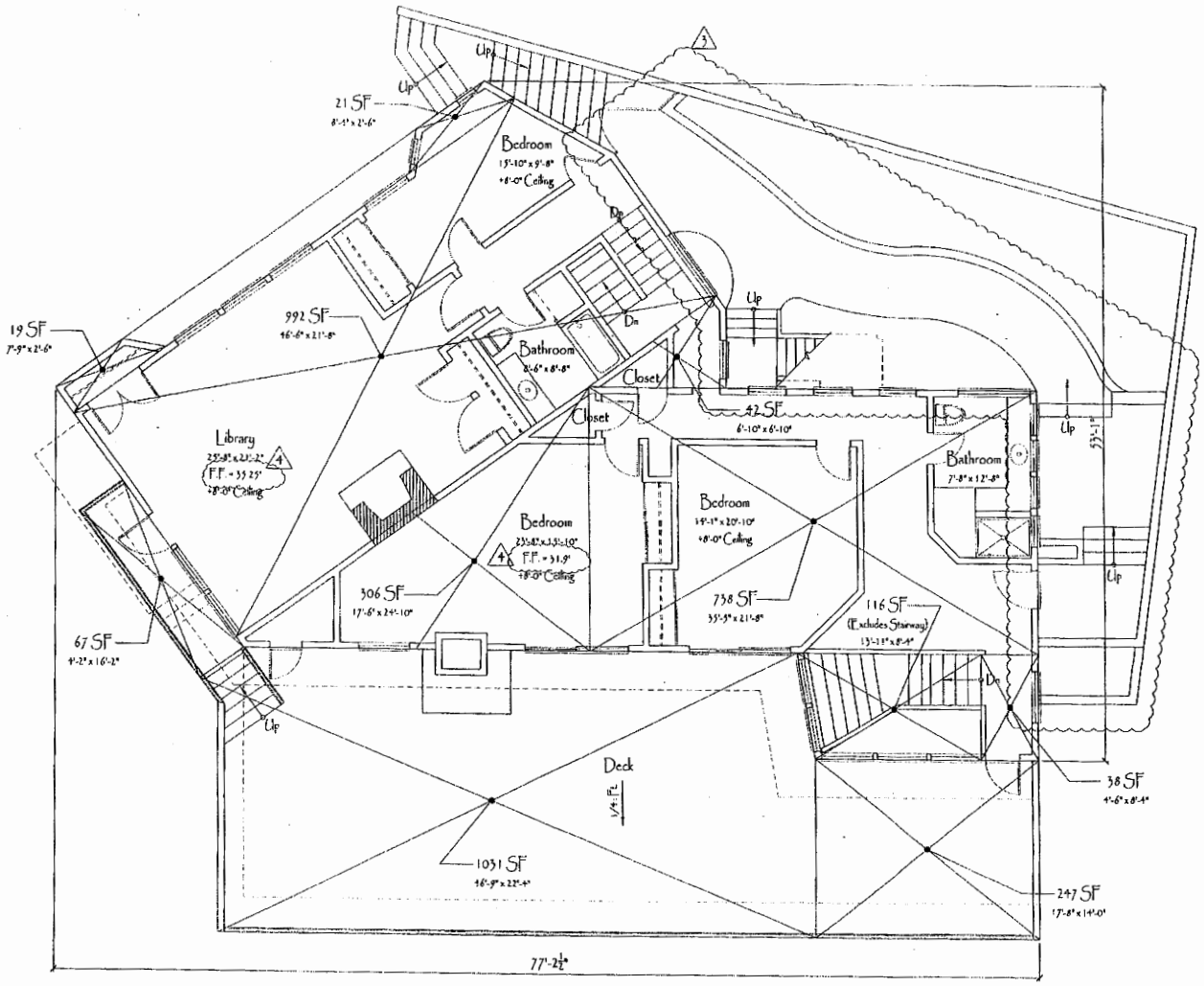

Area Calculations:

Living Area: 2,156 SF
Deck Area: 1,345 SF

Existing Middle Floor Plan

City Submittal

Revisions
17 June 2013
12 August 2013
9 September 2013
31 January 2014

Lagunita Residence
111 Lagunita Drive
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REGISTERED ARCHITECT
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HN
Date:
9 September 2013
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Sheet #
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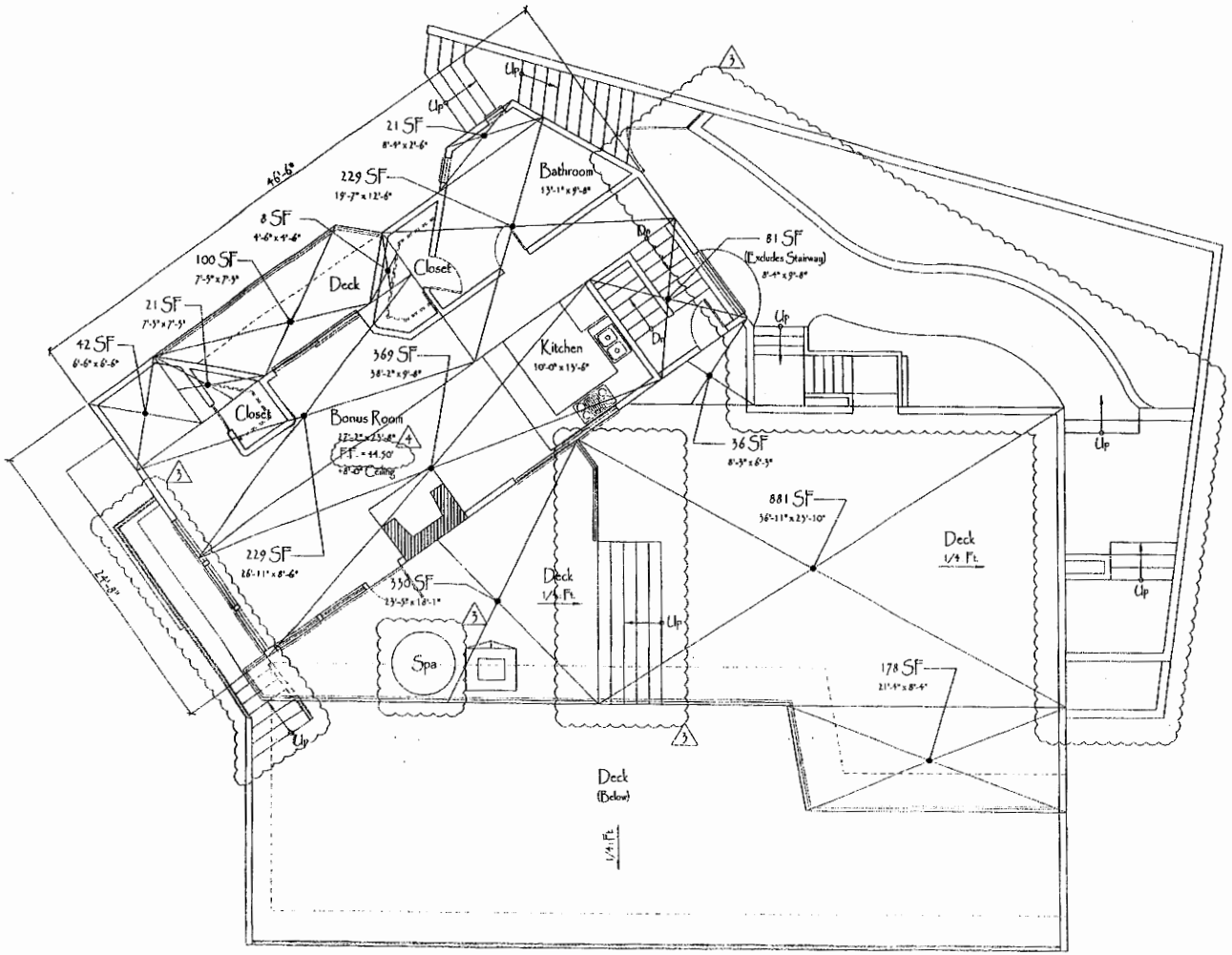
COASTAL COMMISSION

EXHIBIT # 4
PAGE 13 OF 36



Area Calculations:

Living Area: 919 SF (3)
Deck Area: 1,525 SF

Existing Upper Floor Plan

Revisions
1 June 2013
4 September 2013
21 January 2014

Lagunita Residence
111 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES C. CONRAD C18888 Exp. 7-28-14 STATE OF CALIFORNIA

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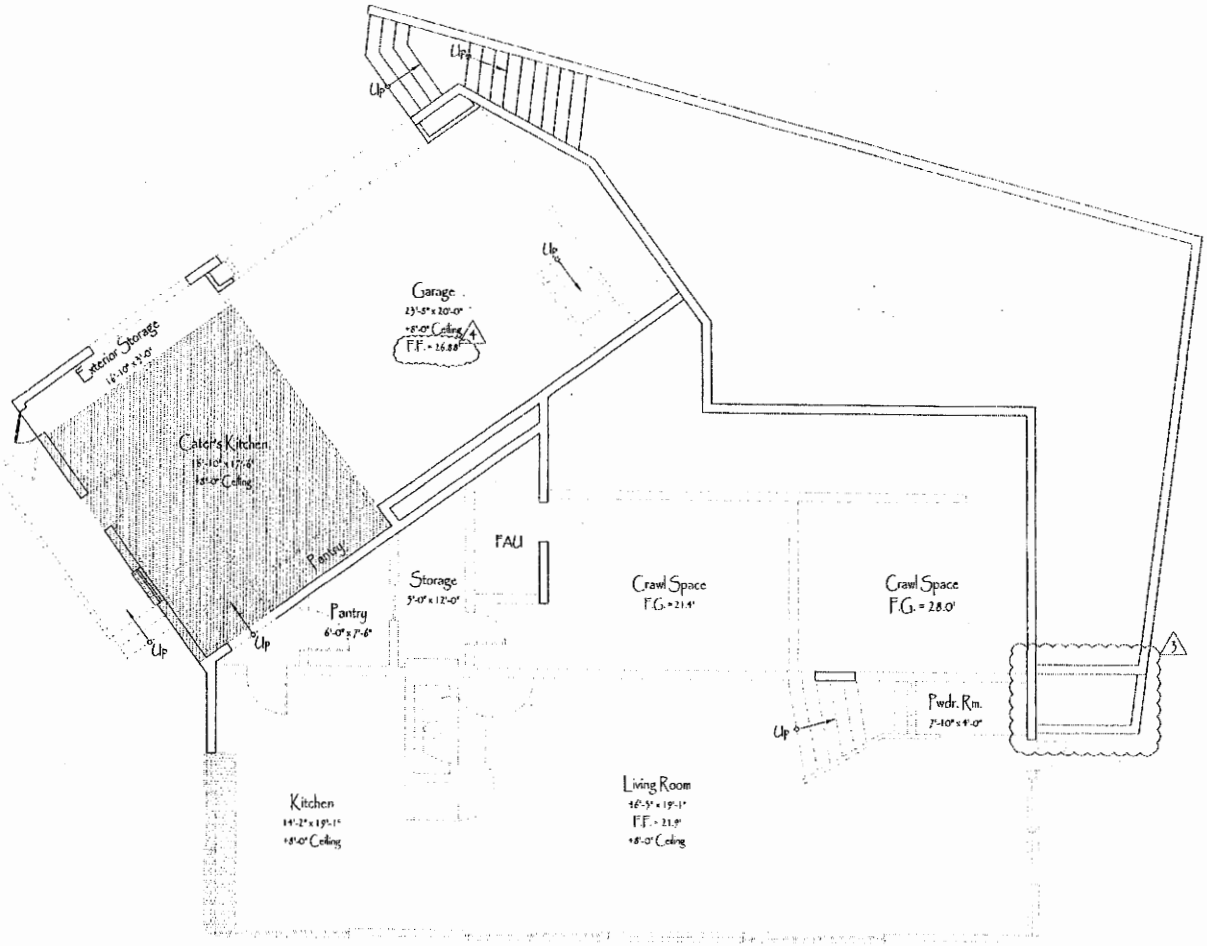
COASTAL COMMISSION

EXHIBIT # 4
PAGE 14 OF 36



Living Area Calculation:

Existing Living Area	1,212 SqFt
Existing Living to be Demolished	-393 SqFt
Existing Living Area to Remain	1,518 SqFt
Percent of Demolition	23.1 %

Garage Area Calculation:

Existing Garage Area	634 SqFt
Existing Garage to be Demolished	0 SqFt
Existing Garage Area to Remain	634 SqFt
Percent of Demolition	0 %

Total Area Calculation:

Existing Living & Garage Area	2,346 SqFt
Existing Living & Garage to be Demolished	-393 SqFt
Existing Living & Garage Area to Remain	1,953 SqFt
Total Percent of Demolition	16.8 %

Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- Existing Living Area to be Removed
- Existing Living Area Converted to Garage Area

Demo Lower Floor Plan

City Submittal Revisions
1. 17 June 2013
2. 19 August 2013
3. 4 September 2013
4. 29 January 2014

Lagunita Residence
111 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES E. CONRAD No. C19588 Exp. 7-30-14 STATE OF CALIFORNIA

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Date: 4 September 2013
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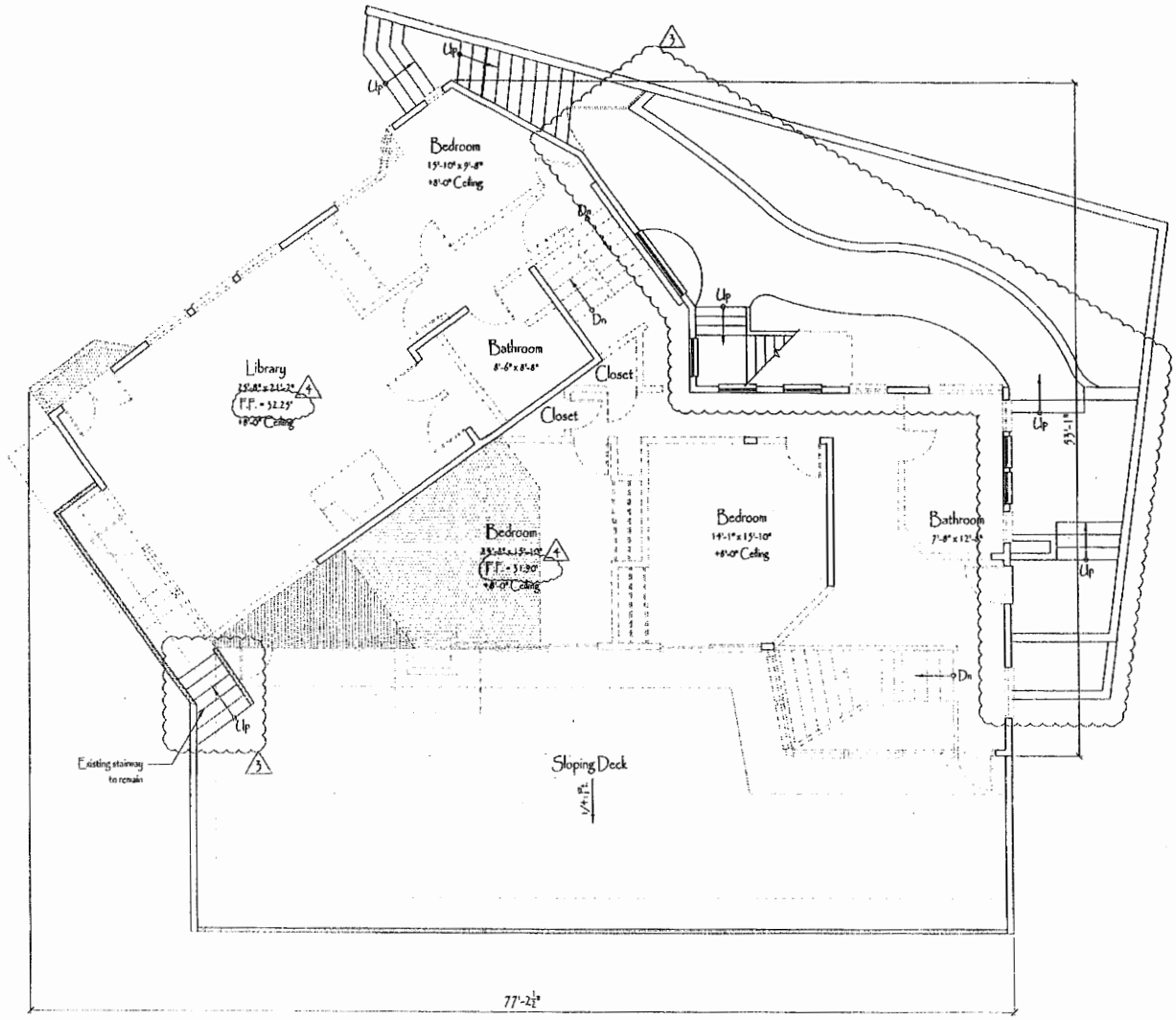

Demo Area Calculation:

Existing Living Area	2,124 Sq Ft
Existing Living to be Demolished	-271 Sq Ft
Existing Living Area to Remain	1,853 Sq Ft
Percent of Demolition	12.7 %

Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- Existing Living Area to be Removed
- Existing Living Area Converted to Deck

Demo Middle Floor Plan

City Submittal

Revisions
1. 12 August 2013
2. 1 September 2013
3. 23 January 2014

Lagunita Residence
12 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES C. CONRAD C11968 Exp. 2-28-14 STATE OF CALIFORNIA

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Drawn By: HN
Date: 1 September 2013
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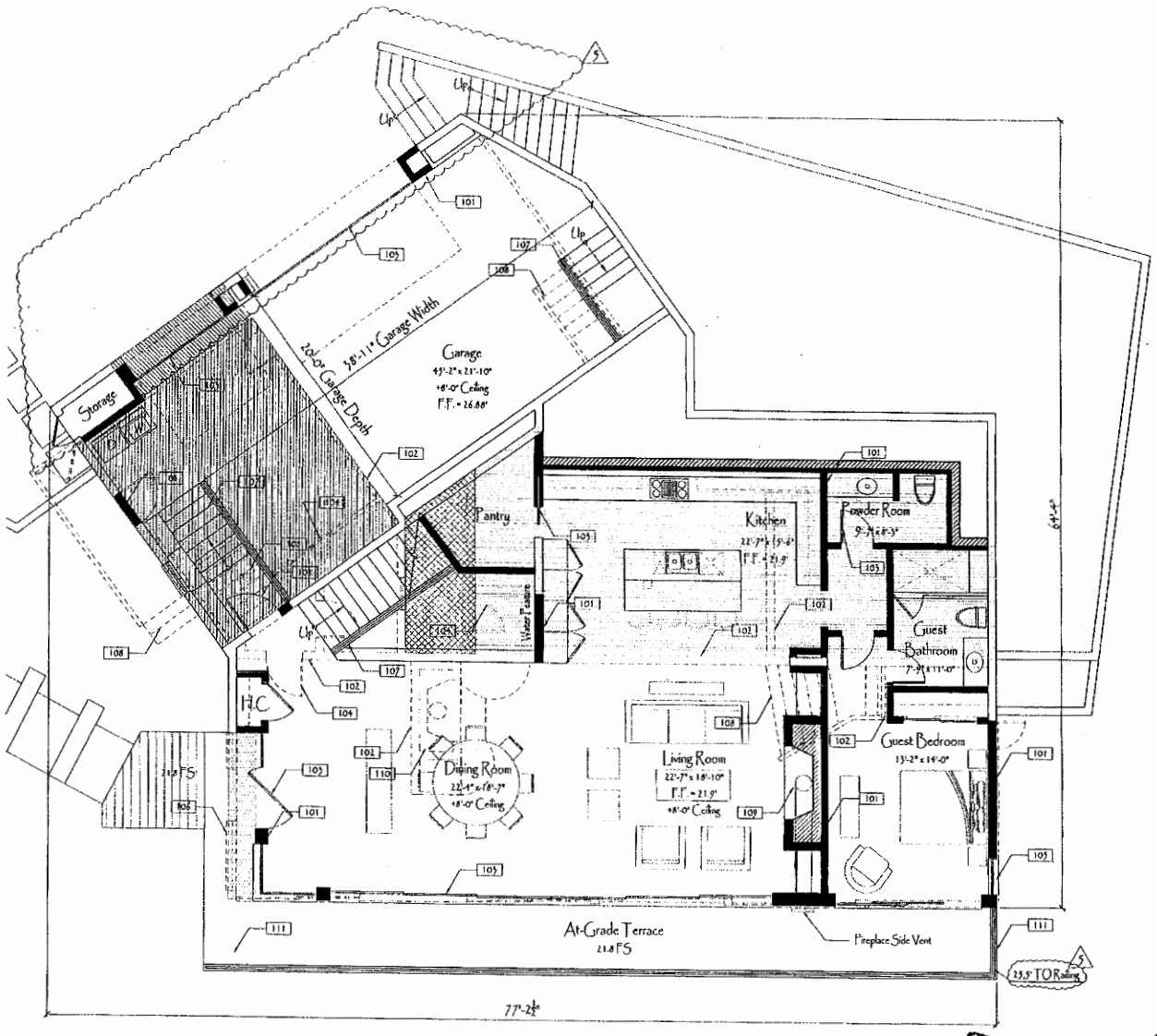
COASTAL COMMISSION

EXHIBIT # 4
PAGE 16 OF 36



Key Note:

101 Construct New Walls Per Legend-Typ
102 Demolish Existing Walls Per Legend-Typ
103 Install New Doors Per Legend - Typ
104 Remove Existing Doors Per Legend-Typ
105 Install New Windows Per Legend-Typ
106 Remove Existing Windows Per Legend-Typ
107 Construct New Steps
108 Demolish Existing Steps
109 Construct New Gas Fireplace
110 Demolish Existing Fireplace
111 Construct New 24" High Solid Rail with 18" High Cable Rail and Wood Cap

Area Calculations:

Description	Existing	Removed	Added	Net Added	Total
Living Area:	1,712 SF	-593 SF	+718 SF	+125 SF	2,055 SF
Garage Area:	634 SF	0 SF	+408 SF	+408 SF	1,042 SF
Storage Area:	138 SF	-116 SF	+0 SF	-116 SF	22 SF

Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- New Retaining Walls
- New Walls
- Existing Living Area to be Removed
- Existing Crawl Space Area Converted to Living Area
- Existing Living Area Converted to Garage Area
- Existing Storage Area Converted to Garage Area
- Existing Storage Area Converted to Living Area

Proposed Lower Floor Plan

City Submittal

Revisions
17 June 2013
17 August 2013
4 September 2013
13 January 2014

Lagunita Residence
111 Lagunita Drive
Laguna Beach, CA 92651

Howard Ingalls, James C. Conrad, C-15886, Exp. 11-30-14, State of California

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Drawn By: HN
Date: 13 January 2014
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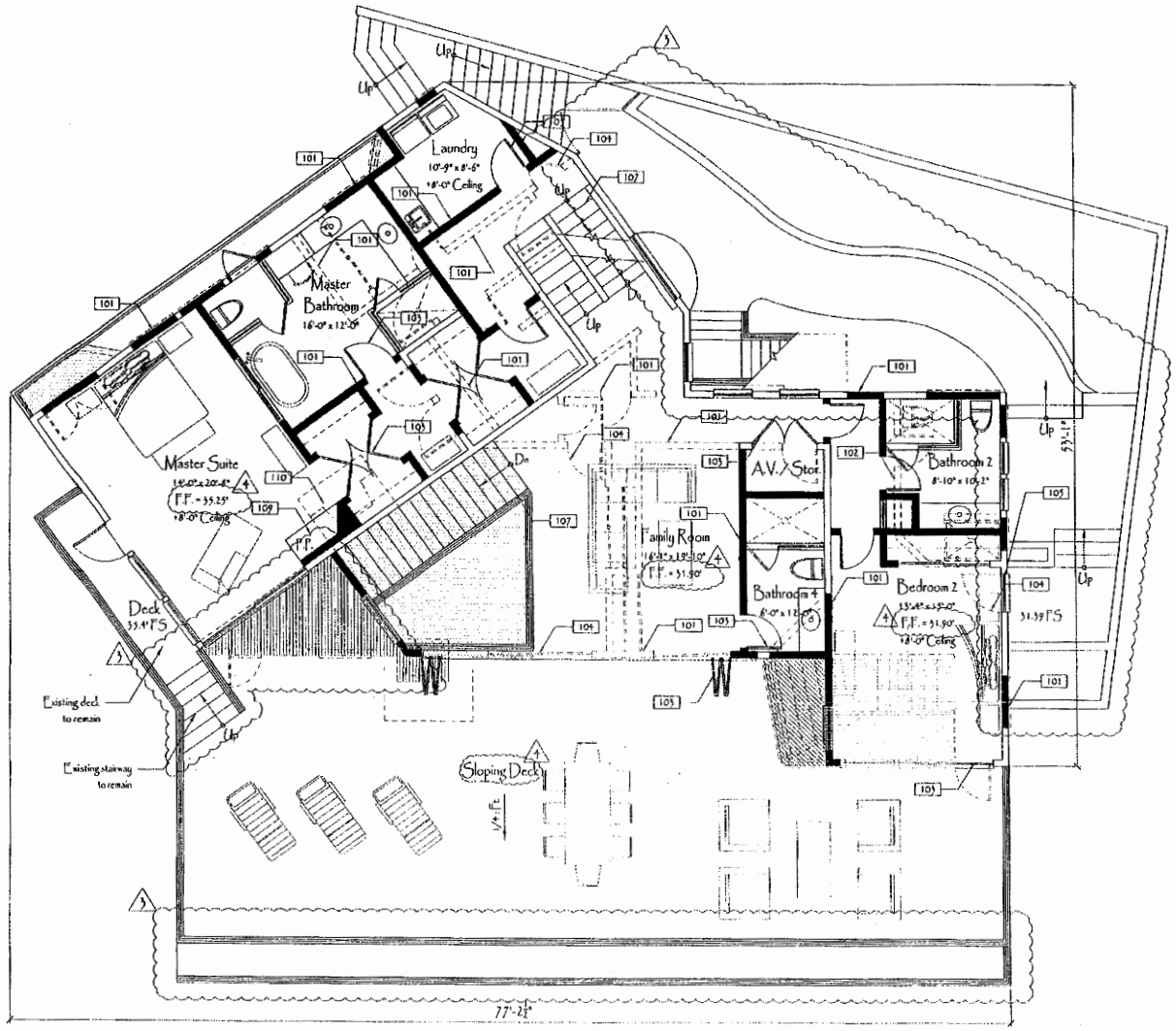
A-5.0

COASTAL COMMISSION

EXHIBIT # 4
PAGE 17 OF 36



Key Note:

- 101 Construct New Walls Per Legend-Typ
- 102 Demolish Existing Walls Per Legend-Typ
- 103 Install New Doors Per Legend - Typ
- 104 Remove Existing Doors Per Legend-Typ
- 105 Install New Windows Per Legend-Typ
- 106 Remove Existing Windows Per Legend-Typ
- 107 Construct New Steps
- 108 Demolish Existing Steps
- 109 Construct New Gas Fireplace
- 110 Demolish Existing Fireplace

Area Calculations:

Description	Existing	Removed	Added	Net Added	Total
Living Area:	2,156 SF	-273 SF	+82 SF	-183 SF	1,965 SF
Deck Area:	1,345 SF	0 SF	+107 SF	+107 SF	1,452 SF

Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- New Walls
- Existing Living Area to be Removed
- New Living Area
- New Deck Area
- Existing Living Area Converted to Deck

Proposed Middle Floor Plan

City Submittal

Revisions
1. 17 June 2013
2. 13 August 2013
3. 4 September 2013
4. 31 January 2014

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES E. CONRAD C10866 Exp. 2-28-14 STATE OF CALIFORNIA

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jconradarc@gmail.com

Drawn By: HN
Date: 4 September 2013
Scale: 1/4"=1'-0"
Format: Arch D (24"x36")
Sheet #: A-5.1

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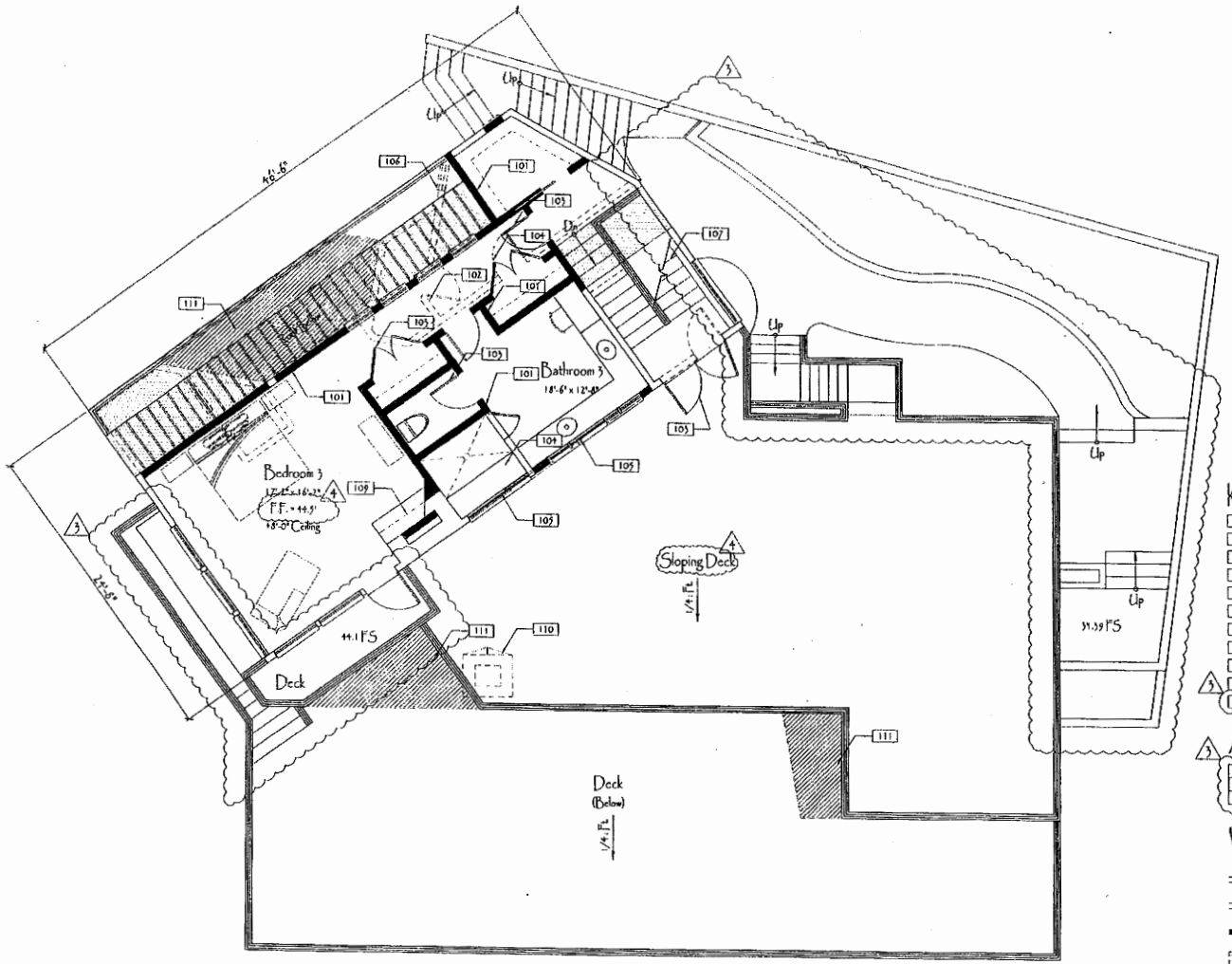
COASTAL COMMISSION

EXHIBIT # 4
PAGE 18 OF 36



Key Note:

101 Construct New Walls Per Legend-Typ
102 Demolish Existing Walls Per Legend-Typ
103 Install New Doors Per Legend - Typ
104 Remove Existing Doors Per Legend-Typ
105 Install New Windows Per Legend-Typ
106 Remove Existing Windows Per Legend-Typ
107 Construct New Steps
108 Demolish Existing Steps
109 Construct New Gas Fireplace
110 Demolish Existing Chimney
111 Demolish Existing Deck

Area Calculations:

Description	Existing	Removed	Added	Net Added	Total
Living Area:	919 SF	-139 SF	+0 SF	+0 SF	780 SF
Deck Area:	1,525 SF	-179 SF	+0 SF	-179 SF	1,346 SF

Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- New Walls
- Existing Living Area to be Removed
- Existing Deck Area to be Removed
- New Deck

Proposed Upper Floor Plan

City Submittal

Revisions
1. 17 June 2013
2. 12 August 2013
3. 5 September 2013
4. 31 January 2014

Lagunita Residence
111 Lagunita Drive
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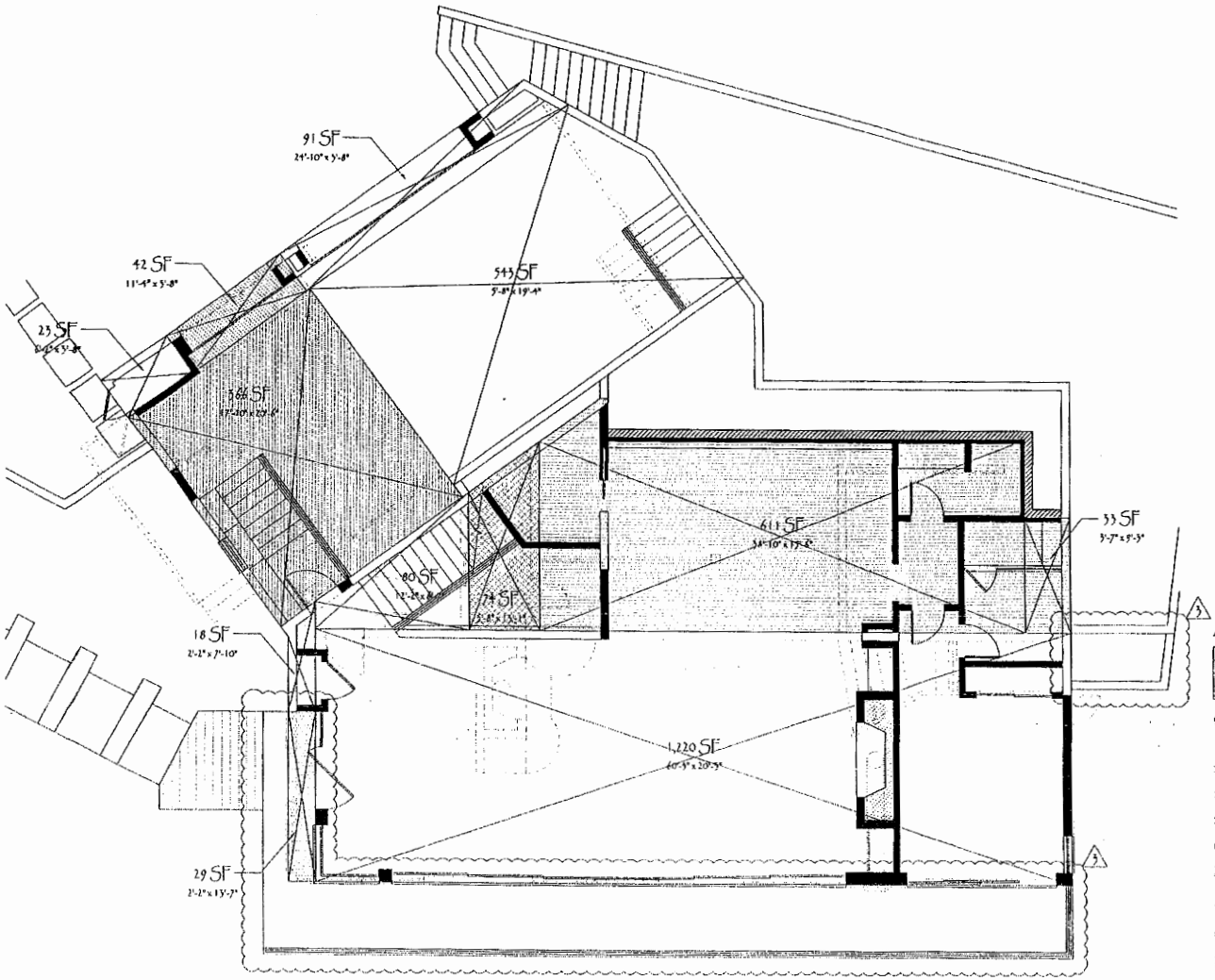
Date: 5 September 2013
Scale: 1/4" = 1'-0"
Format: AutoCAD 2010
Sheet #: A-5.2

COASTAL COMMISSION

EXHIBIT # 4
PAGE 19 OF 36



Area Calculations:

Description	Existing	Removed	Added	Net Added	Total
Living Area	1,713 SF	-385 SF	+714 SF	+329 SF	2,033 SF
Garage Area	635 SF	0 SF	+508 SF	+508 SF	1,043 SF
Storage Area	154 SF	-114 SF	+0 SF	-116 SF	22 SF

Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- New Retaining Walls
- New Walls
- Existing Living Area to be Removed
- Existing Crawl Space Area Converted to Living Area
- Existing Living Area Converted to Garage Area
- Existing Storage Area Converted to Garage Area
- Existing Storage Area Converted to Living Area

Lower Floor Area Calculations

City Submittal

Revisions
1. 17 June 2013
2. 9 September 2013

Lagunita Residence
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Drawn By: HN
Date: 9 September 2013
Scale: 1/4"=1'-0"
Format: Arch D 24x36
Sheet #: A-6.0

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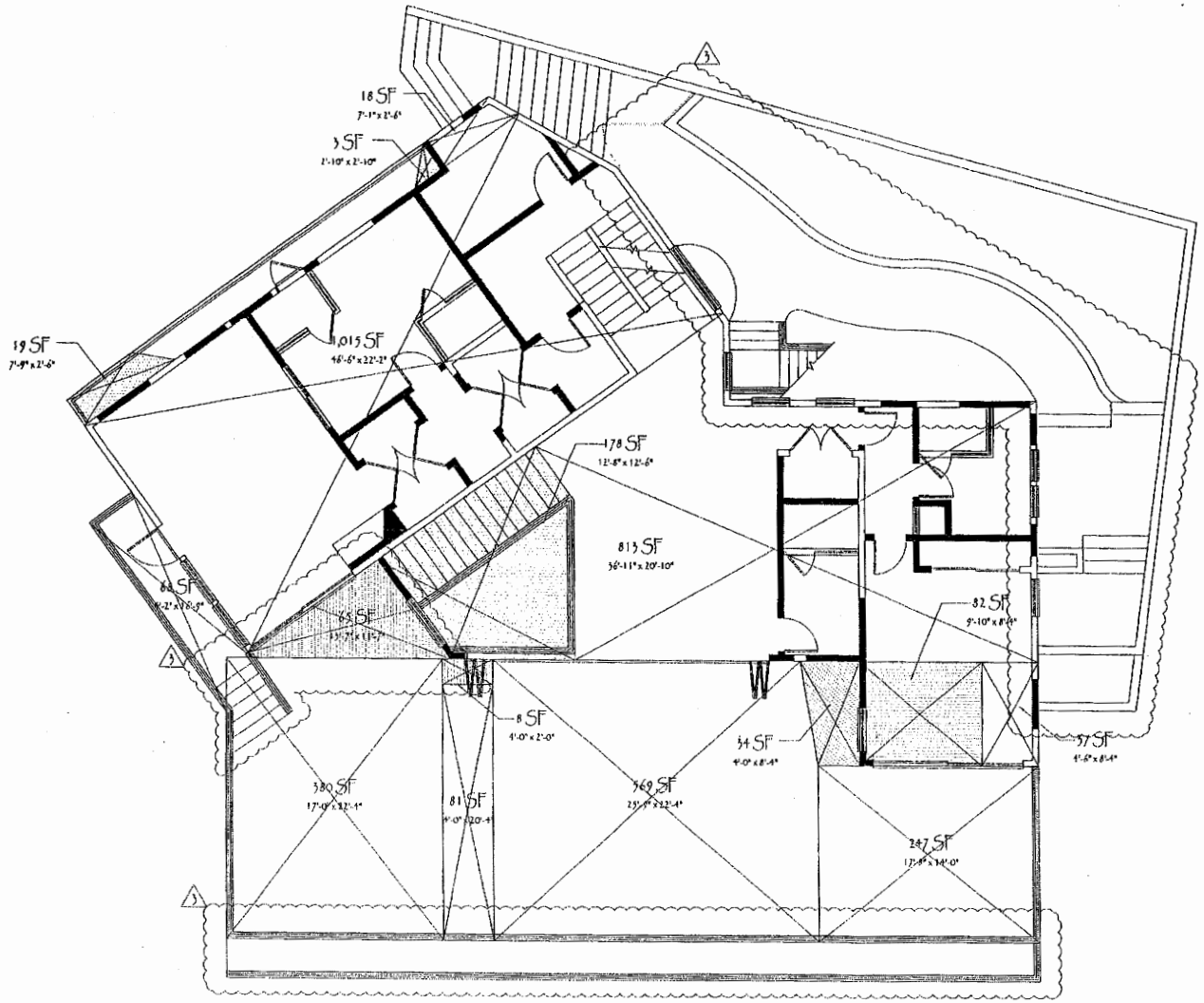

Area Calculations:

Description	Existing	Removed	Added	Net Added	Total
living Area:	2,136 SF	-275 SF	+82 SF	-193 SF	1,943 SF
Deck Area	1,344 SF	0 SF	+107 SF	+107 SF	1,451 SF

Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- New Walls
- Existing Living Area to be Removed
- New Living Area
- New Deck Area
- Existing Living Area Converted to Deck

Middle Floor Area Calculations

City Submittal

Revisions
1. 17 June 2013
2. 4 September 2013

Lagunita Residence
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Date: 4 September 2013
Scale: 1/4"=1'-0"
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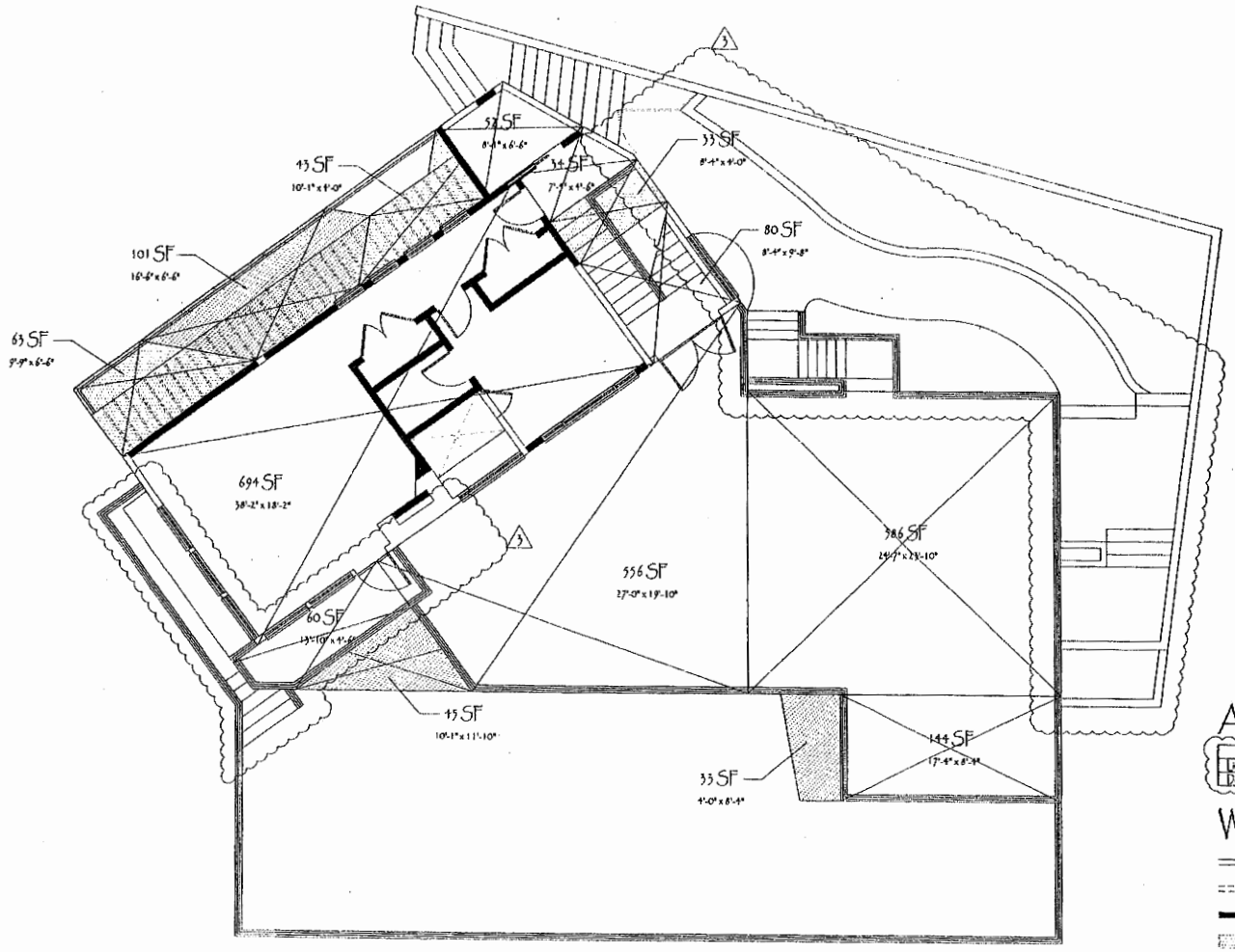
COASTAL COMMISSION

EXHIBIT # 4
PAGE 21 OF 36



Area Calculations:

Description	Existing	Removed	Added	Net Added	Total
Living Area	919 SF	-139 SF	+0 SF	+0 SF	780 SF
Deck Area	1,525 SF	-179 SF	+0 SF	-179 SF	1,346 SF

Wall Legend:

- Existing Walls to Remain
- Existing Wall to be Demolished
- New Walls
- Existing Living Area to be Removed
- Existing Deck Area to be Removed
- New Deck

Upper Floor Area Calculations

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City Submittal

Revisions
1. June 2013
2. August 2013
3. September 2013

Lagunita Residence
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RECORDED ARCHITECT
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Date: 3 September 2013
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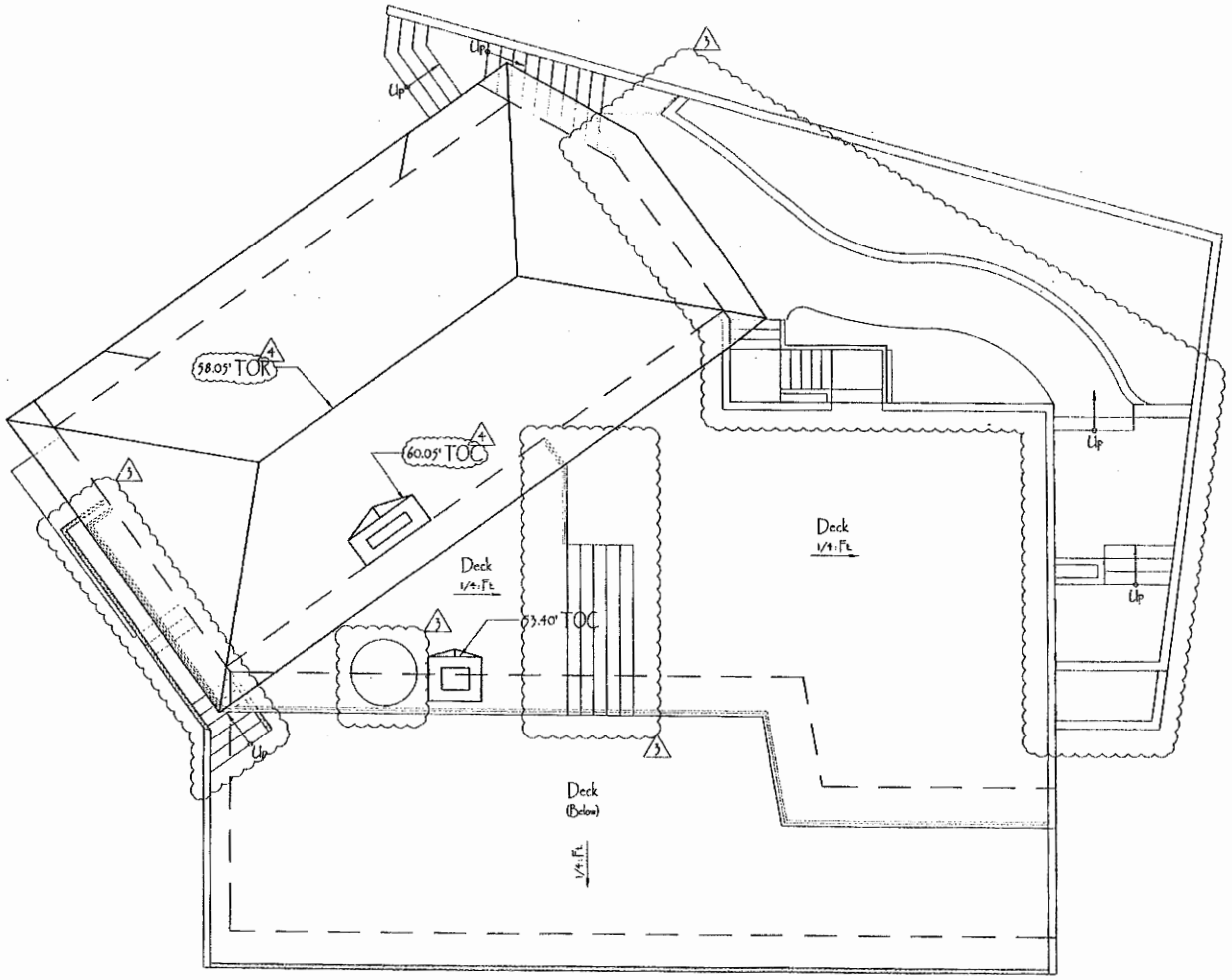
Sheet #: A-6.2

COASTAL COMMISSION

EXHIBIT # 4
PAGE 22 OF 36



Existing Roof Plan

Revisions
4 September 2013
21 January 2014

Lagunita Residence
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Date: (September 2013)
Scale: 1/4" = 1'-0"
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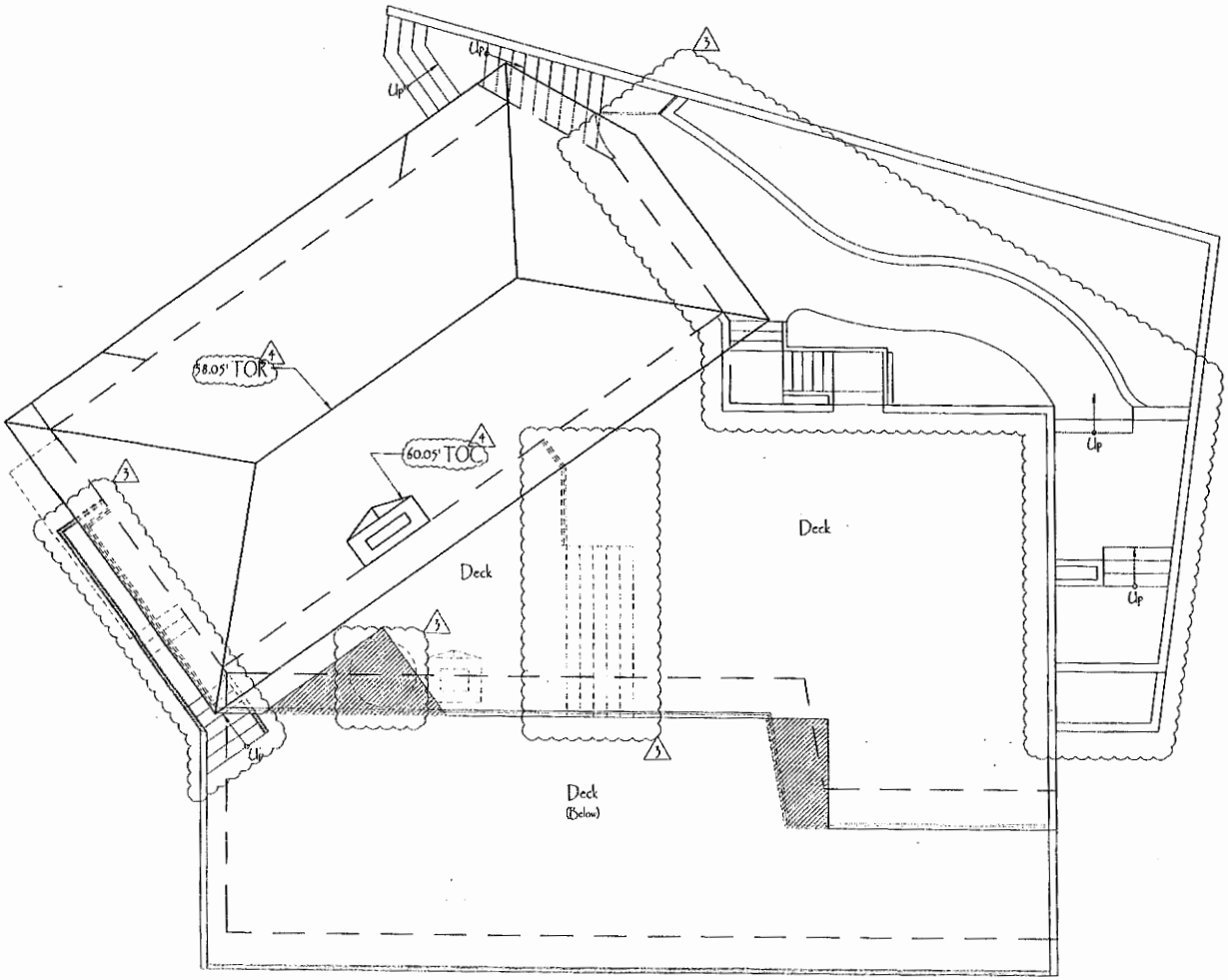
Sheet #: A-7.0

COASTAL COMMISSION

EXHIBIT # 4
PAGE 23 OF 36



Living Area Calculation:

Existing Living Area	4,281 SqFt
Existing Living to be Demolished	-407 SqFt
Existing Living Area to Remain	3,980 SqFt
Percent of Demolition	16.9 %

Roof Area Calculation:

Existing Roof Area	3,776 SqFt
Existing Roof to be Demolished	-78 SqFt
Existing Roof Area to Remain	3,698 SqFt
Percent of Demolition	2.1 %

Total Area Calculation:

Existing Living + Roof Area	8,361 SqFt
Existing Living + Roof to be Demolished	-485 SqFt
Existing Living + Roof Area to Remain	7,878 SqFt
Percent of Demolition	10.3 %

Wall Legend:

Existing Deck Area to be Removed

Demo Roof Plan

City Submittal

Revisions

1	12 August 2013
2	4 September 2013
3	22 January 2014

Lagunita Residence
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Date: 4 September 2013
Scale: 1/4"=1'-0"
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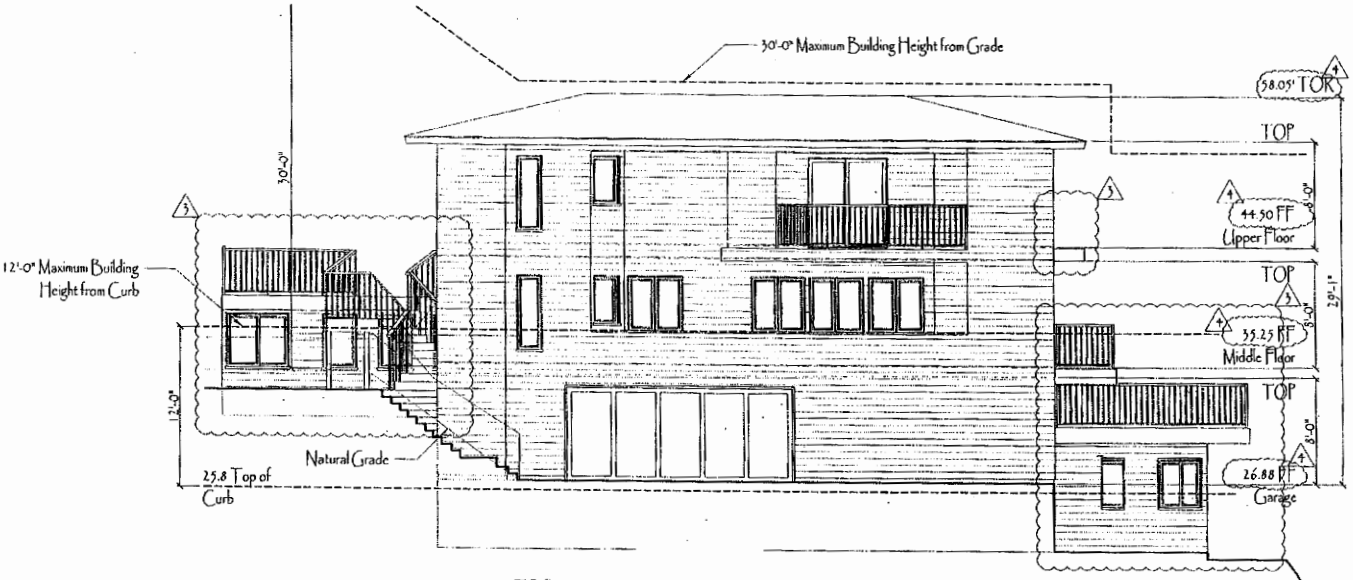
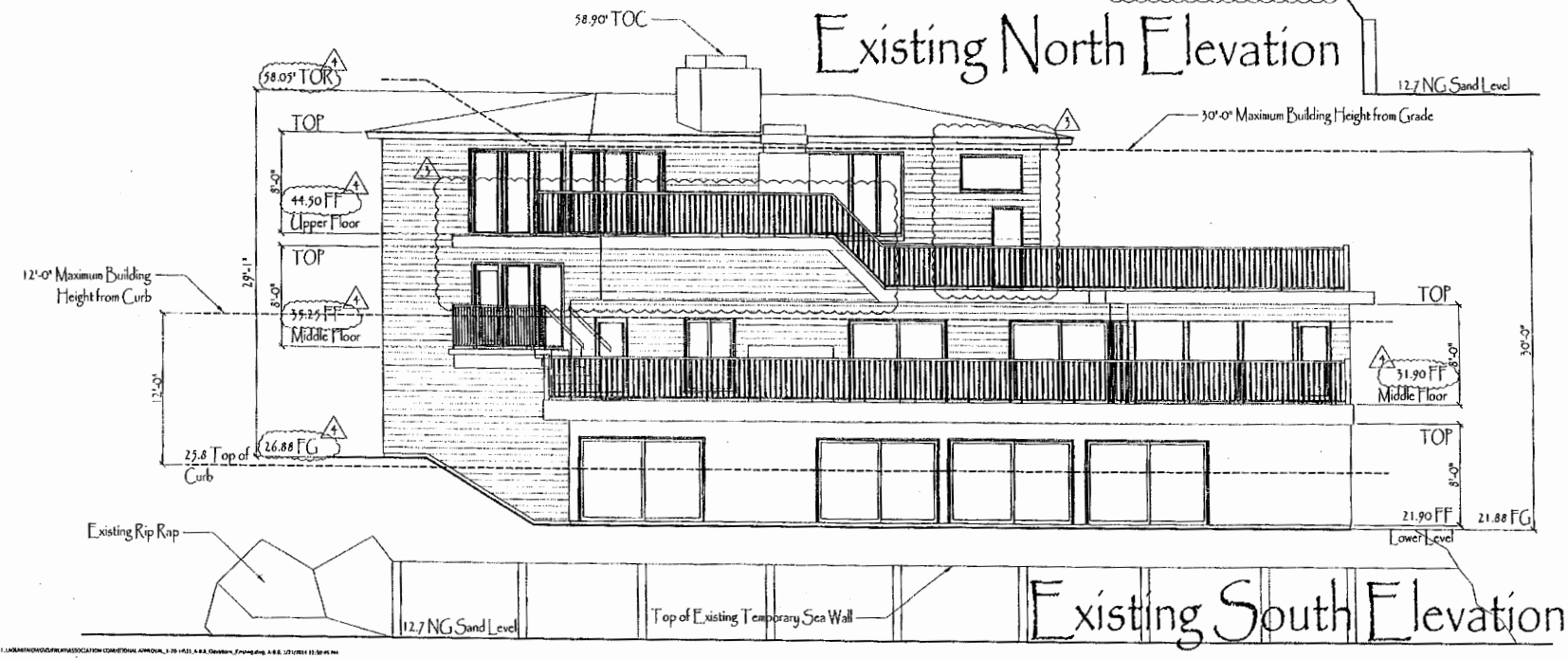


Existing North Elevation



Existing South Elevation

City Submittal
Revisions
1 August 2013
4 September 2013
21 January 2014

Lagunita Residence
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ARCHITECT
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Drawn By: HN
Date: 4 September 2013
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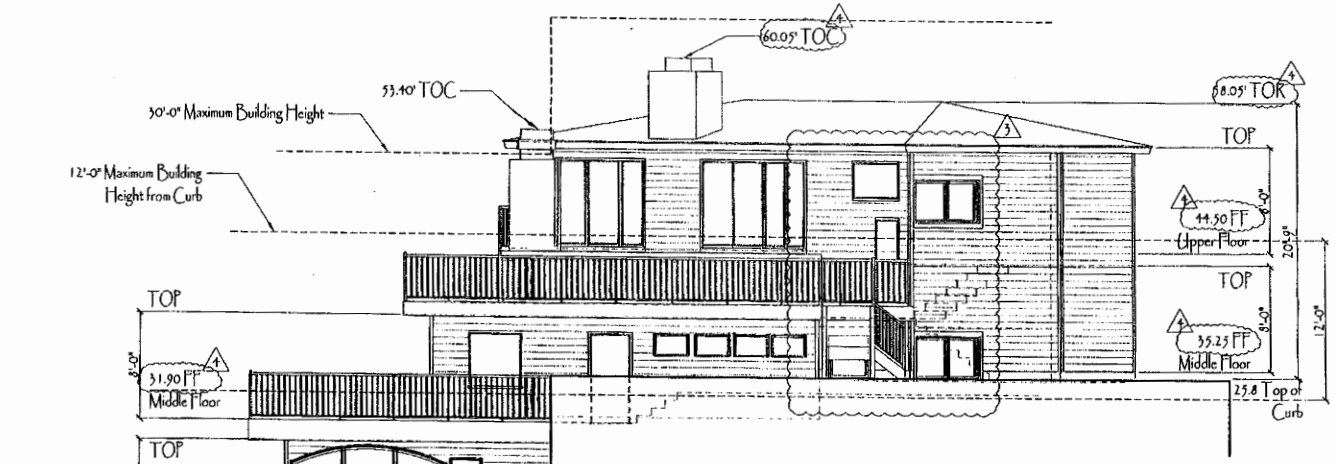
COASTAL COMMISSION

EXHIBIT # 4
PAGE 25 OF 36



Existing East Elevation

Existing West Elevation

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City Submittal
Revisions
12 August 2013
9 September 2013
21 January 2014

Lagunita Residence
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Date: 9 September 2013
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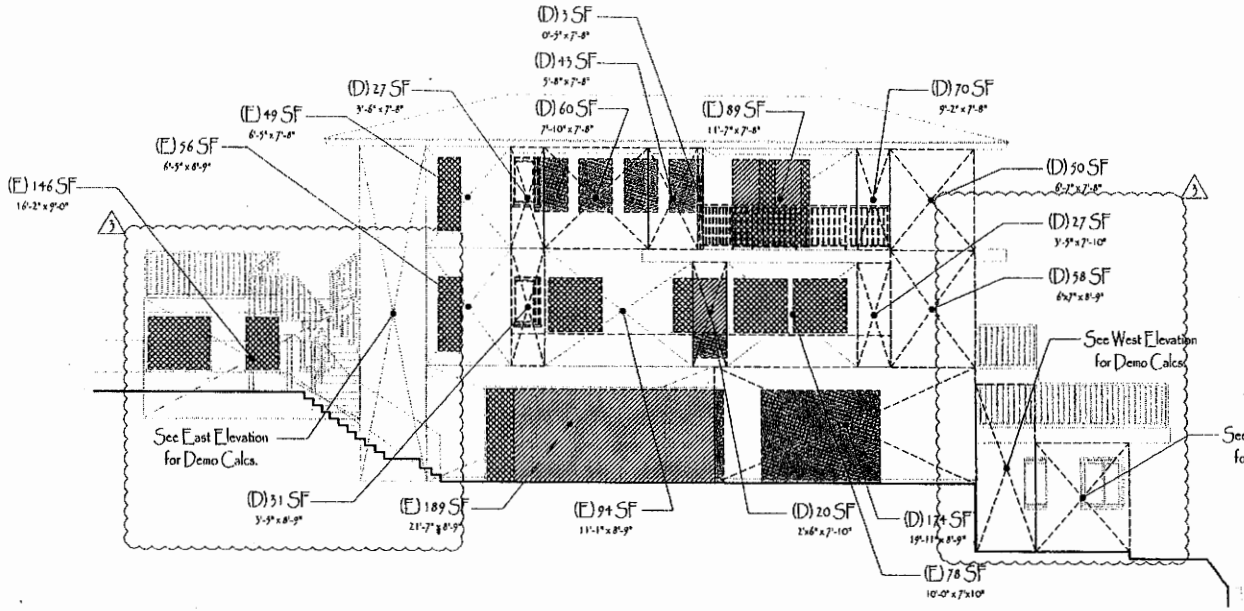
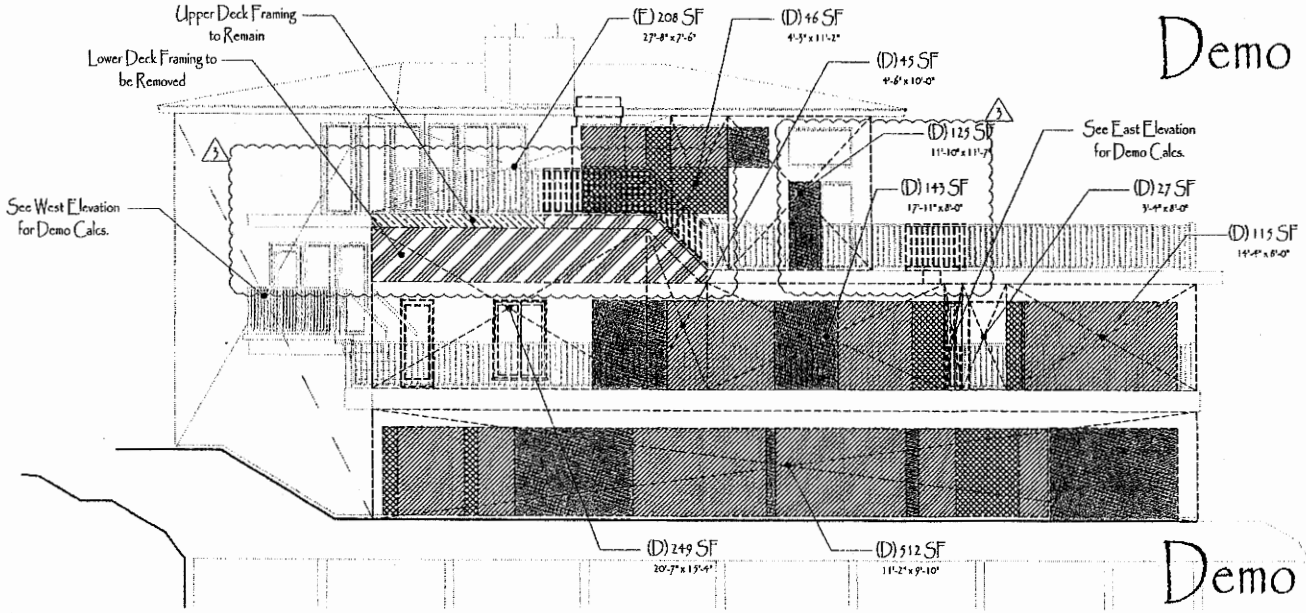
COASTAL COMMISSION

EXHIBIT # 4
PAGE 24 OF 36



Demo North Elevation

North Elevation Area:	SqFt
Existing Wall Area	1,264 SqFt
Existing Wall Area to be Demolished (D)	563 SqFt
Existing Wall Area to Remain (E)	701 SqFt
Percent of Demolition	42.4 %



Demo South Elevation

South Elevation Area:	SqFt
Existing Wall Area	1,470 SqFt
Existing Wall Area to be Demolished (D)	1,262 SqFt
Existing Wall Area to Remain (E)	208 SqFt
Percent of Demolition	85.9 %

Legend:

- Existing Window/Door to be Replaced
- Existing Window/Door to be Filled
- New Window/Door
- Existing Area to be Demolished (D)
- Existing Area to Remain (E)

City Submittal

Revisions

1. 12 June 2013
2. 11 August 2013
3. 4 September 2013

Lagunita Residence
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Drawn By: HN
Date: 4 September 2013
Scale: 1/4" = 1'-0"
Format: AutoCAD 2009
Sheet #: A-9.0

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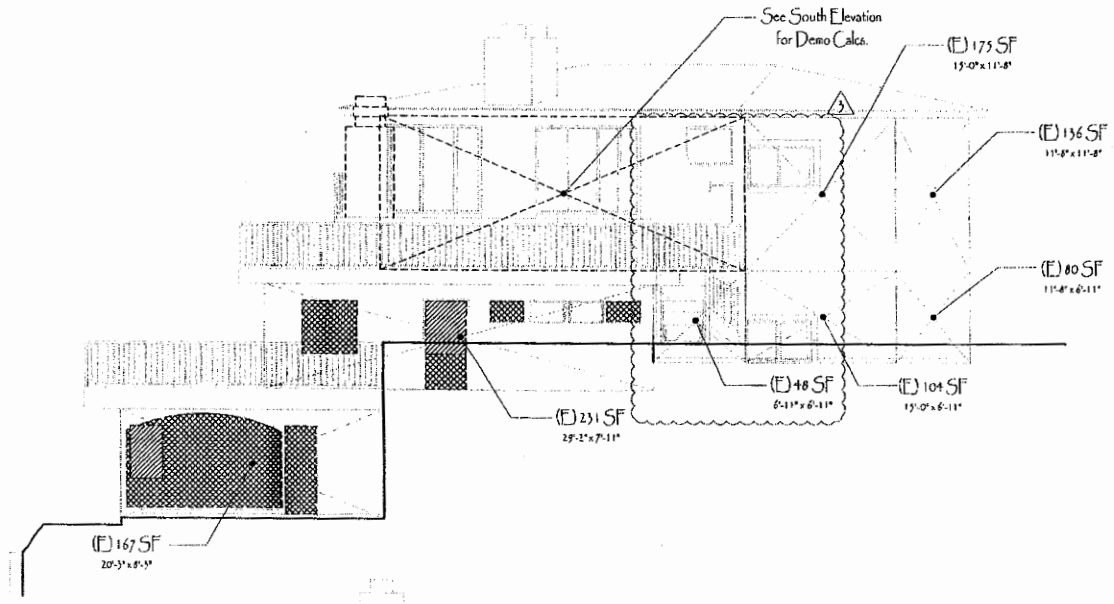
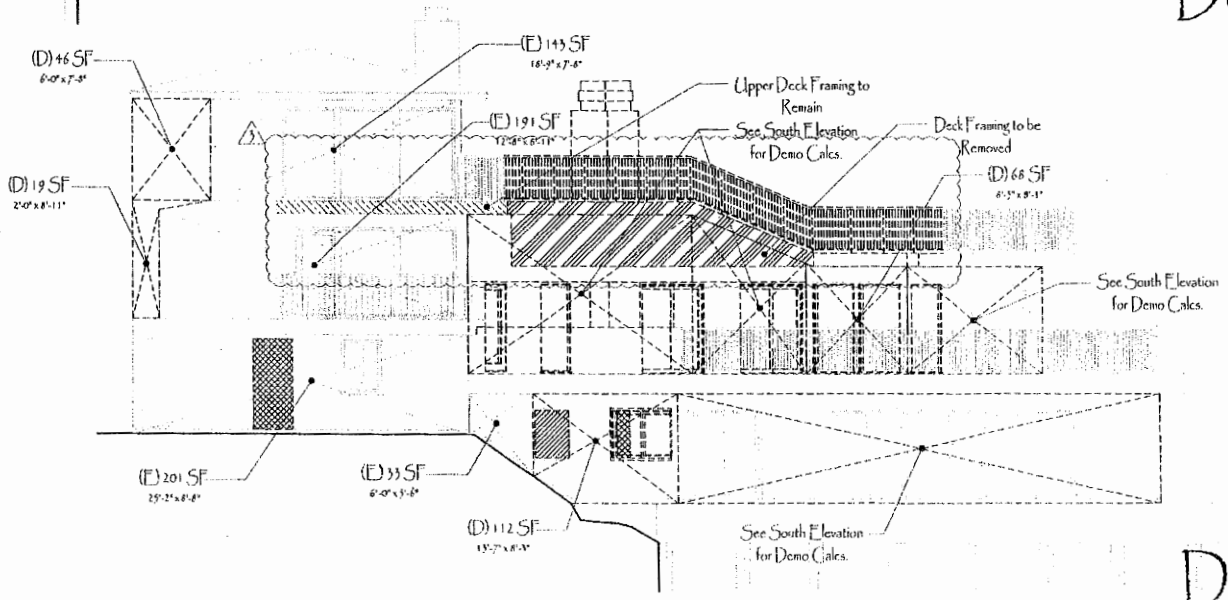
COASTAL COMMISSION

EXHIBIT # 4
PAGE 27 OF 36



Demo East Elevation

East Elevation Area:	SqFt
Existing Wall Area	941 SqFt
Existing Wall Area to be Demolished (D)	0 SqFt
Existing Wall Area to Remain (E)	941 SqFt
Percent of Demolition	0.0 %



Demo West Elevation

West Elevation Area:	SqFt
Existing Wall Area	813 SqFt
Existing Wall Area to be Demolished (D)	245 SqFt
Existing Wall Area to Remain (E)	568 SqFt
Percent of Demolition	30.1 %

Legend:

- Existing Window/Door to be Replaced
- Existing Window/Door to be Filled
- New Window/Door
- Existing Area to be Demolished (D)
- Existing Area to Remain (E)

Revisions

Lagunita Residence
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Drawn By: HN
Date: September 2013
Scale: 1/4"=1'-0"
Format: Arch D Size
Sheet #: A-9.1

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COASTAL COMMISSION

EXHIBIT # 4
PAGE 28 OF 36

North Elevation Area:	SqFt
Existing Wall Area	1,269 SqFt
Existing Wall Area to be Demolished (D)	563 SqFt
Existing Wall Area to Remain (E)	701 SqFt
Percent of Demolition	42.4 %

South Elevation Area:	SqFt
Existing Wall Area	1,470 SqFt
Existing Wall Area to be Demolished (D)	1,262 SqFt
Existing Wall Area to Remain (E)	208 SqFt
Percent of Demolition	85.9 %

East Elevation Area:	SqFt
Existing Wall Area	941 SqFt
Existing Wall Area to be Demolished (D)	0 SqFt
Existing Wall Area to Remain (E)	941 SqFt
Percent of Demolition	0.0 %

West Elevation Area:	SqFt
Existing Wall Area	813 SqFt
Existing Wall Area to be Demolished (D)	245 SqFt
Existing Wall Area to Remain (E)	568 SqFt
Percent of Demolition	30.1 %

Total Elevation Area:	SqFt
Existing Wall Area	4,488 SqFt
Existing Wall Area to be Demolished	2,070 SqFt
Existing Wall Area to Remain	2,418 SqFt
Total Percent of Demolition	46.12 %

Demo Elevation Calculations

City Submittal

Revisions

12 June 2013

13 August 2013

Lagunita Residence

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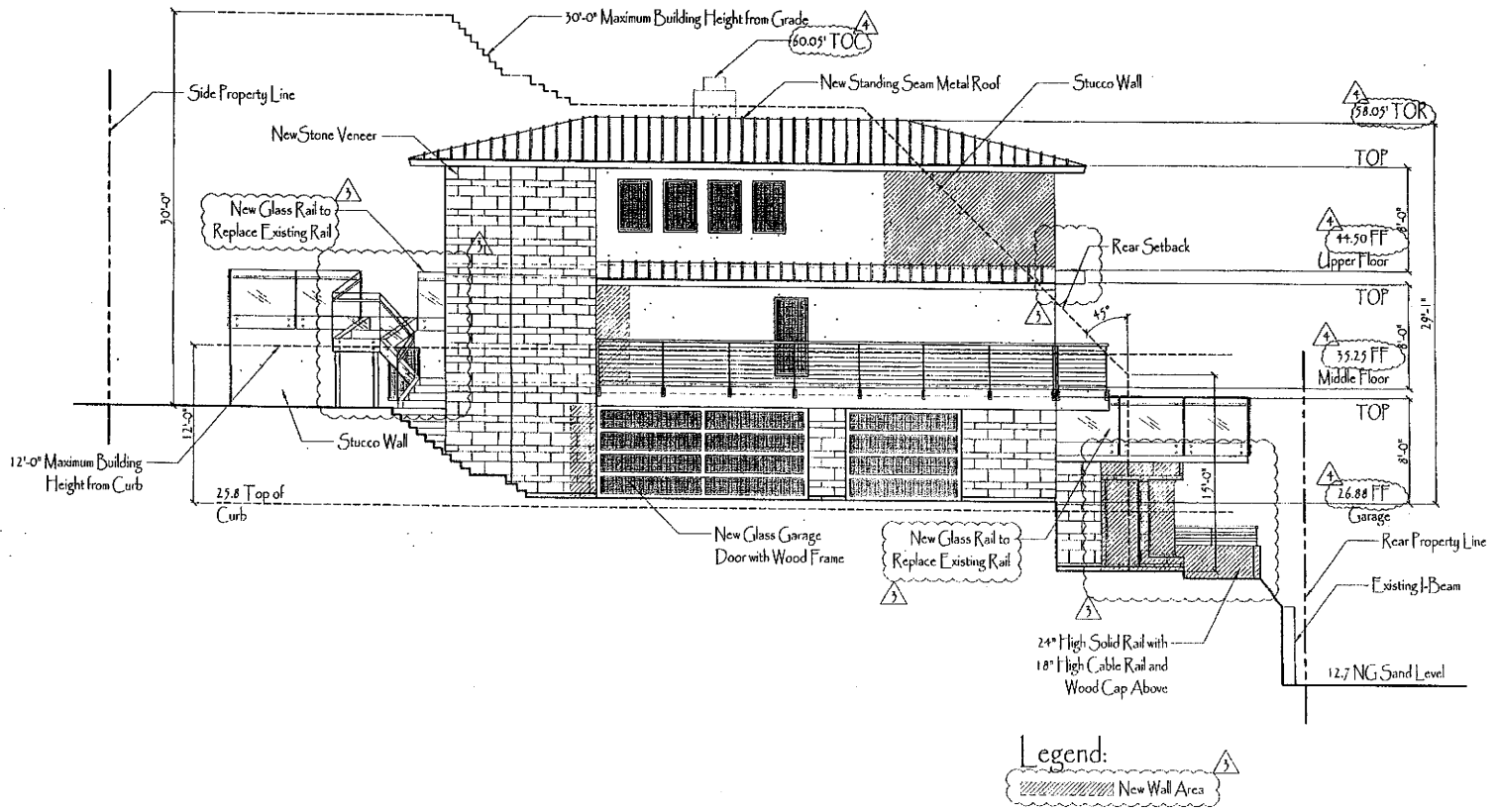
Drawn By: HN

Date: 13 August 2013

Scale: N.T.S.

Format: AutoCAD 2007

Sheet #: A-9.2



Proposed North Elevation

City Submittal

Revisions
17 June 2013
13 August 2013
9 September 2013
31 January 2014

Lagunita Residence
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Drawn By: HN
Date: 9 September 2013
Scale: 1/4"=1'-0"
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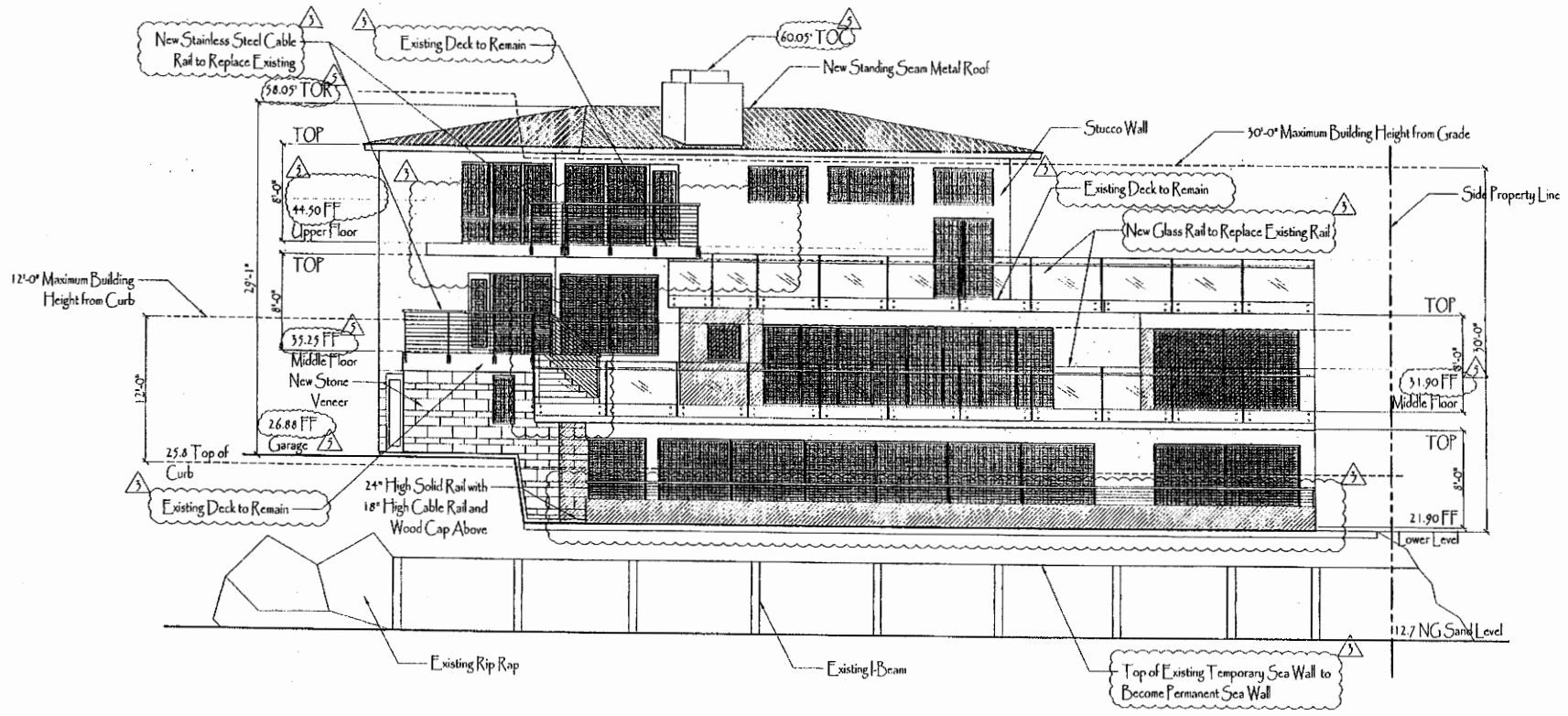
Sheet #: A-10.0

COASTAL COMMISSION

EXHIBIT # 4
PAGE 30 OF 36



Legend:

3 New Wall Area

Proposed South Elevation

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City Submittal

Revisions

1 7 June 2013
2 5 September 2013
3 18 November 2013
4 21 January 2014

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES F. CONRAD No. C-28614 STATE OF CALIFORNIA

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Date: 18 November 2013
Scale: 1/4" = 1'-0"
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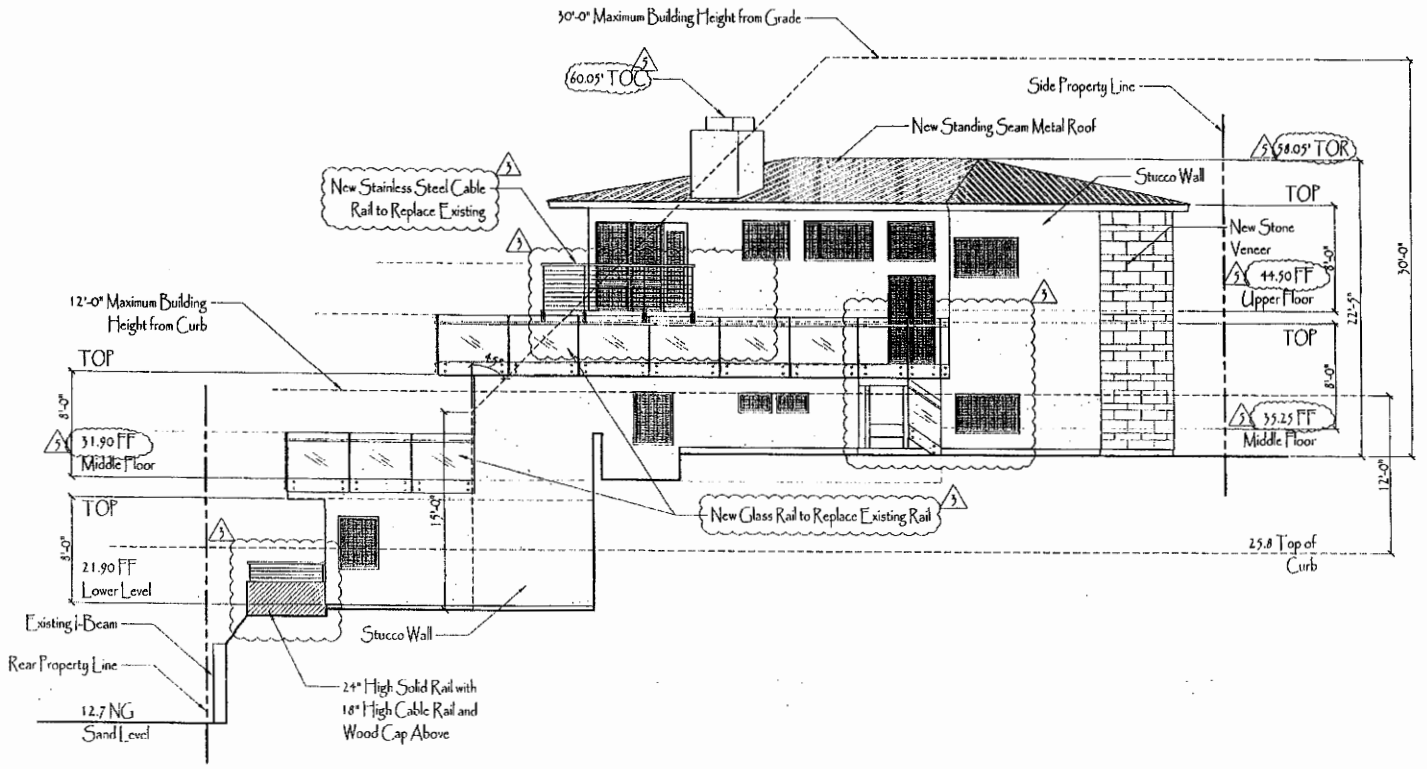
Sheet #: A-10.1

COASTAL COMMISSION

EXHIBIT # 4
PAGE 31 OF 36



Legend:

New Wall Area

Proposed East Elevation

Revisions
17 June 2013
12 August 2013
9 September 2013
26 November 2013
21 January 2014

Lagunita Residence
11 Laguna Dive
Laguna Beach CA 92651

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Drawn By
HN
Date: 26 November 2013
Scale: 1/4"=1'-0"
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Sheet # A-10.2

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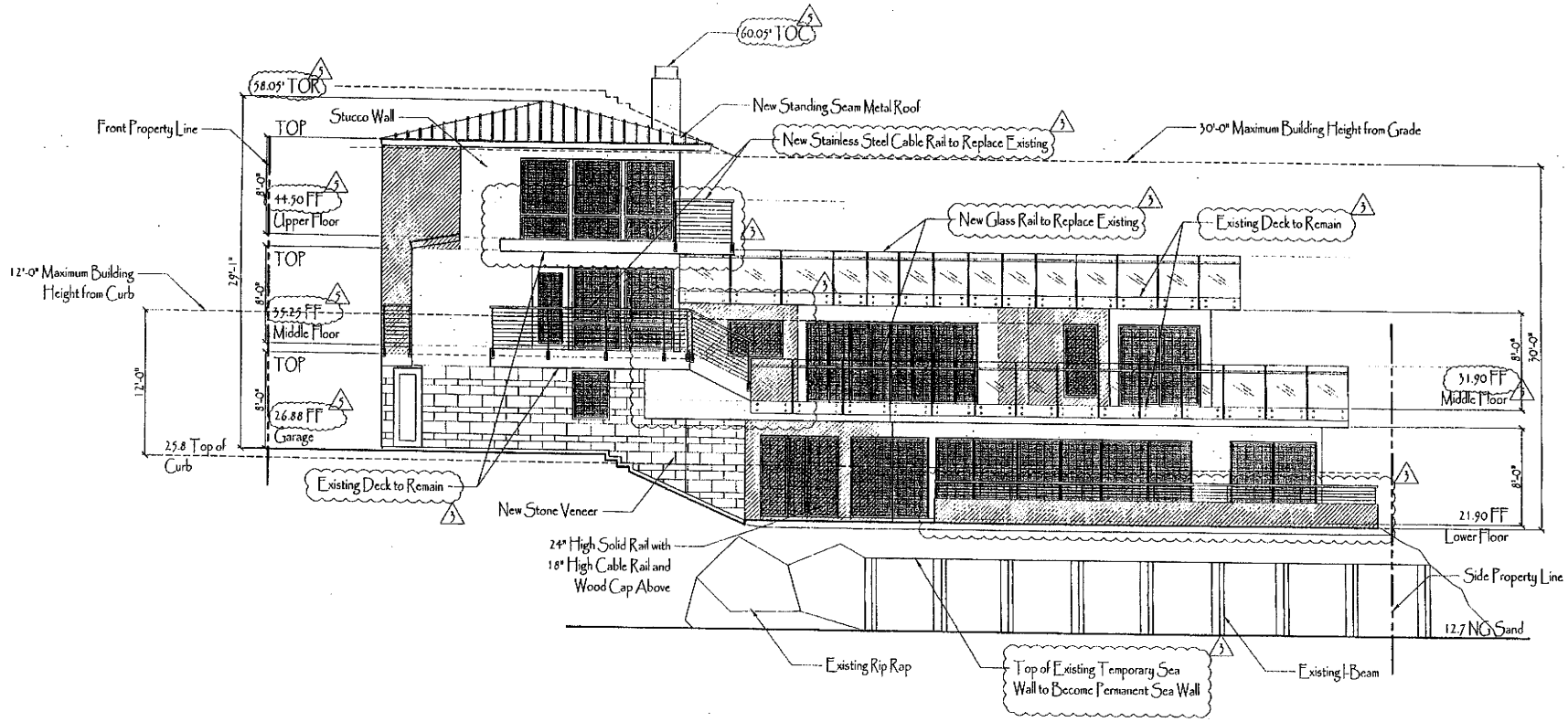
COASTAL COMMISSION

EXHIBIT # 4

PAGE 32 OF 36



Legend:

New Wall Area

Proposed West Elevation

C:\Users\Hieu Nguyen\Dropbox\11_LAGUNITA\DWG\CURRENT\ASSOCIATION CONDITIONAL APPROVAL_1-20-14\11_A-10.3_Elevations_Proposed.dwg, 1/21/2014 4:05:36 PM

City Submittal

Revisions

1	13 June 2013
2	4 September 2013
3	14 November 2013
4	21 January 2014

Lagunita Residence
111 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES E. CONRAD C19888 Exp. 2-29-14 STATE OF CALIFORNIA

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Date: 14 November 2013
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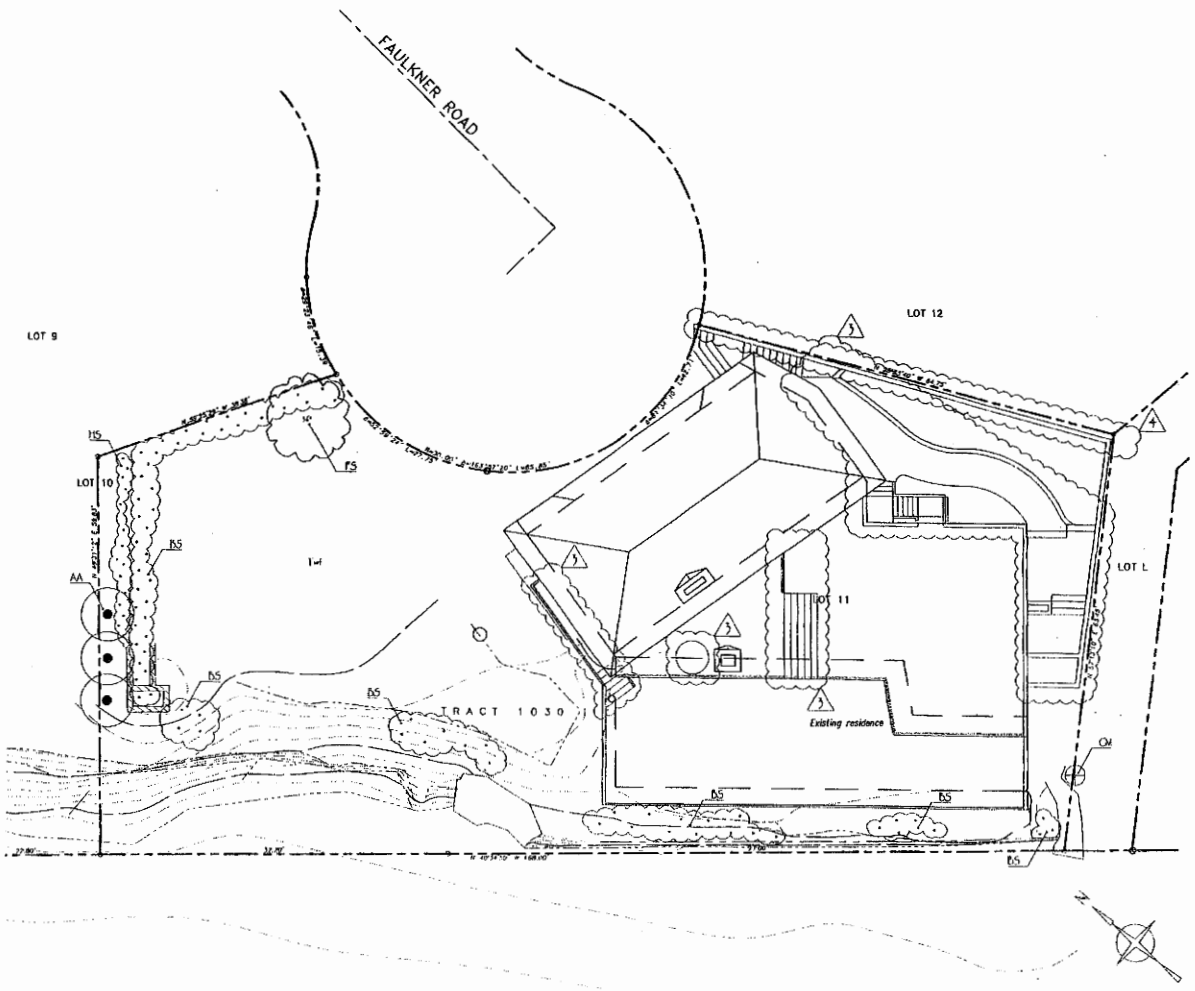
COASTAL COMMISSION

EXHIBIT # 4
PAGE 33 OF 36



Legend of Plants				
Trees				
Sym	Botanical Name	Common Name	Height	Width
FS	Ficus Sp.	Ficus Tree	15'	15'
Shrubs				
AA	Agave attenuata	Fox Tail Agave	4'	4'
CM	Correa mannicana	Natal Plum	3'	3'
HS	Hibiscus Sp.	Hibiscus	6'	5'
Vines				
BS	Bougainvillea Sp.	Bougainvillea		

Existing Planting Plan

City Submittal Revisions
17 June 2013
9 September 2013
18 November 2013

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Drawn By: HN
Date: 18 November 2013
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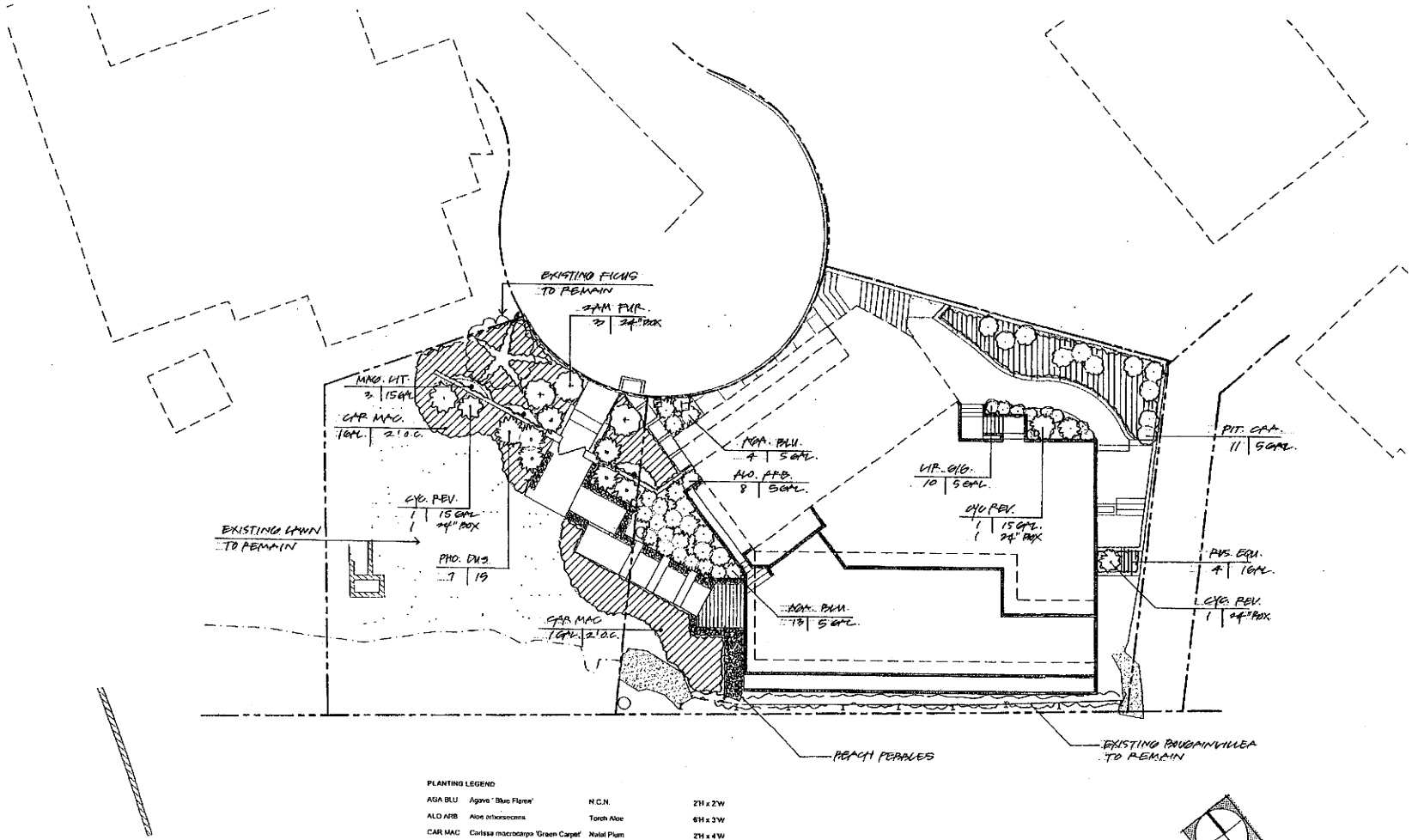
Sheet #: L-1.0

COASTAL COMMISSION

EXHIBIT # 4
PAGE 34 OF 36



PLANTING LEGEND

AGA BLU	Agave 'Blue Flame'	N.C.N.	2'H x 2'W
ALO ARB	Aloe arborescens	Torch Aloe	6'H x 3'W
CAR MAC	Carissa macrocarpa 'Green Carpet'	Natal Plum	2'H x 4'W
CYC REV	Cycas revoluta	Sago Palm	5'H x 4'W
LIR GIG	Liriope gigantea	Lily Turf	2'H x 2'W
MAG LIT	Magnolia 'Little Gem'	Little Gem Magnolia (Espalier)	6'H x 5'W
PHO DUS	Phormium 'Dusky Chief'	New Zealand Flax	4'H x 4'W
PIT CRA	Pittosporum crassifolium 'Nana'	N.C.N.	3'H x 3'W
RUS EQU	Russelia equisetiformis	Fire Cracker Plant	4'H x 4'W
ZAM FUR	Zamia furfuracea	Cardboard Palm	3'H x 4'W

Proposed Landscape Plan

City Submittal

Revisions

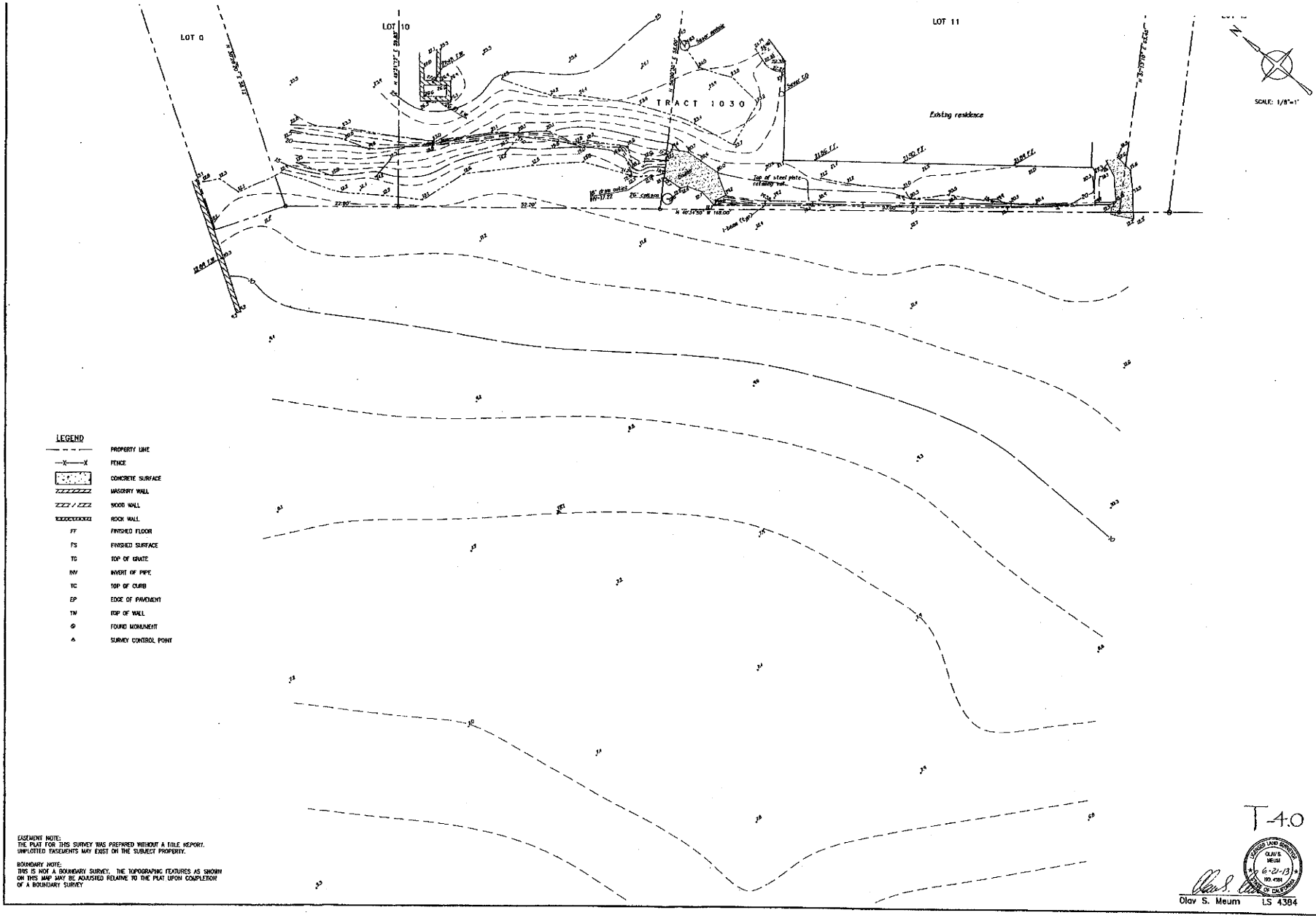
STUDIO
LANDSCAPE ARCHITECTURE STUDIO
1506 s. coast highway
laguna beach,ca 92651
949 / 494 - 6044
Fax 949 / 494 - 6150
california license 1991

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

Drawn By: LPS
Date: 11.18.13
Scale: 1/4"=1'-0"
Format:
Sheet #: L-2.0

COASTAL COMMISSION

EXHIBIT # 4
PAGE 35 OF 36



COASTAL COMMISSION

EXHIBIT # 4
PAGE 36 OF 36

87-385802

Recording Requested By And
When Recorded, Mail To:
California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105
Attention: Legal Department

$60 00
C11

RECORDED IN OFFICIAL RECORDS
OF ORANGE COUNTY, CALIFORNIA
10 05 AM JUL -7 '87
Lee A. Branch COUNTY RECORDER

IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT

AND

DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS (hereinafter "offer") is made this 16th day of June, 1987, by Lagunita Community Association (hereinafter referred to as "Grantor").

I. WHEREAS, Grantor is the legal owner of a fee interest of certain real property located in the County of Orange, State of California, and described in the attached Exhibit A (hereinafter referred to as the "Property"); and

II. WHEREAS, all of the Property is located within the coastal zone as defined in Section 30103 of the California Public Resources Code (which code is hereinafter referred to as the "Public Resources Code"); and

III. WHEREAS, the California Coastal Act of 1976 (hereinafter referred to as the "Act") creates the California Coastal Commission (hereinafter referred to as the "Commission") and requires that any coastal development permit approved by the Commission must be consistent with the policies of the Act set forth in Chapter 3 of Division 20 of the Public Resources Code; and

IV. WHEREAS, pursuant to the Act, Grantor applied to the California Coastal Commission for a permit to undertake

development as defined in the Act within the coastal zone of Orange County (hereinafter the "Permit"); and

V. WHEREAS, a coastal development permit (Permit No. 5-83-878) was granted on May 24, 1984, and amended on April 23, 1987 (Permit No. 5-83-878A), by the Commission in accordance with the provision of the Staff Recommendation and Findings, attached hereto as Exhibit B and hereby incorporated by reference, subject to the following condition:

Prior to transmittal of the permit, the Permittee shall record an irrevocable offer for a period of twenty-one (21) years to dedicate a lateral access easement to a public agency or private nonprofit association to allow public passive recreational use of the beach (excluding the construction of permanent structures, fire rings, and the location of portable restrooms) on Lot A owned by Lagunita, as measured from the mean high tide line to the landward boundary of Lot A. The public shall not be allowed to use the beach closer than 15 feet to any structure other than for pass and repass in the event that the rest of the beach is submerged.

This offer shall be of a form and content approved by the Executive Director, shall be recorded free of prior liens and encumbrances (except tax liens) which in the opinion of the Executive Director, could adversely affect the interest being conveyed, and shall run with the land binding future owners.

VI. WHEREAS, the subject property is a parcel located between the first public road and the shoreline; and

VII. WHEREAS, under the policies of Sections 30210 through 30212 of the California Coastal Act of 1976, public access to the shoreline and along the coast is to be maximized, and in all new development projects located between the first public road and the shoreline shall be provided; and

VIII. WHEREAS, the Commission found that but for the imposition of the above conditions, the proposed development could not be found consistent with the public access policies of Section 30210 through 30212 of the California Coastal Act of 1976 and the Local Coastal Program as defined in Public Resources Code Section 30108.6 and that therefore in the absence of such a condition, a permit could not have been granted; and

IX. WHEREAS, it is intended that this Offer is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said Offer, when accepted, shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1.

NOW, THEREFORE, in consideration of the granting of Permit No. 5-83-878A to Grantor by the Commission, the owner hereby offers to dedicate to the People of California an easement in perpetuity for the purposes of public passive recreational use (excluding the construction of permanent structures, fire rings, and the location of portable restrooms) of the beach located on the subject property and as specifically set forth by attached Exhibit C hereby incorporated by reference. The public shall not be allowed to use the beach closer than 15

feet to any structure other than for pass and repass in the event that the rest of the beach is submerged.

1. BENEFIT AND BURDEN. This Offer shall run with and burden the Property and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all successors and assigns. This Offer shall benefit the State of California.

2. DECLARATION OF RESTRICTIONS. This Offer of Dedication shall not be used or construed to allow anyone, prior to acceptance of the Offer, to interfere with any rights of public access acquired through use which may exist on the Property.

3. ADDITIONAL TERMS, CONDITIONS, AND LIMITATIONS. Prior to the opening of the accessway, the Grantee, in consultation with the Grantor, may record additional reasonable terms, conditions, and limitations on the use of the subject property in order to assure that this Offer for public access is effectuated.

4. CONSTRUCTION OF VALIDITY. If any provision of these restrictions is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

5. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this Offer shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee,

whether voluntary or involuntary.

6. TERM. This irrevocable Offer of Dedication shall be binding for a period of 21 years starting from the date of recordation. Upon recordation of an acceptance of this Offer by the Grantee, this Offer and terms, conditions, and restrictions shall have the effect of a grant of access easement in gross and perpetuity that shall run with the land and be binding on the parties, heirs, assigns, and successors. The People of the State of California shall accept this offer through the local government in whose jurisdiction the subject property lies, or through a public agency or a private association acceptable to the Executive Director of the Commission or its successor in interest.

Acceptance of the Offer is subject to a covenant which runs with the land, providing that any offeree to accept the easement may not abandon it but must instead offer the easement to other public agencies or private associations acceptable to the Executive Director of the Commission for the duration of the term of the original Offer to Dedicate.

Executed on this 16th day of June, at Laguna Beach, California.

Signed: _____
Lawrence D. Miller, Vice President
Lagunita Community Association

Signed: _____
Dotte Coffyn, Secretary
Lagunita Community Association

87-385802

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On June 16, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared Bette Coffyn and Lawrence Miller, personally known to me, or proved to me on the basis of satisfactory evidence, to be the persons who executed the within instrument as Secretary and Vice President on behalf of Lagunita Community Association, the nonprofit corporation therein named, and acknowledged to me that such nonprofit corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

WITNESS my hand and official seal.

OFFICIAL SEAL
RUTH SMITH
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My comm. expires JAN 21, 1989

Ruth Smith
Notary Public in and for said State and County

(SEAL)

COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 23

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This is to certify that the Offer to Dedicate set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to the action of the Commission when it granted Coastal Development and amended it on April 23, 1987, (5-83-878A) Permit No. 5-83-878 on May 24, 1984, and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: June 18, 1987

John Bowers

John Bowers, Staff Counsel
California Coastal Commission

STATE OF CALIFORNIA)
) ss.
COUNTY OF San Francisco)

On June 18, 1987, before me Robbin Anne Schaff Klingsberg Notary Public, personally appeared John Bowers, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as the Staff Counsel TITLE an authorized representative of the California Coastal Commission and acknowledged to me that the California Coastal Commission executed it.

OFFICIAL SEAL
Robbin Anne Schaff Klingsberg
NOTARY PUBLIC - CALIFORNIA
SANTA CRUZ COUNTY
My Comm Expires Oct 9, 1989

Robbin Anne Schaff Klingsberg
NOTARY PUBLIC IN AND FOR
SAID STATE AND COUNTY

EXHIBIT "A" 87-385802

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA

DESCRIPTION:

PARCEL 1:

LOT A OF TRACT NO. 1017, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PE MAP RECORDED IN BOOK 33, PAGES 26, 27 AND 28 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

LOTS E AND Q, OF TRACT NO. 1030, IN THE COUNTY OF ORANGE, STATE OF CALIFORNI AS PER MAP RECORDED IN BOOK 33, PAGE 39 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3:

THAT PORTION OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 31 TOWNSHIP 7 SOUTH, RANGE 8 WEST OF THE SAN BERNARDINO MERIDIAN, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, BEING A STRIP OF LAND 20.00 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT DISTANT NORTH 46 DEGREES 10 MINUTES 00 SECONDS EAST 60.1 FEET AND SOUTH 40 DEGREES 18 MINUTES 00 SECONDS EAST 10.02 FEET FROM THE MOST EASTERLY CORNER OF LOT 64 OF TRACT NO. 1017 AS PER MAP RECORDED IN BOOK 33, PAGES 26 THROUGH 28 OF MISCELLANEOUS MAPS; THENCE SOUTH 46 DEGREES 10 MINUTES 00 SECONDS WEST 574.60 FEET; THENCE SOUTH 49 DEGREES 58 MINUTES 40 SECONDS WEST 84.41 FEET.

EXCEPT THEREFROM THAT PORTION LYING WITHIN LOT 26 OF TRACT NO. 1017, AS PER MAP RECORDED IN BOOK 33, PAGES 26 THROUGH 28 OF MISCELLANEOUS MAPS OF SAID COUNTY.

PARCEL 4:

THAT PORTION OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 31, TOWNSHIP 7 SOUTH, RANGE 8 WEST OF THE SAN BERNARDINO MERIDIAN, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, BOUNDED ON THE SOUTHEAST BY THE NORTHWEST LINE OF PARCEL 1 ABOVE DESCRIBED; BOUNDED NORTHERLY, WESTERLY AND SOUTHWESTERLY BY THE SOUTHERLY, EASTERLY, NORTHERLY BOUNDARIES OF LOTS 28, 29, LETTERED LOT 1 AND LOT 26 OF TRACT NO. 1017, AS PER MAP RECORDED IN BOOK 33, PAGES 26 THROUGH 28 OF MISCELLANEOUS MAPS OF SAID COUNTY.

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STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

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

Filed: 2/27/87
49th Day: 4/11/87
180th Day: 8/20/87
Staff: Gary Timm/sws
Staff Report: 4/09/87
Hearing Date: 4/21-24/87

PERMIT AMENDMENT
STAFF REPORT AND RECOMMENDATION

Application No. 5-83-878A

Applicant: Lagunita Community Association
30598 Pacific Coast Highway
South Laguna, CA 92677

Description: Amend permit to construct an electric entrance gate and guardhouse 75 feet from Pacific Coast Highway at entrance way to private residential community in order to make revisions to special conditions regarding lateral and vertical access

Site: 30598 Pacific Coast Highway
South Laguna, CA Orange County

SUMMARY
Staff recommends approval of the proposed amendment request with revised special conditions regarding lateral and vertical acces .

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STAFF RECOMMENDATION:

Staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development 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, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS: See Attachment X.

III SPECIAL CONDITIONS

This permit is subject to the following special conditions:

1. Lateral Access

Prior to transmittal of the permit, the permittee shall record an irrevocable offer for a period of twenty-one (21) years to dedicate a lateral access easement to a public agency or private nonprofit association to allow public passive recreational use of the beach (excluding the construction of permanent structures, fire rings, and the location of portable restrooms) on Lot A owned by Lagunita, as measured from the mean high tide line to the landward boundary of Lot A. The public shall not be allowed to use the beach closer than 15 feet to any structure other than for pass and repass in the event that the rest of the beach is submerged.

This offer shall be of a form and content approved by the Executive Director, shall be recorded free of prior liens and encumbrances (except tax liens) which in the opinion of the Executive Director, could adversely affect the interest being conveyed, and shall run with the land binding future owners.

2. Vertical Access

Prior to transmittal of the permit, the permittee shall record an irrevocable offer for a period of twenty-one (21) years to dedicate a vertical access easement to a public agency or private nonprofit association to allow the public to pass and repass from along Dumond Drive to the beach. Access shall be allowed during daylight hours 7 days a week.

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This offer shall be of a form and content approved by the Executive Director, shall be recorded free of prior liens and encumbrances (except tax liens) which in the opinion of the Executive Director could adversely affect the interest conveyed, and shall run with the land binding future owners.

The vertical accessway shall be located along two 15-foot wide strips of land (Lots E and Q) owned by Lagunita Community Association along the northern perimeter of the subdivision as generally depicted on Exhibit A. The Association shall be able to relocate and maintain a fence comparable to the existing fence along the property line abutting private lots in Lagunita and said vertical accessway.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description and History. On 5/24/84 the Commission approved a permit to construct an electric entrance gate to the private community 75 feet from Pacific Coast Highway and place a guardhouse near the entrance gate. The Commission approved the development request subject to special conditions which required recorded offers to dedicate lateral access along the 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. The proposed permit amendment is the result of a settlement agreement (subject to the Commission's approval) reached between representatives of the Commission, the Attorney General and the Community Association.

The proposed amendment would make revisions to the lateral and vertical access conditions. As originally approved, the two conditions are stated as follows:

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1. Lateral Access

Prior to issuance of the permit, the permittee shall record an irrevocable offer to dedicate a lateral access easement to a public agency or private nonprofit association to allow public passive recreational use of the beach as measured from the mean high tide line to the toe of the bluff. The public shall not be allowed to use the beach closer than 15 feet to any structure other than for pass and repass in the event that the rest of the beach is submerged.

This offer shall be of a form and content approved by the Executive Director and shall be recorded free of prior liens and encumbrances (except tax liens) which in the opinion of the Executive Director, could adversely affect the interest conveyed, and shall run with the land binding future owners.

2. Vertical Access

Prior to issuance of the permit, the permittee shall record an irrevocable offer to dedicate a vertical access easement to a public agency or private nonprofit association to allow the public to pass and repass from Pacific Coast Highway to the beach. Access shall be allowed during daylight hours 7 days a week.

This offer shall be of a form and content approved by the Executive Director, shall be recorded free of prior liens and encumbrances (except tax liens) which in the opinion of the Executive Director could adverrely affect the interest conveyed, and shall run with the land binding future owners.

The vertical accessway shall be located through the proposed gate and on the streets and walks leading directly to the beach in a straight line, as generally depicted in Exhibit 2. The gate shall be designed to allow public pedestrian passage and may be limited to daylight hours. OR:

If at such time as vertical public access is obtained (via acquisition, donation, dedication or gift) on that portion of the Blue Lagoon property which connects the following described, narrow Lagunita parcel and the beach bordering Blue Lagoon and Lagunita; the applicant may choose to transfer vertical public access from the above walkway to the 20 foot (or less) wide strip of land owned by the Community Association, currently used as a private walkway, and for utilities along the southern

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perimeter of the subdivision as generally depicted on Exhibit 2. The strip narrows at the seaward edge of the subdivision, and access shall be offered for dedication along the entire strip from PCH to the connecting vertical accessway at Blue Lagoon (at such time as this vertical access is provided by the Blue Lagoon Community Association) and hence to the beach. The width of the accessway shall be no less than 10 feet except where the property narrows to approximately 8 feet. Then, the accessway shall be a minimum of 8 feet wide or the entire width of the parcel at that point. The accessway shall again widen to a minimum width of 10 feet extending across the Blue Lagoon driveway to the beach.

As originally approved, the special condition regarding lateral access required a dedication from the mean high tide line to the toe of the bluff with a 15 foot privacy buffer. The amendment will change the area of dedication to include all of lot A which is owned by the Community Association. This is virtually the same easement which was originally required. The reason for the requested revision is because the "toe of the bluff" cuts across several of the residential lots which are privately owned. The Association only has the legal authority to convey Lot A which is essentially the whole beach (see Exhibit A). In addition, the proposed lateral access condition excludes the construction of permanent structures, fire rings, and the location of portable restrooms.

The vertical access condition originally approved by the Commission granted the Community Association two alternative accessways to choose from. The first alternative would provide an accessway directly through the center of the Association's property while the second would provide an accessway at the southern edge of the community where Laguna borders Blue Lagoon private community.

The proposed amendment will change the vertical access easement 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 in the City of Laguna Beach, which provides access to Victoria Beach. This alternative is proposed because the vertical accessways required by the permit are located along a stretch of Coast Highway where no parking is permitted on either side and where no pedestrian crosswalks are located nearby.

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B. New Development/Access

Sections 30210 and 30211 of the Coastal Act state:

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.

In addition, Section 30212 of the Coastal Act provides that public access be provided in new development projects with limited exceptions:

Section 30212 (a & b)

(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 accessway 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 accessway.

(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.

In approving the permit, the Commission found that the proposed project constituted new development and that it would impede public access to the shoreline which has historically been available and, as a result, limit public use of the beach fronting the ocean as well. Construction of the gate and prohibition of vertical access creates a burden on the public's ability to use the area while providing a benefit for the residents of the private community. Therefore, the Commission found it was necessary to balance the benefits and burdens by requiring vertical and lateral access dedications to and along the shoreline as special conditions of approval.

As mentioned, the proposed revision to the lateral access condition results in essentially the same area of beach being dedicated as originally required. The proposed amendment to the vertical access condition, however, will result in the vertical easement's relocation from the south or central sections of the Community to the northern edge near Dumond Drive and the City of Laguna Beach. Although this easement is immediately adjacent to a public street which provides vertical access to Victoria Beach and the Lagunita Beach, there are some benefits to

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widening the accessway at this location. Diamond Drive is very steep and narrow and is quite often very wet and slippery. In addition, pedestrian traffic must share the street with automobiles. The additional 15 feet would permit the construction of a pedestrian stairway or ramp next to the street or the easement could be used to provide bicycle racks or additional parking which would enhance public access to the beach in this area. For these reasons, staff is recommending that the Commission find that the proposed amendment to revise special conditions 1 and 2 regarding lateral and vertical access is consistent with the public acess requirements of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act requires that the Commission find that new development not prejudice the ability of local government to prepare a Local Coastal Program.

Section 30604(a)

(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 South Laguna Segment of Orange County's Local Coastal Program was conditionally certified on August 21, 1984 with suggested modifications. In denying the LCP, the Commission found that too few vertical accessways were proposed and identified several private communities including Lagunita as locations where vertical access should be provided. Because the proposed development does expand or promote vertical and lateral access opportunities, the Commission finds that the proposed development, as conditioned, will not prejudice the county's ability to prepare a certifiable Local Coastal Program consistent with the policies contained in Chapter 3 of the Coastal Act.

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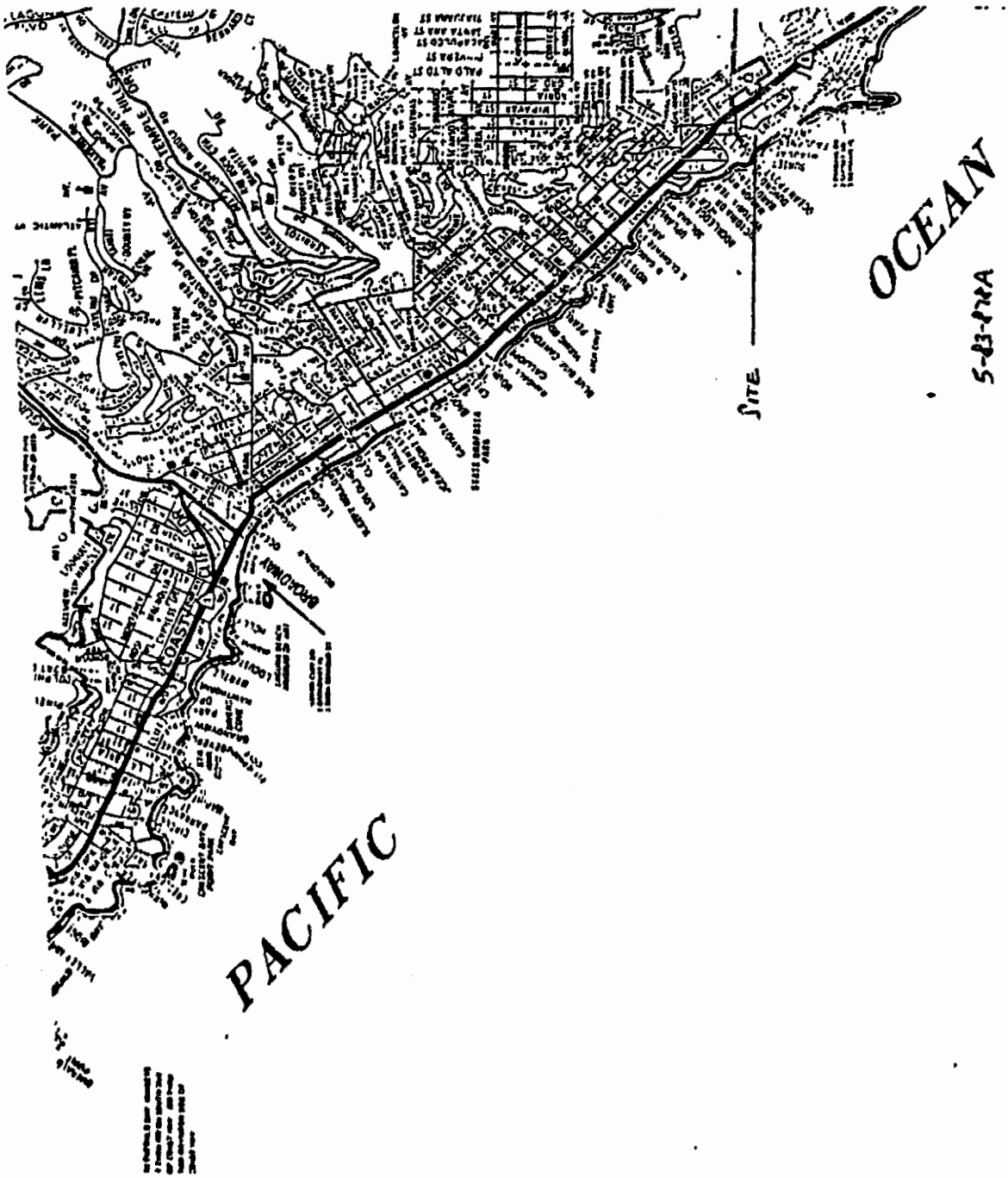
D. Violation

Although development has taken place prior to submission of this permit amendment, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

2615A

87-385802



COASTAL COMMISSION

EXHIBIT # 5

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EXHIBIT A

5-83-212-A

COASTAL COMMISSION

EXHIBIT # 5

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EXHIBIT C

Description of Easement Area

All of Lot A of Tract No. 1017, in the County of Orange, State of California, as per Map recorded in Book 33, Pages 26, 27 and 28 of Miscellaneous Maps, in the Office of the County Recorder of said County, attached hereto and incorporated herein by this reference.

87-385802

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons signing on behalf of a corporation, partnership, trust, etc., please use the correct notary acknowledgment form as explained in your Notary Public Law Book.

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On this 16th day of June, in the year 1987, before me Ruth Smith, a Notary Public, personally appeared Sally Sawyer and Suzanne Miller, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they executed it.

OFFICIAL SEAL
RUTH SMITH
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My comm. expires JAN 21, 1989

Ruth Smith
NOTARY PUBLIC IN AND FOR
SAID STATE AND COUNTY

92-034585

RECORDING REQUESTED BY AND RETURN TO:
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Attention: Legal Division

RECORDED IN OFFICIAL RECORDS
OF ORANGE COUNTY, CALIFORNIA

1:00 PM JAN 21 1992

Lee A. Branch RECORDER

	Titles	$
@$	Ex	Ø
	Add.	$
Pg@$		
	Lien Nt	$
@$		
	Other	$
Total Rec. Fees		$ Ø
D.T.T.		$
PCOR		$
SMF		$
	RDE-2	

CERTIFICATE OF ACCEPTANCE

This is to certify that the City of Laguna Beach hereby accepts the Offer to Dedicate executed by Lagunita Community Association on June 16, 1987, and recorded on July 7, 1987, as Instrument No. 87-385802 in the Official Records of the Office of the Recorder of Orange County.

DATED: 12/13/91

BY: Kenneth Frank

FOR: City of Laguna Beach

STATE OF CALIFORNIA
COUNTY OF Orange

On December 13, 1991, before me, Verna L Rollinger a Notary Public, personally appeared Kenneth Frank personally known to me (or proved to me on the basis of satisfactory evidence) to be the ~~person(s) whose name(s) is/are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(s), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Verna L Rollinger

OFFICIAL SEAL
VERNA L. ROLLINGER
Notary Public-California
ORANGE COUNTY
My Comm. Exp. Aug. 21, 1992

COASTAL COMMISSION

EXHIBIT # 5
PAGE 22 OF 23

ACKNOWLEDGEMENT BY CALIFORNIA COASTAL COMMISSION

This is to certify that the City of Laguna Beach is a public agency/private association acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Offer to Dedicate executed by Lagunita Community Association on June 16, 1987, and recorded on July 7, 1987, in the office of the Recorder of Orange County as Instrument No. 87-385802.

DATED: January 10, 1992

CALIFORNIA COASTAL COMMISSION

John Bowers

John Bowers, Staff Counsel

STATE OF CALIFORNIA

COUNTY OF SAN FRANCIXCO

On January 10, 1992, before me, Deborah L. Bove, a Notary Public, personally appeared John Bowers, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

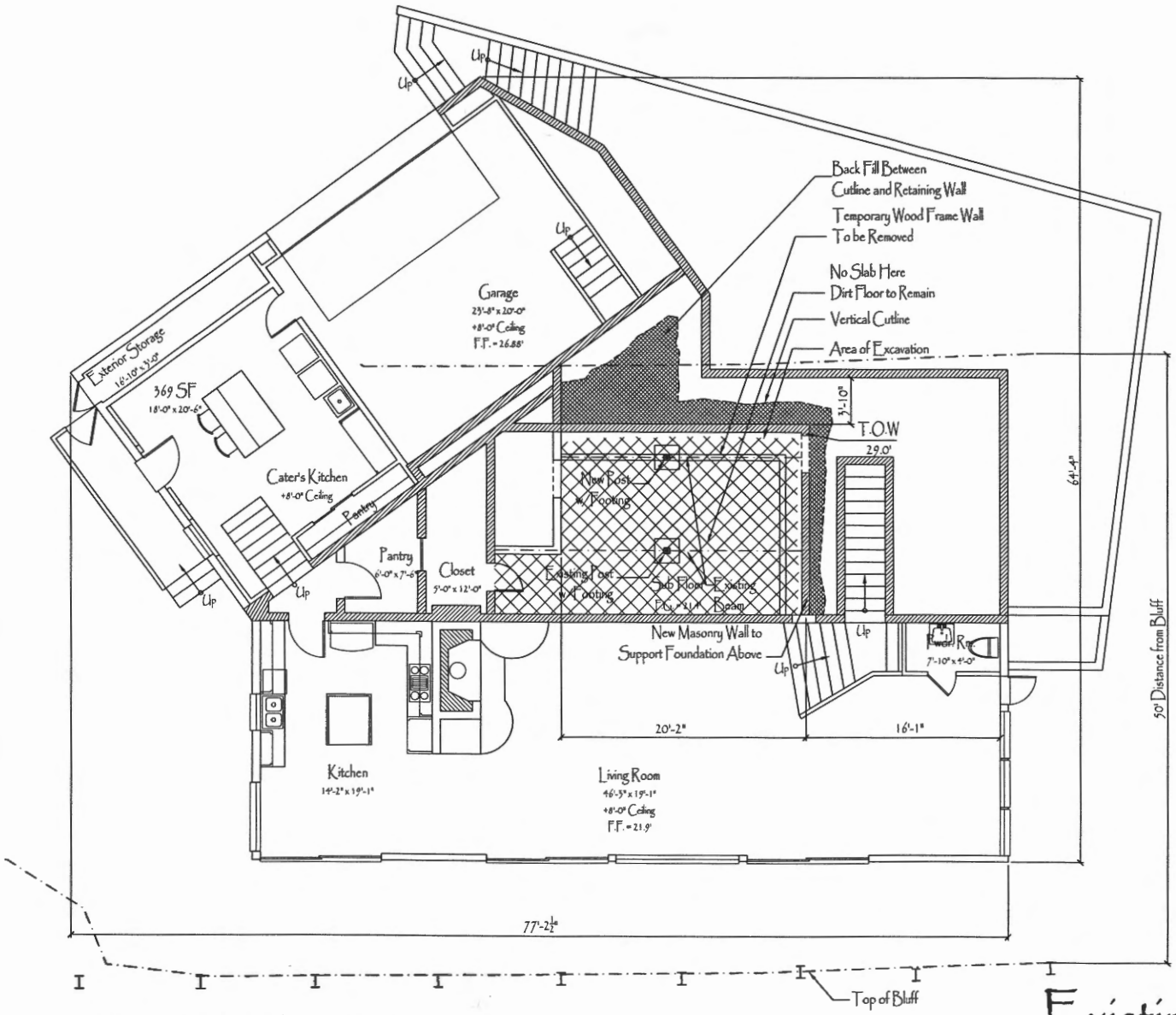
WITNESS my hand and official seal.

Signature Deborah L. Bove

DEBORAH L. BOVE
NOTARY PUBLIC-CALIFORNIA
CITY & COUNTY OF
SAN FRANCISCO
My Commission Expires October 4, 1995

COASTAL COMMISSION

EXHIBIT # 5
PAGE 23 OF 23



Area Calculations:

Living Area:	1,794 SF
Garage Area:	629 SF
Storage Area:	63 SF

Wall Legend:

Existing Wood Frame Walls

Existing Retaining Wall

Existing Lower Floor Plan

City Submittal

Revisions

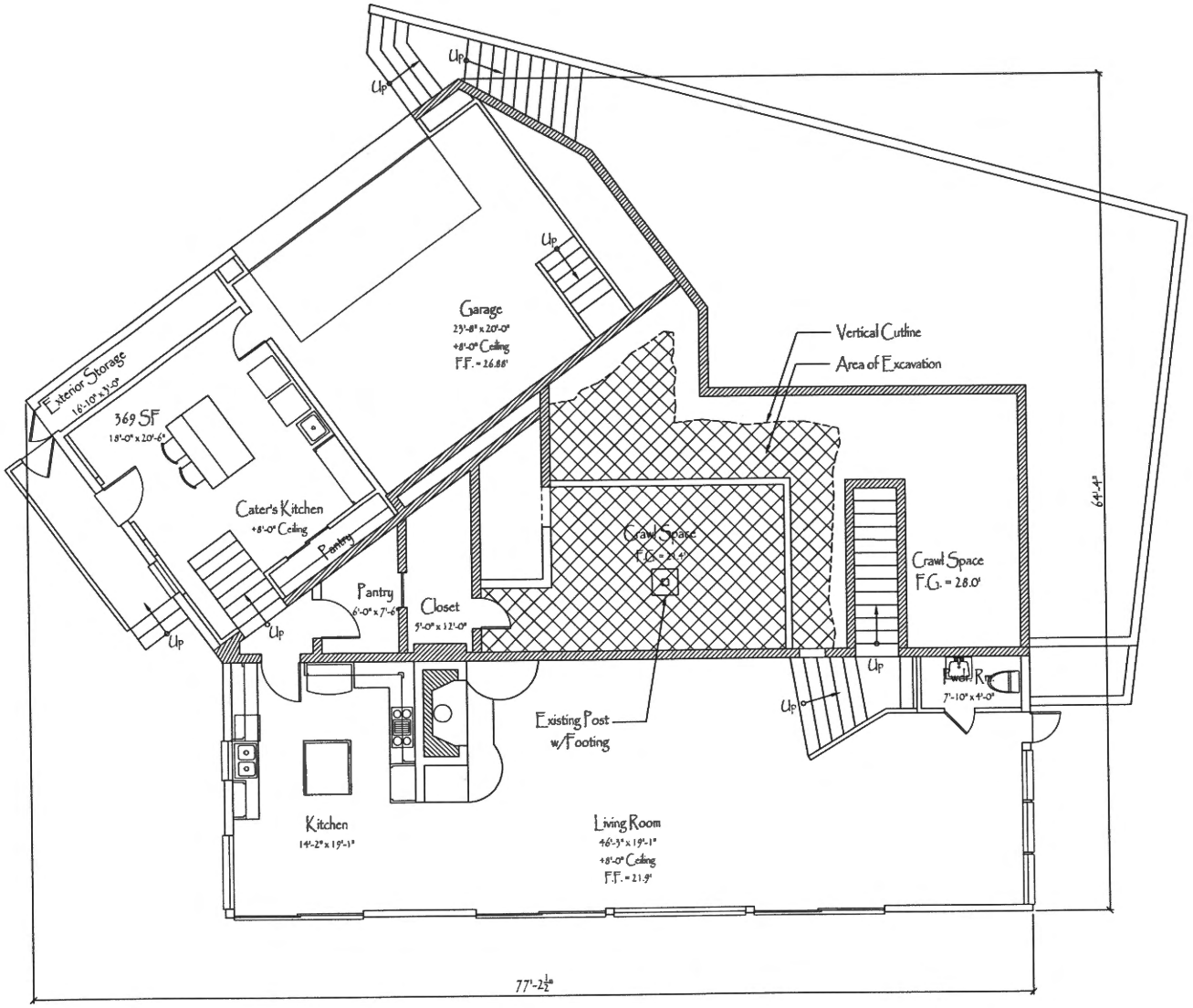
1	17 June 2015
2	12 August 2015
3	9 September 2015
4	21 January 2016
5	
6	
7	
8	
9	
10	

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES E. CONRAD C19888 Exp. 3-31-16 STATE OF CALIFORNIA

James Conrad Architect
1550 So. Coast Hwy #201
Laguna Beach, CA 92651
(949) 497-0200 Office
jconradarc@gmail.com

Drawn By: M.B.
Date: 12 December 2014
Scale: 1/4" = 1'-0"
Format: ArchCAD 12x24
Sheet # A-3.0



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17 June 2013
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4 September 2013
21 January 2014

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111 Lagunita Drive
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(949) 497-0200 Office
jconradarc@gmail.com

Drawn By:	M.B.
Date:	13 December 2014
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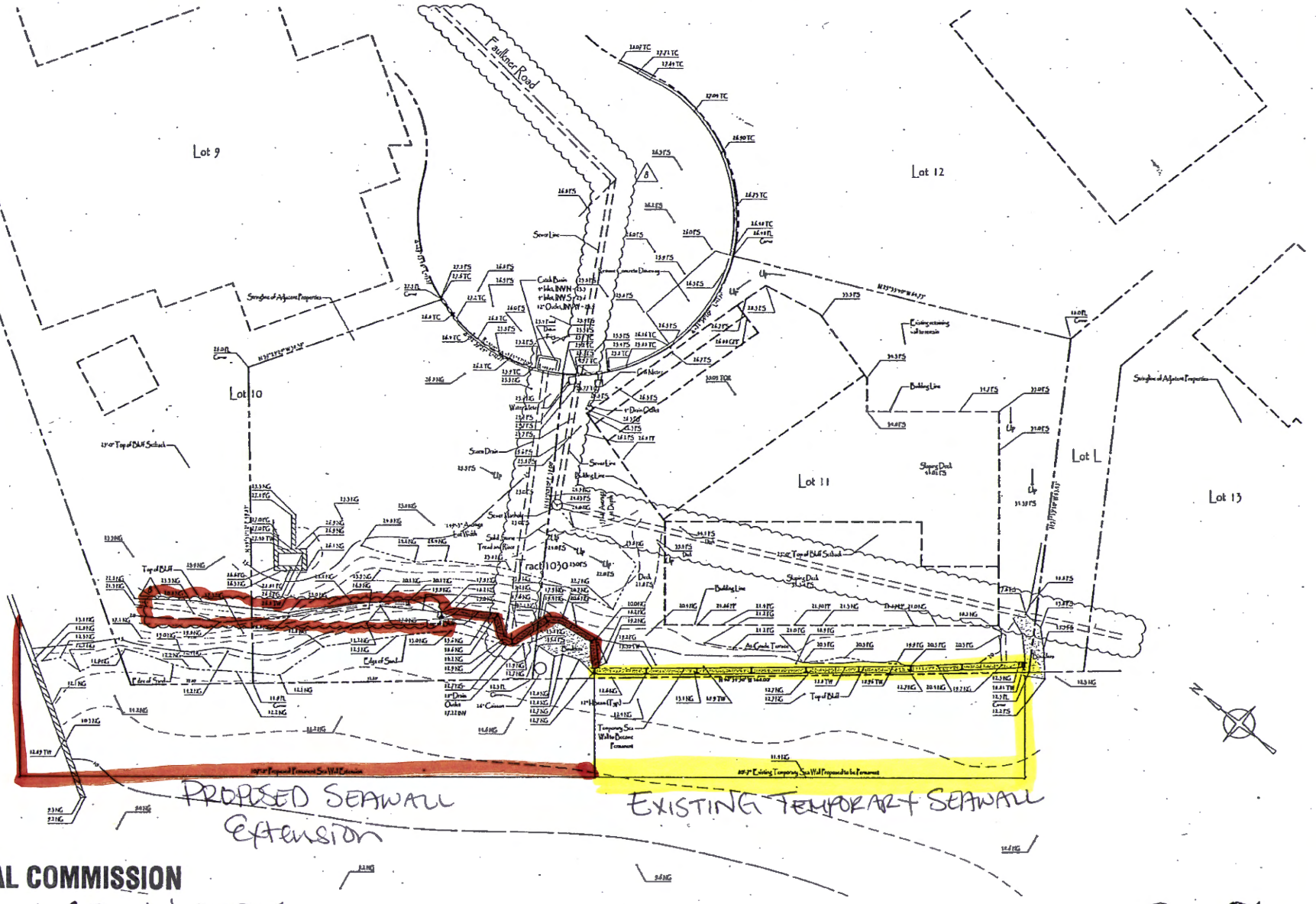
Sheet #	A-3.0

COASTAL COMMISSION

EXHIBIT # 6

PAGE 2 OF 2

OLD SEAWALL PLANS



Site Plan

COASTAL COMMISSION

A-5-LGB-14-0027

EXHIBIT # 7

PAGE 1 **OF** 6

Revisions
- 17 June 2013
- 02 August 2013
- 5 September 2013
- 26 November 2013
- 13 January 2014
- 28 January 2014
- 19 February 2014 Revised Site Wall
- 23 August 2014 Site Wall Revision

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

James Conrad Architect
1550 So. Coast Hwy #201
Laguna Beach, CA 92651
(949)497-0200 Office
jconradarc@gmail.com

Drawn By: HN/RL
Date: 29 August 2013
Scale: 1/4" = 1'-0"
Format: AutoCAD 2009
Sheet #: A-1.0

Section showing the Rock facing on the Sea wall

Retaining Nature. Sustaining Beauty.

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PHONE: (949) 661-5087
FAX: (949) 661-3397
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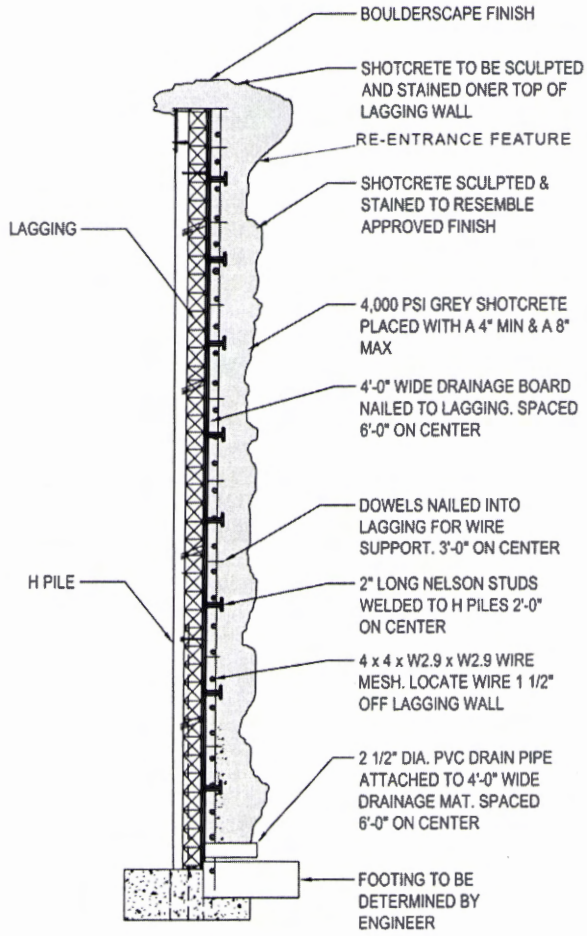


NOTES:
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWINGS.
3. CONTRACTORS NOTE: FOR PRODUCT AND PURCHASING INFORMATION VISIT www.CADdetails.com/info REFERENCE NUMBER 411-101.

TYPICAL BOULDERSCAPE FINISH DETAIL

BOULDERSCAPE FINISH OVER SOLDIER PILE/LAGGING WALL

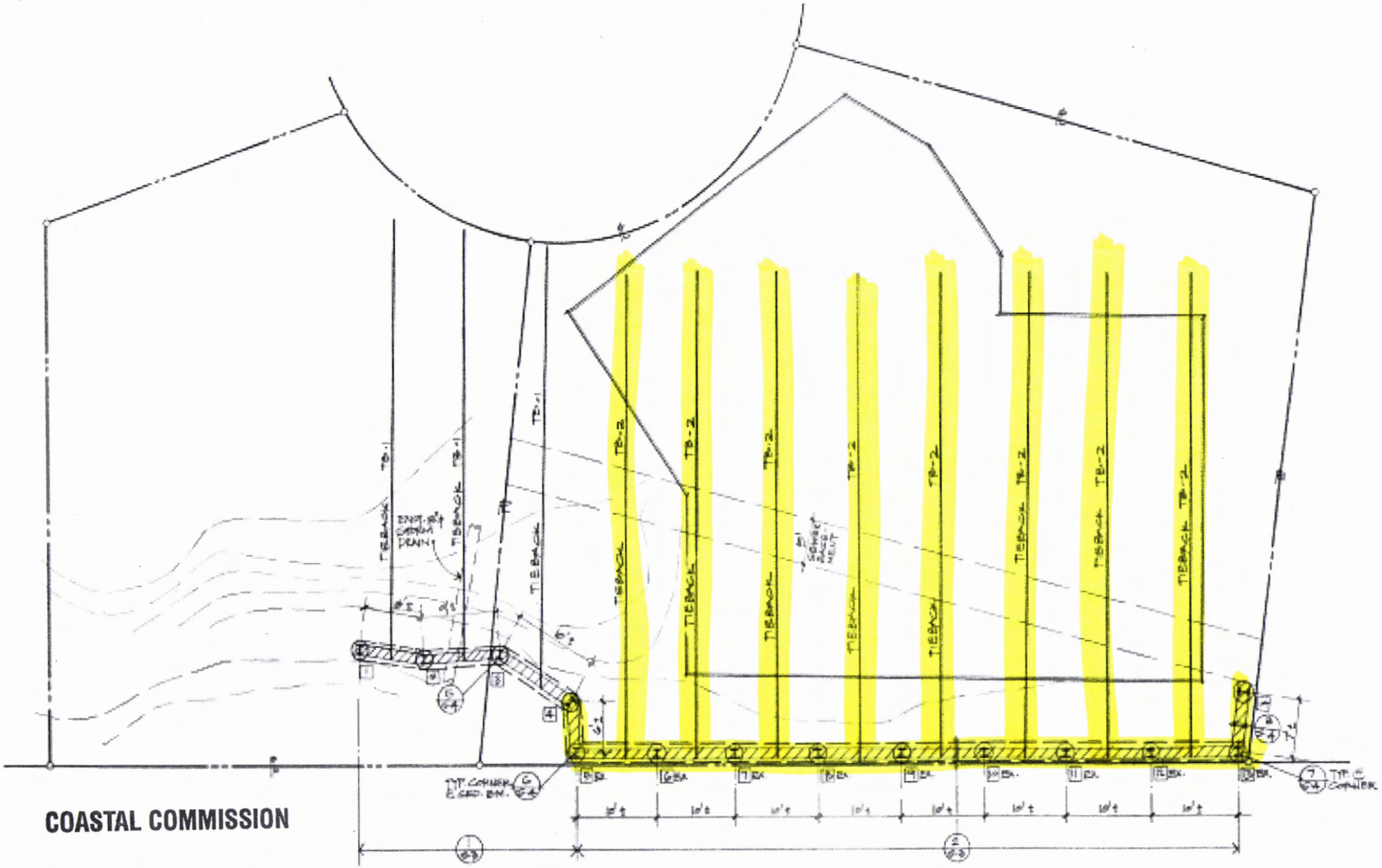
411-101

COASTAL COMMISSION

EXHIBIT # 7

PAGE 2 **OF** 6

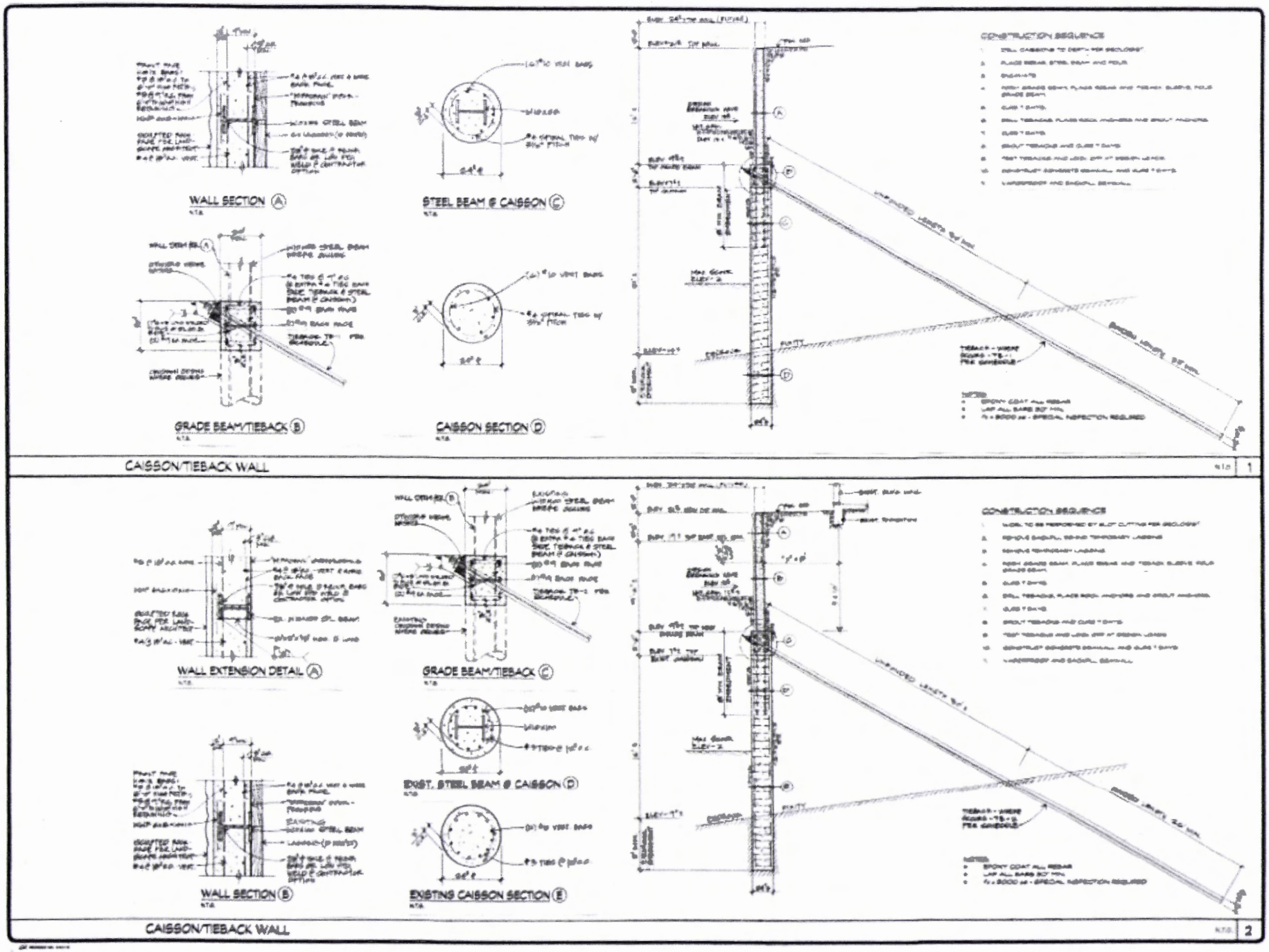
New Seawall Plans



COASTAL COMMISSION

EXHIBIT # 7

PAGE 3 OF 6



harold larson structural design
1437 glenneyre laguna beach california 92651
949 497 5303 email harol2200@aol.com

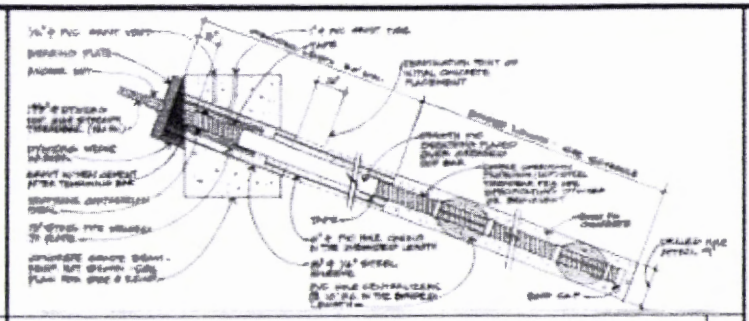
LAGUNA SEA WALL
71 LAGUNA DRIVE
LAGUNA BEACH, CALIFORNIA

STRUCTURAL DETAILS

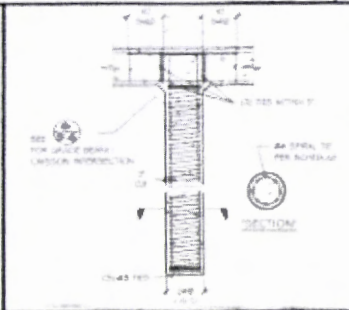
S-3

COASTAL COMMISSION

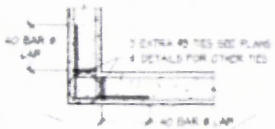
EXHIBIT # 7
PAGE 4 OF 6



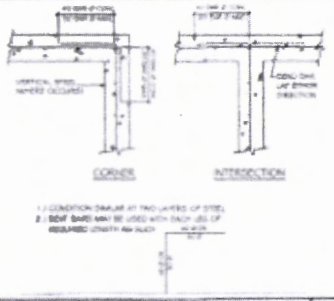
TIEBACK DETAIL N.T.S. 4



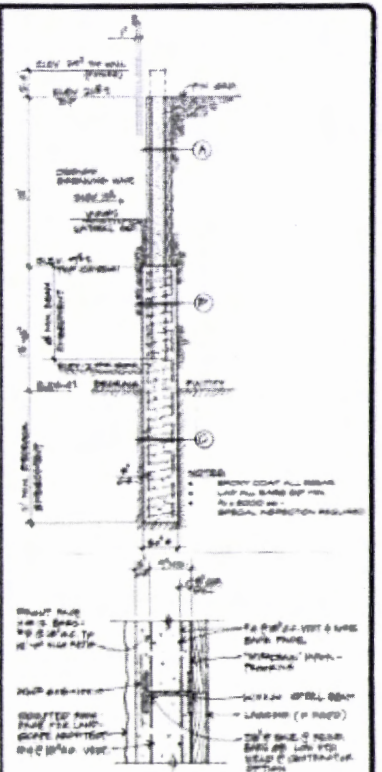
TYPICAL CAISSON N.T.S. 5



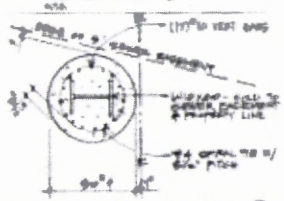
GRADE BEAM BAR LAPS N.T.S. 6



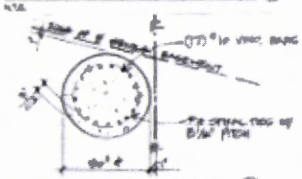
FOOTING REBAR LAPS N.T.S. 7



WALL SECTION (A)
N.T.S.



EXISTING STEEL BEAM @ CAISSON (B)
N.T.S.



EXISTING CAISSON SECTION (C)
N.T.S.

CONSTRUCTION SEQUENCE

CAISSON WALL N.T.S. 3

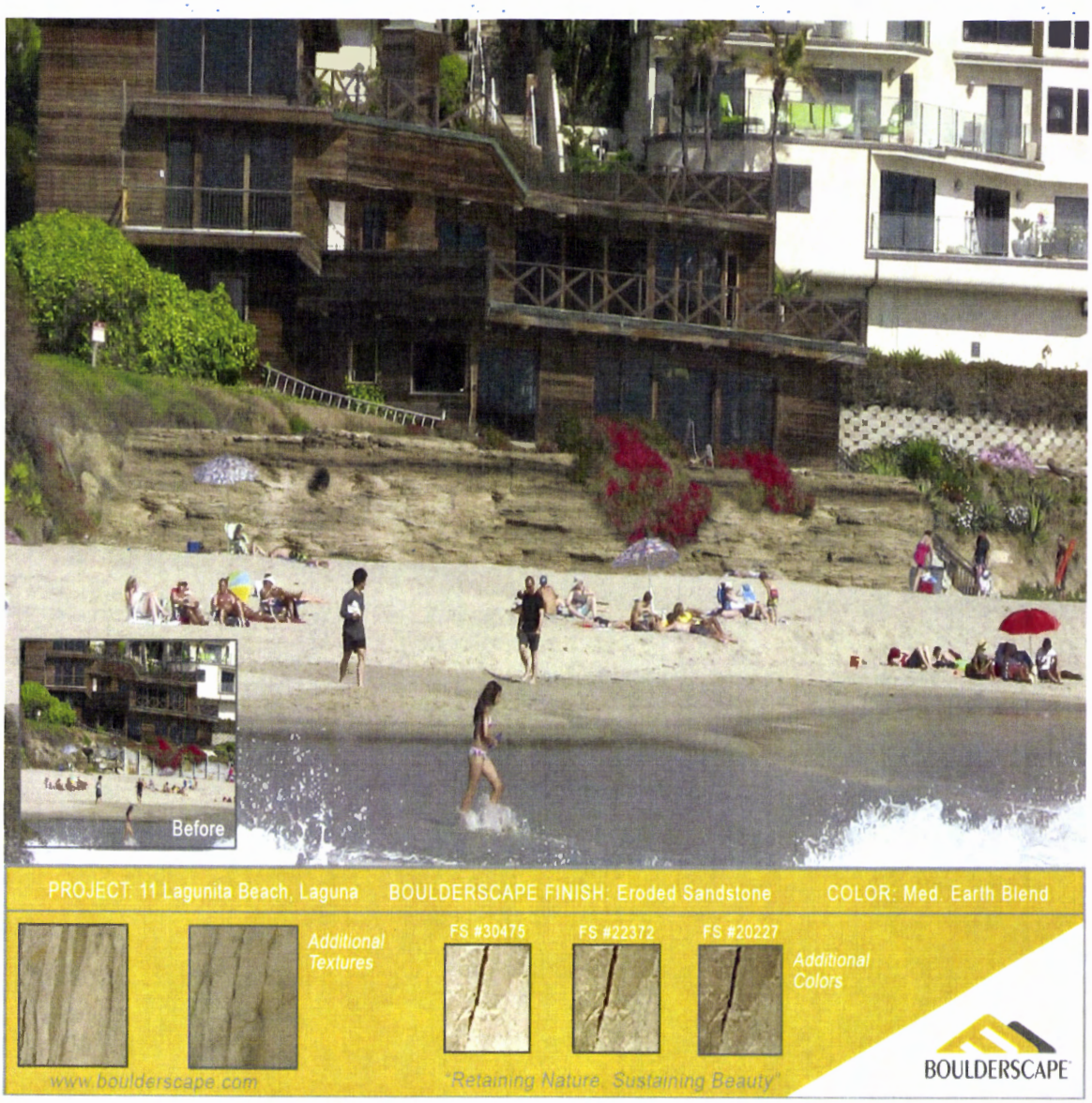
STRUCTURAL DETAILS

LAGUNA SEA WALL
71 LAGUNA DRIVE
LAGUNA BEACH, CALIFORNIA

harold larson structural design
1437 glenneyre laguna beach california 92651
949 497 8303 email: hlarson2001@aol.com

S-4

Simulation showing the rock face on the proposed sea wall.



COASTAL COMMISSION

EXHIBIT # 7
PAGE 6 OF 6

March 23, 2015

TO: Shannon Vaughn, Coastal Program Analyst
FROM: Lesley Ewing, Sr. Coastal Engineer
RE: Sand Impacts from 11 Lagunita Drive, Laguna Beach

Seawalls can have many impacts to the coast, altering sediment transport, scour, visual character, and the overall coastal setting. Some of the more identified and quantifiable impacts from the proposed seawall include possible encroachment onto the beach, passive erosion through fixing the back beach location and denial of sand from the bluffs into the littoral sand supply. These impacts are discussed in detail in many studies, articles, and staff reports for seawall permits and will not be covered here.

The engineers for 11 Lagunita Drive have provided the following information concerning potential impacts from construction and long-term use of the seawall that can be used to quantify three of the main impacts – encroachment, fixing the back of the beach and denial of sand to the littoral cell.

- Erosion = 1 – 2'/yr. (for the initial 20-year period, calculations can use 1'/yr)
- Wall length = 100'
- Height of sand bluff inland of wall = 30'
- Wall thickness = 2', based on diameter of caissons

Based on this information and an assumed mitigation life of 20 years, the wall will have the following impacts. These calculations have been used for many years by the Commission as part of the In-Lieu Beach Sand Mitigation and are summarized in Table 1, at the end of this memo.

Encroachment = wall thickness x wall length
= 100' x 2' = 200 sq. ft.

Passive erosion = wall length x erosion x mitigation life
= 100' x 1'/yr x 20 yr. = 2,000 sf. ft.

Denial of Sand = wall length x height of sand bluff inland of wall x erosion x mitigation life
= 100' x 30' x 1'/yr x 20yr = 60,000 cy. ft. = 2,222 cu. yds.

The first two impacts, encroachment and passive erosion, are reported as sq. ft and they represent an area of beach that will be lost due to the seawall construction. The final impact, denial of sand, is reported as cu. ft. or cu. yds. and it represents the volume of sand that will be denied the littoral cell by halting ongoing erosion.

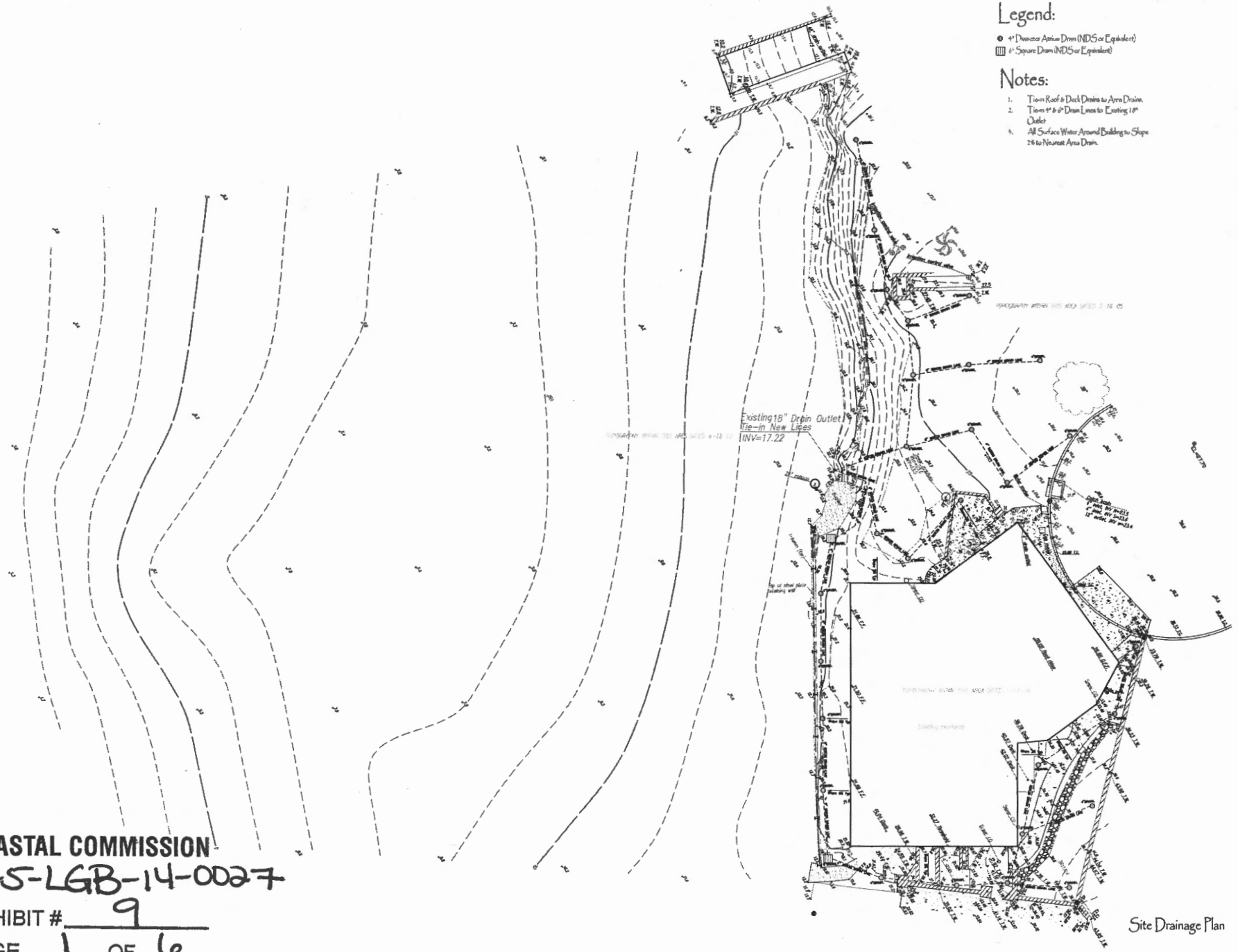
Mitigation for the sand volume has normally be achieved through an in-lieu fee that provided a responsible party with funds that are equivalent to the cost to purchase the calculated volume of beach quality sand and deliver it to the beach. The cost is normally obtained as the average of three separate bids for delivered beach quality sand. The beach quality aspect of the sand has been determined by taking samples of the existing beach sand, determining the d_{50}, the % of fine sediment (sediment less than 0.125 mm) and the % of coarse sediment (sediment greater than 1.0 mm). The sand used for mitigation should match the d_{50} within 10% and have a percentage of fines and coarse material that is equal to or less than the percentages identified for the native beach sand.

The losses of beach area have been mitigated though several different methods, often based on the types of programs that are already in place by a local or regional entity that helps with the beach mitigation. Land losses can be mitigated through projects to provide an equivalent area of beach for public use, to purchase an area of

land or to nourish an area of beach equivalent to the lost area. All of these methods have been described in previous staff reports. For examples of land value see CDP #6-07-133 (Li), or 6-09-033 (Garber et al.); for user value see CDP 3-02-024 (Ocean Harbor House) or CDP 6-04-156 (Las Brisas). The sand nourishment method is included in the calculations from Table 1.

Table 1 – Shoreline Protection Impacts Quantified

Shoreline Protection Impacts Quantified	
Volume of Sediment Trapped by Armoring	$V_b = (SxWxL)\ x[(Rxh_s) + (0.5H_u\ x\ (R_{cw} - R_{cs}))]/27$ [Often this reduces to: $V_b = S\ x\ W\ x\ L\ x\ R\ x\ h$]
Encroachment onto the Beach	$A_e = W\ x\ E$
Passive Erosion	$A_w = R\ x\ L\ x\ W$
Mitigation Fee	Sand Volume x Cost of Sand
Lost Beach Area	Encroachment + Passive Erosion
Values Defined	
S (Not used for this analysis since all bluff material identified as sand)	Fraction of beach quality material in the bluff material, based on analysis of bluff material to be provided by the applicant.
W	Width of property to be armored (ft.)
L	The length of time the back beach or bluff will be fixed or the design life of armoring without maintenance (yr.) For repair and maintenance projects, the design life should be an estimate of the additional length of time the proposed maintenance will allow the seawall to remain without further repair or replacement.
R	The retreat rate which must be based on historic erosion, erosion trends, aerial photographs, land surveys, or other accepted techniques and documented by the applicant. The retreat rate should be the same as the predicted retreat rate used to estimate the need for shoreline armoring.
h_s (Not used for this analysis since all bluff material will erode similarly)	Height of the seawall from the base to the top (ft).
H_u (Not used for this analysis since all bluff material will erode similarly)	Height of the unprotected upper bluff, from the top of the seawall to the crest of the bluff (ft).
R_{cu} (Not used for this analysis since all bluff material will erode similarly)	Predicted rate of retreat of the crest of the bluff, during the period that the seawall would be in place, assuming no seawall were installed (ft/yr). This value can be assumed to be the same as R unless the applicant provides site specific geotechnical information supporting a different value.
R_{cs} (Not used for this analysis since all bluff material will erode similarly)	Predicted rate of retreat of the crest of the bluff, during the period that the seawall would be in place, assuming the seawall has been installed (ft/yr). This value will be assumed to be zero unless the applicant provides site specific geotechnical information supporting a different value.
E	Encroachment by seawall, measured from the toe of the bluff or back beach to the seaward limit of the protection (ft.)



Site Drainage Plan

City Submittal Structural Drawings

Revisions

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

James Conrad Architect
1550 So. Coast Hwy #201
Laguna Beach, CA 92651
(949) 497-0200 Office
jconradarc@gmail.com

Drawn By: r.e.lawers
Date: 8 September 2015
Scale: 1/8" = 1'-0"
Format: Arch_AD 22x32
Sheet #: T-2.1

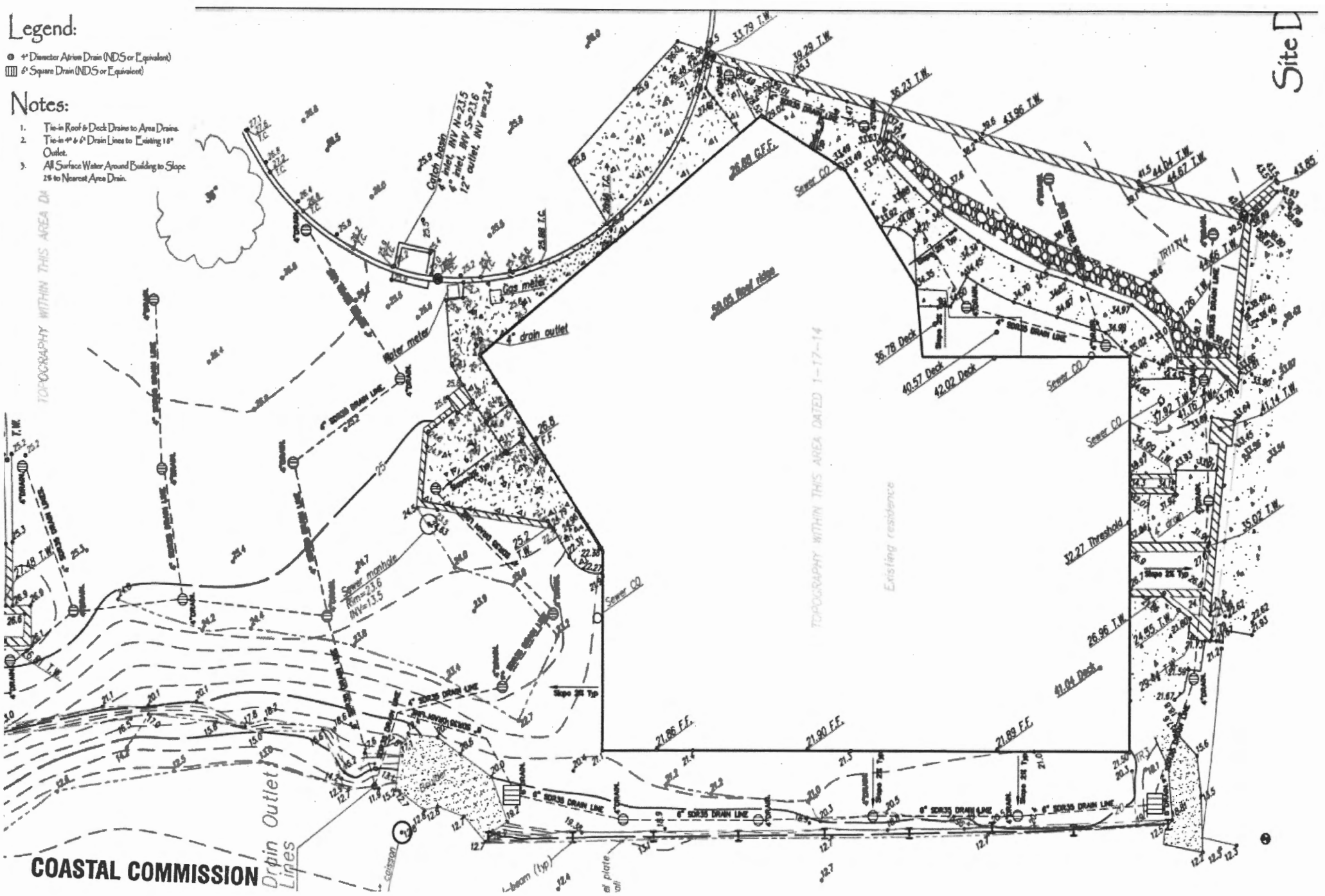
COASTAL COMMISSION
A-5-LGB-14-0027
EXHIBIT # 9
PAGE 1 OF 6

Legend:

- 4" Diameter Atrium Drain (NDS or Equivalent)
- 6" Square Drain (NDS or Equivalent)

Notes:

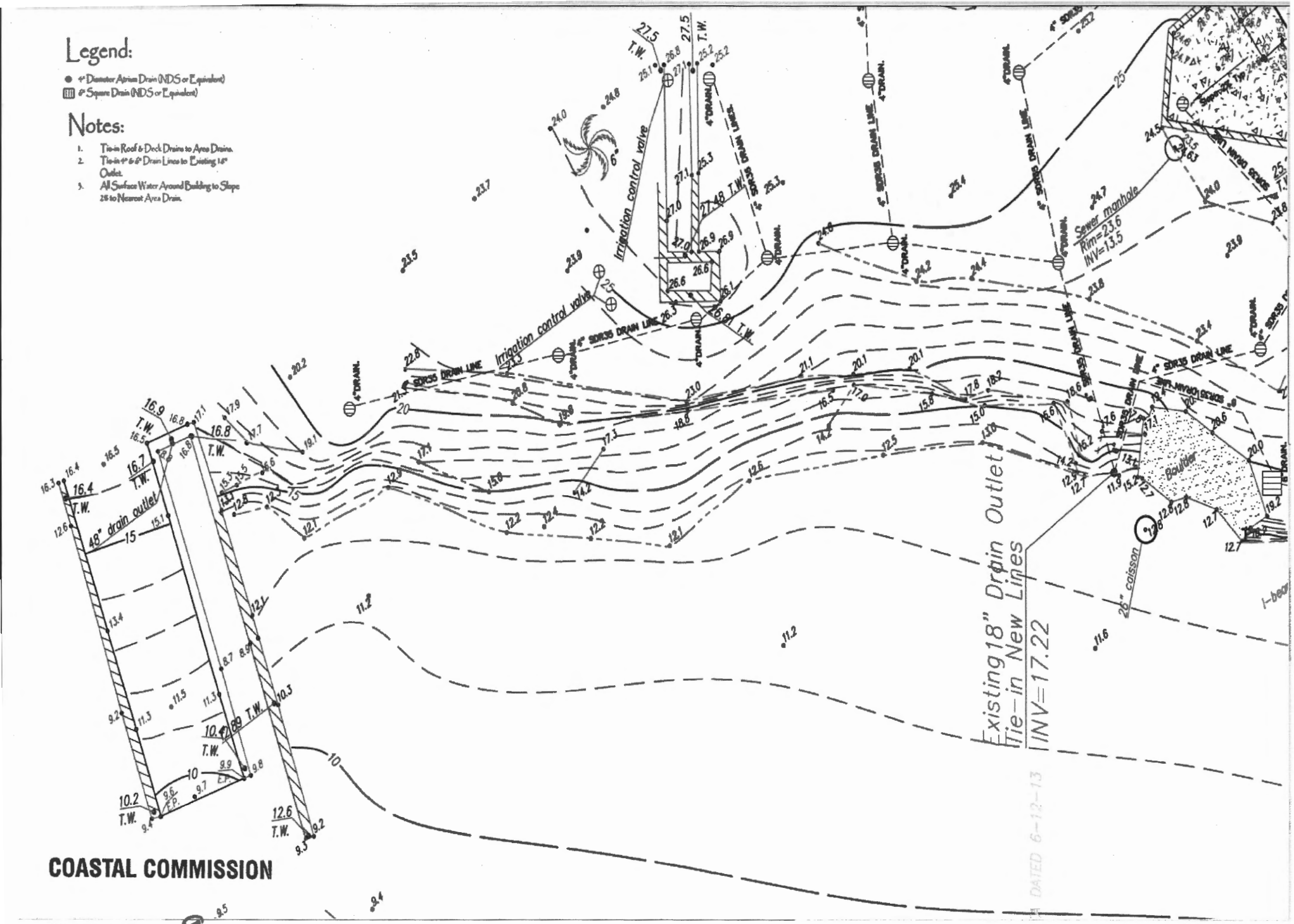
1. Tie-in Roof & Deck Drains to Area Drains.
2. Tie-in 4" & 6" Drain Lines to Existing 18" Outlet.
3. All Surface Water Around Building to Slope 2% to Nearest Area Drain.



COASTAL COMMISSION

EXHIBIT # 9

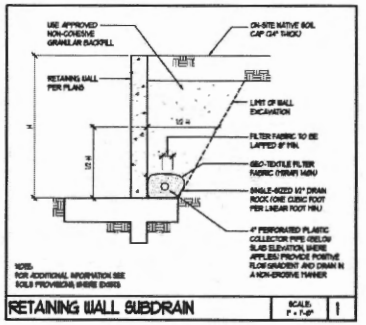
PAGE 2 OF 6



COASTAL COMMISSION

EXHIBIT # 9

PAGE 3 OF 6



The findings and recommendations of the Coastal geotechnical report for 12 Lagunita dated March 12,204 which states that "if construction of the lower level is not imminent, then the lower level vertical cuts at 11 Lagunita should be laid back or shored" This recommendation shall be implemented prior to issuance of a .building permit or within 90 days of DRB project approval, whichever occurs earlier

Spot elevation and contours is based on: BM L-783, Elevation 128.188, Datum NGVD29

Topographic Survey-Including Proposed Sea Wall-Drainage

COASTAL COMMISSION

EXHIBIT # 9
PAGE 4 OF 6

City Submittal Structural Drawings

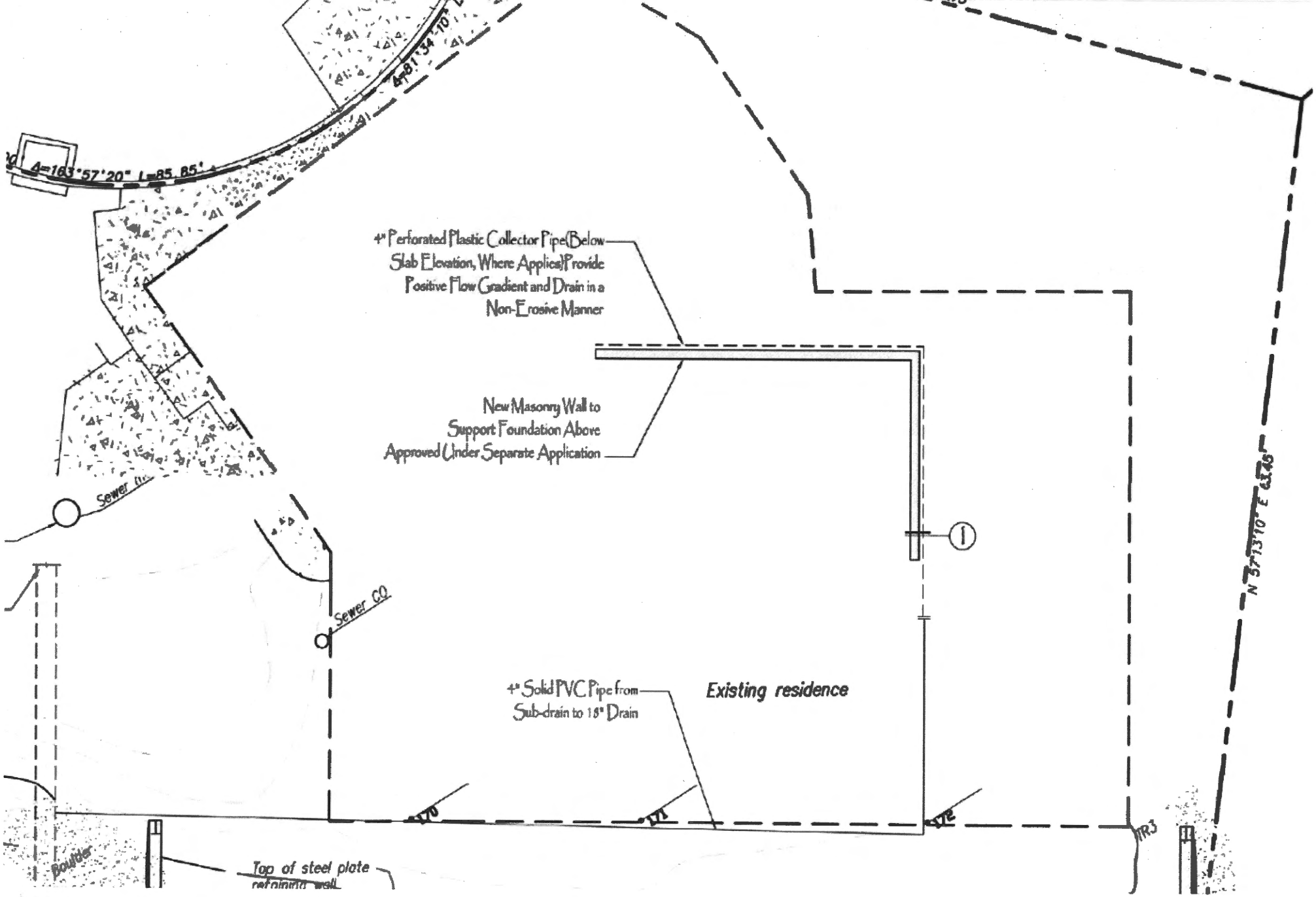
Revisions

Lagunita Residence
11 Lagunita Drive
Laguna Beach, CA 92651

REGISTERED ARCHITECT JAMES E. CONRAD C16888 Exp. 5-30-17 STATE OF CALIFORNIA

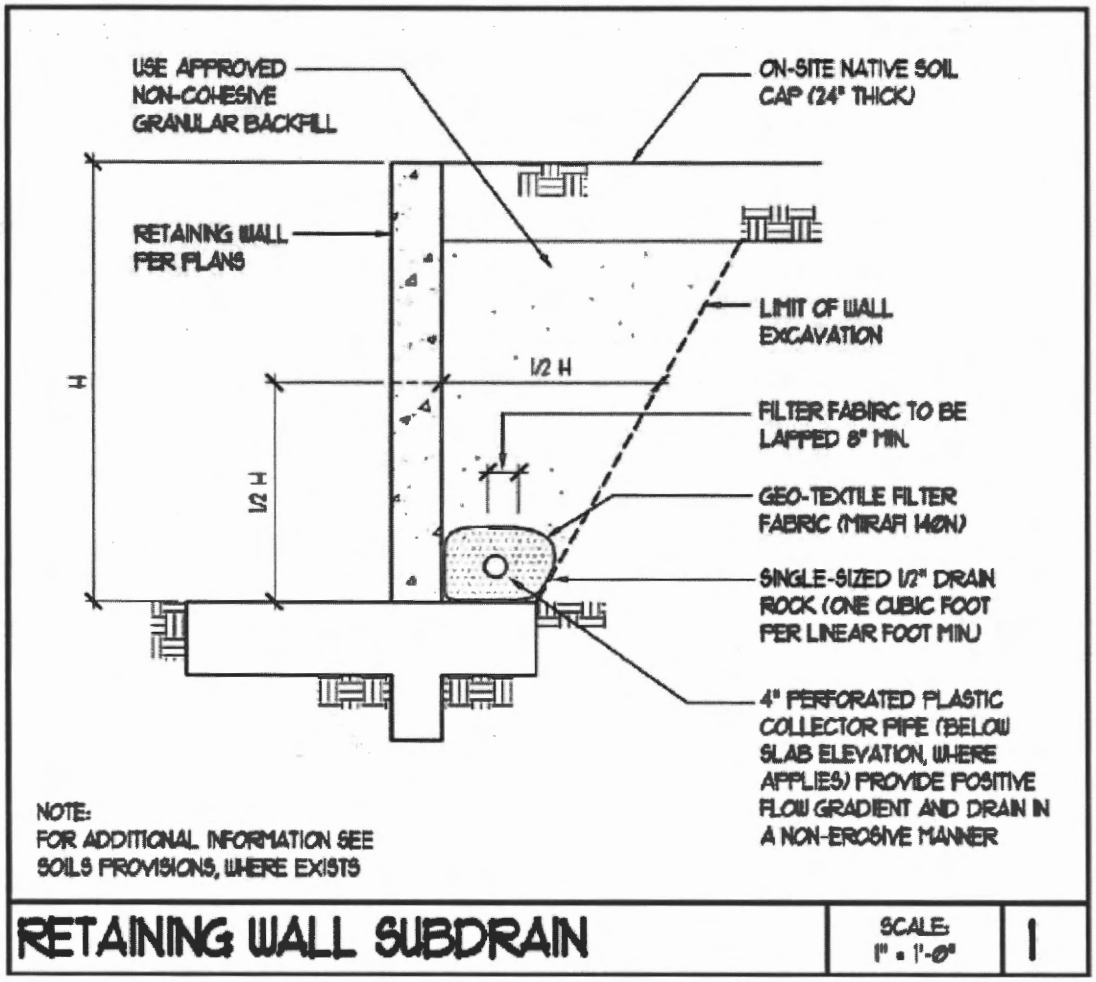
James Conrad Architect
1550 So. Coast Hwy #201
Laguna Beach, CA 92651
(949) 497-0200 Office
jconradarc@gmail.com

Drawn By: M.B.
Date: September 2013
Scale: 1/8" = 1'-0"
Format: AutoCAD 2013
Sheet #
T-2.1



COASTAL COMMISSION

EXHIBIT # 9
PAGE 5 OF 16



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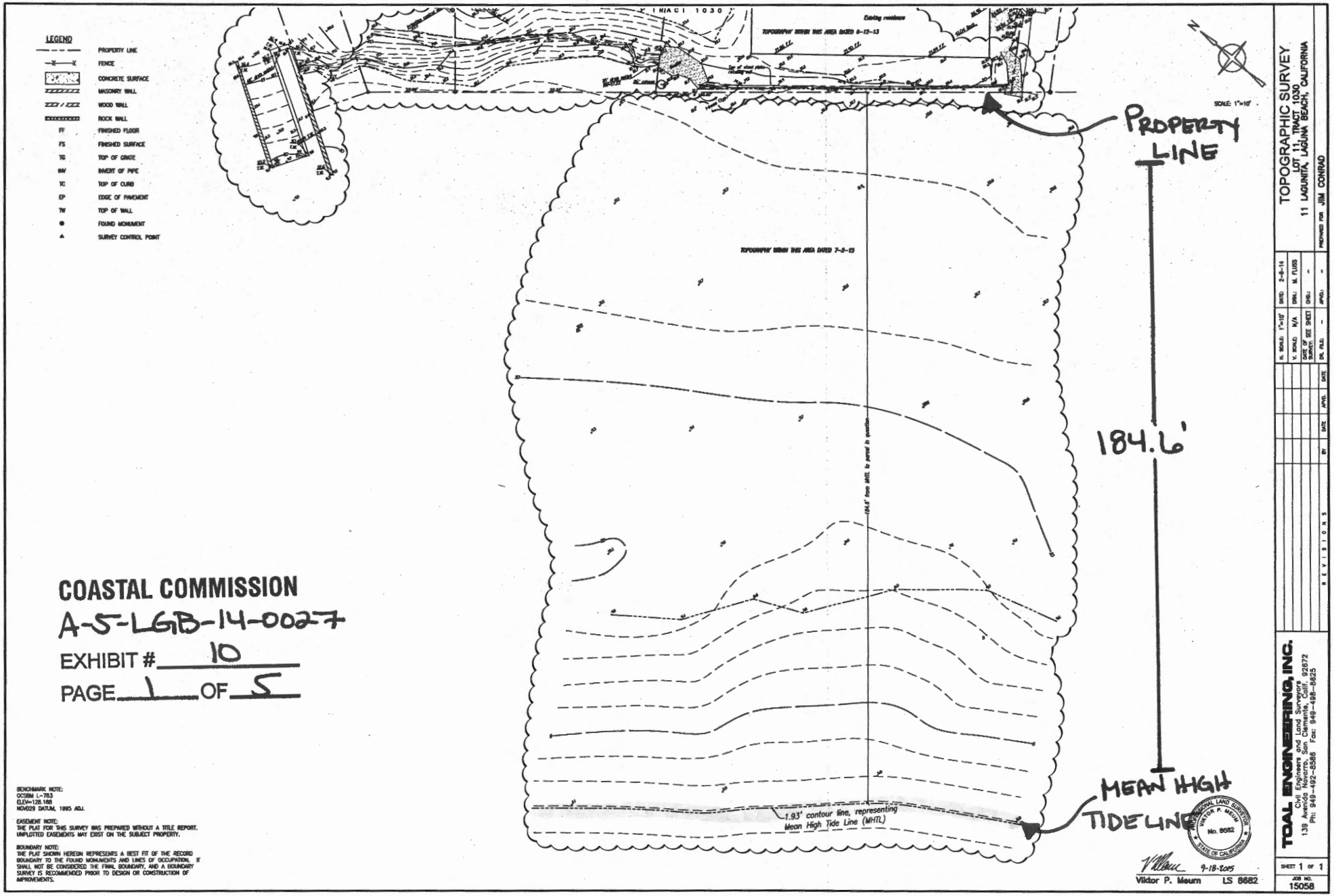


COASTAL COMMISSION
A-5-LGB-14-0027
EXHIBIT # 10
PAGE 1 OF 5

BENCHMARK NOTE:
CCSBM L-763
ELEV=128.168
NGVD29 DATUM, 1995 ADJ.

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

BOUNDARY NOTE:
THE PLAT SHOWN HEREON REPRESENTS A BEST FIT OF THE RECORD BOUNDARY TO THE FOUND MONUMENTS AND LINES OF OCCUPATION. IT SHALL NOT BE CONSIDERED THE FINAL BOUNDARY, AND A BOUNDARY SURVEY IS RECOMMENDED PRIOR TO DESIGN OR CONSTRUCTION OF IMPROVEMENTS.

9-18-2015
Viktor P. Meum LS 8682

VIKTOR P. MEUM No. 8682 STATE OF CALIFORNIA

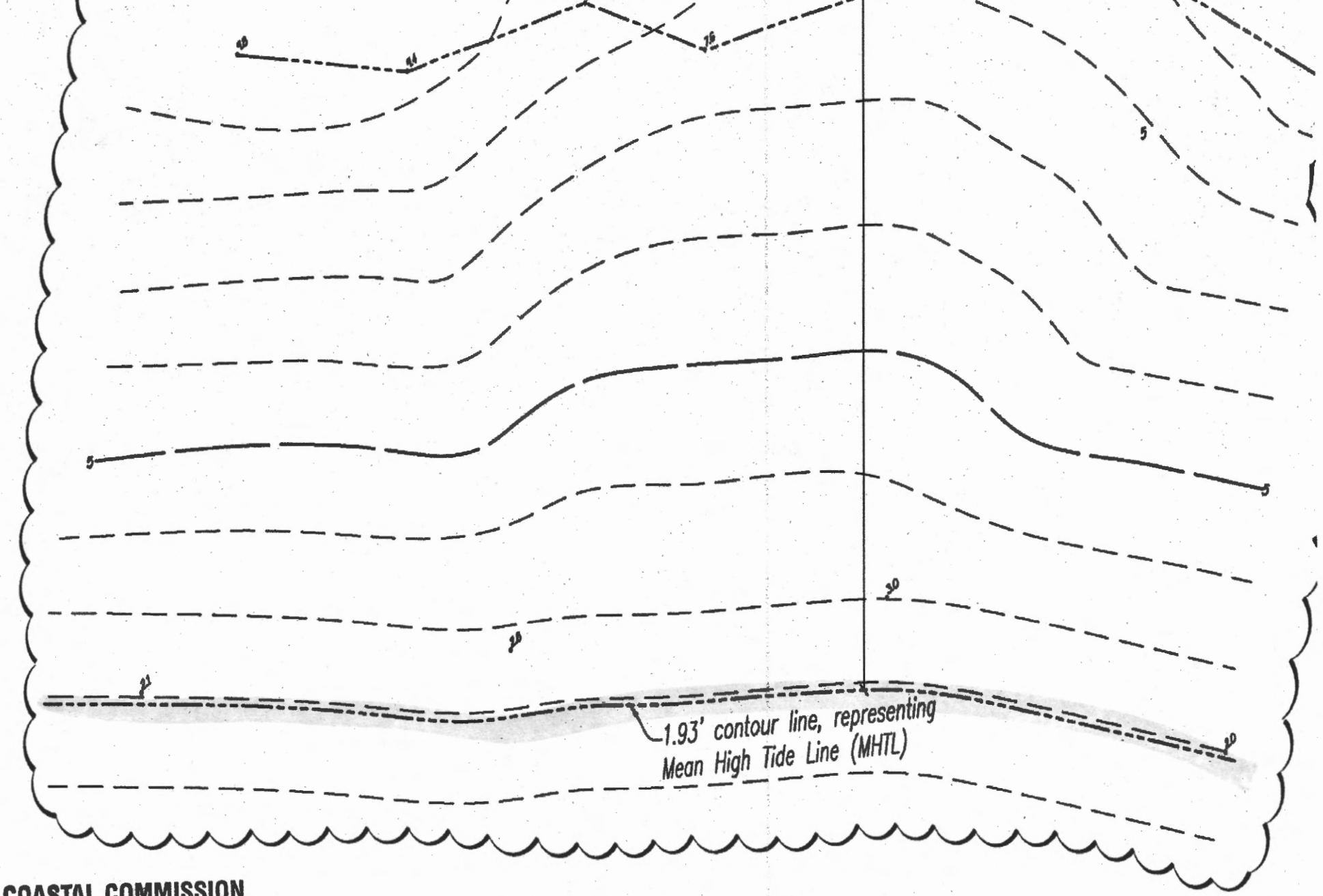
TOPOGRAPHIC SURVEY
LOT 11, TRACT 1030
11 LAGUNITA, LAGUNA BEACH, CALIFORNIA
PREPARED FOR: JIM CONRAD

H. SCALE: 1"=10' | DATE: 2-8-14
V. SCALE: N/A | DRN.: M. FLORES
DATE OF SURVEY: SEE SHEET | CHK.: -
DR. FILE: - | APVD.: -

REVISIONS | BY | DATE | APVD. | DATE

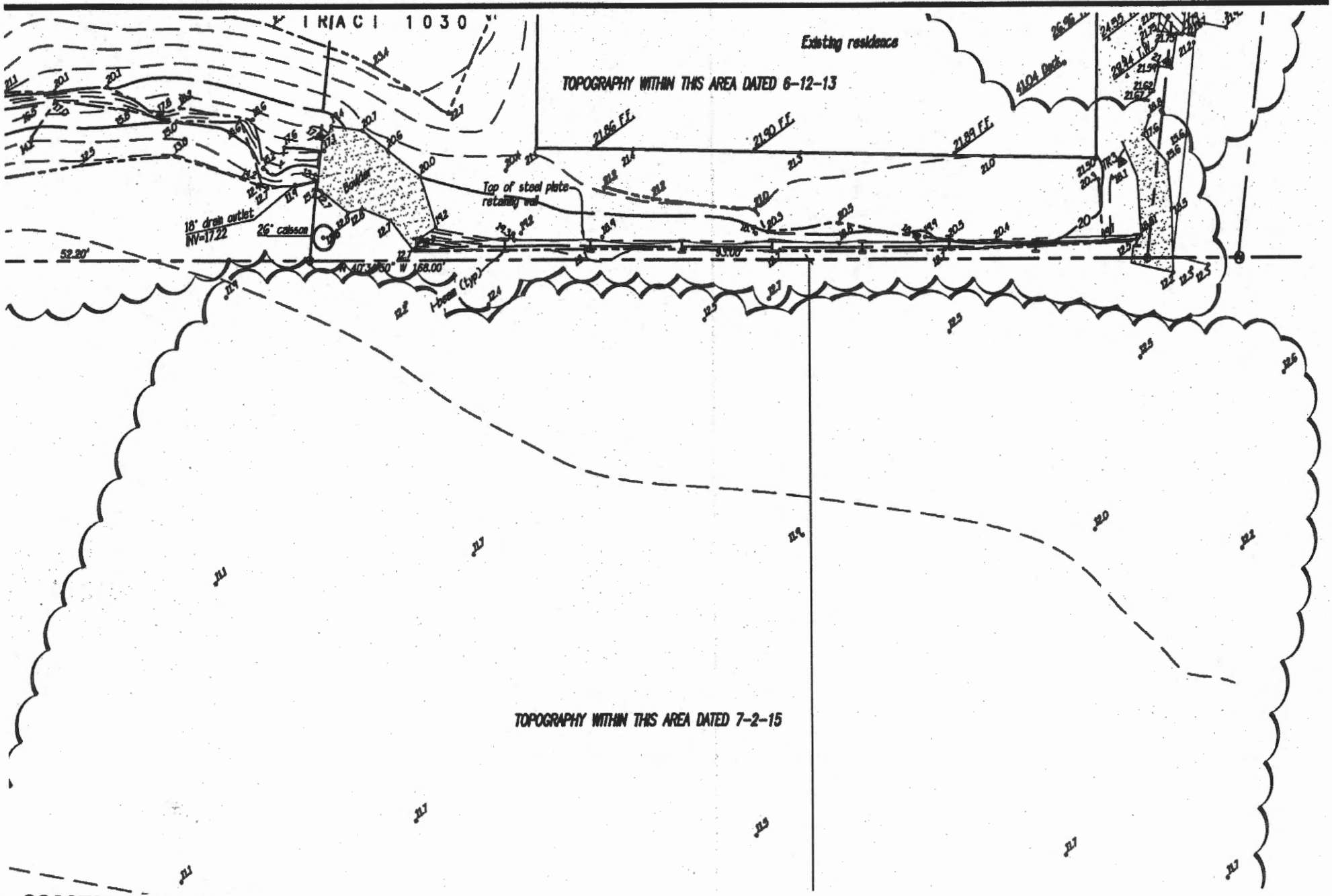
TOAL ENGINEERING, INC.
Civil Engineers and Land Surveyors
139 Avenida Navarra, San Clemente, Calif. 92672
Ph: 949-492-8586 Fax: 949-498-8625

SHEET 1 OF 1
JOB NO. 15058



COASTAL COMMISSION

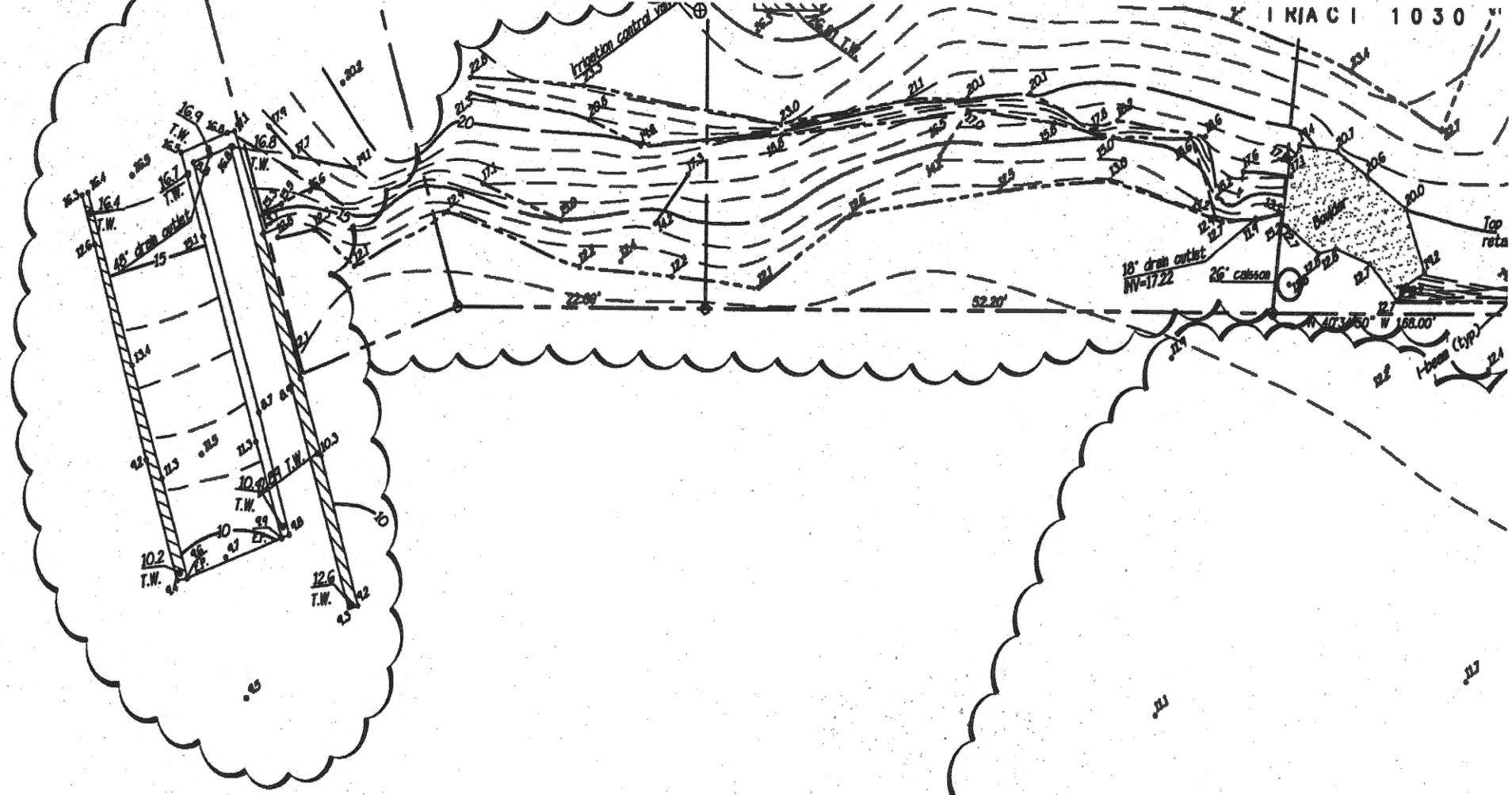
EXHIBIT # 10
PAGE 2 OF 5



COASTAL COMMISSION

EXHIBIT # 10

PAGE 3 OF 5



COASTAL COMMISSION

EXHIBIT # 10
PAGE 4 OF 5

LEGEND

——— – – ———	PROPERTY LINE
—X———X—	FENCE
	CONCRETE SURFACE
	MASONRY WALL
	WOOD WALL
	ROCK WALL
FF	FINISHED FLOOR
FS	FINISHED SURFACE
TG	TOP OF GRATE
INV	INVERT OF PIPE
TC	TOP OF CURB
EP	EDGE OF PAVEMENT
TW	TOP OF WALL
⊕	FOUND MONUMENT
△	SURVEY CONTROL POINT

BENCHMARK NOTE:
OCSBM L-783
ELEV=128.188
NGVD29 DATUM, 1995 ADJ.

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STATE OF CALIFORNIA EDMUND G. BROWN JR., *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Established in 1938

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July 24, 2015

File Ref: SD 2015-06-19.1

Jim Conrad, CEO
James Conrad Architects
1550 S. Coast Hwy, Ste 201
Laguna Beach, CA 92651

Via email (hard copy to follow via US Postal Service)

SUBJECT: Jurisdictional Determination at 11 Lagunita Drive, City of Laguna Beach, Orange County

Dear Mr. Conrad:

This letter is in response to a request you submitted to the California State Lands Commission (CSLC) for a jurisdictional review of the proposed project located at 11 Lagunita Drive in Laguna Beach.

The facts pertaining to the project, as we understand them, are:

- Reinforcement of an existing temporary steel panel and beam seawall (constructed under emergency Coastal Commission permit in 2005);
- Backfill an excavated area under the existing residence;
- Complete minor foundation work;
- Addition of a decorative gunite face to the reinforced seawall; and
- This is a developed stretch of beach with single-family residences both upcoast and downcoast.

As background, the landward boundary of the State's sovereign land ownership is the ambulatory OHWM. Generally, the OHWM is measured by an abmulatory MHTL, except where there has been fill or artificial accretions or the boundary was fixed by agreement or court decision. MHTL surveys do not create a permanent boundary, but rather serve as evidence as to the MHTL location at a single point in time. In the absence of a boundary line agreement with this agency or an adjudicated boundary line,

the boundary between sovereign land and privately-held uplands remains undetermined.

Based on the material provided (Topographic Survey Sheet T-2.0 prepared by James Conrad Architect, dated Mary 27, 2015, and Topographic Survey Sheet T-4.0 prepared by Total Engineering, Inc. on June 12, 2013) it appears that the proposed actions (reinforcing the existing temporary seawall, backfilling an excavated area under the existing residence, completing minor foundation work and the addition of a decorative gunite face) will occur landward of the 6 foot contour by approximately 150 feet. The location of the Mean High Tide Line (MHTL), the intersection of the beach with the MHTL elevation is further waterward than the 6 foot contour.

Although we expect the MHTL to continue to fluctuate, at this time CSLC staff does not have sufficient information to conclude the location of the boundary or the extent to which the boundary may move landward at the project location. Additional information might reveal where the boundary is or is likely to move, but staff believes that the time, effort, and cost to develop such information is not warranted at this time and in this situation. Based on the information available, CSLC staff does not presently claim that the proposed activities intrude onto sovereign lands.

This letter is not intended, nor shall it be construed as, a waiver or limitation of any right, title, or interest of the State in any lands under the jurisdiction of the California State Lands Commission, either now or in the future.

If you have any questions, please feel free to contact me at (916) 574-1227 or via email at Grace.Kato@slc.ca.gov. Thank you.

Sincerely,

Grace Kato

Grace Kato
Public Land Manager

cc: Sherilyn Sarb, CCC

COASTAL COMMISSION

EXHIBIT # 11
PAGE 2 OF 2

September 21, 2015

Karl Schwing
South Coast District Manager
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Subject: Coastal Development Permit Appeal No. A-5-LGB-14-0027 (MSSK Ventures, LLC), Laguna Beach, Orange County

Mr. Schwing:

I understand that the applicant for the subject project will be required to pay mitigation fees in order to gain approval of their request to construct a sea wall on their property. I also understand that the amount of the mitigation fees will be approximately $64,000. The project architect Jim Conrad has approached the City of Laguna Beach with a request to have the mitigation fees directed to a beach access improvement project that the City is currently planning. The City's current 10-year Capital Improvement Program includes renovation of seven beach access steps through the year 2020, although funding has not been appropriated for all of the projects, and additional funding could be used to possibly accelerate these projects. The projects are at street ends and are as follows, listed in order of schedule:

- Oak Street, Agate Street, Thalia Street, Mountain Road: In design and partially funded
- Agate Street, Cleo Street, Moss Street: Not funded

Once the mitigation fee has been approved by the Commission and a formal offer to direct the funds to the City for this project has been made, a formal agenda item will be submitted to the City Council for its consideration and approval. The City has accepted mitigation fees in the past on similar projects and welcomes additional funding for these projects.

Sincerely,

Steve W. May
Director of Public Works/City Engineer
949-497-0351
SMay@LagunaBeachCity.net

505 FOREST AVE. LAGUNA BEACH, CA 92651 TEL (949) 497-3311 FAX (949) 497-0771

RESOLUTION CDP 14 8

A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF LAGUNA BEACH APPROVING COASTAL DEVELOPMENT PERMIT APPLICATION NO 14-308

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

11 Lagunita Drive
APN 656-171 76

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 project, subject to the conditions included in the associated Design Review approval 14-305 to minimize impact on an environmentally sensitive area 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 for additions to the existing 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 March 27, 2014, by the following vote of the Design Review Board of the City of Laguna Beach California

AYES	LeBon McElane Simpson Zur Schmiede
NOES	Liuzzi
ABSENT	None
ABSTAIN	None

ATTEST

Staff Representative

Chair Pro Tem Simpson

Board of Adjustment Resolution No CDP 14 8

COASTAL COMMISSION

EXHIBIT # 13

PAGE 2 OF 3

Rcd @ hearing
3.27.14

11 Lagunita
Suggested Conditions of Approval
Prepared on Behalf of Vickie Collins

1. All top-of-railing heights in relation to adjacent deck finish surface shall be limited to 42 above the surface (41" glass panel and cap, 1' gap at bottom) Railing glass shall be fully transparent (i e , no frosted or sandblasted glass) Railing top cap dimensions shall not exceed ¾" x ¾'

2. The existing roof deck and underlying structure shall be retained (except for areas and waterproofing/finish surfaces proposed to be removed) Any refinished deck surface shall be at the same elevation as the existing condition Building plans shall contain sufficient detail such as spot elevations to allow for verification of this condition of approval

3. A drainage plan showing the location and discharge points of the interior retaining wall drainage lines shall be reviewed by the DRB prior to approval

4. The findings and recommendations of the Coastal Geotechnical report for 12 Lagunita dated March 12, 2014 which states that *"if construction of the lower level is not imminent, then the lower level vertical cuts at 11 Lagunita should be laid back or shored"* This recommendation shall be implemented prior to issuance of a building permit or within 90 days of DRB project approval, whichever occurs earlier

5. The ultimate mature heights and spread of all plant materials on the landscape plan shall be verified prior to approval

6. No portion of the on-grade terrace shall be visible from any area of 12 Lagunita under the line–of-sight conditions present as of March 27, 2014

Applicant to work w/ neighbor + provide signed plan agreement w/ Ms Collins