

## **CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CA 90802-4830  
(562) 590-5071



# **W13a**

**A-5-LGB-20-0055 (Donahue)**

**December 9, 2020**

### **EXHIBITS**

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Crystal Cove  
State Park

Laguna Beach

  
**Project Location**



Cliff Drive

Project Site

# DONAHUE RESIDENCE ADDITION & REMODEL

## PROJECT SUMMARY TABLES

ZONING STANDARDS					
USE	VLD	ZONE	R-1	LOT SLOPE (%)	26.5%
DESCRIPTION	REQUIRED	EXISTING	PROPOSED	CONFORMS (YES/NO)	
LOT AREA (MIN.)	6,000 SQFT	(GROSS) 9,000 SQFT (NET) 6,156 SQFT	NO CHANGE	YES	
LOT WIDTH (AVG)	70'-0"	50'-0"	NO CHANGE	NO	
LOT DEPTH (AVG)	80'-0"	205'-9"	NO CHANGE	YES	
MAX. BUILDING HEIGHT	30'-0"	28'-1"	30'-0"	YES	
MAX. HEIGHT FROM CURB	15'-0"	11'-3"	NO CHANGE	YES	
SETBACKS:					
FRONT YARD	20'-0"	1'-6"	NO CHANGE	(E) NON-CONFORM	
REAR YARD	10'-0" / 25'-0" BLUFF	76'-0"	65'-9"	YES	
SIDE YARD (MIN)	NORTH 5'-0" SOUTH 5'-0"	5'-0" 2'-1"	NO CHANGE	(E) NON-CONFORM	
LOT COVERAGE (BSC) (% OF NET LOT AREA)	35% (2,855 SQFT)	26.7% (2,163 SQFT)	28.5% (2,325 SQFT)	YES	
LANDSCAPE OPEN SPACE (MINIMUM)	24%	37.5%	34.9%	YES	
IRRIGATED AREA					
PARKING	3	3	3	YES	

PROJECT DATA					
DESCRIPTION	EXISTING	ADDITION/ REDUCTION	NET ADDITION/ REDUCTION	PROPOSED TOTAL	REMODEL
LIVING AREA: LOWER	0 SF	+1,244 / -0	+1,244	1,244 SF	0 SF
MAIN	1,651 SF	+311 / +373	-62	1,589 SF	1,278 SF
UPPER	1,044 SF	+51 / +132	-81	963 SF	1,031 SF
GARAGE:	427 SF	+0 / +0	+0	427 SF	0 SF
TOTAL FLOOR AREA	3,122 SF	+1,606 / +505	+1,101	4,223 SF	2,309 SF
EXERCISE ROOM ADDITION PERMIT #03262	300 SF				
TOTAL HABITABLE PRIOR TO JANUARY 13, 1993	2,822 SF			4,233 SF	
ELEVATED DECK:	449 SF	+459 / +87	+372	821 SF	362 SF
MECHANICAL:	89 SF	+111 / +29	+22	111 SF	0 SF
* MAXIMUM ALLOWABLE FLOOR AREA ADDITION: 2,822 SF x 1.5 = 4,233 SF. ** THE PROPOSED ADDITION IS 10 SF BELOW THE MAXIMUM ALLOWABLE 50% FLOOR AREA ADDITION.					
DEMOLITION	EXISTING	REMOVED	REMAINING	DEMO TOTAL %	
ROOF AREA (INCL. EAVES)	2,380 SF	217 SF	2,163 SF	9%	
WALLS LINEAR FEET	577.88 LF	257.93 LF	319.75 LF	45%	
FOUNDATION LINEAR FEET	349.14 LF	269.14 LF	80.00 LF	77%	

## CITY OF LAGUNA BEACH TYPICAL NOTES

1. UNDERGROUND ALL UTILITY LINES TO THE NEAREST EXISTING UTILITY BOX.
2. PROJECT SHALL COMPLY T-24 ENERGY CONSERVATION REQUIREMENTS.

## ZONING NOTES

- A. OUTDOOR FIREPLACES, FIRE PITS, TORCHES, OUTDOOR BARBQUES AND GRILLS (NON-FUEL MODIFICATION DESIGNATION).
- B. SUCH DEVICES, STRUCTURES OR EQUIPMENT SHALL NOT BE USED FOR THE DISPOSAL OF RUBBISH, TRASH OR COMBUSTIBLE MATERIALS.
- C. SUCH DEVICES, STRUCTURES OR EQUIPMENT SHALL NOT BE LOCATED WITHIN 10 FEET OF ANY COMBUSTIBLE STRUCTURE, COMBUSTIBLE MATERIAL OR VEGETATION.
- D. ALL EXTERIOR FLAME PRODUCING DEVICES, STRUCTURES OR EQUIPMENT SHALL BE GAS BURNING ONLY.
- E. ALL OUTDOOR BARBQUES AND GRILLS SHALL BE INSTALLED AND OPERATED PER THE MANUFACTURER'S RECOMMENDATIONS.
- F. SUCH DEVICES, STRUCTURES OR EQUIPMENT SHALL BE LOCATED PER THE MANUFACTURER'S RECOMMENDATIONS RELATING TO THE SEPARATION FROM ANY COMBUSTIBLE STRUCTURE.

SITE WORK					
GRAVING (CUBIC YARDS)	OUTSIDE BLD.G. FOOTPRINT	INSIDE BLD.G. FOOTPRINT	POOL / SPA	TOTAL	
CUT	340 CY	155 CY	95 CY	590 CY	
FILL	0 CY	0 CY	0 CY	0 CY	
NET EXPORT	340 CY	155 CY	95 CY	590 CY	
SITE COVERAGE		LOT AREA	% OF GROSS LOT AREA		
		EXISTING	PROPOSED	EXISTING	PROPOSED
STRUCTURE		2,183 SF	2,325 SF	21.8%	23.3%
HARDSCAPE (INCL.DRIVEWAY)		4,084 SF	3,956 SF	40.8%	39.6%
PERMEABLE		3,726 SF	3,712 SF	37.3%	37.1%
TOTAL (GROSS LOT AREA)		9,993 SF	9,993 SF	100%	100%
POOL / SPA DETAILS					
DIMENSIONS (L X W X D)			VOLUME / GALLONS		
POOL (NEW)	27' X 10' X 3.75'		1,012 CUFT / 7,570 GAL		
SPA (NEW)	4'-6" X 7'-6" X 4'		143 CUFT / 1,070 GAL		
TOTAL			1,155 CUFT / 8,639 GAL		
EXTERIOR BUILDING LIGHTING					
EXISTING EGRESS DOORS	8	PROPOSED EGRESS DOORS	8		
EXISTING FIXTURE COUNT	10	PROPOSED FIXTURE COUNT	20		
FIXTURE TYPE	WATTAGE	LUMENS	QUANTITY	COMMENTS	
WALL MOUNT	5 MAX	500 MAX	11		
RECESSED	5 MAX	500 MAX	9		
TOTAL LIGHT FIXTURES			20		
LANDSCAPE LIGHTING					
EXISTING FIXTURE COUNT	40	PROPOSED FIXTURE COUNT	51		
FIXTURE TYPE	WATTAGE	LUMENS	QUANTITY	COMMENTS	
PATH LIGHT	2.5 WATTS	88 LUMENS	12		
SPOT LIGHT	3 WATTS	155 LUMENS	2		
W. FLOOD LIGHT	3.5 WATTS	280 LUMENS	6		
STEP LIGHT	3.5 WATTS	95 LUMENS	8		
WALL LIGHT	1.25 WATTS	37.5 LUMENS	6		
TOTAL LIGHT FIXTURES			34		

LEGAL DESCRIPTION				
APN, 053-161-05				
A-TRACT: 481 Block Y LOT:17				
PROJECT CODES				
TYPE OF CONSTRUCTION: I-8				
TYPE OF OCCUPANCY: R-3				
APPLICABLE 2016 CALIFORNIA RESIDENTIAL CODE (CRC), BUILDING CODES: (CBC), MECHANICAL (CMC), PLUMBING (CPC), ELECTRICAL (CEC), ENERGY (CENC), FIRE (CFC), GREEN (CGB), LAGUNA BEACH MUNICIPAL CODE (LBMC).				
SPRINKLERS REQUIRED: YES				
SCOPE OF WORK				
HABITABLE AREA ADDITION AND REMODEL TO AN EXISTING THREE STORY SINGLE FAMILY DWELLING WITH AN EXISTING DETACHED TWO CAR GARAGE. PROJECT ALSO INCLUDE SWIMMING POOL, SPA, AC UNITS, HARDSCAPE AND LANDSCAPE DEVELOPMENT.				

## CONTACTS

**OWNER:**  
BOB AND LUCY DONAHUE  
CONTACT: ARCHITECT  
1225 CLIFF DRIVE  
LAGUNA BEACH, CA 92651

**ARCHITECT:**  
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CONTACT: MORRIS SKENDERIAN  
2094 SOUTH COAST HWY, SUITE 3  
LAGUNA BEACH, CA 92651  
TEL: 949-491-8374  
FAX: 949-491-9814  
EMAIL: MORRIS@MSAARCHITECTS.COM

**CIVIL:**  
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234 E. 17TH STREET, SUITE 205  
COSTA MESA, CA 92627  
TEL: 949-494-1192  
FAX: 949-494-6516  
EMAIL: MBENESH@ROBHAMERS.COM

**LANDSCAPE ARCHITECT:**  
LA STUDIOS  
CONTACT: LARRY STEINLE  
570 CALLOPE  
LAGUNA BEACH, CA, 92651  
TEL: 949-494-8244  
FAX: 949-494-1510  
EMAIL: LASTUDIO@AOL.COM

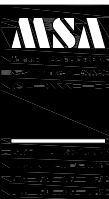
## VICINITY MAP



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REVISIONS	
6/6/2019	ZONING CORRECTION
9/24/2019	REVISION
4/15/2020	DRB REVISION
7/27/2020	DRB REVISION

REVISIONS		
NO.	DATE	BY
1	6/6/2019	JL
2	9/24/2019	JL
3	4/15/2020	JL
4	7/27/2020	JL



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**TITLE SHEET**  
**DONAHUE RESIDENCE**  
1225 CLIFF DRIVE  
LAGUNA BEACH, CALIFORNIA 92651

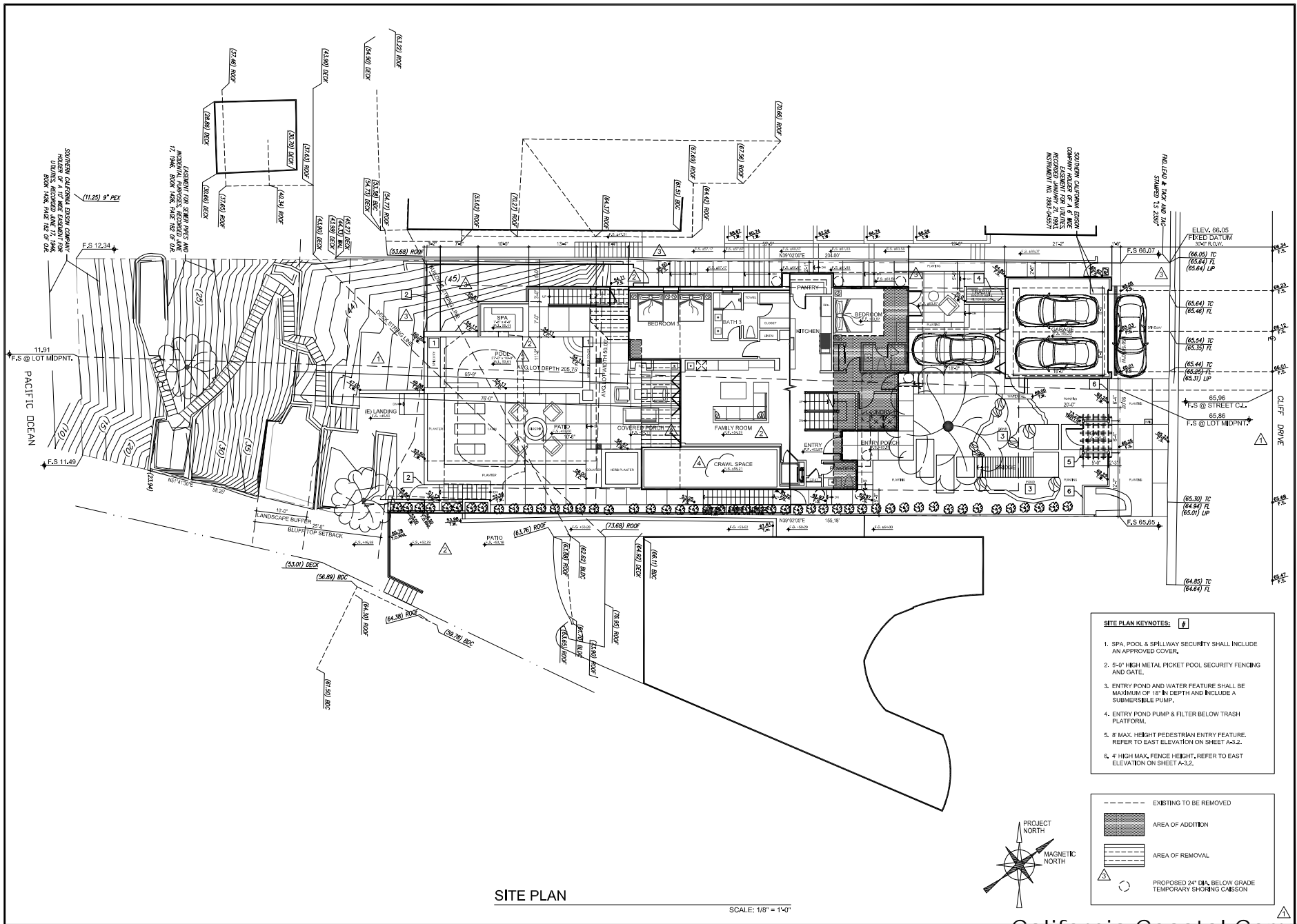
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SHEET NUMBER T-1	

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Exhibit 2

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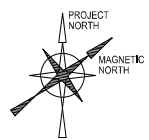


SITE PLAN

SCALE: 1/8" = 1'-0"

- SITE PLAN KEYNOTES:**
1. SPA, POOL & SPILLWAY SECURITY SHALL INCLUDE AN APPROVED COVER.
  2. 5'-0" HIGH METAL PICKET POOL SECURITY FENCING AND GATE.
  3. ENTRY POND AND WATER FEATURE SHALL BE MAXIMUM OF 18" IN DEPTH AND INCLUDE A SUBMERSIBLE PUMP.
  4. ENTRY POND PUMP & FILTER BELOW TRASH PLATFORM.
  5. 8" MAX. HEIGHT PEDESTRIAN ENTRY FEATURE. REFER TO EAST ELEVATION ON SHEET A-3.2.
  6. 4" HIGH MAX. FENCE HEIGHT, REFER TO EAST ELEVATION ON SHEET A-3.2.

- - - - - EXISTING TO BE REMOVED  
 [Solid Grey Box] AREA OF ADDITION  
 [Dashed Box] AREA OF REMOVAL  
 [Circle with 'X'] PROPOSED 24" DIA. BELOW GRADE TEMPORARY SHORING CAISSON



REVISIONS		
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4	7/27/2020	JL

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REGISTERED ARCHITECT  
 STATE OF CALIFORNIA  
 NO. 10000  
 J. L. M.

**SITE PLAN**

**DONAHUE RESIDENCE**

1225 CLIFF DRIVE

LAGUNA BEACH, CALIFORNIA 92651

PROJECT SUBMITTAL DATE	12-20-18
DESIGNED BY	JL
JOB NUMBER	18-004
SHEET NUMBER	A-1.0

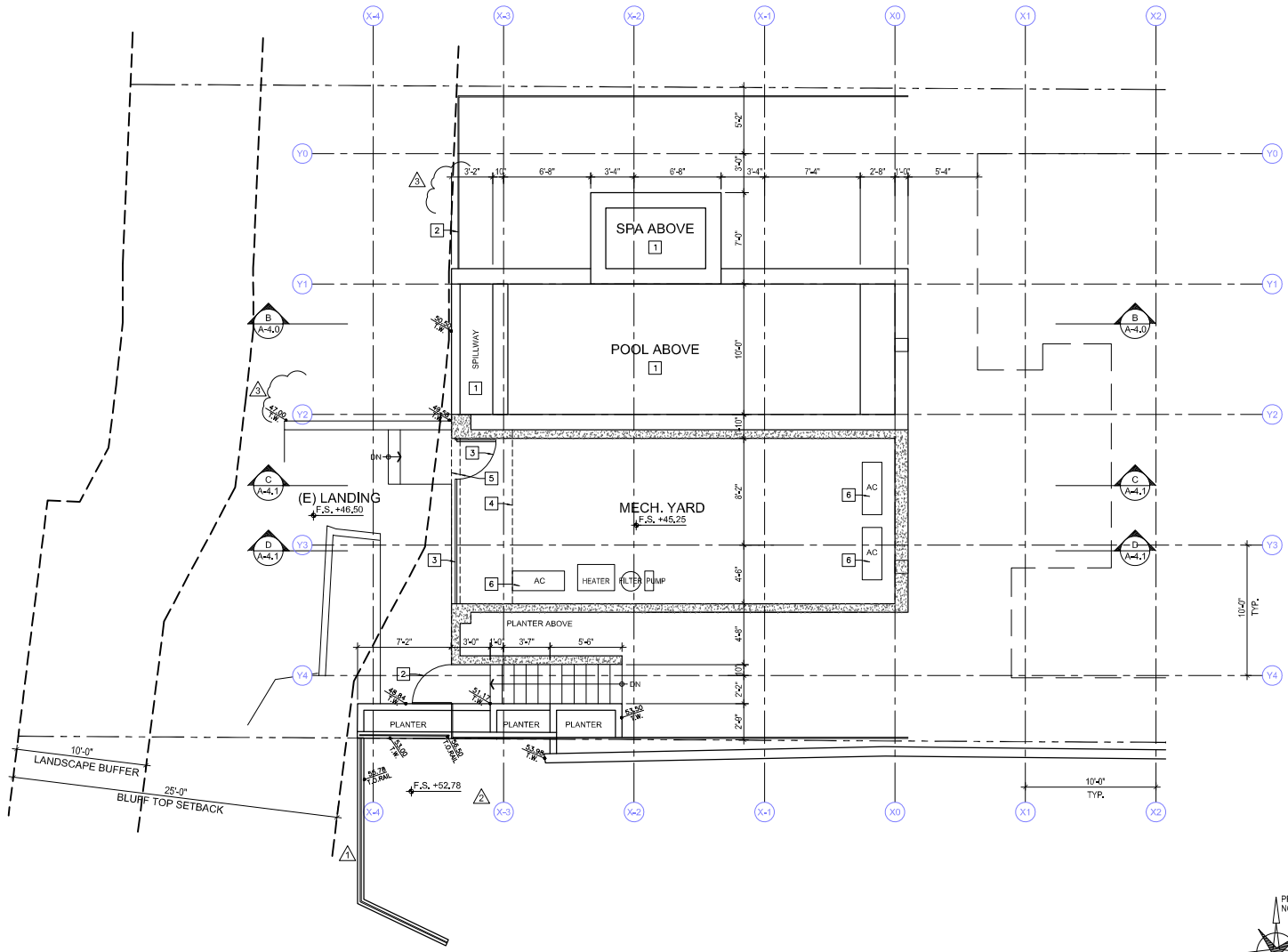
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2	9/24/2019	JL
3	4/15/2020	JL



**PROPOSED MECHANICAL YARD FLOOR PLAN**  
**DONAHUE RESIDENCE**  
 1225 CLIFF DRIVE  
 LAGUNA BEACH, CALIFORNIA 92651

PROJECT SUBMITTAL DATE	12-20-18
DESIGNED BY	JL
JOB NUMBER	18-004
SHEET NUMBER	

A-2.0



- FLOOR PLAN KEYNOTES: #**
1. SPA, POOL & SPILLWAY SECURITY SHALL INCLUDE AN APPROVED COVER.
  2. 5'-0" HIGH METAL PICKET POOL SECURITY FENCING AND GATE.
  3. 4" HIGH METAL PICKET FENCE AND GATE.
  4. CEILING BREAK LINE.
  5. LINE OF PLANTER EDGE ABOVE.
  6. AC CONDENSER ON SHOCK ABSORPTION BASE.

---	EXISTING WALL TO BE REMOVED
---	NEW WALL
---	NEW RETAINING WALL
---	AREA OF HABITABLE ADDITION
---	AREA OF HABITABLE REMOVAL

**PROPOSED MECHANICAL YARD FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

NO.	DATE	BY
1	6/6/2019	JL
2	9/24/2019	JL
3	4/15/2020	JL
4	7/27/2020	JL



THE DESIGNER'S CONTRACT AND THE DESIGNER'S OBLIGATIONS ARE LIMITED TO THE DESIGN AND PLANNING OF THE PROJECT AND THE DESIGNER'S OBLIGATIONS ARE LIMITED TO THE DESIGN AND PLANNING OF THE PROJECT AND THE DESIGNER'S OBLIGATIONS ARE LIMITED TO THE DESIGN AND PLANNING OF THE PROJECT.



PROPOSED LOWER LEVEL FLOOR PLAN  
**DONAHUE RESIDENCE**  
 1225 CLIFF DRIVE  
 LAGUNA BEACH, CALIFORNIA 92651

PROJECT DURING THIS DATE	12-20-18
DRAWN BY	JL
CHECKED BY	18-004
SHEET NUMBER	

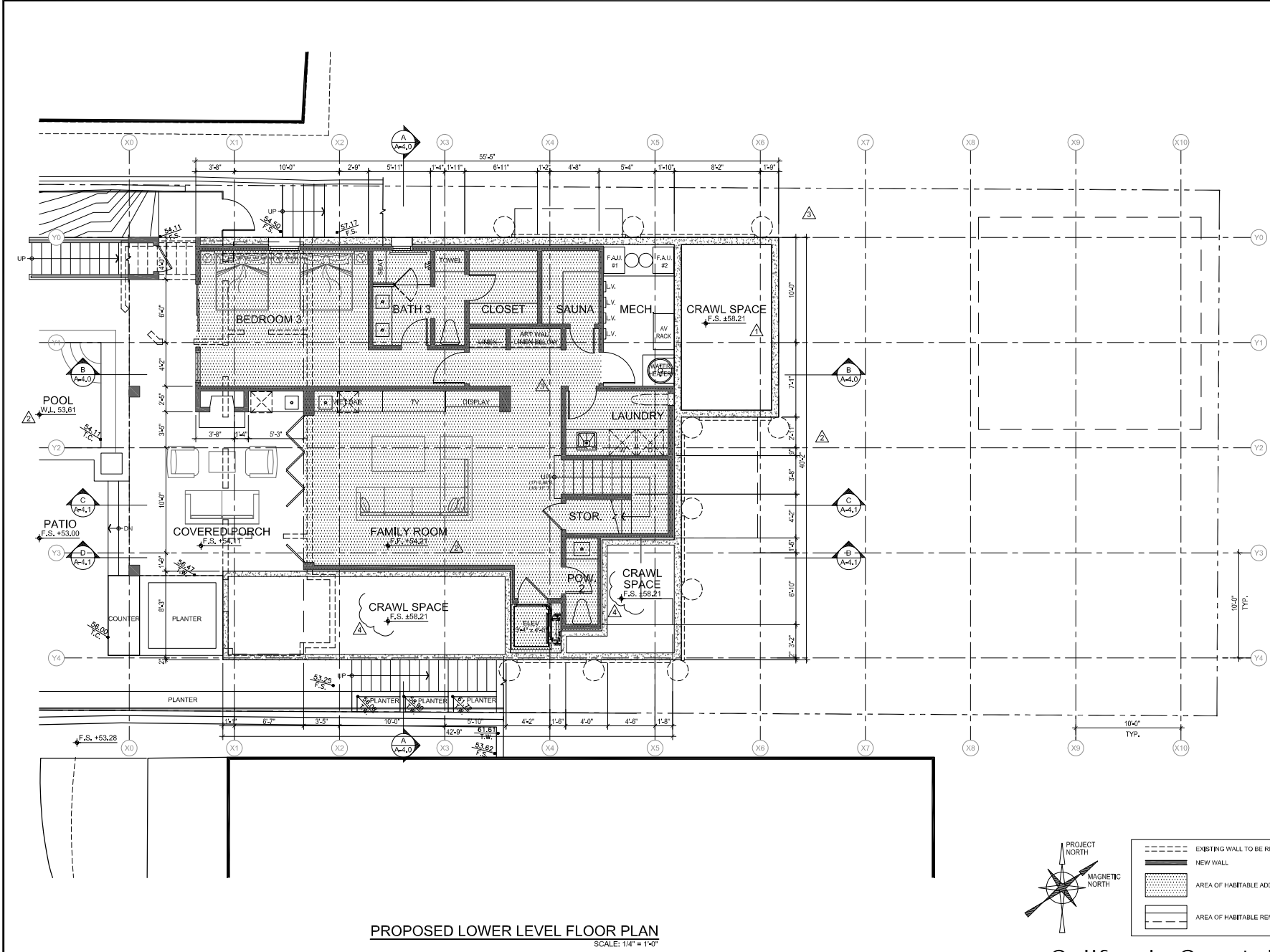
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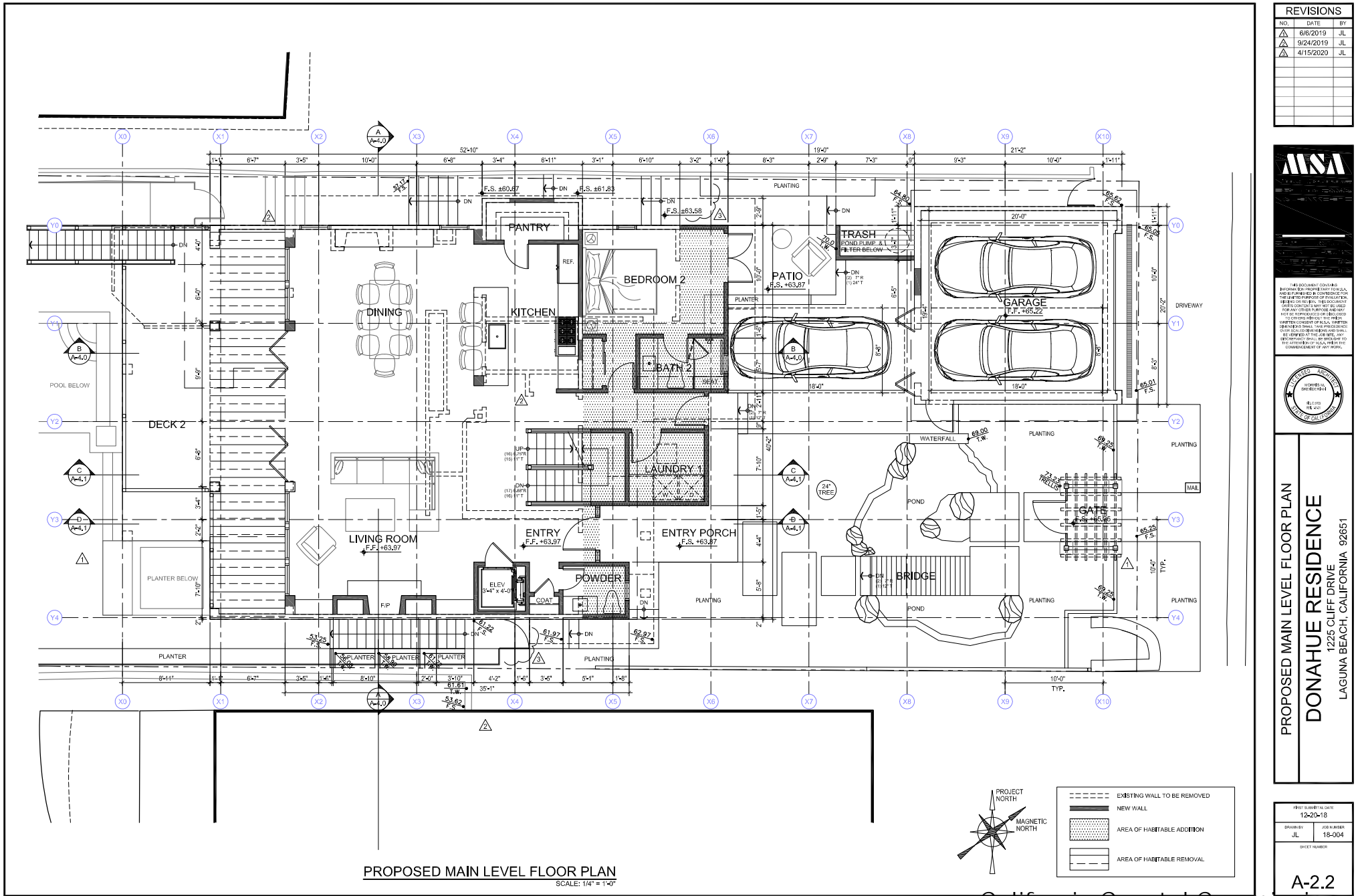
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Exhibit 2

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2	9/24/2019	JL
3	4/15/2020	JL

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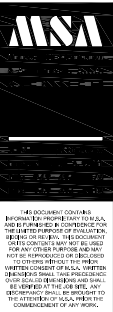
MECHANICAL, STRUCTURAL & ARCHITECTURAL  
1225 CLIFF DRIVE  
LAGUNA BEACH, CALIFORNIA 92651  
TEL: 949.261.1111  
WWW.MSACONSTRUCTION.COM

**REGISTERED ARCHITECT**  
JAMES M. SMITH  
NO. 18414  
STATE OF CALIFORNIA

**PROPOSED MAIN LEVEL FLOOR PLAN**  
**DONAHUE RESIDENCE**  
1225 CLIFF DRIVE  
LAGUNA BEACH, CALIFORNIA 92651

FIRST SUBMITTAL DATE 12-20-18	
DRAWN BY JL	JOB NUMBER 18-004
SHEET NUMBER <b>A-2.2</b>	

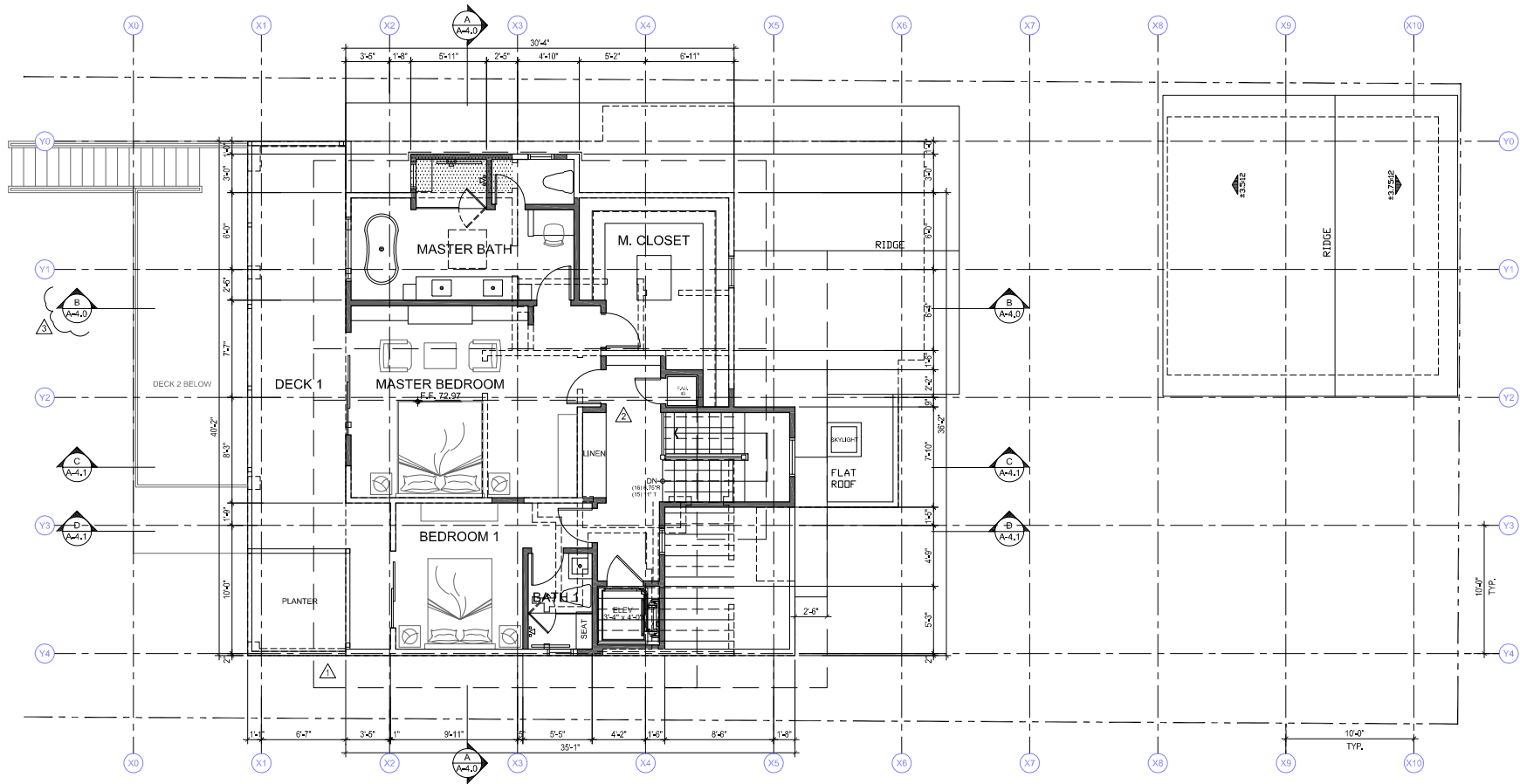
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2	9/24/2019	JL
3	4/15/2020	JL



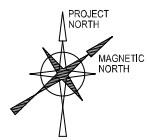
PROPOSED UPPER LEVEL FLOOR PLAN  
**DONAHUE RESIDENCE**  
 1225 CLIFF DRIVE  
 LAGUNA BEACH, CALIFORNIA 92651

PROJECT NUMBER	12-20-18
DRAWN BY	JL
CHECKED BY	JL
DATE	18-004

A-2.3



PROPOSED UPPER LEVEL FLOOR PLAN  
 SCALE: 1/4" = 1'-0"



---	EXISTING WALL TO BE REMOVED
---	NEW WALL
---	AREA OF HABITABLE ADDITION
---	AREA OF HABITABLE REMOVAL

# REVISIONS

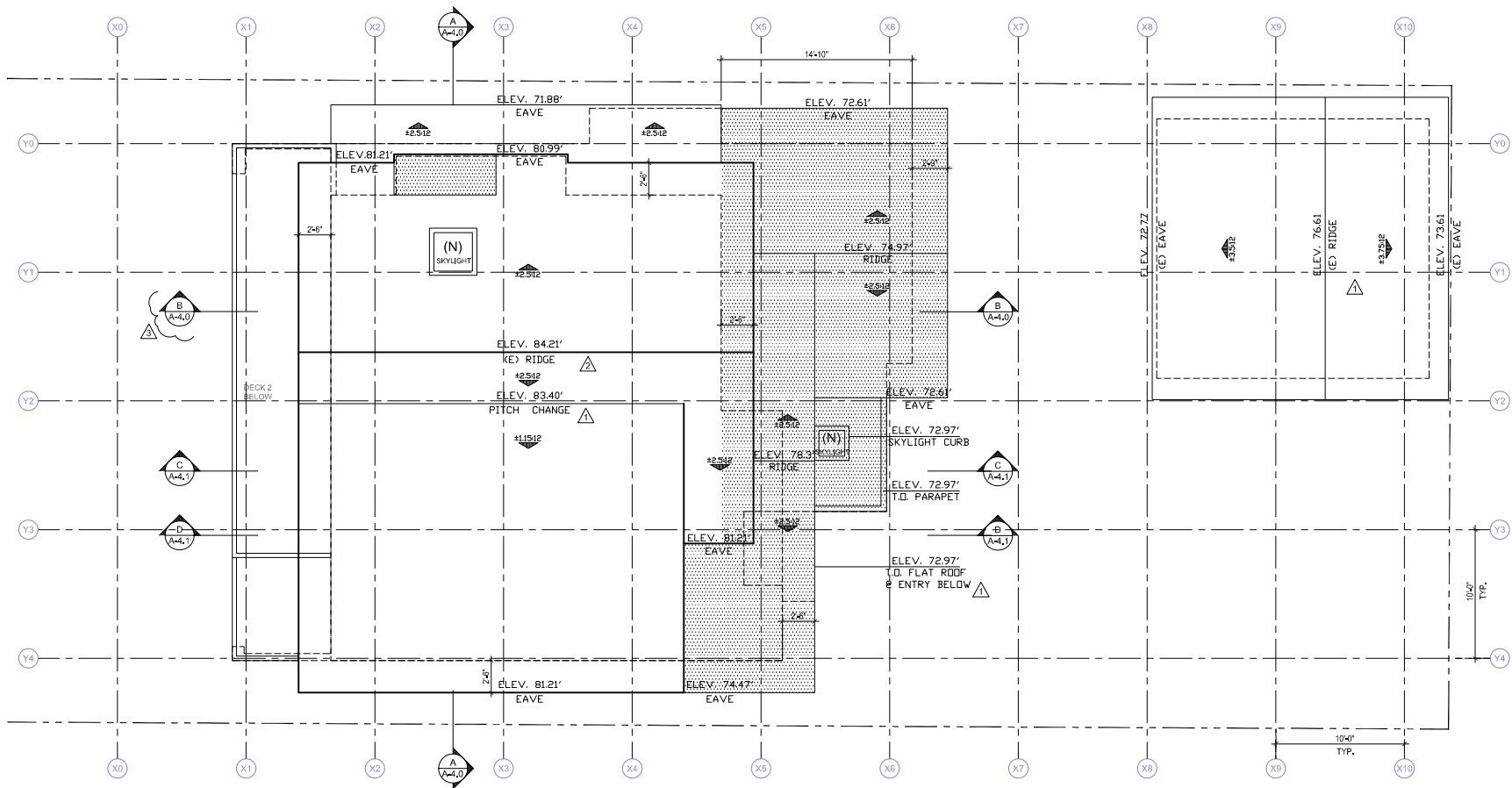
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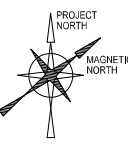
PROPOSED ROOF PLAN  
**DONAHUE RESIDENCE**  
 1225 CLIFF DRIVE  
 LAGUNA BEACH, CALIFORNIA 92651

PROJECT SUBMITTAL DATE	12-20-18
DRAWN BY	JL
JOB NUMBER	18-004
SHEET NUMBER	

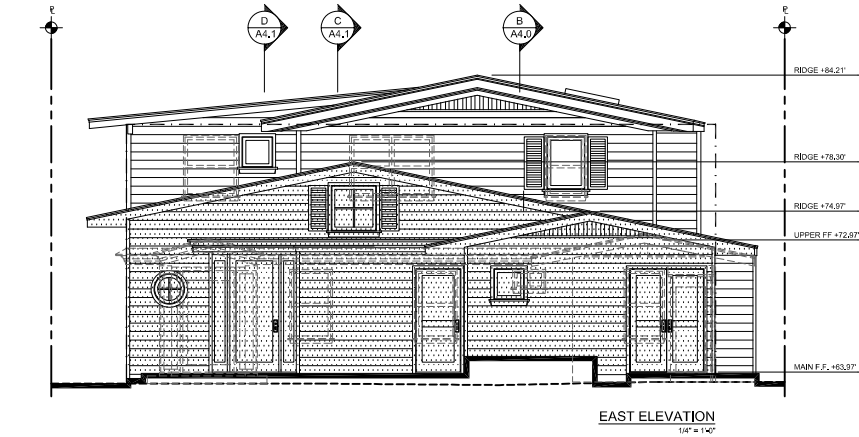
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PROPOSED ROOF PLAN  
 SCALE: 1/4" = 1'-0"

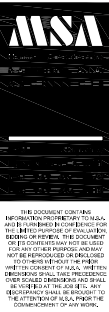


--- DASHED LINES INDICATES REMOVED  
 [Hatched Box] AREA OF NEW ROOF



--- - - - - INDICATES THE MAXIMUM BUILDING ENVELOPE @ ELEV. +65.37' (15'-0\"/>

REVISIONS		
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2	9/24/2019	JL
3	4/15/2020	JL
4	7/27/2020	JL

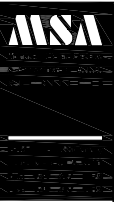


PROPOSED EXTERIOR ELEVATIONS  
**DONAHUE RESIDENCE**  
 1225 CLIFF DRIVE  
 LAGUNA BEACH, CALIFORNIA 92651

PROJECT DATE	12-20-18
DRAWN BY	JL
CHECKED BY	JL
SHEET NUMBER	18-004

A-3.0

REVISIONS		
NO.	DATE	BY
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2	9/24/2019	JL
3	4/15/2020	JL
4	7/27/2020	JL



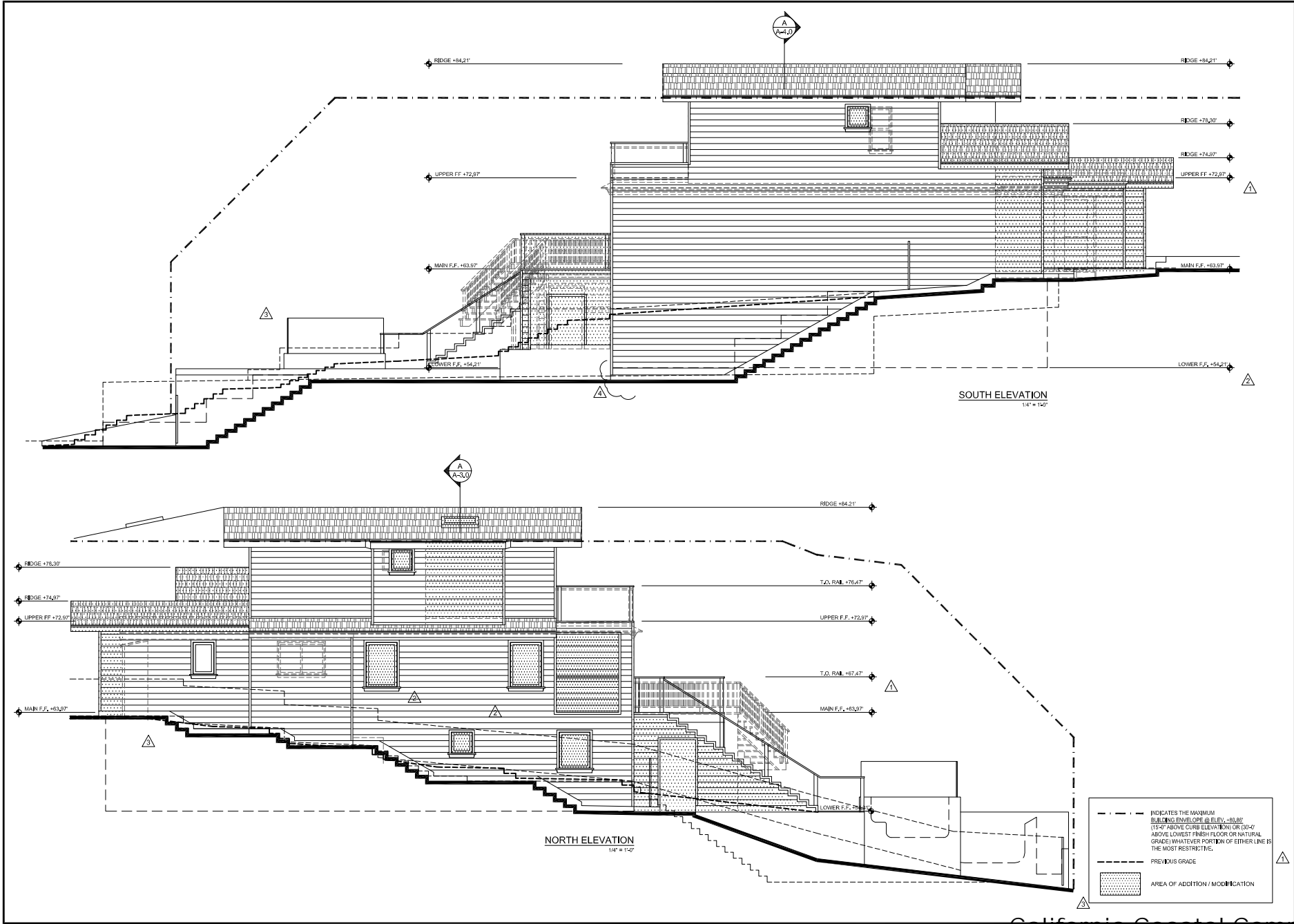
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 SUBJECT TO THE PENALTIES AND  
 DAMAGES PROVIDED BY LAW.



PROPOSED EXTERIOR ELEVATIONS  
**DONAHUE RESIDENCE**  
 1225 CLIFF DRIVE  
 LAGUNA BEACH, CALIFORNIA 92651

FIRST SUBMITTAL DATE 12-20-18	
DRAWN BY JL	JOB NUMBER 18-004
SHEET NUMBER	

A-3.1

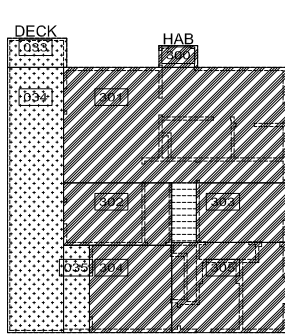


California Coastal Commission

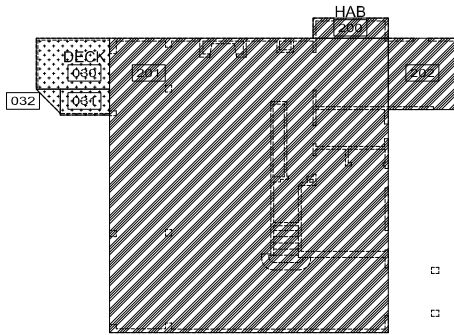
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Exhibit 2

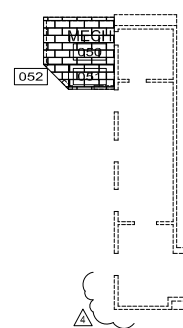
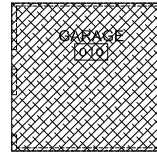
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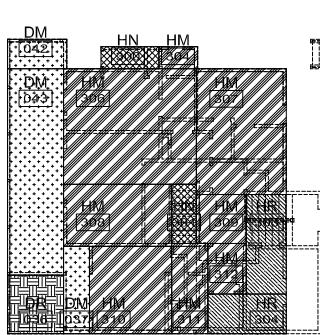
RECORD UPPER LEVEL  
1/8" = 1'-0"



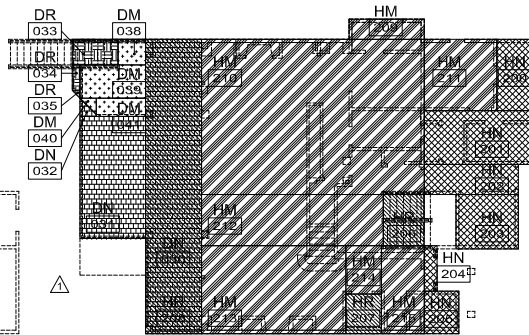
RECORD MAIN LEVEL  
1/8" = 1'-0"



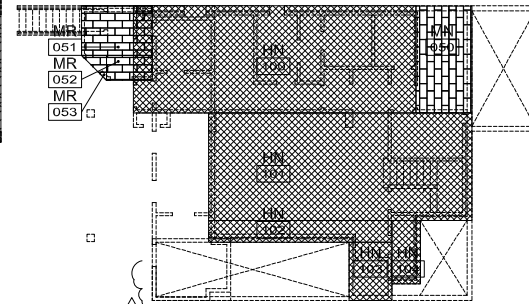
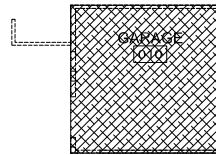
RECORD LOWER LEVEL  
1/8" = 1'-0"



PROPOSED UPPER LEVEL  
1/8" = 1'-0"



PROPOSED MAIN LEVEL  
1/8" = 1'-0"



PROPOSED LOWER LEVEL  
1/8" = 1'-0"

## AREA CALCULATIONS

SCALE: 1/8" = 1'-0"

NO.	DATE	BY
1	6/6/2019	JL
2	9/24/2019	JL
3	4/15/2020	JL
4	7/27/2020	JL

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3	4/15/2020	JL
4	7/27/2020	JL



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AREA CALCULATIONS  
DONAHUE RESIDENCE  
1225 CLIFF DRIVE  
LAGUNA BEACH, CALIFORNIA 92651

AREA CALCULATIONS  
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1225 CLIFF DRIVE  
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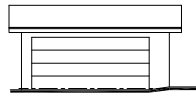
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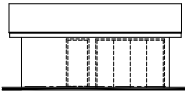
AREA CALCULATIONS  
DONAHUE RESIDENCE  
1225 CLIFF DRIVE  
LAGUNA BEACH, CALIFORNIA 92651



GARAGE EAST ELEVATION  
10' x 14'



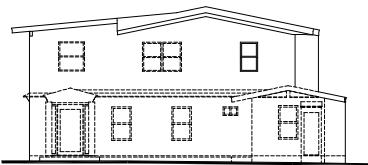
GARAGE NORTH ELEVATION  
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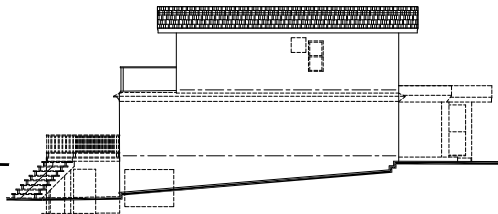
GARAGE WEST ELEVATION  
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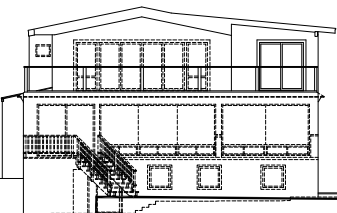
GARAGE SOUTH ELEVATION  
10' x 14'



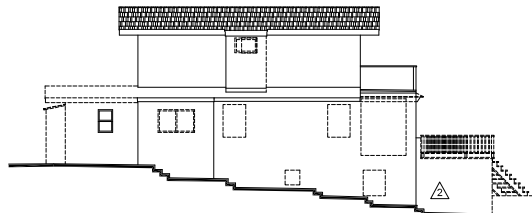
EAST ELEVATION  
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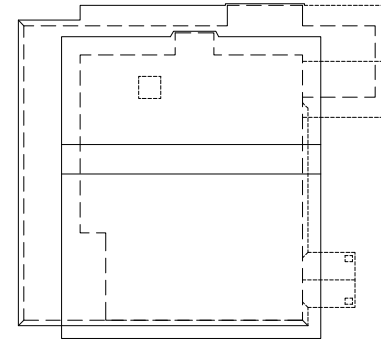
SOUTH ELEVATION  
10' x 14'



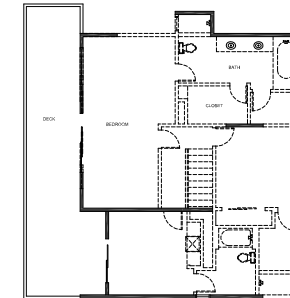
WEST ELEVATION  
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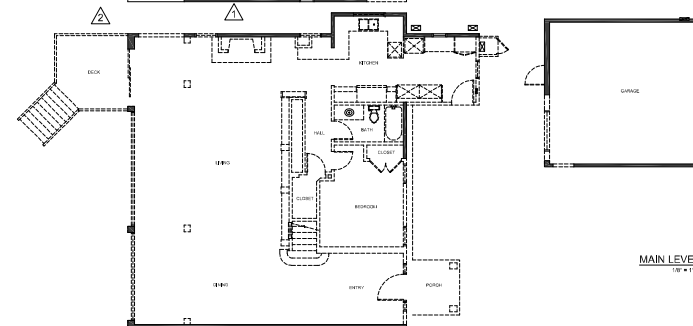
NORTH ELEVATION  
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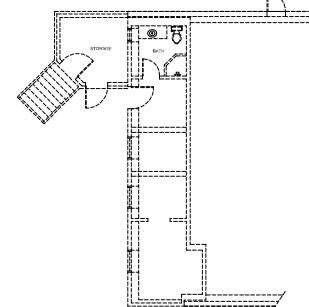
ROOF PLAN  
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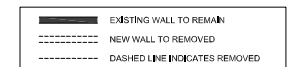
UPPER LEVEL  
10' x 14'



MAIN LEVEL  
10' x 14'



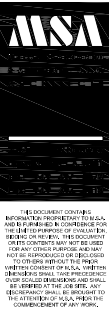
LOWER LEVEL  
10' x 14'



DEMOLITION PLAN & ELEVATIONS

SCALE: 1/8" = 1'-0"

REVISIONS		
NO.	DATE	BY
1	6/6/2019	JL
2	9/24/2019	JL
3	4/15/2020	JL



DEMOLITION PLANS & ELEVATIONS  
**DONAHUE RESIDENCE**  
 1225 CLIFF DRIVE  
 LAGUNA BEACH, CALIFORNIA 92651

FIRST SUBMITTAL DATE 12-20-18	
DRAWN BY JL	JOB NUMBER 18-004
SHEET NUMBER D-1.0	

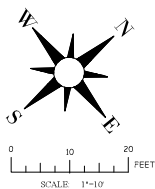
California Coastal Commission

A-5-LGB-20-0055

Exhibit 2

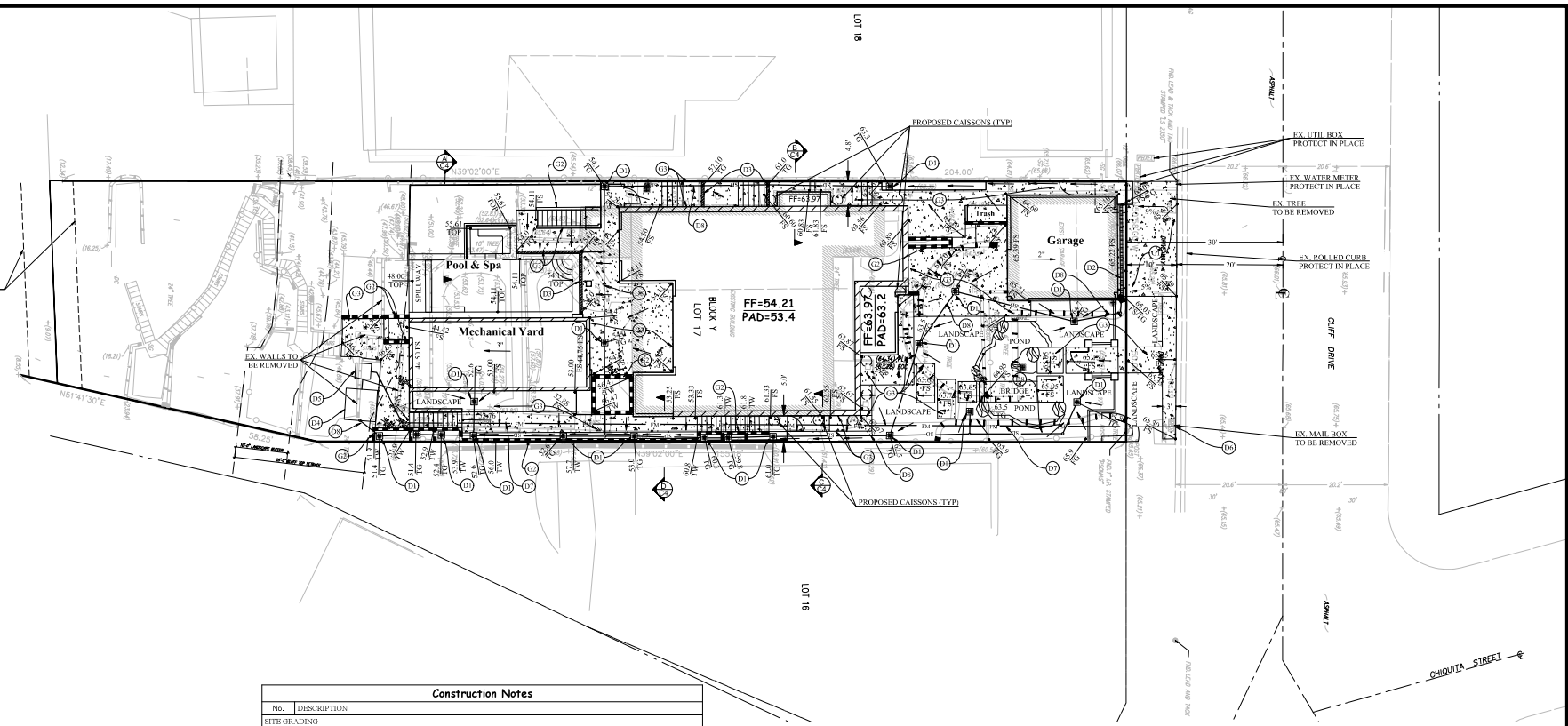
Page 11 of 14





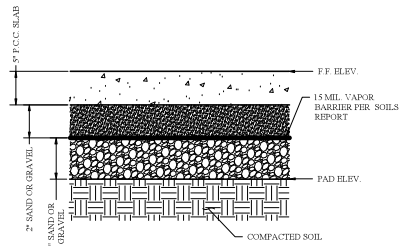
PACIFIC OCEAN

CITY OF LAGUNA BEACH HOLDER OF A 10' WIDE EASEMENT FOR SEWER PIPE AND APPURTENANCES, RECORDED JUNE 17, 1966, IN BOOK 1426, PAGE 152 OF O.R.



### Construction Notes

No.	DESCRIPTION
<b>SITE GRADING</b>	
(C1)	CONSTRUCT 6" CONCRETE DRIVEWAY (FINISH PER LANDSCAPE PLANS & SECTION PER SOILS ENGINEER)
(C2)	CONSTRUCT RETAINING WALL BY SEPARATE PERMIT
(C3)	CONSTRUCT CONCRETE WALKWAY, PATIOS & STAIRS PER LANDSCAPE PLANS
<b>DRAINAGE</b>	
(D1)	CONSTRUCT 6" SQUARE DROP INLET
(D2)	CONSTRUCT 6" TRAFFIC RATED TRENCH DRAIN
(D3)	CONSTRUCT 4" TRENCH DRAIN
(D4)	CONSTRUCT 666 FILTERRA BIOSCAPE VAULT WITH INTERNAL BYPASS - PIPE INLET. SEE DETAILS SHEET C2
(D5)	CONSTRUCT SUMP PUMP (200 gpm) AND VAULT
(D6)	CORE DRILL 3" FORCE MAIN PIPE THROUGH EXISTING CURB
(D7)	CONSTRUCT 3" FORCE MAIN PIPE
(D8)	CONSTRUCT PVC DRAIN PIPE



### SLAB ON GRADE SECTION

NOT TO SCALE

NOTE: CONTRACTOR TO VERIFY SLAB ON GRADE SECTION WITH SOILS ENGINEER AND STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION AND MAKE ANY NECESSARY CHANGES TO PAD GRADGES TO ACCOMMODATE CHANGES IN THICKNESS OF MATERIALS.

No.	DATE	DESCRIPTION	BY
<b>REVISIONS</b>			



**BENCHMARK:**  
OCS BENCH-111, 1995 ADJ. ELEVATION = 72.963 FEET (NAVD 88)  
DESCRIBED BY OCS 2003 - FOUND 3.3" USC&GS BRONZED DISK STAMPED "1415 1988". SET IN THE SOUTHERLY CORNER OF A CONCRETE CATCH BASIN.  
MOVEMENT IS LOCATED ALONG THE NORTHEASTERLY SIDE OF PACIFIC COAST HIGHWAY, 22 FT. NORTHEASTERLY OF THE NORTHBOUND LANES OF PACIFIC COAST HIGHWAY, 1.3 MILES NORTHERLY ALONG PCR FROM THE CENTERLINE OF BROADWAY IN LAGUNA BEACH AND 0.05 MILES NORTHEASTERLY FROM THE ENTRANCE INTO EMERALD BAY HOMES.  
MOVEMENT IS SET LEVEL WITH THE TOP OF THE CURB.  
LAT 33° 33'05.67181" LONG 117° 48'19.71765"

**OWNER:**  
BOB AND LUCY DONAHUE  
C/O MICHAEL BENDERMAN & ASSOC.  
2004 SOUTH COAST HWY. SUITE 3  
LAGUNA BEACH, CA 92651  
949 497-3374



PREPARED BY:  
ROBIN B. HAMERS & ASSOC., INC.  
CIVIL ENGINEERS  
234 E. 17TH STREET, SUITE 205  
COSTA MESA, CA 92626  
(949) 548-1192  
Michael Benderman, R.C.E. 37893  
DATE: 4/14/20

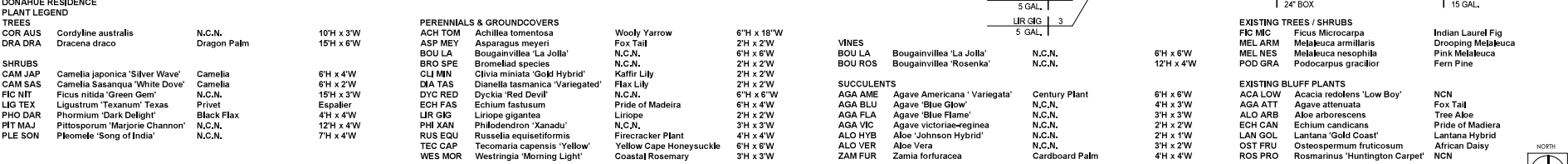
CITY OF LAGUNA BEACH, CALIFORNIA		SHEET
PRELIMINARY GRADING PLAN		C3
FOR		
THE DONAHUE RESIDENCE		
GRADING PLAN		
1225 CLIFF DRIVE, LAGUNA BEACH, CA		OF 5



1



F.S. 66,07



SHEET PLOTTED : 7/29/2020  
DRAFTED BY: KB



**CITY OF LAGUNA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF MEMORANDUM**

**HEARING DATE:** February 27, 2020

**TO:** DESIGN REVIEW BOARD

**CASE:** Design Review 19-5310  
Coastal Development Permit 19-5311  
Revocable Encroachment Permit 19-5312

**APPLICANT:** Morris Skenderian, Architect  
(949) 497-3374  
morris@msaarchitects.com

**LOCATION:** Donahue Residence  
1225 Cliff Drive  
APN 053-161-05

**ENVIRONMENTAL STATUS:** In accordance with the California Environmental Quality Act (CEQA) Guidelines, the project is categorically exempt pursuant to Section 15301, Class 1(e)(1) (Existing Facilities).

**PREPARED BY:** Chris Dominguez, Associate Planner  
(949) 497-0745

---

**REQUESTED ACTION:** The applicant requests approval of Design Review 19-5310, Coastal Development Permit 19-5311, and Revocable Encroachment Permit 19-5312 to allow the following modifications to a prior approval: construct 1,310 square feet of additions greater than 15 feet in height, tandem parking, 372 square feet of elevated decks, skylights, grading, pool, spa, pedestrian entry feature, landscaping, and maintain a walkway and lighting within the unimproved portion of the public right-of-way.

---

**BACKGROUND:** On February 22, 2001, the Board of Adjustment/Design Review Board approved hardscape, a spa, and new site walls with the condition that modifications be included as stated in an agreement made with the neighbor at 1205 Cliff Drive and that the lighting be adjusted to not be disruptive to the neighbor (DR 01-025).

On February 22, 2001, the Board of Adjustment/Design Review Board approved a 300 square-foot addition that exceeded the maximum building height (DR 01-026, VA 6790, and CDP 01-022).

On February 7, 2002, the Board of Adjustment/Design Review Board approved the construction of a two-car garage that encroaches into the front and side setbacks with the condition that the house will have no more than three bedrooms (DR 02-007, VA 6887, and CDP 02-003).

On May 23, 2019, the Director of Community Development approved installation of an air conditioning unit with sound attenuation (DR 19-3657).

**SITE CHARACTERISTICS:** The subject property is an 8,156 square-foot coastal lot in North Laguna that is developed with a three-level single-family residence and detached two-car garage. The 3,055 square-foot residence was built around 1916 and is listed on the City's Historic Resources Inventory with a "K" rating. The applicant proposes 2,161 square-feet of additions and removal of 851 square-feet of existing living area for a net addition of 1,310 square-feet. The main level of the home will be expanded to accommodate a bedroom, bathroom, laundry room, and powder room. The home's upper level will be expanded to include a shower in the master bathroom. The lower level of the home will be enlarged to include a family room, bedroom, two bathrooms, a sauna, a secondary laundry room, and storage areas. A 350 square-foot enclosed mechanical yard is proposed below the home's outdoor patio to house pool and spa equipment and three air conditioning units. Other improvements include a garage remodel to include pass through tandem parking, new landscaping and hardscaping, expanded decks, a pool and spa, pedestrian entry feature, and exterior lighting. The project was reviewed by the Heritage Committee on October 21, 2019, (minutes attached) who recommended approval.

**ZONING:**

R-1 (Residential Low Density)

☒ Environmentally Sensitive Area: Coastal

☒ Site Constraints: Water Quality

**PROPOSED PROJECT:** The proposed project involves the following modifications to a prior approval: additions (1,310 square feet) greater than 15 feet in height, tandem parking, elevated decks (372 square feet), skylights, grading, pool, spa, pedestrian entry feature, landscaping, construction within an environmentally sensitive area (oceanfront), and maintenance of nonconforming conditions (front and side yards, and building height) in conjunction with additions greater than 10 percent of the existing structure. A revocable encroachment permit is requested to maintain a walkway and lighting within the unimproved portion of the public right-of-way.

The California Coastal Commission certified Land Use Element defines a major remodel as alteration of or an addition to an existing building or structure that increases the square footage of the existing building or structure by 50% or more; or demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure. The proposed additions represent a 43 percent increase in floor area compared to the existing structure. Regarding demolition, removal, replacement and/or reconstruction of the existing structure, the following elements of the structure are proposed to be demolished: 7 percent of the roof and 41 percent of the exterior wall area. Foundation plans have not been provided to determine if less than 50 percent of the existing foundation will be demolished. Staff does not anticipate that the project will be considered a major remodel, but will require that the applicant provide foundation plans prior to the Design Review Board taking action on the project.

**STAFF ANALYSIS:**Coastal Development Permit

According to the 1993 Coastal Commission certified Post-LCP Certification Permit and Appeal Jurisdiction map, the project site is located within the appealable area of the Coastal Zone. Pursuant to LBMC Section 25.07.008, a Coastal Development Permit (CDP) is required because the scope of work involves an addition greater than 10 percent of the existing structure and located within 50 feet of a coastal bluff edge. 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;**

The City's General Plan and Local Coastal Plan Map identifies a primary arterial highway (North Coast Highway) to the north and a public beach (Crescent Bay) to the south. The closest public accessway to the beach is located 200 feet northwest of the project site at Barranca Street. The proposed development will be limited to its site boundaries and will not encroach upon any existing public accessway. Therefore, this criterion can be made.

- (2) The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources;**

While the site is not designated as an ESA on the Local Coastal ESA Map, it is considered environmentally sensitive as it is located seaward of Coast Highway. The proposed improvements are limited to previously altered areas and not expected to impact existing drainage patterns. Additionally, there are no known archaeological or paleontological resources within the project site as determined by the archeological and paleontological resources assessment prepared by Dudek. Furthermore, the site design has incorporated drainage improvements and best management practices to collect and treat water runoff prior to discharge. Therefore, this criterion can be made.

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

There are no recreational or visitor serving facilities in close proximity to the project site. As for coastal scenic resources, the Landscape and Scenic Highways Element identifies North Coast Highway as an eligible State Scenic Highway and the County's General Plan identifies the same as a Viewscape Corridor. The intent in designating the street as such is to protect the scenic appearance of the land adjacent to the right-of-way and seen from it. The proposed development is located over 400 feet away from North Coast Highway and will not be visible. Therefore, the proposed project will not impact coastal scenic resources or views from surrounding properties and therefore, this criterion can be made.

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

The project site is located adjacent to a public beach (Crescent Bay); however, the proposed improvements are located in previously altered areas uphill and beyond the bluff edge setback, so no changes to the visual scene will occur. Therefore, this criterion can be made.

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

The applicant's coastal hazards analysis concludes that the proposed project will neither create nor contribute significantly towards erosion, geologic instability, or destruction of the site or adjacent areas. Therefore, staff believes the project will not result in any risks from geological and erosional forces and/or flood and fire hazards. As such, staff believes this criterion can be made.

- (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;**

This criterion can be made as discussed in the Design Review Criteria Nos. 9 and 16 below.

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

This criterion can be made as discussed in criterion no. 2 above.

- (8) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and**

The proposed project will not require any changes to the existing utilities, access roads, drainage and other facility connections that serve the existing residence. Therefore, this criterion can be made.

- (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.**

As discussed under in criterion no. 8 above, the proposed project will not require any changes to the existing level of public services. Therefore, this criterion can be made.

Pursuant to LBMC Section 25.07.012(G), a coastal development permit application may be approved or conditionally approved only after the Design Review Board has reviewed the development project and made all the following findings.

- (1) The project is in conformity with all the applicable provisions of the general plan, including the certified local coastal program and any applicable specific plans;**

General Plan: Table 1 below identifies applicable policies and actions of the General Plan.

TABLE 1: GENERAL PLAN GOALS & POLICIES	CONFORM (Y, N OR N/A)
<b>Land Use Element (LU) Policy 2.10</b> Maximize the preservation of coastal and canyon views (consistent with the principle of view equity) from existing properties and minimize blockage of existing public and private views.	Yes, refer to Design Review Criterion No. 16 below.
<p><b>LU Element Action 4.3.1</b> Continue to pursue dedication and acceptance of beach access and other offers-to-dedicate throughout the City.</p> <p><b>LU Element Action 4.3.2</b> Maintain and improve public pedestrian access to and along beaches and oceanfront bluff using public rights-of-way and public easements. Protect, and where feasible, formalize, continued public use over areas used historically by the public (i.e. public prescriptive rights) to gain access to and along beaches, oceanfront bluffs, and other recreational areas.</p> <p><b>LU Element Action 4.3.3</b> Discourage the use of unimproved public accessways to coastal areas by vehicles unless necessary for reasons of public safety.</p>	N/A
<b>LU Element Policy 5.4</b> Preserve and maintain the residential character and livability of neighborhoods adjacent to commercial districts and/or individual businesses by regulating and minimizing impacts from commercial activities, including but not necessarily limited to deliveries, amplified music, light trespass, alcohol-related impacts, and employee or valet parking. Establishment of any new preferential parking districts in the coastal zone shall be prohibited.	N/A
<b>LU Element Action 6.9.4</b> Work with private landowners and acquire public access rights necessary to provide a trail connection to the coast from Aliso Creek Regional Park for connectivity to the California Coastal Trail (CCT).	N/A
<p><b>LU Element Action 7.3.2</b> Review all applications for new development to determine potential threats from coastal and other hazards.</p> <p><b>LU Element Action 7.3.3</b> Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.</p>	Yes, a coastal hazards analysis has been provided indicating that the proposed development is safe from coastal hazards.
<b>LU Element Action 7.3.4</b> Require new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.	Yes, the preliminary geotechnical analysis prepared for the project concludes that the development is geotechnically feasible.
<b>LU Element Action 7.3.5</b> Prohibit development on oceanfront bluff faces, except public improvements providing public access, protecting coastal resources, or providing for public safety. 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.	Yes, the project does not include development on an oceanfront bluff face.
<b>LU Element Action 7.3.6</b> Require new development on oceanfront blufftop lots to incorporate drainage improvements,	Yes, a preliminary drainage plan has been provided identifying storm water collection and filtration prior to discharge.

TABLE 1: GENERAL PLAN GOALS & POLICIES	CONFORM (Y, N OR N/A)
removal of and/or revisions to irrigation systems, and/or use of native or drought-tolerant vegetation into the design to minimize threats to oceanfront bluff recession.	
<p><b>Land Use Element Action 7.3.8</b> On oceanfront bluff sites, require applications where applicable, to identify and removal all unpermitted and/or obsolete structures, including but not limited to protective devices, fences, walkways, and stairways, which encroach into oceanfront bluffs.</p>	<p>The existing residence is on a bluff site and is legal nonconforming. All new construction is located outside the bluff edge setback, however, the proposed plans identify existing structures that are located on the bluff face, including concrete stairs and terraces providing access from the home to the beach. The proposed project is not considered a major remodel and therefore, nonconforming elements may remain.</p>
<p><b>LU Element Action 7.3.9</b> 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. <u>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.</u> [make sure to add this as a Condition of Approval, if applicable]</p>	<p>Yes, the project does not include or rely upon bluff/shoreline protection devices to establish geologic stability or protection from coastal hazards.</p>
<p><b>LU Element Action 7.3.10</b> 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.</p>	<p>The existing home is a legal nonconforming structure with beach stair encroachments into the bluff edge setback. The proposed project is not considered a major remodel and therefore, nonconforming elements may remain.</p>
<p><b>LU Element Action 7.3.11</b> Require all coastal development permit applications for new development on an oceanfront or on an 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 year) projections for sea level rise; storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event.</p> <p><b>OSC Policy 1.5Q</b> 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.</p>	<p>Yes, a coastal hazards analysis has been prepared concluding that the project is safe from erosion and high tide conditions over a 75-year period and from storm waves from a 100-year event.</p>

TABLE 1: GENERAL PLAN GOALS & POLICIES	CONFORM (Y, N OR N/A)
<b>LU Element Action 7.3.12</b> 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).	Yes, no shoreline or oceanfront bluff protection devices are proposed.
<b>LU Element Action 7.3.13</b> Limit the use of shoreline/bluff protective devices to the minimum required to protect existing development in danger of 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 principal structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc. No shoreline/bluff protective device shall be allowed for the sole purpose of protecting an accessory structure.	N/A
<b>LU Element Policy 7.4</b> Ensure that development, including subdivisions, new building sites and remodels with building additions, is evaluated to ascertain potential negative impacts on natural resources. Proposed development shall emphasize impact avoidance over impact mitigation. Any mitigation required due to an unavoidable negative impact should be located on-site, where feasible. Any off-site mitigation should be located within the City's boundaries close to the project, where feasible. <b>LU Element Action 7.4.2</b> Continue preparation of initial studies, pursuant to the California Environmentally Quality Act (CEQA), for any proposed development, including single-family residences located within environmentally sensitive areas (Same as Action 10.3.1).	Yes, the project site is identified as a coastal environmentally sensitive area. However, the proposed project is within a previously altered portion of the property. In accordance with the CEQA Guidelines, staff determined the project is categorically exempt pursuant to Section 15301, Class 1(e)(1) (Existing Facilities).
<b>LU Element Policy 7.7</b> 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).	Yes, the site design has incorporated drainage improvements and best management practices to collect and treat water runoff prior to discharge.
<b>LU Element Policy 10.2</b> 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 landform alterations. (Same as Policy 7.3) <b>LU Element Action 10.2.1</b> Adopt standards that require new development and related improvements to be located on the most suitable areas of the site so as to maximize safety and the preservation of sensitive resources. <b>LU Element Action 10.2.5</b> On bluff sites, requires applications where applicable, to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contain statements that the project site is suitable for the proposed development and that the development will be safe from geologic hazard for its economic life. For development on oceanfront bluffs, such reports shall include slope stability analyses and estimates of the long-term average bluff retreat/erosion rate over the expected life of the development. Reports are to be prepared/signed by a licensed professional Engineering Geologist or Geotechnical Engineer.	Yes, the preliminary geotechnical analysis prepared for the project concludes that the development is geotechnically feasible and contains recommendations to ensure the development will be safe from geologic hazards for its economic life. A coastal hazards analysis has also been prepared that concludes the project is safe from erosion and high tide conditions factoring in projections for bluff retreat and sea level rise. The proposed additions are located outside the building stringline and 25-foot bluff edge setbacks.

TABLE 1: GENERAL PLAN GOALS & POLICIES	CONFORM (Y, N OR N/A)
<p><b>LU Element Action 10.2.6</b> Require all new development located on an oceanfront bluff top to be setback from the oceanfront bluff edge a sufficient distance to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure (75 years). Such setbacks must take into consideration expected long- term bluff retreat over the next 75 years, as well as slope stability. The predicted bluff retreat shall be evaluated considering not only historical bluff retreat data, but also acceleration of bluff retreat made possible by continued and accelerated sea level rise, future increase in storm or El Nino events, and any known site-specific conditions. To assure stability, the development must maintain a minimum factor of safety against landsliding of 1.5 (static) or 1.2 (pseudostatic, <math>k=0.15</math> or determined through analysis by the geotechnical engineer) for the economic life of the structure.</p> <p><b>LU Element Action 10.2.7</b> 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 of the development.</p> <p><b>LU Element Action 10.2.8</b> 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.</p>	
<p><b>OSC Policy 1.5A</b> 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.</p>	N/A
<p><b>OSC Policy 4F</b> 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).</p> <p><b>OSC Policy 8N</b> Encourage the preservation of existing drought-resistant, native vegetation and encourage the use of such vegetation in landscape plans.</p>	Yes, the proposed landscape plan indicates that the design is in compliance with the City's water efficient landscape ordinance.
<p><b>OSC Policy 7K</b> Preserve as much as possible the natural character of the landscape (including coastal bluffs, hillsides and ridgelines) by requiring proposed development plans to preserve and enhance scenic and conservation values to the maximum extent possible, to minimize impacts on soil mantle, vegetation cover, water resources, physiographic features, erosion problems,</p>	Yes, existing landscaping on the bluff face is proposed to remain.

<b>TABLE 1: GENERAL PLAN GOALS &amp; POLICIES</b>	<b>CONFORM (Y, N OR N/A)</b>
and require recontouring and replanting where the natural landscape has been disturbed.	
<b>OSC Policy 8C</b> Identify and maintain wildlife habitat areas in their natural state as necessary for the preservation of species. <b>OSC Policy 8E</b> - Protect the remaining stands of native Coastal Live Oak ( <i>Quercus agrifolia</i> ) and Western Sycamore ( <i>Platanus racemosa</i> ) located in upper Laguna and El Toro Canyons, and in Top of the World Park as a unique and irreplaceable resource.	N/A
<b>OSC Policy 13H</b> - Preserve public views of coastal and canyon areas from ridgelines.	N/A
<b>Safety Element Policy 3I</b> - Require the use of drought-resistant vegetation with deep root systems where appropriate for safety reasons in new development projects to reduce the potential for over-irrigation in the major canyons, high terraces and bluffs of the coastal fringe areas.	Yes, the proposed landscape plan indicates that the design is in compliance with the City's water efficient landscape ordinance.

Local Coastal Program (LCP): The City's Coastal Development Program (LCP) constitutes all documents shown in Table 2 below.

<b>TABLE 2: LOCAL COASTAL PROGRAM</b>	<b>CONFORM (Y, N OR N/A)</b>
General Plan Land Use Map, excluding Blue Lagoon and Three Arch Bay	Yes, the proposed use is consistent with the underlying land use designation of Village Low Density
Land Use and Open Space/Conservation General Plan Elements	Yes, refer to Table 1 above.
Zoning Map	Yes, the proposed use is consistent with the underlying zoning designation of R-1 (Low Density Residential).
Downtown Specific Plan	N/A
Laguna Canyon Annexation Specific Plan	N/A
Title 25 (Zoning Code)	Yes, refer to the Project Summary Table on the plan set.
Chapter 12.08, Preservation of Heritage Trees Ordinance	N/A
Chapter 14.78 Geology Reports	N/A
Title 21 (Plats and Subdivision)	N/A
Title 22 (Excavation and Grading)	N/A
Shoreline Protection Guidelines (as adopted by Resolution 88.43)	N/A
Design Guidelines for Hillside Development (as adopted by Resolution 89.104)	N/A
South Laguna Community Design and Landscape Guidelines (as adopted by Resolution 89.104)	N/A
Fuel Modification Guidelines (of the Safety General Plan Element)	N/A

<b>TABLE 2: LOCAL COASTAL PROGRAM</b>	<b>CONFORM (Y, N OR N/A)</b>
Summer Festival Parking Agreements	N/A
2004 LCP Amendment that includes Title 16 (Water Quality Control)	N/A
2010 Design Guidelines – A Guide to Residential Development	Yes, refer to the discussion under the Design Review heading below.

- (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;**

The site is located between the sea and the first public road paralleling the sea (North Coast Highway). The project conforms with the certified LCP as evidenced in Table 2 above and applicable policies of the Chapter 3 of the Coastal Act, including public access; recreation; marine environment; land resources; and development. Therefore, this finding can be made.

- (3) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

In accordance with California Environmental Quality Act guidelines, the project is categorically exempt pursuant to Section 15301, Class 1(e)(1) (Existing Facilities), which allows additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area. The applicant proposes a 1,310 square-foot addition which represents a 43 percent increase in the floor area. Additionally, based on the geotechnical, coastal hazards and wave runup studies and the proposed setback from the bluff edge, staff determined that the proposed project would not result in impacts to the environmentally sensitive areas. Therefore, this finding can be made.

### Design Review

Pursuant to LBMC Section 25.05.040(H), physical improvements and site developments subject to design review shall be designed and located in a manner which best satisfies the intent and purpose of design review, the city's village atmosphere and the design review criteria. Each of these criteria are further clarified in a publication named "Design Guidelines" that has been developed by the city to assist designers in understanding the following design review criteria. These guidelines complement the zoning regulations by providing conceptual examples of potential design solutions and design interpretations. The guidelines are general and may be utilized with flexibility in their application to specific projects.

<b>TABLE 3: DESIGN REVIEW CRITERIA</b>	<b>CONFORM (Y, N OR N/A)</b>
<b>Design Review Criteria No. 1   Access.</b> <i>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.</i>	Yes, the applicant requests approval of tandem parking in order to provide three parking spaces (two covered and one uncovered) on-site to satisfy the City's parking requirement for a home with 3,600

TABLE 3: DESIGN REVIEW CRITERIA	CONFORM (Y, N OR N/A)
	square feet or more of living area. For pedestrian access and fire safety, a three-foot wide path has been provided around the entire structure.
<b>Design Review Criteria No. 2   Design Articulation.</b> <i>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.</i>	Yes, the appearance of building mass as a result of the proposed additions will be minimal as the visible change is limited to the area between the existing home and garage, and a new lower level within the existing footprint of the home.
<b>Design Review Criteria No. 3   Design Integrity.</b> <i>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.</i>	Yes, the proposed additions will match existing architectural style (beach cottage) with similar materials and colors.
<b>Design Review Criteria No. 4   Environmental Context.</b> <i>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.</i>	In terms of grading, a total of 620 cubic yards of export is proposed, primarily to facilitate construction of the new lower level, pool and spa, and mechanical yard. The proposed grading should be reduced to better utilize the existing terrain.
<b>Design Review Criteria No. 5   General Plan Compliance.</b> <i>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.</i>	Yes, refer to Coastal Development Permit finding no. 1 above.
<b>Design Review Criteria No. 6   Historic Preservation.</b> <i>Destruction or alteration to properties with historic significance, as identified in the city's historic resources inventory or historic register, should be avoided whenever possible. Special preservation consideration should be given to any structures over forty-five years old.</i>	Yes, the existing home was built in 1916, is approximately 104 years old, and is listed on the City's Historic Resources Inventory with a "K" rating. As documented in the historic resource assessment (attached) prepared by ESA PCR, the home has been modified many times over-the-years and retains a low level of historic integrity. The City's Heritage Committee reviewed the project on October 21, 2019 (minutes attached), and recommended approval.
<b>Design Review Criteria No. 7   Landscaping.</b> <i>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</i>	Yes, the City's landscape plan checker noted that the proposed landscaping is generally consistent with the neighborhood landscape suggestions described in the Landscape and Scenic Highways Resources Document. Staff has

<b>TABLE 3: DESIGN REVIEW CRITERIA</b>	<b>CONFORM (Y, N OR N/A)</b>
<i>appropriate, in the design and planned maintenance of proposed landscaping.</i>	received correspondence from the adjacent neighbor at 1205 Cliff Drive documenting the existence of a private agreement limiting the heights of plantings along their shared property line to preserve views. Private agreements are not enforced by the City, but the Design Review Board should consider view equity when evaluating the proposed landscape design.
<b>Design Review Criteria No. 8   Lighting and Glare.</b> <i>Adequate lighting for individual and public safety shall be provided in a manner which does not significantly impact neighboring properties. Reflective materials and appurtenances that cause glare or a negative visual impact (e.g., skylights, white rock roofs, high-gloss ceramic tile roofs, reflective glass, etc.) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties.</i>	A total of 25 exterior building lights and 51 landscape lights are proposed. Staff believes reductions are necessary to limit potential impacts to neighboring properties.
<b>Design Review Criteria No. 9   Neighborhood Compatibility.</b> <i>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.</i>	The pattern of development within the neighborhood consists of homes with a mix of beach cottage and contemporary architectural styles. The proposed additions will increase the total program for the site from 4,020 square feet to 5,628 square feet, an increase of 40 percent.
<b>Design Review Criteria No. 10   Pedestrian Orientation.</b> <i>Commercial development design shall enhance and encourage pedestrian uses. Incorporation of articulated building masses, compact open spaces and courtyards, mixed use developments, use of landscaping as part of design, and orientation to pedestrian access should be maximized.</i>	N/A
<b>Design Review Criteria No. 11   Privacy.</b> <i>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.</i>	Staff has received correspondence from the adjacent neighbor at 1205 Cliff Drive with privacy concerns related to the proposed pool and deck additions.
<b>Design Review Criteria No. 12   Public Art.</b> <i>Public art is encouraged and shall be displayed where feasible or required by the Art in Public Places ordinance.</i>	N/A
<b>Design Review Criteria No. 13   Sign Quality.</b> <i>Signs shall be incorporated into the architecture of the structure and shall be made of high quality materials, be simple in design and be visually compatible with the surrounding physical environment in terms of color, scale and size. Use of natural materials in the construction of signs is encouraged.</i>	N/A
<b>Design Review Criteria No. 14   Sustainability.</b> <i>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</i>	Yes, the proposed project will comply with applicable Building Code requirements.

TABLE 3: DESIGN REVIEW CRITERIA	CONFORM (Y, N OR N/A)
<i>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.</i>	
<b>Design Review Criteria No. 15   Swimming Pools, Spas and Water Features.</b> <i>Swimming pools, spas and water features shall be located, designed and constructed where: (a) Geology conditions allow; (b) Noise produced by circulatory mechanical pumps and equipment is mitigated; and (c) Any associated fencing or other site improvements are compatible with neighboring properties.</i>	Yes, a pool and spa are proposed at the rear of the property with associated mechanical equipment to be located in a mechanical yard below the pool level.
<b>Design Review Criteria No. 16   View Equity.</b> <i>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.</i>	Staff has received correspondence from the adjacent neighbor at 1205 Cliff Drive with concerns regarding view impacts due to the proposed landscaping along their shared property line.

### Revocable Encroachment Permit

The applicant is proposing to construct and maintain a colored concrete walkway and landscape lighting within the Cliff Drive public right-of-way. Pursuant to LBMC Section 11.50.050, a revocable encroachment permit application may be approved when it can be reasonably demonstrated that the structure will not interfere with the present and prospective public use of a street or right-of-way and will generally conform to the following requirements:

- a) It should be located in a manner that is not hazardous to the traveling public, including motorists, bicyclists and pedestrians;

The proposed improvements will not be hazardous to the traveling public, including motorists, bicyclists and pedestrians, in that the requested improvements are located behind the minimum required street improvement/travel lane area. Therefore, staff believes this criterion has been met.

- b) It should be sufficiently set back from the edge of pavement or street centerline to provide adequate travel, parking and walking lanes;

As noted above, the proposed encroachments are not located within the minimum required street improvement area and the adequate travel lane widths will be provided and maintained. Cliff Drive is improved with curbs and gutters that will not be impacted by the proposed encroachments. Therefore, staff believes that this criterion has been met.

- c) It should not conflict with preexisting public utility structures, especially hydrants, vault and service meters in any manner that necessitates relocation thereof at public expense or causes any other unacceptable interference, including impediments to the maintenance, relocation or repair of pipelines, conduits or substructures of any public utility;  
Based on the provided topographic survey, the proposed improvements will not conflict with any pre-existing public utility structures that necessitates relocation at public expense. Therefore, staff believes this criterion has been met.

- d) It will not preclude public access, use or enjoyment of any area that has historically established such access, use or enjoyment;

The subject property has not had any type of historically established access, use or enjoyment by the general public. Therefore, staff believes that this criterion has been met.

- e) It is not precedent setting in nature to the extent that it creates a noticeable projection into the streetscape as established by existing construction and improvements on neighboring properties; and

The request is not setting a precedent with the requested projection into the streetscape. A number of residences with frontage on Cliff Drive enjoy some type of hardscape encroachment in the public right-of-way that does not create a noticeable projection into the streetscape. Therefore, staff believes this criterion has been met.

- f) It does not create structures of unusual or unacceptable appearance, form, shape or height that detract from the general quality of the streetscape.

The requested improvements are a walkway and landscape lighting that do not appear to have an unacceptable appearance, form, shape or height that detract from the general quality of the streetscape. Therefore, staff believes this criterion has been met.

#### **ADDITIONAL INFORMATION:**

##### Community Interest

As of the date of this overview sheet (February 19, 2020), staff has received correspondence from the adjacent neighbor at 1205 Cliff Drive outlining concerns regarding landscaping, view equity, and privacy.

**CONCLUSION:** Based on the discussion above, staff recommends that: 1) foundation plans be provided in order to evaluate proposed demolition and determine if the project classifies a major remodel; 2) project modifications be made to ensure consistency with the design review criteria, specifically environmental context and lighting; and 3) the Board evaluate outstanding neighbor concerns regarding landscaping, view equity, and privacy and determine if modifications are warranted to address those concerns.

#### **ATTACHMENTS:** Project Summary Table

Prior DRB Minutes (2001-2002)

Prior Heritage Committee Minutes (2019)

Landscape Review Comments

Historic Resource Assessment by ESA PCR (linked)

Preliminary Geotechnical Analysis by Geofirm (linked)

Coastal Hazards and Wave Runup Analysis by GeoSoils Inc. (linked)

Archeological & Paleontological Resources Assessment by Dudek (linked)

Color and Material Exhibit

Vicinity Map

**CALIFORNIA COASTAL COMMISSION**  
 SOUTH COAST DISTRICT OFFICE  
 301 E. OCEAN BLVD., SUITE 300  
 LONG BEACH, CA 90802

VOICE (562) 590-5071 FAX (562) 590-5084



## **APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Please Review Attached Appeal Information Sheet Prior to Completing This Form.**

### **SECTION I. Appellant(s)**

**Name:** Mark & Sharon Fudge

**Mailing Address:** P.O. Box 130

**City:** Laguna Beach CA 92652

**Phone:** 949-481-1100

### **SECTION II. Decision Being Appealed**

**1. Name of local/port government:** City of Laguna Beach

**2. Brief description of development being appealed:**

The applicant requests design review and a coastal development permit for modifications to a prior approval in the R-1 zone for additions (1,101 square feet) greater than 15 feet in height, tandem parking, elevated decks (372 square feet), skylights, grading, pool, spa, pedestrian entry feature, landscaping, construction within an environmentally sensitive area (oceanfront), and maintenance of nonconforming conditions (front and side yards, and building height) in conjunction with additions greater than 10 percent of the existing structure. A revocable encroachment permit is requested to maintain a walkway and lighting within the unimproved portion of the public right of way. — *(from the City's staff Memo dated August 20, 2020)*

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

**1225 Cliff Drive, Laguna Beach CA 92651 APN 053-161-05**

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

Approval; no special conditions

☒

Approval with special conditions: color of pool bottom, eliminate certain lighting, assure that public parking space is clearly defined.

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:

DATE FILED:

DISTRICT:

California Coastal Commission  
 A-5-LGB-20-0055

## **APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

Planning Director/Zoning Administrator

City Council/Board of Supervisors

Planning Commission

**X** Other - Design Review Board

6. Date of local government's decision: **August 20, 2020**

7. Local government's file number (if any): **CDP 19-5311**

### **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:**

Morris Skenderian & Associates  
2094 S. Coast Highway #3  
Laguna Beach CA 92651

**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.**

Carter Mudge  
Terry-Mudge, LLP  
1201 Dove Street, Suite 625  
Newport Beach, CA 92660

Timothy Carlyle, Esq.  
Songstad Randall Coffee & Humphrey, LLP  
3200 Park Center Drive, Suite 950  
Costa Mesa, CA 92626

### **SECTION IV. Reasons Supporting This Appeal**

**See Following Pages.**

#### **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.

## Grounds for Appeal

We have standing to make this timely appeal to the California Coastal Commission as follows: We attended and spoke at the February 27, 2020 hearing and (virtually attended) and spoke at the August 20, 2020 hearing.

The City's approval of the permit does not comply with the General Plan or the Municipal Code, and therefore the Local Coastal Program, specifically as it relates to new development, bluff edge determination, bluff face development and oceanfront development. Additionally, the City did not require mitigations to protect public access as required by the LCP and Chapter 3 of the Coastal Act.

The City did not adequately condition the permit despite its probability of causing adverse effects to coastal resources and the environment if allowed without mitigations.

## Summary of Appeal points

- A. HAZARDS - Improper BLUFF TOP DETERMINATION
- B. NEW DEVELOPMENT/MAJOR REMODEL - Improperly determined
- C. UNPERMITTED/NONCONFORMING/OBSOLETE DEVELOPMENT
- D. PUBLIC ACCESS
- E. VISUAL RESOURCES
- F. NATURAL RESOURCES
- G. CULTURAL/ARCHAEOLOGICAL RESOURCES
- H. DEED RESTRICTIONS

## Project Description & Location

The subject property is located at Crescent Bay in North Laguna. The final iteration as proposed by the applicant is to change the existing residence (total program<sup>1</sup>) from 3,571 square feet to 5,112 square feet. 590 Cubic Yards of export will be required for a pool and basement excavation/creation of a third level of the dwelling.

Public access to the beach is located to the 200 feet northwest of the site at Barranca Street.

## Project History

This non-conforming oceanfront, bluff top home has been cumulatively remodeled and expanded to the point that its former historic character has been wiped from the slate. This home has suffered the indignities of many ill conceived remodels, never once with a thought to cure the non-conforming or obsolete development.

### Prior permitting

The original homes (2) were built **prior to 1931** - the original building permits are unavailable.

**Between 1931 - 1958**, multiple permits were issued for alterations to the single family dwelling, although it is unclear which of the two dwellings on site were specifically altered.

**In 1960**, the oceanward single family dwelling was demolished but the foundations appear to have been left largely intact.

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<sup>1</sup> "Total Program" includes living area, garage and decks.

**In 1961**, the current home had an interior wall inside the west wall removed and a beam installed. (BP # 17208)

**In 1965**, 'interior alterations' were undertaken (BP #65-295).

**In 1988**, the structure and garage were re-roofed (BP # 88-434).

On **January 13, 1993**, the City's LCP was certified by the Coastal Commission and permitting authority for CDPs transferred to the City.

**In 2000**, building permits were issued to 'construct remodel to single family dwelling' (BP #00-0368). There was no discretionary hearing for this work although it was located within 50 feet of a bluff edge. No CDP was issued. The certified LCP requires Design Review for properties located in environmentally sensitive areas (defined by the City as oceanfront sites among others). No Design Review occurred.

On **February 22, 2001** two (2) projects at the site were approved. The first, a proposal to construct hardscape, spa and walls was approved (without a CDP) but was apparently never carried out. The second, for a 300 square foot addition (exceeding 10% of the existing structure <sup>2</sup>) and variance (to exceed maximum building height and maintain nonconforming building height) was approved. This second project obtained CDP 01-002.

**In 2003**, the existing garage was demolished and rebuilt due to structural problems (BP #01-2297). This project obtained CDP 02-003 at a hearing on February 7, 2002.

On **December 22, 2003**, BP #03-282 was issued to 'Construct exercise room' (presumably connected to CDP 01-002's approval of a 300 square foot addition).

And on **July 27, 2004**, BP# 04-325 was issued to 'Construct entry canopy' which was approved with a Design Review Permit, but not a CDP. (DR 04-081 for 'new entry, trellis and window on south elevation - May 13, 2004).

Due to the extensive alterations to the single family dwelling, it was determined by the historic assessment (*Historic Resource Assessment and Impacts Analysis* by ESA-PCR dated July 2016) that:

*"The Residence probably remained intact through the 1980s... Between 2000 and 2004, the Residence and detached garage were extensively altered, as indicated by four building permits dating from this four year period. ... Based on conditions observed during the site inspection, the Residence appears to have undergone major alteration that are not specified in the above referenced building permits and planning documents. These alterations include the " replacement of all original windows; almost complete reconstruction and expansion of the original L-shaped gallery along the first floor of the east and rear elevations; replacement of original wood siding (in some areas, it appears that new siding has been applied directly over the old); alteration of the original roofline due to the second floor addition on the east side of the Residence; alteration of the front and rear gables, including the removal of rafter tails; alteration of the rear roof vent; installation of decorative wood shutters flanking some windows on the primary and rear elevation' installation of a raise patio at the southwest corner of the Residence; and alteration of original landscaping at the front and rear of the subject property."*

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<sup>2</sup> Note that the 300 foot addition exceeded 10% of the existing structure meaning that the structure was less than 3000 square feet at the time.

# Appeal

The two most critical errors made by the City in their decision to approve this development are: 1) they failed to use the LCP's certified language to **determine the bluff edge** which relates to Hazards; and 2) they failed to use the LCP's certified language to define whether or not the project **qualifies as new development** (aka a Major Remodel). Other issues that also present Substantial Issues of non-conformity with the certified LCP are listed above in the summary of appeal points.

## A. Hazards

The City's LCP contains multiple policies, actions and implementation measures that address hazards. Here, the hazards are related to the location of the property on a coastal bluff. There are four areas where the locally approved development presents concerns relevant to hazards as detailed below:

1. The 'bluff top edge' determination was not made pursuant to the LUE Glossary definition.
2. Bluff edge protections and restrictions were not properly assessed.
3. Excessive landform alteration (grading) was approved and was entirely design driven.
4. Shoreline/Bluff protective devices for geologic stability (caisson shoring) were not considered as 'armoring'.

### Coastal Act Section 30253 Minimization of adverse impacts

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

**LUE GOAL 7:** *Protect, preserve, and enhance the community's natural resources. Intent - Having an abundance of scenic coastal, hillside,, and canyon areas, the community has a lengthy history of stewardship to ensure the environmental protection of its natural resources. Long-term preservation of dedicated open space and coastal resources is of the highest priority. Policies in both the Land Use and Open Space/Conservation Elements require the protection and preservation of our magnificent natural resources for community members, visitors and future generations.*

**LUE Policy 7.3** *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 landform alterations.*

**LUE 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.*

**LUE Action 7.3.4** *Require new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

**LUE Action 7.3.5** *Prohibit development on oceanfront bluff faces, except public improvements providing public access, protecting coastal resources, or providing for public safety. 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.*

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**LUE Action 7.3.6** Require new development on oceanfront bluff top lots to incorporate drainage improvements, removal of and/or revisions to irrigation systems, and/or use of native or drought-tolerant vegetation into the design to minimize threats to oceanfront bluff recession.

**LUE 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.

**LUE Policy 7.10** Require new construction and grading to be located in close proximity to preexisting development to minimize environmental impacts and growth-inducing potential.

**LUE GOAL 10:** Ensure that proposals for new development, subdivision, and major remodels are sufficiently evaluated to protect public health and safety and natural resources. Intent - In a community with extremely high land values and minimal developable land, pressure has increased to develop larger buildings, including development on environmentally sensitive lots has been increasing. Larger structures and development into environmentally sensitive areas have the potential to create numerous impacts on the environment and surrounding neighborhoods. Some potential impacts include 1) water quality impacts, 2) land movements, 3) a decrease in safety response times on steep hillside roads during emergencies, and 4) the potential cumulative impacts to sensitive biological and coastal resources from which community members and visitors derive health benefits. The following policies are adopted to ensure that applications for new subdivisions, the creation of building sites, new development, and major remodels are thoroughly evaluated to mitigate potential health and safety impacts related to new development.

**LUE 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 landform alterations. (Same as Policy 7.3)

**LUE Action 10.2.1** Adopt standards that require new development and related improvements to be located on the most suitable areas of the site so as to maximize safety and the preservation of sensitive resources. <sup>3</sup>

**LUE Action 10.2.5** On bluff sites, require applications where applicable, to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains statements that the project site is suitable for the proposed development and that the development will be safe from geologic hazard for its economic life. For development on oceanfront bluffs, such reports shall include slope stability analyses and estimates of the long-term average bluff retreat/erosion rate over the expected life of the development. Reports are to be prepared/signed by a licensed professional Engineering Geologist or Geotechnical Engineer.

**LUE Action 10.2.6** Require all new development located on an oceanfront bluff top to be setback from the oceanfront bluff edge a sufficient distance to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure (75 years).

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<sup>3</sup> LUE Glossary entry 43 - **Environmentally Sensitive Lands/Resources** - Land or resources that have been identified in the City's General Plan as having one or more of the following characteristics: 1) high or very-high value biological habitat, as described in the Open Space/Conservation Element; 2) **located on the oceanfront**; 3) a City-mapped watercourse; 4) geologic conditions such as slide-prone formations, potentially active fault, inactive fault, landslide potential, liquefaction potential, and soft coastal sediment; 5) hillside slopes greater than 45%; 6) adjacent woodland area, which requires fuel modification; and 7) major or significant ridge lines. (emphasis added)

*Such setbacks must take into consideration expected long-term bluff retreat over the next 75 years, as well as slope stability. The predicted bluff retreat shall be evaluated considering not only historical bluff retreat data, but also acceleration of bluff retreat made possible by continued and accelerated sea level rise, future increase in storm or El Nino events, and any known site-specific conditions. To assure stability, the development must maintain a minimum factor of safety against landsliding of 1.5 (static) or 1.2 (pseudostatic,  $k=0.15$  or determined through analysis by the geotechnical engineer) for the economic life of the structure.*

***LUE Policy 10.3*** *Ensure that all new development, including subdivisions, the creation of new building sites and remodels that involve building additions, is evaluated to ascertain potential negative impacts on natural resources, ESHA and existing adjacent development. Proposed development shall emphasize ESHA impact avoidance over impact mitigation. Any mitigation required due to an unavoidable negative impact should be located on-site rather than off-site, where feasible. Any off-site mitigation should be located within the City's boundaries and in close proximity to the project.*

***LUE Action 10.3.2*** *Continue to require in-depth analysis of constraint issues for properties, especially those designated on the City's hazard maps so that the nature of the constraint and the best options for mitigation or avoidance will be considered at all stages of the approval process since these constraints may affect what development is appropriate for the property.*

***OS/C Policy 3D*** *Maintain and enforce bluff and hillside protection measures which address control of runoff and erosion by vegetation management, control of access, site planning for new development and major remodels, including directing water to the street and compliance with blufftop setbacks.*

**LBMC 25.50.004 Building setback lines.**

*(B) Building Setbacks on or Adjacent to the Pacific Ocean and Beaches. There is established building setback lines along the ocean frontage of all property within the city fronting up and adjacent to the Pacific Ocean and its beaches, as provided in this subsection, and no building, structure or improvements shall be erected or constructed after the effective date of the ordinance codified in this section on the sandy portion of any beach except that which is determined by the city council to be necessary for the public health, safety and welfare. In addition, no building, structure or improvement shall be erected or constructed after the effective date of the ordinance codified in this section on the oceanward side of the following building setback lines. (emphasis added).*

*(4) In addition to (1), (2) and (3) above, no new building, additions to existing buildings, or structures or improvements shall encroach beyond the applicable building stringline or shall be closer than twenty-five feet to the top of an oceanfront bluff; the more restrictive shall apply. Greater setback may be required by the city engineer or building official in order to protect the public health, safety or welfare. Pools and spas shall be no closer than twenty-five feet to the top of bluff. Public accessways shall be exempt from this provision.*

**A.1 Determination of the 'Bluff Edge' is inconsistent with LCP certified definition**

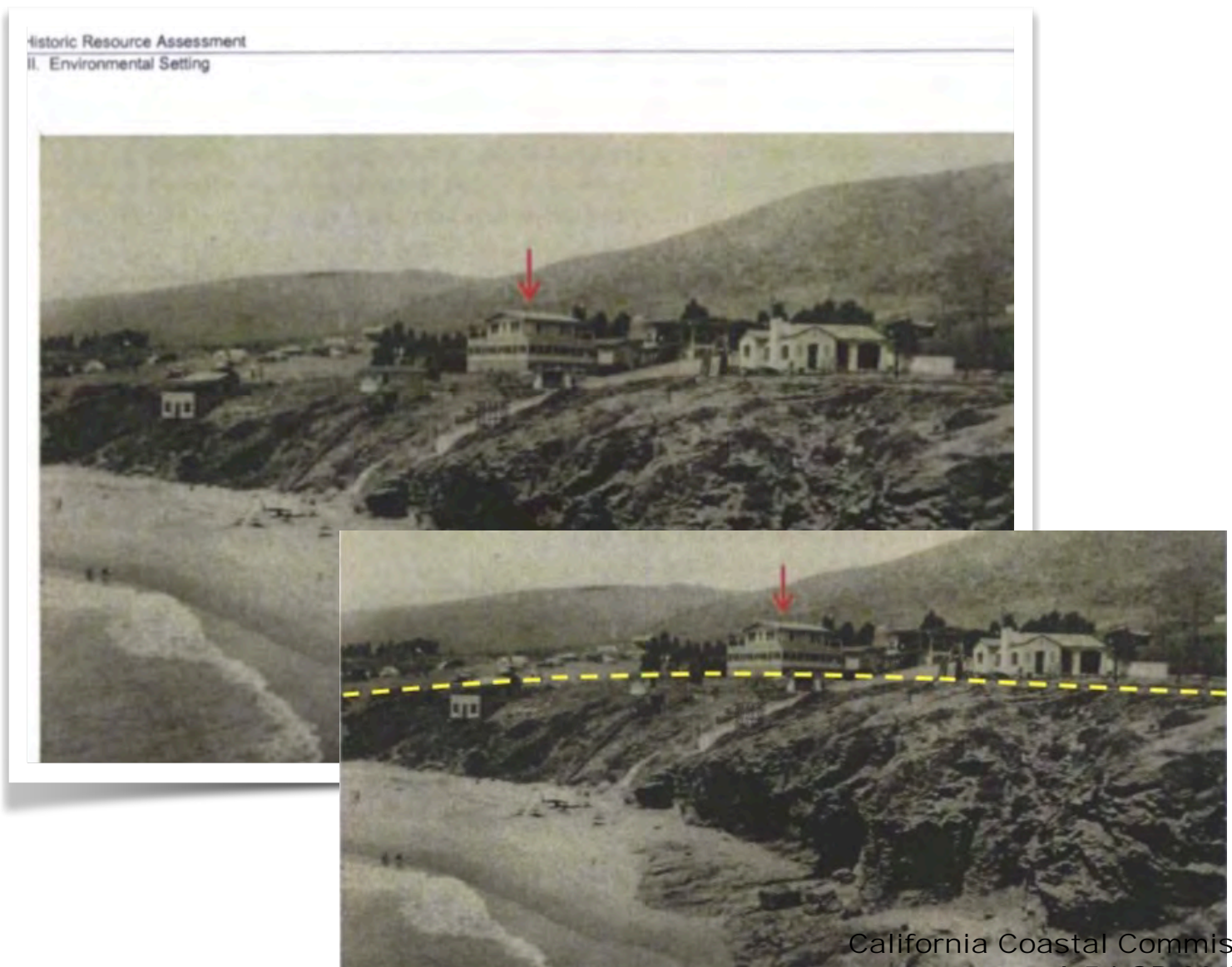
The (certified) Land Use Element Glossary #101 defines the "Ocean Front Bluff Edge or Coastal Bluff Edge":

*"The California Coastal Act and Regulations define the oceanfront bluff edge as the upper termination of a bluff, cliff, or sea cliff. In cases where the top edge of the bluff is rounded away from the face of the bluff, the bluff edge shall be defined as that point nearest the bluff face beyond which a downward*

*gradient is maintained continuously to the base of the bluff. In a case where there is a step like feature at the top of the bluff, the landward edge of the topmost riser shall be considered the bluff edge. Bluff edges typically retreat over time as a result of erosional processes, landslides, development of gullies, or by grading (cut). In areas where fill has been placed near or over the bluff edge, the original bluff edge, even if buried beneath fill, shall be taken to be the bluff edge."*

The definition of a coastal bluff edge in Laguna Beach was certified on May 9, 2012 (Land Use Element update). Based on the record, the applicant's geologist has not used the LCP certified definition, but instead relies on the Coastal Act definition and 'updates' to the topographic survey by the architect. The Preliminary Geotechnical Investigation by Geofirm (dated April 11, 2019) never considers the certified LCP definition which is more exact than the Coastal Act § 13577(h) definition and does not include the last two sentences of the LUE definition.

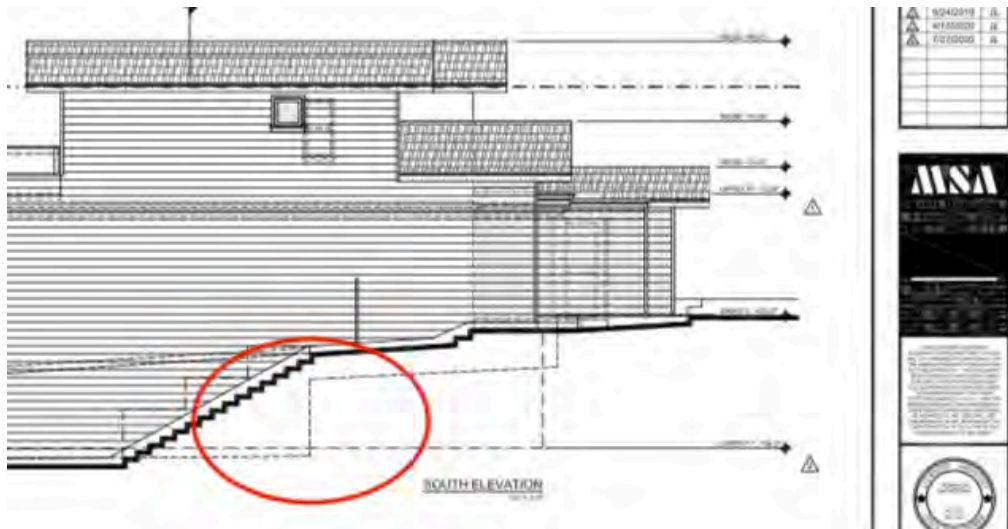
There is nothing in the record that indicates what parameters were used by the architect to update the topographic survey. What is clear however, is that the subject landform has been altered by previous development at the site (including an additional single family dwelling oceanward of the existing dwelling that was demolished in 1960) which resulted in the retreat of the natural bluff edge through grading activities. While the applicant's placement of the bluff edge is at an elevation of 'about +40 NAVD88' (according to GeoSoils report dated January 11, 2019, page 5), our estimation is that the proper placement of the bluff edge is at the face of the house or somewhere under the current structure. It is depicted by the yellow line in the photograph below:



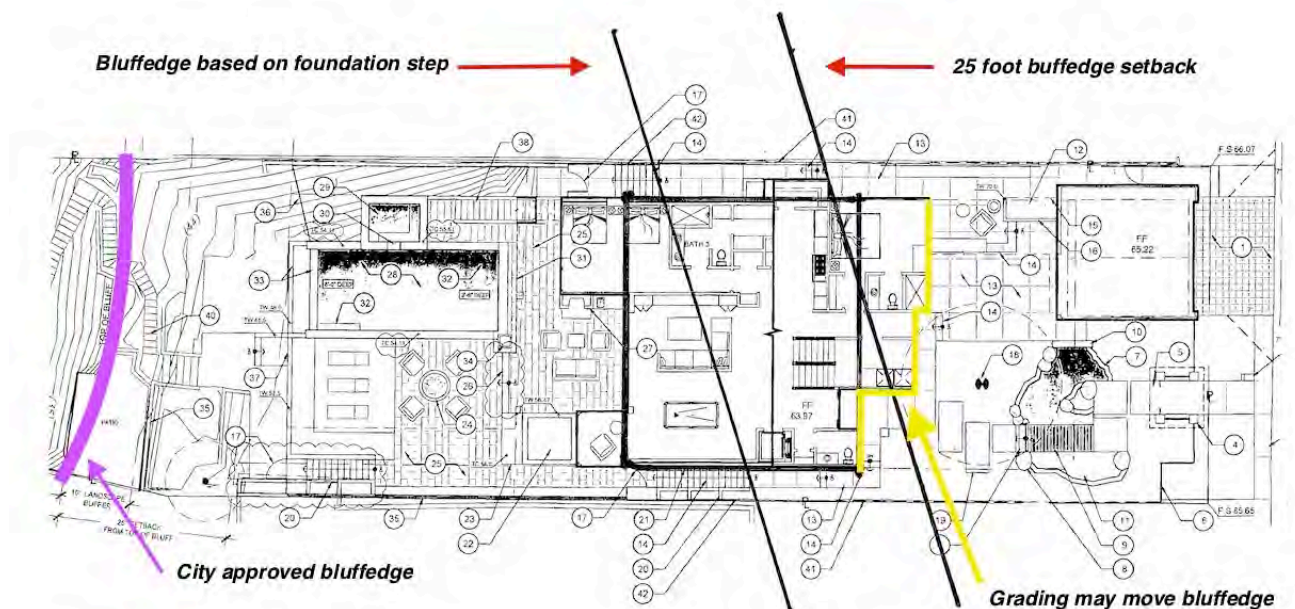
An accurate determination of the bluff edge is critical. It is needed to then determine the extent of the bluff face and consider what actions to condition (e.g., setbacks, restoration, removal of structures, etc.) as well as to determine if the proposed development complies with the LCP Policies and Actions as shown above.

The applicant's proposed project appears to actually move the bluff edge further landward as they are going excavate their addition footage under the existing structure thus likely redefining the bluff edge.

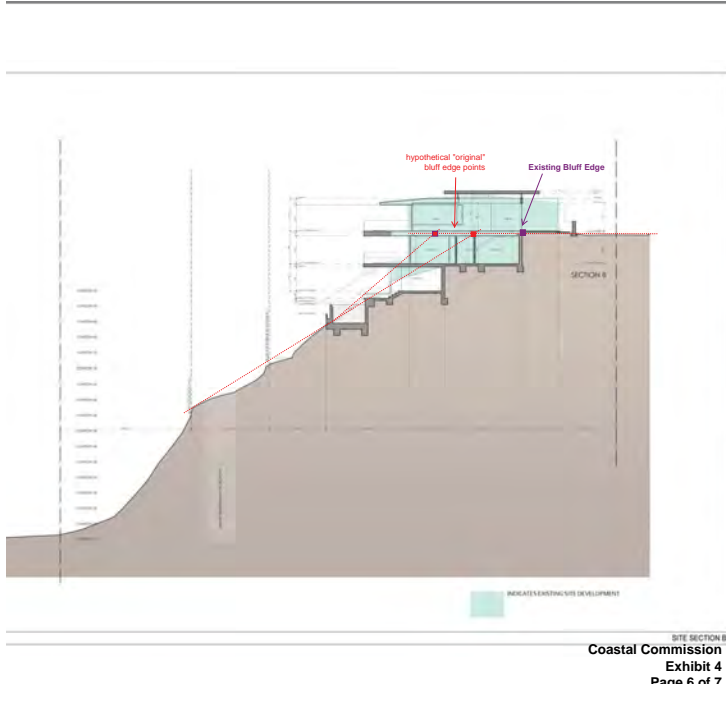
The applicant's submittal shows the foundation making a pronounced step with a similar step up on the upcoast side. Perhaps this is evidentiary to determining the bluff edge, combined with the applicant's own historic photos that clearly show the bluff face intersecting the coastal plain much further inland.



Below is the work product of the appellant depicting the bluff edge:



Photos below depict the landform at the Kinstler project (31505 Bluff) (left) and the similar landform at the subject site (right):



The Municipal Code (IP portion of the certified LCP) also requires:

**LBMC 25.50.004 Building setback lines.**

*(B) Building Setbacks on or Adjacent to the Pacific Ocean and Beaches. There is established building setback lines along the ocean frontage of all property within the city fronting up and adjacent to the Pacific Ocean and its beaches, as provided in this subsection, and no building, structure or improvements shall be erected or constructed after the effective date of the ordinance codified in this section on the sandy portion of any beach except that which is determined by the city council to be necessary for the public health, safety and welfare. In addition, no building, structure or improvement shall be erected or constructed after the effective date of the ordinance codified in this section on the oceanward side of the following building setback lines. (emphasis added).*

*(4) In addition to (1), (2) and (3) above, no new building, additions to existing buildings, or structures or improvements shall encroach beyond the applicable building stringline or shall be closer than twenty-five feet to the top of an oceanfront bluff; the more restrictive shall apply. Greater setback may be required by the city engineer or building official in order to protect the public health, safety or welfare. Pools and spas shall be no closer than twenty-five feet to the top of bluff. Public accessways shall be exempt from this provision.*

## **A.2 Bluff/oceanfront protections and restrictions were not properly assessed.**

Once an accurate determination of the bluff edge is made, the proper protections can be assured. The City's action to approve the development (major remodel) without conditions is inconsistent with numerous LCP policies such as LUE Policy 7.3 and Action 7.3.4 (as previously noted) and:

***LUE 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.*

***LUE 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).*

In its approval, the City did not impose conditions requiring the applicant to waive the right to future bluff/shoreline protective devices, and it did not require a strong construction best management practices plan to minimize runoff from the building site. Because it did not condition its approval to minimize landform alteration in the form of erosion, runoff, and potential future shoreline protective device(s), the City's action was inconsistent with its certified LCP.

The City's action is inconsistent with the LCP because it approved development on an oceanfront bluff face (i.e., the allowance to maintain non-conforming and unpermitted bluff stairs and hardscape) without regard to its effect. The first sentence in Land Use Element Action 7.3.5 explicitly prohibits this type of development on oceanfront bluff faces.

***LUE Action 7.3.5** Prohibit development on oceanfront bluff faces, except public improvements providing public access, protecting coastal resources, or providing for public safety. 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 with the surrounding area to the maximum extent feasible.*

## **A.3 Shoreline/Bluff Armoring (i.e. caisson shoring)**

The project plans indicate that shoring and caissons to support that shoring are going to be required to provide lateral stability upcoast and downcoast of this project. We know the structure downcoast is not a Pre-Coastal structure which would therefore not be entitled to protection. This shoring allows the applicant to construct their new development under the house while effectively moving the bluff top edge landward through grading.

Caissons can be (and have been) considered to be 'shoreline armoring' by the Commission in past actions. We ask that these devices be carefully studied as to their impacts during a de novo review of the proposed development if Substantial Issue is found for our appeal.

## **B. New development/Major Remodel**

The certified **Land Use Element Glossary Entry 89** contains a definition of "Major Remodel" which states: "Alteration of or an addition to an existing building or structure that increases the square footage of the existing building or structure by 50% or more; or demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure; greater specificity shall be provided in the Laguna Beach Municipal Code."

The 'greater specificity' that has been provided in the certified municipal code is limited to the following:

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**LBMC 25.10.008** *A Major Remodel is a structural renovation and/or addition which equals or exceeds fifty percent of the original gross floor area of the structure on the lot.*

Thus, the measurement would be based on the original gross floor area of the structure on the lot<sup>4</sup>. Although this seems simple, there are some factors that complicate the calculation. One is that the original plans and permits are not available. The second is that there were originally two single-family homes at the site. The oceanward home was demolished in 1960. The third is that there is a detached garage that has been demolished and rebuilt in 2003 due to structural problems (according to the City's record). The fourth is that extensive remodeling has already occurred in the early 2000s to the extent that the historic fabric of the structure was destroyed. And finally, the concept of 'habitable space' alterations has entered the equation (i.e. does a 'structure' include the garage as defined by the Coastal Act? or is it only the gross floor area to be considered?)

Because so much work was done to the structure without benefit of CDPs, it is difficult to piece the puzzle together. What makes matters worse is that instead of relying on certified LCP language to make the determination of whether or not this project rises to the level of a 'major remodel', the City instead relied on an uncertified policy document that was meant to be used only for non-appealable projects.

## **C. Unpermitted/Nonconforming Development**

### **C1. Requirement to remove obsolete development**

**LUE Action 7.3.8** *On oceanfront bluff sites, require applications where applicable, to identify and remove all un-permitted and/or obsolete structures, including but not limited to protective devices, fences, walkways and stairways, which encroach into oceanfront bluffs.*

The above LUE Action requires the identification and removal of obsolete structures which encroach into oceanfront bluffs. The remnant foundations of the single family dwelling that was demolished in 1960 do not serve their original purpose and thus must be found to be obsolete. Therefore, these foundations must be removed.

The color photo below (from 2001) shows a concrete remnant from the second home on the coastal bluff. It is unclear if this was removed via the 2001 project that did not obtain a CDP as there are no building permits for that work in the City's file. If the 2001 Design Review approval was carried it, it would constitute unpermitted work.

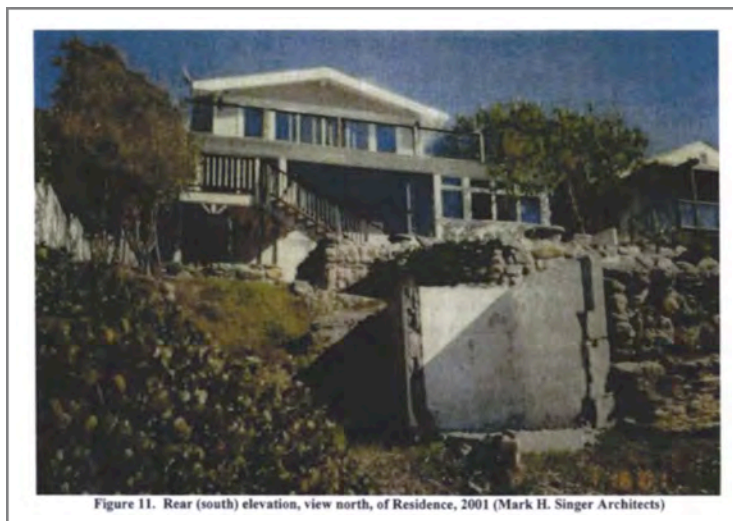


Figure 11. Rear (south) elevation, view north, of Residence, 2001 (Mark H. Singer Architects)

<sup>4</sup> Our calculations indicate the original livable area was 2,228 square feet which includes the sleeping porch. Additions since then include two bump outs on the main floor of 26 and 97 square feet; upper level of the house two additions 134 sq. ft. plus 192 sq. ft. And the garage was demolished and rebuilt (427 sq. feet). The applicant is proposing additional work in this proposal to equal a newly sized structure of 3796 (not including the garage). This would be an increase of 70%, which would clearly be defined as a cumulative major remodel.

**C2. Property contains non-conforming structures (private bluff face beach stairs and decks). Only principle structures that are non-conforming are allowed to be maintained and repaired.**

***LUE 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.*

The applicant takes the position that the bluff face stairs are pre-Coastal which is not supported by the historic photographic evidence. The original staircase was not in the same location or configuration as what is there today. The original stairs were removed and replaced without evidence of permits. The decks may have been put in during the early 2000s remodel (in which case they are unpermitted) or may be remnants of the previous single family dwelling's foundation. Since their existence cannot comply with Action 7.3.5 of the LCP (in other words they can not be made to conform), they must be removed. It appears that the current landscape plan involves removal of some of the development, but not all.

The provisions of LUE Action 7.3.10 do not allow for maintenance and repair of nonconforming accessory/ancillary structures such as private stairways or decks. On the subject property, these nonconforming accessory structures are placed within the 25 foot bluff edge setback, on the bluff face, and to the sandy beach itself. This does not conform to prohibitions of bluff face/beach sand development (unless for the public good as per LUE 7.3.5).

***LUE Action 7.3.5** Prohibit development on oceanfront bluff faces, except public improvements providing public access, protecting coastal resources, or providing for public safety. 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 with the surrounding area to the maximum extent feasible.*

The overarching purpose of the IP's nonconforming use codes and LCP Actions for nonconforming development is to provide for the control, improvement, *and termination* of uses or structures which do not conform to the regulations of this title. However, the City-approved project will result in the indefinite continuation of the nonconforming structures by allowing increases (i.e. lifespan) to the nonconformity (private beach access stairs) at this critically important oceanfront/bluff top location. Such approval raises substantial questions regarding LCP consistency that require evaluation by the Commission.

**D. Public Access**

Providing and protecting public access to California's beaches is one of the paramount responsibilities of the Coastal Act. The City's approval failed to consider impacts of the construction as they relate to access (parking, traffic circulation, beach use) especially when located in such close proximity to existing public beach access.

***LUE Action 2.3.1** Continue to evaluate construction-related impacts upon residential neighborhoods through the Design Review process and mitigate such impacts using methods such as, but not necessarily limited to, the adoption of staging plans and noise and dust mitigation.*

***LUE Policy 4.3*** Maintain and enhance access to coastal resource areas, particularly the designated public beaches, by ensuring that access points are safe, attractive, and pedestrian friendly.

***LUE Action 4.3.2*** Maintain and improve public pedestrian access to and along beaches and oceanfront bluff using public rights-of-way and public easements. Protect, and where feasible, formalize, continued public use over areas used historically by the public (i.e. public prescriptive rights) to gain access to and along beaches, oceanfront bluffs, and other recreational areas.

***OS/C Policy 1.5F*** Lateral public beach access easements shall be offered for dedication consistent with Policy 3G of this Element and with prevailing law as a condition of permit approval for shore protection devices.

***OS/C Policy 3G*** Lateral public access along the shoreline shall be assured by requiring as a condition of any new development, including approval for new building construction, additions greater than 10% to building, variances or subdivisions on property between the first public road and the sea, the recordation of an irrevocable offer to dedicate an easement for public access and recreational use on and along the beach. The easement shall extend from the mean high tide line to a specific landward reference point. Depending upon site characteristics, that reference point shall be either: a) the seaward extend of the building; b) the top of the vertical seawall; c) the intersection of sand and revetment; or d) the toe of the bluff.

***OS/C Policy 3I*** Promote acquisition of lateral and vertical beach and bluff top public access where appropriate. Development shall not interfere with historic public accessways, unless suitable alternate access is provided. The lack of public parking shall not preclude the development of an accessway.

OS/C Policy 3G requires as a condition of additions greater than 10%, the recordation of an irrevocable offer to dedicate an easement for public access and recreational use on and along the beach. No such offer to dedicate was required for the subject proposal. We ask that the Commission consider it during its De Novo review if Substantial Issue is found with the appeal.

## **E. Visual Resources**

The City's action is inconsistent with the LCP because it approved development on an oceanfront bluff face (i.e. the allowance to maintain non-conforming bluff stairs and retaining walls) without regard to the impacts. The approved development did not minimize significant alteration of natural topography (not restoring the likely un-permitted bluff face development) because it allowed for excessive, design-driven grading. In the future, if the approved structures need to be removed due to hazards, the topography cannot be restored and the visual resource of the ocean bluff will forever be destroyed.

The proposed project involves expanses of glazing on the ocean-facing side of the building through the addition of a third floor, as well as glass railings which may create glare in addition to being a risk to birds (i.e. bird-strikes). These possible impacts were not considered by the Board.

In its action, the City failed to protect an area of unique scenic quality and public views (from the beach and/or ocean) as required by following LUE Policies and Open Space/Conservation Element Policy 7K:

***LUE Policy 2.8*** Require building design and siting to be compatible and integrated with natural topographic features, minimize significant alteration of natural topography and/or other significant onsite resources, and protect public views as specified in the Design Guidelines and the Landscape and Scenic Highways Resource Document.

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**LUE Policy 2.9** *Require the uses of appropriate landscaping, special architectural treatments, and/or siting considerations to protect public views for projects visible from major highways and arterial streets.*

**LUE Policy 2.10** *Maximize the preservation of coastal and canyon views (consistent with the principle of view equity) from existing properties and minimize blockage of existing public and private views. Best efforts should be made to site new development in locations that minimize adverse impacts on views from public locations (e.g., roads, bluff top trails, visitor-serving facilities, etc.).*

**LUE 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 landform alterations. (Same as Policy 7.3)*

## **F. Natural Resources**

**LUE Goal 7:** *Protect, preserve, and enhance the community's natural resources.*

**LUE Policy 7.3** *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.*

**LUE Policy 7.4** *Ensure that development, including subdivisions, new building sites and remodels with building additions, is evaluated to ascertain potential negative impacts on natural resources. Proposed development shall emphasize impact avoidance over impact mitigation. Any mitigation required due to an unavoidable negative impact should be located on-site, where feasible. Any off-site mitigation should be located within the City's boundaries close to the project, where feasible. (Similar to Policies 5.2 and 10.3).*

**OS/C Policy 7K** *Preserve as much as possible the natural character of the landscape (including coastal bluffs, hillsides and ridge lines) by requiring proposed development plans to preserve and enhance scenic and conservation values to the maximum extent possible, to minimize impacts on soil mantle, vegetation cover, water resources, physiographic features, erosion problems, and require re-contouring and replanting where the natural landscape has been disturbed.*

**Safety Element Policy 3I** - *Require the use of drought-resistant vegetation with deep root systems where appropriate for safety reasons in new development projects to reduce the potential for over-irrigation in the major canyons, high terraces and bluffs of the coastal fringe areas.*

In this instance, the bluff face is the natural resource in question. There is no vegetation study in the record nor was there any discussion of the opportunity to condition the approval to revegetate the slope as required by OS/C Policy 7K. The exclusive use of native plants would greatly enhance the scenic and conservation values of the coastal bluff as directed by this same policy.

## **G. Cultural/Archaeological Resources**

On October 9, 2019 an *Archaeological and Paleontological Resources Assessment* was submitted for the project by Dudek ("Assessment"). This Assessment states that the SCCIC records indicate that 6 cultural resources have been recorded within a 0.5 mile of the proposed Project site. One is located within the site - the house itself which was on the historic inventory (but as stated above no longer qualifies as a historic resource due to extensive renovations in the early 2000s).

In the 'Summary and Management Considerations' section of the Assessment, it states that '*...the proposed Project site is located near natural resources which would have been important to Native Americans in prehistoric and protohistoric times and therefore, the possibility of encountering intact*

*archaeological deposits at subsurface levels exists. Moreover, based on geomorphological evidence, the area within the proposed Project site has a moderate to high potential to contain unanticipated buried paleontological resources. As such, management recommendations to reduce potential impacts to unanticipated archaeological and paleontological resources and human remains during construction activities are provided below. With the implementation of these measures, impacts to archaeological and paleontological resource as a result of the proposed Project will be less than significant.”*

The Assessment does not indicate the applicant consulted with any Native American tribes. Although the project applicant acknowledged the proposed mitigation measures - which we believe to be inadequate - the measures were never inserted as conditions of the approval of the permit and could easily be ignored during construction of the project. The mitigation measures must be measurable and monitored in order to comply with CEQA (from which the City granted a Categorical Exemption) and to comply with 25.07.012(G)(3). We ask that appropriate cultural resource protections are put in place in the event of a de novo hearing for this project and that the lack of conditions on the permit be found to present a Substantial Issue of nonconformity with the certified LCP.

## **H. Deed Restrictions/Waivers**

The City’s LCP contains multiple provisions that require certain deed restrictions and waivers to be recorded in connection with triggers such as ‘new development’ and ‘project location’. Although the proposed project meets these requirements, none were enforced. This does not conform to the certified Local Coastal Program therefore Substantial Issue must be found.

***LUE 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.*

***OS/C Policy 3G** Lateral public access along the shoreline shall be assured by requiring as a condition of any new development, including approval for new building construction, **additions greater than 10% to building**, variances or subdivisions on property between the first public road and the sea, the recordation of an irrevocable offer to dedicate an easement for public access and recreational use on and along the beach. The easement shall extend from the mean high tide line to a specific landward reference point. Depending upon site characteristics, that reference point shall be either: a) the seaward extend of the building; b) the top of the vertical seawall; c) the intersection of sand and revetment; or d) the toe of the bluff.*

In this instance, the Project unquestionably involves additions to the existing structure. The additions are greater than 10% to the building which would require the recordation of an irrevocable offer to dedicate an easement for public access and recreational use on and along the beach. Such offer to dedicate was not considered nor was a waiver of rights (required for additions to existing structures). Therefore, the City’s action is inconsistent with the certified LCP and Substantial Issue should be found.

## **Conclusion**

The Planning Commission approved the CDP without the requisite reviews to make findings required per LBMC 25.07.012(G)<sup>5</sup>:

1. The project is in conformity with all the applicable provisions of the General Plan, including the Certified Local Coastal Program and any applicable specific plans;
2. Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public

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<sup>5</sup> As of the date of the appeal, the most recent LCP update has not yet become effective according to the CNRA website.

recreation policies of Chapter 3 of the Coastal Act;

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

The evidence in the record shows a lack of factual *conformity with all the applicable provisions of the general plan, including the certified local coastal program...* (LPMC 25.07.12G(1)). The project as approved is not in conformance with the *public access and public recreation policies of Chapter 3 of the Coastal Act (LPMC 25.07.12G(2))*. Unless properly conditioned, the project most certainly will have *'significant adverse impacts on the environment'* (LPMC 25.07.12G(3)). Substantial Issue should be found and the project should be reviewed in accordance with the certified LCP in a de novo hearing.

The pivotal determination to be made, that the City failed to make, is "where is the coastal bluff edge based on the certified and controlling definition?". Based on previous Commission decisions of this same question (Kinstler, Dimitry), the bluff edge is most certainly located at the face of the existing single family structure or perhaps under the structure itself, rendering all of the proposed development unpermissible. The second pivotal determination is whether or not the development constitutes 'new development' or a 'major remodel'. We believe the City's determination ignored the certified LCPs definition of a major remodel that the baseline is the original size of the structure on the site.

We ask that the Commission find that our appeal presents a 'substantial issue' showing that the City's approval is not in compliance with the LCP and that the Commission take jurisdiction over this permit to be heard at a future de novo hearing.

Thank you for the consideration of our concerns. We look forward to your response.

Mark and Sharon Fudge

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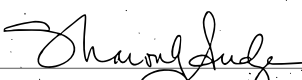
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**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**SECTION V. Certification**

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

   
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: September 28, 2020

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

**Section VI. Agent Authorization**

I/We hereby authorize N/A

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

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_