

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 Ocean Blvd., Suite 300
Long Beach, CA 90802-
(562) 590-5071



W11b

A-5-LGB-20-0083 (WILLIAMS)

FEBRUARY 10, 2021

EXHIBITS

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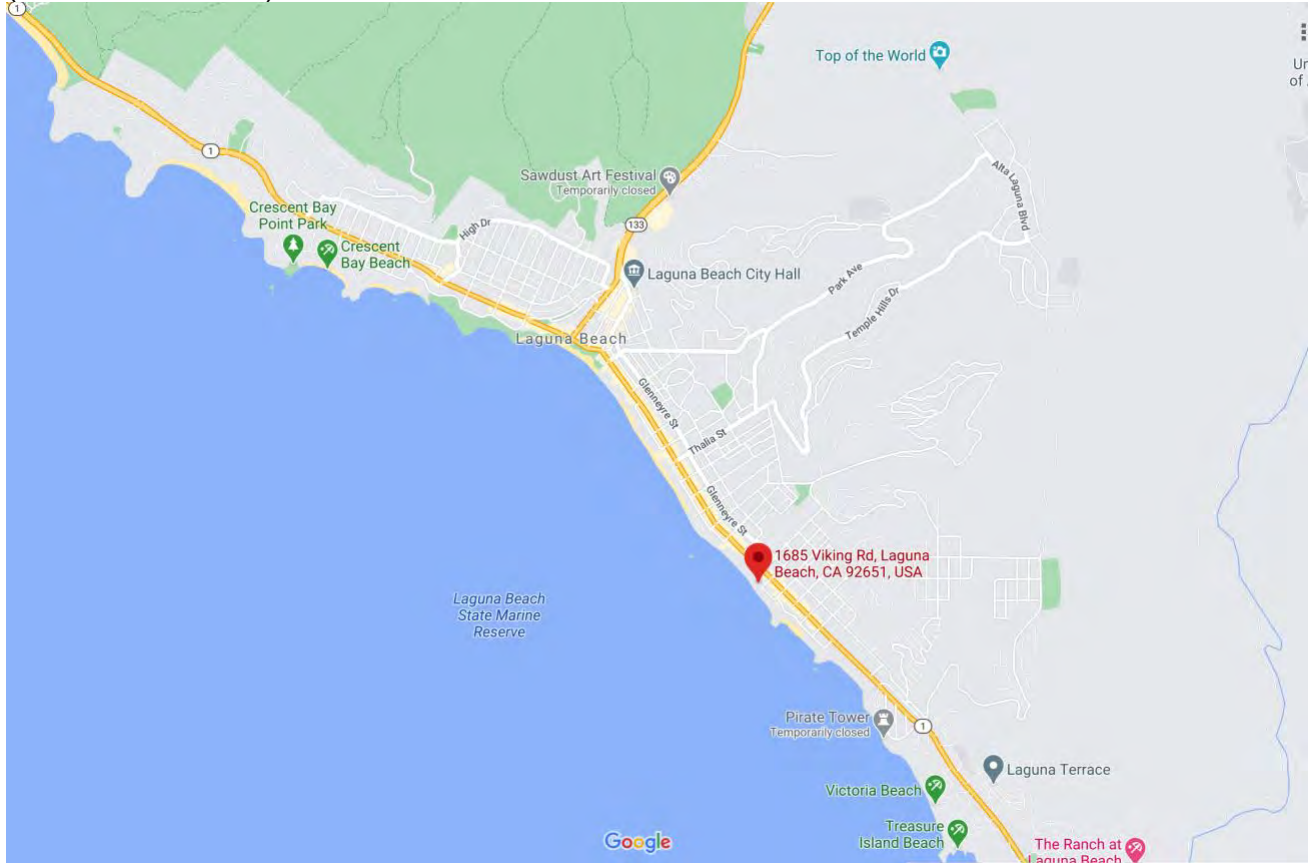
Exhibit 1 – Project Location

Exhibit 2 – Project Plans

Exhibit 3 – Appeal

Exhibit 4 – City Resolution for Local CDP No. 20-6901

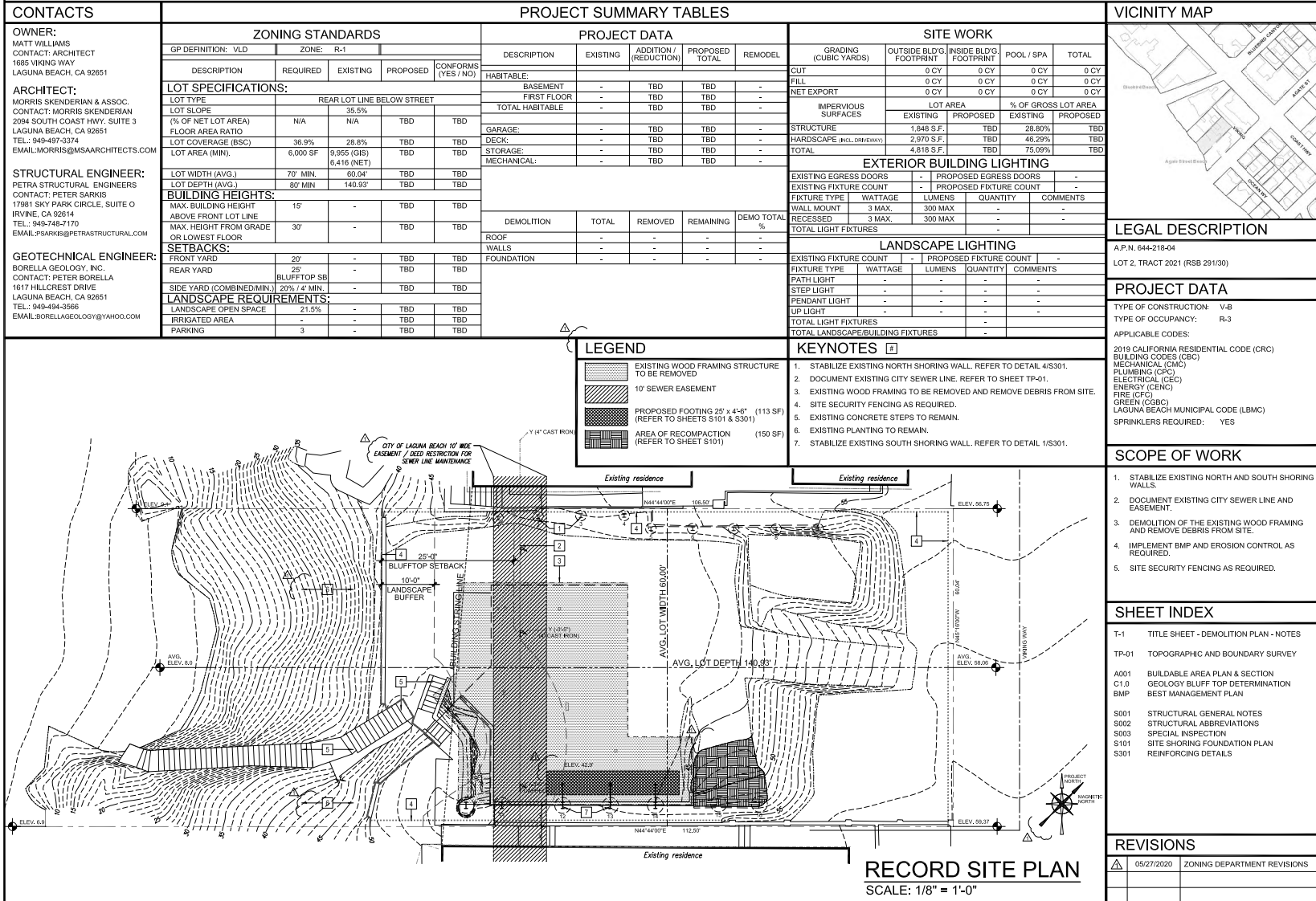
**Project Location: 1685 Viking Road, Laguna Beach, Orange County
(APN: 644-218-04)**



c. 2018 Photo of Site:



1685 VIKING WAY - DEMOLITION PLAN



REVISIONS			
NO.	DATE	BY	
1	05/27/2020	JL	



LEGAL DESCRIPTION
 A.P.N. 644-218-04
 LOT 2, TRACT 2021 (RSB 291/30)

PROJECT DATA
 TYPE OF CONSTRUCTION: V-B
 TYPE OF OCCUPANCY: R-3
 APPLICABLE CODES:
 2019 CALIFORNIA RESIDENTIAL CODE (CRC)
 BUILDING CODES (CBC)
 MECHANICAL (CMC)
 PLUMBING (CPC)
 ELECTRICAL (CEC)
 ENERGY (CENC)
 FIRE (CFC)
 GREEN (CGC)
 LAGUNA BEACH MUNICIPAL CODE (LBMC)
 SPLITTERS REQUIRED: YES

SCOPE OF WORK

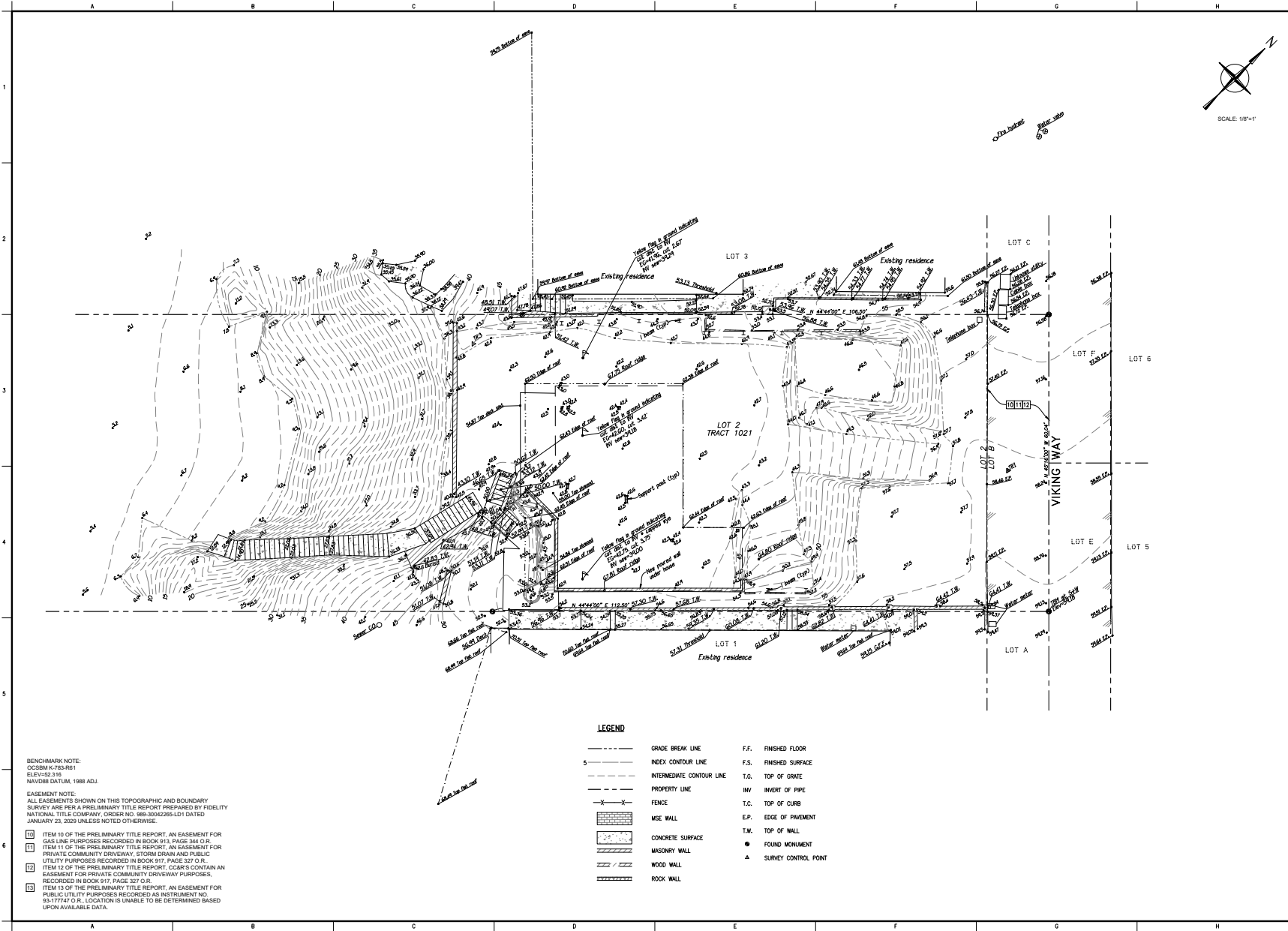
1. STABILIZE EXISTING NORTH AND SOUTH SHORING WALLS.
2. DOCUMENT EXISTING CITY SEWER LINE AND EASEMENT.
3. DEMOLITION OF THE EXISTING WOOD FRAMING AND REMOVE DEBRIS FROM SITE.
4. IMPLEMENT BMP AND EROSION CONTROL AS REQUIRED.
5. SITE SECURITY FENCING AS REQUIRED.

SHEET INDEX	
T-1	TITLE SHEET - DEMOLITION PLAN - NOTES
TP-01	TOPOGRAPHIC AND BOUNDARY SURVEY
A001	BUILDABLE AREA PLAN & SECTION
C1.0	GEOLOGY BLUFF TOP DETERMINATION
BMP	BEST MANAGEMENT PLAN
S001	STRUCTURAL GENERAL NOTES
S002	STRUCTURAL ABBREVIATIONS
S003	SPECIAL INSPECTION
S101	SITE SHORING FOUNDATION PLAN
S301	REINFORCING DETAILS

REVISIONS			
NO.	DATE	BY	
1	05/27/2020	ZONING DEPARTMENT	REVISIONS

TITLE SHEET
WILLIAMS RESIDENCE
 1685 VIKING WAY
 LAGUNA BEACH, CALIFORNIA 92651

PROJECT NUMBER: 3-30-20
 DRAWN BY: JL JOB NUMBER: 19-013
 SHEET NUMBER: T-1



PLANS PREPARED BY:
TOAL
 ENGINEERING, INC.
 CIVIL ENGINEERING
 LAND SURVEYING
 STORMWATER QUALITY
 139 Avenida Navarra
 San Clemente, CA 92672
 949.482.8588
 www.toalengineering.com



Victor P. Melum
 P.L.S. 8662
 DATE: 2.27.20

PREPARED FOR:
 MATT WILLIAMS

NO.	DATE	REVISIONS

TOPOGRAPHIC AND BOUNDARY SURVEY
 LOT 2, TRACT 1021 (SB252980), APN 044-218-04
 SAN JUAN BAUTISTA, LAGUNA BEACH, CALIFORNIA

DATE: 1.21.20	BY SCALE: 1/8"=1'
SURVEY DATE: 11.3.20	V. SCALE: 1/8"=1'
DRAWN: MCH	DWG. NO.:
CHECKED: MSF	TP-01
APPROVED: VM	SHEET: 1
DATE: 19208	OF: 1

BENCHMARK NOTE:
 OCSBM K-783-R61
 ELEVATION: 316
 NAVD83 DATUM, 1988 ADJ.

EASEMENT NOTE:
 ALL EASEMENTS SHOWN ON THIS TOPOGRAPHIC AND BOUNDARY SURVEY ARE PER A PRELIMINARY TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY, ORDER NO. 988-3042265-LD1 DATED JANUARY 23, 2020 UNLESS NOTED OTHERWISE.

10 ITEM 10 OF THE PRELIMINARY TITLE REPORT, AN EASEMENT FOR GAS LINE PURPOSES RECORDED IN BOOK 913, PAGE 344 O.R.

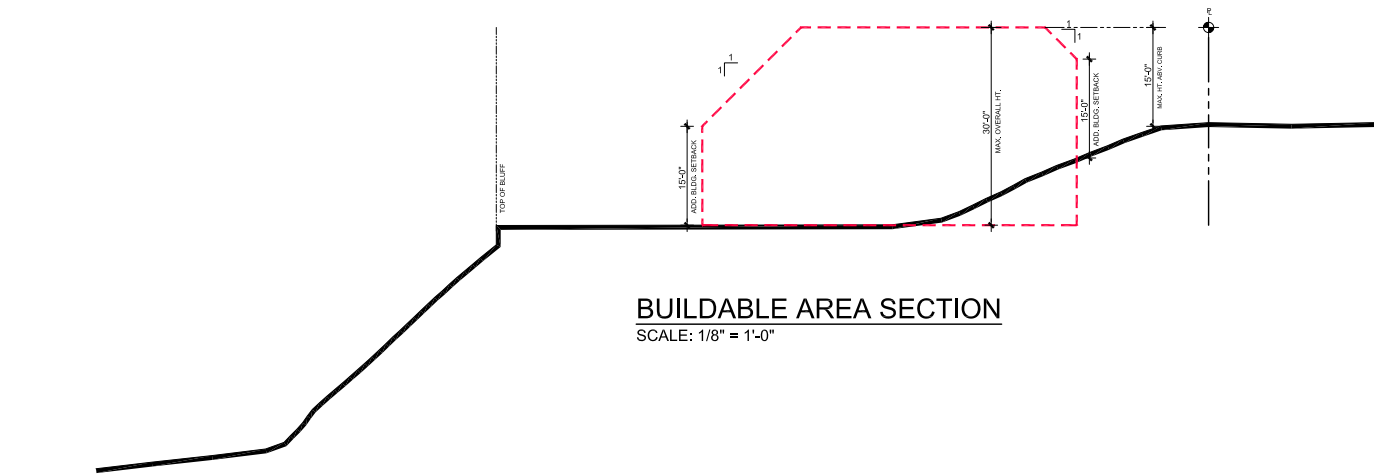
11 ITEM 11 OF THE PRELIMINARY TITLE REPORT, AN EASEMENT FOR PRIVATE COMMUNITY DRIVEWAY, STORM DRAIN AND PUBLIC UTILITY PURPOSES RECORDED IN BOOK 917, PAGE 327 O.R.

12 ITEM 12 OF THE PRELIMINARY TITLE REPORT, CCAR'S CONTAIN AN EASEMENT FOR PRIVATE COMMUNITY DRIVEWAY PURPOSES, RECORDED IN BOOK 917, PAGE 327 O.R.

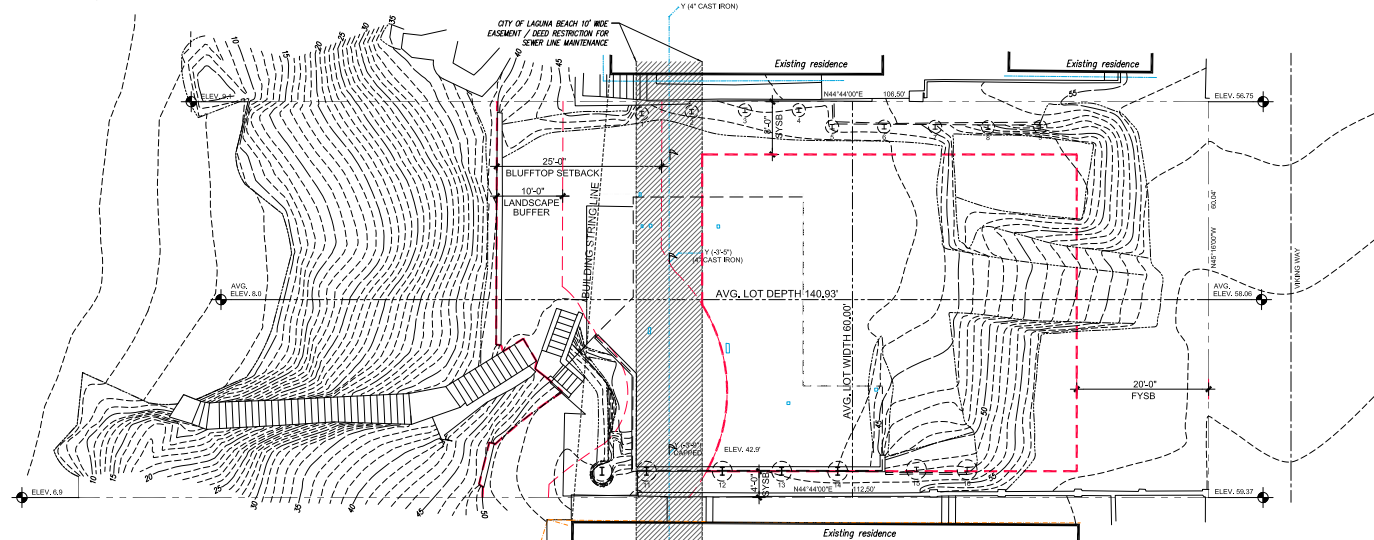
13 ITEM 13 OF THE PRELIMINARY TITLE REPORT, AN EASEMENT FOR PUBLIC UTILITY PURPOSES RECORDED AS INSTRUMENT NO. 93-17747 O.R., LOCATION IS UNABLE TO BE DETERMINED BASED UPON AVAILABLE DATA.

LEGEND

---	GRADE BREAK LINE	F.F.	FINISHED FLOOR
---	INDEX CONTOUR LINE	F.S.	FINISHED SURFACE
---	INTERMEDIATE CONTOUR LINE	T.G.	TOP OF GRATE
---	PROPERTY LINE	INW	INVERT OF PIPE
X-X	FENCE	T.C.	TOP OF CURB
---	MSE WALL	E.P.	EDGE OF PAVEMENT
---	CONCRETE SURFACE	T.W.	TOP OF WALL
---	MASONRY WALL	●	FOUND MONUMENT
---	WOOD WALL	▲	SURVEY CONTROL POINT
---	ROCK WALL		



BUILDABLE AREA SECTION
SCALE: 1/8" = 1'-0"



BUILDABLE AREA PLAN
SCALE: 1/8" = 1'-0"

GROSS LOT AREA: 9,071 SF
NET LOT AREA: 6,416 SF
BUILDABLE AREA: 2,663 SF
ALLOWABLE SITE COVERAGE: (38.56%) 2,474 SF

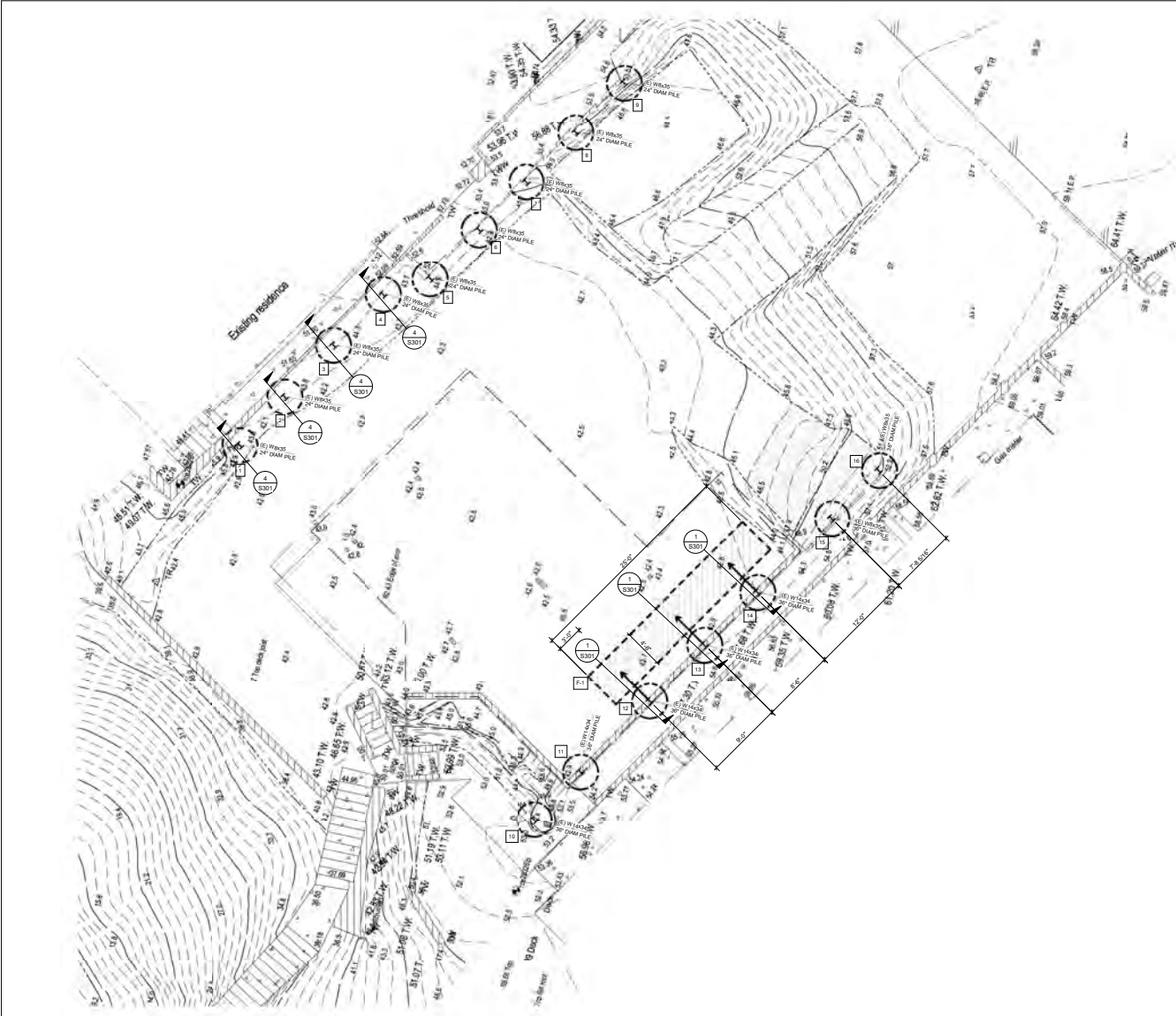
REVISIONS		
NO.	DATE	BY



BUILDABLE AREA PLAN & SECTION
WILLIAMS RESIDENCE
1685 VIKING WAY
LAGUNA BEACH, CALIFORNIA 92651

PROJECT INFORMATION	
DATE	3-30-20
DRAWN BY	JL
CHECKED BY	JL
SHEET NUMBER	19-013

A001



- FOUNDATION NOTES:**
- FOR GENERAL NOTES AND ABBREVIATIONS SEE SHEETS S001 & S002
 - FOR TYPICAL CONCRETE DETAILS SEE SHEET S300 SERIES SHEETS
 - VERIFY ALL DIMENSIONS, ELEVATIONS FINISH SURFACES, SLOPE, DRAIN, DEPRESSIONS, CURBS, ETC. WITH ARCHITECTURAL DRAWINGS PRIOR TO START OF CONSTRUCTION
 - SEE ARCHITECTURAL DRAWINGS FOR EDGE OF SLAB LOCATION
 - FOR FINISH FLOOR ELEVATIONS, SEE ARCHITECTURAL DRAWINGS. REFER TO ARCHITECTURAL, LANDSCAPE AND ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
 - INDICATES NEW FOOTING
 - INDICATES RAKER SHORE PER SHEET S301
 - COMPACT SOIL TO 90% COMPACTION IMPORT SOIL AS REQUIRED MAINTAIN SLOPE AT 1.5:1 MAX HORIZONTAL / VERTICAL
 - INDICATES EXISTING FOOTING

FOOTING SCHEDULE				
MARK	DEPTH	W x L	REINFORCING	REMARKS
F-1	18"	48" x L	#6 @ 12" O.C EW	BOTTOM EACH WAY

NOTE:
 FIELD CONDITIONS ARE SHOWN TO THE BEST OF OUR KNOWLEDGE AND BASED ON DRAWINGS NOT PREPARED BY PETRA ENGINEERING THE CONTRACTOR SHOULD VERIFY ALL (E) FIELD CONDITIONS BEFORE COMMENCING WORK. THE CONTRACTOR SHALL NOTIFY THE STRUCTURAL ENGINEER IF CONDITIONS ARE DIFFERENT THAN SHOWN.

1685 VICKING LANE, LAGUNA BEACH, CA 92651
 SHORING EXCAVATION



FOUNDATION PLAN



FLOOR PLAN

3/16" = 1'-0" 1

SCALE	
PLLOT DATE	1.06.2019
SHEET NUMBER	S101

CALIFORNIA COASTAL COMMISSION

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

**APPEAL FORM**

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: South Coast

Appeal Number: A-5-LGB-20-0083Date Filed: 12-29-2020Appellant Name(s): Mark & Sharon Fudge**RECEIVED**
South Coast Region

DEC 29 2020

CALIFORNIA
COASTAL COMMISSION**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the [appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Handwritten notes or markings, possibly including the word "USDA" and other illegible text.

Appeal of local CDP decision
Page 2

1. Appellant information[†]

Name: Mark and Sharon Fudge
Mailing address: P.O. Box 130, Laguna Beach CA 92652-0130
Phone number: 949-481-1100
Email address: markfudge@me.com

How did you participate in the local CDP application and decision-making process?

Did not participate Submitted comment Testified at hearing Other

Describe: _____
Sent an email to the Design Review Board on the day of the hearing.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The City charges a few for local appeals. Additionally, the City limits
appeals to owners within 300 feet of the property and we do not qualify.

[†] If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: City of Laguna Beach
Local government approval body: Design Review Board
Local government CDP application number: CDP 20-6901
Local government CDP decision: CDP approval CDP denial³
Date of local government CDP decision: November 12, 2020

Please identify the location and description of the development that was approved or denied by the local government.

Describe: 1685 Viking Road
Laguna Beach, CA 92651

Demolition of the remnants of a single-family dwelling, remove construction debris, install stabilization devices to the temporary shoring(ATF), install security fence and erosion control measures.

Interested Persons: unknown - other than applicant's representative:
Morris Skenderian (949) 497-3374 morris@msaarchitects.com

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision
Page 4

3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: The approved development does not conform to the Laguna Beach LCP
specifically as related to bluff edge determination and bluff top protections.
See attached sheets (4) for more details.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 5

5. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Mark Fudge/Sharon Fudge

Mark Fudge Sharon Fudge
Signature

Date of Signature December 29, 2020

5. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of 1685 Viking Road, Laguna Beach

Project Location: The subject is located on an oceanfront bluff lot just to the north of the Agate Street Beach access point in central Laguna Beach. The net lot size is 6,591 square feet with an average calculated average slope of 29.2%. It is currently developed with a 1,722 square foot, two level structure and a detached garage that has been effectively demolished due to the applicant's exceeding the scope of previous permits and being subjected to stop work orders.

Project Description: The applicant requests a coastal development permit to demolish the remnants of the single-family dwelling, remove construction debris, install stabilization devices to support the temporary shoring (after-the-fact-request) at the north and south of the excavated site, and install security fence and erosion control measures in the R-1 (Residential Low Density) zone. A variance was also granted to encroach temporary shoring after-the-face in the 25-foot top of bluff setback.

Project History: The structure was originally constructed in 1948. ¹ In 1980, a seawall was granted a CDP by the Coastal Commission (**A-80-7304**) "to prevent further erosion of 30' high scarp and undermining of the existing single-family dwelling's foundation". (**Exhibit 1**) The site has also been granted building permits for fencing, a 'minor remodel' (to replace window and door in existing locations) and kitchen/bath improvements, and a retaining wall prior to April 2013.

- **1997** - BP 96-0623 was issued for the replacement of a retaining wall on the upper bluff stair section. There is no evidence of a CDP being issued for this work, which represents **unpermitted** work and a **violation** of the LCP and the Coastal Act.
- **2011** - Building permits were issued for a 'minor remodel' consisting of window/door replacements, and interior kitchen/bath work.
- **2012** - The City's online building file contains numerous 'Field Memorandums' from Borella Geology regarding geotechnical inspections and approvals of caisson excavations for support of lower floor remodel - seaward side of living residence. There is no record of these (16) caisson excavations (or the temporary shoring) being considered by or approved by any discretionary body. This work did not obtain a CDP and thus represents **unpermitted** work which is a **violation** of the LCP and the Coastal Act.
- **October 3, 2012** - A Hardscape Building Permit (RBP-2012-1340) was issued to 'repair beach stairs and replace guardrails per approved plans'. The plans are not available online. The work was finalized on April 8, 2013. This work was not granted a CDP - although one was necessary - and therefore represents **unpermitted** work which is a **violation** of the LCP and the Coastal Act.
- **April 11, 2013 (CDP 13-008)** - The Design Review Board heard the applicant's request to obtain permits for an 846 square-foot net addition to the home. The staff report for the project opined that the work did not constitute a 'major remodel'. There were modifications more than fifteen feet above grade, skylight, pool/spa, grading, covered parking, landscaping and a request to maintain the non-conforming bluff top and side setbacks. In regard to the required findings for approval of a CDP, the staff report recommended that the proposed

¹ According to the April 11, 2013 DRB staff report, the property had not previously been subject to design review - but this is incorrect. The Board had approved a seawall in 1980.

project was “not consistent with the general plan in that a large portion of the improvements are proposed to areas of the home that are located in the bluff top setback, and in that the pool is proposed out of grade and up to the bluff top setback.”

- **June 26, 2014 (CDP 13-008)** - After multiple delays, the Design Review Board again heard the applicant’s request for an “859 square foot addition (net), new garage, vehicular access, construction more than 15 feet above grad, skylights, lot coverage, stringily violation, covered parking, pool/spa, grading, landscaping, construction in an environmentally sensitive area due to ocean front proximity and to maintain the nonconforming side and bluff top setback”. The staff report again stated that the project was ‘not consistent with the general plan in that a large portion of the demolition is proposed to areas of the home that are located in the blufftop setback and the above grade pool and the oversized garage is not compatible with the patten of development.’ Despite this, the DRB approved the project. ²

The site has been an open construction site since sometime in 2011 when a ‘minor remodel’ was approved over the counter - without design review or coastal development permits. According to the City, the building permits issued between 2011 and 2015 (other than for the beach stair repair) have all expired.

Subject Permit: On November 12, 2020 the Design Review Board considered and approved the applicant’s request for a CDP to demolish the remnants of the single-family dwelling, remove construction debris, install stabilization devices to support the temporary shoring (after the fact request) at the north and south of the excavated site, and install security fence and erosion control measures in the R-1 (Residential Low Density) zone. A variance was also requested and approved to encroach temporary shoring after-the fact in the 25-foot tour of bluff setback. Appellants wrote an email to the Board and Staff stating concerns about the incorrect delineation of the bluff edge and the allowance of unpermitted structures to remain. The Board unanimously approved the requests of the applicant.

Basis of the Appeal

The approval does not comply with the definition of bluff top edge, and does not comply with the bluff top protections of the LCP. The delay of the requirement to remove unpermitted or obsolete development to future approvals is inappropriate.

1. The bluff edge was improperly determined. The City and applicant failed to account for previous excessive grading at the site and violates the LCP.

The determination of where the bluff edge is located is controlled by the LUE Glossary definition of bluff edge:

LUE Glossary Entry 101 - Oceanfront 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 buff, 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

² Mark Fudge opposed the use of a CEQA exemption at the hearing due to potential adverse impacts to the bluff.

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.*

This concept has been already been used by the Commission in other decisions such as 31505 Bluff (Kinstler) (A-5-LGB-16-0098), and 3 La Senda (Sommerville) (Application No. 5-19-1284) yet the City and applicant failed to consider previous grading at the site when determining the proper bluff edge.

Unless the proper determination of the bluff edge is made at this point in time, the applicant will rely on the current location when proposing the new residence - which is already in the planning stages.

2. The City's deferral of the requirement to remove unpermitted or obsolete structures to a later time is inappropriate and violates the LCP.

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

As stated above, the site contains both obsolete (seawall) and unpermitted structures (stairway repair and guardrail replacement in 2012 and retaining wall in 1997), which should have been identified and removed. Instead, the Board allowed these unidentified elements to remain and will only be addressed if the property owner does not obtain applicable permits for future residential development within two years. In other words, if the property owner *does* obtain permits, it is assumed that these obsolete/unpermitted elements may remain indefinitely. This is inconsistent with the certified LCP.

If a new structure is built, it will be unable to rely on the existing seawall for stability pursuant to LUE Action 7.3.9. The time to demolish these obsolete and unpermitted structures is *now* as it is uncertain whether a new home will ever be built at the site.

3. The City's deferral of the requirement to incorporate drainage improvements to a later time is inappropriate and violates the LCP.

LUE Action 7.3.6 states: 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.

The staff report stated that the project conforms to this Action because '*no new landscaping or irrigation systems are proposed that may contribute to oceanfront bluff recession.*' and that '*site drainage will be required to direct water flow away from structures and the sea cliff as part of the future replacement single-family dwelling*'. However, LUE Action 7.3.6 requires the incorporation of drainage improvements when the new development (i.e. demolition of a house) occurs ... not at some later point in time. These protections should be implemented *now*, especially considering the history of erosion problems at the site which precipitated the placement of a seawall in 1980.

There is also a possibility that a new structure is never going to be built at the site, leaving the site unprotected forever.

4. Instead of bringing non-conformities into conformity, the City approved a variance to allow them to continue.

The City's approval of new development (as defined by the LUE Glossary Entry No. 89 definition) requires non-conformities to be brought into conformity as written in

LUE Action 7.3.10 states : 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 of oceanfront bluff structure to be brought into conformity with the LCP.

The staff report stated that the project includes improvements that constitute new development. These improvements include new pad footing and after-the-fact approval for encroachments within the setback to which that applicant seeks approval of a variance for these improvements. Not only do these new improvements encroach into the bluff setback as (improperly) determined by the City and applicant, but even more of these improvements encroach into the setbacks once the bluff edge is correctly determined.


The staff report also incorrectly states that the temporary shoring was approved during the 2013/2014 discretionary hearings. The evidence (previous staff reports) shows that the temporary shoring was never included as part of the project description previously. Instead, the record shows that geotechnical inspections for the 'caisson excavations for support of the lower floor remodel' were being carried out by Borella Geology as early as July of 2012. The temporary shoring construction was carried out without benefit of a CDP and thus also constitutes unpermitted development and a violation of the LCP and Coastal Act.

5. The project has been bifurcated/piecemealed.

The certified LCP requires that a finding be made that a project complies with CEQA (LBMC 25.07.012(G)(3)). In turn, CEQA requires that a project must not be broken into pieces to avoid environmental review. However, that is a possibility if this project is allowed to stand as approved by the City.

This project is eerily reminiscent of the one at 31987 Coast Hwy (Dimitry) (A-5-LGB-17-0033) which was found by the Courts to be improperly heard as the action reviewed was not the 'whole' of the action. In this instance, we know the applicant has already begun plans to build a replacement structure at the site. If the issues of bluff edge determination and removal of obsolete and unpermitted structures is not addressed at this point, the applicant may assert some type of 'vested rights' claim to assure that these decisions made by the City remain in force.

Thank you for your consideration,



Mark Fudge
949-481-1100



Sharon Fudge
949-481-1101

**NOTICE OF FINAL LOCAL ACTION
FOR COASTAL DEVELOPMENT PERMITS**

Date: December 1, 2020

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

Location: 1685 Viking Road, Laguna Beach, CA 92651

Coastal Development Project No: 20-6901

Project Description: The scope of work involves the demolition of the remnants of a single-family dwelling, temporary shoring stabilization devices, and temporary construction fence. The project includes conditions of approval as noted in attached Resolution No. 20.62.

Applicant: Morris Skenderian, MSA Architects

Mailing Address: 2094 S Coast Highway, Suite 3, Laguna Beach, CA 92651

On November 12, 2020, a coastal development permit application for the project was

- approved
- approved with conditions
- denied

Local appeal period ended November 30, 2020

This action was taken by:

- Director of Community Development
- City Council
- Design Review Board
- Planning Commission

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

This project is

- not appealable to the Coastal Commission
- appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission if a valid appeal is filed. Appeals must be in writing to the appropriate Coastal Commission district office and in accordance with the California Code of Regulation Section 13111. The Coastal Commission may be reached by phone at (562) 590-5071 or by writing to 301 E. Ocean Blvd, Suite 300, Long Beach, CA 90802.

Att: Staff Report

CDP Resolution No. 20.62

CC: Matthew Wialliam, 3321 E. Coast Hwy, Corona Del Mar, CA 92625

D.R.B. RESOLUTION 20.62

A RESOLUTION OF THE OF THE DESIGN REVIEW OF THE CITY OF LAGUNA BEACH APPROVING COASTAL DEVELOPMENT PERMIT 20-6901 AND VARIANCE 20-6902 FOR THE DEMOLITION OF THE REMNANTS OF THE SINGLE-FAMILY DWELLING, TEMPORARY SHORING, STABILIZATION DEVICES, AND TEMPORARY CONSTRUCTION FENCE, AND APPROVING CATEGORICAL EXEMPTION PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT

1685 VIKING ROAD | APN: 644-218-04

WHEREAS, on October 20, 2020, a notice was mailed to all property owners within a 300' radius and tenants within a 100' radius announcing the on November 12, 2020 public hearing of the Design Review Board for the proposed project; and

WHEREAS, on November 12, 2020, the Design Review Board carefully considered the oral and documentary evidence and arguments presented at the duly noticed hearing;

NOW, THEREFORE, THE DESIGN REVIEW BOARD OF THE CITY OF LAGUNA BEACH DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: Coastal Development Permit (20-6901) and Variance (20-6902) to demolish the remnants of the single-family dwelling, remove construction debris, install stabilization devices to the temporary shoring (after-the-fact request) at the north and south of the excavated site, and install security fence and erosion control measures ("Proposed Project") is approved with conditions. The proposed project is exempt from the provisions of the California Environmental Quality Act in accordance with State CEQA Guidelines Section 15301 - Existing Facilities, in that the project consists of the repair, maintenance, or minor alteration of existing structures or topographical features, involving negligible or not expansion of existing or former use and Section 15303 - New Construction or Conversion of Small Structures, in that the project consists of construction and location of limited numbers of new, small structures.

Section 2: The proposed project is consistent with the applicable Title 25 development standards and guidelines.

Section 3: The proposed project is consistent with the Variance findings as discussed in the Design Review Board Staff Report dated November 12, 2020, pages four to six.

Section 4: The proposed project is consistent with the Coastal Development Permit criteria as described Design Review Board Staff Report dated November 12, 2020, pages six to nine.

Section 5: The proposed project is consistent with the required Coastal Development Permit findings as discussed in Design Review Board Staff Report dated November 12, 2020, pages nine to thirteen.

Section 6: Expiration. The proposed project will expire if the property owner does not obtain applicable approvals for future residential development within two years from the final action of the approval authority on the application, and any subsequent request for an extension of time. Development, once commenced, shall be pursued in a diligent manner and completed in a reasonable period of time. Otherwise, the permittee shall remove the proposed project described in Section 1 and existing beach access stairs, restore the natural grade of the property, and landscape the site with native vegetation with temporary irrigation which is to be removed once the vegetation is established.

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

Section 8: Indemnification. The permittee shall defend, hold harmless and indemnify, at his/her/its expense, the City, the City Council and other City bodies and members thereof, officials, officers, employees, agents and representatives (collectively, the City) from and against any and all third-party claims, actions or proceedings to attack, set aside, void or annul the approval of this application for Coastal Development Permit, or any associated determination made pursuant to the California Environmental Quality Act. This obligation shall encompass all costs and expenses incurred by the City in defending against any claim, action or proceeding, as well as costs, expenses or damages the City may pay as a result of such claim, action or proceeding. In the event an action or proceeding is filed in court against the City, the Design Review, or any associated determination, the permittee shall promptly be required to execute a formal indemnification agreement with the City, in a form approved by the City Attorney, which shall include, among other things, that the City will be defended by the counsel of its choice, and that the permittee shall deposit with the City sufficient funding, and thereafter replenish the funding, to ensure that the City's defense is fully funded, by the permittee. The deposit amount and replenishment schedule shall be established by the City.

Section 9: Plan Reliance and Modification Restriction. In the absence of specific provisions or conditions herein to the contrary, the Design Review Board Staff Report dated November 12, 2020 and Exhibit 'A' (Project Plans) are incorporated and made a part of this Resolution. It is required that Exhibit 'A' be complied with and implemented in a manner consistent with the approved use and other conditions of approval. Such exhibits for which this permit has been granted shall not be changed or amended except pursuant to a subsequent amendment to the permit or new permit as might otherwise be required or granted pursuant to the terms of Title 25 of the Laguna Beach Municipal Code.

Section 10: Grounds for Revocation or Modification. Failure to abide by and faithfully comply with Exhibit 'A' attached to the granting of the proposed project may constitute grounds for revocation or modification of the permit.

Section 11: Effective Date. The applicant or any other owner of property within three hundred feet of the subject property aggrieved by the Design Review Board's decision or by any portion of this decision may appeal to the City Council. Any appeal shall be in written form filed with the City Clerk within fourteen calendar days of the decision and shall specifically state each and every ground for the appeal and be accompanied by payment of the required appeal fee. If no appeal is filed timely, the Design Review Board decision will be effective 14 calendar days after the date of the decision.

Section 12: For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Design Review Board of the City of Laguna Beach hereby approves the proposed project, subject to the plans in the attached Exhibit 'A'.

PASSED on November 12, 2020, by the following vote:

AYES: Gannon, Sheridan, Thalman, Neev, Weil

NOES:


ABSENT:

ABSTAIN:

ATTEST:



Nancy Csira, Zoning Administrator



Louis Weil, Chair