

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4830
(562) 590-5071



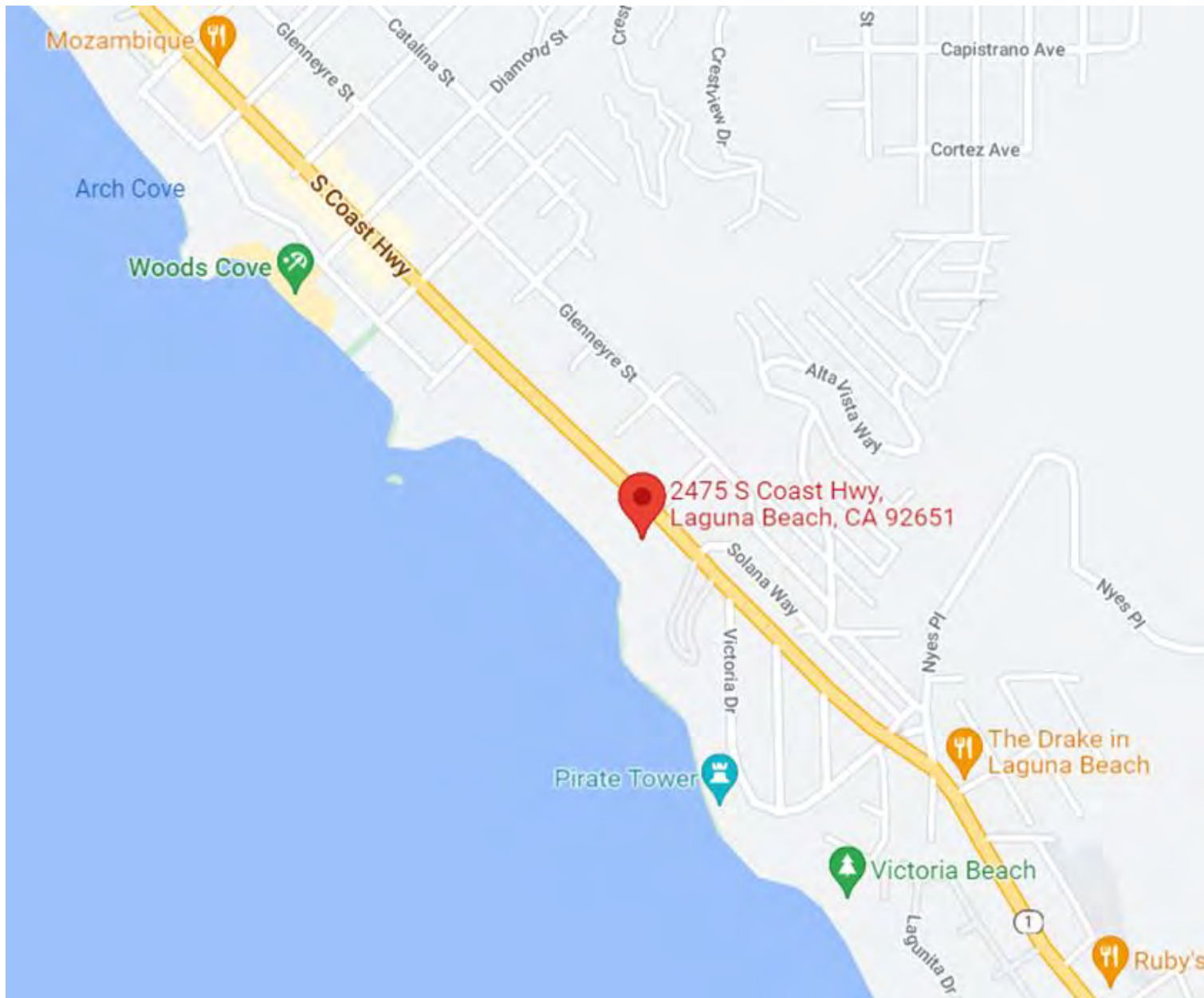
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A-5-LGB-22-0009 (Gross)

APRIL 21, 2022

EXHIBITS

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MARSHALL INNIS GROUP
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CALIFORNIA 92651
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Project No. 2475

2475 South Coast Highway Art Installation
2475 South Coast Highway
Laguna Beach California 92651

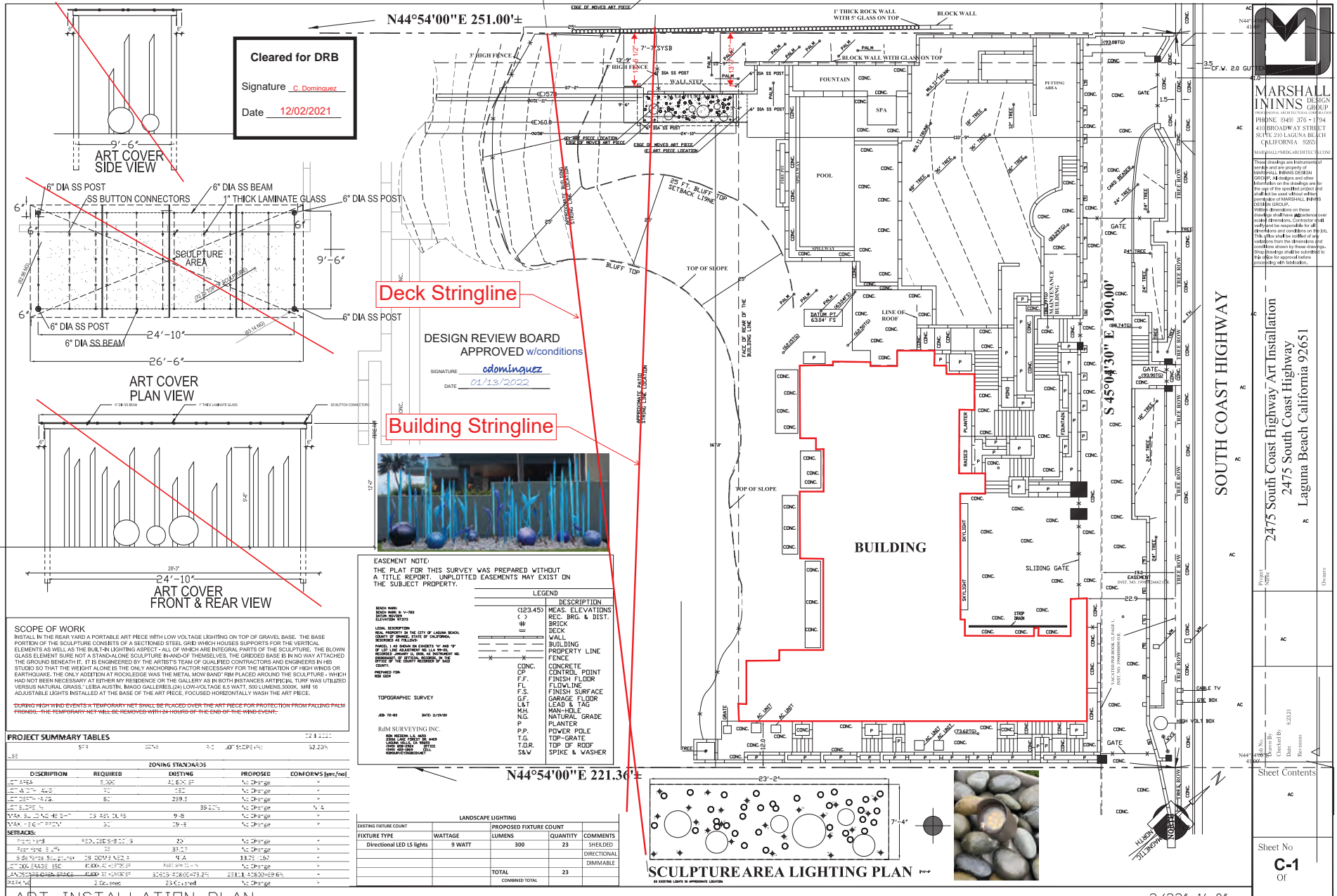
Owner

Drawn By: [Signature]
Checked By: [Signature]
Date: 8/2/21
Revisions

Sheet Contents

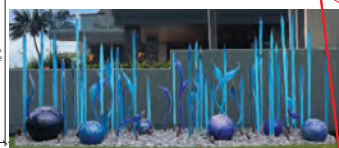
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OF



Cleared for DRB
Signature: C. Dominguez
Date: 12/02/2021

DESIGN REVIEW BOARD APPROVED w/conditions
Signature: cdominguez
Date: 01/13/2022

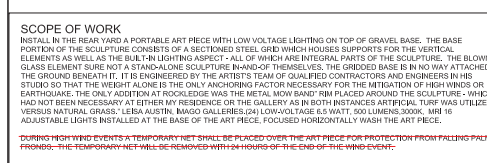
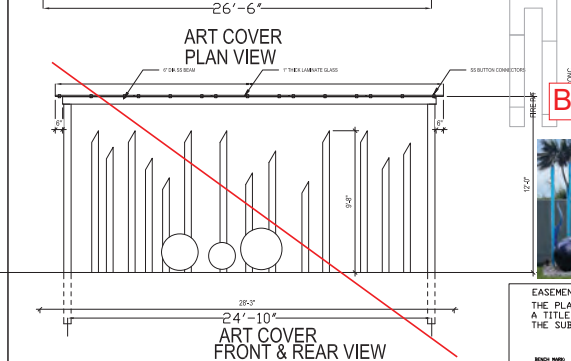
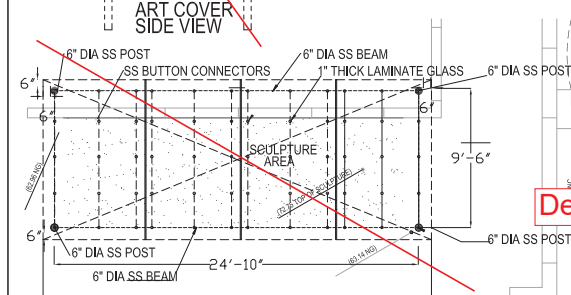
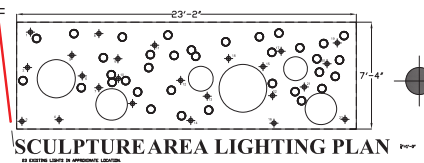


EASEMENT NOTE:
THE PLAT FOR THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT. UNPLOTTED EASEMENTS MAY EXIST ON THE SUBJECT PROPERTY.

LEGEND	
DESCRIPTION	(12345)
MEAS. ELEVATIONS	()
REC. BRG. & DIST.	#
BRICK	#
DECK	#
WALL	#
BUILDING	#
PROPERTY LINE	#
FENCE	#
CONCRETE	#
CONTROL POINT	#
FINISH FLOOR	#
FINISH SURFACE	#
FINISH F.S.	#
GARAGE FLOOR	#
LEAD & TAG	#
MAN-HOLE	#
NATURAL GRADE	#
PLANTER	#
POWER POLE	#
TOP-GRADE	#
TOP OF ROOF	#
S&W	#

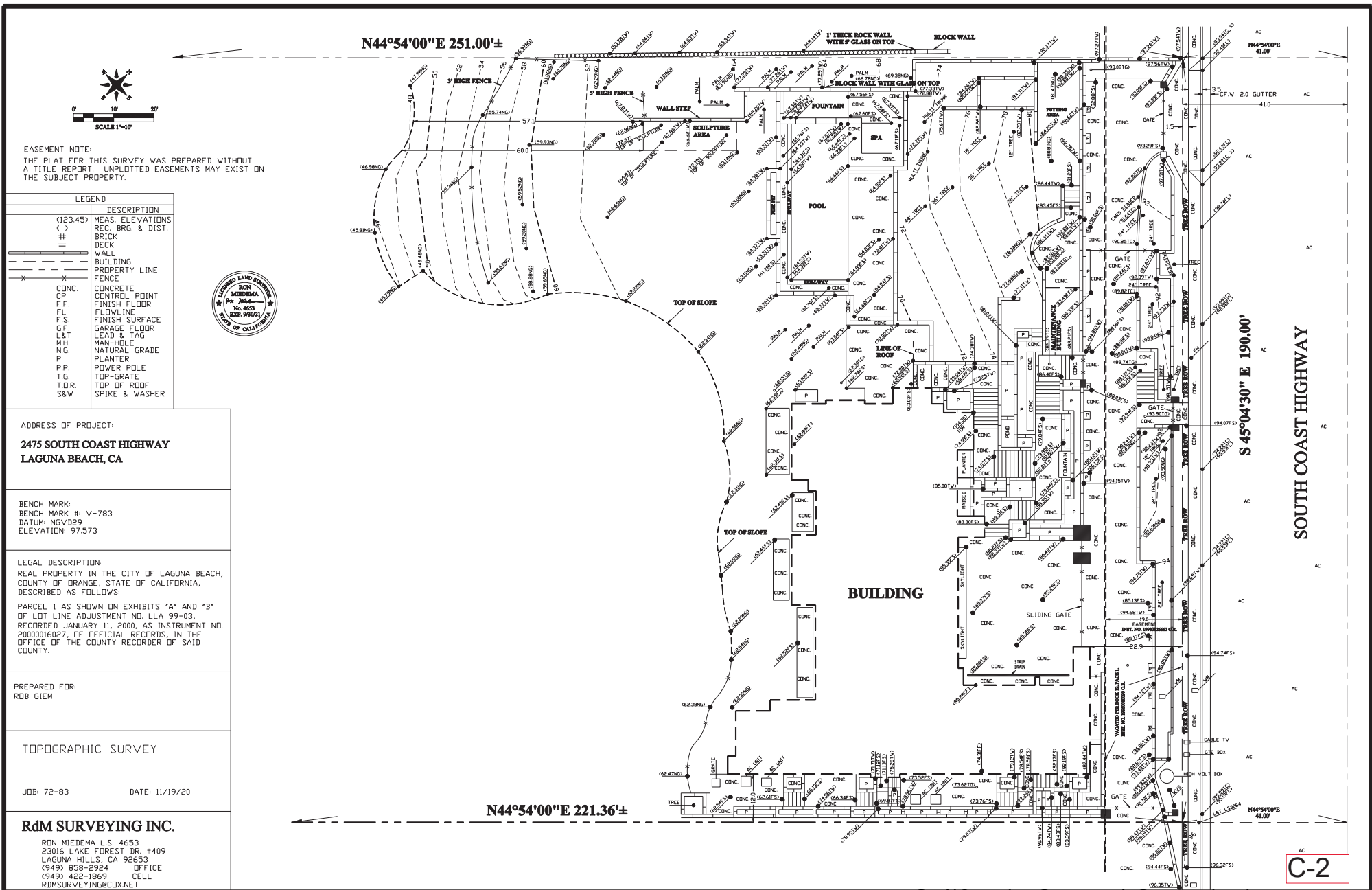
TOPOGRAPHIC SURVEY
JOB: 10-01 DATE: 01/10/20
RIM SURVEYING INC.
200 W. 10TH ST. SUITE 100
LAGUNA BEACH, CA 92651
TEL: 949.438.1234
WWW.RIMSURVEYING.COM

LANDSCAPE LIGHTING	
EXISTING FIXTURE COUNT	PROPOSED FIXTURE COUNT
FIXTURE TYPE	WATTAGE
Directional LED lights	9 WATT
	LUMENS
	300
	QUANTITY
	23
	COMMENTS
	SHIELDED
	DIRECTIONAL
	DIMMABLE
	TOTAL
	23
	COMBINED TOTAL



PROJECT SUMMARY TABLES			
DISCUSSION	REQUIRED	PROPOSED	CONFORMS (yes/no)
1. AREA	42,600 SF	42,600 SF	Yes
2. AREA	150	150	Yes
3. AREA	219.3	219.3	Yes
4. AREA	39.2%	39.2%	Yes
5. AREA	9.8	9.8	Yes
6. AREA	29.4	29.4	Yes
7. AREA	23	23	Yes
8. AREA	23	23	Yes
9. AREA	23	23	Yes
10. AREA	23	23	Yes
11. AREA	23	23	Yes
12. AREA	23	23	Yes
13. AREA	23	23	Yes
14. AREA	23	23	Yes
15. AREA	23	23	Yes
16. AREA	23	23	Yes
17. AREA	23	23	Yes
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22. AREA	23	23	Yes
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30. AREA	23	23	Yes
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96. AREA	23	23	Yes
97. AREA	23	23	Yes
98. AREA	23	23	Yes
99. AREA	23	23	Yes
100. AREA	23	23	Yes

ART INSTALLATION PLAN



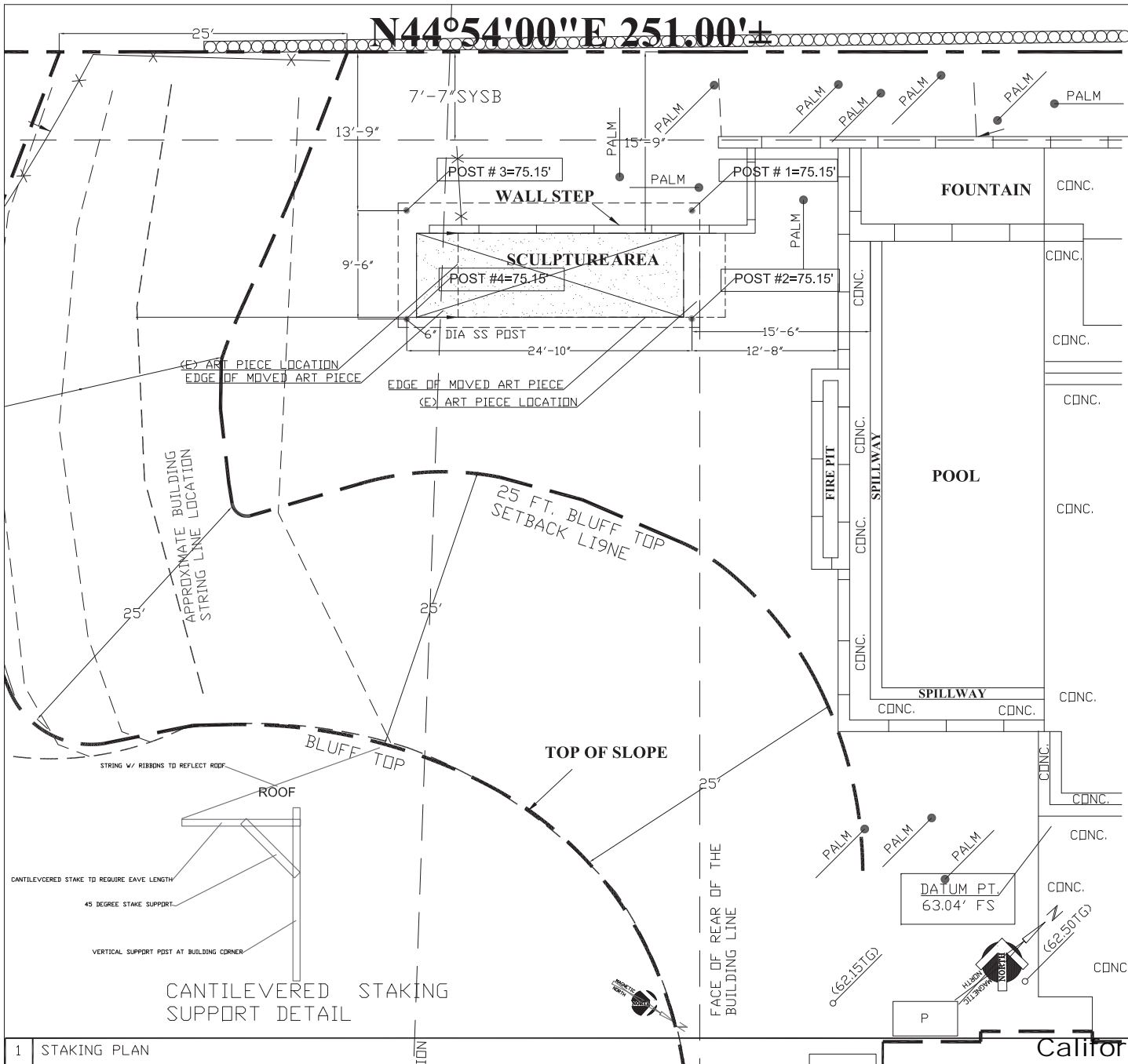
California Coastal Commission

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Exhibit 2

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C-2



STORY POLE HEIGHT AND LOCATION CERTIFICATION Certified on Dec. 6, 2021

Instructions: The Story Pole Height and Location Certification and Story Pole Construction Notes Table or Notations must be executed by a registered land surveyor or registered civil engineer directly on a copy of the full-size roof plan. The completed certification must be submitted to the City at least 28 days prior to the design review authority's first noticed public hearing date (or 34 days prior to administrative design review hearing or a design review continuance).

Required Certification Statement:
I hereby certify the story poles located on the referenced site were constructed under my supervision and survey, and the story poles are in conformance with the design, height and location as shown on the approved staking plan. I further certify that 2) the story pole identification numbers, 3) story pole location base grade elevations, 3) story pole heights and 4) the proposed maximum height elevations are true and correct. I acknowledge and understand that the required project staking is for the purpose of informing the owner, architect, designer, City staff, design review authority and the public as to the accurate location and exterior dimensions of the proposed structure or addition.

Signature of Registered Land Surveyor or Civil Engineer
Thomas Terwilliger L.S.
Name (print or type)
L.S. 9091 Ex. 03/31/22
License/Registration Title
Dec. 6, 2021
Date

Story Pole Construction Notes Table
Date, Dec. 6, 2021
Site Address, 2745 SOUTH COAST HIGHWAY
Laguna Beach California 92651
Datum Point, DATUM 63.04' AT EXISTING FIN. CONCRETE AT BASE OF STAIRS
Name of Surveyor or Engineer, Thomas Terwilliger L.S.

P O L E #	DESCRIPTION	BASE GRADE ELEVATION	STORY POLE HEIGHT FROM BASE GRADE ELEVATION	PROPOSED MAXIMUM ELEVATION
2	CORNER COVER	63.19	11.96'	75.15'
3	CORNER COVER	62.89	12.26'	75.15'
4	CORNER COVER	62.99	12.16	75.15'
5				

CONNECT POLES WITH BRIGHTLY COLORED RIBBONS TO DEPICT THE OUTLINE OF THE PROPOSED BUILDING, RAILS, EAVES AND DECKS.

*If standard base grade elevation calls are not feasible because of the existence of rocks, piling or existing structural improvements, then the surveyor or engineer may use an alternative method of establishing horizontal and vertical control for story poles that can be observed in the field. The surveyor or engineer shall describe the control method and directly on the full-size staking plan. Such alternative methods may include painted staking. It is also recognized that sometimes it may not be feasible to set poles due to unforeseen circumstances. In that case, please identify the story poles that were not established and an explanation as to the reason.

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CALIFORNIA 92651
MARSHALLINNISGROUP.COM

2475 South Coast Highway Art Installation
2475 South Coast Highway
Laguna Beach California 92651

Project Name

REGISTERED ARCHITECT
MARSHALL H. INNIS
NO. C-23787
EXP. 12-31-21
STATE OF CALIFORNIA

Job No.
Drawn By
Checked By
Date: 11/30/21
Revisions

Sheet Contents

Sheet No.
ST-1
Of

California Coastal Commission

A-5-LGB-22-0009

Exhibit 2

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DESIGN REVIEW BOARD STAFF REPORT

January 13, 2022

Agenda Item No. 4.3

Case No: Design Review 21-10809
Coastal Development Permit 21-10810
Categorical Exemption

Project Location: 2475 South Coast Highway | APN: 656-114-19

Applicant: Laurence P. Nokes, Esq.
(949) 376-3500 | lnokes@nokesquinn.com

Property Owner: Gross and Schwartz Residence

Prepared By: Community Development Department
Christian Dominguez | Senior Planner
(949) 497-0745 | cdominguez@lagunabeachcity.net

REQUESTED ACTION: The applicant requests design review and a coastal development permit for modifications to a prior approval in the R-1 (Residential Low Density) zone. Modifications include a new art sculpture and protective cover in the rear yard.

RECOMMENDATION: Adopt Resolution No. 21-10809 approving Design Review 21-10809 and Coastal Development Permit 21-10810, for construction of an art sculpture and cover, subject to the attached Exhibits 'A', 'B' and 'C'; and adopt Categorical Exemption pursuant to the California Environmental Quality Act (CEQA).

ATTACHMENTS


- 1) Bluff Edge Determination Prepared By GeoSoils, Inc. (February 28, 2021)
- 2) Coastal Hazards and Wave Runup Analysis Prepared by GeoSoils, Inc. (January 26, 2021)
- 3) Draft Resolution
- 4) Exhibit 'A': General Plan Goals and Policies
Local Coastal Program Goals and Policies
- 5) Exhibit 'B': Conditions of Approval
- 6) Exhibit 'C': Proposed Plans

PROPERTY AERIAL PHOTO**PROPERTY INFORMATION**

Land Use Designation	Village Low Density (3-7 DU/AC)
Zoning Designation	R-1 Residential Low Density
Environmentally Sensitive Areas	Coastal Zone Appealable
Site Constraints	Very High Fire Hazard Severity Zone, and Water Quality Environmentally Sensitive Area
Existing Site Improvements	<ul style="list-style-type: none"> The property is developed with a single-family residence and attached three-car garage.
Prior Approvals	<ul style="list-style-type: none"> On May 17, 1984, the Board of Adjustment approved Design Review 84-60 and Variance 3816 for construction of a single-family residence that encroaches into the required side yard and does not bring the existing driveway on-site into conformance. The California Coastal Commission subsequently approved Administrative Permit 5-84-392 for the proposed development on July 20, 1984. On January 8, 1987, the Board of Adjustment approved Design Review 86-357 and Variance 4123 to repair an existing path and beach wall on the oceanward side of the coastal bluff. The Coastal Commission subsequently approved Administrative Permit 5-87-124 on April 21, 1987.

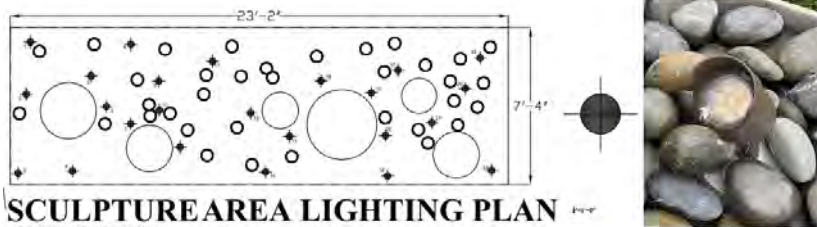
PROPERTY INFORMATION	
	<ul style="list-style-type: none"> On March 3, 1987, the City Council approved Variance 4124 approved construction of an eight-foot masonry wall within the front setback.

ZONING REVIEW			
The proposed project complies with applicable zoning standards and guidelines as shown in the summary table below.			
Development Standard	Required	Proposed	Complies?
Height (Lowest floor to top of roof)	30'-0"	9'-7"	Yes
Setbacks			
Front	10'-0"	113'-9"	Yes
Side (North)	13'-6"	13'-6"	Yes
Side (South)	24'-6"	167'-0"	Yes
Rear	10'-0" from bluff edge ¹	37'-2"	Yes

PROJECT DESCRIPTION
<p>The proposed scope of work includes installation of an art sculpture in the rear yard of the subject property. The sculpture is approximately 170 square feet in size, less than 12-feet-tall at its highest point, and features blown-glass spheres, reeds, and oceanic shapes. The installation requires no foundation work and rests on a metal grate situated on-grade with river rock providing weight to support the structure. Incorporated into the structure are 23 directional lights rated at nine watts and 300 lumens.</p> <p>In addition, a protective cover is proposed (not pictured above) to shield the sculpture from the elements. The cover will be approximately 12-feet-tall and constructed with four stainless steel posts and one-inch-thick laminate glass.</p>


¹ LBMC §25.50.004(B)(4)(d) allows patio deck covers or similar architectural features to project a maximum of five feet beyond the applicable building setback or deck stringline, whichever is least restrictive; however, in no case shall such projections be closer than ten feet to the top of an oceanfront bluff. In this case, the deck stringline is least restrictive, but the requested improvements must still observe a setback of ten feet from the bluff edge.

DESIGN REVIEW	
<p>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. These guidelines complement the zoning regulations by providing conceptual examples of potential design solutions and design interpretations. The table below lists the guidelines and the proposed project's applicability and compliance. The following project components require Design Review:</p> <p>A. New art sculpture and protective cover in the rear yard.</p>	
Design Review Criteria	Consistency (Yes, No, or N/A If Not Applicable)
No. 1 Access	N/A. The proposed project is located in the rear yard and does not affect existing vehicular or pedestrian access patterns at the site.
No. 2 Design Articulation	Yes. The proposed project is designed at an appropriate scale in that the sculpture and protective cover are no more than 12-feet-tall and comply with the setback and building height standards for the R-1 zone. Therefore, this criterion has been met.
No. 3 Design Integrity	Yes. The chosen materials for the project, including blown glass, stainless steel, and tempered glass, are compatible with the contemporary architectural style of the main residence. Therefore, this criterion has been met.
No. 4 Environmental Context	Yes. The proposed project minimizes alteration of the site's environmental features by being situated approximately 37 feet from the coastal bluff edge as identified in the project's bluff edge determination (attached). Further, no grading is proposed. Therefore, this criterion has been met.
No. 5 General Plan Compliance	Yes. The proposed project complies with the goals and policies of the General Plan as evidenced in the table in Exhibit 'A'.
No. 6 Historic Preservation	N/A. The existing residence on-site was originally constructed in 1985 and is less than 50 years old. Further, the structure is not listed on the City's Historic Register and the proposed project involves a construction of a detached structure at the rear of the property. Therefore, this criterion does not apply.
No. 7 Landscaping	N/A. The proposed project is located at the rear of the property in an existing turf grass area. No changes to the existing landscaping are proposed. Therefore, this criterion does not apply.
No. 8 Lighting and Glare	Yes. The proposed project includes 23 directional LED lights installed at the base of the art sculpture to illuminate various elements for aesthetic purposes. The directional lights typically face upward and are rated at nine watts and 300 lumens. These lights have the potential to cause light trespass on to the adjacent property at 2425 South Coast Highway although the lights are proposed to be shielded and dimmable. In order to minimize impacts to the adjacent property, staff recommends that a condition of approval be including requiring installation of a

DESIGN REVIEW	
	<p>timer to automatically turn off the light fixtures during late-night and early-morning periods. With this condition, this criterion has been met.</p>  <p>SCULPTURE AREA LIGHTING PLAN <small>SEE EXISTING LIGHTS IN APPROPRIATE LOCATION</small></p>
No. 9 Neighborhood Compatibility	<p>Yes. The surrounding neighborhood consists of single-family homes on large oceanfront lots. Many properties maintain expansive yards with swimming pools, terraces, and other outdoor activity areas. The proposed project will enhance the contemporary aesthetic of the existing home on-site and will largely be out of view from public view at the rear of the property. Therefore, this criterion has been met.</p>
No. 10 Pedestrian Orientation	<p>N/A. This criterion pertains to commercial development.</p>
No. 11 Privacy	<p>Yes. The City's Residential Design Guidelines encourage outdoor living spaces to be placed where they do not reduce the visual and acoustic privacy of nearby homes. The proposed project is approximately 13.5 feet away from the property line shared with the adjacent neighbor to the north. An existing solid wall approximately five to six feet tall is situated adjacent to the sculpture to provide visual and acoustic privacy. Therefore, this criterion has been met.</p>
No. 12 Public Art	<p>N/A. This criterion pertains to commercial development.</p>
No. 13 Sign Quality	<p>N/A. This criterion pertains to commercial development.</p>
No. 14 Sustainability	<p>Yes. The proposed project will be subject to Green Building Code requirements and Title 24 energy efficiency requirements. Further, the project incorporates energy-efficient products such as low voltage LED exterior lighting. Therefore, this criterion has been met.</p>
No. 15 Swimming Pools, Spas and Water Features	<p>N/A. The proposed project does not involve construction of swimming pools, spas, or water features. Therefore, this criterion does not apply.</p>
No. 16 View Equity	<p>Yes. The proposed project is not anticipated to impact established views from neighboring properties due to its location at the rear of the property and maximum height of 12 feet proposed for the protective cover. Therefore, this criterion has been met.</p>

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 Chapter 25.07, the proposed project requires a Coastal Development Permit (CDP) to ensure compliance with the certified Local Coastal Program. The following criteria shall be incorporated into the review of all applications for coastal development permits:	
CDP Criteria	Consistency (Yes, No, or N/A if not applicable)
No. 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.	Yes. The proposed development will occur on property that is accessible from an improved street (Coast Highway) and will not encroach upon any physical public accessway.
No. 2 The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.	Yes. The proposed development will occur on a developed property with the sculpture located approximately 37 feet from a coastal bluff edge. There are no known archeological or paleontological resources within the project site and no grading or excavation activities are proposed.
No. 3 The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.	Yes. The subject site is located within an established residential neighborhood and the proposed location for the art sculpture and protective cover is on private property and inaccessible from coastal recreation areas.
No. 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.	Yes. The proposed development is located approximately 37 feet from a coastal bluff edge which provides an adequate buffer to protect environmentally sensitive habitats and coastal scenic resources.
No. 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.	Yes. The proposed development does not include grading or other alteration of natural landforms.
No. 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.	Yes. The proposed development will primarily be visible from adjacent properties and is consistent with the pattern of development as it relates to mass, scale, and height of accessory structures.
No. 7 The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	Yes. There are no known archeological or paleontological resources in the project area and no grading activities are proposed.
No. 8 The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	Yes. The proposed development will utilize existing utilities associated with the primary residence on-site.

COASTAL DEVELOPMENT PERMIT	
No. 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.	Yes. The proposed development does not involve changes to existing public services.

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;*

The proposed project is in conformity with the applicable provisions of the General Plan, Certified Local Coastal Program, and applicable Specific Plan as evidenced in Exhibit A. Therefore, this finding can be made.

- (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 first public road paralleling the sea (Coast Highway). The project conforms with the certified LCP as evidence in Exhibit A and applicable policies of 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.*

The proposed development complies with the applicable rules and regulations set forth in the Municipal Code and will not cause significant adverse impacts on the environment. The proposed development qualifies for a categorical exemption (as described below) pursuant to the California Environmental Quality Act Guidelines.

ADDITIONAL INFORMATION:

California Environmental Quality Act (CEQA) Determination

In accordance with the California Environmental Quality Act (CEQA) guidelines, the project is categorically exempt pursuant to 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. There is no evidence of any unusual or special conditions that would result in a significant effect on the environment.



Geotechnical • Geologic • Coastal • Environmental

5741 Palmer Way • Carlsbad, California 92010 • (760) 438-3155 • FAX (760) 931-0915 • www.geosoilsinc.com

February 28, 2021

W.O. S8049-SC

Mr. Rob Geim
c/o **MIDG Architects**
410 Broadway Street, Suite 210
Laguna Beach, California 92651

Subject: Bluff Top Determination for the Landscape/Sculpture Improvements,
2475 South Coast Highway, Laguna Beach, Orange County, California

Dear Mr. Geim:

In accordance with your request and authorization, GeoSoils, Inc. (GSI), is providing this summary of our coastal bluff edge evaluation as it pertains to the landscape improvements seaward of the residential structure at the subject site. The intent of this study was to delineate the coastal bluff edge location to fulfill the requirements of a coastal development permit (CDP) application for the improvements. The explicit purpose of our evaluation was to locate the coastal bluff edge within the subject property. Therefore, this investigation does *not* constitute a preliminary geotechnical evaluation of the site relative to the proposed development. The scope of our services for this study included: 1) reviews of in-house regional geologic maps and literature, and stereoscopic and oblique aerial photographs (see the Appendix), 2) site reconnaissance; 3) engineering and geological analyses; and 4) the preparation of this summary report.

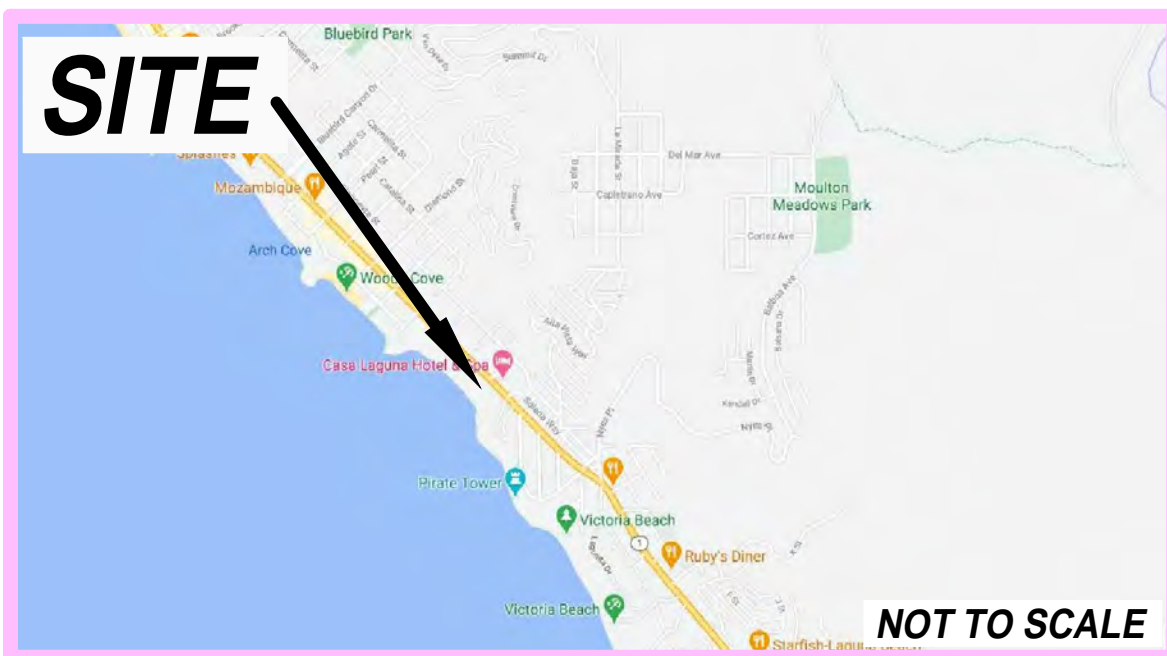
EXISTING SITE CONDITIONS

The subject property consists of a rectangularly-shaped parcel of land, located at 2475 South Coast Highway, Laguna Beach, Orange County, California. The site is situated upon a coastal terrace and coastal bluff that overlooks the Pacific Ocean in an area of Laguna Beach called Rockledge. According to a partial topographic survey prepared by RdM Surveying, Inc. (RdMS), the northeastern portion of the site may be characterized as relatively flat-lying with slightly sloping terrain off the street elevation and the rear yard slope that descends in a southwesterly direction toward the top of the bluff. Site elevations vary between approximately 90 feet (per National Geodetic Vertical Datum of 1929 [NGVD29]) and the Pacific Ocean, for an overall relief of roughly 90 feet. The site is bounded by Rockledge, a small pocket beach and the Pacific Ocean to the southwest, adjacent properties to either side (NW and SE), and by South Coast Highway to the northeast.

California Coastal Commission
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Exhibit 3
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Base Map: TOPO!® ©2003 National Geographic, U.S.G.S. Laguna Beach Quadrangle, California
 -- Orange Co., 7.5 Minute, dated 1996, current, 2000.



Base Map: Google Maps, Copyright 2021 Google, Map Data Copyright 2021 Google

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	W.O. S8049-SC
<p align="center"> SITE LOCATION MAP California Coastal Commission A-5-LGB-Figure 01 </p>	

Existing site improvements consist of a three-story, single-family residential structure with associated walls, concrete pavements, and the sculpture garden which is the subject of this report. Vegetation consists of a large lawn area and sparse shrubbery beyond the lawn and on the bluff face. Figure 2 shows the site in a recent drone image, prior to the placement of the sculpture garden.



Figure 2 - Subject Site and Adjacent Properties .

SITE RECONNAISSANCE

A GSI representative visited the subject site on January 7, 2021 to observe and delineate the coastal bluff edge on RDMS (2020). GSI was able to unable to access the beach below the subject site. However, the bluff face and small pocket beach were visible from the top of the bluff. The pocket beach was compromised of a thin veneer of sand over the bedrock, with the bedrock shore platform visible to the northwest.

SITE GEOLOGIC CONDITIONS

The subject site lies within the southeast portion of the U.S.G.S. Laguna Beach 7½ minute quadrangle, in the coastal plain region of the Peninsular Ranges geomorphic province. The beachfront property is located between Moss Street and Rockledge Road on the seaward

side of South Coast Highway. The property backs up to an approximately 60-foot high, roughly 1:1 (horizontal:vertical [h:v]) and locally steeper, seacliff associated with the western margin of the gently seaward-sloping terrace topography, that extends from the base of the San Joaquin Hills, approximately 2000 feet northeast of the site, and down to the coastline.

Active fault zones within the general site region include the Newport-Inglewood (offshore extension), Palos Verdes, and Elsinore, which are located approximately 2.1-miles southwest (offshore), 16.8-miles southwest (offshore), and 22.1-miles northeast of the site, respectively. The postulated San Joaquin Hills Blind thrust fault (model by Grant, et al, 1999), which has been classified as a Type B active fault by the California Geological Survey, reportedly extends from offshore to beneath the Laguna Beach area at a depth of approximately 3.7- miles. Review and interpretation of available aerial photographs and geologic maps/literature indicate no obvious deep-seated landsliding has been mapped and/or reported within the property. Review of the State of California Seismic Hazard Zones map for the Laguna Beach quadrangle indicates that the subject property lies within an area zoned as potentially susceptible to earthquake induced landsliding or liquefaction.

The subject site is located near the geologic contact between the regressive marine and continental terrace deposits that were laid down during glacio-eustatic changes in sea level in the Pleistocene and the underlying marine sedimentary bedrock assigned to the middle San Onofre Breccia Formation. Structurally, the terrace deposits are considered essentially massive, while bedding attitudes reported in the underlying Topanga Formation within the site vicinity indicate general northwest strikes with dips ranging from approximately 22 to 44 degrees to the south/southwest.

According to Morton (2004), the elevated portion of the site is underlain by late to middle Pleistocene-age old paralic deposits comprised of poorly sorted, moderately permeable, reddish-brown, interfingered strandline, beach, estuarine, as well as colluvial deposits composed of silt, sand, and cobbles that are capped by extensive but thin, discontinuous, younger, locally derived, sandy alluvial fan deposits. These deposits unconformably overlie older Tertiary-age sedimentary bedrock belonging to the Topanga Formation. The Topanga Formation is a very dense olive brown to olive grey brown, silty fine to medium sandstone, with occasional thin interbeds of stiff olive grey to green siltstone that were deposited in the middle Miocene. Morton (2004) indicates that the shoreline is mantled by late Holocene-age marine deposits comprised of unconsolidated, active, or recently active sandy beach deposits.

The terrace surface on which the existing structure was built represents an ancient uplifted marine terrace. An estimated 80,000 to 120,000 years ago, the ocean level was presumably higher and the land surface was lower. Wave action carved a wave cut bedrock platform and subsequently deposited near shore beach sands (marine terrace). Uplift of the region caused the transgressing sea to erode the existing sea cliff by wave action, leaving the terrace surface perched high above sea level.

The bedrock (San Onofre Breccia) exposed in the sea cliff below the site consists mostly of highly weathered and fairly massive breccia. On the bluff face the yellow brown/gray beds are generally moderately well cemented, thickly bedded (e.g., 2 to 3 feet), are moderately hard, and make good cliff forming materials.

Artificial Fill (Af) Fill soil materials that were observed to be similar to the non-marine deposit were found at the bluff top and spilled over the upper adjacent slope area.

Non-Marine Terrace Soils (Qtn) Surficial soils consisting of non-marine terrace deposit materials that washed down from the hills above were found blanketing the marine sands on the subject site. They consist of reddish-brown clayey sand with some silt. Gravel and cobble-size angular fragments of rocks that are resistant to weathering are included. The non-marine soils were found to be dry to damp and stiff to very stiff (cemented).

Marine Terrace Deposit (Qtm) The dry marine sands observed on the bluff face are considered to be part of the upper portion of the terrace deposit exposed within the upper 10 feet of the sea bluff area, and between the bedrock and the non-marine terrace deposit on the subject site. These soils consist of unconsolidated, fine to medium grained sands. Shell fragments are common throughout the relatively massive sandy beach deposit. Bedding was not determined, but probably dips seaward (southwest) at less than five degrees.

San Onofre Breccia (Tso) At depth and below the non-marine and marine terrace sands on the subject bedrock consisting of reddish-brown breccia was found on the bluff face. The breccia consists of angular to subangular fragments of quartzite and schist, in a coarse-grained sandy clay matrix. The sandstone consists of subangular to rounded pebbles in a medium-grained sand matrix. The bedrock is dense and moderately well-cemented and is relatively resistant to erosion.

GEOLOGIC STRUCTURE

Bedding strikes about N30W to N40W and dips out of the cliff at 45 to 50 degrees (southwest). Bedding is well exposed in the sea cliffs below and on either side of the property. The rock is jointed locally with a general spacing of 2 to 4 feet between planes. Structural features indicating landsliding or liquefaction were not observed on the bluff and ground surface.

COASTAL BLUFF & BLUFF EDGE

According to the "Laguna Beach General Plan, Land Use Element," (City of Laguna Beach, 2012), an oceanfront bluff/coastal bluff is defined as,

A bluff overlooking a beach or shoreline or that is subject to marine erosion. Many oceanfront bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term 'oceanfront bluff' or 'coastal bluff' refers to the entire slope between a marine terrace or upland area and the sea. The term 'sea cliff' refers to the lower, near-vertical portion of an oceanfront bluff.

Section 25.50.004(B)(4)(a) of the Laguna Beach Municipal Code (City of Laguna Beach, 2020) states that, "An 'oceanfront bluff' is an oceanfront landform having a slope of forty-five degrees or greater from horizontal whose top is ten or more feet above mean sea level.

According to the California Code of Regulations, Title 14, § 13577 (h) (2), the

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

This definition is recognized by the California Coastal Commission (CCC). However, in a 2003 memorandum to the CCC, Dr. Mark Johnsson, former Staff Geologist for the CCC, indicated that the definition of the coastal bluff edge is largely qualitative and subject to various interpretations (CCC, 2003).

RESEARCH

The University of Santa Barbara Library Aerial Photographs (UCSBLAP) contain several historical vertical images of the site. The oldest image available on the UCSBLAP website was taken in May 1931. However, the image is not of sufficient resolution to accurately determine the location of the natural bluff top. Figure 3 is a 1947 aerial photograph of the site which shows the location of the bluff edged as determined by using a stereoscope. UCSBLAP also contains a vertical aerial photograph that shows the site in February 1963. This image has the best resolution for determining the bluff top using a stereoscope, and also using the visible bluff top on properties to both the north and the south of the site. The bluff top shown on this image is Figure 4 and is in reasonable agreement with the location shown on Figure 3.

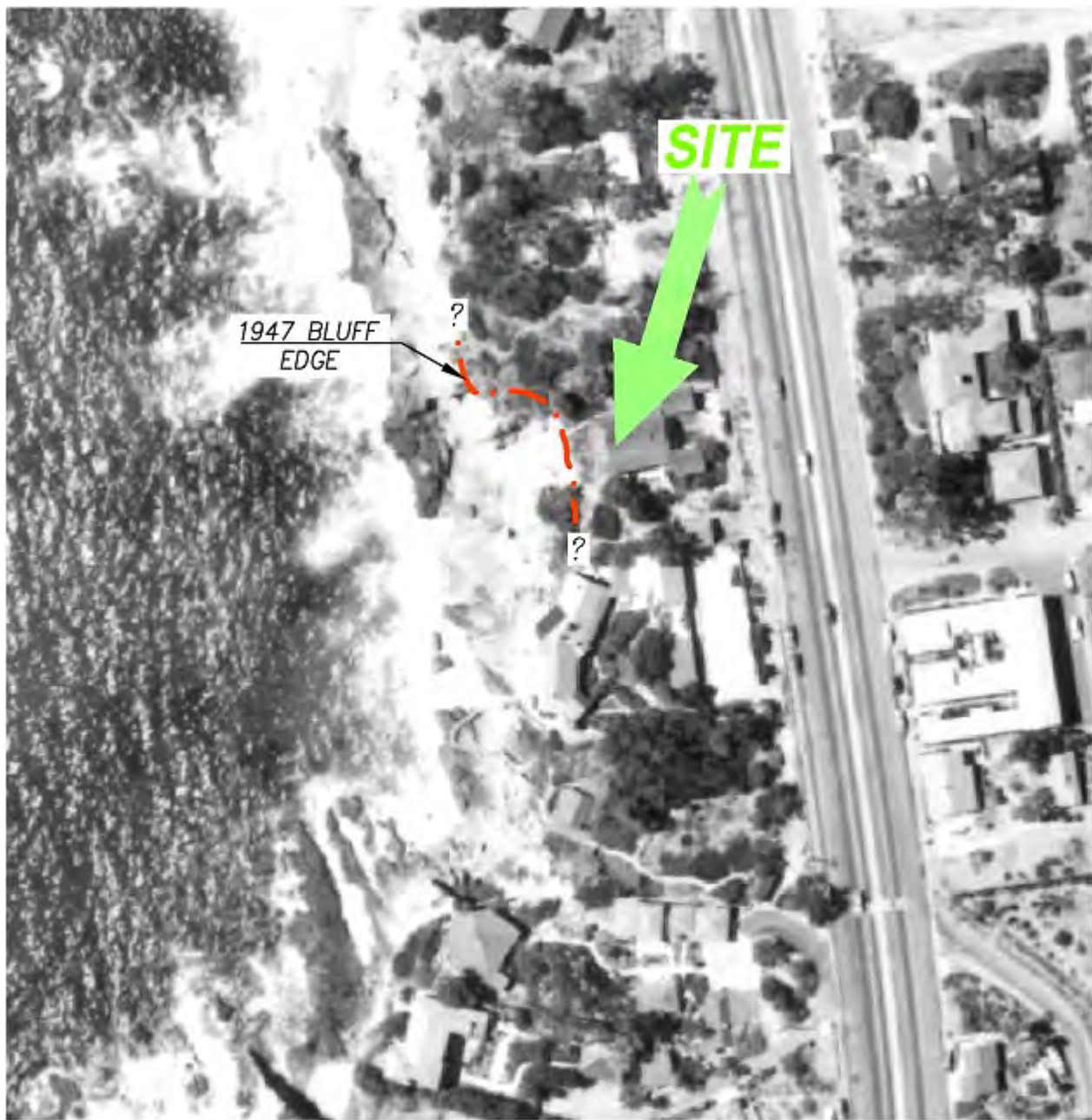


Figure 3 - 1947 Site Aerial Photograph from UCSBLAP

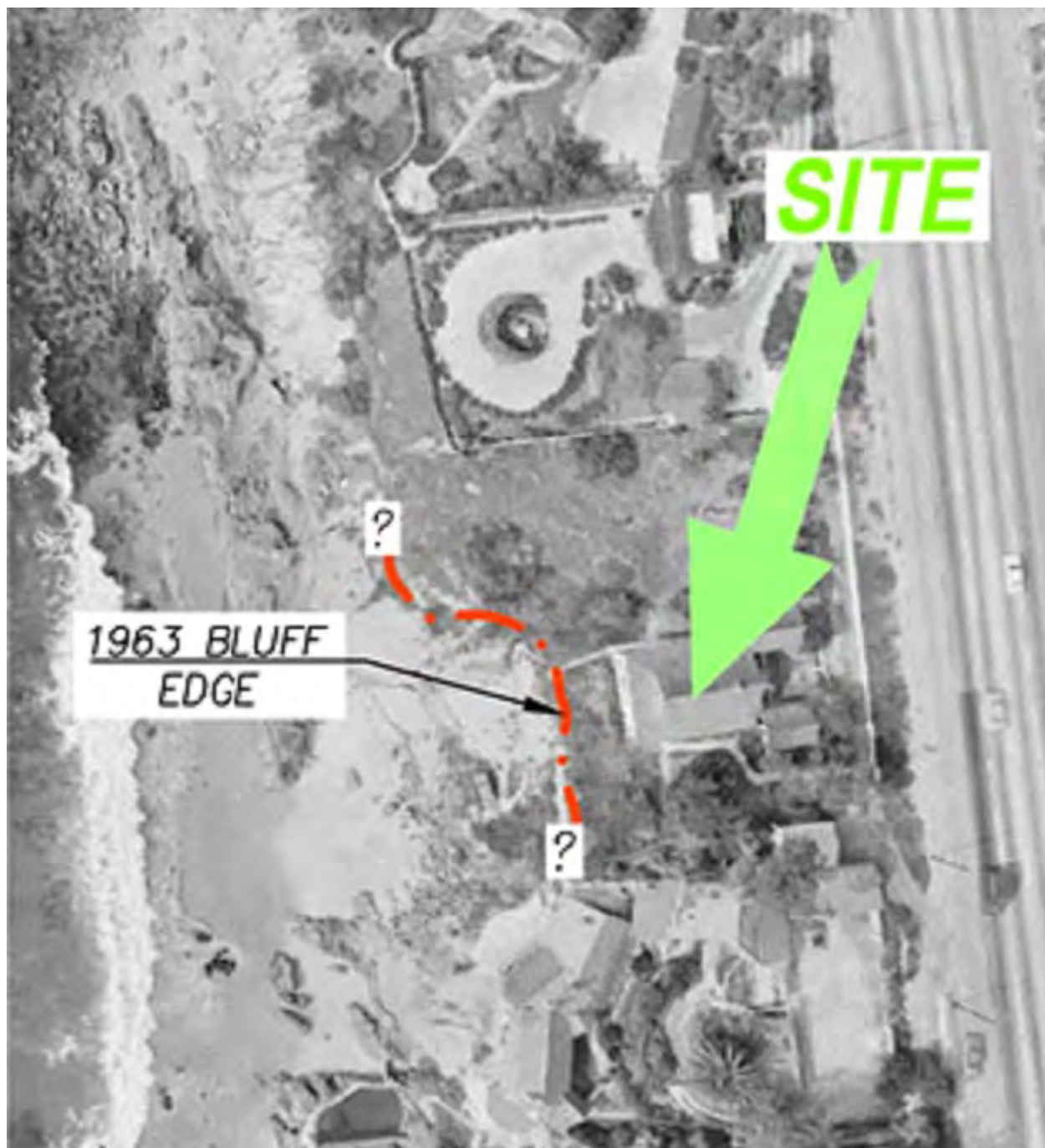


Figure 4 - 1963 Site Aerial Photograph From UCSBLAP

CONCLUSIONS

Based on our site observations, review of vertical aerial photographs, and oblique aerial photographs, GSI concludes that the coastal bluff edge at the subject site is shown in plan view on Plate 1, adopted from RdMS (2020). Figures 3 and 4 show the approximate location of the coastal bluff edge on two of the aerial photograph obtained for the investigation. It is our opinion that the location of the coastal bluff edge shown on Plate 1 represents the topographic inflection point between the mostly flat-lying to gently sloping coastal terrace and the more steeply sloping coastal bluff. GSI has taken into consideration of file placement and historical geomorphic processes. In addition, per California Code of Regulations, Title 14, §13577(h)(2), the coastal bluff edge location shown on Plate 1 is considered the point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. When the location of the coastal bluff edge on Plate 1 is compared to the locations shown on Figures 3 and Figure 4, it is evident that the position of the coastal bluff edge has changed very little in the last ± 100 years.

LIMITATIONS

Inasmuch as our study is based upon our review, engineering analyses, and laboratory data, the conclusions and recommendations presented herein are professional opinions. These opinions have been derived in accordance with current standards of practice, and no warranty is express or implied. Standards of practice are subject to change with time. GSI assumes no responsibility or liability for work or testing performed by others, or their inaction; or work performed when GSI is not requested to be onsite, to evaluate if our recommendations have been properly implemented. Use of this report constitutes an agreement and consent by the user to all the limitations outlined above, notwithstanding any other agreements that may be in place. In addition, this report may be subject to review by the controlling authorities. Thus, this report brings to completion our scope of services for this portion of the project.

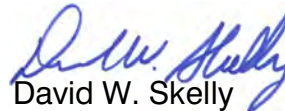
The opportunity to be of service is sincerely appreciated. If you should have any questions, please do not hesitate to contact our office.

Respectfully submitted,

GeoSoils, Inc.



John P. Franklin
Engineering Geologist, CEG 1340



David W. Skelly
Civil Engineer, RCE 47857



DWS/JPF/mn

Enclosure: Appendix - References
Plate 1 - Coastal Bluff Edge Location

Distribution: (1) Addressee (pdf via email)

APPENDIX

REFERENCES

- California Coastal Commission, 2003, Memorandum: Establishing development setbacks from coastal bluffs, W11.5, dated January 16.
- California Department of Conservation, Division of Mines and Geology, 1997, Seismic hazard zone report for the Laguna Beach 7.5-minute quadrangle, Orange County, California, revision dated January 13, 2006.
- City of Laguna Beach, 2020, Laguna Beach municipal code, dated January 1.
- _____, 2012, Laguna Beach general plan, land use element, ordinance no.: 1559, dated February 7.
- Morton, 2004, Preliminary geologic map of the Santa Ana 30' x 60' minute quadrangle, southern California, v. 2.0, 2 sheets, 1:100,000-scale, United States Geological Survey Open-File Report 99-172.
- RdM Surveying, Inc., 2020, Topographic survey, 2475 South Coast Highway, Laguna Beach, 1 sheet, scale: 1 inch = 10 feet, job no.: 72-83.
- State of California, California Code of Regulations, 2020, Title 14, § 13577 (h) (2).
- United States Geological Survey, 1996, Topographic survey of the Laguna Beach 7.5-minute quadrangle, Orange County, California, 1 sheet, 1:24,000-scale.

PHOTOGRAPHS

- University of Santa Barbara Library Aerial Photographs, C 1590 Frame 263, dated May 21, 1931, C-11730 4-77 Photo taken on 8-1-1947, PAI 199V Frame 1 49, dated February 20, 1963.

N44°54'00"E 251.00'±

GSi LEGEND

— APPROXIMATE LOCATION OF BLUFF EDGE, QUERIED WHERE UNCERTAIN

ADDRESS OF PROJECT:

2475 SOUTH COAST HIGHWAY
LAGUNA BEACH, CA

BENCH MARK:
BENCH MARK # V-783
DATUM: NGVD29
ELEVATION: 97.573

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF LAGUNA BEACH,
COUNTY OF ORANGE, STATE OF CALIFORNIA,
DESCRIBED AS FOLLOWS:

PARCEL 1 AS SHOWN ON EXHIBITS "A" AND "B"
OF LOT LINE ADJUSTMENT NO. LLA 99-03,
RECORDED JANUARY 11, 2000, AS INSTRUMENT NO.
20000016027, OF OFFICIAL RECORDS, IN THE
OFFICE OF THE COUNTY RECORDER OF SAID
COUNTY.

PREPARED FOR:
ROB GIEM

TOPOGRAPHIC SURVEY

JOB: 72-83

DATE: 11/19/20

RdM SURVEYING INC.

RON MIEDEMA L.S. 4653
23016 LAKE FOREST DR. #409
LAGUNA HILLS, CA 92653
(949) 858-2924 OFFICE
(949) 422-1869 CELL
RDMSURVEYING@COX.NET

ALL LOCATIONS ARE APPROXIMATE

This document or efile is not a part of the Construction
Documents and should not be relied upon as being an
accurate depiction of design.

GeoSoils, Inc.

BLUFF EDGE
LOCATION MAP

California Coastal Commission Plate 1

W.O. S8049

DATE: 02/21/2009 1" = 20'

Exhibit 3

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BLUFF TOP

TOP OF SLOPE

TOP OF SLOPE

BUILDING

S 45°04'30" E 190.00'

SOUTH COAST HIGHWAY

GRAPHIC SCALE



1" = 20'



Geotechnical • Geologic • Coastal • Environmental

5741 Palmer Way • Carlsbad, California 92010 • (760) 438-3155 • FAX (760) 931-0915 • www.geosoilsinc.com

January 26, 2021

W.O. S8049-SC

Mr. Rob Geim
c/o Larry Nokes Esq
Nokes & Quinn
410 Broadway Street, Suite 200
Laguna Beach, CA 92651

Subject: Discussion of Coastal Hazards, 2475 S. Coast Highway, City of Laguna Beach, Orange County, California.

Dear Mr. Geim:

At your request and authorization, GeoSoils Inc. (GSI) is pleased to present the following report describing the coastal hazards and wave runup at 2475 S. Coast Highway, Laguna Beach. The analysis is based upon our site inspection, existing published reports concerning the local coastal processes, site elevations, the proposed remodel/addition development, and our knowledge of local coastal conditions. This report constitutes an investigation of the wave and water level conditions, and erosion expected at the site in consequence of extreme storm wave action, and future sea level rise (SLR). The purpose of this report is to provide the necessary project coastal hazard information to the City of Laguna Beach and the California Coastal Commission (CCC). It provides conclusions regarding the susceptibility of the site to wave attack, bluff erosion, and flooding, and recommendations for improvements.

SCOPE OF SERVICES

1. Review of available site oceanographic reports, including the Coast of California Storm and Tidal Wave Study (CCSTWS) US Army Corps of Engineers (USACOE) report(s), the CCC Sea-Level Rise Policy Guidance (November 2018), and site topography provided by the project architect.
2. Research of historical aerial photographs of the site, and use of historical aerial photographs to determine historical shoreline changes.
3. Perform a site reconnaissance to inspect the condition of the site and to assess the general condition of the shoreline.
4. Engineering analysis and preparation of a report which will include a review of the available oceanographic information, discussion of past and future conditions, and calculation of wave runup.

A-5-LGB-22-0009

Exhibit 3

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SITE VISIT

The site and the shoreline fronting the site was inspected on January 7, 2021 by a GSI engineering geologist. Photograph 1 is a aerial photograph taken in 2019 downloaded from Google Earth. Photograph 2 shows the site and development in 1972. The site visit/inspection focused on the general site conditions, the location of the bluff top, the slope face, and the present shoreline conditions. The eastern seaward portion of the site is located at the back of a small pocket beach. The shoreline to both sides of the site has several rock outcroppings in the near shore, which is typical of the Laguna Beach near shore area. The beach is located in the Rockledge area of Laguna Beach. Based upon a partial site topographic map provided by RdM Surveying Inc (RDM), the site elevations vary from about +15 feet NGVD29 (+17.5 feet NAVD88) at the rock ledge shoreline up to elevation ~+90 feet NGVD29 (+92.5 feet NAVD88) at the S Coast Highway property line. The top of the bluff location varies from about +50 feet NGVD29 (+52.5 feet NAVD88) to the northwest of the site to about +62.5 feet NGVD29 (+65 feet NAVD88) to the southeast. The purpose of the analysis is to analyze potential coastal hazards to an existing landscape improvement located as close as 57 feet from the top of bluff on the northeast landscape area. The lowest landscape improvement is above elevation +65 feet NAVD88.



Photograph 1. Subject site, adjacent properties, rock ledge, small pocket beach, and shoreline bedrock outcrops in 2019.



Photograph 2. Aerial of the site and adjacent properties taken in 1972. Note the pocket beach, the rock ledge below the site, and the exposed bedrock outcrops in the surf zone.

COASTAL PROCESSES

The 2475 S. Coast Highway site lies within the Laguna Beach Mini Littoral Cells, one of the eight coastal segments defined and studied in the US Army Corps of Engineers Coast of California Storm and Tidal Wave Study South Coast Region Orange County (USACOE 2002). A littoral cell is a coastal compartment that contains a complete cycle of littoral sedimentation including sources, transport pathways, and sediment sinks. The term mini littoral cell is used by the Corps to describe the small but discrete coastal compartments along this section of southern California shoreline. The Corps report provides a comprehensive investigation of the shoreline conditions, past and present, for southern Orange County.

The Laguna Beach Mini Littoral Cells extend from the west jetty of Newport Harbor to the Dana Headlands, a distance of about 14.1 miles. This shoreline is characterized by a series of small, and probably conservative pocket beaches. The pocket beaches are characteristically narrow and backed by seacliffs composed of erosion resistant bedrock below more erosive formations or as in the case of this site a slope. The pocket beach size varies with wave conditions and shoreline orientation, but the mean beach widths have been relatively stable (USACOE 2002). The pocket beaches are bounded by either rock noses extending into the surf zone, or, natural headland reefs. The 2475 S. Coast Highway site is in the Rockledge Reach of the USACOE 2002 with no actual beach above the high tide line.

WAVES & WATER LEVELS

Waves of all periods approach the Laguna Beach shoreline. However, almost all of the energy is contained in the medium and long period waves (approximately 5 to 20 seconds). These waves approach the Southern California Bight and encounter the offshore islands. The offshore islands such as Santa Cruz, Santa Rosa, Santa Catalina and San Clemente partially shelter this section of coast from ocean swells. Between these islands are the windows that waves can pass through and approach the Laguna Beach shoreline. Waves can approach the study area through wave windows from the west, northwest, and the south. However, due to the sheltering effect of the shoreline geometry, the predominant wave energy arrives to the site from the south. Wave conditions in the Laguna Beach area have been thoroughly investigated by the USACOE and others.

As waves travel into shallower and shallower water, the wave crest is bent and becomes nearly parallel to shore, and the wave heights are modified depending on whether waves are being focused or de-focused at a particular location along the shoreline. This process is called refraction and it is dependent upon the bathymetry, and the wave height, period, and direction. Extreme wave conditions in shallow water have been calculated using historical wave data. The California Department of Boating and Waterways, in partnership with the US Army Corps of Engineers, maintain wave recording buoys throughout Southern California. The record of historical waves for this region, both from direct observation or recording and from hindcast analysis, is quite extensive (USACOE 1988). Waves as high as 20 feet were recorded on January 17, 1988 and 14 to 16 foot high waves with period in excess of 20 seconds were recorded during the 1982-83 El Niño winter.

The National Oceanographic and Atmospheric Administration (NOAA) National Ocean Survey (NOAA, 2020) historic tidal data station closest to the site was located at Newport Beach (Station 9410580). The tidal datum elevations are as follows:

MEAN HIGHER HIGH WATER (MHHW) = 5.25
 MEAN HIGH WATER (MHW) = 4.49
 MEAN TIDE LEVEL (MTL) = 2.62
 MEAN SEA LEVEL (MSL = NGVD29) = 2.59
 MEAN LOW WATER (MLW) = 0.74
 NORTH AMERICAN VERTICAL DATUM-1988 (NAVD) = 0.0
 MEAN LOWER LOW WATER (MLLW) = -0.18

The highest recorded historical water elevation is 7.5 feet NAVD88 (January 28, 1983).

OCEANOGRAPHIC DESIGN PARAMETERS

There are several factors that are important to the analysis of the vulnerability of a site along the shoreline. Some of the factors are based upon the existing topography, bathymetry, and elevation of the improvements/structures at the site. The offshore slope is relatively steep at 1/50 (V/H). The lowest back beach elevation is at about +14 feet NAVD88, and the lowest landscape improvement is located above +60 feet NAVD88. Other factors are based upon extreme oceanographic conditions, or the coincidence of several extreme conditions. In order to determine design wave characteristics for the runup analysis, it is necessary to determine the design water level. The design water level will need to account for the expected future rise in sea level over the life of the structure in accordance with the 2018 CCC Sea-Level Rise Policy Guidance document.

Sea Level Rise

The California Coastal Commission (CCC) SLR Guidance document (2018 update) recommends that a project designer determine the range of SLR using the “best available science.” When the SLR Guidance document was adopted by the CCC in 2015, it stated that the best available science for quantifying future SLR was the 2012 National Research Council (NRC) report. The NRC (2012) is no longer considered the state of the art for assessing the magnitude of SLR in the marine science communities. The California Ocean Protection Council (COPC) adopted an update to the State’s Sea-Level Rise Guidance in March 2018. The COPC provides SLR estimates based upon various carbon emission scenarios known as a “representative concentration pathway” or RCP. The La Jolla estimates are valid for Laguna Beach. Figure 1 provides the COPC table of latest SLR adopted estimates (in feet) and the probabilities of those estimate to meet or exceed the 1991-2009 mean, based upon the best available science.

(c) La Jolla

<i>Feet above 1991-2009 mean</i>	MEDIAN	LIKELY RANGE	1-IN-20 CHANCE	1-IN-200 CHANCE
Year / Percentile	<i>50% probability SLR meets or exceeds...</i>	<i>67% proba- bility SLR is between...</i>	<i>5% probability SLR meets or exceeds...</i>	<i>0.5% probability SLR meets or exceeds...</i>
2030	0.5	0.4 – 0.6	0.7	0.9
2050	0.9	0.7 – 1.2	1.4	2.0
2100 (RCP 2.6)	1.7	1.1 – 2.5	3.3	5.8
2100 (RCP 4.5)	2.0	1.3 – 2.8	3.6	6.0
2100 (RCP 8.5)	2.6	1.8 – 3.6	4.6	7.1
2100 (H++)	10			
2150 (RCP 2.6)	2.5	1.5 – 3.9	5.7	11.1
2150 (RCP 4.5)	3.1	1.9 – 4.8	6.5	11.8
2150 (RCP 8.5)	4.3	3.0 – 6.1	7.9	13.3

Figure 1. Table from COPC, providing updated SLR estimates and probabilities.

The “design life” of the existing remodel/pool addition project is 75 years. Figure 1 illustrates that SLR in the year 2100 for the likely range, and using the most onerous RCP (8.5), is 1.8 feet to 3.6 feet above the 1991-2009 mean. This can be interpolated to be a maximum of about 3.4 feet over the next 75 years. Based upon this 2017 COPC SLR report, the maximum “likely” SLR for the project is estimated to be 3.4 feet. There is also a 0.5% chance the sea level rise will be about 6.0 feet in 75 years. The maximum historical water elevation in the site area is elevation ~+7.5 feet NAVD88. This actual high water record period includes the 1982-83 severe El Niño, and the 1997 El Niño events, and is therefore consistent with the methodology outlined in the CCC Sea-Level Rise Policy Guidance document. If 3.4 and 6.0 feet are added to this 7.5 feet NAVD88 elevation, then future design maximum water levels of 10.9 feet NAVD88 and 13.5 feet NAVD88 will result.

Determination of the maximum scour depth at the toe of the bluff enables the engineer to determine the actual water depth at the toe of the bluff and wave break point under the design water level conditions. The design scour elevation is estimated based upon the erodability of the materials at the toe of the slope at the small intertidal pocket beach. Based upon the elevation of the bedrock at the base of the slope, a conservative estimate of the scour elevation at the toe of the bluff in 75 years is about +4.0 feet to 4.5 feet NAVD88. This is reasonable based upon the presence of shallow bedrock, as evidenced by the bedrock in the surf zone. It also assumes that the sand is entirely gone. Using the maximum still water elevation and the maximum scour yields a total water depth of 6.5 feet and 9 feet at the slope toe for the two SLR cases. These values represent the range of extreme possible wave runup conditions reaching the site over the next 75 years and will be used in the design analysis.

Waves from distant storms and nearby hurricanes (chubascos) have pounded the coastline of Laguna Beach several times within the last few centuries. However, these extreme waves break further offshore and lose a significant portion of their energy before they reach the shoreline. The relatively steep offshore area allows for energy from large waves to come relatively close to the shoreline. Once a wave reaches a water depth that is about 1.28 times the wave height, the wave breaks and runs up onto the shore. The design wave height at the toe of the beach is the maximum unbroken wave at the slope toe when the beach/bedrock is at the maximum scour condition (the beach is gone). The total water depth is 6.5 feet and 9 feet which would yield design wave heights of 5 feet and 7 feet.

WAVE RUNUP AND OVERTOPPING ANALYSIS

As waves approach the shoreline and the site, they break and water rushes up the beach and slope. Wave runup is defined as the vertical height above the still water level to which a wave will rise on a structure (the slope) of infinite height. Overtopping is the flow rate of water over the top of the slope as a result of wave runup.

Wave runup and overtopping at the site is calculated using the USACOE Automated Coastal Engineering System (ACES). The methods to calculate runup and overtopping implemented within this ACES application are discussed in greater detail in the Coastal Engineering Manual (2004). Figure 2 from the ACES manual shows some of the variables involved in the runup and overtopping analysis. **TABLE I** and **TABLE II** below are the output for of the two SLR cases.

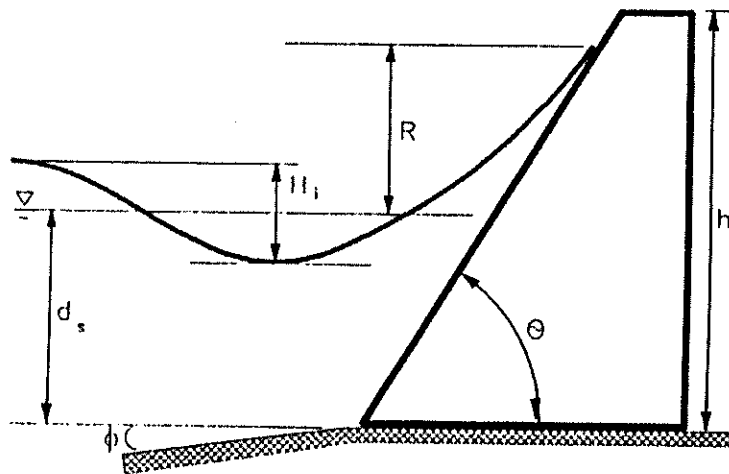


Figure 2. Wave runup terms from ACES analysis.

TABLE I

ACES	Mode: Single Case	Functional Area: Wave - Structure Interaction		
Application: Wave Runup and Overtopping on Impermeable Structures				
Item		Unit	Value	Rough Slope Runup and Overtopping 3475 S Coast Highway Laguna 3.4 FT SLR
Incident Wave Height	Hi:	ft	5.000	
Wave Period	T:	sec	16.000	
COTAN of Nearshore Slope	COT(ϕ):		10.000	
Water Depth at Structure Toe	ds:	ft	6.500	
COTAN of Structure Slope	COT(θ):		1.400	
Structure Height Above Toe	hs:	ft	30.000	
Rough Slope Coefficient	a:		0.956	
Rough Slope Coefficient	b:		0.398	
Wave Runup	R:	ft	9.866	
Onshore Wind Velocity	U:	ft/sec	8.439	
Deepwater Wave Height	H0:	ft	2.948	
Relative Height	ds/H0:		2.205	
Wave Steepness	H0/(gT ²):		0.000358	
Overtopping Coefficient	α :		0.060000	
Overtopping Coefficient	Qstar0:		0.150000	
Overtopping Rate	Q:	ft ³ /s-ft	0.000	

TABLE II

ACES	Mode: Single Case		Functional Area: Wave - Structure Interaction	
Application: Wave Runup and Overtopping on Impermeable Structures				
Item		Unit	Value	Rough Slope Runup and Overtopping
Incident Wave Height	Hi:	ft	7.000	3475 S Coast Highway Laguna 6 FT SLR
Wave Period	T:	sec	16.000	
COTAN of Nearshore Slope	COT(ϕ):		10.000	
Water Depth at Structure Toe	ds:	ft	9.000	
COTAN of Structure Slope	COT(θ):		1.400	
Structure Height Above Toe	hs:	ft	30.000	
Rough Slope Coefficient	a:		0.956	
Rough Slope Coefficient	b:		0.398	
Wave Runup	R:	ft	13.376	
Onshore Wind Velocity	U:	ft/sec	8.439	
Deepwater Wave Height	H0:	ft	4.463	
Relative Height	ds/H0:		2.016	
Wave Steepness	H0/(gT ²):		0.000542	
Overtopping Coefficient	α :		0.060000	
Overtopping Coefficient	Qstar0:		0.150000	
Overtopping Rate	Q:	ft ³ /s-ft	0.000	

The runup analysis shows that with the beach gone, and 3.4 feet of SLR in the next 75 years, the maximum wave runup is to elevation ~+22 feet NAVD88 (10.9 feet NAVD88 + 9.8 feet). For 6.0 feet of SLR in the next 75 years the maximum wave runup elevation is ~+27 feet NAVD88 (13.5 feet NAVD88 + 13.4 feet). Under both cases the wave runup will not reach top of the bluff at about elevation 52 feet NAVD88.

HAZARD ANALYSIS

There are three different potential oceanographic hazards identified at this site: 1) shoreline erosion, 2) coastal flooding, and 3) waves. For ease of review each of these hazards will be analyzed and discussed separately, followed by a summary of the analysis including conclusions and recommendations, if necessary.

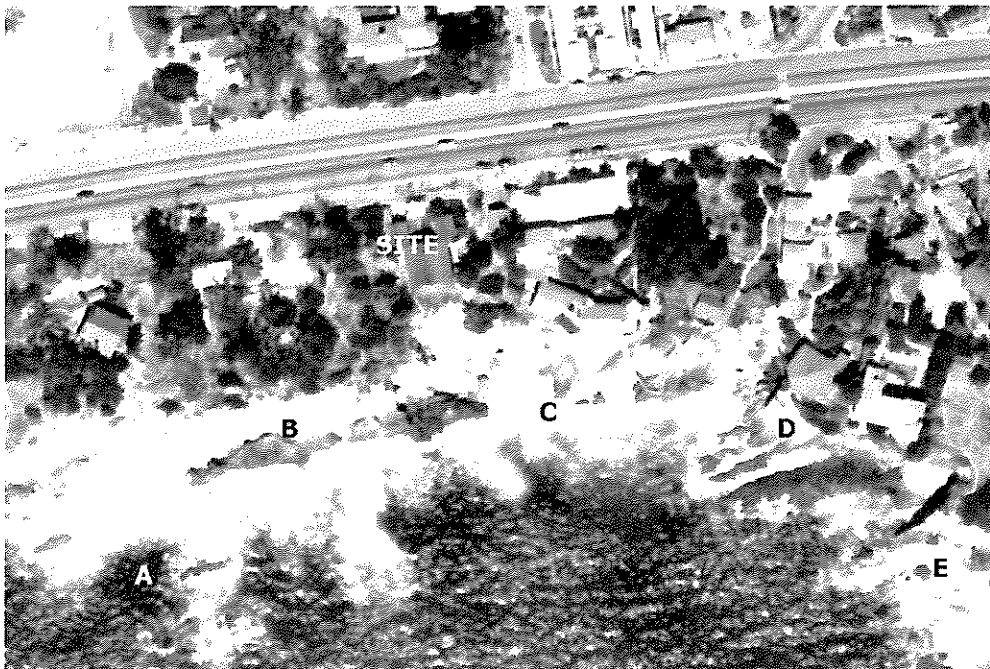
Erosion Hazard

In an effort to determine typical changes in the shoreline position aerial photographs from 1947 to 2019 were reviewed. Due to the differences in tide levels and oblique angles of the photos, it is difficult to determine the exact location of the shoreline. However, a visual comparison of the photographs shows little or no change in the rock ledge, headland, bluff, or shoreline position below the site over the last seven decades and NO change in the slope face characteristics. The bluffs to the northwest and southeast, surf zone rock, and beach shoreline are visible in the 1947 photograph. All of these features show little change in subsequent photographs. The future shoreline changes over the next 75 years can be assumed to be consistent with those of the previous seven decades. This conclusion is also verified by the 2002 USACOE report. Sea level rise alone will not change the erosion rate of the shoreline. The erosion rate of the shoreline is dependent upon waves and the strength of the bluff material, which are independent of SLR. Based upon the steep slope of the beach, a rise in sea level may result in a landward movement of the high water line. This may result in increased wave action at the base of the bluff fronting the site.

The “beach” in front of the site is basically bedrock with a veneer of sand over it. The rock ledge and the nearshore rock reefs offer erosion resistance of the shoreline by dissipating energy from the waves. Rather than being inundated by sea level rise, the beach and the nearshore will readjust to the new sea level over time such that waves and tides will see the same profile that exists today, albeit at a higher elevation. This is the principle of beach equilibrium and is the reason why we have beaches today even though sea level has risen over 200 feet in the last 10,000 years.

The current erosion rate of the bluff/shoreline based upon historical aerial photographs is about 0.0 ft/yr. Predicting how future sea level rise, of any magnitude, will change the erosion rate of the bedrock at the back of the beach is not as difficult as one may think. Photograph 3 shows the site and adjacent surf zone bedrock in August 1947. Photograph 4 shows the same area in May 2019. The bedrock in the surf zone has not eroded when subject to constant wave action over the last 72 years. Future SLR will not increase the erosion rate of the bedrock and the slope at the site.

- Area A This is a surf zone bedrock outcropping that has not changed (not visibly eroded) over the 72 year time period. This shows that even when the bedrock material is frequently subject to wave action very little erosion occurs
- Area B This is the rock ledge in front of the northwest portion of the site where the landscape improvement is located. There is no change in the geometry of this area over seven decades.
- Area C This small intertidal beach area is in front of the southeast portion of the site. There is no visible change in this area over the 72 year time period.
- Area D This is another surf zone bedrock outcropping with three rock fingers that has not changed (not visibly eroded) over the 72 year time period. This shows that even when the bedrock material is frequently subject to wave action very little erosion occurs.
- Area E This is another bedrock ledge to the southeast that extends from the bluff into the surf zone. There is no change in the geometry of this area over seven decades.



Photograph 3. Subject site area and adjacent shoreline in 1947. Areas A through E are provided for comparison to the 2019 photograph in Photograph 4.



Photograph 4. Subject site area and adjacent shoreline in 2019.

Beach Retreat

The CCC SLR guidance suggests that a way to estimate future erosion is to look at the highest historical erosion in the area. Photographs 3 and 4 show the beach and bedrock in the surf zone and in the ocean over a 72-year period. There is very little noticeable change in the back beach slope or in the surf zone bedrock geometry. This situation would mimic the potential slope face erosion when sea level rises in the future to the height where the frequency of wave runup hitting the bluff increases. It is important to recognize that the frequency of wave runup impacting the base of the slope will not increase with sea level rise. A comparison of Areas A through E in Photographs 3 and 4 shows no change in the rock ledge, bluff slope, and surf zone bedrock. The slope and rock ledge width are essentially unchanged when comparing the photos over the seven decade period. Using the guidance, it is reasonable to assume that little, if any, basal retreat of the slope will occur for about the next >40 years, and that after that the retreat will likely be less than 1 foot for the remaining 75 year life of the structure. The clarification that is important is that this is NOT slope top retreat but rather retreat of the actual slope base and face. In addition, the use of 6.0 feet of SLR will not result in wave runup higher than the top of the slope.

The retreat of the actual top of the slope along this section of Laguna Beach is not due to marine erosion but subaerial erosion. Using the estimated retreat of the beach and slope

as the slope top retreat rate is incorrect and not supported by the geomorphic processes that occur at this site. In general, the erosion of the slope top is controlled by the water from drainage that flows over the land.

Flooding Hazard

The flooding hazard discussed in this section is due to water level changes in the ocean. The primary threat of flooding from ocean waters would be due to a super-elevation of the ocean. The NOAA Ocean Survey tidal data station closest to the site is located at the Newport Bay Entrance station (NOAA, 2020). The elevations relative to NAVD88 are provided on page 5 of this report.

Allowing for a 6 feet rise in sea level over the next 75 years, the mean higher high water level will be at +11.25 feet NAVD88. The highest observed water level was on January 28, 1983 during the severe El Niño winter. This elevation was +7.5 feet NAVD88. If a sea level rise of 6 feet is added to this elevation, it is about +13.5 feet NAVD88. This would be considered in excess of a 75-year recurrence interval water level. The landscape site improvements are above +70 feet NAVD88, which are well above any potential ocean flood elevation. The site improvements are safe from flooding from the ocean over the next 75 years. Potential flooding associated with wave runup is considered in the next section.

Wave Runup

Wave runup may reach the back beach and bluff over the next 75 years. However, due to the elevation of the landscape improvements (above +60 feet NAVD88), the wave runup will not impact the improvements. Essentially, the erosion resistant bedrock in the surf zone and at the site offer natural shore protection, and will prevent further movement of the shoreline landward even under the highest SLR estimate over the next 75 years.

Tsunami

Tsunami are waves generated by submarine earthquakes, landslides, or volcanic action. It should be noted that the site development is mapped beyond the landward limit of the California Office of Emergency Services (CalOES) tsunami inundation map, Laguna Beach Quadrangle (State of California, 2009). The tsunami inundation maps are very specific as to their use. Their use is for evacuation planning only. The limitation on the use of the maps is clearly stated in the **PURPOSE OF THIS MAP** on every quadrangle of California coastline. In addition, the following two paragraphs were taken from the CalOES Local Planning Guidance on Tsunami Response concerning the use of the tsunami inundation maps.

In order to avoid the conflict over tsunami origin, inundation projections are based on worst-case scenarios. Since the inundation projections are intended for

emergency and evacuation planning, flooding is based on the highest projection of inundation regardless of the tsunami origin. As such, projections are not an assessment of the probability of reaching the projected height (probabilistic hazard assessment) but only a planning tool.

Inundation projections and resulting planning maps are to be used for emergency planning purposes only. They are not based on a specific earthquake and tsunami. Areas actually inundated by a specific tsunami can vary from those predicted. The inundation maps are not a prediction of the performance, in an earthquake or tsunami, of any structure within or outside of the projected inundation area.

Due to the infrequent nature and the relatively low 500-year recurrence interval tsunami wave height, and the elevation of the improvements, the development is safe from tsunami hazards.

SLR & 100 YEAR STORM

The USGS has also developed a model called the Coastal Storm Modeling System (CoSMoS) for assessment of the vulnerability of coastal areas to SLR and the 100 year storm, http://walrus.wr.usgs.gov/coastal_processes/cosmos/. Using the modeling program the vulnerability of the site to different SLR scenarios and the 100 year storm, including shoreline erosion, can be assessed. However, the following are the limitations as to the use of the CoSMoS model.

Inundated areas shown should not be used for navigation, regulatory, permitting, or other legal purposes. The U.S. Geological Survey provides these data "as is" for a quick reference, emergency planning tool but assumes no legal liability or responsibility resulting from the use of this information.

Figure 3 is the output of the CoSMoS program. The modeling shows that the wave runup does not reach the top of the bluff at the site during the 100 year event with 200 cm (~6.6 feet) of SLR.

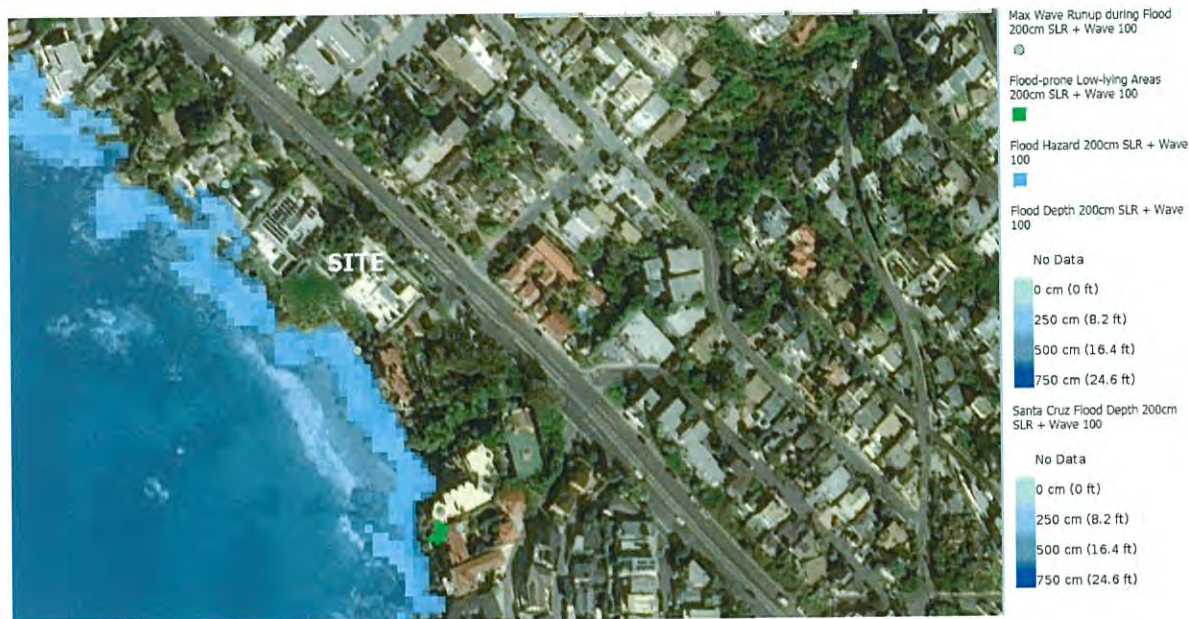


Figure 3. CoSMoS output for the site with 6.6 feet SLR.

CALIFORNIA COASTAL COMMISSION SLR POLICY GUIDANCE INFORMATION

Step 1. Establish the projected sea level rise range for the proposed project's planning horizon using the best available science, which is COPC 2018 report.

Using the CCC SLR estimate, over the project design life, the range in the year ~2095 is between 3.0 feet and 6.0 feet. This is the projected sea level rise range for the proposed project.

Step 2. Determine how physical impacts from sea level rise may constrain the project site, including erosion, structural and geologic stability, flooding, and inundation.

The analysis herein shows that it is very unlikely that wave runup will reach the development, even with over 6.0 feet of SLR. The rock ledge and bluff fronting the site are very stable. The project is reasonably safe from shoreline erosion due to the erosion resistant bedrock material.

Step 3. Determine how the project may impact coastal resources, considering the influence of future sea level rise upon the landscape as well as potential impacts of sea level rise adaptation strategies that may be used over the lifetime of the project.

The project will not impact coastal resources in consideration of sea level rise.

Step 4. Identify alternatives to avoid resource impacts and minimize risks throughout the expected life of the development.

The project does not impact resources, and minimizes flood risk through the project design.

Step 5. Finalize project design and submit CDP application.

The project architect will incorporate this report in the project design.

CONCLUSIONS

The potential coastal hazards associated with the development at 3475 S. Coast Highway, Laguna Beach, include shoreline erosion, wave runup, and future SLR. As demonstrated in USACOE 2002 the shoreline fronting the site is stable over the long term. During the coincidence of an eroded beach, high tides, and high waves, the bluff fronting the bluff will be subject to wave runup. However, based upon our analysis, and because the proposed development is located well above the beach, the existing development is safe from coastal hazards. It should also be noted that there is a rock ledge and there are large bedrock outcroppings in the surf zone near this site and adjacent properties that act like a breakwater to incoming waves. The rock ledge and these rock outcroppings protect the site from waves and erosion. Therefore, there are no recommendations necessary to mitigate potential coastal hazards. New shore protection will not be required to protect the development over the next 75 years. The development neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or adjacent area.

LIMITATIONS

Coastal engineering is characterized by uncertainty. Professional judgements presented herein are based partly on our evaluation of the technical information gathered, partly on our understanding of the proposed construction, and partly on our general experience. Our engineering work and judgements have been prepared in accordance with current accepted standards of engineering practice. We do not guarantee the performance of the project in any respect. This warranty is in lieu of all other warranties express or implied.

Respectfully submitted,



GeoSoils, Inc.

David W. Skelly MS, RCE#47857



California Coastal Commission
A-5-LGB-22-0009

5741 Palmer Way, Suite D, Carlsbad CA 92010

Exhibit 3
Phone 760-438-3153
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REFERENCES

Coastal Engineering Manual 2004, US Army Engineer Waterways Experiment Station, Coastal Engineering Research Center, US Government Printing Office, Washington, DC.

James R. Houston, 1980, "Type 19 Flood Insurance Study: Tsunami Predictions For Southern California," USACOE Technical Report HL-80-18.

Kopp, Robert E., Radley M. Horton Christopher M. Little Jerry X. Mitrovica Michael Oppenheimer D. J. Rasmussen Benjamin H. Strauss Claudia Tebaldi Radley M. Horton Christopher M. Little Jerry X. Mitrovica Michael Oppenheimer D. J. Rasmussen Benjamin H. Strauss Claudia Tebaldi "Probabilistic 21st and 22nd century sea-level projections at a global network of tide-gauge sites" First published: 13 June 2014

Lander, James F., P. Lockridge, and M. Kozuch, 1993, "Tsunamis Affecting the West Coast of the US, 1806-1992," NOAA National Geophysical Data Center publication.

Legg, Mark R., Borrero, Jose C., and Synolakis, Costas E., Evaluation of tsunami risk to southern California coastal cities, *in* The 2002 NEHRP Professional Fellowship Report.

Moffatt & Nichol, Engineers, 1985, County of Orange, E.M.A., "Coastal Flood Plain Development Study," January 1985

NOAA, 2020, Web Sites, Maps <http://anchor.ncd.noaa.gov/states/ca.htm> Tidal Datums http://www.opsd.nos.noaa.gov/cgi-bin/websql/ftp/query_new.pl

USACOE (US Army Corps Of Engineers), 1986, "Southern California Coastal Processes Data Summary" Ref # CCSTW 86-1.

USACOE (US Army Corps Of Engineers), 2002, Coast of California Storm and Tidal Waves Study South Coast Region, Orange County.

N44°54'00"E 251.00'±



BLUFF TOP

TOP OF SLOPE

TOP OF SLOPE

BUILDING

S 45°04'30" E 190.00'

SOUTH COAST HIGHWAY

— APPROXIMATE LOCATION OF BLUFF EDGE, QUERIED WHERE UNCERTAIN

ADDRESS OF PROJECT:

2475 SOUTH COAST HIGHWAY
LAGUNA BEACH, CA

BENCH MARK:
BENCH MARK #: V-783
DATUM: NGVD29
ELEVATION: 97.573

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF LAGUNA BEACH,
COUNTY OF ORANGE, STATE OF CALIFORNIA,
DESCRIBED AS FOLLOWS:

PARCEL 1 AS SHOWN ON EXHIBITS "A" AND "B"
OF LDT LINE ADJUSTMENT NO. LLA 99-03,
RECORDED JANUARY 11, 2000, AS INSTRUMENT NO.
20000016027, OF OFFICIAL RECORDS, IN THE
OFFICE OF THE COUNTY RECORDER OF SAID
COUNTY.

PREPARED FOR:
ROB GIEM

TOPOGRAPHIC SURVEY

JOB: 72-83

DATE: 11/19/20

RdM SURVEYING INC.

RON MIEDEMA L.S. 4653
23016 LAKE FOREST DR. #409
LAGUNA HILLS, CA 92653
(949) 858-2924 OFFICE
(949) 422-1869 CELL
RDMSURVEYING@COX.NET

ALL LOCATIONS ARE APPROXIMATE

This document or efile is not a part of the Construction
Documents and should not be relied upon as being an
accurate depiction of design.

GeoSoils, Inc.

California Coastal Commission
**BLUFF EDGE
LOCATION MAP**

W.O. S8049

DATE: 02/21/2009
SCALE: 1" = 20'

Plate 1

Exhibit 3

Page 36 of 45

RESOLUTION 21-10809

A RESOLUTION OF THE OF THE DESIGN REVIEW BOARD OF THE CITY OF LAGUNA BEACH APPROVING DESIGN REVIEW 21-10809 AND COASTAL DEVELOPMENT PERMIT 21-10810 FOR THE INSTALLATION OF AN ART SCULPTURE AND PROTECTIVE COVER AT 2475 SOUTH COAST HIGHWAY AND APPROVING A CATEGORICAL EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

2475 South Coast Highway | APN 656-114-19

WHEREAS, on December 21, 2021, a notice was mailed to all property owners within a 300' radius and tenants within a 100' radius announcing the January 13, 2022 Design Review Board hearing for the proposed project; and

WHEREAS, on January 13, 2022, 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: Design Review 21-10809 and Coastal Development Permit 21-10810 for the installation of an art sculpture and protective cover (“Proposed Project”) is approved. The Proposed Project is exempt from the provisions of the California Environmental Quality Act in accordance with State CEQA Guidelines 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; and

Section 2: The Proposed Project is consistent with the applicable Title 25 development standards and guidelines for the reasons and factual basis set forth on page 3 of the Staff Report.

Section 3: The Proposed Project is consistent with the Design Review criteria related to access, design articulation, design integrity, environmental context, general plan compliance, landscaping, lighting, neighborhood compatibility, privacy, sustainability, and view equity for the reasons and factual basis set forth on pages 4-5 of the Staff Report.

Section 4: The Coastal Development Permit criteria can be made for the Proposed Project for the reasons and factual basis set forth on pages 6-7 of the Staff Report.

Section 5: The Coastal Development Permit findings can be made for the Proposed Project for the reasons and factual basis set forth on page 7 of the Staff Report.

Section 6: Expiration. The proposed project will expire if development has not commenced within two years from the final action of the approval authority on the application. Development, once commenced, shall be pursued in a diligent manner and completed in a

reasonable period of time. An application for extension of the permit must be made prior to the expiration date.

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 a 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 attached Staff Report and its Exhibits 'A', 'B', and 'C' are incorporated and made a part of this Resolution. It is required that the Exhibits 'B' and 'C' 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 Exhibits 'B' and 'C' attached to the granting of the proposed project may constitute grounds for revocation or modification of the permit.

Section 11: Right of Appeal and 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 records of proceedings, the Design Review Board of the

City of Laguna Beach hereby approves the proposed project, subject to the conditions of approval and plans in the attached Exhibits 'B' and 'C'.

PASSED on January 13, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Louis Weil, Chair

Russell W. Bunim, AICP, Zoning Administrator

EXHIBIT 'A'

GENERAL PLAN GOALS AND POLICIES	CONFORM (Y, N OR N/A)
Land Use Element (LU) 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.	Yes, the proposed development is located approximately 37 feet from a coastal bluff edge and is 12 feet or less in height to minimize impacts to existing public and private views.
LU Element Action 7.3.2 Review all applications for new development to determine potential threats from coastal and other hazards. LU Element 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.	Yes, a coastal hazards analysis has been provided indicating that the proposed development is safe from coastal hazards.
LU Element Action 7.3.4 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 proposed development is located approximately 37 feet from a coastal bluff edge and is visually compatible with the surrounding area. The City's consulting geotechnical engineer has reviewed the bluff edge determination and conceptually approved the project.
LU Element 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.	Yes, no development is proposed on oceanfront bluff faces.
LU Element Action 7.3.6 Require new development on oceanfront blufftop 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.	Yes, no new landscaping or irrigation systems are proposed that may contribute to oceanfront bluff recession.
LU Element Action 7.3.8 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.	N/A. The existing residence is situated on an oceanfront bluff site and the property maintains existing legal nonconforming beach access stairs. Given the limited scope of work in the proposed project (installation of an art sculpture and protective cover), removal of this legal

GENERAL PLAN GOALS AND POLICIES	CONFORM (Y, N OR N/A)
	nonconforming improvement is not feasible at this time.
<p>LU Element 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.</p>	<p>Yes, the project does not propose bluff or shoreline protection devices to establish geologic stability or protection from coastal hazards. The Coastal Hazards Analysis prepared for the project determined the improvements to be safe from coastal hazards including sea level rise and wave runup over the project's 75-year design life. Any project approval will include a condition expressly waiving rights to any new bluff/shoreline protection device in the future which will be recorded on the property as a deed restriction.</p>
<p>LU Element 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.</p>	<p>N/A. The existing residence is situated on an oceanfront bluff site and the property maintains existing legal nonconforming beach access stairs. Given the limited scope of work in the proposed project (installation of an art sculpture and protective cover), removal of this legal nonconforming improvement is not required.</p>
<p>LU Element Action 7.3.11 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>Yes, a Coastal Hazards Analysis has been prepared for the project concluding it is safe from erosion and high tide conditions over a 75-year period and from storm waves from a 100-year event.</p>
LOCAL COASTAL PROGRAM	CONFORM (Y, N OR N/A)
<p>General Plan Land Use Map, excluding Blue Lagoon and Three Arch Bay</p>	<p>Yes, the proposed use is consistent with the underlying land use designation of R-1.</p>

LOCAL COASTAL PROGRAM	CONFORM (Y, N OR N/A)
Land Use and Open Space/Conservation General Plan Elements	Yes, refer to General Plan Policies Table above.
Zoning Map	Yes, the proposed use is consistent with the underlying zoning designation of Residential Low Density.
Title 25 (Zoning Code)	Yes, refer to Title 25 table above.
Title 22 (Excavation and Grading)	N/A – no grading proposed
2010 Design Guidelines – A Guide to Residential Development	Yes, refer to the discussion under the Design Review heading above.

EXHIBIT 'B'
CONDITIONS OF APPROVAL

Standard Conditions:

1. The conditions of approval shall be and hereby are obligations of and binding upon the applicant and his/her heirs, successors, assigns, agents and representatives. The conditions shall constitute a covenant running with and binding the land in accordance with the provisions of California Civil Code Section 1468. Failure to comply with such conditions, and each of them, and any other related federal, state and local regulations may be grounds for revocation of the approval, in addition to other remedies that may be available to the City.
2. The applicable Certificate of Use and/or Certificate of Occupancy shall not be issued until City staff has verified compliance with all conditions of approval.
3. Prior to Building Permit issuance, the owner, his architect/designer/structural engineer, and contractor of the subject property shall sign an Affidavit of Plan Consistency, whereby the signees affirm that the structural plans are consistent with the Zoning Division-approved set of plans and any modification will require subsequent review and approval.
4. In the absence of specific provisions or conditions herein to the contrary, the application and all relevant plans and exhibits are incorporated and made a part of this approval. It is required that such plans and exhibits be complied with and implemented in a consistent manner with the approved use and other conditions of approval. Such plans and exhibits for which this approval has been granted shall not be substantially changed or substantially amended except pursuant to a subsequent approval as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code.
5. 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 this approval, 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 be required by a court to pay as a result of such claim, action or proceeding.
6. Expiration. Coastal development permit approval shall lapse and become void six months following the effective date if the privileges authorized by the permit are not executed or utilized, or, if construction work is involved, such work is not commenced within such two-year period and diligently prosecuted to completion. For City-issued coastal development permits that are not appealed to the Coastal Commission, the approving authority may grant an extension of time, not to exceed an additional six-month period for due cause. Such time extension shall be requested in writing by the applicant or authorized agent prior to expiration of the two-year period.
7. Expiration. Design review approval shall lapse and become void two years following the effective date if the privileges authorized by design review are not executed or utilized or, if construction

work is involved, such work is not commenced within such two-year period and diligently pursued to completion. The approval authority may grant a two-year extension of time and, after that initial extension of time, a final one-year extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the beginning two-year approval period or a subsequently approved extension of time.

8. Reapplication Waiting Period. After denial of a project, no application for a project located on the same parcel or building site may be filed or accepted for filing for two months.
9. Light trespass that results in glare is prohibited.
10. All new exterior light fixtures shall be installed with a timer to automatically turn off the light fixtures between the hours of 10:00 p.m. and 8:00 a.m.

Project Specific Special Conditions:

1. The applicant shall waive rights to any new bluff/shoreline protection device in the future, which will be recorded on the property as a deed restriction prior to the issuance of a building permit.

EXHIBIT 'C'
PROPOSED PLANS

The Seal of the State of California is a circular emblem. It features a central figure, Minerva, seated and holding a grizzly bear skin over her shoulder. She is surrounded by symbols of agriculture and industry, including a plow, a sheaf of wheat, and a ship. The words "THE GREAT SEAL OF THE STATE OF CALIFORNIA" are inscribed around the perimeter.

APPEAL FORM

1 UUKGĀTĀ TIGĀT[KSR KSYĀTGYĀQ[KQUR KSYĀKROĀ

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Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Mark Towfiq and Carol Nakahara
Mailing address: 2425 S. Coast Hwy., Laguna Beach 92651
Phone number: (949) 244-6150
Email address: mark@towfiq.com

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

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: Submitted comment letter on January 11, 2022 (attached).
Exhibits to comment letter submitted concurrently herewith.
Both Mr. Towfiq and Ms. Nakahara, and appellants' counsel,
also submitted oral comments during the January 13 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: Appellants submitted written and oral comments in opposition to the
proposed project, participating in the January 13, 2022 City of Laguna
Beach design review hearing. The City requires payment of a fee for
City Council appeal, and therefore further local exhaustion is not required

¹ 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-2021-10810
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: January 13, 2022

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

Describe: The development consists of installation of an art sculpture
in the rear yard at 2475 S. Coast Highway in the City
of Laguna Beach (APN 656-114-19). The sculpture is
approximately 170 square feet in size, approximately 10 feet
tall at its highest point, and features blown-glass spheres, reeds,
and oceanic shapes. The installation is supported by steel grating
grating anchored by river rock to support the structure.
The art installation includes 23 directional lights attached
to the steel grating. As originally proposed, the project included
a 12 foot tall glass protective structure. Applicant removed
the glass protective structure from the project prior to the Design Review
Board hearing.

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. Applicant information

Applicant name(s): Mark Towfiq
2425 S. Coast Hwy.
Applicant Address: Laguna Beach, CA 92651

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 proposed development is not in conformity with,
and therefore violates, the requirements of the City
of Laguna Beach's Local Coastal Program. Please
see attached sheets for details.

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

Appeal of local CDP decision

Page 5


5. 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., 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

6. 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 Towfig
Signature 
Date of Signature 2/22/2022

7. Representative authorization⁶

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.

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California Coastal Commission
A-5-LGB-22-0009
Exhibit 4
Page 7 of 142

ADDITIONAL PAGES TO APPEAL FORM

Appeal of Local Government Coastal Development Permit CDP-2021-10810

Submitted by Mark Towfiq and Carol Nakahara

I. BACKGROUND

On January 13, 2022, the City of Laguna Beach ("City") Design Review Board ("Board") approved Coastal Development Permit 21-10810 for the installation of an art sculpture (the "Project") in the rear yard at 2475 South Coast Highway (APN 656-114-119). As initially proposed, the Project included a massive glass protective structure, which was later removed from the scope of work prior to the public hearing. The grounds for the appeal are two, though related: (1) The Project violates the LCP bluff top setback requirements, and (2) the applicants relied on illegal fill in an attempt to relocate the "bluff top." (See Exhibit 1 attached hereto.)

As an initial matter, and contrary to City staff's assertion, the Applicants sought to legalize a Project that was already constructed without undergoing the required permit approval process. The Project is described as a request for "[m]odifications to a prior approval in the R-1 zone." The existing art installation was never previously approved. The Project is not a modification; it consists of the installation of a new accessory structure in the rear yard of the property.

On July 28, 2020, Applicants were notified, following an inspection by the City's Code Enforcement Officer, that the installation of the Project, as well as poles with concrete foundations and protective netting, were in violation of the City's Municipal Code because, among other things, the Project did not have the required Coastal Development Permit ("CDP").

A little more background, for additional context, is in order: City staff characterized the art installation as a temporary on-grade structure. However, one need only examine the applicants' own Development Review Application to determine that this characterization of the Project is inaccurate. The instructions for installation note that the sod in the immediate area of the installation was removed, and the grade was excavated approximately six inches and filled with decomposed granite. The art installation itself was placed on top of that decomposed granite, which installation "consists of a sectioned steel grid which houses supports for the vertical elements as well as the built-in lighting aspect – ***all of which are integral parts of the sculpture. The blown glass elements are not a stand-alone sculpture in-and-of themselves.***" (Emphasis added.) The description is clear: it is the entirety of the improvements that compose the Project; it is not simply the blown glass elements. To further stabilize the structure, hundreds of pounds of river rocks were placed on top of the metal grid to secure and anchor it to the ground, and a metal edge around the base of the metal grids was constructed to stop grass from growing inside the base of the art installation. The art installation has remained anchored in place without the benefit of permits ***for more than two years.***

II. VIOLATION OF BLUFF TOP SETBACK REQUIREMENTS

The City's Zoning Code (Title 25 of the City's Municipal Code) is a component of the City's Local Coastal Program ("LCP"). Section 25.50.004, subd. (B)(4) of the City's Municipal Code states that "no new . . . **structures or improvements** shall encroach beyond the stringline or shall be closer than twenty-five feet to the top of an oceanfront bluff, **the more restrictive shall apply.**" (Emphasis added.) The building stringline averages the setback of oceanfront buildings on both adjacent sides of coastal lots. (*Id.*, subd. (B)(4)(b).) It is defined as "a line across a parcel that connects the oceanward ends **of the nearest adjacent walls** of the main buildings on adjacent lots." (*Ibid.*, emphasis added.)

As submitted to the Board, the Applicants' plans depict an inaccurate stringline, which is actually further inland than the depicted 25' bluff top setback. (See Exhibit G to Comment Letter [depiction of actual stringline imposed on Applicants' plans, prepared by architect Morris Skenderian].) The Project plans depict the stringline at the adjacent property Villa Rockledge as emanating from a certain point on the main house. However, there is another portion of the building adjacent to and closer to Villa Rockledge near the property line and, therefore, that portion or corner of the building should be used to calculate the stringline rather than the main house. Utilizing the correct portion of the building, the new stringline would be approximately 3'-4' closer to the Project as depicted in the plans and, as shown in Exhibit G, the Project would exceed that required setback

Second, and more importantly, even if the Project does not violate the required stringline setback, which it does, there is a violation of the required bluff top setback. The "Bluff Determination for the Landscape/Sculpture improvements" prepared by GeoSoils, Inc. (the "Bluff Determination") for the Project does not appear to be accurate because, as demonstrated below, **unpermitted fill has been placed on the property and covered with sod, extending the bluff top delineation.** (See Exhibit H to Comment Letter [before and after photos, including one exhibit prepared by Mr. Towfiq utilizing personal knowledge and online marketing photograph].)¹ While the full extent of the placed fill is not known, it impacts the minimum required 25-foot setback from the bluff top. (See Municipal Code, § 25.44.050, subd. (E)(3) ["In no case shall the bluff-top setback be less than twenty-five feet"].)

According to the "Laguna Beach General Plan, Land Use Element"² (City of Laguna Beach, 2012), definition No. 102, an oceanfront bluff/coastal bluff is defined as:

A bluff overlooking a beach or shoreline or that is subject to marine erosion. Many oceanfront bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term "oceanfront bluff" or "coastal bluff" refers to the **entire slope** between a marine terrace or upland area and the sea. The term "sea cliff" refers to the lower, near-vertical portion of an oceanfront bluff.

(Emphasis added.)

¹ The artificial fill at issue was placed by the applicants' predecessor-in-interest at the property.

² The City's Land Use Elements is a component of the City's LCP.

Land Use Element definition No. 101 defines the "Oceanfront Bluff Edge" or "Coastal Bluff Edge" in accordance with the California Coastal Act regulations. Specifically, it defines the bluff edge as "the upper termination of a bluff, cliff or seacliff." Further, "[i]n cases where the top edge of the bluff is rounded away from the face of the bluff, the bluff edge shall be defined as the point nearest the bluff face **beyond which a downward gradient is maintained continuously to the base of the bluff.**" (*Ibid.*, emphasis added.) Importantly, "[i]n cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge **shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff.**" (*Ibid.*, emphasis added.)

Applied to the topography of the Applicants' property, and when reviewing the photographs included in Exhibit H, it appears that the impact of the artificial fill extended outward the point at which the rounded portion begins. In other words, it appears to have extended the bluff edge and, therefore, distorted the location of the 25' setback.

While the Bluff Determination does note that artificial fill was observed at the bluff top, the extent of the fill was not analyzed, nor is the potential impact that unpermitted fill might have in artificially moving the required bluff-top setback, including by artificially decreasing the slope of the yard or altering the natural gradient in a way that modified the delineation of the bluff top. Put simply, there is no substantial evidence to support a conclusion that the unpermitted placement of fill on the property did not impact the location of the bluff top edge. The LCP, via the Land Use Element's definition No. 101 of "Oceanfront Bluff Edge" is clear: "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.**" (Emphasis added.) Nowhere in the record was the location of the original bluff edge identified.

Moreover, the Staff Report erroneously states that the required bluff top setback is only 10 feet, in clear contravention of the requirements of section 25.44.050, subdivision (E)(3). Staff claims that section 25.50.004(B)(4)(d) supports this 10-foot bluff top setback for the rear yard. Staff does **not** provide any support for its conclusion that the Project qualifies as a balcony, patio, deck, or similar architectural structure to which that setback may apply. In fact, as discussed above, the Project is an accessory structure to which the 10 foot setback does **not** apply.

Based on the information presented in the Staff Report, as well as the failure to adequately address the unpermitted fill on the property that has apparently extended the bluff top, a violation of the bluff top setback by the Project is present. The Project is therefore not consistent with the LCP. More investigation is necessary to address the impact that this unpermitted fill may have had on the bluff top: The original bluff edge has never been identified. The CDP should therefore be denied.

APPEAL FORM – INTERESTED PERSONS

**Appeal of Local Government Coastal Development Permit
CDP-2021-10810**

Submitted by Mark Towfiq and Carol Nakahara

Laurence Nokes
410 Broadway Street, Suite 200
Laguna Beach, CA 92651

Bill Gross
2475 S. Coast Highway
Laguna Beach, CA 92651

Amy Schwartz Gross
2475 S. Coast Highway
Laguna Beach, CA 92651

EXHIBIT “1”



EXHIBIT “2”



ATTORNEYS AT LAW

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T 949.833.7800
F 949.833.7878

John J. Flynn III
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jflynn@nossaman.com

Refer To File # -

VIA EMAIL

January 11, 2022

Russell Bunim, Zoning Administrator
505 Forest Avenue
Laguna Beach, CA 92651
rbunim@lagunabeachcity.net

Re: Comments on Design Review 21-10809 and Coastal Development Permit 21-10810

Dear Mr. Bunim:

1. INTRODUCTION

On behalf of Mark Towfiq and Carol Nakahara ("Towfiq/Nakahara"), we submit the following comments on Design Review 21-10809 and Coastal Development Permit ("CDP") 21-10810 (the "Permits"), regarding the construction of an art installation and its related protective structure at 2475 South Coast Highway (APN 656-114-119) (the "Project"). Specifically, the Project involved the excavation of approximately 169 square feet of the existing lawn, which was filled with decomposed granite to serve as a base for installation of metal grating for the entirety of the footprint, and then secured in place with river rock to anchor the metal grating. That base structure serves to hold the art installation that is the subject of the Permits. Additionally, the Project involves installation of an approximately 12 ft. tall steel and glass structure over a footprint of approximately 236 sq. ft. to serve as a protective barrier for the massive art installation.¹

To elaborate, this is an after-the-fact permit application for installation of a highly illuminated blown-glass sculpture that the applicants have *already* installed. As the axiom goes, "better to ask forgiveness than permission." If that becomes an established practice for development applications in the City of Laguna Beach ("City"), it sends a terrible message to its residents.

While City staff proposes a timer for shut-off of the Project's proposed illumination between 10 p.m. (should be no later than 9 p.m. in any event; it shines right into the Towfiq/Nakahara bedroom) and 8 a.m., there is no reason to believe that the applicants will observe these restrictions. They have led a long campaign of harassment and intimidation

¹ Given the scale of the new structure, City' staff's conclusion that the Project is categorically exempt from CEQA under CEQA Guidelines section 15303 is in error. This is not a small structure, nor should the request be considered a "modification to a prior approval." This is a new application for an accessory structure within a required side yard.

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against Towfiq/Nakahara, which resulted in a restraining order against the applicants. The order, however, was not enough. The applicants simply waved off the order, violated it, then were found to be in contempt of court. If they consider themselves unbound by a court order, why would any member of the Design Review Board believe that the applicants consider themselves bound by a project condition of approval?

As detailed below, you will see that the Staff Report consists entirely of perfunctory conclusions, unexplained, and certainly not supported by substantial evidence. While the violations of the City's Municipal Code, General Plan, and Local Coastal Program ("LCP") are discussed more fully below, for ease of reference, they can be summarized as follows:

- First, the unpermitted use of fill to extend the "Bluff edge," almost now entirely man-made. The Staff Report asserts that the rear yard setback is 37 feet. 25 feet is required. No account, however, has been taken of the illegal fill placed on the property, and it is therefore impossible to tell where the real bluff edge lies. Even the report from GeoSoils, Inc., the applicants' geotechnical consultant, admits that there is fill in the area of the bluff edge, but nowhere indicates where the fill starts and where it ends. There is, therefore, no substantial evidence basis on which to conclude that the rear yard setback is 37 feet, or whether the setback in fact violates the restrictions imposed by the City's Municipal Code and the Land Use Element's definition of a Bluff Edge.
- Second, the setback, by code, is measured not only from the bluff edge, but also from the stringline, and there is no mention of the relevant string line in the Staff Report, an omission that is fatal to reliance on the staff report as substantial evidence for any conclusions about setback violations.
- Third, the side and rear yard setbacks have been grossly miscalculated, as demonstrated below.
- Fourth, the Staff Report states that there has been no excavation, but clearly there has been, or the sculpture could not have been installed, an obvious fact revealed by the photographs of the current installation.
- Fifth, by the City's own Code definition of "Building" or "Structure," which must be factored into any calculation of setbacks, the 12-foot tall glass enclosure for the art installation (erroneously described as 9'7" tall in the Staff Report) is a building, a reality impliedly acknowledged by the Staff Report, but for which no allowance has been made to determine compliance with setback requirements.
- Sixth, the addition of the glass enclosure will also inevitably have the effect of magnifying and skylighting the cumulative effects of the proposed 6900 lumens of light to be used for illumination of the building and sculpture.
- Seventh, the signer of this letter has been to the Towfiq/Nakahara home to view the sculpture both from the master bedroom and from other areas on the same level as the master bedroom. The Staff Report's suggestion that there will be no intrusion into the privacy of the Towfiq/Nakahara home is again without the

support of substantial evidence. More to the point, the Staff assertion is contradicted by the on-the-ground realities: the sculpture is **highly** visible from the master bedroom, not to mention a number of other vantage points. The idea that the light emitted by the project will comply with the Code's privacy protections and protection of view equity is likewise unsupported by substantial evidence.

On May 11, 2021, Mr. Towfiq submitted comments during the Zoning Plan Check phase of the Project. A copy of Mr. Towfiq's comments are submitted herewith, for ease of reference, as Exhibit A. The comments set forth in Mr. Towfiq's May 11, 2021 letter are incorporated in full into this comment letter on the Project's CDP application. At the time of Mr. Towfiq's comments, the Project consisted of installation of the art installation with anchored poles and protective netting; it did not include the steel and glass protective structure.

As discussed more fully below, the CDP for the Project should be denied for several independent reasons. First, the Project was never approved, was installed without the proper permits, and the Project violates pertinent setback requirements imposed by the City of Laguna Beach's Municipal Code ("Municipal Code"). Second, the applicants failed to comply with a number of the City's Design Guidelines for Residential Development, Design Review Criteria, and General Plan. Third, no CDP should be approved unless and until a host of unpermitted development at the property is first addressed and remedied.

Applicants seek to legalize a Project that was constructed without the benefit of the City's Design Review process or through the required permit approval processes. The Board must review this Project as if it does not exist, and it should not be influenced by the fact that the applicants installed the Project illegally and now seek to legalize it after the fact. Applicants should not be rewarded for their tactics; this should be deemed a "new application" for a new additional accessory building that has not received prior approval. As a new accessory building, the Project must adhere to all applicable City ordinances, codes, and guidelines. It does not.

2. THE PROJECT FAILS UTTERLY TO COMPLY WITH THE CITY'S CODE, ITS LCP, GENERAL PLAN AND RESIDENTIAL GUIDELINES.

The Project description in the draft agenda is flatly inaccurate. The Project is described as a request for "[m]odifications to a prior approval in the R-1 zone." The existing art installation was never approved. ***The Project is not a modification*** – it consists of the installation of a new structure that is by definition an "Accessory Building."²

It bears noting that these proceedings arose following the unpermitted installation of the art installation component on the property, which at the time included protective netting that is now proposed to be replaced with a towering steel and glass accessory structure. On July 28, 2020, the applicants were notified, following an inspection by the City's Code Enforcement Officer, that the installation of the Project, as well as poles with concrete foundations and

² To the extent the "modification" is to the prior approval of the main house, that original permit was issued by the California Coastal Commission in July 1984 – prior to certification of the City's LCP. The City does not have jurisdiction to amend or modify a permit issued by the Coastal Commission. (See Municipal Code, § 25.07.011, subd. (B) ["Development authorized by a coastal commission-issued permit remains under the jurisdiction of the commission for the purposes of compliance, amendment and revocation."].)

protective netting, were in violation of the Municipal Code because, among other things, the Project did not undergo design review and did not have the required CDP. (See Exhibit B.) While the applicants were required to bring the Project into compliance with the Municipal Code by August 24, 2020, they failed to do so. A second and final notice of violations was mailed on November 17, 2020. (Exhibit C.) Further failure to comply resulted in the issuance of an administrative citation on February 1, 2021. (Exhibit D.)

It is in that context that the existing violations of the Municipal Code must be viewed: one in which the applicants have routinely flouted compliance. Even now, the proposed Project fails to comply with existing setback requirements, and poles and concrete footings for the protective netting, which were installed without a permit, have not been removed.

A. Violation of Setback Requirements.³

Municipal Code section 25.10.008, subdivision (E)(3) requires that “[t]he width of any side yard shall not be less than ten percent of the average lot width.” The average lot width for the property is 190 feet. Thus, **each** side yard setback must be 19 feet. According to plans submitted by the applicant, the Project is located 13 feet 6 inches from the northern property line, or in violation of the required setback. Moreover, according to the City Zoning Division’s March 29, 2021 Zoning Plan Check (see Exhibit E), the required setback is greater than 19 feet because the existing house is approximately 11 feet 5 inches from the south property line. Thus, “a side setback of 26’7” is required from the north property line” to obtain the total required side yards of 38’. The City’s Zoning Division initially determined that because of the setback issue, “**this greater setback affects the current location of the art sculpture.**” (Emphasis added.)

Thus, there is no dispute that the Project violates the setback requirements set forth in the Code. To circumvent these clear requirements, however, staff has in the past claimed that setback requirements do not apply because the art installation is a temporary on-grade structure, and not a “structure” that must comply with setback requirements. However, that interpretation is based on a flawed reading of that term, which is very likely the reason it appears nowhere in the Staff Report. The term “structure” is nevertheless one that warrants discussion in this comment letter.

“Structure” is defined broadly to include “anything constructed or built, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some defined manner, which **requires location on the ground or is attached to something having a location on the ground**, except outdoor areas such as patios, paved areas, walks, tennis courts and other similar recreation areas.” (Municipal Code, § 25.08.034, emphasis added.)

There is no doubt that the Project constitutes a “structure.” The steel and glass accessory structure will in fact require structural engineering by code, as the structure’s height, weight, and volume will subject the structure and its surroundings to damage from an earthquake or high

³ In addition to the setback issues discussed below, the Staff Report is inaccurate with respect to the Project’s height. The Project as proposed consists not only of the art installation, but also the 12 ft. tall steel and glass protective structure. Thus, the indication at one point in the Staff Report that the proposed height of the Project is 9’7” misstates the Project’s height by more than 2’-3”.

winds. The laminated glass alone weighs approximately 14 lbs/sf or 4,081 lbs. The steel structural columns and beams needed to support the structure weigh approximately 2,800 lbs. Given its characteristics, a foundation will no doubt be required to anchor the structure into geologically approved bedrock. Contrary to the applicants' Scope of Work description, the structure would not be permitted to use its "weight alone as the only anchoring factor necessary for mitigation of the high winds or earthquake."

Further, as to the art installation, one need only examine the applicants' own Development Review Application (Exhibit F) to determine that the Project meets this definition of a "structure" under the Code. The instructions for installation note that the sod in the immediate area of the installation was removed, and the grade was excavated approximately six inches and filled with decomposed granite. The art installation itself was placed on top of that decomposed granite, which installation "consists of a sectioned steel grid which houses supports for the vertical elements as well as the built-in lighting aspect – **all of which are integral parts of the sculpture. The blown glass elements are not a stand-alone sculpture in-and-of themselves.**" (Emphasis added.) The description is clear: it is the entirety of the improvements that compose the Project; it is not simply the blown glass elements. To further stabilize the structure, hundreds of pounds of river rocks were placed on top of the metal grid to secure and anchor it to the ground, and a metal edge around the base of the metal grids was constructed to stop grass from growing inside the base of the art installation. The art installation has remained anchored in place without the benefit of permits **for more than two years.**

Even if the art installation were not in violation of the setback requirements itself, there is no dispute that the protective steel and glass structure component of the Project is a permanent structure that must comply with such setback requirements. The City's own code states that the side yard setback areas required by the Municipal Code may not be utilized by accessory buildings. (See Municipal Code, § 25.10.008, subd. (E)(3)(a)(2).) As defined in the Municipal Code, a "building" is "any structure built for the support, **shelter** or enclosure of persons, animals, **chattels or property of any kind.**" (Municipal Code, § 25.08.004, emphasis added.) Thus, as defined, the Project's glass structure is an "accessory building" subject to the side yard restrictions set forth in section 25.10.008.

Rather than address these requirements, the Staff Report contains a conclusory statement that the required Side (North) setback is 13'-6", which coincides with the proposed setback for the Project. In fact, the Staff Report provides no evidence or basis to support its conclusion that the Project complies with the applicable 26'-7" setback requirement.

B. Potential Violation of Required Rear Yard Setback.

Under the City's Municipal Code, "no new . . . 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.**" (Municipal Code, § 25.50.004, subd. (B)(4), emphasis added.) The building stringline averages the setback of oceanfront buildings on both adjacent sides of coastal lots. (*Id.*, subd. (B)(4)(b).) It is defined as "a line across a parcel that connects the oceanward ends **of the nearest adjacent walls** of the main buildings on adjacent lots." (*Ibid.*, emphasis added.)

Here, the applicants' plans depict an inaccurate stringline, which is actually further inland than the depicted 25' bluff top setback. (See Exhibit G [depiction of actual stringline imposed on applicant's plans, prepared by architect Morris Skenderian].) The Project plans depict the stringline at Villa Rockledge as emanating from a certain point on the main house. However, there is another portion of the building adjacent to and closer to Villa Rockledge near the property line and, therefore, that portion or corner of the building should be used to calculate the stringline rather than the main house. Utilizing the correct portion of the building, the new stringline would be approximately 3'-4' closer to the Project as depicted in the plans and, as shown in Exhibit G, the Project would exceed that required setback.⁴

Even if the Project does not violate the required stringline setback, which it does, there is a potential violation of the required bluff top setback. The "Bluff Determination for the Landscape/Sculpture improvements" prepared by GeoSoils, Inc. (the "Bluff Determination") for the Project does not appear to be accurate because, as demonstrated below, unpermitted fill has been placed on the property and covered with sod, extending the bluff top delineation. (See Exhibit H [before and after photos, including one exhibit prepared by Mr. Towfiq utilizing personal knowledge and online marketing photograph].)⁵ While the full extent of the placed fill is not known, it potentially impacts the minimum required 25-foot setback from the bluff top. (See Municipal Code, § 25.44.050, subd. (E)(3) ["In no case shall the bluff-top setback be less than twenty-five feet"].)

According to the "Laguna Beach General Plan, Land Use Element" (City of Laguna Beach, 2012), definition No. 102, an oceanfront bluff/coastal bluff is defined as:

A bluff overlooking a beach or shoreline or that is subject to marine erosion. Many oceanfront bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term "oceanfront bluff" or "coastal bluff" refers to the **entire slope** between a marine terrace or upland area and the sea. The term "sea cliff" refers to the lower, near-vertical portion of an oceanfront bluff.

(Emphasis added.)

Land Use Element definition No. 101 defines the "Oceanfront Bluff Edge" or "Coastal Bluff Edge" in accordance with the California Coastal Act regulations. Specifically, it defines the bluff edge as "the upper termination of a bluff, cliff or seacliff." Further, "[i]n cases where the top edge of the bluff is rounded away from the face of the bluff, the bluff edge shall be defined as the point nearest the bluff face **beyond which a downward gradient is maintained continuously to the base of the bluff.**" (*Ibid.*, emphasis added.) Importantly, "[i]n cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge **shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff.**" (*Ibid.*, emphasis added.)

⁴ There are actually two stringlines depicted on the applicants' plan: (1) approximate patio stringline, and (2) approximate building stringline. They are labeled incorrectly, and their labels should be switched.

⁵ The artificial fill at issue was placed by the applicants' predecessor-in-interest at the property.

Applied to the topography of the applicants' property, and when reviewing the photographs included in Exhibit H, it appears that the impact of the artificial fill extended outward the point at which the rounded portion begins. In other words, it appears to have extended the bluff edge and, therefore, distorted the location of the 25' setback.

While the Bluff Determination does note that artificial fill was observed at the bluff top, the extent of the fill was not analyzed, nor is the potential impact that unpermitted fill might have in artificially moving the required bluff-top setback, including by artificially decreasing the slope of the yard or altering the natural gradient in a way that modified the delineation of the bluff top. Put simply, there is no substantial evidence to support a conclusion that the unpermitted placement of fill on the property did not impact the location of the bluff top edge. The LCP, via the Land Use Element's definition No. 101 of "Oceanfront Bluff Edge" is clear: "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**." (Emphasis added.)

Moreover, the Staff Report erroneously states that the required bluff top setback is only 10 feet, in clear contravention of the requirements of section 25.44.050, subdivision (E)(3). Staff claims that section 25.50.004(B)(4)(d) supports this 10-foot bluff top setback for the rear yard. Staff does **not** provide any support for its conclusion that the Project qualifies as a balcony, patio, deck, or similar architectural structure to which that setback may apply. In fact, as discussed above, the Project is an accessory building to which the 10 foot setback does not apply.

Based on the information presented in the Staff Report, as well as the failure to adequately address the unpermitted fill on the property that may have extended the bluff top, a potential violation of the bluff top setback by the Project is present. More investigation is necessary to address the impact that this unpermitted fill may have had on the bluff top, and the CDP should therefore be denied at this time.

C. Lack of Compliance With the City's Design Guidelines for Residential Developments.

Notwithstanding the violations of the Municipal Code identified above, the applicant failed to follow the City's Residential Guidelines prior to embarking on **design** of the Project, let alone construction of the Project without required permits. Such failures include, but are not limited to, the following:

- **Chapter 1: Design Review Considerations.** This chapter outlines the Design Review process and the factors the applicant should consider prior to embarking on design of their project, including: (1) consideration of the "neighborhood context," privacy, neighborhood pattern of development, setbacks, and building orientation; (2) consideration of the "relationship to neighboring properties, other opportunities, and constraints"; and (3) consultation with neighbors in a meeting on site to gather information on and response to concerns related to the project. Applicants did not comply with these guidelines.
- **Chapter 5: Design Integrity.** "Accessory structures may include structures such as artists' studios, detached garages, sheds, gazebos, swimming pools." Although

the proposed accessory structure may not be a “gazebo,” its characteristics are similar and should be considered an accessory structure not permissible in the required side yard setback.

- **Chapter 10: Lighting and Glare.** “Reflective materials and appurtenances that cause glare or a negative visual impact, .i.e. skylights, reflective glass, etc., should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties.” Further, section 10.3 regarding prevention of light trespass, states that development should avoid excessive illumination, design exterior lighting to be fully shielded and directed downward, and conceal skylights to the greatest extent possible. Here, the structure’s glass roof is essentially a large skylight. As proposed, the proposed Project’s lighting features will trespass the site and have negative impacts on the neighborhood, including the night sky experience.
- **Chapter 11: Neighborhood Compatibility.** “Development shall be compatible with existing development in the neighborhood and respect neighborhood character. To ensure this, prior to design, applicants should make a thorough reconnaissance of the area surrounding the site and contact affected neighbors early to receive input about neighborhood values and issues. Applicants did not contact Mr. Towfiq to receive input on the Project.
- **Chapter 16: View Equity.** “Development may have visual impacts well beyond property boundaries, and these will be fully assessed during the design review. During the initial design process, applicants should consider the proposed project from a variety of off-site perspectives that honor public and private views.” One objective is to minimize projects’ mass to maintain neighborhood views by: creating low profile structures, using transparent materials when feasible, and using compact building footprints to maintain views above and along the sides of a structure. Applicants did not consider view equity when they proposed the massive accessory structure in the proposed location.

In short, it is clear that applicants did not comply with numerous City Design Review guidelines. Rather, they proceeded with the design and construction of a massive and unpermitted project that has significant negative impacts.

D. Violation of Design Review Criteria.

Not only does the Project fail to comply with the City’s required Design Review Guidelines, the record does not contain substantial evidence to support a determination that the Project complies with applicable Design Review Criteria. Specifically, substantial evidence does not support staff’s proposed findings that the Project is consistent with the following criteria:

- **No. 2 – Design Articulation:** As discussed in more detail above, the determination that the Project complies with setback requirements is not supported by substantial evidence in the record. There is no substantial evidence to support a conclusion that the Project complies with required side yard and rear yard setbacks.

- **No. 4 – Environmental Context:** As discussed in more detail above, there is insufficient evidence to conclude that the Project is 37' from the bluff edge, as Staff has failed to identify the existing bluff edge prior to placement of unpermitted artificial fill. As noted above, the Land Use Element defines the bluff edge as the **original** bluff edge, even if buried beneath fill, in areas where fill has been placed.
- **No. 7 – Landscaping:** The staff's proposed finding of consistency incorrectly states that no changes to the existing landscaping are proposed. ***The art installation was installed illegally via excavation and alteration of approximately 150 square feet of existing landscaping***, in clear contravention of the conclusion that "no changes to the existing landscaping are proposed." As discussed above, despite its unpermitted existence, the Project must be evaluated as new, as if it were not already installed.
- **No. 8 – Lighting and Glare:** The Project involves the placement of (cumulatively) 6,900 lumens of new directional lights, aimed at a steel and glass sculpture and glass laminate ceiling. As discussed above, the glass roof is essentially a large skylight. As proposed, the Project's lighting features will trespass the Towfiq home and adversely affect others in the vicinity, increasing glare and significantly and adversely affecting the night sky experience. (See Exhibit I [photos of glare from protective netting previously installed over unpermitted art installation].)
- **No. 9 – Neighborhood Compatibility:** The Project is not compatible with the Towfiq/Nakahara private use of their neighboring property. Specifically, the Project will have a substantial impact on Towfiq/Nakahara views looking southward from the rear of their property, including from the master bedroom and backyard. (See Exhibit J [photos of installation and structure staking from rear of Towfiq property].)
- **No. 11 – Privacy:** The determination of consistency is not accurate. The Project will be a source of visual intrusion for the Towfiq/Nakahara master bedroom and pool area.
- **No. 16 – View Equity:** The determination of consistency is not accurate. The Project is not compatible with the Towfiq/Nakahara private use of their neighboring property. Specifically, the Project will have a substantial impact on Towfiq/Nakahara views looking southward from the rear of their property, including from the master bedroom and backyard. (See Exhibit J.)

In short, the Project does not comply with the City's Design Review Criteria.

E. Inconsistency with CDP Criteria:

In addition to the above-identified inconsistencies with the City's required Design Review Guidelines and Design Review Criteria, the record does not support the conclusion that the Project complies with applicable CDP criteria. Specifically, substantial evidence does not support staff's proposed findings that the Project is consistent with the following:

- **No. 2:** As discussed in more detail above, there is insufficient evidence to conclude that the Project is 37' from the bluff edge, as nobody has determined the existing bluff edge prior to placement of unpermitted artificial fill on the basis of substantial evidence. Further, staff does not cite any evidence to support its conclusion regarding archaeological or paleontological resources.
- **No. 4: Again,** there is no substantial evidence to support the conclusion that the Project is 37' from the bluff edge.
- **No. 5:** The record does not support the conclusion that the proposed development minimizes alterations of natural landforms. This conclusion ignores the documented prior placement of significant volumes of artificial fill in the backyard that most certainly have altered the location of the bluff edge.
- **No. 7:** As stated, Staff does not cite any evidence to support its conclusion regarding existence of or compliance with archaeological or paleontological resources.

These inconsistencies with applicable CDP criteria likewise compel denial of the application.

F. Inconsistency with General Plan.

A number of the proposed consistency determinations related to the General Plan Land Use Element (set forth in Exhibit A to the Staff Report) rely on the unsupported conclusion that the Project's setback is 37' from the bluff edge. As noted repeatedly above, that determination is not supported by substantial evidence. In fact, the evidence demonstrates that fill was illegally placed on the property in a manner that artificially altered the property's bluff edge and, therefore, the alleged 37' setback is inaccurate. Because the findings of consistency with LU Policy 2.10 and LU Element Action 7.3.4 rely on the assumption of a 37' setback for the Project, they are not supported by substantial evidence.

G. Unpermitted Erection of Protective Measures.

In addition to the unpermitted installation of the art installation, protective structures were also constructed at the property without required permits. As discussed above, the City's first code violation notice on July 28, 2020 specifically noted netting and poles were installed "without City approval or permits." (Exhibit B.) Mr. Towfiq's May 11, 2021 comments regarding the Zoning Plan Check included notice that the "applicant has not complied with Laguna Beach Code enforcement regarding the protective net." Specifically, Mr. Towfiq noted that "[a] protective net over the art structure was installed by the applicant around April of 2020. I understand that this protective net is not part of the scope of this permit and the city has asked the applicant that it must be removed since it is part of ongoing code enforcement. The applicant has yet to comply with many requests, notices, and citations from [sic] Laguna Beach Code enforcement to remove the net."

On May 20, 2021, the Community Development Director informed Mr. Towfiq that the applicant would address the permanent removal of the netting. (Exhibit K.) On June 4, 2021, Mr.

Towfiq responded by inquiring whether the City can require the poles for the netting that were “installed in the ground with concrete footings” be permanently removed and filled as a condition of the CDP for the Project. On June 5, 2021, the Community Development Director responded that “we can and will include a condition that the post holders be removed and filled.”

While the protective netting has since been taken down, one of the poles and the remaining three pole concrete footings and sleeves have not been removed. The erection and retention of the poles installed via concrete footings without design review approval or a CDP violate the Municipal Code, directly contradicting City staff’s own recognition that “[s]ince the net [and poles/footings are] not part of the application and still in violation, [they] need to be removed” prior to the hearing. (See Exhibit L [email from C. Dominguez to R. Corona re protective netting violation dated April 29, 2021].)

3. PREEXISTING VIOLATIONS AT THE PROPERTY.

In addition to the above, the City should not approve **any** additional development on the property until any and all existing violations in the form of unpermitted development are fully and finally resolved. “Development” includes “the placement or erection of any solid material structure on land” and “the grading, dredging, mining or extraction of any materials.” (Municipal Code, § 25.07.006, subd. (D).) Such prior unpermitted development includes:

- Unpermitted grading and/or fill of the property and the bluff top. (Exhibits H [photos], M [March 9, 2021 email to C. Dominguez re unpermitted fill].)
- Unpermitted construction of a new pool, deck, and spillway. (Exhibits N [photos], O [emails from City staff indicating no permitted plans for pool construction].)
- Unpermitted relocation of a retaining wall. (Exhibit P [before and after photos of retaining wall, prepared using Mr. Towfiq’s own personal knowledge].)
- Violation of Municipal Code’s good neighbor lighting provisions (blue lights behind applicants’ privacy wall reflecting light at the Towfiq/Nakahara property). (Exhibits Q [photos]; R [email acknowledging unpermitted installation of lighting in violation of ordinance].)
- Unpermitted tree lighting in violation of Municipal Code’s good neighbor lighting provisions. (Exhibit S [photos]).⁶

Failure to remedy these existing violations prior to approval of the requested CDP would reward repeat violations by permitting concealment and avoiding addressing the whole of the unpermitted development on the property. In fact, the City may not process the application until such time as all violations have been remedied. Thus, the CDP should be denied until such time that **all** existing unpermitted development has been addressed.

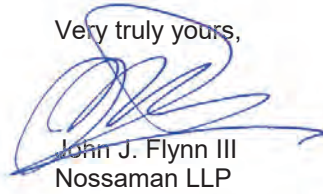
4. CONCLUSION.

This Project, as demonstrated decisively above, cannot pass the test of local and state law. Thank you very much for your consideration of our comments, which we submit without

⁶ While the Municipal Code does permit installation of holiday lighting from November 15 through January 15, applicants have maintained decorative tree lighting year-round, in violation of the Code.

prejudice to our right to submit additional comments, either orally or in writing, prior to the final hearing of the Gross' CDP application. Our letter and exhibits should of course be included in any administrative record pertaining to the subject applications.

Very truly yours,



John J. Flynn III
Nossaman LLP

JJF:art
Enclosures

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Refer To File # -

VIA EMAIL

January 11, 2022

Russell Bunim, Zoning Administrator
505 Forest Avenue
Laguna Beach, CA 92651
rbunim@lagunabeachcity.net

Re: Comments on Design Review 21-10809 and Coastal Development Permit 21-10810

Dear Mr. Bunim:

1. INTRODUCTION

On behalf of Mark Towfiq and Carol Nakahara ("Towfiq/Nakahara"), we submit the following comments on Design Review 21-10809 and Coastal Development Permit ("CDP") 21-10810 (the "Permits"), regarding the construction of an art installation and its related protective structure at 2475 South Coast Highway (APN 656-114-119) (the "Project"). Specifically, the Project involved the excavation of approximately 169 square feet of the existing lawn, which was filled with decomposed granite to serve as a base for installation of metal grating for the entirety of the footprint, and then secured in place with river rock to anchor the metal grating. That base structure serves to hold the art installation that is the subject of the Permits. Additionally, the Project involves installation of an approximately 12 ft. tall steel and glass structure over a footprint of approximately 236 sq. ft. to serve as a protective barrier for the massive art installation.¹

To elaborate, this is an after-the-fact permit application for installation of a highly illuminated blown-glass sculpture that the applicants have *already* installed. As the axiom goes, "better to ask forgiveness than permission." If that becomes an established practice for development applications in the City of Laguna Beach ("City"), it sends a terrible message to its residents.

While City staff proposes a timer for shut-off of the Project's proposed illumination between 10 p.m. (should be no later than 9 p.m. in any event; it shines right into the Towfiq/Nakahara bedroom) and 8 a.m., there is no reason to believe that the applicants will observe these restrictions. They have led a long campaign of harassment and intimidation

¹ Given the scale of the new structure, City' staff's conclusion that the Project is categorically exempt from CEQA under CEQA Guidelines section 15303 is in error. This is not a small structure, nor should the request be considered a "modification to a prior approval." This is a new application for an accessory structure within a required side yard.

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against Towfiq/Nakahara, which resulted in a restraining order against the applicants. The order, however, was not enough. The applicants simply waved off the order, violated it, then were found to be in contempt of court. If they consider themselves unbound by a court order, why would any member of the Design Review Board believe that the applicants consider themselves bound by a project condition of approval?

As detailed below, you will see that the Staff Report consists entirely of perfunctory conclusions, unexplained, and certainly not supported by substantial evidence. While the violations of the City's Municipal Code, General Plan, and Local Coastal Program ("LCP") are discussed more fully below, for ease of reference, they can be summarized as follows:

- First, the unpermitted use of fill to extend the "Bluff edge," almost now entirely man-made. The Staff Report asserts that the rear yard setback is 37 feet. 25 feet is required. No account, however, has been taken of the illegal fill placed on the property, and it is therefore impossible to tell where the real bluff edge lies. Even the report from GeoSoils, Inc., the applicants' geotechnical consultant, admits that there is fill in the area of the bluff edge, but nowhere indicates where the fill starts and where it ends. There is, therefore, no substantial evidence basis on which to conclude that the rear yard setback is 37 feet, or whether the setback in fact violates the restrictions imposed by the City's Municipal Code and the Land Use Element's definition of a Bluff Edge.
- Second, the setback, by code, is measured not only from the bluff edge, but also from the stringline, and there is no mention of the relevant string line in the Staff Report, an omission that is fatal to reliance on the staff report as substantial evidence for any conclusions about setback violations.
- Third, the side and rear yard setbacks have been grossly miscalculated, as demonstrated below.
- Fourth, the Staff Report states that there has been no excavation, but clearly there has been, or the sculpture could not have been installed, an obvious fact revealed by the photographs of the current installation.
- Fifth, by the City's own Code definition of "Building" or "Structure," which must be factored into any calculation of setbacks, the 12-foot tall glass enclosure for the art installation (erroneously described as 9'7" tall in the Staff Report) is a building, a reality impliedly acknowledged by the Staff Report, but for which no allowance has been made to determine compliance with setback requirements.
- Sixth, the addition of the glass enclosure will also inevitably have the effect of magnifying and skylighting the cumulative effects of the proposed 6900 lumens of light to be used for illumination of the building and sculpture.
- Seventh, the signer of this letter has been to the Towfiq/Nakahara home to view the sculpture both from the master bedroom and from other areas on the same level as the master bedroom. The Staff Report's suggestion that there will be no intrusion into the privacy of the Towfiq/Nakahara home is again without the

support of substantial evidence. More to the point, the Staff assertion is contradicted by the on-the-ground realities: the sculpture is **highly** visible from the master bedroom, not to mention a number of other vantage points. The idea that the light emitted by the project will comply with the Code's privacy protections and protection of view equity is likewise unsupported by substantial evidence.

On May 11, 2021, Mr. Towfiq submitted comments during the Zoning Plan Check phase of the Project. A copy of Mr. Towfiq's comments are submitted herewith, for ease of reference, as Exhibit A. The comments set forth in Mr. Towfiq's May 11, 2021 letter are incorporated in full into this comment letter on the Project's CDP application. At the time of Mr. Towfiq's comments, the Project consisted of installation of the art installation with anchored poles and protective netting; it did not include the steel and glass protective structure.

As discussed more fully below, the CDP for the Project should be denied for several independent reasons. First, the Project was never approved, was installed without the proper permits, and the Project violates pertinent setback requirements imposed by the City of Laguna Beach's Municipal Code ("Municipal Code"). Second, the applicants failed to comply with a number of the City's Design Guidelines for Residential Development, Design Review Criteria, and General Plan. Third, no CDP should be approved unless and until a host of unpermitted development at the property is first addressed and remedied.

Applicants seek to legalize a Project that was constructed without the benefit of the City's Design Review process or through the required permit approval processes. The Board must review this Project as if it does not exist, and it should not be influenced by the fact that the applicants installed the Project illegally and now seek to legalize it after the fact. Applicants should not be rewarded for their tactics; this should be deemed a "new application" for a new additional accessory building that has not received prior approval. As a new accessory building, the Project must adhere to all applicable City ordinances, codes, and guidelines. It does not.

2. THE PROJECT FAILS UTTERLY TO COMPLY WITH THE CITY'S CODE, ITS LCP, GENERAL PLAN AND RESIDENTIAL GUIDELINES.

The Project description in the draft agenda is flatly inaccurate. The Project is described as a request for "[m]odifications to a prior approval in the R-1 zone." The existing art installation was never approved. **The Project is not a modification** – it consists of the installation of a new structure that is by definition an "Accessory Building."²

It bears noting that these proceedings arose following the unpermitted installation of the art installation component on the property, which at the time included protective netting that is now proposed to be replaced with a towering steel and glass accessory structure. On July 28, 2020, the applicants were notified, following an inspection by the City's Code Enforcement Officer, that the installation of the Project, as well as poles with concrete foundations and

² To the extent the "modification" is to the prior approval of the main house, that original permit was issued by the California Coastal Commission in July 1984 – prior to certification of the City's LCP. The City does not have jurisdiction to amend or modify a permit issued by the Coastal Commission. (See Municipal Code, § 25.07.011, subd. (B) ["Development authorized by a coastal commission-issued permit remains under the jurisdiction of the commission for the purposes of compliance, amendment and revocation."].)

protective netting, were in violation of the Municipal Code because, among other things, the Project did not undergo design review and did not have the required CDP. (See Exhibit B.) While the applicants were required to bring the Project into compliance with the Municipal Code by August 24, 2020, they failed to do so. A second and final notice of violations was mailed on November 17, 2020. (Exhibit C.) Further failure to comply resulted in the issuance of an administrative citation on February 1, 2021. (Exhibit D.)

It is in that context that the existing violations of the Municipal Code must be viewed: one in which the applicants have routinely flouted compliance. Even now, the proposed Project fails to comply with existing setback requirements, and poles and concrete footings for the protective netting, which were installed without a permit, have not been removed.

A. Violation of Setback Requirements.³

Municipal Code section 25.10.008, subdivision (E)(3) requires that “[t]he width of any side yard shall not be less than ten percent of the average lot width.” The average lot width for the property is 190 feet. Thus, **each** side yard setback must be 19 feet. According to plans submitted by the applicant, the Project is located 13 feet 6 inches from the northern property line, or in violation of the required setback. Moreover, according to the City Zoning Division’s March 29, 2021 Zoning Plan Check (see Exhibit E), the required setback is greater than 19 feet because the existing house is approximately 11 feet 5 inches from the south property line. Thus, “a side setback of 26’7” is required from the north property line” to obtain the total required side yards of 38’. The City’s Zoning Division initially determined that because of the setback issue, “**this greater setback affects the current location of the art sculpture.**” (Emphasis added.)

Thus, there is no dispute that the Project violates the setback requirements set forth in the Code. To circumvent these clear requirements, however, staff has in the past claimed that setback requirements do not apply because the art installation is a temporary on-grade structure, and not a “structure” that must comply with setback requirements. However, that interpretation is based on a flawed reading of that term, which is very likely the reason it appears nowhere in the Staff Report. The term “structure” is nevertheless one that warrants discussion in this comment letter.

“Structure” is defined broadly to include “anything constructed or built, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some defined manner, which **requires location on the ground or is attached to something having a location on the ground**, except outdoor areas such as patios, paved areas, walks, tennis courts and other similar recreation areas.” (Municipal Code, § 25.08.034, emphasis added.)

There is no doubt that the Project constitutes a “structure.” The steel and glass accessory structure will in fact require structural engineering by code, as the structure’s height, weight, and volume will subject the structure and its surroundings to damage from an earthquake or high

³ In addition to the setback issues discussed below, the Staff Report is inaccurate with respect to the Project’s height. The Project as proposed consists not only of the art installation, but also the 12 ft. tall steel and glass protective structure. Thus, the indication at one point in the Staff Report that the proposed height of the Project is 9’7” misstates the Project’s height by more than 2’-3”.

winds. The laminated glass alone weighs approximately 14 lbs/sf or 4,081 lbs. The steel structural columns and beams needed to support the structure weigh approximately 2,800 lbs. Given its characteristics, a foundation will no doubt be required to anchor the structure into geologically approved bedrock. Contrary to the applicants' Scope of Work description, the structure would not be permitted to use its "weight alone as the only anchoring factor necessary for mitigation of the high winds or earthquake."

Further, as to the art installation, one need only examine the applicants' own Development Review Application (Exhibit F) to determine that the Project meets this definition of a "structure" under the Code. The instructions for installation note that the sod in the immediate area of the installation was removed, and the grade was excavated approximately six inches and filled with decomposed granite. The art installation itself was placed on top of that decomposed granite, which installation "consists of a sectioned steel grid which houses supports for the vertical elements as well as the built-in lighting aspect – **all of which are integral parts of the sculpture. The blown glass elements are not a stand-alone sculpture in-and-of themselves.**" (Emphasis added.) The description is clear: it is the entirety of the improvements that compose the Project; it is not simply the blown glass elements. To further stabilize the structure, hundreds of pounds of river rocks were placed on top of the metal grid to secure and anchor it to the ground, and a metal edge around the base of the metal grids was constructed to stop grass from growing inside the base of the art installation. The art installation has remained anchored in place without the benefit of permits **for more than two years.**

Even if the art installation were not in violation of the setback requirements itself, there is no dispute that the protective steel and glass structure component of the Project is a permanent structure that must comply with such setback requirements. The City's own code states that the side yard setback areas required by the Municipal Code may not be utilized by accessory buildings. (See Municipal Code, § 25.10.008, subd. (E)(3)(a)(2).) As defined in the Municipal Code, a "building" is "any structure built for the support, **shelter** or enclosure of persons, animals, **chattels or property of any kind.**" (Municipal Code, § 25.08.004, emphasis added.) Thus, as defined, the Project's glass structure is an "accessory building" subject to the side yard restrictions set forth in section 25.10.008.

Rather than address these requirements, the Staff Report contains a conclusory statement that the required Side (North) setback is 13'-6", which coincides with the proposed setback for the Project. In fact, the Staff Report provides no evidence or basis to support its conclusion that the Project complies with the applicable 26'-7" setback requirement.

B. Potential Violation of Required Rear Yard Setback.

Under the City's Municipal Code, "no new . . . 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.**" (Municipal Code, § 25.50.004, subd. (B)(4), emphasis added.) The building stringline averages the setback of oceanfront buildings on both adjacent sides of coastal lots. (*Id.*, subd. (B)(4)(b).) It is defined as "a line across a parcel that connects the oceanward ends **of the nearest adjacent walls** of the main buildings on adjacent lots." (*Ibid.*, emphasis added.)

Here, the applicants' plans depict an inaccurate stringline, which is actually further inland than the depicted 25' bluff top setback. (See Exhibit G [depiction of actual stringline imposed on applicant's plans, prepared by architect Morris Skenderian].) The Project plans depict the stringline at Villa Rockledge as emanating from a certain point on the main house. However, there is another portion of the building adjacent to and closer to Villa Rockledge near the property line and, therefore, that portion or corner of the building should be used to calculate the stringline rather than the main house. Utilizing the correct portion of the building, the new stringline would be approximately 3'-4' closer to the Project as depicted in the plans and, as shown in Exhibit G, the Project would exceed that required setback.⁴

Even if the Project does not violate the required stringline setback, which it does, there is a potential violation of the required bluff top setback. The "Bluff Determination for the Landscape/Sculpture improvements" prepared by GeoSoils, Inc. (the "Bluff Determination") for the Project does not appear to be accurate because, as demonstrated below, unpermitted fill has been placed on the property and covered with sod, extending the bluff top delineation. (See Exhibit H [before and after photos, including one exhibit prepared by Mr. Towfiq utilizing personal knowledge and online marketing photograph].)⁵ While the full extent of the placed fill is not known, it potentially impacts the minimum required 25-foot setback from the bluff top. (See Municipal Code, § 25.44.050, subd. (E)(3) ["In no case shall the bluff-top setback be less than twenty-five feet"].)

According to the "Laguna Beach General Plan, Land Use Element" (City of Laguna Beach, 2012), definition No. 102, an oceanfront bluff/coastal bluff is defined as:

A bluff overlooking a beach or shoreline or that is subject to marine erosion. Many oceanfront bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term "oceanfront bluff" or "coastal bluff" refers to the **entire slope** between a marine terrace or upland area and the sea. The term "sea cliff" refers to the lower, near-vertical portion of an oceanfront bluff.

(Emphasis added.)

Land Use Element definition No. 101 defines the "Oceanfront Bluff Edge" or "Coatal Bluff Edge" in accordance with the California Coastal Act regulations. Specifically, it defines the bluff edge as "the upper termination of a bluff, cliff or seacliff." Further, "[i]n cases where the top edge of the bluff is rounded away from the face of the bluff, the bluff edge shall be defined as the point nearest the bluff face **beyond which a downward gradient is maintained continuously to the base of the bluff.**" (*Ibid.*, emphasis added.) Importantly, "[i]n cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge **shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff.**" (*Ibid.*, emphasis added.)

⁴ There are actually two stringlines depicted on the applicants' plan: (1) approximate patio stringline, and (2) approximate building stringline. They are labeled incorrectly, and their labels should be switched.

⁵ The artificial fill at issue was placed by the applicants' predecessor-in-interest at the property.

Applied to the topography of the applicants' property, and when reviewing the photographs included in Exhibit H, it appears that the impact of the artificial fill extended outward the point at which the rounded portion begins. In other words, it appears to have extended the bluff edge and, therefore, distorted the location of the 25' setback.

While the Bluff Determination does note that artificial fill was observed at the bluff top, the extent of the fill was not analyzed, nor is the potential impact that unpermitted fill might have in artificially moving the required bluff-top setback, including by artificially decreasing the slope of the yard or altering the natural gradient in a way that modified the delineation of the bluff top. Put simply, there is no substantial evidence to support a conclusion that the unpermitted placement of fill on the property did not impact the location of the bluff top edge. The LCP, via the Land Use Element's definition No. 101 of "Oceanfront Bluff Edge" is clear: "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**." (Emphasis added.)

Moreover, the Staff Report erroneously states that the required bluff top setback is only 10 feet, in clear contravention of the requirements of section 25.44.050, subdivision (E)(3). Staff claims that section 25.50.004(B)(4)(d) supports this 10-foot bluff top setback for the rear yard. Staff does **not** provide any support for its conclusion that the Project qualifies as a balcony, patio, deck, or similar architectural structure to which that setback may apply. In fact, as discussed above, the Project is an accessory building to which the 10 foot setback does not apply.

Based on the information presented in the Staff Report, as well as the failure to adequately address the unpermitted fill on the property that may have extended the bluff top, a potential violation of the bluff top setback by the Project is present. More investigation is necessary to address the impact that this unpermitted fill may have had on the bluff top, and the CDP should therefore be denied at this time.

C. Lack of Compliance With the City's Design Guidelines for Residential Developments.

Notwithstanding the violations of the Municipal Code identified above, the applicant failed to follow the City's Residential Guidelines prior to embarking on **design** of the Project, let alone construction of the Project without required permits. Such failures include, but are not limited to, the following:

- **Chapter 1: Design Review Considerations.** This chapter outlines the Design Review process and the factors the applicant should consider prior to embarking on design of their project, including: (1) consideration of the "neighborhood context," privacy, neighborhood pattern of development, setbacks, and building orientation; (2) consideration of the "relationship to neighboring properties, other opportunities, and constraints"; and (3) consultation with neighbors in a meeting on site to gather information on and response to concerns related to the project. Applicants did not comply with these guidelines.
- **Chapter 5: Design Integrity.** "Accessory structures may include structures such as artists' studios, detached garages, sheds, gazebos, swimming pools." Although

the proposed accessory structure may not be a “gazebo,” its characteristics are similar and should be considered an accessory structure not permissible in the required side yard setback.

- **Chapter 10: Lighting and Glare.** “Reflective materials and appurtenances that cause glare or a negative visual impact, .i.e. skylights, reflective glass, etc., should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties.” Further, section 10.3 regarding prevention of light trespass, states that development should avoid excessive illumination, design exterior lighting to be fully shielded and directed downward, and conceal skylights to the greatest extent possible. Here, the structure’s glass roof is essentially a large skylight. As proposed, the proposed Project’s lighting features will trespass the site and have negative impacts on the neighborhood, including the night sky experience.
- **Chapter 11: Neighborhood Compatibility.** “Development shall be compatible with existing development in the neighborhood and respect neighborhood character. To ensure this, prior to design, applicants should make a thorough reconnaissance of the area surrounding the site and contact affected neighbors early to receive input about neighborhood values and issues. Applicants did not contact Mr. Towfiq to receive input on the Project.
- **Chapter 16: View Equity.** “Development may have visual impacts well beyond property boundaries, and these will be fully assessed during the design review. During the initial design process, applicants should consider the proposed project from a variety of off-site perspectives that honor public and private views.” One objective is to minimize projects’ mass to maintain neighborhood views by: creating low profile structures, using transparent materials when feasible, and using compact building footprints to maintain views above and along the sides of a structure. Applicants did not consider view equity when they proposed the massive accessory structure in the proposed location.

In short, it is clear that applicants did not comply with numerous City Design Review guidelines. Rather, they proceeded with the design and construction of a massive and unpermitted project that has significant negative impacts.

D. Violation of Design Review Criteria.

Not only does the Project fail to comply with the City’s required Design Review Guidelines, the record does not contain substantial evidence to support a determination that the Project complies with applicable Design Review Criteria. Specifically, substantial evidence does not support staff’s proposed findings that the Project is consistent with the following criteria:

- **No. 2 – Design Articulation:** As discussed in more detail above, the determination that the Project complies with setback requirements is not supported by substantial evidence in the record. There is no substantial evidence to support a conclusion that the Project complies with required side yard and rear yard setbacks.

- **No. 4 – Environmental Context:** As discussed in more detail above, there is insufficient evidence to conclude that the Project is 37' from the bluff edge, as Staff has failed to identify the existing bluff edge prior to placement of unpermitted artificial fill. As noted above, the Land Use Element defines the bluff edge as the *original* bluff edge, even if buried beneath fill, in areas where fill has been placed.
- **No. 7 – Landscaping:** The staff's proposed finding of consistency incorrectly states that no changes to the existing landscaping are proposed. *The art installation was installed illegally via excavation and alteration of approximately 150 square feet of existing landscaping*, in clear contravention of the conclusion that "no changes to the existing landscaping are proposed." As discussed above, despite its unpermitted existence, the Project must be evaluated as new, as if it were not already installed.
- **No. 8 – Lighting and Glare:** The Project involves the placement of (cumulatively) 6,900 lumens of new directional lights, aimed at a steel and glass sculpture and glass laminate ceiling. As discussed above, the glass roof is essentially a large skylight. As proposed, the Project's lighting features will trespass the Towfiq home and adversely affect others in the vicinity, increasing glare and significantly and adversely affecting the night sky experience. (See Exhibit I [photos of glare from protective netting previously installed over unpermitted art installation].)
- **No. 9 – Neighborhood Compatibility:** The Project is not compatible with the Towfiq/Nakahara private use of their neighboring property. Specifically, the Project will have a substantial impact on Towfiq/Nakahara views looking southward from the rear of their property, including from the master bedroom and backyard. (See Exhibit J [photos of installation and structure staking from rear of Towfiq property].)
- **No. 11 – Privacy:** The determination of consistency is not accurate. The Project will be a source of visual intrusion for the Towfiq/Nakahara master bedroom and pool area.
- **No. 16 – View Equity:** The determination of consistency is not accurate. The Project is not compatible with the Towfiq/Nakahara private use of their neighboring property. Specifically, the Project will have a substantial impact on Towfiq/Nakahara views looking southward from the rear of their property, including from the master bedroom and backyard. (See Exhibit J.)

In short, the Project does not comply with the City's Design Review Criteria.

E. **Inconsistency with CDP Criteria:**

In addition to the above-identified inconsistencies with the City's required Design Review Guidelines and Design Review Criteria, the record does not support the conclusion that the Project complies with applicable CDP criteria. Specifically, substantial evidence does not support staff's proposed findings that the Project is consistent with the following:

- **No. 2:** As discussed in more detail above, there is insufficient evidence to conclude that the Project is 37' from the bluff edge, as nobody has determined the existing bluff edge prior to placement of unpermitted artificial fill on the basis of substantial evidence. Further, staff does not cite any evidence to support its conclusion regarding archaeological or paleontological resources.
- **No. 4: Again,** there is no substantial evidence to support the conclusion that the Project is 37' from the bluff edge.
- **No. 5:** The record does not support the conclusion that the proposed development minimizes alterations of natural landforms. This conclusion ignores the documented prior placement of significant volumes of artificial fill in the backyard that most certainly have altered the location of the bluff edge.
- **No. 7:** As stated, Staff does not cite any evidence to support its conclusion regarding existence of or compliance with archaeological or paleontological resources.

These inconsistencies with applicable CDP criteria likewise compel denial of the application.

F. Inconsistency with General Plan.

A number of the proposed consistency determinations related to the General Plan Land Use Element (set forth in Exhibit A to the Staff Report) rely on the unsupported conclusion that the Project's setback is 37' from the bluff edge. As noted repeatedly above, that determination is not supported by substantial evidence. In fact, the evidence demonstrates that fill was illegally placed on the property in a manner that artificially altered the property's bluff edge and, therefore, the alleged 37' setback is inaccurate. Because the findings of consistency with LU Policy 2.10 and LU Element Action 7.3.4 rely on the assumption of a 37' setback for the Project, they are not supported by substantial evidence.

G. Unpermitted Erection of Protective Measures.

In addition to the unpermitted installation of the art installation, protective structures were also constructed at the property without required permits. As discussed above, the City's first code violation notice on July 28, 2020 specifically noted netting and poles were installed "without City approval or permits." (Exhibit B.) Mr. Towfiq's May 11, 2021 comments regarding the Zoning Plan Check included notice that the "applicant has not complied with Laguna Beach Code enforcement regarding the protective net." Specifically, Mr. Towfiq noted that "[a] protective net over the art structure was installed by the applicant around April of 2020. I understand that this protective net is not part of the scope of this permit and the city has asked the applicant that it must be removed since it is part of ongoing code enforcement. The applicant has yet to comply with many requests, notices, and citations from [sic] Laguna Beach Code enforcement to remove the net."

On May 20, 2021, the Community Development Director informed Mr. Towfiq that the applicant would address the permanent removal of the netting. (Exhibit K.) On June 4, 2021, Mr.

Towfiq responded by inquiring whether the City can require the poles for the netting that were “installed in the ground with concrete footings” be permanently removed and filled as a condition of the CDP for the Project. On June 5, 2021, the Community Development Director responded that “we can and will include a condition that the post holders be removed and filled.”

While the protective netting has since been taken down, one of the poles and the remaining three pole concrete footings and sleeves have not been removed. The erection and retention of the poles installed via concrete footings without design review approval or a CDP violate the Municipal Code, directly contradicting City staff’s own recognition that “[s]ince the net [and poles/footings are] not part of the application and still in violation, [they] need to be removed” prior to the hearing. (See Exhibit L [email from C. Dominguez to R. Corona re protective netting violation dated April 29, 2021].)

3. PREEXISTING VIOLATIONS AT THE PROPERTY.

In addition to the above, the City should not approve **any** additional development on the property until any and all existing violations in the form of unpermitted development are fully and finally resolved. “Development” includes “the placement or erection of any solid material structure on land” and “the grading, dredging, mining or extraction of any materials.” (Municipal Code, § 25.07.006, subd. (D).) Such prior unpermitted development includes:

- Unpermitted grading and/or fill of the property and the bluff top. (Exhibits H [photos], M [March 9, 2021 email to C. Dominguez re unpermitted fill].)
- Unpermitted construction of a new pool, deck, and spillway. (Exhibits N [photos], O [emails from City staff indicating no permitted plans for pool construction].)
- Unpermitted relocation of a retaining wall. (Exhibit P [before and after photos of retaining wall, prepared using Mr. Towfiq’s own personal knowledge].)
- Violation of Municipal Code’s good neighbor lighting provisions (blue lights behind applicants’ privacy wall reflecting light at the Towfiq/Nakahara property). (Exhibits Q [photos]; R [email acknowledging unpermitted installation of lighting in violation of ordinance].)
- Unpermitted tree lighting in violation of Municipal Code’s good neighbor lighting provisions. (Exhibit S [photos]).⁶

Failure to remedy these existing violations prior to approval of the requested CDP would reward repeat violations by permitting concealment and avoiding addressing the whole of the unpermitted development on the property. In fact, the City may not process the application until such time as all violations have been remedied. Thus, the CDP should be denied until such time that **all** existing unpermitted development has been addressed.

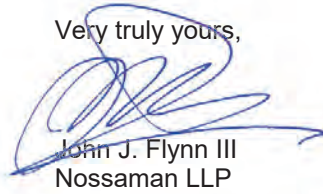
4. CONCLUSION.

This Project, as demonstrated decisively above, cannot pass the test of local and state law. Thank you very much for your consideration of our comments, which we submit without

⁶ While the Municipal Code does permit installation of holiday lighting from November 15 through January 15, applicants have maintained decorative tree lighting year-round, in violation of the Code.

prejudice to our right to submit additional comments, either orally or in writing, prior to the final hearing of the Gross' CDP application. Our letter and exhibits should of course be included in any administrative record pertaining to the subject applications.

Very truly yours,



John J. Flynn III
Nossaman LLP

JJF:art
Enclosures

cc: Jessica Gannon: jgannon@lagunabeachcity.net
Debbie Neev (Chair Pro Tem): dneev@lagunabeachcity.net
Don Sheridan: dsheridan@lagunabeachcity.net
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Mark E. Towfiq

949-244-6150 mark@towfiq.com 2425 South Coast Highway, Laguna Beach, CA 92651

May 11, 2021

Mr. Marc Wiener (mwiener@lagunabeachcity.net)

Director of Community Development

City of Laguna Beach

505 Forest Avenue

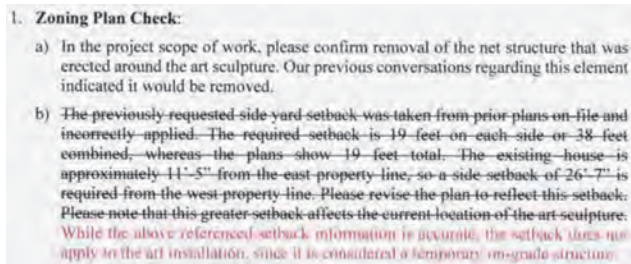
Laguna Beach, CA 92651

Via Email

RE: **Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway (2nd Review)**

Dear Mr. Wiener,

I am writing in regards to the 2nd review letter on Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway dated March 29, 2021. A revision was made to this letter on "May 30, 2021 [sic]" as noted in red below before it was sent out to the applicant.



During the initial review, the art installation was correctly identified as a "Structure" defined in Laguna Beach Municipal code and subject to compliance with all the setback rules. But for some unexplained reason in the revision to the letter, the setback requirements were crossed off and the art installation was now considered to be a "temporary on-grade structure".

1. **The city has incorrectly designated the art installation as a temporary structure**

The art installation was installed about 2 years ago (around May 30, 2019) and it has not been moved since then. Unlike an actual temporary on-grade removable accessory structures such as play structures this art installation was meant to be there permanently.

According to the applicant's submission, the base of the art installation sits on a bed of DG (Decomposed Granite) which was dug into the existing lawn, a large metal grating (grid) placed on top of the bed of DG which covers the entire area of the art installation (23' x 7'4"). To further stabilize the structure, hundreds of pounds of river rocks were placed on top of the metal grating and further placed a metal edge around the base of the metal grating to stop grass from growing inside the base of the art installation. The way the art

Exhibit A, Page 1 of 31

installation has been installed, with the DG, metal grating and the river rock on top, it has essentially been attached to the ground and it was never meant to be moved.

The definition of "Structure" according to the Laguna Beach Municipal code:

"Structure" means anything constructed or built, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some defined manner, which requires location on the ground or is attached to something having a location on the ground, except outdoor areas such as patios, paved areas, walks, tennis courts and other similar recreation areas;

According to this definition, the art installation is a Structure and can not be considered a temporary on-grade structures.

2. The art installation must comply with the setback rules and max ground area

Even if the art installation is considered a temporary on-grade structure, it must comply with the set back rules and the area it encompasses cannot exceed 120 square feet according to 25.05.040 (B)(2)(n) (Design Review - Temporary on-grade removable accessory structure):

25.05.040 Design review, (B)(2)(n): Temporary on-grade removable accessory structures used as play sets, swing sets and other similar unenclosed recreation equipment provided that: (i) the ground area of the structure does not exceed one hundred twenty square feet, (ii) the structure is less than twelve feet above adjacent ground elevation, and (iii) the structure is not located in a required setback area unless it receives administrative design review approval;

Not only the area the art installation covers exceeds 120 square feet (actual 23' x 7'4" = 168.67 square feet), it is also placed entirely in the side yard set back of 26'7" on the north-side of the property.

In addition to compliance with the side yard set back rules, the structure must also comply with the bluff top set back of 25'. Even though the applicant has provided their proposed location of the bluff top setback on the plan, as such, it is hard to determine the true location of the bluff top setback since there was extensive grading and fill on the bluff top during a major renovation of the house in 2016 by the previous owner.

The art installation must go through the design review process as well as comply with all setback rules.

3. The applicant has not complied with Laguna Beach Code enforcement regarding the protective net.

A protective net over the art structure was installed by the applicant around April of 2020. I understand that this protective net is not part of the scope of this permit and the city has asked the applicant that it must be removed since it is part of on going code enforcement. The applicant has yet to comply with many requests, notices, and citations from Laguna Beach code enforcement to remove the net.

The city must make the permanent removal of the protective net a condition of approving the permit.

Based upon the findings discussed herein, the art installation should be considered a Structure as defined in the Laguna Beach municipal code. Furthermore, this Structure should comply with all the setback rules and all other restrictions applied to structures built within 50' of the coastal bluff edge.

Sincerely yours,

Mark E. Towfiq

cc: Chris Dominguez (cdominguez@lagunabeachcity.net) Associate Planner
Bob Whalen (bwhalen@lagunabeachcity.net) Laguna Beach Mayor
Shohreh Dupuis (sdupuis@lagunabeachcity.net) Laguna Beach City Manager
Ross Corona (rcorona@lagunabeachcity.net) Code Enforcement Officer
Lillian Irish (lirish@lagunabeachcity.net) Code Enforcement Supervisor
Andrew Willis (andrew.willis@coastal.ca.gov) SoCal Enforcement Supervisor

Enclosures: Zoning Plan Check letters
Code enforcement letters

Exhibit A, Page 3 of 31



**CITY OF LAGUNA BEACH
ZONING DIVISION**

*File
2nd review*

March 29, 2021 (*Revised- May 30, 2021*)

Mr. Laurence Nokes, Esq.
410 Broadway Street, #200
Laguna Beach, CA 92651

Re: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

Dear Mr. Nokes:

Thank you for submitting the above referenced application on March 1, 2021. Pursuant to Section 65943 of the California Government Code, staff has completed a follow-up review of your application within the prescribed 30-day period for compliance with City Zoning standards. Due to missing information and/or inconsistencies between the project plans and submitted application, as explained further below, it has been determined that the application is incomplete.

The attached list of **Additional Information/Requirements** details information that must be supplied and/or complied with before the City can deem your application complete and begin formal processing. Please be aware that as this project is processed, there may be a need to clarify or supply new information based upon staff's comments and your responses to staff, particularly if modifications or refinements are proposed.

Please be advised that in accordance with State law, once the additional information is submitted, a new 30-day period will commence in which to determine if the revised application is complete. To simplify and help expedite this review, all of the information should be submitted at one time. For additional information regarding the City's zoning standards, please visit the City's website at the following address: www.lagunabeachcity.net and look under Government then City Government for "Municipal Code." City General Plan information is also available on the website.

If you have questions, or would like to discuss your project in further detail, please feel free to contact Chris Dominguez, Associate Planner (949) 497-0745 cdominguez@lagunabeachcity.net.

NOTE TO APPLICANT: IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO ENSURE THAT DISCREPANCIES DO NOT EXIST BETWEEN THE PROJECT'S DESCRIPTION ON THE PERMIT, THE ARCHITECTURAL PLANS AND THE STRUCTURAL PLANS. IF DISCREPANCIES EXIST BETWEEN ARCHITECTURAL PLANS AND STRUCTURAL PLANS, THE ARCHITECTURAL PLANS SHALL TAKE PRECEDENCE. ULTIMATELY THE SCOPE OF WORK, AS DESCRIBED ON THE PERMIT AUTHORIZING THE CONSTRUCTION, TAKES PRECEDENCE OVER THE PLANS. IF THERE IS A DISCREPANCY BETWEEN THE PLANS AND THE DESCRIPTION ON THE PERMIT, THE PERMIT GOVERNS. IF THE REQUIRED CORRECTION/ITEMS ARE NOT RECEIVED BY THE DEPARTMENT WITHIN SIX MONTHS OF THE DATE OF THIS LETTER, THE DEVELOPMENT WILL AUTOMATICALLY BE DEEMED ABANDONED AND A NEW APPLICATION AND PAYMENT OF CURRENT FEES WILL BE REQUIRED.

Attachments: Additional Information/Requirements

FORMS/Zoning - Updated 7/22/2020

Exhibit A, Page 4 of 31

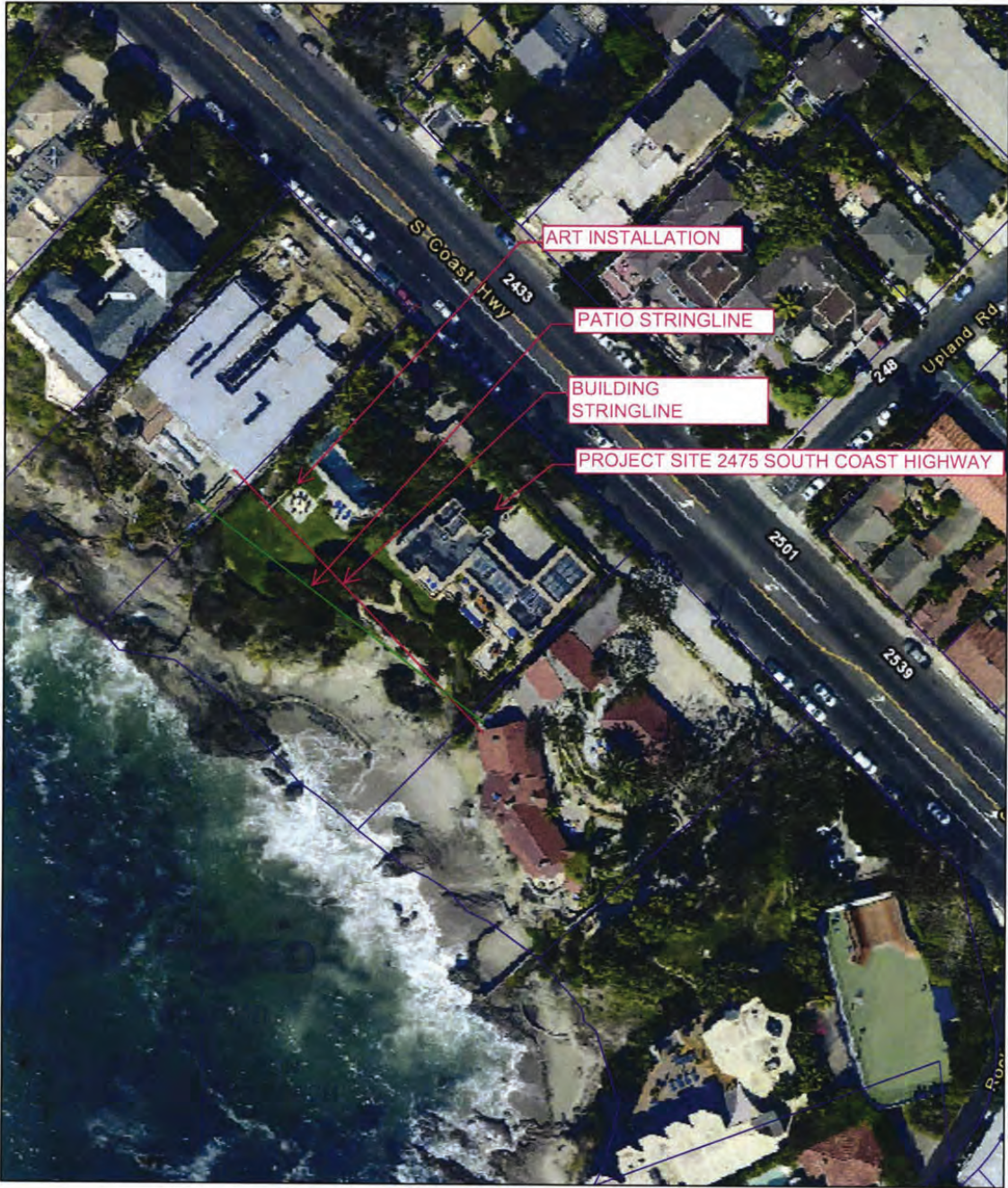
Additional Information/Requirements: A preliminary review of the submitted application has determined that the following additional information is needed towards achieving completeness. Please note in the left-hand margin where corrections have been made or provide a separate response list identifying revisions/corrections, as this will help staff expedite further reviews. Please return this Plan Check List along with two sets of revised plans, staff red lined plans and any additional documentation noted.

1. **Zoning Plan Check:**

- a) In the project scope of work, please confirm removal of the net structure that was erected around the art sculpture. Our previous conversations regarding this element indicated it would be removed.
- b) ~~The previously requested side yard setback was taken from prior plans on-file and incorrectly applied. The required setback is 19 feet on each side or 38 feet combined, whereas the plans show 19 feet total. The existing house is approximately 11' 5" from the east property line, so a side setback of 26' 7" is required from the west property line. Please revise the plan to reflect this setback. Please note that this greater setback affects the current location of the art sculpture.~~
While the above referenced setback information is accurate, the setback does not apply to the art installation, since it is considered a temporary on-grade structure.

- 2. **Required Entitlements:** The proposed project will require approval of an administrative coastal development permit for minor development (art installation with no foundation or necessary grading) within 50 feet of a coastal bluff edge. ~~Staff will proceed with processing an administrative coastal development permit once confirmation is received that the net structure has been removed from the scope of work.~~
- 3. **Code Enforcement** - Given that your application request is in response to a violation identified through the City's Code Enforcement Division, please reply to the contents of this incomplete letter within the next 30 days or this case will be remanded back to the Code Enforcement Division for further enforcement.

City of Laguna Beach Parcel Information



3/1/2021, 11:12:03 AM

World Transportation Green: Band #1
Laguna_Beach_Ortho.ecw Blue: Band #2
Red: Band #0

Ownership Information

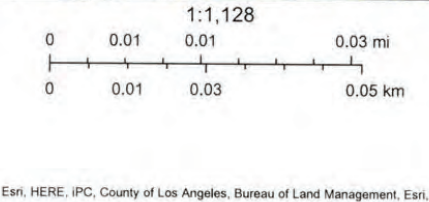


Exhibit A, Page 6 of 31



Laguna Beach
Community Development
505 Forest Avenue
Laguna Beach, CA 92651
(949) 497-0301

CE# 6029
Case # CE2020-2278

ADMINISTRATIVE CITATION

An inspection of the premises revealed violations of the Laguna Beach Municipal Code:


Location of Violation: 2475 S. Coast Hwy., Laguna Beach, CA 92651		
APN: 656-114-19	Zone: R1	
Business Name:		
Responsible Person(s): William H. Gross		
Address: 520 Newport Center Dr.		
City: Newport Beach	State: CA	Zip: 92660
As of Monday, February 01, 2021 , you are in violation of the following Laguna Beach Municipal Code Sections:		
Code & Section:	Description:	
LBMC 7.70.060 (a)(j)	Good Neighbor Lighting Exemptions.	
LBMC 14.50.010 / CBC 105.1	Permits Required.	
LBMC 25.05.040 (B)(1)(u)	Design Review	
LBMC 25.07.004	Coastal development permit required.	
Corrections Required: Submit the corrections to the plans and required applications to the Community Development Department to obtain Zoning/Building Division's approval and a permit to legalize the art installation and lighting or remove all by the compliance date shown below.		
Continuing Violation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Prospective Daily Fine: \$200.00 (per violation per day)	Previous Cite#:
Compliance Date: You have a compliance date of Wednesday, February 17, 2021 , by which time you are to permanently correct the above-noted violation(s). Your failure to permanently correct this matter by the Compliance Date will result in further Code Enforcement action including, but not limited to, the assessment of fines, criminal charges, and any and all other legal and/or administrative remedies available to the City of Laguna Beach.		
<input type="checkbox"/> Courtesy Notice of Municipal Code Violation No fines are being assessed at this time. Correct the above-noted violations by the Compliance Date.		
<input checked="" type="checkbox"/> Administrative Citation: Fine Amount \$100.00 (1 day x 1 violation = \$100.00) You have failed to correct the above-noted code violation(s) as previously ordered by the Code Enforcement Office and are hereby subsequently ordered to correct said code violations by the Compliance date AND pay the fine amount indicated about within 30 days of the date of this citation. Please see the reverse side concerning payment instructions and your rights to request an appeal hearing.		
Service of Violation Notice / Administrative Citation by: <input type="checkbox"/> Personal Service <input type="checkbox"/> Person Cited-refused -to sign receipt for Citation.		
<input type="checkbox"/> Violations not committed in my presence, certified on information and belief. <input checked="" type="checkbox"/> Property Posted		
<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Served via Certified and First Class mail: 2/1/2021 #7019 2280 0001 2746 2748		
I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT EXECUTED ON DATE SHOWN ABOVE.		
Issuing Officer: Ross Corona 	Title/Badge Number: Code Enforcement Officer #02	Date Issued: 2/1/2021
Violator: Without admitting guilt, I acknowledged having received the citation.		
X:		
THE LAW REQUIRES THAT YOU TAKE STEPS TO EITHER: Comply with this citation, or; (2) Contest this citation. To COMPLY with this citation, pay any assessed fine within 30 days and correct the noted violations by the Compliance Date. See the reverse side for further information. To CONTEST this citation and request a hearing, follow the procedures on the reverse side of this citation.		

Exhibit A, Page 7 of 31

CITY OF LAGUNA BEACH
Community Development Department
Code Enforcement Division

NOTICE OF MUNICIPAL CODE VIOLATION ADMINISTRATIVE CITATION

THE LAW REQUIRES YOU TO COMPLY WITH THE FOLLOWING STEPS TO EITHER COMPLY WITH OR CONTEST THIS CITATION:

TO COMPLY: Pay the fine (if applicable) within 30 days from the date of the citation or be subject to a late penalty. The citation and fine shall be mailed or delivered to the CITY OF LAGUNA BEACH, CODE ENFORCEMENT OFFICE, 505 FOREST AVENUE, LAGUNA BEACH, CA 92651-2332. The citation number must be written on the face of the check or money order. Do not send cash.

IMPORTANT: The payment of the fine does NOT excuse you from the requirement to correct the Laguna Beach Municipal Code [LBMC] violation(s) cited herein. **A continuing violation is subject to daily additional fines after the compliance date, until such time that correction is verified per Section (c) below.**

If this citation is for a Building Code violation(s) you have 30 days from the date of the citation to correct the violation(s) with the Building Division located at City Hall and not have to pay a fine, although Building Permit penalties will be assessed on any permits required be issued and related to the Building Code violation. You may be cited for additional violation(s) for each day the violation(s) exists after the end of the 30 day correction period. The Building Division may be reached at (949) 497-0715.

An enforcement officer of the City must verify the abatement of all cited-violation(s). The responsible party shall call (949) 497-0301 and schedule an inspection by an enforcement officer. Fines shall accrue until the abatement is verified, less any days delayed by action of the City in scheduling said inspection.

TO CONTEST: ADMINISTRATIVE HEARING – You may request an Administrative Hearing to contest the citation, and/or the assessments and/or liens for the fines thereof by 1) filing a signed copy of the citation; 2) requesting a hearing (see below) with the CITY OF LAGUNA BEACH, CITY CLERKS OFFICE, 505 FOREST AVENUE, LAGUNA BEACH CA 92651-2332, and 3) paying an advance deposit equal to the amount of the fine specified on the front of this citation. **An Administrative Hearing request MUST be made within twenty-one (21) calendar days from the issuance of the citation.** If you qualify for a financial hardship waiver [LBMC §15.090(c)] you may request a waiver (see below) when you file your request for an Administrative Hearing. In addition to the citation you must submit evidence that you do not have the financial ability to pay the fine deposit. If a hardship waiver is requested, the waiver decision on the violation(s) will be made within 3 days of the request.

IMPORTANT: The Administrative Hearing will be set on a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed. You will receive at least ten (10) days advance notice of the hearing date and time. The location of the Administrative Hearing will be at the Laguna Beach City Hall, 505 Forest Avenue, Laguna Beach, CA 92651-2332. You are required to attend the hearing.

The hearing officer will decide your request and notify you of their decision within ten (10) days by mail. If it is determined by the hearing officer that there was no code violation (s), that you corrected it in time, or that you are not a responsible party to the violation(s), the violation will be cancelled and the fine deposit returned to you. If the hearing officer denies your request, the deposit will be kept by the City for payment of the fine.

You may file an appeal of the hearing officer's decision with the Orange County Superior Court within twenty (20) days of being notified of the decision. To appeal you must pay the appropriate filing fees to the court.

IMPORTANT NOTICE: The violation(s) of the LBMC section(s) charged in this citation constitute a NUISANCE. Unpaid fines and other costs of abatement for property related violations may be collected by the City by an assessment and/or lien against real property pursuant to the Government Code Sections 38773.1 and 38773.5 and LBMC section 7.24. Unpaid assessments can result in property being sold after three (3) years by the County tax Collector. A full description of the Administrative Citation procedures is found in LBMC Chapter 1.15. For further information about the Administrative Citation you can call the City's Code enforcement office at (949) 497-0301.

IMPORTANT – USE THIS FORM TO CONTEST THIS CITATION

- ☐ I hereby request an Administrative Hearing on the following ground(s) and agree to attend the hearing thereon:
- ☐ The violation(s) did not occur;
 - ☐ The violation(s) was corrected in time; or
 - ☐ I am not the responsible party with regard to this violation(s).

- ☐ I hereby request the fine deposit be waived due to financial hardship. I have attached the evidence that I do not have the financial ability to pay the fine deposit.

Signature of Person Making the Request

Date:

X _____

Exhibit A, Page 8 of 31



**CITY OF LAGUNA BEACH
ZONING DIVISION**

File
1st review

December 21, 2020

Mr. Laurence Nokes, Esq.
410 Broadway Street, #200
Laguna Beach, CA 92651

Re: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

Dear Mr. Nokes:

Thank you for submitting the above referenced application on December 7, 2020. Pursuant to Section 65943 of the California Government Code, staff has completed a preliminary review of your application within the prescribed 30-day period for compliance with City Zoning standards. Due to missing information and/or inconsistencies between the project plans and submitted application, as explained further below, it has been determined that the application is incomplete.

The attached list of **Additional Information/Requirements** details information that must be supplied and/or complied with before the City can deem your application complete and begin formal processing. Please be aware that as this project is processed, there may be a need to clarify or supply new information based upon staff's comments and your responses to staff, particularly if modifications or refinements are proposed.

Please be advised that in accordance with State law, once the additional information is submitted, a new 30-day period will commence in which to determine if the revised application is complete. To simplify and help expedite this review, all of the information should be submitted at one time. For additional information regarding the City's zoning standards, please visit the City's website at the following address: www.lagunabeachcity.net and look under Government then City Government for "Municipal Code." City General Plan information is also available on the website.

If you have questions, or would like to discuss your project in further detail, please feel free to contact Chris Dominguez, Associate Planner (949) 497-0745 cdominguez@lagunabeachcity.net.

NOTE TO APPLICANT: IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO ENSURE THAT DISCREPANCIES DO NOT EXIST BETWEEN THE PROJECT'S DESCRIPTION ON THE PERMIT, THE ARCHITECTURAL PLANS AND THE STRUCTURAL PLANS. IF DISCREPANCIES EXIST BETWEEN ARCHITECTURAL PLANS AND STRUCTURAL PLANS, THE ARCHITECTURAL PLANS SHALL TAKE PRECEDENCE. ULTIMATELY THE SCOPE OF WORK, AS DESCRIBED ON THE PERMIT AUTHORIZING THE CONSTRUCTION, TAKES PRECEDENCE OVER THE PLANS. IF THERE IS A DISCREPANCY BETWEEN THE PLANS AND THE DESCRIPTION ON THE PERMIT, THE PERMIT GOVERNS. IF THE REQUIRED CORRECTION/ITEMS ARE NOT RECEIVED BY THE DEPARTMENT WITHIN SIX MONTHS OF THE DATE OF THIS LETTER, THE DEVELOPMENT WILL AUTOMATICALLY BE DEEMED ABANDONED AND A NEW APPLICATION AND PAYMENT OF CURRENT FEES WILL BE REQUIRED.

Attachments: Additional Information/Requirements
General Plan Land Use Element "Bluff Edge" Definition
Project Summary Table

FORMS/Zoning – Updated 7/22/2020

Exhibit A, Page 9 of 31

Additional Information/Requirements: A preliminary review of the submitted application has determined that the following additional information is needed towards achieving completeness. Please note in the left hand margin where corrections have been made or provide a separate response list identifying revisions/corrections, as this will help staff expedite further reviews. Please return this Plan Check List along with two sets of revised plans, staff red lined plans and any additional documentation noted.

1. **Zoning Plan Check:**

- a) Please provide a written scope of work and project summary table (attached) on the project plan:
- b) Please identify the required 7'-7" side yard setback on the plan;
- c) Please identify the location of the coastal bluff edge on the property using the City's General Plan Land Use Element definition (attached). The plan currently identifies "top of slope," but it is unclear if this is intended to depict the coastal bluff edge. If so, please clarify how it was determined to be the coastal bluff edge.
- d) Building stringline requirements are applicable to minor accessory structures on oceanfront properties. Please identify the outline of structures on adjacent properties and the building stringline to evaluate its proximity to the art installation.

2. **Required Entitlements:** The proposed project requires approval of an administrative coastal development permit for minor development (art installation with no foundation or necessary grading) within 50 feet of a coastal bluff edge.

3. **Code Enforcement** - Given that your application request is in response to a violation identified through the City's Code Enforcement Division, please reply to the contents of this incomplete letter within the next 30 days or this case will be remanded back to the Code Enforcement Division for further enforcement.

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 seacliff. 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.
102. **Oceanfront Bluff/Coastal Bluff** - A bluff overlooking a beach or shoreline or that is subject to marine erosion. Many oceanfront bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term "oceanfront bluff" or "coastal bluff" refers to the entire slope between a marine terrace or upland area and the sea. The term "sea cliff" refers to the lower, near vertical portion of an oceanfront bluff.
103. **Open-Space Land** - Any parcel or area of land or water that is essentially unimproved and devoted to an open-space use for the purposes of 1) the preservation of natural resources, 2) the managed production of resources, 3) outdoor recreation, or 4) public health and safety.
104. **Ordinance** - A law or regulation set forth and adopted by a governmental authority, usually a city or county.
105. **Overlay** - A land use designation on the General Plan Land Use Map or a zoning designation on a zoning map that modifies the basic underlying designation in some specific manner. An overlay zone is a special zone placed over an existing zoning district, part of a district, or a combination of districts that includes a set of regulations that is applied to the property within the overlay zone in addition to the requirements of the underlying or base zoning district.
106. **Parcel** - A portion of land under single ownership or under single control, usually considered a unit for purposes of development.
107. **Pedestrian Orientation** - Design qualities and elements that contribute to an active, inviting street-level environment. 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.
108. **Performance Standards** - Zoning regulations that require the application of a particular set of standards of operation for certain uses. Performance standards provide specific criteria and may limit noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and/or visual impacts of a use.
109. **Policy** - A specific statement of principle or of guiding actions that implies clear commitment to achieving a goal of the General Plan. A policy is a general direction that a city establishes prior to setting forth an action program.

ZONING STANDARDS				
DESCRIPTION	READ / ALLOWED	EXISTING	PROPOSED	CONFORMS (Y/N)
USE	SFD	SFD	NO CHANGE	YES
ZONE	R-1	R-1	-	-
LOT AREA	6000	41800 SF	NO CHANGE	YES
LOT WIDTH	70' MIN	190.0'	NO CHANGE	YES
LOT DEPTH (AVG)	80' MIN	239.5'	NO CHANGE	YES
LOT SLOPE (%)	-	38.2%	NO CHANGE	N/A
MAX. BLDG HEIGHT	15' ABV CURB	9'-8"	NO CHANGE	YES
MAX HEIGHT FROM GRADE	30'	19'-8"	NO CHANGE	YES
SETBACKS				
FRONT YARD	REDUCED S.B. 10' / 5'	20'	NO CHANGE	YES
REAR YARD	20'	126.7'	NO CHANGE	YES
SLIDE YARD (COMB)	19.0' COMBINED / 4' MIN	71-7" W / 11'-5" E	NO CHANGE	YES
LOT COVERAGE (BSC)	41800 (.40) = 16720 SF	4762 SF = (11.4%)	NO CHANGE	YES
LANDSCAPE OPEN SPACE	41800 (.35) = 14630 SF	3065 / 41800=73.2%	29111 / 41800=69.6%	YES
PARKING (COVERED)	2	3	NO CHANGE	YES

Exhibit A, Page 12 of 31

DEVELOPMENT REVIEW APPLICATION

Please completely fill-in the top-half of side one.

PROJECT LOCATION ADDRESS 2475 SOUTH COAST HIGHWAYVALUATION OF WORK \$10,000.00LOT SIZE 46,114 SFASSESSOR'S PARCEL NO. 656-114-19

DESCRIBE IN DETAIL SCOPE OF WORK INSTALL IN THE REARYARD A PORTABLE ART PIECE WITH LOW VOLTAGE LIGHTING ON TOP OF GRAVEL BASE. THE BASE PORTION OF THE SCULPTURE CONSISTS OF A SECTIONED STEEL GRID WHICH HOUSES SUPPORTS FOR THE VERTICAL ELEMENTS AS WELL AS THE BUILT-IN LIGHTING ASPECT - ALL OF WHICH ARE INTEGRAL PARTS OF THE SCULPTURE. THE BLOWN GLASS ELEMENTS ARE NOT A STAND-ALONE SCULPTURE IN AND OF THEMSELVES. THE GRIDDED BASE IS IN NO WAY ATTACHED TO THE GROUND BENEATH IT. IT IS ENGINEERED BY THE ARTIST'S TEAM OF QUALIFIED CONTRACTORS AND ENGINEERS IN HIS STUDIO SO THAT THE WEIGHT ALONE IS THE ONLY ANCHORING FACTOR NECESSARY FOR THE MITIGATION OF HIGH WINDS OR EARTHQUAKE. THE ONLY ADDITION AT ROCKLEDGE WAS THE METAL "MOW BAND" RIM PLACED AROUND THE SCULPTURE - WHICH HAD NOT BEEN NECESSARY AT EITHER MY RESIDENCE OR THE GALLERY AS IN BOTH INSTANCES ARTIFICIAL TURF WAS UTILIZED VERSUS NATURAL GRASS. LEISA AUSTIN, IMAGO GALLERIES

(24) LOW-VOLTAGE 6.5 WATT, 500 LUMENS, 000K, MRI 16 ADJUSTABLE LIGHTS INSTALLED AT THE BASE OF THE ART PIECE, FOCUSED HORIZONTALLY WASH THE ART PIECE

	FLOOR AREA	GARAGE AREA	DECK AREA	STORAGE AREA	TOTAL REMODEL AREA	NO. OF STORIES
EXISTING BUILDING						
NEW CONSTRUCTION						
TOTALS						

The remainder of side one is for staff use only. See other side for required certificates and signatures.

TYPE OF APPLICATION	FEE	DATE RECEIVED	APPLICATION NUMBER	DATE APPROVED / DENIED			
				ADMIN	BOARD/DRB	PC	CC
PRE-APPLICATION SITE MEETING							
ZONING PLAN CHECK	\$489.00						
DESIGN REVIEW							
COASTAL DEVELOPMENT PERMIT							
VARIANCE							
SUBDIVISION							
CEQA							
OTHER:							

YARDS	MAIN BUILDING		ACCESSORY BUILDING		HEIGHTS		CLEARANCE	BY	DATE
	MINIMUM	SHOWN	MINIMUM	SHOWN	SHOWN	MAXIMUM			
FRONT							CEQA		
RIGHT SIDE							ZONING PLAN CHECK		
LEFT SIDE					SLOPE	HEIGHT FF/FG	ZONING / PLANNING		
REAR							STRUCTURAL PLAN CHECK		
DISTANCE BETWEEN BUILDINGS							FINAL CHECK		

Coastal Development Permit
 Development Category: ☐ Local Coastal Development Permit is required, and it is ☐ appealable to Coastal Commission.
☐ Coastal Commission Permit is required.
☐ Categorical Exclusion
☐ Exempt (List Code Section) _____


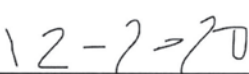
Exhibit A, Page 13 of 31

Property Owner <u>SCHWARTZ/GROSS RESIDENCE</u>	
Phone # _____	Cell Phone # _____
Mailing Address <u>520 NEWPORT CENTER DRIVE</u>	City/St/Zip <u>NEWPORT BEACH, CA 92651</u>
Email Address _____	Receive Project Updates by Email - <input type="checkbox"/> Yes <input type="checkbox"/> No
Architect/Agent <u>LAURENCE P. NOKES, ESQUIRE</u>	
Phone # <u>949-376-3055</u>	Cell Phone # _____
Mailing Address <u>410 BROADWAY STREET #200</u>	City/St/Zip <u>LAGUNA BEACH, CA 92660</u>
Email Address <u>lnokes@nokesquinn.com</u>	
Fax # _____	State License # _____
Other Development Team Member _____	
Phone # _____	Cell Phone # _____
Mailing Address _____	City/St/Zip _____
Email Address _____	Receive Project Updates by Email - <input type="checkbox"/> Yes <input type="checkbox"/> No
Fax # _____	State License # _____

Please note that the applicant/agent will receive a U.S. Postal Service or Email notification of project updates, such as plan check results. In addition, all other development team members listed on this page will also receive project updates by Email, including plan check results, unless indicated otherwise. This will improve communication with the applicant's team during the entitlement process.

OWNER'S CERTIFICATE

1. I understand there are no assurances at any time, implicitly or otherwise, regarding final staff recommendations to the decision-making body about this application.
2. I understand any changes to the project may require a new application and payment of additional or new fees.
3. If this application is approved I hereby certify that I will comply with all conditions of approval. I also understand that the failure to abide by and faithfully comply with any and all conditions attached to the approval action shall constitute grounds for the revocation of said approval.
4. I hereby certify that to the best of my knowledge the information I have presented in this form and the accompanying materials is true and correct. I also understand that additional data and information may be required prior to final action on this application. I have read and understand the content contained in this certificate.
5. I understand that it is the responsibility of the property owner to ensure that discrepancies do not exist between the project's description on the permit, the architectural plans and the structural plans. If discrepancies exist between the architectural plans and the structural plans, the architectural plans shall take precedence. Ultimately, the scope of work, as described on the permit that is authorizing the construction, takes precedence over the plans. If there is a discrepancy between the plans and the description on the permit, the permit governs.
6. I am the record owner of the property described in this application, and hereby consent to the filing of the application.

Signature of Owner

Date

AUTHORIZATION OF AGENT

I am the record owner of the property described in this application and hereby designate and authorize the agent as shown on this application to act on my behalf in all matters pertaining to processing of this application through the City of Laguna Beach.

Signature of Owner

Date

Revised 9/2/15

Exhibit A, Page 14 of 31

INSTALL IN THE REAR YARD A PORTABLE ART PIECE WITH LOW VOLTAGE LIGHTING ON TOP OF GRAVEL BASE. THE BASE PORTION OF THE SCULPTURE CONSISTS OF A SECTIONED STEEL GRID WHICH HOUSES SUPPORTS FOR THE VERTICAL ELEMENTS AS WELL AS THE BUILT-IN LIGHTING ASPECT – ALL OF WHICH ARE INTEGRAL PARTS OF THE SCULPTURE. THE BLOWN GLASS ELEMENT SURE NOT A STAND-ALONE SCULPTURE IN-AND-OF THEMSELVES. THE GRIDDED BASE IS IN NO WAY ATTACHED THE GROUND BENEATH IT. IT IS ENGINEERED BY THE ARTIST'S TEAM OF QUALIFIED CONTRACTORS AND ENGINEERS IN HIS STUDIO SO THAT THE WEIGHT ALONE IS THE ONLY ANCHORING FACTOR NECESSARY FOR THE MITIGATION OF HIGH WINDS OR EARTHQUAKE. THE ONLY ADDITION AT ROCKLEDGE WAS THE METAL MOW BAND" RIM PLACED AROUND THE SCULPTURE – WHICH HAD NOT BEEN NECESSARY AT EITHER MY RESIDENCE OR THE GALLERY AS IN BOTH INSTANCES ARTIFICIAL TURF WAS UTILIZED VERSUS NATURAL GRASS." LEISA AUSTIN, IMAGO GALLERIES.(24) LOW-VOLTAGE 6.5 WATT, 500 LUMENS,3000K, MRI 16 ADJUSTABLE LIGHTS INSTALLED AT THE BASE OF THE ART PIECE, FOCUSED HORIZONTALLY WASH THE ART PIECE.

Exhibit A, Page 15 of 31

The 2475 SCH art installation instructions are set forth below.

The contractor gave the following installation information:

1. The sod in the immediate area of the installation was removed.
2. The grade was excavated +/- 6" and filled with decomposed granite (DG), fully pervious, to avoid a muddy condition.
3. Metal grate was laid on top of the DG. Tubes and lights were clipped to the grate. The dimensions of the art area that requires excavation. 23 feet wide by 7 feet 4 inches deep will allow for adequate spacing for the steel grates & river rocks.
4. Material imported for base of art steel grates covered with gray river rocks; images attached.
5. Lights required for art illumination 24 Kitchler adjustable fixtures MR16s with 6.5 watt, 500 lumens, 3000 k bulbs, please refer to attached images.
6. Any additional requirements:
 - a. please relocate or redirect irrigation so it does not spray sculpture as this will leave hard water spots to keep grass and weeds from growth through metal grates, please place DG for best absorption – the installation team stated that you can also put Masonite (compressed ramboard) to provide a liner as well.
 - b. a metal edge separating the grass and the rocks would look nice and modern like the glass installation. it will also keep the grass / weeds from growing through the rocks.
 - c. place the transformer(s) for the lights on the other side of wall for future access, please protect limestone and decorative concrete with cardboard for protection so that we do not risk damage when carrying large boxes of blown glass, steel grates, and river rocks.
 - d. the transformers for the lights to be buried or placed on the other side of the wall which hides equipment such as pool, lighting, irrigation, etc. - place the transformer for the lights on the other-side of the wall in case you need to access.

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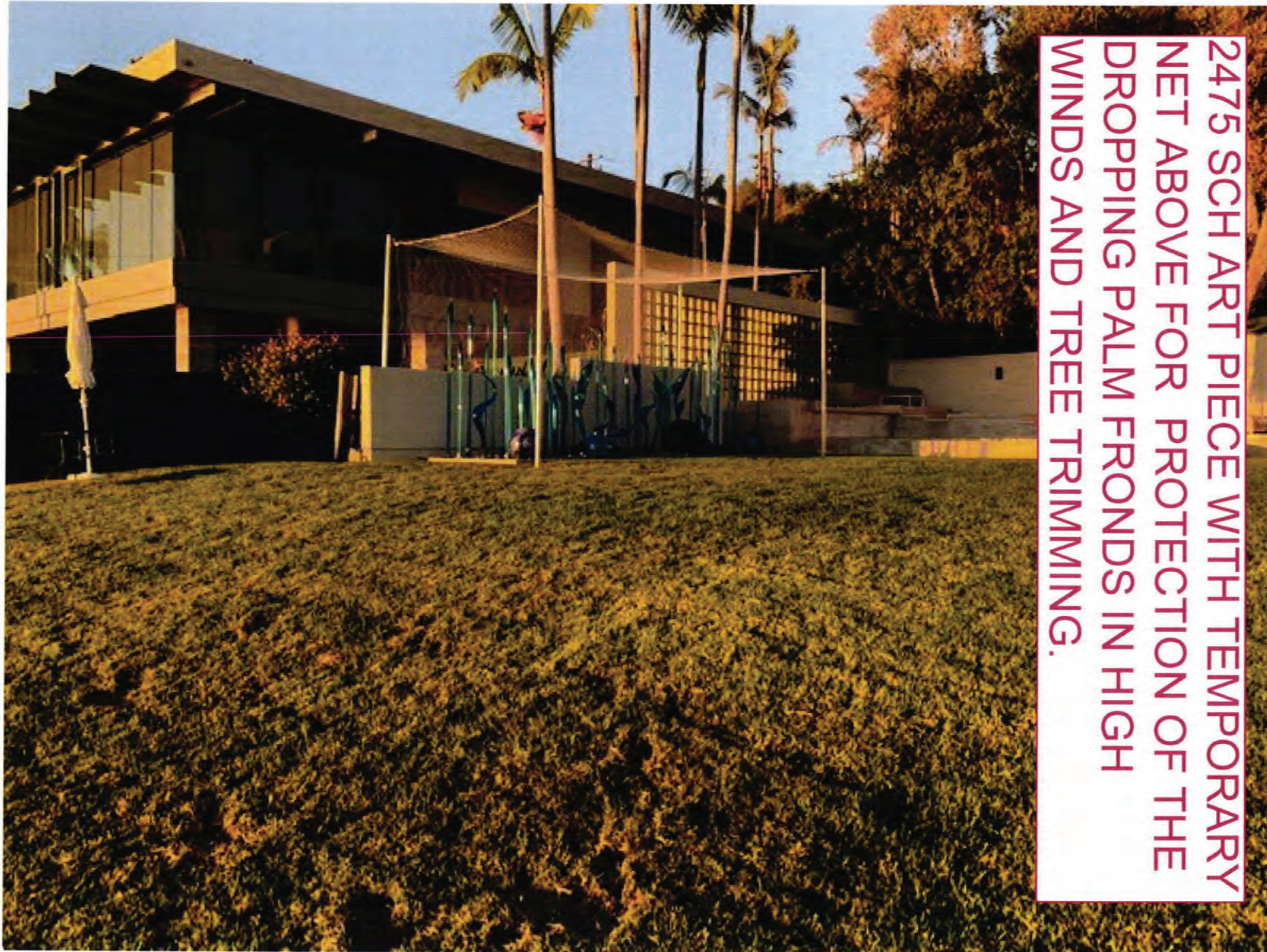


Exhibit A, Page 17 of 31

2475 SCH ART PIECE WITH NET



Exhibit A, Page 18 of 31



2475 SCH ART PIECE WITH TEMPORARY
NET ABOVE FOR PROTECTION OF THE
DROPPING PALM FRONDS IN HIGH
WINDS AND TREE TRIMMING.

Exhibit A, Page 19 of 31



2475 SCH SOD REMOVED, SOIL IS COMPACTED AND THE GALVANIZED GRID FOR THE GLASS TUBES IS LAID ON THE TOP OF THE COMPACTED SOIL.

Exhibit A, Page 20 of 31

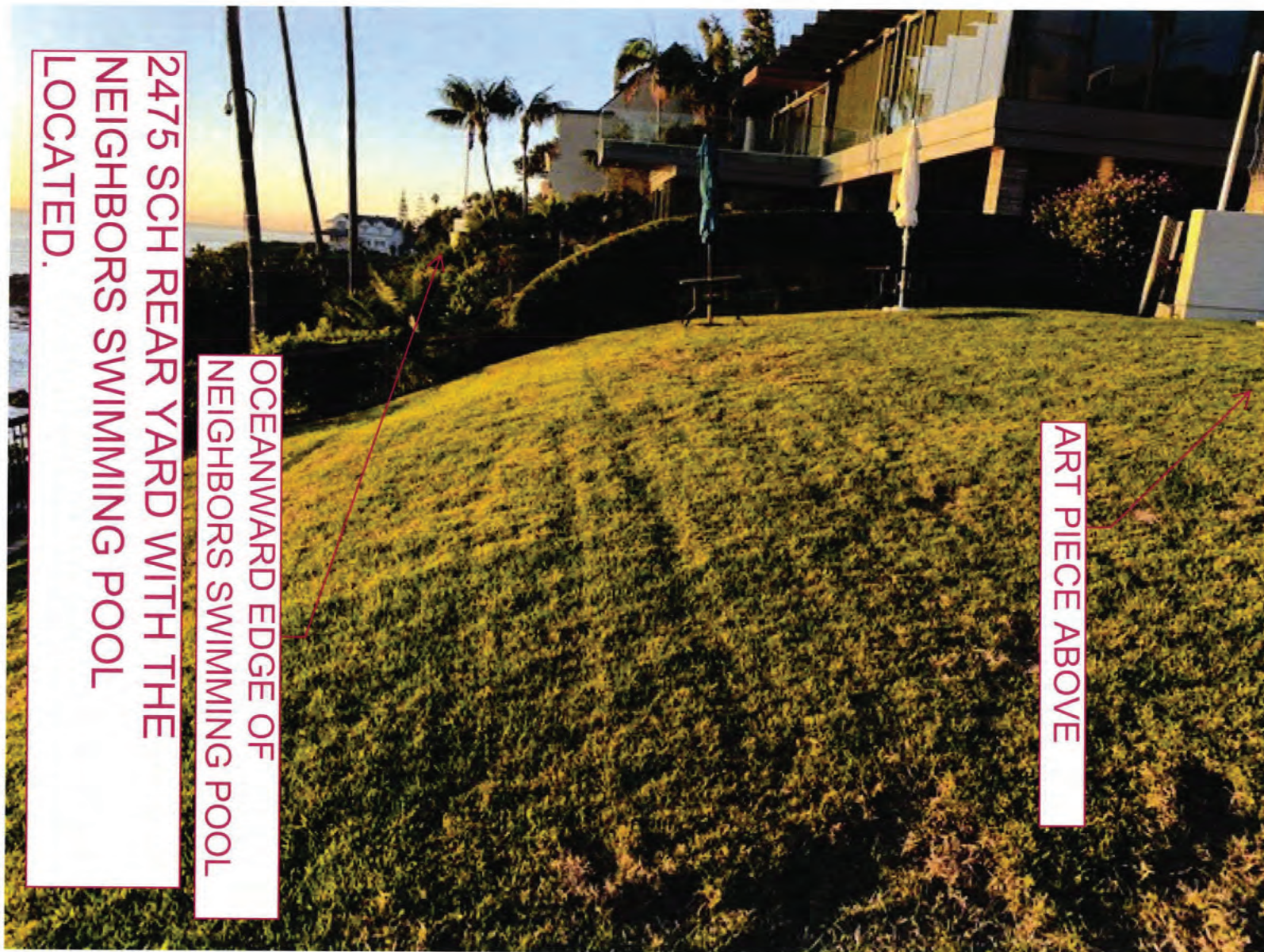


Exhibit A, Page 21 of 31

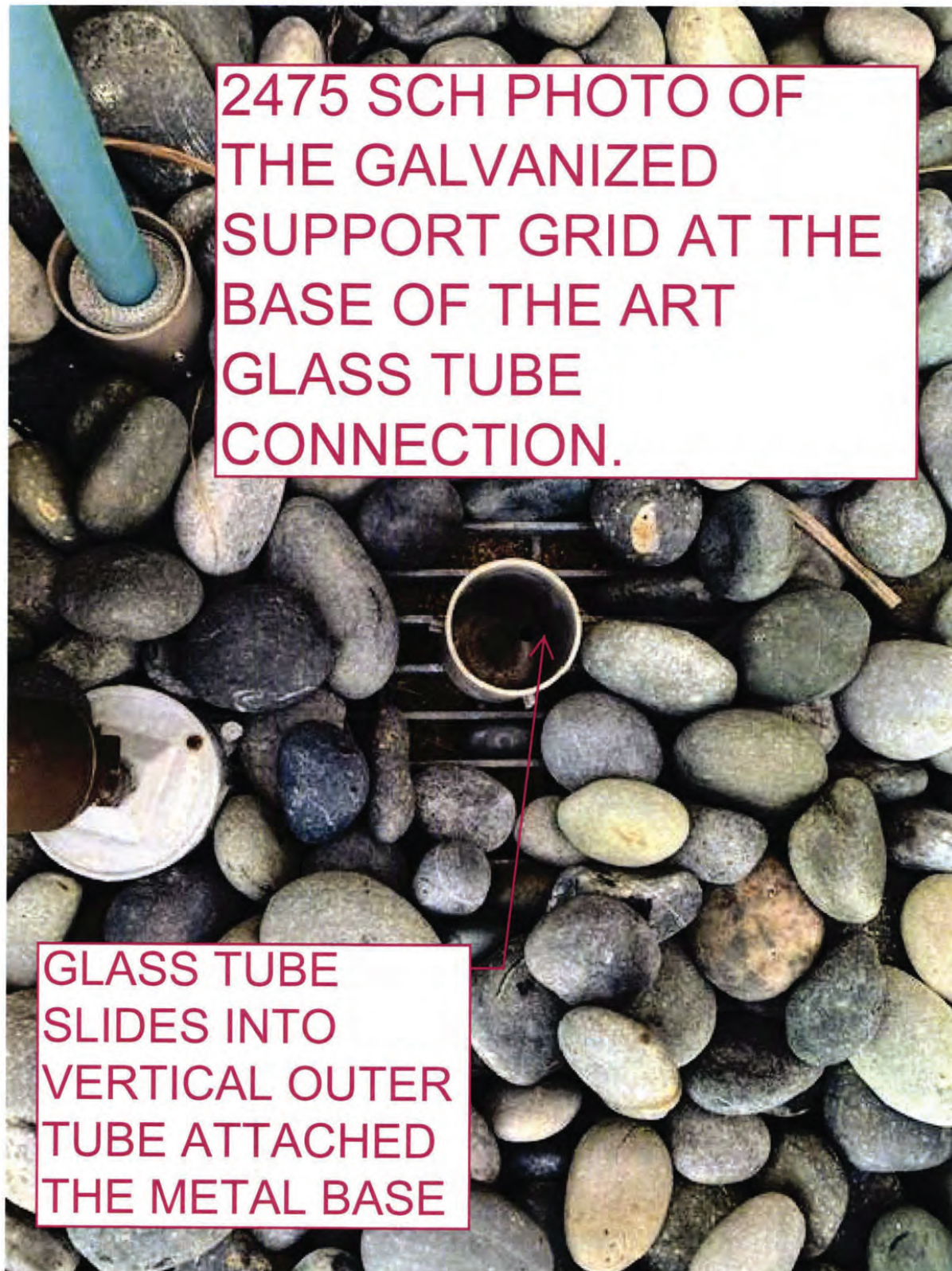


Exhibit A, Page 22 of 31

2475 SCH TEMPORARY SAFETY DIMENSIONS

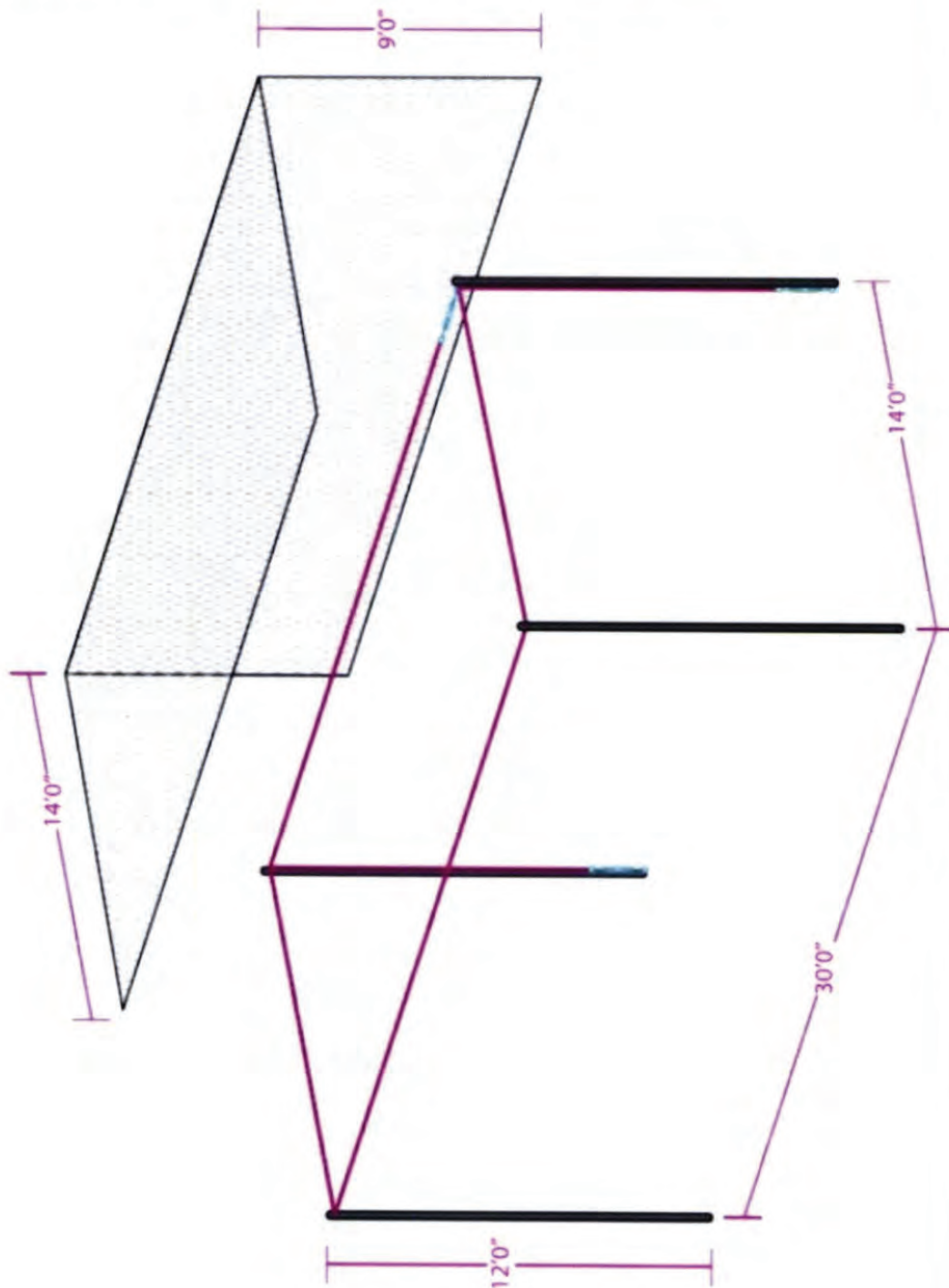


Exhibit A, Page 23 of 31



Exhibit A, Page 24 of 31

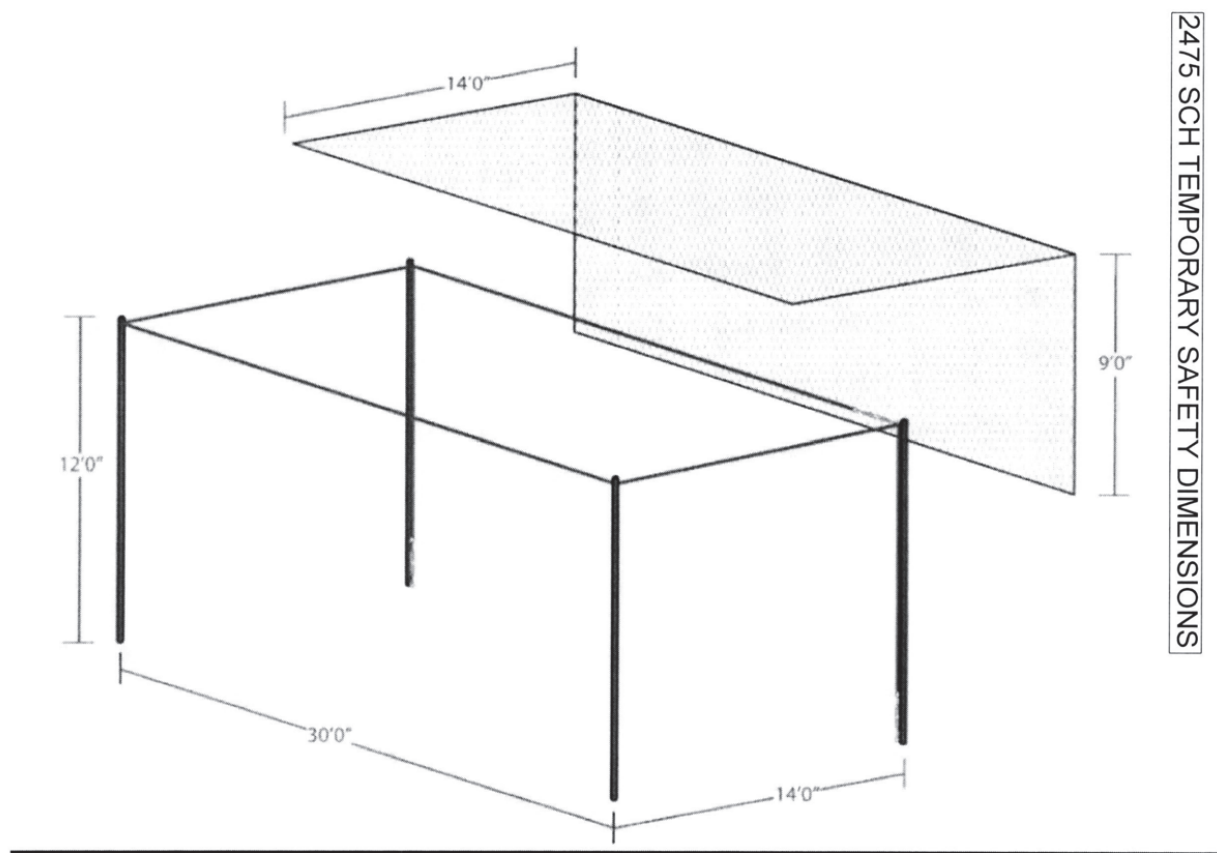


Exhibit A, Page 25 of 31

12V MR-16 Adjustable Cowl Brass Accent-Centennial Brass
15485CBR (Centennial Brass)

Project Name: _____
Location: _____
Type: _____
Qty: _____
Comments: _____



KICHLER

Notes:

1) Information provided is subject to change without notice. All values are design or typical values when measured under laboratory conditions.
2) Incandescent Equivalent: The incandescent equivalent as presented is an approximate number and is for reference only.

Kichler

7/11 East Pleasant Valley Road, Cleveland, Ohio 44131-8070
Toll Free: 866-558-5706 or kichler.com

Certifications/Qualifications

Location Rating: Wet
Prop65: Yes
www.kichler.com/warranty

Dimensions

Height: 2.50"
Length: 6.00"
Width: 2.50"

Electrical

Input Voltage: Single(120)V
Operating Voltage Range: 12 VAC
Voltage: 12V

Primary Lamping

Lamp Included: Not Included
Lamp Type: MR16
Light Source: Incandescent
Max or Nominal Watt: 4.00

Product/Ordering Information

SKU: 15485CBR
Finish: Brass
UPC: 783927540100

Optional Lamping

2700K LED MR16 4W 15 Degree 18126
3000K LED MR16 4W 15 Degree 18127
2700K LED MR16 4W 25 Degree 18128
3000K LED MR16 4W 25 Degree 18129
2700K LED MR16 4W 40 Degree 18130
3000K LED MR16 4W 40 Degree 18131
2700K LED MR16 4W 60 Degree 18132
3000K LED MR16 4W 60 Degree 18133
2700K LED MR16 5W 15 Degree 18134
3000K LED MR16 5W 15 Degree 18135
2700K LED MR16 5W 25 Degree 18136
3000K LED MR16 5W 25 Degree 18137
2700K LED MR16 5W 40 Degree 18138
3000K LED MR16 5W 40 Degree 18139
2700K LED MR16 5W 60 Degree 18140
3000K LED MR16 5W 60 Degree 18141
2700K LED MR16 7W 15 Degree 18142
3000K LED MR16 7W 15 Degree 18143
2700K LED MR16 7W 25 Degree 18144
3000K LED MR16 7W 25 Degree 18145
2700K LED MR16 7W 40 Degree 18146
3000K LED MR16 7W 40 Degree 18147
2700K LED MR16 7W 60 Degree 18148
3000K LED MR16 7W 60 Degree 18149

Specifications

Material: BRASS

Additional Finishes



Centennial Brass

Exhibit A, Page 26 of 31



LED MR16 Lamps

Specifications:



GU 5.3
NFL



GU 5.3
FL



P16
NFL



GU10
FL



GU10
NFL



P16
FL

ITEM #	DESCRIPTION	VOLTAGE	WATTS	REPLACEMENT	LUMENS	LPW	BEAM ANGLE	CCT	CRI	MOL (inches)	DIA. (inches)	BASE	CASE QTY
GUS.3 50W EQUIV MR16 LAMPS Elite													
LED712VMR16V24KNFL	LED 7W MR16 24K GUS.3 NFL	12V	7	50	450	64.3	20°	2400K	80	1.8	2.0	GU5.3	12
LED712VMR16V24KFL	LED 6.5W MR16 24K GUS.3 FL	12V	6.5	50	450	69.2	40°	2400K	80	1.8	2.0	GU5.3	12
LED712VMR16V27KNFL	LED 7W MR16 27K GUS.3 NFL	12V	7	50	500	71.4	20°	2700K	80	1.8	2.0	GU5.3	12
LED712VMR16V27KFL	LED 6.5W MR16 27K GUS.3 FL	12V	6.5	50	500	76.9	40°	2700K	80	1.8	2.0	GU5.3	12
LED712VMR16V30KNFL	LED 7W MR16 30K GUS.3 NFL	12V	7	50	500	71.4	20°	3000K	80	1.8	2.0	GU5.3	12
LED712VMR16V30KFL	LED 6.5W MR16 30K GUS.3 FL	12V	6.5	50	500	76.9	40°	3000K	80	1.8	2.0	GU5.3	12
LED712VMR16V41KNFL	LED 7W MR16 41K GUS.3 NFL	12V	7	50	500	71.4	20°	4100K	80	1.8	2.0	GU5.3	12
LED712VMR16V41KFL	LED 6.5W MR16 41K GUS.3 FL	12V	6.5	50	500	76.9	40°	4100K	80	1.8	2.0	GU5.3	12
LED712VMR16V50KFL	LED 6.5W MR16 50K GUS.3 FL	12V	6.5	50	500	76.9	40°	5000K	80	1.8	2.0	GU5.3	12
GUS.3 50W EQUIV MR16 High CRI													
LED712VMR16927KNFL	LED 7W MR16 27K GUS.3 NFL	12V	7	50	425	60.7	20°	2700K	90	1.8	2.0	GU5.3	12
LED712VMR16927KNFLB	LED 7W MR16 27K GUS.3 NFL BLK	12V	7	50	425	60.7	20°	2700K	90	1.8	2.0	GU5.3	12
LED712VMR16927KFL	LED 6.5W MR16 27K GUS.3 FL	12V	6.5	50	425	65.4	40°	2700K	90	1.8	2.0	GU5.3	12
LED712VMR16927KFLB	LED 6.5W MR16 27K GUS.3 FL BLK	12V	6.5	50	425	65.4	40°	2700K	90	1.8	2.0	GU5.3	12
LED712VMR16930KNFL	LED 6.5W MR16 30K GUS.3 NFL	12V	7	50	425	60.7	20°	3000K	90	1.8	2.0	GU5.3	12
LED712VMR16930KFL	LED 7W MR16 30K GUS.3 FL	12V	6.5	50	425	65.4	40°	3000K	90	1.8	2.0	GU5.3	12
LED712VMR16930KFLB	LED 6.5W MR16 30K GUS.3 FL BLK	12V	6.5	50	425	65.4	40°	3000K	90	1.8	2.0	GU5.3	12
LED712VMR16941KNFL	LED 7W MR16 41K GUS.3 NFL	12V	7	50	425	60.7	20°	4100K	90	1.8	2.0	GU5.3	12
LED712VMR16941KFL	LED 6.5W MR16 41K GUS.3 FL	12V	6.5	50	470	72.3	40°	4100K	90	1.8	2.0	GU5.3	12

TCP®
325 Campus Dr. | Aurora, Ohio 44202 | P: 800-324-1496 | tcp1.com



3 YEAR
WARRANTY
*Based on 12 hours
use per day

Exhibit A, Page 27 of 31



November 17, 2020

William H. Gross
520 Newport Center Dr.
Newport Beach, CA 92660

FINAL NOTICE

Service Via First Class Mail and
Certified Return Receipt Mail
7015 0640 0003 9778 1448

RE: Property at 2475 S. Coast Hwy., Laguna Beach - APN: 656-114-19
Art Installation: Poles, Netting, Art Sculptors/Décor, and Lighting

Dear Property Owners:

This letter is sent regarding alleged violation(s) of the Laguna Beach Municipal Code (the "Municipal Code") at the subject property. City records indicate that you are the property owner of record. Our office received a complaint regarding the installation of art installation such as poles, netting, art décor/sculptures, and lighting at the subject property. A recent inspection was conducted in which the validity of the complaint was confirmed at your property. The following violation(s) of the **Laguna Beach Municipal Code** are noted at the above subject address:

7.70.060 Good Neighbor Lighting. Exemptions. *The following are exempt from the provisions of this chapter: (a) Fixtures not fully shielded shall be allowed only if less than three thousand Kelvin and/or seven hundred fifty lumens per fixture. (j) Low voltage landscape lighting that does not exceed four hundred lumens (thirty-five watts incandescent equivalent) per fixture or string of lights.*

14.50.010 Adoption of the California Building Code including Chapter 1, Division II and Appendix Chapters G, H, I & J.

CBC – 105.1 Permits. Required. *Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, removed, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.*

25.05.040 Design review. *(B) Development Subject to Design Review. (1) All new buildings, structures and physical improvements and relocations, additions, extensions and exterior changes of or to existing buildings, structural and non-structural improvements, including landscaping and grading, shall be subject to design review, except as otherwise provided in subsection (B)(2). Examples of physical improvements and site developments subject to design review include, but are not limited to, the following: (u) Modifications of previously approved design review plans, including approved landscape plans;*

505 FOREST AVE.

• LAGUNA BEACH, CA 92651

• TEL (949) 497-3311

• FAX (949) 497-0771



Exhibit A, Page 28 of 31

25.07.004 Coastal development permit required. *A coastal development permit shall be required for all proposed development within the coastal zone except for development specifically exempted under Sections 25.07.008 and 25.07.010. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, and terms and conditions approved or imposed in granting the permit. (Ord. 1253 § 1, 1992).*


REMARKS & REQUIRED ACTION(S):

1. The City of Laguna Beach Community Development Department records indicate that the subject property is located in the R-1 Zone.
2. I observed art installation which includes art sculptors/decor, netting, poles, and lighting that were recently installed without City approval or permits. See photos for reference.
3. Submit plans and required applications to the Community Development Department to obtain Zoning/Building Division's approval and a permit to legalize the aforementioned un-permitted art installation and lighting or remove all.

We ask for your cooperation in correcting these violations by or on the compliance date **Tuesday, December 8, 2020**. Please be advised that failure to correct the aforementioned violations will result in the City proceeding with further action. The City of Laguna Beach Municipal Code reserves any and all remedies it may have available, including, but not limited to, the recording of a pending action against the property, nuisance abatement, civil action, criminal prosecution or issuance of administrative citations. **Failure to correct the violations by the compliance date may result in the issuance of an administrative citation, which could carry a daily fine amount of \$100 per day per violation.**

If you have any questions regarding the violations noted above, please do not hesitate to call me directly at (949) 497-0333. Your cooperation towards resolving this matter is appreciated.

Regards,


Ross Corona
Code Enforcement Officer
rcorona@lagunabeachcity.net

CE 2020-2278 /rc

Encl.: Photos

c: William H. Gross, 2475 S. Coast Hwy., Laguna Beach, CA 92651

Exhibit A, Page 29 of 31



July 28, 2020

Service Via First Class Mail

William H. Gross
2619 Cove
Corona Del Mar, CA 92625

**RE: Property at 2475 S. Coast Hwy., Laguna Beach - APN: 656-114-19
Art Installation: Poles, Netting, Art Sculptors/Décor, and Lighting**

Dear Property Owners:

This letter is sent regarding alleged violation(s) of the Laguna Beach Municipal Code (the "Municipal Code") at the subject property. City records indicate that you are the property owner of record. Our office received a complaint regarding the installation of art installation such as poles, netting, art décor/sculptures, and lighting at the subject property. A recent inspection was conducted in which the validity of the complaint was confirmed at your property. The following violation(s) of the **Laguna Beach Municipal Code** are noted at the above subject address:

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505 FOREST AVE.

LAGUNA BEACH, CA 92651

TEL (949) 497-3311

FAX (949) 497-0771



Exhibit A, Page 30 of 31

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We ask for your cooperation in correcting these violations by or on the compliance date **Monday, August 24, 2020**. Please be advised that failure to correct the aforementioned violations will result in the City proceeding with further action. The City of Laguna Beach Municipal Code reserves any and all remedies it may have available, including, but not limited to, the recording of a pending action against the property, nuisance abatement, civil action, criminal prosecution or issuance of administrative citations. **Failure to correct the violations by the compliance date may result in the issuance of an administrative citation, which could carry a daily fine amount of \$100 per day per violation.**

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Regards,



Ross Corona
Code Enforcement Officer
rcorona@lagunabeachcity.net

CE-20-34 (BCE 2020-2278) /rc

Encl.: Photos

c: William H. Gross, 2475 S. Coast Hwy., Laguna Beach, CA 92651

Exhibit A, Page 31 of 31



July 28, 2020

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William H. Gross
2619 Cove
Corona Del Mar, CA 92625

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505 FOREST AVE.

• LAGUNA BEACH, CA 92651

• TEL (949) 497-3311

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Exhibit B, Page 1 of 2

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Regards,



Ross Corona
Code Enforcement Officer
rcorona@lagunabeachcity.net

CE-20-34 (BCE 2020-2278) /rc

Encl.: Photos

c: William H. Gross, 2475 S. Coast Hwy., Laguna Beach, CA 92651

Exhibit B, Page 2 of 2



November 17, 2020

William H. Gross
520 Newport Center Dr.
Newport Beach, CA 92660

FINAL NOTICE

Service Via First Class Mail and
Certified Return Receipt Mail
7015 0640 0003 9778 1448

RE: Property at 2475 S. Coast Hwy., Laguna Beach - APN: 656-114-19
Art Installation: Poles, Netting, Art Sculptors/Décor, and Lighting

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505 FOREST AVE.

LAGUNA BEACH, CA 92651

TEL (949) 497-3311

FAX (949) 497-0771



Exhibit C, Page 1 of 2

25.07.004 Coastal development permit required. *A coastal development permit shall be required for all proposed development within the coastal zone except for development specifically exempted under Sections 25.07.008 and 25.07.010. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, and terms and conditions approved or imposed in granting the permit. (Ord. 1253 § 1, 1992).*

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We ask for your cooperation in correcting these violations by or on the compliance date **Tuesday, December 8, 2020**. Please be advised that failure to correct the aforementioned violations will result in the City proceeding with further action. The City of Laguna Beach Municipal Code reserves any and all remedies it may have available, including, but not limited to, the recording of a pending action against the property, nuisance abatement, civil action, criminal prosecution or issuance of administrative citations. **Failure to correct the violations by the compliance date may result in the issuance of an administrative citation, which could carry a daily fine amount of \$100 per day per violation.**

If you have any questions regarding the violations noted above, please do not hesitate to call me directly at (949) 497-0333. Your cooperation towards resolving this matter is appreciated.

Regards,



Ross Corona
Code Enforcement Officer
rcorona@lagunabeachcity.net

CE 2020-2278 /rc

Encl.: Photos

c: William H. Gross, 2475 S. Coast Hwy., Laguna Beach, CA 92651

Exhibit C, Page 2 of 2



Laguna Beach
Community Development
505 Forest Avenue
Laguna Beach, CA 92651
(949) 497-0301

CE# 6029
Case # CE2020-2278

ADMINISTRATIVE CITATION

An inspection of the premises revealed violations of the Laguna Beach Municipal Code:


Location of Violation: 2475 S. Coast Hwy., Laguna Beach, CA 92651		
APN: 656-114-19	Zone: R1	
Business Name:		
Responsible Person(s): William H. Gross		
Address: 520 Newport Center Dr.		
City: Newport Beach	State: CA	Zip: 92660
As of Monday, February 01, 2021 , you are in violation of the following Laguna Beach Municipal Code Sections:		
Code & Section:	Description:	
LPMC 7.70.060 (a)(j)	Good Neighbor Lighting, Exemptions.	
LPMC 14.50.010 / CBC 105.1	Permits, Required.	
LPMC 25.05.040 (B)(1)(u)	Design Review	
LPMC 25.07.004	Coastal development permit required.	
Corrections Required: Submit the corrections to the plans and required applications to the Community Development Department to obtain Zoning/Building Division's approval and a permit to legalize the art installation and lighting or remove all by the compliance date shown below.		
Continuing Violation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Prospective Daily Fine: \$200.00 (per violation per day)	Previous Cite#:
Compliance Date: You have a compliance date of Wednesday, February 17, 2021 , by which time you are to permanently correct the above-noted violation(s). Your failure to permanently correct this matter by the Compliance Date will result in further Code Enforcement action including, but not limited to, the assessment of fines, criminal charges, and any and all other legal and/or administrative remedies available to the City of Laguna Beach.		
<input type="checkbox"/> Courtesy Notice of Municipal Code Violation No fines are being assessed at this time. Correct the above-noted violations by the Compliance Date.		
<input checked="" type="checkbox"/> Administrative Citation: Fine Amount \$100.00 (1 day x 1 violation = \$100.00) You have failed to correct the above-noted code violation(s) as previously ordered by the Code Enforcement Office and are hereby subsequently ordered to correct said code violations by the Compliance date AND pay the fine amount indicated about within 30 days of the date of this citation. Please see the reverse side concerning payment instructions and your rights to request an appeal hearing.		
Service of Violation Notice / Administrative Citation by: <input type="checkbox"/> Personal Service <input type="checkbox"/> Person Cited-refused -to sign receipt for Citation.		
<input type="checkbox"/> Violations not committed in my presence, certified on information and belief. <input checked="" type="checkbox"/> Property Posted		
<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Served via Certified and First Class mail: 2/1/2021 #7019 2280 0001 2746 2748		
I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON DATE SHOWN ABOVE.		
Issuing Officer: Ross Corona 	Title/Badge Number: Code Enforcement Officer #02	Date Issued: 2/1/2021
Violator: Without admitting guilt, I acknowledged having received the citation.		
X:		
THE LAW REQUIRES THAT YOU TAKE STEPS TO EITHER: Comply with this citation, or; (2) Contest this citation. To COMPLY with this citation, pay any assessed fine within 30 days and correct the noted violations by the Compliance Date. See the reverse side for further information. To CONTEST this citation and request a hearing, follow the procedures on the reverse side of this citation.		

Exhibit D, Page 1 of 2

CITY OF LAGUNA BEACH
Community Development Department
Code Enforcement Division

NOTICE OF MUNICIPAL CODE VIOLATION ADMINISTRATIVE CITATION

THE LAW REQUIRES YOU TO COMPLY WITH THE FOLLOWING STEPS TO EITHER COMPLY WITH OR CONTEST THIS CITATION:

TO COMPLY: Pay the fine (if applicable) within 30 days from the date of the citation or be subject to a late penalty. The citation and fine shall be mailed or delivered to the CITY OF LAGUNA BEACH, CODE ENFORCEMENT OFFICE; 505 FOREST AVENUE, LAGUNA BEACH, CA 92651-2332. The citation number must be written on the face of the check or money order. Do not send cash.

IMPORTANT: The payment of the fine does NOT excuse you from the requirement to correct the Laguna Beach Municipal Code [LBMC] violation(s) cited herein. A continuing violation is subject to daily additional fines after the compliance date, until such time that correction is verified per Section (c) below.

If this citation is for a Building Code violation(s) you have 30 days from the date of the citation to correct the violation(s) with the Building Division located at City Hall and not have to pay a fine, although Building Permit penalties will be assessed on any permits required be issued and related to the Building Code violation. You may be cited for additional violation(s) for each day the violation(s) exists after the end of the 30 day correction period. The Building Division may be reached at (949) 497-0715.

An enforcement officer of the City must verify the abatement of all cited-violation(s). The responsible party shall call (949) 497-0301 and schedule an inspection by an enforcement officer. Fines shall accrue until the abatement is verified, less any days delayed by action of the City in scheduling said inspection.

TO CONTEST: ADMINISTRATIVE HEARING – You may request an Administrative Hearing to contest the citation, and/or the assessments and/or liens for the fines thereof by 1) filing a signed copy of the citation; 2) requesting a hearing (see below) with the CITY OF LAGUNA BEACH, CITY CLERKS OFFICE, 505 FOREST AVENUE, LAGUNA BEACH CA 92651-2332, and 3) paying an advance deposit equal to the amount of the fine specified on the front of this citation. An Administrative Hearing request MUST be made within twenty-one (21) calendar days from the issuance of the citation. If you qualify for a financial hardship waiver [LBMC §1.15.090(c)] you may request a waiver (see below) when you file your request for an Administrative Hearing. In addition to the citation you must submit evidence that you do not have the financial ability to pay the fine deposit. If a hardship waiver is requested, the waiver decision on the violation(s) will be made within 3 days of the request.

IMPORTANT: The Administrative Hearing will be set on a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed. You will receive at least ten (10) days advance notice of the hearing date and time. The location of the Administrative Hearing will be at the Laguna Beach City Hall, 505 Forest Avenue, Laguna Beach, CA 92651-2332. You are required to attend the hearing.

The hearing officer will decide your request and notify you of their decision within ten (10) days by mail. If it is determined by the hearing officer that there was no code violation (s), that you corrected it in time, or that you are not a responsible party to the violation(s), the violation will be cancelled and the fine deposit returned to you. If the hearing officer denies your request, the deposit will be kept by the City for payment of the fine.

You may file an appeal of the hearing officer's decision with the Orange County Superior Court within twenty (20) days of being notified of the decision. To appeal you must pay the appropriate filing fees to the court.

IMPORTANT NOTICE: The violation(s) of the LBMC section(s) charged in this citation constitute a NUISANCE. Unpaid fines and other costs of abatement for property related violations may be collected by the City by an assessment and/or lien against real property pursuant the Government Code Sections 38773.1 and 38773.5 and LBMC section 7.24. Unpaid assessments can result in property being sold after three (3) years by the County tax Collector. A full description of the Administrative Citation procedures is found in LBMC Chapter 1.15. For further information about the Administrative Citation you can call the City's Code enforcement office at (949) 497-0301.

IMPORTANT – USE THIS FORM TO CONTEST THIS CITATION

- ☐ I hereby request an Administrative Hearing on the following ground(s) and agree to attend the hearing thereon:
- ☐ The violation(s) did not occur;
 - ☐ The violation(s) was corrected in time; or
 - ☐ I am not the responsible party with regard to this violation(s).

- ☐ I hereby request the fine deposit be waived due to financial hardship. I have attached the evidence that I do not have the financial ability to pay the fine deposit.

Signature of Person Making the Request

Date:

X _____

Exhibit D, Page 2 of 2



**CITY OF LAGUNA BEACH
ZONING DIVISION**

March 29, 2021

Mr. Laurence Nokes, Esq.
410 Broadway Street, #200
Laguna Beach, CA 92651

Re: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

Dear Mr. Nokes:

Thank you for submitting the above referenced application on March 1, 2021. Pursuant to Section 65943 of the California Government Code, staff has completed a follow-up review of your application within the prescribed 30-day period for compliance with City Zoning standards. Due to missing information and/or inconsistencies between the project plans and submitted application, as explained further below, it has been determined that the application is incomplete.

The attached list of **Additional Information/Requirements** details information that must be supplied and/or complied with before the City can deem your application complete and begin formal processing. Please be aware that as this project is processed, there may be a need to clarify or supply new information based upon staff's comments and your responses to staff, particularly if modifications or refinements are proposed.

Please be advised that in accordance with State law, once the additional information is submitted, a new 30-day period will commence in which to determine if the revised application is complete. To simplify and help expedite this review, all of the information should be submitted at one time. For additional information regarding the City's zoning standards, please visit the City's website at the following address: www.lagunabeachcity.net and look under Government then City Government for "Municipal Code." City General Plan information is also available on the website.

If you have questions, or would like to discuss your project in further detail, please feel free to contact Chris Dominguez, Associate Planner (949) 497-0745 cdominguez@lagunabeachcity.net.

NOTE TO APPLICANT: IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO ENSURE THAT DISCREPANCIES DO NOT EXIST BETWEEN THE PROJECT'S DESCRIPTION ON THE PERMIT, THE ARCHITECTURAL PLANS AND THE STRUCTURAL PLANS. IF DISCREPANCIES EXIST BETWEEN ARCHITECTURAL PLANS AND STRUCTURAL PLANS, THE ARCHITECTURAL PLANS SHALL TAKE PRECEDENCE. ULTIMATELY THE SCOPE OF WORK, AS DESCRIBED ON THE PERMIT AUTHORIZING THE CONSTRUCTION, TAKES PRECEDENCE OVER THE PLANS. IF THERE IS A DISCREPANCY BETWEEN THE PLANS AND THE DESCRIPTION ON THE PERMIT, THE PERMIT GOVERNS. IF THE REQUIRED CORRECTION/ITEMS ARE NOT RECEIVED BY THE DEPARTMENT WITHIN SIX MONTHS OF THE DATE OF THIS LETTER, THE DEVELOPMENT WILL AUTOMATICALLY BE DEEMED ABANDONED AND A NEW APPLICATION AND PAYMENT OF CURRENT FEES WILL BE REQUIRED.

Attachments: Additional Information/Requirements

FORMS/Zoning – Updated 7/22/2020

Exhibit E, Page 1 of 2

Additional Information/Requirements: A preliminary review of the submitted application has determined that the following additional information is needed towards achieving completeness. Please note in the left-hand margin where corrections have been made or provide a separate response list identifying revisions/corrections, as this will help staff expedite further reviews. Please return this Plan Check List along with two sets of revised plans, staff red lined plans and any additional documentation noted.

1. Zoning Plan Check:

- a) In the project scope of work, please confirm removal of the net structure that was erected around the art sculpture. Our previous conversations regarding this element indicated it would be removed.
 - b) The previously requested side yard setback was taken from prior plans on-file and incorrectly applied. The required setback is 19 feet on each side or 38 feet combined, whereas the plans show 19 feet total. The existing house is approximately 11'-5" from the east property line, so a side setback of 26'-7" is required from the west property line. Please revise the plan to reflect this setback. Please note that this greater setback affects the current location of the art sculpture.
- 2. Required Entitlements:** If the art sculpture is relocated to meet the required setback, the proposed project will require approval of an administrative coastal development permit for minor development (art installation with no foundation or necessary grading) within 50 feet of a coastal bluff edge.
- 3. Code Enforcement** - Given that your application request is in response to a violation identified through the City's Code Enforcement Division, please reply to the contents of this incomplete letter within the next 30 days or this case will be remanded back to the Code Enforcement Division for further enforcement.

DEVELOPMENT REVIEW APPLICATION

Please completely fill-in the top-half of side one.

PROJECT LOCATION ADDRESS 2475 SOUTH COAST HIGHWAY

VALUATION OF WORK \$10,000.00 LOT SIZE 46,114 SF

ASSESSOR'S PARCEL NO. 656-114-19

DESCRIBE IN DETAIL SCOPE OF WORK INSTALL IN THE REARYARD A PORTABLE ART PIECE WITH LOW VOLTAGE LIGHTING ON TOP OF GRAVEL BASE. THE BASE PORTION OF THE SCULPTURE CONSISTS OF A SECTIONED STEEL GRID WHICH HOUSES SUPPORTS FOR THE VERTICAL ELEMENTS AS WELL AS THE BUILT-IN LIGHTING ASPECT - ALL OF WHICH ARE INTEGRAL PARTS OF THE SCULPTURE. THE BLOWN GLASS ELEMENTS ARE NOT A STAND-ALONE SCULPTURE IN-AND-OF THEMSELVES. THE GRIDDED BASE IS IN NO WAY ATTACHED TO THE GROUND BENEATH IT. IT IS ENGINEERED BY THE ARTIST'S TEAM OF QUALIFIED CONTRACTORS AND ENGINEERS IN HIS STUDIO SO THAT THE WEIGHT ALONE IS THE ONLY ANCHORING FACTOR NECESSARY FOR THE MITIGATION OF HIGH WINDS OR EARTHQUAKE. THE ONLY ADDITION AT ROCKLEDGE WAS THE METAL "MOW BAND" RIM PLACED AROUND THE SCULPTURE - WHICH HAD NOT BEEN NECESSARY AT EITHER MY RESIDENCE OR THE GALLERY AS IN BOTH INSTANCES ARTIFICIAL TURF WAS UTILIZED VERSUS NATURAL GRASS. LEISA AUSTIN, IMAGO GALLERIES

(24) LOW-VOLTAGE 6.5 WATT, 500 LUMENS, 000K, MRI 16 ADJUSTABLE LIGHTS INSTALLED AT THE BASE OF THE ART PIECE, FOCUSED HORIZONTALLY WASH THE ART PIECE

	FLOOR AREA	GARAGE AREA	DECK AREA	STORAGE AREA	TOTAL REMODEL AREA	NO. OF STORIES
EXISTING BUILDING						
NEW CONSTRUCTION						
TOTALS						

The remainder of side one is for staff use only. See other side for required certificates and signatures.

TYPE OF APPLICATION	FEE	DATE RECEIVED	APPLICATION NUMBER	DATE APPROVED / DENIED			
				ADMIN	BOARD/DB	PC	CC
PRE-APPLICATION SITE MEETING							
ZONING PLAN CHECK	\$489.00						
DESIGN REVIEW							
COASTAL DEVELOPMENT PERMIT							
VARIANCE							
SUBDIVISION							
CEQA							
OTHER:							

YARDS	MAIN BUILDING		ACCESSORY BUILDING		HEIGHTS		CLEARANCE	BY	DATE
	MINIMUM	SHOWN	MINIMUM	SHOWN	SHOWN	MAXIMUM			
FRONT							CEQA		
RIGHT SIDE							ZONING PLAN CHECK		
LEFT SIDE					SLOPE	HEIGHT FF/FG	ZONING / PLANNING		
REAR							STRUCTURAL PLAN CHECK		
DISTANCE BETWEEN BUILDINGS							FINAL CHECK		

Coastal Development Permit

Development Category: Local Coastal Development Permit is required, and it is, is not appealable to Coastal Commission.

Coastal Commission Permit is required.

Categorical Exclusion

Exempt (List Code Section)


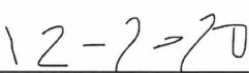
Exhibit F, Page 1 of 15

Property Owner <u>SCHWARTZ/GROSS RESIDENCE</u>	
Phone # _____	Cell Phone # _____
Mailing Address <u>520 NEWPORT CENTER DRIVE</u>	City/St/Zip <u>NEWPORT BEACH, CA 92651</u>
Email Address _____	Receive Project Updates by Email - <input type="checkbox"/> Yes <input type="checkbox"/> No
Architect/Agent <u>LAURENCE P. NOKES, ESQUIRE</u>	
Phone # <u>949-376-3055</u>	Cell Phone # _____
Mailing Address <u>410 BROADWAY STREET #200</u>	City/St/Zip <u>LAGUNA BEACH, CA 92660</u>
Email Address <u>lnokes@nokesquinn.com</u>	
Fax # _____	State License # _____
Other Development Team Member _____	
Phone # _____	Cell Phone # _____
Mailing Address _____	City/St/Zip _____
Email Address _____	Receive Project Updates by Email - <input type="checkbox"/> Yes <input type="checkbox"/> No
Fax # _____	State License # _____

Please note that the applicant/agent will receive a U.S. Postal Service or Email notification of project updates, such as plan check results. In addition, all other development team members listed on this page will also receive project updates by Email, including plan check results, unless indicated otherwise. This will improve communication with the applicant's team during the entitlement process.

OWNER'S CERTIFICATE

1. I understand there are no assurances at any time, implicitly or otherwise, regarding final staff recommendations to the decision-making body about this application.
2. I understand any changes to the project may require a new application and payment of additional or new fees.
3. If this application is approved I hereby certify that I will comply with all conditions of approval. I also understand that the failure to abide by and faithfully comply with any and all conditions attached to the approval action shall constitute grounds for the revocation of said approval.
4. I hereby certify that to the best of my knowledge the information I have presented in this form and the accompanying materials is true and correct. I also understand that additional data and information may be required prior to final action on this application. I have read and understand the content contained in this certificate.
5. I understand that it is the responsibility of the property owner to ensure that discrepancies do not exist between the project's description on the permit, the architectural plans and the structural plans. If discrepancies exist between the architectural plans and the structural plans, the architectural plans shall take precedence. Ultimately, the scope of work, as described on the permit that is authorizing the construction, takes precedence over the plans. If there is a discrepancy between the plans and the description on the permit, the permit governs.
6. I am the record owner of the property described in this application, and hereby consent to the filing of the application.

 Signature of Owner Date

AUTHORIZATION OF AGENT

I am the record owner of the property described in this application and hereby designate and authorize the agent as shown on this application to act on my behalf in all matters pertaining to processing of this application through the City of Laguna Beach.

 Signature of Owner Date

Revised 9/2/15

Exhibit F, Page 2 of 15

INSTALL IN THE REAR YARD A PORTABLE ART PIECE WITH LOW VOLTAGE LIGHTING ON TOP OF GRAVEL BASE. THE BASE PORTION OF THE SCULPTURE CONSISTS OF A SECTIONED STEEL GRID WHICH HOUSES SUPPORTS FOR THE VERTICAL ELEMENTS AS WELL AS THE BUILT-IN LIGHTING ASPECT – ALL OF WHICH ARE INTEGRAL PARTS OF THE SCULPTURE. THE BLOWN GLASS ELEMENT SURE NOT A STAND-ALONE SCULPTURE IN-AND-OF THEMSELVES. THE GRIDDED BASE IS IN NO WAY ATTACHED THE GROUND BENEATH IT. IT IS ENGINEERED BY THE ARTIST'S TEAM OF QUALIFIED CONTRACTORS AND ENGINEERS IN HIS STUDIO SO THAT THE WEIGHT ALONE IS THE ONLY ANCHORING FACTOR NECESSARY FOR THE MITIGATION OF HIGH WINDS OR EARTHQUAKE. THE ONLY ADDITION AT ROCKLEDGE WAS THE METAL MOW BAND" RIM PLACED AROUND THE SCULPTURE – WHICH HAD NOT BEEN NECESSARY AT EITHER MY RESIDENCE OR THE GALLERY AS IN BOTH INSTANCES ARTIFICIAL TURF WAS UTILIZED VERSUS NATURAL GRASS." LEISA AUSTIN, IMAGO GALLERIES.(24) LOW-VOLTAGE 6.5 WATT, 500 LUMENS,3000K, MRI 16 ADJUSTABLE LIGHTS INSTALLED AT THE BASE OF THE ART PIECE, FOCUSED HORIZONTALLY WASH THE ART PIECE.

Exhibit F, Page 3 of 15

The 2475 SCH art installation instructions are set forth below.

The contractor gave the following installation information:

1. The sod in the immediate area of the installation was removed.
2. The grade was excavated +/- 6" and filled with decomposed granite (DG), fully pervious, to avoid a muddy condition.
3. Metal grate was laid on top of the DG. Tubes and lights were clipped to the grate. The dimensions of the art area that requires excavation. 23 feet wide by 7 feet 4 inches deep will allow for adequate spacing for the steel grates & river rocks.
4. Material imported for base of art steel grates covered with gray river rocks; images attached.
5. Lights required for art illumination 24 Kitchler adjustable fixtures MR16s with 6.5 watt, 500 lumens, 3000 k bulbs, please refer to attached images.
6. Any additional requirements:
 - a. please relocate or redirect irrigation so it does not spray sculpture as this will leave hard water spots to keep grass and weeds from growth through metal grates, please place DG for best absorption – the installation team stated that you can also put Masonite (compressed ramboard) to provide a liner as well.
 - b. a metal edge separating the grass and the rocks would look nice and modern like the glass installation. it will also keep the grass / weeds from growing through the rocks.
 - c. place the transformer(s) for the lights on the other side of wall for future access, please protect limestone and decorative concrete with cardboard for protection so that we do not risk damage when carrying large boxes of blown glass, steel grates, and river rocks.
 - d. the transformers for the lights to be buried or placed on the other side of the wall which hides equipment such as pool, lighting, irrigation, etc. - place the transformer for the lights on the other-side of the wall in case you need to access.

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Exhibit F, Page 5 of 15

2475 SCH ART PIECE WITH NET



Exhibit F, Page 6 of 15

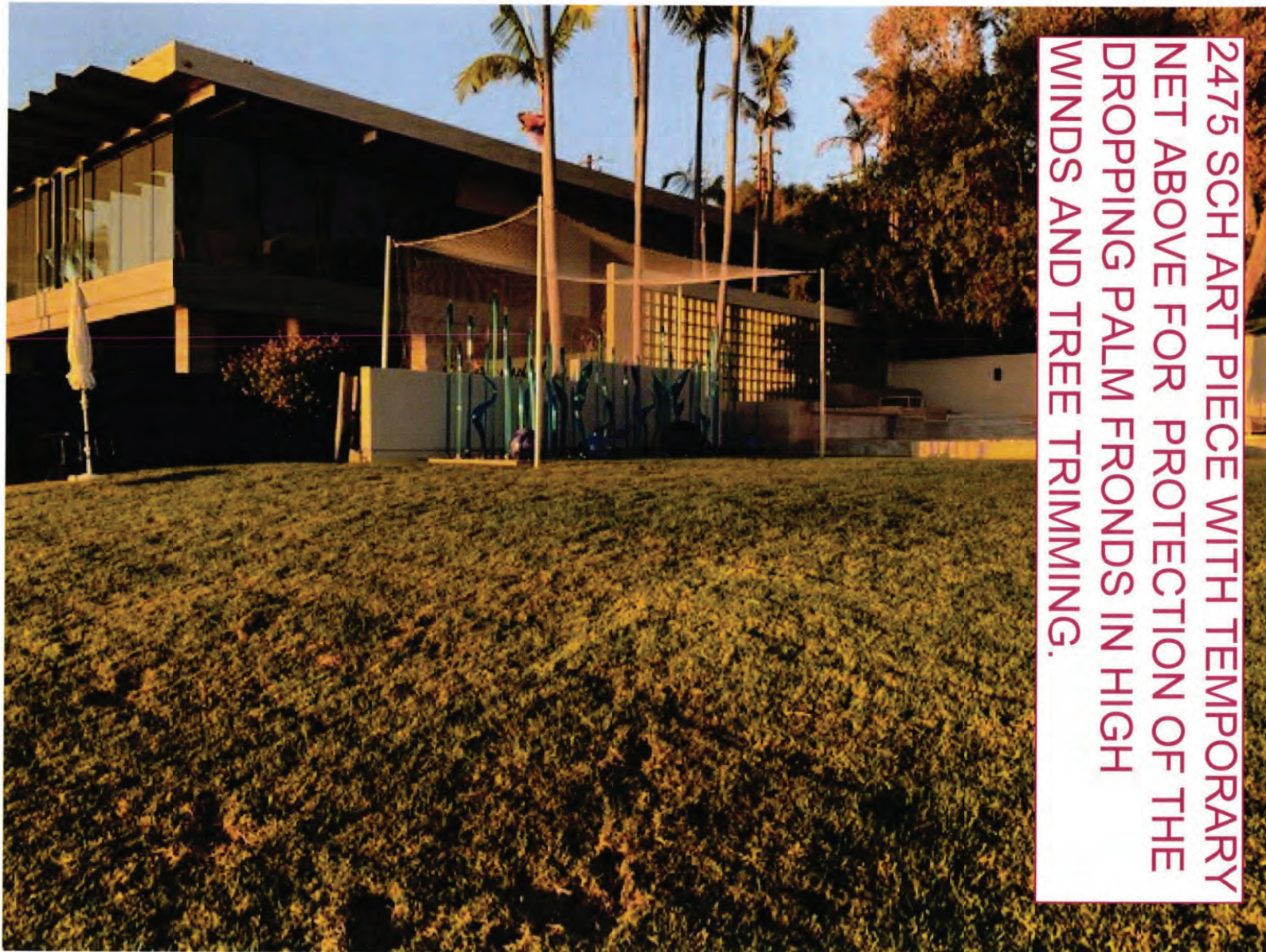


Exhibit F, Page 7 of 15



2475 SCH SOD REMOVED, SOIL IS COMPACTED AND THE GALVANIZED GRID FOR THE GLASS TUBES IS LAID ON THE TOP OF THE COMPACTED SOIL.

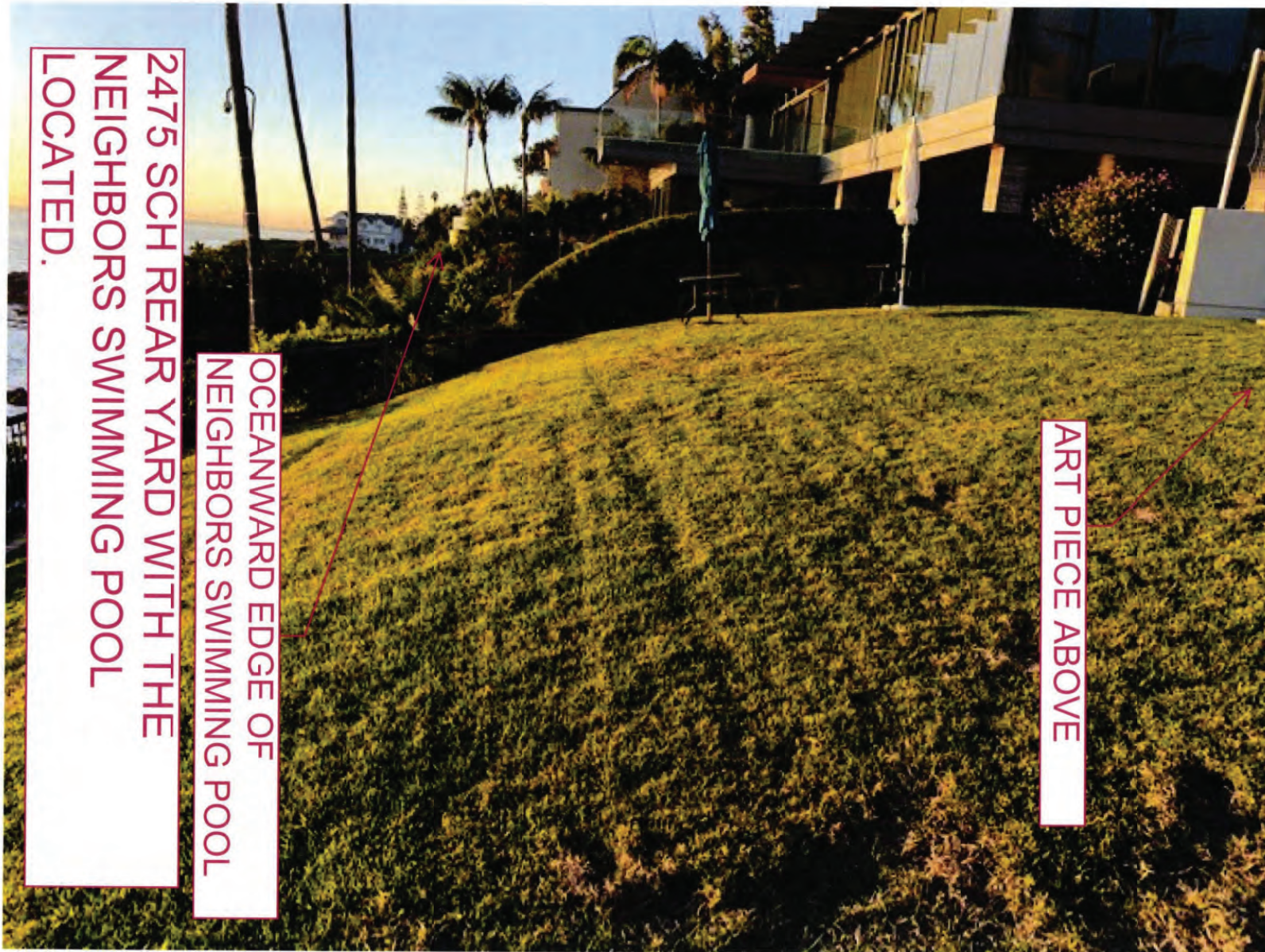


Exhibit F, Page 9 of 15

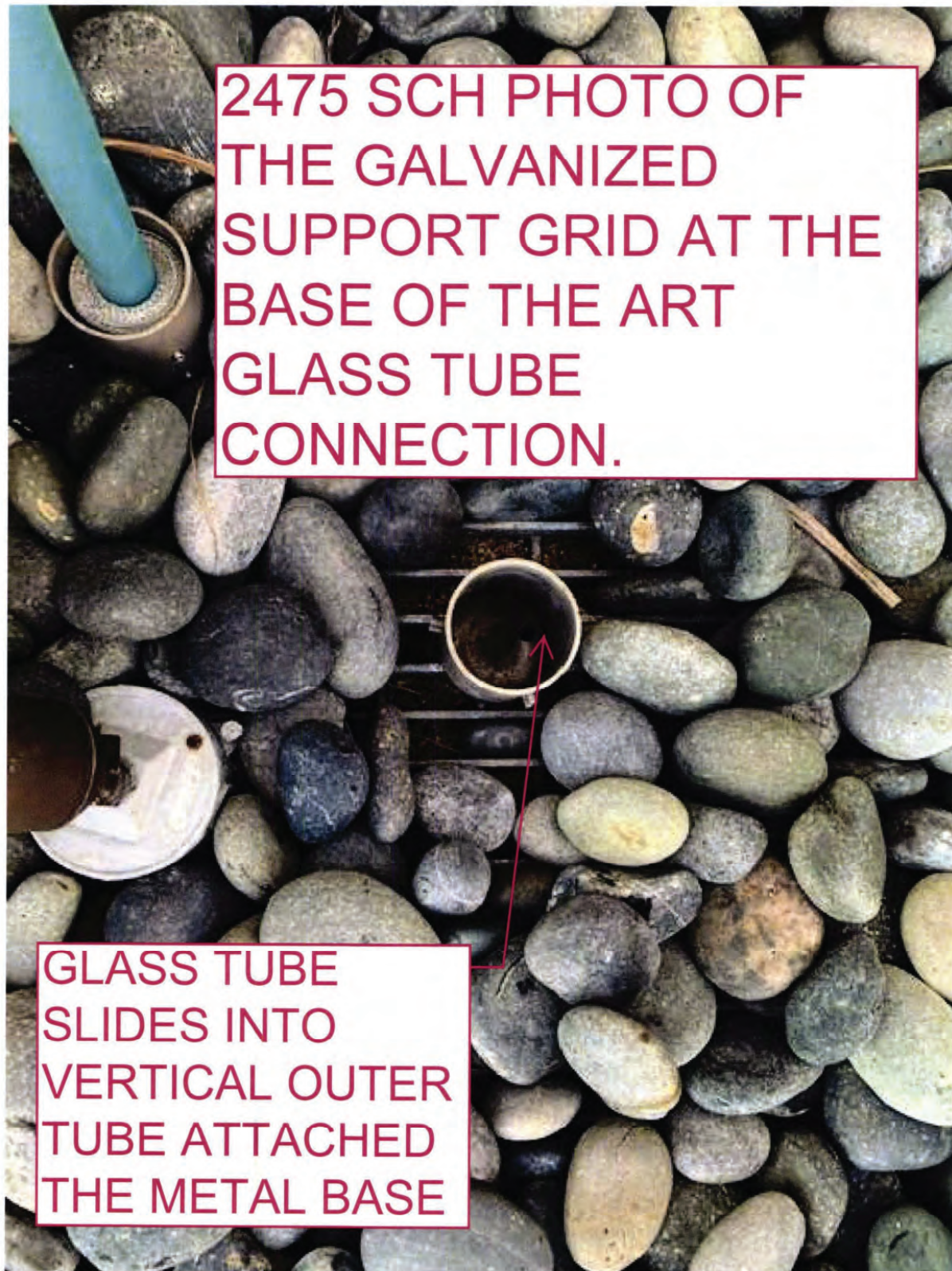


Exhibit F, Page 10 of 15

2475 SCH TEMPORARY SAFETY DIMENSIONS

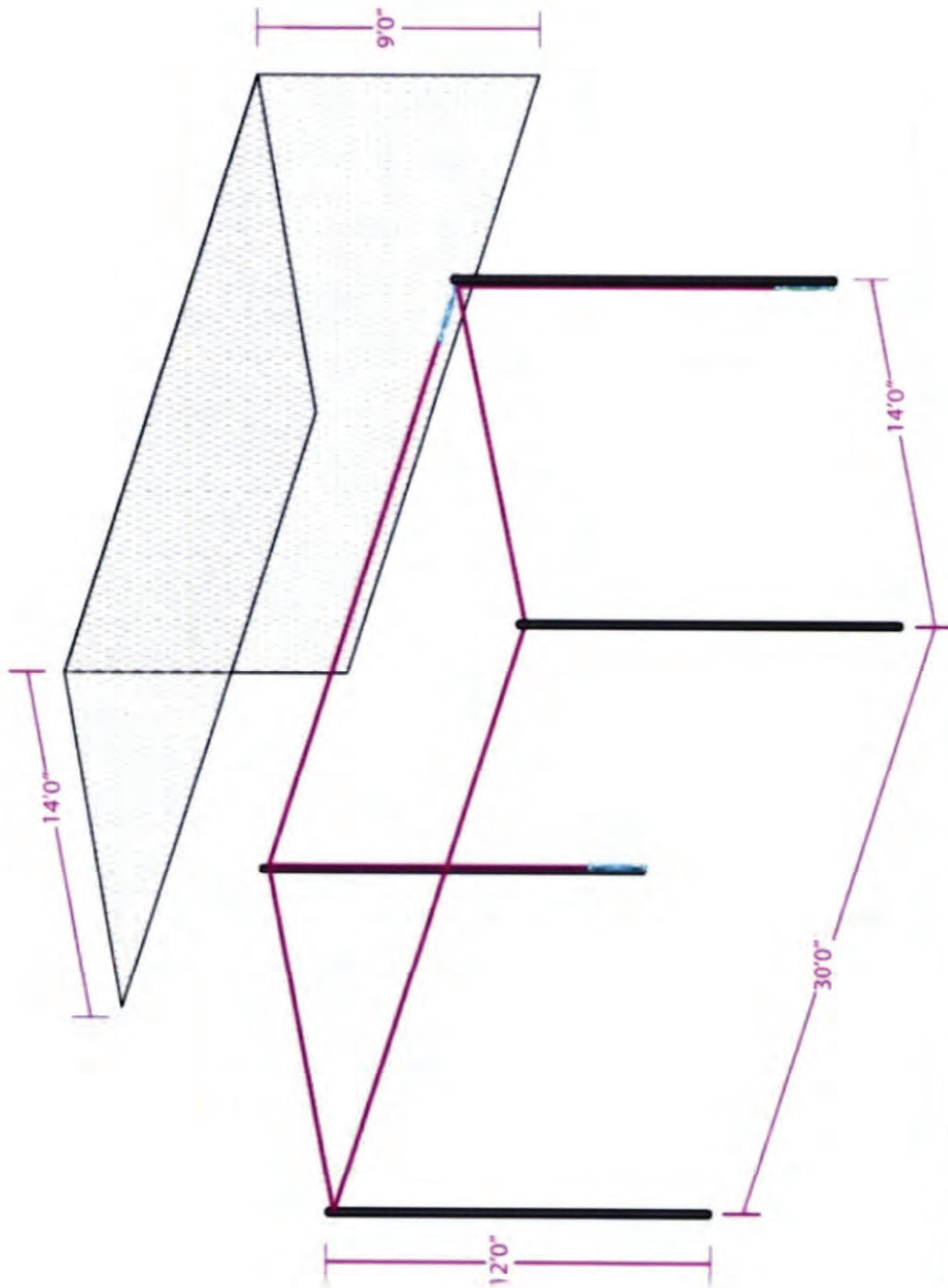


Exhibit F, Page 11 of 15



Exhibit F, Page 12 of 15

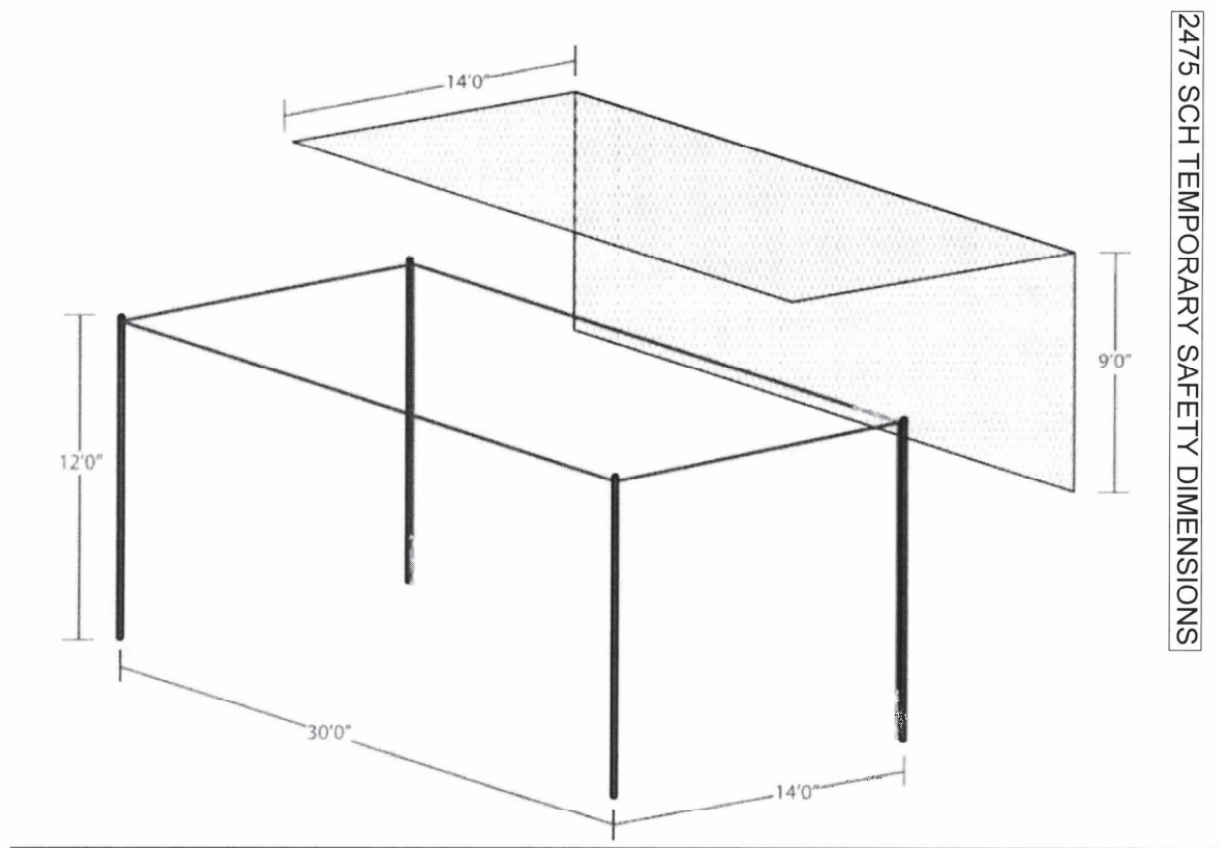


Exhibit F, Page 13 of 15

12V MR-16 Adjustable Cowl Brass Accent-Centennial Brass
15485CBR (Centennial Brass)

Project Name: _____
Location: _____
Type: _____
Qty: _____
Comments: _____

KICHLER



Notes:
1) Information provided is subject to change without notice. All values are design or typical values when measured under laboratory conditions.
2) Incandescent Equivalent: The incandescent equivalent as presented is an approximate number and is for reference only.

Kichler
7711 East Pleasant Valley Road Cleveland, Ohio 44131-8010
Toll Free: 866.558.5706 or kichler.com

Certifications/Qualifications

Location Rating	Wet
Prop65	Yes
www.kichler.com/warranty	

Dimensions

Height	2.50"
Length	6.00"
Width	2.50"

Electrical

Input Voltage	Single(120)V
Operating Voltage Range	12 VAC
Voltage	12V

Primary Lamping

Lamp Included	Not Included
Lamp Type	MR16
Light Source	Incandescent
Max or Nominal Watt	4.00

Product/Ordering Information

SKU	15485CBR
Finish	Brass
UPC	783927540100

Optional Lamping

2700K LED MR16 4W 15 Degree	18126
3000K LED MR16 4W 15 Degree	18127
2700K LED MR16 4W 25 Degree	18128
3000K LED MR16 4W 25 Degree	18129
2700K LED MR16 4W 40 Degree	18130
3000K LED MR16 4W 40 Degree	18131
2700K LED MR16 4W 60 Degree	18132
3000K LED MR16 4W 60 Degree	18133
2700K LED MR16 5W 15 Degree	18134
3000K LED MR16 5W 15 Degree	18135
2700K LED MR16 5W 25 Degree	18136
3000K LED MR16 5W 25 Degree	18137
2700K LED MR16 5W 40 Degree	18138
3000K LED MR16 5W 40 Degree	18139
2700K LED MR16 5W 60 Degree	18140
3000K LED MR16 5W 60 Degree	18141
2700K LED MR16 7W 15 Degree	18142
3000K LED MR16 7W 15 Degree	18143
2700K LED MR16 7W 25 Degree	18144
3000K LED MR16 7W 25 Degree	18145
2700K LED MR16 7W 40 Degree	18146
3000K LED MR16 7W 40 Degree	18147
2700K LED MR16 7W 60 Degree	18148
3000K LED MR16 7W 60 Degree	18149

Specifications

Material	BRASS
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Additional Finishes


	Centennial Brass
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Exhibit F, Page 14 of 15



LED MR16 Lamps

Specifications:



GU 5.3
NFL



GU 5.3
FL



P16
NFL



GU10
FL



GU10
NFL



P16
FL

ITEM #	DESCRIPTION	VOLTAGE	WATTS	REPLACEMENT	LUMENS	LPW	BEAM ANGLE	CCT	CRI	MOI (inches)	DIA. (inches)	BASE	CASE QTY
GU5.3 50W EQUIV MR16 LAMPS Elite													
LED712VMR16V24KNFL	LED 7W MR16 24K GU5.3 NFL	12V	7	50	450	64.3	20°	2400K	80	1.8	2.0	GU5.3	12
LED712VMR16V24KFL	LED 6.5W MR16 24K GU5.3 FL	12V	6.5	50	450	69.2	40°	2400K	80	1.8	2.0	GU5.3	12
LED712VMR16V27KNFL	LED 7W MR16 27K GU5.3 NFL	12V	7	50	500	71.4	20°	2700K	80	1.8	2.0	GU5.3	12
LED712VMR16V27KFL	LED 6.5W MR16 27K GU5.3 FL	12V	6.5	50	500	76.9	40°	2700K	80	1.8	2.0	GU5.3	12
LED712VMR16V30KNFL	LED 7W MR16 30K GU5.3 NFL	12V	7	50	500	71.4	20°	3000K	80	1.8	2.0	GU5.3	12
LED712VMR16V30KFL	LED 6.5W MR16 30K GU5.3 FL	12V	6.5	50	500	76.9	40°	3000K	80	1.8	2.0	GU5.3	12
LED712VMR16V41KNFL	LED 7W MR16 41K GU5.3 NFL	12V	7	50	500	71.4	20°	4100K	80	1.8	2.0	GU5.3	12
LED712VMR16V41KFL	LED 6.5W MR16 41K GU5.3 FL	12V	6.5	50	500	76.9	40°	4100K	80	1.8	2.0	GU5.3	12
LED712VMR16V50KFL	LED 6.5W MR16 50K GU5.3 FL	12V	6.5	50	500	76.9	40°	5000K	80	1.8	2.0	GU5.3	12
GU5.3 50W EQUIV MR16 High CRI													
LED712VMR16927KNFL	LED 7W MR16 27K GU5.3 NFL	12V	7	50	425	60.7	20°	2700K	90	1.8	2.0	GU5.3	12
LED712VMR16927KNFLB	LED 7W MR16 27K GU5.3 NFL BIK	12V	7	50	425	60.7	20°	2700K	90	1.8	2.0	GU5.3	12
LED712VMR16927KFL	LED 6.5W MR16 27K GU5.3 FL	12V	6.5	50	425	65.4	40°	2700K	90	1.8	2.0	GU5.3	12
LED712VMR16927KFLB	LED 6.5W MR16 27K GU5.3 FL BIK	12V	6.5	50	425	65.4	40°	2700K	90	1.8	2.0	GU5.3	12
LED712VMR16930KNFL	LED 6.5W MR16 30K GU5.3 NFL	12V	7	50	425	60.7	20°	3000K	90	1.8	2.0	GU5.3	12
LED712VMR16930KFL	LED 7W MR16 30K GU5.3 FL	12V	6.5	50	425	65.4	40°	3000K	90	1.8	2.0	GU5.3	12
LED712VMR16930KFLB	LED 6.5W MR16 30K GU5.3 FL BIK	12V	6.5	50	425	65.4	40°	3000K	90	1.8	2.0	GU5.3	12
LED712VMR16941KNFL	LED 7W MR16 41K GU5.3 NFL	12V	7	50	425	60.7	20°	4100K	90	1.8	2.0	GU5.3	12
LED712VMR16941KFL	LED 6.5W MR16 41K GU5.3 FL	12V	6.5	50	470	72.3	40°	4100K	90	1.8	2.0	GU5.3	12

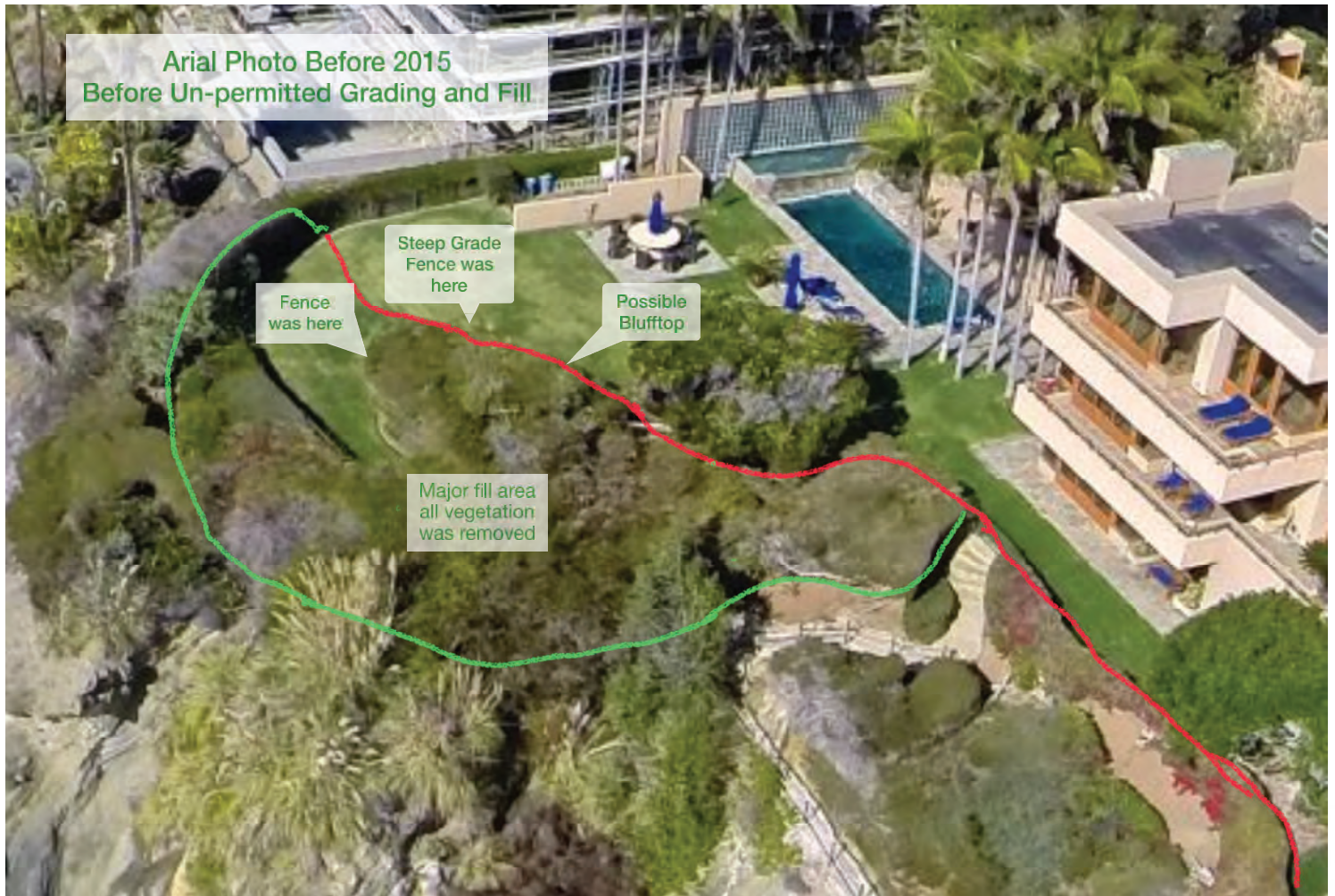
TCP®

325 Campus Dr. | Aurora, Ohio 44202 | P: 800-324-1496 | tcp.com



**3 YEAR
WARRANTY**
*Based on 12 hours
use per day.

Exhibit F, Page 15 of 15



2475 South Coast Highway, Laguna Beach
Source: <https://www.estradaproperties.net/estate/rockledge-by-the-sea-a-true-luxury-oceanfront-estate/>



Exhibit IV, Page 2 of 10



Exhibit H, Page 3 of 10



Exhibit 16, Page 8 of 18











Exhibit H, Page 9 of 10



Exhibit H, Page 10 of 10



Exhibit I, Page 1 of 2



Exhibit I, Page 2 of 2







From: **Wiener, Marc CD** <mwiener@lagunabeachcity.net>
Date: Sat, Jun 5, 2021 at 9:33 AM
Subject: RE: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway
To: Mark Towfiq <mark@towfiq.com>
Cc: Dominguez, Christian CD <cdominguez@lagunabeachcity.net>

Hell Mark,

Below is a response to your questions.

I have not received a written statement from the attorney, but the way the permit is conditioned should address any issues with potential future modifications to the art sculpture.

You should be receiving the notice any day. You have 15 working-days to request a public hearing.

Yes, we can and will include a condition that the post holders be removed and filled.

Marc Wiener, AICP

Community Development Director

City of Laguna Beach

Phone: (949) 497-0361

Email: mwiener@lagunabeachcity.net



From: Mark Towfiq <mark@towfiq.com>
Sent: Friday, June 4, 2021 8:14 AM
To: Wiener, Marc CD <mwiener@lagunabeachcity.net>
Cc: Dominguez, Christian CD <cdominguez@lagunabeachcity.net>
Subject: Re: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

[NOTICE: This message originated outside of City of Laguna Beach -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Marc,

I am sorry to have missed your call yesterday but thank you for the voicemail. The phone reception here is not the best and often my calls go directly to voicemail.

Exhibit K, Page 1 of 7

1- In your last email you had mentioned that Mr. Nokes will be providing something to the city and us early last week that will address the permanent removal of the netting and replacement of blue light with lighting more acceptable. Did he provide the city with any letter like this?

2- If the city is planning to issue the permit for the art structure with conditions that no other structures or netting can be placed over or around it, when should I expect the notice to the neighbors to go out and how much time do I have to request a hearing after the letter is received.

3- Can the city require that the netting post holders that were installed in the ground with concrete footings be permanently removed and filled as a condition of the CDP for the art structure?

Sincerely,

Mark

On Jun 3, 2021, at 9:16 AM, Mark Towfiq <mark@towfiq.com> wrote:

Hi Marc,

I am just checking in to see if there were any updates since I didn't hear back from you last week.

Sincerely,

Mark

On May 20, 2021, at 9:17 AM, Wiener, Marc CD <mwiener@lagunabeachcity.net> wrote:

Hi Mark,

I just spoke with Larry Nokes and he wanted me to convey to you that they are working on providing something to the City, and you, early next that will address the permanent removal of the netting and replacement of blue lights with lighting that is more acceptable. They are also going to submit plans that propose a glass roof over the sculpture, which I will transmit to you next week once we receive it. The way it has been described is that it would only be slightly taller than the sculpture. One of the benefits is that it would help ensure that Mr. Gross will no longer feel the need to install netting for protection. Nonetheless, the City will not issue any permits for this until we have reviewed it with you. I am out next Monday, so expect me to be transmitting the materials to you on Tuesday. Have a nice weekend.

Regards,

Marc Wiener, AICP

Community Development Director

City of Laguna Beach

Exhibit K, Page 2 of 7

Phone: (949) 497-0361

Email: mwiener@lagunabeachcity.net

From: Mark Towfiq <mark@towfiq.com>

Sent: Tuesday, May 18, 2021 3:50 PM

To: Wiener, Marc CD <mwiener@lagunabeachcity.net>

Subject: Re: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

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Thank you.

On May 18, 2021, at 3:30 PM, Wiener, Marc CD <mwiener@lagunabeachcity.net> wrote:

Hi Mark,

Thank you for meeting with me yesterday. I will get back to you tomorrow with an update.

Marc Wiener, AICP

Community Development Director

City of Laguna Beach

Phone: (949) 497-0361

Email: mwiener@lagunabeachcity.net

From: Mark Towfiq <mark@towfiq.com>

Sent: Monday, May 17, 2021 3:05 PM

To: Wiener, Marc CD <mwiener@lagunabeachcity.net>

Subject: Re: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

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Marc,

It was great meeting you. Attached please see the current lighting situation at night.

I look forward to hearing back from you on the CDP decision for the art installation and code enforcement.

Sincerely,

Mark

Exhibit K, Page 3 of 7

On May 13, 2021, at 6:42 PM, Wiener, Marc CD <mwiener@lagunabeachcity.net> wrote:

How about 2:00 pm?

Marc Wiener, AICP
Community Development Director
City of Laguna Beach
Phone: (949) 497-0361
[Email: mwiener@lagunabeachcity.net](mailto:mwiener@lagunabeachcity.net)

-----Original Message-----

From: Mark Towfiq <mark@towfiq.com>
Sent: Thursday, May 13, 2021 6:42 PM
To: Wiener, Marc CD <mwiener@lagunabeachcity.net>
Subject: Re: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

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Marc,

No Problem. Let's try Monday afternoon. Let me know the best time for you.

Sincerely,

Mark

On May 13, 2021, at 6:33 PM, Wiener, Marc CD <mwiener@lagunabeachcity.net> wrote:

Hi Mark,

Unfortunately, something has come up in the morning and I won't be able to stop by. Is it possible for us to reschedule to next week? My schedule is open on Monday and Wednesday afternoon.

Thanks,

Marc Wiener, AICP
Community Development Director
City of Laguna Beach
Phone: (949) 497-0361

Exhibit K, Page 4 of 7

Email: mwiener@lagunabeachcity.net

-----Original Message-----

From: Mark Towfiq <mark@towfiq.com>

Sent: Tuesday, May 11, 2021 6:30 PM

To: Wiener, Marc CD <mwiener@lagunabeachcity.net>

Subject: Re: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

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Marc,

Yes that will work for me.

Address: 2425 South Coast Highway

I look forward to the meeting.

Mark

949-244-6150 (cell)

On May 11, 2021, at 6:28 PM, Wiener, Marc CD <mwiener@lagunabeachcity.net> wrote:

Hi Mark,

How about 8:30 am on Friday morning? I can come to your place. What is the address?

Marc Wiener, AICP
Community Development Director
City of Laguna Beach
Phone: (949) 497-0361
Email: mwiener@lagunabeachcity.net

-----Original Message-----

From: Mark Towfiq <mark@towfiq.com>

Sent: Tuesday, May 11, 2021 6:03 PM

To: Wiener, Marc CD <mwiener@lagunabeachcity.net>

Cc: Dupuis, Shohreh CM <sdupuis@lagunabeachcity.net>; Corona, Ross CD

Exhibit K, Page 5 of 7

<rcorona@lagunabeachcity.net>; Dominguez, Christian CD
<cdominguez@lagunabeachcity.net>
Subject: Re: Zoning Plan Check 20-7903 for an art installation at
2475 S. Coast Highway

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content is safe.]

Marc,

Thank you for your email. My schedule is pretty open this week except for tomorrow, wednesday between 8am-2pm.
So Wednesday after 2pm, Thursday all day, and Friday all day.
Let me know a time and I can come down to your office or if you would like you can come to my house so you can see
the art installation and netting for yourself.

Sincerely,

Mark Towfiq

On May 11, 2021, at 5:57 PM, Wiener, Marc CD <mwiener@lagunabeachcity.net> wrote:

Hello Mark,

Do you have time this week to speak with me about this? If so, what days and times work best of you?

Marc Wiener, AICP
Community Development Director
City of Laguna Beach
Phone: (949) 497-0361
Email: mwiener@lagunabeachcity.net

-----Original Message-----

From: Mark Towfiq <mark@towfiq.com>
Sent: Tuesday, May 11, 2021 3:39 PM
To: Wiener, Marc CD <mwiener@lagunabeachcity.net>
Cc: Dominguez, Christian CD <cdominguez@lagunabeachcity.net>;
Whalen, Bob <bwhalen@lagunabeachcity.net>; Dupuis, Shohreh CM
<sdupuis@lagunabeachcity.net>; Corona, Ross CD
<rcorona@lagunabeachcity.net>; Irish, Lillian CD
<lirish@lagunabeachcity.net>; andrew.willis@coastal.ca.gov
Subject: Zoning Plan Check 20-7903 for an art installation at 2475 S.
Coast Highway

Exhibit K, Page 6 of 7

[NOTICE: This message originated outside of City of Laguna Beach --
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content is safe.]

Dear Mr. Wiener,

Attached please find my letter addressed to you in regard to Zoning Plan Check 20-7903 for an art installation at 2475
S. Coast Highway.

Sincerely,

Mark Towfiq

Exhibit K, Page 7 of 7

From: Corona, Ross CD
Sent: Thursday, April 29, 2021 2:24 PM
To: Dominguez, Christian CD
Subject: RE: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

Thank you.

Best Regards,



Ross Corona
Code Enforcement Officer
Community Development–Code Enforcement Div.
505 Forest Avenue, Laguna Beach, CA 92651
(949) 497-0333 rcorona@lagunabeachcity.net

**Please note our new City Hall Office Hours:
Mon – Thurs 7:30am – 5:30pm
Every other Friday 7:30am – 4:30pm
Closed alternating Fridays
Ask Laguna is available 24/7 to answer your questions

From: Dominguez, Christian CD
Sent: Thursday, April 29, 2021 2:23 PM
To: Corona, Ross CD <rcorona@lagunabeachcity.net>
Subject: RE: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

Since the net is not part of the application and is still in violation, we should notify Larry that it needs to be removed.

Chris Dominguez
Associate Planner | City of Laguna Beach
E: cdominguez@lagunabeachcity.net
P: (949) 497-0745

From: Corona, Ross CD <rcorona@lagunabeachcity.net>
Sent: Thursday, April 29, 2021 2:20 PM
To: Dominguez, Christian CD <cdominguez@lagunabeachcity.net>
Subject: RE: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

Hi Chris,

Quick question. I saw the CDP permit is in process. Does the netting and pole have to be removed prior to the hearing? Attached is your letter on 2nd page on #2 that states: "Staff will proceed with processing an administrative coastal development permit once confirmation is received that the net structure has been removed from the scope of work."

Best Regards,



Ross Corona

Code Enforcement Officer
Community Development–Code Enforcement Div.
505 Forest Avenue, Laguna Beach, CA 92651
(949) 497-0333 rcorona@lagunabeachcity.net

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From: Mark Towfiq [<mailto:mark@towfiq.com>]

Sent: Thursday, April 29, 2021 1:42 PM

To: Corona, Ross CD <rcorona@lagunabeachcity.net>

Cc: Irish, Lillian CD <lirish@lagunabeachcity.net>; Dominguez, Christian CD <cdominguez@lagunabeachcity.net>

Subject: Re: Zoning Plan Check 20-7903 for an art installation at 2475 S. Coast Highway

Importance: High

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Dear Ross,

As you can see from the second review letter for zoning plan check, the protective net that was part of your initial code

enforcement citations is not part of the applicant's permit. However the net is still up and it has been up continuously up since last summer.

The only time that was taken down for a few days is when you came to our house to take pictures of the net just before Thanksgiving.

In addition to the net, the Christmas lights on the palm trees have also been continuously up and on and the un-permitted blue lights behind

the glass block wall have also been on nightly and have not been included in the applicant's permit.

Can you please let me know about the status of these violations and since they are not included in the permit application, how is the city planning to enforce these violations?

I would appreciate your response.

Sincerely,

Mark Towfiq
949-244-6150

From: Mark Towfiq <mark@towfiq.com>
Sent: Tuesday, March 9, 2021 7:05 PM
To: Dominguez, Christian CD
Subject: Meeting today

[NOTICE: This message originated outside of City of Laguna Beach -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Chris,

It was nice meeting you and thank you for your time answering some of my questions. As we discussed, attached are some of the pictures that were taken of the un-permitted grading and fill that was done at the adjacent property between March and April 2016 by the previous owner of the property. All this dirt was generated when the retaining wall behind the swimming pool was moved back into the hill by about 4-5 feet. I could not find any permits for moving the retaining wall on the property records. I would appreciate it if you can share these pictures with the reviewing Geotechnical consultant.

Sincerely,

Mark Towfiq
949-244-6150





Exhibit M, Page 3 of 5





Exhibit M, Page 5 of 5

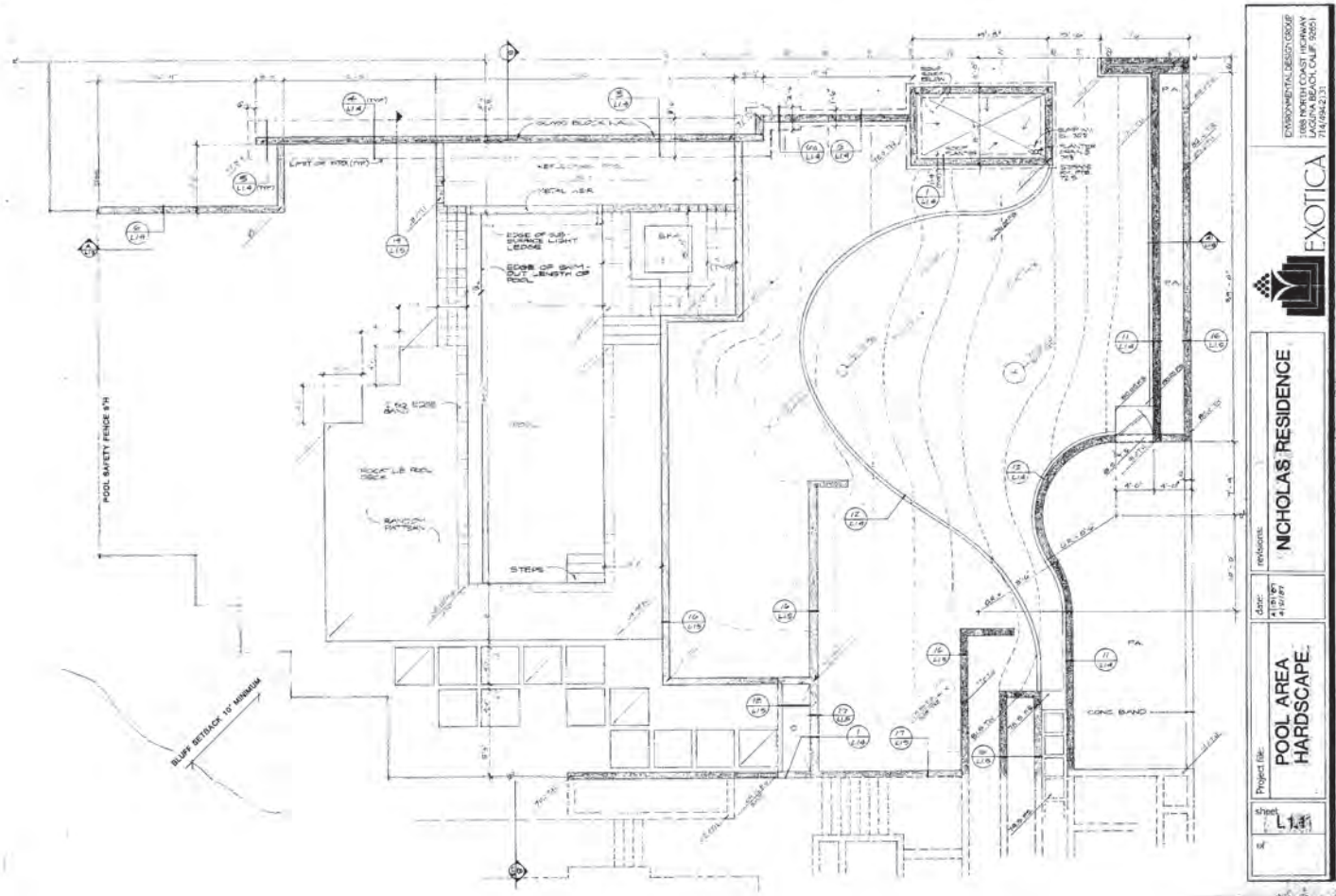




Exhibit N, Page 2 of 7



Exhibit N, Page 3 of 7



Exhibit N, Page 4 of 7







2475 South Coast Highway, Laguna Beach
Aerial Photo 2018
Source: <https://www.compass.com/listing/2475-south-coast-highway-laguna-beach-ca-92651/25381573318739185/>

From: Marshall Innins Design Group Architects <marshall@midgarchitects.com>
Sent: Friday, April 30, 2021 9:10 AM
To: Shackelford, Julie CD
Subject: 2475 South Coast Highway
Attachments: image001.wmz

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Julie how can I find out if there are pool plans in the file for this project?

Let me know.
Marshall



MIDG ARCHITECTS
MARSHALL INNINS ARCHITECT
410 BROADWAY STREET SUITE 210
LAGUNA BEACH CALIFORNIA 92651
949-376-1794

From: Marshall Innis Design Group Architects <marshall@midgarchitects.com>
Sent: Friday, April 30, 2021 10:20 AM
To: Shackelford, Julie CD
Subject: RE: 2475 South Coast Highway
Attachments: image002.wmz; image005.wmz

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I was told it was built in 2008



MIDG ARCHITECTS
MARSHALL INNIS ARCHITECT
410 BROADWAY STREET SUITE 210
LAGUNA BEACH CALIFORNIA 92651
949-376-1794

From: Shackelford, Julie CD <jshackelford@lagunabeachcity.net>
Sent: Friday, April 30, 2021 9:15 AM
To: Marshall Innis Design Group Architects <marshall@midgarchitects.com>
Subject: RE: 2475 South Coast Highway

Are the plans finalized or under construction?

Julie Shackelford
Records Management Coordinator
Community Development
City of Laguna Beach
(949) 497-0709

From: Marshall Innis Design Group Architects <marshall@midgarchitects.com>
Sent: Friday, April 30, 2021 9:10 AM
To: Shackelford, Julie CD <jshackelford@lagunabeachcity.net>
Subject: 2475 South Coast Highway

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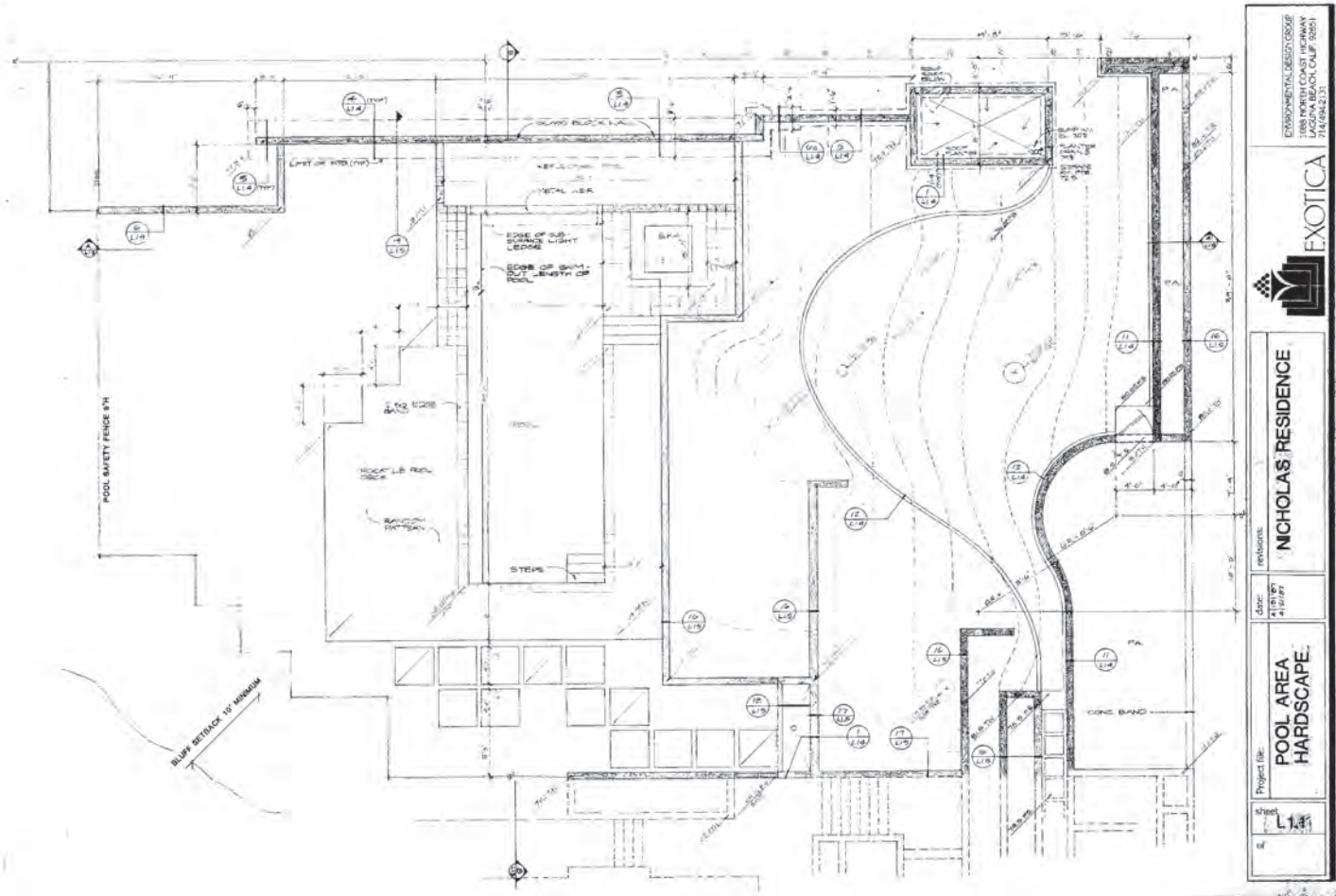
Julie how can I find out if there are pool plans in the file for this project?

Let me know.
Marshall



MIDG ARCHITECTS

MARSHALL INNIS ARCHITECT
410 BROADWAY STREET SUITE 210
LAGUNA BEACH CALIFORNIA 92651
949-376-1794





2475 South Coast Highway, Laguna Beach

Source: <https://www.compass.com/listing/2475-south-coast-highway-laguna-beach-ca-92651/25381573318739185/>



2475 South Coast Highway, Laguna Beach
Aerial Photo 2018
Source: <https://www.compass.com/listing/2475-south-coast-highway-laguna-beach-ca-92651/25381573318739185/>









From: Corona, Ross CD
Sent: Thursday, April 29, 2021 3:29 PM
To: Marshall Innins Design Group Architects; 'Larry Nokes'
Cc: Dominguez, Christian CD; 'Amy Schwartz'; 'Rob Giem'
Subject: RE: Art Installation 2475 Coast Hwy
Attachments: 2475 S. Coast Hwy. - Inspection photos 3.2.21.pdf; 2475 S. Coast Hwy. - Blue Lighting and Holiday Lighting on Palm Trees.pdf

Importance: High

Good afternoon Marshall or Larry and hope all is well,

It's been while we communicated on the subject matter. It was brought to my attention that the netting structure is not part of the Art Installation application. If the netting structure has not been removed, please remove by Monday, May 10, 2021. Thank you.

In addition, we received an additional new complaint for holiday lighting around the palm trees and unpermitted blue lighting affixed to the glass block wall that were installed in the year 2019. See photos for reference. You may be aware that Residential Holiday Lighting is allowed on November 15th through January 15 of every year. In a permit search, I was not able to locate an electrical permit for the blue lighting.

Please correct the violations by removing the holiday lighting from the palm trees and legalize the blue lighting or remove by a compliance date Monday, May 10, 2021.

Best Regards,

Ross Corona
Code Enforcement Officer
Community Development–Code Enforcement Div.
505 Forest Avenue, Laguna Beach, CA 92651
(949) 497-0333 rcorona@lagunabeachcity.net

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