

## **CALIFORNIA COASTAL COMMISSION**

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Refer To File # 504223-0001

**W 15b**

July 7, 2022

Donne Browsey, Chair  
Coastal Commissioners  
California Coastal Commission  
South Coast District Office  
301 E. Ocean Boulevard, Suite 300  
Long Beach, CA 90802

**Re: Commission Appeal No. A-5-LGB-22-0025 (Mike & Lori Gray)  
Agenda Item 15b, July 13, 2022**

Dear Chair Brownsey and Honorable Coastal Commissioners:

I write on behalf of Mike and Lori Gray, the owners of the property at 1007 Gaviota Drive, Laguna Beach. Unfortunately, the Staff Report for this Item ignores the most basic facts which compel the conclusion that there is **No Substantial Issue** raised by the appeal filed. The remodel project is fully compliant with the certified LCP and the public access and recreation policies of the Coastal Act.

Candidly, there is a terrible disconnect between the Staff Report here and the process between Commission Staff, the City of Laguna Beach, and the Grays which preceded it.

The Grays have spent 10 years before the City of Laguna Beach in an effort to remodel their existing house. In May 2021, the City approved a prior iteration of this remodel, which was appealed to the Commission (A-5-LGB-21-0043). The Commission found substantial issue. Thereafter, the Grays determined that the best course was to withdraw their application and return to the City to work closely with both the Commission and City staffs to address each of the concerns noted in the Commission's substantial issue staff report. As a result, the Project was significantly revised, with the two staffs closely reviewing and dictating the changes at each step. Indeed, questions that Commission Staff asked were addressed and changes that Staff requested were, in turn, required by City staff and agreed to by the Grays. If we had to describe it – it was a case of commendable collaboration between the two staffs and compliance by the Grays.

But that collaboration is astoundingly missing from the Staff Report, which we respectfully submit would undermine a process that seemed to demonstrate the value of cooperation between the two staffs.

A copy of this letter has been provided to Commission Staff in the South Coast District Office

On April 28, 2022, the City's Design Review Board (DRB) unanimously voted to conditionally approve design review and a CDP for the major remodel of the existing residence. The resulting residence – although not disclosed by the Staff Report – is completely compatible with the surrounding neighborhood, except that it is far smaller, far lower in profile, and located further landward than any of the neighboring residences on Gaviota Drive. (**Exh. 1.**) As approved, it complies with the stringline and all required setbacks, including a 10-foot deck setback that Commission Staff itself dictated prior to City approval, and with the guidance from Commission Staff and as required by the City, the Project is fully compliant with the LCP and Coastal Act.

The Staff Report misstates the facts and expert evidence presented. It ignores that the Commission in 1980 approved a CDP for a separate project – the restoration and stabilization of a bluff that failed not only across this property but the adjacent downcoast property as well, and that CDP permitted the retaining wall system that now protect both properties, as well the public access stairs to the beach below. Moreover, it ignores that the Commission's CDP approval required lateral public access over the sandy beach, which the Staff Recommendation now would unwittingly eliminate.

The issues raised by the appeal are addressed below. It also is unusual that the City of Laguna Beach has weighed in to address the issues as well (*See* Staff Report Exh. 5), presumably because the City, too, felt that its positive interaction with Commission Staff compelled the conclusion that we ask the Commission to make – No Substantial Issue.

**The Bluff Edge Determination Considered and Applied Both the Commission's 1980 Top of Bluff Determination and the LCP Definition of a Bluff Edge**

The Staff Report first suggests that the location of bluff edge may not be accurate. In fact, it was the Commission itself in 1980 that identified the location of bluff edge, and that bluff edge location was further confirmed by two expert reports, which also were peer reviewed by the City's geotechnical consultant.

In 1980, the prior owner of this oceanfront property and the owner of adjacent downcoast oceanfront property (1021 Gaviota Drive) concurrently applied to the Commission to restore the bluff, which had just failed in a landslide that occurred across the two properties. The Commission approved two CDPs. As to this property, the Commission issued CDP No. A-80-7442 (Langman), which approved the construction of three retaining walls to restore and stabilize the failed bluff. (**Exh. 2.**) It concurrently issued a second CDP, A-80-7288 (Butts), as to the adjacent property. (**Exh. 3.**) Importantly, the description of the project which Staff wrote on the Commission permit approved for the subject property stated the following:

“Construction of 3 retaining walls on an improved, 4,880 +/- ocean bluff, R-2 lot. One retaining wall, *at the top of the bluff*, will be 32’ across the site and 4.5’ above grade, one wall will extend the width of the site, 40’ and 2’ above grade and the third wall, the most seaward, will extend the width of the site, 40’ above grade. Three walls are required to stabilize the site due to the steep slope and the distance down slope, 57 +/-’, to be stabilized.” (Exh. 2, p. 1; emphasis added.)

Thus, the Commission itself defined the “top of the bluff” based upon the definition of “coastal bluff” in the Commission’s regulations at the time. Under well settled case law, that 1980 Commission decision (discussed further in the next section) became “administrative res judicata” and binding in effect. Today, it cannot be collaterally challenged or repudiated by anyone, including appellants or the Commission. (*Hollywood Circle, Inc. v. Dept. of Alcoholic Beverage Control* (1961) 55 Cal.2d 728, 731; *Patrick Media Group, Inc. v. California Coastal Com.* (1992) 9 Cal.App.4th 572, 617; *California Coastal Com. v. Superior Court* (1989) 210 Cal.App.3d 1488, 1493-1501.)

The City carefully reviewed the issue, including with Commission Staff. As the City concluded, the two recent expert reports addressed the bluff issue and confirmed that the top of bluff is where the Commission itself determined it. Geofirm (10/22/21) prepared the first expert report and explained the location of the top of bluff by reference to both the Commission’s 1980 determination and its regulation defining “coastal bluff” in effect at that time. GeoSoils (2/22/2022) prepared a second report that went further and applied the certified LUE definition. GeoSoils, Inc., considered geologic maps and literature, historical aerial photographs, site reconnaissance, and engineering and geological analyses to determine the location of the bluff edge based on the City’s LUE definition of oceanfront bluff/coastal bluff and the Commission’s definition of a bluff line or edge. Based on that information, GeoSoils concluded that the location of the coastal bluff edge at the subject site occurs at “the topographic inflection point between the mostly flat-lying to gently sloping coastal terrace and the more steeply sloping coastal bluff.” (*Id.*, p. 7.) The approximate location of the bluff edge was plotted. (*Id.*, Plate 1.) And, the GeoSoils bluff edge determination was itself peer-reviewed and approved by the City’s consulting geotechnical consultant.

Despite from the Commission’s **binding** 1980 “top of bluff” determination, Staff astonishingly suggests that the catastrophic failure of a bluff determines its location. In other words, no one can ever repair a coastal bluff destroyed by natural disaster. The Coastal Act, however, dictates otherwise. The Legislature enacted Coastal Act section 30610(g), the “natural disaster” exemption, which would have authorized the 1980 bluff restoration and stabilization project in the location determined by the Commission and the two experts. Section 30610(g) exempts from the permit requirement the destruction of a structure by natural disaster (defined as, beyond the control of the property owner), and the Act defines “structure” as including “landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.” (Pub. Res. Code, § 30610(g)(2).)

Relying on the Commission's 1980 decision and peer-reviewed expert reports, the City got it exactly right. There is no substantial issue as to the bluff edge.

### **The Existing Retaining Walls Were Clearly Permitted and Obviously Not Obsolete**

The Staff Report next suggests that the three retaining walls the Commission approved in 1980 are somehow "obsolete" and that the residence proposed "should be designed without relying on the retaining walls." This, unfortunately, ignores, first and foremost, uncontradicted evidence that demonstrates the previously approved bluff stabilization and retaining walls are essential and hardly obsolete. It also surprisingly ignores, once again, the Commission's 1980 CDP decision, as well as its conditions of approval.

First, it is apparent that Staff based its discussion on this particular issue on appellants' non-expert assertion (Appeal, p. 4) that the "toe of the site bluff is comprised of erosion resistant cemented bedrock (Topanga Formation)," and because of the bedrock, the lower retaining wall is not serving any purpose ("ergo is obsolete") and should be removed. Obviously, the cemented bedrock was not adequate to provide bluff protection because the bluff on this property and the adjacent downcoast property failed. So, that assertion is nonsensical. The lower retaining wall is higher than and anchored to the bedrock to hold back the repaired slope, and it has continued to provide the necessary protection for both this property and the adjacent downcoast property.

Geofirm is the more recent iteration of the geotechnical firm, Stoney Miller, which performed the 1980 geotechnical observation and testing for the bluff restoration and stabilization project. Geofirm explains (10/22/21, pp. 2-3):

"Our office field reviewed the conditions on the slope and of the walls on August 6 and September 7, 2021. Based on our review, the walls are all in good condition and the system continues to perform as intended in the original design. The lower shoreline wall is a contiguous part of the adjoining property wall to the southeast, sharing a common foundation, and is providing ongoing erosion protection across the toe of the slope for both properties, as approved by the above-referenced Coastal Development Permit. The lower wall terminates to the north at the Anita Street beach access stairs and provides partial protection for that area from the southern wave action.

"The upper terraced walls also appear to be in good condition and continue to perform as intended and provide support to the middle slope and upper patio. No evidence of yielding, settlement or wall rotation was observed. Additionally, no evidence of significant or uncontrolled erosion, or movement on the slope was observed.

"It is important to consider that the permitted repair acts as a stabilization system, and has maintained the area in a stable equilibrium for the property and on the beach over the past 40 years. Each of the wall components are designed to rely on the other components to maintain and provide global site stability as previously approved by the Coastal

Commission. Removal of any one component would alter the performance of the system, threaten the repair slope, and would be likely to adversely impact adjoining property and improvements to the southeast and northwest, including the Anita Street beach access stairs. If altered, erosion and potential instability would represent a hazard to use of the beach. Additional shoreline protection, including up-slope return walls, would be needed, adding a problem that does not presently exist.”

Thus, the Staff Report incorrectly states that “the City’s findings did not provide evidence that the adjacent property or the public access stairs would be affected by the removal of the retaining walls.” (Staff Report, p. 12.) It simply ignores the expert evidence provided by Geofirm.

Equally important, in asserting the lower retaining wall should be removed, thereby exposing the bluff again to failure, the Staff Report again ignores the Commission’s 1980 CDP decision approving the bluff restoration and stabilization project, including the lower retaining wall, over the two properties. Pursuant to that approval, the project was implemented and thus enjoys a vested right to remain.

But that is not all. The Staff Report further ignored that in approving the bluff restoration project, the Commission imposed a condition requiring a lateral access easement over the beach. Commission Staff prepared and approved the easement document. It states:

“NOW, THEREFORE, **in consideration of the granting of Permit No. A-80-1442 to the owners by the Commission**, the Owners hereby irrevocably agree that there be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property: . . . An easement for public access and passive recreational use along the shoreline. The easement shall run parallel to the approved bulkhead and includes all area from the seaward edge of the most seaward bulkhead to the mean high tide line.” (Exh. 4, CCC Deed Restriction, pp. 2-3; emphasis added.)

The applicant recorded the easement, and today the public enjoys the sandy beach. Yet, Staff’s suggestion that the Commission now repudiate its prior decision puts that public access at risk in two ways. First, to exact the public access easement but repudiate the 1980 approval that required it would surely constitute an unconstitutional taking, which Coastal Act section 30010 and the U.S. and California Constitutions forbid. Second, it would terminate the easement because the deed restriction further provides:

“[S]aid deed restriction shall remain in full force and effect during the period that said permit, or modification or amendment thereof, remains effective, and **during the period that the development authorized by said permit, or any modification of said development, remains in existence . . .**” (*Id.*; emphasis added.)

The appeal ground that the retaining walls, or any of them, are obsolete is frivolous. No substantial issue is presented.

**The City Required a 10-Foot Setback from the Bluff Edge, Requiring Removal of a Portion of the Patio Deck, as Required by Commission Staff**

The disconnect between City and Commission staff communications regarding the Project is well illustrated by the statement in the Staff Report: “Based on the City record, it appears the existing patio deck was revised to comply with a ten-foot setback from the bluff edge and as a result, a portion of the deck was converted to a planter area with landscaping.” (Staff Report, p. 13; emphasis added.) This astonishing statement makes it seem as though the setback is a surprise to Commission staff. **It bears emphasizing that the ten-foot setback was dictated by Commission Staff!** Staff told the City that the ten-foot setback is required. The City, in turn, required it and the Grays revised their plans to delete the long-existing patio in that area. It is true, as the Staff Report, that the Commission’s 1980 CDP decision resulted in a bluff restoration and stabilization system that actually works, providing stability to this property, the adjacent property, and, of course, the patio directly behind. The issue is not whether the retaining wall system protects the deck – of course it does. The issue is whether the project complies with the setback requirement, and it unquestionably does. No substantial issue is raised.

**The City-Approved Project Complies with the Public Access Requirements of the Coastal Act**

The Staff Report also wrongly asserts that the City-approved project does not comply with the Coastal Act’s public access requirements. With respect to fencing, the City did not approve any fencing in the Anita Street right-of-way, and any fencing which did exist in the right-of-way is no longer present. The City only approved significant public beach-related improvements in the right-of-way, which were reviewed in advance with Commission Staff.

The Anita Street right-of-way is oddly configured relative to the Gray’s property. The actual street, which is the public accessway, lies below the property and descends to an overlook and stairway to the beach. The right-of-way includes a significant sloped area on the downcoast side of the street and continues to a portion of the flat area where the Gray’s residence is located.

The City-approved Project resulted in four major changes in terms of the right-of-way: (1) relocation of the driveway access to the home; (2) removal of all driveway paving and existing fencing; (3) the extension of existing landscaping from the sloped area; and (4) the construction and maintenance of a vehicle drop-off and pick-up area and related significant public access amenities. These are described in greater detail below.

For nearly 100 years, driveway access to the house was taken from the upper portion of the Anita Street right-of-way to the existing garage. In the previous appeal, Commission Staff acknowledged the long-standing driveway access, but explained that because the private site is

being redeveloped, the driveway access should be relocated out of the public right-of-way. Accordingly, the Grays revised the Project to take driveway access instead from Gaviota Drive to a relocated garage.

With respect to fencing, the City's approval did not approve any fencing beyond the Gray's property. That is graphically reflected in the Gray's renderings, which also reflect the removal of the existing paved driveway area, the retention of existing mature trees, and enhanced landscaping in the right-of-way. (Exh. 5, Powerpoint slide #1.) There were two fences in the right-of-way – a deteriorating trellis fence along the slope and a temporary construction fence installed in 2014 when the city issued a building permit for the first remodel of the residence before the project was subsequently classified as a “major remodel.” Both fences have been removed, and thus there is no issue at all in that regard.

This remodel project is also exceptional because it proposes at private expense the provision of actual public access improvements. These are public improvements that the Grays have absolutely no obligation to improve within the Anita Street right-of-way. In discussions with the City and communicated to Commission staff, the Grays simply voluntarily proposed them to benefit the beachgoing public and enhance the community public access experience. Surprisingly, the Staff Report dismisses these improvements as “minor,” but they are not minor at all. Anyone actually familiar with Anita Street knows that parking on Anita Street and Gaviota Drive is very limited. Drop-off and pick-up parking for beachgoing families and kids of all ages occurs throughout the day. However, that necessarily occurs smack in the middle of the street. Therefore, the Gray's proposed and City required an attractive off-street pick-up and drop-off area for visitors, bicycle and surfboard racks, bench seating, a water filling station, and enhanced landscaping, all required to be completed prior to issuance of the Certificate of Occupancy for the residence (City Condition No. 12.)

The City-approved project clearly complies with the public access and recreation policies of the Coastal Act. There can be no substantial issue raised by the voluntary provision of these significant public access amenities.

**The Existing House is a Single-Family Residence, Not a Duplex, and There Will be No Reduction in Density**

Finally, the appeal erroneously contends that the Grays' application seeks to replace a duplex with a single-family home, in violation of SB 330 and the purpose of the R-2 Residential Medium Density zone. This, too, is wrong and unsupported by fact, which the City confirmed in reviewing the project.

The property is located in the R-2 zone. The home is consistent with the purpose and letter of the R-2 zone; single-family residences are expressly permitted in the R-2 zone. (Laguna Beach M.C., §25.12.004(A).) Except perhaps for a very brief period, this property has been used as a single-family residence.



The property was first developed 97 years ago in 1924 as a single-family home. It continues to have only one set of utility meters for gas, water and electric. The source for the duplex reference is the May 2017 Historic Resource Assessment prepared for this Project. It stated (at page 31): “The Residence appears to have been converted from a single-family residence to a duplex in the late 1960s.” There are, however no permits or plans on file with the City that reflect the legal, or even illegal, conversion of the residence to a duplex. The conclusion in the May 2017 assessment was based only on a 1968 Orange County directory showing two families (O’Brien and Hyun) at the address in 1968, but at no other time.

In 1974, O’Brien sold the property to the Langmans. The City’s Real Property Reports from April 3, 1972 and May 10, 1974 show “no building records” for the uses of the property. The Historic Resource Assessment shows only single-family occupancy after the Langmans purchased the property. The Langmans were the applicant for permit for the 1980 bluff repair granted by the South Coast Regional Coastal Commission. The Staff Report states that the Langman’s 1980 application to the Commission noted it was a duplex, but the Langman’s also noted that it was “owner occupied.” A July 19, 1985 Real Property Report shows the use of the property as a “single family dwelling,” as does a March 27, 1985 Real Property Report.

In November 2012, a previous owner, Selby did apply for and obtain an Administrative Use Permit (AUP) for two short-term lodging units. “Short-term” means occupancy for less than 30 days. (Laguna Beach MC §25.23.020.) “Short-term lodging,” however, is for vacationers and does not augment the existing house supply for long-term use, which is why it is subject to the City’s TOT [*Id.*, ch. 5.05 and AUP §8.] In any case, the AUP expired on its own terms because it was abandoned, and the City formally rescinded the AUP via resolution in 2015. (Exh. 6.)

Finally, at the hearing before the City Council, Senior City Planner Chris Dominguez further confirmed that in closely reviewing the City’s records, the property has been used as a single-family residence, would continue to be used as a single-family residence, and would not result in a reduction in density. City Staff further confirmed this in response to the appeal:

“There is no record in the City’s file of the property being legally converted from a single-family residence to a duplex and prior references to a duplex on the property (including a 2016 staff report and 2012 short-term lodging permit) were made in error. Staff’s position is that SB 330 does not protect unpermitted housing units.” (Commission Staff Report, Exh. 5, p. 3.)

In sum, the City’s records reflect this is a single-family home, not a duplex. It was never a legal duplex, and its use as a duplex was brief, the record showing only one year, 1968, when it arguably was used as a duplex. This Project does not reduce density, and the City’s approval does not raise a substantial issue.

Donne Brownsey, Chair  
Hon. Coastal Commissioners  
July 7, 2022  
Page 9

### **Conclusion**

The approved City project was the product of exemplary coordination between the City and Commission staffs. The result is a residential remodel that is consistent with the LCP and the public access and recreation policies of the Coastal Act. The Staff Report for this Item represents a departure from that close collaboration and ignores the most basic facts which compel the conclusion that **No Substantial Issue** is raised by the appeal filed.

On behalf of the Grays, we respectfully request that the Commission conduct a hearing on the question of whether a substantial issue is presented and then vote to find that the appeal filed does not raise a substantial issue.

Thank you for your consideration.

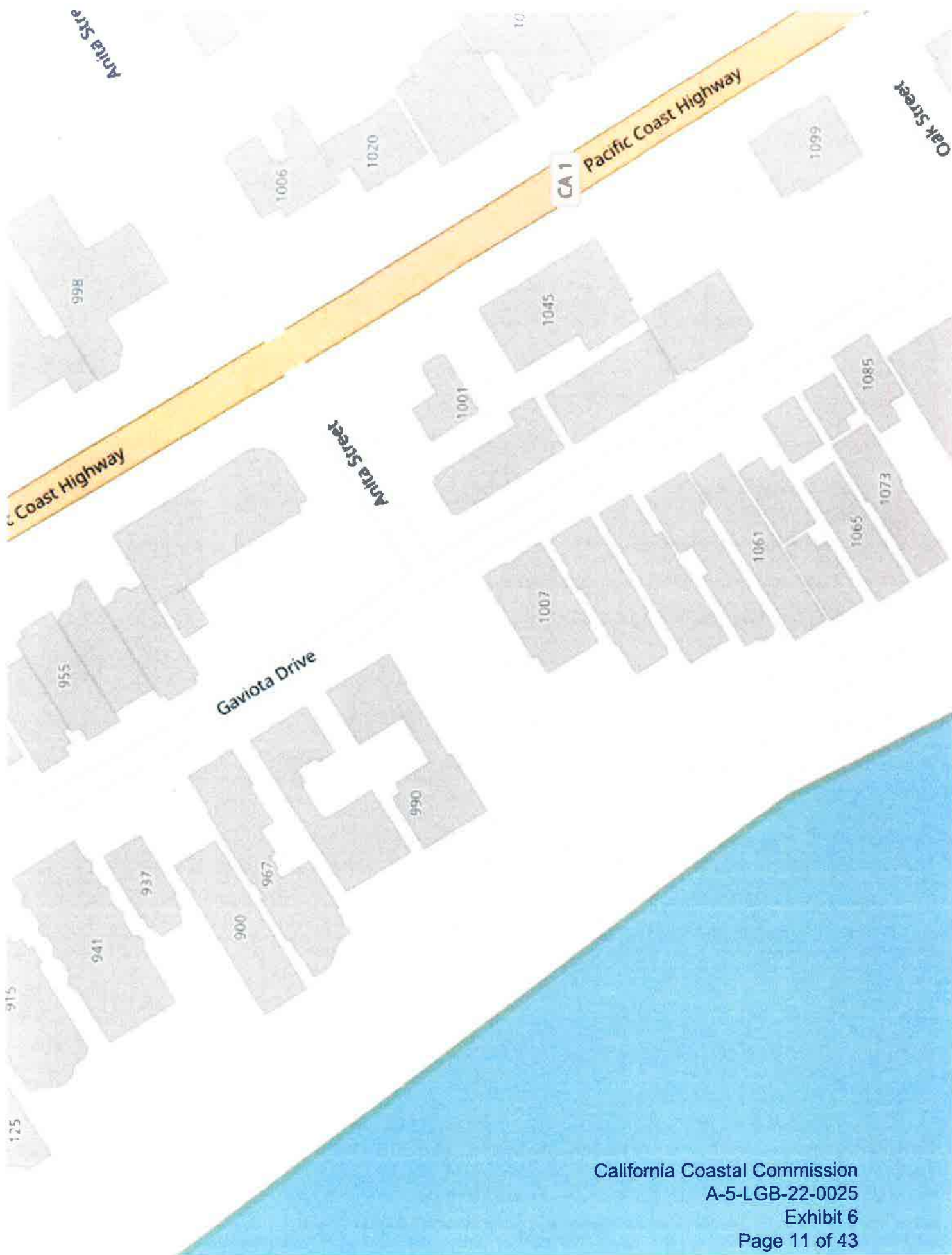
Very truly yours,

  
Steven H. Kaufmann  
Nossaman LLP

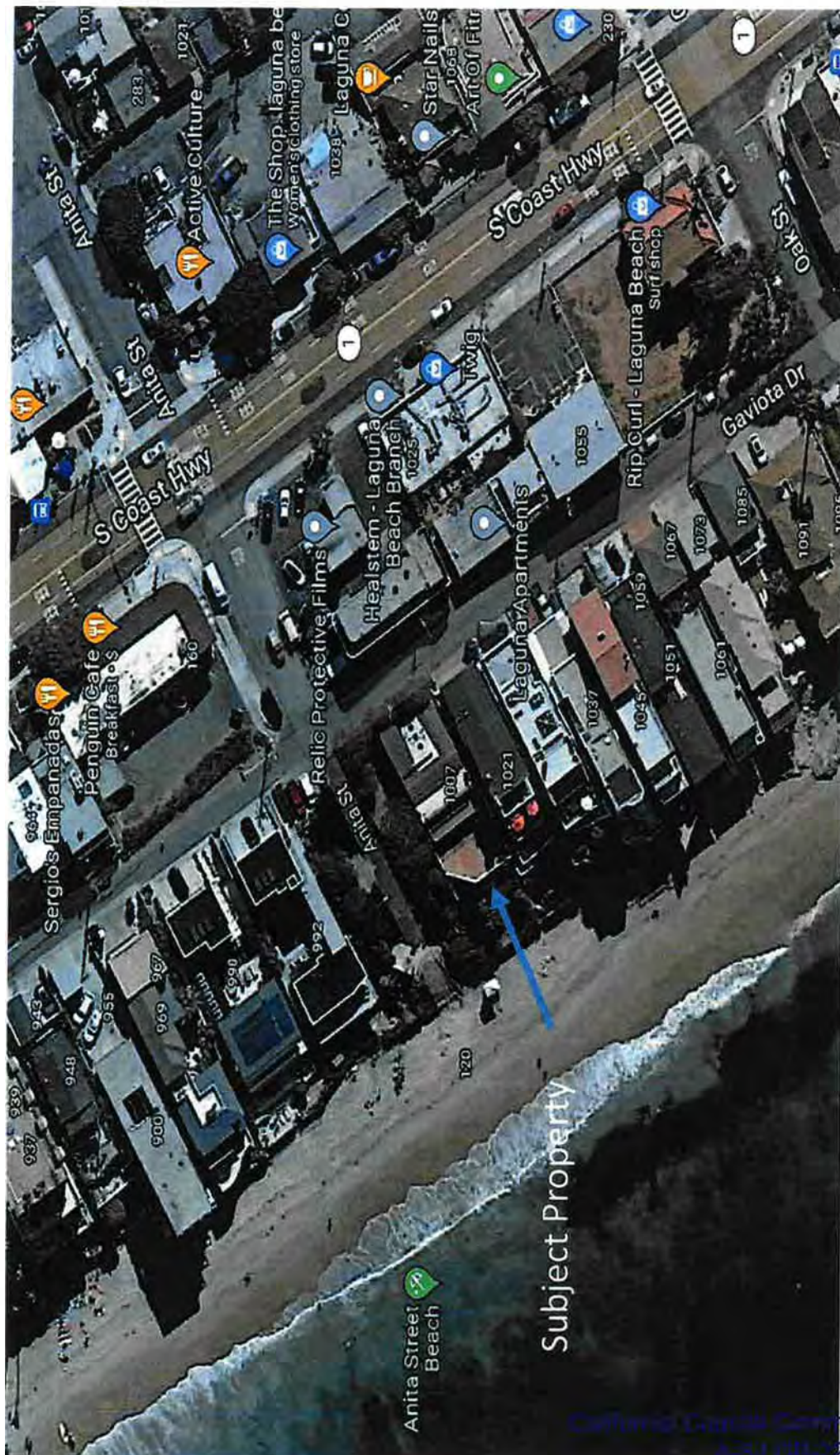
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ccs: Zach Rehm, District Supervisor  
Jennifer Doyle, Coastal Program Analyst  
Marc Wiener, AICP, Community Development Director, City of Laguna Beach  
Russell Bunim, AICP, Zoning Administrator, City of Laguna Beach  
Amber Dobson, Planning Manager, City of Laguna Beach  
Christian Dominguez, Senior Planner, City of Laguna Beach  
Mike and Lori Gray

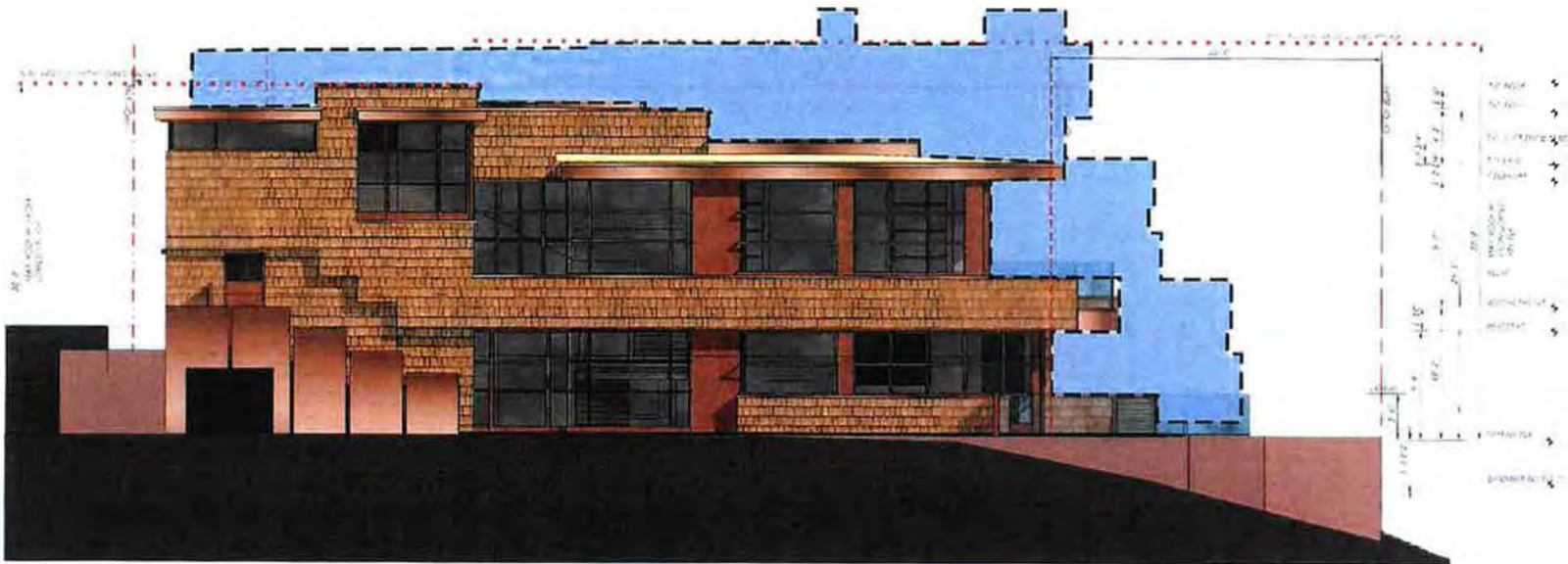
## **EXHIBIT “1”**





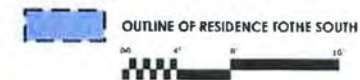






**North Elevation - Ex. 1**

SCALE: 1/4" = 1'-0"



**N - E Perspective - Ex. 2**

**lohrbach**

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**Mike and Lori Gray Residence**  
1007 Gaviota Drive  
Laguna Beach, California 92651

Revision:  
No. Date Reason

Date: 03.21.22  
Job No.  
Planning:  
Submitted: 03.09.22

Sheet Title:  
**NORTH ELEVATION  
N-E PERSPECTIVE**

Sheet No.  
**EXHIBIT 1-2**

## **EXHIBIT “2”**

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST REGIONAL COMMISSION

666 E. OCEAN BOULEVARD, SUITE 3107

P.O. BOX 1450

LONG BEACH, CALIFORNIA 90801

(213) 590-5071 (714) 846-0648

\*\*\*CORRECTED\*\*\*

COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT



Application Number: A-80-7442

Name of Applicant: David Langman

1007 Gaviota Drive, Laguna Beach, CA 92651

Development Location: 1007 Gaviota Drive

Laguna Beach, CA

Development Description: Construction of 3 retaining walls on an improved,  $\pm 4800$  sq. ft., ocean bluff, R-2 lot. One retaining wall, at the top of the bluff, will be 32' across the site, and 4.5' above grade; one wall will extend the width of the site, 40', and 2' above grade; the third wall, the most seaward, will extend the width of the site, 40', and 7' above grade. Three walls are required to stabilize the site due to the steep slope and the distance down the slope ( $\pm 57'$ ) to be stabilized.

I. The Executive Director of the South Coast Regional Commission hereby grants, subject to condition(s), a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Plan conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions: 1. Prior to issuance of permit, the applicant shall submit to the executive director a notarized letter agreeing to comply to the following lateral access condition.

2. Within 90 days from the date of Coastal Commission approval, the applicant shall execute and record a document in a form and content approved in writing by the executive director of the Commission irrevocably offering to dedicate to a public agency or a private association approved by the executive director, an easement for public access and passive recreational use along the shoreline. The easement shall run parallel to the approved bulkhead and includes all area from the seaward edge of the most seaward bulkhead to the mean high tide line.

California Coastal Commission

A-5-LGB-22-0025

Exhibit 6

Page 26 of 43



Conditions met on November 17, 1980 By Gayle [Signature] gp

- III. This permit may not be assigned to another person(s) except as provided in Section 13170 of the Coastal Commission Rules and Regulations.
- IV. This permit shall not become effective until:
- A. Completion of the Regional Commission review of the permit pursuant to the notice of public hearing.
- B. A copy of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.
- V. Any development performed on this permit prior to the review by the Regional Commission is at the applicant's risk and is subject to stoppage upon completion of the review pending the Regional Commission's approval and/or completion of any appeal of the Regional Commission's decision.
- VI. Work authorized by this permit must commence within two years from the date of approval. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

Approved on December 5, 198 0.

[Signature]

M. J. Carpenter  
Executive Director

I, DAVID LANGMAN, permittee/agent, hereby acknowledge receipt of Permit Number A-80-7442 and have accepted its contents.

DEC 11, 1980

(Date)

[Signature]

(Signature)

Scheduled Hearing Date December 8, 1980



California Coastal Commission  
South Coast Regional Commission  
666 E. Ocean Blvd, Suite 3107  
P.O. Box 1450  
Long Beach, California 90801

## **EXHIBIT “3”**

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST REGIONAL COMMISSION

666 E. OCEAN BOULEVARD, SUITE 3107

P.O. BOX 1450

LONG BEACH, CALIFORNIA 90801

(213) 590-5071 (714) 846-0648

COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT

RECEIVED

OCT 07 1980

DEVELOPMENT SERVICES

Application Number: A-80-7288

Name of Applicant: Lee B. Butts

1021 Gaviota Drive, Laguna Beach, Ca. 92651

Development Location: 1021 Gaviota Drive

Laguna Beach, Ca. 92651

Development Description: Construction of 2 retaining walls on an improved, 4880 ± ocean bluff R-2 lot. One retaining wall will be 30' long and 6' high and will be utilized at the toe of the bluff to stabilize slope failure. The second wall will be 30' long and 7' high and located on the bluff side of an existing duplex and will serve to prevent the undermining of the structure foundation.

- I. The Executive Director of the South Coast Regional Commission hereby grants, subject to condition(s), a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Plan conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
- II. Conditions: (1) Prior to issuance of permit, the applicant shall submit to the Executive Director a notarized letter agreeing to comply to the following lateral access condition. (2) Within 90 days from the date of Coastal Commission approval, the applicant shall execute and record a document, in a form and content approved in writing by the Executive Director of the Commission irrevocably offering to dedicate to a public agency or a private association approved by the Executive Director, an easement for public access and passive recreational use along the shoreline. The easement shall run parallel to the approved bulkhead and includes all area from the seaward edge of that bulkhead to the mean high tide line.

California Coastal Commission

A-5-LGB-22-0025

Exhibit 6

Page 30 of 43

Conditions met on 7 October 1980

By [Signature]

III. This permit may not be assigned to another person(s) except as provided in Section 13170 of the Coastal Commission Rules and Regulations.

IV. This permit shall not become effective until:

A. Completion of the Regional Commission review of the permit pursuant to the notice of public hearing.

B. A copy of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

V. Any development performed on this permit prior to the review by the Regional Commission is at the applicant's risk and is subject to stoppage upon completion of the review pending the Regional Commission's approval and/or completion of any appeal of the Regional Commission's decision.

VI. Work authorized by this permit must commence within two years from the date of approval. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

Approved on October 7, 198 0.

[Signature]

M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of Permit Number A-80-7288 and have accepted its contents.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

Scheduled Hearing Date October 20, 1980

## **EXHIBIT “4”**



83-035333

1 RECORDING REQUESTED AND RETURN TO:  
2 CALIFORNIA COASTAL COMMISSION  
3 631 HOWARD STREET, FOURTH FLOOR  
4 SAN FRANCISCO, CA 94105

\$11.00  
C2

RECORDED IN OFFICIAL RECORDS  
OF ORANGE COUNTY, CALIFORNIA

-1210 PM

JAN 24 '83

DEED RESTRICTION

LEE A. BRANCH, County Recorder

6 I. WHEREAS, (1) DAVID LANGMAN and ARLENE LANGMAN, TRUSTEES  
7 of the Langman Family Trust dated May 17, 1982.

8 record owners of the real property located at (2) 1007 Savieta Drive  
9 Laguna Beach, CA 92651.

10 and more specifically described in attached Exhibit A (3), which is attached  
11 hereto and incorporated by reference; and

12 II. WHEREAS, the California Coastal Commission is acting on behalf of  
13 of the People of the State of California; and

14 III. WHEREAS, the People of the State of California have a vital interest  
15 in the lands seaward of the mean high tide line; and

16 IV. WHEREAS, pursuant to the California Coastal Act of 1976, the whors  
17 applied to the Commission for a coastal development permit for a development  
18 on the real property described above; and

19 V. WHEREAS, a Coastal Development Permit No. (4) A-80-7442 was granted  
20 on (5) November 17, 1980, by the Commission in accordance  
21 with the Staff Recommendation on the permit application, which is attached  
22 hereto as Exhibit B (6) and subject to the following condition:

23 (6) Verbatim condition for access:

24 An easement for public access and passive recreational use  
25 along the shoreline. The easement shall run parallel to the  
26 approved bulkhead and includes all area from the seaward edge  
27 of the most seaward bulkhead to the mean high tide line.

(6) continued

VI. WHEREAS, the real property described above is located between the first public road and the shoreline; and

VII. WHEREAS, under the policies of Section 30210 through 30212 of the California Coastal Act of 1972, public access to the shoreline and along the coast is to be maximized and in all new development projects located between the first public road and the shoreline provided; and

VIII. WHEREAS, the Commission found that for the imposition of the above condition the proposed development would not be found consistent with the public access provisions of Sections 30210 and 30211, and that a permit could not therefore have been granted.

NOW, THEREFORE, in consideration of the granting of Permit No. 30-7442 to the owners by the Commission, the Commission hereby irrevocably certifies that there be, and hereby has created the following restriction on the use and enjoyment of said property, as so attached to and become a part of the deed



1 to the property:

2 (8) verbatim public access condition:

3 An easement for public access and passive recreational use  
4 along the shoreline. The easement shall run parallel to the  
5 approved bulkhead and includes all area from the seaward edge  
6 of the most seaward bulkhead to the mean high tide line.

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16 Said deed restriction shall remain in full force and effect for a  
17 period that said permit, or modification to said permit, shall be  
18 effective, and during the period that the development authorized by said  
19 permit, or any modification of said development, remains in effect, it shall  
20 upon any part of, and thereby confers benefit upon, the real property  
21 described herein, and to that extent, said deed restriction is hereby  
22 and agreed by Owners to be a covenant running with the land, and shall bind  
23 Owners and all their assigns or successors in interest.

24 //

25 //

26 //

27 //

owner hereby agrees to record this deed with the County Clerk's  
office for the County of (9) Orange after the date of its execution.

DATE: September 7, 1982.

DAVID LANGMAN  
TYPE OR PRINT NAME OF ABOVE

Signed: Arlene Langman

ARLENE LANGMAN  
TYPE OR PRINT NAME OF ABOVE

STATE OF CALIFORNIA

COUNTY OF

On September 8, 1982 before the undersigned,  
a Notary Public for the County and State mentioned above, personally

appeared David Langman and Arlene Langman  
on the basis of satisfactory evidence known to me to be the person(s) whose  
name(s) is subscribed to the within instrument, and acknowledged that he/she  
executed the same.

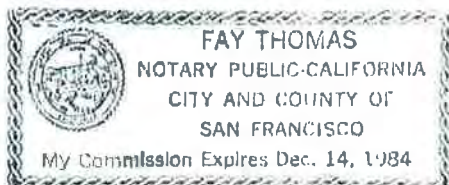


[Signature]  
NOTARY PUBLIC IN AND FOR THE COUNTY AND  
STATE OF

1 This is to certify that the deed restriction set forth above, dated  
 2 September 1, 1983, and executed by  
 3 David Langman and A. L. Langman, Trusts, as Family Trust  
 4 owner(s), is hereby acknowledged by the undersigned officer on behalf of  
 5 the California Coastal Commission pursuant to the authority conferred by the  
 6 Commission when it granted Permit No. 83-0012 on 11/11/83  
 7 \_\_\_\_\_, and that the Commission consents to the execution  
 8 thereof by its duly authorized officer.  
 9 Steven D. Brown  
 10 Legal Counsel  
 11 CALIFORNIA COASTAL COMMISSION  
 12

State of California )  
 ) SS.  
 County of San Francisco)

On this 19th day of January, in the year 1983,  
 before me Fay Thomas, a Notary Public, personally  
 appeared Steven D. Brown, personally known to me to  
 be the person who executed this instrument as Legal Counsel  
 \_\_\_\_\_ TITLE  
 \_\_\_\_\_ of California Coastal Commission and acknowledged  
 to me that the public agency executed it.



Fay Thomas  
 NOTARY PUBLIC IN AND FOR THE COUNTY AND  
 STATE

RECORDING REQUESTED BY  
 FREEMAN & SMITH  
 Partnership of Law Corporation

RECORDED MAIL THIS DEED AND, UNLESS OTHER  
 TOWN BELOW, MAIL TAX STATEMENTS TO

NAME: Mr. & Mrs. David Langman  
 ADDRESS: 518 North Foothill Road  
 CITY & STATE: Beverly Hills, CA 90210  
 ZIP:

83-035333

RECORDED IN OFFICIAL RECORDS  
 OF ORANGE COUNTY, CALIFORNIA  
 -1200 PM JUL 13 '82  
 LEE A. BRANCH, County Recorder

\$4.00  
 C10

File Order No. \_\_\_\_\_ Exemption No. \_\_\_\_\_  
 Laguna

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## Quitclaim Deed

The undersigned declares that the documentary transfer tax is \$-0-; consideration less than \$100\* and is  
☐ computed on the full value of the interest in property conveyed or  
☐ computed on the full value less the value of liens or encumbrances existing at the time of sale. The land,  
 tenements or realty is located in  
☐ unincorporated area ☐ city of Laguna Beach and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DAVID LANGMAN AND ARLINE LANGMAN

do hereby remise, release and forever quitclaim to

DAVID LANGMAN AND ARLINE LANGMAN, Trustees of the Langman Family Trust  
 dated May 17, 1982

the following described real property in the city of Laguna Beach county of Orange  
 state of California:

Lots 1 and 2 in Block 1 of Tract No. 83, in the City of Laguna Beach,  
 County of Orange, as shown on a map thereof recorded in Book 10, Page 32  
 Miscellaneous Maps, records of said Orange County.  
 EXCEPTING THEREFROM the Southeasterly 10 feet of Lot 2.

\* This transfer is a gift by spouses to a revocable family trust. The grantors  
 are the present beneficiaries of the trust. The transfer is therefore exempt  
 from change of ownership provisions under Proposition 13 and from the imposition  
 of documentary transfer tax.

Dated 6/17/82

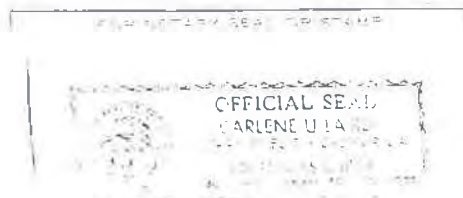
DAVID LANGMAN

ARLINE LANGMAN

STATE OF CALIFORNIA  
 COUNTY OF Los Angeles

On 6/17/82 before me, the undersigned, a Notary Public in and for said County and State, personally  
 appeared David Langman and  
Arline Langman

California Coastal Commission  
 A-5-LGB-22-0025  
 Exhibit 6  
 Page 38 of 43





83-035333

EDMUND G. BROWN JR., Governor

CALIFORNIA

CALIFORNIA COASTAL COMMISSION

SOUTH COAST REGIONAL COMMISSION

100 E. OCEAN BOULEVARD, SUITE 3107

LAGUNA BEACH, CALIFORNIA 92651

TEL: (714) 840-5071

FAX: (714) 840-0648

COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT

Application Number: A-90-7444

Name of Applicant: David Langman

1007 Gavioa Drive, Laguna Beach, CA 92651

Development Location: 1007 Gavioa Drive

Laguna Beach, CA

Development Description: Construction of 3 retaining walls on an improved, 6880 sq. ft. ocean bluff, R-7 lot. One retaining wall, at the top of the bluff, will be 32' across the site, and 4.5' above grade. The wall will extend the width of the site, 40' and 2' above grade and the third wall, the most seaward, will extend the width of the site, 40' above grade. Three walls are required to stabilize the site due to the steep slope and the distance down slope, 27', to be stabilized.

1. The Executive Director of the South Coast Regional Commission hereby grants, subject to condition(s), a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Plan conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions: (1) Prior to issuance of permit, the applicant shall submit to the Executive Director a notarized letter agreeing to comply to the following lateral access condition. (2) Within 90 days from the date of the Coastal Commission approval, the applicant shall execute and record a document in a form and content approved in writing by the Executive Director of the Commission irrevocably offering to dedicate to a public agency or a private association, approved by the Executive Director, an easement for public access and passive recreational use along the shoreline. The easement shall run parallel to the approved bulkhead and includes all area from the seaward edge of the most seaward bulkhead to the mean high tide line.

EXHIBIT B page 1 of 2

California Coastal Commission

A-5-LGB-22-0025

Exhibit 6

Page 39 of 43

Conditions met on

November 17, 1980

By

[Signature]

- I. This permit may not be transferred to another person(s) except as provided in Section 13170 of the Coastal Commission Rules and Regulations.
- V. This permit shall not become effective until:
- A. Completion of the Regional Commission review of the permit pursuant to the notice of public hearing.
  - B. A copy of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.
- VI. Any development performed on this permit prior to the review by the Regional Commission is at the applicant's risk and is subject to stoppage upon completion of the review pending the Regional Commission's approval and/or completion of any appeal of the Regional Commission's decision.

Work authorized by this permit must commence within two years from the date of approval. Any extension of time of expiration must be applied for prior to expiration of the permit.

Approved on

December 11, 1980

Per

[Signature]

M. J. Carpenter  
Executive Director

I, David L. [Signature]

, permittee/agent, hereby acknowledge receipt of

## **EXHIBIT “5”**



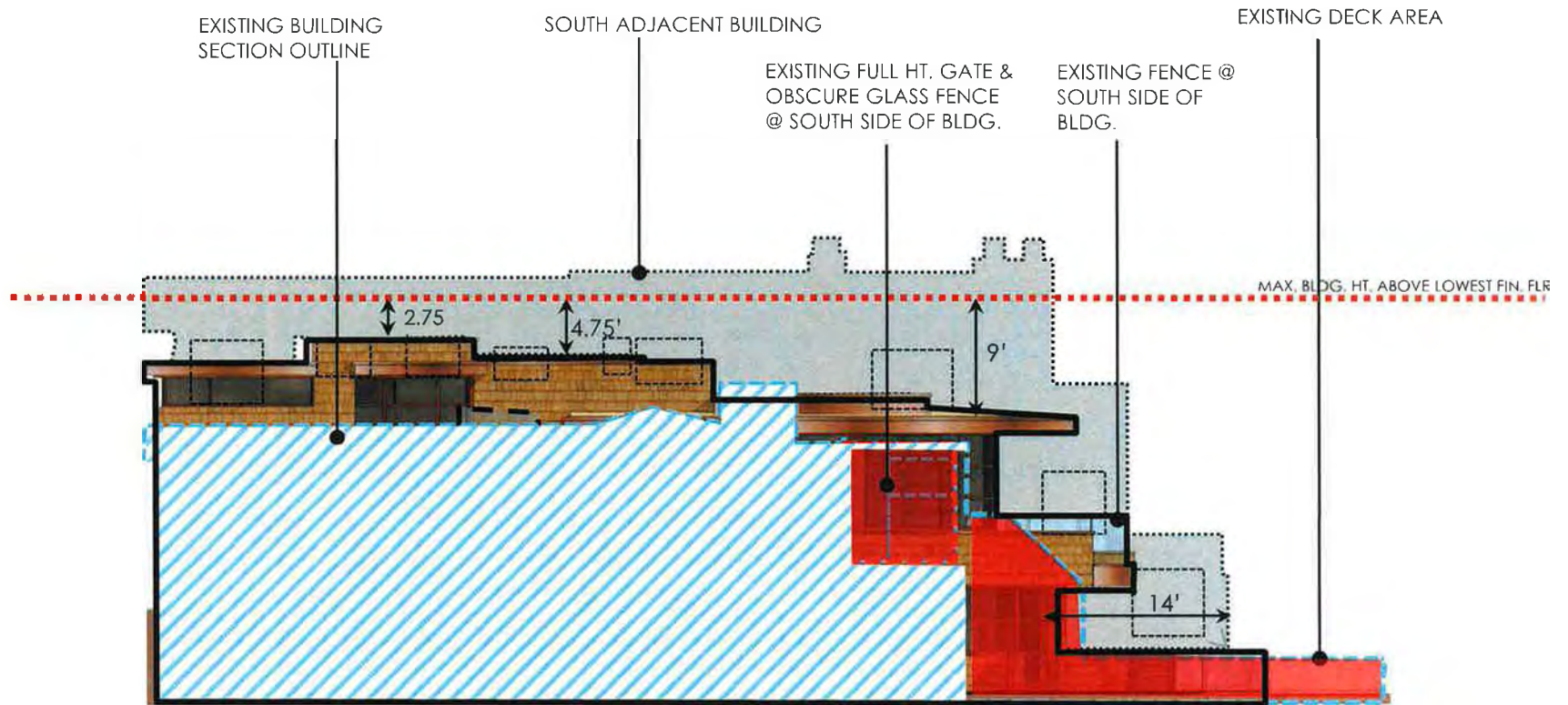
# GRAY RESIDENCE

1007 Gaviota Drive

Laguna Beach, CA 92651







**NEW DESIGN OUTLINE**



**EXISTING BUILDING OUTLINE**



**EXISTING FENCE OUTLINE**



**SOUTHERN ADJ. BUILDING**

California Coastal Commission  
A-5-LGB-22-0025

**EXISTING BLDG. OUTLINE**  
Exhibit 6  
Page 16 of 43



- LOT AREA
- BLDG. STRING LINE
- DECK STRING LINE
- PROJ. BLDG LINE

California Coastal Commission  
A-5-LGB-22-0025





First Floor &amp; Basement Plan

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

NATURAL BLUFF EDGE | ————

BLUFF EDGE 10' SETBACK | ————

5' ALLOWABLE PROJECTION | ————

BLUFF EDGE 25' BUILDING SETBACK | ————

Iohrbach

PROJECT NUMBER: 1007 GAVIOTA DRIVE  
 LAGUNA BEACH, CALIFORNIA 92651  
 SCALE: 1/8" = 1'-0"

Mike and Lori Gray Residence  
 1007 Gaviota Drive  
 Laguna Beach, California 92651

REVISION  
 No. 1 Date 10/10/2021











## **EXHIBIT “6”**

**This Document was electronically recorded by  
City of Laguna Beach**

Recorded in Official Records, Orange County  
Hugh Nguyen, Clerk-Recorder

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**



**NO FEE**

**2015000466580 03:12pm 09/09/15**

City of Laguna Beach  
Attn: City Clerk  
505 Forest Avenue  
Laguna Beach, California 92651

63 404 N27 2  
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(Fee Exempt per Govt. Code 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**NOTICE OF RESCISSION OF RESOLUTION NO. 12-1996  
OF THE DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT  
OF THE CITY OF LAGUNA BEACH, AND RESCISSION OF  
ADMINISTRATIVE USE PERMIT 12-1996, FOR TWO SHORT-TERM LODGING  
UNITS AT 1007 GAVIOTA DRIVE, LAGUNA BEACH, CALIFORNIA (APN 644-076-01)**

WHEREAS, an application was filed by the owner of the real property located at 1007 Gaviota Drive, Laguna Beach, California and designated as Assessor's Parcel No. 644-076-01 (the "Property") requesting an Administrative Use Permit to establish two short-term lodging units at the Property; and

WHEREAS, on November 19, 2012, the Director of the Community Development Department of the City of Laguna Beach (the "Director") conditionally approved Administrative Use Permit 12-1996 to allow the establishment of two short-term lodging units at the Property; and

WHEREAS, the Director executed Resolution No. 12-1996 to memorialize the conditional approval of Administrative Use Permit 12-1996, which Resolution was recorded in the Official Records of the County of Orange, State of California on November 30, 2012 as Instrument No. 2012000739096; and

WHEREAS, the conditions of approval of Administrative Use Permit 12-1996 provide for Administrative Use Permit to automatically expire and become void if the use authorized under Resolution No. 12-1996 and Administrative Use Permit is abandoned or terminated for any reason for a period of at least one year; and

WHEREAS, on September 8, 2015, a representative of the current owner of the Property requested in writing that the City of Laguna Beach terminate Administrative Use Permit 12-1996, stating the Property has not been used for short term rentals since the Property was acquired by the current owner;

NOW, THEREFORE, the Director of the Community Development Department of the City of Laguna Beach does hereby rescind Resolution No. 12-1996 and Administrative Use Permit 12-1996 with regard to the real property located at 1007 Gaviota Drive, Laguna Beach, California and designated as Assessor's Parcel No. 644-076-01. From and after the date set forth below, no short-term lodging unit(s) shall be allowed on the subject real property except as permitted by and in accordance with the laws and regulations of the State of California and the City of Laguna Beach.



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DATED: September 9, 2015



Gregory Pfost, Director  
Community Development Department  
City of Laguna Beach, California

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Orange } SS.

On Sept 9, 2015, before me A. M. MCKAY, a

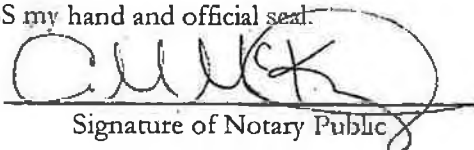
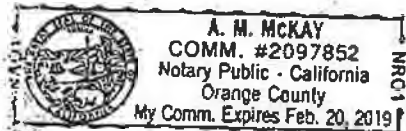
Notary Public, personally appeared Gregory Pfost

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

  
Signature of Notary Public

## Doyle, Jennifer@Coastal

---

**Subject:** Public Comment on July 2022 Agenda Item Wednesday 15b - Appeal No. A-5-LGB-22-0025 (Gray, Laguna Beach)

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**From:** Fudge <[fudge1@cox.net](mailto:fudge1@cox.net)>

**Sent:** Friday, July 8, 2022 1:41 PM

**To:** SouthCoast@Coastal <[SouthCoast@coastal.ca.gov](mailto:SouthCoast@coastal.ca.gov)>

**Cc:** Mark Fudge <[markfudge@me.com](mailto:markfudge@me.com)>; Willis, Andrew@Coastal <[Andrew.Willis@coastal.ca.gov](mailto:Andrew.Willis@coastal.ca.gov)>; Helperin, Alex@Coastal <[Alex.Helperin@coastal.ca.gov](mailto:Alex.Helperin@coastal.ca.gov)>; Haage, Lisa@Coastal <[Lisa.Haage@coastal.ca.gov](mailto:Lisa.Haage@coastal.ca.gov)>

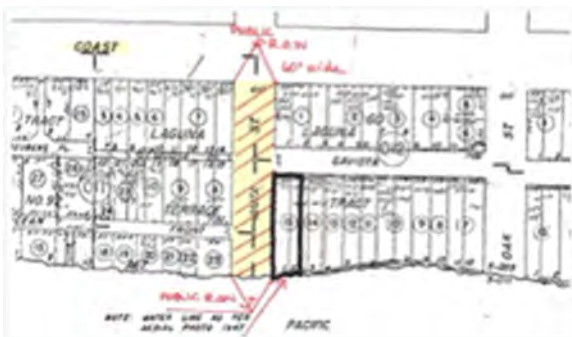
**Subject:** Public Comment on July 2022 Agenda Item Wednesday 15b - Appeal No. A-5-LGB-22-0025 (Gray, Laguna Beach)

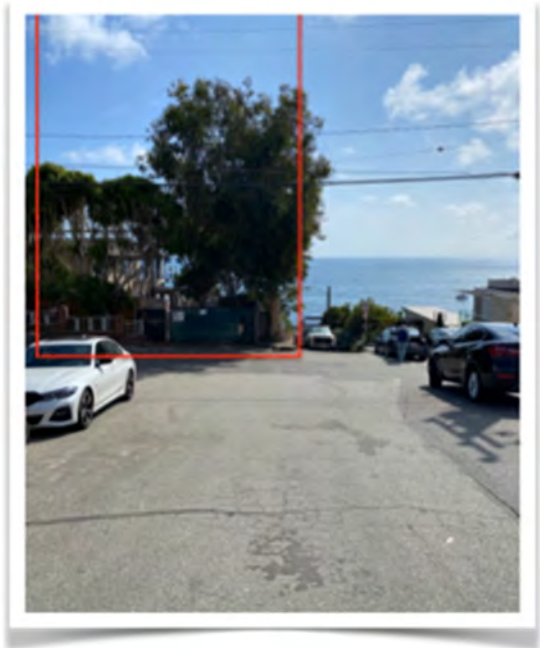
Dear Commissioners and Staff,

We'd like to submit public comment **supporting Staff's recommendation** to find that our appeal presents a **"Substantial Issue"** related to LCP inconsistencies for the locally approved development at 1007 Gaviota, Laguna Beach. The staff report accurately reviews each of our contentions.

We regret the staff time that had to be expended on this appeal as essentially the same project has already been before the Commission last year - where Substantial Issue had been found. The original proposal was abandoned by the owner. This iteration of the project did not address any of the previous contentions other than shifting the location of the garage entry, thereby extinguishing the necessity of the revocable encroachment permit. This permit allows a private yard to encroach into public beach access by approximately 2000 square feet. The new development also relies on existing shoreline protective devices, or allows obsolete devices to remain, either of which is clearly counter to the LCP and Coastal Act.

This project has been under construction for more than five years and has been blocking public access for the entirety of that time (and prior) with fencing. The yellow highlighted area of the map below shows the public right-of-way (PROW) directly adjacent to the site. The construction fence should immediately be moved to the property line and the unpermitted encroachment into the PROW should be addressed through enforcement action with admin penalties considered.





We ask that the Commissioners find Substantial Issue and review the project in a future de novo hearing in order to ensure that the development complies with the certified LCP and Coastal Act.

We had hoped to make the 7/13/22 hearing in person, but circumstances have changed, making that impossible. We will be available on the Zoom meeting if there are any questions from the Commission. If a de novo review is undertaken, we will work with Staff to provide any additional documentation needed to further support our contentions.

Thank you for your consideration.

Regards,  
Mark and Sharon Fudge  
949-481-1100



July 7, 2022

To: Donne Brownsey, Chair, California Coastal Commission

Cc: John Ainsworth, Executive Director, California Coastal Commission  
Karl Schwing, District Director, California Coastal Commission  
Jennifer Doyle, Coastal Program Analyst, California Coastal Commission

**RE: Item W15b, Laguna Beach Appeal No. A-5-LGB-22-0025**

Dear Chair Brownsey and Commissioners,

The Surfrider Foundation and Surfrider's South Orange County Chapter support the staff recommendation to find substantial issue with the City of Laguna Beach issued coastal development permit (CDP) for Appeal No. A-5-LGB-22-0025. Surfrider's mission is to protect our ocean, waves and beaches for all people.

The City's CDP under appeal would approve construction of a new 3,500+ square-foot blufftop home that encroaches onto building setbacks within the public right of way. Additionally, the new home will not have an adequate setback from the bluff edge and will perpetuate reliance on existing bluff retention structures. Under the Coastal Act, new development is clearly not permitted to rely on shoreline armoring; thus, this development is inconsistent and may not be approved. Surfrider is greatly concerned that as approved by the City, the CDP will have coastal access and coastal preservation impacts.

1. The approved CDP does not adequately calculate the bluff edge setback.

The City's CDP will have unjustifiable bluff and coastal impacts via insufficient setback from the bluff edge. The applicant does not use the applicable setback calculation as defined in the City's land use element. The staff report correctly points out that additional analysis is needed to determine the bluff edge and account for sea level rise and coastal hazards.

2. The approved CDP qualifies as new development; all existing shoreline armoring must be removed.

The new development clearly surpasses the 50% threshold for a major remodel. The new residence should be designed to avoid reliance on the existing bluff stabilizing structures, and they should be removed to facilitate natural coastal processes and sediment replenishment to



the beach. A de novo analysis is necessary to also identify existing unpermitted development on the bluff and violations must be fully mitigated.

3. The approved CDP restricts coastal access by encroaching onto public right of ways.

These encroachments include construction of walls, lighting, and landscaping/irrigation onto a public right of way on Anita Street. This is a long-standing encroachment that should be corrected and mitigated via administrative penalty. The applicant's proposed drop off area is insufficient to address the lack of public access. Additionally, unpermitted and unsightly fencing has been on site since 2013 that further deters public access goes unmitigated in the City's CDP. The fencing must be addresses via administrative penalty for past impacts and addressed to be more welcoming to the public in a de novo CDP.

As the climate crisis looms, we must carefully consider our permitting and planning decisions. Every decision we make today will determine the future of our beaches in the coming decades. Please protect our precious coastal resources and approve the staff recommendation for substantial issues for this appeal.

Sincerely,

Denise Erkeneff  
Chapter Coordinator  
Surfrider Foundation  
South Orange County Chapter

Mandy Sackett  
California Policy Coordinator  
Surfrider Foundation



Dear Chair Brownsey and members of the California Coastal Commission:

In 1972 I and many of my fellow students of the new Environmental Studies Department at the University of Santa Barbara spent much of the year campaigning for the passage of Proposition 20.

We fully supported the lofty goals of coastal protection: no more oil spills, no more 90' Miami style high-rise's, no more wall to wall houses blocking views to the ocean that had been enjoyed by the public for generations, no more power plants on the beach, no nuclear power generating stations in environmentally sensitive coastal areas. Yes, to public access, yes to view preservation, yes to the public's right to enjoy the coast, California's true gold.

Fast forward fifty years, shamefully the lofty goals of a college student collide with the reality that instead of preventing large scale development on the coast, the Coastal Commission is focused on preventing a couple from building their dream home.

It is staff's recommendation that you find substantial issue with this project.

Please overrule the staff recommendation and find no substantial issue with this project.

The staff report errs in its first statement that the project does not provide maximum public access. How can this be possible? Public access is determined by a stairway under the control of the City of Laguna Beach, it has not been widened or narrowed in many, many years. If funds can be made available, at some time in the future it could be improved but this has nothing to do with the owner of the property. On the other hand, the owners have agreed to improve

access in the revocable encroachment area by providing a car drop off area, bench's for the children, surfboard racks and a refillable water bottle station. These improvements have been referred to as "minor" in the report. As a daily user of this beach, I can assure you these improvements are anything but minor. This access point at Anita Street is the entrance to Hokima, our most treasured "grom" beach where little kids come to surf for the first time. This beach is peopled by moms and dads who take their young ones from 6-14 to charge the waves for the first time. It's also one of the hardest beaches to access easily due to the lack of parking. By offering a drop off area, the Grays perform a public service both in convenience and safety that cannot be measured in mere dollars. One young life is worth everything to a parent, one great day at the beach can be a happy memory for a lifetime. This is not "minor."

Further inconsistencies in the report dispute the location of the bluff edge. Independent professionals have determined the bluff edge to be exactly where the Coastal Commission determined it to be when granting permission to build the retaining walls which were required by a landslide. These retaining walls have been surveyed and found to be in sound condition. Why would the Coastal Commission support removing them when they know full well that it would also negate the grant of easement for people to access the beach to the high tide line in front of the Gray's home? Does this not contradict the primal reason for the commission's existence: Public Access?

The report further errs in stating that the shoreline protective devices are limited to protecting existing development...yes, they are, the deck exists as well as the home to the south of the Grays which is protected by the very same retaining walls. Remove one, remove both resulting in a destabilization of the blufftop. This makes no sense when the retaining walls have been found to be sound.

Lastly, the last two paragraphs fog the claim that the property is a reduction in density. A duplex being turned into a single-family home. This property has been a single-family home for 90 plus years. At one brief time a previous owner applied for short term occupancy permission for two units which was never approved. At another time a survey listed the occupants with two different names. Never have any records been put forward that the property has separate meters, separate address and separate Assessor Parcel Numbers as required by multiple unit property.

I'm writing you as a resident, not a member of the Design Review Board who cast his vote in favor of this project. I support this project because it is good for Laguna Beach, good for its residents and especially good for the children who use this beach, our most sacred beach, the one Hobie lived on and founded the fabled "California lifestyle."

Please reverse the staff recommendation and deny this appeal so this derelict pile of rubble can morph into a beautiful beach cottage, one that will be visually appealing to all who pass by and a public benefit that will be used by grateful Moms and Dads for years to come.

With grateful appreciation for your service,

Sincerely,

Don Sheridan  
Resident  
Laguna Beach CA

Don & Sally Anne Sheridan  
[2sheridans@gmail.com](mailto:2sheridans@gmail.com)