

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W15b

A-5-LGB-22-0025 (GRAY)
JUNE 30, 2022

EXHIBITS

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Exhibit 1 – Project Location and Aerials of Project Site

Exhibit 2 – Project Plans

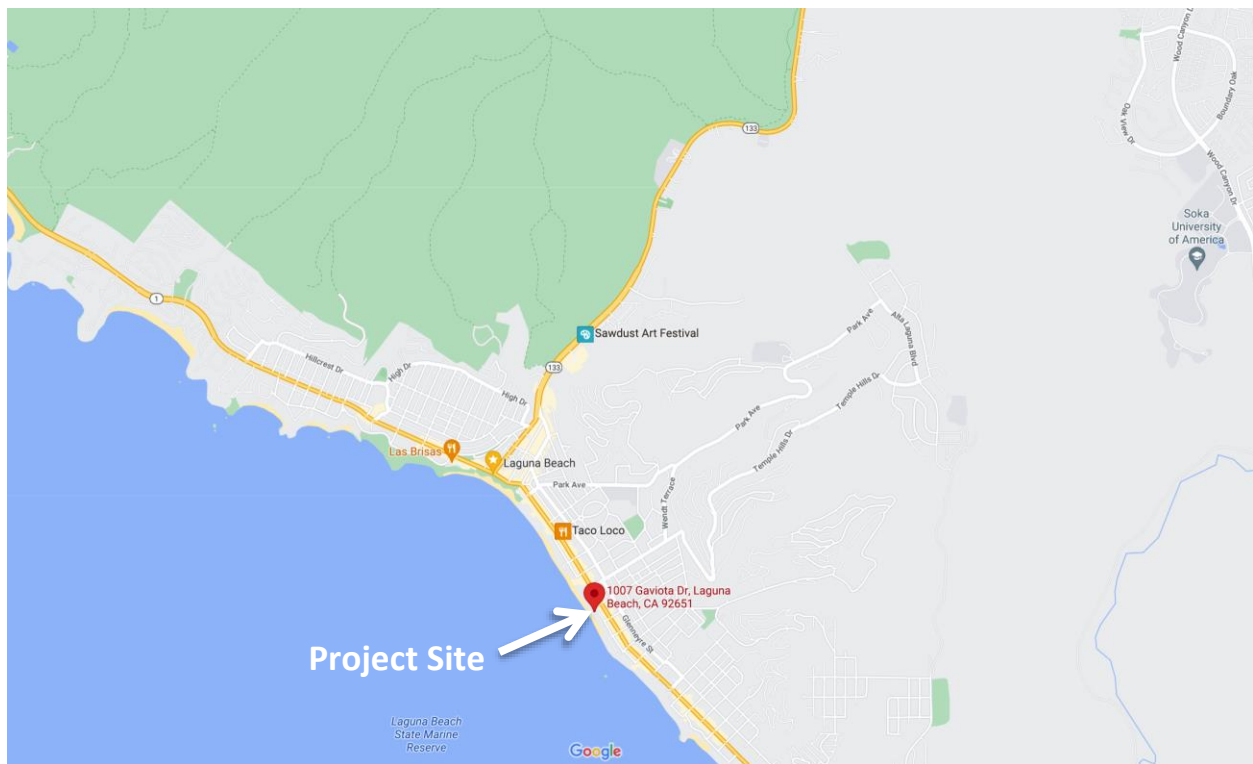
Exhibit 3 – Appeal

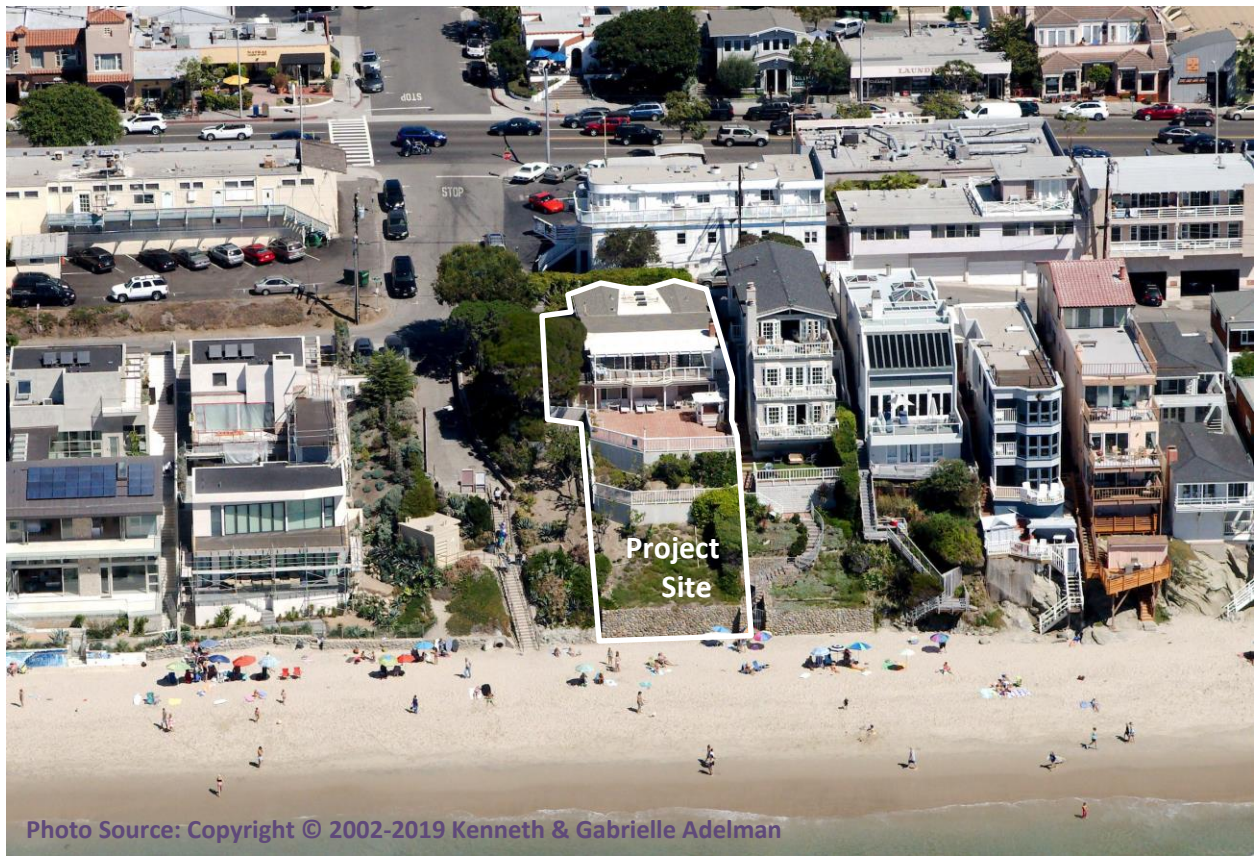
Exhibit 4 – City of Laguna Beach Design Review Board Staff Report

Exhibit 5 – Appeal Response from the City of Laguna Beach

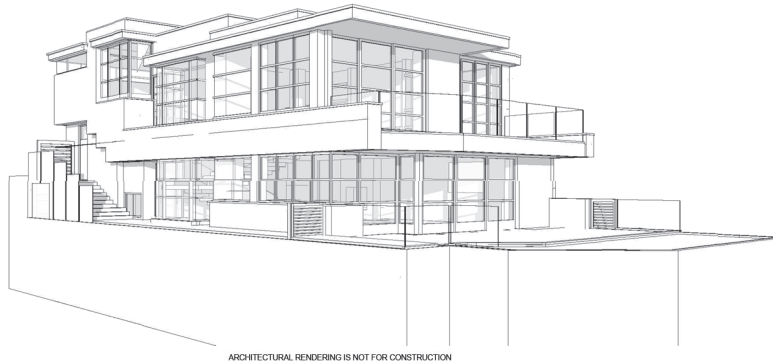
Exhibit 6 – Appeal Response from the Applicant

Project Site: 1007 Gaviota Drive, Laguna Beach (APN: 644-076-01)





1007 Gaviota Drive
Laguna Beach, CA 92651



Sheet Index

Lot:	Lots 1 in Block 1 Tract No. 83 (And Nwly 15 Ft Lot 2 Blk 1)
APN:	644-076-01
Occupancy Group:	R3/U
Zone:	R2
Number of Stories:	2
Type of Construction:	Type VB / Sprinklered

ZONING STANDARDS						
DESCRIPTION	REQUIRED	EXISTING	PROPOSED	COMPLIES		
USE	NO	YES		YES		
LOT AREA	6,000 SF	5,181 SF	5,181 SF	NO		
LOT WIDTH (AVERAGE)	70 FT	40.80 FT	40.80 FT	NO		
LOT DEPTH (AVERAGE)	80 FT	146.45 FT	No change	YES		
LOT SLOPE (%)	20	11.38	No change	YES		
MAX. BUILDING HT.	30 FT max. ft	12.40 max. ft	17.49 FT	YES		
MAX. HT. FROM GRADE	30 FT	30 FT	30 FT	YES		
SETBACKS						
FRONT YARD	10.0 FT	2.31 FT	2.36 FT	NO		
REAR YARD				N/A		
SIDE YARD	4 FT each	0.07-4 FT	4 FT each	YES		
LOT COVERAGE (BASIC)	45% max. 38.24%	37.5%	54.8%	NO		
OPEN SPACE	55% min. 61.76%	62.5%	45.2%	NO		
PARKING	2 covered	2 covered	2 covered	YES		
PERMITS DATA						
DESCRIPTION	EXISTING	PROPOSED	REMODEL	TOTAL		
LIVING AREA						
FIRST FLOOR	1,172.58 SF	+189.53 SF	1,362.51 SF	1,732.52 SF		
BASEMENT FLOOR	1,563.73 SF	1,563.73 SF	1,563.73 SF	464.53 SF		
SECOND FLOOR-MEZZ.	1,563.73 SF			1,732.52 SF		
TOTAL LIVABLE	2,736.29 SF	+813.33 SF	3,549.57 SF	3,015.51 SF		
GARAGE	568.56 SF	568.56 SF	568.56 SF	453.53 SF		
MAN. LEVEL. PATIO	1,761.51 SF	1,761.51 SF	1,761.51 SF	453.53 SF		
UPPER LEVEL DECK	352.2 SF	352.2 SF	352.2 SF	319.53 SF		
MECHANICAL	275.53 SF	275.53 SF	275.53 SF	275.53 SF		
SITE WORK						
GRADING (CURB, YARDS)	OUTSIDE 8.00	INSIDE 8.00		TOTAL		
CLUT	701 CY	1267 CY	2001 CY	40.1%		
FILL	391 CY	67 CY	357 CY	1.8%		
RET. EXPOSED	1251 CY	1251 CY	1251 CY	40.1%		
IMPERVIOUS SURFACES	LOT AREA	% OF LOT AREA				
STRUCTURE	1932.53 SF	2104.53 SF	34.4%			
HARDTOP+PAVING+CONCRETE	1932.53 SF	628.53 SF	37.5%			
ASPH. DRIVE	1932.53 SF	1.8%				
TOTAL	3718.53 SF	2773.53 SF	71.7%			
PERMITS BUDGET (REMOVAL)						
EXISTING	REMOVED	REMAINING	DOO TOTAL %			
ROOF AREA			100.0%			
LOWER LEVEL AREA			N/A			
MAIN LEVEL AREA			81.0%			
UPPER LEVEL AREA			100.0%			
TOTAL FLOOR - ROOF			80.0%			
TOTAL EXTERIOR WALL			20.0%			
EXTERIOR BUILDING LIGHTING						
EXISTING EGRESS DOORS	4 EXISTING	PROPOSED EGRESS DOORS	8			
EXISTING FIREWORK COUNT	4 EXISTING	PROPOSED FIREWORK COUNT	1			
FIXTURE TYPE	WATAGE	LUMENS	QUANTITY			
AUTOLIGHT (W-750 C-0 3.0 WATTS			3			
LUMENS	2.9 WATTS	270	12			
						LED LIGHTING

		TOTAL		14	
LANDSCAPE LIGHTING					
EXISTING FUTURE COUNT	PROPOSED FUTURE COUNT		29		
FUTURE TYPE	WATTS	LUMENS	QUANTITY	COMMENTS	
AUROLIGHT LH1 DOWNLIGHT	2.5 WATTS	115	5	LED LIGHTING	
AUROLIGHT HPLS PATHWAY	3.5 WATTS	120	6	LED LIGHTING	
			11		
COMBINED EXTR-LAND TOTAL			25		
POOL / SPA DETAILS					
DIMENSIONS (L X W X D)			VOLUME (GALLONS: 7.48 GAL/CU FT)		
POOL	N/A		N/A		
SPA	N/A		N/A		

LANDSCAPE	
L-1	PRELIMINARY LANDSCAPE PLAN
L-2	BUILDING EXTERIOR LIGHTING PLAN
L-2.1	IRRIGATION PLAN
L-2.2	IRRIGATION PLAN
L-2.3	IRRIGATION PLAN

SEE SHEET FD-SAP
for LBFD code requirements.

California Coastal Commission
A-5-LGB-22-0025
Exhibit 2
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A-0.0

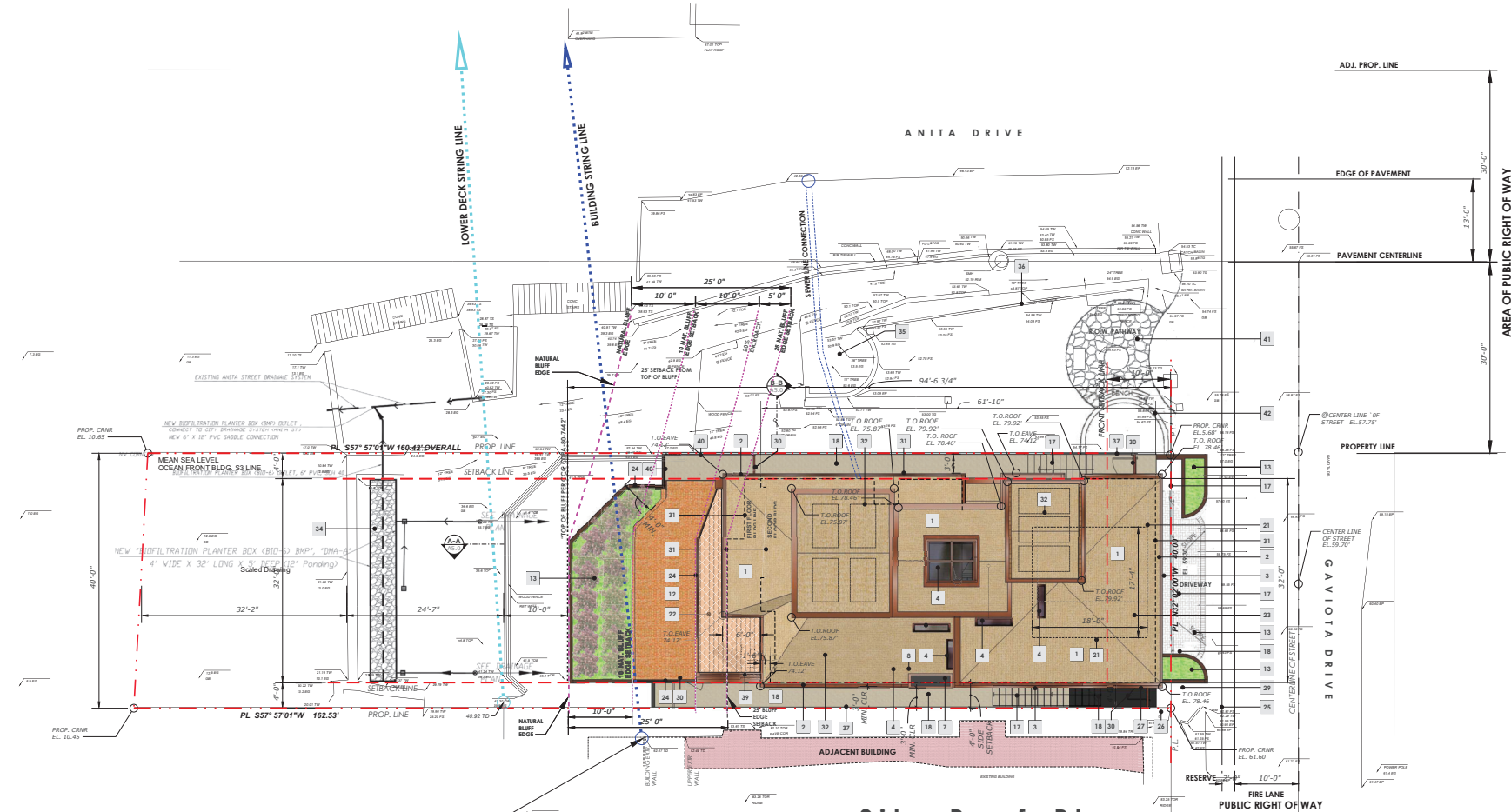
Mike and Lori Gray Residence
1007 Caviota Drive
Laguna Beach, California 92651

Revisions:		
No.	Date	Revision
1		
2		
3		
4		
Date: 03.21.22		
Job No.:		
Planning Submittal: ZONING-REV. 03.21.22		

Sheet Title:
SITE - ROOF PLAN

Sheet No.:

A-1.0



Site-Roof Plan

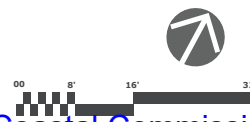
SCALE: 1/8" = 1'-0"

Site-Roof Plan Keynotes

1. LOW SLOPE CLASS 'A' ROOF W/ WATER PROOF MEMBRANE BY 'MFR'; ICC-ER XXXX
2. ROOF LINE
3. COPPER GUTTER
4. SKYLIGHT
5. EQUIPMENT ENCLOSURE
6. DRAINAGE RIDGE
7. CHIMNEY WITH DIRECT VENT GAS FIREPLACE WITH CLASS 'A' VERTICAL FLUE; CHIMNEY TO BE 6 FT. MAX. IN LENGTH AND 12" MAX. INTO THE SIDE SETBACK.
8. CRICKET
9. HVAC DUCT ENCLOSURE
10. AC CONDENSERS
11. DRAIN TO EXTERIOR WALL
12. (E) PATIO BELOW
13. PLANTER AREA W/ 42" HIGH SHRUBBERY. SEE LANDSCAPE PLANS.
14. EQUIPMENT ENCLOSURE METAL SCREENED COVER
15. NOT USED.
16. EQUIPMENT ACCESS GATE
17. MINIMUM 3 FT. WIDE STAIRS OF A NON-COMBUSTIBLE CONSTRUCTION AND IN COMPLIANCE WITH CBC CHAPTER 10 REQUIREMENTS AND TO BE OF IMPERVIOUS MATERIAL.
18. MINIMUM 3 FT. WIDE ALL WEATHER PATH FOR TO ACCESS AREAS SHALL NOT HAVE A SLOPE EXCEEDING 10% AND TO BE OF IMPERVIOUS MATERIAL.
19. (E) 4" ASPHALT BURM @ ENTRANCE OF DRIVEWAY AREA.
20. (N) BIOFILTRATION PLANTER BOX - SEE CIVIL PLANS.
21. LINE OF REQUIRED 2 PARKING SPACES- 17'-4" W X 18'-0" L.
22. CANTILEVERED DECK BELOW.
23. TRASH AREA IN GARAGE
24. GLASS RAILING OVER (E) RETAINING WALL.
25. WATER MAIN.
26. GAS UTILITY.
27. ELECTRIC METER AND PANEL.
28. (E) 4" HIGH BRICK WALL.
29. (E) STEPS TO BE REMOVED.
30. SIDE YARD GATE.
31. BUILDING EXTERIOR WALL.
32. FUTURE SOLAR PANEL LOCATION.
33. NOT USED.
34. (N) BIO-FILTRATION PLANTER BOX - SEE CIVIL PLANS.
35. (E) TREE TO REMAIN.
36. (E) FENCE TO BE REMAIN.
37. (N) 3/8" THK. COR-TEN STEEL PROP. LINE WALL.
38. 4" MAX. HT. DRIVEWAY ENTRY COLUMN.
39. GLASS RAILING OVER 4" BASE.
40. GLASS RAILING OVER 30" WALL.
41. R.O.W. ENTRY PATHWAY.
42. R.O.W. ENTRY PATHWAY.

NOTE:

1. UNDERGROUND ALL UTILITIES TO NEAREST POLE.
2. STAGING OF ON-SITE CONSTRUCTION IS NOT ALLOWED ON THE PROJECT FRONTAGE. ALL STAGING HAS TO BE OUTSIDE OF THE PUBLIC RIGHT OF WAY.



BUILDING LINE @ SOUTH ADJACENT PROPERTY

California Coastal Commission

A-5-LGB-22-0025

Exhibit 2

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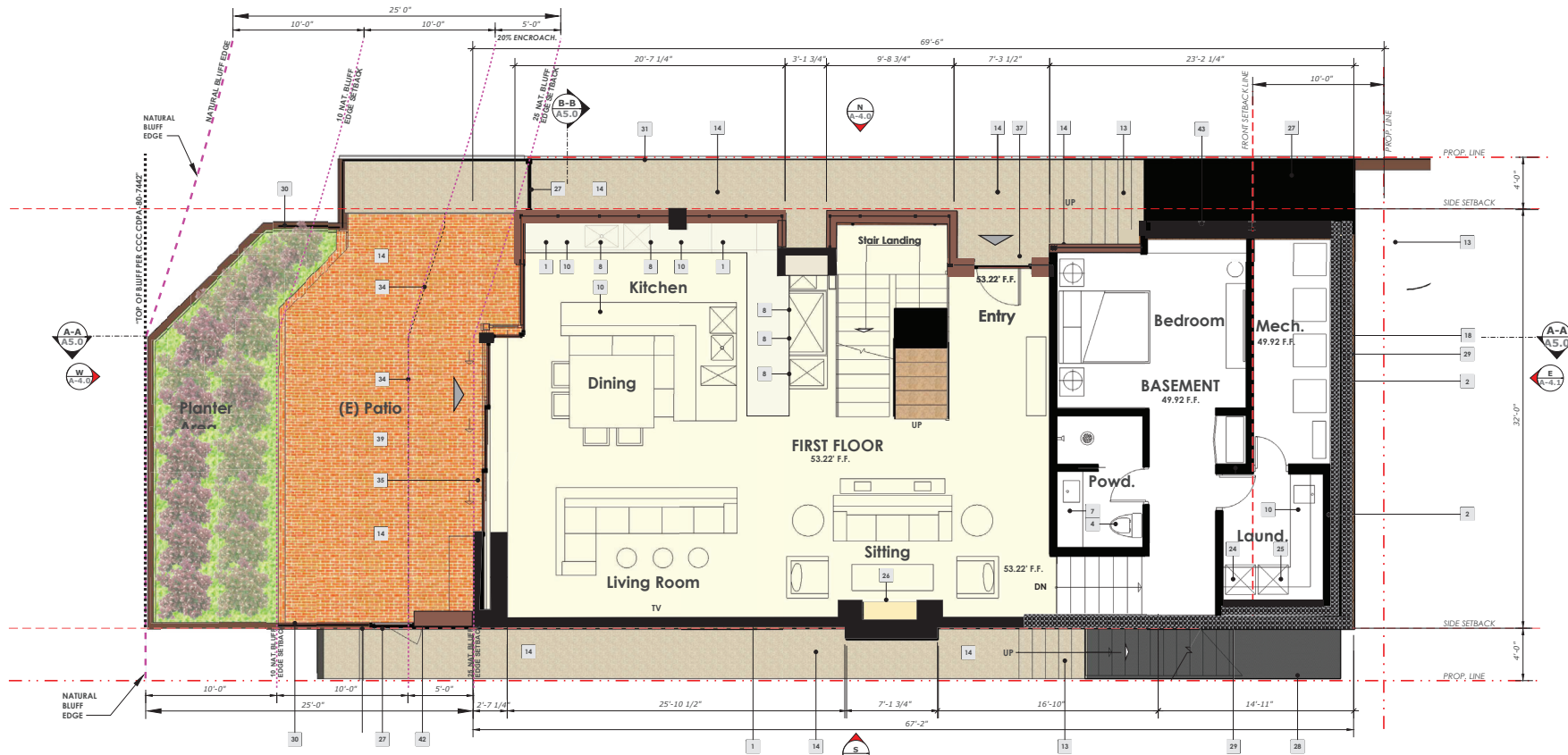
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Date:	03.21.22
Job No.:	
Planning Submitted:	ZONING-REV. 03.21.22

Sheet Title:	FIRST FLOOR & BASEMENT PLAN
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Sheet No.:	A-2.0
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First Floor & Basement Plan

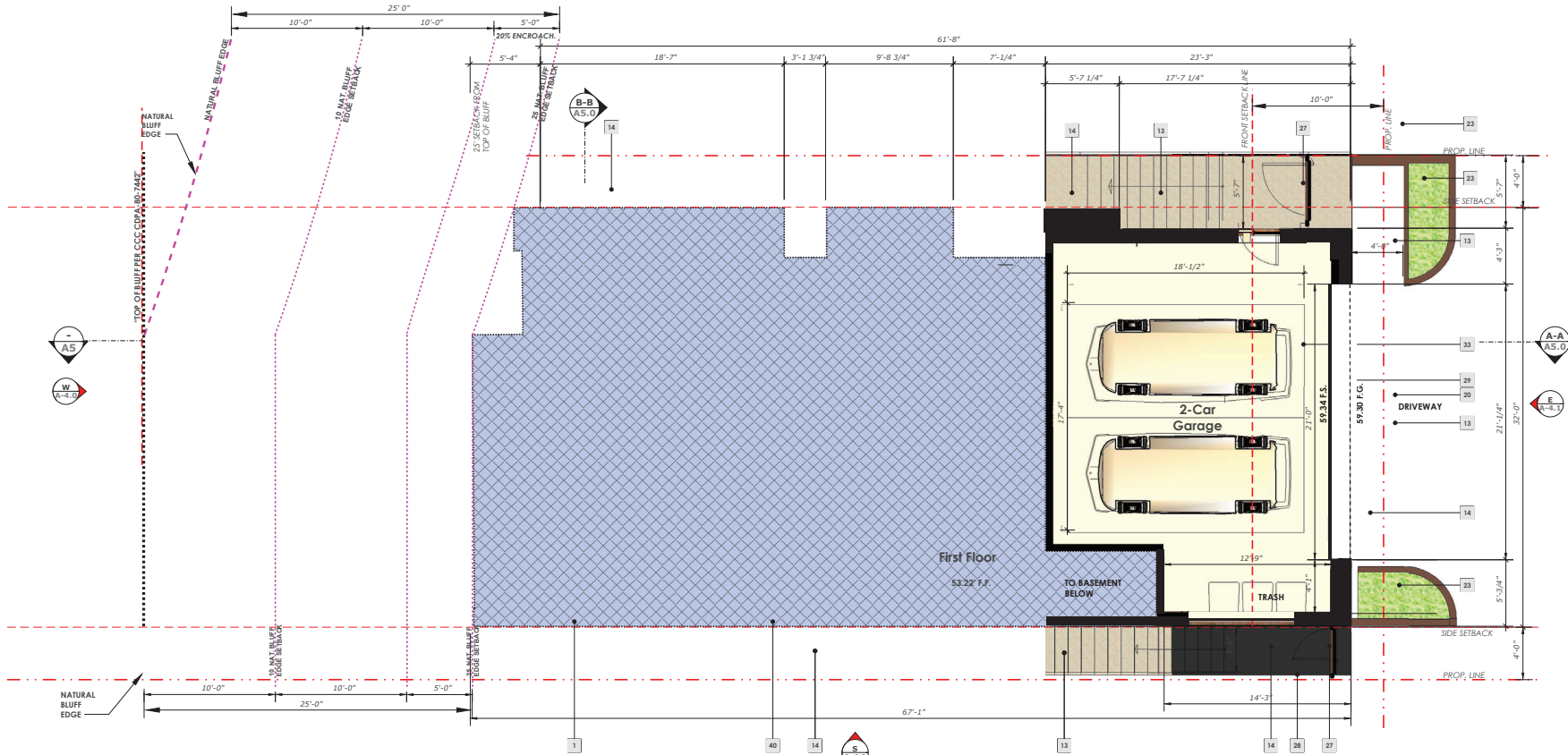
SCALE: 1/4" = 1'-0"

General Floor Plan Notes

1. REFER TO STRUCTURAL DRAWINGS FOR ALL FRAMING, BEARING AND SHEAR WALLS.
2. PENETRATIONS THROUGH THE WALL OR CEILING SEPARATING THE DWELLING UNIT FROM THE GARAGE SHALL BE PROTECTED (SUCH AS THOSE FOR VENTS, PIPE, DUCTS, CABLES AND WIRES) WITH AN APPROVED MATERIAL TO RESIST THE FREE PASSAGE OF FLAME AND PRODUCTS OF COMBUSTION. (CRC R302.5). DUCTS THROUGH GARAGE INTO DWELLING SHALL BE MINIMUM 26-GAUGE GALVANIZED STEEL.
3. THE CONTROL VALVES IN BATHTUBS, WHIRLPOOL BATHTUBS, SHOWERS AND TUB-SHOWER COMBINATIONS MUST BE PRESSURE-BALANCED OR THERMOSTATIC MIXING VALVES. CPC SECTION 414.5 AND 418.0.
4. ALL PLUMB IN FIXTURES SHALL BE COMPLY WITH THE MAXIMUM FLOW RATES AS NOTED IN THE RESIDENTIAL CONSTRUCTION MINIMUM REQUIREMENTS. SEE SHEET GN-1 GENERAL NOTES.

Floor Plan Keynotes

- X
1. 2x4 WOOD FRAMING AT 16" O.C. PER C.R.C. W/EXTERIOR WALL: 7/8" EXTERIOR PLASTER OVER METAL BUILDING PAPER P/OT SILL PLATE AT CONCRETE SLAB INSULATION THROUGHOUT ALL INTERIOR WALLS AND FLOOR.
 2. 2x4 WOOD FRAMING AT 16" O.C. PER C.R.C. PROVIDE 5/8" TYPE "X" GYPSUM BOARD AT ALL GARAGE WALLS, CEILING AND UNDER STAIRS, LAIR AND SAND.
 3. WATER CLOSET WITH 30" CLEAR MIN. SPACE IN WIDTH AND 24" SPACE IN FRONT PER CPC 402.5. WATER CLOSETS AND ASSOCIATED FLUSHMETER VALVES, IF SHALL MEET PERFORMANCE STANDARDS ESTABLISHED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE AND CPC SECTION 402.0.
 4. TEMPERED GLASS SHOWER ENCLOSURE AND DOOR TO 6'-0" ABOVE THE DRAIN. DOOR SHALL SWING OUT. ENCLOSURE SHALL NOT BE LESS THAN 1,024 SQ. INCH (7.1 SQ. FT.) OF FLOOR AREA AND A MINIMUM OF 30 INCHES DIAMETER CIRCLE.
 5. TUB/SHOWER OR SHOWER SURROUND WITH TILE WALLS "MUSET" WITH CEMENT PLASTER BACKING OVER WATERPROOF (W/P) MEMBRANE TO +70" ABOVE THE DRAIN FOR TILE COUNCIL OF NORTH AMERICA. INSTALL DOOR SHALL SWING OUT.
 6. LAVATORY WITH COUNTERTOP.
 7. APPLIANCES BY OWNER. VERIFY DIMENSIONS WITH MANUFACTURER AND INTERIOR DESIGNER.
 8. ISLAND WITH COUNTERTOP.
 9. BASE CABINETS WITH COUNTERTOP.
 10. STAIR HANDRAIL MOUNTED 34-38" ABOVE NOSING OF TREADS. R311.7.7.1. HANDRAIL WITH CIRCULAR CROSS-SECTION 2.25 INCHES. R311.7.7.3 ITEM 1. HANDRAILS SHALL BE CONTINUOUS WITHOUT INTERRUPTION BY NEVEL POST OR OTHER OBSTRUCTION EXCEPT AT THE LANDING. 6.2. CLEAR SPACE BETWEEN HANDRAIL AND WALL SHALL BE 1.5 INCHES MAXIMUM. R311.7.7.2.
 11. (N) CONDENSER TO HAVE A SOUND ATTENUATED CONCRETE BLOCK ENCLOSURE TO MEET LAGUNA BEACH EXTERIOR NOISE REQUIREMENTS FOR A RESIDENCE. (7.25.040 EXTERIOR NOISE STANDARDS) MINIMUM 3 FT. WIDE STAIRS. OF A NON-CUMBUSTIBLE CONSTRUCTION AND IN COMPLIANCE WITH CBC CHAPTER 10 REQUIREMENTS AND TO BE OF IMPERVIOUS MATL.
 12. MINIMUM 3 FT. WIDE ALL WEATHER PATH FOR FD ACCESS AREAS SHALL NOT HAVE A SLOPE EXCEEDING 10%, AND TO BE OF IMPERVIOUS MATL.
 13. (E) CONCRETE RETAINING WALL TO REMAIN.
 14. (E) STEEL COLUMN TO REMAIN.
 15. (N) CONCRETE RETAINING WALL.
 16. (E) BRICK WALL TO REMAIN.
 17. (E) STEPS TO BE REPAIRED.
 18. (E) WALL TO BE REPAIRED.
 19. (E) WALKWAY TO BE REPAIRED.
 20. TRASH AREA.
 21. WASHER.
 22. DIRECT VENT GAS FIREPLACE.
 23. HARDWOOD GATE.
 24. (E) PROPERTY LINE WALL/FENCE.
 25. (E) CONCRETE RETAINING WALL.
 26. GLASS RAILING OVER RETAINING WALL.
 27. GLASS RAILING OVER 30" WALL.
 28. GLASS RAILING OVER 6" BASE.
 29. 2-CAR PARKING SPACE LINE.
 30. LINE OF DECK ABOVE.
 31. POCKET SLIDING DOORS.
 32. SECTIONAL GARAGE DOOR.
 33. CUSTOM PIVOT DOOR.
 34. GLASS GUARDRAIL @ DECK WALL.
 35. (E) DECK CONSTRUCTED OF NON-CUMBUSTIBLE MATERIAL.
 36. CLOSETORY ALUMINUM WINDOW.
 37. ROOF MAINTENANCE ACCESS LADDER.
 38. 42" HIGH WALL.
 39. (N) CONC. RETAINING WALL.
 40. METAL WINDOWS.



Garage Floor Plan

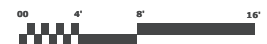
SCALE: 1/4" = 1'-0"

General Floor Plan Notes

1. REFER TO STRUCTURAL DRAWINGS FOR ALL FRAMING, BEARING AND SHEAR WALLS.
2. PENETRATIONS THROUGH THE WALL OR CEILING SEPARATING THE DWELLING UNIT FROM THE GARAGE SHALL BE PROTECTED (SUCH AS THOSE FOR VENTS, PIPE, DUCTS, CABLES AND WIRES) WITH AN APPROVED MATERIAL TO RESIST THE FREE PASSAGE OF FLAME AND PRODUCTS OF COMBUSTION. (CRC R302.5). DUCTS THROUGH GARAGE INTO DWELLING SHALL BE MINIMUM 26-GAUGE GALVANIZED STEEL.
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4. ALL PLUMB IN FIXTURES SHALL BE COMPLY WITH THE MAXIMUM FLOW RATES AS NOTED IN THE RESIDENTIAL CONSTRUCTION MINIMUM REQUIREMENTS. SEE SHEET GN-1 GENERAL NOTES.

Floor Plan Keynotes

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. 2x4 WOOD FRAMING AT 16" O.C. PER C.R.C. 2. 2x4 WOOD FRAMING AT 16" O.C. PER C.R.C. 3. PROVIDE 5/8" TYPE "X" GYPSUM BOARD AT ALL GARAGE WALLS, CEILING AND UNDER STAIRS, LAKE AND SAND. 4. WATER CLOSET WITH 30" CLEAR MIN. SPACE IN WIDTH AND 24" SPACE IN FRONT PER CPC 407.5. WATER CLOSETS AND ASSOCIATED FLUSHMETER VALVES, IF SHALL MEET PERFORMANCE STANDARDS ESTABLISHED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE AND CPC SECTION 402.0. 5. TEMPERED GLASS SHOWER ENCLOSURE AND DOOR TO 6'-0" ABOVE THE DRAIN. DOOR SHALL SWING OUT. ENCLOSURE SHALL NOT BE LESS THAN 1,024 SQ. INCH (7.1 SQ. FT.) OF FLOOR AREA AND A MINIMUM OF 30 INCHES DIAMETER CIRCLE. 6. TUB/SHOWER OR SHOWER SURROUND WITH TILE WALLS "MUSET" WITH CEMENT PLASTER BACKING OVER WATERPROOF (W/P) MEMBRANE TO +70" ABOVE THE DRAIN FOR TILE COUNCIL OF NORTH AMERICA. INSTALL DOOR SHALL SWING OUT. 7. LAVATORY WITH COUNTERTOP. 8. APPLIANCES BY OWNER. VERIFY DIMENSIONS WITH MANUFACTURER AND INTERIOR DESIGNER. 9. ISLAND WITH COUNTERTOP. 10. BASE CABINETS WITH COUNTERTOP. 11. STAIR HANDRAIL MOUNTED 34-38" ABOVE NOSING OF TREADS. R311.7.2.1. HANDRAIL WITH CIRCULAR CROSS-SECTION 2.25 INCHES. R311.7.2.3 ITEM 1. HANDRAILS SHALL BE CONTINUOUS WITHOUT INTERRUPTION BY NEWEL POST OR OTHER OBSTRUCTION EXCEPT AT THE LANDING. & 2. CLEAR SPACE BETWEEN HANDRAIL AND WALL SHALL BE 1.5 INCHES MAXIMUM. R311.7.2.2. | <ol style="list-style-type: none"> 12. (N) CONDENSER TO HAVE A SOUND ATTENUATED CONCRETE BLOCK ENCLOSURE TO MEET LAGUNA BEACH EXTERIOR NOISE REQUIREMENTS FOR A RESIDENCE. (7.25.040 EXTERIOR NOISE STANDARDS) 13. MINIMUM 3 FT. WIDE STAIRS OF A NON-COMBUSTIBLE CONSTRUCTION AND IN COMPLIANCE WITH CBC CHAPTER 10 REQUIREMENTS AND TO BE OF IMPERVIOUS MATL. 14. MINIMUM 3 FT. WIDE ALL WEATHER PATH FOR PD ACCESS AREAS SHALL NOT HAVE A SLOPE EXCEEDING 10%, AND TO BE OF IMPERVIOUS MATL. 15. (E) CONCRETE RETAINING WALL TO REMAIN. 16. (E) STEEL COLUMN TO REMAIN. 17. (N) STEEL COLUMN. 18. (N) CONCRETE RETAINING WALL. 19. NOT USED 20. (N) BRICK DRIVEWAY 21. NOT USED 22. NOT USED 23. TRASH AREA. 24. WASHER 25. DRYER 26. DIRECT VENT GAS FIREPLACE. 27. HARDWOOD GATE. 28. (E) PROPERTY LINE WALL/FENCE. 29. (E) CONCRETE RETAINING WALL. 30. GLASS RAILING OVER 12" PARAPET WALL. 31. GLASS RAILING OVER 30" WALL. 32. GLASS RAILING OVER 6" BASE. 33. 2-CAR PARKING SPACE LINE. 34. LINE OF DECK ABOVE. 35. POCKET SLIDING DOORS. 36. SECTIONAL GARAGE DOOR. 37. CUSTOM PIVOT DOOR. 38. GLASS GUARDRAIL @ DECK WALL. 39. (E) DECK CONSTRUCTED OF NON-COMBUSTIBLE MATERIAL 40. CLOSET/STAIR ALUMINUM WINDOW 41. NOT USED. 42. 42" HIGH WALL 43. (N) CONC. RETAINING WALL 44. METAL WINDOWS |
|---|--|



Revisions:		
No.	Date	Revision

Date:	03.21.22
Job No.:	
Planning Submittal:	ZONING-REV. 03.21.22

Sheet Title:	GARAGE FLOOR PLAN
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Sheet No.:	A-2.1
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Mike and Lori Gray Residence
1007 Gaviota Drive
Laguna Beach, California 92651

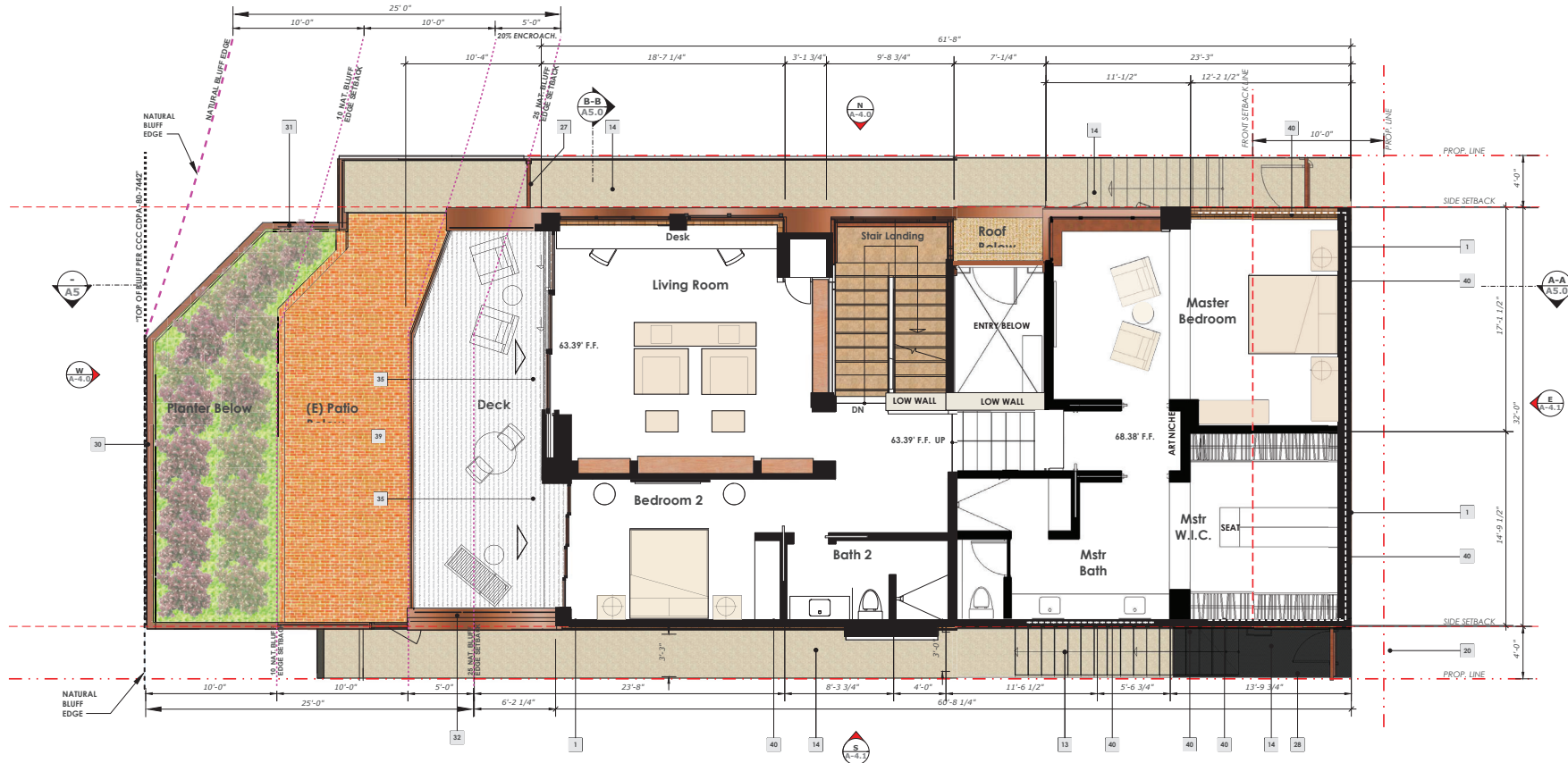
Revisions:		
No.	Date	Revision
1		
2		
3		
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Date:	03.21.22
Job No.:	
Planning Submitted:	ZONING-REV. 03.21.22

Sheet Title:
SECOND FLOOR &
MEZZANINE PLAN

Sheet No.:

A-2.2



Second Floor & Mezzanine Plan

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

General Floor Plan Notes

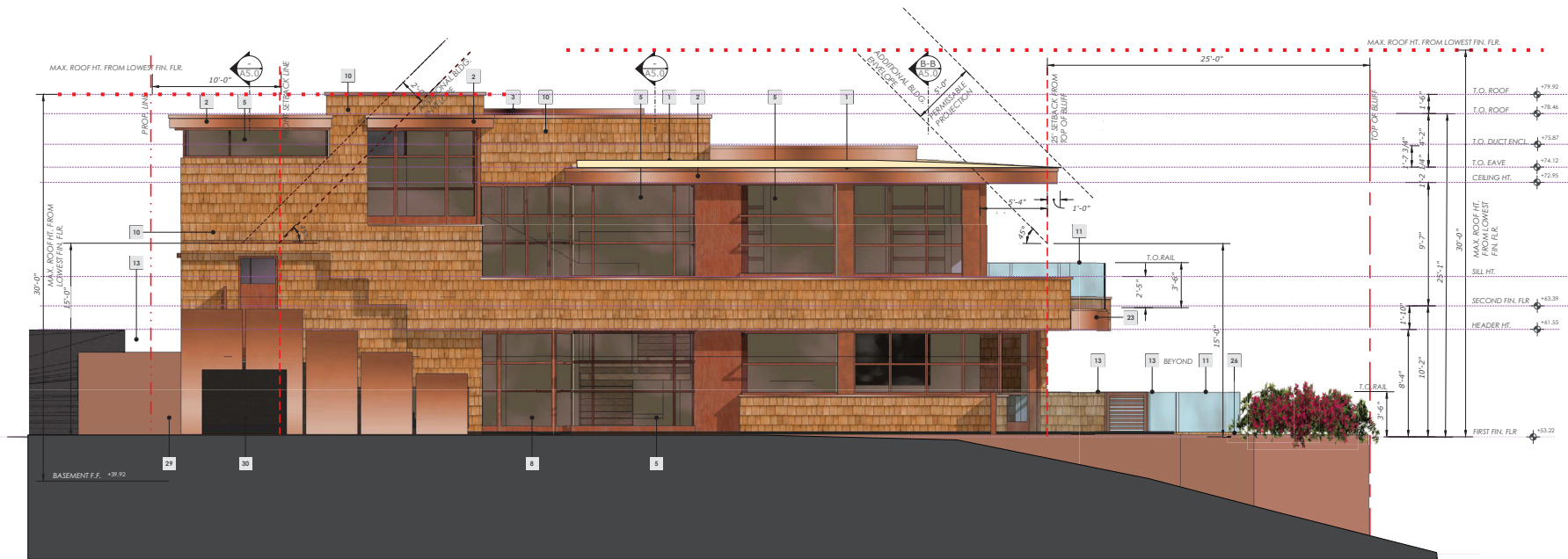
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Floor Plan Keynotes

- | | |
|---|---|
| 1. 2x4 WOOD FRAMING AT 16" O.C. PER C.R.C. W/EXTERIOR WALL: 7/8" EXTERIOR PLASTER OVER METAL BUILDING PAPER PROOF SIL PLATE AT CONCRETE SLAB INSULATION THROUGHOUT ALL INTERIOR WALLS AND FLOOR. | 12. (N) CONDENSER TO HAVE A SOUND ATTENUATED CONCRETE BLOCK ENCLOSURE TO MEET LAGUNA BEACH EXTERIOR NOISE REQUIREMENTS FOR A RESIDENCE. (7.25-040 EXTERIOR NOISE STANDARDS) |
| 2. 2x4 WOOD FRAMING AT 16" O.C. PER C.R.C. | 13. MINIMUM 3 FT. WIDE STAIRS. OF A NON-CUMBUSTIBLE CONSTRUCTION AND IN COMPLIANCE WITH CBC CHAPTER 10 REQUIREMENTS AND TO BE OF IMPERVIOUS MATL. |
| 3. PROVIDE 5/8" TYPE 'X' GYPSUM BOARD AT ALL GARAGE WALLS, CEILING AND UNDER STAIRS, LAKE AND SAND. | 14. MINIMUM 3 FT. WIDE ALL WEATHER PATH FOR FD ACCESS AREAS SHALL NOT HAVE A SLOPE EXCEEDING 10%, AND TO BE OF IMPERVIOUS MATL. |
| 4. WATER CLOSET WITH 30" CLEAR MIN. SPACE IN WIDTH AND 24" SPACE IN FRONT PER CPC 407.5. WATER CLOSETS AND ASSOCIATED FLUSHMETER VALVES, IF SHALL MEET PERFORMANCE STANDARDS ESTABLISHED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE AND CPC SECTION 402.0. | 15. (E) CONCRETE RETAINING WALL TO REMAIN. |
| 5. TEMPERED GLASS SHOWER ENCLOSURE AND DOOR TO 6'-0" ABOVE THE DRAIN. DOOR SHALL SWING OUT. ENCLOSURE SHALL NOT BE LESS THAN 1,024 SQ. INCH (7.1 SQ. FT.) OF FLOOR AREA AND A MINIMUM OF 30 INCHES DIAMETER CIRCLE. | 16. (E) STEEL COLUMN TO REMAIN. |
| 6. TUB/SHOWER OR SHOWER SURROUND WITH TILE WALLS "MUDSET" WITH CEMENT PLASTER BACKING OVER WATERPROOF (W/P) MEMBRANE TO +70" ABOVE THE DRAIN FOR TILE COUNCIL OF NORTH AMERICA. INSTALL DOOR SHALL SWING OUT. | 17. (N) CONCRETE RETAINING WALL. |
| 7. LAVATORY WITH COUNTERTOP. | 18. NOT USED |
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| 9. ISLAND WITH COUNTERTOP. | 20. (N) BRICK DRIVEWAY |
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| | 23. TRASH AREA. |
| | 24. WASHER |
| | 25. DRYER |
| | 26. DIRECT VENT GAS FIREPLACE. |
| | 27. HARDWOOD GATE. |
| | 28. (E) PROPERTY LINE WALL/FENCE. |
| | 29. (E) CONCRETE RETAINING WALL. |
| | 30. GLASS RAILING OVER 12" PARAPET WALL. |
| | 31. GLASS RAILING OVER 30" WALL. |
| | 32. GLASS RAILING OVER 6" BASE. |
| | 33. 2-CAR PARKING SPACE LINE. |
| | 34. LINE OF DECK ABOVE. |
| | 35. POCKET SLIDING DOORS. |
| | 36. SECTIONAL GARAGE DOOR. |
| | 37. CUSTOM PIVOT DOOR. |
| | 38. GLASS GUARDRAIL @ DECK WALL. |
| | 39. (E) DECK CONSTRUCTED OF NON-COMBUSTIBLE MATERIAL. |
| | 40. CLOSET/STORY ALUMINUM WINDOW. |
| | 41. ROOF MAINTENANCE ACCESS LADDER. |
| | 42. 42" HIGH WALL. |
| | 43. (N) CONC. RETAINING WALL. |
| | 44. METAL WINDOWS. |

Laguna Beach California 92651

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

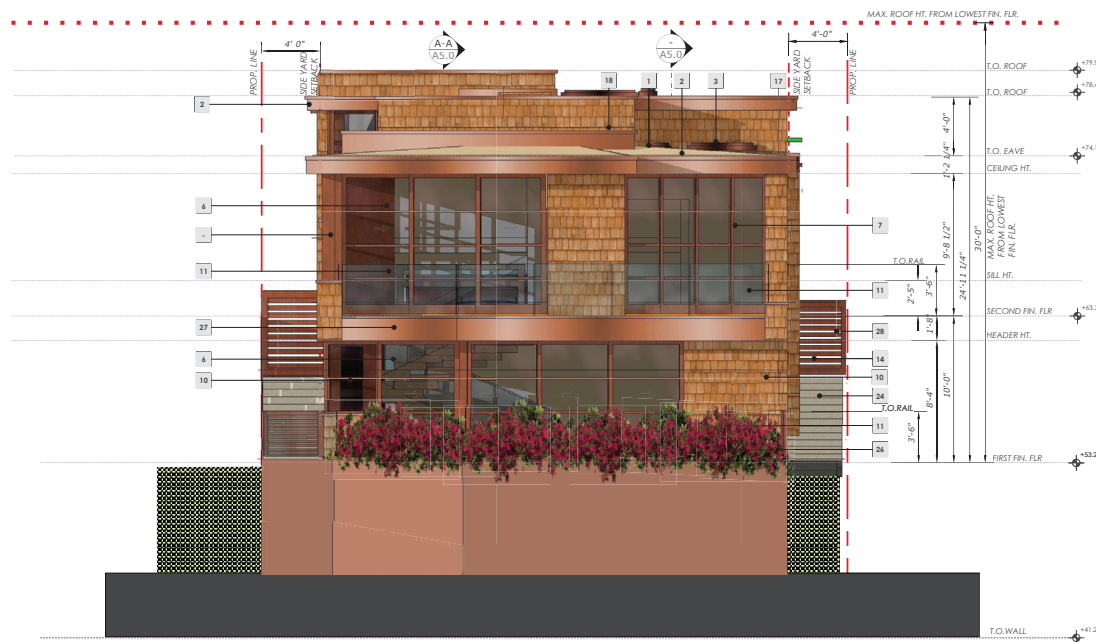
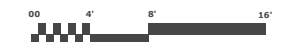


North Elevation

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

Elevation Keynotes

1. LOW SLOPE ROOF
2. COPPER GUTTER
3. SKYLIGHT
4. NOT USED
5. ALUMINUM WINDOWS
6. ALUMINUM SLIDING DOORS
7. ALUMINUM DOORS
8. CUSTOM ENTRY DOOR
9. SIL MATERIAL
10. EXTERIOR WALL WOOD SHINGLE
11. GLASS GUARDRAIL
12. LOW WALL
13. HARDWOOD SIDE GATE
14. SIDE YARD STEPS FOR FIRE DEPT. ACCESS
15. PROPERTY LINE WALL AND FENCE
16. SECTIONAL GARAGE DOOR
17. CHIMNEY- 6 FT. MAX. IN LENGTH AND 12" MAX. INTO THE SIDE SETBACK.
18. DUCT ENCLOSURE
19. (E) STEPS TO BE REMOVED
20. (E) BRICK WALL TO BE REPAIRED
21. HARDWOOD FENCING TO REPLACE
22. (E) WROUGHT IRON FENCING
23. (E) CONCRETE WALL TO BE REPAIRED
24. CARBONIZED DECK- NON COMBUSTIBLE STRUCTURAL AND FINISH MATERIALS TO BE USED IN THE CONSTRUCTION OF THE DECK TO COMPLY WITH FIRE DEPT. ACCESS PLAN REQUIREMENTS. SEE ALSO FIRE DEPT. NOTE ON SHEET FD-SAP.
25. MINIMUM 3 FT. WIDE STAIRS OF A NON-COMBUSTIBLE CONSTRUCTION AND IN COMPLIANCE WITH CBC, CHAPTER 10
26. MINIMUM 3 FT. WIDE ALL WEATHER PATH FOR FIRE DEPT. ACCESS AREAS SHALL NOT HAVE A SLOPE EXCEEDING 10% AND TO BE OF IMPERVIOUS MAT.
27. EXISTING FIRST FLOOR DECK CONSTRUCTED OF NON-COMBUSTIBLE MATERIALS. ELEVATED DECK GUTTER
28. PROPERTY LINE WALL
29. PLANTER
30. SCREENED VENTILATION ENCLOSURE



West Elevation

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

lohrbach

31742 SOUTH COAST HIGHWAY
LAGUNA BEACH, CA 92651
TEL 949-307-0002

Seal / Signature:

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

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Date: 03.21.22

Job No.:

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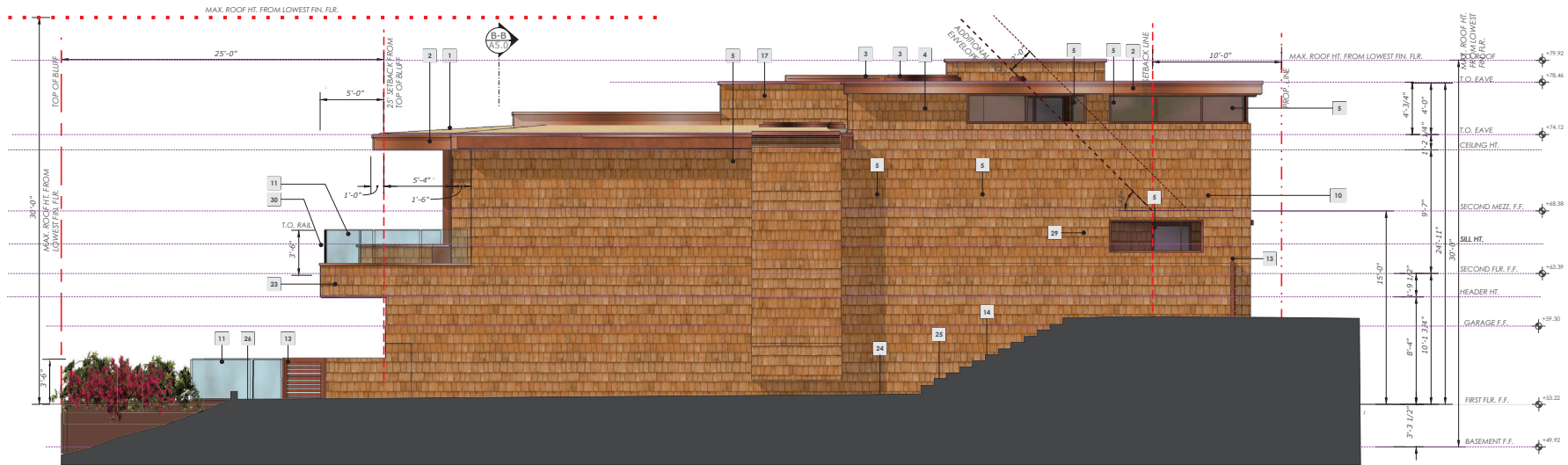
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Sheet Title:

ELEVATIONS
NORTH-WEST

Sheet No.:

A-4.0



South Elevation

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



East Elevation

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

Elevation Keynotes

1. LOW SLOPE ROOF
2. COPPER GUTTER
3. SKYLIGHT
4. NOT USED
5. ALUMINUM WINDOWS
6. ALUMINUM SLIDING DOORS
7. ALUMINUM DOORS
8. CUSTOM ENTRY DOOR
9. SIL MATERIAL
10. EXTERIOR WALL WOOD SHINGLE
11. GLASS GUARDRAIL
12. LOW WALL
13. HARDWOOD SIDE GATE
14. SIDE YARD STEPS FOR FIRE DEPT. ACCESS
15. PROPERTY LINE WALL AND FENCE
16. SECTIONAL GARAGE DOOR
17. CHIMNEY- 6 FT. MAX. IN LENGTH AND 12" MAX. INTO THE SIDE SETBACK.
18. DUCT ENCLOSURE
19. (E) STEPS TO BE REMOVED
20. (E) BRICK WALL TO BE REPAIRED
21. HARDWOOD FENCING TO REPLACE
22. (E) WROUGHT IRON FENCING
23. (E) CONCRETE WALL TO BE REPAIRED
24. CHAIRLEAVED DECK- NON COMBUSTIBLE STRUCTURAL AND FINISH MATERIALS TO BE USED IN THE CONSTRUCTION OF THE DECK TO COMPLY WITH FIRE DEPT. ACCESS PLAN REQUIREMENTS. SEE ALSO FIRE DEPT. NOTE ON SHEET FD-5AP.
25. MINIMUM 3 FT. WIDE STAIRS OF A NON-COMBUSTIBLE CONSTRUCTION AND IN COMPLIANCE WITH C.S.C. CHAPTER 10
26. MINIMUM 3 FT. WIDE ALL WEATHER PATH FOR FOD ACCESS AREAS SHALL NOT HAVE A SLOPE EXCEEDING 10% AND TO BE OF IMPERVIOUS MATL.
27. EXISTING FIRST FLOOR DECK CONSTRUCTED OF NON-COMBUSTIBLE MATERIALS.
28. ELEVATED DECK GUTTER
29. PROPERTY LINE WALL
30. PLANTER



lohrbach

31742 SOUTH COAST HIGHWAY
LAGUNA BEACH, CA 92651
TEL 949-307-0002

Seal / Signature:

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

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Date: 03.21.22

Job No.:

Planning

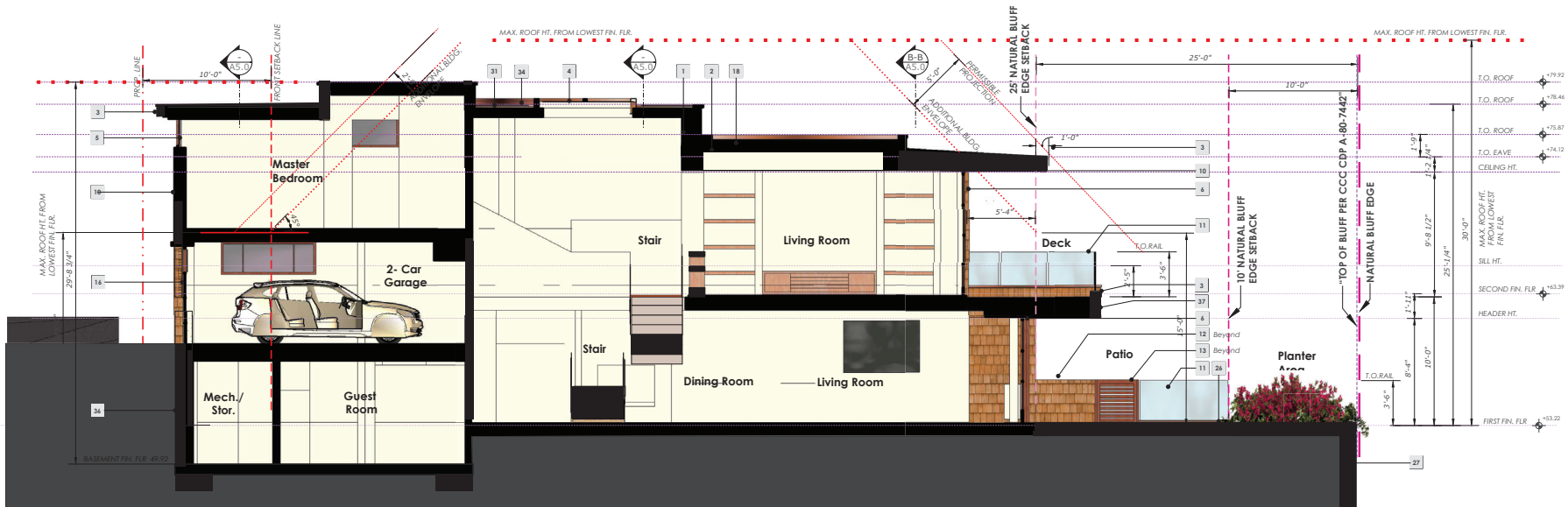
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Sheet Title:

ELEVATIONS
SOUTH-EAST

Sheet No.:

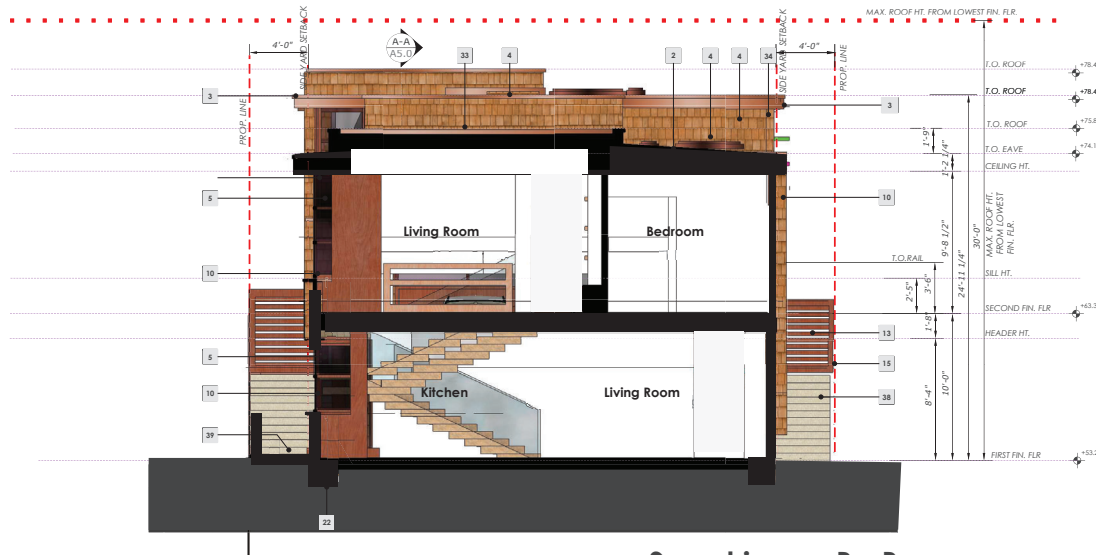
A-4.1



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

Section Keynotes

1. LOW SLOPE CLASS 'A' ROOF W/ WATERPROOFING MEMBRANE BY XXXX SEE ICC-ER XXXX FOR SPECIFICATIONS.
2. ROOF ASSEMBLY - SEE STRUCTURAL DWGS.
3. COPPER GUTTER
4. SKYLIGHT BY YELLU - SEE DETAIL
5. ALUMINUM WINDOWS
6. ALUMINUM SLIDING DOORS
7. ALUMINUM DOORS
8. CUSTOM ENTRY DOOR
9. EXTERIOR STUCCO FINISH
10. EXTERIOR WALL WOOD SHINGLE
11. TEMPERED GLASS GUARDRAIL
12. LOW WALL
13. HARDWOOD SIDE GATE
14. SIDE YARD CONCRETE STEPS FOR FIRE DEPT. ACCESS
15. PROPERTY LINE WALL
16. SECTIONAL GARAGE DOOR
17. R-21 BATTING INSULATION @ EXTERIOR WALL
18. R-38 RIGID INSULATION @ ROOF ASSEMBLY
19. WEEP SCREED @ EXTERIOR WALL - SEE DETAIL
20. WEEP SCREED @ DECK - SEE DETAIL
21. WINDOW SILL FINISH MATERIAL
22. FOUNDATION - SEE STRUCTURAL DWGS.
23. LIGHT WEIGHT CONCRETE (1-1/8" PLYWOOD SUBFLOOR)
24. STONE FLOOR FIN. MATERIAL (1/2" CONCRETE, CARPET OUTL. WT. CONC.)
25. EXTERIOR DECK SURFACE - WEST COAT ALX STANDARD COATING SYSTEM, WALKING DECK WITH CLASS 'A' FIRE CLASSIFICATION - SEE ICC-ES EVALUATION REPORT ESR-2201. SUBJECT TO RENEWAL JULY, 2020. FINISH MATERIAL TO BE NON-COMBUSTIBLE.
26. EXISTING CONCRETE RETAINING WALL
27. HARDWOOD PLANKING FIN. MATERIAL @ EAVE
28. STONE FIN. STAIRS
29. TEMPERED GLASS GUARDRAIL @ STAIRS
30. CONDENSER UNITS - MAX. 55db NOISE LEVEL @ ADJACENT PROPERTY OPENINGS.
31. NOT USED.
32. NOT USED.
33. CHIMNEY - 6 FT. MAX. IN LENGTH AND 12" MAX. INTO THE SIDE SETBACK.
34. GLASS GUARDRAIL
35. (B) CONCRETE RETAINING WALL
36. CANTILEVERED DECK TO BE CONSTRUCTED WITH NON-COMBUSTIBLE STRUCTURAL AND FINISH MATERIALS TO COMPLY WITH FIRE DEPT. SITE ACCESS PLAN REQUIREMENTS. SEE ALSO FD-SAP FIRE DEPT. NOTE REGARDING ALTERNATE METHODS AND MATERIALS.
37. MINIMUM 3 FT. WIDE STAIRS OF A NON-COMBUSTIBLE CONSTRUCTION AND IN COMPLIANCE WITH CBC CHAPTER 10 REQUIREMENTS AND TO BE OF IMPERVIOUS MATL.
38. MINIMUM 3 FT. WIDE ALL WEATHER PATH FOR FD ACCESS AREAS SHALL NOT HAVE A SLOPE EXCEEDING 10% AND TO BE OF IMPERVIOUS MATL.
39. NOT USED.



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



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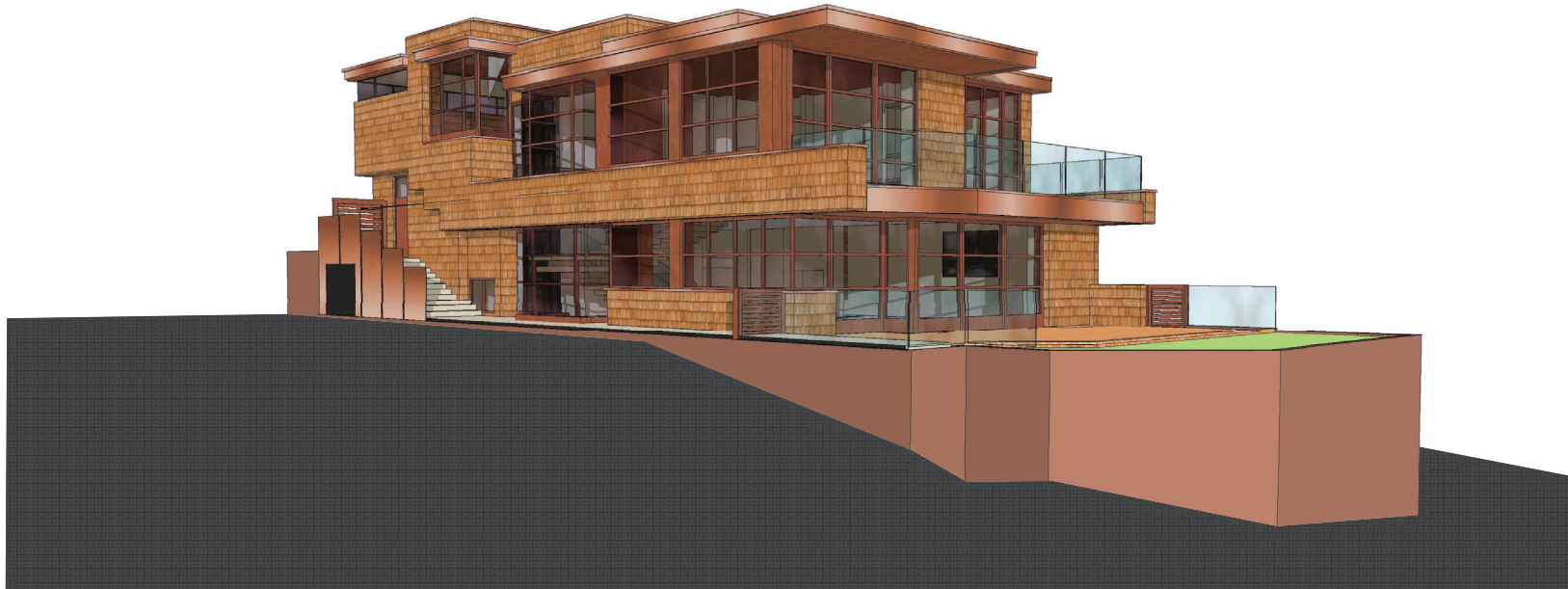
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Job No.:
Planning
Submitted: ZONING-REV. 03.21.22

Sheet Title:
SECTIONS
A-A & B-B

Sheet No.:
A-5.0



North Perspective Ex. 3



N - W Perspective Ex. 4

California Coastal Commission

A-5-LGB-22-0025

Exhibit 2

Page 11 of 13

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

Revisions:

No.	Date	Revision
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Date: 03.21.22

Job No.:

Planning

Submitted: ZONING-REV. 03.21.22

Sheet Title:
NORTH ELEVATION
N-E PERSPECTIVE

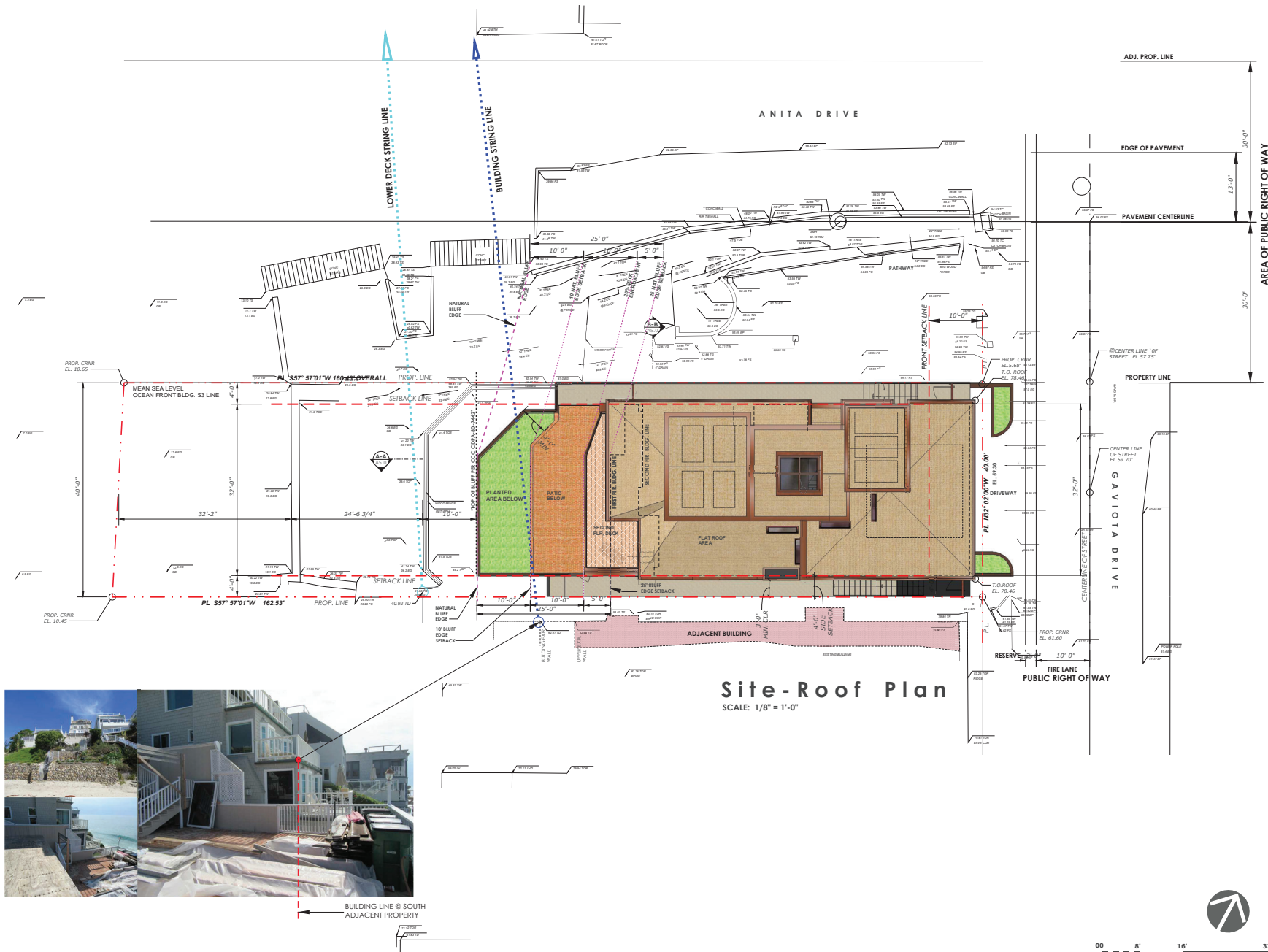
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EXHIBIT 3 & 4

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

No.	Date	Revision
Date:		03.21.22
Job No.:		
Planning Submittal:	ZONING-REV.	03.21.22

Sheet Title: NATURAL BLUFF
& STRINGLINE
EXHIBIT

Sheet No.:
EXHIBIT 6

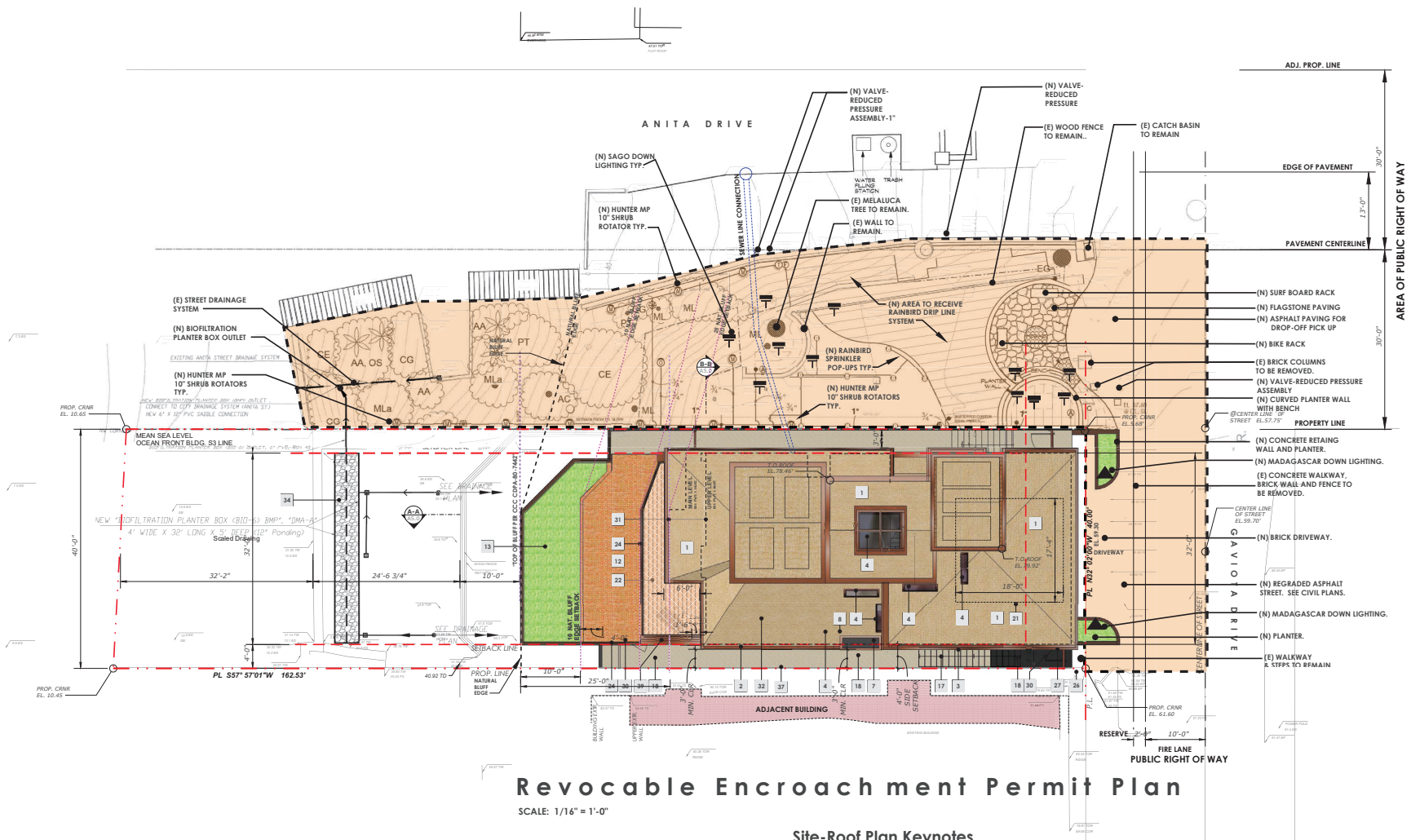


Mike and Lori Gray Residence
1007 Gaviota Drive
Laguna Beach, California 92651

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Date: 03.21.22		
Job No.:		
Planning Submittal: ZONING-REV. 03.21.22		

Sheet Title: REVOCABLE ENCROACHMENT PERMIT PLAN

Sheet No.: REP-1



Revocable Encroachment Permit Plan

SCALE: 1/16" = 1'-0"

Site-Roof Plan Keynotes

Legend

- AREA OF PUBLIC RIGHT OF WAY
- SAGO DOWN LIGHT
- MADAGASCAR PATH WAY LIGHT
- SPRINKLER HEAD

1. LOW SLOPE CLASS 'A' ROOF W/ WATER PROOF MEMBRANE BY 'MFR'; ICC-ER XXXX
2. ROOF LINE
3. COPPER GUTTER
4. SKYLIGHT
5. EQUIPMENT ENCLOSURE
6. DRAINAGE RIDGE
7. CHIMNEY WITH DIRECT VENT GAS FIREPLACE WITH CLASS 'A' VERTICAL FLUE CHIMNEY TO BE 6 FT. MAX. IN LENGTH AND 12" MAX. INTO THE SIDE SETBACK.
8. CRICKET
9. HVAC DUCT ENCLOSURE
10. AC CONDENSERS
11. DRAIN TO EXTERIOR WALL
12. PATIO BELOW
13. PLANTER AREA BELOW
14. EQUIPMENT ENCLOSURE METAL SCREENED COVER
15. NOT USED.
16. EQUIPMENT ACCESS GATE
17. MINIMUM 3 FT. WIDE STAIRS OF A NON-COMBUSTIBLE CONSTRUCTION AND IN COMPLIANCE WITH CBC CHAPTER 10 REQUIREMENTS AND TO BE OF IMPERVIOUS MATL.
18. MINIMUM 3 FT. WIDE ALL WEATHER PATH FOR PD ACCESS AREAS SHALL NOT HAVE A SLOPE EXCEEDING 10% AND TO BE OF IMPERVIOUS MATERIAL.
19. (E) 4" ASPHALT BURM @ ENTRANCE OF DRIVEWAY AREA.
20. (N) BIOFILTRATION PLANTER BOX - SEE CIVIL PLANS.
21. LINE OF REQUIRED 2 PARKING SPACES- 17'-4" W X 18'-0" L.
22. CANTILEVERED DECK BELOW.
23. TRASH AREA IN GARAGE.
24. GLASS RAILING OVER 12" PARAPET WALL WATER MAIN.
25. GAS UTILITY.
26. ELECTRIC METER AND PANEL.
27. (E) 4" HIGH BRICK WALL.
28. (E) STEPS TO BE REMOVED.
29. SIDE YARD GATE.
30. BUILDING EXTERIOR WALL.
31. FUTURE SOLAR PANEL LOCATION.
32. (E) 4" ASPHALT BURM @ ENTRY TO DRIVEWAY TO REMAIN.
33. (N) BIO-FILTRATION PLANTER BOX - SEE CIVIL PLANS.
34. (E) TREE TO REMAIN.
35. (E) FENCE TO REMAIN.
36. (N) 3/8" THK. COR-TEN STEEL PROP. LINE WALL.
37. 4" MAX. HT. DRIVEWAY ENTRY COLUMN.
38. GLASS RAILING OVER 3" BASE.
39. GLASS RAILING OVER 3" WALL.
40. GLASS RAILING OVER 3" WALL.

NOTE:

1. UNDERGROUND ALL UTILITIES TO NEAREST POLE.
2. STAGING OF ON-SITE CONSTRUCTION IS NOT ALLOWED ON THE PROJECT FRONTAGE. ALL STAGING HAS TO BE OUTSIDE OF THE PUBLIC RIGHT OF WAY.



CALIFORNIA COASTAL COMMISSION

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

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: South Coast

Appeal Number: A-5-LGB-22-0025

Date Filed: 6/1/2022

Appellant Name(s): Sharon & Mark Fudge

APPELLANTS

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

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

Appeal of local CDP decision
Page 2

1. Appellant information¹

Name: Mark and Sharon Fudge


Mailing address: P.O. Box 130, Laguna Beach CA 92652-0130

Phone number: 949-481-1100

Email address: fudge1@cox.net

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

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

Describe: Appelants have been involved in this project review for the last number of
years at the related Planning Commission, Design Review Board and City Co 

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: Local government limits the pool of appelants to within a certain distance of
the project and also charges a fee for local appeals.

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 22-0121

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: April 28, 2022

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

Describe: New SFR and attached garage in the R2 (Residential Medium Density) zone.
New structure (Major Remodel), elevated decks, lot coverage, skylights, grass
landscaping, and construction within an environmentally sensitive area (ocean
A variance was also granted to encroach into the front setback and additional
A revocable encroachment permit was granted to construct walls, irrigation, and
public right-of-way.

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):	Glenn Gellatly, Architect
	949-315-0470
Applicant Address:	glenshir@cox.net

4. Grounds for this appeal⁴

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

Describe: The approved development does not comply with Coastal Act public access 

The approved development does not comply with the certified LCP.

Additional information attached on separate sheets.

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 Fudge, Sharon Fudge

Mark Fudge
Signature

Sharon Fudge

Date of Signature June 2, 2022

7. Representative authorizations

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

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

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

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

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name _____

CDP Application or Appeal Number _____

Lead Representative

Name _____

Title _____

Street Address. _____

City _____

State, Zip _____

Email Address _____

Daytime Phone _____

Your Signature _____

Date of Signature _____

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____

Date of Signature _____

Interested Parties:

**Mike and Lori Gray
1007 Gaviota Drive
Laguna Beach, CA 92651
(property owners)**

**Gary and Betsy Jenkins
1021 Gaviota Drive
Laguna Beach, CA 92651
(neighbors)**

**Larry Nokes
Nokes & Quinn
410 Broadway #200
Laguna Beach, CA 92651
(Jenkins' attorney)**

To: Commission Staff

Date: June 2, 2022

A similar project at this site, 1007 Gaviota, Laguna Beach, was appealed to the Commission last year (A-5-LGB-21-0043). Substantial Issue was recommended by staff for a hearing on 8/13/21 but the application was withdrawn by the applicant. A new application was then submitted to the City of Laguna Beach (CDP 22-0121) and approved locally on April 28, 2022. Although the new application did address some of our issues from the original appeal (such as the requirement to waive future shoreline protection), the new project still presents many of the same concerns that we voiced previously, specifically an improper bluff edge determination; incorrect setbacks; reliance on existing shoreline/bluff protective devices; a continuation of encroachments into public access; and a reduction of density in the Coastal zone.

In the staff report for the previous appeal, it was noted that *“However, while the private encroachment has been longstanding, this should not indicate such an encroachment onto a public right-of-way is appropriate to continue in perpetuity, especially when a private site is being redeveloped, which is the proper time to address existing non-conformities associated with the private development.”* This site is being redeveloped and staff is correct that this is the proper time to address all of the existing non-conformities and bring the development into conformity with the certified LCP and the Coastal Act. Instead, the City’s approval of the project allows the non-conformities to continue, and in some circumstances, expand.

We ask that all of our exhibit materials submitted for appeal A-5-LGB-21-0043 be incorporated into this appeal as well as the staff report for that appeal. Below are our contentions outlining how the proposed development does not comply with the certified LCP or Chapter 3 public access policies of the Coastal Act:

1. Approved development does not comply with the public access requirements of Chapter 3 of the Coastal Act.

Chapter 3, Section 30210 of the Coastal Act states that “maximum access shall be provided for all the people”. The approval of this development does not provide maximum access, but instead allows for an extension of a private yard (“encroachment” by LBMC definition ¹) into an existing public right of way.

The property has historically used the public right of way as a private driveway and entrance to the garage yet has never previously obtained a Revocable Encroachment Permit. In the new plans for the house, the

¹ LBMC Chapter 11.50 REVOCABLE ENCROACHMENT PERMITS

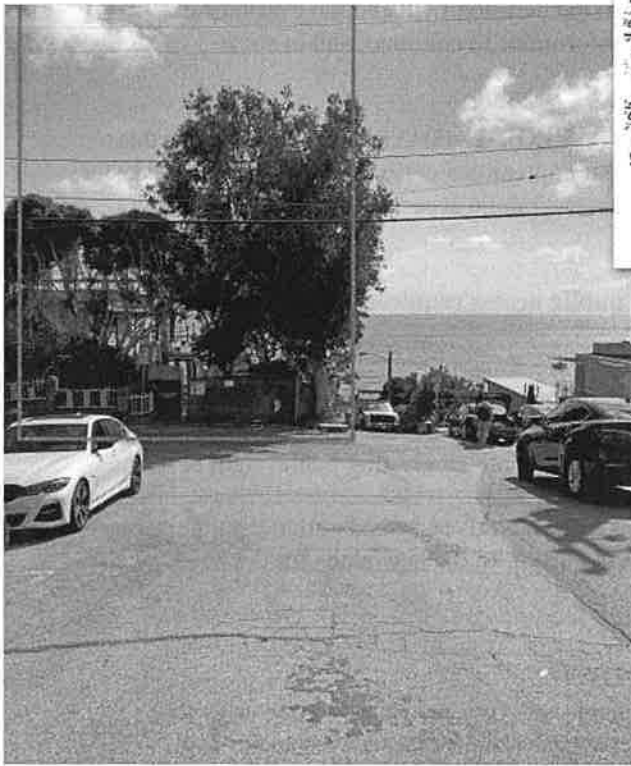
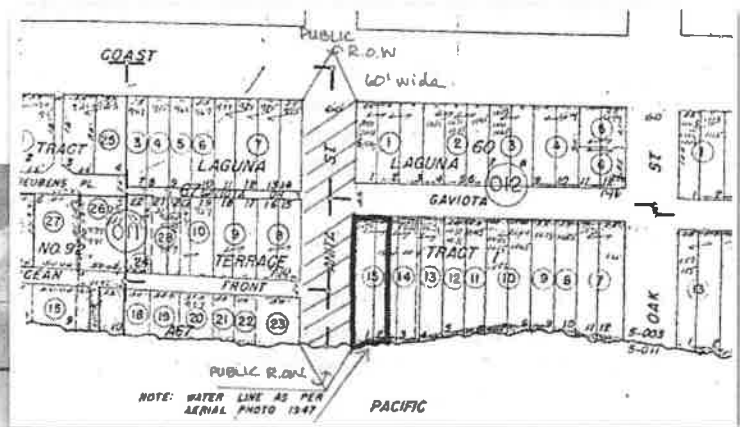
11.50.040 Compliance with other regulations. Any structure or improvement proposed or authorized under this chapter shall comply with all other codes, regulations or standards contained or incorporated within this code, including Chapter 11.30 regarding intersection visibility and Section 25.50.006 regarding corner cutback areas. **For the purpose of evaluating project compliance, the encroachment area shall be considered as an extension of the yard, as defined in Title 25 (Zoning) of this code,** and shall comply with all provisions, restrictions, limitations and regulations contained therein for such side, rear or front yard. (emphasis added)

entrance to the garage has been moved in order to gain access from Gaviota thus making the continuation of this private encroachment unnecessary.

This public area has been 'off limits' and privatized by the landowners for decades, but most recently by the applicant's fencing which was installed circa 2013 without a coastal development permit. This fence constitutes a violation of the Coastal Act and must be removed immediately. We ask that this issue be forwarded to Enforcement.

Public beach access via the Anita St. public right-of-way is a matter for the City to address. Currently in the design stage, the Anita Street Stairway Replacement Project² is where amenities such as public parking spaces or public viewing areas (especially for the handicapped) can be contemplated and incorporated into the Public Works Capital Improvement Project rather than left in the hands of a private landowner. To allow the public right of way improvements to be effectively bifurcated into a private project and a public project makes no sense.

Although the applicant has offered to incorporate some minor improvements to benefit the public, they are in no way commensurate to the private benefits the applicant will enjoy as a result of the encroachment/extension of the private yard. Nor are they the equivalent of what the City can provide as part of a Public Works project.



²Attached is the Agenda Report approved at the November 2, 2021 City Council meeting. (Exhibit 1)

2. Bluff edge determination never considered the certified LCP definition of a bluff edge. Development setbacks are therefore incorrect.

The record shows that the certified LCP's Land Use Element Glossary Entry 101 definition of **Oceanfront Bluff Edge or Coastal Bluff Edge** was never referenced or considered in the review of this development. Instead, the applicant's team and the City ignored the LCP definition of the bluff edge and instead relied on the LCP's Land Use Element Glossary Entry 102 definition of an oceanfront bluff/coastal bluff, and the Coastal Commission's CCR § 13577 definition of a bluff line or edge (see City staff report page 6), along with a reliance on a Coastal Commission issued CDP in 1980 (see below for more information).

A different definition³ of the 'oceanfront bluff' was used by the geologist reports⁴ which rendered the site as 'not consisting of a bluff' - which is clearly incorrect.

The City and geologist reports relied entirely on the Coastal Commission definition of a bluff edge which differs from the certified LCP's definition. This is important because that while the City's definition partly mirrors the Commission's, the certified LCP definition is more specific. The LCP definition states that *'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.'*⁵

The subject site has in fact experienced 'retreat' of the bluff edge via a landslide (slope failure caused by rain) and has had fill placed near or over the bluff edge in an effort to repair the slope. That work involved a geo-sculpting of the slope face which in turn buried the location of the original bluff edge through grading and fill. The grading work may have pushed the bluff edge further landward as well.

The applicant's experts also relied heavily on the Commission issued CDP A-80-7442's unqualified statement that a retaining wall was approved at 'the top of the bluff' and equated that to a bluff edge determination. The old permit, issued prior to the City's certification of an LCP, is irrelevant to the current proposal for new development. Furthermore, a 'top of bluff' location is not the same as a 'bluff edge determination' - which is the metric upon which setbacks are measured.

The City's current finding of the bluff edge's location actually turns the LCP definition on its head as it considers the bluff edge to be determined as where the fill was added, not as the original location buried beneath the fill or as retreated due to erosional processes, landslides, or grading.

The proposed project does not comply with the LCP's requirement of a 25 foot setback (or 10 foot setback depending on the nature of the development) from the correct bluff edge.

³ The City's certified LCP has conflicting definitions of an 'oceanfront bluff' (LBMC 25.50.004 and Land Use Element Glossary Entry 102). Multiple past findings of the Coastal Commission have made it clear that the Land Use Element definition supersedes the Municipal Code definition.

⁴ (Geofirm October 22, 2021 "Review of Slope Retaining Walls and Bluff Edge Determination"; Geofirm July 16, 2019 "Updated Preliminary Geotechnical Investigation For Residence Remodel and Additions and Response to Review dated June 17, 2019"; GeoSoils February 22, 2022 "Final Coastal Bluff Edge Evaluation")

⁵ Land Use Element Glossary Entry 101 (in part)

3. Unpermitted/Obsolete structures (shoreline/bluff protective devices) that encroach into bluffs were not removed as required.

LUE Action 7.3.8 requires applications to identify and remove all unpermitted and/or obsolete structures, including but not limited to protective devices, fences, walkways and stairways, which encroach into oceanfront bluffs. The subject site contains potentially unpermitted and/or obsolete structures that need to be removed as part of this application.

CDP A-80-7442 (**Exhibit 2**) was granted in 1980 by the Commission to allow for the construction of three retaining walls with specific heights, lengths and locations. It does not appear that the actual configuration of these walls complies with the permit. Additionally, the slope was repaired (geo-sculpted) without benefit of a CDP. We do not have the plans submitted to the CCC and would ask that compliance with that permit be part of the de novo review (if granted).

In Geofirm's October 22, 2021 letter, they state that the lower shoreline wall is 'providing ongoing erosion protection across the toe of slope'. However, in the GeoSoils February 22, 2022 letter, it was determined that the '*toe of the site bluff is comprised of erosion resistant cemented bedrock (Topanga Formation)*'. There should be no need for erosion protection of an erosion resistant location. The lower shoreline wall is not serving any purpose (ergo is obsolete) and should be removed. The applicant's assertion that the wall is providing support for the neighboring properties may not be correct and should be reviewed by the CCC.

In its October 8, 2021 letter (Discussion of Coastal Hazards), GeoSoils concludes that "*the development is safe from coastal hazards. It should also be noted that there is bedrock at the back of the beach that acts like natural shore protection. The [lower] retaining wall is located on top of this bedrock and will not prevent the landward movement of the shoreline. The bedrock prevents the shoreline from moving landward. Therefore, there are no recommendations necessary to mitigate potential coastal hazards. Shore protection will not be required to protect the development over the next 75 years.*"

Since the new development will not (and cannot) rely on the existing protective devices, as required by LUE Action 7.3.9, they are obsolete. As the lower retaining wall is redundant, it should be removed or modified (even if only for the protection of visual resources).

Additionally, CDP A-80-7442 permitted the construction of walls with specific heights and lengths and locations. The walls at the site do not appear to meet those measurements and may constitute violations of the permit. If found to be unpermitted, they would need to be removed or modified.

4. Accessory structures are not afforded shoreline protection under the LCP.

LUE Action 7.3.13 specifically limits the use of such protective devices to protect existing development, not including accessory structures such as decks, patios, stairs or landscaping.

According to page 6 of the Geofirm July 16, 2019 letter in the record, one of the outcomes of CDP A-80-7442 was '*to create a rear patio area supported by the retaining wall and fill slope system*'.

The shoreline/bluff protective devices (retaining walls) that were approved in 1980 by the Commission issued CDP A-80-7442 are now obsolete and must be removed or modified. The 1980 permit was approved prior to the certification of the City's LCP and while it may have been approvable at that time, it is not longer allowable.

5. The CDP did not address the (unpermitted) demolition of the duplex.

When this project was previously before the City in 2016 (CDP 16-1845), the permit included approval of the “after-the-fact substantial demolition (more than 50%) of an existing 2746-square-foot duplex”. The unpermitted demolition was not considered in the current permitting process.

6. Inconsistent with SB330 and the LCP because it replaces an existing duplex with a single family residence.

The City’s original review of the project occurred prior to the passage of SB330 (The Housing Crisis Act of 2019). The current project however was given new permit numbers when submitted for review in 2022 and is thereby subject to the requirements of the State Law which became effective on January 1, 2020.

The subject site is located in the R-2 Residential Medium Density Zone. Although single-family residences are an allowable use,, LBMC 25.12.002 Intent and purpose, part of the certified LCP, states that the zone is intended for medium density residential use.


The structure that existed prior to its unpermitted demolition was a duplex according to City records, previous findings by the CCC (A-5-LGB-21-0043) staff report, plans and permits, email acknowledgement, and MLS evidence (marketing materials for the sale of the property in 2013). The current proposal is to replace that duplex with a single-family home. This would be in direct opposition to State Law and the intent and purpose of the R-2 zone as stated in the LCP.

Conclusion

In conclusion, we ask that the Commission finds that our appeal presents a Substantial Issue and that the project is reviewed de novo. A de novo hearing can also further review the setback variances granted in opposition to the recent pattern of neighborhood development just north of the subject site.

Thank you for your consideration. We are available for questions and are happy to provide additional supporting materials if needed.

Sincerely,


Mark Fudge and Sharon Fudge,

P.O. Box 130, Laguna Beach CA 92652 (949) 481-1101

Exhibit 1 - City Council Agenda Report November 2, 2021 re Anita Street stairs project

Exhibit 2 - CDP A-80-7442



AGENDA REPORT

Consent

4

Meeting Date
November 2, 2021

SUBJECT: PROFESSIONAL SERVICE AGREEMENT FOR THE ANITA STREET SEWER LIFT STATION AND BEACH ACCESS REPLACEMENT PROJECT

RECOMMENDATION: It is recommended that the City Council:

1. Award and authorize the City Manager, or her designee, to execute a professional service agreement, in the amount of \$305,810, to Pacific Advanced Civil Engineering for design of the Anita Street Sewer Lift Station and Beach Access Replacement Project; and
2. Authorize the City Manager, or her designee, to approve project related expenses and change orders for an amount not to exceed \$30,000.

Appropriation: _____

Fund Name: _____

Submitted By: _____

Approved: _____

David Shissler, Director of Water Quality

Shohreh Dupuis, City Manager

SUMMARY OF THE MATTER

Both the sewer lift station and the beach access stairway at Anita Street are over 70 years old, in poor condition, and require replacement. On March 7, 2017, the City Council awarded a design contract for the beach access replacement project. Staff revisited the project, and recommend consolidating the sewer lift station replacement and the public beach access improvement, as one capital improvement project. Consolidation is cost-effective and will reduce neighborhood impacts attributed to construction.

The request for proposals to provide design services was publicly advertised through Planet Bids, and four proposals were received. A staff selection committee reviewed proposals based on criteria set forth in the request for proposals, and the top two rated consulting firms were interviewed. During the interview, Pacific Advanced Civil Engineering (PACE) demonstrated the most thorough understanding of the project scope and design challenges. PACE has designed lift station improvements for the City in the past at Irvine Cove with successful results.

Staff recommends awarding a professional services design contract for the Anita Street Sewer Lift Station and Beach Access Replacement Project to PACE for \$305,810. If approved, staff would cancel the previous design contract, because the previous design firm does not have wastewater engineering experience. The new combined project will utilize beach access concepts developed by the previous design firm and integrate the sewer lift station portion of the project.

FINANCIAL ANALYSIS

There is adequate funding available for the design of this project in the Wastewater and Public Works Capital Improvement Programs. Shared funding for project design is based on the ratio of estimated total project cost and level of design effort required, including 64% from the Wastewater Fund for lift station replacement, and 36% from the Capital Improvement Fund for beach access improvements.

**Professional Service Agreement for the Anita Street Sewer Lift Station and Beach Access
Replacement Project
November 2, 2021
Page 2 of 2**

ATTACHMENTS

None

Report Prepared By:

Hannah Johnson, Senior Project Manager

Coordinated With:

Mark Trestik, City Engineer
Mark McAvoy, Director of Public Works
Gavin Curran, Director of Admin. Services

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION

666 E. OCEAN BOULEVARD, SUITE 3107

P.O. BOX 1450

LONG BEACH, CALIFORNIA 90801

(213) 390-5071 (714) 846-0648

CORRECTED

COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT

RECEIVED
DEC 8 1980
DEPT. OF PLANNING

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, ± 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

pg 1 of 2
Exhibit 8

Page 16 of 18

Conditions met on November 17, 1980 By [Signature] ^{8P}

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

(Date)

(Signature)

Scheduled Hearing Date December 8, 1980



DESIGN REVIEW BOARD STAFF REPORT

April 28, 2022

Agenda Item No. 4.3

Case No: Design Review 22-0120
Coastal Development Permit 22-0121
Variance 22-0122
Revocable Encroachment Permit 22-0123
Mitigated Negative Declaration

Project Location: 1007 Gaviota Drive | APN: 644-076-01

Applicant: Glenn Gellatly, Architect
(949) 315-0470 | glenshir@cox.net

Property Owner: Mike and Lori Gray

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 a new 3,552 square-foot single-family dwelling and attached 489 square-foot, two-car garage in the R-2 (Residential Medium Density) zone. Design review is required for the new structure (major remodel), elevated decks, lot coverage, skylights, grading, retaining walls, landscaping, and construction within an environmental sensitive area (oceanfront). A variance is requested to encroach into the front setback [LBMC 25.12.008(C)(2)] and additional building setback [LBMC 25.50.004(D)]. A revocable encroachment permit is requested to construct walls, irrigation, lighting, and walkways within the public right-of-way.

RECOMMENDATION: Adopt Resolution No. 22-0120, approving Design Review 22-0120, Coastal Development Permit 21-0121, Variance 22-0122, and Revocable Encroachment Permit 22-0123, for the proposed single-family dwelling, subject to the attached Exhibits 'A', 'B' and 'C'; and adopt the project Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

ATTACHMENTS

- 1) Draft Resolution
- 2) Exhibit 'A': General Plan Goals and Policies
Local Coastal Program Goals and Policies
- 3) Exhibit 'B': Conditions of Approval
- 4) Exhibit 'C': Proposed Plans
- 5) Public Correspondence
- 6) Bluff Edge Determination and Retaining Wall Evaluation- Geofirm (Linked Online)
- 7) Bluff Edge Determination- GeoSoils, Inc. (Linked Online)
- 8) Coastal Hazards and Wave Runup Analysis- GeoSoils, Inc. (Linked Online)
- 9) Preliminary Geotechnical Investigation- Geofirm (Linked Online)
- 10) Water Quality Management Plan- Calcoast Engineering & Design Group (Linked Online)
- 11) Historic Resource Assessment and Impacts Analysis- ESA (Linked Online)
- 12) Project Initial Study and Mitigated Negative Declaration (Linked Online)

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PROPERTY AERIAL PHOTO**PROPERTY INFORMATION**

Land Use Designation	Village Medium Density (8-14 DU/AC)
Zoning Designation	R-2 Residential Medium Density
Environmentally Sensitive Areas Site Constraints	Coastal Zone Appealable and Water Quality Environmentally Sensitive Area.
Existing Site Improvements	<ul style="list-style-type: none"> The subject property is developed with a 2,737 square-foot, single-family dwelling and attached two-car garage.
Prior Approvals	<ul style="list-style-type: none"> On December 5, 1980, the California Coastal Commission conditionally approved Administrative Coastal Development Permit A-80-7442 for the construction of three retaining walls to stabilize the slope on the oceanward side of the site following a slope failure. Conditions of approval included a requirement for the property owner to make an irrevocable offer of dedication an easement allowing public access and passive recreational use along the shoreline. A deed restriction and Quitclaim Deed was completed in 1982 to meet this condition. On March 11, 2021, the Design Review Board conditionally approved Design Review 16-1844, Coastal Development Permit 16-1845, Variance 19-5474, and Revocable Encroachment Permit 16-1846 for construction of a 3,518 square-foot single-family residence and attached two-car garage. Conditions included moving the chimney

PROPERTY INFORMATION	
	back by two feet and to move the south side of the second level back by one foot. The Board's decision was appealed to the City Council who heard the appeal on May 4, 2021. The Council upheld the Board's approval with added conditions from a private agreement between the appellant and subject property owner. The City's approval of the project was subsequently appealed to the California Coastal Commission and later withdrawn by the property owner.

ZONING REVIEW				
The proposed project complies with applicable zoning standards and guidelines as shown in the summary table below, except for the front setback and additional building setback as discussed under the Variance section below.				
Development Standard	Required	Existing	Proposed	Complies?
Building Site Coverage	41.3% max	37.5%	54.6%	Yes ¹
Height (Lowest floor to top of roof)	30'-0"	30'-0"	30'-0"	Yes
Height (Above street centerline)	20'-0"	12'-6"	17'-6"	Yes
Setbacks				
Front (Subdivision Map)	10'-0"	2'-4"	2'-4"	No
Side (North)	4'-0"	0'-0"	4'-0"	Yes
Side (South)	4'-0"	4'-8"	4'-0"	Yes
Rear (House)	25'-0" (Bluff)	39'-5"	25'-0"	Yes
Rear (Decks/Patios)	10'-0" (Bluff)	0'-0"	10'-0"	Yes
Parking	2 covered spaces	2 covered spaces	2 covered spaces	Yes

BACKGROUND AND PROJECT DESCRIPTION
The subject property is a 5,181 square-foot rectangular lot located on the oceanward side of Coast Highway at the corner of Gaviota Drive and the Anita Street public beach accessway. The topography of the lot is steep with an average grade of 35 percent lot slope down towards the ocean. Surrounding land uses consist of a mix of one and two-story single-family residences and duplexes, retail, and automotive repair. City records indicate the original single-family dwelling and attached one-car garage were constructed in 1933 and later expanded without permits. In 2012, the City issued an Administrative Use Permit for short-term lodging of two dwelling units on the property. This permit was issued in error based upon the permitted use of the property for a single-family dwelling and was revoked in 2015. In 2014, the property was subject to a Code Enforcement investigation for unpermitted construction beyond issued permits for an interior remodel of the residence and 150 square-foot garage addition. The investigation found that more than 50 percent of the home's exterior walls and roof structure had been demolished and consequently, any proposed project on the site would be considered a major remodel.

¹ Pursuant to LBMC §25.12.008(C)(9), the maximum site coverage requirement may be modified by the Board "when necessary due to neighborhood development patterns or view preservation." The neighborhood development pattern on the south side of Gaviota Drive consists of narrow, built-out lots with typical building site coverages being 70 percent or higher. Therefore, staff believes the finding for additional building site coverage can be made.

The applicant proposes to construct a 3,552 square-foot single-family dwelling with a 489 square-foot attached two-car garage and new driveway access from Gaviota Drive. The first floor will consist of the main entry, kitchen, living room, sitting area, and 454 square-foot outdoor patio. This floor will also provide access to a lower floor that includes a bedroom, powder room, laundry, and mechanical room. The second floor will include a living room, bedroom and bathroom, master suite, and 319 square feet of elevated deck area. Landscape and hardscape improvements are proposed for the rear yard and public right-of-way requiring approval of a revocable encroachment permit.

The proposed development is located close to Gaviota Drive in part to adhere to required setbacks from the coastal bluff edge. The applicant worked with two consultants, Geofirm and Geosoils, Inc., to prepare bluff edge determinations for the site (linked online). The Geofirm determination, dated October 22, 2021, recognizes that California Coastal Commission staff identified a coastal bluff edge on the property in their 1980 approval of Administrative Coastal Development Permit A-80-7442 for the construction of three retaining walls to repair a bluff failure that occurred on-site. The description of the project on the permit states the following:

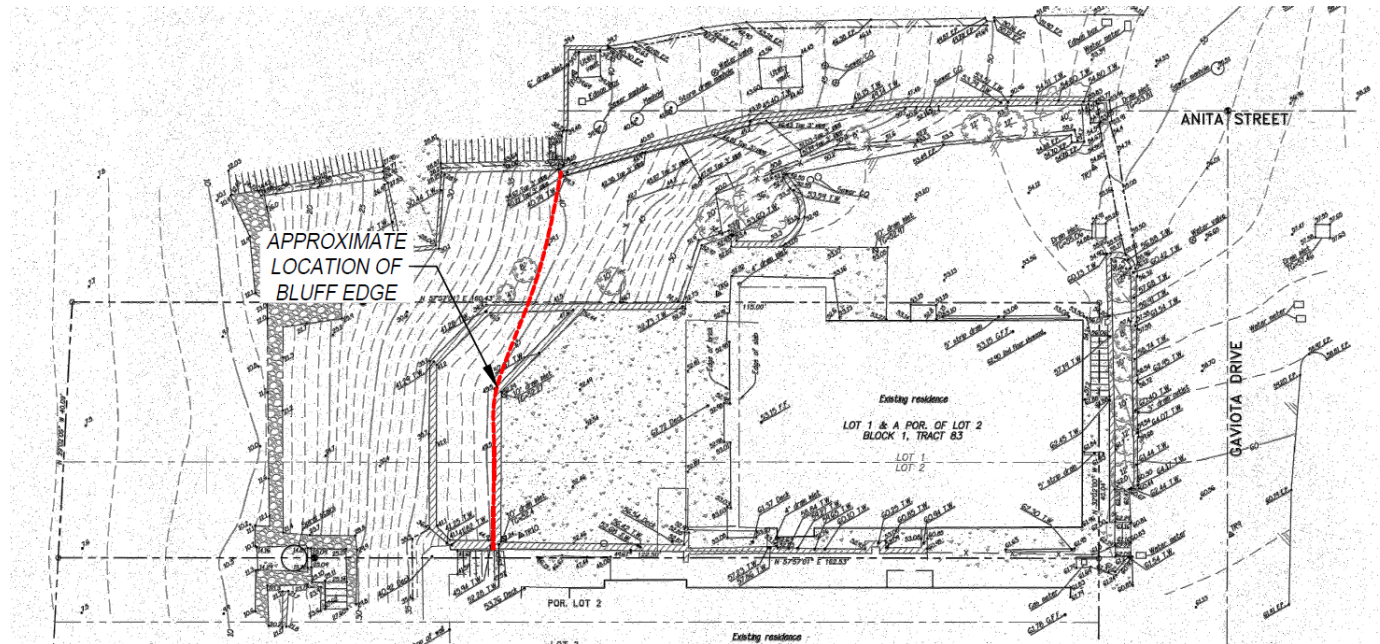
Construction of 3 retaining walls on an improved, 4,880 +/- ocean bluff, R-2 lot. One retaining wall, at the top of the bluff, will be 32' across the site and 4.5' above grade, one wall will extend the width of the site, 40' and 2' above grade and the third wall, the most seaward, will extend the width 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.



View of retaining walls approved per 1980 Administrative Coastal Development Permit

Geofirm concludes that the Coastal Commission's determination that the upper retaining wall reflects the bluff edge for the property is consistent with the Commission's definition of a coastal bluff in effect at the time. The

bluff edge determination prepared by GeoSoils, Inc., dated February 22, 2022, considered geologic maps and literature, historical aerial photographs, site reconnaissance, and engineering and geological analyses to determine the location of the bluff edge for the property within the context of the City's General Plan Land Use Element definition of an oceanfront bluff/coastal bluff and the Coastal Commission's definition of a bluff line or edge. Using this information, GeoSoils concludes that "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" as depicted in the graphic below:



Bluff Edge Determination as Determined by GeoSoils Inc. (February 22, 2022)

The GeoSoils bluff edge determination was peer reviewed and approved by the City's consulting geologist. As shown on Sheet A-1.01, the proposed design incorporates the bluff edge determinations made by the Coastal Commission, Geofirm, and GeoSoils, Inc., and adheres to the required setbacks for each.

DESIGN REVIEW

Pursuant to [LBMC Section 25.05.040\(H\)](#), physical improvements and site developments subject to design review shall be designed and located in a manner which best satisfies the intent and purpose of design review, the city's village atmosphere and the design review criteria. 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:

- A. Construction of a new single-family dwelling (major remodel).
- B. Elevated decks.
- C. Additional lot coverage.
- D. Skylights.
- E. Grading totaling 165 cubic yards of export.

F. Retaining walls. G. Landscaping.	
Design Review Criteria	Consistency (Yes, No, or N/A If Not Applicable)
No. 1 Access	Yes. See detailed analysis below.
No. 2 Design Articulation	Yes. When viewed from the street, the proposed dwelling will have the appearance of two stories. From the side elevations, the design emphasizes the horizontal building form to integrate the structure into the site terrain and is articulated with large windows, roof overhangs, offsets, and terracing to reduce the appearance of mass from the street, public access stairs, and the beach below. For these reasons, this criterion has been met.
No. 3 Design Integrity	Yes. The applicant proposes a rustic contemporary design that incorporates a variety of colors and materials that are consistent with the chosen architectural style, including stained wood shingles, low sloped roofs, glass deck railings, aluminum doors and windows, and copper gutters. Therefore, this criterion has been met.
No. 4 Environmental Context	Yes. The proposed project includes a net export of 165 cubic yards to integrate the dwelling into the topography of the site. A total of 60 percent impervious surfaces is proposed which represents a reduction of 12 percent relative to existing conditions. The proposed structure adheres to required setbacks from the bluff edge identified on the property to preserve natural features on-site while providing additional landscaping in the rear yard and public right-of-way. For these reasons, 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 'C'.
No. 6 Historic Preservation	N/A. The original structure was built in 1933 and is not listed on the City's Historic Register. According to the project's Historic Resource Assessment and Impacts Analysis (linked online) completed by ESA in 2017, the property does not qualify as a historic resource pursuant to CEQA and does not appear to be situated in a designated or potentially eligible historic district. Further, extensive demolition of the structure has already been completed. Therefore, this criterion does not apply.
No. 7 Landscaping	Yes. The subject property is located within the Central Laguna-Gaviota neighborhood as identified in the City's Landscape and Scenic Highways Resource Document. This neighborhood is characterized by limited streetscape plantings and eclectic beach access points. The Document encourages individuality "when upgrading or improving the access points so that the existing neighborhood character is not diminished in favor of uniformity." The proposed design incorporates several recommended trees, including New Zealand Christmas Tree, Pink Melaleuca, Monterey Cypress, and 'Ohi'a Lehua. Further, drought tolerant plantings are proposed for the rear yard slope, including

	Lemonade Berry, Prickly Pear, Aloe. Therefore, this criterion has been met.
No. 8 Lighting and Glare	Yes. The proposed exterior lighting plan is shown on Sheets L-1 and L-2, and consists of exterior wall lights, recessed down lights, step lights, and pathway lights totaling 38 fixtures. The proposed fixtures are low intensity, rated between 1.25-3.5 watts and 130-600 lumens per fixture. For these reasons, the proposed lighting is appropriate for the site while providing necessary illumination to safely navigate the site. In terms of glare, the proposed design incorporates a mix of glazing and non-reflective finishes, such as stained wood shingle siding, to minimize potential glare impacts to neighbors and public areas. For these reasons, this criterion has been met.
No. 9 Neighborhood Compatibility	Yes. See detailed analysis below.
No. 10 Pedestrian Orientation	N/A. This criterion pertains to commercial development.
No. 11 Privacy	Yes. The proposed design includes minimal windows on the south elevation to respect the close proximity of the adjacent neighbor and minimize the potential for privacy impacts. Staff has not received correspondence from neighbors with privacy concerns. Therefore, this criterion has been met.
No. 12 Public Art	N/A. This criterion pertains to commercial development.
No. 13 Sign Quality	N/A. This criterion pertains to commercial development.
No. 14 Sustainability	Yes. New construction is required to meet Title 24 energy and Building Code requirements, which include insulated windows and energy efficient lighting. The applicant will be required to provide proof of compliance. Furthermore, the applicant will be required to reuse, recycle, or divert at least 50 percent of the project's construction and demolition debris. For these reasons, this criterion has been met.
No. 15 Swimming Pools, Spas and Water Features	N/A. The proposed design does not include swimming pools, spas, or water features.
No. 16 View Equity	Yes. The proposed dwelling is lower in height and pulled further inland from the adjacent neighbor at 1021 Gaviota Drive in an effort minimize impacts to established views. Staff has not received correspondence from the public with concerns regarding view equity. Staff recommends that the Board evaluate the project staking to ensure view equity has been achieved.

Policies above that require an in-depth analysis given the potential impacts to the immediate character of the neighborhood are provided below.

No. 1 | Access. Conflicts between vehicles, pedestrians and other modes of transportation should be minimized by specifically providing for each applicable mode of transportation.

The subject property is located at the corner of Gaviota Drive and Anita Street (pictured below), which serves as an important public accessway to Anita Street Beach. Public improvements include metered parking, a pedestrian walkway and beach stairs, and a scenic outlook. The subject property currently

maintains a private driveway established prior to 1930 in addition to more recent hardscape and landscape encroachments into the Anita Street public right-of-way. The applicant proposes to reconfigure the vehicular access to the site by eliminating the encroaching driveway from Anita Street and providing a new driveway that is directly accessible from Gaviota Drive. A two-car garage is proposed that meets the City's covered parking requirement for a residence with less than 3,600 square feet of gross floor area. With removal of the existing driveway, additional public amenities are proposed to be installed in the public right-of-way and maintained by the applicant (See Exhibit C: Project Plans, Sheet L-1), including a pick-up and drop-off area for visitors, bicycle and surfboard racks, bench seating, a water filling station, and enhanced landscaping. These improvements are subject to approval of a Revocable Encroachment Permit (REP) and discussed further below. If approved, staff recommends that Condition of Approval No. 12 be added requiring all public improvements to be completed prior to receipt of a certificate of occupancy for the residence and that long-term maintenance for the amenities be provided by the applicant as long as the revocable encroachment permit remains valid. For these reasons, conflicts between vehicles, pedestrians, and other modes of transportation have been minimized and this criterion has been met.



No. 9 | Neighborhood Compatibility. Development shall be compatible with the existing development in the neighborhood and respect neighborhood character. Neighborhood character is the sum of the qualities that distinguish areas within the City, including historical patterns of development (e.g., structural heights, mass, scale or size), village atmosphere, landscaping themes and architectural styles.

Properties on the south side of Gaviota Drive are characterized by uniform lots with single- and two-family dwellings that are mostly built-out with lot coverages of 70 percent or more. Homes typically have the appearance of one or two stories at street level and step down with the topography of the lot.

The proposed design maintains this pattern of development and proposes lot coverage of 55 percent compared to the maximum 41 percent. Pursuant to LBMC §25.12.008(C)(9), the maximum site coverage requirement may be modified by the Board “when necessary due to neighborhood development patterns or view preservation.” Staff believes this finding can be made since the neighborhood is characterized by high lot coverage and due to view preservation. The proposed design is situated lower than the adjacent residence and further back from the rear property line in order to minimize impacts to established view corridors. This can be seen on the project elevations and perspective exhibits where the outline of the neighboring residence is shown for reference. The proposed design also adheres to the established building and deck stringlines as described in LBMC 25.50.004 which are intended to encourage development on oceanfront properties to be sensitive to the surrounding pattern of development. For these reasons, this criterion has been met.



VARIANCE

Variances may be granted only when, among other factors, there are special circumstances applicable to the property involved, including size, shape, topography, location and surroundings, that would cause the strict application of the zoning ordinance to deprive the property of the privileges enjoyed by other similarly situated property in the vicinity and zone. The following project components require Variance:

1. To encroach into the front setback [LBMC 25.12.008(C)(2)]; and
2. To encroach into the additional building setback [LBMC 25.50.004(D)].

The Design Review Board may approve, approve in part, or conditionally approve a variance based upon making all of the following findings at a noticed public hearing:

- (1) There are special circumstances applicable to the property involved, including size, shape, topography, location or surroundings which cause the strict application of the zoning ordinance to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

Special circumstances are applicable to the subject property which cause the strict application of the zoning ordinance to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, in that the steep topography of the lot (approximately 35 percent between Gaviota Drive and the beach), bluff edge location which reduces the length of the buildable portion of the lot in comparison to adjacent properties, and adjacent public beach accessway limit development of the property and have historically concentrated development closer to the front of the property, necessitating the requested encroachments. Multiple properties on the ocean side of Gaviota Drive, such as 1021, 1031, and 1061 Gaviota Drive, maintain similar front setback encroachments. Therefore, staff believes this finding can be made.

- (2) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone.*

The requested variances are necessary for the preservation of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone, in that properties on the oceanward side of Gaviota Drive commonly maintain front yard setbacks of 5-8 feet, such as at 1021, 1031, and 1061 Gaviota Drive, due to constraints imposed by the location of coastal bluffs at the rear of each property. Further, the location of the existing garage that currently encroaches into the front setback is being maintained but reoriented to take access directly from Gaviota Drive (compared to the current side access configuration) which is consistent with the pattern of development for other homes on the ocean side of Gaviota Drive. Therefore, staff believes this finding can be made.

- (3) The granting of the variance will not be detrimental to the public health, safety, convenience and welfare or injurious to property or improvements in the vicinity in which the property is located.*

The granting of the requested variances would not be detrimental to the public health, safety, convenience and welfare or injurious to property or improvements in the vicinity in that the existing residence has maintained similar setback encroachments since the property was originally developed prior to 1930 without issue. The project has been reviewed and approved in concept by the Fire Department for fire safety, the Public Works Department for garage and access configuration, and the City's consulting geologist for bluff edge identification and geotechnical feasibility to ensure the project will not be detrimental to the public health, safety, convenience, and welfare. Therefore, staff believes this finding can be made.

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

The granting of the requested variances would not be contrary to the objectives of the zoning ordinance or the general plan in that the Municipal Code sets forth provisions to allow deviations from normal development standards where special circumstances exist. As identified above, special circumstances exist pertaining to the subject property's topography, bluff edge location, and surroundings. Further, as described in Exhibit A below, staff has found the project to comply with the objectives of the General Plan. Therefore, staff believes this finding can be made.

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 subject property is located adjacent to an existing physical accessway legally utilized by the public to access Anita Street Beach. The public right-of-way in this area is 60 feet wide, and partially developed with metered parking, a pedestrian walkway, beach stairs, and a scenic outlook. The subject property has historically maintained encroachments into the public right-of-way, including a portion of the existing residence, a private driveway, and other hardscape and landscape improvements. The applicant proposes to remove the encroachments by the residential structure and private driveway and provide new improvements, subject to approval of a revocable encroachment permit, to enhance landscaping and provide amenities for the beachgoing public. These amenities will not encroach upon the existing public accessway to the beach and include a pick-up and drop-off area for visitors, bicycle and surfboard racks, bench seating, a water filling station, and enhanced landscaping. Since the proposed

COASTAL DEVELOPMENT PERMIT	
	development removes existing private encroachments into the public right-of-way, provides new public amenities, and does not encroach upon the public accessway, this criterion has been met.
No. 2 The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.	Yes. The proposed development is located on an oceanfront property and within an environmentally sensitive area. The development primarily involves alterations to already disturbed areas and no improvements are proposed that will directly affect marine resources. Indirect impacts to marine resources will be reduced by eliminating existing encroachments into the identified bluff edge setback (such as a portion of an existing patio at the upper retaining wall) and implementing Best Management Practices during construction that include pollution prevention and erosion and sediment control. The proposed development includes grading totaling 165 cubic yards of export to integrate the home into the topography of the lot, preserve existing view corridors for neighbors and maintain the surrounding pattern of development. All ground disturbing activities may potentially unearth archaeological or paleontological resources despite there being no records of such resources being located on-site. Nevertheless, the project Mitigated Negative Declaration includes mitigation measures requiring on-site monitoring during earth disturbing activities ensure any resources uncovered are identified and assessed. For these reasons, this criterion has been met.
No. 3 The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.	Yes. The subject property is adjacent to the Anita Street beach public accessway which provides important recreational and visitor-serving facilities such as metered parking, a pedestrian walkway and beach stairs, and a scenic outlook. As described under the “access” heading above (page 9), the proposed development will improve the public accessway by eliminating several encroachments into the public right-of-way that have been present for approximately 75 years (such as the existing driveway and a portion of the existing residence), and by providing additional public amenities that include a pick-up and drop-off area for visitors, bicycle and surfboard racks, bench seating, a water filling station, and enhanced landscaping. Regarding coastal scenic resources, the rear of the property is prominently visible from the beach and surrounding

COASTAL DEVELOPMENT PERMIT	
	water. The proposed project will enhance the coastal viewscape by eliminating existing encroachments into the bluff edge setback (such as a portion of a nonconforming patio) and providing new landscaping in the rear yard and public right-of-way. For these reasons, this criterion has been met.
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 subject property is located within an established residential neighborhood and adjacent to a public beach. As shown on the project site plan (sheet A-1.0), the proposed development is sited to concentrate development close to Gaviota Drive to adhere to required setbacks from the bluff edge and pattern of development (i.e., building and deck stringlines). Doing so creates greater separation between the development and the beach which will be enhanced further with new landscaping. As discussed above, the proposed development will enhance the coastal viewscape by eliminating existing encroachments into the bluff edge setback (such as a portion of a nonconforming patio) and providing new landscaping in the rear yard and public right-of-way. For these reasons, this criterion has been met.
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 includes grading totaling 165 cubic yards of export to integrate the home into the topography of the lot, preserve existing view corridors for neighbors and maintain the surrounding pattern of development. The project Geotechnical Investigation found that the proposed development is geotechnically feasible and fire protection measures will be incorporated into the project as required by the City's Building and Fire Departments. The Coastal Hazards and Wave Runup Study prepared for the project (dated October 8, 2021), found that the development is safe from coastal hazards considering: 1) the location of the development well above the beach and the anticipated sea level rise of 3-6 feet over the next 75 years; 2) the stability of the shoreline in front of the site; and 3) the presence of bedrock at the back of the beach and retaining walls permitted in 1980 via Coastal Development Permit A-80-7442 protect the bluff slope. For these reasons, this criterion has been met.
No. 6 The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will	Yes. As discussed under the "neighborhood compatibility" criterion above (page 10), the proposed design is consistent with the neighborhood pattern of

COASTAL DEVELOPMENT PERMIT	
restore and enhance visual quality in visually degraded areas.	development in terms of building height, mass and scale, and applicable building and deck stringlines. Visual quality will also be enhanced from public areas by adhering to the required setback from the bluff edge for new construction and providing new landscaping at the rear of the property. Therefore, this criterion has been met.
No. 7 The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	Yes. As described above, the proposed development includes grading totaling 165 cubic yards of export to integrate the home into the topography of the lot, preserve existing view corridors for neighbors and maintain the surrounding pattern of development. No known archaeological or paleontological resources are present on-site; however, all ground disturbing activities may potentially unearth archaeological or paleontological resources. The project Mitigated Negative Declaration includes mitigation measures requiring on-site monitoring during earth disturbing activities ensure any resources uncovered are identified and assessed. For these reasons, this criterion has been met.
No. 8 The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	Yes. The existing site is developed with a single-family dwelling with access to Gaviota Drive and connections to necessary utilities, drainage, and other facilities. The existing utilities and facilities are adequate to serve the proposed development as it will not intensify the use of the property. Therefore, this criterion has been met.
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. As discussed above, the project site is developed with a single-family residence with access to existing public services that are considered adequate to serve the residential use. The proposed development will not intensify the use of the property. Therefore, this criterion has been met.

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 the first public road paralleling the sea (South Coast Highway). The project will conform with all 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.*

In accordance with the California Environmental Quality Act (CEQA) Guidelines, staff has determined that the project requires a Mitigated Negative Declaration. Recommended mitigation measures are proposed to reduce potential environmental impacts to a level that is less than significant. Therefore, this finding can be made.

REVOCABLE ENCROACHMENT PERMIT

The applicant requests approval of a revocable encroachment permit for walls, irrigation, lighting, and walkways within the public right-of-way. A revocable encroachment permit may be granted by the Design Review Board if the improvements will not interfere with the present and prospective public use of a street or right-of-way and will generally conform to the following requirements:

1. *It should be located in a manner that is not hazardous to the traveling public, including motorists, bicyclists and pedestrians.*

The proposed improvements will not be hazardous to the traveling public, including motorists, bicyclists, and pedestrians, in that the encroachments will be located outside the required vehicular travel lane on Gaviota Drive and will not interfere with the existing public beach access stairs on Anita Street. Therefore, this requirement has been met.

2. *It should be sufficiently set back from the edge of pavement or street centerline to provide adequate travel, parking and walking lanes.*

As noted above, the proposed improvements are not located within the minimum required street improvement area and the adequate travel lane widths will be provided and maintained. Therefore, this requirement has been met.

3. *It should not conflict with preexisting public utility structures, especially hydrants, vault and service meters in any manner that necessitates relocation thereof at public expense or causes any other unacceptable interference, including impediments to the maintenance, relocation or repair of pipelines, conduits or substructures of any public utility.*

Based on the project topographical survey, no public utility structures are located within the public right-of-way that require relocation or otherwise be interfered with. Therefore, this requirement has been met.

4. *It will not preclude public access, use or enjoyment of any area that has historically established such access, use or enjoyment.*

The subject property is located at the corner of Gaviota Drive and Anita Street, which serves as an important public accessway to Anita Street Beach. Public amenities currently provided include metered parking, walkway, and stairs down to the beach. The proposed improvements will impact neither the established public access nor the amenities currently enjoyed by the public. Therefore, this requirement has been met.

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

The request is not setting a precedent with the requested projection into the streetscape. Many residences along Gaviota Drive enjoy similar encroachments into the public right-of-way. Therefore, this criterion has been met.

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

The requested improvements do not present an unacceptable appearance, form, shape or height that detracts from the general quality of the streetscape in that are compatible with the neighborhood pattern of development and preserve existing public access to the beach and other amenities. Therefore, this criterion has been met.

BUILDING SITE COVERAGE

The maximum building site coverage for the site is 41.3 percent whereas the applicant is proposing 54.6 percent. Pursuant to LBMC §25.12.008(C)(9), the maximum building site coverage requirement may be modified by the Board “when necessary due to neighborhood development patterns or view preservation.” The neighborhood development pattern on the south side of Gaviota Drive consists of narrow, built-out lots with typical building site coverages being 70 percent or higher. The proposed design is situated lower than the adjacent residence and further back from the rear property line to minimize impacts to established view corridors. This can be seen on the project elevations and perspective exhibits where the outline of the neighboring residence is shown for reference. The proposed design also adheres to the established building and deck stringlines as described in LBMC 25.50.004 which are intended to encourage development on oceanfront properties to be sensitive to the surrounding pattern of development. Therefore, staff believes the finding for additional building site coverage can be made.

ADDITIONAL INFORMATION:

Public Correspondence

Staff has received correspondence from one neighbor expressing concern regarding the requested variances and narrow street conditions.

California Environmental Quality Act (CEQA) Determination

A Mitigated Negative Declaration was previously prepared for the project pursuant to the provisions of the California Environmental Quality Act. Pursuant to Section 15162 of the State CEQA Guidelines, a subsequent negative declaration is not required when substantial changes in scope or circumstances do not occur, and no information is received that would imply new significant effects other than what was previously considered.

DRAFT DRB RESOLUTION 22-0120

A RESOLUTION OF THE OF THE DESIGN REVIEW BOARD OF THE CITY OF LAGUNA BEACH, CALIFORNIA APPROVING DESIGN REVIEW 22-0120, COASTAL DEVELOPMENT PERMIT 22-0121, VARIANCE 22-0122 AND REVOCABLE ENCROACHMENT PERMIT 22-0123 FOR CONSTRUCTION OF A SINGLE-FAMILY DWELLING AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

1007 Gaviota Drive | APN: 644-076-01

WHEREAS, on February 1, 2022, a notice was mailed to all property owners within a 300' radius and tenants within a 100' radius announcing the February 24, 2022 public hearing of the Design Review Board for the proposed project; and

WHEREAS, on February 24, 2022, the Design Review Board continued the project to their March 10, 2022, public hearing; and

WHEREAS, on March 10, 2022, the Design Review Board continued the project to their April 28, 2022, public hearing; and

WHEREAS, on April 28, 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 22-0120, Coastal Development Permit 22-0121, Variance 22-0122 and Revocable Encroachment Permit 22-0123 for the construction of a single-family dwelling and associated improvements (“Proposed Project”) is approved. The proposed project includes a Mitigated Negative Declaration consistent with the provisions of the California Environmental Quality Act and in accordance with State CEQA Guidelines; and

Section 2: The proposed project is consistent with the applicable Laguna Beach Municipal Code Title 25 development standards and guidelines as outlined in the Zoning Review section 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 as outlined in the Design Review section of the Staff Report.

Section 4: The Variance and Site Coverage findings can be made for the Proposed Project for the reasons and factual basis set forth in the Variance section of the Staff Report.

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

Section 6: The project is in conformity with all the applicable provisions of the general plan and any applicable specific plans for the reasons and factual basis set forth in Exhibit A of the Staff Report.

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 Design Review, 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 April 28, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Don Sheridan, Chair

Russell W. Bunim, AICP, Zoning Administrator

EXHIBIT ‘A’

GENERAL PLAN GOALS AND POLICIES	CONFORM (Y, N OR N/A)
<p>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.</p>	<p>Yes, refer to Design Review Criterion No. 16 above. Further, the proposed residence will be located further away from the bluff edge than the existing residence and new landscaping will be incorporated throughout the site. These improvements maximize preservation of coastal views and minimize blockage of public and private views from the surrounding area.</p>
<p>LU Element Action 7.3.2 Review all applications for new development to determine potential threats from coastal and other hazards.</p> <p>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.</p>	<p>Yes, the Coastal Hazards and Wave Runup Study prepared for the project by GeoSoils Inc. (dated October 8, 2021) found that the development is safe from coastal hazards considering: 1) the location of the development being well above the beach and the anticipated sea level rise of 3-6 feet over the next 75 years; 2) the stability of the shoreline in front of the site; and 3) the presence of bedrock at the back of the beach and retaining walls permitted in 1980 via Coastal Development Permit A-80-7442 protect the bluff slope. Therefore, risks to life and property from coastal and other hazards have been minimized.</p>
<p>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.</p>	<p>Yes, the City’s geotechnical consultant reviewed the project’s geotechnical report and conceptually approved the project. The report provides foundation recommendations that do not require construction of new protective devices that would substantially alter natural landforms along bluffs and cliff on-site or in the vicinity. Three existing retaining walls permitted in 1980 via Administrative Coastal Development Permit A-80-7442 are located oceanward of the bluff edge and are proposed to remain as they protect the previously repaired bluff slope, adjacent neighbor’s property, and public beach access stairs from erosion and provide geologic stability.</p>
<p>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</p>	<p>Yes, no new development is proposed oceanward of the bluff face identified by the project’s bluff edge determination. An existing patio that encroaches the required bluff edge setback is proposed to be brought into conformance. Three existing retaining walls permitted in 1980 via Administrative Coastal Development Permit A-80-7442 are proposed to remain as they protect the previously repaired bluff</p>

GENERAL PLAN GOALS AND POLICIES	CONFORM (Y, N OR N/A)
erosion of the oceanfront bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.	slope, adjacent neighbor's property, and public beach access stairs. For these reasons, the proposed improvements minimize alteration of the bluff face, do not contribute to further erosion of the bluff face, and are visually compatible with the surrounding area.
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, the proposed project includes a drainage system shown on Sheet C-1 that is designed to capture on-site runoff for discharge into the existing storm drain system at Gaviota Drive. This is consistent with the Geotechnical Investigation's recommendation against on-site discharge of surface drainage due to the potential for saturation of soils at the lower level of the residence and "weaken the terrace sands backing the onsite slope." Further, drought tolerant plantings are proposed for the rear yard slope, including Lemonade Berry, Prickly Pear, and Aloe, which minimizes threats 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.	Yes. The existing residence is situated on an oceanfront bluff site and portions of the structure are legal nonconforming, in part due to their location on the bluff face and within the bluff edge setback. For example, an outdoor patio on the first floor of the home encroaches into the bluff edge setback. Also, three existing retaining walls permitted in 1980 via Administrative Coastal Development Permit A-80-7442 are located oceanward of the bluff edge and are proposed to remain. Consistent with this Land Use Element Action, the encroaching patio is proposed to be reduced to adhere to the required bluff edge setback. The retaining walls, while located beyond on the bluff face and sand, were permitted by the Coastal Commission in 1980 and are not considered obsolete as they protect the previously repaired bluff slope, adjacent neighbor's property, and public beach access stairs. This is supported by the review of these walls conducted by Geofirm in their report dated October 22, 2021. The applicant considered removal of these walls as a project alternative, but found doing so would significantly compromise the improvements they were designed to protect.

GENERAL PLAN GOALS AND POLICIES	CONFORM (Y, N OR N/A)
<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 constitutes new development, but no new bluff or shoreline protection devices are proposed to establish geologic stability or protection from coastal hazards. As described above, three existing retaining walls permitted in 1980 via Administrative Coastal Development Permit A-80-7442 are located oceanward of the bluff edge and are proposed to remain. These walls were constructed after a significant slope failure occurred on-site and were designed to stabilize not just the subject property but also the adjacent property at 1021 Gaviota Drive and adjacent public beach access stairs. Staff is supportive of maintaining these walls in conjunction with the proposed major remodel due to the public benefits they provide; however, a condition of approval has been included requiring the applicant to waive 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>Yes. As described above, the property maintains an outdoor patio on the first floor of the home that encroaches into the bluff edge setback. The proposed project is classified as a major remodel, so the patio is proposed to be brought into conformance with the required bluff edge setback.</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</p>	<p>Yes, a Coastal Hazards and Wave Runup Study was prepared for the project by GeoSoils Inc. (dated October 8, 2021) which found the project to be safe from erosion and high tide conditions over a 75-year period and from storm waves from a 100-year event.</p>

GENERAL PLAN GOALS AND POLICIES	CONFORM (Y, N OR N/A)
rise; storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event.	
OSC Policy 1.5Q Any development application for shoreline construction shall be reviewed with respect to the criteria contained in the Guidelines for Shoreline Protection, including the effects of beach encroachment, wave reflection, reduction in seacliff sand contribution, end effects and aesthetic criteria.	Yes, the project does not propose construction of new shoreline protection. Three existing retaining walls on the bluff face and sand are proposed to remain which were reviewed and permitted by the California Coastal Commission in 1980 via Administrative Coastal Development Permit A-80-7442.

LOCAL COASTAL PROGRAM	CONFORM (Y, N OR N/A)
General Plan Land Use Map, excluding Blue Lagoon and Three Arch Bay	Yes, the proposed use is consistent with the underlying land use designation of R-1.
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 R-1 (Residential Low Density).
Downtown Specific Plan	N/A
Laguna Canyon Annexation Specific Plan	N/A
Title 25 (Zoning Code)	Yes, refer to Title 25 table above.
Chapter 12.08, Preservation of Heritage Trees Ordinance	N/A
Chapter 14.78 Geology Reports	Yes, a Geotechnical Investigation was prepared for the project with recommendations that will be incorporated into the structural design to ensure no adverse impacts as a result of the project.
Title 21 (Plats and Subdivision)	N/A
Title 22 (Excavation and Grading)	Yes, refer to the “environmental context” heading above.
Shoreline Protection Guidelines (as adopted by Resolution 88.43)	Yes, the project does not proposed construction of new shoreline protection. Three existing retaining walls on the bluff face and sand are proposed to remain which were reviewed and permitted by the Coastal Commission in 1980 via Administrative Coastal Development Permit A-80-7442.
Design Guidelines for Hillside Development (as adopted by Resolution 89.104)	N/A
South Laguna Community Design and Landscape Guidelines (as adopted by Resolution 89.104)	N/A
Fuel Modification Guidelines (of the Safety General Plan Element)	N/A
Summer Festival Parking Agreements	N/A

LOCAL COASTAL PROGRAM	CONFORM (Y, N OR N/A)
2004 LCP Amendment that includes Title 16 (Water Quality Control)	Yes, the Water Quality Department conceptually approved the applicant's drainage plan and as a condition of approval, the applicant will be required to obtain approval of applicable NPDES/MS4 permits.
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. This 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.
7. Landscaping Conditions. The landscaping shall be installed in accordance with the approved landscape plans. Thereafter, the landscaping shall be continuously maintained (including replanting,

as necessary) in compliance with the approved landscaping plans, unless such plans are subsequently revised pursuant to a subsequent Design Review approval. Minor landscaping changes which does not have the potential to impact views at mature growth height may be exempt from Design Review.

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. Outdoor lighting must be hooded, fully shielded, and aimed downward.
11. Modifications. Additions or enlargements of structures upon property for which a variance has been granted shall not be allowed except pursuant to a subsequent variance as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code.

Project Specific Special Conditions:

12. All public amenities proposed to be located within the public right-of-way shall be installed prior to issuance of a Certificate of Occupancy for the new residential dwelling.
13. Ongoing maintenance of the approved public amenities located within the public right-of-way shall be provided by the property owner for the duration of the approved Revocable Encroachment Permit.
14. The applicant shall obtain approval of applicable NPDES/MS4 permits prior to issuance of a building permit.
15. The applicant shall abide by all project mitigation measures, including method and timing of verification, as described in the Mitigation Monitoring Program Checklist included in the adopted Mitigated Negative Declaration.

Oceanfront/Bluff Special Conditions:

16. Prior to issuance of a building permit, the property owner shall record a deed restriction on the subject property, in a form and content acceptable to the City, waiving rights to any new bluff or shoreline protective device in the future.
17. By acceptance of this permit, the applicant shall record a deed restriction on the subject property, in a form and content acceptable to the City, by which the applicant acknowledges and agrees: (i) that the subject property may be subject to hazards from waves, storm events, flooding and erosion; (ii) to assume the risks to the applicant and the property that is subject of this permit of injury and damage resulting from such hazards in connection with this permitted development; and (iii) to waive and release any claim of damage or liability against the City of Laguna Beach, its officers, agents and employees for injury or damage resulting from such hazards.
18. Prior to any conveyance of the subject property, the applicant shall execute and record a deed restriction on the subject property, in a form and content acceptable to the City, reciting: (i) that,

pursuant to this permit, the City has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the “Standard and Special Conditions”); and (ii) imposing all Special Conditions of the permit as covenants, conditions and restrictions on the use and enjoyment of the property. The restriction shall include a legal description of the applicant’s entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or development it authorizes – or any part, modification or amendment thereof – remains in existence on or with respect to the subject property.

19. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that the permittee and/or landowner shall remove the development authorized by this permit, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified in Oceanfront/Bluff Special Condition No. 17 above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
20. In the event the shoreline recedes to within 10 feet of the development authorized by this permit, but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee, that addresses whether any portions of the development is threatened by wave, erosions, storm conditions or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the authorized development including, but not limited to, removal or relocation of portions of the development. If the geotechnical report concludes that the authorized development or any portion thereof is unsafe, the permittee shall, in accordance with a coastal development permit, remove the threatened portion of the development.
21. If any supporting caisson or footing for the approved project is exposed for more than a complete year, the applicant shall implement a beach re-shaping and/or nourishment program to sufficiently cover the exposed caisson or footing and restore the section of the beach in this area. The sand shall come from an approved sand donor site.
22. No construction materials, debris or waste shall be placed or stored where it may enter a storm drain or coastal waters, or be subject to wind erosion and dispersion.
23. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction.
24. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction related materials, sediment or contaminants associated with construction activity, shall be implemented prior to the onset of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the construction of the project.

25. Construction debris and sediment shall be removed from the construction areas each day that construction occurs to prevent accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone.

EXHIBIT 'C'
PROPOSED PLANS

MEMORANDUM

DATE: June 7, 2022

TO: Zach Rehm, District Supervisor, California Coastal Commission

FROM: Chris Dominguez, Senior Planner, City of Laguna Beach

SUBJECT: Commentary regarding Commission Appeal No. A-5-LGB-22-0025 for 1007 Gaviota Drive.

In response to Commission Appeal No. A-5-LGB-22-0025 for the property at 1007 Gaviota Drive in Laguna Beach, City staff would like to offer the following comments. Please see the link provided to access the City record and let us know if you need additional information or have any questions.

Ground for Appeal #1- Compliance with public access requirements of the Coastal Act.

The appellant references a fence in the public right-of-way installed in 2013 without a CDP. City staff understands this to be a temporary construction fence that was installed in about 2014 and though the approved plans, the property line will meet the driveway and the fence will be removed. There will be no need for a new fence in this location. In conversations between Coastal staff and City staff and a review of the plans, it was made clear that there would be no private development approved within the public right-of-way. The project includes substantial public improvements within the public right-of-way and does maximize public access to the coast by offering public amenities to aid beach-goers using the nearby beach stairway, such as a surfboard washing station, a water-bottle fill station, etc. Further, all improvements approved under the revocable encroachment permit within the public right-of-way may be revoked by the City should the underlying land area be needed for future public improvements.

Ground for Appeal #2- Compliance with public access requirements of the Coastal Act.

It is not correct that the *Geotechnical Investigation Review of Slope Retaining Walls and Bluff Edge Determination* dated 10/22/21 did not consider the LUE language for determining a bluff edge. The Geo Report references Section 13577(h) of the Commission's regulations (which is substantially the same definition as the LUE) in order to confirm the presence of the bluff edge consistent with the bluff edge defined by the Commission in 1980. The grounds for appeal are limited to whether or not the project complies with the LCP policies. The LUE Oceanfront and bluff edge policies were considered and were fully addressed in the staff report after confirmation of the bluff edge location.

LUE 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.

Section 13577(h) of its Regulations: 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.

Ground for Appeal #3- Unpermitted or obsolete shoreline/bluff protective devices.

The three retaining on the site walls were permitted by the Coastal Commission in 1980 to address a slope failure across the subject property and the neighboring property at 1021 Gaviota Drive. The retaining walls were approved to protect the pre-coastal structures. The neighboring property at 1021 Gaviota Drive also received approval to construct the beachfront retaining walls in 1980 (subject to a separate permit) and the walls were constructed so that they are linked together, representing one continuous wall at the foot of the bluff with a shared foundation. The upper retaining wall at one time was supporting the middle slope and upper patio; however, according to the project geotechnical report, all three walls function together to provide global site stability for the subject parcel and the neighboring parcel. This is described in the project staff report, stating that “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.” In the future when the public stairway and the neighboring house are redeveloped and no longer need global site support, then the walls can be removed at that time.

The appellants reference unpermitted slope repairs; however, that was not noted or evaluated in the project geotechnical report and it is unclear what the appellants are referencing. According to historic photos of the site, the walls appear to be consistent with the 1980 CDP approval.

Ground for Appeal #4- Accessory structures not afforded shoreline protection.

The retaining walls do not support rear patio. The rear patio was required to be pulled inland through the subject approval in order to conform to the bluff edge setback. As explained in the staff report, neither the remodeled house nor the patio will rely on the retaining walls, but they are not being removed at this time due to other factors such as the existing development surrounding the site that is supported by the walls.

Grounds for Appeal #5 and #6- Demolition of a duplex.

The appellant contends that the project constitutes demolition of a duplex and is inconsistent with Senate Bill 330 (a.k.a. Housing Crisis Act of 2019) due to the perceived loss of one housing unit.

The subject property is zoned R-2 (Residential Medium Density) which allows for single-family and two-family dwellings. Given the age of the existing structure, an original building permit is

not on-file; however City records indicate that the property was originally developed circa 1925 with a single-family dwelling as evidenced by the City's 1925 Sanborn Fire Insurance Maps:

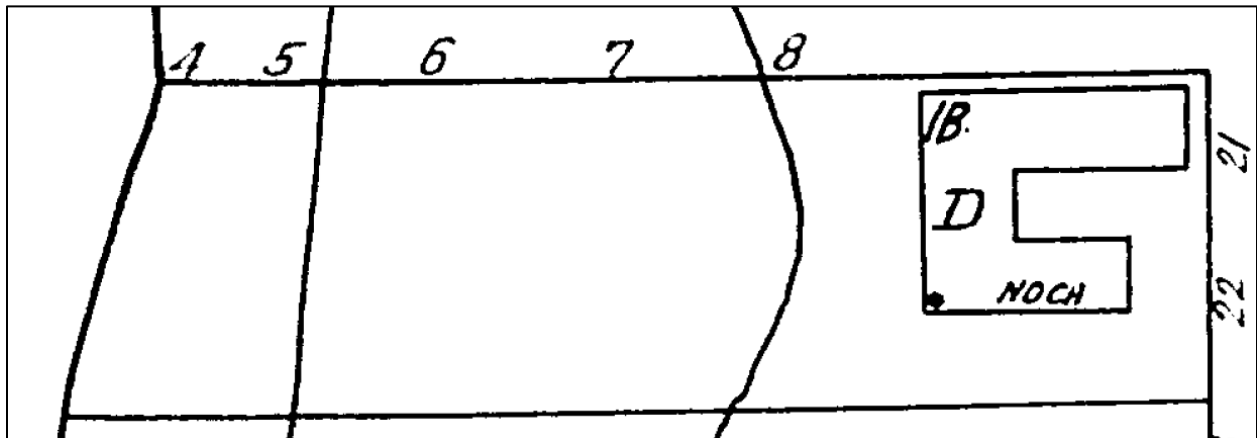


Figure 1: Detail of 1925 Sanborn Map, Sheet 11

A total of eight building permits were issued by the City for the property between 1933 and 1997 for minor repair and maintenance activities with no living additions. In 2014, the City issued a building permit for the first significant remodel of the residence involving an interior remodel and garage addition. The project was later classified as a “major remodel” when additional demolition occurred without permits and resulted in the current application to demolish the existing structure and construct a new single-family dwelling.

In 2017, the property owner commissioned a historic resource assessment from the consulting firm ESA who thoroughly researched the property's development and occupancy history. The assessment found that “...based upon the subject property's occupancy history...the Residence appears to have been converted from a single-family residence to a duplex in the late 1960s.” Further, the assessment found evidence of work having been completed without building permits prior to 2008 including additions and exterior modifications. There is no record in the City's files of the property being legally converted from a single-family dwelling 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 and corrected. Staff's position is that Senate Bill 330 does not protect unpermitted housing units.



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Refer To File # 504223-0001

June 13, 2022

Mr. Zach Rehm, District Supervisor
Ms. Jennifer Doyle, Coastal Program Analyst
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 (Gellatly/Mike & Lori Gray)

Dear Mr. Rehm and Ms. Doyle:

I write on behalf of Mike and Lori Gray, the owners of the property at 1007 Gaviota Drive, Laguna Beach. We are in receipt of the June 1, 2022 appeal filed by Mark and Sharon Fudge. This letter explains why the appeal is frivolous and does not raise a substantial issue.

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 City and Commission 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 Staff requested were, in turn, required by City staff and agreed to by the Grays. And this is true with respect to the issues that the Fudges raised in the previous appeal. It was a case of commendable collaboration between the two staffs and compliance by the Grays.

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. I commend to you the public hearing conducted by the DRB.¹ The DRB commented on the thoroughness of the staff report prepared for the hearing, and each Board member lauded the Project and the revisions that the Grays made to respond to concerns raised in the prior appeal, as well as the value the public access enhancements they proposed will provide for the community.

¹ See <https://lagunabeachcity.granicus.com/player/clip/1704>

The resulting residence itself is striking because, although compatible with the neighborhood, it is far smaller, lower in profile, and located further landward than any of the neighboring residences on Gaviota Drive. (See Exh. 1.) As approved, the remodel complies with the stringline and all required setbacks, and with guidance from Commission Staff and as required by the City, the Project is fully compliant with the City's certified LCP and the public access and recreation policies of the Coastal Act.

The Fudges' appeal is largely uninformed and shotguns a handful of issues with no support. In any case, each appeal ground is addressed below. We also have noted other issues that were raised in the staff report for the previous appeal that also were addressed in connection with the proceedings before the City.

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

The Fudges first contend the City-approved project does not comply with the Coastal Act's public access requirements. This has no merit.

The Anita Street right-of-way is oddly configured relative to the Gray's property. The actual street 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: relocation of the driveway access to the home, removal of all driveway paving and existing fencing, the extension of existing landscaping from the sloped area, and 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, 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. Consequently, the Grays revised the Project to take driveway access instead from Gaviota Drive to a relocated garage.²

² Although largely irrelevant because the driveway access has been relocated, two points bear brief mention. First, the City does not actually own Anita Street. Ownership is held by the property owners on either side and the City has an easement for public highway purposes created by the 1911 tract map establishing the Laguna Heights Subdivision No. 3. Second, it has long been recognized in California that a property owner abutting a public street has "an easement of ingress and egress to and from his property or, generally, the right of access over the street to and

Not satisfied, the Fudges assert that the Grays installed fencing in the right-of-way circa 2013 without a coastal development permit in violation of the Coastal Act. There is an existing approximately 5-foot high fence near the top of slope along the right-of-way that has been in place for decades. Who placed the fence and when is unknown, but given the pattern of vegetation on the slope along the right-of-way, it likely predates Coastal Act. (See Coastal Records Project aerials, 1972 photo.) But that, too, is irrelevant. The Grays proposed, and the City required, removal of all fencing in the right-of-way. That is graphically reflected in the Gray's renderings, which also reflect removal of the existing paved driveway area, the retention of existing mature trees, and enhanced landscaping in the right-of-way area. (Exh. 2; Powerpoint slide #1.)

The Grays have no obligation to improve the Anita Street right-of-way. However, in discussions with the City, and communicated to Commission staff, the Grays proposed to additionally construct public access improvements to benefit the beachgoing public and enhance the community public access experience. The Fudges dismiss 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. Therefore, drop-off and pick-up parking for beachgoing families and kids of all ages occurs throughout the day in the street. The Grays proposed to provide 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. The City approved those public access amenities, and imposed Condition No. 12, which requires all the improvements to be completed prior to issuance of the Certificate of Occupancy for the residence and obligates the Grays to provide the long-term maintenance for these public amenities.

Finally, the Fudges suggest that the City, not the Grays, should pay for and provide those improvements as part of an Anita Street Sewer Lift and Stairway Replacement Project, which they state is currently in the design stage. Financing public improvements (whether funded privately or publicly) is not grounds for appeal. The grounds for appeal are very narrow and must be limited to whether or not the project is consistent with LCP policies. In any event, the Anita Street Project is projected as one of six critical capital improvements to the City's wastewater systems. The City, however, lacks the funds to undertake those projects, and therefore must obtain a \$7.5 million low-interest loan from the California Infrastructure and Economic Development Bank. The costliest of these six projects is the Anita Street lift station reconstruction for \$2.5 million. (Exh. 3.) The policy choice for how to undertake and fund the additional valuable public benefits the Grays' project would provide rests with the City, not the Fudges. At this point, there is no approved design for the Anita Street Project and a CDP would be required for that project. The access improvements provided through this Project, however, would be implemented in short order, accomplished at private expense, and do maximize public access in connection with the Anita Street beach, consistent with Coastal Act section 30212.

from his property" (*Norcross v. Adams* (1968) 263 Cal.App.2d 362; *Clay v. City of Los Angeles* (1971) 21 Cal.App.3d 577, 581.)

The Bluff Edge Determination Considered and Applied the LCP Definition of a Bluff Edge

Next, the Fudges erroneously assert that the bluff edge determination never considered the LCP bluff edge definition, and therefore the development setbacks are incorrect.

The initial geotechnical report for the property concluded that there is no coastal bluff on this property. Commission Staff disagreed. The Grays took that feedback to heart, and two additional geotechnical reports were prepared for this Project. As the City staff report explains, in the first geotechnical report, Geofirm (October 22, 2021) recognized that the Commission identified a “top of coastal bluff edge” on the property in the Commission’s 1980 approval of an Administrative Coastal Development Permit A-80-7442 (Langman). (Exh. 4.) That CDP approved the construction of three retaining walls to repair a bluff failure that occurred across this site and the adjacent property at 1021 Gaviota Drive. The bluff repair actually encompassed two properties. A separate CDP, A-80-7288 (Butts), was concurrently approved as to the adjacent property. (Exh. 5.) The description of the project on the Commission permit approved for 1007 Gaviota 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. 4 ; italics 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. While Fudge asserts that Geofirm did not apply the certified LUE definition of bluff edge, there are other factors here that render this particular Commission determination binding, administrative res judicata. The Commission approved the bluff retention project in two CDPs over the two adjoining lots, the retaining walls were constructed pursuant to those CDPS, and the permits vested. But, there was one other factor. The Commission conditioned its approval of the 1980 CDPs on the provision of a lateral access dedication from the toe of the retaining wall to the mean high tide line (Exhs. 4-5), and, in “consideration” of the Commission’s approval, the then property owner, the Langmans, recorded a deed restriction providing the easement over the sandy beach now enjoyed by the public. (Exh. 6.) It is, therefore, an exceptional circumstance.

In any case, a second geotechnical report was prepared, which Fudge ignores, and it did apply the certified LUE definition. GeoSoils, Inc., (February 22, 2022) 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 geologist.

The Fudges also incorrectly claim that the Project does not comply with the LCP’s requirement of a 25-foot setback. The house does comply with the 25-foot setback. In fact, a portion of the house was modified on the seaward, upcoast side to ensure compliance with the setback requirement. (Exh. 2; Powerpoint slides #s 4-5.) As one of the final changes required by both the Commission and City staffs, the Project was further revised to delete a long-standing patio deck within a 10-foot setback from the bluff edge, and the Landscape Plan was revised to eliminate the decking and provide new landscaping instead within the 10 foot area. (*Id.*)

The Existing Retaining Walls Were Clearly Permitted and Obviously Not Obsolete

The Fudges also contend that the three existing retaining walls on the bluff are unpermitted and obsolete. It is, frankly, difficult to understand how the Fudges can raise this complaint while at the same time attaching the 1980 permit which approved the retaining walls. In any case, this contention is frivolous.

The Fudges suggests the retaining walls and slope repair performed may not comply with the 1980 permit. Nothing supports that wild assertion. Geofirm explained: “The walls were permitted and completed under the geotechnical observation and testing of E.J. Miller, Inc. in their final report dated May 19, 1981.” E.J. Miller worked for the earlier iteration of Geofirm/Stoney Miller.

The Fudges point out that Geofirm explained that the “toe of the site bluff is comprised of erosion resistant cemented bedrock (Topanga Formation).” From this, they assert that 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, their assertion is nonsensical. The lower retaining wall is located on top of this bedrock to hold back the repaired slope and has continued to provide the necessary protection for the Gray’s property as well as for the adjacent downcoast residence.

The lower retaining wall is plainly not obsolete. 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.”

Lastly, the Fudges note that under the LCP, accessory structures – here, a portion of the existing deck – are not afforded shoreline protection. To comply with the 10’ setback requirement, the Commission and City staffs required that the existing decking in that area be removed in favor of low-lying planting in that area. Thus, this issue also has no merit.

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

As a final ground for appeal, the Fudges erroneously contend 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. The staff report for the previous appeal also incorrectly referred to the existing home as a duplex and stated that the City should consider whether approval of the proposed remodel would reduce density in this R-2 zone.

The Project is located in the R-2 zone. The home is not inconsistent with the purpose 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 always 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 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. 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.] The AUP expired on its own terms because it was abandoned for at least one year, and the City formally rescinded the AUP via resolution in 2015. (Exh. 7.)

At the hearing before the City, Senior City Planner Chris Dominguez also 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.

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, perhaps only in 1968, and certainly abandoned by 1974. The property was used as a single-family residence for 44 years leading up to 1968, and even discounting the period 1968 to 1974, it was used as a single-family residence for another 48 years until present. This Project does not reduce density.

Other Issues Previously Raised by Commission Staff That Have Been Addressed

After the Commission found Substantial Issue on the previous appeal, the Grays withdrew the underlying application and then proceeded to address every issue raised by Commission Staff. Some of the issues are addressed above. It bears noting the other issues that Staff raised which also were addressed.

First, Staff noted that the previous City approval did not require a condition requiring a waiver of the right to future shoreline protection. To eliminate the issue, the Grays proposed to accept the imposition of a condition requiring that waiver, and the City imposed Condition No. 16 requiring, prior to issuance of a building permit, the recordation of a deed restriction waiving rights to any new bluff or shoreline protective device in the future.

Second, Staff noted that the previous project relied upon a 2016 Wave Run-Up and Sea Level Rise Assessment prepared for a property similarly situated at 1061 Gaviota Drive. Staff noted that the hazards analysis did not consider updated projections on sea level rise provided for in the 2017 Rising Seas report and the 2018 OPC Sea Level Rise Guidance. The Grays therefore had GeoSoils, Inc., prepare an up-to-date, site-specific Wave Run-Up and Sea Level Rise Assessment for their property. The GeoSoils report (10/8/21) concluded that because the existing and proposed improvements are located well above the beach, the development will be safe from coastal hazards and will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area.

Finally, Staff indicated that the adverse impacts of the proposed remodel should be considered and alternatives, if any, addressed to eliminate any such impacts. The Project raises no issue regarding any adverse impacts to its visibility from the beach below. The original proposal included a substantial new lower level living area below the exterior deck that would have daylighted on the bluff. Staff noted that it might violate the building stringline and increase the visibility of the home from the beach below. Consequently, in another major change to the Project, the below-grade room was deleted from the Project, eliminating any stringline or visibility issue.

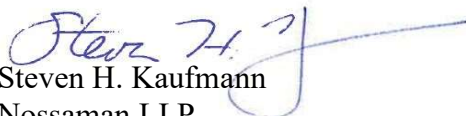
As approved by the City, the Gray's remodel already is setback much further from the edge of the coastal bluff and public beach than any other residence in the area on Gaviota Drive, upcoast or downcoast of Anita Street. The existing homes upcoast of Anita Street extend all the way to the beach and are highly visible. The existing homes downcoast of the Gray's home also extend much further seaward and also are very visible from the beach below. In fact, the Gray's remodel will be setback substantially landward of the seaward extent of the home immediately downcoast at 1021 Gaviota Drive and substantially lower than that residence. (See Exh. 1.) Further, because of the site's topography and previous approved bluff repair, the Gray's residence will be hardly visible from most places on the beach below or not visible at all.

Conclusion

The approved City project is 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. Accordingly, for the foregoing reasons, the appeal filed has no merit and does not raise a substantial issue.

We are, of course, available to answer any questions that Staff may have.

Very truly yours,

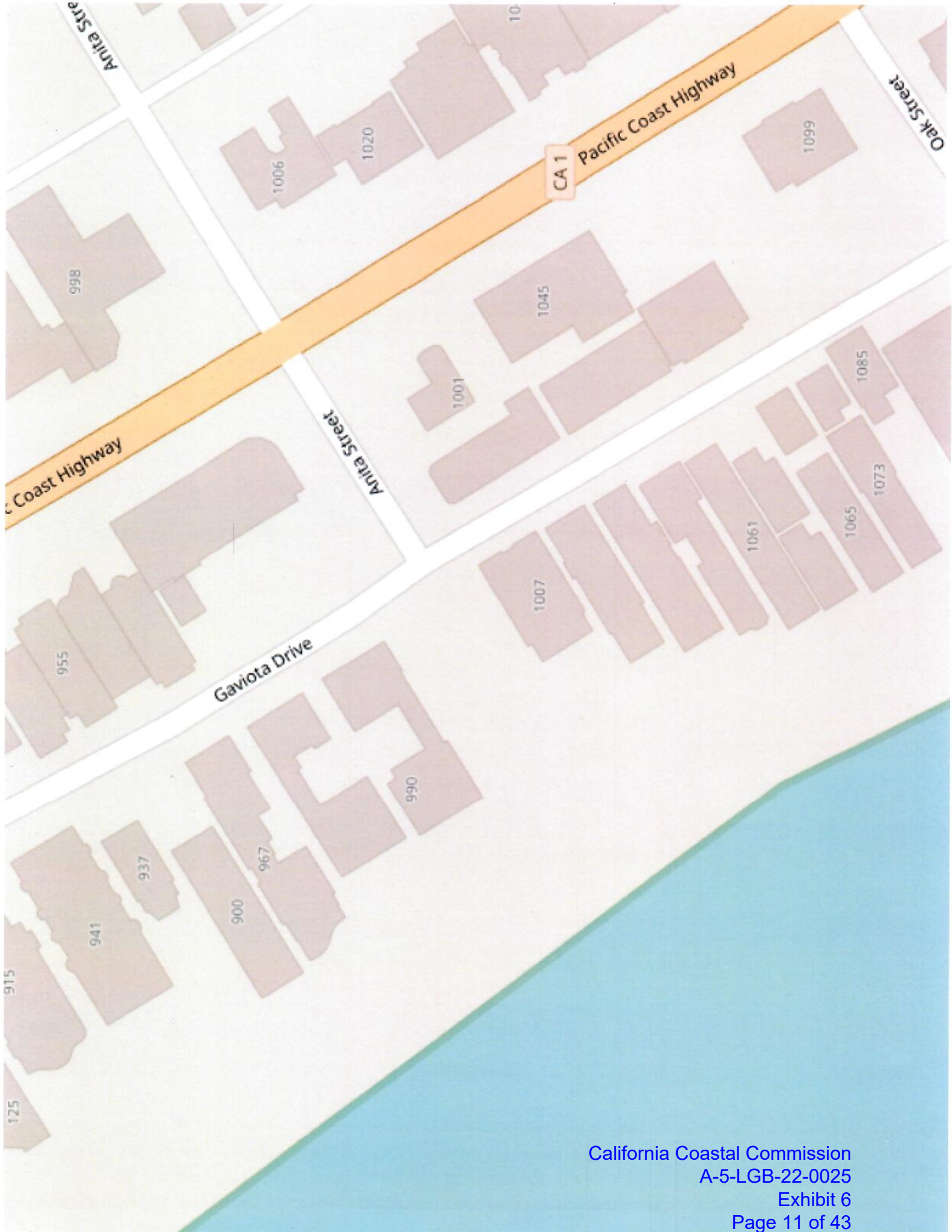

Steven H. Kaufmann
Nossaman LLP

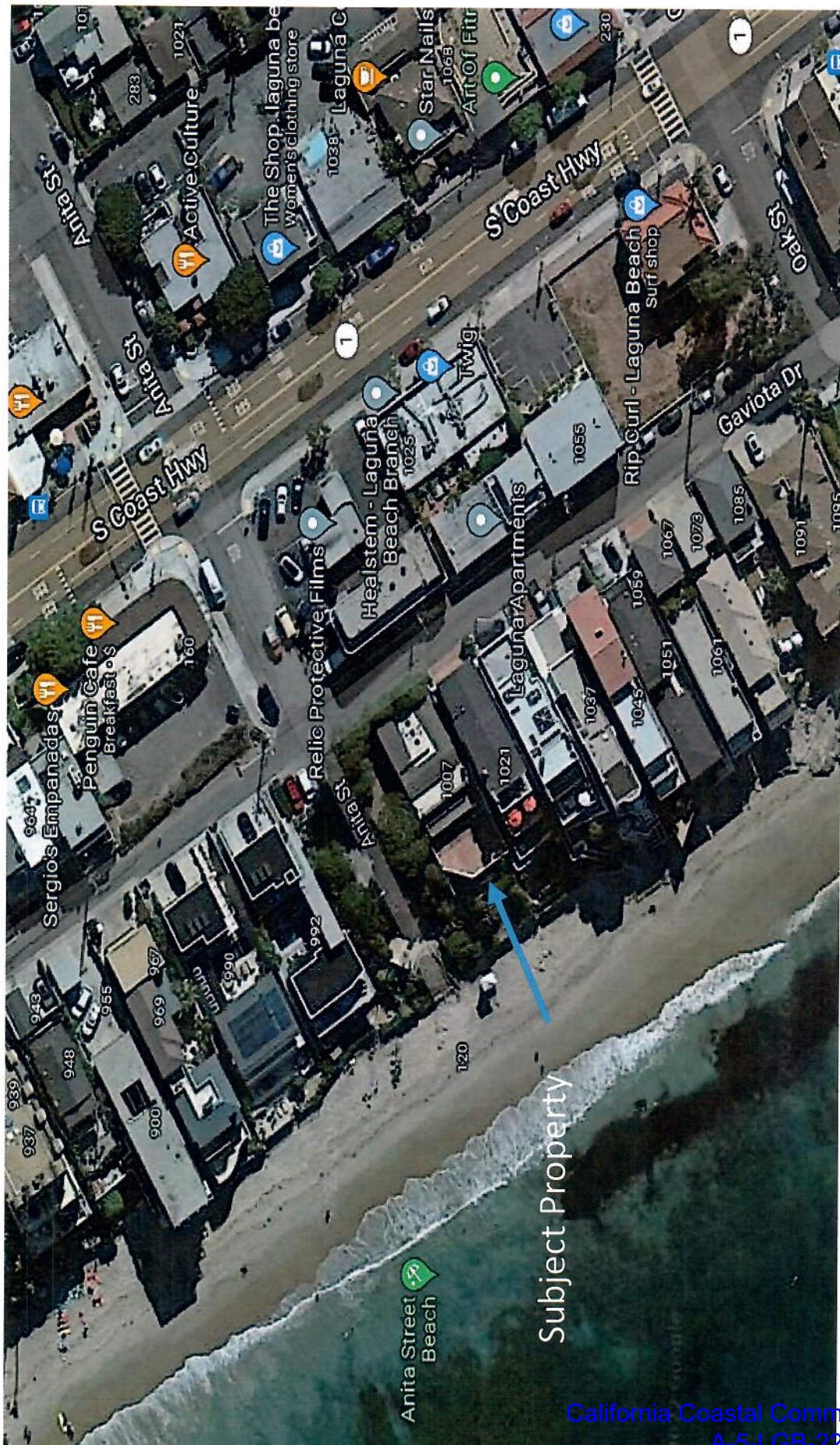
Mr. Zach Rehm
Ms. Jennifer Doyle
June 13, 2022
Page 9

SHK:jpr

ccs: 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”





lohrbach

LANDMARK PROJECT NUMBER: 03-21-22
PROJECT NAME: 1007 Gavito Drive

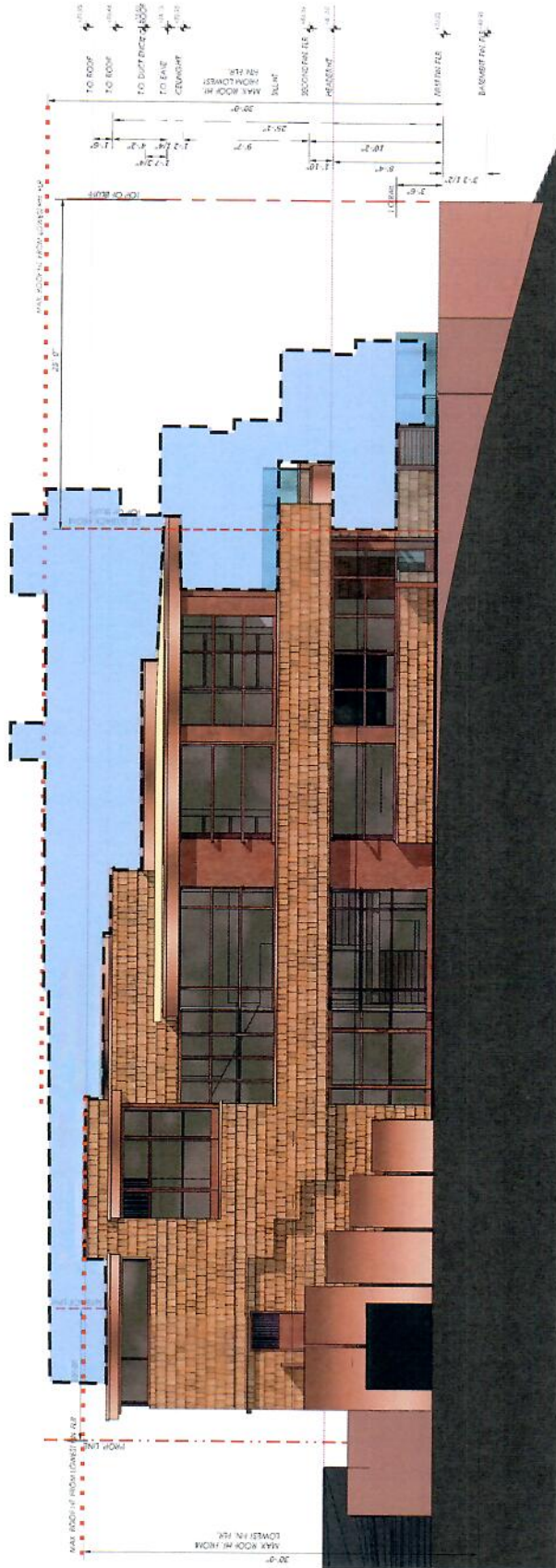
Scale: 1" = 8'-0"

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

Revisions:		
No.	Date	Revision

Date:	03.21.22
Job No.:	
Planning	
Submitted:	
Revised:	

Sheet Title:
NORTH ELEVATION
N-E PERSPECTIVE
Sheet No.:
EXHIBIT 1-2



North Elevation - Ex. 1

SCALE: 1/8" = 1'-0"
OUTLINE OF RESIDENCE TO THE SOUTH



N - E Perspective - Ex. 2

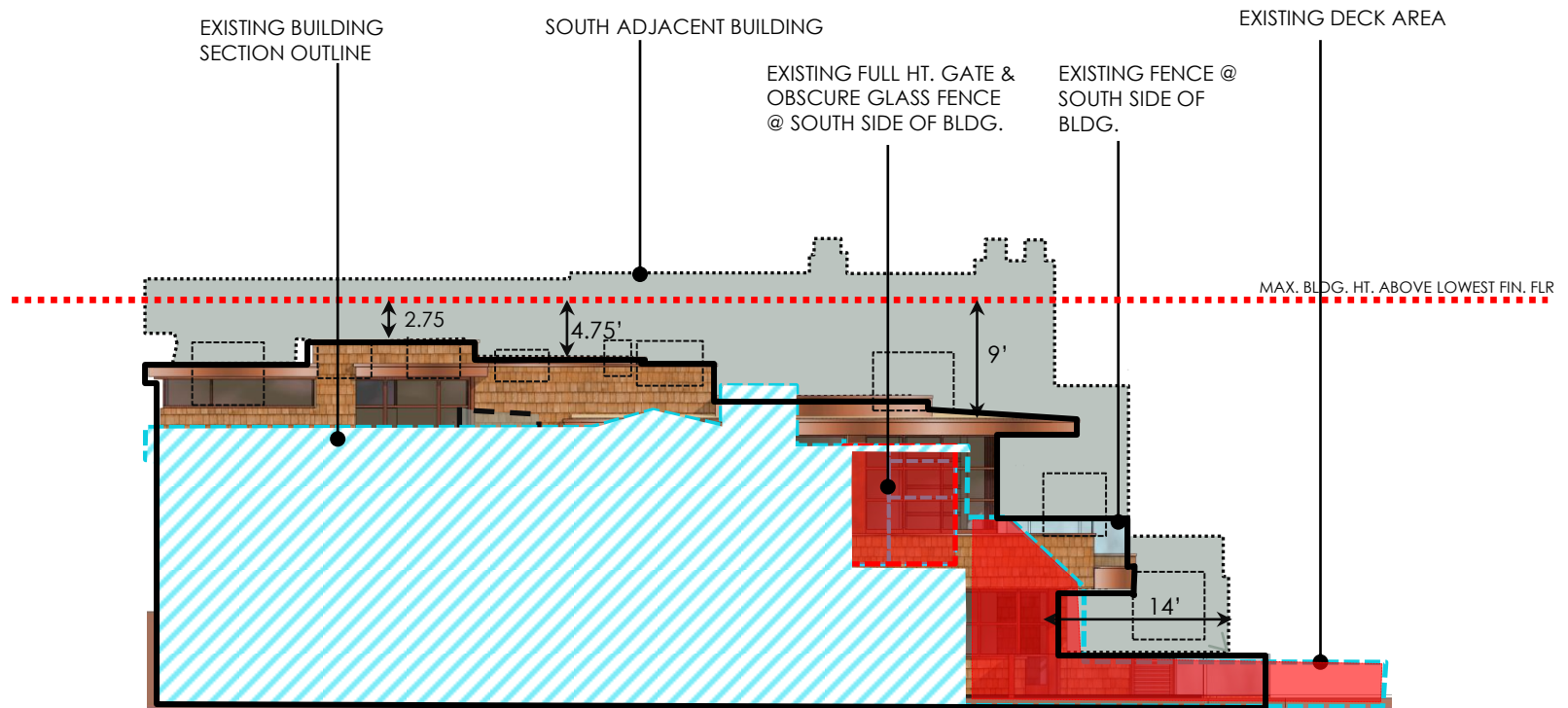
EXHIBIT “2”

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



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

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



lohrbach

3742 SOUTH COAST HIGHWAY
LAGUNA BEACH, CA 92653
TEL 949-317-9002

Seal / Signature:

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

Revisions:

No. Date Revision

1
2



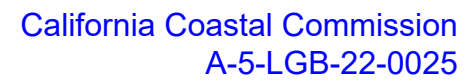




EXHIBIT “3”



AGENDA REPORT

Consent

7

Meeting Date

May 24, 2022

SUBJECT: APPROVAL OF \$7.5 MILLION LOW-INTEREST LOAN AGREEMENT WITH CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK FOR WASTEWATER SYSTEM IMPROVEMENTS

RECOMMENDATION: It is recommended that the City Council:

1. Authorize the City Manager to sign all contract documents, for a low-interest loan totaling up to \$7.5 million from the California Infrastructure and Economic Development Bank.

Appropriation: _____

Fund Name: _____

Submitted By: _____

Approved: _____

David Shisslet, Director of Water Quality

Shohreh Dupuis, City Manager

SUMMARY OF THE MATTER

On December 14, 2021, City Council approved a Resolution authorizing the submission of an application to California Infrastructure and Economic Development Bank (IBank) for financing wastewater capital projects. The \$7.5 million loan application (Phase 1) was subsequently approved by the IBank board on March 23, 2022. The recommended action is consistent with City Council direction to review and approve the Loan Agreement (Attachment 1) after IBank approval, and authorize the City Manager to sign all contracts.

DISCUSSION

The City Council held a wastewater systems workshop on February 16, 2021, and approved several critical capital improvements to enhance the City's wastewater system. The City Council also approved borrowing \$16 million over the next two years, broken into two phases to fund critical capital improvements. On December 14, 2021, the City Council approved Resolution #21.098, authorizing the submission of a loan application to the IBank, which was approved on March 23, 2022. The loan will be used to complete six critical wastewater infrastructure projects listed below:

Project Description	Year 1 FY 2021/2022	Year 2 FY 2022/23
Anita St. Lift Station Reconstruction		\$2,500,000
Pipeline Rehabilitation Project (Zone 5)	\$1,000,000	
Siphon Inspection Project		\$500,000
Force Main Inspection Project		\$250,000
SOCWA CTP PC 15 Projects	\$1,717,000	\$539,000
SCWD Lift Station No. 2/NCI Intertie Project	\$975,000	
Annual Subtotals	\$3,692,000	\$3,789,000
Total IBank Loan Amount	\$7,481,000	

California Coastal Commission

A-5-LGB-22-0025

Exhibit 6

Page 23 of 43

Approval of \$7.5 Million Low-Interest Loan Agreement with California Infrastructure and Economic Development Bank for Wastewater System Improvements

May 24, 2022

Page 2 of 2

FINANCIAL ANALYSIS

The City previously hired Feldman and Rolapp Associates, to analyze the most favorable means by which to secure a loan. The analysis results concluded that IBank was the best fit for the current conditions and timing to meet the capital improvement program schedule. IBank has been providing loans to the City since 2004, and specializes in providing low-interest loans to public agencies for infrastructure development. The appropriation and related loan proceeds are programmed in the current budget; therefore, no additional appropriation is requested.

ATTACHMENTS

1. IBank Loan Agreement (Pgs. 3-65)

Report Prepared By:

Hannah Broida, Senior Project Manager

Coordinated With:

Gavin Curran, Director of Admin. Services
Ajit Thind, Deputy City Attorney
Bill Marticorena, City Attorney's Office

EXHIBIT “4”

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION666 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, ± 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.

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 “5”

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 “6”

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
LEE A. BRANCH, County Recorder

DEED RESTRICTION

5
6 I. WHEREAS, (1) DAVID LANGMAN and ARLINE LANGMAN, Trustees
7 of the Langman Family Trust dated May 17, 1982.

8 record owners of the real property located at (2) 1007 Gaviota 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 legal 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 owners
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.

1 (6) continued

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

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

20 VIII. WHEREAS, the Commission found that but for the imposition of the
21 above condition the proposed development could not be found consistent
22 with the public access provisions of Section 30210 and 30212 and that a permit
23 could not therefore have been granted.

24 NOW, THEREFORE, in consideration of the granting of Permit N (7)A-80-7442
25 to the Owners by the Commission, the Owners hereby irrevocably agree that
26 there be, and hereby is, created the following restriction on the use and
27 enjoyment of said property, to be 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 during the
17 period that said permit, or modification or amendment thereof, remains
18 effective, and during the period that the development authorized by said
19 permit, or any modification of said development, remains in existence in or
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 deemed
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 Restriction in the Recorder's
Office for the County of (9) Orange as soon as possible
after the date of its execution.

DATED: September 7, 1982.

Signed: David Langman

DAVID LANGMAN

TYPE OR PRINT NAME OF ABOVE

Signed: Arline Langman

ARLINE 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 ARLINE LANGMAN, jointly and

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 SAID COUNTY AND
STATE

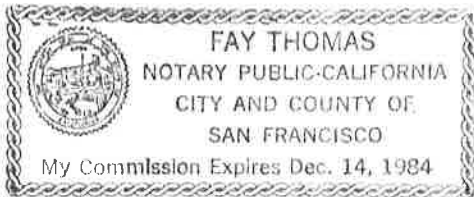
1 This is to certify that the deed restriction set forth above, dated
 2 September 7, 1982, and executed by
 3 David Langman and Arlene Langman, Trustees of Langman Family Trust,
 4 owner(s), is hereby acknowledged by the undersigned officer on behalf of
 5 the California Coastal Commission pursuant to the authority conferred by the
 6 Commission when it granted Permit No. A-8C-7912 on NOV 12 1982
 7 _____, and that the Commission consents to recordation
 8 thereof by its duly authorized officer.

9 DATED: January 19, 1983

Steven D. Brown
Legal Counsel
 CALIFORNIA COASTAL COMMISSION

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 SAID COUNTY AND
 STATE

COPIES REQUESTED BY
DAVID LANGMAN, FREEMAN & SMITH
Partnership of Law Corporations
RECORDED MAIL THIS DEED AND, UNLESS OTHER
OWN BELOW, MAIL TAX STATEMENTS TO:

02-2411

83-035333

Mr. & Mrs. David Langman
518 North Foothill Road
Beverly Hills, CA 90210

NAME
ADDRESS
CITY &
STATE
ZIP

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

\$4.00
C10

File Order No.

Escrow No.

Laguna

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Quitclaim Deed

ATN 88-019-10

The undersigned declares that the documentary transfer tax is \$-0-; consideration less than \$100... and is
☐ computed on the full value of the interest or property conveyed, or is
☐ computed on the full value less the value of liens or encumbrances remaining thereon 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 } SS.

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

FOR NOTARY SEAL OR STAMP

known to me
to be the person S whose name S are subscribed to this within
instrument and acknowledged that they executed the same.



83-035333

EDMUND G. BROWN, Jr., Governor

CALIFORNIA

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION50 E. OCEAN BOULEVARD, SUITE 2107
P.O. BOX 1450
LAGUNA BEACH, CALIFORNIA 92651
(714) 590-5071 (714) 846-0648

COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT

Application Number: A-80-7442Name of Applicant: David Langman1007 Gaviota Drive, Laguna Beach, CA 92651Development Location: 1007 Gaviota DriveLaguna Beach, CA

Development Description: Construction of 3 retaining walls on an improved, 4890 ± 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.

- 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 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.

California Coastal Commission

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Exhibit 6

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EXHIBIT B page 1 of 2

Conditions met on

November 17, 1980

By

Gayle R. [Signature] BP

- I. This permit may not be assigned 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:
- Completion of the Regional Commission review of the permit pursuant to the notice of public hearing.
 - 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.
- VII. 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

November 17

, 1980

M. J. CarpenterM. J. Carpenter
Executive DirectorI, DAVID LANGRISH, permittee/agent, hereby acknowledge receipt of

EXHIBIT “7”

**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
0.00 0.00 0.00 0.00 3.00 0.00 0.00 0.00

(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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Exhibit 6

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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

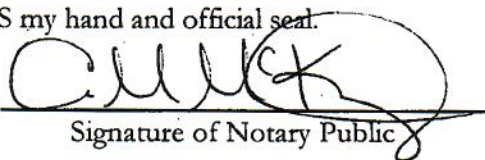
Notary Public, personally appeared Gregory Pfost

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