

## **CALIFORNIA COASTAL COMMISSION**

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



# Th11a

**A-5-LGB-22-0060 (City of Laguna Beach)**

**March 9, 2023**

**Ex-Parte**

## EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

1) Name or description of project: A-5-LGB-22-0060 (th11a), & A-5-LGB-22-0025 (th12a)

2) Date and time of receipt of communication: 3/2/23 3:00PM

3) Location of communication: Zoom

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Sharon Fudge, Mark Fudge

5) Identity of person(s) on whose behalf communication was made: Self

6) Identity of persons(s) receiving communication: Roberto Uranga

7) Identity of all person(s) present during the communication: Roberto Uranga, Sean Bernhoft, Sharon Fudge, Mark Fudge

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Mark & Sharon disagree with determination of "no substantial issues" for 11a. Shared several concerns, including:

- City peeled off 40% of public right of way and pushed that part of the project to 12a.
- City is giving single family home an encroachment permit that takes 1/3 of right of way.
- Allowing encroachment will reduce access for ADA & access to coastal zone.
- Public amenities required by encroachment permit do not justify encroachment.
- Items 11a and 12a deal with the same project and should be heard together.

Mark & Sharon Fudge requested that substantial issues be found and for the project to be sent back. Further, the project should be heard as 1 item.

3/2/2023

Date

  
Signature of Commissioner

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

## EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: Mar 9, 2023 Agenda: Item Th11 a & 12 a – Appeal No. A-5-LGB-22-0060 City of Laguna Beach and CDP Ap No. A-5-LGB-22-0025 Grey

2) Date and time of receipt of communication:  
Mar 2, 2023 at 4:00-4:30pm

3) Location of communication  
By Phone.

4) Identity of person(s) initiating communication:  
Mark and Sharon Fudge

5) Identity of person(s) on whose behalf communication was made:  
Themselves

6) Identity of persons(s) receiving communication:  
Donne Brownsey (see attached materials)

7) Identity of all person(s) present during the communication:  
Brownsey & the Fudges

8) Complete, comprehensive description of communication content:

The Fudges described their concerns re: the ROW issues associated with both the appeal and the residential redevelopment by Mr. Grey next to the City's project to update the sewer lift station and public access stairs. Mark indicated that the City told the Planning Commission that the 40% of the parcel was unavailable for the sewer/stairs project even though it is a revocable encroachment that has not been issued. Further they argue that the 40% of the City parcel could be utilized as a public access viewpoint, including a platform for disabled community members and that benches and picnic tables could also be added to this space. They argue that if the Commission finds SI, the Commission can re-direct the City to conform with the Commission's findings that this is a deviation from maximizing public access.

With respect to the residential development, the staff have restricted any private encroachment onto the land by Grey and have conditioned the permit to require that he put in some amenities and then maintain them. The Fudges believe that this is an unenforceable condition and have serious doubts that this Applicant will comply. Also: they agree with the staff determination on the setbacks but disagree on the seawalls particularly the middle wall which is out of compliance with the permit and exists to expand a patio. Further, this property and their neighbor to the South both independently applied

for and were granted permits to build their seawalls decades ago. The neighbor (1021 Gaviota) built their seawalls first before Grey built his therefore they are not intertwined but rather independent structures which calls into question the staff recommendation. Finally, they suggest that the Commission modify the condition of the residential permit and specify that it is a public access point and require the City to revoke the revocable encroachment permit.

Date March 2, 2023

A handwritten signature in cursive script, appearing to read "Donne Brownsey", written in black ink.

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Signature of Commissioner Donne Brownsey

SOUTH

COAST

HIGHWAY

STREET 60

STREET

STREET 60

ANITA

OAK

BLK.A-67

R.O.W

COUNTY LINE

PACIFIC OCEAN

1007  
GAVIOTA

MARCH 1974

LAGUNA TERRACE  
LAGUNA HEIGHTS NO.3  
TRACT NO. 83  
TRACT NO. 92

M.M. 4-80  
M.M. 8-1  
M.M. 10-32  
M.M. 10-39

NOTE ASS  
PAR



Anita St. Stairs, Laguna Beach

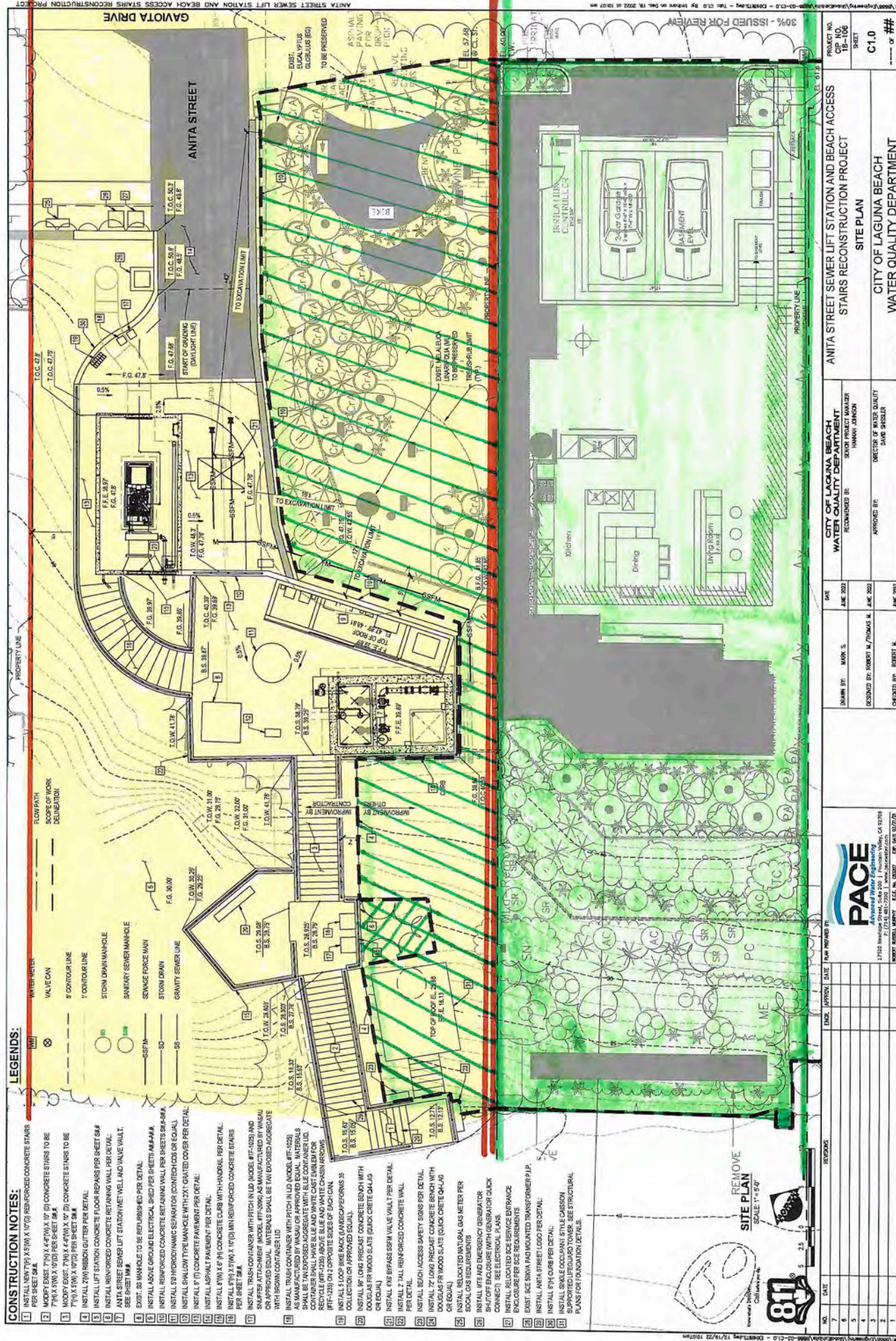
## City development

ENCROACHMENT  
INTO ROW. (private party)

private party development

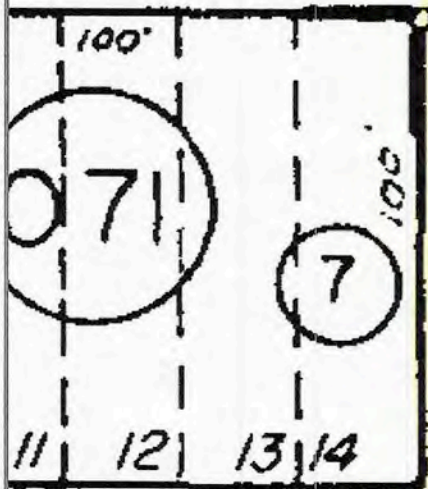
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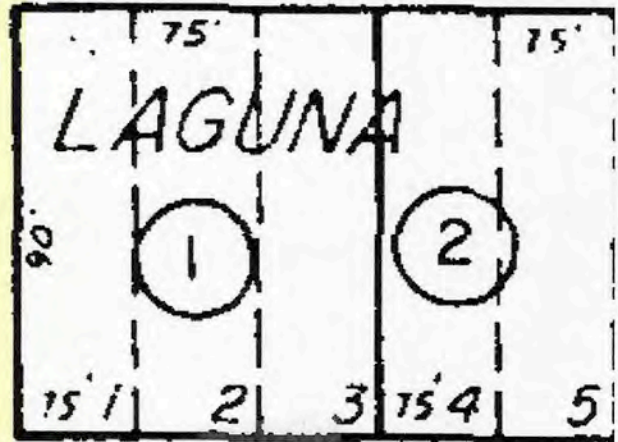




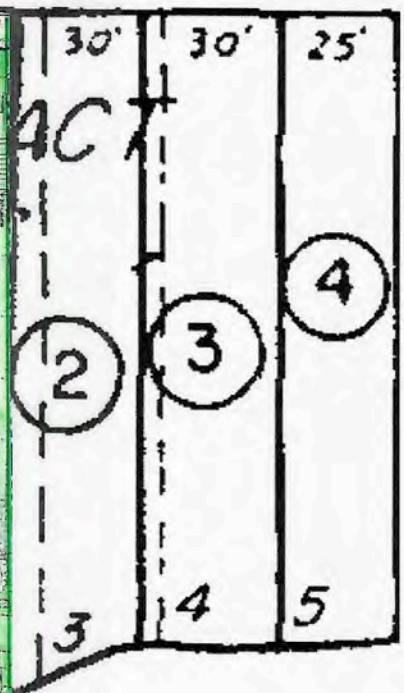
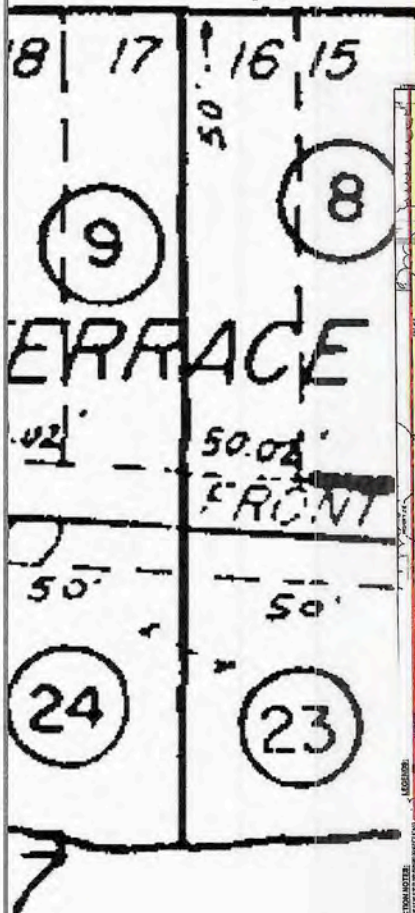
# PACIFIC COAST HIGHWAY



ANITA STREET



GAVIOTA



R.O.W.

EXTENT OF 1007 DEVELOPMENT

PACIFIC OCEAN





Private Party  
Project area

City Project area





Approximate location  
of property line

Approximate width of  
encroachment