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## CALIFORNIA COASTAL COMMISSION

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



# Th14a

## A-5-LGB-23-0047 (Laguna Royale) May 8, 2024

### EXHIBITS:

1. Vicinity Map
2. Photo of Laguna Royale
3. Planning Commission Resolution No. 23-0701 (with Conditions of Approval)
4. Appeal of Catherine Jurca
5. Appeal Supplement (without attachments)
6. City of Laguna Beach Response to Appeal
7. Applicant's Response to Appeal (without attachment)



A-5-LGB-23-0047 Laguna Royale  
Vicinity Map  
Exhibit 1a



A-5-LGB-23-0047 Laguna Royale  
Vicinity Map  
Exhibit 1b



**A-5-LGB-23-0047 Laguna Royale  
Exhibit 2**

## **Exhibit No. 3**

**A-5-LGB-23-0047 (Laguna Royale)  
Laguna Beach Planning Commission  
Resolution No. 23-0701  
(9 pages)**

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**RESOLUTION NO. 23-0701**

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A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LAGUNA BEACH, CALIFORNIA  
APPROVING DESIGN REVIEW 23-0701 AND  
COASTAL DEVELOPMENT PERMIT 23-0702  
AT 31423 COAST HIGHWAY

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WHEREAS, on October 4, 2023, the Planning Commission adopted Resolution No. 23-0701, approving Design Review 23-0701 and Coastal Development Permit 23-0702 for repair of approximately 15,600 square feet of elevated deck areas, removal, and replacement of deck railings at all units and common deck areas, and to obtain an "after the fact" coastal development permit for repairs and modifications to the structures and 30 of the residential units, completed with design review permits and/or building permits, from 1989 through 2022; and

WHEREAS, on November 15, 2022, an application was filed by the Homeowner's Association of property located at 31423 Coast Highway, requesting Design Review and a Coastal Development Permit, for repair of elevated deck areas, removal, and replacement of deck railings at all units and common deck areas; and

WHEREAS, on September 12, 2023, a public notice announcing the October 4, 2023, Planning Commission meeting was mailed to all property owners within a 300-foot radius and tenants within a 100-foot radius; and

WHEREAS, the Planning Commission carefully considered the oral and documentary evidence and arguments presented at the hearing; and

WHEREAS, the proposed project is exempt from the provisions of the California Environmental Quality Act in accordance with Class 1(a), Existing Facilities – Interior or Exterior Alterations because the proposed action consists of alterations to an existing multi-family residential structure on a fully developed site and no proposed intensification of use requiring additional off-street parking. The project would not have a negative effect on biologically sensitive

resources in that the property is fully developed within an urban area of the City and surrounded by residential development. Finally, there is no evidence of any unusual environmental circumstances that might give rise to a reasonable possibility that the project will have a significant effect on the environment; and;

WHEREAS, the Planning Commission has made the following findings regarding **Design Review 23-0701**:

1. The proposed project meets the design review criteria applicable to this project including design articulation, design integrity, environmental context, General Plan compliance, lighting and glare, and view equity.

2. The proposed project is consistent with the following findings for **Coastal Development Permit 23-0702**:

- a. The project is in conformity with all the applicable provisions of the certified local coastal program;
- b. 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;
- c. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that **Design Review 23-0701 and Coastal Development Permit 23-0702** are hereby granted to the following extent:

Approval for repair of approximately 15,600 square feet of elevated deck area and removal and replacement of deck railings with glass guardrails at all units and common area decks. A coastal

development permit for "after-the-fact" repairs and modifications to the structures and 30 of the units, completed with design review permits and/or building permits, from 1989 through 2022.

BE IT FURTHER RESOLVED, that the following condition(s) are set forth to protect the health, safety and welfare of the community and to assure the intent and purpose of the regulations:

1. It is understood that the conditions of approval apply herein to any future owners or lessees operating under this Design Review and Coastal Development Permit approval. This means in legal terms that 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. 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 Conditional Use Permit, 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. This Design Review and Coastal Development Permit shall not be operative until the President of the Home Owners Association has signed an affidavit in the form attached to this Resolution, whereby the Home Owners Association acknowledges and consents to the imposition of the conditions set forth in this Resolution. If the applicant is different from the owner of the subject property, then this Design Review and Coastal Development Permit shall also not be operative until the applicant has signed an affidavit in the form attached to this Resolution, whereby the applicant acknowledges and consents to the imposition of the conditions set forth in this Resolution.

4. This Design Review shall lapse and automatically become void two years following the Effective Date unless: a) the privileges authorized are established, or b) a building permit is issued and construction is begun and thereafter diligently pursued to completion, or c) an extension of time is

granted pursuant to Municipal Code Section 25.05.030 (I); provided, however, that in the event multiple discretionary governmental approvals are required for the proposed project, the two-year period shall not commence until all final approvals have been obtained.

5. In the absence of specific provisions or conditions herein to the contrary, the application and all plans or exhibits attached to the application are relied upon, incorporated, and made a part of this resolution. It is required that such plans or 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 Design Review and Coastal Development Permit has been granted shall not be substantially changed or substantially amended except pursuant to a subsequent Design Review and Coastal Development Permit or Variance as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code.

6. No additions or enlargements to the use of structures for which this Design Review and Coastal Development Permit have been granted shall be allowed except pursuant to a subsequent Design Review and Coastal Development Permit as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code.

7. 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 conditional use permit, or any associated determination made pursuant to the California Environmental Quality Act. This obligation shall encompass all costs and expenses incurred by the City in defending against any claim, action or proceeding, as well as costs, expenses, or damages the City may be required by a court to pay as a result of such claim, action or proceeding.

8. All new glass, or other visually permeable barriers installed on balconies, decks, and other ocean-facing parts of the existing building, excluding any glass sliding doors, shall be "Ornilux" or equivalent bird safe material. The existing glass or other permeable barriers installed on balconies, decks, and other ocean-facing parts of the existing building, excluding any glass sliding doors, shall either be replaced as stated above or treated with materials or coatings designed to minimize bird-strikes, as specified in the Biological Assessment, dated November 19, 2020, prepared by Hamilton Biological, Inc. to the satisfaction of the Director of Community Development. All materials or coatings shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes to the satisfaction of the Director of Community Development.

9. Lighting. Existing beach spotlights shall be removed and replaced with Dark-sky lighting for safety for egress and access only. Prior to issuance of building permits for this project, a lighting plan shall be submitted showing replacement of existing spotlight fixtures with dark-sky lighting on all beachfront areas to the satisfaction of the Director of Community Development.

10. Art in Public Places. Prior to the issuance of a building permit, the applicant must be in compliance with the Art in Public Places Ordinance (LBMC Chapter 1.09).

11. The public beach shall remain open and accessible to the public during repair to decks.

12. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.

The permittee shall comply with the following construction-related requirements:

- (a) 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. No staging shall occur on the beach.

(b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction.

(c) 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 on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the construction of the project.

(d) 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.

13. Future Improvements. This coastal development permit is only for the proposed development, as expressly described and conditioned. Any non-exempt future improvements or development shall be submitted for review by the appropriate approval authority and shall not commence unless approval by the appropriate approval authority is granted. New development, unless exempt, shall require an amendment to this permit or a new coastal development permit.

14. Expiration. If development has not commenced within two years from the final action of the approval authority on the application, the Design Review approval, including any appeals, shall expire. Development, once timely commenced, shall be pursued in a diligent manner and completed in a reasonable period of time. Any application for extension of the Design Review approval must be made prior to the expiration date and shall be accompanied by an explanation of good cause for the request. If the project is appealed to the Coastal Commission, this expiration period shall not begin until the appeal process is completed.

15. Interpretation. Any questions of intent or interpretation of any condition will be determined by the Director of Community Development.

16. Grounds for Revocation. The entitlement approval shall be subject to revocation or modification with regard to the grounds set forth in Title 25 of the Laguna Beach Municipal Code, including without limitation failure to comply with all conditions of approval.

NOW THEREFORE BE IT RESOLVED that the above decision was approved and rendered on October 4, 2023 (the "Effective Date").

ADOPTED this 4th day of October, 2023.

AYES: Commissioner(s) Goldman, Dubin, Whittin, Sadler

NOES: Commissioner(s)

ABSENT: Commissioner(s) Kellenberg

ATTEST:



Ken Sadler, Chairperson  
Planning Commission  
City of Laguna Beach, California

*David Contreras*

David Contreras  
Planning Manager  
City of Laguna Beach, California

PROPERTY OWNER(S) CONSENT AFFIDAVIT

The owner(s) of the above-described property, and the owner(s) of all interests therein, do hereby consent to the imposition of the above stated conditions.

Signed this 20th day of October, October, by

Troy Irwin (Owner Rep-Property Manager)

Troy Irwin (Owner Rep-Property Manager) (Oct 20, 2023 11:40 PDT)

Signature of Owner

Signature of Owner

Troy Irwin (Owner Rep-Property Manager)

Name (Print or Type)

Name (Print or Type)

APPLICANT(S) CONSENT AFFIDAVIT

The applicant(s) of the above described Conditional Use Permit do hereby consent to the imposition of the above stated conditions, and agree that said conditions shall be binding on said applicant(s), the applicant(s)'s heirs, successors and assigns.

Signed this 30 day of October, 2023, by

Troy Irwin

Troy Irwin (Oct 30, 2023 16:40 PDT)

Signature of Applicant

Signature of Applicant

Troy Irwin

Name (Print or Type)

Name (Print or Type)


# 31423 Coast Hwy. Resolution 23-0701


Final Audit Report


2023-10-30


Created:	2023-10-30
By:	Kirsten Gallacher (KGALLACHER@lagunabeachcity.net)
Status:	Signed
Transaction ID:	CBJCHBCAABAAYv7mP3U4fLYhWr3gLRj3hEfy7VMGEEem


## "31423 Coast Hwy. Resolution 23-0701" History


 Document created by Kirsten Gallacher (KGALLACHER@lagunabeachcity.net)  
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 Email viewed by lagunaroyalehoa@gmail.com  
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 Signer lagunaroyalehoa@gmail.com entered name at signing as Troy Irwin  
2023-10-30 - 11:40:29 PM GMT

 Document e-signed by Troy Irwin (lagunaroyalehoa@gmail.com)  
Signature Date: 2023-10-30 - 11:40:31 PM GMT - Time Source: server

 Agreement completed.  
2023-10-30 - 11:40:31 PM GMT

**Exhibit No. 4**

**A-5-23-LGB-0046 (Laguna Royale)**

**Appeal 11/16/2023**

**(19 pages)**

**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: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Appellant Name(s): \_\_\_\_\_

**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](mailto: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 information<sup>1</sup>

Name: Catherine Jurca

Mailing address: 1845 Niodrara Dr. Glendale, CA 91208

Phone number: 626 840-4595

Email address: cathjurca@gmail.com

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

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

Describe: Sent written comment and spoke at Planning  
Commission before project approval.

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: N/A

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: see attached

<sup>1</sup> 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 appealed<sup>2</sup>

Local government name:

City of Laguna Beach

Local government approval body:

Planning Commission

Local government CDP application number:

CDP 23-0702

Local government CDP decision:



CDP approval



CDP denial<sup>3</sup>

Date of local government CDP decision:

October 4, 2023

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

Describe: 31423 Coast Highway, Laguna Beach

see attached

<sup>2</sup> 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.

<sup>3</sup> 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):

Steve Kurawatani

1278 Glenneyre St. #49

Applicant Address:

Laguna Beach, CA 92651

#### 4. Grounds for this appeal<sup>4</sup>

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: see attached

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<sup>4</sup> 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 Catherine Jurca

*Catherine Jurca*

Signature

Date of Signature Nov. 15, 2023

#### 7. Representative authorization<sup>6</sup>

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.

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

<sup>6</sup> 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. \_\_\_\_\_  
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Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

## Appeal of CDP 23-0702, 31423 Coast Highway, Laguna Beach

### Describe exhaustion of appeals

The City of Laguna Beach has a local appeal process, but I cannot use it because although I am a part-time resident, I am not a property owner. Under the Municipal Code 25.05.070 (B)(1), appellants must be *property owners* within 300 feet of the project. Laguna Beach also charges an appeal fee.

### Describe the development that was approved

31423 Coast Highway, Laguna Beach. Design Review 23-0701, Coastal Development Permit (CDP) 23-0702, CEQA Categorical Exemption (Class 1)(a) for “the repair of approximately 15,600 square feet of elevated deck area and removal and replacement of deck railings with glass guardrails at all units and common areas decks and ‘after-the-fact’ coastal development permits for repairs and modifications to the structures and individual units, completed with design review permits and/or building permits, from 1989 through 2022.”

### Grounds for the Appeal

#### Background:

The project site is the Laguna Royale, an eight-story, 78-unit condominium located at 31423 Coast Highway, built between the highway and the ocean. Construction predates the Coastal Act. A Geotechnical Report found that portions of the existing buildings extend beyond the bluff edge and within the 10-foot bluff edge setback.



Figure 1. The Laguna Royale, 31423 Coast Highway

Approvals include after-the-fact Coastal Development Permits (CDP) for many projects at individual units that the City had previously permitted without the required CDPs, including infill of balconies that resulted in increased square footage (various dates), and a 176-square-foot office addition within the bluff top setback that included a variance in which non-conforming parking was not brought into conformance (9/19/1996, DR-96-147/VAR 6340).

The project that prompted the after-the-fact CDP remedies and that is the subject of this appeal is the installation of more than 15,000 square feet of railings with glass barriers

to replace railings with metal pickets at all common area decks and private balconies. The installation of the common area deck glass was approved at staff level in 2019 as a repair and replacement project (RBP 2019-2228, 1/31/2019), even though the substitution of new materials (solid glass for metal pickets) was an *alteration*, not a replacement. No Coastal Development Permit was issued.

*Only after* the work on the common area decks had been completed did the common area deck and balcony project go to the Design Review Board, on September 26, 2019. At that hearing objections were raised about the extent of completed work; that the project constituted development at the existing building; that there had been no blufftop determination; and that there was no consideration of environmental harm from either the glare or the danger to birds from the installation of 15,000 square feet of glass in place of metal pickets. The DRB continued the project, and then the applicant requested it be tabled on October 24, 2019. No decision was made, and no Coastal Development Permit was issued for the already-completed common area deck project. I did not comment at this hearing.

The Planning Commission approved with conditions the projects, CDPs, and a CEQA categorical exemption on October 4, 2023, including the replacement of metal picket railings with more than 15,000 square feet of glass. (Between DRB consideration in 2019 and Planning Commission consideration in 2023, Laguna Beach shifted design review of multi-family projects to the latter body).

### **Issues**

The City's approval does not comply with the Local Coastal Program, General Plan, or the Municipal Code. The City did not adequately condition the project to avoid harming marine or coastal resources.

Under Laguna's LCP, Zoning Code 25.05.040(H)(5), project compliance with the LCP requires project compliance with the General Plan: "The development shall comply with all applicable policies of the General Plan, including all of its elements, applicable specific plans, and the certified local coastal program."

### **Findings for a CDP Cannot Be Made under LCP Zoning Code 25.07.012(F)(2)**

To approve a CDP, it must be determined that "The project will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources."

31423 Coast Highway is an oceanfront property located within an Environmentally Sensitive Area. Laguna Beach is also a designated bird sanctuary (LBMC 6.25.030).

The applicant's biologist produced two reports, only one of which was made available to the public as part of the agenda packet, dated December 11, 2019, exhibit I (there is another report from the same biologist dated November 19, 2020, procured later from staff). Both reports make clear that the installation of more than 15,000 square feet of glass, including oceanward of the bluff edge and within the bluff edge setback, has the potential to kill migratory birds. Glass collisions kill hundreds of millions of birds each year (<https://abcbirds.org/blog/truth-about-birds-and-glass-collisions/>).

The 2019 report recommended “tapes and decals” applied to glass as *cost-effective* options to reduce bird strikes (Hamilton Biological Report, 2019, p. 2); the 2020 report offered a much wider array of options but also stated that “[u]se of opaque or semi-opaque materials is preferred to clear glass or Plexiglas and appliques” (Hamilton Biological Report, 2020, p. 10).

The Planning Commission’s discussion of glass treatments was informed by recent Coastal Commission CDP applications, including the inclusion of a condition to install “Ornilux glass or equivalent” at the Surf and Sand Hotel, another non-conforming oceanfront property in Laguna Beach. The Planning Commission acknowledged the superiority of Ornilux but adopted two different standards for the glass at the Laguna Royale. Glass that had yet to be installed (private balconies) would be “Ornilux or equivalent”; glass that had already been installed without a Coastal Development Permit (common area decks, which includes portions of the buildings that extend oceanward of the bluff edge) could be any of myriad options in the 2020 report, including appliques and clear glass, material identified as inferior to other options in that report.

No treatment of glass prevents bird strikes; it can only reduce them. The allowance of inferior options, including one discouraged by the consultant in the second report, fails to establish that the project will not adversely affect marine resources and an environmentally sensitive area, findings that depended upon “bird-safe” glass. Compounding the problem is that Laguna Beach has no definition of an “equivalent” of Ornilux. This only became apparent after public testimony. Ornilux incorporates ultraviolet patterns into the glass, which are visible to birds but virtually invisible to people. Is the “equivalent” a different method of creating ultraviolet patterns in glass? Is it some other product that reduces bird strikes? Neither the Planning Commission, nor staff, nor the public knows. When asked later about the Surf and Sand project, staff acknowledged that no equivalent to Ornilux has been identified; the developer will choose something, and then the material will be verified during inspections (email from Heather Steven, October 5, 2023). Adequate materials to reduce project impacts should be clearly identified before purchase and inspections not addressed afterwards.

Coastal Commission review and clarification is urgently needed. The Commission has approved conditions that *require* UV-reflective glazing when clear glass or Plexiglass are used in Huntington Beach and Santa Monica, for example (Admin. Permit No. 5-21-0404, Nov. 19, 2021, Application No. 5-21-0139, March 10, 2022).

The CDP requires more certainty that marine resources and an environmentally sensitive area *will not* be adversely affected. The vagueness of the conditions regarding replacement materials does not prevent adverse effects.

### **Glare Impacts Have Not Been Studied**

Laguna Beach policies protect property owners and the public from glare, which it explicitly associates with expanses of glass. CEQA also acknowledges glare as an impact that should be avoided or mitigated if feasible.

The Project does not comply with the Landscape and Scenic Highways Element of the General Plan, Lighting, Glare and Heat 8.13

*“Continue to promote minimizing unnecessary light and glare. Promote landscape design to shield absorptive dark colors, expanses of glass, and extensive hardscape” (emphasis added)*

and LCP Zoning Code 25.05.040(H)(8)

*Lighting and Glare. “Reflective materials and appurtenances that cause glare or a negative visual impact (e.g. skylights, white rock roofs, high-gloss ceramic tile roofs, reflective glass, etc.) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties” (emphasis added)*

As a reminder, the project must comply with both the Landscape and Scenic Highways Element of the General Plan and the LCP Zoning Code to qualify for a CDP 25.05.040(H)(5). In evaluating the project against criterion 8, Lighting and Glare, the Staff Report acknowledged that the glass barriers have “the potential to cause an increase in glare” (October 4, 2023, p. 6) but did not study the issue, relying instead on the biologist’s recommendation for glass that would mitigate bird strikes, which “should also reduce the potential glare caused by reflective glass guardrails onto neighboring properties.” The biologist makes no reference to glare and no claims about reducing glare impacts. Among neighboring properties, Table Rock, a three-story, 46-unit condominium that faces toward the Laguna Royale on its northwest side, has the potential to experience glare impacts (figure 2). (And Table Rock’s own glass balconies,

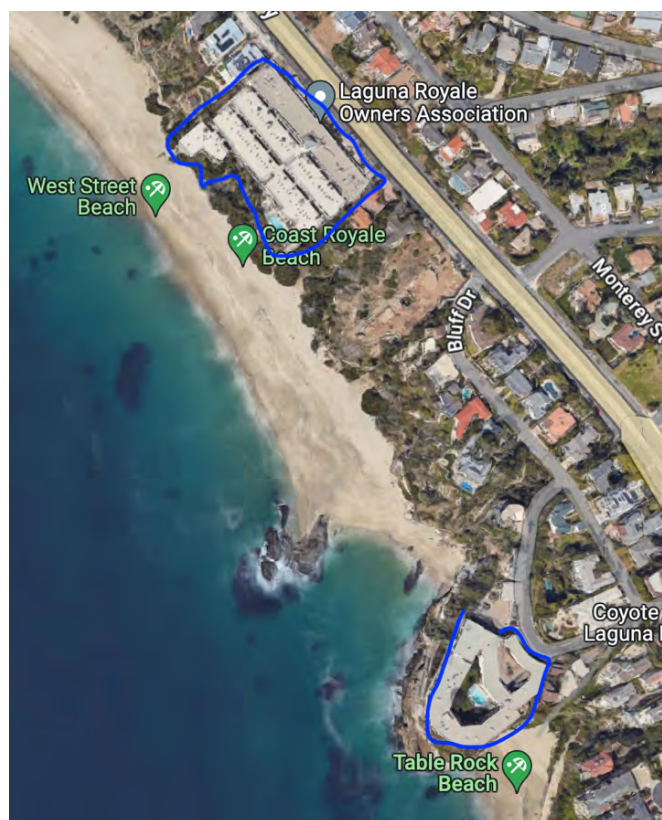


Figure 2. Laguna Royale above, outlined in blue, Table Rock below in blue.

approved at an unknown date, have created their own impacts on glare.) Moreover, the Landscape and Scenic Highways Element does not limit glare impacts to neighboring properties. The oceanfront location of this project and the popularity of this beach suggest potential adverse impacts on the public.

There is no factual basis for the claim that the biologist's recommendations regarding glass would address glare and no serious study of this question despite acknowledgment of the impact. And since we don't even know the treatment of the glass, it is impossible to assert that glare would be avoided or mitigated to insignificance.



Figure 3. Table Rock Condominiums with glass replacement balconies

### **Does the Project Conform with CEQA?**

Section 13096(a) of the Commission's administrative regulations requires the Commission to support approval of CDP applications with a finding showing the application is consistent with the California Environmental Quality Act (CEQA).

The project was approved with a Class 1(a) Categorical Exemption. Ordinarily, a project of this kind would qualify. But given the proximity of the Laguna Royale and Table Rock, and the environmental sensitivity of the area, it appears that cumulative impacts on biological resources and aesthetics (glare) would provide an exception that disqualifies it for an exemption (CEQA Guidelines §15300.2(b)).

Certainly staff and the Planning Commission acknowledged adverse impacts to marine resources and adopted what the applicant's biologist described as "Mitigation Measures" to reduce them (Hamilton Biological Report, Nov. 19, 2020, p. 10). Mitigation measures are typically studied in a Mitigated Negative Declaration, not approved through a categorical exemption.

### **Conclusion**

I ask that you please find that a substantial issue exists and that further information is required before a CDP can be issued. Laguna Beach is a designated bird sanctuary, and the site is a coastal route for migratory birds. Laguna Beach and the Coastal Commission need to ensure this project will not materially harm them. The City did not

even consider the most logical option—an *actual* repair and replacement project, with new, code-compliant metal pickets, which would reduce the impact of bird strikes over 15,000 square feet of glass to zero and also continue to serve as a highly visible barrier between the balcony edge and existing sliding glass doors, which are not part of the proposed project.

Thank you for your consideration.

## Interested Persons

Troy Irwin (Owner Representative/Property Manager)  
31423 Coast Highway  
Laguna Beach, CA 92651  
[LagunaRoyaleHOA@gmail.com](mailto:LagunaRoyaleHOA@gmail.com)

Richard Glassburg (speaker)  
31423 Coast Highway  
Laguna Beach, CA 92651

Paul Wallin  
31423 Coast Highway #49  
Laguna Beach, CA 92651 (Board Chair)

**From:** Steven, Heather CD [hsteven@lagunabeachcity.net](mailto:hsteven@lagunabeachcity.net)  
**Subject:** RE: follow up on Planning Commission approval of balcony replacement project at 31423 Coast Highway  
**Date:** October 5, 2023 at 4:13 PM  
**To:** Catherine Jurca [cathjurca@gmail.com](mailto:cathjurca@gmail.com)  
**Cc:** Contreras, David CD [dcontreras@lagunabeachcity.net](mailto:dcontreras@lagunabeachcity.net)

HS

Hi Cathy, the information that was provided to you was a screen shot directly from the approved plan set. Although I am not a contractor, typically the specific material will be decided upon once the contractor orders materials from a manufacturer. I imagine it may depend on availability of products, etc. The building inspector will verify the material during inspections on the project.

Heather

**Heather Steven**

Senior Planner – Community Development  
505 Forest Avenue  
Laguna Beach, CA 92651  
p. (949) 497-0332 | [hsteven@lagunabeachcity.net](mailto:hsteven@lagunabeachcity.net)

---

**From:** Catherine Jurca <[cathjurca@gmail.com](mailto:cathjurca@gmail.com)>  
**Sent:** Thursday, October 5, 2023 3:52 PM  
**To:** Steven, Heather CD <[hsteven@lagunabeachcity.net](mailto:hsteven@lagunabeachcity.net)>  
**Cc:** Contreras, David CD <[dcontreras@lagunabeachcity.net](mailto:dcontreras@lagunabeachcity.net)>  
**Subject:** Re: follow up on Planning Commission approval of balcony replacement project at 31423 Coast Highway

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

Thanks Heather. I am still unsure about the glass for the Surf and Sand project. The document you sent me says the material is Onilux “or approved equal.” Are they installing Orniilux or something else? Does the City have an approved list of “equals”?

Thanks very much.

Best, Cathy

On Oct 5, 2023, at 8:35 AM, Steven, Heather CD <[hsteven@lagunabeachcity.net](mailto:hsteven@lagunabeachcity.net)> wrote:

Good morning, Catherine, I was not the planner who processed the Surf & Sand project, however I reviewed the building plan check plan sets for the Planning Division. The plan details for all the balcony railings included the following specifications:

<image001.png>

A copy of the Resolution for the Laguna Royale project can be provided after

it is signed by the Planning Commission Chair. I will make a note to send it to you when it is available.

Sincerely,

Heather Steven  
Senior Planner – Community Development  
505 Forest Avenue  
Laguna Beach, CA 92651  
p. (949) 497-0332 | [hsteven@lagunabeachcity.net](mailto:hsteven@lagunabeachcity.net)

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

From: Catherine Jurca <[cathjurca@gmail.com](mailto:cathjurca@gmail.com)>  
Sent: Wednesday, October 4, 2023 8:20 PM  
To: Steven, Heather CD <[hsteven@lagunabeachcity.net](mailto:hsteven@lagunabeachcity.net)>  
Subject: follow up on Planning Commission approval of balcony replacement project at 31423 Coast Highway

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

Hi Heather. I hope this email finds you well.

Are you the planner working on the Surf and Sand? If so, would you please let me know what material the City has approved for the glass it is using on the balconies?

Also, would it be possible for you to send me a copy of the resolution that the Planning Commission adopted tonight?

Many thanks.

Best,  
Cathy

## Steven, Heather CD

---

**From:** Catherine Jurca <cathjurca@gmail.com>  
**Sent:** Tuesday, October 3, 2023 11:06 PM  
**To:** Dubin, Jorg; Goldman, Steven; Steven Kellenberg; Sadler, Ken; Whitin, Susan  
**Cc:** Steven, Heather CD  
**Subject:** Agenda Item 5.1 balcony project at 31423 Coast Highway (Laguna Royale)

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

Dear Planning Commissioners,

My husband owns a unit at the Laguna Royale (31423 Coast Highway), and we live there part time. Thank you for the opportunity to express my opinion on why a Coastal Development Permit should not be granted to replace metal picket balcony and deck railings with glass. The balconies need to be repaired, and the railings brought up to code, but the change in materials is detrimental to the coast.

I write as someone who also lives in a historic Mid-century modern house in Glendale and who is all too familiar with the heartbreaking thud of a bird striking glass. Sometimes they overcome the trauma and fly away; many times they don't.

I feel very lucky to live on the beach in Laguna. Or I should say that I feel both very lucky and somewhat embarrassed. The Laguna Royale is a massive building that could NEVER be built in this location today and should never have been built. The Coastal Act was designed to prevent this sort of blight on our coast. Before anyone can point out that I'm a hypocrite for inhabiting a unit in it, I can only say, "I know..."

Laguna Beach is a bird sanctuary. Birds are specifically protected here, and we see migratory birds in the spring and fall. Up to one billion birds die in the United States each year from collisions with glass (see consultant's report and <https://www.audubon.org/news/reducing-collisions-glass>). And, like everything else, they are under profound threat from climate change. "Bird-safe" glass mitigates collisions but does not prevent them. The biological consultant seems reputable and sensible. But even he is making recommendations based on what is cost-effective. And his recommendations on what the Coastal Commission will accept are based on a condition for a project involving a single-family house in Venice that faced a canal (p. 4). The Laguna Royale is not a single-family house; it is a massive, ocean-facing building. We are talking thousands of feet of glass. And

Laguna Royale is non-conforming because it is built on the bluff top. It is wholly inappropriate to replace metal pickets, which pose no threat whatever to birds, with glass for a building located on the shore.

Furthermore, the Staff Report considers only the increase of glare “on neighboring properties.” What about the experience of beach-goers if thousands of feet of glass were to be installed? That is the issue that the Coastal Commission cares about and that is relevant for granting a CDP. Sunsets over the ocean are lovely, but glare is a real issue for beach walkers and others enjoying the shore and even boaters and kayakers. As Mark and Sharon Fudge pointed out at the September 26, 2019 DRB hearing, there is already substantial afternoon glare from all the glass at the adjacent Table Rock condominium. Wrapping the Laguna Royale in glass would only compound the problem.

The reason this project has taken so long is that the Fudges objected to the over-the-counter approval of the balcony/deck railing project, which was described as “replacement in-kind,” which it obviously was not. Such approval obviously should not have been granted. The substitution of glass is a substantial design change that affects coastal resources. The Fudges also gave evidence of a bluff edge determination, based on historical records and previous findings of the Coastal Commission’s geologist, that is much farther from the sand than what the geologist hired by the condo association found. Regardless, the condo’s geologist acknowledges that “portions [of] the existing structures...extend...beyond the bluff edge” (Staff Report, p. 3). The bottom line is that given its location, size and scale, the Laguna Royale is about as non-conforming as you can get.

The Staff Report notes that there are a number of projects—both large and small—that were done at Laguna Royale with City permits but lacked a Coastal Development Permit. It states that four of these projects include enclosure of balconies or porches. But it does not explain how these enclosures can be made to comply with the Coastal Act. They all involve the addition of up to several hundred square feet to individual units, which is an expansion of a non-conforming property. I also believe there are parking implications when square footage is added to a building.

The Staff Report makes it sound as though no railing replacements have yet occurred. But all the common area decks have already been replaced with glass in 2019, as a result of the improper over-the-counter permits (Exhibit A, page 1). I note that although it appears the Condo Board has had the biologist’s report in hand since 2019, which makes very specific recommendations about protecting birds from glass, no measures whatever have been taken.

You must reject the proposed glass replacement because it does not meet the conditions for a CDP. The balconies need to be repaired, but the railings should be replaced in kind (while being brought up to code). This includes redoing the common area decks.

I didn’t really know what bird-safe glass looked like. I guarantee you residents of the Laguna Royale have no idea either. If this is what they can look forward to as a view from their balconies if this project is approved, there will be no pushback from them.



A condition of approval is to remove bright spotlights that shine directly onto the beach, which the City approved years ago without a CDP. You should insist these be removed at once. Bright lights are well known to harm wildlife. The DRB made it clear the lights should go four years ago and yet they remain.

The repair of the balconies could have happened years ago if the Condo Board had been willing to replace the railings in kind rather than substitute glass. Their refusal to take the best and simplest course cannot be grounds for approving this project.

Thank you for your consideration.

Best wishes,  
Cathy Jurca

**Exhibit No. 5**

**A-5-LGB-23-0047 (Laguna Royale)**

**Appeal Supplement  
1/9/2024**

**(5 pages)**

## appeal of CDP at 31423 Coast Highway (Laguna Royale) CDP 23-0702

Catherine Jurca <cathjurca@gmail.com>

Tue 1/9/2024 11:10 AM

To:Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>


 2 attachments (7 MB)

Exhibit I - Hamilton Biobird strike\_Laguna Royale Letter\_12-11-19 - 31423 Coast Hwy.pdf; Coastal Commission approval letter 8-28-23.pdf;

Dear Meg,

I hope you are having a happy 2024!

I send you some additional information from Laguna Beach relevant to my appeal of the project to replace existing picket balcony railings with glass at this site. My concern is primarily the lack of clarity about mitigation to protect birds from smashing against glass. Specifically, the Planning Commission approved "Ornilux glass or equivalent" in the new balconies, but it is not clear what constitutes an "equivalent" of Ornilux, which incorporates ultra-violet patterns directly into the glass.

Please see the below email from Laguna Beach Senior Planner Heather Steven, forwarded to me by the Director of Community Development Marc Wiener; the most relevant section is in red. Staff appear to define an Ornilux equivalent as "any type of glass which includes patterns or coatings" designed to reduce bird strikes. The opinion refers us to the Hamilton Biological Assessment dated December 11, 2019, p. 2, for bird safe options, not the November 19, 2020 update used in the Staff Report and the Planning Commission.

This analysis of what constitutes an Ornilux equivalent is still unclear. Do the patterns and coatings need to be built into the glass, or can they be applied after the fact? The Hamilton Assessment of November 2020, which is the Assessment used in the Planning Commission's conditions, describes all manner of treatments of glass. It also specifically asserts the superiority of "opaque or partially opaque glass" to "clear glass or Plexiglass and appliqués" (p. 10). It is not clear that the difference between the Planning Commission's requirement of "Ornilux glass or equivalent" for all NEW glass to be installed on the balconies, and the requirement of less protective measures, outlined by Hamilton, for the EXISTING glass that was installed on the decks in 2019, is adequately acknowledged. There is no reason to call out Ornilux at all if the requirement is simply to use any of the numerous, and unevenly effective, materials designed to reduce bird strikes.

I worry not only for the project at Laguna Royale but also at the Surf and Sand Hotel, which the Commission approved with Ornilux glass or equivalent. A previous email from Heather, which I attached as part of my appeal, already indicated the City was leaving the decision on which glass to install in the hotel's oceanfront balconies to the contractor, and that the City will approve it after installation. Allowing the developer to choose what is most cost-effective and beneficial to the hotel, and then deciding whether or not to make them change it out, is not a recipe for maximum bird protection.

Thanks and best,  
Cathy

Begin forwarded message:

**From:** "Wiener, Marc CD" <mwiener@lagunabeachcity.net>  
**Subject:** FW: question about equivalents for Ornilux glass (to deter bird strikes)  
**Date:** November 16, 2023 at 4:29:50 PM PST  
**To:** Catherine Jurca <cathjurca@gmail.com>

Hi Cathy,

Please see the email response below from Heather.

Marc Wiener  
COMMUNITY DEVELOPMENT DIRECTOR

City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651  
p. 949.497.0361 |  
e. mwiener@lagunabeachcity.net

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

From: Steven, Heather CD <hsteven@lagunabeachcity.net>  
Sent: Tuesday, November 14, 2023 3:42 PM  
To: Wiener, Marc CD <mwiener@lagunabeachcity.net>  
Cc: Contreras, David CD <dcontreras@lagunabeachcity.net>  
Subject: RE: question about equivalents for Ornilux glass (to deter bird strikes)

Hi Marc, the bird safe glass condition for the Surf & Sand project was required by the California Coastal Commission (see Condition 4.b. on page 3 of the 8/28/23 letter). The Coastal Commission did not clarify what would constitute an equivalent material to "Ornilux". I would assume that any type of glass which includes patterns or coatings that are designed to reduce bird strikes would be deemed equivalent, <https://www.buildinggreen.com/news-article/ornilux-bird-safe-glass> Page 2 of the Hamilton Bird strike report provides options for making glass bird safe.

Staff's draft condition for the Laguna Royale project stated all glass, Plexiglas, or other visually permeable barriers installed on balconies, decks, and other ocean-facing parts of the existing building shall consist of materials or coatings designed to minimize bird-strikes, as specified in the Biological Assessment, prepared by Hamilton Biological, Inc.

After public testimony and deliberation, including discussion of the Surf & Sand project, the Planning Commission revised the condition to read, "All new glass, or other visually permeable barriers installed on balconies, decks, and other ocean-facing parts of the existing building, excluding any glass sliding doors, shall be "Ornilux" or equivalent bird safe material. The existing glass or other permeable barriers installed on balconies, decks, and other ocean-facing parts of the existing building, excluding any glass sliding doors, shall either be replaced as stated above or treated with materials or coatings designed to minimize bird-strikes, as specified in the Biological Assessment, dated November 19, 2020, prepared by Hamilton Biological, Inc. to the satisfaction of the Director of Community Development. All materials or coatings shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes to the satisfaction of the Director of Community Development."

Heather

Heather Steven  
Senior Planner - Community Development  
505 Forest Avenue  
Laguna Beach, CA 92651  
p. (949) 497-0332 | [hsteven@lagunabeachcity.net](mailto:hsteven@lagunabeachcity.net)

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

From: Wiener, Marc CD <[mwiener@lagunabeachcity.net](mailto:mwiener@lagunabeachcity.net)>  
Sent: Tuesday, November 14, 2023 3:14 PM  
To: Steven, Heather CD <[hsteven@lagunabeachcity.net](mailto:hsteven@lagunabeachcity.net)>  
Subject: FW: question about equivalents for Ornilux glass (to deter bird strikes)

Hi Heather,

Do you have a response that I can provide Cathy?

Marc Wiener  
COMMUNITY DEVELOPMENT DIRECTOR

City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651  
p. 949.497.0361 |  
e. mwiener@lagunabeachcity.net

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

From: Catherine Jurca <cathjurca@gmail.com>  
Sent: Monday, November 13, 2023 12:10 PM  
To: Wiener, Marc CD <mwiener@lagunabeachcity.net>  
Subject: question about equivalents for Ornlux glass (to deter bird strikes

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

Hi Marc. I hope this email finds you well.

There have been projects recently, approved by the Coastal Commission or our Planning Commission, that have required new glass balconies use "Ornlux or equivalent bird safe material". For example, the Surf & Sand is using it on their balconies.

Can you tell me what the City considers to be the equivalent of Ornlux? I asked Heather Stevens, but she wasn't sure.

Thanks so much.

Best, Cathy

**Exhibit No. 6**

**A-5-LGB-23-0047 (Laguna Royale)**

**City of Laguna Beach  
Response to Appeal  
1/22/2024**

**(2 pages)**



January 22, 2024

Meg Vaughn  
Coastal Program Analyst  
California Coastal Commission  
[Meg.Vaughn@coastal.ca.gov](mailto:Meg.Vaughn@coastal.ca.gov)  
301 E. Ocean Blvd, Suite 300  
Long Beach, CA 90802

**Re: A-5-LGB-23-0047: APPEAL OF LAGUNA BEACH CDP NO. 23-0702, LAGUNA ROYALE CONDOMINIUMS**

Dear Ms. Vaughn:

The City of Laguna Beach staff have reviewed the appeal of the granting of CDP No. 23-0702 at 31423 Coast Highway, Laguna Beach. The appeal does not raise a substantial issue. The grounds for an appeal is that the project does not conform to the LCP policies. The appeal does not contain any certified LCP policies.

1. When the applicant provides updated plans for review by the Community development director, the following alternatives or “equivalent” materials would be acceptable-

Frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas may be installed if it contains a patterned UV-reflective glazing that is visible to birds designed to reduce birdstrikes by reducing reflectivity and transparency. Clear or plexiglass surfaces treated with permanent decals, tapes, appliques, or stencils should be no more than 4 inches apart, decorative lattice work, grills, or vertical posts. Equivalent treatments recommended by a qualified biologist would be accepted.

The condition for bird-safe glass is consistent with all applicable LCP policies that require the protection of marine resources. The City does not have specific LCP policies related to bird-safe glass.

2. DR criteria No. 8 states: Lighting and Glare. Adequate lighting for individual and public safety shall be provided in a manner which does not significantly impact neighboring properties. Reflective materials and appurtenances that cause glare or a negative visual impact (e.g. skylights, white rock roofs, high-gloss ceramic tile roofs, reflective glass, etc.) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties.

The design criteria for the glass railings were considered by the Planning Commission. The standard requires that the glare not be visible to surrounding properties but does not mention any coastal resource impacts. The Design Review entitlement cannot be appealed to the Coastal Commission and the appellant did not seek a local appeal of the Design Review entitlement. The Design Review Criteria are not applicable to the CDP criteria found in 25.07.012 (F). Lastly, the conditions of approval regarding lighting and glare actually enhance marine resources. Special condition No. 9 required the removal of spot-lights facing the beach in place of dark-sky lighting for egress only.

3. The project is categorically exempt from CEQA, as described in the staff report. Further the grounds for appeal of an approved local CDP in the appealable area are stated in Section 30603(b)(1): The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies. An appeal based on CEQA is not grounds for appeal. The project does not impact public access or recreational activities on the public beach below.

Section 13115(c) of the Commission's regulations lists the following 5 factors as appropriate considerations in determining whether an appeal raises a substantial issue. We offer the following:

The approval of the project was supported by factual evidence. The staff report addresses all relevant LCP policies, as shown in the table. The scope of the project approved was an after-the-fact approval for deck railings and other repair and maintenance activities, minor in nature. A condition for bird safe glass does not significantly impact the coastal resources. Glare and reflectivity of railings does not significantly impact coastal resources. The project does not set a negative precedent for future interpretations of the LCP. The appeal does not raise local, regional, or statewide significant issues.

Please contact me at (949) 497-0332 or [hsteven@lagunabeachcity.net](mailto:hsteven@lagunabeachcity.net) if you need additional records or information.

Sincerely,

*Heather Steven*

Heather Steven  
Senior Planner

cc: Amber Dobson, Planning Manager [adobson@lagunabeachcity.net](mailto:adobson@lagunabeachcity.net)

Steve Kawaratani, Applicant [plantman2@mac.com](mailto:plantman2@mac.com)

**Exhibit No. 7**

**A-5-LGB-23-0047 (Laguna Royale)**

**Applicant's Response to Appeal  
2/20/2024**

**(1 page)**



1278 GLENNEYRE STREET, #49, LAGUNA BEACH, CA 92651  
C: 949.290.0210 O: 949.494.5141 F: 949.613.7346  
EMAIL: STEVEKAWARATANI@ME.COM

February 20, 2024

Meg Vaughn, Coastal Program Analyst  
California Coastal Commission  
301 E. Ocean Blvd, Suite 300 Long Beach, CA 90802

Dear Meg,

The City of Laguna Beach determined after careful consideration that the guardrail and deck repair project is categorically exempt in the Planning Commission Staff Report of October 4, 2023. Relevant CEQA issues were thoroughly analyzed and disclosed to ensure that the public and Planning Commissioners were fully informed about the proposed project to complete important public safety repairs.

The appellant fails to identify certified Local Coastal Program (LCP) policies, within the allowable scope of the grounds for appeal. The failure to identify lack of conformity to the standards of the LCP greatly diminishes the basis for a substantial issue appeal. An appeal based simply on "does not comply with the Local Coastal Program" lacks substance.

The Laguna Royale Board of Directors agrees and supports the correspondence prepared by Heather Steven, Senior Planner, and addressed to you on January 22, 2024. We ask that your decision be based on the City's factual evidence presented to ensure consistency with the coastal management objectives. Please find that the appeal does not raise a substantial issue.

Sincerely,

Steve Kawaratani  
949.290.0210