

August 14, 2025

From: Davis & Alyssa Nguyen

Email: [REDACTED]

To: OC Development Services/Planning
601 N. Ross Street
Santa Ana, CA 92701

Email: Ilene.Lundfelt@ocpw.ocgov.com

CC: Emerald Bay Community Association
600 Emerald Bay
Laguna Beach, CA 92651

Email: arch@ebca.net
office@ebca.net

**Re: Public Hearing Regarding 131 Emerald Bay, Laguna Beach, CA 92651
Opposition to Proposed Demolition of Shared Wall**

Dear OC Development Services/Planning Board and Emerald Bay Community Association:

We, Davis and Alyssa Nguyen, are the owners of [REDACTED] directly adjoining 131 Emerald Bay. We write to formally oppose the proposed demolition of the long-standing wall located on the boundary line between our properties.

1. History and Legal Status of the Wall

The wall in question has been in place for more than thirty (30) years—long before either we or the current owners of 131 Emerald Bay acquired our properties. Over this extended period, the wall has functioned as a permanent boundary marker and has been relied upon by successive owners of both properties for privacy, security, and enjoyment.

Under California law, such long-standing physical boundaries may acquire legal significance beyond mere structural status. In particular, **California Civil Code §1007** recognizes that open, notorious, and continuous use of property can give rise to rights under the doctrine of **prescriptive easement**. Likewise, **California case law on “boundary by agreement” and “boundary by acquiescence”** establishes that when adjoining property owners mutually treat a

structure as the property line for an extended period, that structure may become the legally recognized boundary, regardless of surveyed lines.

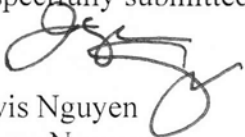
2. Risks of Removal

- **Physical Damage to Hardscape and Landscape** – We have made substantial investments in new hardscape and landscaping, relying on the continued existence of this wall. Its removal will almost certainly cause physical damage to these improvements.
- **Loss of Privacy and Enjoyment** – The wall provides essential visual and spatial separation. Demolition would result in direct and intrusive visibility into our private yard and living areas.
- **Security Hazards and Liability Exposure** – Without the wall, our property will be completely exposed during 131 Emerald Bay's construction. We have a swimming pool, which—without a secure barrier—presents a serious liability risk, including the potential for accidental drowning. This risk is both a private concern and a matter of public safety.

In conclusion, we maintain that the removal of this long-standing wall would not only cause substantial, irreparable harm to our property but could also infringe upon property rights recognized under California law.

We appreciate the Board's attention to this matter and trust that you will act to preserve the integrity, security, and privacy of both properties.

Respectfully submitted,



Davis Nguyen
Alyssa Nguyen