

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



Filed: July 15, 1998  
49th Day: N/A  
180th Day: N/A  
Staff: John T. Auyong-LB  
Staff Report: September 24, 1998  
Hearing Date: October 13-16, 1998  
Commission Action:

**STAFF REPORT: PERMIT EXTENSION REQUEST**

**APPLICATION NUMBERS:** 5-92-168-E5, 592-186-E5, 5-92-188-E5

**APPLICANT:** Monarch Bay Resort, Inc. (transferred to CPH Resorts I, LLC)

**AGENT:** Melissa Holmes

**PROJECT LOCATIONS:** City of Dana Point, County of Orange

**5-92-168-E5:** Northwest of the intersection of Niguel Road and Pacific Coast Highway. Specifically, northwest of the existing fire station at the intersection of Niguel Road and Stonehill, east and south of the existing golf course and golf clubhouse.

**5-92-186-E5 and 5-92-188-E5:** Northeast of the intersection of Pacific Coast Highway and Crown Valley Parkway, and west of the Salt Creek Regional Trail.

**PROJECT DESCRIPTION:**

**5-92-168-E5:** The construction of a 400-key resort, related visitor serving facilities, and residential units on 30.5 acres. The proposed hotel and related facilities include restaurants, conference facilities, resort offices, retail spaces, and 853 hotel parking spaces. The residential portion of the project site will consist of 81 attached units and 5 detached units. An amendment to this permit was approved by the Coastal Commission on March 14, 1996, to delete 14 residential units located at the subject site's northwest corner and replace them with the now existing golf clubhouse approved by CDP 5-96-006. The hotel site will be integrated with courtyards, gardens, pathways, resort vehicle system, public trails, and other visitor serving uses. The trail system will link the hotel grounds to Sea Terrace Community Park and the golf course. Grading will consist of 395,000 cu. yds. of cut and 45,000 cu. yds. of fill. The proposed development is part of the Monarch Bay Resort project, at NW of the intersection of Niguel Road and Pacific Coast Hwy.

**5-92-186-E5:** The construction of 55 attached units on 8.8 acres of land. The floor area of the units will range from 2,200 to 3,200 square feet. The units will be clustered into 16 two and three story buildings. The architectural theme will mimic the character of the Tuscan region of Italy. Grading will consist of approximately 38,000 cubic yards of cut and 81,000 cubic yards of fill.

**5-92-188-E5:** The construction of 111 attached residential units on 14.3 acres. Units will be clustered into 16 two-story buildings and 4 three-story buildings. For 57 of the

**5-92-168-E5, 5-92-186-E5, and 5-92-188-E5**  
**(Monarch Bay Resort, Inc.)**  
**Page 2**

units, the floor area ranges from 1400 to 2700 square feet. The floor area of 40 units ranges from 2300 to 2900 square feet. Building height of the 3 story buildings is 41 feet. The floor areas of the remaining 14 units would range from 2750 to 3200 square feet. Height for the 2 story buildings will be 28 feet. The 2 story units are located on the south side of the site near Pacific Coast Highway. The 3 story units are located on the north side of the site. The architectural theme will mimic the character of the Tuscan area of Italy. Grading will consist of approximately 85,000 cubic yards of cut and 33,000 cubic yards of fill.

**LOCAL APPROVALS RECEIVED:**

**5-92-168-E5:** Site Development Permit SDP91-07, Vesting Tentative Tract Map 14589  
**5-92-186-E5:** Site Development Permit SDP91-04, Vesting Tentative Tract Map 14604  
**5-92-188-E5:** Site Development Permit SDP91-05, Vesting Tentative Tract Map 14605

**SUBSTANTIVE FILE DOCUMENTS:** Coastal development permits P-79-5539 (AVCO); 5-92-168, 5-92-186, 5-92-188, and 5-96-006 (Monarch Bay Resort, Inc.); City of Dana Point certified local coastal program.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends that the Commission not object to the Executive Director's approval of the permit extension because there are no changed circumstances, since the time of approval of the permit by the Commission, which would cause the project as conditioned to be inconsistent with the certified local coastal program.

Since the proposed projects which are the subject of these permit extension requests are part of the larger Monarch Beach Resort development, and the objections raised are not directed specifically to any one of the particular permits, the staff report for the three separate permit extension requests are being combined into one. However, the Commission will have to act on each extension request separately.

**PROCEDURAL NOTES:**

1. **Report of Extension Requests.** Section 13169(a)(1) of Title 14 of the California Code of Regulations ("regulations") provides that permit extension requests shall be reported to the Commission if objection is made to the Executive Director's determination that there are no changed circumstances that may affect the permit's consistency with the Coastal Act. Pursuant to Section 13169(a)(1) of the regulations, the Executive Director published notice of the determination that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. (see Exhibit C, Page 1) Section 13169(a)(1) of the regulations sets forth an objection period of ten (10) working days after the Executive Director's notice is published. Within this period a letter of objection was received. (see Exhibit C, Page 1)
2. **Commission Action on Permit Extension Requests.** Because a letter of objection was received, the permit request is being reported to the Commission pursuant to

**5-92-168-E5, 5-92-186-E5, and 5-92-188-E5**  
**(Monarch Bay Resort, Inc.)**  
**Page 3**

Section 13169(a)(2) of the regulations. Pursuant to Section 13169(a)(2) of the regulations, if three (3) commissioner's object to an extension request on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full public hearing as though it were a new application. If three objections are not made, the permit will be extended for an additional one-year period from the most recent expiration date.

**I. STAFF RECOMMENDATION**

**II. FINDINGS AND DECLARATIONS**

**A. Project Descriptions, Locations, and Permit History**

The applicant is proposing a master-planned resort that will encompass a variety of development components, including the development proposed under the subject permits. (See Exhibit A, Pages 2 and 3) The proposed master plan is covered under the City's Monarch Beach Resort Specific Plan. In addition to the proposed development, the Commission has approved coastal development permits for the expansion of a previously approved public community park (5-92-157, since expired) and a golf course and clubhouse (5-96-006, which has been built) as part of the proposed resort. The proposed developments are part of the Monarch Bay Resort project, located northwest of the intersection of Niguel Road and Pacific Coast Highway (State Route One) in the City of Dana Point in the County of Orange. The subject sites are not located between the first public road and the sea. The proposed master-planned resort is a portion of the larger development approved under coastal development permit P-79-5539. (see Exhibit K)

The development approved under coastal development permit 5-92-168 contains the primary visitor-serving component of the proposed resort. This permit approved the construction of a 400-key resort, related visitor serving facilities, and residential units on 30.5 acres. The proposed hotel and related facilities include restaurants, conference facilities, resort offices, retail spaces, and 853 hotel parking spaces. The residential portion of the project site will consist of 81 attached units and 5 detached units. The hotel site will be integrated with courtyards, gardens, pathways, resort vehicle system, public trails, and other visitor serving uses. The trail system will link the hotel grounds to Sea Terrace Community Park and the golf course. Grading will consist of 395,000 cu. yds. of cut and 45,000 cu. yds. of fill.

The developments approved under coastal development permits 5-92-186 and 5-92-188 consist of residences on two sites located on the west side of Salt Creek and the existing golf course. Permit 5-82-186 approved the construction of 55 attached units on 8.8 acres of land. The floor area of the units will range from 2,200 to 3,200 square feet. The units will be clustered into 16 two and three story buildings. The architectural theme will mimic the character of the Tuscan region of Italy. Grading will consist of approximately 38,000 cubic yards of cut and 81,000 cubic yards of fill.

**5-92-168-E5, 5-92-186-E5, and 5-92-188-E5**  
**(Monarch Bay Resort, Inc.)**  
**Page 4**

Permit 5-92-188 approved the construction of 111 attached residential units on 14.3 acres. Units will be clustered into 16 two-story buildings and 4 three-story buildings. For 57 of these units, the floor area ranges from 1400 to 2700 square feet. The floor area of 40 units ranges from 2300 to 2900 square feet. Building height of the 3 story buildings is 41 feet. The floor areas of the remaining 14 units would range from 2750 to 3200 square feet. Height for the 2 story buildings will be 28 feet. The 2 story units are located on the south side of the site near Pacific Coast Highway. The 3 story units are located on the north side of the site. The architectural theme will mimic the character of the Tuscan area of Italy. Grading will consist of approximately 85,000 cubic yards of cut and 33,000 cubic yards of fill.

Amendments to permits 5-92-168 and 5-92-188 were approved by the Coastal Commission on March 14, 1996. (see Exhibits D and G, respectively) As originally proposed, the existing golf clubhouse was to be located on the site covered by permit 5-92-188, on the west side of the golf course. However, the applicant decided to relocate the golf clubhouse to the site covered by permit 5-92-168, which would contain the proposed hotel, on the east side of the golf course. As a result, 14 residential units located at the hotel site's northwest corner had to be deleted in order to make room for the relocated golf clubhouse. These 14 residential units were relocated to the site covered under permit 5-92-188 where the golf clubhouse originally was proposed, on the west side of the golf clubhouse. The golf clubhouse itself was approved by separate coastal development permit 5-96-006 and has since been built. (see Exhibit J)

The permits have also been transferred to a new owner. (See Exhibit I) While the new owner has discussed the possibility of proposing changes to the approved development, no specific changes have been presented, nor have permit amendment applications been submitted.

**B. Analysis of Objections to the Permit Extension Request.**

**1. Standard of Review**

Section 13169(a)(2) of Title 14 of the California Code of Regulations provides that in order for a permit extension request not to be granted by the Commission, three Commissioners must object to the extension on the grounds that the approved project is not consistent with the Coastal Act. The local coastal program ("LCP") for this area of the City of Dana Point, however, was effectively certified on November 5, 1997. Therefore, pursuant to Section 30604(b) of the Coastal Act, the standard of review is the certified LCP. Since the Commission, in certifying the LCP, found the LCP to be in conformity with and adequate to carry out the Coastal Act, then conformity with the LCP also indirectly shows consistency with the Coastal Act. Review of extensions of coastal development permits approved by the Commission is not delegated to the local government even after certification of the LCP, so the Commission must act on requests to extend the subject permits.

## 2. Objections

### a. *Objection Received During the Objection Period*

Exhibit C (Page 1) contains the exact objections raised by the primary objector.

**Objection 1)**: *traffic circulation was not addressed when the golf clubhouse was relocated from the west side of the golf course to the east side (and 14 residential units were correspondingly relocated from the east side of the golf course to the west side.*

**Response to Objection 1)**: The golf clubhouse relocation also involved the relocation of the access driveways to the golf clubhouse. At the previous location on the west side of the golf course, the access would have been taken off Pacific Coast Highway (State Route One). At the current location, access is taken off of Niguel Road, which intersects Pacific Coast Highway ("PCH"). The current access is in the same general location as the access, which will be built for the proposed hotel.

The issue of traffic generation was not directly address in either the original approval of the permits or the approval of the 1996 amendments and new permit for the golf clubhouse relocation. The primary issue regarding public access remains the adequacy of on-site parking. In regards to traffic, however, the 1996 amendments and new permit for the relocated golf clubhouse would have a slightly beneficial effect.

First, the relocated golf clubhouse is about half the size of the previously proposed clubhouse (30,000 square feet versus 14,030 square feet). Therefore, the existing clubhouse will generate less traffic than the previously proposed clubhouse. Second, relocating the access from PCH to Niguel Road would benefit coastal access in general. PCH is the only road which parallels the shoreline in the City's coastal zone and which provides through-access to upcoast and downcoast areas. It is the major access road to Interstate 5 and the only access to the adjacent City of Laguna Beach. Thus, it is the only option for upcoast travel. Niguel Road, on the other hand, runs perpendicular to the shoreline and provides access to inland areas. While the LCP designates Niguel Road as a primary coastal access road (as it does for PCH and Crown Valley Parkway), major roads such as Crown Valley Parkway, Street of the Golden Lantern, and Del Obispo exist as alternatives to Niguel Road. (see Exhibit A, Page 1)

Thus, the relocation of the golf clubhouse access from PCH to Niguel Road benefits coastal access overall by removing some traffic from PCH, the only parallel coastal road. As a result, traffic on Niguel Road will increase. However, alternative roads to Niguel Road exist, mitigating the increased traffic on Niguel Road. Further, the increased traffic on Niguel Road will not be as great as the traffic would have been on PCH, since the existing golf clubhouse is smaller than when it was previously proposed at its old location.

**5-92-168-E5, 5-92-186-E5, and 5-92-188-E5**  
**(Monarch Bay Resort, Inc.)**  
**Page 6**

The Commission approved this relocation and found it to be consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that there are no changed circumstances that would cause the proposed development to be inconsistent with the public access policies of the certified LCP.

**Objection 2):** *The objector contends that the issue of parking was not addressed when the golf clubhouse, and corresponding 14 residential units, were relocated.*

**Response to Objection 2):** In contrast to the issue of traffic, the issue of parking was extensively addressed in both the original approvals of the permits and the 1996 approvals of the amendments and new golf clubhouse permit. The Notices of Intent for the subject permits and a copy of permit 5-96-006, which are attached as exhibits to this report, contain special conditions addressing the issue of parking. Therefore, the Commission finds that there are no changed circumstances that have changed the parking situation. Thus, the Commission finds that the proposed developments are consistent with the parking provisions of the certified LCP.

**Objection 3):** *The Ritz Carlton hotel has a parking problem and uses on-street public parking on Niguel Road.*

**Response to Objection 3):** The Ritz Carlton is not on the subject sites, nor is it part of the proposed Monarch Beach Resort Specific Plan area. It was approved by coastal development permit 5-82-291 and has since been built. It is not clear if the objector is implying that the proposed Monarch Beach Resort hotel and clubhouse would also have a parking problem similar to the Ritz Carlton. As discussed above under Objection 2, the subject permits have been conditioned to address the issue of parking. Therefore, the Commission finds that there are no changed circumstances that have changed the parking situation. The Commission further finds that the proposed developments are consistent with the parking provisions of the certified LCP.

**Objection 4):** *The objector raises the issue of affordable housing, assert that: 1) affordable housing was not mitigated, other than through payment of an in-lieu fee, 2) housing facilities for lower income employees of the proposed resort has not been provided, and 3) there is no affordable housing at Niguel Beach Terrace*

**Response to Objection 4):** The subject permits contain conditions regarding the provision of affordable housing consistent with the provisions of master coastal permit P-79-5539. (see Exhibits D, Page 6; Exhibit E, Page 6; Exhibit F, Page 3; Exhibit G, Page 3; Exhibit H, Page 4, and Exhibit K, Pages 7-10) The affordable housing special conditions of the subject permits have not yet been met. It is possible that, as part of compliance with this condition, affordable housing may be provided for low and moderate income-employees of the proposed resort, although this is not specifically required. Further, the certified LCP contains affordable housing provisions, which apply specifically to the proposed developments.

**5-92-168-E5, 5-92-186-E5, and 5-92-188-E5**  
(Monarch Bay Resort, Inc.)  
Page 7

Regarding the in-lieu fees, they were paid as a requirement of permit P-79-5539 for the construction of residences, which are not part of the proposed developments. Further, permit P-79-5539 required that part of the Niguel Beach Terrace development include affordable housing. While some of the units have been released from the affordability restrictions and can now be sold at market rates, affordable units still exist in Niguel Beach Terrace. In addition, Niguel Beach Terrace is not located on the subject site, nor is it part of the proposed developments.

Therefore, the Commission finds that there are no changed circumstances regarding the issue of affordable housing relative to the subject permits. Thus, the Commission finds that the proposed developments are consistent with the affordable housing provisions of the certified LCP.

**Objection 5):** *The objector claims that notices of the extension request were not sent to owners/occupants of the Niguel Shores neighborhood.*

**Response to Objection 5:** Several hundred notices were sent to owners and occupants located within 100 feet of the edge of the subject sites. The Niguel Shores neighborhood is not within 100 feet of the edge of the subject sites. Further, the portion of Niguel Shores inland of PCH is not in the coastal zone. Therefore, the Commission finds that this objection does not raise a Coastal Act issue.

**b. Additional Letter of Concern**

Exhibit C, Page 2, contains an additional letter, received after the objection period was over, expressing concern that the proposed residences would be built before the proposed hotel and other visitor-serving commercial and recreation development. The subject permits have been conditioned for a phasing plan, which requires public recreation facilities to be built first, the hotel second, and the residences last. The certified LCP also includes this phasing plan. Therefore, the Commission finds that there are no changed circumstances regarding the phasing plan, and that the proposed developments are consistent with the phasing requirements in the certified LCP.

**3. Conclusion**

The Commission concurs with the Executive Director's determination that there are no changed circumstances since the time of approval of coastal development permits 5-92-168, 5-92-186, and 5-92-188 that would cause the approved development as conditioned to be inconsistent with the certified LCP. Therefore, the Commission finds that the subject permits shall be extended for a period of time not to exceed one year from the most recent expiration date.

**LIST OF EXHIBITS**

- Exhibit A:** Location Maps
- Exhibit B:** Notices of Immaterial Extensions
- Exhibit C:** Objection Letters
- Exhibit D:** 5-92-168A Notice of Intent to Issue Amendment
- Exhibit E:** 5-92-168 Notice of Intent to Issue Permit
- Exhibit F:** 5-92-186 Notice of Intent to Issue Permit
- Exhibit G:** 5-92-188A Notice of Intent to Issue Amendment
- Exhibit H:** 5-92-188 Notice of Intent to Issue Permit
- Exhibit I:** Assignments/Transfers of permits
- Exhibit J:** Coastal development permit 5-96-006
- Exhibit K:** Coastal development permit P-79-5539
- Exhibit L:** Additional letter from the author of the primary objection letter



5-92-168-ES, 5-92-186-ES  
COASTAL COMMISSION  
5-92-188-ES  
LOCATION MAPS  
EXHIBIT # A  
PAGE 1 OF 3

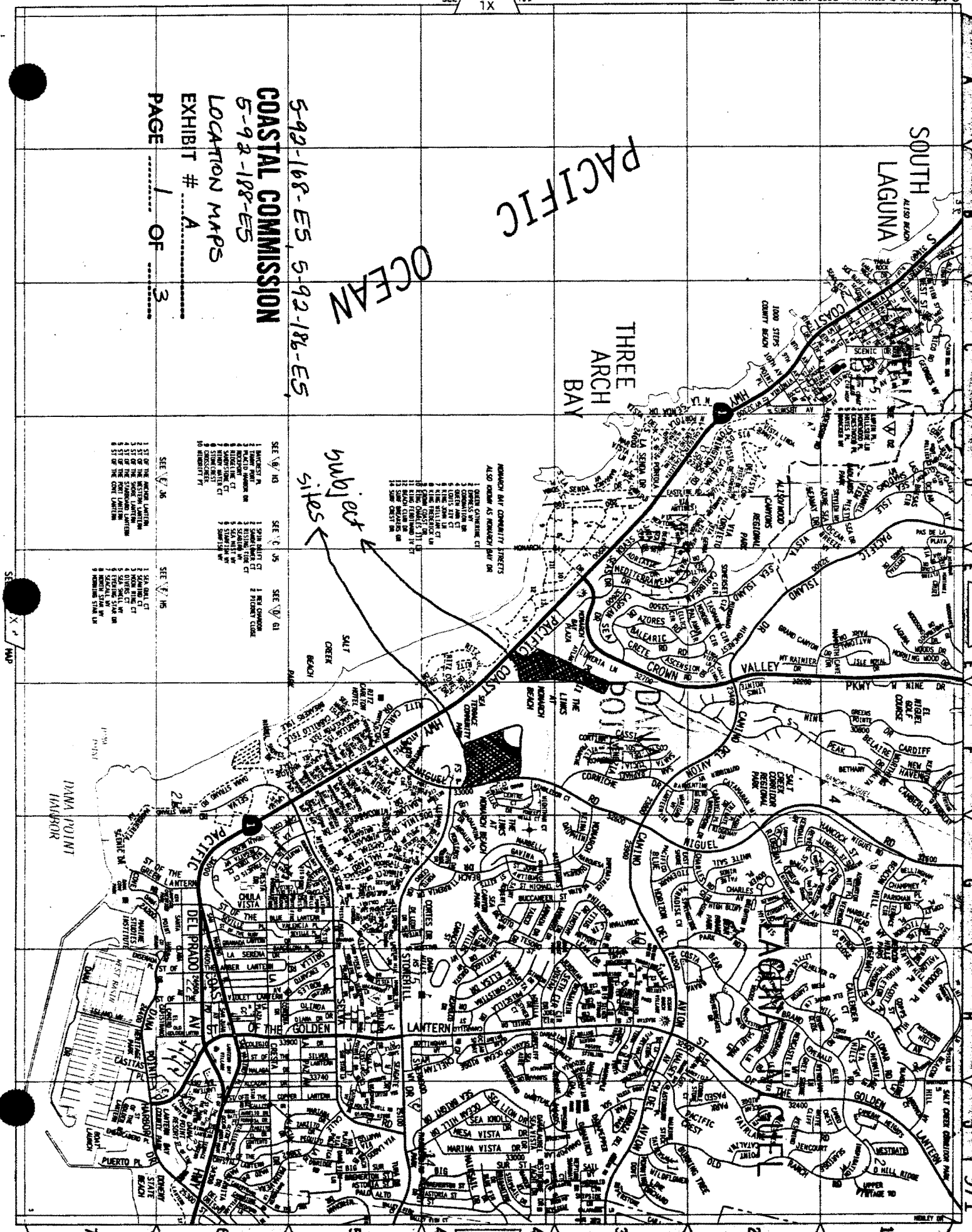
PACIFIC OCEAN

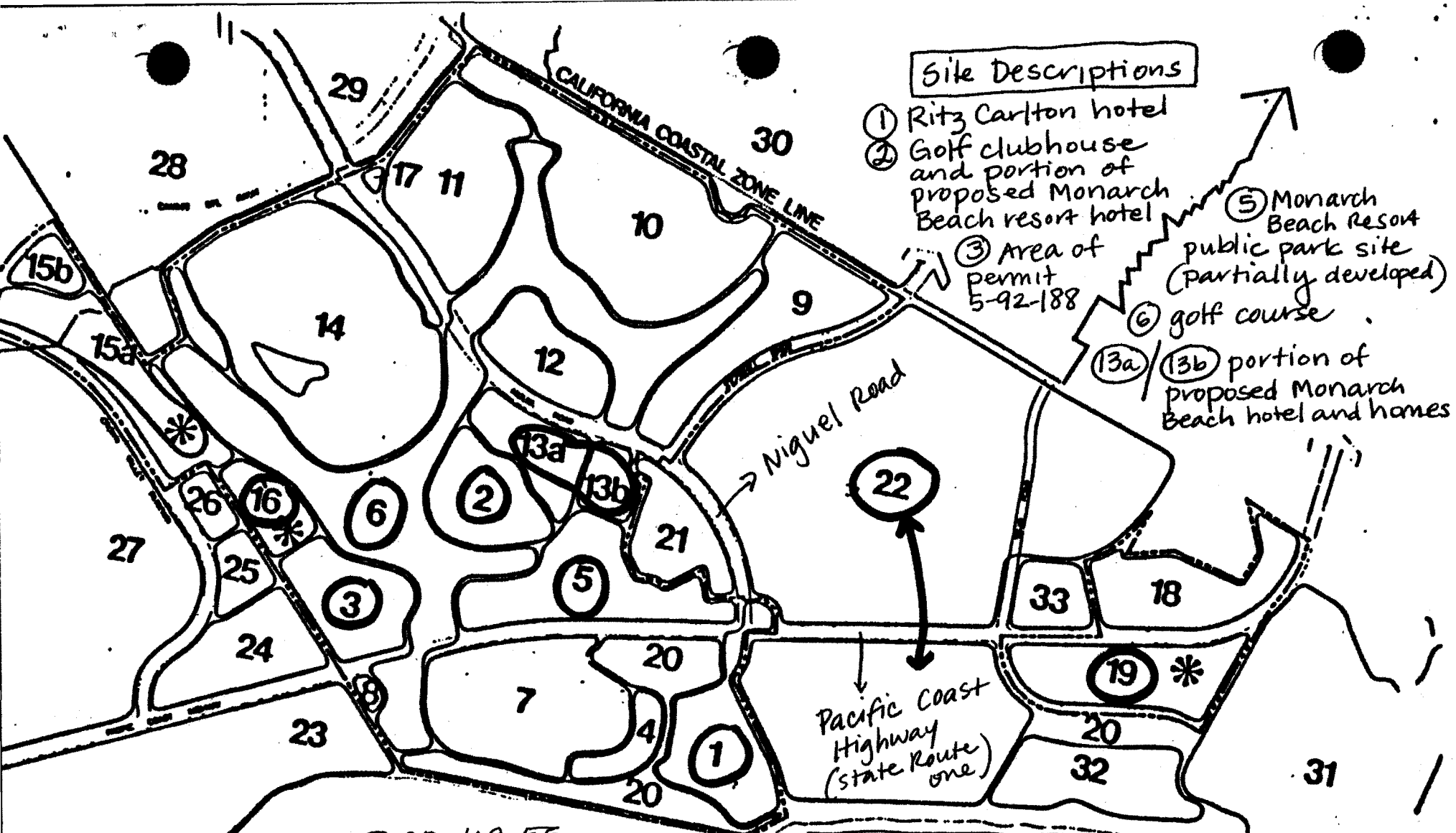
THREE ARCH BAY

SOUTH LAGUNA

subject sites

- SEE 1/13
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**Site Descriptions**

- ① Ritz Carlton hotel
- ② Golf clubhouse and portion of proposed Monarch Beach resort hotel
- ③ Area of permit 5-92-188
- ⑤ Monarch Beach Resort public park site (partially developed)
- ⑥ golf course
- ⑬a/⑬b portion of proposed Monarch Beach hotel and homes

5-92-168-ES,  
**COASTAL COMMISSION**  
 5-92-186-ES, 5-92-188-ES

**Site Description (cont'd)**

- ⑬ Area of permit 5-92-186
- ⑭ Niguel Beach Terrace
- ⑮ Niguel Shores

EXHIBIT # A  
 PAGE 2 OF 3

**EXHIBIT A**

**LAGUNA NIGUEL COASTAL AREA PLAN**  
 A PLANNED COMMUNITY BY AVCO COMMUNITY DEVELOPERS INCORPORATED

ptr 17

Overall Area Covered by permit 5-92-18

portion of Site of permit 5-92-188 where the 14 houses will be added on the old golf clubhouse site

Overall area covered by permit 5-92-188

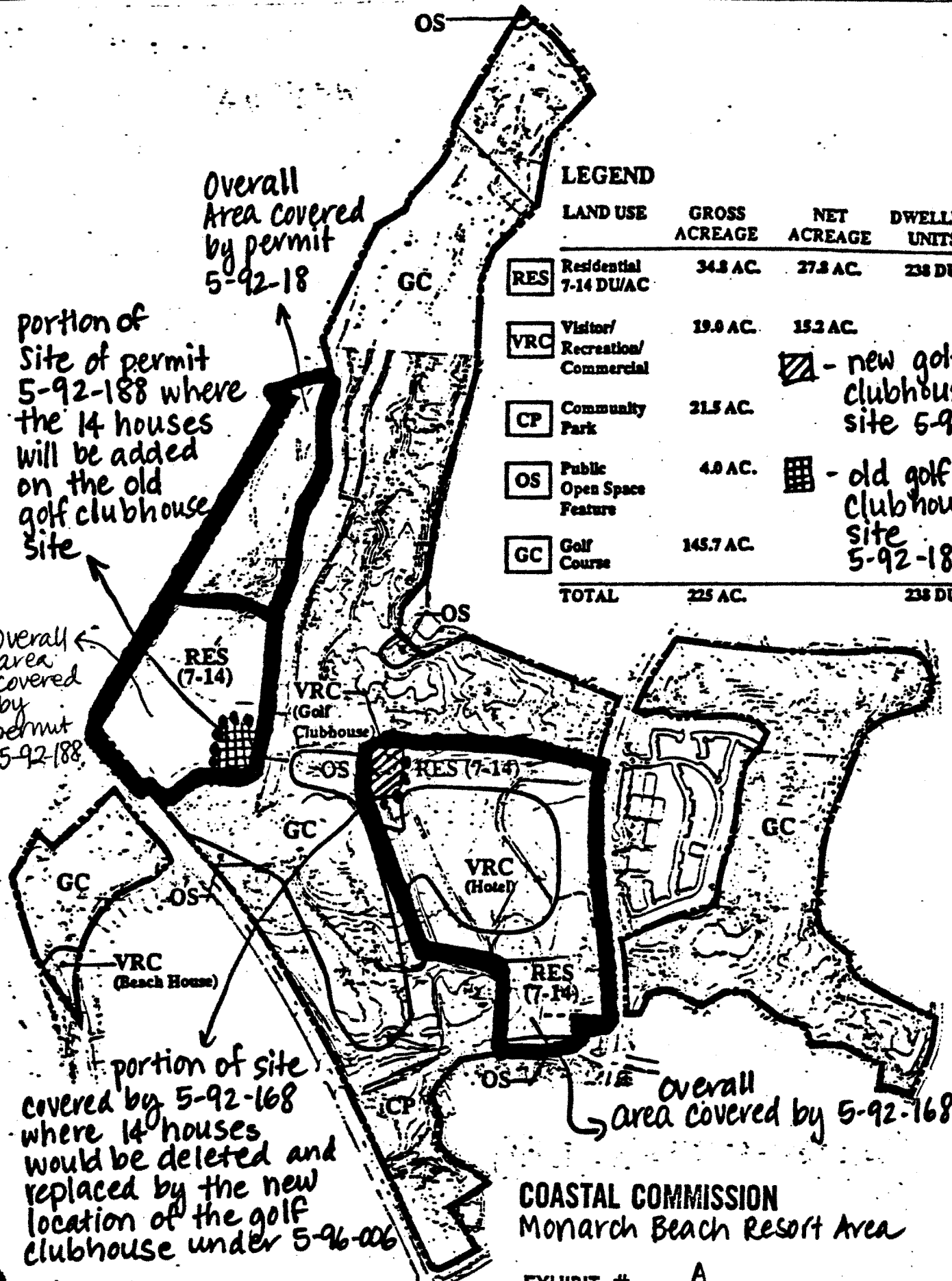
portion of site covered by 5-92-168 where 14 houses would be deleted and replaced by the new location of the golf clubhouse under 5-96-006

# LEGEND

| LAND USE                                   | GROSS ACREAGE  | NET ACREAGE | DWELLING UNITS |
|--|----------------|-------------|----------------|
| <b>RES</b> Residential 7-14 DU/AC          | 34.8 AC.       | 27.8 AC.    | 238 DU.        |
| <b>VRC</b> Visitor/ Recreation/ Commercial | 19.0 AC.       | 15.2 AC.    |                |
| <b>CP</b> Community Park                   | 21.5 AC.       |             |                |
| <b>OS</b> Public Open Space Feature        | 4.0 AC.        |             |                |
| <b>GC</b> Golf Course                      | 145.7 AC.      |             |                |
| <b>TOTAL</b>                               | <b>225 AC.</b> |             | <b>238 DU.</b> |

- new golf clubhouse site 5-96-006

- old golf clubhouse site 5-92-188



COASTAL COMMISSION  
Monarch Beach Resort Area

EXHIBIT # A

PAGE 3 OF 3



## LAND USE PLAN

MONARCH BEACH RESORT  
SPECIFIC PLAN

5-92-168-ES  
5-92-186-ES, 5-92-188-ES

EXHIBIT 2.1

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
PO Box 1450  
200 Oceanside, 10th Floor  
LONG BEACH, CA 90802-4418

August 6, 1998

NOTICE OF EXTENSION REQUEST FOR COASTAL  
DEVELOPMENT PERMIT

5-92-168-E5

Notice is hereby given that: **Monarch Bay Resort, Inc.**

has applied for a one year extension of Permit No: **5-92-168**

granted by the California Coastal Commission on:

for The construction of a 400-key resort hotel, related visitor serving facilities, and residential units on 30.5 acres. The proposed hotel and related facilities include restaurants, conference facilities, resort offices, retail spaces, and 853 hotel parking spaces. The residential portion of the project site will consist of 81 attached units and 5 detached units. An amendment to this permit was approved by the Coastal Commission on March 14, 1996, to delete 14 residential units located at the subject site's northwest corner and replace them with the now existing golf clubhouse approved by CDP 5-96-006. The hotel site will be intergrated with courtyards, gardens, pathways, resort vehicle system, public trails, and other visitor serving uses. The trail system will link the hotel grounds to Sea Terrace Community Park and the golf course. Grading will consist of 395,000 cu. yds. of cut and 45,000 cu. yds. of fill. The proposed development is part of the Monarch Bay Resort project.

at NW of the intersection of Niguel Road and Pacific Coast Hwy. Specifically, NW of the existing fire station at the intersection of Niguel Road and Stonehill, east and south of the existing golf course and golf clubhouse, Dana Point (Orange County)

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing. Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

5-92-168-E5  
**COASTAL COMMISSION**  
5-92-186-E5, 5-92-188-E5

EXHIBIT # 10  
PAGE 1 OF 3

Sincerely,  
PETER M. DOUGLAS  
Executive Director,

By: STEVE RYNAS  
Orange County Area Supervisor

**CALIFORNIA COASTAL COMMISSION**SOUTH COAST AREA  
PO Box 1450Oceanside, 10th Floor  
SAN DIEGO BEACH, CA 90802-4418  
(619) 590-5071

5-92-186-ES

August 6, 1998

**NOTICE OF EXTENSION REQUEST  
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that: **Monarch Bay Resort**  
has applied for a one year extension of Permit No **5-92-186**  
granted by the California Coastal Commission on:

for **Construction of 55 attached residential units on 8.8 acres of land. The floor area of the units will range from 2,200 to 3,200 sq. ft. The units will be clustered into 16 two and three story buildings. The architectural theme will mimic the character of the Tuscan region of Italy. Grading will consist of approximately 38,000 cu. yds. of cut and 81,000 cu. yds. of fill.**

at **NE of the intersection of PCH & CROWN VALLEY PARKWAY, and west of the Salt Creek Regional Trail, Dana Point (Orange County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
**PETER M. DOUGLAS**  
Executive Director

By: **STEVE RYNAS**  
Orange County Area Supervisor

5-92-168-ES,  
**COASTAL COMMISSION**  
5-92-186-ES, 5-92-188-ES

EXHIBIT # B

PAGE 2 OF 3

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST AREA  
PO Box 1450  
200 Oceangate, 10th Floor  
LONG BEACH, CA 90802-4418  
(562) 590-8071

5-92-188-ES

August 6, 1998

**NOTICE OF EXTENSION REQUEST  
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that: **Monarch Bay Resort, Inc.**  
has applied for a one year extension of Permit No 5-92-188  
granted by the California Coastal Commission on:

- for Construction of 111 attached residential units on 14.3 acres. Units will be clustered into 16 - 2 story buildings and 4 - 3 story buildings. For 57 of the units the floor area ranges from 1400 to 2700 sq. ft. The floor area of 40 units ranges from 2300 to 2900 sq. ft. Building height of the 3 story buildings is 41 feet. The floor areas of the remaining 14 units would range from 2,750 to 3,200 sq. ft. Height for the 2 story buildings will be 28 feet. The 2 story units are located on the south side of the site near Pacific Coast Hwy. The 3 story units are located on the north side of the site. The architectural theme will mimic the character of the Tuscan area of Italy. Grading will consist of approximately 85,000 cu. yds. of cut and 33,000 cu. yds. of fill.
- at Northeast of the intersection of Pacific Coast Hwy. & Crown Valley Parkway, and west of the Salt Creek Regional Trail, Dana Point (Orange County)

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

5-92-148-ES,  
**COASTAL COMMISSION**  
5-92-186-ES, 5-92-188-ES

Sincerely,  
**PETER M. DOUGLAS**  
Executive Director

EXHIBIT # B

PAGE 3 OF 3

By: **STEVE RYNAS**  
Orange County Area Supervisor

August 3, 1998

California Coastal Commission  
Mr. John Auyong  
200 Oceangate #1000  
Long Beach, Ca 90802

Re: Monarch Beach Resort  
Tentative Map Extension(s)

REQUEST BE DENIED

MARY JEFFRIES  
NIGUEL SHORES RESIDENT  
33521 Atlantic Avenue  
Monarch Beach, Ca 92629

714 493-2425

AUG 5 1998

CALIFORNIA  
COASTAL COMMISSION

Dear John,

After our conversation, I did come down to your offices, and review the extensive files. I would like to set out some of my reservations in this letter regarding the Tentative Map extension:

- 1) The traffic circulation was not addressed when the clubhouse was relocated;
- 2) The parking, likewise;
- 3) The Ritz Carlton always has a parking problem even with +800 private spaces;
  - a) The Ritz Carlton has to use the street parking on Niguel Road, plus it buys "metered" parking from the county for its use, taking it away from beachgoers..
- 4) The affordable housing was not mitigated, except some time early on, someone paid an "in-lieu" fee
  - a) No real living facilities for the staff at the resorts;
  - b) What affordable housing that Avco was forced to give "Niguel Beach Terrace on Selva" is not now "affordable"
- 5) The residential housing at Niguel Shores, some 1000 homes strong was not sent notices of the hearing

It seems the developers and the City of Dana Point have bifurcated the issues and I am sure they hope to continue doing so, not looking out for the welfare of the public and private homeowners. It is time the City had some big brother over-the-shoulder to make certain the area does not become a Coney Island.

Please put my name on a list to receive notices of public hearings in the future, AND DOCKET MY OBJECTIONS TO EXTENSION.

Thank you,

MARY JEFFRIES

(714) 493-2425 soon to be (949) 493-2425

COASTAL COMMISSION

5-92-108-ES, 5-92-186-ES,  
5-92-188-ES

EXHIBIT # C

PAGE 1 OF 2

Diana Van Deusen  
23294 Pompeii  
Dana Point, Ca 92629

Pho. 714 661-6687

John Auyong  
Coastal Commission  
South Coast Area  
P.O. Box 1450  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, Ca. 90802-4416

RECEIVED  
AUG 21 1998

CALIFORNIA  
COASTAL COMMISSION

August 18, 1998

Dear Mr. Auyong:

Per our phone conversation yesterday, I am writing this letter of concern.

Under the previous ownership of the Monarch Bay Resort, my husband and I understood that the hotel would be built *completely* before any townhouses or like structures would be *started*. We expect this to be true under the new ownership, and if not, we wish to have it on record that we object.

We wish to be informed of any changes in the Resort plan.

Thank you.

Sincerely,

  
Diana Van Deusen

  
Ed VanDeusen

5-92-168-ES,  
5-92-186-ES, 5-92-188-ES  
COASTAL COMMISSION  
*Ind objection letter*

EXHIBIT # C

PAGE 2 OF 2



## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
LONG BEACH, CA 90802-4416  
(310) 590-5071

Page 1 of 6



NOTICE OF INTENT TO ISSUE FIRST AMENDMENT  
TO COASTAL DEVELOPMENT PERMIT

On 14 March 1996, the California Coastal Commission granted to Monarch Bay Resort, Inc. an amendment to Permit No. 5-92-168, subject to the conditions attached, for changes to the development or conditions imposed on the existing permit. The development originally approved by the permit consisted of the construction of a 400-key resort hotel, related visitor serving facilities, and residential units on 30.5 acres. The proposed hotel and related facilities include restaurants, conference facilities, resort offices, retail spaces, and 835 Hotel parking spaces. The residential portion of the project site will consist of 81 attached units and 5 detached units. The hotel site will be integrated with courtyards, gardens, pathways, resort vehicle system, public trails, and other visitor serving uses. The trail system will link the hotel grounds to Sea Terrace Community Park and the golf course. Grading will consist of 395,000 cubic yards of cut and 45,000 cubic yards of fill. The proposed development is part of the Monarch Bay Resort project.

at northwest of the intersection of Niguel Road and Pacific Coast Highway. Specifically, northwest of the existing fire station at the intersection of Niguel Road and Stonehill, east and south of the existing golf course in the City of Dana Point, County of Orange

Changes approved by this amendment consist of:

Deletion of that portion of the project consisting of 14 residential units, located at the subject site's northwest corner. This portion of the subject site will instead be included under a separate coastal development permit application, which will include a proposed golf clubhouse where the 14 residential units had previously been proposed.

more specifically described in the application filed in the Commission offices.

Unless changed by the amendment, all conditions attached to the existing permit remain in effect.

The amendment is being held in the Commission office until fulfillment of the Special Conditions of the underlying permit and/or conditions of previous amendments imposed by the Commission. Once these conditions have been fulfilled, the amendment will be issued. For your information, all the imposed conditions are attached.

**COASTAL COMMISSION**

5-92-168-ES, 5-92-186-ES, 5-92-188-ES

(cont'd)

EXHIBIT # D

PAGE 1 OF 6

NOTICE OF INTENT TO ISSUE FIRST AMENDMENT  
TO COASTAL DEVELOPMENT PERMIT

Page 2 of 6  
Amendment No. 5-92-168A

Issued on behalf of the California Commission on 22 March 1996

*5-92-168-ES,*  
**COASTAL COMMISSION**  
*5-92-186-ES, 5-92-188-ES*

PETER M. DOUGLAS  
Executive Director

EXHIBIT # D  
PAGE 2 OF 6

*John T. Auyong*  
By: John T. Auyong  
Title: Staff Analyst

Please sign and return a copy of this form to the Commission office.

ACKNOWLEDGMENT

I have read and understand the above Notice of Intent to amend Permit  
5-92-168, including all conditions imposed.

Signature \_\_\_\_\_

Date \_\_\_\_\_

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

NOTICE OF INTENT TO ISSUE FIRST AMENDMENT  
TO COASTAL DEVELOPMENT PERMIT

5-92-168-E5  
**COASTAL COMMISSION**  
5-92-186-E5, 5-92-188-E5

Page 3 of 6  
Amendment No. 5-92-168A

EXHIBIT # D  
PAGE 3 OF 6

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1 Public Access

Prior to issuance of the coastal development permit the applicant shall submit to the Executive Director for review and approval a deed restriction which contains the following public access provisions:

- a. A minimum of 50% of all recreational facilities time slots of Hotel Village and the Golf Clubhouse shall be reserved for general fee-paying public use on a daily or hourly basis. If time slots or facilities set aside for non-members are not reserved 24 hours in advance, they may be reserved by members.
- b. General public use (rental) of the banquet/conference center and exhibition hall facilities.
- c. The deed restriction shall also ensure that the hotel area will be dedicated to hotel use, available in accordance with standard hotel practice for the general public, and that the development will not be used for private resort or time-share use which would inhibit or otherwise exclude casual use by the general public.
- d. Public access shall be maintained to all common areas of the development. The deed restriction shall include an exhibit, prepared by the applicant illustrating those areas to be maintained open to the general public. Said areas shall include, but not be limited to, the lobby, restaurants, pool areas, landscaped grounds and walkways.
- e. No gates shall be placed in public access areas unless the applicant obtains a new permit or permit amendment and can show to the Executive Director, that the proposed gates serve a public health and safety purpose. Signs shall be provided at each approved gate indicating the hours that the gates are to be unlocked for public access and how to contact the access owner and operator. The placement of fences, fence heights, location of gates, and hours of operation are subject to the review and approval of the Executive Director through a new permit or permit amendment.

NOTICE OF INTENT TO ISSUE FIRST AMENDMENT  
TO COASTAL DEVELOPMENT PERMIT

5-92-168-ES,  
**COASTAL COMMISSION**  
5-92-186-ES, 5-92-188-ES

Page 4 of 6  
Amendment No. 5-92-168A

EXHIBIT # D  
PAGE 4 OF 6

2. Signage Plans.

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval the following:

- a. A detailed signage plan with signs visible from the Coast Highway and Niguel Road, which invites and encourages public use of the public access opportunities. The plan shall clearly state proposed material and colors to be used, locations of signs, demensions, and sign text. Appropriate signage for trail heads shall be emphasized. Signs shall invite and encourage public use of access opportunities. Signage shall identify, provide information and direct users to all the key locations. Key locations include: public parking, golf course, golf clubhouse, beach access, tunnels, beach parking, park areas, tram operation, hotel areas, trails and other points of interest.
- b. An implementation plan for a primary visitor information center located at the hotel site which shall provide information about the available public uses throughout the resort complex. This information center shall be fully functional concurrent with the opening of the hotel.

3. Public Parking.

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a deed restriction which contains the following public parking provisions:

- a. The 835 parking spaces for the hotel shall be available to the general public. The hourly parking fee or total daily fee, for general public use, shall not be greater than that charged at the nearest State Beach Park parking facility. Validation stamps may be used for the parking facilities.
- b. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a monitoring plan to gather parking and vehicle occupancy data for the hotel and golf clubhouse. The purpose of this study will be to evaluate the adequacy of parking for both the hotel and golf clubhouse. The monitoring program will collect data for two years, will commence when both the hotel and golf clubhouse are operational, and the applicant shall report annually the results of the study. Should parking prove to be deficient the applicant, through the permit amendment process, shall provide additional onsite parking.

NOTICE OF INTENT TO ISSUE FIRST AMENDMENT  
TO COASTAL DEVELOPMENT PERMIT

5-92-168-ES,  
**COASTAL COMMISSION**  
5-92-186-ES, 5-92-188-ES

Page 5 of 6  
Amendment No. 5-92-168A

EXHIBIT # D  
PAGE 5 OF 6

4. Tram System.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a written agreement for recording the following:

- a. The applicant shall guarantee implementation of the tram system and reasonable use of the tram system by the general public. Priority may be given to hotel guests and all users of the tram will be allowed to carry with them beach gear. The tram shall operate at sufficient interval to meet demand by the general public. In general, the tram shall pick up and drop off riders at established stops including the hotel, golf clubhouse, Sea Terrace Community Park, and the coastal park (Bluff Park) by the existing beach access point between the Ritz Carlton and Ritz Cove.
- b. The operational plans of the tram system must be approved by the Orange County Environmental Management Agency, the City of Dana Point, and the Executive Director.
- c. The applicant shall guarantee that the tram system shall be operational concurrent with the opening of the hotel.

5. Coastal Access Fund.

Prior to issuance of the coastal development permit, the applicant shall pay a fee of \$545.86 in 1992 dollars (based on the original fee of \$275 in 1979 dollars adjusted according to increases in the Consumer Price Index - U.S. City Average) for each new residential unit.

No fee shall be required for each "affordable" unit that is part of an affordable housing program. The fee shall be in renewable Certificates of Deposit, principal and interest payable for recreation and coastal transit or at the direction of the Executive Director of the California Coastal Commission or until such time a Coastal Access Program is established and administered by a separate legal entity. The Certificates of Deposit shall be placed in the possession of the California Coastal Commission for safekeeping. Upon the execution of a binding legal agreement between the agency implementing and administering the Coastal Access Program and the Coastal Commission and Coastal Conservancy which specifies the limitation on the use of the funds for the provision of coastal recreational transit services or other coastal access purposes in Orange County, the Certificates of Deposit shall then be transferred to that agency for use in implementing the Coastal Access Program.

NOTICE OF INTENT TO ISSUE FIRST AMENDMENT  
TO COASTAL DEVELOPMENT PERMIT

5-92-168-ES,  
**COASTAL COMMISSION**

5-92-186-ES, 5-92-188-ES

Page 6 of 6  
Amendment No. 5-92-168A

EXHIBIT # D  
PAGE 6 OF 6

6. Affordable Housing.

Prior to issuance of the coastal development permit the applicant shall show evidence, subject to the review and approval of the Executive Director that he has complied with the recorded agreement to provide affordable housing pursuant to the Low-Cost and Moderate-Cost Housing condition of the master permit P-79-5539. The applicant may submit a permit amendment to propose an alternative method of complying with the affordable housing requirements.

7. Phased Development.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a written agreement for recording the following:

Development shall be phased and shall comply with the phasing plan of the Monarch Beach Resort Final Specific Plan. Highest development priority shall be given to public open space uses, parks, trails, and public roads. Second priority shall be given to the hotel, tram, and golf clubhouse. Any changes to the phased development plan shall require the approval of the Executive Director. Development phasing shall include the creation of a public beach house consistent with local and Coastal Commission approvals.

8. Future Development.

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 5-92-168; and that any future improvements to the property or change in use or operation will require a permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

JTA:b11

6568F

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST AREA  
245 W. BROADWAY, STE. 200  
P.O. BOX 1490  
LONG BEACH, CA 90802-4416  
(310) 390-3071

Page 1 of 7  
Date: August 19, 1992  
Permit Application No. 5-92-168

**NOTICE OF INTENT TO ISSUE PERMIT**

On August 11, 1992, the California Coastal Commission granted to MONARCH BAY RESORT INC. Permit 5-92-168, subject to the attached conditions, for development consisting of:

The construction of a 400-key resort hotel and related visitor serving facilities on 30.5 acres. This development is part of the Monarch Bay Resort project. The proposed development includes restaurants, conference facilities, resort offices, retail space, and 835 Hotel parking spaces. The residential portion of the project site will consist of 81 attached units and 5 detached units. The hotel site will be integrated with courtyards, gardens, pathways, resort vehicle system, public trails, and other visitor serving uses. The trail system will link the hotel grounds to Sea Terrace Community Park and the golf course. Grading will consist of 395,000 cubic yards of cut and 45,000 cubic yards of fill.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at Northwest of the intersection of Niguel Road and Pacific Coast Hwy. Specifically, northwest of the existing fire station at the intersection of Niguel Road and Stonehill, east and south of existing golf course in the City of Dana Point.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on August 11, 1992.

PETER DOUGLAS  
Executive Director

5-92-168-E5  
COASTAL COMMISSION  
5-92-186-E5, 5-92-188-E5

By: [Signature]

Title: Staff Analyst

EXHIBIT # E  
PAGE 1 OF 7

**ACKNOWLEDGMENT:**

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 5-92-168, and fully understands its contents, including all conditions imposed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Permittee

Please sign and return one copy of this form to the Commission office at the above address.

5-92-168-ES,  
**COASTAL COMMISSION**  
5-92-186-ES, 5-92-188-ES

EXHIBIT # E

PAGE 2 OF 7



NOTICE OF INTENT TO ISSUE PERMIT

Page 3 of 7  
Permit Application No. 5-92-168

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

T. Public Access.

Prior to issuance of the coastal development permit the applicant shall submit to the Executive Director for review and approval a deed restriction which contains the following public access provisions:

- a. A minimum of 50% of all recreational facilities time slots of Hotel Village and the Golf Clubhouse shall be reserved for general fee-paying public use on a daily or hourly basis. If time slots or facilities set aside for non-members are not reserved 24 hours in advance, they may be reserved by members.

5-92-168-E5,  
COASTAL COMMISSION  
5-92-186-E5, 5-92-188-E5

EXHIBIT # E  
PAGE 3 OF 7

- b. General public use (rental) of the banquet/conference center and exhibition hall facilities.
- c. The deed restriction shall also ensure that the hotel area will be dedicated to hotel use, available in accordance with standard hotel practice for the general public, and that the development will not be used for private resort or time-share use which would inhibit or otherwise exclude casual use by the general public.
- d. Public access shall be maintained to all common areas of the development. The deed restriction shall include an exhibit, prepared by the applicant illustrating those area to be maintained open to the general public. Said areas shall include, but not be limited to, the lobby, restaurants, pool areas, landscaped grounds and walkways.
- e. No gates shall be placed in public access areas unless the applicant obtains a new permit or permit amendment and can show to the Executive Director, that the proposed gates serve a public health and safety purpose. Signs shall be provided at each approved gate indicating the hours that the gates are to be unlocked for public access and how to contact the access owner and operator. The placement of fences, fence heights, location of gates, and hours of operation are subject to the review and approval of the Executive Director through a new permit or permit amendment.

✓ 2. Signage Plans.

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval the following:

- a. A detailed signage plan with signs visible from the Coast Highway and Niguel Road, which invites and encourages public use of the public access opportunities. The plan shall clearly state proposed material and colors to be used, locations of signs, dimensions, and sign text. Appropriate signage for trail heads shall be emphasized. Signs shall invite and encourage public use of access opportunities. Signage shall identify, provide information and direct users to all the key locations. Key locations include: public parking, golf course, golf clubhouse, beach access, tunnels, beach parking, park areas, tram operation, hotel areas, trails and other points of interest.

5-92-168-E5,  
COASTAL COMMISSION  
5-92-186-E5, 5-92-188-E5

EXHIBIT # E  
PAGE 4 OF 7

- b. An implementation plan for a primary visitor information center located at the hotel site which shall provide information about the available public uses throughout the resort complex. This information center shall be fully functional concurrent with the opening of the hotel.

3. Public Parking.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a deed restriction which contains the following public parking provisions:

- a. The 835 parking spaces for the hotel shall be available to the general public. The hourly parking fee or total daily fee, for general public use, shall not be greater than that charged at the nearest State Beach Park parking facility. Validation stamps may be used for the parking facilities.
- b. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a monitoring plan to gather parking and vehicle occupancy data for the hotel and golf clubhouse. The purpose of this study will be to evaluate the adequacy of parking for both the hotel and golf clubhouse. The monitoring program will collect data for two years, will commence when both the hotel and golf clubhouse are operational, and the applicant shall report annually the results of the study. Should parking prove to be deficient the applicant, through the permit amendment process, shall provide additional onsite parking.

Met  
2/16/94  
→

✓ 4. Tram System.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a written agreement for recording the following:

- a. The applicant shall guarantee implementation of the tram system and reasonable use of the tram system by the general public. Priority may be given to hotel guests and all users of the tram will be allowed to carry with them beach gear. The tram shall operate at sufficient interval to meet demand by the general public. In general, the tram shall pick up and drop off riders at established stops including the hotel, golf clubhouse, Sea Terrace Community Park, and the coastal park (Bluff Park) by the existing beach access point between the Ritz Carlton and Ritz Cove.

5-92-168-ES,  
COASTAL COMMISSION  
5-92-186-ES, 5-92-188-ES

EXHIBIT # E  
PAGE 5 OF 7

- b. The operational plans of the tram system must be approved by the Orange County Environmental Management Agency, the City of Dana Point, and the Executive Director.
- c. The applicant shall guarantee that the tram system shall be operational concurrent with the opening of the hotel.

**5. Coastal Access Fund.**

Prior to issuance of the coastal development permit, the applicant shall pay a fee of \$545.86 in 1992 dollars (based on the original fee of \$275 in 1979 dollars adjusted according to increases in the Consumer Price Index - U.S. City Average) for each new residential unit.

No fee shall be required for each "affordable" unit that is part of an affordable housing program. The fee shall be in renewable Certificates of Deposit, principal and interest payable for recreation and coastal transit or at the direction of the Executive Director of the California Coastal Commission or until such time a Coastal Access Program is established and administered by a separate legal entity. The Certificates of Deposit shall be placed in the possession of the California Coastal Commission for safekeeping. Upon the execution of a binding legal agreement between the agency implementing and administering the Coastal Access Program and the Coastal Commission and Coastal Conservancy which specifies the limitation on the use of the funds for the provision of coastal recreational transit services or other coastal access purposes in Orange County, the Certificate of Deposit shall then be transferred to that agency for use in implementing the Coastal Access Program.

**6. Affordable Housing.**

Prior to the issuance of the coastal development permit the applicant shall show evidence, subject to the review and approval of the Executive Director that he has complied with the recorded agreement to provide affordable housing pursuant to the Low-Cost and Moderate-Cost Housing condition of the master permit P-79-5539. The applicant may submit a permit amendment to propose an alternative method of complying with the affordable housing requirements.

✓ **7. Phased Development.**

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a written agreement for recording the following:

5-92-168-E5,  
**COASTAL COMMISSION**

5-92-186-E5, 5-92-188-E5

EXHIBIT # E

PAGE 6 OF 7

Development shall be phased and shall comply with the phasing plan of the Monarch Beach Resort Final Specific Plan. Highest development priority shall be given to public open space uses, parks, trails, and public roads. Second priority shall be given to the hotel, tram, and golf clubhouse. Any changes to the phased development plan shall require the approval of the Executive Director. Development phasing shall include the creation of a public beach house consistent with local and Coastal Commission approvals.

**8. Future Development.**

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 5-92-168; and that any future improvements to the property or change in use or operation will require a permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

SR:tn  
5B28E

5-92-168-ES,  
COASTAL COMMISSION  
5-92-186-ES, 5-92-188-ES

EXHIBIT # E  
PAGE 7 OF 7

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 300  
P.O. BOX 1480  
LONG BEACH, CA 90802-4416  
(310) 590-3071

Page 1 of 3

Date: August 19, 1992

Permit Application No. 5-92-186

NOTICE OF INTENT TO ISSUE PERMIT

On August 11, 1992, the California Coastal Commission granted to MONARCH BAY RESORT, INC. PERMIT 5-92-186, subject to the attached conditions, for development consisting of:

The construction of 55 attached residential units on 8.8 acres of land. This development is part of the overall Monarch Bay Resort project. The floor area of the units will range from 2,200 to 3,200 square feet. The units will be clustered into 16 two and three story buildings that will conform to the sloping terrain. The architectural theme will mimic the character of the Tuscan region of Italy. Grading will consist of approximately 38,000 cubic yards of cut and 81,000 cubic yards of fill.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at Northeast of the intersection of the Pacific Coast Hwy & Crown Valley Parkway, and west of the Salt Creek Regional Trail.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on August 11, 1992.

5-92-168-ES,  
COASTAL COMMISSION

PETER DOUGLAS  
Executive Director

5-92-186-ES, 5-92-188-ES By: *[Signature]*

EXHIBIT # F

Title: Staff Analyst

ACKNOWLEDGMENT: PAGE 1 OF 3

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 5-92-186, and fully understands its contents, including all conditions imposed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Permittee

Please sign and return one copy of this form to the Commission office at the above address.

**NOTICE OF INTENT TO ISSUE PERMIT**

Permit Application No. Page 2 of 5-92-186

**STANDARD CONDITIONS:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS:**

**1. Coastal Access Fund.**

Prior to issuance of the coastal development permit, the applicant shall pay a fee of \$545.86 in 1992 dollars (based on the original fee of \$275 in 1979 dollars adjusted according to increases in the Consumer Price Index - U.S. City Average) for each new residential unit. No fee shall be required for each "affordable" unit that is part of an affordable housing program. The fee shall be in renewable Certificates of Deposit, principal and interest payable for recreation and coastal transit or at the direction of the Executive Director of the California Coastal Commission or until such time a Coastal Access Program is established and administered by a separate legal entity. The Certificates of Deposit shall be placed in the possession of the California Coastal Commission for safekeeping.

**COASTAL COMMISSION**

5-92-168-ES, 5-92-186-ES,  
5-92-188-ES

EXHIBIT # F

PAGE 2 OF 3

Upon the execution of a binding legal agreement between the agency implementing and administering the Coastal Access Program and the Coastal Commission and Coastal Conservancy which specifies the limitation on the use of the funds for the provision of coastal recreational transit services or other coastal access purposes in Orange County, the Certificates of Deposit shall then be transferred to that agency for use in implementing the Coastal Access Program.

2. Affordable Housing.

Prior to the issuance of the coastal development permit the applicant shall show evidence, subject to the review and approval of the Executive Director that he has complied with the recorded agreement to provide affordable housing pursuant to the Low-Cost and Moderate-Cost Housing condition of the master permit P-79-5539. The applicant may submit a permit amendment to propose an alternative method of complying with the affordable housing requirements.

3. Phased Development.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a written agreement for recording the following:

Development shall be phased and shall comply with the phasing plan of the Monarch Beach Resort Final Specific Plan. Highest development priority shall be given to public open space uses, parks, trails, and public roads. Second priority shall be given to the hotel, tram, and golf clubhouse. Any changes to the phased development plan shall require the approval of the Executive Director. The agreement shall also include the development of a public beach house consistent with local and Coastal Commission approvals.

4. Future Development.

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 5-92-186; and that any future improvements to the property or change in use or operation will require a permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

SR:tn  
5819E

5-92-168-ES.  
**COASTAL COMMISSION**  
5-92-186-ES, 5-92-188-ES

EXHIBIT # F  
PAGE 3 OF 3



## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071



Page 1 of 5

NOTICE OF INTENT TO ISSUE AMENDMENTTO COASTAL DEVELOPMENT PERMIT

On 14 March 1996, the California Coastal Commission granted to Monarch Bay Resort, Inc. an amendment to Permit No. 5-92-188, subject to the conditions attached, for changes to the development or conditions imposed on the existing permit. The development originally approved by the permit consisted of the construction of 97 attached residential units and a 30,000 square foot golf clubhouse including grill and lounge on 14.3 acres. This development is part of the Monarch Bay Resort project. The units will be clustered into 20 two story building and 4 three story buildings. For 57 of the units, the floor area ranges from 1,400 to 2,700 square feet. Overall building height of the three story building is 41 feet. For the two story structures, overall height will be 28 feet. The two story units are located on the southern portion of the site near the Pacific Coast Highway. The four story projects are located in the norther portion of the site. The architectural theme will mimic the character of the Tuscan region of Italy. Grading will consist of approximately 85,000 cubic yards of cut and 33,000 cubic yards of fill.

located immediately northeast of the intersection of the Pacific Coast Highway and Crown Valley Parkway, and west of the Salt Creek Regional Trail.

Changes approved by this amendment consist of

The proposed amendment would delete construction of the golf clubhouse on the site and replace it with 14 two-story residential units, similar to the other two-story residential units proposed.

more specifically described in the application filed in the Commission offices.

Unless changed by the amendment, all conditions attached to the existing permit remain in effect.

The amendment is being held in the Commission office until fulfillment of the Special Conditions of the underlying permit and/or conditions of previous amendments imposed by the Commission. Once these conditions have been fulfilled, the amendment will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Commission on 26 March 1996.

5-92-168-E5,

COASTAL COMMISSION

5-92-186-E5, 5-92-188-E5

EXHIBIT # 6  
PAGE 1 OF 5

PETER M. DOUGLAS  
Executive Director

*John T. Auyong*

By: John T. Auyong  
Title: Coastal Program Analyst

(cont'd)

"Notice of Intent to Issue First Amendment to Permit"  
Amendment No. 5-92-188A; Page 2 of 5

Please sign and return a copy of this form to the Commission office.

ACKNOWLEDGMENT

I have read and understand the above Notice of Intent to amend Permit  
5-92-188, including all conditions imposed.

Signature \_\_\_\_\_

Date \_\_\_\_\_

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

5-92-168-E5, 5-92-186-E5,  
**COASTAL COMMISSION**  
5-92-188-E5

EXHIBIT # 6

PAGE 2 OF 5

"Notice of Intent to Issue First Amendment to Permit"  
Amendment No. 5-92-188A; Page 3 of 5

SPECIAL CONDITIONS: (Previously Imposed -- Not Changed by this Amendment)

1. Coastal Access Fund

Prior to issuance of the coastal development permit, the applicant shall pay a fee of \$545.86 in 1992 dollars (based on the original fee of \$275 in 1979 dollars adjusted according to increases in the Consumer Price Index - U.S. City Average) for each new residential unit. No fee shall be required for each "affordable" unit that is part of an affordable housing program. The fee shall be in renewable Certificates of Deposit, principal and interest payable for recreation and coastal transit or at the direction of the Executive Director of the California Coastal Commission or until such time a Coastal Access Program is established and administered by a separate legal entity. The Certificates of Deposit shall be placed in the possession of the California Coastal Commission for safekeeping.

Upon the execution of a binding legal agreement between the agency implementing and administering the Coastal Access Program and the Coastal Commission and Coastal Conservancy which specifies the limitation on the use of the funds for the provision of coastal recreational transit services or other coastal access purposes in Orange County, the Certificates of Deposit shall then be transferred to that agency for use in implementing the Coastal Access Program.

2. Affordable Housing.

Prior to issuance of the coastal development permit the applicant shall show evidence, subject to the review and approval of the Executive Director that he has complied with the recorded agreement to provide affordable housing pursuant to the Low-Cost and Moderate-Cost Housing condition of the "Master Permit" P-79-5539. The applicant may submit a permit amendment to propose an alternative method of complying with the affordable housing requirements.

3. Phased Development.

Prior to issuance of the coastal development permit, the applicant will submit to the Executive Director for review and approval a written agreement for recording the following:

Development shall be phased and shall comply with the phasing plan of the Monarch Beach Resort Final Specific Plan. Highest development priority shall be given to public open space uses, parks, trails, and public roads. Second priority shall be given to the hotel, tram, and golf clubhouse. Any changes to the phased development plan shall require the approval of the Executive Director. The agreement shall also include the development of a public beach house consistent with local and Coastal Commission approvals.

**COASTAL COMMISSION**

5-92-108-E5, 5-92-186-E5, 5-92-188-E5

"Notice of Intent to Issue First Amendment to Permit"  
Amendment No. 5-92-188A; Page 4 of 5

4. Parking

Prior to issuance of this permit, the applicant shall submit to the Executive Director, for review and approval a deed restriction which contains the following public parking provisions: The parking spaces for the golf clubhouse shall be available to the general public. The hourly parking fee or total daily fee, for general public use, shall not be greater than the fee charged at the nearest State Beach Park parking facility.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a monitoring plan to gather parking and vehicle occupancy data for the hotel and golf clubhouse. The purpose of this study will be to evaluate the adequacy of parking for both the hotel and the golf clubhouse. The monitoring program will collect data for two years, will commence when both the hotel and golf clubhouse are operational, and the applicant shall report annually the results of the study. Should parking prove to be deficient the applicant, through the permit amendment process, shall provide additional onsite parking.

5. Public Access

Prior to issuance of the permit the applicant shall submit to the Executive Director for review and approval a deed restriction which contains the following public access provisions:

- a. A minimum of 50% of all recreational facilities time slots of the Hotel Village and the Golf Clubhouse shall be reserved for general fee-paying public use on a daily or hourly basis. If time slots or facilities set aside for non-members are not reserved 24 hours in advance, they may be reserved by members.
- b. General public use (rental) of the meeting rooms.
- c. Public access shall be maintained to all common areas of the development. The deed restriction shall include an exhibit, prepared by the applicant illustrating those areas to be maintained open to the general public. Said areas shall include, but not be limited to, the lobby, restaurants, pool areas, landscaped grounds and walkways.

5-92-168-ES,  
**COASTAL COMMISSION**  
5-92-186-ES, 5-92-188-ES

EXHIBIT # 6  
PAGE 4 OF 5

"Notice of Intent to Issue First Amendment to Permit"  
Amendment No. 5-92-188A; Page 5 of 5

6. Signage Plans.

Prior to the issuance of the permit, the applicant shall submit to the Executive Director for review and approval the following:

- a. A detailed signage plan with signs visible from the Coast Highway and Niguel Road, which invites and encourages public use of the public access opportunities. The plan shall clearly state proposed material and colors to be used, locations of signs, dimensions, and sign text. Appropriate signage for trail heads shall be emphasized. Signs shall invite and encourage public use of access opportunities. Signage shall identify, provide information and direct users to all the key locations. Key locations include: public parking, golf course, golf clubhouse, beach access, tunnels, beach parking, park areas, tram operation, hotel areas, trails and other points of interest.
- b. An implementation plan for a primary visitor information center located at the hotel site which shall provide information about the available public uses throughout the resort complex. This information center shall be fully functional concurrent with the opening of the hotel.

7. Future Development.

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 5-92-188; and that any future improvements to the property or changes to the development plan approved herein will require a new permit or permit amendment from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

JTA:b11

6599F

5-92-168-E5, 5-92-186-E5,  
**COASTAL COMMISSION**  
5-92-188-E5

EXHIBIT # 6  
PAGE 5 OF 5

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 300

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-8071

Page 1 of 6

Date: August 19, 1992

Permit Application No. 5-92-188

NOTICE OF INTENT TO ISSUE PERMIT

On August 11, 1992, the California Coastal Commission granted to MONARCH BAY RESORT INC. Permit 5-92-188, subject to the attached conditions, for development consisting of:

The construction of 97 attached residential units and a 30,000 square foot golf clubhouse including grill and lounge on 14.3 acres. This development is part of the Monarch Bay Resort project. The units will be clustered into 20 two story buildings and 4 three story buildings. For 57 of the units, the floor area ranges from 1,400 to 2,700 square feet. The floor area of the remaining 40 units ranges from 2,300 to 2,900 square feet. Overall building height of the three story building height is 41 feet. For the two story structures overall height will be 28 feet. The two story units are located on the southern portion of the site near the Pacific Coast Highway. The four story projects are located in the northern portion of the site. The architectural theme will mimic the character of the Tuscan region of Italy. Grading will consist of approximately 85,000 cubic yards of cut and 33,000 cubic yards of fill. Application 5-92-186 is for a similar project, Clubhouse Village North.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at Immediately northeast of the intersection of the Pacific Coast Hwy., & Crown Valley Parkway, and west of the Salt Creek Regional Trail.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on August 11, 1992.

PETER DOUGLAS  
Executive Director

5-92-168-ES  
COASTAL COMMISSION  
5-92-186-ES, 5-92-188-ES

By: *[Signature]*Title: Staff AnalystEXHIBIT # 4PAGE 1 OF 6

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 5-92-188, and fully understands its contents, including all conditions imposed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Permittee

Please sign and return one copy of this form to the Commission office at the above address.

5-92-168-E5, 5-92-186-E5,  
**COASTAL COMMISSION**  
5-92-188-E5

EXHIBIT # H

PAGE 2 OF 6

## NOTICE OF INTENT TO ISSUE PERMIT

Page 3 of 5-92-188  
Permit Application No. 5-92-188

### STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### SPECIAL CONDITIONS:

#### 1. Coastal Access Fund

Prior to issuance of the coastal development permit, the applicant shall pay a fee of \$545.86 in 1992 dollars (based on the original fee of \$275 in 1979 dollars adjusted according to increases in the Consumer Price Index - U.S. City Average) for each new residential unit. No fee shall be required for each "affordable" unit that is part of an affordable housing program. The fee shall be in renewable Certificates of Deposit, principal and interest payable for recreation and coastal transit or at the direction of the Executive Director of the California Coastal Commission or until such time a Coastal Access Program is established and administered by a separate legal entity. The Certificates of Deposit shall be placed in the possession of the California Coastal Commission for safekeeping.

5-92-186-E5, 5-92-188-E5  
**COASTAL COMMISSION**

EXHIBIT # 14  
PAGE 3 OF 6



Upon the execution of a binding legal agreement between the agency implementing and administering the Coastal Access Program and the Coastal Commission and Coastal Conservancy which specifies the limitation on the use of the funds for the provision of coastal recreational transit services or other coastal access purposes in Orange County, the Certificates of Deposit shall then be transferred to that agency for use in implementing the Coastal Access Program.

2. Affordable Housing

Prior to issuance of the coastal development permit the applicant will show evidence, subject to the review and approval of the Executive Director that he has complied with the recorded agreement to provide affordable housing pursuant to the Low-Cost and Moderate-Cost Housing condition of the the "Master Permit" P-79-5539. The applicant may submit a permit amendment to propose an alternative method of complying with the affordable housing requirements.

3. Phased Development.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a written agreement for recording the following:

Development shall be phased and shall comply with the phasing plan of the Monarch Beach Resort Final Specific Plan. Highest development priority shall be given to public open space uses, parks, trails, and public roads. Second priority shall be given to the hotel, tram, and golf clubhouse. Any changes to the phased development plan shall require the approval of the Executive Director. The agreement shall also include the development of a public beach house consistent with local and Coastal Commission approvals.

4. Parking.

Prior to issuance of this permit, the applicant shall submit to the Executive Director, for review and approval a deed restriction which contains the following public parking provisions: The parking spaces for the golf clubhouse shall be available to the general public. The hourly parking fee or total daily fee, for general public use, shall not be greater than the fee charged at the nearest State Beach Park parking facility.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a monitoring plan to gather parking and vehicle occupancy data for the hotel and golf clubhouse. The purpose of this study will be to evaluate the adequacy of parking for both the hotel and golf clubhouse. The monitoring program will collect data for two years, will commence when both the hotel and golf clubhouse are operational, and the applicant shall report annually the results of the study. Should parking prove to be deficient the applicant, through the permit amendment process, shall provide additional onsite parking.

5. Public Access.

Prior to issuance of the permit the applicant shall submit to the Executive Director for review and approval a deed restriction which contains the following public access provisions:

- a. A minimum of 50% of all recreational facilities time slots of the Hotel Village and the Golf Clubhouse shall be reserved for general fee-paying public use on a daily or hourly basis. If time slots or facilities set aside for non-members are not reserved 24 hours in advance, they may be reserved by members.
- b. General public use (rental) of the meeting rooms.
- c. Public access shall be maintained to all common areas of the development. The deed restriction shall include an exhibit, prepared by the applicant illustrating those area to be maintained open to the general public. Said areas shall include, but not be limited to, the lobby, restaurants, pool areas, landscaped grounds and walkways.

6. Signage Plans.

Prior to the issuance of the permit, the applicant shall submit to the Executive Director for review and approval the following:

- a. A detailed signage plan with signs visible from the Coast Highway and Niguel Road, which invites and encourages public use of the public access opportunities. The plan shall clearly state proposed material and colors to be used, locations of signs, dimensions, and sign text. Appropriate signage for trail heads shall be emphasized. Signs shall invite and encourage public use of access opportunities. Signage shall identify, provide information and direct users to all the key locations. Key locations include: public parking, golf course, golf clubhouse, beach access, tunnels, beach parking, park areas, tram operation, hotel areas, trails and other points of interest.
- b. An implementation plan for a primary visitor information center located at the hotel site which shall provide information about the available public uses throughout the resort complex. This information center shall be fully functional concurrent with the opening of the hotel.

5-92-168-E5, 5-92-186-E5  
COASTAL COMMISSION  
5-92-188-E5

EXHIBIT # H  
PAGE 5 OF 6

7. Future Development.

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 5-92-188; and that any future improvements to the property or changes to the development plan approved herein will require a new permit or permit amendment from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

SR:tn  
5824E

5-92-168-ES, 5-92-186-ES,  
COASTAL COMMISSION  
5-92-188-ES

EXHIBIT # H  
PAGE 6 OF 6

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST AREA  
PO Box 1450  
200 OceanGate, 10th Floor  
LONG BEACH, CA 90802-4418  
(562) 590-5071



September 16, 1998

**ASSIGNMENT OF PERMIT**

Dear Monarch Bay Resort, Inc.,

We have received your request to assign to C.P.H. Resorts I, L.L.C., Attn: Oliver B. Cagle  
Coastal Permt No: 5-92-168

for The construction of a 400-key resort hotel and related visitor serving facilities on 30.5 acres. This development is part of the Monarch Bay Resort project. The proposed development includes restaurants, conference facilities, resort offices, retail space, and 835 Hotel parking spaces. The residential portion of the project site will consist of 81 attached units and 5 detached units. The hotel site will be integrated with courtyards, gardens, pathways, resort vehicles system, public trails, and other visitor serving uses. The trail system will link the hotel grounds to Sea Terrace Community Park and the golf course. Grading will consist of 395,000 cubic yards of cut and 45,000 cubic yards of fill.

at W. of Niguel Rd., east &amp; south of golf course Dana Point

The materials submitted are complete and your application meets the requirements of Section 13170 of the California Administrative Code. Please be advised that the assignment of the above permit is effective immediately.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

By: JOHN T. AU Yong  
Coastal Program Analyst

cc: Assignee

5-92-168-ES, 5-92-186-ES,  
**COASTAL COMMISSION**  
5-92-188-ES

EXHIBIT # IPAGE 1 OF 3

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
PO Box 1450  
200 Oceangate, 10th Floor  
DANA POINT BEACH, CA 90802-4416  
(714) 590-5071



September 16, 1998

## ASSIGNMENT OF PERMIT

Dear Monarch Bay Resort,

We have received your request to assign to C.P.H Resorts I, L.L.C, Attn: Oliver B. Cagle  
Coastal Permt No: 5-92-186

for The construction of 55 attached residential units on 8.8 acres of land. This development is part of the overall Monarch Bay Resort project. The floor area of the units will range from 2,200 to 3,200 square feet. The units will be clustered into 16 two and three story buildings that will conform to the sloping terrain. The architectural theme will mimic the character of the Tuscan region of Italy. Grading will consist of approximately 38,000 cubic yards of cut and 81,000 cubic yards of fill.

at Northeast Of The Intersection Of The Pacific Coast Hwy. & Crown Valley Parkway, And West Of The Salt Creek Regional Trail, Dana Point (Orange County)

The materials submitted are complete and your application meets the requirements of Section 13170 of the California Administrative Code. Please be advised that the assignment of the above permit is effective immediately.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

By: JOHN T. AU Yong  
Coastal Program Analyst

cc: Assignee

5-92-168-ES, 5-92-186-ES,  
COASTAL COMMISSION  
5-92-188-ES

EXHIBIT # I  
PAGE 2 OF 3

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST AREA

PO Box 1450

200 Oceanside, 10th Floor

LONG BEACH, CA 90802-4416

(562) 590-5071



September 16, 1998

**ASSIGNMENT OF PERMIT**

Dear Monarch Bay Resort, Inc.,

We have received your request to assign to C.P.H. Reports I, L.L.C., Attn: Oliver Cagle  
Coastal Permt No: 5-92-188

for The construction of 97 attached residential units and a 30,000 square foot golf clubhouse including grill and lounge on 14.3 acres. This development is part of the Monarch Bay Resort project. The units will be clustered into 20 two story buildings and 4 three story buildings. For 57 of the units, the floor area ranges from 1,400 to 2,700 square feet. The floor area of the remaining 40 units ranges from 2,300 to 29,000 square feet. Overall building height of the three story building is 41 feet. For the two story structures overall height will be 28 feet. The two story units are located on the southern portion of the site near the Pacific Coast Highway. The four story projects are located in the northern portion of the site. The architectural theme will mimic the character of the Tuscan region of Italy. Grading will consist of approximately 85,000 cubic yards of cut - and 33,000 cubic yards of fill. Application 5-92-168 is for a similar project, Clubhouse Village North.

at East of Crown Valley Pkwy, Salt Creek, Dana Point

The materials submitted are complete and your application meets the requirements of Section 13170 of the California Administrative Code. Please be advised that the assignment of the above permit is effective immediately.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

By: JOHN T. AU Yong  
Coastal Program Analyst

cc: Assignee

5-92-168-ES, 5-92-186-ES,  
**COASTAL COMMISSION**  
5-92-188-ES

EXHIBIT # I  
PAGE 3 OF 3

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
DANA BEACH, CA 90802-4416  
(310) 590-5071

RECEIVED

JUN 3 1996

Page 1 of 5

Date: 5-29-96

Permit No. 5-96-006



CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT  
COASTAL DEVELOPMENT PERMIT

On 14 March 1996, the California Coastal Commission granted to

Monarch Bay Resort, Inc.

this permit subject to the attached Standard and Special conditions, for development consisting of

Construction of a 14,030 square foot, two-level, 31'6" high golf clubhouse (including golf cart storage, dining facilities, office and locker room areas, and pro-shop retail sales areas) plus deck and staging areas, putting green, and 203 parking spaces (100 permanent, 103 temporary) and an Irrevocable Offer of Dedication between the City of Dana Point and Monarch Bay Resort Incorporated which will ensure public access from Niguel Road to the proposed development.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County northwest of the existing fire station at the intersection of Niguel road and Stonehill Drive, east and south of the existing Links at Monarch Beach golf course in the City of Dana Point, County of Orange.

Issued on behalf of the California Coastal Commission by

5-92-168-ES,  
COASTAL COMMISSION

5-92-188-ES, 5-92-186-ES

PETER DOUGLAS  
Executive Director

EXHIBIT # J

PAGE 1 OF 5

By: John T. Auyong  
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

5/29/96  
Date

Mal Fleete  
Signature of Permittee

**COASTAL DEVELOPMENT PERMIT**

**COASTAL COMMISSION**

5-92-168-ES, 5-92-186-ES,  
5-92-188-ES

Page 2 of 5  
Permit No. 5-96-006

**STANDARD CONDITIONS:**

EXHIBIT # J

PAGE 2 OF 5

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS:**

1. **Deed Restriction**

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction to run with the land, in a form and content approved by the Executive Director, which provides the following:

a. **Parking**

All parking spaces in the proposed permanent and temporary parking lots (as shown in Exhibit 4 of the staff report dated February 23, 1996 for this permit) for the golf clubhouse shall be made available to the general public at all times said parking lots are open for use. Said parking lots shall be open for use, subject to reasonable hours, as long as the golf course operates. The temporary parking lot shall remain in operation and existence until such time as a replacement parking lot is approved by the Coastal



COASTAL DEVELOPMENT PERMIT

Page 3 of 5  
Permit No. 5-96-006

Commission. The hourly parking fee or maximum daily fee, for use by the general public, shall not be greater than the hourly or maximum daily parking fee charged at the nearest State beach parking facility. There shall be no reduction in the number of parking spaces in either the proposed permanent or temporary parking lots as long as the golf clubhouse continues to operate. No parking spaces in the permanent or temporary parking lots, as shown on Exhibit 4 of the staff report dated February 23, 1996 for this permit, shall be designated for the exclusive use of any development.

**b. Public Recreation**

- i. The golf course shall be open to the public on a daily fee basis as well as to golf club members.
- ii. At least 50% of the starts must be reserved for the general public non-golf club members. If general public non-golf club member starts are not reserved within 24 hours of start time, they may be reserved by golf club members.
- iii. Of the total starts reserved for the general public non-golf members, no more than 50% (which equals 25% of the total available starts) may be reserved for guests or others associated with any hotel approved on the property subject to P-79-5539. Further, should hotel guests not fully reserve the 25% of the available start time slots, the general public non-golf club members will be able to reserve up to 50% of the available time slots up to twenty-four hours or more in advance.
- iv. As long as golf club memberships are not offered and the golf course operates entirely as a public golf course, hotel guests or others associated with any hotel approved on the property subject to P-79-5539 may reserve up to 50% of the available starts twenty-four hours or more in advance.
- v. As used herein and in the required deed restriction, the terms "public", "members of the public", "non-members", and "non-golf club members" shall mean the public at large including, guests of and persons associated with any hotel on the property subject to permit P-79-5539 as long as the guests of any hotel or others associated with any hotel are also not golf club members.
- vi. At the time the hotel approved under 5-92-168 becomes operational or at the time private memberships are offered for the golf course (whichever occurs first), the applicant shall initiate attendance monitoring of the public, hotel guests, and private golf club members. Monitoring shall be for reservations made twenty-four hours or more in advance. Monitoring records shall be maintained by the applicant and shall be available for Executive Director review should the need arise to evaluate condition compliance.

**COASTAL COMMISSION**

5-92-168-E5, 5-92-186-E5, 5-92-188-E5

EXHIBIT # J

PAGE 3 OF 5

**COASTAL DEVELOPMENT PERMIT**

Page 4 of 5  
Permit No. 5-96-006

**c. Public Use of Common Areas/Meeting Rooms**

1. Public access for non-members shall be maintained to all common areas of the proposed development. The deed restriction shall include an exhibit illustrating those common areas to be maintained open to the general public. Said areas shall include, but not be limited to, the lobby, dining facilities, landscaped grounds and walkways.
11. All meeting rooms of the proposed development shall be made available for rental by the general public.

**d. Future Development**

Coastal Development Permit 5-96-006 authorizes only the development described and conditioned herein. Any future development as defined in Section 30106 of the Coastal Act, except as expressly exempted by Section 30610 of the Coastal Act, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

**2. Signage Plan**

The applicant shall install signs in accordance with a signage plan that has been approved by the Executive Director.

Prior to commencement of construction, the applicant shall submit the detailed signage plan for the review and approval of the Executive Director. The signage plan shall provide the following:

Signs shall be placed which are visible from Pacific Coast Highway and Niguel Road. The signs shall clearly invite and encourage public use of public access and public recreation opportunities at the golf clubhouse and all its related facilities. The signs shall identify, provide information about, and direct the general public to all locations offering public access and recreation. Key locations include, but are not limited to, the proposed permanent and temporary parking lots, common areas and meeting rooms of the golf clubhouse, recreation facilities of the golf clubhouse, and paths which allow a safe crossing of the golf course and connect the golf clubhouse with the existing trail on the northwesterly side of the golf course. Signs shall also be posted at all key locations, and said signs shall expressly state that the public access and recreation opportunities available at the key locations are open to the general public.

5-92-168-ES,

**COASTAL COMMISSION**

5-92-186-ES, 5-92-188-ES

EXHIBIT # J

PAGE 4 OF 5

COASTAL DEVELOPMENT PERMIT

Page 5 of 5  
Permit No. 5-96-006

3. Access to the Site

Prior to issuance of the coastal development permit, the applicant shall submit written evidence that the Irrevocable Offer of Dedication between the City of Dana Point and Monarch Bay Resort Incorporated which will ensure public access from Niguel Road to the proposed development, as proposed by the applicant, has been executed, recorded, and accepted by the City of Dana Point.

4. Geotechnical Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit, subject to the review and approval of the Executive Director, final plans for the project signed by the geotechnical consultant indicating that the recommendations in the Geotechnical Investigation (Job No. 195-055) dated January 5, 1996 prepared by Agra Earth & Environmental have been incorporated into the plans for the proposed project. The plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes to the plans approved by the Commission which may be required by the consultant shall require an amendment to this permit or a new coastal development permit.

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5-92-168-E5  
COASTAL COMMISSION  
5-92-186-E5, 5-92-188-E5

EXHIBIT # J  
PAGE 5 OF 5

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION

601 S. OCEAN BOULEVARD, SUITE 2107

P.O. BOX 1030

LONG BEACH, CALIFORNIA 90801

(714) 507-3771 (714) 544-0445

RECEIVED

AUG 30 1983

CA Coastal Commission

## COASTAL DEVELOPMENT PERMIT

Application Number: P-79-5539

Name of Applicant: Avco Community Developers, Inc.

Three Monarch Bay Plaza, Laguna Niguel, CA 92653

Permit Type: ☐ Emergency  
☒ Standard  
☐ AdministrativeDevelopment Location: Pacific Coast Highway between Crown Valley and  
Niguel Road and Pacific Coast Highway, at Solva Road, Laguna NiguelDevelopment Description: Development of Avco Laguna Niguel Coast Seg  
including hotel, recreation/conference center, expansion of Monarch B  
Place commercial development, golf course, parks, 3000 residential un  
and associated grading, road, and utility development on both side of  
Coast Highway.1. The proposed development is subject to the following conditions in  
pursuant to the California Coastal Act of 1976:

See attached Page 3 for conditions.

5-92-168-ES 5-92-186-ES  
COASTAL COMMISSION  
5-92-188-ES

EXHIBIT # K

PAGE 1 OF 10

Condition/s Met On By

EXHIBIT K  
5-79-5539  
MASTER  
PERMIT

EXHIBIT A

**I. The South Coast Commission finds that:**

The Commission hereby grants, subject to conditions below, 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 Program 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.

It should be noted that this application does not really meet the requirements of a permit application, in that detailed plans, elevations and the like are not included. The application more closely resembles that of "mini LCP" and additional permits for some elements of this application will be required at a later date. The county has approved this concept plan as the LCP for the area (see below). The total project concept, as conditioned, may still be found to be consistent with the Coastal Act.

**COASTAL COMMISSION**

5-92-168-ES, 5-92-186-ES, 5-92-188-ES

EXHIBIT # K

PAGE 2 OF 10

**II. Whereas, at a public hearing, held on** July 23, 1979 **at**

Huntington Beach **by a** 10 **to** 2 **vote permit application**  
**number** P-79-5539 **is approved.**

**IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.**

**V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittee 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. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.**

**VII. Issued on behalf of the South Coast Regional Commission on**

November 28, 1979.

M. J. Carpenter  
Executive Director

**I. Rami E. Pore, permittee/agent, hereby acknowledge receipt of Permit Number P-79-5539 and have accepted its contents**

November 28, 1979

Rami E. Pore

- Prior to issuance of a permit, applicant shall submit/agree to conditions outlined in the LNCDF application, including:

#### HOTEL (1):

1. The concept of a hotel of approximately 300 rooms is approved but separate coastal permit, based on site plan approval as outlined in LN (p. 12), shall be required for all facilities on the hotel site. Said application shall provide parking in accordance with the adopted Orange County Guidelines, Parking Criteria. It shall incorporate a design that blends with and does not overpower the public beach and park areas. Proposed signing shall be included in the permit application. Such signing shall include notification that all areas of the hotel open to general hotel guests (also open to the general public (note: this does not include hotel guest rooms)). Signing shall be located, at a minimum, at conspicuous locations: the beach, the trail linking the beach and the hotel, and the beach and hotel parking area(s).

2. At the time of site plan approval, the applicant shall submit a deed restriction indicating that the public spaces of this facility (including lobby outdoor areas, trail connecting hotel and beach, bluff-top plaza, etc.) shall be operated as a public hotel facility and not converted to private resort facility.

#### RECREATION/CONFERENCE CENTER (2):

1. The concept of a recreation/conference center is approved but a separate coastal permit, based on a site plan approval (refer LNCDF, p. 12), shall be required for all facilities on the recreation/conference center site. Said application shall provide parking in accordance with adopted Orange County Guidelines, Parking Criteria. The proposed design shall include a trail between the center and the adjacent community park. All proposed uses listed on page 22 of the coastal permit application document shall be permitted.

2. Prior to issuance of the above mentioned site plan approval, the applicant shall submit a deed restriction agreeing that the recreation club facilities shall be open to the public on a daily or hourly fee basis as well as to members. At least 50% of the use of the recreation center facilities will be designated for public use by the general fee-paying public; if time/facilities set aside for non-members are not reserved 2 hours in advance of play/start time, they may be reserved by members. Deed restriction shall allow public use (rental) of the conference facilities.

#### COMMERCIAL CENTER (3):

1. The concept of a commercial center is approved but a separate coastal permit based on site plan approval (refer LNCDF, p. 12) shall be required for all proposed facilities at the commercial center site. Said application shall provide parking in accordance with the adopted Orange County Guidelines, Parking Criteria. The proposed structure/s shall, as a general rule, not exceed 25 ft. in height above average finished grade (AFG) although portions may be permitted at 30-35 ft. above AFG if that additional height is needed to provide either: a) public vistas from restaurants, similar visitor-oriented uses, b) housing for households of low and moderate income, c) interface of existing commercial with proposed expanded area, or d) motel uses.

2. The following uses shall be permitted in the commercial center: restaurants, fast food eating facilities, convenience stores, general commercial uses, coastal-oriented specialty shops, overnight low/moderate cost accommodation, professional/administrative offices (not to exceed one-third of the total floor area and not to be located on the ground floor), visitor-serving commercial use, and affordable housing.

Low/moderate cost overnight accommodations (including hostel) shall be provided at a ratio of one lower cost unit for each 3 hotel units unless the County determines a more suitable location near the project site.

3. At the time of site plan approval, applicant shall submit a deed restriction indicating that parking generally reserved for office uses in the center shall be open to the public for beach and general parking on weekends and holidays. Signing indicating this shall be included.

4. The applicant shall receive authorization from Caltrans for the signalization of the intersection of the commercial center access road and Coast Highway. The applicant shall install said signalization prior to occupancy of any of the new facilities at the commercial center.

#### COASTAL PARK (4):

1. Prior to improvement, applicant shall submit plans to the executive director showing the proposed improvements and developments within the park to demonstrate compliance with recommended uses. The park shall be primarily oriented toward passive and some active recreation and educational uses. Restrooms, picnic tables, benches, etc. shall be provided. Commercial/vending space may be provided, but the majority of this use should be directed to the hotel site. Additional parking conforming to the size/design requirements of the Orange County Guidelines, Parking Criteria shall be provided adjacent to the existing Niguel Beach parking area or in connection with parking provided for the hotel. (Note: Redesign of the existing beach parking lot shall be permitted with any "additional" spaces created being counted toward the parking requirements of this condition.) Required plans shall also show trail linkages between the coastal park, hotel, community park, and commercial center. Plans shall include stairways or other means of access over seawall to beach, if necessary.

2. Upon issuance of permit (P-79-5539), applicant will enter into an agreement to offer to dedicate and improve to the standards of the County of Orange Harbors Beaches and Parks District, both the Coastal Park and that portion of the Loop trail with the park. Offer shall be made to the County of Orange, Coastal Conservancy, or any other public or private non-profit agency willing to accept the dedication and insure public access and maintenance. Prior to improvement by the applicant, said agency must agree to accept and maintain the Coastal Park and Trails. The offer to dedicate and improve shall run for 5 years and improvement shall be made within 24 months of acceptance. If at the end of this period there is no accepting agency, alternate land uses may be considered which shall require a coastal permit.

5-92-168-ES/5-92-186-ES/5-92-188-ES Exhibit K, p. 4 of 10

3. Any proposed alterations to submitted plans of park facilities layout shall require a coastal permit.

**COMMUNITY PARK (5):**

1. Prior to improvement, applicant shall submit plans to the executive director showing the proposed improvement and development within the park to demonstrate compliance with recommended uses. Applicant shall submit plans for park development including active and passive play areas; trail linkages between the park and the hotel, coastal park, recreation/conference center, and commercial center, including plans for grade separated access ways at Coast Hwy. at both the eastern and western ends (implemented as part of the two ocean golf course holes) of the park; plans showing locations of all proposed park improvements.

2. Parking for this park may be provided in conjunction with parking at the recreation center and by joint use of the parking facilities of the proposed school adjacent to the site. Joint use of the school parking may be permitted only if the applicant receives written authorization, including provisions for liability, if necessary, from the Capistrano Unified School District.

3. Upon issuance of permit (P-79-5539), applicant will enter into an agreement to offer to dedicate and improve the standards of County of Orange Harbors Beaches and Park District, the Community Park and that portion of the Loop trail with the park. Offer shall be made to the County of Orange, Coastal Conservancy, or any other public or private non-profit agency willing to accept the dedication and insure public access and maintenance. Prior to improvement by the applicant, said agency must agree to accept and maintain the Community Park and Trails. The offer to dedicate and improve shall run for 5 years and improvement made within 24 months of acceptance. If at the end of this period there is no accepting agency, alternate land uses may be considered which shall require a coastal permit.

4. Signing, visible from Coast Hwy., shall be provided indicating that the park is open to the general public. Plans for said signs shall be submitted prior to issuance of this permit. Signs should be of the monument type and should not exceed 24 sq. ft. in size and 9 ft. in height and shall indicate the existence of the park and the golf course and that the public is invited to use the facility. Signs should be located at the corner of Niguel Road and Coast Hwy. and Crown Valley Parkway and Camino del Avion.

**GOLF COURSE (6):**

1. Prior to improvements, applicant shall submit a deed restriction agreeing that the golf course shall be open to the public on a daily fee basis as well as to members. At least 50% of the starts must be reserved for non-members. If non-member starts are not reserved within 24 hours of start time, they may be reserved by members.

**COASTAL COMMISSION**

5-92-168-E5, 5-92-186-E5, 5-92-188-E5)



2. Prior to construction, applicant shall submit to the Executive Director detailed plans of the Salt Creek portion of the golf course. Of particular concern to the Commission is restoration of the Salt Creek Corridor (including restoration of the creek) and the substantial use of natural (endemic) vegetation as landscaping throughout this corridor. Proposed plans will be reviewed for compliance with agreement between applicant and the California Department of Fish and Game to insure proposed plans provide maximum restoration of the Salt Creek area. Said plans shall also incorporate use of the golf course areas, as needed, to provide runoff and siltation control. Plans shall be submitted showing how trail, park, and beach users in the vicinity of the golf course shall be protected, primarily from wayward golf balls.

3. Parking for the golf course use shall be provided consistent with requirements of the adopted Orange County Guidelines, Parking Criteria. Parking may either be provided on the site designated for the golf course (outside of the Salt Creek Corridor) or at the recreation/conference center site. Parking for the golf course may be designated on the recreation center site prior to development of concrete plans for that site and the location/configuration altered during final approval of development on the recreation center site.

4. Prior to construction, applicant shall submit an open space easement covering the golf course site.

#### TRAILS:

1. Prior to construction, applicant shall submit plans to Executive Director, specifying widths and uses as well as location, of all trails within the coastal park, community park, Salt Creek Corridor area. In addition, to all trails shown on page 32 of the coastal permit application document, the plans shall include a trail linking residential areas designated as 9, 10, 11, 12, 13, and 14 on page 37 of said document to the commercial center without use of Coast Highway. (Note: Said trail could follow the edge of the golf course or Camino del Avion.)

2. Trails should be maintained by the developer, homeowners association and/or an assessment district set up to cover this (and other) uses. If the trails are to be offered for dedication, the offer to dedicate must run for the same period as that allowed for dedication of the community park.

#### COASTAL RESIDENTIAL (7 & 8):

1. The concept of coastal residential use is approved but a separate coastal permit based on site plan approval (refer LNCDP p. 12) will be required. At that time applicant shall submit plans and geologic information to the Executive Director demonstrating compliance with recommendations of letter dated July 18, 1979, State Division of Mines and Geology.

5-92-168-ES,

COASTAL COMMISSION

5-92-186-ES, 5-92-188-ES

- 4 -

EXHIBIT # K

PAGE 6 OF 10

2. Prior to construction, applicant shall submit to the Executive Director approved tentative tract maps and plans indicating proposed lot lines (where applicable), unit locations, elevations, typical floor plans and design of any common areas/facilities to demonstrate compliance with design requirements of LNCDP, refer p. 36. No minimum or maximum unit size shall be required. Parking shall be provided in accordance with the adopted Orange County Guidelines. The number of units may not exceed 400. Should structures in excess of three levels be proposed by applicant, additional geologic investigation shall be made by a qualified geologist and approved by Division of Mines and Geology, State of California.

INLAND RESIDENTIAL (9 through 16 & 18):

Prior to construction of each area (9 through 16 & 18), applicant shall submit to the Executive Director approved tentative tract maps and plans indicating proposed lot lines (where applicable), unit locations, elevations, typical floor plans and design of any common areas/facilities to demonstrate compliance with design requirements of LNCDP, refer p. 36. No minimum or maximum unit size shall be required. Parking shall be provided in accordance with the adopted Orange County Guidelines. The number of units within each designated location may be determined by the applicant provided the total number of units does not exceed 3200 units (including both market rate and low/moderate-cost units); this number refers to the aforementioned site only (sites 9 through 16 & 18).

SEAWARD SELVA RESIDENTIAL (19):

The concept of development on site 19 is approved but a separate coastal permit, based on site plan approval, shall be required and shall include tentative tract maps and plans for units on this site. The design shall incorporate protection of the view corridor across the site to the ocean and Catalina Island and shall be buffered from Coast Hwy. Plans shall include unit locations, elevations, typical floor plans, and design of any common areas or facilities. Maximum height shall not exceed 35 ft. above AFG, although portions may conform to requirements of LNCDP, p. 36 if that additional height is needed to provide either 1) housing for households of low and moderate income, 2) lower to moderately priced overnight accommodations or other visitor oriented uses. Height of lower than 35' AFG shall be incorporated if necessary to protect public view corridors. Parking shall be provided in accordance with adopted Orange County Guidelines. The number of units shall not exceed 360 (15 dwelling units per acre) if the site is not used as a site for low/moderate-cost housing; if it is a site for low/moderate-cost housing, the number of units may be increased to 400.

LOW- AND MODERATE-COST HOUSING:

1. Upon issuance of permit (P-79-3539), applicant shall enter into an agreement with the Coastal Commission, consistent with the "affordable housing" section of the LNCDP, p. 42, and that provides a number equal to at least 25% of the total number of units built in connection with

COASTAL COMMISSION

592-168-E5, 592-186-E5  
592-188-E5

EXHIBIT # K

PAGE 7 OF 10

this project (including the affordable unit) in a range of prices affordable by families of low and moderate income. A maximum of 3000 market units are allowable, in which case 932 low/moderate cost units will be required to make a full 25% of the total project "affordable." Two-fifths of the required low/moderate-cost units shall be provided on the project site; the other three-fifths may be provided within the Laguna Niguel Planned Community or within the coastal zone of Southern Orange County..

a) The units for households of low/moderate income shall be priced affordable by persons/families in all of the affected income range by the following formula:

- 50% of median income 10% of low/moderate units (93 units)
- 60% of median income 10% of low/moderate units (93 units)
- 70% of median income 10% of low/moderate units (93 units)
- 80% of median income 10% of low/moderate units (93 units)
- 90% of median income 15% of low/moderate units (140 units)
- 100% of median income 15% of low/moderate units (140 units)
- 110% of median income 15% of low/moderate units (140 units)
- 120% of median income 15% of low/moderate units (140 units)

The majority of the low/moderate-cost units will be family units.

b) A resale program to assure that subsequent sales following the initial sale of the unit will be at a price which is affordable to households earning substantially the same percentage of the median income as the initial purchasers of the units and shall be recorded as a covenant running with the land, with no prior liens other than tax liens. The program shall include substantially the following conditions.

i. The applicant, his successors, and any subsequent purchaser shall give a governmental or nonprofit agency, subject to the approval of the Executive Director, an option to purchase the units. The applicant or its designee may assign this option to an individual private person who qualifies as a low- or moderate-income person in substantially the same income range as the person for whom the initial sales price was intended to provide a housing opportunity;

ii. Whenever the applicant or any subsequent owner of the units wishes to sell or transfer the units he/she shall notify the agency or its designee of his/her intent to sell. The agency, its designee, or assignee shall then have the right to exercise the option within 90 days.

COASTAL COMMISSION

5-92-168-ES, 5-92-186-ES,  
5-92-188-ES

EXHIBIT # 1K  
PAGE 8 OF 10

in the event of the initial sale of the units by the developer, or within 90 days for subsequent sales. Following the exercise of the option, escrow shall be opened and closed within 90 days after delivery of the notice of exercise of the option.

iii. Following the notice of intent to sell the unit, the agency or its designee shall have the right to inspect the premises to determine whether repair or rehabilitation beyond the requirements of normal maintenance ("deferred maintenance") is necessary. If such repair or rehabilitation is necessary, the agency or its designee shall determine the cost of repair, and such cost shall be deducted from the purchase price and paid to the agency, its designee, or such contractors as the Department shall choose to carry out the deferred maintenance and shall be expended in making such repairs.

iv. The agency or its designee may charge a fee, to be deducted from the purchase price paid by the assignee for its reasonable costs of qualifying and counseling purchasers, exercising the option, and administering this resale control program.

v. The option price to be paid by the agency, its designee, or assignee, shall be the original sales price of the unit plus an amount to reflect the percentage of any increase in the median income since the time of the original sale.

vi. The purchaser shall not sell, lease, rent, assign, or otherwise transfer the premises without the express written consent of the agency or its designee. This provision shall not prohibit the encumbrancing of the title for the sale purpose of securing financing; however, in the event of foreclosure or sale by deed of trust or other involuntary transfer, title to the property shall be taken by the applicant at a cost based on condition "v" above subject to this agreement.

vii. Such other conditions as the Executive Director determines are necessary to carry out the purposes of this resale program.

c) Units may be constructed on any of the identified residential sites, at the rate of 125 low/moderate-cost units for every 500 units. Low/moderate-cost units to be constructed on the project site shall be constructed prior to those proposed to be located off site.

d) If governmental subsidies for the construction of assisted units are not available, the applicant may dedicate an appropriate amount of land to a public or private agency (such as the Coastal Conservancy) capable of receiving land and building (or causing to be built) low- and moderate cost housing facilities. Dedicated land shall be at the approval of the Executive Director and shall not necessitate the required units being built at a density higher than the highest density in this proposed project.

e) If the applicant chooses to construct unsubsidized units for persons of low income, the low cost units may replace required moderate cost units at the rate of one low cost unit replacing two required moderate cost units.

COASTAL COMMISSION

5-92-168-ES 5-92-186-ES,

5-92-188-ES.

- 7 -

EXHIBIT # K

PAGE 9 OF 10

f) Note: Units provided under the requirements of this permit shall not be counted as the required "affordable" units in any other permit.

COASTAL ACCESS PROGRAM:

Prior to issuance of any permit for hookup to a sewer service system a fee of \$275 (or greater if "fair share" is determined to be greater) for each conventionally financed residential unit (add \$0 for each "low-mode housing" unit) shall be paid into a coastal access fund. This fee shall be adjusted annually according to increases in the Consumer Price Index. The coastal access fund shall be administered by a separate legal entity under binding agreement with the Coastal Commission specifying the limitations on the use of the funds for the provision of coastal recreational transit services pursuant to the terms and conditions of the permit. If within five years of the applicants commencement of this program an active program has not been set up, the applicant (or successor in interest), the Commission (or successors in interest), and other interested/affected agencies shall decide how those funds will be used for recreation-related transportation in the Laguna Niguel planned community.

GRADING AND RUNOFF CONTROL:

Prior to any grading activities or the issuance of any additional permit whichever comes first, applicant shall submit a grading, drainage and runoff control plan. That plan shall include, at a minimum, the following elements:

- a) A runoff control plan that limits runoff to that associated with runoff from the subject site in its natural state (not existing state). The system shall be designed with retention basins capable of catching all project runoff in excess of natural flows releasing it at a natural rate. The retention basins and system shall be designed to accommodate runoff generated by a ten-year frequency storm.
- b) A hydrology study analysing the proposed development shall be provided and drainage plans shall be sized in accordance with that study's recommendations.
- c) The grading and restoration plan shall include provisions that the land shall be developed in increments of workable size which can be completed during a single construction season both to insure that soils are established well in advance of the rainy season and to assure that no grading activities occur during rainfall periods. All soils disturbed but not completed during the construction season, including graded pads, shall be planted and stabilized in advance of the rainy season. All disturbed slopes in a completed development involving grading shall be stabilized as soon as possible through planting of appropriate vegetation.

5-92-168-ES,  
COASTAL COMMISSION

5-92-186-ES, 5-92-188-ES

- 8 -

EXHIBIT # K

PAGE 10 OF 10

# CORNICHE PROPERTIES

5-92-168-E5,  
COASTAL COMMISSION

5-92-186-E5, 5-92-188-E5

September 22, 1998

EXHIBIT #   L  

PAGE   1   OF   1  

Bob Goldin  
City of Laguna Beach  
Special Planning Procedures

Re: Capital Pacific Holdings' Holdings

Dear Bob,

Thank you for the good information regarding the future of Monarch Beach Resort and Ritz Pointe properties.

I am still wanting to know what the original grade of the pad will be before they go up 168' on the pad elevation in front of Corniche Condos. It seems they should have to do a blended pad elevation since it is so much higher than the street grade and all the recent slope failures around town, even by this developer!

I want to be put officially on the record that parking is a huge problem in this neighborhood already. The Ritz Carlton uses the public meters and Niguel Road for spillover guests' cars, and there has been no mention of affordable housing that AVCO was so pressed to provide.

It seems that Capital Pacific Holdings could offer up some affordable housing sites in view of their "buy-back" in Laguna Niguel, or on some of their lots at Capistrano by the Sea location since they are asking to take away from the PUBLIC FACILITY ZONING for their residential units at that site.

I hope you pass this communication along to the other members of the planning commission, inasmuch as they seem to look for public input.

Very truly yours, and thank you,

*Mary Jeffries*  
MARY JEFFRIES

*cc Coastal Commission*  
MARY JEFFRIES, BROKER

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