

CALIFORNIA COASTAL COMMISSION

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Filed: March 3, 2000
 49th Day: April 21, 2000
 180th Day: August 30, 2000
 Staff: ALK-LB **ALK**
 Staff Report: March 30, 2000
 Hearing Date: April 11-14, 2000
 Commission Action:



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STAFF REPORT AND RECOMMENDATION ON APPEAL
SUBSTANTIAL ISSUE

APPEAL NUMBERS: A-5-LGB-00-078 and A-5-LGB-00-079

LOCAL GOVERNMENT: City of Laguna Beach

DECISIONS: Approval with Conditions

APPLICANT: Five Star Resort, LLC **AGENT:** Athens Group

PROJECT LOCATION: 30801 Coast Highway, Laguna Beach (Orange County)

PROJECT DESCRIPTIONS: 1) Subdivision, master utilities and backbone infrastructure for the Treasure Island Destination Resort Community Project
 2) Resort, condominiums and park areas in relation to the Treasure Island Destination Resort Community Project

APPELLANTS: Village Laguna, South Laguna Civic Association, Orange County CoastKeeper, John Gabriels and Eugene R. Atherton

SUMMARY OF STAFF RECOMMENDATION & ISSUES TO BE RESOLVED:

The staff recommends that the Commission, after a public hearing, determine that **A SUBSTANTIAL ISSUE EXISTS** with respect to the grounds on which appeals number A-5-LGB-00-078 and A-5-LGB-00-079 have been filed because the locally approved development raises issues of consistency with the City of Laguna Beach Treasure Island Destination Resort Community certified Local Coastal Program (LCP). Specifically, questions have been raised about whether the project approved by the City involves a larger scope of grading activities than allowed by the certified LCP, inconsistent with certified LCP policies and standards regarding blufftop grading and alteration of natural landforms. In addition, questions have been raised regarding whether the approved project ensures implementation of the adopted Resources Management Plan (RMP), as required by the certified LCP. At this time, all that is before the Commission is the question of substantial issue. If the Commission determines that a substantial issue exists, a De Novo hearing will be held at a subsequent meeting.

Other appeal contentions cited inconsistency with LCP policies related to water quality; public access and recreation; community character and design; scenic and visual resources and acreage inconsistencies. Staff recommends that the Commission determine that these contentions do not raise a substantial issue of consistency with the certified LCP.

At the time of this staff report, the applicant and the City of Laguna Beach have indicated disagreement with the staff recommendation, asserting that the approved project is in full compliance with the Treasure Island certified LCP.

PROCEDURAL NOTE:

The current staff report and recommendation analyzes both local approvals related to the project being appealed: A-5-LGB-00-078 for the subdivision, master utilities and backbone infrastructure and A-5-LGB-00-079 for the resort, condominiums and park areas. Although the staff report combines the analysis for the two local actions being appealed, the Commission must vote separately on the question of whether the appeals of each local action raises substantial issue. The two necessary motions are provided on page 3.

This staff report addresses only the question of substantial issue. If the Commission determines that a substantial issue exists, a staff report for a de novo permit will be prepared.

SUBSTANTIVE FILE DOCUMENTS:

- City of Laguna Beach Local Coastal Program (LCP) for Treasure Island Resort and Destination Community Project.
- Final Program Environmental Impact Report (FEIR) and Mitigation Monitoring Program for the LCP and Treasure Island Specific Plan adopted June 8, 1998.
- FEIR Addendum dated September 29, 1999.
- City of Laguna Beach Administrative Record for Coastal Development Permits 99-75 and 99-76.
- California Coastal Commission Adopted Revised Findings on the City of Laguna Beach Local Coastal Program amendment 1-98 for the Treasure Island Area of Deferred Certification as Approved by the Commission on November 6, 1998.

LIST OF EXHIBITS:

1. Vicinity Map
2. LCP Specific Plan Map
3. CDP Site Development Plan
4. Project Plans and Elevations
5. Copy of City of Laguna Beach "Notice of Final Local Action" for CDP No. 99-75
6. Copy of City of Laguna Beach "Notice of Final Local Action" for CDP No. 99-76
7. Copy of the Appeals by Village Laguna, South Laguna Civic Association, Orange County CoastKeeper, John Gabriels and Eugene Atherton
8. Figure 9.2-4 (Bluff Sections) of LCP
9. Conceptual Grading Plan and Conceptual Cut-Fill Plan
10. Approved Grading Plan
11. Depth of Cut-Fill Analysis Map
12. Law Crandall Consultation letter, dated February 2, 2000
13. Earthwork Quantity Calculations Map
14. Approved Drainage Plan
15. Figure 4.1.11 (Top of Bluff Exhibit) of Final EIR
16. Limit of Grading vs. 45% Blufftop Designation
17. Water Quality Measures
18. Figure 10.2-2 (Public Access and Recreation Plan) of LCP
19. City of Laguna Beach Correspondence
20. Supplemental Information from Appellants

I. STAFF RECOMMENDATION FOR SUBSTANTIAL ISSUE:

A. MOTION AND RESOLUTION FOR SUBSTANTIAL ISSUE WITH REGARD TO APPEAL NO. A-5-LGB-00-078

The staff recommends that the Commission make the following motion and adopt the following resolution:

Motion: *I move that the Commission determine that Appeal No. A-5-LGB-00-078 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff Recommendation:

Staff recommends a NO vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution to Find Substantial Issue:

The Commission hereby finds that Appeal No. A-5-LGB-00-078 presents a **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access policies of the Coastal Act.

B. MOTION AND RESOLUTION FOR SUBSTANTIAL ISSUE WITH REGARD TO APPEAL NO. A-5-LGB-00-079

The staff recommends that the Commission make the following motion and adopt the following resolution:

Motion: *I move that the Commission determine that Appeal No. A-5-LGB-00-079 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff Recommendation:

Staff recommends a NO vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution to Find Substantial Issue:

The Commission hereby finds that Appeal No. A-5-LGB-00-079 presents a **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access policies of the Coastal Act.

II. SUBSTANTIAL ISSUE FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. APPEAL PROCEDURES

i. Appealable Development

Section 30603 of the Coastal Act states:

(a) *After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*

- (1) *Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
- (2) *Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

Sections 30603(a)(1) and (2) of the Coastal Act establishes the project site as being appealable by its location between the sea and first public road and within 300 feet of the bluff edge (Exhibit 1).

ii. Grounds for Appeal

The grounds for appeal of an approved local CDP in the appealable area are stated in Section 30603(b)(1), which states:

(b)(1) *The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.*

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial

issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

The grounds for the current appeal include contentions that the approved development does not conform to the standards set forth in the certified LCP regarding landform alteration; marine resources; water quality; community character & design; and public access and/or the public access and recreation policies set forth in the Coastal Act.

iii. Qualifications to Testify before the Commission

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

At the De Novo hearing, the Commission will hear the proposed project de novo and all interested persons may speak. The De Novo hearing will occur at a subsequent meeting date. All that is before the Commission at this time is the question of substantial issue.

B. LOCAL GOVERNMENT ACTIONS

CDP No. 99-75 (A-5-LGB-00-078)

On February 15, 2000, the City of Laguna Beach City Council held a public hearing on the proposed project. At the conclusion of the public hearing, the City Council approved with conditions local CDP No. 99-75 for the subdivision, master utilities and backbone infrastructure for the Treasure Island development, finding that the project, as conditioned, conformed to the City's certified LCP for Treasure Island. The action by the City Council did not involve a local appeal. The local appeal process has now been exhausted. The City's action was then final and an appeal was filed by five parties (3 organizations and 2 individuals) during the Coastal Commission's ten- (10) working day appeal period.

CDP No. 99-76 (A-5-LGB-00-079)

On January 11, 2000, the City of Laguna Beach City Council held a public hearing on the proposed project. At the conclusion of the public hearing, the City Council approved with conditions local CDP No. 99-76 for the resort, condominiums and park areas associated with the Treasure Island development, finding that the project, as conditioned, conformed to the City's certified LCP for Treasure Island.

The local action involved an appeal of the Joint Planning Commission and Design Review Board approval of CDP No. 99-76 and Design Review No. 99-206 on December 15, 1999. The approval was upheld and the local appeal process has now been exhausted.

Pursuant to Condition No. 1 of CDP 99-76, a subsequent approval by the Joint Planning Commission and Design Review Board was required before the City Council's approval became final. At the conclusion of the public hearing held on February 16, 2000, the Joint Planning Commission and Design Review Board granted approval of CDP 99-76. Therefore, the City's action was then final and an appeal was filed by five (5) parties (3 organizations and 2 individuals) during the Coastal Commission's ten- (10) working day appeal period.

C. APPELLANTS' CONTENTIONS

The Commission received notices of final local action on CDPs 99-75 and 99-76 on February 17, 2000 (Exhibits 5 and 6). CDP 99-75 (assigned appeal no. A-5-LGB-00-078) approved the subdivision, master utilities and backbone infrastructure and CDP 99-76 (assigned appeal no. A-5-00-LGB-00-079) approved the construction of the resort, condominiums and park areas.

By March 3, 2000, within ten working days of receipt of the notices of final action, five (5) parties had appealed the local actions on the grounds that the approved project does not conform to the requirements of the certified LCP (Exhibits 7a-e). The three organizations appealed both local actions, while the two individuals appealed only CDP No. 99-76 for the construction portion of the project.

The appellants contend that the proposed development does not conform to the certified LCP for the reasons discussed on the subsequent pages. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., Title 14, Section 13115 (b)). In previous decisions on appeals, the Commission has been guided by the following factors: whether the appellants' contentions regarding the local government action raise significant concern in terms of the extent and scope of the approved development, the factual and legal support for the local action, the precedential nature of the project, whether a significant coastal resource would be affected, and whether the appeal has statewide significance.

The validity of the appellants' contentions will be evaluated in the Substantial Issue Analysis Section, which begins on page 10.

Village Laguna

Village Laguna contends that the Treasure Island Development, as approved by the City, is inconsistent with the following Coastal Act provisions:

- **Section 30213, 30221 and 30222**, as the project provides few low-cost visitor and recreational facilities and devotes an "*unnecessarily high proportion of the land*" to private residential development;
- **Section 30251**, because the project will 1) obstruct views from PCH, 2) does not minimize alteration of natural landforms, 3) is not visually compatible with the character of the surrounding area, and 4) will not restore and enhance the visual quality of the area;
- **Section 30253**, as the project will substantially alter natural landforms along bluffs and cliff that are prone to failure. Appellants also contend that the project does not protect the characteristics of the area as a "special community" and is inconsistent with the scale and character of the surrounding area; and
- **Section 30231**, identifying concerns that the water quality measures do not adequately address runoff during the rainy season.

The appellants also contend that conformance with **Sections 30230 and 30240** is not ensured, as the development has the potential to degrade the marine life habitat.

Additionally, Village Laguna asserts that that the project is inconsistent with the following LCP regulations and standards:

- **Figure 8.2.2**, because there are acreage inconsistencies between the Land Use Summary and the actual acreage amounts approved in the CDP;
- **Policy 9.1.2.1**, as the City has not committed to monitoring the marine life reserve;
- **Figure 9.2-4**, because the exhibit does not show that grading is to occur on the bluff face;
- **Policy 9.3.1.1 a**, as the grading activities now required to carry out the project are not the "*minimal amount...necessary*,"
- **Policy 10.7.2**, due to the fact that 1) it was not proposed in the LCP to remediate fill along the bluff and 2) the LCP indicates that cut and fill quantities will be balanced to the extent practicable;
- **Figure 10.7.2**, since the conceptual grading plan did not show grading over the edge of the top of the bluff as is now being proposed;
- **Policy 10.7.3**, as the grading export quantities were originally anticipated to be between 3,000 and 40,000 cubic yards and are now estimated at 170,000 cubic yards;
- **Policy 10.8.1**, because the project will remove 40 of the 95 existing Eucalyptus trees, which were expected to be preserved;
- **Policy 14.2.1**, as the development is inconsistent with the village scale and pedestrian orientation intent of the LCP;
- **Policy 14.2.2**, because 1) a single style of architecture, rather than a "mix of styles and forms" has been chosen, and 2) manufactured materials will be used, rather than natural stone;

- **Policy 14.4**, as the development will require the topography to be altered and "what stepping occurs is minimal." Also, landscaping areas are restricted by structures;
- **Policies 14.4.2, #4**, the hotel facade is continuous along Coast Highway and the northern edge of the site;
- **Policy 14.3.2**, the public access path to the beach is inordinately wide and will be used by hotel service and maintenance vehicles and emergency access vehicles, creating conflicts between pedestrians and vehicles.

In their appeal, Village Laguna also suggests that grading of the bluff could trigger bluff failure beyond the limits of grading, which would require further remediation of the bluff and construction of bluff stabilization devices. In addition, the appellants state that the bluff-face grading lowers the elevation at the top of the bluff, thereby increasing the bluff-top area. They assert that this grading creates additional acreage for residential development inland of the park. They also indicate that this decreases that amount of total park acreage (through loss of bluff face) and assert that the Bluff-top park area should be increased to compensate for the loss of bluff face area.

Village Laguna submitted additional information to clarify their appeal contentions on March 16th, 17th and 23rd, 2000 (Exhibit 20).

South Laguna Civic Association

The South Laguna Civic Association had appealed the Treasure Island Development on the grounds that the project approved by the City is inconsistent with the following Coastal Act sections:

- **Section 30213**, as the project does not provide adequate lower cost visitor and recreational facilities, such as picnic tables and an underwater park;
- **Section 30251**, since the project will 1) significantly alter natural landforms through the proposed grading of the bluff face and the removal of 170,000 cubic yards of soil and 2) not be compatible with the character of surrounding areas;
- **Section 30230**, because additional impacts of the development on the marine habitat will further degrade the environment. Appellants also assert the project's marine resources component should be redesigned; and
- **Section 30231**, as the project's water quality measures do not incorporate the Best Available Technology (BAT), and no agreement has been reached with the local sanitation district to accommodate proposed diversion of nuisance flows.

The South Laguna Civic Association also submitted a supplemental letter citing inconsistencies with the certified LCP on March 22, 2000 (Exhibit 20).

Orange County CoastKeeper

The Orange County CoastKeeper contends that the project is inconsistent with the following Coastal Act Sections:

- **Section 30230**, as the marine resource component should include a more comprehensive restoration plan for marine habitat,
- **Section 30231**, because the storm runoff standards incorporated into the project are not adequate and BAT's must be mandated for the project.

Eugene Atherton

Dr. Atherton is appealing the approved project on the grounds that it conflicts with the following LCP provisions:

- **Policy 9.7.1**, as there is a deficit in open space acreage provided;
- **Policy 4.2.3**, because 1) parking spaces are in a Caltrans right-of-way subject to removal for widening of Coast Highway, 2) parking spaces are being eliminated adjacent to the resort, and 3) the parking structure is inadequate;
- **Policy 4.2.2**, as there is not an accessway through the residential development area;
- **Policy 3.1.2 (a)**, as removal of Goff Island platform may negatively affect the beach;
- **Policy 3.1.2 (b)**, since defacement of bluffs will mar view of bluffs, Promontory Point and Goff Island from Coast Highway;
- **Policy 3.1.2 (c)**, because inadequate storm drainage system will endanger the project site, coastal resources and safety of the public.

Dr. Atherton also contends that the project conflicts with the following Coastal Act section:

- **Section 30222**, as use of the hotel and resort bungalows is not limited to visitor use, and therefore may be used as residences.

John Gabriels

Mr. Gabriels has appealed the project approval on the grounds that a greater proportion of the site should be dedicated to hotel use (rather than residential). Additionally, he contends that the City of Laguna Beach does not enforce parking regulations and is concerned that the on-site parking will not be available to the public. Mr. Gabriels is also concerned that the public beach may be fenced off.

D. SUBSTANTIAL ISSUE ANALYSIS

i. Project Description, Location and Background

The City's approval of Coastal Development Permits 99-75 and 99-76 allows the following development within the Treasure Island certified LCP area:

- 1.) Subdivision, master utilities and backbone infrastructure for the Treasure Island Destination Resort Community Project, and
- 2.) Construction of the resort, condominiums and park areas in relation to the Treasure Island Destination Resort Community Project

The certified LCP area is located in the southern portion of the City of Laguna Beach on the seaward side of Pacific Coast Highway just north of Aliso Beach (Exhibit 1). The approximately 30-acre site was previously used as a private 268 space trailer park. The site has been vacant since 1997.

On November 6, 1998, the Treasure Island Local Coastal Program (LCP) was approved as a project specific amendment to the City of Laguna Beach Local Coastal Program. The site was previously an Area of Deferred Certification pending the resolution of public access concerns. The certified LCP allows for development of the site with a resort complex consisting of a resort center on 10.63 acres with 200-275 visitor-serving accommodations provided in a hotel, resort villas, and residence villas (condominiums). The certified LCP also allows for future residential development of up to 18 single-family residences and provides public benefits, including the dedication of nearly 14 acres into public ownership and the enhancement of public access throughout the site (Exhibit 2).

As set forth in the Treasure Island LCP, all development within the project site is subject to City approval of a Master and/or Project-level coastal development permit (CDP). The recently approved CDPs were intended to fulfill this requirement. CDP 99-75 is considered the Master CDP, providing the necessary information to permit the grading, construction of master utilities and backbone infrastructure improvements, and the subdivision of the site into large parcels for financing and/or conveyance to the City and/or other public agencies. CDP 99-76 is considered the Project-level CDP, providing construction-level detail for the resort and its associated residential and public uses (Exhibits 3 & 4).

ii. Analysis of Consistency with Certified LCP and Public Access Section of the Coastal Act

As stated in Section A (iii) of this report, the local CDP may be appealed to the Commission on the grounds that it does not conform to the standards set forth in the certified Local Coastal Program (LCP) or the public access policies of the Coastal Act. The Commission must assess whether the appeal raises a substantial issue as to the project's consistency with the certified LCP or the access policies of the Coastal Act.

In making that assessment, the Commission considers whether the appellants' contentions regarding the inconsistency of the local government action with the certified LCP raise significant issues in terms of the extent and scope of the approved development, the support for the local action, the precedential nature of the project, whether a significant coastal resource would be affected, and whether the appeal has statewide significance.

In the current appeals of the Treasure Island Development, the appellants contend that the City's approval of the project does not conform to various provisions of the certified LCP and requirements set forth in the Coastal Act. Not all of the contentions raised can be considered valid appeal arguments, as the grounds for an appeal are limited to an allegation that the development does not conform to the certified LCP or the public access policies of the Coastal Act. Where Coastal Act sections are directly incorporated into the text of the Treasure Island LCP, the appeal contention is considered valid. However, many of the appellants' contentions cite project inconsistency with Coastal Act issues unrelated to public access that have not been incorporated into the LCP. Therefore, grounds for appeal that rely on Coastal Act sections that have not been incorporated into the LCP and/or do not reference specific LCP policies are considered invalid.

For clarification, the appellants' contentions have been grouped into the following categories: Valid and Invalid. Within the Valid Contentions Section, the appeals are determined to either raise "Substantial Issue" or "No Substantial Issue." Of the valid appeal contentions raised, Commission staff has recommended that the Commission find that a substantial issue exists with respect to two (2) of the grounds on which the appeals have been filed—Grading and Landform Alteration and Marine Resources. Staff has also recommended that the Commission find that no substantial issue exists with regard to Water Quality, Community Character and Design, Public Access and Recreation, Scenic and Visual Resources, and Acreage Inconsistencies. Invalid contentions are addressed on page 31 of the current staff report.

iii. Valid Contentions

Those contentions determined to have valid grounds for appeal are included in the subsequent section. Section (a) describes those contentions that are found to raise a substantial issue and Section (b) addresses those which are not found to raise substantial issue with the Treasure Island LCP and public access provisions of the Coastal Act.

a. Substantial Issue

The following appeal contention raises a substantial issue of consistency with the regulations and standards set forth in the certified LCP.

Grading and Landform Alteration

Section 3.2 (Physical Resources Policies) of the Treasure Island LCP sets forth geotechnical policies and includes technical information related to mitigation of geologic hazards and implementation of the Land Use Plan. The policies address soil

conditions, existing artificial fill on the site and the stability of bluffs within and adjacent to the LCP area.

Policies 3.2.2-1 through 3.2.2-10 specify the required blufftop setbacks and identify the need for remediation of areas of artificial fill. Those LCP policies which have been raised in the current appeals include:

- Policy 3.2.2-4 Development above the coastal bluff shall be engineered to ensure that surface/subsurface drainage does not contribute to erosion or adversely affect the stability of the bluff. Any minor residual effects related to storm drainage improvements shall be mitigated by recontouring and revegetating to obtain a natural landform appearance.*
- Policy 3.2.2-5 Any bluff areas requiring landform and remedial grading and/or slope stabilization (e.g., to provide ADA-compliant coastal access that is safe for the disabled) shall be recontoured and revegetated with native and drought-tolerant plant material to obtain a natural landform appearance.*
- Policy 3.2.2-6 Development, including Bluff-top Park improvements adjacent to the bluff, shall be located and designed to minimize the alteration of the existing landform and the construction of artificial devices that, except during the demolition of the existing trailer park and initial mass and/or remedial grading, would substantially alter existing landforms, and to avoid and discourage people from leaving designated areas and paths to climb on the bluffs.*
- Policy 3.2.2-7 Bluff stabilization and remediation of areas of existing artificial fill associated with historic mobile home development, ramp construction, movie set construction, piers and slabs along the shoreline, and other previous grading and development, whether legally permitted or not, shall be allowed if otherwise the fill poses a public health and/or safety risk, if bluff stabilization/remediation is designed to minimize landform alteration, and if the bluff will be restored to a natural appearance through contour grading and landscaping consisting of native and drought-tolerant vegetation.*

In addition, the Flood Control and Hydrology Policies of Section 3 contains the following policy which also relates to the subsequent grading discussion:

- Policy 3.2.2-16 The Resort Villas area of the site shall generally be graded to direct flow toward local street and away from the bluff. Sites that are too low to drain to the street shall be required to provide a private drainage system designed to protect and minimize significant adverse impacts on the marine environment and stability of the bluffs in conjunction with the City's review of the project-level CDP for the Resort Villas.*

Chapter 9 (Resource Management Program) of the LCP outlines objectives and criteria to implement the policies contained in Chapter 3 (Resource Protection Policies) discussed above. The Resource Management Program, or RMP, provides requirements and regulations to serve as the Implementing Actions Program (IAP) for the Land Use Plan (LUP). The appellants challenge conformance with the following RMP provisions:

Section 9.1.2-2 Create a public Bluff-top park that protects the bluff face and bluff top resources while offering passive recreation and view appreciation of the coastal/marine resources from the top of the terrace.

Section 9.3.1-1a Grading—Grading activities within the coastal bluff shall be limited to that which is necessary to implement the Specific Plan, to remove the existing trailer park, to restore and protect a natural landform appearance within the disturbed area, to provide coastal access improvements as set forth in Section 11.6, to install required drainage and other backbone infrastructure improvements as set forth in Section 10.6, and to undertake a minimal amount of remedial grading necessary to undertake the above-referenced restoration/protection, public access ramp construction, and drainage improvements in such a way that will minimize the visual effect on the existing bluff landform.

Chapter 10 (Resort Development Concept) provides similar implementation provisions. The purpose of the Resort Development Concept is to conceptually describe the physical design and engineering of the project in terms of major public facilities and resort areas within the site. Sections 10.7.2 and 10.7.3 address the Landform Grading Objectives and the Conceptual Grading Plan for the proposed development. Excerpts from Chapter 10 will be provided where appropriate in the subsequent findings.

The appellants contend that the approved project conflicts with regulations set forth in Chapters 3, 9 and 10 of the certified LCP as they relate to landform alteration, bluff grading and site grading. They also reference inconsistencies with Coastal Act Section 30253, which deals with landform alteration. However, because Section 30253 is not directly incorporated into the LCP, this contention is considered invalid. The following section addresses the appellants' concerns as they relate to Extent of Grading, Grading Quantity, and Blufftop Delineation.

Extent of Grading

The appellants contend that the approved project is in conflict with LCP Objective 9.1.1-2 (see above), which states "*create a public bluff-top park that protects the bluff face and bluff-top resources,*" as the current project involves grading of the bluff-top and bluff face. The appellants also assert that the project conflicts with Figure 9.2-4, which depicts a section of the bluff-top and bluff-face and shows the bluff-face as "natural revegetated slope" (Exhibit 8). The figure does not indicate that grading of the bluff face or Bluff-top Park area is to occur.

Figures 10.7-2 and 10.7-3 of the LCP also provide a "Conceptual Grading Plan" and a "Conceptual Cut-Fill Map" (Exhibits 9a and 9b). Again, these figures do not show the limit of grading extending beyond the bluff face or within the Bluff-top Park area. However, as approved by the City, the project involves grading throughout the Bluff-top Park and beyond the top of bluff, as shown on the approved Grading Plan (Exhibit 10). While some areas will only be graded from 0-5 feet, up to 10 feet of cut maximum will occur and grading will extend along the entire bluff top, as shown in Exhibit 11.

The appellants also assert that the LCP did not contemplate that development would involve remediation of fill areas along the bluff except in the area of the new coastal access ramp down to the beach. Subsection 2 (Remedial Grading) of Section 10.7.3 (Conceptual Grading Plan) states the following:

"Areas within the existing mobile home park that are constructed on historic fills, unstable alluvium, or geologic units, or that are otherwise determined to be unsuitable as a geotechnical foundation for resort development will be remediated to current professional engineering standards as approved by the State and City of Laguna Beach. Figure 10.7.4 depicts areas which may require remedial grading.

However it is not proposed to remediate fill areas along the existing bluff except in the area of the new coastal access ramp. Remedial grading in the area will be required for public safety and welfare. Also, because the Blufftop Park will replace trailer pads and other surface/subsurface construction along the bluff, some remediation and restoration of these areas will be required to provide a public park site that can be dedicated to the City of Laguna Beach in a reasonably safe and natural-appearing condition."

As stated above, grading was not to occur beyond the top of bluff, except for construction of the ADA compliant ramp. The appellants note that the applicant's geologists have provided recent reports which cite the instability of the bluff-top as a reason to remove parts of it. However, the appellants assert that the LCP makes it clear that the instability of the sediments was considered in the original development proposal and therefore, the extent of grading should not be allowed to extend beyond the point which is approved by the certified LCP.

The appellants also contend that grading of the bluff face may trigger bluff failure. They are concerned that grading would "precipitate massive removal and recompaction and replacement of the bluffs with 2:1 slopes or artificial bluff retention devices." They claim that grading along the bluff face lowers the elevation at the top of bluff, thereby increasing the bluff-top area. They state that this increase in bluff top area enlarges the development area inland of the park, when instead it should be allocated as additional public parkland. (This issue will be addressed in the section entitled Acreage Inconsistencies, on page 28 of the current staff report.)

In responding to the appellants' contentions, the City states that grading of the bluff area was always considered necessary for the remediation of the former mobile home sites, including the removal of existing basements and decks along the bluff. The City points out that the Conceptual Grading Concept of Chapter 10 of the LCP describes

the existence of unstable fill material and justifies the need for removal. As stated in Section 10.7.1, History of Site Grading,

As of today, virtually all of the interior areas of the mesa between Coast Highway and the bluffs has been cut or filled between 1 to 20 feet. In some cases this grading does not meet contemporary City standards and will need to be remediated if the site is to be redeveloped.

Additionally, the applicant's representative (Athens Group) has stated that it was originally anticipated that the Bluff-top Park could be left in a natural, unaltered state. However, at the project-specific design level, it was determined that grading of the bluff-top area was necessary in order to provide a safe and usable park. Recent geotechnical reports justify the need for the additional grading, which the City Council considered in their final approval of the project (Exhibit 12). Specifically, the geotechnical review by Law Crandall dated February 2, 2000 states the following:

"We understand that construction of a walkway near the top of the bluff is currently proposed and that it will primarily be for pedestrian use, but will also be used occasionally by emergency vehicles. As part of the grading for the site, it is proposed to lower the grade near the top of the bluffs in some areas.

For the support of the walkway, we recommend that all of the existing fill beneath the roadway be excavated. To reduce erosion of soils on the bluff, it is recommended that in some locations, the fill soils be removed. In addition, removal of the fill soils will increase global stability of the bluff by reducing the weight on top of the natural materials."

The local record contains no evidence that an evaluation was carried out to determine that the approved grading plan included the minimum amount necessary for remediation and restoration purposes. However, information has since been provided which indicates that the "grading plans have been prepared to remove the minimum amount of artificial fill near the edge of the bluff" (Exhibit 19, Letter from Law Crandall dated March 24, 2000). Some of the approved blufftop grading will occur in areas that were not previously developed with mobile homes. Thus, although the LCP does recognize that there would be some remediation and restoration grading within the park site in areas of previous mobile home development, substantial issues are raised regarding whether the amount of grading approved by the local permits goes beyond what is considered "remediation and restoration."

The applicant and City assert that all areas of existing fill along the bluff, whether previously developed with mobile homes or not, must be removed to ensure safety. They admit that the extent of the required grading was not fully understood until the project-level design had been finalized. However, the City asserts that Chapter 10 of the LCP is a description of a "conceptual" resort development project prepared two years ago and contends that the approved project is simply a refinement of the conceptual plan.

The applicant has also indicated that grading was required at the project-level to accommodate public requests to decrease project height. The local record indicates that view issues were a primary consideration throughout the local hearing process. The design of the project was modified to lower building pad elevations, thereby providing greater public and private viewing opportunities from Coast Highway and

adjacent development. Consequently, much of the decrease in building heights was accomplished through increased grading and the export of material from the site. A lower, terraced project has been created to accommodate the height limitations and view provisions of the surrounding area. However, while the Coastal Act encourages the protection of scenic resources, it must be accomplished in a manner that also minimizes the alteration of existing landforms.

The Commission recognizes that the extent of grading identified in the LCP was considered "conceptual;" however, a significant modification and expansion of the originally approved "concept" in the LCP has occurred. Consequently, the grading plan can no longer be found in substantial conformance with the plan as approved in the certified LCP.

Quantity of Grading

The appellants contend that Section 9.3.1, Bluff Preservation Requirements, of the LCP states that grading activities within the coastal bluff shall be limited to "*a minimal amount of grading necessary to undertake the above-referenced restoration/protection, public coastal access ramp construction, and drainage improvements in such a way that will minimize the visual effect on the existing bluff landform*" (see p. 13 for full text). They contend that the approved development requires extensive grading of the bluff, which can not be considered "*minimal*."

As approved by the City, the project involves approximately 24,000 cubic yards of cut within the Bluff-top Park area and approximately 5,800 cubic yards of cut along the bluff face (Exhibit 13).

It should be noted that grading quantities are not normally included at the LCP level; however, because the Treasure Island LCP was a project-specific LCP, approximate earthwork quantities were provided. The original grading operations were estimated to "*generate approximately 105,000 cubic yards of cut and 65,000 cubic yards of fill, exclusive of grading required to remediate any uncompacted fills or geologically unstable areas within the interior of the historic trailer park.*" However, as approved by the City, CDP 99-75 indicates that grading will "*entail approximately 230,000 cubic yards of mass earthwork (including remedial grading). Grading operations are estimated to generate approximately 200,000 cubic yards of cut and 30,000 cubic yards of fill.*" The Commission recognizes that the amount of remedial grading was never identified at the LCP level, therefore the above quantities can not be compared with total accuracy. Nevertheless, the appellants' contentions raise substantial issues of conformity with the grading limitations of the certified LCP.

The appellants also claim that the approved development is inconsistent with Sections 10.7.2 (Landform Grading Objectives) and 10.7.3 (Conceptual Grading Plan) of the certified LCP. These sections address the estimated earthwork quantities and the limits of grading. The LCP Conceptual Grading Policy indicates that the development will "*balance cut and fill quantities to the extent practicable to reduce the truck traffic that will be generated by grading operations*" and that "*actual export of between 3,000 and 40,000 cubic yards*" is anticipated. However, the appellants assert that grading export quantities have increased to 170,000 cubic yards. This will require 12,570 two-way truckload trips.

The City and applicant assert that some of the bluff top grading is necessary for drainage purposes, as well as slope stability. The drainage system has to be designed so as to direct flows away from the bluff face and toward the proposed catch basins, as required by Policy 3.2.16 of the LCP (Exhibit 14). However, the amount of grading proposed at the subject site exceeds the minimum necessary for drainage purposes only. For purposes of drainage, a minimum two (2) percent slope is required. While the LCP does allow for remedial grading to direct drainage away from the bluff, the quantity of cut material allowed in the CDP raises substantial issues of consistency with the drainage policy provided in the LCP.

Top of Bluff Delineation

As defined in the certified LCP, the "top of bluff" is the point of the slope profile where the gradient of the ground surface exceeds 45 percent (24 degrees). This definition is illustrated in Figure 4.1.11 of the FEIR for the Treasure Island Destination Resort Community (Exhibit 15). The LCP definition differs from that provided in the City Municipal Code. As defined in City Municipal Code 25.50.004, "an 'oceanfront bluff' is an oceanfront landform having a slope of forty-five degrees or greater from horizontal whose top is ten or more feet above mean sea level."

The local record evidences that the geotechnical review used in the City's approval of the project improperly utilized the City Municipal Code bluff top definition, rather than the LCP definition. As shown in Exhibit 16, the limit of grading will extend beyond what is defined as "top of bluff" in the certified LCP. Therefore, the City's approval of the project using an inaccurate delineation of top-of-bluff raises a substantial issue with the policies of the certified LCP.

Conclusion of Grading and Landform Alteration Analysis

As stated previously, the Commission considers whether the appellants' contentions regarding the local government action and its consistency with the certified LCP raise significant concern in terms of the extent and scope of the approved development, the support for the local action, the precedential nature of the project, whether a significant coastal resource would be affected, and whether the appeal has statewide significance. As discussed above, the "extent and scope" of the approved development differ from that approved by the certified LCP and a "significant coastal resource" (the coastal bluffs) will be affected. Additionally, a question of bluff-top delineation remains, which may affect future grading activities. Therefore, the City's approval raises a substantial issue of consistency with the approved LCP regarding the extent and quantity of grading proposed

Although grading may be required to create a "safe, usable park" along the bluff edge and to remediate the mobile home sites, as the applicant indicates, the fact remains that the LCP did not specifically address such a possibility and did not allow for such a substantial increase in the amount or extent of grading operations. In fact, the LCP excludes the Bluff-top Park and much of the bluff face from its Conceptual Grading Plan. LCP text also excludes the Bluff-top Park from the area that would require remedial grading (except for the area of the ADA compliant ramp).

The Commission recognizes that the LCP allows for some amount of remedial grading in the areas of existing fill. However, areas of existing fill were known at the time of LCP certification and still not included in the original grading plan. This raises a

question as to the amount of newly proposed grading that can now be considered "remedial."

The regulations and policies set forth in the Treasure Island LCP require that minimal landform alteration occur and limit the amount and location of grading allowed along the bluff top and bluff face. At the time the project was modified to the point that the location and quantities of grading were determined to be significantly different from those approved in the certified LCP, an amendment to the originally-approved LCP was warranted.

In their consideration and certification of the LCP amendment for Treasure Island, the Commission considered the information provided in the Final Environmental Impact Report (FEIR), approved by the City Council in June of 1998. The FEIR addressed the site conditions and discussed the proposed grading activities required for the development of the Treasure Island site. The change in earthwork quantities at the project level triggered the preparation of an Addendum to the FEIR in September of 1999. The City then determined that the conditions and mitigation measures of the FEIR were sufficient to mitigate any potential impacts and accepted the Addendum. However, the Commission never had the opportunity to review the updated grading information and/or supplemental environmental analysis. As such, the project approved by the City in February 2000 raises a substantial issue of consistency with the LCP approved by the Commission in November 1998.

For all of the reasons stated above, the Commission finds that the City's approval of CDP 99-75 and CDP 99-76 raises a substantial issue of consistency with the grading and landform alteration regulations set forth in the certified LCP.

Marine Resources

Section 3.1 of the Treasure Island certified LCP sets forth general marine resources policies for the Treasure Island development. Sections 30230, 30231 and 30235 of the Coastal Act are directly incorporated within this section of the LCP.

Policy 3.1-1 incorporates Section 30230 of the Coastal Act, which states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Policy 3.1-2 incorporates Section 30231 of the Coastal Act, which states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Policy 3.1-3 incorporates Section 30235 of the Coastal Act, which states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

The following policies are also provided in Section 3 of the LCP, supplementing those established in the Coastal Act:

Policy 3.1.2-5 The redevelopment of the LCP shall serve, where possible, to improve conditions on the site and adjacent marine resource areas. To this end, the RMP shall provide for the protection of biological productivity and water quality within the LCP area.

Policy 3.1.2-6 Propose to the State Fish and Game Commission that it designate a Treasure Island Marine Reserve from the shoreline seaward out to 1,200 feet offshore and propose its candidacy for Ecological Reserve status to the State Department of Fish and Game, the State Fish and Game Commission, and the California State Lands Commission.

Chapter 9 of the certified LCP outlines the Resource Management Program (RMP) for the Treasure Island development. The RMP is intended to implement the Resource Protection Policies set forth in Chapter 3. The Marine Management Plan (MMP) is a component of the RMP. The MMP contains policies and mitigation measures for the protection and enhancement of the marine habitat at Treasure Island.

The appellants assert that the approved development may further degrade the marine life habitat at the subject site and claim that the City has yet to commit to implementation of the RMP. The appellants contend that the Treasure Island Cove is subject to direct pollution impacts from the creek/ocean interface at Aliso Beach, located south of the resort development, and are concerned that the cumulative impacts of the approved development will have additional negative effects on the site.

In their appeal, they state that underwater reconnaissance reveals that the marine habitat adjacent to Treasure Island is in "ecological collapse" and that the EIR maintains there is "a mysterious absence of giant kelp." They recommend that the cove be designated an Ecological Reserve to "mitigate decades of destructive regional development impacts to the inshore habitat." Lastly, they urge a redesign of the project's marine resource component to include a more comprehensive restoration plan for the marine habitat.

The City responds to these contentions by stating that the City has committed to implementing the RMP in both a Development Agreement encompassing the Treasure Island project and with the adoption of CDP No. 99-78. CDP No. 99-78, the CDP that adopted the RMP, was conditionally approved by the City Council on December 1, 2000. In addition, CDP No. 99-79, which approved the designation of a

State Marine Park, was conditionally approved at the same hearing. Conditions for these permits include, but are not limited to, the following:

- Compliance with the Treasure Island Marine Resources Management Plan prepared by Coastal Resources Management, July 1999;
- Identification of 39.5-acre Treasure Island Marine Park, including 3.5 acres of rocky shoreline habitat, 5 acres of sand beach and 31 acres of open ocean and reef habitat within an approximately 1,730 ft. long by 1,200 ft. wide stretch of coastline next to the project site;
- Management of marine resources to minimize visitor impacts, including enforcement of no-take regulations, establishment of a signage program, education of the public and resort guests and monitoring the resources to help prevent environmental degradation;
- Cooperation with City to ensure monitoring and policing of marine resources 24 hrs/day, 7 days/week;
- Compliance with all Standard Conditions and Mitigation Measures as identified in the FEIR and as outlined in the Mitigation Monitoring Program; and
- Pay for the cost of all engineers, geologists, archaeologists, paleontologists or other similar authorities or specialists required by the Mitigation Monitoring Program;
- Compliance with all provisions of the Development Agreement, including the public park area maintenance responsibilities;
- Dedicate the public open space and construct the planned public and visitor serving facilities prior to construction of residential development and prior to or concurrently with the private resort development.

CDPs 99-78 and 99-79 were not appealed to the Commission; therefore the City's actions regarding the RMP and State Marine Park Designation are final. The City Manager has indicated that the required funds to start the first component of the approved RMP will be included in the City's budget for the 2000-2001 fiscal year.

However, the project now being appealed does not include assurance that the approved development will conform to and implement the adopted RMP, because neither CDP 99-75 nor CDP 99-76 require the approved development to conform to and implement the adopted RMP as a condition of project approval.

While Project Design Feature (PDF) 4-2 of the FEIR is incorporated as a condition of approval of both CDP 99-75 and CDP 99-76, the PDF only outlines the minimum requirements of a Shoreline Resources Management Plan, and does not specifically reference the RMP as approved by CDP 99-78.

Therefore, the local record does not demonstrate that the project was conditioned at the local level to ensure the protection of marine resources consistent with the adopted RMP, as required by the certified LCP. As such, the Commission finds that the approved project, which does not incorporate the RMP adopted by CDP 99-78, raises a substantial issue of conformance with the certified LCP.

b. No Substantial Issue

The following contentions raise no substantial issue of consistency with the policies and standards set forth in the certified LCP.

Water Quality

Section 3.1.1 of the LCP identifies policies for water quality management for the Treasure Island development. As illustrated below, Policies 7 through 13 pertain to the current appeals:

- Policy 3.1.1-7 A Water Quality Management Plan (WQMP) shall be prepared for the LCP Area in accordance with Orange County's Drainage Area management Plan, and LCP Chapter 11.*
- Policy 3.1.1-8 All drained facilities and erosion control measures within the LCP Area shall be designed and constructed to protect coastal/marine resources in accordance with the Orange County Flood Control District Design Manual and Title 22, "Excavation, Grading and Filling," of the Laguna Beach Municipal Code.*
- Policy 3.1.1-9 Urban Runoff from the LCP Area shall comply with all existing and applicable Federal, State, and local water quality laws and regulations.*
- Policy 3.1.1-10 An Erosion Control Plan shall be prepared by a registered Civil Engineer prior to any construction within the LCP area, in accordance with Title 22, "Excavation, Grading and Filling," of the City of Laguna Beach Municipal Code.*
- Policy 3.1.1-11 A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared by a registered Civil Engineer. This SWPPP shall comply with the State Water Resources Control Board's General Construction Activity Storm Water Permit.*
- Policy 3.1.1-12 Sediment basins (e.g. debris basins and/or silt traps) shall be installed in conjunction with all initial grading operations and shall be maintained throughout their intended lifetimes to remove sediment from the surface runoff.*
- Policy 3.1.1-13 As applicable, final designs for grading and excavation projects shall:
 - a. include measures to protect water quality in adjacent areas during construction and maintenance activities;*
 - b. be consistent with Section 404 of the Federal Clean Water Act (formerly Federal Water Pollution Control Act) and Section 10 of the Federal Rivers and Harbors Act of 1899; and*
 - c. not adversely affect water quality or marine habitats.**

In addition, Policy No. 15 of the Flood Control and Hydrology Policies of Section 3.1.2 states the following:

Policy 3.1.2-15 Structural water quality protection measures shall be provided for on-site drainage of paved areas. Structural measures may include oil/water separators, filters, greenbelt strips, and/or other equivalent methods.

The appellants contend that the water quality measures included as part of the Treasure Island project do not incorporate Best Available Technology (BAT). They suggest that the applicant and City implement BAT measures comparable to those utilized at the Santa Monica Urban Runoff Filtration (SMURF) Facility.

Additionally, while the appellants recognize that the project includes a plan to divert the project's nuisance flows, they contend that an agreement between the City and local sanitation district has yet to be reached. They also assert that the project does not address "compliance with long-range water ration goals and creation of 'new water' sources." Lastly, they state that the project can offer a "meaningful in situ experience as a demonstration project of prudent water management and urban runoff strategies" and recommend that a monitoring program be implemented to study the effectiveness of the water quality measures.

The City has responded to these contentions by stating, "the City has the responsibility for sewage treatment, and...our treatment facility has the capacity to process the low flow storm water and the flows from 'first flush' events." They also state that Best Management Practices (BMPs) are in fact being implemented as part of the project as the City has required it as a condition of project approval.

The Water Quality Management Plan (WQMP) for Treasure Island was prepared in June 1999 and approved by the City of Laguna Beach as part of the proposed project. Additional water quality measures were also provided prior to the City's final approval of the project and incorporated as Condition No. 25 of CDP 99-75 (Exhibit 17). These measures include dry-weather nuisance flow diversion into the sanitary sewer system and installation of hydrocarbon and sediment separators for the nuisance flow and "first flush runoff" (defined as runoff resulting from the first .75 of an inch of rainfall in the site in a 24-hour period). The City has also agreed to increased street sweeping operations and installation of storm drain inlet upgrades along Coast Highway.

The Commission's water quality specialist has reviewed these water quality measures and agrees that the water quality conditions included as part of the Treasure Island project are in conformance with the policies outlined in the certified LCP. Therefore, the Commission finds that the approved project raises no substantial issue of consistency with the LCP provisions regarding water quality.

Public Access

Given that the Treasure Island project site is located between the first public road and the sea, a finding must be made that the City's approval of the development is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act, as well as the public access and recreation policies of the certified LCP.

Section 30210 of the Coastal Act states, in pertinent part:

...maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states, in pertinent part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30252(6) states:

The location and amount of new development should maintain and enhance public access to the coast by... (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

As they apply to the current appeal, the Treasure Island LCP contains the following policies related to public access and recreation:

Policy 4.2.1-1 Lateral and vertical public coastal access and recreational opportunities shall be established within the resort development area and on open space, conservation, and recreation lands proposed for dedication to the public, including the Bluff-top Park, Sand Beach, and Marine Reserve.

Policy 4.2.1-6 Lower cost recreational uses, visitor-serving uses, and public access opportunities have priority over private residential uses.

Policy 4.2.2-1 Continuous opportunities for public upcoast and downcoast observation shall be provided by a continuous walkway and appropriately located overlook within the Bluff-top Park, along the new southerly ramp down to the Sand Beach, along the existing northerly ramp and stairway down to the Marine Reserve, and from various public areas within the Resort Center.

The certified LCP also provides the following circulation policy, which addresses the public pedestrian walkway:

Policy 5.2.2-6 *A public pedestrian walkway shall be improved to connect the new public pedestrian walkway adjacent to Coast Highway and the new public parking spaces within the south end of the Bluff-top Park/Resort Center to the oceanfront walkways and major landscaped areas of the Bluff-top Park and, via a new ramp, down to the Sand Beach.*

Policy 5.2.2-7 *The walkway described in (6) above shall be designed so as to:*

- a) *be usable by City and/or County beach maintenance and emergency access vehicles, and*
- b) *be usable, either by itself and/or in conjunction with a parallel wheelchair ramp of reduced slope, to provide disabled persons...access to the Sand Beach.*

The appellants also contend that the approved project conflicts with the following Design Guideline policy related to public access:

Policy 14.3.2 *Provide a safe and aesthetic public access to the beach and water which is inviting to all.*

The appellants contend that the approved project does not provide "lower cost visitor and recreational facilities," or sufficient public recreational opportunities. They also object to the lack of picnic benches in the Bluff-top Park area and question the width of the pedestrian path. In addition, one appellant asserts that public parking may be lost if and when Caltrans widens Coast Highway.

The City responded to many of these contentions in their letter of March 10, 2000. They state that the project provides the following facilities for visitor use:

- 275 room hotel
- 5.76 acres of beach that is presently privately owned
- 7.51 acres of public park and open space with about 70 park benches, walking paths and view vantage points
- 70 public parking spaces with City regulated rates
- Four accessways to the beach
- Two public restroom facilities with showers
- A restaurant near the bluff and a second restaurant in the hotel
- A Marine Park with a Resource Management Plan to protect marine resources
- A landscape buffer along the entire frontage of the site that includes a public pathway and a rest stop for pedestrians and cyclists using Coast Highway

In response to the appellants' contentions regarding the width of the pathway, the City states that the path width was established to accommodate emergency vehicles. The City has indicated that they had to negotiate with the Fire Department and local lifeguards to reduce the departments' original request for a 20' wide road in the same location. The approved project includes an 11' wide concrete path with an approximately 3' wide decomposed granite (DG) adjacent strip. According to the City, the DG strip may be vegetated and is necessary for drainage purposes and for the accommodation of wider emergency vehicles.

The City also contends that the project's parking is *not* located within the Caltrans right-of-way. In fact, all development (including the Scenic Highway Easement) will be located 10' inland of the right-of-way, within the applicant's property line. Therefore, no parking or required landscaping along Coast Highway will be sacrificed if the highway is to be widened at a future date.

The Commission finds that the project, as approved by the City, is consistent with the public access provisions of both the certified LCP and the Coastal Act, as it provides an appropriate distribution of visitor serving and commercial uses at a site that was previously inaccessible to the public. Additionally, the amenities provided in the approved project are in conformance with the Public Access and Recreation Plan illustrated in Figure 10.2-2 of the LCP (Exhibit 18) and outlined in the LCP policies. The approved project provides public park land, public parking facilities and a resort hotel (including guest rooms, ballrooms, function rooms and meeting facilities), and conveys a fee interest in a privately owned sandy beach to the public.

Where the appellants contend that picnic benches are not provided at the Bluff-top Park, the Commission recognizes that the LCP identified the Bluff-top Park as a "passive" facility and never indicated that picnic benches would be provided. The Bluff-top Park will, however, provide benches, walkways and viewing outlooks, as shown on the Landscape Plan provided in Exhibit 4.

In reviewing the public access provisions of the certified LCP in relation to the approved project, the Commission finds that the project is consistent with the policies and standards set forth in both the certified LCP and the Coastal Act. Therefore, the approved project raises no substantial issue of consistency with LCP policies related to public access and recreation and Sections 30210, 30212, 30213 and 30252(6) of the Coastal Act.

Community Character and Design

Chapter 6 of the Treasure Island certified LCP includes land use and design policies for the Resort Development Area. Supplemental design guidelines are also provided in Chapter 14. These are intended to support and complement the Regulations and Site Development Standards of Chapter 11, and "*should be used as qualitative and aesthetic criteria that gives life and character to quantitative zoning regulations and standards.*"

The certified LCP contains the following policies related to community character and design:

- Policy 6.2.1-1 The design of the Resort Center Hotel structures shall fall with the level of Coast Highway and the existing topography. Multi-storied structures, including all projections and appurtenances, shall be varied in vertical and horizontal dimensions so that building heights, setbacks, and site coverages provide visual interest and an interplay of light, shadow, and materials*

appropriate to the building forms. The combination of building heights, site coverage, and setbacks should, where possible, break up building mass and create a terraced effect by placing lower structures in front of higher structures.

Policy 6.2.2-2 The Resort Center architecture shall be distinctive and provide a signature statement for the Laguna Beach community—projecting the resort's significance for business meetings and community banquets.

Policy 6.2.2-3 To accommodate the guest rooms and required meeting/banquet space within the vertical and horizontal limits of the sites, the resort shall step down from the level of Coast Highway to the elevation of the Bluff-top Park.

- a) The architecture of the Resort Center shall be set back at least 25 feet from the bluff edge, and step down in increments which emulate the three dimensional character of the existing slope.*

Policy 6.2.2-11 The architectural character of the Resort Center shall be distinctive and outlined in design guidelines that shall be set forth, at least generally, in the LCP's Implementing Actions Program (Specific Plan).

Policy 14.2.1 ...Throughout the resort, there is an intent to provide a village scale by attention to detail and a general pedestrian orientation.

Policy 14.2.2 The architectures will be a mix of styles and forms drawn from eclectic architectural tradition of Laguna Beach and seaside resort areas.

Policy 14.2.3 ...An emphasis on natural materials, such as wood, tile, stone and cement plaster and a strong relationship between indoor and outdoor spaces is encouraged...

Policy 14.4 The architecture of the Resort Center should provide a distinctive image and blend comfortably with the natural features of the site, including a horizontal and stepped-back design and an abundance of landscaping.

Policy 14.4.2-4 Long continuous rows of buildings should be avoided. The hotel structure should be broken by open spaces, varied roof treatments or staggering of individual units. Buildings that maximize permitted heights should contain elements with heights less than the maximum and incorporate more than the minimum setback.

As specified in the certified LCP, the Design Guidelines of Chapter 14 set forth *"thematic, stylistic and other aesthetic site planning, landscaping and building material vocabulary and criteria to guide resort builders and their architects and engineers during preparation of construction-level design drawings that will be embodied in future coastal development permits and other permit approvals that must be obtained from the City's Design Review Board, Planning Commission and other decision-making bodies."* The Commission recognizes that the Design Guidelines are not considered binding policies of the LCP, but a supplemental component that should be used for direction and assistance. As stated in Section 6.1 of the Resort Development Policies, the *"Resort Center design guidelines in Chapter 14 are advisory in nature."*

As recognized in the findings for the Commission's approval of the Treasure Island LCP, the Design Guidelines contained in Chapter 14 of the LCP are *"guidelines and not Land Use Plan policies."* In contrast, the Resort Development Policies of Chapter 6 and the Regulations and Development Standards of Chapter 11 are binding policies and development standards of the LCP. Therefore, the Commission's responsibility at the appeal stage is to assure that the approved development is in substantial conformance with the design policies specified in Chapter 6 and the Regulations and Site Development Standards included in Chapter 11.

The appellants contend that only one architectural style (Craftsman) has been utilized in the design of the project, whereas the LCP design guidelines note that a *"mix of styles"* will be employed. They also state that terracing of structures is minimal and suggest that the approved project is out of scale and character with surrounding development. Additionally, the appellants indicate that the project presents a continuous frontage along Coast Highway, inconsistent with the design guideline to avoid *"long, continuous rows."*

The City has responded to these contentions by pointing out that the joint Planning Commission and Design Review Board held eight (8) public hearings prior to project approval. At the conclusion of these hearings, it was determined that the project complies with the LCP policies, development regulations and design guidelines. In reviewing the local record, the Commission notes that the public had ample opportunity at the local level to address their preferences regarding project design.

The Commission recognizes that issues of design are largely subjective and are not a precedential issue of statewide concern. The Commission does not generally question design decisions which are local in nature. In addition, regardless of any issues of conformity with advisory, non-binding guidelines, the project plans are consistent with the development standards and policies of the certified LCP. Consequently, as the approval conforms with the development standards related to height, bulk, setback and view corridor requirements provided in Chapter 13, the Commission finds no substantial issue exists with regard to the issues of design and community character addressed by the appellants.

Scenic and Visual Resources

As discussed previously, Chapter 9 (Resource Management Program) of the LCP outlines objectives and criteria to implement the policies contained in Chapter 3 (Resource Protection Policies). The appellants challenge conformance with the following RMP objectives as they pertain to coastal views:

Section 9.1.2-4 Provide and improve the adjacent portion of the Coast Highway Scenic Corridor to protect and enhance the existing public streetscape and views of the site and coastline.

Section 9.1.2-5 Provide three reasonable public view corridors through the resort community which while not precluding development within the boundaries of the corridor will require the maintenance of a preponderance of the existing ocean views through a constant-width corridor from residences above the Aliso Creek Plaza Shopping Center, Coast Highway, and Fred Lang Community Park.

Section 9.5 (Visual and Scenic Resource Protection Requirements) provides implementation measures for the protection of views and scenic resources. As stated above, the LCP requires the provision of three (3) public view corridors through the resort development. The approved project includes these viewing corridors—one in excess of the minimum width required. Viewing opportunities of the coastline are also available throughout the project site.

Section 11.3 (Building Height Regulations and Standards) of the LCP sets forth maximum height envelopes for the Treasure Island development. A review of the project plans reveals that the approved project conforms to these height limitations.

Although some obstruction of existing coastal views will occur, the Commission finds the approved project to be consistent with the visual and scenic resources protection policies and standards of the certified LCP. Therefore, the Commission finds that the contention does not raise a substantial issue of consistency with the certified LCP.

Acreage Inconsistencies

Chapter 8 of the certified LCP outlines the Treasure Island Specific Plan. The Specific Plan Map is provided in Exhibit 2 and summarized in the table on the following page. The Specific Plan table identifies zoning designations (land use categories), planning areas, resort components, gross acreage, percentage of Specific Plan Area, accommodations and maximum residential units.

At this time, the Commission must determine if the approved land use acreages are in substantial conformance with those approved in the LCP. Pursuant to the LCP, an exact comparison is not necessary, so long as minimum public benefits are provided in the approved plan. Section 8.1.3 of the LCP describes the purpose and intent of the Treasure Island Specific Plan. One of the objectives is stated as follows:

Section 8.1.3-4 To maximize the feasibility and success of visitor-serving resort facilities, it is explicitly structured to allow flexibility in terms of the detailed design of the Resort Center and Residential Estates areas. The intent is to enable the implementation of innovative financial and management concepts, and allow for the detailed site plan and architecture to be prepared by the ultimate resort develop/operator—and reviewed and approved by the City—at a final construction level of detail.

FIGURE 8.2-2

SPECIFIC PLAN TABLE
Treasure Island Specific Plan

SPECIFIC PLAN ZONING DESIGNATION (LAND USE PLAN CATEGORY)	PLANNING AREA	RESORT COMPONENT	GROSS ACRES	PERCENT OF SPECIFIC PLAN AREA	ACCOMMODATIONS (KEYS)		MAXIMUM RESIDENTIAL UNITS
					Minimum	Maximum	
CONSERVATION (OS, C&R)	1	Marine Reserve ⁽¹⁾	3.55	12%	0	0	0
OPEN SPACE/ RECREATION (OS, C&R)	2	Sand Beach ⁽¹⁾	2.70	9%	0	0	0
OPEN SPACE/ RECREATION (OS, C&R)	3	Bluff-top Park	6.24	21%	0	0	0
	3a	Top of Bluff (3.00 acres including 0.36 acres of public easement within the Resort Center) ⁽²⁾					
	3b	Coast Highway Scenic Corridor (0.30 acres)					
	3c	Bluff Face (2.94 acres) ⁽¹⁾					
RESORT DEVELOPMENT (RD)	4a	Resort Center Hotel, Resort Villas, Spa, Restaurant(s) and Conference Facilities (8.83 acres) and Residence Villas (1.50 acres)	10.63	35%	200	275	— ⁽³⁾
	4b	Resort Garden (0.30 acres)					
RESORT DEVELOPMENT (RD)	5	Coast Highway Scenic Corridor and ROW dedication adjacent to Resort Center	1.17	4%	0	0	—
SUBTOTAL - PUBLIC AND VISITOR-SERVING RESORT USES			24.29	81%	200	275	—⁽³⁾
Resort Development (RD)	6	Residential Estates	5.80	19%	0	0	18
TOTAL			30.09	100%	200	275	37

- (1) Public Fee Dedication to the City of Laguna Beach.
- (2) Total Bluff-top Park Area shall contain a minimum of 3.00 acres of bluff-top not including the bluff-face and including approximately 0.36 acres of easement at the south end of the Resort Center.
- (3) The number of Residence Villas shall not exceed 37 minus the number of Residential Estates. If the maximum 18 Residential Estates are built, no more than 19 Residence Villas may be built.

The appellants contend that there is 0.6 acres less of marine reserve, sand beach and bluff face than indicated in the LCP (Exhibit 17). A comparison of the approved project and the LCP produces the following acreages:

	LCP	Approved Project	Difference
Marine Reserve	3.55 acres	3.31 acres	-0.24 acres
Sand Beach	2.70 acres	2.45 acres	-0.25 acres
Bluff Face	2.94 acres	2.83 acres	-0.11 acres
			-0.60 acres

The City responds to this contention by stating that the differences are due to a revised certified topographical survey. While the appellant proposes that the landowner dedicate the area amounts specified in the LCP, this is physically impossible, according to the City. They provide the following explanation in their letter of March 17, 2000:

"Fixed points determine the area boundaries. For instance, the marine reserve and beach areas are areas encompassed from the toe of bluff face slope to mean high tide. If an updated survey shows smaller amount of land areas due to sand elevation shift, then there are physically smaller areas. Additionally, an independent 3rd party engineer hired by the city confirmed that acreage fluctuations between various topographic surveys are common for coastal properties."

The appellants also assert that none of the additional park area (agreed upon after the adoption of the LCP) was deducted from the private residential acreage. The City has responded to this contention by pointing out that 0.13 acres of park area came out of the acreage originally allotted for the Residential Estates and the Residential Villas (condominiums).

A review of the approved LCP Specific Plan Map and the approved Tentative Tract Map reveal that the Residential Estates and Residential Villas are now slightly smaller than originally approved.¹ It appears as though the only land use acreages that have been reduced in size are the Marine Reserve, Sand Beach, and Bluff Face (for the reasons discussed previously). However, the Commission recognizes that the total public park area has increased by nearly an acre, thereby balancing the amount of land dedicated to public use.

In their appeal, the appellants contend that the area being counted as Residential Estates (Parcel G) shown on the Tentative Tract Map extends beyond the area illustrated in the LCP for that use. The appellants also state that the Residential Villas (condominiums) development exceeds the acreage allowed for that land use, as Parcel G should be counted toward the total condominium area.

¹ As the Tentative Tract Map and Specific Plan Map are broken down differently (i.e. parcels vs. land use categories), it is not possible to compare the acreages with precise accuracy.

They indicate that this area should not be counted as part of the Residential Estates, but instead should be counted toward the Residential Villas (condominiums). As such, they feel Parcel G should remain within the Resort Area planning designation and that the condominiums should be reduced in size to remain within the 1.5 acre limit.

The City states that Parcel G is a landscaped exterior boundary and that there is no requirement that restricts the allocation of this area to the condominium planning area. They assert that the inclusion of this parcel in the area allocated for Residential Estates further limits the available area for private lots. Therefore, no additional structural development will occur as a result of this parcel being considered part of the Residential Estate area. The approved Tentative Tract Map illustrates that the actual condominium development remains within its 1.5 acre allocated area. Therefore, the Commission finds that the adjacent landscaped area does not need to be considered toward the total developable acreage.

Although some minor parcel acreage reallocation has occurred, overall acreages and land use distributions approved by the City are in substantial conformance with those approved in the certified LCP. Additionally, the areas dedicated to public benefit (including those reserved for the Resort, Open Space, Conservation and Recreation) remain in approximately the same location and distribution as originally approved. Therefore, the Commission finds that the project does not raise a substantial issue of consistency with the Treasure Island certified LCP in regard to land use acreage inconsistencies.

Miscellaneous Contentions

The appellants addressed several issues that did not fall into the specific categories discussed previously. Commission staff has reviewed each of these contentions and determined that none raise a substantial issue of consistency with the certified LCP. The following is a brief summary of each contention:

Request for Additional Hotel Development

The LCP does not allow for increased hotel use. The maximum of 275 rooms is being provided by the current project and any increase would raise issue for an LCP amendment.

Limiting Stays at the Resort

The appellant contends that visitor use of the resort (hotel and detached bungalows) is not assured by failure to limit stays. However, the City's Municipal Code allows only transient users. In addition, a condition of the CDP requires limited use of the resort as a hotel facility.

Goff Island

The appellant would prefer the groin not be replaced after removal of the cement slab. However, the LCP requires the construction of a replacement groin at this site. As stated in Chapter 3, Resource Protection Policies, of the LCP:

Policy 3.1.2-18 *Virtually all of the existing concrete slab and pier by Goff Island shall be removed to the maximum extent feasible without damaging the surrounding natural resources during the master grading of the other portions of the site by the Landowner/Master Developer. A rock groin/sea wall shall be constructed in an approximate north-south direction connecting the mainland to Goff Island, in order to : a) maintain a stable structure that, in height, length and location, replicates the function of the existing concrete slab (as generally defined in the Coastal Impact Study prepared by Moffat & Nichol, Coastal Engineers, dated December 5, 1997); b) duplicate the natural conditions; and c) stabilize the base of the existing northern access ramp. To the maximum extent possible, any replacement artificial structures, including groins or seawalls, shall be minimized and covered with sand or otherwise treated to provided a reasonably natural appearance.*

Therefore, the removal and replacement of Goff Island, as approved by the City, is consistent with the requirements of the certified LCP. Additionally, as a portion of the proposed Goff Island project lies within the Commission's original jurisdiction (below the mean high tide line), a Commission issued CDP is required. The application was received in the South Coast District Office on March 6, 2000 and will be considered at a subsequent Commission hearing.

iv. Invalid Contentions

Not all of the contentions raised by the appellants can be considered valid appeal grounds, as the grounds for an appeal are limited to an allegation that the development does not conform to the certified LCP or the public access policies of the Coastal Act. Many of the appellants' contentions cite project inconsistency with Coastal Act issues unrelated to public access even if the cited Coastal Act sections have not been incorporated into the LCP. These appeals fail to address inconsistency with the policies and standards of the certified LCP, limiting their appeal to consistency with Coastal Act policies that have not been incorporated into the certified LCP. Therefore, appeals that cite only Coastal Act sections and/or do not reference specific LCP policies are considered invalid. These are discussed below.

Inappropriate Application of Coastal Act Sections

The appellants cite multiple Coastal Act sections as grounds for their appeal. However, as these sections were not directly incorporated in the Treasure Island LCP, they cannot be considered valid grounds for contention.

The appellants cite Section 30253 as grounds for their appeal as it relates to landform alteration and grading. Section 30253 states, in pertinent part:

New development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

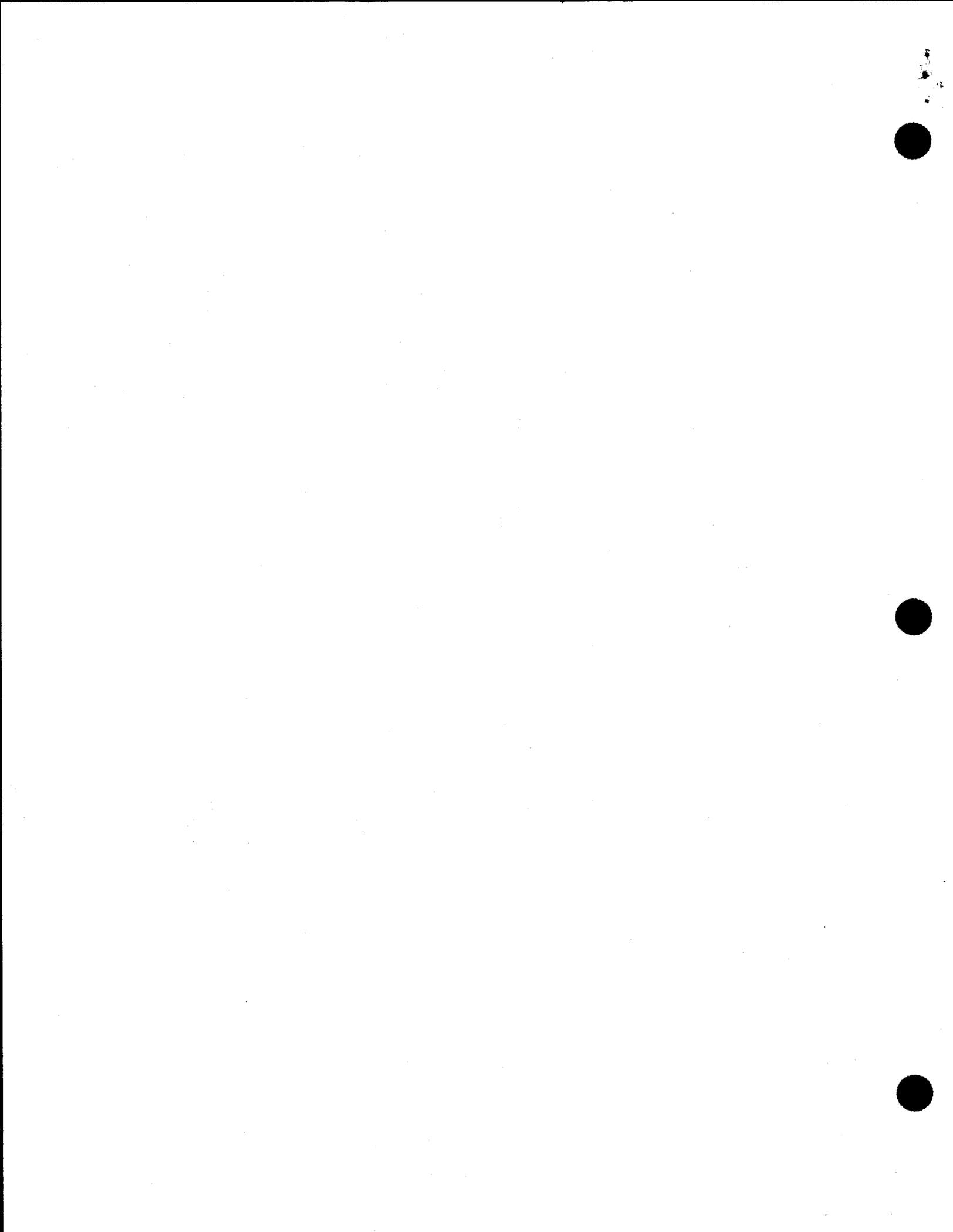
The appellants cite Section 30251 as grounds for their appeal as it pertains to community character, design and visual resources. Section 30251 states, in pertinent part:

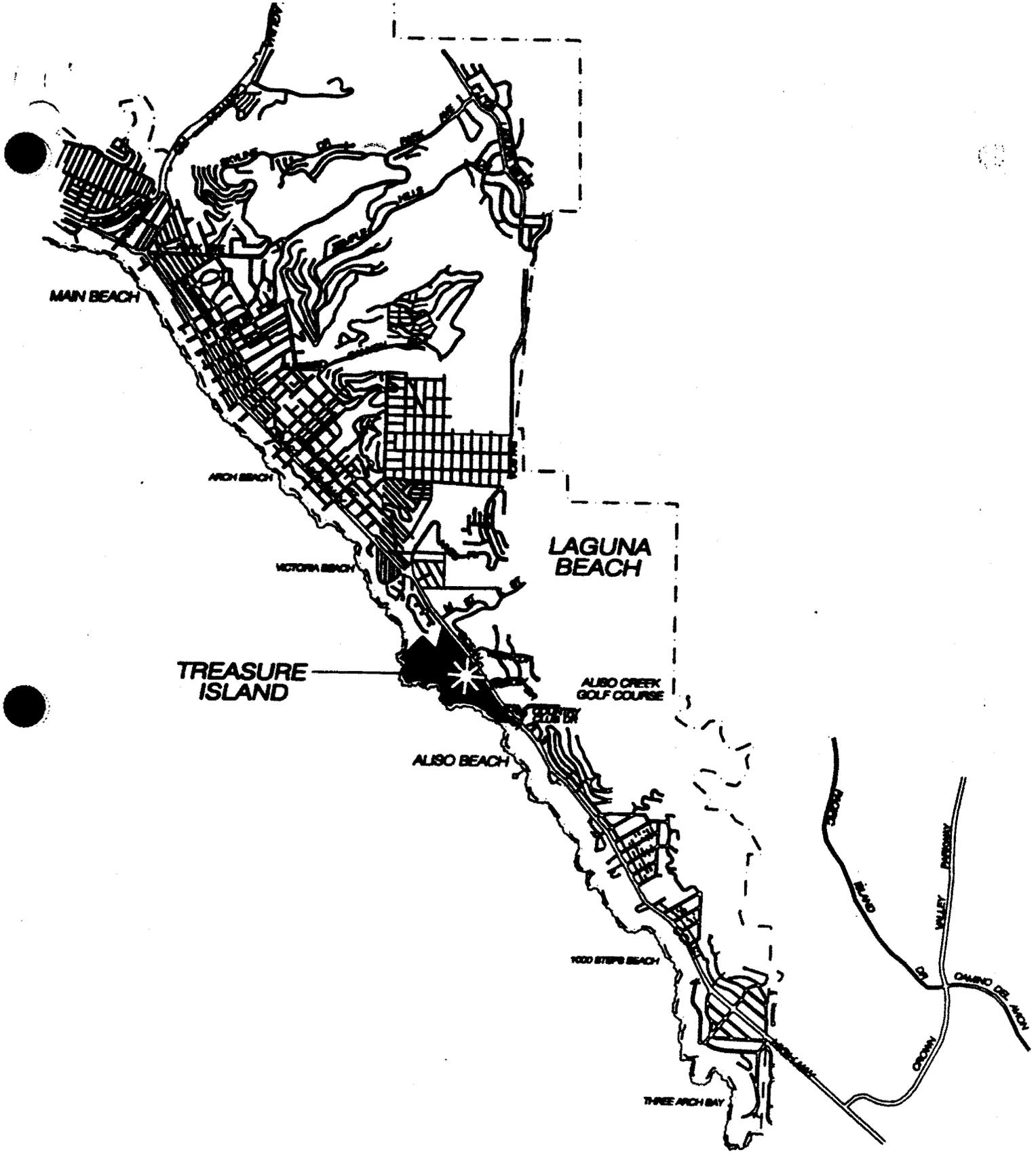
The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The preceding Coastal Act Sections are not directly incorporated in the Treasure Island certified LCP and therefore, are not valid grounds for appeal of the approved project under 30603 of the Coastal Act. Please note, however, that other appellants have validly raised landform alteration, scenic visual resources and community character issues as they specifically relate to LCP policies and these issues have been analyzed above.

City Enforcement of Permits

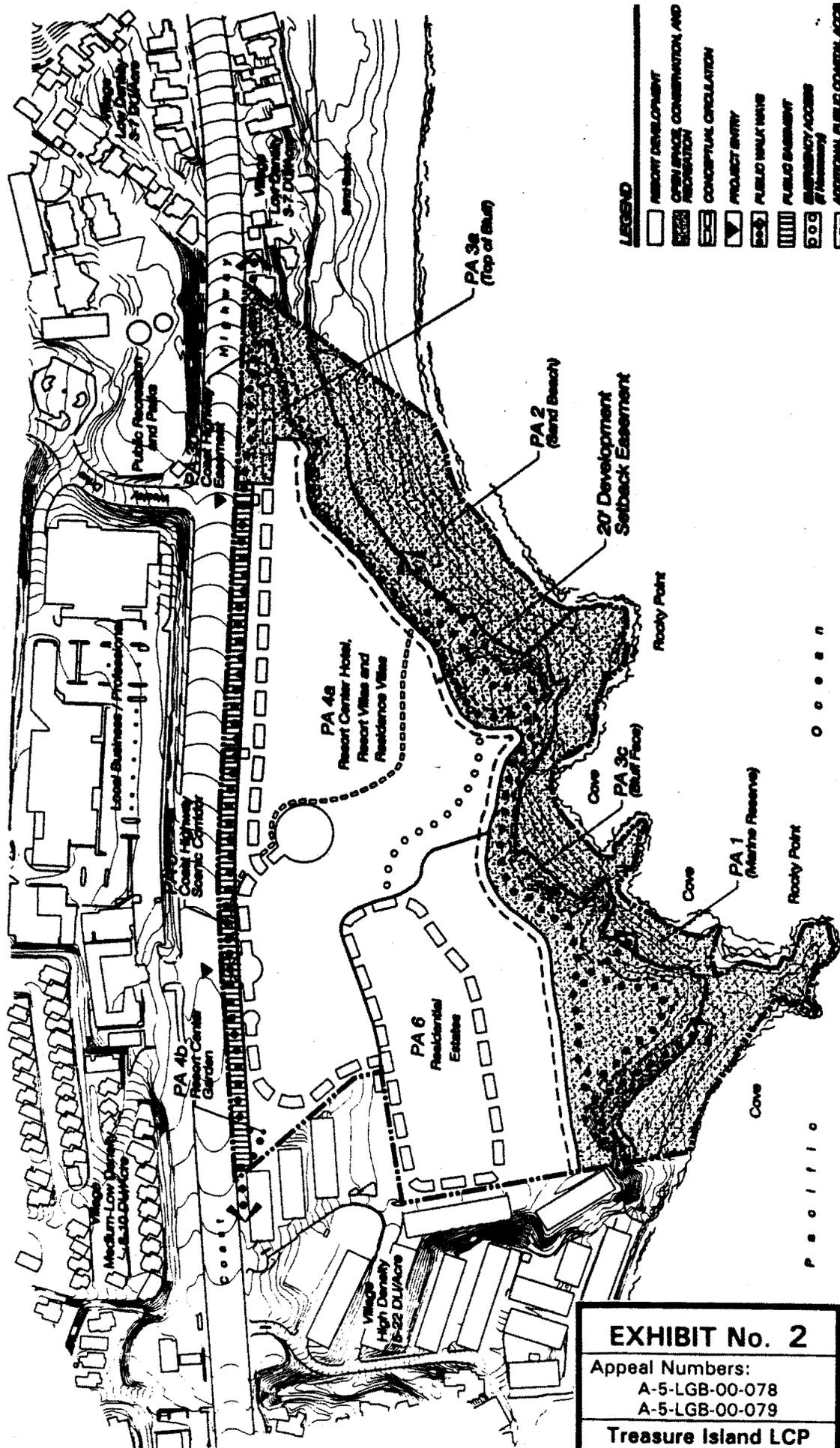
Finally, one appellant contends that the City has allowed the fencing off of public beaches for private use and does not enforce parking conditions of CDPs. The City disputes this contention, stating "*The City enforces all permits, including Coastal Development Permits.*" Moreover, this contention involves a claim that violations of previously issued CDPs are occurring elsewhere, and does not pertain to the current development. Therefore, this contention is not a valid ground for appeal of the approved project.





Treasure Island
 LAGUNA BEACH, CALIFORNIA
 Local Coastal Program

EXHIBIT No. 1	
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079	
Vicinity Map	
	California Coastal Commission



- LEGEND**
- PROJECT DEVELOPMENT
 - OPEN SPACE CONSERVATION AND RECREATION
 - CONCEPTUAL CIRCULATION
 - PROJECT ENTRY
 - PUBLIC WALKWAYS
 - PUBLIC EASEMENT
 - EMERGENCY ACCESS (Necessary if Feasible)
 - ADDITIONAL PUBLIC COASTAL ACCESS (if Feasible)

EXHIBIT No. 2
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
Treasure Island LCP Specific Plan Map
California Coastal Commission

Figure 8.2-1
SPECIFIC PLAN MAP
for the Treasure Island Specific Plan Area

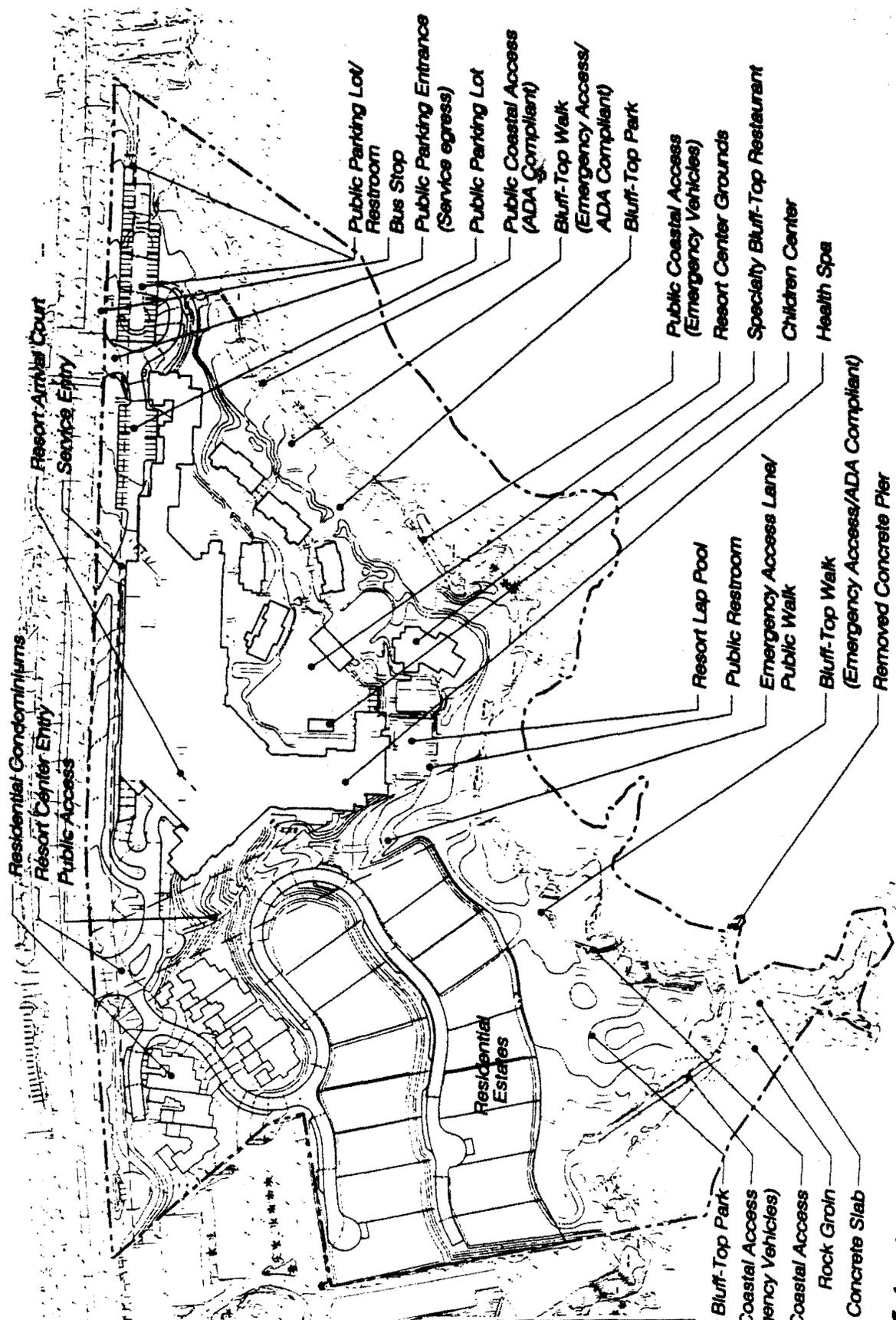


EXHIBIT No. 3

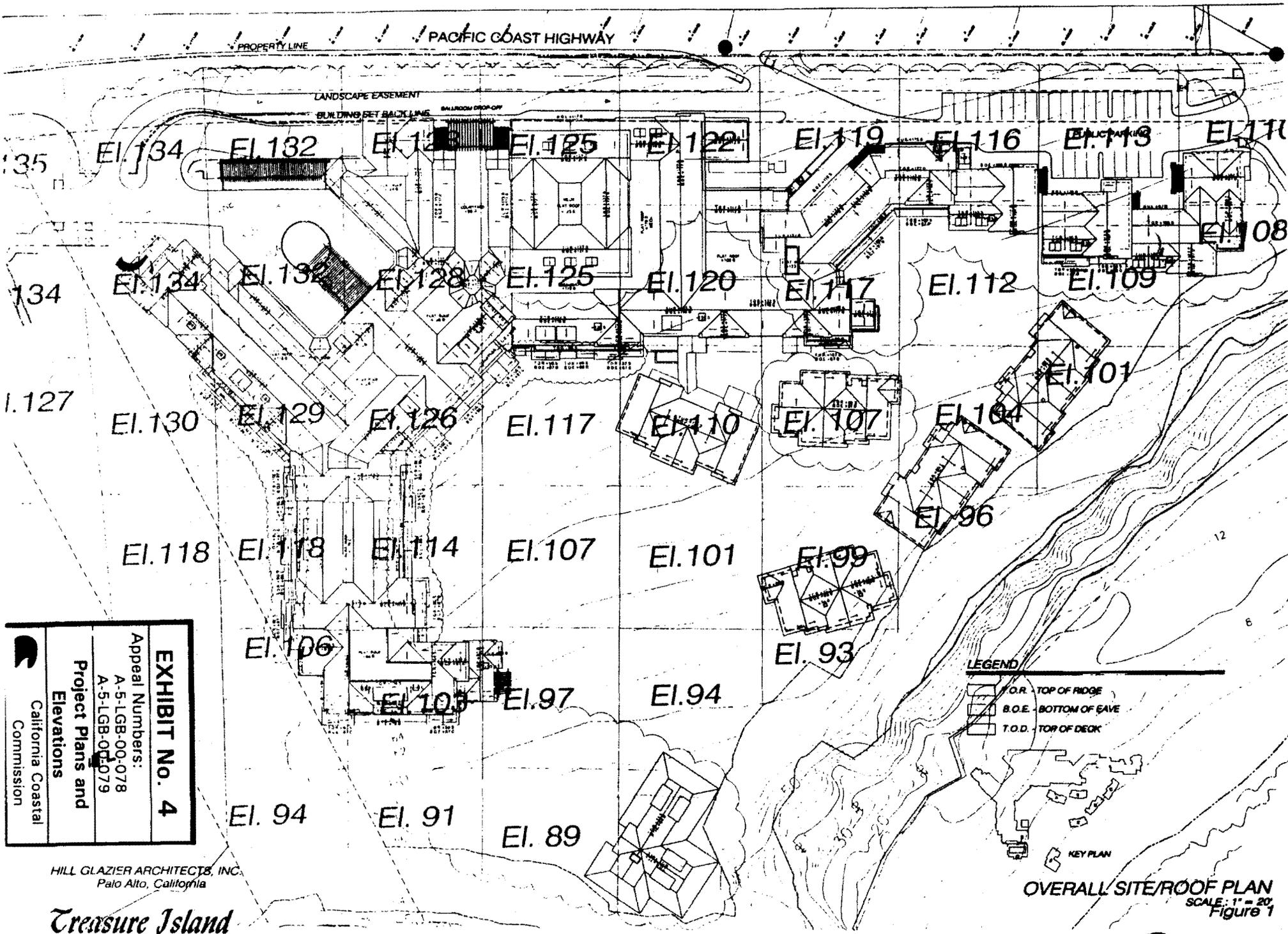
Appeal Numbers:
A-5-LGB-00-078
A-5-LGB-00-079

**Local CDP Site
Development Plan**

California Coastal
Commission

Treasure Island
LAGUNA BEACH, CALIFORNIA
The Athens Group

Figure 2.1
SITE DEVELOPMENT PLAN
COASTAL DEVELOPMENT PERMIT



 California Coastal Commission	EXHIBIT No. 4
	Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
	Project Plans and Elevations

HILL GLAZIER ARCHITECTS, INC.
Palo Alto, California

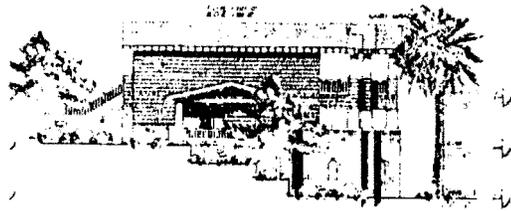
Treasure Island
LAGUNA BEACH, CALIFORNIA

The Group

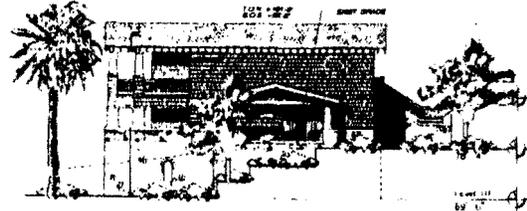
OVERALL SITE/ROOF PLAN
SCALE: 1" = 20'
Figure 1

COASTAL DEVELOPMENT PERMIT

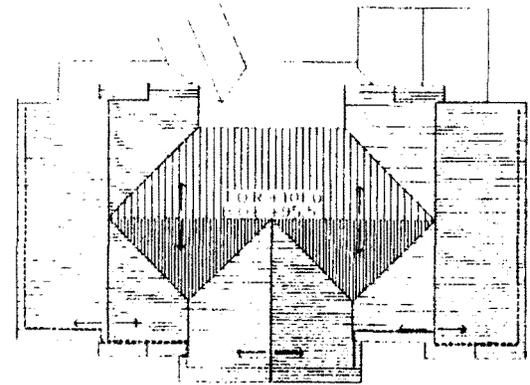




ELEVATION 3



ELEVATION 4



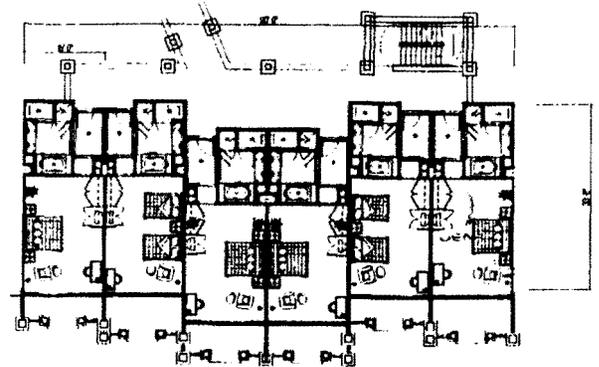
ROOF PLAN



ELEVATION 2



ELEVATION 1



FLOOR PLAN



KEY PLAN

EXHIBIT # 4
PAGE 2 OF 23

COASTAL COMMISSION

HILL GLAZIER ARCHITECTS, INC.
Palo Alto, California

Treasure Island
LAGUNA BEACH, CALIFORNIA

The Athens Group

Figure 7
TYPICAL BUNGALOW
SCALE: 1/8" = 1'-0"

COASTAL DEVELOPMENT PERMIT



02/11/14



ELEVATION 3



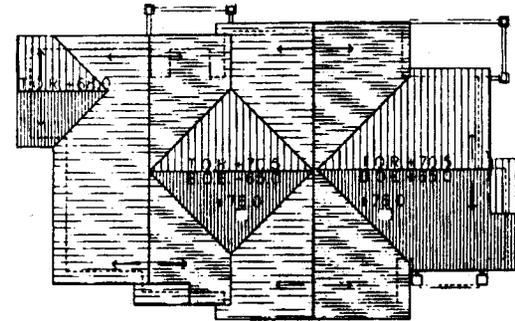
ELEVATION 4



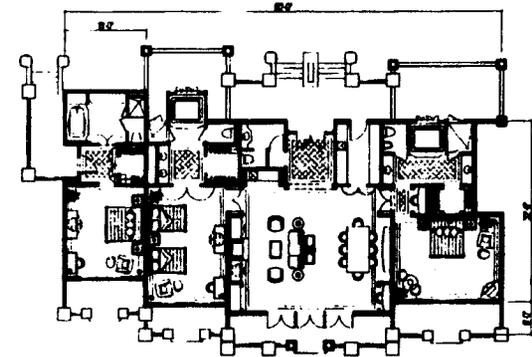
ELEVATION 2



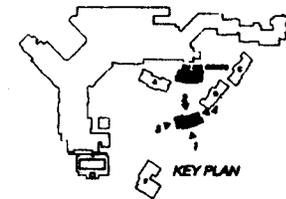
ELEVATION 1



ROOF PLAN



FLOOR PLAN



KEY PLAN

EXHIBIT # 4
PAGE 3 OF 23

COASTAL COLLEGIUM

HILL GLAZIER ARCHITECTS, INC.
Palo Alto, California

Treasure Island
LA JOLLA, CALIFORNIA

The group

Figure 8
PRESIDENTIAL BUNGALOW TYPE 1
SCALE: 1/8" = 1'-0"

COASTAL DEVELOPMENT PERMIT

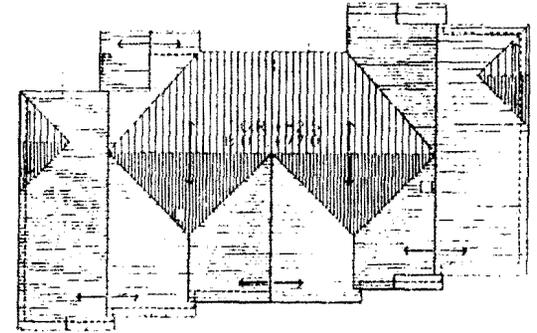
NOV 14 1984



ELEVATION 3



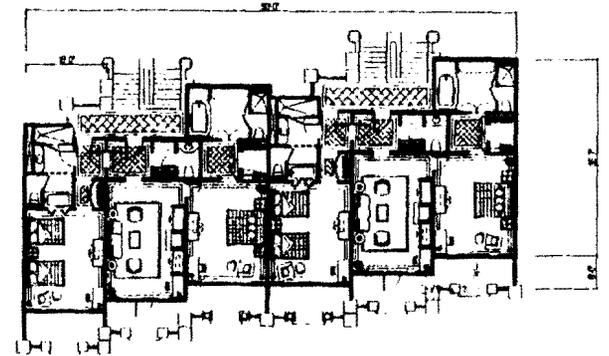
ELEVATION 4



ROOF PLAN



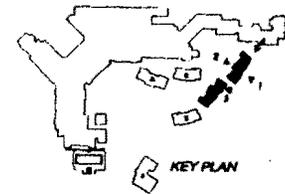
ELEVATION 2



FLOOR PLAN



ELEVATION 1



KEY PLAN

EXHIBIT # 4
PAGE 4 OF 23

COASTAL COMMISSION

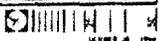
HILL GLAZIER ARCHITECTS, INC.
Palo Alto, California

Treasure Island
LAGUNA BEACH, CALIFORNIA

The Athens Group

Figure 9
EXECUTIVE BUNGALOW
SCALE: 1/8" = 1'-0"

COASTAL DEVELOPMENT PERMIT

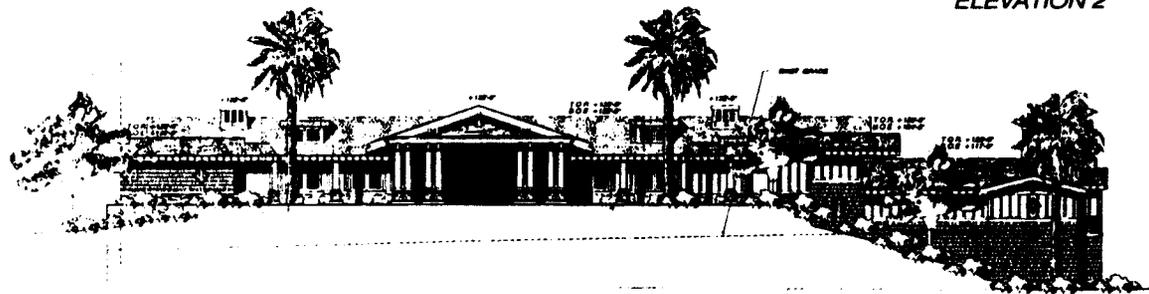




ELEVATION 3



ELEVATION 2



ELEVATION 1

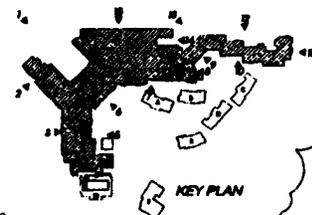


Figure 10
 MAIN HOTEL ELEVATIONS
 SCALE: 1/8" = 1'-0"
 COAST DEVELOPMENT PERMIT

EXHIBIT # 4
 PAGE 5 OF 23

COASTAL COMMISSION

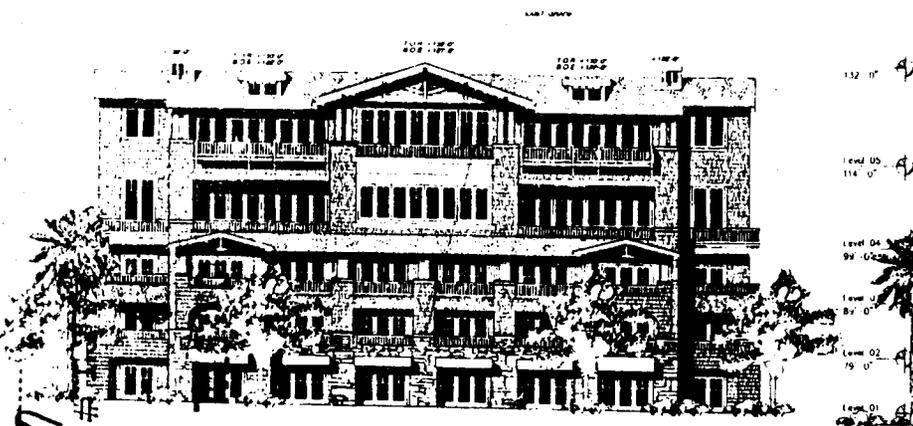
HILL GLAZIER ARCHITECTS, INC.
 Palo Alto, California

Treasure Island
 LAGUNA BEACH, CALIFORNIA
 The [unclear] Group

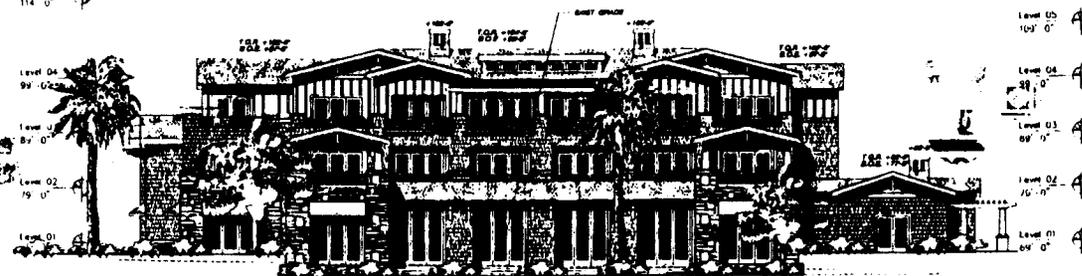
DATE: 11/11/11
 SCALE: 1/8" = 1'-0"



ELEVATION 5

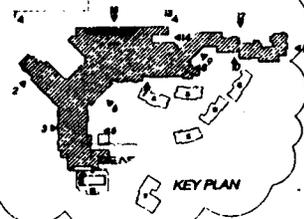


ELEVATION 6



ELEVATION 4

6 OF 23
COMMISSION



KEY PLAN

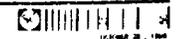
HILL GLAZIER ARCHITECTS, INC.
Palo Alto, California

Treasure Island
LAGUNA BEACH, CALIFORNIA

The Athens Group

Figure 11
MAIN HOTEL ELEVATIONS
SCALE: 1/8" = 1'-0"

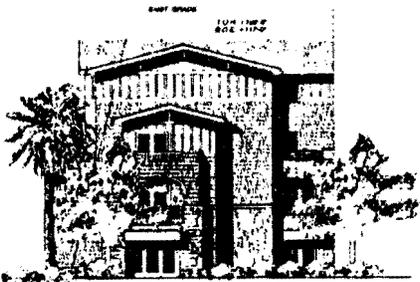
COASTAL DEVELOPMENT PERMIT





Level 05 106'-0"
 Level 04 99'-0"
 Level 01 89'-0"
 Level 02 77'-0"
 Level 03 67'-0"

ELEVATION 10



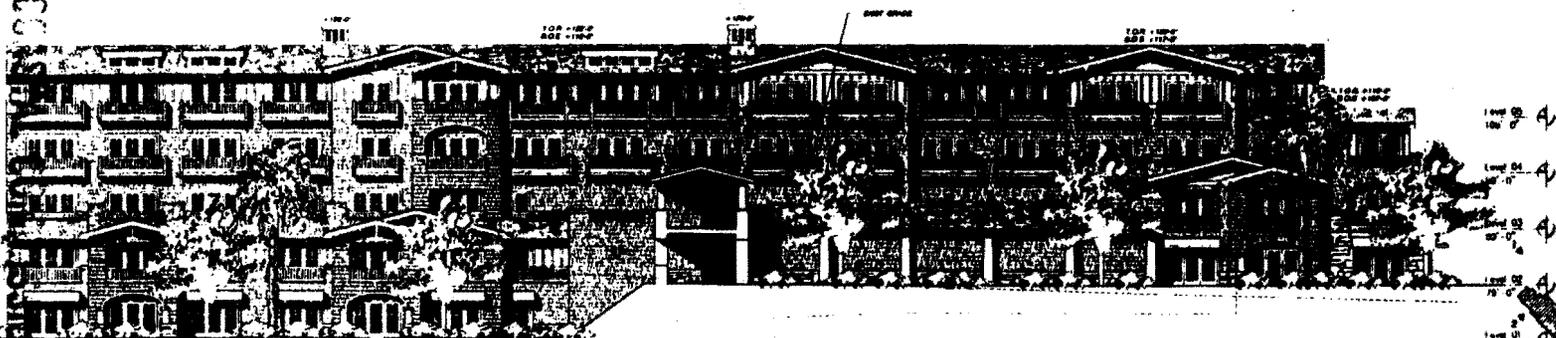
Level 05 106'-0"
 Level 04 99'-0"
 Level 03 89'-0"
 Level 02 77'-0"
 Level 01 67'-0"

ELEVATION 8



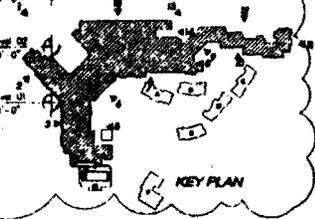
Level 05 106'-0"
 Level 04 99'-0"
 Level 03 89'-0"
 Level 02 77'-0"
 Level 01 67'-0"

ELEVATION 9



Level 05 106'-0"
 Level 04 99'-0"
 Level 03 89'-0"
 Level 02 77'-0"
 Level 01 67'-0"

ELEVATION 7



KEY PLAN

EXHIBIT # 4
 PAGE 7 OF 23

HILL GLAZIER ARCHITECTS, INC.
 Palo Alto, California

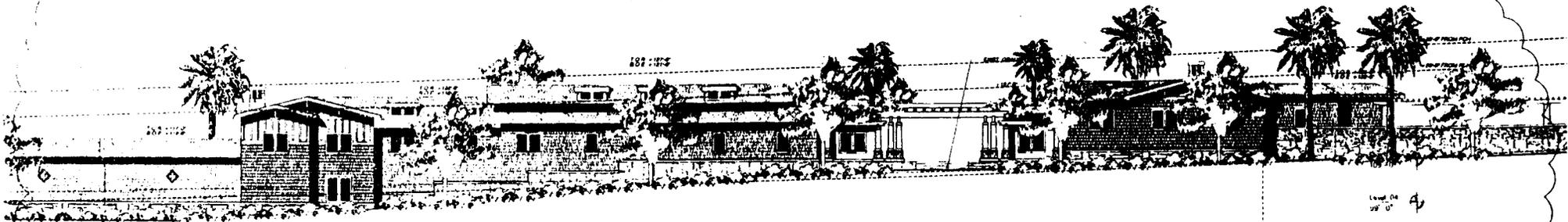
Treasure Island
 LAGUNA BEACH, CALIFORNIA

The Architects Group

Figure 12
 MAIN HOTEL ELEVATIONS
 SCALE: 1/8" = 1'-0"

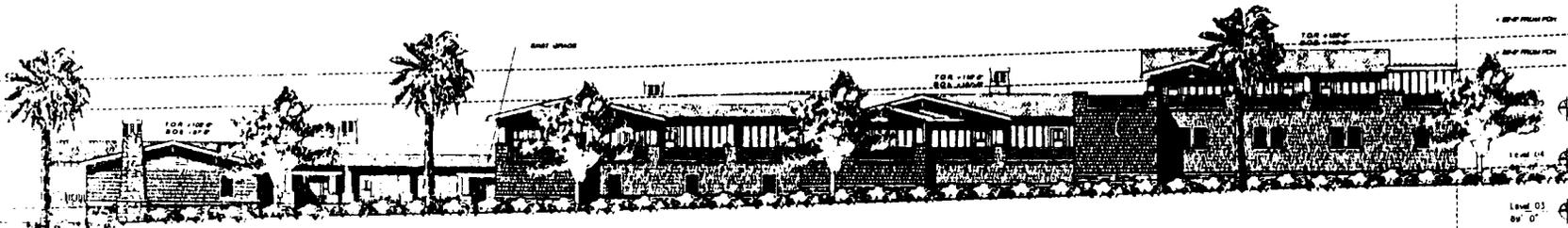
COASTAL DEVELOPMENT PERMIT

DATE: 11/11/11



ELEVATION 15

- Level 04
99' 0"
- Level 03
89' 0"
- Level 02
79' 0"
- Level 01
69' 0"



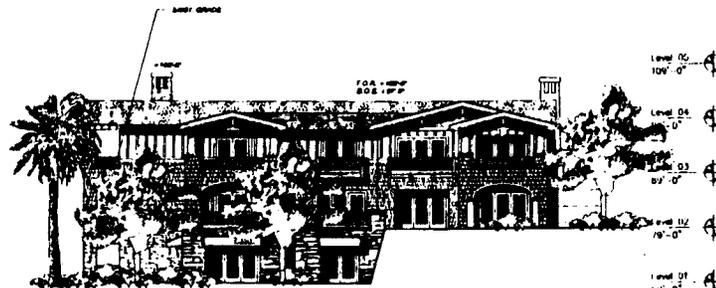
ELEVATION 12

- Level 04
99' 0"
- Level 03
89' 0"
- Level 02
79' 0"
- Level 01
69' 0"



ELEVATION 13

- Level 05
119' 0"
- Level 04
99' 0"
- Level 03
79' 0"
- Level 02
74' 0"
- Level 01
64' 0"



ELEVATION 11

- Level 05
119' 0"
- Level 04
99' 0"
- Level 03
79' 0"
- Level 02
74' 0"
- Level 01
64' 0"

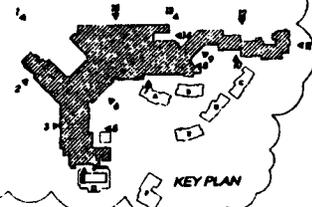


EXHIBIT # 4
PAGE 8 OF 23

COASTAL COMMISSION

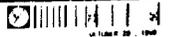
HILL GLAZIER ARCHITECTS, INC.
Palo Alto, California

Treasure Island
LAGUNA BEACH, CALIFORNIA

The Athens Group

Figure 13
MAIN HOTEL ELEVATIONS
SCALE: 1/8" = 1'-0"

COASTAL DEVELOPMENT PERMIT



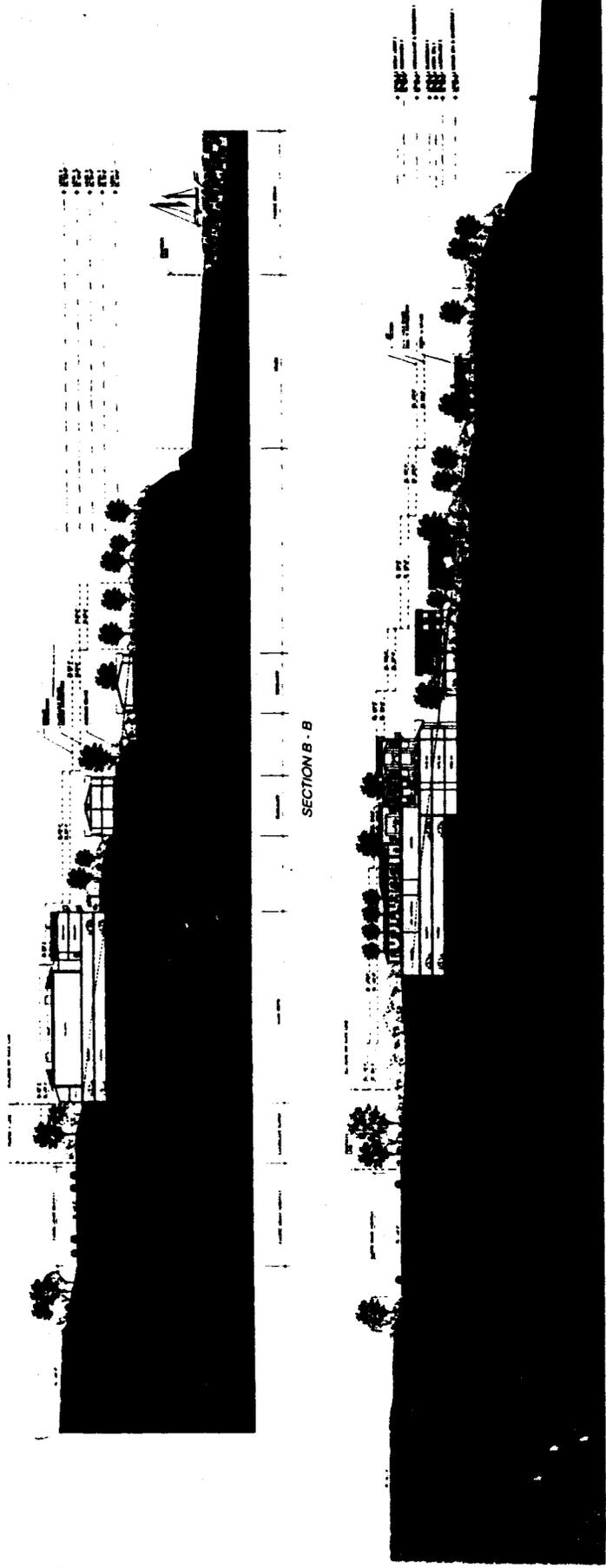


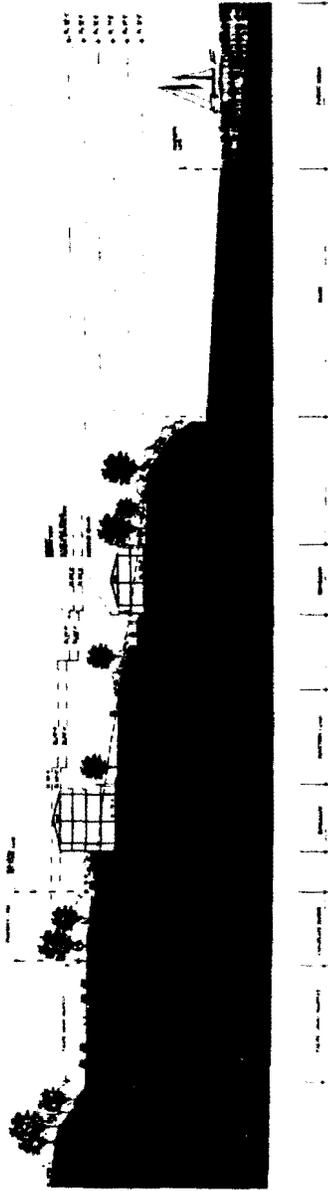
Figure 14
 OVERALL SITE SECTIONS
 SCALE: 1" = 20'

COASTAL DEVELOPMENT PERMIT

EX-110
 FILE #
 PAGE

THE PLANNERS GROUP
 Treasure Island

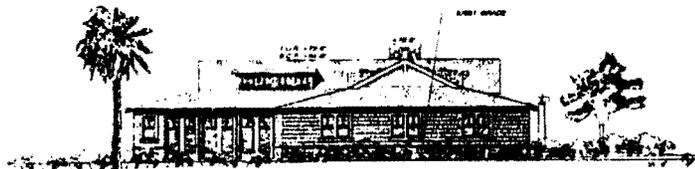
COMMISSION
 # 4
 9 OF 23



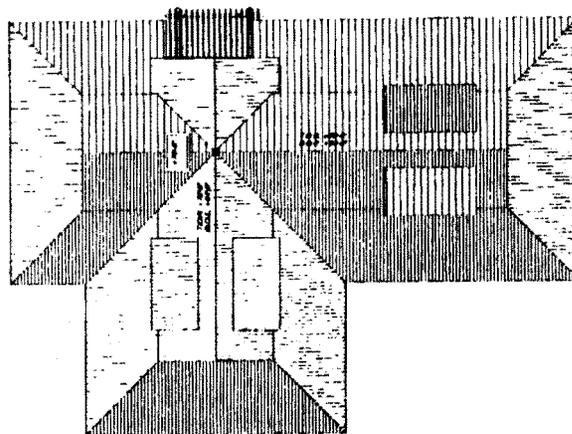
SECTION C - C



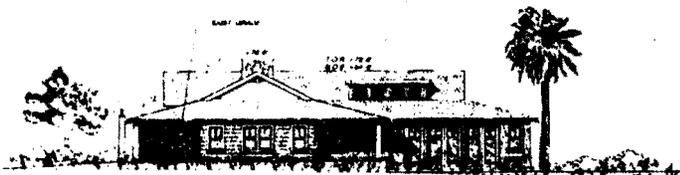
Figure 15
OVERALL SITE SECTION
SCALE: 1/4" = 1'-0"



ELEVATION 4



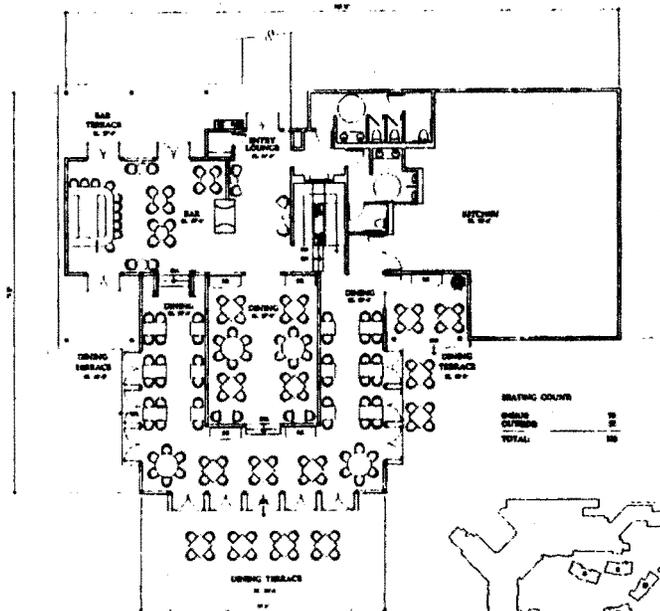
ROOF PLAN



ELEVATION 3



ELEVATION 2



FLOOR PLAN



KEY PLAN



ELEVATION 1

COASTAL COMMISSION

EXHIBIT # 4
PAGE 11 OF 23

HILL GLAZIER ARCHITECTS, INC.
Palo Alto, California

Treasure Island
LAGUNA BEACH, CALIFORNIA

The Art of Living

Figure 16
SPECIALTY RESTAURANT

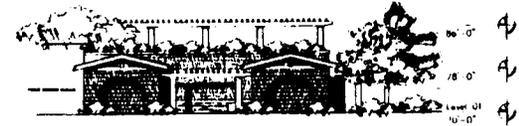
SCALE: 1/8" = 1'-0"

COASTAL DEVELOPMENT PERMIT

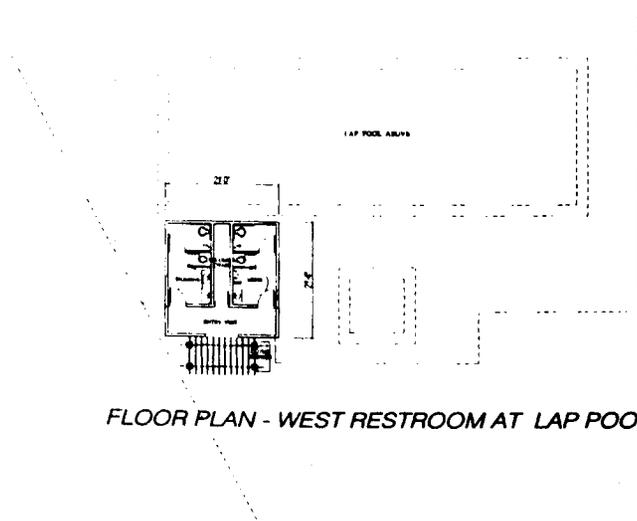
DATE: 3/1/84



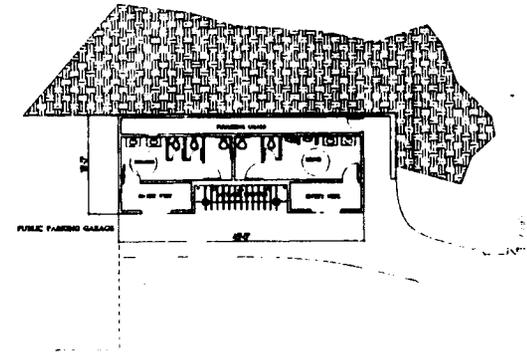
ENTRY ELEVATION - WEST RESTROOM



ENTRY ELEVATION - EAST RESTROOM



FLOOR PLAN - WEST RESTROOM AT LAP POOL



FLOOR PLAN - EAST RESTROOM AT PUBLIC PARKING GARAGE

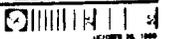
COASTAL COMMISSION
 EXHIBIT # 4
 PAGE 12 OF 23

HILL GLAZIER ARCHITECTS, INC.
Palo Alto, California

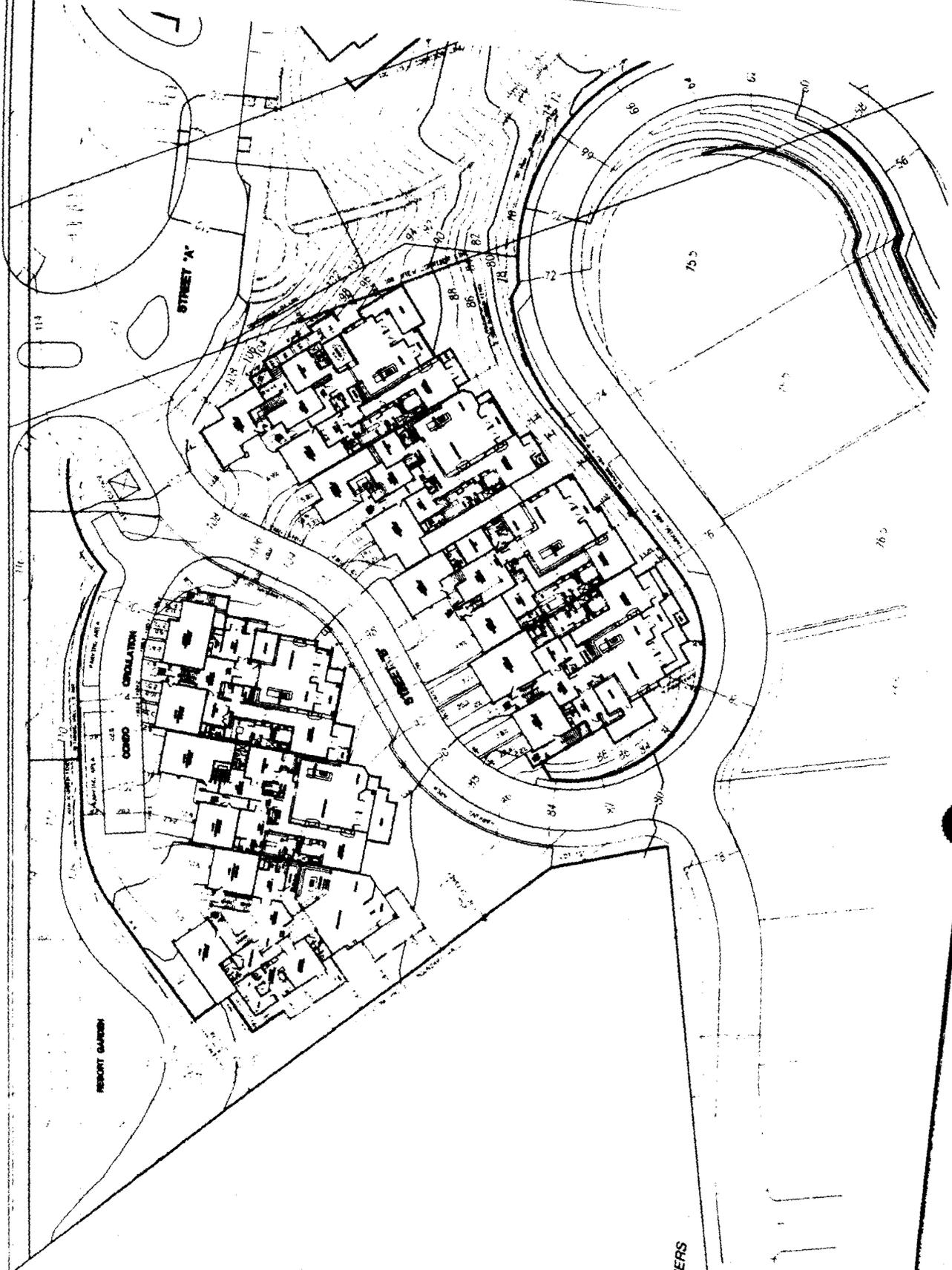
Treasure Island
LAGUNA BEACH, CALIFORNIA

The Athens Group

Figure 17
PUBLIC RESTROOM
SCALE: 1/8" = 1'-0"
COASTAL DEVELOPMENT PERMIT



PACIFIC COAST HIGHWAY



COASTAL COMMISSION

EXHIBIT # 4
PAGE 13 OF 23

McLARAN, VASQUEZ & PARTNERS
COSTA MESA, CALIFORNIA

Treasure Island
LAGUNA BEACH, CALIFORNIA
The A... 4P

CONDOMINIUM SITE PLAN
COURT

NOTE:

T.O.R. - Top of Ridge

T.O.F. - Top of Fascia

Total proposed impact in PCH view corridor.

Shaded area equal to 117'-10"

EXHIBIT # 4
PAGE 14 OF 23

COASTAL COMMISSION

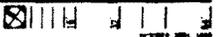


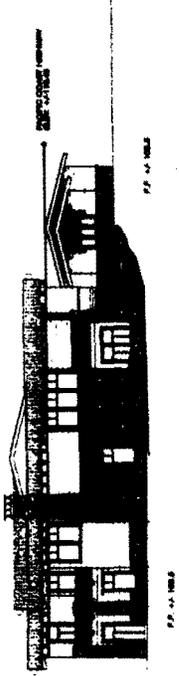
McLARAND, VASQUEZ & PARTNERS
IRVINE, CALIFORNIA

Treasure Island
LA QUINA BEACH, CALIFORNIA

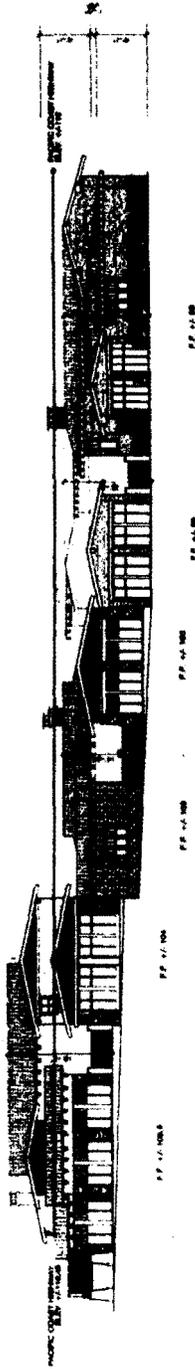
The Athens Group

PCH VIEW ANALYSIS
PARTIAL SITE PLAN
COASTAL DEVELOPMENT PERMIT

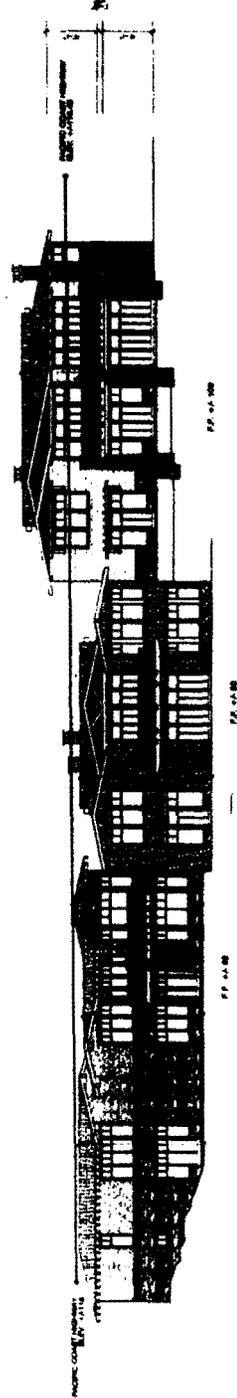




EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

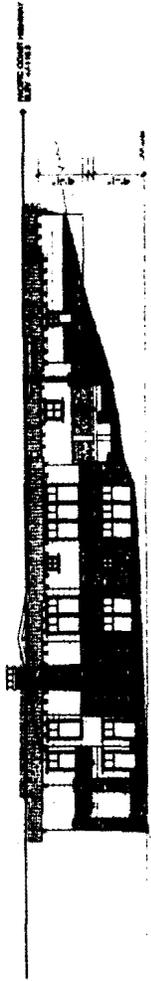
COASTAL COMMISSION

EXHIBIT # 4
PAGE 15 OF 23

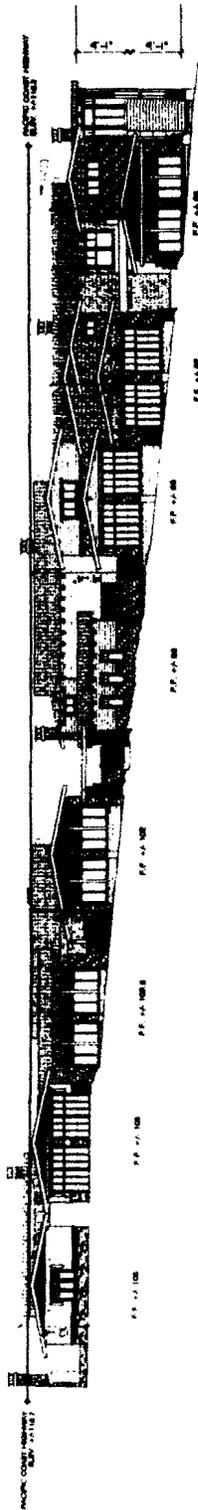
McLARAN, VASQUEZ & PARTNERS
IRVINE, CALIFORNIA

Treasure Island
LAGUNA BEACH, CALIFORNIA
The Architect

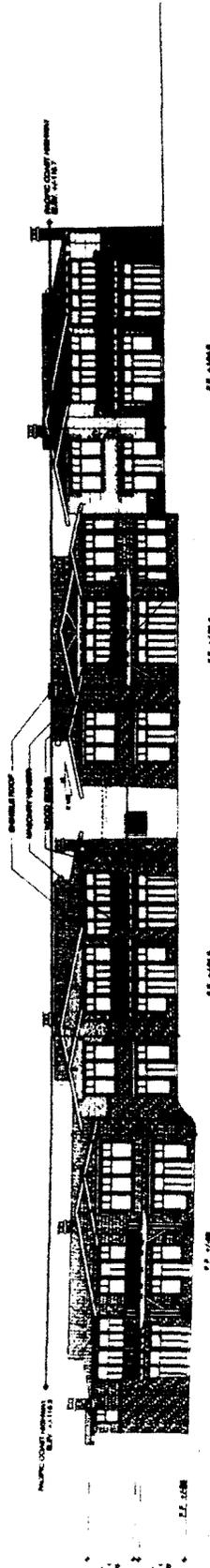
ELEVATIONS
BUILDING ONE
COASTAL COMMISSION PERMIT



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

COASTAL COMMISSION

EXHIBIT # 4
PAGE 16 OF 23

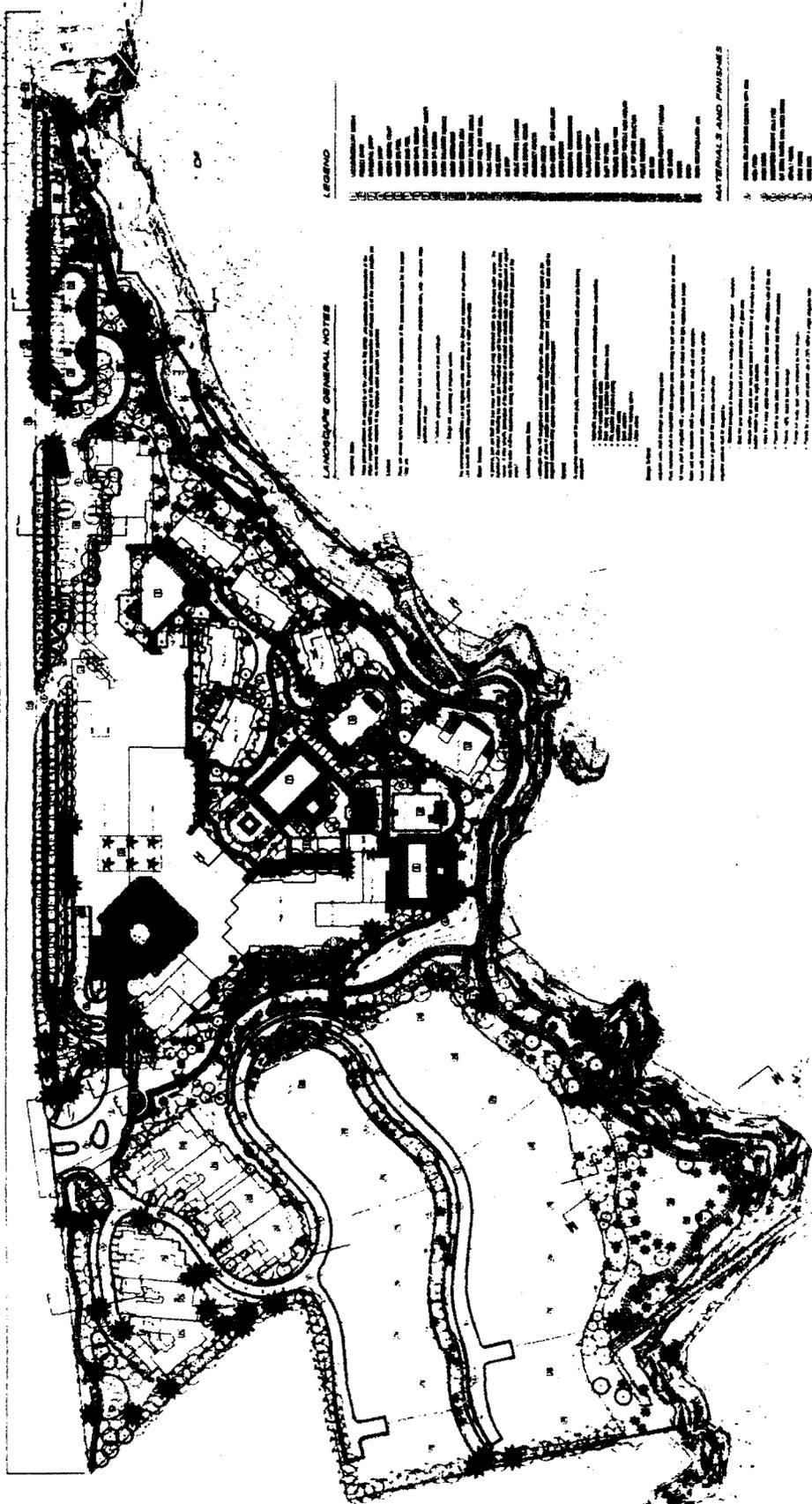
McLARAND, VASQUEZ & PARTNERS
IRVINE, CALIFORNIA

Treasure Island
LAGUNA BEACH, CALIFORNIA
The Athens Group

ELEVATIONS
BUILDING TWO
COASTAL DEVELOPMENT PERMIT



PACIFIC COAST HIGHWAY ELEVATION



LEGEND

- 1. Existing Building Footprints
- 2. Proposed Building Footprints
- 3. Existing Parking
- 4. Proposed Parking
- 5. Existing Roads
- 6. Proposed Roads
- 7. Existing Landscaping
- 8. Proposed Landscaping
- 9. Existing Utilities
- 10. Proposed Utilities
- 11. Existing Topography
- 12. Proposed Topography
- 13. Existing Easements
- 14. Proposed Easements
- 15. Existing Right-of-Way
- 16. Proposed Right-of-Way
- 17. Existing Wetlands
- 18. Proposed Wetlands
- 19. Existing Shoreline
- 20. Proposed Shoreline
- 21. Existing Beach
- 22. Proposed Beach
- 23. Existing Dunes
- 24. Proposed Dunes
- 25. Existing Bluffs
- 26. Proposed Bluffs
- 27. Existing Seawalls
- 28. Proposed Seawalls
- 29. Existing Fences
- 30. Proposed Fences
- 31. Existing Signage
- 32. Proposed Signage
- 33. Existing Utilities
- 34. Proposed Utilities
- 35. Existing Topography
- 36. Proposed Topography
- 37. Existing Easements
- 38. Proposed Easements
- 39. Existing Right-of-Way
- 40. Proposed Right-of-Way
- 41. Existing Wetlands
- 42. Proposed Wetlands
- 43. Existing Shoreline
- 44. Proposed Shoreline
- 45. Existing Beach
- 46. Proposed Beach
- 47. Existing Dunes
- 48. Proposed Dunes
- 49. Existing Bluffs
- 50. Proposed Bluffs
- 51. Existing Seawalls
- 52. Proposed Seawalls
- 53. Existing Fences
- 54. Proposed Fences
- 55. Existing Signage
- 56. Proposed Signage

MATERIALS AND FINISHES

- 1. Concrete
- 2. Asphalt
- 3. Gravel
- 4. Sand
- 5. Earth
- 6. Rock
- 7. Brick
- 8. Stone
- 9. Wood
- 10. Metal
- 11. Glass
- 12. Paint
- 13. Stucco
- 14. Siding
- 15. Roofing
- 16. Flooring
- 17. Wallpaper
- 18. Ceiling
- 19. Trim
- 20. Hardware
- 21. Lighting
- 22. Fixtures
- 23. Appliances
- 24. Furniture
- 25. Landscaping
- 26. Paving
- 27. Retention
- 28. Drainage
- 29. Utilities
- 30. Security
- 31. Access
- 32. Circulation
- 33. Orientation
- 34. Views
- 35. Privacy
- 36. Sunlight
- 37. Wind
- 38. Noise
- 39. Vibration
- 40. Air Quality
- 41. Water Quality
- 42. Soil Quality
- 43. Plant Life
- 44. Animal Life
- 45. Cultural Resources
- 46. Historical Resources
- 47. Archaeological Resources
- 48. Paleontological Resources
- 49. Geological Resources
- 50. Biological Resources
- 51. Cultural Resources
- 52. Historical Resources
- 53. Archaeological Resources
- 54. Paleontological Resources
- 55. Geological Resources
- 56. Biological Resources

LANDSCAPE ORIGINAL NOTES

1. All plantings shall be installed in accordance with the attached planting schedule and specifications.

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LANDSCAPE MASTER PLAN

COASTAL DEVELOPMENT PERMIT

SUNTOR ASSOCIATES LANDSCAPE ARCHITECTURE AND PLANNING



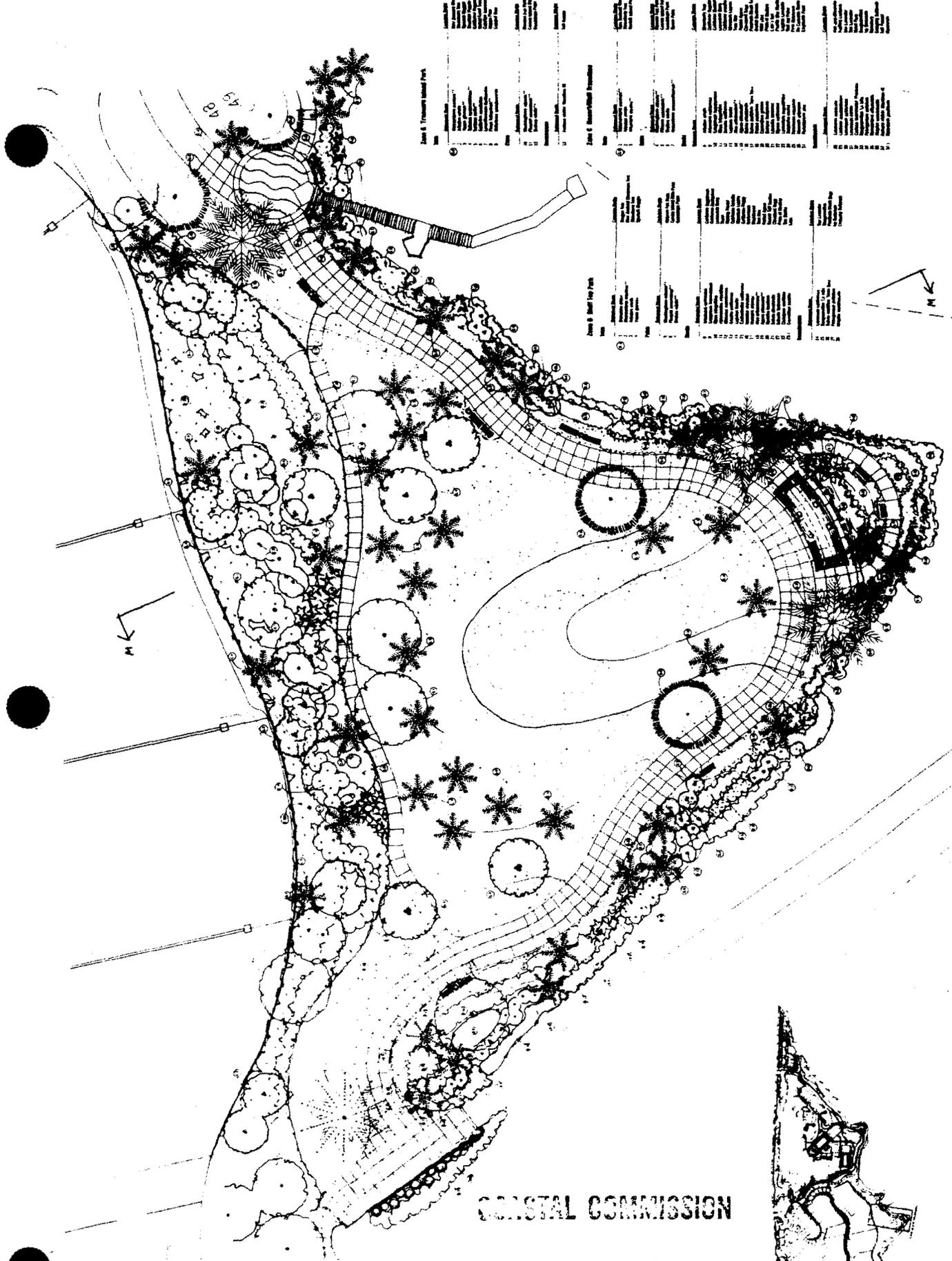
COASTAL COMMISSION

Treasure Island

LANDSCAPE ARCHITECTURE

The Athens Group

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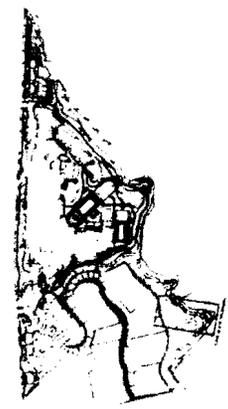


Zone G - Treasure Island Park	Zone H - Shoreline Promenade
<ul style="list-style-type: none"> 1. Palm Tree 2. Circular Lawn 3. Rectangular Lawn 4. Pathway 5. Fountain 6. Bench 7. Light Pole 8. Tree 9. Flower Bed 10. Wall 11. Gate 12. Sign 13. Utility Pole 14. Street Light 15. Tree 16. Flower Bed 17. Wall 18. Gate 19. Sign 20. Utility Pole 21. Street Light 22. Tree 23. Flower Bed 24. Wall 25. Gate 26. Sign 27. Utility Pole 28. Street Light 29. Tree 30. Flower Bed 31. Wall 32. Gate 33. Sign 34. Utility Pole 35. Street Light 36. Tree 37. Flower Bed 38. Wall 39. Gate 40. Sign 41. Utility Pole 42. Street Light 43. Tree 44. Flower Bed 45. Wall 46. Gate 47. Sign 48. Utility Pole 49. Street Light 50. Tree 	<ul style="list-style-type: none"> 1. Palm Tree 2. Circular Lawn 3. Rectangular Lawn 4. Pathway 5. Fountain 6. Bench 7. Light Pole 8. Tree 9. Flower Bed 10. Wall 11. Gate 12. Sign 13. Utility Pole 14. Street Light 15. Tree 16. Flower Bed 17. Wall 18. Gate 19. Sign 20. Utility Pole 21. Street Light 22. Tree 23. Flower Bed 24. Wall 25. Gate 26. Sign 27. Utility Pole 28. Street Light 29. Tree 30. Flower Bed 31. Wall 32. Gate 33. Sign 34. Utility Pole 35. Street Light 36. Tree 37. Flower Bed 38. Wall 39. Gate 40. Sign 41. Utility Pole 42. Street Light 43. Tree 44. Flower Bed 45. Wall 46. Gate 47. Sign 48. Utility Pole 49. Street Light 50. Tree

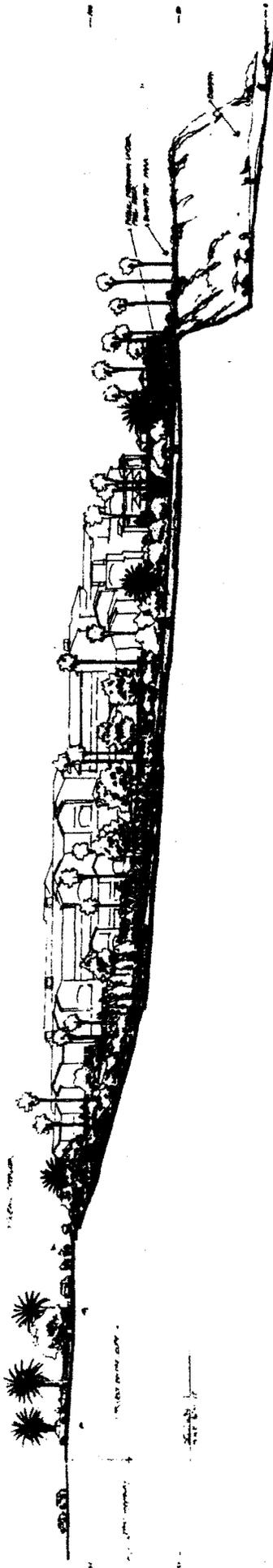
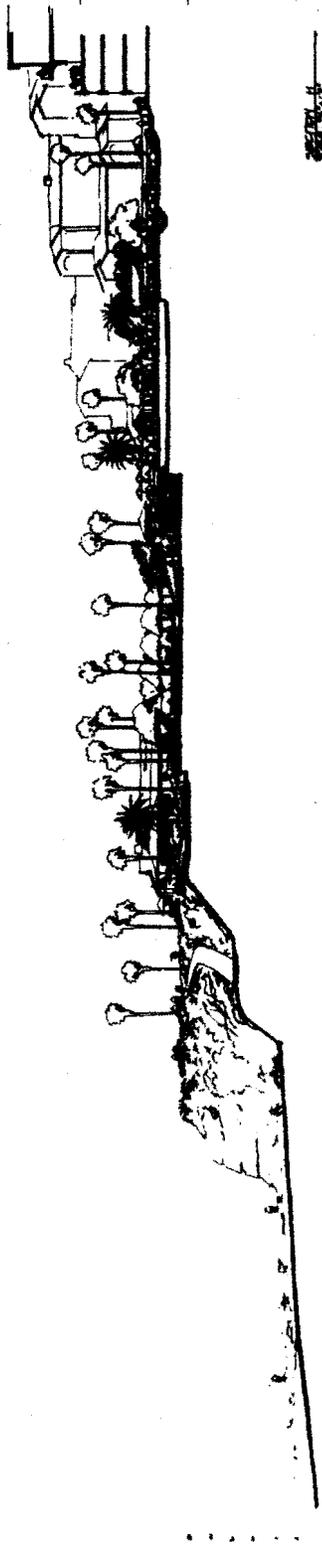
ZONE G - TREASURE ISLAND PARK
 COASTAL DEVELOPMENT PERMIT
 NURTON ASSOCIATES, LANDSCAPE ARCHITECTURE AND PLANNING
 0 5 10 20

COASTAL COMMISSION

EXHIBIT # 4
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Treasure Island
 LANDSCAPE ARCHITECTURE
 The Athens Group

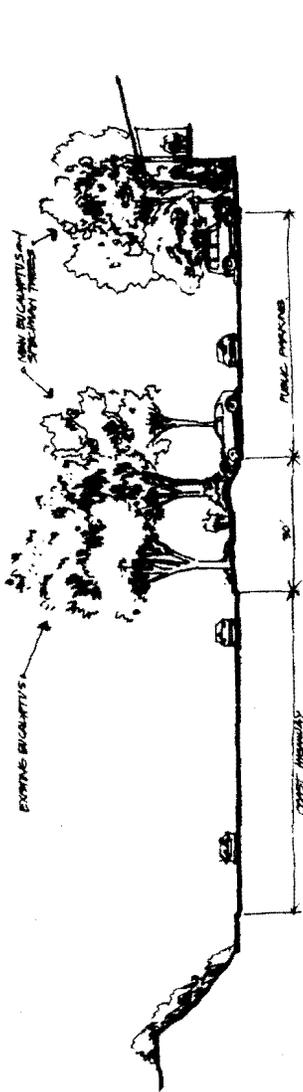


Treasure Island

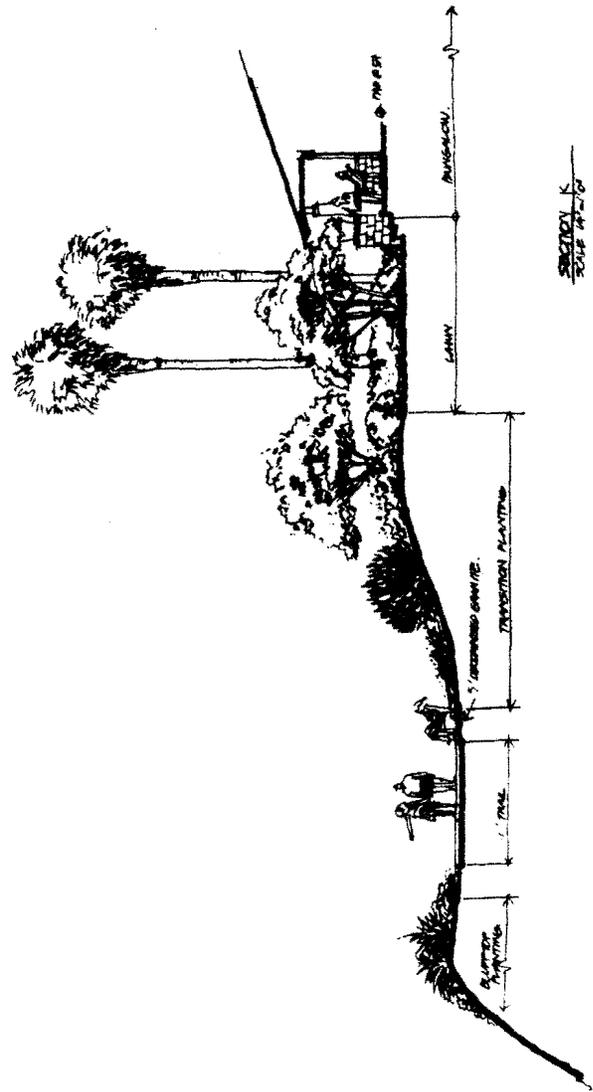
COASTAL COMMISSION

EXHIBIT # 4
PAGE 19 OF 23

LANDSCAPE ELEVATIONS AND SECTIONS
COASTAL DESIGN CONSULTANTS
NORTH ARLINGTON, VIRGINIA

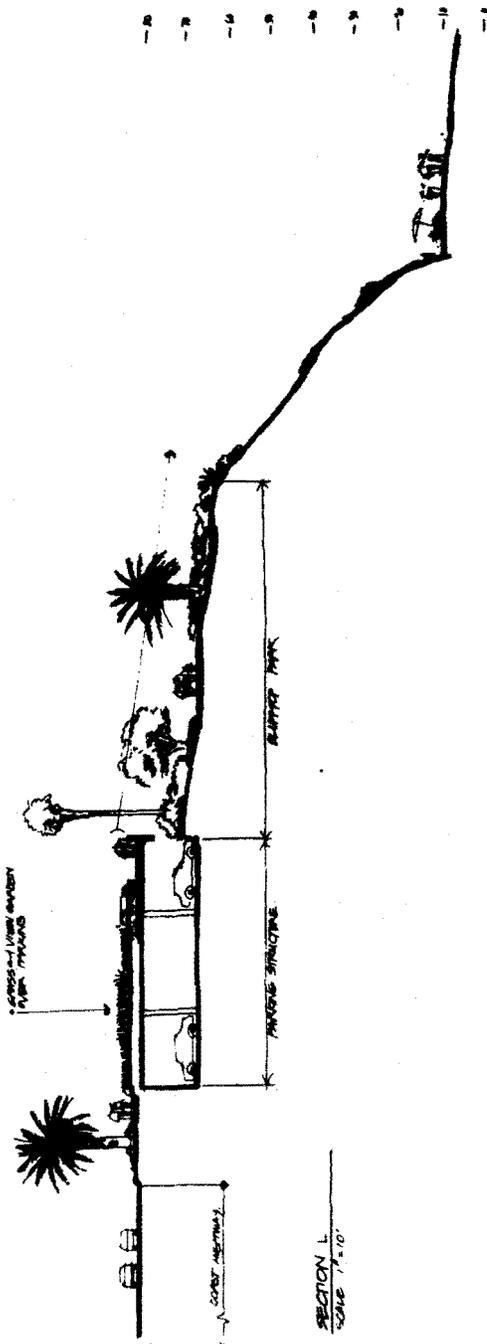


SECTION J
SCALE 1/4" = 1'-0"



SECTION K
SCALE 1/4" = 1'-0"

EXHIBIT # 4
PAGE 20 OF 23



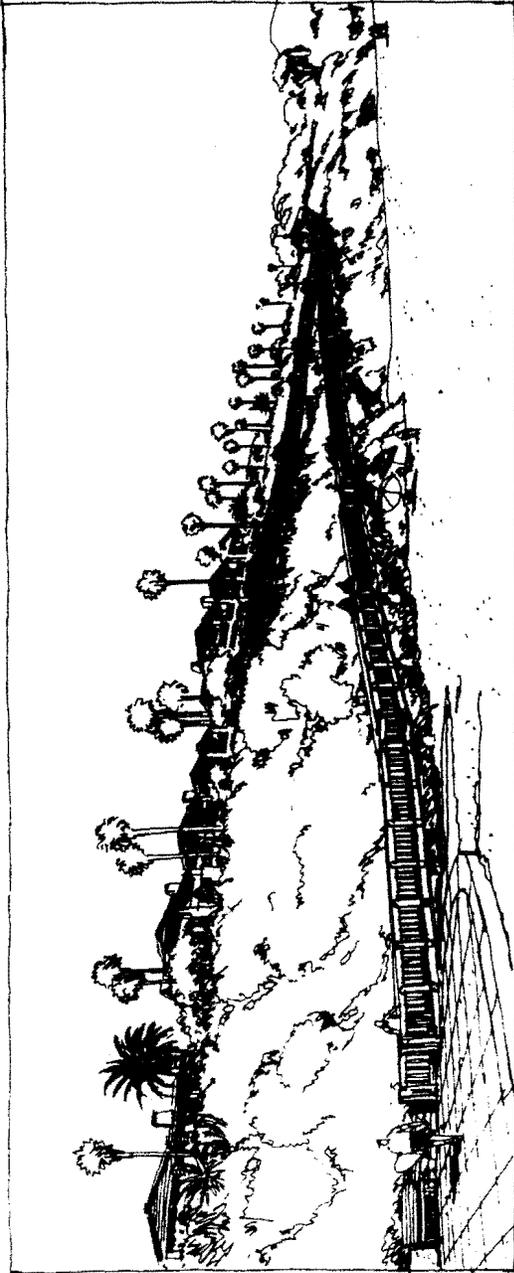
SECTION L
SCALE 1/8" = 1'-0"



SECTION M
SCALE 1/8" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 4
PAGE 21 OF 23



BEACH ACCESS RAMP
 WITH PALM TREES AND FENCE



BEACH ACCESS RAMP
 WITH DENSE FOLIAGE

COASTAL COMMISSION

EXHIBIT # 4
 PAGE 22 OF 23

Treasure Island
 LAGUNA BEACH, CALIFORNIA
 The Athens Group

LANDSCAPE ELEVATIONS AND SECTIONS
 COASTAL DEVELOPMENT PERMIT
 BURTON ASSOCIATES, LANDSCAPE ARCHITECTURE AND PLANNING



PACIFIC COAST FISHING & BOATING

Treasure Island
No. 10000000

COASTAL COMMISSION

EXHIBIT # 4
PAGE 23 OF 23



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CALIFORNIA
COASTAL COMMISSION

**NOTICE OF FINAL LOCAL ACTION
FOR COASTAL DEVELOPMENT PERMITS**

Date: February 17, 2000

The following project is located within the City of Laguna Beach Coastal Zone:

Location: 30801 Coast Highway, Laguna Beach, CA 92651

Master Coastal Development Project No.: 99-75

Project Description: Subdivision and Master Utilities and Backbone Infrastructure for the Treasure Island Destination Resort Community Project

Authorizes the following items:

1. The subdivision and associated primary grading of the site as delineated by Tentative Tract Map 15497 which merges 3 lots and creates 22 numbered lots and 11 lettered lots for a Resort Hotel with 5 detached bungalows providing 275 visitor-serving accommodations and 2 restaurants, 14 condominium dwelling units (Residence Villas), 17 single-family lots (Residential Estates) and a Blufftop Park; and
2. The construction of the Master Utilities and Backbone Infrastructure for the project, including the roads, traffic signalization on Coast Highway, backbone drainage facilities, backbone water distribution facilities and backbone water system.

Applicant: Athens Development Resort Company LLC
Owner: Five Start Resort LLC

Mailing Address: 30801 Coast Highway, Laguna Beach, CA 92651

On February 15, 2000, a master coastal development permit application for the project was

- () approved
- (X) approved with conditions
- () denied

This action was taken by: (X) City Council
() Design Review Board
() Planning Commission

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CALIFORNIA
COASTAL COMMISSION

The action () did (X) did not involve a local appeal; in any case, the local appeal was exhausted. Findings supporting the local government action and any conditions in the attached resolution.

EXHIBIT No. 5
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
Notice of Final Local Action - CDP 99-75
California Coastal Commission

This project is

- not appealable to the Coastal Commission
- appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. The Coastal Commission will notify applicants if a valid appeal is filed. Appeals must be in writing to the appropriate Coastal Commission district office and in accordance with the California Code of Regulation Section 13111.

Attachment: Resolution Conditionally Approving Master CDP No. 99-75

COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 23

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RESOLUTION NO. 00.015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 15497 AND MASTER COASTAL DEVELOPMENT PERMIT 99-75 FOR THE TREASURE ISLAND DESTINATION RESORT COMMUNITY AT 30801 COAST HIGHWAY.

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does RESOLVE

as follows:

SECTION 1. Five Star Resort LLC, a Delaware Limited Liability Company (the "Applicant") has filed an application for a Tentative Tract Map and Master Coastal Development Permit for: (1) the subdivision and associated primary grading of the site as delineated by Tentative Tract Map 15497 which merges 3 lots and creates 22 numbered lots and 11 lettered lots for a Resort Hotel with 5 detached bungalows providing 275 accommodations and 2 restaurants, 14 condominium dwelling units (Residence Villas), 17 single-family lots (Residential Estates) and a Blufftop Park; and (2) the Master Utilities and Backbone Infrastructure (the "MU & BI") of the project, including the roads, traffic signalization, backbone drainage facilities, backbone water distribution facilities and backbone sewer system located at 30801 Coast Highway (the "Property") in accordance with the provisions of the City of Laguna Beach Municipal Code, the City's General Plan, the Treasure Island Destination Resort Community Local Coastal Program (the "LCP"), the Treasure Island Specific Plan and the Development Agreement By and Among The City of Laguna Beach and Five Star Resort LLC (the "Development Agreement").

SECTION 2. The Planning Commission, and the Design Review Board conducted legally noticed joint public hearings on September 18, October 2, November 10,

1 December 1, December 15, 1999, and January 19 and February 7, 2000, and after reviewing
2 and considering all documents, testimony and other evidence, voted to recommend that
3 City Council conditionally approve the proposed subdivision as delineated by Tentative
4 Tract Map 15497 and Master Coastal Development Permit 99-75 for the MU & BI of
5 the project, including the primary grading, roads, traffic signalization, backbone
6 drainage facilities, backbone water distribution facilities and backbone sewer system.
7

8 SECTION 3. The City Council conducted a legally noticed public hearing on
9 February 15, 2000, and after reviewing and considering all documents, testimony and other
10 evidence, hereby makes the following findings with regard to the proposed subdivision
11 and MU & BI:

12 1) On June 2, 1998, the City adopted Resolution 98.032, which certified a Final
13 Program Environmental Impact Report (the "FEIR") State Clearinghouse Number
14 1996031023 and Mitigation Monitoring Program for the LCP and Treasure Island Specific
15 Plan. Except for two items, the proposed subdivision and MU & BI are within the scope of
16 the FEIR, are adequately described in the FEIR and do not create new environmental effects
17 or require new mitigation measures. The two items that are not within the scope of the FEIR
18 are: (1) the amount of export material that exceeds the amount analyzed in the FEIR; and (2)
19 the traffic impacts which are different from those contemplated in the FEIR due to the
20 reconfiguration of the north driveway as the main access way into the resort. Therefore, an
21 Addendum to the FEIR (the "Addendum") has been prepared and the City Council has
22 considered the information in the Addendum.
23

24 2) The proposed subdivision and MU & BI are consistent with the specified
25 objectives, policies and programs of the City's General Plan, the Treasure Island LCP and
26 Specific Plan, and the Development Agreement in that the design of the proposed subdivision
27
28

COASTAL COMMISSION

1 and MU & BI provides varied setbacks, minimizes landform alteration, provides for erosion
2 control and does not substantially impede public views.

3 3) The site for the proposed subdivision and MU & BI is physically suitable for
4 the type of development allowed because the proposed subdivision and MU & BI comply
5 with the provisions of Municipal Code Chapter 21.08-Subdivisions, Title 25-Zoning and the
6 Treasure Island LCP and Specific Plan.
7

8 4) The design of the proposed subdivision and MU & BI are not likely to cause
9 environmental damage, including injury to fish, wildlife or their habitat, because the project
10 site is not identified in the City's Open Space/Conservation Element as having high or very
11 high value habitat and because the implementation of Project Design Feature (the "PDF") 4-1
12 Ecological Reserve Designation, PDF 4-2 Shoreline Resources Management Plan, PDF 4-3
13 Project Development Area Restrictions, PDF 4-4 Construction Plan Specifications and
14 Construction Monitoring, PDF 4-5 Landscape Management Plan, PDF 4-6 Informational
15 Materials to Residents and Guests, and PDF 4-7 Goff Island Area Improvements as outlined
16 in the FEIR will protect the coastal resources.
17

18 5) The design of the proposed subdivision and MU & BI is not likely to cause
19 serious public health problems because all potential development shall be serviced by public
20 water and sewer systems, and the design and construction of all utilities shall be in
21 accordance with the City, utility district or utility company construction standards.
22

23 6) The design of the proposed subdivision and MU & BI and potential
24 improvements will not conflict with existing public easements in that the project has been
25 conditioned to not conflict with any existing easements.
26

27 **COASTAL COMMISSION**

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7) The proposed subdivision and MU & BI complies with all LCP policies and design guidelines regarding height and views of the ocean and will be visually compatible with the character of the surrounding area.

SECTION 4. The City Council conducted a legally noticed public hearing on February 15, 2000, and after reviewing and considering all documents, testimony and other evidence, the City Council hereby makes the following findings with regard to Master Coastal Development Permit 99-75 for the proposed subdivision and MU & BI:

1) The proposed subdivision and MU & BI are consistent with all applicable provisions of the City's General Plan, the Treasure Island LCP and Specific Plan, and the Development Agreement in that the design of the proposed subdivision and MU & BI does not substantially impede public views, provides varied setbacks, minimizes landform alteration and provides for erosion control.

2) The proposed subdivision and MU & BI are in conformity with the certifi- LCP and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that the proposed development provides public vertical access from the nearest public roadway (Coast Highway) to the coastal shore; it provides dedicated lateral access from the ocean to the inland edge of the sandy beach frontage of the Property; it provides adequate public parking; it provides that drainage from the development be contained on-site; and it provides for the monitoring and protection of marine resources.

3) The proposed subdivision and MU & BI will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act in that on June 2, 1998, the City adopted Resolution 98.032, which certified a FEIR and Mitigation Monitoring Program for the LCP and Treasure Island Specific Plan; the proposed subdivision and MU & BI are within the scope of the FEIR, as adequately described in

1 FEIR and do not create new environmental effects or require new mitigation measures,
2 except for two items; these two items are the amount of export material that exceeds the
3 amount analyzed in the FEIR, and the traffic impacts which are different from those
4 contemplated in the FEIR due to the reconfiguration of the north driveway as the main access
5 way into the resort; therefore, an Addendum to the FEIR has been prepared; the Air Quality,
6 Geology/Soils, Noise and Traffic effects discussed within the Addendum are within the
7 scope of and adequately analyzed in the FEIR pursuant to legal standards; based on earlier
8 analysis of the FEIR and with respect to the effects from the proposed changes (other than air
9 quality), the Standard Conditions, Project Design Features and Mitigation Measures from the
10 certified FEIR for the project are adequate to reduce the associated impacts to below a level
11 of significance, and with respect to effects on air quality, aesthetics/visual resources and land
12 use, the City has determined that the benefits of the project outweigh the unavoidable adverse
13 environmental effects, and that these effects are deemed "acceptable" as discussed in the
14 Statement of Overriding Considerations.
15
16

17 4) The City of Laguna Beach intends to carry out the provisions of the certified
18 Treasure Island Destination Resort Community LCP and the Treasure Island Specific Plan in
19 a manner fully consistent with the California Coastal Act.
20

21 SECTION 5. Based on the foregoing findings, the City Council hereby approves
22 Tentative Tract Map 15497 and Master Coastal Development Permit 99-75 for the MU
23 & BI of the project, including the primary grading, roads, traffic signalization,
24 backbone drainage facilities, backbone water distribution facilities and backbone sewer
25 system, subject to the following conditions, which are deemed necessary to protect the
26 public health, safety and general welfare and have been included to ensure continued land
27 use compatibility:
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- 1) Comply with all approved plans, specifications and programs submitted with the application for the proposed subdivision and MU & BI, including the site plan outlined on those plans, specifications or programs.
- 2) Comply with all Project Design Features, Standard Conditions and Mitigation Measures as identified in the certified FEIR and as outlined in the Mitigation Monitoring Program. Pay for the cost of all engineers, geologists, archaeologists, paleontologists or other similar authorities or specialists that are required by the Mitigation Monitoring Program to provide services during the development of the site.
- 3) Comply with all of the provisions of the Development Agreement, including the public park area maintenance responsibilities. Maintain the public park areas, including public restroom facilities, in perpetuity. Maintain public park areas in accordance with Section 3.1.2 of the Development Agreement or subject Lot 21 (the Resort Center parcel) to a special assessment by the City pursuant to City Municipal Code Section 7.24.090.
- 4) Submit within two years of the effective date of the conditional approval of Tentative Tract Map 15497, or as otherwise provided by an approved expiration period extension, complete and accurate Final Map or Maps based upon field survey. Tie the boundary of the Final Map into the Horizontal Control System established by the County Surveyor as described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18, as may be amended, prior to the approval of the Final Map.
- 5) Provide easements and dedications on the Final Map to the City of Laguna Beach and City designees, as determined by the City, (such as, utility agencies or districts and Orange County, including, but not limited to:

COASTAL COMMISSION

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- a) A 50-foot Coast Highway right-of-way dedication (measured from street centerline to property line);
- b) A 25-foot scenic highway setback easement;
- c) Park and Open Space from the following combination of areas (as depicted on the Tentative Tract Map):

(Note: See Condition No. 33 which will alter the below listed acreage totals and the below listed acreage for Lots C and H.)

Park Areas – 7.08 acres

Lot 22 – 0.54 acres as park easement,

Lot C – 0.35 acres as parkland use easement. (This area is a 20-foot wide easement in front of the Residential Estates in order to accommodate inland relocation of the Blufftop Park should the park decrease in width due to bluff slope failure and shall be fully utilized as a parkland use in the meantime.)

Lot F – 0.30 acres as park easement (Resort Garden),

Lot H – 2.76 acres in fee dedication for park,

Lot I (bluff-face part) – 2.83 acres in fee dedication for park, and

Lot J – 0.30 acres as park easement

Additional Open Space – 0.26 acres

Lot K – 0.26 acres as landscaped, open space easement

Total Park and Landscaped Open Space Areas – 7.34 acres

- d) A 20-foot wide easement area in front of the resort in order to accommodate inland relocation of the Blufftop Park should the park decrease in width due to bluff slope failure (0.44 acres).

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- e) An easement for vehicular access for law enforcement, emergency and beach maintenance and operation on, over and across Lots 22, H, I and J and all parking areas.
- 6) Provide on the Final Map the approved view corridor easements consistent with LCP Visual and Scenic Resources Policy 3.4.2 #2. Establish on the Final Map permanent landscape easement areas over those portions of Residential Estate Lots 9 and 10 within the 100-foot view corridor so that nothing but approved landscaping and fencing are allowed in those areas. The fences located on Lots 9 and 10 shall be constructed and landscaped so that when the landscaping grows to a mature height the fences are not visible from the view corridor.
- 7) Designate the approved setbacks proposed for the Residential Estate Lots on the Final Map, which shall at a minimum comply with the R-1 setback standards. Limit the homes to a single-story and 20 feet above finished pad elevation for 20% of the footprint area and 18 feet above finished pad elevation for the remaining 80% of the roof footprint area. Limit and designate on the Final Map a maximum 44% lot coverage for the Residential Estate lots. Prohibit variances regarding proposed Residential Estates structural height limits and setbacks. Indicate this variance prohibition on the Final Map and as a deed restriction.
- 8) Provide infrastructure ownership and maintenance responsibilities on the Final Map as follows:
 - a) Slope areas in Lots H & I - Maintained by the Resort Center Owner/Operator.

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b) Sewer, storm drain and diversion and sediment removal system(s) serving more than one unit or lot – Dedicated to the Association or Resort Center Owner/Operator for maintenance and operation by an 8-foot easement centered over the sewer, storm drain and diversion lines. Maintain infrastructure to the satisfaction of the City or possibly subject affected parcels to a special assessment by the City pursuant to City Municipal Code Section 7.24.090.

9) Demonstrate that all public utilities that serve the subdivision have been designed and constructed in accordance with City codes and standards and the requirements of the serving utility company or district, including gas, electric, telephone, water, sewer, drainage and cable television prior to the approval of the Final Map by the City. Install all utilities underground, including any proposed appurtenant fixtures, connection boxes or maintenance outlets, if feasible. Site and landscape any above ground utility fixtures to be hidden as much as possible from public view. Prevent the proposed subdivision and associated improvements from conflicting with any existing public easements. Relocate any existing utilities and/or easements, which interfere with new construction as approved by the affected utility provider and the City. Design service manholes to be accessible by utility vehicle. Complete final street, sewer, water, gas, electric, telephone, cable television and drainage improvement plans for the entire project and submit them for the review and approval of the City or the utility company or district, prior to the approval of the Final Map.

10) Prepare the Final Map by a surveyor/engineer which ties the boundary of the map into the Horizontal Control System established by the County Surveyor, and submit to the County Surveyor and the ~~City~~ **COASTAL COMMISSION** a digital graphics file of said map, both in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and

EXHIBIT # 5
PAGE 11 OF 23

1 Orange County Subdivision Manual, Subarticle 18, as amended, prior to or concurrent
2 with the approval of the Final Map.

3 11) Make the following improvements, or assure construction by a financial guarantee
4 method approved by the City pursuant to Chapter 5-Improvement Security of the
5 Subdivision Map Act prior to, or concurrent with, the approval of the Final Map.
6 Prepare street improvements and precise grading plans by a registered civil engineer and
7 submit them for City review and approval. Show improvements and earthwork
8 substantially in compliance with the approved Tentative Tract Map, and include the
9 following specific requirements:
10

11 a) Improve Coast Highway as shown on the Tentative Tract Map and the Concept
12 Striping Plan. Obtain an Encroachment Permit from CalTrans for these
13 improvements. Submit to CalTrans a complete traffic study including future traffic
14 volumes generated and traffic signal upgrades, as well as details of
15 improvements in the scenic highway easement.
16

17 b) Install a new four-way traffic signal at the northern entrance of the project site.

18 c) Modify the existing traffic signal at Wesley Drive to become a four-way traffic
19 signal.
20

21 d) Interconnect and install a coordinated signalization program for these two traffic
22 signals per the approval of the City Engineer and CalTrans.

23 e) Construct the MI & BI, including, but not limited to, the primary grading, roads,
24 backbone drainage facilities, backbone water distribution facilities and backbone
25 sewer system. Improve the roads with curb and gutter and the Municipal Code
26 required on-street parking. Install hydrants as determined by City staff. Agree to
27 prohibit streetlights within the project area.
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- f) Construct the Blufftop Park, including the required vertical and lateral access improvements down to the beach, Scenic Highway Improvements, public parking and all associated public improvements as determined by the City, including two public restrooms. Install drinking fountains, showers, foot showers, benches, trashcans, lighting system, irrigation system, handrails and bike racks as determined by the City.
- g) Refurbish the existing northern and southern paved access ramps, including refurbished landing ramps, and the existing stairs in between.
- h) Construct storm drainage system with sediment removal and summer nuisance water diversion systems for collection and removal of contaminants contained within runoff waters (more specifically described in ATTACHMENT A). Construct adequate subdrains in all clean-outs, keyways and fill slopes as determined by the City.
- i) Remove virtually all of the concrete slab and pier by Goff Island to the maximum extent feasible without damaging the surrounding natural resources during the master grading of the other portions of the site. Construct a rock groin/sea wall in an approximate north-south direction connecting the mainland to Goff Island, in order to: (1) maintain a stable structure that, in height, length and location, replicates the function of the existing concrete slab (as generally defined in the Coastal Impact Study prepared by Moffat & Nichol, Coastal Engineers, dated December 5, 1997); (2) duplicate the natural conditions; and (3) stabilize the base of the existing northern access ramp. Minimize the design and construction of the replacement groin/seawall and cover with sand or otherwise treat to provide a reasonably natural appearance to the maximum extent possible, and as approved by the City, Coastal Commission,

1 Army Corps of Engineers, Regional Water Quality Control Board and State Lands
2 Commission.

3 12) Enter into a subdivision agreement with the City and post adequate and sufficient surety,
4 optionally secured by a lien on the property, to assure construction and completion of all
5 remaining conditions of approval, in the event that conditions of approval are not
6 satisfied prior to the approval of the Final Map; the financing guarantee method may
7 include, but not be limited to, a bond cash deposit or combination thereof.
8

9 13) Provide a coastal engineering study for the central and southerly storm drain outlets
10 prepared by a State-registered engineer and approved by the City's Community
11 Development Department prior to the City's issuance of construction permits.
12 Specifically evaluate the potential for significant beach erosion at the storm drain outlets
13 and the ability of littoral drift and/or other natural coastal processes to replace any
14 otherwise lost material. Enter into a Beach Maintenance Agreement with the City
15 to replace beach sand after significant storm seasons or events, if there is no practicable
16 method of reducing the projected beach erosion to an insignificant level.
17

18 14) Submit precise grading plans that do for the following:

19 a) Comply with Chapter 22 of the Municipal Code, Appendix Chapter 33 of the 1997
20 Uniform Building Code and Orange County Grading and Excavation Code, as
21 amended.
22

23 b) Discharge individual lot drainage to discharge through curbs not connected directly
24 to common storm drains.

25 c) Establish sediment basins during the initial grading to control erosion.

26 d) Prevent any additional sheet flow from that presently existing from the tract site to
27 Coast Highway over the sidewalk and right-of-way line. Submit to CalTrans
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grading plans, hydrology and hydraulic calculations and maps to verify this condition.

15) Provide for full-time professional grading supervision and inspection for all grading operations. Submit "as-grade" reports, plans and certifications to the City for acceptance before lots are released for construction.

16) Establish a Homeowners' Association with the right to assess all properties which are jointly owned or benefited to operate and maintain all of the mutually available features of the development, including, but not limited to, the private streets, the lettered lots which are not owned or maintained by the State, County, City or other appropriate government agency, drainage structures, landscaping and slope maintenance landscaping. Prohibit the sale of Residential Estate lots or Residence Villas (condominiums) until all approved and required private streets, drainage structures, landscaping and slope maintenance landscaping are completed, or completion is assured by a financing guarantee method approved by the City.

17) Develop Conditions, Covenants and Restrictions (the "CC&Rs") that comply with requirements of the California Corporations Code and any other applicable state and/or federal law and submit them for preliminary review and approval by the Planning Commission and Design Review Board and for final review and approval by the Department of Community Development and City Attorney. Record approved CC&Rs prior to the first close of escrow of an individual residential lot or condominium.

Provide that the CC&Rs, at a minimum, specify the following:

a) Stipulate provisions that provide perpetual maintenance by the associated owners of all common areas and fire protection equipment or facilities. Specify the mature growth height limits and maintenance schedules (type and frequency of pruning) for

1 all vegetation that potentially impacts views. Install all landscaping in accordance
2 with approved landscaping plans. Thereafter, continuously maintain (inclu
3 replanting, as necessary) the landscaping in compliance with the approved
4 landscaping plans, unless such plans are subsequently revised and approved by the
5 City or are exempt as specified in Municipal Code Section 25.05.040(B).

6
7 b) Stipulate provisions that provide for assessments for maintenance and capital
8 improvements. Specify the amount of assessments, as well as the data and
9 procedure for their increase.

10 c) Stipulate provisions that specify the remedies that the Association may bring for the
11 nonpayment of assessments.

12 d) Stipulate in the CC&Rs that the final City approved building plans and landscaping
13 plans are binding on the Association. Require that before any changes are made to
14 constructed buildings or landscaping to first secure the approval of the City.

15 e) Stipulate the description, and convey in the declaration, the surface area and
16 appurtenant air space, deck, balcony, patio and private storage space as an integral
17 part of the unit. Prohibit any overlap of the common area and the private open space
18 or private storage space.

19 f) Stipulate that all parking spaces, including the underground garage parking spaces,
20 are solely for the purpose of parking motor vehicles, as defined in the Motor Vehicle
21 Code of the State of California.

22 g) Specify in a declaration that if, in the opinion of the City Manager (or authorized
23 representative), the Association at any time fails to maintain the common areas or
24 improvements thereon in accordance with the standards of repair, maintenance and
25 cleanliness specified in the declaration, the City may give written notice to

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Association and require that the Association take appropriate corrective action within 30 days of receipt of such written notice, unless there exists a hazardous condition creating an immediate possibility of serious injury to persons or property, in which case the time for correction may be reduced to a minimum of 5 days. Appeals by the Association may be filed within 20 days of receipt of such notice of deficiency, as specified in Municipal Code Chapter 2.02.

- h) Specify the maximum possible legal length for the term of the CC&R's and Association, that the City of Laguna Beach shall be a part of the Association and that the City of Laguna Beach can enforce the CC&R provisions.
- i) Specify that if the residential units are rented by their individual owners for 30 days or less that those units shall only be rented through the Resort's reservation system.

- 18) Comply with the Art-In-Public Places Municipal Code Chapter 1.09, prior to the approval of the Final Map.
- 19) Submit for every proposed structure, including the new access ramp, final geotechnical studies for independent review, prior to construction. Follow the foundation design and setback recommendations from the preliminary and final geotechnical reports.
- 20) Implement the proposed Research Design relating to archaeological exploration during the grading operations for the site. Utilize, in the Research Design, backhoe trenching of excavation study material as opposed to the proposed augering method. Monitor all grading operations by a certified paleontologist and archaeologist. Divert equipment to avoid destruction of resources until a determination can be made as to the significance of the resources, if grading operations uncover paleontological or archaeological resources. Test and preserve the site(s), if found to be significant, until a recovery plan is completed to assure the protection of the paleontological or archaeological resources.

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- 21) Prepare a survey of the bluff edge ("Bluff Survey"), subject to the reasonable approval of the City, prior to the completion of the improvements to the public park. Restore the bluff edge to the location shown on the Bluff Survey as required by the City, if, and to the extent, the location of the bluff edge changes from that shown on the Bluff Survey due to major slope failures or minor incremental slope failures.
- 22) Provide a minimum of 25-feet of landscaping between the proposed new curb of Coast highway and any above-grade structures. Provide for a minimum of 50-feet as a resort structural setback from the existing edge of Coast Highway.
- 23) Prohibit Resort Villas, as defined in the LCP, and timeshare units.
- 24) Irrigate the Coast Highway Scenic Corridor and all of the non-residential or resort landscape areas with reclaimed water, subject to review and approval of the water agency with jurisdiction over the project. Provide for water conservation devices for domestic and landscape water supply, pursuant to State and City laws and guidelines. Include this condition on the Final Map.
- 25) Comply with Water Quality Measures #1 through #10 specified in ATTACHMENT A of this resolution during the construction and operation of the Treasure Island Project.
- 26) Prepare an Erosion Control Plan by a registered Civil Engineer prior to any construction in accordance with Title 22, "Excavation, Grading and Filling," of the City of Laguna Beach Municipal Code. Implement, prior to and during the master grading of the site, this Plan, after review and approval by the Community Development Department.
- 27) Revise the site plan authorized by Coastal Development Permit 99-76 and Design Review 99-206 (approved by City Council on January 11, 2000) to incorporate the physical structural and site changes shown on the revised Tentative Tract Map dated February 1, 2000. These changes include, but are not limited to,

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reconfiguration/relocation of the five bungalows and the specialty restaurant located on the central promontory.

28) In accordance with the Municipal Code, construction may occur between the hours of 7:00 a.m. and 6:00 p.m. on any non-holiday weekday. Maintain all construction equipment, fixed and mobile, in proper operating condition with noise mufflers. Locate vehicle staging areas away from off-site receivers during the later phases of project development. Place stationary equipment so that emitted noise is directed away from residential areas to the greatest extent possible. Discuss these measures at a pre-grade meeting and implement during construction. Locate or enclose mechanical equipment, such as blowers, air conditioners and exhaust fans, so that their noise is minimized to the greatest extent possible when they are operating and noise levels at the property lines do not exceed 65 dBA CNEL.

29) Dedicate the public open space and construct the planned public and visitor-serving facilities prior to construction of residential development (Residential Estates and Residential Villas) and prior to or concurrently with the private resort development. Agree to the prohibition of the issuance, or effective date, of Building Permits or Coastal Development Permits for single-family homes (Residential Estates) or condominiums (Residential Villas) until: (a) the master grading has been finalized; (b) the backbone infrastructure has been constructed; and (c) the Resort Center's (Hotel and any associated parking structures) foundations have been built.

30) Defend, hold harmless and indemnify, at the Applicant or Developer's sole expense, the City, City Council and members thereof, Commissions, Boards, officials, officers, employees, agents and representatives from any and all third party claims, actions or proceedings to attack, set aside, void or annul the approval of this Tentative Tract Map

1 and Master Coastal Development Permit. Provide that such defense be provided
2 legal counsel selected by the Applicant or Developer, subject to the consent of the
3 which consent shall not unreasonably be withheld. Encompass all reasonable outside
4 costs and expenses (i.e., exclusive of costs and expenses associated with salaried City
5 employees) incurred by the City in defending against any claim, action or proceeding in
6 this obligation. Cooperate fully in the defense of any claim, action or proceeding after
7 City notification to the Applicant or Developer within 10 business days of receipt.
8

9 31) Amend Figure 4.1 of the Treasure Island Coastal Development Permit notebook to
10 correspond with the approved Tentative Tract Map lot boundaries.

11 32) Reconfigure Lots 18 and 20 so that the total combined area of both lots equals a
12 maximum of 1.5 acres. The building footprint of the condominiums and the road in
13 between as measured in plan view shall not exceed a maximum of 1.5 acres.
14

15 33) Reduce the depth of the southeast half-width of Lot 3 and the full depth of Lots 4, 5
16 6 by 20 feet and include that gained area within a reconfigured Lot C for a 20-foot wide
17 park expansion easement and a reconfigured Lot H as fee dedication area for park land.
18 (Note: This condition was added by City Council on February 15, 2000 and once these
19 adjustments are made, the acreage totals of Lots C and H in Condition No. 5 of this
20 resolution will need to be adjusted accordingly.)
21

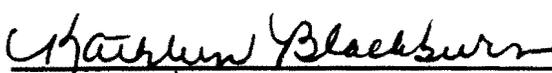
22 SECTION 6. The conditional approval of Tentative Tract Map 15497 and Master
23 Coastal Development Permit 99-75 shall lapse and expire two years following the effective
24 date of such conditional approval. An extension of the conditional approvals may be
25 requested by written application to the Department of Community Development and may be
26 granted by the City Council, if filed prior to the expiration date. Any extension approval
27 time limits of Tentative Tract Map 15497 shall be subject to the provisions of
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Subdivision Map Act and applicable Municipal Code Sections, as amended. Any extension approval of Master Coastal Development Permit 99-75 shall be subject to applicable Municipal Code Sections, as amended.

SECTION 7. The City shall implement Water Quality Measures #11 and #12 as specified in ATTACHMENT A of this resolution.

ADOPTED this 15th day of February, 2000.


Kathleen Blackburn, Mayor

ATTEST:


City Clerk

I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 00.015 was duly adopted at a meeting of the City Council of said City held on February 15, 2000 by the following vote: ert

AYES: COUNCILMEMBER(S): Blackburn, Dictorow, Freeman, Peterson
NOES COUNCILMEMBER(S): Iseman
ABSENT COUNCILMEMBER(S):


City Clerk of the City of Laguna Beach, CA

COASTAL COMMISSION

EXHIBIT # 5
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ATTACHMENT A

**Treasure Island Resort Community Development Project
Water Quality Measures**

1. Landscape Filtration/Runoff

Surface runoff in the park and the hotel courtyard shall be directed across landscape areas before collection into the storm drain system. Grading of the park shall direct runoff away from the ocean front bluff. Surface flow over the bluff shall not be allowed.

2. Irrigation and Landscape Design

The irrigation systems for lawn and shrub areas shall consist primarily of spray heads and rotor heads spaced at 100% head-to-head coverage. Irrigation heads shall be grouped so that heads on the same valve system will have matched precipitation rates to ensure uniform water distribution.

Check valves shall be installed at all irrigation heads and in irrigation pipes as necessary to eliminate low elevation drainage.

Drip irrigation shall be used in the succulent garden area, so that water will be distributed directly to plants, thus eliminating watering unplanted areas.

All irrigation master systems shall have flow sensors and master valves installed on the mainline pipe to ensure system shutdown in the case of pipe or system breakage.

All irrigation master systems shall have an automatic irrigation controller to ensure efficient water distribution. Automatic irrigation controllers shall be easily adjustable so that site watering will be appropriate for daily site weather conditions. Automatic controllers shall have rain shutoff devices so that the irrigation systems will not unnecessarily operate on rainy days.

3. Trash Enclosures

Dumpsters shall be in an enclosed area (walled) with drainage from adjacent areas diverted around (not through) the enclosure.

4. Inlet Trash Racks

The majority of the inlets shall be of the "area drain" type, which are flush with the ground surface and have a grate to screen out larger trash and debris. The more traditional curb opening catch basins shall be primarily on Coast Highway.

5. Water Quality Inlets

All inlets accepting flow from paved areas shall be provided with "Fossil Filter" or "Drainpac" filtration systems, or an approved equivalent system, to remove greases and oils from the "first flush" of runoff. The "first flush" of runoff for this project shall be defined as runoff resulting from 3/4 of an inch of rainfall on the site over a 24-hour period. (These filtration systems have been shown to be effective at removing 95% of the greases and oils in storm runoff.) Filtration systems shall be inspected three times a year, in September, December, and March, and the filter material replaced if necessary. (On average, the filter material needs replacement once a year.)

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6. Dry Weather Flow Diversion

Nuisance flow that occurs during dry weather (when rainfall is less than ¼" on the site during a 24-hour period) shall be diverted to the sanitary sewer system. This includes all flow tributary to the three proposed outlets, including flow from approximately 63 acres upstream of the site. Three valves located on-site shall control this diversion. Flow capacity meters to be installed by the developer in the sewer system downstream of the diversion shall provide year round monitoring of the nuisance flow diversion. This will allow the City to process the "first flush" and will extend the nuisance diversion up to the capacity of the sewer system on a year-round basis. This approach to nuisance flow diversion is designed in hopes of pioneering this environmentally sensitive method of keeping coastal waters clean and safe.

7. Energy Dissipaters

Three storm drain outlets shall be reconstructed at the base of the bluffs, at the back of the sandy beach. Outlets shall utilize riprap energy dissipaters that will be buried with sand. The outlets themselves shall include a concrete headwall to protect the surrounding bluff from erosion and safety grates to prevent children from entering the drainage pipes. After major storm events, lost sand shall be replaced pursuant to a beach maintenance agreement between the developer and the City. This beach maintenance may at times partially cover the storm drain outlets.

8. Installation and Maintenance

All of the above items shall be installed by the developer, and all on-site privately owned water quality measures shall be maintained by the resort operator or the Homeowners Association.

9. Fertilizer and Organic Soils Management

The use of fertilizers and pesticides in the resort and all common areas shall be subject to the County of Orange's Management Guidelines for the use of Fertilizers and Pesticides. The Homeowners Association shall institute an education program for the single-family property owners. An Organic Soils Management program shall include the use of organic fertilizers that are environmentally safe and are checked for ash, sand and alkalinity content. The use of red worms (vermicomposting) together with cultivation will add to the establishment of healthy soils and help implement the Organic Soils Management program.

10. Project Street Sweeping and Litter Pickup

The resort operator or Homeowners Association shall be responsible for sweeping all streets, sidewalks and parking lots within the development at least once a week and for picking up litter daily in the park, beach and scenic highway corridor areas.

11. City Street Sweeping

No later than one year after the opening of the hotel, the City shall increase the frequency of its Citywide street sweeping from twice a month to weekly.

12. Coast Highway Storm Drain Inlet Upgrades

During the construction of the on-site storm drain system, the City will install and then maintain sediment and hydrocarbon separator(s), similar to "Stormceptor" clarifiers, for the two existing and three proposed storm drain inlets next to the Treasure Island site along Coast Highway.



RECEIVED
FEB 17 2000
CALIFORNIA
COASTAL COMMISSION

**NOTICE OF FINAL LOCAL ACTION
FOR COASTAL DEVELOPMENT PERMITS**

Date: February 17, 2000

The following project is located within the City of Laguna Beach Coastal Zone:

Location: 30801 Coast Highway, Laguna Beach, CA 92651

Project Coastal Development Project No.: 99-76

Project Description: Resort, Condominiums and Park areas in Relation to the Treasure Island Destination Resort Community Project

Authorizes the construction of the following items:

1. Resort Hotel with 5 detached bungalows providing 275 accommodations, underground parking structure, on-grade parking areas, 2 restaurants, (one inside the main resort building and a detached restaurant on the central promontory of the site), ancillary functions of conference and banquet facilities, a personal service European style health spa, bars with full liquor service, retail suites, swimming pools and all associated landscaping and lighting;
2. 14 Residence Villas (condominium dwelling units individually owned) and all associated landscaping and lighting;
3. Blufftop Park with parking structure, new ADA accessible access ramp and stairs, both built on piers, down to the beach, two public restrooms and all associated landscaping and lighting; and
4. Resort Garden and Scenic Highway Corridor landscaping and lighting, including a new bus shelter on Coast Highway

Applicant: Athens Development Resort Company LLC
Owner: Five Start Resort LLC

Mailing Address: 30801 Coast Highway, Laguna Beach, CA 92651

On January 11, 2000, a project coastal development permit application for the project was

- approved
- approved with conditions
- denied

This action was taken by: City Council
 Design Review Board
 Planning Commission

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CALIFORNIA
COASTAL COMMISSION

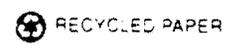


EXHIBIT No.
Appeal Numbers: A-5-LGB-00-07 A-5-LGB-00-079
Notice of Final Local Action—CDP 99-76
California Coastal

The action (X) did () did not involve a local appeal; in any case, the local appeal process has been exhausted. Findings supporting the local government action and any conditions imposed are found in the attached resolution.

This project is

- () not appealable to the Coastal Commission
- (X) appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. The Coastal Commission will notify applicants if a valid appeal is filed. Appeals must be in writing to the appropriate Coastal Commission district office and in accordance with the California Code of Regulation Section 13111.

Attachment: Resolution Conditionally Approving Project CDP No. 99-76

o COASTAL COMMISSION

EXHIBIT # 6
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RESOLUTION NO. 00.004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, SUSTAINING THE JOINT APPROVAL OF AND CONDITIONALLY APPROVING PROJECT COASTAL DEVELOPMENT PERMIT 99-76 AND DESIGN REVIEW 99-206 FOR THE TREASURE ISLAND DESTINATION RESORT COMMUNITY AT 30801 COAST HIGHWAY.

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does RESOLVE as follows:

SECTION 1. Five Star Resort LLC, a Delaware Limited Liability Company (the "Applicant") has filed an application for a Project Coastal Development Permit and Design Review for: (1) a Resort Hotel with 5 detached bungalows providing 275 accommodations, 2 restaurants and ancillary functions such as conference and banquet facilities, a personal service European style health spa, bars, full liquor service, resort suites and associated landscaping and lighting; (2) 14 Residence Villas (condominium dwelling units) and associated landscaping and lighting; (3) Blufftop Park with parking structure, new access ramp and stair system, restrooms and associated landscaping and lighting; and (4) Resort Garden and Scenic Highway Corridor landscaping and lighting, including a new bus shelter, (the "Project") located at 30801 Coast Highway (the "Property") in accordance with the provisions of the City of Laguna Beach Municipal Code, the City's General Plan, the Treasure Island Destination Resort Community Local Coastal Program (the "LCP"), the Treasure Island Specific Plan and the Development Agreement By and Among the City of Laguna Beach and Five Star Resort LLC (the "Development Agreement").

COASTAL COMMISSION

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CDP 99-76 & DR 99-206
January 11, 2000

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SECTION 2.

The Design Review Board and the Planning Commission of the City of Laguna Beach conducted legally noticed joint public hearings on September 18, October 2, November 10, December 1 and December 15, 1999, and after reviewing and considering all documents, testimony and other evidence, approved Project Coastal Development Permit 99-76 and Design Review 99-206.

SECTION 3.

The City Council of the City of Laguna Beach conducted a legally noticed public hearing on the appeal of the joint decision of the Design Review Board and Planning Commission on January 11, 2000, and after reviewing and considering all documents, testimony and other evidence, hereby make the following findings with regard to Project Coastal Development Permit 99-76 for the proposed Project:

1) The proposed Project is consistent with all applicable provisions of the City's General Plan, the Treasure Island LCP and Specific Plan, and the Development Agreement in that the proposed Project's design does not substantially impede public views, provides varied setbacks, minimizes landform alteration and provides for erosion control.

2) The proposed Project is in conformity with the certified LCP and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that the proposed Project provides public vertical access from the nearest public roadway (Coast Highway) to the coastal shore; it provides dedicated lateral access from the ocean to the inland edge of the sandy beach frontage of the Property; it provides adequate public parking; it provides that drainage from the development be contained on-site; and it provides for the monitoring and protection of marine resources.

3) The proposed Project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act in that on June

COASTAL COMMISSION

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PAGE 4 OF 16

CDP 99-76 & DR 99-206
January 11, 2000

1 2, 1998, the City adopted Resolution 98.032, which certified a Final Program Environmen
2 Impact Report (the "FEIR") and Mitigation Monitoring Program for the LCP and Treasure
3 Island Specific Plan. The proposed Project is within the scope of the FEIR, is adequately
4 described in the FEIR and does not create new environmental effects or require new
5 mitigation measures, except for two items. These two items are the amount of export
6 material that exceeds the amount analyzed in the FEIR, and the traffic impacts, which are
7 different from those contemplated in the FEIR, due to the reconfiguration of the north
8 driveway as the main access way into the resort. Therefore, an Addendum to the FEIR has
9 been prepared. The Air Quality, Geology/Soils, Noise and Traffic effects discussed within
10 the Addendum are within the scope of and adequately analyzed in the FEIR pursuant to legal
11 standards. Based on earlier analysis of the FEIR and with respect to the effects from the
12 proposed changes (other than air quality), the Standard Conditions, Project Design Features
13 and Mitigation Measures from the certified FEIR for the project are adequate to reduce the
14 associated impacts to below a level of significance, and with respect to effects on air quality,
15 aesthetics/visual resources and land use, the City has determined that the benefits of the
16 project outweigh the unavoidable adverse environmental effects, and that these effects are
17 deemed "acceptable" as discussed in the Statement of Overriding Considerations.

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20 4) The proposed project is intended to carry out the provisions of the certified
21 Treasure Island Destination Resort Community LCP and the Treasure Island Specific Plan
22 and in a manner fully consistent with the California Coastal Act.

23
24 SECTION 4. The City Council of the City of Laguna Beach conducted a legally
25 noticed public hearing on the appeal of the joint decision of the Design Review Board and
26 Planning Commission on January 11, 2000, and after reviewing and considering a

27 COASTAL COMMISSION

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documents, testimony and other evidence, hereby make the following findings and determinations with regard to Design Review 99-206 for the proposed Project:

1) Access. Conflicts between vehicles, pedestrians and other modes of transportation are minimized in that provisions for vehicles and pedestrians, including handicapped access have been provided.

2) Design Articulation. Within the allowable building envelopes, the appearance of buildings and retaining wall mass have been minimized. Articulation techniques including, but not limited to, separation, off-sets and terracing have been used to reduce the appearance of mass.

3) Design Integrity. Consist with the applicant's chosen style of the Craftsman style of architecture, appropriate materials and details have been chosen and used in the design of the Project.

4) Environmental Context. The proposed Project preserves and enhances the site's scenic natural setting. Natural features, such as existing candidate heritage trees, bluffs and tidepools are protected. Existing terrain is utilized in the design.

5) General Plan Compliance. The proposed Project complies with all applicable policies of the general plan, including all of its elements, the Treasure Island Specific Plan and the certified LCP.

6) Landscaping. Landscaping is incorporated as an integrated part of the Project's design and relates harmoniously to the Treasure Island Specific Plan's landscaping themes. View equity is an important consideration in the landscape design in that view corridors with limited landscape heights have been utilized. The relevant landscaping

COASTAL COMMISSION

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guidelines contained in the City's "Landscape and Scenic Highways Resource Document" incorporated, as appropriate, in the design and planned maintenance of proposed landscaping.

7) Lighting and Glare. Adequate lighting for individual and public safety is provided in a manner, which does not significantly impact neighboring properties. Reflective materials and appurtenances that cause glare or a negative visual impact (e.g. solar collectors, skylights, white rock roofs, high-gloss ceramic tile roofs, reflective glass, etc.) are not used in the Project's design.

8) Pedestrian Orientation. The proposed Project's design enhances and encourages pedestrian use through the design of the Project's pedestrian circulation system, the incorporation of articulated building masses, compact open spaces and courtyards and use of extensive landscaping in the Project's design.

9) Privacy. The placement of activity areas (e.g. decks, picture windows, etc.) are in locations that do not result in a substantial invasion of privacy of neighboring properties in that the site is terraced and the residential structures are in off-set locations.

10) Public Art. Public art will be displayed on-site in compliance with the Art-In-Public-Places Ordinance.

11) View Equity. The proposed Project complies with the LCP and the Treasure Island Specific Plan, including its landscaping, in that its design protects existing views from neighboring properties by compliance with height regulations and the provision of view corridors.

12) The proposed Project does not encroach upon the proposed public accessways identified in the LCP.

COUNCIL COMMISSION

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13) The proposed Project does not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources in that environmental mitigation measures have been incorporated in the Project's conditions of approval.

14) The proposed Project does not adversely affect recreational or visitor-serving facilities or coastal scenic resources in that a resort, public beach and public Blufftop Park are incorporated into the Project's design.

15) The proposed Project is sited and designed to prevent adverse impacts to scenic resources located at the beach and the adjacent bluffs in that a Blufftop Park with an easement for possible Park expansion due to bluff erosion, as well as the establishment of marine resource protection areas, are provided to adequately buffer such resources.

16) The proposed Project minimizes the alterations of natural landforms and does not result in undue risks from geological and erosion forces and/or flood and fire hazards in that such risks have been taken into consideration in the design and layout of the proposed Project.

17) The proposed Project is visually compatible with the character of surrounding areas.

18) The proposed Project does not have any adverse impacts on any known archaeological or paleontological resource in that environmental mitigation measures have been incorporated in the Project's conditions of approval.

19) The proposed Project has adequate utilities, access roads, drainage and other necessary facilities.

COASTAL COMMISSION

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- 3) Comply with all of the provisions of the Development Agreement, including the public park area maintenance responsibilities. ^{city} Maintain the public park areas, including public restroom facilities, in perpetuity. Maintain public park areas in accordance with Section 3.1.2 of the Development Agreement or subject Lot 21 (the Resort Center parcel) to a special assessment by the City pursuant to City Municipal Code Section 7.24.090.
- 4) Install all utilities underground, including any proposed appurtenant fixtures, connection boxes or maintenance outlets, if feasible. Site and landscape any above ground utility connection box fixtures to be hidden as much as possible from public view.
- 5) Submit precise grading plans that do for the following:
- a) Comply with Chapter 22 of the Municipal Code, Appendix Chapter 33 of the 1997 Uniform Building Code and Orange County Grading and Excavation Code, as amended.
 - b) Discharge individual lot drainage through ^{the} curbs not connected directly to common storm drains.
 - c) Establish sediment basins during the initial grading to help control erosion.
 - d) Prevent any additional sheet flow from that presently existing from the tract site to Coast Highway over the sidewalk and right-of-way line. Submit to CalTrans site grading plans, hydrology and hydraulic calculations and maps to verify this condition.
- 6) Provide for full-time professional grading supervision and inspection for all grading operations. Submit "as-grade" reports, plans and certifications to the City for acceptance before lots are released for construction.

PLANNING COMMISSION

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EXHIBIT # 6
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- 7) Submit for every proposed structure, including the new access ramp, final geotechnical studies for independent review, prior to construction. Follow the foundation design and setback recommendations from the preliminary and final geotechnical reports.
- 8) Provide for mechanical ventilation, such as an air conditioner system, in the main hotel units or rooms, and similar ventilation for the condominiums with living areas at or above the 110-foot MSL level.
- 9) Prepare a survey of the bluff edge ("Bluff Survey"), subject to the reasonable approval of the City, prior to the completion of the improvements to the public park areas. Restore the bluff edge to the location shown on the Bluff Survey as required by the City, if, and to the extent, the location of the bluff edge changes from that shown on the Bluff Survey due to major slope failures or minor incremental slope failures.
- 10) Designate 70 parking spaces as metered public spaces in the Blufftop Park and aboveground parking lot at the southern end of the site.
- 11) Provide a more direct pedestrian path connection from the resort grounds to the new beach ramp entrance by providing a pedestrian path between Bungalows "C" and "D".
- 12) Reconfigure the two paths, which are proposed in the view corridor between the resort and the Blufftop Park in Lot J, into one path centrally located.
- 13) Provide a minimum of 25-feet of landscaping between the proposed new curb of Coast highway and any above-grade structures. Provide for a minimum of 50-feet as a resort structural setback from the existing edge of Coast Highway.
- 14) Prohibit Resort Villas, as defined in the LCP, and timeshare units.
- 15) Irrigate the Coast Highway Scenic Corridor and all of the non-residential or resort landscape areas with reclaimed water, subject to review and approval of the wa

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agency with jurisdiction over the project. Provide for water conservation devices for domestic and landscape water supply, pursuant to State and City laws and guidelines.

16) Submit for review and approval by City staff a Sign Program and subsequent individual sign permit applications for all proposed signs that comply with the Treasure Island Specific Plan sign regulations. (City staff, at their option, may refer the review of the Sign Program or individual sign permit plans to the Design Review Board for review and approval.)

17) Submit for review and approval by City staff all proposed fence and monumentation final construction plans, which shall generally conform to the approved fence and monumentation plan. (City staff, at their option, may refer the review of such plans to the Design Review Board for review and approval.) Prohibit gating of public access through the residential areas of the Project, including any form of "entry cottages."

18) Comply with the City's Transportation Demand Management Ordinance (Municipal Code Chapter 25.94) in the operation of the Resort, including the following: (1) devoting to employee parking thirty percent (30%) of the resort's total provided parking and signing it as such; (2) reserving and designating for employee carpool vehicle parking at least 15% of the employee parking spaces; (3) providing for employee use a minimum of 15 bicycle racks, as well as male and female employee shower facilities; and (4) purchasing monthly bus passes as an incentive for all employees who wish to regularly use such transit for getting to and from work at the Resort.

19) Utilize an appropriately sized commercial trash compactor within an enclosed structure in the Resort. Develop and incorporate a recycling program in the operation of the Resort.

CITY COMMISSION

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- 20) Obtain Project Coastal Development Permit(s) from the Planning Commission for portable facilities and/or visitor-serving uses proposed at the public beach, such as rental/sales for beach items/supplies, towel service and beverage and snack service.
- 21) Comply with and implement the approved Parking Monitoring Plan. Include in the parking monitoring an analysis of the parking impacts of the Project on the surrounding neighborhood.
- 22) Limit the Resort/Hotel accommodations to a maximum of 275. Limit the specialty restaurant seating to a maximum of 156 seats and the in-house restaurant to a maximum of 132 seats.
- 23) Comply with Municipal Code Chapter 14.50, Building Code, including Section 14.50.034 regarding "Roofing Requirements." Allow a wood shake roof system, only subject to and in compliance with the provisions of a Building Code Ordinance amendment that is effective prior to the issuance of an applicable Building Permit.
- 24) Limit construction hours to between the hours of 7:00 a.m. and 6:00 p.m. on any non-holiday weekday. Maintain all construction equipment, fixed and mobile, in proper operating condition with noise mufflers. Locate vehicle staging areas away from off-site receivers and occupied buildings on site during the later phases of project development. Place stationary equipment so that emitted noise is directed away from residential areas to the greatest extent possible. Discuss these measures at a pre-grade meeting and implement during construction. Locate or enclose mechanical equipment, such as blowers, air conditioners and exhaust fans, so that their noise is minimized to the greatest extent possible when they are operating and noise levels at the property lines do not exceed 65 dBA CNEL.

COUNCIL COMMISSION

EXHIBIT # 11 6
PAGE 13 OF 16

CDP 99-76 & DR 99-206
January 11, 2000

- 1 25) Widen the stairway/pathway through the upper part of the view corridor from five to six
- 2 feet.
- 3 26) Provide a drop-off turnout on the private residential road at the middle of the 100-foot
- 4 view corridor to enhance access to the Blufftop Park.
- 5 27) Allow up to a maximum 44% lot coverage in exchange for limiting all single-family
- 6 homes in the Residential Estate area to one story with height limits of a maximum of 20
- 7 feet above the finished pad elevation for 20% of the roof area and a maximum of 18 feet
- 8 for the remaining 80% of the roof area on a case-by case basis.
- 9
- 10 28) Widen the secondary path in the widest portion of the Blufftop Park to 11 feet and
- 11 reduce the amount of hardscape provided for backing vehicles at the north end of the
- 12 park.
- 13 29) Eliminate the decomposed granite entirely along the paths in the northern half of the
- 14 park.
- 15
- 16 30) Reduce the width of the decomposed granite along the Blufftop Park primary pathway
- 17 from 5 feet in width to 3 feet in the southern half of the park.
- 18 31) Provide public and visitor-serving facilities prior to construction of residential
- 19 development (Residential Estates and Residential Villas) and prior to or concurrently
- 20 with the private resort development. Prohibit the issuance of, or effective date of,
- 21 Building Permits or Coastal Development Permits for single-family homes (Residential
- 22 Estates) or condominiums (Residential Villas) until: (a) the master grading has been
- 23 finalized; (b) the backbone infrastructure has been constructed; and (c) the Resort
- 24 Center's (Hotel and any associated parking structures) foundations have been built.
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COUNCIL COMMISSION

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CDP 99-76 & DR 99-206
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EXHIBIT # 6

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32) Defend, hold harmless and indemnify, at the Applicant or Developer's sole expense, the City, City Council and members thereof, Commissions, Boards, officials, officers, employees, agents and representatives from any and all third party claims, actions or proceedings to attack, set aside, void or annul the approval of this Project Coastal Development Permit and Design Review. Provide that such defense be provided by legal counsel selected by the Applicant or Developer, subject to the consent of the City, which consent shall not unreasonably be withheld. Encompass all reasonable outside costs and expenses (i.e., exclusive of costs and expenses associated with salaried City employees) incurred by the City in defending against any claim, action or proceeding in this obligation. Cooperate fully in the defense of any claim, action or proceeding after City notification to the Applicant or Developer within 10 business days of receipt.

SECTION 6. The conditional approval of Project Coastal Development Permit 99-76 and Design Review 99-206 shall lapse and expire two years following the effective date of such conditional approval. An extension of the conditional approvals may be requested by written application to the Department of Community Development and granted by the City Council, if filed prior to the expiration date. Any extension approval of Project Coastal Development Permit 99-76 and Design Review 99-206 shall be subject to applicable Municipal Code Sections, as amended.

ADOPTED this 11th day of January, 2000.

Kathleen Blackburn
Kathleen Blackburn, Mayor

ATTEST:
Terma L. Kallinger
City Clerk

COASTAL COMMISSION

EXHIBIT # 13
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January 11, 2000

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I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 00.004 was duly adopted at a meeting of the City Council of said City held on January 11, 2000 by the following vote:

AYES: COUNCILMEMBER(S): Blackburn, Dicterow, Peterson

NOES COUNCILMEMBER(S): Iseman, Freeman

ABSENT COUNCILMEMBER(S):

Verna L. Rollinger
City Clerk of the City of Laguna Beach, CA

-e.

COASTAL COMMISSION

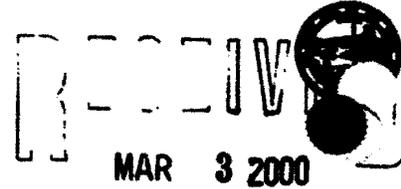
EXHIBIT # 14
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CDP 99-76 & DR 99-206
January 11, 2000

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 880-8071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)



Please Review Attached Appeal Information Sheet Prior To Completing This Form. CALIFORNIA COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Village Laguna
P. O. Box 1309
Laguna Beach, CA 92652 (949) 494-3624
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Laguna Beach

2. Brief description of development being appealed: Treasure Island Subdivision, Master Utilities and Backbone Infrastructure, Resort, Condominiums and Park areas

3. Development's location (street address, assessor's parcel no., cross street, etc.): 30801 Coast Highway, Laguna Beach (Orange County)

- 4. Description of decision being appealed:
a. Approval; no special conditions:
b. Approval with special conditions: x
c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

DATE FILED:

DISTRICT:

H5: 4/88

EXHIBIT No. 7a
Appeal Numbers:
A-5-LGB-00-078
A-5-LGB-00-079
Appeal by
Village Laguna
California Coastal Commission

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
- b. X City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: February 15, 2000

7. Local government's file number (if any): CDP 99-75 and 99-76 (see attached)

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Five Star Resort I I C/Athens Group
Treasure Island 30801 Coast Highway
Laguna Beach, CA 92651

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) SEE ATTACHED
- (2) _____
- (3) _____
- (4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

COASTAL COMMISSION

EXHIBIT # 7a
PAGE 2 OF 18

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

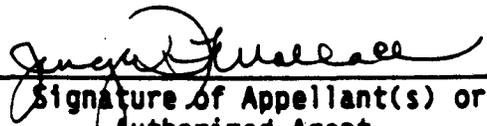
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or Authorized Agent

Date 3.1.00

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____



Village Laguna

To preserve and promote the village atmosphere.

February 29, 2000
California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

RECEIVED
MAR 3 2000
CALIFORNIA
COASTAL COMMISSION

RE: Treasure Island, Coastal Development Permit 99-76

Coastal Commission members and staff:

The following is an appeal of the conditional approvals of the following permits for the Treasure Island Destination Resort community at 30801 Coast Highway:

1. Subdivision and Master Utilities and Backbone Infrastructure (Tentative Tract Map 15497) and Master Coastal Development Permit 99-75 (Coastal Application No. 5-LGB-00-023)
2. Resort Condominiums and Park Areas Project Coastal Development Permit 99-76 and Design Review 99-206 (Coastal Application No. 5-LGB-99-288)

We are filing this appeal because the development does not conform to the policies set forth in the Coastal Act and the standards set forth in the certified Local Coastal Program. Village Laguna takes seriously our responsibility as a coastal city to live up to the spirit of the Coastal Act by encouraging access to our coastal resources by the general public and respecting Coastal Zone resources. We request that the Coastal Commission deny this permit and direct the applicant to modify the project to comply with these documents.

The proposed Treasure Island project is inconsistent and deficient in the following respects:

Coastal Act

The project is inconsistent with Section 30213 of the Coastal Act, which states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The project provides few low-cost visitor and recreational facilities, except for the beach itself, which is already accessible to the public. The park should provide some opportunities parallel to



those costly ones available in the resort. Despite many requests from the public in public hearings, the park does not provide even picnic tables that the general public could use in lieu of the expensive resort restaurants.

The project is inconsistent with Section 30251 of the Coastal Act, which states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

"Protect views to and along the ocean and scenic coastal areas" The project does not protect views. Development will block views from the highway on 50% of the frontage along Coast Highway and from the public walk and parking area overlooking the ocean at the shopping center across the highway from the project. This view blockage should be reduced. The condominiums on the north end rise just enough to block views from the highway. The heights of these buildings can and should be adjusted to accommodate views. Private side yard encroachments into the 100' no-build view corridor may also present view problems.

"Minimize the alteration of natural land forms" The project does not minimize alteration of natural landforms; 170,000 cubic yards of soil are proposed to be removed from the site. The bluff face is proposed to be graded, enlarging the bluff-top area.

"Be visually compatible with the character of surrounding areas" The project is not visually compatible with the character of surrounding areas. It is very large in scale, not "village" or "cottage" in character as is much of Laguna Beach, and is much more dense and massive than the single-family homes to the south, east, and north, the Blue Lagoon condominiums to the north, and the Laguna Terrace mobile home park, the shopping center, and Fred Lang Community Park to the east.

"Restore and enhance visual quality in visually degraded areas" The project site is degraded in visual quality in that it is neglected. It still has the remains of the former mobile home park, and is partially fenced off from public view by a semitransparent wood-slatted chain-link fence. The property owner has allowed the site to deteriorate and has not maintained the trees.

However, it is still possible to see beautiful ocean views through the many existing trees, along the length of the property. The project will replace this view of ocean and trees with a tall, solid hotel wall and projecting condominium roofs along 50% of the highway frontage. The project also proposes to remove 385 of the 594 existing trees. Only 68 of the existing trees are to remain in situ, and 133 are to be relocated. Maintenance of the trees and removal of the trees

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mobilehome foundations would do much to enhance the visual quality of the site, much more than the present proposal, in which the cost of improved maintenance and clean-up is permanent structural blockage of views

The project is inconsistent with Section 30253 of the Coastal Act, which states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.**
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.**

As documented in the Environmental Impact Report¹ and in our letter to the Coastal Commission dated August 20, 1998, the bluff-top area consists of uncontrolled fill.

Most of this fill appears to have been placed at some time between 1939 and 1947 in order to create more level trailer/mobile home sites along the bluff... The overall effect of this fill placement has been to generally steepen gradients along the top of the bluff slope, along with an attendant seaward relocation of the bluff-top and/or an increase in the height of the bluff face. (p 4.1-8,9)

Typical fill slope gradients along the top of the bluff range from about 1.5:1 to 1:1 (45 degrees). Fill depths or thicknesses tend to be greatest beneath the top of the bluff, typically ranging from a few feet up to about 20 feet...

The undocumented and apparently uncontrolled construction of these fills precludes accurate prediction of their future deformation behavior. However, at least locally, the poor performance of the fills has required installation of deep foundations to support mobile homes along the bluff-top. The fill has also tended to be more vulnerable to rapid erosion than the underlying terrace deposits because of generally steeper slope gradients and the apparently lower strength conditions of the loose, possibly uncompacted fill materials. (p 4.1-9)

As discussed previously, existing fill slopes along the top of the bluff are considered potentially unstable. Future shallow failure and/or excessive deformation of the fill should be anticipated. Existing fills are not considered suitable for support of planned future improvements. (p. 4.1-30)

The project will **substantially alter natural landforms along bluffs and cliffs** in that the project proposes to grade the bluff-top area, including cutting of the bluff face. This bluff area is subject to failure, and the risk will be exacerbated by the projected use of the bluff-top accessway for heavy vehicles. The way that the City proposes to deal with this issue is

¹Environmental Impact Report for Treasure Island Destination Resort Community, Volume One, August, 1997

Condition 21 of Resolution No. 00.015:

Prepare a survey of the bluff edge ("Bluff Survey"), subject to the reasonable approval of the City, prior to the completion of the improvements to the public park areas. Restore the bluff edge to the location shown on the Bluff Survey as required by the City, if, and to the extent, the location of the bluff edge changes from that shown on the Bluff Survey due to major slope failures of minor incremental slope failures.

While documenting the location of the bluff edge is helpful, this provision sets the stage for future construction of protective devices in order to protect the limited area of the extremely narrow bluff-top park and to avoid recessing the park and path inland closer to the resort structures.

The Coastal Commission's required bluff-retreat setback easement had not been completely implemented when the permit was approved (see Condition 33), and we have so far been unable to obtain a copy of the corrected tract map to check whether it has been done properly.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. Laguna Beach is such a city, with a reputation for its small scale, pedestrian character, and artistic heritage. As discussed under Section 30251 above, the proposed development, because of its mass and scale, contrasts with rather than protects this special community.

Contrary to the findings cited in the City's approval, the "appearance of buildings and retaining-wall mass" has not been "minimized"; the allowable building envelopes have been exploited to the maximum, and the hotel facade along the Coast Highway and along the northern edge is unbroken. (See attached elevations.) While the Craftsman style does respond to some of the components of Laguna's heritage, the architectural features of the hotel are so repetitive and the scale and volumes so large that the relationship to the local setting seems forced and inappropriate. In Laguna, even the subdivisions are made up of individually distinctive houses, and most of the houses and even the apartment buildings and condominium complexes are small.

The 2-3 story free-standing hotel buildings are called bungalows, but they are really much too large to deserve that term. Webster's defines "bungalow" as "a usu. one storied house of a type first developed in India and characterized by low sweeping lines and a wide veranda." The spacious garden setting typically surrounding bungalows is missing from this plan because the buildings are overcrowded.

The massiveness of the hotel structure, with components up to five stories in height, is inconsistent with the character of the community, which has had a 36-ft. height limit for nearly thirty years. The scale is a reflection of the developer's decision to provide the maximum number of rooms and to make them on average substantially larger (612 sq. ft.) than the 480-sq. ft. minimum specified in the LCP. The 275 rooms presently consume 168,000 sq. ft. At the minimum size the area of these rooms would total 132,000 sq. ft. However, Section 10.4.1 of the LCP "envisions 200-275 overnight accommodations." With 200 rooms at 480 sq. ft. each only 96,000 sq. ft. of hotel and bungalow space would be needed--presenting an opportunity to reduce the mass and scale of the resort rooms to be 57% of the present proposal.

The developer's recent description of the five-story element of the main building as creating a sense of place is eloquent testimony to his misunderstanding of the kind of place Laguna is. If this is to be the resort we have been promised, it will need to be scaled down—reducing the number and/or the size of rooms so as to eliminate some buildings and make the rest lower and smaller.

Conformance with Sections 30230 and 30240 of the Coastal Act is not ensured. These policies state:

30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The development and the resulting increase in use have the potential to degrade the marine life habitat. That impact is to be monitored by a program projected to cost the City (not the developer) \$350,000-\$500,000 for the first five years and unspecified amounts thereafter. The City has not yet committed to or budgeted for that program.

The project is inconsistent with Section 30231 of the Coastal Act, which states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

While the runoff from this project is to be treated during the summer season, runoff during the rainy season will be discharged untreated to the beach.

The project is inconsistent with Section 30221 of the Coastal Act, which states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The project is inconsistent with Section 30222 of the Coastal Act, which states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The project allows 5.80 acres of the site to be private estate residential, and although the LCP project description includes the condominiums, which consume 1.5 acres, under the category of "Resort," these also are proposed to be sold to individual private owners. This brings the total nonrecreational use of the property to over 40% of the developable area of the site. Thus an unnecessarily high proportion of the land is being devoted to private residences, and this seems especially significant in light of the constricted condition and resulting limited opportunities for recreation in much of the bluff-top park.

Local Coastal Program

The project is inconsistent with the Local Coastal Program (LCP) including but not limited to the following:

LAND USE ACREAGE

Throughout the process we have identified discrepancies between the acreage allocations on the various versions of the tract map and those specified in the LCP. These discrepancies included deficiencies in the park and resort acreage and excesses in the residential and condominium acreage. Acreages were adjusted at the Council meeting of February 15, 2000, and the revised tract map was not available for public review in time for the writing of this appeal. If we find, after having examined it, that we still have concerns, we will be submitting supplemental information on this issue.

MARINE RESERVE

Item 9.1.2,1 discusses the marine life reserve, which the City has committed to monitor as a contribution to the project. The City has not yet committed to the level of monitoring, and these costs range from \$350,000 to \$500,000 for the initial five years. This program cannot be ensured until the funding is committed, and City budgeting could change each year.

BLUFF GRADING

Item 9.1.2,2 says that the goal is to "create a public bluff-top park that protects the bluff face and bluff-top resources." The project proposes to grade the bluff-top and bluff face.

Figure 9.2-4 depicts sections of the bluff-top and bluff face and shows the bluff face as "natural revegetated slope." It does not show the bluff face being graded as is now being proposed.

Item 9.3.1,1 a states that grading activities within the coastal bluff shall be limited to "a minimal amount of remedial grading necessary to undertake the above-referenced restoration/protection, public coastal access ramp construction, and drainage improvements in such a way that will minimize the visual effect on the existing bluff landform."

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Item 10.7.2.2 states, "However, it is not proposed to remediate fill areas along the existing bluff except in the area of the new coastal access ramp down to the beach."

Figure 10.7-2 The conceptual grading plan does not show grading over the edge of the top of the bluff as is now being proposed except for the area of the formerly proposed regraded accessway (which is no longer part of the project).

The proposed grading of the bluff is not minimal (more than 1/3 acre is affected), and the result is an expansion of the bluff-top area at the expense of the bluff face. Recent reports from the applicant's geologists cite the instability of the bluff-top as a reason to remove parts of it, but the LCP makes it clear that the instability of the sediments was considered in the original proposal. There was clearly some question whether grading of the bluff-top would be wise.

Grading parts of the bluff face could cause bluff failure beyond the limits of the grading that is now planned and could create the need to rebuild the bluffs. We have a great deal of concern that this scenario could precipitate massive removal and recompaction and replacement of the bluffs with 2:1 slopes or artificial bluff retention devices. Both would be unsightly and would be costly to the public since the City is responsible for the cost of park improvements.

A critical factor related to the bluff-face grading is that this grading lowers the elevation at the top of the bluff, thereby increasing the bluff-top area. With this proposal the public ends up with less park acreage because the bluff face is reduced in size but the bluff-top acreage is not increased to compensate for it. The extra area created by the bluff-face grading simply enlarges the development area inland of the park.

BLUFF RETREAT SETBACK

The location of the bluff retreat easement was adjusted at the Council meeting of February 15, 2000, and the revised tract map was not available for public review in time for the writing of this appeal. Supplemental information on this issue will be submitted at a later time.

SITE GRADING

Item 10.7.2 says, "Balance cut and fill quantities to the extent practicable to reduce the truck traffic that will be generated by grading operations."

Item 10.7.3 states that "actual export of between 3,000 and 40,000 cubic yards" is expected.

Grading export quantities have increased to 170,000 cubic yards, more than 400% above the highest estimate. 12,570 two-way truckloads will be required to travel our local streets, increasing the environmental impacts and greatly increasing truck traffic.

MP

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LANDSCAPING

Item 10.8.1 states, "Preservation, trimming, and pruning of existing eucalyptus trees along Coast Highway--augmented with additional plantings--will provide a strong coastal California landscape treatment and implement the City's guidelines for the area." Rather than preserving the Eucalyptus, the project proposes to remove 40 of the 95 existing Eucalyptus.

HOTEL DESIGN GUIDELINES

Item 14.2.1 says, "Throughout the resort there is an intent to provide a village scale by attention to detail and a general pedestrian orientation."

In contrast, the paths in the bluff-top park are explicitly designed to accommodate vehicles, and the building heights create high walls adjacent to these public ways--four stories, for example, along the view corridor at the north edge of the hotel, and two stories backed by taller buildings on rising ground along the ocean front. Open spaces within the resort area have been appropriately described as "compact." Pedestrians will be dwarfed by this project.

Item 14.2.2 says, "The architecture will be a mix of styles and forms drawn from the eclectic architectural tradition of Laguna Beach and seaside resort areas. . . . An emphasis on natural materials . . . is encouraged, along with asymmetrical facades, . . . extended balconies and bands of windows, horizontal bands of masonry material, . . . planter boxes with flowing greenery, . . . and colonnaded porches."

Instead, a single architectural style has been chosen, and the regularity and repetitiveness of the architectural features employed is inconsistent with the individuality associated with that style, let alone the eclecticism of Laguna's own architectural palette. In addition, the project proposes the extensive use of manufactured instead of natural stone on building foundations.

Item 14.4 says, "The architecture of the Resort Center should provide a distinctive image and blend comfortably with the natural features of the site including a horizontal and stepped-back design and an abundance of landscaping."

The topography of the site is being substantially altered to accommodate the structures proposed, and what stepping exists is minimal. Areas for abundant landscaping are restricted by the many structures proposed and their accompanying hardscape.

Item 14.4.2 #4 "Long continuous rows of buildings should be avoided."

The hotel facade is continuous along the Coast Highway and the northern edge.

BEACH ACCESS PATH

Item 14.3.2 says, "Provide a safe and aesthetic public access to the beach and water which is inviting to all."

The design of the pedestrian beach access is inconsistent with this provision. Contrary to the assertion of Laguna Beach City Manager Ken Frank at the August 1998 Coastal Commission hearing that the beach path would be only 5 or 6 feet wide, the path as approved is 16 feet wide. It is the only public pedestrian access to the public coastal resources. It will also be used as access for private hotel service and maintenance vehicles and as emergency vehicular access, creating unsafe and uninviting conflicts between vehicles and pedestrians, public and private uses. In addition, the paths in the bluff-top park are so wide as to limit the opportunity for parklike landscaping and to increase the risk of bluff retreat. If in fact vehicular access along the whole of the project frontage is required, more land should be dedicated to the park to compensate the public for this shared use and to protect the bluffs.

Conclusion

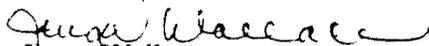
The Treasure Island project has dominated local politics in the City of Laguna Beach for at least ten years. Hundreds of thousands of dollars have been spent by parties outside of Laguna Beach to influence the outcome of the Treasure Island project. Substantial amounts of money have been used to promote specific candidates and undermine other candidates during several City Council elections. In April 1999, a local referendum election was held challenging the Council approval of the project Specific Plan, Local Coastal Program, and related the General Plan amendment. Again, outside parties on both sides of this issue contributed substantial sums to influence the outcome of this election. These influences have created a political environment that makes impartial decisions difficult, at best.

A Coastal Commission interpretation of whether the approved project is consistent with the Coastal Act and the Local Coastal Program is a necessary and welcome step toward putting to rest concerns regarding the fairness of the local review process.

This document has outlined many discrepancies between the proposed project the Coastal Act and the Local Coastal Program. We believe that these are not just technical problems but individually stand alone as important issues and combined indicate a basic incompatibility of this project with the coast, particularly the Laguna Beach coast--which has a heritage of low, cottage-scale structures designed respectfully and fitted with the coastal topography.

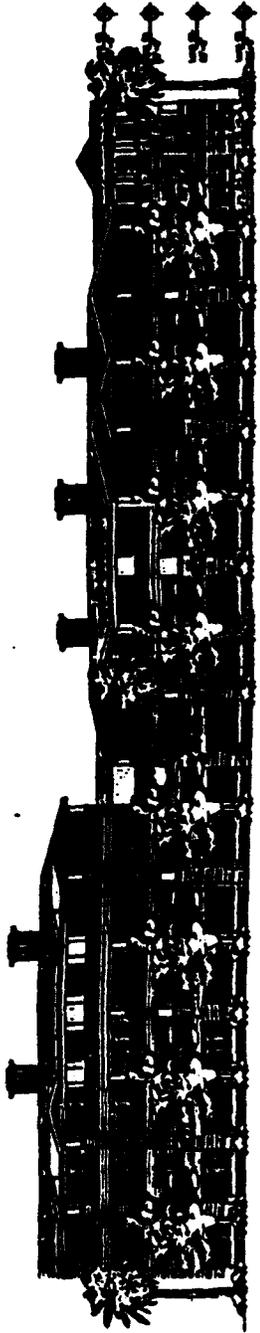
We request that the Coastal Commission deny this permit and direct the applicant to reconsider the design of this project--to reduce the scale and mass of the structures, reduce the grading, increase views from Coast Highway, make the park spaces more inviting and usable for the public, and increase the amount of open space in the site plan.

As our work on this appeal continues we plan to file supplemental materials. If further information is needed from us, please contact us in writing or at (949) 494-3624.


Jinger Wallace
President, Village Laguna

COASTAL COMMISSION

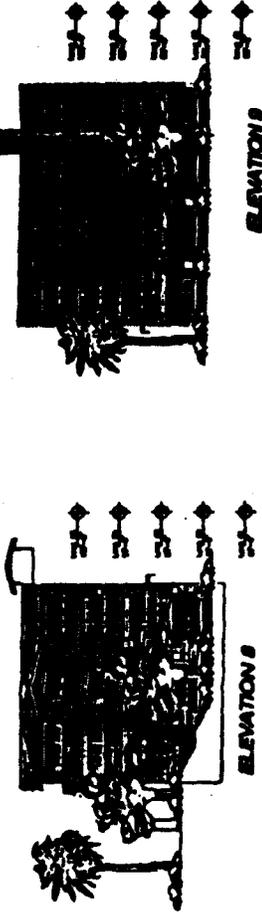
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ELEVATION 10

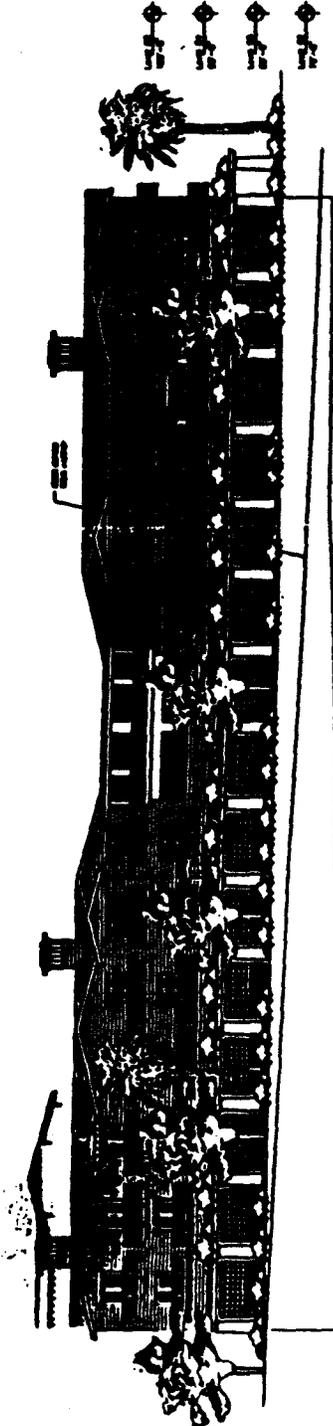
DESIGN IS REPETITIVE AND DOESN'T REFLECT LAGUNA CHARACTER
 Item 14.3.2 says, "The architecture will be a mix of styles and forms drawn from the eclectic architectural tradition of Laguna Beach and outside resort areas. . . . An emphasis on natural materials . . . is encouraged, along with asymmetrical facades, . . . extended balconies and bands of windows, horizontal bands of masonry material, . . . planter boxes with flowing greenery, . . . and colonnaded porches."

Instead, a single architectural style has been chosen, and the regularity and repetitiveness of the architectural features employed is inconsistent with the individuality associated with that style, let alone the eclecticism of Laguna's own architectural palette. In addition, the project proposes the extensive use of manufactured instead of natural stone on building foundations.



ELEVATION 8

ELEVATION 9



ELEVATION 7

HOTEL STRUCTURE IS MASSIVE AS SEEN FROM OCEAN SIDE

The massiveness of the hotel structure, with components up to five stories in height, is inconsistent with the character of the community, which has had a 36-foot height limit for nearly thirty years.



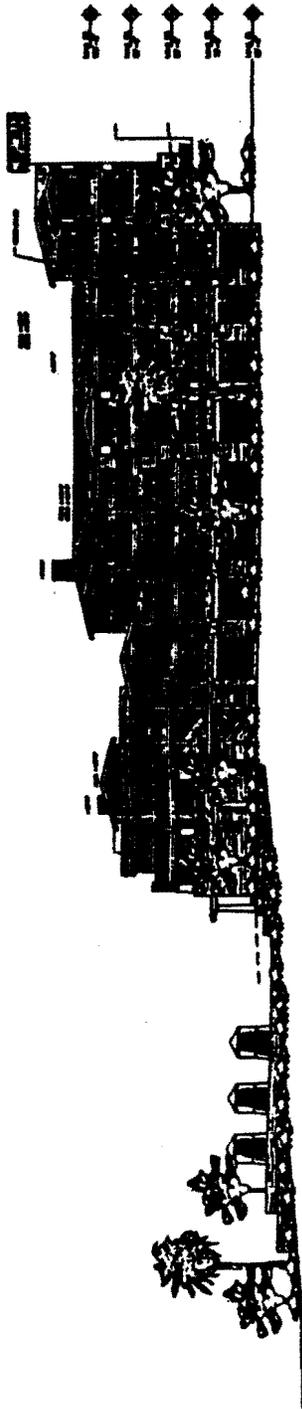
Treasure Island
 LAGUNA BEACH, CALIFORNIA

The Athens Group

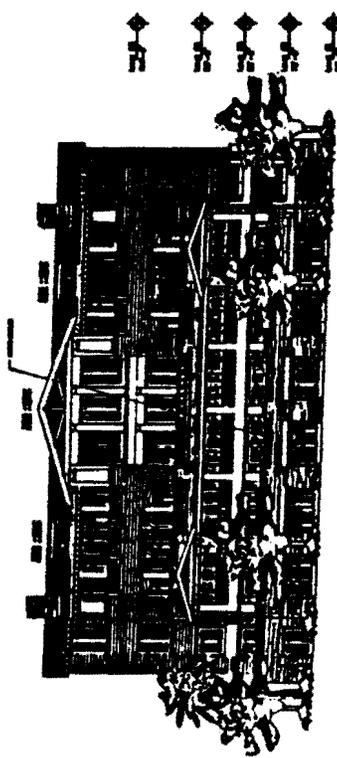
PROJECT # 7a
 SHEET # 13 OF 18

Figure 3.10
 MAIN HOTEL ELEVATIONS 7-10
 COASTAL DEVELOPMENT PERMIT

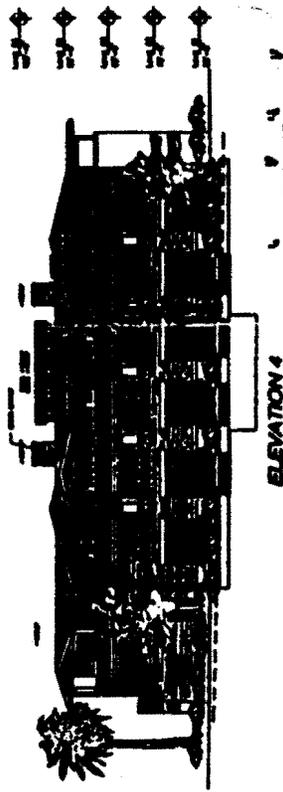
Source: Hill Gleazier Architects, Inc.
 Palo Alto, California



ELEVATION 6



ELEVATION 6



ELEVATION 4



Source: Hill Ouster Architects, Inc.
Palo Alto, California

HOTEL STRUCTURE IS MASSIVE AS SEEN FROM OCEAN SIDE
The massiveness of the hotel structure, with components up to five stories in height, is inconsistent with the character of the community, which has had a 36-foot height limit for nearly thirty years

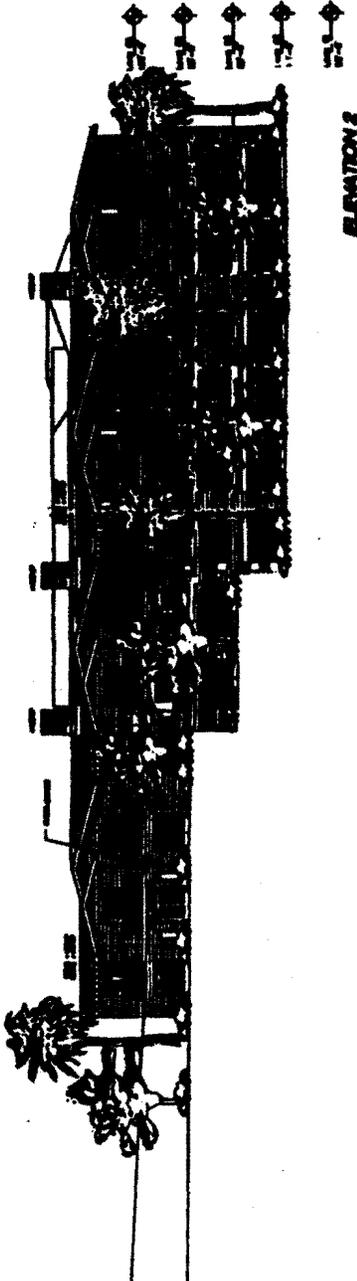
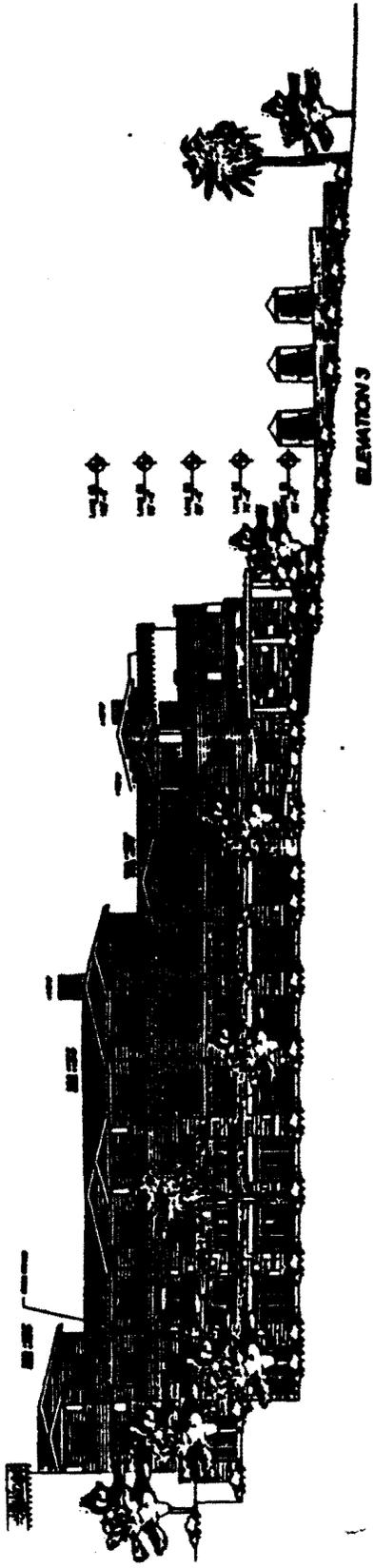
Treasure Island
COUNCIL BEACH, CALIFORNIA

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CITY PLANNING COMMISSION

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14 OF 18

Figure 3.9
MAIN HOTEL ELEVATIONS 4-6
COASTAL DEVELOPMENT PERMIT



DESIGN DOES NOT STEP WITH TOPOGRAPHY

Item 14.4 says, "The architecture of the Resort Center should provide a distinctive image and blend comfortably with the natural features of the site including a horizontal and stepped-back design and an abundance of landscaping."

The topography of the site is being substantially altered to accommodate the structures proposed, and what stepping exists is minimal. Areas for abundant landscaping are restricted by the many structures proposed and their accompanying hardscape.

PEDESTRIAN ORIENTATION IS LACKING

Item 14.2.1 says, "Throughout the resort there is an intent to provide a village scale by attention to detail and a general pedestrian orientation."

In contrast, the paths in the blufftop park are explicitly designed to accommodate vehicles, and the building heights create high walls adjacent to those public ways—four stories, for example, along the view corridor at the north edge of the hotel, and two stories on rising ground backed by taller buildings along the ocean front. Open spaces within the resort area have been appropriately described as "compact." Pedestrians will be dwarfed by this project.

Sources: Hill Glazier Architects, Inc.
Palo Alto, California

Treasure Island
GLAZIER ARCHITECTS
PALO ALTO, CALIFORNIA

THE ARCHITECTS GROUP

CITY PLANNING COMMISSION

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Figure 3.8
MAIN HOTEL ELEVATIONS 1-3



17'-0"
 17'-0"
 17'-0"
 17'-0"

ELEVATION 12

E.L.A.

COAST HIGHWAY FACADE IS UNBROKEN
 Contrary to the findings cited in the City's approval
 "wall mass" has not been "minimized"; the allowable
 maximum, and the hotel facade along the Coast Hi

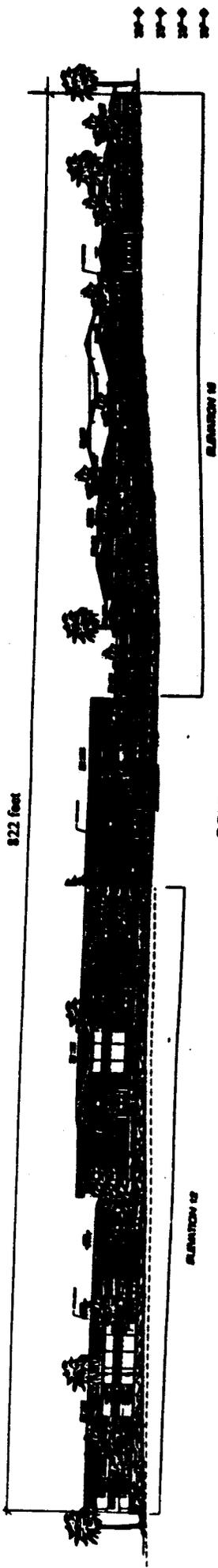
Source: Hill Ouster Architects, Inc.
 Palo Alto, California



Treasure Island
 LAGUNA BEACH, CALIFORNIA
 The Athens Group

Figure 3.11
I HOTEL ELEVATIONS 11-13, 15
 COASTAL DEVELOPMENT PERMIT

EXHIBIT # 7a
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This is an alternative copy of figure 3.11 in case you can't reproduce 3.11 full size.

COAST HIGHWAY FACADE IS UNBROKEN
 Contrary to the findings cited in the City's approval, the "appearance of buildings and retaining-wall mass" has not been "minimized"; the allowable building envelopes have been exploited to the maximum, and the hotel facade along the Coast Highway and along the northern edge is unbroken.

Source: Hill Wheeler Architects, Inc.
 Palo Alto, California



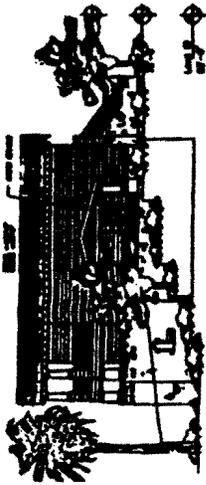
Treasurer Island
 AG

City of Athens Group

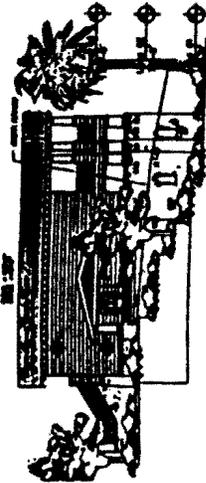
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AGENDA # 17 OF 18
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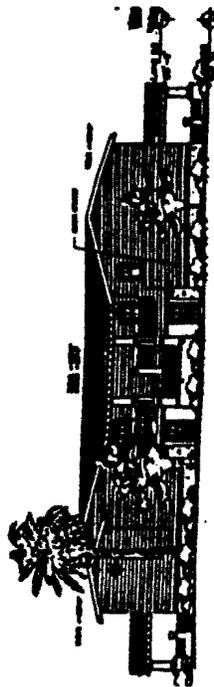
Figure 3.11
MAIN HOTEL ELEVATIONS 11-13, 15
 COASTAL DEVELOPMENT PERMIT



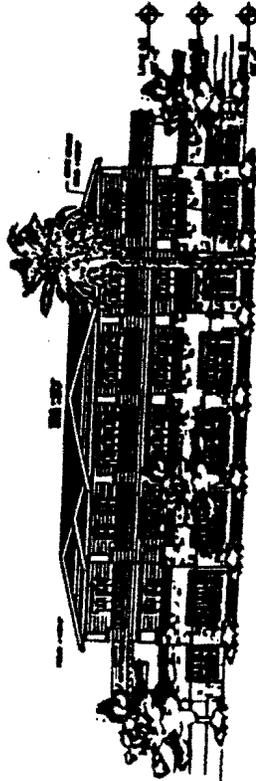
ELEVATION 4



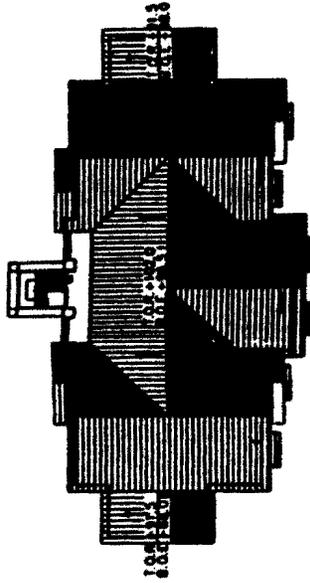
ELEVATION 3



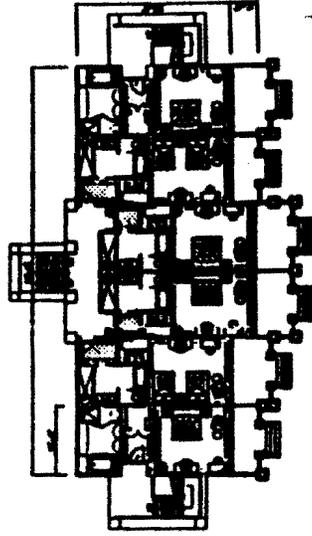
ELEVATION 2



ELEVATION 1



ROOF PLAN



FLOOR PLAN



KEY PLAN

"BUNGALOWS" ARE TOO LARGE AND CROWD THE SITE
 The 2-3 story free-standing hotel buildings are called bungalows, but they are really much too large to deserve that term. Webster's defines "bungalow" as "a small, one storied house of a type first developed in India and characterized by low sweeping lines and a wide veranda." The spacious garden setting typically surrounding bungalows is missing from this plan because the buildings are overcrowded.

Figure 3.12
TYPICAL BUNGALOW
 COASTAL DEVELOPMENT PROJECT

Source: Hill Glazier Architects, Inc.
 Palo Alto, California

Treasure Island
 A Division of The Athenas Group

TOTAL COMMISSION

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceanside, 10th Floor
Long Beach, CA 90802-4302
(562) 580-8071

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Commission Form D)



MAR - 3 2000

CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

South Laguna Civic Association
P.O. Box 9668
Laguna Beach, CA 92653-7639 (949) 499-4809
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Laguna Beach

2. Brief description of development being appealed: Treasure Island Subdivision, Master Utilities and Backbone Infrastructure, Resort Condominiums and Park Areas

3. Development's location (street address, assessor's parcel no., cross street, etc.): 30801 Coast Highway, Laguna Beach, Orange County

4. Description of decision being appealed:
- a. Approval; no special conditions: _____
 - b. Approval with special conditions: X _____
 - c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT No. 7h
Appeal Numbers: A-5-LGB-00-07 A-5-LGB-00-079
Appeal by South Laguna Civic Assn.
California Coastal Commission

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: February 15, 2000

7. Local government's file number (if any): CDP 99-75 and 99-76

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Five Star Resort / Athens Group
Treasure Island
30801 Coast Highway
Laguna Beach, CA 92651

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) See attached

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Ginger Osborne
Signature of Appellant(s) or
Authorized Agent

Date March 3, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____



NON-PROFIT ORGANIZATION · BOX 668
SOUTH LAGUNA, CALIFORNIA 92677

RECEIVED
South Coast Region
MAR - 3 2000
CALIFORNIA
COASTAL COMMISSION

March 2, 2000

California Coastal Commission
South Coast Area Office
200 Oceangate, Tenth Floor
Long Beach, CA 90802-4302

RE: Treasure Island Coastal Development Permit 99-76

Commissioners and Staff:

The South Laguna Civic Association (SLCA), established in 1946, has maintained a central role in the preservation and enhancement of the unique natural resources and coastal village life style of this small beach community. Treasure Island constitutes the northern border of a two-mile series of contiguous small coves supporting rare marine habitats linked together by several modest public parks with beach access along steep bluff tops. It is our sincere intention to alert the Coastal Commission to numerous serious deficiencies in the current proposed project with the recommendation that the Treasure Island Destination Resort and Estate Development permit be denied and remanded for redesign to produce the highest and best use of this special California resource.

Accordingly, we hereby appeal conditional approvals of:

1. **Subdivision and Master Utilities and Backbone Infrastructure** - (Tentative Tract Map 15497) and Master Coastal Development Permit 99-75 (Coastal Application No. 5LGB-00-23)
2. **Resort Condominiums and Park Areas** - Project Coastal Development Permit 99-76 and Design Review 99-206 (Coastal Application No. 5-LGB-99-288)

The proposed Treasure Island project is inconsistent with significant provisions of the Local Coastal Plan (LCP) and public access mandates of the California Coastal Act. Specific inconsistencies of the Coastal Act include:

COASTAL COMMISSION

EXHIBIT # 7b
PAGE 4 OF 9

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The community surrounding the proposed project is typified by low impact tourist opportunities, village scale neighborhoods and modest resident/visitor serving businesses. The major center of Laguna Beach's famous art galleries, restaurants, boutique shops and hotels are situated three miles north at the intersection of the Pacific Coast Highway and Highway 133. Similarly, the Ritz Carlton Destination Hotel is approximately two miles to the south of Treasure Island.

The beaches and small parks nestled between these two major tourist centers constitute a rare respite from the urban sprawl currently overwhelming California's coastal resources from Santa Barbara to the Mexican border. Visitors to this oasis experience a unique opportunity to enjoy dozens of relatively unspoiled, truly natural coves and beaches free from the dominance of over development and expensive resorts catering to elites.

The proposed Treasure Island Resort Development seeks to urbanize and exploit South Laguna as a city revenue source through bed taxes. To achieve economic goals, the City Council majority rejects the inclusion of viable, "lower cost visitor and recreational facilities." For instance, lower cost visitor use is limited by the absence of picnic tables in the current plan for the park. Also, recommendations for a kelp reforestation project to rehabilitate the degraded cove and create a world-class underwater park for the public have been ignored despite the City of Laguna Beach's commitment of over \$6 million of municipal revenues to assist in the development components of the resort. Underwater parks linked to resort developments reestablish rapidly dwindling marine habitats and are proven reliable income sources in the global tourist industry. Here is an opportunity for the State of California to provide an affordable public recreational opportunity while educating the public on marine ecology.

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In violation of the Coastal Act, this project will significantly alter natural land forms through the proposed grading of the bluff face and removal of 170,000 cubic yards of soil. Also, this project is not compatible with the character of the surrounding community. Instead of single-story bungalows, more in keeping with the cottage-style homes of the neighborhood,

COASTAL COMMISSION

EXHIBIT # 7b
PAGE 5 OF 9

building is proposed to reach heights of five stories as viewed from the ocean side and to run for 822 feet in an unbroken mass along the highway (see Figure 3.8, Main Hotel Elevations 1-3 and Figure 3.11, Main Hotel Elevations 11-13, 15 of the Coastal Development Permit).

Section 30230

Marine resources shall be maintained, enhanced, and where feasible restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long term commercial, recreational, scientific, and educational purposes.

The proposed Treasure Island Resort and Estate Development is adjacent to Aliso Beach - one of California's top ten most polluted beaches. As such, the project represents an attempt to situate a "world class resort on a third world beach."

The health and biological integrity of the Aliso Creek Watershed is severely compromised and is presently the subject of California's first Cleanup and Abatement Order against a city for daily runoff pollution. The pollution plume of the creek/ocean interface is distributed by shoreline currents and seasonal swells into the Treasure Island cove. Underwater reconnaissance reveals a marine habitat in ecological collapse.

The EIR maintains there is a mysterious absence of giant kelp (*Macrocystis pyrifera*) despite its abundance immediately north and south of the project area. Not surprisingly, the investigators reported the presence of "very high densities of sea urchins, which results in a low diversity of reef plant life (4.4-10)". The mere presence of sea urchin populations is a significant indication of kelp habitat since this is a primary urchin food source. As with the overall project land area, the marine resources have been allowed to suffer extreme neglect and deterioration.

Without a comprehensive abatement program of existing pollution from Aliso Creek and meaningful formal marine habitat restoration projects, the additional cumulative impacts of the proposed project will likely destroy the cove environment. Such mitigation proposals should have been submitted and evaluated in the approval process, but none were offered for in-depth consideration. Likewise, the effect of prolonged exposure to development impacts and ocean water pollution among high concentrations on marine mammals (4.4-1 1) transiting within 200 yards of the site has been ignored. No consideration has been detailed on the relationship of the project to overall marine mammal health.

This appeal urges a redesign of the project's marine resources component to meet or exceed the basic threshold standards of comparable world-class coastal resort developments. At a minimum, the cove can be designated Ecological Reserve to mitigate decades of destructive regional development impacts to the inshore habitat. Such a reserve can qualify for grants and mitigation funds to accommodate the area's repopulation of popular commercial fish with diminished tissue contaminant loads.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainments, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Best Available Technology (BAT) deploys modern equipment and strategies to diminish the serious destructive impacts of urban runoff. The current exemplar for BAT is the Santa Monica Urban Runoff Filtration (SMURF) Facility to capture, filter, reclaim and recycle toxic development water residues. In conjunction with municipal ordinances adopted in 1995 requiring dual plumbing in all new development, nuisance flows and polluted first flush rain events as well as low flow storm water can now be feasibly captured and filtered to State of California Water Quality Standards for use to flush toilets or provide for irrigation of landscape. The project's reclaimed water can generate a metered source of new water revenue streams.

SMURF BAT insures that only clean storm water will enter sensitive marine habitats. The proposed Treasure Island Resort and Estate Development will initiate a template for similar projects currently being proposed all along the California coast. On-site containment of all development impacts relative to water quality must become the new paradigm given State mandates to reduce the demand for fresh water supplies. Compliance with long-range water ration goals and creation of "new water" sources have not been addressed by the applicant.

A recently submitted plan (City of Laguna Beach Resolution No. 00.015 – Attachment A, Water Quality Measures, February 15, 200) to divert the project's nuisance flows has not included any verifiable agreement with the local sanitation district. Moreover, interviews with the manager of the South Coast Water District and Aliso Wastewater Management Agency reveals a lack of capacity to divert and filter urban runoff from approximately 2500 existing households in South Laguna with substandard drainage and sewer infrastructure. It is not possible to divert and treat water pollution impacts from new development projects of the magnitude proposed by the applicant. Any agreement to do so must first be subjected to a new EIR as a public works project and memorialized for the duration of 40 to 50 years. No such written agreement accompanies the current Project Approvals. Also lacking is a comprehensive five-year water quality monitoring system for pesticides, nitrates, oils or grease by a qualified biologist. A mitigation fund must be established so that the resolution of any water quality problems can be resolved immediately and not delayed until the next city budget cycle.

This appeal encourages commissioners and staff to require a project redesign consistent with BAT opportunities and compatible with new State water demand reduction mandates. As a facility with high public access, the project can offer a meaningful in situ experience as a demonstration project of prudent water management and urban runoff strategies. The runoff

COUNCIL COMMISSION

EXHIBIT # 7b
PAGE 7 OF 9

management component must not be a missed opportunity to deploy appropriate SMURF technologies and long-term public education.

In support of our appeal, we suggest reference to the detailed SLCA analysis RE: Treasure Island Local Coastal Program (LCP) -10/8/97 and RE: Treasure Island Environmental Impact Report (EIR) - 10/8/97 incorporated by the applicant as Response to Comment - LAB 730 12/5/97.

Summary

The California Coastal Commission and Staff perform an absolutely critical role in shepherding development that does not further destroy what precious few natural resources remain in our State. The stated intention of the South Laguna Civic Association throughout the long deliberations associated with Treasure Island has been to promote a genuinely world class project that recognizes and preserves the very attributes of this special coastline. While this is our home and our community, the people of South Laguna have always recognized our responsibilities as stewards of the area's natural endowments. We acknowledge our role as hosts to the world of visitors enjoying and benefiting from this remarkable, tranquil area. Our commitment to preserving and protecting has placed us in the forefront of struggles to craft sustainable development.

Unfortunately, the Treasure Island Resort and Estate Developers have chosen the path of utilizing their influence by controlling the local government process through enormous campaign contributions. The City of Laguna Beach Council and staff interests have been synonymous with the project's developers since the inception of the planning process. In order to make the project lucrative, they have divided a relatively small sensitive site in half to be sold off as estates to pay for the resort. Such checkbook planning can only yield the worst results.

Our elected officials have allowed out of state developers and New York financial interests to exploit Treasure Island as a handy way to balance the municipal budget. An absence of citywide consensus spawned a lengthy, expensive referendum campaign wherein over 45% of the city's voters said "NO" to the project. The post-referendum project plan has regrettably offered more, not less, development impacts, a pocket bluff-top park and costly taxpayer subsidies in excess of \$6 million to make the project "feasible."

As a coastal resource area, the City of Laguna Beach and County of Orange have allowed sewage and urban runoff infrastructure and treatment facilities to deteriorate at an alarming rate. Beach closures from pollution and sewage spills routinely curtail meaningful public access and use of the ocean. At the time of this writing, a mile-long stretch of beach near the Surf and Sand Hotel is closed to the public due to a large sewage spill. The ancient sewer main along the length of Coast Highway in Laguna Beach appears to be failing as evidenced by monthly sewer spills. With these known threats to public health and safety, approval of additional high impact development must be seriously questioned.

COASTAL COMMISSION

EXHIBIT # 76
PAGE 8 OF 9

- We urge the Coastal Commission to do better for all the people using Laguna's beaches by requiring a less dense and more ecologically sound project redesign—one truly worthy of this precious coastal site. Thank you for reviewing our concerns and your deliberations in support of this appeal for project denial. In support of our appeal we plan to submit additional relevant documents. Please do not hesitate to call me regarding any questions that you have regarding this appeal.

Ginger Osborne

Ginger Osborne

President
South Laguna Civic Association

COASTAL COMMISSION

EXHIBIT # 76
PAGE 9 OF 9

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)



CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

ORANGE COUNTY COASTKEEPER
441 OLD NEWPORT BLVD SUITE 103
NEWPORT BEACH, CA 92663 (949) 723-5424
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF LAGUNA BEACH

2. Brief description of development being appealed: TREASURE ISLAND DEVELOPMENT CDP 99-75
f CDP 99-76

3. Development's location (street address, assessor's parcel no., cross street, etc.): 30801 COAST HIGHWAY, LAGUNA BEACH, CA.

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: X
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT No. 7c
Appeal Numbers:
A-5-LGB-00-078
A-5-LGB-00-079
Appeal by Orange
County CoastKeeper
California Coastal
Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: 2/15/00

7. Local government's file number (if any): CDP 99-75 / CDP 99-76

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary)

a. Name and mailing address of permit applicant:

FIVE STAR RESORT / ATHENS GROUP
TREASURE ISLAND
30801 COAST Highway, LAGUNA BEACH, CA 92651

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Michael Beaman
31952 Sunset Ave
LAGUNA BEACH, CA 92651

(2) _____

(3) LEAGUE FOR COASTAL PROTECTION - Susan Jordan
805 23rd St
Manhattan Beach, CA 90266

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(SEE ATTACHED)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Shirley Brown
Signature of Appellant(s) or
Authorized Agent

Date March 3, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

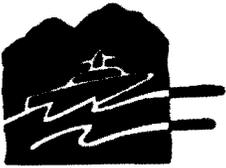
Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s) _____
COASTAL COMMISSION

Date _____

EXHIBIT # 7c
PAGE 3 OF 5



ORANGE COUNTY COASTKEEPER

441 Old Newport Blvd. Suite 103 Newport Beach, California 92663

Office: (949) 723-5424 Fax: (949) 675-7091 Email: coastkeeper1@earthlink.net

<http://www.coastkeeper.org>

March 3, 2000

Californian Coastal Commission
South Coast Area Office
200 Oceangate, Tenth Floor
Long Beach, Ca. 90802-4302

RE: Treasure Island Coastal Development Permits 99-75 and 99-76

Commissioners and Staff:

The Orange County CoastKeeper, a membership-based California non-profit 501(c)(3) corporation, has a mission to protect, preserve, and restore the marine habitat of Orange County. This includes the harbors, wetlands, and 42-mile coastline of the County. Our concerns with the Treasure Island Destination Resort and Estate Development are directed to deficiencies in the proposed project as they relate to Coastal Act Sections 30230 and 30231.

Accordingly, we hereby appeal the conditional approvals of:

1. Subdivision and Master Utilities and Backbone Infrastructure- (Tentative Tract Map 15497) and Master Coastal Development Permit 99-75 (Coastal Application No.5-LGB-00-23)
2. Resort Condominiums and Park Areas- Coastal Development Permit 99-76 (Coastal Application No. 5-LGB-99-288)

Section 30230:

The proposed Treasure Island Resort and Estate Development is adjacent to the mouth of the Aliso Creek, which drains into the ocean at Aliso Beach. Aliso creek drains a 34 square miles of watershed that is bounded by seven cities. The discharge at the Aliso Mouth consistently exceeds all acceptable levels of bacteria indicators and toxic pollutants. The County of Orange and one city that discharges into the watershed is currently under a Clean-up and Abatement Order from the San Diego Regional Water Quality Control Board for storm drain discharges that exceed the NPDES permitted discharges.

Currents to the Treasure Island cove distribute the pollution plume of the Aliso Creek discharge. The fragile marine ecosystem of this area is in serious jeopardy. There appears to be no quick solution to storm water pollution that is deteriorating this marine environment and habitat.

The Environmental Impact Report discusses the absence of giant kelp (*Macrocystis Pyrifera*) in the area of Treasure Island cove. The Orange County CoastKeeper has a kelp

GENERAL COMMISSION

EXHIBIT # 7c
PAGE 4 OF 5

reforestation program underway at Reef Point, in the ASBS and Crystal Cove State Park Marine Preserve. There is kelp in many areas along Laguna Beach, however, not in Treasure Island Cove. The marine resources have been neglected and allowed to degrade to an unacceptable level. In light of these issues, this appeal proposes that the applicant should rewrite the marine resource component to include a more comprehensive restoration plan for the marine habitat in Treasure Island Cove.

Section 30231:

The storm water runoff standards for coastal developments must evolve to a much higher level of protection for coastal waters. Orange County, with a watershed of 3000+ square miles and the urban run off from 4 ½ million people, has an "impaired" to "poor" range of marine water quality. Beachfront developments, which can be considered point sources of pollution, must be held as a minimum to the "Water Quality Standards" in the California Ocean Plan. Additionally, coastal developments must at least retain the first three-quarters of an inch in a 24-hour period of all rain events. This run-off must be filtered, diverted, or treated.

Best Available Technology (BAT) utilizes state of the art technology to diminish and/or eliminate the impacts of polluted storm water runoff from being discharged across the beaches and into the ocean. Realizing that BAT is not static, this project, in our opinion, does not propose BAT in their plan for protecting the marine environment from the storm water pollution generated by the project. The proposed Headlands project, a residential project south of this project, proposes a storm water filtration system that eliminates polluted discharges into the ocean.

A slow flow or summer diversion plan is not complete or acceptable if it does not include a long-term commitment from the sewage treatment provider to accept and treat the diverted slow flows. It is our understanding that there is no such agreement or contract between the applicant, the City of Laguna Beach, and the South Coast Water District. Further, there is question if the sanitation facility has the capacity to accept the slow flow volumes of the project, as well as, how this flow affects the facility's NPDES permit is unknown.

All of the applicant's well-intentioned promises to protect the marine environment must be verifiable after the project is built. The only method to verify and guarantee the results of the various protection measures is to establish and require a 5-year monitoring study to verify that the protection measures work as they are intended, or quickly detect a failure. This monitoring study should be paid by the applicant and be directed by a qualified biologist. A mitigation fund should be established so any detected problems can quickly be resolved by the fact that funds are available.

This appeal requests the California Coastal Commission to continue its vigilance in protecting the especially sensitive and already degraded marine environment at Treasure Island cove. State of the art BAT's must be mandated for this project. The applicant currently does not propose them.

Your consideration of this appeal is most appreciated.

Sincerely,



Garry Brown,
Executive Director

COASTAL COMMISSION

EXHIBIT # 7c
PAGE 5 OF 5

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(909) 900-6071

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Commission Form D)

RECEIVED
CALIFORNIA COASTAL COMMISSION
MAR - 3 2000

Please Review Attached Appeal Information Sheet Prior To Completion of This Form. CALIFORNIA COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Eugene R. Atherton, M. D.
1077 N. Coast Highway
Laguna Beach, Ca. 92651-1314 (949) 494-0309
Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Laguna Beach

2. Brief description of development being appealed: Resort Hotel & 5 Resort Bungalows (total 275 units)
14 condominiums, 37 residential estates, bluff walk, bluff park, access to north Aliso County Beach (south) and 3 coves, "scenic corridor along highway.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 30801 Coast Highway (Orange County)
Wesley Drive is nearest cross Street

4. Description of decision being appealed:
- a. Approval; no special conditions: X
 - b. Approval with special conditions: _____
 - c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT No. 7^d
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
Appeal by Eugene Atherton
California Coastal Commission

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: _____

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Five Star Resort, L.L.C.
30801 Coast Highway, Laguna Beach, Ca. 92651

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Ginger Wallace, Pres. Village Laguna
P.O. Box 1309
Laguna Beach, Ca. 92652
- (2) South Laguna Civic Association, Pres. Ginger Wallace
P.O. Box 9668
Laguna Beach (South Laguna), Ca. 92677
- (3) _____
Barbara Metzger
2669 Nido Way
Laguna Beach, Ca. 92651
- (4) Becky Jones
2094 San Remo Drive
Laguna Beach, Ca. 92651
- (5) Dave Connell
3055 Alta Laguna Boulevard, Laguna Beach, Ca. 92651

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

CITY COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached 2 sheets and exhibits A & B.

Categories are:

Open Space 9.7.1; Parking 4.2.3; Public Access, Recreation etc policy 5 section 4.2.2 of LCP; Public Access & Safety; Visitor use of coastal property CRC 30222; sMarine Resource

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Ernie B. Otherton
Signature of Appellant(s) or
Authorized Agent

Date 3-3-60

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

EXHIBIT # 7d

PAGE 3 OF 8

REASONS FOR APPEAL

(1) Open Space 9.7.1. 2.8 acres deficit of 30.09 acres of specific plan and project. 2.8 acres is the portion of the original 3.55 acres of the Marine Preserve outside the mean high tide and is state land as is Goff Island. The remaining acreage of the 3.55 acreage is the .75 acreage of the adjoining 3 coves inside mean high tide.

(2) Bluff park & bluff walk are listed as fee dedication, but developer considers walk in front of hotel private without dedication and bluff is shown to extend to northwest end of coast in current maps, but not in prior maps??

(2) PARKING Section 4.2.3. Policy 3: 20 public parking spaces are in Resort Center parking facility and 50 spaces at southern end of project. Part of these spaces are in rightaway subject to removal by CalTrans for widening of Coast Highway at some future date.

Policy 2. Public parking spaces adjacent to the Resort Center that ~~are eliminated~~ they are being eliminated, are required to be replaced on a one to one basis!

Parking structure is inadequate for 275 resort guests, 400 employees, 2 restaurants, banquet room divisible into conference rooms plus other conference room and fitness center. Restaurant next to promontory point has ~~no~~ parking adjoining restaurant ^{customers} are left out in cold!

(3) PUBLIC ACCESS, RECREATION & PHASING POLICIES.

"To assure that the public will have unobstructed ability to walk through the residential development into the western most portion of the bluff top park".

Commission modified policy 5 Section 4.2.2 of LCP to require public accessways to the bluff top park be provided including through residential area.

It is not provided!

(4) PUBLIC ACCESS & SAFETY. ^{at northwest end of project}

Access-ingress & egress are unsafe in case of an emergency, such as a fire! Note twice in past 10 years fire threatened to spread southward across town down coast were there not a wind change!

There is no alternate to solitary entrance for residents, no egress from bluff walk & beach or for in & egress of emergency vehicles such as fire engines, ambulances & lifeguard rescue vehicles. Recent change in streets to hammerhead rather than continuous circular streets and street width less than thirty feet to permit passage of fire engines. ~~is unsafe~~

South Laguna LCP (exhibit A) shows the bluff trail exiting at northwest end of project and should include exit road for residents and for emergency vehicles.

(5) Section 30222 CRC states private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall **COASTAL COMMISSION** over residential, etc.

Visitor use of hotel and resort bungalows are not assured by

failure to limit stays, thereby permitting hotel and bungalows to be used as residences.

(6) Marine Resources/Coastal Policies 3.1.2

(a) Failure to remove concrete-gravel platform on Goff Island. groin that commission allowed at will of city council will be a 12 foot high stone like wall on both sides to vital marine resources. It devastated the beach left 12ft high wall in winter, the other side of the wall may well reduce newly acquired beach, may likewise be devastated by late summer storms from south Pacific.

Enclosed is exhibit B of Goff Island and cove beaches with tombolo in 1915. It has no influence on the length of Victoria Bay to the north.

(b) Coastal-Defacement of bluffs south of Main ADA to be ramp for access to beach, thereby marring a unique view of coastal bluffs, Promontory point, and Goff island from Coast highway.

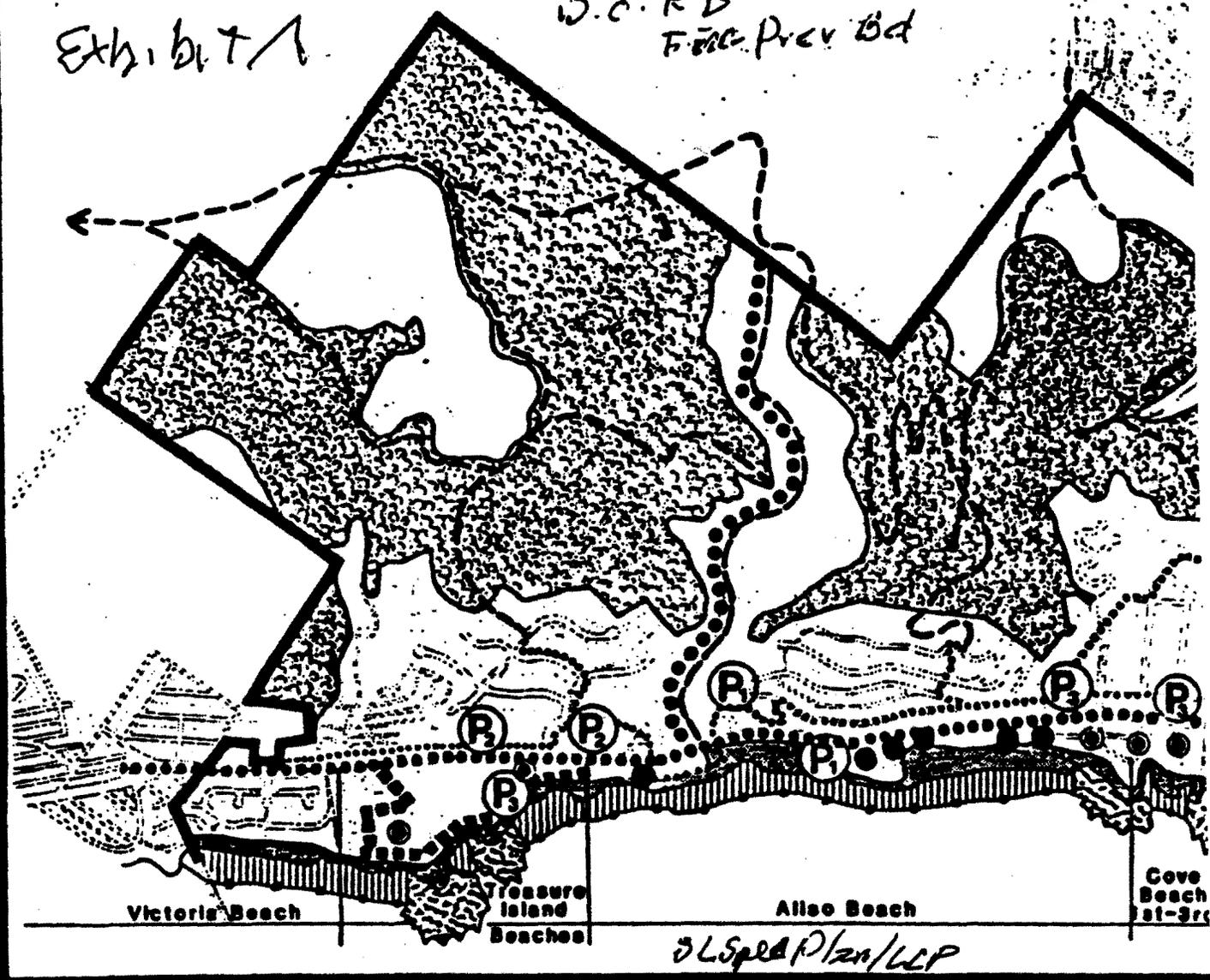
(c) Inadequate storm drainage system endangers project site, valuable coastal resources, and safety of the public.

COASTAL COMMISSION

EXHIBIT # 7d
PAGE 5 OF 8

Exhibit A

W.C.R.D
Frac. Prev Bd

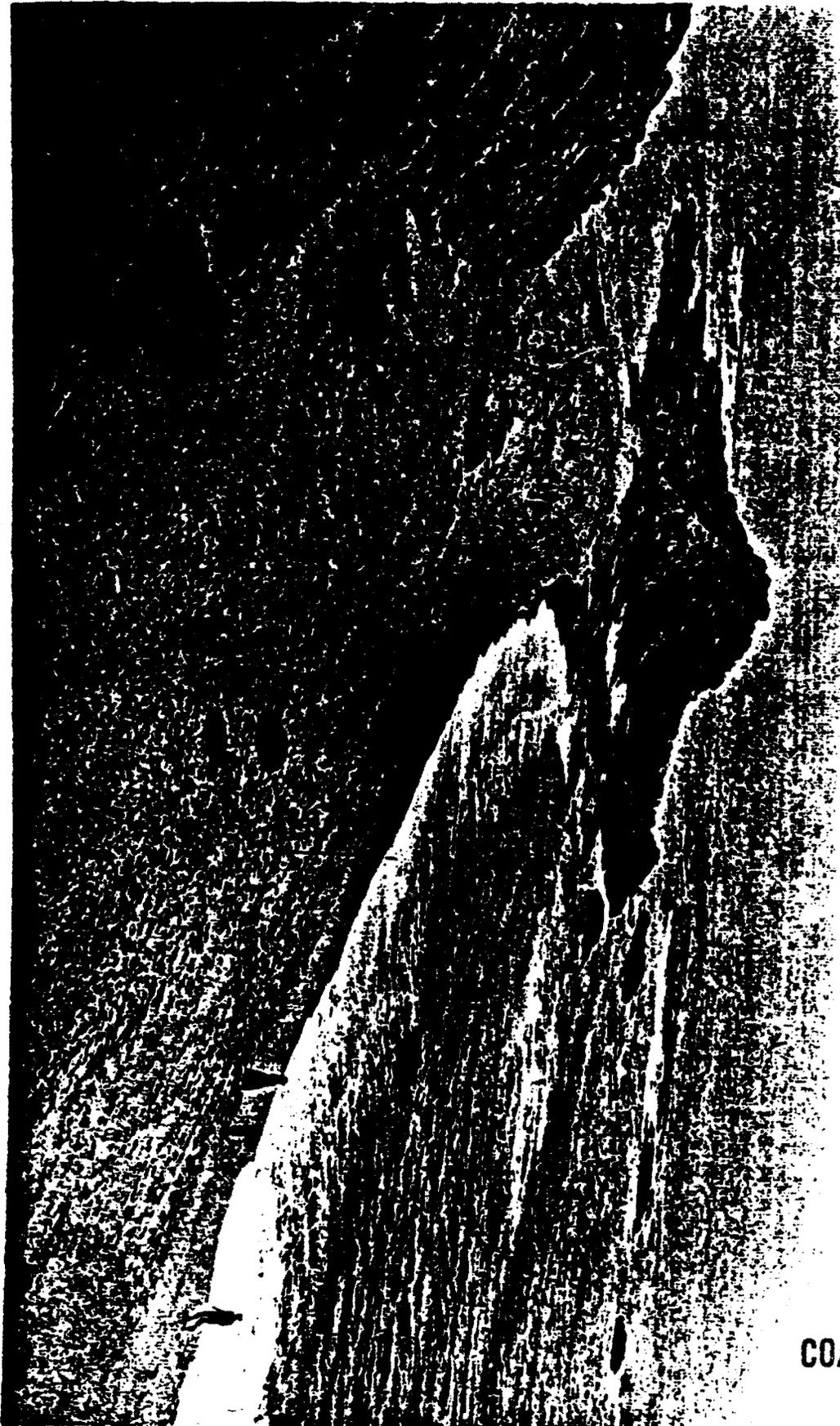


SOUTH LAGUNA SPEC LOCAL COASTAL PI

Legend:

- | | | | | | |
|---|----------------------------|---|-------------------|---|---|
|  | EXISTING PUBLIC ACCESSWAY |  | BIKE TRAIL |  | PUBLIC TIDE LAI (APPROXIMATE) |
|  | PUBLIC ACCESS OPPORTUNITY |  | BLUFF TOP TRAIL |  | PARKING
1. EXISTING PI
2. EXISTING PI
3. POTENTIAL |
|  | LATERAL ACCESS EASEMENTS |  | PUBLIC OPEN SPACE |  | ALTERNATIVE H OPEN SPACE TH ALIGNMENTS SEE POLICY 5 |
|  | HILLSIDE OPEN SPACE TRAILS |  | SANDY BEACH | | |
|  | COMMUNITY TRAILS |  | ROCKY SHORE | | |

Exhibit B



COASTAL COMMISSION

EXHIBIT # 7d

PAGE 7 OF 8

1915--GOLF ISLAND, SOUTH CAROLINA
(Present TREASURY
(10))



AL COMMISSION

7d
PAGE 8 OF 8

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceanside, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

RECEIVED
MAR 01 2000



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

JOHN J. GABRIELS
1401 McELOWER ST. SANTA ANA CA
92716 (714) 9356703
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: LAGUNA BEACH

2. Brief description of development being appealed: RESORT CONDOMINIUMS AND PARK AREAS

3. Development's location (street address, assessor's parcel no., cross street, etc.): 30901 COAST HIGHWAY
LAGUNA BEACH (ORANGE COUNTY)

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: _____
- c. Denial: HOTEL ROOMS FOR RESIDENTIAL

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

EXHIBIT No. 7e

Appeal Numbers:
A-5-LGB-00-078
A-5-LGB-00-079

Appeal by
John Gabriels

California Coastal
Commission

TO BE COMPLETED BY COMMISSION: #0. CITY DOES NOT ENFORCE

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

PARKING & SPACES GRANTED

CITY DOES NOT ENFORCE
COASTAL PERMITS PER CITY
MGR KEN FRANK.
HAS ALLOWED 19-HOME OWNERS
HOTEL LAGUNA TO FENCE BEACH
WHICH BEEN PUBLIC FOR YEAR
WHICH MAN...

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: FEB 15, 2000

7. Local government's file number (if any): CDD 99-76

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

5 STAR RESORT, LLC
30801 COAST HIGHWAY LAGUNA BEACH
ORANGE COUNTY

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) NONE THAT I KNOW.

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. **COASTAL COMMISSION**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

COASTAL COMMISSION BEING 15 TO PROVIDE
ACCESS TO THE COAST. HOTELS ARE
A GOOD REASON FOR COASTAL ACCESS,

SEE "D"
1ST PAGE

CITY NOT ENFORCING PERMITS WOULD
SEE TOTAL DENIAL OF PUBLIC ACCESS
IN THE NEAR FUTURE,
"THIS IS VERY CORRUPT"

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

JOHN J. GABRIELS

Signature of Appellant(s) or
Authorized Agent

Date 2/28/2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

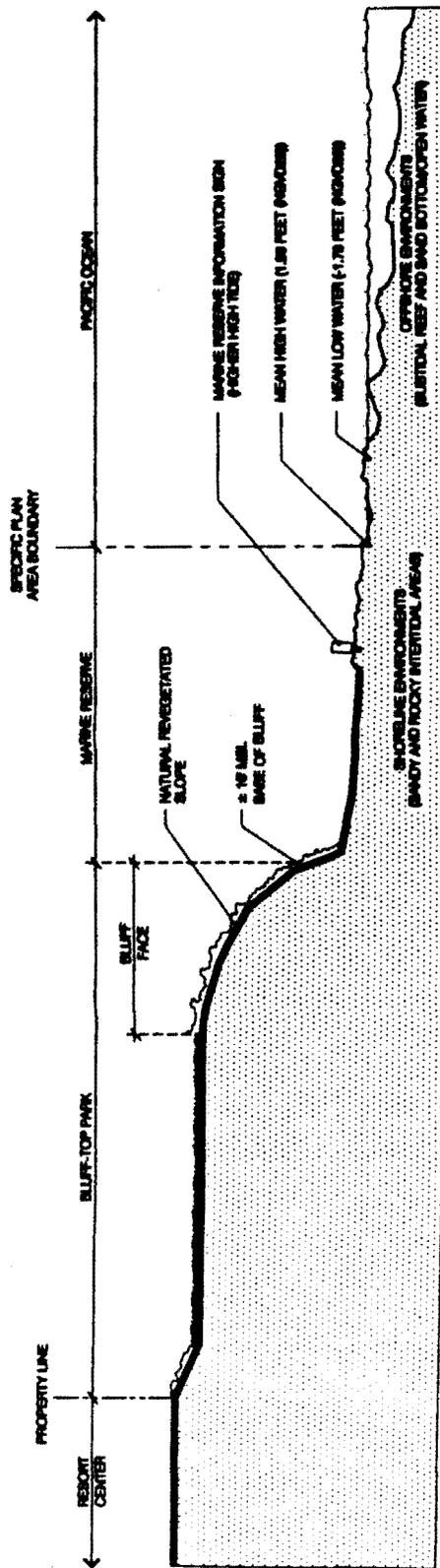
I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

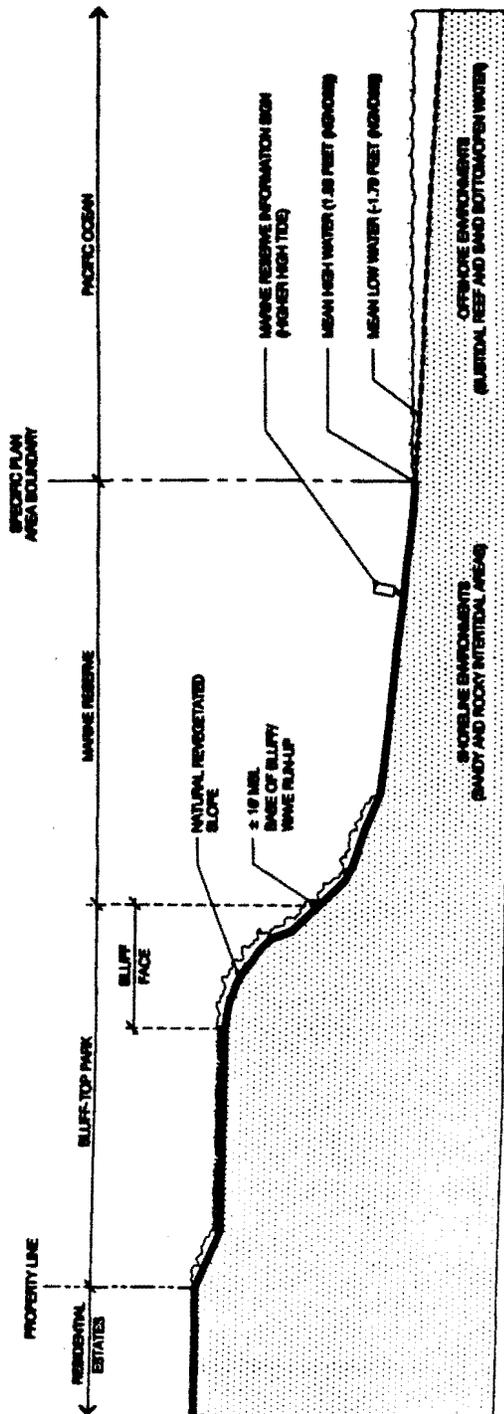
Date _____

COASTAL COMMISSION

EXHIBIT = 7e
PAGE 3 OF 3

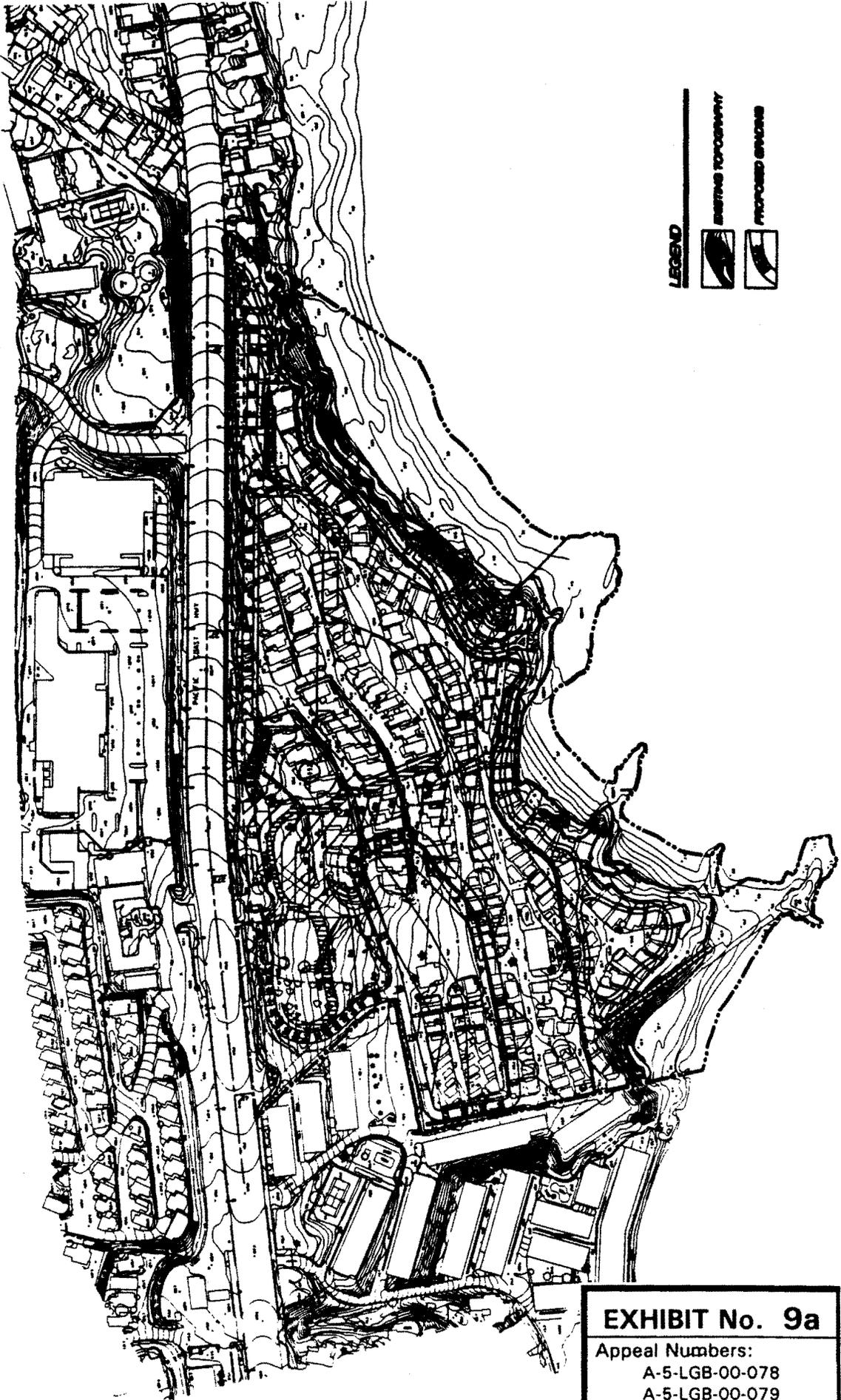


SECTION A - MARINE RESERVE INTERFACE (SOUTH)



SECTION B - MARINE RESERVE INTERFACE (NORTH)

EXHIBIT No. 8
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
Figure 9.2-4 of LCP Bluff Sections
California Coastal Commission



LEGEND



EXISTING TOPOGRAPHY



PROPOSED GRADING

EXHIBIT No. 9a

Appeal Numbers:

A-5-LGB-00-078

A-5-LGB-00-079

**Conceptual
Grading Plan**

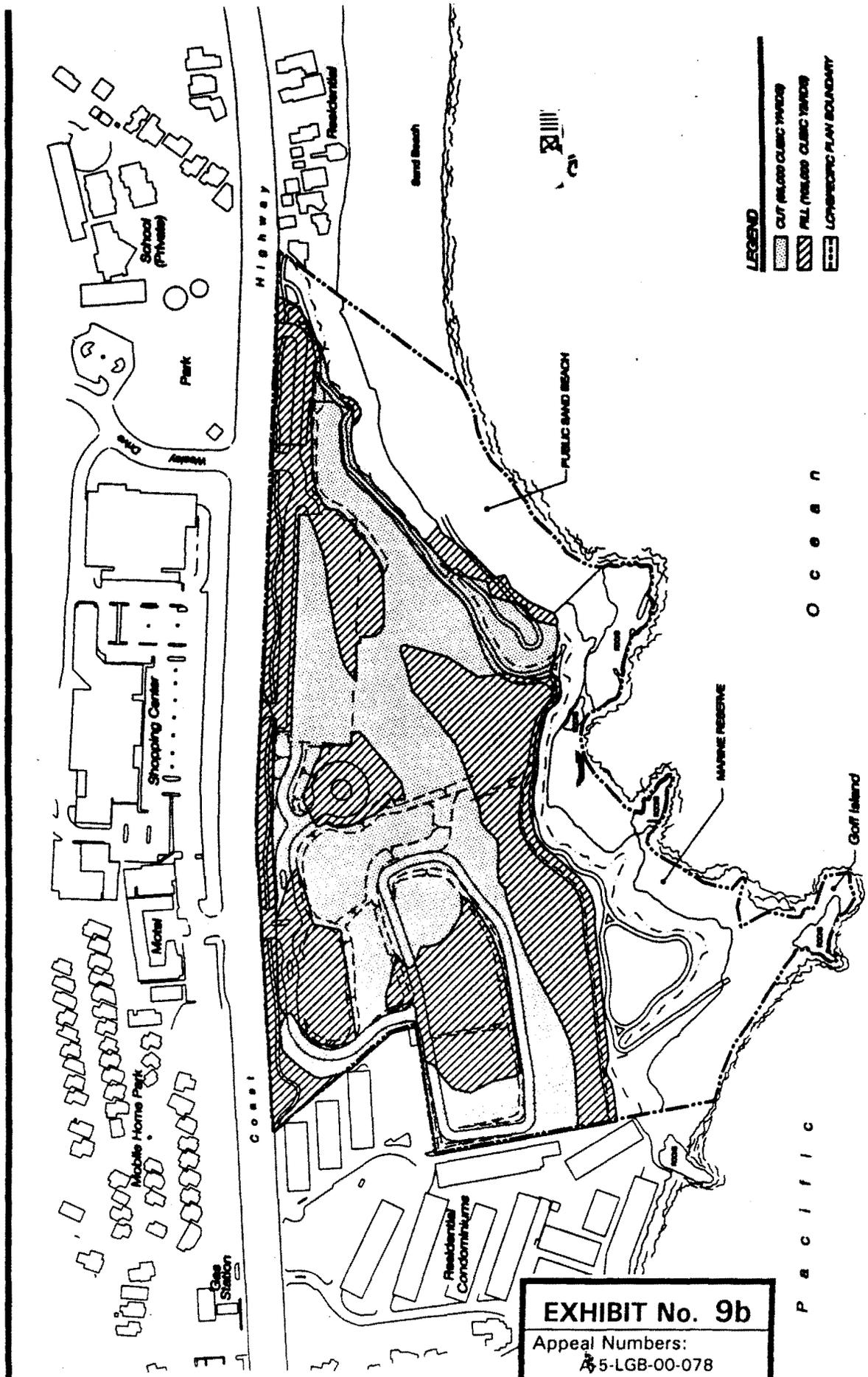
California Coastal
Commission

Figure 10.7-4

CONCEPTUAL GRADING PLAN

Treasure Island
LAGUNA BEACH, CALIFORNIA

Local Coastal Program



LEGEND
 [Hatched Box] CUT (FILL) CLERIC TANDY
 [Diagonal Lines Box] FILL (FILL) CLERIC TANDY
 [Dashed Line Box] LONGSHORE PLAY BOUNDARY

O C E A N

P A C I F I C

EXHIBIT No. 9b
 Appeal Numbers:
 A-5-LGB-00-078
 A-5-LGB-00-079
 Conceptual
 Cut-Fill Plan
 California Coastal
 Commission

Figure 10.
CONCEPTUAL CUT-FILL M

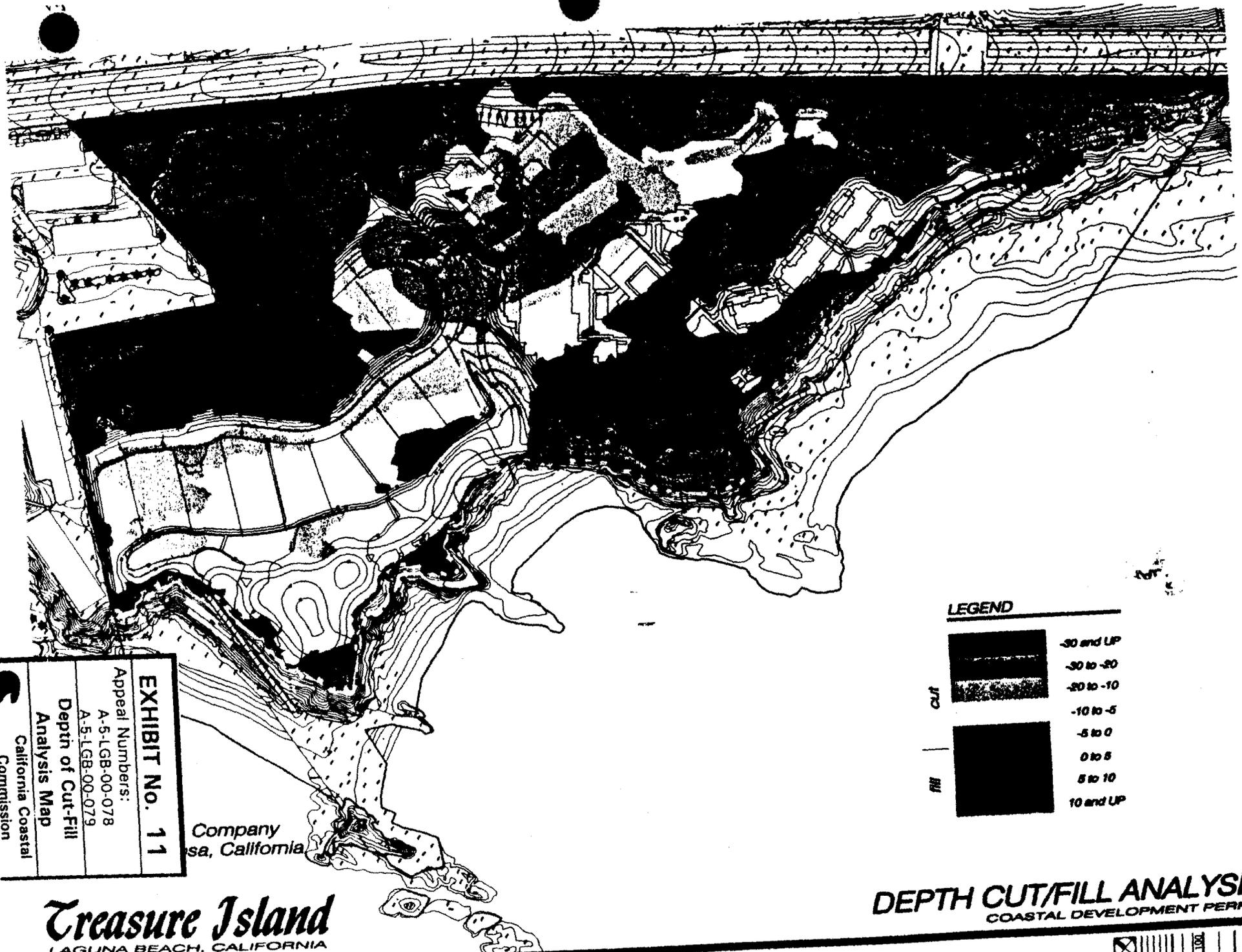


EXHIBIT No. 10

Appeal Numbers:
 A-5-LGB-00-078
 A-5-LGB-00-079

**Approved
 Grading Plan**

**California Coastal
 Commission**



LEGEND

CUT	[Horizontal lines and stippling]	-30 and UP
	[Horizontal lines and stippling]	-30 to -20
	[Horizontal lines and stippling]	-20 to -10
	[Horizontal lines and stippling]	-10 to -5
	[Horizontal lines and stippling]	-5 to 0
FILL	[Solid black]	0 to 5
	[Solid black]	5 to 10
	[Solid black]	10 and UP

EXHIBIT NO. 11
 Appeal Numbers:
 A-5-LGB-00-078
 A-5-LGB-00-079
 Depth of Cut-Fill
 Analysis Map
 California Coastal
 Commission

Company
 sa, California

Treasure Island
 LAGUNA BEACH, CALIFORNIA

The Athens Group

DEPTH CUT/FILL ANALYSIS
 COASTAL DEVELOPMENT PERMIT

February 2, 2000

Mr. Jon Richards
The Athens Group
30801 South Pacific Coast Highway, #40
Laguna Beach, California 92651

Subject: **Consultation Regarding Fill near Top of Bluff
Treasure Island Redevelopment Project
Laguna Beach, California
Law/Crandall Project 70131-0-0029.0002**

Dear Mr. Richards:

We have prepared this letter regarding fill near the top of bluffs at the site of the proposed Treasure Island Redevelopment Project. We have been furnished with cross sections and plans by The Keith Companies for the project. We have been currently performing geotechnical explorations at the site and geologic reconnaissance of the slope.

A bluff runs along the western edge of the site. The bluff has been graded during previous site development. The fill at the site appears to be of low quality and would not be considered certified fill. It appears that the height of the original bluff was raised in most areas using uncertified fill materials. Accelerated erosion of the fill materials that are exposed near the top of the bluff is evident in many areas.

We understand that construction of a walkway near the top of the bluff is currently proposed and that it will primarily be for pedestrian use, but will also be used occasionally by emergency vehicles. As part of the grading for the site, it is proposed to lower the grade near the top of the bluffs in some areas.

For the support of the walkway, we recommend that all of the existing fill beneath the roadway be excavated. To reduce erosion of soils on the bluff, it is recommended that in some locations, the fill soils above the natural materials at the bluff face be removed. In addition, removal of the fill soils will increase the global stability of the bluff by reducing the weight on top of the natural materials.

We understand that some of the fill soils near the top of the bluff will be removed by the planned grading, resulting in increased stability for the bluff and the recommended support for the walkway. The attached cross sections 1 through 3 illustrate the geologic profile of three locations along the bluff. The bedrock (Tso), terrace deposits (Qt), and fill (af) are shown on the sections and are based on reconnaissance of the bluff face. The existing and proposed ground surfaces are also shown on these cross sections.



EXHIBIT No. 12
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
Law Crandall Consultation Letter
 California Coastal Commission

February 2, 2000

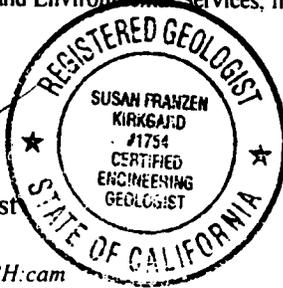
Please call if there are any questions regarding this letter.

Sincerely,

LAW/CRANDALL

A Division of LAW Engineering and Environmental Services, Inc.


Susan F. Kirkgard
Senior Engineering Geologist




Martin B. Hudson, Ph.D.
Principal Engineer



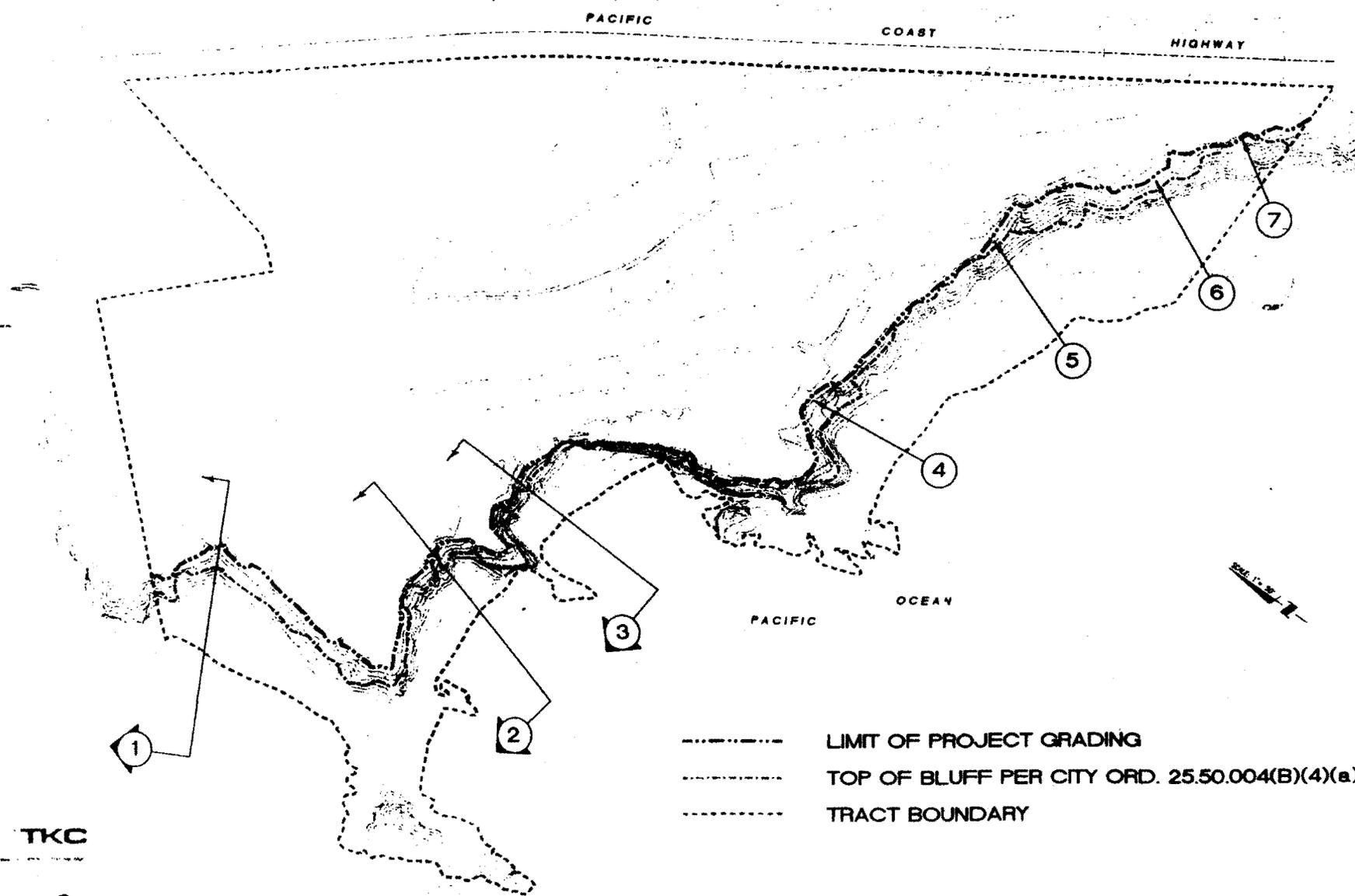
enggeo\99-prop\00292\02.doc\MBH.cam
(2 copies submitted)

Attachments:

COASTAL COMMISSION

EXHIBIT # 12
PAGE 2 OF 7

~~EXHIBIT F~~



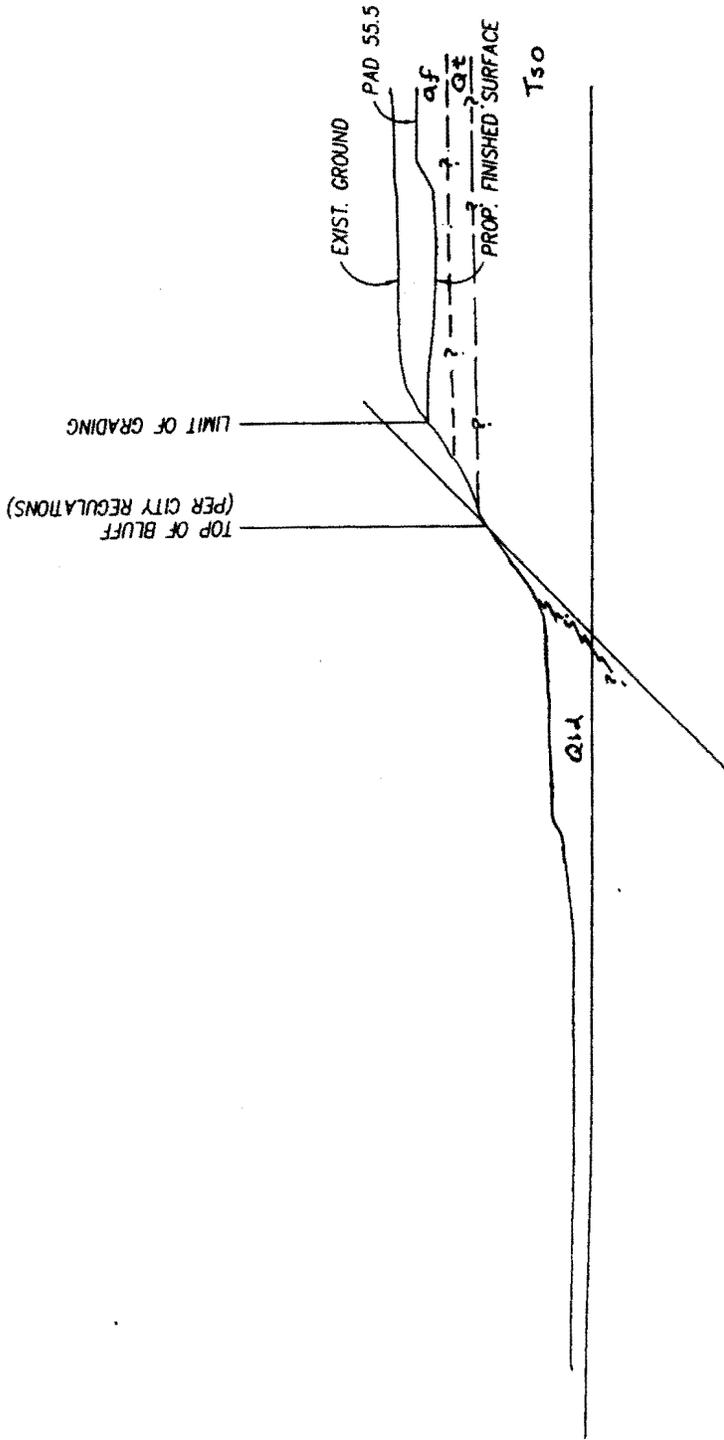
- LIMIT OF PROJECT GRADING
- TOP OF BLUFF PER CITY ORD. 25.50.004(B)(4)(a)
- TRACT BOUNDARY

TKC

Treasure Island
LAGUNA BEACH, CALIFORNIA
The Athens Group

TOP OF BLUFF GRADING ANALYSIS

EXHIBIT E
 # 12
 3 OF 7
 PERMISSION



LAWICRANDALL

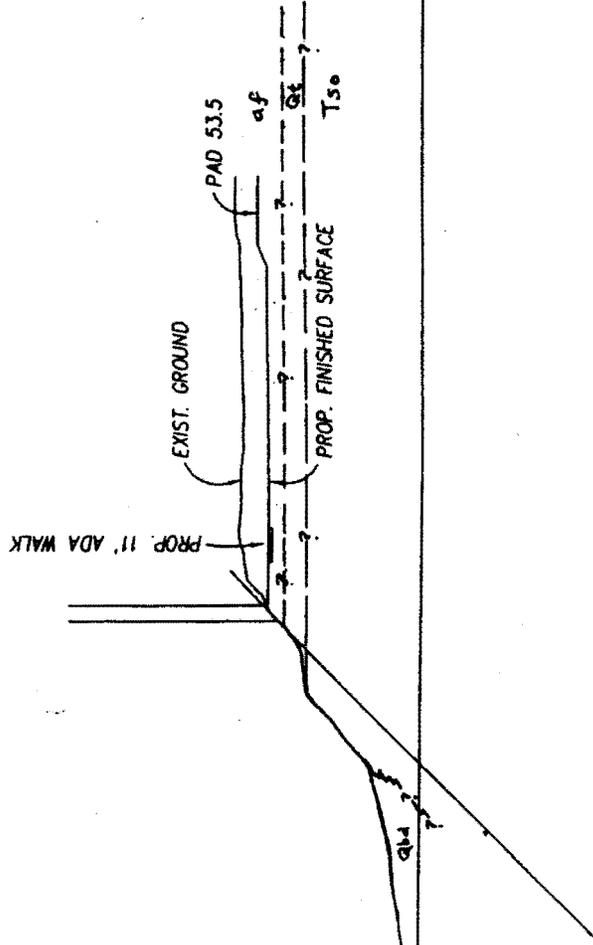
Section 1
1" = 40'

DATUM ELEV
 -3.00
 GROUP BLUFF
 SECTION 1

COUNCIL COMMISSION

EXHIBIT # 12
 PAGE 4 OF 7

~~EXHIBIT F~~



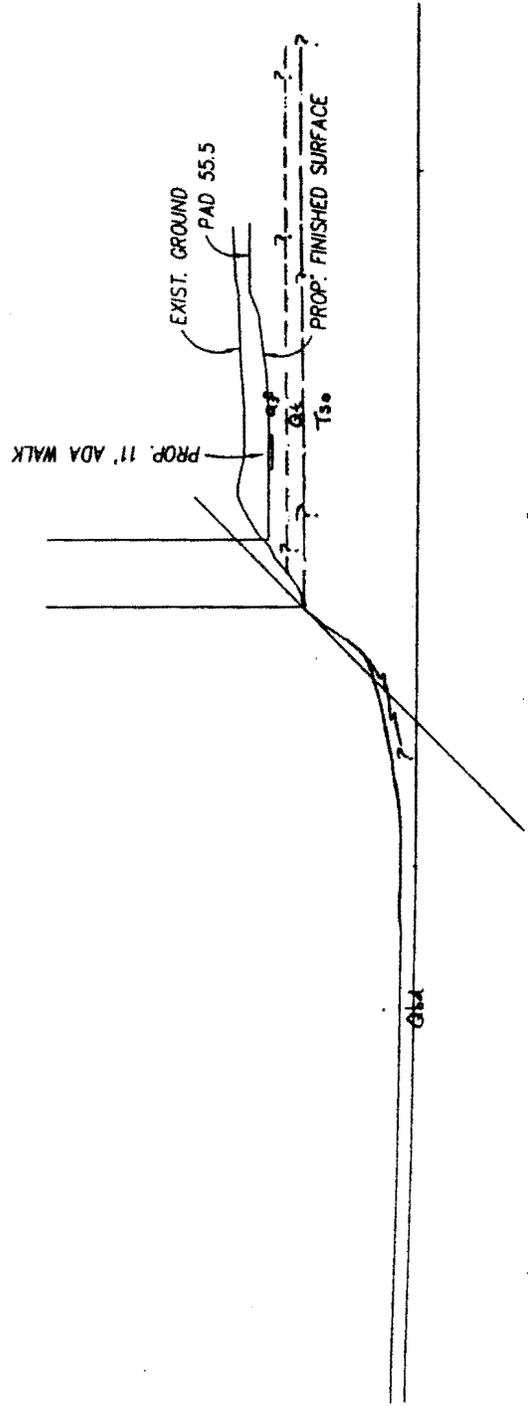
Section 2
1" = 40'

DATUM ELEV
-2.00
GROUP BLUFF
SECTION 2

NOISSINGO COMMISSION

EXHIBIT # 12
PAGE 5 OF 7

FINISHED



Section 3
1" = 40'

DATUM ELEV
-2.00
GROUP BLUFF
SECTION 3

COASTAL COMMISSION

PROJECT # 12
PAGE 6 OF 7

~~EXISTING~~

COASTAL COMMISSION

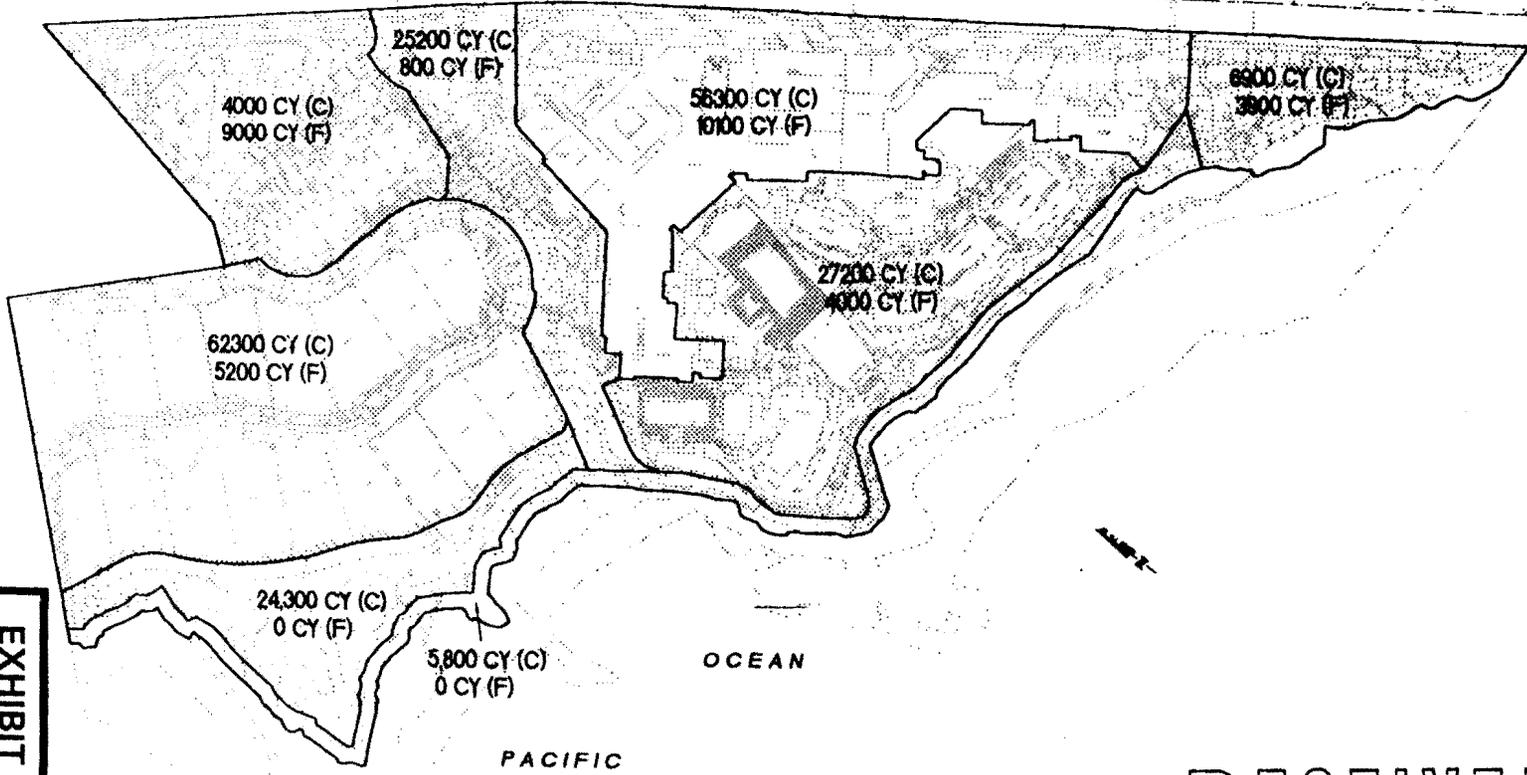


Treasure Island
 LAGUNA BEACH, CALIFORNIA

The Athens Group

	AREAS						
	1	2	3	4	5	6	7
THIS AREA CONSTRUCTED ON HISTORIC FILLS, UNSTABLE ALLUVIUM, OR MATERIALS THAT ARE OTHERWISE NOT UP TO CURRENT STANDARDS AS DEFINED BY THE STATE AND CIVIL ENGINEERING PROFESSIONAL PRACTICE. REMEDIATION AND REMOVAL OF THIS MATERIAL IS NECESSARY TO INCREASE BLUFF STABILITY.	●	●	●	●	●		
BLUFF-TOP PARK IN THIS AREA WILL REPLACE TRAILER PADS AND OTHER MISC. SURFACE/SUBSURFACE CONSTRUCTION. REMEDIATION AND RESTORATION OF THIS AREA WILL BE NECESSARY TO PROVIDE A SAFE, USEABLE AND NATURAL APPEARING PUBLIC PARK TO DEDICATE TO THE CITY OF LAGUNA BEACH. LCP 10.7.3.2 AND LCP POLICY 3.2.2.7	●	●	●	●	●	●	●
BLUFF-TOP AREA REQUIRES REMEDIAL GRADING AND/OR SLOPE STABILIZATION TO PROVIDE ADA COMPLIANT COASTAL ACCESS THAT IS SAFE FOR THE DISABLED.					●	●	●
BLUFF-TOP REMEDIATION IS REQUIRED FOR DEVELOPEMENT ALONG THE COASTAL BLUFF THAT NEED TO BE ENGINEERED TO COLLECT AND DIRECT WATER AWAY FROM THE BLUFF. THIS WILL ENSURE THAT SURFACE/SUBSURFACE DRAINAGE DOES NOT CONTRIBUTE TO BLUFF EROSION OR ADVERSLY AFFECT THE STABILITY OF THE BLUFF. LCP POLICY 3.2.2.4	●	●	●	●	●	●	●

PACIFIC COAST HIGHWAY



RECEIVED
MAR 17 2000

CALIFORNIA
COASTAL COMMISSION

EXHIBIT No. 13

Appeal Numbers:
A-5-LGB-00-078
A-5-LGB-00-079

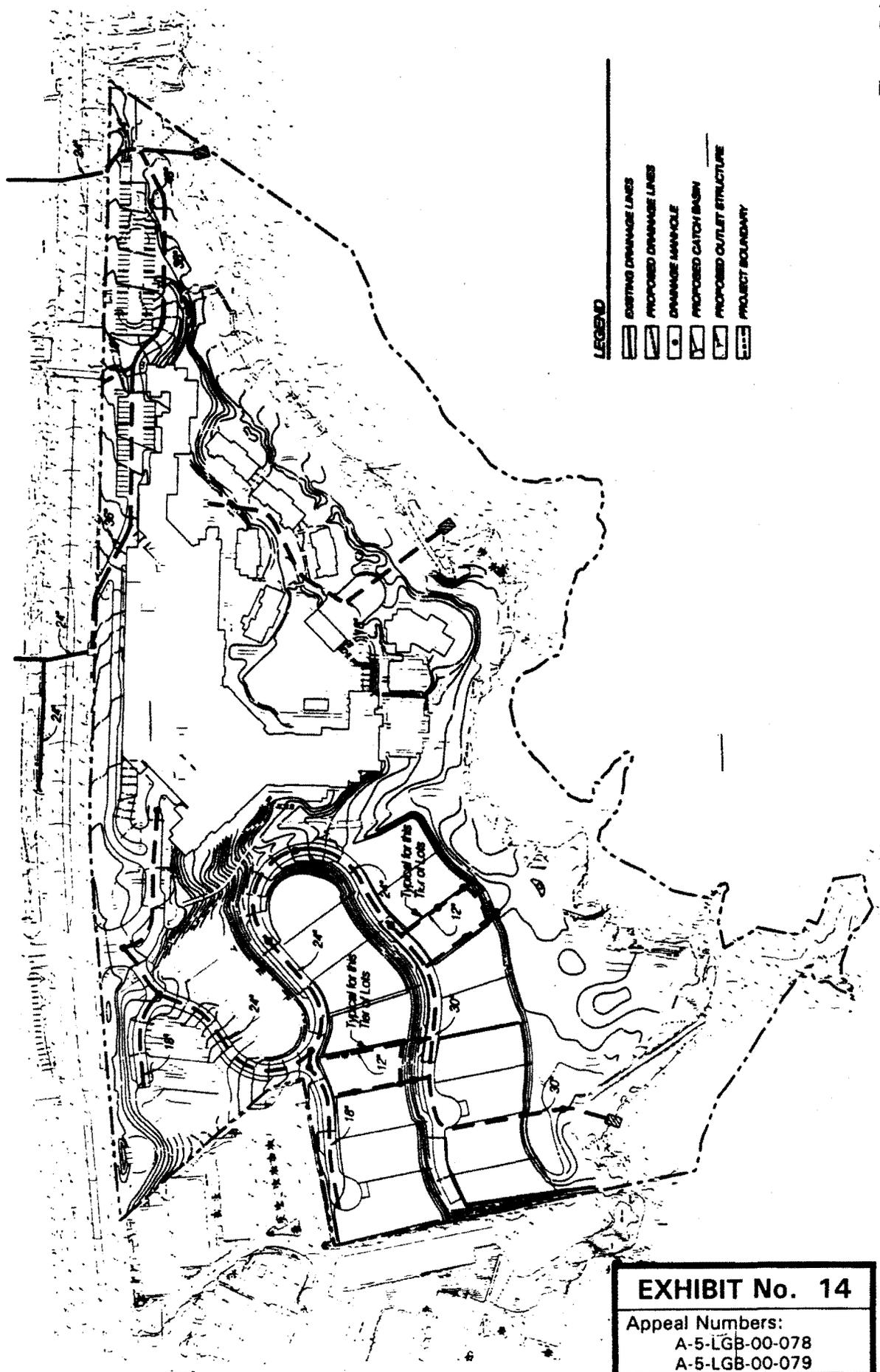
Earthwork Quantity
Calculations Map

California Coastal
Commission

TKC

Treasure Island
LAQUINA BEACH, CALIFORNIA
The Athens Group

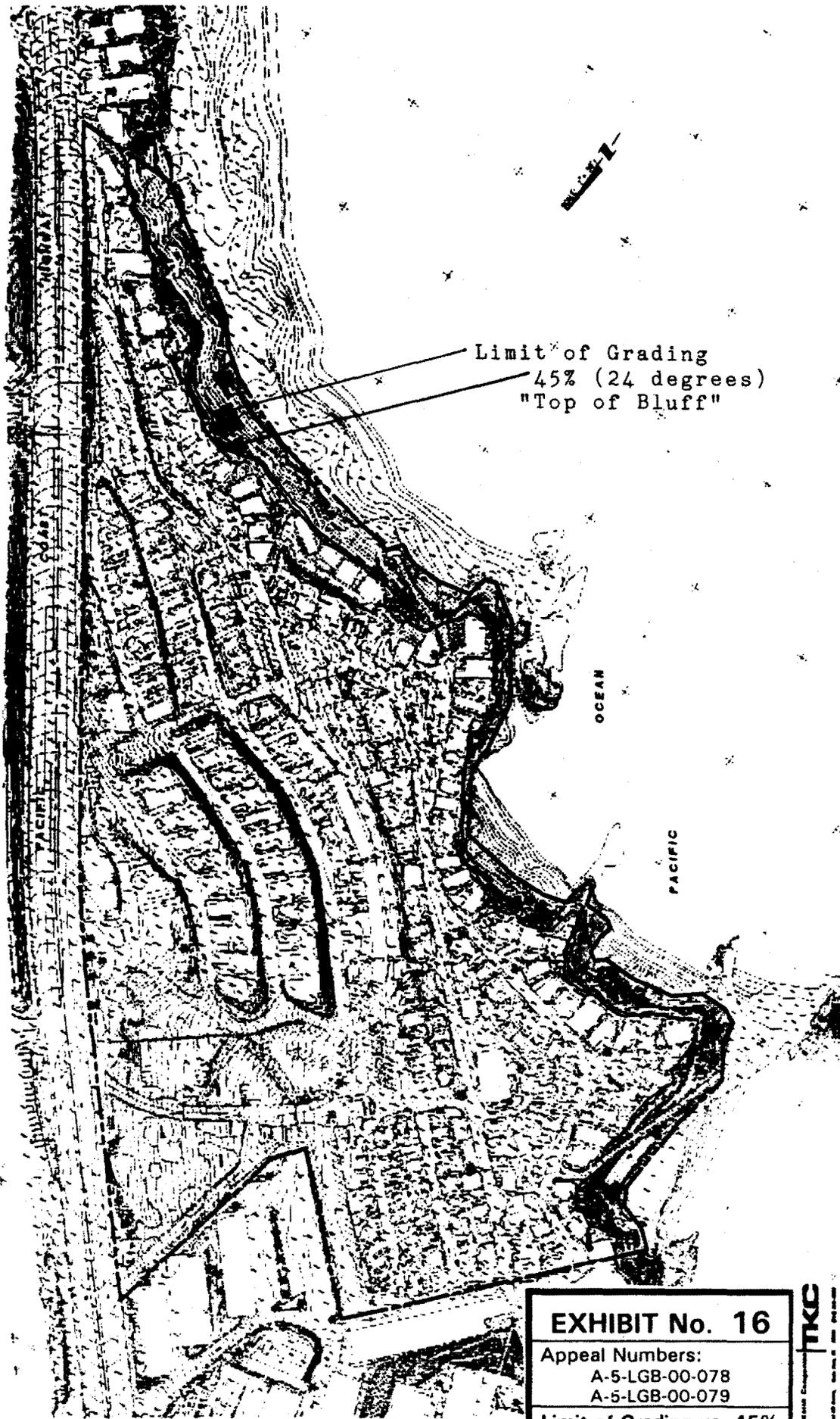
EARTHWORK QUANTITY CALCULATIONS
DATE PREPARED: 3/16/00



- LEGEND**
- EXISTING DRAINAGE LINES
 - PROPOSED DRAINAGE LINES
 - DRAINAGE MANHOLE
 - PROPOSED CATCH BASIN
 - PROPOSED OUTLET STRUCTURE
 - PROJECT BOUNDARY

Figure 2.4
DRAINAGE PLAN
 COASTAL
 COUNTY PERMIT

EXHIBIT No. 14
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
Approved Drainage Plan
California Coastal Commission



Limit of Grading
 45% (24 degrees)
 "Top of Bluff"

OCEAN

PACIFIC

EXHIBIT No. 16
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
Limit of Grading vs. 45% Blufftop Delineation
California Coastal Commission

TKC
 THE KIMBLE COMPANY

Treasure Island
 LAGUNA BEACH, CALIFORNIA
 The Athene Group

ATTACHMENT A
Treasure Island Resort Community Development Project
Water Quality Measures

1. Landscape Filtration/Runoff

Surface runoff in the park and the hotel courtyard shall be directed across landscape areas before collection into the storm drain system. Grading of the park shall direct runoff away from the ocean front bluff. Surface flow over the bluff shall not be allowed.

2. Irrigation and Landscape Design

The irrigation systems for lawn and shrub areas shall consist primarily of spray heads and rotor heads spaced at 100% head-to-head coverage. Irrigation heads shall be grouped so that heads on the same valve system will have matched precipitation rates to ensure uniform water distribution.

Check valves shall be installed at all irrigation heads and in irrigation pipes as necessary to eliminate low elevation drainage.

Drip irrigation shall be used in the succulent garden area, so that water will be distributed directly to plants, thus eliminating watering unplanted areas.

All irrigation master systems shall have flow sensors and master valves installed on the mainline pipe to ensure system shutdown in the case of pipe or system breakage.

All irrigation master systems shall have an automatic irrigation controller to ensure efficient water distribution. Automatic irrigation controllers shall be easily adjustable so that site watering will be appropriate for daily site weather conditions. Automatic controllers shall have rain shutoff devices so that the irrigation systems will not unnecessarily operate on rainy days.

3. Trash Enclosures

Dumpsters shall be in an enclosed area (walled) with drainage from adjacent areas diverted around (not through) the enclosure.

4. Inlet Trash Racks

The majority of the inlets shall be of the "area drain" type, which are flush with the ground surface and have a grate to screen out larger trash and debris. The more traditional curb opening catch basins shall be primarily on Coast Highway.

5. Water Quality Inlets

All inlets accepting flow from paved areas shall be provided with "Fossil Filter" or "Drainpac" filtration systems, or an approved equivalent system, to remove greases and oils from the "first flush" of runoff. The "first flush" of runoff for this project shall be defined as runoff resulting from ¼ of an inch of rainfall on the site over a 24-hour period. (These filtration systems have been shown to be effective at removing 95% of the greases and oils in storm runoff.) Filtration systems shall be inspected three times a year, in September, December, and March, and the filter material replaced if necessary. (On average, the filter material needs replacement once a year.)

EXHIBIT No. 17
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
Water Quality Measures
 California Coastal Commission

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6. Dry Weather Flow Diversion

Nuisance flow that occurs during dry weather (when rainfall is less than ¼" on the day during a 24-hour period) shall be diverted to the sanitary sewer system. This includes flow tributary to the three proposed outlets, including flow from approximately 63 acres upstream of the site. Three valves located on-site shall control this diversion. Flow capacity meters to be installed by the developer in the sewer system downstream of the diversion shall provide year round monitoring of the nuisance flow diversion. This will allow the City to process the "first flush" and will extend the nuisance diversion up to the capacity of the sewer system on a year-round basis. This approach to nuisance flow diversion is designed in hopes of pioneering this environmentally sensitive method of keeping coastal waters clean and safe.

7. Energy Dissipaters

Three storm drain outlets shall be reconstructed at the base of the bluffs, at the back of the sandy beach. Outlets shall utilize riprap energy dissipaters that will be buried with sand. The outlets themselves shall include a concrete headwall to protect the surrounding bluff from erosion and safety grates to prevent children from entering the drainage pipes. After major storm events, lost sand shall be replaced pursuant to a beach maintenance agreement between the developer and the City. This beach maintenance may at times partially cover the storm drain outlets.

8. Installation and Maintenance

All of the above items shall be installed by the developer, and all on-site privately owned water quality measures shall be maintained by the resort operator or the Homeowners Association.

9. Fertilizer and Organic Soils Management

The use of fertilizers and pesticides in the resort and all common areas shall be subject to the County of Orange's Management Guidelines for the use of Fertilizers and Pesticides. The Homeowners Association shall institute an education program for the single-family property owners. An Organic Soils Management program shall include the use of organic fertilizers that are environmentally safe and are checked for ash, sand and alkalinity content. The use of red worms (vermicomposting) together with cultivation will add to the establishment of healthy soils and help implement the Organic Soils Management program.

10. Project Street Sweeping and Litter Pickup

The resort operator or Homeowners Association shall be responsible for sweeping all streets, sidewalks and parking lots within the development at least once a week and for picking up litter daily in the park, beach and scenic highway corridor areas.

11. City Street Sweeping

No later than one year after the opening of the hotel, the City shall increase the frequency of its Citywide street sweeping from twice a month to weekly.

12. Coast Highway Storm Drain Inlet Upgrades

During the construction of the on-site storm drain system, the City will install and then maintain sediment and hydrocarbon separator(s), similar to "Stormceptor" clarifiers, for the two existing and three proposed storm drain inlets next to the Treasure Island along Coast Highway.

COASTAL COMMISSION

**CITY OF LAGUNA BEACH
CORRESPONDENCE
RE: TREASURE ISLAND APPEALS**

- A. March 10, 2000** **Appeal Response letter from Kenneth Frank,
City Manager**

- B. March 17, 2000** **Acreage issues letter from John Montgomery,
Assistant Director of Community Development**

- C. March 17, 2000** **Landform Response letter from John Montgomery**

- D. March 20, 2000** **Blufftop Park Grading letter from John Montgomery**

- E. March 21, 2000** **Blufftop Park Grading letter and photos from
John Montgomery**

- F. March 24, 2000** **Bluff top Grading letter from John Montgomery
(including supplemental letters from Law-Crandall
and The Keith Companies)**

EXHIBIT No. 19
Appeal Numbers: A-5-LGB-00-078 A-5-LGB-00-079
City of Laguna Beach Correspondence
 California Coastal Commission



March 10, 2000

RECEIVED
South Coast Region

Ann Kramer
Coastal Program Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

MAR 10 2000

CALIFORNIA
COASTAL COMMISSION

Subject: Commission Appeal Nos. A-5-LGB-00-078 and A-5-LGB-00-079
Treasure Island Project

Dear Ms. Kramer:

Appeals have been filed regarding two of the Coastal Development Permits which have been approved for the Treasure Island Resort Community. After examining these petitions, the City staff believes that all provisions of the Coastal Act and the certified Local Coastal Program (LCP) have been followed and that no appealable issues have been raised. Our thoughts concerning the assertions in the appeals are delineated in this letter.

John Gabriel's Appeal

- There is an error in describing the decision being appealed. The City did not deny the resort; the City conditionally approved the resort.
- The Treasure Island project provides for increased public access to the beach by the dedication in fee to the City of a Blufftop Park along the entire beach frontage. There will be four public accessways to the beach, including a new ADA accessible ramp down to the beach from the Blufftop Park. The beaches cannot be fenced.
- The City has not converted any public parking spaces, either along Coast Highway or internally within the project site, into private parking spaces; on the contrary the project provides 70 new public parking spaces on site.
- Hotel rooms are not allowed to be permanent residential units.
- The City enforces all permits, including Coastal Development Permits.

Dr. Eugene Atherton's Appeal

- The City approved 17 Residential Estates, not 37.
- The City conditionally approved the resort project and subdivision; the City did not approve the project without special conditions.

COASTAL COMMISSION

- Section 9.7.1 of the Treasure Island Destination Resort Community Local Coastal Program (LCP) describes the required Public Land Dedication Program that includes a marine reserve, sand beach, blufftop park, Coast Highway right-of-way dedication and scenic highway corridor easements. All of these public land components are provided as follows and as illustrated in attached Figure 4.1:

Marine Reserve (fee dedication)	3.31 acres
Sand Beach (fee dedication)	<u>2.45 acres</u>
Total of beach areas	5.76 acres

Park Areas

Bluff Face (fee dedication)	2.83 acres
Blufftop Park (fee dedication)	2.93 acres
Bluff Retreat (easement)	0.35 acres
Additional Park (easement)	0.30 acres
Resort Garden (easement)	0.30 acres
Park Parking area (easement)	<u>0.54 acres</u>
Total of park areas	7.25 acres

Coast Hwy. R-O-W (fee dedication)	0.43 acres
Scenic Hwy. Corridor (2 easements)	0.84 acres

In addition to these public lands, the approved project includes an additional open space easement of 0.26 acres and a bluff retreat easement of 0.44 acres, both of which are in front of the resort next to the Blufftop Park. These areas will be landscaped and will not include any resort structures. The Marine Reserve area was determined to be 3.31 acres and is comprised of the northern beach area of the site from the toe of the bluff slope to mean high tide.

- Section 4.2.3 of the LCP details the public parking policies for the project. Dr. Atherton asserts that part of the required public parking is in the Coast Highway right-of-way dedication area. He is incorrect; none of the 70 public parking spaces are in the highway right-of-way. He also makes the incorrect assertion that public parking along Coast Highway is being eliminated. There are presently 38 parking spaces along Coast Highway, and 38 spaces will exist after the new driveways are constructed. Dr. Atherton contends that the parking provided for the resort and restaurants is not adequate. The City determined that the shared parking analysis for the project was prepared correctly. Secondly, the City required an independent peer review of the parking study; that second analysis also determined that 409 spaces are adequate for the resort and all of its ancillary functions. In addition, there is an overflow valet program that provides for 554 vehicles to be accommodated in the underground parking structure for peak, cumulative events.
- Section 4.2.2 of the LCP outlines the public walkway/trail policies for the project. Policy Number 5 of this section requires that public pedestrian accessways be allowed "into and through the Residential Estates and Residence Villas." As shown on the approved site plan and Tentative Tract Map there is public access over the private road system and there is public access through the middle of the site down a public pathway in the 100-foot view corridor directly accessing the Blufftop Park.

- Dr. Atherton makes the assertion that emergency access for ingress and egress is not safe and cites a map from the South Laguna Specific Plan. The planning document that guides development of the Treasure Island site is the certified LCP and not the South Laguna Specific Plan. In any event, adequate emergency access is provided over the project's road system and the public pathways in the Blufftop Park.
- Dr. Atherton asserts that visitor use of the hotel is not assured by failure to limit stays. The proposed project fully complies with Section 30222 of the California Coastal Act since the resort is a visitor serving, commercial recreation facility. The City's Municipal Code allows only transient users.
- Section 3.1.2 of the LCP outlines the coastal resource protection policies for the project. This section of Dr. Atherton's appeal is very confusing, but based on previous testimony during the public hearings, Dr. Atherton would prefer that there not be a replacement groin once the cement slab is removed. The City is complying with the approved LCP that mandates the construction of a replacement groin to prevent littoral sand movement in this area during major storm events.
- Finally, Dr. Atherton asserts that the project is defacing a bluff and that it has an inadequate storm drainage system. The City feels that these statements are incorrect as subsequently addressed.

Orange County Coastkeeper's Appeal

- The appellant cites two sections of the LCP and the Coastal Act, LCP Section 3.1.2.1 or Section 30230 of the Coastal Act and LCP Section 3.1.2.2 or Section 30231 of the Coastal Act. These sections require marine resources to be maintained and, where feasible, to be enhanced and restored. An error in the appeal states that Treasure Island is adjacent to the mouth of Aliso Creek. Treasure Island is not adjacent to Aliso Creek and is not part of the Aliso Creek watershed. Also, the applicant has appealed the wrong CDP because CDP 99-78 encompassed the project's Resource Management Program and CDP 99-79 related to the City's application for a Marine Park designation. Both of these CDPs (CDP 99-78 & CDP 99-79) now have final Coastal Commission status. The appellant would like a "more comprehensive restoration plan" to be developed. It is the City's opinion that the approved Resource Management Program is very comprehensive. It involves a 5-year, \$550,000 monitoring and preservation commitment on the part of the City. In addition, the tide pools and surrounding areas are proposed to be a Marine Park (reserve).
- The appellant also states "this project, in our opinion, does not propose Best Available Technology (BAT) in their plan for protecting the marine environment from the storm water pollution generated by the project." This is not correct. The City is committed to BAT for this project and has required it as a condition of approval. In fact, through the approved CDP, the City has committed to mitigate water pollution on a City-wide basis by sweeping every City street on a weekly basis rather than every two weeks as at present. Also, the appellant seems to be unaware that the City has the responsibility for sewage treatment, and that our treatment facility has the capacity to process the low flow storm water and the flows from "first flush" events.

COASTAL COMMISSION

EXHIBIT # 19
PAGE 4 OF 29

South Laguna Civic Association's Appeal

- The appellant asserts that the proposed project does not provide "lower cost visitor and recreational facilities," or public recreational opportunities. We disagree. The approved project is fully consonant with the certified LCP. It affords substantial facilities for visitor use, including:
 - A 275-room hotel
 - 5.76 acres of beach that is presently privately owned
 - 7.51 acres of public park and open space with about 70 park benches, walking paths and view vantage points
 - 70 public parking spaces with City regulated rates
 - Four accessways to the beach
 - Two public restroom facilities with showers
 - A restaurant near the bluff and a second restaurant in the hotel
 - A Marine Park with a Resource Management Plan to protect marine resources
 - A landscape buffer along the entire frontage of the site that includes a public pathway and a rest stop for pedestrians and cyclists using Coast Highway
- The appellant asserts that the project significantly alters the natural landforms and is not compatible with the character of the surrounding community. The LCP and approved implementing program (Treasure Island Specific Plan) specifically restrict the allowed development. The proposed project fully complies with an extensive list of height and building envelope restrictions. In addition, any remaining subjective determinations regarding design have been fully debated at eleven (11) public hearings. The community has been supportive of the craftsman style of architecture; the buildings step down in relation to the topography, as required by the LCP and Specific Plan; and, surrounding views have been protected and enhanced, including public and private views. In addition, the façade of the resort is highly articulated and has many varied roof elements. It is also important to remember that the existing landforms are not natural; they were historically developed with artificial fill for mobile homes.
- The appellant cites Section 30230 of the Coastal Act that relates to LCP Policy 3.1.2.1 that require marine resources to be protected and enhanced. Some of the statements made in relation to marine resources are incorrect. Underwater reconnaissance does not reveal that the marine habitat adjacent to Treasure Island is in "ecological collapse" as asserted in the appeal. In fact, over 60 taxa of plants, invertebrates and fishes were observed in the Treasure Island Reefs. The EIR does not maintain that there is a "mysterious absence of giant kelp." In fact, the EIR points out that giant kelp has not historically occurred offshore of the Treasure Island project area. Again, the appellant has appealed the wrong CDP because CDP 99-78 was the permit relating to the project's Resource Management Program and CDP 99-79 encompassed the City's intention to apply for a Marine Park designation. Both of these CDPs (CDP 99-78 & CDP 99-79) now have final Coastal Commission status. In addition, the appellant doesn't recognize the City's intent in applying to the State Resources Agency for Marine Park designation as outlined in CDP 99-79.

- The appellant cites Section 30231 of the Coastal Act that relates to LCP Section 3.1.2.2 that requires a minimization of wastewater discharges. The appellant would like the use of Best Available Technology (BAT), such as that used in Santa Monica, for the treatment of storm water, and asserts that the City does not have an agreement with the South Coast Water District to treat nuisance flows from the project's site and that the District does not have the capacity for such treatment. These arguments are all incorrect. The City is committed to BAT for this project and has required it a condition of approval. The City – not the South Coast Water District - has the responsibility for sewage collection and treatment; our treatment facility has the capacity to process the low flow storm water and the flows from “first flush” events.

Village Laguna's Appeal

- The appellant asserts that the proposed project does not afford lower cost visitor and recreational facilities. We have refuted this contention as discussed in the first paragraph under the South Laguna Civic Association's appeal response section.
- The appellant asserts that the project does not protect views, does not minimize alteration of natural landforms, is not visually compatible with the character of the surrounding community and does not restore or enhance visual quality. Again, the LCP and approved implementing program of the LCP, the Treasure Island Specific Plan, specify in detail the allowed development restrictions, including an extensive list of height and building envelope restrictions. The proposed project fully complies with these restrictions. In fact, the approved project is less intense that allowed under the LCP. For example:
 - Six less residential units are allowed.
 - The LCP allows structures to exceed the Highway's elevation along 73% of Coast Highway's frontage, and the project only proposes 50%.

Private side yard encroachments are not allowed within the 100-ft. no-build view corridor. The surrounding development of condominiums and a shopping center are actually more intense than the proposed project. Any remaining subjective determinations regarding design have been fully debated. The buildings step down in relation to the topography and surrounding views have been protected and enhanced, including public and private views.

- The appellant asserts that the project will substantially alter natural landforms along the bluffs and will contrast with, rather than protect, the special community of Laguna Beach. These subjective opinions are offered without any foundation. The City vigorously disagrees with these contentions. The proposed grading is necessary because mobile home foundations, basements and artificial (unstable) fill have to be removed to create a viable, safe and well-drained Blufftop Park. The Coastal Commission's required bluff-retreat setback easement has been fully implemented. Buildings are setback from the bluff an average of 72 feet along the resort and a minimum of 90 feet in front of the single-family homes. There is a total of 550 feet of view corridors. The bluff grading policies of the LCP (Section 3.2.2) are incorporated into the project's design, and the proposed development fully complies with all development restrictions regarding building envelope limits.

- The appellant asserts that the development has the potential to degrade marine life habitat and that the City has not yet committed to the Resource Management Program (RMP). This is incorrect. The City has committed to implementing the RMP both in a Development Agreement encompassing the Treasure Island project and with the adoption of CDP 99-78 that approved the project's RMP. The required funds to start the first component of the approved RMP will be included in the City's budget for the 2000-2001 fiscal year.
- The appellant asserts that the runoff during the rainy season will be discharged untreated to the beach. This is not true. The City is committed to capturing as much storm water runoff from the site as possible. (See Item Q of the Administrative Record, Water Quality Measures.) CDP 99-75 requires both the nuisance waters and the "first flush" of any rainstorm to be routed into the sewer system. ("First flush" is defined as the runoff resulting from ¼ of an inch of rainfall on the site during a 24-hour period.) Moreover, all storm water that falls on the site will be filtered as it enters the storm drain system.
- The appellant asserts, "An unnecessarily high proportion of the land is being devoted to private residences." Figure 4.1 illustrates that the City approved 5.67 acres for single-family residences and 1.5 acres for condominiums. These 7.17 acres are 33% of the developable (blufftop) area (21.5 acres) and is 0.13 acres less than the 7.3 acres allowed by the LCP for private residential use on the site. The resort is a visitor serving commercial recreation facility. In addition, 7.51 acres of park and open space and 5.76 acres of beach area are available to the public. The proposed project fully complies with the certified LCP.
- The appellant cites LCP Sections 9.1.2.2, 9.3.1.1 and 10.7.2.2 and asserts that the proposed grading is not in compliance. This is not correct. The LCP (Policy 3.2.2 and Section 9.3.1) allows for remedial grading due to removal of mobile home basements and foundations, required drainage away from the bluff edge and elimination of unconsolidated fill. This grading is essential to ensure a safe, useable park along the entire length of the property.
- The appellant cites LCP Sections 10.7.2 and 10.7.3 and asserts that the proposed site grading is inconsistent with these sections. Chapter 10 of the LCP is a description of a "conceptual" resort development project prepared during the drafting of the LCP, about two years ago. The actual project does not have to comply with the conceptual description. The proposed project fully complies with the LCP policies and development regulations.
- The appellant cites LCP Section 10.8.1 and asserts that too many Eucalyptus trees are being removed along Coast Highway. The removal of these trees is required due to the final project's design of new driveways and to disease. The project actually proposes to retain about 60 existing Eucalyptus trees along Coast Highway and to introduce an additional 93, all with an improved maintenance and pruning program to promote and protect coastal views from inland areas.

COASTAL 20.....

- The appellant cites LCP Sections 14.2.1, 14.2.2, 14.3.2, 14.4 and 14.4.2 and asserts that the proposed project does not comply with these design guidelines. After holding eight (8) public hearings, the joint Planning Commission and Design Review Board determined that the project complies with the LCP policies, development regulations and design guidelines.

If you have any questions about these responses, please call me at (949) 497-0704 or John Montgomery at (949) 497-0361.

Sincerely,

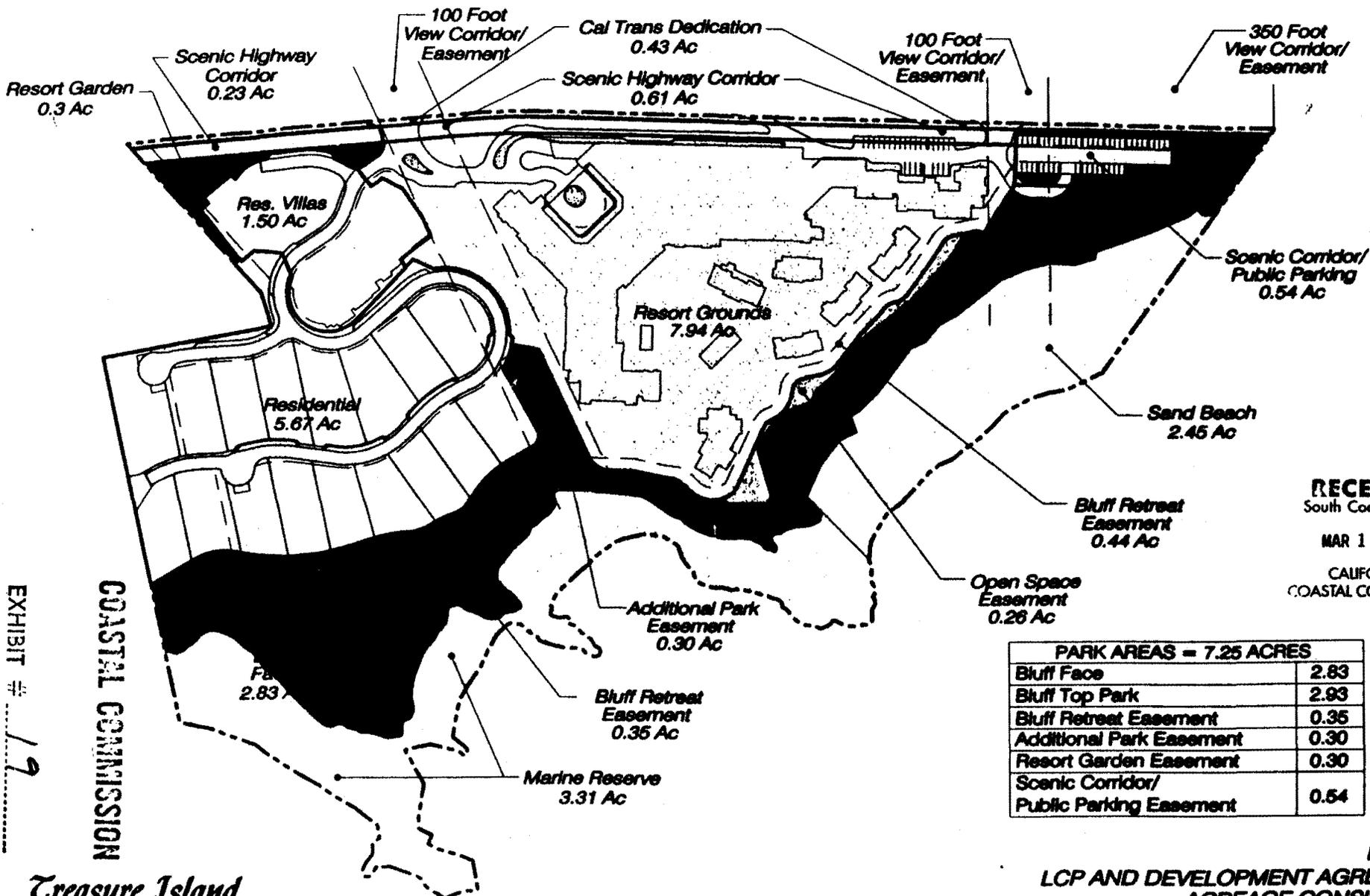


Kenneth Frank
City Manager

Attachment: Figure 4.1 – LCP and Development Agreement Acreage Consistency Map

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Treasure Island
 LAGUNA BEACH, CALIFORNIA

The Group

Figure 4.1
 LCP AND DEVELOPMENT AGREEMENT
 ACREAGE CONSISTENCY





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MAR 20 2000

CALIFORNIA COASTAL COMMISSION

March 17, 2000

Anne Kramer
Coastal Program Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Subject: Commission Appeal Nos. A-5-LGB-00-078 and A-5-LGB-00-079
Treasure Island Project - Response to Acreage Issues

Dear Ms. Kramer:

This letter provides responses to the Treasure Island Project "acreage issues" that were presented to Coastal Commission staff on March 16, 2000.

- 1. The appellant asserts that there is 0.6 acres less of marine reserve, sand beach and bluff face than indicated in the LCP. A comparison of the approved project and the LCP specifies the following acreages:

Table with 4 columns: Category, LCP, Approved Project, Difference. Rows include Marine reserve, Sand beach, and Bluff face.

These differences are due to a revised certified topographical survey that was done during the preparation of the tentative tract map. The appellant proposes the dedication of the area amounts specified in the LCP. This is physically impossible. Fixed points in the aerial topography determine the area boundaries. For instance, the marine reserve and beach areas are areas encompassed from the toe of the bluff face slope to mean high tide. If an updated survey shows smaller amount of land areas due to sand elevation shift, then there are physically smaller areas. Additionally, an independent 3rd party engineer hired by the city confirmed that acreage fluctuations between various topographic surveys are common for coastal properties.

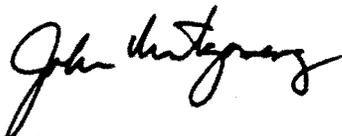
- 2. The appellant asserts that none of the agreed upon additional park area came out of the private residential acreage. This is not correct. The LCP allows up to a maximum of 5.80 acres for Residential Estates and 1.5 acres for Residence Villas (condominiums). The City finally approved 5.67 acres for Residential Estates and 1.5 acres for the condominiums; therefore, 0.13 acres of park area came out of the allowed residential areas.

COASTAL COMMISSION

3. The appellant asserts that the condominium area exceeds the 1.5-acre area allowed in the LCP. This is not correct. Condition Number 32 of Resolution 00.015, which approved the subdivision and Master Coastal Development Permit No. 99-75, requires that the developer reconfigure Lots 18 and 20 so that the total combined area of both lots equals 1.5 acres. This has been done. Condition Number 32 also requires that the building footprints of the condominiums and the road in between (as measured in plan view) not exceed 1.5 acres. This limit is also in compliance with the condominium footprint and road areas totaling 0.82 acres.
4. The appellant asserts that the area allocated for Parcel G on the approved tentative tract map should not be counted as part of the Residential Estates. Parcel G is a landscaped exterior boundary area. There is no policy or condition that restricts the allocation of this area to the condominium planning area. This area or parcel could be counted as part of the resort grounds. Including Parcel G in the area allocated for Residential Estates further restricts the available area for private lots.
5. The appellant asserts that the Residential Estates area is too large because the bluff retreat easement area should have been subtracted from the 5.8 acres allowed by the LCP. Coastal Commission staff (letter from Theresa Henry dated August 31, 1999) has already determined that the bluff retreat easement area could have been part of the Residential Estate Lots 1 through 9 and not part of the park area. The developer chose the option of making the bluff retreat easement area a separate area and allow that area to be used as a public park area. In addition, the minimum required size of the Blufftop Park in the LCP is 3.30 acres, (this total does not include the bluff face). The approved Blufftop Park area is 3.77 acres, before the 0.35 acres of bluff retreat easement area is counted. Therefore, the approved park area easily exceeds the LCP required park area.

If you have any questions about these responses, please call me at (949) 497-0361.

Sincerely,



John Montgomery
Assistant Director
Community Development

COASTAL COMMISSION

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PAGE 11 OF 29



March 17, 2000

Anne Kramer
Coastal Program Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Subject: Commission Appeal Nos. A-5-LGB-00-078 and A-5-LGB-00-079
Treasure Island Project – “Natural Landform” Issue

Dear Ms. Kramer:

Two of the appellants regarding the Treasure Island Project have asserted that the project significantly alters the natural landform. This letter provides some of the rationale for the proposed grading associated with the project.

1. The Blufftop Park portion of the site needs to be graded down and away from the bluff edge in order to provide adequate drainage away from the bluff and to remove unsafe material, including undocumented artificial fill and mobile home pads, decks and basements. This was anticipated by Local Coastal Program (LCP) Policies 3.1.2 #15 and 3.2.2 #4 & #8. Also, the Conceptual Cut-Fill Map (see attached Figure 10.7-3) of the LCP incorrectly assumed that there would be no cut or fill in the northern half of the Blufftop Park area. This omission is one reason for the discrepancy between the LCP estimates and the actual cut and fill amounts.
2. The required parking for the Resort is located within a three-story underground parking structure in order to maximize construction and operational efficiency. Policy 6.2.2 #10 of the LCP recognized the preference for the underground parking structure.
3. The Hotel was required by LCP Policy 6.2.2 #1 to “fall with the level of Coast Highway and the existing topography.” In order to comply with this policy and stay within the imposed height limits, the hotel needs to excavate down from Coast Highway.
4. The residential estate area had two forces that increased grading in that area. First, there was the concern about protecting both off-site and on-site public and private views; and, secondly, there was the need to drain the lots back to the street system, which allows for storm water and surface drainage to be collected and treated before entering the storm drain system.
5. The development regulations for the resort have required a consolidation of building mass in order to provide for a resort with 275 accommodations and public parking as allowed and required by the LCP. This consolidation results in increased grading. (Examples of the development regulations include: the requirement of 50% of all development to be below Coast Highway’s elevation; the requirement for 550-foot no-build zone corridors; and, the requirement of the hotel to have 95% of the resort accommodations to have ocean views.)

The export from the site will cause short-term impacts, which can be mitigated by limited work hours, traffic control and noise and air Best Management Practices. In addition, there are balancing long-term public benefits, including increased public views, additional public access and improved water quality.

It also is important to realize that the proposed access pathway built on piers has drastically reduced the landform grading associated with the ADA-compliant beach access to the southern beach. LCP Policy 3.2.2 #5 would have allowed a major portion of the bluff to be graded and rebuilt in order to provide this access. The proposed ramp design does not require this extensive grading operation and is much more sensitive to the retention of the existing bluff landform.

If you have any questions about these responses, please call me at (949) 497-0361.

Sincerely,

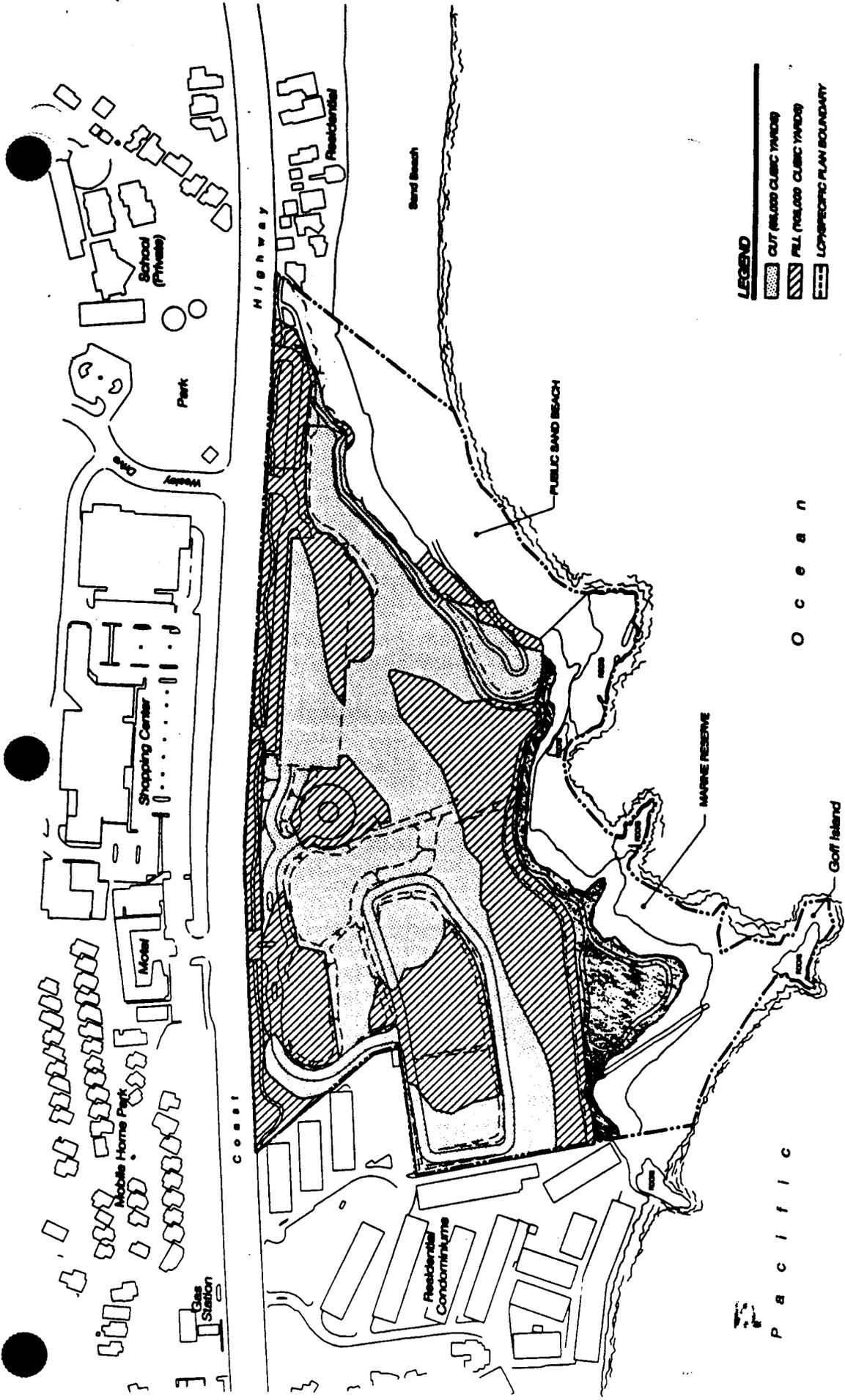


John Montgomery
Assistant Director
Community Development

Attachment

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- LEGEND**
- [Stippled pattern] CUT (MILLION CUBIC YARDS)
 - [Diagonal hatching] FILL (MILLION CUBIC YARDS)
 - [Dashed line] LOT/SPECIFIC PLAN BOUNDARY

P A C I F I C
O C E A N

Figure 10.7-3
CONCEPTUAL CUT-FILL MAP

Treasure Island
LAWRENCE BEACH, CALIFORNIA

Legal Coastal Program

CITY OF TREASURE ISLAND COASTAL COMMISSION



March 20, 2000

Theresa Henry &
Anne Kramer
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Sent by FAX

Subject: Commission Appeal Nos. A-5-LGB-00-078 and A-5-LGB-00-079
Treasure Island Project - Blufftop Park Grading Issue

Dear Ms. Kramer:

I have been reviewing Section 10.7 (Conceptual Grading Plan) of the Treasure Island approved Local Coastal Program (LCP) and wanted to point out a couple of areas in that section relating to the issue of grading in the Blufftop Park area.

On page 10-46, in Section 2 regarding remedial grading it was recognized that there would be some remediation and restoration grading in the park. The second or last sentence of paragraph two in that section states the following:

"Also, because the Blufftop Park will replace trailer pads and other surface/subsurface construction along the bluff, some remediation and restoration of these areas will be required to provide a public park site that can be dedicated to the City of Laguna Beach in a reasonably safe and natural-appearing condition."

On page 10-48, the last bullet point of section 'b.' (Phase 2 Grading) states:

"Blufftop Park, including the coastal accessway and ramp down to the beach, except where grading for the Blufftop Park must occur in conjunction with grading for the Resort Center architecture."

These references clearly point out that grading was anticipated in the Blufftop Park. It is also important to review the beginning section of Chapter 10 (Section 10.1 Purpose and Intent). On page 10-1, the last paragraph is very important in understanding the relevance of comparing the conceptual descriptions and plans with the actual approved project. It reads as follows:

"It is recognized that in contrast to Specific Plan Chapters 8,11,12 and 13 which are adopted by Ordinance, this Chapter 10 is adopted by Resolution. It is anticipated that the descriptions and conceptual development plans contained in this chapter will be refined in conjunction with the submittal, review and approval of construction-level Coastal Development Permits for the destination resort as set forth in Chapter 13. Such anticipated refinements shall not constitute or otherwise require an LCP Amendment provided the refinements are consistent with the LCP Land Use Plan and Policies (LCP Chapters 2-7) and with LCP Chapter 8 (Specific Plan), Chapter 11 (Regulations and Site Development Standards), Chapter 12 (Implementation Program) and Chapter 13 (Discretionary Permits and Procedures)."

505 FOREST AVE.

LAGUNA BEACH, CA 92651

TEL (949) 497-3311

FAX (949) 497-0771

♻️ RECYCLED PAPER

CALIFORNIA COASTAL COMMISSION

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Treasure Island Project
Blufftop Park Grading Letter
March 20, 2000
Page 2

These sections clearly contemplated grading in the Blufftop Park, and in any event, compliance with the policies of Section 3.2 regarding Physical Resources should be the major determinant for judging substantial issue. The City feels that the approved project complies with all of the policies in that section.

If you have any questions about these responses, please call me at (949) 497-0361.

Sincerely,



John Montgomery
Assistant Director
Community Development

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March 21, 2000

Debra Lee, Theresa Henry &
Anne Kramer
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

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COASTAL COMMISSION

Subject: Commission Appeal Nos. A-5-LGB-00-078 and A-5-LGB-00-079
Treasure Island Project – Blufftop Park Grading Issue

After our conference call today, we discussed how we could better communicate our point about the necessary grading along the bluff top edge. We thought it would be beneficial to photographically show the areas in question and indicate the proposed depths of grading at specific points along the bluff edge. Enclosed you will find these types of photographs. If you have any questions about these exhibits, please call me at (949) 497-0361. Thank you for your review efforts with these appeals.

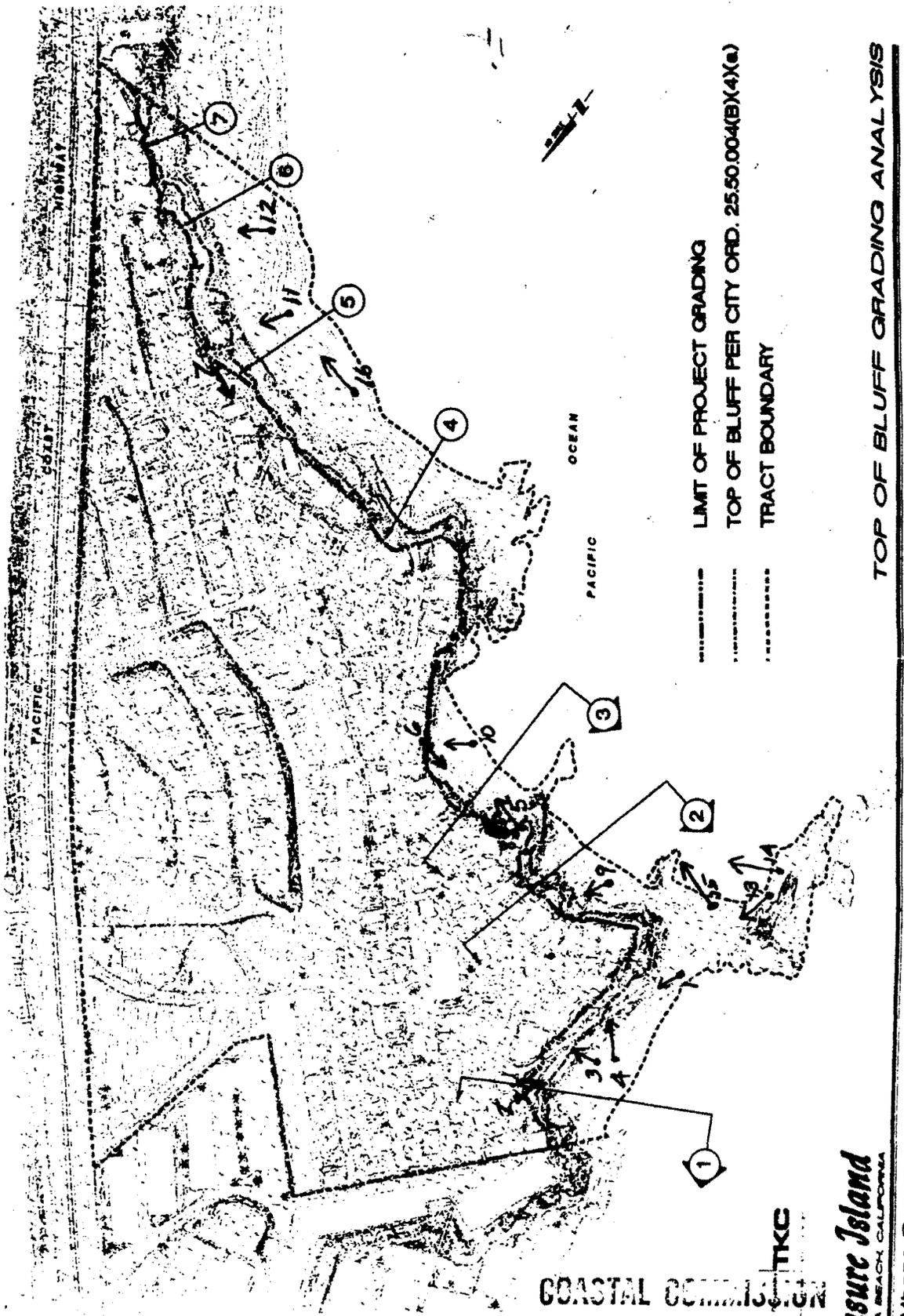
Sincerely,

A handwritten signature in cursive script that reads "John Montgomery".

John Montgomery
Assistant Director
Community Development

COASTAL COMMISSION

EXHIBIT # 19
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- LIMIT OF PROJECT GRADING
- TOP OF BLUFF PER CITY ORD. 25.50.004(B)(4)(a)
- . - . - . TRACT BOUNDARY

TOP OF BLUFF GRADING ANALYSIS

COASTAL COMMISSION

TKC

Treasure Island
LAGUNA BEACH, CALIFORNIA
The Athens Group

EXHIBIT # 19

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- 5'-10' DROPS BETWEEN UNITS
- GRADING IS NECESSARY TO EVEN THIS OUT, PROVIDE PROPER DRAINAGE, AND MAKE A SAFE PA

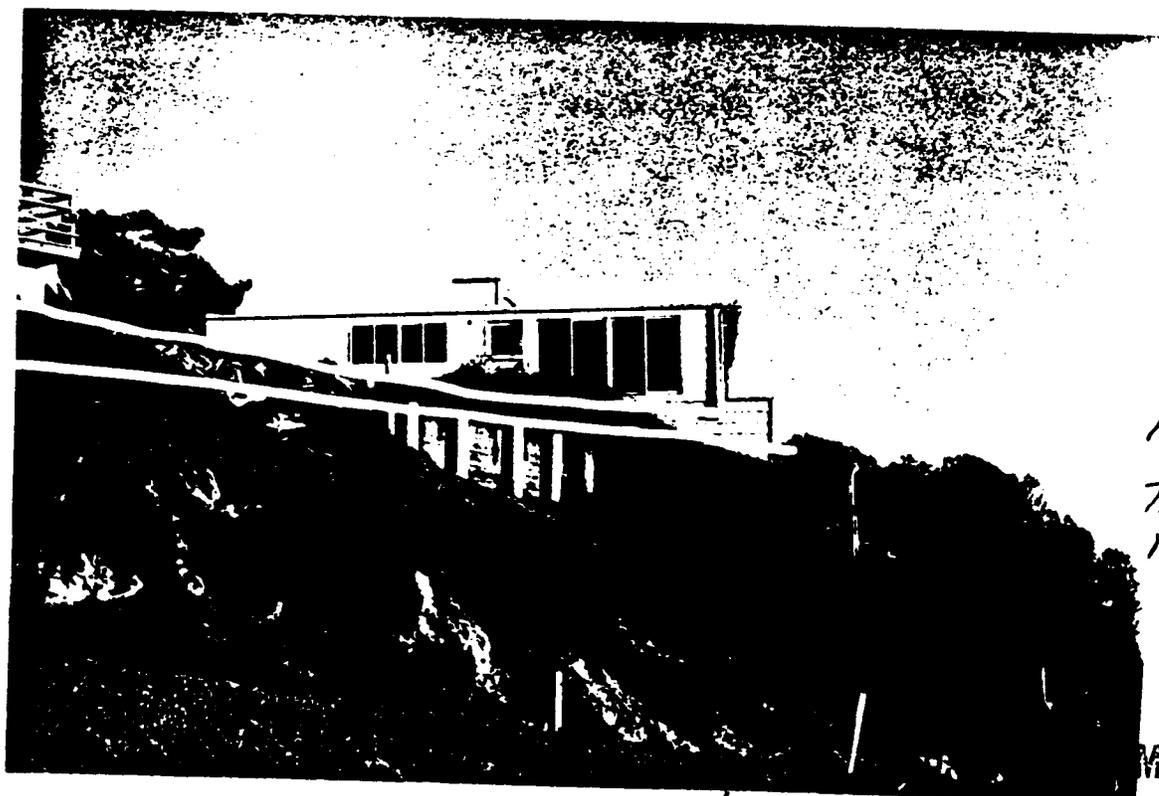


ORRIS



③

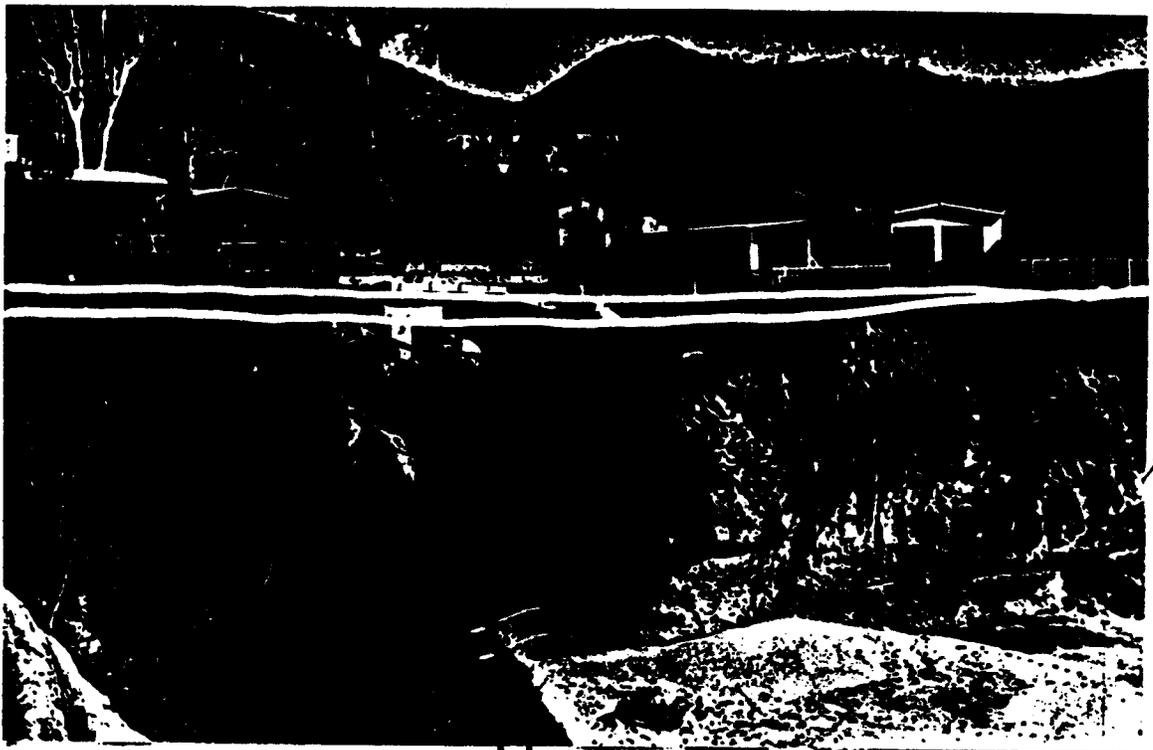
6'-8'
TRAILER
BASEMENT
+
ARTIFICIAL
FILL



④

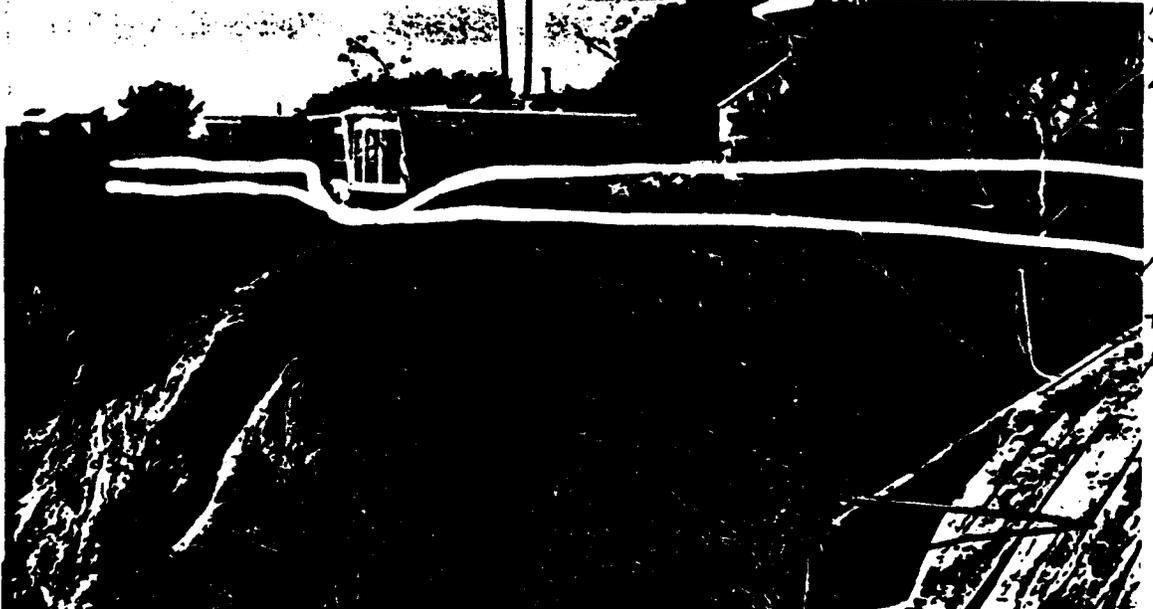
2'-3'
ARTIFICIAL
FILL
+
TRAILER
FOUNDATION

MISSION.



5

3'-4'
ARTIFICIAL
TRAILER
FOUNDATION

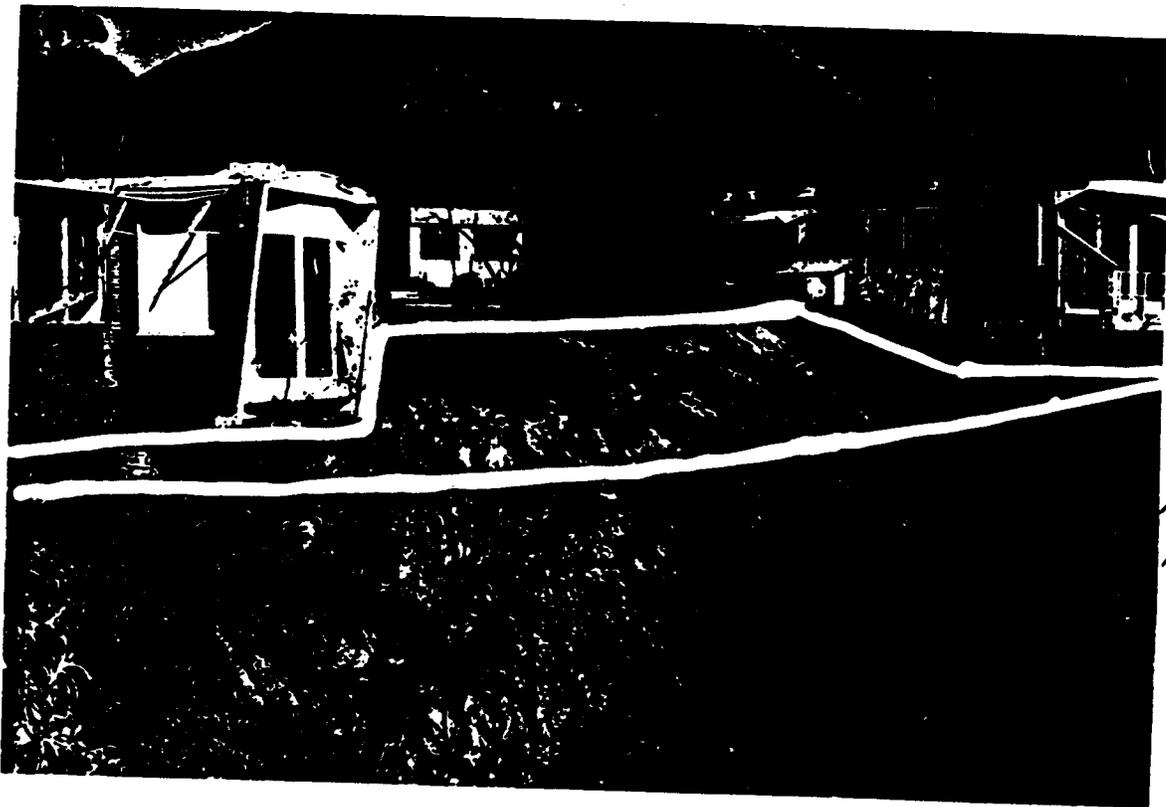


6
LAW CRANE
SECTION
#3
8'-10'
ARTIF
TRAILER
FOUNDATION



7

8'-10'
BETWEEN
TRAILERS
BASEMENT
ARTIF
FOUNDATION



⑧

LAWCRA
SECTION
#3
8'-10"
BETWEEN
UNITS
W/
ARTIFICIAL
FILL

11/11

⑨



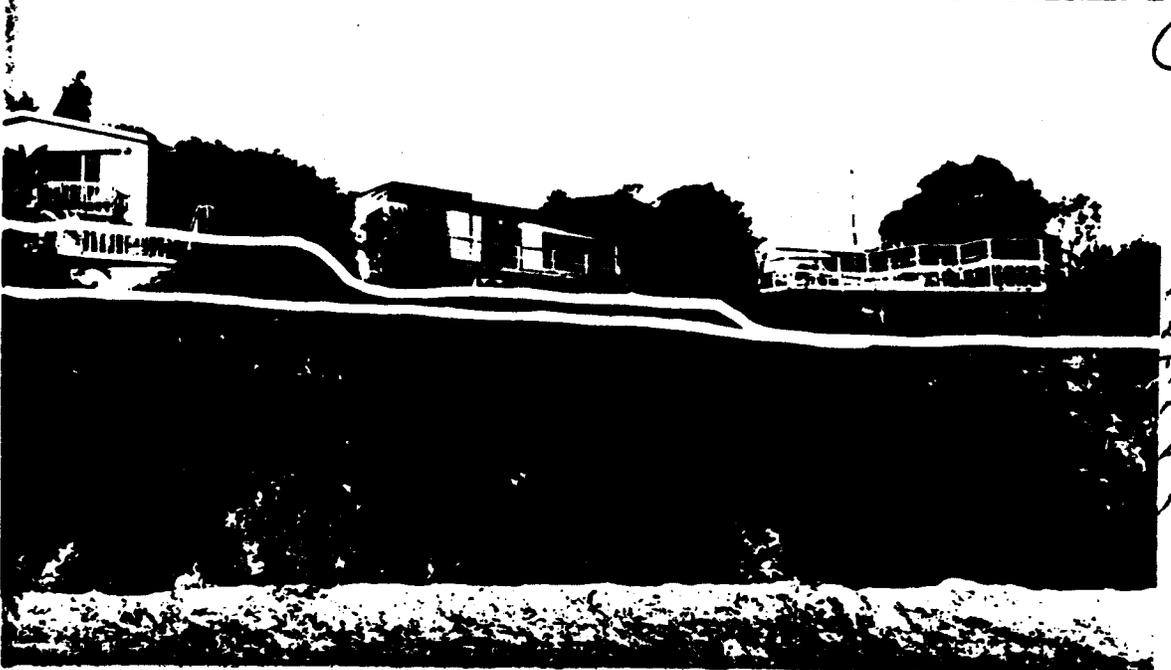
4'-6"
OF
DIFFERENCE
BETWEEN
TRAILER
PADS

COAST GUARD COMMISSION



10

2'-3'
OF
TRAILER
FOUNDATION



11

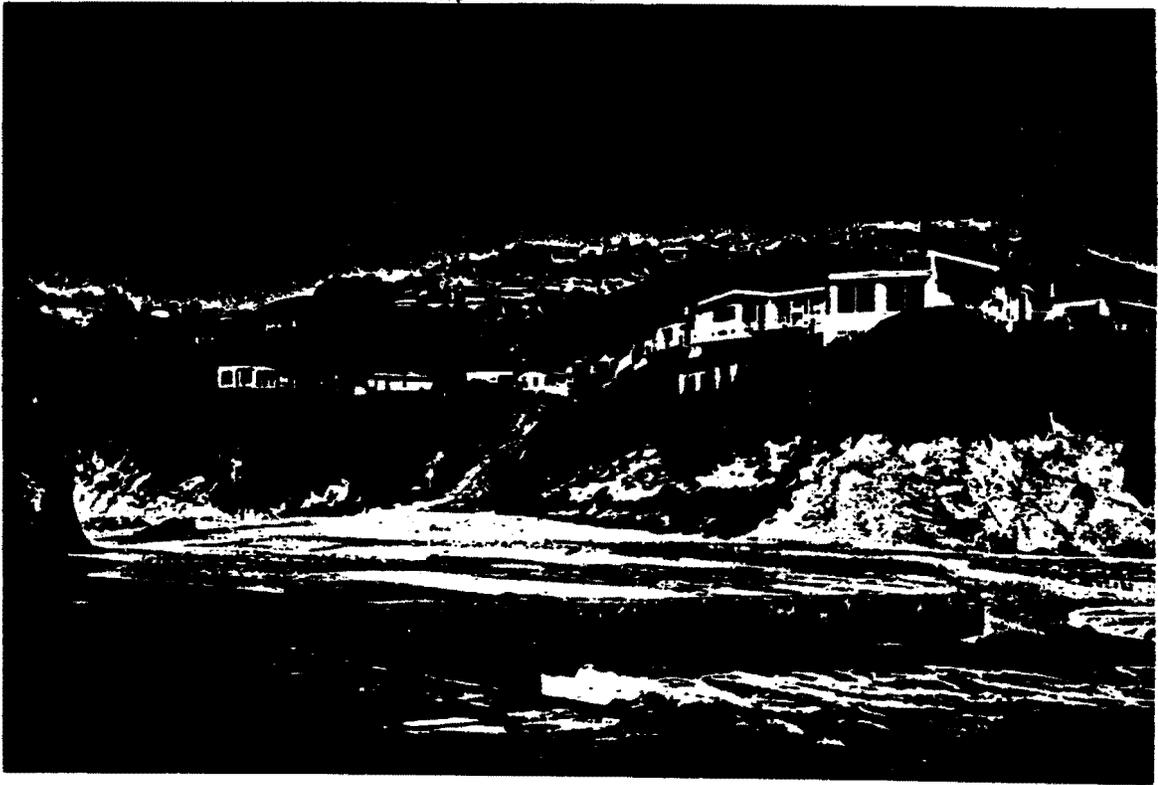
4'-6'
DIFFERENCE
BETWEEN
TRAILER
MADE UP
ARTIFICIAL
FILL



12

2'-3'
TRAILERS
BUILT UP
W
ARTIFICIAL
FOUNDATION

REFERENCE



15



14

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PAGE 24 OF 29



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South Coast Region

MAR 23 2000

CALIFORNIA
COASTAL COMMISSION

March 24, 2000

Debra Lee, Theresa Henry &
Anne Kramer
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Subject: Commission Appeal Nos. A-5-LGB-00-078 and A-5-LGB-00-079
Treasure Island Project – Blufftop Park Grading Issue

Dear Anne:

It is our understanding that the proposed grading adjacent to the bluff edge is a remaining issue with Coastal Commission staff, and that a determination needs to be made that the grading proposed is the minimum necessary. Our position is basically that the Local Coastal Program (LCP) provides policy direction, which requires minimal grading along the bluff edge for emergency access, unconsolidated fill remediation, controlling drainage direction, view opportunities, the three (3) outfall segments of the storm drainage system constructed within the bluff and bluff stabilization. In addition, due to the fact that there are mobile homes and mobile home pads/foundations/basements along the bluff edge, minimal grading is absolutely required in order to create a bluff edge appropriate for park use. It is the City's position that the proposed approved grading is the minimum necessary, and we have enclosed letters from the project's civil engineer and geologist verifying their professional opinions regarding the proposed grading and have listed the following policies, which support the need for grading in the Blufftop Park.

LCP Section 3.1.2 #8

"All drainage facilities and erosion control measures within the LCP Area shall be designed and constructed to protect coastal/marine resources in accordance with the Orange County Flood Control District Manual and Title 22, "Excavation, Grading and Filling," of the Laguna Beach Municipal Code."

LCP Section 3.2.2 #4

"Development above the coastal bluff shall be engineered to ensure that surface/subsurface drainage does not contribute to erosion or adversely affect the stability of the bluff. Any minor residual affects related to storm drainage improvements shall be mitigated by recontouring and revegetating to obtain a natural landform appearance."

COASTAL COMMISSION

LCP Section 3.2.2 #5

"Any bluff areas requiring landform and remedial grading and/or slope stabilization (e.g., to provide ADA-compliant coastal access that is safe for the disabled) shall be recontoured and revegetated with native and drought-tolerant plant material to obtain a natural landform appearance."

LCP Section 3.2.2 #6

"Development, including Blufftop Park improvements adjacent to the bluff, shall be located and designed to minimize the alteration of the existing landform and the construction of artificial devices that, except during the demolition of the existing trailer park and initial mass and/or remedial grading, would substantially alter existing landforms, and to avoid and discourage people from leaving designated areas and paths to climb on the bluffs."

LCP Section 3.2.2 #7

"Bluff stabilization and remediation of areas of existing artificial fill associated with historic mobile home development, ramp construction, movie set construction, piers and slabs along the shoreline, and other previous grading and development, whether legally permitted or not, shall be allowed if otherwise the fill poses a public health and/or safety risk, if bluff stabilization/remediation is designed to minimize landform alteration, and if the bluff will be restored to a natural appearance through contour grading and landscaping consisting of native and drought-tolerant vegetation."

LCP Section 3.2.2 #8

"Within the interior of the site (i.e., the portion of bluff-top terrace that is 25 feet or more inland from the bluff face), remediation of existing artificial fill associated with historic mobile development, archaeological investigations, road construction, and other previous grading and development, whether legally permitted or not, shall be allowed under certain conditions relating to archaeological find protection, if the remediation is designed to implement LCP-approved land use development."

LCP Section 4.2.2 #1

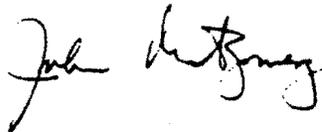
"Continuous opportunities for public upcoast and downcoast observation shall be provided by a continuous walkway and appropriately located overlook within the Blufftop Park, along the new southerly ramp down to the Sand Beach, along the existing northerly ramp and stairway down to the Marine Reserve, and from various public areas within the Resort Center."

Other sections of the LCP also support the required grading. These sections include: the Bluff Preservation Requirements listed in Section 9.3.1; the Drainage and Water Quality Requirements listed in Section 9.3.2, 1a; the Public Access and Recreation Plan listed in Section 10.2.2, #3 Blufftop Park; the Public Coastal Accessways to the Beach listed in Section 10.2.4; the Emergency Access listed in Section 10.3.3; the Conceptual Drainage Plan listed in Section 10.6.1, #2 Improvement Concept; Landform Grading Objectives listed in Section 10.7.2; Conceptual Grading Plan listed in Section 10.7.3, #2 Remedial Grading; and Coastal Access Along Bluff Within Blufftop Park.

Treasure Island Project
Blufftop Park Grading Letter
March 24, 2000
Page 3

If you have any questions, please call me at (949) 497-0361. Thank you for your review efforts with these appeals.

Sincerely,



John Montgomery
Assistant Director
Community Development

COASTAL COMMISS

EXHIBIT # 19
PAGE 27 OF 29

March 24, 2000

Mr. John Montgomery
City of Laguna Beach
505 Forest Avenue
Laguna Beach, California 92651

Subject: **Consultation Regarding Grading at Edge of Bluff
Treasure Island Redevelopment Project
Laguna Beach, California
Law/Crandall Project 70131-0-0029.0002**

Dear Mr. Montgomery:

We have prepared this letter regarding the proposed grading at the edge of the bluffs at the site of the proposed Treasure Island Redevelopment Project. In our professional opinion, the proposed grading at the blufftop is the minimum necessary to meet the parameters set in The Local Coastal Program (Drainage, Bluff, Stabilization, and Public Safety). We have been furnished with cross sections and plans by The Keith Companies for the project. We have performed a geotechnical investigation of the site, as presented in our report dated March 24, 2000, including geotechnical explorations at the site and geologic reconnaissance of the bluffs. We also previously submitted a letter dated February 2, 2000 regarding the fill conditions at the top of the bluff.

The professional opinions presented in this letter have been developed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable geotechnical consultants practicing in this or similar localities. No other warranty, expressed or implied, is made as to the professional advice included in this letter.

As part of previous undocumented grading, artificial fill was placed at the edge of the bluff. The artificial fill, where exposed on the bluff face, is locally eroded and unstable. Accelerated erosion of the fill materials that are exposed near the top of the bluff is evident in many areas. The fill at the site is of low quality and would not be considered certified fill. Based upon our observations, it is highly unlikely that the artificial fill has been properly engineered. It appears that the height of the original bluff was raised in most areas using uncertified fill materials.

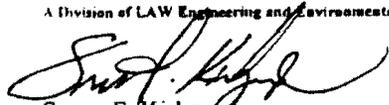
Construction of a walkway near the top of the bluff, as required by the LCP, is currently proposed and will be for pedestrian use, as well as emergency vehicles. For the support of the walkway, and for increased surficial stability of the bluff for public safety, we have recommended that the existing fill near the edge of the bluff be excavated. The recommended fill removal will increase the global stability of the bluff by reducing the weight on top of the natural materials, and will increase the surficial stability of the slope.

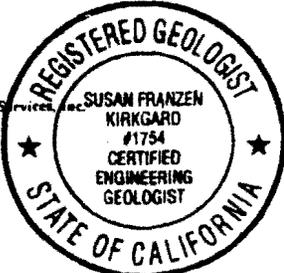
Based on our recommendations, the grading plans have been prepared to remove the minimum amount of artificial fill near the edge of the bluff, resulting in increased stability for the bluff and the recommended safety and support for the walkway.

Please call if there are any questions regarding this letter.

Sincerely,

LAW/CRANDALL
A Division of LAW Engineering and Environmental Services, Inc.


Susan F. Kirkgard
Senior Engineering Geologist
enggeo\99-prop\00292102.doc\MBH-bef
(2 copies submitted)




Martin B. Hudson, Ph.D.
Principal Engineer



COASTAL COMMISSION

March 24, 2000

To: Mr. John Montgomery
Assistant Director, City of Laguna Beach
505 Forest Avenue
Laguna Beach 92651

Re: Engineer Plans at Treasure Island

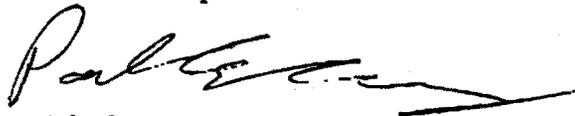
This letter serves to reference the engineering plans as it relates to the blufftop at Treasure Island. It has been our intention to minimize the amount of grading along the bluff given the following requirements set forth in the Local Coastal Program:

1. Provide ADA Access along the entire length of the park
2. Provide emergency access to service the park and beach
3. Park to be designed such that the drainage be directed on site as opposed to over the bluff
4. Remove trailers and minimize remedial grading necessary provide safe blufftop condition
5. Provide a safe and usable public park

It is the Keith Companies opinion that the current engineering plans reflect the minimum grading necessary to meet the above stated objectives. We welcome any questions or comments you may have.

Sincerely,

The Keith Companies



Paul S. Carey
Project Manager

Costa Mesa Division
P.O. Box 25127
Santa Ana
California 92799-5127

2955 Red Hill Avenue
Costa Mesa
California 92626-5923

COASTAL COMMISSION 714.540.0800
F: 714.668.7026
www.keithco.com

EXHIBIT # 19
PAGE 29 OF 29

**SUPPLEMENTAL INFORMATION
SUBMITTED BY APPELLANTS
RE: TREASURE ISLAND APPEALS**

- | | |
|--------------------------|--|
| A. March 15, 2000 | Edited Reasons for Appeal from Eugene Atherton |
| B. March 16, 2000 | Issues Related to Acreage Handout submitted by Ann Cristoph, Village Laguna |
| C. March 17, 2000 | Additional LCP Contentions for Appeal from Barbara Metzger, Village Laguna |
| D. March 22, 2000 | Additional LCP Contentions for Appeal from Michael Beanan, South Laguna Civic Association |
| E. March 23, 2000 | Legal Review of Appeal Contentions prepared by Dwight Worden for Village Laguna |

EXHIBIT No. 20

Appeal Numbers:
A-5-LGB-00-078
A-5-LGB-00-079

**Supplemental Information
Submitted by Appellants**



California Coastal
Commission

kinko's

Express Yourself™

fax cover sheet

Kinko's Laguna Beach North /Telephone: (949) 494-3430 /Fax: (949) 494-8861

Date 3-15-00

Number of pages 1 (including cover page)

TO: Name ANNE KEAMOR

from: Name Gene Atherton M.D.

Company Calif. Coastal Comm'n, Solana Trab

Company ---

Telephone 562-590-5071

Telephone 949-494-0309

Fax 562-590-5085

Comments *edited REASONS FOR Appeal
connections of types
you have exhibits A & B
WILL HAVE THIS TYPE PROPERLY TO CLOSER UP.*

More than 900 locations worldwide. For the location nearest you, call 1-800-2-KINKOS. Visit our Web site at www.kinkos.com.

COASTAL COMMISSION

EXHIBIT # 20

PAGE 2 OF 22

Re: Appeal No. A-5-LGB-00-078

REASONS FOR APPEAL

(1) Open Space 9.7.1

There is a 2.8 acre deficit of the 30.9 acres of the specific plan for the project. 2.8 acres is that portion of the original 3.55 acres of the marine preserve out side the high tide, hence not within the 30.09 acre total of the project. The remaining acreage consists of the 0.75 acres of the adjoining 3 cove^{beaches} inland of the the mean high tide, hence the 2.8 acre deficit in approved specific plan. Note the 2.7 acre of sandy beach listed in specific plan is for area adjoining Aliso County Beach to the south!

(2) Parking Section 4.2.3 (11.7.3 Implementing Modifications)

Policy 3. 20 public parking spaces are required in the Resort Center Parking Facility, but are not provided. Instead they are replaced to the south within the rightaway, which is subject to removal by Cal Trans for widening of Coast Highway at some future date.

Policy 2. Public parking ^{spaces} adjacent to the Resort Center have been eliminated, and ~~are~~ required to be replaced on a one to one basis. They have not been replaced!

The Parking structure is inadequate, as approved, for 275 resort guests, 400 employecs, 2 restaurants, a large banquet room divisible ^{into} various conference rooms plus other conference rooms and a fitness enter.

The restaurant next to main promontory point and bluff walk has no adjoining parking, thereby leaving its customers out in cold &/or rain (70% not hotel guests)!

(3). Public Access, Recreation and Phasing Policies. 4.2.2 Policy 5 is:

"to assure that the public will have unobstructed ability to walk through the residential development into the western most portion of the bluff top Park"-Land Use findings.

The Coastal Commission modified Policy 5, Section 4.2.2 of the LCP to require public (non gated) accessways to the bluff top park be provided through the residential area. It is not provided!

(4) Public Access and Safety.

Access/ingress and egress are unsafe at the northwest end of project in the event of emergency(s), such as fire! Note twice within the past 10 years fire threatened southwards across town and down coast, were it not for a change of

There is no alternative to the solitary entrance for residents for egress in event of an emergency! No ingress and egress for emergency vehicles, such as fire engines, ambulances, or lifeguard rescue vehicle or public, if exit from bluffwalk is blocked!

Street widths for condos and residential estates are too narrow to allow 20 feet for passage of fire engines

Streets should be minimum of 30 feet in width to allow for 10 foot wide parking strip for parked SUVs and cars, not little alcoves on one side of street(s).

Also, recent change in design of streets from circular to hammerhead with a turn around are less fire safe.

Exhibit A-South Laguna LCP shows proper circulation with the bluff trail exiting at the northwest end of project to the Coast Highway. Adjacent to walk should be exit road for residents and an ingress & egress for emergency vehicles. Coincidentally, there would be a true coast walk, which if incorporated in future public-private projects would cumulatively provide significant coast walks for the remainder of the California coast!

(5) PRC 30222 states "private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall be given priority over private residential development" etc. Yet visitor use of hotel & resort bungalows at Treasure Island Resort are not assured by failure to limit stays, thereby permitting hotel and bungalows to be used as residences.

(6) Marine Resources/Coastal Policies 3.1.2

(a) Failure to restore marine and coastal resources by not removing concrete-gravel platform on Goff Island and failure to restore Goff Island and adjoining 3 cove beaches to natural state, which includes a tombolo.

See Exhibit B-1915 photographs of Goff Island and cove beaches with tombolo, including 1929 notation on back of one photo.

Commission permitted, at will of city council, a recreation of 12 foot high wall or groin, which heretofore devastated the cove beach just north of Goff Island from winter storms interaction. Quite likely new to be restored just south of Goff Island will likewise be diminished by summer storms from south Pacific.

Developer's marine biologist Ware, when asked if removal of groin would benefit marine life, replied yes greatly. Also, marine geologist *Wendell Gagnon, who grows up in Laguna states Goff Island has no ill effect on beaches northward (see Exhibit B)*

Nowhere else in Laguna have sea walls required anchoring to rocks at seal

b) Coastal-Defacement of bluffs to create ADA access originally next to south ramp has been extended along bluff much more southward, marring a very unique view of coastal bluffs, promontory point and Goff Island from the Coast highway

Perhaps ramp could be extended to create the required 8.3% slope or limit defacement to area already altered, namely **CITY OF LAGUNA** ramp ~~area~~.

(c) Inadequate storm drainage system endangers the project site, valuable coastal resources, and safety of the public

CITY OF LAGUNA COMMISSION
EXHIBIT # 20
PAGE 4 OF 22

Eugene R. Atherton M.D.

Issues Related to Acreage

1. The developer proposes to dedicate .6 acres less of Marine Reserve, Sand Beach and Bluff face than promised in the LCP. The total acreage of the property (30.09) has remained constant throughout the project, and Marine Reserve and Sand Beach have not changed. However, the developer now proposes to grade the bluff face, converting some of the bluff face into bluff top. In converting the bluff face into bluff top the developer gains the advantage from the additional bluff top created because the required bluff top park can then move ocean ward.

The developer should be required to dedicate the original amount of land in the Marine Reserve, Sand Beach and Bluff face categories as specified in the LCP.

2. Since the adoption of the LCP, the City and the developer have agreed to supply additional park land.

None of the additional park came out of the residential or condominium acreage. It all came from the resort acreage or the bluff face.

3. The condominiums (Residence Villas) are to be 1.5 acres according to the LCP. Parcels 18 and 20 total 1.5 acres, but the acreage of the road serving (part of Parcel B) and landscaping (part of parcel G) of the condominiums is not counted. This area of the Road (Parcel B) is approximately .09 acres the acreage of the landscaping is approximately .08 acres. Thus the size of the condominium area exceeds the allowance in the LCP by .17 acres.

4. The area being counted as residential estates (parcel G) extends beyond the area noted in the LCP for that use. Most (approximately .08 acres) of parcel G (.12 acres) is within PA 4a (Resort) and is area that is really part of the condominiums (see item 3 above). This area should not be allowed to be used for residential estates. Instead it should stay in PA 4a (resort) and the condominiums should be reduced in size to consume only 1.50 acres per the LCP.

5. The area allowed by the LCP for the residential estates (PA 6) is 5.8 acres. From that area was to be subtracted the Bluff Retreat Easement. The area of the Bluff Retreat Easement is .35 acres. Therefore the maximum area allowed for the residential estates should be (5.8 minus .35 acres =) 5.45 acres. Instead the area of the residential estates is 5.64 (adjusting parcels B and G for the condominium allocation) or 5.81 acres without those adjustments. Thus the area of the residential estates is .19 acres to .36 acres too large. This acreage should be transferred to the park.

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EXHIBIT # 20
PAGE 5 OF 22

* Adjusted

Figure 8.2-2 Acreage of the Bluff-top park in the proposed plan does not correspond with the acreage in this table in the following respects:

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CALIFORNIA
COASTAL COMMISSION

Marine Reserve, Sand Beach, and Bluff face

<u>LCP</u>		<u>Present Proposal</u>	
Marine Reserve	3.55 acres	Parcel I	8.59
Sand Beach	2.70 acres		
Bluff Face	<u>2.94 acres</u>		
	9.19 acres		8.59 acres
Missing	.60 acres		

Bluff-top Park

<u>LCP</u>		<u>Present Proposal</u>	
Top of bluff	2.64 acres	Parcel H	2.93
Easement	.36 acres	Parcel J	.30
Scenic Corridor	.30 acres	Parcel 22	.54
	3.30 acres	Parcel K	<u>.26</u>
			4.03 acres

Added through city process .73

Resort and Coast Highway Scenic Corridor

<u>LCP</u>		<u>Present Proposal</u>	
Hotel, etc.	8.83 acres	Parcel A (road)	.21 acres
Resort Garden	.30 acres	Parcel F (resort garden)	.30 acres
		Parcel 19	.06 acres
Coast Highway		Parcel 21	8.58 acres
Scenic Corridor	<u>1.17 acres</u>	Parcel E	.23 acres
	10.30 acres	PCH	<u>.43 acres</u>
			9.81 acres

Missing .49 acres

Residence Villas (Condominiums)

<u>LCP</u>		<u>Present Proposal</u>	
Residence Villas	1.50 acres	Parcel 18	.84
		Parcel 20	.66
		Portion of Parcel G	.08 *
		Road (portion of	
		Parcel B) @ condos	<u>.09 *</u>
	1.50 acres		1.67 acres
Excess	.17 acres		

Residential Estates

<u>LCP</u>		<u>Present Proposal</u>	
Residential Estates	5.80 acres	Lots 1-17	4.49
		Portion of Parcel B	
		(road)	.95 *
		Parcel D (road)	.16
		Portion of Parcel G	<u>.04 *</u>
Parcel C (bluff retreat easement)	<u>-.35</u>		
	5.45 acres		5.64 acres
Parcel C (bluff retreat easement)	<u>.35</u>	Parcel C (bluff retreat easement)	<u>.35</u>
	5.80 acres		6.03 acres
Excess	.19 acres		
	30.09 acres total		30.09 acres total

COASTAL COMMISSION

Treasure Island Appeal
February 29, 2000
Page 19

Date: March 17, 2000

To: Ann Kramer, California Coastal Commission

From: Barbara Metzger

RE: Treasure Island appeal by Village Laguna

I am attaching some pages from the Local Coastal Program document that describe the design concept for the resort and establish that the design guidelines to which we refer on page 8 of our appeal are a part of the LCP. These policy statements also address the concerns we have outlined on pages 4 and 5 about the lack of compatibility of the project with the unique characteristics of the community. Per Section 14.1.2 the guidelines are required to be incorporated in the Coastal Development Permit plans. Since it is these permits that we are appealing, it seems to me that these guidelines are part of the criteria for evaluating the project's compliance with the LCP.

Thanks for meeting with us yesterday—it was very helpful.

Barbara Metzger

COASTAL COMMISSION

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**TREASURE ISLAND LCP
PART I - LAND USE PLAN**

6. RESORT DEVELOPMENT POLICIES

10. Residence Villas shall be designed to be architecturally similar to and an integral part of the Resort Center and may be attached to other Residence Villas, however, they shall not be multiple-keyed. The owners of the Residence Villas shall not be subject to any occupancy restrictions.
11. The Resort Center shall be at least 10.63 acres of the developable area and shall include a 0.3-acre resort garden or open space area at the northern end of the property adjacent to Coast Highway. Developable area does not include any easements, fee dedications, park land, beaches, bluffs or public access areas, except for the Resort Garden.
12. The Resort Center Hotel and Resort Villas shall be operated with daily linen service, central lobby, front desk check-in, and central guest registration with management available on a 24-hour basis. The Resort Center shall be staffed with full-time management staff. The Resort Center accommodations shall be managed and controlled through a central reservation system for the life of the project.

6.2.2 Resort Center (Hotel, Resort Villas, and Residence Villas) Design Policies

1. The design of the Resort Center Hotel structures shall fall with the level of Coast Highway and the existing topography. Multi-storied structures, including all projections and appurtenances, shall be varied in vertical and horizontal dimensions so that building heights, setbacks, and site coverages provide visual interest and an interplay of light, shadow, and materials appropriate to the building forms. The combination of building heights, site coverage, and setbacks should, where possible, break up building mass and create a terraced effect by placing lower structures in front of higher structures.
2. The Resort Center architecture shall be distinctive and provide a signature statement for the Laguna Beach community — projecting the resort's significance for business meetings and community banquets.
3. To accommodate the guest rooms and required meeting/banquet space within the vertical and horizontal limits of the site, the resort shall step or cascade down from the level of Coast Highway to the elevation of the Bluff-top Park.

LOCAL COMMISSION

**TREASURE ISLAND LCP
PART I - LAND USE PLAN**

6. RESORT DEVELOPMENT POLICIES

- a. The architecture of the Resort Center shall be set back at least 25 feet from the bluff edge, and step up and down in increments which emulate the three dimensional character of the existing slope;
- b. Extensive planting shall be incorporated into the Resort Center so as to significantly soften its architectural appearance; and
- c. The design shall incorporate the three existing vertical public accessways to allow public access over the bluff and allow for convenient beach access from the public coastal access walkway to the back of the public Sand Beach. One or more of the vertical public accessways may be modified to meet ADA requirements. Modifications shall minimize significant adverse impacts on shoreline sand supply.
4. The Resort Center site may, by the dedication of an easement(s) to the City, incorporate the required public walkway and coastal access ramp that connects the Coast Highway public walkway to the public beach.
5. The public walkway shall be accessible to pedestrians from the Resort Center Hotel and Villas.
6. The access ramp down to the beach shall be designed so that it can be used by lifeguards and Jeep-size emergency and beach maintenance vehicles, with a minimum width of ten feet.
7. The Resort Center may operate portable facilities near the terminus of the public access ramp at the back of the public Sand Beach (i.e., at Elevation 12-16± feet). These portable facilities may provide or support visitor-serving commercial recreation activities, such as a rental/sales area for beach items/supplies, a pantry/storage for towels, and serving/holding facilities for snacks and drinks.
8. The Resort Center shall be permitted to operate the following daytime uses open to the public on the Sand Beach adjacent to the hotel:
- a. Seating area around the portable facilities;
- b. Moveable chairs, tables, lounges;

COASTAL COMMISSION

EXHIBIT # 20
PAGE 9 OF 22

**TREASURE ISLAND LCP
PART I -- LAND USE PLAN**

6. RESORT DEVELOPMENT POLICIES

- c. Umbrella shade areas; and
 - d. Small "beachable" boats (e.g., kayaks, catamarans, etc.).
9. A public restroom (designed to meet ADA requirements) shall be provided along or within close proximity to the public coastal access ramp down to the beach. This restroom shall incorporate drinking fountains and/or an outside footbath/shower.
10. The Resort Center shall incorporate adequate off-street parking, including not only parking for resort guests and employees, but public parking spaces as set forth in LCP Section 4.2.3. Utilization of a subterranean parking structure for required Resort Center parking is preferred to minimize visual impacts from Coast Highway and adjacent areas.
11. The architectural character of the Resort Center shall be distinctive and outlined in design guidelines that shall be set forth, at least generally, in the LCP's Implementing Actions Program (Specific Plan).
12. Landscape screening — in the combined form of earth berms, retention of eucalyptus trees, new edge plantings along Coast Highway and within the 25-foot Coast Highway Scenic Corridor, and Resort Center landscaping inside and outside of planter areas — shall be utilized to visually soften the architecture of the Resort Center as viewed from Coast Highway and other public areas.
13. Regulations and site development standards for the Resort Center shall be set forth in the LCP's Implementing Actions Program (Specific Plan).

6.2.3 Residential Estates Land Use Policies

- 1. A maximum of 18 Residential Estates shall be permitted within the Resort Development Area.
- 2. Residential Estates shall be detached single-family homes on minimum 7,000 square foot lots.
- 3. Street lights and other lamps in the Residential Estates area shall be designed to reduce the amount of light straying into the shoreline area.

COASTAL COMMISSION

TREASURE ISLAND LCP
PART II — IMPLEMENTING ACTIONS PROGRAM

10. RESORT DEVELOPMENT CONCEPT

10.4.2 Resort Center Scale and Character

1. Resort Center Hotel Facilities and Sizes

The Resort Center Hotel is planned to include extensive public areas and guest amenities, including a swimming pool and landscaped deck, health spa/gym, and a full range of food/beverage, meeting, and banquet facilities for conventions and local community groups⁽¹⁾ as outlined below:

• Salon Restaurant/Lounge Bar	225 seats
• California Grill/Pool Bar	120 - 135 seats
• Main/Junior Ballrooms	8,000 sq. ft.
• Meeting/Breakout Rooms	8,500 sq. ft.
• Pre-Function Gathering Area	4,650 sq. ft.
• Lobby	3,450 sq. ft.
• Retail	2,950 sq. ft.
• Health Spa/Gym	14,700 sq. ft.
• Pool Area	23,500 sq. ft.

The Conceptual Landscape Plan for the Resort Center is described in Section 10.8. Comprehensive architectural and landscape architectural guidelines for the Resort Center are provided in Chapter 14.

Generally, the Resort Center will be framed by mature native and ornamental landscaping, set against the moving backdrop of the ocean. Strolling gardens will allow guests to enjoy a variety of aesthetic experiences within the heart of the Resort Center. The active area within the hotel's landscape deck will feature a swimming pool with generous lounging and sunning areas. A pool-side bar and grill will offer a casual dining experience.

COASTAL COMMISSION

(1) The number and size of Resort Center Hotel facilities is subject to refinement in conjunction with the Coastal Development Permit(s) for the Resort Center.

TREASURE ISLAND LCP
PART II - IMPLEMENTING ACTIONS PROGRAM

14. DESIGN GUIDELINES

14.1.2 Use of Guidelines in Design Review

These guidelines are provided for the benefit of builders, their designers, and the City of Laguna Beach during the design and review of future construction-level development proposals. They support and complement the Regulations and Site Development Standards of Chapter 11, and should be used as qualitative and aesthetic criteria that gives life and character to quantitative zoning regulations and standards.

The guidelines identify theme and design elements for public use areas, the Resort Center, and Residential Estates. They should be incorporated into subsequent Coastal Development Permit plans, precise improvement plans, conditional use permits, and subdivision maps submitted to the City for approval, unless it is demonstrated that certain guidelines are not applicable, appropriate, or feasible under the circumstances. The development regulations and procedures set forth in this Specific Plan for the above-mentioned plans, permits, and maps are mandatory.

Examples of desired design are shown in photographs and sketches on the following pages. Photographs are presented in high contrast specifically to focus on a general image or character, and not on design details. These illustrations are intended to be conceptual and serve only as a general framework of design ideas which are supportive of the community design theme. They are not meant to depict final designs that should be copied, and should not be used to limit the range of expression among individual builders and their professional design teams, nor to discourage unique and innovative design solutions which are consistent with the eclectic intent of Treasure Island.

COASTAL COMMISSION

EXHIBIT # 20
PAGE 12 OF 22

March 22, 2000

California Coastal Commission
South Coast Area Office
200 Oceanside, Tenth Floor
Long Beach, Ca 90802-4302

FAX 562.590.5084 Attn: Ann Cramer

RE: Treasure Island Coastal Development Permit 99-76

Commissioners and Staff:

Subsequent to our meeting with Coastal Commission staff and by direction of Teresa Henry, the South Laguna Civic Association submits the following citations to correlate our March 2, 2000 Appeal of the Treasure Island Coastal Development with some, but not all, of the relevant Local Coastal Plan (LCP) provisions. Specifically, the proposed project is inconsistent with the LCP in the following and other instances:

8.1.1 Relationship of Specific Plan to General Plan/Zoning Ordinance and LCP Land Use Plan

The LCP mandates:

"A specific plan shall include a text and diagram.. in detail:

2) drainage...needed to support the land uses described...

3) standards and *criteria*...for conservation...of natural resources...

A program of implementation measures...and the *financing measures* necessary to carry out paragraphs 1,2 and 3 above."

The proposed project fails to provide meaningful, detailed information to achieve the drainage requirements and conservation goals set forth throughout the LCP. Financial measures relative to runoff management agreements with sewer districts and costs associated with marine habitat improvements and protection have yet to be provided for public review and comment. The absence of essential planning details and long term agreements raises serious questions as to the efficacy of the project to successfully fulfill the LCP.

8.1.3 The project does not "...create a *superior* environment in compliance with Section 30513 of the California Coastal Act" but introduces urbanization and inevitable environmental degradation of fragile marine habitats in an historically low impact coastal village setting. Additionally, no specific criteria and financing measures are provided for the "...protection of marine resources, especially within the designated Marine Reserve".

8.2 Though "...nominated to the State as an Ecological Reserve" in December 1, 1998, the project has failed to receive this designation. The alleged developer commitment to this level of protection and restoration benefits, associated with such a level of consideration, must be reevaluated in light of past nomination shortcomings.

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9.0 Resource Management Program

9.1.2 The project offers no detailed, meaningful criteria and financial measures to insure the "(1)...conservation of this fragile ecosystem and 'sustainable' use of coastal resources...". Likewise, "(2)...public opportunities for active and passive recreation within the Coastal Zone" contemplated by Section 30213, California Coastal Act, through alternatives, such as a restored underwater park, have not been sufficiently considered in the project narratives.

This section also discusses the need to "(4)...protect and enhance *existing* public...views of...coastline" and "...maintenance of a *preponderance* of the *existing* ocean views through a constant width corridor from...the Aliso Creek Shopping Center". The bulk and mass of the continuous Hotel Complex will eliminate the majority of existing ocean views protected by the LCP.

9.2.1 (2)iv. The Tidewater Goby, a federally endangered species, has been depleted in the project area due to the extremely high pollution levels at the adjacent Aliso Creek Beach. The project fails to address appropriate mitigation measures with sound criteria and financial mechanisms to restore and enhance the deteriorated marine habitat.

9.2.2 Marine resources protection are either not addressed or inadequate and the project fails to acquire "(1)...designation as State Ecological Reserve...raise public consciousness as to the benefits of protecting marine resources (see Section 30230)" or articulate "...equally-improved(sic) *diligence* to preserve the coves and tidepool areas."

9.3.2 Drainage and Water Quality Requirements are required to "...maintain optimum populations of marine organisms..." by "...controlling runoff.." and "...encouraging waste water reclamation (see Section 30231)". The project has not been reviewed for compliance in these areas by the Laguna Beach Ocean Water Quality Advisory Committee, established in December, 1999, to advance recommendations for Best Available Control Technologies BACT for development in the city. Although the LCP requires a "(2) Water Quality Management Plan (to)...identify *specific* control measures to *reduce* discharge of pollutants to storm water facilities ...and establish responsibilities for maintenance of water facilities", no written agreements or financial plans (see 8.1.2(3)) have been consummated with the appropriate agencies.

A recent Attachment A (2/15/00) - (6) with plans to divert runoff to the sanitary system lacks any capacity agreement with relevant water agencies or long range financing plan. Given the impact of such a plan on the capacity to handle existing flows in the South Laguna service area, an EIR would likely be required for a public works diversion project of this magnitude to insure proper use of BACT alternatives on and off site.

9.7.3(2) The Five Year Monitoring and Maintenance Plan with scheduled water quality testing and scope of contaminant detection has not been detailed. No financial measures have been presented to insure prompt, comprehensive emergency measures in the event of routine sewage spills or toxic runoff episodes from sources on site or emanating from the adjacent Aliso Creek Beach.

10.6.1 The Backbone Infrastructure Conceptual Drainage Plan, item (2) proposed improvement simply enlarges storm drain pipes to deliver more, not less, runoff to the beach. There is no detailed discussion of BACT state of the art improvements.

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10.8 The Master Plant Palette makes no provisions for replanting and restoring the marine habitat to "...maintain optimum populations of marine organisms" (see Section 30231).

12.4 Financing and Maintenance of Improvements present no document related to the financing and maintenance of marine resources protection and rehabilitation efforts for public review and comment (LCP 9.2.2; 8.1.2).

The Treasure Island Development Project continues to raise concerns as to its impacts on the community, especially South Laguna, and the fragile marine ecosystem. Neither the LCP nor the project proponents make reference to BACT improvements in the Backbone Infrastructure though Section 30231 of the Coastal Act requires systems to maintain optimum populations of marine organisms by controlling runoff. In the event of this discrepancy, the Coastal Act provisions offering greater resource protection must assume precedence.

Thank you for reviewing the preceding LCP comments and your diligence in incorporating our concerns in the evaluation of this appeal for project denial. We continue to encourage the staff and California Coastal Commission to support the widespread community commitment and campaign for "A Better Resort at Treasure Island".

MICHAEL BEAMAN

Michael Beaman
Vice President
South Laguna Civic Association

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Village Laguna

To preserve and promote the village atmosphere.

March 23, 2000

Ms. Theresa Henry
Mr. Steve Rynas
Ms. Ann Kramer
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

RE: Appeal of Treasure Island project (Coastal Application #a. 5-LGB-00-023 and 5-LGB-99-288)

Dear Coastal Staff Members:

Thank you for meeting with us last week. In response to questions raised in our meeting we asked our attorney, Dwight Worden to look into the issues of the relationship of the Coastal Act to the appeal process and the LCP, and the status of the design guidelines in the LCP.

We are forwarding his report to us for your review and inclusion in the decisionmaking process on this appeal.

Please call us at 949-494-3624 or 499-3574 if you have any questions, comments or suggestions regarding our appeal.

Sincerely,

Ann Christoph
Chair, Land Use Committee
Village Laguna

P.O. Box 1309 / Laguna Beach / California 92652

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March 23, 2000

Jinger Wallace, President
Villa Laguna
P.O. Box 1309
Laguna Beach, CA 92652

Ginger Osborne, President
South Laguna Civic Association
P.O. Box 9668
Laguna Beach, CA 92652

Dear Ms. Wallace and Ms. Osborne:

You have asked for a legal opinion from this office as to the following questions:

1. Are the "Design Policies" and "Design Guidelines" adopted by the City of Laguna Beach part of the City's certified Local Coastal Program ("LCP") such that any Coastal Development Permit ("CDP") must conform therewith?
2. On appeal to the Commission from the approval of the Treasure Island Resort CDP approved by the City does the Commission have jurisdiction to consider the Design Policies and Design Guidelines?
3. May the Commission use the Coastal Act, and Commission precedents in interpreting the Coastal Act, to interpret the LCP as applied to the Treasure Island Resort CDP? May the Commission set aside the CDP issued by the City if the Commission finds that the City did not interpret and apply its LCP consistent with the Coastal Act?

CONCLUSIONS:

1. Yes. The Design Policies and Design Guidelines are a part of the City LCP as certified by the Commission. The City only has jurisdiction to issue a CDP consistent with the Policies and Guidelines set forth in the certified LCP.

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2. Yes. The Commission on appeal must overturn a City issued CDP if the Commission finds the CDP was issued in violation of the certified LCP, including the Design Policies and Guidelines set forth in the LCP.
3. The LCP must be interpreted and applied on appeal by the Commission in a manner consistent with the Coastal Act and with Commission precedent in interpreting the Act. If the Commission finds that the City did not interpret and apply the LCP in a manner consistent with the Coastal Act the Commission can and should set aside the CDP.

DISCUSSION:

1. The Design Criteria.

Part 1-Land Use Plan of the Treasure Island LCP adopted by the City and Certified by the Commission¹, at Section 6.2.2 et seq. set forth a number of detailed

¹Our review of the records reveals that the Commission certified an LCP amendment for the City of Laguna Beach in 1993 following the annexation of South Laguna to the City of Laguna Beach in 1987, BUT deferred certification of the LCP as it applied to the Treasure Island property. This is what the Commission calls "white holling" an area, i.e., a LCP, as amended, is certified for the rest of the City, but as to Treasure Island there remained a blank "white hole" in the LCP to be filled at a future date.

The City then undertook proceedings to develop LCP documents in an effort to fill the "white hole" designation for the Treasure Island Property. On June 2, 1998 the City conditionally approved what it called the "Treasure Island Local Coastal Program (LCP) Amendment" which was comprised of a proposed LUP consisting of various components and implementing Procedures in the form of a City adopted Specific Plan, all designed to fill the "white hole" in the City LCP if approved by the Commission.

These documents were submitted to the Commission which did not approve them as submitted, but instead on August 13 and November 6, 1998 conditionally certified them and recommended "suggested modifications" to the City. On November 17, 1998 the City, in Resolution No. 98.074, voted to approve modifications suggested by the Commission. At the same meeting the City Council, by Resolution No. 98.075, voted to approve Chapters 10 and 14 as components of the Specific Plan

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and specific Design Policies ("Resort Center(Hotel, Resort Villa, and Residence Villas)Design Policies") applicable to the Treasure Island project. While entitled "Design Policies", in effect these requirements could more appropriately be named "Design Regulations" as throughout, with only rare exception, they use the mandatory "shall" and are written to be binding.²

In addition, Part II of the Certified LCP—Implementing Actions Program, at Section 14 sets forth detailed Design Guidelines. These Guidelines are also part of the LCP as approved by the City and as certified by the Commission. Section 14.1.2 is entitled "Use of Guidelines In Design Review" This section states in part:

"[The guidelines] should be incorporated into subsequent Coastal Development Permit Plans, precise improvement plans, conditional use permits, and subdivision maps submitted to the City for approval, unless it is demonstrated that certain guidelines are not applicable, appropriate, or feasible under the circumstances. The development regulations and procedures set forth in this Specific Plan for the above-mentioned plans, permits, and maps are mandatory."

and amended the text of the General Plan and its Map to create and apply Resort/Open Space, Conservation and Recreation designations for the Treasure Island property. On December 1, 1998 the Council adopted Ordinance No. 1349 approving a Zoning Ordinance Amendment and several chapters of the Specific Plan, specifically 8, 9, 11, 12 and 13, for the Treasure Island Property. All of these actions were part of an integrated whole designed to accommodate development of a resort/hotel development at Treasure Island, and to bring to completion the City's LCP for Treasure Island, including the suggested modifications. On February 3, 1999 the record reflects that the Commission voted to concur with its Executive Director's recommendation and determined that the action of the City Council accepting the Commission's deferred certification of the LCP amendment for Treasure Island (Amendment No. 1-98) was legally adequate.

²See, e.g., Section 6.2.2(1) "...structures *shall* fall with the level of Coast Highway and existing topography...*shall* be varied in vertical and horizontal dimensions..."; Section 6.2.2(2) "...architecture *shall* be distinctive..."; Section 6.2.2(3) "the resort *shall* step or cascade down from Coast highway..."; 6.2.2(3)(a) "...*shall* be set back at least 25 feet from the bluff edge..."; etc.

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Section 14.1.2 also indicates that the sketches, schematics and photos set forth in the Guidelines are intended to be "conceptual" and set forth a "general framework" and are not intended to depict final designs to be copied. But, the Guidelines "should be used as qualitative and aesthetic criteria". With this introduction the Design Guidelines then go on to specify a number of detailed criteria and design concepts to be met by the Treasure Island Resort Project.

It appears the most reasonable interpretation of the Design Guidelines is that (1) the project must be found to comply with them in order to be approved (2) the designs, photos and schematics set forth in the Guidelines need not be exactly followed in order to achieve compliance (3) the City has some discretion in determining whether or not the project as proposed complies with these Guidelines (4) The City may find on a case by case basis that some of the Guidelines do not apply to a particular aspect of the project (5) The Commission on appeal can review the City determination of compliance with these Guidelines since they are part of the certified LCP, and may set aside the City's determination of compliance if the Commission finds the evidence so warrants or that the City has not properly interpreted and applied its Guidelines.

2. Interpretation of the LCP.

The LCP was certified by the Commission because the Commission found the LCP consistent with the Coastal Act. The clear policy of the Act and of the Commission's certification of the LCP is that such a certified LCP will continue to assure that the standards of the Coastal Act are met. The Commission has express authority to enforce the requirement that LCPs be implemented by local governments in manner consistent with the Act even beyond the Commission's authority to review specific CDP's on appeal³. What occurs when an LCP is certified is not a lessening of the Coastal Act standards but rather a change such that instead of the Commission reviewing and issuing every CDP, under its certified LCP the City will issue most CDP's in the first instance, subject to the Commission's retained jurisdiction over public access and tidelands areas, and subject to the Commission's appellate review

³Section 30519.5 of the Coastal Act specifically requires the Commission to review every certified LCP "...from time to time, but at least once every five years..." to ensure that the LCP is being implemented in a manner consistent with the Act. Section 30519.5 further clarifies that the Commission shall submit suggested revisions to the LCP to any local government which the Commission finds is not carrying out its LCP in a manner consistent with all the provisions of the Coastal Act.

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authority. The process of LCP certification and delegation to the local government of permit authority does not contemplate a lessening of standards or that a city may approve CDP's under its LCP that are in violation of the Act. To the contrary the process requires that the standards of the Act continue to be met.

Generally, once an LCP is fully certified that LCP becomes the "standard of review" by which the Commission will review on appeal CDP's issued by a local government. PRC Section 30603; 30604(b). This does not mean, however, that the provisions of the Coastal Act and the Commission's considerable precedents in interpreting and applying the Act are to be ignored. Where a certified LCP is ambiguous or unclear, it must be interpreted by the Commission using the polioic and provisions of the Coastal Act to clarify ambiguous or uncertain provisions. Likewise, in this context the Commission will look to reported case law and to its own precedents and policies to flesh out what the provisions of the Act mean and how they should be applied to interpret LCP provisions.

If, for example an LCP provision could be interpreted in more than one way, the Commission must adopt and apply the interpretation that is most consistent with the Coastal Act. If the local government has adopted and applied an interpretation of its LCP in issuing a CDP which the Commission finds is not consistent with the provisions of the Act itself, then the Commission can and should set aside the local government interpretation. If the rule were otherwise, then a local government could, in effect, "de facto" amend its LCP as certified by the Commission by "interpreting" the LCP in a manner that lessened the standards of the Act.

Specifically with respect to the Treasure Island CDP I would note (1) the City has some discretion in interpreting and applying its LCP, including the Design Policies and Guidelines set forth in the LCP, but does not have discretion to interpret and apply these provisions in a manner inconsistent with the Coastal Act (2) the manner in which the City interpreted its LCP is subject to review by the Commission on appeal (3) the Commission has authority to set aside the CDP issued by the City if the Commission finds that either the evidence doesn't support the City's interpretation of the LCP, or that the City's interpretation of its LCP is not consistent with the Coastal Act itself,

Finally, it is noted that the Commission Regulations governing post LCP appeals of CDP's specify that the appeal hearing is "de novo", meaning that the Commission will consider the matter anew. 14 CCR Section 13321. Thus, the normally applicable rule requiring that an appellate body give deference to the decision of the lower body does not apply to the Commission's review of CDP appeals post LCP certification and

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the Commission is free to decide the matter as if it were hearing the matter in the first instance.

Sincerely,

WORDEN, WILLIAMS, RICHMOND,
BRECKTEL & GIBBS, APC



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