

CALIFORNIA COASTAL COMMISSION

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 Staff Report: January 16, 2003
 Hearing Date: February 5-7, 2003
 Commission Action:

**F15a & F15b****RECORD PACKET COPY****STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NUMBERS: 5-92-158-A2 and 5-92-168-A6

APPLICANT: CPH Monarch Golf, LLC and CPH Monarch Resorts, LLC

AGENT: Culbertson, Adams, and Associates

PROJECT LOCATION: The Links Golf Course and One Monarch Beach Resort, Dana Point, Orange County

PREVIOUSLY

APPROVED PROJECT: Through Coastal Development Permit P-79-5539 (AVCO), the Commission conceptually approved (July 23, 1979) development for the Monarch Beach area. Over the intervening years, the proposed development has been refined through a series of permits and permit amendments. Coastal Development Permit 5-92-158 (August 11, 1992) approved modifications to the golf course into its current configuration. Coastal Development Permit 5-92-168 (August 11, 1992) approved the construction of a 400 key resort hotel (St. Regis), and eighty-six (86) residential units surrounding the hotel. The St. Regis has been constructed; the residential development has not.

PROJECT DESCRIPTION: To amend the portion of the overall approved residential development (by amending two permits) affecting 20 units from an approved fourplex design to a mixture of duplexes and triplexes. The number of residential units would decrease from twenty units to eighteen units for a net reduction of two units. Associated development includes a lot line adjustment, two retaining walls totaling 510 linear feet and ranging in height from 0 to 8 feet, 2,000 cubic yards of fill, realignment of the existing golf cart trail, and deletion of a gated entry guardhouse from the project.

SUMMARY OF STAFF RECOMMENDATION:

The major issue before the Commission, related to this project, is the maintenance of public access through the Monarch Beach Resort complex. Staff recommends that the Commission, after a public hearing, **APPROVE** the proposed project subject to special conditions. This staff report is a consolidated analysis for both permit amendments. The motions for carrying out the staff recommendations begin on Page 3.

SUBSTANTIVE FILE DOCUMENTS: City of Dana Point Local Coastal Program; Monarch Beach Resort Specific Plan; Coastal Development Permit Applications P-79-5539, 5-92-158, 5-92-168, 5-92-188, 5-96-006, 5-02-120, and A-5-DPT-01-137; Storm Water Pollution Prevention Plan for Monarch Beach Resort Tract 11889; and Hydrology and Hydraulics Analysis for Monarch Beach Resort Hotel Tract No. 14589, Revision 2.

LOCAL APPROVALS RECEIVED: Site Development Permit SDP 9-07, Minor Site Development Permit SDP 91-07(II)

EXHIBITS:

1. Vicinity Map
2. Monarch Beach Resort Land Use Plan
3. Monarch Beach Resort Access/Trail Plan
4. Site Plan
5. Housing Layout (Typical)
6. Entry Detail
7. Project Details from Minor Site Development Permit SDP 91-07(II)
8. Monarch Beach Golf Links letter of November 22, 2002

PROCEDURAL NOTES:

1. **Coastal Development Permit Amendments**

Section 13166 of Title 14 of the California Code of Regulations provides for the referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

The Executive Director has determined that the proposed amendment is a material change to the project that affects public coastal access. Therefore, pursuant to Section 13166 of Title 14 of the California Code of Regulations, the Executive Director is referring this application to the Commission. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material.

2. **Standard of Review**

The local coastal program ("LCP") for this area of the City of Dana Point was effectively certified on November 5, 1997. Since the project site is within the Monarch Beach Specific Plan area, the certified local coastal program for this area also incorporates the Monarch Beach Resort Specific Plan. The Commission, in certifying the LCP, found the LCP to be in conformity with and adequate to carry out the Coastal Act. The review of amendments to coastal development permits approved by the Commission is not delegated to the local government after certification of the LCP, pursuant to section 30604(b) of the Coastal Act. Consequently, the Commission retains jurisdiction over its previous permits. Though the Commission retains jurisdiction over its previous permits, it must act on requests to amend the subject permit based on the standards of the certified LCP.

I. **STAFF RECOMMENDATION:**

Staff recommends that the Commission make the following motions and adopt the following resolutions to **APPROVE** the permit amendment applications. The motions pass only by affirmative vote of a majority of the Commissioners present.

MOTION #1

I move that the Commission approve permit amendment 5-92-158-A2 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION OF APPROVAL WITH CONDITIONS #1

The Commission hereby approves the coastal development permit amendment on the ground that the development, as amended and subject to conditions, will be in conformity with the policies of the certified local coastal program for the City of Dana Point. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

MOTION #2

I move that the Commission approve permit amendment 5-92-168-A6 pursuant to the staff recommendation.

Staff recommends a YES vote. This will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION OF APPROVAL WITH CONDITIONS #2

The Commission hereby approves the coastal development permit amendment on the ground that the development, as amended and subject to conditions, will be in conformity with the policies of the certified local coastal program for the City of Dana Point. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. SPECIAL CONDITIONS

1. PRIOR CONDITIONS

Unless specifically altered by this amendment, all standard and special conditions attached to Coastal Development Permits 5-92-158 and 5-92-168, as amended, remain in effect. All standard conditions and special conditions previously imposed under CDP 5-92-158 and 5-92-168 and amendments thereto apply equally to these amendments.

2. REVISED SIGNAGE PLAN

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT,** the applicants shall submit, for the review and approval of the Executive Director, a revised signage plan (Sheet L-3 and DWGs No. 1.1 and 2.1) for the project area which demonstrates that the public has access to Monarch Beach Resort North for purposes of accessing the recreational amenities, including the public parking at the golf clubhouse. The signage plan shall include a graphic showing the location, wording, and layout of each sign.
- B.** The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur

without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. **PUBLIC ACCESS AND CC&Rs**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicants shall submit, for the review and approval of the Executive Director, wording (not the CC&Rs) that will be included in any CC&Rs which informs the homeowners on Monarch Beach Resort North that the street, Monarch Beach Resort North, contains a public access easement which allows the public to utilize the street to access the recreational amenities.
- B. When prepared, a copy of the CC&Rs shall be sent to the Executive Director to demonstrate inclusion of the approved language informing the homeowners that Monarch Beach Resort North contains a public access easement. No changes to the approved public access section of the CC&Rs shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **GOLF COURSE DESIGN**

Through issuance of this permit amendment, the applicant acknowledges that if any conflict arises between golf course use and public use of any trails, view points, or public safety; the resolution of such a conflict shall not result in any diminution of public access. Any modification of the golf course which affects public use of the public trail system and viewpoints shall require an amendment or a new permit unless the Executive Director determines otherwise.

5. **WATER QUALITY**

The applicant shall implement the "Storm Water Pollution Prevention Plan, Monarch Beach Resort Tract 11889" prepared by Hunsaker and Associates (December 1998). Additionally the applicant shall conform to the Culbertson and Adams letter of October 17, 2002 which states that roof water will be collected and discharged to turf areas through a gutter and downspout system in conformance with the Landscaping Plan (Sheet L-2). Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. **REVISED LANDSCAPING PLAN**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a landscaping plan that utilizes, in combination, either native vegetation or non-native vegetation which is drought tolerant and non-invasive.

- B. This landscaping requirement shall be included in any CC&Rs for the residential development.
- C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. **FUTURE IMPROVEMENTS**

This permit amendment is only for the development described in Coastal Development Permit Amendments No.s 5-92-158-A2 and 5-92-168-A6. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit Amendments No.s 5-92-158-A2 and 5-92-168-A6. Accordingly, any future improvements authorized by this permit amendment, including but not limited to change in use and repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit Amendments No. 5-92-158-A2 and 5-92-168-A6 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. **DEED RESTRICTION**

PRIOR TO ISSUANCE OF THESE COASTAL DEVELOPMENT PERMIT AMENDMENTS, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcels governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit amendment as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, as amended shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

III. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. **PROJECT LOCATION AND DESCRIPTION**

The applicant is proposing to amend a portion of the approved overall residential development from an approved fourplex design to a mixture of duplexes and triplexes on the north side of the street Monarch Beach Resort North (Exhibit 4). The proposed development is located immediately north of the St. Regis Hotel in the Monarch Beach Specific Plan area of the City of Dana Point, Orange County (Exhibits 1, 2, and 4). In Figure 1, below, the area of proposed residential development is currently open space and is located between the two arrows pointing out the location of "The Links" golf course and the St. Regis Hotel.

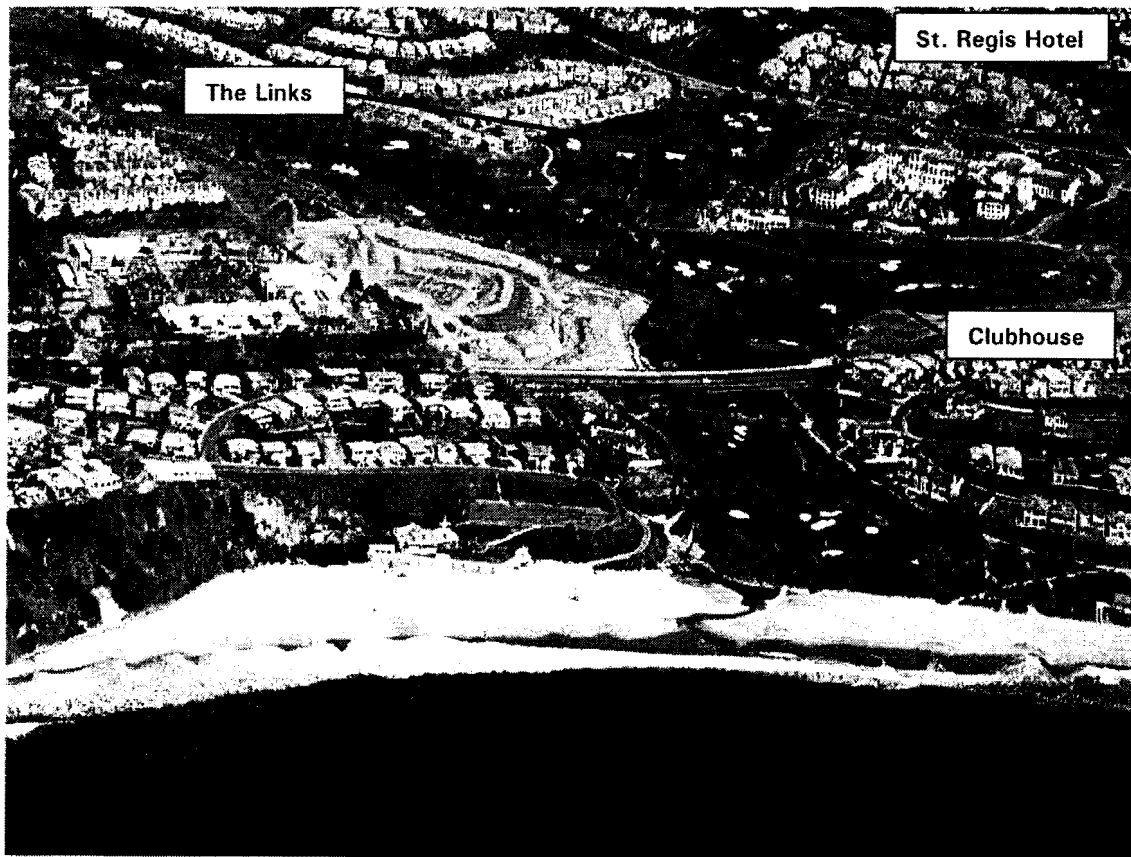


Figure 1¹
PROJECT LOCATION

¹ Photo Courtesy of: California Coastal Records Project, www.californiacoastline.org
<<http://www.californiacoastline.org>>. Copyright (C) 2002 Kenneth Adelman,

Under this amendment request, the number of residential units along Monarch Beach Resort North (Exhibit 4) would decrease from twenty units to eighteen units for a net reduction of two units. Specific modifications to the residential development are detailed on Exhibit 7². Associated development includes a lot line adjustment, two retaining walls totaling 510 linear feet and ranging in height from 0 to 8 feet, which will be located between the proposed residences and the golf course, 2,000 cubic yards of fill, realignment of the existing golf cart trail, and deletion of a gated entry guardhouse from the project. The residential project site is not between the first public road and the sea.

In terms of the retaining (Loffel) walls, two walls will be constructed (Exhibit 4). The most easterly wall will be approximately 330 feet long and will range in height from 0 to 7 feet. The second, more westerly wall, will be approximately 180 feet long and will range in height from 0 to 8 feet. The applicant submitted, on November 12, 2002, a visual analysis of the view of the wall from Niguel Road. This visual analysis documented that the wall would not adversely affect public views toward the ocean from Niguel Road. Additionally, the Loffel walls will be designed with planting pockets which will partially camouflage the wall. According to the plans, Niguel Road would be approximately 15 feet above the top of the proposed retaining walls. Existing views from Niguel Road toward the ocean are also partially obstructed by existing vegetation.

Though the proposed project is a reduction in the number of residential units along Monarch Beach Resort North and appears minor relative to the Commission's previous approval for a larger number of residential units; the proposed amendment is affected by special conditions that the Commission previously imposed. Therefore, this amendment is being processed as a material amendment to assure conformance with the special conditions imposed through the Commission's prior permit actions. The three prior Commission permit actions occurred under Coastal Development Permits 5-92-158, 5-92-168, and 5-96-006, which required that the public have access to and the ability to use the public recreational facilities located within the Monarch Beach Resort complex. The effect of each of these permit actions on the amendment currently before the Commission is discussed below.

5-92-158 (Monarch Bay Resort Inc.): On August 11, 1992 the Commission approved modifications to the existing (1992) golf course. The improvements consisted of rearranging the greens, landscaping improvements, trail improvements, vista points, tunnel under-crossing improvements, restrooms, snack bar, and remote maintenance building. The proposed amendment affects coastal development permit 5-92-158 through a lot line adjustment, 2000 cu. yds. of fill, and the construction of two Loffel (retaining) walls, which will be located between the golf course and the proposed residential units. The proposed lot line adjustment will convert .26 acres (or 11,549 square feet) of the golf course to residential development (Exhibit 4).

² Though the City's approval references 24 residential units, the applicants subsequently modified their submission to the Commission to reduce the project down to 20 residential units.

5-92-168 (Monarch Bay Resort Inc.): On August 11, 1992 the Commission approved the construction of a 400 key resort hotel (St. Regis), and eighty-six (86) residential units surrounding the hotel. The St. Regis has now been constructed; the residential development has not. Exhibit 2 shows the land uses for the Monarch Beach Specific Plan area. As approved by the Commission in 1992, the street, Monarch Beach Resort North, would have been a private gated street.

In approving CDP 5-92-168, the Commission imposed eight special conditions related to public access, signage plans, public parking, the implementation of a tram system, payment to a coastal access fund, conformance to an affordable housing program, phased development, and a future development deed restriction. In summary, the special conditions relevant to this permit amendment action require that common areas of the facility be open to the public and that a signage plan be implemented which informs the public of the public amenities available on-site.

Since the Commission's initial approval of CDP 5-92-168, the overall development for the project site under CDP 5-92-168 was modified through Coastal Development Permit 5-96-006 and amendment 5-92-168-A1 on March 14, 1996. Under these actions, the golf course clubhouse was relocated from near the intersection of the Salt Creek Trail under-crossing with Pacific Coast Highway to its current location (Figure 1 on Page 7 and Exhibit 2) immediately northwest of the St. Regis Hotel. As part of these permit actions, the street, Monarch Beach Resort North, has had a public access easement placed on it to allow the public to access the golf clubhouse from Niguel Road. Additionally, the number of residential units was decreased from 86 units to 72 units for a reduction of 14 units to allow the site of the residential units to be used for the golf clubhouse.

The applicant is now proposing to modify the portion of the residential development on the north side of the street known as Monarch Beach Resort North (Exhibit 4). Part of the proposed amendment request is for a lot line adjustment which will convert approximately .26 acres of the golf course (which affects CDP 5-92-158) to accommodate the proposed residential development.

The proposed lot line adjustment will convert .26 acres of land currently designated as "GC" (golf course) to "RES" (residential) in the Monarch Beach Specific Plan. Exhibit 2 shows the current land use plan for the Monarch Beach Specific Plan. Section 2.1 of the Monarch Beach Specific Plan allows minor adjustments to land use boundaries. Section 2.1 states: "*Minor adjustments to land use area boundaries may be necessary due to grading, road alignments, siting of structures, etc.*". In this case the .26 acre encroachment is necessary for the siting of the proposed residential structures. According to the applicant's consultant, "*The lot line adjustment is necessary to accommodate the revised residential uses. As stated in the original application, our client has completed studies that indicate a tri-plex product is better suited to the site than 4-plex construction. While additional open space is created between the units, they must be longer to accommodate the necessary interior square footage. The houses require deeper lots.*"

This, combined with rear yard setback requirements, force an extension of the lots into the golf course. The lot line adjustment will result in the addition of 11,548.98 s.f. to Lot 12. The width of the lot line encroachment into the golf course adjacent to lot 12 is from 0' to approximately 60'." (Culbertson and Adams letter of October 10, 2002).

The conversion of Monarch Beach Resort North to a public street (under CDP 5-96-006) has resulted in the necessity to delete the guarded entryway and the necessity to amend the signage plan to inform the public of their ability to use the now public road to access the golf clubhouse.

5-96-006 (Monarch Bay Resort Inc.): On March 14, 1996 the Commission approved the relocation of the golf clubhouse from its previous proposed location to a new site (Figure 1 on Page 7 and Exhibit 2) immediately to the northwest of the then un-constructed St. Regis Hotel. This approval resulted in the reduction of the residential development authorized under CDP 5-92-168. The proposed residential development was reduced from 86 units to 72 units for a reduction in 14 units. Since the approval of this permit (5-96-006), both the St. Regis Hotel and golf clubhouse have been constructed.

In approving this permit (5-96-006), the Commission imposed four special conditions related to: 1) a deed restriction allowing the public to use the golf course/clubhouse parking lot, that the golf course would be open to the public, the ability of the public to utilize meeting rooms, and that future development would require a CDP amendment; 2) conformance with the signage plan; 3) an irrevocable offer of dedication for the street now known as Monarch Beach Resort North; and 4) conformance with the geotechnical recommendations.

The proposed amendment is affected by CDP 5-96-006 as Monarch Beach Resort North is no longer a private street, but a public street offering the public access to the golf clubhouse and "The Links" golf course, which are available for public use.

B. MAINTENANCE OF PUBLIC ACCESS AND RECREATION

The public access and recreational policies of the Coastal Act encourage that development, such as the Monarch Beach Resort, be designed to promote public access and public recreational opportunities. In approving what is now the St. Regis Hotel in 1992, the Commission found that, as conditioned, the project complied with the public access and recreational policies of the Coastal Act. The public access and recreational amenities provided by this project include public access to the common areas of the hotel and golf clubhouse, public parking, public use of the golf course, and public access to the Salt Creek Regional Trail (which is a major pedestrian/bike path to Salt Creek Beach).

Subsequently, this area became certified in 1997 under the City of Dana Point Local Coastal Program, which (for this area) incorporates the Monarch Beach Specific Plan.

Policy 3.3 of the Land Use Element states that priority will be given to those projects that provide coastal recreational opportunities. Policy 4.3 of the Land Use Element requires that public access and recreational opportunities be protected and provided. Policies 8.2, 8.4, 8.5, 8.6, and 8.7 of the Land Use Element apply specifically to the Monarch Beach Specific Plan area. These policies encourage the development of a public trail system, and the integration of public open space with proposed residential development.

Exhibit 3 shows the public access plan for the Monarch Beach Specific Plan. Though the Monarch Beach Specific Plan public access plan has not been updated³ to reflect the dedication of Monarch Beach Resort North to public use, Section 2.6.11 of the Monarch Beach Specific Plan states that public access from Niguel Road, the public trails, the resort vehicle system, the hotel and golf clubhouse will be available. Additionally, this section states that no gates are to be placed to restrict public access unless it can be demonstrated that the proposed gates would serve a public health and safety purpose.

Though the proposed amendment is a modification in the design and a reduction in the number of residential units along Monarch Beach Resort North from a fourplex design to a mixture of triplexes and duplexes, the amendment requires that elements of the project and the special conditions be updated to reflect the conversion of Monarch Beach Resort North to a public street as a result of the applicant's relocation of the golf clubhouse which was approved through the Commission's action on CDP 5-96-006.

To accomplish the goal of conforming the development to the public access requirements resulting from the relocation of the golf clubhouse, the applicant has eliminated from the proposed project the guard gated entryway which was previously authorized under CDP 5-92-168. Though the guard gated entryway has been deleted by the applicant, three issues remain which need to be addressed.

First, is the prospect that homebuyers may want to privatize Monarch Beach Resort North in the future. To assure that homebuyers are made aware that Monarch Beach Resort North is a public road which allows the public to access the golf course, public parking, the clubhouse, and Salt Creek trail, the Commission imposes a special condition to require that any CC&Rs prepared include language to that effect. A copy of the CC&Rs when prepared shall be forwarded to the Executive Director to demonstrate the inclusion of this language. When the CC&Rs are prepared, they shall include the language approved by the Executive Director to assure the maintenance of public access. The sample language below (or similar language) shall be submitted for the review and approval of the Executive Director before issuance of the permit amendments.

Monarch Beach Resort North is open to public use and an easement has been irrevocably offered to the City of Dana Point over the street Monarch Beach Resort North, from

³ The appropriate mechanism for updating this graphic, plus other revisions, will be through the submission of an update to the Monarch Beach Specific Plan as an LCP amendment by the City of Dana Point.

Niguel Road to the Golf Clubhouse. The easement is dedicated as a perpetual exclusive easement and right-of-way for public street and highway purposes. The public may therefore use the street. Vehicular and pedestrian traffic within the easement may not be restricted at any time.

Second, the proposed residential development will result in an encroachment of .26 acres into the golf course, the construction of two retaining walls, and relocation of a golf cart trail. Consequently, there is a possibility that in this area of the golf course, the golf course plan may need to be redesigned which could adversely affect public use in the vicinity if golf balls present a hazard to the public. Special Condition #1 of CDP 5-92-158 required that the applicant submit a written agreement that any conflict between public use and golf course operations would not result in any diminution of public access.

To address this potential concern, the applicant provided a letter (Exhibit 8) stating that the proposed encroachment would not affect the golf course play and would not create additional hazards to public use. Though the proposed encroachment into the golf course is not anticipated to result in a modification to golf course play, there remains the potential for an unanticipated change in golf course play that could create an increased public hazard through airborne golf balls which would adversely affect public use of nearby trails. To assure that public access is not diminished due to golf club play, in the event that there is a conflict between the golf course and public use, the Commission imposes a special condition to require that the golf course play be redesigned in such a manner that public use is not diminished.

Third, the golf clubhouse is at the end of a street which has entry monuments and will appear residential in nature when the homes are constructed. The proposed signage plan was shown on Sheet L-3 and DWGs No. 1.1 and 2.1 on the September 10, 2002 submittal. Since the amendment submission, the applicant, through the coastal development permit application process, has made significant modifications to minimize the private appearance of the entry to the street Monarch Beach Resort North. The guardhouse and entry gate have been removed from the project plans and the applicant has agreed to provide additional signage on the entry monument which informs the public of their ability to access Monarch Beach Resort North for purposes of using the on-site and off-site recreational amenities. To assure that appropriate signage is provided, the Commission imposes a special condition to require the submission, for the review and approval of the Executive Director, of a final signage plan (Sheet L-3 and DWGs No. 1.1 and 2.1) demonstrating that the public has access to Monarch Beach Resort North for purposes of accessing the recreational amenities, including the public parking at the golf clubhouse.

Additionally, both CDP 5-92-158 and CDP 5-92-168 contained a future improvements special condition. The Commission imposed this special condition to assure that future development would be reviewed by the Commission to assure that public access and public use of the Monarch Beach Resort complex would not be adversely impacted by changes in the development. To assure that the Commission has the continued

opportunity to review changes to the development plan, the Commission re-imposes the future improvements special condition to assure that any proposed changes to the development would not have an adverse effect on public access or public use of the site.

Only as conditioned does the Commission find the proposed development consistent with the certified Dana Point Local Coastal Program.

C. LANDSCAPING PLAN

Though the project site is in an area considered highly urbanized with residential development and an active golf course, the project site is adjacent to Salt Creek. Salt Creek runs through the center of the golf course and (as an open space corridor) contains habitat values. Recently, on April 10, 2001 the Commission acted on CDP 5-92-188-A4⁴ (CPH Resorts I, LLC) for the construction of 48 residential units. The project site for CDP 5-92-188-A4 (CPH Resorts I, LLC) is on the opposite side of Salt Creek from the St. Regis⁵. Major issues evaluated by the Commission related to the proposed residential development was the impact of the proposed development on .24 acres of newly discovered wetland habitat and preservation of 3.12 acres of coastal sage scrub habitat occupied by the California gnatcatcher. To address these concerns, the Commission imposed a series of special conditions to protect these habitat values.

The City of Dana Point's certified Local Coastal Program contains a number of policies related to the protection of sensitive habitats. Policies 8.15 of the Land Use Element for example calls for the preservation and enhancement of riparian and coastal sage brush habitat along Salt Creek. Policies 3.1, 3.4 and 3.7 of the Conservation/Open Space Element require that development proximity to environmentally sensitive habitat areas and open space areas be sited and designed to prevent impacts which would significantly degrade those areas.

A review by Staff of the landscaping plan (Sheet L-1) submitted on September 10, 2002 revealed the use of several invasive species on the plant palette, these include, but are not limited to: Brazilian Pepper, Olive trees, Eucalyptus trees, California Pepper, and Myoporum. Due to the proximity of the proposed residential development (being contemplated under this amendment) to Salt Creek and the possibility of invasive plants spreading into habitat areas, the Commission imposes a special condition to require, for the review and approval of the Executive Director, the submission of a revised landscaping plan that is limited to the use of either native plants or non-native plants which are non-invasive and drought tolerant. Only as conditioned does the Commission find that the amendment is consistent with the conservation/open space policies of the City of Dana Point's certified Local Coastal Program.

⁴ Additionally, the applicant abandoned the development rights granted under CDP 5-92-186.
⁵ The graded area shown on Figure 1 on page 7 shows the area of residential development.

D. WATER QUALITY

The project site drains into Salt Creek, which discharges into the Pacific Ocean. Sections 1.1, 1.4, of the Conservation/Open Space Element of the City's LCP require that local drainage course be retained in their natural condition and that water quality be protected. The applicants have submitted a "Storm Water Pollution and Prevention Plan for Monarch Beach Resort Tract 11889" prepared by Hunsaker & Associates (December 1998). Additionally the applicant's consultant specified that roof water will be collected through a gutter and down spout system and directed to turf areas and side yard landscaped areas as depicted on the Landscaping Plan (Sheet L-2) (Culbertson and Adams letter of October 17, 2002). To assure that these measures are implemented, the Commission imposes a special condition requiring conformance with this storm water pollution and prevention plan and the supplemental letter. Only as conditioned does the Commission find the proposed development consistent with the water quality policies of the certified Dana Point Local Coastal Program.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Thomas Bros Maps

Copyright 1988

Scale 1" = 1/2 Mile



Project Location

MONARCH BAY COMMUNITY STREETS
ALSO KNOWN AS MONARCH BAY DR

1. BETA CANTINE CT
2. ANCHOR CT
3. CONAN LN
4. DORIS ANN LN
5. JESSIE ST CT
6. KING WILLIAM CT
7. KING PHILIP CT
8. KING FREDERICK CT
9. KING GEORGE CT
10. KING EDWARD CT
11. KING EDWARD DR
12. KING EDWARD DR
13. KING EDWARD DR
14. KING EDWARD DR

SEE '87-43

1. WALKER ST PL
2. TRUMPY POINT
3. READER WAY
4. READER WAY
5. RIDGE LINE CT
6. SANDSTONE LN
7. BERRY WATER CT
8. STICKLESS
9. LINDEN PECK
10. MONARCT CT

SEE '87-45

1. SAND CREEK CT
2. SAND CREEK CT
3. SAND CREEK CT
4. SAND CREEK CT
5. SAND CREEK CT
6. SAND CREEK CT
7. SAND CREEK CT
8. SAND CREEK CT
9. SAND CREEK CT
10. SAND CREEK CT

SEE '87-01

1. NEW UNION
2. PEACOCK FLOOR

SEE '87-06

1. ST OF THE ANCHOR LANTERN
2. ST OF THE WESTERN LANTERN
3. ST OF THE SAGE LANTERN
4. ST OF THE STARBOARD LANTERN
5. ST OF THE PORT LANTERN
6. ST OF THE COKE LANTERN


SEE '87-15

1. SEA GULL CT
2. SEASIDE CT
3. SEASIDE CT
4. SEASIDE CT
5. SEA SWELL CT
6. SEASIDE CT
7. CLARK CT
8. NORTH STAR CT
9. NEARBY STAR CT

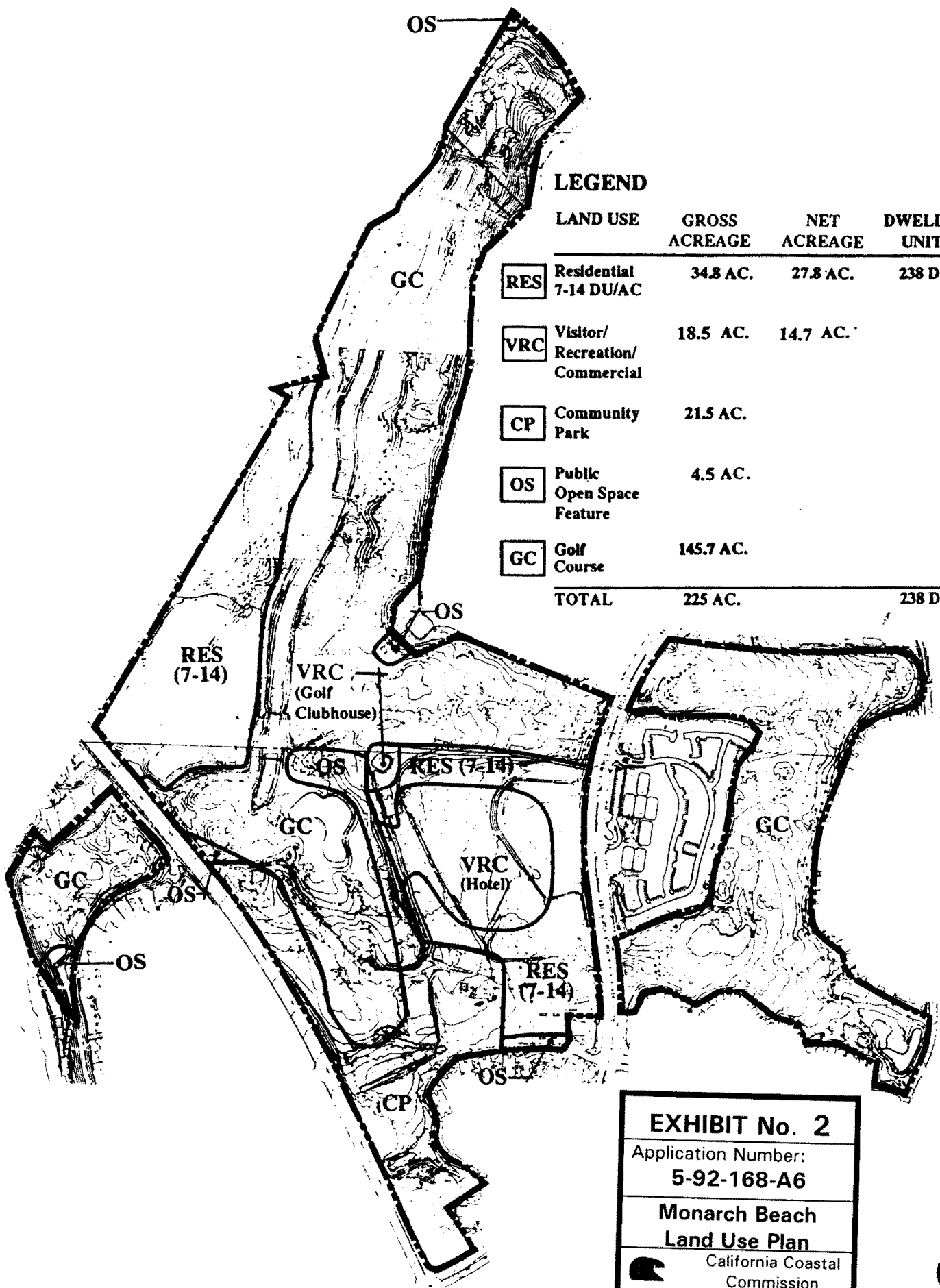
EXHIBIT No. 1

Application Number:
5-92-168-A6

Vicinity Map



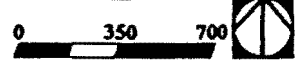
California Coastal Commission



LEGEND

LAND USE	GROSS ACREAGE	NET ACREAGE	DWELLING UNITS
RES Residential 7-14 DU/AC	34.8 AC.	27.8 AC.	238 DU.
VRC Visitor/ Recreation/ Commercial	18.5 AC.	14.7 AC.	
CP Community Park	21.5 AC.		
OS Public Open Space Feature	4.5 AC.		
GC Golf Course	145.7 AC.		
TOTAL	225 AC.		238 DU.

EXHIBIT No. 2
 Application Number:
5-92-168-A6
Monarch Beach
Land Use Plan
 California Coastal
 Commission

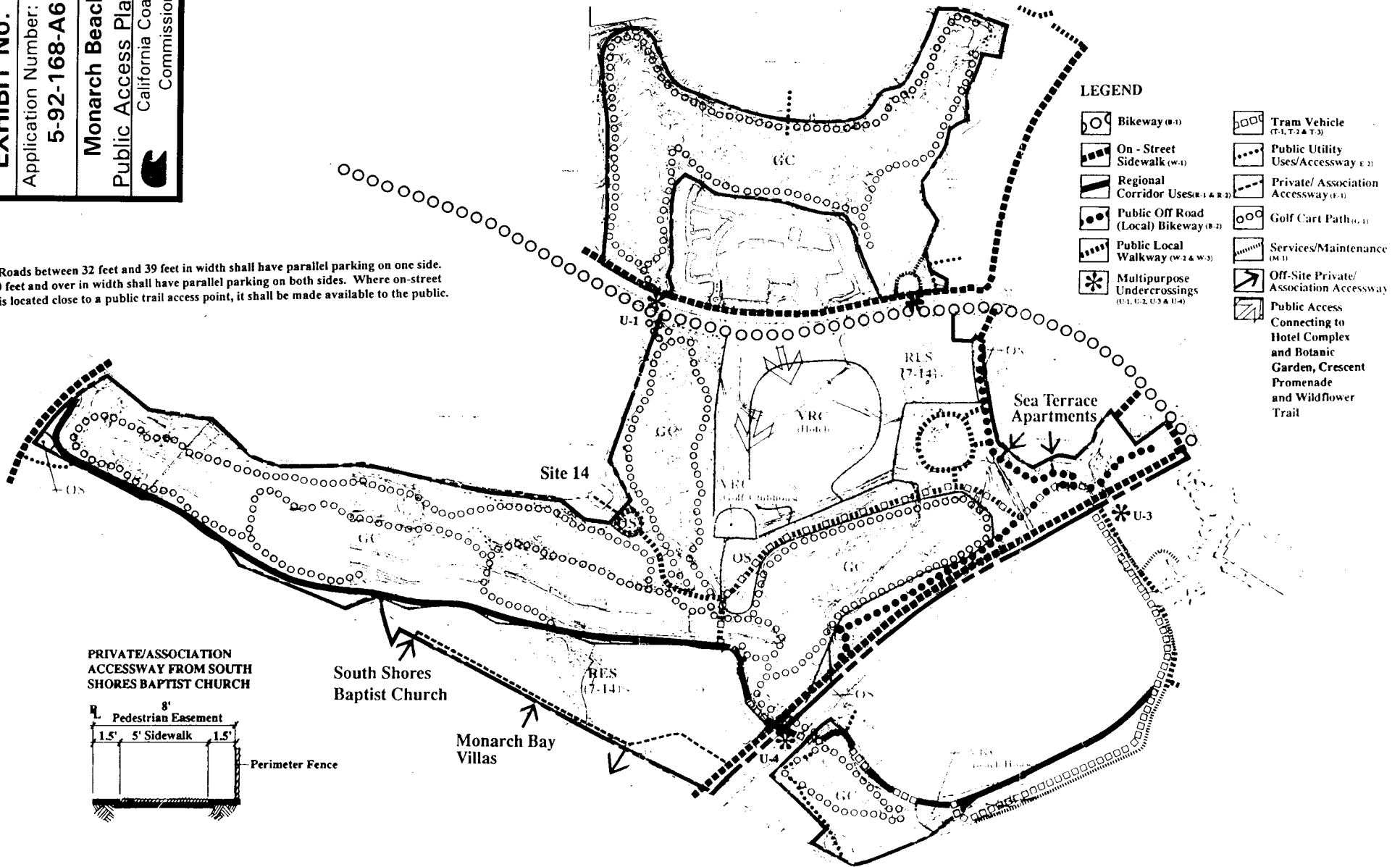


LAND USE PLAN

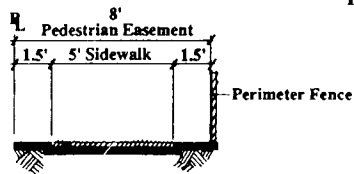
**MONARCH BEACH RESORT
 SPECIFIC PLAN**

EXHIBIT No. 3
Application Number: 5-92-168-A6
Monarch Beach Public Access Plan
California Coastal Commission

NOTE: Roads between 32 feet and 39 feet in width shall have parallel parking on one side. Roads 40 feet and over in width shall have parallel parking on both sides. Where on-street parking is located close to a public trail access point, it shall be made available to the public.



PRIVATE/ASSOCIATION
ACCESSWAY FROM SOUTH
SHORES BAPTIST CHURCH



South Shores
Baptist Church

Monarch Bay
Villas

Sea Terrace
Apartments

ACCESS/TRAILS PLAN

MONARCH BEACH RESORT
SPECIFIC PLAN

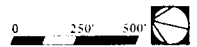


EXHIBIT 2.26



MONARCH BEACH RESORT
Dana Point, California

MACALLON RESORTS I.L.L.C.
4100 McARTHUR BLVD. #150
NEWPORT BEACH, CA 92660
(949) 255-1100



K&A
KIMBERLY A. ANDERSON
ARCHITECTS

**SITE
DEVELOPMENT
PERMIT**

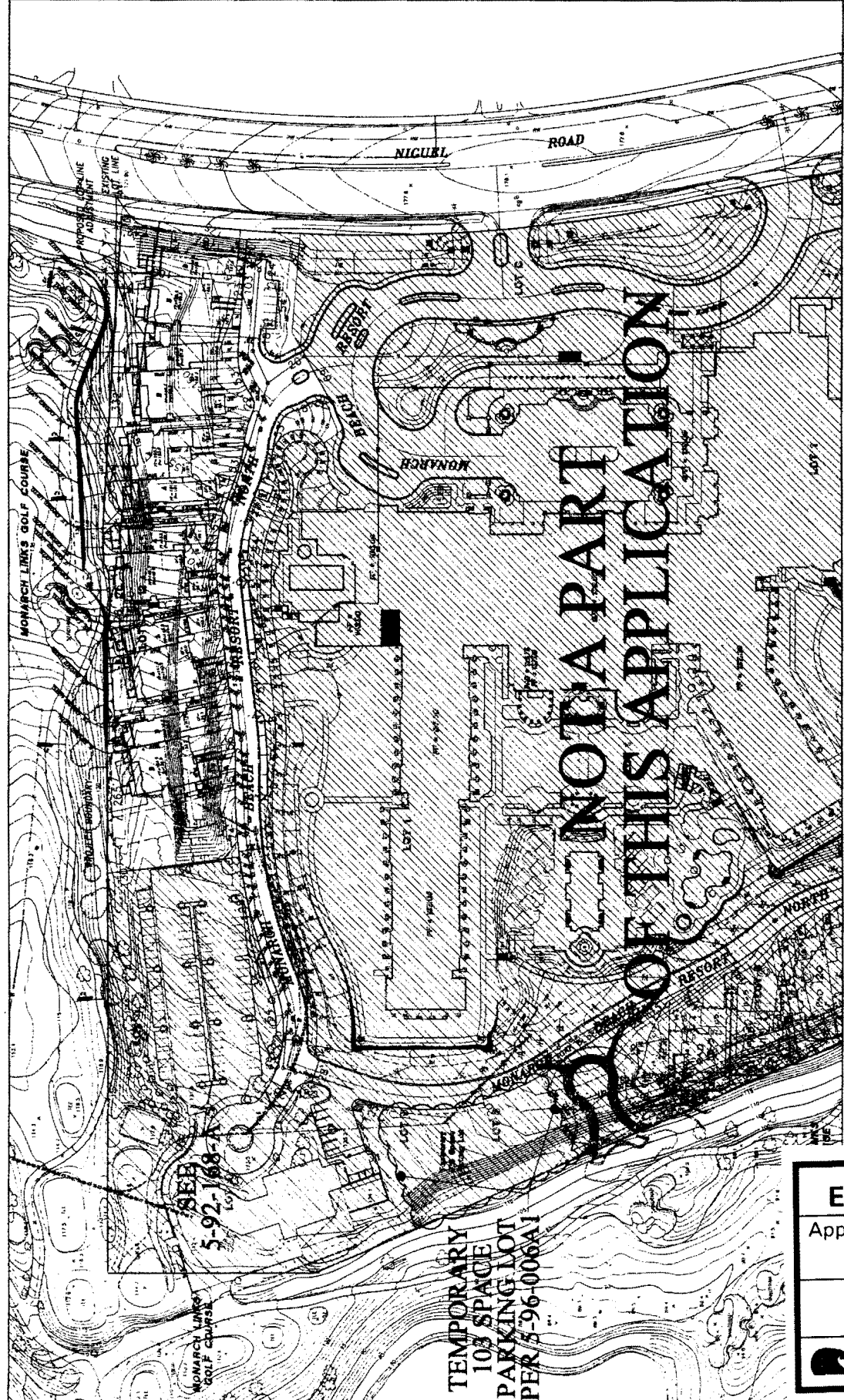
**NORTH VILLAGE
HOTEL VILLAGE
ENGINEERED
SITE PLAN**



DATE	DESCRIPTION
05-14-10	REV. 1: INITIAL
05-14-10	REV. 2: PERMITS
05-14-10	REV. 3: PERMITS
05-14-10	REV. 4: PERMITS
05-14-10	REV. 5: PERMITS
05-14-10	REV. 6: PERMITS
05-14-10	REV. 7: PERMITS
05-14-10	REV. 8: PERMITS
05-14-10	REV. 9: PERMITS
05-14-10	REV. 10: PERMITS
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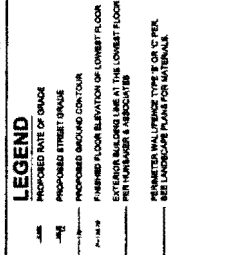
LOCAL MAP
DATE: 05-14-10
SCALE: 1" = 100'
PROJECT NO.: 5-92-168-A
SHEET NO.: H-2



**TEMPORARY
103 SPACE
PARKING LOT
PER 5-96-006A1**

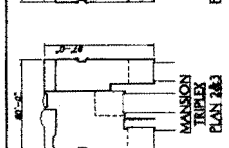
**NOT A PART
OF THIS APPLICATION**

- LEGEND**
- PROPOSED DATE OF GRADE
 - PROPOSED STREET GRADE
 - PROPOSED GRADING CONTOUR
 - FINISHED FLOOR ELEVATION OF LOWEST FLOOR
 - EXTENSION BUILDING LINE AT THE LOWEST FLOOR PER PERMITS & SPECIFICATIONS
 - PROPOSED STORM DRAIN
 - STREET CENTERLINE
 - PROPERTY BOUNDARY
 - PROPOSED PAVING - SEE LANDSCAPE PLAN FOR MATERIALS
 - PROPOSED CONCRETE SIDEWALK



STATISTICAL SUMMARY

LOT #	MANSSION TRIPLEX	CHILLING UNITS
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EXHIBIT No. 4
Application Number:
5-92-168-A6
Project Area
Site Plan
California Coastal
Commission

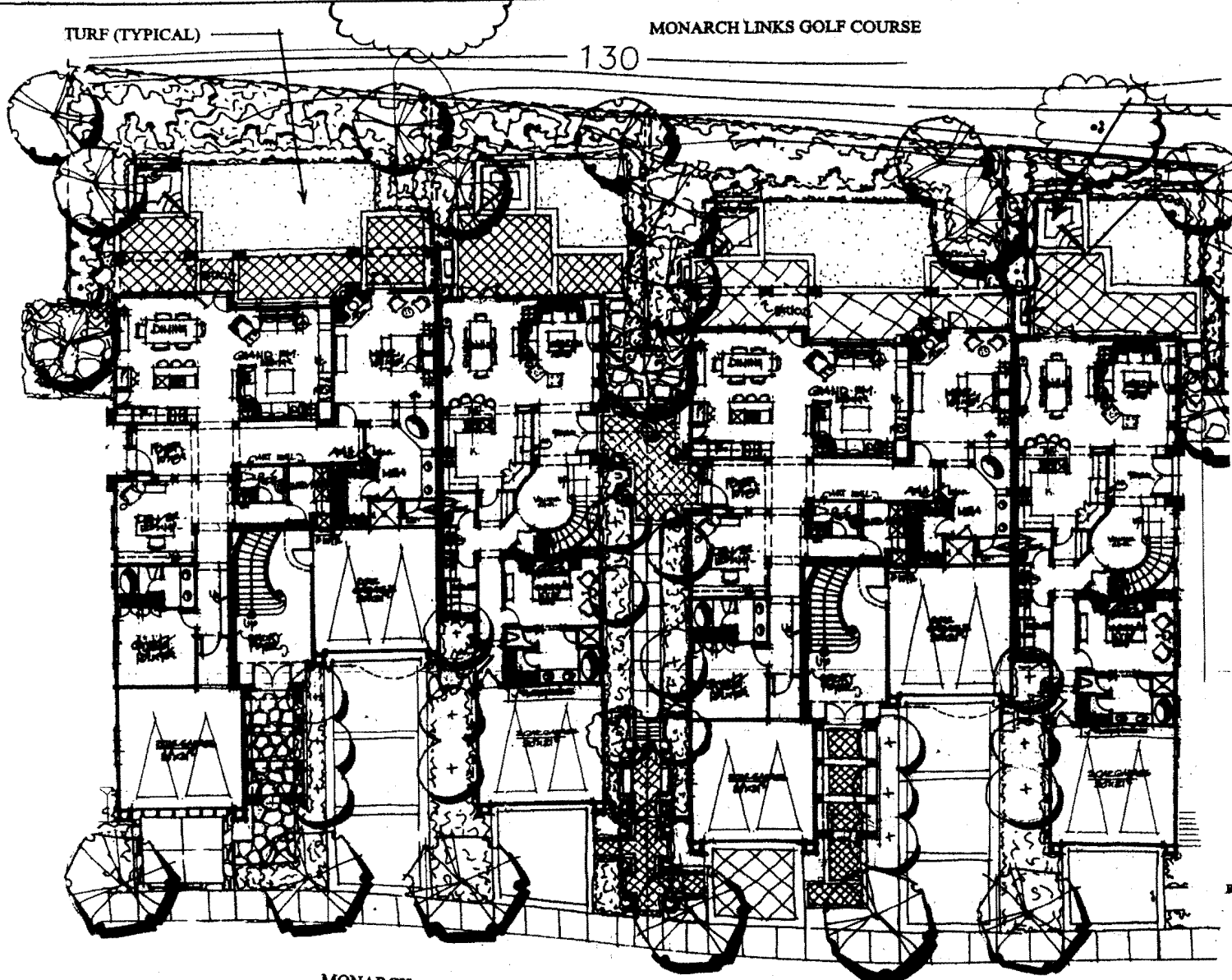
TURF (TYPICAL)

MONARCH LINKS GOLF COURSE

130

SPA (TYPICAL)

TYPICAL B.B.Q. COUNTER
TYPICAL FOR ALL



MONARCH BEACH RESORT NORTH

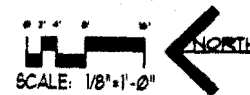
<p>California Coastal Commission</p>	EXHIBIT NO. 5
	Application Number: 5-92-168-A6
	Housing Layout Page 1 of 3

CONCEPTUAL PLANTING PLAN
LEGEND:

- SYMBOL PLANT DESCRIPTION, GROWTH CHARACTER, USE & AVERAGE HEIGHT & SPREAD.
- LOW SPREADING TREES OR ACCENT TREES (20'X10')
 - LOW SPREADING FLOWERING OR ACCENT TREES (20'X10')
 - MEDIUM BUSH TREES OR MEDIUM TREES (20'X15')
 - MEDIUM SPREADING TREES (20'X15')
 - VERTICAL-NARROW TREES OR MEDIUM TREES (20'X15')
 - VERTICAL-NARROW ACCENT TREES (20'X15')
 - FLOWERING OR FOLIAGE ACCENT TREES (20'X15')
 - PALM SPECIES/ACCENT (20'X15')
 - EXISTING TREES (NOTE: 1' OFFSET)
 - BARKED ENHANCEMENT/NATURAL/GRAVEY TREES (20'X15')
 - TURF, LAWN, AND GRASS-TYPE GROUND COVER

REFER TO SHEET L-1 FOR PLANT PALETTE

NOTE:
All retaining walls between units to have a decorative finish.
Color, plaster, cap or other.



MONARCH BEACH RESORT
Dana Point, California

MARALLON RESORTS I L.L.C.
4100 MARARTHUR BLVD., #150
NEWPORT BEACH, CA 92660
(949) 256-1100



H & S A
Horticulture & Architecture
1201 S. MAIN ST., SUITE 100
NEWPORT BEACH, CA 92660
(949) 256-1100



SITE DEVELOPMENT PERMIT

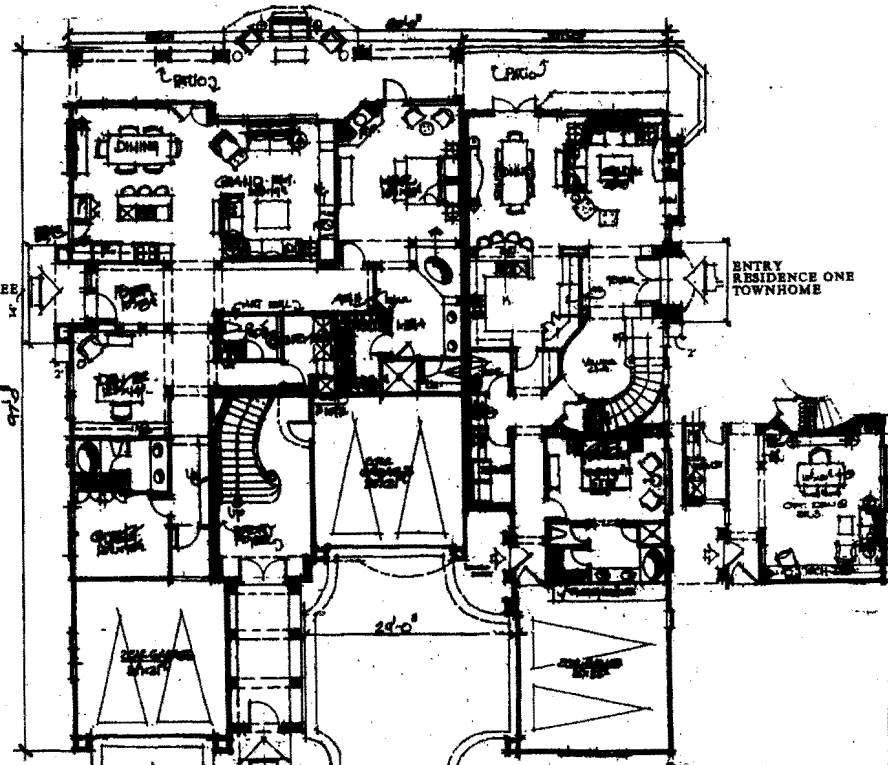
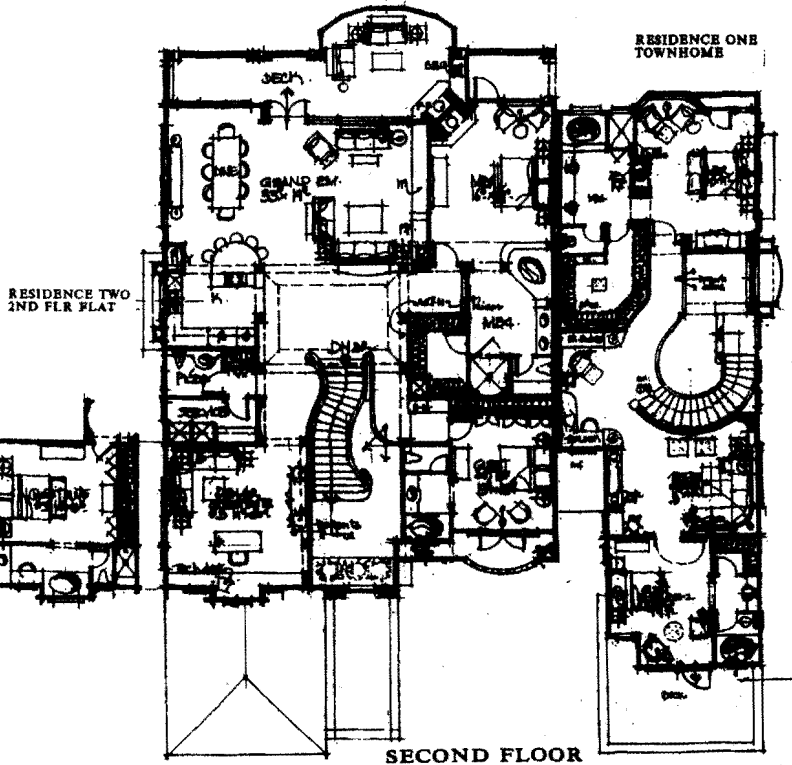
NORTH CONCEPTUAL LANDSCAPE PLANTING PLAN TYPICAL



DATE: 1/11/02
DRAWN BY: AA
CHECKED BY: [Signature]
PROJECT NO: [Number]
L-2

PLAN TWO
 MBR - GUEST SUITE -
 DEN / GUEST SUITE -
 3 1/2 BA - 2 CAR GARAGE
 AREA = 3206 SF

PLAN ONE
 MBR - GUEST SUITE -
 DEN / GUEST SUITE -
 HOME THEATER -
 3 1/2 BA - 2 CAR GARAGE
 AREA = 3328 SF



RESIDENCE TWO
 2ND FLR FLAT

RESIDENCE ONE
 TOWNHOME

ENTRY
 RESIDENCE THREE
 1ST FLR FLAT

ENTRY
 RESIDENCE ONE
 TOWNHOME

SECOND FLOOR

ENTRY
 RESIDENCE TWO
 2ND FLR FLAT

PLAN THREE
 MBR - GUEST SUITE -
 DEN / GUEST SUITE -
 3 1/2 BA - 2 CAR GARAGE
 AREA = 3500 SF



MONARCH BEACH RESORT
 Dana Point, California

MAKALLON RESORTS I, L.L.C.
 4100 McARTHUR BLVD., #130
 NEWPORT BEACH, CA 92660
 (949) 258-1188



KTOY GROUP
 10000 WILSON BLVD., SUITE 100
 BOSTON, MASSACHUSETTS 02120
 (617) 252-1000

SITE
 DEVELOPMENT
 PERMIT

FLOOR PLANS
 MANSION
 TRIPLEXES

DATE	REVISION	BY



LOCATION MAP

SCALE	DATE	SHEET NO.
1" = 40'	06/02	1
DESIGNED BY	2006.06	TJ

EXHIBIT NO. 5

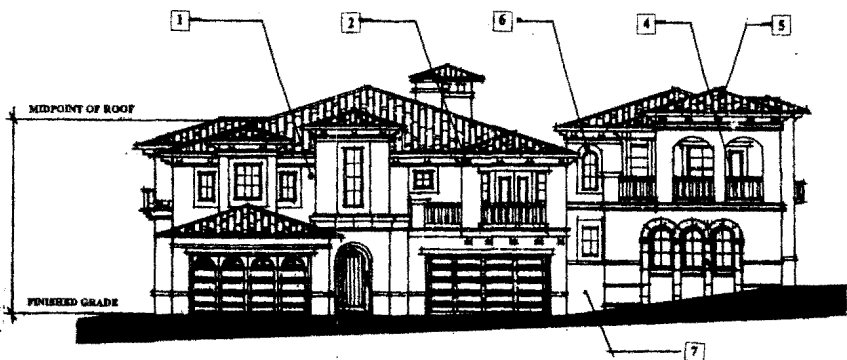
Application Number:
5-92-168-A6

Housing Layout
 Page 2 of 3

California Coastal
 Commission



LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

- 1 SMOOTH STUCCO FINISH
- 2 CORBELED EAVES - PRE-FORMED SHAPED COMPOSITE
- 3 PRE-CAST CONCRETE TRIM AT ENTRY DOOR AND ARCHED WINDOW
- 4 DECORATIVE WROUGHT IRON RAILING
- 5 CONCRETE TILE - ROMAN PAN STYLE
- 6 STUCCO OVER FOAM TRIM AND ACCENTS
- 7 WAINSCOT VENEER
- 8 DUAL GLAZED VINYL WINDOWS

EXHIBIT No. 5

Application Number:
5-92-168-A6

Housing Layout

Page 3 of 3

California Coastal
Commission



MONARCH BEACH RESORT
Dana Point, California

MAKALLON RESORTS I.L.C.
4188 MacARTHUR BLVD., #150
NEWPORT BEACH, CA 92660
(949) 255-1180



KTOY GROUP
ARCHITECTS
10000 S. HUNTERS BLVD., SUITE 100
DANA POINT, CA 92629
(949) 255-1180

**SITE
DEVELOPMENT
PERMIT**

**ELEVATIONS
MANSION
TRIPLEXES**

DATE: _____ REVISION: _____ BY: _____



LOCATION MAP

* Prior to issuance of Building Permits, Color Plates, to be submitted to and subject to approval by the Community Development Director.

SCALE: 1/8" = 1'-0"
DATE: 02/20/03
DRAWN BY: [Signature]
PROJECT NO: 20022-43
SHEET NO: T-3



MONARCH BEACH RESORT
Dana Point, California

MAKALON RESORTS I L.L.C.
4100 MacARTHUR BLVD., #100
NEWPORT BEACH, CA 92660
(949) 255-1100



H & S A
LANDSCAPE ARCHITECTS



SITE DEVELOPMENT PERMIT

NORTH RESIDENTIAL NORTH ENTRY CONCEPTUAL LANDSCAPE PLANTING PLAN

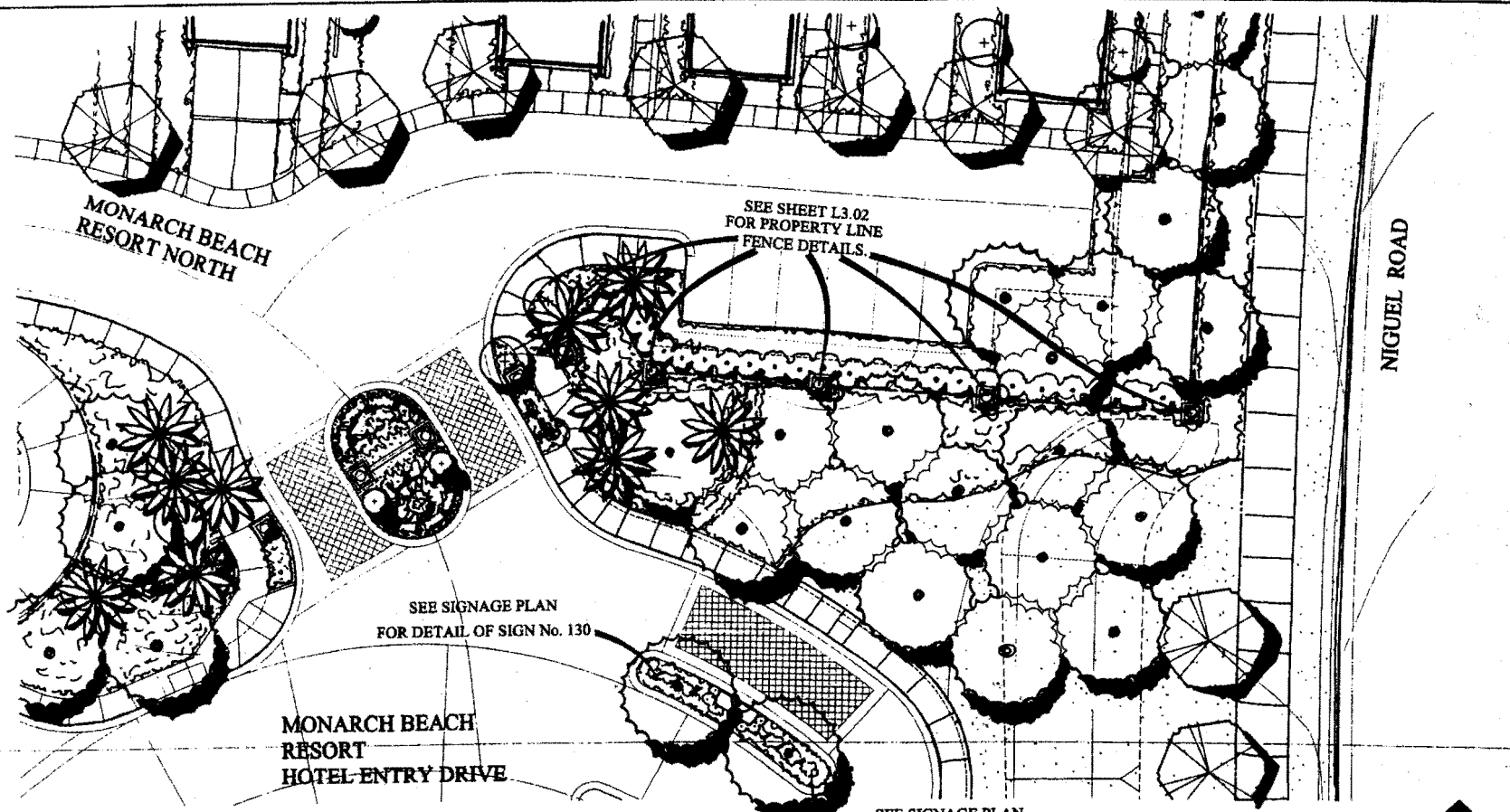
DATE	BY
10-10-07	STAFF DESIGNER
10-10-07	MANAGER
10-10-07	PROJECT MANAGER
10-10-07	PROJECT MANAGER



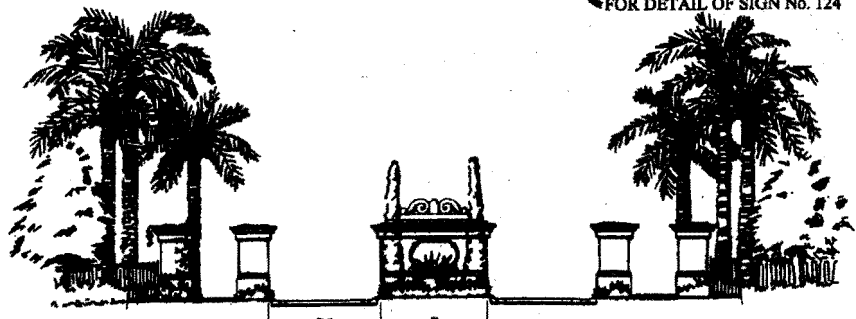
DATE	BY	REVISION
10-10-07	STAFF DESIGNER	1
10-10-07	MANAGER	2
10-10-07	PROJECT MANAGER	3
10-10-07	PROJECT MANAGER	4

L-3

NIGUEL ROAD



SCALE: 1"=10'-0"



MONARCH NORTH ENTRY

EXHIBIT No. 6
 Application Number:
5-92-168-A6
 Entry Detail
 Page 1 of 2
 California Coastal
 Commission

		MONARCH BEACH RESIDENTIAL ENTRIES		SHEET NO. 1302 OF 1302	
PREPARED BY: LIFE CAPES INTERNATIONAL, INC.	CHECKED BY: LIFE CAPES INTERNATIONAL, INC.	DATE: 	SCALE: 	PROJECT NO.:	SHEET NO.:

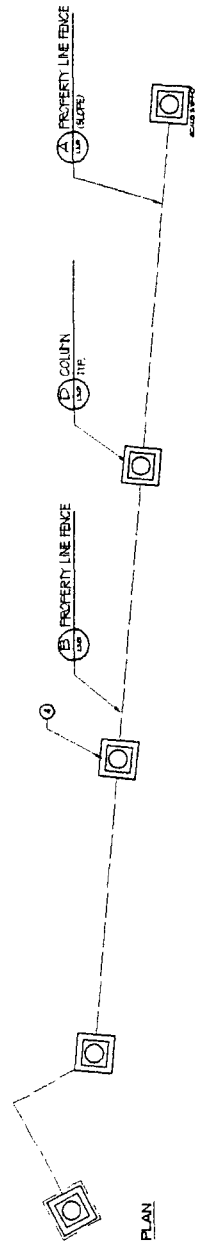
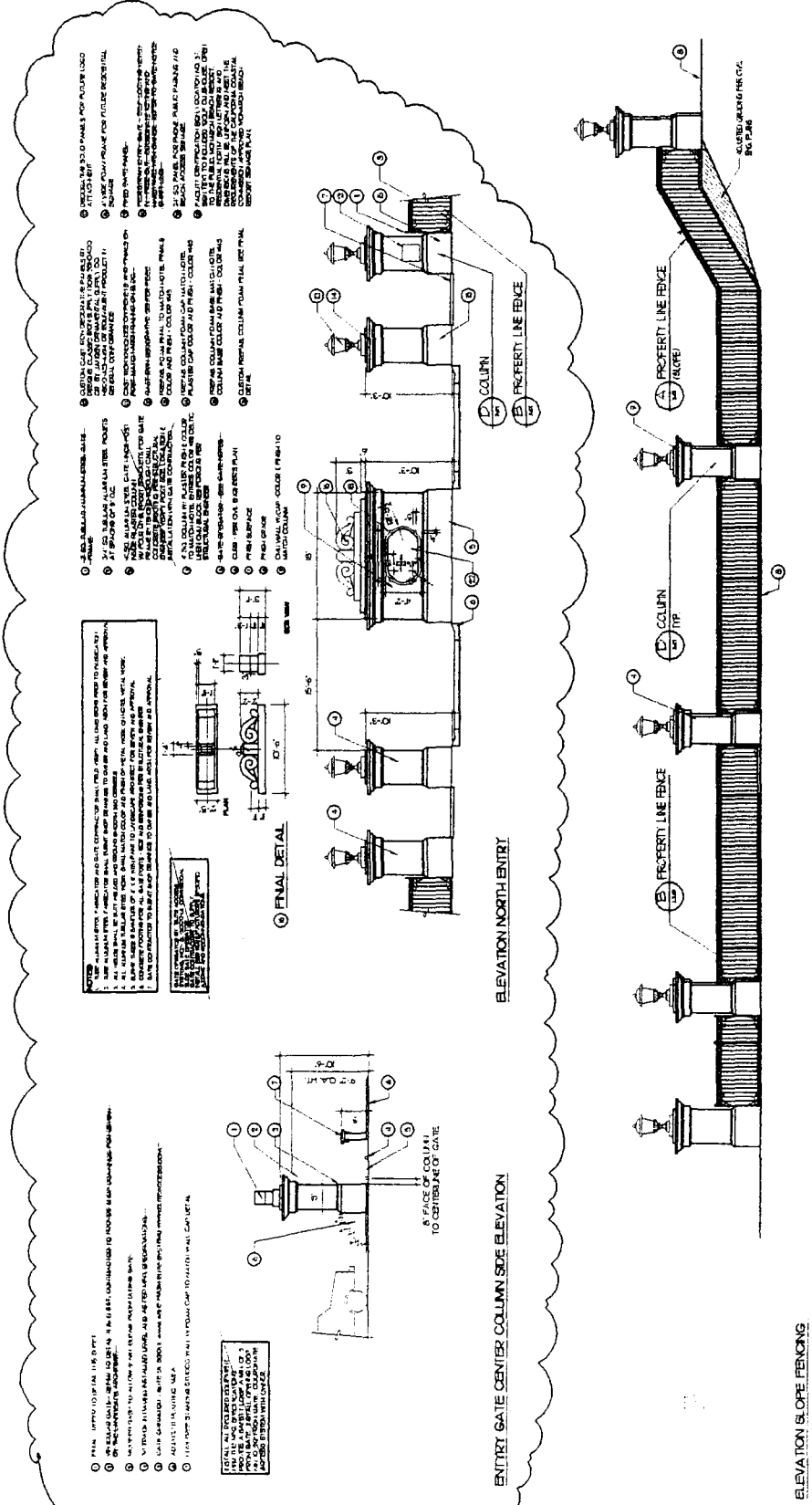
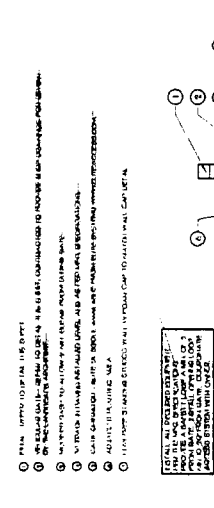
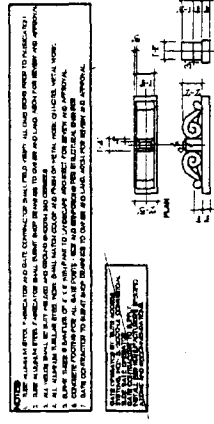


EXHIBIT No. 6
 Application Number:
5-92-168-A6
Entry Detail
 Page 2 of 2
 California Coastal
 Commission

SCALE: 3/16" = 1'-0"

- 1. ALL MATERIALS SHALL BE... (A)
- 2. ALL MATERIALS SHALL BE... (B)
- 3. ALL MATERIALS SHALL BE... (C)
- 4. ALL MATERIALS SHALL BE... (D)
- 5. ALL MATERIALS SHALL BE... (E)
- 6. ALL MATERIALS SHALL BE... (F)
- 7. ALL MATERIALS SHALL BE... (G)
- 8. ALL MATERIALS SHALL BE... (H)
- 9. ALL MATERIALS SHALL BE... (I)
- 10. ALL MATERIALS SHALL BE... (J)
- 11. ALL MATERIALS SHALL BE... (K)
- 12. ALL MATERIALS SHALL BE... (L)
- 13. ALL MATERIALS SHALL BE... (M)
- 14. ALL MATERIALS SHALL BE... (N)
- 15. ALL MATERIALS SHALL BE... (O)
- 16. ALL MATERIALS SHALL BE... (P)
- 17. ALL MATERIALS SHALL BE... (Q)





May 29, 2002

Makallon Resorts I, LLC
 4100 MacArthur Blvd. #150
 Newport Beach, CA. 92660

EXHIBIT No. 7

Application Number:
5-92-168-A6

**Dana Point
 Site Development
 Permit, Page 1 of 3**

California Coastal
 Commission

**MINOR SITE DEVELOPMENT PERMIT
 SDP 91-07(II)**

APPLICANT/OWNER: Makallon Resorts I LLC.

LOCATION: Lot 12 of Tract No. 14589 Hotel Residential North

REQUEST: Request for administrative adjustment to a previously approved Site Development Permit pursuant to section 3.5.5 of the Monarch Beach Resort Specific Plan. The project applicant is requesting to modify the approved SDP91-07 by adjusting pad elevations, reducing building heights, adjusting side yard setbacks, and modifying the residential building structure and overall square footage as described below.

SDP91-07(I) was to approve minor interior and exterior changes to the hotel.


The following tables have been prepared to provide a comparison of the approved 1992 plans to the proposed 2002 changes.

Location	Building Height		*Pad Elevation		
	1992	2002	1992	2002	Difference
1	28'	26'	168.8 (196.8)	168.5 (194.5)	-0.3 (-2.3)
2	28'	26'	166.8 (194.8)	167.2 (193.2)	+0.4 (-1.6)
3	28'	26'	165.8 (193.8)	166.2 (192.2)	+0.4 (-1.6)
4	28'	26'	161.8 (189.8)	163.2 (189.2)	+1.4 (-0.6)
5	28'	26'	152.8 (180.8)	152.6 (178.6)	-0.2 (-2.2)
6	28'	26'	149.2 (177.2)	148.5 (174.5)	-0.7 (-2.7)
7	28'	26'	143.3 (171.3)	144.5 (170.5)	+1.2 (-0.8)
8	28'	26'	139.3 (167.3)	140.5 (166.5)	+1.2 (-0.8)
9	28'	26'	133.3 (161.3)	134.0 (160.0)	+0.7 (-1.3)
10	28'	26'	129.3 (157.3)	133.5 (159.5)	+4.2 (+2.2)
11	28'	26'	123.8 (151.8)	127.5 (153.5)	+3.7 (+1.7)
12	28'	26'	121.8 (149.8)	127.5 (153.5)	+5.7 (+3.7)

*1992 pad elevations incorporate the added 2.34 height increase. The numbers located within parentheses include the total building height excluding architectural projections.

The proposed residential pads were increased in elevation due to the higher elevated approved road that provides access to both the Club 19 Clubhouse and the proposed residential dwellings. With the reduction in approved building heights from 28 feet to the proposed 26 feet, the overall elevation heights were reduced with the exception of the three units closest to the existing clubhouse. It is not anticipated that any views will be obstructed by these three dwelling units due to the lower elevation levels closest to the clubhouse and the current obstruction from the height of the hotel's north wing.

Side Yard Setback		
<i>Buildings</i>	<i>1992</i>	<i>2002</i>
1 & 2	13'	15'
2 & 3	16'	15'
3 & 4	26'	26'
4 & 5	17'	17'
5 & 6	24'	24'
6 & 7	26'	23'
7 & 8		15'
8 & Lot 11		10'

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Dana Point Site Development Permit, Page 2 of 3
 California Coastal Commission

The proposed side yard setbacks vary less than 10%. Overall, the proposed side yard setbacks result in 145 feet of open space between buildings which is 23 feet greater than the approved 1992 plans.

Building Structures		
	1992 Mansion Penthouse	2002 Mansion Triplex/Mansion Duplex
Number of Buildings	6	8
Type of Building	Four plex	(7) Three plex (1) Two plex
Number of Units	24	23
Building Dimension	108' X 79' (8,532 sf.)	80' X 97' (7,760 sf.) 54'-2" X 97' (5,257 sf.)
Square Footage		
Plan A/Plan 1	2,350 sf.	3,328 sf.
Plan B/Plan 2	2,820 sf.	3,200 sf.
Plan C/ Plan 3	2,280 sf.	2,500 sf.
Plan D	2,780 sf.	
Total Square Footage	61,380 sf.	69,852 sf.

The redesign of the residential buildings resulted in one less unit than what was originally approved with an increase in total square footage by 8,472 square feet.

It should be noted that approval of the amended site plan is subject to the approval and recordation of the amended Final Map prior to the issuance of a building permit and the approval and recordation of the required lot line adjustment prior to the issuance of any grading permits.

ENVIRONMENTAL:

The proposed project is covered under the Mitigated Negative Declaration (SCH No. 91121010) for the Monarch Beach Resort Specific Plan as adopted by City Council Resolution 92-02-25-2. The proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

DETERMINATION:


The Community Development Director hereby

 X APPROVES
 DENIES

the requested Minor Site Development Permit described herein subject to the attached findings and applicable conditions.

Edward M. Knight *gg*

Edward M. Knight, AICP
Director of Community Development

EXHIBIT No. 7
Application Number: 5-92-168-A6
Dana Point Site Development Permit, Page 3 of 3
 California Coastal Commission



RECEIVED
South Coast Region

JAN 15 2003

CALIFORNIA
COASTAL COMMISSION

November 22, 2002

Mr. Stephen Rynas
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RE: Coastal Development Permit Applications, Immaterial Amendments 5-92-158 A2 and 5-92-168 A6

Dear Mr. Rynas:


Please be advised that we are aware of the plan to extend the Residential North lots into the Monarch Beach Resort "The Links" Golf Course.

We have reviewed the plans prepared by Hunsaker & Associates dated October 16, 2002 and have no objections to the encroachments as shown on these plans. Golf course play does not change as a result of the encroachment and the changes do not affect the public use of our facility in any way. There are no modifications to public trails or other public amenities at the golf course. Should there be an unintended negative effect on the public trails or public amenities at the golf course as a consequence of these changes, the golf course will be redesigned in this area to eliminate the adverse effect in such a manner that the public trails and amenities are preserved.

Should you need any additional information in the regard, please do not hesitate to call.

Sincerely,

Alan Deck
General Manager

EXHIBIT No. 8
Application Number: 5-92-168-A6
Monarch Beach Golf Links letter of November 22, 2002
 California Coastal Commission

