



Boyd L. Hill
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March 8, 2010

Coastal Commission Agenda Item W21.5a
Our File Number: 26803.105/4837-1438-2341v.1

VIA HAND DELIVERY

Board of Commissioners
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416
c/o Karl Schwing, Orange County Area Supervisor

RECEIVED
South Coast Division
MAR - 8 2010
CALIFORNIA COASTAL COMMISSION

**RE: California Coastal Commission March 10, 2010 Agenda Item W21.5a
Appeal No. A-5-LGB-10-039
City of Laguna Beach ("City") Local CDP No. 09-36 ("Permit")**

Dear Commissioners:

This firm represents Laguna Terrace Park, LLC ("Laguna Terrace"), the holder of the subject Permit, in connection with the above-referenced Appeal (including issues raised by three separate appellants). Without conceding that the Coastal Commission has jurisdiction over this appeal, Laguna Terrace respectfully requests that the Commission determine that the Appeal raises no substantial issue with respect to the grounds on which the Appeal has been filed under the Coastal Act Section 30603. (See Pub. Res. Code, § 30625; 14 Cal. Code Regs., § 13115) As explained herein, the "development approved" conforms to standards approved in the City's Local Coastal Program ("LCP") and/or is exempt from Coastal Act review.

**The "Development" Approved by the Permit
Is the Mere Mapping of Existing Residential Mobilehome Spaces
Solely Within the 47-Acre Mobilehome Park Parcel**

In determining whether the Appeal raises a substantial issue under Section 30603, the Commission must first ascertain the scope of "development" approved by the Permit. The most logical place for the Commission to start is the Laguna Terrace Vesting Tentative Tract Map No. 17301 Application which is the subject of the Permit. The Application is attached hereto as Attachment 1.

The Application cover letter expressly states that it is "a simple conversion to allow for eventual resident ownership of the lots on which existing residential manufactured homes are currently placed." The Application expressly states that it is "a vesting tentative map for subdivision to be created by conversion of a 158 space rental mobilehome park to resident ownership with 158 residential lots plus 4 non-residential [common area] lots."

The Map and Title Report identifies the property that is the subject of the Application as an approximate 47 acre parcel legally described as "PARCEL 1 AS SHOWN ON EXHIBIT "B"



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ATTACHED TO LOT LINE ADJUSTMENT LL95-01 RECORDED NOVEMBER 22, 1995 AS INSTRUMENT NO. 19950520276 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.”

The action that was taken by the City of Laguna Beach was to approve the Permit only for the property described in the Application and only for a mere mapping of existing residences pursuant to Government Code Section 66427.5. City Resolution No. 10.004 expressly states that the Permit is “to subdivide an approximate 47-acre parcel into 157 mobile home spaces and four lettered lots, for the purpose of converting an existing rental space mobile home park into a resident-owned mobile home park” A copy of City Resolution No. 12.004 is attached hereto as Attachment 2.

**The Commission Appellate Jurisdiction is Limited to
Consideration of the Development Approved by the Permit
Under the City LCP Standards**

“The Commission, like all administrative agencies, has no inherent powers; it possesses only those powers that have been granted to it by the state Constitution or by statute.” (*Security National Guaranty, Inc. v. California Coastal Com.* (2008) 159 Cal.App.4th 402, 419)

“Once the Commission approves the local government’s LCP, development review authority ‘shall no longer be exercised by the Commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof.’” (*Security National Guaranty, Inc. v. California Coastal Com, supra*, 159 Cal.App.4th at 421, citing Public Resources Code Section 30519 (a))

“Once the LCP is certified, ‘the Commission’s role in the permit process for coastal development [is] to hear appeals from decisions by [the local government] to grant or deny permits.’” (*Security National Guaranty, Inc. v. California Coastal Com., supra*, 159 Cal.App.4th at 421, citing *Feduniak v. California Coastal Com.* (2007) 148 Cal.App.4th 1346, 1354, fn. 5))

“The Commission’s jurisdiction in such appeals, however, is limited. (*City of Half Moon Bay v. Superior Court* (2003) 106 Cal.App.4th 795, 804) As relevant here, the Coastal Act limits the grounds for a CDP appeal ‘to an allegation that the development does not conform to the standards set forth in the certified local coastal program’ (§ 30603, subd. (b)(1), italics added.)” (*Security National Guaranty, Inc. v. California Coastal Com., supra*, 159 Cal.App.4th at 421)

Thus, Public Resources Code Section 30603 limits the Commission’s jurisdiction in this Appeal to only the “development approved by the local government” under the Permit and only under the “standards set forth in the local coastal program.”

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**The Appeal Raises No Substantial Issue
That the Mapping of Existing Mobilehome Residential Spaces
On the Property Under the Permit Might Violate City LCP Standards**

In considering the Appeal, the Commission cannot go beyond the standards applicable to the City's consideration of the Permit under the City's LCP: "The commission has limited jurisdiction to hear the appeal. ... In such an appeal, '[t]he grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to standards set forth in the certified local coastal program or the public access policies set forth in this division. (*Id.*, subd. (b)(1), italics added.)" (*City of Half Moon Bay v. Superior Court* (2003) 106 Cal.App.4th 795, 804, citing Public Resources Code Section 30603 (b)(1))

The City's required findings for the Permit under its LCP are: (1) the project is in conformity with all the applicable provisions of the general plan, including the certified local coastal program and any applicable specific plans; (2) any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 23 of the California Coastal Act; and (3) the proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

The Appeal does not raise any issue regarding finding numbers 2 and 3. The Permit does not relate to development between the sea and the first public road paralleling the sea. In addition, there is no question that the Class 1 Categorical Exemption under 14 California Code of Regulations Section 15301 applies.

The only issue that the Appeal raises is whether the subdivision is in conformity with all the applicable provisions of the general plan, including the certified local coastal program. The Appeal raises the same issue raised by Commission staff prior to the approval of the Permit.

In summary, the Appeal position is that "the division of land can result in the establishment of additional development potential and certain expectations and rights on the part of the land owner for additional development potential and certain expectations and rights on the part of the land owner for certain levels of development." According to Commission staff, "because of these expectations and establishment of additional development potential, the proposed application is subject to the whole range of resource issues including but not limited to protection and enhancement of public access, biological resources, water quality, scenic resources, and the minimization and avoidance of hazards (geologic, fire, flood, etc.)" (See page 3 of the January 5, 2010 City Staff Report on Permit, a copy of which is attached hereto as Attachment 3)

In approving the Permit, the City considered the position of the Coastal Commission staff now being raised in the Appeal, and analyzed the matter as follows:

"As indicated by the Planning Commission's recommendation to the City Council, the Commission does not agree with the Coastal Commission staff's assertions. As clarified by the City Attorney and pursuant to the California Subdivision Map Act, 'the authority and discretion of

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the City in reviewing and acting on conversion applications is expressly limited and **such issues of consistency with the City's General Plan and Municipal Code are not specifically identified as a statutory factor that may be considered in conjunction with conversions.** The Planning Commission also **did not agree that the proposed conversion subdivision will result in 'the establishment of additional development potential and certain expectations and rights on the part of the land owner for certain levels of development.'** Further, any Coastal Act compliance issues that the Coastal Commission staff may have in relation to the approximately 15-year old recorded Lot Line Adjustment would not be preempted by the approval of the currently proposed conversion/subdivision. Lastly, Condition Number 11 of the proposed Resolution approving Vesting Tentative Tract Map requires that a Final Map shall not be reviewed until a Coastal Development Permit has been approved and issued by the California Coastal Commission for the deferred area of the subdivision. Although **staff is not aware of any Coastal Act inconsistencies**, this Condition would provide the Coastal Commission with the opportunity to independently review any current or previous Coastal Act compliance issues deemed necessary." (See page 3 of the January 5, 2010 City Staff Report on Permit, a copy of which is attached hereto as Attachment 3 [underline and bold added])

According to the February 16, 2010 Commission staff report, staff contends that a substantial issue exists with regard to the grounds on which the Appeal was filed because the City purportedly relied on Government Code Section 66427.5 preemption of the Coastal Act and purportedly did not analyze the subdivision's consistency with the LCP. Staff's assertion is absolutely false and continues to misrepresent the position of the City and the Applicant, as it did during the hearing on appealability. The Applicant and City position is quite different from what Commission staff misrepresents it to be.

First, as stated in the City staff report, Commission staff and the Appeal **fail to present any evidence to support the false premise** that the Permit will result in the establishment of additional development potential and certain expectations and rights on the part of the land owner for certain levels of development. The burden of producing evidence and burden of proof on all matters under the appeal are on the appellants. (See Evid. Code, §§ 500, 550)

The Application is for conversion of the existing mobilehome park, establishing lots on the same mobilehome spaces that have been approved as "lots" by the California Department of Housing and Community Development. There is no expectation of additional residences, no expectation of relocation of residential lots, nor any expectation of development on those lots designated as common areas. Indeed, any future development or additional residences would require a future application and approval of the California Department of Housing and Community Development. (See Health & Safety Code, § 18610.5)

Second, as stated in the City staff report, the City **did examine the LCP and did not find any inconsistencies with the subdivision.** There is substantial evidence in support of the City staff's conclusion on this matter, including but not limited to the Application itself which states that the Application is for conversion of an existing mobilehome park for the express purpose of conversion to resident ownership, with no new or anticipated development of any kind. Thus

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none of the impacts under the LCP alleged in the Appeal will occur as a result of the conversion Application. Once again, the appellant has both the burden of production of evidence and proof and this matter, and it has failed to demonstrate that City staff did not examine the LCP for consistency or that a failure to conduct such review would result in any of the alleged impacts. Most telling indeed is Commission staff's own conclusion that "there is no physical development currently contemplated." (See page 2 of October 27, 2009 Karl Schwing letter attached hereto as Attachment 4)

There is No Substantial Issue of Appealability
Because the Application Must Be Exempt From LCP Review Under
Principles of Statutory Construction Harmonizing
The Subdivision Map Act, the Mobilehome Parks Act and the Coastal Act

The position of the City and the Applicant is that Government Code Section 66427.5, when read in context of the entire pervasive and comprehensive mobilehome park statutory and regulatory scheme created by the California Legislature and Department of Housing and Community Development, must be harmonized with the Coastal Act so as to exempt mobilehome park conversions to resident ownership from Coastal Act review under the City's LCP. Under principles of statutory construction, the enactment of Government Code Section 66427.5 impliedly amended the Coastal Act to exempt existing mobilehome park conversion to resident ownership from Coastal Act review under the City's LCP. (See *McLaughlin v. State Bd. of Educ.* (1999) 75 Cal.App.4th 196, 219-225) Commission staff and appellants totally misrepresent the position of the City and the Applicant regarding the legal argument that the Application is exempt from Coastal Act review under Government Code Section 66427.5 by wrongfully attempting to claim that the City and Applicant are relying solely on preemption.¹

The logic of the City and Applicant position of implied exemption is inescapable given the recent pronouncements by the Court of Appeal interpreting the broad exclusive scope of Government Code Section 66427.5. While those pronouncements are made in a case preempting a local city ordinance, the Court of Appeal analysis and interpretation of the pervasive and comprehensive mobilehome park statutory scheme regarding subdivision for conversion to resident ownership is not limited to situations involving preempted local ordinances.

The starting point for the implied amendment analysis is Government Code Section 66427.5, part of the Subdivision Map Act that pertains expressly and exclusively to mobilehome park conversions to resident ownership. Government Code Section 66427.5 (e) provides that "the scope of the hearing [on a mobilehome park conversion subdivision application] shall be limited to the issue of compliance with this section." The California Court of Appeal has now held on two occasions that Section 66427.5 means what it says: "It says in effect: Local authority, you have this power, but no more." (*Sequoia Park Associates v. County of Sonoma* (2009) 176 Cal.App.4th 1270, 1296)

¹ While the City and Applicant do not principally rely on principles of preemption, they do not rule out the argument that Government Code Section 664267.5 might preempt City discretion on the Permit.

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Government Code Section 66427.5 must not be read in isolation, but instead as a part of a comprehensive and pervasive Legislative scheme governing mobilehome parks from cradle to grave: "Section 66427.5 does not stand alone. If the Legislature ever did leave the field of mobilehome park legislation to local control, that day is long past." (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1279)

It is the California Department of Housing and Community Development, not the Coastal Commission, that is given exclusive and plenary control over mobilehome park design, construction, use and development under the Mobilehome Parks Act: "These statutory schemes indicate that the state is clearly the dominant actor on this stage. Under the Mobilehome Parks Act, it is the HCD, a state agency, not localities, that was entrusted with the authority to formulate specific requirements relating to construction, maintenance, occupancy, use and design of mobilehome parks." (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1281)

Indeed, the mobilehome park statutory and regulatory scheme is so pervasive and preemptive that the City cannot even consider general plan or zoning compliance: "As already established, section 66427.5 strictly prohibits localities from deviating from the state mandated criteria for approving a mobilehome park conversion application. Yet the Ordinance directs that the application shall be approved 'only if the decision maker finds that,' in addition to satisfying the survey and tenant impact report requirements imposed by section 66427.5, the application (1) 'is consistent with the general plan' and other local land and zoning use regulations; (2) demonstrates that 'appropriate' financial provision has been made to underwrite and 'ensure proper long term management and maintenance of all common facilities and infrastructure'; (3) the applicant shows that there are 'no conditions existing in the mobile home park that are detrimental to public health or safety'; and (4) the proposed conversion 'is a bona fide resident conversion' as measure against the percentage-based presumptions established by the Ordinance. ... However commendable or well intentioned these additions may be, they are improper additions to the exclusive statutory requirements of section 66427.5." (*Sequoia Park Associates v. County of Sonoma, supra*, 176 Cal.App.4th at 1299)

Juxtaposing the Coastal Act alongside the pervasive and comprehensive scope of mobilehome park law, especially the limited non-discretionary review for mobilehome park conversion under the Subdivision Map Act, the conclusion is inescapable that Government Code Section 66427.5 impliedly amends the Coastal Act to exempt mobilehome park conversion to resident ownership from Coastal Act review under the City's LCP.

The position of the Commission staff and appellant that the Coastal Act prevails over the Subdivision Map Act and Mobilehome Parks Act would eviscerate Government Code Section 66427.5. A local coastal program under the Coastal Act "serves essentially the same function as a general plan." (*City of Chula Vista v. Superior Court* (1982) 133 Cal.App.3d 472, 487) If the City were allowed to conduct review of its Local Coastal Program contained in its General Plan under the Coastal Act for a conversion to resident ownership, it would entirely frustrate the purpose of Government Code Section 66427.5, which operates to prevent General Plan review and requirements for a simple conversion to resident ownership of existing mobilehome park residences.

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On the other hand, the City and Applicant interpretation perfectly harmonize and balance the parallel universes of the Subdivision Map Act, Mobilehome Parks Act and the Coastal Act by taking into account that, under the Coastal Act, there is an exemption for improvements to existing residences and an available discretionary exemption as well. (See Pub. Res. Code, § 30610 (a), (e)) Because a mobilehome park conversion to resident ownership is the mere mapping of an existing residential lot without any improvements, such conversion is even more deserving of an exemption than the statutory exemption for improvements to existing residences.

Therefore, the Coastal Commission is compelled to harmonize the Coastal Act with the Mobilehome Parks Act and with Government Code Section 66427.5 of the Subdivision Map Act to either implicitly or explicitly exempt the Application from Coastal Act review under the City's LCP. Thus, the City's (and Applicant's) position that it cannot review the Application under the LCP is entirely valid and consistent with all applicable statutes.

Issues Raised in the Appeal Exceed the Commission Jurisdiction

The California Court of Appeal recently made it clear that the Commission cannot exceed the statutorily limited scope of its appellate jurisdiction, and that the Commission cannot expand that jurisdiction by creating issues on appeal. (*Security National Guaranty, Inc. v. California Coastal Com.*, *supra*, 159 Cal.App.4th at 422) In *Security National Guaranty*, the Commission attempted to change the content of the applicable local LCP during the processing of the appeal by designating additional land as environmentally sensitive habitat area. The Court of Appeal held that such designation improperly changed the applicable LCP standards, that such change could only be made by the local agency and not by the Commission, and that the changed designation was internally inconsistent with the other terms of the LCP.

Issues raised by the Appeal and Commission staff would similarly exceed the limited scope of the Commission's appellate jurisdiction. Chief among those issues is the inappropriate attempt to link the Application to a prior lot split in order to claim that the Permit involves property other than that which was the subject of the "development approved" by the City. The "development approved" by the City was the conversion to resident ownership of the 47 acre mobilehome park property legally described in the Application, nothing more.

The Commission cannot here expand its appellate jurisdiction by treating the prior lot line adjustment during the appeal as if it never existed. The Applicant and the City understand that the Commission claims that there is a violation for failure to obtain a CDP at the time of that 1995 lot line adjustment. But that Commission claim does not change the fact that the Coastal Commission jurisdiction is limited to the "development approved" by the City, not to the development that the Coastal Commission would like to claim was approved. The Commission's course of action for the alleged violation is to bring an enforcement action, but the existing violation notice cannot expand the scope of the Commission's appellate jurisdiction.

Additionally, as set forth in the Applicant's February 8, 2010 submission on the issue of appealability, which is incorporated herein by this reference, the Commission staff and appellants position that the entire property existing prior to the lot line adjustment must be

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considered as the “development approved” is barred by the applicable statute of limitations (See Govt. Code, § 66499.37; *Presenting Jamul v. Board of Supervisors* (1991) 231 Cal.App.3d 665, 670-671 [statute of limitations broadly construed to apply to all public agency requirements related to subdivision]) and by the equitable doctrines of laches and estoppel. (See *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 488-489 [title issues cannot be raised after property developed based on public agency failure to assert public trust issues]; see also *Holt v. County of Monterey* (1982) 128 Cal.App.3d 797, 801 [same result under equitable doctrine of laches])

The Court of Appeal recently rejected a similar argument that a Commission failure to enforce a stale violation of the Coastal Act with respect to a prior land use approval could be raised as an issue on appeal. (See *McAllister v. County of Monterey* (2007) 147 Cal.App.4th 253, 292 [“As the judicially noticed documents demonstrate, however, there is no violation of ‘this title’ in this case, only a decades old violation of a prior permit, which was issued more than a decade before the Coastal Commission’s 1988 certification of the County’s LCP.”])

Other issues raised by the appellants and Commission staff similarly improperly attempt to expand the scope of the Commission’s appellate jurisdiction by ignoring the “development approved” and seeking to mischaracterize it as, *inter alia*, a condominium conversion, a restriction of access to neighboring property, and pre-existing park street and space approvals/construction.

Conclusion

The Appeal and Commission staff report mischaracterize the nature of the “development approved” and distort the positions of the City and the Applicant. There is absolutely no evidence of a substantial issue raised by the Appeal given the true nature of the Application for conversion to resident ownership. Applying principles of statutory construction, the Application was appropriately treated by the City as exempt from review under the City’s LCP. The Appeal cannot treat the Application as involving property or a property division other than conversion of the 47-acre mobilehome park to resident ownership.

Under the Commission five-factor test for determining whether there is a substantial issue on appeal, the Commission must conclude: (1) the Application and City staff report provide substantial evidence in support of the City’s Permit; (2) the “development approved” by the Permit is the mere conversion to resident ownership of existing mobilehome residences; (3) coastal resources will not be affected by the conversion; (4) there is no precedential value for the City’s decision for future interpretations of its LCP because Government Code Section 66427.5 will not apply to other properties within the LCP (there is only one other small mobilehome park in the LCP with no pending subdivision); and (5) the Appeal raises only local issues under the City’s LCP.

Finally, the Commission might want to consider the unintended consequences of making a determination that there is a substantial issue on Appeal. The first unintended consequence is that if the matter goes to court and the court issues a decision that there is no substantial issue on the Appeal, then the Commission will lose its leverage to assert the lot line adjustment issue



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with the Applicant's neighboring property owner. It appears from the Commission records that the lot line adjustment issue was raised by the Commission staff relative to Commission issues with that adjacent property owner.

The second unintended consequence is that if the Commission prevails on the lot line adjustment issue in court, or even if the Appeal proceeds to hearing on the lot line adjustment issue without intervening court process, then the Commission proceeding might impact title to dozens of properties within the City of Laguna Beach with lot line adjustments not permitted by the Coastal Commission. The Commission may be required to notice all of those property owners and their respective title insurance companies of the hearing on the Appeal and may be required to allow them to participate.

We urge the Commission to consider this matter carefully and to appropriately determine that the Appeal does not raise a substantial issue.

HART, KING & COLDREN

Boyd U. Hill

Enclosure: Attachments 1-4

cc:	Ken Frank	by e-mail only, without attachments
	Phil Kohn	by e-mail only, without attachments
	John Montgomery	by e-mail only, without attachments
	Scott Drapkin	by e-mail only, without attachments

ATTACHMENT NO. 1

LAGUNA TERRACE PARK

February 20, 2009

VIA MESSENGER

Scott Drapkin
Planning Division
City of Laguna Beach
505 Forest Ave.
Laguna Beach, CA 92651

**RE: Laguna Terrace Park, LLC ("Laguna Terrace")
Application for Vesting Tentative Tract Map No. 17301
("Application")**

Dear Mr. Drapkin:

I enjoyed meeting with you recently regarding the City's requirements for the above-referenced Application. In accordance with those requirements, please find enclosed the following Laguna Terrace Application materials:

1. Development Review Application with Acknowledgement;
2. First American Title Company Preliminary Report dated February 29, 2008;
3. Tenant survey results;
4. Report on Impact of Subdivision to Residents; and
5. Vesting Tentative Tract Map No. 17301 (5 copies)

Exclusions

Because the proposed subdivision is a simple conversion to allow for eventual resident ownership of the lots on which existing residential manufactured homes are currently placed, many of the City's subdivision requirements for typical residential subdivisions are not applicable. Therefore, Laguna Terrace is not required to submit environmental impact information, a geologic report, a soils report, the drainage area, cut and fill slopes, tree planting plans, maximum building envelopes, sewer water and road details, or grading plans.

As set forth in the Report on Impact of Subdivision to Residents, because there will be no change of use resulting from the subdivision, provisions of the Government Code Sections 66427.4 and 65863.7 and the City Code Chapter 1.11 do not apply. There will

be no tenant relocation and therefore no need to hire a relocation consultant or to provide relocation mitigation measures.

Application Fee Amount

As we discussed, we remain concerned about the strict application of the City's tentative tract map fees towards the conversion. The mobile home park is already physically in place and no new construction or improvements are contemplated with the tentative map. Approval of a tentative tract map will not result in any physical changes in the environment, but merely allow for the eventual sale of individual lots to existing residents.

We of course remain committed to an application fee that is reasonably related to the tentative tract map's review. Pursuant to Government Code Section 66014, when a local agency charges fees for the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7, those fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged.

In this case, not only are there no physical improvements associated with the tentative tract map, its review by the City is statutorily limited in scope by Government Code Section 66427.5, which we discussed at length at our meeting.

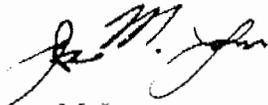
It does not appear that the City has a fee structure that ever contemplated a tentative tract map for the purposes of a mobilehome park conversion, but instead one that applies towards traditional "raw dirt" subdivision projects. The City's fee for tentative tract maps is \$3,690 plus \$615 per lot plus actual costs over minimum. A strict application of that fee structure towards the proposed tentative tract map would result in an application fee of \$103,320. Again, the map's review is statutorily limited in scope and would not involve any physical changes in the environment. In contrast, the recent fourteen-lot subdivision adjacent to the Montage Resort, a "raw dirt" subdivision project that involved extensive engineering studies, grading and infrastructure, had an application fee of \$12,300 under the same formula.

Although not strictly a condominium conversion as defined in the City's Municipal Code, our proposed tentative tract map may be more akin to the far less expensive process for a condominium conversion. The condominium conversion fees are \$2,500 plus actual costs over minimum. Clearly, while both fee structures capture actual costs over minimum, the fee structure for condominium conversions implies far less review than that for a "raw dirt" subdivision process. We feel that the application fee for a condominium conversion more closely approximates the "estimated reasonable cost" of providing the map's limited review, pursuant to Government Code Section 66014. Should the lower application fee not provide enough funds for adequate and appropriate review, we of course would deposit additional funds to maintain a funded account to pay for the project's "actual costs over minimum" as required by Resolution No. 06.017 (Planning and Zoning Fees).

Based on our previous discussions, we're confident that the enclosed materials, with the exception of the application fee, provide a complete Application for Vesting Tentative Tract Map No. 17301. Upon determination by the Community Development Department regarding the appropriate amount for the Application Fee, we will submit such amount in a timely fashion.

Please promptly advise as to the appropriate fee amount and whether the Application is complete. We look forward to working with City staff and Laguna Terrace Park residents in the process for review and approval of the Application.

Sincerely,



James M. Lawson
General Manager
Laguna Terrace Park

c: Boyce Belt, President, Laguna Terrace Park Association
Kelly Boyd, Mayor

DEVELOPMENT REVIEW APPLICATION

Please completely fill-in the top-half of side one.

PROJECT LOCATION/ADDRESS <u>30802 South Coast Highway, Laguna Beach, CA 92651</u>	
OWNER <u>Laguna Terrace Park LLC</u>	AGENT <u>Laguna Terrace Park, Inc., James Lawson, Manager</u>
ADDRESS <u>30802 South Coast Highway</u>	ADDRESS <u>30802 South Coast Highway</u>
CITY <u>Laguna Beach</u> STATE <u>CA</u> ZIP <u>92651</u>	CITY <u>Laguna Beach</u> STATE <u>CA</u> ZIP <u>92651</u>
TELEPHONE NO. <u>(949) 499-3000</u>	TELEPHONE NO. <u>(949) 499-3000</u>
CELL PHONE NO. <u>(949) 290-6708</u>	CELL PHONE NO. <u>(949) 290-6708</u>
EMAIL ADDRESS <u>jamesmlawson@hotmail.com</u>	EMAIL ADDRESS <u>jamesmlawson@hotmail.com</u>
VALUATION OF WORK \$ <u>-0-</u>	LOT SIZE <u>± 46.62 acres</u>
ASSESSOR'S PARCEL NO. <u>056-240-64 and 656-191-38</u>	
DESCRIBE IN DETAIL SCOPE OF WORK <u>This is a vesting tentative map for a subdivision to be created by conversion of a 158 space rental mobilehome park to resident ownership with 158 residential lots plus 4 non-residential lots (156, 160, 161 and A).</u>	

	FLOOR AREA	GARAGE AREA	DECK AREA	STORAGE AREA	TOTAL REMODEL AREA	NO. OF STORIES
EXISTING BUILDING	as shown on map					
NEW CONSTRUCTION	none					
TOTALS						

The remainder of side one is for staff use only. See other side for required certificates and signatures.

TYPE OF APPLICATION	FEE	DATE RECEIVED	APPLICATION NUMBER	DATE APPROVED / DENIED			
				ADMIN	BOARD/DRB	PC	CC
PRE-APPLICATION SITE MEETING							
ZONING PLAN CHECK							
DESIGN REVIEW							
COASTAL DEVELOPMENT PERMIT							
VARIANCE							
SUBDIVISION							
CEQA							
OTHER:							

YARDS	MAIN BUILDING		ACCESSORY BUILDING		HEIGHTS		CLEARANCE	BY	DATE
	MINIMUM	SHOWN	MINIMUM	SHOWN	SHOWN	MAXIMUM			
FRONT							CEQA		
RIGHT SIDE							ZONING PLAN CHECK		
LEFT SIDE					SLOPE	HEIGHT FF/FG	ZONING / PLANNING		
REAR							STRUCTURAL PLAN CHECK		
DISTANCE BETWEEN BUILDINGS							FINAL CHECK		

Coastal Development Permit

Development Category: Local Coastal Development Permit is required, and it is is not appealable to Coastal Commission.
 Coastal Commission Permit is required.
 Categorical Exclusion
 Exempt (List Code Section)

OWNER'S CERTIFICATE

1. There are no assurances at any time, implicitly or otherwise, regarding final staff recommendations to the decision-making body about this application.
2. Major changes to the project may require a new application and payment of additional or new fees.
3. If this application is approved I hereby certify that I will comply with all conditions of approval. I also understand that the failure to abide by and faithfully comply with any and all conditions attached to the approval action shall constitute grounds for the revocation of said approving action by the approving authority.
4. I hereby certify that to the best of my knowledge the information I have presented in this form and the accompanying materials is true and correct. I also understand that additional data and information may be required prior to final action on this application. I have read and understand the content contained in this certificate.
5. I understand that it is the responsibility of the property owner to ensure that discrepancies do not exist between the project's description on the permit, the architectural plans and the structural plans. If discrepancies exist between the architectural plans and the structural plans, the architectural plans shall take precedence. Ultimately, the scope of work, as described on the permit that is authorizing the construction, takes precedence over the plans. If there is a discrepancy between the plans and the description on the permit, the permit governs.

6. I am the record owner of the property described in this application, and hereby consent to the filing of the application.

Laguna Terrace Park LLC

By: _____

Signature of its Manager

2/17/09

Date

AUTHORIZATION OF AGENT

I am the record owner of the property described in this application and hereby designate and authorize the agent as shown on the reverse of this form to act on my behalf in all matters pertaining to processing this application through the City of Laguna Beach.

Laguna Terrace Park LLC

By: _____

Signature of its Manager

2/17/09

Date

ACKNOWLEDGMENT

State of California
County of Orange

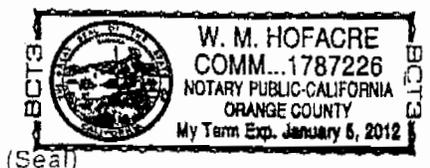
On February 17, 2009 before me, W. M. HOFACRE
(insert name and title of the officer)

personally appeared Stephen W. Esslinger
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature W M Hofacre



Development Review Application
Document to which this is attached

**Amended & Updated
through 02/29/2008**



**First American Title Insurance Company
National Commercial Services**

**5 First American Way
Santa Ana, CA, 92707**

Sandy W. Minger
Wachovia Multifamily Capital
7255 Woodmont Ave., Suite 200
Bethesda, MD 20814-7904
Phone: (301)321-1267
Fax: (866)210-8438

Title Officer: Ruben Mares
Phone: (714)250-8360
Fax No.: (714)242-9561
E-Mail: rumares@firstam.com

Buyer:

Owner: Laguna Terrace Park, LLC

Property: 30802 South Coast Highway, Laguna Beach, CA

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of February 29, 2008 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

To Be Determined

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

Laguna Terrace Park LLC, a California limited liability company

The estate or interest in the land hereinafter described or referred to covered by this Report is:

Fee Simple

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

- A1. General and special taxes and assessments for the fiscal year 2008-2009 , a lien not yet due or payable.
 - 1. General and special taxes and assessments for the fiscal year 2007-2008.

First Installment:	\$2,882.94, PAID
Penalty:	\$0.00
Second Installment:	\$2,882.94, DUE
Penalty:	\$0.00
Tax Rate Area:	05-027
A. P. No.:	056-240-64
 - 2. General and special taxes and assessments for the fiscal year 2007-2008.

First Installment:	\$30,305.44, PAID
Penalty:	\$0.00
Second Installment:	\$30,305.44, DUE
Penalty:	\$0.00
Tax Rate Area:	05-027
A. P. No.:	656-191-38
 - 3. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

4. Rights of the public in and to that portion of the land lying within any lawfully established streets, roads or highways.
5. An easement for a right of way for state highway, 80 feet wide and right to extend excavation and embankment slopes beyond limits of said 80-foot strip and incidental purposes, recorded October 23, 1926 in Book 683 of Deeds, Page 215.
In Favor of: State of California
Affects: As described therein
6. An easement for right to extend and maintain drainage structures, upon, over and across that portion of the land outside of the 80-foot right of way and incidental purposes, recorded in Book 683 of Deeds, Page 215 and recorded February 23, 1932 in Book 533, Page 482 both of official records.
In Favor of: State of California
Affects: As described therein
7. A waiver of any claims for damages by reason of the location, construction, landscaping or maintenance of a contiguous freeway, highway, roadway or transit facility as contained in the document recorded as Book 683, page 215 of Deeds and Book 533, Page 482 of Official Records.
8. An easement for public utilities and incidental purposes, recorded April 12, 1940 as Book 1042, Page 141 of Official Records.
In Favor of: Southern California Edison Company, a Corporation
Affects: As described therein
9. An easement for ingress and egress and to install maintain, repair, replace and use pipe lines for water and sewage and incidental purposes, recorded June 16, 1943 as Book 1189, Page 559 of Official Records.
In Favor of: Lagunria Community Association, a corporation
Affects: As described therein
10. An easement for water system transportation and distribution and incidental purposes, recorded August 13, 1954 as Book 2792, Page 464 of Official Records.
In Favor of: South Coast County Water District
Affects: As described therein
11. An easement for either or both underground lines, conduits and incidental purposes, recorded April 12, 1955 as Book 3028, Page 244 of Official Records.
In Favor of: The General Telephone Company of California
Affects: As described therein
12. An easement for either or both pole lines, conduits and incidental purposes, recorded April 13, 1955 as Book 3030, Page 79 of Official Records.
In Favor of: Southern California Edison Company, a Corporation
Affects: As described therein

13. An easement for either or both pole lines, conduits and incidental purposes, recorded April 13, 1955 as Book 3030, Page 88 of Official Records.
In Favor of: Southern California Edison Company, a Corporation
Affects: As described therein
14. An easement for gas pipe lines and incidental purposes, recorded December 07, 1955 as Book 3308, Page 347 of Official Records.
In Favor of: Southern Counties Gas Company of California
Affects: As described therein
15. An easement for either or both pole lines, conduits and incidental purposes, recorded August 06, 1958 as Book 4373, Page 594 of Official Records.
In Favor of: Southern California Edison Company, a Corporation
Affects: As described therein
16. An easement for either or both pole lines, conduits and incidental purposes, recorded February 3, 1960 as Book 5084, Page 436 of Official Records.
In Favor of: Southern California Edison Company, a Corporation
Affects: As described therein
17. An easement for either or both pole lines, conduits and incidental purposes, recorded December 1, 1960 as Book 5532, Page 37 of Official Records.
In Favor of: Southern California Edison Company, a Corporation
Affects: As described therein
18. An easement for ingress, egress, road and public utility purposes, as set forth in an Agreement of Lease, dated November 2, 1953, executed by and between Paul H. Esslinger and Marie M. Esslinger, as Lessors, and Alpha Beta Food Markets, Inc., a California Corporation, as Lessee, recorded January 25, 1961 in Book 5605, Page 113 of Official Records, a certificate (Memorandum) of said Lease was recorded January 14, 1955 in Book 2923, Page 461 of Official Records, over a portion of the land, said portion lying adjacent to and Northeasterly of the land described in that certain Deed to the State of California, recorded October 23, 1926 in Book 683, Page 215 of Deeds.
19. An easement for street, highway and incidental purposes, recorded April 7, 1961 as Book 5682, Page 637 of Official Records.
In Favor of: The County of Orange
Affects: As described therein
20. An easement for street, highway and incidental purposes, recorded April 18, 1962 as Book 6079, Page 524 of Official Records.
In Favor of: The County of Orange
Affects: As described therein
21. An easement for a sanitary sewer main and incidental purposes, recorded January 4, 1963 as Book 6384, Page 119 of Official Records.
In Favor of: South Laguna Sanitary District
Affects: As described therein

22. An easement for sewer pipelines, manholes, and other sewer facilities and appurtenances and incidental purposes, recorded January 4, 1963 as Book 6384, Page 124 of Official Records.
In Favor of: South Laguna Sanitary District
Affects: As described therein
23. An easement for ingress, egress road, parking and incidental purposes, recorded December 30, 1966 as Book 8141, Page 960 of Official Records.
In Favor of: Paul H. Esslinger and Marie M. Esslinger as Trustees, as joint tenants
Affects: As described therein
24. An easement for street, highway and incidental purposes, recorded February 17, 1967 as Book 8179, Page 286 of Official Records.
In Favor of: The County of Orange
Affects: As described therein
25. An easement for either or both pole lines, conduits and incidental purposes, recorded April 3, 1968 as Book 8561, Page 837 of Official Records.
In Favor of: Southern California Edison Company, a Corporation
Affects: As described therein
26. An easement for public sidewalk and incidental purposes, recorded June 1, 1981 as Book 14081, Page 1903 of Official Records.
In Favor of: Santa Anita Development Corporation, a California Corporation
Affects: As described therein
27. An easement for ingress, egress, public utility and incidental purposes, recorded April 26, 1984 as Instrument No. 84-172916 of Official Records.
In Favor of: Marie M. Esslinger, as successor trustee of the Marilyn E. Smith Trust Established December 30, 1976, by Paul H. Esslinger and Marie M. Esslinger, Trustors, and Marie M Esslinger as successor trustee for Marilyn Esslinger Smith and Donald K. Smith, husband and wife, beneficiaries
Affects: As described therein
28. Covenants, conditions, restrictions and easements in the document recorded April 26, 1984 as Instrument No. 84-172916 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

29. An easement for ingress, egress, public utility and incidental purposes, recorded April 26, 1984 as Instrument No. 84-172917 of Official Records.
In Favor of: Marie M. Esslinger as successor trustee of irrevocable trust established by Interim Declaration of Trust dated December 30, 1960, and formalized by trust agreement effective January 2, 1961
Affects: As described therein
30. Covenants, conditions, restrictions and easements in the document recorded April 26, 1984 as Instrument No. 84-172917 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
31. Covenants, conditions, restrictions and easements in the document recorded April 26, 1984 as Instrument No. 84-172918 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
32. An easement for ingress, egress, public utility and incidental purposes, recorded April 26, 1984 as Instrument No. 84-172918 of Official Records.
In Favor of: Marie M. Esslinger, as successor trustee for Marilyn Smith and Donald K. Smith, husband and wife, beneficiaries, and Marilyn M. Smith and Paul R. Esslinger as successor co-trustees of the Esslinger Family Trust dated April 16, 1976
Affects: As described therein
33. An easement for public utilities and incidental purposes, recorded May 27, 1986 as Instrument No. 86-217053 of Official Records.
In Favor of: The General Telephone Company of California
Affects: As described therein
34. An easement for public utilities and incidental purposes, recorded May 30, 1986 as Instrument No. 86-224658 of Official Records.
In Favor of: Southern California Edison Company, a Corporation
Affects: As described therein
35. The terms, provisions and easement(s) contained in the document entitled "Parking and Easement Agreement" recorded April 26, 1993 as Instrument No. 93-0275201 of Official Records.
36. The terms, provisions and easement(s) contained in the document entitled "Natural Gas Line Easement Agreement" recorded April 26, 1993 as Instrument No. 93-0275210 of Official Records.

37. A document entitled "Certificate of Compliance" recorded November 22, 1995 as Instrument No. 1995-0520275 of Official Records.
38. Covenants, conditions, restrictions and easements in the document recorded September 15, 1997 as Instrument No. 1997-0449412 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
39. An easement for drainage purposes to accommodate existing flow and incidental purposes, recorded September 15, 1997 as Instrument No. 1997-0449412 of Official Records.
In Favor of: Kenneth J. Cummins, successor trustee of the Esslinger Family Trust established April 16, 1976
Affects: As described therein
40. An easement for ingress and egress and incidental purposes, recorded September 15, 1997 as Instrument No. 1997-0449412 of Official Records.
In Favor of: Kenneth J. Cummins, successor trustee of the Esslinger Family Trust established April 16, 1976
Affects: As described therein
41. The terms and provisions contained in the document entitled "A Resolution of The Planning Commission of the City of Laguna Beach Approving Conditional Use Permit 00-33" recorded October 19, 2000 as Instrument No. 2000-0560374 of Official Records.
42. The terms, provisions and easement(s) contained in the document entitled "Easement Agreement" recorded January 5, 2001 as Instrument No. 2001-0008894 of Official Records.

Document re-recorded January 26, 2001 as Instrument No. 2001-0046471 of Official Records.
43. A Deed of Trust to secure an original indebtedness of \$14,500,000.00 recorded February 26, 2002 as Instrument No. 2002-161340 of Official Records.
Dated: February 25, 2002
Trustor: Laguna Terrace Park LLC, a limited liability company organized and existing under the laws of California
Trustee: First American Title Insurance Company
Beneficiary: Lend Lease Mortgage Capital, L.P., a limited partnership organized and existing under the laws of Texas

Document re-recorded March 25, 2002 as Instrument No. 2002-0240419 of Official Records.

According to the public records, the beneficial interest under the deed of trust was assigned to Fannie Mae by assignment recorded February 26, 2002 as Instrument No. 2002-0161341 of Official Records.

44. A financing statement recorded February 26, 2002 as Instrument No. 2002-0161342 of Official Records.

Debtor: Laguna Terrace Park LLC

Secured party: Fannie Mae

A continuation statement was recorded February 13, 2007 as Instrument No. 2007000094407 of Official Records.

45. This item has been intentionally deleted.

46. Notice of pendency of action recorded April 22, 2004 as Instrument No. 2004000341682 of Official Records.

Court: Superior Court of the State of California

Case No.: 04CC05115

Plaintiff: Paul R. Esslinger, an individual

Defendant: Stephen W. Esslinger, an individual; Amy J. Esslinger, an individual; Laguna Terrace Park, LLC, a California limited liability company; The Esslinger Family Limited Partnership, a Nevada limited partnership; and DOES ! through 100, inclusive

Purpose: A real property claim

Document(s) declaring modifications thereof recorded December 10, 2004 as Instrument No. 2004001102320 of Official Records.

47. Notice of pendency of action recorded November 03, 2005 as Instrument No. 2005000887124 of Official Records.

Court: Superior Court of The State of California

Case No.: 05CC02237

Plaintiff: Laguna Terrace Park, LLC

Defendant: Paul R. Esslinger, et al.

Purpose: Title to and the right to possession

The above Notice of Pendency of Action is related to the Notice as shown as item 46 above.

48. This item has been intentionally deleted.

49. Rights of parties in possession.

INFORMATIONAL NOTES

1. Taxes for proration purposes only for the fiscal year 2007-2008.
First Installment: \$0.00, NO TAX DUE
Second Installment: \$0.00, NO TAX DUE
Tax Rate Area: 05-031
APN: 656-191-28
2. According to the latest available equalized assessment roll in the office of the county tax assessor, there is located on the land a(n) Commercial Structure known as 30802 South Coast Highway, Laguna Beach, California.
3. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None
4. This preliminary report/commitment was prepared based upon an application for a policy of title insurance that identified land by street address or assessor's parcel number only. It is the responsibility of the applicant to determine whether the land referred to herein is in fact the land that is to be described in the policy or policies to be issued.
5. Should this report be used to facilitate your transaction, we must be provided with the following prior to the issuance of the policy:
 - A. WITH RESPECT TO A CORPORATION:
 - a. A certificate of good standing of recent date issued by the Secretary of State of the corporation's state of domicile.
 - b. A certificate copy of a resolution of the Board of Directors authorizing the contemplated transaction and designating which corporate officers shall have the power to execute on behalf of the corporation.
 - c. Requirements which the Company may impose following its review of the above material and other information which the Company may require.
 - B. WITH RESPECT TO A CALIFORNIA LIMITED PARTNERSHIP:
 - a. A certified copy of the certificate of limited partnership (form LP-1) and any amendments thereto (form LP-2) to be recorded in the public records;
 - b. A full copy of the partnership agreement and any amendments;
 - c. Satisfactory evidence of the consent of a majority in interest of the limited partners to

the contemplated transaction;

- d. Requirements which the Company may impose following its review of the above material and other information which the Company may require.
- C. WITH RESPECT TO A FOREIGN LIMITED PARTNERSHIP:
- a. A certified copy of the application for registration, foreign limited partnership (form LP-5) and any amendments thereto (form LP-6) to be recorded in the public records;
 - b. A full copy of the partnership agreement and any amendment;
 - c. Satisfactory evidence of the consent of a majority in interest of the limited partners to the contemplated transaction;
 - d. Requirements which the Company may impose following its review of the above material and other information which the Company may require.
- D. WITH RESPECT TO A GENERAL PARTNERSHIP:
- a. A certified copy of a statement of partnership authority pursuant to Section 16303 of the California Corporation Code (form GP-I), executed by at least two partners, and a certified copy of any amendments to such statement (form GP-7), to be recorded in the public records;
 - b. A full copy of the partnership agreement and any amendments;
 - c. Requirements which the Company may impose following its review of the above material required herein and other information which the Company may require.
- E. WITH RESPECT TO A LIMITED LIABILITY COMPANY:
- a. A copy of its operating agreement and any amendments thereto;
 - b. If it is a California limited liability company, a certified copy of its articles of organization (LLC-1) and any certificate of correction (LLC-11), certificate of amendment (LLC-2), or restatement of articles of organization (LLC-10) to be recorded in the public records;
 - c. If it is a foreign limited liability company, a certified copy of its application for registration (LLC-5) to be recorded in the public records;
 - d. With respect to any deed, deed of trust, lease, subordination agreement or other document or instrument executed by such limited liability company and presented for recordation by the Company or upon which the Company is asked to rely, such document or instrument must be executed in accordance with one of the following, as appropriate:

(i) If the limited liability company properly operates through officers appointed or elected pursuant to the terms of a written operating agreement, such documents must be executed by at least two duly elected or appointed officers, as follows: the chairman of the board, the president or any vice president, and any secretary, assistant secretary, the chief financial officer or any assistant treasurer;

(ii) If the limited liability company properly operates through a manager or managers identified in the articles of organization and/or duly elected pursuant to the terms of a written operating agreement, such document must be executed by at least two such managers or by one manager if the limited liability company properly operates with the existence of only one manager.

e. Requirements which the Company may impose following its review of the above material and other information which the Company may require.

F. WITH RESPECT TO A TRUST:

- a. A certification pursuant to Section 18500.5 of the California Probate Code in a form satisfactory to the Company.
- b. Copies of those excerpts from the original trust documents and amendments thereto which designate the trustee and confer upon the trustee the power to act in the pending transaction.
- c. Other requirements which the Company may impose following its review of the material require herein and other information which the Company may require.

G. WITH RESPECT TO INDIVIDUALS:

- a. A statement of information.

6. Should this report be used to facilitate your transaction, we must be provided with the following prior to the issuance of the policy:

A. WITH RESPECT TO A CORPORATION:

1. A certificate of good standing of recent date issued by the Secretary of State of the corporation's state of domicile.
2. A certificate copy of a resolution of the Board of Directors authorizing the contemplated transaction and designating which corporate officers shall have the power to execute on behalf of the corporation.
3. Requirements which the Company may impose following its review of the above material and other information which the Company may require.

B. WITH RESPECT TO A CALIFORNIA LIMITED PARTNERSHIP:

1. A certified copy of the certificate of limited partnership (form LP-1) and any amendments thereto (form LP-2) to be recorded in the public records;
2. A full copy of the partnership agreement and any amendments;
3. Satisfactory evidence of the consent of a majority in interest of the limited partners to the contemplated transaction;
4. Requirements which the Company may impose following its review of the above material and other information which the Company may require.

C. WITH RESPECT TO A FOREIGN LIMITED PARTNERSHIP:

1. A certified copy of the application for registration, foreign limited partnership (form LP-5) and any amendments thereto (form LP-6) to be recorded in the public records;
2. A full copy of the partnership agreement and any amendment;
3. Satisfactory evidence of the consent of a majority in interest of the limited partners to the contemplated transaction;
4. Requirements which the Company may impose following its review of the above material and other information which the Company may require.

D. WITH RESPECT TO A GENERAL PARTNERSHIP:

1. A certified copy of a statement of partnership authority pursuant to Section 16303 of the California Corporation Code (form GP-I), executed by at least two partners, and a certified copy of any amendments to such statement (form GP-7), to be recorded in the public records;
2. A full copy of the partnership agreement and any amendments;
3. Requirements which the Company may impose following its review of the above material required herein and other information which the Company may require.

E. WITH RESPECT TO A LIMITED LIABILITY COMPANY:

1. A copy of its operating agreement and any amendments thereto;
2. If it is a California limited liability company, a certified copy of its articles of organization (LLC-1) and any certificate of correction (LLC-11), certificate of amendment (LLC-2), or restatement of articles of organization (LLC-10) to be recorded in the public records;
3. If it is a foreign limited liability company, a certified copy of its application for registration (LLC-5) to be recorded in the public records;
4. With respect to any deed, deed of trust, lease, subordination agreement or other document or instrument executed by such limited liability company and presented for recordation by the Company or upon which the Company is asked to rely, such document or instrument must be executed in accordance with one of the following, as appropriate:
 - (i) If the limited liability company properly operates through officers appointed or elected pursuant to the terms of a written operating agreement, such documents must be executed by at least two duly elected or appointed officers, as follows: the chairman of the board, the president or any vice president, and any secretary, assistant secretary, the chief financial officer or any assistant treasurer;
 - (ii) If the limited liability company properly operates through a manager or managers identified in the articles of organization and/or duly elected pursuant to the terms of a written operating agreement, such document must be executed by at least two such managers or by one manager if the limited liability company properly operates with the existence of only one manager.
5. Requirements which the Company may impose following its review of the above material and other information which the Company may require.

F. WITH RESPECT TO A TRUST:

1. A certification pursuant to Section 18500.5 of the California Probate Code in a form satisfactory to the Company.
2. Copies of those excerpts from the original trust documents and amendments thereto which designate the trustee and confer upon the trustee the power to act in the pending transaction.
3. Other requirements which the Company may impose following its review of the material require herein and other information which the Company may require.

G. WITH RESPECT TO INDIVIDUALS:

1. A statement of information.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American Title Insurance Company expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

LEGAL DESCRIPTION

Real property in the City of Laguna Beach, County of Orange, State of California, described as follows:

PARCEL 1 AS SHOWN ON EXHIBIT "B" ATTACHED TO LOT LINE ADJUSTMENT LL 95-01 RECORDED NOVEMBER 22, 1995 AS INSTRUMENT NO. 19950520276 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

APN: 056-240-64 and 656-191-28 and 656-191-38

Title Wire Transfer Instructions

(Santa Ana - Title)

Date: 12/06/2006

Wire to: Wells Fargo Bank
550 California Street
San Francisco, CA 94163

ABA Number: 121000248

For Credit To: First American Title Insurance Company

Account Number: 4121109052

Reference: File No.: NCS-269239-SA1
Attn: Ruben Mares
Phone: (714)250-8360

Customer Name:

FUNDS FOR OTHER LOANS BEING INSURED BY FIRST AMERICAN TITLE MUST NOT BE COMBINED INTO ONE WIRE - OR FUNDS MAY BE RETURNED.

NOTE: ALL WIRES MUST REFERENCE (1) FIRST AMERICAN TITLE COMPANY AND (2) OUR ACCOUNT NUMBER - OR FUNDS MAY BE RETURNED

TO ENSURE RECORDING, THE TITLE OFFICER MUST BE ADVISED BEFORE THE WIRE IS SENT.

DISREGARD IF FIRST AMERICAN IS YOUR ESCROW SETTLEMENT AGENT - - CONTACT ESCROW OFFICER FOR WIRE INSTRUCTIONS.

The First American Corporation
First American Title Company
Privacy Policy

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values, a copy of which can be found on our website at www.firstam.com.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

EXHIBIT A
LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS (BY POLICY TYPE)

1. CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990
SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by their policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

2. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B - 1970
SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions of area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or

created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.

**3. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B - 1970
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 2 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage by reason of the matters shown in parts one and two following:

Part One

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

**4. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1970
WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE
SCHEDULE OF EXCLUSIONS FROM COVERAGE**

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant, (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy or acquired the insured mortgage and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder, (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy (except to the extent insurance is afforded herein as to any statutory lien for labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy).
4. Unenforceability of the lien of the insured mortgage because of failure of the insured at Date of Policy or of any subsequent owner of the indebtedness to comply with applicable "doing business" laws of the state in which the land is situated.

**5. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1970
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association Lenders Policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy, the exclusions set forth in paragraph 4 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage by reason of the matters shown in parts one and two following:

Part One

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

**6. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992
WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy; (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or the extent insurance is afforded herein as to assessments for street improvements under construction or completed at date of policy); or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
 - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

**7. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 6 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

B. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 1992

First American Title Insurance Company

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

**9. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 1992
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 8 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

Part One:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

**10. AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL
TITLE INSURANCE POLICY - 1987
EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:

* land use	* land division
* improvements on the land	* environmental protection.

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date.
This exclusion does not limit the zoning coverage described in items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:

First American Title Insurance Company

- * a notice of exercising the right appears in the public records on the Policy Date
- * the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking.

3. Title Risks:
- * that are created, allowed, or agreed to by you
 - * that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
 - * that result in no loss to you
 - * that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
5. Lack of a right:
- * to any land outside the area specifically described and referred to in Item 3 of Schedule A, or
 - * in streets, alleys, or waterways that touch your land
- This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

11. EAGLE PROTECTION OWNER'S POLICY

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 1998 ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 1998

Covered Risks 14 (Subdivision Law Violation), 15 (Building Permit), 16 (Zoning) and 18 (Encroachment of boundary walls or fences) are subject to Deductible Amounts and Maximum Dollar Limits of Liability

EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
 - a. building
 - b. zoning
 - c. land use
 - d. improvements on the land
 - e. land division
 - f. environmental protection

This exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.
This exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
 - a. a notice of exercising the right appears in the Public Records at the Policy Date; or
 - b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24 or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This exclusion does not limit the coverage described in Covered Risk 11 or 18.

12. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992 WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE WITH EAGLE PROTECTION ADDED

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the Land; (iii) a separation in ownership or a change in the dimensions or area of the Land or any parcel of which the Land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under insuring provisions 14, 15, 16 and 24 of this policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under insuring provisions 14, 15, 16 and 24 of this policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without Knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (this paragraph (d) does not limit the coverage provided under insuring provisions 7, 8, 16, 17, 19, 20, 21, 23, 24 and 25); or
 - (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the Land is situated.
5. Invalidity or unenforceability of the lien of the Insured Mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured Mortgage and is based upon:
 - (a) usury, except as provided under insuring provision 10 of this policy; or
 - (b) any consumer credit protection or truth in lending law.
6. Taxes or assessments of any taxing or assessment authority which become a lien on the Land subsequent to Date of Policy.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (a) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
 - (b) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
 - (c) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (i) to timely record the instrument of transfer; or
 - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.
8. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided under insuring provision 7.
9. Lack of priority of the lien of the Insured Mortgage as to each and every advance made after Date of Policy, and all interest charged thereon, over liens, encumbrances and other matters affecting title, the existence of which are Known to the Insured at:
 - (a) The time of the advance; or
 - (b) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than **it would have** been before the modification.
 This exclusion does not limit the coverage provided under insuring provision 7.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Environmental protection liens provided for by the following existing statutes, which liens will have priority over the lien of the Insured Mortgage when they arise: NONE.

13. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992 WITH EAGLE PROTECTION ADDED WITH REGIONAL EXCEPTIONS

When the American Land Title Association loan policy with EAGLE Protection Added is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 12 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

Part One:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

Part Two:

1. Environmental protection liens provided for by the following existing statutes, which liens will have priority over the lien of the Insured Mortgage when they arise: NONE

JRW
cc: RSE

The

GIBBS LAW FIRM

A PROFESSIONAL CORPORATION

GERALD R. GIBBS

TIMOTHY J. GIBBS

DAVID L. GIBBS

October 27, 2008

Rob Coldren
HART, KING & COLDREN
200 Sand Pointe # 400
Santa Ana, CA 92702

Dear Rob:

This is to advise you that the resident Homeowner's Association has conducted a Survey of Residents as provided by Government Code Section 66427.5.

The survey as conducted complied with subsection (d) of Government Code Section 66427.5 and the results obtained are as follows:

1. Survey Forms Sent	142
2. Responses Received	102
3. Responses in Support of Conversion	91
4. Responses Not in Support	5
5. Undecided Responses	6

You may report these results obtained by my client, which is the only Homeowner's Association in Laguna Terrace.

We are anxious to receive a regular update as to the progress and schedule for the conversion. In particular, a report on the recent meeting with the City of Laguna Beach would be appreciated.

Very truly yours,

THE GIBBS LAW FIRM, APC


Gerald R. Gibbs
Attorney At Law

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REPORT ON IMPACT OF SUBDIVISION TO RESIDENTS

Laguna Terrace Mobile Home Park

February 11, 2009

SECTION I. SCOPE OF REPORT

This Report on Impact of Subdivision to Residents (“**Report**”) is being prepared pursuant to California Government Code Section 66427.5 and City of Laguna Beach (“**City**”) Municipal Code Chapter 1.11, copies of which are attached hereto as Exhibits “A” and “B”. The Report explains the Tentative Tract Map Applicant’s assessment of a conversion from rental spaces to subdivided lots on residents of the Laguna Terrace Mobile Home Park (“**Park**”), located at 30802 South Coast Highway, City of Laguna Beach, State of California, 92651.

The Park currently has 158 residential spaces, 93 of which are rented under long term lease agreements, and only 42 of which rented out under month to month tenancies. The remaining spaces are either vacant (17), homes with removal pending (2), Park owned (2) or occupied by homes under storage agreements with mobilehome dealers or banks (2).

SECTION II DEFINITIONS

2.1 **Conversion Date:** The “**Conversion Date**” is the date after the subdivision final map has been approved by the City and after the Department of Real Estate has approved the subdivision for sale and is the date on which the first Lot in the Park is sold.

2.2 **Hearing Date:** The “**Hearing Date**” is the date on which the subdivision tentative map application is first heard by the City Planning Commission.

2.3 **Home:** The “**Home**” is the manufactured home that occupies the Space where the Resident is living as of the Hearing Date

2.4 **Lot:** A “**Lot**” is the land and fixed improvements within the Space on which the Resident’s Home is located as of the Hearing Date, plus a 1/158th share of the common area and facilities and one membership in the Homeowners’ Association to be formed as part of the subdivision process.

2.5 **Resident:** A “**Resident**” is a person living in a Home in the Park who meets the requirements for receiving protections afforded by applicable law.

2.6 **Space:** The "Space" is the leased premises on which the Resident's Home is located as of the Hearing Date.

SECTION III **NO ECONOMIC DISPLACEMENT OF RESIDENTS
BECAUSE OF STATUTORY RIGHT TO PURCHASE OR
CONTINUE LEASING**

All Residents will have the opportunity to either purchase the Lot on which their Home is situated or continue to lease their Space with statutory protections on rental rates after the Conversion Date. In either event, the Residents are statutorily protected against economic displacement resulting from subdivision.

3.1 **Resident's Statutory Right to Purchase Lot**

The Residents are protected from economic displacement pertaining to sale of the Lots by having the option to continue leasing their Space. Government Code Section 66427.5 (a) requires the subdivider to offer each Resident an option either to purchase the Lot or to continue renting the Space. In either event, the Resident may continue to live in its Home.

This Report cannot make determinations about impacts to the Residents resulting from the eventual sale price of the Lots under the purchase option. That is because the sale price of the Lots will not be established until some time after the tentative map subdivision approval.

After tentative map approval, the subdivider must next follow procedures and obtain approval of the subdivision from the Department of Real Estate under the Subdivided Lands Act. Only after approval by the Department of Real Estate will all of the factors that affect the Lot purchase price be established. The Resident will have the option to purchase its Lot after the Department of Real Estate approves the subdivision and issues its public report on the subdivision, and the subdivider offers the lots for sale.

The subdivider is not required to disclose an offer price at the time of filing of the tentative map application, and indeed is forbidden by the Subdivided Lands Act from making such a disclosure at that time. The first time that the Resident may become aware of even a tentative offer price for the Lot will be several weeks or months later, just prior to filing a notice of intention to sell with the Department of Real Estate under the Subdivided Lands Act.



HART, KING & GOLDREN

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Given that the Resident has the option to continue leasing its Space with statutory rental rate protections, as discussed below, the purchase option cannot in any event result in economic displacement of the Residents.

3.2 Resident's Statutory Right Continue Lease of Space Under Statutory Rental Protections

The Residents who do not exercise the option to purchase their Lots are protected from economic displacement by statutory restrictions on rental rates after the "Conversion Date." Government Code Section 66427.5 (f) limits the amount of rent increases for Residents that can take place upon conversion, thereby avoiding economic displacement, if any, from any rental increases after the Conversion Date.

For non-purchasing Residents who are not lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may only increase to market levels as determined by appraisal, and then only over a period of four years.

For non-purchasing Residents who are lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may only increase by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period. To qualify as a Low Income Household in Orange County, the following income limits were established for calendar year 2008.

Household Size (# of Persons)	1	2	3	4
Income Must be at or Below:	\$52,100	\$59,500	\$66,950	\$74,400

Thus, under the current statutory scheme, the Legislature has defined the exclusive and preempted scope of "mitigations" respecting any "economic displacement," assuming, without admitting, that increases in rent can be considered an economic displacement.

SECTION IV NO CLOSURE OR CHANGE IN ZONING

4.1 No Change in Zoning or Closure

The Park is currently zoned MH-OSC (Mobilehome-Open Space Conservation). The zoning will not change as a result of conversion of ownership to subdivided lots.

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Upon the Conversion Date, the Park owner legally will no longer have the right to terminate the tenancies and no longer have the right to require the Residents to vacate the property for purposes of closure of the Park or change in use. (See Govt. Code § 66427.5) Therefore, there will not be an eviction or displacement of Residents as a result of the subdivision.

4.2 Technical “Conversion” or “Change in Use” Only

The term “conversion” relating to a mobilehome park sometimes is used to describe the closure of the park to enable an alternative use. This is NOT what is occurring as a result of subdivision of the Park. The Park will remain a manufactured housing community, with the existing Residents having the right to either buy their Lot or to remain and rent their Space.

While conversion of a rental mobilehome park to a Resident-owned mobilehome park is identified as a “change of use” under California Mobilehome Residency law and under the Chapter 1.11 of the City’s Ordinance, it is more accurately described under the Subdivision Map Act as a change in the form of ownership. The Park is not being closed and the Residents are not being required to vacate the property.

4.3 Benefits of Conversion

Subdivision provides Residents with a choice to own the Lot on which their Home is located. Lot ownership gives the Residents greater flexibility with regard to financing for their Homes and other credit opportunities. Lot ownership allows the Residents to control their economic future. Residents do not have to be tied to monthly rental payments if they choose. Lot ownership also gives the Residents the freedom to use their Lot without all of the restrictions or costs that a landlord might impose. The Residents will have the opportunity to control the Park amenities that they will enjoy and pay for through the Homeowner’s Association.

4.4 Relocation Assistance Not Applicable

When a subdivision is created from conversion of a rental mobilehome park to resident ownership, a different type of conversion impact report is required than when a subdivision created from a change of use to a non-mobilehome park use or when the mobilehome park is closed.

Government Code Section 66427.5 governs the type of report that must be prepared for a subdivision which is created from conversion of a rental mobilehome park to resident ownership. This Government Code Section 66427.5 Report, which does not deal with a

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change in use of the property or closure of the Park, is simply required to explain the options of the Residents regarding their choice to purchase their Lot or to rent their Space.¹ The Park owner legally will no longer have a right to change the use of the Park or to close the Park after the Conversion Date.

This Report need not discuss displacement of Residents, replacement housing or mitigation of the reasonable costs of relocation, which issues would be involved in any subdivision resulting from a change of use of a mobilehome park or from closure of a mobilehome park. In fact Government Code Sections 66427.4 and 65863.7, which apply to subdivisions created from change of use to a non-mobilehome park use or to closure of a mobilehome park, expressly exempt from their requirements subdivisions that are created from conversion of a rental mobilehome park to resident ownership. (See Govt. Code §§ 66427.4 (e), 65863.7 (a))

4.5 Government Code Sections 66427.4 and 65863.7 and City Code Section 1.11.010 (b) Do Not Apply Because There is No Change in Use of the Park Resulting from the Subdivision

Section 1.11.010 (b) of the City's Municipal Code requires that a Relocation Impact Report be completed upon a "conversion" of a mobilehome park, whether by closure, subdivision or change of use. Section 1.11.015 defines a "conversion" to mean a change in use. A "conversion" is not defined as a subdivision in which the residents are being allowed to purchase their individual lots. In fact, Section 1.11.001 expressly limits the application of Chapter 1.11 only to "a subdivision map application connected with a conversion of use for a mobilehome park." In addition, Section 1.11.015 expressly defines an "Impact Report" as one complying with all applicable requirements of Government Code Sections 66427.4 and 65863.7. The requirements in those two Government Code sections do not apply to this subdivision in which there will be no change of use. The requirements of Government Code Section 66427.4 do not apply a subdivision which is created from the conversion of a rental mobilehome park to resident ownership. (See Govt. Code § 66427.4 (e)) The requirements of Government Code

¹ All of the Resident protections discussed in this Report are based upon the Applicant's assessment of the currently existing statutory scheme, and are not a promise, representation, or warranty on the part of the Applicant or its agents. The operative date for the time frame and protections described above is the Conversion Date as described in Section 2.1 above. Tenants on long-term leases will continue to have their rights under the leases after the Conversion Date. Of course, should the law change, the Applicant reserves the right to implement the conversion in accordance with the applicable valid and enforceable laws.



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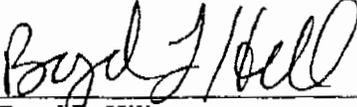
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Section 65863.7 do not apply to conversion of a mobilehome park to another use pursuant to the Subdivision Map Act. (See Govt. Code § 65863.7 (a))

In conclusion, the subdivision of the Laguna Terrace Mobilehome Park will not result in the relocation of any of its Residents. The vast majority of the Residents are under long-term leases that will not be impacted by the subdivision if they choose to remain tenants. The Residents also stand to gain by an opportunity to purchase their lots in a desirable beach city location.

Dated: February 11, 2009

Hart, King & Coldren

By: 
Boyd L. Hill
Attorneys for Applicant
Laguna Terrace Park, LLC

ATTACHMENT NO. 2

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RESOLUTION NO. 10.004

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA BEACH, CALIFORNIA, APPROVING VESTING
TENTATIVE TRACT MAP 09-03 (VESTING TENTATIVE TRACT
MAP 17301) AND COASTAL DEVELOPMENT PERMIT 09-36
AT 30802 COAST HIGHWAY.**

WHEREAS, an application has been filed by the owner of property located at 30802 Coast Highway, requesting approval of Vesting Tentative Tract Map 09-03 (Vesting Tentative Tract Map 17301) and Coastal Development Permit 09-36 to subdivide an approximate 47-acre parcel into 157 mobile home spaces and four lettered lots, for the purpose of converting an existing rental space mobile home park into a resident-owned mobile home park; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), the proposed project qualifies for a Class 1 (Existing Facilities) Categorical Exemption, under Section 15301 of the State CEQA Guidelines because the project "involves negligible or no expansion of an existing use" inasmuch as the existing land use of the project site is a mobile home park and the requested subdivision would not physically change the site and/or surroundings, change the existing land use, or change the Park density; and

WHEREAS, on October 28, 2009 and November 18, 2009, the Planning Commission conducted legally noticed public hearings and, after reviewing all documents and testimony, voted to recommend to the City Council approval of the Vesting Tentative Tract Map 09-03 (Vesting Tentative Tract Map 17301) and Coastal Development Permit 09-36; and

WHEREAS, on January 5, 2010, the City Council conducted a legally noticed public hearing and, after reviewing all documents and testimony, desires to approve the Vesting

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Tentative Tract Map 09-03 (Vesting Tentative Tract Map 17301) and Coastal Development Permit 09-36; and

WHEREAS, for the portion of the proposed subdivision that is located within the City's Coastal Development Permitting jurisdiction, the proposed subdivision is consistent with the criteria of the Certified Local Coastal Program (Laguna Beach Municipal Code Section 25.07.012 (F)(1-9)) and the required Coastal Development Permit findings can be made, as indicated below:

1. The proposed subdivision and conversion of Laguna Terrace Mobile Home Park to a resident-owned mobile home park is preempted from Municipal Code and General Plan compliance by Government Code Section 66427.5 of the California Subdivision Map Act;

2. The proposed subdivision is not located between the sea and the first public road paralleling the sea and, therefore, does not have the potential to interfere with the public access and public recreation policies of Chapter 3 of the Coastal Act;

3. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act in that the proposed subdivision will not result in any physical site changes and, therefore, qualifies for a Categorical Exemption, under Section 15301 (Existing Facilities), Class 1.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does RESOLVE and ORDER as follows:

1. The proposed subdivision map review is preempted by the provisions of Government Code Section 66427.5 and consistency of the map with the Laguna Beach General Plan is exempt.

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2. The conversion of the existing mobile home park to resident ownership is consistent with the California Subdivision Map Act and no physical changes are proposed.

3. The site is physically suitable for the proposed conversion in that the existing land use of the project site is for a mobile home park and the requested subdivision would not physically change the site and/or surroundings, change the existing land use, or change the Park density.

4. The subdivision does not include any physical improvements/changes and, therefore, will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The subdivision does not include any physical improvements/changes and, therefore, will not cause serious public health problems.

6. The subdivision does not include any physical improvements/changes and, therefore, will not conflict with any easements acquired by the public at large and which are recorded or established by judgment of a court of competent jurisdiction.

7. The proposed map meets the requirements of the Subdivision Map Act and the Laguna Beach Subdivision Ordinance, and has been reviewed as being consistent with those requirements.

8. The conversion of the existing rental mobile home park to resident ownership will not displace low and/or moderate-income families or tenants in that the subdivision complies with Government Code Section 66427.5 and will prevent the economic displacement of nonpurchasing residents.

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2 9. The proposed project is not located between the sea and the first public road
3 paralleling the sea.
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5 10. Pursuant to the California Environmental Quality Act (CEQA), the proposed project
6 qualifies for a Class 1 (Existing Facilities) Categorical Exemption under Section 15301 of the
7 State CEQA Guidelines and will not result in an environmental impact.

8 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH
9 does further RESOLVE and ORDER as follows:

10 Approval of Vesting Tentative Tract Map 09-03 (Vesting Tentative Tract Map
11 17301) and Coastal Development Permit 09-36 subject to the following conditions:
12

13 1. Pursuant to Government Code Section 66427.5, the subdivider shall avoid the
14 economic displacement of all nonpurchasing residents in the following manner:

15 (a) The subdivider shall offer each existing tenant an option to either purchase his/her
16 subdivided lot, which is to be created by the conversion of the park to resident
17 ownership, or to continue residency as a rental tenant.
18

19 (b) As to nonpurchasing residents who are not lower income households, as defined
20 in Section 50079.5 of the Health and Safety Code, the monthly rent, including any
21 applicable fees or charges for use of any preconversion amenities, may increase from
22 the preconversion rent to market levels, as defined in an appraisal conducted in
23 accordance with nationally recognized professional appraisal standards, in equal
24 annual increases over a four-year period.
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26 (c) As to nonpurchasing residents who are lower income households, as defined in
27 Section 50079.5 of the Health and Safety Code, the monthly rent, including any
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applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

2. Prior to the approval of the Final Map by the City, the subdivider shall show proof that the applicant has submitted a "Public Report" application to the California Department of Real Estate (DRE). Within the "Public Report" application, the applicant shall provide detailed provisions for responsibility of infrastructure, maintenance of common areas and property owner rules and regulations pursuant to the DRE requirements.

3. Notwithstanding any other provision of law, the subdivider shall, prior to filing a notice of intention with the DRE pursuant to Section 11010 of the California Business and Professions Code, disclosing to the homeowners and residents of the park, by written notice, the tentative price of the subdivided interest proposed to be sold or leased.

4. The proposed subdivision and associated improvements shall not conflict with any existing public easements.

5. Within 24 months of the approval of the Vesting Tentative Tract Map, or as otherwise provided by the law, a Final Map based upon a field survey shall be submitted to the City, and deemed complete for review and approval. An incomplete or inaccurate Final Map shall not be deemed submitted pursuant to the Subdivision Map Act. Prior to the recordation of the Final Map, the surveyor/engineer preparing the map shall tie the boundary of the map in the Horizontal Control System established by the County Surveyor as described in Sections

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7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub-article 18, as may be amended. The surveyor/engineer shall also provide the City with a representation of the Final Map in digital DXF format that is positioned in the NAD83 coordinate system.

6. The landowner/subdivider shall defend, hold harmless and indemnify, at his/her/its 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 the attack, set aside, void or annul and approval of this Vesting Tentative Tract Map and Coastal Development Permit, which action is brought within the time period provided for in California Government Code Section 66499.37, as same may be amended. This obligation shall encompass all costs and expenses incurred by the City in defending against any claim, action or proceeding, as well as costs or damages the City may be required by a court to pay as a result of such claim, action or proceeding. The City shall notify the landowner/developer in the defense of any claim, action or proceeding within a timely manner of receipt the same.

7. Prior to the approval of the Final Map by the City, a deed restriction acknowledging the potential fire, erosion, landslide, mudslide, earthquake and flooding hazards of the site and waiving liability claims against the City shall be filed and recorded with the Orange County Clerk and Recorder.

8. Twenty four (24) months from the date the map is approved by the City Council, Vesting Tentative Tract Map 09-03 shall expire. A one (1) year extension of the conditional

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approval may be requested by written application to the Department of Community Development for processing, if filed prior to the approved subdivision expiration.

9. A maximum of 157 mobile home units/spaces are permitted within the proposed subdivision. Any future increase in mobilehome space density shall be approved by both Conditional Use Permit (pursuant to Laguna Beach Municipal Code Chapter 25.46) and subdivision approval (pursuant to Government Code Section 66427.5). Any future subdivision lot changes and/or parcel reconfigurations are subject to the applicable Laguna Beach Municipal Codes and/or California Subdivision Map Act provisions.

10. In order to avoid the economic displacement of all nonpurchasing residents, after the approval of the proposed land division, the applicant/property owner(s)/future property owner(s) shall honor existing tenant-owner lease/rental agreements/contracts for all existing nonpurchasing residents.

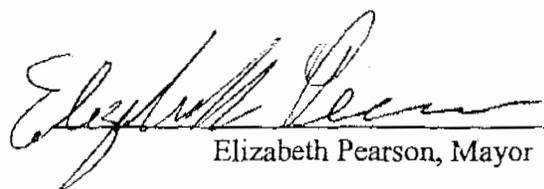
11. A Final Map for Vesting Tentative Tract Map 09-03 shall not be reviewed or approved by the City Council until a Coastal Development Permit has been approved and issued by the California Coastal Commission for the deferred area of the subdivision, which is located outside of the City's Coastal Development Permitting jurisdictional boundaries. In the event that the California Coastal Commission requires modifications to the subdivision that are not in substantial conformance with the approved Tentative Map, then the applicant may be required to obtain approval of an amended Tentative Map.

12. The proposed Tentative Tract Lot 155 is not approved as a residential mobile home lot, and the Final Map shall reflect the merging of the proposed Lot 155 area within the

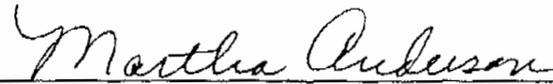
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adjacent lettered Lot B. Lot B shall not be used for the placement of a mobile home and/or associated mobile home residential purposes.

ADOPTED this 5th day of January, 2010.


Elizabeth Pearson, Mayor

ATTEST:


City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 10.004 was duly adopted at a Regular Meeting of the City Council of said City held on January 5, 2010, by the following vote:

- AYES: COUNCILMEMBER(S): Boyd, Egly, Pearson
- NOES COUNCILMEMBER(S): Rollinger, Iseman
- ABSENT COUNCILMEMBER(S): None


City Clerk of the City of Laguna Beach, CA

ATTACHMENT NO. 3

City of Laguna Beach
AGENDA BILL

No. 18
Meeting Date: 1/5/10

SUBJECT: VESTING TENTATIVE TRACT MAP 09-03 AND COASTAL DEVELOPMENT PERMIT 09-36

SUMMARY OF THE MATTER:

The applicant is requesting approval of a Vesting Tentative Tract Map and a Coastal Development Permit to subdivide and convert an existing rental space mobile home park to a resident-owned mobile home park at 30802 Coast Highway (Laguna Terrace Mobile Home Park). The application is for approval of 158 individual mobile home lots and four lettered lots that include the existing private streets, a large area zoned Open Space Conservation and the Park's existing common areas. The proposed Vesting Tentative Tract Map is specifically for the purposes of conversion of the existing rental space mobile home park to resident ownership. The subdivision does not propose any physical site and/or density changes.

BACKGROUND: On July 7, 2009, the City Council considered an appeal of the Community Development Director's decision to require a relocation impact report for the proposed subdivision under Laguna Beach Municipal Code Section 1.11.010(a). After numerous meetings between staff and the California Department of Housing and Community Development (HCD), the City Attorney rendered an opinion that the Municipal Code provision is not applicable to the proposed conversion of a rental mobile home park to resident ownership. The City Attorney also determined that many of the provisions of the Laguna Beach Municipal Code and General Plan are not applicable to the proposed subdivision because of preemption by the California Subdivision Map. Consequently, the City Council directed staff to process the proposed subdivision without the need for a Relocation Impact Report.

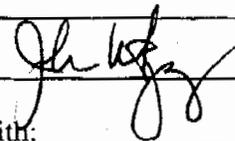
On October 28, 2009, the Planning Commission reviewed the proposed subdivision and Coastal Development Permit and heard public testimony. After receiving multiple last-minute correspondence, the Planning Commission decided to continue the public hearing, requesting that the City Attorney review and evaluate the correspondence. On November 18, 2009, the Planning Commission met with the City Attorney in closed session to discuss the legal issues raised by the correspondence. Following the public hearing conducted later that evening, the Planning Commission voted unanimously to recommend that the City Council conditionally approve the proposed Vesting Tentative Tract Map and Coastal Development Permit.

(continued)

RECOMMENDATION: It is recommended by the Planning Commission that the City Council:

Adopt the attached Resolution that conditionally approves Vesting Tentative Tract Map 09-03 and Coastal Development Permit 09-36 at 30802 Coast Highway.

Attachments: Application & Map; 10/28/09 & 11/18/09

Submitted by: 

P.C. Staff Reports and Minutes; 10/27/09 C.C.C. Letter;

Coordinated with: _____

6/30/2009 & 10/28/2009 City Attorney Memos; 9/11/09

Peer Review Letter; LLA 95-01 Application, Agenda

Bill and Minutes; State Gov. Code Section 66427.5;

and Resolution.

Approved: 

City Manager

PERTINENT INFORMATION:

Vesting Tentative Tract Map

The applicant is requesting approval of a Vesting Tentative Tract Map for a 158-lot subdivision with four lettered lots. The proposed numbered subdivided lots constitute the same rental spaces that currently exist. As indicated in Government Code Section 66427.5 (a portion of the California Subdivision Map Act) and confirmed by the State HCD, the City does not have the normal discretion to require full General Plan and Municipal Code compliance with the proposed subdivision/conversion. Further, the HCD has also indicated that the City's discretionary review of the proposed mobile home park conversion does not include consideration of compliance with local minimum lot size, setback and/or other such development standards.

California Government Code Section 66427.5

Pursuant to the California Subdivision Map Act, the City's review of the proposed land division is limited in scope to the issue of compliance with the provisions of Government Code Section 66427.5. The primary intent of Government Code Section 66427.5 is to provide a bona fide opportunity for mobile home park residents to purchase the property beneath their existing mobile homes and also to prevent the economic displacement of non-purchasing residents. The statute requires that in conjunction with a proposed mobile home park subdivision/conversion, the existing tenants be provided with the right to either purchase their lots or continue as tenants. Further, if the existing mobile home owner chooses not to purchase the property and remain as a tenant, Government Code Section 66427.5 also limits future rent increases.

In compliance with Government Code Section 66427.5, the applicant has submitted a report on the impact on residents of the mobile home park as a result of the proposed conversion to resident ownership. As required, the applicant has also obtained a survey of support of residents of the mobile home park for the proposed conversion. The survey reflects that 89% of the residents who replied support the subdivision/conversion. Staff has reviewed the resident impact report and has also had the report peer reviewed by an independent law firm that specializes in mobile home park subdivisions. The conclusion of the peer review is that the resident impact report is consistent with Government Code Section 66427.5 and that the proposed subdivision would not result in the economic displacement of non-purchasing residents in Laguna Terrace Mobile Home Park.

State Department of Housing and Community Development

The existing mobile home park is under the primary jurisdiction of the HCD. The local division of the HCD issues construction permits and conducts inspections at the Laguna Terrace Mobile Home Park, and the City has no discretionary jurisdiction over these matters. However, for certain mobile home subdivisions (including the proposed Vesting Tentative Tract Map) and increases in mobile home park density, local approval is required.

Coastal Development Permit / California Coastal Commission

The project is located within the Coastal Zone and the proposed subdivision is considered "development" pursuant to the California Coastal Act. The project is bisected/overlaid by the City's Coastal Development permitting jurisdictional area and the deferred jurisdictional area that is regulated and permitted exclusively by the California Coastal Commission. Prior to the Planning Commission review of the subdivision, the Coastal Commission staff requested that the applicant consolidate the Coastal Development Permit, thereby allowing for exclusive Coastal Commission review of the Coastal

Development Permit. However, pursuant to the Coastal Act, the applicant must agree to consolidate the Coastal Development Permit and the applicant declined the Coastal Commission staff's request. Therefore, the project necessitates independent approval of a Coastal Development Permit by both the Coastal Commission and the City of Laguna Beach for their respective jurisdictional portions of the application.

On October 27, 2009 (the day before the first Planning Commission hearing on this matter), the Coastal Commission staff submitted an email correspondence letter to the Planning Commission that indicated that the review of the proposed Vesting Tentative Tract Map is premature given a current issue regarding Lot Line Adjustment 95-01, which in 1995 modified the currently proposed subdivision map boundary. The Coastal Commission staff also indicated that even though the proposed subdivision is not accompanied by any physical development, "the division of land can result in the establishment of additional development potential and certain expectations and rights on the part of the land owner for certain levels of development." The letter suggested that "because of these expectations and establishment of additional development potential, the proposed application is subject to the whole range of resource issues including but not limited to protection and enhancement of public access, biological resources, water quality, scenic resources, and the minimization and avoidance of hazards (geologic, fire, flood, etc.)."

As indicated by the Planning Commission's recommendation to the City Council, the Commission does not agree with the Coastal Commission staff's assertions. As clarified by the City Attorney and pursuant to the California Subdivision Map Act, "the authority and discretion of the City in reviewing and acting on conversion applications is expressly limited and such issues of consistency with the City's General Plan and Municipal Code are not specifically identified as a statutory factor that may be considered in conjunction with conversions." The Planning Commission also did not agree that the proposed conversion subdivision will result in "the establishment of additional development potential and certain expectations and rights on the part of the land owner for certain levels of development." Further, any Coastal Act compliance issues that the Coastal Commission staff may have in relation to the approximately 15-year-old recorded Lot Line Adjustment would not be preempted by the approval of the currently proposed conversion/subdivision. Lastly, Condition Number 11 of the proposed Resolution approving Vesting Tentative Tract Map requires that a Final Map shall not be reviewed until a Coastal Development Permit has been approved and issued by the California Coastal Commission for the deferred area of the subdivision. Although staff is not aware of any Coastal Act inconsistencies, this Condition would provide the Coastal Commission with the opportunity to independently review any current or previous Coastal Act compliance issues deemed necessary.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA), the proposed project qualifies for a Class 1 (Existing Facilities) categorical exemption under Section 15301 of the State CEQA Guidelines. Pursuant to this categorical exemption, a project can be exempt from CEQA if the project "involves negligible or no expansion of an existing use." Here, the proposed project site is zoned for mobile home use, developed with a mobile home park and only a potential change in ownership would result with approval of the subdivision. Therefore, the requested subdivision qualifies for a categorical exemption as it would not physically change the site and/or surroundings, change the existing land use, or change the Park density.

CONCLUSION: Pursuant to California Government Code Section 66427.5(e), “a mobile home park conversion from rental to a resident ownership shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with section 66427.5.” (Emphasis added.) Further, Section 66427.5 does not provide for the City Council’s consideration of issues of consistency with the City’s General Plan and/or Municipal Code and, consequently, the discretion of the City in reviewing and acting on the proposed conversion application is expressly limited.

The proposed mobile home park conversion subdivision is a “bona fide” mobile home park resident-ownership conversion, is consistent with the Subdivision Map Act, and the required findings for the approval of a Coastal Development Permit can be satisfied. Further, the applicant has complied with the specific subdivision requirements of Government Code Section 66427.5, including submitting a report on the impact of the conversion upon residents of the mobile home park to be converted to resident ownership, obtaining a survey of support of residents of the mobile home park, and preventing the economic displacement of non-purchasing residents. Lastly, the resident survey concluded that a majority of the residents support the proposed subdivision/conversion and staff has also received many individual correspondences from current mobile home residents in support of the conversion.

ATTACHMENT NO. 4

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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



**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
REGULAR AND CERTIFIED MAIL**

May 4, 2007

Martyn Hoffmann
The Athens Group
31106 Pacific Coast Highway
Laguna Beach, CA 92651

Laguna Terrace Park LLC
c/o Stephen Esslinger
30802 Coast Highway #K-2
Laguna Beach, CA 92651

Violation File Number: V-5-07-006

Property Location: Assessor's Parcel No.s 056-240-64, 056-240-65, 656-191-38, 656-191-39, and 656-191-40, City of Laguna Beach, Orange County

Unpermitted Development: Lot lines adjusted (via LLA 95-01 and 95-04) without benefit of the required coastal development permits

Dear Mr. Hoffmann and Mr. Esslinger:

Our staff has confirmed that a purported adjustment of lot lines has occurred on properties currently owned by Driftwood Properties LLC and Laguna Terrace LLC without the benefit of the required coastal development permits. The subject properties are located within the Coastal Zone area of the City of Laguna Beach ("City") and an area of deferred certification, in which the Coastal Commission retains permit authority. The unpermitted purported lot line adjustments ("LLAs") at issue are numbered by the City of Laguna Beach as 95-01 (Orange County Recorder's Doc No. 19950520276) and 95-04 (Orange County Recorder's Doc No. 19950449870)

Pursuant to Section 30600(a) of the Coastal Act¹, any person wishing to perform or undertake non-exempt development in the coastal zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined, in relevant part, by Section 30106 as:

"Development" means... change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section

¹ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code ("PRC"). All further section references are to the PRC, and thus, to the Coastal Act, unless otherwise indicated.

V-5-07-006 (Athens Group and Esslinger LLA's)
Page 2 of 3

66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use... [underlining added for emphasis]

Divisions of land are, as noted above, specifically included in the definition of "development" under the Coastal Act. Section 25.07.006(D) of the City's certified Local Coastal Program ("LCP"), which defines "development" for the purposes of the LCP, mirrors the definition of development in the Coastal Act and includes such land divisions. Lot line adjustments are a division of land in that they divide land by changing the boundaries of parcels. La Fe, Inc. v. Los Angeles County (1999) 73 Cal. App. 4th 231, 86 Cal. Rptr. 2d 217. Furthermore, lot line adjustments can reconfigure parcels to facilitate development, thus changing the density of intensity of use of a parcel. Id. In this sense as well, LLAs are development pursuant to the Coastal Act. Therefore, LLAs No.s 95-01 and 95-04 constitute development under the Coastal Act and LCP and require a coastal development permit.

Commission staff has researched our permit files and concluded that no coastal development permits have been issued by the Coastal Commission or the City for either LLA. The unpermitted purported LLAs affect parcels located in an area subject to the City's coastal development permit authority and an area of deferred certification, in which the Coastal Commission retains permit authority. Please note that even if the City found the LLAs to be exempt from the Subdivision Map Act because the LLAs would not result in a greater number of parcels than originally existed, they are still subject to the permit provisions of the Coastal Act and LCP, since these are separate and independent legal authorities.

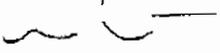
Any attempt to conduct development in the Coastal Zone without a valid coastal development permit constitutes a violation of the Coastal Act and LCP. In order to resolve this violation, we are requesting that you take whatever steps are necessary to correct the records with all relevant departments of the City and Orange County, including, but not limited to, the County Recorder's Office, and with any other relevant regulatory bodies and state or local agencies, to accurately indicate that the line separating the two lots remains as it was prior to the purported LLAs at issue. Please contact me by no later than May 21, 2007, regarding how you intend to resolve this violation. If the lot lines are not clarified or if the unpermitted development were not otherwise resolved under the Coastal Act and LCP, we will consider taking formal enforcement action to resolve this matter. Please be aware that the Executive Director is authorized, after providing notice and the opportunity for a hearing before the Commission as provided for in Section 30812, to record a Notice of Violation against the subject properties.

Furthermore, since LLAs No.s 95-01 and 95-04 did not receive the approval of the required coastal development permit, neither LLA is valid. Thus, future development proposed on the parcels affected by the LLAs must be analyzed based on the pre-violation lot line configuration.

Thank you for your attention to this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (562) 590-5071, or in the event of my absence, Southern California Enforcement Supervisor Pat Veasart at (805) 585-1800.

V-S-07-006 (Athens Group and Esslinger LLA's)
Page 3 of 3

Sincerely,



Andrew Willis
District Enforcement Analyst

cc: John Montgomery, City of Laguna Beach
Lisa Hauge, Chief of Enforcement, CCC
Pat Veesart, Southern California Enforcement Supervisor, CCC
Teresa Henry, South Coast District Manager, CCC
Karl Schwing, Orange County Permit Supervisor, CCC
Alex Helperin, Staff Counsel, CCC

March 8, 2010

Client-Matter: 43150-030

BY FACSIMILE AND FED EX (562) 590-5084

Bonnie Neely, Chair and Members of the California Coastal Commission
c/o Karl Schwing
South Coast District Office
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

**Re: Appeal A-5-LGB-10-039 (Agenda Item No. W21.5a)
Laguna Terrace Mobile Home Park Subdivision
Substantial Issue Hearing – March 10, 2010**

Dear Chair Neely and Coastal Commissioners:

On March 10, 2010, the Coastal Commission is scheduled to hold a Substantial Issue hearing in connection with three appeals of Coastal Development Permit No. 09-36 (the "Permit.") The Permit was approved on January 5, 2010 by the City of Laguna Beach ("City") in connection with the proposed subdivision of the Laguna Terrace Mobile Home Park by Laguna Terrace Park LLC ("Applicant.") The Substantial Issue Staff Report and Addendum, dated February 25 and March 4, 2010, respectively, recommend a finding that multiple substantial issues exist with respect to the grounds upon which the three appeals are based (e.g., Local Coastal Program consistency, public access, environmentally sensitive areas, water quality and hazards.)

By this letter, appellant Paul Esslinger wishes to communicate his support for Staff's substantial issue recommendation. As indicated in Mr. Esslinger's March 1, 2010 appeal, in approving the Permit, the City failed to properly comply with Land Use and Open Space/Conservation General Plan Elements policies; provisions of the Zoning Code; subdivision development standards in Title 21 (Plats and Subdivisions) of the City's Municipal Code; and Fuel Modification Guidelines from the General Plan's Safety Element – all of which have been made part of the City's Local Coastal Program ("LCP.") In addition to the Permit's inconsistency with the LCP, the City ignored the adverse impact the Permit would have on coastal access by closing off access to adjacent property that provides visitor-serving uses, and which would have the effect of creating potential traffic congestion along Pacific Coast Highway, the major coastal access artery through Laguna Beach. The two other appeals by Penny Elia and Coastal Commissioners Patrick Kruer and Sara Wan raise similar concerns.

Members of the California Coastal Commission
March 8, 2010
Page 2

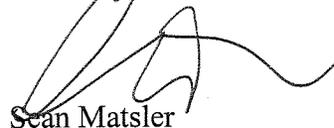
Taken together or considered individually, the concerns cited in Mr. Esslinger's appeal and the other two appeals raise a substantial issue of consistency with the policies of the certified LCP.

This letter is also intended to add evidence into the record in support of one of the assertions in Mr. Esslinger's appeal. Issue #2 in that appeal related to two mobile home spaces approved by the City in September of 2000 for which no Coastal Development Permit was issued. According to the Staff Report Addendum, "[t]his raises a substantial issue because the creation of the mobile home sites may have had adverse impacts on coastal resources, such as sensitive vegetation and water quality." Mr. Esslinger agrees.

Since submitting the appeal, Mr. Esslinger has uncovered additional evidence of recent development at Laguna Terrace Park. Specifically, the Plot Plan attached to the January 2, 1990 Market Value Appraisal (Exhibit A) shows substantially less development, grading, and impervious paved surfaces than the Applicant's Vesting Tentative Tract No. 17301 map (Exhibit B.) This is most evident at the inland-most reaches of the Park's development. To the best of our knowledge, no Coastal Development Permit was issued in connection with this development by either the City or the Coastal Commission, and no assessment has been made regarding the effects of this development on coastal resources.

Mr. Esslinger again urges the Commission to enforce the provisions of the Coastal Act by refusing to recognize this additional development until compliance with the Coastal Act and the LCP is achieved. Should the Commission find substantial issue as your staff recommends, we would request that the legality of all unpermitted development at Laguna Terrace Park under the Coastal Act and LCP be resolved in connection with the Commission's *de novo* consideration of the Permit. In the interim, issuance of a Notice of Violation and Cease and Desist Order to restore the entirety of the site to its original conditions and imposition of penalties would be appropriate. Failure to rectify these ongoing violations now would have the effect of officially recognizing and validating the existence of the unpermitted development.

Sincerely,



Sean Matsler

Enclosures

cc: Paul Esslinger

Members of the California Coastal Commission
March 8, 2010
Page 3

EXHIBIT A

MARKET VALUE APPRAISAL

LAGUNA TERRACE PARK

Laguna Beach, California

(A Leased Fee Valuation of a Partial Interest
in an Existing Mobilehome Park)

Prepared for:

Sanwa Bank of California

DATE OF VALUE

January 2, 1990

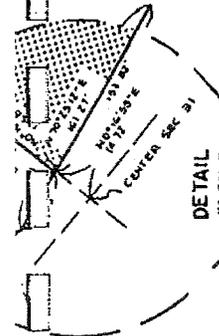
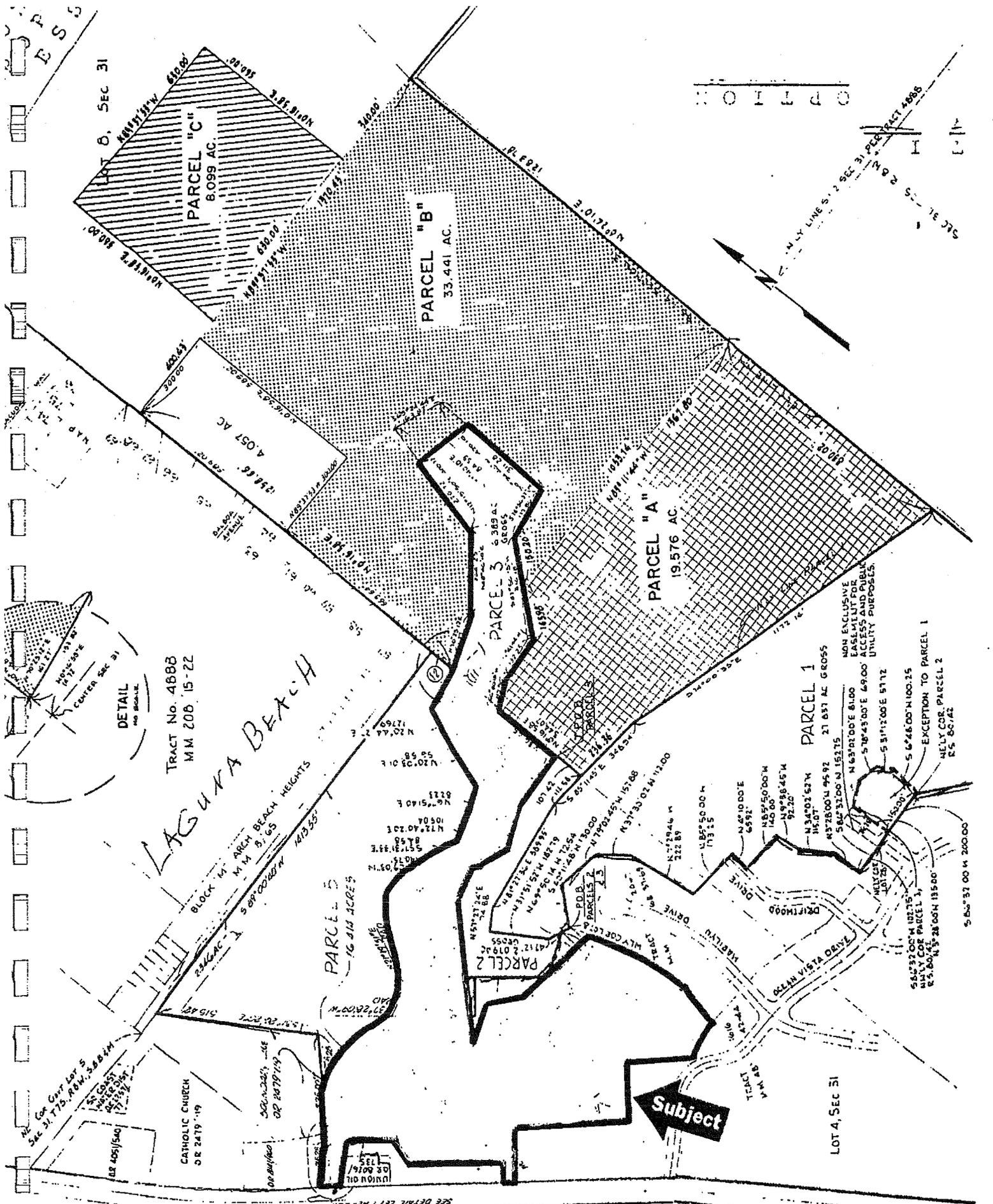
Prepared by:

Thomas W. Erickson, MAI

909-B 19th Street

Santa Monica, California 90403

Site Plan



TRACT No. 4888
MM 206 15-22

LAGUNA BEACH
BLOCK "W" ARCH BEACH HEIGHTS
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Subject

PARCEL 1

NON EXCLUSIVE
EASEMENT FOR
ACCESS PUBLIC
UTILITY PURPOSES.

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LAGUNA TERRACE PARK

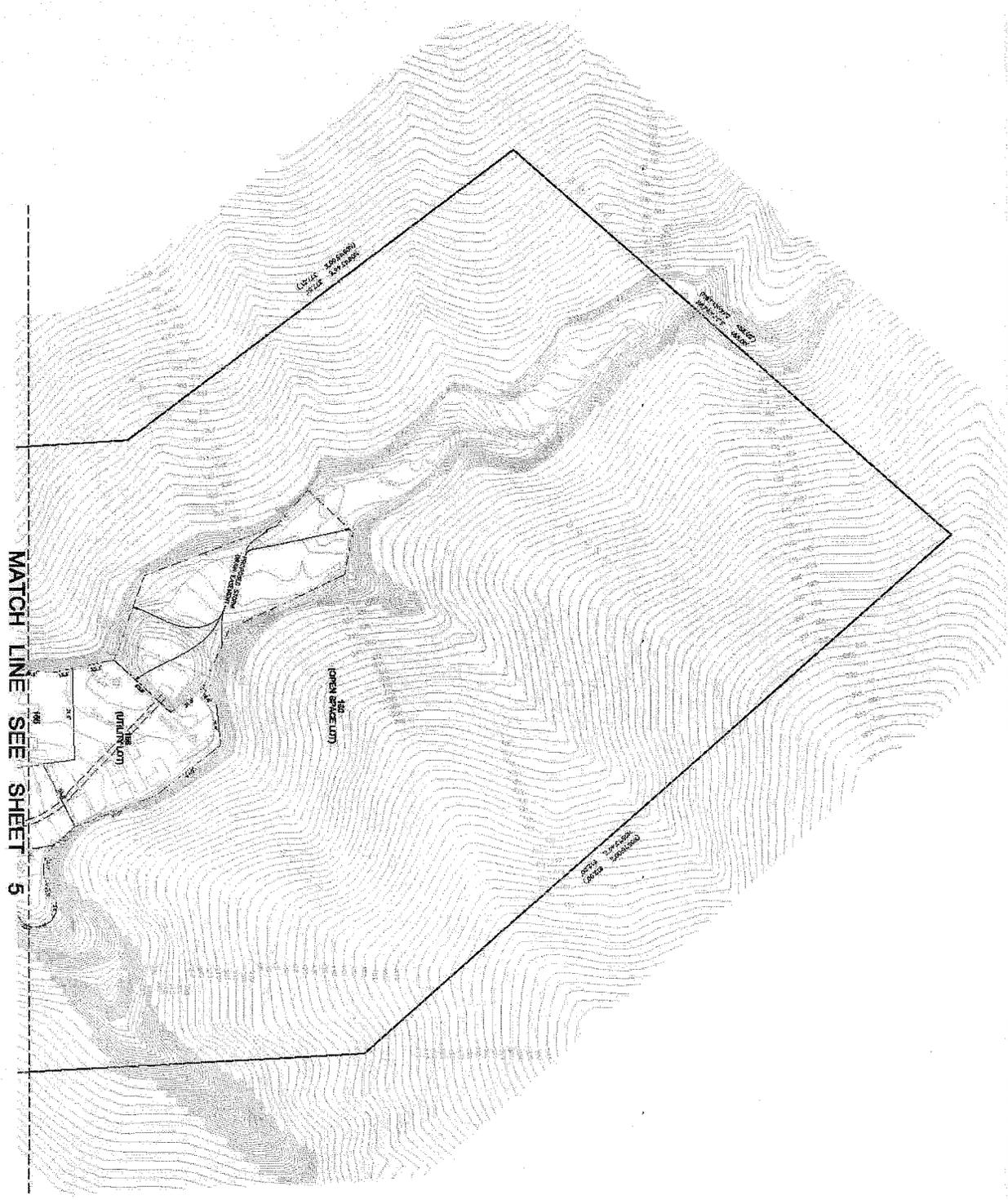
Plot Plan

Members of the California Coastal Commission
March 8, 2010
Page 4

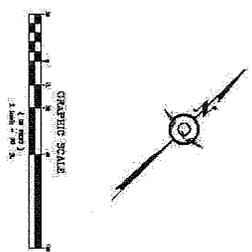
EXHIBIT B

DKA
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 4/28/2017

DISCLAIMER
 THIS MAP IS A TENTATIVE TRACT MAP AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE USED AS A BASIS FOR ANY INVESTMENT OR OTHER DECISION. THE USER OF THIS MAP ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS MAP. THE USER OF THIS MAP SHALL INDEMNIFY AND HOLD HARMLESS THE PREPARED BY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS MAP.



MATCH LINE SEE SHEET 5



PREPARED BY
 S. J. CHAIKIN & ASSOCIATES
 1000 10th Street, Suite 100
 San Francisco, CA 94103
 (415) 774-1000
 www.sjchaikin.com

NO.	DATE	DESCRIPTION
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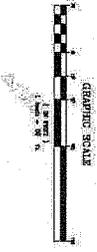
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VESTING TENTATIVE TRACT MAP NO. 17301

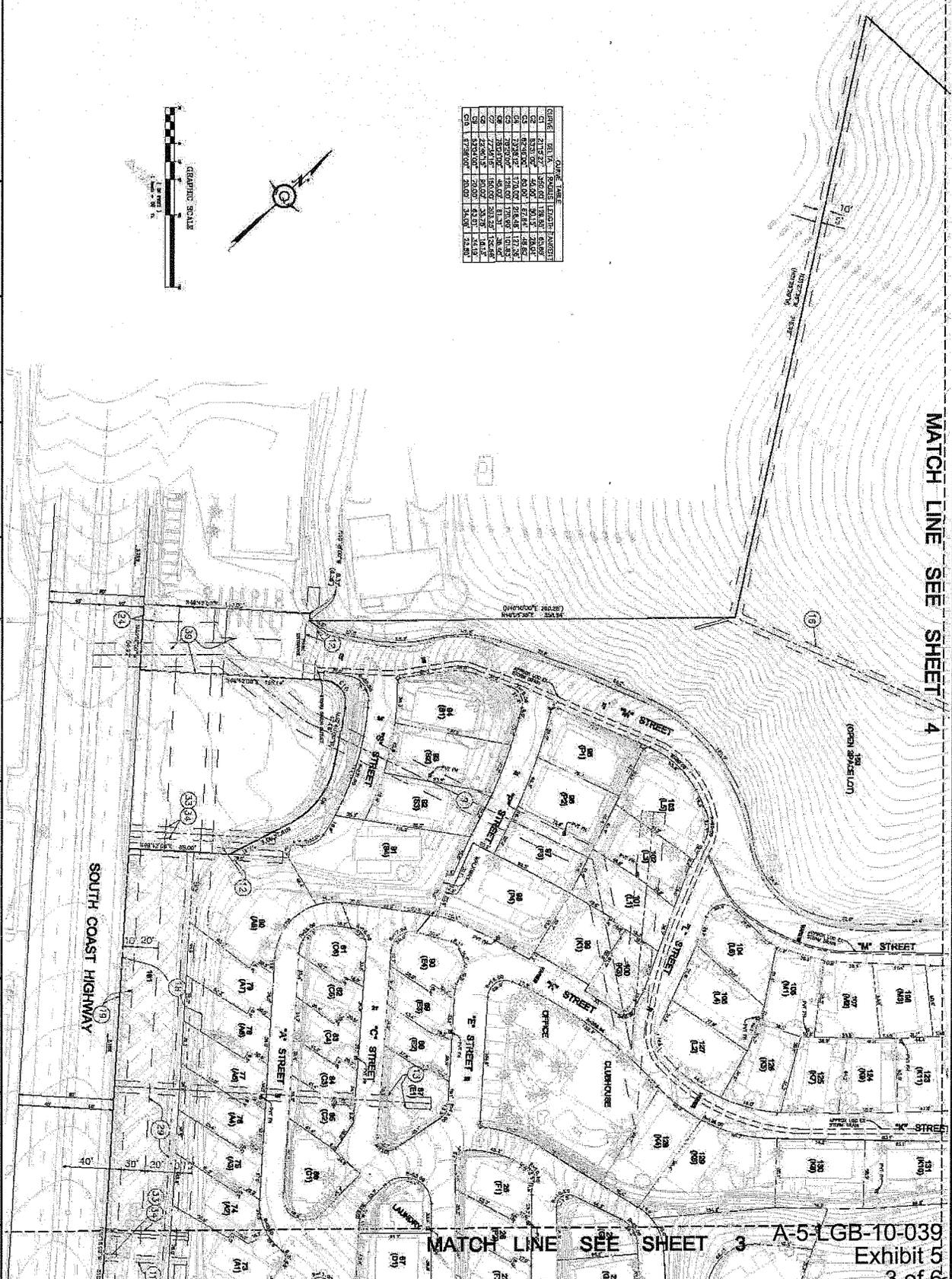
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 Exhibit 5
 2 of 6



ANY INFORMATION ON THIS MAP IS FOR INFORMATION ONLY. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL COUNSEL. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TECHNICAL ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY OPERATIONAL ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MAINTENANCE ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REPAIR ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REPLACEMENT ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY DISPOSAL ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECYCLING ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REUSE ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REPAIR ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REPLACEMENT ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY DISPOSAL ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECYCLING ASSISTANCE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REUSE ASSISTANCE.



LINE	BEARING	LENGTH	PERMITS
1	N 89° 58' 00" W	40.00	1.00
2	S 89° 58' 00" W	40.00	1.00
3	S 89° 58' 00" W	40.00	1.00
4	S 89° 58' 00" W	40.00	1.00
5	S 89° 58' 00" W	40.00	1.00
6	S 89° 58' 00" W	40.00	1.00
7	S 89° 58' 00" W	40.00	1.00
8	S 89° 58' 00" W	40.00	1.00
9	S 89° 58' 00" W	40.00	1.00
10	S 89° 58' 00" W	40.00	1.00
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12	S 89° 58' 00" W	40.00	1.00
13	S 89° 58' 00" W	40.00	1.00
14	S 89° 58' 00" W	40.00	1.00
15	S 89° 58' 00" W	40.00	1.00
16	S 89° 58' 00" W	40.00	1.00
17	S 89° 58' 00" W	40.00	1.00
18	S 89° 58' 00" W	40.00	1.00
19	S 89° 58' 00" W	40.00	1.00
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24	S 89° 58' 00" W	40.00	1.00
25	S 89° 58' 00" W	40.00	1.00
26	S 89° 58' 00" W	40.00	1.00
27	S 89° 58' 00" W	40.00	1.00
28	S 89° 58' 00" W	40.00	1.00
29	S 89° 58' 00" W	40.00	1.00
30	S 89° 58' 00" W	40.00	1.00
31	S 89° 58' 00" W	40.00	1.00
32	S 89° 58' 00" W	40.00	1.00
33	S 89° 58' 00" W	40.00	1.00
34	S 89° 58' 00" W	40.00	1.00
35	S 89° 58' 00" W	40.00	1.00
36	S 89° 58' 00" W	40.00	1.00
37	S 89° 58' 00" W	40.00	1.00
38	S 89° 58' 00" W	40.00	1.00
39	S 89° 58' 00" W	40.00	1.00
40	S 89° 58' 00" W	40.00	1.00
41	S 89° 58' 00" W	40.00	1.00
42	S 89° 58' 00" W	40.00	1.00
43	S 89° 58' 00" W	40.00	1.00
44	S 89° 58' 00" W	40.00	1.00
45	S 89° 58' 00" W	40.00	1.00
46	S 89° 58' 00" W	40.00	1.00
47	S 89° 58' 00" W	40.00	1.00
48	S 89° 58' 00" W	40.00	1.00
49	S 89° 58' 00" W	40.00	1.00
50	S 89° 58' 00" W	40.00	1.00
51	S 89° 58' 00" W	40.00	1.00
52	S 89° 58' 00" W	40.00	1.00
53	S 89° 58' 00" W	40.00	1.00
54	S 89° 58' 00" W	40.00	1.00
55	S 89° 58' 00" W	40.00	1.00
56	S 89° 58' 00" W	40.00	1.00
57	S 89° 58' 00" W	40.00	1.00
58	S 89° 58' 00" W	40.00	1.00
59	S 89° 58' 00" W	40.00	1.00
60	S 89° 58' 00" W	40.00	1.00
61	S 89° 58' 00" W	40.00	1.00
62	S 89° 58' 00" W	40.00	1.00
63	S 89° 58' 00" W	40.00	1.00
64	S 89° 58' 00" W	40.00	1.00
65	S 89° 58' 00" W	40.00	1.00
66	S 89° 58' 00" W	40.00	1.00
67	S 89° 58' 00" W	40.00	1.00
68	S 89° 58' 00" W	40.00	1.00
69	S 89° 58' 00" W	40.00	1.00
70	S 89° 58' 00" W	40.00	1.00
71	S 89° 58' 00" W	40.00	1.00
72	S 89° 58' 00" W	40.00	1.00
73	S 89° 58' 00" W	40.00	1.00
74	S 89° 58' 00" W	40.00	1.00
75	S 89° 58' 00" W	40.00	1.00
76	S 89° 58' 00" W	40.00	1.00
77	S 89° 58' 00" W	40.00	1.00
78	S 89° 58' 00" W	40.00	1.00
79	S 89° 58' 00" W	40.00	1.00
80	S 89° 58' 00" W	40.00	1.00
81	S 89° 58' 00" W	40.00	1.00
82	S 89° 58' 00" W	40.00	1.00
83	S 89° 58' 00" W	40.00	1.00
84	S 89° 58' 00" W	40.00	1.00
85	S 89° 58' 00" W	40.00	1.00
86	S 89° 58' 00" W	40.00	1.00
87	S 89° 58' 00" W	40.00	1.00
88	S 89° 58' 00" W	40.00	1.00
89	S 89° 58' 00" W	40.00	1.00
90	S 89° 58' 00" W	40.00	1.00
91	S 89° 58' 00" W	40.00	1.00
92	S 89° 58' 00" W	40.00	1.00
93	S 89° 58' 00" W	40.00	1.00
94	S 89° 58' 00" W	40.00	1.00
95	S 89° 58' 00" W	40.00	1.00
96	S 89° 58' 00" W	40.00	1.00
97	S 89° 58' 00" W	40.00	1.00
98	S 89° 58' 00" W	40.00	1.00
99	S 89° 58' 00" W	40.00	1.00
100	S 89° 58' 00" W	40.00	1.00



MATCH LINE SEE SHEET 4

MATCH LINE SEE SHEET 3 A-5-LGB-10-039 Exhibit 5 3 of 6

NO.	DATE	DESCRIPTION
1	1/1/2010	PRELIMINARY
2	2/1/2010	REVISED
3	3/1/2010	REVISED
4	4/1/2010	REVISED
5	5/1/2010	REVISED
6	6/1/2010	REVISED
7	7/1/2010	REVISED
8	8/1/2010	REVISED
9	9/1/2010	REVISED
10	10/1/2010	REVISED
11	11/1/2010	REVISED
12	12/1/2010	REVISED
13	1/1/2011	REVISED
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15	3/1/2011	REVISED
16	4/1/2011	REVISED
17	5/1/2011	REVISED
18	6/1/2011	REVISED
19	7/1/2011	REVISED
20	8/1/2011	REVISED
21	9/1/2011	REVISED
22	10/1/2011	REVISED
23	11/1/2011	REVISED
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28	4/1/2012	REVISED
29	5/1/2012	REVISED
30	6/1/2012	REVISED
31	7/1/2012	REVISED
32	8/1/2012	REVISED
33	9/1/2012	REVISED
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71	11/1/2015	REVISED
72	12/1/2015	REVISED
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155	11/1/2022	REVISED
156	12/1/2022	REVISED
157	1/1/2023	REVISED
158	2/1/2023	REVISED
159	3/1/2023	REVISED
160	4/1/2023	REVISED
161	5/1/2023	REVISED



DATE: 10/11/11
 SHEET NO. 3 OF 5
 PROJECT NO. 17301

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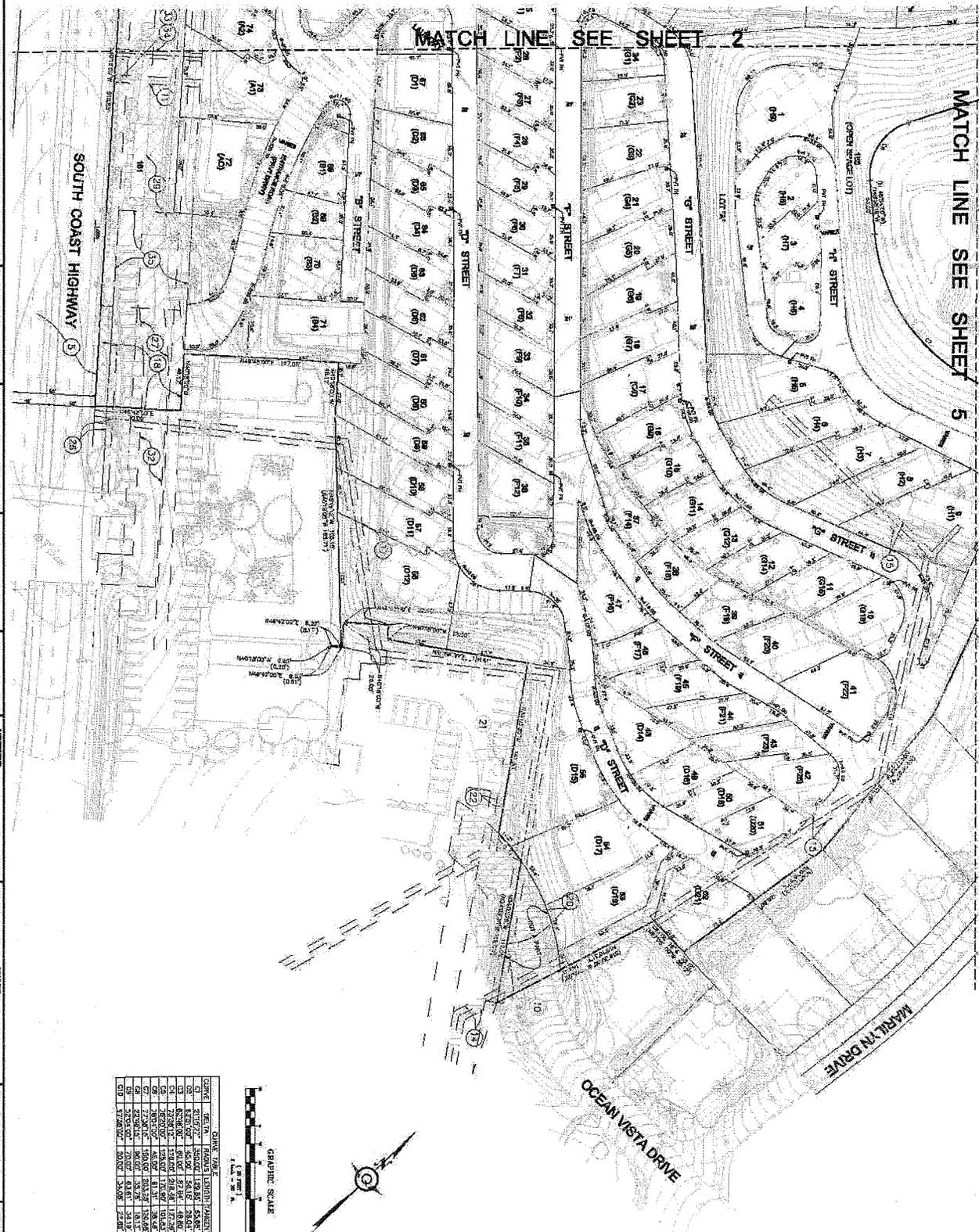
R. T. QUINN & ASSOCIATES
 REGISTERED PROFESSIONAL ENGINEER
 No. 10000
 10000
 10000

DATE	BY	DESCRIPTION
10/11/11	R. T. QUINN	PRELIMINARY

PROJECT TITLE: TENTATIVE TRACT MAP NO. 17301
 PREPARED BY: R. T. QUINN & ASSOCIATES
 DATE: 10/11/11

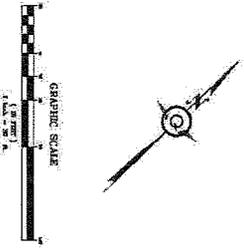
TRACT NO. 17301
 SHEET NO. 3 OF 5

VESTING TENTATIVE TRACT MAP NO. 17301



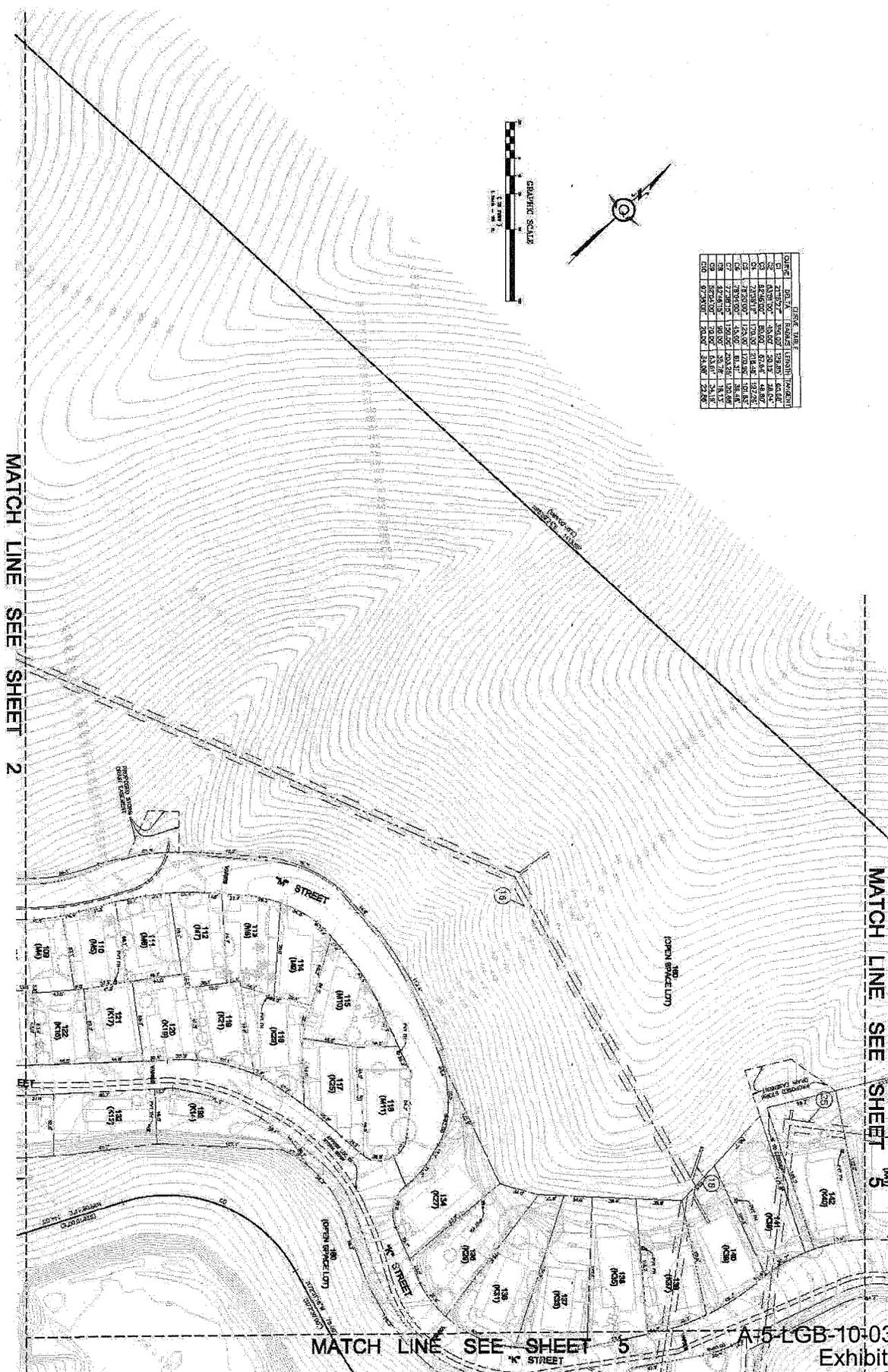
OLIVE TREE

DATE	TYPE	PROBABLE DENSITY	PERCENT
01	100'	100'	100%
02	100'	100'	100%
03	100'	100'	100%
04	100'	100'	100%
05	100'	100'	100%
06	100'	100'	100%
07	100'	100'	100%
08	100'	100'	100%
09	100'	100'	100%
10	100'	100'	100%
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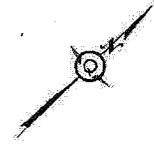




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GRID	EASTING	NORTHING	SECTION	TOWNSHIP	RANGE
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12	125000	125000	125000	125000	125000
13	125000	125000	125000	125000	125000
14	125000	125000	125000	125000	125000
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50	125000	125000	125000	125000	125000



MATCH LINE SEE SHEET 2

MATCH LINE SEE SHEET 5

MATCH LINE SEE SHEET 5

A-5-LGB-10-039
Exhibit 5
5 of 6

NO.	DATE	DESCRIPTION
1	1/1/2010	PRELIMINARY
2	2/1/2010	REVISED
3	3/1/2010	REVISED
4	4/1/2010	REVISED
5	5/1/2010	REVISED
6	6/1/2010	REVISED
7	7/1/2010	REVISED
8	8/1/2010	REVISED
9	9/1/2010	REVISED
10	10/1/2010	REVISED
11	11/1/2010	REVISED
12	12/1/2010	REVISED
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14	2/1/2011	REVISED
15	3/1/2011	REVISED
16	4/1/2011	REVISED
17	5/1/2011	REVISED
18	6/1/2011	REVISED
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84	12/1/2016	REVISED
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213	9/1/2027	REVISED
214	10/1/2027	REVISED
215	11/1/2027</	

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

From: Steve Blank [mailto:sblank@kandsranch.com]

Sent: Monday, March 08, 2010 4:20 PM

To: Vanessa Miller

Subject: Fwd: March CCC ex parte

Emailed exparte from San Mateo ORCA

Steve Blank

www.steveblank.com

sblank@kandsranch.com

(415) 999-9924

twitter: sgblank

Begin forwarded message:

From: Mike Ferreira <michaeljferreira@gmail.com>

Date: March 7, 2010 1:37:04 PM PST

To: steve blank <sblank@kandsranch.com>

Cc: "Roberts, Lennie" <Lennie@darwin.ptvy.ca.us>

Subject: March CCC ex parte

Hello Steve,

Following are the two items on this week's agenda that we wish to bring to your attention.

W.21.5.a. Appeal No. A-5-LGB-10-39 (Laguna Terrace Park, Laguna Beach)

Orange County Sierra Club supports the staff recommendation. They believe Commission staff has done an outstanding job identifying and detailing the numerous issues involved and the lack of consistency with the Laguna Beach certified Local Coastal Plan (LCP) related to public access and recreation, environmentally sensitive areas, water quality and hazards.

Th.7.a. Application No. 3-09-068 (City of Santa Cruz, Santa Cruz Co.)

Santa Cruz Sierra Club does not agree with the staff recommendation. The management and restoration part of this project is fine, but an Interpretive Trail - which the proposed Transportation Trail clearly isn't - should not be allowed until the restoration is working and the endangered species have a chance to recover. The staff argument that this Transportation Trail can be transformed into an Interpretive Trail by the mere addition of signage is a slippery slope, at best, and the Santa Cruz Sierra Club is hopeful that the Commission will take a much more protective posture toward this ESHA than that which has been put before them.

Lennie Roberts

Mike Ferreira