CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL – DE NOVO HEARING

Application No.: A-5-LGB-14-0034

Applicant: Laguna Beach Golf and Bungalow Village, LLC

Appellant: Mark Fudge

Location: 31106 South Coast Highway, City of Laguna Beach, Orange

County (APN 672-591-19)

Project Description: Expansion and remodel of former 64-room Aliso Creek Inn

hotel, restaurant, banquet and golf course facility on 84 acre site to include addition of 33 hotel rooms, reconfiguration of restaurant and assembly areas; additions to existing structures; new spa, fitness center, employee lounge, and accessory structures; new valet parking program for assembly uses and special events; and establish outdoor event center at 'Scout

Camp'.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION:

On July 9, 2014, the Commission, after public hearing, determined that a substantial issue exists with the approval of the local coastal development permit for the proposed remodel and expansion of the hotel (City of Laguna Beach Local Coastal Development Permit No. 14-573). The appeal raised issues regarding the loss of affordable overnight accommodations, pedestrian access, parking impacts, new construction where nonconforming building or use exists, historical preservation, natural hazards, impacts to biological resources, and protection of water quality. The primary issues raised by the appeal relate to public access and recreation. Impacts related to natural hazards, impacts to biological resources, historic preservation and protection of water quality are also at issue.

The applicant's proposed development will have significant impacts to public access and recreation that require mitigation. The existing hotel rooms were originally designed as apartments—they offer more square footage than standard hotel rooms and each is equipped with a kitchen. As part of the proposed update to the hotel's 64 existing units, the applicant will remove kitchens from each unit. To increase the number of rooms within the existing building footprints, the applicant proposes to split 32 existing onebedroom suites in half, creating 64 standard sized hotel rooms. A thirty-third new room will be added to the hotel by converting a former residence on the property to a penthouse suite. The applicant will also increase rates charged for every room type. All 33 of the new hotel units will be higher cost units and no lower cost units will be provided. As a result, the hotel is losing 32 more affordable rooms (the existing 32 one-bedroom suites being split) and gaining 33 higher cost rooms. These changes are inconsistent with the LCP's requirement to "[p]rotect, encourage, and where feasible provide, affordable overnight accommodations." The changes in the hotel room type and cost is also inconsistent with Coastal Act section 30213's mandate to protect, encourage, and provide lower cost visitor facilities. These additional hotel rooms will increase the number of visitors that can be accommodated on the property. The greater intensity of use of the hotel translates into increased recreational demand on coastal resources in the surrounding area.

Other aspects of the proposed project will further intensify existing uses of the property. In addition to more hotel rooms, the applicant proposes to expand the existing assembly areas on the property, open a hotel spa to hotel guests and the public, and renovate the existing lodge and restaurant facility. Use of any one of the assembly areas creates a parking demand that cannot be met without a valet parking program, and the proposed renovation of the property increases the need for parking. This new parking demand could have significant impacts to the surrounding area (in particular to public beach parking at the neighboring County beach parking lot) without proper management of the number and size of events held on the property. Each of these impacts requires mitigation under the LCP and Coastal Act.

As mitigation for the project's impacts to public access and recreation, the applicant proposes to offer public access through the site (Exhibit 10) and offer limited, small group camping experiences at the Scout Camp. The applicant proposes to dedicate a "floating trail easement" on sections of the property to facilitate identification of a future public pedestrian and cycling trail alignment. The proposal includes two easement areas on the north side of the applicant's property (Exhibit 10, page 9) within which a future trail could cross the applicant's property. As proposed, the easement areas are located outside of a 200 yard golf ball flight hazard zone that was identified by the applicant. A final trail alignment would be determined based on a site-specific analysis by a third party accepting the offer to dedicate. The area offered for dedication is not a continuous corridor through the site. As proposed, a final trail would have to cross properties owned by Driftwood, LLC, the City of Laguna Beach, the South Coast Water District, and the County of Orange to connect the Aliso and Wood Canyons Wilderness Park to Aliso Beach.

Until a trail alignment is finalized and constructed, the applicant proposes to allow operation of a temporary, managed shuttle program across the property. The proposed shuttle program would transport pedestrians and cyclists from an existing Park Vehicle Road (Exhibit 9) controlled by the South Coast Orange County Wastewater Agency ("SOCWA") and Orange County Parks that ends at the northeast corner of the applicant's property, through the golf course to the hotel entrance at the western edge of the applicant's property. Pedestrians and cyclists using the shuttle service would have to walk or ride approximately one-quarter mile along the private South Coast Water District Road to Coast Highway and then along a sidewalk to reach Aliso Beach. As proposed, the shuttle vehicle would be a large

enclosed passenger vehicle with a bike rack or bike trailer. The shuttle would operate during the same days and hours that the Park Vehicle Road is open to use by the public—currently weekends only from 7a.m. to sunset. If the days or hours that public use of the road change, the shuttle program would operate consistent with those changed days or hours. Shuttle service would be provided every 30 minutes on the hour and half hour, or "on call" with installation of a call button at the gate at the northeast corner of the property. As proposed, the applicant would not be responsible for operating or funding the shuttle system, other than an initial \$50,000.00 contribution toward the purchase of a shuttle vehicle. The shuttle service would terminate following construction and opening of the pedestrian and cycling trail after the accepting entity of the offer to dedicate an easement plans and receives a permit for the final trail alignment.

The applicant's proposed mitigation package is not sufficient to address the impacts of this project. The applicant proposes to create public access across the site through a combination of the offer to dedicate an easement for longer term access and a shuttle system for access in the interim. The offer to dedicate is important to provide for a potential trail in the future. Reserving an easement for a future trail is consistent with LCP policies that encourage regional and city-wide expansion of trail networks, and decades-long interest in a trail connecting the Aliso and Wood Canyons Wilderness Park inland of the property with Aliso Beach, seaward of the property. It can also address the increase in recreational demand associated with the proposed project. However, development of a trail alignment and construction of the trail will take a significant amount of time and will not be done by the applicant (an accepting entity will have to take responsibility for the easement and all trail development). The offer to dedicate does not guarantee that a trail will ever be developed. As a result, the offer to dedicate alone is not sufficient mitigation for the impacts of the proposed project.

The applicant's proposed shuttle program could provide an acceptable interim amenity to transport the public to the coast from the existing trail terminus at the northeast corner of The Ranch property. However, the applicant's proposal does not guarantee funding and operation of the program, so actual provision of the shuttle is not ensured. Further, the proposed service would drop shuttle users at the applicant's property line, rather than at Coast Highway or at Aliso Beach. The shuttle service is only an acceptable alternative to a trail connecting the Wilderness Park to Aliso Beach if it is both operational and extends to the beach.

Finally, the overnight camping experiences could provide some mitigation for the loss of more affordable overnight accommodations, however, as proposed the camping will not be open to the general public. Visitors to Laguna Beach could not book a campsite at The Ranch on any given night. The proposal is to allow specific groups, particularly non-profit youth groups, to camp on a special event basis only. The mitigation package proposed by the applicant does not adequately address the full range of impacts that the proposed development will have on public access and recreational opportunities. Therefore additional mitigation must be considered.

To adequately address the project's impacts to public access and recreational opportunities, Special Condition 1 offers the applicant a choice of mitigation. In addition to the applicant's proposed shuttle program, offer to dedicate a trail easement and the group camping at the Scout Camp, the applicant may choose to pay a fee in-lieu of providing lower-cost overnight accommodations or may agree to fund and operate the shuttle program with service to Coast Highway or the County Beach parking lot.

For the de novo permit, staff is recommending approval of the proposed coastal development permit with twenty two (22) special conditions regarding: 1) Impacts to Affordable Overnight Accommodations and Demand For Recreational Resources – Mitigation; 2) In-lieu Fee Option as Mitigation for Impacts to Lower Cost Overnight Accommodations; 3) Final Shuttle Access Program & Shuttle Management Plan; 4) Signage Plan; 5) Offer to Dedicate for a Public Pedestrian and Cycling Trail; 6) Alternative Trail Alignment; 7) Group Camping at Scout Camp; 8) Parking; 9) Fitness Center; 10) Assembly Use; 11) Removal and Revegetation Plan for Scout Camp Parcel; 12) Camping and Event Use at the Scout Camp; 13) Tree Trimming and Tree Removal; 14) Resource Agencies; 15) Construction Best Management Practices; 16) Final Water Quality Management Plan; 17) Area of Potential Archaeological Significance; 18) Submittal of Final Plans; 19) Future Improvements; 20) Landscaping – Drought Tolerant, Non-Invasive Plants; 21) Liability for Costs and Attorneys Fees; and 22) Deed Restriction.

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

- Exhibit 1 Vicinity Map
- Exhibit 2 Site Plan
- Exhibit 3 City of Laguna Beach Resolution 14-574
- Exhibit 4 Project Plans
- Exhibit 5 Scout Camp Proposed Removal and Revegetation Area
- Exhibit 6 City of Laguna Beach Open Space/Conservation Element Proposed Regional Open Space Lands and Trails
- Exhibit 7 City of Laguna Beach Open Space/Conservation Element Trail Network Maps 1-3
- Exhibit 8 City of Laguna Beach Open Space/Conservation Element South Laguna Specific Plan / Local Coastal Program Access Figure
- Exhibit 9 Aliso and Wood Canyons Wilderness Park Map
- Exhibit 10 Proposed Public Access Easement and Shuttle
- Exhibit 11 Shuttle Capital and Operations Estimate
- Exhibit 12 *Aliso Creek Inn & Golf Course Project Traffic Impact and Parking Analysis*, dated April 16, 2014, prepared by RBF Consulting
- Exhibit 13 Memorandum from Dr. John Dixon, CCC, to Erin Prahler, CCC, dated December 17, 2014
- Exhibit 14 Memorandum from Dr. Laurie Koteen, CCC, to Erin Prahler, CCC, dated December 17, 2014

- Exhibit 15 Email from Scott Drapkin, City of Laguna Beach/Floodplain Administrator, to Karl Schwing, CCC, dated September 11, 2014
- Exhibit 16 Attachment/Exhibit A to S. Drapkin 9/11/14 email, Flood Hazard Map from City's GIS
- Exhibit 17 Attachment/Exhibit B to S. Drapkin 9/11/14 email, PACE FEMA Floodplain Evaluation Exhibit dated 3/27/2014
- Exhibit 18 Attachment/Exhibit D to S. Drapkin 9/11/14 email, Construction/substantial improvement cost analysis and accompanying Dowd Associates Appraisal dated September 2013
- Exhibit 19 *Aliso Creek Inn FEMA Floodplain Evaluation and Plan for Restoration Project*, dated October 30, 2013 by PACE engineering
- Exhibit 20 Letter from Mark Fudge to Erin Prahler, CCC, dated December 7, 2014
- Exhibit 21 *Hydraulic Review/Substantial Improvement Study*, dated December 2014, prepared by engineering firm WRECO
- Exhibit 22 Letters from Interested Parties

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Application No. A-5-LGB-14-0034 subject to the conditions set forth in the staff recommendation.

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

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

- 1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

- 1. **Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall elect to mitigate the proposed project's impacts on affordable overnight accommodations by implementing one of the following two options:
 - A. In addition to the proposed Shuttle Access Program and Management Plan, Offer to Dedicate trail easement and group camping at the Scout Camp, the applicant shall pay a fee in-lieu of providing lower-cost overnight accommodations as described in Special Condition 2 to include a Memorandum of Understanding with an approved party subject to the review and approval of the Executive Director, or
 - B. The applicant shall agree to fund and operate the proposed Shuttle Access Program and Management Plan and extend the service to Coast Highway or the County Beach parking lot, to be managed in accordance with Special Condition 3; record the proposed Offer to Dedicate in accordance with Special Condition 5; and implement the proposed group camping at the Scout Camp in accordance with Special Condition 7.
- 2. In-lieu Fee Option as Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall pay a fee in-lieu of providing 33 lower-cost overnight hotel units on the project site.
 - A. The required total in-lieu fee of 1,121,010 ($33,970 \times 33 = 1,121,010$) shall be deposited into an interest-bearing account, to be established and managed by one of the following entities approved by the Executive Director of the Coastal Commission: City of Laguna Beach, Hostelling International USA, California Coastal Conservancy, California Department of Parks and Recreation, or a similar entity. The purpose of the account shall be to establish lower cost overnight visitor accommodations, such as hostel beds, tent campsites, cabins or campground units, at appropriate locations within Orange County's coastal zone, with priority given to locations within the City of Laguna Beach. The entire fee and accrued interest shall be used for the above stated purpose, in consultation with the Executive Director, within ten years of the fee being deposited into the account. All development funded by this account will require review and approval by the Executive Director of the Coastal Commission and a coastal development permit. If any portion of the fee remains ten years after it is deposited, it shall be donated to one or more of the State Park units or non-profit entities providing lower cost visitor amenities in a Southern California coastal zone jurisdiction or other organization acceptable to the Executive Director. Alternative mitigation may include completion of a specific project that is comparable in cost to the amount of the in-lieu fee and makes a substantial contribution to the availability of lower cost

overnight visitor accommodations in Laguna Beach and/or other parts of the coastal zone of Orange County, subject to the review and written approval of the Executive Director.

- B. Prior to expenditure of any funds contained in this account, the Executive Director shall review and approve, in writing, the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition, the entity accepting the in-lieu fee funds required by this condition shall enter into a memorandum of understanding (MOU) with the Commission, which shall include, but not be limited to, the following: 1) a description of how the funds will be used to create or enhance lower cost accommodations in the coastal zone; 2) a requirement that the entity accepting the funds must preserve these newly created lower cost accommodations in perpetuity; 3) the terms provided in subsection A of this condition; and 4) an agreement that the entity accepting the funds will obtain all necessary regulatory permits and approvals, including but not limited to, a coastal development permit for development of the lower cost accommodations required by this condition.
- 3. **Final Shuttle Access Program & Shuttle Management Plan.** PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a final Shuttle Access Program and Management Plan. The final plan shall provide the operational stipulations for a temporary shuttle system to provide public access on The Ranch Property that is the subject of this permit from the private hotel/SOCWA gate, at the northeast corner of the property, through the golf course on the property, to the westernmost property line of The Ranch property that connects to the private South Coast Water District road that leads to Coast Highway. To the extent feasible, the applicant shall work with the adjacent property owner and extend the shuttle service to Coast Highway via its easement over the South Coast Water District road. By acceptance of this permit, the applicant/permittee and all successors and assigns agrees to the following operational stipulations:
 - A. The shuttle system shall be operated by the applicant and extended to Coast Highway or the County Beach parking lot if funding and operating the shuttle system is chosen as the mitigation option pursuant to Special Condition 1 and, otherwise, consistent with the final Shuttle Management Plan approved by the Executive Director.
 - B. If the applicant does not elect the mitigation option to fund and operate the shuttle system pursuant to Special Condition 1, the applicant shall have no obligation to operate the shuttle system. Any operator of the shuttle system shall be responsible for funding the program, consistent with subsection C. The operator of the Shuttle Access Program shall be a public entity or private entity or association acceptable to the Executive Director of the Commission, and subject to consultation with the permittee.
 - C. Upon selection of the operator of the Shuttle Access Program, the applicant shall provide \$50,000 towards the purchase of a shuttle vehicle, consistent with the final Shuttle Management Plan. The applicant and operator shall cooperate to coordinate the shuttle program and ongoing public golf course and hotel uses, provide shuttle driver training, and ensure compliance with all of the operational stipulations.
 - D. The shuttle vehicle shall be equipped to provide access through The Ranch Property for both pedestrians and cyclists.

- E. The shuttle program shall operate from 7 a.m. to sunset during the days and hours that the private gate and access road maintained by the South Coast Orange County Wastewater Agency and OC Parks are open for public use. If the days or hours that public use of the access road is open are changed, the operation of shuttle program shall conform to the changed days and hours.
- F. The public shall have the right to ride the shuttle while it is operating on The Ranch Property, including the right to transport bikes and beach gear on the shuttle.
- G. The shuttle program shall perpetually operate unless the applicant opts to end the program after the following event occurs:

 Following construction and upon opening of the public pedestrian and cycling trail to the general public as required by Special Condition 5, the temporary Shuttle Access Program may terminate as described in that Special Condition.
- 4. **Signage Plan.** PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a signage plan for the shuttle system which shows: A) the pick-up/drop-off locations; B) the location of signs displaying the shuttle route, stops, and frequency of operation, that inform the public that the shuttle is available for public use, including use by pedestrians and cyclists, and how to obtain assistance in utilizing the shuttle. The signage plan shall also include the dimensions, wording, and layout of each sign. Signs must be visible, at a minimum, from Coast Highway and the end of the access road/Park Vehicle Road in the Aliso and Wood Canyons Wilderness Park. The applicant shall work with the County to identify signage opportunities (and/or other options for service advertisement) within the Wilderness Park and at Aliso Beach.
- 5. Offer to Dedicate Easement for a Public Pedestrian and Cycling Trail A. Offer to Dedicate Recordation. NO LATER THAN 90 DAYS FOLLOWING CERIFICATE OF OCCUPANCY OF THE APPROVED DEVELOPMENT, the land owner(s) shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency(ies) or non-profit entity(ies) acceptable to the Executive Director, a floating easement for a public pedestrian and cycling trail generally located along the northerly side of the Property ("Easement Area"). The recorded document(s) shall include metes and bounds legal descriptions and corresponding graphic depictions prepared by a licensed surveyor of both the applicant's entire parcel(s) and the easement areas. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. Any development, as defined in Section 30106 of the Coastal Act, that diminishes permanent pedestrian and cycling access and passive recreational use of the easement area is prohibited. The Easement Area offered by the applicant is generally depicted on the plan titled "RANCH Temporary Shuttle and Hiking/Biking Trail Easement Locations," prepared by Morris Skendarian & Associates, A.I.A, and dated December 12, 2014, and received in the Commission's offices on December 15, 2014. The Executive Director may extend, in writing, for good cause the 90-day period for execution and recordation of the offer.

B. Alignment of Public Access Easements; Termination of the Temporary Shuttle Requirement. Upon acceptance of the offered dedication described in Part A of this condition, the accepting entity shall determine the exact alignment of the public pedestrian and cycling trail within the Easement Area. The determination shall be based on a site-specific analysis of the environmental conditions existing at the time and physical improvements related to construction of the public pedestrian and cycling trail, and would be subject to an amendment to this permit or a separate Coastal Development Permit, as determined by the Executive Director of the Commission. By acceptance of this permit, the permittee agrees to be a coapplicant with the accepting entity in the coastal development permit application to ensure that the exact alignment of the pedestrian and cycling trail is properly established through the means required by the Commission in that future CDP action. Upon opening of the public pedestrian and cycling trail to the general public after construction of the trail consistent with an amendment approved by the Coastal Commission to this coastal development permit, the temporary Shuttle Access Program, required pursuant to Special Condition 3, may terminate, if the Commission determines that the applicants have demonstrated in their CDP application that the proposed public pedestrian and cycling trail alignment provides a user experience/level of user difficulty and destination substantially equivalent to that provided by the shuttle access program in terms of a route through Aliso Canyon, terminating at Aliso Beach.

C. Public Trail Access Easement Management. Once the offered dedication described in Part A of this condition has been accepted, management and maintenance of the Easement Area and physical improvements constructed within the Easement Area shall be the responsibility of the accepting entity. The accepting entity may receive assistance and enter into partnerships with public entities, conservation organizations, and nonprofit groups for the construction, management, and maintenance of the Easement Area and physical improvements.

- 6. **Alternative Trail Alignment.** Nothing in this coastal development permit shall be construed as precluding the consideration of any public trail alignment alternatives to connect the Aliso and Wood Canyons Wilderness Park to Aliso Beach through the Ranch property that is the subject of this permit, including an alignment that may be partially or wholly located outside the easement offered pursuant to Special Condition 5.
- 7. **Group Camping at Scout Camp**. As proposed by the applicant and to mitigate the impact of the proposed development on affordable overnight accommodations, by acceptance of this coastal development permit, the applicant and all successors and assigns agree to host at least 12 overnight, small group camping experiences at the Scout Camp per year. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a group camping management plan that includes, but is not limited to, the following:
 - A. Methods to be utilized for advertising to non-profit groups including but not limited to underprivileged youths, scouting organizations and the like; and
 - B. Mechanisms for booking a minimum of 12 groups per year;
 - C. Method for accounting and reporting use of the campsite to the Executive Director annually.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 8. **Parking.** The permittee shall make a minimum of 214 parking spaces available during regular operations of the hotel, restaurant and golf course. During all hours of operation for assembly events, the permittee shall provide 290 parking spaces by operation of the valet parking program described in the *Aliso Creek Inn & Golf Course Project Traffic Impact and Parking Analysis* dated April 16, 2014.
- 9. **Fitness Center.** The new fitness center shall only be available to hotel guests. The fitness center shall not be available to non-hotel guests unless the applicant can provide parking onsite for this use consistent with the requirements of the City of Laguna Beach Municipal Code.
- 10. **Assembly Use.** Only one event may be held on the property at any time that would increase the parking requirement up to the maximum number of spaces that can be provided onsite consistent with the valet parking program detailed in the April 16, 2014 *Aliso Creek Inn & Golf Course Project Traffic Impact and Parking Analysis*.
- 11. **Removal and Revegetation Plan for Scout Camp Parcel.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a final removal and revegetation plan describing the removal of unpermitted development within 100 feet of Aliso Creek in the Scout Camp parcel and replanting of the removal area. Post and cable fencing shall be installed 100 feet from Aliso Creek and from native scrub habitat to prevent intrusion into these buffer zones. The revised plan shall be consistent with the recommendations contained in the Memorandum titled Biological Analysis of the Proposed Restoration at the Scout Camp area of The Ranch in Laguna Beach, dated December 17, 2014 by Dr. Koteen and attached to the staff report dated December 23, 2014 as Exhibit 14. The applicants shall replace any Eucalyptus trees removed pursuant to Dr. Koteen's recommendation with native trees. The final plan shall identify the Eucalyptus to be removed and the tree species that will replace the Eucalyptus.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 12. **Camping and Event Use at the Scout Camp.** The Scout Camp parcel may be used for events, including small group (12 or fewer people) overnight camping, subject to the following restrictions:
 - A. The City of Laguna Beach determines that use of the site for events is consistent with Chapter 25.42 of the Municipal Code;
 - B. Events will be limited to daytime use only;

- C. Events will be limited to a maximum of 100 people;
- D. The total number of events per month will not exceed twelve (12), including primitive camping experiences;
- E. Fencing (e.g., post and cable) shall be installed 100 feet from Aliso Creek and from native scrub habitat to prevent intrusion into these buffer zones;
- F. Tear down of events shall be completed within 2 hours after sunset, but no later than 2200 hours (10 PM);
- G. Amplification of voice or music is not permitted. Decibel levels will be maintained at 65db or lower at the property line; and
- H. There shall be no glare or light intrusion into surrounding native habitat areas.

In addition, and PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the following plans must be submitted for review and approval of the Executive Director:

- I. A noise management plan describing how decibel limits will be monitored and enforced:
- J. A lighting plan including hours of use and only temporary LED low level decorative lighting fully shielded toward the sky and consistent with the Laguna Beach lighting ordinances for any luminaires and lamps to be used during event tear down and camping events; and
- K. A landscaping plan for the area of the Scout Camp outside the 100 foot removal and revegetation buffer, including a planting palette.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

13. **Tree Trimming and Tree Removal Policy.** This coastal development permit approves annual and emergency tree trimming activities consistent with the following policy:

The purpose of this policy is to ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting, and nesting habitat of state and federally listed bird species, California bird species of special concern, and bird species that play an especially valuable role in the ecosystem. The permittee is obligated to trim trees for the safety of the public and the protection of property. The trimming or removal of any tree that has been used for breeding and nesting within the past five years, determined by a qualified biologist, shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted under the parameters described below.

Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January through September) unless the permittee, in consultation with a qualified arborist, determines that a tree causes danger to public health and safety. A health and safety danger exists if an independent qualified arborist in consultation with a qualified biologist determines that a tree or branch is dead, diseased, dying, or injured

and said tree or branch is in imminent danger of collapse or breaking away. The permittee shall be proactive in identifying and addressing diseased, dying or injured trees as soon as possible in order to avoid habitat disturbances during the nesting season. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Executive Director of the Coastal Commission and a representative of the Audubon Society. The permittee shall maintain the annual reports on file as public information and to be used for future tree trimming and removal decisions.

A. Tree Trimming During Non-Breeding and Non-Nesting Season (October through December)

- 1) Prior to tree trimming or removal, a qualified biologist or ornithologist shall survey the trees to be trimmed or removed to detect nests and submit a survey report to the permittee, a representative of the Audubon Society, and the Executive Director of the Coastal Commission. The survey report shall include identification of all trees with nests. The permittee shall maintain a database of survey reports that includes a record of nesting trees that is available as public information and to be used for future tree trimming and removal decisions.
- 2) Any trimming of trees with nests shall be supervised by a qualified biologist or ornithologist and a qualified arborist to ensure that adequate nest support and foliage coverage is maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. Trimming of any nesting trees shall occur in such a way that the support structure of existing nests will not be trimmed and existing nests will be preserved, unless the permittee, in consultation with a qualified arborist, determines that such trimming is necessary to protect the health and safety of the public. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists, as defined in this special condition, above.
- 3) Trimming may not proceed if a nest is found and evidence of courtship or nesting behavior is observed at the site. In the event that any birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet of any occupied tree.
- B. Tree Trimming or Removal During Breeding and Nesting Season (January through September). If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed:
 - 1) A qualified biologist or ornithologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health

or safety danger) to detect any breeding or nesting behavior in or within 300 feet of the work area. A tree trimming and/or removal plan shall be prepared by a qualified arborist in consultation with the qualified biologist or ornithologist and a representative of the Audubon Society. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Executive Director of the Coastal Commission, the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and the applicant. The applicant shall maintain the plans on file as public information and to be used for future tree trimming and removal decisions. The plan shall incorporate the following:

- a. A description of how work will occur.
- b. Work must be performed using non-mechanized hand tools to the maximum extent feasible.
- c. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.
- d. Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat.
- 2) Prior to commencement of tree trimming and/or removal the applicant shall notify in writing the Executive Director of the Coastal Commission, the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

All tree trimming and tree removal shall be conducted in strict compliance with this policy. All trimmings must be removed from the site at the end of the business day and disposed of at an appropriate location. Any proposed change or deviation from the approved policy must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

14. **Resource Agencies**. The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

15. Construction Best Management Practices.

- A. The permittee shall comply with the following construction-related requirements:
 - 1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
 - 2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into stream or coastal waters;

- 4) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to stream or coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into stream or coastal waters; and
- 5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.
- B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:
 - 1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
 - 2) The applicant shall develop and implement spill prevention and control measures;
 - 3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
 - 4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

16. Final Water Quality Management Plan.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall be in substantial conformance with the Water Quality Management Plan (WQMP) dated August 25, 2014 prepared by Adam L. Toal, and shall include all development approved by this permit, including the development at the Scout Camp. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- 1) The WQMP shall incorporate appropriate structural and non-structural Best Management Practices (BMPs) (site design, source control and treatment control) into the development, designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site;
- 2) Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible;
- 3) Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals;

- 4) Runoff from all roofs, roads and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to a) trap sediment, particulates and other solids and b) remove or mitigate pollutants of concern (including trash, debris and vehicular fluids such as oil, grease, heavy metals and hydrocarbons) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner;
- 5) Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;
- 6) All structural and/or treatment control BMPs shall be designed, installed, and maintained for the life of the project in accordance with well-recognized and accepted design principles and guidelines, such as those contained in the California Stormwater Quality Association Best Management Practice Manuals;
- 7) At a minimum, all BMP traps/separators and/or filters shall be, at a minimum, inspected and cleaned/repaired or otherwise maintained in accordance with the following schedule: (a) prior to the start of the winter storm season, no later than October 15th each year, (b) inspected monthly thereafter for the duration of the rainy season (October 15 -April 30), and cleaned/maintained as necessary based on inspection and, (c) inspected and maintained where needed throughout the dry season;
- 8) Debris and other water pollutants removed from structural BMP(s) during clean out shall be contained and disposed of in a proper manner;
- 9) It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

17. Area of Potential Archaeological Significance.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, an archeological monitoring plan prepared by a qualified professional, that shall incorporate the following measures and procedures:
 - 1) If any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, the permittee shall carry out significance testing of said deposits and, if cultural deposits are found to be significant, additional investigation and mitigation in accordance with this special condition including all subsections. No significance testing, investigation or mitigation shall commence

- until the provisions of this special condition are followed, including all relevant subsections;
- 2) If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, all construction shall cease in accordance with subsection B of this special condition:
- 3) In addition to recovery and reburial, in-situ preservation and avoidance of cultural deposits shall be considered as mitigation options, to be determined in accordance with the process outlined in this condition, including all subsections;
- 4) Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading;
- 5) The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
- 6) If human remains are encountered, the permittee shall comply with applicable State and Federal laws. Procedures outlined in the monitoring plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to, negotiations between the landowner and the MLD regarding the manner of treatment of human remains including, but not limited to, scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of remains, or recovery, repatriation and reburial of remains; the time frame within which reburial or ceremonies must be conducted; or selection of attendees to reburial events or ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition.
- 7) Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures established by this special condition, including all subsections. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the permittee shall provide a copy of this special condition, the archeological monitoring plan approved by the Executive Director, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.
- B. If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not recommence except as provided in subsection C and other subsections of this special condition. In general, the area where construction activities must cease shall be 1) no less than a 100 foot wide buffer around the

cultural deposit; and 2) no more than the commercial development area within which the discovery is made.

- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD.
 - 1) If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
 - 2) If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.
 - 3) Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection D of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.
- D. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archaeological Plan for the review and approval of the Executive Director. The supplementary Archaeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection E of this condition. The supplementary Archaeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.
 - 1) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to

- the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
- 2) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.
- E. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.
- F. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 18. **Submittal of Final Plans**. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director two (2) sets of final architectural plans, grading plans, drainage and run-off control plans, and landscaping plans that substantially conform with the plans submitted to the Commission on June 17, 2014 and August 18, 2014, with the addition of development at the Scout Camp.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

19. **Future Improvements**. This permit is only for the development described in Coastal Development Permit A-5-LGB-14-0034. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit A-5-LGB-14-0034. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in

- Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit A-5-LGB-14-0034 from the Commission.
- 20. **Landscaping Drought Tolerant, Non-Invasive Plants**. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://ucanr.edu/sites/WUCOLS/).
- 21. **Liability for Costs and Attorneys Fees**. By acceptance of this permit, the applicant/permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant/permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
- 22. **Deed Restriction**. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (a) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (b) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

A. Project Location & Description

The subject site is located at 31106 Coast Highway, Laguna Beach, Orange County (Exhibit 1 and 2). The site is an 84-acre property located at the bottom of Aliso Canyon on the inland side of South Coast Highway, across from Aliso Beach. Aliso Creek, a designated blue line stream, bisects the property. Access to the site is provided by a driveway that extends about a quarter-mile inland from

South Coast Highway via an easement across property owned by the South Coast Water District. The subject site is surrounded by an open space nature preserve (Aliso and Wood Canyons Wilderness Park) that contains environmentally sensitive habitat area, as well as a public trail system. Significant views of the site, the nature preserve and ocean beyond are available from the ridge trails of the adjacent park. The site is developed with hotel, restaurant, banquet, meeting, and golf course facilities that include approximately 23 detached buildings.

Construction of the golf course began in the late 1940s and in September 1950, a 9 hole golf course was opened to the public. In 1956 Ben Brown purchased the property and began plans for a new destination resort. The County of Orange approved a plan for a 10-story hotel, 80 guest lodges, a special events pavilion, a large clubhouse and restaurant, swimming pools, tennis courts, and other recreational amenities. After an economic decline in the 1960s, plans for the resort changed and a 64 unit apartment complex (later converted into the present day 64 hotel rooms), hotel front desk, and a penthouse suite were constructed. In 1967 construction began on Ben Brown's Restaurant and a new golf shop (the lodge building). This property was later annexed into the City of Laguna Beach from the County of Orange in the late 1980s with the South Laguna Annexation. The property was purchased by the Athens Group in 2004 and rebranded as the Aliso Creek Inn. In 2013 the property was acquired by the Laguna Beach Golf and Bungalow Village, LLC and is now called The Ranch at Laguna Beach.

At the northeast corner of the golf course, a 2-acre landlocked parcel known as "The Elizabeth Dolph Camp" or "Scout Camp" is also owned by the applicant. In 1935 the Dolph sisters granted the parcel to the Laguna Beach Girl Scouts who used the property as a camp and event space into the 1960s. It was subsequently transferred to the Joe Thurston Foundation in 1962 and then to the YMCA in 1967 for use as a camp. The parcel fell into disrepair in the 1970s and for decades was used as a dumping ground and as a maintenance yard for the adjacent golf course. The Athens Group acquired the Scout Camp parcel in 2007, but it continued to be used as a dump and maintenance yard until acquired by the applicant in 2013.

The City of Laguna Beach approved Local Coastal Development Permit No. 14-573 on May 14, 2014 authorizing the expansion and remodel of an existing hotel, restaurant, banquet and golf course facility, including the addition of 33 hotel rooms (64 existing and 97 proposed), construction of a new hotel spa and fitness center, employee lounge, accessory structures, new building facades, reduction and modification of existing assembly areas and restaurant floor area, and a new valet parking program for assembly uses and special events. The City's approval was appealed to the Commission, and on July 9, 2014, the Commission found that a substantial issue exists with the City's action to approve the local permit. The coastal development permit application for the proposed project is now before the Commission as a De Novo matter.

Prior to the City's action on the Local Coastal Development Permit, the City issued a building permit for the complete renovation of the existing 64 hotel rooms, including removal of kitchens from all 64 units. The applicant also undertook development at the Scout Camp parcel without a permit from the City. The unpermitted development included removal of debris and trash, Eucalyptus tree trimming and removal, removal of other vegetation, and installation of a 7,000 square foot concrete pad, walkways, a vegetable garden, and fruit orchard. The applicant also removed an existing chain link fence and replaced it with a wooden fence. After this unpermitted development, the applicant used the space for events including weddings and fundraisers.

For purposes of this de novo review, the proposed development includes the expansion and remodel of the existing hotel, restaurant, banquet and golf course facility (Exhibit 4). Specific components of the project include:

- Modification of building façades;
- Complete interior and exterior renovation of hotel accessory structures, including the hotel lobby, lodge, restaurant, and indoor assembly areas;
- Intensification of hotel use through the addition of 33 new hotel rooms within nine existing detached hotel structures for a total of 97 rooms;
- Demolition of 2,549 square feet of assembly space in two detached structures;
- Reconfiguration of assembly space within the lodge;
- 219 square foot reduction in restaurant floor area;
- Construction of a 1,997 square foot spa;
- Construction of an approximately 475 square foot fitness center attached to the spa;
- Construction of an approximately 1,600 square foot employee lounge with storage;
- New accessory structures, including a new detached porte-cochere at the entrance of the existing lodge and a new 139 square foot pool bar;
- Additions to the lodge include a new 2,193 square foot basement level with golf cart parking, laundry and office space, 3,114 square foot patio area over the new golf cart garage, and enclosure of existing lower and upper level patio decks associated with the restaurant and assembly areas;
- Additions to other existing structures include a 122 square foot housekeeping storage area, 196 square foot pool/spa equipment room, and a 196 square foot pool bar storage room;
- New valet parking program during assembly uses and special events (Exhibit 12);
- A total of 1,710 cubic yards of grading associated with demolition of a carport and construction of the employee lounge and storage in its place, and the construction of the hotel spa and fitness center and new basement level of the lodge for golf cart parking, laundry, and office space; and
- Landscaping around the lodge, spa and fitness center, and employee lounge.

At the Scout Camp parcel, the proposed development includes the following:

- After-the-fact approval for the unpermitted development within the Scout Camp, including Eucalyptus tree trimming and removal, replacement of a chain link fence with a wooden fence, installation of a concrete pad, walkways, and landscaping including turf, a vegetable garden, and fruit orchard;
- Removal of the above unpermitted development within 100 feet of Aliso Creek and revegetation within the removal area (Exhibit 5);
- Removal of the lower plank of the new wooden fence to facilitate animal access between the Scout Camp and surrounding habitat;
- Daytime events with use restrictions on number of attendees, noise and hours of operation; and
- Overnight tent camping for small groups, including reduced cost camping for non-profit youth groups.

The proposed daytime events would include wedding ceremonies, group banquets, team building activities, educational tours, yoga and other fitness activities, and organic gardening instruction. These events would be limited to a maximum of 150 people, no more than 12 events per month (including overnight camping), sound levels will be maintained at 65 decibels or lower at the property line, lighting is limited to temporary LED low level shielded luminaries, events will complete by sunset with tear down activities only until astronomical dusk, and no food, trash or other consumable product will be left outside overnight. Overnight tent camping experiences are also proposed. These camping events would focus on dark sky experiences and would be limited to small groups of 12 or less.

Finally, the applicant proposes to provide some public access across the property through a Shuttle Access Program and offer to dedicate an easement for a future trail. Pursuant to the proposed Shuttle Access Program, the applicant would allow a shuttle system operated by a third party to transport pedestrians and cyclists from an existing road within the adjacent Aliso and Wood Canyons Wilderness Park that terminates at the northeast corner of The Ranch Property, to the westernmost edge of The Ranch property. Pedestrians and cyclists could then walk or ride the private South Coast Water District road to a sidewalk on Coast Highway and reach Aliso Beach. The applicant would contribute \$50,000 toward the purchase of a shuttle vehicle consistent with the proposed Program. The shuttle system would operate during the hours that the Park road is open to the public (currently weekends only from 7am to sunset). The applicant also proposes to record an offer to dedicate a floating trail easement, identifying two areas on the northern side of the property where a future pedestrian and cycling trail could pass through The Ranch property. Any trail constructed within the easement areas would be completed by a third party accepting the offer to dedicate, conducting site-specific analyses to identify a final trail alignment, and subject to approval of a future coastal development permit. As proposed, the Shuttle Access Program would terminate once a public pedestrian and cycling trail is open to the public.

As a De Novo permit matter, the standard of review for the proposed development is the City of Laguna Beach certified LCP. Since the proposed project is located between the nearest public road and the shoreline of Aliso Creek, the proposed development must also conform with the public access and recreation policies of the Coastal Act.

B. Public Access and Recreation

Project Impacts to Public Access and Recreation

Land Use Element Policy 6.2 states:

Preserve and encourage an increase of the City's stock of affordable motel and hotel rooms available for short-term visitors. Protect, encourage, and where feasible provide, affordable overnight accommodations.

Coastal Act section 30213 states:

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

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

The applicant's proposed development will have significant impacts to public access and recreation that require mitigation. The existing hotel rooms were originally designed as apartments—they offer more square footage than standard hotel rooms and each is equipped with a kitchen. As part of the proposed update to the hotel's 64 existing units, the applicant will remove kitchens from each unit. To increase the number of rooms within the existing building footprints, the applicant proposes to split 32 existing onebedroom suites in half, creating 64 standard sized hotel rooms. A thirty-third new room will be added to the hotel by converting a former residence on the property to a penthouse suite. The applicant will also increase rates charged for every room type. All 33 of the new hotel units will be higher cost units and no lower cost units will be provided. As a result, the hotel is losing 32 more affordable rooms (the existing 32 one-bedroom suites being split) and gaining 33 higher cost rooms. These changes are inconsistent with the LCP's requirement to "[p]rotect, encourage, and where feasible provide, affordable overnight accommodations." The changes in the hotel room type and cost is also inconsistent with Coastal Act section 30213's mandate to protect, encourage, and provide lower cost visitor facilities. These additional hotel rooms will increase the number of visitors that can be accommodated on the property. The greater intensity of use of the hotel translates into increased recreational demand on coastal resources in the surrounding area.

Other aspects of the proposed project will further intensify existing uses of the property. In addition to more hotel rooms, the applicant proposes to expand the existing assembly areas on the property, open a hotel spa to hotel guests and the public, and renovate the existing lodge and restaurant facility. Use of any one of the assembly areas creates a parking demand that cannot be met without a valet parking program, and the proposed renovation of the property increases the need for parking. This new parking demand could have significant impacts to the surrounding area (in particular to public beach parking at the neighboring County beach parking lot) without proper management of the number and size of events held on the property. Each of these impacts requires mitigation under the LCP and Coastal Act.

Proposed Mitigation Package

As mitigation for the project's impacts to public access and recreation, the applicant proposes to offer public access through the site (Exhibit 10) and offer limited, small group camping experiences at the Scout Camp. The applicant proposes to dedicate a "floating trail easement" on sections of the property to facilitate identification of a future public pedestrian and cycling trail alignment. The proposal includes two easement areas on the north side of the applicant's property (Exhibit 10, page 9) within which a future trail could cross the applicant's property. As proposed, the easement areas are located outside of a 200 yard golf ball flight hazard zone. A final trail alignment would be determined based on a site-specific analysis by a third party accepting the offer to dedicate. As proposed, a final trail would have to cross properties owned by Driftwood, LLC, the City of Laguna Beach, the South Coast Water District, and the County of Orange to connect the Aliso and Wood Canyons Wilderness Park to Aliso Beach.

Until a trail alignment is finalized and constructed, the applicant proposes to allow operation of a temporary, managed shuttle program across the property. The proposed shuttle program would transport pedestrians and cyclists from an existing Park Vehicle Road (Exhibit 9) controlled by the South Coast

Orange County Wastewater Agency ("SOCWA") and Orange County Parks that ends at the northeast corner of the applicant's property, through the golf course to the hotel entrance at the western edge of the applicant's property. Pedestrians and cyclists using the shuttle service would have to walk or ride approximately one-quarter mile along the private South Coast Water District Road to Coast Highway and then along a sidewalk to reach Aliso Beach. As proposed, the shuttle vehicle would be a large enclosed passenger vehicle with a bike rack or bike trailer. The shuttle would operate during the same days and hours that the Park Vehicle Road is open to use by the public—currently weekends only from 7a.m. to sunset. If the days or hours that public use of the road change, the shuttle program would operate consistent with those changed days or hours. Shuttle service would be provided every 30 minutes on the hour and half hour, or "on call" with installation of a call button at the gate at the northeast corner of the property. As proposed, the applicant would not be responsible for operating or funding the shuttle system, other than an initial \$50,000.00 contribution toward the purchase of a shuttle vehicle. The shuttle service would terminate following construction and opening of a pedestrian and cycling trail.

The final piece of the applicant's mitigation package is a proposal to host primitive overnight camping for groups of no more than 12 people, including non-profit youth organizations, at the Scout Camp. These camping events would focus on dark sky experiences. The applicant proposes to limit the number of events held at the Scout Camp each month to 12 events, including overnight camping.

Sufficiency of the Proposed Mitigation Package

The applicant's proposed mitigation package is not sufficient to address the impacts of the project's impact on affordable/lower cost accommodations/facilities. The applicant proposes to create public access across the site through a combination of the offer to dedicate an easement for longer term access and a shuttle system for access in the interim. The offer to dedicate is important to provide for a potential trail in the future. Reserving an easement for a future trail is consistent with LCP policies that encourage regional and city-wide expansion of trail networks, and decades-long interest in a trail connecting the Aliso and Wood Canyons Wilderness Park inland of the property with Aliso Beach, seaward of the property. It can also help address the increase in recreational demand associated with the proposed project. However, development of a trail alignment and construction of the trail will take a significant amount of time and will not be done by the applicant (an accepting entity will have to take responsibility for the easement and all trail development). The offer to dedicate does not guarantee that a trail will ever be developed. As a result, the offer to dedicate alone is not sufficient mitigation for the impacts of the proposed project.

The applicant's proposed shuttle program could provide an acceptable interim amenity to transport the public to the coast from the existing trail terminus at the northeast corner of The Ranch property. However, the applicant's proposal does not guarantee funding and operation of the program, so actual provision of the shuttle is not ensured. Further, the proposed service would drop shuttle users at the applicant's property line, rather than at Coast Highway or at Aliso Beach. The shuttle service is only an acceptable alternative to a trail connecting the Wilderness Park to Aliso Beach if it is both operational and extends to the beach.

Finally, the overnight camping experiences could provide some mitigation for the loss of more affordable overnight accommodations, however, as proposed the camping will not be open to the general public. Visitors to Laguna Beach could not book a campsite at The Ranch on any given night. The proposal is to allow specific groups, particularly non-profit youth groups, to camp on a special event

basis only. The mitigation package proposed by the applicant does not adequately address the full range of impacts that the proposed development will have on public access and recreational opportunities. Therefore additional mitigation must be considered.

Trail to the Sea

Open Space/Conservation Element Policy 6D states:

Require as a condition of development approval, the dedication and improvement of public trail easements.

Open Space/Conservation Element Policy 6F states:

Ensure that new development does not encroach on access to trails nor preclude future provision of access.

Open Space/Conservation Element Policy 6I states:

Provide public pedestrian access to Open Space/Recreation areas, except where it is inconsistent with public safety or the protection of fragile coastal resources.

Open Space/Conservation Element Policy 6N states:

Pursue and provide for trail links within the City of Laguna Beach to connect trails, parks, and open space areas in adjacent jurisdictions.

Open Space/Conservation Element Policy 6S states:

Pursue the development of City trails that augment the existing County trail network.

Open Space/Conservation Element Policy 6T states:

The Trail Network Maps 1-3 identify trails throughout the City. However, trails in addition to those shown on the maps may be recognized and treated in the same manner as those identified on the maps.

The subject property is located just inland of Pacific Coast Highway along Aliso Creek near to its outlet at the County owned and operated Aliso Beach. Following inland along Aliso Creek the next adjacent property is the approximately 4500 acre Aliso and Wood Canyons Wilderness Park that is owned and operated by the County as well. This common property boundary is also roughly the boundary between the City and unincorporated County area. There is an extensive public trail network in the Wilderness Park, including a trail along Aliso Creek, which ends near the inland boundary of the subject property. A 'trail to the sea' has long been sought by County residents that would extend through the subject property, generally along the creek, and connect with Aliso Beach. Such a trail would provide an important non-automobile regional linkage between the beach and densely urbanized inland areas of Aliso Viejo, Laguna Niguel, and the remainder of the County.

In fact, the missing link in the 'Trail to the Sea' has been a part of the County's local coastal program since at least the early 1980's, and then the City's local coastal program, when this former County unincorporated area (called South Laguna) was incorporated into the City of Laguna Beach in the late 1980's. The trail appears on at least two maps in the City's LCP, both in the City's Open Space Conservation Element (see Exhibit 6 and 8). These maps remain a part of the LCP.

Topic 6 in the Open Space Conservation Element, the 'Master Plan of Trails', was updated in 2001 in conjunction with LCP amendment No. 1-01. Text was reorganized and a trail network map that is part of that topic was updated. Oddly, the trail passing through the subject site that appears on other maps in the LCP does not appear on these maps. There was no indication in the City's submittal at the time giving any explanation why certain trails that appear on other maps don't appear on this map. However, there is narrative and policy that discuss the importance of making connections with trails located in the Wilderness Park. Furthermore there is policy language, added by the Commission as a suggested modification, and later adopted by the City, which states that "trails in addition to those shown on the maps [referring to the Trail Network maps] may be recognized and treated in the same manner as those identified on the maps." Public comments submitted in conjunction with the LCP amendment hearing also underscored the importance of a trail segment connecting the Wilderness Park to Aliso Beach, roughly along Aliso Creek.

The proposed project will increase the number of hotel guests and visitors to The Ranch property. This intensification of use at the site will cause increased demand for recreational opportunities and pressure on coastal resources. According to Orange County Parks, recreational use of the Aliso and Wood Canyons Wilderness Park has increased over the last several years and that trend is expected to continue as the Park is currently improving visitor facilities (e.g., expanded parking and interpretive center). Orange County Parks also acknowledges that some park users trespass onto neighboring private property, including the subject site. Expanded use of the Wilderness Park is likely to exacerbate these trespass issues.

The applicant proposes to offer public access through the site, providing a key connection toward completing the 'Trail to the Sea' between Aliso and Wood Canyons Wilderness Park and Aliso Beach. Operation of the shuttle service as proposed will ensure that pedestrians and cyclists can reach the westernmost boundary of this property safely, providing a more immediate solution to the missing link in the 'Trail to the Sea'. However, pedestrians and cyclists using the shuttle service will still have to walk or ride the private South Coast Water District Road to reach Coast Highway and access to Aliso Beach. The applicant holds an easement over this road for access to and from Coast Highway. As a result, Special Condition 3 requires the applicant to submit a final shuttle access program and management plan and encourages the applicant to work with the adjacent property owner to provide passenger drop-off at the intersection of Coast Highway and the private South Coast Water District road to alleviate concerns raised by the South Coast Water District regarding pedestrian and cyclist safety along the road. **Special Condition 4** requires submission of a signage plan for the shuttle system showing pick-up and drop-off locations and the location and content of signs describing the shuttle program and visible, at a minimum, from Coast Highway and the end of the Park Vehicle Road in the Wilderness Park. This Special Condition also requires the applicant to work with the County to identify appropriate locations within the Wilderness Park and at Aliso Beach for signs notifying the public that the shuttle service is available.

The applicant's proposed offer to dedicate a floating trail easement provides an opportunity to complete the trail long contemplated by County residents and is consistent with the Open Space Conservation Element Topic 6 Policies. **Special Condition 5** requires formalization of the proposed offer to dedicate an easement for a public pedestrian and cycling trail. However a trail is not guaranteed by the offer to dedicate. To ensure that some level of public access to Aliso Beach is available until a trail is constructed and opened to the public, the condition clarifies that the shuttle service would not terminate

until construction and opening of the public trail, and subject to an approved permit amendment and determination by the Commission that the final trail provides a user experience/level of user difficulty and destination substantially equivalent to that provided by the shuttle access program in terms of a route through Aliso Canyon and terminating at Aliso Beach. As proposed, the offer to dedicate only applies to two sections of the property along the north slope of the Canyon (Exhibit 10, page 9). These sections are set outside of a 200 yard golf ball hazard zone. The applicant feels that a trail located any closer to the course or along the south slope poses a safety risk. However, a future site-specific analysis of the area may reveal that a trail alignment could be safely located closer to the golf course or along the south slope of the property. Therefore, **Special Condition 6** is required to clarify that this coastal development permit does not prevent consideration of any trail alignment alternatives through this property, even if they would fall outside of the proposed easement areas.

As conditioned, the proposed offer to dedicate and shuttle management program are consistent with the certified LCP's policies regarding provision of trail access.

Affordable/Lower Cost Overnight Accommodations

Land Use Element Policy 6.2 states:

Preserve and encourage an increase of the City's stock of affordable motel and hotel rooms available for short-term visitors. Protect, encourage, and where feasible provide, affordable overnight accommodations.

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act section 30213 states:

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

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Visitor-serving commercial development is considered a priority use under the Coastal Act. Policy 6.2 of the City's Land Use Element seeks to preserve existing and encourage new affordable overnight accommodations. The LCP and the public access policies of the Coastal Act require that affordable overnight accommodations and lower-cost visitor and recreational facilities be protected, encouraged, and, where feasible, provided. The applicant proposes to remodel the existing 64 hotel rooms removing kitchens from all existing units. The applicant also proposes to create 33 additional rooms on the

property within existing building footprints by splitting 32 existing one-bedroom suites in half to create 64 standard hotel rooms and converting a former home on the property to a penthouse suite. After construction, the hotel will have a total of 97 rooms. The applicant also proposes to increase the rates charged for all rooms at the hotel.

The applicant states that the hotel's historic room rates have never been low-cost, therefore, the remodel, addition of rooms and increase in room rates will not result in the loss of existing affordable overnight accommodations. However, the loss of kitchens in all 64 existing units will impact budget travelers who save costs by cooking for themselves instead of eating all meals out at restaurants. Because half of the existing rooms will be made smaller to add the new rooms within existing building footprints, the new smaller hotel rooms will no longer be able to accommodate the number of people that were able to use the larger hotel rooms, thereby increasing the cost per person for those smaller rooms. Moreover, the rates will be increased for all rooms, making the accommodations significantly less affordable. Finally, the applicant does not propose to provide any of the proposed overnight accommodations as lower-cost visitor facilities to the general public which is inconsistent with section 30213 of the Coastal Act and Policy 6.2 of the Land Use Element.

Affordable Overnight Accommodations Shall Be Protected, Encouraged, and Provided

Historically, the Commission has approved new hotel developments along the coastline because they are visitor-serving facilities. These hotels, however, are often exclusive because of their high room rates, particularly in recent years. Typically, the Commission has conditioned approvals of these hotels to mitigate for the hotel development's impacts on public access and recreation (e.g., public accessways, public parking, and open space dedications). To that end, the Commission has also required mitigation for the use of land that would have been available for lower cost and visitor serving facilities (e.g. NPB-MAJ-1-06A). The expectation of the Commission, based upon several recent decisions, is that developers of sites suitable for overnight accommodations will provide facilities which serve the public with a range of incomes [HNB-MAJ-2-06-(Huntington Beach-Timeshares); A-6-PSD-8-04/101 (San Diego-Lane Field); A-5-RPV-2-324 (Rancho Palos Verdes-Long Point); RDB-MAJ-2-08 (Redondo Beach); SBV-MAJ-2-08 (Ventura); 5-98-156-A17 (Long Beach-Pike Hotel); LOB-MAJ-1-10 (Long Beach-Golden Shore)]. If the development cannot feasibly provide for a range of affordability on-site, the Commission has required off-site mitigation, such as payment of an in-lieu mitigation fee, to fund construction of lower cost overnight accommodations such as youth hostels and campgrounds.

The loss of existing lower cost overnight accommodations within the coastal zone is an important issue for the Commission. Generally, the few remaining low to moderately priced hotel and motel accommodations in the coastal zone tend to be older structures that become less economically viable as time passes. As more recycling occurs (as progress dictates), the stock of low cost overnight accommodations tends to be reduced, since it is generally not economically feasible to replace these structures with accommodations that will maintain the same low rates. As a result, the Commission sees more proposals for higher-cost accommodations, including limited-use overnight accommodations. If this development trend continues, the stock of lower cost overnight accommodations will eventually be depleted.

In light of these trends in the market place and along the coast, the Commission is faced with the responsibility to protect and to provide lower-cost overnight accommodations as required by Section 30213 of the Coastal Act. Research conducted as part of the Commission's 2006 workshop on hotel-condominiums showed that only 7.9% of the overnight accommodations in nine popular

coastal counties were considered lower-cost [Coastal Commission Hotel-Condominium Workshop, August 9, 2006]. Although statewide demand for lower-cost accommodations in the coastal zone is difficult to quantify, there is no question that camping and hostel opportunities are in high demand in coastal areas, and that there is an on-going need to provide more lower-cost opportunities along California's coast. For example, the Santa Monica hostel occupancy rate was 96% in 2005, with the hostel being full more than half of the year, and the California Department of State Parks estimates that demand for camping increased 13% between 2000 and 2005 with nine of the ten most popular State Park campgrounds being on the coast.

Lodging opportunities for more budget-conscious visitors to the coast are increasingly limited. As the trend to demolish or convert low-cost hotels/motels continues, and only new first class luxury hotels are being built, persons of low and moderate incomes will make up fewer of the guests staying overnight in the coastal zone. Without lower-cost lodging facilities, a large segment of the population will be excluded from overnight stays at the coast. By forcing this economic group to lodge elsewhere (or to stay at home), there will be an adverse impact on the public's ability to access the beach and coastal recreational areas. Therefore, by protecting and providing affordable lodging for the price-sensitive visitor, a larger segment of the population will have the opportunity to visit the coast, thereby maximizing access and recreation opportunities available to the general public consistent with section 30210 of the Coastal Act. Access to coastal recreational facilities, such as the beaches, harbor, piers, and other coastal points of interest, is enhanced when lower cost overnight lodging facilities exist to serve a broad segment of the population.

In order to protect and provide for lower-cost visitor-serving facilities, the Commission has imposed in-lieu mitigation fees on development projects that remove existing facilities and/or propose only new high cost overnight accommodations, or change the land use to something other than overnight accommodations. By requiring such mitigation a method is provided to assure that at least some lower-cost overnight accommodations will be protected and/or provided. In some cases, mitigation requirements have also included provision of non-overnight public access and recreational amenities, such as public plazas, restaurants, and retail areas to ensure that visitors who cannot or choose not to pay for a hotel room can nonetheless access the facility for recreational activities during the day [Grover Beach LCPA 1-12 Part 1 (Grover Beach Lodge); 3-84-139 (Monterey Peninsula Hotel)].

The Proposed Hotel Remodel and New Rates

The proposed development is inconsistent with section 30213 of the Coastal Act and with Policy 6.2 of the Land Use Element because the applicant proposes to both remove existing affordable overnight accommodations and fails to provide new affordable overnight accommodations. The existing hotel rooms were originally designed as apartments—they offer more square footage than standard hotel rooms and each is equipped with a kitchen. This style of overnight accommodations is unique in Laguna Beach and may appeal to specific types of visitors. For example, families might find a one-bedroom suite style room more comfortable and affordable than paying for multiple standard hotel rooms. Budget travelers can also save costs by cooking for themselves instead of eating all meals out at restaurants. The Commission has found these types of suite-style rooms to be more affordable because they accommodate more people and have kitchens [6-13-0407 (Revised Findings, McMillan-NTC)]. The applicant proposes to create 32 new rooms within the existing hotel footprint by splitting 32 one-bedroom suites in half. This will reduce the square footage of the existing rooms to offer standard sized hotel rooms. The complete interior remodel of all 64 existing units includes removal of kitchens from

the existing rooms. Instead of offering 64 rooms with kitchens, the only hotel room that will offer a kitchen following the remodel is the penthouse suite for \$520 to \$695 per night—a price that cannot be described as affordable for the general public as a whole, especially for those with low to moderate incomes. At a minimum, the conversion of 32 one-bedroom suites to 64 standard rooms qualifies as a loss of 32 more affordable overnight accommodations.

The proposed hotel rates will be significantly higher than historical rates and no lower-cost accommodations will be provided onsite. During peak summer season in July 2013 the Average Daily Rate (average of rates charged for every room type) was \$172.34. Post-remodel, the applicant proposes to charge \$275 per night on a weekday night or \$334 per night on weekends for the new standard sized hotel rooms. These new rooms will cost approximately \$100 to \$162 more per night for less square footage and no kitchen. These new standard sized rooms will be the cheapest rooms available, making the hotel unaffordable for budget-conscious visitors. The proposed development will not increase the City's stock of affordable overnight accommodations or provide lower-cost visitor facilities as required by the LCP and Coastal Act. Therefore, the Commission finds that mitigation is required to address the impact on affordable overnight accommodations associated with the proposed development.

Mitigation

Although the actual provision of lower-cost accommodations in conjunction with a specific project is preferable, in past action, the Commission has also found that when this approach is not feasible, then the requirement of in-lieu fees to provide new lower-cost opportunities constitutes adequate mitigation for the loss or reduction of lower cost overnight accommodations. Recent Commission decisions for individual development projects (6-92-203-A4/KSL, A-6-ENC-07-51, Oceanside LCPA 1-07, and Redondo Beach LCPA 2-08) have required the payment of an in-lieu fee of \$30,000 for each required replacement room as a part of the mitigation package. For high cost overnight visitor accommodations where lower cost alternatives are not included onsite, a mitigation fee of \$30,000 per room has been required for 25% of the high cost rooms constructed. In some cases, mitigation requirements have also included provision of non-overnight public access and recreational amenities, such as public plazas, restaurants, and retail areas.

The \$30,000 per room in-lieu fee amount was established based on figures provided by Hostelling International in a letter dated October 26, 2007. The figures provided are based on two models for a 100-bed, 15,000 square foot hostel facility in the coastal zone, and utilize experience from the existing 153-bed Hostel International San Diego Downtown Hostel. Both models include construction costs for the rehabilitation of an existing structure and factor in both "hard" and "soft" construction and start-up costs, but do not include costs associated with ongoing operations. "Hard" costs include, among other things, the costs of purchasing the building and land and construction costs. "Soft" costs include closing costs, architectural and engineering contracts, construction management, permitting fees, legal fees, furniture and other equipment costs.

Based on these figures, the total cost per bed ranged from \$18,300 for a leased facility to \$44,989 for a facility on purchased land. This model is not based on an actual project, and therefore the actual cost of the land/building could vary significantly, and therefore the higher cost scenario could represent an inflated estimate. In order to take this into account, the Commission finds that a cost per bed located between the two model results is most supportable and conservative.

Past Commission actions have typically assessed an in lieu fee of \$30,000 per room applied to 100% of affordable overnight accommodations lost and to 25% of new high cost rooms where no lower cost alternatives are provided onsite. In this case, 32 more affordable units are being lost through conversion to standard, higher priced rooms and loss of kitchens. In addition, 33 new high cost rooms are being added to the property. Under this analysis, the Commission could assess an in lieu fee of \$30,000 per room applied to a total of 40.25 rooms (32 + 8.25). However, the applicant is proposing limited overnight tent camping at the Scout Camp as part of the mitigation package for the impact to affordable overnight accommodations and lower cost visitor facilities. The camping proposal is subject to the event limit of 12 events per month at the Scout Camp. That means that even if no other events (weddings, workshops, yoga classes) were held at the Scout Camp, camping would only occur 144 nights per year for a total of 12 people per night. That does not provide a significant amount of mitigation against the loss of 32 more affordable overnight accommodations, addition of 33 higher cost rooms, or failure to provide affordable accommodations onsite.

Application of the in-lieu fee formula is flexible to account for individual circumstances. For example, the Commission recently adjusted the percentage of new high cost rooms requiring mitigation down to 12.5% of the total number of new rooms where the proposed hotel rooms were all suites with kitchenettes. The Commission found that the suites provided increased affordability and the applicant's commitment to design and furnish 35% of rooms to accommodate up to six persons at a reduced rate warranted the reduction in the mitigation calculation [6-13-0407 (Revised Findings, McMillan-NTC LLC)]. In essence, the Commission found at the McMillan-NTC LLC hearing that the provision of those rooms was consistent with section 30213 of the Coastal Act, finding them to be an acceptable lower cost/affordable accommodation, and warranted removing those rooms from the required mitigation calculus to mitigate for the impacts to lower cost visitor accommodations. At The Ranch property, the applicant is proposing the opposite—there will be no provision/protection of the existing more affordable units. Instead, the applicant is proposing to increase the rates for existing units, reduce the number of persons who can be accommodated in 32 existing rooms, and eliminate the kitchens from all 64 existing units. Although the proposed overnight tent camping is not sufficient to mitigate for the full impact of the loss of more affordable units and failure to provide affordable units, it can provide some mitigation here. Instead of assessing an in lieu fee of \$30,000 per room applied to 40.25 rooms, \$30,000 per room applied to the 33 new high cost rooms better captures the limited mitigation provided by the applicant's camping proposal. According to the formula, the in lieu fee of \$30,000 per room applied to all of the proposed new rooms, plus an added amount to compensate for inflation since 2007 (Consumer Price Index) could be required. Staff calculated the added rate of inflation to \$30,000 since October 26, 2007, when the Hostelling International study was done. According to the U.S. Bureau of Labor Statistics CPI Inflation Calculator, \$30,000 in 2007 has the buying power of \$33,970.11 in 2014. Therefore, in today's dollars the total in-lieu fee for the addition of 33 high cost overnight accommodations would be \$1,121,010.00 ($\$33,970 \times 33 = \$1,121,010.00$).

Instead of the in lieu mitigation fee, and in addition to the proposed overnight camping, the applicant proposes to offer public access through the site, providing a key connection between existing trails within the adjacent Aliso and Wood Canyons Wilderness Park inland of the site and Aliso Beach across Coast Highway from this site (Exhibit 10). This public access would consist of a temporary, managed shuttle program that would terminate upon construction and opening of a trail on the north side of the property. The applicant would also dedicate a "floating trail easement" on sections of the property to facilitate identification of a future public pedestrian and cycling trail alignment. However, the shuttle proposal does not require that the applicant fund or operate it, offering no assurance that it will provide

public access across the site. In addition, the proposed shuttle program does not actually create the missing link in the 'Trail to the Sea' because it will drop passengers off at the westernmost edge of the property instead of at Coast Highway or at Aliso Beach.

Although this proposed mitigation package would not directly replace affordable overnight accommodations, the Commission has in some cases included provision of non-overnight public access and recreational amenities, such as public plazas, restaurants, and retail areas as mitigation for loss of affordable overnight accommodations (3-84-139; Grover Beach LCPA 1-12 Part 1). The 33 proposed hotel rooms will increase the number of visitors to this property and the surrounding area, creating increased recreational demand on coastal resources. The higher rates associated with all the hotel rooms will also exclude budget-conscious travelers from this property. The applicant's proposed public access offers a lower-cost recreational opportunity through this site, providing visitors who cannot or choose not to afford a stay at the hotel a way to enjoy Aliso Canyon and the subject site.

Based on estimates provided by the applicant, the cost to run the shuttle service over 10 years would range from approximately \$739,000 – \$2.0 million depending on the number of days the shuttle service operates (Exhibit 11). This figure is roughly equivalent to the cost of the in lieu mitigation fee. Although the proposed public access would not directly replace the loss of affordable overnight accommodations, it would provide a lower cost recreational opportunity for the public on-site. The Commission finds that a commitment to fund and operate the proposed shuttle system, and extend it to the beach, until such time as it is replaced by a viable pedestrian and cycling trail through the property to the beach, could be acceptable as alternative mitigation for the impact to lower cost recreational facilities along with the other mitigation proposed by the applicant. Therefore, as mitigation for the loss of and lack of providing affordable overnight accommodations, **Special Condition 1** requires the applicant to either (1) pay an in lieu mitigation fee of \$1,121,010.00 or (2) fund and operate the proposed shuttle service with passenger pick-up/drop-off at Coast Highway or Aliso Beach County parking lot. **Special Condition 7** also requires the applicant to host at least 12 overnight, small group camping experiences at the Scout Camp per year.

As conditioned, the development is consistent with the requirements of the certified LCP and the Coastal Act policies regarding affordable overnight accommodations and lower cost visitor and recreational facilities.

C. PUBLIC ACCESS – PARKING IMPACTS

Land Use Element Policy 5.2 states:

Ensure that all new development, including subdivisions and the creation of new building sites and remodels that involve building additions, is adequately evaluated to ascertain potential negative impacts on natural resources and adjacent development, emphasizing impact avoidance over impact mitigation.

Land Use Element Policy 5.3 states:

Evaluate and, if necessary, modify the commercial parking standards for new development and/or changes of use, especially when such occurrences impact adjacent residential or visitor-serving areas.

Existing Parking Requirement

The site currently contains a total of 204 parking spaces allocated to the following existing uses: (1) 64 hotel rooms, (2) 7,814 square feet of restaurant gross floor area, (3) approximately 10,225 square feet of assembly area, and (4) a nine-hole golf course. Pursuant to the Municipal Code, these existing uses would require a total of 466 parking spaces. The site is therefore currently deficient 262 parking spaces and is considered legal nonconforming (See Table 1 for a summary of the Municipal Code required parking under existing conditions). This calculation differs from the City's finding that 380 parking spaces are required for existing uses because the City did not include the patio in front of the pro shop (approximately 3,000 square feet and seating 200) in its parking analysis. The applicant indicates that the patio is primarily used as event space, but sometimes also used for outdoor dining in nice weather. The applicant applied for a temporary use permit to install a tent over the patio during the rainy season, allowing its use as the primary dining area during restaurant renovations associated with the proposed development and for future event use. The temporary use permit was proposed for a term of 3 years, indicating that the applicant would continue to use that area for events after the renovation is completed and the restaurant dining area reopens. As a result, application of the parking requirement for assembly areas seems more appropriate for this space than the parking requirement for restaurants.

The appellants contend that the parking analysis conducted by the City was insufficient because the City did not include the existing pro shop, snack bar, practice range, golf maintenance building, maintenance yard, and administrative space in their parking calculation. These uses are considered ancillary to the hotel and golf course uses—hotel guests, golfers, and hotel staff (already parked to stay at the hotel, play a round of golf, or go to work) are engaging in these other uses and therefore additional parking is not required. The appellants also suggest that the City should have considered the original owner's residence as a house, not a hotel room and applied the residential parking requirement to that structure. Although it appears that the residence was rented out to hotel guests by the prior owner of the property, the City considered the use of the house as a hotel room to be part of the proposed development and did not include it in calculation of the existing parking requirement. The house is not currently used and is not proposed to be used as a residence. Therefore, the residential parking requirement should not apply. The appellants also suggest that the wrong parking requirement was applied for the golf course. The Municipal Code distinguishes between "golf courses," requiring 8 parking spaces per hole, and "miniature or 'Par 3'" courses, requiring 3 parking spaces per hole. Although not a 'Par 3' golf course (5 holes are Par 4), the course has short fairways and can be described as an "executive" golf course. The result is that the course is played quicker than a standard nine-hole course and multiple groups of players cannot play a single hole at one time (i.e., there is not enough distance for one group to tee off while the other is putting). As a result, the smaller parking requirement of 3 spaces per hole appears appropriate in this case.

Table 1. Existing Required Parking

Land Use	Municipal Code Parking	No. Parking Spaces Required
	Requirement	
Hotel (64 rooms)	1 space per room plus 1 space per	68.3
	each 15 rooms	

Restaurant (7,814 sq. ft. and 230 seats)	1 space for each 100 sq. ft. or 1 space for each 3 seats, whichever more restrictive	78.1 (76.7 based on # of seats)
Assembly – Lodge Interior and Buildings G1 and G2 (7,224.7 sq. ft. and 556 seats)	1 space for each 35 sq. ft. or 1 space for each 3 fixed seats, whichever more restrictive	206.4 (185.3 based on # of seats)
Assembly – Pro Shop Patio (3,000 sq. ft. and 200 seats)		85.7 (66.6 based on # of seats)
Golf course (nine holes)	3 spaces per hole	27
	Total Spaces Required	466

Proposed Development Parking Requirement

The applicant is proposing 33 new hotel rooms, a 218.5 square foot reduction to the existing restaurant gross floor area, and a new 1,997 square foot spa (that would be available to hotel guests and the public). The applicant also proposes to demolish 2,549 square feet of existing assembly space in Buildings G1 and G2, reduce the amount of assembly space inside the lodge by 445 square feet, add 3,114 square feet of assembly area on a new lower level lodge deck, and use the Scout Camp area for events with groups of 150 people or less. The proposed new hotel fitness facility (available to hotel guests only) and hotel employee lounge are considered ancillary to the hotel use and do not require additional parking. The proposed reduction in restaurant area would result in a decrease of 2.2 required parking spaces. The proposed increase in hotel rooms, new spa, and assembly areas would result in an increase of 96.5 required parking spaces.

Based on the increase in hotel rooms and assembly areas, the new spa, and the decrease in restaurant floor area, the proposed development would result in a net change of 94 additional required parking spaces and a total site parking requirement of 560 parking spaces (see Table 2 for a summary of the Municipal Code required parking for the proposed development). This calculation differs significantly from the City's conclusion that the proposed development required 336 parking spaces. The City's parking analysis did not include the patio outside the pro shop discussed previously. The City also failed to assess a parking requirement for the new 3,114 square foot deck at the lower level of the lodge. Finally, the application before the City did not include the Scout Camp, so it was not analyzed as an additional assembly area.

The appellants suggest that parking should be required for the proposed fitness center because it will be located in the same structure as the spa and most spas include access to a fitness center. However, the applicant proposes to make the fitness center available to hotel guests only. This ancillary use would not require additional parking. **Special Condition 9** clarifies that the fitness center is for hotel guest use only.

Table 2. Proposed Development Required Parking

T 177	MILLER	NI D 1 C
Land Use	Municipal Code Parking	No. Parking Spaces
	Do audinomon4	Doguino d
	Requirement	Required

Hotel (97 rooms)	1 space per room plus 1 space per each 15 rooms	103.5
Restaurant (7,595 sq. ft. and 225 seats)	1 space for each 100 sq. ft. or 1 space for each 3 seats, whichever more restrictive	75.9 (75 based on # of seats)
Assembly – Lodge Interior (4,231 sq. ft. and 360 seats) Assembly – Lodge new deck (3,114 sq. ft. and unknown seats) Assembly – Pro Shop Patio	1 space for each 35 sq. ft. or 1 space for each 3 fixed seats, whichever more restrictive	120.9 (120 based on # of seats) 88.9 85.7 (66.6 based on # of seats)
(3,000 sq. ft. and 200 seats) Assembly – Scout Camp (unknown sq. ft. and 150 seats)		50
Spa (1,997.1 sq. ft.)	1 space for each 250 sq. ft.	7.9
Golf course (nine holes)	3 spaces per hole	27
. ,	Total Spaces Required	560

Pursuant to Municipal Code Section 25.52.012(G), a hotel with integrated restaurant uses or conference facilities can be permitted a 20% reduction from the total required parking for ancillary uses with Planning Commission approval. The permitted reduction is based on the assumption that guests of the facility would engage in multiple uses during a single visit. The City's Planning Commission approved the 20% reduction for all but the hotel rooms, including the golf course as an ancillary use. A parking analysis prepared for the City states that 80% of golf course users are not staying at the hotel, and therefore, the golf course parking requirement should not be subject to the 20% reduction for ancillary uses. With a 20% reduction for the restaurant, assembly, and spa uses, the required parking for the proposed development would be reduced from 560 to 474 parking spaces.

The applicant has redesigned the existing parking lots to accommodate an additional 11 parking spaces for a total of 215 onsite parking spaces. This is sufficient to meet the daily parking demand for the restaurant, hotel and golf course (214 required). However, the site does not have sufficient parking for an event at any of the proposed assembly areas simultaneously with the other uses of the property. At full hotel occupancy and maximum parking demand of the restaurant, golf course, and assembly uses, the site would be deficient 259 parking spaces. The applicant proposes to operate an onsite valet parking program during any assembly events. A parking study prepared for the City found that the proposed valet program could accommodate 290 vehicles onsite and comply with Fire Department access lane requirements (Exhibit 12).

The appellants contend that past events held at the site have exceeded the available parking, negatively impacting public beach parking in the area. As proposed, the development would create more assembly spaces than the site can adequately park onsite. If visitors to the property could not park onsite, the next closest available parking is located at the County parking lot for Aliso Beach

adjacent to this property. The applicant states that only one event will be held at a time in order to comply with the parking requirements and avoid parking impacts to the surrounding area. The conditions of this permit impose minimum onsite parking requirements and limit the number and size of events per day to avoid any impact to public beach parking. **Special Condition 8** requires that 214 parking spaces be made available during daily operations and up to 290 spaces be made available with valet service during all assembly events consistent with the parking study. **Special Condition 10** limits the use of assembly spaces to one event at any time such that the required parking does not exceed the 290 parking spaces that can be provided with valet parking service. This condition also requires the operation of valet parking at all times during events.

The proposed renovation and upgrade to the hotel, lodge, and assembly spaces will increase recreational demand on coastal resources. Hotel guests are likely to make use of the neighboring Wilderness Park trail system and County beach. Non-guest use of the Wilderness Park and beach is also likely to increase due to increased population and increasing tourism in the region. The property only has sufficient onsite parking if assembly uses are properly managed to limit the number and size of events. If events are not closely managed, the potential to impact parking supplies that are intended to serve the nearby beach and other recreational uses is high. The provision of transit measures such as the proposed shuttle and future trail can offset increased recreational demands by providing access between the sea and inland areas for many types of visitors. In this way the proposed and conditioned mitigation measures work together to address adverse impacts on public access and recreation. As conditioned, the Commission finds that the proposed development is consistent with the parking requirements of the certified LCP.

D. BIOLOGICAL RESOURCES

Open Space and Conservation Element Policy 7K states:

Preserve as much as possible the natural character of the landscape (including coastal bluffs, hillsides and ridgelines) by requiring proposed development plans to preserve and enhance scenic and conservation values to the maximum extent possible, to minimize impacts on soil mantle, vegetation cover, water resources, physiographic features, erosion problems, and require re-contouring and replanting where the natural landscape has been disturbed.

Open Space and Conservation Element Policy 8A states:

Preserve the canyon wilderness throughout the City for its multiple benefits to the community, protecting critical areas adjacent to canyon wilderness, particularly stream beds whose loss would destroy valuable resources.

Open Space and Conservation Element Policy 8C states:

Identify and maintain wildlife habitat areas in their natural state as necessary for the preservation of species.

Open Space and Conservation Element Policy 8M states:

When new development proposals are situated in areas adjacent to "Environmentally Sensitive Areas" as designated on the Coastal ESA Map and where these are confirmed by subsequent onsite assessment, require that development be designed and sited to prevent impacts which would degrade such areas.

Open Space and Conservation Element Policy 9C(a) states:

Streams on the Major Watershed and Drainage Courses Map which are also "blue-line" streams as identified on the USGS 7.5 Minute Quadrangle Series, shall be identified and mapped on the Coastal Environmentally Sensitive Areas Map of the Land Use Plan. For these streams, a minimum setback of 25 feet from the top of the stream banks shall be required in all new developments. A greater setback may be necessary in order to protect all riparian habitat based on a site-specific assessment. No disturbance of major vegetation, or development, shall be allowed within the setback area. This provision shall not apply to channelized sections of streams without significant habitat value. Where development is proposed on an existing subdivided lot which is otherwise developable consistent with all City ordinances and other policies of this Plan except that application of this setback would result in no available building site on the lot, the setback may be reduced provided it is maintained at a width sufficient to protect all existing riparian habitat on the site and provided all other feasible alternative measures, such as modifications to the size, siting and design of any proposed structures, have been exhausted.

The property is surrounded by open space, slopes and ridges covered in native vegetation. The slopes along the southern bank of Aliso Creek are mapped high value and very high value habitat in the Open Space/Conservation Element, a component of the certified LCP. The Scout Camp parcel abuts both the Wilderness Park and Aliso Creek. Staff ecologist Dr. John Dixon notes that in contrast to the environmentally sensitive habitat areas (ESHA) on the hillsides surrounding the site, the property contains mostly non-native species, including blue gum Eucalyptus (Exhibit 13). Dr. Dixon recommends that the Commission find that the Eucalyptus trees at the Scout Camp do not meet the definition of ESHA in the Coastal Act or LCP because there is no documented repeated use of the trees by rare species or multiple species of raptors. As described previously, the Scout Camp area had been used as a dump and maintenance yard for several decades prior to purchase by the applicant. The applicant reports that the Scout Camp was cleared of debris, the existing Eucalyptus grove was heavily pruned and one tree was removed. In addition, an existing chain link fence was replaced with a wooden fence and a concrete pad, vegetable garden, landscaping including native and non-native species, a fruit orchard, and walking paths were installed on the site. After completion of the unpermitted development, the area was used as an event space for weddings and fundraisers. The appellants raise concerns that the unpermitted development at the Scout Camp area negatively impacted sensitive biological resources on and adjacent to the property. They also raise concerns that the proposed use of the area as an event center is inconsistent with and will negatively impact the sensitive biological resources surrounding the Scout Camp parcel.

As noted by Dr. Dixon, "[a] biological survey was not done at an appropriate time before the unpermitted development took place, so there is no empirical basis for judging whether the development activities resulted in significant ecological impacts" (Exhibit 13). Based on the available information, including older and after-the-fact biological surveys and the timing of the unpermitted development, Dr. Dixon indicates that it is unlikely that the unpermitted development negatively impacted gnatcatchers, raptors, bats, or monarch butterflies. However, **Special**Condition 13 requires bird, bat, or butterfly surveys for future tree trimming on the entire property occurring during their respective nesting or roosting seasons.

Removal of Unpermitted Development and Revegetation within 100 feet of Aliso Creek

Although the actual impact of the unpermitted development on sensitive biological resources within and adjacent to the Scout Camp cannot be empirically determined, a portion of the development is located within 25 feet of Aliso Creek in violation of Policy 9C(a) of the Open Space and Conservation Element, part of the certified LCP. Policy 9C establishes a minimum 25 foot setback from blue-line streams, allowing a greater buffer based on site-specific assessments. The applicant proposes to remove unpermitted development located within 100 feet of the Creek, including a portion of the concrete pad, turf grass, and vegetable garden. The applicant also proposes to replant the removal area with a native scrub and grassland plant palette. Staff ecologist Dr. Laurie Koteen reviewed a removal and revegetation plan submitted by the applicant and recommends several revisions to improve the success of the replanting. **Special Condition 11** requires that the applicant submit a revised removal and revegetation plan consistent with Dr. Koteen's memo dated December 17, 2014 (Exhibit 14).

Among Dr. Koteen's recommendations is the removal of three to four Eucalyptus trees within 100 feet of Aliso Creek. As described above, the Eucalyptus in this grove do not meet the definition of ESHA. However, Policy 9C(a) of the Open Space/Conservation Element prohibits disturbance of major vegetation within 25 feet of the Creek. Although the Eucalyptus trees that Dr. Koteen recommends removing may be within the 25 foot setback, they do not qualify as major vegetation. The LCP does not identify this Eucalyptus grove as a significant resource and as described by Dr. Koteen, their presence impedes the successful establishment of native vegetation in this area. **Special Condition 11** requires the applicants to replace each Eucalyptus removed from the 100 foot removal area with native trees appropriate for the area.

Camping and Events at the Scout Camp

Following removal of the unpermitted development within 100 feet of the Creek and revegetation of the removal area, the applicant proposes to continue to use the Scout Camp parcel for events including wedding ceremonies, group banquets, team building activities, primitive overnight camping, educational tours, yoga and other fitness activities, and organic gardening instruction. The applicant proposes the following limitations on events at the Scout Camp:

- No more than 150 people
- No more than 12 events per month, including camping
- Sound levels will be maintained at 65db or lower at the property line
- Lighting limited to temporary LED low level shielded luminaries
- Events will complete by sunset with tear down activities only until astronomical dusk¹
- No food, trash or other consumable product will be left outside overnight

A review by staff ecologist Dr. John Dixon indicates that further restrictions are required to avoid impacts to surrounding native habitats. These restrictions include limiting events to no more than 100 people, installation of fencing 100 feet from Aliso Creek and native scrub habitats to prevent intrusion into these buffer zones, and no amplification of voice or music. In addition, no glare or light intrusion into surrounding native habitat areas should occur. A lighting plan describing any lighting to be used during event tear down and camping and hours of use should be submitted for

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¹ "Astronomical Dusk" is defined as the time at which the center of the sun is geometrically 18 degrees below the horizon. It is roughly 1.5 hours after sunset. http://www.crh.noaa.gov/lmk/?n=twilight-types.

review and approval. Similarly a landscaping plan for the area of Scout Camp outside of the riparian buffer should be submitted for review and approval. Finally, instead of referencing astronomical dusk, all tear down should be completed 2 hours after sunset or no later than 2200 hours (10pm). **Special Condition 12** allows the use of the Scout Camp parcel for events if limited as described above to avoid impacts to surrounding native habitat. This condition also requires that the City determine that events can be held on the parcel consistent with Chapter 25.42 of the Municipal Code. The Scout Camp parcel is zoned for Recreation and Chapter 25.42 of the Municipal Code describes permitted uses within the Recreation Zone to include pathways, walkways, and trails, parks and gardens, and picnic grounds (LBMC 25.42.004). Other uses, including events like art and craft shows, sporting events and concerts require a temporary use permit (LBMC 25.42.006). As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with the biological resource protections in the certified LCP.

E. NATURAL HAZARDS – FLOODING

Land Use Element Policy 10.3:

Ensure that development, including subdivisions, new building sites and remodels with building additions, is evaluated to ascertain potential negative impacts on natural resources. Proposed development shall emphasize impact avoidance over impact mitigation. Any mitigation required due to an unavoidable negative impact should be located on-site, where feasible. Any off-site mitigation should be located within the City's boundaries close to the project, where feasible. (Similar to Policies 5.2 and 7.4).

Action 10.3.2 Continue to require in-depth analysis of constraint issues for properties, especially those designated on the City's hazard maps so that the nature of the constraint and the best options for mitigation or avoidance will be considered at all stages of the approval process since these constraints may affect what development is appropriate for the property.

Land Use Element Glossary, definition of 'major remodel':

Alteration of or an addition to an existing building or structure that increases the square footage of the existing building or structure by 50% or more; or demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure; greater specificity shall be provided in the Laguna Beach Municipal Code.

Open Space and Conservation Element Section 9C(a)(in part):

Streams on the Major Watershed and Drainage Courses Map which are also "blue-line" streams as identified on the USGS 7.5 Minute Quadrangle Series, shall be identified and mapped on the Coastal Environmentally Sensitive Areas Map of the Land Use Plan. For these streams, a minimum setback of 25 feet from the top of the stream banks shall be required in all new developments. A greater setback may be necessary in order to protect all riparian habitat based on a site-specific assessment.

Open Space and Conservation Element Section 10A:

Require that plan review procedures recognize and avoid geologically unstable areas, flood-prone lands, and slopes subject to erosion and slippage.

Zoning Code/Implementation Plan Chapter 25.38 Flood Plain Management Section 25.38.20 Definitions:

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that has accrued since the structure was constructed.

- (1) The cost of replacement of the structure shall be based on a square-foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
- (2) The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed.

Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or

Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Zoning Code/Implementation Plan Chapter 25.38 Flood Plain Management Section 25.38.050 Standards of construction:

In all areas of special flood hazards the following standards are required:

- (A) Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (B) Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:
 - (1) With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
 - (2) Using methods and practices that minimize flood damage;
 - (3) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

- (4) Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- (C) Elevation and Floodproofing.
 - (1) Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
 - (a) In AE, AH, A1-30 zones, elevated to or above the base flood elevation.
 - (b) In an AO zone, elevated above the highest adjacent grade to a height to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
 - (c) In an A zone, without BFEs specified on the FIRM (unnumbered A zone), elevated to or above the base flood elevation; as determined under Section 25.38.041(C).
 - (d) In V zones, elevated to or above the base flood elevation adjusted to reflect sea level rise as specified in Section 25.38.041(C)(2) for the expected life of the development (minimum of seventy-five years).
 - (2) Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection (C)(1) of this section or:
 - (a) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection (C)(1) of this section, so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (c) Be certified by a registered civil engineer or architect that the standards of subsections (C)(2)(a) and (b) are satisfied. Such certification shall be provided to the floodplain administrator.

Zoning Code/Implementation Plan Chapter 25.56 Non-Conforming Buildings, Lots and Uses -

Section 25.56.002 Nonconforming building, structure or improvement. A nonconforming building, structure or improvement is one which lawfully existed on any lot or premises at the time the first zoning or districting regulation became effective with which such building, structure or improvement, or portion thereof, did not conform in every respect. Any such nonconforming building, structure or improvement may be continued and maintained, except as otherwise provided in this chapter, but may not be moved in whole or in part unless and except every portion thereof is made to conform to the provisions of this title.

Section 25.56.008 Adding to or enlarging nonconforming structure. (A) No building, structure, or improvement which is nonconforming shall be added to or enlarged in any manner unless such building, structure or improvement, is made to conform in every respect with the provisions herein set forth for the applicable zoning district.

Section 25.56.009 If any part of a nonconforming portion of the structure is substantially removed or modified in such a way that it compromises the structural integrity of the building, that portion must be rebuilt in conformance with zoning regulations.

Section 25.56.012 New Construction where nonconforming building or use exists: While a nonconforming use exists on any lot, no new building shall be erected or placed thereon even though the new building and its use would otherwise conform to the provisions of this title. Once the nonconforming use or building is entirely removed from the lot or the building is made to comply in the use to the regulations of the particular district wherein located, then the lot may be used for any purpose conforming with this title.

Aliso Creek, a significant stream/drainage course/watercourse in the City of Laguna Beach, runs through the subject property. Aliso Creek is an approximately 19-mile long stream, with an approximately 35 square mile watershed that includes both heavily urbanized areas and large open space areas. The subject site is located in the lower/seaward most mile of the stream. A study submitted by the appellant, titled *Hydraulic Review/Substantial Improvement Study*, dated December 2014, prepared by engineering firm WRECO (herein 'WRECO Study'), states that major floods have been documented in the Aliso Creek watershed at least nine times since 1916. Flooding occurred at the subject site in 1969, 1992, 1998 and 2010. The WRECO study states that 47 rooms were damaged in the 1992 flood, several feet of sediment were deposited on the property in the 1995 flood, and several million dollars in damages to the property occurred in the 1997-1998 El Nino-driven storm events. Flood hazard maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) place most of the buildings on the site in the "AE" flood zone, which means they are in the 100-year flood plain and face a 1% chance in any given year of being subject to flooding up to the designated 'base flood elevation' (BFE).

At the 'substantial issue' phase of the Commission's review, the appellant contended that the City's approval did not adequately address the hazards of siting new development within a special flood hazard area. The appellant alleged that the project as a whole appears to be a "major remodel", which would require that the entire project be brought into conformity with current development standards, such as the minimum 25-foot streambank setback for development located adjacent to streams (see OSCE Policy 9C). A portion of at least two buildings to be retained and renovated, A-3 and C-1, are within 25 feet of the bank of Aliso Creek. Furthermore, the appellant has alleged that that the buildings proposed to be retained and renovated are undergoing 'substantial improvement' thus those buildings and all new development must be made to conform to all current flood-proofing requirements, as outlined in the City's Floodplain Management Regulations (Zoning Code Chapter 25.38, a part of the LCP). Full conformance would include raising the finished floor elevations and basements of all structures to be at or above the 'base flood elevation' (BFE), or be floodproofed in other ways described in the zoning code (see 25.38.050(C)(2).

The applicant and City counter that the existing buildings proposed to be renovated were not so substantially modified so as to constitute a 'major remodel'. Thus, those buildings do not need to be made to conform to all current development standards, such as the stream setback. Furthermore, the applicant and City respond that the proposed project fully conforms to the City's floodplain management regulations. They assert that none of the buildings proposed to be retained and renovated will undergo a 'substantial improvement' and that all new buildings and additions to existing buildings will comply with all floodproofing requirements.

Since the 'substantial issue' phase, the applicant, City and appellant have provided extensive documentation in support of their relative positions.

Major Remodel and Stream Setback

The proposed project includes "modification of existing building facades and an increase in hotel rooms within the existing buildings." Upon completion, the project would include the intensification/addition of 33 new hotel rooms to the current 64 hotel rooms (comprised of nine detached hotel buildings and a former residence-turned-hotel room). The applicant proposes to accommodate 32 of the additional rooms within the existing footprint of the nine detached hotel buildings through a complete interior and façade remodel of all of the hotel structures. Although the "remodel" of the hotel structures is not specifically included in the CDP project description, the applicant did supply copies of plans describing all work planned to the buildings.

The work upon the existing buildings includes removal/replacement of essentially all surfaces such as interior wallboard and exterior siding, flooring surfaces and roofing materials, electrical and lighting, plumbing and all related fixtures (e.g. sinks, tubs, showers, etc.), removal of all cabinetry and appliances, heating/cooling/ventilation (HVAC), windows, and doors, but retention of all structural elements such as the foundation and structural framing for walls, floors and roofs. The applicant and City have concluded that the proposed development doesn't involve a 'major remodel' because the structural elements of the building have been retained. In the initial 'remodel' phase of the work, the applicant has stated they have not undertaken any of the work necessary to divide the 32 larger hotel units into an additional 32 units, such as the relocation of interior walls and installation of new doorways.

The appellant has alleged that the quantity of work undertaken represents replacement of up to 80% of the structures, as a whole. This figure was derived by the appellant by considering the major elements of each structure as a 'system', with each system coming together to form the structure. For instance, the entire electrical 'system', plumbing 'system' and HVAC system were removed/replaced. Taken together the appellant arrived at the 80% figure. Since a 'major remodel' involves the "...demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure..." the appellant concludes the development is a 'major remodel'.

The methodology used to determine whether 50% or more of an existing structure has been demolished, removed or replaced is a policy area currently undergoing some evolution before the Commission. It's an important issue because the method used is key to determining the point at which a structure is considered 'new' and must be brought into conformity with current development standards. The position taken by the applicant and City in this case, however, appears to be consistent with the City's past practices and the existing language of the LCP. The City has recognized that the existing LCP and local ordinances have been rather generous when it comes to the amount of work that can occur to a structure without requiring conformity to current development standards. City staff has been working with Commission staff on changes to the ordinance that would place reasonable limitations on the amount of work that can occur before nonconformities need to be remedied. The methods outlined by the appellant for determining the quantity of demolition are innovative and should be considered as one option in the future ordinance update. However, these are not the currently adopted/practiced method and shouldn't be used unless or until the update is completed and a new methodology is outlined and certified by the Commission in an LCP amendment.

Compliance with Floodplain Management Regulations

A portion of the proposed development is located within a FEMA designated special flood hazard area, thus a floodplain development building permit is required by the City pursuant to Zoning Code/IP Chapter 25.38 (Floodplain Management regulations). The site is situated within a FEMA designated special flood hazard area 'AE' which identifies portions of the site as high risk for flooding; the base flood elevations (BFE) for the site ranges from 23 to 32 feet above sea level (Exhibit 16). Flood protection measures are required for development located within the AE flood zone. Many of the finished floors of the existing hotel buildings are located below the FEMA designated BFEs.

When existing buildings located in a flood zone are proposed to be renovated the City's floodplain management regulations require that the City's floodplain administrator (a designated City employee) identify those buildings where the existing finished floor elevation is below the base flood elevation (BFE). If the building(s) to be renovated is/are below the BFE, the floodplain administrator must also determine whether those renovations constitute a "substantial improvement" to the structure(s) that are subject to the renovation. If the finished floor elevation is below BFE and the work proposed constitutes a 'substantial improvement' then the structure(s) must be modified to fully conform to the floodproofing requirements to which all new development must conform. Usually, this means raising the finished floor elevation to be at or above BFE, although other floodproofing options are also available. Furthermore, any new development proposed must fully comply with all floodproofing requirements (i.e. the proposed structure must be at or above BFE).

The City's floodplain administrator required the applicant to prepare a floodplain evaluation (see *Aliso Creek Inn – FEMA Floodplain Evaluation and Plan for Restoration Project*, dated October 30, 2013 and updates by PACE engineering) to determine which of the existing buildings proposed to be retained and renovated are below BFE and undergoing 'substantial improvement'. Through this evaluation, the City determined that 1) 13 buildings within the hotel complex that are proposed to be retained are located in the AE flood zone, and 3 others are not; 2) 7 of the 13 buildings that are in the AE zone are located below BFE and potentially subject to special floodproofing requirements and 6 buildings are above BFE and are not subject to special requirements; 3) of the 7 buildings below BFE, none are undergoing a 'substantial improvement' thus those structures don't need to be made to comply with all current special floodproofing requirements. The proposed new buildings (i.e., spa, fitness center, employee lounge, pool bar) are new structures/new development and therefore must be built in compliance with floodplain management regulations (see Exhibits 17 and 19 which summarize the PACE evaluation, and Exhibits 15 and 18 which contains the City's building-by-building written summary).

The City's determination that the proposed development would not result in a substantial improvement relies on the definition of "substantial improvement" in Chapter 25.38 subsection (20) and a real estate appraisal submitted by the applicant that was prepared to help determine whether the work proposed would be a 'substantial improvement' (see A Real Estate Appraisal...dated September 2013 by Dowd Associates Appraisal Service). There are a variety of important components to that analysis including determining the 'market value' and 'replacement cost' of the buildings subject to the renovation and identification of those improvements that can be excluded from the calculation because they are required to address code violations.

The appellant alleges the applicant and City failed to properly follow the procedures outlined in Chapter 25.38 relative to determining if the building renovations constitute a 'substantial improvement'. The appellant argues that the Dowd appraisal did not use industry standard charts when determining the 'market value' and 'replacement cost' of the structures. Had they done so, the appellant asserts the City would have concluded the renovations are a 'substantial improvement' and that the structures must be brought up to current floodproofing standards. A variety of other issues are raised by the appellant related to the process used by the applicant and City and perceived deficiencies in the City's floodplain management regulations. The appellant submitted a letter along with the WRECO study in support of his assertions (Exhibit 20 and 21).

In the definition of 'market value' in IP/Zoning Code Section 25.38.20, the use of '...replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences..."[emphasis added]. The appellant alleges this explanation wasn't provided in the Dowd appraisal, thus, recognized building cost estimating guides must be used. However, on page 8 of the Dowd appraisal, a written explanation of the approach is, in fact, provided. The Dowd appraisal states that estimated construction costs were identified for Laguna Beach using information provided by local contractors over 'less accurate' published on-line cost manuals that base their costs on national averages.

Another issue raised by the appellant is an assertion that the City's floodplain management regulations should require the lowest floor of structures in a flood zone be elevated to 2 feet above the BFE, not simply to or above the BFE. The appellant apparently came to this conclusion when reading findings published for Laguna Beach LCP amendment 1-13a for the Commission's June 2013 hearing on the amendment. This amendment approved an update to the City's floodplain management regulations (Chapter 25.38). Commission staff has researched the origin of the statement in the staff report, which appears on pages 5 and 11 of those findings. The statement was originally made in the City's staff report to the Planning Commission. However, Commission staff, in conjunction with City staff, has determined that the actual text of the regulations under consideration first by the City and later by the Commission never included the '2 feet above BFE' language. Instead, this reference to '2 feet above BFE' is an error in the City's findings which was subsequently propagated to the Commission's findings. The standard actually adopted, and which is the standard of review for the CDP, does not contain the '2 feet above BFE' requirement; the standard is 'to or above BFE' as described in Section 25.38.050(C)(1).

Conclusion

Substantial evidence in the record shows that the applicant's proposal complies with the flood hazard provisions of the certified LCP. Therefore, the Commission finds the development, as conditioned, to be consistent with the flood hazard provisions of the certified LCP.

F. WATER QUALITY

The proposed development has a potential for discharge of polluted runoff from the project site into Aliso Creek. To address these concerns, **Special Condition 15** requires the applicant to comply with construction phase best management practices. To protect the waters of Aliso Creek on an

ongoing basis, **Special Condition 16** requires the applicant to submit a Final Water Quality Management Plan for review and approval of the Executive Director. The Final Water Quality Management Plan shall include the development approved pursuant to this permit at the Scout Camp parcel. **Special Condition 18** requires the applicant to submit final grading and drainage and run-off control plans. **Special Condition 18** and **Special Condition 20** further require the applicant to submit final landscaping plans that include only native plants or non-native drought tolerant non-invasive plants. As conditioned, the proposed development will protect water quality as required by the certified LCP.

G. HISTORICAL INTEREST/PRESERVATION

LBMC Section 25.45.002: Intent and purpose:

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement perpetuation, and use of improvements, buildings and their settings, structures, objects, monuments, sites, places, and areas within the city that reflect special elements of the city's architectural, artistic, cultural, engineering aesthetic, historical, political, social, and other heritage to achieve &e following objectives:

- (A) Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history;
- (B) Enhance the visual character of the city by encouraging the preservation of those buildings which make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;
- (C) Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
- (D) Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists, and visitors;
- (E) Promote the private and public use of historic resources for the recreation, prosperity and general welfare of the people;
- (F) Stabilize and improve property values within the city.

Open Space and Conservation Element Section 12A:

Promote the conservation of land having archaeological and/or paleontological importance, for its value to scientific research and to better understand the cultural history of Laguna Beach and its environs.

Open Space and Conservation Element Section 12B:

Develop a program which systematically inventories, records and preserves significant cultural resources in the community, in accordance with guidelines in the City's Local Costal Program.

Archeological Resources

The project site is developed with a golf course and hotel. Due to its favorable location along Aliso Creek, in a sheltered valley near the coast, the area may have been the site of pre-European occupation by Native Americans. Accordingly, it is possible that archeological/cultural deposits

may exist on the site such as skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts.

The City's certified LCP requires that any impacts to significant archaeological resources be reasonably mitigated. Avoidance of impacts to archaeological resources is the preferred alternative, which will avoid mitigation requirements. In the past, previous Commissions have approved archaeological research designs (ARD) with the goal being the complete excavation of Native American archaeological resources. This was done for the purpose of analyzing the artifacts and features, as well as human remains, in order to gain knowledge of prehistoric culture and conditions. In such cases, Native American human remains and associated grave goods were reburied elsewhere nearby, but artifacts and features were sent to museums. This method of mitigation also served to allow property owners to subsequently develop a site unconstrained by buried cultural resources since they were able to relocate any existing archaeological resources elsewhere on the site. Increasingly, Native Americans, as well as some archaeologists and environmental groups have found these mitigation practices to be objectionable and have petitioned the Commission to require ARDs that avoid impacts to archaeological resources by requiring that archaeological resources remain in place, especially Native American human remains.

The applicant has provided information on the mapped locations of recorded archeological and paleontological formations within the vicinity of the proposed development. The extent and precise location of such sites are treated as confidential for their protection.

Although the subject site has been previously graded and developed, additional grading in conjunction with the proposed project could reveal other archeological/paleontological resources. Thus, **Special Condition 17** requires that prior to the issuance of the coastal development permit approving the proposed project that the applicant prepare and submit an archaeological monitoring and mitigation plan to be implemented during all site grading and any other development activities (for example, trenching for utilities) that may impact buried archaeological resources. The plan shall provide for (1) monitoring of these activities by archaeological and Native American monitors, and the designated most likely descendent (MLD) when required by State law that an MLD be designated; (2) that a pre-grading meeting be convened on the project site involving the applicant, grading contractor, archaeologist, and all monitors and the MLD to in order to make sure all parties are given a copy of the approved archaeological monitoring and mitigation plan and understand the procedures to be followed pursuant to the plan, including the dispute resolution procedures to be followed if disputes arise in the field regarding the procedures and requirements of the approved archaeological monitoring and mitigation plan; (3) if archaeological/cultural resources are found, all grading and construction must cease that could adversely impact the resources and/or prejudice mitigation options until the significance of the resource is determined (if the resources are human remains then additional State and Federal laws are invoked). The potential mitigation options must include consideration of in-situ preservation, even if it means redesign of the approved project. The significance testing plan (STP), prepared by the project archaeologist, with input from the Native American monitors and MLD, must identify the testing measures that will take place to determine whether the archaeological/cultural resources are significant, is submitted to the Executive Director to make a determination as to whether the STP is adequate and whether the implementation of the proposed STP can go forward without a Commission amendment to the permit; (4) once the STP is implemented, the results along with the archaeologist's recommendation on the significance of the resource, made in consultation with the Native American monitors and MLD, are submitted to the

Executive Director in order to make a determination as to whether the discovered resources are significant; (5) if the resources are determined to be significant by the Executive Director, a Supplemental Archaeological Plan (SAP) must be prepared, that identifies appropriate investigation and mitigation measures for the resources found, in consultation with the Native American monitors, MLD, and peer reviewers and after preparation, comments solicited and incorporated from the Native American Heritage Commission (NAHC), California Office of Historic Preservation (OHP); and finally, (6) the applicant must carry out the approved SAP after it is approved by the Executive Director unless the ED determines that the proposed changes recommended in the SAP are not de minimis and therefore must be approved by the Commission as an amendment to the permit. Further, the applicant is required to submit a final report at the conclusion of the approved archaeological monitoring and mitigation plan that is consistent in format and content with the applicable OPH guidelines.

Only as conditioned can the proposed project be found consistent with the certified LCP policies regarding the protection of archaeological/cultural resources.

Thurston Grove/Scout Camp

Based on information supplied by the applicant, the 'Scout Camp' area, at one time named "Camp Elizabeth Dolph" was once part of the Joe Thurston Homestead. The Thurston family used the property for farming and ranching. The existing grove of Eucalyptus trees is thought to have been planted on the property during this time period. The property was transferred from the Thurston family to the Dolph family in 1949, who in turn donated the land to the Laguna Beach Girl Scouts. News articles from the 1960's document use of the area by the Scouts for camp outs. Around 1967 the property was transferred to the YMCA and used for periodic gatherings until the 1970s when the area was used as a maintenance yard and dump site. YMCA sold the land to The Athens Group in 2007, and the applicant and current owner of The Ranch property purchased it in 2013.

In 2013, the applicant undertook a variety of work in the Scout Camp area including removal of construction waste, rubbish and debris, trimming of the existing trees, and removal of downed trees, branches, and one diseased tree. A chain link fence was replaced with a wood fence and a concrete pad was installed as a gathering area. Defined pedestrian paths were also created using plantings, decomposed granite, and landscape borders. The applicant is proposing to use the 'Scout Camp' area for daytime, small gatherings of 150 people or less, and some limited overnight camping for small groups, as described in more detail in the project description. To the extent the work undertaken in the Scout Camp area was 'development' the applicant is requesting after-the-fact approval. Some work undertaken within 100 feet of Aliso Creek is proposed to be redone to create native habitat. A part of the concrete pad located within 100 feet of the creek would also be removed and the area restored.

Although the City's LCP recognizes the importance of historical resources, the Scout Camp area isn't specifically identified as a historical resource in the LCP. Nonetheless, the applicant is proposing to retain the tree grove, with new plantings including an organic 'kitchen garden', and to make use of the area for camping and group events, much like the grove was historically used. Through conditions the Commission is addressing any potential biological resource impacts, as outlined in those findings. As conditioned, the Commission finds the proposed development consistent with the historic resources provisions of the certified LCP.

H. UNPERMITTED DEVELOPMENT

Development has occurred on the site without the required coastal development permit, including, but not limited to, specifically within the "Scout Camp" area of the site, placement of solid materials, including a concrete dance floor and decomposed granite pathways, turf adjacent to a creek, and other ornamental vegetation, including 36 non-native trees; construction of a wooden fence; removal of major vegetation shrubs; and intensification of use of the "Scout Camp" area, all of which occurred in or adjacent to coastal sage scrub and/or riparian habitat.

The applicant is proposing to retain certain objects, materials and structures placed on the site as a result of the unpermitted development noted above, with modifications, as described in more depth in the project description, and remove the remaining materials. The applicant is not proposing to retain materials that are within coastal sage scrub or riparian habitat. The applicant is proposing to restore an area along the riparian corridor that was impacted by the unpermitted development at issue with appropriate native plant species.

Although development has taken place prior to submittal of this application on appeal, consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of the Laguna Beach Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act. Commission action on this permit does not constitute a waiver of any legal action with regard to any unpermitted development that is not approved as part of this permit. In addition, if the applicant fails to comply with any term or condition of this permit, the Commission may seek remedy for such non-compliance. Nor does Commission action on this permit constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

I. LIABILITY FOR COSTS AND ATTORNEYS FEES

Coastal Act section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. See also 14 C.C.R. § 13055(g). Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application. Therefore, consistent with Section 30620(c), the Commission imposes **Special Condition 21**, requiring reimbursement of any costs and attorneys fees the Commission incurs "in connection with the defense of any action brought by a party other than the applicant/permittee challenging the approval or issuance of this permit."

J. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition 22** requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

K. LOCAL COASTAL PROGRAM (LCP)

The City of Laguna Beach's Local Coastal Program was certified with suggested modifications, in July 1992 except for the three areas of deferred certification, Irvine Cove, Hobo Aliso Canyon, and Three Arch Bay. In February 1993, the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time. The City's LCP is comprised of a variety of planning documents including the Land Use Element, Conservation/Open Space Element, and Safety Element of the City's General Plan. The Commission approved a major update (LGB-MAJ-1-10) to the Land Use Element on December 7, 2011 and concurred with the Executive Director's determination that the suggested modification had been properly accepted on May 9, 2012. The Implementation Plan (IP) portion of the LCP is Title 25, the City's Zoning Code.

The Commission finds that only as conditioned is the development is consistent with the City of Laguna Beach's certified LCP.

L. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of Laguna Beach is the lead agency for purposes of CEQA review of this project. The City determined that the project is categorically exempt from the requirements of CEQA pursuant to Public Resources Code Section 15303(c).

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the public access policies of the Coastal Act.

Appendix A - Substantive File Documents

- 1. City of Laguna Beach certified Local Coastal Program (LCP)
- 2. City file for Local Coastal Development Permit No. 14-573

Vicinity Map: 31106 S Coast Highway, Laguna Beach, CA

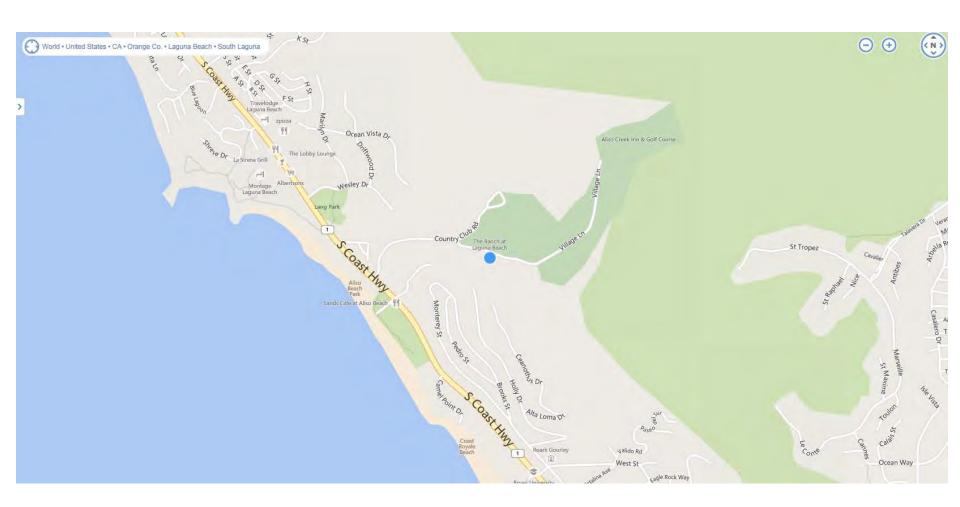


EXHIBIT 1 Page 1 of 1



EXHIBIT 2 Page 1 of 1

This Document was electronically recorded by City of Laguna Beach

Recorded in Official Records Orange County Hugh Nguyen Clerk Recorder



(Fee Exempt per Govt Code 6103)

CITY OF LAGUNA BEACH 505 FOREST AVENUE

LAGUNA BEACH CA 92651

RECORDING REQUESTED BY CITY OF LAGUNA BEACH

CITY CLERK

AND WHEN RECORDED MAIL TO

THIS SPACE RESERVED FOR RECORDING

RESOLUTION NO 14-574

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA BEACH

APPROVING CONDITIONAL USE PERMIT 14-574, PLANNING COMMISSION COASTAL DEVELOPMENT PERMIT 14 573 AND DESIGN REVIEW 14-575 AT 31106 COAST HIGHWAY (THE RANCH AT LAGUNA BEACH)

WHEREAS an application has been filed by the owners of The Ranch at Laguna Beach (previously the Aliso Creek Inn and Golf Course) in accordance with the provisions of Municipal Code Section 25 05 030 25 05 040 and 25 05 050 requesting approval of a Conditional Use Permit Design Review and a Coastal Development Permit for the remodel of The Ranch at Laguna Beach including (1) upgrading existing building facades (2) reduction and modification of existing assembly areas (3) development of a new hotel spa employee lounge and fitness area (4) an increase in hotel rooms within existing buildings (5) a decrease in restaurant floor area and (6) a request for the use of valet parking when assembly uses and/or special events are proposed and

WHERE \S the Planning Commission of the Circ of Laguna Beach acting in accordance with the provisions of Municipal Code Section 25 05 030 25 05 040 and 25 05 050 conducted a legally noticed public hearing regarding this proposal on May 14 2014 and

WHEREAS the Planning Commission carefully considered the oral and documen are evidence and arguments presented at the hearing and

WHEREAS the proposed project is exempt from the provisions of the California

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 2

Environmental Quality Act pursuant to Categorical Exemption Article 19 Section 15303(c) and

WHEREAS the Planning Commission has made the following findings in regard to

Conditional Use Permit 14-574

- The site for the proposed use is adequate in size and topography to accommodate such use and all vards spaces walls and fences parking loading and landscaping are adequate to properly adjust such uses with the land and uses in the vicinity in that the site is approximately 84 acres and the proposed remodel complies with the minimum requirements of the Commercial Hotel-Motel Zoning District and the Recreation Zoning District including but not limited to setbacks site coverage open space building height and parking
- The site for the proposed use has access to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use in that any increase in additional traffic is anticipated to be minimal and existing circulation and access conditions are considered adequate and capable of providing efficient access without reducing adjacent circulation/intersection level of service
- 3 The proposed use will have no substantial adverse effect upon abutting property in that alteration have been conditioned to mitigate any such effect
- 4 The proposed use is consistent with the objectives and policies of the City's General Plan in that Land Use Element Policy 6.2 establishes policies and encourages the preservation and net increase in the City's short term accommodations and the proposed project will result in the preservation of 64 existing short term accommodations and 33 additional units
- 5 The Conditions stated in the decision are deemed necessary to project the public health, satety

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 3

and general welfare in that provisions have been included to ensure continued land use compatibility

WHEREAS the Planning Commission has made the following findings in regard to

Planning Commission Design Review 14-575 and the applicable Design Review Criteria

- 1 Access Potential conflicts between vehicles pedestrians and other modes of transportation have been minimized to a level considered to be less than significant with the provision of a parking and traffic study. The project includes on site parking to accommodate all proposed hotel golf course restaurant and ancillary uses including a valet paiking plan for assembly uses and special events (when proposed). Handicapped access shall be provided as required by applicable statutes.
- Design Articulation The project includes new structures and additions to existing structures that are consistent in appearance with regard to building and retaining wall mass. The design involves articulation techniques including architectural features wall offsets and terracing to reduce the appearance of scale. New stone elements windows and wall colors are proposed on all elevations to give visual interest.
- Design Integrity The applicant proposes to update the exterior of all structures in cluding i ew structures and pioposed additions with contemporary features materials and colors. The subject site is under construction for exterior upgrades throughout the property that are also consistent in architectural style and design
- 4 Environmental Context The proposed project preserves the City's natural scenic setting by limiting new construction to infill development in areas of the site with demolition of existing structures. The amount of grading outside of the building footprint has been minimized by utilizing

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 4

the existing terrain in the design

- 5 General Plan Compliance As indicated under Conditional Use Permit and Coastal Development Permit the project is in compliance with the applicable policies of the General Plan including applicable specific plans and the Certified Local Coastal Program
- 6 Historic Preservation No structures of historical significance would be impacted by the proposed project
- The applicant has submitted a landscape plan as required with the proposed new structures and upper level additions. All landscape will be integrated as part of the structure's design and any new plantings will meet fuel modification requirements and alternatives. Proposed landscaping incorporates the guidelines contained in the City's Landscape and Scenic Highway's Resource Document under neighborhood landscape Area 12 South Laguna.
- 8 Lighting and Glare –All proposed exterior lighting will be installed in compliance with the Good Neighbor Outdoor Lighting Ordinance and proposed reflective materials are not anticipated to visually impact neighboring properties with additional glate
- Neighborhood Compatibility The proposed development respects neighborhood character and sometimes with existing structures throughout the miled use facility. The scope of world maintains historical pattern of development by designing new structures as one story and small scale.

 10 Pedestrian Orientation Laisting onsite pedestrian pathways open spaces and courtwards will be improved and upgraded with the use or landscape and hardscape as pair of the o erall commercial development design.
- 11 Privacy The placement of new assembly and outdoor activity areas will not result in invasion

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 5

of privacy of neighboring properties

- 12 Public Art The applicant has submitted an Art in Public Places application to install public art as required by Ordinance
- 13 Sign Quality New signage shall be subject to design review incorporated into the architecture of the structure and shall be made of high quality materials be simple in design and be visually compatible with the surrounding physical environment in terms of color scale and size
- 14 Sustainability Proposed development will be constructed in compliance with Title 24 and Green Building Code requirements
- 15 Swimming Pools Spas and Water Features The proposed Jacuzzi spa will be smaller in size and relocated adjacent to the existing hotel pool to minimize grading and noise impacts. New perimeter pool fencing and other pool improvements including the pool but storage and mechanical rooms are neighborhood compatible.
- 16 View Equity The new structures upper level additions and landscaping will not have any impacts to existing views from neighboring properties

WHERE \S the Pl nning Commission has made the following findings in regard to Coastal

Development Permit 14-573

1 The project is in conformity with all the applicable provisions of the General Plan including the certified local coastal program in that Land Use Element Policy 6.2 establishes policies and encourages the preservation and net increase in the City's short term accommodations and the proposed project will result in the preservation of 64 existing short term accommodations and 33

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 6

additional units

- 2 None of the project components and/or modifications are located between the sea and the first public road paralleling the sea
- 3 Pursuant to the California Government Code Section 15303(c) a store motel office restaurant or similar structure not involving the use of significant amounts of hazardous substances and not exceeding an increase of 2 500 square feet in floor area is considered exempted development from CEQA. The proposed restoration and remodel of the Aliso Creek Inn and Golf Course does not propose the use of hazardous substances or a net floor area increase of any building that exceeds 2 500 square feet and therefore is considered categorically exempt from CEQA.

NOW THEREFORE BE IT RESOI VED that Conditional Use Permit 14-574, Coastal

Development Permit 14-573 and Planning Commission Design Review 14-575 are hereby granted to the following extent

Approval for the remodel of The Ranch at Laguan Beach (previously the Aliso Cicel Inn and Colf Course) including (1) upgrading elisting building facades (2) reduction and modification of cristing assembly areas (3) development of a new hotel sea employee lourge and fitness area (4) an increase in hotel rooms within existing buildings (5) a decrease in restrictant floor area and (6) a request for the use of valet parking when assembly uses and/or special events are proposed.

BE IT FURTHER RESOLVED that the following condition(s) are set torth to protect the health safety and welfare of the community and to assure the intent and purpose of the regulations.

The Conditional Use Permit shall be subject to review if written compiaints are received and

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 7

shall be subject to administrative review one (1) year after issuance of the certificate of use to determine if the approved conditions of approval are in compliance. These reviews may result in a formal noticed public hearing before the Planning Commission. After the public hearing on the matter, the Planning Commission may require immediate condition compliance amend the conditions of approval or proceed with revocation of the Conditional Use Permit as specified in Municipal Code Section 25 05 075.

- 2 It is understood that the conditions of approval apply herein to any future owners or lessees operating under this Conditional Use Permit. This means in legal terms that the conditions of approval for the Conditional Use Permit shall be and hereby are obligations of and binding upon the applicant and his/her heirs successors assigns agents and representatives. The conditions shall constitute a covenant running with and binding the land in accordance with the provisions of California Civil Code Section 1468. Fullure to comply with such conditions and each of them and any other related federal state and local regulations may be grounds for revocation of the Conditional Use Permit in addition to other remedies that may be available to the City.
- 3 Applicable Certificate of Usc and/or Certificate of Occupancy shall not be issued until City staff has verified compliance with all conditions of approval
- 4 This Conditional Use Permit shall not become effective until any required Design Review approval has been obtained
- 5 This Conditional Use Fermit shall not become effective until the owner of the subject property has signed an affidavit in the form attached to this Resolution whereby the property owner acknowledges and consents to the imposition of the conditions set forth in this Resolution and

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 8

agrees that such conditions shall constitute restrictions running with the land and shall be binding upon the property owner and their heirs successors and assigns. If the applicant is different than the owner of the subject property, then this Conditional Use Permit shall also not become effective until the applicant has signed an affidavit in the form attached to this Resolution whereby the applicant acknowledges and consents to the imposition of the conditions set forth in this Resolution and agrees that such conditions shall be binding upon the applicant and their heirs successors and assigns

- 6 If the use authorized under this Resolution and Conditional Use Permit is abandoned or terminated for any reason for a period of at least one year the Conditional Use Permit shall automatically expire and become void
- In the absence of specific provisions or conditions herein to the contrary, the application and all plans or exhibits attached to the application are relied upon incorporated and made a part of this resolution. It is required that such plans or exhibits be complied with and implemented in a consistent manner with the approved use and other conditions of approval. Such plans and exhibits for which this Conditional Use Permit has been granted shall not be changed or amended except pursuant to a subsequent Conditional Use Permit or Variance as might otherwise be required or granted pursuant to the terms of Litle 25 of the City of Laguna Beach Municipal Code.
- 8 No additions or enlargements of structures upon property for which this Conditional Use Permit has been granted shall be allowed except pursuant to a subsequent Conditional Use Permit of Variance as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 9

- 9 No proposed change or modification to the specifically permitted approval for remodel of The Ranch at Laguna Beach (previously the Aliso Creek Inn and Golf Course) as described in this resolution shall be allowed except pursuant to a subsequent or amended Conditional Use Permit granted pursuant to the terms of Title 25 of the City of Jaguna Beach Municipal Code
- 10 The applicant shall not allow act cause or permit any lessee agent employee exhibitor or concessionaire any prohibited discharge (as defined in Municipal Code Section 16 01 020) into the City's storm water drainage system or to the adjacent Laguna Canvon Creek
- 11 A 20 foot fire lane that circles the perimeter of the hotel facilities shall be provided as indicated on the approved plans. The entire fire lane shall be painted with the appropriate lane markings per the Fire Code.
- 12 The parking lots shall include a minimum 20 foot wide clear fire lane pursuant to the approved Γire Department access plans. The fire lane shall also be provided during valet operations
- 13 A minimum of 209 on site parking spaces shall be available for drily facility operations via a combination of self-park and valet parking spaces with 80 additional valet parking spaces provided when assembly uses of special events are proposed. The parking shall comply with the corel is one of the April 16 2014. This Creek Inn & Golf Comise Project Traffic Impact and Parking Analysis.
- 14 Valet parking shall be provided during all hours of operation for assembly or special events pursuant to the valet parking program identified in the April 16 2014 11110 Creek 11111 Cr

May 14, 2014 Page 10

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 11

drainage curbing shall be installed prior to construction and removed immediately after construction is completed. All protection measures shall be properly maintained and replaced when needed.

24 The drainage or debris from washing down and or cleaning of the site before during and after construction shall not be permitted to enter the Creek.

- 25 All construction tools and or equipment shall be cleaned/maintained offsite
- 26 Per 25 38 050(C) the proposed new structures will be engineered to comply with the required structural flood mitigation for commercial structures that are not elevated and the structural design will be reviewed by the City's Floodplain Administrator and the Building Official for compliance with these provisions prior to building permit issuance

27 The subject property is located within an identified FEMA special flood hizzird arch (SFHA) and therefore may be prone and/or subject to flooding and water damage during certain and/or extreme local precipitation. To mitigate potential flooding damage the permittee is responsible to install devices intended to scal structural openings, such as doors and windows from flood waters immediately after forecasted heavy precipitation and/or after the Circ has declared the possibility for potential flooding conditions. These devices include but are not limited o flood shields/gates watertight doors moveable floodwalls partitions, water resistive scalant devices and other similar techniques. The floodproofing measures, should be designed to prevent flooding up to six (6) inches above the latest Flood Insurance Rate Map (FIRM), base flood elevation (BFE). These flooding devices shall be stored on site and shall be maintained in good repair on the premises for rapid and effective deployment when flooding is imminent. The permittee shall also provide the Circ with a single point of contact including the name telephon

Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 12

number fax number and c-mail address of a contact person that the City can forewarn of potential flooding and/or heavy precipitation. Although the City will make every effort to contact businesses and property owners prior to forecasted heavy precipitation, the permittee is responsible to monitor local weather conditions to mitigate potential flood damage to the property and/or business. If the property and/or business location already has floodproofing devices installed or available on site it is the permittee's responsibility to confirm that these devices are not damaged and will operate efficiently and install correctly. It is also advisable that the permittee regularly practice installing the required floodproofing devices prior to the need to install them. The applicant shall submit plans to the Community Development Department for approval of the contingency flood proofing measures.

- 28 Prior to the final of a building permit the applicant shall install or pay an in-lieu fee for the provision of public art pursuant to Municipal Code Section 1 09 (Art in Public Places)
- 29 Prior to final of building permit the applicant shall submit a lighting plan for the Pranning Commission review

NOW THERLI ORI BI II RESOLVED that the above decision was readered or May 14 2014

ADOPTED this 141 day of May 2014

AYES Commissioner(s) Dietrich Giossman Sadler Johnson Zui Schmiede

NOES Commissionei(s) None

ABSENT Commissioner(s) None

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Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 13

ATTEST

Robert Zur Schmiede Chairperson Planning Commission

City of Laguna Beach California

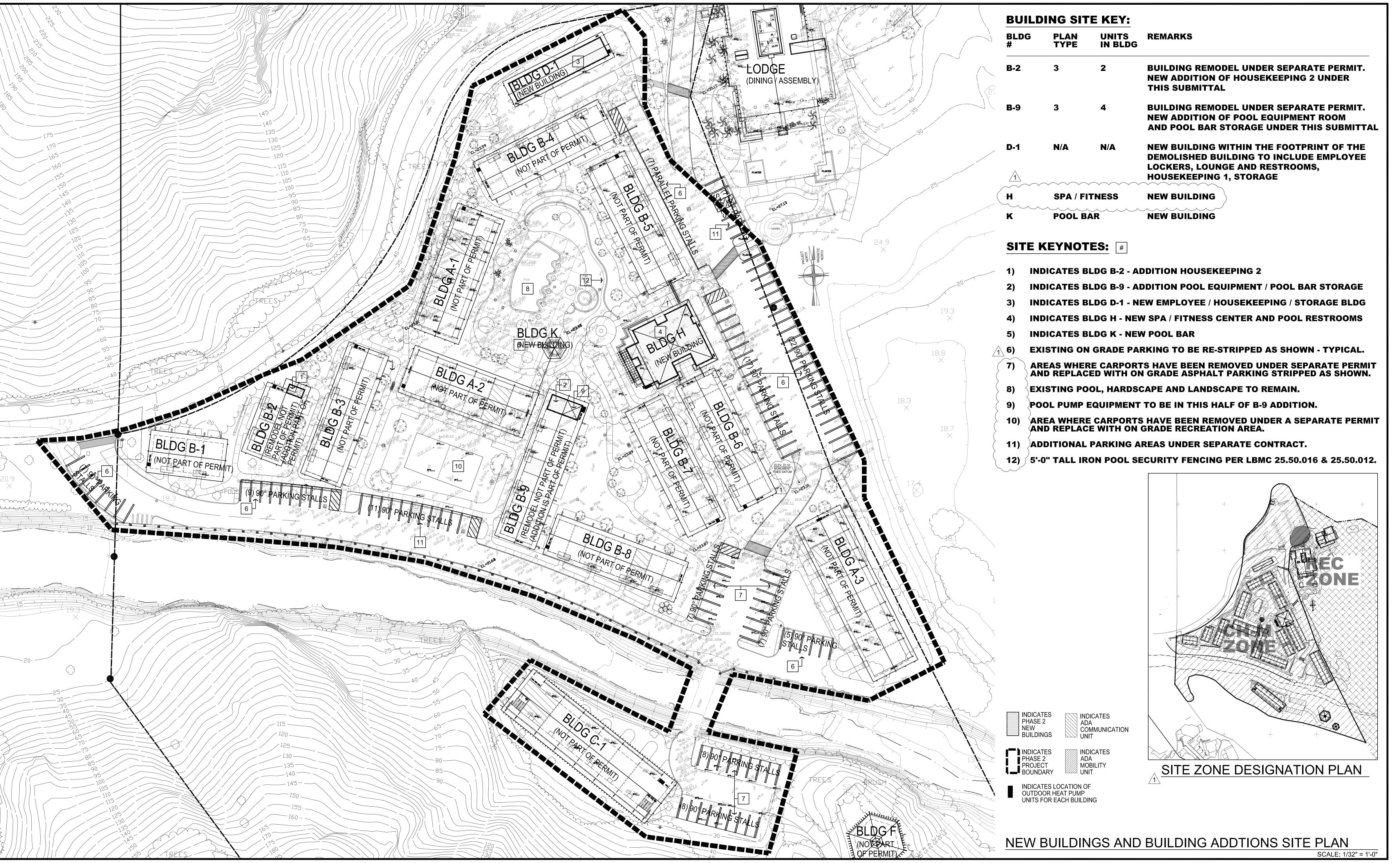
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Conditional Use Permit 14-574, Coastal Development Permit 14-573 & Planning Commission Design Review 14-575 May 14, 2014 Page 14

PROPERTY OWNER(S)/APPLICANT(S) CONSENT AFFID \VIT

The owner(s)/applicant(s) of the above described prointerests therein do hereby consent to the imposition of said conditions shall constitute restrictions running wowner(s)/applicant(s) their heirs successors and assigns	of the above stated conditions and agree that with the land and shall be binding on said
Signed this 210 M day of	2014 by
Signature of Owner/Applicant	Signature of Owner/Applicant
Mark Christy	
Name (Print or Type)	Name (Print or Type)
State of California County of Orange SS On 44665 46 214 before mc	AMMKAy a
Notars Public personally appearedARE	HRISTY
who proved to me on the basis of satisfactory eviden subscribed to the within instrument and acknowledged his/hei/their authorized capacity (ics) and that by his/person(s) or the entity upon behalf of which the person	to me that he/she/thevexecuted the same in her/their signature(s) on the instrumen—the
l certify under PEN \I I'\ OF PFRJUR\ under the lay paragraph is true and correct	as of the State of California that the foregoing
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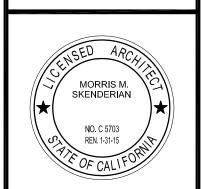
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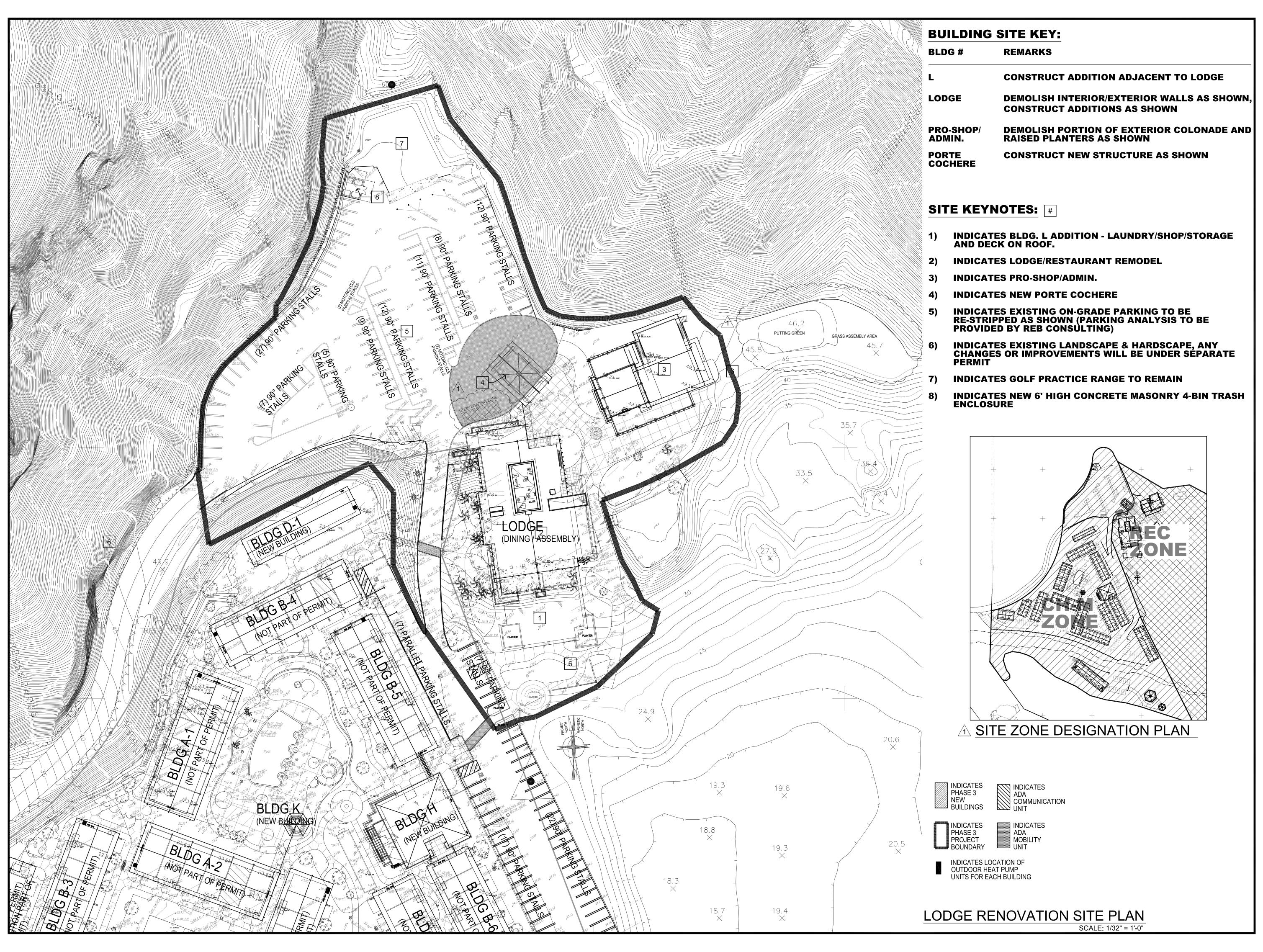
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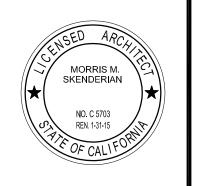


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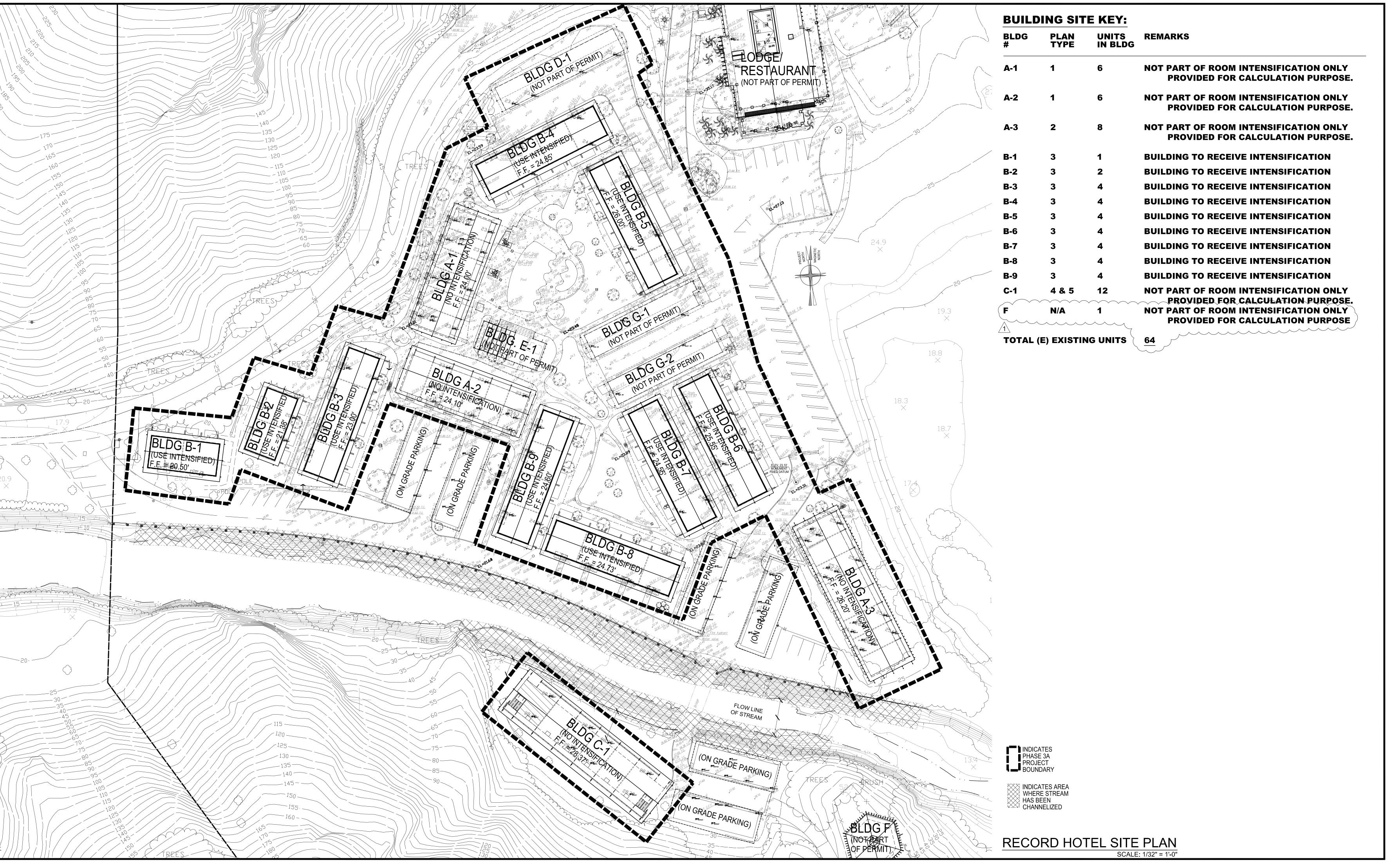
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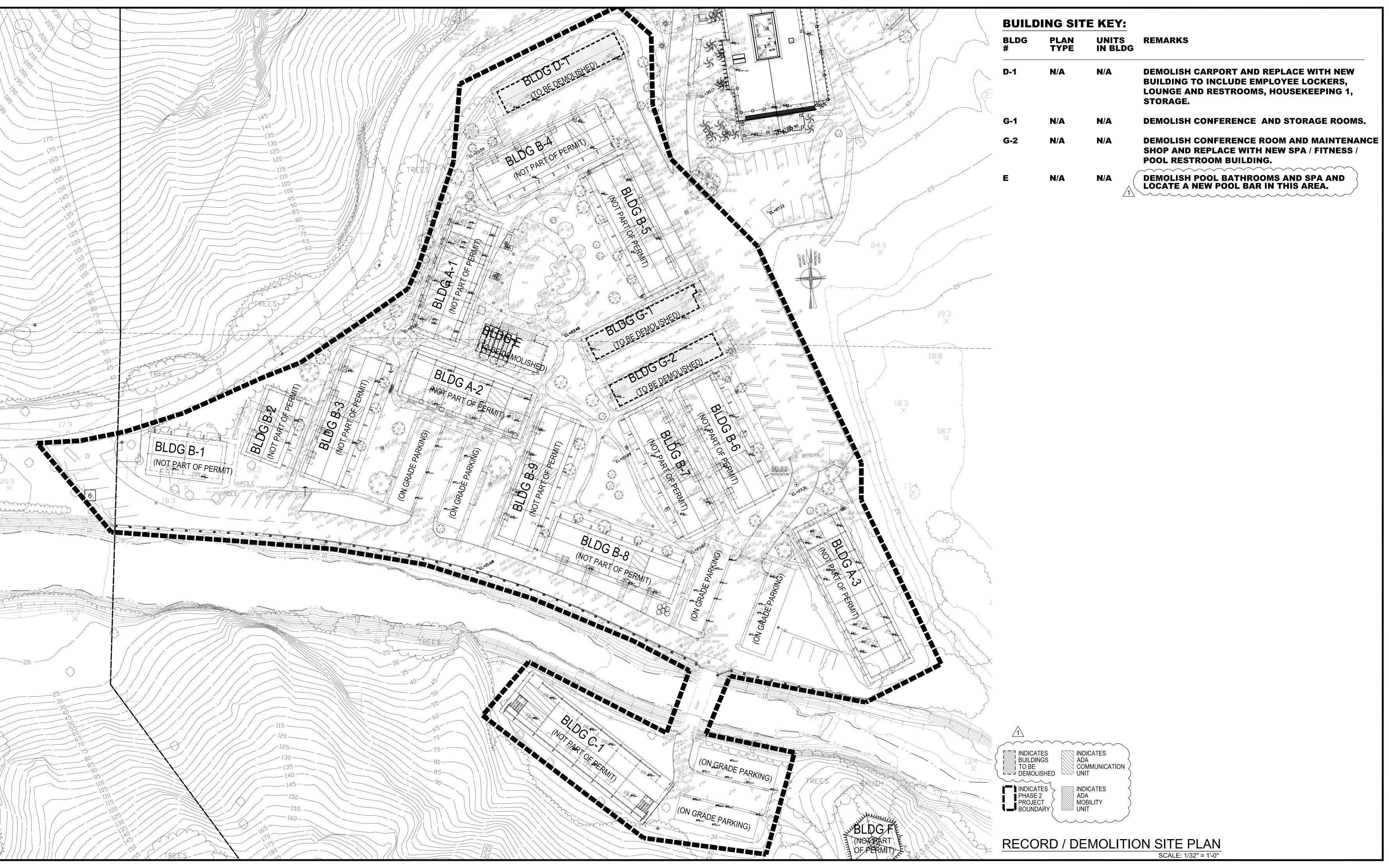
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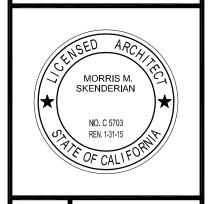
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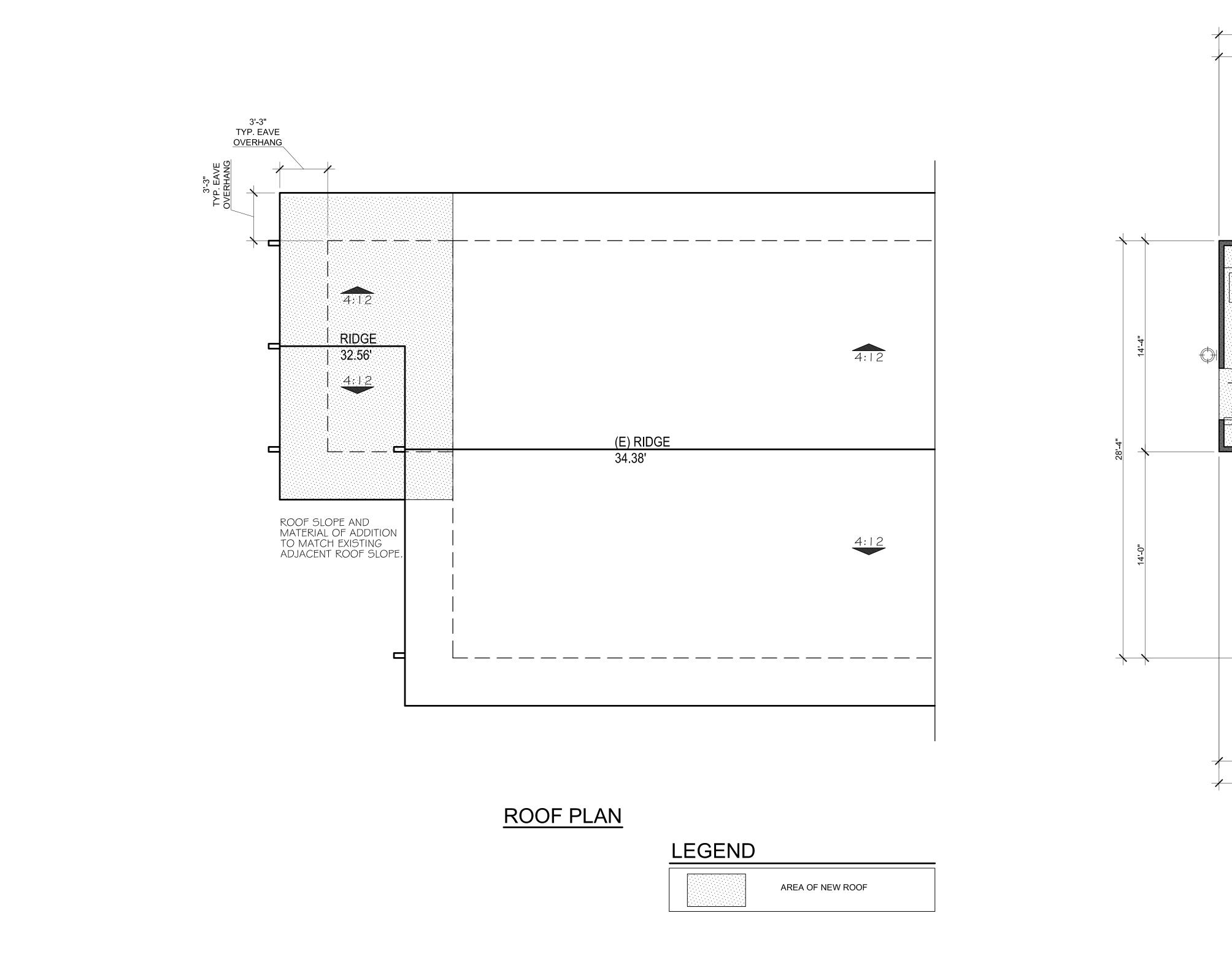
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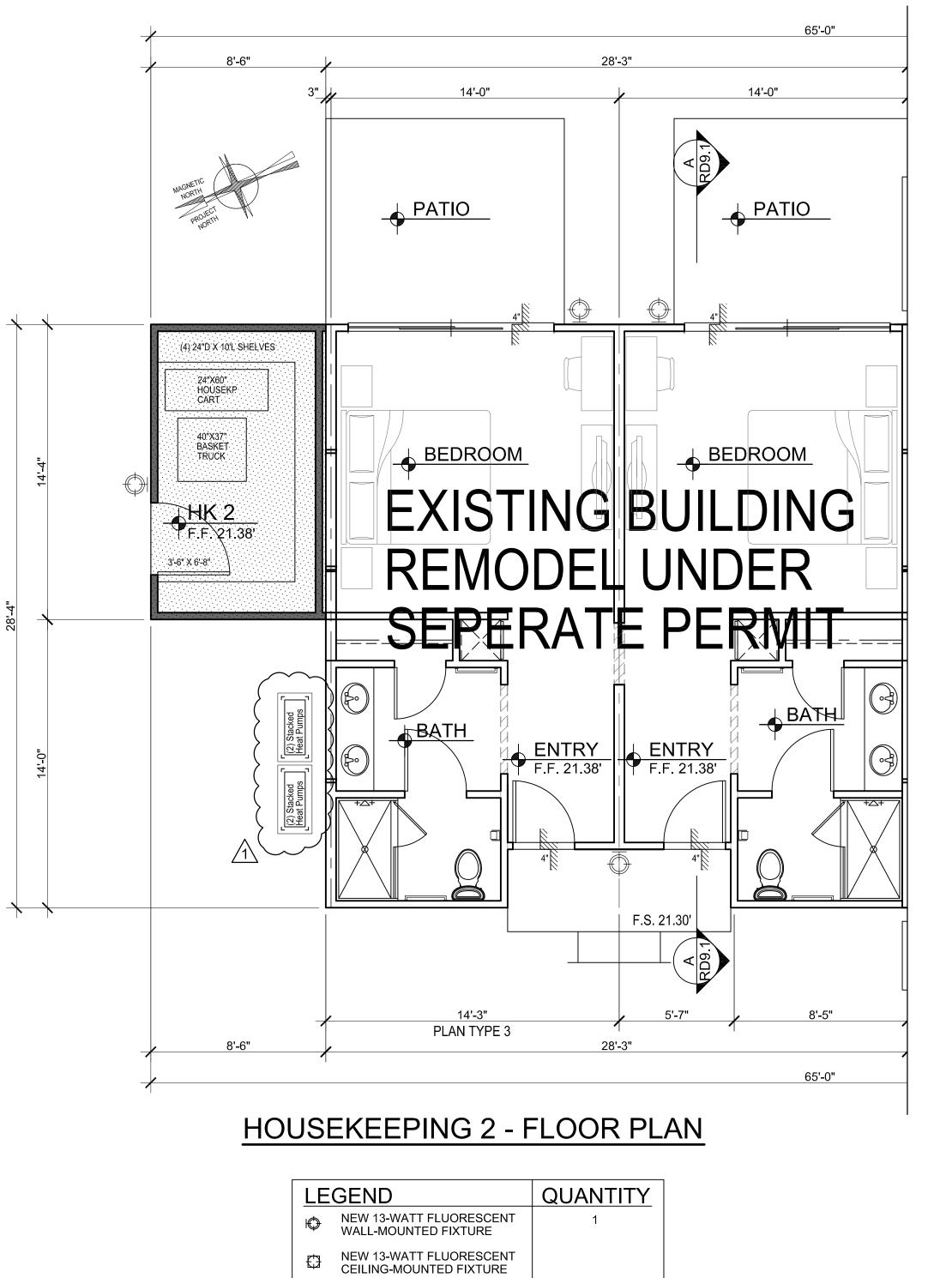
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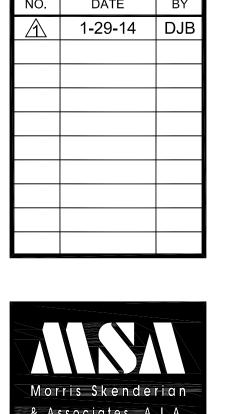
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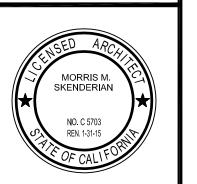


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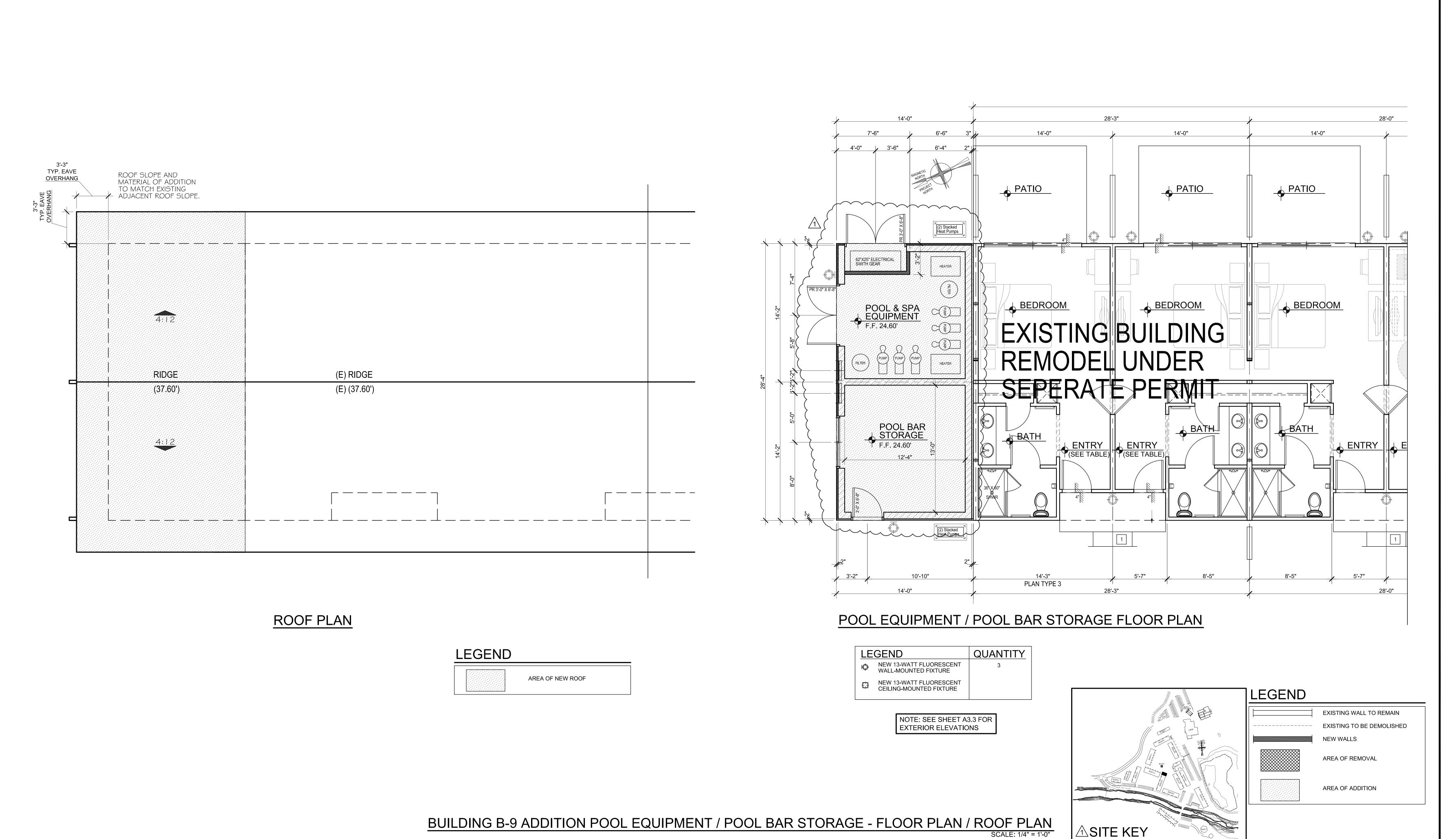
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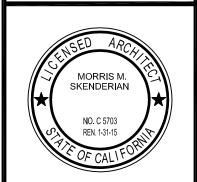
BUILDING B-2 ADDITION HOUSEKEEPING 2 - FLOOR PLAN / ROOF PLAN





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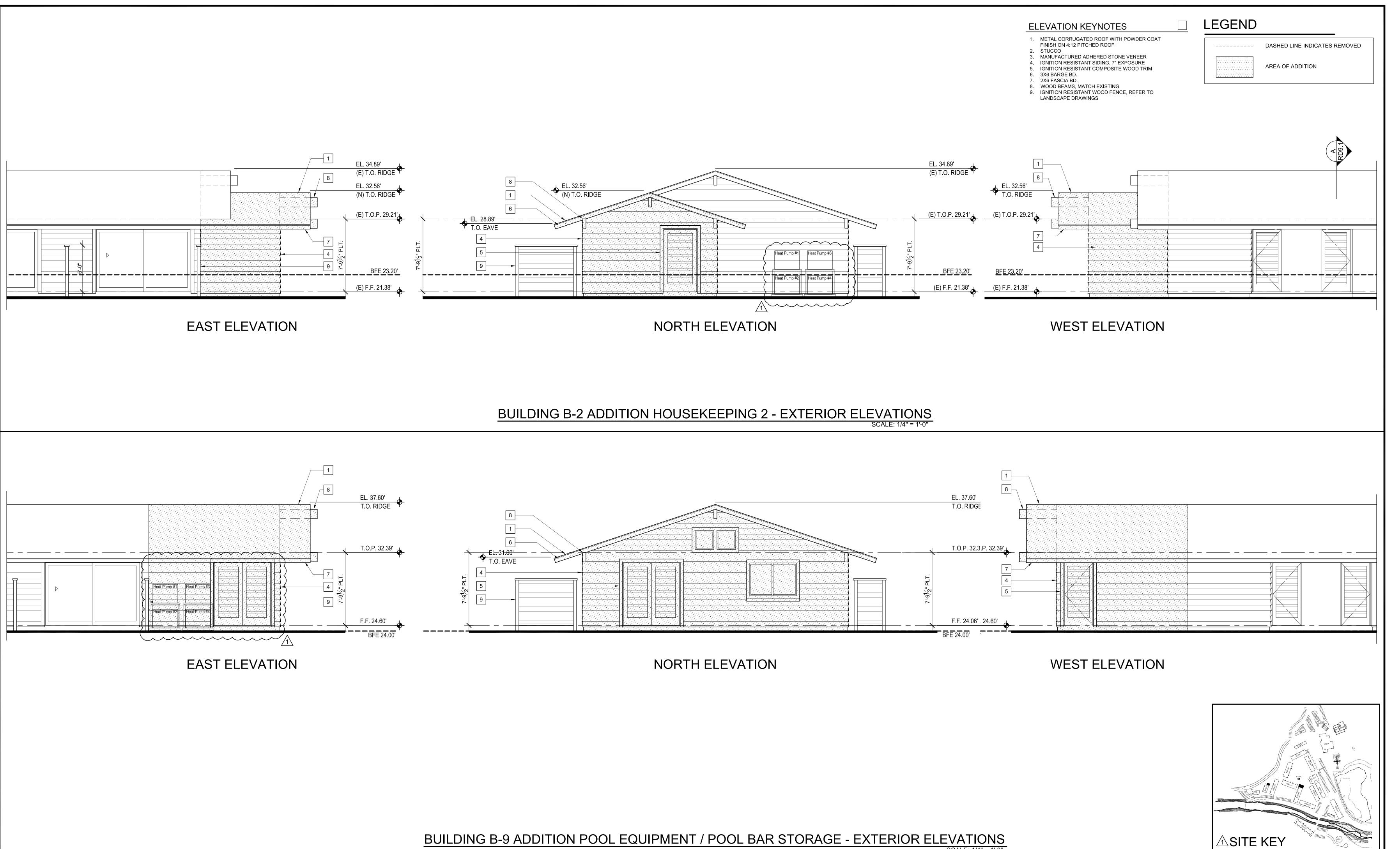
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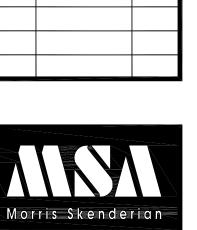
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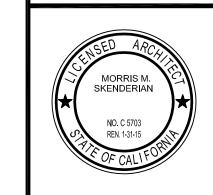




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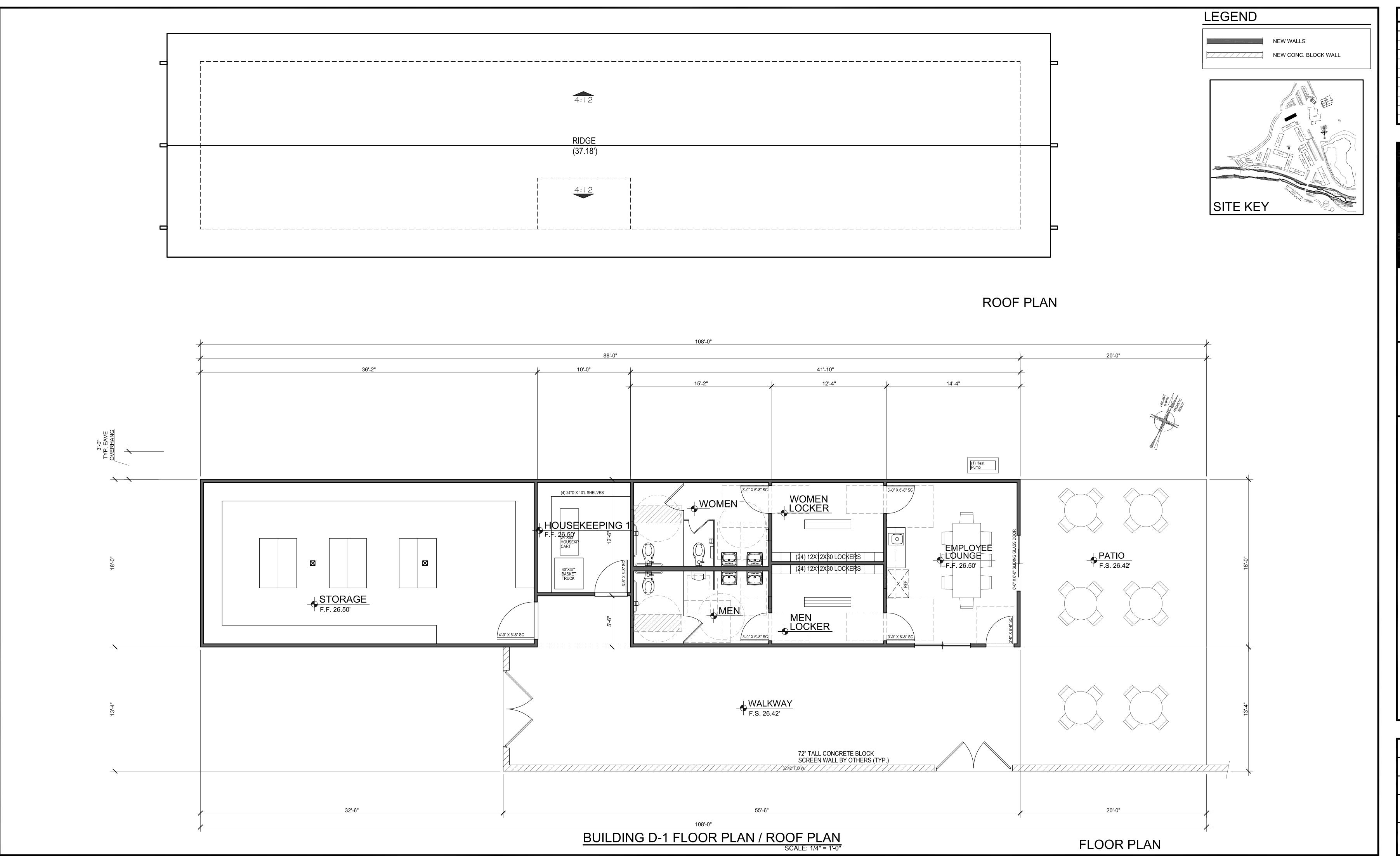
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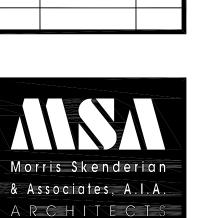
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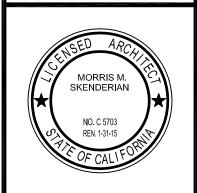
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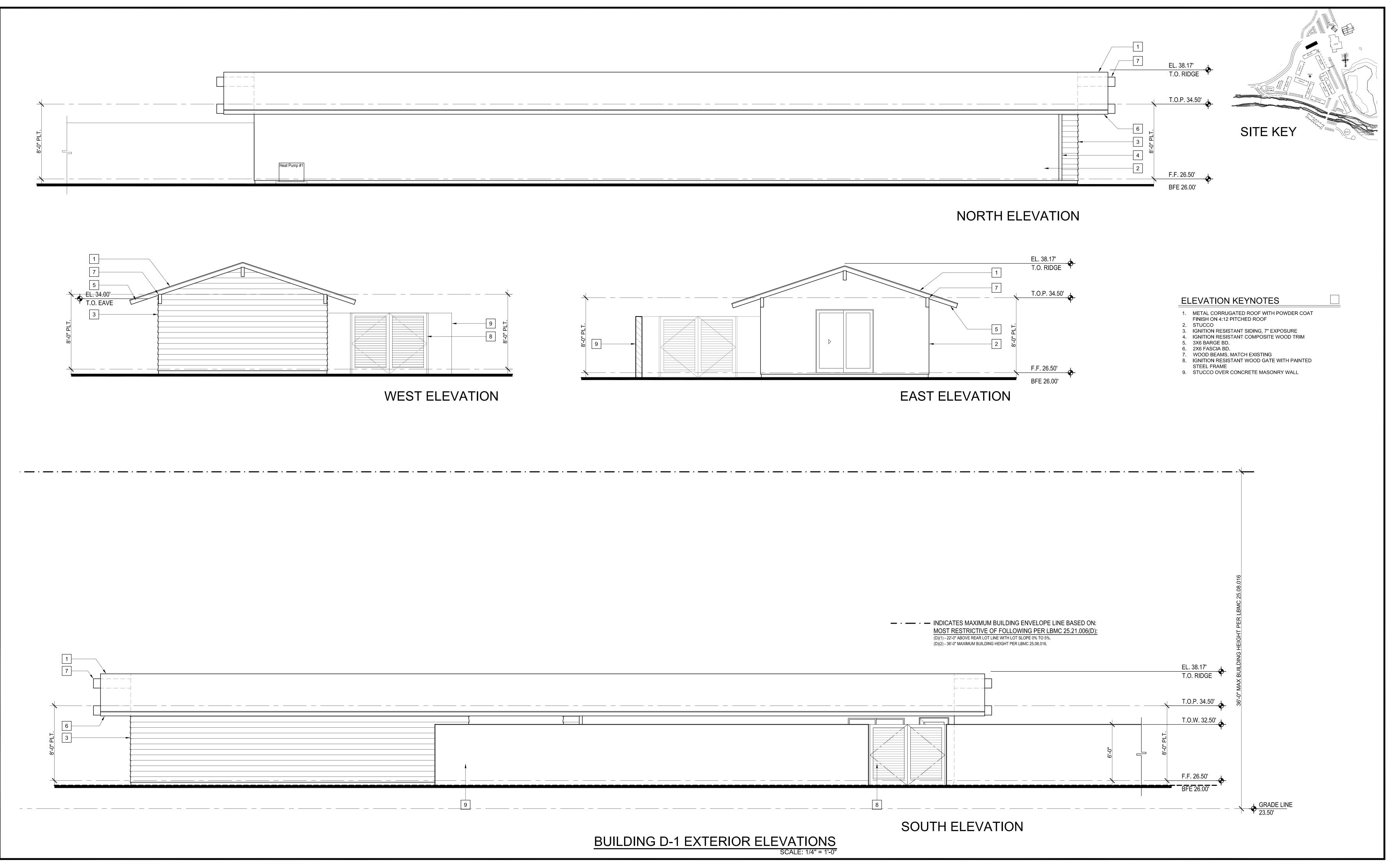
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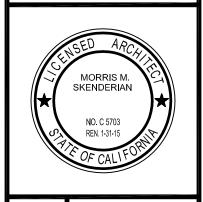
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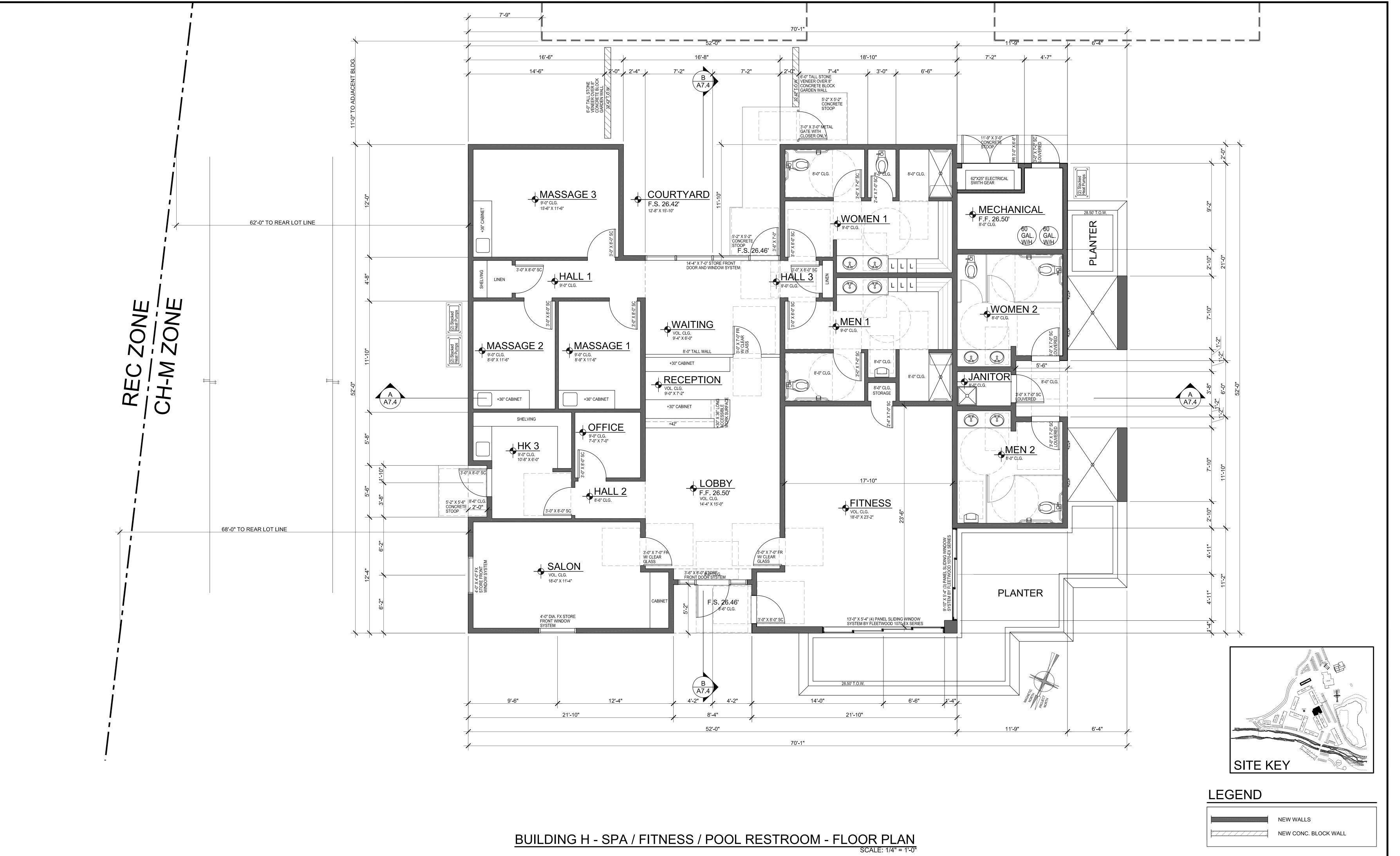
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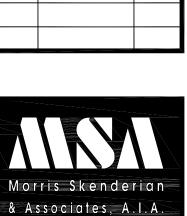
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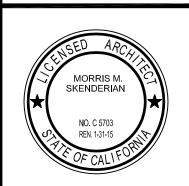


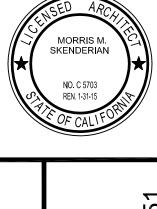
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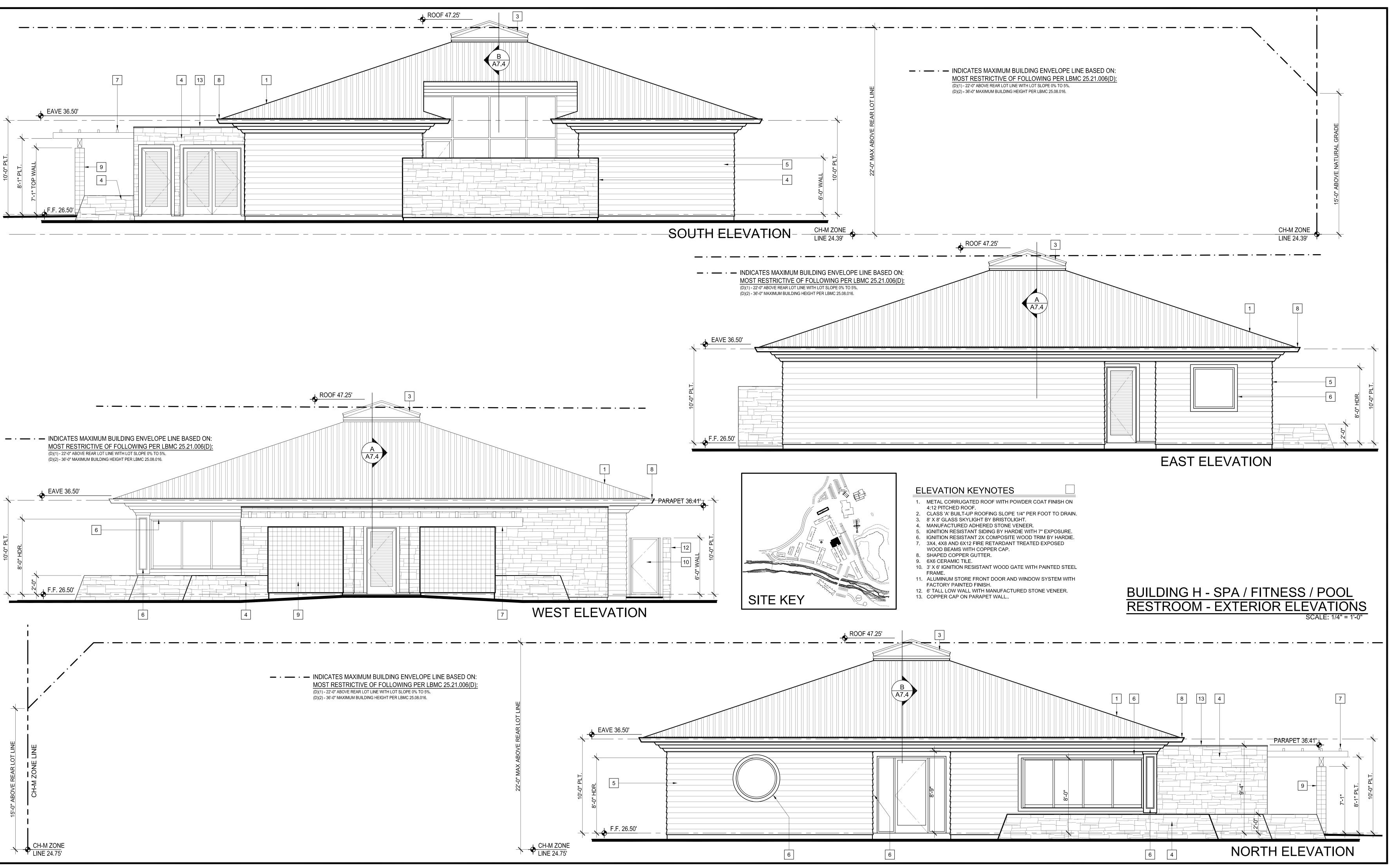
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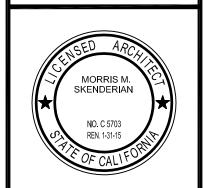
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FIRST SUBMITTAL DATE
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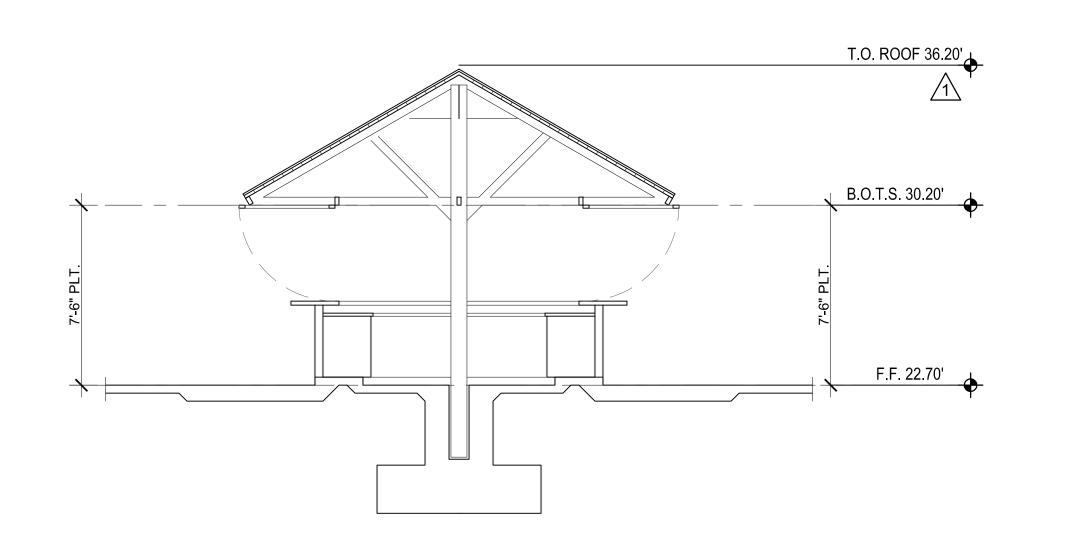
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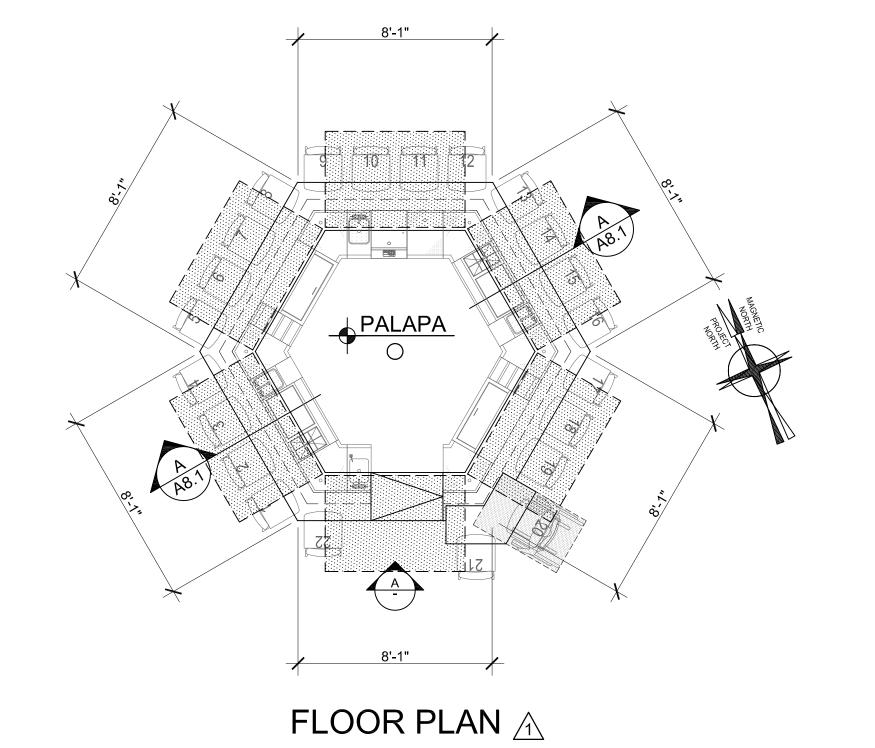
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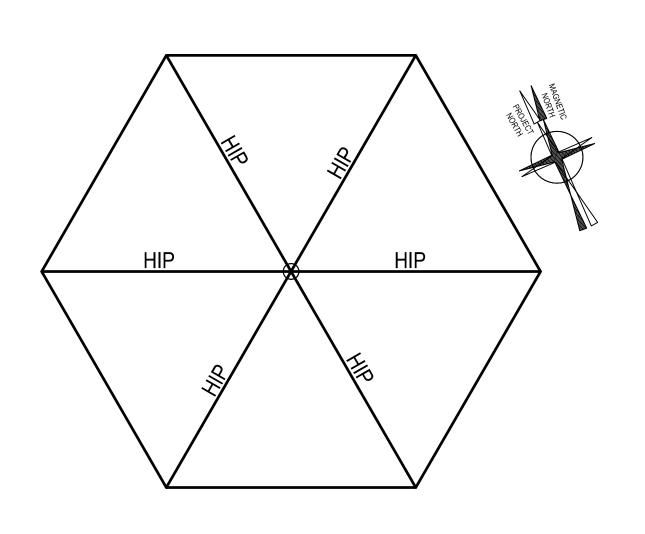
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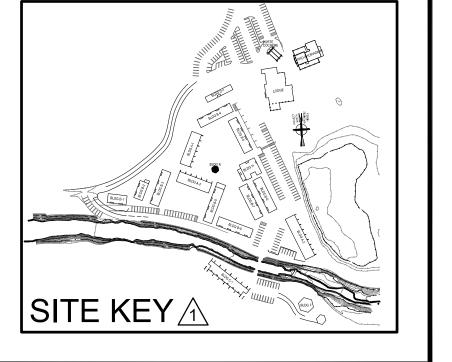
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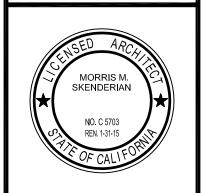
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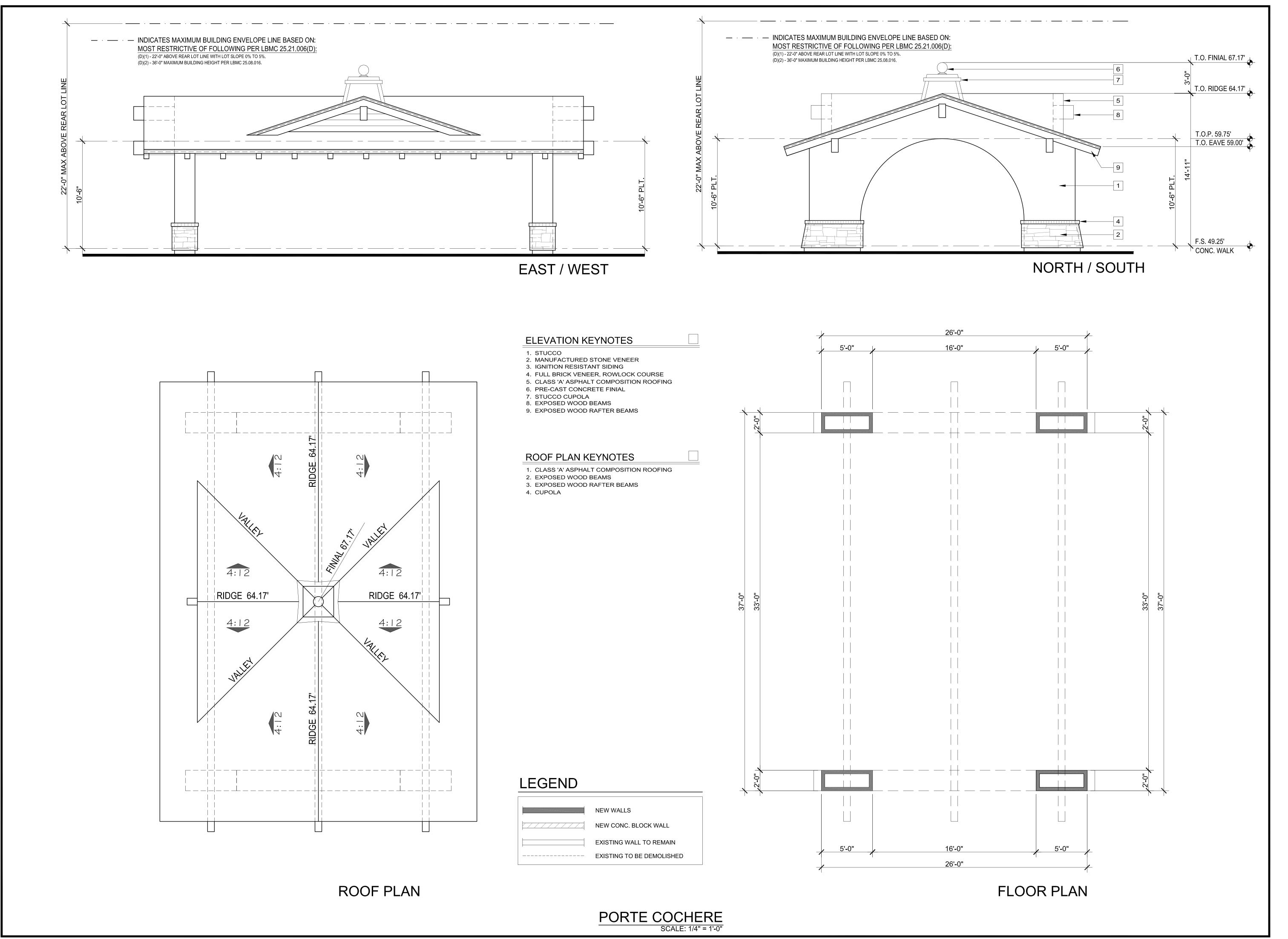
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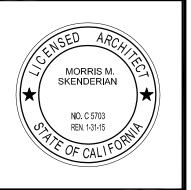


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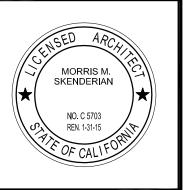
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11-11-2013

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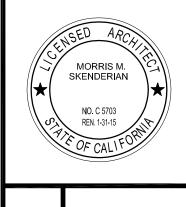
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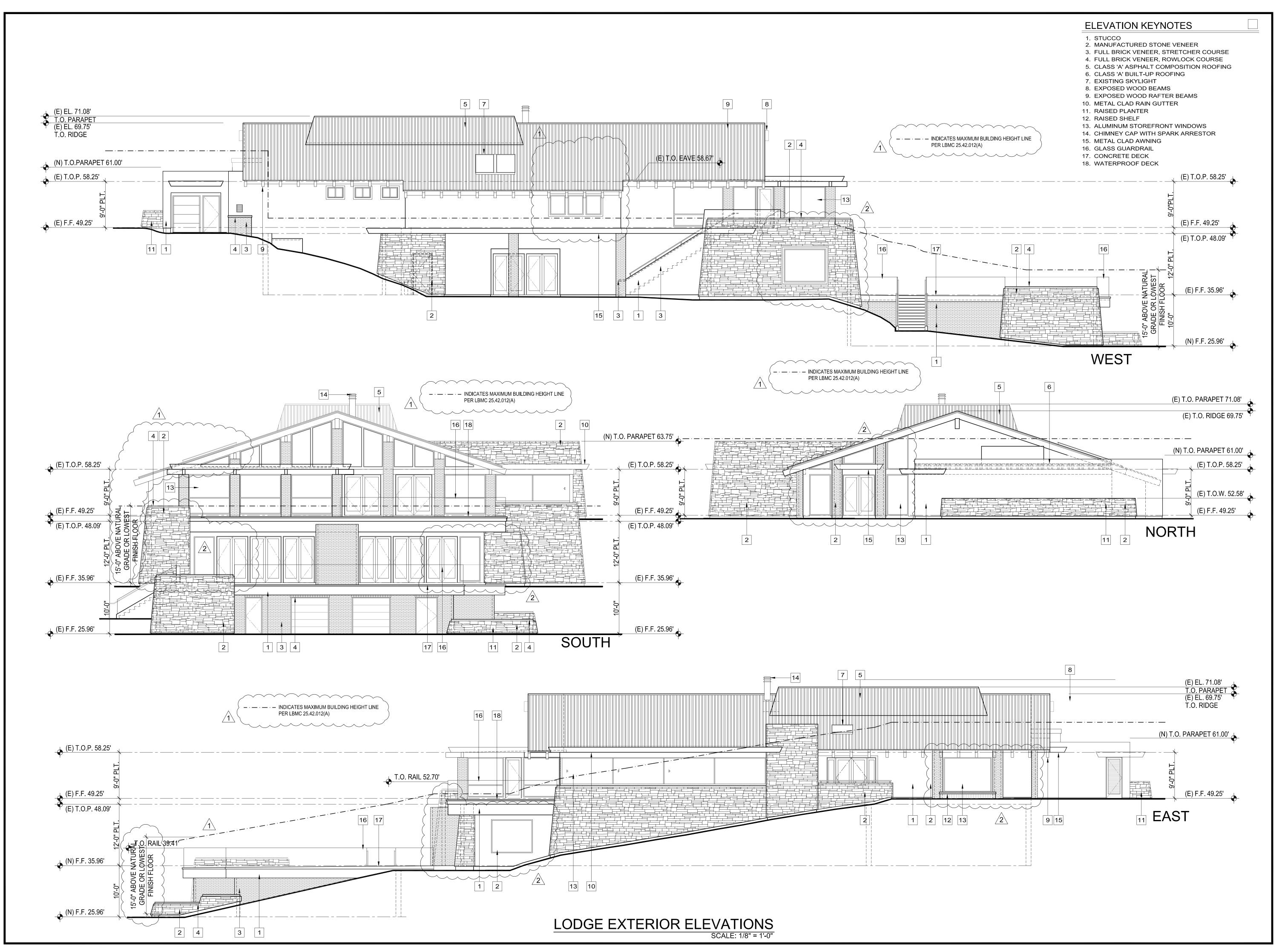
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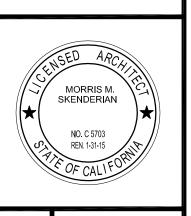
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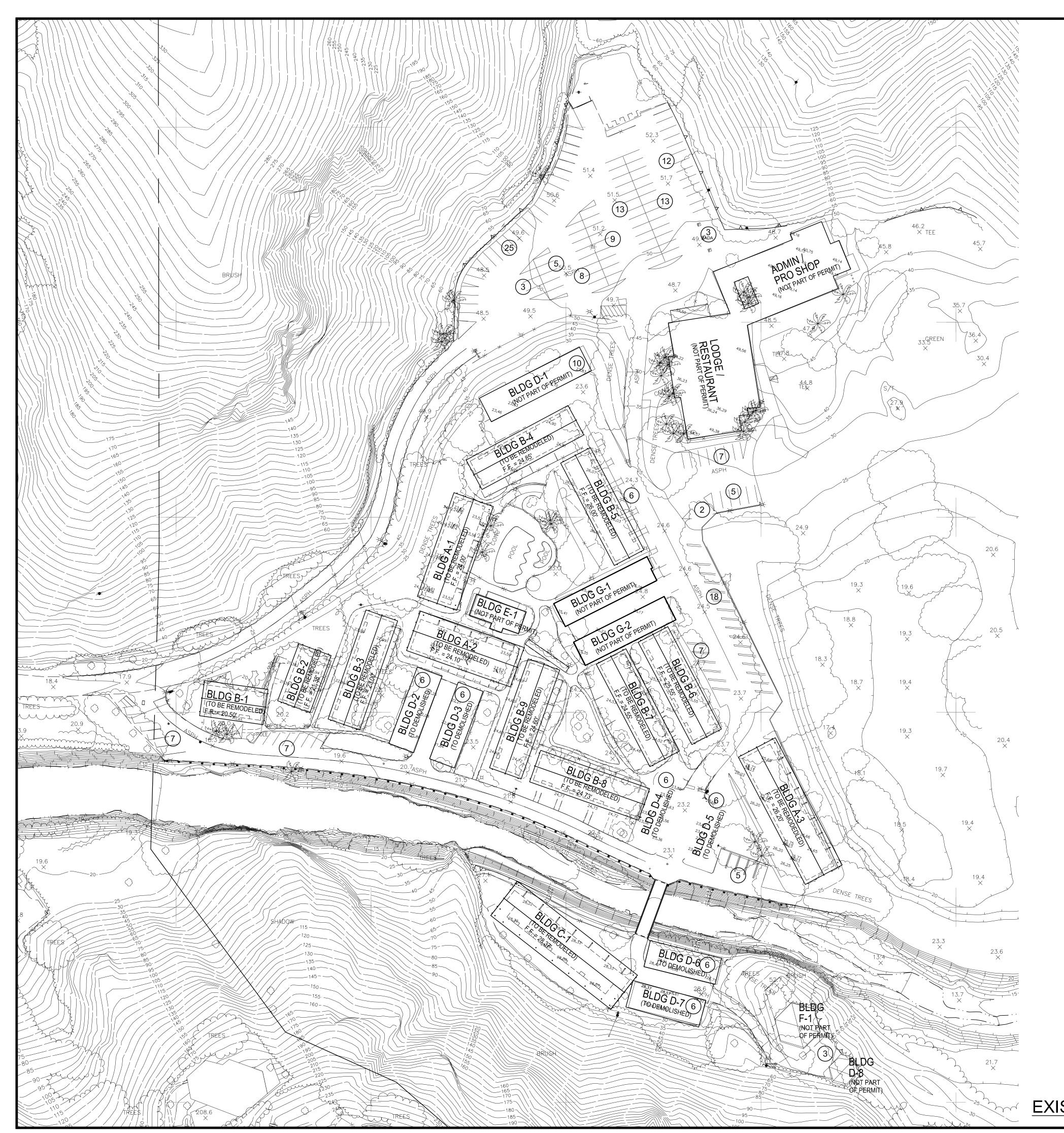


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FIRST SUBMITTAL DATE 11-11-2013 13-001 MSA 4-1-2014 SHEET NUMBER A-2.4



EXISTING PARKING:



204

ALL EXISTING PARKING STALLS:

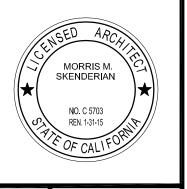
TYPE	NUMBER OF STALLS
STANDARD 90° PARKING STALLS	109
ANGLE PARKING STALLS	39
PARALLEL PARKING STALLS	6
GARAGE PARKING STALLS	47
ADA PARKING STALLS	3

TOTAL

REVISIONS

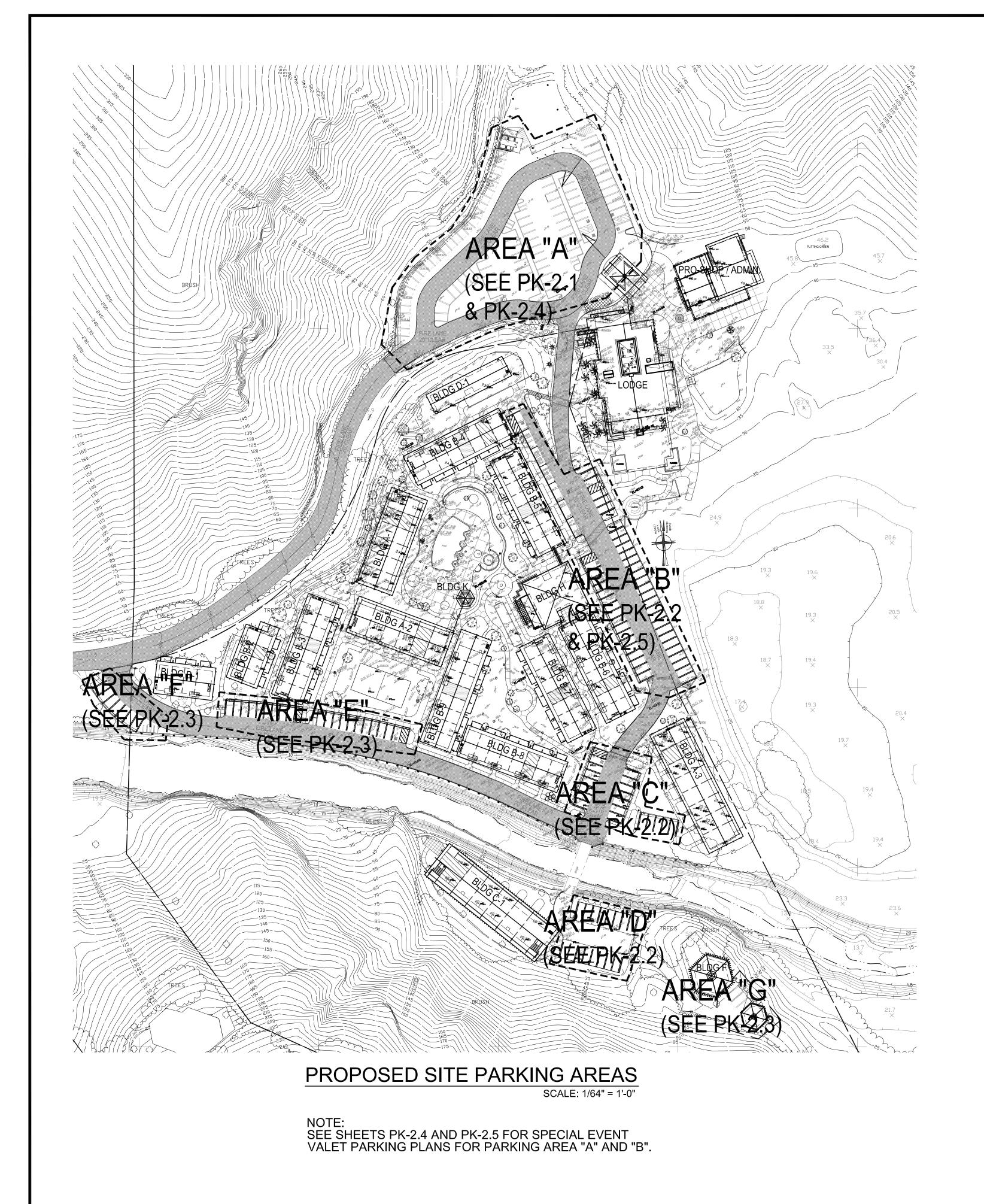
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11-11-2013 3-21-2014 PK-1.0

EXISTING PARKING PLAN SCALE: 1" = 50'-0"



ALISO CREEK GOLF & BUNGALOW VILLAGE - FLOOR AREA CALCULATION SUMMARY CHART

AREA USE	EXISTING FLOOR AREAS	FLOOR AREA ADDITION /	PROPOSED FLOOR AREAS
		(REDUCTION)	
HOTEL ROOMS	54,356.2 SF	462.2 / (-829.8)	53,988.6 SF
		(Including additions to B-1	
		and B-9 buildings)	
RESTAURANT	7,814.0 SF	(-218.5 SF)	7,595.5 SF
(Including Dining Deck Area)	(Gross Area per building code)	(254.2 SF Addition of Deck /	(Gross Area per building code
		(-472.7 SF Reduction for dining	
		area, stair, elevator)	
ASSEMBLY - BUILDING	7,224.7 SF	(-2,992.8 SF)	4,231.9 SF
(Including Conference /	(Including G-1, G-2 and Entry	(Includes removal of buildings	
Banquet / Meeting Rooms)	Level Assembly Area)	G-1 and G-2, Entry Level	
		Assembly and portions of	
		Lower Level Assembly for	
		restrooms and service areas)	
SPA	0.0 SF	1,977.1 SF	1,977.1 SF
FITNESS	N/A	N/A	N/A
GOLF COURSE	9 HOLES	NO CHANGE	9 HOLES

CONCLUSIO

Based on the above floor area calculations summary there is no intensification of use based on floor area. There is actually a reduction of intensification due to the reduction of floor area in the hotel rooms, restaurant and assembly area.

PROPOSED PARKING CALCULATION:

ALL PARKING STALL TYPES:	
TYPE	NUMBER OF STALLS
STANDARD 90° PARKING STALLS	164
STANDARD PARALLEL PARKING STALLS	6
COMPACT 90° PARKING STALLS	27
MOTORCYCLE PARKING STALLS 12 MOTORCYCLE / 2 = 6 STANDARD STAL (TWO MOTORCYCLE STALLS = ONE STAL	
BICYCLE RACK STALLS 16 BICYCLE / 8 = 2 STANDARD STALLS (8 BICYCLE STALLS = ONE STANDARD ST	2 ΓALL)
GARAGE PARKING STALL	1
ADA PARALLEL PARKING STALL	1
ADA 90° PARKING STALLS	8
TOTAL PARKING STALLS	215

PROPOSED SPECIAL EVENT VALET PARKING CALCULATION:

ALL PARKING STALLS TYPES:

MOTORCYCLE PARKING STALLS 12 MOTORCYCLE / 2 = 6 STANDARD STALLS (TWO MOTORCYCLE STALLS = ONE STAND GARAGE PARKING STALL ADA PARALLEL PARKING STALL ADA 90° PARKING STALLS	_
12 MOTORCYCLE / 2 = 6 STANDARD STALLS (TWO MOTORCYCLE STALLS = ONE STAND GARAGE PARKING STALL	8
12 MOTORCYCLE / 2 = 6 STANDARD STALLS (TWO MOTORCYCLE STALLS = ONE STAND	1
12 MOTORCYCLE / 2 = 6 STANDARD STALL	1
	_
STANDARD PARALLEL PARKING STALLS	6
STANDARD 90° PARKING STALLS	85
COMPACT VALET PARKING STALLS	53
STANDARD VALET PARKING STALLS	130
	UMBER F STALLS

ALISO CREEK GOLF & BUNGALOW VILLAGE - ADDITIONAL HOTEL ROOMS AND NEW SPA BUILDING PARKING ANALYSIS

AREA USE	PARKING REQUIRED FOR EXISTING USE PER MUNICIPAL CODE	PARKING REQUIRED FOR PROPOSED USES PER MUNICIPAL CODE	INCREASE OR (DECREASE) IN CARS TO PARK / DIFFICIENT PARKING
HOTEL ROOMS	64 Rooms = 68.3 Cars (1 Car / Room + 1 Additional Car / 15 Rooms)	97 Rooms = 103.5 Cars (1 Car / Room + 1 Additional Car / 15 Rooms)	35.2
SPA	0 sf = 0 Cars	1,982.1 SF = 7.9 Cars (1 Car / 250 sf)	7.9

Total Parking	204 Existing Stalls	215 Proposed Stalls	44 Additional Cars to Park
		(Increase of 11 Cars)	(44 Cars - 11 Additional Stalls
			= Total of 33 Cars to Park}

CONCLUSION:

Based on the above parking analysis there is a parking intensification based on the additional hotel rooms and the new spa building. This causes a difficency of 33 parking spaces. To mitigate this difficiency the applicant is willing to provide valet parking per the attached plan during special events only which provides parking spaces for the required additional 33 cars.

REVISIONS

NO. DATE BY

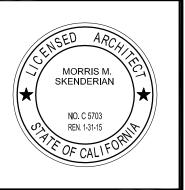
oris Skenderian

2094 S. Coast Highway Laguna Beach, CA. 92651 Tel.: 949 - 497 - 3374

Fax: 949 - 497 - 9814

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K INN REMODEL

ALISO CREEK II
PARKING AI

FIRST SUBMITTAL DATE
11-11-2013

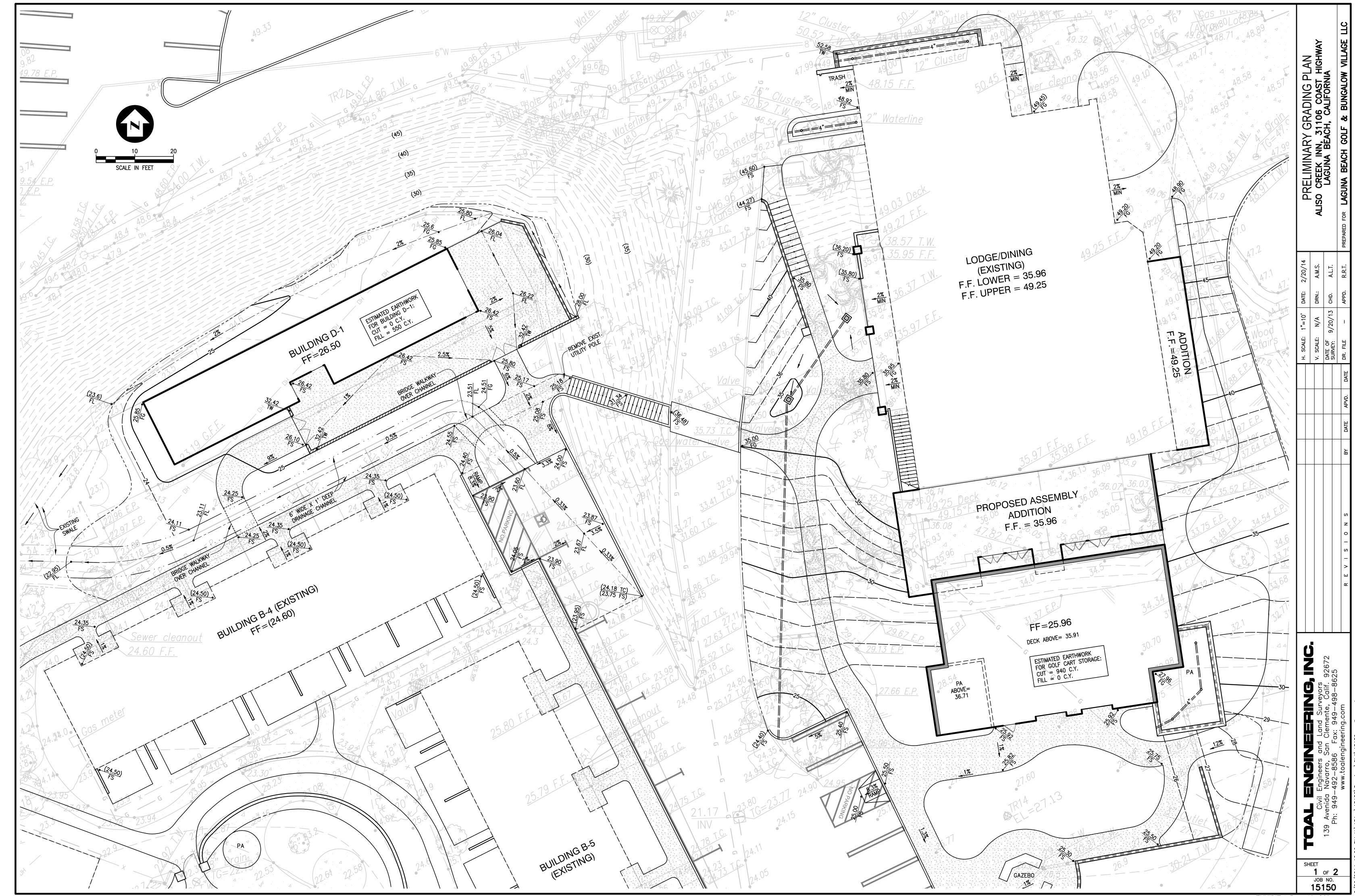
DRAWN BY JOB NUMBER
MSA 13-001

DATE PRINTED

3-21-2014

SHEET NUMBER
PK-2.0

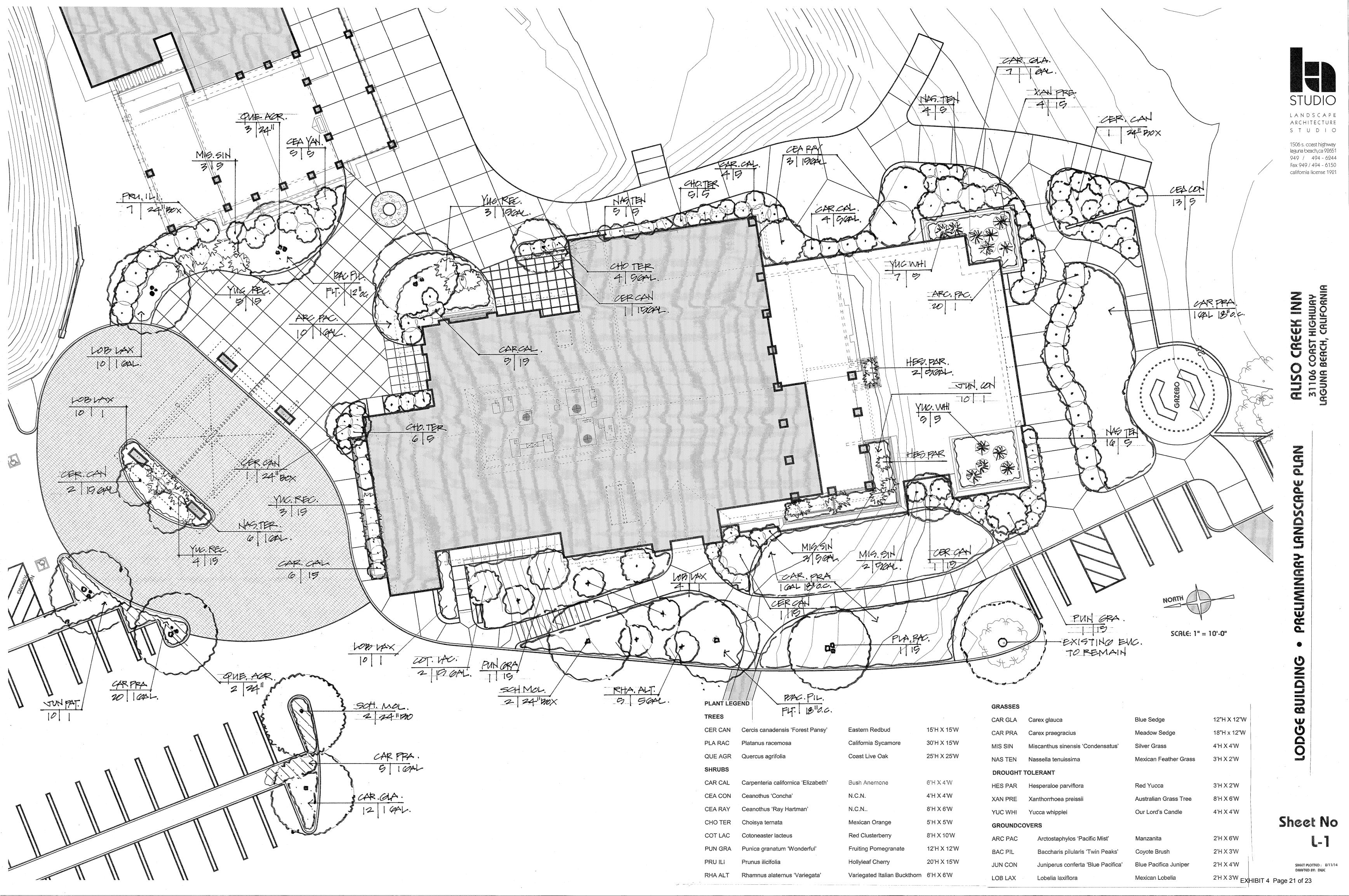
PARKING DEMAND ANALYSIS





15150 EXHIBIT 4 Page 20 of 23

JOB NO.



STUDIO

L A N D S C A P E ARCHITECTURE

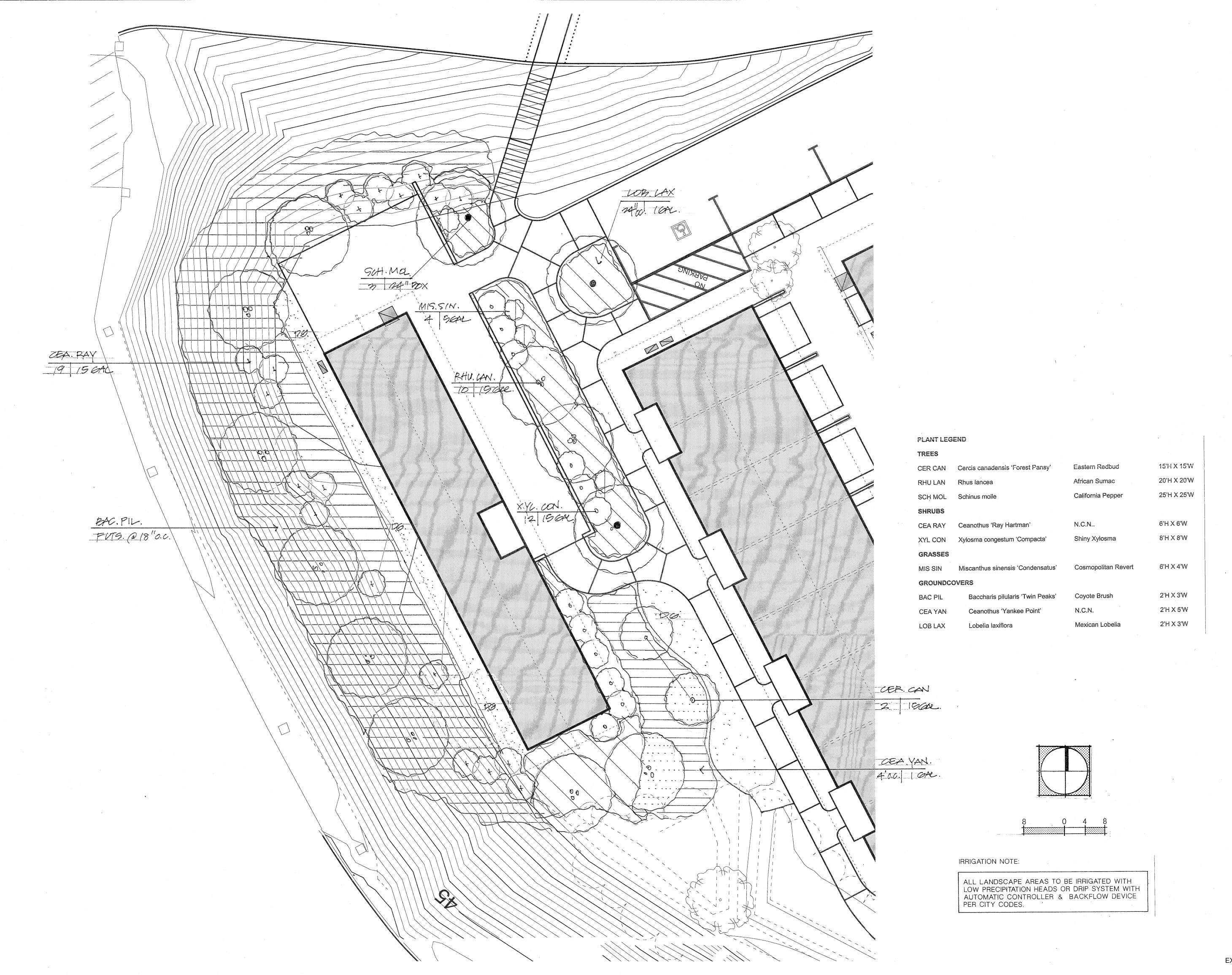
STUDIO

1506 s. coast highway laguna beach,ca 92651 949 / 494 - 6244 Fax 949 / 494 - 6150 california license 1921



Sheet No L-2

SHEET PLOTTED: 2/7/14 DRAFTED BY: DWC EXHIBIT 4 Page 22 of 23



ALL LANDSCAPE AREAS TO BE IRRIGATED WITH LOW PRECIPITATION HEADS OR DRIP SYSTEM WITH AUTOMATIC CONTROLLER & BACKFLOW DEVICE PER CITY CODES.

IRRIGATION NOTE:

Eastern Redbud

California Sycamore

Light Bush Anemone

Mexican Orange

Red Clusterberry

Hollyleaf Cherry

Shiny Xylosma

Red Yucca

Our Lord's Candle

Shore Juniper

Blue Sedge

Bear Grass

Manzanita Pacific Mist

Cosmopolitan Revert

Mexican Feather Grass

Fruiting Pomegranate

N.C.N.

N.C.N..

Cercis canadensis 'Forest Pansy'

Carpenteria californica 'Elizabeth'

Platanus racemosa

Ceanothus 'Concha'

Prunus ilicifolia

Xylosma congestum 'Compacta'

Arctostaphylos

Carex glauca

Juniperus conferta

Miscanthus sinensis 'Condensatus'

15'H X 15'W

30'H X 15'W

6'H X 4'W

4'H X 4'W

8'H X 6'W

5'H X 5'W

8'H X 10'W

6'H X 6'W

8'H X 6'W

10'H X 5'W

8'H X 8'W

3'H X 2'W

4'H X 4'W

1'H

1'H

12"H X 12"W

6'H X 4'W

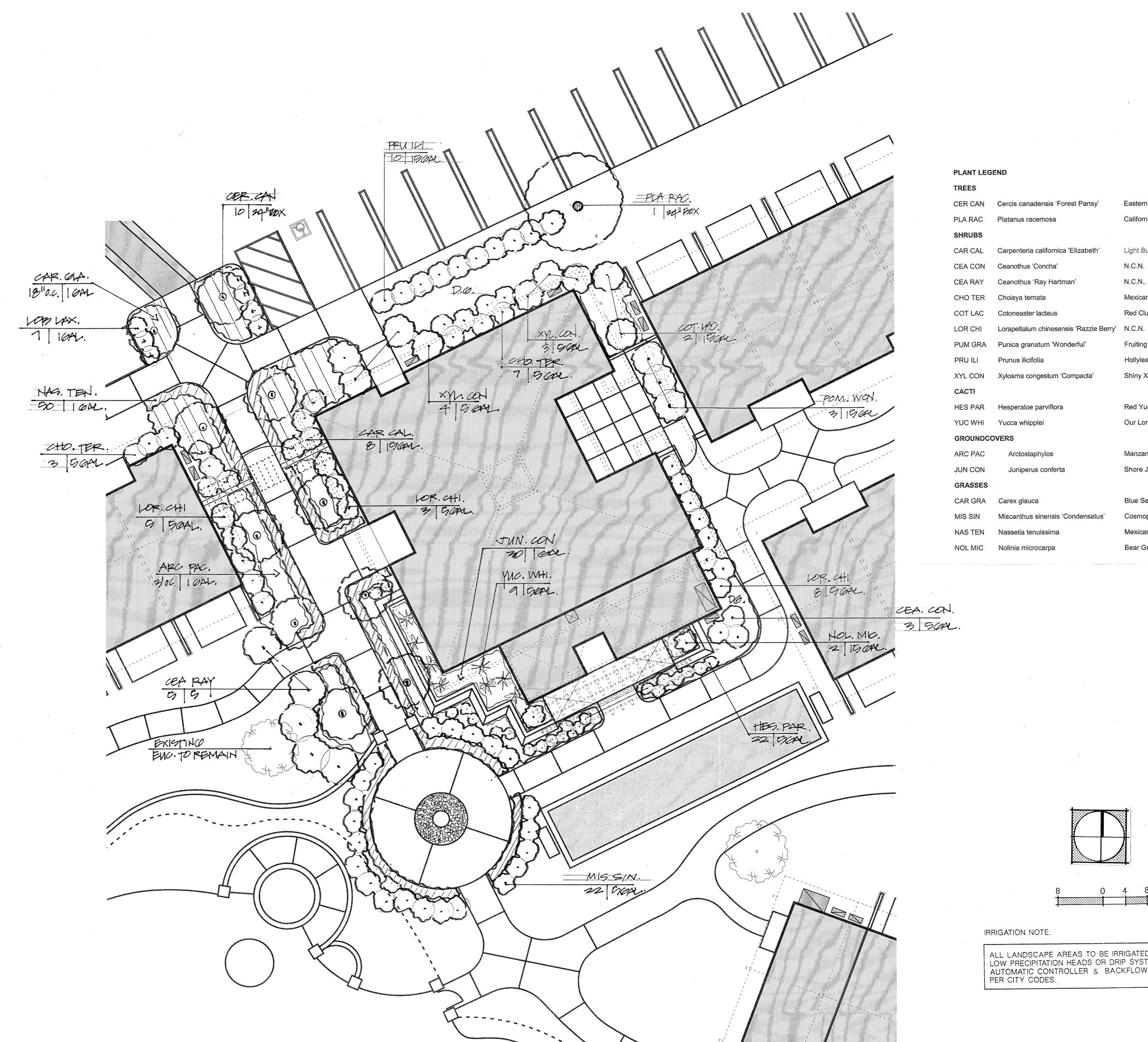
2'H X 2'W

5'H X 4'W

Sheet No

SHEET PLOTTED: 2/7/14

EXHIBIT 4 Page 23 of 23





Legend

Study Area Boundary

Coastal Wetland

100 Feet From Edge of Coastal Wetland

Restoration Area (0.40 ac)

Concrete Pad

Recycled Wood Fence

Pre-Existing Development to Remain

Note: All planted native/drought-tolerant vegetation throughout Scout Camp will remain.



THE RANCH AT LAGUNA BEACH

Scout Camp Restoration Proposal

GLENN LUKOS ASSOCIATES



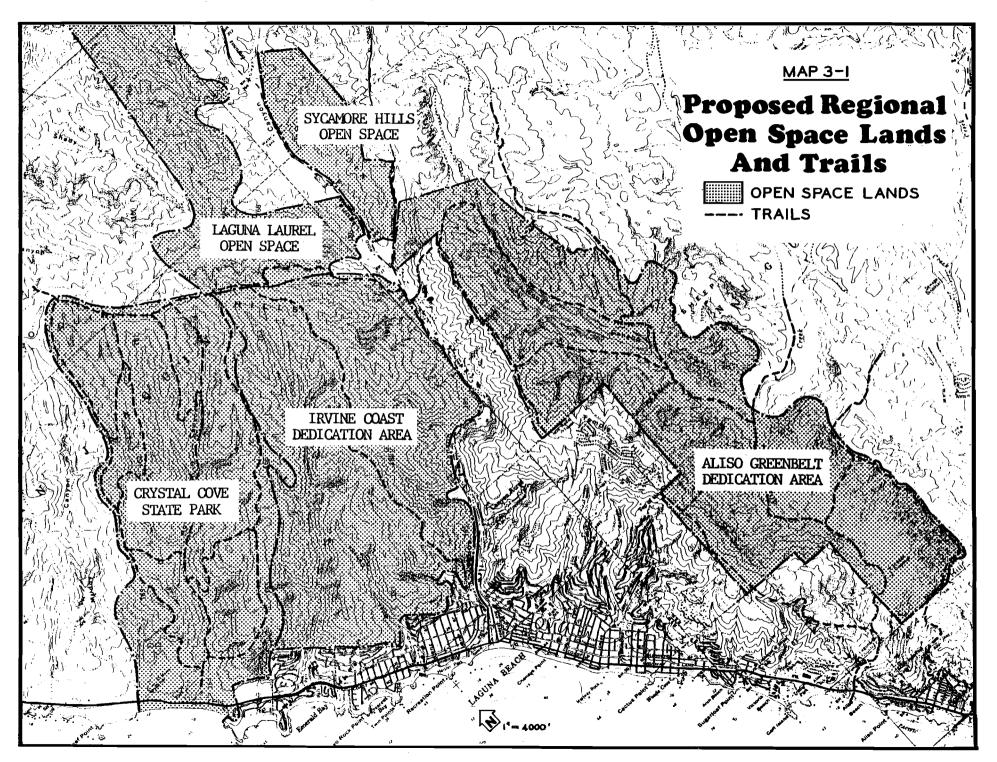
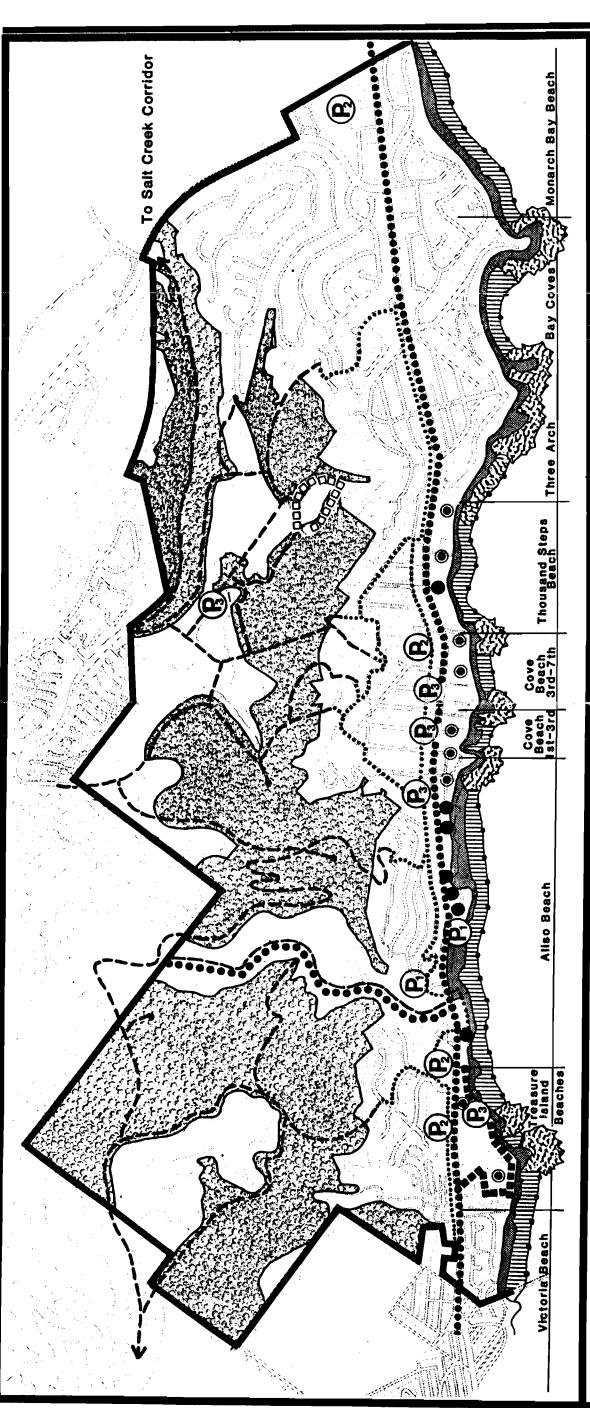


EXHIBIT 7 Page 1 of 3

EXHIBIT 7 Page 2 of 3



EXISTING PUBLIC ACCESSWAY

BIKE TRAIL

PUBLIC ACCESS OPPORTUNITY

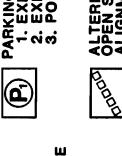
LATERAL ACCESS EASEMENTS

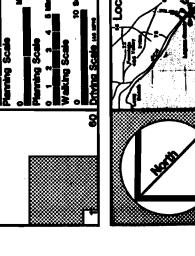
HILLSIDE OPEN SPACE TRAILS COMMUNITY TRAILS

PUBLIC OPEN SPACE BLUFF TOP TRAIL

SANDY BEACH

ROCKY SHORE











December 15, 2014

California Coastal Commission 200 Oceangate, Suite 1000 Long Beach, Ca. 90802-4416

Attention: Sherilyn Sarb, Deputy Director

Karl Schwing, South Coast District Manager Charles Posner, Coastal Program Supervisor Erin Prahler, Coastal Program Analyst

Subject: The Ranch @ Laguna Beach (A-5-LGB-14-0034)

Dear Sherilyn, Karl, Chuck, and Erin:

Thank you for taking the time to meet with me and my team on Monday, December 8, 2014 to review the Project and discuss outstanding issues on which you may need our input in order to complete your staff review and report for the January hearing.

In response to the issues discussed, please consider the following:

Temporary Shuttle Program and Hiking and/or biking trail:

In a continued effort to be good citizens and stewards of the land, we would be willing to consider offering reasonable public access through The Ranch Property by means of a temporary, managed shuttle program (as described in the attached "Shuttle Management Program") which ultimately would be replaced upon construction and opening a trail on the north side of the Property. The trail would be facilitated by a "floating trail easement" on The Ranch Property (described in the attached "Irrevocable Offer to Dedicate Easement for a Public Hiking and Biking Trail").

Attached is a site plan indicating a suggested location for the shuttle through the golf course, which would follow the existing paved road commencing at the SOCWA/Ranch gate and terminating at the entrance to the Hotel property. To further facilitate the shuttle route, we believe a County-funded bridge could be constructed over the Creek to allow access to the County public parking lot and the Aliso Beach. Obviously, this would be considered under a separate CDP since it would be located off the Ranch property.

As a future alternative, a hiking trail could be developed on the north side of the golf course. (An option of utilizing the south side of the course was considered, however, steepness of grades, dense vegetation and potential privacy impacts on hotel guest rooms would be significant impediments.)

California Coastal Commission Staff December 15, 2014 Page 2

In consideration of the topography, safety concerns and ESHA constraints, the north side path may involve passage over one or more properties which we do not own, or control and therefore we cannot commit to offering such the entire path without off-property owner participation and agreement. However, as a sign of good faith, we are willing to help facilitate this trail by immediately offering a floating trail easement over the property which we do own, as that would contribute significant key elements to the eventual implementation of an overall trail plan.

We anticipate that a potentially viable north side trail would commence at, or near, the hotel's private gate at the NE corner of the property (that connects to SOCWA road) and possibly terminate at the main parking lot area near the driving range, whereby hikers would traverse the parking lot and vehicular road leading to the future County bridge across the creek similar to the shuttle concept.

Upon construction and opening of the north side trail, the temporary shuttle program would terminate.

The trail details and operation, confirmation of the submitted floating easement location and OTD could be a condition of approval of the CDP, with a time certain period to execute and record so as not to impact the building permits needed to immediately continue with the hotel, lodge and property construction and occupancy. We would expect these additional proposed elements of our Project to resolve any remaining issues relating to the hotel and scout camp uses.

Attached are draft documents for your use and review that may assist you in development and implementation of the public access proposals discussed herein.

Room Rates:

You requested the rates for both existing and projected rooms to be broken down into individual rooms in addition to the ADR (average daily rate). Attached is the report as created by the Ranch at Laguna Beach. We are proud of the fact that we are renovating what has always been considered a moderate (mid-tier) cost hotel facility in the region and will continue to maintain it as a mid-tier property post-renovation. By creating an additional 33 rooms (within the existing structure envelopes) over and above the existing 64 rooms, in addition to the proposed trail easement and cooperation in a managed shuttle operation, we believe we are going above and beyond in providing the general public additional opportunities to access the Coast.

California Coastal Commission Staff December 15, 2014 Page 3

Additional Accessibility via ADA improvements:

The existing 64 room hotel was sorely deficient in terms of ADA accessibility and had no code compliant accessible or hearing impaired rooms. Further the hotel grounds had no accessible restrooms or path of travel, which created additional barriers to people with disabilities. With the proposed renovation and working with ADA consultants on our team, the entire hotel will become ADA accessible. Five (5) rooms will be fully ADA accessible and 9 rooms will be available to the hearing impaired.

Removal of barriers throughout the site, improvements to the swimming pool and jacuzzi, removal of noncompliant steps, ramps, railings and reconstruction of the existing restaurant to ADA standards together provide the public more coastal access opportunities.

As a result of our continued meetings, discussions and mutual cooperation, we are confident that these creative ideas and proposals will more than satisfy your concerns and bring us to a positive staff recommendation. Please let us know if you have any questions or need additional information in order to complete your staff report for the upcoming hearing in January.

Sincerely.

Mark Christy

Attachments:

Site Plan (north trail and shuttle routes)
Draft Conditions (north trail and shuttle management plan)
Shuttle Management Plan for the Ranch at Laguna Beach

Irrevocable Offer to Dedicate Easement for a Public Hiking and Biking Trail

Shuttle Management Plan The Ranch at Laguna Beach



December 15, 2014

SHUTTLE MANAGEMENT PLAN

FOR THE RANCH AT LAGUNA BEACH

The Shuttle Access Program at The Ranch at Laguna Beach

The shuttle access program at The Ranch at Laguna Beach ("The Ranch") will provide for temporary coastal access through the Ranch Property by utilizing a motorized, fully-enclosed shuttle with bike rack to transport hikers and/or bikers in order to facilitate trail access between the private gated entrance controlled by the South Coast Orange County Wastewater Agency ("SOCWA") and Orange County ("OC") Parks and the beach. The shuttle would run from the hotel's private gate (the north SOCWA gate) at the northeast corner of the property, which connects with the existing SOCWA access road, through the golf course over a defined route, and terminate at the entrance to the hotel property at its western boundary. The shuttle will operate during the same days and hours that the SOCWA/OC Parks private gate and access road are open, as provided in the 1990 Joint Use Agreement between Aliso Water Management Agency (now SOCWA) and the County of Orange (the "Joint Use Agreement"). Section 7 of the Joint Use Agreement states:

"Section 7. <u>Public Use of the Access Road</u>. Bike riders, hikers, and equestrians, may utilize the Access Road on a weekend only basis subject to the limits set forth in this Agreement. Specifically, weekend use shall constitute use only at the following times: Saturday and Sunday 7 a.m. to sunset."

If the days or hours that public use of the access road change, then the shuttle access program will operate consistent with those changed days or hours. The shuttle route is shown generally on Figure 1 below and in more detail in Appendix A.

At all times, the shuttle will remain on the Ranch Property. Prior to boarding the vehicle and after exiting the shuttle, passengers will be "on their own" to walk from either designated "Pick-Up/Drop-Off" locations at the western property line to the beach and from the hotel's private gate at the eastern property line (north SOCWA gate) to the private gate controlled by SOCWA/OC Parks.

The shuttle access program is a temporary access program that will terminate following construction and upon the opening of the north side hiking and biking trail, imposed by the California Coastal Commission as a condition of approving Coastal Development Permit No. A-5-LGB-14-0034, and as shown as a floating easement and potential north trail alignment on Appendix A.

Figure 1. General Shuttle Route.



Shuttle Operator

The operator of the shuttle access program at The Ranch shall be a public entity or a private entity or association acceptable to the Executive Director of the Coastal Commission and subject to the reasonable approval of The Ranch. The owner of The Ranch, Laguna Beach Golf & Bungalow Village, LLC, shall have no obligation to operate the shuttle system, but upon selection of the operator, will contribute up to \$50,000 in initial seed money towards the purchase the shuttle vehicle for the shuttle access program.

Description of the Shuttle Route

The shuttle access program at the The Ranch will be confined to the Ranch Property. The route will extend from the hotel's private gate at the northeast corner of the property, through the golf course along the existing access road for SCWD vehicles, and terminate at the entrance to the hotel property at the western property line.

Access from The Ranch Property to the Beach

Beyond the western property line of the Ranch Property, pedestrian access to the beach would be by way of the road owned by the South Coast Water District (Country Club Drive) over which The Ranch has an ingress/egress access easement, exiting onto the east side of Coast Highway, walking south on the bridge that spans Aliso Creek, down the stairs on the south side of the bridge, and then through the pedestrian tunnel that runs under Coast Highway to Aliso State Beach. It should be noted that there are no public sidewalks on Country Club Drive and that this is a narrow two- way street with several blind spots. The Ranch cannot guarantee access across this property since it does not own or control it. In addition, the exit onto Coast Highway is a blind corner where vehicles entering Country Club Drive from northbound Coast Highway would not be able to see pedestrians as they exit Country Club Drive onto Coast Highway, going south onto the bridge. Appendix A does identify the location of a potentially more direct and safer access route, a "potential County bridge access" closer to the hotel's western property line.

While access from the Property to the beach is not a part of the shuttle management plan, it is discussed to show how "mountain to sea" public access in this area of Aliso Canyon would be achieved by the segment provided through The Ranch shuttle access program.

Shuttle Vehicle and Trailer

The shuttle vehicle will be a larger passenger shuttle, such as a Mercedes Sprinter or similar vehicle. The shuttle must be fully-enclosed due to the inherent safety risks of running the shuttle route through the golf course and hotel operations. The shuttle will be equipped with a bike rack or hitch for a bike trailer.

Hours of Operation

Barring inclement weather and provided that the connection through both the SOCWA and/or Aliso and Wood Canyon Wilderness Park is open to the public, the shuttle will run every Saturday and Sunday from 7 a.m. to Sunset, consistent with the Joint Use Agreement. If the days or hours that public use of the access road change, then the shuttle access program will operate consistent with those changed days or hours, (however, in no event beyond the hours of 7 a.m. to Sunset). The shuttle will stop at the hotel's private gate (north SOCWA gate) "drop-off/pick up" location approximately every hour on the hour and the western hotel property boundary (SCWD road) "drop off/pick up" location on the alternate 30 minute "half hour" marks. The shuttle program will not operate at any time that SOCWA/OC Parks closes the Aliso Wood Canyon main entrance (for weather, fire, or other reasons) or during any time that SOCWA restricts public access to its roadway. In the interest of economics, in the event of inadequate or limited demand, the operator reserves the right to implement a reasonably convenient "on call" program by installing a call button at the hotel's private gate (north SOCWA gate).

The shuttle system will operate over portions of the property utilized by The Ranch, including the public golf course, and it is necessary to staff the shuttle access program with persons who are familiar with the Property, the golf course and hotel operations, and will make all reasonable efforts to ensure the compatibility with, and the safety of, both Ranch and shuttle users.

Insurance and Indemnity

The shuttle vehicle and rack and/or trailer must be fully insured, with The Ranch and Laguna Beach Golf & Bungalow Village, LLC, named as additional insureds and indemnified from liability for accidents or claims of any nature resulting from the operation of the shuttle on The Ranch Property or which may arise on areas beyond The Ranch Property at either end of the shuttle route.

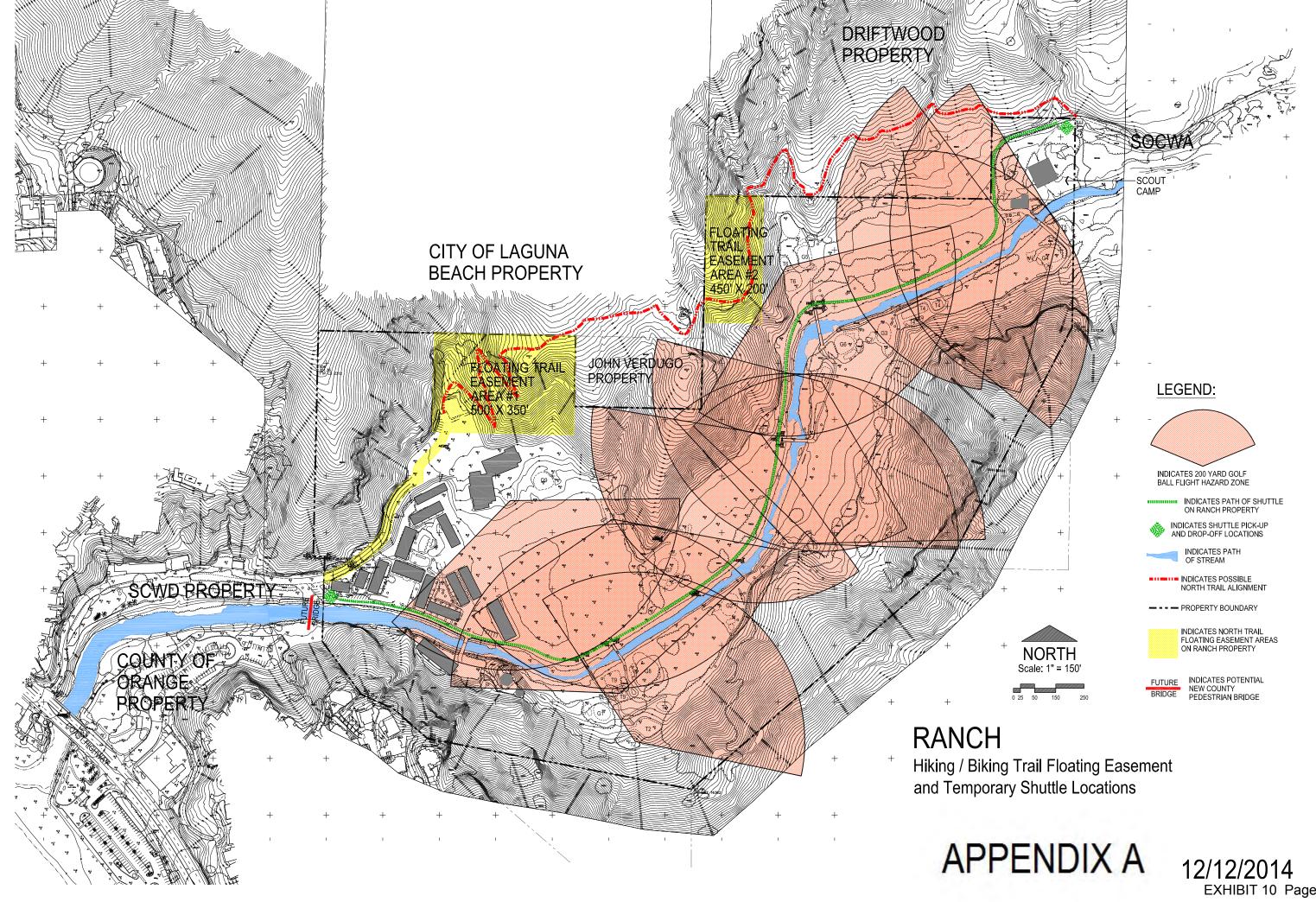


EXHIBIT 10 Page 9 of 12

THE RANCH AT LAGUNA BEACH (A-5-LGB-14-0034) APPLICANT'S DRAFT SPECIAL CONDITIONS

"__. OFFER TO DEDICATE EASEMENT FOR A PUBLIC HIKING AND BIKING TRAIL

- A. Offer to Dedicate Recordation. NO LATER THAN 90 DAYS FOLLOWING OCCUPANCY OF THE APPROVED DEVELOPMENT, the permittee shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency(ies) or non-profit entity(ies) acceptable to the Executive Director, a floating easement for a public hiking and biking trail across generally along the northerly side of the Property ("Easement Area"). The recorded document(s) shall include legal descriptions of both the permittee's entire parcel(s) and the easement areas. The recorded document(s) shall reflect that development in the offered areas is restricted as set forth in the Special Conditions of this permit. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. applicant's proposal for the land to be offered for a floating easement for a public hiking and biking trail is depicted on the plan titled "RANCH Temporary Shuttle and Hiking/Biking Trail Easement Locations," prepared by Morris Skendarian & Associates, A.I.A, and dated December 12, 2014, and received in the Commission's offices on December 15, 2014. The Executive Director may extend for good cause the 90-day period for execution and recordation of the offer.
- **B.** Alignment of Public Access Easements; Termination of the Temporary Shuttle Requirement. Upon acceptance of the OTD, the accepting entity shall determine the exact alignment of the public hiking and biking trail within the Easement Area. The determination shall be based on a site-specific analysis of the environmental conditions existing at the time and physical improvements related to construction of the public hiking and biking trail would be subject to a separate Coastal Development Permit. The accepting entity shall record an official document to reflect the exact alignment of the public hiking and biking trail. Following construction and upon opening of the public hiking and biking trail, the temporary shuttle access program, pursuant to Special Condition ____, shall terminate.
- C. <u>Public Trail Access Easement Management</u>. Once the OTD has been accepted, management and maintenance of the Easement Area and physical improvements constructed within the Easement Area shall be the responsibility of the accepting entity. The accepting entity may receive assistance and enter into partnerships with public entities, conservation organizations, and nonprofit groups for the construction, management, and maintenance of the Easement Area and physical improvements.

_. SHUTTLE ACCESS PROGRAM. PRIOR TO ISSUANCE OF A COASTAL

DEVELOPMENT PERMIT, the permittee shall submit, for review and approval of the Executive Director, a Shuttle Management Plan. The Shuttle Management Plan shall provide the operational stipulations for a temporary shuttle system to provide public access on The Ranch Property from the private hotel/SOCWA gate, at the northeast corner of the property, through the public golf course on tproperty, to the westernmost property line of The Ranch that connects to the private South Coast Water District road that leads to Coast Highway. By acceptance of this permit, the applicant agrees to the following operational stipulations:

- 1. The shuttle system shall be operated consistent with the Shuttle Management Plan.
- 2. The operator of the shuttle access program shall be a public entity or private entity or association acceptable to the Executive Director of the Commission, and subject to reasonable approval by the permittee.
- 3. Upon selection of the operator of the shuttle program, the permittee shall provide \$50,000 towards the purchase of a shuttle vehicle, consistent with the Shuttle Management Plan. The permittee and operator shall cooperate to coordinate the shuttle program and ongoing public golf course and hotel uses, provide shuttle driver training, and ensure compliance with all of the operational stipulations.
- 4. The shuttle vehicle shall be equipped to provide access through The Ranch Property for both hikers and mountain bikers.
- 5. The shuttle program shall operate from 7 a.m. to sunset during the days and hours that the private gate and access road maintained by the South Coast Orange County Wastewater Agency and OC Parks are open for public use. If the days or hours that public use of the access road is open are changed, the operation of shuttle program shall conform to the changed days and hours.
- 6. The public shall have the right to ride the shuttle while it is operating on The Ranch Property, including the right to transport bikes and beach gear on the shuttle. Following construction and upon opening of the public hiking and biking trail required by Special Condition ___, the temporary shuttle access program shall terminate.

____. SIGNAGE PLAN. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a signage plan for the shuttle system which shows: 1) the pick-up/drop-off locations; 2) the location of signs displaying the shuttle route, stops, and frequency of operation, that inform the public that the shuttle is available for public use, including use by hikers and mountain bikers, and how to obtain assistance in utilizing the shuttle. The signage plan shall also include the dimensions, wording, and layout of each sign.

__. <u>DEED RESTRICTION</u>. PRIOR TO ISSUANCE OF THIS COASTAL

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





The Ranch at Laguna Beach Draft Shuttle Capital and Operations Estimated Financial Summary

12-2014



Shuttle Purchase

A shuttle similar to a Mercedes Sprinter or similar passenger vehicle will be purchased along with a trailer that can accommodate at least 8 road or mountain bikes.

This shuttle will be:

- Climate Controlled
- Enclosed with automotive rated safety glass
- DOT certified
- Outfitted with safety features like backup cameras, back up alerts
- DMV certified for on-highway use
- Preferably a bio-fuel or eco-fuel vehicle

Estimated Shuttle Purchase: \$70,000 Estimated Trailer Purchase: \$3,000

Total Estimated Capital Cost: \$73,000

Example of Vehicle and Trailer





Draft Shuttle and Shuttle Operations Costs

Scenario 1 Two Weekend Days per Week

Saturday & Sunday

This scenario is based on the trail shuttle operating twice per week, on the same schedule as the public access hours through the SOCWA road. These hours are Saturday and Sunday from 7am to Sunset. In this scenario, there will be two shuttle drivers per day and one "greeter" per day who will assist with loading and shuttle communications.

Labor Notes

- Two Drivers per day
- One Greeter per day
- Labor costs include Payroll Taxes and Benefits estimated at 40% per industry standards
- There are 104 weekend days in 2015.

Schedule and Shuttle Notes

- Each driver & greeter will be limited to an 8 hour shift plus breaks as required by law
- Based on the time of year, closing times will shift based on what time sunset will occur. Longer hours in the summer and shorter hours in the winter. The driver shifts will change based on the time of year. Regardless – two drivers per day will be required to avoid California wage an hour law violations.
- These will be part time positions.

Each driver & greeter will be paid \$14.00 an hour.

Budget

A detailed month by month estimated budget is on the following page.

Total annual operating costs for this scenario are estimated at \$66,597

Shuttle Plan		Total	January	February	March	April	May	June	July	August	September	October	November	December
2 Days Per Week		365	31	28	31	30	31	30	31	31	30	31	30	31
Weekends Days Per Month		104	9	8	9	8	10	8	8	10	8	9	9	8
LABOR COSTS														
Driver Hours	16	1664	144	128	144	128	160	128	128	160	128	144	144	128
Driver Rate	14													
Driver Wages		\$23,296	\$2,016	\$1,792	\$2,016	\$1,792	\$2,240	\$1,792	\$1,792	\$2,240	\$1,792	\$2,016	\$2,016	\$1,792
Greeter Hours	8	832	72	64	72	64	80	64	64	80	64	72	72	64
Greeter Rate	14													
Greeter Wages		\$11,648	\$1,008	\$896	\$1,008	\$896	\$1,120	\$896	\$896	\$1,120	\$896	\$1,008	\$1,008	\$896
Total Hourly Wages		\$34,944	\$3,024	\$2,688	\$3,024	\$2,688	\$3,360	\$2,688	\$2,688	\$3,360	\$2,688	\$3,024	\$3,024	\$2,688
Cost of Labor (taxes, insurance)	40%	\$13,978	\$1,209.60	\$1,075.20	\$1,209.60	\$1,075.20	\$1,344.00	\$1,075.20	\$1,075.20	\$1,344.00	\$1,075.20	\$1,209.60	\$1,209.60	\$1,075.20
Total Labor Costs Est.		\$48,922	\$4,233.60	\$3,763.20	\$4,233.60	\$3,763.20	\$4,704.00	\$3,763.20	\$3,763.20	\$4,704.00	\$3,763.20	\$4,233.60	\$4,233.60	\$3,763.20
Misc. Operating Costs														
Uniforms		\$1,200	\$1,200											
Communications (radios)		\$775	\$500	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
Insurance		\$4,200	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350
Vehicle Maintenance		\$3,000	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250
Signage and Directional		\$2,500	\$2,500											
Safety		\$1,800	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Training		\$1,800	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Fuel Misc		\$2,400	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200
Total Est. Misc. Operating Costs		\$17,675	\$5,300	\$1,125	\$1,125	\$1,125	\$1,125	\$1,125	\$1,125	\$1,125	\$1,125	\$1,125	\$1,125	\$1,125
Total Estimated Shuttle Operations Costs		\$66,597	\$9,534	\$4,888	\$5,359	\$4,888	\$5,829	\$4,888	\$4,888	\$5,829	\$4,888	\$5,359	\$5,359	\$4,888



Draft Shuttle and Shuttle Operations Costs

Scenario 2 Seven Days per Week

Seven Days per Week

This scenario is based on the trail shuttle operating seven days per week. These hours are estimated to be 7am to Sunset. In this scenario, there will be two shuttle drivers per day and one "greeter" per day who will assist with loading and shuttle communications.

Labor Notes

- Two Drivers per day
- One Greeter per day
- Labor costs include Payroll Taxes and Benefits estimated at 40% per industry standards

Schedule and Shuttle Notes

- Each driver & greeter will be limited to an 8 hour shift plus breaks as required by law
- Based on the time of year, closing times will shift based on what time sunset will occur. Longer hours in the summer and shorter hours in the winter. The driver shifts will change based on the time of year. Regardless – two drivers per day will be required to avoid California wage an hour law violations.
- These will be part time positions.

Each driver & greeter will be paid \$14.00 an hour.

Budget

A detailed month by month estimated budget is on the following page.

Total annual operating costs for this scenario are estimated at \$192,971

Shuttle Plan 7 Days Per Week		Total	January	February 28	March	April	May	June 30	July	August	September	October	November	December
Shuttle Days Per Month		365	31	28	31	30	31	30	31	31	30	31	30	31
LABOR COSTS														
Driver Hours	16	5840	496	448	496	480	496	480	496	496	480	496	480	496
Driver Rate	14													
Driver Wages		\$81,760	\$6,944	\$6,272	\$6,944	\$6,720	\$6,944	\$6,720	\$6,944	\$6,944	\$6,720	\$6,944	\$6,720	\$6,944
Greeter Hours	8	2920	248	224	248	240	248	240	248	248	240	248	240	248
Greeter Rate	14													
Greeter Wages		\$40,880	\$3,472	\$3,136	\$3,472	\$3,360	\$3,472	\$3,360	\$3,472	\$3,472	\$3,360	\$3,472	\$3,360	\$3,472
Total Hourly Wages		\$122,640	\$10,416	\$9,408	\$10,416	\$10,080	\$10,416	\$10,080	\$10,416	\$10,416	\$10,080	\$10,416	\$10,080	\$10,416
Cost of Labor (taxes, insurance)	40%	\$49,056	\$4,166.40	\$3,763.20	\$4,166.40	\$4,032.00	\$4,166.40	\$4,032.00	\$4,166.40	\$4,166.40	\$4,032.00	\$4,166.40	\$4,032.00	\$4,166.40
		4												
Total Labor Costs Est.		\$171,696	\$14,582.40	\$13,171.20	\$14,582.40	\$14,112.00	\$14,582.40	\$14,112.00	\$14,582.40	\$14,582.40	\$14,112.00	\$14,582.40	\$14,112.00	\$14,582.40
Misc. Operating Costs														
Uniforms		\$2,500	\$1,200											
Communications (radios)		\$775	\$500	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
Insurance		\$4,200	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350	\$350
Vehicle Maintenance		\$3,000	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250
Signage and Directional		\$2,500	\$2,500											
Safety		\$1,800	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Training		\$1,800	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Fuel Misc		\$6,000	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Total Est. Misc. Operating Costs		\$22,575	\$5,600	\$1,425	\$1,425	\$1,425	\$1,425	\$1,425	\$1,425	\$1,425	\$1,425	\$1,425	\$1,425	\$1,425
Total Estimated Shuttle Operations Costs		\$192,971	\$20,182	\$14,596	\$16,007	\$15,537	\$16,007	\$15,537	\$16,007	\$16,007	\$15,537	\$16,007	\$15,537	\$16,007

ALISO CREEK INN & GOLF COURSE PROJECT TRAFFIC IMPACT & PARKING ANALYSIS



Prepared for

CITY OF LAGUNA BEACH

Prepared by



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April 16, 2014

JN 139628

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EXECUTIVE SUMMARY

This study analyzes forecast traffic and on site parking conditions associated with the proposed Aliso Creek Inn & Golf Course project located in the City of Laguna Beach. The Aliso Creek Inn & Golf Course site, located at 31106 South Coast Highway, currently consists of 64 hotel rooms restaurant space, assembly areas used for special events/weddings, and a 9 hole golf course.

The proposed project consists of the following

- Addition of 33 hotel rooms to the existing 64 hotel rooms
- Construction of a new 1 977 1 square foot spa to be available to hotel guests as well as the general public and
- Construction of a new 475 5 square foot fitness center for exclusive use by hotel guests

Access for the project site is provided via Village Lane at South Coast Highway (SR 1)

The proposed project is planned to open in 2014

The proposed project is forecast to generate approximately 19 weekday a mile peak hour trips approximately 22 weekday p mile peak hour trips and approximately 34 Saturday mild day peak hour trips

Since the proposed project is planned to open in the current year (2014) forecast existing plus project conditions analysis serves as the project opening year analysis

The study intersections are currently operating at an acceptable LOS (LOS D or better) for existing conditions during all peak hours evaluated in this report and are forecast to continue to operate at an acceptable LOS (LOS D or better) for existing plus project conditions according to City of Laguna Beach performance criteria

Based on City of Laguna Beach thresholds of significance the addition of project generated trips is forecast to result in no significant traffic impacts at the study intersections for forecast existing plus project conditions during any of the peak hours evaluated in this report

During typical non assembly operations since 193 on site parking spaces are required to adequately park the proposed project according to the City Municipal Code and equivalent of 215 on site parking spaces are provided by the proposed project more than adequate parking is planned to be provided for the proposed project for typical daily operations

During special event/assembly area use conditions since 289 on site parking spaces are required to adequately park the proposed project according to the City Municipal Code and an equivalent of 290 on site parking spaces are provided by the proposed project more than adequate parking is planned to be provided for the proposed project for special event/assembly area use conditions

Based on City of Laguna Beach thresholds of significance the proposed project is forecast to result in no significant on site parking impacts

No traffic mitigation measures are required for the proposed project since no significant traffic impacts are forecast to occur as a result of the proposed project no on site parking mitigation measures are required for the proposed project since no significant on site parking impacts are forecast to occur as a result of the proposed project.

INTRODUCTION

This study analyzes forecast traffic and on site parking conditions associated with the proposed Aliso Creek Inn & Golf Course project located in the City of Laguna Beach. The Aliso Creek Inn & Golf Course site. located at 31106 South Coast Highway currently consists of 64 hotel rooms restaurant space, assembly areas used for special events/weddings, and a 9 hole golf course.

The proposed project consists of the following

- Addition of 33 hotel rooms to the existing 64 hotel rooms
- Construction of a new 1 977 1 square foot spa to be available to hotel guests as well as the general public and
- Construction of a new 475 5 square foot fitness center for exclusive use by hotel guests

Access for the project site is provided via Village Lane at South Coast Highway (SR 1)

The proposed project is planned to open in 2014

Exhibit 1 shows the regional project location Exhibit 2 shows the location of the project site

Study Area

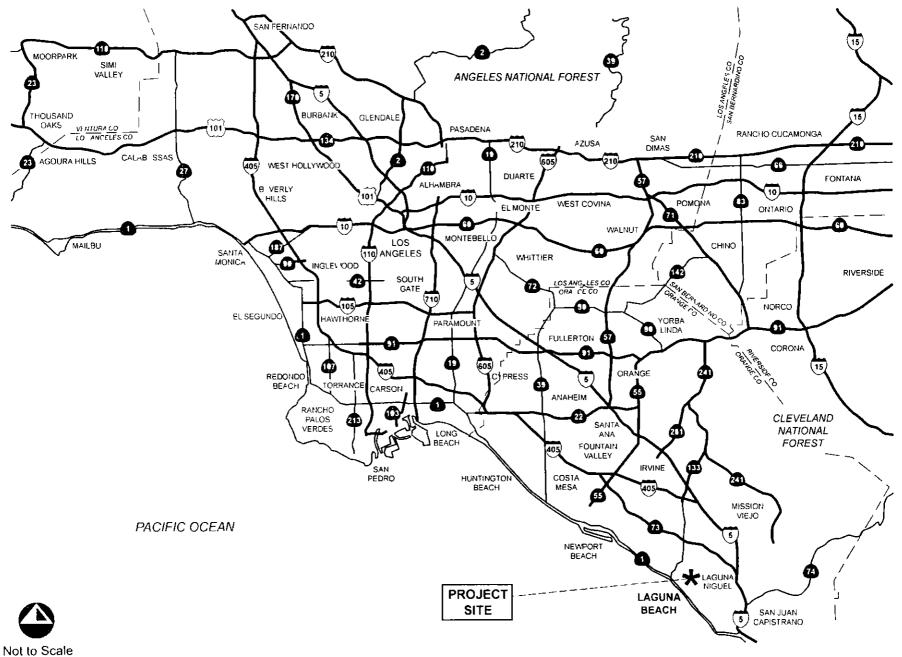
The following four (4) intersections in the vicinity of the project site are analyzed

- South Coast Highway (SR 1)/Montage Resort Drive (signalized)
- South Coast Highway (SR 1)/Wesley Drive (signalized)
- South Coast Highway (SR 1)/Village Lane (one way stop controlled) and
- South coast Highway (SR-1)/West Street (signalized)

Exhibit 3 shows the location of the study intersections which are analyzed for the following analysis scenarios during both weekday and Saturday peak hour conditions

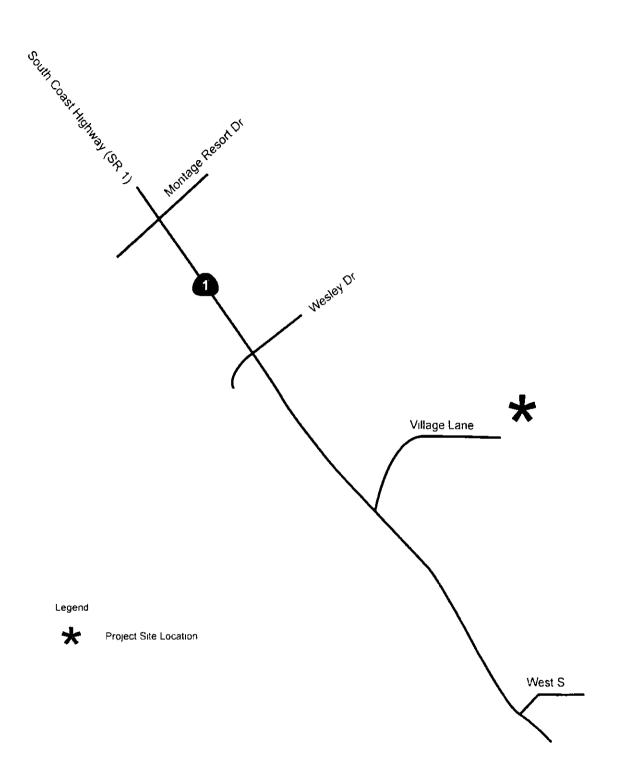
- Existing Non Summer Conditions
- Existing Summer Conditions
- Forecast Existing Plus Project Non Summer Conditions and
- Forecast Existing Plus Project Summer Conditions

Since the proposed project is planned to open in the current year (2014) the forecast existing plus project conditions analysis serves as project opening year analysis



Not to Scale

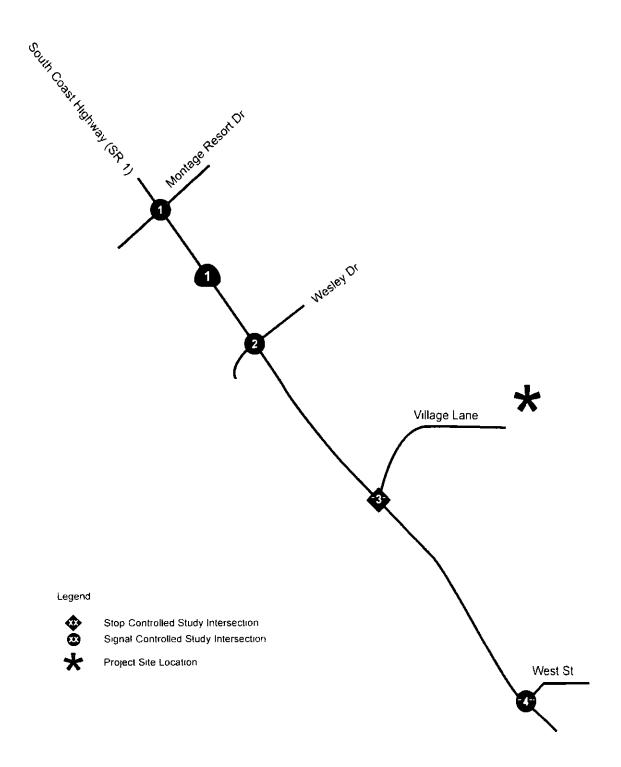
Regional Project Location





Project Site Location
Exhibit 2

MAR/2014





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Study Intersection Locations

MAR/2014

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Analysis Methodology

Level of service (LOS) is commonly used as a qualitative description of intersection operation and is based on the capacity of the intersection and the volume of traffic using the intersection. In accordance with City established analysis methodology, the Synchro-based Highway Capacity Manual (HCM) intersection analysis methodology is utilized to evaluate the study intersections with the exception of the South Coast Highway (SR 1)/Village Lane unsignalized study intersection where Synchro can not be utilized due to limitation of the software in evaluating unsignalized intersections with more than two approach lanes. Hence the Traffix-based HCM intersection analysis methodology is utilized to evaluate the South Coast Highway (SR 1)/Village Lane study intersection.

The HCM intersection analysis methodology describes the operation of an intersection using a range of LOS from LOS A (free flow conditions) to LOS F (severely congested conditions) based on the corresponding stopped delay per vehicle ranges for signalized and unsignalized intersections shown in Table 1

Table 1 LOS & Delay Ranges

1.00	Delay (seconds/vehicle)						
LOS	Signalized Intersections	Unsignalized Intersections					
Α	< 10 0	< 10 0					
В	> 10 0 to < 20 0	> 10 0 to < 15 0					
С	> 20 0 to < 35 0	> 15 0 to < 25 0					
D	> 35 0 to < 55 0	> 25 0 to < 35 0					
E	> 55 0 to < 80 0	> 35 0 to < 50 0					
F	> 80 0	> 50 0					

Source 2010 Highway Capacity Manual

Level of service is based on the average stopped delay per vehicle for all movements at signalized and all-way stop-controlled intersections for one way or two way stop controlled intersections. LOS is based on delay of the worst stop controlled movement.

The City of Laguna Beach goal for peak hour intersection operation is LOS D or better

City of Laguna Beach Intersection Thresholds of Significance

To determine whether the addition of project generated trips results in a significant impact at a study intersection and thus requires mitigation, the City of Laguna Beach has established the following thresholds of significance

 A significant impact occurs at a signalized study intersection when the addition of project generated trips causes the HCM analysis methodology forecast peak hour level of service of the study intersection to change from acceptable LOS operation (LOS D or better) to deficient LOS operation (LOS E or worse) or

- A significant impact occurs at a signalized study intersection when the addition of project generated trips causes the HCM analysis methodology forecast average delay to increase by
 - 6 seconds or more at an acceptably operating (LOS D or better) signalized intersection or
 - 2 seconds or more at a deficiently operating (LOS E or worse) signalized intersection
- A significant impact occurs at a stop controlled study intersection when the addition
 of project-generated trips causes the HCM analysis methodology forecast peak hour
 level of service of the study intersection to change from acceptable LOS operation
 (LOS D or better) to deficient LOS operation (LOS E or worse) and satisfies a
 Caltrans traffic signal warrant or
- A significant impact occurs at a deficiently operating (LOS E or worse) one way stop
 controlled study intersection when the addition of project generated trips causes the
 HCM analysis methodology forecast worst operating stop controlled approach delay
 to increase by 4 seconds or more and satisfies a Caltrans traffic signal warrant or
- A significant impact occurs at a deficiently operating (LOS E or worse) two way stop
 controlled study intersection when the addition of project-generated trips causes the
 HCM analysis methodology forecast worst stop controlled approach delay to
 increase by 4 seconds or more and satisfies a Caltrans traffic signal warrant or
- A significant impact occurs at a deficiently operating (LOS E or worse) all way stop
 controlled study intersection when the addition of project generated trips causes the
 HCM analysis methodology forecast average delay to increase by 4 seconds or more
 and satisfies a Caltrans traffic signal warrant

EXISTING CONDITIONS

Roadway Descriptions

The characteristics of the roadway system in the vicinity of the project site are described below

South Coast Highway (SR 1) designated State Route 1 (SR 1) is a four lane undivided roadway trending in a northeast southwest direction on street parking is permitted on some segments of South Coast Highway (SR 1) in the project vicinity. The posted speed limit on South Coast Highway (SR 1) is 40 miles per hour.

Montage Resort Drive is a two lane undivided roadway trending in an east west direction providing access to Montage Hotel and residential uses located on the west side of South Coast Highway (SR 1) and retail and commercial uses on the east side of South Coast Highway (SR 1). There is no posted speed limit on Montage Resort Drive. On street parking is permitted in the vicinity of the residential uses.

Wesley Drive is a two lane undivided roadway trending in an east west direction with on street parking permitted. There is no speed limit posted on Wesley Drive in the project site vicinity.

Village Lane is a two lane undivided roadway trending in an east west direction providing access for the Aliso Creek Inn & Golf Course site. There is no speed limit posted on Village Lane.

West Street is a two-lane undivided roadway trending in an east west direction with on street parking permitted on the westbound direction. There is no speed limit posted on West Street in the project site vicinity.

Existing Peak Hour Traffic Volumes

To determine the existing non summer weekday and Saturday peak hour operation of the study intersections traffic counts were collected in February 2014 when use of the project site assembly area was ongoing and hosting special events such as converts dances etc

To determine the existing summer weekday and Saturday peak hour operation of the study intersections traffic counts were collected in August 2013 when use of the project site assembly area was ongoing and hosting special events such as weddings golf tournaments etc

Weekday a m peak period intersection counts were collected from 7 00 a m to 9 00 a m weekday p m peak period intersection counts were collected from 4 00 p m to 6 00 p m and Saturday mid-day peak hour intersection counts were collected from 12 00 p m to 2 00 p m. The counts used in this analysis were collected from the highest hour within the peak period counted. Detailed traffic count data sheets are contained in Appendix A.

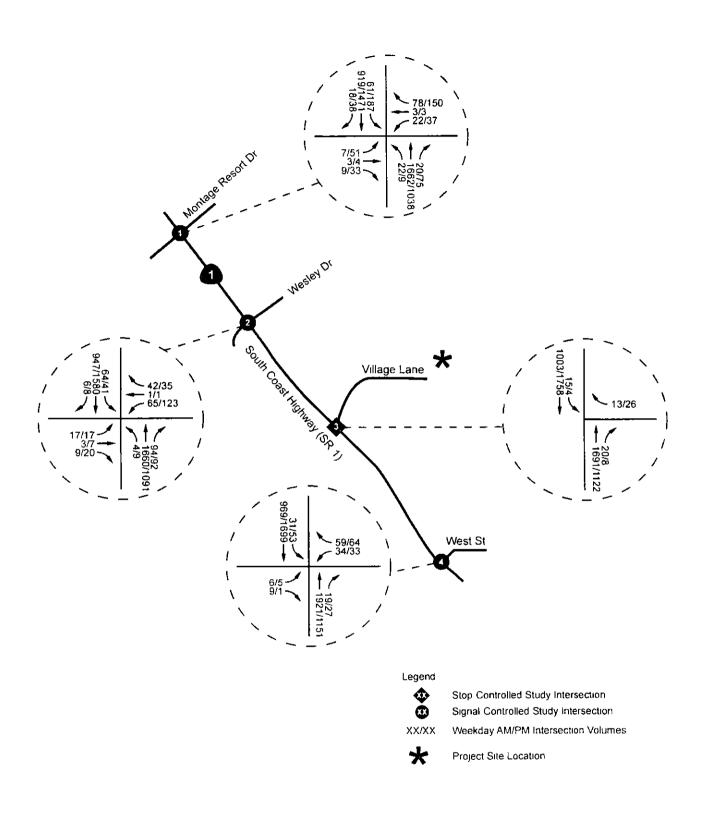
Exhibit 4 shows existing non summer weekday a m and p m peak hour traffic volumes at the study intersections Exhibit 5 shows existing non summer Saturday mid day peak hour traffic volumes at the study intersections

Exhibit 6 shows existing summer weekday a m and p m peak hour traffic volumes at the study intersections Exhibit 7 shows existing summer Saturday mid day peak hour traffic volumes at the study intersections

Exhibit 8 shows existing study intersection geometry

Existing Non-Summer Conditions Study Intersection Peak Hour LOS

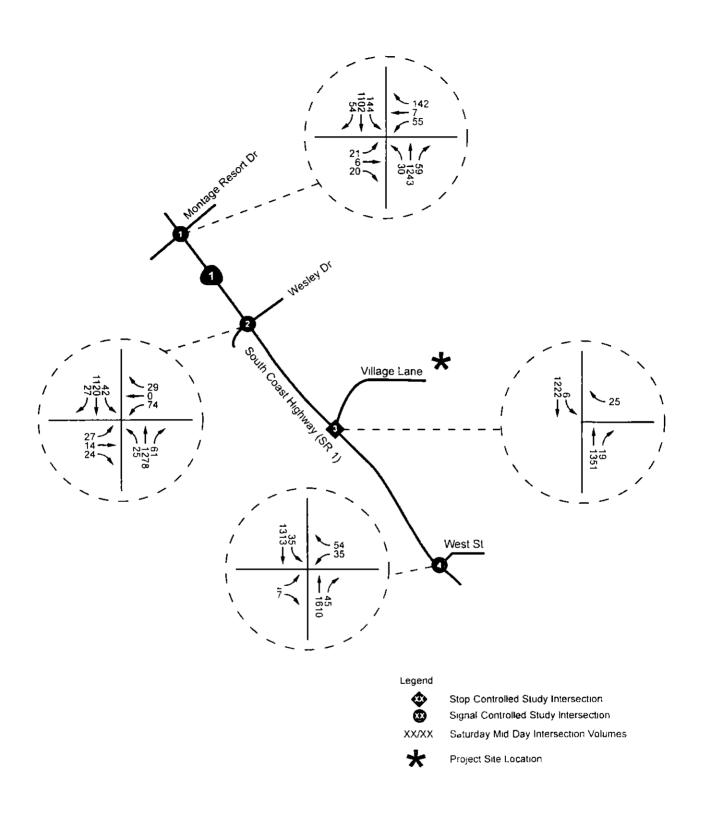
Table 2 summarizes existing non summer weekday conditions a m_and p m_peak hour LOS of the study intersections detailed LOS analysis sheets are contained in Appendix B





Existing Non-Summer Weekday AM & PM Peak Hour Study Intersection Volumes

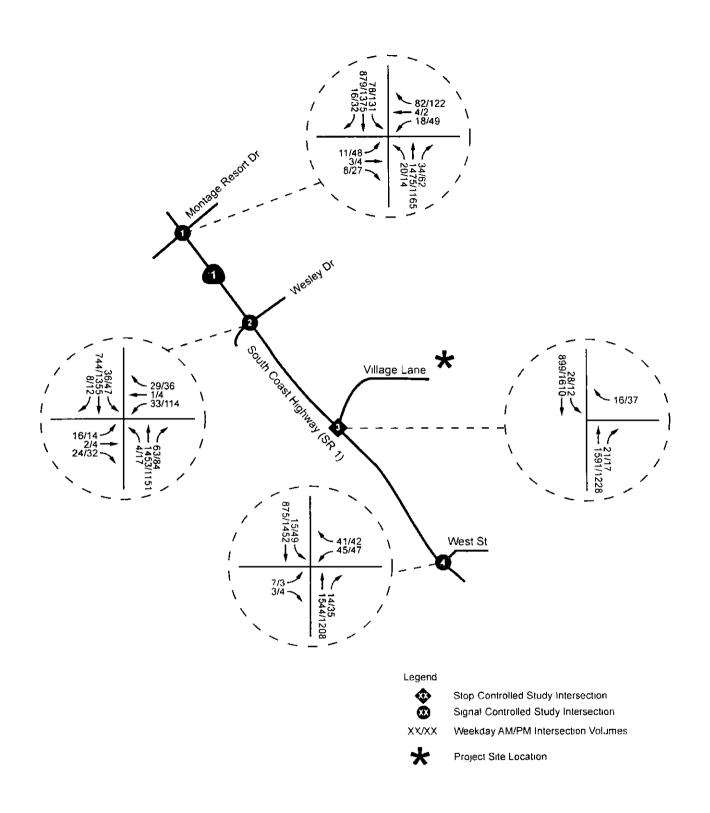
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Existing Non-Summer Saturday Mid-Day Peak Hour Study Intersection Volumes

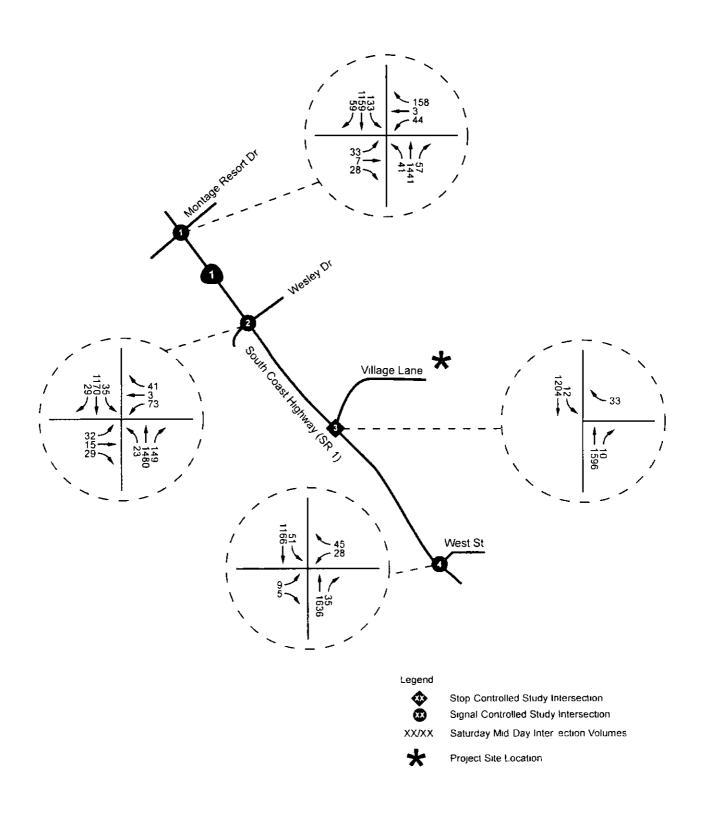
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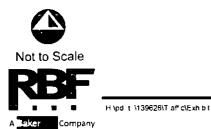




Existing Summer Weekday AM & PM Peak Hour Study Intersection Volumes

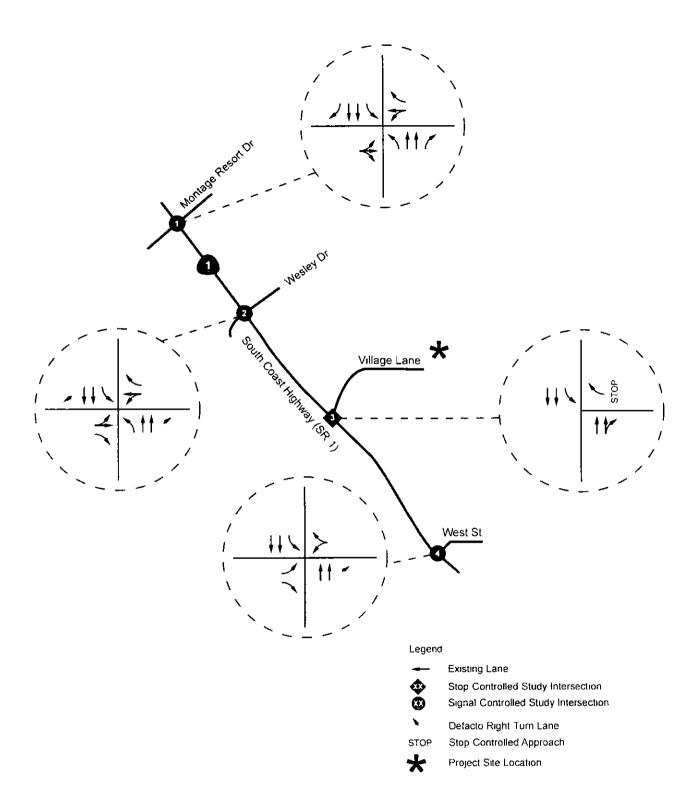
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Existing Summer Saturday Mid-Day Peak Hour Study Intersection Volumes

MAR/2014 Exhibit 7





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Existing Study Intersection Geometry

MAR/2014 Exhibit 8

Table 2
Existing Non Summer Weekday Conditions
AM & PM Peak Hour Intersection LOS

	AM Peak Hour	PM Peak Hour
Study Intersection	Delay – LOS	Delay - LOS
1 – South Coast Hwy (SR 1)/Montage Resort Dr	10 4 – B	30 1 – C
2 – South Coast Hwy (SR 1)/Wesley Dr	13 6 – B	18 2 – B
3 - South Coast Hwy (SR 1)/Village Lane	17 3 – C	13 0 – B
4 – South Coast Hwy (SR 1)/West St	12 2 – B	76-A

Note Delay shown in seconds

As shown in Table 2 the study intersections are currently operating at an acceptable LOS (LOS D or better) according to City of Laguna Beach performance criteria for existing non-summer weekday peak hour conditions

Table 3 summarizes existing non summer Saturday conditions mid day peak hour LOS of the study intersections detailed LOS analysis sheets are contained in Appendix B

Table 3
Existing Non Summer Saturday Conditions
Mid-day Peak Hour Intersection LOS

	Mid-day Peak Hour
Study Intersection	Delay – LOS
1 – South Coast Hwy (SR 1)/Montage Resort Dr	27 6 – C
2 - South Coast Hwy (SR 1)/Wesley Dr	18 4 – B
3 - South Coast Hwy (SR 1)/Village Lane	14 7 – B
4 – South Coast Hwy (SR 1)/West St	89-A

Note Delay shown in seconds

As shown in Table 3 the study intersection are currently operating at an acceptable LOS (LOS D or better) according to City of Laguna Beach performance criteria for existing non summer Saturday mid day peak hour conditions

Existing Summer Conditions Study Intersection Peak Hour LOS

Table 4 summarizes existing summer weekday conditions a m and p m peak hour LOS of the study intersections detailed LOS analysis sheets are contained in Appendix B

Table 4
Existing Summer Weekday Conditions
AM & PM Peak Hour Intersection LOS

	AM Peak Hour	PM Peak Hour
Study Intersection	Delay - LOS	Delay - LOS
1 – South Coast Hwy (SR 1)/Montage Resort Dr	12 5 – B	22 8 – C
2 – South Coast Hwy (SR 1)/Wesley Dr	10 1 – B	14 4 – B
3 – South Coast Hwy (SR 1)/Village Lane	16 5 – C	14 1 – B
4 – South Coast Hwy (SR 1)/West St	77-A	72-A

Note Delay shown in seconds

As shown in Table 4 the study intersections are currently operating at an acceptable LOS (LOS D or better) according to City of Laguna Beach performance criteria for existing summer weekday peak hour conditions

Table 5 summarizes existing summer Saturday conditions mid day peak hour LOS of the study intersections detailed LOS analysis sheets are contained in Appendix B

Table 5
Existing Summer Saturday Conditions
Mid-day Peak Hour Intersection LOS

	Mid-day Peak Hour
Study Intersection	Delay - LOS
1 – South Coast Hwy (SR 1)/Montage Resort Dr	31 0 - C
2 - South Coast Hwy (SR 1)/Wesley Dr	24 1 – C
3 – South Coast Hwy (SR 1)/Village Lane	17 1 – C
4 – South Coast Hwy (SR 1)/West St	87 – A

Note Delay shown in seconds

As shown in Table 5 the study intersection are currently operating at an acceptable LOS (LOS D or better) according to City of Laguna Beach performance criteria for existing summer Saturday mid day peak hour conditions detailed LOS analysis sheets are contained in Appendix B

PROPOSED PROJECT

This study analyzes forecast traffic conditions associated with the proposed Aliso Creek Inn & Golf Course project located in the City of Laguna Beach. The Aliso Creek Inn & Golf Course site located at 31106 South Coast Highway currently consists of 64 hotel rooms restaurant space assembly areas used for special events/weddings, and a 9 hole golf course.

The proposed project consists of the following

- Addition of 33 hotel rooms to the existing 64 hotel rooms
- Construction of a new 1 977 1 square foot spa to be available to hotel guests as well as the general public and
- Construction of a new 475 5 square foot fitness center for exclusive use by hotel guests

Access for the project site is provided via Village Lane at South Coast Highway (SR 1)

The proposed project is planned to open in 2014

Forecast Trip Generation of Proposed Project

To calculate trips generated by the proposed project *ITE Trip Generation* rates were utilized. This analysis conservatively assumes no onsite trip capture between the proposed spa and other uses on the site such as the hotel use. The proposed fitness use does not generate any new trips since it will be exclusively used by and available to the hotel guests. Most conservatively this analysis does not assume any utilization of the 33 new hotel rooms by anyone attending special events/weddings at the project site.

Table 6 summarizes the ITE weekday peak hour trip generation rates used in the analysis

Table 6
Weekday ITE Project Peak Hour Trip Rates

Land Use (ITE Code)	Units		AM Peal		PM Peak Hour Rates		
Land Use (ITE Gode)	0.1123	ln	Out	Total	ln	Out	Total
Hotel (310)	room	0 31	0 22	0 53	0 31	0 29	0 60
Spa/Salon (918)	tsf	1 21	0 00	1 21	0 25	1 20	1 45

Source 2012 ITE Trip Generation Manual 9th Edition

Note tsf = thousand square feet

Table 7 summarizes ITE Saturday peak hour trip generation rates used in the analysis

Table 7
Saturday ITE Project Trip Rates

111 - 475 0 - 4-1		Peak Hour Rates				
Land Use (ITE Code)	Units	In	Out	Total		
Hotel (310)	room	0 40	0 32	0 72		
Spa/Salon (918)	tsf	1 83	3 25	5 08		

Source 2012 ITE Trip Generation Manual 9th Edition

Note tsf = thousand square feet

Table 8 summarizes weekday peak hour trips forecast to be generated by the proposed project utilizing the *ITE* peak hour trip generation rates contained in Table 6

Table 8
Forecast Weekday AM & PM Peak Hour
Trip Generation of Proposed Project

Land Use	AM Peak Hour Trips			PM Peak Hour Trips		
Land Ose	In	Out	Total	In Out 10 10 0 2 10 12	Total	
33 Hotel Rooms	10	7	17	10	10	20
1 977 tsf Spa/Salon	2	0	2	0	2	2
TOTAL	12	7	19	10	12	22

Note tsf = thousand square feet

As shown in Table 8 the proposed project is forecast to generate approximately 19 weekday a mile peak hour trips and approximately 22 weekday pimile peak hour trips

Table 9 summarizes Saturday peak hour trips forecast to be generated by the proposed project utilizing the *ITE* peak hour trip generation rates contained in Table 7

Table 9
Forecast Saturday Mid Day Peak Hour
Trip Generation of Proposed Project

Land Use	Peak Hour Trips			
Laild Use	In	Out	Total	
33 Hotel Rooms	13	11	24	
1 977 tsf Spa/Salon	4	6	10	
TOTAL	17	17	34	

Note tsf = thousand square feet

As shown in Table 9 the proposed project is forecast to generate approximately 34 Saturday mid day peak hour trips

Forecast Trip Distribution of Proposed Project

Exhibit 9 shows the forecast inbound trip percent distribution of the proposed project
Exhibit 10 shows the forecast outbound trip percent distribution of the proposed project

Forecast Trip Assignment of Proposed Project

Exhibit 11 shows the corresponding weekday a milipeak hour and weekday p milipeak hour trip assignment of project generated trips assuming the percent distribution shown in Exhibits 9 and 10

Exhibit 12 shows the corresponding Saturday mid day peak hour trip assignment of project generated trips assuming the percent distribution shown in Exhibits 9 and 10

FORECAST EXISTING PLUS PROJECT CONDITIONS

This section addresses potential traffic impacts associated with adding project generated trips to existing conditions traffic volumes. Forecast existing plus project conditions traffic volumes were derived by adding trips forecast to be generated by the proposed project to existing conditions traffic volumes.

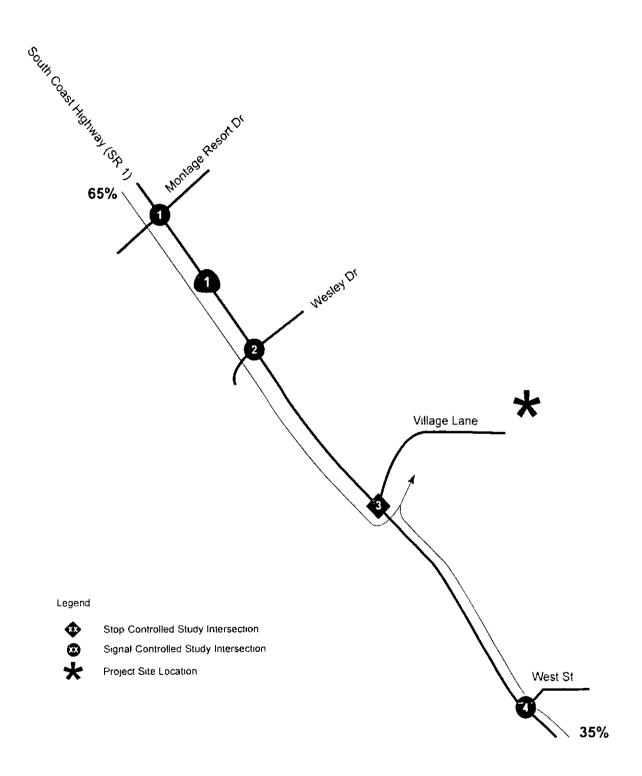
Since the proposed project is planned to open in the current year (2014) the forecast existing plus project conditions analysis serves as project opening year analysis

Exhibit 13 shows forecast existing plus project non summer weekday a m and p m peak hour traffic volumes at the study intersections. Exhibit 14 shows forecast existing plus project non summer Saturday mid day peak hour traffic volumes at the study intersections.

Exhibit 15 shows forecast existing plus project summer weekday a m and p m peak hour traffic volumes at the study intersections. Exhibit 16 shows forecast existing plus project summer Saturday mid day peak hour traffic volumes at the study intersections.

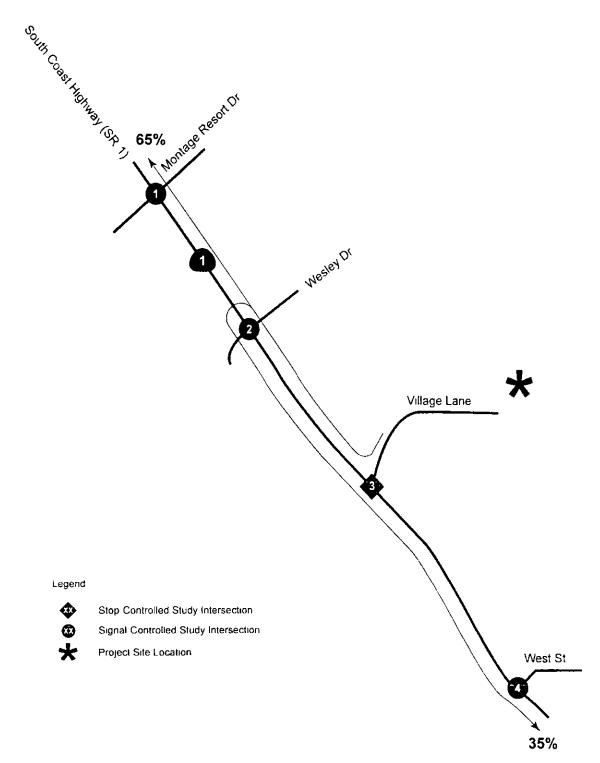
Forecast Existing Plus Project Non Summer Conditions Study Intersection Peak Hour LOS

Table 10 summarizes forecast existing plus project non summer weekday conditions a m and p m peak hour LOS of the study intersections detailed LOS analysis sheets are contained in Appendix B



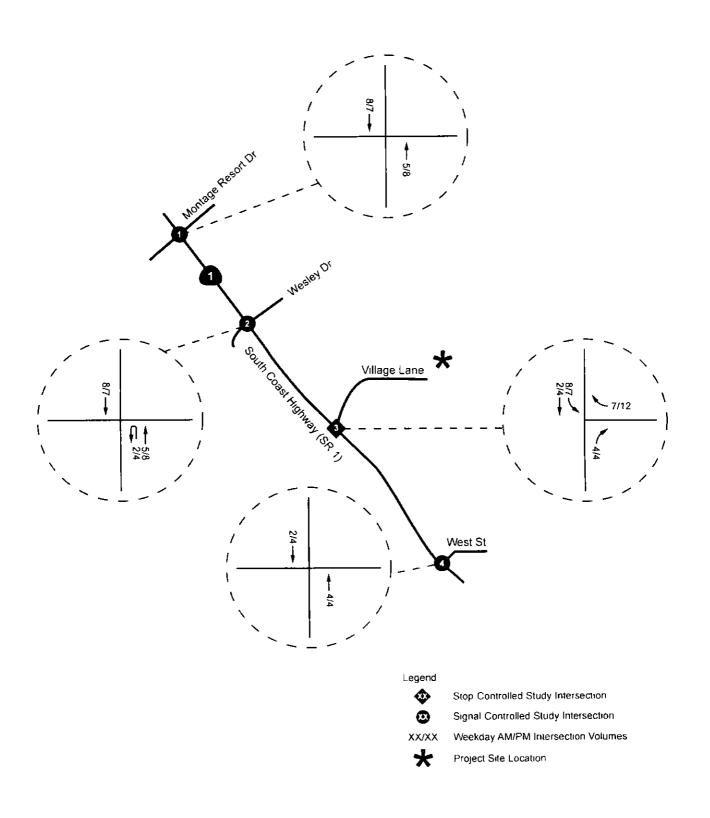


Forecast Inbound Trip Percent Distribution of Proposed Project





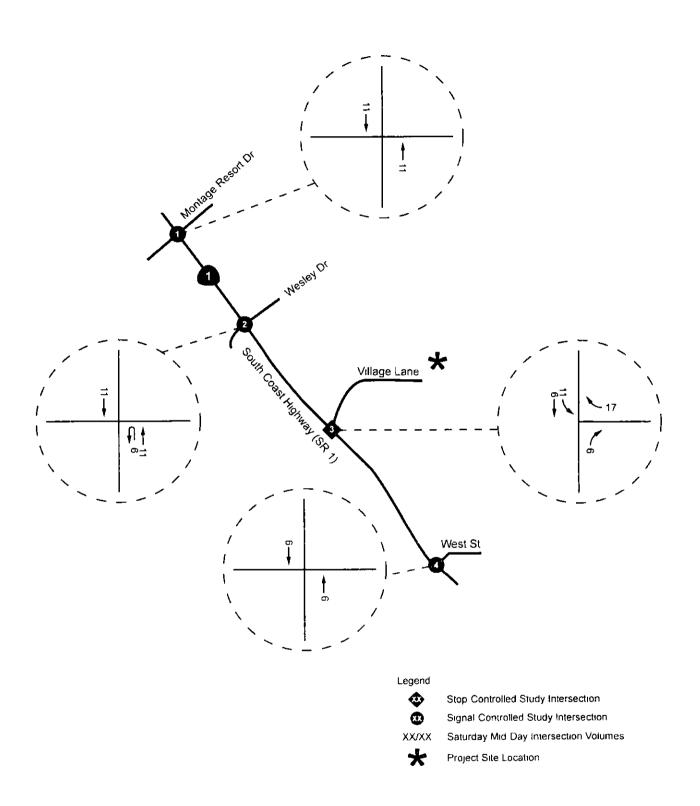
Forecast Outbound
Trip Percent Distribution of Proposed Project





Forecast Weekday AM & PM Peak Hour Trip Assignment of Proposed Project

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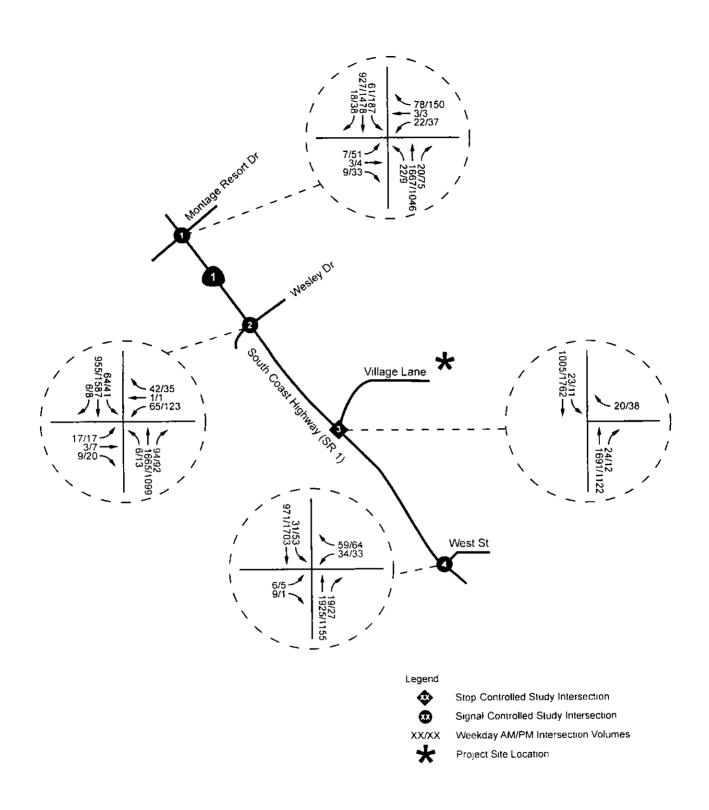


Forecast Saturday Mid-Day Peak Hour Trip Assignment of Proposed Project

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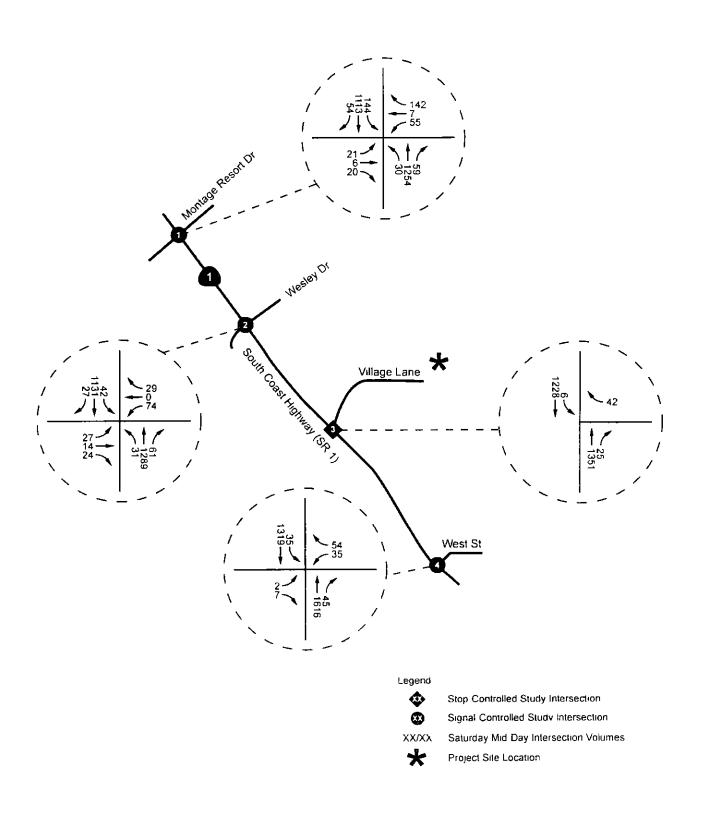


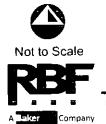


Forecast Existing Plus Project Non-Summer Weekday AM & PM Peak Hour Study Intersection Volumes

MAR/2014

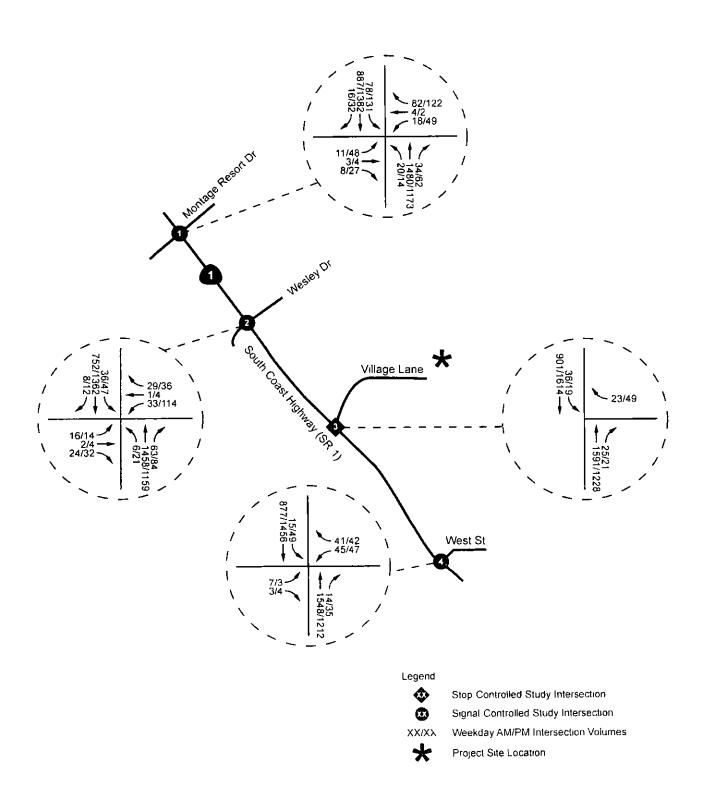
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Forecast Existing Plus Project Non-Summer Saturday Mid-Day Peak Hour Study Intersection Volumes

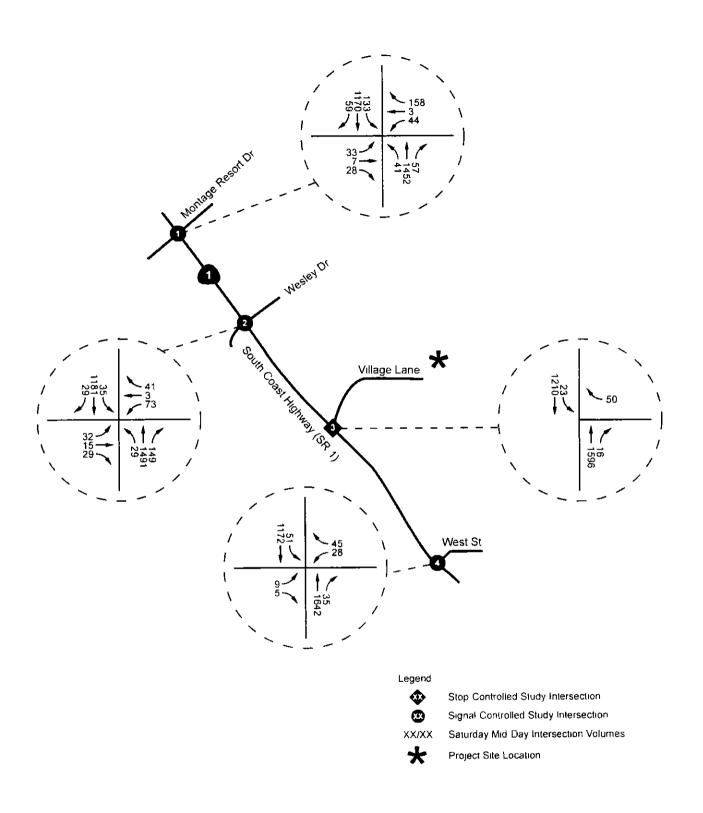
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Forecast Existing Plus Project Summer Weekday AM & PM Peak Hour Study Intersection Volumes

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Forecast Existing Plus Project Summer Saturday Mid-Day Peak Hour Study Intersection Volumes

Table 10
Forecast Existing Plus Project Non Summer
Weekday Conditions AM & PM Peak Hour Intersection LOS

		on Summer itions	Forecast Existi Non S Weekday	Significant	
Study Intersection	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	impact?
	Delay - LOS	Delay – LOS	Delay - LOS	Delay - LOS	
1 – South Coast Hwy (SR 1)/Montage Resort Dr	10 4 – B	30 1 – C	10 5 – B	30 0 – C	No
2 - South Coast Hwy (SR 1)/Wesley Dr	13 6 – B	18 2 – B	14 0 - B	18 9 – B	No
3 - South Coast Hwy (SR 1)/Village Lane	17 3 – C	13 0 – B	177-C	13 3 – B	No
4 - South Coast Hwy (SR 1)/West St	12 2 – B	76-A	12 3 – B	78-A	No

Note Delay shown in seconds

As shown in Table 10 with the addition of project-generated trips, the study intersections are forecast to continue to operate at an acceptable LOS (LOS D or better) according to City of Laguna Beach performance criteria for forecast existing plus project non summer weekday peak hour conditions

As also shown in Table 10 based on City of Laguna Beach thresholds of significance the addition of project generated trips is forecast to result in no significant traffic impacts at the study intersections for forecast existing plus project non summer weekday peak hour conditions

Table 11 summarizes forecast existing plus project non summer Saturday conditions mid day peak hour LOS of the study intersections detailed LOS analysis sheets are contained in Appendix B

Table 11
Forecast Existing Plus Project Non Summer
Saturday Conditions Mid day Peak Hour Intersection LOS

Study Intersection	Existing Non Summer Conditions	Forecast Existing Plus Project Non Summer Saturday Conditions	Significant	
Study intersection	Mid-day Peak Hour	Mid-day Peak Hour	Impact?	
	Delay - LOS	Delay – LOS		
1 – South Coast Hwy (SR 1)/Montage Resort Dr	27 6 – C	29 5 - C	No	
2 – South Coast Hwy (SR 1)/Wesley Dr	18 4 – B	18 5 – B	No	
3 - South Coast Hwy (SR 1)/Village Lane	14 7 – B	15 2 – C	No	
4 - South Coast Hwy (SR 1)/West St	89 – A	87 – A	No	

Note Delay shown in seconds

As shown in Table 11 with the addition of project-generated trips, the study intersections are forecast to continue to operate at an acceptable LOS (LOS D or better) according to City of Laguna Beach performance criteria for forecast existing plus project non summer Saturday mid day peak hour conditions

As also shown in Table 11 based on City of Laguna Beach thresholds of significance the addition of project generated trips is forecast to result in no significant traffic impacts at the study intersections for forecast existing plus project non summer Saturday mid day peak hour conditions

Forecast Existing Plus Project Summer Conditions Study Intersection Peak Hour LOS

Table 12 summarizes forecast existing plus project summer weekday conditions a m and p m peak hour LOS of the study intersections detailed LOS analysis sheets are contained in Appendix B

Table 12
Forecast Existing Plus Project Summer
Weekday Conditions AM & PM Peak Hour Intersection LOS

	Existing Sumr	ner Conditions	Forecast Existi Sun Weekday	Significant	
Study Intersection	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	Impact?
	Delay - LOS	Delay – LOS	Delay - LOS	Delay - LOS	
1 - South Coast Hwy (SR 1)/Montage Resort Dr	12 5 – B	22 8 – C	125 – B	23 0 - C	No
2 - South Coast Hwy (SR 1)/Wesley Dr	10 1 – B	14 4 – B	10 2 – B	15 9 - B	No
3 South Coast Hwy (SR 1)/Village Lane	16 5 – C	14 1 – B	16 8 – C	14 4 – B	No
4 – South Coast Hwy (SR 1)/West St	77-A	72-A	77-A	70-A	No

Note Delay shown in seconds

As shown in Table 12 with the addition of project-generated trips, the study intersections are forecast to continue to operate at an acceptable LOS (LOS D or better) according to City of Laguna Beach performance criteria for forecast existing plus project summer weekday peak hour conditions.

As also shown in Table 12 based on City of Laguna Beach thresholds of significance the addition of project generated trips is forecast to result in no significant traffic impacts at the study intersections for forecast existing plus project summer weekday peak hour conditions

Table 13 summarizes forecast existing plus project summer Saturday conditions mid day peak hour LOS of the study intersections detailed LOS analysis sheets are contained in Appendix B

Table 13
Forecast Existing Plus Project Summer
Saturday Conditions Mid-day Peak Hour Intersection LOS

Study Intersection	Existing Summer Conditions	Forecast Existing Plus Project Summer Saturday Conditions	Significant	
Study intersection	Mid-day Peak Hour	Mid-day Peak Hour	Impact?	
	Delay – LOS	Delay – LOS		
1 – South Coast Hwy (SR 1)/Montage Resort Dr	31 0 – C	33 8 – C	No	
2 - South Coast Hwy (SR 1)/Wesley Dr	24 1 – C	24 7 – C	No	
3 – South Coast Hwy (SR 1)/Village Lane	17 1 – C	17 9 – C	No	
4 - South Coast Hwy (SR 1)/West St	87-A	88-A	No	

Note Delay shown in seconds

As shown in Table 13 with the addition of project generated trips, the study intersections are forecast to continue to operate at an acceptable LOS (LOS D or better) according to City of Laguna Beach performance criteria for forecast existing plus project summer Saturday mid-day peak hour conditions

As also shown in Table 13 based on City of Laguna Beach thresholds of significance the addition of project generated trips is forecast to result in no significant traffic impacts at the study intersections for forecast existing plus project summer Saturday mid day peak hour conditions

PROPOSED PROJECT PARKING ANALYSIS

This section analyzes forecast parking demand and parking supply requirements for the proposed project

The parking analysis evaluates the proposed project for the following

- Number of on site parking spaces required per City of Laguna Beach Municipal Code for typical use and operations of the proposed project without any special events/assembly area use and
- Number of on site parking spaces required per City of Laguna Beach Municipal Code during special events/assembly area use

The Aliso Creek Inn & Golf Course site currently contains a total of 204 parking spaces to park the following existing land uses

- 64-room hotel
- 7 814 square feet of restaurant

- 7 224 7 square feet of assembly building and
- A 9 hole golf course

The proposed project would consist of remodeling the project site to contain the following land uses

- Addition of 33 hotel rooms to bring the total hotel rooms to 97
- A 218 5 square foot reduction of the existing 7 814 square foot restaurant resulting in 7 595 5 square feet of restaurant use
- A 2 992 8 square foot reduction of the existing 7 224 7 square foot assembly building resulting in 4 231 9 square feet of assembly building
- Addition of a 1 977 1 square foot Spa to be available to hotel guests as well as the general public
- Addition of a 475 5 square foot fitness facility for exclusive use by hotel guests and
- No change to the existing 9 hole golf course

On-Site Parking Spaces Required per City Municipal Code During Typical Operations

Table 14 summarizes the number of on site parking spaces required for the existing project site land use and proposed project site land use according to City of Laguna Beach Municipal Code during typical use and operations without special events/use of the assembly area it should be noted the parking required for both the restaurant and assembly areas is calculated according to square footage as well as number of seats per the code (per plans submitted by *Mornis Skenderian & Associates A I A Architects* the maximum seating plan for the restaurant area is 225 seats and the maximum seating plan for the assembly area is 360 seats)

Per City of Laguna Beach Municipal Code the analysis accounts for a 20 percent reduction in the parking required for the uses which are ancillary to the hotel

The following is a summary of existing shared use statistics for the project site based on information provided by the project applicant

- Approximately 50 hotel rooms are booked during an on-site wedding with 200 attendants
- Approximately 80 percent of conference center users are hotel guests
- Approximately 20 percent of golf course users are staying at the hotel
- Approximately 40 percent of restaurant patrons are staying at the hotel and
- Approximately 75 percent of golf course users dine at the restaurant

Hence based on the existing operations of the project site a 20 percent ancillary use reduction of parking demand is conservatively appropriate for the proposed project

Table 14

Existing Project Site Land Use & Proposed Project Site Land Use
Number of Parking Spaces Required Per City Municipal Code During Typical Use & Operations (No Assembly Use)

		Existing Project Site Land Use Parking Conditions			Proposed Project Site Land Use Parking Conditions			
Land Use	City Parking Requirement (Based on Gross Floor Area)	Land Uso Size	No Parking Spaces Required	No Parking Spaces Required After 20% Ancillary Discount	Net change in Land Use Size	Land Use Size	No Parking Spaces Required	No Parking Spaces Required After 20 / Ancillary Discount
Hotel	1 Space per room plus 1 space per each 15 rooms	64 rooms	68 3	68 3	+33 rooms	97 rooms	103 5	103 5
1 Space for each 100 square feet	7 814 00 sf	78 1	62 5	218 50 sf	7 595 50 sf	76	60 8	
Restaurant	or 1 space for each 3 seats Whichever governs	230 seats	76 7	61 4	5 seats	225 seats	75	60
Spa	1 Space for each 250 square feet	0 00 sf	0	0	1 977 10 sf	+1977 10 sf	7 9	63
Fitness Facility	Only for exclusive use by hotel guests - No additional parking required	0 00 sf	0	0	475 50 sf	475 50 sf	0	0
Golf Course	3 Spaces per hole	9 holes	27	21 6	0	9 holes	27	21 6
	Total On Site Pi	arking Required	174	163	Total On Site P	arking Required	215	193

Notes Finess facility will be for elclus le use by hotel gilests helde in oadd tional parking is required for the proposed litness facility

As shown in Table 14 based on the City of Laguna Beach Municipal Code 193 on site parking spaces are required to adequately park the Aliso Creek Inn & Golf Course site for proposed project conditions during typical daily operations without any special events/assembly area use note the parking requirement for the restaurant area is determined by the square footage at 60 8 parking spaces rather than the seats at 60 parking spaces

On Site Parking Spaces Required per City Municipal Code During Special Event Conditions

Table 15 summarizes the number of on site parking spaces required for the existing project site and proposed project according to City of Laguna Beach Municipal Code during special event/assembly area use

Table 15

Existing Project Site Land Use & Proposed Project Site Land Use
Number of Parking Spaces Required Per City Municipal Code During Special Event/Assembly Use

		Existing Project Site Land Use Parking Conditions			Proposed Project Site Land Use Parking Conditions			
Land Use	City Parking Requirement (Based on Gross Floor Area)	Land Use Size	No Parking Spaces Required	No Parking Spaces Required After 20 / Ancillary Discount	Net change in Land Use Size	Land Use Size	No Parking Spaces Required	No Parking Spaces Required After 20 / Ancillary Discount
Hotel	1 Space per room plus 1 space per each 15 rooms	64 rooms	68 3	68 3	+33 rooms	97 rooms	103 5	103 5
Restaurant	Space for each 100 square feet or 1 space for each 3 seats Whichever governs	7 814 00 sf	76 1	62 5	218 50 sf	7 595 50 sf	76	60 8
		230 seats	76 7	61 4	5 seats	225 seats	75	60
Assembly Building (Including Conference	1 Space for each 100 square feet	7 224 70 sf	206 4	165 1	2 992 80 sf	4 231 90 sf	120 9	96 7
Banquet and Meeting)	or 1 space for each 3 seats Whichever governs	556 seats	185 3	148 3	196 seats	360 seats	120	96
Spa	1 Space for each 250 square feet	0 00 sf	0	0	1 977 10 sf	1977 10 sf	7 9	63
Fitness Facility	Only for exclusive use by hotel guests - No additional parking required	0 00 sf	0	0	+475 50 sf	475 50 sf	0	0
Golf Course	3 Spaces per hole	9 holes	27	21 6	0	9 holes	27	216
	Total On-Site P	arking Required	380	318	Total On Site Pa	arking Required	336	289

Notes = Fitness facility will be for exclusive use by hotel guests, hence, no additional parking is required for the proposed fitness facility = Assumes use of the largest assembly area on the project site.

- yigaames goo of the largest assembly 2.00 on the projection

As shown in Table 15 based on the City of Laguna Beach Municipal Code 289 on site parking spaces are required to adequately park the Aliso Creek Inn & Golf Course site for proposed project conditions during special event/assembly area use note the parking requirement for the restaurant area is determined by the square footage at 60 8 parking spaces rather than the seats at 60 parking spaces and the parking requirement for the assembly area is determined by the square footage at 96 7 parking spaces rather than the seats at 96 parking spaces

On-Site Parking Spaces Provided

Table 16 summarizes the parking supply for the proposed project for typical use and operations conditions as well as special event/assembly area use conditions based on the *Aliso Creek Inn Remodel Parking Analysis Plans (Morris Skenderian & Associates A I A Architects March 21 2014)* which identify an equivalent of 215 striped parking spaces for typical non assembly conditions and an equivalent of 290 parking spaces in a valet park scenario for special event/assembly conditions

Table 16
On-Site Parking Spaces Provided by Proposed Project

	Operation Conditions						
Ī	Typical Dai	ly Operations	Special Event/Assembly Area Use				
Type of Parking Space	Number of Spaces Provided	Equivalent Number of Vehicle Parking Spaces	Number of Spaces Provided	Equivalent Number of Vehicle Parking Spaces			
Self Park Standard Parking Spaces	180	180	101	101			
Self Park Compact Parking Spaces	27	27	0	0			
Valet Park Standard Parking Spaces	0	0	130	130			
Valet Park Compact Parking Spaces	0	0	53	53			
Motorcycle Parking Spaces	12	6	12	6			
Bicycle Parking Spaces	16	2	0	0			
Total	235	215	296	290			

Source Aliso Creek Inn Remodel Parking Analysis Plans (Morns Skendenan & Associates A I A Architects March 21 2014)

Note Based on City of Laguna Beach Municipal Code 8 bicycle parking spaces are equivalent to 1 vehicle parking space and 2 motorcycle parking spaces are equivalent to 1 vehicle parking space

As shown in Table 16 based on the Aliso Creek Inn Remodel Parking Analysis Plans (Morris Skenderian & Associates A I A Architects March 21 2014) during typical use and operations (non-valet) conditions the proposed project will provide an equivalent of 215 self park parking spaces designed consistent with City of Laguna Beach parking space design requirements and dimensions while maintaining a 20 foot wide fire lane access clearance in the main drive aisles and also providing adequate vehicle stacking (2 lanes of 3 stacking vehicles per lane) and clearance area at the hotel entrance

As also shown in Table 16 based on the Aliso Creek Inn Remodel Parking Analysis Plans (Morris Skenderian & Associates A I A Architects March 21 2014) during special event/assembly area use conditions the proposed project will provide an equivalent of 290 parking spaces through a mix of self park parking spaces designed consistent City of Laguna Beach parking space design requirements and dimensions and valet parked spaces designed

consistent with typical valet operation requirements and dimensions while maintaining a 20 foot wide fire lane access clearance in the main drive aisles and maintaining adequate vehicle stacking (2 lanes of 3 stacking vehicles per lane) and clearance area at the hotel entrance

On-Site Parking Spaces Provided Vs On Site Parking Spaces Required per City Municipal Code

Table 17 summarizes the number parking spaces required per City of Laguna Beach Municipal Code and the number of parking spaces planned to be provided by the proposed project for both typical non-assembly operations and special event/assembly conditions

Table 17
On Site Parking Spaces Provided Vs. Number of Parking Spaces Required Per City municipal Code

Operation Conditions	City Required On-Site Parking Spaces	On Site Parking Spaces Provided ¹	Adequate On-Site Parking Spaces Provided?	Significant Impact?	
Typical Non Assembly Operations	193	215	Yes	No	
Special Event/Assembly Area Use Operations	289	290	Yes	No	

Source 1 = Aliso Creek Inn Remodel Parking Analysis Plans (Moms Skenderian & Associates A I A Architects March 21 2014)

As shown in Table 17 during typical non assembly operations since 193 on site parking spaces are required to adequately park the proposed project according to the City Municipal Code and an equivalent of 215 on site parking spaces are provided by the proposed project more than adequate parking is planned to be provided for the proposed project for typical daily operations

As also shown in Table 17 during special event/assembly area use conditions since 289 on site parking spaces are required to adequately park the proposed project according to the City Municipal Code and an equivalent of 290 on site parking spaces are provided by the proposed project more than adequate parking is planned to be provided for the proposed project for special event/assembly area use conditions

Hence based on City of Laguna Beach thresholds of significance the proposed project is forecast to result in no significant on site parking impacts

MITIGATION MEASURES

No traffic mitigation measures are required for the proposed project since no significant traffic impacts are forecast to occur as a result of the proposed project

No on site parking mitigation measures are required for the proposed project since no significant on site parking impacts are forecast to occur as a result of the proposed project

CONCLUSIONS

The proposed project is forecast to generate approximately 19 weekday a mile peak hour trips approximately 22 weekday p mile peak hour trips and approximately 34 Saturday mile day peak hour trips

Since the proposed project is planned to open in the current year (2014) forecast existing plus project conditions analysis serves as the project opening year analysis

The study intersections are currently operating at an acceptable LOS (LOS D or better) for existing conditions during all peak hours evaluated in this report and are forecast to continue to operate at an acceptable LOS (LOS D or better) for existing plus project conditions according to City of Laguna Beach performance criteria

Based on City of Laguna Beach thresholds of significance the addition of project generated trips is forecast to result in no significant traffic impacts at the study intersections for forecast existing plus project conditions during any of the peak hours evaluated in this report

During typical non assembly operations since 193 on site parking spaces are required to adequately park the proposed project according to the City Municipal Code and equivalent of 215 on site parking spaces are provided by the proposed project more than adequate parking is planned to be provided for the proposed project for typical daily operations

During special event/assembly area use conditions since 289 on site parking spaces are required to adequately park the proposed project according to the City Municipal Code and an equivalent of 290 on site parking spaces are provided by the proposed project more than adequate parking is planned to be provided for the proposed project for special event/assembly area use conditions

Based on City of Laguna Beach thresholds of significance the proposed project is forecast to result in no significant on site parking impacts

No traffic mitigation measures are required for the proposed project since no significant traffic impacts are forecast to occur as a result of the proposed project no on-site parking mitigation measures are required for the proposed project since no significant on site parking impacts are forecast to occur as a result of the proposed project

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MEMORANDUM

FROM: John D. Dixon, Ph.D.

Ecologist

TO: Erin Prahler

SUBJECT: Recent Development at The Ranch in Laguna Beach

DATE: December 17, 2014

Documents reviewed:

Blemker, A. (McCabe & Co.). 2014. Letter dated October 10, 2014 to K. Schwing (CCC) regarding "Revised project description, Appeal No. A-5-LGB-13(sic)-0034 (The Ranch at Laguna Beach)," with attached one page "Operational Brief – Scout Camp, The guest experience" that describes the proposed use for the "Scout Camp" area.

Briseño, G. (Briseño Landscape). 2014. Memorandum to L. Roman (CCC) dated August 10, 2014 regarding "Appeal # A-5-LGB-14-0034, Tree trimming on The Ranch at Laguna Beach Property, Sep 30, 2013 – Mar 3, 2014)."

City of Laguna Beach. 2006. Laguna Beach General Plan: Open Space/Conservation.

Fudge, S. 2014. Electronic mail dated December 11, 2004 2:25 PM to E. Prahler (CCC) regarding GLA memoranda with Hamilton (2014d) as an attachment.

Glenn Lukos Associates (GLA) and Derek Ostensen and Associates. 2014. Biological technical report for The Ranch at Laguna Beach located in the City of Laguna Beach, Orange County California. A report to Laguna Beach Golf and Bungalow Village dated August 15, 2014.

Hamilton, R.A. and F.M. Roberts (Hamilton Biological). 2014a. Letter dated August 22, 2014 to A. Willis (CCC) regarding "Review of potential biological issues Appeal No. A-5-LGB-14-034, The Ranch at Laguna Beach, Orange County, California."

Hamilton, R.A. 2014a. Letter dated September 2, 2014 to A. Willis (CCC) regarding "Review of additional biological issues, Appeal No. A-5-LGB-14-034(sic), The Ranch at Laguna Beach, Orange County, California."

Hamilton, R.A. 2014b. Letter dated November 19, 2014 to J. Engel (CCC) regarding "Unified review of biological issues, Appeal No. A-5-LGB-14-034(sic), Notice of Violation No. V-5-14-007, The Ranch at Laguna Beach, Orange County, California."

Hamilton, R.A. 2014c. Letter dated December 2, 2014 to A. Larson (City of Laguna Beach) regarding "Response to GLA memos dated 9 September 2014 and 26 November 2014,...."

Hamilton, R.A. 2014d. Letter dated December 11, 2014 to A. Larson (City of Laguna Beach) regarding "Response to GLA memo dated 5 December 2014...."

PCR Services. 2008. Biological resources assessment, Aliso Creek area redevelopment plan, City of Laguna Beach, Orange County, California. A "working draft" of a report dated October 2008 intended for Driftwood Properties.

Pfeiffer, T. (Glenn Lukos Associates). 2014a. Memorandum dated September 9, 2014 to A. Larson (City of Laguna Beach) regarding "Responses to letter from Hamilton Biological dated August 22, 2014 addressing potential biological issues, and letter from Hamilton Biological dated September 2, 2014 regarding Appeal A-5-LGB-14-034(sic)."

Pfeiffer, T. 2014b. Memorandum dated November 26, 2014 to J. Engel (CCC) regarding "Responses to letter from Hamilton Biological dated November 19, 2014, and letter from Sea and Sage Audubon dated October 4, 2014...."

Pfeiffer, T. 2014c. Memorandum dated November 26, 2014 to A. Larson (City of Laguna Beach) regarding "Responses to letter from Hamilton Biological dated November 19, 2014...."

Roman, L. (CCC). 2014. Letter dated July 22, 2014 to M. Christie (Laguna Beach Golf and Bungalow Village, LLC) regarding "Request for additional information to address appeal issues" for Coastal Commission Appeal No. A-5-LGB-14-0034.

The Ranch at Laguna Beach. 2014. A brochure dated August 10, 2014 entitled "California Coastal Commission Summary, Camp Elizabeth Dolph Resoration, The Ranch at Laguna Beach."

Thomas, S. (Sea & Sage Audubon). 2014. Letter to K. Schwing (CCC) regarding "Ranch property Appeal No. A-5-2LGB(sic)-14-034(sic)."

The Laguna Beach Golf & Bungalow Village has proposed development at 31106 South Pacific Coast Highway in Laguna Beach that includes renovating an existing hotel, restaurant, banquet facility and golf course. The project was approved by the City and has been appealed to the Coastal Commission. The applicant has recently added to the project description specified daytime events and overnight camping in the area known as the Scout Camp, removal of unpermitted development in the form of a concrete pad, turf grass, and organic garden that is within 100 feet of Aliso Creek, revegetation of the area within 100 feet of Aliso Creek, after-the-fact approval of the replacement of a chain link fence around the Scout Camp area with a wooden fence, removal of approximately 100 linear feet of the lower plank of the wooden fence, and after-the-fact approval of the removal of one and the pruning of many Eucalyptus trees that took place between September 30, 2013 and March 3, 2014. Existing development outside the 100-foot riparian buffer would remain with after-the-fact approval.

The purpose of this memorandum is to address the possible environmental impacts of the vegetation pruning and removal of Eucalyptus and other species, of the remaining or proposed infrastructure within the Scout Camp area, and of the camping and other events proposed to occur within the Scout Camp Area. A biological survey was not done at an appropriate time before the unpermitted development took place, so there is no empirical basis for judging whether the development activities resulted in significant ecological impacts.

The current biological report (GLA & Ostensen 2014) was based on after-the fact biological surveys that were conducted in 2014 and the results of unpublished surveys that were conducted by the consulting firms GLA and PCR during the period 2004-2008 within a 330-acre study area that included the hillsides adjacent to the project area that

is the subject of this memorandum. The biological report presents none of the actual data from the earlier work, does not map the previous study area, and does not depict the specific locations of surveys for aquatic resources, plants, and animals. However, a "working draft" of the 2008 Biological Report (PCR 2008) has been made available to Commission staff.

In 2014, GLA updated the limits of wetlands and riparian habitat along Aliso Creek and updated the map of vegetation communities adjacent to the project site that were mapped in the earlier work, but presented no data upon which the update was based. The biological report states that PCR conducted general and focused plant surveys during the period 2004-2008 "at appropriate times based on precipitation and flowering periods." On August 7, 2014, GLA "confirmed the presence and location of special status plants." Presumably, this means that intermediate mariposa lily, Laguna Beach dudleya, and big-leaved crownbeard are still present where PCR mapped them. However, absence of special status plants cannot be assumed for other areas based on the level of recent effort.

From 2004 through 2008, annual protocol surveys for coastal California gnatcatchers were conducted throughout the 330 acre study area, with individual biologists surveying up to 80 acres each day. Based on an unreported level of effort in the immediate vicinity of the subject property, no coastal California gnatcatchers were observed during the breeding season. However, they were observed about 900 meters west of the project site. Even were no breeding territories present in the Aliso Creek area, documented presence that nearby is an adequate basis to consider appropriate habitat to be "occupied" for planning purposes. There is no justification for the conclusion in the Biological Report that, "[b]ased on negative surveys, no suitable habitat occurs within areas adjacent to the current Project Site...." In fact, GLA has mapped large areas of California sagebrush scrub and other vegetation that is preferred habitat for gnatcatchers. There have been no recent surveys for the gnatcatcher and suitable habitat should be considered "occupied."

The undeveloped hillsides adjacent to the project area are covered with remarkably pristine vegetation, which is comprised of a mosaic of the rare southern maritime chaparral and various types of coastal sage scrub, most of which is suitable habitat for the federally Threatened coastal California gnatcatcher. The City has found that, "Hobo Canyon...and the continuous south-facing slope of Aliso Canyon down to the golf course, is the single most significant habitat block in Laguna." (City of Laguna Beach 2006, page 3-45). PCR (2008) found that most of their study area constituted an Environmentally Sensitive Habitat Area (ESHA). In addition, the north-south line that forms the western boundary of the Aliso and Woods Canyons Wilderness Park is immediately adjacent to the Scout Camp area. For purposes of my review, I assume that all the vegetation on the hillsides adjacent to the project meets the Coastal Act and LCP definitions of ESHA due to the rarity of the vegetation communities that are present and their important role in the ecosystem of providing habitat for rare species of plants and animals, and due to the fact that they are demonstrably easily disturbed or degraded by human activities.

The project site itself no longer supports natural communities, having been converted long ago to a golf course, associated buildings, and open space dominated by non-native species, especially blue gum Eucalyptus. The Commission has occasionally found that non-native trees, such as Eucalyptus, meet the definition of ESHA because

they are especially valuable due to their important ecosystem function of supporting raptors or monarch butterflies. These determinations have been made based on empirical evidence of repeated use. There is no documented repeated use of the non-native trees on the project site by either rare species¹ or by multiple species of raptors², which was the basis of the Commission's ESHA determinations elsewhere. I recommend that the Commission find that the Eucalyptus trees on the project site do not meet the definition of ESHA in the Coastal Act or Local Coastal Plan.

As a result of the lack of appropriate biological surveys prior to implementing unpermitted development, there is no basis for assessing the biological impacts of that development. However, in a series of submissions Robert Hamilton (2014a,b,c,d) has identified a number of potential impacts resulting from the removal of non-native shrubs and herbs, the pruning and trimming of Eucalyptus trees, the trimming of about eight individuals of native species (Mexican elderberry and willows) that were growing in or on the edge of fairways, and the trimming of native poison oak along the edge of fairways. These potential impacts include: 1. Loss of foraging habitat for coastal California gnatcatchers, 2. Disturbance to gnatcatchers. 3. Disturbance to raptors, bats, or butterflies and damage to their habitat from pruning Eucalyptus trees in the Thurston Grove.

Although elderberry, willows, poison oak and non-native species such as poison hemlock may be used for foraging by gnatcatchers, the area occupied by these species at the project site is tiny compared to the area of higher quality habitat on the adjacent hillsides. The Commission has only protected non-native species used for foraging by gnatcatchers when they were part of a breeding territory. Generally, the Commission has encouraged the removal of non-native species that have colonized native habitats. Vegetation removal and tree trimming could also disturb nesting gnatcatchers. The breeding season is generally from late February to July and most nest initiation takes place from mid-March to mid-May³. Although tree trimming continued until March 4, activities after February 24 were confined to the fairways. I do not believe that these activities resulted in a significant impact to coastal California gnatcatchers or their habitat.

The tall Eucalyptus trees in Thurston grove and the Scout Camp area represent potential overwintering habitat for monarch butterflies, potential roosting habitat for bats, and potential nesting and perching habitat for raptors. There are few data available to evaluate these potentials. (PCR 2008) did not report the location of nesting raptors, so one can neither assume absence or demonstrate presence. The PCR surveys from 2004 through 2008 found no evidence of bat roosting, and were silent regarding monarch butterflies. It has been suggested (Hamilton and Roberts 2014) that a report of 200 monarch butterflies roosting in Laguna Beach at the "Aliviso Resort" actually referred to the project site. Wherever its location, no aggregations were ever again reported at that site⁴. Migrating monarchs appear along the California coast in October

¹ The pallid bat, a California Species of Special Concern, was acoustically detected near the Eucalyptus grove during the 2004-2008 surveys, but was probably "passing through" and was found not to be roosting in the trees.

² Pfeiffer (2014a) states that the surveys conducted from 2004 through 2008 did not detect nesting raptors in the Eucalyptus grove. Details of the surveys have not been reported; however, PCR (2008) notes that nesting behavior was observed for several species of raptors but does not provide locations.

³ U.S. Fish and Wildlife Service, 65 FR 2006.

⁴Western Monarch Thanksgiving Count Database 1997-2013 at: http://www.xerces.org/wp-

content/uploads/2011/04/WMTC-Data-1997-2013-Updated-30-Jan-2014.pdf, accessed December 16, 2014

and generally have settled in their overwintering sites by mid-November. The pruning of these Eucalyptus trees took place from September 30, 2013 to October 29, 2013. This period is outside the raptor nesting season and the main period of overwintering for monarchs. However, it is possible that migrating monarchs were discouraged from settling by the pruning activity and it is possible that the pruning reduced the suitability of the habitat for monarchs. However, this is very speculative. I don't believe that it is likely that the pruning activities had a significant impact on raptors, butterflies, or bats.

The Scout Camp area has been cleared of non-native understory species and several types of development have been put in place, including a concrete pad, walkways, landscaping with a combination of native species and drought-resistant non-native species, a raised-bed garden, fruit orchard, and bocce court. The unpermitted development that extends into the 100-foot stream buffer will be removed. The rest of the area is intended to be used for camping and for day use for a variety of events and activities. The proposed limitations are as follows:

- No more than 150 people
- No more than 12 events per month, including camping
- Sound levels no more than 65 db at the property line
- Lighting limited to temporary low level shielded LED luminaires
- Events will be complete by sunset with tear down activities only until astronomical dusk⁵.
- No food, trash, or consumable products left outside overnight

If these activities and development are found to be allowable uses under the LCP, in order to avoid impacts to the surrounding native habitats, I recommend that:

- Events include no more than 100 people
- Fencing (e.g. post and cable) be placed 100 feet from the stream and from native scrub habitats to prevent intrusion into these buffer zones
- There be no amplified voice or music. The means by which decibel limits would be monitored and enforced should be described
- A lighting plan be submitted for approval of the Executive Director of the Coastal Commission. The Plan should describe in detail any temporary or permanent luminaires and lamps to be used during tear down and during camping events and the hours of their use. There should be no glare or light intrusion in the surrounding native habitat areas.
- A landscaping plan for the area of the Scout Camp outside the riparian buffer, including a planting palette, be submitted for approval by the Executive Director of the Coastal Commission.
- "Astronomical dusk" is not a useful criterion. Tear down should be completed within 2 hours after sunset, but no later than 2200 hours.

If these restrictions and Commission approved lighting and landscaping plans are instituted, I don't believe that these activities would result in significant impacts to the surrounding native habitats.

⁵ "Astronomical dusk" is defined as the time at which the center of the sun is geometrically 18 degrees below the horizon. It is roughly 1 ½ hours after sunset. http://www.crh.noaa.gov/lmk/?n=twilight-types accessed December 16, 2014.



MEMORANDUM

FROM: Laurie Koteen, Ph.D., Ecologist

TO: Erin Prahler, Coastal Program Analyst

SUBJECT: Biological Analysis of the Proposed Restoration at the Scout Camp area of

the Ranch in Laguna Beach, California

DATE: December 17, 2014

Documents Reviewed:

Briseno, G. 2014. Tree Trimming on the Ranch at Laguna Beach Property, Sept. 30, 2013 - Mar. 3, 2014. Letter dated August 10, 2014.

- Glenn Lukos Associates and Derek Ostensen and Associates. 2014a. Restoration Plan for the Removal of a Portion of the Concrete Slab, Turf and Organic Gardens and the Restoration of Native Habitat within "Scout Camp" The Ranch at Laguna Beach, Laguna Beach, California. October 15, 2014.
- Glenn Lukos Associates and Derek Ostensen and Associates. 2014b. Biological Technical Report for the Ranch at Laguna Beach, Orange County, CA. August 15, 2014.
- Hamilton, R. & Roberts, F. 2014. Letter to Coastal Commission Staff: Review of Potential Biological Issues, Appeal No. A-5-LGB-14_034, The Ranch at Laguna Beach, Orange County, California. August 22, 2014
- Hamilton, R. 2014a. Letter to Coastal Commission Staff: Review of Additional Biological Issues, Appeal No. A-5-LGB-14_034, The Ranch at Laguna Beach, Orange County, California. September 2, 2014.
- Hamilton, R., 2014b. Unified Review of Biological Issues Appeal No. A-5-LGB-14-034 Notice of Violation No. V-5-14-007 The Ranch at Laguna Beach Orange County, California. November 19, 2014.
- Hamilton, R. 2014c. Response to GLA Memos Dated 9 September 2014 and 26 November 2014 The Ranch at Laguna Beach Orange County, CA CCC Appeal No. A-5-LGB-14-034 CCC Notice of Violation V-5-14-007. December 2, 2014.

- Hamilton, R. 2014d. Response to GLA Memo Dated 5 December 2014 the Ranch at Laguna Beach Orange County, California, CCC Appeal No. A-5-LGB-14-034. December 2, 2014.
- Marsh, K.G. 1992. South Laguna Biological Resources Inventory. A report to the City of Laguna Beach dated January 20, 1992.
- Marsh, K.G., F.M. Roberts, J.A. Lubina, and G.A. Marsh. 1983. Laguna Beach Biological Resources Inventory. A report to the City of Laguna Beach dated January 31, 1983.
- Pfeiffer, T. 2014a. Responses to Letter from Hamilton Biological Dated August 22, 2014 Addressing Potential Biological Issues, and Letter from Hamilton Biological Dated September 2, 2014 Regarding Appeal A-5-LGB-14-034, The Ranch at Laguna Beach, Orange County, California. September 9, 2014.
- Pfeiffer, T., 2014b. Responses to Letter from Hamilton Biological Dated November 19, 2014, and Letter from Sea and Sage Audubon Dated October 4, 2014 Regarding Appeal A-5-LGB-14-034, The Ranch at Laguna Beach, Orange County, California. November 26, 2014.
- The Ranch at Laguna Beach. 2014. A brochure dated August 10, 2014 entitled "California Coastal Commission Summary, Camp Elizabeth Dolph Restoration, The Ranch at Laguna Beach."
- Thomas, S. (Sea & Sage Audubon). 2014. Letter to K. Schwing (CCC) regarding "Ranch property Appeal No. A-5-2LGB(sic)-14-034(sic)."

The Restoration Plan

The applicants propose restoration of the Scout Camp area by removing the portion of the concrete slab, turf grass, and vegetable garden that lie within 100 feet of Aliso Creek, and subsequent revegetation of the removal area (as shown in Exhibit 3 of the Restoration Plan, GLA & Ostensen 2014a). The applicant also proposes to remove approximately 100 linear feet of the lower plank of a recycled wooden fence to enhance passage of wildlife between the Scout Camp area and adjacent habitat. In approaching restoration, I recommend that the applicant divide the region into two target regions: the area adjacent to Aliso Creek where riparian habitat should be the restoration target, and the region more distant from the riparian zone which should grade to a coastal sage scrub community. The restoration ecologist should determine the plant palette by means of a thorough inspection of relatively undisturbed sections of Aliso Creek or creeks in nearby drainages. For the coastal sage scrub community, regions adjacent or nearby to the site in the lower canyon should be inspected, as these areas contain very high value habitat for local species. The plants chosen should be composed exclusively of native species, with a high likelihood of reestablishment success in the area, and should avoid native species that are likely to naturally colonize, and perhaps dominate the region, such as coyote brush, Baccharis pilularis. Historical sources of vegetation in the region are also germane. Two excellent sources for the species palette are the

biological surveys conducted by Karlin Marsh in 1983 and 1992, which detail the plant community found in the Scout Camp / Thurston Grove area in those years. Table 5 in the 1983 biological survey contains a list of local riparian plant species and their frequency of occurrence in Laguna Beach. This list appears as an appendix to this document with non-native species omitted.

Impacts on Soil Structure

With regard to the restoration plan put forth by Glenn Lukos Associates, my concerns are several fold. One concern is that the condition of the soil is not adequately addressed in the restoration plan. Part of the restoration area has been beneath a concrete pad for many months. Preparation of the site for pouring of the concrete pad most likely involved the use of earth moving equipment to create a level surface for the pad to rest on. These activities, together with the weight of the pad, are likely to have compressed the soil, altering soil physical properties, such as soil pore volume, soil water holding capacity and water and nutrient mobility¹. Through the interaction of soil and concrete, the immediate surface of the soil is likely most compressed, and compression of top soil layers can alter site drainage by reducing the penetration of precipitation, and increasing surface runoff. In altering these soil physical characteristics, these activities may also have reduced water availability to any vegetation entering the site, and can impede root penetration or establishment². In the restoration plan, the applicant refers to "light ripping" of areas previously compacted. I recommend tillage of top soil layers. Tillage should penetrate to at least 30 cm depth, as this area supports deep-rooted plants that draw water from the ground water. I recommend that the applicant provide a detailed plan specifically outlining the measures they will take to address issues of soil compaction.

Impacts on Soil Chemical Properties and Riparian Restoration

To bolster the success of the restoration efforts along the riparian region of the Scout Camp/ Thurston Grove area, steps must be taken to reduce the influence of the Eucalyptus trees on soil properties. *Eucalyptus globulus* trees are well-known to produce allelochemicals that inhibit the germination success and productivity of other species³. Moreover, *Eucalyptus globulus* possesses a recalcitrant, low nutrient leaf litter that decomposes slowly, reducing soil nutrients. Build-up of leaf and slash litter can also serve as a physical barrier to plant recruitment, immobilize nutrients in plant litter, and have anti-microbial effects to the detriment of resident species^{4,5}. With this context in mind, I believe that the presence of Eucalyptus trees may confound efforts to

Biochemistry. 28:1381-1388.

¹ Lipiec, J., and R. Hatano. 2003. Quantification of compaction effects on soil physical properties and crop growth. Geoderma. 116:107–136.

² Day, S.D., N.L. Bassuk, and H.van Es. 1995. Effects of Four Compaction Remediation Methods for Landscape Trees on Soil Aeration, Mechanical Impedance and Tree Establishment. J Environ Hort. 13:64–71.

³ Babu, R.C., and O.S. Kandasamy. 1997. Allelopathic Effect of Eucalyptus globulus Labill. on Cyperus rotundus L. and Cynodon dactylon L. Pers. Journal of Agronomy and Crop Science. 179:123–126.

⁴ Briones MJI, Ineson P. 1996. Decomposition of eucalyptus leaves in litter mixtures. Soil Biology and

⁵ O'Connell, A.M. 1997. Decomposition of Slash Residues in Thinned Regrowth Eucalpt Forest in Western Australia. The Journal of Applied Ecology. 34:111.

restore riparian and scrub vegetation along Aliso Creek, and should be removed from the restoration area prior to replanting (three to four trees affected)⁶. Care must be taken as to the timing of adding plants to the area, and a detailed planting schedule should accompany restoration documents. The residue of Eucalyptus litter will remain in the soil for some time. Therefore, the Eucalyptus trees should be removed several months prior to plant additions. However, because these phytochemicals are water soluble, flushing of the area with water should reduce their inhibitory effect within a few months. If possible, whole trees should be removed, including the tap root and coarse root system, which is concentrated in top soil layers. Following tree removal and soil flushing, assays of nutrient content (e.g. total and available Nitrogen) in bare soils should be performed, and compared with soils in nearby intact communities to determine if other abiotic conditions must be restored. If nutrient addition is required, nutrients should be added to the soil at biologically relevant time periods, such as when plants are in an active growth phase, and rechecked on a seasonal basis. As the focus area exists along a floodplain, the target soils may retain sufficient nutrient stores due to inputs from creek water.

Restoration and Monitoring of the Plant Community

The restoration ecologist should perform an initial assessment of the area, noting primary biological drivers, disturbance regimes, and natural successional trajectories. Plantings may need to mimic natural colonization of post-disturbance floodplains with the woody species that make up the plant canopy established first, followed by herbaceous species⁷. For regions interior to the floodplain, but within the 100 ft restoration area, the applicant should adapt a similar methodological approach, mimicking post-fire succession. Before the work begins, the restoration ecologist should draw up a plant establishment and monitoring plan, but follow an adaptive management approach in implementation. The reality of ecological dynamics will inevitably trump efforts to establish a prescribed static plant community. The initial plan should also include specific measurable criteria that will indicate restoration success. The applicant proposed criteria that include 60% native cover, and a species diversity criteria of 80% of 15 species having at least 5% cover. The applicant should demonstrate that these criteria are realistic based on a comparison with relatively undisturbed habitats in the surrounding area.

With regard to process, local propagules from nearby vegetation must be used exclusively and grown in local nurseries to a size and vigor likely to enhance establishment success. If irrigation is to be installed, as proposed, the irrigation system should be above ground and removed once success is achieved. Sampling should be based on quadrats placed randomly within uniformly arrayed spatial strata to ensure that the entire restoration site is sampled. The frequency of monitoring and maintenance should be at least monthly during the growing season in the first two years following planting, and quarterly thereafter. The monitoring plan should include the following

⁷ Walker, L.R., J. Walker, and R. del Moral. 2007. Forging a new alliance between succession and restoration. In: Linking Restoration and Ecological Succession. New York: Springer; p. 1–18.

⁶ Suding, K.N., K.L. Gross, and G.R. Houseman. 2004. Alternative states and positive feedbacks in restoration ecology. Trends in Ecology & Evolution. 19:46–53.

provisions:

Final performance monitoring shall take place after at least three years without remediation or maintenance other than weeding. The performance monitoring period shall either be five years, or three years without maintenance or remediation, whichever is longer (the restoration plan indicates 3 years in most places, but 5 years in others, e.g., pages 14 and 20).

If the final report indicates that the restoration project has been unsuccessful, in part or in whole, based on the approved performance standards, the applicant shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program that did not meet the approved performance standards. The revised restoration program shall be processed as an amendment to the coastal development permit, unless the Executive Director finds that an amendment is not necessary.

Appendix: Riparian plant species historically present in the lower Aliso Canyon (from Marsh, et al., 1983).

Shrubs and Large Grass Species (common name)	Shrubs and Large Grass Species (Latin name)	% Frequency in the city
Lemonadeberry	Rhus integrifolia	100
Toyon	Heteromeles arbutifolia	100
Giant rye	Elymus condensatus	95
Mexican elderberry	Sambucus mexicana	63
Chapparal nightshade	Solanum xanti	42
Mulefat	Baccharis salicifolia	37
Arroyo willow	Salix lasiolepis	37
Wild rose	Rosa californica	1

Schwing, Karl@Coastal

From: Drapkin, Scott CD <sdrapkin@lagunabeachcity.net>

Sent: Thursday, September 11, 2014 5:17 PM

To: 'Mark Christy (mark@hobie.com)' (mark@hobie.com); Morris Skenderian; Schwing,

Karl@Coastal

Cc: 'mkrebs@pacewater.com'; Pfost, Greg CD

Subject: Ranch FEMA review

Attachments: Exhibit D 13-001_2014-04-30_Building Improvement Costs.pdf; Exhibit B.pdf; Exhibit C

FEMA LOMA 2013-12-10 Case No 14-09-1596A.pdf; exhibit c FEMA LOMA

2014-03-20a Case No 14-09-1596A.pdf; Exhibit C FEMA LOMA 2014-03-20b Case No

14-09-1596A.pdf; exhibit d gppraisal.pdf; exhibit A FEMA GIS Map.pdf

Karl

It was nice meeting you in person this morning. I look forward to working with you further. Would you mind forwarding this information to your staff as needed. This is the FEMA analysis/conclusions that City staff determined in regard to the Ranch development. I will also send this information to you directly by mail. Thank You.

Additional information as requested by Coastal staff July 22, 2014 letter -

The City action did not require flood proofing measures and/or raising lowest floor levels above the base flood elevation as modified for sea level rise for "substantial improvements" as defined in Chapter 25.38 for all structures on the site. This is based upon the determination by the City that the proposed remodel/renovation of existing hotel buildings does not meet the definition of "substantial improvement" contained in Chapter 25.38 and therefore the renovated buildings would be exempt from current LCP Flood Plain Management policies. The proposed new buildings (i.e., spa, fitness center, employee lounge, pool bar) were considered new structures/new development and therefore are proposed to be constructed in compliance with LCP Flood Plain Management policies. "In the information contained in the City's record (i.e., PACE Technical Memorandum dated 10/30/13, Gallo Corporation Replacement Cost Estimate for Aliso Creek Inn buildings located in the flood plain dated 9/27/13, Burge Corporation Replacement Cost Estimate for Aliso Creek Inn buildings located in the flood plain dated 9/27/13, and Real Estate Appraisal by Dowd Associates dated 9/28/13) it does not appear that the intensification (i.e., addition of 33 new rooms) within the footprint of the hotel buildings was taken into consideration in the real estate appraisals. It is also not clear from the City's record whether any of the existing building renovation costs were "to bring the existing structures to current health and safety codes" and therefore excluded from improvement cost estimations for purpose of "50% Substantial Improvement" determination. Please provide detailed documentation explaining how the proposed remodeled structures do or do not meet the definition of "substantial improvement" contained in Chapter 25.38."

Response:

Pursuant to the City's Municipal Code and FEMA, a "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Based on the above Federal and Municipal Code Definition of "substantial improvement," this requirement is essentially a determination of the estimated value of a structure (located within a flood hazard area) that is proposed to be remodeled/reconstructed is worth based on a market value appraisal compared to how much any proposed construction cost will be. If the new construction costs more than 50% of the building is appraised, then the proposed development must comply with flood protection regulations including elevating and/or flood proofing (MC 25.38.050C). An analysis of floodplain compliance was based on each individual structure as required by FEMA.

As indicated above, City staff has reviewed the complete project (<u>including the 33 hotel room expansion</u>) for FEMA floodplain compliance. This review and compliance is vitally important because FEMA completes a 5 year audit of the City's flood hazard areas and if the City permits are found to be not in compliance (by FEMA), the City's flood insurance policies/rates could be in jeopardy.

Staff's review specifically included an analysis of the flood hazard area restrictions for this property (attached as exhibit A) to determine which building(s) are potentially subject to flood regulation compliance. In this regard, an exhibit (**Exhibit B**) from an engineering hydrologist (Pace) was also submitted that showed the boundary of the flood hazard areas, the buildings existing and proposed, the elevation of the project site buildings for determination of base flood elevation/finished floor compliance and the Base flood elevation (BFE). The engineering hydrologist has also obtained FEMA approval for many of the buildings with a determination that the building are in compliance with FEMA Flood protection regulations (Exhibit C). In flood compliance review, City staff (the floodplain administrator) also considered the estimation of construction costs proposed (exhibit D) that includes all new development (including room expansion) and the appraisal of the existing buildings (Exhibit D).

The following are staff's floodplain compliance conclusion specific to each building:

- 1. **Building B-1** This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation that is below the base flood elevation (BFE). Certain construction/renovations are proposed at this building and since the lowest floor elevation is below the BFE, this development requires a review for substantial improvement. In this regard, the building's appraised market value (less 28% depreciation) is calculated by a certified appraiser as \$444,000. Construction cost for the renovation of this building is estimated as \$190,610 and \$105,410 after deducting proposed renovation costs associated with correcting existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions (as stipulated by the City's Municipal Code and FEMA). The estimated construction cost is less than 50% of the appraised value of the structure and therefore the proposed rehabilitation of this structure does not result in a "substantial improvement." (Exhibit D shows improvement cost analysis and appraisals for buildings in the special flood hazard areas.)
- 2. **Building B-2** This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation that is below the base flood elevation (BFE). Certain construction/renovations are proposed at this building and since the lowest floor elevation is below the BFE, this development requires a review for substantial

improvement. In this regard, the building's appraised market value (less 28% depreciation) is calculated by a certified appraiser as \$444,000. Construction cost for the renovation of this building is estimated as \$190,610 and \$105,410 after deducting proposed renovation costs associated with correcting existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions (as stipulated by the City's Municipal Code and FEMA). The estimated construction cost is less than 50% of the appraised value of the structure and therefore the proposed rehabilitation of this structure does not result in a "substantial improvement." (Exhibit D shows improvement cost analysis and appraisals for buildings in the special flood hazard areas.)

- 3. **Building B-3** This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation that is below the base flood elevation (BFE). Certain construction/renovations are proposed at this building and since the lowest floor elevation is below the BFE, this development requires a review for substantial improvement. In this regard, the building's appraised market value (less 28% depreciation) is calculated by a certified appraiser as \$883,000. Construction cost for the renovation of this building is estimated as \$367,320 and \$208,020 after deducting proposed renovation costs associated with correcting existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions (as stipulated by the City's Municipal Code and FEMA). The estimated construction cost is less than 50% of the appraised value of the structure and therefore the proposed rehabilitation of this structure does not result in a "substantial improvement." (Exhibit D shows improvement cost analysis and appraisals for buildings in the special flood hazard areas.)
- 4. **Building A-1 and A-2** This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation and has a slab that is above the base flood elevation (BFE) and therefore the existing building conditions are not subject to FEMA flood regulations and do not require a review for a "substantial improvement." The Engineering Hydrologist has notified FEMA of this condition (eLOMA) so the Flood Insurance Rate Map can be adjusted for accuracy accordingly. A FEMA Letter of Map Amendment (LOMA) has been approved by FEMA for this structure being removed from the special flood hazard area and is attached as Exhibit C (FEMA Case No. 17-09-2151A).
- 5. **Building B-4** This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation and has a slab that is above the base flood elevation (BFE) and therefore the existing building conditions are not subject to FEMA flood regulations and do not require a review for a "substantial improvement." The Engineering Hydrologist has notified FEMA of this condition (eLOMA) so the Flood Insurance Rate Map can be adjusted for accuracy accordingly. A FEMA Letter of Map Amendment (LOMA) has been approved by FEMA for this structure being removed from the special flood hazard area and is attached as Exhibit C (FEMA Case No. 14-09-0534A).
- 6. **Building D-1** This building is proposed to be located within the regulated FEMA flood hazard area Zone AE (not within a designated floodway). This is a new building proposed to be developed with a Lowest floor elevation that is above the base flood elevation (BFE), therefore, this structure would be consistent with FEMA flood regulations and does not require a review for a "substantial improvement." The Engineering Hydrologist has notified FEMA of this condition (CLOMR-F and LOMR-F) so the Flood Insurance Rate Map can be adjusted for accuracy accordingly after this structure is built and inspected.

- 7. **Building B-5** This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation and has a slab that is above the base flood elevation (BFE) and therefore the existing building conditions are consistent with FEMA flood regulations and does not require a review for a "substantial improvement." A FEMA Letter of Map Amendment (LOMA) has been approved by FEMA for this structure being removed from the special flood hazard area and is attached as Exhibit C (FEMA Case No. 14-09-0534A).
- 8. **Building B-9** This building is located within the regulated FEMA flood hazard area Zone AE (not within a designated floodway). This building is developed with a Lowest floor elevation and has a slab that is above the base flood elevation (BFE) and therefore the existing building conditions are consistent with FEMA flood regulations and does not require a review for a "substantial improvement." A FEMA Letter of Map Amendment (LOMA) has been approved by FEMA for this structure being removed from the special flood hazard area and is attached as Exhibit C (FEMA Case No. 14-09-0534A).
- 9. **Building B-7** This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation that is below the base flood elevation (BFE). Certain construction/renovations are proposed at this building and since the lowest floor elevation is below the BFE, this development requires a review for substantial improvement. In this regard, the building's appraised market value (less 28% depreciation) is calculated by a certified appraiser as \$883,000. Construction cost for the renovation of this building is estimated as \$367,320 and \$208,020 after deducting proposed renovation costs associated with correcting existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions (as stipulated by the City's Municipal Code and FEMA). The estimated construction cost is less than 50% of the appraised value of the structure and therefore the proposed rehabilitation of this structure does not result in a "substantial improvement." (Exhibit D shows improvement cost analysis and appraisals for buildings in the special flood hazard areas.)
- 10. **Building B-6** This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation that is below the base flood elevation (BFE). Certain construction/renovations are proposed at this building and since the lowest floor elevation is below the BFE, this development requires a review for substantial improvement. In this regard, the building's appraised market value (less 28% depreciation) is calculated by a certified appraiser as \$883,000. Construction cost for the renovation of this building is estimated as \$367,320 and \$208,020 after deducting proposed renovation costs associated with correcting existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions (as stipulated by the City's Municipal Code and FEMA). The estimated construction cost is less than 50% of the appraised value of the structure and therefore the proposed rehabilitation of this structure does not result in a "substantial improvement." (Exhibit D shows improvement cost analysis and appraisals for buildings in the special flood hazard areas.)
- 11. Building B-8 This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation that is below the base flood elevation (BFE). Certain construction/renovations are proposed at this building and since the lowest floor elevation is below the BFE, this development requires a review for substantial improvement. In this regard, the building's appraised market value (less 28% depreciation) is calculated by a certified appraiser as \$883,000. Construction cost for the renovation of this building is estimated as \$367,320 and \$208,020 after deducting proposed renovation costs associated with correcting existing

violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions (as stipulated by the City's Municipal Code and FEMA). The estimated construction cost is less than 50% of the appraised value of the structure and therefore the proposed rehabilitation of this structure does not result in a "substantial improvement." (Exhibit D shows improvement cost analysis and appraisals for buildings in the special flood hazard areas.)

- 12. Building A-3 This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation that is below the base flood elevation (BFE). Certain construction/renovations are proposed at this building and since the lowest floor elevation is below the BFE, this development requires a review for substantial improvement. In this regard, the building's appraised market value (less 28% depreciation) is calculated by a certified appraiser as \$2,484,000. Construction cost for the renovation of this building is estimated as \$620,700 and \$302,980 after deducting proposed renovation costs associated with correcting existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions (as stipulated by the City's Municipal Code and FEMA). The estimated construction cost is less than 50% of the appraised value of the structure and therefore the proposed rehabilitation of this structure does not result in a "substantial improvement." (Exhibit D shows improvement cost analysis and appraisals for buildings in the special flood hazard areas.)
- 13. **Building C-1** This building is located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This building is developed with a Lowest floor elevation and has a slab that is above the base flood elevation (BFE) and therefore the existing building conditions are consistent with FEMA flood regulations and does not require a review for a "substantial improvement." A FEMA Letter of Map Amendment (LOMA) has been approved by FEMA for this structure being removed from the special flood hazard area and is attached as Exhibit C (FEMA Case No. 14-09-0534A).
- 14. **Building J** This building is proposed to be located within the regulated FEMA flood hazard area Zone AE (not within the designated floodway). This is a new building proposed to be developed with a Lowest floor elevation that is above the base flood elevation (BFE), therefore, this structure would be consistent with FEMA flood regulations and does not require a review for a "substantial improvement." The Engineering Hydrologist has notified FEMA of this condition (CLOMR-F and LOMR-F) so the Flood Insurance Rate Map can be adjusted for accuracy accordingly after this structure is built and inspected.
- 15. **Building H** This building is proposed to be located within the regulated FEMA flood hazard area Zone AE (not within a designated floodway). This is a new building proposed to be developed with a Lowest floor elevation that is above the base flood elevation (BFE), therefore, this structure would be consistent with FEMA flood regulations and does not require a review for a "substantial improvement." The Engineering Hydrologist has notified FEMA of this condition (CLOMR-F and LOMR-F) so the Flood Insurance Rate Map can be adjusted for accuracy accordingly after this structure is built and inspected.
- 16. **Building I** This building is proposed to be located within the regulated FEMA flood hazard area Zone AE (not within a designated floodway). This is a new building proposed to be developed with a Lowest floor elevation that is above the base flood elevation (BFE), therefore, this structure would be consistent with FEMA flood regulations and does not require a review for a "substantial improvement." The Engineering Hydrologist has notified FEMA of this condition (CLOMR-F and LOMR-F) so the Flood Insurance Rate Map can be adjusted for accuracy accordingly after this structure is built and inspected.

Additional information as requested by Coastal staff July 22, 2014 letter -

"In addition, Section 25.38.042 identifies the information that must be submitted for "any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 25.38.031." The subject site is located, at least in part, in a "special flood hazard zone." Section 25.38.042 requires submittal of plans showing location, dimensions, and elevations of the area in question [subject site], existing or proposed structures, storage of materials and equipment and their location; proposed locations of water supply, sanitary sewer, and other utilities; grading information showing existing and proposed contours, any proposed fill, and drainage facilities; expected life of development (minimum of 75 years); and the adjusted base flood elevation necessary to reflect sea level rise as specified in Section 25.38.041(C)(2) (among other required information). Please provide plans depicting the items mentioned."

Response:

It appears that Coastal staff is requesting a review of the approved/proposed development plans, as indicated above. In order to satisfy this request, floor plans, structural plans and grading plans should be submitted to Coastal Staff for their review (all phases). The City's floodplain administrator has already reviewed and approved this information for preliminary compliance. Final structural compliance will be satisfied with building inspections and Final Building Permit/floodplain development permit.

You will need to provide the Coastal staff an estimate of expected life of development (minimum 75 years) and information that supports these conclusions.

With regard to "the adjusted base flood elevation necessary to reflect sea level rise as specified in Section 25.38.041(C)(2)," this requirement is generally not applicable to this development and is only applicable to development that is proposed in flood hazard zone areas VE (essentially properties that are adjacent to the ocean and/or very near). The VE flood hazard areas are subject to inundation by the 1-percent-annual-chance flood event with additional hazards due to storm-induced velocity wave action. Pursuant to the City's Municipal Code, "Sea level rise" means a change in the mean level of the ocean. Accepted sea level rise scenarios are based on best available science. As a starting reference point, the current best available science is the 2012 National Academy of Science Report, Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future. This report provides regional projections of sea level rise that includes a vertical land motion component, including the Laguna Beach area, from 5.0 inches up to 23.94 inches from 2000 to 2050 and from 17.4 inches up to 65.55 inches (5.46 feet) from 2000 to 2100. The lowest project development site base flood elevation (pursuant to the FEMA FIRM Map) is 23 feet above sea level. Therefore, even with an estimated rise in sea level over 100 years of 5.46 feet, the project site would still be approximately 17 feet higher than an adjusted BFE for sea level rise.

Attachments:

Exhibit A (flood hazard Map from City's GIS)

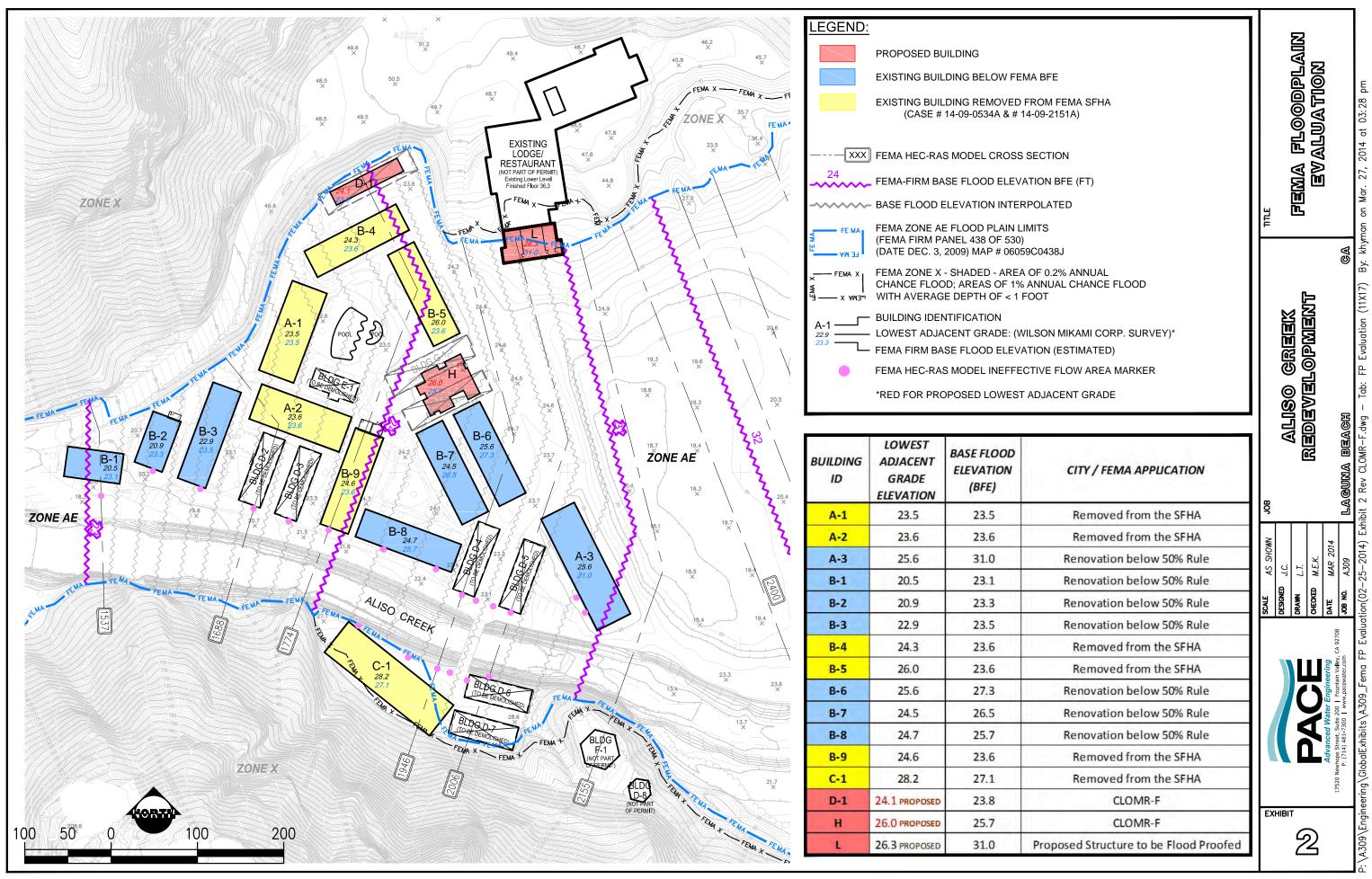
Exhibit B (Pace - FEMA Floodplain Evaluation exhibit)

Exhibit C (approved FEMA eLOMAs)

Exhibit D (Construction improvement cost analysis and appraisals for buildings in the special flood hazard areas)

Scott Drapkin, Principal Planner
Planning Division
City of Laguna Beach, 505 Forest Avenue
Laguna Beach, California 92651

EXHIBIT 16 Page 1 of 1



31106 South Coast Highway, Laguna Beach, CA - ALISO CREEK INN

Building B-1

Building B-2

Building B-3

Building B-6

Building B-7

Building B-8

Improvement Costs for Buildings in the Special Flood Hazard Area

Description

Building A-3

Description	bullullig A-5	pulluling p-1	bullullig b-2	bullulling b-3	Dullulling b-0	bullullig b-7	bullullig b-o			
Appraised Value (Less 28% Depreciation)	\$2,484,000	\$444,000	\$444,000	\$883,000	\$883,000	\$883,000	\$883,000			
Maximum Allowed Building Improvement Cost to Not be considered a Substantial Improvement per FEMA requirements and per LBMC Section 25.38.020	\$1,224,000	\$222,000	\$222,000	\$441,500	\$441,500	\$441,500	\$441,550			
Building Improvement Cost without deductions	\$620,700	\$190,610	\$190,610	\$367,320	\$367,320	\$367,320	\$367,320			
List of Excluded Improvement Items below; installed to correct existing violations of state or local health, sanitary or safety codes per Laguna Beach Municipal Code 25.38.020(1), to reduce total building improvement cost:										
1. Exterior Wall Covering - Removed existing wood siding and replaced with Ignition Resistant materials (Hardie Siding, Stucco, Stone Veneer), based on fire safety requirements of CBC Section 707A.3	(\$96,150)	(\$21,600)	(\$21,600)	(\$43,190)	(\$43,190)	(\$43,190)	(\$43,190)			
2. Windows - Removed existing single pane windows and replaced with dual pane glazing with an exterior tempered layer based on fire safety requirements of CBC Section 708A.2.1	(\$49,500)	(\$11,600)	(\$11,600)	(\$20,700)	(\$20,700)	(\$20,700)	(\$20,700)			
3. Decking - Removed existing wood decking and replace with ignition resistant materials based on fire safety requirements of CBC Section 709A.3	(\$4,480)	n/a	n/a	n/a	n/a	n/a	n/a			
4. Fire Protection - Addition of fire sprinklers throughout building based on fire safety per LB Fire Department and CBC Section 903.2.8	(\$31,620)	(\$5,350)	(\$5,350)	(\$10,640)	(\$10,640)	(\$10,640)	(\$10,640)			
5. Deck Railings - Remove non- compliant wood guards and replace with ignition resistant metal guards based on life safety per CBC Section 1013.3 and 1013.4	(\$20,000)	n/a	n/a	n/a	n/a	n/a	n/a			
6. Electrical - Remove non-compliant wiring and service and replace with compliant service and materials based on life safety per CEC Section?	(\$42,170)	(\$26,450)	(\$26,450)	(\$48,370)	(\$48,370)	(\$48,370)	(\$48,370)			
7. Plumbing - Remove non-compliant sanitary drainage above and below grade and replace with compliant materials and systems base on health safety per CPC Chapter 7.	(\$73,800)	(\$20,200)	(\$20,200)	(\$36,400)	(\$36,400)	(\$36,400)	(\$36,400)			
Total Building Improvement Cost Less Deductions. This total is less than maximum allowable building improvement cost as noted above; thus buildings should not be considered as substantial improvments per LBMC 25.38.020 and such not requiring these structures to be floodproofed or reconstructed above the base flood elevation.	\$302,980	\$105,410	\$105,410	\$208,020	\$208,020	\$208,020	\$208,020			





JUN 1 # 2014

CALIFORNIA

No 049292 O 09 30 14

MISSION

Technical Memorandum

Date

October 30 2013

To

Scott Drapkin - City of Laguna Beach

CC

Laguna Beach Golf & Bungalow Village LLC

Mark Christy

Morris Skenderian

From

Mark Krebs PE

Javier Hernandez MS EIT

Re

Aliso Creek Inn - FEMA Floodplain Evaluation and Plan for Restoration Project

A309

This technical memorandum has been prepared to document the results of the floodplain evaluation and to assist the Laguna Beach Golf & Bungalow Village LLC project team regarding the submittal process to verify existing and proposed structure compliance with the City of Laguna Beach and FEMA requirements regarding the proposed Aliso Creek Inn project components in and near the FEMA 100 year floodplain

PACE obtained the 100 year floodplain map backup data from the FEMA National Flood Insurance Program (NFIP) library for the 2009 FIS (Flood Insurance Study) study. The backup data included HEC RAS computer models reports floodplain maps and other data as available in regards to floodplain assessment of the current structures. PACE also obtained the surveyed finished floor elevations (from Scott Wilson and Associates see Exhibit 3) to determine the floodplain condition/status of each individual building / structure in the project area.

The existing and proposed structures within the Aliso Creek Inn project include several different floodplain conditions and compliance to City/FEMA floodplain ordinances will be achieved for each condition through implementation of the following four submittals

1 Existing Building Above FEMA BFE

Some of the existing structures actually have slab elevations above the FEMA FIRM BFE and these structures can be re-mapped (through FEMA eLOMA process) as free from flood hazard. These structures can be remodeled / renovated without any restriction and without need for flood proofing.

2 Existing Buildings Below FEMA BFE

Per City Code all of these structures are categorized as non residential (5 07 020 Definitions) and therefore can be remodeled / renovated without the need for flood proofing as long as FEMA 213 and City Code 25 38 for Substantial Improvement threshold is not exceeded (i.e. improvements must be less than 50% of current value)

3 Proposed Building Below FEMA BFE

Per City (Ordinance No. 1576 and Code 25.38) and FEMA NFIP any newly constructed non residential structure built below BFE is required to meet flood proofing standards. The Aliso Creek Inn project proposed structures are non residential (note City Code 5.07.020 Definitions) and therefore fall under these criteria and will require flood proofing for those structures built below BFE.



4 Proposed Building Above FEMA BFE

Where possible the project owner will elevate the proposed new structure finish floor slab above the FEMA BFE and therefore will eliminate any FEMA or City conditions related to building flood proofing. This will be achieved by raising the finished floor above the BFE and submittal of FEMA Conditional Letter of Map Revision (CLOMR & LOMR) processes.

The effective FEMA Flood Insurance Rate Map (FIRM) #06059C0438J dated December 3 2009 (Exhibit 1) indicates that generally all the structures are located in FEMA Zone AE 100 year floodplain and the map includes base flood evaluations (BFEs)

The following is a more detailed description of the above four conditions and submittal methods for floodplain mapping / management that will be used for completion of the proposed Aliso Creek Inn project PACE with the help of others will prepare the project floodplain evaluation as detailed below and will submit to the City and FEMA as required for project documentation. Each of the four conditions are mostly independent, and will each be submitted separately and will have its own schedule.

1) Existing Building Above FEMA BFE – Letter of Map Amendment (LOMA and eLOMA)

A LOMA (and eLOMA) is an official amendment by letter to an effective National Flood Insurance Program (NFIP) map A LOMA establishes a property s location in relation to the Special Flood Hazard Area (SFHA) LOMA are usually issued because a property has been inadvertently mapped as being in the floodplain but is currently on high ground above the base flood elevation. The eLOMA process does not require City review and approval applicant is allowed to go straight to FEMA with on line submittal. The process is estimated to take 60 days once submitted, and when FEMA response is provided City will receive copy.

Minimum data required

- a) Property information
 - 1 Copy of the subdivision Plat Map (with recordation data of the recorder's office) or
 - 2 Copy of Property Deed (with recordation data of the recorder's office) accompanied by a tax assessor map
- b) Flood Insurance Rate Map Information
- c) Building Elevation Information (Survey required)
- d) Surveyor or Engineer Certification
- e) Elevation Certificate to support the LOMR application

The elevation certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium. Elevation certification is also required for all new construction or substantial improvement to ensure compliance with community floodplain management regulations and to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR F).

f) FEMA application and processing Fee - Free

PACE is currently in the process of compiling this information for eLOMA and Wilson Engineering will be providing the elevation certificate information. If the eLOMA process if not available because of the multiple structures, then a LOMA submittal will be prepared for Client and City signature prior to submittal to FEMA.



2) Existing Buildings Below FEMA BFE

For improvements to non residential structures that are below FEMA BFE. The FEMA 213 rule applies where by if the proposed improvements are greater than 50% of the current structure value, then flood proofing per City Code is required. However, if the improvement costs are less than 50% of the current structure, then FEMA and City Codes do not apply. It is the intention of the project owner to limit the improvement value to less than 50% of the current structure value.

The evaluation and submittal documentation for property appraisal and proposed costs is outside the services provided by PACE. The owner has retained professional appraiser and estimator to provide the above required evaluation. FEMA 213 states that cost to bring the existing structures to current health and safety codes can be excluded from improvement cost estimations for purpose of 50% Substantial Improvement' determination. The City has requested that the 50% Substantial Improvement' determination be provided on an individual structure basis. This effort is in progress and PACE will compile and provide cover letter with appraisals and construction estimates to the City for review and documentation.

According to City of Laguna Beach building code non residential structures below BFE and exceeding the 50% substantial improvement threshold shall either be elevated above BFE or

- a) Be flood proofed together with attendant utility and sanitary facilities below the elevation recommended under sub section (C)(2) of section 25 38 050 so that the structure is waterlight with walls substantially impermeable to the passage of water
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and
- c) Be certified by a registered civil engineer or architect that the standards of sub sections (C)(2)(a) and (b) are satisfied Such certification shall be provided to the floodplain administrator

3) Proposed Buildings Below FEMA BFE - Flood Proofing General Guidelines

According to City Ordinance 25 38 050 Standards of Construction. In all areas of special flood hazards the following standards are required for non-residential structures.

- a) Anchoring All new construction and substantial improvements of structures including manufactured homes shall be adequately anchored to prevent flotation collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy
- b) Construction Materials and Methods All new construction and substantial improvements of structures including manufactured homes shall be constructed
 - 1 With flood resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation
 - 2 Using methods and practices that minimize flood damage
 - 3 With electrical heating ventilation plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions
- c) For non residential structures shall either be elevated or
 - 1 Be flood proofed together with attendant utility and sanitary facilities below the elevation recommended under subsection (C)(1) of section 25 38 050 so that the structure is watertight with walls substantially impermeable to the passage of water
 - 2 Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and



- 3 Be certified by a registered civil engineer or architect that the standards of subsections (C)(2)(a) and (b) are satisfied Such certification shall be provided to the floodplain administrator
- d) Flood Openings All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles building access or storage and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the City minimum criteria.

Typical Dry Flood Proofing Methods

- a) Applying a waterproof coating or membrane to the exterior walls of the building
- b) Installing watertight shields over doors windows and other openings
- c) Anchoring the building as necessary so that it can resist floatation
- d) Installing backflow valves in sanitary and storm sewer lines
- e) Raising utility system components machinery and other pieces of equipment above the flood level
- f) Anchoring fuel tanks and other storage tanks to prevent flotation
- g) Installing a sump pump and foundation drain system
- h) Strengthening walls so that they can withstand the pressures of flood waters and the impacts of flood borne debns
- Construct non supporting break a way walls designed to collapse under the force of water without causing damage to the house or its foundation

NOTE The project architect and structural engineer will be responsible for analysis and design of flood proof structure. They will provide flood proofing design calculations and materials to the City with structure renovation plans. Upon completion of the renovation construction for each structure the project architect shall issue a letter certifying that the flood proofing improvements on the approved plans have been installed per manufacturer's recommendation and code. This information shall be provided to the City.

4) Proposed Buildings Above FEMA BFE – LOMR / LOMR F

Where the proposed building will be elevated above the BFE PACE is coordinating this effort with the project architect. PACE will prepare Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision based on Fill (LOMR F) within a Special Flood Hazard Area (SFHA) and submit to the City/FEMA. This LOMR F will remove the structure(s) from FEMA floodplain hazard.

Minimum data required

- a) Property information
 - 1 Copy of the subdivision Plat Map (with recordation data of the recorder's office) or
 - 2 Copy of Property Deed (with recordation data of the recorder's office) accompanied by a tax assessor map
- b) Flood Insurance Rate Map Information
- c) Grading and drainage plan prepared by a registered land surveyor or professional civil engineer
- d) Proposed finish floor and lowest adjacent grade elevations
- e) Elevation Certificate to support the CLOMR F application (MT 1 form)



- f) Endangered Species Act (ESA) Requirements
- g) FEMA application and processing Fee \$500 for single lot/structure and \$800 for Multiple lot/structure

GENERAL NOTES AND DEFINITIONS

- As identified in Exhibit 2, there are several existing structures which will be eliminated in the proposed plan. From a floodplain perspective, this demolition can occur at any time, as there is no restriction regarding potential impacts to the floodplain.
- 2 In the FEMA HEC RAS model as shown on Exhibit 2 there are ineffective flow markers at each model cross section. The area on the creek side of the ineffective flow markers should not be used for storage of large / bulky construction materials (nothing larger than 5 x 5 x 10). If absolutely necessary, this area can be used for temporary construction storage, but the stored material will need to be moved if a rainfall event of more than 0.75 is forecasted.
- In regards to proposed new structures or existing structures that are to be elevated above the FEMA BFE in some instances this could cause an increase in BFE. However in this case the FEMA HEC RAS model has all of the structures (existing and proposed) in the ineffective flow area of the floodplain. Therefore by definition none of the proposed changes in the plan will result in an increase in BFE.
- 4 What is substantial improvement?

Substantial improvement as defined in 44 Code of Federal Regulations 59.] Means any reconstruction rehabilitation addition or other improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term substantial improvement does not however include either

- a Any project for improvement of a structure to correct existing violations or state or local health sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions
- b Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure
- 5 In terms of NFIP regulations if a structure is determined to be a substantial improvement. What must happen to that structure?

A substantially improved structure must be bought into compliance with NFIP regulations and other requirements in the local ordinance for new construction, that is, the structure must be elevated (or flood proofed if it is a non residential structure) to or above the level of the 100 year or base flood and meet other applicable requirements.

6 What types of structures do the substantial improvement requirements apply to?

The substantial improvement requirements apply to two different types of structures

- All existing (or pre FIRM) structures. These structures were already present at the time a community adopted a floodplain management ordinance and a Flood insurance. Rate Map (FIRM) allowing it to enter the Regular Phase of the NFIP. Many existing structures do not meet Program building requirements but are grandfathered into the program.
- 2) New construction (post FIRM structures) in communities that have undergone map revisions resulting in areas with more restrictive zone designations (e.g. A Zone to V Zone) or increased BFEs. Substantially improved post. FIRM structures located in areas affected by map revisions must be brought into compliance with regulations applicable for the zone designations and BFEs which became effective after the structure was built.



When a structure is completely destroyed and a new structure is to be built on the old foundation or slab is that structure considered a substantial improvement or new construction?

It is considered a substantial improvement and termed a reconstruction since the old foundation has a residual value. However, it really does not matter whether it is referred to as new construction or a substantial improvement because in either case the structure will have to be elevated (or flood proofed if non residential) to or above the elevation of the base flood, and meet other applicable program requirements.

To: Erin Prahler, CCC From: Mark Fudge

Re: Floodplain/FEMA issues at The Ranch (Appeal No. A-5-LGB-14-034)

Date: December 7, 2014

Dear Erin,

Herewith are my conclusions about the Floodplain Management inconsistencies in regards to the project at The Ranch at Laguna Beach. I have carefully studied the Laguna Beach Municipal Code (LBMC) and all relevant materials submitted by the applicant including engineering reports and plans. I have hired an independent engineer to review the materials supplied by the applicant as well as historical data. His findings are included in my submittal today.

The property at hand lies in the floor of a canyon/watershed with a mapped blue-line stream going through it. The area has been flooded many times and this property may be categorized as a "repetitive-loss property" or SRL (Severe Repetitive Loss) and eligible for a mitigation grant program. This is for someone more experienced in FEMA regulations to determine. However, what is clear to the layman is that the public and the city, as well as natural resources, have been put in harm's way and the remodel of this project is an opportunity to make changes that will assure more protection in the future.

I feel the floodplain administrator failed to properly execute Chapter 25.38 of the LBMC by ignoring the proper procedures to determine "substantial improvement" (SI). When a building is found to have had SI, it is subject to more strict standards of flood protection. It is considered to be "new construction" and must comply with current regulations. This will curtail costs for repairs in the future and will greatly reduce future claims on insurance policies. The floodplain administrator failed to use proper procedures for determining SI in the following ways:

- He did not follow the procedure laid out in LBMC 25.38.020 for determining "market value":
 - By allowing the Dowd appraisal for market value of the structure to be used without clarification of why the appraiser used different figures instead of industry charts to determine costs of construction (required by 25.38.020). The appraiser used figures for homes (not apartments as the subject) in a different city (Newport Beach) as a baseline for value. The floodplain administrator accepted these figures even though there was no explanation of why the appraiser used figures different than the ones required by the code (building cost estimating guide recognized by the building construction industry). The cost estimates provided by builders (a high end custom builder and the project builder) do not reflect industry standards for building apartments which would have been evident if compared to national estimate charts with regional adjustments. Also, the Dowd depreciation figures do not concur with the descriptions of actual condition of the property needing major upgrades.
- He did not properly calculate 'substantial improvement':
 - By using an elevated market value coupled with bargain basement prices for the work done, the finding of "substantial improvement" could never be made. In reality, over 80% of the buildings were removed, remodeled and replaced. The FEMA

substantial damage estimator should have been used (and was used by my engineer in his calculations and is included in my submission) thereby eliminating a margin of error. Interestingly, because of the scope of work that has been done, it really doesn't matter what the market value is estimated to be because so much of the buildings were removed and remodeled. The market values are generally used by FEMA to ascertain SI when the work being done is closer to 50% (or less) of the structure physically being improved. In this case approximately 80% of the structure was improved. These buildings were taken down to the sticks. Substantial Improvement is a given.

- By allowing deductions for code violations in the calculations of "substantial improvement" FEMA section 8 clearly spells out that these expenses can only be left out of the calculations if there are current violations. The RPR (attached) for this property says there are no active code violations. The costs for making these upgrades must be included in the cost to remodel the buildings.
- He allowed building permits to be issued prior to LOMRs (Letter of Map Revision) being received in direct opposition to LBMC 25.38.041(2)(b) "...All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition. LBMC 25.38.020 Start of Construction ..."For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building." Buildings A-1, A-2, B-6, B-7,G-2 and B-8 all had LOMRs issued on March 20, 2014 about 2 months after building permits were issued.

I also feel the Floodplain Management code (Chapter 25.38) itself is deficient. In September of 2009, Ordinance No. 1505 was passed by the Laguna Beach City Council but was never certified by the CCC. It was submitted for certification at the April 13, 2012 CCC meeting in Ventura (LCPA 1-11) but was withdrawn to allow additional time for City staff and Commission staff to work together to narrow areas of difference with the goal of developing mutually acceptable modification language. Ordinance No. 1505 completely replaced the previous chapter in the LBMC 25.38 Flood Damage Prevention with the new Chapter 25.38 Floodplain Management. It was expected to be resubmitted in the next few months however was not resubmitted until June 2013 (LCPA 1-13-A).

In February of 2013 the city of Laguna Beach passed an amendment to Ordinance No. 1505 - titled Ordinance No. 1576. Simply stated, this ordinance changed two things in the 2009 Ordinance: it added "sea-level rise" to several sections and it also added various requirements for businesses to create flood plans and use floodgates, etc. When the Coastal Commission reviewed the ordinance changes in 2013, the CCC staff report spelled out these few minor changes, but did not clearly convey (in my opinion) that this was a major re-write of an entire chapter of the LBMC.

Most importantly, the CCC staff report states that the ordinance changes include the verbiage that requires the lowest floor elevated to **2 feet above BFEs** (boldface in the staff report) for "all new construction or substantial improvements of residential structures shall have the lowest

floor, including basement...elevated to or above the base flood elevation." This "2 feet above" is a reference to what is known as "Freeboard" in the California Model Floodplain Ordinance (Department of Water Resources)(attached). "Freeboard - to elevate at least 2 feet above the minimum required base flood elevation". It is not a requirement but is instead a higher standard that is recommended by the State. Community adoption of higher standards can be applied towards credit under the Community Rating System (CRS) program and result in reduced premiums for all flood insurance policy holders within the entire community. I find it unlikely that a city would not adopt this higher standard in light of the fact that its inclusion could save policy holders in the community up to 60% on their premiums.

In two places in the CCC staff report it states that the new ordinance includes a required increase in the allowable lowest floor elevation level (page 5 and page 11 of the May 30, 2013 staff report - June 2013 meeting - LGB-MAJ-1-13A): "The proposed ordinance would increase that to be at or above two feet above the base flood elevation". However, the ordinance as passed does not have that requirement. Something is wrong.

On the last page of the CCC staff report it states "...if development were proposed along Aliso Creek in the South Laguna area, consideration would be given to avoidance of flood hazard rather than allowing new development within the floodplain." However that consideration was not evident in the recommendations of the city staff or the Planning Commission approval of the project.

The Grove/Scout Camp/Maintenance yard

The 2-acre parcel known as the "Scout Camp" or "Thurston Grove" or "Eucalyptus Grove" was a relatively recent addition to the holdings of the golf course portfolio. Up until 2007 the parcel was owned - and ignored - by the YMCA. Despite deed restrictions limiting the use of the parcel to "provide camping for the youth of Laguna Beach", the prior golf course owners used this land as their own, to illegally run a maintenance yard.

The new development that has recently occurred on the 2-acre parcel of land, known in part as the "Scout Camp" was never reviewed for floodplain compliance. In addition to the placement of a 7,000 square foot concrete dance-floor, there have been new accessory structures placed in the floodplain (chemicals, equipment, storage sheds, etc.) and a remodel done to a building (that is actually on the golf course property - not the smaller 2 acre parcel) that appears to be in close proximity to Aliso Creek. Since I have not been allowed access to the building, I am speculating the uses to be restrooms and food prep areas for the special events done in the area. LBMC Chapter 25.38 requires compliance for this new development in a floodplain. No floor elevations or plans have been provided for review. What protections have been provided?

The applicant and the city have repeatedly denied the need for permits - and in the city's case the denial of knowledge that the work was being done at all - on that portion of the property. The city staff report for the Planning Commission meeting of 5/14/14 made no mention of any work being done other than the hotel and lodge renovations. I spoke at that meeting with concerns of tree-trimming in the historic grove. Mr. Christy, the applicant, addressed the topic of trees being trimmed but neglected to discuss the reason for the "clean-up" (which was to create an area for an outdoor event venue and improved maintenance yard). However, just days after that meeting, there were several media articles about the new venue. One described how the fire chief had "requested" a fire hydrant be placed out there ("New Era Unfolding in Aliso Canyon -

Laguna Beach Independent May 23, 2014)(attached) so it begs the question - if the city knew nothing of the development, how could the fire chief have known to request a hydrant? Is the golf cart path sufficient for passage of emergency vehicles?

These major improvements have been made in a mapped Water Quality Environmentally Sensitive Area. Has a Water Quality Management Plan (WQMP) been created as required by Title 16 of the LBMC? This project appears to qualify as a "Priority development project (PDP)" subject to state permits as well. Is this canyon a "floodway"? Have mud, mudflow and erosion factors been taken into account? What about pollution issues related to the creek?

Due to the de novo review of this project by the CCC, I ask that you carefully review my materials and facts and take them into account when deciding the conditions for this permit. I am available if you have any questions.

Thank you,

Mark Fudge P.O. Box 130 Laguna Beach, CA 92652-0130 949-481-1100

cc: Dr. Charles Lester, CCC Sherilyn Sarb, CCC Karl Schwing, CCC Liliana Roman, CCC Chuck Posner, CCC Andrew Willis, CCC Lisa Haage, CCC Alex Helperin, CCC Matt Christen, CCC

attachments:

Hydraulic Review Report (WRECO)
Real Property Report (RPR)
CA Model Floodplain Management Ordinance (Department of Water Resources)
"New Era Unfolding at The Ranch" (Andrea Adelson, Laguna Beach Independent, May 23, 2014)

The Ranch, Laguna Beach Golf & Bungalow Village LLC, aka: The Ranch Improvements Project City of Laguna Beach, California

Hydraulic Review/Substantial Improvement Study



Source: Aliso Creek Redevelopment Plan - 2007

Prepared for:



Prepared by:



The Ranch, Laguna Beach Golf & Bungalow Village LLC, aka: The Ranch Improvements Project City of Laguna Beach, California

Hydraulic Review/Substantial Improvement Study

Appeal No. A-5-LGB-14-034 (Laguna Beach Golf and Bungalow Village, LLC, Laguna Beach)

Submitted to:

California Coastal Commission 200 Oceangate Suite 1000 Long Beach CA 90802

This report has been prepared by or under the supervision of the following Registered Engineer. The Registered Civil Engineer attests to the technical information contained herein and has judged the qualifications of any technical specialists providing engineering data upon which recommendations, conclusions, and decisions are based.

Chris Sewell, P.E.		
Registered Civil Engineer	r	
Date		

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Executive Summary

The purpose of this report is to document the review of available information regarding Aliso Creek and The Ranch Improvements Project (Project) in relation to local, state, or federal floodplain development regulations. The development is currently under review by the California Coastal Commission (CCC). The Ranch project occupies approximately 14.9 acres near the downstream confluence of Aliso Creek with the Pacific Ocean in the City of Laguna Beach (City). The Project involves remodel of 13 existing hotel/residential structures and construction of 3 new hotel structures, all located on the north side of the Aliso Creek channel.

Aliso Creek is a 19-mile long blue-line stream that reaches from the Santa Ana Mountains to the Pacific Ocean. From the Santa Ana Mountains, Aliso Creek flows southwest through primarily urbanized areas and collects flow from seven main tributaries. About 3.5 miles upstream of the project site, the creek passes through the Aliso and Wood Canyons Wilderness Park and then through The Ranch at Laguna Beach golf course and project site.

The findings of the investigation are listed below.

- The project site has a history of flooding, including events in the years 1969, 1992, 1998, and 2010. The floodwaters from the events suggest that Federal Emergency Management Agency (FEMA) modeling underestimates the base floodplain elevations (BFEs) throughout the Project site.
- Of the thirteen buildings evaluated, all have cumulative improvements that exceed FEMA's "Substantial Improvement" Criteria.
- Per current City of Laguna Beach Municipal Code (LBMC 25.38) found on the City's website, Projects with "Substantial improvements" to residential structures require the improved structures have the lowest finished floor to be elevated to or above the base flood elevation.
- Per the CCC apparent approved LCP Amendment Request No. 1-13-A, the
 Project is subject to the requirement that the lowest floor elevation be elevated to
 be at or above two feet above the Base Flood Elevation adjusted for future sea
 level rise.
- Eight of the thirteen of the buildings being improved in the Project have finished floor elevations below the effective FEMA 100-year base floodplain based on the attached calculations.
- Development in the City of Laguna Beach within the Coastal Zone is subject to the Local Coastal Program (LCP) which is certified by the California Coastal Commission (CCC).
- All thirteen of the buildings improved as part of the project, and all three of the new buildings appear to have at least partial finished floor elevations below the BFE plus two feet.

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- The projected sea level rise for the year 2100 at the mouth of Aliso Creek has a range from a minimum of 17.4 inches to a max of 65.55 inches per the City of Laguna Beach's Local Coastal Program Chapter 25.38 definitions.
- The projected sea level rise may have an impact on the BFE's at the project site.

Based on the reviewed reference material, the project site is subject to significant flooding at a periodic interval that doesn't statistically correspond to the information published in the FEMA flood study.

Preliminary evaluations of the hydrology at the project site indicate that the 1999 FEMA FIS published design flows for Aliso Creek are significantly underestimated, and a detailed investigation into current condition hydrology is warranted.

The Project's Floodplain Evaluation & FEMA Coordination Summary was prepared by PACE Advanced Civil Engineering Inc dated August 6th, 2014. The report includes an analysis of the lowest adjacent grade elevations at each building relative to the FEMA BFE. WRECO developed independent estimates of FEMA's BFEs using linear interpolation of the BFEs shown on the FIRM per FEMA methodology. Finished floor elevations were taken from the TOAL Engineering Inc. project survey information dated September 20th, 2013, and the project construction plans dated February 3rd, 2014. (Note: reference to BFE's found in tables throughout this report refer to WRECO's estimate)

Based on comparison of WRECO's estimated BFEs and the survey and construction plan information, buildings A-2, A-3, B-1, B-2, B-3, B-6, B-7, and B-8 are residential and have finished floor elevations below the BFE.

According to FEMA a Project is a substantial improvement if the cost of the improvement project is greater than or equal to 50% of the market value of the building(s). Using the FEMA Substantial Damage Estimator, coupled with input provided by the project appraisal documents and the Appellant regarding the building improvements, it was determined that the proposed improvements to each of the existing buildings are classified as "Substantial". Table 1 below summarizes the estimated dollar amount of improvements proposed for each building.

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Table 1. Summary of Substantial Improvement Analysis

Building ID	Market Value (1)	Improvement Cost (1)	Improvement % of Value	Substantial Improvement	Below BFE	Below BFE + 2ft
A-1	\$555,743	\$785,668	141%	Yes	No	Yes
A-2	\$555,743	\$743,125	134%	Yes	Yes	Yes
A-3	\$738,682	\$1,044,294	141%	Yes	Yes	Yes
B-1	\$131,907	\$176,383	134%	Yes	Yes	Yes
B-2	\$131,907	\$176,383	134%	Yes	Yes	Yes
B-3	\$262,743	\$351,333	134%	Yes	Yes	Yes
B-4	\$262,743	\$351,333	134%	Yes	No	Yes
B-5	\$262,743	\$351,333	134%	Yes	No	Yes
B-6	\$262,743	\$351,333	134%	Yes	Yes	Yes
B-7	\$262,743	\$351,333	134%	Yes	Yes	Yes
B-8	\$262,743	\$351,333	134%	Yes	Yes	Yes
B-9	\$262,743	\$351,333	134%	Yes	No	Yes
C-1	\$596,057	\$797,032	134%	Yes	No	Yes

⁽¹⁾ Source: FEMA Substantial Damage Estimator with input from Project appraisals and appellant

Building's A-1, B-4, B-5, B-9 and C-1 have finished floor elevations above the estimated BFE by amounts ranging from 0.12 to 0.20 feet (1.5-2.5 inches). The apparently approved LCP Amendment Request No. 1-13-A requires finished floor elevations of new and substantially improved residential structures to be elevated to be at or above 2 feet above the BFE. All 13 of improved buildings as well as the three new structures in The Ranch Project as currently proposed do not meet this more stringent criteria.

Acronyms

BFE Base Flood Elevation

CCC California Coastal Commission
DWR Department of Water Resources

FEMA Federal Emergency Management Agency

FIRM Flood Insurance Rate Map FIS Flood Insurance Study

LBMC Laguna Beach Municipal Code

LCP Local Coastal Program
LUE Land Use Element

NFIP National Flood Insurance Program

NOAA National Oceanic and Atmospheric Administration

SFHA Special Flood Hazard Area SDE Substantial Damage Estimator

USACE United States Army Corps Engineers

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1 INTRODUCTION

The Ranch at Laguna Beach consists of approximately 85 acres that were originally developed in 1950 by Bill Bryant as the "Laguna Beach Country Club" with a public nine hole golf course. The club and acreage were sold in 1956 and in 1962 the new owner, Ben Brown, constructed a personal home and an apartment complex adjacent to the golf course. Shortly afterwards he converted the apartments into an inn known as the "Aliso Creek Inn". In the early 2000s the Athens Group purchased the property along with additional acreage that they sought to redevelop as a high-end conference center/residential/resort complex. The redevelopment encountered fierce opposition, California Coastal Commission intervention and eventually the developers' abandonment of the project. In June of 2013, Laguna Beach Golf & Bungalow Village, LLC (current owner) purchased the golf course and inn and started remodeling of the inn in January 2014. The project was broken into several "phases" and the second of those phases (the remodeling of the lodge, etc.) is currently under appeal and awaiting a de novo hearing by the Coastal Commission.

The Aliso Creek Inn and Cottages occupies 14.9 acres in the south central portion of the site, adjacent to the Aliso Creek channel in the City of Laguna Beach, California. WRECO is an engineering consulting firm that has been contracted by the Appellant as an independent, non-partisan third party to evaluate the Project against floodplain characteristics and federal, State, and local regulations.

1.1 Project Description

The Aliso Creek Inn and associated golf course are located on the floor of Aliso Canyon, on acreage traversed by Aliso Creek, a blue-line stream. They have been inundated by the floodwaters of Aliso Creek many times since their construction. According to the "Aliso Creek Area Redevelopment Plan" (report by the City of Laguna Beach Dated 2007): "Flood episodes have become more disastrous in their impacts on the building, bridges, and golf course as the approximately 30-square-mile watershed has become increasingly urbanized and has generated more runoff during peak storm events".

The Aliso Creek Inn and Cottages refers to the historic naming of the project property. The remodels currently under way are referred to as The Ranch Improvements Project (Project) and include the remodel of 13 buildings and construction of 3 new buildings.

1.2 Purpose

The purpose of this report is to document the examination of available information regarding the Project in relation to local, state, or federal floodplain development regulations.

2 REGULATORY SETTING

2.1 Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) is the nationwide administrator of the National Flood Insurance Program (NFIP), which is a program that was established by the National Flood Insurance Act of 1968 to protect lives and property, and to reduce the financial burden of providing disaster assistance. Under the NFIP, FEMA has the lead responsibility for flood hazard assessment and mitigation, and it offers federally backed flood insurance to homeowners, renters, and business owners in communities that choose to participate in the program. FEMA has adopted the 100-year floodplain as the base flood standard for the NFIP. FEMA is also concerned with construction that would be within a 500-year floodplain for proposed project that are considered "critical actions," which is defined as any activity where even a slight chance of flooding is too great. FEMA issues the Flood Insurance Rate Maps (FIRMs) for communities that participate in the NFIP. These FIRMs present delineations of flood hazard zones.

In California, nearly all of the State's flood-prone communities participate in the NFIP, which is locally administered by the California Department of Water Resources' (DWR) Division of Flood Management. Under California's NFIP, communities have a mutual agreement with the State and Federal government to regulate floodplain development according to certain criteria and standards, which is further detailed in the NFIP. Typically, each county (or community) has a Flood Insurance Study (FIS), which is used to locally develop FIRMs and Base Flood Elevations (BFEs).

The Orange County and the City of Laguna Beach participate in the NFIP. Portions of this Project are located within the FEMA 100-year floodplain Zone AE as indicated in the Section 4.2 below.

According to FEMA, a Project is defined as a "substantial improvement" if the cost of the improvement project is greater than or equal to 50% of the market value of the building(s). If the Project is found to be a substantial improvement, it is required that the existing structure be elevated and/or the basement filled to be above the BFE.

2.2 California Coastal Commission

The California Coastal Management Program (CCMP), approved by the National Oceanic and Atmospheric Administration (NOAA) in 1978, is administered by three State agencies:

- The California Coastal Commission (CCC) manages development along the California coast except San Francisco Bay
- The Conservation and Development Commission oversees development in defined areas surrounding San Francisco Bay
- The California Coastal Conservancy purchases, protects, restores, and enhances coastal resources and provides access to the shore.

The coastal zone regulated by the CCC extends from a boundary three miles seaward of the coastline to an inland boundary that varies in width. In urban areas, the boundary may

be only several hundred feet. In more rural areas it can extend several miles inland. At the project site, the zone regulated by the CCC extends inland past the City of Laguna Niguel border.

Cities participate in the CCMP by developing a Local Coastal Program (LCP). The City of Laguna Beach's LCP was certified by the CCC on January 13, 1993. The LCP consists of several documents, including the City's zoning code (Title 25) and the Land Use Element (LUE) of the General Plan. Any changes to documents included in the LCP require approval and certification by the CCC. Key elements applicable to the Aliso Creek Inn and Cottages Project include:

- Zoning code including:
 - o Sea-level rise
 - o Floodplain management
- Hillside Development

The City's LCP was apparently most recently approved in Major Amendment Request No. 1-13-A (Flood) (LGB-MAJ-1-13A) to the City of Laguna Beach Certified Local Coastal Program, dated May 30, 2013. The description in this document indicates that the amendments are to reflect updates required by FEMA and DWR, and to address sea level rise. This amendment was approved as submitted in June of 2013, and is discussed in Section 2.3.

2.3 City of Laguna Beach – Local Coastal Program

The City's Municipal Code Title 25 Zoning, Chapter 25.38 Floodplain Management applies to all special flood hazard areas (SFHAs), as defined by FEMA, within the City's jurisdiction. SFHAs include the FIRM/FIS delineations, supplemented by any studies for other areas that are recommended to the Laguna Beach City Council by the Floodplain Administrator." The requirements set forth in this chapter as found currently on the City's website pertaining to the site include:

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement: In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.

Until a regulatory floodway is adopted, no new construction, substantial development or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Laguna Beach.

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that has accrued since the structure was constructed.

- (1) The cost of replacement of the structure shall be based on a square-foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
- (2) The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"Sea level rise" means a change in the mean level of the ocean. Accepted sea level rise scenarios shall be based on best available science. As a starting reference point, the current best available science is the 2012 National Academy of Science Report, Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future. This report provides regional projections of sea level rise that includes a vertical land motion component, including the Laguna Beach area, from 5.0 inches up to 23.94 inches from 2000 to 2050 and from 17.4 inches up to 65.55 inches (5.46 feet) from 2000 to 2100.

Full reference for the NAS Report – National Academy of Sciences. 2012. Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future, National Academies Press, Washington, DC: http://dels.nas.edu/Report/Level-Rise-Coasts/13389.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- 25.56.009 Modification of Existing Nonconforming Structure. If fifty percent or more of a nonconforming portion of the structure is substantially removed or modified, that portion must be rebuilt in conformance with zoning regulations....
- 25.53.002if additions or alterations exceed fifty percent of existing population additions or alterations exceed fifty percent of the existing population density or intensity of use these standards shall apply as if the construction were on vacant property.

In 1988, the City of Laguna Beach adopted a Flood Damage Prevention Ordinance. The most recent major update to the Flood Damage Prevention Ordinance was Ordinance No. 1576, which replaced Chapter 25.38 *Flood Damage Protection* of the Municipal Code with Chapter 25.38 *Floodplain Management*. The CCC apparently certified the amendment in 2013.

This Major Amendment Request (CCC No. 1-13-A (Flood) (LGB-MAJ-1-13A)), lists the following key updates:

- 1) Addition of a definition for "sea level rise";
- 2) Recognition of future sea level rise impacts in Section 25.38.011 *Findings of Fact* as one of the bases of the need for these flood regulations;
- 3) Recognition that location (siting) of development can affect flood hazard;
- 4) Requiring that "base flood elevation" (BFE) calculations be modified to reflect future sea level rise;
- 5) Requirement for the following additional information to be submitted with floodplain building permit applications:
 - a. expected life of structure, and,
 - b. base flood elevation information modified to reflect future sea level rise;
- 6) Requirement that the lowest allowable floor elevation must be elevated to or above two feet above base flood elevation *as modified for future sea level rise* in Coastal High Hazard areas (V zones);
- 7) Prohibition on the use of fill to support roads in Coastal High Hazard areas.

In addition, the LCP Amendment indicates that all new construction or substantial improvements are required to have the lowest floor, including basement to be at or above two feet above the BFE in the following passage:

Also, the proposed flood ordinance will increase the lowest floor elevation requirement. The currently certified flood ordinance requires that all new construction or substantial improvements of residential structures, including manufactured homes, are required to have the lowest floor, including basement, to be elevated to or above the base flood elevation. The proposed ordinance would increase that to be at or **above two feet** above the base flood elevation. And in Coastal High Hazard areas (V zones), the lowest floor elevation would be required to be elevated to or above two feet above the base flood elevation as modified for future sea level rise. These changes are found in Section 25.38.050.C and in Section 25.38.053.1.B.1.

As proposed, expected sea level rise figures will be based on best available science. As a starting reference point, the ordinance proposes the current best available sea level rise science to be the 2012 National Academy of Science Report, Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future.1 For Laguna Beach, the NAS report predicts sea level rise from 5.0 to 23.94 inches from 2000 to 2050 and from 17.4 to 65.55 inches from 2000 to 2100.

The LCP Major amendment was apparently approved by the California Coastal Commission on June, 2013.

2.4 Watershed Description

Orange County is located southeast of Los Angeles County, within the south coastal basin of southern California. The topography of the county includes gently sloping alluvial fan of the Santa Ana river, rolling hills along the southern coast, and plateaus, foothills, and mountains in the east. Surface drainage features in Orange County vary widely, reflecting variations in rainfall, topography, watershed conditions and manmade improvements.

Aliso Creek is a 19-mile urban stream that reaches from the Santa Ana Mountains to the Pacific Ocean. Aliso Creek flows southwest and drains seven main tributaries. The Aliso Creek watershed encompasses 34.87 square miles and Aliso Creek is the main tributary into the watershed. Aliso Creek at the Project site is approximately 1,500 ft from the Pacific Ocean. According to the land use map, the majority of the Aliso Creek watershed is used for residential and public land use.

Significant development within the Aliso Creek Watershed started in around the year 1960 and proceeded to the early 1990s which has included large tracts of residential development.

2.5 Flood History

According to the City of Laguna Beach Land Use Element Report dated February 7, 2012:

"The average rainfall in Laguna Beach is 12 to 13 inches per year but can be over 30 inches in extreme years. Over 90 percent of the rainfall occurs between late October and early April. The distribution of rainfall can be extremely irregular, with torrential downpours in one area while another receives only light showers."

During the 1920's and 1930's, southern California was impacted by numerous floods. In response, the Orange County Flood Control Act of 1927 was enacted, prompting the construction of many dams and reservoirs. Starting in 1960's, most Orange County rivers including Aliso Creek were channelized. Over the years, the increased amount of urban development has increased the amount of impervious area, causing increased runoff into Aliso Creek.

The Aliso Creek Watershed endured damaging floods in 1916, 1927, 1937, 1969, 1992, 1995, 1997, 1998 and 2010. The earlier storms (1916-1937) caused considerable damage to the bridges spanning Aliso Creek. Most notably, the 1937 flood destroyed the bridge crossing at El Toro Road and several other drop structures and channel improvements.

During the 1992 flood, the Aliso Creek Inn endured considerable damage, as 47 rooms were damaged and the access bridge to the South Coast Water District Coastal Treatment Facility was washed out. A temporary bridge was flown in to avoid a major spill of untreated sewage into Aliso Creek. The 1995 flood resulted in up to 4 feet of sediment being deposited in the Aliso Creek Inn and golf course. In the winter of 1997-1998, a series of El Nino-driven storm events occurred. Two of these storms impacted Aliso Creek Inn and the golf course causing several million dollars in damages.



Golf Course Flood Damage

Source: Orange County Watershed Management Plan – ACOE 2002

3 HYDROLOGIC AND HYDROLOGICAL ANALYSES

Preliminary evaluations of the design flows at the project site using the Generalized Extreme Value (GEV) distribution analyses of statistical data from two gaging stations located along Aliso Creek were used to estimate design flows. The results compare with the FIS design flows as indicated in the Table below.

Table 2 – Hydrologic Comparison

	1999 FIS Design Flow	Average of weighted GEV estimated flows
Recurrence Interval	(CFS)	(CFS)
Q10	4,270	4,563
Q50	7,130	9,703
Q100	8,480	13,178
Q500	11,480	26,329

The gage data and statistical calculations are included in Appendix A Discrepancies in the flows indicate that the 1999 FIS published design flows may not be representative of the current conditions. FEMA studies typically look into Clearwater flow, not sediment laden flow. Based on the reported depth of sediment accumulation, the flood elevation and flood related damages tend to go higher.

3.1 Federal Insurance Study

The FEMA FIS Number 06059CV001, Orange County California and Incorporated Areas, includes descriptions of the hydrologic and hydraulic analysis performed in support of the development of the FEMA FIRM. Information generally included in the FIS includes histories of flooding and channel improvements, hydrologic background data, hydrologic methods, hydrologic results, hydraulic methods, hydraulic inputs, and hydraulic results. The following sections describe the data that are included in the FIS relating to the Project site.

3.1.1 Hydrologic Analyses

According to the current FEMA FIS, detailed hydrologic analysis of portions of Aliso Creek were performed using the procedures found in the Orange County Hydrology Manual (Orange County Environmental Agency 1996) and Addendum No. 1 to the Orange County Hydrology Manual (Orange County Environmental Agency 1995). The original hydrologic analysis for the FIS was performed in 1993, but the current effective FIS includes hydrologic analysis that was updated in 2009. Specific design flows from this 2009 study are not included in the current FIS document.

3.1.2 Hydraulic Analyses

The hydraulic analysis for Aliso Creek was performed using the United States Army Corps Engineers (USACE) HEC-RAS standard- step backwater computer program. This program uses inputs of flow rates, channel geometry, and various hydraulic constants to calculate water surface elevations and velocities. The original hydraulic analysis for the FIS was performed in 1993, but the current effective FIS includes hydraulic analysis that was updated in 2009.

3.1.2.1 Input Parameters

Cross sections for most of the HEC-RAS models in the FIS were taken from topographic maps, while cross sections for bridges were taken from bridge plans whenever available. In areas where substantial changes caused by development not reflected in the existing topographic maps, aerial photos, improvement plans, and field reconnaissance were used to supplant the mapping.

Other input parameters for the models included the starting water surface elevation which was determined by normal depth calculations, through field investigations, or from previously studied streams. Roughness factors (Manning's "n") were chosen based on engineering judgment and were based on field observations of the streams and floodplain areas.

3.1.2.2 Results

The results of the hydraulic analysis are shown on the FIRM and in the FIS profile. The FIRM includes the outline of the 100-year floodplain and water surface elevations at one-foot elevation change intervals. The floodplain is discussed in Section 3.2 and the profile is included in Appendix B.

3.2 FEMA Floodplain

The Project is within FEMA Firm Panel 438 of 539, Orange County, California and Incorporated Areas, (06059C0438J) effective December 3, 2009. The FIRM shows that the Project site is located in Zone AE. Zone AE indicates an area that has a 1% probability of flooding every year (100-year or base flood). Properties in Zone AE are considered to be at high risk of flooding under the NFIP. Flood insurance is required for all properties in zone AE that have federally-backed mortgages. Construction in these areas must meet local floodplain zoning ordinance requirements, including evidence that principle structures are above the Base Flood Elevation (BFE). The FEMA FIRM at the site is shown in Figure 1. below.

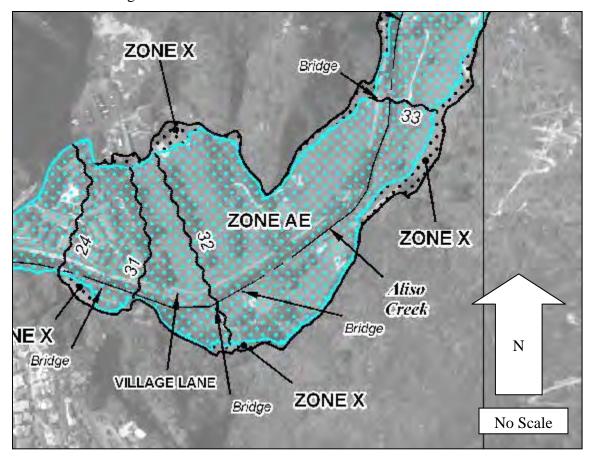


Figure 1. FEMA FIRM at Project Site

Source: FEMA

4 TECHNICAL REVIEW

4.1 Finished Floor Elevations

The Project's Floodplain Evaluation and FEMA Coordination Summary report was prepared by PACE. PACE used FEMA's hydrologic and hydraulic modeling per typical procedures.

BFEs for the two proposed structures (building D1 and H) were estimated by PACE using FEMA FIRM map No 06059C0438J and three recent FEMA Letter of Map Revisions (LOMA)s (Case No 14090534A, No 14091596A, and No. 14092151A).

The Pace study estimated that these two proposed structures have lowest adjacent grade elevation at or above the estimated BFEs and should not be considered as in the Special Flood Hazard Area (SFHA).

WRECO estimated the BFEs for all buildings in The Ranch development, including the three proposed buildings using linear interpolation of the BFEs shown on the FIRM. Figure 2. shows the locations from where the BFE were measured and the interpolation lines used. The full BFE calculations are included in Appendix C.

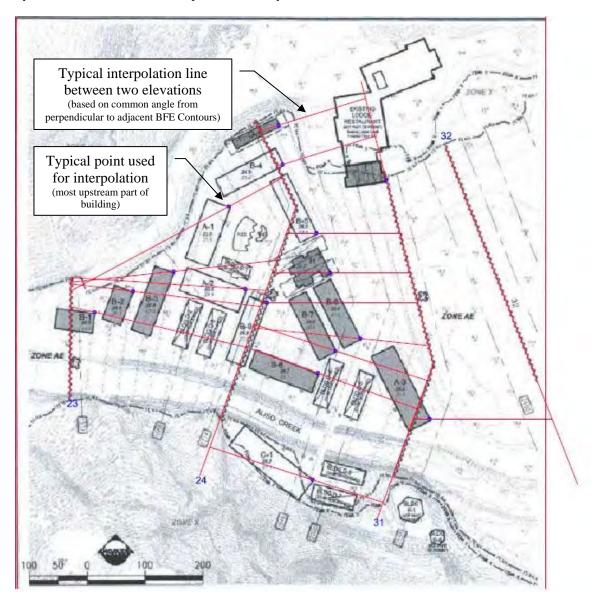


Figure 2. Location of BFE Measurements

Source: PACE Advanced Water Engineering

Table 3 compares the results calculated by WRECO with those calculated by PACE. The BFEs measured by WRECO were the same as or greater than those reported by PACE. The differences ranged from 0 ft to 2.2 ft.

Table 3. BFE Comparison

Building ID	PACE BFE (ft).	WRECO BFE (ft).	Difference (ft).
A-1	23.5	23.7	0.2
A-2	23.6	23.9	0.3
A-3	31.0	31.1	0.1
B-1	23.1	23.1	0
B-2	23.3	23.3	0
B-3	23.5	23.5	0
B-4	23.6	24.4	0.8
B-5	23.6	25.8	2.2
B-6	27.3	28.3	1.0
B-7	26.5	27.3	0.8
B-8	25.7	26.9	1.2
B-9	23.6	24.2	0.6
C-1	27.1	28.2	1.1
D-1	23.8	25.2	1.4
Н	25.7	26.9	1.2
L	31.0	31.0	0

As discussed in Section 2.1 FEMA considers a project to be a "substantial improvement" if the cost of the improvement project is greater than or equal to 50% of the market value of the building(s). Such buildings must be elevated and/or the basement filled to be above the BFE.

WRECO compared the PACE-reported BFEs and WRECO's measured BFEs to the projected finished floor elevations as determined from TOAL Engineering, Inc survey. After inspection several buildings have a lower finished floor than the BFE reported by PACE and (see Table 4). The following buildings have a floor elevation lower than the BFE and would need to be raised to meet FEMA regulations: A-2, A-3, B-1,B-2, B-3, B-6, B-7, and B-8.

Additionally, the CCC Draft Sea-Level Rise Policy Guideline instructs agencies to "use the best available science to determine locally relevant sea-level rise projections for all stages of planning, project design, and permitting reviews." The expected lifespan of the new and remodeled buildings is expected to be between 50 and 100 years. The latest National Research Council (NRC) projections for California indicated that the expected sea level rise will be between 4.68-65.76 inches.

Table 4. Buildings Finished Floor and BFE Comparison

Building ID	Classification	PACE Report Lowest Adjacent Grade (ft)	TOAL Engineering Finished Floor (ft)	Construction Plans Lowest Adjacent Grade (ft)	PACE Report BFE (ft)	Measured BFE (ft)	Measured BFE + 2ft
A-1	Residential	23.5	23.87	22.9	23.5	23.7	25.7
A-2	Residential	23.6	23.84	22.8	23.6	23.9	25.9
A-3	Residential	25.6	25.73	25	31	31.1	33.1
B-1	Residential	20.5	19.82	19.4	23.1	23.1	25.1
B-2	Residential	20.9	20.98	20.5	23.3	23.3	25.3
B-3	Residential	22.9	22.78	21.6	23.5	23.5	25.5
B-4	Residential	24.3	24.6	24.3	23.6	24.4	26.4
B-5	Residential	26	25.68	25.4	23.6	25.8	27.8
B-6	Residential	25.6	25.55*	24.5	27.3	28.3	30.3
B-7	Residential	24.5	24.27	23.8	26.5	27.3	29.3
B-8	Residential	24.7	24.68	23.5	25.7	26.9	28.9
B-9	Residential	24.6	24.38	23.1	23.6	24.2	26.2
C-1	Residential	28.2	28.32	28	27.1	28.2	30.2
D-1	New Building	24.1 (proposed)	25.0	23.4	23.8	25.2	27.2
Н	New Building	26.0 (proposed)	26.5	24	25.7	26.9	28.9
L	New Building	26.3 (proposed)	25.96	28.6	31.0	31.0	33.0

^{*}Value Retrieved from floor plans

Source: TOAL Engineering Inc.

Note: Shaded cells indicate lower finished floor than FEMA BFE. Elevations with an asterisk were obtained from grading plans instead of the construction plans.

Aliso Creek Inn Project City of Laguna Beach, California Draft Hydraulic Review Study Report

4.2 Substantial Improvement Analysis

According to FEMA a Project is a substantial improvement if the cost of the improvement project is greater than or equal to 50% of the market value of the building(s).

The Project's Real Estate Appraisal Report by Dowd Associates Appraisal Service was reviewed for this Substantial Improvements Analysis. Based on our review, it appears that the cost per square foot data used in the Appraisal Report was not based solely on a reference to a building cost estimating guide recognized by the building construction (per City Municipal Code 25.38.020).

As such, the cost per square foot and adjustment factor based on geographic location used in the FEMA Substantial Damage Estimator (SDE) were found by referencing the 2013 National Building Cost manual, which was published in August 2013.

Using the FEMA SDE, and entering the proposed improvements into the program, the cost of improvement was found for all buildings. Table 3 shows the amount of improvement for all buildings and if the improvement would be considered a substantial improvement. The full documentation of the SDE can be found in Appendix D.

For the SDE inputs, the finished floor was retrieved from the TOAL Engineering Inc. Survey. The NFIP information such as FIRM zone and panel number and the various other inputs were found using the FIRM specific to the Project site..

The improvements which were accounted for in our analysis were provided by the Appellant. It was reported that the buildings were reduced to the superstructure of the building and that this could be verified by photo documentation. This resulted in 100% cost for the roofing, exterior finish, interior finish, doors, windows, cabinets, countertops, flooring, plumbing, electrical, appliances, and HVAC system. The full SDE reports can be found in Appendix E.

Aliso Creek Inn Project City of Laguna Beach, California Draft Hydraulic Review Study Report

Table 5. Summary of Substantial Improvement Analysis

Building ID	Market Value (1)	Improvement Cost (1)	Improvement % of Value	Substantial Improvement	Below BFE	Below BFE + 2ft
A-1	\$555,743	\$785,668	141%	Yes	No	Yes
A-2	\$555,743	\$743,125	134%	Yes	Yes	Yes
A-3	\$738,682	\$1,044,294	141%	Yes	Yes	Yes
B-1	\$131,907	\$176,383	134%	Yes	Yes	Yes
B-2	\$131,907	\$176,383	134%	Yes	Yes	Yes
B-3	\$262,743	\$351,333	134%	Yes	Yes	Yes
B-4	\$262,743	\$351,333	134%	Yes	No	Yes
B-5	\$262,743	\$351,333	134%	Yes	No	Yes
B-6	\$262,743	\$351,333	134%	Yes	Yes	Yes
B-7	\$262,743	\$351,333	134%	Yes	Yes	Yes
B-8	\$262,743	\$351,333	134%	Yes	Yes	Yes
B-9	\$262,743	\$351,333	134%	Yes	No	Yes
C-1	\$596,057	\$797,032	134%	Yes	No	Yes

Aliso Creek Inn Project City of Laguna Beach, California Draft Hydraulic Review Study Report

5 CONCLUSION

Based on comparison of our estimated BFEs and the survey and construction plan information, buildings A-2, A-3, B-1, B-2, B-3, B-6, B-7, and B-8 have finished floor elevations below the BFE.

Building's A-1, B-4, B-5, B-9 and C-1 have finished floor elevations above the estimated BFE by amounts ranging from 0.12 to 0.20 feet (1.5-2.5 inches). The apparently approved LCP Amendment Request No. 1-13-A requires finished floor elevations of new and substantially improved residential structures to be elevated to be at or above 2 feet above the BFE. All 13 of improved buildings as well as the three new structures in The Ranch Project as currently proposed do not meet this more stringent criteria

A substantial improvement as defined in 44 Code of Federal Regulations 59 1 means "any reconstruction rehabilitation addition, or other improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction of the improvement." Buildings: A-1, A-2, A-3, B-1, B-2, B-3, B-4, B-5, B-6. B-7, B-8, B,-9, and C-1 were found to be having substantial improvements.

Aliso Creek Inn Project City of Laguna Beach, California Draft Hydraulic Review Study Report

6 REFERENCES

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Aliso Creek Inn Project City of Laguna Beach, California Draft Hydraulic Review Study Report

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December 2014 22



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California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

RE: Appeal # A-5-LGB-14-0034

To whom it concerns:

We are writing this letter to express our support of the ownership and team at The Ranch at Laguna Beach property, previously known as Aliso Creek Inn and Golf Course. For the past 4 years, Pacific Marine Mammal Center has benefitted from significant philanthropic support from the owners of this property, and they are widely known in the Laguna Beach community for their charitable nature.

The Ranch at Laguna Beach has been a great supporter of the environmental cause at PMMC and because of their support, we have been able to return hundreds of seal and sea lion patients back into the wild for a second chance at life. We have also been able to educate over 20,000 students as a direct result of their support.

Through their support and commitment to our cause, The Ranch at Laguna Beach has shown an impressive dedication to our environmental mission, and we plan to continue our partnership with this organization in the future.

Should you have any questions, please feel free to contact us directly at 949-494-3050.

Best regards,

Keith Matassa Executive Director Melissa Sciacca

Development Director

20612 LAGUNA CANYON ROAD · LAGUNA BEACH CA 92651 · 949.494.3050 · 949.494.2802 Fax

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South Coast Region

JUL - 9 2014

CALIFORNIA COASTAL COMMISSION

July 4, 2014

California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

RE:

Appeal # A-5-LGB-14-0034 The Ranch at Laguna Beach 31106 South Coast Highway Laguna Beach, CA 92651

Dear California Coastal Commission;

Growers First wishes to express its support for the renovation project at The Ranch at Laguna Beach and for its principal, Mark Christy. Mark is well known in Laguna Beach, and has a 30-year history of philanthropy and community involvement. He has shown tremendous support for local charities such as ours, as well as having demonstrated leadership and sponsorship for important historic projects, such as restoration of the Hobie Building and the Tuvalu Building. Mark's broad support includes The Ocean Institute in Dana Point, Pacific Marine Mammal Center, Laguna Art Museum, Laguna College of Art and Design, Boys & Girls Club, Laguna Plein Air Painters Associate, Laguna Live, Boys & Girls Club, Little League, and virtually all local non-profits and environmental groups.

Growers First has been part of the Laguna Beach community since its inception in 2000, and Mark Christy has provided support for our organization over the years. We focus on serving small plot farmers in remote regions of Central America, providing agricultural training and humanitarian projects. On multiple occasions, Mark has provided venues for our fundraisers at no charge, the most recent one at The Ranch, allowing our organization to raise over \$60,000 for humanitarian projects. This would not have been possible without the involvement and backing of Mark and his organization.

The property at The Ranch at Laguna Beach is not a new development, but a thoughtful and artistic restoration of an existing resort. As such, the plans honors the property's heritage, including the original Thurston Homesite and Camp Elizabeth Dolph outdoor venue. We are impressed that the golf course will convert to recycled water when water quality allows. The renovation will not only be beautiful but will decrease the original building's footprint, and there has been an impressive focus on preservation of native plants, and efforts to eradicate invasive non-native plant. There is a great deal of community support for this project and for Mark Christy.

Growers First enthusiastically urges the California Coastal Commission to approve the renovation project at The Ranch at Laguna Beach.

Edward Apffel Executive Director

P.O. BOX 4227 • Laugna Beach, CA 92652 • 949.551.1085 • www.growersfirst.org a 501(c)3 non-profit organization



July 7, 2014

South Coast Region
JUL 1 0 2014

California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416



RE:

Appeal # A-5-LGB-14-0034 The Ranch at Laguna Beach 31106 South Coast Highway Laguna Beach, CA 92651

Dear Members of the Commission:

As the President of the Ocean Institute, Dana Point California, I have had the privilege of knowing and working with Mr. Mark Christy for a number of years and have grown to respect his character and integrity.

The non-profit Ocean Institute serves over 100,000 students per year and in great part succeeds through the generosity and support of community leaders like Mr. Christy who step up and help when we need it.

As part of a network of non-profits serving Orange County, I am aware of how important Mr. Christy has been to the success of many other community charities and organization including: Pacific Marine Mammal Center, Boys & Girls Club and School Power.

Please take the time to review the quality and track record of Mr. Christy's existing projects, the efforts he makes to be a good neighbor and community leader. Orange County needs more individuals who care as much about improving their community as Mr. Christy.

Sincerely.

Dan Stetson

President and Chief Executive Officer



JUL 1 1 2014

July 7, 2014

CALIFORNIA COASTAL COMMISSION

California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

Re: Appeal #A-5-LGB-14-0034

To Whom It May Concern:

We are writing this letter to express our support of the ownership team at The Ranch at Laguna Beach ("The Ranch"). Since 1981, the Laguna Beach Education Foundation ("SchoolPower") has raised millions of dollars for Laguna Beach public schools. We have done so *only* with the support of philanthropic and community-minded individuals and businesses. There are very few who have consistently and generously supported Laguna Beach kids the way Mark Christy and his team have.

Already, The Ranch has stepped up to support several non-profits, including SchoolPower, by hosting events in the Spring of 2014. In connection with SchoolPower's recent June event, attendees expressed enthusiasm about the beautiful environment, the nature-friendly improvements, and the history being preserved and highlighted (like the homesite for the Thurston family, Laguna middle school's namesake).

SchoolPower's most important event, which plays a huge role in our fundraising for local education, will be held for the first time at The Ranch in April 2015. The Ranch's meeting rooms, outdoor areas and event venues will be a tremendous resource for local non-profits like SchoolPower.

The ownership of The Ranch has exhibited extraordinary dedication to the community. SchoolPower and other local non-profits benefit from their efforts.

If you have any questions during our reduced summer hours, please do not hesitate to call us directly at (949) 413-3301.

Sincerely,

Tom Motherway

President, SchoolPower

Robin Hayward Rounaghi

Executive Director



Executive Director
Stacey Enmeier

July 7, 2014

JUL 1 4 2014

Assistant Director
Sasha Mackey

California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

CALIFÓRNIA COASTAL COMMISSION

> Chairman / Founder Randali G. Larson

Re:

Appeal #A-5-LGB-14-0034

To Whom It May Concern:

Vice Chairman Maarten Voogd

We are writing this letter to express our support of the ownership team at The Ranch at Laguna Beach ("The Ranch").

Treasurer Raul Aldama

Since March 2010 when Glennwood Housing's conditional use permit was unanimously approved by the Planning Commission, Mark Christy has been an avid supporter of our project.

Glennwood Housing Foundation, Inc. (GHF) opened the doors in August 2013 to a 42-room adult residential facility in Laguna Beach that has become home for up to 50 young adults with developmental disabilities. Located on a 30,000 square foot site with views of the Pacific Ocean, this facility accommodates state-of-the-art ADA compliant living, dining, kitchen, recreational, and social spaces. Mark and his team helped Glennwood make their dream a reality!

Board Members
Tracy Bavasi
Cindy Beaman
Dr. Darrell Burnett
Richard Henrikson
Jill Scognamiglio

Glennwood Housing's most important event – our first year anniversary celebrating "Gratitude for Glennwood", will be held at The Ranch in October 11th, 2014, just prior to completion of the project. With its renovated grounds and event spaces, The Ranch is the perfect venue and will be a tremendous resource for other local non-profits like Glennwood! It is also a local venue for our sister project "Lighthouse" to host their Frisbee Golf event on a regular basis.

Restoration of the original "Ben Brown's" in terms of landscape, recreation, dining and accommodation will be extremely important to the City of Laguna Beach. The ownership of The Ranch has exhibited extraordinary dedication to the community while attempting to create a wonderful destination for visitors and restore the location to its original grandeur!

If you have any questions, please do not hesitate to call me directly at (949) 533-4183.

Sincerely

Randall G. Larson

Founder and Chairman of the Board

Mission: To provide a loving and unique housing community for young adults with developmental disabilities which will enhance the quality of their lives.

JUL 2 1 2014

California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

CALIFORNIA COASTAL COMMISSION

RE:

Appeal # A-5-LGB-14-0034 The Ranch at Laguna Beach 31106 South Coast Highway Laguna Beach, CA 92651

As a longtime resident of Laguna Beach, I wish to state my STRONG support of Mark Christy's project at The Ranch.

As a golfer, it has been a pleasure to experience the changes and maintenance of the golf course and improvements to the whole property. It is clear that much care (and money) has gone into the pruning of the course and the care of the trees and this has made the natural beauty of the canyon really visible and even more enjoyable. It is with pride that I point out the Camp and other historic aspects of the property to non-Laguna golfers with whom we are paired for a game.

As an active community member, I know I speak for myself and the nearly 300 jazz patrons at each concert this summer and the 400 bluegrass patrons who will come this fall, when I say that this is an unparalleled beautiful setting in which to enjoy music and to come together as a community. Mark has made this possible for Laguna Beach Live!, a non-profit group that presents live music. Because of his generosity, Laguna Beach Live! is able to bring acclaimed artists to Laguna while keeping ticket prices affordable in a setting that is appropriate for families, singles, as well as couples. Our audience members come for all over the county and the larger regional area plus visitors from out of state.

Whether it is golf, music or lunch on the patio, it is so good for the soul to come to this wonderful venue. I look forward to future dinners here as well, a fun and much improved location where visitors can stay, more golf, more music and more enjoyable times in this great community asset.

I urge you to allow this project to continue as quickly as possible as we eagerly await the finished product!

Thank you.

Lucinda Prewitt

31391 Alta Loma, Laguna Beach, Ca 92651

Resident of Laguna Beach since 1976

Member of Laguna Beach Live! non-profit organization

California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

re:

Appeal #A-5-lgb-14-0034 The Ranch at Laguna Beach 31106 South Coast Highway Laguna Beach, CA 92651 July 27, 2014

RECEIVED
South Coast Region

JUL 3 1 2014

CALIFORNIA COASTAL COMMISSION

To Whom It May Concern:

I am a 42-year resident of Laguna Beach. I am delighted that Mark Christy and his partners have begun a much needed and very thoughtful restoration of the Aliso Creek and Inn and Golf Course.

As a long time golfer, the improvement of the course is significant to me. Proper pruning of the trees, supervised by a licensed arborist and the general clean-up of non-native plant species has made the course more beautiful than ever and also is an indication of Mr. Christy's environmental concerns.

In addition to the renovation of the golf course, Mr. Christy and his partners are making a long overdue upgrade of the hotel facilities. While maintaining the charm and atmosphere of the facilities, the restoration includes bringing the hotel rooms up to modern day standards. The public rooms are also being brought up to present day standards which will provide our city with venues for conventions and other economically valuable activities. In spite of all the renovations, it should be pointed out that the footprint of the entire project will be less than the previous.

Even though the project has not been completed, many charitable events have been held at what is now called "The Ranch". As a result, our city has already received great benefit from Mr. Christy's generosity.

To sum up, the project is not a new resort but instead an upgrade of an important part of Laguna Beach, which maintains the history and character of our city. It will become a destination for tourists, and is already a venue for many charitable events.

I believe it is imperative that this project receives the full support of the Coastal Commission and that it be allowed to continue to completion without further delay.

Sincerely

Jack Curtis

2904 Mountain View Drive Laguna Beach, CA 92651

THE DANIEL AND FRANCINE SCINTO FOUNDATION

A Public Supporting Charity

250 N. Golden Circle Drive, Suite 211, Santa Ana, CA 92705 (714) 972-9923, (714) 972-9902 FAX RECEIVED
South Coast Region

AUG 4 2014

South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416 RE: The Ranch, Laguna Beach

CALIFORNIA COASTAL COMMISSION

July 30, 2014

Dear Commissioners:

The Foundation is thankful for the good work that the Coastal Commission performs in furthering the mission of protecting California's coastline. It is people like you who safeguard our natural resources for all to enjoy for generations to come. Thank you.

We are a Supporting Organization under Internal Revenue Code Section 509(A)(3). A supporting organization is a charity that carries out its exempt purposes by supporting other exempt organizations, usually other public charities. Our charter includes support of open space and part of our mission is to support those who are vigilant in protecting natural lands. We have supported parks and open space related public charities, including The Trust for Public Land, The Laguna Greenbelt and Laguna Canyon Foundation as well as other parks in Orange County. Of course, we are most concerned about anyone encroaching on open space or reducing the access to it.

We are aware of the project known as The Ranch in Laguna Beach and the potential harm it could cause the coast because of its proximity to pristine environmental areas. We have also been concerned about revitalizing Aliso Creek, and preventing runoff at Aliso Creek Beach. Because of our ongoing concerns about protecting the coast and the surrounding area we have thoroughly examined this new project. Our research included examining the planning documents, questioning Planning Commissioners, City Council Members and other interested and knowledgeable persons, including an extensive site tour of the buildings, facilities and grounds, including the site of the original Thurston Homestead and the Dolph Girl Scout Camp conducted by the owner, Mr. Mark Christy. We were not able to interview the appellant, Mr. Mark Fudge.

Here are our findings:

- 1. Aliso Creek appears to be extremely sensitively treated in regards to preserving the natural environment of the Creek.
- 2. The City of Laguna Beach appears to have followed all the rules and procedures relating to such a project;
- 3. The Ranch proposal appears in keeping with the original design, with the

footprint modifications being quite modest. The roofs of the hotel room buildings are brown and will blend in with the surroundings. The golf course and the beautiful canyon setting remain intact. The landscaping is extremely fitting to the environment.

- 4. The large segment of the improvements are fire retarded related such as installing fire sprinklers, limping up trees to 1/3 or at least six feet, whichever is greater, interior remolding and housekeeping related improvements;
- 5. The project appears to have little if any, impact on the environment or its neighbors.
- 6. The city has rejected a prior proposal to encroach into the open space to expand the golf course to 18 holes;
- 7. Laguna Beach was the first city in Orange County to institute a plastic bag ban; its beaches always rank highly in cleanliness; it has enforced a no fishing zone and kelp remains untouched on the beaches. We just finished a third four-mile beach inspection within the last ten days to confirm these findings.
- 8. The delay is unnecessarily causing the owner substantial financial harm and is increasing the probability of damage via wild fires. This is exactly the kind of project our Foundation likes to support.

Our conclusion is the Laguna Beach Planning Commission has been good stewards of the canyon and acted reasonably in approving this project.

Therefore we urge you to dismiss the appeal and support The Ranch at Laguna Beach so that the commission's budget and staff can use their precious dollars toward monitoring other projects that harm our coast and ocean.

Please feel free to write or call for more information, or if you wish our foundation to follow up with other research, including interviewing Mr. Fudge. We are at your service.

Once again, thank you for your good work in saving our coastline.

Sincerely Yours,

Daniel J. Scinto, Founder

Francine Scinto, President

Gabriell acoob, Executive Director

Bonnie Elder 2875 Terry Road Laguna Beach, CA 92651 elderassoc@gmail.com



CALIFORNIA COASTAL COMMISSION

August 13, 2014

California Coast Commission – Southern District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

RE: Appeal A-5-LGB - The Ranch at Laguna Beach

To Whom It May Concern:

This letter is written in support of the above referenced appeal.

As a property owner and resident of Laguna Beach, I am in support of The Ranch restoration project.

1

Bonnie Elder

Kind regards,

EXHIBIT 22 Page 10 of 44

ANDREW G. OGDEN

PO BOX 3673
BOULDER, CO 80307-3673
aogden@indra.com
303.818.9422

August 12, 2014

South Coast Region

AUG 1 8 2014

CALIFORNIA COASTAL COMMISSION

California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

RE: Appeal #A-5-LGB-14-0034 The Ranch at Laguna Beach 31106 South Coast Highway Laguna Beach, CA 92651

Dear Commissioners,

I am sending this letter to urge the Commission to **deny** the referenced appeal regarding the project known as "The Ranch at Laguna Beach" by approving a motion that No Substantial Issue exists under §30603 of the Coastal Act. For the reasons described below, I strongly support the efforts of the ownership team led by Mr. Mark Christy to restore the Aliso Creek Inn & Golf Resort property and their efforts to both protect and restore the potentially affected coastal resources.

As a native of coastal Southern California, a Laguna Beach property owner and a practicing environmental lawyer, my support of any project which has the potential to impact coastal ecosystems does not come lightly. However, from my familiarity with the specific site, my review of the appeal before the Commission and, most importantly, my personal experience with Mr. Christy as both a good citizen of Laguna Beach and ardent environmentalist, I can and do support the upgrading and refurbishing of The Ranch property as approved by the City of Laguna Beach.

The Commission's staff report on the merits of this appeal is correct in identifying Aliso Creek and the habitat surrounding the project footprint as environmentally sensitive and important resources, and both warrant the greatest degree of protection. I believe that both the plan for the restoration of The Ranch and the project proponent's efforts to date to protect the watershed and habitat during the restoration phase Ranch meet this high level of protection. Specifically, the proponent's efforts to notify and coordinate

with state and federal agencies regarding the permitting and methodology for invasive vegetation eradication, conversion to recycled water irrigation, and compliance with state and federal avian conservation laws and regulations during tree trimming activities all evidence an approach which is both respectful of the potential environmental impacts of the project and compliant with applicable laws and regulations.

This approach is not unexpected or remarkable; rather, it is nothing less than I would expect of any project in which Mr. Christy is involved. Mr. Christy and I first met as early supporters and founding members of the "Save the Canyon" grassroots environmental group. Through the efforts of that group, Laguna Canyon was spared the blight of large-scale commercial and residential development, and eventually became part of permanent open space managed by the Laguna Canyon Foundation. Starting with that first personal experience of working with Mr. Christy and followed by many others, I can unequivocally state that I can think of no better or more committed advocate and steward of the Laguna Beach natural environment than Mr. Christy.

Information regarding my credentials as an environmental lawyer, educator and author may be found at https://www.linkedin.com/in/andrewgogden. Please do not hesitate to contact me should the Commission have any questions regarding this letter or matter.

Sincerely,

Andrew G. Ogden

THE DANIEL AND FRANCINE SCINTO FOUNDATION

A Public Supporting Charity

250 N. Golden Circle Drive, Suite 211, Santa Ana, CA 92705 (714) 972-9923, (714) 972-9902 FAX RECEIVED
South Coast Region

AUG 4 2014

South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416 RE: The Ranch, Laguna Beach

CALIFORNIA COASTAL COMMISSION

July 30, 2014

Dear Commissioners:

The Foundation is thankful for the good work that the Coastal Commission performs in furthering the mission of protecting California's coastline. It is people like you who safeguard our natural resources for all to enjoy for generations to come. Thank you.

We are a Supporting Organization under Internal Revenue Code Section 509(A)(3). A supporting organization is a charity that carries out its exempt purposes by supporting other exempt organizations, usually other public charities. Our charter includes support of open space and part of our mission is to support those who are vigilant in protecting natural lands. We have supported parks and open space related public charities, including The Trust for Public Land, The Laguna Greenbelt and Laguna Canyon Foundation as well as other parks in Orange County. Of course, we are most concerned about anyone encroaching on open space or reducing the access to it.

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Here are our findings:

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footprint modifications being quite modest. The roofs of the hotel room buildings are brown and will blend in with the surroundings. The golf course and the beautiful canyon setting remain intact. The landscaping is extremely fitting to the environment.

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Therefore we urge you to dismiss the appeal and support The Ranch at Laguna Beach so that the commission's budget and staff can use their precious dollars toward monitoring other projects that harm our coast and ocean.

Please feel free to write or call for more information, or if you wish our foundation to follow up with other research, including interviewing Mr. Fudge. We are at your service.

Once again, thank you for your good work in saving our coastline.

Sincerely Yours,

Daniel J. Scinto, Founder

Francine Scinto, President

Gabrielle acoob, Executive Director

OCT 1 - 2014

CALIFORNIA COASTAL COMMISSION

September 29, 2014
Liliana Roman, Senior Analyst
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4416

Dear Ms. Roman,

Attached is a petition and accompanying signature pages entitled "Petition Opposing Noise and Development of The Ranch at Laguna Beach located in the Aliso and Wood Canyons." This petition has been signed by 38 residents/homeowners of the Coronado Pointe Community. The petition opposes the noise, lights and development of The Ranch property located at 31106 Pacific Coast Highway, Laguna Beach, California, 92651.

We thank you for your time and consideration in this matter.

Sincerely,

Residents of Coronado Pointe Community

PETITION OPPOSING NOISE AND DEVELOPMENT OF "THE RANCH AT LAGUNA BEACH" LOCATED IN THE ALISO & WOOD CANYONS

TO: California Coastal Commission South Coast District Office Attn: Liliana Roman, Analyst 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

RE: Appeal No. A-5-LGB-14-0034

RECEIVED
South Coast Region
OCT 1 - 2014

CALIFORNIA COASTAL COMMISSION

Commissioners:

We are residents and homeowners in the Coronado Pointe Community, located on the coastal ridgeline immediately above the The Ranch at Laguna Beach, ("The Ranch"). Coronado Pointe has over 70 homes on the ridgeline. Our neighboring communities, also on the same ridgeline above the The Ranch, are Palmilla, with over 100 homes, and Niguel Summit II (a 55+ community) with 190 homes. The gated communities of Coronado Pointe and Palmilla, as well as the community of Niguel Summit II, are renowned for their unsurpassed views of gleaming Pacific Ocean vistas, scenic mountains, golden sunsets, and quiet tranquility.

Until The Ranch purchased the property, residences along the ridgeline were accustomed to a quiet environment. Residents now frequently hear amplified music entertainment coming from events at The Ranch (e.g. weddings, parties, luncheons, fundraisers, dances). These events have blaring music, flashing lights, and annoying bass sounds from dance music that are amplified and reverberate through the canyon and up to our homes. The lights, amplification systems, and speaker placement coupled with the canyon topography on three sides of The Ranch's outdoor entertainment areas, displace and destroy natural habitat located in the open space nature preserve of the Canyons. We believe the noise levels are in violation of both the Laguna Beach and the Orange County Noise Ordinances for the protection of residential zone areas, exceeding exterior noise standards throughout the day and late into the night.

We are gravely concerned about the noise levels and environmental impact that we are observing with outside events hosted at The Ranch and with the planned expansion and remodel of its existing hotel, restaurant, banquet and golf course facility, including the addition of 33 hotel rooms. We oppose the restoration project of The Ranch, as the expansion plans will spoil the natural treasure of the Aliso & Wood Canyons Wilderness Park, endanger the environmentally sensitive

and high value habitat in open space, and create a daily nuisance affecting the residents who live along the Aliso & Wood Canyons ridgelines.

Residents of our communities were not provided any early neighborhood communication and the City of Laguna Beach did not provide adequate public notice for Laguna Niguel residents related to development proposals at The Ranch. The Ranch owner and developers should have been aware that residents who live on the ridgelines just above The Ranch would have been interested parties to provide adequate public notice to. Neither of our two Community Associations (Coronado Pointe Homeowner's Association or Niguel Summit Homeowner's Association) were sent notice.

We applaud and support the California Coastal Commission's environmental review of the proposed project. In preparation for the upcoming review, we have asked the Boards of our HOAs to formally contact the California Coastal Commission and City Councils of both Laguna Niguel and Laguna Beach to voice our specific opposition to the development plans currently proposed.

Aliso & Wood Canyons and the surrounding open space, slopes and ridges covered in native vegetation is a very unique environmental treasure, that we seek to preserve and protect. Please consider this petition as our formal opposition to planned renovations proposed by The Ranch. Homeowners and residents in the Aliso & Wood Canyons ridgeline have a right to enjoy our properties free from the noise and light pollution created by The Ranch and associated environmental despoiling of the scenic beauty and natural habitats.

We thank you in advance for your time and consideration in your review of the City's action under both the Local Coastal Program and Chapter 3 public access policies of the Coastal Act.

Sincerely,

Homeowners and Residents, Coronado Pointe Community

cc:

The Ranch at Laguna Beach City of Laguna Niguel & City of Laguna Beach, City Councils

SIGNATURE PAGE

for

PETITION OPPOSING NOISE AND DEVELOPMENT OF "THE RANCH AT LAGUNA BEACH" LOCATED IN THE ALISO & WOODS CANYON

PRINT NAME:	CHRI	s & Dan	UN forLZ	LE_	
RESIDENT/HOMEO	OWNER (80 V157P	+ MONTEMP	R, LP,	92677
SIGNATURE:	(4)	2 to	0.454		
DATE:	P 10	20121			

38 Submitted



FHBP Board of Directors Jean Watt, President Mike Wellborn, Vice President Vikki Swanson, Treasurer Helen Higgins, Secretary

Denny Bean Lyndie Bradshaw Jim Carr Michelle Claud-Clemente Jack Eidt Army Litton Tom Maloney Theresa Sears Tina Thompson Carolyn Wood

Supporting Organizations Amigos de Bolsa Chica Audubon, Sea & Sage Chapter Bolsa Chica Conservancy Caspers Wilderness Park

Volunteers Earth Resource Foundation Equestrian Coalition of O.C. Environmental Nature Center Great Park Environmental Coalition

Huntington Beach Wetlands Conservancy & Wildlife Care Center Laguria Canyon Conservancy Laguna Canyon Foundation Laguna Greenbelt, Inc. Newport Bay Conservancy Sierra Club, Orange County Sufficer Foundation,

Newport Beach Chapter Stop Polluting Our Newport St. Mark Presbyterian Church Ecophilians

Advisory Board Marian Bergeson

Connic Boardman Marilyn Brewer Roy & Ilse Byrnes Laura Cohen Debbie Cook Joe Dunn Sandy Genis Tom Harman Evelyn Hart Bob Joseph Jack Keating Vid Leipzig Stephanie Pacheco Bey Perry Matt Ray Clarre Schlotterbeck Dan Silver, M.D. Jack Skinner, M.D. Nancy Skinner Dick Zembal

> Post Office Box 9256 ewport Beach, CA 92653 949-399-3669

> > www.FHBP.org



SFP 3 0 2014

September 30, 2014

Karl Schwing Coastal Program Manager South Coast Area Office/Long Beach California Coastal Commission 200 Oceangate, Suite 1000 Long Beach, CA 90802

CALIFORNIA COASTAL COMMISSION

Re: Appeal A-5-LGB-14-0034 for proposed project to renovate the Ranch Property (a.k.a. Aliso Creek Inn and Golf Course)

Dear Mr. Schwing:

Friends of Harbors, Beaches and Parks (FHBP) is a countywide non-profit organization in Orange County, California. Our mission is to protect the natural lands, waterways and beaches. In addition to our coalition of more than 80 conservation and community groups, FHBP has more than 5,000 individual members that support our regional work.

We are writing to express our concerns for the above referenced proposed project. We note the Commission's staff concerns for critical additional information described in the letter of July 22, 2014. In addition, we believe that the City of Laguna Beach Planning Commission also avoided another critical public access feature in its approval by not addressing the completion of the Aliso Creek recreation trail. This is a major omission of the agreed-to condition for completion of the final connecting link to the Aliso Creek "Mountains to the Sea" trail. The Laguna Beach General Plan has long required completion of this trail as part of any modification of the subject site. The completion of this linkage would benefit all Orange County residents and provide much-needed nonmotorized access to Aliso Beach from inland communities resulting in substantial numbers of reduced vehicle trips into Laguna Beach.

Finally, we urge the Commission to defer any action on this proposal until it can be heard in a Southern California venue.

Thank you for the opportunity to comment on the proposed Appeal.

Sincerely,

Jean H. Watt

President

cc: Supervisor Pat Bates, 5th District

Law W. Watt

via email: kschwing@coastal.ca.gov

Mr. Karl Schwing
Supervisor – Regulation & Planning OC
California Coastal Commission
200 Oceangate – 10th floor
Long Beach, CA 90802-4416

RECEIVED South Coast Region SEP 3 0 2014

CALIFORNIA COASTAL COMMISSION

Re: The Ranch at Laguna Beach
31106 So. Coast Highway, Laguna Beach, CA

Dear Mr. Schwing:

We are life-long residents of Laguna Beach and have very strong ties to the local community. Upon hearing of the struggles that The Ranch at Laguna Beach (formerly Ben Brown's) is experiencing with approvals for their project, we wanted to write to express our outrage over the baseless accusations being made and to express our utmost support for this project.

Having been born and raised in Laguna Beach, the property which makes up the Aliso canyon/creek and golf course is perhaps the most cherished of all properties in the community. Both of us have spent countless hours enjoying this property. When we heard that Mark Christy purchased the property last year we were excited to hear about what was planned for The Ranch and knew that Mark's vision for the property would fit perfectly with the community.

In fact, it is because of Mark's involvement that we chose to hold the first annual "Night at the Ranch" event, benefitting the Boys & Girls Club of Laguna, at The Ranch earlier this month. The event hosted approximately 230 people, mostly Laguna locals, and was a huge success. What made it so special – aside from raising much needed funds for the kids of Laguna – was the spectacular venue at which we held the event which was created earlier this year on The Ranch property. While most of the guests at our event had enjoyed a round of golf at The Ranch, many had not seen the outdoor venue now known as "Scout Camp" which Mark and his team designed and built adjacent to the golf course. Not sure if you had the chance to see it but Scout Camp created a virtual nature preserve which also serves as an organic garden harvesting sustainable produce for the resort. Scout Camp is ideal of the community and has quickly become the most cherished setting for intimate gatherings in Laguna.

In our opinion, upgrading this property was an inevitable occurrence due to years of use and decay. While prior owners perhaps went too far with their development plans, what Mark Christy and his team are doing is entirely consistent with what the local community would like to see. This is evidenced by the

Mr. Karl Schwing September 30, 2014

considerable support from local businesses, environmental constituencies and educational groups. Not only are no new structures being built (in fact the square footage is being reduced!) but also nothing is being proposed at The Ranch which would interfere with neighboring homeowners or even remotely alarm any environmental activists.

The fact that a nearby homeowner has fought to appeal The Ranch project is nothing more than one person with a personal vendetta with the city of Laguna over his struggle to redevelop a personal residence. The ironic thing is that even Mark Fudge would admit that he does not have a problem with what is planned for The Ranch. We ask that the Coastal Commission not delay the redevelopment of The Ranch due to <u>one person</u> seeking revenge with the city when there are countless others who completely support the project and can't wait for its completion.

Karl, we want to thank you for your time and consideration in reviewing our letter. If you have any questions, please don't hesitate to contact us at our respective emails addresses shown below.

Sincerely,

Steve Blue

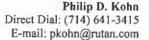
sblue@davenportpartners.com

Leif Hanson

leif@abodemodern.com

Loif Hansu

cc: Chuck Posner (Chuck, Posner@coastal.ca.gov)
Liliana Roman (Liliana.Roman@coastal.ca.gov)





September 25, 2014

RECEIVED
South Coast Region

SEP 2 9 2014

California Coastal Commission South Coast Area Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4302 CALIFORNIA COASTAL COMMISSION

Re:

Laguna Beach Golf and Bungalow Village, LLC

Project A-5-LGB-14-0034

City of Laguna Beach CDP No. 14-573

Dear Honorable Commissioners:

This letter addresses the appellant's contention that the City's approval of the Coastal Development Permit failed to require a public access trail across the project site to connect adjacent parkland to the beach. Such a trail is not mandated by applicable regulations and, equally important, the City properly determined that the necessary nexus and rough proportionality standards cannot be satisfied.

At the onset, one must understand the scope of the underlying project. The project is not new development. The project does not entail a major remodel. Instead, the proposed interior and exterior modifications are minor in nature. Additionally, the project was determined to be exempt from the requirements of the California Environmental Quality Act in accordance with a categorical exemption. In short, the non-intensive activity at issue simply does not rise to the level of tripping the regulatory thresholds and factual prerequisites to justify imposition of a public access trail dedication condition.

The City reviews development projects for consistency with its General Plan and its Certified Local Coastal Program. The Master Plan of Trails, which is contained in the Open Space/Conservation Element of the General Plan (and, thus, is part of the LCP), does not depict or call for a public access trail through the subject property. Nor are there any General Plan or Local Coastal Program policies that would mandate the consideration of such a trail under the circumstances presented. Although Policy 3.6 of the LCP encourages the creation of public spaces and sidewalk areas, this policy pertains only to new development and major remodels. Neither of these thresholds is applicable here. Similarly, the public access provisions of Laguna Beach Municipal Code section 25.53.020 do not apply because the project does not constitute new development.



California Coastal Commission September 25, 2014 Page 2

Furthermore, even if the project had been evaluated as though it were new development or a major remodel, it is unlikely that a public access trail across the site would have been required. The information developed by the City reflects that the construction of an appropriate trail would result in significant environmental modifications to the property. The feasibility of a trail is also contraindicated due to extreme health and safety hazards associated with the concurrent operation of the golf course. Due to the layout of the golf course and the constraints created by the flight paths of golf balls (see attached exhibit), the only possible location that would not interfere with normal operations of the golf course would be along the base of the canyon walls and, in some locations, the walls may have to be cut back to accommodate a trail, thus risking serious degradation to and destabilization of the canyon walls. By the same token, the "alternative" of a fully enclosed trail to provide protection against flying golf balls is plainly infeasible and undesirable from visual and other adverse impacts as well as grading concerns.

In addition, imposing a mandate to install a public access trail would be contrary to several portions of the Local Coastal Program relating to public access and protection of natural features and environmentally sensitive habitat areas. (See, for example, Land Use Element Policies 4.3, 7.3. 7.4, 10.2 and 10.3, and Open Space/Conservation Element Policies 6I and 6L.) In any event, you should be aware that the Trail Network Map (Page 3 of 3) in the Open Space/Conservation Element shows existing trail connections between Aliso and Woods Canyons Wilderness Park and areas of the City via several points, including an outlet at Ocean Vista Drive. In this regard, you also should be aware that the project proponent does not own or control all of the property situated between the park and the ocean over which a new public access trail would have to traverse.

As I know you're aware, the ability of a public agency to impose dedication requirements is subject to constitutional considerations. A dedication requirement must have an "essential nexus" (that is, a substantial relationship) to needs, impacts or burdens caused by the project. (Nollan v. California Coastal Commission (1987) 483 U.S. 825.) To be sure, a site-specific study showing a solid and close connection is required. (Surfside Colony Ltd. v. California Coastal Commission (1991) 226 Cal.App.3d 1260.) And once the essential nexus is demonstrated to exist, the public agency must then demonstrate an individualized determination that there is a reasonable relationship between the degree of the exaction and the needs, impacts or burdens caused by the project. (Dolan v. City of Tigard (1994) 512 U.S. 374.)

Here, the City determined that a requirement to dedicate a public access trail would not satisfy the above legal standards in light of the heightened scrutiny given such matters. The City urges the Commission to reach the same conclusion. The modest upgrades and repairs proposed by the property owner fall short of the justification that otherwise would be required to support imposition of the requirement. Simply put, there is no competent evidence demonstrating that the proposed project will burden public access to coastal resources nor does the proposed project create a need for a new public access trail.



California Coastal Commission September 25, 2014 Page 3

Finally, you should be aware that the County of Orange previously evaluated the feasibility of constructing a trail through the subject property. With regard to a particular proposal for a bike trail, the Chairman of the Board of Supervisors stated in a November 21, 1989 letter in the project file: "[W]e cannot both protect the golf course and construct a safe and stable trail within a reasonable cost."

Thank you for the attention to and consideration of the above matters.

Very truly yours,

RUTANA TUKKER, LLP

Philip D. Kohr

City Attorney, City of Laguna Beach

Attachment

cc:

Coastal Commission Staff

Coastal Commission Legal Counsel

Laguna Beach City Council Laguna Beach City Manager

Laguna Beach Director of Community Development

Laguna Beach Golf & Bungalow Village, LLC

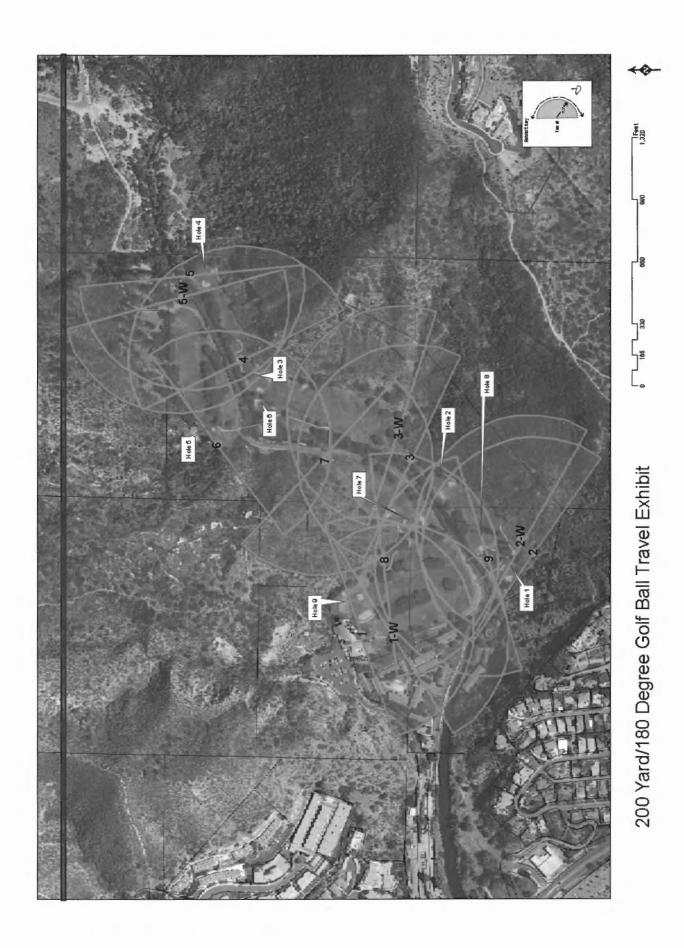


EXHIBIT 22 Page 25 of 44



DEC 1 2014

October 9, 2014

CALIFORNIA COASTAL COMMISSION

To: California Coastal Commission

To Whom It May Concern:

As Agent for and on behalf of the CORONADO POINTE HOMEOWNERS ASSOCIATION, the Board of Directors, Chris Hoelzle, President; Richard Sudek, Vice-President; Faisal Aldujaili, Secretary, and Keith Codron, Treasurer, has asked that I write to you.

The Board of Directors for Coronado Pointe has received a copy of the petition concerning noise, lights, and development of "The Ranch". The Board unanimously supports the position of the petition, and is opposed to the development.

The Board members are also concerned about the effect the loud noise, bright lights and development activities have on wildlife in the canyon. Residents report of groups of coyote and deer that have come up from the canyon to the trail alongside the residents' home after large events in the Grove area and on the golf course. Further, the noise and lights are a nuisance to residents' who have trouble sleeping in their own homes until 2:00 a.m. or 3:00 a.m.

The Board of Directors looks forward to reviewing additional information from Management and future plans for "The Ranch".

The Board looks forward to working with you in the future. If you have any question, please feel free to contact Community Manager, Lorna McKee (714) 634-0611 Ext. 201or lmckee@regentcmc.com.

Sincerely,

On Behalf of the Board of Directors

Lorda McKee,

Community Manager

Niguel Summit Community Association c/o Seabreeze Management Company, Inc. 39 Argonaut, Suite 100 Aliso Viejo, CA 92656 (949) 855-1800 (949) 855-6678 Fax

RECEIVED South Coast Region

DEC 1 2014

CALIFORNIA COASTAL COMMISSION

October 9, 2014

Andreas Frank 47 Coronado Pointe Laguna Niguel, CA 92677

Re.

Niguel Summit Community Association

Noise Nuisance from The Ranch Development

Dear Mr. Frank:

Thank you for attending the most recent Niguel Summit Community Association Board meeting on September 16, 2014 to discuss the situation with ongoing noise disturbances at The Ranch Development in Laguna Beach. The Board of Directors appreciated you taking the time to attend the meeting and make your presentation.

The Board of Directors discussed the matter and determined that the Niguel Summit Community Association will support your opposition to the ongoing noise nuisance issues caused by The Ranch Development. As you know, Niguel Summit is made up of over 1,300 homes in Laguna Niguel and the Board is concerned regarding any intrusion on the privacy and personal enjoyment of our homeowner's property.

The Board has suggested that you work directly with the Coastal Commission to resolve the issues with The Ranch Development as this would be within their jurisdiction of enforcement.

If you have any questions, please contact me at 949-855-1800 x9021 or you can contact me via email to me at robs@seabreezemgmt.com.

Sincerely,

On behalf of the Board of Directors, Niguel Summit Community Association

PETITION OPPOSING NOISE AND DEVELOPMENT OF "THE RANCH AT LAGUNA BEACH" LOCATED IN THE ALISO & WOOD CANYONS

TO: California Coastal Commission South Coast District Office Attn: Liliana Roman, Analyst 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

RECEIVED
South Coast Region

DEC 1 2014

CALIFORNIA COASTAL COMMISSION

RE: Appeal No. A-5-LGB-14-0034

Commissioners:

We are residents and homeowners in the Coronado Pointe Community, located on the coastal ridgeline immediately above the The Ranch at Laguna Beach, ("The Ranch"). Coronado Pointe has over 70 homes on the ridgeline. Our neighboring communities, also on the same ridgeline above the The Ranch, are Palmilla, with over 100 homes, and Niguel Summit II (a 55+ community) with 190 homes. The gated communities of Coronado Pointe and Palmilla, as well as the community of Niguel Summit II, are renowned for their unsurpassed views of gleaming Pacific Ocean vistas, scenic mountains, golden sunsets, and quiet tranquility.

Until The Ranch purchased the property, residences along the ridgeline were accustomed to a quiet environment. Residents now frequently hear amplified music entertainment coming from events at The Ranch (e.g. weddings, parties, luncheons, fundraisers, dances). These events have blaring music, flashing lights, and annoying bass sounds from dance music that are amplified and reverberate through the canyon and up to our homes. The lights, amplification systems, and speaker placement coupled with the canyon topography on three sides of The Ranch's outdoor entertainment areas, displace and destroy natural habitat located in the open space nature preserve of the Canyons. We believe the noise levels are in violation of both the Laguna Beach and the Orange County Noise Ordinances for the protection of residential zone areas, exceeding exterior noise standards throughout the day and late into the night.

We are gravely concerned about the noise levels and environmental impact that we are observing with outside events hosted at The Ranch and with the planned expansion and remodel of its existing hotel, restaurant, banquet and golf course facility, including the addition of 33 hotel rooms. We oppose the restoration project of The Ranch, as the expansion plans will spoil the natural treasure of the Aliso & Wood Canyons Wilderness Park, endanger the environmentally sensitive

and high value habitat in open space, and create a daily nuisance affecting the residents who live along the Aliso & Wood Canyons ridgelines.

Residents of our communities were not provided any early neighborhood communication and the City of Laguna Beach did not provide adequate public notice for Laguna Niguel residents related to development proposals at The Ranch. The Ranch owner and developers should have been aware that residents who live on the ridgelines just above The Ranch would have been interested parties to provide adequate public notice to. Neither of our two Community Associations (Coronado Pointe Homeowner's Association or Niguel Summit Homeowner's Association) were sent notice.

We applaud and support the California Coastal Commission's environmental review of the proposed project. In preparation for the upcoming review, we have asked the Boards of our HOAs to formally contact the California Coastal Commission and City Councils of both Laguna Niguel and Laguna Beach to voice our specific opposition to the development plans currently proposed.

Aliso & Wood Canyons and the surrounding open space, slopes and ridges covered in native vegetation is a very unique environmental treasure, that we seek to preserve and protect. Please consider this petition as our formal opposition to planned renovations proposed by The Ranch. Homeowners and residents in the Aliso & Wood Canyons ridgeline have a right to enjoy our properties free from the noise and light pollution created by The Ranch and associated environmental despoiling of the scenic beauty and natural habitats.

We thank you in advance for your time and consideration in your review of the City's action under both the Local Coastal Program and Chapter 3 public access policies of the Coastal Act.

Sincerely,

Homeowners and Residents, Coronado Pointe Community

cc:

The Ranch at Laguna Beach City of Laguna Niguel & City of Laguna Beach, City Councils September 21, 2014

California Coastal Commission Karl Schwing Supervisor - Regulation and Planning OC 200 Oceangate - 10th Floor Long Beach, CA 90802-4416

RECEIVED South Coast Region

SEP 2 2 2014

CALIFORNIA COASTAL COMMISSION

via e-mail:

Kschwing@coastal.ca.gov

CC:

Chuck Posner, Chuck.Posner@coastal.ca.gov Liliana Roman, Liliana.Roman@coastal.ca.gov

Subject:

The Ranch at Laguna Beach Project

Dear Mr. Schwing, Mr. Posner, and Ms. Roman:

I am a long-time Laguna Beach resident and an environmental engineer, who has been heavily involved in environmental actions to safeguard our coastal environment. I ran the media campaign for the Walk in Laguna Canyon in 1989 to help save Laguna Canyon from a 3,200-house development. I also participated as an environmentalist in anti-toll-road actions and other actions to help give Laguna Beach a legacy 15,000-acre greenbelt surrounding the City from its north coast to its south coast.

I have been a huge supporter of the Coastal Commission and its mission to preserve California's precious coastal environment and to make it accessible to all California's citizens.

It is in this context that I would like to speak to you about the recent appeal to the Coastal Commission on The Ranch at Laguna Beach project. I have reviewed the project as well as its environmental implications.

I am deeply concerned that, in this instance, the Coastal Commission is being used as a tool in one person's personal vendetta against, not the project, but the city council and its planning commission. Mr. Mark Fudge (the appellant) has a deep-seated grudge with the City given what he perceived as an adverse experience he had with the City on his own residential project.

The appeal is comprised of baseless and inaccurate allegations in an attempt to discredit the City staff and Planning Commission. In reality, the City and its agencies did a very thorough job in reviewing this project prior to their unanimous vote of approval. Furthermore, the project itself is supported by the vast majority of Laguna Beach's residents. Believe me, if it were environmentally-impactful, even in the slightest, Laguna Beach's residents would be up in arms, as they have shown time and time again with environmentally-threatening developments.

To the contrary, this project enhances the coastal environment by restoring a dilapidated and environmentally-deteriorated property. It upgrades a gem of a facility for the benefit of the local and visitor population, while at the same time restoring the property to its former environmental stature. It does not expand what is already there. It restores and upgrades.

The individual in charge of the restoration is a long-time Laguna Beach resident who has continually demonstrated his environmental credentials and charitable generosity. This is why people in the know (i.e. local Laguna Beach residents who zealously safeguard their environment) resoundingly support this project.

The Coastal Commission should be seen, not just obstructing projects that adversely impact the coastal environment, but also supporting projects that enhance the coastal environment. This positive approach would help to rebut the many critics who so often say the Coastal Commission is just another obstructionist bureaucracy that is damaging to California's business climate.

The Ranch at Laguna Beach project is such a positive project that the Coastal Commission can whole-heartedly support as being good for the environment, good for the citizens, AND good for business. This is will be a banner facility in California. I hope the Coastal Commission will realize this and strongly support The Ranch at Laguna Beach project in this appeal process.

Sincerely,

Richard Henrikson, P.E., LEED AP

Principal

Henrikson Owen & Associates

3154 Bonn Drive

Laguna Beach, CA 92651

(949) 289-8995

rahenrikson@yahoo.com



CULBERTSON, ADAMS & ASSOCIATES, INC.

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October 21, 2014

Steve Kinsey, Chair
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
Attn. Dr. Charles Lester, Executive Director

8056885357

CALIFORNIA COASTAL COMMISSION

SUBJECT:

Consideration of Appeal of action taken by the City of Laguna

Beach regarding the project known as "The Ranch"

Dear Chair Kinsey:

It has come to my attention that the California Coastal Commission ("CCC") will be considering an appeal of a project that was approved by the City of Laguna Beach, as captioned above.

I have participated in planning in Orange County since 1973. Both my husband and I represented Mission Viejo Company, the founder of the community of Aliso Viejo and the donor of most of the land now known as Aliso Wood Canyons Regional Park.

I am vitally interested in this appeal project because of the long sought after opportunity to route a public trail through this property. Over 40 years ago, the Aliso Creek "Forest to the Sea" trail was adopted as a regional trail linkage. As planned and completely implemented except for the reach through the project under appeal, the trail is over 16 miles in length. It carries users from the headwaters of Aliso Creek to Aliso Beach, a County beach now located in the City of Laguna Beach. The trail is complete through the unincorporated area and through five cities – except for the segment through the City of Laguna Beach, which is somewhat over one mile in length. Completion of the trail through the subject property and through the City of Laguna Beach has been opposed by the City and former property owners. The current project proponent also opposes the trail.

The CCC now has the opportunity and the obligation under the Local Coastal Program and the Coastal Act Chapter 3 policies relating to public access to insure that this final segment is completed. Chief among the obligations of the CCC is insuring public access. Because the subject property has not been the subject of entitlement requests in the past, the CCC has never had the opportunity to evaluate



this public access aspect. Now is the time that the CCC can cause completion of this long-resisted but key regional trail, which provides non-motorized access to the beach for literally thousands of people.

It is our understanding that an out of the area hearing has been requested by the property owner. I respectfully request that the CCC hold the hearing on this important project and its trail issue at a <u>local hearing</u>. I understand that a local hearing is contemplated by the CCC in January 2015, and should staff be ready at that point, I would urge that this hearing be considered for this project.

Thank you for your consideration and what I hope will be your concurrence that this matter is heard locally.

dreitte Calbert Eor

Sincerely,

M. Andriette Culbertson

cc: Jack Ainsworth

Sherilyn Sarb Teresa Henry

Karl Schwing



P.O. Box 50260 Los Angeles, CA 90050

Website: WilderUtopia.com Email: Jack.Eidt@wilderutopia.com Phone: 323 362 6737

October 10, 2014

Karl Schwing
Coastal Program Manager
South Coast Area office/Long Beach
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

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South Coast Region

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CALIFORNIA COASTAL COMMISSION

RE: Ranch Property Appeal No. A-5-2LGB-14-034

Dear Mr. Schwing:

Wild Heritage Planners (WHP) is an organization based in Southern California, dedicated to advocacy for sustainable environmental and transportation planning and green urban design. We work often on a volunteer basis with local community groups, NGOs, private industry, and governmental entities to provide solution-based planning that accomplishes long-term goals of protection of wild spaces and the transition to a sustainable ecology in concert with a robust economy.

WHP wants to express concerns about the Ranch Property Renovation project (golf course and hotel in lower Aliso Creek in south Laguna Beach). We regret that the initiation of the project earlier this year resulted in unnecessary destruction of important Environmentally Sensitive Habitat Area (ESHA) and other biological resources. Being that the site was historically a Girl Scout camp with the intention to provide free or low-cost access to coastal resources, we find the process for subverting these requirements as woefully deficient. The issue of placing an unpermitted 7,000 square-foot dance floor into an ESHA in the Coastal Zone is a shameful flaunting of state and federal regulations. We are aware that the California Coastal Commission (CCC) found substantial issue in July regarding the matter and that a de novo hearing is pending. We request that the Commission and CCC Staff fully investigate the matter and schedule hearing(s) locally.

Moreover, on the issue of public access, there is an issue of this project site being the only connection between Aliso Beach County Park and Aliso and Wood Canyon Wilderness Park. As

Prahler, Erin@Coastal

From: Mark Christy <mark@hobie.com>

Sent: Thursday, November 20, 2014 9:46 PM

To: Prahler, Erin@Coastal; Schwing, Karl@Coastal; Lester, Charles@Coastal

Cc: Susan McCabe; Anne Blemker; Morris Skenderian

Subject: Ranch at Laguna Beach - Support letter from Laguna Beach Seniors

Attachments: Support of the Ranch project rges.pdf

FYI

This is a letter from a group of 600+ seniors who STRONGLY support our project.

Mark

Mark Christy

The Ranch at Laguna

The Ranch at Laguna Beach E: mark@ranchlb.com C: (949) 235-2538

LAGUNABEACHSENIORS AT THESUSIQ 380 THIRD STREET LAGUNA BEACH CA 92651

June 25, 2014 California Coastal Commission South Coast District Office 200 Oceangate, 10th floor Long Beach, CA CA 90802-4416

RE: Appeal # 4-5 LGB -14-0034 The Ranch at Laguna Beach 31106 South Coast Highway Laguna Beach, CA 92651

Dear California Coastal Commission,

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CALIFORNIA COASTAL COMMISSION

On behalf of Laguna Beach Seniors, we are writing this letter in support of the renovation and revitalization of the former Aliso Creek Inn, now known as The Ranch at Laguna Beach. This project, as designed, is providing crucial venue space for our numerous non-profits, both as meeting space and as event space. The Ranch has been opened to greater public access than ever before. It is now home to numerous fund raisers for our community nonprofits allowing our citizens to experience the beauty of this magnificent canyon while raising essential funds needed to protect our natural resources and environment, our artistic legacy, and for those in need.

Under the vision and leadership of Mark Christy and his team, The Ranch is being restored and revitalized to once again become the jewel of South Orange County. We applaud Mr Christy's respect and sensitivity for the historical legacy of this site, the protection of the environment and for his insistence that The Ranch retain its local Laguna character. We have personally been on site and witnessed his passionate commitment and diligence while working with environmental conservationists to eliminate invasive species, trim overgrown trees, and protect and enhance our native and historical plantings.

Laguna Beach Seniors has been the major voice for Seniors for over 40 years. Our funding for our extensive programs and services which enhance the lives of seniors, promote independence, wellness and community are heavily dependent upon community contributions and grants. Last year, in partnership with Mr Christy and Team, we were finally able to bring our major fundraiser back to Laguna - to The Ranch - and experienced the most successful event ever. Having this type of venue In Laguna Beach with the quality of Mark's operation brings is a gift and a true "lifesaver" in support of our older population.

This project has the enthusiastic and vigorous support of our community. We hope you look with great favor on this project.

Bina Haines , Board President

Sincerely

Ann Quilter, Board of Directors

T 949.497.2441 F 949.497.1831
INFO@THESUSIQ.ORG WWW.THESUSIQ.ORG
A 501(C)(3) TAX-FXFMPT ORGANIZATION # 95-2983350





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Diane Silvers, Ed.D. Mark Tabbert

Jan Vandersloot, M.D. In Memoriam October 6, 2014

To the California Coastal Commission:

CALIFOPN'' A

The Banning Ranch Conservancy is a California non-profit corporation dedicated to the "Preservation, acquisition, conservation, and management of the entire Banning Ranch as a permanent public open space, park and coastal nature preserve."

The Banning Ranch Conservancy urges the Coastal Commission to proceed in a thoughtful and careful manner in deliberating the renovations occurring at the Aliso Creek Inn and Golf Course in Laguna Beach. Special consideration should be given to coastal resource protection, public access and maintaining low cost coastal accommodations.

As the issue of the this project has generated much controversy in Laguna Beach, the Banning Ranch Conservancy also urges the Coastal Commission to hold any deliberations for the Aliso Creek Inn and Golf Course at a hearing in southern California rather than a hearing far outside of the general area.

Thank you for your consideration,

Ferry Welsh

Terry Welsh

Banning Ranch Conservancy

P.O.Box 16071 Newport Beach, CA 92659-6071

(310) 961-7610



October 4, 2014

Karl Schwing
Coastal Program Manager
South Coast Area office/Long Beach
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

RE: Ranch Property Appeal No. A-5-2LGB-14-034

Delivered via email

Dear Mr. Schwing:

I am writing on behalf of Sea and Sage Audubon Society Raptor Research Committee to express our concerns about the Ranch Property renovation project (golf course in lower Aliso Creek in south Laguna Beach). We feel the initiation of the project earlier this year resulted in unnecessary destruction of important bird habitat and other important wildlife resources. We are aware that the California Coastal Commission (CCC) found substantial issue in July regarding the matter and that a de novo hearing is pending. We are asking that the Commission and CCC Staff fully investigate the matter and schedule hearing(s) locally.

Our interest in this project was raised when some of our local members and friends noted significant tree trimming on and near the golf course, which they felt may have occurred during the 2014 breeding season. We are a local chapter of the National Audubon Society we roughly 3,500 local members, many of whom reside in Laguna Beach. We recently reviewed documents prepared and delivered to the CCC by Robb Hamilton and Fred Roberts (Review of Potential Biological Issues, dated 22 August 2014 and a follow up document, dated 2 September 2014) regarding many of the same issues raised by our members and some new ones. After reviewing the documents we agree with the concerns raised and believe they warrant a full investigation by the CCC.

South Coast Region
OCT 0 6 2014

CALIFORNIA COASTAL COMMISSION This golf course and related properties have long been a major destination and home for birds. Its close proximity to rich natural habitats including Aliso Creek, the coastal sage scrub covered hills of Aliso and Wood Canyons Wilderness Park, significant adjacent cliff structures, and nearby coastal wetlands make the area very attractive to nesting birds. These habitats, combined with the large, mature forests and dense shrubs within and adjacent to the golf course, helped create a significant refuge for birds and other wildlife.

An area so well-known and so well-established as important to birds and wildlife, which likely contains special status species including State and federally Threatened and/or Endangered birds should have been given far more consideration before being cut down.

The cliffs adjacent to the golf course are home to, or recently have been home to, Peregrine Falcons, which are a California listed bird requiring impact analysis before disturbances are allowed. We do not believe that any surveys were completed for Peregrine Falcons or other special status raptors found in the area such as White-tailed Kites.

We learned from the Hamilton and Roberts documents that Briesno Landscaping personnel surveyed for nesting raptors before trimming the larger trees. This does demonstrate that someone knew there were potential issues, and while this is a good minimum step before tree trimming during routine landscape maintenance, it is not sufficient for a project of this scale or during the breeding season. If trimming and/or tree removal was conducted during the breeding season, it is very likely that nesting birds, possibly including raptors and/or other sensitive species, were taken. Such a large project within the coastal zone and in the City of Laguna Beach, "a bird sanctuary", should not have proceeded without better analysis of the impacts, professional surveys for nesting birds and other sensitive wildlife, and monitoring of construction activities by qualified personnel. Additionally, protocol California Gnatcatcher and Least Bell's Vireo surveys should have been conducted.

While we were not present during landscaping activities, I did make a visit to the Ranch Property entrance road and parking lot on the afternoon of 13 June 2014 and just happened to arrive in time to witness significant trimming of palm trees adjacent to the entrance road and Aliso Creek (see photos). We presume this was being conducted as part of the Ranch Property renovation. We are confident that this occurred after we had made the owners aware of our concerns about tree trimming during the breeding season. We do not know whether active bird nests were impacted or whether a biologist checked the trees prior to trimming or was present during the activity, but it is very likely that that nesting birds were disturbed in the trees or in the creek riparian habitat.

We have an unfortunate wealth of experience with tree trimming and its impacts to nesting birds. Every spring we work with the Orange County Bird of Prey Center and other rehabilitation facilities when they receive injured and/or dead birds caused precisely from this type of activity during the peak of nesting season. It is almost impossible to trim palm trees in such close proximity to high quality habitats during the spring and not impact nesting birds.

Photos 1 and 2. Palm tree trimming along Aliso Creek on 13 June 2014





We believe that inadequate analysis of impacts to sensitive species and habitats including birds, bats, plants and ESHA, poor timing of tree trimming, lack of biological monitoring, and implementation of questionable restoration plans, support the need for a full and careful review of the matter.

Please allow ample time for CCC Staff to consider all the factors and we request that a hearing on the matter be scheduled locally to participation of all interested parties.

Thank you for your consideration and please contact me if you have any questions.

Sincerely,

Scott Thomas

Raptor Research Committee Chair

949 293-2915

cc. Dr. Charles Lester, Sherilyn Sarb, Liliana Roman, Chuck Posner, Lisa Haage, Alex Helperin, Andrew Willis, Dr. Jonna Engel, Penny Elia, Susan Sheakley, Vic Leipzig



September 29, 2014

OCT 2 - 2014

CALIFORNIA COASTAL COMMISSION

California Coastal Commission South Coast District Office 200 Oceangate, 10th Floor Long Beach, CA 90802-4416

RE:

Appeal # A-5-LGB-14-0034 The Ranch at Laguna Beach 31106 South Coast Highway Laguna Beach, CA 92651

Visit Laguna Beach is the official destination marketing organization for the city of Laguna Beach. We are a non-profit marketing organization developed to promote and protect the brand of Laguna Beach for our partners and the community. Our goal is to introduce our unique, one-of-a-kind coastal village to visitors from around the world.

Our organization's primary source of funding is that of the Business Improvement District (BID), a 2% hotel self-assessment totaling approximately \$1,800,000 annually. Of the 2% self-assessment, 1% supports the major programs of Visit Laguna Beach, while the other 1% supports the art organizations in town including Laguna College of Art + Design, Laguna Playhouse, Laguna Art Museum, Arts Commission Programs and Cultural Arts Funding.

The Board of Directors and Staff of Visit Laguna Beach would like to communicate our full and enthusiastic support of the incredible efforts the new ownership of The Ranch at Laguna Beach are taking in maintaining the charm and heritage of "our" little golf course and boutique hotel. Since 1950, this property has been a part of the fabric of our unique and special coastal village. In actuality, this property was the beginning of our town, with the Thurston family homesteading what is now the golf course in 1871. Members of the Thurston family still live in Laguna Beach, and it should be noted that they also fully support this project. It could be said that virtually every resident of our little town has a special story they can tell about a life event that has taken place at what is now called The Ranch at Laguna Beach. The fact that the new owner grew up in Laguna Beach and still lives here is additionally special and important.

As the "keepers of the brand" for Laguna Beach, we are distressed over the situation that the property currently finds itself. The appeal to the California Coastal Commission is based on unwarranted accusations based on our understanding of the projects scope, which is minimal and

Page 2 - Appeal # A-5-LGB-14-0034

focused on simply updating the existing buildings and bringing this property up to modern standards while maintaining the charm and heritage that reflects our coastal village. We as a destination marketing organization, as well as everyone in town, have been hoping for exactly what they are doing, which is preferable over some of the earlier, more aggressive concepts proposed by past special interests and prior owners of the property. This situation is sending a bit of a shiver up the spine of other hotel owners in Laguna Beach, all who work hard and struggle to maintain their unique properties in a very seasonal coastal resort town. It seems to us and many others that what the current owners are doing at The Ranch at Laguna Beach would be lauded as an example that the California Coastal Commission would use when discussing the right way to approach a hotel renovation on our fragile coastline.

As the property navigates through this difficult time, the city as a destination is lacking an important amenity for locals and travelers alike. With the current loss of hotel room product at The Ranch at Laguna Beach, this not only affects the projected funding used to sustain the organizations, attractions and programs mentioned above, but because tourism is the second highest employer in the city, this also causes many employees to lose their jobs and affects the overall well-being of the city itself.

We would appreciate you making every effort in speeding this process along so we can once again enjoy all that The Ranch at Laguna Beach offers.

Sincerely,

Karyn Philippsen, CMP

Chairman of the Board of Directors

Visit Laguna Beach

361 Forest Avenue, #200

Laguna Beach, CA 92651

949-376-0511

karynphilippsen@cox.net

October 1, 2014

To: the California Costal Commission

From: Wendy R. Crimp

220 Cypress Drive

Laguna Beach, CA 92651



COASTAL COMMISSION

I am a Laguna Beach resident and homeowner and also was born in California. I am writing this memorandum to you in support of Appeal A-5-LGB-14-LL34 submitted by the Ranch at Laguna Beach. I believe that their plans are an asset to the community and the environment. I am asking for them to be supported by the Coastal Commission. Thank-you.