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

Click here to go to original staff report

W14a

ADDENDUM

April 13, 2015

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM W14a**, COASTAL COMMISSION PERMIT APPLICATION NO. **A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village, LLC)** FOR THE COMMISSION MEETING OF **April 2015.**

A. Revisions/Corrections to the Staff Report

The following revisions to the findings and special conditions of the staff report dated April 2, 2015 are made as follows (deleted language is in **~~bold, strike through~~** and new language is in **bold, underline**) (note that the strike-out/insert formatting from the April 2nd document consisting of text in ~~plain strike-out~~ and plain underline is also shown below; these are the changes to the findings staff was originally recommending and continues to support):

1. Correct an error in the findings regarding Affordable/Lower Cost Overnight Accommodations with the following revision on page 33 of the staff report.

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 64 existing overnight accommodations at this location were lower cost as a result of the room sizes and room rates.~~ 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)]. Although the applicant proposes to create 32 new rooms within the existing hotel footprint by splitting 32 one-bedroom suites in half and reducing the square footage of existing rooms to offer 64 standard sized hotel rooms, **~~33~~32** of the 97 newly renovated rooms will still accommodate four or more guests with a sleeper sofa. The complete interior remodel of all 64 existing units includes removal of kitchens from those rooms,

however refrigerators and microwaves will be installed in all rooms, enabling guests to store beverages and make light snacks (the primary historic use of the kitchens in existing rooms according to the applicant; see Exhibit 29, page 191).

2. In order to make Special Condition 1 consistent with the change to the findings regarding Affordable/Lower Cost Overnight Accommodations described above, the following revision to Special Condition 1 shall be made on page 6 of the staff report.

   1. **Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations & Visitor and Recreational Facilities.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall ~~elect to~~ mitigate the proposed project's impacts on affordable overnight accommodations and lower cost visitor and recreational facilities by implementing the following:

      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 $250,000 fee in-lieu of providing lower-cost overnight accommodations and visitor recreational facilities 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, ~~and~~
      B. The applicant shall agree to ~~fund and operate the proposed Shuttle Access Program and Management Plan, 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~~.~~, and
      C. The applicant shall install microwaves in all 97 rooms and ensure that at least ~~33~~**32** of the 97 newly renovated rooms can accommodate 4 or more guests with the provision of sleeper sofas.

3. Add the following findings to the last paragraph of Section IV.H. on page 54.

   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 **resolves the significant violations identified above, but** 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. **Commission staff previously reported to the Commission that renovations to structures on the property under building permits issued by the City are exempt, provided they do not result in an intensification of the use of the structure.**

4. Add the following cross reference to Appendix B on page 57 regarding the revised findings in Section IV.H.

Appendix B – Miscellaneous Staff Responses to Comments

The following are responses to comments received by interested parties and included in the Addendum dated January 7, 2015 that did not require changes in the text of the staff report dated December 23, 2014. **Note: See the revised findings at Section IV.H. for the Commission's final findings regarding the unpermitted development discussed in paragraphs 1 and 3 below.**

B. Ex Parte Disclosures

1. Ex parte disclosures are attached.

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Greg Cox

1) Name or description of project: A-5-LGB-14-0034 (The Ranch)
2) Date and time of receipt of communication: April 7, 2015 at 4:45pm
3) Location of communication: Telephone
   (If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
4) Identity of person(s) initiating communication:
   Anne Blemker
5) Identity of person(s) on whose behalf communication was made:
   Mark Christy
6) Identity of persons(s) receiving communication:
   Greg Murphy for Greg Cox
7) Identity of all person(s) present during the communication:
   Steve Kaufmann, Susan McCabe, Anne Blemker

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

My staff member, Greg Murphy, received a briefing from the applicant's representatives in which they discussed the Commission's action in January and whether the findings before us accurately reflect the action taken to approve the hotel renovation. At the time of the briefing, the applicant's representatives indicated that they were continuing to work with staff to resolve some concerns regarding with the accuracy of certain conditions and findings language, notably involving a slight change to the number of units providing sleeper sofas, setback issues on the Scout Camp parcel, and Commissioner discussion at the hearing regarding resolution of the unpermitted development issue. A letter to the Commission would be submitted prior to the hearing to address any outstanding issues.

4/10/15
Date

Greg Cox
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

CALIFORNIA COASTAL COMMISSION
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W14a

Appeal Filed:	06/16/2014
49th Day:	08/04/2014
SI Found:	07/09/2014
Approved:	01/08/2015
Staff:	Erin Prahler-LB
Staff Report:	04/02/2015
Hearing Date:	04/15/2015

STAFF REPORT: APPEAL – REVISED FINDINGS

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'. Also proposed are an offer to dedicate a floating easement for a public pedestrian and cycling trail and a free youth camping program.
Commissioners on Prevailing Side:	Commissioners Cox, Howell, McClure, Mitchell, Pestor, Turnbull-Sanders, Vargas, Zimmer, and Chair Kinsey
Staff Recommendation:	Adopt the revised findings

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission adopt the following revised findings in support of the Commission's January 8, 2015 approval (with conditions) of Coastal Development Permit A-5-LGB-14-0034. The Commission-approved project includes a $250,000 fee, an offer to dedicate a floating public trail easement, and no-cost camping events, including the provision of camping gear, for nonprofit

groups of 40 or fewer people as sufficient mitigation for the lack of affordable overnight accommodations in the proposed development and impacts to lower cost visitor and recreational facilities. Finally, at the Scout Camp parcel, the Commission-approved project allows a concrete pad to remain in place, requires fencing 25 feet from Aliso Creek and from native scrub habitat, limits events (other than camping events) to a maximum of 150 people, and permits amplification of voice or music subject to a 65 decibel limit at the property line.

A vote by the majority of the Commissioners on the prevailing side is necessary to adopt the revised findings. **See page 5 for the motion to adopt the revised findings.**

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APPENDICES

Appendix A – Substantive File Documents
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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 22A – Letters from Interested Parties received by December 23, 2014 and attached to the Staff Report dated December 23, 2014
Exhibit 22B – Letters from Interested Parties received by January 7, 2015 and included in Addenda 1 and 2 to the Staff Report dated December 23, 2014
Exhibit 23 – Selected Screen Shots of the Website for The Ranch (www.theranchlb.com)
Exhibit 24 – Memorandum from Dr. John Dixon, CCC, to Erin Prahler, CCC, dated January 7, 2015
Exhibit 25 – Information Regarding Past and Proposed Room Rates Supplied by the Applicant
Exhibit 26 – Alta Golf Cart Path Feasibility Study Letter, dated November 11, 2014
Exhibit 27A – Ex Parte Disclosures Received by December 23, 2014
Exhibit 27B – Ex Parte Disclosures Received after December 23, 2014
Exhibit 28 – Notice of Violation Letter from Andrew Willis, CCC, to Mark Christy, Applicant, dated September 24, 2014
Exhibit 29 – *In the Matter of: California Coastal Commission, Transcript of Proceedings 11(A) on January 8, 2015*, prepared by Dianne Jones & Associates

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **adopt** the revised findings proposed by staff in support of the Commission's action on January 8, 2015 approving with conditions Coastal Development Permit Application No. A-5-LGB-14-0034.*

Staff recommends a YES vote on the foregoing motion. Passage of this motion will result in adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the January 8, 2015 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

The Commissioners on the prevailing side are: **Commissioners Cox, Howell, McClure, Mitchell, Pestor, Turnbull-Sanders, Vargas, Zimmer, and Chair Kinsey.**

Resolution:

The Commission hereby adopts the findings set forth below for the approval with conditions of Coastal Development Permit A-5-LGB-14-0034 on the ground that the findings support the Commission's decision made on January 8, 2015 and accurately reflect the reasons for it.

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:

NOTE: The Special Conditions below include the changes the Commission made to the recommended conditions on January 8, 2015. The portions of those conditions that are being deleted are in ~~strike-out text~~ and additions to the conditions are identified with underlined text.

This permit is granted subject to the following special conditions:

1. **Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations & Visitor and Recreational Facilities.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall ~~elect to~~ mitigate the proposed project's impacts on affordable overnight accommodations and lower cost visitor and recreational facilities by implementing the following:

   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 $250,000 fee in-lieu of providing lower-cost overnight accommodations and visitor recreational facilities 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, ~~and~~
   B. The applicant shall agree to ~~fund and operate the proposed Shuttle Access Program and Management Plan, 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~~.~~, and
   C. The applicant shall install microwaves in all 97 rooms and ensure that at least 33 of the 97 newly renovated rooms can accommodate 4 or more guests with the provision of sleeper sofas.

2. **In-lieu Fee as Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations & Visitor and Recreational Facilities.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall pay a fee ~~for the loss of existing lower-cost overnight accommodations and~~ for not providing lower-cost overnight hotel units on the project site.

   A. The required total in-lieu fee of $250,000~~1,121,010 ($33,970 x 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~~Orange County Parks, California Coastal Conservancy, California Department of Parks and Recreation, or a similar entity. The purpose of the account shall be for planning and permitting of a pedestrian and cycling trail, including identification of a trail alignment, with any funds remaining after planning is completed to be used for trail construction and maintenance. ~~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 visitor recreational facilities 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 identify a trail alignment including planning, permitting and construction of the trail~~create or enhance lower cost accommodations in the coastal zone~~; 2) ~~a requirement that the entity accepting the funds must preserve newly created lower cost accommodations in perpetuity; 3)~~ the terms provided in subsection A of this condition; and ~~4~~3) 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 trail~~lower cost accommodations~~ required by this condition.

3. [This Condition Deleted].~~**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. 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 funded by the applicant including provision of a shuttle vehicle consistent with the final Shuttle Management Plan approved by the Executive Director.~~

~~B. The operator of the Shuttle Access Program may be the applicant or 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 fund 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. [This Condition Deleted].~~**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 ~~PRIOR TO~~ ISSUANCE OF A 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 co-applicant 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 (40 person maximum) camping experiences at the Scout Camp per year, at no cost. 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~~.~~; and
D. Provision of all camping equipment necessary to support the overnight campout, including, but not limited to, tents, sleeping bags, etc.

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, except the approximately 7,000 square foot concrete pad, 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~~25 feet from the top of bank of 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~~40 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~~150 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~~25 feet from the top of bank of 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~~.~~; and
    L. A group camping management plan, consistent with the requirements of Special Condition 7.

    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. This policy is also intended to ensure the protection of roosting California bat species of special concern and wintering Monarch butterflies. 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 bird

breeding and nesting or bat or butterfly roosting 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 (February 1 through August 31) 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 bird 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.

Prior to trimming, a qualified biologist shall determine if trees are being used by roosting bats or wintering butterflies. If bats are found on a particular tree, or have been found in the previous five years, tree trimming should be confined to November and December when bats are least active. Tree trimming shall not occur on trees occupied by butterflies, or on trees within 300 ft. of occupied trees, until after the butterflies have migrated from the region. If Monarch butterflies do begin to overwinter in trees at The Ranch, a qualified Monarch biologist must develop a habitat protection and maintenance plan prior to trimming any trees within the roosting grove.

The removal of any tree with documented use for raptor nesting, bat roosting, or Monarch wintering 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. 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 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 (February 1 through August 31). 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. 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.

C. Eucalyptus Tree Trimming or Removal

1) Prior to tree trimming or removal, a qualified biologist shall survey the trees to be trimmed or removed to detect evidence of bat roosting and submit a survey report to the permittee and the Executive Director of the Coastal Commission. The survey report shall include identification of all trees with evidence of bat roosting. The permittee shall maintain a database of survey reports that includes a record of

roosting trees that is available as public information and to be used for future tree trimming and removal decisions.

2) Any trimming of trees with evidence of bat roosting shall be supervised by a qualified biologist and a qualified arborist to ensure that adequate foliage coverage is maintained in the tree, to the maximum extent feasible, in order to preserve the roosting habitat, 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 roosting tree for bat roosting habitat. Trees or branches with evidence of active roosting 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 roosting is observed at the site until a qualified biologist has assessed the site and given approval to proceed within 300 feet of any occupied tree.

D. Tree Trimming or Removal During Monarch Roosting Season (September through February). If tree trimming or removal activities cannot feasibly avoid the overwintering season because a health and safety danger exists, the following guidelines must be followed:

1) A qualified biologist 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 monarch roosting 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. 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 roosting monarchs or 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;
3) 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 that has any potential to uncover or otherwise disturb cultural deposits;
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 Archeological 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 Archeological 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. REVISED FINDINGS AND DECLARATIONS:

NOTE: The following revised findings and declarations include all of the staff's recommended findings that were set forth in the December 23, 2014 staff report and the January 7, 2015 addendum for the Commission's January 8, 2015 hearing. The portions of those findings that are being deleted are in ~~strike-out text~~. The supplemental findings being added in support of the Commission's January 8, 2015 action are identified with <u>underlined</u> text.

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.

<u>The applicant modified the project proposal just before the January 8, 2015 hearing to retain the entire approximately 7,000 square foot concrete pad at the Scout Camp parcel, rather than removing that portion of the concrete pad located within 100 feet of Aliso Creek. The applicant also modified the group camping proposal to allow groups with a maximum of 40 people, provide camping equipment including tents and sleeping bags, and provide the camping events to nonprofit youth groups at no cost.</u>

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 30212 states:

> *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

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 one-bedroom 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 of the conversion of the 32 one-bedroom suites to 64 standard sized rooms, removal of kitchens from all 64 existing units, and the rate increase for the existing rooms, the hotel is losing 64 affordable and lower cost rooms and gaining 33 higher cost rooms.~~ The~~se changes are~~ failure to provide lower cost units is inconsistent with the LCP's requirement to "[p]rotect, encourage, and where feasible provide, affordable overnight accommodations~~.~~" and ~~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~~ 40 people, including non-profit youth organizations, at the Scout Camp at no cost. These free camping events would focus on dark sky experiences and the applicant would provide all camping equipment necessary to support the campout, including, but not limited to, tents and sleeping bags. 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 impacts 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~~does not provide an equivalent experience to a trail and in this particular situation is unlikely to be used enough by the public to be seen as a valuable offset. In addition, the applicant's proposal to contribute $50,000 is probably insufficient to purchase a shuttle vehicle. ~~acceptable interim amenity to transport the public to the coast from the existing trail terminus at the northeast corner of The Ranch property. However, t~~The applicant's proposal does not guarantee funding and operation of the program, so actual provision of the shuttle is not ensured. As a result, the proposed shuttle system does not provide meaningful mitigation for the impacts of the proposed project and the Commission finds there would be greater value in providing more funding toward the trail, as discussed further below.~~The shuttle service is only an acceptable alternative to a trail connecting the Wilderness Park to Aliso Beach if it is operational.~~

Finally, the overnight camping experiences could provide some mitigation for the ~~loss of~~ failure to provide 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, while beneficial, 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. In addition to an offered easement discussed further elsewhere, this proposed public access is in the form of a shuttle service which the Commission has concluded will not provide an equivalent experience to a pedestrian and cycling trail and is unlikely to be used much by the public. The applicant proposes to contribute $50,000 toward the purchase of a shuttle vehicle, an amount that may not be sufficient to provide an adequate vehicle. As proposed, the applicant is not required to fund or operate the shuttle, so there is no guarantee that the service would ever truly be operational. As a result, the Commission rejects the applicant's proposed shuttle service as inadequate mitigation for the project's impacts to public access and recreation. ~~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 to fund operation of the shuttle service, including purchase of a shuttle vehicle. **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~~ is consistent with the certified LCP's policies regarding provision of trail access.

Nexus and Rough Proportionality Basis for an Offer to Dedicate (OTD) a Trail Easement

Even though the applicant proposed the floating OTD for a trail and open space easement, the Commission would have the constitutional basis to require a trail to mitigate for impacts associated with the proposed development. When an agency conditions approval of a permit on the dedication of property to the public, there must be a nexus and rough proportionality between the property that the government demands and the impacts associated with the applicant's proposal. (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825, 837; *Dolan v. City of Tigard* (1994) 512 U.S. 374, 391.) In other words, the Commission must find that there is a connection between a type of impact and the required exaction to satisfy the nexus question. If a nexus is found, then the Commission must find that the exaction is roughly proportional to the impact. The rough proportionality aspect of the inquiry does not require a "precise mathematical calculation…but [the governmental agency] must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development." (*Dolan* at p. 391.) For the following reasons, the Commission would satisfy the nexus/rough proportionality elements if it conditioned approval of the proposed project on the dedication of a public access trail because the proposed project has significant adverse impacts on public access and a trail dedicated to the public is related both in nature and extent to the impacts on public access.

The project will have two distinct public access impacts. First, the proposed project will have significant adverse impacts on lower cost visitor and recreational facilities in the vicinity of the proposed project. Section 30213 protects, encourages and requires provision, where feasible, of lower cost visitor and recreational facilities. The proposed project is ~~eliminating 64 lower~~adding 33 high cost accommodations in the coastal zone, ultimately making the proposed 97 hotel rooms a high-cost overnight accommodation. In order to ensure lower cost visitor and recreational facilities in the coastal zone are available to as many Californians and other visitors to the coast as possible, protection and provision of ~~the existing~~ lower cost facilities is required. The proposed project fails to do this. Thus, there must be mitigation for the ~~loss of this~~ failure to provide lower cost facilit~~y~~ies. **Special Condition No. 1** requires payment of an in lieu fee to address this impact.

Second, the project will also have significant impacts on existing public access and recreational facilities in the area, including existing trails, beaches, and other coastal recreational resources. Indeed, as with most coastal hotels, the project is relying on the attraction of the coastal recreation resources of the area

as a primary attractive feature of The Ranch facility. The website for the proposed project advertises that public recreational facilities are available for its guests (Exhibit 23). In particular, the webpage dedicated to activities during a guest's stay at the hotel has links that promote the use of public amenities that are lower cost visitor/recreational facilities. Since the proposed project will increase the capacity of the hotel, accommodating at least an additional 33-66 people per night (33 new rooms times 1-2 people per room), there is the potential that the additional capacity could bring up to 24,090 additional people per year to the area (max potential- 66 people x 365 days=24,090). While it is unlikely that every guest who stays at the hotel will use all the public amenities advertised on the hotel website, and recognizing that the actual occupancy will be somewhat less than 100% year round, it is reasonable to assume that at least 50% of the people who potentially stay at the hotel will use some inland public facilities further from the hotel (inland trails) and nearly 100% would use most of the public facilities near the hotel (beach parking lot, beaches, Pacific Coast Highway, parks, etc.). The additional people that the project will bring into the area will increase the impact on those facilities including, but not limited to, additional bathroom maintenance, garbage accumulation, trail maintenance, road maintenance and traffic congestion. Considering the additional load that the proposed project will have on the lower cost visitor/recreational facilities in the vicinity, the proposed project does not protect those facilities, inconsistent with section 30213.

There is a nexus/rough proportionality for the requirement of a trail dedication to mitigate for the aforementioned impacts on lower cost visitor/recreational facilities. While the Commission has typically required mitigation for the loss of/failure to provide lower cost overnight accommodations in the form of an in-lieu fee, there is a nexus for the requirement of a trail dedication because it is within the ambit of mitigation for impacts on a lower cost visitor/recreational facility. A public trail is typically a no-cost visitor/recreational facility because there is usually no charge for a person to hike or bike on a trail. Some parking lots at trailheads require a nominal fee, but overall a hiking/biking trail is inherently a lower cost visitor/recreational facility. Thus, there is a nexus between the impacts that the proposed project will have on lower cost visitor/recreational facilities and the requirement of a lower cost visitor/recreational facility in the form of a trail. Additionally, a trail dedication would be roughly proportional to the project's impacts on lower cost visitor/recreational facilities because it is in the same form of the impact in that it is a lower cost visitor/recreational facility. Further, a dedicated trail would be of a similar extent to the loss of the lower cost units because it would similarly be available to the public at a lower cost. In addition, the extension of a trail is a public facility that would alleviate the increased use of the existing trails on nearby public park area, as required by Coastal Act section 30212.5 The applicant's attorney concedes on page 11 of his letter dated December 31, 2014 (Exhibit 22B), that a public trail could be mitigation for impacts associated with the ~~loss/~~lack of providing lower cost visitor/recreational facilities, contrary to his assertion on page 2 of his letter that there is no nexus or rough proportionality for the Commission to require a trail as a condition for approval. Therefore, there would be a nexus/rough proportionality in requiring an OTD for a trail easement to mitigate for the project's impacts on public access and lower cost visitor/recreational facilities.

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 64 existing overnight accommodations at this location were lower cost as a result of the room sizes and room rates.~~ 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)]. Although the applicant proposes to create 32 new rooms within the existing hotel footprint by splitting 32 one-bedroom suites in half and reducing the square footage of existing rooms to offer 64 standard sized hotel rooms, 33 of the 97 newly renovated rooms will still accommodate four or more guests with a sleeper sofa. The complete interior remodel of all 64 existing units includes removal of kitchens from those rooms, however refrigerators and microwaves will be installed in all rooms, enabling guests to store beverages and make light snacks (the primary historic use of the kitchens in existing rooms according to the applicant; see Exhibit 29, page 191).

The applicant provided Average Daily Rates charged, by month and year, for 2004 through 2013. In 2013, the Average Daily Rate ranged from a low of $87.13 in January to $172.34 in July during the peak summer season. In 2005, the Average Daily Rate ranged from a low of $115.75 in January to a high of $212.82 in July. The appellant and several public comment letters provided historic screen shots of the hotel website with rates for each room type. These historic screen shots show that in 2002 the lowest available rate was $127 in the low season and $175 a night in the high season for a studio room. In 2005 the lowest available rate was $127 in the low season and $197 a night in the high season. A survey of lower cost hotel rates in Laguna Beach was not conducted for this project. However, staff did search for the lowest published rate available at several Laguna Beach hotels located along the coast for upcoming dates of January 9 and 10, 2015 for comparison. As of January 6, 2015, rooms were available for $160 a night at the Hotel Laguna, $125 a night at the Pacific Edge, $560 a night at the Surf and Sand, $595 a night at the Montage, $260 a night at the Inn at Laguna Beach, and $179 a night at the Capri Laguna. This sampling of rates in the low season makes clear that hotel rates within easy access to the coast in Laguna Beach are significantly higher than rates that have been charged at this hotel historically. The historic rates charged at this property during the low season are affordable and lower cost in comparison to other overnight accommodations in the immediate area. Without a survey of lower cost hotel rates in

Laguna Beach during the high season, however, the Commission does not have sufficient information to conclude that the existing hotel rooms were affordable and lower cost as defined by Policy 6.2 of the Land Use Element and section 30213 of the Coastal Act.

~~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 new penthouse suite (converted former residence) 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.~~

~~In addition to making the existing 64 rooms unaffordable by removing kitchens from all units and decreasing the square footage of 32 units, t~~The proposed hotel rates for all 97 hotel rooms 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. As a result of the ~~conversion of 32 one-bedroom suites to 64 standard sized rooms, removal of kitchens from all 64 existing rooms, the rate increase for the existing rooms, and~~ addition of 33 new higher cost rooms and the failure to provide new affordable and lower cost rooms, 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, ~~64 affordable units are being lost through conversion to standard sized rooms, higher rates and loss of kitchens. In addition,~~ 33 new high cost rooms are being added to the property. According to the formula used by the Commission for other projects, the in lieu fee of $30,000 per room could be applied to ~~the loss of 64 affordable rooms and~~ 25% of the 33 proposed new high cost rooms (33 x 25% = 8.25), 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. Under this analysis, an in lieu fee of $33,970 per room applied to a total of ~~72~~8.25 rooms ~~(64 + 8.25)~~ for the ~~loss of 64 existing lower cost/affordable units and~~ addition of 33 high cost overnight accommodations would be $280,252.50~~2,454,332.50~~ ($33,970 x ~~72~~8.25 = $280,252.50~~2,454,332.50~~).

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 affordable/lower cost units. Instead, the applicant is proposing~~ to increase the rates for all 64 existing units, reduce the number of persons who can be accommodated in 32 existing rooms, and eliminate the kitchens from all 64 existing units. However, 33 of the 97 newly renovated rooms will still accommodate four or more guests with a sleeper sofa, and refrigerators and microwaves will be installed in all rooms. The applicant is also proposing limited free overnight tent camping at the Scout Camp, including camping equipment, 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 no more than 12 events per month at the Scout Camp. That means that even if only camping events occur and no other events (weddings, workshops, yoga classes) were held at the Scout Camp, which is unlikely, camping would occur a maximum of 144 nights per year for up to ~~12~~40 people per night. In addition, the proposed camping would not be available to the general public – the applicant proposes to make these camping experiences available to groups with preference for non-profit youth organizations.

Therefore, the proposal for limited overnight camping alone does not provide sufficient mitigation against the ~~loss of 64 affordable overnight accommodations,~~ addition of 33 higher cost rooms, or failure to provide affordable accommodations onsite, but could reduce the in lieu fee calculation.

Instead of ~~the~~an 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. As described previously, 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 shuttle would not provide an experience equivalent to a pedestrian and cycling trail and is unlikely to be used much by the public. As a result, the Commission finds that the proposed shuttle is not an appropriate method of mitigation for the project's impacts to affordable overnight accommodations and lower cost visitor facilities.

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. 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. ~~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.~~

Although this proposed mitigation package (the limited overnight camping and offer to dedicate trail easement) 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, unless cost-saving amenities are included such as in-room food storage and preparation and an allowance for higher room occupancy. The applicant's proposed limited overnight group camping and offer to dedicate trail easement~~public access~~ offers a lower-cost recreational opportunity on and 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). 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, until such time as it is replaced by a viable pedestrian and cycling trail through the property to the beach, could be acceptable as partial 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 and impacts to lower cost recreational facilities, **Special Condition 1** requires the applicant to pay an in lieu mitigation fee of $250,000.00~~1,121,010.00 and fund and operate the proposed shuttle service~~, in addition to the proposed offer to dedicate trail easement detailed in **Special Condition 5** and the group camping described in **Special Condition 7**~~ also requires the applicant to host at least 12 overnight, small group camping experiences at the Scout Camp per year~~. The $250,000 in lieu mitigation fee shall be used for planning, permitting and construction of a pedestrian and cycling trail, including identification of an appropriate trail alignment.

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 Requirement**	**No. Parking Spaces Required**
Hotel (64 rooms)	1 space per room plus 1 space per each 15 rooms	68.3
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

Land Use	**Municipal Code Parking Requirement**	**No. Parking Spaces 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)	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~~)
Assembly – Lodge new deck (3,114 sq. ft. and unknown seats)		88.9
Assembly – Pro Shop Patio (3,000 sq. ft. and 200 seats)		85.7 (~~66.6 based on # of 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, but leaving in place the full approximately 7,000 square foot concrete pad. 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 dusk[1]
- 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 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, Dr. Dixon recommends that all tear down should be completed 2 hours after sunset or no later than 2200 hours (10pm). The applicant's biologist opines that a 150 person limit will not negatively impact the surrounding native habitats, that fencing installed 25 feet from the top of bank of Aliso Creek and from native scrub habitats is sufficient to prevent intrusion into those buffer areas, and that the proposed 65 db limit is sufficient to protect surrounding native habitat and species from sound impacts without also prohibiting amplification of voice or music (see Exhibit 22B, page 34 and Exhibit 29, pages 49-50). Based on the recommendations of the applicant's biologist, **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.~~ to no more than 150 people, installation of fencing 25 feet from the top of bank of Aliso Creek and from native scrub habitats, and maintenance of a 65 db limit at the property line. In addition, the special condition imposes Dr. Dixon's recommendations requiring submission of a noise management plan, lighting plan, and landscaping plan for review and approval by the Executive Director. Tear down of events shall be completed by no later than 10pm and there shall be no glare or light intrusion into surrounding native habitat areas. 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

[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.

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 (when an MLD is designated) 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.

Information subsequently submitted by the South Laguna Civic Association in their letter dated January 5, 2015, provides a different history, part of which is supported by grand deeds in the public record. The SLCA states the Scout Camp parcel was originally part of the homestead of Leon Goff and that the Goffs planted the Eucalyptus grove in the 1800's to prove out their homestead. SLCA states that the Goff homestead was purchased by the Dolphs in 1905, and the subject 2-acre parcel was then given to the Laguna Beach Girl Scouts in 1935. In 1962 the parcel was given to the Joe Thurston Foundation (though it was never part of the Thurston homestead or owned by the Thurston family). In 1967 the Thurston Foundation transferred the property back to the YMCA. The remainder of the history is not contested.

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."

Indemnity Provision

The applicant argues that the Commission lacks authority to impose **Special Condition 21**, an indemnity condition which requires the applicant to reimburse the Commission should a third party successfully sue to overturn the Commission approval of the subject application and obtain an award of attorney's fees from a court[2]. In addition, the applicant alleges that the condition is

[2] At present, the Attorney General's Office does not charge the Commission for its attorney's fees and thus no charge for its representation that could or would be passed on to the applicant.

inconsistent with section 30607 of the Coastal Act and that its imposition is an underground regulation in violation of the Administrative Procedures Act ("APA"). The Commission has statutory and regulatory authority to impose **Special Condition 21** and the applicant is incorrect on all counts. The Commission has considered the arguments regarding indemnification at its June 2007 meeting (Item F14a.), its August 2007 meeting (Item W27d.), when revising its permit fee regulations in 2007 and 2008, and during the proceedings of numerous permit hearings when the Commission has decided whether or not to impose the condition. Section 30620(c) authorizes the Commission to "require a reasonable filing fee and the reimbursement of expenses for the processing by the commission of any application for a coastal development permit under [the Coastal Act]." When construing a statute, courts "ascertain the intent of the Legislature so as to effectuate the purpose of the law." ' [Citation.] 'In determining such intent, a court must look first to the words of the statute themselves, giving to the language its usual, ordinary import and according significance, if possible, to every word, phrase and sentence in pursuance of the legislative purpose.' [Citation.]' " (*State Farm Mutual Automobile Ins. Co. v. Garamendi* (2004) 32 Cal.4th 1029, 1043.) The Legislature specifically authorized the Commission to seek reimbursement for expenses incurred by it for processing applications for coastal development permits (CDP) in section 30620(c). Attorney's fees and litigation costs are expenses related to the processing of CDPs, based on the plain language of the statute. The language of both §30620 and §13055 recognizes that the Commission may seek "reimbursement" for its reasonable expenses. This suggests the Legislature anticipated the Commission would seek to recover expenses after they had actually been incurred, not just prospectively seek fees to cover the administrative costs involved in reviewing permit applications. Attorneys' fees are one type of expense that fits this expectation, as the Commission may only seek reimbursement for such expenses after they have been incurred.

Further, attorney's fees and costs for which the indemnity provision requires reimbursement are only incurred by the Commission as the result of approving a given CDP, so these costs are not only related to but dependent on the Commission's action on the CDP. In addition, if the Commission does not prevail in the litigation filed as the result of its approval of a CDP, the Court typically requires the Commission to reconsider the permit. The Commission's litigation costs and expenses are thus all part of the Commission's consideration and processing of the CDP. The Commission is therefore authorized under §30620 and §13055 to seek reimbursement for such expenses.

The applicant argues that only cities and counties may impose conditions requiring reimbursement of litigation costs, citing a 2002 Attorney General's Opinion for support. While cities and counties have authority to impose conditions requiring reimbursement of litigation costs from applicants based on its police power granted under the California Constitution (Cal. Const. art. XI, §7), the Commission's basis for imposing the same condition need not be based on the same constitutional provision to be valid. As stated above, the Commission has statutory authority to require **Special Condition 21** under section 30620 and thus is equally justified to impose the disputed indemnity provision.

The Office of Administrative Law ("OAL") carefully reviewed and approved section 13055 of the Commission's regulations which clarifies when section 30620 of the Coastal Act cannot be used for indemnification purposes. Government Code section 11342.2, which is part of the APA, requires that a state agency that has express or implied statutory authority to adopt regulations to implement the provisions of a statute does so in a manner that is consistent and not in conflict with the statute

and reasonably necessary to effectuate the purpose of the statute. As the Commission stated in its Final Statement of Reasons, November 30, 2007: "The Commission has the authority under existing statutory and regulatory provision to require indemnification and thus may continue to require indemnification from applicants on a case-by-case basis, as necessary. The proposed regulation amendment has no effect on this ability. The regulation simply states that if the Commission requires indemnification in the future, it will under no circumstances require it from an applicant for a single family home."

The Commission has been imposing this condition on a case-by-case basis for years, as mentioned by the applicant, dating back to at least 1996. It is authorized by statute and regulation, imposed on a case-by-case basis, and is not an underground regulation.

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

Appendix B – Miscellaneous Staff Responses to Comments

The following are responses to comments received by interested parties and included in the Addendum dated January 7, 2015 that did not require changes in the text of the staff report dated December 23, 2014.

1. In a letter dated December 31, 2014, the applicant raises objections to the restrictions regarding event use of the Scout Camp imposed by **Special Condition 12**. The applicant opposes the limitation of events to 100 people, requirement to install fencing 100 feet from Aliso Creek to prevent intrusion into the buffer area, and prohibition on amplification of voice or music (see Exhibit 22B). Staff ecologist Dr. John Dixon addresses these objections in his memo dated 1/7/15 and attached as Exhibit 24. Dr. Dixon's memo assesses the potential biological impacts of certain instances of vegetation removal that have occurred on the site, and his findings are therein. Staff notes that it is important to remember that the definition of development under the Coastal Act includes "removal of major vegetation…", (vegetation that has ecological value is typically considered to be "major vegetation"). Thus, it is not necessary to determine that vegetation removal has resulted in biological impacts to determine that development has occurred. As noted elsewhere in this staff report, enforcement staff will consider appropriate steps to address any unpermitted removal of major vegetation that has occurred on the site.

2. The appellant submitted three documents for Commissioner review. The first is a copy of the *Hydraulic Review/Substantial Improvement Study* report prepared by engineering firm WRECO dated December 2014, including all Appendices. A copy of the report without the appendices was attached as Exhibit 21 to the staff report dated 12/23/14. This report is discussed in the staff report findings related to Natural Hazards-Flooding on pages 41-47. The second document submitted by the appellant is a copy of the Commission staff report dated 5/30/13 for the City of Laguna Beach LCP Amendment Request No. 1-13-A (LGBMAJ- 1-13A). This LCP amendment is discussed in the staff report on page 47. The final document submitted by the appellant for

Commissioner review is an excerpt from a FEMA guidance document discussing the substantial improvement rule. These three documents are attached in Exhibit 22B.

3. Several comment letters, including a letter from the Sierra Club dated December 29, 2014 and a letter from the California Coastal Protection Network dated January 5, 2015 (see Exhibit 22B), reference unpermitted development within the "Scout Camp" area that was the subject of a Notice of Violation ("NOV") letter from Commission staff dated September 24, 2014 and addressed to the applicant (see Exhibit 28). As noted in Section H of the staff report, in order to resolve the matter of the unpermitted development at issue, that was described in the NOV letter, the applicant proposes to modify and remove portions of the unpermitted development, in order to avoid potential impacts to coastal resources, and requests after the fact authorization of portions of the unpermitted development, as modified. The applicant proposes to restore the areas where unpermitted development is proposed to be removed with native plant species; in order to ensure that any effects of the unpermitted development are properly remedied, **Special Condition No. 11** requires use of plant species appropriate to the surrounding native plant communities. In addition, special conditions of the coastal development permit, Nos. 11 and 12, for instance, require additional modifications to the proposed development, including restrictions on use of the Scout Camp area, to further protect coastal resources.

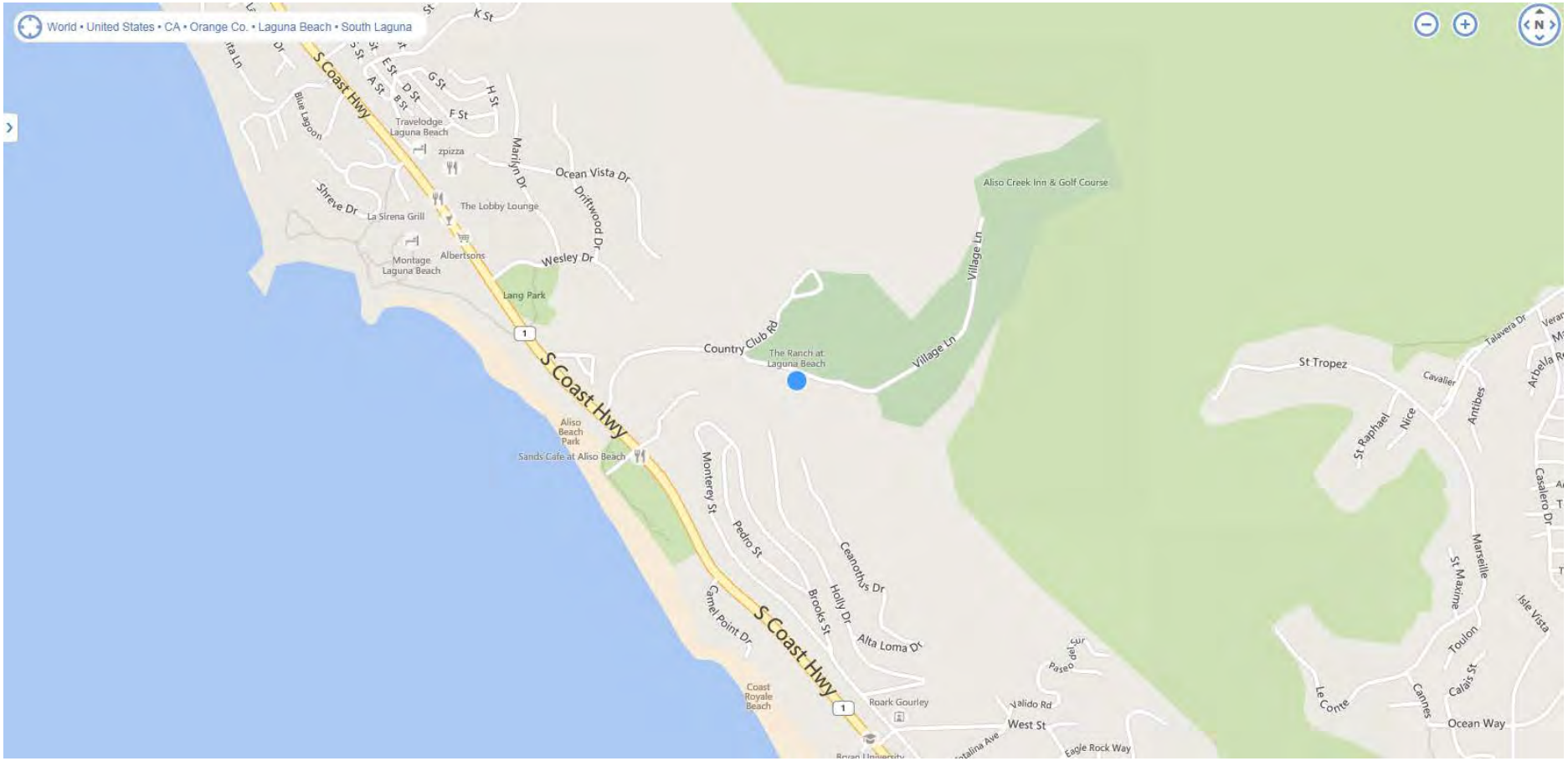
   The September 24 NOV letter was limited in its scope to address the unpermitted development within the Scout Camp area that functions as a component of the proposal presently before the Commission and results in an intensification of use of the site. Enforcement staff will consider appropriate action in coordination with the City of Laguna Beach, as this site is located within an area with a certified local coastal program, to address other unpermitted development that may have occurred on the site, if any, and is not addressed by the September 24 Notice of Violation letter, and consequently by this permit application.

4. The Sierra Club, through its counsel, has argued that the de novo hearing should be postponed because the applicant failed to post notice on the subject property that there is a pending appeal of a locally approved CDP application for development on the property. The posting notice regulation in section 13054(d) of the Commission's regulations do not apply to appeals. (14 CCR section 13115(b).) Therefore, the applicant did not violate any due process requirement for failing to post notice of the pending appeal on his property.

5. Sierra Club argues, in a letter dated December 29, 2014 (see Exhibit 22B), that one of the applicant's predecessors in interest, the Laguna Beach YMCA, violated a deed restriction when it sold the property to Driftwood Properties in 2007. The "deed restriction" is, in fact, stated as a condition subsequent in the grant deed, which is a qualification annexed to the grant of an estate by the grantor, the happening of which defeats the estate granted. (*Moe v. Gier* (1931) 116 Cal.App. 403, 410.) The Sierra Club included a copy of the grant deed on page 23 of its letter. Only the original party who granted the property subject to the condition subsequent can enforce the condition should there be a breach of the condition. (*Shields v. Bank of America National Trust & Savings Association* (1964) 225 Cal.App.2d 330, 334.) The original party's heirs or assigns, or successors by express assignment can also enforce against the breach of the condition subsequent. (Civil Code section 1046; *Parry v. Berkeley Hall School Foundation* (1937) 10 Cal.2d 422, 424-427.) Since the Commission, nor its predecessor, was not even in existence at the time that the condition subsequent was annexed to the grant of fee title of the

Scout Camp parcel, the Commission could not have been the grantor of the Scout Camp parcel and thus has no authority to enforce the condition subsequent. Further, the Commission has no authority to enforce the condition subsequent because it has never been an assign or successor by express assignment to the original party.

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



Renovation of existing hotel, lodge, restaurant and construction of new structures
Scout Camp – unpermitted development
31106 Coast Hwy
Private Rd
Brooks St
Holly Dr
Valido Trail
© 2014 Google
Google earth
1994
Imagery Date: 4/23/2014 33°30'48.35" N 117°44'38.81" W elev 38 ft eye alt 3443 ft

This Document was electronically recorded by
City of Laguna Beach

Recorded in Official Records Orange County
Hugh Nguyen Clerk Recorder

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RECORDING REQUESTED BY
CITY OF LAGUNA BEACH
AND WHEN RECORDED MAIL TO

CITY CLERK
CITY OF LAGUNA BEACH
505 FOREST AVENUE
LAGUNA BEACH CA 92651

(Fee Exempt per Govt Code 6103)

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

WHEREAS the Planning Commission of the City 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 documentary evidence and arguments presented at the hearing and

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

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

1 The site for the proposed use is adequate in size and topography to accommodate such use and all yards 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

2 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 alterations 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 protect the public health safety

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 parking plan for assembly uses and special events (when proposed) Handicapped access shall be provided as required by applicable statutes

2 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

3 Design Integrity – The applicant proposes to update the exterior of all structures including new structures and proposed 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

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

7 Landscaping – 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 Highways 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 glare

9 Neighborhood Compatibility – The proposed development respects neighborhood character and is compatible with existing structures throughout the mixed use facility The scope of work maintains historical pattern of development by designing new structures as one story and small scale

10 Pedestrian Orientation – Existing onsite pedestrian pathways open spaces and courtyards will be improved and upgraded with the use of landscape and hardscape as part of the overall commercial development design

11 Privacy – The placement of new assembly and outdoor activity areas will not result in invasion

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 bar 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

WHEREAS the Planning 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

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 RESOLVED 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 Laguna Beach (previously the Aliso Creek Inn and Golf Course) 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

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

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

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 Failure 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 Use 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 Permit 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

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

7 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 Title 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 or Variance as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code

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 Laguna 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 Canyon 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 Fire 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 daily facility operations via a combination of self park and valet parking spaces with 80 additional valet parking spaces provided when assembly uses or special events are proposed The parking shall comply with the conclusions of the April 16 2014 *Aliso Creek Inn & Golf Course 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 *Aliso Creek Inn & Golf Course Project Traffic Impact and Parking Analysis* including the provision of the specified 20 foot wide fire equipment access lanes

15 The required parking shall be available free of charge to the employees and customers of the facility during the approved hours of operation including valet services operating during assembly uses and special events

16 The hotel shall be limited to 96 rooms without kitchens and one with a kitchen

17 The following floor areas shall not be exceeded (1) restaurant floor area shall not exceed 7 595 5 square feet and limited to 225 seats (including outdoor seating) (2) assembly areas shall not exceed 7 345 square feet (including outdoor assembly/seating areas) and (3) the new wellness spa shall not exceed 1 997 1 square feet

18 The proposed use is subject to the food facility requirement of the Orange County Health Department A building permit shall not be issued until after Orange County Health Department plan approval

19 Alcohol service and consumption is permitted throughout the facility including any new approved areas subject to the California Department of Alcoholic Beverage Control approval

20 Prior to the final of the building permit that applicant shall show proof to the City that the project has been reviewed by the South Coast Water District for conformance with grease interceptor requirements

21 The new spa may be available to the public and hotel guests and shall include massage and facials

22 The new fitness center and pool bar shall only be available to hotel guests

23 The associated site improvements upgrades and new construction shall not negatively impact the Aliso Creek Creek protection measures such as (but not limited to) temporary debris walls and

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 hazard area (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 seal structural openings such as doors and windows from flood waters immediately after forecasted heavy precipitation and/or after the City has declared the possibility for potential flooding conditions These devices include but are not limited to flood shields/gates watertight doors moveable floodwalls partitions water resistive sealant 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 City with a single point of contact including the name telephon

number fax number and e-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 permitee 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 Planning Commission review

NOW THEREFORE BE IT RESOLVED that the above decision was rendered on May 14 2014

ADOPTED this 14th day of May 2014

AYES Commissioner(s) Dietrich Grossman Sadler Johnson Zur Schmiede

NOES Commissioner(s) None

ABSENT Commissioner(s) None

ATTEST

Robert Zur Schmiede Chairperson
Planning Commission
City of Laguna Beach California

John Montgomery, Director
Community Development
City of Laguna Beach California

PROPERTY OWNER(S)/ APPLICANT(S) CONSENT AFFIDAVIT

The owner(s)/applicant(s) of the above described property and the owner(s)/applicant(s) of all interests therein do hereby consent to the imposition of the above stated conditions and agree that said conditions shall constitute restrictions running with the land and shall be binding on said owner(s)/applicant(s) their heirs successors and assigns

Signed this 26TH day of AUGUST 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 AUGUST 26, 2014 before me A M McKay a

Notary Public personally appeared MARK CHRISTY

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

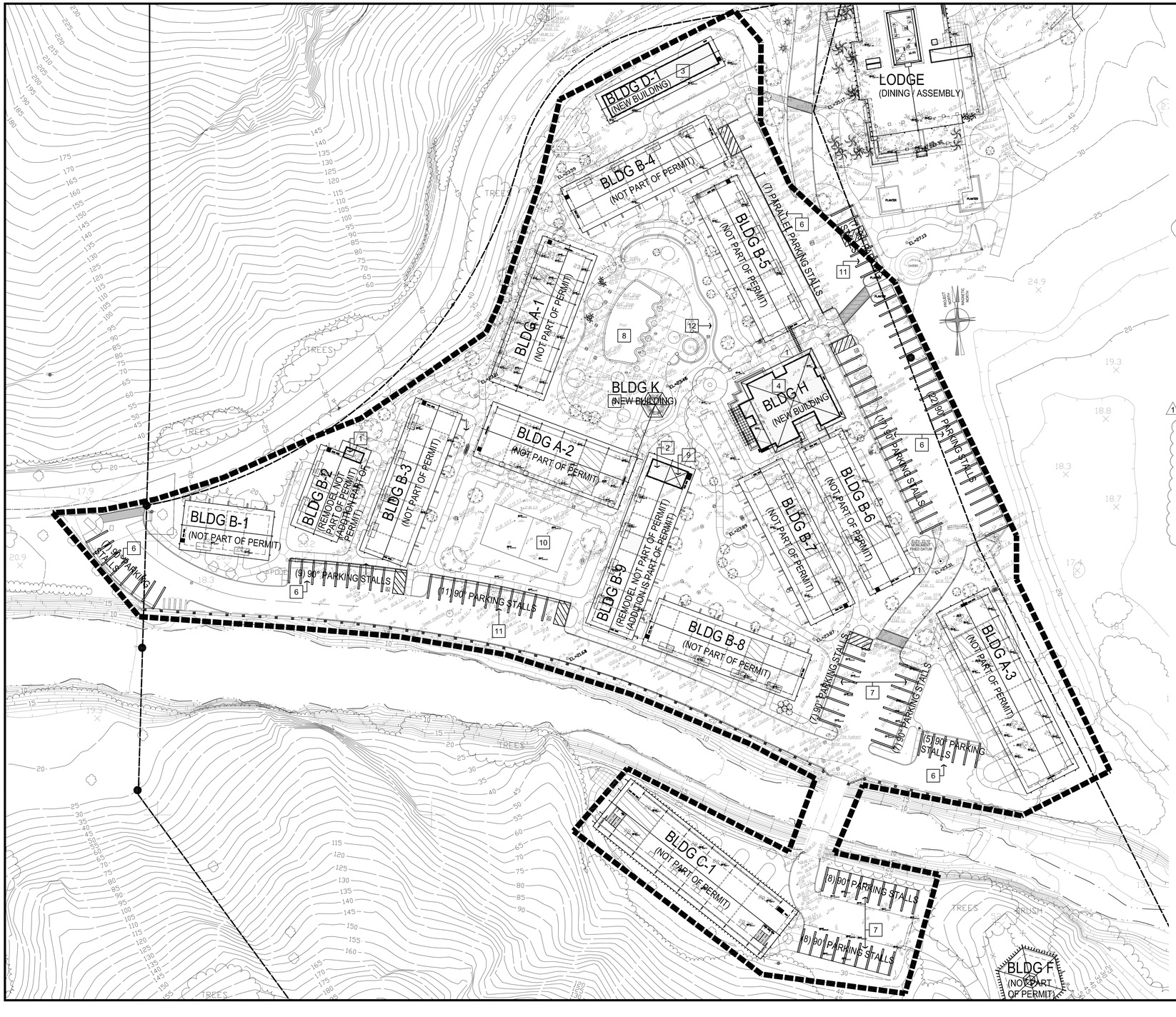
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal

Signature

NOTARY SEAL OR STAMP

A M MCKAY
Commission # 1926321
Notary Public California
Orange County
My Comm Expires Feb 20 2015



BUILDING SITE KEY:

BLDG #	PLAN TYPE	UNITS IN BLDG	REMARKS
B-2	3	2	BUILDING REMODEL UNDER SEPARATE PERMIT. NEW ADDITION OF HOUSEKEEPING 2 UNDER THIS SUBMITTAL
B-9	3	4	BUILDING REMODEL UNDER SEPARATE PERMIT. NEW ADDITION OF POOL EQUIPMENT ROOM AND POOL BAR STORAGE UNDER THIS SUBMITTAL
D-1	N/A	N/A	NEW BUILDING WITHIN THE FOOTPRINT OF THE DEMOLISHED BUILDING TO INCLUDE EMPLOYEE LOCKERS, LOUNGE AND RESTROOMS, HOUSEKEEPING 1, STORAGE
H	SPA / FITNESS		NEW BUILDING
K	POOL BAR		NEW BUILDING

SITE KEYNOTES:

1) INDICATES BLDG B-2 - ADDITION HOUSEKEEPING 2
2) INDICATES BLDG B-9 - ADDITION POOL EQUIPMENT / POOL BAR STORAGE
3) INDICATES BLDG D-1 - NEW EMPLOYEE / HOUSEKEEPING / STORAGE BLDG
4) INDICATES BLDG H - NEW SPA / FITNESS CENTER AND POOL RESTROOMS
5) INDICATES BLDG K - NEW POOL BAR
6) EXISTING ON GRADE PARKING TO BE RE-STRIPPED AS SHOWN - TYPICAL.
7) AREAS WHERE CARPORTS HAVE BEEN REMOVED UNDER SEPARATE PERMIT AND REPLACED WITH ON GRADE ASPHALT PARKING STRIPPED AS SHOWN.
8) EXISTING POOL, HARDSCAPE AND LANDSCAPE TO REMAIN.
9) POOL PUMP EQUIPMENT TO BE IN THIS HALF OF B-9 ADDITION.
10) AREA WHERE CARPORTS HAVE BEEN REMOVED UNDER A SEPARATE PERMIT AND REPLACE WITH ON GRADE RECREATION AREA.
11) ADDITIONAL PARKING AREAS UNDER SEPARATE CONTRACT.
12) 5'-0" TALL IRON POOL SECURITY FENCING PER LBMC 25.50.016 & 25.50.012.

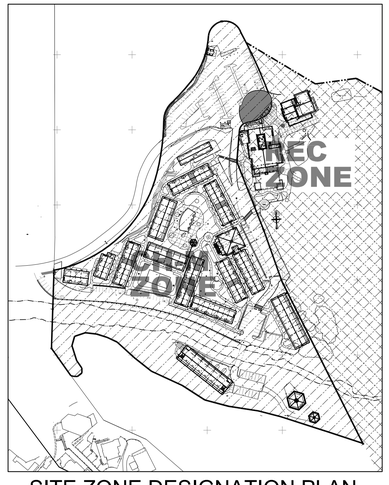
INDICATES PHASE 2 NEW BUILDINGS

INDICATES ADA COMMUNICATION UNIT

INDICATES PHASE 2 PROJECT BOUNDARY

INDICATES ADA MOBILITY UNIT

INDICATES LOCATION OF OUTDOOR HEAT PUMP UNITS FOR EACH BUILDING



SITE ZONE DESIGNATION PLAN

NEW BUILDINGS AND BUILDING ADDTIONS SITE PLAN

SCALE: 1/32" = 1'-0"

REVISIONS		
NO.	DATE	BY
1	1-29-14	DJB

MSA
Morris Skenderian & Associates, A.I.A.
ARCHITECTS
2094 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
Fax: 949 497 9814

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C-7513
REN. 12-31-15
STATE OF CALIFORNIA

NEW BUILDING AND ADDITIONS SITE PLAN

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS

31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
FIRST SUBMITTAL DATE	10-3-2013
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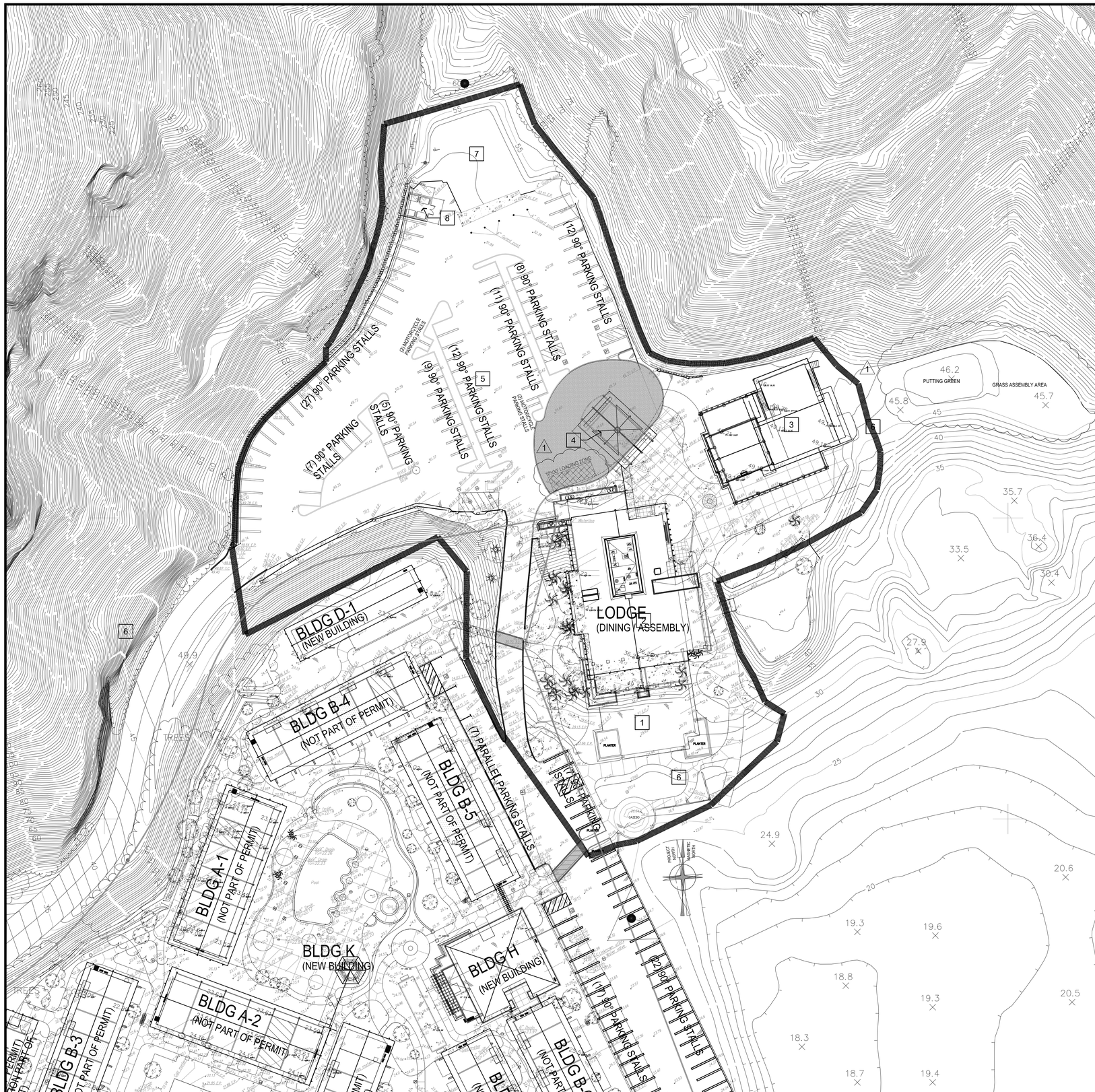
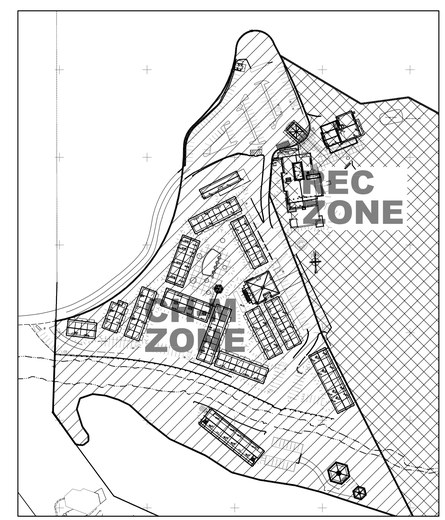


BUILDING SITE KEY:

BLDG #	REMARKS
L	CONSTRUCT ADDITION ADJACENT TO LODGE
LODGE	DEMOLISH INTERIOR/EXTERIOR WALLS AS SHOWN, CONSTRUCT ADDITIONS AS SHOWN
PRO-SHOP/ ADMIN.	DEMOLISH PORTION OF EXTERIOR COLONADE AND RAISED PLANTERS AS SHOWN
PORTE COCHERE	CONSTRUCT NEW STRUCTURE AS SHOWN

SITE KEYNOTES:

1) INDICATES BLDG. L ADDITION - LAUNDRY/SHOP/STORAGE AND DECK ON ROOF.
2) INDICATES LODGE/RESTAURANT REMODEL
3) INDICATES PRO-SHOP/ADMIN.
4) INDICATES NEW PORTE COCHERE
5) INDICATES EXISTING ON-GRADE PARKING TO BE RE-STRIPPED AS SHOWN (PARKING ANALYSIS TO BE PROVIDED BY REB CONSULTING)
6) INDICATES EXISTING LANDSCAPE & HARDSCAPE, ANY CHANGES OR IMPROVEMENTS WILL BE UNDER SEPARATE PERMIT
7) INDICATES GOLF PRACTICE RANGE TO REMAIN
8) INDICATES NEW 6' HIGH CONCRETE MASONRY 4-BIN TRASH ENCLOSURE



1 SITE ZONE DESIGNATION PLAN

INDICATES PHASE 3 NEW BUILDINGS

INDICATES ADA COMMUNICATION UNIT

INDICATES PHASE 3 PROJECT BOUNDARY

INDICATES ADA MOBILITY UNIT

INDICATES LOCATION OF OUTDOOR HEAT PUMP UNITS FOR EACH BUILDING

LODGE RENOVATION SITE PLAN

SCALE: 1/32" = 1'-0"

REVISIONS		
NO.	DATE	BY
1	2-3-14	DJB

MSA
Morris Skenderian & Associates, A.I.A. ARCHITECTS
20708 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
Fax: 949 497 9814

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 1-31-15
STATE OF CALIFORNIA

LODGE RENOVATION SITE PLAN

ALISO CREEK INN REMODEL
LODGE RENOVATION

31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
FIRST SUBMITTAL DATE	11-11-2013
DRAWN BY: MSA	JOB NUMBER: 13-001
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SHEET NUMBER	A-1.1

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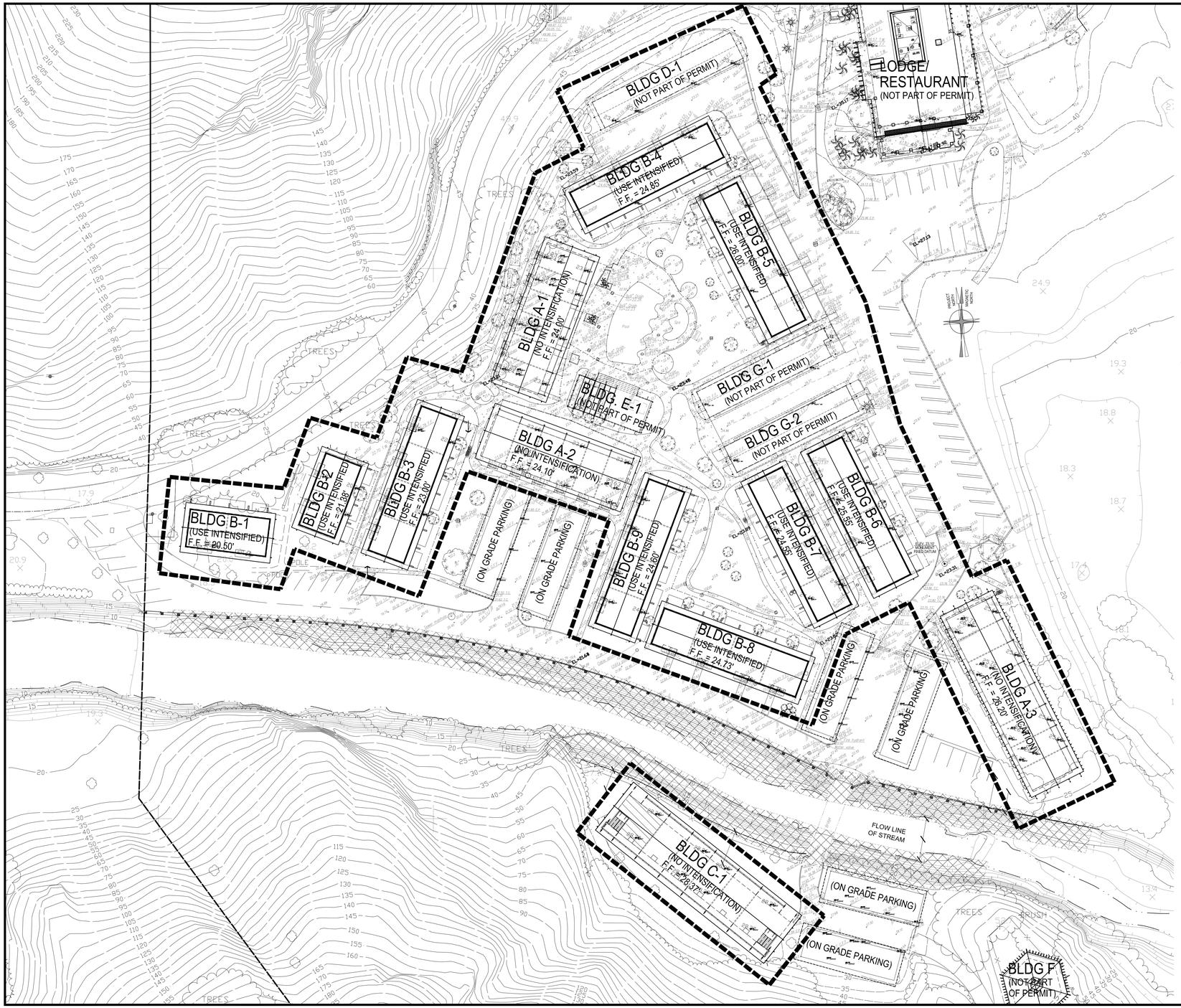

BUILDING SITE KEY:

BLDG #	PLAN TYPE	UNITS IN BLDG	REMARKS
A-1	1	6	NOT PART OF ROOM INTENSIFICATION ONLY PROVIDED FOR CALCULATION PURPOSE.
A-2	1	6	NOT PART OF ROOM INTENSIFICATION ONLY PROVIDED FOR CALCULATION PURPOSE.
A-3	2	8	NOT PART OF ROOM INTENSIFICATION ONLY PROVIDED FOR CALCULATION PURPOSE.
B-1	3	1	BUILDING TO RECEIVE INTENSIFICATION
B-2	3	2	BUILDING TO RECEIVE INTENSIFICATION
B-3	3	4	BUILDING TO RECEIVE INTENSIFICATION
B-4	3	4	BUILDING TO RECEIVE INTENSIFICATION
B-5	3	4	BUILDING TO RECEIVE INTENSIFICATION
B-6	3	4	BUILDING TO RECEIVE INTENSIFICATION
B-7	3	4	BUILDING TO RECEIVE INTENSIFICATION
B-8	3	4	BUILDING TO RECEIVE INTENSIFICATION
B-9	3	4	BUILDING TO RECEIVE INTENSIFICATION
C-1	4 & 5	12	NOT PART OF ROOM INTENSIFICATION ONLY PROVIDED FOR CALCULATION PURPOSE.
F	N/A	1	NOT PART OF ROOM INTENSIFICATION ONLY PROVIDED FOR CALCULATION PURPOSE

1

TOTAL (E) EXISTING UNITS 64

INDICATES PHASE 3A PROJECT BOUNDARY

INDICATES AREA WHERE STREAM HAS BEEN CHANNELIZED

RECORD HOTEL SITE PLAN

SCALE: 1/32" = 1'-0"

REVISIONS		
NO.	DATE	BY
1	2-3-14	DJB

MSA
Morris Skenderian & Associates, A.I.A.
ARCHITECTS
20945 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
Fax: 949 497 9814

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12-31-15
STATE OF CALIFORNIA

RECORD HOTEL SITE PLAN

ALISO CREEK INN REMODEL
HOTEL ROOM INTENSIFICATION

31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
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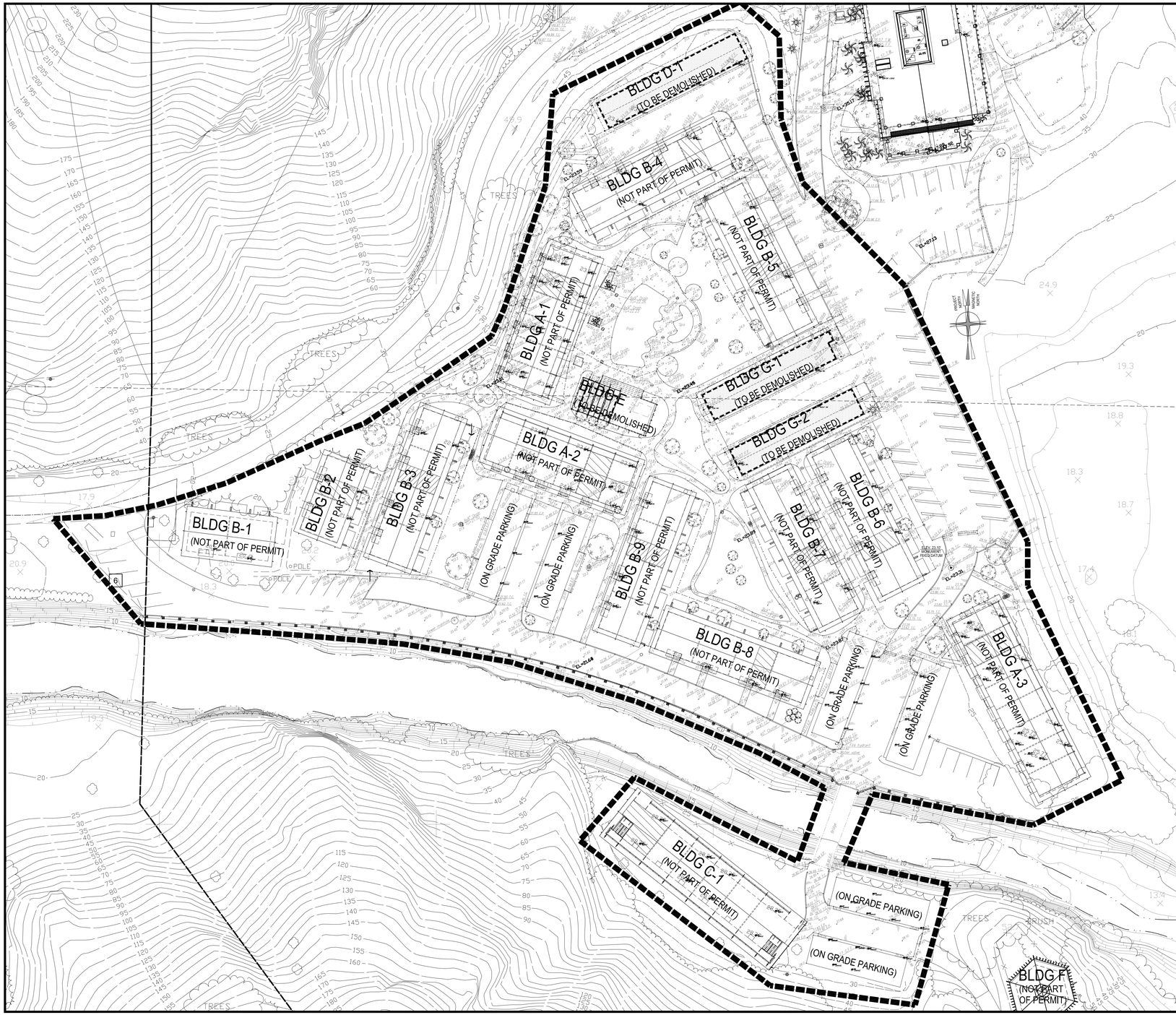

BUILDING SITE KEY:

BLDG #	PLAN TYPE	UNITS IN BLDG	REMARKS
D-1	N/A	N/A	DEMOLISH CARPORT AND REPLACE WITH NEW BUILDING TO INCLUDE EMPLOYEE LOCKERS, LOUNGE AND RESTROOMS, HOUSEKEEPING 1, STORAGE.
G-1	N/A	N/A	DEMOLISH CONFERENCE AND STORAGE ROOMS.
G-2	N/A	N/A	DEMOLISH CONFERENCE ROOM AND MAINTENANCE SHOP AND REPLACE WITH NEW SPA / FITNESS / POOL RESTROOM BUILDING.
E	N/A	N/A	1 DEMOLISH POOL BATHROOMS AND SPA AND LOCATE A NEW POOL BAR IN THIS AREA.

1

- INDICATES BUILDINGS TO BE DEMOLISHED
- INDICATES ADA COMMUNICATION UNIT
- INDICATES PHASE 2 PROJECT BOUNDARY
- INDICATES ADA MOBILITY UNIT

RECORD / DEMOLITION SITE PLAN

SCALE: 1/32" = 1'-0"

REVISIONS		
NO.	DATE	BY
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Morris Skenderian & Associates, A.I.A.
ARCHITECTS
2094 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
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NO. C 5703
REN. 12/15
STATE OF CALIFORNIA

RECORD / DEMOLITION SITE PLAN

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

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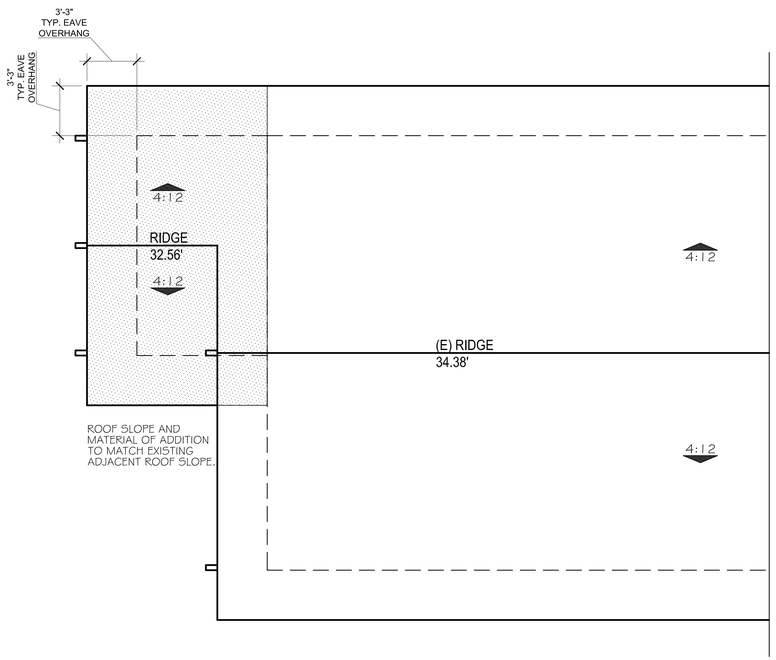
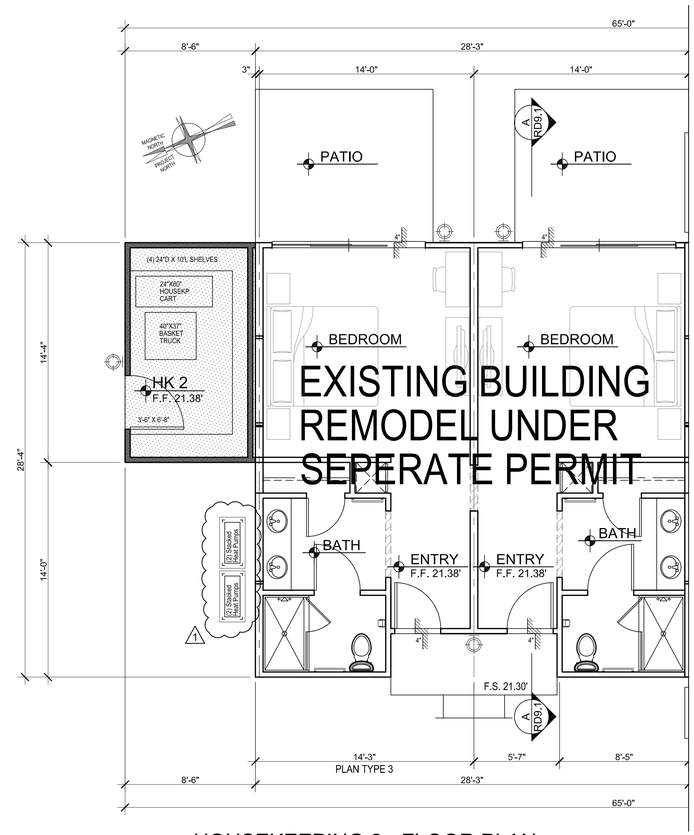


ROOF PLAN

LEGEND

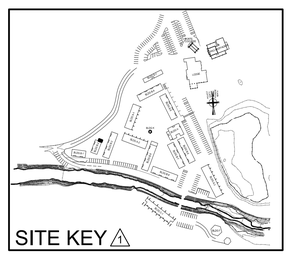
AREA OF NEW ROOF



HOUSEKEEPING 2 - FLOOR PLAN

LEGEND	QUANTITY
NEW 13-WATT FLUORESCENT WALL-MOUNTED FIXTURE	1
NEW 13-WATT FLUORESCENT CEILING-MOUNTED FIXTURE	

NOTE: SEE SHEET A3.3 FOR EXTERIOR ELEVATIONS



LEGEND

EXISTING WALL TO REMAIN

EXISTING TO BE DEMOLISHED

NEW WALLS

AREA OF REMOVAL

AREA OF ADDITION

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

SCALE: 1/4" = 1'-0"

REVISIONS		
NO.	DATE	BY
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MSA
Morris Skenderian & Associates A.I.A. ARCHITECTS
20945 Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
Fax: 949 497 9514

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12/31/15
STATE OF CALIFORNIA

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

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS

31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
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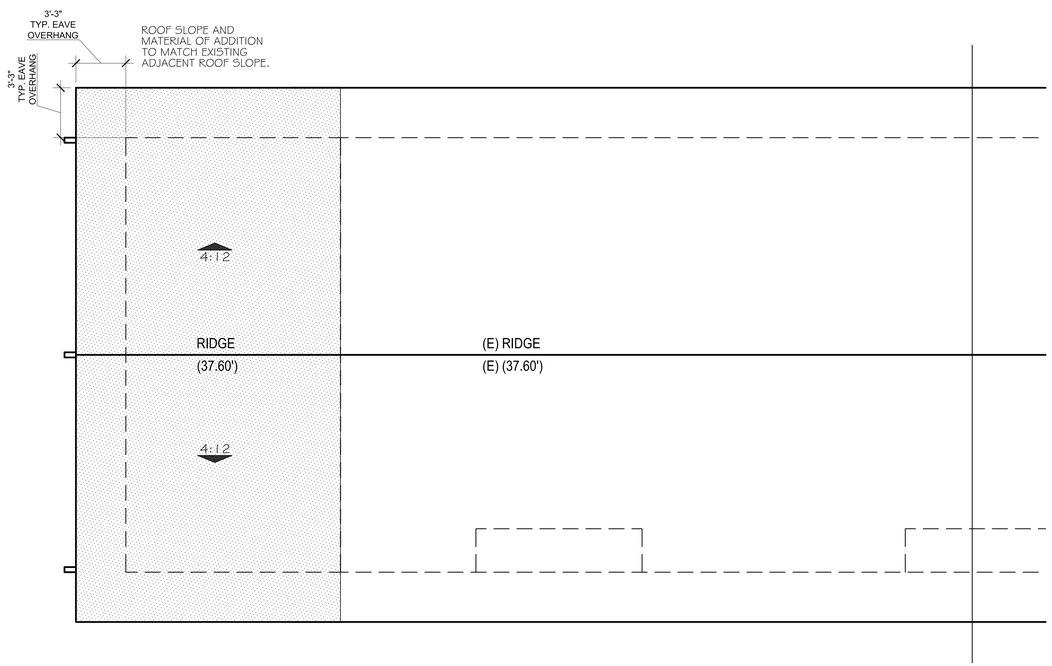
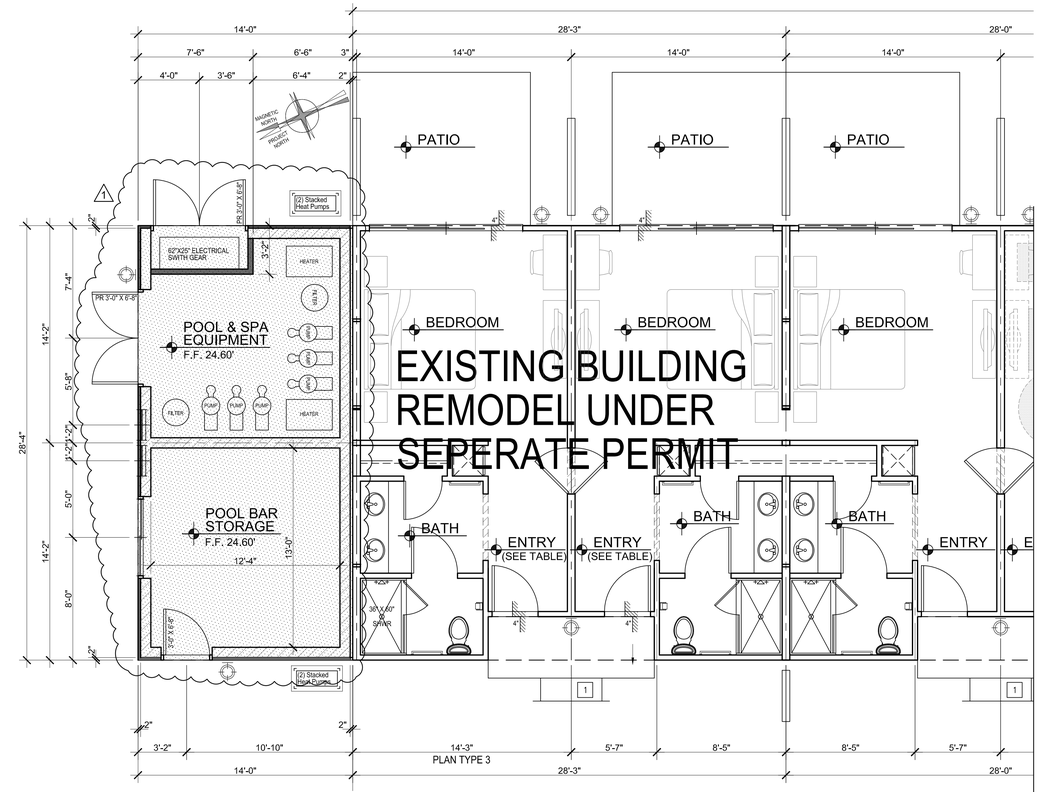


ROOF PLAN



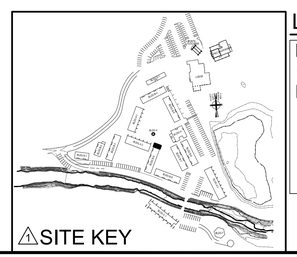
POOL EQUIPMENT / POOL BAR STORAGE FLOOR PLAN

LEGEND

AREA OF NEW ROOF	

LEGEND	QUANTITY
NEW 13-WATT FLUORESCENT WALL-MOUNTED FIXTURE	3
NEW 13-WATT FLUORESCENT CEILING-MOUNTED FIXTURE	

NOTE: SEE SHEET A3.3 FOR EXTERIOR ELEVATIONS



LEGEND

- EXISTING WALL TO REMAIN
- EXISTING TO BE DEMOLISHED
- NEW WALLS
- AREA OF REMOVAL
- AREA OF ADDITION

BUILDING B-9 ADDITION POOL EQUIPMENT / POOL BAR STORAGE - FLOOR PLAN / ROOF PLAN

SCALE: 1/4" = 1'-0"

REVISIONS		
NO.	DATE	BY
1	1-29-14	DJB

MSA
Morris Skenderian & Associates A.I.A. ARCHITECTS
20945 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
Fax: 949 497 9814

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12/1/15
STATE OF CALIFORNIA

BUILDING B-9 ADDITION POOL EQUIP./POOL BAR KITCHEN FLOOR PLAN / ROOF PLAN

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

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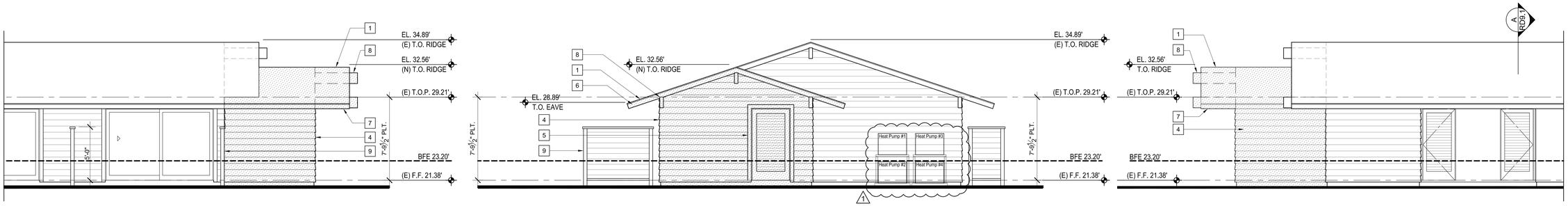
ELEVATION KEYNOTES

1. METAL CORRUGATED ROOF WITH POWDER COAT FINISH ON 4:12 PITCHED ROOF
2. STUCCO
3. MANUFACTURED ADHERED STONE VENEER
4. IGNITION RESISTANT SIDING, 7" EXPOSURE
5. IGNITION RESISTANT COMPOSITE WOOD TRIM
6. 3X6 BARGE BD.
7. 2X6 FASCIA BD.
8. WOOD BEAMS, MATCH EXISTING
9. IGNITION RESISTANT WOOD FENCE, REFER TO LANDSCAPE DRAWINGS

LEGEND

DASHED LINE INDICATES REMOVED

AREA OF ADDITION



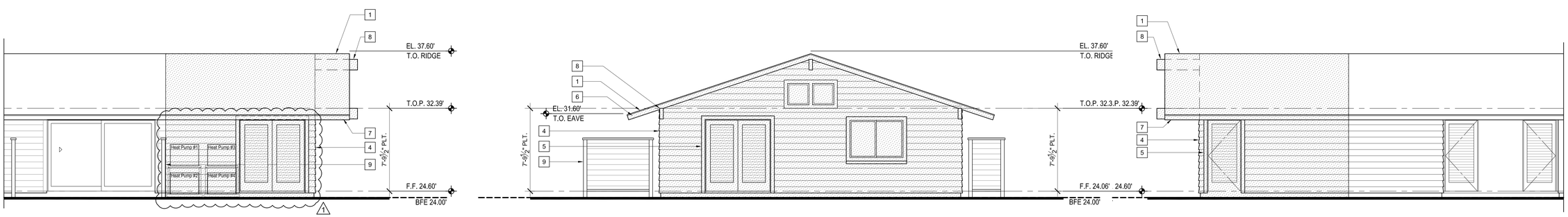
EAST ELEVATION

NORTH ELEVATION

WEST ELEVATION

BUILDING B-2 ADDITION HOUSEKEEPING 2 - EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"



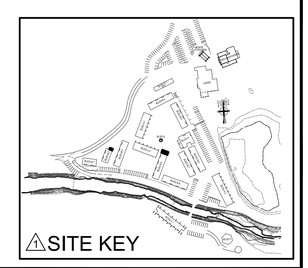
EAST ELEVATION

NORTH ELEVATION

WEST ELEVATION

BUILDING B-9 ADDITION POOL EQUIPMENT / POOL BAR STORAGE - EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"



SITE KEY

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20945 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
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MORRIS M. SKENDERIAN
NO. C 5703
REN. 12/15
STATE OF CALIFORNIA

BUILDING B-2, B-9 ADDITIONS EXTERIOR ELEVATIONS

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS

31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

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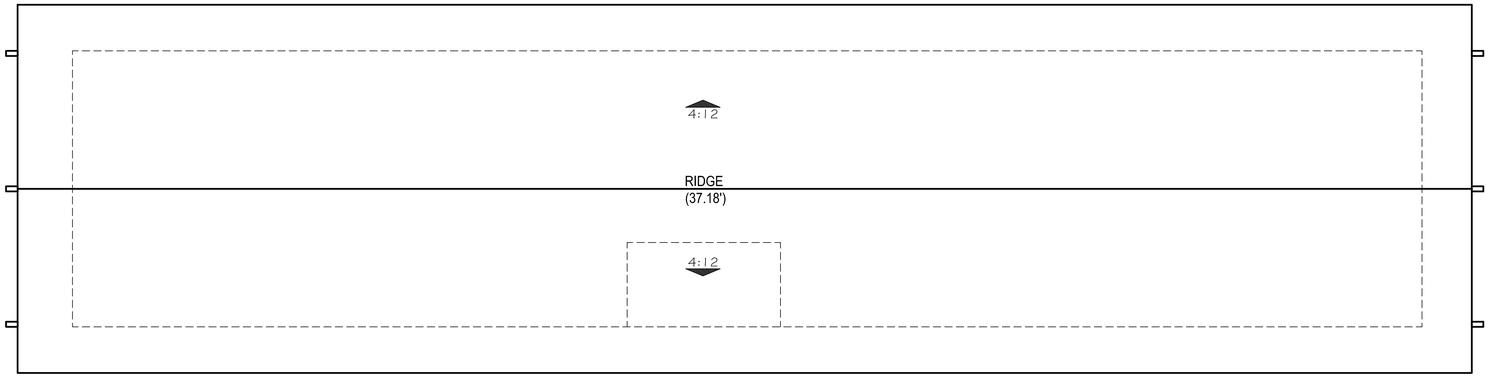
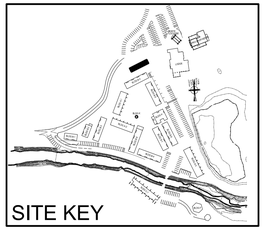


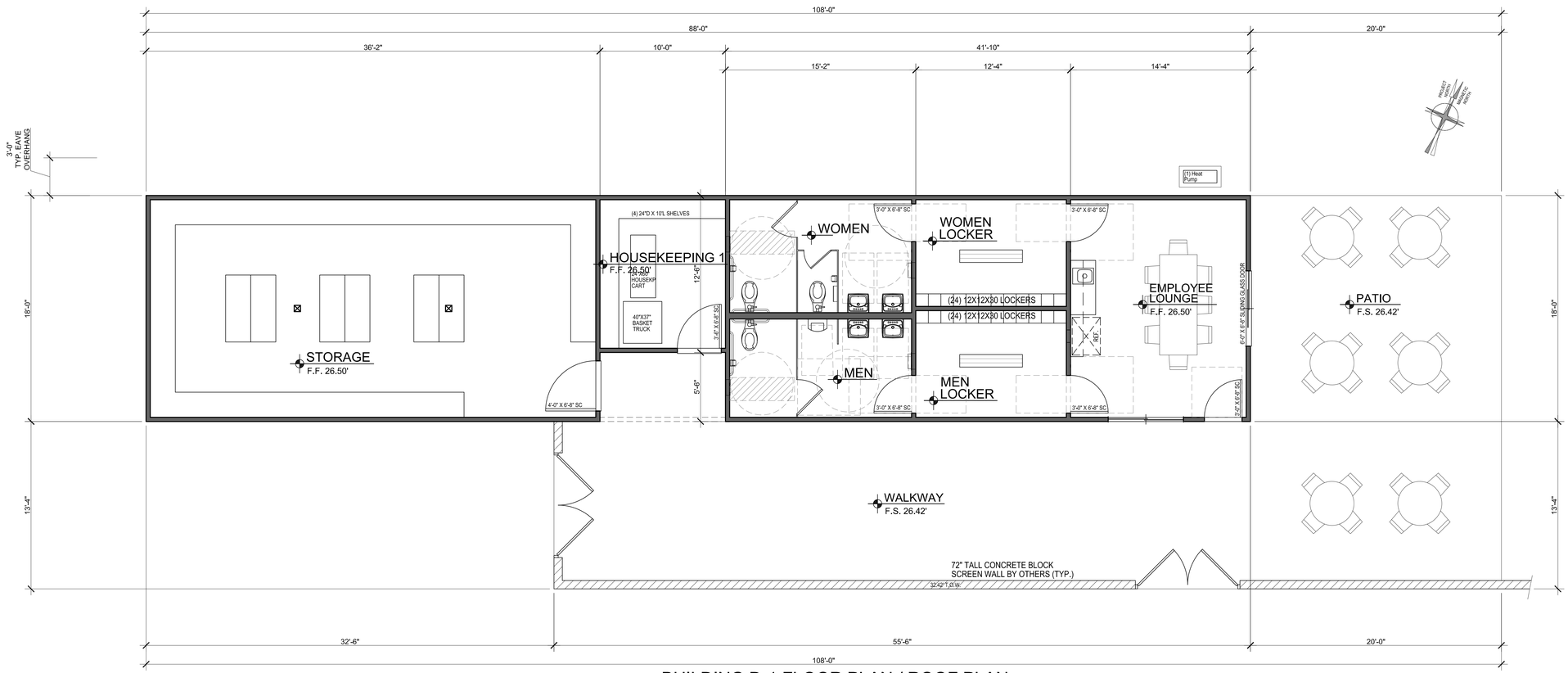
ROOF PLAN

LEGEND

NEW WALLS

NEW CONC. BLOCK WALL





BUILDING D-1 FLOOR PLAN / ROOF PLAN

SCALE: 1/4" = 1'-0"

FLOOR PLAN

REVISIONS		
NO.	DATE	BY
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MSA
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REN. 12/31/15
STATE OF CALIFORNIA

BUILDING D-1 FLOOR PLAN / ROOF PLAN

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS

31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
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SHEET NUMBER	A-5.1 (1)

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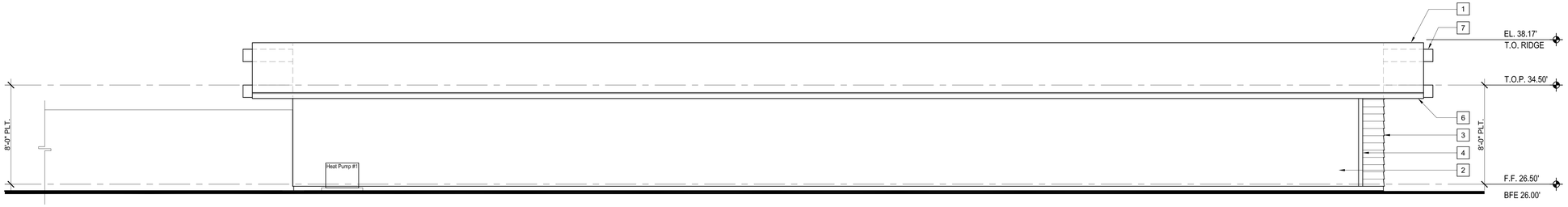
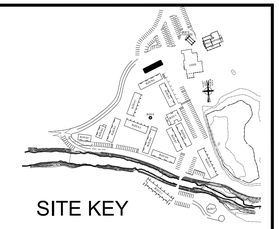


NORTH ELEVATION



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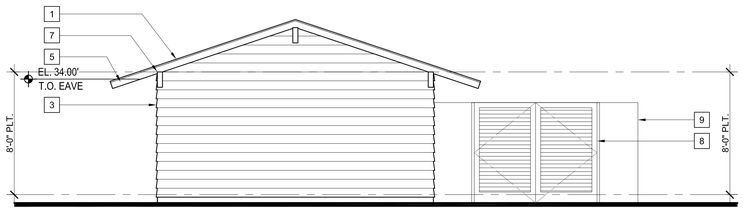
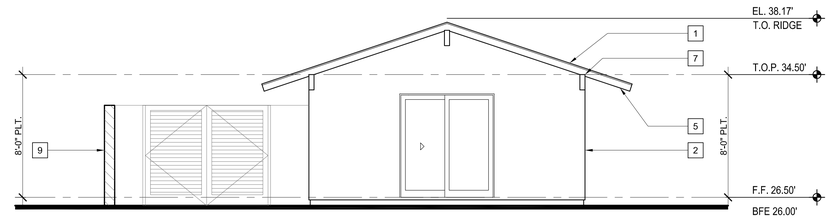


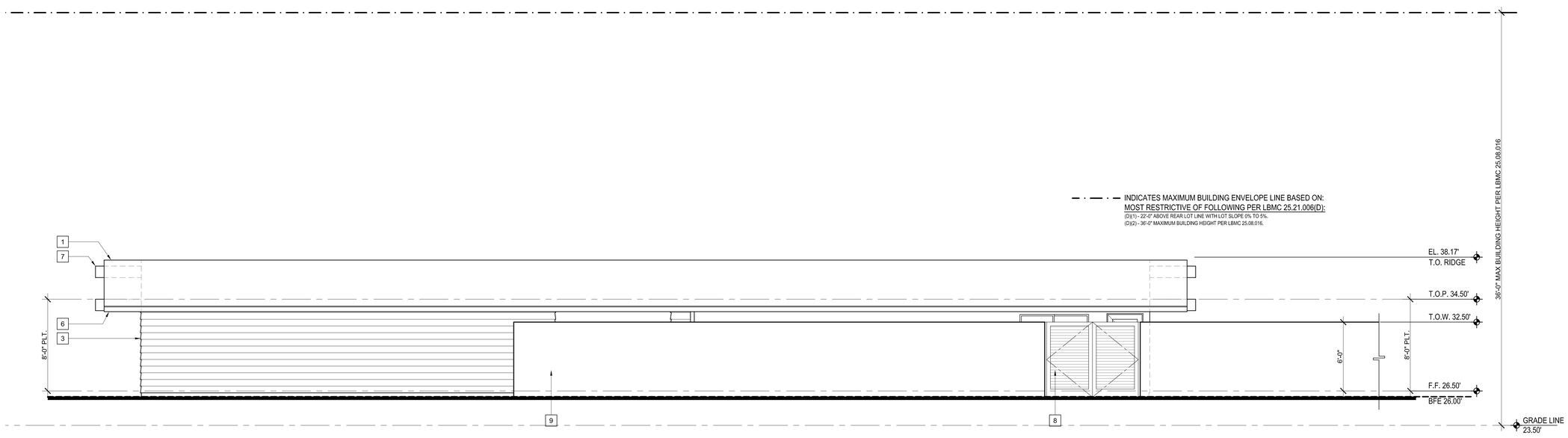
WEST ELEVATION



EAST ELEVATION

ELEVATION KEYNOTES

1. METAL CORRUGATED ROOF WITH POWDER COAT FINISH ON 4:12 PITCHED ROOF
2. STUCCO
3. IGNITION RESISTANT SIDING, 7" EXPOSURE
4. IGNITION RESISTANT COMPOSITE WOOD TRIM
5. 3X6 BARGE BD.
6. 2X6 FASCIA BD.
7. WOOD BEAMS, MATCH EXISTING
8. IGNITION RESISTANT WOOD GATE WITH PAINTED STEEL FRAME
9. STUCCO OVER CONCRETE MASONRY WALL



SOUTH ELEVATION

BUILDING D-1 EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"

REVISIONS		
NO.	DATE	BY
1	1-29-14	DJB

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Morris Skendarian & Associates A.I.A.
ARCHITECTS
20945 Coast Highway
Laguna Beach CA 92651
Tel 949 497 3374
Fax 949 497 9814

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12/31/15
STATE OF CALIFORNIA

BUILDING D-1 EXTERIOR ELEVATIONS

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
FIRST SUBMITTAL DATE	10-3-2013
DRAWN BY	JOB NUMBER 13-001
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SHEET NUMBER	A-5.2 (1)

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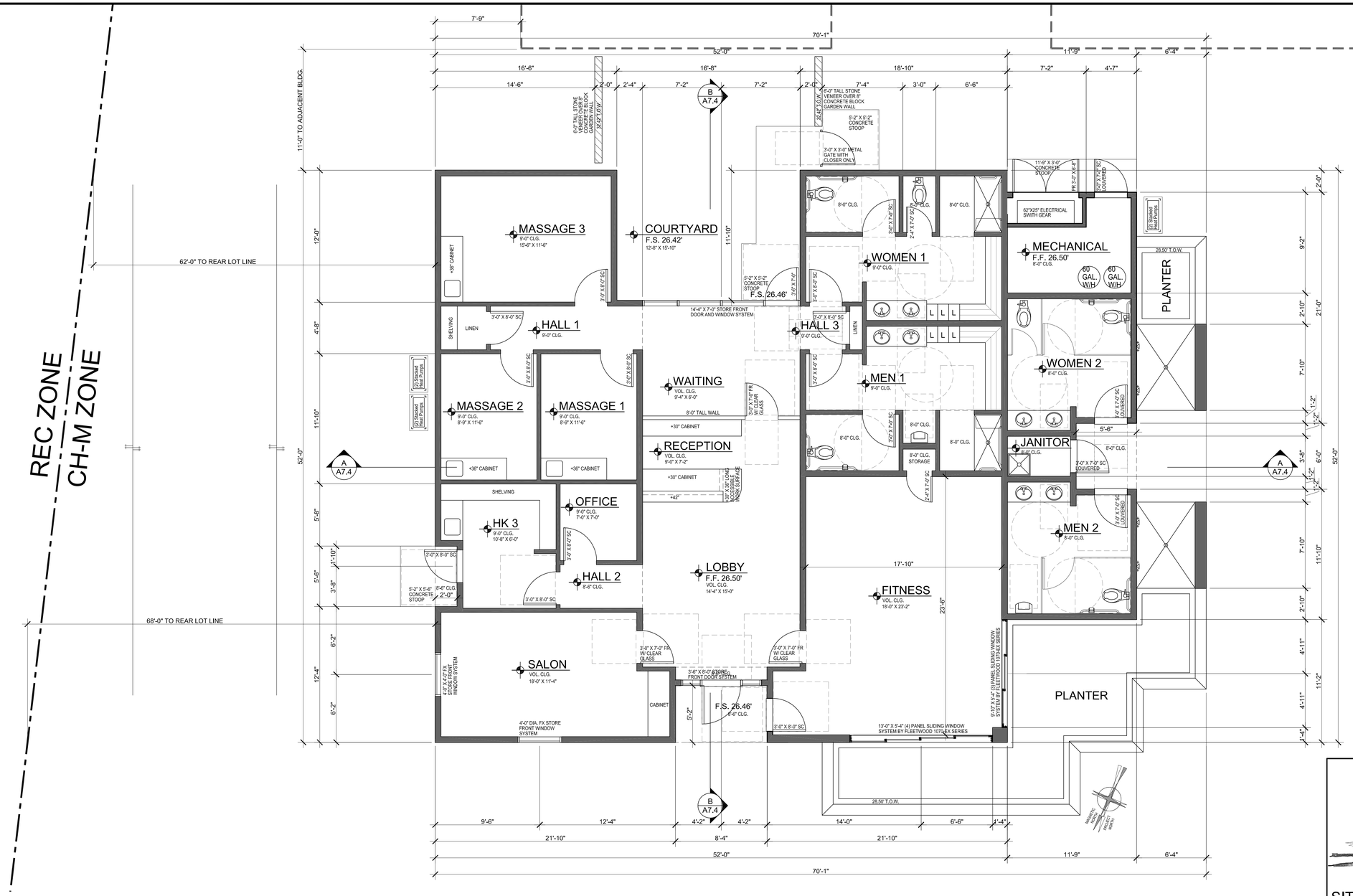

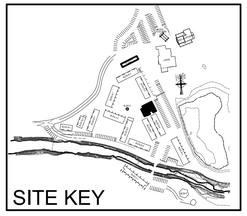

LEGEND

- NEW WALLS
- NEW CONC. BLOCK WALL

BUILDING H - SPA / FITNESS / POOL RESTROOM - FLOOR PLAN

SCALE: 1/4" = 1'-0"

REVISIONS		
NO.	DATE	BY
1	1-29-14	DJB

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Morris Skenderian & Associates A.I.A.
ARCHITECTS
20945 S. Coast Highway
Laguna Beach, CA 92651
Tel 949 497 3374
Fax 949 497 9514

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12-31-15
STATE OF CALIFORNIA

BUILDING H - SPA / FITNESS / POOL RESTROOM - FLOOR PLAN

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
FIRST SUBMITTAL DATE	10-3-2013
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SHEET NUMBER	A-7.1 (1)

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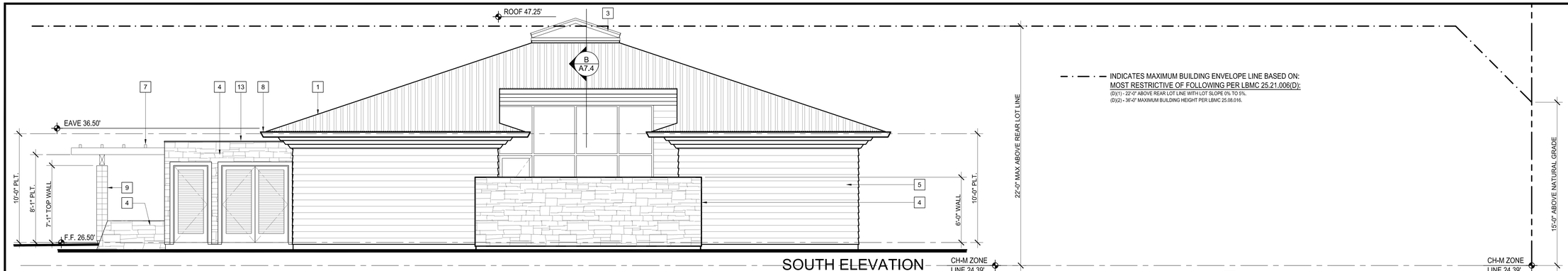
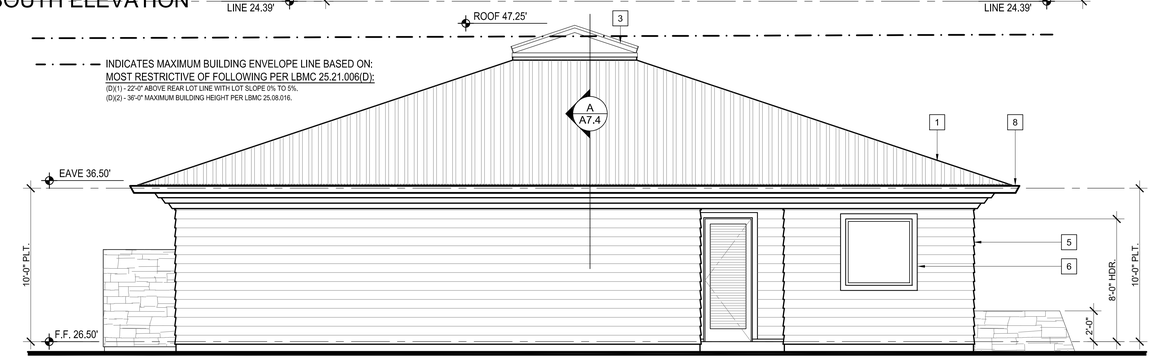
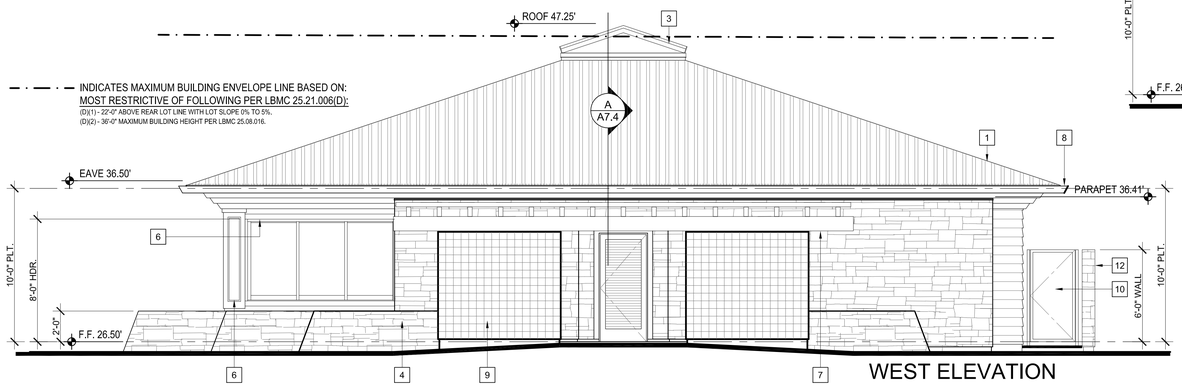


SOUTH ELEVATION



EAST ELEVATION



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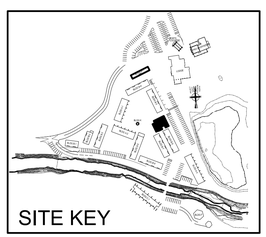
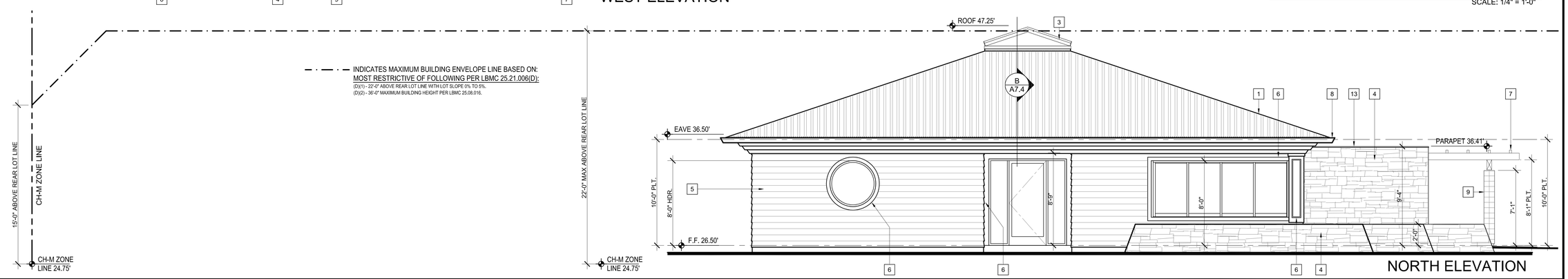


ELEVATION KEYNOTES

1. METAL CORRUGATED ROOF WITH POWDER COAT FINISH ON 4:12 PITCHED ROOF.
2. CLASS 'A' BUILT-UP ROOFING SLOPE 1/4" PER FOOT TO DRAIN.
3. 8' X 8' GLASS SKYLIGHT BY BRISTOLIGHT.
4. MANUFACTURED ADHERED STONE VENEER.
5. IGNITION RESISTANT SIDING BY HARDIE WITH 7" EXPOSURE.
6. IGNITION RESISTANT 2X COMPOSITE WOOD TRIM BY HARDIE.
7. 3X4, 4X8 AND 6X12 FIRE RETARDANT TREATED EXPOSED WOOD BEAMS WITH COPPER CAP.
8. SHAPED COPPER GUTTER.
9. 6X6 CERAMIC TILE.
10. 3' X 6' IGNITION RESISTANT WOOD GATE WITH PAINTED STEEL FRAME.
11. ALUMINUM STORE FRONT DOOR AND WINDOW SYSTEM WITH FACTORY PAINTED FINISH.
12. 6' TALL LOW WALL WITH MANUFACTURED STONE VENEER.
13. COPPER CAP ON PARAPET WALL..

BUILDING H - SPA / FITNESS / POOL RESTROOM - EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

REVISIONS		
NO.	DATE	BY
1	1-29-14	DJB

MSA
Morris Skenderian & Associates A.I.A.
ARCHITECTS
2094 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
Fax: 949 497 9814

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12/1/15
STATE OF CALIFORNIA

BUILDING H - SPA / FITNESS / POOL RESTROOM EXTERIOR ELEVATIONS

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS

31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
FIRST SUBMITTAL DATE	10-3-2013
DRAWN BY	JOB NUMBER 13-001
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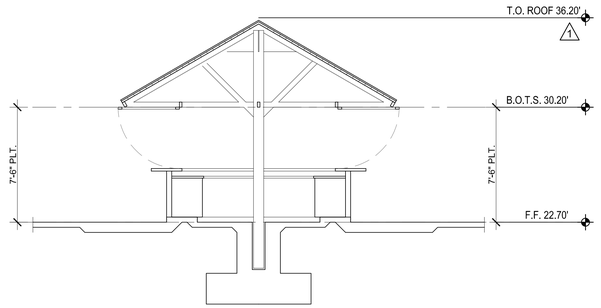
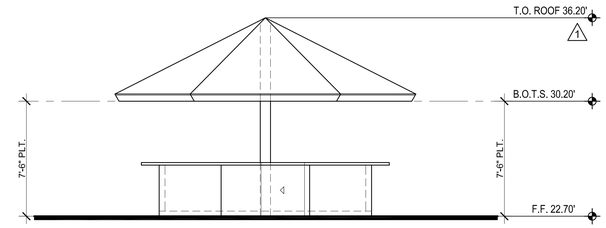
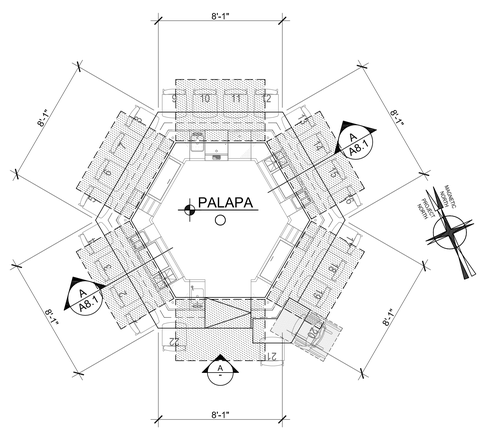


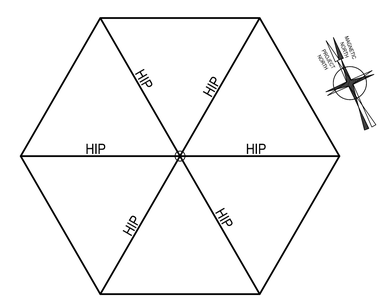
BUILDING SECTION "A"



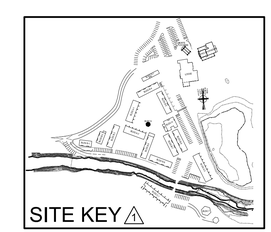
ELEVATION A



FLOOR PLAN 1



ROOF PLAN 1



SITE KEY 1

BUILDING K - POOL BAR

SCALE: 1/4" = 1'-0"

REVISIONS		
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BUILDING K - POOL BAR

ALISO CREEK INN REMODEL
NEW BUILDINGS AND ADDITIONS

31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
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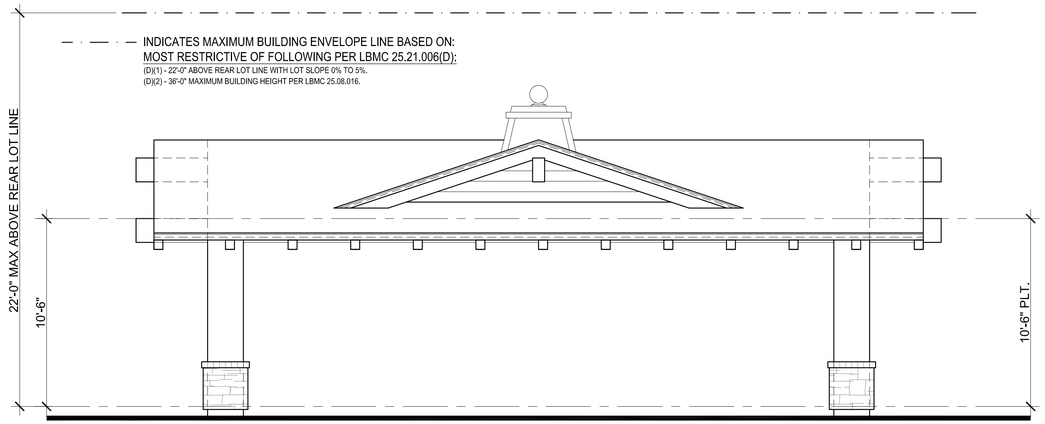
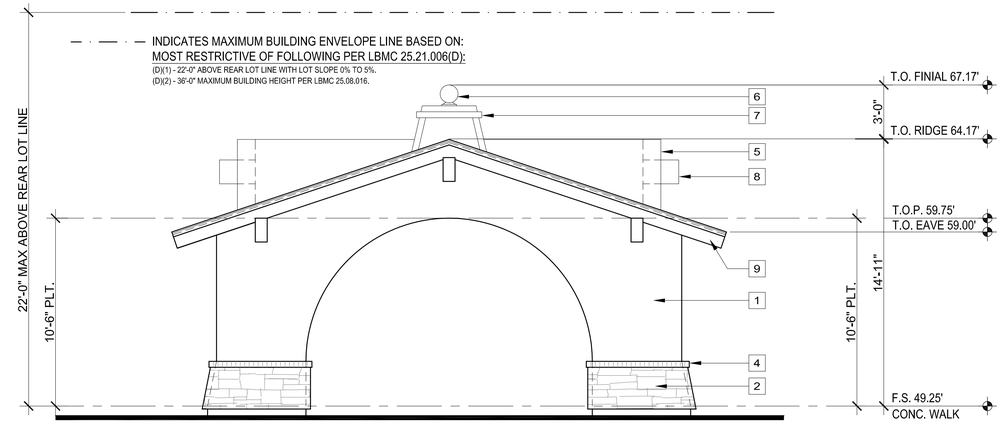


EAST / WEST



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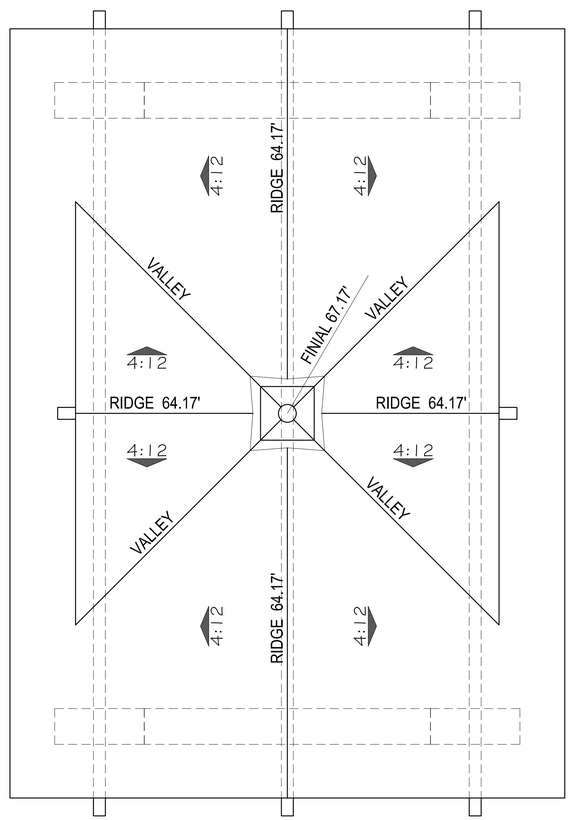


ROOF PLAN

ELEVATION KEYNOTES

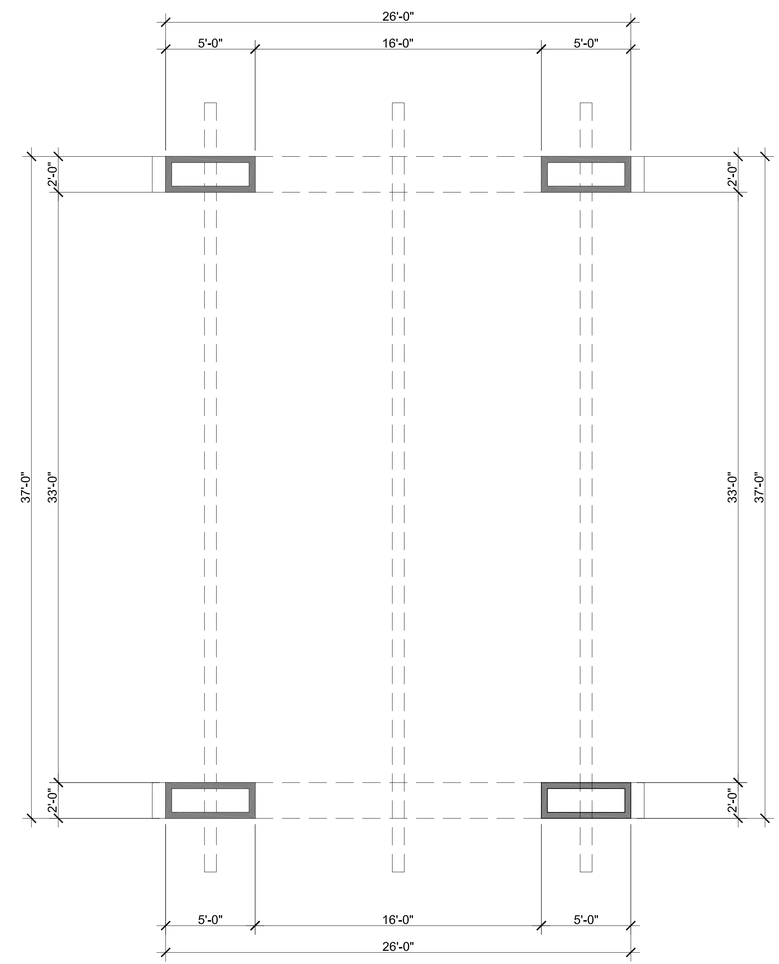
1. STUCCO
2. MANUFACTURED STONE VENEER
3. IGNITION RESISTANT SIDING
4. FULL BRICK VENEER, ROWLOCK COURSE
5. CLASS 'A' ASPHALT COMPOSITION ROOFING
6. PRE-CAST CONCRETE FINIAL
7. STUCCO CUPOLA
8. EXPOSED WOOD BEAMS
9. EXPOSED WOOD RAFTER BEAMS

ROOF PLAN KEYNOTES

1. CLASS 'A' ASPHALT COMPOSITION ROOFING
2. EXPOSED WOOD BEAMS
3. EXPOSED WOOD RAFTER BEAMS
4. CUPOLA

LEGEND

- NEW WALLS
- NEW CONC. BLOCK WALL
- EXISTING WALL TO REMAIN
- EXISTING TO BE DEMOLISHED



FLOOR PLAN

PORTE COCHERE

SCALE: 1/4" = 1'-0"

REVISIONS		
NO.	DATE	BY
1	2-3-14	DJB

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Morris Skenderian & Associates, A.I.A. ARCHITECTS
20961S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
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MORRIS M. SKENDERIAN
NO. C 5703
REN. 12-31-15
STATE OF CALIFORNIA

PORTE COCHERE

ALISO CREEK INN REMODEL
LODGE RENOVATION
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
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DATE PRINTED	2-4-2014
SHEET NUMBER	A-4.1 (1)

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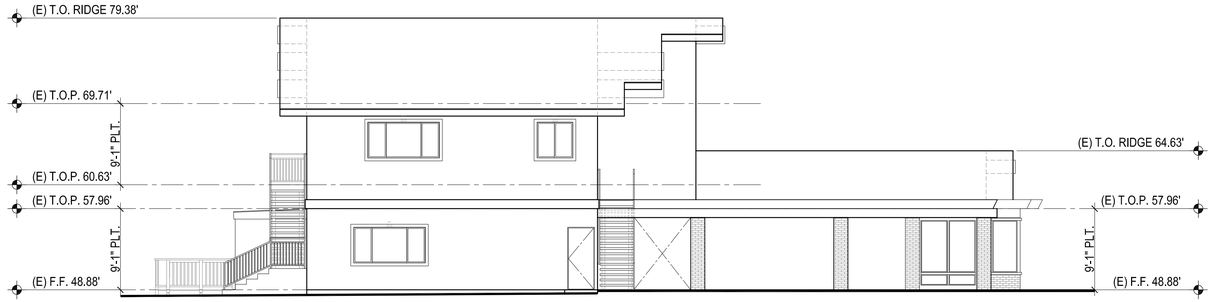
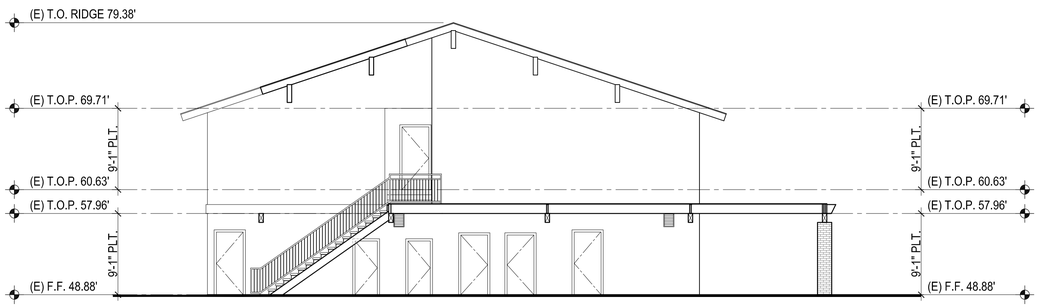
ELEVATION KEYNOTES

1. STUCCO
2. MANUFACTURED STONE VENEER
3. FULL BRICK VENEER, STRETCHER COURSE
4. FULL BRICK VENEER, ROWLOCK COURSE
5. CLASS 'A' ASPHALT COMPOSITION ROOFING
6. CLASS 'A' BUILT-UP ROOFING
7. EXISTING SKYLIGHT
8. EXPOSED WOOD BEAMS
9. EXPOSED WOOD RAFTER BEAMS
10. METAL CLAD RAIN GUTTER
11. RAISED PLANTER
12. RAISED SHELF
13. ALUMINUM STOREFRONT WINDOWS
14. CHIMNEY CAP WITH SPARK ARRESTOR
15. METAL CLAD AWNING
16. GLASS GUARDRAIL
17. CONCRETE DECK
18. WATERPROOF DECK

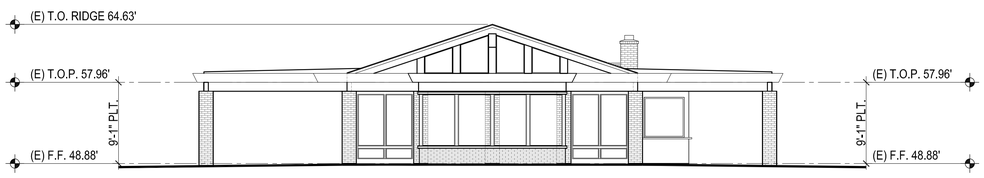


PRO-SHOP / ADMIN. NORTH



ADMIN. WEST

ADMIN. EAST



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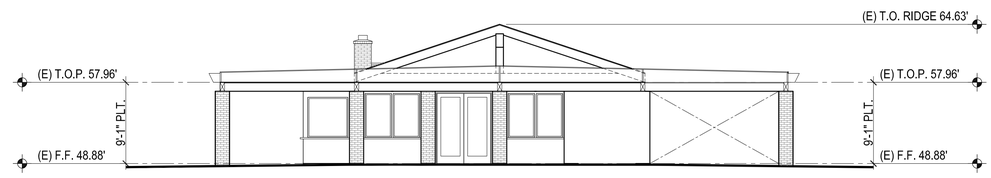

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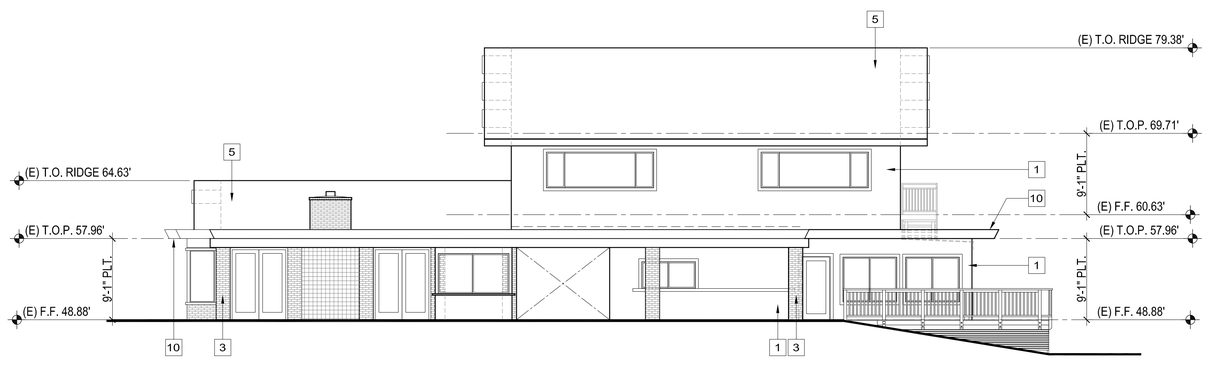

PRO-SHOP / ADMIN. SOUTH

PRO-SHOP / ADMIN. EXTERIOR ELEVATIONS

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

REVISIONS		
NO.	DATE	BY

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20961S. Coast Highway
Laguna Beach, CA 92651
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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12-31-15
STATE OF CALIFORNIA

PRO-SHOP / ADMIN. EXTERIOR ELEVATIONS

ALISO CREEK INN REMODEL
LODGE RENOVATION
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
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DATE PRINTED	2-4-2014
SHEET NUMBER	A-3.4

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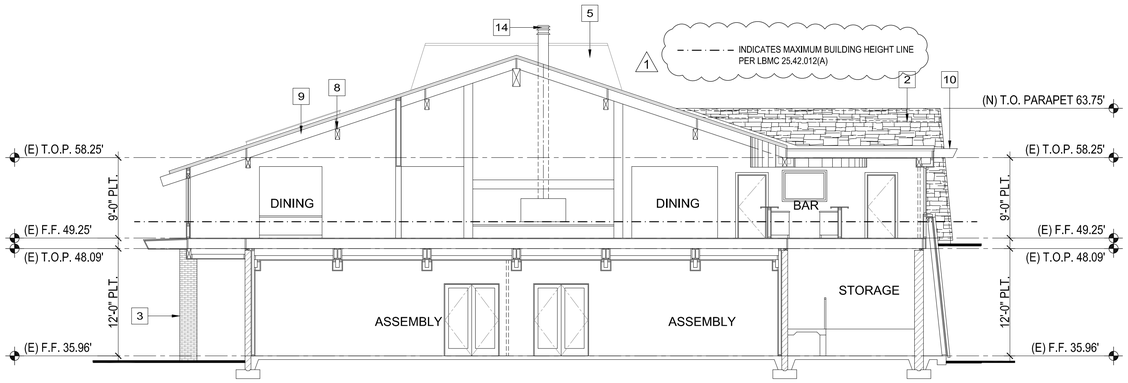
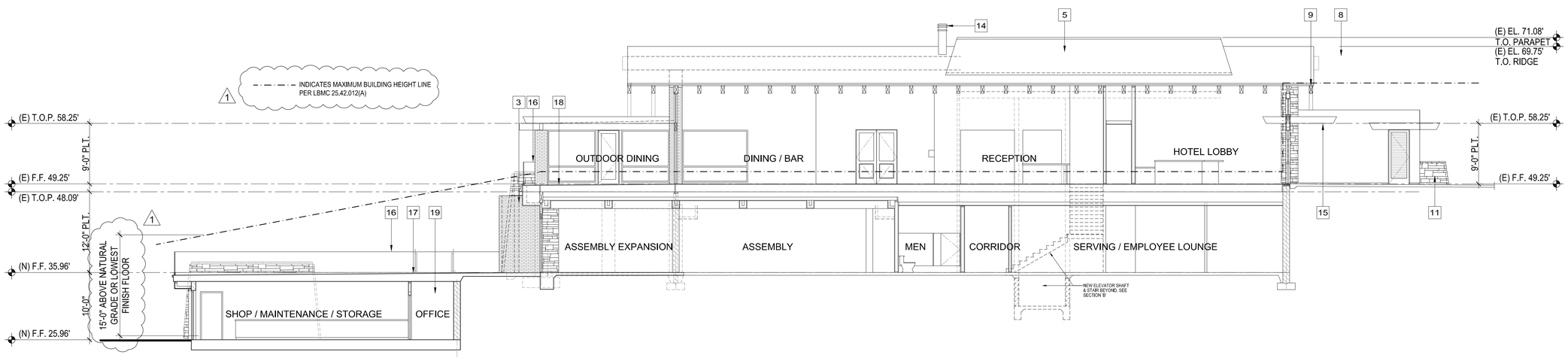
SECTION KEYNOTES

1. STUCCO
2. MANUFACTURED STONE VENEER
3. FULL BRICK VENEER, STRETCHER COURSE
4. FULL BRICK VENEER, ROWLOCK COURSE
5. CLASS 'A' ASPHALT COMPOSITION ROOFING
6. CLASS 'A' BUILT-UP ROOFING
7. EXISTING SKYLIGHT
8. EXPOSED WOOD BEAMS
9. EXPOSED WOOD RAFTER BEAMS
10. METAL CLAD RAIN GUTTER
11. RAISED PLANTER
12. RAISED SHELF
13. ALUMINUM STOREFRONT WINDOWS
14. CHIMNEY CAP WITH SPARK ARRESTOR
15. METAL CLAD AWNING
16. GLASS GUARDRAIL
17. CONCRETE DECK
18. WATERPROOF DECK
19. EXISTING NATURAL GRADE



SECTION "A"



SECTION "B"

LODGE BUILDING SECTIONS

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

REVISIONS		
NO.	DATE	BY
1	2-3-14	DJB

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Morris Skenderian & Associates, A.I.A. ARCHITECTS
20701 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
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REN. 12-31-15
STATE OF CALIFORNIA

LODGE BUILDING SECTIONS

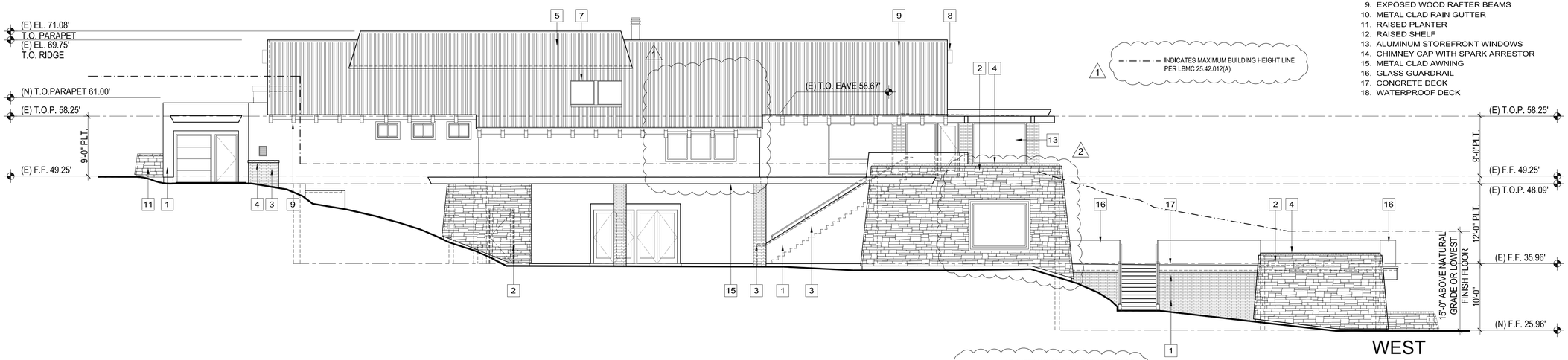
ALISO CREEK INN REMODEL
LODGE RENOVATION
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
FIRST SUBMITTAL DATE	11-11-2013
DRAWN BY: MSA	JOB NUMBER: 13-001
DATE PRINTED	4-1-2014
SHEET NUMBER	A-2.5

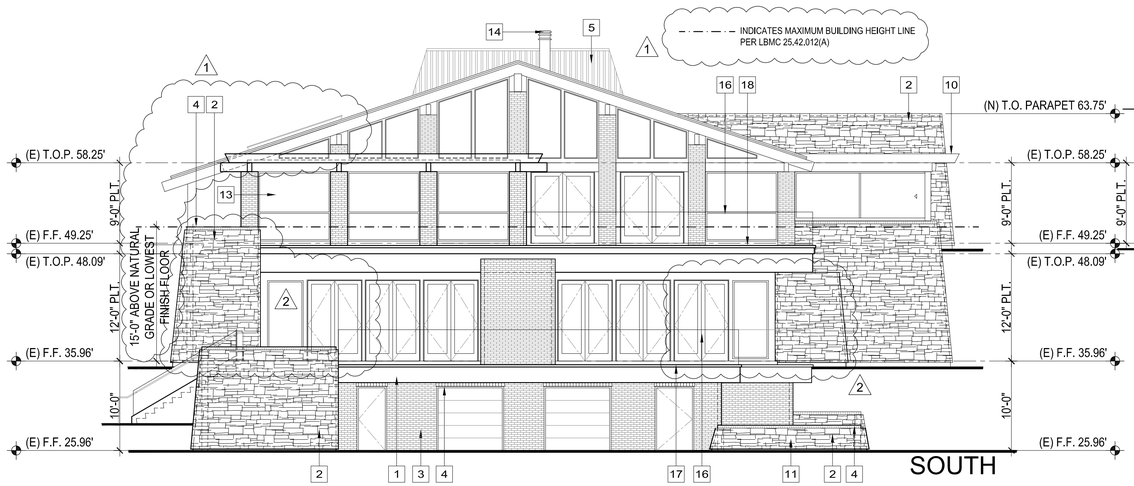
00

ELEVATION KEYNOTES

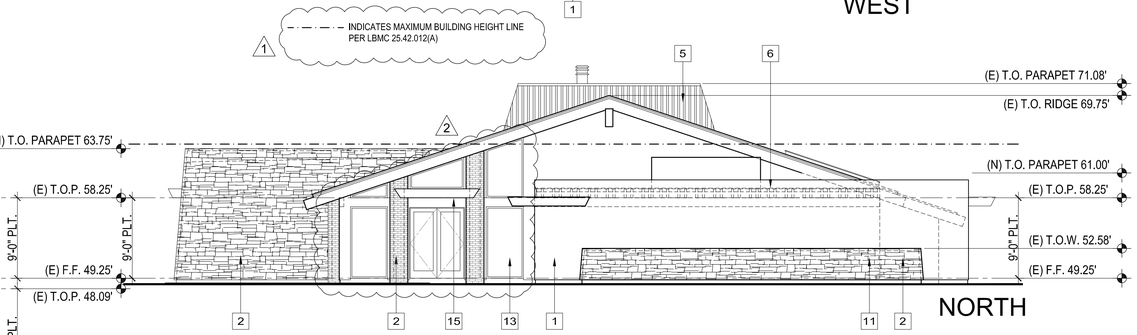
1. STUCCO
2. MANUFACTURED STONE VENEER
3. FULL BRICK VENEER, STRETCHER COURSE
4. FULL BRICK VENEER, ROWLOCK COURSE
5. CLASS 'A' ASPHALT COMPOSITION ROOFING
6. CLASS 'A' BUILT-UP ROOFING
7. EXISTING SKYLIGHT
8. EXPOSED WOOD BEAMS
9. EXPOSED WOOD RAFTER BEAMS
10. METAL CLAD RAIN GUTTER
11. RAISED PLANTER
12. RAISED SHELF
13. ALUMINUM STOREFRONT WINDOWS
14. CHIMNEY CAP WITH SPARK ARRESTOR
15. METAL CLAD AWNING
16. GLASS GUARDRAIL
17. CONCRETE DECK
18. WATERPROOF DECK



WEST



SOUTH



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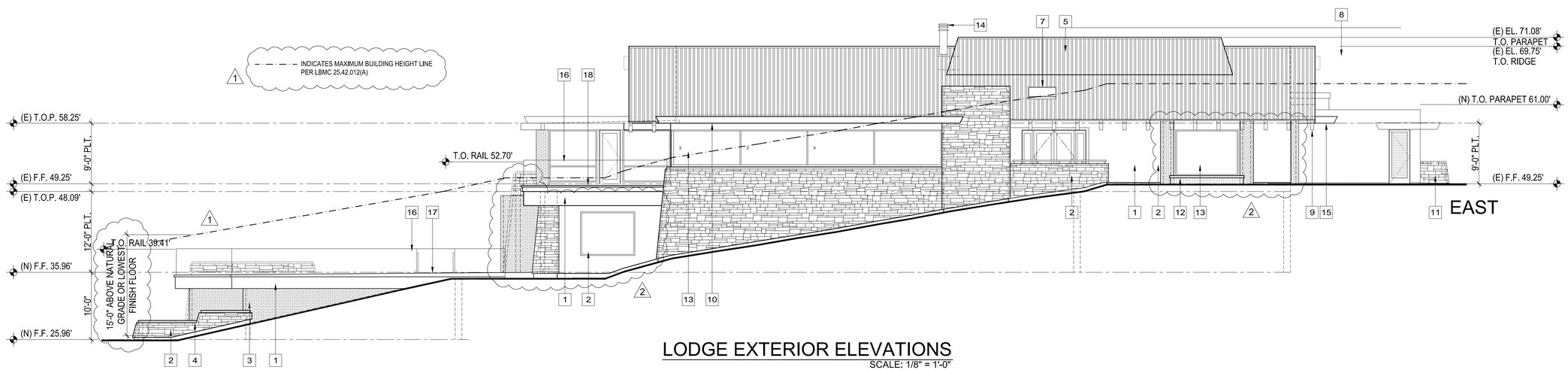

EAST

LODGE EXTERIOR ELEVATIONS

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

REVISIONS		
NO.	DATE	BY
1	2-3-14	DJB
2	4-1-14	DJB

MSA
Morris Skenderian & Associates, A.I.A. ARCHITECTS
20961 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
Fax: 949 497 9814

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12-31-15
STATE OF CALIFORNIA

LODGE EXTERIOR ELEVATIONS

ALISO CREEK INN REMODEL
LODGE RENOVATION
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
FIRST SUBMITTAL DATE	11-11-2013
DRAWN BY: MSA	JOB NUMBER: 13-001
DATE PRINTED	4-1-2014
SHEET NUMBER	A-2.4

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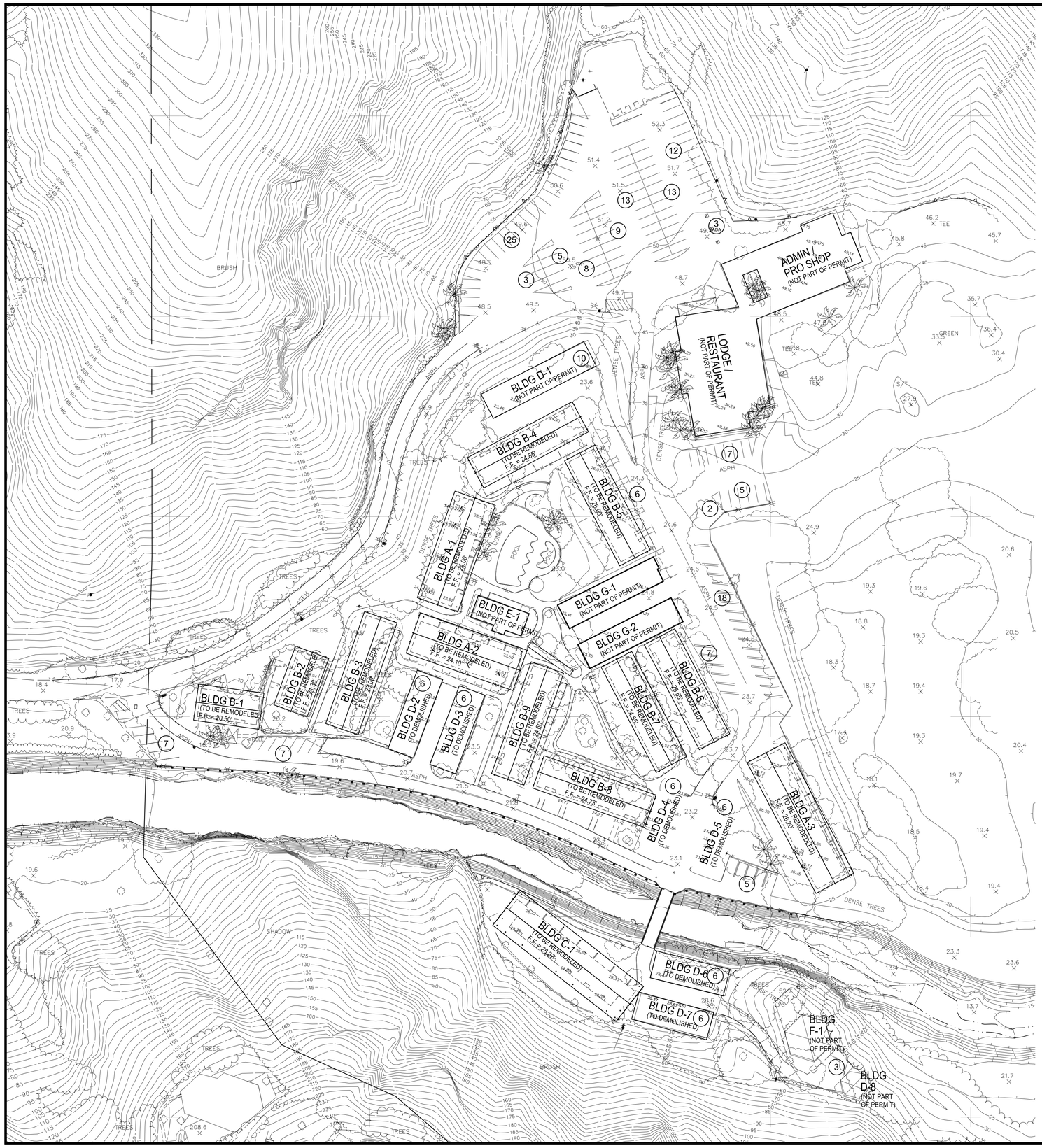

EXISTING PARKING: (#)

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	**204**

EXISTING PARKING PLAN

SCALE: 1" = 50'-0"

REVISIONS		
NO.	DATE	BY

MSA
Morris Skenderian & Associates, A.I.A. ARCHITECTS
20701 S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
Fax: 949 497 9814

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12-31-15
STATE OF CALIFORNIA

EXISTING PARKING PLAN

ALISO CREEK INN REMODEL
PARKING ANALYSIS
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
FIRST SUBMITTAL DATE	11-11-2013
DRAWN BY: MSA	JOB NUMBER: 13-001
DATE PRINTED	3-21-2014
SHEET NUMBER	PK-1.0

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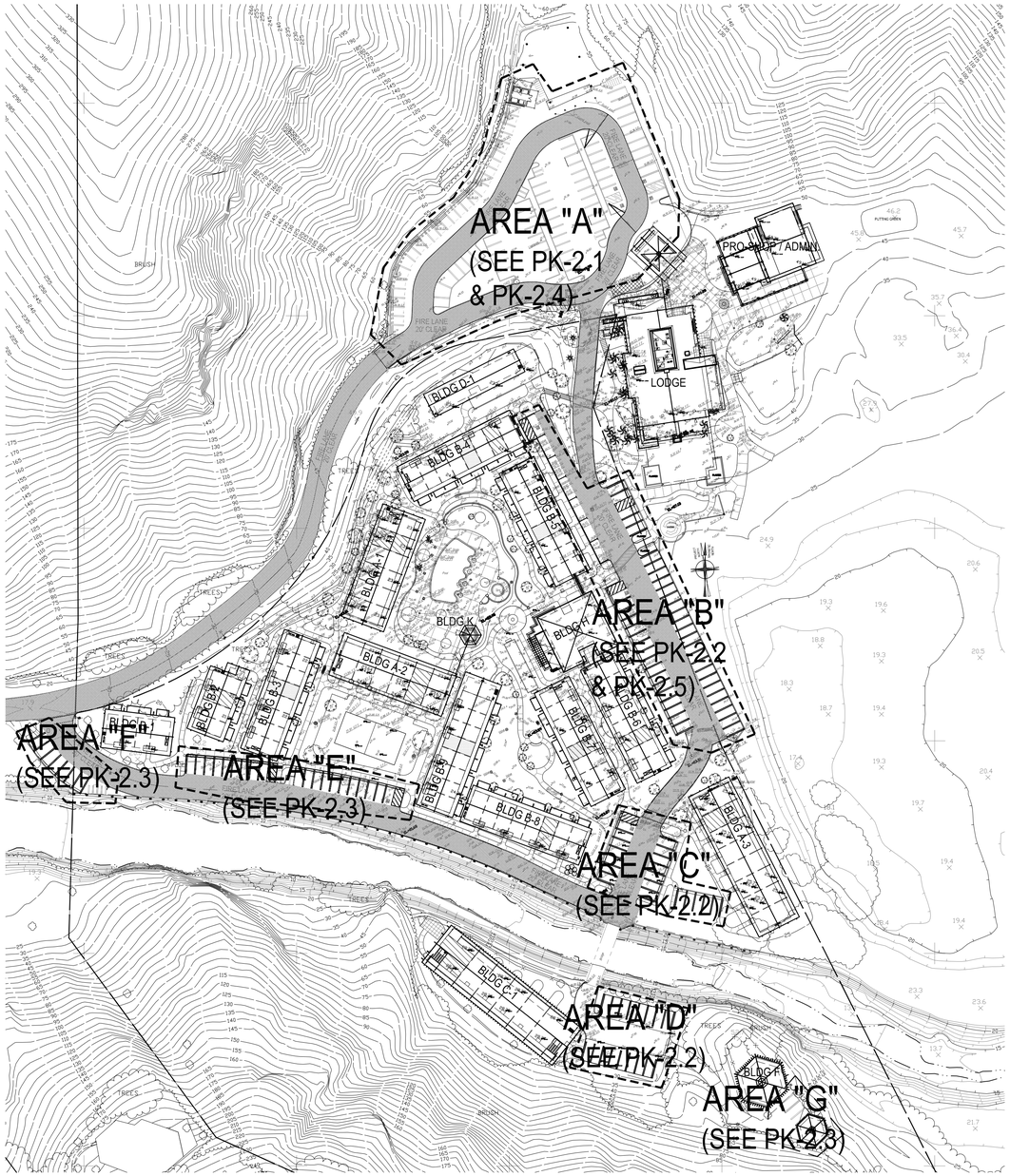

PROPOSED SITE PARKING AREAS

SCALE: 1/64" = 1'-0"

NOTE:
SEE SHEETS PK-2.4 AND PK-2.5 FOR SPECIAL EVENT VALET PARKING PLANS FOR PARKING AREA "A" AND "B".

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 STALLS (TWO MOTORCYCLE STALLS = ONE STANDARD STALL)	6
BICYCLE RACK STALLS 16 BICYCLE / 8 = 2 STANDARD STALLS (8 BICYCLE STALLS = ONE STANDARD STALL)	2
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:

TYPE	NUMBER OF STALLS
STANDARD VALET PARKING STALLS	130
COMPACT VALET PARKING STALLS	53
STANDARD 90° PARKING STALLS	85
STANDARD PARALLEL PARKING STALLS	6
MOTORCYCLE PARKING STALLS 12 MOTORCYCLE / 2 = 6 STANDARD STALLS (TWO MOTORCYCLE STALLS = ONE STANDARD STALL)	6
GARAGE PARKING STALL	1
ADA PARALLEL PARKING STALL	1
ADA 90° PARKING STALLS	8
TOTAL PARKING STALLS	**290**

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

AREA USE	EXISTING FLOOR AREAS	FLOOR AREA ADDITION / (REDUCTION)	PROPOSED FLOOR AREAS
HOTEL ROOMS	54,356.2 SF	462.2 / (-829.8) (Including additions to B-1 and B-9 buildings)	53,988.6 SF
RESTAURANT (Including Dining Deck Area)	7,814.0 SF (Gross Area per building code)	(-218.5 SF) (254.2 SF Addition of Deck / (-472.7 SF Reduction for dining area, stair, elevator)	7,595.5 SF (Gross Area per building code)
ASSEMBLY - BUILDING (Including Conference / Banquet / Meeting Rooms)	7,224.7 SF (Including G-1, G-2 and Entry Level Assembly Area)	(-2,992.8 SF) (Includes removal of buildings G-1 and G-2, Entry Level Assembly and portions of Lower Level Assembly for restrooms and service areas)	4,231.9 SF
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

CONCLUSION:
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.

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 (Increase of 11 Cars)	44 Additional Cars to Park (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.

PARKING DEMAND ANALYSIS

REVISIONS

NO.	DATE	BY

MSA
Morris Skenderian & Associates, A.I.A. ARCHITECTS
20961S. Coast Highway
Laguna Beach, CA 92651
Tel: 949 497 3374
Fax: 949 497 9814

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LICENSED ARCHITECT
MORRIS M. SKENDERIAN
NO. C 5703
REN. 12-31-15
STATE OF CALIFORNIA

PROPOSED PARKING PLAN

ALISO CREEK INN REMODEL
PARKING ANALYSIS
31106 S. COAST HWY., LAGUNA BEACH, CALIFORNIA 92651

REVIEWED BY / DATE	-
FIRST SUBMITTAL DATE	11-11-2013
DRAWN BY: MSA	JOB NUMBER: 13-001
DATE PRINTED	3-21-2014
SHEET NUMBER	PK-2.0

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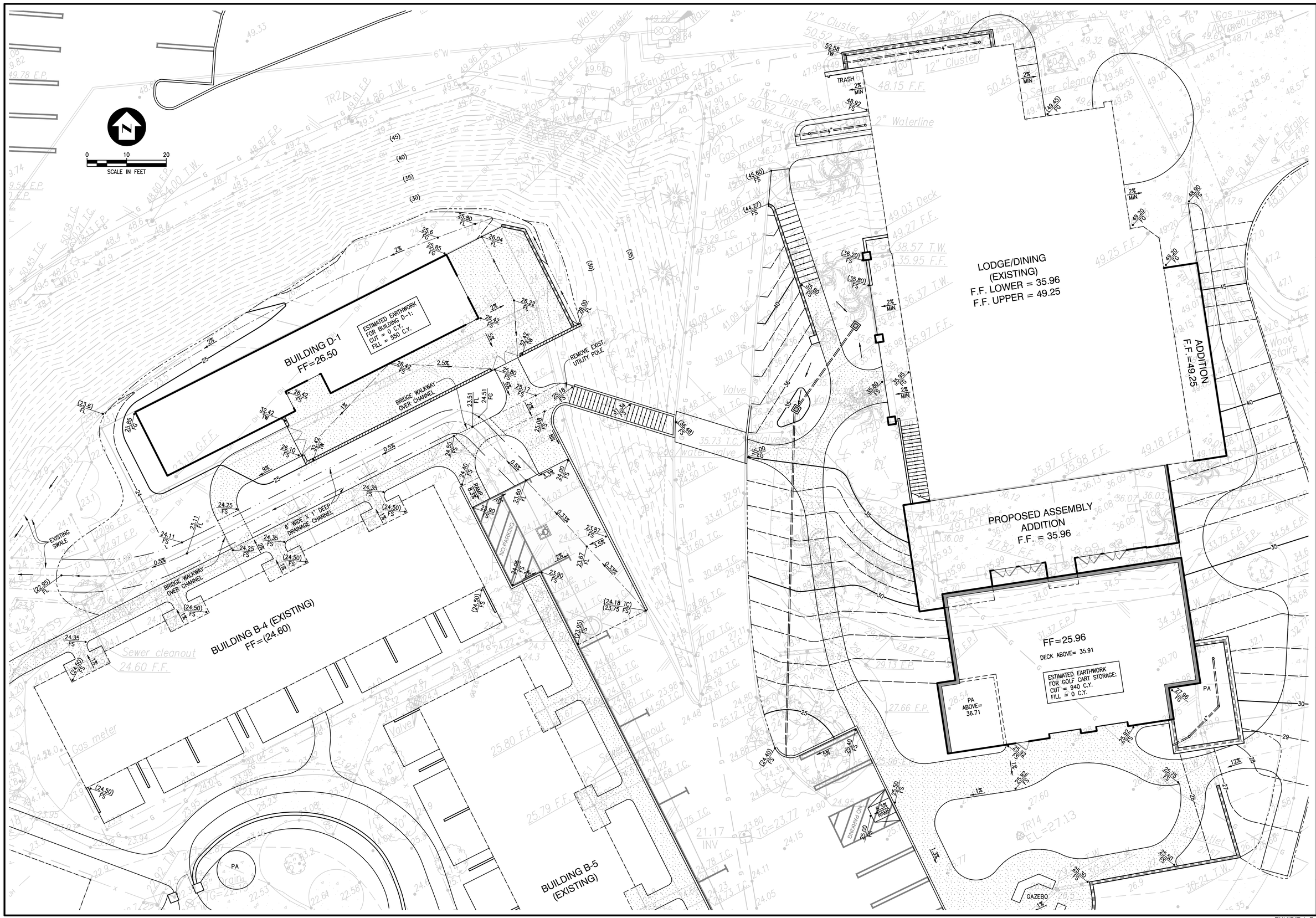


PRELIMINARY GRADING PLAN

ALISO CREEK INN, 31106 COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA

PREPARED FOR: LAGUNA BEACH GOLF & BUNGALOW VILLAGE LLC

H. SCALE:	1"=10'
V. SCALE:	N/A
DATE OF SURVEY:	9/20/13
DR. FILE	–
DATE:	2/20/14
DRN.:	A.M.S.
CHD.	A.L.T.
APPD.	R.R.T.

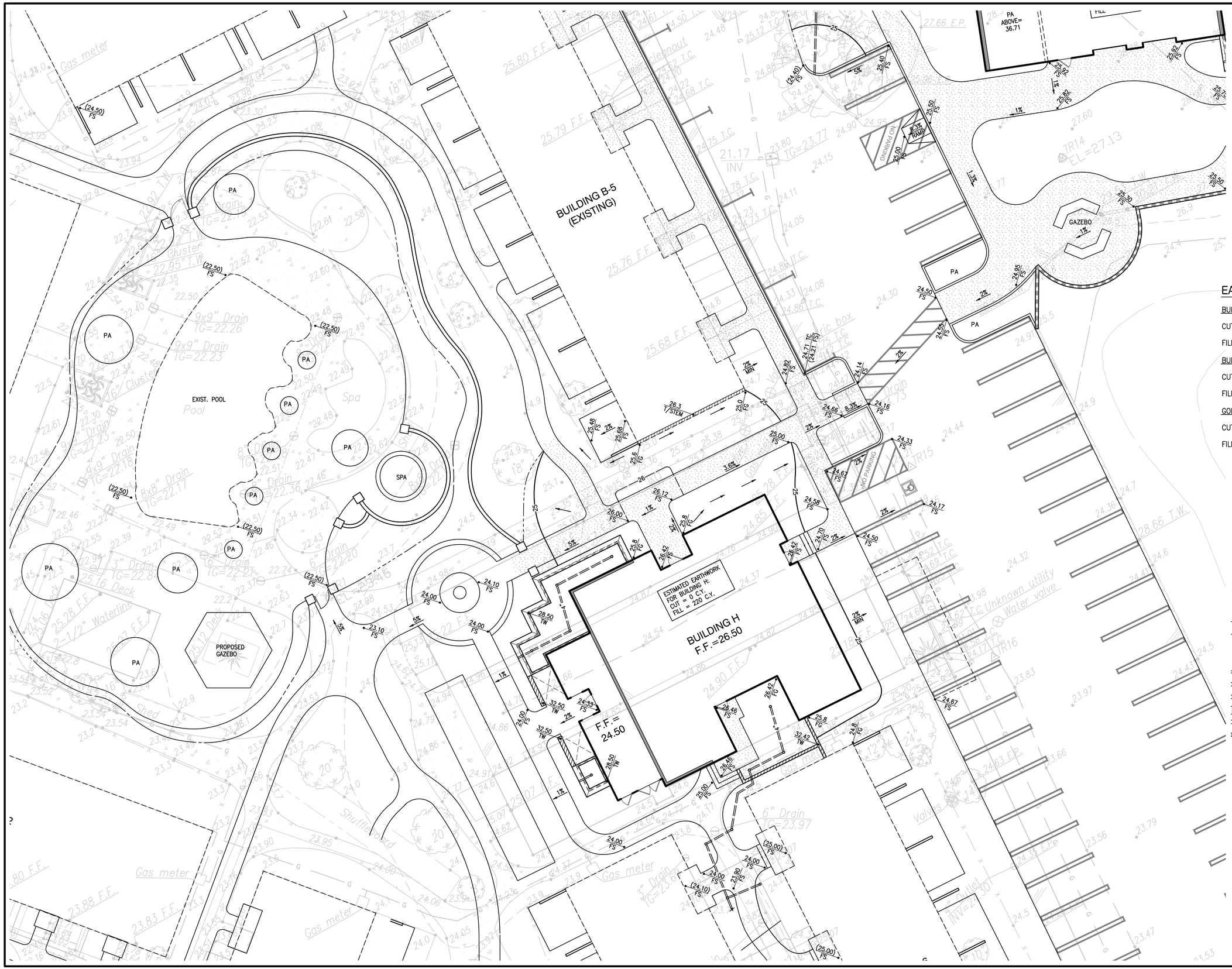
BY	DATE	APV'D.	DATE

REVISIONS

TOAL ENGINEERING, INC.
Civil Engineers and Land Surveyors
139 Avenida Navarro, San Clemente, Calif. 92672
Ph: 949-492-8586 Fax: 949-498-8625
www.toalengineering.com

SHEET 1 OF 2
JOB NO. 15150

2/26/2014 12:06 PM N:\151xx\15150\Drawings\Civil\15150-prelim-gp.dwg



EARTHWORK QUANTITIES:

BUILDING D-1:

CUT ..... 0 CY

FILL ..... 550 CY

BUILDING H:

CUT ..... 0 CY

FILL ..... 220 CY

GOLF CART STORAGE:

CUT ..... 940 CY

FILL ..... 0 CY

GRADING LEGEND

- HARDSCAPE
- CUT / FILL LINE
- 100 CONTOUR (EXISTING)
- 100 CONTOUR (PROPOSED)
- 100.00 SPOT ELEVATION (PROPOSED)
- (100.00) SPOT ELEVATION (MATCH EXISTING)
- 4" PROPOSED DRAIN LINE
- PROPOSED STEM WALL
- PROPOSED BEARING/RETAINING WALL
- PROPOSED DEEPENED FOOTING
- PROPOSED PLANTER/SCREEN WALL
- PROPOSED RETAINING WALL
- A / 10 SECTION LETTER / SHEET NUMBER

DF	DEEPENED FOOTING
EP	EDGE OF PAVEMENT
FF	FINISH FLOOR
FG	FINISH GRADE
FL OR ℄	FLOW LINE
FS	FINISH SURFACE
GFF	GARAGE FINISH FLOOR
INV	INVERT
P.L. OR ℙ	PROPERTY LINE
PA	PLANTER AREA
R.O.W. OR R/W	RIGHT OF WAY
TC	TOP OF CURB
TF	TOP OF FOOTING
TG	TOP OF GRATE
TP	TOP OF PILASTER
TW	TOP OF WALL
R	RIDGE
GB	GRADE BREAK
● RD	ROOF DRAIN

PRELIMINARY GRADING PLAN

ALISO CREEK INN, 31106 COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA

PREPARED FOR **LAGUNA BEACH GOLF & BUNGALOW VILLAGE LLC**

H. SCALE: 1"=10'	DATE: 2/20/14		
V. SCALE: N/A	DRN.: A.M.S.		
DATE OF SURVEY: 9/20/13	CHD. A.L.T.		
DR. FILE –	APPD. R.R.T.		

REVISIONS	BY	DATE	APV'D.	DATE

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SHEET **2** OF **2**

JOB NO. **15150**

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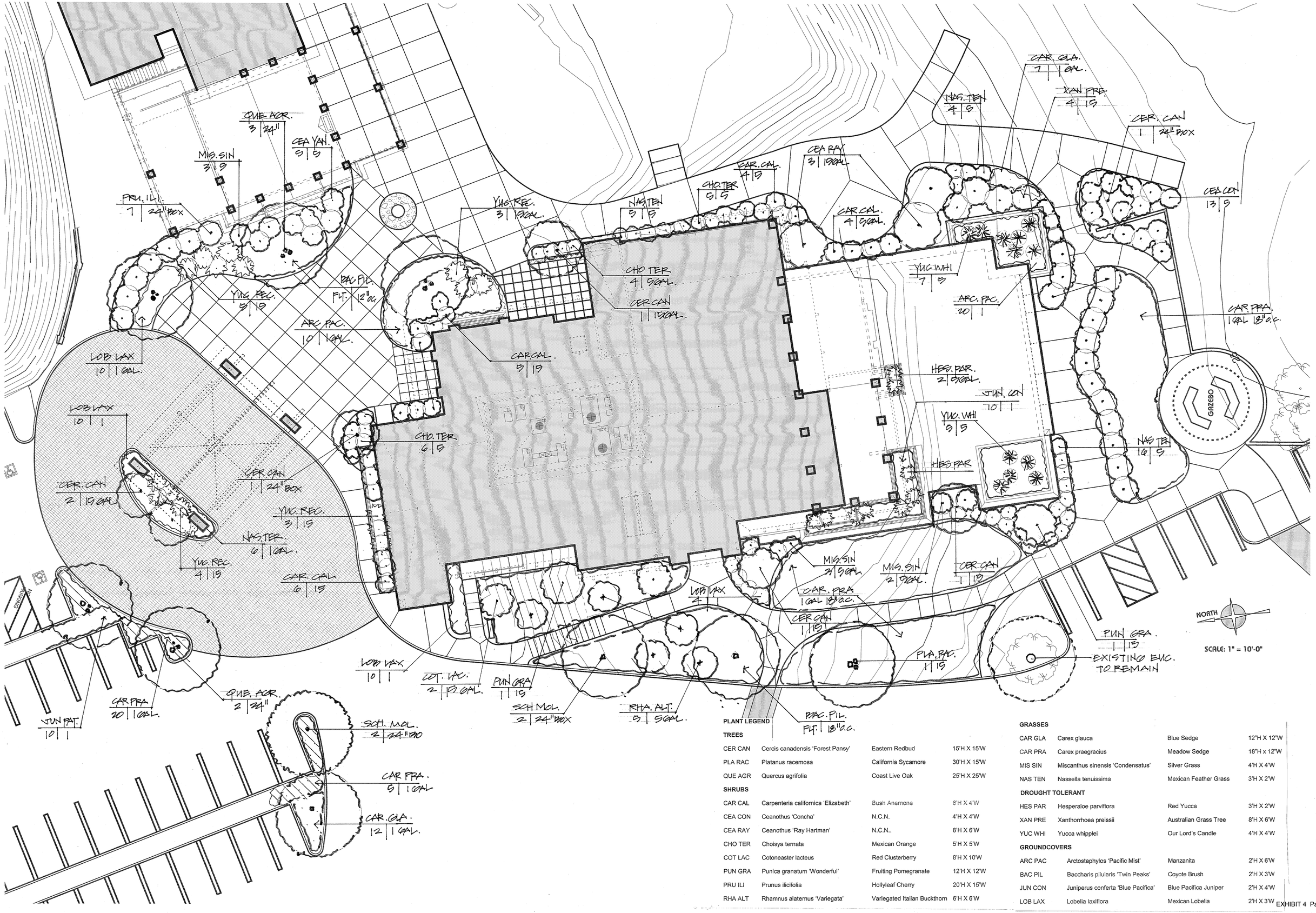


PLANT LEGEND

TREES			
CER CAN	Cercis canadensis 'Forest Pansy'	Eastern Redbud	15'H X 15'W
PLA RAC	Platanus racemosa	California Sycamore	30'H X 15'W
QUE AGR	Quercus agrifolia	Coast Live Oak	25'H X 25'W
SHRUBS			
CAR CAL	Carpenteria californica 'Elizabeth'	Bush Anemone	6'H X 4'W
CEA CON	Ceanothus 'Concha'	N.C.N.	4'H X 4'W
CEA RAY	Ceanothus 'Ray Hartman'	N.C.N..	8'H X 6'W
CHO TER	Choisya ternata	Mexican Orange	5'H X 5'W
COT LAC	Cotoneaster lacteus	Red Clusterberry	8'H X 10'W
PUN GRA	Punica granatum 'Wonderful'	Fruiting Pomegranate	12'H X 12'W
PRU ILI	Prunus ilicifolia	Hollyleaf Cherry	20'H X 15'W
RHA ALT	Rhamnus alaternus 'Variegata'	Variegated Italian Buckthorn	6'H X 6'W

GRASSES			
CAR GLA	Carex glauca	Blue Sedge	12"H X 12"W
CAR PRA	Carex praegracius	Meadow Sedge	18"H x 12"W
MIS SIN	Miscanthus sinensis 'Condensatus'	Silver Grass	4'H X 4'W
NAS TEN	Nassella tenuissima	Mexican Feather Grass	3'H X 2'W
DROUGHT TOLERANT			
HES PAR	Hesperaloe parviflora	Red Yucca	3'H X 2'W
XAN PRE	Xanthorrhoea preissii	Australian Grass Tree	8'H X 6'W
YUC WHI	Yucca whipplei	Our Lord's Candle	4'H X 4'W
GROUNDCOVERS			
ARC PAC	Arctostaphylos 'Pacific Mist'	Manzanita	2'H X 6'W
BAC PIL	Baccharis pilularis 'Twin Peaks'	Coyote Brush	2'H X 3'W
JUN CON	Juniperus conferta 'Blue Pacifica'	Blue Pacifica Juniper	2'H X 4'W
LOB LAX	Lobelia laxiflora	Mexican Lobelia	2'H X 3'W

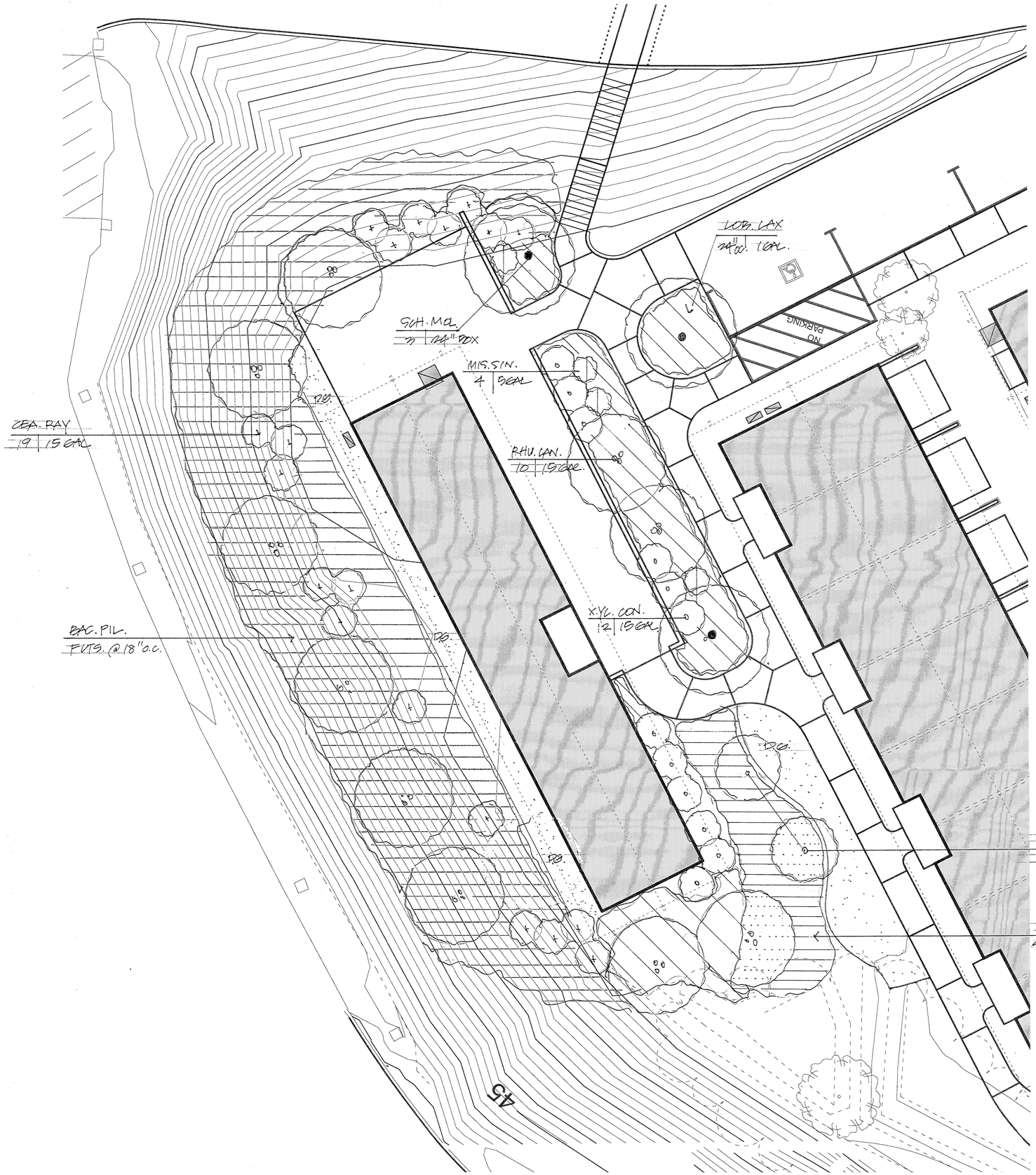
STUDIO
LANDSCAPE ARCHITECTURE STUDIO
1506 s. coast highway
laguna beach, ca 92651
949 / 494 - 6944
Fax 949 / 494 - 6150
california license 1921

ALISO CREEK INN
31106 COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA

LODGE BUILDING • PRELIMINARY LANDSCAPE PLAN

Sheet No
L-1

SHEET PLOTTED: 2/11/14
DRAFTED BY: DBJC



PLANT LEGEND

TREES			
CER CAN	Cercis canadensis 'Forest Pansy'	Eastern Redbud	15'H X 15'W
RHU LAN	Rhus lancea	African Sumac	20'H X 20'W
SCH MOL	Schinus molle	California Pepper	25'H X 25'W
SHRUBS			
CEA RAY	Ceanothus 'Ray Hartman'	N.C.N..	6'H X 6'W
XYL CON	Xylosma congestum 'Compacta'	Shiny Xylosma	8'H X 8'W
GRASSES			
MIS SIN	Miscanthus sinensis 'Condensatus'	Cosmopolitan Revert	6'H X 4'W
GROUNDCOVERS			
BAC PIL	Baccharis pilularis 'Twin Peaks'	Coyote Brush	2'H X 3'W
CEA YAN	Ceanothus 'Yankee Point'	N.C.N.	2'H X 5'W
LOB LAX	Lobelia laxiflora	Mexican Lobelia	2'H X 3'W

8 0 4 8

IRRIGATION NOTE:

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

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laguna beach, ca 92651
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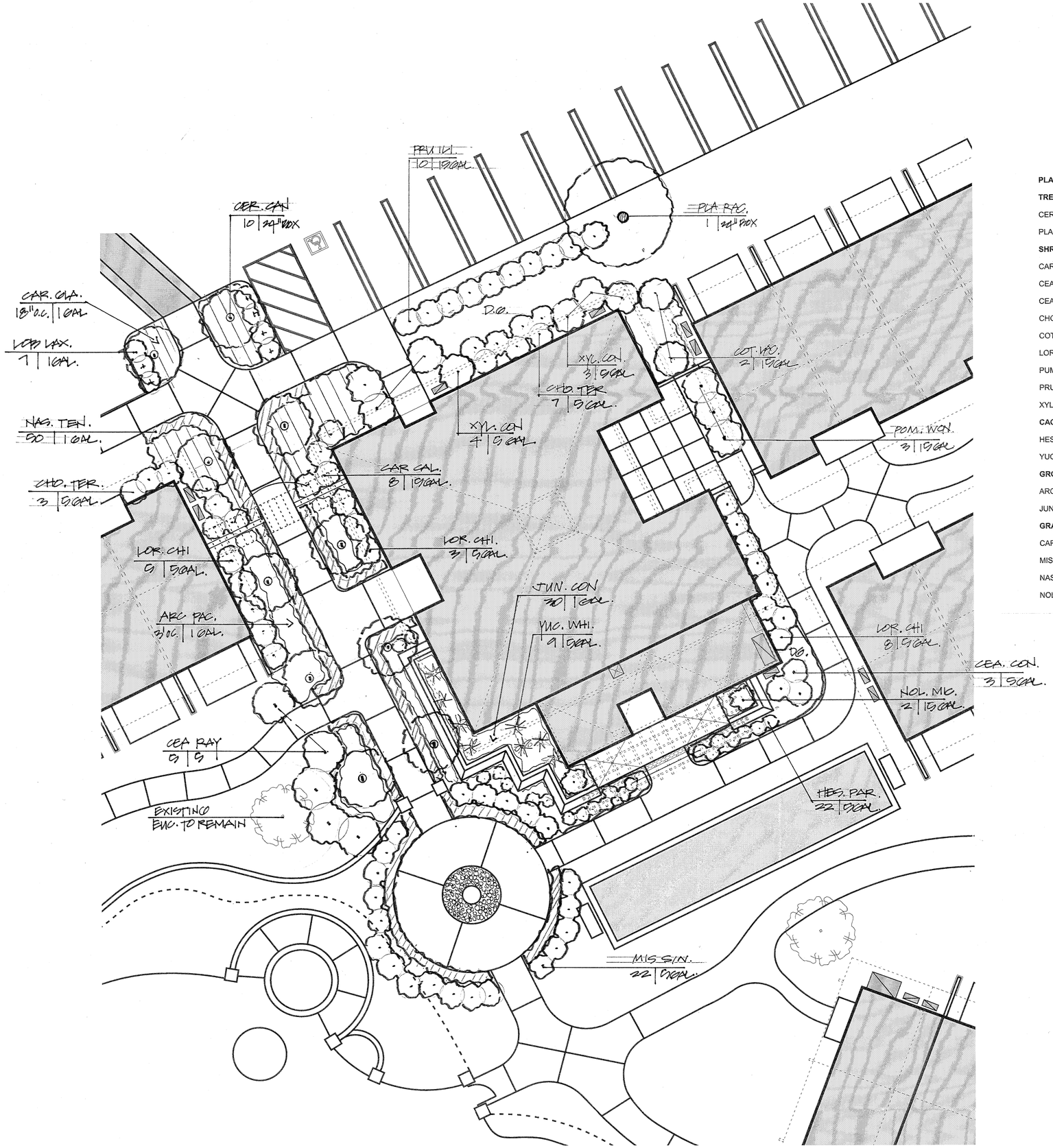
ALISO CREEK INN
31106 COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA

MAINTENANCE BUILDING • PRELIMINARY LANDSCAPE PLAN

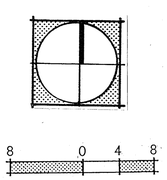
Sheet No
L-2

SHEET PLOTTED : 8/7/14
DRAFTED BY: DUIC



PLANT LEGEND

TREES			
CER CAN	Cercis canadensis 'Forest Pansy'	Eastern Redbud	15'H X 15'W
PLA RAC	Platanus racemosa	California Sycamore	30'H X 15'W
SHRUBS			
CAR CAL	Carpenteria californica 'Elizabeth'	Light Bush Anemone	6'H X 4'W
CEA CON	Ceanothus 'Concha'	N.C.N.	4'H X 4'W
CEA RAY	Ceanothus 'Ray Hartman'	N.C.N..	8'H X 6'W
CHO TER	Choisya ternata	Mexican Orange	5'H X 5'W
COT LAC	Cotoneaster lacteus	Red Clusterberry	8'H X 10'W
LOR CHI	Lorapeltalum chinesensis 'Razzle Berry'	N.C.N.	6'H X 6'W
PUM GRA	Punica granatum 'Wonderful'	Fruiting Pomegranate	8'H X 6'W
PRU ILI	Prunus ilicifolia	Hollyleaf Cherry	10'H X 5'W
XYL CON	Xylosma congestum 'Compacta'	Shiny Xylosma	8'H X 8'W
CACTI			
HES PAR	Hesperaloe parviflora	Red Yucca	3'H X 2'W
YUC WHI	Yucca whipplei	Our Lord's Candle	4'H X 4'W
GROUNDCOVERS			
ARC PAC	Arctostaphylos	Manzanita Pacific Mist	1'H
JUN CON	Juniperus conferta	Shore Juniper	1'H
GRASSES			
CAR GRA	Carex glauca	Blue Sedge	12"H X 12"W
MIS SIN	Miscanthus sinensis 'Condensatus'	Cosmopolitan Revert	6'H X 4'W
NAS TEN	Nassella tenuissima	Mexican Feather Grass	2'H X 2'W
NOL MIC	Nolinia microcarpa	Bear Grass	5'H X 4'W



IRRIGATION NOTE:

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ALISO CREEK INN
31106 COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA

SPA BUILDING • PRELIMINARY LANDSCAPE PLAN

Sheet No
L-3

SHEET PLOTTED : 2/7/14
DRAWTED BY: DLUC

This recycled wood fence replaced a pre-existing chain link fence. Approximately 100' of the lower plank of the wood fence will be removed to enhance wildlife passage through Scout Camp, Other parts of the fence will not be removed as there is adequate passage through the opening gate.

Maintenance Storage Area

Concrete pad, turf, and vegetable garden to be removed and replanted with native vegetation.

Restroom

Walkway

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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.

N

0 25 50 100
Feet

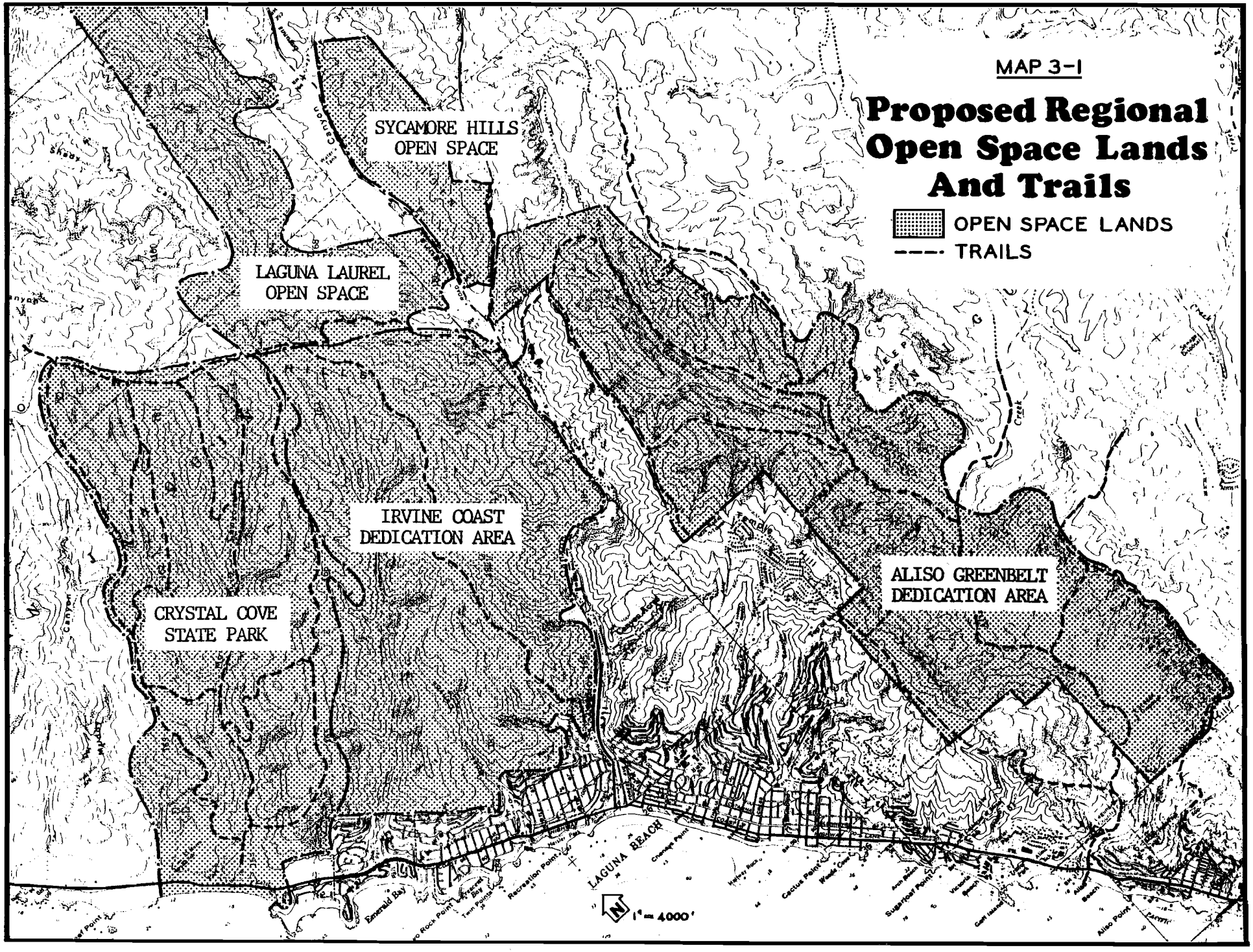
THE RANCH AT LAGUNA BEACH

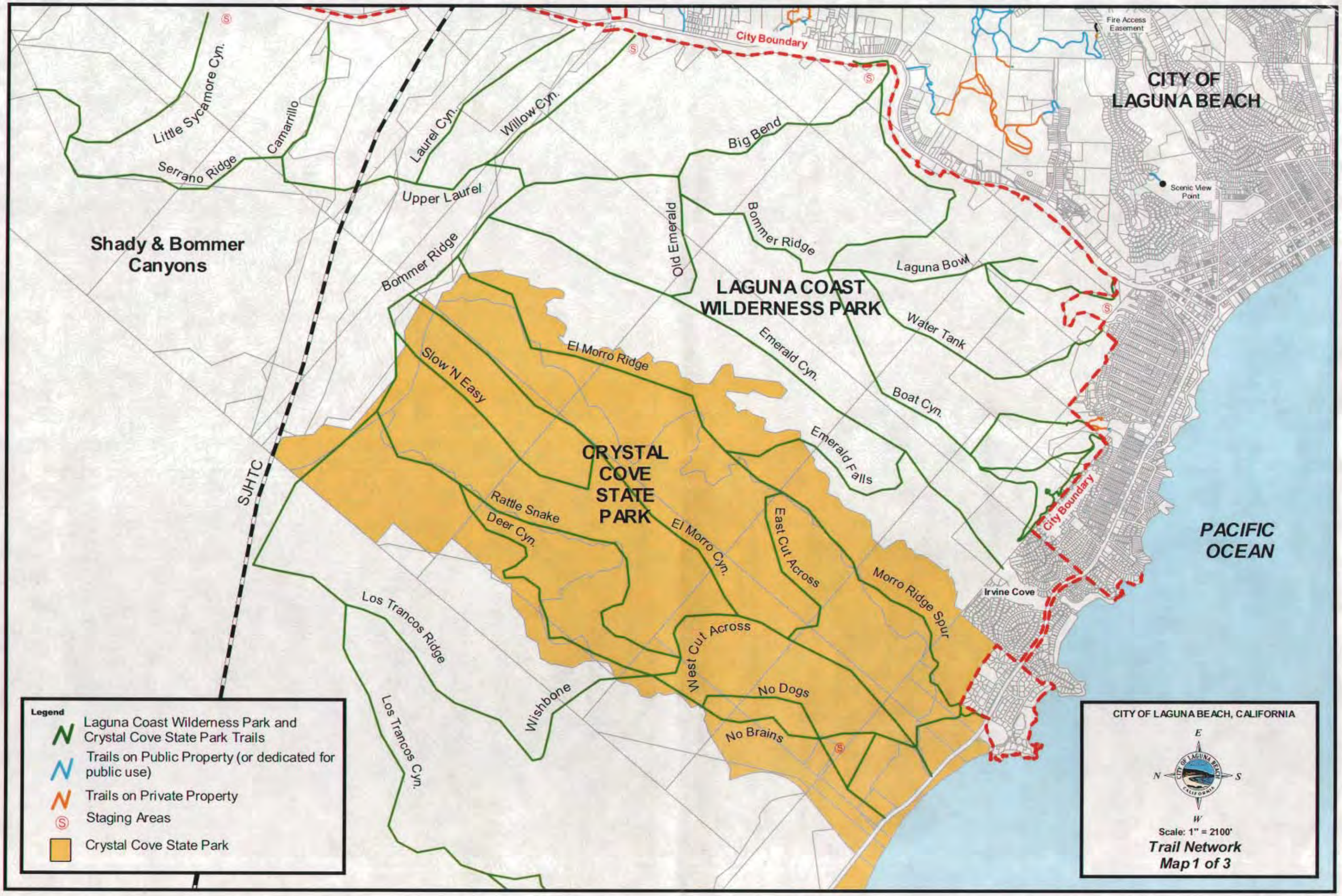
Scout Camp Restoration Proposal

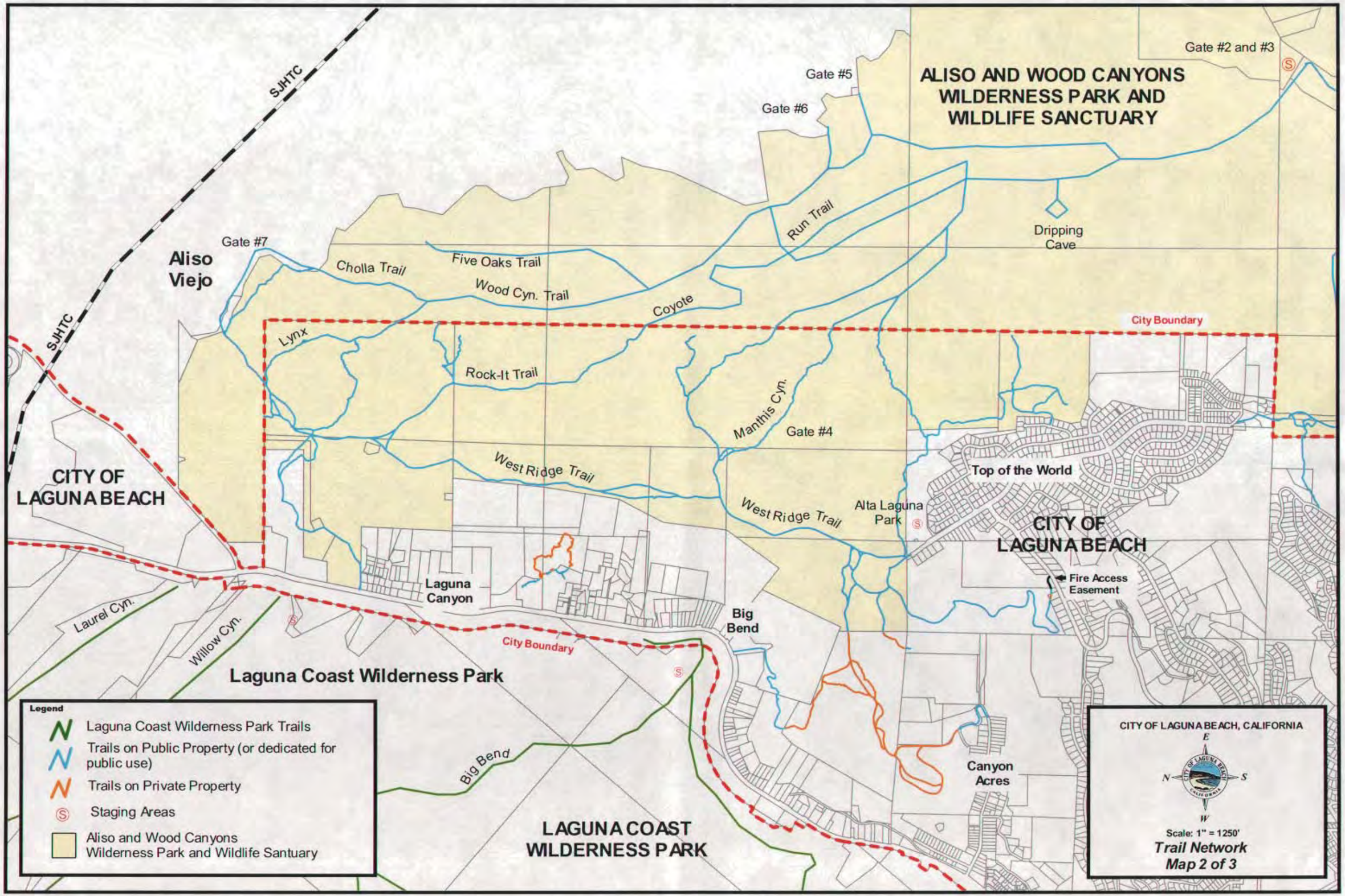
GLENN LUKOS ASSOCIATES

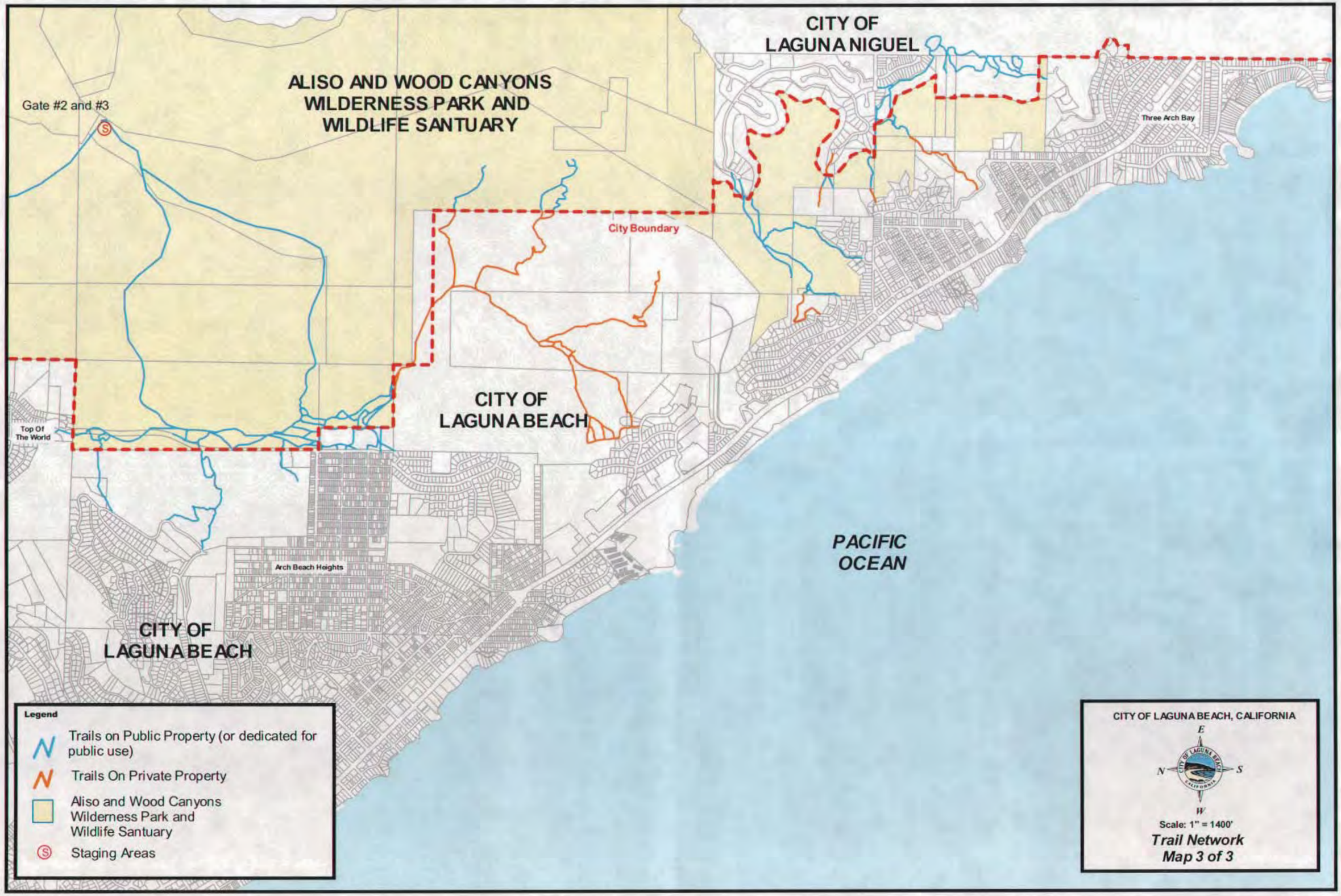
Exhibit 3

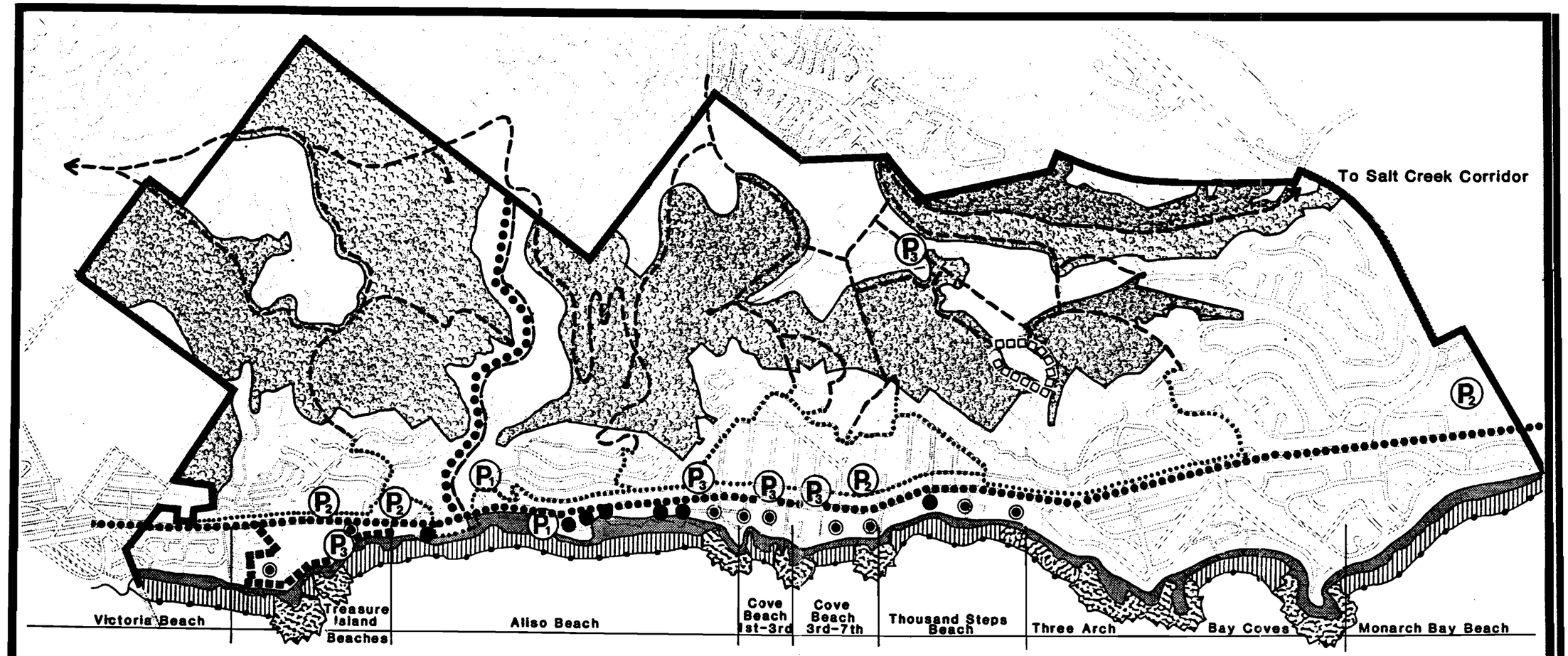
X:\1100 AFTER THE REST\1155-01REMO\1155-1_GIS\RestorationGIS\1155-1AreasofImprovement2.mxd


MAP 3-1
Proposed Regional Open Space Lands And Trails
OPEN SPACE LANDS
TRAILS
SYCAMORE HILLS OPEN SPACE
LAGUNA LAUREL OPEN SPACE
IRVINE COAST DEDICATION AREA
CRYSTAL COVE STATE PARK
ALISO GREENBELT DEDICATION AREA
LAGUNA BEACH
1" = 4000'


City Boundary
Fire Access Easement
CITY OF LAGUNA BEACH
Scenic View Point
Little Sycamore Cyn.
Camarrillo
Serrano Ridge
Laurel Cyn.
Willow Cyn.
Big Bend
Upper Laurel
Shady & Bommer Canyons
Bommer Ridge
Old Emerald
Bommer Ridge
Laguna Bowl
LAGUNA COAST WILDERNESS PARK
Water Tank
Emerald Cyn.
El Morro Ridge
Slow 'N Easy
Boat Cyn.
Emerald Falls
CRYSTAL COVE STATE PARK
SJHTC
Rattle Snake
Deer Cyn.
El Morro Cyn.
East Cut Across
Morro Ridge Spur
City Boundary
PACIFIC OCEAN
Irvine Cove
Los Trancos Ridge
West Cut Across
No Dogs
Wishbone
No Brains
Los Trancos Cyn.
Legend
Laguna Coast Wilderness Park and Crystal Cove State Park Trails
Trails on Public Property (or dedicated for public use)
Trails on Private Property
Staging Areas
Crystal Cove State Park
CITY OF LAGUNA BEACH, CALIFORNIA
E
N
S
W
Scale: 1" = 2100'
Trail Network
Map 1 of 3


ALISO AND WOOD CANYONS WILDERNESS PARK AND WILDLIFE SANCTUARY
Gate #2 and #3
Gate #5
Gate #6
Gate #7
Gate #4
SJHTC
SJHTC
Aliso Viejo
CITY OF LAGUNA BEACH
Cholla Trail
Five Oaks Trail
Wood Cyn. Trail
Coyote
Run Trail
Dripping Cave
Lynx
Rock-It Trail
Manthis Cyn.
West Ridge Trail
West Ridge Trail
Alta Laguna Park
Top of the World
CITY OF LAGUNA BEACH
Fire Access Easement
City Boundary
City Boundary
Laguna Canyon
Big Bend
Laurel Cyn.
Willow Cyn.
Laguna Coast Wilderness Park
Big Bend
LAGUNA COAST WILDERNESS PARK
Canyon Acres
Legend
Laguna Coast Wilderness Park Trails
Trails on Public Property (or dedicated for public use)
Trails on Private Property
Staging Areas
Aliso and Wood Canyons Wilderness Park and Wildlife Santuary
CITY OF LAGUNA BEACH, CALIFORNIA
E
N
S
W
Scale: 1" = 1250'
Trail Network
Map 2 of 3

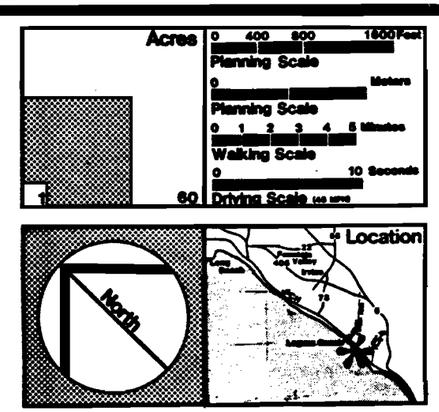

CITY OF
LAGUNA NIGUEL
ALISO AND WOOD CANYONS
WILDERNESS PARK AND
WILDLIFE SANTUARY
Gate #2 and #3
Three Arch Bay
City Boundary
CITY OF
LAGUNA BEACH
Top Of
The World
Arch Beach Heights
PACIFIC
OCEAN
CITY OF
LAGUNA BEACH
Legend
Trails on Public Property (or dedicated for public use)
Trails On Private Property
Aliso and Wood Canyons Wilderness Park and Wildlife Santuary
Staging Areas
CITY OF LAGUNA BEACH, CALIFORNIA
E
N
S
W
Scale: 1" = 1400'
Trail Network
Map 3 of 3



SOUTH LAGUNA SPECIFIC PLAN / LOCAL COASTAL PROGRAM

Legend :

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



Information Source:

ACCESS

figure 5

Aliso and Wood Canyons Wilderness Park

WILDERNESS PARK

DAY USE: 7:00 A.M. - SUNSET

1800s STAGECOACH ROBBER'S HIDEOUT AWAITS YOU • HIKE WHERE DOLPHINS, WHALES AND OTHER SEA CREATURES ONCE LIVED

High Points:

Some of the best views in the park can be had from the following locations:

- Aliso Peak: 683'
- Along the Aliso Summit Trail: 800'
- Top of Meadows Trail: 817'
- Top of Moulton Peak: 890'
- "Top of the World" at the end of Mathis Canyon Trail: 1036'

Aliso and Wood Canyons Wilderness Park is a wilderness area, and there are certain inherent dangers, which may include mountain lions, rattlesnakes, poisonous insects and plants, extreme weather and rugged terrain. Have fun, but stay alert. Your safety cannot be guaranteed.

Legend:

- Park Office
- Restroom
- Parking
- Water
- Phone
- Water Tank
- Bird Watching
- Marine Fossils
- Scenic Overlook
- Picnic Area
- Public Access Gate
- Emergency Access Gate
- Multi-use Trail
- Hiking Trail
- Creek
- Public Street
- Park Vehicle Road
- Easy Trail
- Moderate Trail
- Difficult Trail

Trail Guide:

Trail	Use	Length
Aliso Creek Bike Trail: EASY	multi-use (dogs allowed)	3 Miles
Aliso Creek Trail: EASY	multi-use (dogs allowed)	1.5 Miles
Aliso Creek Trail East: EASY	multi-use	3 Miles
Aliso Peak Trail: EASY	hiking only (dogs allowed)	0.5 Miles
Aliso Summit Trail: EASY	multi-use (dogs allowed)	2 Miles
Alwut Trail: EASY	multi-use	.125 Mile
Aswut Trail: EASY	multi-use (dogs allowed)	.75 Mile
Cave Rock: EASY	hiking only	.25 Mile
Car Wreck Trail: DIFFICULT	multi-use	.95 Mile
Cholla Trail: EASY	multi-use	.25 Mile
Coyote Run Trail: EASY	multi-use	1.125 Mile
Dripping Cave Trail: EASY	hiking and biking	.75 Mile
5 Oaks Trail: DIFFICULT	multi-use	1.5 Mile
Hunwut Trail: EASY	multi-use	.125 Mile
Lynx Trail: MODERATE	multi-use	0.5 Mile
Mathis Canyon Trail: MODERATE	multi-use	1.25 Miles
Meadows Trail: MODERATE	multi-use	1.5 Miles
Nature Loop Trail: EASY	hiking only	0.5 Miles
Oak Grove Trail: EASY	multi-use	.5 Miles
Pecten Reef Loop Trail: EASY	multi-use	.5 Miles
Rock-It Trail: DIFFICULT	multi-use	1.25 Miles
South Laguna Ridge Trail: EASY	multi-use	.25 Miles
Toovet Trail: EASY	hiking only (dogs allowed)	.25 Miles
Valido Trail: MODERATE	hiking only (dogs allowed)	.5 Miles
West Ridge Trail: EASY	multi-use (dogs allowed)	2.0 Miles
Wood Canyon Trail: EASY	multi-use	3.5 Miles
Wood Creek Trail: EASY	hiking only	.5 Miles

Vicinity Map

ALISO AND WOOD CANYONS WILDERNESS PARK

28373 Alicia Parkway, Laguna Niguel, CA 92677
949-923-2200 • alisowood@ocparks.com
www.ocparks.com/alisoandwoodcanyons

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.)

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.

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. Public Use of the Access Road. 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.

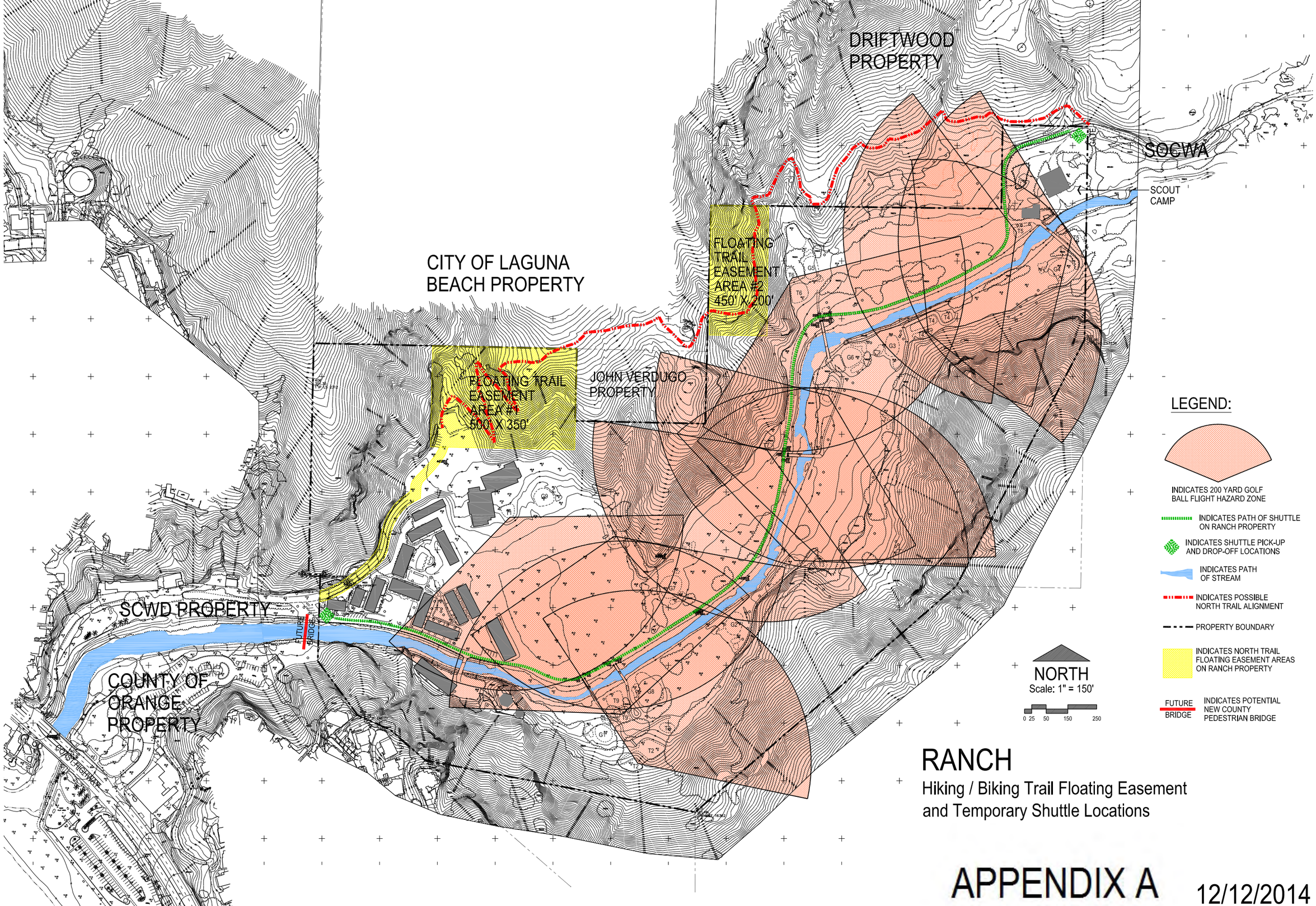
Hours of Operation

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.



RANCH

Hiking / Biking Trail Floating Easement and Temporary Shuttle Locations

APPENDIX A

12/12/2014

THE RANCH AT LAGUNA BEACH (A-5-LGB-14-0034)

APPLICANT'S DRAFT SPECIAL CONDITIONS

"__. <u>OFFER TO DEDICATE EASEMENT FOR A PUBLIC HIKING AND BIKING TRAIL</u>

A. <u>Offer to Dedicate Recordation</u>. 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. The 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. <u>Alignment of Public Access Easements; Termination of the Temporary Shuttle Requirement</u>. 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.

___. **<u>SHUTTLE ACCESS PROGRAM</u>. 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.

___. <u>SIGNAGE PLAN</u>. 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 2 Days Per Week		Total	January	February	March	April	May	June	July	August	September	October	November	December
		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	March	April	May	June	July	August	September	October	November	December
		365	31	28	31	30	31	30	31	31	30	31	30	31
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
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

RBF CONSULTING
A Baker Company

14725 ALTON PARKWAY IRVINE CALIFORNIA 92618 2027
CONTACT BOB MATSON 949 855 5736 bobmatson@rbf com

April 16, 2014

JN 139628

EXHIBIT C

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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 m peak hour trips approximately 22 weekday p m peak hour trips and approximately 34 Saturday mid 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

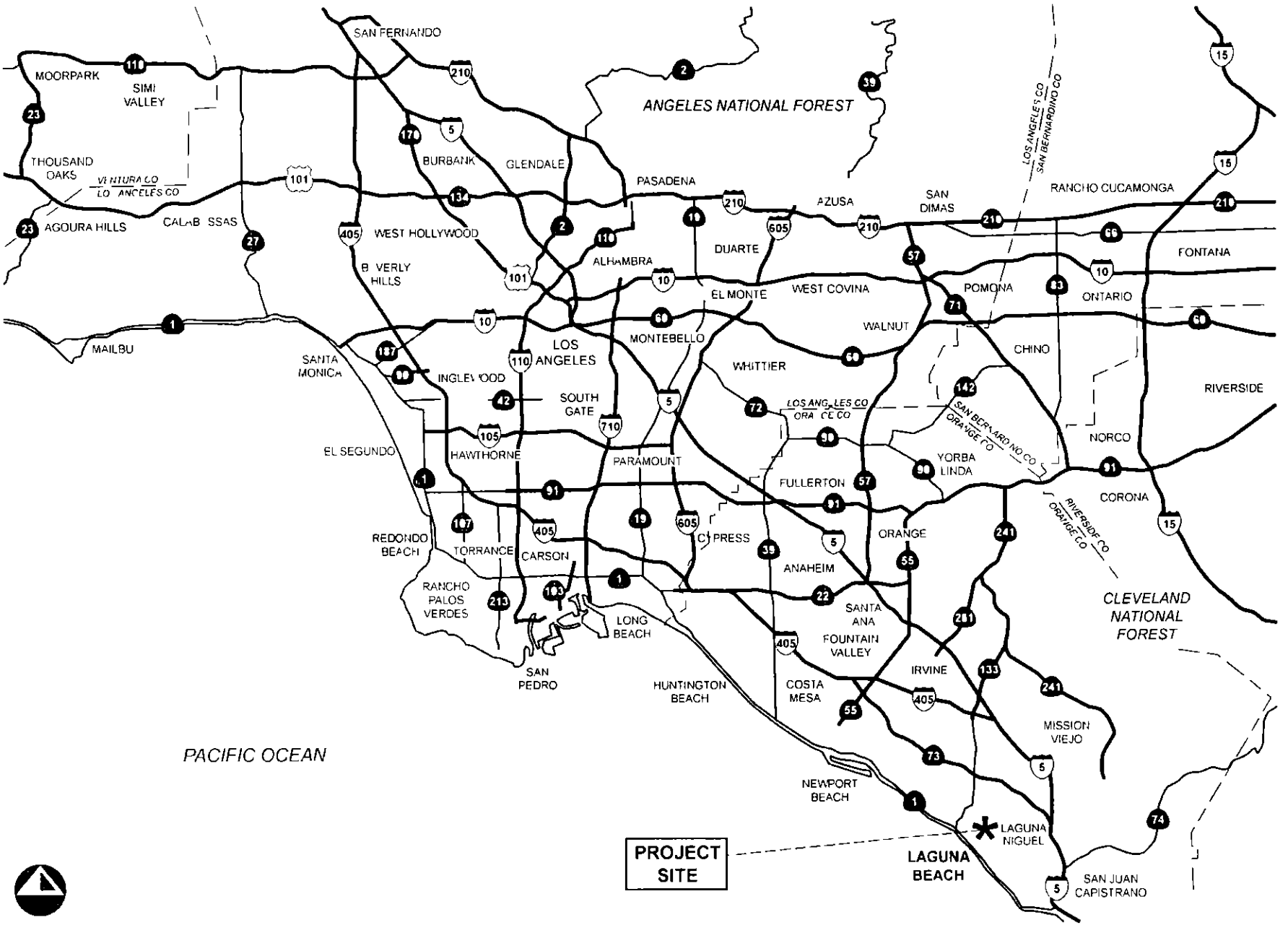
The following four (4) intersections in the vicinity of the project site are analyzed

- 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



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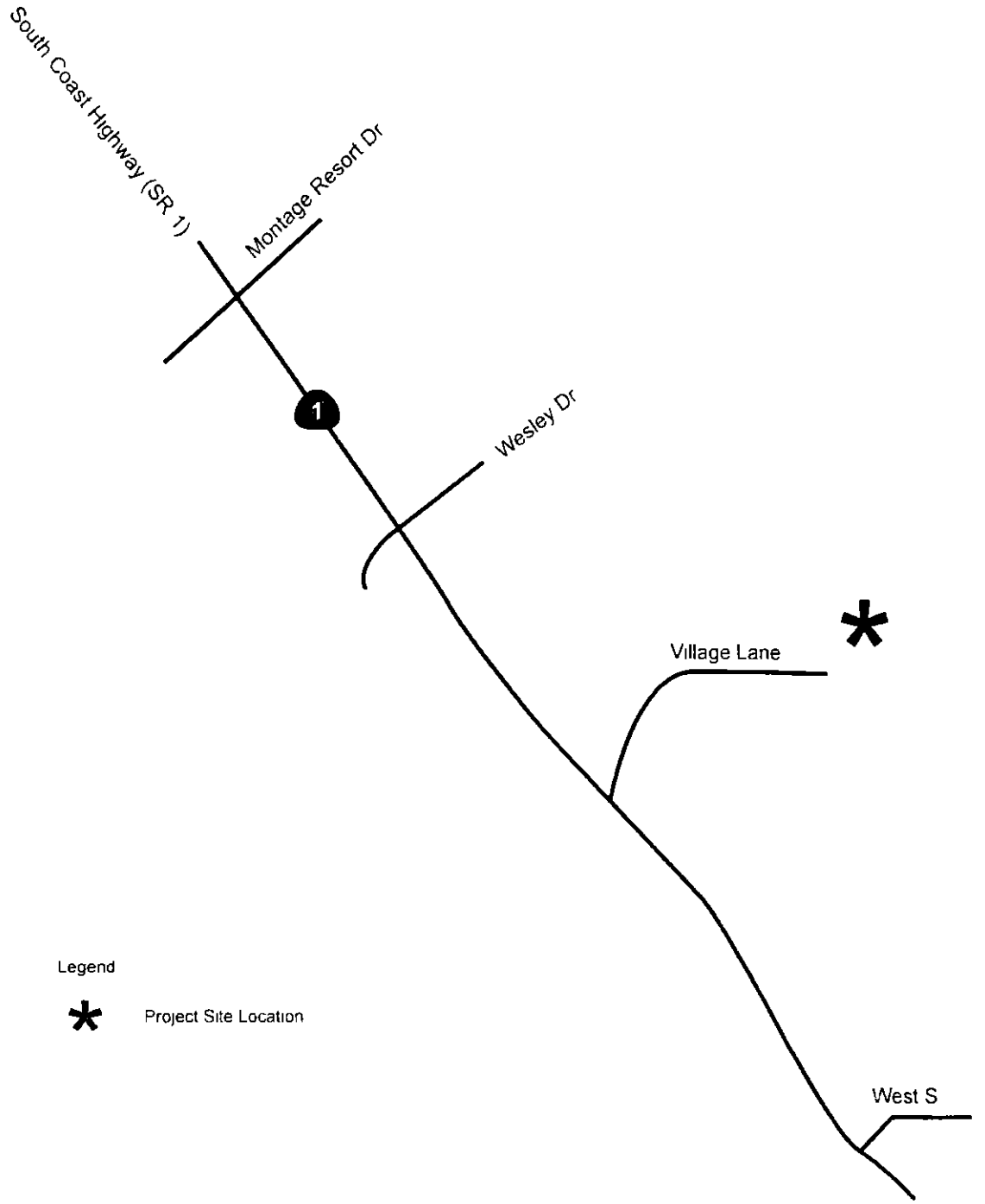
Regional Project Location

Exhibit 1



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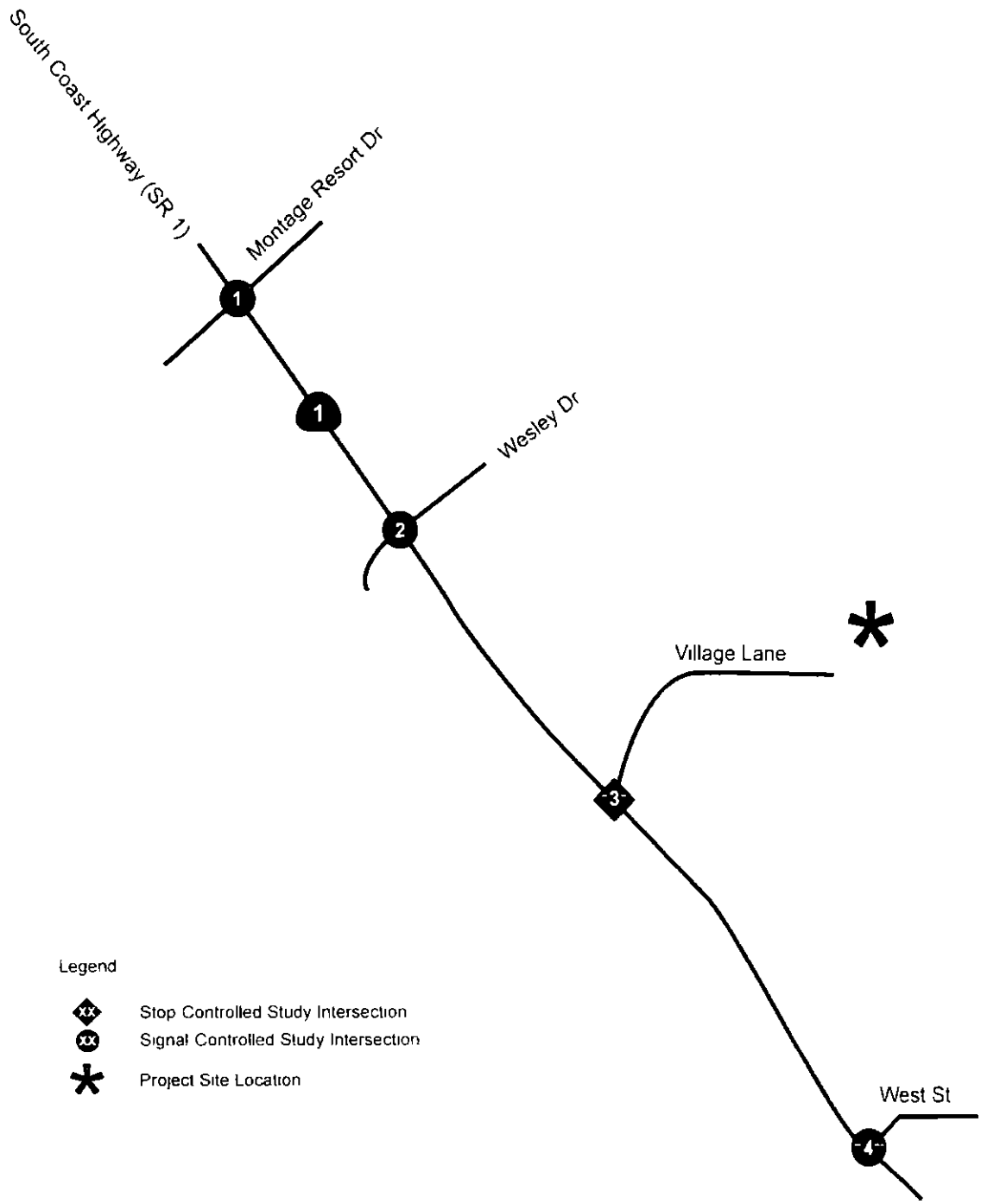
Project Site Location

Exhibit 2



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Study Intersection Locations

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Exhibit 3

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

LOS	Delay (seconds/vehicle)	
	Signalized Intersections	Unsignalized Intersections
A	< 10 0	< 10 0
B	> 10 0 to < 20 0	> 10 0 to < 15 0
C	> 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

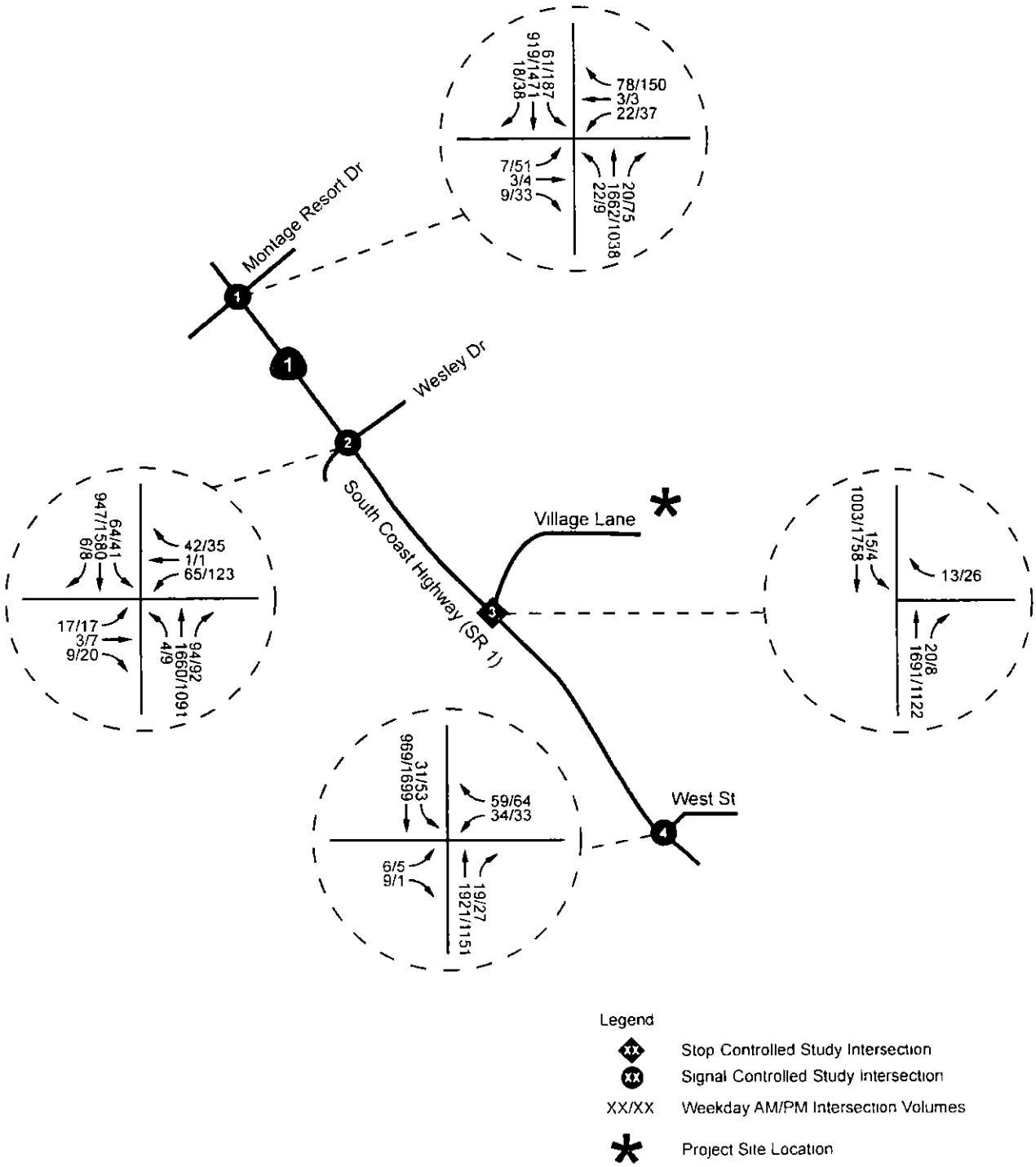
Exhibit 4 shows existing non summer weekday a m and p m peak hour traffic volumes at the study intersections Exhibit 5 shows existing non summer Saturday mid day peak hour traffic volumes at the study intersections

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



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

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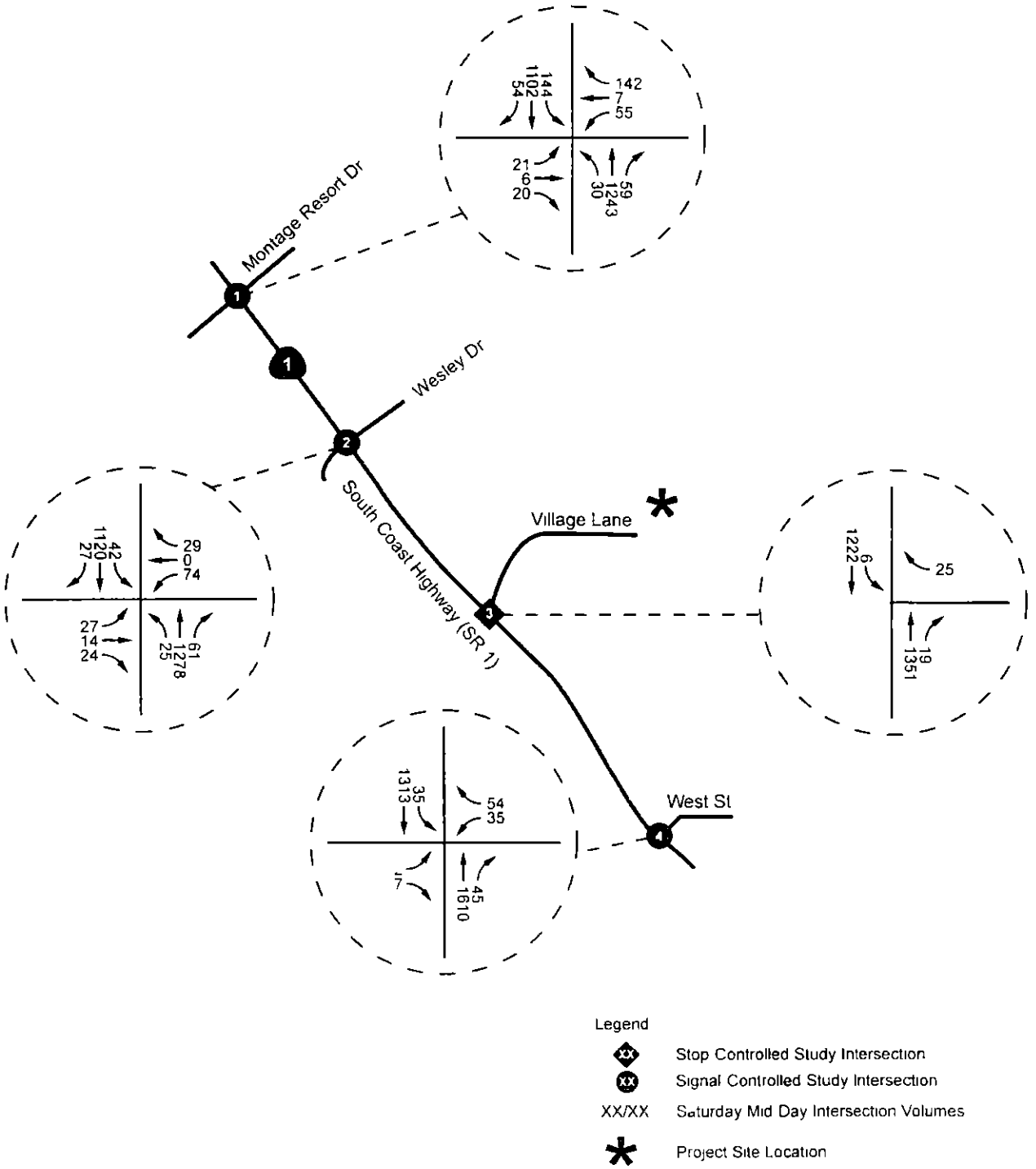
Exhibit 4



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

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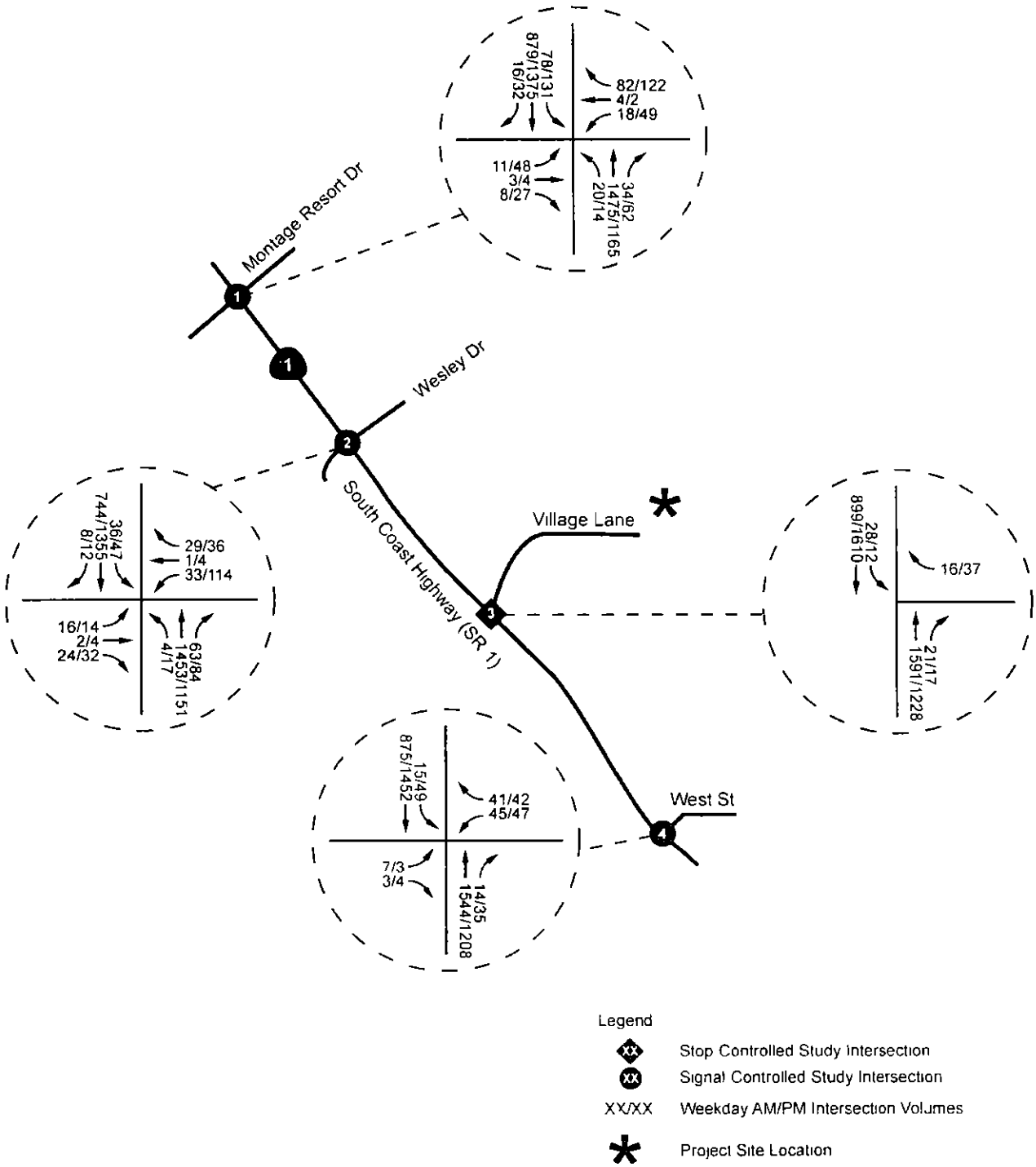
Exhibit 5



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Existing Summer Weekday AM & PM Peak Hour Study Intersection Volumes

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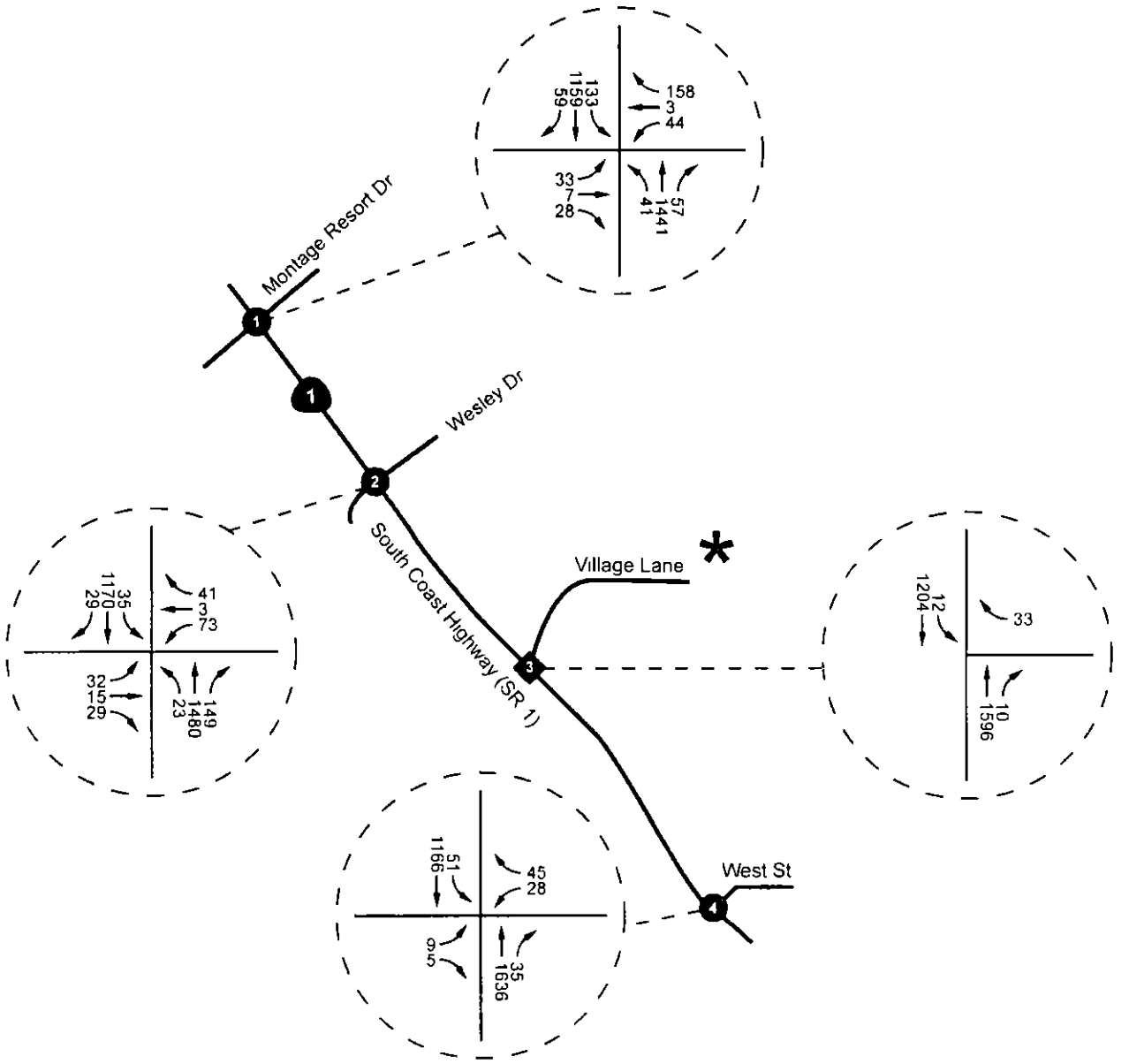
Exhibit 6



Legend

Stop Controlled Study Intersection

Signal Controlled Study Intersection

XX/XX Saturday Mid Day Inter ection Volumes

Project Site Location

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Existing Summer Saturday Mid-Day Peak Hour Study Intersection Volumes

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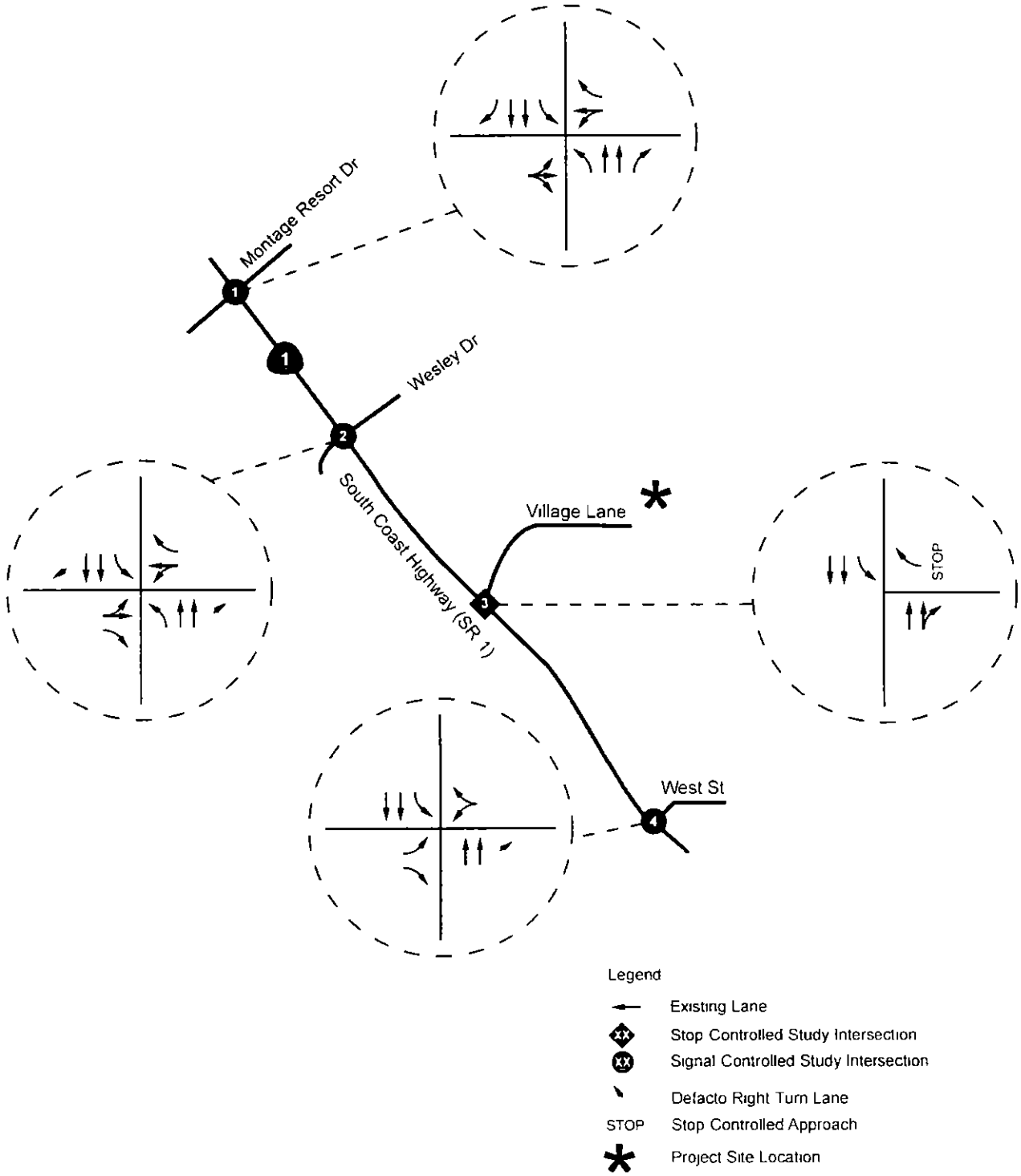
Exhibit 7



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Existing Study Intersection Geometry

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MAR/2014

Exhibit 8

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

Study Intersection	AM Peak Hour	PM Peak Hour
	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	7 6 – 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

Study Intersection	Mid-day Peak Hour
	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	8 9 – 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

Study Intersection	AM Peak Hour	PM Peak Hour
	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	7 7 – A	7 2 – 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

Study Intersection	Mid-day Peak Hour
	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	8 7 – 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 Peak Hour Rates			PM Peak Hour Rates		
		In	Out	Total	In	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

Land Use (ITE Code)	Units	Peak Hour Rates		
		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		
	In	Out	Total	In	Out	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 m peak hour trips and approximately 22 weekday p m 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		
	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 m peak hour and weekday p m peak 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

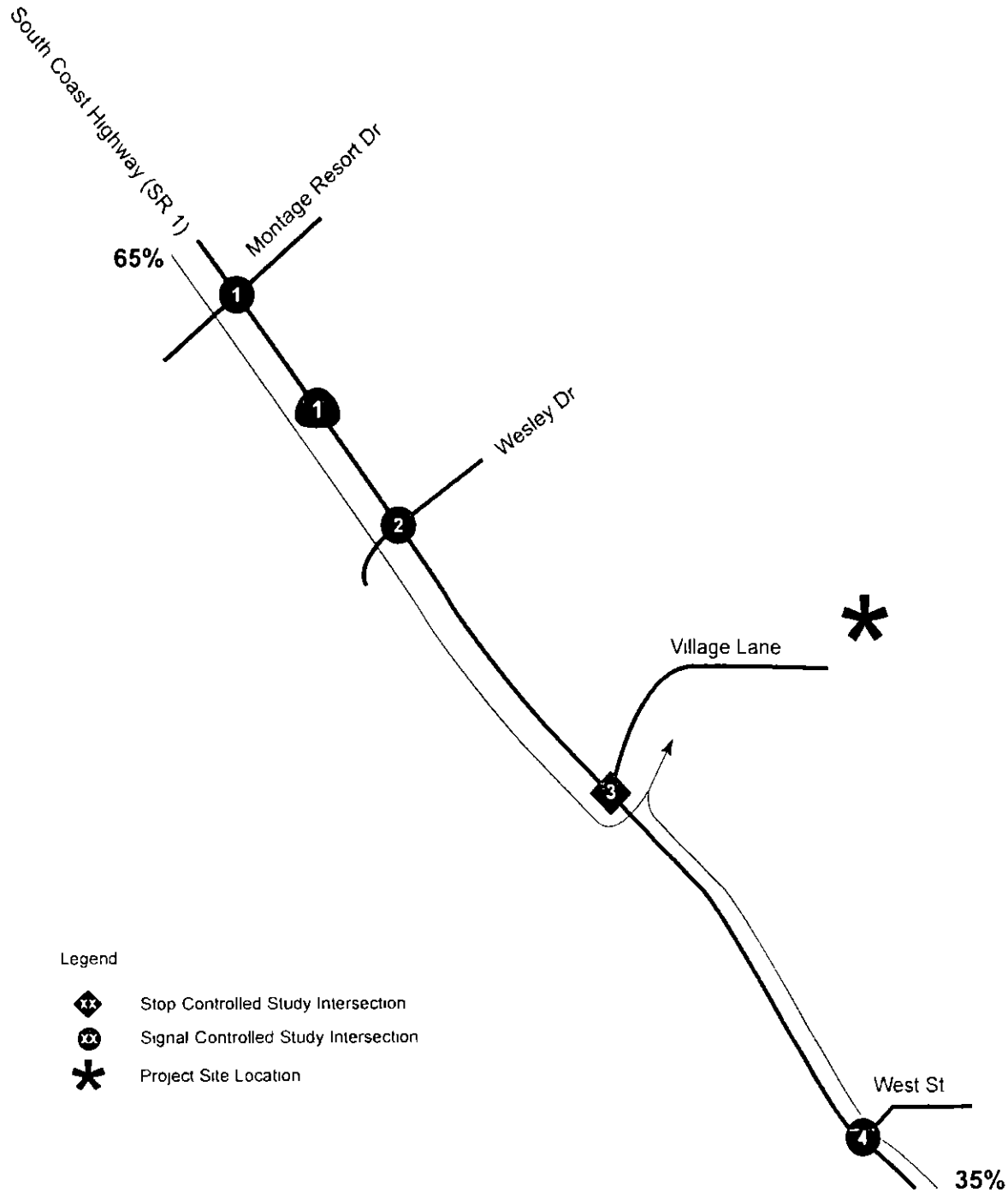
Since the proposed project is planned to open in the current year (2014) the forecast existing plus project conditions analysis serves as project opening year analysis

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



Not to Scale

RBF
A Baker Company

Forecast Inbound
Trip Percent Distribution of Proposed Project

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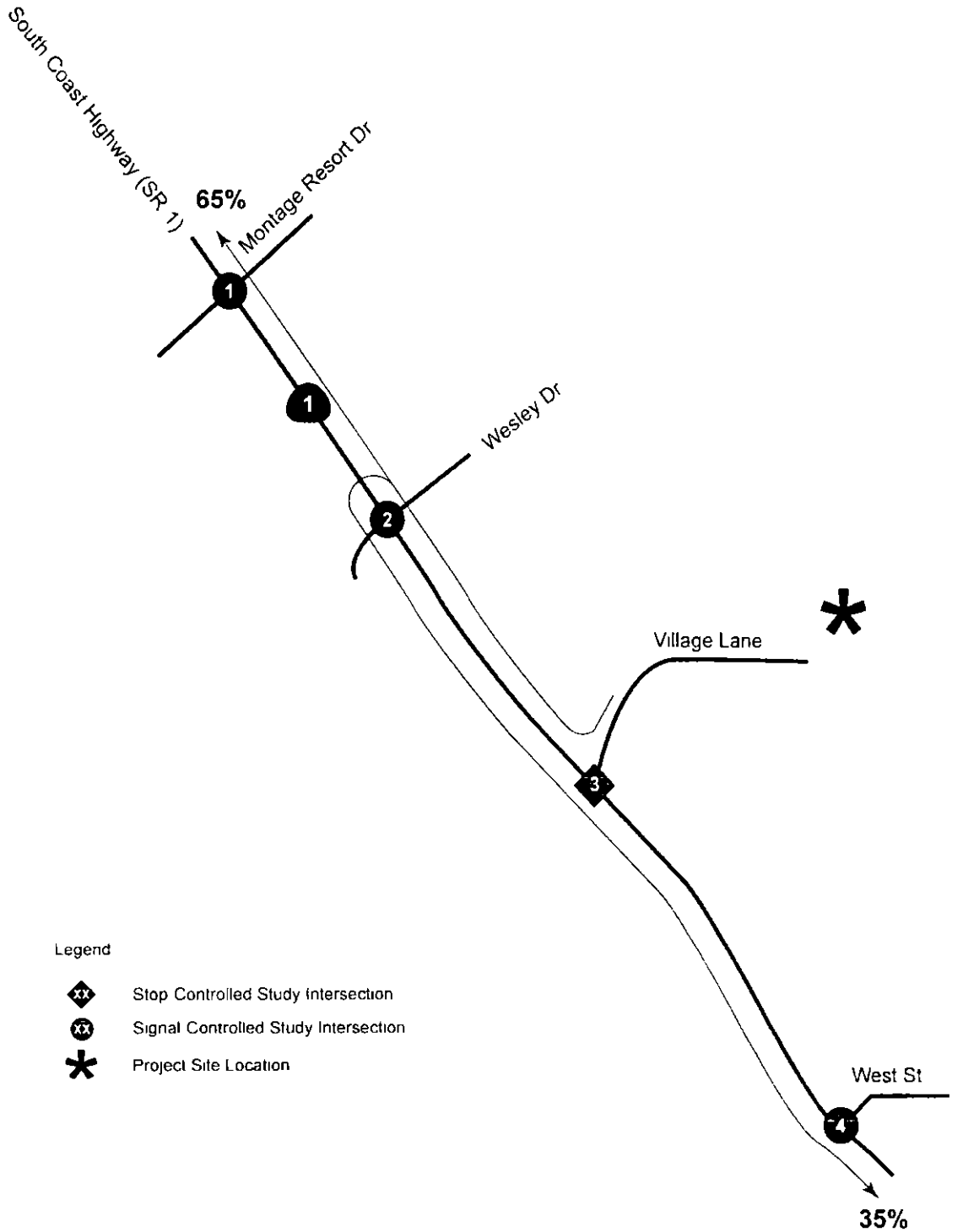
MAR/2014

Exhibit 9



Not to Scale

RBF
A Baker Company

Forecast Outbound
Trip Percent Distribution of Proposed Project

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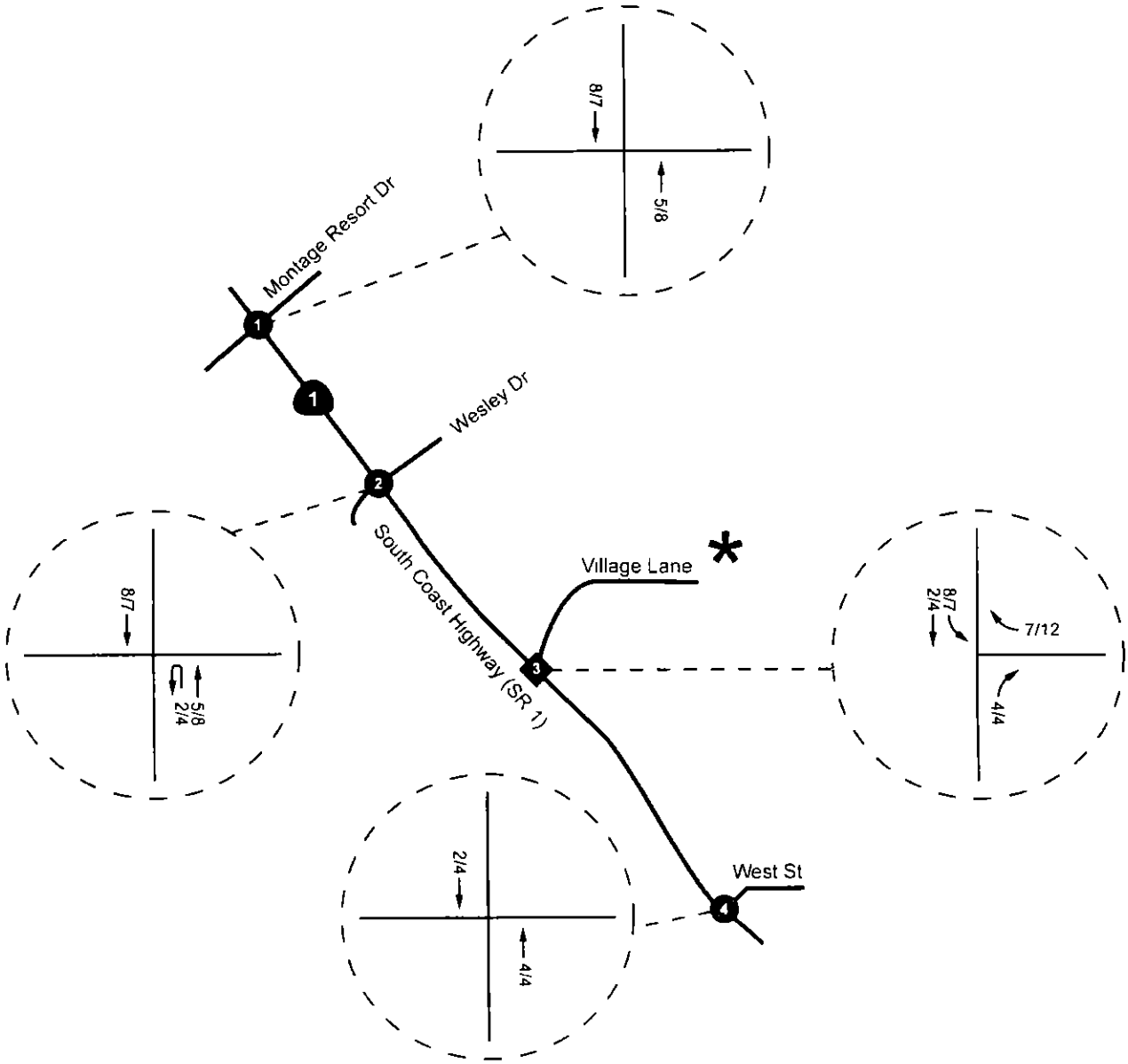
MAR/2014

Exhibit 10



Legend

- Stop Controlled Study Intersection
- Signal Controlled Study Intersection
- XX/XX Weekday AM/PM Intersection Volumes
- * Project Site Location

Not to Scale

RBF
A Baker Company

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

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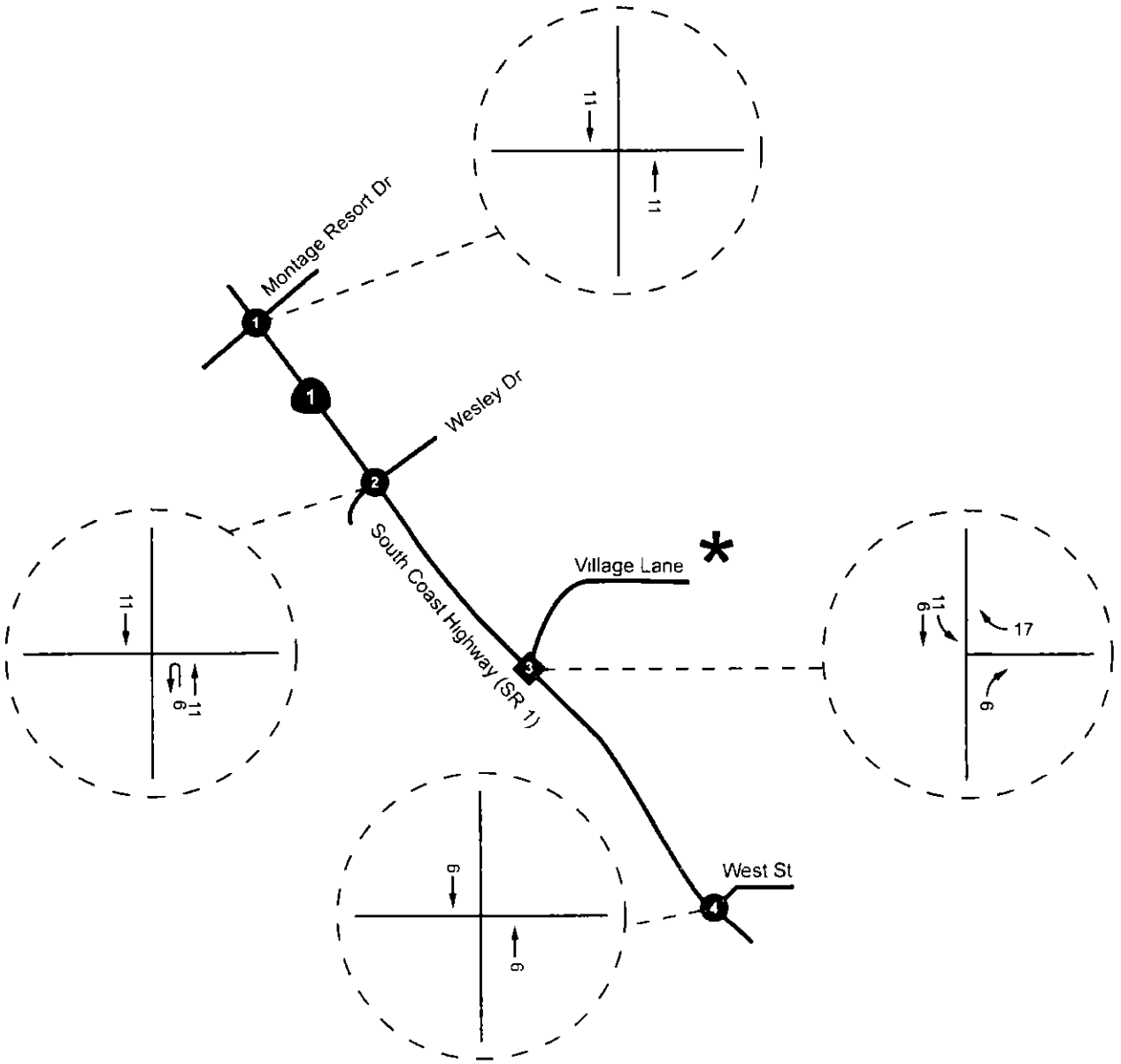
Exhibit 11



Not to Scale

RBF

A Baker Company

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

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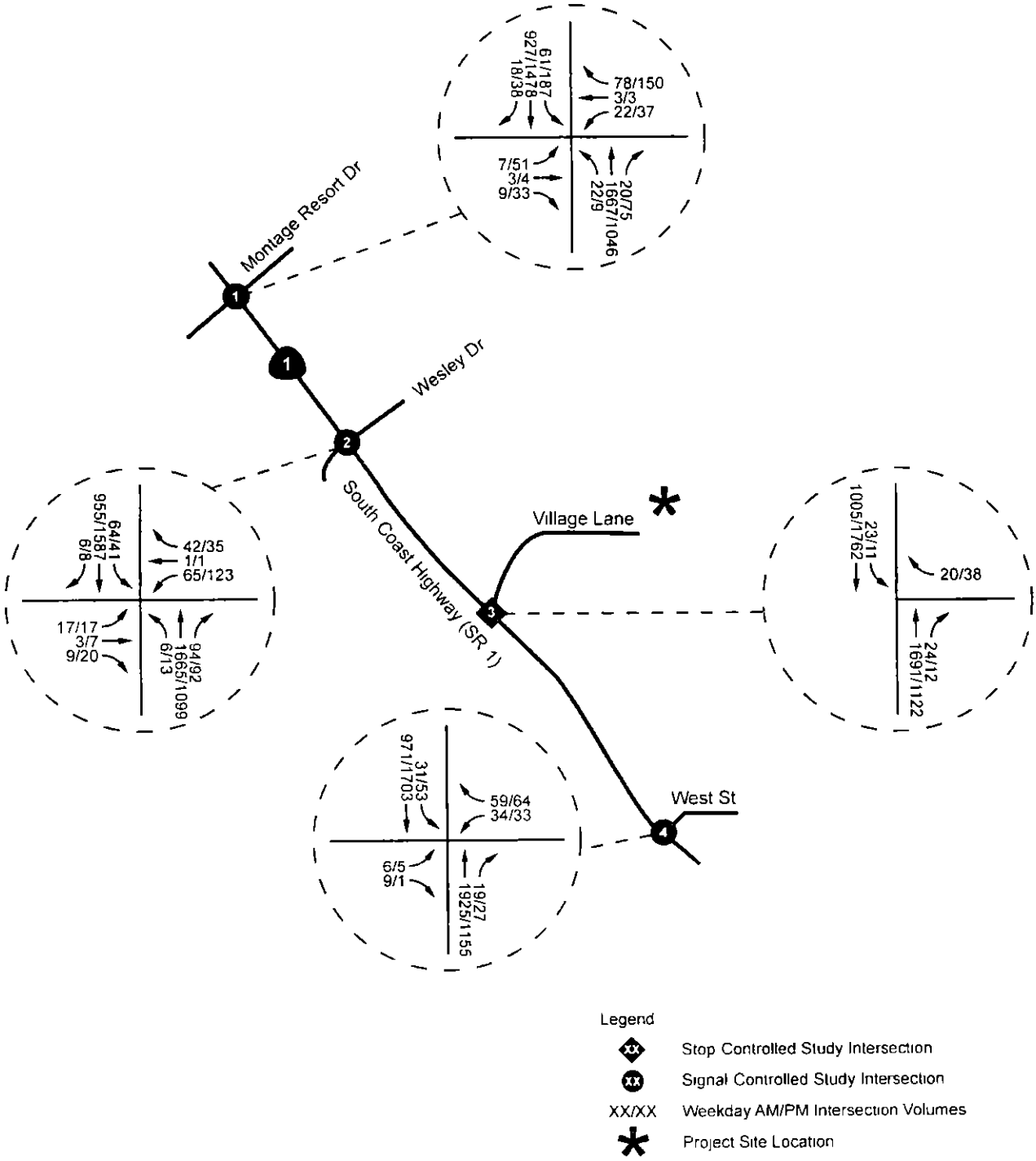
MAR/2014

Exhibit 12



Not to Scale

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A Baker Company

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

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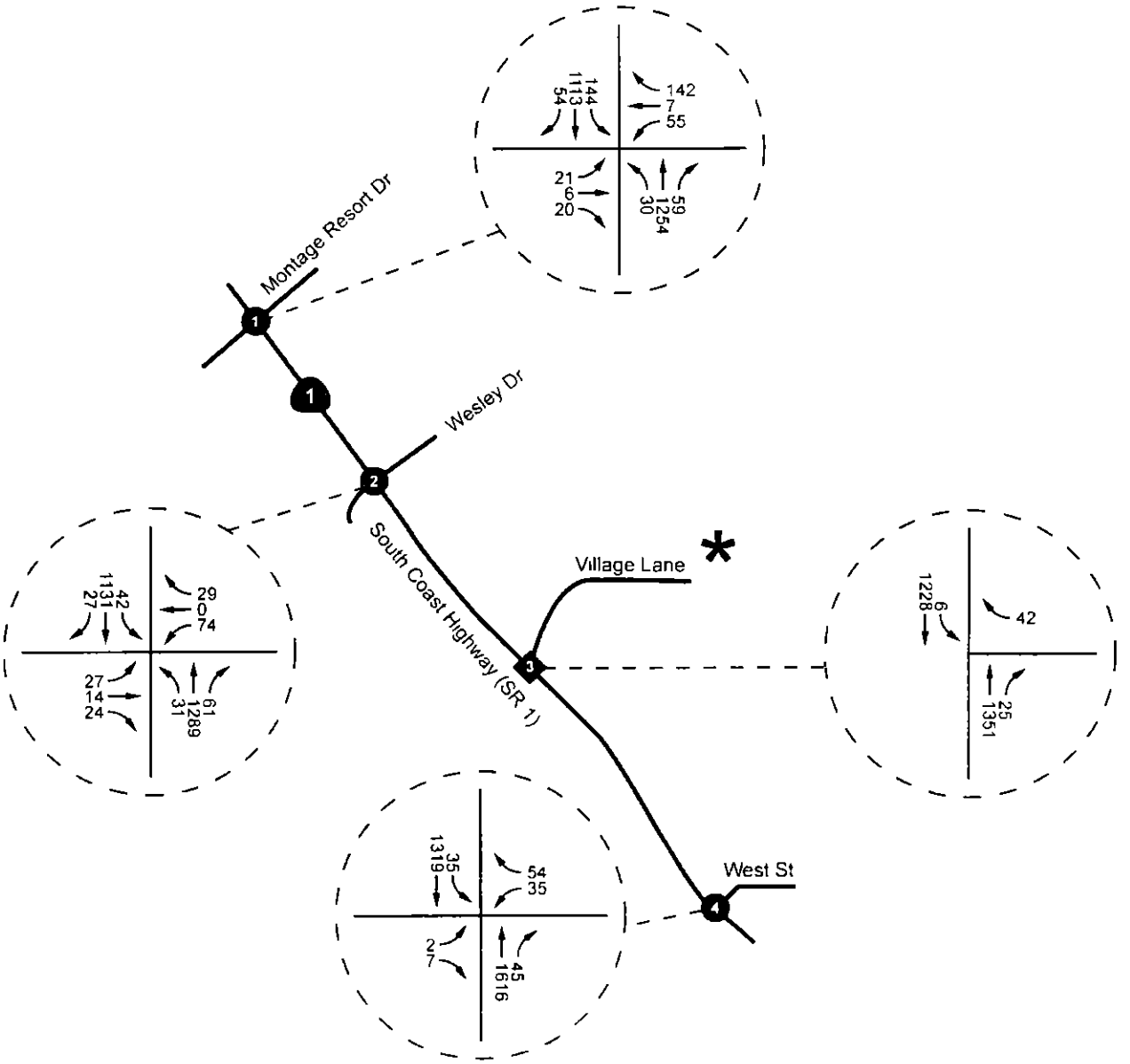
Exhibit 13



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A Baker Company

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

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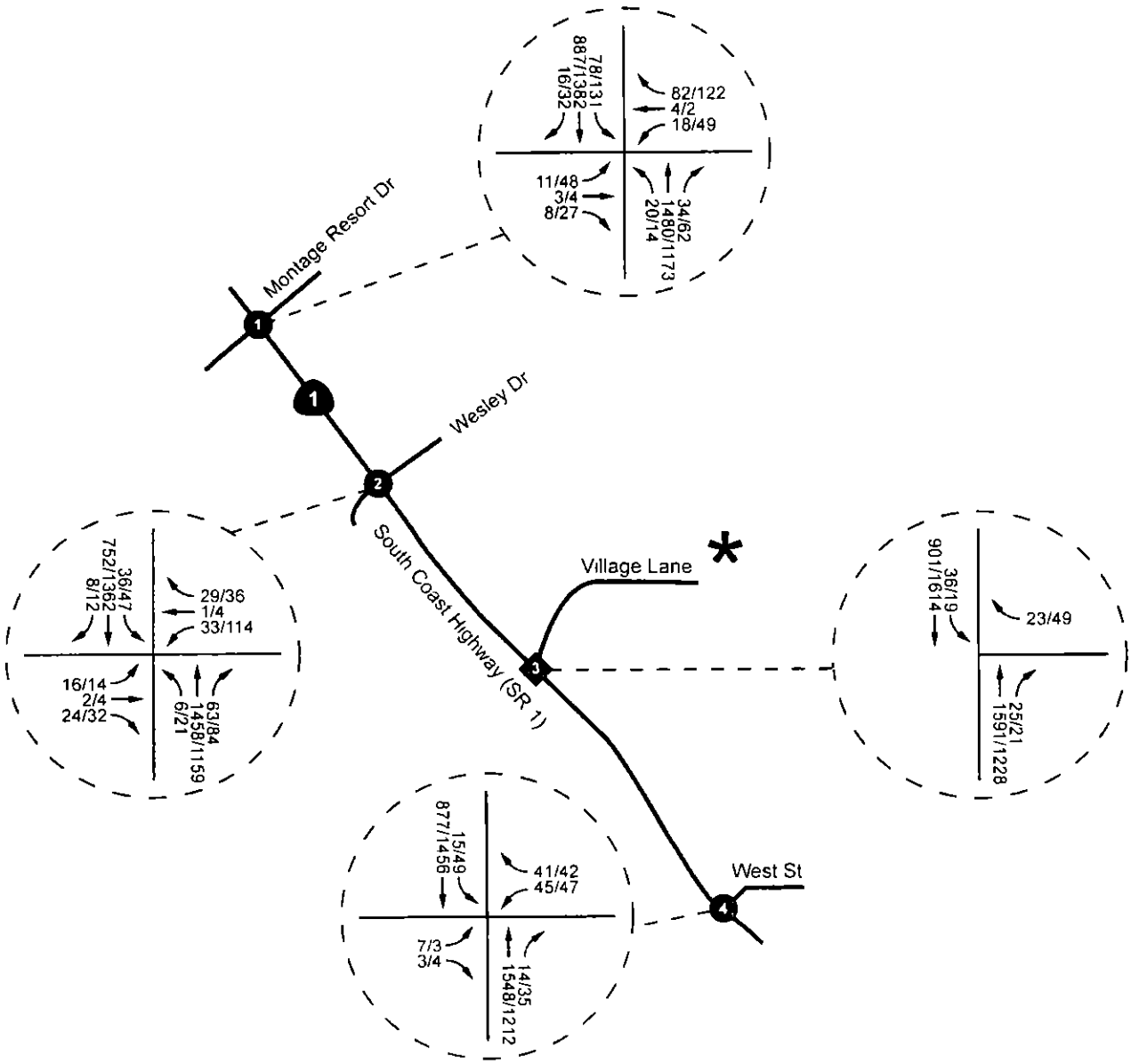
Exhibit 14



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A Baker Company

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

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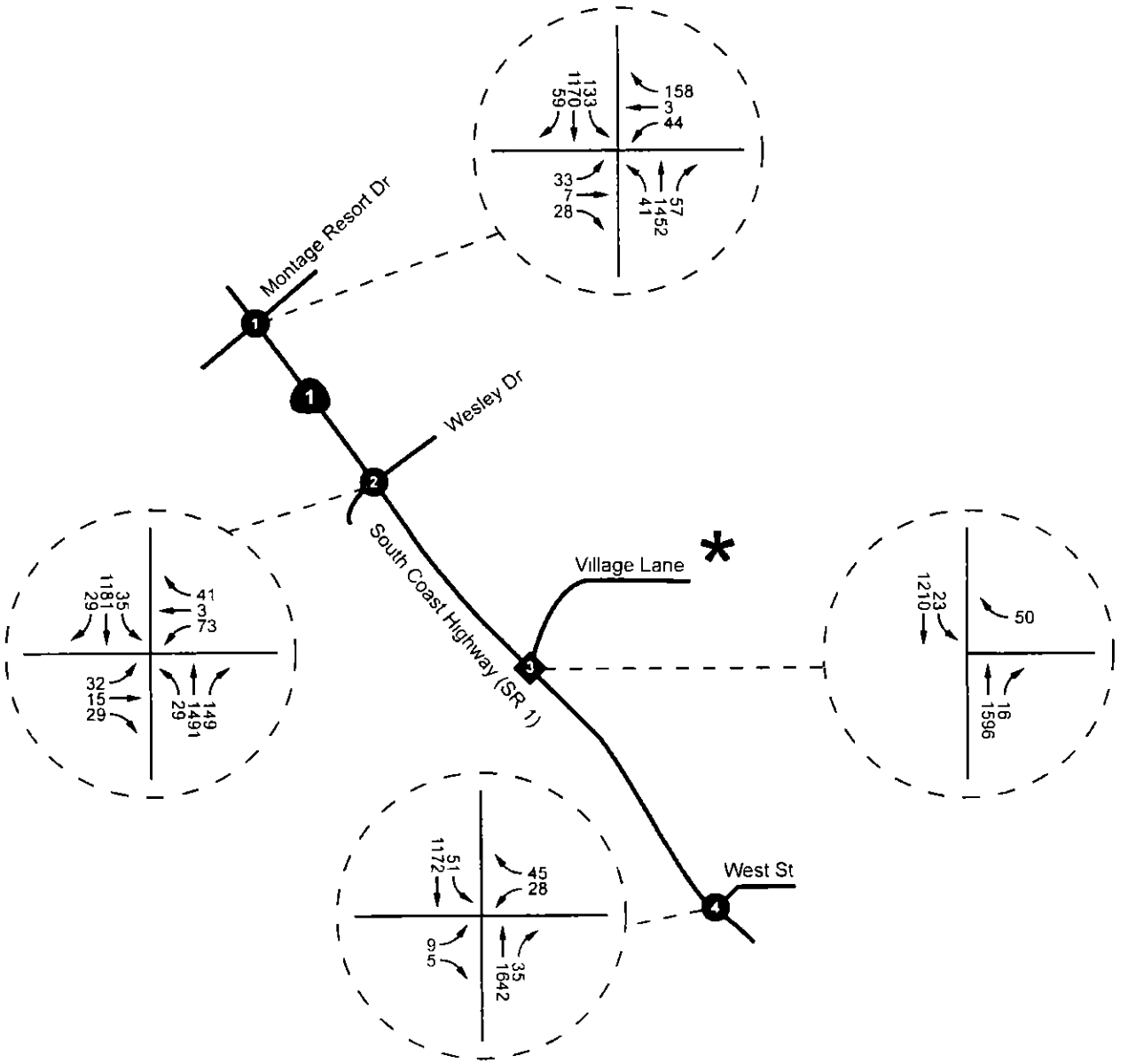
Exhibit 15



Not to Scale

RBF
A Baker Company

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

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MAR/2014

Exhibit 16

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

Study Intersection	Existing Non Summer Conditions		Forecast Existing Plus Project Non Summer Weekday Conditions		Significant Impact?
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
	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	17 7 – C	13 3 – B	No
4 – South Coast Hwy (SR 1)/West St	12 2 – B	7 6 – A	12 3 – B	7 8 – 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 Impact?
	Mid-day Peak Hour	Mid-day Peak Hour	
	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	8 9 – A	8 7 – 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

Study Intersection	Existing Summer Conditions		Forecast Existing Plus Project Summer Weekday Conditions		Significant Impact?
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
	Delay – LOS	Delay – LOS	Delay – LOS	Delay – LOS	
1 – South Coast Hwy (SR 1)/Montage Resort Dr	12 5 – B	22 8 – C	12 5 – 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	7 7 – A	7 2 – A	7 7 – A	7 0 – 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 Impact?
	Mid-day Peak Hour	Mid-day Peak Hour	
	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	8 7 – A	8 8 – 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 *Morris 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)

Land Use	City Parking Requirement (Based on Gross Floor Area)	Existing Project Site Land Use Parking Conditions			Proposed Project Site Land Use Parking Conditions			
		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	1 Space for each 100 square feet or 1 space for each 3 seats Whichever governs	7 814 00 sf	78 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
Spa	1 Space for each 250 square feet	0 00 sf	0	0	1 977 10 sf	+1977 10 sf	7 9	6 3
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 Parking Required	174	153	Total On Site Parking Required		215	193

Notes F tness facil ty will be for e clus e use by hotel g ests he ce no add t onal park ng s required for the proposed f tness 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

Land Use	City Parking Requirement (Based on Gross Floor Area)	Existing Project Site Land Use Parking Conditions			Proposed Project Site Land Use Parking Conditions			
		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	1 Space for each 100 square feet or 1 space for each 3 seats Whichever governs	7 814 00 sf	78 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 Banquet and Meeting)	1 Space for each 100 square feet or 1 space for each 3 seats Whichever governs	7 224 70 sf	206 4	165 1	2 992 80 sf	4 231 90 sf	120 9	96 7
		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	6 3
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 Parking Required			**380**	**318**	**Total On Site Parking Required**		**336**	**289**

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

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

Type of Parking Space	Operation Conditions			
	Typical Daily Operations		Special Event/Assembly Area Use	
	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 (Morris Skenderian & 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 (Morris 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 m peak hour trips approximately 22 weekday p m peak hour trips and approximately 34 Saturday mid 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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M E M O R A N D U M

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 species[1] or by multiple species of raptors[2], 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-May[3]. 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 site[4]. 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.
[4] Western 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 dusk[5].
- 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.

M E M O R A N D U M

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 mobility[1]. 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 establishment[2]. 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 species[3]. 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

[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 Biochemistry. 28:1381–1388.
[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 species[7]. 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

[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.
[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.

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 qppraisal.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."<u>In the information contained in the City's record</u> (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) <u>it does not appear that the intensification</u> (i.e., addition of 33 new rooms) <u>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</u>."

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.

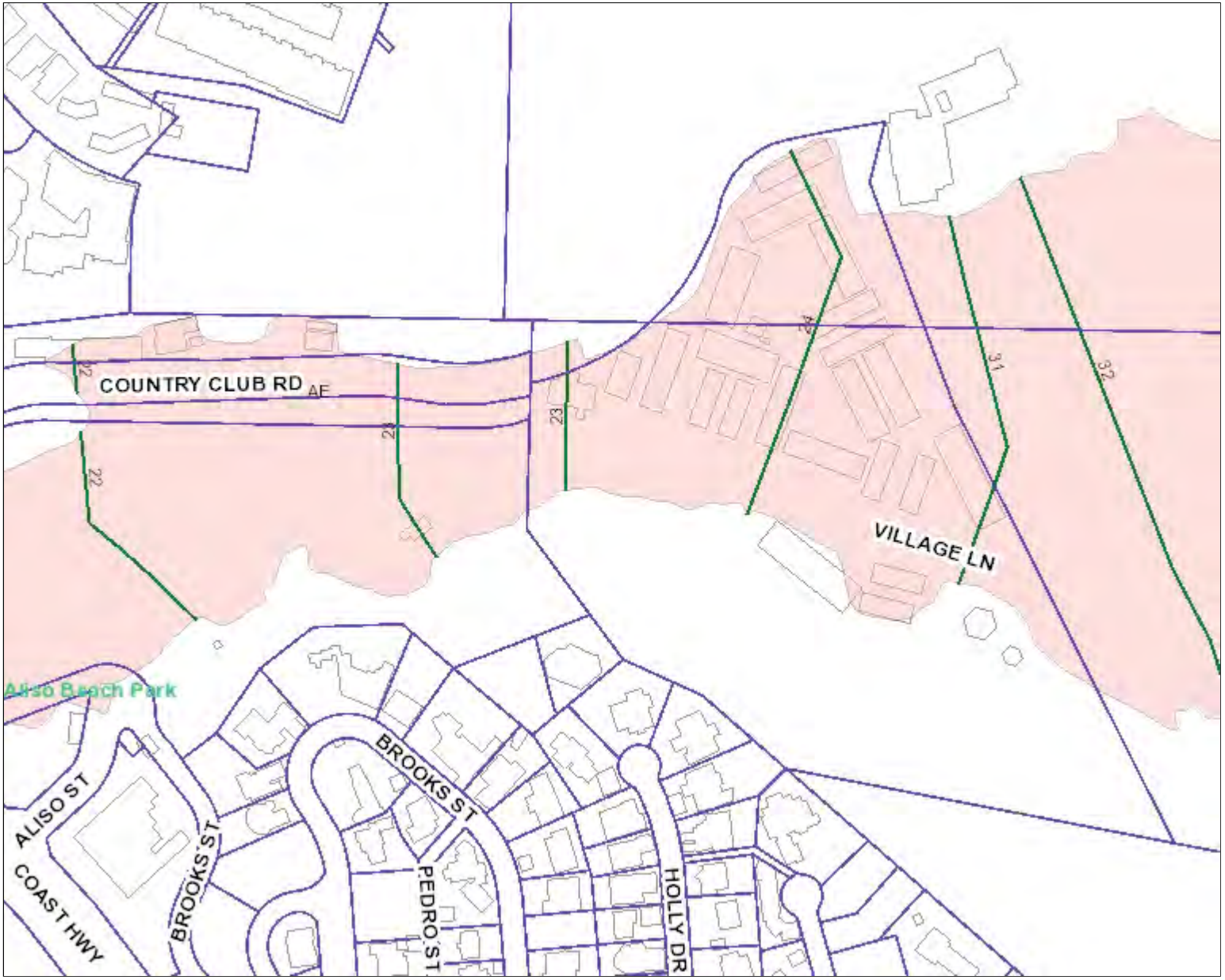
With regard to "*the adjusted base flood elevation necessary to reflect sea level rise as specified in Section 25.38.041(C)(2),"* this requirement is generally not applicable to this development and is only applicable to development that is proposed in flood hazard zone areas VE (essentially properties 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

City of Laguna Beach



Legend

- City Limits
- Specific Plan Areas
- Street Names
- Parcels
- Ocean Labels
- FEMA 2ft Cross-Sections
- FEMA 100-Year Base Flood (1%
  - A
  - AE
  - AE, FLOODWAY
  - AH
  - VE
- 2008 Building Footprints

437 0 219 437 Feet

7/24/2014

Data layers that appear on this map may or may not be accurate, current or otherwise reliable.

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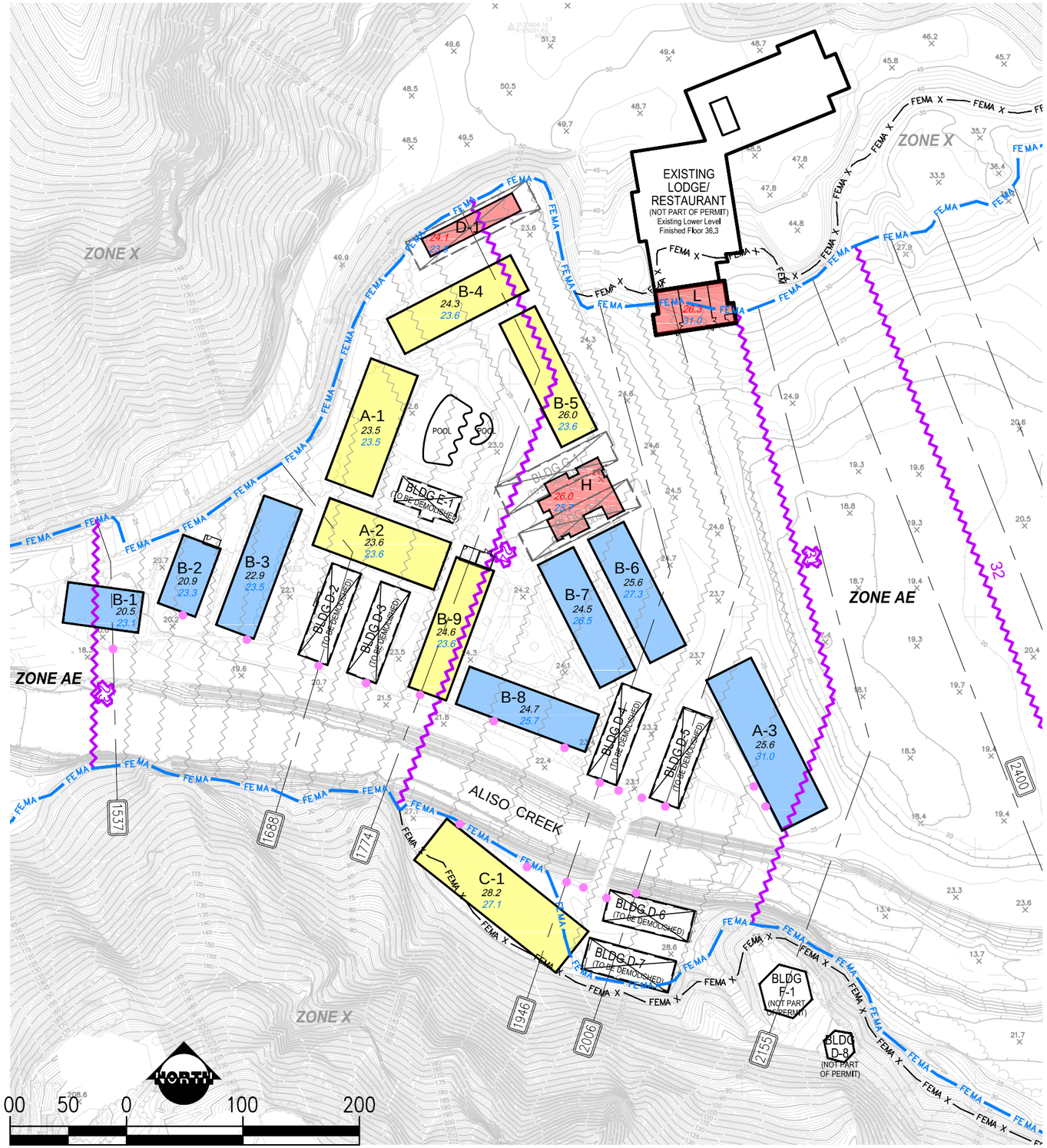

LEGEND:

- PROPOSED BUILDING
- EXISTING BUILDING BELOW FEMA BFE
- EXISTING BUILDING REMOVED FROM FEMA SFHA (CASE # 14-09-0534A & # 14-09-2151A)
- XXX — FEMA HEC-RAS MODEL CROSS SECTION
- 24 — FEMA-FIRM BASE FLOOD ELEVATION BFE (FT)
- BASE FLOOD ELEVATION INTERPOLATED
- FEMA ZONE AE FLOOD PLAIN LIMITS (FEMA FIRM PANEL 438 OF 530) (DATE DEC. 3, 2009) MAP # 06059C0438J
- FEMA ZONE X - SHADED - AREA OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF < 1 FOOT
- A-1 / 22.9 / 23.3 — BUILDING IDENTIFICATION; LOWEST ADJACENT GRADE: (WILSON MIKAMI CORP. SURVEY)*; FEMA FIRM BASE FLOOD ELEVATION (ESTIMATED)
- FEMA HEC-RAS MODEL INEFFECTIVE FLOW AREA MARKER

*RED FOR PROPOSED LOWEST ADJACENT GRADE

BUILDING ID	LOWEST ADJACENT GRADE ELEVATION	BASE FLOOD ELEVATION (BFE)	CITY / FEMA APPLICATION
A-1	23.5	23.5	Removed from the SFHA
A-2	23.6	23.6	Removed from the SFHA
A-3	25.6	31.0	Renovation below 50% Rule
B-1	20.5	23.1	Renovation below 50% Rule
B-2	20.9	23.3	Renovation below 50% Rule
B-3	22.9	23.5	Renovation below 50% Rule
B-4	24.3	23.6	Removed from the SFHA
B-5	26.0	23.6	Removed from the SFHA
B-6	25.6	27.3	Renovation below 50% Rule
B-7	24.5	26.5	Renovation below 50% Rule
B-8	24.7	25.7	Renovation below 50% Rule
B-9	24.6	23.6	Removed from the SFHA
C-1	28.2	27.1	Removed from the SFHA
D-1	24.1 PROPOSED	23.8	CLOMR-F
H	26.0 PROPOSED	25.7	CLOMR-F
L	26.3 PROPOSED	31.0	Proposed Structure to be Flood Proofed

TITLE
FEMA FLOODPLAIN EVALUATION

JOB
ALISO CREEK REDEVELOPMENT
LAGUNA BEACH CA

SCALE AS SHOWN
DESIGNED J.C.
DRAWN L.T.
CHECKED M.E.K.
DATE MAR 2014
JOB NO. A309

PACE
Advanced Water Engineering
17520 Newhope Street, Suite 200 | Fountain Valley, CA 92708
P: (714) 481-7300 | www.pacewater.com

EXHIBIT
2

P:\A309\Engineering\GlobalExhibits\A309_Fema FP Evaluation(02-25-2014) Exhibit 2 Rev CLOMR-F.dwg – Tab: FP Evaluation (11X17) By: khyman on Mar. 27, 2014 at 03:28 pm

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

Improvement Costs for Buildings in the Special Flood Hazard Area

Description	Building A-3	Building B-1	Building B-2	Building B-3	Building B-6	Building B-7	Building B-8
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**

PACE
Advanced Water Engineering

RECEIVED
South Coast Region
JUN 1 8 2014
CALIFORNIA
COASTAL COMMISSION

REGISTERED PROFESSIONAL ENGINEER
MARK EDWARD KREBS
No 049292
Exp 09 30 14
CIVIL
STATE OF CALIFORNIA

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

17520 Newhope Street, Suite 200 | Fountain Valley, CA 92708
P: (714) 481-7300 F: (714) 481-7299 | www.pacewater.com

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 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 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 debris

i) 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

1 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

3 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

1) 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

7 *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:

- <u>He did not follow the procedure laid out in LBMC 25.38.020 for determining "market value":</u>

    - 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.

- <u>He did not properly calculate 'substantial improvement':</u>

    - 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:

CALIFORNIA COASTAL COMMISSION

Prepared by:

WRECO

December 2014

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

_____

Date

December 2014

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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.

- 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.

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

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:
  - Sea-level rise
  - 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….

25.53.002 …..if 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

Recurrence Interval	1999 FIS Design Flow (CFS)	Average of weighted GEV estimated flows (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.

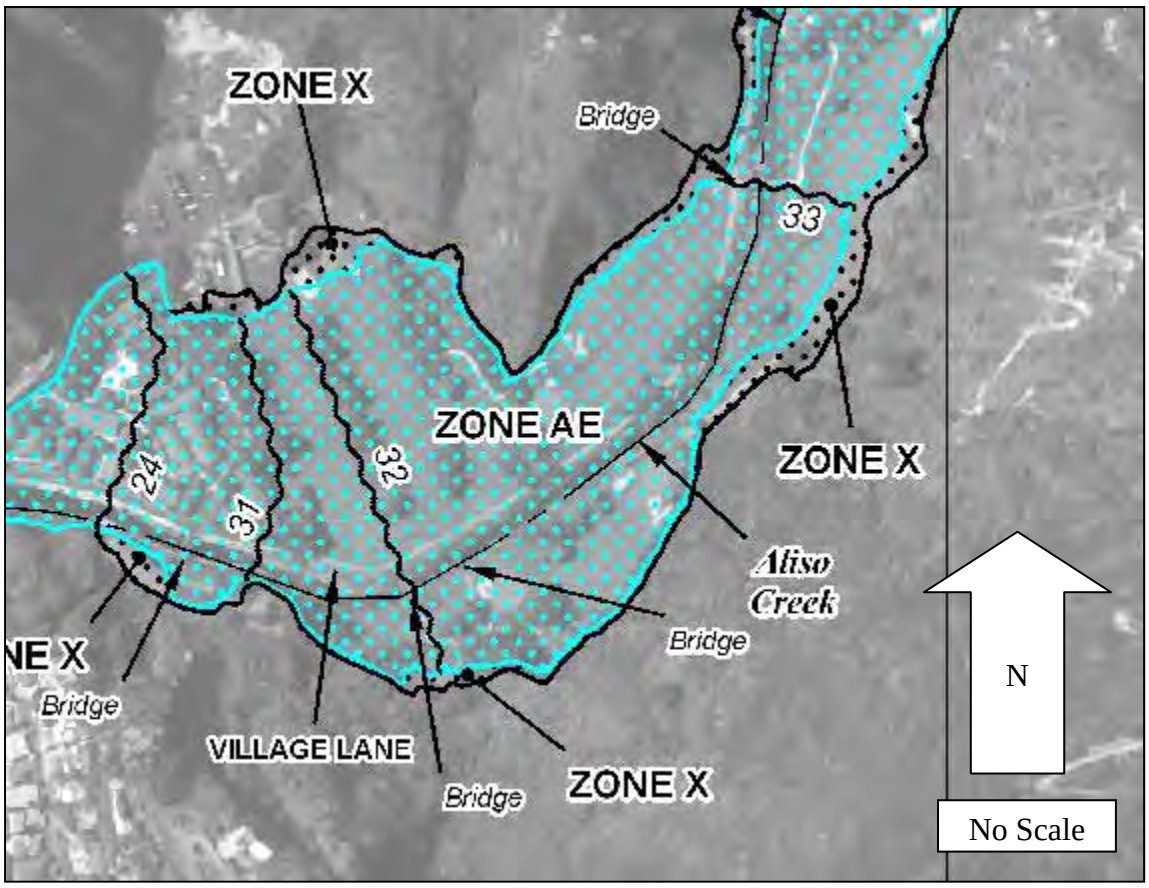

Figure 1. FEMA FIRM at Project Site

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.

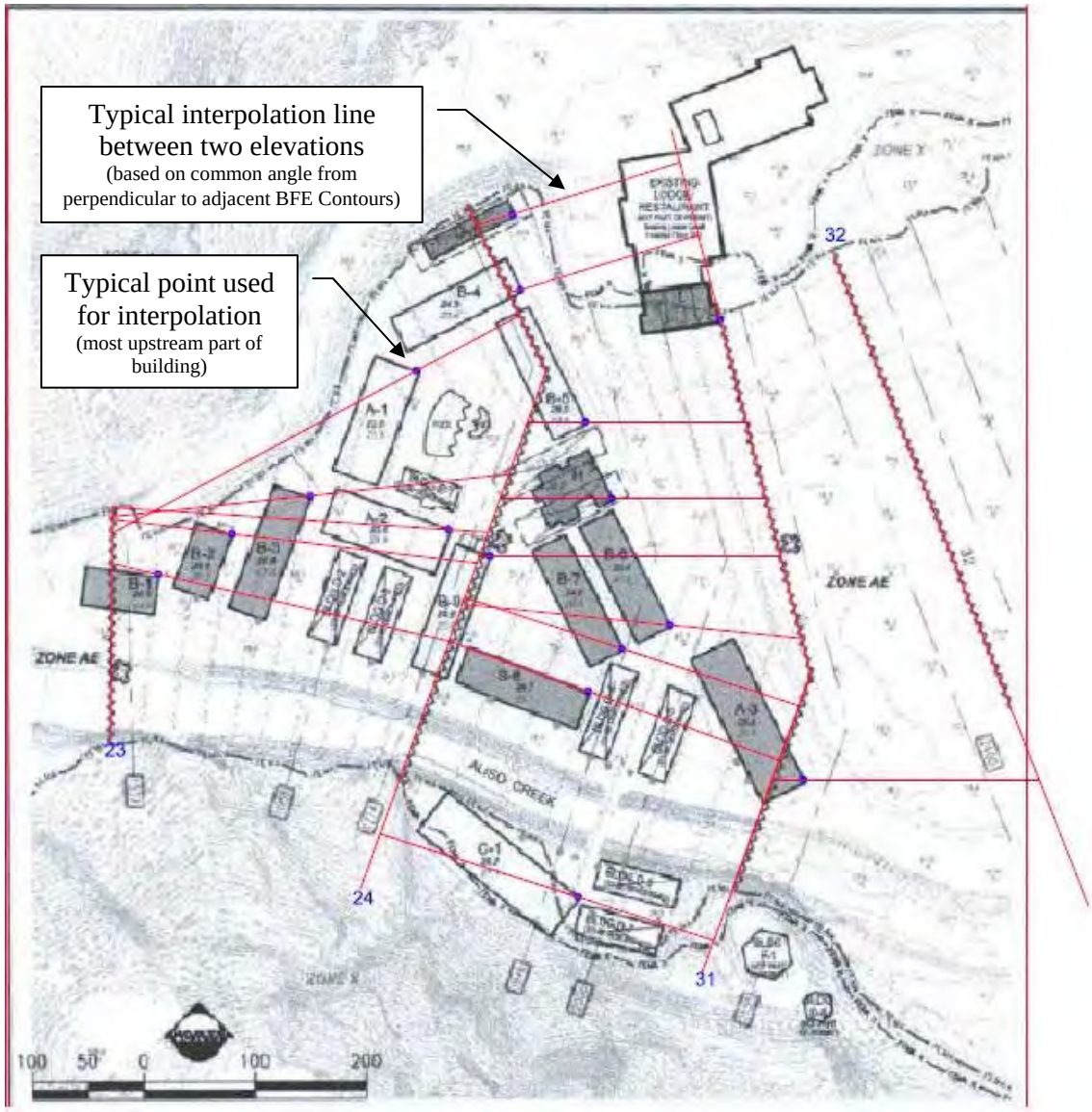

Figure 2. Location of BFE Measurements

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
H	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
H	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.

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 to50% 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.

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

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.

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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 A. Matassa

Keith Matassa
Executive Director

Melissa Sciacca

Melissa Sciacca
Development Director

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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
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
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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
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

24200 Dana Point Harbor Drive, Dana Point, California 92629
Tel: 949.496.2274 · Fax: 949.496.4296 Web: www.ocean-institute.org

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California Coastal Commission
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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

733 St. Anns Dr. • Laguna Beach, CA 92651 • info@lbschoolpower.com • PHONE 949.494.2841 • FAX 949.494.1159

Glennwood HOUSING FOUNDATION

Executive Director
Stacey Enmeier

Assistant Director
Sasha Mackey

Chairman / Founder
Randall G. Larson

Vice Chairman
Maarten Voogd

Treasurer
Raul Aldama

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

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South Coast Region

JUL 14 2014

CALIFORNIA
COASTAL COMMISSION

July 7, 2014

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 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!

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.

2130 South Coast Hwy., Laguna Beach, CA 92651 | phone 949.715.4863 | fax 949.715.1189

Tax ID:#26-4381844 | CCL: #306004493 | 501(c) 3 Non-Profit

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South Coast Region

JUL 21 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

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

July 27, 2014

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South Coast Region

JUL 31 2014

CALIFORNIA
COASTAL COMMISSION

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

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

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

CALIFORNIA
COASTAL COMMISSION

South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416
RE: The Ranch, Laguna Beach

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*

Gabriel Yacoob, *Executive Director*

Bonnie Elder
2875 Terry Road
Laguna Beach, CA 92651
elderassoc@gmail.com

RECEIVED
South Coast Region
AUG 18 2014
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.

Kind regards,

Bonnie Elder

ANDREW G. OGDEN
LAWYER & COUNSELOR
PO BOX 3673
BOULDER, CO 80307-3673
aogden@indra.com
303.818.9422

RECEIVED
South Coast Region
AUG 18 2014
CALIFORNIA
COASTAL COMMISSION

August 12, 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 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

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South Coast Region

AUG 4 2014

CALIFORNIA
COASTAL COMMISSION

South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416
RE: The Ranch, Laguna Beach

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.

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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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6. The city has rejected a prior proposal to encroach into the open space to expand the golf course to 18 holes;

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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*

Gabriel Yacoob, *Executive Director*

RECEIVED
South Coast Region

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

RECEIVED
South Coast Region
OCT 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

SIGNATURE PAGE
for
PETITION OPPOSING NOISE AND DEVELOPMENT OF "THE RANCH AT LAGUNA BEACH" LOCATED IN THE ALISO & WOODS CANYON

PRINT NAME: CHRIS & DAWN HOELZLE

RESIDENT/HOMEOWNER ADDRESS: 80 VISTA MONTEMAR, LN, 92677

SIGNATURE:

DATE: SEP 10, 20121

38 Submitted

FHBP Board of Directors
Jean Watt, President
Mike Wellborn, Vice President
Vikki Swanson, Treasurer
Helen Higgins, Secretary

Donny Boon
Lyndie Bradshaw
Jim Carr
Michelle Claud-Clemente
Jack Eidt
Amy 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
Laguna Canyon Conservancy
Laguna Canyon Foundation
Laguna Greenbelt, Inc.
Newport Bay Conservancy
Sierra Club, Orange County
Surfrider Foundation, Newport Beach Chapter
Stop Polluting Our Newport
St. Mark Presbyterian Church Ecophilians

Advisory Board
Marian Bergeson
Connie Boardman
Marilyn Brewer
Roy & Ilse Byrnes
Laura Cohen
Debbie Cook
Joe Dunn
Sandy Genis
Tom Harman
Evelyn Hart
Bob Joseph
Jack Keating
Vic Leipzig
Stephanie Pacheco
Bev Perry
Matt Rayl
Claire Schlotterbeck
Dan Silver, M.D.
Jack Skinner, M.D.
Nancy Skinner
Dick Zembal

Post Office Box 9256
Newport Beach, CA 92653
949-399-3669

www.FHBP.org

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South Coast Region
SEP 30 2014
CALIFORNIA
COASTAL COMMISSION

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

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 non-motorized 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

Jean H. Watt
President

cc: Supervisor Pat Bates, 5th District

September 30, 2014

via email: kschwing@coastal.ca.gov

RECEIVED
South Coast Region
SEP 3 0 2014
CALIFORNIA
COASTAL COMMISSION

Mr. Karl Schwing
Supervisor – Regulation & Planning OC
California Coastal Commission
200 Oceangate – 10th floor
Long Beach, CA 90802-4416

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

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 **one person** 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

cc: Chuck Posner (Chuck.Posner@coastal.ca.gov)
Liliana Roman (Liliana.Roman@coastal.ca.gov)

RUTAN
RUTAN & TUCKER, LLP

Philip D. Kohn
Direct Dial: (714) 641-3415
E-mail: pkohn@rutan.com

September 25, 2014

RECEIVED
South Coast Region
SEP 29 2014
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

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.

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.

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."

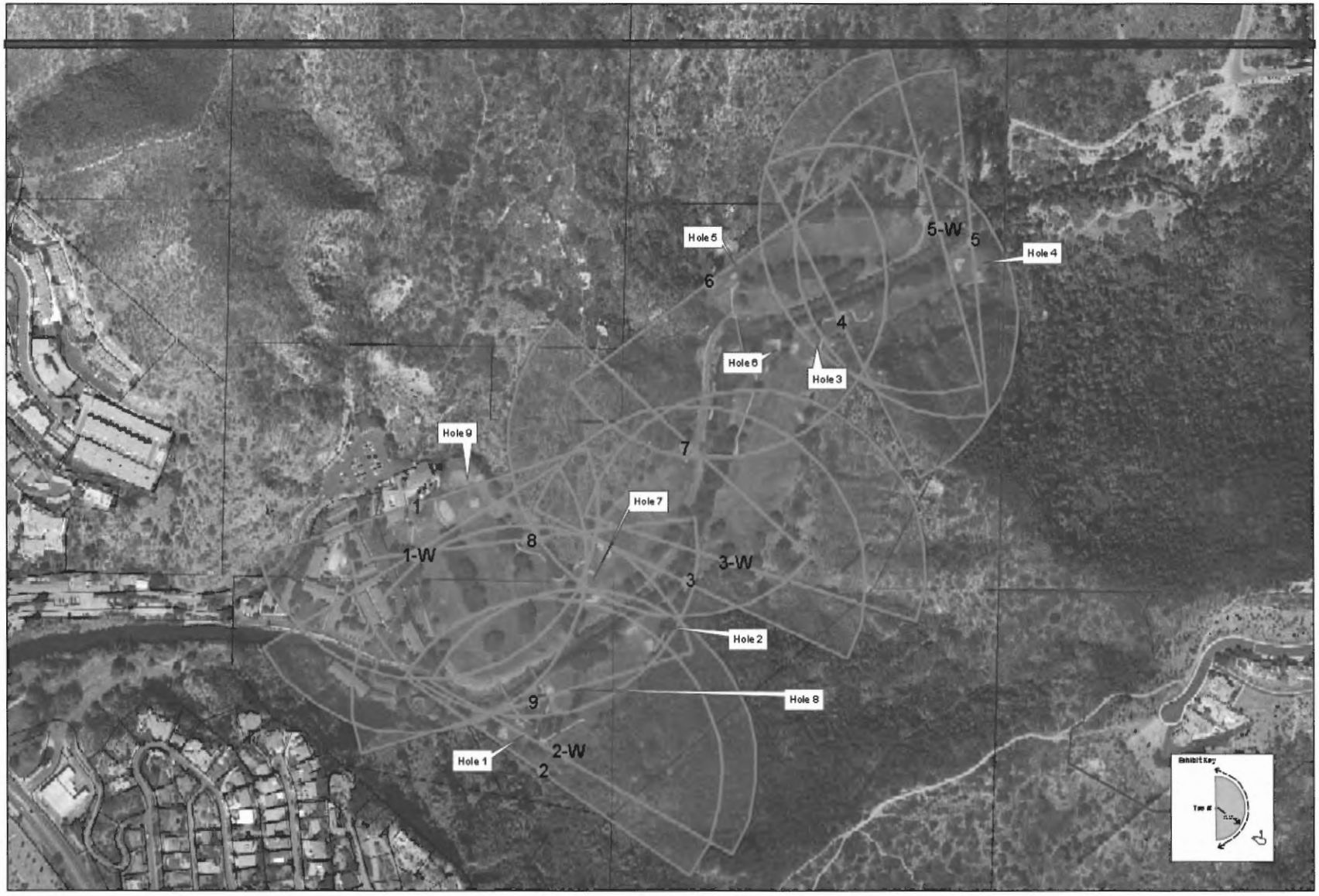
Thank you for the attention to and consideration of the above matters.

Very truly yours,

RUTAN & TUCKER, LLP

Philip D. Kohn
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



200 Yard/180 Degree Golf Ball Travel Exhibit

0 165 330 660 990 1,320 Feet

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CMC | SINCE 1966
COMMUNITY MANAGEMENT COMPANY

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CALIFORNIA
COASTAL COMMISSION

October 9, 2014

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

Lorna McKee

Lorna 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

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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

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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

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SEP 22 2014
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COASTAL COMMISSION

California Coastal Commission
Karl Schwing
Supervisor – Regulation and Planning OC
200 Oceangate – 10th Floor
Long Beach, CA 90802-4416

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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COASTAL COMMISSION

October 21, 2014

Steve Kinsey, Chair
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
Attn. Dr. Charles Lester, Executive Director

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 <u>except</u> 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

1975 Still Meadow Road • Ballard, California 93463 • (805) 688-5327 • Fax (805) 688-5357

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 local hearing. 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.

Sincerely,

M. Andriette Culbertson

M. Andriette Culbertson

cc: Jack Ainsworth
Sherilyn Sarb
Teresa Henry
Karl Schwing

WILD HERITAGE PLANNERS
P.O. Box 50260
Los Angeles, CA 90050
Website: WilderUtopia.com
Email: Jack.Eidt@wilderutopia.com
Phone: 323 362 6737

October 10, 2014

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CALIFORNIA
COASTAL COMMISSION

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

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 Beach
E: mark@ranchlb.com
C: (949) 235-2538

LAGUNABEACHSENIORS AT THESUSIQ
380 THIRD STREET LAGUNA BEACH CA 92651

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NOV 21 2014
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COASTAL COMMISSION

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,

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.

Sincerely,

Tina Haines , Board President

Ann Quilter, Board of Directors

T 949.497.2441 F 949.497.1831
INFO@THESUSIQ.ORG WWW.THESUSIQ.ORG
A 501(C)(3) TAX-EXEMPT ORGANIZATION # 95-2983350

Banning Ranch Conservancy

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Officers:

Terry Welsh ,M.D.
President
Suzanne Forster
Vice-President
Deborah Koken
Secretary
Jennifer Frutig, Ph.D.
Treasurer

Steve Ray
Executive Director

Board Members:

Diane Silvers, Ed.D.
Mark Tabbert

Jan Vandersloot, M.D.
In Memoriam

October 6, 2014

To the California Coastal Commission:

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,

Terry Welsh

Terry Welsh

Banning Ranch Conservancy

P.O.Box 16071
Newport Beach, CA
92659-6071

(310) 961-7610

Sea & Sage Audubon

P.O. BOX 5447, IRVINE, CA 92616-5447

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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.

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

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CALIFORNIA
COASTAL COMMISSION

September 29, 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

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

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

RECEIVED
South Coast Region
OCT 2 - 2014
CALIFORNIA
COASTAL COMMISSION

To: the California Costal Commission

From: Wendy R. Crimp

220 Cypress Drive

Laguna Beach, CA 92651

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.

Applicant’s Letter and Briefing Book

December 31, 2014

To: California Coastal Commission
Subject: Agenda Item TH11A
A-5-LGB-14-0034
The Ranch at Laguna Beach
31106 South Coast Highway, Laguna Beach

Dear Chair Kinsey and Honorable Commissioners:

First and foremost, I'd like to thank you and your Staff for taking the time to review our submittal and to personally thank those of you who were able to make it down to our property for a tour.

From the beginning, we welcomed your review. We have a locally-important project in a magnificent natural setting and know that we're doing right by this iconic property on every level. We're confident that you will recognize that the project before you has been designed to respect the site's natural surroundings, adhere to all applicable codes, and provide public benefits that we can all enjoy for years to come.

The scope of this project was to remodel and enhance the existing outdated buildings, add needed guest and employee services, restore and enhance the site's natural elements and provide, within the same building footprints, an additional 33 guest rooms to increase the City's hotel room inventory and guest's availability and options. I've prepared a "Project Background and Scope" summary attached to this letter that describes the site history and my personal efforts to improve the property. As you will see, we have gone to great lengths to lovingly restore the hotel site, clear non-native vegetation from Aliso Creek, and convert the entire golf course irrigation system to recycled water.

As part of the appeal process, we worked closely with your Staff to educate them as to our goals, constraints and public benefits. They made themselves available for site visits in order to personally view the project elements and assist in their review and evaluation of the project merits.

As a result of our interaction, meetings, site visits, consideration of our submittals and additional documentation, Staff has recommended approval of the project subject to 22 special conditions. We are in agreement with most of the special conditions; however,

find that certain conditions impact the project's future viability, both economically and physically.

I am sure you appreciate your Staff's hard work, but hope you will also consider our position and find you can agree with our proposed modifications and still obtain the mutually beneficial elements of our project.

Attached, you will find a letter prepared by our attorney, Steven Kaufmann, which provides a detailed analysis and response to the proposed Conditions of Approval, as well as a separate attachment that sets forth the changes to condition language requested. We discussed the Conditions at length internally and believe the proposed modified language can still achieve the desired private and public benefits, while adhering to the spirit and intent of the City's LCP and Coastal Act. We have also included a memorandum from our Project biologist, Glenn Lukos Associates, which discusses Scout Camp riparian setback issues.

Our project is an oasis of "Laguna Soul" and represents a significant aesthetic and environmental enhancement that visitors will cherish and locals describe as "an answer to Laguna's prayers." We have a decades-overdue, environmentally-correct and widely supported project with nothing to hide. Loving attention has gone into every detail of this restoration and I hope that you will recognize it as being the ideal outcome for our local treasure. As a lifetime Laguna Beach resident, I'm confident that generations of Laguna's residents and visitors will look at this property with the same pride I'm feeling right now.

Thank you for your consideration.

Mark Christy

Applicant's Project Background and Scope

I thought it might also be helpful to offer a quick overview of the project from my perspective, and that of many Laguna Beach residents. For those of you unfamiliar with this 87-acre property, it consists of a rambling hotel campus, a restaurant/lodge/pro shop building, a tranquil 9-hole golf course. The golf course was built in 1950, with the balance of the hotel/lodge area property developed by Ben and Violet (Vi) Brown in the early 60's. The Brown family ran the enterprise until selling to an affiliate of the Montage in 2003. This Montage affiliate planned to tear everything down, move hundreds of thousands of yards of soil, develop a new luxury hotel including dozens of new homes throughout the canyon and construct an 18-hole course by pushing back into Aliso and Wood Canyons Wilderness Park. For many locals including myself, it seemed inappropriate for this incomparable setting. So I asked them to please call me if/when they ever decided to sell before selling to some generic national chain. Years later, the call came in. And having grown up playing this course with my dad (and now my son), and as one who has nothing but reverence for the setting, I jumped at the opportunity. However our approach to the property has been completely different. We are restoring this decades-neglected iconic treasure to its original glory, while incorporating modern functionality required by both the building/safety code and our guests.

- We *are NOT building a new resort,* but rather are simply *restoring the original hotel buildings.*
- While splitting rooms to offer more options to visitors, we're maintaining the *original hotel room footprints*, *original rooflines* while keeping the *original perimeter framing* of the hotel buildings approximately 98% intact.
- The appealed portion of work was unanimously approved by the Planning Commission and *takes place entirely within an existing footprint that was 100% developed and virtually completely paved back in the 1960's*
- We're *replacing the fire-prone 50-year old wood siding, installing new fire sprinkler systems* and *eliminating all of the original wood-shake roofs* for the safety of our guests and neighbors
- We're installing insulation and energy efficient windows utilizing the *original openings* in the hotel buildings.
- Even with the modest new buildings proposed the project entails an *over 11,000-foot reduction in the building footprints*
- We're *eliminating over 7,000 feet of paved surfaces* and replacing them with natural materials and filtration drains reducing runoff into the creek.
- After obtaining all required permits and properly giving advance notice to the appropriate agencies (CA Coastal Commission, US Fish & Wildlife, etc.), we used only their permit-approved restoration methodologies to *voluntarily eradicate invasive non-native vegetation* in the creek bed. All work was conducted under the supervision of our on-site M.S. Habitat Restoration Ecologist.
- We'll *celebrate and respect the property's heritage* including the original Camp Elizabeth Dolph which had for decades been a dilapidated maintenance dump covered in refuse. We will preserve and reflect its wonderful history and engage the community in the parcel's special setting.

- We're *voluntarily converting the hotel landscape irrigation to reclaimed water* using drought tolerant and native plants. We are also voluntarily *converting the golf course irrigation to reclaimed water in January 2015.*
- *Despite the fact that there is no legal nexus or requirement for public access, we have voluntarily offered to allow a shuttle route through the property on a near-term basis and to dedicate a floating easement over a large portion of the property for a future trail connection.*

RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION
355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101
Telephone 213.626.8484 Facsimile 213.626.0078

RICHARD RICHARDS (1916–1988)
GLENN R. WATSON (1917–2010)
HARRY L. GERSHON (1922–2007)

STEVEN L. DORSEY
WILLIAM L. STRAUSZ
MITCHELL E. ABBOTT
GREGORY W. STEPANICICH
QUINN M. BARROW
CAROL W. LYNCH
GREGORY M. KUNERT
THOMAS M. JIMBO
ROBERT C. CECCON
STEVEN H. KAUFMANN
KEVIN G. ENNIS
ROBIN D. HARRIS
MICHAEL ESTRADA
LAURENCE S. WIENER
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SASKIA T. ASAMURA
KAYSER O. SUME
PETER M. THORSON
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TRISHA ORTIZ
CANDICE K. LEE
JENNIFER PETRUSIS
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AMY GREYSON
DEBORAH R. HAKMAN
D. CRAIG FOX
MARICELA E. MARROQUÍN
KATHERINE L. WISINSKI
SERITA R. YOUNG
SHIRI KLIMA
SEAN B. GIBBONS
JULIE A. HAMILL
AARON C. O'DELL
AMANDA L. STEIN
STEPHANIE CAO
SPENCER B. KALLICK
PATRICK D. SKAHAN
STEPHEN D. LEE
YOUSTINA N. AZIZ
KYLE H. BROCHARD
NICHOLAS R. GHIRELLI
CHRISTINA L. BROWNING

OF COUNSEL
ROCHELLE BROWNE
SAYRE WEAVER
TERESA HO-URANO
GENA M. STINNETT

SAN FRANCISCO OFFICE
TELEPHONE 415.421.8484

ORANGE COUNTY OFFICE
TELEPHONE 714.990.0901

TEMECULA OFFICE
TELEPHONE 951.695.2373

December 31, 2014

Th11a

VIA ELECTRONIC AND U.S. MAIL

Steve Kinsey, Chair
Honorable Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 91405

Re: A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village, LLC)
The Ranch Project

Agenda Item, January 8, 2015, #Th11a

Dear Chair Kinsey and Commissioners:

This firm, along with McCabe & Company, represents the Applicant, Laguna Beach Golf and Bungalow Village, LLC, which proposes "The Ranch" Project in Laguna Beach. With certain exceptions discussed below, the Applicant accepts the Staff Recommendation. The purpose of this letter is to identify those Special Conditions, or portions of the conditions, to which the Applicant objects and requests modifications. The topic areas addressed are public trail access, in-lieu fee option (lower cost visitor and recreational facilities), Scout Camp uses, and the indemnity condition. To assist the Commission, we have included a separate attachment which sets forth all of the Applicant-requested changes in one place.

I. Public Trail Access – Modify Special Conditions 1.B, 3 and 3.A and 5.B

During this appeal, for legal and practical reasons, the Applicant has objected to any requirement that The Ranch provide a public access trail across the project site. For safety reasons (the hazards associated with flying golf balls), a trail through the golf course is not feasible, and as explained to Staff, a trail cannot be legally required because the necessary constitutional requirements of a "nexus" and "rough proportionality" cannot be satisfied here.

While maintaining its legal position, the Applicant has now proposed two alternative public accessways: (1) an offer to dedicate a "floating easement" for a future public hiking and/or bike trail on the northern, upper portion of The Ranch property, and (2) pending construction and opening of that trail, a temporary shuttle

A copy of this letter has been provided to Commission Staff

program, operated by a third party entity in cooperation with The Ranch, to ferry hikers and/or mountain bikers between the north gate on the Ranch Property, the golf course, and the westerly boundary of the property.

To this end, the Applicant provided Staff with specific language for Special Conditions 3 (Final Shuttle Access Program & Shuttle Management Plan) and 5 (Offer to Dedicate Easement for a Public Pedestrian and Cycling Trail), a draft Offer to Dedicate, and a Shuttle Access Management Plan (Exhibit 10 to the Staff Report). Thus, for the most part, the Applicant is in agreement with, and would accept, those conditions. However, the Staff Recommendation adds language to both conditions which for a variety of reasons the Applicant cannot accept. Accordingly, the Applicant requests modifications to Special Conditions 1, 3 and 5, as discussed below.

A. Constitutional Constraints to Trail Access – The Lack of a "Nexus" or "Rough Proportionality"

As a threshold issue, and despite the Applicant's willingness to work with the Commission to address public trail access, the Applicant and the City of Laguna both respectfully submit that the Commission lacks the authority to impose a public trail requirement here. Without waiving its legal position, the Applicant has volunteered a solution, but specifically tailored to The Ranch property.

As the Commission knows, the ability of a public agency to impose dedication requirements is subject to constitutional limitations. A dedication requirement must have an "essential nexus" (*i.e.*, a substantial relationship) to needs, impacts or burdens cause 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 then needs, impacts or burdens cause by the project (*i.e.*, a "rough proportionality"). (*Dolan v. City of Tigard* (1994) 512 U.S. 374.).

Here, the City of Laguna Beach determined that a requirement to dedicate public trail access would not satisfy the above legal standards in light of the heightened scrutiny given such matters. (*See* Staff Report, Exhibit 22, pp. 22-26.)

The same conclusion applies here. The Staff Report states that proposed project will increase the number of hotel guests and visitors to The Ranch property and further asserts that "this intensification of use at the site will cause increased demand for recreational opportunities and pressure on coastal resources." (Staff Report, p. 28.) There is, however, no factual support (or substantial evidence) that this Project will have any impact at all on public trail access. The Ranch property terminates at the north SOCWA gate. The gate has always been locked. Hotel guests and visitors to The Ranch property have never had access through the golf course to the trail beyond the property, and would not have such access absent the Applicant's proposal. In other words, The Ranch Project, which consists of modest upgrades and repairs, would not cause any burden whatsoever on public trail access, let alone a burden that justifies an offer to dedicate a floating trail easement over the Property, a temporary shuttle program through the Property, or any of the substantial costs that the Staff Recommendation suggests be shouldered by the Applicant.

B. Special Condition 5.B -- Modify the Offer to Dedicate a Floating Trail Easement

The Aliso and Wood Canyons Wilderness Park lies inland of The Ranch property. Pursuant to a "Joint Use Agreement" between the South Coast Orange County Wastewater Agency ("SOCWA") and Orange County Parks, hikers and mountain bikers can access the Wilderness Park by way of SOCWA's upper private gate, which it opens on weekends between 7 a.m. and sunset. One trail of many trails in the Wilderness Park terminates at inland property boundary of The Ranch, the north SOCWA gate. Public access through the locked gate and through the golf course is not feasible because due to the course layout in a narrow, steep-walled canyon and the inherent safety constraints associated with a golf course and the flight paths of golf balls. A "Golf Cart Path Feasibility Assessment" (Alta 2014) recommended a 200-yard hazard protection zone. (*See also* Staff Report, Exhibit 22, p. 26.)

As a consequence, to avoid an obvious safety risk, the Applicant has proposed an offer to dedicate a floating easement for a hiking and biking trail outside the golf ball hazard zone in two sections of the property along the north slope of the Canyon. (*See* Staff Report, Exhibit 8, page 9.) The precise alignment of this trail will be based on a site-specific analysis of the environmental conditions existing at the time and physical improvements required for the trail and will require the participation and cooperation of adjoining landowners, including the City of Laguna Beach.

Special Condition 5.B adds two requirements with which the Applicant disagrees. First, the Applicant objects to a requirement that it join as a co-applicant on any future application to implement the trail. Through recordation of the offer to dedicate, the Applicant will have granted a legal easement which provides the ultimate trail applicant with the full legal interest necessary to apply for a Coastal Development Permit and construct a portion of the trail on the northerly portion of The Ranch property. There is no further need for this Applicant to go back through the permit process.

Second, the key access element for Staff has been the hiking and biking trail. The shuttle has been voluntarily proposed by the Applicant as a "temporary" access opportunity. The Applicant objects to language in Special Condition 5.B that the temporary shuttle program may terminate only if the resulting hiking and biking trail provides a "substantially equivalent" level of user difficulty and destination. The addition of a "substantially equivalent" standard undermines the voluntary offer made by the Applicant. This standard could never be met because, obviously, a shuttle and a mountain trail are completely different. The result would mean that the volunteered shuttle requirement would become permanent and the addition of a trail would result in two accessways where only one was intended and offered.

Accordingly, the Applicant requests that this portion of Special Condition 5.B (page 11 of the Staff Report) be revised as follows:

> "The determination [of the trail alignment] 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 co-applicant 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 pursuant to ~~this~~ a coastal development permit, the temporary Shuttle Access Program, required pursuant to Special Condition 3, ~~may~~ shall terminate~~,~~ if ~~the~~

~~Commission determines that the applicants have demonstrated in their CDP application that~~ the proposed public pedestrian and cycling 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~~, terminating at~~ which facilitates access to Aliso Beach."

C. Special Conditions 3 and 3.A –Modify Final Temporary Shuttle Access Program & Shuttle Management Plan

To facilitate access through the golf course and Ranch property pending the creation of a "mountain to sea" trail, the Applicant also voluntarily proposed a shuttle access program, a program that requires careful coordination with the ongoing golf course and hotel uses. As noted, the Applicant prepared a Shuttle Access Management Plan (Exhibit 10 to the Staff Report) and Special Condition 3. The Staff Recommendation, however, adds two related and even contradictory requirements which are not acceptable to the Applicant.

First, Special Condition 3.A requires the shuttle system to be operated by the Applicant and "extended to Coast Highway or the County Beach parking lot. The Applicant, however, has proposed only a shuttle program (to be operated by a third party entity acceptable to the Executive Director) over the property it owns, which terminates at the westerly boundary of The Ranch Property, and that is correctly reflected in the first paragraph of Special Condition 3:

> "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." (Staff Report, p. 9.)

This route is shown on Exhibit 8, page 9, of the Staff Report.

The Staff Recommendation not only adds language to the condition that requires that the shuttle program be "extended to Coast Highway or the County Beach parking lot," but requires the Applicant to work with "the

adjacent property owner to extend the shuttle services to Coast Highway to Coast Highway via its easement over the South Coast Water District road." The Applicant objects to this added language for several reasons.

First, the Applicant is not in the shuttle business; it is a property owner seeking a permit for hotel renovations who has volunteered a temporary means of access through his property. Thus, the temporary shuttle would provide access to hikers and mountain bikers between the north SOCWA at the inland extent of the property and the westerly boundary of The Ranch. That is reasonable.

Second, there is no need for an extended shuttle. A hiker or mountain biker who has just hiked or biked 4 miles through the Wilderness Park entrance to the north SOCWA gate can surely walk the short distance remaining to access the beach.

Third, the Applicant's easement to and from The Ranch property does not align with the road to the property, contrary to the condition language.

Fourth, there is insufficient room for a shuttle (including one with a bike trailer) to turn around at Coast Highway. Instead, a shuttle would have to negotiate a "Rube Goldberg" route to ultimately end up at the inland County parking lot and the underpass which leads under Coast Highway to Aliso Beach. Because a left-turn at PCH is illegal, a vehicle would need to turn north, make a U-turn at some location up Coast Highway, come back to turn left into the inland County parking lot, turn around and then make two rights turns back to The Ranch entrance.

For all these reasons, the only safe and viable option is to drop off shuttle users at the westerly boundary of The Ranch and to create a safe path to Coast Highway, onto the existing Coast Highway bridge (which has a sidewalk) and steps down to the underpass using the County tunnel to the beach. But, an even safer route would be a County pedestrian access bridge over Aliso Creek at a location closer to the westerly property boundary of The Ranch, and although the Applicant has no legal easement or ownership interest in that property, it would be willing to work with the County to create that bridge access. The location of a potential County pedestrian bridge is shown on Exhibit 8, page 9, of the Staff Report.

Accordingly, the Applicant requests that Special Condition 3 (page 9 of the Staff Report) be revised, in part, as follows:

> "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. The temporary shuttle system shall serve to facilitate public trail access between Aliso and Wood Canyons Wilderness Park and Aliso Beach. 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~~ the County of Orange to construct a pedestrian bridge over Aliso Creek to facilitate safe public access to and from the shuttle terminus at the westerly boundary of The Ranch property to the County parking lot. By acceptance of this permit, the applicant/permittee and all sucessors and assigns agrees to the following operations 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 Shuttle Management Plan approved by the Executive Director."

D. Special Condition 1.B – Modify Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations

The Applicant has not proposed to operate the temporary shuttle program. It has proposed that the program be operated by a third party entity acceptable to the Executive Director, coordinating the program with on-site uses and in compliance with the Shuttle Access Management Plan. Special Condition 1.B nonetheless provides an option which permits the Applicant to fund and operate the proposed Shuttle Access Program and Management Plan, but also requires that the program "extend service to Coast Highway or the County Beach parking lot." For the reasons

set forth in Section I.C above, the Applicant objects to that additional quoted language.

Accordingly, the Applicant requests that Special Condition 1.B (page 8 of the Staff Report) be revised, in part, as follows:

> "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.

II. <u>In-lieu Fee Option as Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations – Modify Special Condition 2.A</u>

Special Condition 1 gives the Applicant the option of funding and operating the shuttle program or paying a fee in lieu of providing lower-cost overnight accommodations. Special Condition 2.A would set that in-lieu fee at $1,121,010. The Applicant believes that the case can be made for no fee at all, but in any event, as discussed below, the fee recommended by Staff is based on erroneous assumptions and not supported by any Commission precedent, by fact, or by logic.

It bears emphasis that the Applicant has 64 existing hotel rooms. It could renovate and operate the hotel with the existing 64 rooms without the need for a Coastal Development Permit. The current rooms are 820 square feet and would be split into smaller, more typical room sizes of 410 square feet, without any change at all in the existing building envelopes. That would add 32 rooms.

Although not cited in the Staff Report, the Commission's recent July 2014 decision on a City of Ventura LCP (Promenade Parcels) summarized the Commission's past practice in requiring in-lieu fees:

> "In an effort to protect lower cost visitor-serving facilities, the Commission has previously imposed in-lieu mitigation fees when development proposes residential or only high cost accommodations. As such, <u>in past actions, the Commission has found that the loss of low</u>

cost hotel units should, under most circumstances, be mitigated at a 1:1 ratio lost to new unit provided. For high cost overnight visitor accommodations or residential development where low cost alternatives are not included onsite, a mitigation fee of $30,000 per room is required for 25% of the high cost rooms constructed." (SBV-MAJ-2-12, p. 21; emphasis added.)

A. The Project Does Not Result in a Loss of Low-Cost Hotel Units

The Staff Report correctly explains that the average peak summer season daily rate in 2013 for the existing 64 hotel units was $172.34. It also explains that post-remodel the Applicant proposes to charge higher daily rates. The Applicant would consider these moderate (mid-tier) hotel rates for the Laguna Beach area. Under the Commission's own decisions, however, the units replaced could be considered "high cost." There is no loss of lower cost hotel units. For example, in 6-13-0407 (McMillin-NTC), the Commission found in February 2014 that a daily room rate above $154.72 would be considered high cost.

This is the first error in the Staff's calculation. The Staff Report notes the 32 new units created but fails to apply the 25% factor that the Commission has consistently applied on other projects or in LCPs – the very precedents cited in the Staff Report. (E.g., 5-98-156-A17 (Long Beach-Pike Hotel, Dec. 2009); LOB-MAJ-1-10 (Long Beach-Golden Shore, June 2011); SBV-MAJ-2-08 (Ventura, Lloyd Properties, Triangle Site, Nov. 2009); A-6-PSD-8-04/101 (San Diego-Lane Field, Dec. 2009); SBV-MAJ-2-12 (Ventura-Promenade Parcels, July 2014).)

B. The Loss of "More Affordable Overnight Accommodations" is a New Standard Created for this Project but Irrelevant in Terms of the Coastal Act or LCP

The Staff Report asserts that "at a minimum, the conversion of 32 one-bedroom suites to 64 standard rooms qualifies as a loss of 32 *more affordable overnight accommodations*." (Staff Report, p. 32; italics added.) The creation of less "high cost" units – essentially what Staff is saying -- is clearly not a Coastal Act issue. Public Resources Code section 30213 provides that "lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible provided." (Emphasis added.) While the Coastal Act addresses "lower cost visitor" facilities, it

does not address the concept of the loss of "more affordable overnight accommodations."

Simply put, the Staff Report conflates the concept of "the loss of more affordable units" with the loss of low cost units. In this case, Staff's analysis is neither supported by the Coastal Act nor the facts.

C. The Calculation and Adjustments to the Mitigation Formula

Standard Calculation. As noted, there are 64 existing rooms. From this, 32 new rooms are proposed. Applying the formula that the Commission has consistently used to determine an appropriate in-lieu mitigation fee, the standard calculation would be 32 x 25% x $33,970, or $271,760.

Overnight Tent Camping. In this instance, however, the Staff Report notes that the Applicant has proposed limited overnight tent camping at the Scout Camp, and it equates that use with 8 hotel rooms. That limited tent camping opportunity will plainly qualify as low-cost and should have been credited. As such, the calculation would be (32-8) x 25% x $33,970, or $203,820.

Provision of Access for Shuttle Program and $50,000 in Seed Money for Shuttle Vehicle Purchase. This Project yet presents a further unique set of facts that must be accounted for in the calculation of a mitigation fee. The Staff Report acknowledges that the Commission has previously found that the provision of non-overnight public access and recreational amenities for the public onsite may be acceptable as alternative mitigation where it ensure that visitors who cannot or choose not pay for a hotel room can nonetheless access the facility for recreation activities during the day. (Staff Report, p. 34; Staff Report, "Public Workshop on Lower Cost Visitor Serving Accommodations" (November 26, 2014); Grover Beach LCPA 1-12 Part 1 (Grover Beach Lodge); 3-84-139 (Monterey Peninsula Hotel).)

Here, even if the Applicant chooses (under Special Condition 1) not to operate the shuttle access program, its volunteered access for a shuttle program through The Ranch property and, further, its agreement to fund $50,000 in initial seed money for the purchase of the shuttle (Staff Report, Exhibit 10, p. 6 and Special Condition 3.C), should result in there not being any in-lieu fee obligation. But, at the very least, a very reasonable calculation would be $203,820 - $50,000 (shuttle vehicle purchase) -

$50,000 (a modest value placed permitting a key shuttle access program through the property), or $103,820.

D. The Purpose of the In-Lieu Fee

The statutory basis for the in-lieu fee is Public Resources Code section 30213, which provides, in pertinent part: "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided . . . ." (Emphasis added.) Special Condition 2.A would earmark an in-lieu fee for lower cost overnight visitor accommodations, but there are other purposes which would be consistent with the coastal policy in Section 30213. These include open space acquisition and public trail construction and maintenance, all of which contribute directly to both lower cost visitor and recreational facilities. This is especially true in this area of Laguna Beach.

Accordingly, the Applicant requests that Special Condition 2.A (page 8 of the Staff Report) be revised, in part, as follows:

> "The required total in-lieu fee of $103,820 ~~1,121,010 ($33,970 x 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 hostel beds, tent campsites, cabins or campground units, as well as open space acquisition and public trail construction and maintenance, at appropriate locations within Orange County's coastal zone, with priority given to locations within the City of Laguna Beach, proximate to the Aliso and Wood Canyons Wilderness Park . . . ."

III. Special Condition 12.C, E, and G – Event Use at the Scout Camp

Special Condition 12 sets forth restrictions regarding event use of the Scout Camp parcel. The Applicant objects to three of the restrictions.

First, the Applicant objects to Special Condition 12.C, which would limit events to a maximum of 100 people. This is an arbitrary limitation. The Scout Camp parcel will be used, for example, for weddings. A typical wedding would involve up

to 175 people. The Project biologist, GLA, has done a comprehensive biological assessment of the Scout Camp parcel and has expressed the opinion that use of the parcel by a maximum of 150 to 175 people would have no impact on the biological resources in the area of this parcel. (Glenn Lukos Associates ("GLA") to Mark Christy, 12/31/14.)

Second, Special Condition 12.G prohibits voice or music amplification, while at the same time enforcing a 65db at the property line. Special events, such as weddings, may well require some form of amplification. But, the ultimate limitation on noise is the 65db limitation, and, together with the noise management plan required, there should be no need to foreclose amplification, again as noted by the Project biologist. (*Id.*)

Finally, the Applicant has agreed to restore the area within 100 feet of Aliso Creek. Previously, there was a dump site with fuel storage and full-blown mechanical work taking place within 15 feet of the Creek. The Applicant has already removed those materials and removed invasive plants from the Creek (at a cost of $40,000), and now proposes to further revegetate the area with a native scrub and grassland plant palette. Special Condition 12.E would require fencing (e.g., post and cable) to "be installed 100 feet from Aliso Creek and from native scrub habitat to prevent intrusion into these buffer zones." The City's LCP, Policy 9C(a), requires a minimum 25 foot setback from blue-line streams, and the Project biologist GLA has advised that in this instance, 25 feet is adequate with post and cable fencing and signage. (*Id.*) A setback in excess of 25 feet in this area is not necessary, and it bears emphasis, moreover, that a 25-foot setback is not only consistent with the LCP but with the Staff Recommendation for A-5-LGB-14-0019 (Longi), which immediately precedes the hearing on this appeal as Item 10b. There, the Staff Recommendation is for approval of artists' work/live units with a 25-foot setback from a comparable stream.

Thus, the Applicant requests that Special Condition 12.C, E, and G (on pages 13 and 14 of the Staff Report) be modified to read:

"C. Events will be limited to a maximum of ~~100~~ <u>150</u> people;"

"E. Fencing (e.g., post and cable) shall be installed ~~100~~ <u>25</u> feet from Aliso Creek <u>in that area</u> to prevent intrusion <u>in</u> ~~these~~ this buffer zone;"

"G. ~~Amplification of voice or music is not permitted.~~ Decibel levels will be maintained as 65 db or lower at the property line."

IV. Special Condition 21 (Indemnity) -- The Commission Lacks Authority to Impose the Condition

Lastly, Special Condition 21 which would impose a burden on the Applicant to reimburse the Commission "in full for all Coastal Commission costs and attorneys fees" that the Commission may incur for the defense of a lawsuit brought by a project opponent. In recent years, the Commission has imposed such a condition on selected projects. But, as explained below, it is a condition that, with limited exception, the Commission, as an administrative agency and creature of statute, lacks regulatory authority to impose. This was precisely the conclusion of the Legislative Counsel in an opinion to the Honorable Lou Correa (February 29, 2008):

> "[I]n our opinion, the California Coastal Commission may not require as a condition for approving a coastal development permit, that an applicant indemnify the commission from any legal expenses associated with the commission's defense of a third-party action filed against the commission for approving the permit." (See Leg. Counsel opinion attached, p. 4.)

There are fundamental legal impediments to the imposition of this type of condition. First and foremost, it is a basic principle of California law that administrative agencies have only those powers that have been conferred on them, expressly or by implication, by constitution or statute. (Carmel Valley Fire Protection Dist. v. State of California (2001) 25 Cal.4th 287, 299-300.) When an administrative agency acts in excess of, or in violation of, the powers conferred upon it, its action thus taken is void. (City and County of San Francisco v. Padilla (1972) 23 Cal.App.3d 388, 400.) These principles are familiar to the Commission. If the Commission's action is "inconsistent with, or simply not authorized by the Coastal Act, then its action is void." (Security National Guaranty, Inc. v. California Coastal Commission (2008) 159 Cal.App.4th 402, 419.)

A. <u>An Indemnity Condition is not Authorized Under the Coastal Act</u>

The Commission was created by statute and its authority to impose conditions of approval is also statutory and derives from Section 30607 of the Coastal Act, which provides:

> "Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions <u>in order to ensure that such development or action will be in accordance with the provisions of this division</u>." (Emphasis added.)

Section 30607 thus authorizes the Commission to impose "reasonable terms and conditions" to ensure that a development, such as that proposed by the Applicant, "will be in accordance with the provisions of" the Coastal Act. Clearly, the "provisions" of the Coastal Act with which the Applicant's project must comply are the Chapter 3 policies of the Act and any reasonable conditions imposed by the Commission. However, the "indemnity" condition is not necessary to ensure that the approval of the Project will be "in accordance with the provisions of" the Coastal Act. That is why, until 2007, some 34 years after the effective date of the Coastal Act, the Commission, with a few exceptions noted below, did not impose such a condition.

The Coastal Act does provide that the Commission may "sue and be sued" and that the Attorney General will represent the Commission in any litigation. (Pub. Res. Code § 30334(b).) However, no "provision" of the Act authorizes the Commission to require an applicant to reimburse the Commission for its litigation expenses. Likewise, nothing in the Commission's regulations authorizes such a condition.

Staff previously has suggested that support for an indemnity requirement is found in Section 30620(c)(1) of the Coastal Act and Section 13055(e) of the Commission's regulations. Section 30620(c)(1) and the applicable regulation, however, deal with administrative fees and costs during application for issuance of a permit, <u>not</u> with legal fees and costs that the Commission may incur in litigation post-decision. Section 30620(c)(1) states:

> "The commission may require a reasonable filing fee and the reimbursement of expenses for the processing by the commission of any application for a coastal development permit under this division and, except for local coastal program submittals, for any other filing, including, but not limited to, a request for revocation, categorical exclusion, or boundary adjustment, submitted for review by the commission." (Emphasis added.)

This provision deals with "filing" fees for the various types of applications submitted to the Commission for review. The Commission, however, pays absolutely no "filing" fees in litigation because it is a public entity. (Govt. Code § 6103 [State and other public agencies are exempt from paying any court filing fees].) Nothing in this provision relates to or encompasses attorneys' fees and costs of suit.

While Section 30620(c) permits the Commission to require "filing" fees, Section 13055 of the Commission's regulations implements this by setting forth the various fee amounts. Staff, again, previously cited to Section 13055(g) of the regulations, which states, in relevant part:

> "In addition to the above fees, the commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice . . . ." (Emphasis added.)

This provision permits the Commission to recover additional expenses it incurs "in its consideration of the permit application." Clearly, this applies to permit processing, not a subsequent lawsuit. This is reinforced by Section 13055(i), which requires that "the additional fee shall be paid before the permit application is scheduled for hearing by the commission," or, if not paid before the hearing is scheduled and imposed by condition, "prior to issuance of the permit." (Emphasis added.) Again, this pertains to processing fees – indeed, fees that the regulations require be paid before this Commission even considers the application, or, after approval, prior to issuance of the permit. It does not relate to litigation fees and costs.

Lastly, Staff may argue that authority for an indemnity condition is found in Section 13055(g) of the regulations, which states, in part: "Notwithstanding the foregoing, the commission shall not require an applicant for a permit for one single-family dwelling to reimburse it for litigation costs or fees that the commission may

incur in defending a judicial challenge to the commission's approval of the permit." This provision may clarify that the Commission is not going to impose indemnity conditions on applicants for one single-family residence. But, as explained above, nothing in the Coastal Act authorizes the imposition of an indemnity condition, and nothing in Section 13055(g), dealing with processing fees "in consideration of the permit application," does either. Even assuming by some negative implication that Staff was to posit that exclusion of one type of development implies that everything else is somehow fair game (and it does not), the regulation by itself could not establish the authority for the condition. As held in Pardee Construction Co. v. California Coastal Commission (1979) 95 Cal.App.3d 471, 479, where the Court of Appeal invalidated a Commission regulation, the Commission may not, by administrative regulation, "extend its powers beyond the statutory grant."

In short, because nothing in the Coastal Act authorizes an indemnity condition, the Commission lacks the authority to impose it in this case.

B. Cities and Counties are Different

Those Commissioners who serve as local government officials know that, from time to time, cities and counties do impose "indemnity-type" conditions on the approval of projects. However, this is because the cities and counties are fundamentally different from this Commission. Unlike the Commission, which is an administrative agency and creature of statute, cities and counties derive their authority from the State Constitution.

This distinction was hammered home in a 2002 Attorney General's opinion, 85 Ops. Cal. Atty. Gen. 21 (2002), which concluded that a county could require an indemnity requirement as a condition of approving a CDP. The Attorney General pointed out that authority of cities and counties derives from the California Constitution:

> "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." (Cal. Const. art. XI, § 7.)

The Attorney General correctly explained that this constitutional authority of cities and counties, often referred to as the "police power," is broad in scope, quoting our State Supreme Court:

> "Under the police power granted by the Constitution, counties and cities have plenary authority to govern, subject only to the limitation that they exercise this power within their territorial limits and subordinate to state law. Apart from this limitation, the police power of a county or city under this provision is as broad as the police exercisable by the legislature itself." (Candid Enterprises, Inc. v. Grossmont Union High School District (1985) 29 Cal.3d 878, 885.)

Thus, cities and counties have broad constitutional police power authority to impose an "indemnity" requirement if they so choose. The Commission's authority, by contrast, is limited by statute, as explained above.

C. The Condition is Bad Policy and Would Have a "Chilling Effect" on Coastal Development and, Ultimately, on a Fair, Balanced, and Well Considered Coastal Program

Section 30607 of the Coastal Act does not permit just any condition; a condition must be "reasonable." That cannot be said of an "indemnity" requirement. The process of obtaining a Coastal Development Permit is complex and enormously costly.

The Commission regulates over 1000 miles of coastline. Not everyone who wishes to develop on the California coast could economically withstand, in addition to the cost of pursuing approval through the administrative process, the need to pay for their own lawyer to defend a Commission approval and additionally for the State Attorney General.

An indemnity requirement can have a "chilling effect" on coastal development. Moreover, it encourages the threat of litigation by project opponents in order to secure the imposition of the condition and to heap additional costs (and delay) on a project applicant in an effort to stop a project. Indeed, this condition could institutionalize the "threat" of litigation as a routine tactic for discouraging or opposing projects.

The condition is not reasonable within the meaning of Section 30607. It is not good policy. And, it is not fair, balanced, or at all well conceived.[1]

D. <u>The Condition is Discriminatory</u>

For 34 years, until 2008, the Commission, with limited exception, never imposed this type of condition on the approval of a project, as here. In 2007-2008, Staff changed course and recommended the imposition of this condition on any project where Staff perceives the threat of litigation.

What constitutes the "threat" of litigation? What level or type of opposition would generate this condition? What happens if the Commission or Staff "senses" the "threat" of litigation for the first time at the hearing on the application? What happens if, after recommending the condition, the Commission or Staff believes or concludes that no litigation is likely – does the condition come off? The inherently *ad hoc* nature of the determination required to decide whether to impose such a condition is simply not a reasonable or rational basis to single out an application that, for one reason or another, has an opponent or opponents. Coupled with the "chilling effect" noted above, the imposition of an "indemnity" condition would violate an applicant's due process and equal protection rights. The condition would not only encourage the "threat" of litigation. It would unfairly skew the balance in favor of project opponents, while penalizing the applicant.

After all, the Commission is charged with the authority under the Coastal Act to approve or disapprove applications for permits, and it should be the Commission's duty to defend that authority, not the applicant's. (And, in this case, it is worth noting

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[1] The implications of imposing an indemnity requirement on a public entity raise other issues beyond the scope of this Project. But, suffice it to state, imposition of an indemnity requirement on a local government would run counter to other provisions of the Coastal Act that encourage local governments to cooperate in implementing the Coastal Act and, moreover, provide for their reimbursement for doing so. (*See e.g.*, Pub. Res. Code § 30340.5 ("A local government subject to this division may claim reimbursement of costs incurred as a direct result of the operation of or any requirement pursuant to this division."); Pub. Res. Code § 30350 ("It is the policy of the state that local governments be paid their legitimate costs . . . for the implementation of certified local coastal programs" and that costs incurred and reimbursed, according to the Legislature, are "recognized as being in the interest of all the people of this state because they carry out state policies for the wise, long-term conservation and use of coastal resources"); Pub. Res. Code §§ 30352-30354 (reimbursement of costs).

that the applicant did *not* apply to the Commission. Its local government approval was *appealed* to the Commission, presumably to address one issue – conformity of the project with the City's certified LCP.)

Putting aside Staff's recent recommendations to impose the condition, our research discloses that prior to 2007, there were only a handful of prior instances where the Commission imposed this type of special condition. These include the following:

E-96-28 (Windward Associates)
E-99-009 (Unocal)
E-99-011 (MFS Globenet Corp/MCI)
E-00-008/CC-076-05 (Global West Network Inc.)
E-05-007/CC-076-05 (Monterey Bay Aquarium Research Institute)
E-01-032 (ExxonMobil Corporation)
E-01-029/CC-111-01 (Tyco Networks, Inc.)
E-04-010 (Atlantic Richfield ARCO)

The Commission did not adopt findings to support the condition on any of these projects – something that is equally true of Special Condition No. 21. However, the above-noted projects each had one thing in common that might serve to justify an "indemnity" condition – they all involved some type of development on State lands or tidelands, and thus utilized a public resource. They also involved applicants who could readily shoulder the burden of paying the Commission's legal fees.

The condition, thus, is discriminatory, especially in the case of the smaller projects proposed wholly on private property. It should not be imposed here.

E. The Condition Would Constitute an Invalid "Underground Regulation," in Violation of the Administrative Procedure Act

The Commission certainly has the authority to adopt regulations, and, of course, it has done so. (Pub. Res. Code § 30333; Tit. 14, Cal. Code Regs., § 13000 et seq.) However, the decision at this point to impose an "indemnity" condition on every project the Commission or Staff perceives might possibly lead to litigation (or, for that matter, on every project) would constitute what some refer to as an "underground regulation," which, to be valid, would require compliance with the

requirements of the Administrative Procedure Act and review by the Office of Administrative Law ("OAL").

Government Code Section 11342.600 defines "regulation" as every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure." Government Code section 11340.5(a) further provides:

> "No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to this chapter."

As you may know, the Commission would have to comply with detailed requirements prior to adoption of a regulation permitting the imposition of this type of condition. (Gov. Code §§ 11346.2-11346.8). Because there are serious legal problems associated with the imposition of such a condition, we suggest that OAL would likely not approve it if it had the opportunity to review a change in the Commission's regulations to permit the condition.

For these reasons, the Commission does not have the statutory authority to impose such a condition. The Applicant, therefore, requests that the Commission delete Special Condition 21.

Conclusion

The Applicant respectfully requests that the Commission address and modify each of the Special Conditions noted above. (Please see the separate Attachment with the Applicant-requested changes.) With the modifications requested, the Applicant would accept the Staff Recommendation.

Thank you for your consideration.

Very truly yours,

Steven H. Kaufmann

Attachments: (1) Legislative Counsel Opinion (February 29, 2008)
(2) Request Changes to Special Conditions

ccs: Dr. Charles Lester, Executive Director
Hope Schmeltzer, Chief Counsel
Sherilyn Sarb, Deputy Director
Karl Schwing, South Coast District Manager
Charles Posner, Coastal Program Supervisor
Erin Prahler, Coastal Program Analyst
Jamee J. Patterson, Supervising Deputy Attorney General
John Pietig, City Manager, City of Laguna Beach
Greg Pfost, Director of Community Development, City of Laguna Beach
Ann Larson, Planning Manager, City of Laguna Beach
Mark Christy, Laguna Beach Golf & Bungalow Village, LLC
Morris Skendarian & Associates, A.I.A.
Susan McCabe, McCabe and Company

LEGISLATIVE COUNSEL
Diane F. Boyer-Vine

CHIEF DEPUTIES
Jeffrey A. DeLand
Daniel A. Weitzman

PRINCIPAL DEPUTIES
Alvin D. Gress
Michael J. Geiszler
Kirk S. Louie
John T. Studebaker

Joe Ayala
Cindy M. Cardullo
Edward Ned Cohen
Ben E. Dale
Debra Zidich Gibbons
Patricia Hart Jorgensen
Michael R. Kelly
Diana G. Lim
Romulo I. Lopez
Robert A. Prau
William K. Stark
Jeff Thom
Richard B. Weisberg

DEPUTIES
Stephanie L. Abel
Paul Antilla
Scott A. Baxter
Vanessa S. Bedford
Ann M. Bonastero
Gwynne L. Byrd
Sergio E. Carpio
William Chan
Emilia Cotrer
Byron D. Damiani, Jr.
J. Christopher Dawson
Stephen G. Detmer
Linda B. Dozier
Krista M. Ferns
Sharon R. Fisher
Lisa C. Goldfuhl
Jennifer M. Green
Mari C. Guzman
Mona Hilakos Hanlie
Charlotte L. Hasse
Amy J. Hayde
Baldev S. Heir
Thomas R. Heuer
Russell H. Holder
Oksana G. Jaffe
Marian M. Johnston
Valerie R. Jones
Lori Ann Joseph
Thomas J. Kerins
Michael J. Kerins
Jacqueline R. Kinney
Jennifer R. Klein
Eve B. Krotinger
L. Erik Lange
Felicia A. Lee
Mira A. Macias
Mariana Marin
Anthony P. Márquez
Francisco A. Martin
Christine N. Maruccia
Fred A. Messerer
William E. Modderno
Sheila R. Mohan
Abel Muñoz
Rachelle M. Niedzwiecki
Gerardo Partida
Sue-Ann Peterson
Michael Pinkerton
Lisa M. Plummer
Patricia Gates Rhodes
Deborah J. Rosenberg
Michelle L. Samore
Aaron D. Silva
Jessica L. Steele
Ellen Sward
Mark Franklin Terry
Bradley N. Weeb
Armin G. Yazdi
Jenny C. Yun
Jack Zorman

OFFICE OF LEGISLATIVE COUNSEL
State Capitol, Suite 3021
Sacramento, California 95814

TELEPHONE (916) 341-8000
FACSIMILE (916) 341-8020
INTERNET www.legislativecounsel.ca.gov
E-MAIL administration@legislativecounsel.ca.gov

Legislative Counsel of California

February 29, 2008

Honorable Lou Correa
Room 4062, State Capitol

CALIFORNIA COASTAL COMMISSION: INDEMNIFICATION OF COMMISSION BY APPLICANT FOR COMMISSION'S LEGAL EXPENSES - #0730307

Dear Senator Correa:

You have asked whether the California Coastal Commission may require, as a condition for approving a coastal development permit, that an applicant indemnify the commission from any legal expenses associated with the commission's defense of a third-party action filed against the commission for approving the permit.

The California Coastal Act of 1976 (Div. 20 (commencing with Sec. 30000), P.R.C.[1]; hereafter the act) establishes, in the Resources Agency, the California Coastal Commission (hereafter the commission) with specified jurisdiction over prescribed areas along the coastline designated as the coastal zone (Secs. 30103, 30300, and 30301). The commission has primary responsibility for implementation of the act (Sec. 30330). The act, among other things, recognizes the need to protect public rights, rights of private property owners, and natural resource areas from overuse, and requires that development in the coastal zone be regulated so as to protect environmentally sensitive habitat areas and parks and recreation areas and prevent environmental degradation, and to ensure that the use of coastal lands is compatible with the continuance of those habitat and recreation areas (see Secs. 30210, 30214, and 30240).

[1] All section references are to the Public Resources Code, unless otherwise indicated.

ATTACHMENT

Under the act, each local government entity lying, in whole or in part, within the coastal zone is required to prepare a local coastal program (hereafter LCP) for that portion of the coastal zone within its jurisdiction and to submit the LCP to the commission for certification (Secs. 30500 and 30510). Once an LCP has been certified by the commission and the implementing actions within the area affected have become effective, the local government that is implementing the LCP or any portion of the LCP assumes development review authority over any new development proposed within the area (subd. (a), Sec. 30519, and Sec. 30600).

With prescribed exceptions, the act requires any person wishing to perform or undertake development in the coastal zone to obtain a coastal development permit (subd. (a), Sec. 30600). Prior to certification of an LCP, and in certain other circumstances, a coastal development permit is obtained from the commission (see Secs. 30600, 30601, and 30601.3). After certification, and in certain other circumstances, a coastal development permit is issued by the local government (see Secs. 30519, 30600, and 30600.5). In this regard, the commission's role in the permit process is to hear appeals from decisions by the local government that grants or denies a permit (*Feduniak v. California Coastal Commission* (2007) 148 Cal.App.4th 1346, 1354, fn. 5; see Sec. 30603).

Administrative agencies have only those powers that have been conferred on them, expressly or by implication, by constitution or statute (see *Carmel Valley Fire Protection Dist. v. State of California* (2001) 25 Cal.4th 287, 299-300). It is well settled that when an administrative agency acts in excess of, or in violation of, the powers conferred upon it, its action thus taken is void (*City and County of San Francisco v. Padilla* (1972) 23 Cal.App.3d 388, 400). Thus, if the commission's action is " ... inconsistent with, or simply not authorized by the Coastal Act, then its action is void" (see *Security National Guaranty, Inc. v. California Coastal Commission et al.* (2008) 159 Cal.App.4th 402, 419).

Under the act, an applicant for a coastal development permit may be required to pay a reasonable filing fee and for the reimbursement of expenses for the processing by the commission of an application for a permit and other filings (para. (1), subd. (c), Sec. 30620). Pursuant to the authority of Section 30620, the commission by regulation has provided that, in addition to fees for filing and processing a permit application, the commission may require an applicant "to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice" (14 Cal. Code Regs. 13055(e)). All other fees provided for in Section 13055 of Title 14 of the California Code of Regulations refer to the filing and processing of a permit application.

Under the act, any permit that is issued or any development or action approved on appeal is subject to reasonable terms and conditions in order to ensure that such development or action is in accordance with the act (Sec. 30607). An example of both reasonable and unreasonable conditions were those imposed by the commission for a permit for the construction of a restaurant (see *Liberty v. California Coastal Com.* (1980) 113 Cal.App.3d 491).

The conditions included one parking space for every 50 square feet of gross floor space, and that for 30 years from the date of the permit the parking spaces be free daily to the public until 5 p.m. (Id., at p. 495). The court upheld as reasonable the condition to provide parking for the use of the land involved, since parking is a matter of proper concern under the act (Ibid.; see Secs. 30212.5, 30252, and 30607). However, where the conditions imposed are not related to the use being made of the property, but are imposed to shift the "burden of providing the cost of a public benefit to another not responsible for or only remotely or speculatively benefiting from it," the condition is an unreasonable exercise of the police power (Id., at p. 502). Thus, the court held as "unreasonable and unfair," and as exceeding the commission's statutory authority under the act, the commission's imposition on the permit of the condition that for 30 years from the date of the permit the parking spaces be free daily to the public until 5 p.m. (Id., at pp. 502, 504).

When the language of a statute is clear, its plain meaning should be followed (*Droeger v. Friedman, Sloan & Ross* (1991) 54 Cal.3d 26, 38). If the words are clear and unambiguous, a court may not modify them to accomplish a purpose not apparent on the face of the statute (see *People v. Goodloe* (1995) 37 Cal.App.4th, 485, 491-92). In our view, the statutory authority to charge an applicant a reasonable filing fee and reasonable charges for the reimbursement of the commission's expenses incurred in the consideration of a permit application does not encompass the commission's legal expenses should its decision approving the permit be challenged in a third-party action. Such speculative legal expenses are not reasonable expenses incurred in consideration of a permit application. Also, in our view, if the commission were to include as a condition of issuing a permit that the commission be indemnified for its legal expenses should its decision approving the permit be challenged in a third-party action, that condition would not be reasonable in order to ensure that the development or action allowed under the permit would be in accordance with the act.

In summary, there is no statutory provision expressly or impliedly authorizing the commission to require, as a condition of a permit, that an applicant indemnify the commission from any legal expenses associated with the commission's defense of a third-party action filed against the commission for approving the permit. Moreover, the express authority granted to the commission under Section 30620 to charge an applicant reasonable fees to cover the commission's expenses incurred in considering the application, and the express authority granted to the commission under Section 30607 to impose reasonable terms and conditions on a permit in order to ensure that the development or action is in accordance with the act, imply that the Legislature did not intend to authorize the commission to require an applicant to pay fees for, or that the permit be subject to conditions with respect to, purposes not within the scope of those sections (see *Cumero v. Public Employment Relations Bd.* (1989) 49 Cal.3d 575, 596). The purpose of protecting the commission from expenses arising subsequent to the approval of the permit from a third-party action filed against the commission for approving the permit is not within the scope of those sections.

Thus, in our opinion, the California Coastal Commission may not require, as a condition for approving a coastal development permit, that an applicant indemnify the commission from any legal expenses associated with the commission's defense of a third-party action filed against the commission for approving the permit.

Very truly yours,

Diane F. Boyer-Vine
Legislative Counsel

Maria Hilakos Hanke

By
Maria Hilakos Hanke
Deputy Legislative Counsel

MHH:ckt

Th 11a

A-5-LGB-14-0034 (Laguna Beach Golf & Bungalow Village, LLC)
The Ranch Project

APPLICANT'S REQUESTED CHANGES TO SPECIAL CONDITIONS

Public Access

1. Special Condition 5.B -- Modify the Offer to Dedicate a Floating Trail Easement (Page 11 of the Staff Report)

"The determination [of the trail alignment] 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 co-applicant 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 pursuant to ~~this~~ a coastal development permit, the temporary Shuttle Access Program, required pursuant to Special Condition 3, ~~may~~ shall terminate~~,~~ if ~~the Commission determines that the applicants have demonstrated in their CDP application that~~ the proposed public pedestrian and cycling 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~~, terminating at~~ which facilitates access to Aliso Beach."

2. Special Conditions 3 and 3.A – Modify Final Temporary Shuttle Access Program & Shuttle Management Plan (Page 9 of the Staff Report)

"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. The temporary shuttle system shall serve to facilitate public trail access between Aliso and Wood Canyons Wilderness Park and Aliso Beach. 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~~ the County of Orange to

construct a pedestrian bridge over Aliso Creek to facilitate safe public access from the shuttle terminus at the westerly boundary of The Ranch property to the County parking lot. By acceptance of this permit, the applicant/permittee and all successors and assigns agrees to the following operations 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 Shuttle Management Plan approved by the Executive Director."

Lower Cost Visitor and Recreational Facilities – In-lieu Fee

3. Special Condition 1.B – Modify Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations (Page 8 of the Staff Report)

"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.

4. In-lieu Fee Option as Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations – Modify Special Condition 2.A (Page 8 of the Staff Report)

"The required total in-lieu fee of $103,820 ~~1,121,010 ($33,970 x 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 hostel beds, tent campsites, cabins or campground units, as well as open space acquisition and public trail construction and maintenance, at appropriate locations within Orange County's coastal zone, with priority given to locations within the City of Laguna Beach, proximate to the Aliso and Wood Canyons Wilderness Park . . . ."

Event Use at Scout Camp

5. Special Conditions 12.C, E, and G – Modify Use Language (Pages 13-14 of the Staff Report)

"C. Events will be limited to a maximum of ~~100~~ 150 people;"

"E. Fencing (e.g., post and cable) shall be installed ~~100~~ 25 feet from Aliso Creek and from native scrub habitat in that area to prevent intrusion in ~~these~~ this buffer zone;"

"G. ~~Amplification of voice or music is not permitted.~~ Decibel levels will be maintained as 65 db or lower at the property line."

Indemnity (Liability for Costs and Attorneys Fees) Condition

6. Special Condition 21 (Indemnity) -- The Commission Lacks Authority to Impose the Condition (Page 21 of the Staff Report)

Delete the Special Condition.

MEMORANDUM

GLENN LUKOS ASSOCIATES

Regulatory Services

PROJECT NUMBER: 11550001REMO

TO: Mark Christy

FROM: Tony Bomkamp

DATE: December 30, 2014

SUBJECT: Proposed Amendments to Conditions Related to Biological Resources in Coastal Commission Staff Report for The Ranch at Laguna Beach (Agenda Item, January 8, 2015, Th11a)

At your request, I have reviewed the biological resources section of the Staff Report and support the requirement of restoration of the area within 100 feet of Aliso Creek with native scrub and a grassland palette, and we've prepared and submitted a plan for that purpose. I disagree with the Staff Report in the following respects:

1. I agree that there should be limit on the number of persons using the Scout Camp parcel; however, the 100-person limit recommended by Dr. Dixon is arbitrary. Dr. Dixon provided no evidence based in science for limiting events to 100 people compared with your proposal to limit the events to 150 guests. The area is large enough to accommodate between 300 and 400 guests. This is important because limiting events to half of the site's capacity ensures there would be no "spill-over" into potentially sensitive areas. Given these considerations, it is my view that events with 150 to 175 guests would have no impact on the biological resources in this particular area given that there would be a well-defined buffer in conjunction with post-and-cable fencing to demarcate the buffer and plenty of room such that guests would not be forced into potentially sensitive areas.

2. As noted, I agree with a requirement to provide a setback from Aliso Creek, but 25 feet for this limited area, provided as Special Condition 12.E (as proposed for amendment) states that post and cable fencing would be placed at 25 feet from the Creek to prevent intrusion into the buffer area, along with signage for that purpose. The signage would provide information regarding the values of the native habitat associated with Aliso Creek to ensure that guests respect the habitat and the overall environs of Scout Camp.

3. I agree that the noise level should be at 65db or lower at the property line, but so long as amplification is at 65db or lower, I don't see the purpose or need to eliminate all amplification from this area as it is the noise levels that are important for ensuring that impacts to riparian species do not occur. It would make no difference whether voice or music is amplified or not amplified, as long as the limit of 65 db is maintained.

29 Orchard ▪ Lake Forest ▪ California 92630-8300
Telephone: (949) 837-0404 Facsimile: (949) 837-5834

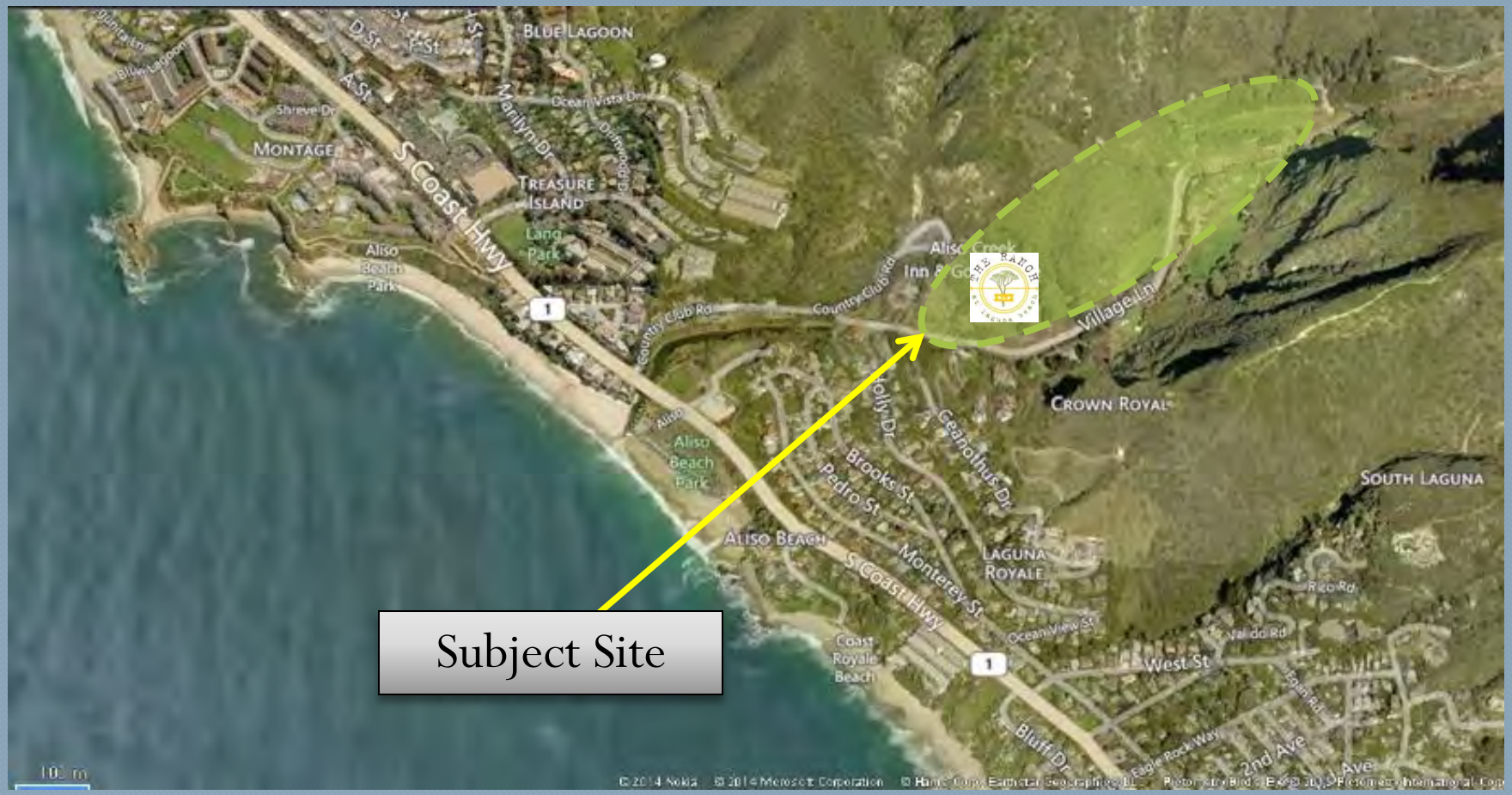
A-5-LGB-14-0034

The Ranch at Laguna Beach

CCC Hearing
January 8, 2015
Item Th11a

A copy of this briefing book has been provided to CCC District Staff.

Location



31106 Pacific Coast Highway, Laguna Beach

Project Description

- Local Approval on Appeal:
  - Refurbishment of existing 64-room hotel and division of existing rooms to create 32 additional hotel rooms, plus new penthouse rental (33 new rooms total);
  - New spa and fitness center, employee locker facility, porte cochere and valet program; and
  - Remodel of existing Lodge restaurant and lobby.
- Amended Project Components:
  - Restore Scout Camp area through removal of concrete pad, turf and organic garden within 100' of creek and revegetate area with native plants;
  - Replace perimeter chain link fence in same location with new materials (recycled wood) to allow for terrestrial animal passage;
  - After-the-fact approval of eucalyptus tree trimming and removal;
  - 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 organizations.

Site History

1950

- 9-hole public golf course constructed - original design/layout retained to this day

1962

- Apartment complex constructed by Brown Family
  - Opened as hotel w/oversized units, never used as apartments
  - Operated by Brown Family until 2003

2003

- Purchased by Athens Group (Montage) to raze and develop new large luxury hotel, spa, new 18-hole golf course and spec homes (into current open space)
  - Widespread community opposition; withdrawal of proposal

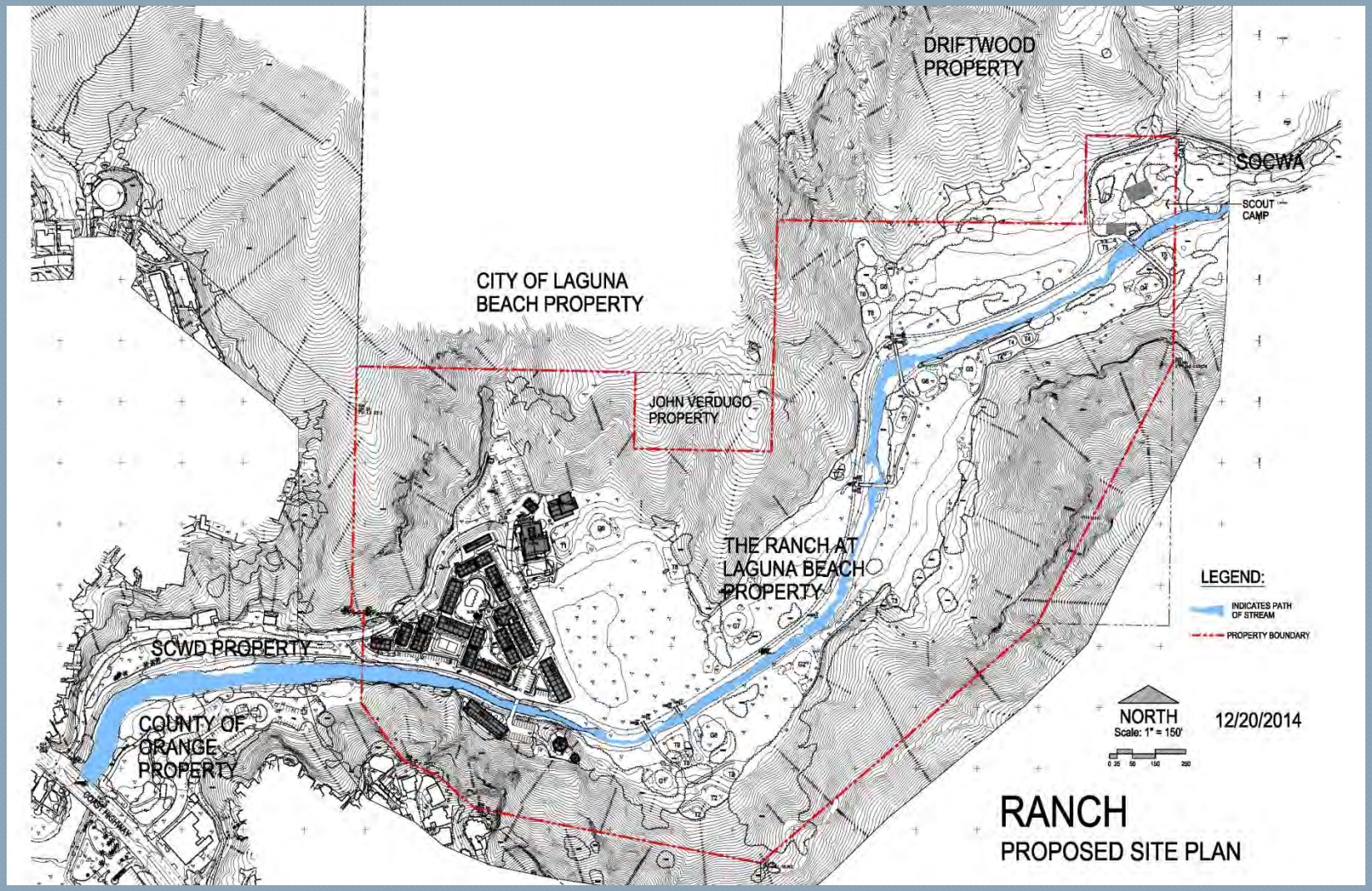
2013

- Applicant purchased property to restore and upgrade existing outdated facility
  - Gained local support and received unanimous City approval for phased improvements in May 2014
  - Thousands of signatures and dozens of letters of support
  - Appealed by neighbor in June 2014

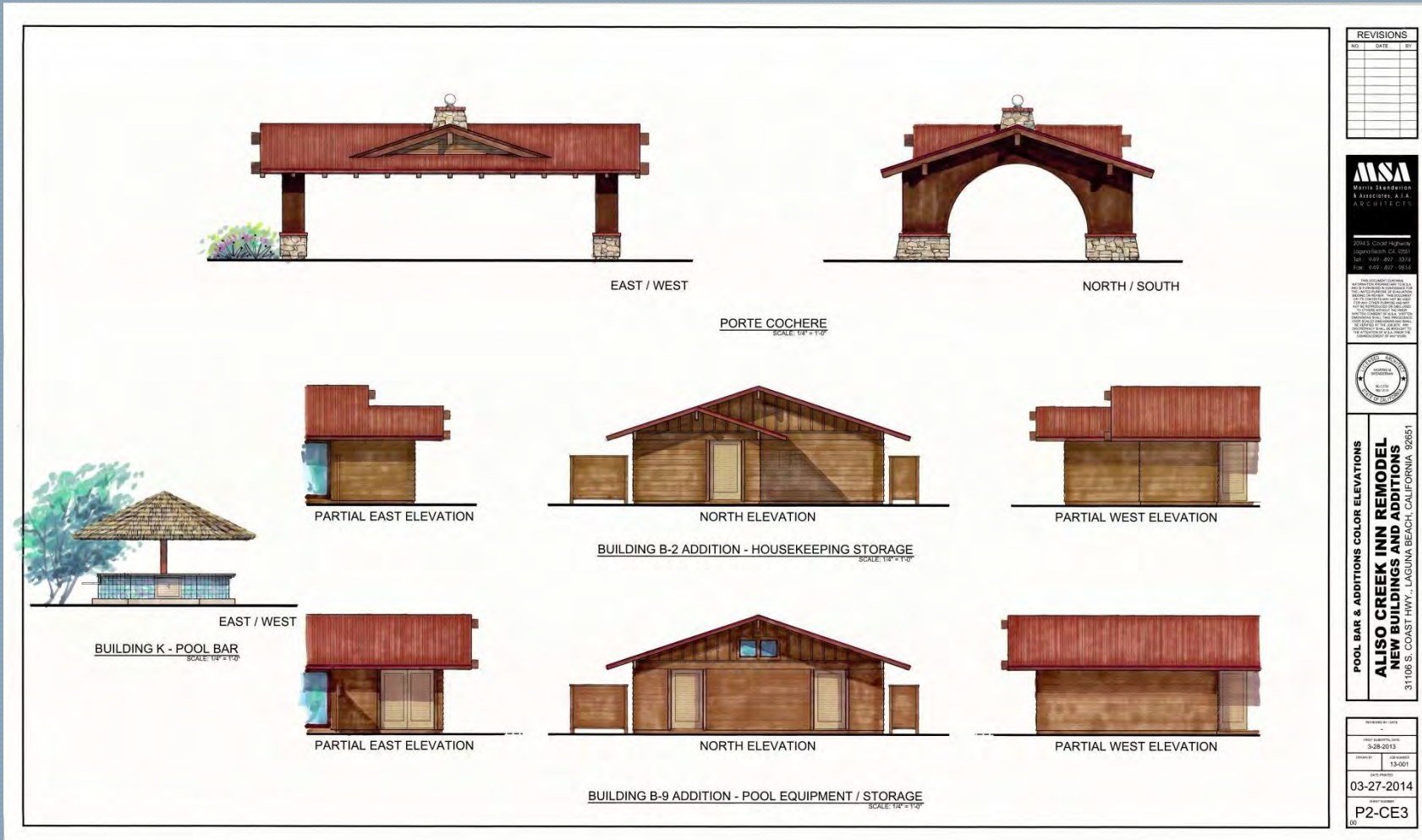
Project Phasing

- **Phases 2 & 3** (current appeal) involves new development and creation of additional hotel rooms, including:
  - Net reduction of original building area and meeting spaces
  - Construction of new spa, fitness center, porte cochere, employee building and golf cart storage
  - Splitting of 820 sf into more typical rooms sizes of 410 sf (within existing envelopes)
- **Phase 1** (no CDP required and currently underway) involved remodel of existing hotel rooms and facilities, including:
  - Replacement of existing noncompliant and defective plumbing;
  - Rewiring and upgrade of existing unsafe electrical panels and service;
  - Installation of new energy efficient heating and air conditioning;
  - Installation of fire sprinklers and fire-safety systems;
  - Re-roofing with fire-resistant material (some buildings had original 1962 wood-shake)
  - Replacement of existing sliding glass doors and windows with energy efficient versions utilizing original openings and original framing
  - Work required to comply with current ADA requirements, including railings, thresholds, bathrooms, ramps, insulation of walls, roofs and floors to comply with current Title 24 Energy standards; and
  - Replacement of exterior fire-prone wall surfaces and roofing and minor structural improvements for earthquake safety.

Proposed Site Plan



Proposed Building Additions
Pool Bar and Porte Cochere Elevations



Proposed New Building
Employee Lounge / Storage

Proposed New Building
Spa / Fitness / Pool Restrooms

Proposed Lodge Renovations
Restaurant / Banquet

Appeal Contentions

1. Public Access - Affordable Overnight Accommodations
2. New Construction Where Non-Conforming Building or Use Exists
3. Public Access – Pedestrian Access
4. Public Access – Parking Impacts
5. Historical Interest/Preservation
6. Natural Hazards (Floodplain Management)
7. Biological Resources

Public Access

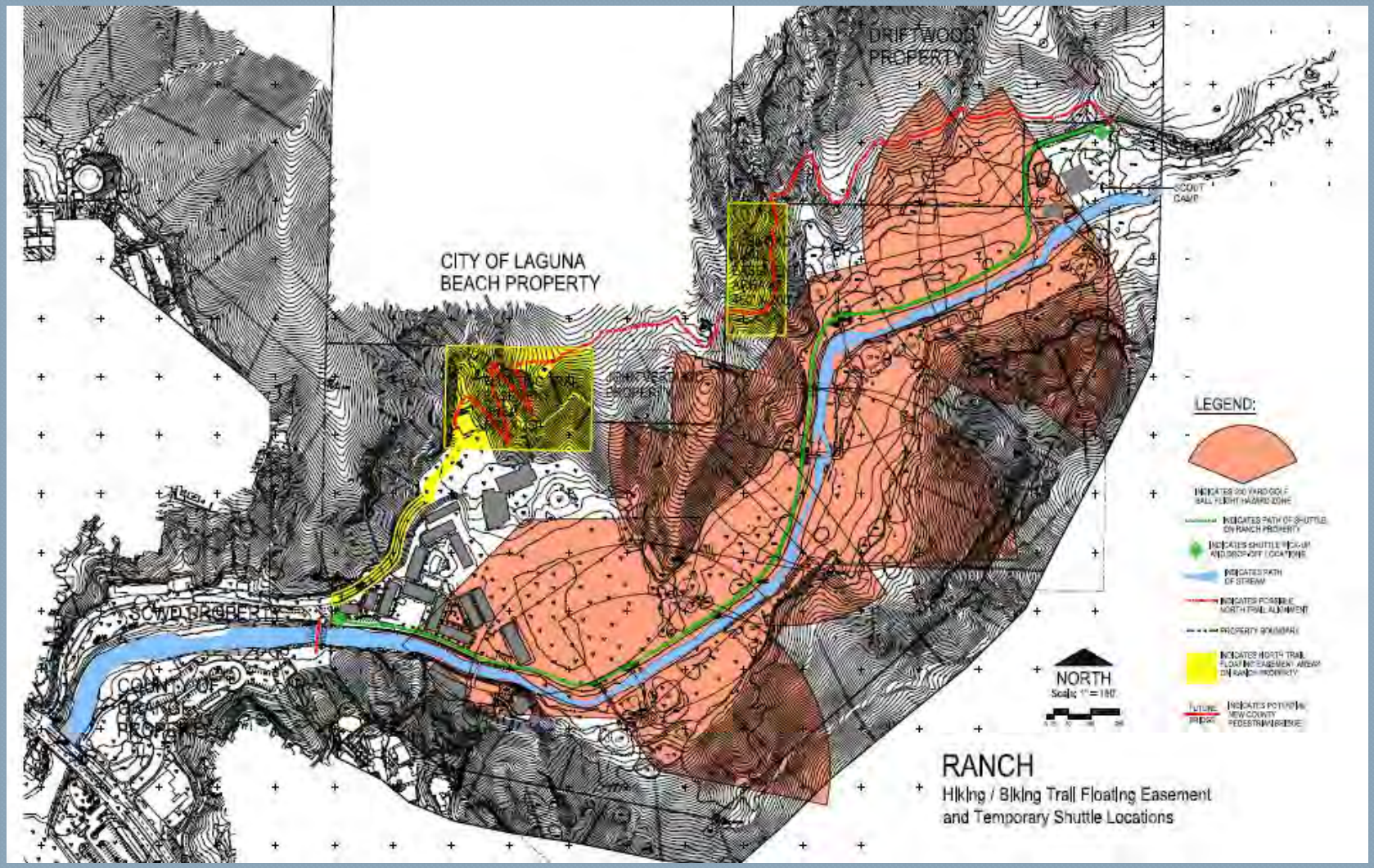
- No public access currently available through site due to site constraints, including steep topography and golf ball hazard

- Legal constraints
  - -- No change in existing public golf course
  - -- No "nexus" between improvements proposed and public access through site to justify access dedication (*Nollan v. California Coastal Commission*)
  - -- No "rough proportionality" (*Dolan v. City of Tigard*)

Public Access--Applicant's Proposal

- OTD of easement through golf course (north hotel gate to hotel western boundary) for third party operation of shuttle program to safely transport hikers and mountain bikers
  - Applicant to oversee shuttle management plan
  - Separate operator as public entity or non-profit
  - Terminates with opening of north-side hiking trail
- OTD of floating easement for hiking trail along north (upcoast) side of property
- Applicant's cooperation with local agencies to provide safe, continuous access within Aliso Creek area
- End result: public access from "mountain (SOCWA/OC Parks gate) to sea"

Public Access Opportunities



Lower Cost Recreation

- Applicant has offered to initiate shuttle program through on-site management and provision of seed money for purchase of vehicle; future operation by outside entity
- Project continues to provide overnight accommodations within moderate rate range for Laguna Beach hotel submarket; existing hotel within moderate price
- Applicant proposes overnight tent camping for small groups, including reduced cost camping for non-profit youth organizations on Scout Camp site
- No change to existing golf course operation
  - Golf course will remain lowest cost public 9-hole course in South Orange County

Floodplain Management

- Appellant's Claim: City's approval didn't adequately address hazards of siting new development within special flood hazard area; project should be considered "major remodel," which would require entire project be brought into conformity with current development standards, such as minimum 25-foot streambank setback
- Response: Work to existing structures would not result in "substantial improvement" per City definition and real estate appraisal; proposed new development to be constructed to all City's floodplain management regulations

Floodplain Management

"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."

Staff report, page 47

Biological Resources/Restoration

- Appellant's Claim: Native habitat was removed during 2013 restoration of Scout Camp
- Response: No native habitat was removed and limited native habitat consisting of lemonade berry was specifically preserved intact

- Appellant's Claim: Coastal Sage Scrub (CSS) potentially suitable for California Gnatcatcher (CAGN) was removed from Scout Camp
- Response: No CSS was removed and no potential impacts to CAGN

"***There is no documented repeated use of the nonnative trees on the project site by either rare species or by multiple species of raptors, 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.***"

Dr. Dixon, Ex. 13, page 4

Biological Resources/Restoration

- Appellant's Claim: Potential impacts to sensitive plants in Scout Camp
- Response: Scout Camp contained no suitable habitat for CAGN as documented by 3 previous surveys and confirmed by Ecologist Mr. Ostensen prior to site cleanup and restoration
- Appellant's Claim: High Value Habitat removed along golf course fairways
- Response: Biological surveys showed these areas consisted solely of non-native invasives, such as poison hemlock and giant reed, and non-sensitive poison oak
- Appellant's Claim: CSS potentially suitable for CAGN was removed along fairways
- Response: No CSS was removed along fairways and no potential impacts to CAGN

Biological Resources/Restoration

- Appellant's Claim: Potential impacts to sensitive plants associated with removal of non-native species along fairways
- Response: Areas along fairways did not contain suitable habitat as documented by previous bio surveys and reinforced by observations of high densities of non-native invasive species

- Appellant's Claim: Nesting birds including raptors potentially affected by tree trimming in Scout Camp
- Response: Tree trimming in Scout Camp conducted between September 30 and October 29, well outside nesting season

"I don't believe that it is likely that the pruning activities had a significant impact on raptors, butterflies, or bats."

Dr. Dixon, Ex. 13, page 5

Restoration of "Scout Camp"

Within 100' of Creek

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.

N

0 25 50 100
Feet

THE RANCH AT LAGUNA BEACH

Scout Camp Restoration Proposal

GLENN LUKOS ASSOCIATES

Staff Recommendation

- Staff recommends approval subject to twenty-two (22) special conditions
- Applicant in agreement with majority of conditions, with following exceptions:
  - Access/OTD requirements beyond ability of applicant
  - Excessive in-lieu fee for overnight accommodations
  - Event restrictions unrelated to potential biological impacts
  - Indemnity; no statutory authority to impose on applicant

Response to Staff Recommendation

- Applicant requests following modifications:
  - Special Condition **5.B** -- Modify the Offer to Dedicate a Floating Trail Easement (Page 11 of the Staff Report)
  - Special Conditions **3 and 3.A** – Modify Final Shuttle Access Program & Shuttle Management Plan (Page 9 of the Staff Report)
  - Special Condition **1.B** – Modify Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations
  - In-lieu Fee Option as Mitigation for Impacts on Affordable/Lower Cost Overnight Accommodations – Modify Special Condition **2.A**
  - Special Condition **21** (Indemnity) -- The Commission Lacks Authority to Impose the Condition *(applicant requests deletion)*

Project Benefits

- Project results in increased public access and recreation, including:
  - Upgrade of existing non-code compliant and outdated overnight accommodations and addition of new overnight accommodations;
  - Increased public access through golf course via easement for shuttle and easement for future trail;
  - Restoration of Scout Camp to remove development within 100' of creek and revegetate with native plants; and
  - Provision of new, reduced cost camping

Conclusion

- Applicant requests approval with revisions to special conditions as specified in applicant's correspondence dated December 31, 2014

Thank you

Appellant’s Submission

ALIFORNIA COASTAL COMMISSION
uth Coast Area Office
) Oceangate, Suite 1000
ng Beach, CA 90802-4302
52) 590-5071

For Commissioner Consideration

Th11a

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CALIFORNIA
COASTAL COMMISSION

Filed:	12/18/2014
180th Day:	06/16/2015
Staff:	Erin Prahler-LB
Staff Report:	12/23/2014
Hearing Date:	01/08/2015

STAFF REPORT: APPEAL – DE NOVO HEARING

Application No.:	**A-5-LGB-14-0034**
Applicant:	**Laguna Beach Golf and Bungalow Village, LLC**
Appellant:	Mark Fudge Mark Fudge (949) 481-1100
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 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:

CALIFORNIA COASTAL COMMISSION

Prepared by:

WRECO

December 2014

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

_____

Date

December 2014

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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.

- 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.

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

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:
  - Sea-level rise
  - 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….

25.53.002 …..if 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

Recurrence Interval	1999 FIS Design Flow (CFS)	Average of weighted GEV estimated flows (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.

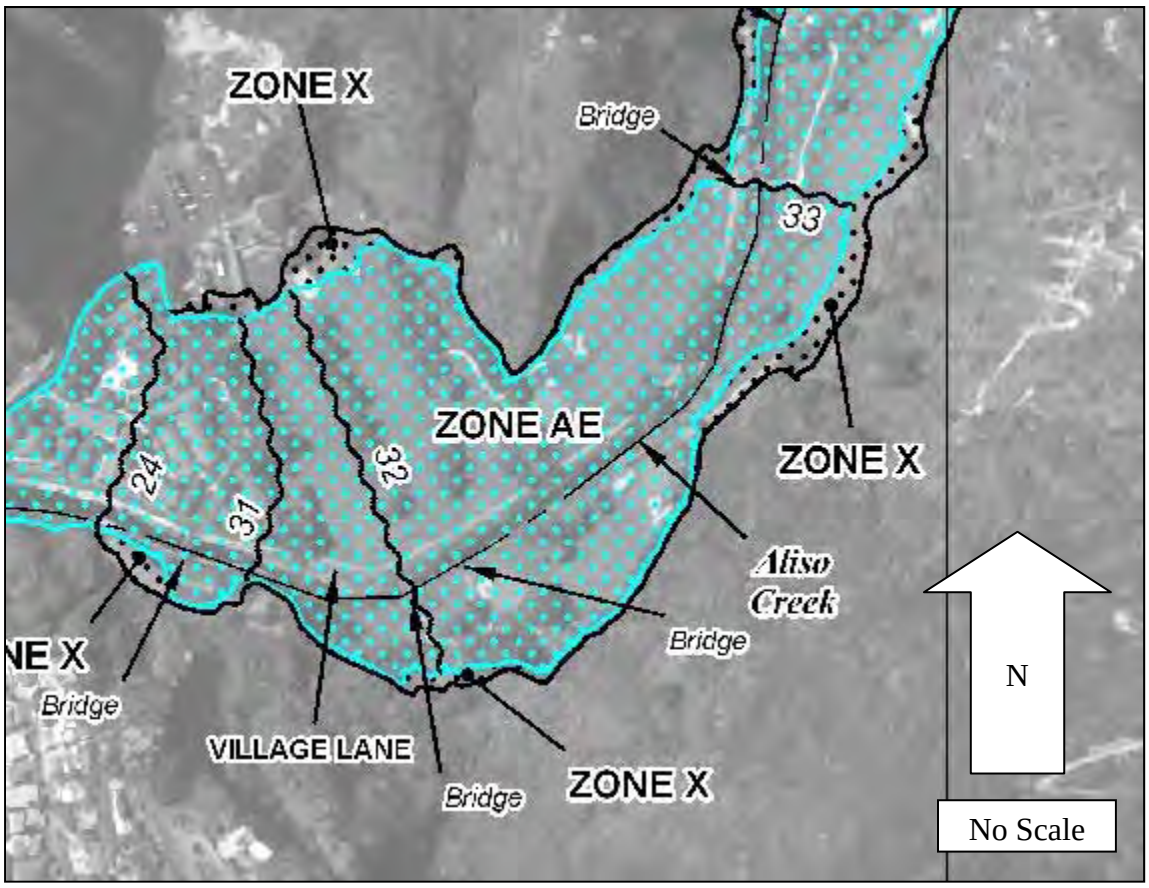

Figure 1. FEMA FIRM at Project Site

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.

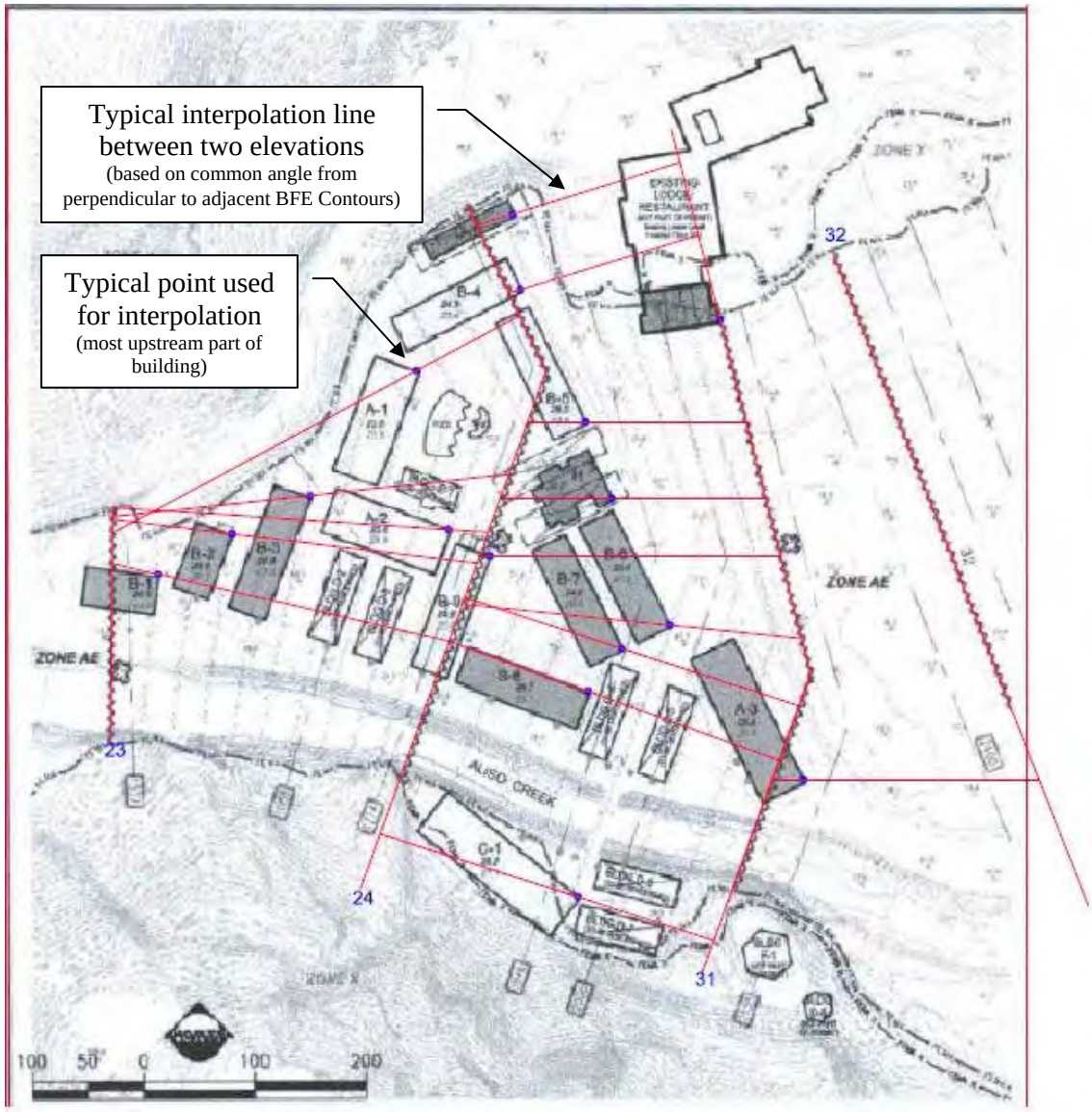

Figure 2. Location of BFE Measurements

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
H	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
H	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.

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 to50% 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.

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

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.

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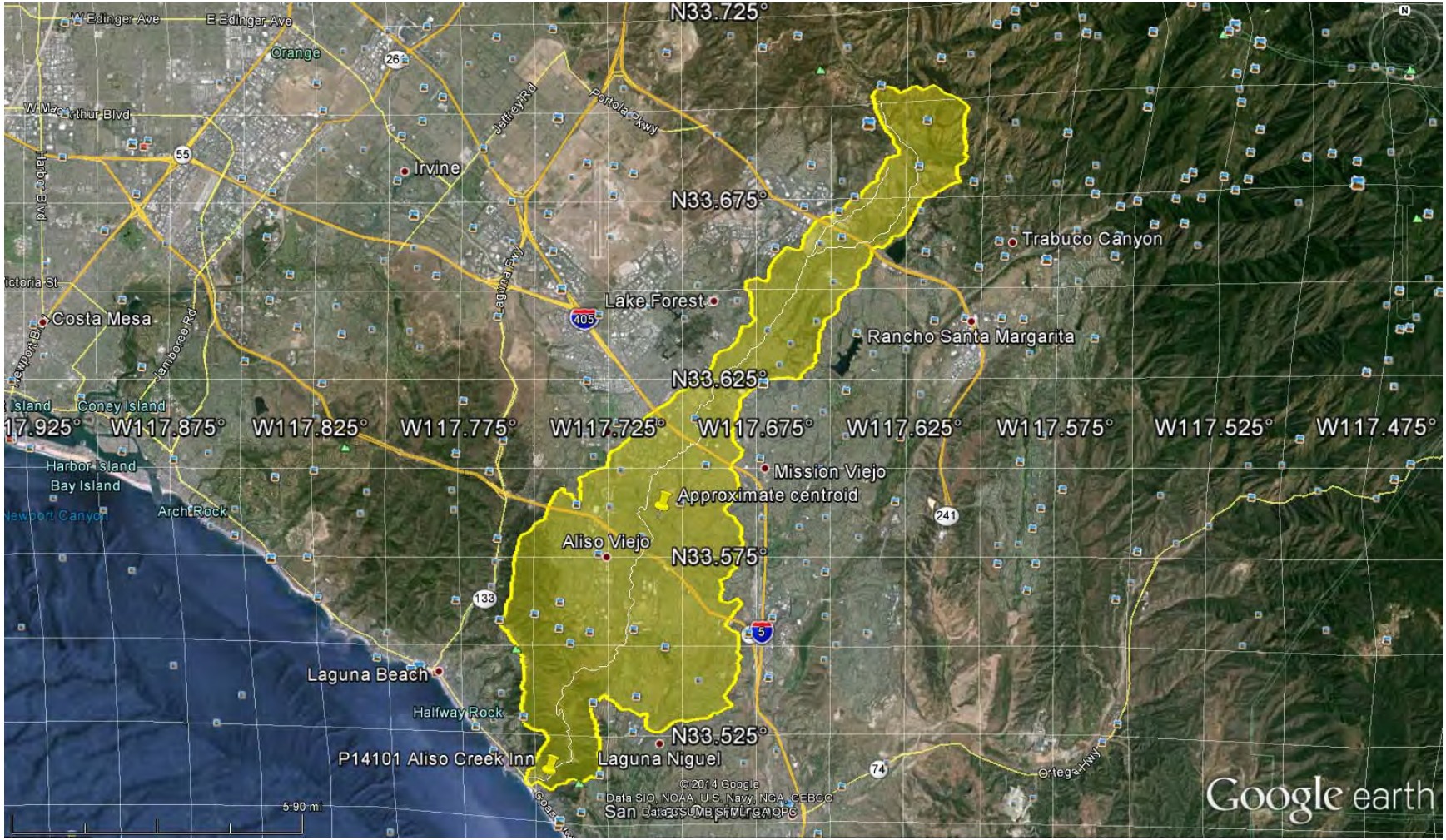
Appendix A Preliminary Hydrologic Calculations



SOURCE: Google Maps and EPA

Aliso Creek Wateshed Map

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National Water Information System: Web Interface

USGS Water Resources

Data Category: Surface Water ▼ Geographic Area: United States ▼ GO

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Peak Streamflow for the Nation

USGS 11047500 ALISO C A EL TORO CA

Available data for this site Surface-water: Peak streamflow ▼ GO

Orange County, California
Hydrologic Unit Code 18070301
Latitude 33°37'34", Longitude 117°41'03" NAD27
Drainage area 7.91 square miles
Gage datum 440.00 feet above NGVD29

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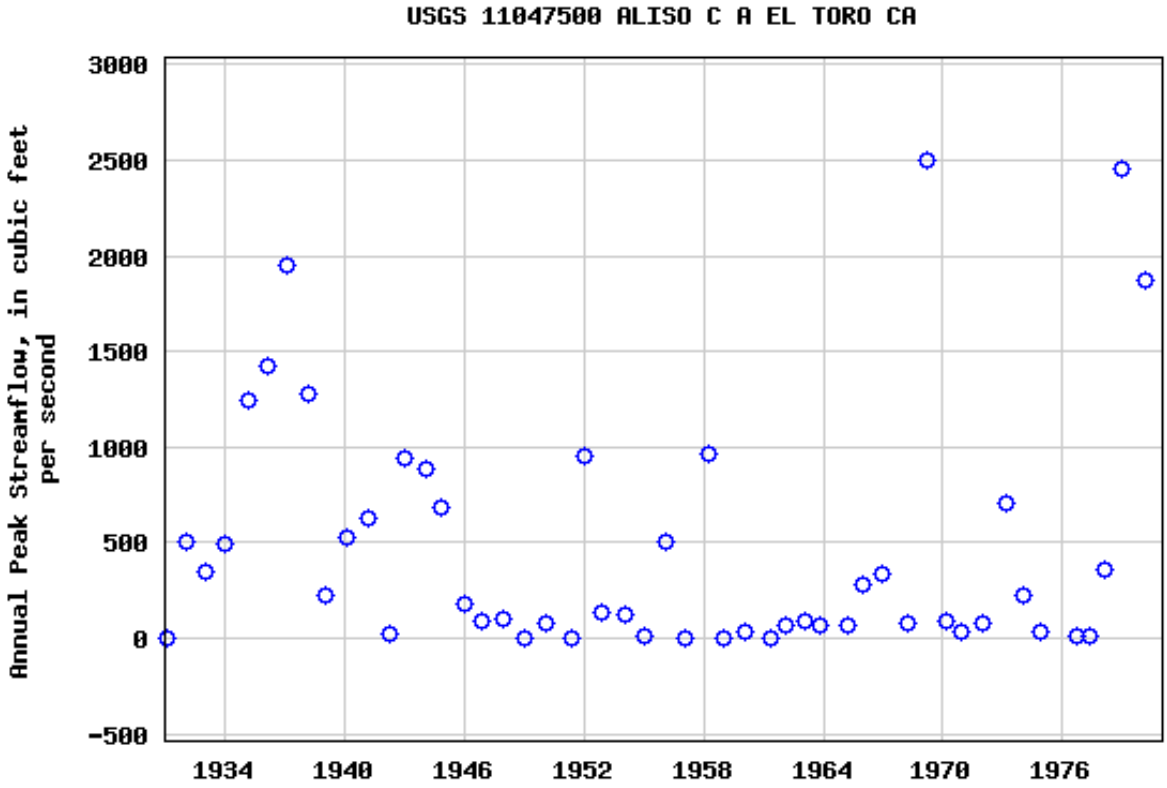

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Title: Surface Water for USA: Peak Streamflow
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Peak Streamflow for the Nation

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Orange County, California
Hydrologic Unit Code 18070301
Latitude 33°37'34", Longitude 117°41'03" NAD27
Drainage area 7.91 square miles
Gage datum 440.00 feet above NGVD29

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Water Year	Date	Gage Height (feet)	Stream-flow (cfs)
1931	Feb. 04, 1931		2.90[1]
1932	Feb. 01, 1932	4.85	508
1933	Jan. 19, 1933	4.39	352
1934	Jan. 01, 1934	6.35	495
1935	Mar. 02, 1935	8.10	1,240
1936	Feb. 12, 1936	8.60	1,420

1937	Feb. 06, 1937	11.20	1,950
1938	Mar. 02, 1938	10.30	1,280
1939	Feb. 03, 1939	7.00	231
1940	Feb. 03, 1940		528
1941	Mar. 01, 1941	8.70	633
1942	Apr. 11, 1942	5.80	20.0
1943	Jan. 23, 1943	9.80	942
1944	Feb. 22, 1944	9.62	881
1945	Nov. 14, 1944	9.03	680
1946	Dec. 22, 1945	7.25	183
1947	Nov. 23, 1946	6.70	90.0
1948	Dec. 05, 1947	6.90	103
1949	Jan. 12, 1949	5.95	2.30
1950	Feb. 06, 1950	6.59	85.0
1951	1951		0.00
1952	Jan. 16, 1952	9.54	950
1953	Dec. 01, 1952	5.95	133
1954	Feb. 13, 1954	6.03	122
1955	Jan. 18, 1955	6.08	15.0
1956	Jan. 26, 1956	7.60	506
1957	Jan. 13, 1957	5.65	2.10
1958	Mar. 16, 1958	9.30	965
1959	Jan. 06, 1959	5.95	2.00
1960	Jan. 12, 1960	6.28	32.0
1961	1961		0.00
1962	Feb. 15, 1962	2.63[6]	73.0
1963	Feb. 10, 1963	2.31	88.0
1964	Nov. 20, 1963	2.37	67.0
1965	Apr. 10, 1965	2.83	73.0
1966	Dec. 29, 1965	4.51	277
1967	Dec. 06, 1966	2.91	333
1968	Mar. 08, 1968	1.68	75.0
1969	Feb. 24, 1969	11.00	2,500
1970	Mar. 04, 1970	2.09	95.0
1971	Dec. 19, 1970	2.00	35.0

1972	Dec. 28, 1971	2.87	81.0
1973	Feb. 11, 1973	4.69	710
1974	Jan. 07, 1974	3.91	222
1975	Dec. 04, 1974		40.0[1]
1976	Sep. 10, 1976	6	12.0[1]
1977	May 08, 1977		13.0[1]
1978	Feb. 10, 1978	1.63	360
1979	Jan. 05, 1979	6.60	2,450
1980	Feb. 16, 1980	3.27	1,870

?
Peak Gage-Height Qualification Codes.

- 6 -- Gage datum changed during this year

?
Peak Streamflow Qualification Codes.

- 1 -- Discharge is a Maximum Daily Average

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Peak Streamflow for the Nation

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Orange County, California
Hydrologic Unit Code 18070301
Latitude 33°30'43", Longitude 117°44'49" NAD27
Drainage area 34.4 square miles

Output formats

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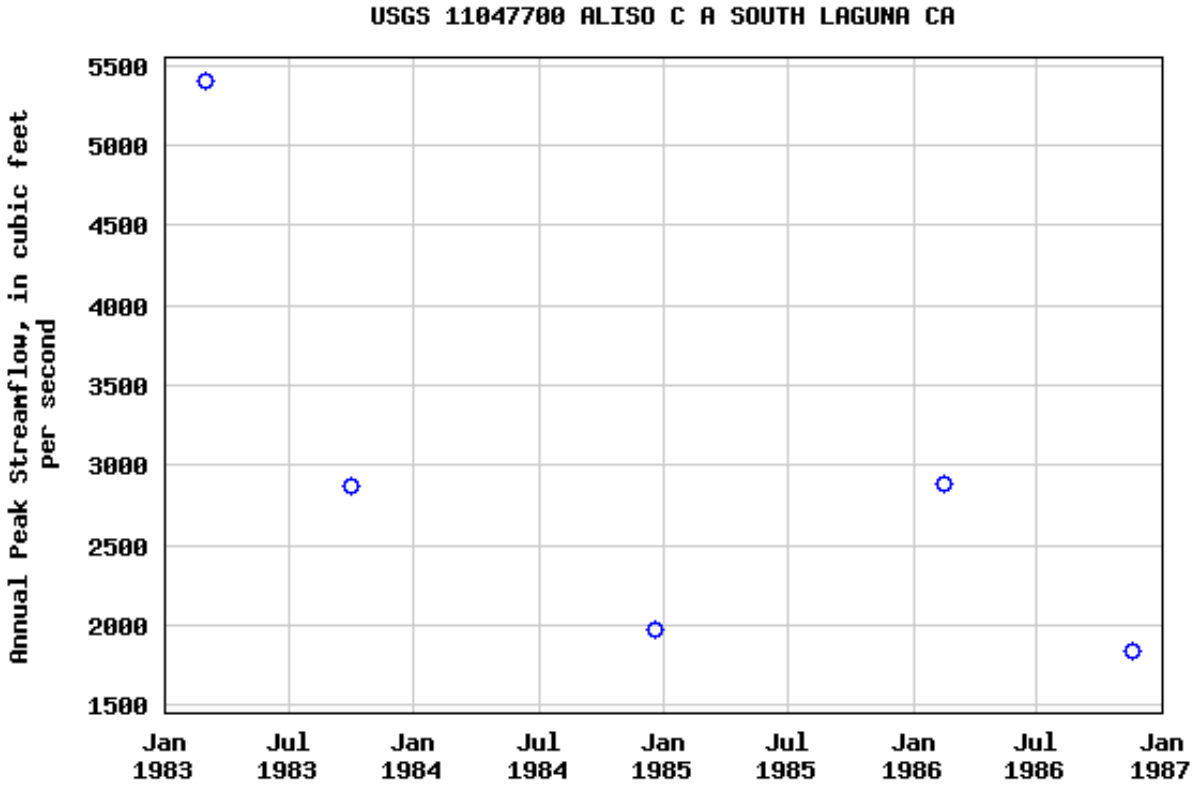

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Peak Streamflow for the Nation

USGS 11047700 ALISO C A SOUTH LAGUNA CA

Available data for this site Surface-water: Peak streamflow ▼ GO

Orange County, California
Hydrologic Unit Code 18070301
Latitude 33°30'43", Longitude 117°44'49" NAD27
Drainage area 34.4 square miles

Water Year	Date	Gage Height (feet)	Stream-flow (cfs)
1983	Mar. 01, 1983	11.30	5,400
1984	Oct. 01, 1983	8.57	2,870
1985	Dec. 19, 1984	7.35	1,970[D]
1986	Feb. 15, 1986	8.58	2,880
1987	Nov. 18, 1986	7.18	1,840[D]

?
Peak Streamflow Qualification Codes.

- D -- Base Discharge changed during this year

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Flows at Gage

Station 11047500
Area (sq mi) 7.91
Record 50 (48 non-zero)

Recurrence Interval		Peak FQ - Raw Data			USGS PeakFQ		Peak FQ - Adjusted (No 0 cfs year)		
		GEV	Wakeby	LPIII	LPIII	B17B	GEV	Wakeby	LPIII
Yr	P	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)
2	0.500	255	235	N/A	174	164	273	254	192
5	0.800	684	730	N/A	762	762	719	767	802
10	0.900	1,103	1,195	N/A	1,457	1,552	1,146	1,240	1,508
25	0.960	1,857	1,959	N/A	2,662	3,099	1,904	2,003	2,726
50	0.980	2,641	2,675	N/A	3,757	4,675	2,682	2,706	3,832
100	0.990	3,681	3,539	N/A	4,976	6,614	3,704	3,540	5,066
200	0.995	5,062	4,579	N/A	6,290	8,919	5,047	4,529	6,403
500	0.998	7,613	6,289	N/A	8,129	12,520	7,494	6,124	8,285

MSE = 0.1585

Station 11047700
Area (sq mi) 34.4
Record 5

Recurrence Interval		Peak FQ - Raw Data			USGS PeakFQ	
		GEV	Wakeby	LPIII	LPIII	B17B
Yr	P	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)
2	0.500	2,407	N/A	2,574	2,574	2,746
5	0.800	3,486	N/A	3,819	3,819	3,955
10	0.900	4,559	N/A	4,907	4,907	4,806
25	0.960	6,532	N/A	6,645	6,645	5,932
50	0.980	8,626	N/A	8,246	8,246	6,809
100	0.990	11,451	N/A	10,153	10,150	7,715
200	0.995	15,272	N/A	12,427	12,430	8,659
500	0.998	22,468	N/A	16,117	16,120	9,971

MSE = 0.9791

MSE = mean square error

Weighted Flows at Project Site

	At Site
Area (sq mi)	32.9
Ratio of Area at Gage and Site	4.2 <-- not applicable, just use direct ratio of areas

Recurrence Interval		Peak FQ - Raw Data			USGS PeakFQ		Peak FQ - Adjusted (No 0 cfs year)		
		GEV	Wakeby	LPIII	LPIII	B17B	GEV	Wakeby	LPIII
Yr	P	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)
2	0.500	1,062	977	N/A	724	680	1,136	1,056	799
5	0.800	2,846	3,037	N/A	3,170	3,169	2,989	3,191	3,334
10	0.900	4,589	4,970	N/A	6,060	6,455	4,765	5,158	6,271
25	0.960	7,723	8,146	N/A	11,072	12,890	7,917	8,331	11,339
50	0.980	10,985	11,127	N/A	15,626	19,445	11,156	11,255	15,937
100	0.990	15,309	14,718	N/A	20,697	27,510	15,405	14,723	21,071
200	0.995	21,056	19,047	N/A	26,162	37,097	20,990	18,837	26,631
500	0.998	31,663	26,159	N/A	33,811	52,074	31,171	25,472	34,461

	At Site
Area (sq mi)	32.9
Ratio of Area at Gage and Site	1.0

Recurrence Interval		Peak FQ - Raw Data			USGS PeakFQ	
		GEV	Wakeby	LPIII	LPIII	B17B
Yr	P	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)
2	0.500	2,302	N/A	2,461	2,462	2,626
5	0.800	3,334	N/A	3,652	3,652	3,783
10	0.900	4,361	N/A	4,693	4,693	4,596
25	0.960	6,247	N/A	6,355	6,355	5,673
50	0.980	8,250	N/A	7,886	7,886	6,512
100	0.990	10,952	N/A	9,710	9,707	7,379
200	0.995	14,606	N/A	11,885	11,888	8,281
500	0.998	21,488	N/A	15,414	15,417	9,536

Average of Weighted Flows at Project Site

Recurrence Interval		Peak FQ - Raw Data			USGS PeakFQ	
		GEV	Wakeby	LPIII	LPIII	B17B
Yr	P	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)	X(P), (cfs)
2	0.500	1,719	N/A	1,630	1,593	1,653
5	0.800	3,162	N/A	3,493	3,411	3,476
10	0.900	4,563	N/A	5,482	5,377	5,526
25	0.960	7,082	N/A	8,847	8,714	9,281
50	0.980	9,703	N/A	11,912	11,756	12,978
100	0.990	13,178	N/A	15,390	15,202	17,444
200	0.995	17,798	N/A	19,258	19,025	22,689
500	0.998	26,329	N/A	24,938	24,614	30,805

Q100/A	Q100/A	Q100/A	Q100/A	Q100/A
401		468	462	530

Appendix B FEMA FIS Profile and selected excerpts

Channel and overbank roughness factors (Manning's "n") used in the hydraulic computations were determined by engineering judgment and field inspection. The channel "n" values range from 0.013 to 0.06 and for the overbank areas from 0.04 to 0.055, as shown in the Summary of Manning's "n" Values (Table 8).

The downstream limit of this study for Cascadita Creek is approximately 550 feet upstream from the confluence with Prima Deshecha Canada where the channel changes from box culverts to rectangular channel.

At this point, the culvert and channel are the same size and the water is confined to the culvert downstream of the study area. This downstream portion of the channel flows as supercritical flow. Therefore, the starting water-surface elevation is based on critical depth.

10.2 Second Revision

The study dated September 30, 1993, incorporates a restudy of several streams in Orange County previously studied by detailed or approximate methods. The following streams were restudied by detailed methods: Aliso Creek from El Toro Road to Marguerite Parkway, Handy Creek from Santiago Canyon Road to Amapola Avenue, San Juan Creek from just upstream of the ATSFRR to Ortega Highway, Serrano Creek from Bake Parkway to approximately 12,500 feet upstream of Trabuco Road, and Trabuco Creek from the ATSFRR to approximately 2.9 miles upstream.

The hydrologic and hydraulic analyses for this restudy were performed by Schaaf & Wheeler for FEMA, under Contract No. EMW-89-C-2843. This restudy was completed in January 1992.

Revisions to the hydraulic analyses along a channel known as Channel No. 2A in the City of Orange, between Wanda Road and Newport Freeway, performed by Salkin Engineering Corporation for a Letter of Map Revision (LOMR) dated September 6, 1990.

Revisions to the hydraulic analyses along San Diego Creek involving the construction of a channel with soil-cement embankments from Laguna Freeway to Sand Canyon Avenue and a transition-earth channel extending for approximately 300 feet downstream of Sand Canyon Avenue. These revisions were performed by Simons, Li and Associates, Inc., for a LOMR dated January 20, 1992 (Case No. 91-09-104P).

Revisions to the hydraulic analyses to show the effects of the channelization project along Santiago Creek, which extends from approximately 500 feet downstream of the former SPRR to just upstream of Prospect Avenue. These revisions were performed by J. F. Davidson Associates, Inc., for a LOMR dated March 26, 1992 (Case No. 92-09-069P).

A revision to the FIRM to show the correct location of the O'Neil Retarding Basin and its 1-percent annual chance floodplain, located within the City of Mission Viejo. This revision is based on a topographic map entitled "Hydrology Map, L03-0S0 Creek Storm Drain, Mission Viejo-P.A. 24," revised October 1984, prepared by

Jack G. Raub Company, and a topographic map entitled O'Neil Retention Basin Flood Limits," dated October 24, 1984, used for a LOMR dated March 26, 1992 (Case No. 92-09-095P).

On February 19, 1992, the results of the study were reviewed at an intermediate community coordination meeting attended by representatives of FEMA, the study contractor, and the community.

The results of the study were reviewed at the final Consultation and Coordination Officer (CCO) meeting held on December 15, 1992. All problems raised at that meeting have been addressed in this study.

The 1-percent annual chance flow rates used in this restudy are shown in the Summary of Discharges (Table 7). All the flow rates were developed or taken directly from Section 3.1 of this report.

The 1-percent annual chance flow rates for Aliso Creek were determined from the Frequency-Discharge, Drainage Area Curves for Aliso Creek. Drainage areas were determined from USGS quadrangle maps (U.S. Department of the Interior, 1975, et cetera).

The 1-percent annual chance peak flow rates for Handy Creek were determined from the previous discharge values used for this stream.

The San Juan Creek 1-percent annual chance flow rates were obtained from Table 7.

The 1-percent annual chance flow rates for Serrano Creek were determined by plotting the drainage area versus peak discharge for the flow rates given in Table 7 (USACE, 1974; USACE, 1977) and additional information from the USACE by extrapolating this information for smaller drainage areas, the peak discharge within the study limits can be estimated. Drainage areas were determined from USGS quadrangle maps (U.S. Department of the Interior, 1975, et cetera).

The Trabuco Creek 1-percent annual chance flow rates were determined at the confluence with San Juan Creek by extending the frequency-discharge, drainage area curves for Trabuco Creek with the peak discharge given in Table 7. Drainage areas were also determined from USGS quadrangle maps (U.S. Department of the Interior, 1975, et cetera).

The hydraulic analyses for these restudied streams were performed using the USACE HEC-2 step-backwater program (USACE, October 1973).

The cross sections were obtained from field surveys and construction plans provided by the OCEMA. All construction plans used were for completed projects with the exception of the El Toro Road/Santa Margarita Parkway intersection improvements, Aliso Creek bridge improvement and landscape plan for Portola Parkway at Aliso Creek, and Facility No. J01 channel protection for the Portola Parkway bridge over Aliso Creek. These plans cover an approximately 3,900 foot reach of the creek. The projects are currently under construction and scheduled for completion in 1992.

The starting water-surface elevation was taken from the previous study profile. Channel and overbank roughness (Manning's "n") factors (Table 8) used in the hydraulic computations were determined by engineering judgment, field observation, and aerial photography.

Construction of a diversion to Santiago Creek (Handy Creek Storm Channel) has affected the floodplain and water-surface elevations. In addition, no floodway was delineated for the county portion of the stream. Upstream of Amapola Avenue, an existing detailed study exists within the City of Orange.

The cross sections were obtained from construction plans provided by the OCEMA for the Handy Creek storm channel and the Meads Avenue bridge; from field surveys for the transition area upstream of the storm channel box culvert; and from the existing HEC-2 model upstream of the transition area. The water-surface elevation for Santiago Creek at the Handy Creek storm channel confluence was used as the starting tailwater elevation for the hydraulic calculations of the storm channel box culvert. The resulting headwater elevation was used as the starting water-surface elevation for the HEC-2 analysis.

Channel and overbank roughness (Manning's "n") factors (Table 8) used in the hydraulic computations were determined by engineering judgment, field observations, aerial photography, and the existing HEC-2 model.

San Juan Creek was studied previously through the study reach up to RM 5.1. The reach was restudied because of natural and man-made changes in the channel. The cross-sectional information was obtained from topographical maps compiled from aerial photography (Harris-Toups Associates, no date, Topographic Maps for the City of San Juan Capistrano; Willdan Associates, 1979 and 1980; Pacific Air Industries, 1960; Raub, Bien, Frost & Associates, 1984; Keith Companies, 1987). As a result of a channel improvement project, sections upstream of the La Novia bridge crossing to the city limits have been modified. These changes were obtained from maps dated 1987. They were essentially the same 1984 topography with the improvements sketched in. Maps from the previous study for the City of San Juan Capistrano (Harris-Toups Associates, no date, Topographic Maps for the City of San Juan Capistrano) were utilized to obtain more information on portions of the right overbank of the reach downstream of La Novia. Additional mapping was also obtained from the City of San Juan Capistrano for the right overbank area between I-5 and the crossing at La Novia (Willdan Associates, 1979 and 1980). Further, extreme bank points for both the right and left overbank were obtained from the USGS quadrangle maps (U.S. Department of the Interior, 1975, et cetera). Since no adequate topographic information existed for the creek outside the city limits, cross sections were field surveyed. Topographic information (Pacific Air Industries, 1960) was used to supplement the field surveys for the extreme overbank areas. Field measurements were also obtained at all the bridges within the study reach. The starting water-surface elevation was taken from the previous study profile. It should be noted that the invert of the previous profile at station 13,229 is higher than the invert of the new profile. There is a continued difference in inverts throughout the study reach, which indicates severe erosion especially in the upper portion of the reach. Channel and overbank roughness (Manning's "n") factors (Table 8) used in the hydraulic computations were determined by engineering judgment and aerial photography

and from photographs taken on a field visit. For portions of the extreme overbanks that were in very developed urban areas, the "n" values were adjusted according to the method suggested by H. R. Hejl and Lawrence Kans (USGS, 1977).

San Juan Creek was analyzed first assuming that the existing bank levees would hold and then assuming that they would fail. Since the available freeboard did not meet FEMA criteria, the limits of the floodplain were determined using the levee failure analysis. On the unprotected (river) side of the levee the maximum water-surface elevations were usually those with the levee holding. For the land side of the levee the maximum water-surface elevations were those without the levee. Hence a zone break was drawn on the levee, and the two different water-surface elevations were indicated. In a few instances the without levee case had a greater water-surface elevation for the river side than the with-levee case. In those instances the greater elevations were indicated on the maps.

Since a floodway existed for San Juan Creek, it is required that the new floodway limits not encroach on the previous floodway limits if possible. Therefore, the floodway analysis was started using the limits of the existing floodway for San Juan Creek from the previous study. The floodway limits were then checked to determine if they encroached within the bank points of the creek in its present condition. If this was the case, the floodway limits were adjusted to the bank points. In certain portions of the study reach the new floodplain and floodway limits fall within the limits of the original floodway. This is because of the difference in the inverts caused by erosion of the channel and to the changes in the creek and banks caused by the channel improvement project in the upper part of the study reach.

This reach of Serrano Creek was previously studied by approximate methods. Downstream of Bake Parkway, Serrano Creek was studied by detailed methods.

The cross sections were obtained from field surveys, construction plans of completed projects provided by the OCEMA, and aerial cross sections flown by Aelytek, Inc. In some areas, portions of the flow break out from the main floodplain and drain in a separate overbank flow path for a short reach. The main channel and the overbank flow path are separated by high ground at the channel bank. When this high ground is reduced the overbank flows return to the main channel. The amount of flow in the overbank was determined from the HEC-2 flow distribution option and weir calculations. The limits of flooding and water-surface elevations in the overbank were determined from hand calculations using Manning's equation. The flow rate in the main channel was not reduced by the overbank flow rate since the stability of the high ground separating the flow paths is unknown. If the high ground fails the overbank flows will drain unhindered to the main channel. The starting water-surface elevation was taken from station 12050 of the previous study profile. Channel and overbank roughness (Manning's "n") factors (Table 8) used in the hydraulic computations were determined by engineering judgment, field observations, and aerial photography.

Trabuco Creek was studied previously through the study reach and is included in the previous study. The reach is restudied because of more updated topographic information developed for the channel. The cross sections were obtained from

topographic maps (Orange County Environmental Management Agency, 1986) and field surveys. For determination of the floodplain and floodway, the sand and gravel pits were not considered to be effective areas of flow. The pits have not been considered to be effective areas of flow. The pits have not been considered as part of the cross section. Channel and overbank roughness factors, Manning's "n" (Table 8), used in the hydraulic computations were determined by engineering judgment, aerial photography, and photographs taken on a field visit.

The floodplain boundaries for all the restudied streams were delineated using the flood elevations determined at each cross section. Between cross sections, the boundaries were interpolated using topographic maps (U.S. Department of the Interior, 1975, et cetera).

10.3 Third Revision

The study dated January 3, 1997, incorporates the effects of channel improvements from just upstream to approximately 3,900 feet upstream of East Nine Drive, construction of a 12- by 6-foot concrete box culvert from the confluence with Salt Creek to approximately 260 feet upstream of the confluence, construction of a 120-inch reinforced-concrete pipe from the upstream end of the concrete box culvert to just downstream of Camino Del Avion, and construction of a 10- by 8-foot concrete box culvert from the upstream end of the reinforced-concrete pipe to just upstream of East Nine Drive along Arroyo Salada. This study also incorporate the redesignation of the flooding along the Santa Ana River as Zone A99 and LOMRs, Letters of Map Revision Based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs) issued previously for Orange County, California and Incorporated Areas.

The width of the SFHA, the area subject to inundation by the base (1-percent annual chance) flood, along Arroyo Salada increased in some areas and decreased in others. The SFHA is also known as the 1-percent annual chance floodplain. The base flood is contained in the culverts and the reinforced-concrete pipe along Arroyo Salada from its confluence with Salt Creek to just upstream of East Nine Drive. The BFEs have been removed and the zone designation changed to Zone A along Arroyo Salada from just upstream to approximately 3,900 feet upstream of East Nine Drive.

The zone designation of the 1-percent annual chance floodplain for the Santa Ana River has been redesignated Zone A99, based on the construction of the Santa Ana River Mainstem flood-control project, which includes two critical features: channel and bridge widening and channelization of the Lower Santa Ana River Channel Reaches 1 through 4, and construction of the Seven Oaks Dam. The Zone A99 designation is used to identify areas that are protected from the 1-percent annual chance flood by a Federal flood-protection system under construction, with no flood elevations determined.

The unincorporated areas of Orange County and the Cities of Anaheim, Costa Mesa, Fountain Valley, Garden Grove, Huntington Beach, Newport Beach, Orange, Santa Ana, Westminster, and Yorba Linda are affected by this construction. All communities have provided sufficient evidence of compliance

10.5 Fifth Revision

The restudy December 3, 2009, delineates the flood hazards for four stream reaches and their tributaries located within the City of Laguna Beach. Detailed hydrologic and hydraulic analysis of portions of Aliso Creek, Bluebird Canyon, Canyon Acres Wash, and Laguna Canyon were included in the study. The study area includes a combined stream length equaling approximately 7 miles and a contributing drainage area of approximately 45 square miles.

MAPIX-Mainland (MAPIX-M), a Joint Venture consisting of URS, Dewberry, Schaaf & Wheeler, Airborne 1, and TerraPoint, was contracted by FEMA Region IX to perform this flood insurance study under contract number EMF-2003-CO-0047, Task Order 014. The study was completed in March 2006.

The hydrologic methodology used to conduct the analysis was done following 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). Hydrologic analyses were carried out to establish peak discharge-frequency relationships at hydrologically significant locations for each flooding source studied.

To verify the computed peak discharges of the studied streams, a "comparison methodology" was utilized. This method compares another stream within the area, with effective FIS data and similar watershed characteristics. The following streams were utilized to compare the peak discharges of the study streams:

- Aliso Creek: Trabuco Creek (35 sq. mi.), San Diego Creek (30 sq. mi.), and Peters Canyon Wash (36 sq. mi.)
- Laguna Canyon: Coyote Creek (11 sq. mi.), Atwood Channel (9.4 sq. mi.), El Modena- Irving Channel, at confluence with Browning Ave. Channel (10 sq. mi.)
- Bluebird Canyon: El Modena-Irving Channel, at start of open channel (1.3 sq. mi.), Laguna Wash Rd (1.1 sq. mi.), Segunda Deshecha Canada Tributary (1.1 sq. mi.)

The comparison showed that the drainage areas and resultant discharges are within a reasonable range of each other.

Peak discharges for all the restudied streams were also calculated using USGS regression equations included in a report entitled, "Nationwide Summary of U.S. Geological Survey Regional Regression Equations for Estimating Magnitude and Frequency of floods for Ungaged Sites," 1993.

Peak discharges per unit area curves were generated for the Aliso Creek, Laguna Canyon, and Bluebird Canyon watersheds and the results computed by the rainfall-runoff model and the regression equations. When a comparison of all the curves was made, it was determined that the discharges generated by the rainfall-runoff model were reasonable.

The new peak discharges were also compared to the effective peak discharges.
The new peak discharges for Aliso Creek and Bluebird Canyon were higher than the effective discharges, while the new peak discharges for Laguna Canyon were lower than the effective peak discharges. Canyon Acres Wash was previously

studied using approximate methods and does not have published peak discharges, thus a comparison could not be made.

The new peak discharges for Aliso Creek are likely attributed to an increase in drainage area. The effective discharges are based on a drainage area of approximately 28 square miles and the new peak discharges are based on a drainage area of approximately 35 square miles. The effective FIS indicates that the peak discharges for Bluebird Canyon were computed using a multiple regression equation. The regression equation did not account for basin slope. The contributing watershed for Bluebird Canyon is mountainous with steep slopes that can significantly reduce the time of concentration leading to increased peak discharges. In addition, new development in the Aliso Creek and Bluebird Canyon watersheds also can contribute to the increase in peak discharges.

The decrease in the peak discharges for Laguna Canyon can be attributed to the construction of the El Toro Toll Way, which has implemented a detention basin at the intersection of the El Toro Toll Road and El Toro Road, to attenuate the peak discharges of Niguel Creek (a tributary to Laguna Canyon). In addition, the effective peak discharges were previously determined through a correlation analysis using the stream gage for Aliso Creek. There are three lakes towards the upstream portions of the study area that provide storage that may not have been accounted for in the correlation analysis.

The peak discharges were calculated with HEC-1, which was developed with the aid of Geo-HMS and WMS. The input parameters were developed using the procedures outlined in the *Orange County Hydrology Manual.*

The calculated discharges were deemed reasonable when the peak discharges per unit area curves were compared to the peak discharges per unit area curves developed from the regression equations and other streams (with similar watershed characteristics) in Orange County that had published discharges in the previous Orange County FIS. In addition, the new peak discharges were deemed acceptable when compared to the effective discharges.

The scope of this revision stated that, for all revised streams, the water surface profiles for the 10%, 2%, 1%, and 0.2% flood discharges were to be computed. Therefore, where appropriate, the USACE's HEC-RAS (RAS), Version 3.1.1 (USACE 2003) step-backwater computer model was used to compute these profiles. The starting water surface elevations were based on the normal depth slope of the channel at the downstream limit of each study reach.

Aliso Creek is a large natural watercourse that has remained predominantly undisturbed. The total length of studied stream starts from its confluence with Pacific Ocean and concludes at a point approximately 5,210 linear feet upstream. A floodway was not developed for Aliso Creek as it is located along an environmentally sensitive area, which is regulated and prohibits any encroachment within the 1% annual chance floodplain. The floodplain mapping contained herein reflects a, 1%, and a 0.2% annual chance floodplain boundary. Base Flood Elevations are also included along the entire studied reach.

Bluebird Canyon is a small deeply incised channel that drains directly into the Pacific Ocean. The total length of studied stream starts from its confluence with Pacific Ocean and concludes at a point approximately 520 feet upstream of Cress Street for a total studied stream length of approximately 3,280 feet. There are three stream crossings in the model, which includes the extended storm drain at the downstream end, an extended culvert that passes underneath both Cress Street and Bluebird Canyon Park, and a private driveway just upstream of Cress Street.

The hydraulic modeling of Bluebird Canyon required the use of the split-flow optimization option to accurately balance the floodwater conveyance between an overland flow component and long continuous concrete pipes at two locations in the model. The first occurrence of this situation is at the downstream end of Bluebird Canyon. At the downstream limit of Bluebird Canyon there is an 84-inch diameter, reinforced concrete pipe, which conveys water from a point just upstream of Glenneyre Street and to a point downstream where it outlets on the beach at the Pacific Ocean. The Orange County Flood Control District provided as-built drawings for the large storm drain, titled "Bluebird Storm Drain – Ocean Outlet to Glenneyre Street", dated November, 1966, which allowed a hydraulic grade-line for the drain to be calculated. It was determined that this drain is under the influence of inlet control during the analyzed recurrence intervals. As a result, this permitted the drain to be analyzed as a single continuous pipe with a uniform slope in the HEC-RAS model. The stormdrain was modeled as an artificial stream that splits away from the normal stream centerline of Bluebird Canyon. The program automatically varies the discharge between the extended pipe and the overland flow area that spills over Glenneyre Street and travels overland until reaching the Pacific Ocean in the same location that the stormdrain outlets. The flow is varied until the elevations of the energy grade-lines are equal to each other. For example, the total peak 1% annual chance discharge predicted to runoff at the storm drain inlet is 1,153 cfs; however, when using the split-flow optimization function it is determined that only 795 cfs will convey through the storm drain itself while the remaining 358 cfs will spill over Glenneyre Street and travel overland until it reaches the beach at the Pacific Ocean. The energy-grade line for the overland flow component is developed through regular step-backwater calculations from cross sections that have been cut from the digital elevation model through this vicinity, while the energy-grade line for the piped component are developed through standard pipe inlet/outlet control computations. The program also splits flow for the 2% and 0.2% recurrence intervals at the Bluebird Canyon storm drain. The storm drain is able to fully convey the anticipated 10% peak flow so no overland flow is expected during this event. The overland flow area, downstream of Glenneyre Street, appears to be relatively shallow. As a result the mapping through this vicinity changes from a Zone AE to a Zone AO (2 foot depth).

Similar to the Bluebird Storm Drain, there is an extended 66-inch diameter, reinforced concrete pipe that extends from a point just upstream of Cress Street downstream approximately 560 feet to a point just south of Bluebird Park. Unfortunately, unlike the Bluebird Canyon Storm Drain, no as-built drawings for this pipe exist on record so the assumed pipe inverts were measured directly from the digital elevation model and the pipe orientation was also assumed. Based on the orientation of the inlet and outlet, it is anticipated that the extended culvert system includes a single bend of approximately 30-degrees. In an attempt to

account for the small bend loss, the entrance loss coefficient was increased from the standard k_{ent}=0.5 to k_{ent}=0.7. The split flow optimization option is also applied at this location to distinguish between the anticipated amounts of floodwater traveling overland versus through the extended culvert. Based on the modeling results, all of the profiles are expected to include a fraction of overland flow. The mapping through the park's vicinity remains to be a Zone AE, connecting both the total combined flow at the upstream and downstream ends.

The HEC-RAS model for Bluebird Canyon includes three plans. Since the 10% flood discharge did not overtop Glenneyre Street at the downstream flow split, a separate run had to be developed specifically for the 10% annual chance flood event, where the split flow at this location was removed in order for HEC-RAS to properly execute. A second plan includes both flow splits at the Bluebird Canyon Storm Drain and Bluebird Canyon Park, which models the 2%, 1%, 0.2%, and floodway runs. The remaining plan was developed for mapping purposes only and uses "known water-surface elevations" at every cross section for each mapped recurrence interval. HEC-RAS was unable to successfully export the data to GIS using the plans that included the artificial flow split. Therefore, the mapping plan was prepared by removing the extended pipes (modeled as artificial stream splits in HEC-RAS) and using the computed water-surface elevations from the other two plans by manually inputting the known water-surface elevations at each cross section in the model. A floodway was also prepared for Bluebird Canyon. The floodway begins just upstream of Glenneyre Street at the Bluebird Canyon Storm Drain inlet and continues upstream to the upstream limit of detailed study at Bluebird Canyon Lane.

The 1% annual chance floodplain mapping along Bluebird Canyon provided with this study includes areas of shallow flooding Zone AO (depth 2 feet) along the Bluebird Canyon storm drain and Zone AE for the remaining studied limits. The 0.2% floodplain is also included in areas shown as shaded Zone X. In addition, Base Flood Elevations are also included along the areas mapped as Zone AE.

Canyon Acres Wash is a small tributary that drains into Laguna Canyon. The total length of studied stream starts from its confluence with Laguna Canyon to a point approximately 2,460 feet upstream, near the end of Canyon Acres Drive. A floodway was not developed for Canyon Acre Wash. The floodplain mapping contained herein reflects a 1%, 0.2% floodplain boundary. Base Flood Elevations are also included along the entire studied reach.

Laguna Canyon is a stream that has been impacted significantly by development. Beginning at approximately RS 13956 a manmade concrete lined channel has been constructed to alleviate flooding in the canyon. The channel extends downstream until it enters a box culvert at Beach Street and discharges into the Pacific Ocean. The starting water surface elevation was determined based on the slope-area method (normal depth).

The manmade channel has varying dimensions and has multiple cross-sectional shapes that transition from rectangular to trapezoidal and vise-versa. The channel has multiple road crossings, all of which have been modeled. In addition, there is a long (approximately one mile in length) box culvert that begins at approximately

360 feet upstream of Raquel Road to approximately 3,000 feet upstream of Canyon Acres Drive that also has varying dimensions and slopes.

Once the flow exits the culvert, it enters the manmade channel and flows downstream through the "Big Bend" area of Laguna Canyon. In this area, the channel has been constructed under numerous buildings. Neither the culvert nor the channel has the capacity to contain the 1% annual chance flood. In order to model the hydraulics of the stream, a HEC-RAS model was developed for the concrete channel from the "Big Bend" culvert to the Beach Street culvert. This model provides the amount of flow that can be carried by the concrete channel.

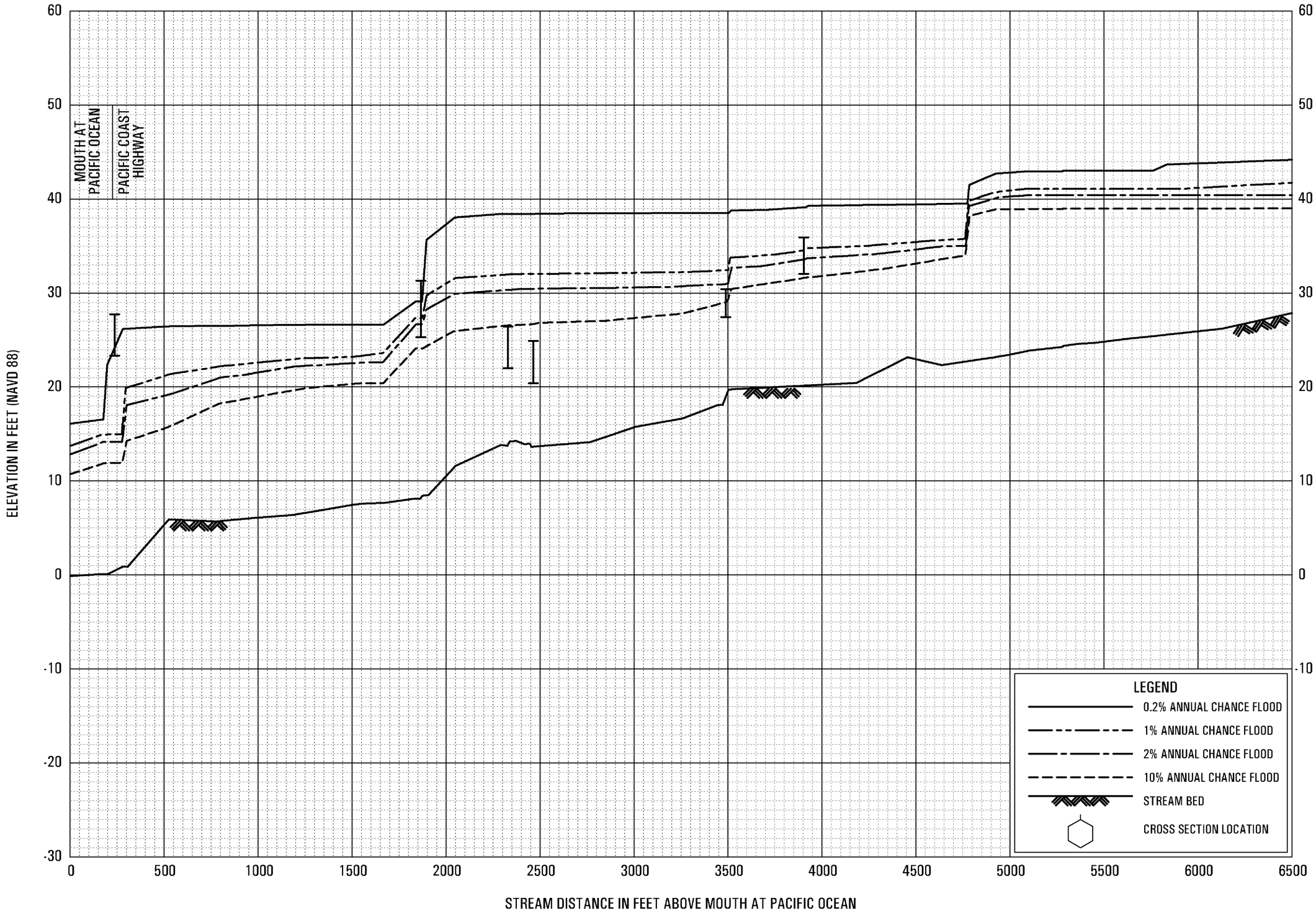
The discharges for the different flood frequencies from the hydrologic model between the "Big Bend" culvert and the Beach Street culvert were reduced by the amount of flow that can be carried by the concrete channel. A second HEC-RAS model was developed with the reduced flows for the area between the "Big Bend" culvert and Beach Street and the discharges from the hydrologic model for the areas upstream of the "Big Bend" culvert. The second HEC-RAS model was used to determine the flood profiles, floodway, and the floodplain boundaries.

Behind-Levee Analyses

Some flood hazard information presented in prior FIRMs and in prior FIS reports for Orange County and its incorporated communities was based on flood protection provided by levees. Based on the information available and the mapping standards of the National Flood Insurance Program (NFIP) at the time that the prior FISs and FIRMs were prepared, FEMA accredited the levees as providing protection from the flood that has a 1-percent annual chance of being equaled or exceeded in any given year. For FEMA to continue to accredit the identified levees with providing protection from the base flood, the levees must meet the criteria of the Code of Federal Regulations, Title 44, Chapter I, Section 65.10 (44 CFR 65.10), titled "Mapping of Areas Protected by Levee Systems."

On August 22, 2005, FEMA issued "Procedure Memorandum No. 34 – Interim Guidance for Studies Including Levees." The purpose of the memorandum was to help clarify the responsibility of community officials or other parties seeking recognition of a levee by providing information identified during a study/mapping project. Often, documentation regarding levee design, accreditation, and the impacts on flood hazard mapping is outdated or missing altogether. To remedy this, Procedure Memorandum No. 34 provides interim guidance on procedures to minimize delays in near-term studies/mapping projects, to help our mapping partners properly assess how to handle levee mapping issues.

While documentation related to 44 CFR 65.10 is being compiled, the release of a more up-to-date FIRM for other parts of a community or county may be delayed. To minimize the impact of the levee recognition and certification process, FEMA issued "Procedure Memorandum No. 43 – Guidelines for Identifying Provisionally Accredited Levees" on March 16, 2007. These guidelines allow issuance of the FIS and FIRM while levee owners or communities compile full documentation required to show compliance with 44 CFR 65.10. The guidelines also explain that a FIRM can be issued while providing the communities and



FLOOD PROFILES

ALISO CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

ORANGE COUNTY, CA

AND INCORPORATED AREAS

01P

Appendix C Base Floodplain Elevation Calculations

Building	Lower BFE	Upper BFE	Distance from Lower BFE	Distance between BFE limits	BFE
A-1	23	24	16.63	22.24	23.7
A-2	23	24	18.36	20.53	23.9
A-3	31	32	1.70	14.55	31.1
B-1	23	24	2.54	18.43	23.1
B-2	23	24	6.53	19.93	23.3
B-3	23	24	10.83	21.67	23.5
B-4	24	31	0.63	10.35	24.4
B-5	24	31	3.14	11.91	25.8
B-6	24	31	11.31	18.51	28.3
B-7	24	31	8.57	18.25	27.3
B-8	24	31	7.57	18.02	26.9
B-9	24	31	0.56	16.41	24.2
C-1	24	31	10.79	18.20	28.2
D-1	24	31	1.95	11.10	25.2
H	24	31	6.06	14.48	26.9
L	31	31	0	0	31.0

Appendix D FEMA Substantial Damage Estimator Reports

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		23.87 ft.
Lot Number	Building A-1	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	Aliso Creek, A-1,
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	Aliso Creek, A-1,
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

(Default Image)

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story Two or More Stories

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	23.7	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	6741	**Base Cost**	$908,077.41	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$908,077.41
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$555,743.37		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	4.5	$40,863.48	20	$8,172.70
Superstructure	15.2	$138,027.77	35	$48,309.72
Roof Covering	2.3	$20,885.78	100	$20,885.78
Exterior Finish	8.4	$76,278.50	100	$76,278.50
Interior Finish	13	$118,050.06	100	$118,050.06
Doors and Windows	14.6	$132,579.30	100	$132,579.30
Cabinets and Countertops	4.4	$39,955.41	100	$39,955.41
Floor Finish	13.4	$121,682.37	100	$121,682.37
Plumbing	11	$99,888.52	100	$99,888.52
Electrical	5.7	$51,760.41	100	$51,760.41
Appliances	3.5	$31,782.71	100	$31,782.71
HVAC	4	$36,323.10	100	$36,323.10
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$908,077.41**		**$785,668.58**

Percent Damaged

Value Determination

Computed Actual Cash Value

Percent Damaged

100.0 %

Cost Determination

Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$908,077.41	**Total Estimated Damages**	$785,668.58
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$555,743.37	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		23.84 ft.
Lot Number	Building A-2	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	A-2, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	A-2, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

(Default Image)

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story Not Provided

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	23.9	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	6741	**Base Cost**	$908,077.41	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$908,077.41
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$555,743.37		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$108,061.21	20	$21,612.24
Superstructure	13.3	$120,774.30	35	$42,271.01
Roof Covering	4.3	$39,047.33	100	$39,047.33
Exterior Finish	6.9	$62,657.34	100	$62,657.34
Interior Finish	13	$118,050.06	100	$118,050.06
Doors and Windows	15.6	$141,660.08	100	$141,660.08
Cabinets and Countertops	4.4	$39,955.41	100	$39,955.41
Floor Finish	7.7	$69,921.96	100	$69,921.96
Plumbing	8.4	$76,278.50	100	$76,278.50
Electrical	4.8	$43,587.72	100	$43,587.72
Appliances	4.1	$37,231.17	100	$37,231.17
HVAC	5.6	$50,852.33	100	$50,852.33
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$908,077.41**		**$743,125.15**

Percent Damaged

Value Determination

Computed Actual Cash Value

Percent Damaged

100.0 %

Cost Determination

Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$908,077.41	**Total Estimated Damages**	$743,125.15
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$555,743.37	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		25.73 ft.
Lot Number	Building A-3	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	A-3, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	A-3, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

(Default Image)

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story Two or More Stories

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	31.1	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	8960	**Base Cost**	$1,206,998.02	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$1,206,998.02
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$738,682.79		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	4.5	$54,314.91	20	$10,862.98
Superstructure	15.2	$183,463.70	35	$64,212.30
Roof Covering	2.3	$27,760.93	100	$27,760.95
Exterior Finish	8.4	$101,387.83	100	$101,387.83
Interior Finish	13	$156,909.74	100	$156,909.74
Doors and Windows	14.6	$176,221.71	100	$176,221.71
Cabinets and Countertops	4.4	$53,107.91	100	$53,107.91
Floor Finish	13.4	$161,737.73	100	$161,737.73
Plumbing	11	$132,769.78	100	$132,769.78
Electrical	5.7	$68,798.89	100	$68,798.89
Appliances	3.5	$42,244.93	100	$42,244.93
HVAC	4	$48,279.92	100	$48,279.92
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$1,206,998.02**		**$1,044,294.67**

Percent Damaged

Value Determination

Computed Actual Cash Value

Percent Damaged

100.0 %

Cost Determination

Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$1,206,998.02	**Total Estimated Damages**	$1,044,294.67
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$738,682.79	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		19.82 ft.
Lot Number	Building B-1	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	B-1, Alsio Creek Golf & Bungalow Village
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	B-1, Alsio Creek Golf & Bungalow Village
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

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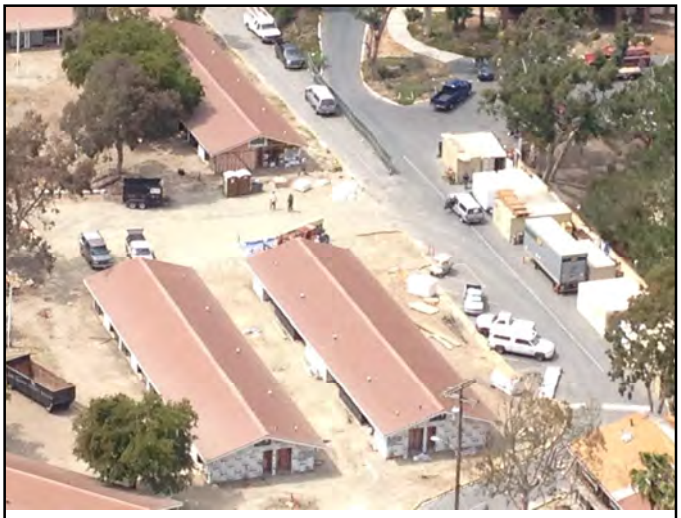

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Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story One Story (Standard)

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	23.1	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	1600	**Base Cost**	$215,535.36	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$215,535.36
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$131,907.64		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$25,648.71	20	$5,129.74
Superstructure	13.3	$28,666.20	35	$10,033.17
Roof Covering	4.3	$9,268.02	100	$9,268.02
Exterior Finish	6.9	$14,871.94	100	$14,871.94
Interior Finish	13	$28,019.60	100	$28,019.60
Doors and Windows	15.6	$33,623.51	100	$33,623.52
Cabinets and Countertops	4.4	$9,483.56	100	$9,483.56
Floor Finish	7.7	$16,596.22	100	$16,596.22
Plumbing	8.4	$18,104.97	100	$18,104.97
Electrical	4.8	$10,345.70	100	$10,345.70
Appliances	4.1	$8,836.95	100	$8,836.95
HVAC	5.6	$12,069.98	100	$12,069.98
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$215,535.36**		**$176,383.37**

Percent Damaged

Value Determination	Percent Damaged	Cost Determination
Computed Actual Cash Value	**100.0 %**	Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$215,535.36	**Total Estimated Damages**	$176,383.37
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$131,907.64	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		20.98 ft.
Lot Number	Building B-2	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	B-2, Alsio Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	B-2, Alsio Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

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Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story One Story (Standard)

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	23.3	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	1600	**Base Cost**	$215,535.36	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$215,535.36
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$131,907.64		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$25,648.71	20	$5,129.74
Superstructure	13.3	$28,666.20	35	$10,033.17
Roof Covering	4.3	$9,268.02	100	$9,268.02
Exterior Finish	6.9	$14,871.94	100	$14,871.94
Interior Finish	13	$28,019.60	100	$28,019.60
Doors and Windows	15.6	$33,623.51	100	$33,623.52
Cabinets and Countertops	4.4	$9,483.56	100	$9,483.56
Floor Finish	7.7	$16,596.22	100	$16,596.22
Plumbing	8.4	$18,104.97	100	$18,104.97
Electrical	4.8	$10,345.70	100	$10,345.70
Appliances	4.1	$8,836.95	100	$8,836.95
HVAC	5.6	$12,069.98	100	$12,069.98
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$215,535.36**		**$176,383.37**

Percent Damaged

Value Determination

Computed Actual Cash Value

Percent Damaged

100.0 %

Cost Determination

Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$215,535.36	**Total Estimated Damages**	$176,383.37
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$131,907.64	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		22.78 ft.
Lot Number	Building B-3	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	B-3, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	B-3, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

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Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story One Story (Standard)

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	23.5	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	3187	**Base Cost**	$429,319.50	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$429,319.50
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$262,743.53		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$51,089.02	20	$10,217.80
Superstructure	13.3	$57,099.49	35	$19,984.82
Roof Covering	4.3	$18,460.74	100	$18,460.74
Exterior Finish	6.9	$29,623.05	100	$29,623.05
Interior Finish	13	$55,811.54	100	$55,811.54
Doors and Windows	15.6	$66,973.83	100	$66,973.84
Cabinets and Countertops	4.4	$18,890.06	100	$18,890.06
Floor Finish	7.7	$33,057.60	100	$33,057.60
Plumbing	8.4	$36,062.84	100	$36,062.84
Electrical	4.8	$20,607.34	100	$20,607.34
Appliances	4.1	$17,602.10	100	$17,602.10
HVAC	5.6	$24,041.89	100	$24,041.89
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$429,319.50**		**$351,333.62**

Percent Damaged

Value Determination	Percent Damaged	Cost Determination
Computed Actual Cash Value	**100.0 %**	Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$429,319.50	**Total Estimated Damages**	$351,333.62
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$262,743.53	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		24.6 ft.
Lot Number	Building B-4	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	Building B-4, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	Building B-4, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

(Default Image)

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story Not Provided

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	24.4	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	3187	**Base Cost**	$429,319.50	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$429,319.50
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$262,743.53		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$51,089.02	20	$10,217.80
Superstructure	13.3	$57,099.49	35	$19,984.82
Roof Covering	4.3	$18,460.74	100	$18,460.74
Exterior Finish	6.9	$29,623.05	100	$29,623.05
Interior Finish	13	$55,811.54	100	$55,811.54
Doors and Windows	15.6	$66,973.83	100	$66,973.84
Cabinets and Countertops	4.4	$18,890.06	100	$18,890.06
Floor Finish	7.7	$33,057.60	100	$33,057.60
Plumbing	8.4	$36,062.84	100	$36,062.84
Electrical	4.8	$20,607.34	100	$20,607.34
Appliances	4.1	$17,602.10	100	$17,602.10
HVAC	5.6	$24,041.89	100	$24,041.89
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$429,319.50**		**$351,333.62**

Percent Damaged

Value Determination	**Percent Damaged**	**Cost Determination**
Computed Actual Cash Value	**100.0 %**	Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$429,319.50	**Total Estimated Damages**	$351,333.62
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$262,743.53	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		25.68 ft.
Lot Number	Building B-5	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	Building B-5, Aliso Creek
Street Address	31106 Pacific CoasT Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	Building B-5, Aliso Creek
Street Address	31106 Pacific CoasT Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

(Default Image)

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story Not Provided

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	25.8	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	3187	**Base Cost**	$429,319.50	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$429,319.50
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$262,743.53		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$51,089.02	20	$10,217.80
Superstructure	13.3	$57,099.49	35	$19,984.82
Roof Covering	4.3	$18,460.74	100	$18,460.74
Exterior Finish	6.9	$29,623.05	100	$29,623.05
Interior Finish	13	$55,811.54	100	$55,811.54
Doors and Windows	15.6	$66,973.83	100	$66,973.84
Cabinets and Countertops	4.4	$18,890.06	100	$18,890.06
Floor Finish	7.7	$33,057.60	100	$33,057.60
Plumbing	8.4	$36,062.84	100	$36,062.84
Electrical	4.8	$20,607.34	100	$20,607.34
Appliances	4.1	$17,602.10	100	$17,602.10
HVAC	5.6	$24,041.89	100	$24,041.89
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$429,319.50**		**$351,333.62**

Percent Damaged

Value Determination	**Percent Damaged**	**Cost Determination**
Computed Actual Cash Value	**100.0 %**	Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$429,319.50	**Total Estimated Damages**	$351,333.62
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$262,743.53	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		25.55 ft.
Lot Number	Building B-6	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	Building B-6, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	Building B-6, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

(Default Image)

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story One Story (Standard)

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	28.3	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	3187	**Base Cost**	$429,319.50	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$429,319.50
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$262,743.53		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$51,089.02	20	$10,217.80
Superstructure	13.3	$57,099.49	35	$19,984.82
Roof Covering	4.3	$18,460.74	100	$18,460.74
Exterior Finish	6.9	$29,623.05	100	$29,623.05
Interior Finish	13	$55,811.54	100	$55,811.54
Doors and Windows	15.6	$66,973.83	100	$66,973.84
Cabinets and Countertops	4.4	$18,890.06	100	$18,890.06
Floor Finish	7.7	$33,057.60	100	$33,057.60
Plumbing	8.4	$36,062.84	100	$36,062.84
Electrical	4.8	$20,607.34	100	$20,607.34
Appliances	4.1	$17,602.10	100	$17,602.10
HVAC	5.6	$24,041.89	100	$24,041.89
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$429,319.50**		**$351,333.62**

Percent Damaged

Value Determination

Computed Actual Cash Value

Percent Damaged

100.0 %

Cost Determination

Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$429,319.50	**Total Estimated Damages**	$351,333.62
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$262,743.53	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		24.27 ft.
Lot Number	Building B-7	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	Building B-7, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	Building B-7, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

(Default Image)

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story Not Provided

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	27.3	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	3187	**Base Cost**	$429,319.50	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$429,319.50
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$262,743.53		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$51,089.02	20	$10,217.80
Superstructure	13.3	$57,099.49	35	$19,984.82
Roof Covering	4.3	$18,460.74	100	$18,460.74
Exterior Finish	6.9	$29,623.05	100	$29,623.05
Interior Finish	13	$55,811.54	100	$55,811.54
Doors and Windows	15.6	$66,973.83	100	$66,973.84
Cabinets and Countertops	4.4	$18,890.06	100	$18,890.06
Floor Finish	7.7	$33,057.60	100	$33,057.60
Plumbing	8.4	$36,062.84	100	$36,062.84
Electrical	4.8	$20,607.34	100	$20,607.34
Appliances	4.1	$17,602.10	100	$17,602.10
HVAC	5.6	$24,041.89	100	$24,041.89
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$429,319.50**		**$351,333.62**

Percent Damaged

Value Determination	**Percent Damaged**	**Cost Determination**
Computed Actual Cash Value	**100.0 %**	Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$429,319.50	**Total Estimated Damages**	$351,333.62
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$262,743.53	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		24.68 ft.
Lot Number	Building B-8	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	Building B-8, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	Building B-8, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

(Default Image)

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story Not Provided

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	26.9	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	3187	**Base Cost**	$429,319.50	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$429,319.50
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$262,743.53		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$51,089.02	20	$10,217.80
Superstructure	13.3	$57,099.49	35	$19,984.82
Roof Covering	4.3	$18,460.74	100	$18,460.74
Exterior Finish	6.9	$29,623.05	100	$29,623.05
Interior Finish	13	$55,811.54	100	$55,811.54
Doors and Windows	15.6	$66,973.83	100	$66,973.84
Cabinets and Countertops	4.4	$18,890.06	100	$18,890.06
Floor Finish	7.7	$33,057.60	100	$33,057.60
Plumbing	8.4	$36,062.84	100	$36,062.84
Electrical	4.8	$20,607.34	100	$20,607.34
Appliances	4.1	$17,602.10	100	$17,602.10
HVAC	5.6	$24,041.89	100	$24,041.89
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$429,319.50**		**$351,333.62**

Percent Damaged

Value Determination	**Percent Damaged**	**Cost Determination**
Computed Actual Cash Value	**100.0 %**	Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$429,319.50	**Total Estimated Damages**	$351,333.62
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$262,743.53	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		24.38 ft.
Lot Number	Building B-9	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	Building B-9, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	Building B-9, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

No Photo Available

(Default Image)

No Photo Available

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story Not Provided

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	24.2	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	3187	**Base Cost**	$429,319.50	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$429,319.50
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$262,743.53		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$51,089.02	20	$10,217.80
Superstructure	13.3	$57,099.49	35	$19,984.82
Roof Covering	4.3	$18,460.74	100	$18,460.74
Exterior Finish	6.9	$29,623.05	100	$29,623.05
Interior Finish	13	$55,811.54	100	$55,811.54
Doors and Windows	15.6	$66,973.83	100	$66,973.84
Cabinets and Countertops	4.4	$18,890.06	100	$18,890.06
Floor Finish	7.7	$33,057.60	100	$33,057.60
Plumbing	8.4	$36,062.84	100	$36,062.84
Electrical	4.8	$20,607.34	100	$20,607.34
Appliances	4.1	$17,602.10	100	$17,602.10
HVAC	5.6	$24,041.89	100	$24,041.89
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$429,319.50**		**$351,333.62**

Percent Damaged

Value Determination	**Percent Damaged**	**Cost Determination**
Computed Actual Cash Value	**100.0 %**	Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$429,319.50	**Total Estimated Damages**	$351,333.62
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$262,743.53	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

Substantial Damage Estimator

Subdivision

Subdivision		**Elev. of Lowest Floor**	
Parcel #	056-240-47		28.32 ft.
Lot Number	Building C-1	**Datum**	

Community

NFIP Community Name

Latitude 33.51279 **Longitude** -117.74799

Building Address

Owner's Name	Building C-1, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Additional Owner(s)	N/A

Mailing Address

Owner's Name	Building C-1, Aliso Creek
Street Address	31106 Pacific Coast Highway
City	Laguna Beach
County	Orange
State	California
Zip	92651
Phone	( ) -
Care Of	

(Default Image)

(Additional Image)

Substantial Damage Estimator

Structure/Damage/NFIP Information

Year of Construction 1962

Date of Damage 1/6/2014

Residence Information

Type Town or Row House

Foundation Not Provided

Super Structure Not Provided

Roofing Not Provided

Quality Good

Date of Inspection 11/24/2014

Inspected by WRECO

Inspector Phone (925) 941-0017

Cause of Damage Other

Duration of Flood

Exterior Finish Not Provided

HVAC Heating and/or Cooling

Story Not Provided

Flood Elevation

Est. Flood Elevation (above Floor)

NFIP Community ID

060223

Firm Panel #	Suffix	Date of FIRM Panel	Firm Zone	BFE	Regulatory Floodway
438	J	12/03/2009	AE	28.2	No

Community Specific Information

Substantial Damage Estimator

Square Footage

Total Sq. Ft.	7230	**Base Cost**	$973,950.41	**Base Cost Per Sq. Ft.**	$121.36
Geographic Adjustment	1.11				

Cost Adjustments

	Quantity	Units	Unit Cost	Item Cost
Roofing	0	**Sq Ft**	$0.00	$0.00
Heating / Cooling	0	**Ea**	$0.00	$0.00
Appliances	0	**Ea**	$0.00	$0.00
Fireplaces	0	**Ea**	$0.00	$0.00
Porch / Breezeways	0	**Sq Ft**	$0.00	$0.00
Garage	0	**Sq Ft**	$0.00	$0.00

Additional Adjustments

0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
0	**Sq. Ft:**	$0.00	$0.00
			$0.00
			$0.00

Total Adjustments *	$0.00
Total Replacement Cost	$973,950.41
Replacement Cost Per Square Foot	$134.71

*** Total Adjustment calculation includes the Geographical Adjustment.**

Computed Actual Cash Value

Name of Reference Document	2013 National Building Cost Manual	**Publication Date**	8/31/2013
Depreciation Determination	Rating 3 - Requires Some Repairs		
Depreciation Percentage	38.80 %		
Computed Actual Cash Value	$596,057.65		
Other Depreciation Explanation			

Please enter explanation of "Other" selection in box above.

Substantial Damage Estimator

Element Percentages

	% Breakdown	Item Cost	% Damage	Damage Values
Foundation	11.9	$115,900.10	20	$23,180.02
Superstructure	13.3	$129,535.40	35	$45,337.39
Roof Covering	4.3	$41,879.87	100	$41,879.87
Exterior Finish	6.9	$67,202.58	100	$67,202.58
Interior Finish	13	$126,613.55	100	$126,613.55
Doors and Windows	15.6	$151,936.26	100	$151,936.26
Cabinets and Countertops	4.4	$42,853.82	100	$42,853.82
Floor Finish	7.7	$74,994.18	100	$74,994.18
Plumbing	8.4	$81,811.83	100	$81,811.83
Electrical	4.8	$46,749.62	100	$46,749.62
Appliances	4.1	$39,931.96	100	$39,931.97
HVAC	5.6	$54,541.22	100	$54,541.22
	100%		**Total Estimated Damages**	
	Total Replacement Cost	**$973,950.41**		**$797,032.31**

Percent Damaged

Value Determination

Computed Actual Cash Value

Percent Damaged

100.0 %

Cost Determination

Computed Damages

Substantially Damaged, Required to meet Current Community/State Floodplain Management Requirements

Damage Summary

Replacement Cost	$973,950.41	**Total Estimated Damages**	$797,032.31
Depreciation Percentage	38.80 %	**Percent of Existing Improvements and Repairs Pre-Disaster**	0 %
Computed Actual Cash Value	$596,057.65	**Repair/Reconstruction Percentage**	100 %

*** Per FEMA Publication 213, Actual Cash Value may be used as Market Value.**

Substantial Damage Estimator

Optional User Entered Data

Professional Appraisal		**Contractor's Estimate**
Adjusted Tax Value		
Tax Assessed Value	$0.00	**Community's Estimate**
Factor Adjustment	0	
Adjusted Tax Assessed Value		

Authorized Local Official : _____

Signature (Date)

Authorized Local Official : _____

Print Name (Date)

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

Th 14a

May 30, 2013

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 1-13-A (Flood) (LGB-MAJ-1-13A) to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the June 12-14, 2013 meeting in Long Beach).

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-13-A

Request by City Of Laguna Beach to amend the Implementation Plan portion of the certified Local Coastal Program (LCP) to replace the current flood ordinance Chapter 25.38 *Flood Damage Prevention*, with the proposed flood ordinance Chapter 25.38 *Floodplain Management*. Local Coastal Program Amendment 1-13-A was submitted pursuant to City Council Resolution No. 13.004 which requests action on Ordinance No. 1576. The proposed amendment will affect Title 25 *Zoning* which is contained in the City's certified Implementation Plan. Only the Implementation Plan portion of the City's certified LCP is affected by the proposed amendment. The amendment is proposed to reflect updates required by the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR), and to address the issue of future sea level rise.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

Approve the amendment request to the Implementation Plan **as submitted.**

The proposed amendment, as submitted, is in conformance with and adequate to carry out the provisions of the certified Land Use Plan. **The motion to accomplish this recommendation is found on page 2.**

STANDARD OF REVIEW

The standard of review for the proposed Implementation Plan amendment is conformance with and adequacy to carry out the policies of the certified Land Use Plan.

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states: *During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program*

for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City of Laguna Beach Planning Commission and City Council held five public hearings on the proposed replacement of Chapter 25.38 of Title 25 (the flood ordinance): City Council 2/12/13; and 1/29/13; Planning Commission 12/12/12; 10/10/12; and 9/12/1. In addition, 1/8th page notices were published in the local newspaper, the Laguna Beach Coastline Pilot. No written comments were received during the City's review process. Four members of the public spoke at the Planning Commission meeting of 10/10/12. All comments focused on the requirement for businesses located within special flood hazard areas to install contingency floodproofing measures.

Exhibits:

1. City Council Resolution No.13.004; Ordinance No. 1576
2. Maps Depicting Flood Zones in the City of Laguna Beach (online only)(15 maps total)

ADDITIONAL INFORMATION

Copies of the staff report are available online at www.coastal.ca.gov and at the South Coast District office located at 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Meg Vaughn in the Long Beach office at (562) 590-5071.

I. STAFF RECOMMENDATION

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

Approval of the IP Amendment as Submitted

MOTION: *I move that the Commission reject Implementation Plan Amendment No. 1-13-A for the City of Laguna Beach as submitted.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Plan as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN AS SUBMITTED:

The Commission hereby certifies the Implementation Plan Amendment 1-13-A for the City of Laguna Beach as submitted and adopts the findings set forth below on grounds that the Implementation Plan amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the

California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. FINDINGS

The following findings support the Commission's approval as submitted of the proposed LCP Implementation Plan amendment. The Commission hereby finds and declares as follows:

A. Amendment Description

The City of Laguna Beach has requested to amend the Implementation Plan (IP) portion of the certified Local Coastal Program (LCP). The main document comprising the City's certified Implementation Plan is Title 25 *Zoning*, the City's Zoning Code, although the certified IP also includes other documents. The changes proposed to the City's certified IP pursuant to this amendment request affect only Title 25 and are reflected in City Council Resolution No. 13-004, which requests action on Ordinance 1576, Chapter 25.38 *Floodplain Management*. LCPA 1-13 also includes a second request, submitted via City Council Resolution No. 12.072 requesting action on Ordinance No.1572 regarding maximum building heights. The changes proposed via the separate resolutions are not related to each other. Although submitted together as a single submittal, because the two segments of the proposed LCPA were submitted via separate resolutions and are not interdependent, Commission staff is processing them independently, as LCPA 1-13-A (flood ordinance) and LCPA 1-13-B (maximum building heights). This prevents the processing of one impacting the processing of the other. That is, if issues are identified in one part of the LCPA, that would not prevent final certification of the other part of the LCPA. A separate staff report for LCPA 1-13-B will be prepared. The changes proposed under LCPA 1-13-A are described in greater detail below.

Ordinance No. 1576 – Revisions to Chapter 25.38 Floodplain Management

City Council Resolution No. 13.004 requests Commission action on Ordinance No. 1576. Ordinance No. 1576 proposes to replace the IP's existing Chapter 25.38 *Flood Damage Prevention* with a new Chapter 25.38 *Floodplain Management*. The replacement flood ordinance is intended to follow the State Department of Water Resources model for agency ordinances and would incorporate the new areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the updated Flood Insurance Study (FIS) for the City of Laguna Beach and will reference the most recently updated Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps, which are dated December 3, 2009. The updated flood ordinance (Floodplain Management) was originally submitted as part of Laguna Beach Local Coastal Program Amendment No. 1-11. However, the City withdrew the flood ordinance portion of LCPA 1-11 prior to Commission action in order to allow additional time for City and Commission staff to work toward developing mutually agreeable modifications to the proposed Chapter 25.38 *Floodplain*

Management. The primary issue at that time was that the proposed flood ordinance did not address future sea level rise.

Language that has been added to the proposed Chapter 25.38 *Floodplain Management* based on language developed through City and Commission staff discussions includes:

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.

The initial impetus for the City's revisions to the flood ordinance is described in the City Council Agenda Bill, dated 9/1/09, which states:

> *"On August 21, 2008, on behalf of the Federal Emergency Management Agency (FEMA), staff from the California Department of Water Resources met with City staff to review the City's participation in the National Flood Insurance Program and conducted a field inspection as part of their biennial review. (Every two years there is a review of the City's compliance with their requirements.) The State's follow-up report, which resulted from that meeting, found the City to be in general compliance with the required floodplain enforcement requirements, but did note that the City's Floodplain Management Ordinance needed to be updated to comply with the latest Federal Standards."*

On June 3, 2009, the City was informed that FEMA had completed a re-evaluation of the flood hazards within the community and had updated the City's Flood Insurance Study and prepared new Flood Insurance Rate Maps. The Flood Insurance Study and Flood Insurance Rate Maps became effective, for FEMA purposes, on December 3, 2009. FEMA required that the City's flood ordinance be updated to reference the new Flood Insurance Study and Flood Insurance Rate Maps to remain eligible for federal flood insurance. As a result of the update requirement, a draft ordinance amending the City flood ordinance was prepared and sent to the Department of Water Resources for review. The draft ordinance was found to be in compliance with the latest National Flood Insurance Program and state standards. Proposed changes to the City's flood ordinance were generated by the process described above.

Subsequent to changes to the City's flood ordinance based upon the above described input from FEMA and the Department of Water Resources, Commission staff provided comments on the revised flood ordinance when reviewing the City's previous LCPA 1-11 submittal, as noted above.

Changes reflected in the proposed ordinance based on input from FEMA and the Department of Water Resources (DWR) are similar to the existing flood ordinance language, but updated and somewhat expanded. For example a number of new definitions are proposed to be added. Proposed new definitions include: accessory structure; accessory use; alluvial fan; apex; encroachment; manufactured home park or subdivision (definitions are proposed for existing, expanded, and new); fraud and victimization; governing body; hardship; historic structure; levee; levee system; market value; obstruction; primary frontal dune; program deficiency; public safety and nuisance; recreational vehicle; regulatory floodway; substantial damage; substantial improvement; water surface elevation; and, watercourse. Definitions are found in Section 25.38.020 (See exhibit 1).

Another proposed change would require that businesses within areas of special flood hazard (identified on the Flood Insurance Rate Map or FIRM and as identified by the City's floodplain administrator) install contingency flood proofing measures within ninety days of written notification from the City (extensions of up to ninety days may be granted). A business that already meets the floodproofing requirements may be exempted from this requirement. This requirement is found in Section 25.38.055.

In addition, the proposed LCPA would add a requirement for certification by a registered civil engineer or licensed land surveyor that the required lowest floor elevation for residential development, including manufactured homes, complies with the requirements of the flood ordinance (Section 25.38.050 C.1 and 2 and Section 25.38.053.1). For non-residential development, minimum elevation and/or required floodproofing must be certified by a registered civil engineer or architect.

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.

Other changes proposed to the flood ordinance include moving the language describing the process for an appeal of the floodplain administrator's decision (Section 25.38.043) out of the section describing the process for requesting a variance from the floodplain regulations (Section 25.38.060). In addition, the standards for allowing a variance are clarified and make clear that a variance is only granted in extenuating circumstances. Proposed new section 25.38.060 Nature of Variances states (in part): *"A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique*

to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owner." This section goes on to state: *"It is the duty of the Laguna Beach City Council to help protect its citizens from flooding. This is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. … The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate."* In addition, the proposed floodplain chapter would add a section requiring findings that must be made in order for a variance to be granted (proposed Section 25.38.062 B).

In addition, the section on Standards of Construction (proposed section 25.38.050) is proposed to be expanded to better describe construction methods to be employed to reduce flood hazard. For example, new sections are proposed describing flood hazard reduction measures for: flood openings; garages and low cost accessory structures; and crawlspaces. Standards of Construction is found under the heading "Provisions for Flood Hazard Reduction Sections." Newly proposed under this heading is a section establishing "Standards for Recreational Vehicles" which would require that, within Zones A1-30, AH, AE, V1-30 and VE, if a recreational vehicle is on site more than 180 consecutive days or is not licensed and ready for highway use it must meet the elevation and anchoring requirements for manufactured homes in Section 25.38.042 of the ordinance. In addition, recreational vehicles placed on sites within Zones V1-30, V and VE must meet these same requirements of Section 25.38.054(A) as well as the requirements of Section 25.38.057(Coastal High Hazard Areas), including elevation and anchoring. Standards applicable to Recreational Vehicles are found in Section 25.38.054.

B. <u>Areas Designated on the Flood Insurance Rate Map (FIRM)</u>

The Federal Emergency Management Agency (FEMA) updated the Flood Insurance Study (FIS) for the City of Laguna Beach. The FIS references and incorporates the most recently updated Flood Insurance Rate Maps (FIRM). The FIRM identifies areas of the City that are at greater risk from flooding. These areas are identified on the FIRM as Special Flood Hazard Areas and are those areas in the floodplain subject to a 1% or greater chance of flooding in any given year (Shown on the FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V).

In the City of Laguna Beach these Special Flood Hazard Areas (SFHA) are predominantly found along the sandy beach and within the major canyons (Laguna Canyon and Aliso Canyon). Currently very little development along the beach falls within one of the SFHAs because much of the oceanfront development in Laguna Beach is at higher elevations (e.g. on the bluff top). The area identified on the FIRM with the most development in a SFHA is the City's downtown area. Downtown Laguna is located where Laguna Canyon outlets onto Main Beach. This SFHA extends inland, up the canyon. Development within the downtown area is predominantly small scale commercial development on small lots. Inland, up the canyon is a mix of predominantly commercial and light industrial. The area of the downtown nearest the beach, just inland of Coast Highway, however, falls within the VE zone. Aliso Canyon is predominantly developed with the

Aliso Creek Inn & Golf Course. The downstream end of Aliso Canyon is developed on either side of Coast Highway with a public beach park.

When considering the proposed flood ordinance it is important to recognize that different areas of the coast are subject to different types and degrees of flood threat. For example, some areas of Laguna Beach are subject to an increased level of flood threat compared to other areas of the City. The low lying areas that fall within a narrow path of concentrated flood flows tend to be at greatest risk from flooding. One such example of this is the City's downtown area, which is located at the mouth of Laguna Canyon. Many areas within the City, however, are at higher elevations and not within the path of concentrated flows from inland areas (e.g. within canyons). Much of the City's bluff top areas typically would not be expected to become threatened from flooding either from inland upstream areas due to their location away from concentrated canyon flows or from tidal action due to their elevation. Currently most areas at risk from tidal flooding are the largely undeveloped sandy beach areas. However, in the downtown area development located just inland of Coast Highway, within the first few blocks of Main Beach falls within the Coastal High Hazard (V) zone. As with most of the City's downtown area, this area is developed principally with small scale commercial development. The extent of areas at risk from tidal flooding may increase with future sea level rise.

C. Approval of Implementation Plan Amendment No. 1-13-A as Submitted

The standard of review for amendments to the Implementation Plan of a certified LCP is whether the Implementation Plan, as amended, will be in conformance with and adequate to carry out, the policies of the certified Land Use Plan (LUP).

Consistency with Certified Land Use Plan

The City's certified LUP Land Use Element (LUE) contains the following policies:

Policy 7.3 Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.

Action 7.3.3: Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards. *(Ongoing implementation.)*

Action 7.3.4: Require new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. *(Ongoing implementation.)*

Action 7.3.15: Prepare and periodically update comprehensive studies of

seasonal and long-term shoreline change, episodic and chronic bluff retreat, flooding, and local changes in sea levels, and other coastal hazard conditions. *(Long-term implementation.)*

Policy 10.3 Ensure that all new development, including subdivisions, the creation of new building sites and remodels that involve building additions, is evaluated to ascertain potential negative impacts on natural resources, ESHA and existing adjacent development. Proposed development shall emphasize ESHA impact avoidance over impact mitigation. Any mitigation required due to an unavoidable negative impact should be located on-site rather than off-site, where feasible. Any off-site mitigation should be located within the City's boundaries and in close proximity to the project.

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.

The City's certified LUP Open Space/Conservation Element contains the following policies:

Policy 1-E Prohibit the construction of buildings and other man-made structures on the sandy portion of the beach unless necessary for public health and safety.

Policy 1-F Shoreline protective devices which may adversely affect the sand supply or cause an adverse impact to shoreline processes shall not be approved unless the situation is one in which there is clear evidence that the existing structure(s) are in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and unless all feasible alternatives have been explored.

Policy 9-A Promote the preservation and restoration of Laguna's natural drainage channels, freshwater streams, lakes and marshes to protect wildlife habitat and to maintain watershed, groundwater and scenic open space.

Policy 9-B Prohibit filling and substantial alteration of streams and/or diversion or culverting of such streams except as necessary to protect existing structures in the proven interest of public safety, where no other method for protection of existing structures in the flood plain are feasible or where the primary function is to improve fish and wildlife habitat. This provision does not apply to channelized sections of streams without significant habitat value.

Policy 9-C a) Streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon Biological Values Maps which are also "blue-line" streams 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.
b) Require a setback of a minimum of 25 feet measured from the centerflow line of all natural drainage courses or streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon biological Values Maps other than the "blue-line" streams referenced in 9-C(a) above. Such setback shall be increased upon the recommendation of the City Engineer and environmental planner through the environmental review process. However, a variance may be given in special circumstances where it can be proven that design of a proposed structure on an affected lot will preserve, enhance or restore the significance of the natural watercourse. At no time shall grubbing of vegetation, elimination of trees, or disturbance of habitat be allowed within the setback area before or after construction.

Policy 9-K Promote preservation and enhancement of the natural drainage of Laguna Beach.

Policy 9-T Restore and retain Aliso Creek in a natural state and protect the Creek from infringement of new development.

Policy 10-A Require that plan review procedures recognize and avoid geologically unstable areas, flood-prone lands, and slopes subject to erosion and slippage.

The LUP requires that development be sited to avoid hazards and that it minimize risks to life and property from coastal and other hazards. Flood hazard falls into this category. The LUP further requires that development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The LUP also requires consideration of flooding, and local changes in sea levels as part of development review. Overall, the certified LUP requires that hazards, including flooding, be considered during the project review process and that measures be implemented to lessen and/or avoid adverse impacts from site hazards identified during review to the subject site or to the surrounding area.

The City of Laguna Beach has a history of damage due to flooding. Historically, flooding and mudslides have caused millions of dollars of damage to homes, businesses and public infrastructure. The most recent heavy flooding, in December of 2010, inundated Laguna Canyon and the downtown area. Both the downtown area and Laguna Canyon Road were closed due to the flooding. The proposed flood ordinance update and revisions are intended to increase protection

from flooding in the areas within the City that have been identified as and demonstrated to be flood prone. The proposed changes to the flood ordinance are described in greater detail previously. The new flood protection measures proposed in the revised flood ordinance will increase the level of protection from flooding within areas of the City that have been identified as flood prone areas (e.g. on the FIRM). However, these revised regulations are not meant to create new or added development potential within flood prone areas where such potential does not already exist.

The flood ordinance proposes to incorporate consideration of future sea level rise into project review and implementation of the proposed flood protection measures. Flooding can occur from both upstream accumulation of rainfall and runoff, and from the ocean via tidal flooding. Tidal flooding occurs when extreme high tides occur concurrently with storm surge events. Anticipated future sea level rise will exacerbate tidal flooding. Thus, it is important that flood hazard analysis specifically consider the impacts of sea level rise on proposed development. The flood ordinance proposes consideration of a range of sea level rise scenarios during the initial planning phase in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise enhanced flooding.

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.

Although these sea level rise design heights could change as the issue continues to evolve into the future, the best available science will also evolve in the future. It is important that a minimum design standard be utilized based on the best data currently available in order to adequately plan for, and design around, potential hazards. On a practical level, this will help guide preparation of an appropriate level of analysis and provide more consistent data. Therefore, minimum numeric standards within the flood ordinance are appropriate. The inclusion of these standards will not hinder the City's ability to formally amend these numbers through the LCP Amendment process, as the science evolves and new data becomes available in the future. The proposed flood ordinance requires that the base flood elevation be adjusted for future sea level rise based on these sea level rise standards identified in the ordinance.

A new requirement of the proposed flood ordinance is that existing businesses located in areas of special flood hazard must install the required contingency floodproofing measures within ninety days of notice from the City. These contingency floodproofing measures would also be required with construction of new development. In addition, more specific standards of construction are included in the proposed revisions which also help to clarify the intent of the ordinance as well as assisting in its implementation. In addition, flood protection measures are newly proposed to apply to recreational vehicles (when on site long term and when located in coastal high hazard zones),

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

providing additional protection in flood prone areas. Other changes proposed to the flood ordinance include defining a number of additional terms allowing for greater understanding of the intent of the ordinance as well as in guiding implementation of the ordinance.

In addition, the proposed flood ordinance includes a required increase in the allowable lowest floor elevation level for new development (substantial improvement). Currently, the lowest level must 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. In Coastal High Hazard areas (V zones), the proposed flood ordinance requires that the lowest allowable level must be elevated to or above two feet above base flood elevation *as modified for future sea level rise*.

V zones are areas susceptible to tidal flooding (that is flooding from the ocean rather than from upstream/inland). Most of the areas within the City that fall within the V zone category are not developed and under current zoning are not likely to be developed in the future. This is because most of the V zones are sandy public beach areas which are land use designated *Public Recreation and Parks* and zoned: at Main Beach Park - *Downtown Specific Plan Central Business District Park*; and elsewhere *Recreation*. These land use and zone designations allow only limited, minor development that can be easily relocated such as walkways and picnic areas, as well as temporary uses. Public buildings and facilities are also allowed, but when located on the oceanfront these uses must also comply with the LUP's Open Space/Conservation Element policies 1E and 1F. OSC policies 1E prohibits man-made structures on the sandy portion of the beach unless necessary for public health and safety. Policy 1F prohibits shoreline protective devices except in narrow instances. Thus, within the City's V zones, the proposed flood ordinance would not create development potential in areas that are not otherwise developable.

However, limited developed areas of the City do fall within a designated V zone. This is true for the area just inland of Main Beach, across Coast Highway, in the City's downtown area. This area is developed with small scale commercial development. This is the area where new development, including substantial improvements as defined in the ordinance, would require elevating the lowest floor level to two feet above the base flood elevation as modified to reflect sea level rise. The additional standards described in the *Provisions for Flood Hazard Reduction Sections* (beginning with Section 25.38.050) of the proposed ordinance would also be required.

Also, when an application for a Floodplain Building Permit (Section 25.38.042.A.9) is submitted, it must include the adjusted base flood elevation necessary to reflect sea level rise regardless of whether it is in a V or other zone. In addition, Section 25.38.041.F requires the floodplain administrator to "make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be conflict between a mapped boundary and actual field conditions." Moreover, the floodplain administrator must be able to make the determination that "the site is reasonably safe from flooding over the expected life of the development (minimum 75 years)", per Section 25.38.041.A.3. Thus, the proposed ordinance incorporates consideration of sea level rise when determining the base flood elevation.

Section 25.38.042 of the flood ordinance clarifies that in addition to obtaining a Floodplain Development Building Permit, any other required permits must also be obtained. Section

25.38.042 states, in part: "*The floodplain development building permit is additional to any other required permit, including a coastal development permit.*" In addition, Section 25.05.050 of the certified IP requires that "*In addition to any other permits required, any development within the coastal zone that constitutes development as defined in Section 25.07.006(D) that is not exempt pursuant to 25.07.008, requires approval of a coastal development permit pursuant to Section 25.07"*. Thus, an applicant for a floodplain development building permit would be aware that approval of floodplain development building permit would not obviate the need to also obtain any other required approvals. This would assure that such development, in addition to being found consistent with the requirements of the flood ordinance, would also need be consistent with other City requirements including consistency with the certified Local Coastal Program.

The proposed flood ordinance does not, and is not intended to supercede the LUP's natural resource protection policies. All development subject to the proposed flood ordinance must still comply with the policies of the certified LUP, including the Vegetation and Wildlife Resources policies and Watersheds and Watercourses policies cited above. In developed areas of the floodplain, such as the City's downtown area, it is likely that most often these policies would not apply because, due to the long-term built-out nature of the area, there are fewer or no natural watercourses or sensitive habitats. Nevertheless, if such were to be discovered, the applicable LUP protection polices would apply. For example, 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. The currently certified flood ordinance (*Flood Damage Prevention*) has not prevented implementation of the LUP polices including the natural resource protection policies and neither would the proposed flood ordinance (*Floodplain Management*). Rather, the flood ordinance establishes methods to reduce flood hazard in floodplain areas that were developed long ago and there is no feasible alternative.

The changes proposed to the flood ordinance are also described in the Amendment Description section of this staff report. The changes proposed via LCPA 1-13-A will result in greater protection from flooding than is currently afforded in the certified version of the flood ordinance, consistent with the certified LUP's requirement to avoid and/or lessen impacts due to hazards. Therefore, staff recommends that the Commission approve the proposed Implementation Plan amendment as submitted.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – and the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing environmental impact reports (EIRs), among other things, in connection with their activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required, in approving an LCP submittal, to find that the proposal does conform with the provisions of CEQA, and to base any certification on a specific factual finding supporting the conclusion that the proposal "meets the requirements of [CEQA] Section 21080.5(d)(2)(i) … ,

which requires that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." 14 C.C.R. Sections 13555(b), 13542(a), and 13540(f). The City of Laguna Beach LCP amendment 1-13-A consists of an amendment to the Implementation Plan (IP) only. The City has found the proposed amendment to be categorically exempt under CEQA.

As outlined in this staff report, the proposed Implementation Plan amendment as submitted is not expected to result in significant adverse impacts on the environment. For the reasons described above and throughout this staff report, the IP amendment is in conformity with and adequate to carry out the policies of the certified LUP, including the land use and public access policies. Therefore, the Commission finds that approval of the Implementation Plan amendment as submitted will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies City of Laguna Beach LCP amendment request 1-13-A as submitted.

LGB LCPA 1-13-A Flood 2nd SR 6.13 mv

RECEIVED
South Coast Region
MAR 21 2013
CALIFORNIA
COASTAL COMMISSION

RESOLUTION NO. 13.004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 12-1596 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held at least one public hearing to consider the adoption of Laguna Beach Local Coastal Program Amendment 12-1596; and

WHEREAS, the City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment 12-1596, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

WHEREAS, the City Council of the City of Laguna Beach intends to implement the Local Coastal Program in a manner fully consistent and in conformance with the California Coastal Act;

NOW, THEREFORE, the City Council of the City of Laguna Beach does hereby resolve as follows:

SECTION 1. That the Laguna Beach Local Coastal Program Amendment 12-1596 is hereby approved, consisting of Ordinance No. 1576 pertaining to amendments to Title 25 – Zoning. Copies of the aforesaid Ordinance are attached hereto as Exhibit A, and are incorporated by this reference as though fully set forth herein.

LGB-MAJ-1-13-A

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SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Laguna Beach Local Coastal Program Amendment No. 12-1596.

SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 12-1596 will automatically take effect immediately upon California Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 12th day of February, 2013.

Kelly Boyd, Mayor

ATTEST:

City Clerk

I, LISETTE CHEL-WALKER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 13.004 was duly adopted at a Regular Meeting of the City Council of said City held on February 12, 2013, by the following vote:

AYES:	COUNCILMEMBER(S):	Whalen, Iseman, Dicterow, Pearson, Boyd
NOES:	COUNCILMEMBER(S):	None
ABSENT:	COUNCILMEMBER(S):	None

City Clerk of the City of Laguna Beach, CA

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EXHIBIT A

ORDINANCE NO. 1576

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING CHAPTER 25.38 ("FLOOD DAMAGE PREVENTION") OF THE LAGUNA BEACH MUNICIPAL CODE.

WHEREAS, on September 12, October 10 and December 12, 2012, the Planning Commission conducted legally noticed public hearings and, and after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve amendments to the Floodplain Management Ordinance; and

WHEREAS, on January 29 and February 12, 2013, the City Council conducted legally noticed public hearings and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 25.38 of the Municipal Code ("Flood Damage Prevention") is hereby replaced in its entirety with the following:

Chapter 25.38
FLOODPLAIN MANAGEMENT

Sections:

Statutory Authorization, Findings of Fact, Purpose and Methods Sections

25.38.010 Statutory Authorization
25.38.011 Findings of Fact
25.38.012 Statement of Purpose
25.38.013 Methods of Reducing Flood Losses

Definitions Section

25.38.020 Definitions

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25.38.031 Basis for Establishing the Area of Special Flood Hazard
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Provisions for Flood Hazard Reduction Sections

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25.38.051 Standards for Utilities
25.38.052 Standards for Subdivisions and Other Proposed Development
25.38.053 Standards for Manufactured Homes
25.38.054 Standards for Recreational Vehicles
25.38.055 Contingency Floodproofing Measures
25.38.056 Floodways
25.38.057 Coastal High Hazard Areas

Variance Procedure Sections

25.38.060 Nature of Variances
25.38.061 Conditions for Variances
25.38.062 Appeal Board

Statutory Authorization, Findings of Fact and Purpose and Methods Sections

25.38.010 Statutory Authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of the City of Laguna Beach does hereby adopt the following floodplain management regulations.

25.38.011 Findings of Fact.

A. The flood hazard areas of the City of Laguna Beach are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, inappropriately located or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities also contributes to flood losses.

C. Sea level rise will exacerbate flooding in areas subject to tidal influence and extend the inundation zone into areas that do not currently flood.

25.38.012 Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community

to all publicly and privately-owned land within flood prone, mudslide [i.e. mudflow] or flood-related erosion areas. These regulations are designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

25.38.013 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance includes regulations to:

A. Restrict or prohibit uses that are dangerous to health, safety and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging and other development that may increase flood damage; and

E. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas.

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Definitions Section

25.38.020 Definitions.
Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"**A zone**" - see "**Special flood hazard area.**"

"**Accessory structure**" means a structure that is either:

1. Solely for the parking of no more than two cars; or

2. A small, low-cost shed for limited storage, less than 150 square feet and $1,500 in value.

"**Accessory use**" means a use that is incidental and subordinate to the principal use of the parcel of land on which it is located.

"**Alluvial fan**" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows and then deposited on the valley floors, and that is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition and channel migration.

"**Apex**" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"**Appeal**" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"**Area of shallow flooding**" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"**Area of special flood hazard**" - See "Special flood hazard area."

"**Base flood**" means a flood that has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"**Base flood elevation**" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

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"**Basement**" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"**Breakaway walls**" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material that is not part of the structural support of the building and that is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

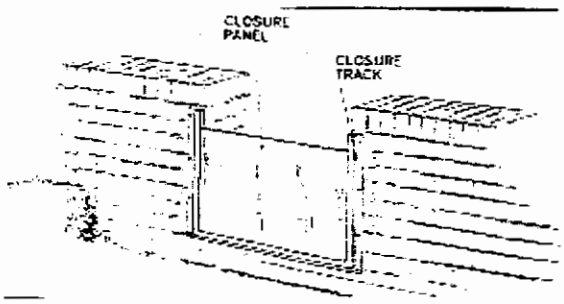
1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

"**Building**" - see "**Structure.**"

"**Coastal high hazard area**" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE or V.

"**Contingency floodproofing measures**" means devices intended to seal structural openings, such as doors and windows, from floodwaters. These measures include, but are not limited to, flood shields, watertight doors, moveable floodwalls, partitions, water-resistive sealant devices and other similar techniques. These devices may be permanently installed or stored on-site for use in the event of a flood. Temporary emergency measures such as sandbags, plastic sheeting and similar devices are not classified as contingency measures. An example of a flood shield used as a contingency floodproofing measure is:



"**Development**" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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"**Encroachment**" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain.

"**Existing manufactured home park or subdivision**" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before June 21, 1988.

"**Expansion to an existing manufactured home park or subdivision**" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

"**Flood, flooding, or flood water**" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood-related erosion.

"**Flood Boundary and Floodway Map (FBFM)**" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"**Flood Insurance Rate Map (FIRM)**" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"**Flood Insurance Study**" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

"**Floodplain or flood-prone area**" means any land area susceptible to being inundated by water from any source - see "**Flooding**."

"**Floodplain Administrator**" is the community official designated to administer and enforce the floodplain management regulations.

"**Floodplain management**" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

"**Floodplain management regulations**" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power that control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof that provide standards for preventing and reducing flood loss and damage.

"**Floodproofing**" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"**Floodway**" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"**Floodway fringe**" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"**Fraud and victimization**" as related to Sections 25.38.060 through 25.38.062 of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Laguna Beach City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"**Functionally dependent use**" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes <u>only</u> docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does <u>not</u> include long-term storage or related manufacturing facilities.

"**Governing body**" is the local governing unit, i.e. county or municipality, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

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"**Hardship**" as related to Sections 25.38.060 through 25.38.062 of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The Laguna Beach City Council requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"**Highest adjacent grade**" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"**Historic structure**" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on the Laguna Beach Historic Resources Inventory or the Laguna Beach Historic Register.

"**Levee**" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"**Levee system**" means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

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"**Lowest floor**" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition). An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

a. The flood openings standard in Section 25.38.050(C)(3);

b. The anchoring standards in Section 25.38.050(A);

c. The construction materials and methods standards in Section 25.38.050(B); and

d. The standards for utilities in Section 25.38.051.

"**Manufactured home**" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"**Manufactured home park or subdivision**" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"**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.

"**Mean sea level**" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"**New construction,**" for floodplain management purposes, means structures for which the "start of construction" commenced on or after June 21, 1988, and includes any subsequent improvements to such structures.

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"**New manufactured home park or subdivision**" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 21, 1988.

"**Obstruction**" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse that may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"**One-hundred-year flood**" or "**100-year flood**" - see "**Base flood**."

"**Primary frontal dune**" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

"**Program deficiency**" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"**Public safety and nuisance**" as related to Sections 25.38.060 through 25.38.062 of this ordinance, means that the granting of a variance must not result in anything that is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

"**Recreational vehicle**" means a vehicle that is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"**Regulatory floodway**" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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"**Remedy a violation**" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"**Riverine**" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"**Sand dunes**" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"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

"**Sheet flow area**" - see "**Area of shallow flooding**."

"**Special flood hazard area (SFHA)**" means an area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

"**Start of construction**" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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.

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"**Structure**" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial Damage" means:

1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred; or

2. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. This is also known as "repetitive loss."

"**Substantial improvement**" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% 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 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

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

"**V zone**" - see "**Coastal high hazard area.**"

"**Variance**" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

"**Violation**" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"**Water surface elevation**" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"**Watercourse**" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

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General Provisions Sections

25.38.030 Lands to which this Ordinance Applies.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Laguna Beach.

25.38.031 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for the City of Laguna Beach, California" dated December 3, 2009, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated December 3, 2009, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas that allow implementation of this ordinance and that are recommended to the Laguna Beach City Council by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at the Laguna Beach Community Development Department, 505 Forest Avenue, Laguna Beach, California.

25.38.032 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Laguna Beach City Council from taking such lawful action as is necessary to prevent or remedy any violation.

25.38.033 Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

25.38.034 Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

25.38.035 Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Laguna Beach City Council, any officer or employee thereof, the State of California or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any

administrative decision lawfully made hereunder.

25.38.36 Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Administration Sections

25.38.040 Designation of the Floodplain Administrator.

The City of Laguna Beach Community Development Department Director and his or her designated persons are hereby appointed to administer, implement and enforce this ordinance by granting or denying floodplain development building permits in accord with its provisions.

25.38.041 Duties and Responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. **Permit Review.**

Review all floodplain development building permits to determine:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding over the expected life of the development (minimum of 75 years);

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated 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; and

5. All Letters of Map Revision (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.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage.

2. Assure procedures are coordinated with other departments/divisions and implemented by staff.

C. Review, Use and Development of Other Base Flood Data.

1. When base flood elevation data have not been provided in accordance with Section 25.38.030 or the future flood elevation data have not been modified to reflect best available science related to sea level rise, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 25.38.050 through 25.38.057.

2. When the base flood elevation data have not been modified to reflect future sea level rise, the Floodplain Administrator shall develop a sea level rise adjusted base flood elevation, as defined in Section 25.38.020 of this ordinance, in order to administer Section 25.38.041(A)(3).

NOTE: A base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:

   a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

   b. Submit evidence of such notification to the Federal Emergency Management Agency; and

   c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

   a. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or ensure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

   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.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

   Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. <u>Documentation of Floodplain Development</u>.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Sections 25.38.050C)(1) and 25.38.053 (lowest floor elevations);

2. Certification required by Section 25.38.050(C)(2) (elevation or floodproofing of nonresidential structures);

3. Certification required by Section 25.38.050(C)(3) (wet floodproofing standard);

4. Certification of elevation required by Section 25.38.052(A)(3) (subdivisions and other proposed development standards);

5. Certification required by Section 25.38.056(B) (floodway encroachments);

6. Information required by Section 25.38.057(F) (coastal construction standards); and

7. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. <u>Map Determination</u>.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 25.38.043.

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F. **Remedial Action.**
Take action to remedy violations of this ordinance as specified in Section 25.38.032.

G. **Biennial Report.**
Complete and submit Biennial Report to FEMA.

H. **Planning.**
Assure community's General Plan is consistent with floodplain management objectives herein.

I. **Non-conversion of Enclosed Areas Below the Lowest Floor.**
To ensure that the areas below the Base Flood Elevation shall be used solely for parking vehicles, limited storage or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;

2. Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the City of Laguna Beach. The agreement shall be recorded with the Orange County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and City Attorney; and

3. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

25.38.042 Floodplain Development Building Permit.
A floodplain development building permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 25.38.031. Application for a floodplain development building permit shall be made on forms furnished by the City of Laguna Beach. The floodplain development building permit is additional to any other required permit, including a coastal development permit. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

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4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 25.38.031 or Section 25.38.041(C);
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 25.38.050(C)(2) of this ordinance and detailed in FEMA Technical Bulletin TB 3-93:
8. Expected life of development (minimum of 75 years); and
9. The adjusted base flood elevation necessary to reflect sea level rise as specified in Section 25.38.041(C)(2).

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 25.38.050(C)(2).

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 25.38.050(C)(3) of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 25.38.041(E) of this ordinance.

25.38.043 Appeals.

The Laguna Beach Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

Provisions for Flood Hazard Reduction Sections

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.

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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 75 years).

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and inspected by the building inspector to be properly elevated. Such certification and inspection record shall be provided to the Floodplain Administrator.

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2. **Nonresidential construction.**

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 25.38.050(C)(1) or:

a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 25.38.050(C)(1), 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 Sections 25.38.050(C)(2)(a) & (b) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. **Flood openings.**

All new construction and substantial improvements of structures witb 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 following minimum criteria:

a. For non-engineered openings:

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

b. Be certified by a registered civil engineer or architect.

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4. **Manufactured homes**.

   a. See Section 25.38.053.

5. **Garages and low cost accessory structures.**

   a. Attached garages.

      1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 25.38.050(C)(3). Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 25.38.050(B).

      2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

   b. Detached garages and accessory structures.

      1. "Accessory structures" used solely for parking (2-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 25.38.020, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

         a) Use of the accessory structure must be limited to parking or limited storage;

         b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

         c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

         d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

         e) The accessory structure must comply with floodplain encroachment provisions in Section 25.38.056; and

         f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 25.38.050(C)(3).

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2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 25.38.050.

6. **Crawlspace Construction.**

This subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.

a. The building must be designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;

b. The crawl space is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;

c. Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;

d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:

1. The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 3 of Technical Bulletin 11-01;

2. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in Figure 3 of Technical Bulletin 11-01) at any point;

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3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and

4. The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

25.38.051 Standards for Utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

25.38.053 Standards for Subdivisions and Other Proposed Development.

A. All new subdivisions proposals and other proposed development located within or affecting a Special Flood Hazard Area (SFHA) or Base Flood area shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE). In V Zones, identify the BFE adjusted to reflect sea level rise as specified in Section 25.38.041(C)(2) for the expected life of the development (minimum of 75 years).

2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

a. Lowest floor elevation.

b. Pad elevation.

c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

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C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

25.38.053.1 Standards for Manufactured Homes.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision,; (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. Within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map, meet the requirements of Section 25.38.057.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 25.38.053(A) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation. In V Zones, the lowest floor of the manufactured homes is at 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 75 years); or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the manufactured home structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and inspected by the building inspector to be properly elevated. Such certification and inspection record shall be provided to the Floodplain Administrator.

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25.38.054 Standards for Recreational Vehicles.

A. All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE will either:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of Section 25.38.042 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 25.38.053.

B. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 25.38.054(A) and Section 25.38.057.

25.38.055 <u>Contingency Floodproofing Measures</u>

A. Requirement for Contingency floodproofing measures

1. Businesses located in areas of special flood hazard areas shall install contingency floodproofing measures as defined under Municipal Code Section 25.38.020 and as determined by the floodplain administrator. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1 A30, AE, A99, AH, V1 V30, VE or V. The following floodproofing mitigation measures shall be installed at flood vulnerable building locations within ninety days of written notification from the City (only windows, doors and openings subject to floodwaters are required to be retrofitted with contingency floodproofing measures):

   a) Doors. Hinged and/or removable panels and similar barriers that can withstand the hydrostatic and hydrodynamic pressures of floodwaters;

   b) Windows. Hinged and/or removable panels or any other fenestration, glazing, or protective techniques capable of withstanding floodwaters; and

   c) Other Openings. Application of plates, sealants, mortar, gaskets and similar materials around and in utility openings and other similar wall penetrations.

2. The floodplain administrator shall provide, and from time to time may revise and update, suitable design guidelines and details showing the methods, materials and implementation of the devices required by this section. The floodplain administrator shall review and approve the plans for the proposed contingency floodproofing measures.

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3. If not permanently installed, flood contingency devices shall be installed immediately after forecasts of heavy precipitation and/or after the City has declared the possibility for potential flooding conditions. The flood contingency devices shall remain installed until the threat of flooding has ceased. The flood contingency devices shall be designed to prevent flooding up to six (6) inches above the latest Flood Insurance Rate Map (FIRM) - base flood elevation (BFE) or in V zones, the base flood elevation shall be adjusted to reflect sea level rise as specified in Section 25.38.041(C)(2) for the expected life of the development (minimum of 75 years).

4. Flood contingency devices shall be stored on site within every business that is located within a special flood hazard area. Removable flood contingency devices shall be stenciled with at least two-inch high red letters indicating the following information:

   a) "Flood Prevention Gate (do not throw away)"
   b) The location of the opening that the device protects; and
   c) The property address for which the contingency devices serves.

B. Contingency Floodproofing Measures Plan

1. A flood mitigation plan shall be kept on-site within the business and on record at the City for every business that is located within a special flood hazard area. The plan shall include the location of where the flood contingency devices are stored and directions on how to install them. All persons employed to work in a business located within areas of special flood hazards shall be trained on how to install these devices and be provided a copy of the flood contingency measures plan. The plan shall require that each year on the last Monday in October, the business ownership and employees practice installation of the flood mitigation contingency devices.

2. When a change of use occurs for any business located within a special flood hazard area, a contingency floodproofing measures plan shall be provided by the owner of the property to the new business/lease holder. If the new use requires a Conditional Use Permit or an amendment to an existing Conditional Use Permit, the flood mitigation contingency plan shall also be included with the application as an attachment.

C. Administrative Relief and Exemptions

1. A business shall be exempt from the requirements of 25.38.055 (installing floodproofing mitigation measures) if the business is in compliance with the applicable provisions of 25.38.050 (Standards of Construction) as determined by the City's Floodplain Administrator.

2. Any flood vulnerable building location that is already equipped with contingency floodproofing mitigation measures, as indicated under Municipal Code Section 25.38.055(A)1(a-c), shall be exempt from the requirements of 25.38.055. It shall be the responsibility of the business

and/or property owner to show contingency floodproofing building compliance and is subject to approval and inspection by the City's Floodplain Administrator.

3. Any property or business owner may seek an extension of the applicable ninety (90) day installation period by filing a written application prior to the expiration of the installation period, in the form specified by the Community Development Department and subject to payment of a filing fee; provided, however, that the period shall not be extended for more than six months.

4. The determination of the Director of Community Development shall be made in writing within thirty days of receipt of a complete application. In making a determination as to whether the 90-day period should be extended, the following matters, among other relevant information, should be considered:

   a) The business/property location in regard to the flood hazard area;
   b) The estimated expenditure to install the required flood contingency devices (itemized construction cost estimates from a licensed contractor shall be submitted);
   c) The previous extent of flood damage that has occurred at this location, if any; and
   d) The necessary permanent construction activity to install the required contingency flood measures.

25.38.056 Floodways.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. 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.

B. Within an adopted regulatory floodway, the City of Laguna Beach shall prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If Sections 25.38.056(A) & (B) are satisfied, all new construction, substantial improvement and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 25.38.050 through 25.38.057.

25.38.057 Coastal High Hazard Areas.

Within coastal high hazard areas, Zones V, V1-30, and VE, as established under Section

25.38.031, the following standards shall apply:

A. All new residential and non-residential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is 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 75 years). The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood and anticipated sea level rise. Wind loading values used shall be those required by applicable state or local building standards.

B. All new construction and other development shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 25.38.020 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

D. Fill shall not be used for structural support of buildings or roads.

E. Man-made alteration of sand dunes that would increase potential flood damage is prohibited.

F. The Floodplain Administrator shall obtain and maintain the following records:

1. Certification by a registered engineer or architect that a proposed structure complies with Section 25.38.057(A); and

2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

Variance Procedure Sections

25.38.060 Nature of Variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general

principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the Laguna Beach City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

25.38.061 Conditions for Variance.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 25.38.040 through 25.38.057 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 25.38.020 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the approval authority need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation that the approval authority believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Orange County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

25.38.062 Appeal Board.

A. In passing upon requests for variances, the applicable approval authority shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions,

including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued by the applicable approval authority upon making the variance findings in Municipal Code Section 25.05.025(F) and:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 25.38.062(A) through 25.38.062(D) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

Upon consideration of the factors of Section 25.38.061(A) and the purposes of this ordinance, the applicable approval authority may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

SECTION 2. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach.

ADOPTED this 12th day of February, 2013.

Kelly Boyd

Kelly Boyd, Mayor

ATTEST:

Toni Chul-Walker

City Clerk

Ex. 1

p. 33

I, LISETTE CHEL-WALKER, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on January 29, 2013, and was finally adopted at a regular meeting of the City Council of said City held on February 12, 2013, by the following vote:

AYES: COUNCILMEMBER(S): Whalen, Iseman, Dicterow, Pearson, Boyd

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

Lisette Chel-Walker

City Clerk of the City of Laguna Beach, CA

EX. 1
p. 34

City of Laguna Beach - Flood Zones - Irvine Cove to Emerald Bay

Legend

- City Limits
- FEMA 2-Ft. Cross-Sections
- FEMA 100-Year Base Flood (1
  - A
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- 2008 Color Aerial Orthophotos
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  - Blue: Band_3
- 2008 Building Footprints

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City of Laguna Beach - Flood Zones - Emerald Bay to Divers Cove

Legend

- City Limits
- FEMA 2-Ft. Cross-Sections
- FEMA 100-Year Base Flood (1
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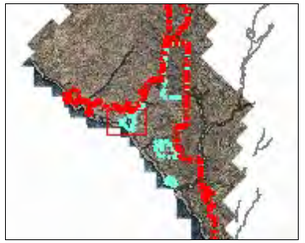
City of Laguna Beach - Flood Zones - Downtown



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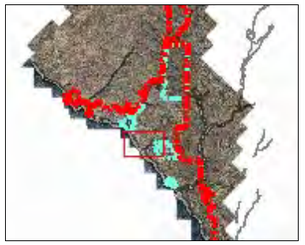
City of Laguna Beach - Flood Zones - Cleo Street to Blue Bird Canyon



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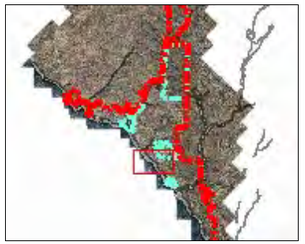

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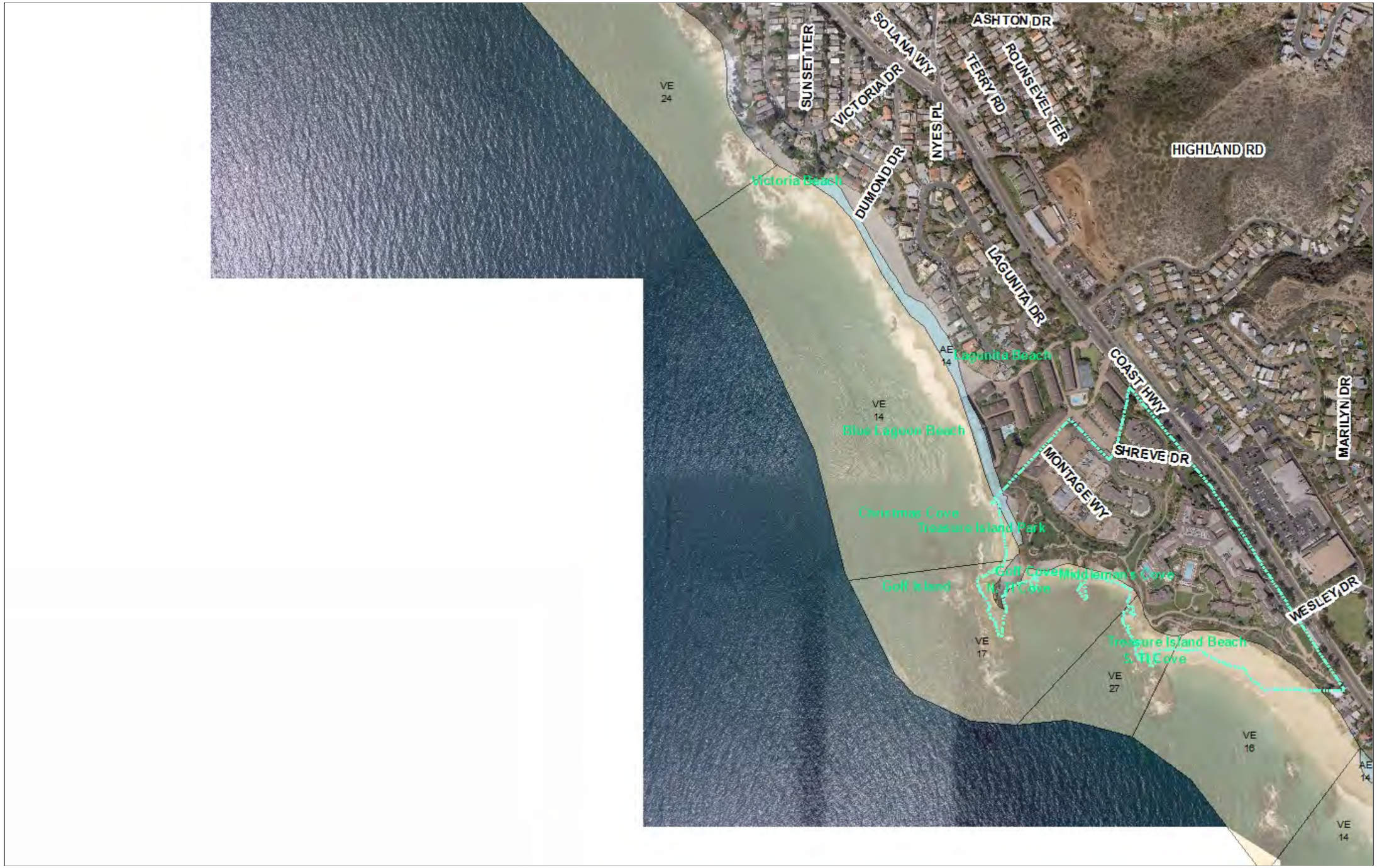

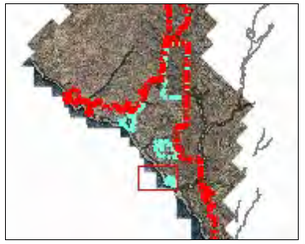

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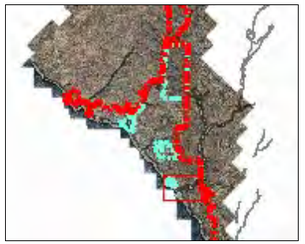
City of Laguna Beach - Flood Zones - Montage Resort & Aliso Creek Areas



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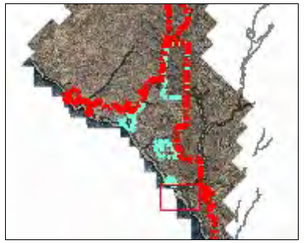
Notes

Flood Zones - Downtown Area

City of Laguna Beach - Flood Zones - Aliso Beach to Table Rock



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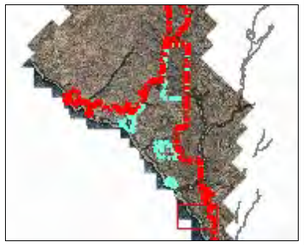
City of Laguna Beach - Flood Zones - South Laguna Bluffs



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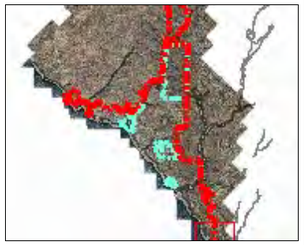

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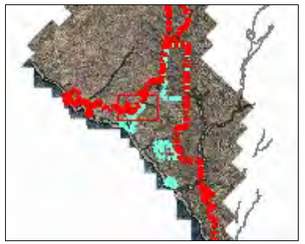
City of Laguna Beach - Flood Zones - Lower Laguna Canyon



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- City Limits
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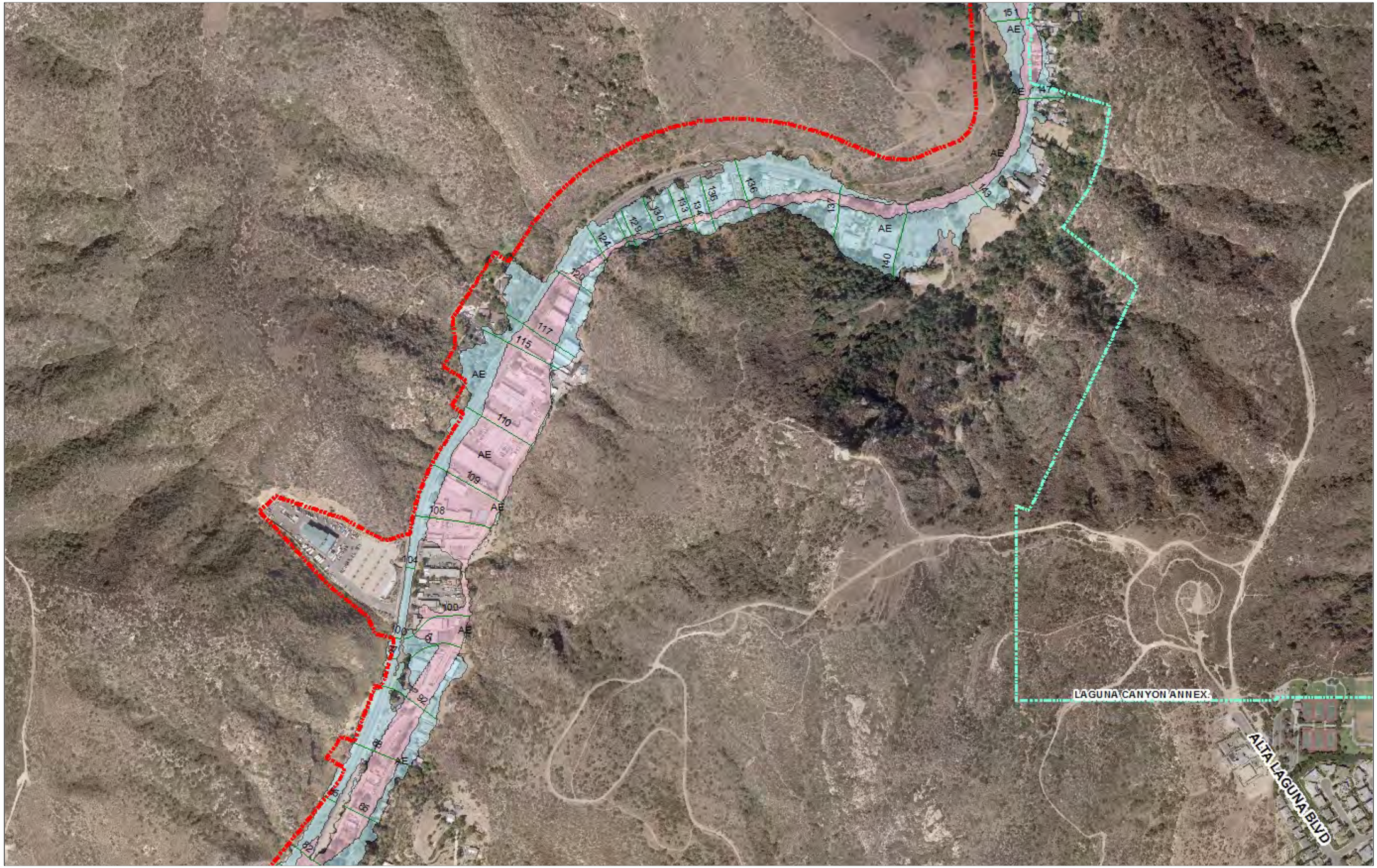

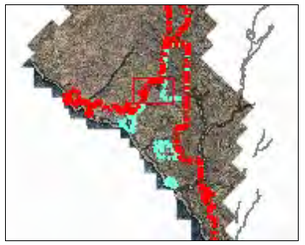

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- City Limits
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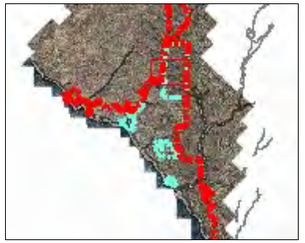
City of Laguna Beach - Flood Zones - Upper Laguna Canyon



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- City Limits
- Specific Plan Areas
- FEMA 2-Ft. Cross-Sections
- FEMA 100-Year Base Flood (1
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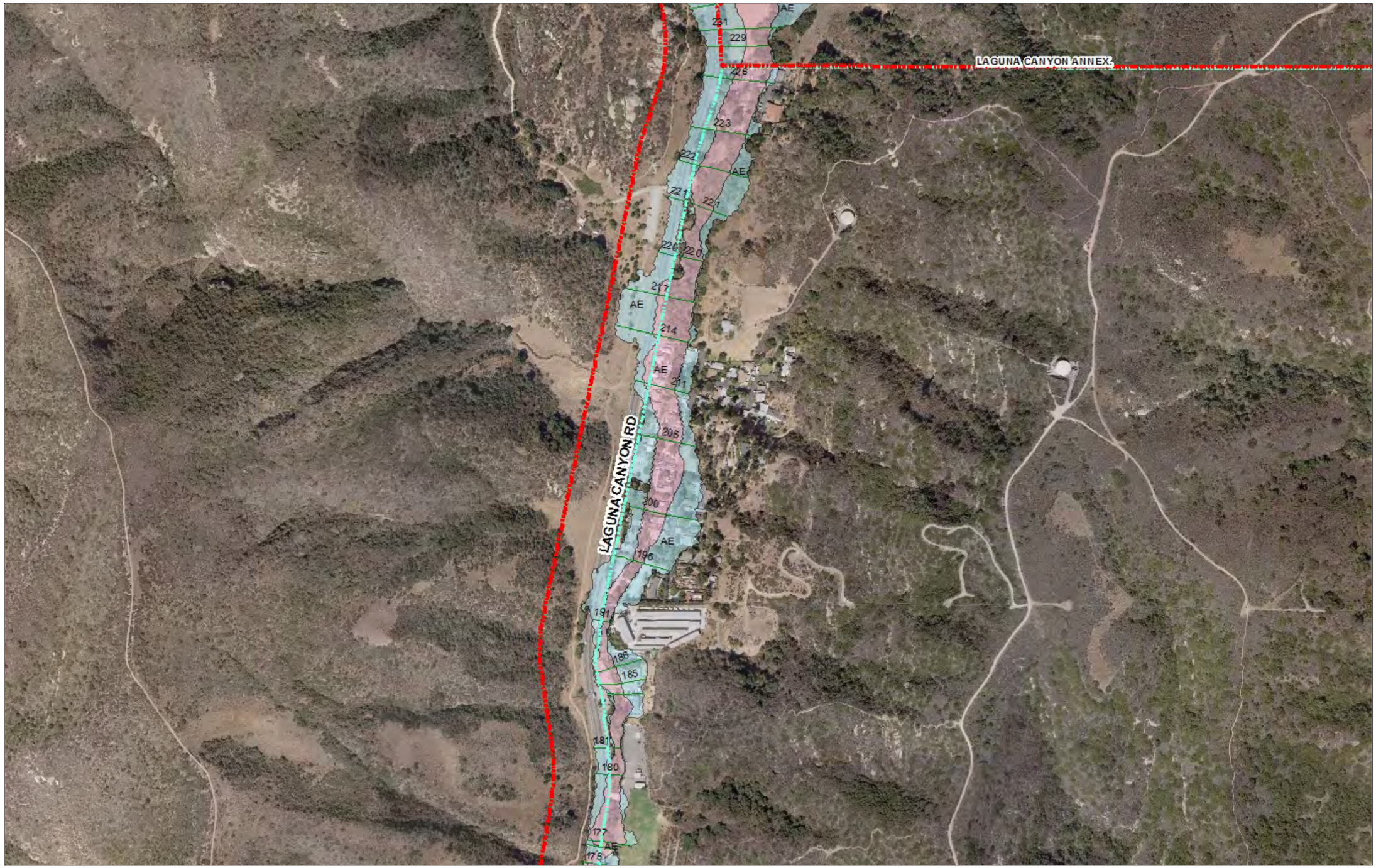

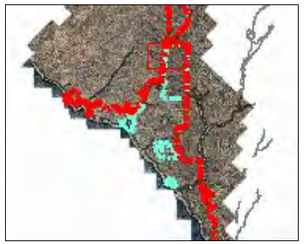

Legend

- City Limits
- Specific Plan Areas
- FEMA 2-Ft. Cross-Sections
- FEMA 100-Year Base Flood (1
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- 2008 Building Footprints

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City of Laguna Beach - Flood Zones - Upper Laguna Canyon, Part 3

Legend

- City Limits
- Specific Plan Areas
- FEMA 2-Ft. Cross-Sections
- FEMA 100-Year Base Flood (1
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UNIT 8
SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE

RECEIVED
South Coast Region
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COASTAL COMMISSION

In this unit

This unit covers:

- The substantial improvement rule – how to regulate major additions and other improvements to buildings in the floodplain.
- The substantial damage rule – how to regulate reconstruction and repairs to buildings that have been severely damaged.
- Exceptions to the basic rules for some special cases.

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INTRODUCTION

In previous units we focused on the rules and regulations that prevent or reduce damage from floods to new buildings. But what happens when the owner wishes to make an improvement, such as an addition, to an existing building? What if a building is damaged by a fire, flood or other cause?

Basic rule: *If the cost of improvements or the cost to repair the damage exceeds 50 percent of the market value of the building, it must be brought up to current floodplain management standards.*

That means an existing building must meet the requirements for new construction.

People who own existing buildings that are being substantially improved will be required to make a major investment in them in order to bring them into compliance with the law. They will not be happy. If the buildings have just been damaged, they will be financially strapped and your elected officials will want to help them, not make life harder for them.

For these reasons, it is easy to see that this basic rule can be difficult to administer. It is also the one time when your regulatory program can reduce flood damage to existing buildings. That's why this course devotes this unit to administering the substantial improvements and substantial damage regulations.

In this reference guide, the term "building" is the same as the term "structure" in the NFIP regulations. Your ordinance may use either term. The terms are reviewed in more detail in Unit 5, Section E.

A. SUBSTANTIAL IMPROVEMENT

44 CFR 59.1. Definitions: *"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement to a structure, the total cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement.*

This section provides information on determining whether a building has been substantially improved and on what NFIP requirements apply.

PROJECTS AFFECTED

All building improvement projects worthy of a permit must be considered. These include:

- Remodeling projects.
- Rehabilitation projects.
- Building additions.
- Repair and reconstruction projects (these are addressed in more detail in Section B on substantial damage)

If your community does not require permits for, say, reroofing, minor maintenance or projects under a certain dollar amount, then such projects are not subject to the substantial improvement requirements. However, if you have a larger project that includes reroofing, etc., then it must include the entire cost of the project.

One problem you may face is a builder trying to avoid the requirement by applying for a permit for only part of the job and then later applying for another permit to finish the work. If both applications are together worth more than 50% of the value of the building, the combined project should be considered a substantial improvement and subject to the rules.

FEMA requires that the entire improvement project be counted as one. In order to help you enforce this, you may want to count all applications submitted over, say, one year as one project. Check with your attorney on whether your ordinance clearly gives you the authority to do this and be sure to spell it out in the permit papers given to the applicant.

Some communities require that improvements be calculated cumulatively over several years. All improvement and repair projects undertaken over a period of five years, 10 years or the life of the structure are added up. When they total 50 percent, the building must be brought into compliance as if it were new construction.

The Community Rating System credits keeping track of improvements to enforce a cumulative substantial improvement requirement. It also credits using a lower threshold than 50 percent. These credits are found under Activity 430, Section 431.c and d in the *CRS Coordinator's Manual* and the *CRS Application*. See also *CRS Credit for Higher Regulatory Standards* for example regulatory language.

Post-FIRM buildings

The rules do not address only pre-FIRM buildings—they cover *all* buildings, post-FIRM ones included.

In most cases, a post-FIRM building will be properly elevated or otherwise compliant with regulations for new construction. However, sometimes a map change results in a higher BFE or change in FIRM zone. A substantial improvement to a post-FIRM building may require that the building be elevated to protect it from the new, higher, regulatory BFE.

It should be remembered that all additions to a post-FIRM building must be elevated at least as high as the BFE in effect when the building was built. (You can't allow a compliant building to become noncompliant by allowing additions at grade.) If a new, higher BFE has been adopted since the building was built, additions that are substantial improvements must be elevated to the new BFE.

THE FORMULA

A project is a substantial improvement if:

$$\frac{\text{Cost of improvement project}}{\text{Market value of the building}} \geq 50 \text{ percent}$$

For example, if a proposed improvement project will cost $30,000 and the value of the building is $50,000:

$$\frac{\$30{,}000}{\$50{,}000} = 0.6 \text{ (60 percent)}$$

The cost of the project exceeds 50 percent of the building's value, so it is a substantial improvement. The floodplain regulations for new construction apply and the building must meet

the post-FIRM construction requirements. If the project is an addition, only the addition has to be elevated (see the examples later in this section).

The formula is based on the cost of the project and the value of the building. These two numbers must be reviewed in detail.

Project cost

The cost of the project means all structural costs, including

- all materials
- labor
- built-in appliances
- overhead
- profit
- repairs made to damaged parts of the building worked on at the same time

A more detailed list is included in Figure 8-1.

To determine substantial improvement, you need a detailed cost estimate for the project, prepared by a licensed general contractor, professional construction estimator or your office.

Your office must review the estimate submitted by the permit applicant. To verify it, you can use your professional judgment and knowledge of local and regional construction costs, or you can use building code valuation tables published by the major building code groups. These tables can be used for determining estimates for particular replacement items if the type of structure in question is listed in the tables.

There are two possible exemptions you should be aware of: 1) improvements to correct code violations do not have to be included in the cost of an improvement or repair project and 2) historic buildings can be exempted from substantial improvement requirements. These are explained in more detail later on.

Market value

In common parlance, market value is the price a willing buyer and seller agree upon. The market value of a structure reflects its original quality, subsequent improvements, physical age of building components and current condition.

However, market value for property can be different than that of the building itself. Market value of developed property varies widely due to the desirability of its location. For example, two houses of similar size, quality and condition will have far different prices if one is on the coast, or in the best school district, or closer to town than the other—but the value of the building materials and labor that went into both houses will be nearly the same.

For the purposes of determining substantial improvement, market value pertains only to the structure in question. It does not pertain to the land, landscaping or detached accessory structures on the property. Any value resulting from the location of the property should be attributed to the value of the land, not the building.

Items to be included

— All structural elements, including:
— Spread or continuous foundation footings and pilings
— Monolithic or other types of concrete slabs
— Bearing walls, tie beams and trusses
— Floors and ceilings
— Attached decks and porches
— Interior partition walls
— Exterior wall finishes (brick, stucco, siding) including painting and moldings
— Windows and doors
— Reshingling or retiling a roof
— Hardware
— All interior finishing elements, including:
— Tiling, linoleum, stone, or carpet over subflooring
— Bathroom tiling and fixtures
— Wall finishes (drywall, painting, stucco, plaster, paneling, marble, etc.)
— Kitchen, utility and bathroom cabinets
— Built-in bookcases, cabinets, and furniture
— Hardware
— All utility and service equipment, including:
— HVAC equipment
— Plumbing and electrical services
— Light fixtures and ceiling fans
— Security systems
— Built-in kitchen appliances
— Central vacuum systems
— Water filtration, conditioning, or recirculation systems
— Cost to demolish storm-damaged building components
— --- Labor and other costs associated with moving or altering undamaged building components to accommodate improvements or additions
— --- Overhead and profits

Items to be excluded

— Plans and specifications
— Survey costs
— Permit fees
— Post-storm debris removal and clean up
— Outside improvements, including:
— Landscaping
— Sidewalks
— Fences
— Yard lights
— Swimming pools
— Screened pool enclosures
— Detached structures (including garages, sheds and gazebos)
— Landscape irrigation systems

Figure 8-1. Items included in calculating cost of the project

Acceptable estimates of market value can be obtained from these sources:

- An independent appraisal by a professional appraiser. The appraisal must exclude the value of the land and not use the "income capitalization approach" which bases value on the use of the property, not the structure.
- Detailed estimates of the structure's actual cash value— the replacement cost for a building, minus a depreciation percentage based on age and condition. For most situations, the building's actual cash value should approximate its market value. Your community may prefer to use actual cash value as a substitute for market value, especially where there is not sufficient data or enough comparable sales.
- Property values used for tax assessment purposes with an adjustment recommended by the tax appraiser to reflect current market conditions (adjusted assessed value).
- The value of buildings taken from NFIP claims data (usually actual cash value).
- Qualified estimates based on sound professional judgment made by the staff of the local building department or tax assessor's office.

Some market value estimates are often used only as screening tools (i.e., NFIP claims data and property appraisals for tax assessment purposes) to identify those structures where the substantial improvement ratios are obviously less than or greater than 50 percent (i.e., less than 40 percent or greater than 60 percent). For structures that fall in the 40 percent to 60 percent range, more precise market value estimates are sometimes necessary.

SUBSTANTIAL IMPROVEMENT EXAMPLES

Example 1. Minor rehabilitation

A rehabilitation is defined as an improvement made to an existing structure which does not affect the external dimensions of the structure.

If the cost of the rehabilitation is less than 50 percent of the structure's market value, the building does not have to be elevated or otherwise protected. However, it is advisable to incorporate methods to reduce flood damage, such as use of flood-resistant materials and installation of electrical, heating and air conditioning units above the BFE.

Figure 8-2 shows a building that had a small rehabilitation project. Central air conditioning was installed and the electrical system was upgraded. The value of the building before the project was $60,000. The value of the project was $12,000:

$\frac{\$12,000}{\$60,000} = 0.2$ (20 percent)

The project costs less than 50 percent of the building, so this is not a substantial improvement.

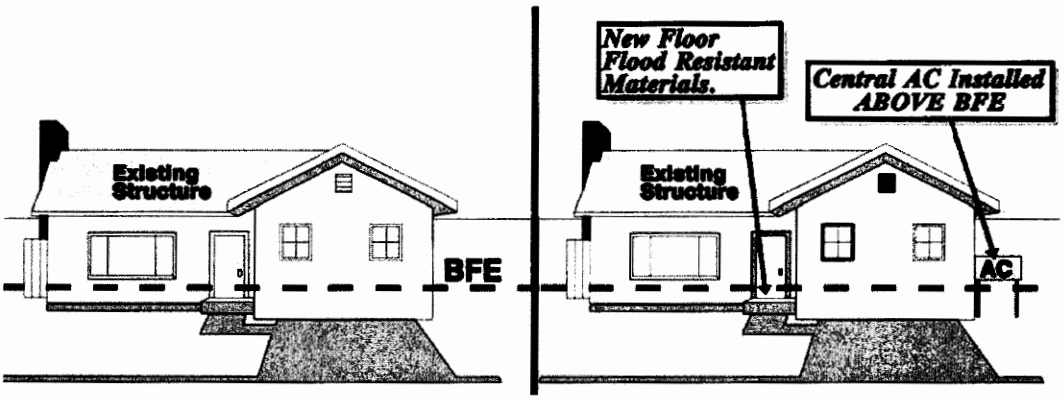


Figure 8-2. Minor rehabilitations use flood-resistant methods and materials

Neither structure would benefit from post-FIRM flood insurance rates because they are not elevated.

Note: To gauge what happens to flood insurance premiums if a substantially improved building is not brought up to post-FIRM standards, see Figures 7-7 through 7-12.

Example 2. Substantial rehabilitation

If the rehab costs more than 50 percent of the value of the building, your ordinance requires that an existing structure be elevated and/or the basement filled to meet the elevation standard.

Figure 8-3 shows a building that has been allowed to run down. It's market value is $35,000. To rehab it will require gutting the interior and replacing all wallboard, built-in cabinets, bathroom fixtures and furnace. The interior doors and flooring will be repaired. The house will get new siding and a new roof. The cost of this rehab will be $25,000:

$\frac{\$25,000}{\$35,000}$ = 71.4 percent

Because total cost of the project is greater than 50 %the rehab is a substantial improvement

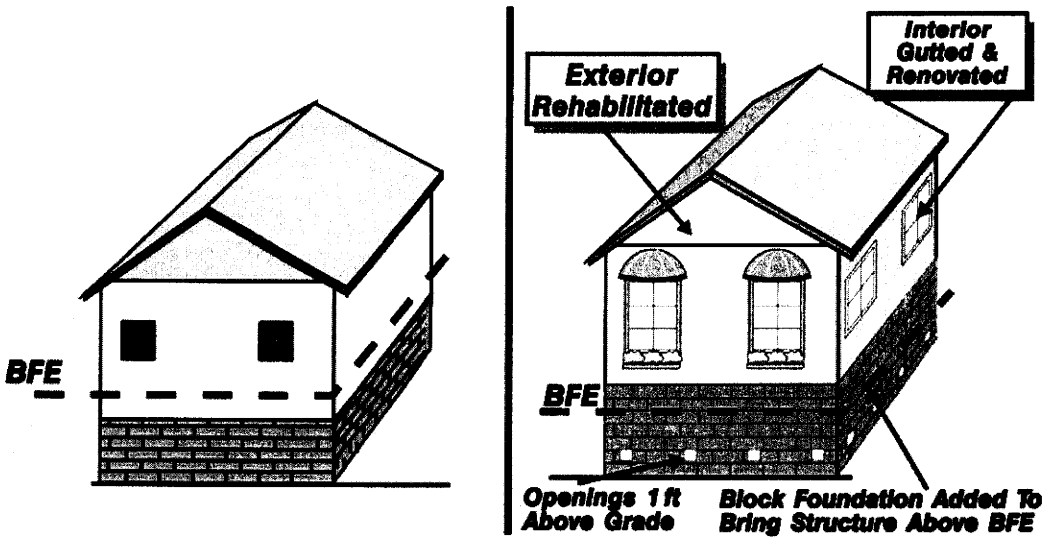


Figure 8-3. substantially rehabilitated building elevated above the BFE.

In A Zones, elevation may be on fill, crawlspace, columns, etc. In V Zones, only pilings, columns or other open foundations are allowed. The new structure would benefit from post-FIRM flood insurance rates.

Example 3. Lateral addition—residential

Additions are improvements that increase the square footage of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room garage or other type of addition to an existing structure. Note that if one building is attached to another through a covered breezeway or similar connection, it is a separate building and not an addition.

When an addition is a substantial improvement, the addition must be elevated or floodproofed, providing that improvements to the *existing* structure are minimal. Figures 8-4 and 8-5 illustrate lateral additions that are compliant.

Depending on the flood zone and details of the project, the existing building may not have to be elevated. The determining factors are the common wall and what improvements are made to the existing structure. If the common wall is demolished as part of the project, then the entire structure must be elevated. If only a doorway is knocked through it and only minimal finishing is done, then only the addition has to be elevated.

In A Zones only, if significant improvements are made to the existing structure (such as a kitchen makeover), both it and the addition must be elevated and otherwise brought into compliance. Some states and many communities require that both the existing structure and lateral additions be elevated in all cases.

In V Zones, the existing structure always has to be elevated, placed on an engineered foundation system, etc., when an addition is proposed that constitutes a substantial improvement. This is due to the "free-of obstruction" standard whereby the lower existing structure would obstruct the storm surge, causing damage to the addition.

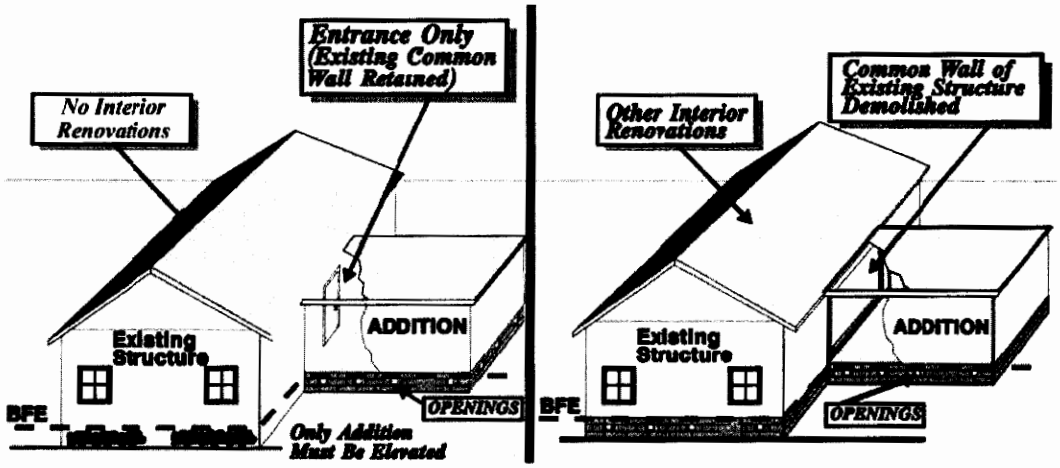


Figure 8-4. Lateral additions to a residential building in an A Zone.

In V Zones, the entire building must be elevated on pilings, columns or other open foundations. The

structure on the left would not benefit from post-FIRM flood insurance rates because it was not elevated.

Example 4. Lateral addition—nonresidential

A substantial improvement addition to a nonresidential building may be either elevated or floodproofed. Otherwise, all the criteria for residential buildings reviewed in Example 3 must be met.

If floodproofing is used, the builder must ensure that the wall between the addition and the original building is floodproofed. Floodproofing is not allowed as a construction measure in V Zones.

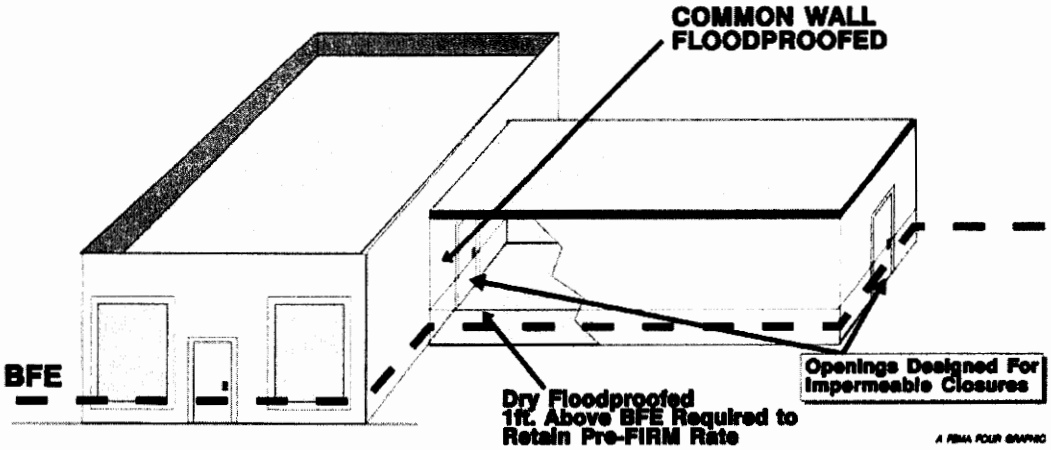


Figure 8-5. Lateral addition to a nonresidential building in an A Zone.

This approach is not allowed in V Zones. The structure would *not* benefit from post-FIRM flood insurance rates because the original building was not elevated or flood-proofed.

Example 5. Vertical addition—residential

When the proposed substantial improvement is a full or partial second floor, the entire structure must be elevated (Figure 8-6). In this instance, the existing building provides the foundation for the addition. Failure of the existing building would result in failure of the addition, too.

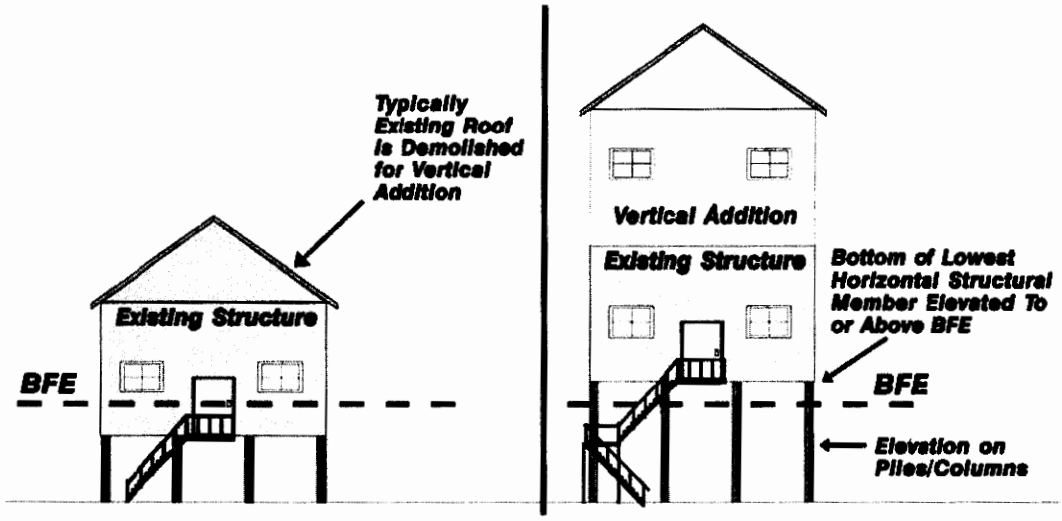


Figure 8-6. Vertical addition to a residential building in a V Zone.

The new structure would benefit from post-FIRM flood insurance rates.

Example 6. Vertical addition—nonresidential

When the proposed substantial improvement is a full or partial second floor, the entire structure must be elevated or floodproofed (Figure 8-7).

The owner could obtain post-FIRM rates on the building if it is floodproofed to one foot above the BFE and he has a floodproofing certificate signed by a registered engineer. An optional approach is to elevate the entire building and obtain an elevation certificate.

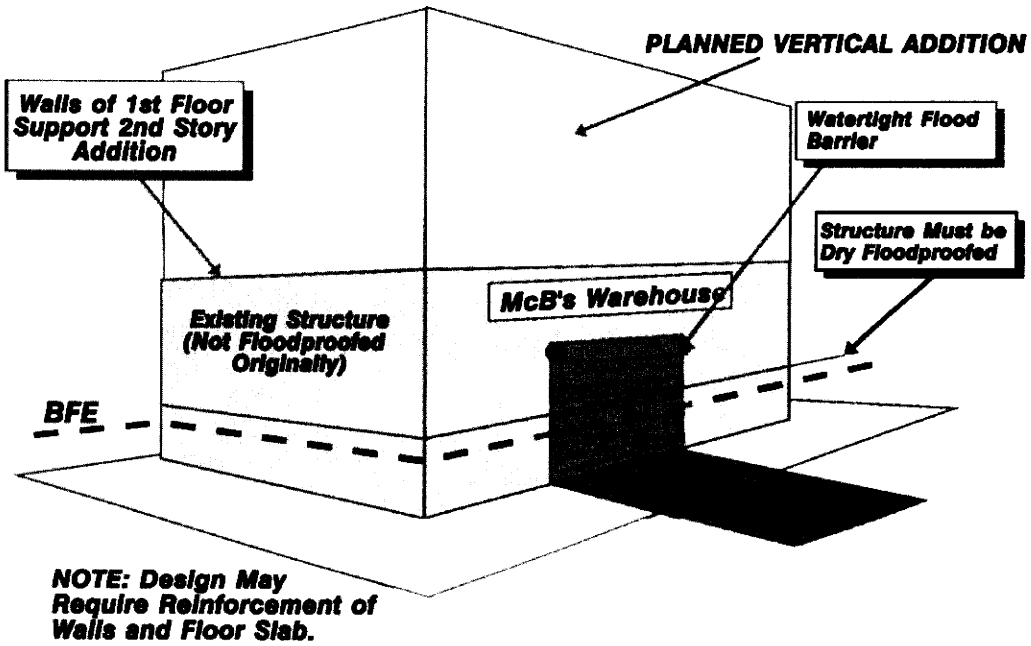


Figure 8-7. Vertical addition to a nonresidential building in an A Zone.

The new floodproofed structure would benefit from post-FIRM flood insurance rates.

Example 7. Post-FIRM building—minor addition

All additions to post-FIRM buildings are defined as new construction and must meet the requirements of your floodplain management ordinance regardless of the size or cost of the addition (Figure 8-8). A small addition to a residential structure that is not a substantial improvement must be elevated at least as high as the BFE in effect when the building was built. Minor additions to nonresidential structures can be floodproofed to the BFE.

If a map revision has taken place and the BFE has increased, only additions that are substantial improvements have to be elevated to the new BFE or flood-proofed (nonresidential buildings only).

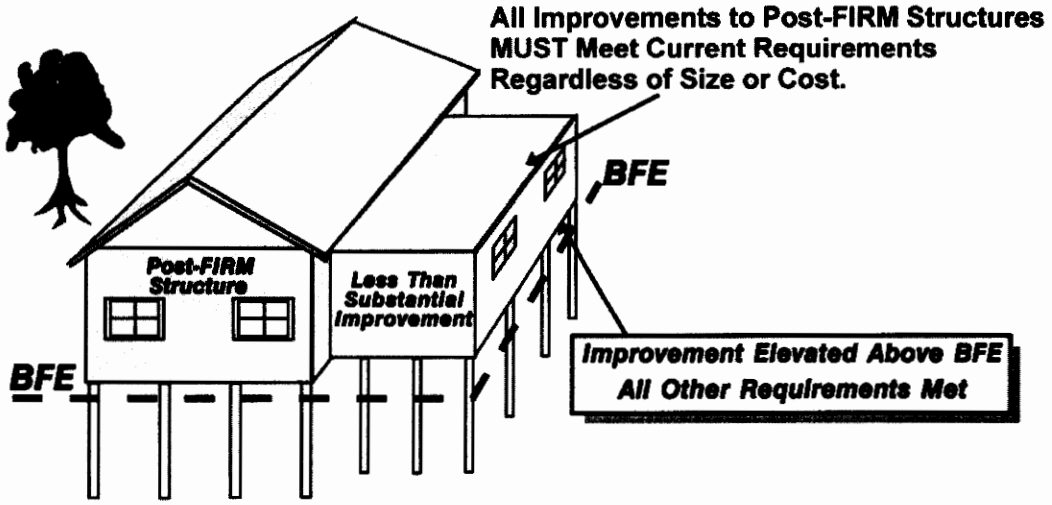


Figure 8-8. Small additions to post-FIRM buildings must be elevated.

Example 8. Post-FIRM building—substantial improvement

Substantial improvements made to a post-FIRM structure must meet the requirements of the current ordinance. Figure 8-9 shows a lateral addition made after a map revision took place and the BFE was increased.

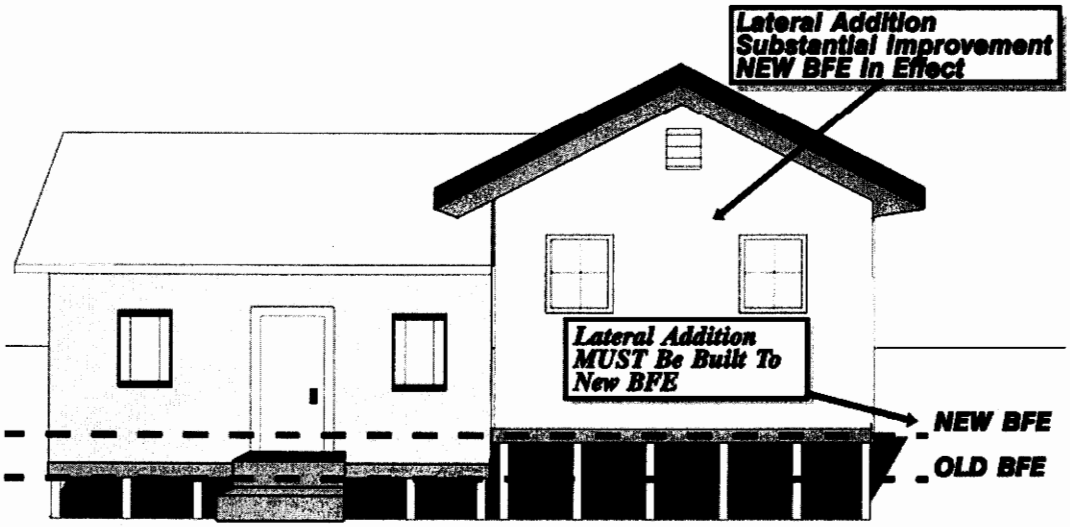


Figure 8-9. Substantial improvements to post-FIRM buildings must be elevated above the new BFE. Nonresidential buildings may be floodproofed

B. SUBSTANTIAL DAMAGE

44 CFR 59.1. *Definitions: "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.*

Two key points:

- The damage can be from any cause—flood, fire, earthquake, wind, rain, or other natural or human-induced hazard.
- The substantial damage rule applies to all buildings in a flood hazard area, regardless of whether the building was covered by flood insurance.

The formula is essentially the same as for substantial improvements:

$$\frac{\text{Cost to repair}}{\text{Market value of the building}} \geq 50 \text{ percent}$$

Market value is calculated in the same way as for substantial improvements. Use the pre-damage market value.

COST TO REPAIR

Notice that the formula uses "cost *to* repair," not "cost *of* repairs." The cost to repair the structure must be calculated for full repair to the building's before-damage condition, even if the owner elects to do less. It must also include the cost of any improvements that the owner has opted to include during the repair project.

The total cost to repair includes the same items listed in Figure 8-1. As shown in Example 2 below, properly repairing a flooded building can be more expensive than people realize. The owner may opt not to pay for all of the items needed. The owner may:

- Do some of the work, such as removing and discarding wallboard.
- Obtain some of the materials free.
- Have a volunteer organization, such as the Mennonites, do some of the work.
- Decide not to do some repairs, such as choosing to nail down warped flooring rather than replace it.

Basic rule: *Substantial damage is determined regardless of the actual cost to the owner. You must figure the true cost of bringing the building back to its pre-damage condition using qualified labor and materials obtained at market prices.*

The permit office and the owner may have serious disagreements over the total list of needed repairs and their cost, as the owner has a great incentive to show less damage than actually occurred in order to avoid the cost of bringing the building into compliance. Here are four things that can help you:

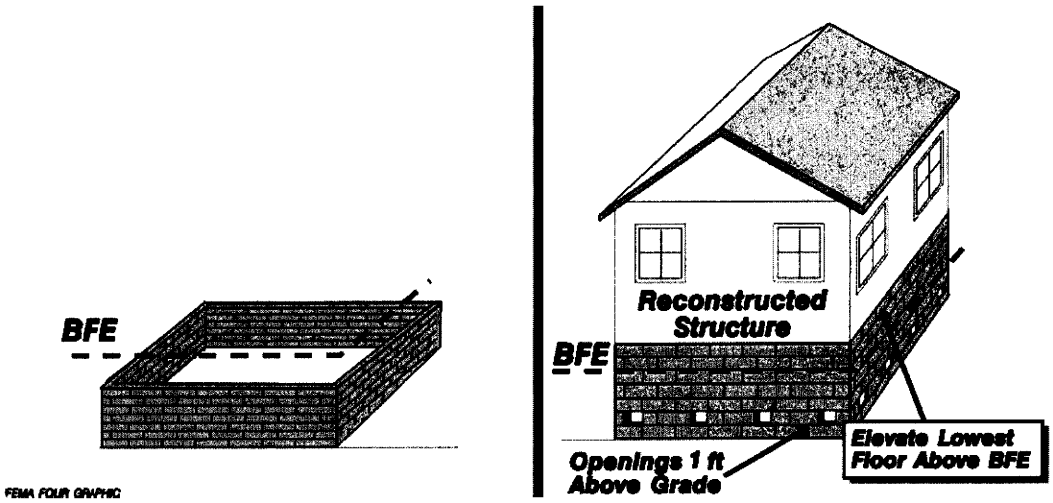
- Get the cost to repair from an objective third-party or undebatable source, such as:
  - A licensed general contractor.
  - A professional construction estimator.
  - Insurance adjustment papers (exclude damage to contents).
  - Damage assessment field surveys conducted by building inspection, emergency management or tax assessment agencies after a disaster.
  - Your office.
- Even if your office does not prepare the cost estimate, it needs to review the estimate submitted by the permit applicant. You can use your professional judgment and knowledge of local and regional construction costs. Or, you can use building code valuation tables published by the major building code groups.
- Use an objective system that does not rely on varying estimates of market value or different opinions of what needs to be repaired. The Substantial Damage Estimator Program discussed later in this section will do this.
- Publicize the need for the regulations and the benefits of protecting buildings from future flooding. A well-educated public won't argue as much as one that sees no need for the requirement.
- Help the owner find financial assistance to meet the extra cost of complying with the code. If there was a disaster declaration, there may be sources of financial assistance as discussed in the next unit. If the owner had flood insurance and the building was substantially damaged by a flood, the new Increased Cost of Compliance coverage will help (see next section).

SUBSTANTIAL DAMAGE EXAMPLES

Example 1. Reconstruction of a destroyed building

Reconstructions are cases where an entire structure is destroyed, damaged, purposefully demolished or razed, and a new structure is built on the old foundation or slab. The term also applies when an existing structure is moved to a new site.

Reconstructions are, quite simply, "new construction." They must be treated as new buildings.



Razed or "totaled" building with remaining foundation

Reconstruction on existing foundation

Figure 8-10. A reconstructed house is new construction.

This example is for A Zones only. A new building in the V Zone must be elevated on piles or columns.

Example 2. Substantially damaged structure

To determine if a damaged structure meets the threshold for substantial damage, the cost of repairing the structure to its before-damaged condition is compared to the market value of the structure prior to the damage. The estimated cost of the repairs must include all costs necessary to fully repair the structure to its before-damaged condition.

If equal to or greater than 50 percent of that structure's market value before damage, then the structure must be elevated (or floodproofed if it is nonresidential) to or above the level of the base flood, and meet other applicable local ordinance requirements. This is the basic requirement for substantial damage.

Figure 8-11 graphically illustrates the amount of damage that can occur to a building flooded only four feet deep. Even though the structure appears sound and there are no cracks or breaks in the foundation, the total cost of repair can be significant.

The cost of repair after a flood that simply soaked the building will typically include the following structural items:

— Remove all wallboard and insulation.
— Install new wallboard and insulation.
— Tape and paint.
— Remove carpeting and vinyl flooring.
— Dry floor, replace warped flooring.
— Replace cabinets in the kitchen and bathroom.
— Replace built-in appliances.
— Replace hollow-core interior doors.
— Replace furnace and water heater.
— Clean and disinfect duct work.
— Repair porch flooring and front steps.
— Clean and test plumbing (licensed plumber may be required).
— Replace outlets and switches, clean and test wiring (licensed electrician may be required).

Note: See also Figures 7-7 through 7-12 for what happens to flood insurance premiums if a substantially damaged building is granted a variance and is not brought up to post-FIRM standards.

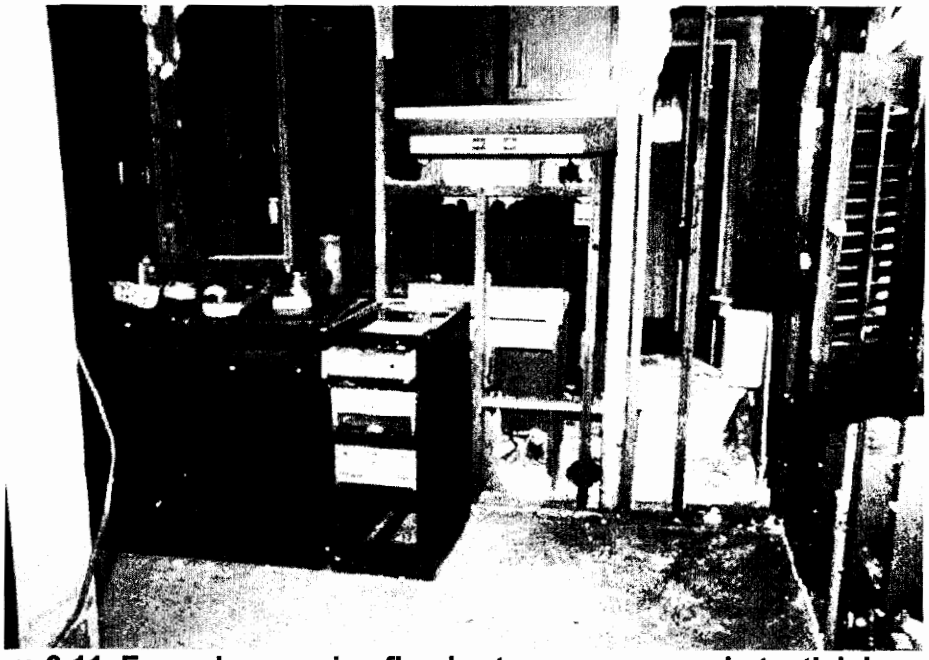


Figure 8-11. Even slow moving floodwater can cause substantial damage.

SUBSTANTIAL DAMAGE SOFTWARE

FEMA has developed a software program to help local officials make substantial damage determinations. The software is based on Microsoft Access, but is self-contained and does not require any software in addition to a Windows operating system.

The software comes with a manual, *Guide on Estimating Substantial Damage Using the NFIP Residential Substantial Damage Estimator*, FEMA 311. This includes a user's manual and worksheets that allow the calculations to be done manually.

Contact your FEMA Regional Office for a copy of the software package and help in using it. Following a major disaster declaration, training sessions and technical assistance may be available.

INCREASED COST OF COMPLIANCE

On June 1, 1997, the NFIP began offering additional coverage to all holders of structural flood insurance policies. This coverage is called Increased Cost of Compliance or ICC.

The name refers to cases where the local floodplain management ordinance requires elevation or retrofitting of a substantially damaged building. Under ICC, the flood insurance policy will not only pay for repairs to the flooded building, it will pay up to $30,000 to help cover the additional cost of complying with the ordinance. This is available for any flood

insurance claim and, therefore, is not dependent on the community receiving a disaster declaration.

There are some limitations to ICC:

- It's only available if there was a flood insurance policy on the building before the flood.
- It covers only damage caused by a flood.
- Claims are limited to $30,000 per structure.
- Claims must be accompanied by a substantial damage determination by the floodplain ordinance administrator.

It should also be mentioned that a portion of the rest of the claim payment may help meet the cost of bringing the building up to code. For example, if there was foundation damage, the regular claim will pay for the cost of repairing or replacing the foundation. The ICC funds would only be needed for the extra costs of raising the foundation higher than it was before.

An ICC claim cannot be paid unless the community has determined the building to be substantially damaged and requires that the building comply with local ordinance requirements. For further information on how ICC coverage works and how you can help policyholders in your community qualify for the coverage, refer to *National Flood Insurance Program's Increased Cost of Compliance Coverage: Guidance for State and Local Officials, FEMA 301.*

In certain cases, an ICC claim can be filed if the building is repetitively flooded, and has had two or more claims averaging 25% or more of building value within a ten-year period, provided the community has language in the flood damage ordinance that implements the substantial damage rule in these cases.

Figure 8-12 has example ordinance language. This language exceeds the minimum NFIP requirements, but would be needed if you wanted to trigger the ICC provision for repetitively damaged buildings.

NFIP/CRS

The Community Rating System credits keeping track of improvements to enforce a cumulative substantial improvement requirement. The 1999 *CRS Coordinator's Manual* credits the ordinance language in Figure 8-12. These credits are found under Activity 430, Section 431.c in the *CRS Coordinator's Manual* and the *CRS Application.*

Option 1

A. Adopt the Following Definition:

"Repetitive Loss" means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

B. And modify the "substantial improvement" definition as follows:

"Substantial Improvement" 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. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed.

Option 2

Modify the substantial damage definition as follows:

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the dam-age occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

NOTE 1: Communities need to make sure that these definitions are tied to the floodplain management requirements for new construction and substantial improvements and to any other requirements of the ordinance, such as the permit requirements, in order to enforce this provision.

NOTE 2: An ICC Claim Payment is ONLY made for flood-related damage. The substantial damage part of the definition must still include "damage of any origin" to be compliant with the minimum NFIP Floodplain Management Regulations.

Figure 8-12. Sample ordinance language for ICC repetitive loss definitions

Source: -- *Increased Cost of Compliance Coverage: Guidance for State and Local Officials*, FEMA-301, September 2003. This language is only needed to trigger an ICC payment for a repetitive loss. No ordinance changes are needed for the ICC coverage for substantial damage.

C. SPECIAL SITUATIONS

As explained in previous sections, the substantial improvement and substantial damage requirements affect all buildings regardless of the reason for the improvement or the cause of the damage. There are three special situations you should be aware of: exempt costs, historic buildings and corrections of code violations.

EXEMPT COSTS

Certain costs related to making improvements or repairing damaged buildings do not have to be counted toward the cost of the improvement or repairs. These include:

- Plans and specifications.
- Surveying costs.
- Permit fees.
- Demolition or emergency repairs made for health or safety reasons or to prevent further damage to the building.
- Improvements or repairs to items outside the building, such as the driveway, fencing, landscaping and detached structures.

HISTORIC STRUCTURES

Historic structures are exempted from the substantial improvement requirements subject to the criteria listed below. The exemption can be granted administratively if the current NFIP definitions of substantial improvement and historic structure are included in your ordinance, or they can be granted through a variance procedure.

In either case, they are usually granted subject to conditions.

If the improvements to a historic structure meet the following three criteria and are approved by the community, the building will not have to be elevated or floodproofed. It can also retain its pre-FIRM flood insurance rating status.

1. The building must be a bona fide "historic structure." Figure 7-13 has the definition that must be followed.

2. The project must maintain the historic status of the structure. If the proposed improvements to the structure will result in it being removed from or ineligible for the National Register or federally-certified state or local inventory, then the proposal cannot be granted an exemption from the substantial improvement rule.

The best way to make such determinations is to seek written review and approval of proposed plans by the local historic preservation board, if it is federally-certified, or by the state historic preservation office. If the plans are approved, you can grant the exemption. If not, no exemption can be permitted.

3. Take all possible flood damage reduction measures. Even though the exemption to the substantial improvement rule means the building does not have to be elevated to or above BFE, or be renovated with flood-resistant materials that are not historically sensitive, many things can and should be done to reduce the flood damage potential. Examples include:

- Locating mechanical and electrical equipment above the BFE or flood-proofing it.
- Elevating the lowest floor of an addition to or above the BFE with the change in floor elevation disguised externally.

CORRECTIONS OF CODE VIOLATIONS

The NFIP definition of substantial improvement includes another exemption:

> ***44 CFR 59.1 Definitions:*** *"Substantial improvement" means .... The term does not, however, include ... Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions*

Note the key words in this exemption: *correct* existing violations, *identified* by the local official, and *minimum* necessary to assure safe conditions. This language was included in order to avoid penalizing property owners *who had no choice* but to make improvements to their buildings or face condemnation or revocation of a business license.

This exemption was intended for *involuntary* improvements or violations that existed before the improvement permit was applied for or before the damage occurred—for example, a restaurant owner who must upgrade the wiring in his kitchen in order to meet current local and state health and safety codes.

You can only exempt the items specifically required by code. For example, if a single stair tread was defective and had to be replaced, do not exempt the cost of rebuilding the entire stairway. Similarly, count only replacement in like kind and what is minimally necessary. If the

owner chooses to upgrade the quality of a code-required item, the extra cost is not exempt from the formula—it's added to the true cost of the improvement or repairs.

Unfortunately, many property owners and builders pressure local building official to exclude "code violation corrections" from their voluntary improvement proposals. There are "code violations" in all structures built before the current code was enacted. In many cases, those elements must be brought up to code as part of an improvement project.

This is very different from a code violation citation that forces a property owner to correct those violations and make improvements that were otherwise not planned. The building official must know about and document the violations before or at the time the permit is issued.

Example

A small business in a 40-year old building was damaged by a fire. The building's pre-fire market value was $100,000. The insurance adjuster and the permit office concluded that the total cost to repair would be $45,000.

However, the community's building code states that whenever an applicant applies for a permit to modify or improve a building, the building must be brought up to code. This building would need the following additional work:

- Replace unsafe electrical wiring.
- Install missing fire exit signs, smoke detectors and emergency lighting.
- Widen the front door and install a ramp to make the business accessible to handicapped and mobility-impaired people.

The total cost of these code requirements would be $8,000. However, since these were required by the code before the fire occurred, they would not have to be counted toward the cost to repair. Based on the basic formula:

$$\frac{\$45{,}000}{\$100{,}000} = 0.45 \text{ or } 45\%$$

The building is not declared substantially damaged

In this example, the building can be repaired without elevating or floodproofing. However, the permit office should strongly recommend incorporating flood protection measures and flood resistant materials in the repair project (as in the example in Figure 8-2).

Letters in Support

July 6, 2014

California Coastal Commission
200 Oceangate
10th Floor
Long Beach, CA 90802

RE: **Appeal No. A-5-LGB-14-034 (Laguna Beach Golf and Bungalow Village, LLC,** Laguna Beach) 31106 Coast Highway, Laguna Beach

Commissioners:

The undersigned former council members of the City of Laguna Beach wish to express our support for the approach that the applicant is taking to upgrade and refurbish the former Aliso Creek Inn and Golf Course, now known as "The Ranch." We have served over a thirty-year period, all of us with strong environmental backgrounds.

We find the following features favorable from an environmental and community preservation standpoint.

1. Preserving the existing footprint of the hotel and restaurant complex.

2. Removing former carports and making small scale additions to enhance the functioning of the hotel (spa and employee lockers/lounge)

3. Refurbishing the buildings in a rural/rustic manner in keeping with character of Laguna Beach.

4. Dividing some of the larger hotel units into two rooms so that more visitors can be accommodated and so that charges for rooms will be based on the smaller size.

5. Remodeling the restaurant to be more open inside and with better views of the cliffs and the golf course. Reopening the restaurant to full service/all meals. (This popular restaurant has been closed for several years and thus it has not been possible for many members of the public to enjoy the beautiful canyon environment from the restaurant area.)

   Improving the meeting/banquet rooms, providing ADA access, elevator, etc.

6. Preserving and enhancing the golf course as it has been for decades, highly valued by locals—a low cost public course. Converting to reclaimed water for irrigation.

7. Making it possible for visitors and residents to experience this secluded scenic canyon in a low-key, non-pretentious setting intended to convey the essence of Laguna Beach history and way of life.

8. Removal of invasive plants from the Aliso Creek banks, in conjunction with the Laguna Canyon Foundation.

9. There are no condominiums, no intrusions into the open space, no high-rise buildings, none of the highly impactful features that were so objectionable in previous proposals.

We recognize that there are outstanding issues for the Coastal Commission, the public and the applicant to consider. These are not included in the permits approved by the city planning commission and thus are not a part of the project being appealed. These include the Camp Elizabeth Dolph heritage Eucalyptus grove area, the feasibility of a trail, a possible new entrance and linkage to Aliso Beach for both "Ranch" visitors and the public. The role of CEQA in this permit review is an important consideration. It is a legitimate function of your review to look at the total picture of this and possible future phases.

However, it is also appropriate to realize that the phases that are part of the present application are very moderate in their scope, and approval of these phases does not preclude consideration of these other items as conditions or separate permits.

We urge you to recognize the beneficial aspects of this project, and address the items important to the LCP, CEQA and environmental review in an expeditious fashion. Please schedule an early de novo hearing date.

Sincerely,

Bobbie Minkin Chambers, Councilmember 1980-1984
250 Cliff Drive #8, Laguna Beach, CA 92651
949-715-3612

Ann Christoph, Councilmember 1990-1994
31713 Coast Highway, Laguna Beach, CA 92651
949-499-3574

Verna Rollinger, Councilmember 2008-2012
825 Park Ave. Laguna Beach, CA 92651
949-494-9878

July 6, 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

To whom it may concern:

Please accept this letter as our show of support for the new renovations at The Ranch at Laguna Beach. For the past 40 years, the owners of the Ranch at Laguna Beach, namely Mark Christy, has been a staunch supporter of Laguna Beach Little League, volunteering countless hours coaching, umpiring, and financially sponsoring the league with team sponsorship. Since 1963, Riddle Field has been the home field to Laguna Beach Little League, comprised this year of 275 local families, with over 425 Laguna boys and girls participating. Little has changed at Riddle Field since its inception, which has unfortunately left the field in a perpetual condition of disrepair.

With wide community support, and the amazing generosity of Mr. Christy & The Ranch at Laguna Beach, Laguna Beach Little League was able to raise over $20,000 this year at a fundraising event sponsored by The Ranch at Laguna Beach. These funds helped cover the costs to renovate Riddle Field, including the re-building of our baseball field for the community to enjoy. Philanthropic support such as this are the cornerstones of our great community here in Laguna Beach.

Over the past 15-years as a Laguna Beach homeowner, parent, School-Power trustee, Laguna Beach Little League board-member, and avid golfer, I have had the opportunity to enjoy The Ranch at Laguna Beach (formerly Ben Browns / Aliso Creek Golf Course) many times. Most recently, while attending a School-Power event (supported & sponsored by Mark Christy & The Ranch), I had the opportunity to tour the property at The Ranch. It is very apparent that the new ownership is committed to preserving the native plants, while properly pruning and landscaping the vegetation, significantly improving the look and feel of this amazing property. Their use of

native plants, conversion to water recycling, and reduction in size of the original building footprints are all perfect indications that these owners are very well in tune to with the visions and expectations of the Laguna Beach community.

The Ranch at Laguna Beach is an important piece of our community, and Laguna Beach Little League supports their current efforts. Should you have any further questions, please feel free to contact me at: (949) 463-7609. Thank you for your consideration.

Respectfully,

Robert Smith
Laguna Beach Little League, Board Member

The Laguna Playhouse

July 28, 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,
On behalf of The Laguna Playhouse, we are offering this letter in support of the renovation project at The Ranch, led by its principal, Mark Christy.

Mr. Christy is a respected member of the Laguna Beach community and has a history of philanthropy and community involvement spanning more than three decades. He has led successful historic projects such as the restoration of the Tuvalu and the Hobie Buildings both of which were acknowledged by the Heritage Committee. His philanthropy is extended to many throughout the community including the Playhouse, Laguna Art Museum, Schoolpower, Boys & Girls Club of Laguna Beach, Laguna Plein Air Painters Association, Pacific Marine Mammal Center and a number of environmental groups.

The Laguna Playhouse is the longest continually operating theater in California, now in our 95th season. Along with our mission, the Playhouse values as articulated by the Board of Directors includes honoring that heritage> the Playhouse has a leadership role within the downtown arts district and within this community that so honors the arts and the natural beauty of the canyons and coastline.

The Ranch project's commitment to honoring the property's heritage including improvements to the original Thurston Homesite and Camp Elizabeth Dolph outdoor venue, the beautiful restoration of the original rooms, the focus on the preservation of native plants and commitment to the proper care of trees echoes the strong environmental commitment of the community itself. It is our understanding that the reduced footprint of the renovation will allow for even more area to be landscaped.

The renovation is supported by and will provide an upgrade in the community, while supporting and supplementing the natural beauty and character that is Laguna Beach.

For these reasons we urge the California Coastal Commission to approve the renovation project at the Ranch.

Sincerely,
Karen Wood

Executive Director
The Laguna Playhouse

606 Laguna Canyon Road · PO Box 1747 · Laguna Beach, California 92652-1747
Phone 949.497.2787 · Fax 949.497.6948 · www.LagunaPlayhouse.com

P O Box 4109
Laguna Beach, CA 92652

PHONE
949-376-3635

EMAIL
info@lpapa.org

WEB
www.lpapa.org

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July 6, 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 Coastal Commissioners,

On behalf of Laguna Plein Air Painters Association (LPAPA), we are writing to express our support for the restoration and revitalization of the historic Aliso Creek Inn and Golf Course (now the Ranch at Laguna Beach).

As LPAPA's hundreds of member plein air artists paint and celebrate the landscape that the California Coastal Act seeks to protect, the Commission's continuing efforts to assure that California's natural and cultural coastal resources—including especially the Aliso Creek area--are conserved, is of vital importance to our organization.

In representing and supporting today's impressionist artists, LPAPA is also the torch-bearer for the preservation and cultivation of Laguna's Beach's cultural heritage, a legacy bequeathed by the community's founders, the late 19th and early 20th century plein air painters, who established the city as an artist colony, which remains a principal part of Laguna's present cultural identity, and thus an distinctive coastal resource that attracts visitors from all over the world.

In addition, the Ranch at Laguna Beach, thanks to the generosity and vision of principal Mark Christy, is now the home of our Laguna Plein Air Invitational, a weeklong arts event held each October. The Invitational is widely recognized as one of the premier plein air arts events in North America. With this relationship, we have had the opportunity to come to a deep understanding of the proposed project, which we believe is compatible with LPAPA's vision and purpose. Among many other things, the project will further the objectives of the Coastal Act by increasing access to quality and reasonably priced visitor serving and lower-cost recreational facilities (the inn, golf course and revitalized camp site). Environmental values will be protected and enhanced through the removal of invasive vegetation, arboristically appropriate tree maintenance that will allow surrounding native vegetation to regenerate and allow the public visual access to long-hidden hillsides and outcrops of the Yosemite of Laguna.

Given these factors, supported the City of Laguna Beach's approval findings, it seems reasonable that the Commission would find no substantial issue raised by the appeal. However, if the Commission does wish to consider technical questions in further depth, we are confident that the project as designed will be found consistent with all applicable policies and regulations. Altogether, we urge the Commission to sustain the Laguna Beach Planning Commission's approval based on the project's compliance with the City's LCP and the evident facts that, on balance, the project as proposed, is the most protective of coastal resources.

Sincerely,

LAGUNA PLEIN AIR PAINTERS ASSOCIATION

Gregory H. Vail
President

Rosemary Swimm
Executive Director

ONEWORLD ONEOCEAN FOUNDATION

PO Box 1987
Laguna Beach, CA 92652
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oneworldoneoceanfoundation.org

July 11, 2014

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

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

Dear California Coastal Commission,

On behalf of **MacGillivray Freeman's One World One Ocean Campaign** and **One World One Ocean Foundation,** we are writing this letter in support of the renovation project at *The Ranch*, led by its principal, Mark Christy. Mark has been a valuable member of the Laguna Beach community and has a 30-year history of philanthropy and community involvement. His philanthropy has extended to leadership roles of restoration projects including the Hobie Building and Tuvalu Building in downtown Laguna, as well as multiple local organizations, including Schoolpower, Boys & Girls Club of Laguna Beach, Laguna Plein Air Painters Association, Pacific Marine Mammal Center, and many other environmental groups.

One World One Ocean Foundation was founded in December 2010, and contributes to film, television, social media, and educational programs to inspire, educate, and connect millions of people worldwide toward a common purpose: protect and restore the health of the ocean. OWOOF's area of focus is to support the production of ocean-themed educational giant screen films and companion educational programming. Our mission is to educate and inspire people of all ages and backgrounds to appreciate to join us in protecting our ocean. The cornerstone of OWOOF's philosophy is the belief that marine eco-literacy and lifelong learning is critical to an individual's development and important to inspiring people to become bold, passionate ambassadors in protecting and restoring the health our ocean.

We are writing this letter to express our support of the ownership team at *The Ranch* at Laguna Beach, and Mark Christy. Please take the time to review the quality of Mr. Christy's existing projects and the efforts he makes to be both a community leader and good neighbor.

The ownership of *The Ranch* has exhibited extraordinary dedication to the community while attempting to create a wonderful destination for visitors. We at One World One Ocean Foundation support these efforts.

If you have any questions, you may call us directly at (949) 494-1055.

Sincerely,
Greg MacGillivray

Chairman
One World One Ocean

Russell Singer & Mary Singer
1545 Caribbean Way
Laguna Beach, California 92651
Ofc: (949)494-6629 / Cell: (949)280-4336 / Fax: (949)494-5747
E-Mail: RussellSinger@gmail.com

September 9, 2014

Mr. Karl Schwing
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

sent via fax only to: (562)590-5084

Re: The Ranch, at Laguna Beach
Formerly the Aliso Creek Inn and Golf Resort
31106 Pacific Coast Highway, Laguna Beach, CA 92651

To: Members of the Coastal Commission:

We are writing in support of Mark Christy and his project to revitalize a beloved Laguna Beach landmark, "The Ranch", formerly known as Ben Brown's and the Aliso Creek Inn. We have lived in Laguna Beach for 35 years and were delighted to discover that upon Mark's purchase of the property, he and his partners were reclaiming what was known as "Scout Camp" which had been totally neglected for several years. I still play golf there on a regular basis and each time playing I was impressed at the progress and the environmentally friendly methods of their approach including having the daily presence of Derek Ostensen with the Laguna Canyon Foundation to oversee the sensitive environmental nature and rehabilitation of the property.

We were so enthusiastic about the rehabilitation of this Laguna gem so much so that we scheduled our son's wedding there to be held on SEPTEMBER 20, 2014. Our son, Ben Singer grew up playing golf there and we have been looking forward to celebrating this momentous occasion with local friends and several family members from the east coast. The invitations have been sent, the RSVP's received and we are begging you to allow our celebration to go forward as planned at Scout Camp. Thank you for consideration and hearing our plea.

Respectfully Submitted,

Russell Singer & Mary Singer

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"Wheels 4 Life" charity 501 (c)(3)
www.wheels4life.org
donations@wheels4life.org
P.O. Box 21 Laguna Beach, CA 92652 USA
Tel: + 1 949 499 2030 Fed ID #: 20-3312814

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

7.6.2014

Dear California Coastal Commission,

on behalf of Laguna based non-profit charity Wheels 4 Life and as a 20-year neighbor residing only a few hundred yard from The Ranch, I would like to express my uppermost support of the plans and initiatives The Ranch has for the above mentioned property.
Their philiosophy and plans are representing Laguna and the interests of the majority of our residents. Their outreach to the community, their sense for historic and environmental preservation, has even effected and supported our own charity, when they generously supported our gala event in Sept. 2013 by letting our event host on the grounds.
I see the restoration of the property as a important step that will benefit many people and causes in Laguna, it will be a unique venue and gem in Laguna.
I have personally been many times at this venue already, and in the last year I have gotten more and more excited about the excellent progress they have been doing with the cleaning up of the course the restoration of the facilities and the preservation of one of Laguna's first homesteads. I have known Mark Christy for over 20 years, his contributions to our community have always been outstanding and in the interest of Laguna.

Myself and our board we support the Ranch project and we hope you will approve the plans to make it what it needs to be.

Sincerely

Hans Rey
Founder & Executive Director

"Wheels 4 Life" charity 501 (c)(3)
www.wheels4life.org
donations@wheels4life.org
P.O. Box 21 Laguna Beach, CA 92652 USA
Tel: + 1 949 499 2030 Fed ID #: 20-3312814

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
January 4, 2014

De Novo Hearing
Application No: A-5-LGB-14-0034
Applicant: Laguna Beach Golf and Bungalow Village, LLC

Commissioners,

As a forty-year resident of Laguna Beach, I urge you to vote in accordance with your Staff Report on the development at The Ranch in Laguna Beach. My reasons are as follows:

1) The Report has built-in flexibility as evidenced in the two significant options offered the applicant under the heading Special Conditions (1.): namely, the applicant can elect to pay a fee of $1,121,010 in-lieu of providing lower cost overnight accommodations, or fund and operate the proposed Shuttle Access Program and Management Program.
2) The Staff Report is comprehensive, covering all of the substantive issues identified by the Commission earlier while focusing particularly on public access and recreation.
3) The "floating trail easement" will facilitate the location of a hiking and cycling trail through the applicant's property to the ocean. This has been the dream of many Lagunans, including me, since the 1980s.
4) The conditions regarding cultural resources, such as the disposition of bodily remains and artifacts, seem effective and warranted. As a retired college professor of California history this is critically important given the likelihood that the building site contains cultural resources related to the history of Acjachemen people and perhaps their ancient forbears.
5) Most importantly, the twenty-two conditions for the issuance of a Coastal Development Permit uphold the integrity of the Coastal Act with respect to this project, and will likely communicate to developers and local officials throughout the state that the Coastal Commission robustly enforces this measure.

Sincerely,

Thomas J. Osborne, Ph.D.
Professor of History Emeritus
Santa Ana College
Home Address: 31651 Santa Rosa Drive
Laguna Beach, CA 926561
Email: tomosborne@cox.net; Phone: (949) 499-4809

RECEIVED
South Coast Region

JAN 7 2015

CALIFORNIA
COASTAL COMMISSION

January 5 ,2015

To Whom It May Concern,

My name is Bonnie Brown and my father was the late Ben Brown who developed the cherished property in south Laguna. After Violet Brown passed away, I was concerned about the plans Montage unveiled to demolish everything and build a new hotel, 18 hole golf course, homes and a spa.

When I found out that Montage had sold to a local, I was very happy. When I read about his plans to restore my dad's early vision and re-engage the name 'Ben Brown', I was so excited I went to Laguna for a visit and toured the property. I liked what I saw and believe my dad would be thrilled to see his legacy brought back to life.

I am writing to ask for your approval on this project for the benefit of the city of Laguna and the restoration of my dad's original dream.

Thank you,

Bonnie Brown

Bonnie Brown

Re: January 8th Hearing Item 11A
Appeal # A-5-LGB-14-0034

Letters in Opposition

SIERRA CLUB
FOUNDED 1892

Th11a

December 29, 2014

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Re: Application No. A-5-LGB-14-0034 Laguna Beach Golf and Bungalow Village, LLC/The Ranch

Honorable Commissioners:

The Sierra Club's Laguna Beach Save Hobo Aliso Task Force has been involved in protecting and preserving this very special area adjacent to the expansive Aliso Wood Canyons Wilderness Park for nearly 15 years in accordance with the Club's mission statement:

To explore, enjoy, and protect the wild places of the earth;

To practice and promote the responsible use of the earth's ecosystems and resources;

To educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

There have been many development threats to this area by those that either simply do not understand the unique and fragile nature of this ecosystem or are merely interested in turning a profit by taking advantage of its finite natural resources. Any project approved by the Commission should adhere strictly to development standards that are designed to protect fragile and unique areas such as this.

The Coastal Commission staff has been involved in conservation efforts in this area for many years and most are familiar with the challenges related to dealing with the City of Laguna Beach and the developers that they enable through inappropriate and inadequate permitting. With this in mind, we feel the staff report should have been much stronger in its protection and preservation of some of the last remaining resources in this special area. Further, staff did not include some of the very vital data that was provided to them regarding biological resources, paleontological/archeological resources, parking impacts, loss of lower cost visitor serving accommodations, and letters from concerned environmentalists that were submitted early on in the process. In an effort to condense our submittal, only a few of these missing components are being included as attachments, but we hope that they will stimulate questions and ultimately strong changes and conditioning for this project by the Commission.

Please allow us to share some of our concerns. This is by no means an exhaustive list, rather an effort to get the most egregious of issues moved to the forefront of your review and discussion.

Scout Camp – Unpermitted Use and Appropriate Use and Restoration

The Dolph Sisters generously donated this land to the Girl Scouts in 1935 for the purposes of establishing a campground known as "The Elizabeth Dolph Girl Scouts Camp of Laguna Beach". The Girl Scout Council then granted the property to the Joe Thurston Foundation in 1962 with deed restrictions stipulating specific conditions including that the property be used for "the use and benefit of the youth of Laguna Beach and whenever possible, the camping out needs of girls in the Laguna Beach area be given priority".

In 1967 the property was again transferred (this time from the Thurston Foundation to the YMCA) with the same deed restrictions. One restriction of that transfer was that, "If for any reason whatsoever the Laguna Beach YMCA cannot continue to hold the land on the foregoing condition, then (they) shall by Deed of Gift without consideration, grant the land to a California corporation which can and will hold the land subject to the condition subsequent." However in 2007, the property was sold by the YMCA to Driftwood Properties/The Athens Group (for approximately $700,000) with the deed restrictions removed via a "quit claim deed" from the Thurston Foundation.

The applicant is citing the use of the Cy-près doctrine for the removal of all deed restrictions. The doctrine of Cy-près can only be applied through a court action that has not been demonstrated by the applicant. This removal of deed restrictions cannot be accomplished through the use of a quit claim deed (which simply releases a party's interest in a property). The Uniform Trust Code of the US codifies that Cy-près applies only to charitable trusts where the original particular purpose of the trust has become impossible or impracticable, and the terms of the trust do not specify what is to happen in such a situation. This is not the case in this circumstance. The terms of the 1962 and 1967 grant deeds can and should be sustained. Staff has accepted this removal of deed restrictions even in the face of being provided more than sufficient evidence that the Cy-près is not legally binding. Staff has also been provided with all of the grant deeds and documents to support our claims of inadequacy. Due to the volume of this documentation, the Sierra Club is not providing the Commissioners with that documentation in this comment package, but it is available upon request.

The Sierra Club requests that the Scout Camp be conditioned strictly for free camping programs for children as originally conditioned in the grant deed by the Dolph Sisters, allowing no other special events to take place. Additionally, because this is an area under enforcement action, we ask that a program similar to what was required of Sean Parker be established to support camping programs for underserved and at-risk youth throughout Orange County, including the Sierra Club's Inner City Outings (ICO). We also ask that the camping program being required by staff be made public so that all concerned parties are able to weigh in on its merit. We also suggest that an online camping sign up program be implemented as part of the overall program so that camping is guaranteed and enforceable and allow for a mechanism for tracking bookings in accordance with the requirement. An interpretive education component should also be considered utilizing the volunteer resources of the Sierra Club, Audubon Society, California Native Plant Society and other non-profit environmental organizations.

The City of Laguna Beach did not issue permits for the Scout Camp development and has disavowed any knowledge of it being done even in light of city council campaign fundraisers taking place in this general location. The city also neglected to take any enforcement action on this unpermitted development even after it was brought to their attention via public testimony and documented in the original appeal. Furthermore, this parcel is not a legal building site. Staff was provided with the Real Property Report of June 11, 2013 (attached as Exhibit A with excerpt below) for the Scout Camp parcel. This document clearly states that this parcel is not a legal building site yet enforcement action related to the removal of unpermitted development is almost non-existent. Staff repeatedly uses the term "dump" in their report to describe this area, but doesn't mention the fact that this area has been reported to them for inappropriate use as a dump for some time now.

• Building Site Status: The subject property is NOT a legal building site, according to the definition established in the Laguna Beach Municipal Code (25.08.004).

• Mapped Environmentally Sensitive Areas:
Water Quality, Environmentally Sensitive Area, Fuel Modification, Very High Fire Severity Zone, Flood Zone.

The Sierra Club requests that this site be conditioned for total removal of <u>all</u> unpermitted development as outlined in the Notice of Violation, including the entire 7000 sf dance floor, and that restoration be required to a level commensurate with its surrounding area, that of high to very-high value habitat. Please reference other restoration orders that have been issued for the immediate area adjacent to this

parcel. Additionally, due to the very high fire severity in this area, we request that all of the unpermitted wooden fencing be removed and that all maintenance vehicles and equipment that are being parked,

stored or staged in this area be relocated to the actual golf course property. Returning this land to its original wilderness condition will allow for a quality camping and educational experience. One night under the stars in the wilderness could be a life-changing experience for a child.

Lower Cost Visitor Serving Accommodations and In Lieu Fees

During the December 2014 Coastal Commission hearing a public workshop was conducted on Lower Cost Visitor Serving Accommodations. An exhaustive exhibit was provided to staff and each Commissioner and two ex partes were conducted in an effort to share concerns about The Ranch and its historic guest room rates as well as the loss of some of the last affordable visitor serving accommodations in Laguna Beach. Please find attached (Exhibit B) a condensed version of that exhibit that once again reiterates concerns about the loss of one of the last affordable visitor serving properties in this area and why the in lieu fee proposed by staff is not adequate based on the intensification of the project. In staff's July 22, 2014 letter to the applicant requesting additional information, the applicant was asked to provide documentation of the rates at the property for the past twenty years. To date, this has not been received and filed. Staff also neglected to provide the Commission with an analysis of how the removal of affordable accommodations at The Ranch would impact Laguna Beach's total stock of lower cost accommodations and did not request a report of this nature from the applicant that would have provided staff with a better basis for evaluation. Further, the City of Laguna Beach approved this project without any analysis of guest room rates as required by its LCP and gave the applicant approval to begin demolition and construction which eliminated any opportunity to develop design guidelines that could have retained the affordability of this property. This allowed the applicant to increase room rates well in excess of any rate that has ever been charged at this property historically. We are now left with an inadequate in lieu fee proposal. Lastly, in lieu fees should not be traded or bargained as is proposed in the staff report.

The Sierra Club requests that properly assessed in lieu fees be required of the developer and his investment group and not just offered as an option. We would suggest that these fees be put towards the development of a county-wide camping program at the Scout Camp unless the applicant and staff are able to identify at the hearing where these funds could be used in Laguna Beach to enhance other camping or affordable visitor serving accommodations. Doheny State Beach offers the closest camping location in this area.

Biological Impacts

The staff report failed to address many of the biological impacts of this project that have occurred since demolition and construction commenced, including, but not limited to, removal of high and very-high value habitat around the perimeter of the entire golf course, impacts to the significant watercourse adjacent to the practice range, impacts to Aliso Creek (a mapped, blue-line stream), parking and construction/maintenance use of the Driftwood LLC property adjacent to the Scout Camp and arundo removal without a CDP. Unlike most staff reports some of the more significant biological reports were not included for Commission review and consideration. Attached (Exhibit C) for your reference and comparison are the documents submitted by Hamilton Biological to staff and the City of Laguna Beach. Mr. Hamilton's final reply of December 11, 2014 raises concerns about the precedent setting nature of what was allowed to occur at The Ranch given the lack of process and protocol and complete abandonment of pre-demolition and pre-construction environmental review.

The Sierra Club urges the Commission to read these documents in order to accurately assess the damage incurred by this development keeping in mind Mr. Hamilton's caution that, "If the City and CCC were to conclude that, in this case, the actions taken to date comply with the requirements of the Coastal Act, it would set a number of damaging precedents for future projects, locally and statewide." Please strengthen the conditions of this permit to provide for increased restoration and the ongoing protection and preservation of the area's natural resources.

Assembly Use and Parking

Staff's analysis of the assembly space and required parking requires closer scrutiny. Given that this property will need to achieve a high guest room occupancy rate along with maximizing all of its new function space and golf tee times to reach its anticipated revenue model, the parking plan as submitted is not adequate even with the adjustments staff has recommended, none of which are enforceable. Please reference the attached (Exhibit D) parking document that was provided to staff.

The Sierra Club requests stronger conditioning of the parking regulations and assembly usage to insure less impacts to the natural resources in this area as well as the existing visitor serving parking in the surrounding community. The Ranch is already taking advantage of existing visitor serving parking at the Montage public access parking lots, all along Coast Highway where beach goers park, the local shopping center (both above ground and underground parking lots), and in the surrounding neighborhoods. Previously established visitor serving parking was not created for this developer and his investment group's use but was designed to maximize public access for those outside the area who wish to visit the beach. The Ranch must be able to park their clientele on site or decrease their level of activity and occupancy.

Trail to the Sea

The Trail to the Sea must be made a requirement of this developer and his investment group based on the intensification and redevelopment of this property as well as the public access policies of the Coastal Act. The public has been promised this trail for 40 years and now is the time as there will never be another opportunity. The prior developer (The Athens Group) was required to construct the trail as specified in the City's LCP as part of their project and developed a blueprint to do so. Please reference attached Exhibit F.

Please also bear in mind that the Laguna Beach Open Space Element (part of the LCP) contains maps regarding proposed trail placements that are contained in the staff report as Exhibits 6 and 8. These maps show the trail placement to be along the floor of Aliso Canyon, roughly following the "Girl Scout" easement (60' wide from the back 2-acre parcel 056-240-04 (Scout Camp) through the golf course). This is the location where the certified LCP dictates placement of the trail as it follows the precedent of a meandering trail through the floor of the Canyon through the Aliso and Wood Canyons Wilderness Park.

The Ranch property is located in multiple zones - CHM (Commercial Hotel/Motel), REC (Recreation), and OSC (Open Space - Conservation). A trail is an allowed use in a REC zone but not in an OSC zone unless a Conditional Use Permit is granted after a finding that the use "*will not interfere with sensitive plant and animal habitats*" (LBMC 25.41.006(A)(3)). According to the "floating easement" proposed by the applicant, it appears that they may be requesting to put the trail in the OSC zone. This is not consistent with the LCP and a better alternative exists that has already been certified.

An ill-conceived shuttle service that was apparently proposed at the last minute (based on the December 15, 2014 date of the applicant's letter to staff) before the staff report was released is not acceptable. Furthermore, Laguna Beach Municipal Code 25.42.010 prohibits the use of vehicles in this Recreation Zone. However, the developer and his investment group have been using heavy vehicles and the City's trolleys in this area for months now (photos and videos submitted to staff and on file) which would lead one to assume that they feel they have the right to do this and that the City condones this violation of their own Municipal Code. Please also consider where all these shuttle users will park since there isn't adequate parking at The Ranch. Even given the OC Parks parking lot at Aliso Beach, the shuttle service could be easily overwhelmed with one Meet Up or other destination populating app. We also feel the shuttle system is not enforceable as proposed.

The Sierra Club requests that the Commission require the long-awaited Trail to the Sea's construction at the developer and his investment group's expense within the next three to five years. Please do not allow further degradation of this area with vehicular traffic or an ill-conceived shuttle service when a trail is possible and much needed to offset the intensification of this project and satisfy the public access requirements established long ago by the Coastal Act.

Sustainable Building Requirements/Water Conservation and Water Quality

Given the Commission's extensive discussion and conditioning of the recent UCSB project, please take a closer look at the lack of sustainable building and water conservation elements in this project. An extensive list of green building requirements was sent to staff along with a request for the golf course to convert from the use of potable water to available reclaimed water from South Coast Water District. The appeal went into some detail on the required Water Quality Management Plan/BMPs and South Coast Water District's Ordinance No. 206 that requires the use of reclaimed water by all golf courses during an extended drought period. However, to date, the golf course continues to irrigate with potable water. Based on discussions with the City of Laguna Beach Water Quality staff and a review of the project file, it would appear as though the City's Building and Planning department completely ignored the recommendations and requirements of the City's Water Quality department. Staff was provided with the email from the City's Water Quality staff in an effort to require/implement these requirements but we have not found any mention of these elements in the staff report.

The Sierra Club requests that the Commission require the implementation of sustainable building elements and water saving devices throughout the project, including conversion from potable water to reclaimed water for irrigation use on the golf course. Additionally, we request a full analysis of the possible creek and ocean pollution from golf course fertilizers and daily irrigation runoff. More use of recycled water (which is in ample supply from South Coast Water District at less cost) throughout the project for controlled irrigation, interior fire sprinklers and all new toilets (which have multiplied greatly during this intensification) can reduce the project's impacts to the Aliso Creek Ocean Outfall located 1.2 miles off of the South Laguna Marine Protected Area.

Non-Conforming Structures and Floodplain Management

Given the complexity of this topic, the Sierra Club requests that the Commission request staff to review with them how the City of Laguna Beach's various Land Use Element policies and its Municipal Code relate to non-conforming structures. Multiple policies and codes would indicate that there are non-conforming structures on this property that require removal or relocation based on staff's application of these same policies and codes to other projects that have been heard and are being heard by this Commission in January. Additionally, we ask the Commission to revisit the certified LCP Amendment (excerpts attached as Exhibit E) that was unanimously certified on June 13, 2013 by many still seated on this Commission. There appears to be a conflict in the statements made in the staff report and what the Commission approved through a roll call vote in June 2013. The LCPA that was certified was applauded by the Commissioners and when staff was asked if this was the new model ordinance that the Commission could expect to see coming forth from other cities for compliance to FEMA, a resounding "yes" was the answer. We are unclear as to why the policies set forward in this newly certified LCPA have not been applied to this project and ask that it be more carefully analyzed for compliance.

Notice of Violation

It is unclear after a thorough review of the staff report how the Notice of Violation (attached as Exhibit G) has been resolved through this permitting action. The Sierra Club requests a more clearly defined action and recommendation from staff and the Commission. Not only is there no resolution to the Notice of Violation in the staff report there isn't even a mention of the violation. A project of this scope

and size should not be permitted to proceed until a violation that is so intrinsic to the project itself is resolved.

Environmental Support Letters

Attached as Exhibit H are the letters that were not included in the report and a complete copy of the letter from Wild Heritage Planners. All of these letters have been on file for months and were requested by the developer and his investment group and provided to them by staff.

In closing, the Sierra Club appreciates the opportunity to comment on the staff report and trusts that these comments will assist the Commission in its important decision-making process.

Sincerely,

Penny Elia

Penny Elia
Chair, Save Hobo Aliso Task Force
Sierra Club

Attachments: Exhibit A – "Scout Camp" Real Property Report/Hazard Maps
Exhibit B – Lower Cost Visitor Serving Accommodations
Exhibit C – Hamilton Biological
Exhibit D – Parking
Exhibit E – LCPA, June 2013
Exhibit F – The Athens Group Redevelopment Plan Excerpt – Trail to the Sea & Map
Exhibit G – Notice of Violation
Exhibit H – Environmental Support Letters

Copy:

Dr. Charles Lester, CCC
Matt Christen, CCC
Dr. John Dixon, CCC
Lisa Haage, CCC
Alex Helperin, CCC
Dr. Laurie Koteen, CCC
Chuck Posner, CCC
Erin Prahler, CCC
Sherilyn Sarb, CCC
Karl Schwing, CCC

EXHIBIT A

"Scout Camp"
REAL PROPERTY REPORT
& HAZARD MAPS

Real Property Report

for

APN 056-240-04

June 11, 2013

City of Laguna Beach
Community Development Department

NOTICE TO BUYER

Real Property Reports are prepared to inform the buyer within the City of Laguna Beach of the conditions and restrictions applicable to the property as revealed by a search of City files. These files are available for review at City Hall, and it is suggested they be reviewed prior to completing a property transaction. If the conditions actually observed on the property by the buyer deviate from the information detailed below, the buyer is encouraged to contact the owner to arrange for an inspection of the property by City personnel, as there may be uses or structures which are not legally permissible. If the property owner makes a written request within 30 days of the issuance of this report, the inspection of the property will be conducted without additional charge.

Physical improvements and site developments are subject to Design Review and shall be designed and located in a manner which best satisfies the City's village atmosphere and the Design Review purposes, guidelines and criteria specified in Section 25 05.040 of the Municipal Code. Village atmosphere is characterized by appropriately scaled development, diverse and unique architectural designs, pedestrian orientation and sensitivity to the natural conditions of the site. The property development zoning standards that are delineated in the Zoning Code represent the maximum allowable building envelope for a given property. This maximum building envelope may not be approved by the Design Review Board. This is because the Design Review process is a discretionary review process and is based upon the particular issues and circumstances in effect at the time the development is proposed. Again, it is important to fully understand that the actual development allowed might be less than the allowable maximum because of localized conditions and desired community objectives identified during the review process.

LAND USE AND ZONING INFORMATION

Zone: The subject property is located in the REC Zone. The uses permitted in this zone are listed in the Laguna Beach Municipal Code.

Use: City records show the following structures/uses exist on the subject property:
Vacant Land

Special Permits: The following Variances, Conditional Use Permits, Design Review or other permits have been approved for this property (including any special conditions placed on the property because of the permits):
None of Record

Building Site Status: The subject property is NOT a legal building site, according to the definition established in the Laguna Beach Municipal Code (Section 25.08.004)

Legal Description: Metes & Bounds. (A copy of the Assessor's Parcel Map showing the subject property is attached to this Real Property Report.)

Parcel Identification Number (used for City office purposes only): 2310

On-Site Turnaround Required: No

Special Subdivision Map Building Setback Requirements: None

Special Street Plan Requirements: None

Special Subdivision Map Height Standards: None

Historic Resource Inventory Category: Historic Register Designation Date: None

Flood Zone: X,AE,2 pct annual chance See Attached Flood Map Panel: 06059C0438J Flood Map Effective Date: 12/03/2009

Mapped Environmentally Sensitive Areas: Water Quality Environmentally Sensitive Area/Fuel Modification/Very High Fire Hazard Severity Zone

Recommended Landscaping and Setbacks: None

City Utility Charges: Paid

City Maintained Street: N/A

Property Owner Notice and Inspection Report (Notice of Participation): None

Real Property Report -
APN 056-240-04

BUILDING INFORMATION

Outstanding Permits The following permits have been issued relative to the subject property, but not completed:

None of Record

Completed Permits The following permits represent significant construction work which has been completed on the subject property:

None of Record

Note: Please see the next page utilizing the City's EnerGov permit tracking system that has been in existence since December of 2011. The next page lists some, but not necessarily all, of the building permit history of the property prior to December of 2011. However, the page does list all of the building permit history since December of 2011 for this property. None of Record

SLOPE MAINTENANCE RESPONSIBILITY

Chapter 22.2 of the Laguna Beach Municipal Code requires property owners to continually maintain slopes on their properties. Maintenance includes repairs to berms, ditches, paved drainage terraces, down drain devices and slope plantings.

UNRESOLVED PROBLEMS

The following problems or issues are outstanding or unresolved, with respect to the City's files, as of the date of this report:

None of Record

This report was issued on June 11, 2013, and is valid for six (6) months by _____.

A six (6) month extension has been authorized by _____ on _____ and will expire on _____.

The preparation and delivery of this Real Property Report does not impose any liability upon the City for any errors or omissions, nor does the City bear any liability not otherwise imposed by law in regards to the Report's preparation.

NOTE: Three (3) or more units capable of being rented within the City of Laguna Beach (Laguna Beach Municipal Code, Section 5.08.050) requires each owner of the units to obtain a City of Laguna Beach Business License each year. Failure to obtain a City of Laguna Beach Business License is a violation of the Municipal Code, Section 5.08.600, Renting of Property and Accommodations. Building permits are required for any demolition, repair, construction or alteration work done on the property. The owner of any dwelling unit proposed to be rented for 30 days or less must obtain an Administrative Use Permit for such short-term lodging according to Chapter 25.23 of the Municipal Code prior to such rental.

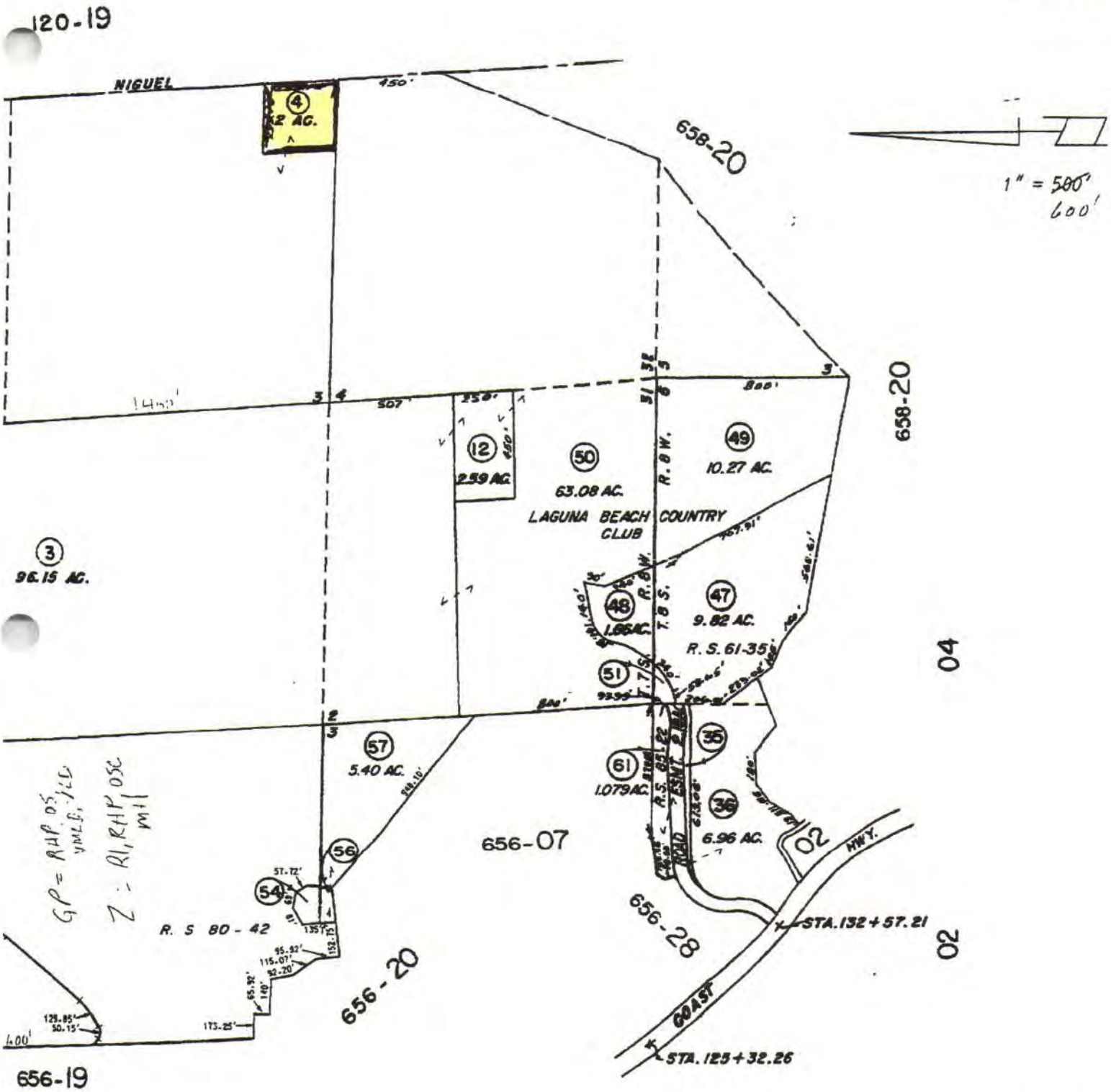
As recipients of a Real Property Report, I certify that I have read and understood the information contained herein.

PLEASE PRINT OR TYPE NAME: _____ **DATE:** _____

SIGNED: _____

STREET ADDRESS OF SUBJECT PROPERTY: **APN:** 056-240-04

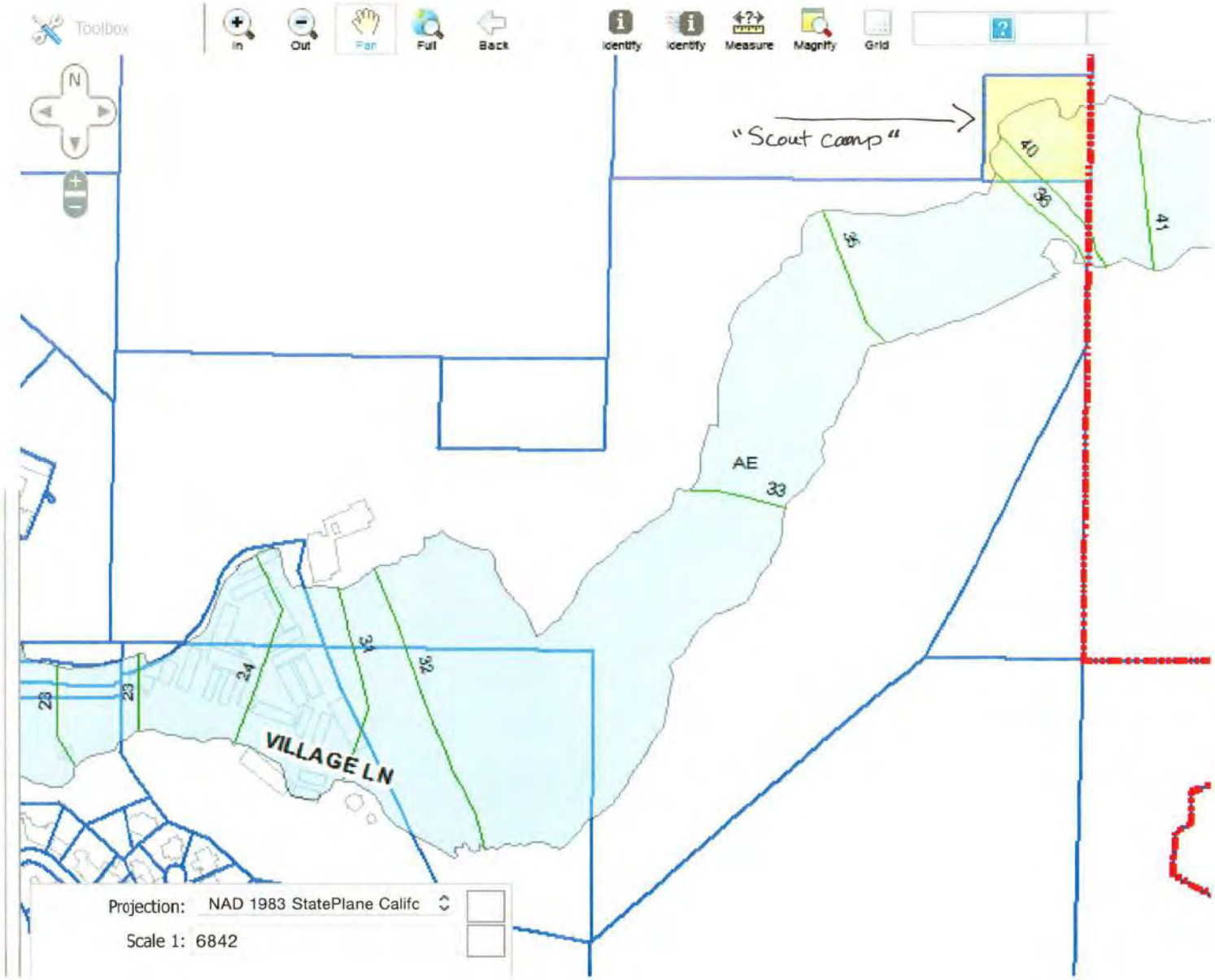
Please sign this lower portion of the report and return it to the Community Development Department, Zoning Division, 505 Forest Ave, Laguna Beach, CA 92651.



NOTE – ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

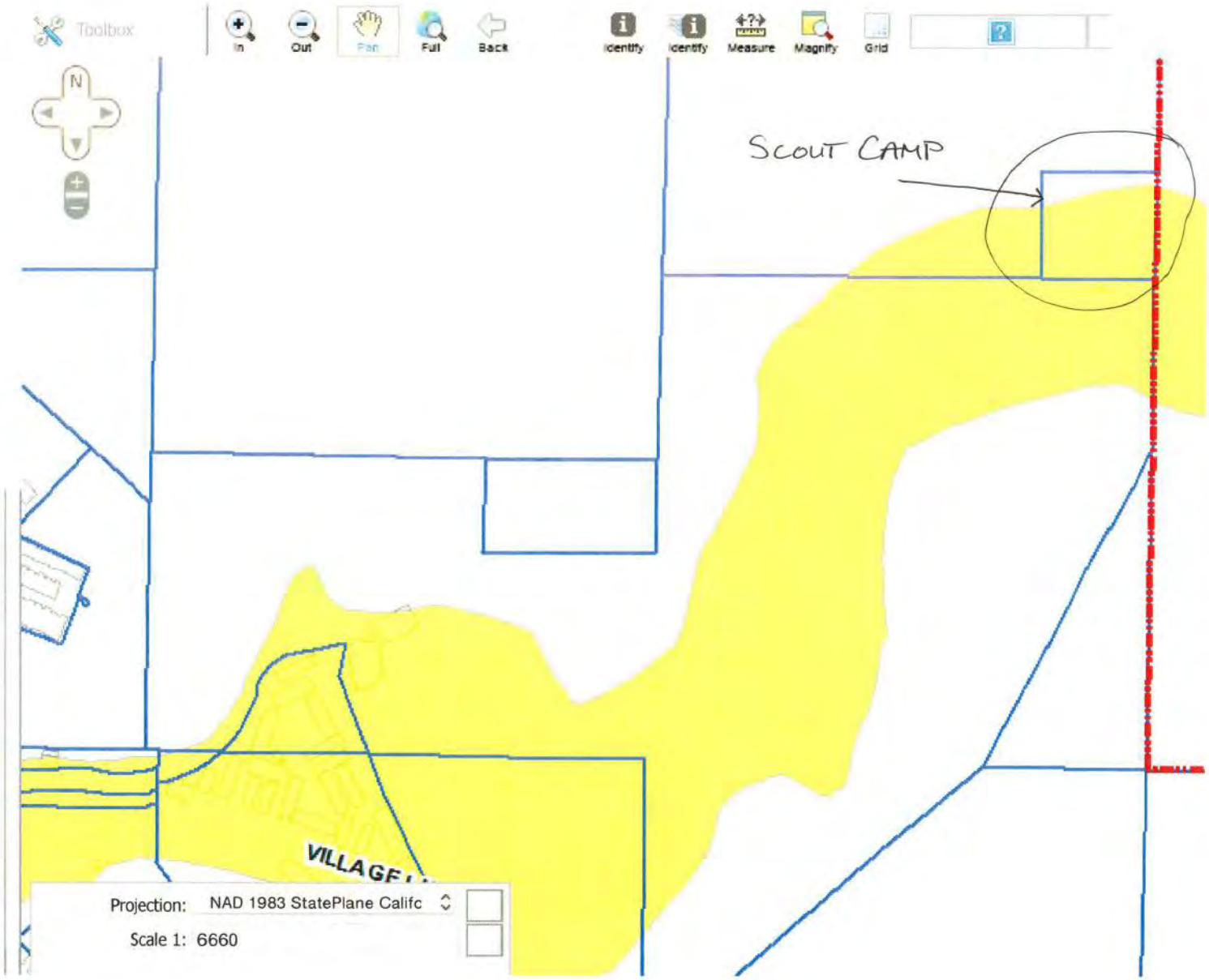
ASSESSOR'S MAP BOOK 056 PAGE 24 COUNTY OF ORANGE

FLOOD ZONE MAP



VERY HIGH FIRE HAZARD SEVERITY MAP (BLUE)

Seismic Hazard
Liquifaction Area
(yellow)



Seismic Hazard
Landslide Areas
(Brown)

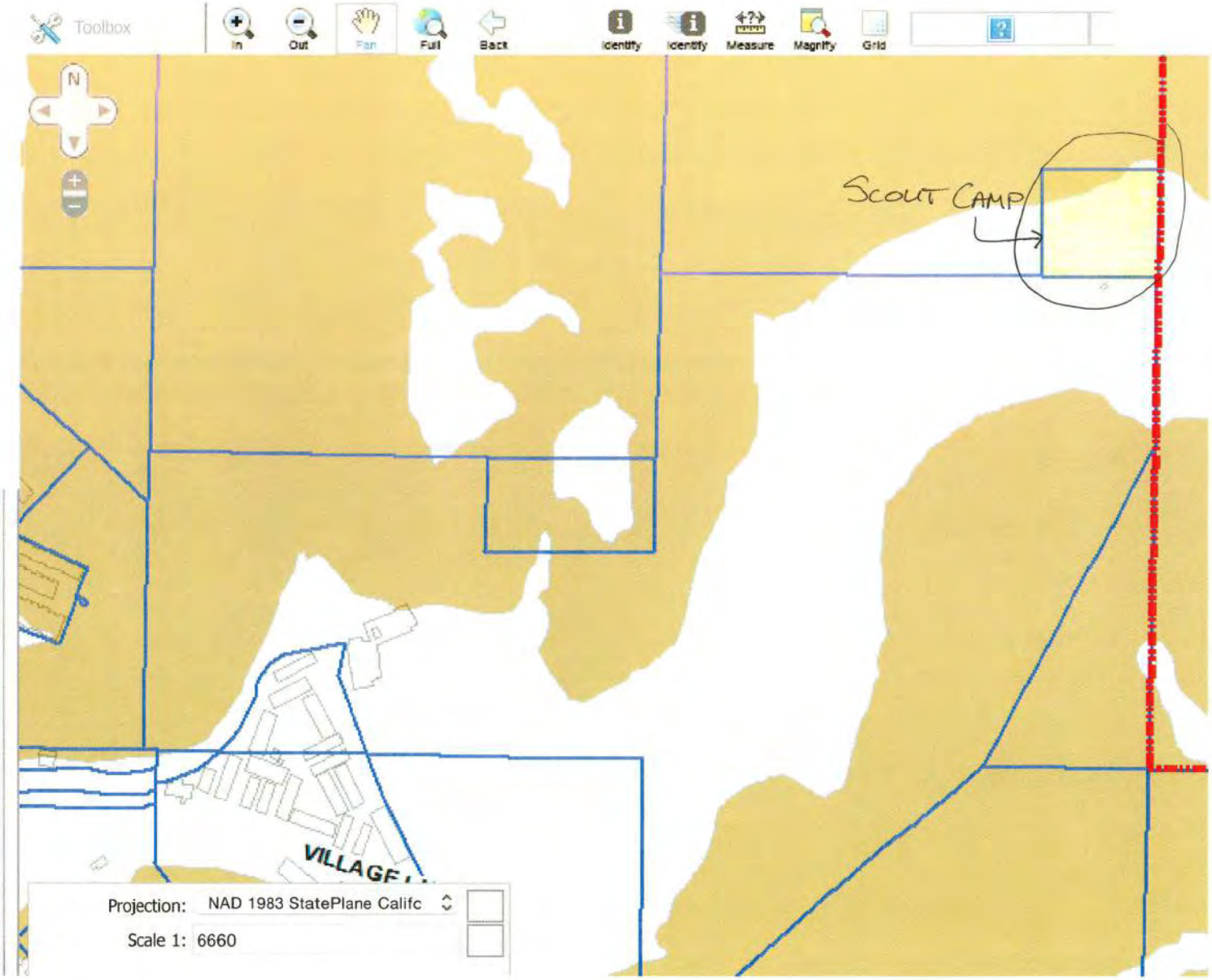


EXHIBIT B

Lower Cost Visitor Serving Accommodations

Room Rate Comparison Chart

Type of Room	Prior/Proposed Quantity of Rooms & (Square Footage)	2005 Rates	Proposed Rates (including $25 resort fee)	% Increase ($/sf cost)
Canyon Room	**30*/64 (820sf/410sf)**	$217 // .26/sf	$359 // .88/sf	+238%
Studio Canyon Suite	**9/9 (600 sf)**	$197 // .33/sf	$404 // .67/sf	+103%
1 Bedroom Canyon Suite	**3/3 (715 sf)**	$197 // .28/sf	$464 // .65/sf	+132%
2 Bedroom Canyon Suite	**20/20 (1,125 sf)**	$332 // .30/sf (average)**	$666 // .59/sf	+97%
TOTAL Revenue/night (not including "Hive House")* **	**62/96**	$15,514	$41,324	+166%

* The "B" Buildings are the single level buildings housing the previous large (820 sq ft) One Bedroom units. Building B-1 was used as an office/storage building and as of the September 2013 appraisal it had 0 units in it. Proposed use is to have 4 units. Building B-2 had 2 units and proposed use is to have 4 units. Buildings B-3 through B-9 all previously had 4 units each and are proposed to have 8 units each.

** Previous rates varied based on location. The 8 "Fairway Suites" were more expensive ($386) than the other 12 two bedroom units ($296). Average price was used in the chart above.

***Rates for the rental of the previous residence (now the "Hive House") have not been included on the charts provided by the applicant.

Proposed rates are based on the most recent chart given to the Commission staff by the applicant dated December 9, 2014. When my addendum was written on November 30th, the proposed numbers previously given by the applicant were different. "One Bedroom Suites (820 sq ft) would be rented at an ADR of over 400 per night and the Two Bedroom Suites close to 900 per night on average" (Kurt Bjorkman - August 5, 2014 letter to Mark Christy).

To: Erin Prahler, California Coastal Commission
Re: ADDENDUM : Low Cost Accommodations at "The Ranch" 31106 Coast Hwy, Laguna Beach
Date: November 30, 2014
From: Sharon Fudge

Dear Erin,

At the October 2014 CCC meeting in Newport Beach, I gave Karl Schwing (for Liliana Roman) a report on the historic rates charged at the "Aliso Creek Inn" (aka "The Ranch") along with various reviews of the Inn to establish the prior uses and the perceptions of value generally associated with the Inn. The report should be in the file - if not, please advise me and I will send a copy digitally.

As I've continued my review of "low cost accommodations" as a concept, I've recently become aware of new information in regards to the proposed uses for "The Ranch" that I'd like to amend to my letter of October 9th to Liliana.

On The Ranch website, (Wedding Billing Instructions tab) there is a reference to additional costs that have never been evident before. I have attached the chart **(a)** for your convenience.

These new charges include:

- Resort Fee $25.00 per night
- Valet Parking $45.00 Overnight, $10.00 Daily Parking Weekday/$20.00 Weekend
- Housekeeping Gratuities $3.00 per day/per room
- Bellman/Doorman Gratuities $10.00 per person, in & out

These charges clearly show that the sleepy, quiet, under-stated vibe of the "Aliso Creek Inn" is not going to continue if the proposed uses are eventually approved.

I'm also attaching some "webpage captures" that I obtained from www.archive.org (aka TheWaybackMachine)**(b)**. These will show the actual screenshots of what the previous owners were marketing in respects to the Aliso Creek Inn (the previous name of the property). Also included are some hotel photos from dates prior to the renovation in comparison to photos of the "new" rooms being promoted by "The Ranch". These illustrate quite a change in the perception of the hotel going forward.

I am also attaching a chart **(c)** that I've created showing the change of intensity with regards to maximum occupancies of the rooms over the years.

In a letter dated **August 5, 2014** from Kurt Bjorkman, General Manager "The Ranch" to Mark Christy, owner (copy submitted to CCC 10/16/14 by applicant) Mr. Bjorkman makes statements that I (not as a hotel expert, but as a common citizen) would like to address as follows:

Page 3 - Room Type Summary

Prior to Renovation

- *9 Studio Rooms. Accommodate up to 4 guests.* (previous use was single or double)
- *3 One Bedroom Studios. Accommodate up to 6 guests.* (previous: single or double)
- *20 Two Bedroom Suites. Accommodate up to 8 guests.* (previous: up to 4)
- *32 One Bedroom Suites. Accommodate up to 7 guests.* (previous: single or double)
- *Penthouse Suite. Large home rented by the night. Accommodate 8 guests.* (0)

The "previous" numbers I am using are from a September 2, 2004 website capture page from the Aliso Creek Inn website (attached)**(b)**. The "Penthouse Suite" was not previously rented as it was the residence for the prior owners of the property. From this information it cannot be determined when the increase in intensity happened - whether it was the Athens Group or the current owner that made the changes.

The "32 One Bedroom Suites" are the previous one bedroom apartments. It is unclear how they ever accommodated 7 guests. Similarly, it is curious as to how a "Studio Room" can accommodate 4 guests.

It would seem that these occupancies may be out of line with fire/safety regulations as well.

Page 3 - Market Notes 2004-2013

"The Aliso Creek Inn was never considered Economy Lodging in Laguna Beach"

Mr. Bjorkman may be referring to a technical definition, but the "on-the-street" perception was always that the Aliso Creek Inn was a bargain due to the size of the rooms and the low cost. The quotation of the USA Today article "recognizing" the Aliso Creek Inn as one of 3 Luxury Resorts in Laguna Beach is misplaced. The article reads that if you "want luxury in a canyon setting" "enjoy the rustic Aliso Creek Inn…the all suite property…" - so, is the hotel rustic or luxurious? The applicant is under the impression that this one article will counteract all of the other reviews describing the property as somewhere between 'outdated', 'in need of maintenance' and 'Motel 6 in an apartment setting' or "the tightwad's place to stay in Laguna" (all quotes are in my original paperwork to Liliana).

Page 4 - Rates for Renovated Property

"You may recall that during our initial renovation/branding conversations in 2012, my recommendation was that if no additional hotel rooms were to be added to the inventory rates should be increased by at least thirty to fifty percent based on the guest rooms improvements you were planning. That would mean that the One Bedroom Suites (820 square feet) would be rented at an ADR of over 400 per night and the Two Bedroom Suites close to 900 per night on average. This ADR would be consistent with mid-scale lodging establishments both in and out of market on a price per square foot. Additional conversations led us to examine and recommend the addition of at least 30 rooms (to get to as close to 100 rooms as possible) so that we could offer rooms at a lower room rate and maintain, even grow occupancy. With the additional rooms scenario we would be able to maintain our historic mid-market ADR position."

According to the website capture pages (attached**(a)**) from the Aliso Creek Inn, the historic rates for the rooms in 2002/5 are as follows:

	Winter	Summer 2002 / 2005
Studios	$127-$141	$175 / $197
One Bedroom Suites	$155-$173	$195 / $217
Two Bedroom Suites	$209-$237	$271 / $296
Fairway Exec Suites (2bd)	$330-$340	$371 / $386

Golf Packages reduced the weekday rates to $105 for a Studio and $115 for a One Bedroom St.

These comparisons mean that the applicant intends to raise the rates on the One Bedroom Suite ("one bedroom apartment" layout) from a range of $153 - $217/night to "over 400 per night" and the Two Bedroom Suite from a range of $209 - $296/night to "close to 900 per night on average". Even at the high of the range, that would represent a doubling and tripling the rates.

Page 5 - Anticipated/Budgeted Rates (2014-2019)

The second paragraph claims *"The Ranch at Laguna Beach will continue to be able to offer, via our uniquely large rooms, all guest types a much more affordable option as compared to other Mid to Luxury hotels in Laguna Beach."* I would claim the "uniquely large rooms" that he is referring to have largely been eliminated from the property. The average size of a hotel room (according to answers.com) is 300-400 sf. That would make 64 (at 410 sf each) of the 97 rooms "average" sized.

The second paragraph also states *"Our Two Bedroom Suites will be able to accommodate a full sized family at a rate lower than any comparably sized room in Laguna Beach or even weekly vacation rentals…".* It is unclear how the rate quoted on Page 4 - $900/night for a Two Bedroom Suite, which works out to $6,300/week - can be found to be less than a weekly vacation rental. A search of vrbo.com does not come up with anything anywhere near that price (other than ocean front homes). Also, if the rooms at "The Ranch" are *"uniquely large"*, how can there be *"comparably sized rooms in Laguna Beach"*?

In response to the **September 26, 2014** letter from manager Kurt Bjorkman to Mr. Christy, I have these comments:

Page 5 - The Ranch at Laguna Beach

" The property currently has 64 guest rooms. The rooms vary in size from 700 square feet to 1150 square feet. The hotel was built with the room count and size in 1962".

My records show that the 63 rooms (as per the date of the appraisal September 2013 - the number of rooms varies from 60-64 depending on the source and at what state of change from rooms to storage/office space and then back to rooms) vary in size from 600 - 1,125 square feet and the residence is 1,600 square feet. My records are from "The Ranch" website Accommodations tab - perhaps the remodel has changed the overall square footages of the rooms above and beyond just the "splitting" of the One bedroom apartments into 2 standard rooms.

"...The very typical hotel room in our study area is 300 square feet and includes one queen or two twin beds..." "The smallest room size with the current 64 room configuration of The Ranch at Laguna Beach is 700 square feet and includes a king bed, dining area, living room area and bathroom. The room can accommodate up to four guests comfortably.

It is not clear based on the square footage quoted what rooms Mr. Bjorkman is referring to as being the smallest - my records show the "Creekside Studios" are 600 square feet and that there are 9 of these rooms. There are also 3 "Creekside Suites" (715 square feet). These both had been historically marketed as "single or double occupancy" (see historic rate sheets attached) and yet, Mr. Bjorkman is saying they *"can accommodate up to four guests comfortably"*. As a matter of fact, the Aliso Creek Inn marketed the "One Bedroom Suites" (820 square feet) as "single or double occupancy" as well. It was only when the size of the room went up to a two bedroom configuration that the occupancy went "up to 4 persons". Mr. Bjorkman however, writes that *"The One Bedroom 820 square feet suites have two separate bedrooms with their own private entrance, two bathrooms and could easily accommodate 6 guests"*. (The letter of August 5th however claims the One Bedroom Suites can accommodate up to 7 guests).

This is an especially interesting statement given two facts:

1. How can a "One Bedroom suite" contain two bedrooms and two bathrooms?
2. The configuration of *"two separate bedrooms with their own private entrance" and "two bathrooms"* has only recently been created. The rooms have never been rented in this configuration - they are still under construction. This is all a part of the "intensification of use" that is under review as part of Phase 1 of construction. Since the One Bedroom Suites used to accommodate single or double occupancy, and now Mr. Bjorkman is claiming they could easily accommodate 6 (or 7) guests, it is just one more indication of the intensification of use that has occurred even if the rooms stay in the configuration they are in at this stage of construction. They do not have to have the interior wall closed off to create a change in the intensity of use.

"In doing rate research it is important to take the size of the rooms into consideration. Our rooms can accommodate more overnight guests at a lower rate than a hotel with a standard room configuration."

How is it possible that The Ranch's rooms can accommodate more guests at a lower rate? Will the guests in a "One Bedroom Suite" not have to rent a roll away bed (at the same cost of $15-$35 per night) the same as any other hotel with a standard sized room? Where will 4 guests be accommodated in a Studio?

"The same sized suite at a luxury hotel less than 1/2 mile from The Ranch at Laguna Beach with not un-similar service levels will on average cost 10-20 times more than our resort".

Considering the earlier quote of "$900/night for a Two Bedroom Suite", this would mean that a suite at "The Montage" (the 'luxury hotel less than 1/2 mile from") would cost between $9000 and $18,000 per night. A search of the Montage website shows that the "top of the line" accommodation - a "3 Bedroom Villa" rents for $3000/night (winter rate). Suites are available for $1,395/night.

<u>Page 5 - The 97 Room Proposal</u>

"These "new" rooms add no square footage, no new buildings and no changes to the exteriors of the existing buildings"

The doors, sliding doors and windows have all been changed on the exterior of the existing buildings. 32 new entry doors (aka "rooms") have been added. Clearstory windows have been removed, large kitchen windows have been replaced by bathroom windows, etc.

"It reduces the size of the room, this lowering the cost of staying overnight for a family that does not require a larger sized suite. The cost of two of our "new" rooms would be less than the cost of one of the 820 square foot suites."

The rate of a "new" room has never been discussed. In the August 5th letter it states that the cost of the "One Bedroom Suites" would be "over $400/night", so that means the cost of a "new" room would be less than $200/night. I would like the applicant to verify that. I'd also like clarification of occupancy going from 7 (in 1 x 820sf) to 4 (in 2 x 410sf). Can the standard rooms not hold 3-4 people anymore?

Lastly, I'd like to address the absence of the most obvious choice for "low cost accommodations" on the property and that is in the area called the "Scout Camp". For decades - until illegally used as a maintenance yard and dumpsite by the previous owners - this 2 acre parcel was owned by various charities for the specific purpose of providing a camping experience for the youth (especially girls) of Laguna Beach. Due to the apparent protest or discouragement of Vi Brown the campsite was essentially abandoned. The most recent charity to own the parcel was the YMCA who used it for a very short time period as a campground. I've attached the deed restriction **(d)** regarding use as a campground. There is an ingress/egress easement through the golf course that accompanied the parcel (that still stands) that was ignored by not only Vi Brown but also the Athens Group. The Athens group eventually bought the parcel from the YMCA - under a flawed cy pres action (there is no evidence that there was

ever any required court approval for the transfer) and subsequently sold the parcel to the current owner - all in defiance of the deed restrictions.

A "restoration" of the parcel was done earlier this year - the parcel was transformed into an outdoor event center capable of hosting 1500 people.

I would request that the "Scout Camp" area be reviewed as a candidate for a legitimate restoration that complies with the Secretary of Interior Standards for a historic site restoration. The appellant has been requesting a formal review of this area as a historic resource by a qualified historian since the original appeal was filed in June 2014. The applicant has never responded to this request. Instead, he is paying homage to the historic nature of this area by posting signs as a reminder of what once was there. This is what one historian refers to as "a chalk outline around the body". There is a wonderful opportunity to save two important features of this property - the history and the affordability.

Please don't let this opportunity be lost.

I thank you for your time and consideration of my viewpoints on this important topic. As always, I am available for any questions or comments you may have.

Sharon Fudge
P.O. Box 130
Laguna Beach, CA 92652-0130
949-481-1101

cc: Dr. Charles Lester, CCC
Sherilyn Sarb, CCC
Karl Schwing, CCC
Liliana Roman, CCC
Chuck Posner, CCC
Andrew Willis, CCC
Penny Elia

Attachments:
(a) Wedding Billing Chart from "The Ranch" website
(b) archive webpages from Aliso Creek Inn (room rates)
(c) room occupancy comparison chart
(d) deed restriction on Scout Camp
(e) traveler photos of Aliso Creek Inn rooms
(f) marketing photos of The Ranch rooms

Wedding Billing Instructions

(a)

Please place an XXX in the appropriate box to indicate whether you would like to have these elements billed to your MASTER account or have your GUESTS pay on their own.

CHARGES	MASTER ACCOUNT	GUEST TO PAY
Room and Tax		
Resort Fee $25.00 per night		
* **Valet Parking** $45.00 Overnight Parking $10.00 Daily Parking Weekday/$20.00 Weekend		
Housekeeping Gratuities $3.00 per day, per room when posted to the Group Master Account		
Bellman/Doorman Gratuities $10.00 per person, in & out when posted to the Group Master Account		
Golf Bag Pull $5.00 per bag, per pull		
Guest Room Deliveries Bellman Room Deliveries: $2.50 per room plus $.50 for each additional item, inside room, $1.00 per room, outside or under door		
Room Service Deliveries. $4.00 per room, inside room. Box Handling: $5.00 per box, first 5 are complimentary		
Gift Shop Charges		
Room Service Charges		
Outlets — F+B — In-room Dining, Restaurants		
Engineering Charges		
Housekeeping Miscellaneous Charges		
Honor Bar Charges		
Telephone Charges		
Laundry Charges		
In-Room Movies		
Spa/Fitness Center Charges		
Tennis Charges		
Golf Charges		
Transportation Charges		
Box Handling		
Business Center Charges		
Banquet Event Functions		
Destination Services Charges		
Audio/Visual Equipment & Communication Charges		

(b)

Alisocreek Inn

RATES

TERMS & CONDITIONS

	2002 - 2003 Sept. 6th - June 19th (Excluding Holidays)		2002 June 20th - Sept. 6th
Studios:	**Sun.-Thurs:**	**Fri.-Sat.**	**Daily**
• Combination Living Room/Bedroom • Full Kitchen, Private Patio	$127.00	$141.00	$175.00
	Single or double occupancy		
One Bedroom Suites: • Gracious Townhouse Suites • Separate Living Room, Full Kitchen • Private Fenced Patio	$155.00	$173.00	$195.00
	Single or double occupancy		
Two Bedroom Suites: • Spacious Two Story Suites • Separate Living Room, 2 Bedrooms • 1.5 Baths, Full Kitchen, Private • Fenced Patio with Upstairs Balcony	$209.00	$237.00	$271.00
	Up to 4 person occupancy		
Fairway Executive Suites	$330.00	$340.00	$371.00

- Rates subject to 12% tax -

Additional Adults: Add $10.00 per night
Cribs & Roll-Aways: Add $5.00 per night

EXHIBIT 0 - Room Maximum Occupancy Comparison Chart

(C)

Building	Unit Mix Prior to / After Remodel	Number of Rooms	Aliso Creek Inn Historic Occupancy	"The Ranch" 65 room configuration Occupancy	"The Ranch" 97 room configuration Occupancy
			per room/total	per room/total	per room/total
A-1	2 Bedroom Suite	6	4/24	8/48	8/48
A-2	2 Bedroom Suite	6	4/24	8/48	8/48
A-3	2 Bedroom Suite	8	4/32	8/64	8/64
B-1	offices/storage	0			
	1 Bedroom Suite	2		7/14	
	Standard Room	4			2/8
B-2	1 Bedroom Suite	2	2/4	7/14	
	Standard Room	4			2/8
B-3	1 Bedroom Suite	4	2/8	7/28	
	Standard Room	8			2/16
B-4	1 Bedroom Suite	4	2/8	7/28	
	Standard Room	8			2/16
B-5	1 Bedroom Suite	4	2/8	7/28	
	Standard Room	8			2/16
B-6	1 Bedroom Suite	4	2/8	7/28	
	Standard Room	8			2/16
B-7	1 Bedroom Suite	4	2/8	7/28	
	Standard Room	8			2/16
B-8	1 Bedroom Suite	4	2/8	7/28	
	Standard Room	8			2/16
B-9	1 Bedroom Suite	4	2/8	7/28	
	Standard Room	8			2/16
C-1	1 Bedroom studio	3	2/6	6/18	6/18
C-1	Studio	9	2/18	4/36	4/36
House	2 Bedroom Suite	1	4/4	8/8	8/8
TOTAL		**63/65/97**	**168**	**446**	**350**

The 63 room count figure and configuration is derived from the count of rooms on the appraisal - done in Sept '13.
The "Aliso Creek Inn Historic Occupancy" figures are derived from www.archive.org (The WaybackMachine)
The "Ranch" room configurations and Occupancies are derived from August 5, 2014 letter from Kurt Bjorkman to Mark Christy RE: Historic Rate Analysis

BOOK 8254 PAGE 943

RECORDING REQUESTED BY

WALLACE, BROWN & CRAIN

AND WHEN RECORDED MAIL TO

WALLACE, BROWN & CRAIN
833 Dover Drive, Suite 29
Newport Beach, California

10271

RECORDED AT REQUEST OF
Wallace Brown & Crane
IN OFFICIAL RECORDS OF
ORANGE COUNTY, CALIF.

MAY 17 9 38 AM '67

J. WYLIE CARLYLE
COUNTY RECORDER

$2.80
C4

(d)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO

LAGUNA BEACH Y.M.C.A.
491 Forest Avenue
Laguna Beach, California

AFFIX I.R.S. $_____ IN THIS SPACE

Corporation Grant Deed

TO 404 C

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
JOE THURSTON FOUNDATION, a non-profit
a corporation organized under the laws of the state of California
hereby GRANTS to LAGUNA BEACH Y.M.C.A.

the following described real property in the
County of Orange, State of California:

A parcel of land lying in Lot Three (3), Section Thirty-two (32), Township Seven (7) South, Range Eight (8) West, San Bernardino Base and Meridian, and more particularly described as follows: Beginning at the Southeast corner of said Lot 3, said point of beginning being on the West boundary of the Rancho Niguel; thence Northerly along the East Line of said Lot 3, 295.16 feet; thence West 295.16 feet; thence South in a direct line to a point on the South line of said Lot 3 distant 295.16 feet from the Southeast corner thereof; thence Easterly along the South line of said Lot 3, 295.16 feet to the point of beginning, containing two (2) acres more or less; together with all right, title and interest in and to those easements described in Book 3638, page 586, and Book 3638, page 596, official records of the County of Orange, State of California

This deed is subject to those conditions subsequent, included in a deed from Girl Scout Council of Laguna Beach, Inc. to Joe Thurston Foundation, dated March 8, 1962, recorded in Book 6086 at Page 88 of the official records of Orange County, which are hereby accepted and agreed to be kept and performed by grantee and are restated as follows: "1. That the Laguna Beach Y.M.C.A. shall maintain the real property described above for the use and benefit of the youth of Laguna Beach and wherever possible, that the camping out needs of girls in the Laguna Beach area be given priority. 2. If for any reason whatsoever the Laguna Beach Y.M.C.A. cannot continue to hold the land on the foregoing condition, then the Laguna Beach Y.M.C.A. shall by Deed of Gift without consideration, grant the land to a California corporation which can and will hold the land subject to the condition subsequent. 3. If conveniently possible, the land shall be referred to as The Elizabeth Dolph Camp. 4. If at any time the property must be sold, the proceeds of the sale will be applied toward the acquisition of similar premises for the same purposes, said premises to be located within the area commonly referred to as the Laguna Beach area."

SUBJECT TO: All general and special taxes for the fiscal year 1967-1968, a lien, not yet payable, including any special district levies, assessments and bonds of present record.

Any covenants, conditions, restrictions, reservations, rights, rights of way and easements of record.

EXHIBIT C

Hamilton Biological

HAMILTON BIOLOGICAL

August 22, 2014

Andrew Willis, Enforcement Analyst
California Coastal Commission, South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

SUBJECT: REVIEW OF POTENTIAL BIOLOGICAL ISSUES
APPEAL NO. A-5-LGB-14-034
THE RANCH AT LAGUNA BEACH
ORANGE COUNTY, CALIFORNIA

Dear Andrew,

Hamilton Biological, Inc., and botanist Fred M. Roberts are working on behalf of the appellants to provide biological information relevant to the above-referenced appeal to the California Coastal Commission of actions that are being undertaken by the owners of The Ranch at Laguna Beach, located at 31106 Pacific Coast Highway in Laguna Beach, California.

PURPOSE

This letter has two purposes: 1) To identify listed and otherwise "sensitive" species known or potentially present in the coastal sage scrub community that grows on the slopes of the lower part of Aliso Canyon, and in the eucalyptus trees at the northern end of the golf course, and 2) To identify studies that that we consider necessary to ensure that the actions taken do not substantially impact sensitive species or environmentally sensitive habitat areas. This is information that should be useful to the California Coastal Commission and its staff in your evaluation of the appeal of the project filed in July 2014.

METHODS

We have reviewed site-specific information from Karlin G. Marsh's South Laguna Biological Resources Inventory, dated January 20, 1992, prepared for the City of Laguna Beach (Roberts was a contributor to this report). In addition, having worked extensively in Orange County and elsewhere in the region since 1988, we have personal knowledge of the resources present, or potentially present, in Aliso Canyon and nearby areas.

316 Monrovia Avenue Long Beach, CA 90803 562-477-2181 robb@hamiltonbiological.com

We have not inspected the affected area in person, and have not reviewed any current plans or site-specific biological reports that may have been produced in association with the proposed/ongoing actions. A local resident, Penny Elia, provided recent photographs showing some of the affected areas, and we also reviewed a recent panorama photograph of the eucalyptus grove at the north end of the property, posted online at:

http://on.bubb.li/203805aw4jrnvvyt2eazd24/

We reviewed relevant information posted online by The Ranch at Laguna Beach:

http://www.theranchatlagunabeach.com/overview-petition/petition-community-support.htm

This web page states, "We have a decades-overdue, environmentally correct and widely supported project with nothing to hide." The purpose of our letter is not to reach any conclusions about the propriety, legality, or ecological desirability of actions taken to date, but rather to identify some of the sensitive plant and wildlife species potentially present in lower Aliso Canyon and the studies normally needed (and required by the relevant governmental agencies) to ensure that habitat-modifying actions do not impact sensitive species or environmentally sensitive habitat areas.

RESULTS

The photographs transmitted by Ms. Elia that we reviewed appear to show some clearance of vegetation in the eucalyptus grove at the north end of the property, and along the margins of the golf course playing surface. We cannot judge how much clearing may have taken place or the plant communities that occurred in the areas that were cleared. The following discussions are, therefore, based on incomplete information concerning the existing resources, the actions that have been taken, and any biological studies conducted prior to the start of work.

Changes to Eucalyptus Trees and Understory at Thurston Grove

Karlin Marsh's 1992 report refers to the grove of eucalyptus trees just north of the golf course as "Thurston Grove," and Page 81 includes a description of the understory, as it existed more than 20 years ago:

> The grove understory is dominated by ripgut brome and is substantially invaded by native and adventive brush, especially along the margins. Mexican elderberry, lemonadeberry, toyons and tree tobacco are all well established, adding internal and edge structure. Other understory plants noted included myoporum, spiny redberry, deerweed, chaparral nightshade, monkeyflower, bladderpod, acacia, ragweed, wild cucumber and New Zealand spinach.

Several of these species, such as Mexican Elderberry, Lemonadeberry, Spiny Redberry, Bladderpod, and Monkeyflower are native shrubs characteristic of coastal sage scrub habitat. Additional scrub species may have come into the area during the 22 years since Marsh's report was completed. Figures 1 and 2, on the next page, show apparent recent clearance of the understory of Thurston Grove.

Figure 1 (left). The trees in the background of this photo, just beyond the turf grass of the golf course, are part of "Thurston Grove." As shown in this photo, it appears that the understory beneath the trees has been cleared (compare with Figure 2, below). Source: Penny Elia.

Figure 2 (below). Aerial image dated 16 April 2013 depicting in yellow the area shown in Figure 1. The composition of the understory may be unknown unless preconstruction surveys were conducted. Source: Google Earth Pro.

The previously referenced online panorama photograph of Thurston Grove (http://on.bubb.li/203805aw4jrnvvyt2eazd24/) shows that turfgrass, some other low vegetation, and what appears to be a stamped-and-colored concrete (impervious?) dance surface have been installed within Thurston's Grove, close to the property boundary with Aliso and Wood Canyons Wilderness Park. In addition to questions of potential unpermitted development raised by the apparent addition of concrete and turf, it is important that a qualified biologist evaluate the potential effects regularly bringing large numbers of people into this sensitive part of Aliso Canyon, adjacent to the wilderness park. Such an analysis would be important for the Coastal Commission to review.

In lower Aliso Canyon, coastal sage scrub habitat is used by the federally threatened Coastal California Gnatcatcher (*Polioptila californica californica*). Therefore, if various native coastal sage scrub species were scattered in the understory of Thurston Grove, those shrubs may have represented suitable habitat for the gnatcatcher. The vegetation in the understory of Thurston Grove should have been mapped and characterized by a qualified biologist prior to any removal. If patches of coastal sage scrub remained in the understory then the required focused surveys by a federally permitted biologist should have been conducted prior to clearance. According to Jonathan Snyder, the supervisor in charge of this area for the U.S. Fish & Wildlife Service (USFWS), a protocol gnatcatcher survey was not conducted in conjunction with any recent work at the resort (personal communication with R. A. Hamilton on 20 August 2014).

Eucalyptus trees frequently provide nesting habitat for various raptor species. The report by Marsh mentioned nesting, or potential nesting, in Thurston Grove by Red-shouldered Hawk (*Buteo lineatus*) and Cooper's Hawk (*Accipiter cooperi*). Red-tailed Hawk (*Buteo jamaicensis*) and Great Horned Owl (*Bubo virginianus*) are two more species with high potential for nesting in Thurston Grove (at least formerly, before the area was converted as described above). Raptor nesting habitat is sometimes regarded as environmentally sensitive habitat area by the California Coastal Commission. If any study of raptor nesting was conducted prior to the changes that have been made to Thurston Grove, this should be documented.

Thurston Grove is a substantial stand of eucalyptus 0.7 mile from the coast. As such, it may have potential to support roosting Monarch butterflies (*Danaus plexippus*) in fall or winter. This is not a listed species, but Monarch populations have been declining across the species' range and the Coastal Commission often considers monarch roosting sites to constitute environmentally sensitive habitat areas. The Xerces Society reports that 200 monarchs overwintered at a site in Laguna Beach during a Thanksgiving Count in 1997. Their database (http://www.xerces.org/wp-content/uploads/2011/04/WMTC-Data-1997-2013-Updated-30-Jan-2014.pdf) calls the site "Aliviso Resort" and another report calls the site "Alviso Resort": http://www.xerces.org/wp-content/uploads/2008/09/legal-status-of-california-monarchs.pdf

Given that The Ranch at Laguna Beach was formerly known as the "Aliso Creek Inn and Golf Course," and there has never been an "Aliviso" or "Alviso" resort in Laguna Beach, it appears that the Xerces Society reports refer to Monarchs overwintering at the "Aliso Resort." On the resort property, Thurston Grove is the most likely place for

Monarchs to roost. Were any focused surveys for roosting Monarchs conducted in fall and winter to determine the extent to which changes to Thurston Grove might have impacted this sensitive butterfly or its required habitat?

Marsh (1992) identified stands of the state- and federally listed Big-leaved Crown-beard (*Verbesina dissita*) very near the south end of Thurston Grove. Although the eucalyptus grove proper is generally not suitable habitat for sensitive plant species, Big-leaved Crown-beard is a hardy plant known to occur in disturbed habitats. For example, this plant is known to have recolonized graded pads above Marilyn Drive, a short distance west of the golf course near Hobo Canyon. Therefore, focused surveys for Big-leaved Crown-beard should have been conducted prior to clearance/conversion of the understory. No focused survey report has been submitted to the USFWS in conjunction with this work (J. A. Snyder, USFWS, pers. comm.).

Disturbance of Native Communities Along the Golf Course Edge

Figures 3 and 4, below and on the following page, show that native vegetation along the edge of the golf course appears to have been cleared/thinned recently. The full extent of the disturbance and the resources affected are undetermined at this time.

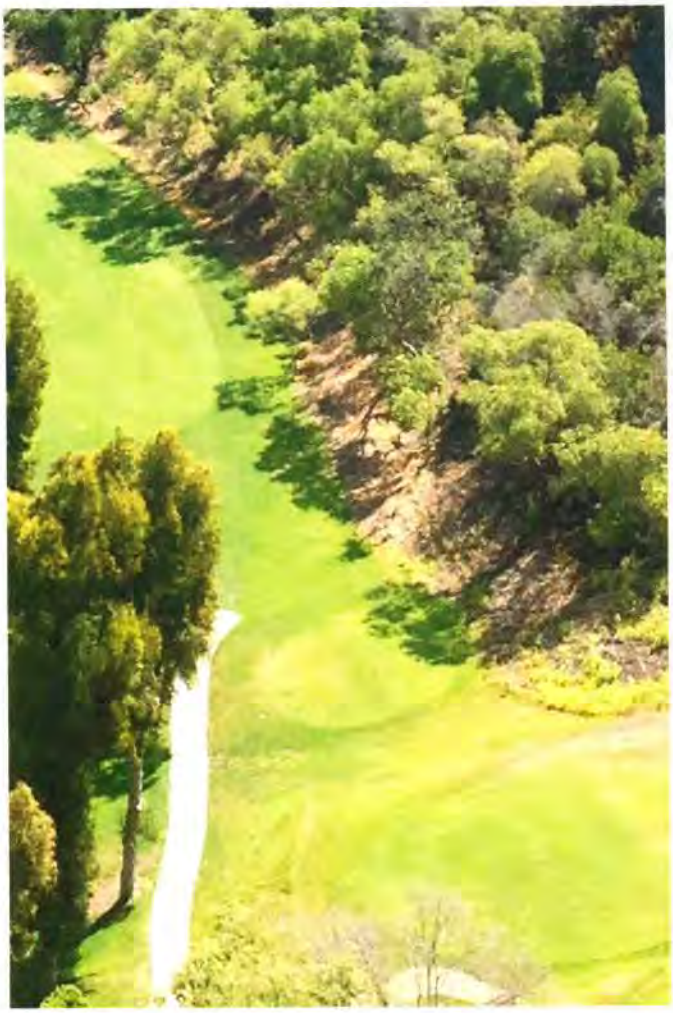


Figure 3. This photo appears to show clearance and/or thinning of natural vegetation along the edge of the golf course, near the tee boxes for the 2nd hole (see also Figure 4 on the next page). Source: Penny Elia.

Figure 4. Aerial image dated 16 April 2013 depicting in yellow the area shown in Figure 3. The plant community in the affected area cannot be determined from this image. Source: Google Earth Pro.

Marsh (1992) identified essentially all areas of natural vegetation adjacent to the golf course as having medium, high, or very high habitat value, largely because numerous sensitive plant species are known from this area. These species include Intermediate Mariposa Lily (*Calochortus weedii* var. *intermedius*), Catalina Mariposa Lily (*Calochortus catalinae*), Many-stemmed Dudleya (*Dudleya multicaulis*), Summer Holly (*Comarostaphylos diversifolia*), Western Dichondra (*Dichondra occidentalis*), Chaparral Rein Orchid (*Piperia cooperi*), Nuttalls' Scrub Oak (*Quercus dumosa*), Western Dichondra (*Dichondra occidentalis*), and Palmer's Grappling Hook (*Harpagonella palmeri*).

Very High Value areas were mostly identified on the known presence listed of the listed species Big-leaved Crown-beard and/or Laguna Beach Dudleya (*Dudleya stolonifera*). It is unlikely the dudleya occurred in any of the cleared areas it occurs mainly on vertical rock faces. However, the crown-beard thrives in scrubby habitats and has potential to occur in the cleared areas, especially on the south side of the canyon. The study by Marsh (1992) and a later one by PCR (2008) did not locate crown-beard along the immediate perimeter of the golf course, but we are aware of other populations in the area that were not identified in either of these studies. Crown-beard is known to occur higher on the slopes above the 2nd hole, and possibly occurs over much of the slope. The City of Laguna Beach routinely requires project proponents in this part of the City to conduct current crown-beard surveys before approving any actions that might impact this listed species, so it would be unusual for discretionary clearing of native vegetation to be approved without a current, focused survey.

For these reasons, a detailed botanical assessment and rare plant survey should have been conducted prior to any actions involving disturbance or alteration of natural or recovering habitats.

Similarly, since the federally threatened Coastal California Gnatcatcher is known from lower Aliso Canyon, focused surveys for the gnatcatcher should have been conducted prior to any actions that may have affected suitable habitat for this listed bird species.

As discussed previously, the USFWS was not notified about the activities described in this letter, and no recent survey reports for listed plants or wildlife have been submitted to the USFWS in conjunction with this work (J. A. Snyder, pers. comm.).

CONCLUSION

Given that we have not inspected the affected areas in person, and have not reviewed any current plans or site-specific biological reports that may have been produced in association with the proposed/ongoing actions, we do not reach any conclusions about the propriety, legality, or ecological desirability of actions taken to date. Rather, we have identified some of the sensitive plant and wildlife species potentially present in lower Aliso Canyon and the studies that the relevant governmental agencies normally require to evaluate the potential effects of habitat modifications in this area upon sensitive species or environmentally sensitive habitat areas. It is of concern that the USFWS was not notified about the actions described in this letter given the apparent potential for "take" of listed plant and wildlife species.

We intend this information to assist you and the Coastal Commissioners in your evaluation of the appeal of the City's determination that actions taking place in lower Aliso Canyon are in compliance with its Local Coastal Program and the Coastal Act.

Sincerely,

Robert A. Hamilton, President
Hamilton Biological, Inc.

Fred M. Roberts, Jr.

Attached: Curricula Vitae

cc: Dr. Charles Lester, CCC
Dr. John Dixon, CCC
Dr. Jonna Engel, CCC
Lisa Haage, CCC
Alex Helperin, CCC
Chuck Posner, CCC
Liliana Roman, CCC
Sherilyn Sarb, CCC
Karl Schwing, CCC
Gregory Pfost, City of Laguna Beach
Jonathan Snyder, USFWS
Christine Medak, USFWS
Kevin Hupf, Calif. Dept. Fish & Wildlife
Mark and Sharon Fudge
Penny Elia

HAMILTON BIOLOGICAL

September 2, 2014

Andrew Willis, Enforcement Analyst
California Coastal Commission, South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

SUBJECT: REVIEW OF ADDITIONAL BIOLOGICAL ISSUES
APPEAL NO. A-5-LGB-14-034
THE RANCH AT LAGUNA BEACH
ORANGE COUNTY, CALIFORNIA

Dear Andrew,

Robert Hamilton, President of Hamilton Biological, Inc., provides these comments on behalf of the appellants regarding above-referenced appeal to the California Coastal Commission (CCC) of actions that are being undertaken by the owners of The Ranch at Laguna Beach, located at 31106 Pacific Coast Highway in Laguna Beach, California. Initial comments regarding potential biological issues were provided in a letter to you from Fred Roberts and me, dated 22 August 2014, and this letter provides additional comments on materials that the applicant recently submitted to your office.

METHODS

I reviewed the following information that was received by the CCC on 18 August 2014:

- Glenn Lukos & Associates and Derek Ostensen & Associates. 2014. Biological Technical Report for the Ranch at Laguna Beach. Report dated 15 August 2014 prepared for Laguna Beach Golf & Bungalow Village, LLC.

- Unattributed. 2014. Camp Elizabeth Dolph Restoration, The Ranch at Laguna Beach, California Coastal Commission Summary. Collection of information, presumably provided by the applicant, regarding the eucalyptus grove and actions taken there in 2013/2014.

- Briseño Landscape. 2014. Tree Trimming on the Ranch at Laguna Beach Property, Sep 30, 2013 – Mar 4, 2014. Letter from Gilberto Briseño to Liliana Roman of the CCC dated 10 August 2014.

316 Monrovia Avenue Long Beach, CA 90803 562-477-2181 robb@hamiltonbiological.com

I have not recently visited The Ranch at Laguna Beach site to review the affected areas immediately before or after the work there took place, but I have seen various photographs showing conditions before and after work provided by the applicant and by local resident Penny Elia, some of which are included in this letter.

RESULTS

The actions taken in 2013/2014 included:

- Removal of native and non-native vegetation from City-designated areas of Very High Value Habitat and High Value Habitat.
- Installation of concrete dance floor, walkways, native and non-native plants, and changes to lighting in and around Thurston Grove (also known as "Camp Elizabeth Dolph" or the "Scout Camp").
- Use of the new facilities by large wedding parties that introduce people, loud noises, and light into the Thurston Grove area, located adjacent to Aliso & Wood Canyons Wilderness Park and potentially suitable habitat for the federally threatened Coastal California Gnatcatcher (*Polioptila californica californica*) among various other biologically sensitive species.
- Planting of the Thurston Grove area with native and non-native plants in what is being called a "restoration project."

The previous comments that botanist Fred Roberts and I submitted to you identified the need for various current studies to determine the potential effects of these actions. Having reviewed the materials submitted to the CCC by the applicant, additional comments can now be made.

Biological Technical Report

The report summarizes information obtained mainly from biological investigations conducted " by PCR Services (PCR) and Glenn Lukos Associates (GLA) between 2004 and 2008 in a "previous study area" that covered 330 acres in lower Aliso Canyon. The report is structured to give the reader a general impression that a great deal of biological investigation was conducted in preparation for the work that has taken place in 2013 and 2014 (for example, 582 hours of field investigations are tallied on Page 4), but it appears that very few relevant biological investigations took place during the 5–10 years leading up to the recent actions. Historical information from surveys conducted more than a few years prior to a proposed action may be relevant, but only recent surveys conducted by qualified personnel can document the resources present when the work is conducted and allow for a useful and credible impact analysis.

Vegetation Mapping

The biological technical report indicates that vegetation in and around the golf course was "previously mapped" by PCR and GLA and then "updated" by GLA on unspecified dates in 2014. Given that work on the project started in 2013, it is not clear why the mapping was updated some time in 2014. The biological technical report does not explain this or give any indication of which areas had already been affected by vegetation removal prior to the updated mapping in 2014.

Effects on Very High Value and High Value Habitats and Associated Species

Citing negative results of various biological surveys conducted from 2004 to 2008, the biological technical report concludes that the actions taken in 2013/2014 are not adversely affecting any listed or otherwise biologically sensitive plant or wildlife species. As described on Page 41 of the report, removal of vegetation along the south side of the 2nd and 4th holes affected City-designated areas of Very High Value Habitat and High Value Habitat. The report indicates that the vegetation removed included native Poison Oak (*Toxicodendron diversilobum*), Blue Elderberry (*Sambucus nigra* ssp. *caerulea*), and willow (*Salix* sp.), but that most of the vegetation removed was ruderal Poison Hemlock (*Conium maculatum*). All of these species, including patches of ruderal hemlock where they occur adjacent to coastal sage scrub, constitute potentially suitable habitat for the California Gnatcatcher.

Before any vegetation is removed from areas of Very High Value or High Value Habitat, or any major development is permitted adjacent to natural habitat areas, a current, credible biological survey is typically required to satisfy the requirements of CEQA, the Coastal Act, and the state and federal Endangered Species Acts. In the areas affected by this project the evaluation would normally, at minimum, include focused surveys for the California Gnatcatcher and Big-leaved Crown-beard (*Verbesina dissita*). Since the biological technical report suggests that no current biological surveys were completed, the report's impact analysis lacks credibility with respect to these species and other sensitive resources associated with areas of Very High Value and High Value Habitat.

Potential Effects on Bat Roosting Habitat in Thurston Grove

The biological technical report states that the Pallid Bat (*Antrozous pallidus*), a California Species of Special Concern, was detected at Thurston Grove during bat surveys in 2005. Page 38 states that trimming of the eucalyptus trees "could have potentially displaced individuals," but concludes that this would not be a problem "because this species remains fairly common, and widespread, and any potential impacts which may have occurred would not be significant." It is not clear why this finding was made outside of the report's Impact Analysis, but the Pallid Bat is recognized as a California Species of Special Concern because bat experts recognize it as being a species in decline, for which conservation actions are needed to help prevent it from becoming listed in the future. It is precisely the type of species that CEQA and the Coastal Act are intended to protect.

Figures 1 and 2, below, are "before" and "after" images showing how extensive pruning and general "cleaning up" of Thurston Grove have dramatically changed the grove's appearance. Changes like this greatly affect the degree of cover provided inside the grove and the micro-climates present within the grove. These important effects are not discussed in the biological technical report.

Figure 1. Oblique aerial image from 2007, facing south, showing dense eucalyptus trees in Thurston Grove, located to the right of the largest golf course surface in this view. Source: Penny Elia.

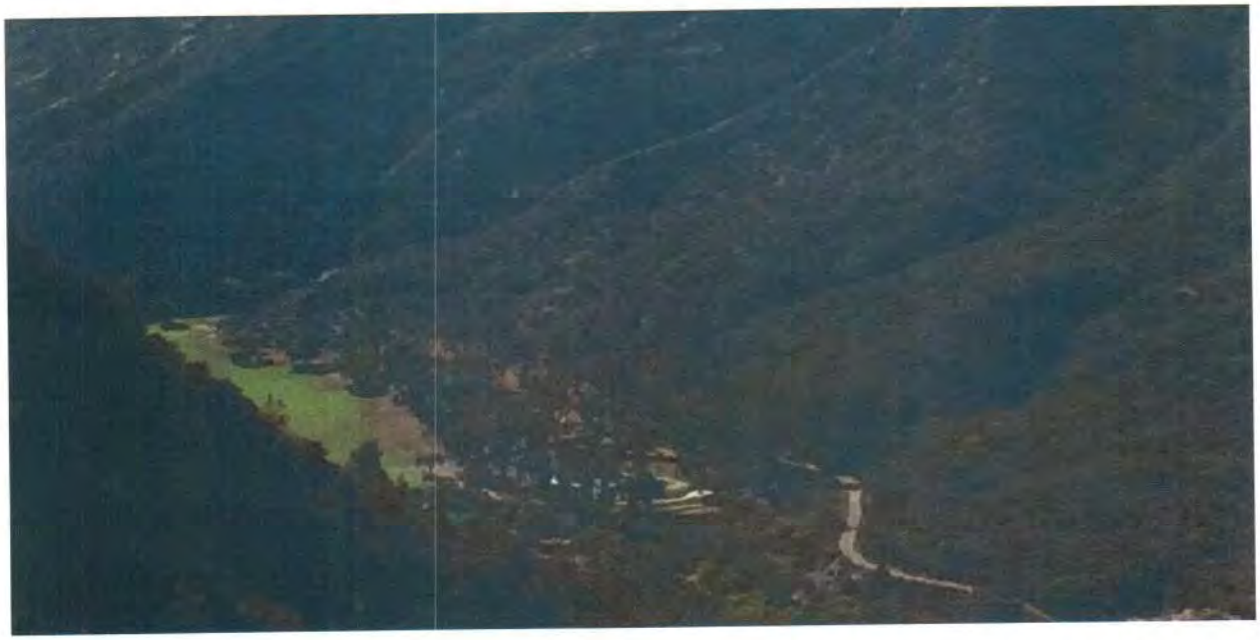


Figure 2. Oblique aerial image dated 28 August 2014, facing southwest, showing the much different appearance of Thurston Grove after extensive pruning, thinning, and addition of turf, concrete, and other event facilities. Source: Penny Elia.

On Page 41, in the Impact Analysis, the report preparers no longer mention the potential displacement of bats acknowledged on Page 38, but instead suggest that the extensive trimming of eucalyptus trees in Thurston Grove would not have adversely affected Pallid Bats because "cavities would be the primary area of occupation," and because weddings typically end by 10:00 p.m. (during the time when bats are typically out foraging). No post-project data are provided in support of these hypotheses. Nowhere does the report acknowledge the potential for Pallid Bats, or other bat species, to roost under the exfoliating bark of eucalyptus trees (most of which was likely removed as part of "clean up"), or to be adversely affected by changes in eucalyptus stand structure, lighting, party noise, or other human-related disturbances. Current, post-project bat surveys would be helpful in determining whether Pallid Bats or other bat species continue to roost in Thurston Grove.

Potential Effects of Lighting Changes on Wildlife in the Area

Page 43 of the report states:

> Clean-up of Scout Camp [i.e., Thurston Grove] included removal of three large 110v lighting flood light fixtures on tall poles that were not shielded. These lights functioned as security lights, and thus were very bright and on continuously every night. Substantial light intrusion occurred from these flood lights onto adjacent habitat. These flood lights were removed and replaced with small low-voltage lights, which are 9w and below 200 lumens that are only used during event gatherings. This replacement of the constantly-lit security lighting with occasionally-lit low voltage fixtures results in a reduction of the lighting in both frequency of use and intensity in this area and as such, would not result in significant adverse impacts.

This post-hoc analysis leaves an impression with the reader that conditions were much worse before the current lighting system was installed, but were they? Asked about the previous lighting situation, Tom Maloney, the Supervising Ranger at Aliso & Wood Canyons Wilderness Park during the 1990s and early 2000s, recalled that "The Thurston Grove would not have been lit up." Also, "In the past the thickness of the grove kept the interior of the grove in darkness" (e-mail to Penny Elia dated 1 September 2014).

Apart from obvious problems associated with the applicant's consultants incompletely analyzing impacts after the fact in a way that does not correspond to Ranger Maloney's recollection of the previous lighting regime at Thurston Grove, the information provided in the biological technical report raises two questions:

1. Were the three unshielded, 110-volt flood lights on high poles permitted under the Coastal Act?

2. Why would the applicant have used expensive, environmentally damaging flood lights to illuminate the area around Thurston Grove every night before that area was renovated, then apparently stop using any form of security lighting after renovation took place?

Surveys for Roosting Monarch Butterflies

As discussed in the previous letter, Thurston Grove may have provided fall and/or winter roosting habitat for Monarch butterflies (*Danaus plexippus*) prior to extensive pruning of the eucalyptus trees. The biological technical report does not discuss the Monarch, and it does not appear that any fall or winter butterfly surveys were conducted before Thurston Grove was substantially modified. The report makes no effort to evaluate whether the proposed actions potentially impacted fall or winter roosting habitat for this declining species.

"Restoration" Project

The applicant's brochure for the "Camp Elizabeth Dolph Restoration" does not describe actions consistent with ecological restoration. For example:

- Under the misleading heading of "Weathered Wood Pad, April 2014," the brochure indicates that "stamped concrete made to look like weathered wood from the homestead era" was installed in Thurston Grove. This appears to be unpermitted development, not restoration.

- The characterization of turf grass as a "buffer between more active areas of the site and the creek" is not ecologically based.

- The recycled wood fence installed to replace the previous fence of barbed wire will be flammable. Will it require fuel modification?

- Most of the plants installed as part of the "restoration" project are not native to the site or local area, and therefore should not be considered part of an ecological restoration project.

The actions taken at Thurston Grove appear to fit the description of unpermitted development that is potentially damaging to sensitive coastal resources rather than a form of "restoration" recognized in the Coastal Act.

Briseño Landscaping Letter

The letter from Gilberto Briseño provides some information, but the "before" photos are not paired with "after" photos, and there is no key map to show where different photos were taken. The "before" photos do not clearly show the vegetation that was cleared out of Very High Value Habitat and High Value Habitat areas. It is good that tree crew members checked for raptor nests before pruning trees, but this does not substitute for focused preconstruction surveys conducted as part of normal environmental review of development projects undertaken in environmentally sensitive areas.

CONCLUSION

As discussed in this letter, the biological technical report and other materials provided to the CCC by the applicant paint an incomplete and unrealistically optimistic picture of the project. Biological surveys conducted over a very large area (330 acres) several years ago do not compensate for current surveys focused on the limited areas where impacts took place in 2013 and 2014. I do not believe that the applicant's characterization of these actions as a form of "restoration" fits any definition of "restoration" recognized in the California Coastal Act.

Sincerely,

Robert A Hamilton

Robert A. Hamilton, President
Hamilton Biological, Inc.

cc: Dr. Charles Lester, CCC
Dr. John Dixon, CCC
Dr. Jonna Engel, CCC
Lisa Haage, CCC
Alex Helperin, CCC
Chuck Posner, CCC
Liliana Roman, CCC
Sherilyn Sarb, CCC
Karl Schwing, CCC
Gregory Pfost, City of Laguna Beach
Jonathan Snyder, USFWS
Christine Medak, USFWS
Kevin Hupf, Calif. Dept. Fish & Wildlife
Mark and Sharon Fudge
Penny Elia
Fred Roberts

HAMILTON BIOLOGICAL

November 19, 2014

Dr. Jonna Engel, Staff Ecologist
California Coastal Commission, South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

SUBJECT: 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

Dear Jonna,

Robert Hamilton, President of Hamilton Biological, Inc., provides these comments on behalf of the appellants regarding above-referenced appeal to the California Coastal Commission (CCC) of actions that are being undertaken by the owners of The Ranch at Laguna Beach, located at 31106 Pacific Coast Highway in Laguna Beach, California. The CCC filed Notice of Violation V-5-14-007 (the NOV) in response to some of the applicant's actions on 4 September 2014. This letter updates and reorganizes some of the points made in previous letters that I submitted to Andrew Willis commenting on the project, dated 22 August 2014 (co-authored by Fred Roberts) and 2 September 2014, and evaluates the applicant's current proposal for restoring a small area near Aliso Creek that was impacted by actions taken during the past year. Please refer to my previous letters for more information on the methods used for the reviews and for other details.

METHODS

For our initial letter, Fred Roberts and I reviewed site-specific information from Karlin G. Marsh's South Laguna Biological Resources Inventory, dated January 20, 1992, prepared for the City of Laguna Beach (Roberts was a contributor to this report). In addition, having worked extensively in Orange County and elsewhere in the region since 1988 (earlier, in Fred's case), we have personal knowledge of the resources present, or potentially present, in Aliso Canyon and nearby areas. Mr. Roberts participated actively

316 Monrovia Avenue — Long Beach, CA 90803 — 562-477-2181 — robb@hamiltonbiological.com

in the first review of the project, presented in our August 2014 letter. Since then, I have conducted the project review with input from Mr. Roberts.

I have not inspected the affected area in person, either immediately before or after the work took place (and neither has Fred Roberts). I have reviewed all of the after-the-fact biological reports that the applicant's consultants have prepared and submitted to the CCC in an effort to (1) understand the actions taken and how they relate to the renovation project approved by the City; (2) identify sensitive natural resources potentially affected; (3) evaluate whether actions taken appear to be consistent with the Coastal Act; and (4) critically review plans submitted by the applicant for the purpose of mitigating certain actions in response to NOV V-5-14-007.

Information reviewed includes aerial photos, oblique photos, and a recent, detailed panorama photograph of the eucalyptus grove at the north end of the property, posted online at:

http://on.bubb.li/203805aw4jrnvvyt2eazd24/

The purpose of the three comment letters, including this one, has been (1) to evaluate how the actions taken may have affected the local ecology of lower Aliso Creek, including various listed and otherwise sensitive plant and wildlife species found there; (2) to identify actions that may conflict with the Coastal Act and the certified Local Coastal Program for Laguna Beach; and (3) to evaluate the appropriateness and adequacy of the actions that the applicant has proposed in response to the NOV.

This current letter addressed the following materials that the applicant has submitted to the CCC staff:

- Glenn Lukos & Associates and Derek Ostensen & Associates. 2014. Biological Technical Report for the Ranch at Laguna Beach. Report dated 15 August 2014 prepared for Laguna Beach Golf & Bungalow Village, LLC.
- Unattributed. 2014. Camp Elizabeth Dolph Restoration, The Ranch at Laguna Beach, California Coastal Commission Summary. Collection of information, presumably provided by the applicant, regarding the eucalyptus grove and actions taken there in 2013/2014.
- Briseño Landscape. 2014. Tree Trimming on the Ranch at Laguna Beach Property, Sep 30, 2013 - Mar 4, 2014. Letter from Gilberto Briseño to Liliana Roman of the CCC dated 10 August 2014.
- Cover letter from McCabe and Company, signed by Anne Blemker, dated 10 October 2014.
- "Operational Brief — Scout Camp, The Guest Experience." This is a one-page summary of the applicant's plans for future events in the violation area.
- "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." Report prepared by Glenn Lukos Associates dated October 2014. Hereafter referred to as the "Restoration Plan."

The actions taken in 2013/2014 included:

- Removal of native and non-native vegetation from City-designated areas of Very High Value Habitat and High Value Habitat located around the perimeter of the golf course.
- Installation of 7,000 square-foot concrete dance floor, walkways, native and non-native plants, and changes to lighting in and around Thurston Grove (also known as "Camp Elizabeth Dolph" or the "Scout Camp").
- Use of the new facilities by large wedding parties that introduce people, loud noises, and light into the Thurston Grove area, located adjacent to Aliso & Wood Canyons Wilderness Park and potentially suitable habitat for the federally threatened Coastal California Gnatcatcher (*Polioptila californica californica*) among various other biologically sensitive species.
- Planting of the area around the dance floor in Thurston Grove with native and non-native plants in what the applicant calls a "restoration project."

The September 2014 NOV addresses (1) unpermitted placement of the concrete dance floor; (2) installation of turf and ornamental vegetation in and around Thurston Grove (a.k.a. "Camp Elizabeth Dolph" and "Scout Camp"); and (3) intensification of use of Thurston Grove for events. At this time, CCC Staff appears to be uncertain whether the coordinated removal of sensitive native habitat around the perimeter of the golf course by the applicant represents part of the renovation project, and/or whether this removal constitutes a violation of the Coastal Act.

RESULTS

Scope of the Project Not Clearly Defined

To date, there has been a lack of clarity regarding the extent of impacts to natural resources that has occurred as part of the renovation project being undertaken by the applicant. The applicant initially took a position that removal of major vegetation, placement of a concrete slab, installation of turf and other landscaping, replacement of a fence, etc., were *not* actions undertaken as part of the renovation project approved by the City of Laguna Beach. As the appeal of the project moved forward, the applicant agreed to include these actions as part of the appealed project. Still, the full extent of "the project" remains murky. See, for example, Figures 1 and 2 on the next page, showing areas on the property and the adjacent Driftwood LLC property where major vegetation was removed between 16 April 2013 and 23 April 2014, without the usual pre-project biological studies. Are all of the vegetation impacts shown in Figure 2 part of the project? If not, the impacts to major vegetation outside of Thurston Grove should have been covered under a separate Coastal Development Permit.

Figures 1 and 2. Aerial images dated 16 April 2013 (top) and 23 April 2014 (bottom) depicting in yellow areas of major vegetation that appear to have substantially changed in conjunction with renovation of the property; additional changes have since been made. Source: Google Earth Pro.

Impacts to Eucalyptus Trees and Understory at Thurston Grove

Karlin Marsh's 1992 report refers to the grove of eucalyptus trees just north of the golf course as "Thurston Grove," and Page 81 includes a description of the understory, as it existed more than 20 years ago:

> The grove understory is dominated by ripgut brome and is substantially invaded by native and adventive brush, especially along the margins. Mexican elderberry, lemonadeberry, toyons and tree tobacco are all well established, adding internal and edge structure. Other understory plants noted included myoporum, spiny redberry, deerweed, chaparral nightshade, monkeyflower, bladderpod, acacia, ragweed, wild cucumber and New Zealand spinach.

Several of these species, such as Mexican Elderberry, Lemonadeberry, Spiny Redberry, Bladderpod, and Monkeyflower are native shrubs characteristic of coastal sage scrub habitat. Additional scrub species could have come into the area during the 22 years since Marsh's report was completed. Figure 3 and 4, below, show the magnitude of the changes recently made to Thurston Grove.

Figures 3 and 4. Aerial images dated 16 April 2013 (top) and 23 April 2014 (bottom) showing major changes to Thurston Grove, including installation of a concrete dance floor, removal of major vegetation, parking of cars, and stockpiling of material. Source: Google Earth Pro.

The previously referenced online panorama photograph of Thurston Grove (http://on.bubb.li/203805aw4jrnvvyt2eazd24/) shows turfgrass, some other low vegetation, and a 7,500 square-foot concrete dance surface installed within Thurston's Grove, close to the property boundary with Aliso and Wood Canyons Wilderness Park. The unattributed document submitted by the applicant, entitled "Camp Elizabeth Dolph Restoration, The Ranch at Laguna Beach, California Coastal Commission Summary" characterizes all of this activity as "restoration" when clearly it is unpermitted development.

In lower Aliso Canyon, coastal sage scrub habitat is used by the federally threatened Coastal California Gnatcatcher (*Polioptila californica californica*). Therefore, if various native coastal sage scrub species were scattered in the understory of Thurston Grove, those shrubs may have represented suitable habitat for the gnatcatcher. The vegetation in the understory of Thurston Grove should have been mapped and characterized by a qualified biologist prior to any removal. If patches of coastal sage scrub remained in the understory then the required focused surveys by a federally permitted biologist should have been conducted prior to clearance. According to Jonathan Snyder, the supervisor in charge of this area for the U.S. Fish & Wildlife Service (USFWS), a protocol gnatcatcher survey was not conducted in conjunction with any recent work at the resort (personal communication with R. A. Hamilton on 20 August 2014).

Eucalyptus trees frequently provide nesting habitat for various raptor species. The report by Marsh mentioned nesting, or potential nesting, in Thurston Grove by Red-shouldered Hawk (*Buteo lineatus*) and Cooper's Hawk (*Accipiter cooperi*). Red-tailed Hawk (*Buteo jamaicensis*) and Great Horned Owl (*Bubo virginianus*) are two more species with high potential for nesting in Thurston Grove (at least formerly, before the area was converted as described above). Raptor nesting habitat is sometimes regarded as environmentally sensitive habitat area by the California Coastal Commission. The applicant did not provide a current study of raptor nesting conducted prior to the changes made to Thurston Grove.

Thurston Grove is a substantial stand of eucalyptus 0.7 mile from the coast. As such, it may have potential to support roosting Monarch butterflies (*Danaus plexippus*) in fall or winter. This is not a listed species, but Monarch populations have been declining across the species' range and the Coastal Commission often considers monarch roosting sites to constitute environmentally sensitive habitat areas. The Xerces Society reports that 200 monarchs overwintered at a site in Laguna Beach during a Thanksgiving Count in 1997. Their database (http://www.xerces.org/wp-content/uploads/2011/04/WMTC-Data-1997-2013-Updated-30-Jan-2014.pdf) calls the site "Aliviso Resort" and another report calls the site "Alviso Resort": http://www.xerces.org/wp-content/uploads/2008/09/legal-status-of-california-monarchs.pdf

Given that The Ranch at Laguna Beach was formerly known as the "Aliso Creek Inn and Golf Course," and there has never been an "Aliviso" or "Alviso" resort in Laguna Beach, it appears that the Xerces Society reports refer to Monarchs overwintering at the "Aliso Resort." On the resort property, Thurston Grove is the most likely place for Monarchs to roost. The applicant did not provide any current focused surveys of Mon-

arch use of Thurston Grove conducted prior to modifying this apparently suitable Monarch habitat.

Marsh (1992) noted stands of the state- and federally listed Big-leaved Crown-beard (*Verbesina dissita*) very near the south end of Thurston Grove. Although the eucalyptus grove proper is generally not suitable habitat for sensitive plant species, Big-leaved Crown-beard is a hardy plant known to occur in disturbed habitats. For example, this plant is known to have recolonized graded pads above Marilyn Drive, a short distance west of the golf course near Hobo Canyon. Therefore, focused surveys for Big-leaved Crown-beard should have been conducted prior to clearance/conversion of the understory. No focused survey report was submitted to the USFWS in conjunction with this work (J. A. Snyder, USFWS, pers. comm.).

Disturbance of Vegetation Along the Golf Course Edge

Figure 2 on Page 4 shows the extent of vegetation clearance visible on the most recent aerial photo from Google Earth, dated 23 April 2014. Figure 5, below, is a photo showing some of this clearing. According to local resident Penny Elia, clearing along the margin of the golf course has been extensive and ongoing for much of 2014. The full extent of the disturbance and the resources affected are undetermined at this time.

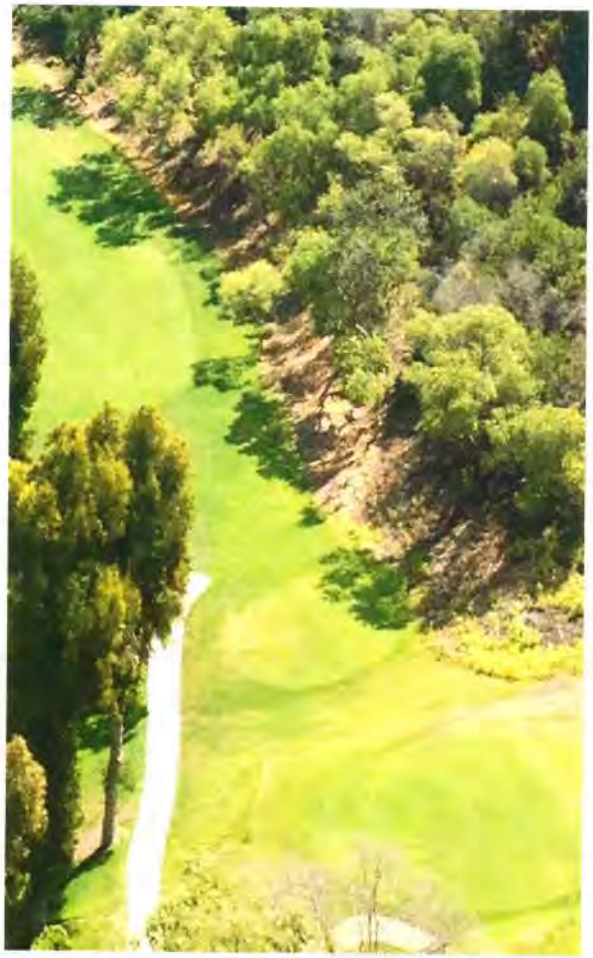


Figure 5. This photo shows clearance and/or thinning of natural vegetation along the edge of the golf course, near the tee boxes for the 2nd hole. Source: Penny Elia.

Marsh (1992) identified essentially all areas of natural vegetation adjacent to the golf course as having medium, high, or very high habitat value, largely because numerous sensitive plant species are known from this area. These species include Intermediate Mariposa Lily (*Calochortus weedii* var. *intermedius*), Catalina Mariposa Lily (*Calochortus catalinae*), Many-stemmed Dudleya (*Dudleya multicaulis*), Summer Holly (*Comarostaphylos diversifolia*), Western Dichondra (*Dichondra occidentalis*), Chaparral Rein Orchid (*Piperia cooperi*), Nuttall's Scrub Oak (*Quercus dumosa*), Western Dichondra (*Dichondra occidentalis*), and Palmer's Grappling Hook (*Harpagonella palmeri*).

Very High Value areas were mostly identified on the known presence listed of the listed species Big-leaved Crown-beard and/or Laguna Beach Dudleya (*Dudleya stolonifera*). It is unlikely the dudleya occurred in any of the cleared areas it occurs mainly on vertical rock faces. However, the crown-beard thrives in scrubby habitats and has potential to occur in the cleared areas, especially on the south side of the canyon. The study by Marsh (1992) and a later one by PCR (2008) did not locate crown-beard along the immediate perimeter of the golf course, but Fred Roberts is aware of other populations in the area that were not identified in either of these studies. Crown-beard is known to occur higher on the slopes above the 2nd hole, and possibly occurs over much of the slope. The City of Laguna Beach routinely requires project proponents in this part of the City to conduct current crown-beard surveys before approving any actions that might impact this listed species, so it would be unusual for discretionary clearing of native vegetation to be approved without a current, focused survey.

For these reasons, a detailed botanical assessment and rare plant survey should have been conducted immediately prior to any actions involving disturbance or alteration of natural or recovering habitats.

Similarly, since the federally threatened Coastal California Gnatcatcher is known from lower Aliso Canyon, focused surveys for the gnatcatcher should have been conducted prior to any actions that may have affected suitable habitat for this listed bird species.

As discussed previously, the USFWS was not notified about the activities described in this letter, and no recent survey reports for listed plants or wildlife were submitted to the USFWS in conjunction with this work (J. A. Snyder, pers. comm.).

The large-scale clearance of native vegetation from around the perimeter of the golf course, apparently conducted without any pre-project biological studies (i.e., site-specific surveys conducted during the year prior to work), and apparently without any specific approval by the City of Laguna Beach, was not identified as one of the violating actions in NOV V-5-14-007. In a phone conference on 17 November 2014, CCC Enforcement Analyst Andrew Willis stated that it was not clear to him whether this clearance of native vegetation was part of the renovation project, and apparently this uncertainty is a factor in the CCC's decision, so far, to exclude this habitat removal from the actions identified as violating the City's certified LCP and the Coastal Act. This uncertainty about what is and is not part of the City-approved renovation project is similar to the earlier question about whether the actions taken by the applicant within Thurston

Grove were or were not part of the renovation project (the applicant originally stated that these actions were not part of the project, then later agreed that they were). If the clearance of native vegetation around the edges of the golf course was not part of the project approved by the City, then it appears to be a stand-alone project involving the unpermitted disturbance of several acres of native and non-native vegetation. Since current, site-specific surveys were not conducted prior to the disturbance, it is unknown whether any listed plant or wildlife species were affected by this action. If this action is determined to be consistent with the City's certified LCP and the Coastal Act, the basis of this determination should be explained so that the public understands the circumstances under which this type of action may be deemed compliant.

Comments on Biological Technical Report

The biological technical report prepared for the applicant by Glenn Lukos & Associates and Derek Ostensen & Associates summarizes information obtained mainly from biological investigations conducted " by PCR Services (PCR) and Glenn Lukos Associates (GLA) between 2004 and 2008 in a "previous study area" that covered 330 acres in lower Aliso Canyon. The report is structured to give the reader a general impression that a great deal of biological investigation was conducted in preparation for the work that has taken place in 2013 and 2014 (for example, 582 hours of field investigations are tallied on Page 4), but it appears that very few relevant biological investigations took place during the 5–10 years leading up to the recent actions. Historical information from surveys conducted more than a few years prior to a proposed action may be relevant, but only recent surveys conducted by qualified personnel can document the resources present when the work is conducted and allow for a useful and credible impact analysis.

Vegetation Mapping

The biological technical report indicates that vegetation in and around the golf course was "previously mapped" by PCR and GLA and then "updated" by GLA on unspecified dates in 2014. Given that work on the project started in 2013, it is not clear why the mapping was updated some time in 2014. The biological technical report does not explain this or give any indication of which areas had already been affected by vegetation removal prior to the updated mapping in 2014.

Effects on Very High Value and High Value Habitats and Associated Species

Citing negative results of various biological surveys conducted from 2004 to 2008, the biological technical report concludes that the actions taken in 2013/2014 have not adversely affected any listed or otherwise biologically sensitive plant or wildlife species. As described on Page 41 of the report, removal of vegetation along the south side of the 2nd and 4th holes affected City-designated areas of Very High Value Habitat and High Value Habitat. The report indicates that the vegetation removed included native Poison Oak (*Toxicodendron diversilobum*), Blue Elderberry (*Sambucus nigra* ssp. *caerulea*), and willow (*Salix* sp.), but that most of the vegetation removed was ruderal Poison Hemlock (*Conium maculatum*). All of these species, including patches of ruderal hemlock where

they occur adjacent to coastal sage scrub, constitute potentially suitable habitat for the California Gnatcatcher.

Before any vegetation is removed from areas of Very High Value or High Value Habitat, or any major development is permitted adjacent to natural habitat areas, a current, credible biological survey is typically required to satisfy the requirements of CEQA, the Coastal Act, and the state and federal Endangered Species Acts. In the areas affected by this project the evaluation would normally, at minimum, include focused surveys for the California Gnatcatcher and Big-leaved Crown-beard. Since the biological technical report suggests that no current biological surveys were completed, the report's impact analysis lacks credibility with respect to these species and other sensitive resources associated with areas of Very High Value and High Value Habitat.

Potential Effects on Bat Roosting Habitat in Thurston Grove

The biological technical report states that the Pallid Bat (*Antrozous pallidus*), a California Species of Special Concern, was detected at Thurston Grove during bat surveys in 2005. Page 38 states that trimming of the eucalyptus trees "could have potentially displaced individuals," but concludes that this would not be a problem "because this species remains fairly common, and widespread, and any potential impacts which may have occurred would not be significant." It is not clear why this finding was made outside of the report's Impact Analysis, but the Pallid Bat is recognized as a California Species of Special Concern because bat experts recognize it as being a species in decline, for which conservation actions are needed to help prevent it from becoming listed in the future. It is precisely the type of species that CEQA and the Coastal Act are intended to protect.

Figures 3 and 4 in this letter show how the extensive pruning and general "cleaning up" of Thurston Grove have dramatically changed the grove's appearance. Changes like this greatly affect the degree of cover provided inside the grove and the micro-climates present within the grove. These important effects are not discussed in the biological technical report.

On Page 41, in the Impact Analysis, the report preparers no longer mentioned the potential displacement of bats acknowledged on Page 38, but instead suggested that the extensive trimming of eucalyptus trees in Thurston Grove would not have adversely affected Pallid Bats because "cavities would be the primary area of occupation," and because weddings typically end by 10:00 p.m. (during the time when bats are typically out foraging). No post-project data were provided in support of these hypotheses. Nowhere did the report acknowledge the potential for Pallid Bats, or other bat species, to roost under the exfoliating bark of eucalyptus trees (most of which was likely removed as part of "clean up"), or to be adversely affected by changes in eucalyptus stand structure, lighting, party noise, or other human-related disturbances. Given how extensive the thinning and removal has been, it is very unlikely that any bat species now roost in Thurston Grove.

Potential Effects of Lighting Changes on Wildlife in the Area

Page 43 of the report states:

> Clean-up of Scout Camp [i.e., Thurston Grove] included removal of three large 110v lighting flood light fixtures on tall poles that were not shielded. These lights functioned as security lights, and thus were very bright and on continuously every night. Substantial light intrusion occurred from these flood lights onto adjacent habitat. These flood lights were removed and replaced with small low-voltage lights, which are 9w and below 200 lumens that are only used during event gatherings. This replacement of the constantly-lit security lighting with occasionally-lit low voltage fixtures results in a reduction of the lighting in both frequency of use and intensity in this area and as such, would not result in significant adverse impacts.

This post-hoc analysis leaves an impression with the reader that conditions were much worse before the current lighting system was installed, but were they? Asked about the previous lighting situation, Tom Maloney, the Supervising Ranger at Aliso & Wood Canyons Wilderness Park during the 1990s and early 2000s, recalled that "The Thurston Grove would not have been lit up." Also, "In the past the thickness of the grove kept the interior of the grove in darkness" (e-mail to Penny Elia dated 1 September 2014).

Apart from obvious problems associated with the applicant's consultants incompletely analyzing impacts after the fact in a way that does not correspond to Ranger Maloney's recollection of the previous lighting regime at Thurston Grove, the information provided in the biological technical report raises two questions:

1. Were the three unshielded, 110-volt flood lights on high poles permitted under the Coastal Act?

2. Why would the applicant have used expensive, environmentally damaging flood lights to illuminate the area around Thurston Grove every night before that area was renovated, then apparently stop using any form of security lighting after renovation took place?

Potential Effects on Wildlife in Aliso & Wood Canyons Wilderness Park

The protected area immediately north (upstream) of Thurston Grove has long been one of the parts of Aliso and Wood Canyons Wilderness Park least affected by human presence. Situated far from the park's most popular mountain biking areas, this quiet, well-watered area is a good candidate for Bobcat denning habitat, for example. Species that require low disturbance levels have the greatest potential to be degraded by substantial intensification of human activity nearby at Thurston Grove. No study was completed to determine the pre-project status of wildlife in the adjacent wilderness park, and no credible impact analysis was conducted to evaluate how off-site wildlife species are likely to respond to the proposed actions. No evaluation has been made of wildlife movement through the Thurston Grove area.

Instead of conducting the studies that would be needed to evaluate the potential effects of the project on sensitive resources, the applicant's consulting biologists have repeatedly emphasized the degraded condition of areas that were impacted by the unauthorized work. They seem to assume, without citing any evidence, that removal of major vegetation and massive intensification of human activity has had no adverse consequences for wildlife populations in the adjoining wilderness park, or for the movement of wildlife through the project area.

The incremental scaling back of human use of the area proposed by the applicant in response to the NOV would still represent a major intensification of human use of the area compared with the pre-project baseline. The failure of the applicant's biological technical report to address these important topics with credible studies and analyses is an important reason why the applicant's report can only be judged as incomplete and inadequate.

No Surveys for Roosting Monarch Butterflies

As discussed previously, Thurston Grove may have provided fall and/or winter roosting habitat for Monarch butterflies prior to extensive pruning of the eucalyptus trees. The biological technical report does not discuss the Monarch, and it does not appear that any fall or winter butterfly surveys were conducted before Thurston Grove was substantially modified. The report makes no effort to evaluate whether the proposed actions potentially impacted fall or winter roosting habitat for this declining species.

Characterization as a "Restoration" Project

The applicant's previous submission to your office, dated 10 August 2014, entitled, "Camp Elizabeth Dolph Restoration, The Ranch at Laguna Beach," does not describe actions consistent with ecological restoration. For example:

- Under the misleading heading of "Weathered Wood Pad, April 2014," the brochure indicates that "stamped concrete made to look like weathered wood from the homestead era" was installed in Thurston Grove. This appears to be unpermitted development, not restoration.
- The characterization of turf grass as a "buffer between more active areas of the site and the creek" is not ecologically based.
- The recycled wood fence installed to replace the previous fence of barbed wire will be flammable. Will it require fuel modification?
- Most of the plants installed as part of the "restoration" project are not native to the site or local area, and therefore should not be considered part of an ecological restoration project.

The actions taken at Thurston Grove appear to fit the description of unpermitted development that is potentially damaging to sensitive coastal resources rather than a form of "restoration" recognized in the Coastal Act, and this is why the CCC issued the NOV in

September 2014. Nevertheless, as discussed subsequently, the applicant continues to treat most of the unpermitted development as an authorized form of restoration (or a form that warrants after-the-fact authorization), and seeks to *ecologically* restore only 0.4 acre of the impacted area.

Were Trees Removed?

Page 2 of the applicant's 10 August 2014 brochure ("Camp Elizabeth Dolph Restoration, The Ranch at Laguna Beach") discussed the work that was conducted at Thurston Grove:

> **Description of Work Conducted During the Restoration**
>
> **Eucalyptus Tree Trimming, September 30, 2013 – November 1, 2013.** Decades of growth and a lack of any apparent tree maintenance created a highly unsafe and unsightly grove condition. An experienced landscape contractor recommended by several local preservationists and landscape architects was hired to trim unsafe branches and beautify the grove. All State and Federal regulations regarding nesting or roosting birds were followed.

Page 5 of the same document states:

> followed the natural grade. Surrounding eucalyptus trees were pruned for safety and overall tree health, but were left intact.

Two months later, a letter dated 10 October 2014 submitted by McCabe and Company on behalf of the applicant requests, among other things, "After-the-fact approval of eucalyptus tree trimming and removal." Why is this necessary when the applicant already assured the CCC that no trees were removed? This contradiction further calls into question the many other assurances that have been made to the CCC and the public. How many trees were removed? Were any of these trees on the Driftwood Parcel, which is already the subject of a separate Notice of Violation and ongoing Restoration Order? Was any other work conducted in a manner other than the applicant described in August 2014?

Comments on Briseño Landscaping Letter

The letter from Gilberto Briseño provides some information, but the "before" photos are not paired with "after" photos, and there is no key map to show where different photos were taken. The "before" photos do not clearly show the vegetation that was cleared out of Very High Value Habitat and High Value Habitat areas. It is good that tree crew members checked for raptor nests before pruning trees, but this does not substitute for focused preconstruction surveys conducted as part of normal environmental review of development projects undertaken in environmentally sensitive areas.

Proposed Actions Inadequate to Address the Violation

The September 2014 NOV is concerned with the unauthorized removal of major vegetation, unauthorized construction of a concrete dance floor, and unauthorized intensification of use of a City-designated wildlife corridor on the Driftwood LLC parcel, which is the subject of a 2010 violation of the Coastal Act and ongoing Restoration Order. As described previously, the applicant did not undertake the biological surveys and analyses, or complete the permitting and public review processes, normally required in conjunction with these types of actions in an ecologically sensitive coastal area. As a result, it may not be possible to determine what the baseline conditions were immediately before the actions were undertaken. What is certain is that the applicant's actions have greatly changed the character of Thurston Grove and adjacent Aliso and Wood Canyons Wilderness Park by removing major vegetation, installing turf and various species not native to the local area, and bringing many more people into a part of Aliso Canyon that was not heavily used before.

In the context of addressing unauthorized impacts to natural resources, "restoration" involves ***restoring*** the affected area to its original condition, or to an ecologically superior condition, compared with the pre-project conditions. Instead, the applicant is proposing to (1) incrementally remove part of the unauthorized dance floor; (2) restore 0.4 acre of natural habitat within 100 feet of Aliso Creek (but not any riparian woodlands); (3) remove the lowest plank of the wooden fence that was installed around the site without authorization; and (4) incrementally reduce intensification of human use, which would remain at a level well above the pre-project baseline (for example, amplified music would continue adjacent to Aliso and Wood Canyons Regional Park, but would shut down at sunset instead of later at night). The applicant's brochure advertises wedding parties for between 1200 and 1500 people at Thurston Grove, an area that saw very little human disturbance during the preceding decades. This is not ***restoration***, but rather removal of major vegetation and substantial intensification of human use accompanied by a request for after-the-fact approval of a scaled-back project that seems unlikely to have been approved had the applicant undergone the normal review process for a Coastal Development Permit (CDP).

The applicant has yet to present a thorough and objective analysis that describes and discusses all of the relevant issues (including those raised in these comments) and that proposes to restore plant and wildlife habitat on the site to a condition equal to or better than the pre-project condition.

Comments on Glenn Lukos Associates' Restoration Plan

The following comments pertain to the Restoration Plan, prepared by Glenn Lukos Associates, Inc.

Pre-Project and Existing Conditions Inadequately Documented

The Restoration Plan does not include any ground-level photographs showing the pre-project or existing conditions of the restoration site. Page 3 of the Plan states that, before work began in 2013, the site supported various buildings, invasive weeds, and "deep eucalyptus thatch, whose thickness and allelopathic soil influence are commonly known by biologists to impede establishment of native habitat." The Plan further states that the restoration site currently supports turf grass, an organic garden, and 2,500 square feet of concrete pad. Exhibit 3 of the Plan appears to show a canopy of eucalyptus above the site, which would be consistent with pre-project aerial photos (see, for example, Figures 1 and 2 in this letter) and the description of "deep eucalyptus thatch," but the Plan does not mention any eucalyptus trees at the site, either before work started or at present. Were eucalyptus trees removed from this area? If eucalyptus trees remain in this area, it seems likely that the trees will eventually grow back to shade the habitat and kill off the native plants (as they did before). This important point should be clarified, and if the CCC determines that eucalyptus trees should be allowed to remain (e.g., because maintaining the integrity of the original Thurston Grove is considered to be of paramount importance), the Plan should address how the applicant will maintain native habitat beneath the trees (e.g., through ongoing removal of eucalyptus debris in perpetuity).

No Riparian Woodland in Restoration Plan

Given that the southern edge of the restoration site is located along the northwestern bank of Aliso Creek, it is surprising that the restoration plan does not call for establishment of native willows, mulefat, oaks, or other riparian scrub/woodland species, which would normally occur within 100 feet of Aliso Creek, and which would increase the value of the restored habitat for numerous wildlife species. Unless there is some reason why riparian woodland habitat should not be established within the riparian zone, the plan should be revised to include appropriate riparian scrub/woodland species.

Plant Species Proposed for Planting

The restoration plan calls for the establishment of various shrub, grass, and wildflower species, but gives no indication how these species were selected. Unless the biologists have recorded the species on/near the site, the biologists should be deferring to Karlin G. Marsh's South Laguna Biological Resources Inventory, dated January 20, 1992, prepared for the City of Laguna Beach. Marsh's report includes extensive lists of native (and non-native) plant species reliably recorded in South Laguna's various plant communities.

The GLA restoration plan proposes to install the following species that Marsh did not report from Aliso Canyon or elsewhere in South Laguna: California Wild Rose (*Rosa californica*), Wild Blackberry (*Rubus ursinus*), Coffeeberry (*Frangula californica*), Hummingbird Sage (*Salvia spathacea*), California Poppy (*Eschscholzia* californica), and Hooker's Evening Primrose (*Oenothera elata* ssp. *hookeri*). I have seen stands of California Rose and Wild Blackberry in Aliso and Wood Canyons Regional Park, but am not sure whether they occur there naturally or were introduced during earlier restoration efforts. The same may be true of other species listed above. In all cases, the biologists should verify that the species being planted as restoration do not represent introductions of species that do not naturally occur in the Aliso Creek watershed.

Provenance of Restoration Plants

Page 11 of the Restoration Plan states:

> from a native plant nursery, be ant-free, and will not be inoculated to prevent heart rot. If any materials must be obtained from other than on-site sources, the Project Biologist will provide the Coastal Commission with a list of all such materials, and will ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

The plan should be corrected to specify collection of plant materials from the San Joaquin Hills, not the Santa Monica Mountains.

Inadequate Performance Standards and Monitoring Period

Pages 13–14 specify the performance standards and a three-year monitoring period. The final-year performance standard in the Restoration Plan states:

> **Third-Year Monitoring**
> Success Standard: 60-percent coverage of native species (<five-percent deviation allowed); At least 80-percent of the planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

Typically, the CCC requires a minimum five-year monitoring period for restoration plans, and by that time the native plant cover should be in the range of 80–100 percent.

Summary and Conclusion

It is my personal experience that the City of Laguna Beach routinely requires current focused surveys for Big-leaved Crown-beard and other sensitive species before approving any kind of development, yet in this case all the normal requirements appear to have been waived. The applicant's actions have already greatly changed the nature of Thurston Grove and the vegetation around the perimeter of the golf course without any current surveys or pre-project analysis having been completed. The public is entitled to

understand why the standards of review for a large project like this one appear to be inconsistent with the standards required for even very small development proposals.

The biological technical report and other materials that the applicant provided to the CCC after-the-fact paint an inconsistent, incomplete, and unrealistically optimistic picture of the project and its potential effects on sensitive plant and wildlife populations, both on the project site and in the adjacent wilderness park. One submission states that trees were merely trimmed and left intact, but later the applicant requests after-the-fact approval for having removed trees. The baseline conditions that the applicant's biologists recreated after the impacts took place reflect information from biological surveys conducted across a very large area (330 acres) several years ago. The results of old surveys do not compensate for current surveys focused on the limited areas where impacts took place in 2013 and 2014.

The materials submitted to the CCC by the applicant in August 2014 characterizing the destructive actions taken at Thurston Grove as a form of "restoration" fly in the face of any definition of "restoration" recognized in the California Coastal Act. Nevertheless, the additional materials submitted by the applicant in September 2014 suggest that the applicant continues to insist that the project, as a whole, should be recognized as a restoration project. This is reflected in the fact that the Restoration Plan prepared by Glenn Lukos Associates covers only 0.4 acre of the impacted area; that is, the area that lies within 100 feet of Aliso Creek. The applicant provides no specific explanation for why a form of ecological restoration should take place in this limited area, but a novel type of "restoration" involving the introduction of a concrete pad, turfgrass, non-native vegetation, and massive intensification of human use should take place in the several acres impacted by the actions taken in the rest of Thurston Grove and along the golf course perimeter. Accepting the applicant's premise in this regard would set a terrible precedent for the CCC in terms of the types of action that may be fairly characterized as "restoration" under the Coastal Act.

The incremental modifications to actions already taken, proposed by the applicant, would leave intact most of the unpermitted development, and would not restore the major vegetation that was removed from Thurston Grove or the golf course perimeter. Thus it appears that the project would remain highly disruptive to ecological processes on the project site and off-site in Aliso and Wood Canyons Wilderness Park. Is there any chance the CCC would have issued a CDP for the highly disruptive actions that have been taken to date, even with the minor modifications that are now being proposed by the applicant?

If the action of thinning and removing extensive areas of vegetation around the perimeter of the golf course, without any pre-project surveys and apparently without any explicit approvals from the City, the USFWS, or other relevant permitting agencies, are determined to be consistent with the requirements of the City's certified LCP and the Coastal Act, the basis of this determination should be explained.

The proposed restoration plan, prepared for the applicant by Glenn Lukos Associates, was put together without any reference to Karlin Marsh's important 1992 Biological Inventory. Importantly, the plan calls for planting of several species that Marsh and colleagues did not record in South Laguna, and erroneously specifies that the restoration plants should be collected from the Santa Monica Mountains. Although part of the proposed restoration site lies within 100 feet of Aliso Creek, the plan does not call for planting of any riparian scrub or riparian woodland plant species. The proposed planting area appears to be underneath existing eucalyptus trees, suggesting that the restoration plantings are unlikely to thrive in the future due to falling eucalyptus leaves, which have allelopathic qualities. The restoration plan specifies an inadequate three-year monitoring period instead of the standard five-year period. In all these ways, the proposed restoration plan is flawed and requires amendment.

The applicant has yet to present a thorough and objective biological resources analysis that describes and discusses all of the relevant issues that I and others have raised in comments to the CCC. In my opinion, the only way to remedy the applicant's violations of the Coastal Act would be to identify a course of action that would restore plant and wildlife habitat on the project site to a condition equal to or better than the pre-project condition.

I appreciate the opportunity to provide additional comments on this project. If you have any questions or wish to discuss any issues, please call me at 562-477-2181 or send email to robb@hamiltonbiological.com.

Sincerely,

Robert A Hamilton

Robert A. Hamilton, President
Hamilton Biological, Inc.

cc: Dr. Charles Lester, CCC
Dr. John Dixon, CCC
Andrew Willis, CCC
Lisa Haage, CCC
Alex Helperin, CCC
Chuck Posner, CCC
Liliana Roman, CCC
Sherilyn Sarb, CCC
Karl Schwing, CCC
Erin Prahler, CCC
Gregory Pfost, City of Laguna Beach
Jonathan Snyder, USFWS
Christine Medak, USFWS
Kevin Hupf, Calif. Dept. of Fish & Wildlife
Mark and Sharon Fudge
Penny Elia
Fred Roberts

HAMILTON BIOLOGICAL

December 2, 2014

Ann Larson, Planning Manager
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

SUBJECT: RESPONSE TO GLA MEMOS DATED 9 SEPTEMBER 2014 AND 26 NOVEMBER 2014
THE RANCH AT LAGUNA BEACH
ORANGE COUNTY, CALIFORNIA
CCC APPEAL NO. A-5-LGB-14-034
CCC NOTICE OF VIOLATION NO. V-5-14-007

Dear Ms. Larson,

In a memorandum addressed to you, dated 9 September 2014, and in a modified version of the same memorandum, dated 26 November 2014, and addressed to Dr. Jonna Engel of the California Coastal Commission (CCC), Thienan Pfieffer of Glenn Lukos Associates (GLA) responded to comments I submitted to the CCC on behalf of the appellants regarding actions undertaken by the owners of The Ranch at Laguna Beach, located at 31106 Pacific Coast Highway in Laguna Beach, California. I believe that you have copies of all three of the letters that I have submitted concerning this project, but please let me know if you need a copy of any correspondence. The September GLA memo was not copied to me or to the appellants, and the appellants did not become aware of its existence until last week, when a PDF was provided to Penny Elia by Andrew Willis of the CCC staff. Ms. Elia forwarded the PDF to me and indicated that CCC staff was interested in my response to GLA's rebuttal. The November GLA memo was provided to Ms. Elia by Erin Prahler of the CCC staff today. This letter provides the requested responses to GLA's memoranda.

Unless noted otherwise, this letter responds to the first GLA memo. The second GLA memo mainly reiterates the first one. In cases where the second memo covers new material, however, I have provided responses in this letter.

316 Monrovia Avenue — Long Beach, CA 90803 — 562-477-2181 — robb@hamiltonbiological.com

METHODS

As indicated in my previous letters, I have not inspected the affected areas in person, either immediately before or after the work took place. I have reviewed site-specific information from Karlin G. Marsh's *South Laguna Biological Resources Inventory*, dated January 20, 1992, prepared for the City of Laguna Beach. I have reviewed all of the after-the-fact biological reports and the restoration plan that the applicant's consultants have prepared and submitted to the CCC. Other information reviewed includes current and historical aerial photos, oblique photos, and a panorama photograph of the eucalyptus grove at the north end of the property, posted online at:

http://on.bubb.li/203805aw4jrnvvyt2eazd24/

The purpose of my comment letters has been (1) to evaluate how the actions taken may have affected the local ecology of lower Aliso Creek, including various listed and otherwise sensitive plant and wildlife species found there; (2) to identify actions that may conflict with the Coastal Act and the certified Local Coastal Program for Laguna Beach; and (3) to evaluate the appropriateness and adequacy of the actions that the applicant has proposed in response to the NOV.

The actions taken in 2013/2014 included:

- Removal of native and non-native vegetation from City-designated areas of Very High Value Habitat and High Value Habitat located around the perimeter of the golf course.
- Installation of 7,000 square-foot concrete dance floor, walkways, native and non-native plants, and changes to lighting in and around Thurston Grove (also known as "Camp Elizabeth Dolph" or the "Scout Camp").
- Use of the new facilities by large wedding parties that introduce people, loud noises, and light into the Thurston Grove area, located adjacent to Aliso & Wood Canyons Wilderness Park and potentially suitable habitat for the federally threatened Coastal California Gnatcatcher (*Polioptila californica californica*) among various other biologically sensitive species.
- Planting of the area around the dance floor in Thurston Grove with native and non-native plants in what the applicant calls a "restoration project."

The September 2014 NOV addresses (1) unpermitted placement of the concrete dance floor; (2) installation of turf and ornamental vegetation in and around Thurston Grove (a.k.a. "Camp Elizabeth Dolph" and "Scout Camp"); and (3) intensification of use of Thurston Grove for events. At this time, CCC staff appears to be uncertain whether the coordinated removal of sensitive native habitat around the perimeter of the golf course by the applicant represents part of the renovation project, and/or whether this removal constitutes a violation of the Coastal Act.

Preface to Responses

Having conducted numerous biological surveys for many different types of projects in the City of Laguna Beach, I recognize that the City places a high value on credible, appropriate biological review of proposed actions. The central, recurring point of my comments is that Thurston Grove is the type of area that the City would normally require to be surveyed and evaluated by qualified biologists before allowing the grove to be radically transformed from a quiet stand of trees next to a wilderness park into a destination for functions attended by up to 1500 people. The applicant has also cleared native and naturalized vegetation around the perimeter of the golf course, again without any current biological surveys or normal public review process.

By comparison, in 2012 the City required a land owner in a developed neighborhood to commission two formal biological reports evaluating whether the area shown below — an unpaved alleyway between two sets of houses — possessed the characteristics of a sensitive watercourse (it did not).

Figure 1. View, facing south, of the area proposed for paving as an extension of the existing alley. No drainage course, ponded areas, or riparian vegetation exists in this area.

In 2013, the City required another land owner to commission a focused survey for Big-leaved Crown-beard in the area shown in Figure 2, below, the site of a proposed room addition in their developed backyard.

Figure 2. Photo showing the area proposed for impact. The habitat in this area consists of lawn bordered by low exotic shrubs. An existing stairway is located above this area.

Given the City's demonstrated dedication to requiring biological surveys as part of routine consideration of nearly any proposed action involving habitat modification, the complete lack of current, pre-project biological surveys or contemporaneously documented biological monitoring in conjunction with the various actions taken at The Ranch at Laguna Beach stands apart as a conspicuous outlier. In this case, the applicant was not required to document the biological resources that were present, or potentially present, before the impacts took place, but rather was allowed to cite —after the fact — results of large-scale biological reconnaissance efforts conducted between 2004 and 2008 for an unrelated project proposed by The Athens Group. In contrast to the strict requirements placed upon individual home owners adding on to their residences, Laguna Beach Golf Course and Bungalows, LLC, was not required to thoroughly and credibly evaluate their project's compliance with CEQA, the Coastal Act, the Endangered Species Act, or the City's municipal code before the habitat-modifying actions were com-

pleted. As a result, the public and CCC staff have little choice but to speculate about the potential effects of project implementation using biological information gathered in the general area many years ago. The only way to avoid such speculation is to adequately document the resources before they are removed or modified. Once the resources have been impacted, we are left with post-hoc statements and analyses that cannot be independently verified. The City, the CCC, and other governmental agencies normally avoid this frustrating situation by requiring applicants to uniformly follow established environmental review procedures.

RESPONSES TO GLA MEMORANDA

Changes to Eucalyptus Tree Understory at Thurston Grove

Page 2 of the first GLA memo states:

> In reference to the Thurston Grove throughout the August 22 Hamilton Letter, it is important to note that Scout Camp does not occur within the portion of the Thurston Grove that would have been accessible to the public. Therefore, characterization of the understory of Thurston Grove in Karlin Marsh's 1992 report applies to areas outside Scout Camp, on property that is not owned by the applicant. An important description of the understory from Karlin Marsh's 1992 report that was omitted from the August 22 Hamilton Letter reference states: "The main grove is securely fenced, excluding access." Being that the Scout Camp portion of the Thurston Grove is the only area that has ever had fencing surrounding it, it can be concluded that Scout Camp was never surveyed by Karlin Marsh in 1992.

In this context, "survey" should be defined as "viewing at area with the intent of recording the understory shrubs present." Without claiming any particular knowledge about what Karlin Marsh recorded in different parts of Thurston Grove, it seems more than likely to me that Ms. Marsh could have, and would have, seen through the chain-link fence into the Scout Camp portion of grove for the purpose of observing and documenting any shrub species that may have been present. Therefore, I do not share GLA's conclusion "that Scout Camp was never surveyed by Karlin Marsh in 1992."

Page 2 of the first GLA memo continues:

> Prior to the performance of any work within the Scout Camp, the area was subject to surveys by Mr. Derek Ostensen in 2013 and 2014 and PCR biologists during vegetation mapping and other field studies from 2004-2008. According to Mr. Ostensen, there was no sensitive vegetation within the areas affected by the work to create the event area, including areas where the turf, event pad and gardens were installed. This is consistent with the "Ornamental" designation as mapped by PCR.

The memo then provides Mr. Ostensen's after-the-fact description of pre-project site condition. His recollections may be completely accurate, but lacking any contemporaneous notes or documentary photos there is no way for anyone else to make an evaluation. Mr. Ostensen's statement indicates that documentary photos were provided to CCC staff, but I have not seen the photos and they are not included in either of the two GLA memoranda or any of the other project documents I have reviewed. Will the documentary pre-project photos be provided for members of the public to review?

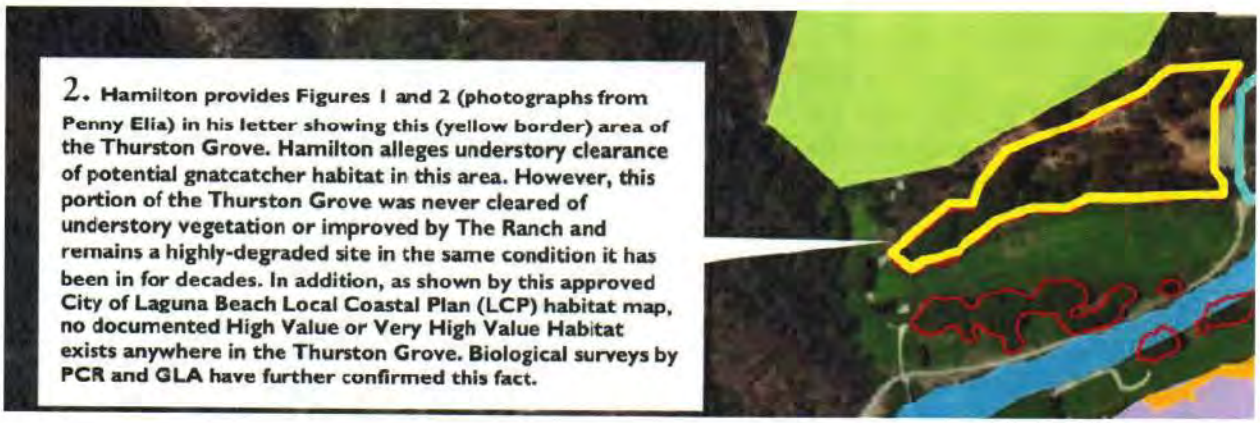
Figures 3 and 4, below, show the Thurston Grove area in April 2013 and April 2014.

Figures 3 and 4. Aerial images dated 16 April 2013 (top) and 23 April 2014 (bottom) showing major changes to Thurston Grove, both on the Scout Camp parcel and to the west. Magenta lines and labels indicate the ownership of the three parcels in this area, as reported on the City's GIS web page. Aerial source: Google Earth Pro.

Page 4 of the first GLA memo includes the following statement by Mr. Ostensen:

> Based on my visual surveys of the site and supporting City of Laguna Beach, PCR and GLA habitat assessments, including the 1992 Karlin Marsh study, only occasional occurrences of coastal sage scrub species occur in this portion of the grove, but generally only as individuals shrubs and not actual habitat. Far more importantly than this general background on the grove conditions, I am not aware of any improvements, understory vegetation clearing or sensitive habitat impacts conducted by The Ranch in that portion of the Thurston Grove.

Exhibit 1 on Page 12 of the first GLA memo makes similar claims:



For the record, I cannot tell from an aerial photograph whether any native plant species were cleared from the understory of Thurston Grove. Figures 3 and 4 on the previous page show that large volumes of woody vegetation were removed from the western part of Thurston Grove between April 2013 and April 2014. Furthermore, that same area appears to have been subject to stockpiling of materials and parking of cars during the same period. Much of the activity appears to have taken place on land owned by Driftwood Properties, LLC. In Laguna Beach and elsewhere in the coastal zone, such actions are normally accompanied by pre-project biological surveys, careful evaluation of the potential effects of the actions on sensitive biological resources, and biological monitoring at the time the approved actions are taking place.

Exhibit 1, above, asserts that "this portion of Thurston Grove . . . remains a highly-degraded site in the same condition it has been in for decades." See Figure 5, below.

Figure 5. Thurston Grove on 30 December 2003. Comparing this image with Figures 3 and 4 (on the previous page) shows how removal of vegetation in 2013/2014 changed the character of the grove. Aerial source: Google Earth Pro.

Without commenting on the level of degradation of this area, which cannot be evaluated from aerial photos, I believe the aerial photo evidence does clearly show that the condition of the western portion of Thurston Grove is now much different than it was between 30 December 2003 (the earliest clear image on Google Earth) and 16 April 2013. The fact that GLA describes this area as now being "in the same condition it has been in for decades" indicates that we have different notions about what constitutes "the same condition."

Page 4 of the first GLA memo states that the portion of Thurston Grove outside the Scout Camp "is not even presently on The Ranch property" and also notes that "Figure 2 of the August 22 Hamilton Letter identifies an area of the grove that is actually offsite." The second GLA memo makes similar points. These observations raise important questions that members of the public have been asking for months now:

- What constitutes the resort renovation project site?
- What specific actions constitute the resort renovation project approved by the City?
- Who owns the parcels upon which the resort renovation project is taking place?
- Are all of the owners of the land occupied by Thurston Grove/Scout Camp co-applicants with respect to the project that has entailed modification of habitat in that area?

As shown in Figures 3–5 of this letter, the southernmost part of the Scout Camp parcel (including most or all of the large building there) is owned by Laguna Beach Golf & Bungalow Village, LLC, and the rest of the parcel is owned by Driftwood Property, LLC. The City's GIS map shows the parcel that includes most of the rest of Thurston Grove as being owned by Driftwood Properties, LLC[1].

A brochure dated 10 August 2014 that the applicant prepared for the CCC describes the following chain of ownership of the two-acre Scout Camp property:

> After The Athens Group, an affiliate of Montage Resorts, purchased the Aliso Creek Inn and Golf Course (Ben Brown's) property, the 2-acre property was purchased from YMCA. It remained in a state of considerable neglect until January 2014 when The Ranch, having recently acquired the property from The Athens Group, began a delicate restoration of the property, including re-christening of the site Camp Elizabeth Dolph. The goal has been to revitalize the property's extraordinary history and natural environment, while once again allowing the public to engage with the site's idyllic setting after a 50 year hiatus.

If, as described above, Laguna Beach Golf & Bungalow Village, LLC, acquired the Scout Camp parcel from The Athens Group some time before January 2014, why does the City's web page continue to list "Driftwood Property, LLC" as the owner? Under what arrangement is Driftwood Properties, LLC, allowing Laguna Beach Golf & Bungalow

[1] It appears that "Driftwood Property, LLC" and "Driftwood Properties, LLC" are the one and the same organization, but the City's web site ascribes ownership to these names.

Village, LLC, to conduct extensive vegetation removal, materials staging, and other operations on their land?

In a letter to Karl Schwing dated 10 October 2014, prepared on behalf of the applicant, Anne Blemker of McCabe & Company stated:

> **Thank you and your staff for taking the time to meet with us on October 3rd to discuss the Scout Camp (Camp) area of The Ranch at Laguna Beach. As you are aware, the Camp area is a spatially distinct and legally separate parcel from the hotel parcel, which is the subject of the above-referenced appeal. Nonetheless, we understand your desire**

And yet, (1) the applicant's brochure, quoted from above, states that the Scout Camp was acquired from The Athens Group by Laguna Beach Golf & Bungalow Village, LLC; (2) the "restoration" undertaken at the Scout Camp was conducted contemporaneously with the resort renovation project approved by the City of Laguna Beach, seemingly as a component of the overall project; and (3) as shown in Figure 4 on the previous page, the southernmost part of the Scout Camp area, where the large building sits, lies within the golf course parcel owned by Laguna Beach Golf & Bungalow Village, LLC.

Exhibit 1 on Page 12 of the GLA memo shows a "remodel boundary" limited to the main resort buildings, a quarter-mile west of Thurston Grove. Did the City review and approve the work and change in land use at Thurston Grove/Scout Camp separately from the work reviewed and approved within the project site boundary delineated by GLA? Did the City assume that the remaking of Thurston Grove/Scout Camp was part of the overall remodel project? Or did the City determine that the major changes to the eastern part of the golf course property (and adjacent properties) required no review/approval by the City?

Is the clearing of vegetation that the applicant has completed around the perimeter of the golf course part of the remodel project?

With all of these moving pieces and the applicant's apparent refusal to lay out the situation in an organized manner, perhaps the public can be forgiven for being confused. Is it possible for the City to answer these questions, or can the applicant be asked to address them?

Potential for Coastal California Gnatcatcher in Thurston Grove

Page 4 of the first GLA memo states: "Mr. Ostensen confirmed that there were no native coastal sage scrub species within the portions of the eucalyptus grove subject to improvements, and as such, no potential habitat for the coastal California gnatcatcher." Given that GLA asserts that no "improvements" took place in the western portion of Thurston Grove, it is not clear what this statement actually means. In the absence of pre-project biological surveys, documentary photos of baseline conditions, or contemporaneous biological monitoring reports, we are left with post-hoc statements and analyses that cannot be independently verified.

Potential for Raptor Nesting in Thurston Grove

Page 5 of the first GLA memo states that raptor nests were not found within the golf course or Scout Camp properties during surveys conducted by PCR in 2005, 2006, and 2008; that trimming and removal of trees at the Scout Camp was conducted outside the raptor nesting season; and that the tree-pruning company searched for nests while they were conducting the work but did not find any. The memo also states:

> Between February 24, 2014 and March 4, 2014, several taller fairway trees (stone pines, sporadic eucalyptus and Brazilian peppers) were trimmed using a smaller articulating lift. No impacts to nesting avifauna including raptors occurred during the tree trimming and removal.

To achieve compliance with state and federal laws and regulations that prohibit impacts to actively nesting birds, land owners and governmental agencies proposing to prune or remove vegetation during the nesting season (generally February 1 to August 31) routinely hire biological consultants to conduct surveys for nesting birds. I have conducted dozens of these surveys. Typically, 1–5 days prior to the proposed vegetation removal, a trained biologist observes all vegetation proposed for impacts for 30–60 minutes, searching for various forms of evidence of potential nesting. If no such evidence is observed, the vegetation is cleared for impacts, although in some cases the biologist may remain to monitor and document the work, to verify that no impacts occur. In this case, GLA is going back to the results of raptor surveys conducted in 2005–2008, and the observations of tree-pruning crews, rather than the results of standard, pre-project nesting bird surveys conducted by trained biologists. Since standard nesting bird surveys were not conducted even for pruning that took place during late February and early March, GLA's conclusion that nesting birds were not impacted by any of this work is unsupported by verifiable evidence.

Potential for Use of Thurston Grove by the Monarch Butterfly

In Orange County, most butterfly species are observed during spring, summer, and early fall. Observations of Monarchs, or failure to observe them, across broad swaths of landscape during these warm months has no bearing on whether the species overwinters in a certain eucalyptus grove within the coastal zone during the late fall/winter. Determining whether Monarchs overwinter in a certain eucalyptus grove, and the numbers present, requires focused surveys during late fall and early winter (http://www.xerces.org/wp-content/uploads/2008/10/monarchsurveyinstructions.pdf). Since no such surveys were undertaken, it is irrelevant that PCR biologists observed 12 other butterfly species, but no Monarchs, during surveys that covered 330 acres in lower Aliso Canyon between 2004 and 2008. Likewise, it would be irrelevant if PCR biologists *had* observed non-roosting Monarchs during those surveys. That is to say, GLA responded to my comment with a classic red herring argument. Since no focused surveys for roosting Monarchs were conducted during late fall/winter prior to habitat modification at Thurston Grove, the previous status of the Monarch on the site remains unknown and unverifiable.

Potential Impacts to Big-Leaved Crown-beard

The letter that Fred Roberts and I prepared, dated 22 August 2014, stated:

> Marsh (1992) identified stands of the state- and federally listed Big-leaved Crown-beard (*Verbesina dissita*) very near the south end of Thurston Grove. Although the eucalyptus grove proper is generally not suitable habitat for sensitive plant species, Big-leaved Crown-beard is a hardy plant known to occur in disturbed habitats. For example, this plant is known to have recolonized graded pads above Marilyn Drive, a short distance west of the golf course near Hobo Canyon. Therefore, focused surveys for Big-leaved Crown-beard should have been conducted prior to clearance/conversion of the understory. No focused survey report has been submitted to the USFWS in conjunction with this work (J. A. Snyder, USFWS, pers. comm.).

Page 6 of the first GLA memo simply reiterates the known fact that PCR identified crown-beard west of Thurston Grove during the mid-2000s, and for no clear reason concludes "there would be no impacts to big-leaved crownbeard associated with any aspect or component of the entire project."

The second GLA memo speculates about which parts of Thurston Grove would have been accessible by Karlin Marsh (and assumes that Ms. Marsh would never trespass). The point is that no formal, documented Big-leaved Crown-beard surveys were conducted prior to extensive work that took place in several parts of lower Aliso Canyon. Our opinion that formal, documented surveys should have been conducted prior to project implementation, to be submitted to the City and USFWS as part of the normal process of biological reconnaissance and public review, remains unchanged.

Disturbance of Native Communities along Golf Course Edge

As discussed in GLA's biological technical report, and reiterated on Page 6 of the first GLA memo, "clearing/removal of mostly non-native weedy vegetation was conducted along the southern edge of the golf course," including within 0.30 acre of high or very high value habitat. The report and memo indicate that the dates were "outside of the nesting season" but do not specify the actual dates when the habitat removal took place. Page 20 of the second GLA memo includes photographs taken by Mr. Ostensen showing vegetation in some of the affected areas, but again, no dates are provided.

According to GLA, most of the vegetation removed was ruderal Poison Hemlock (*Conium maculatum*), but native Poison Oak (*Toxicodendron diversilobum*), Blue Elderberry (*Sambucus nigra* ssp. *caerulea*), and willow (*Salix* sp.) were also pruned. As stated on Page 3 of my letter dated 2 September 2014:

> All of these species, including patches of ruderal hemlock where they occur adjacent to coastal sage scrub, constitute potentially suitable habitat for the California Gnatcatcher.

Also:

> Before any vegetation is removed from areas of Very High Value or High Value Habitat, or any major development is permitted adjacent to natural habitat areas, a current, credible

> biological survey is typically required to satisfy the requirements of CEQA, the Coastal Act, and the state and federal Endangered Species Acts. In the areas affected by this project the evaluation would normally, at minimum, include focused surveys for the California Gnatcatcher and Big-leaved Crown-beard (*Verbesina dissita*). Since the biological technical report suggests that no current biological surveys were completed, the report's impact analysis lacks credibility with respect to these species and other sensitive resources associated with areas of Very High Value and High Value Habitat.

The two GLA memoranda reiterate GLA's opinion that these habitat modifications were permissible without any form of environmental review, pre-project biological surveys, or biological monitoring.

Page 10 of the second GLA memo states:

> GLA further notes Mr. Hamilton's observation on page 8 of his November 19, 2014 Letter that "since the federally threatened Coastal California Gnatcatcher is known from lower Aliso Canyon, focused surveys for the gnatcatcher should have been conducted prior to any actions that may have affected suitable habitat for this listed bird species." Mr. Hamilton's reference to "lower Aliso Canyon" is extremely vague and also does not reference habitat preferences. The habitat that was removed consisted of a mix of poison hemlock, which can reach six feet tall with an understory of poison oak along the edge of the golf course. Coastal California gnatcatchers prefer low-growing coastal sage scrub dominated by California sagebrush and California buckwheat which were absent in this area. While it is not possible to say that a California gnatcatcher could never use the area affected, it would only be a very rare event and most likely during a dispersal event and certainly not for breeding, for which the area exhibits no potential.

It is my experience that California Gnatcatchers nesting in coastal sage scrub adjacent to stands of Poison Hemlock routinely forage in the hemlock (as well as Poison Oak and Blue Elderberry). See, for example, contemporaneous notes that I recorded on 8 May 2013, from 12:40 to 1:00 p.m., documenting my observations of California Gnatcatchers at a territory I monitored in the Montebello Hills:

> Observations: Biologist Robb Hamilton observed the nest for approximately 20 minutes. The monitor observed the male incubating for approximately 12 minutes before being relieved by the female. After being relieved from incubation duties by the female, the male gnatcatcher flew across the road to the southwest of the nest, into a stand of poison hemlock (*Conium maculatum*). The male was observed foraging in this ruderal vegetation for approximately 8 minutes.

Figure 6 on the next page is a photograph, taken during this observation period, of the male gnatcatcher within the stand of hemlock.

As reported in *The Birds of North America Online* (Atwood, J. L. and D. R. Bontrager. 2001. California Gnatcatcher, *Polioptila californica*, The Birds of North America Online; A. Poole, editor; Cornell Lab of Ornithology, Ithaca, NY):

> Adults on territories that include considerable ruderal habitat commonly take dependent young into dense stands of non-native black mustard (*Brassica nigra*; R. A. Erickson unpubl., DRB) or sweet fennel (*Foeniculum vulgare*; JLA).

Given that Poison Hemlock is similar to Black Mustard and especially Sweet Fennel, it is unsurprising that California Gnatcatchers regularly forage in stands of hemlock adjacent to coastal sage scrub. I have observed more use during the nesting season, when hemlock is green and flowering, than during the fall and winter when it is brown and dormant. That GLA biologists believe that gnatcatcher use of hemlock would be "a very rare event and most likely during a dispersal event and certainly not for breeding" demonstrates a lack of familiarity with the species and its foraging habits.

Figure 6. Photo taken by Robb Hamilton on 8 May 2013 showing an adult male California Gnatcatcher foraging in Poison Hemlock in the Montebello Hills. The nest was nearby in coastal sage scrub vegetation. The adult gnatcatchers regularly foraged in this stand of hemlock during the nesting season of 2013.

Potential Impacts to Costal California Gnatcatcher in Areas outside of Thurston Grove

Page 7 of the first GLA memo states:

> PCR identified coastal California gnatcatchers well to the northwest of the site on the "Driftwood" property. California gnatcatchers were not identified in any other areas of the site and as such, would not be impacted by the project.

Presumably this statement refers to protocol gnatcatcher surveys that PCR conducted between 2004 and 2008. The results of protocol surveys are typically valid for only one year, and certainly are not valid for five or more years. It is unclear why GLA believes that old negative survey results abrogate the requirement for current protocol surveys prior to modification of potentially suitable habitat for the gnatcatcher.

Page 10 of the second GLA memo states:

> It is interesting to note that Mr. Hamilton uses as his primary reference the much briefer and older reporting by Karlin Marsh from 1992 and seems willing to draw (incorrectly) conclusions regarding potential impacts (e.g., Thurston Grove and golf course edges) from a 22-year-old document but dismisses the relevance of far more detailed protocol-level surveys performed by PCR as recently as six years ago and completely ignores the work performed by restoration ecologist Derek Ostensen during 2013 prior to the clean-up work done at Scout Camp.

I have carefully reviewed all of the information provided by the applicant's consultants and have ignored nothing. In addition to reviewing the 1992 biological inventory by Karlin Marsh, I collaborated with botanist Fred Roberts and employed my own knowledge of the relevant issues to objectively evaluate the information provided in GLA's biological technical report, restoration plan, and two memoranda responding to my critiques. I have repeatedly stated that I was not able to inspect the affected areas in person, either immediately before or after the work took place, and that this generally precludes my ability to actually determine whether the actions taken have impacted any specific sensitive plant or wildlife species. It does not preclude my ability to evaluate the *potential* adverse effects of the project based on consideration of the entire body of knowledge and not only certain reports favored by GLA. To the extent that we are reduced now to speculating about which sensitive resources were and were not impacted, it is because the normal environmental review process was bypassed. The general lack of documentation of the baseline conditions, beyond fragmentary recollections of those involved and random undated photographs, results in a situation in which the conclusions reached by the applicant's consultants (i.e., that none of the potentially adverse effects actually occurred) cannot be independently evaluated or verified. Instead of taking responsibility for this failure, GLA continues to insist that they have reached objective and credible conclusions about exactly which sensitive resources were and were not impacted based on survey information collected 5–10 years ago for The Athens Group in conjunction with an uncertified DEIR for a project that was never approved.

Characterization of Scout Camp and Restoration Activities

Page 7 of the first GLA memo states:

> The characterization of the events at Scout Camp as a newly introduced and intensified use in this area is incorrect. There is evidence of on-going event uses, lighting, music, performances and frequent use by large groups dating back to the 1920s through the 1970s. After the 1970s, the site was continually used as a fenced maintenance yard, with loud noises stemming from the use of saws, vehicles, etc., and high-voltage security lighting.

If, in fact, entertainment and large group uses were occurring in the Scout Camp area as described above, this was taking place (1) outside of the golf course property (until 2007, the two-acre parcel was owned by a string of charities, the last being the YMCA, with deed restrictions including a condition to "maintain for use and benefit of the youth of Laguna Beach with girls camping given priority"); and (2) as non-conforming acts in a Recreation Zone. The City's municipal code does not allow for re-establishment of nonconforming uses once abandoned:

> *LBMC 25.56.006 Change in building use. If any nonconforming use or portion thereof is abandoned or ceases for a period of twelve or more consecutive months, or is changed to a conforming use, it shall not thereafter be reestablished or reopened (Ord. 1282 § 1, 1994).*

Page 16 of the second GLA memo states:

> The applicant's actions have changed the character of the Scout Camp back to a very similar condition of the area when the Scout Camp was in operation. In actuality, the applicant's site improvements are substantially less than the historic condition of Scout Camp, which featured 3-4 structures, including kitchen, cabin and latrine buildings (see August 10, 2014 Camp Elizabeth Dolph Restoration documented provided to CCC staff). Maintenance of the trees was long overdue and is necessary to maintain the viability of the eucalyptus grove. The statement that the actions have "greatly changed the character of...the adjacent Aliso and Woods Wilderness Park" is not substantiated and Mr. Hamilton offers no evidence of potential significant adverse affects on special-status wildlife.

The full statement selectively quoted from by GLA was:

> What is certain is that the applicant's actions have greatly changed the character of Thurston Grove and adjacent Aliso and Wood Canyons Wilderness Park by removing major vegetation, installing turf and various species not native to the local area, and bringing many more people into a part of Aliso Canyon that was not heavily used before.

This was part of a larger critique noting that the part of Aliso Canyon immediately upstream from Thurston Grove has always been one of the parts of the wilderness park least affected by human presence. I suggested that this quiet, well-watered area would have been a good candidate for Bobcat denning habitat, for example, and that species that require low disturbance levels have the greatest potential to be degraded by substantial intensification of human activity nearby at Thurston Grove. Instead of engaging constructively with my actual criticism, GLA chose to shift the goalposts again by arguing that installing a 7,500 square-foot concrete dance floor, installing turfgrass and other non-native plants, radically pruning all of the surrounding eucalyptus trees, and regu-

larly shuttling large numbers of people into this area do not represent a change to be concerned about, because "the applicant's site improvements are substantially less than the historic condition of Scout Camp, which featured 3-4 structures, including kitchen, cabin and latrine buildings." This line of reasoning represents an effort to shift the debate to a hypothetical comparison between the potential adverse effects of the current actions and the potential adverse effects that GLA ascribes to girl scouts in the mid twentieth century.

Ann Christoph's excellent history of Camp Elizabeth Dolph, published online (www.lagunabeachindy.com/heiresses-leave-lasting-heritage-scout-camp), states:

> There are no reports of the camp being used after the early 1970s. Even though the camp has an easement through the golf course, access was discouraged. The Laguna Beach Y.M.C.A. was absorbed into the Orange County Y, whose administrators seemed uninterested in the property, arriving every three to five years to inspect it, said Mark Slymen, the golf course manager and nephew of the late Violet Brown, who developed the hotel and golf course with her husband, Ben.

Thus, Camp Elizabeth Dolph has remained in a relatively isolated and neglected condition for at least four decades, and this represents the relevant baseline conditions against which the current actions must be evaluated.

As to whether the actions carried out at the Scout Camp represent a form of "restoration" recognized in the Coastal Act, Page 16 of the second GLA memo states, "In actuality, the applicant's site improvements are substantially less than the historic condition of Scout Camp." In other words, the actions taken in 2013/2014 would not "restore a property back to its original condition." I will leave it to a qualified historian to evaluate whether that the actions taken at Camp Elizabeth Dolph represent a legitimate form of historical restoration recognized in the Coastal Act and simply reiterate my opinion that the actions taken to date do not represent a legitimate form of ecological restoration.

Timing of the Surveys

The discussion at the bottom of Page 8 of the first GLA memo is concerned with the freshness and adequacy of the baseline survey information. In the opinion of GLA, "up-to-date surveys are for most projects ideal," but the memo goes on to explain why in this particular case the surveys conducted between 2004 and 2008 should be considered adequate. I never suggested that up-to-date surveys are "ideal" but rather that they are standard practice. Current biological surveys are routinely required by the City, the Coastal Commission, and state and federal resource agencies evaluating projects that require conditional use permits and agreements in order to comply with relevant resource protection regulations. The question is, why do the applicant's consultants continue to insist that everyone should be satisfied with outdated surveys conducted for The Athens Group across an area of 330 acres in conjunction with an uncertified DEIR for a project that was never approved?

In justifying the position that current surveys are unnecessary, the GLA memo discusses at length the inn remodeling area at the lower end of Aliso Canyon, which has not been the focus of my comments. Among the items that GLA did not mention are:

- Surveys to evaluate the potential effects of intensification of use in the Scout Camp area on wildlife populations in adjacent Aliso and Wood Canyons Wilderness Park, including studies of wildlife movement patterns in that area, have never been conducted.

- Current surveys for roosting Monarch butterflies and roosting bats in Thurston Grove were not conducted prior to removal of major vegetation from the grove.

- Current surveys for the California Gnatcatcher and Big-leaved Crown-beard were not conducted in areas of potentially suitable habitat that were either definitely impacted by project actions (such as around the edge of the golf course) or that may have been impacted by project actions (such as in the area of Thurston Grove).

- Nesting bird surveys and/or biological monitoring were not conducted in association with pruning of vegetation during the nesting season.

Certainly, performance of these surveys would have provided new and relevant information to supplement data collected six to ten years ago by PCR and GLA. The City, the CCC, and the U.S. Fish & Wildlife Service routinely require applicants to conduct these types of surveys in compliance with relevant resource protection laws.

Timing of the Vegetation Mapping

Page 3 of my comment letter dated 2 September 2014 noted:

> The biological technical report indicates that vegetation in and around the golf course was "previously mapped" by PCR and GLA and then "updated" by GLA on unspecified dates in 2014. Given that work on the project started in 2013, it is not clear why the mapping was updated some time in 2014.

In response, Page 9 of the first GLA memo states:

> Mr. Bomkamp reviewed the entire vegetation mapping for upland habitats in 2008 and is very familiar with the site conditions. Similarly, Ms. Thienan Pfeiffer conducted the jurisdictional delineation for Aliso Creek in 2008, which included mapping of areas of riparian vegetation. As noted in the GLA BTR, on August 7, 2014 Mr. Bomkamp reviewed the previous vegetation mapping and rare plant occurrences within proximity to the limits of the area subject to remodeling and noted that there were no readily noticeable changes to the vegetation in any of the adjacent areas...

For reasons that should be obvious, I continue to believe that vegetation mapping from 2008 should have been reviewed and updated throughout the area proposed for project effects *before* major vegetation was removed from the project site starting in 2013, rather than rather than waiting until 7 August 2014 to review the mapping of resources "within proximity to the limits of the area subject to remodeling."

Potential Effects on Bat Roosting Habitat in Thurston Grove

Page 3 of my comment letter dated 2 September 2014 stated:

> The biological technical report [prepared by GLA] states that the Pallid Bat (*Antrozous pallidus*), a California Species of Special Concern, was detected at Thurston Grove during bat surveys in 2005. Page 38 states that trimming of the eucalyptus trees "could have potentially displaced individuals," but concludes that this would not be a problem "because this species remains fairly common, and widespread, and any potential impacts which may have occurred would not be significant."

My letter mentioned that other bat species might have potentially roosted in Thurston Grove, as well. This is all speculative (both on my part and on GLA's part) since no bat roosting studies were conducted before or after major vegetation was removed from the grove and human use of the grove intensified. In response, Pages 9–10 of the first GLA memo noted that certain other wildlife species are no longer recognized as California Species of Special Concern and that "the International Union for Conservation of Nature (IUCN) lists the pallid bat as 'Least Concern.'" Whatever the case, it was GLA's own biological technical report that specifically identified the potential for impacts to roosting Pallid Bats in Thurston Grove; it was not something I invented.

In this one instance, I agree with GLA that the potential roosting of the Pallid Bat at Thurston Grove is speculative, and that this species is not typically found in eucalyptus. I note, however, that some other bat species, such as the Western Red Bat (*Lasiurus blossevillii*; another California Species of Special Concern), may be more likely to roost in mature eucalyptus (see Pierson, E. D., W. E. Rainey, and C. Corben. 2006. Distribution and Status of Western Red Bats *Lasiurus blossevillii* in California. CDFG, Habitat Conservation Planning Branch, Species Conservation and Recovery Program Report 2006-04, Sacramento).

Potential Effects of Lighting Changes on Wildlife in the Area

On Page 5 of my comment letter dated 2 September 2014, I quoted from an e-mail to Penny Elia written by Tom Maloney, the former Supervising Ranger at Aliso & Wood Canyons Wilderness Park. Mr. Maloney stated that, in his recollection, Thurston Grove was not regularly lit up brightly at night during the 1990s and early 2000s. In response, Page 10 of the first GLA memo states:

> Reference to a comment from a former park ranger, who would not have entry to Scout Camp since this part of the site was always gated, is extremely speculative. Without access, it is unlikely that the former ranger would accurately know the consistent lighting schedule of Scout Camp security lighting during the 1990s and early 2000s. The former high-voltage, unshielded security lights within the grove have been replaced by the small low-voltage lights (9w and below 200 lumens) that are only used during event gatherings.

Again, GLA seems to be insisting that any speculation about pre-project conditions be limited to their own conjecture. If GLA has a method for knowing with certainty "the consistent lighting schedule of Scout Camp security lighting during the 1990s and early 2000s" they should provide evidence that can be verified independently. Otherwise, I

remain unconvinced that GLA's speculation about the previous lighting regime is more reliable than the recollections of a park ranger who worked in the area for years and could drive up to the Scout Camp gate any time of the day or night to observe the conditions inside the gated area.

Potential Effects of Eucalyptus Trees on Scrub Restoration Efforts

Responding to my concerns about restoring native plant communities beneath the existing eucalyptus canopy near Aliso Creek, Page 17 of the GLA memo states:

> As far as the potential for adverse affects of the eucalyptus grove on the native plantings, remaining gardens and remaining turf following implementation of the HRMP for the 100-foot area adjacent to Aliso Creek, the area will be subject to regular maintenance to prevent the build-up of eucalyptus thatch and associated allelopathic effects.

The concept of maintenance personnel regularly walking through the coastal scrub restoration area cleaning up all of the fallen eucalyptus leaves and other detritus seems ill-considered. Would the workers pick up the leaves by hand or use rakes or blowers? Would a system of trails be established through the habitat for use in maintaining the scrub in perpetuity? Restoration using riparian woodland species might have a greater chance of success, as willows and other larger species might be able to survive better underneath the existing eucalyptus.

Lack of Riparian Woodland Vegetation in Restoration Plan

Responding to my concern that ecological restoration proposed within 100 feet of Aliso Creek lacks riparian woodland species, Page 17 of the GLA memo states:

> The segment of Aliso Creek adjacent to the Scout Camp is fairly incised, such that the ground surface in the Scout Camp is roughly six feet above the water surface and as such is not conducive to riparian woodland.

With supplemental irrigation during the initial establishment period, oaks and various other riparian woodland species can become successfully established at an elevation six feet above the water table. As noted previously, woodland species may be more successful beneath the existing eucalyptus trees than scrub species would be. Prior to any CCC approval of restoration plans for this area, an independent restoration specialist acceptable to the CCC and the appellants should be allowed to inspect the site and provide an independent opinion about the locally native plant species that would be appropriate and beneficial to restore along this section of Aliso Creek.

Plant Species Proposed for Planting

Karlin Marsh's *South Laguna Biological Resources Inventory* includes extensive lists of native (and non-native) plant species reliably recorded in South Laguna's various plant communities. Pages 15–16 of my November letter suggested that, unless the biologists have recorded the species on/near the site, they should be deferring to Marsh's authoritative report to ensure against introducing species that are not actually native to the lower Aliso Creek watershed. I listed six species proposed for planting that may not be

natural components of the local ecological community: California Wild Rose (*Rosa californica*), Wild Blackberry (*Rubus ursinus*), Coffeeberry (*Frangula californica*), Hummingbird Sage (*Salvia spathacea*), California Poppy (*Eschscholzia* californica), and Hooker's Evening Primrose (*Oenothera elata* ssp. *hookeri*). In response, Page 17 of the second GLA memo states:

> The plant palette was carefully designed and included considerations first of ecological suitability but also of aesthetics, since the site is also intended as a community resource consistent with other provisions of the LCP/GP promoting restoration and preservation of important historic coastal resources such as Scout Camp, whose active use as a farm dates to 1871 and as a Girl Scout camp from approximately 1927 – 1970s.

The questionable six plant species were not part of the historical Scout Camp landscaping or farming operation, so it is unclear why GLA is citing the camp and farm as reasons why those plants should be included in the planting palette. The only interpretation that seems to makes sense is that GLA has been asked to "carefully design" a plant palette that will not necessarily restore the planted area to something approaching a natural condition, or that would provide the highest quality habitat for wildlife, but that would satisfy the applicant's aesthetic preferences. This would explain why the riparian restoration palette contains only low scrub, dotted with various flowering plants that may or may not naturally occur, and excludes riparian woodlands, oaks, or coastal scrub limited to species known to be native to Aliso Creek. Since aesthetics appear to be the overriding consideration, GLA's "restoration plan" is better described as a quasi-native landscaping plan.

Prior to any CCC approval of restoration plans for this area, an independent restoration specialist acceptable to the CCC and the appellants should be allowed to inspect the site and provide an independent opinion about the locally native plant species that would be appropriate and beneficial to restore along this section of Aliso Creek.

Inadequate Performance Standards and Monitoring Period

Page 17 of the second GLA memo states:

> A three year monitoring program was determined appropriate [by GLA] given that this area will be subject to regular maintenance activities cover will continue to expand and will reach 80-percent by five years.

As noted in my November letter, the CCC typically requires a minimum five-year monitoring period for restoration plans. In this case, the applicant will have the added constraint of having to plant underneath existing eucalyptus trees, which presumably will grow out from their current, heavily-pruned condition over the course of the next several years, creating more shade below and dropping increasing volumes of leaves and bark. Thus it appears that a minimum of five years of monitoring may be especially important for this project compared with the more typical situation, in which restoration plantings are not installed beneath eucalyptus trees and there is no expectation that the plantings will require ongoing maintenance in perpetuity.

CONCLUSION

I appreciate the opportunity to respond to the two recent GLA memoranda. If you have any questions or wish to discuss any issues, please call me at 562-477-2181 or send email to robb@hamiltonbiological.com.

Sincerely,

Robert A Hamilton

Robert A. Hamilton, President
Hamilton Biological, Inc.

cc: Dr. Charles Lester, CCC
Dr. John Dixon, CCC
Dr. Jonna Engel, CCC
Andrew Willis, CCC
Lisa Haage, CCC
Alex Helperin, CCC
Chuck Posner, CCC
Liliana Roman, CCC
Sherilyn Sarb, CCC
Karl Schwing, CCC
Erin Prahler, CCC
Jonathan Snyder, USFWS
Christine Medak, USFWS
Kevin Hupf, Calif. Dept. Fish & Wildlife
Scott Thomas, Sea & Sage Audubon
Mark and Sharon Fudge
Penny Elia
Fred Roberts

HAMILTON BIOLOGICAL

December 11, 2014

Ann Larson, Planning Manager
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

SUBJECT: RESPONSE TO GLA MEMO DATED 5 DECEMBER 2014
THE RANCH AT LAGUNA BEACH
ORANGE COUNTY, CALIFORNIA
CCC APPEAL NO. A-5-LGB-14-034
CCC NOTICE OF VIOLATION NO. V-5-14-007

Dear Ms. Larson,

In a memorandum addressed to you, dated 5 December 2014, Thienan Pfieffer of Glenn Lukos Associates (GLA) responded to recent comments I submitted to you and to the California Coastal Commission (CCC) on behalf of the appellants regarding actions undertaken by the owners of The Ranch at Laguna Beach, located at 31106 Pacific Coast Highway in Laguna Beach, California. My current comments address information contained in Ms. Pfieffer's 5 December memorandum (hereafter the "GLA memo").

The purposes of my initial comment letters were (1) to evaluate how the actions taken may have affected the local ecology of lower Aliso Creek; (2) to identify actions that may conflict with the Coastal Act and the certified Local Coastal Program for Laguna Beach; and (3) to evaluate the appropriateness and adequacy of the actions that the applicant has proposed in response to Notice of Violation V-5-14-007. As GLA's responses to my comments have become increasingly dismissive and evasive, however, my reviews have come to focus on (1) examining the adequacy and propriety of the environmental review process followed in this case; (2) evaluating the legitimacy of after-the-fact impact analyses based on dated baseline information; and (3) considering various damaging precedents that would be set if this project was deemed to be consistent with the provisions of the Coastal Act. In light of the lengthy substantive comments provided in my four previous letters, this one avoids tit-for-tat rebuttal of many issues that I have explained to my own professional satisfaction.

316 Monrovia Avenue Long Beach, CA 90803 562-477-2181 robb@hamiltonbiological.com

"PROCESS"

A central, recurring theme in my comments is that Thurston Grove is the type of area that the City would normally require to be surveyed and evaluated by qualified biologists before allowing the grove to be radically transformed from a quiet stand of trees next to a wilderness park into a destination for functions attended by up to 1500 people. The applicant has also cleared native and naturalized vegetation around the perimeter of the golf course, again without any current, contemporaneously documented biological surveys, and without going through the normal permitting and public review processes.

My most recent comment letter, dated 2 December 2014, observed that the City of Laguna Beach routinely requires land owners within existing residential neighborhoods to conduct general and focused biological surveys for a variety of natural resources before adding on a new room or making other relatively minor changes. In this case, however, the applicant was not required to document the biological resources that were present, or potentially present, before the impacts took place, but rather was allowed to cite – after the fact – results of large-scale biological reconnaissance efforts conducted in lower Aliso Canyon between 2004 and 2008 for an unrelated project proposed by The Athens Group. As a result, the public and CCC staff have little choice but to speculate about the potential effects of project implementation using biological information gathered in the general area several years ago.

To date, the response from GLA to this critically important point has been refusal to discuss the issue. For example, Page 1 of the GLA memo states:

> In responding to Mr. Hamilton's December 2, 2014 Letter ("Letter"), GLA notes that substantial sections of the Letter address issues of "process," which are best addressed between CCC and the City and/or applicant.

Since GLA has been responding to my comments on behalf of the applicant, this statement suggests that the applicant has no intention of responding to my questions. Likewise, the City has not issued any response to date. This leaves the CCC to determine whether the environmental review process for this project has been adequate, appropriate, and consistent with the normal requirements for applicants proposing large-scale, habitat-modifying projects in the City and elsewhere in the Coastal Zone.

Please note that it was GLA, on Page 4 of their first memo, who stated that the portion of Thurston Grove outside the Scout Camp "is not even presently on The Ranch property" and who pointed out that "Figure 2 of the August 22 Hamilton Letter identifies an area of the grove that is actually offsite." When I responded ***to the points that GLA raised*** by highlighting numerous apparent inconsistencies in the way the project site and ownership of different parcels have been portrayed by the applicant's representatives and the City, and then asking a number of relevant questions intended to provide clarity, ***GLA refused to answer***. Apparently, some time after GLA raised these issues with the purpose of discrediting me, they morphed into off-limits "process" issues.

Similarly, GLA's first and second memos attempted to establish the historical conditions at the Scout Camp from the 1920s to the 1970s as the relevant baseline against which the current actions should be measured. After I countered their claims in my last letter, GLA (Page 6 of the current memo) decided that these had become "historical aspects of the Scout Camp which are outside the realm of biological impacts and are not further addressed in this memorandum." Again, comments that GLA initially raises but cannot follow through on become comments on the "process" that do not warrant further comment.

"SPECULATION"

My previous comments, and those of Fred Roberts, identified various potential impacts to sensitive resources that were not adequately investigated via standard, current surveys and/or biological monitoring methods. In response, Page 1 of the GLA memo states:

> ...all Mr. Hamilton can do is to speculate about possible impacts, even though GLA and Derek Ostensen have already demonstrated that no such impacts have occurred...

Clearly, I have a difference of opinion with GLA concerning the factual basis for their optimistic conclusions, and concerning the appropriateness of the environmental review process for this project. I had understood that CCC staff and the applicant's consultants had discussed allowing Fred Roberts and me to conduct a site visit just last week, but that did not happen. Therefore, I continue to be limited to commenting on (a) haphazard, fragmentary, and historical information; and (b) GLA's after-the-fact impact analyses, which assume that surveys of lower Aliso Canyon conducted between 2004 and 2008 provide all the information required to credibly evaluate the effects of a project focused mainly on changing the nature of Thurston Grove and the intensity of use of the Scout Camp property in 2013. GLA continues to insist that the information they have provided is not haphazard and fragmentary, and yet, to choose one example among many, they still have not specified dates for the documentary site photos included in their memoranda.

It is due to lack of current, standard surveys addressing the relevant issues that members of the public (and governmental regulators) can only "speculate about possible impacts." As summarized in my last letter:

> The only way to avoid such speculation is to adequately document the resources before they are removed or modified. Once the resources have been impacted, we are left with post-hoc statements and analyses that cannot be independently verified. The City, the CCC, and other governmental agencies normally avoid this frustrating situation by requiring applicants to uniformly follow established environmental review procedures.

No matter how aggressively GLA professes their own satisfaction with the environmental review process that this project has undergone, serious issues involving the public trust and the setting of damaging precedent remain. These issues warrant a coherent and internally consistent response from the City and the CCC.

"NESTING SEASON"

Pages 4–5 of the GLA memo takes issue with my characterization of the "nesting season" for purposes of avoiding impacts to nesting birds:

> Mr. Hamilton indicates that the nesting season is "generally" from February 1 to August 31; however he fails to note that there are no dates provided for the nesting season in either the Migratory Bird Treaty Act or the Fish and Game Code. Typically, March 15 has been used to demarcate the start of the nesting season for most passerines with February 15 used for the coastal California gnatcatcher, which would not apply to the golf course fairway trees which would not be suitable for the gnatcatcher. The applicant was aware of these dates and hence, made sure that all activities were completed before March 15. Some raptors will begin nesting earlier as reflected in Mr. Hamilton's date of February 1; however, as noted, before any trimming was performed the landscape crew checked for nests and found none.

To evaluate these claims, I reviewed a 2014 nesting bird database that I have contributed to as part of a project in southern California. Between 1 January to 14 March (i.e., before the "typical" start of the nesting season, according to GLA), project biologists documented a total of 200 nests involving 25 species (Red-tailed Hawk, Common Raven, Great Blue Heron, Burrowing Owl, Allen's Hummingbird, Loggerhead Shrike, Anna's Hummingbird, Killdeer, Mourning Dove, Rock Pigeon, Bushtit, Black Phoebe, Northern Mockingbird, Bewick's Wren, Double-crested Cormorant, European Starling, Lesser Goldfinch, House Finch, Cassin's Kingbird, Hutton's Vireo, Cliff Swallow, Western Bluebird, Eurasian Collared-Dove, Cactus Wren, and Blue-gray Gnatcatcher; species listed in the order they were first detected nesting in 2014). The earliest nesting activity, by a pair of Red-tailed Hawks, was documented on 13 January. Allen's Hummingbirds were recorded nesting as early as 10 February, followed by Anna's Hummingbird on 12 February and Northern Mockingbird on 13 February. Thus, my characterization of the nesting season as "generally" starting on 1 February requires no correction. This large database of recent, documented observations does not support GLA's recommendation to recognize March 15 as the start of the nesting season. The data demonstrate that, by that date, nesting activity in southern California is already in full swing, not just getting started.

ADEQUACY OF CALIFORNIA GNATCATCHER SURVEYS

In response to my observation that the results of protocol surveys for the California Gnatcatcher are typically valid for only one year, and certainly are not valid for five or more years, GLA responded:

> Five years of data showing absence in this area [between 2004 and 2008] is highly compelling, especially given that the habitat along the northern edge has not changed since the surveys were completed (other than weed removal and trimming of a handful of elderberries), and is powerful evidence that gnatcatcher does not use this area on any kind of a regular basis and the subject weed removal had no potential for adverse impacts on the gnatcatcher. GLA finds five years of survey data far more compelling than mere speculation.

Also:

> . . . where surveys have been conducted for five straight years with negative results [between 2004 and 2008], it is not unreasonable to conclude that the area is not suitable for the California gnatcatcher [in 2013].

The federal requirement for current protocol surveys before any impact to potentially suitable habitat for the California Gnatcatcher reflects the known, accepted fact that gnatcatcher populations shift and fluctuate over time. It is false to state that this species' absence from a given patch of suitable habitat can be reliably assumed based on negative presence/absence data obtained in the same patch several years earlier. Thus, the negative historical data that GLA describes as "powerful" and "compelling" are simply invalid for their purposes (i.e., to determine whether the project actions affected habitat occupied by the gnatcatcher at the time of the impact).

"RESTORATION"

My previous letter noted that the "restoration" of habitat within 100 feet of Aliso Creek completely lacked any riparian woodland species, which would normally be well represented in such restoration plans. Rather than attempting to determine the extent to which ecologically valuable riparian woodland species could reasonably be incorporated into their restoration program, GLA continues to insist upon establishing a novel scrub community with a different species composition than the native scrub found in the general area.

Prior to any CCC approval of restoration plans for this area, an independent restoration specialist acceptable to the CCC and the appellants should be allowed to inspect the site and provide an independent opinion about the locally native plant species that would be appropriate and beneficial to restore along this section of Aliso Creek.

CONCLUSION

The environmental review process for this project has been irregular, opaque, and contrary to standard practices. As a result, public participation has come to focus on (1) examining the adequacy and propriety of the environmental review process followed in this case; (2) evaluating the legitimacy of after-the-fact impact analyses based on dated baseline information; and (3) considering various damaging precedents that would be set if this project was deemed to be consistent with the provisions of the Coastal Act.

The attitude expressed consistently in GLA's memoranda to your office and to the CCC is that the serious flaws in the environmental review process for this project are somehow the public's fault, and that we should accept their findings and conclusions as though they were arrived at via the normal process that the City and the CCC routinely require all applicants to follow, especially for projects that entail removal of major vegetation and/or intensification of human activity in ecologically sensitive areas.

If the City and the CCC were to conclude that, in this case, the actions taken to date comply with the requirements of the Coastal Act, it would set a number of damaging precedents for future projects, locally and statewide. For example:

- Applicants would no longer be obligated to conduct current biological surveys focused upon the relevant biological issues prior to removal of major vegetation from ecologically sensitive areas, or before undertaking actions that resulted on the intensification of human use of such an area.

- If the public learned that potentially damaging actions had already occurred without going through the normal pre-project environmental review process, consultants working for the applicant could use whatever old reports they could find from the general project vicinity and use those as the basis for after-the-fact evaluations of potential project impacts.

- If anyone pointed out that the post-hoc analyses conducted on behalf of the applicant were not based on current studies of all the relevant issues, and that the public was given no realistic opportunity to evaluate any analyses before impacts occurred, the consultants could dismiss those complaints as "speculative" and demand that the public produce hard evidence that any sensitive resources were adversely affected.

- The public could observe that the applicant was "historically restoring" a site to a condition quite different than the actual historical conditions, or "ecologically restoring" a site to a plant community with a novel species composition, but there could be no actionable objection to either of these situations.

- If absolutely necessary, the applicant could scale back some portion of what they had already done and demand that this be accepted as complying with the Coastal Act.

- If the public, the local governmental agency, or the CCC itself, complained that any aspect of this bizarre "process" was inconsistent with the requirements of the Coastal Act, the applicant would only have to point to The Ranch at Laguna Beach as having set the precedents by which all of this became acceptable.

I appreciate this opportunity to provide additional comments on this important project. If you have any questions or wish to discuss any issues, please call me at 562-477-2181 or send email to robb@hamiltonbiological.com.

Sincerely,

Robert A. Hamilton, President
Hamilton Biological, Inc.

cc: Dr. Charles Lester, CCC
Dr. John Dixon, CCC
Dr. Jonna Engel, CCC
Andrew Willis, CCC
Lisa Haage, CCC
Alex Helperin, CCC
Chuck Posner, CCC
Liliana Roman, CCC
Sherilyn Sarb, CCC
Karl Schwing, CCC
Erin Prahler, CCC
Jonathan Snyder, USFWS
Christine Medak, USFWS
Kevin Hupf, Calif. Dept. Fish & Wildlife
Scott Thomas, Sea & Sage Audubon
Mark and Sharon Fudge
Penny Elia
Fred Roberts

EXHIBIT D

Parking

To: Erin Prahler, California Coastal Commission
Re: PARKING - Intensification of use: hotel rooms/activities/special events at "The Ranch at Laguna Beach"
Appeal No. A-5-LGB-14-0034
Date: November 30, 2014
From: Sharon Fudge

Dear Erin,

The Ranch at Laguna Beach has implemented and is proposing new uses for the property that drastically intensify the use of natural resources and create a burden on parking (including public beach access parking and surrounding neighborhoods) as well as hindering the ability of police and fire response in case of an emergency. I am asking that you review the following prior uses, compare them to the proposed uses, and develop conditions that follow the Laguna Beach Municipal Code, LCP and the Coastal Act to protect the environment and people of Laguna Beach as well as visitors to the property.

These "intensifications" come in many forms, the first of which is the proposed increase in the number of hotel rooms from 63 to 97. It has been argued by my husband (the appellant) and myself that the work that was done in Phase 1 of the project (that did not have a CDP issued) was in fact a "change in the intensity of use" and therefore required a CDP. We still do not have a clear answer to whether or not the CCC is in agreement with our theory. While reviewing submissions to the CCC from the applicant, I came across a letter dated August 5, 2014 from Kurt Bjorkman (hotel manager) to Mark Christy (the applicant) RE: Historical Rate Analysis. In this letter, it reveals that the occupancies for the hotel rooms has gone from 168 (at the time of the appraisal - June 2013) to an intended 446 (if the room divisions are not allowed) or 350 if the room divisions are ultimately approved. I have attached a chart illustrating the escalation. (Exhibit 0). It is unclear if these increase occupancy maximums comply with fire code. Therefore, the intensification of use of the rooms has occurred regardless of the final configuration of the rooms based on the increased occupancies of the rooms.

Due to the isolated, hidden location of the property there is a sense that it has been allowed "freedoms" of use over the years - it has not been under the watchful eye of the city. The public was not made aware of the steady increase of occupancy of the special event areas. As a result the applicant and the city are claiming "grandfathered" uses should be allowed to continue. These uses include non-conforming uses in a REC (Recreation) Zone such as a restaurant and snack bar, a golf course and pro shop, golf practice cage and an event center. Nonconforming uses, according to the city's Municipal Code and certified LCP are not allowed to be enlarged or expanded - and yet, expansion has already taken place and continues to even greater degrees.

LBMC 25.56.010 Adding to, enlarging or reestablishing nonconforming use. clearly states: "A nonconforming use or portion thereof shall not be enlarged or expanded." (Ord. 1282 §1, 1994)

To verify the "historic uses", I did research via the "WaybackMachine", a web archive service (www.archive.org). There are various snapshots or "captures" of webpages that go back to the late 1990s. Not every page of a website is captured everyday. Sporadic information is available, but I gathered enough information to put together a timeline of what the uses were at the property over the years (Exhibit 2). I have attached the "capture pages" to that exhibit for your review as well. There are gaps and uncertainty of exact timing but below is a rough timeline for the progression of intensity of use.

The recap illustrates that up until 2007, the Meeting & Banquet Facilities accommodated a maximum of 559 people in "6,021 square feet of flexible meeting and banquet space in six distinctive rooms" and the applicant for The Ranch is marketing events for up to 4,867 people with 53,624 square feet of space in 19 "rooms" - and - with only 11 additional parking spaces than the original property had. This change represents an approximately 870% increase in the intensity of use, without notice to the public, or apparent awareness or acknowledgment by the city staff.

The Athens Group purchased the resort from Vi Brown in 2004, but it wasn't until 2007 that there was a change in the description of event areas. Sometime in 2008 a new website was introduced: "CanyonLodgeRestaurant.com" and at that point, a "Wedding Lawn" (max 200 guests) was marketed for ceremonies and the "Magnolia Patio" was added for receptions (max 200 guests). There is no record of how large the "Wedding Lawn" or "Magnolia Patio" were but this was clearly an un-authorized expansion of assembly area.

In 2010 the website started claiming that the "first fairway of the golf course and Magnolia Patio ...accommodate an extensive guest list of 400 plus.". (See item 15 of Exhibit 2). It was not until 2012 that there is a record of a "***Recent Addition" of "The Canyon Lodge Special Event Venue accommodates up to 300 guests..." and for the first time the "Canyon Lodge" has been added to the "Meeting Room Capacity Chart". (See item 16 of Exhibit 2).

There is no record that these intensifications of use for weddings (from 194 max to 200 to 300 and finally 400+) were ever reviewed or brought to the public's attention in the forum of a public meeting. There is no record of any temporary use permits given for activities in a REC (Recreation) Zone. And now, the new owner has increased the wedding event capacities to 1500 people maximum and the city is claiming "grandfathered" uses will allow this. As a matter of fact, the only public meeting ever held on this was earlier this year. On May 14, 2014, the City of Laguna Beach Planning Commission approved the first and only Conditional Use Permit ever issued for the property. The underlying Coastal Development Permit was appealed and is now awaiting a de novo hearing with the California Coastal Commission. It can be asserted that the validity of the Resolution and C.U.P. is moot until the underlying permit is approved.

The C.U.P. application (attached - "A") claims the "hotel/restaurant/assembly uses will be the same" and "Hours of operation will continue as existing 7 days per week 7 am - 1 am".

First of all, there has never been any indication from historic "hours of operation" on the website page captures that show use of the resort until 1 am. The latest shown is 11:30 (on Th/Fri/Sat nights) during the "Vi Brown years" and until 7:30 pm (Wed - Sat) in 2009 when Athens owned and operated the property. We ask that the restaurant and special event hours be limited to 10:00 pm indoors and 9:00 pm outdoors (including "breakdown" of the event) and that there be no use of amplification or special event lighting outdoors and that the outdoor events are limited to the deck area outside the ballroom. This business is not in a commercial/downtown district - it is surrounded by homes and nature.

Condition 15 of the approved Resolution (14-574) (attached - "B") states: *"The required parking shall be available free of charge to the employees and customers of the facility during the approved hours of operation, including valet services operating during assembly uses and special events"* - yet on the "Wedding Billing Instructions" sheet in the Wedding Package, there is a charge for Valet Parking of $45 overnight and $10/ daily Weekday/$20 Weekend. (attached - "C")

Condition 17 of the approved Resolution (14-574) (attached - "B") states: *"The following floor areas shall not be exceeded: (1) restaurant floor area shall not exceed 7,595.5 square feet and limited to 225 seats (including outdoor seating); (2)* ***assembly areas shall not exceed 7,345 square feet*** *(including outdoor assembly/seating areas) and (3) the new wellness spa shall not exceed 1,991.1 square feet." (emphasis added).*

A careful reading of the staff report (attached - "D") and minutes (attached - "E") of the 5/14/14 Planning Commission meeting shows that the outdoor assembly space (3,113 sf) was never included in the "parking spaces required" column of Table-3 in the original staff report. The calculations were for the "Assembly Buildings" (4,231.9 sf) and the additional 89 spaces required for the approved outdoor assembly space were NEVER accounted for. Parking required for Assembly spaces were calculated as being 120.9 spaces (4,231.9 sf/35) when they should have been 210 spaces (7,345/35).

The new "wellness spa" is being marketed as being 3,000 sf with a 24-hr fitness center (brochure attached - "F") but is being calculated at 1,997.1 sf on the city's parking chart (attached - "D"). The applicant is stating that the "fitness area" will not be used by the public - however, with my previous experience of visiting spas in numerous places, I've never been told that the fitness area of a spa is "off limits" to patrons of the spa. I think it is wishful thinking to say the entire 3,000 sf of the spa will not be in use by the patrons (the public as well as hotel guests). I would anticipate heavy marketing to be done for public and walk-in business similar to other area spas.

The city "approved" proposed uses would require 335 spaces (chart attached - "D") and the applicant is providing 215. This is gravely deficient even with the addition of an " on-

site valet parking program" bringing the total up to 290 spaces. Although the applicant asserts that the fire lanes will remain open, it has been witnessed by myself (and documented via photographs and video) that the program is not being implemented as submitted. The open fire lanes are being used for the circulation of trolleys that bring guests to events on the property. We also already know that off-site parking has been utilized for special events at "The Ranch" (see attached brochure - "G") for the "Plein Air Invitational" instructing patrons to park at the Treasure Island Beach Parking lot to pick up trolley/shuttles. I have also witnessed trolleys transporting event guests to other area hotels. Valet parking employees have been seen taking vehicles off site, but to an undetermined location. One was followed into the Albertson's parking garage (which was full) but then visual contact was lost. Valet employees were observed on PCH but it was not definite which event they were working as there were multiple events in the area at the time.

What is certain is that the construction zone is being used for overflow parking. Fire lanes are not being respected. The roadways through the golf course are not sufficient to carry busloads of people back to a remote location. The trolleys have to use the golf course itself as a "passing lane" when two trolleys or vehicles pass each other. This is not a "passible roadway" - it is a cart path. The road should be able to support the weight of large equipment and provide turnouts at code specified distances. Emergency vehicles may get "stuck" in muddy ground along the golf course cart path.

Photo taken 10/6/14. Source: Sharon Fudge

As you can see in the photograph below, the fire lanes were not kept open during an event serving approximately 300 people. (Areas in the construction zone that were also used for parking are not visible in this photo - other photos and video are available by request .)This is presumably the size of group to be hosted in a 3000 sf tent that was recently requested in a Temporary Use Permit application (application attached "H"). The applicant claimed having 204 parking spaces when clearly there are less than that available (approximately half of that number). The applicant asserts that "parking is not impacted". The Planning Commission had this item on the "Consent Calendar" 11/12/14 approving a 3 year temporary permit in spite of the fact that the applicant had requested a 3 month period (from November 15, 2014 - January 15, 2015). The conditions did not mention occupancy or capacity limits. The item was removed from the agenda when a letter from the CCC was received the day of the meeting and is "tabled" until a future meeting.

Photo taken 9/28/14 at an event for "less than 300" people. Source: Mark Fudge

The new owner of the property is already under-parked for the uses that have been 'approved' (7,345 sf) (currently under de novo review by the CCC) and the activities that are being advertised on the website (www.theranchlb.com) grossly exceed the

allowable square footage for assembly areas. The website advertises a grand total of **53,624 square feet** of "meeting space" for **4,867 people** (not including the TBD "Pond Deck" area by the pool). Historic/prior uses were approved for 559 people for comparison.

For example, the Wedding Brochure (attached - "I") has a room chart with 9 areas (indoors and outdoors) that range from 407 square feet (PDR2) and a capacity of max 40 people for a ceremony to **24,050 square feet** (Scout Camp) with a capacity of **1500 people** for a ceremony (1200 for Reception/Dinner). The Sage Ballroom at 3,127 square feet is being touted as having a capacity of 550 people for a ceremony - that is 5.69 sq ft/person as opposed to the prior capacity of 175 people in 1,920 square feet in the Terrace Ballroom which averaged 10.97 sq ft/person. Are these venue capacities even safe??

The "Meetings and Special Events" chart (attached - "J") adds areas such as the "Canyon Rooms Courtyard" at 2,592 square feet with a capacity of 400 people and the "Volley Ball Court" - 6,840 square feet and accommodating groups of 450 people. The Harvest Patio (which used to have a maximum of 200 people) now can hold 650 people. None of these areas were ever discussed at the 5/14/14 Planning Commission meeting. The public has never had a chance to make comment on this egregious intensification of use.

The "maintenance yard" has not been calculated by the city as needing parking and not knowing how large the area is makes it difficult to determine how many spaces would/ should be required. Currently, the adjacent property/historic eucalyptus grove (owned by Driftwood, LLC) is being utilized as a parking lot for maintenance workers.

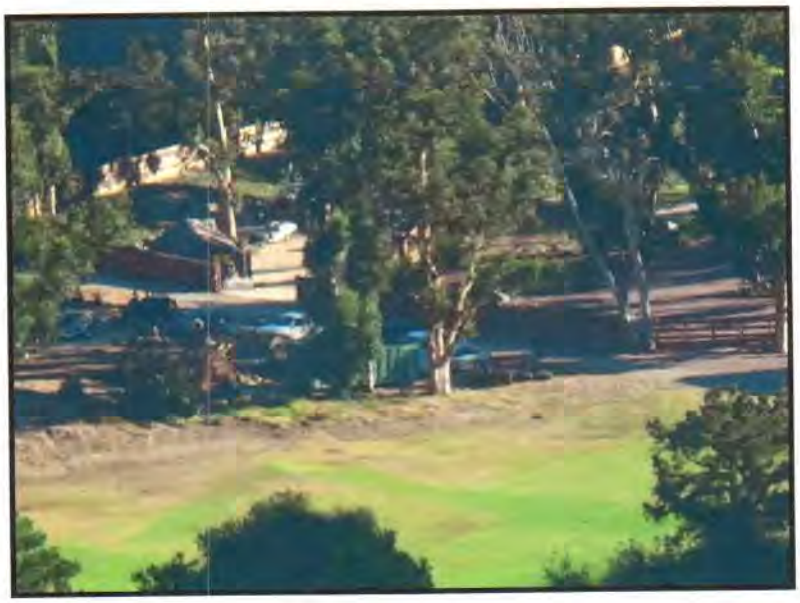


Photo taken 10/6/14. Source: Mark Fudge

The prior "Golf Maintenance Building" (2,315sf) has been re-purposed as restrooms and a food service preparation area to serve the "Scout Camp" events. A new building (unknown size) has been built for maintenance activities on a portion of the 2 acre site. The city's calculations for required parking never included either of these buildings.

The "Proposed Development Required Parking, Table-3" included in the staff report for the 5/14/14 Planning Commission meeting, the number of required parking spaces for the "Golf Course" is calculated at 3 spaces per hole. However, the parking requirements of LBMC 25.52.012 (attached - "K") state that the required spaces per hole for a golf course is 8 spaces for each hole, not 3. (A "Miniature or "Par 3" golf course is required to have 3 spaces per hole - however this golf course is NOT a "Par 3" course as per definition. I have (attached - "K") multiple examples of a "Par 3 course" definitions being a "course that has only par-3 holes". This course has 5 holes that are "Par-4" and 4 holes that are "Par-3". More than half of the holes are Par-4 therefore this course is a "golf-course" not a "par-3 golf course" and the requirements are more restrictive.) The spaces required for the golf course is 72, not 27. Also they did not include any parking requirements for the practice range (which would require 6 spaces based on my estimate of 40 feet of linear width: 1 1/2 space for each 10 feet) or the Pro Shop (which would require 4.8 spaces based on 1176.6 sf - 1 space/250sf).

The area where the "Volley Ball Court" is being placed is actually a repurposing of the previous 12 parking spaces into an event area with a capacity of 450 people and yet no parking has been provided for those 450 people. In 1966,11 carports were converted to uses such as meeting rooms and laundry/storage with no recorded mention of the effects of the loss of those spaces. In 1998, there was an addition of 1,760 square feet for a new administrative office above the existing snack hops/locker rooms/storage building (attached -"L"). This has not been accounted for in the parking calculations.

It has been said that "The Ranch" will be the third largest employer in the city - where will the employees park? How many employees will there be? A 4-Star rated property, which is what their rates would appear to make it, would be approximately a 1/1 ratio of employee to guest. That represents a LOT more parking if the guest rooms are ultimately approved. What about for special events/banquets? Golf course/maintenance employees? Restaurant/Bar employees? Spa/24 hr fitness employees? Parking attendants/valets? It's very possible that they will have somewhere around 200 employee/staff cars to find parking for - more during high occupancy periods. Where will they park?

I have not seen evidence of accommodations for electric cars - will the parking meet new building requirements for sustainability? Will any spots be covered to capture solar power?

Safety issues come to mind - How will hundreds or thousands of people escape the canyon (in a floodplain surrounded by high fire hazards) in the case of an emergency? There is only one exit out of the canyon - it is essentially a box canyon. How will hundreds of people exit a property onto a very busy PCH that travels at approximately

55 mph in this downhill location with a right hand turn only and an insufficient left hand turn holding area at Wesley where they would need to make a U-turn to travel south. In addition, there are cars that make dangerous illegal left turns out of the exit...all after having been at events where alcohol has been served.

The noise and lights and pollution of all these extra people will have devastating effects on the peace and quiet of the canyon and the surrounding neighborhoods as well as the wildlife that has always called this peaceful canyon 'home'.

It would be inappropriate to allow the use of amplification (music, entertainment) and lights outdoors in this pristine canyon setting. Lighting for the hotel and lodge should be compliant with LBMC Chapter 7.70 Good Neighbor Outdoor Lighting. Noise levels should be compliant with LBMC Chapter 7.25 (specifically 7.25.120(e)) regarding amplified noise.

The abuse just goes on and on. There is simply not adequate parking for the uses proposed or even the recent historic uses. Where will all of these cars be parked? Certainly the surrounding areas of neighborhood and public beach parking are all at risk of being used by patrons of The Ranch and the valet program.

I have created "comparison charts" of the required parking spaces for the proposed development - as well as the current uses - based on my calculations vs. the city's calculations (attached -"Exhibit 1").

As a note, the applicant has repeatedly claimed that the Scout Camp capacity numbers on the charts were somehow "leftover" from the marketing efforts of the Athens Group and that he never intended to host large groups out there. However, the "Scout Camp" was never an Athens venue for assembly space - it is a creation of "The Ranch". The Athens Group NEVER marketed the "Scout Camp" as an outdoor, special events venue. Marketing of "up to 1500 people" at the "Scout Camp" is active and live on the website (www.theranchlb.com) as of today.

Additionally, in a letter from Glenn Lukos Associates to Ann Larson, City of Laguna Beach dated September 9, 2014 (regarding the Scout Camp area "restoration") it is stated that:

> *"There is evidence of on-going event uses, lighting, music, performances and frequent use by large groups dating back to the 1920s through the 1970s. After the 1970s, the site was continually used as a fenced maintenance yard, with loud noises stemming from the use of saws, vehicles, etc., and high-voltage security lighting."*

If, in fact, these entertainment and large group uses were being carried out in the "Scout Camp" area, they were being done: 1) on property that was not the property of the golf course (until 2007 the 2 acre parcel was owned by a string of charities, the last being the YMCA, with deed restrictions including a condition to "maintain for use and benefit of the youth of Laguna Beach with girls camping given priority")(attachment - "M") and

2) as non-conforming acts in a Recreation Zone. The municipal code does not allow for re-establishment of nonconforming uses once abandoned.

LBMC 25.56.006 Change in building use. If any nonconforming use or portion thereof is abandoned or ceases for a period of twelve or more consecutive months, or is changed to a conforming use, it shall not thereafter be reestablished or reopened (Ord. 1282 § 1, 1994).

When considering what this project will ultimately look like, I ask that you limit the applicant to small, quiet, indoor activities that are consistent with the early historic use of the inn (prior to the Athens Group ownership - which is where un-permitted intensification first started). The allowed number of people/intensity of use should be determined by either the amount of parking provided or the historic 559 people maximum for special events - whichever is more restrictive. It should comply with all current planning, building and zoning requirements as if being put on vacant land.

LBMC 25.53.002 Applicability "...if additions or alterations exceed fifty percent of the existing ... intensity of use, these standards shall apply as if the construction were on vacant property (Ord. 832 § 31, 1975: Ord. 812 § 1 (part), 1974)"

As it stands today, this special property is only accessible to paying patrons of the golf course or wedding guests. I ask that the final rendition of this project is compatible with it's location - a resource like none other...an environmentally sensitive habitat area - and that it becomes available for all to enjoy.

Thank you,

Sharon Fudge
P.O. Box 130
Laguna Beach, CA 92652-0130

cc: Dr. Charles Lester, CCC
Sherilyn Sarb, CCC
Karl Schwing, CCC
Liliana Roman, CCC
Chuck Posner, CCC
Andrew Willis, CCC
Alex Halperin, CCC
Lisa Haage, CCC
Penny Elia

Atttachments and Exhibits:

✓ **Exhibit 0 -** Hotel room occupancy Comparison Chart (prior and proposed uses)
✓ **Exhibit 1 (a)** - Parking Requirements Comparison Chart (City vs Appellant calculations) -Proposed
✓ **Exhibit 1(b)** - Parking Requirements Comparison Chart (City vs Appellant calculations) - Existing
✓ **Exhibit 1(c)** - Meeting Room Capacity Comparison Chart (prior owners vs "The Ranch")

Attachments -

"A" - C.U.P. Application
"B" - Resolution (CUP 14-574) Conditions 15 and 17
"C" - Wedding Bill Instructions (from "The Ranch" website)
"D" - Staff report for Planning Commission meeting 5/14/14
"E" - minutes from 5/14/14 Planning Commission meeting
"F" - spa brochure (from "The Ranch" website)
"G" - Plein Air Event brochure page
"H" - T.U.P. application
"I" - Wedding Brochure room chart (from "The Ranch" website)
"J" - Meeting and Events room chart (from "The Ranch" website)10
"K" - LBMC golf course parking requirements and definitions of "par 3" golf course
"L" - letter from Burge corporation about 1998 addition to golf course building
"M" - deed restrictions on "Scout Camp" area

Exhibit 2 - Timeline of Prior Events and **Attachments -** 1 through 19 of "captured webpages"

EXHIBIT 0 - Room Maximum Occupancy Comparison Chart

Building	Unit Mix Prior to / After Remodel	Number of Rooms	Aliso Creek Inn Historic Occupancy	"The Ranch" 65 room configuration Occupancy	"The Ranch" 97 room configuration Occupancy
			per room/total	per room/total	per room/total
A-1	2 Bedroom Suite	6	4/24	8/48	8/48
A-2	2 Bedroom Suite	6	4/24	8/48	8/48
A-3	2 Bedroom Suite	8	4/32	8/64	8/64
B-1	offices/storage 1 Bedroom Suite Standard Room	0 2 4		7/14	2/8
B-2	1 Bedroom Suite Standard Room	2 4	2/4	7/14	2/8
B-3	1 Bedroom Suite Standard Room	4 8	2/8	7/28	2/16
B-4	1 Bedroom Suite Standard Room	4 8	2/8	7/28	2/16
B-5	1 Bedroom Suite Standard Room	4 8	2/8	7/28	2/16
B-6	1 Bedroom Suite Standard Room	4 8	2/8	7/28	2/16
B-7	1 Bedroom Suite Standard Room	4 8	2/8	7/28	2/16
B-8	1 Bedroom Suite Standard Room	4 8	2/8	7/28	2/16
B-9	1 Bedroom Suite Standard Room	4 8	2/8	7/28	2/16
C-1	1 Bedroom studio	3	2/6	6/18	6/18
C-1	Studio	9	2/18	4/36	4/36
House	2 Bedroom Suite	1	4/4	8/8	8/8
TOTAL		63/65/97	168	446	350

The 63 room count figure and configuration is derived from the count of rooms on the appraisal - done in Sept '13.
The "Aliso Creek Inn Historic Occupancy" figures are derived from www.archive.org (The WaybackMachine)
The "Ranch" room configurations and Occupancies are derived from August 5, 2014 letter from Kurt Bjorkman to Mark Christy RE: Historic Rate Analysis

EXHIBIT 1(a)- Proposed Development Required Parking City v ***Appellant*** calculations

Land Use	Municipal Code Parking Requirement	No. Parking Spaces Required
Hotel (97 rooms) Hotel ***(96 rooms)***	1 space per room plus 1 space per each 15 rooms	103.5 ***102.4***
Hotel ***(1 residence)***	plus 2 spaces for each residence	***2***
*Restaurant (7595 sf and 225 seats)	1 space for each 100 sf or 1 space for each 3 seats whichever is more restrictive	~~(75 based on # of seats)~~ 70.6 ***75.9***
*Assembly Building (including Conference Banquet and Meeting Areas) (4231.9 sf and 360 seats) ***Assembly (7,345 sf) (seats unknown)***	1 space for each 35 sf or 1 space for each 3 fixed seats whichever is more restrictive	~~(120 based on # of seats)~~ 120.9 ***209.9***
*Spa (1,997.1 sf) ***(3,000 sf)***	1 space for each 250 sf	7.9 ***12***
Golf Course (nine holes)	3 spaces per hole ***8 spaces per hole***	27 ***72***
****Practice Range (estimated at 40' wide)***	***1 1/2 spaces for each 10 linear feet of driving range width***	***6***
****Pro Shop (1200 sf)***	***1 space for each 250 sf***	***4.8***
****Administrative office (1760 sf)***	***1 space for each 250 sf***	***7***
****Golf Maintenance Building (2,315 sf)***	***2 spaces plus 1 for each 250 sf***	***4.3***
****Maintenance yard (unknown size) (currently being parked on the adjacent lot owned by Driftwood, LLC)***	***?***	***?***
	****Total Spaces Required (city)** ***Appellant's calculation***	**336** ***496***
	Total Spaces Provided	**215**
	Spaces Deficient (city) ***Appellant's calculation***	**120** ***281***

Note: This chart is generated in COLOR. ***Appellant's calculations are bold and italicized in red.***
(Assembly Space calculations are based on approved 7,345 sf of assembly space including outdoor space.)

* These uses could be "ancillary" and may be considered for a 20% reduction. In that case the total spaces required would be 432 and the deficiency would be 217 spaces.

The applicant is marketing Meeting/Assembly spaces totaling **29,574 sf (without the TBD "Pond Deck" area) (or Scout Camp) to accommodate **3,245 people**. The parking spaces needed for this amount of assembly space would be the greater of ~~29,574/35sf = 845~~ or 3,245/3 = ***1081.7***

If the "Scout Camp" area is also added (**marketed at 24,050 sf and 1500 people**) the parking spaces required for that alone would be the greater of 24,050/35 = 687.1 or ~~1500/3 = 500~~. Together, the assembly areas would require: ***1769 parking spaces*** (not the 121 spaces the city is requiring). Added to the other uses the grand total would be: ***2261 parking spaces.*** 215 spaces are provided.

EXHIBIT 1(b) Existing Required Parking
City v ***Appellant*** calculations

Land Use	Municipal Code Parking Requirement	No. Parking Spaces Required
Hotel (64 rooms) Hotel ***(63 rooms)***	1 space per room plus 1 space per each 15 rooms	68.3 ***67.2***
Hotel residence (1)	***plus 2 spaces per each residence***	***2***
Restaurant (7814sf and 230 seats)	1 space for each 100 sf or 1 space for each 3 seats whichever is more restrictive	78.1 ~~(76.7 based on # of seats)~~
Assembly (including Conference Banquet and Meeting Areas 7,814 sf and 556 seats) ***(7,371 and 559 seats)(2)***	1 space for each 35 sf or 1 space for each 3 fixed seats whichever is more restrictive	206.4 ~~(185.3 based on # of seats)~~ ***210.6*** ~~***(186.3 based on # of seats)***~~
Golf Course (nine holes)	3 spaces per hole ***8 spaces per hole (3)***	27 ***72***
Pro Shop (retail)(1700sf) (4)	***1 space for each 250 sf***	***6.8***
Practice Range (approx 40' wide) (5)	***1 1/2 spaces for each 10 linear feet of driving range width***	***6***
2nd floor office addition above snack bar (1760 sf) (6)	***1 space for each 250 sf***	***7.04***
Golf Maintenance Bldg (2,315 sf) (7) (repurposed) (8)	***2 spaces plus 1 space for each 1000 sf (?)***	***4.3*** ***?***
Maintenance Yard (unknown size)(cars are currently being parked on the adjacent lot owned by Driftwood, LLC)	***?***	***?***
	Total Spaces Required	380 ***454***
	Total Spaces on site	204
	Deficient	-176 ***-250***

City calculations are shown in black - ***Appelant's calculations are shown in RED bold italic***

(1) The city's calculations did not include the residence on site.

(2) Using square footage calculations from the hotel's website of meeting space 7,371 sf (6,021 + 1,350 of deck space). Also using the math sum of the max occupancies/room from the website = 559 seats, not 556.

(3) The golf course is not a "miniature or par 3 golf course" therefore it needs 8 spaces/hole. See attached articles about the definition of a "Par 3 course". This course has 4 par 3 and 5 par 4 holes.

(4) The city's calculations did not include the retail space of the Pro Shop

(5) The city's calculations did not include the practice range. The width of 40' is approximate as there is no record of the dimensions readily available.

(6) The city's calculations did not include the 2nd floor office addition

(7) The city's calculations did not include the golf maintenance building or maintenance yard.

(8) This old maintenance building has been re-purposed to restrooms and food service prep for Scout Camp events

EXHIBIT 1 (c) - Meeting Room Capacity Comparison Chart

Room	Size Sq Ft	Vi Brown (2001) (2002) Capacity	Athens Group (2005) Max	Athens Group (2007) Max	Athens Group (2010) Max	Athens Group (2012) Max	"The Ranch" 2014 Room	Size Sq ft	Maximum Capacity
Terrace (Ballroom)	1,920	175			175	175	Sage Ballroom (1 & 2) Sage Ballroom Foyer	3,127 479	550
Terrace Deck	1,350	130			130	130	Willow Boardroom	600	60
Green	1,040	80	72		72	72	Office	36	2
Aliso	621	36			36	36	PDR 1	639	100
Fairway	1,000	80			80	80	PDR 2	407	50
Board	800	40			41	41	Ben's Boardroom	527	45
Tee	640	18	18		18	18	Violet's Suite	420	40
Magnolia Lawn Magnolia Patio	?			200			Cottage Suites	522	50
Canyon Lodge Special Event Venue	?				300	300	Sage Ballroom Patio PDR Patio Ben's Pantry Patio	2,600 600 460	380 50 40
1st Fairway of golf course and "Magnolia Patio"	?				400+	400+	Harvest Patio Harvest Lawn Canyon Rooms Courtyard The Pond Deck Volley Ball Court Scout Camp	4,200 5,525 2,592 TBD 6,840 24,050	650 500 400 TBD 450 1500
Total rooms		6	6		11			19	
Total Square Footage		6,021 7,371 (with deck)	6,021	not stated	7,500+	not stated		53,624	
Total Capacity		559	559	759	1,259				4,867

EXHIBIT E

June 13, 2013 LCPA Excerpts
Floodplain Management

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

Th 14a

May 30, 2013

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 1-13-A (Flood) (LGB-MAJ-1-13A) to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the June 12-14, 2013 meeting in Long Beach).

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-13-A

Request by City Of Laguna Beach to amend the Implementation Plan portion of the certified Local Coastal Program (LCP) to replace the current flood ordinance Chapter 25.38 *Flood Damage Prevention*, with the proposed flood ordinance Chapter 25.38 *Floodplain Management*. Local Coastal Program Amendment 1-13-A was submitted pursuant to City Council Resolution No. 13.004 which requests action on Ordinance No. 1576. The proposed amendment will affect Title 25 *Zoning* which is contained in the City's certified Implementation Plan. Only the Implementation Plan portion of the City's certified LCP is affected by the proposed amendment. The amendment is proposed to reflect updates required by the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR), and to address the issue of future sea level rise.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

Approve the amendment request to the Implementation Plan **as submitted.**

The proposed amendment, as submitted, is in conformance with and adequate to carry out the provisions of the certified Land Use Plan. **The motion to accomplish this recommendation is found on page 2.**

STANDARD OF REVIEW

The standard of review for the proposed Implementation Plan amendment is conformance with and adequacy to carry out the policies of the certified Land Use Plan.

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states: *During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program*

for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City of Laguna Beach Planning Commission and City Council held five public hearings on the proposed replacement of Chapter 25.38 of Title 25 (the flood ordinance): City Council 2/12/13; and 1/29/13; Planning Commission 12/12/12; 10/10/12; and 9/12/1. In addition, 1/8th page notices were published in the local newspaper, the Laguna Beach Coastline Pilot. No written comments were received during the City's review process. Four members of the public spoke at the Planning Commission meeting of 10/10/12. All comments focused on the requirement for businesses located within special flood hazard areas to install contingency floodproofing measures.

Exhibits:

1. City Council Resolution No.13.004; Ordinance No. 1576
2. Maps Depicting Flood Zones in the City of Laguna Beach (online only)(15 maps total)

ADDITIONAL INFORMATION

Copies of the staff report are available online at www.coastal.ca.gov and at the South Coast District office located at 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Meg Vaughn in the Long Beach office at (562) 590-5071.

I. STAFF RECOMMENDATION

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

Approval of the IP Amendment as Submitted

MOTION: *I move that the Commission reject Implementation Plan Amendment No. 1-13-A for the City of Laguna Beach as submitted.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Plan as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN AS SUBMITTED:

The Commission hereby certifies the Implementation Plan Amendment 1-13-A for the City of Laguna Beach as submitted and adopts the findings set forth below on grounds that the Implementation Plan amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the

California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. FINDINGS

The following findings support the Commission's approval as submitted of the proposed LCP Implementation Plan amendment. The Commission hereby finds and declares as follows:

A. Amendment Description

The City of Laguna Beach has requested to amend the Implementation Plan (IP) portion of the certified Local Coastal Program (LCP). The main document comprising the City's certified Implementation Plan is Title 25 *Zoning*, the City's Zoning Code, although the certified IP also includes other documents. The changes proposed to the City's certified IP pursuant to this amendment request affect only Title 25 and are reflected in City Council Resolution No. 13-004, which requests action on Ordinance 1576, Chapter 25.38 *Floodplain Management*. LCPA 1-13 also includes a second request, submitted via City Council Resolution No. 12.072 requesting action on Ordinance No.1572 regarding maximum building heights. The changes proposed via the separate resolutions are not related to each other. Although submitted together as a single submittal, because the two segments of the proposed LCPA were submitted via separate resolutions and are not interdependent, Commission staff is processing them independently, as LCPA 1-13-A (flood ordinance) and LCPA 1-13-B (maximum building heights). This prevents the processing of one impacting the processing of the other. That is, if issues are identified in one part of the LCPA, that would not prevent final certification of the other part of the LCPA. A separate staff report for LCPA 1-13-B will be prepared. The changes proposed under LCPA 1-13-A are described in greater detail below.

Ordinance No. 1576 – Revisions to Chapter 25.38 Floodplain Management

City Council Resolution No. 13.004 requests Commission action on Ordinance No. 1576. Ordinance No. 1576 proposes to replace the IP's existing Chapter 25.38 *Flood Damage Prevention* with a new Chapter 25.38 *Floodplain Management*. The replacement flood ordinance is intended to follow the State Department of Water Resources model for agency ordinances and would incorporate the new areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the updated Flood Insurance Study (FIS) for the City of Laguna Beach and will reference the most recently updated Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps, which are dated December 3, 2009. The updated flood ordinance (Floodplain Management) was originally submitted as part of Laguna Beach Local Coastal Program Amendment No. 1-11. However, the City withdrew the flood ordinance portion of LCPA 1-11 prior to Commission action in order to allow additional time for City and Commission staff to work toward developing mutually agreeable modifications to the proposed Chapter 25.38 *Floodplain*

Management. The primary issue at that time was that the proposed flood ordinance did not address future sea level rise.

Language that has been added to the proposed Chapter 25.38 *Floodplain Management* based on language developed through City and Commission staff discussions includes:

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.

The initial impetus for the City's revisions to the flood ordinance is described in the City Council Agenda Bill, dated 9/1/09, which states:

> *"On August 21, 2008, on behalf of the Federal Emergency Management Agency (FEMA), staff from the California Department of Water Resources met with City staff to review the City's participation in the National Flood Insurance Program and conducted a field inspection as part of their biennial review. (Every two years there is a review of the City's compliance with their requirements.) The State's follow-up report, which resulted from that meeting, found the City to be in general compliance with the required floodplain enforcement requirements, but did note that the City's Floodplain Management Ordinance needed to be updated to comply with the latest Federal Standards."*

On June 3, 2009, the City was informed that FEMA had completed a re-evaluation of the flood hazards within the community and had updated the City's Flood Insurance Study and prepared new Flood Insurance Rate Maps. The Flood Insurance Study and Flood Insurance Rate Maps became effective, for FEMA purposes, on December 3, 2009. FEMA required that the City's flood ordinance be updated to reference the new Flood Insurance Study and Flood Insurance Rate Maps to remain eligible for federal flood insurance. As a result of the update requirement, a draft ordinance amending the City flood ordinance was prepared and sent to the Department of Water Resources for review. The draft ordinance was found to be in compliance with the latest National Flood Insurance Program and state standards. Proposed changes to the City's flood ordinance were generated by the process described above.

Subsequent to changes to the City's flood ordinance based upon the above described input from FEMA and the Department of Water Resources, Commission staff provided comments on the revised flood ordinance when reviewing the City's previous LCPA 1-11 submittal, as noted above.

Changes reflected in the proposed ordinance based on input from FEMA and the Department of Water Resources (DWR) are similar to the existing flood ordinance language, but updated and somewhat expanded. For example a number of new definitions are proposed to be added. Proposed new definitions include: accessory structure; accessory use; alluvial fan; apex; encroachment; manufactured home park or subdivision (definitions are proposed for existing, expanded, and new); fraud and victimization; governing body; hardship; historic structure; levee; levee system; market value; obstruction; primary frontal dune; program deficiency; public safety and nuisance; recreational vehicle; regulatory floodway; substantial damage; substantial improvement; water surface elevation; and, watercourse. Definitions are found in Section 25.38.020 (See exhibit 1).

Another proposed change would require that businesses within areas of special flood hazard (identified on the Flood Insurance Rate Map or FIRM and as identified by the City's floodplain administrator) install contingency flood proofing measures within ninety days of written notification from the City (extensions of up to ninety days may be granted). A business that already meets the floodproofing requirements may be exempted from this requirement. This requirement is found in Section 25.38.055.

In addition, the proposed LCPA would add a requirement for certification by a registered civil engineer or licensed land surveyor that the required lowest floor elevation for residential development, including manufactured homes, complies with the requirements of the flood ordinance (Section 25.38.050 C.1 and 2 and Section 25.38.053.1). For non-residential development, minimum elevation and/or required floodproofing must be certified by a registered civil engineer or architect.

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.

Other changes proposed to the flood ordinance include moving the language describing the process for an appeal of the floodplain administrator's decision (Section 25.38.043) out of the section describing the process for requesting a variance from the floodplain regulations (Section 25.38.060). In addition, the standards for allowing a variance are clarified and make clear that a variance is only granted in extenuating circumstances. Proposed new section 25.38.060 Nature of Variances states (in part): *"A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique*

to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owner." This section goes on to state: *"It is the duty of the Laguna Beach City Council to help protect its citizens from flooding. This is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. ... The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate."* In addition, the proposed floodplain chapter would add a section requiring findings that must be made in order for a variance to be granted (proposed Section 25.38.062 B).

In addition, the section on Standards of Construction (proposed section 25.38.050) is proposed to be expanded to better describe construction methods to be employed to reduce flood hazard. For example, new sections are proposed describing flood hazard reduction measures for: flood openings; garages and low cost accessory structures; and crawlspaces. Standards of Construction is found under the heading "Provisions for Flood Hazard Reduction Sections." Newly proposed under this heading is a section establishing "Standards for Recreational Vehicles" which would require that, within Zones A1-30, AH, AE, V1-30 and VE, if a recreational vehicle is on site more than 180 consecutive days or is not licensed and ready for highway use it must meet the elevation and anchoring requirements for manufactured homes in Section 25.38.042 of the ordinance. In addition, recreational vehicles placed on sites within Zones V1-30, V and VE must meet these same requirements of Section 25.38.054(A) as well as the requirements of Section 25.38.057(Coastal High Hazard Areas), including elevation and anchoring. Standards applicable to Recreational Vehicles are found in Section 25.38.054.

B. Areas Designated on the Flood Insurance Rate Map (FIRM)

The Federal Emergency Management Agency (FEMA) updated the Flood Insurance Study (FIS) for the City of Laguna Beach. The FIS references and incorporates the most recently updated Flood Insurance Rate Maps (FIRM). The FIRM identifies areas of the City that are at greater risk from flooding. These areas are identified on the FIRM as Special Flood Hazard Areas and are those areas in the floodplain subject to a 1% or greater chance of flooding in any given year (Shown on the FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V).

In the City of Laguna Beach these Special Flood Hazard Areas (SFHA) are predominantly found along the sandy beach and within the major canyons (Laguna Canyon and Aliso Canyon). Currently very little development along the beach falls within one of the SFHAs because much of the oceanfront development in Laguna Beach is at higher elevations (e.g. on the bluff top). The area identified on the FIRM with the most development in a SFHA is the City's downtown area. Downtown Laguna is located where Laguna Canyon outlets onto Main Beach. This SFHA extends inland, up the canyon. Development within the downtown area is predominantly small scale commercial development on small lots. Inland, up the canyon is a mix of predominantly commercial and light industrial. The area of the downtown nearest the beach, just inland of Coast Highway, however, falls within the VE zone. Aliso Canyon is predominantly developed with the

Aliso Creek Inn & Golf Course. The downstream end of Aliso Canyon is developed on either side of Coast Highway with a public beach park.

When considering the proposed flood ordinance it is important to recognize that different areas of the coast are subject to different types and degrees of flood threat. For example, some areas of Laguna Beach are subject to an increased level of flood threat compared to other areas of the City. The low lying areas that fall within a narrow path of concentrated flood flows tend to be at greatest risk from flooding. One such example of this is the City's downtown area, which is located at the mouth of Laguna Canyon. Many areas within the City, however, are at higher elevations and not within the path of concentrated flows from inland areas (e.g. within canyons). Much of the City's bluff top areas typically would not be expected to become threatened from flooding either from inland upstream areas due to their location away from concentrated canyon flows or from tidal action due to their elevation. Currently most areas at risk from tidal flooding are the largely undeveloped sandy beach areas. However, in the downtown area development located just inland of Coast Highway, within the first few blocks of Main Beach falls within the Coastal High Hazard (V) zone. As with most of the City's downtown area, this area is developed principally with small scale commercial development. The extent of areas at risk from tidal flooding may increase with future sea level rise.

C. Approval of Implementation Plan Amendment No. 1-13-A as Submitted

The standard of review for amendments to the Implementation Plan of a certified LCP is whether the Implementation Plan, as amended, will be in conformance with and adequate to carry out, the policies of the certified Land Use Plan (LUP).

Consistency with Certified Land Use Plan

The City's certified LUP Land Use Element (LUE) contains the following policies:

Policy 7.3 Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.

Action 7.3.3: Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards. *(Ongoing implementation.)*

Action 7.3.4: Require new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. *(Ongoing implementation.)*

Action 7.3.15: Prepare and periodically update comprehensive studies of

seasonal and long-term shoreline change, episodic and chronic bluff retreat, flooding, and local changes in sea levels, and other coastal hazard conditions. *(Long-term implementation.)*

Policy 10.3 Ensure that all new development, including subdivisions, the creation of new building sites and remodels that involve building additions, is evaluated to ascertain potential negative impacts on natural resources, ESHA and existing adjacent development. Proposed development shall emphasize ESHA impact avoidance over impact mitigation. Any mitigation required due to an unavoidable negative impact should be located on-site rather than off-site, where feasible. Any off-site mitigation should be located within the City's boundaries and in close proximity to the project.

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.

The City's certified LUP Open Space/Conservation Element contains the following policies:

Policy 1-E Prohibit the construction of buildings and other man-made structures on the sandy portion of the beach unless necessary for public health and safety.

Policy 1-F Shoreline protective devices which may adversely affect the sand supply or cause an adverse impact to shoreline processes shall not be approved unless the situation is one in which there is clear evidence that the existing structure(s) are in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and unless all feasible alternatives have been explored.

Policy 9-A Promote the preservation and restoration of Laguna's natural drainage channels, freshwater streams, lakes and marshes to protect wildlife habitat and to maintain watershed, groundwater and scenic open space.

Policy 9-B Prohibit filling and substantial alteration of streams and/or diversion or culverting of such streams except as necessary to protect existing structures in the proven interest of public safety, where no other method for protection of existing structures in the flood plain are feasible or where the primary function is to improve fish and wildlife habitat. This provision does not apply to channelized sections of streams without significant habitat value.

Policy 9-C a) Streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon Biological Values Maps which are also "blue-line" streams 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.
b) Require a setback of a minimum of 25 feet measured from the centerflow line of all natural drainage courses or streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon biological Values Maps other than the "blue-line" streams referenced in 9-C(a) above. Such setback shall be increased upon the recommendation of the City Engineer and environmental planner through the environmental review process. However, a variance may be given in special circumstances where it can be proven that design of a proposed structure on an affected lot will preserve, enhance or restore the significance of the natural watercourse. At no time shall grubbing of vegetation, elimination of trees, or disturbance of habitat be allowed within the setback area before or after construction.

Policy 9-K Promote preservation and enhancement of the natural drainage of Laguna Beach.

Policy 9-T Restore and retain Aliso Creek in a natural state and protect the Creek from infringement of new development.

Policy 10-A Require that plan review procedures recognize and avoid geologically unstable areas, flood-prone lands, and slopes subject to erosion and slippage.

The LUP requires that development be sited to avoid hazards and that it minimize risks to life and property from coastal and other hazards. Flood hazard falls into this category. The LUP further requires that development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The LUP also requires consideration of flooding, and local changes in sea levels as part of development review. Overall, the certified LUP requires that hazards, including flooding, be considered during the project review process and that measures be implemented to lessen and/or avoid adverse impacts from site hazards identified during review to the subject site or to the surrounding area.

The City of Laguna Beach has a history of damage due to flooding. Historically, flooding and mudslides have caused millions of dollars of damage to homes, businesses and public infrastructure. The most recent heavy flooding, in December of 2010, inundated Laguna Canyon and the downtown area. Both the downtown area and Laguna Canyon Road were closed due to the flooding. The proposed flood ordinance update and revisions are intended to increase protection

from flooding in the areas within the City that have been identified as and demonstrated to be flood prone. The proposed changes to the flood ordinance are described in greater detail previously. The new flood protection measures proposed in the revised flood ordinance will increase the level of protection from flooding within areas of the City that have been identified as flood prone areas (e.g. on the FIRM). However, these revised regulations are not meant to create new or added development potential within flood prone areas where such potential does not already exist.

The flood ordinance proposes to incorporate consideration of future sea level rise into project review and implementation of the proposed flood protection measures. Flooding can occur from both upstream accumulation of rainfall and runoff, and from the ocean via tidal flooding. Tidal flooding occurs when extreme high tides occur concurrently with storm surge events. Anticipated future sea level rise will exacerbate tidal flooding. Thus, it is important that flood hazard analysis specifically consider the impacts of sea level rise on proposed development. The flood ordinance proposes consideration of a range of sea level rise scenarios during the initial planning phase in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise enhanced flooding.

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.

Although these sea level rise design heights could change as the issue continues to evolve into the future, the best available science will also evolve in the future. It is important that a minimum design standard be utilized based on the best data currently available in order to adequately plan for, and design around, potential hazards. On a practical level, this will help guide preparation of an appropriate level of analysis and provide more consistent data. Therefore, minimum numeric standards within the flood ordinance are appropriate. The inclusion of these standards will not hinder the City's ability to formally amend these numbers through the LCP Amendment process, as the science evolves and new data becomes available in the future. The proposed flood ordinance requires that the base flood elevation be adjusted for future sea level rise based on these sea level rise standards identified in the ordinance.

A new requirement of the proposed flood ordinance is that existing businesses located in areas of special flood hazard must install the required contingency floodproofing measures within ninety days of notice from the City. These contingency floodproofing measures would also be required with construction of new development. In addition, more specific standards of construction are included in the proposed revisions which also help to clarify the intent of the ordinance as well as assisting in its implementation. In addition, flood protection measures are newly proposed to apply to recreational vehicles (when on site long term and when located in coastal high hazard zones),

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

providing additional protection in flood prone areas. Other changes proposed to the flood ordinance include defining a number of additional terms allowing for greater understanding of the intent of the ordinance as well as in guiding implementation of the ordinance.

In addition, the proposed flood ordinance includes a required increase in the allowable lowest floor elevation level for new development (substantial improvement). Currently, the lowest level must 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. In Coastal High Hazard areas (V zones), the proposed flood ordinance requires that the lowest allowable level must be elevated to or above two feet above base flood elevation *as modified for future sea level rise*.

V zones are areas susceptible to tidal flooding (that is flooding from the ocean rather than from upstream/inland). Most of the areas within the City that fall within the V zone category are not developed and under current zoning are not likely to be developed in the future. This is because most of the V zones are sandy public beach areas which are land use designated *Public Recreation and Parks* and zoned: at Main Beach Park - *Downtown Specific Plan Central Business District Park*; and elsewhere *Recreation*. These land use and zone designations allow only limited, minor development that can be easily relocated such as walkways and picnic areas, as well as temporary uses. Public buildings and facilities are also allowed, but when located on the oceanfront these uses must also comply with the LUP's Open Space/Conservation Element policies 1E and 1F. OSC policies 1E prohibits man-made structures on the sandy portion of the beach unless necessary for public health and safety. Policy 1F prohibits shoreline protective devices except in narrow instances. Thus, within the City's V zones, the proposed flood ordinance would not create development potential in areas that are not otherwise developable.

However, limited developed areas of the City do fall within a designated V zone. This is true for the area just inland of Main Beach, across Coast Highway, in the City's downtown area. This area is developed with small scale commercial development. This is the area where new development, including substantial improvements as defined in the ordinance, would require elevating the lowest floor level to two feet above the base flood elevation as modified to reflect sea level rise. The additional standards described in the *Provisions for Flood Hazard Reduction Sections* (beginning with Section 25.38.050) of the proposed ordinance would also be required.

Also, when an application for a Floodplain Building Permit (Section 25.38.042.A.9) is submitted, it must include the adjusted base flood elevation necessary to reflect sea level rise regardless of whether it is in a V or other zone. In addition, Section 25.38.041.F requires the floodplain administrator to "make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be conflict between a mapped boundary and actual field conditions." Moreover, the floodplain administrator must be able to make the determination that "the site is reasonably safe from flooding over the expected life of the development (minimum 75 years)", per Section 25.38.041.A.3. Thus, the proposed ordinance incorporates consideration of sea level rise when determining the base flood elevation.

Section 25.38.042 of the flood ordinance clarifies that in addition to obtaining a Floodplain Development Building Permit, any other required permits must also be obtained. Section

25.38.042 states, in part: "*The floodplain development building permit is additional to any other required permit, including a coastal development permit.*" In addition, Section 25.05.050 of the certified IP requires that "*In addition to any other permits required, any development within the coastal zone that constitutes development as defined in Section 25.07.006(D) that is not exempt pursuant to 25.07.008, requires approval of a coastal development permit pursuant to Section 25.07*". Thus, an applicant for a floodplain development building permit would be aware that approval of floodplain development building permit would not obviate the need to also obtain any other required approvals. This would assure that such development, in addition to being found consistent with the requirements of the flood ordinance, would also need be consistent with other City requirements including consistency with the certified Local Coastal Program.

The proposed flood ordinance does not, and is not intended to supercede the LUP's natural resource protection policies. All development subject to the proposed flood ordinance must still comply with the policies of the certified LUP, including the Vegetation and Wildlife Resources policies and Watersheds and Watercourses policies cited above. In developed areas of the floodplain, such as the City's downtown area, it is likely that most often these policies would not apply because, due to the long-term built-out nature of the area, there are fewer or no natural watercourses or sensitive habitats. Nevertheless, if such were to be discovered, the applicable LUP protection polices would apply. For example, 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. The currently certified flood ordinance (*Flood Damage Prevention*) has not prevented implementation of the LUP polices including the natural resource protection policies and neither would the proposed flood ordinance (*Floodplain Management*). Rather, the flood ordinance establishes methods to reduce flood hazard in floodplain areas that were developed long ago and there is no feasible alternative.

The changes proposed to the flood ordinance are also described in the Amendment Description section of this staff report. The changes proposed via LCPA 1-13-A will result in greater protection from flooding than is currently afforded in the certified version of the flood ordinance, consistent with the certified LUP's requirement to avoid and/or lessen impacts due to hazards. Therefore, staff recommends that the Commission approve the proposed Implementation Plan amendment as submitted.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – and the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing environmental impact reports (EIRs), among other things, in connection with their activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required, in approving an LCP submittal, to find that the proposal does conform with the provisions of CEQA, and to base any certification on a specific factual finding supporting the conclusion that the proposal "meets the requirements of [CEQA] Section 21080.5(d)(2)(i) … ,

which requires that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." 14 C.C.R. Sections 13555(b), 13542(a), and 13540(f). The City of Laguna Beach LCP amendment 1-13-A consists of an amendment to the Implementation Plan (IP) only. The City has found the proposed amendment to be categorically exempt under CEQA.

As outlined in this staff report, the proposed Implementation Plan amendment as submitted is not expected to result in significant adverse impacts on the environment. For the reasons described above and throughout this staff report, the IP amendment is in conformity with and adequate to carry out the policies of the certified LUP, including the land use and public access policies. Therefore, the Commission finds that approval of the Implementation Plan amendment as submitted will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies City of Laguna Beach LCP amendment request 1-13-A as submitted.

LGB LCPA 1-13-A Flood 2nd SR 6.13 mv

EXHIBIT F

The Athens Group Redevelopment Plan Excerpt
Trail to the Sea

2.4 PUBLIC ACCESS AND RECREATION POLICIES

2.4.1 Scope

This section sets forth the Land Use Plan policies for public coastal access and visitor serving recreation and interpretive facilities that will serve short- and long-term guests, residents, and visitors to the Aliso Creek Area.

2.4.2 Policies

1. Public Trail Policies

a. The Specific Plan shall include a multi-use public Aliso Creek Trail that connects Aliso and Wood Canyons Wilderness Park on the east to the County of Orange public parking facility on the inland side of Coast Highway.

b. The Specific Plan shall include a bridge crossing of Aliso Creek near the County's existing Aliso Creek parking facility, so the public pedestrians, hikers, and bicyclists have safe access to South Coast Highway and utilize the existing trail connection under Coast Highway to reach the sand and recreation facilities at Aliso Beach itself.

c. The Specific Plan shall include a public footpath along the resort entry road, west of the Aliso Creek Trail Bridge. This footpath should be decomposed granite or similar soft surface for pedestrians only, and terminate at an Aliso Creek viewpoint east of the main project entry and so as to avoid conflicts with vehicles turning in from Coast Highway. The footpath shall be wheelchair accessible from the Inn to this viewpoint.

d. The Master Landowner, with the support of the City of Laguna Beach, shall seek an agreement with the County of Orange to provide a safe and suitable Aliso Creek Trail connection easterly from the easterly boundary of the LCP Area to the end of current trail and roadway/EVA improvements within Aliso and Wood Canyons Wilderness Park. Such improvements are necessary to ensure public trail continuity and public safety along the length of the Aliso Creek Trail outside the LCP Area.

e. Limited and appropriate public hiking trails and lookouts may be provided within the northerly Aliso Highlands Conservation Area. The use of hiking trails may be controlled and managed to protect sensitive resources. The Master Landowner shall not be required to make trail or related improvements on privately owned land outside of the Aliso Creek Project Area.

f. A comprehensive Public Trail Signage Program, including public safety and interpretive signs, shall be submitted to and approved by the City of Laguna Beach prior to the issuance of certificates of occupancy for the new Inn and Golf Course.

g. In implementing pedestrian footpaths, hiking trails and multi-use pedestrian/ bicycle trails within the LCP Area, as indicated on Project Area maps included as part of the Specific Plan and Coastal Development Permits, the following City General Plan Policies shall be followed:

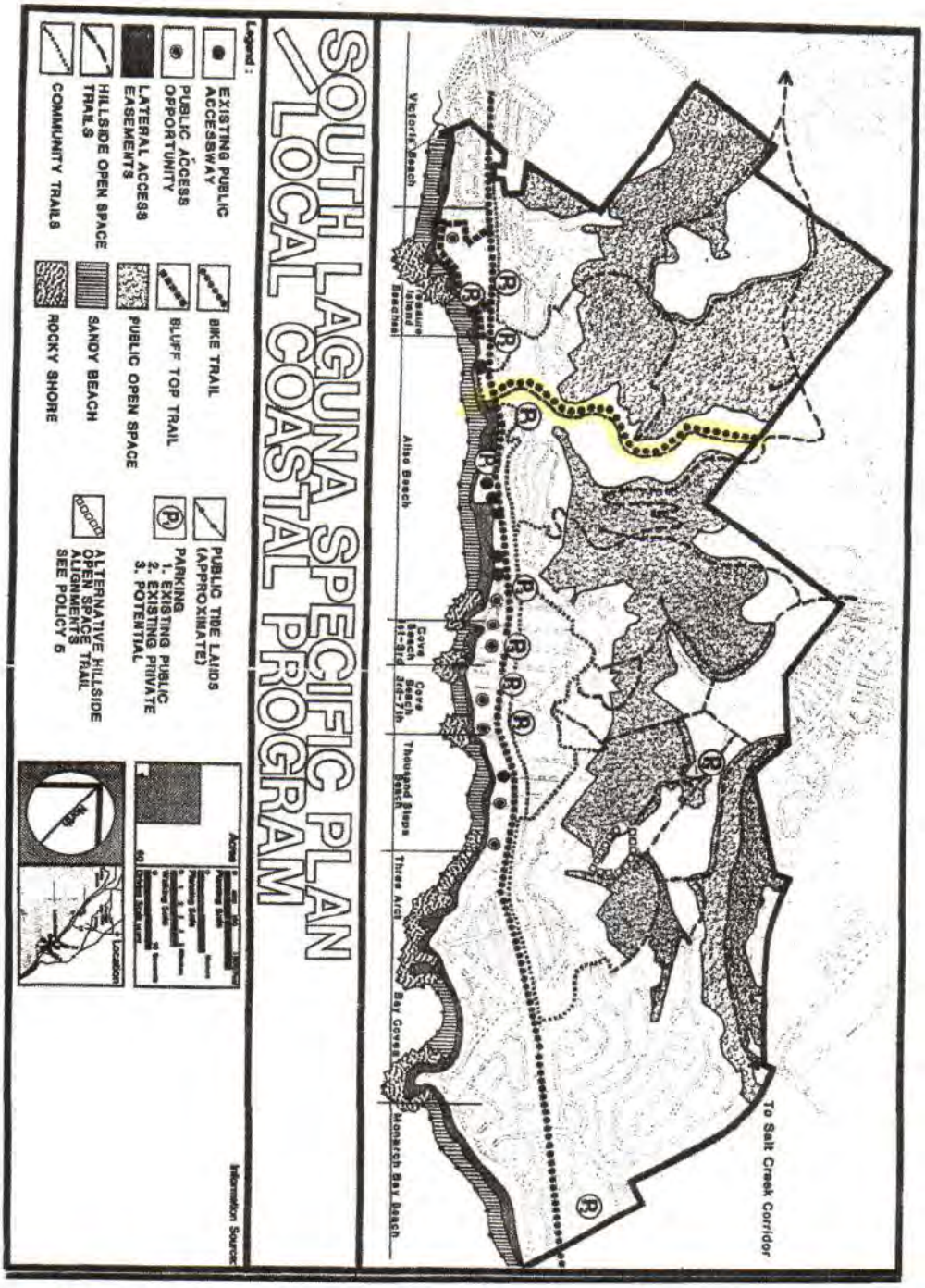
1) Support and coordinate the development and maintenance of bikeways in conjunction with the County of Orange Master Plan of Countywide Bikeways to assure that local bicycle routes will be compatible with routes of neighboring jurisdictions. In particular, these bikeways include Route 67 through Laguna Laurel Regional Park, Route 71 along Laguna Canyon Road, Route 75 along El Toro Road and Route 25 along Pacific Coast Highway. Bikeway Route 78, along Aliso Creek, should be encouraged

provided impacts to Ben Brown's (i.e., Aliso Creek) Golf Course are mitigated. (Policy 9-C of General Plan's Transportation, Circulation, and Growth Management Element)

2) Require as a condition of development approval, the dedication, and improvement of public trail easements. (Policy 6-D of General Plan's Open Space/Conservation Element.)

3) Ensure that new development does not encroach on access to trails nor preclude future provision of access. (Policy 6-F of General Plan's Open Space/Conservation Element.)

4) Pursue the development of City trails that augment the existing County trail network. (Policy 6-S of General Plan's Open Space/Conservation Element.)



ACCESS

figure 5

OPEN SPACE/CONSERVATION ELEMENT
(ADDENDUM 'A')

EXHIBIT G

Notice of Violation

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., Governor

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

NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT

September 24, 2014

Mark Christy
Laguna Beach Golf & Bungalow Village, LLC
386 High Drive
Laguna Beach, CA 92651

Violation File Number:	V-5-14-007
Property Location:	The Ranch at Laguna Beach, 31106 Coast Highway, Laguna Beach
Violation[1]:	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; and intensification of use of the "eucalyptus grove" area, all of which occurred in or adjacent to coastal sage scrub and/or riparian habitat.

Dear Mr. Christy:

Thank you for taking the time to speak with me by telephone on September 10th to discuss resolution of violations that have occurred on the above described site. I'd like to take this time to memorialize the productive discussions that we had during our phone conversation, which I initiated ahead of your meeting with Commission permitting staff on September 11th, in order to help streamline the discussions at that meeting. As you'll no doubt recall, during our phone conversation, we discussed both your efforts to remove debris from the grove - and we appreciate this effort to care for the significant habitats in this area - and the unpermitted placement of an approximately 7000 sq. ft. dance floor (as measured on exhibits provided by your biological consultant), turf, and other ornamental vegetation in the eucalyptus grove area at the northeast end of The Ranch at Laguna Beach ("The Ranch") property. We also discussed the unpermitted intensification of use of the eucalyptus grove for events hosted at The Ranch. The placement of the dance floor, turf, and ornamental vegetation, as well as the intensification of use of the eucalyptus grove for events are "development" as defined by the City of Laguna Beach Local Coastal Program ("LCP") and the Coastal Act. Since the above described development

[1] "Violation", as used throughout this letter, refers to alleged violations of the Coastal Act and/or the LCP. Please note that the description herein of the violation(s) at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act or the LCP and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

activities have not been authorized by a required coastal development permit ("CDP") they are the subject of this enforcement case and, thus, this letter.

During our September 10th phone call, you agreed to incorporate the subject unpermitted development into the project that is presently before the Commission on appeal (A-5-LGB-14-0034); thus acknowledging the unpermitted nature of the development. You also suggested several modifications to the existing unpermitted development to help bring the development into compliance with the resource protection policies of the LCP. You offered to: 1) remove the turf that is located adjacent to the creek; 2) relocate the dance floor at least 100' away from the creek, and; 3) restrict events from occurring after 10pm. Staff appreciates your willingness to work with us to resolve this matter, however, as I explained to you during our phone conversation, the unpermitted development at issue is likely inconsistent with resource protections policies of the LCP due to the close proximity of the development to native habitats, including coastal sage scrub and riparian habitats. The eucalyptus grove itself might also function as habitat for various wildlife species. Staff is currently reviewing information related to the habitat value of the grove in the course of its review of the pending appeal. In the interim, staff requests that you avoid any further scheduling of events to be held at the grove.

I'd also like to use this letter to memorialize the communications between you, Commission staff and City staff that brought us to this point of sending a Notice of Violation.

As you'll remember, staff met with you on site on July 28th to tour the project area, including the eucalyptus grove area. We appreciate the time you spent to meet with us and describe the project. Staff noted to you that we would, naturally, look further into several aspects of the project. Following that meeting, Deputy Director Sherilyn Sarb reported to the Commission at the August 14th Commission meeting that, based upon the information available to us, the ongoing remodeling of the structures at The Ranch did not constitute a Coastal Act violation if that work did not facilitate an intensification of use. No mention was made of existing development within the eucalyptus grove. The concrete pad, for instance, was installed in April 2014. Upon further investigation, staff confirmed that the development noted above had occurred without the necessary coastal development permits and opened Violation File No. V-5-14-007 on August 21.

On August 25th, a member of the public emailed their concern about the development within the eucalyptus grove to City and Commission staff. The email said, in part, the following:

> *Construction continues on all aspects of the project and unpermitted activities continue in the historic grove that has been dramatically altered and intensified to accommodate weddings up to 1500 and a wide variety of other events. Extensive large event lighting has been added to the grove creating additional impacts that we were not aware of at the time of this letter being written, but we will be addressing those impacts in our follow up meeting with staff. In viewing the links provided in the letter you will note very large aluminum structures in the 360-degree photo. Those are stage/event lights that literally flood the canyon area with light for late night events.*

By way of response to the above email, the City of Laguna Beach Planning Director, Gregory Pfost, sent an email to me on August 27th, which said, in part:

> *I, Planning Manager Ann Larson, and Principal Planner Scott Drapkin have reviewed this email and the attachments and do not believe that this is part of the project that is currently before you on appeal. We will look into the complaint and if necessary require the applicant to go through the proper permitting processes through the City first.*

The issue of the unpermitted development within the eucalyptus grove, and the need to address through the pending permit on appeal, was subsequently conveyed to you, as evidenced by the email from your representative, Anne Blemker of McCabe & Company, to staff dated September 3rd, which says in part:

> *If questions/concerns regarding activities in the grove area are complicating your review, then we're willing to separate that portion out of the current application, but I understand from recent communication with City staff that you'd like everything to be heard at once. (It wasn't part of the City's original approval--they found that no permit was required since it was a grandfathered use and no structures were built.)*

Contrary to the statement of your representative in her September 3rd email, the City did feel that a coastal development permit was required for the development within the eucalyptus grove and that one was not issued. Indeed, also on September 3rd, in discussions with City staff Gregory Pfost and Ann Larson, City staff confirmed that no coastal development permit was issued for some, if not all, of the development described above. In order to move the hearing on the appeal forward, they offered to process the coastal development permit separately from the appeal, thus again acknowledging that the development at issue is unpermitted.

As noted above, on September 10th, we discussed the permitting process for the unpermitted development at issue, and you agreed to revise your project to address the existing development within the eucalyptus grove.

During staff's meeting with your representatives on September 11th, which was attended by Commission staff Karl Schwing, Charles Posner, Liliana Roman, and from your team, you, Susan McCabe and Anne Blemker, and City staff Gregory Pfost and Scott Drapkin, the unpermitted development within the eucalyptus grove was specifically discussed and staff re-stated our request that you address the unpermitted work with the project currently on appeal.

To follow-up our discussion of September 10th, on September 12th, I discussed in more detail with your representative, Anne Blemker, the process to revise your project proposal to include the unpermitted development at issue. However, as I have conveyed to you, staff does not believe the subject unpermitted development is consistent with the resource protection policies of the LCP, thus we have stated to you and your representative that this matter should be resolved through removal of unpermitted development and restoration of any damaged resources. We suggested that you can accomplish this by revising your project description to include removal of unpermitted development and restoration.

In light of our seeming progress toward a consensual resolution of this matter by way of the pending permit, staff was focused on continuing that progress, not on writing a Notice of Violation ("NOV") letter. However, there now appears to some confusion regarding our conversations, the clear direction you were given by staff, and your seeming agreement to follow said direction. Thus, we are now sending this NOV letter to clear up any confusion.

As noted above, Commission staff has confirmed that development consisting of placement of solid materials, including a 7000 sq. ft. 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; and intensification of use of the "eucalyptus grove" area, all of which occurred in or adjacent to coastal sage scrub and/or riparian habitat, has occurred on your property. "Development" is defined by Section 30106 of the Coastal Act and Section 25.07.006(D) the City of Laguna Beach LCP, which mirrors the Coastal Act definition, as:

> ***"Development" means, on land, in or under water, <u>the placement or erection of any solid material or structure</u>; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; <u>change in the density or intensity of the use of land</u>, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; <u>construction, reconstruction, demolition, or alteration of the size of any structure</u>, including any facility of any private, public, or municipal utility; and the <u>removal or harvesting of major vegetation</u> other than for agricultural purposes, kelp harvesting, and timber operations....*** **[underlining added]**

The above described activities constitute development under the Coastal Act and the LCP. Pursuant to the LCP and the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. Commission staff has researched our permit files and concluded that no coastal development permits have been issued for any of the development described above. Any development activity conducted in the coastal zone without a valid coastal development permit, with limited exceptions not applicable here, constitutes a violation of the Coastal Act and the LCP. Furthermore, the unpermitted removal of major vegetation remains unaddressed and the resulting resource impacts persist, thus constituting a continuing violation.

Please be aware that pursuant to the Coastal Act Section 30811, the Commission may order restoration of a site if development occurred without a coastal development permit from the Commission or City, is inconsistent with the Coastal Act, and continues to affect the resources at the site. In addition, Coastal Act Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that requires a permit from the City or Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Coastal Act Sections 30810 also authorizes the Coastal Commission to issue a cease and desist order.

Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing before the Commission as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation against the properties.

Commission staff is hopeful that all parties involved can work cooperatively towards a resolution of this violation, potentially through the coastal development permit process, as staff has discussed with you. In order to resolve this matter in an expedited manner, we ask that you

incorporate removal or modifications to the unpermitted development noted above into the project description of the project that is currently on appeal to the Commission by **October 24, 2104**. Thank you for your attention to this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (562) 590-5071.

Sincerely,

Andrew Willis
Enforcement Analyst

cc: Gregory Pfost, Planning Director, City of Laguna Beach
Susan McCabe
Charles Lester, Executive Director, CCC
Lisa Haage, Chief of Enforcement, CCC
Sherilyn Sarb, Deputy Director, CCC
Alex Helperin, Senior Staff Counsel, CCC

EXHIBIT H

Environmental Support Letters

WILD HERITAGE PLANNERS
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

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

a Board Member of Friends of Harbors, Beaches and Parks (FHBP), we noted in our September 30th letter that the City of Laguna Beach Planning Commission 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 development itself belies the argument that no critical nexus exists between this project and the trail.

Furthermore, we find troubling that this development totally ignores the need to deal with the historical problems of Aliso Creek and the massive danger of flooding, following FEMA guidelines and adhering to the ongoing study-plan for the area undertaken by the Army Corps of Engineers. It should be noted that thirteen structures remain wholly situated within the historical floodplain 100-year inundation zone. As we watch climate change take its toll all over Southern California, the danger of what happened last month in Tucson where eight inches of rain fell due to a series of freak hurricanes, we all must undertake our due diligence. The Ranch property and all of its future guests remain in the path of harm, and we submit that the CCC should consider this aspect when reviewing consistency with plans, existing and future.

We believe this project suffers from inadequate analysis of impacts pertaining to the California Environmental Quality Act. In particular, we submit the applicant should analyze impacts to sensitive plant and animal species and habitats including ESHA, undertake credible biological monitoring, and implementation of restoration plans that would mitigate the significant damage already inflicted. As well, further issues should be addressed such as public access, affordability, hydrology and flooding, and a robust alternatives analysis for this clearly problematic use in our Coastal Zone, which supports the need for a comprehensive review of the project.

Understand that while many Laguna citizens see positivity in maintaining a property with historical merit in the hands of a local developer, they must be informed to the degree that this entity has overlooked the requirements of the locality, county, state and federal jurisdictions. We trust that the Coastal Commission will continue to remind the applicant of the deficiencies in his proposal and schedule a local hearing where local and regional stakeholders would have a chance to play a role in the process.

Sincerely,

Jack Eidt
Director - Wild Heritage Planners
Publisher - WilderUtopia.com - Coexisting into the Great Unknown

July 8, 2014

California Coastal Commission

200 Oceangate, 10th Floor

Long Beach, California

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

31106 Coast Highway, Laguna Beach, California

Commissioners and Staff,

As a 30 year resident of Laguna Beach and recipient of the prestigious Trust for Public Land and Cox Communication Conserve Hero Award of 2012, I **approve and support the Coastal Commission Staff Recommendations** to fully apply the certified Laguna Beach Local Coastal Program in evaluating the referenced development project.

The California Coastal Act is a national treasure of major importance to our community, and as a native Californian and ocean waterman, I encourage full application of the rules, laws and regulations aimed at preserving and protecting our unique coastal resources in the development review process. The proposed project is bisected by Aliso Creek - a CWA 303(d) Impaired Water Body - and is adjacent to the degraded Aliso Lagoon identified for future restoration of federally protect Tidewater gobi and threatened Southern steelhead trout.

My recent environmental award was for leading a movement to prevent urban runoff from polluting Aliso Creek and contaminating Aliso Beach coastal resources. The Aliso Creek Reclamation Facility removes excess dry weather urban runoff for filtration and beneficial reuse as hi-purity recycled water to decrease reliance on imported water and ultimately reduce ocean pollution.

Golf courses are known point sources for creek and ocean pollution. The proposed project, if managed by golf course industry standards, will likely continue to pollute protected creek, estuarine and local coastal receiving waters. A fair and open process with adequate noticing to key stakeholders and NGOs will allow a balance evaluation of proposed golf course and hotel features capable of dramatically improving local creek and coastal water quality. No such opportunity was provided by City staff and Planning Commissioners determined to

circumvent LCP protocols to fast track this 84 acre project located in the "Yosemite" of Southern California.

The City's action places both the developer and community in a difficult situation. While there appears to be universal support for the project's modest restoration, we are concerned our basic rights for Public Comment have been circumvented to the detriment of LCP rules and regulations. The precedent nature of this project in a highly sensitive environment requires a clear, open and transparent process to incorporate the best coastal development features.

Although I am Vice President of the South Laguna Civic Association, National Association of Underwater Instructor (NAUI # 3033), retired UC Irvine Assistant Dean of Students, Co-Founder of the Laguna Beach Bluebelt Coalition, decorated Navy SEAL and current Vice Chair of the Laguna Beach Wastewater Task Force, I am offering my comments as an individual resident of South Laguna.

Special appreciation goes to CCC Staff for their diligent review and constructive recommendations in advancing the proposed project in a timely, balanced manner. Thank you for considering my Public Comments and Recommended Action regarding the proposed project.

Michael Beanan

31952 Sunset Avenue

Laguna Beach, California 92651

949.887.7911

31651 Santa Rosa Drive
Laguna Beach, CA 92651
tomosborne@cox.net
(949) 499-4809

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802
July 7, 2014

Re: Appeal No. A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow, LLC. Laguna Beach)
31106 Coast Highway, Laguna Beach

Commissioners,

I write to you as a 40-year resident of Laguna Beach, who lives in the south end of our city about a quarter mile from Aliso Creek, where the proposed development is taking place. While I see things to be admired in the proposed project, for example the rustic look to the renovated buildings, I have strong misgivings about the *process* by which y City Government has handled it. Having toured the development site and studied the Coastal Commission staff report, I urge you to vote in accordance with that report, thereby assuring that the City of Laguna Beach complies with its certified LCP and the pertinent provisions in the California Coastal Act.

While I find the Commission staff report sound and compelling in its entirety, I am particularly concerned that the City's proceedings and permits have not adequately addressed matters of Aliso Creek water quality, habitat restoration, CEQA exemption, public trail access through the premises and safe pedestrian access from the development site to the ocean.

Even more troubling to me, and hopefully for you, is the fact that if you approve of the City of Laguna Beach's green-lighting of this project a bad precedent will be set that will weaken future enforcement of LCPs and the California Coastal Act. This is not just a local issue; it is statewide in its reach and significance. Cities and developers up and down the state will pay close attention to your deliberations, drawing inferences about how stringently LCPs are enforced and where wiggle room can be found to circumvent LCPs and the Coastal Act. What you decide, in short, will have long-term implications and consequences for the coast of California. In that regard, upholding the sanctity of the California Coastal Act and the LCPs is the right thing to do.

Sincerely,

Thomas J. Osborne, Ph.D.
Chair and Professor of History Emeritus, Santa Ana College
Former Member of the Laguna Beach Environmental Committee
and chair of the work group that wrote the City's Climate Protection Plan

CHATTEN-BROWN & CARSTENS
2200 PACIFIC COAST HIGHWAY
SUITE 318
HERMOSA BEACH, CALIFORNIA 90254
www.cbcearthlaw.com

TELEPHONE:(310) 798-2400
FACSIMILE: (310) 798-2402

E-mail:
MNB@CBCEARTHLAW.COM

January 5, 2015

Via Email

Thu 11a

Dr. Charles Lester, Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Consideration of Appeal of Action taken by City of Laguna Beach regarding "The Ranch", Application No. A-5-LGB-14-0034

Dear Dr. Lester and Honorable Commissioners:

The Sierra Club's Save Hobo Aliso Task Force has advocated conservation of Aliso Canyon and the lands adjacent to Aliso and Wood Canyons Wilderness Park for nearly fifteen years. In addition to conservation of the area's unique habitats, the Task Force seeks to uphold Coastal Act policies regarding public access and recreation between the Wilderness Park and Aliso Beach. As proposed, the proposed expansion and renovation of the former Aliso Creek Inn ("Project") fails to uphold the policies of the Coastal Act. Before the Commission may act on the Project, the staff report must also be corrected to include missing and truncated letters, and the Applicant must comply with notice requirements.

Perhaps most concerning, the Project seeks to establish an outdoor event center at the Scout Camp, a facility dedicated solely for the use and benefit of the youth of Laguna Beach. The 7,000-square foot concrete pad that will serve as the basis of the outdoor event center was constructed without permits, in violation of the Coastal Act. The Commission recognized this unpermitted activity in 2014 with the issuance of a Notice of Violation No. V-5-14-007. Unfortunately, instead of requiring the removal of the concrete pad, the restoration of native landscaping, and the cessation of outdoor activities that are inconsistent with children's camping, the staff recommendation proposes to permit them in perpetuity. The Project also fails to include completion of the Forest to the Sea Trail, despite the Trail's inclusion in the Laguna Beach certified Local Coastal Program. For these reasons, as well as the reasons outlined in the Task Force's

December 29, 2014 letter to the Commission, and the letters submitted by the Sea and Sage Audubon Society, the Banning Ranch Conservancy, and Friends of Harbors, Beaches, and Parks, the Task Force respectfully requests that the Commission deny the requested approval, thereby overturning the City of Laguna Beach's issuance of a CDP for the Project.

In addition to the Project's many conflicts with the Coastal Act, there are procedural deficiencies which must be remedied before the Commission vote. Several of these issues require the postponement of the hearing. For example, the December 18, 2014 staff report failed to include complete letters and submissions. The full hydraulic review report commissioned by Appellant Mark Fudge to assist the Commissioners in their review of this Project has not been included in the staff report. This deprives the Commissioners and staff of timely submitted material on this matter, including letters submitted by longtime local activists Tom Osborne and Michael Beanan, as well as by Wild Heritage Planners. The truncated nature of these inclusions leaves the Task Force concerned that additional timely comments may have been wholly excluded from the staff report.

Further, the hearing may not proceed on January 8, 2015 due to the Applicant's failure to comply with the notice requirements of 14 CCR § 13149. Penny Elia of the Save Hobo Aliso Task Force has visited the Project site and confirmed that the required notice has not been posted at the Project site.

On another matter, the Task Force requests that the Commission treat the Save Hobo Aliso Task Force as an appellant in this matter, as depicted on the original appeal form submitted to the Commission and stamped as received on June 13, 2014. Despite the City's recognition of the Task Force and its chairman, Penny Elia, as longstanding interested parties in all matters concerning Aliso Canyon, the City failed to provide the Task Force with notice of the pending coastal development permit for the Project, or of the Planning Commission hearing at which the appealed CDP was granted. The City's failure to provide proper notice to the Task Force is compounded by Ms. Elia's previous written request to receive notice of all hearings related to Hobo Aliso Ridge and Aliso Canyon. Ms. Elia sent this request to the City, along with self-addressed, stamped envelopes. By failing to provide the required notice regarding the Project and its pending coastal development permit, the City failed to comply with the Coastal Act and deprived the Task Force of both the ability to participate in the City's administrative process and the ability to appeal the City's decision to the Coastal Commission. After being advised that the Task Force could appeal the Planning Commission's grant of the CDP based on its status as a longstanding interested party, the Task Force filed an appeal with the Coastal Commission on June 13, 2014. This completed appeal form contains Penny Elia's original signature on behalf of the Task Force in addition to that of appellant Mark Fudge, and is hereby attached as Exhibit A. Only after the Commission advised Ms. Elia that it had rejected the Task Force's appeal did appellant Mark Fudge submit a separate

and sole appeal regarding this Project. As the Task Force would have participated in the City Planning Commission hearing on this Project but for the City's failure to provide Coastal Act-compliant notice, the Save Hobo Aliso Task Force respectfully requests that it be considered an appellant in this matter along with Mr. Fudge.

Finally, as the hearing approaches, there appears to be new information about the Project and extensive objections to conditions that should be dealt with at greater length than can be afforded during the scheduled hearing.

In order to permit the Commission and its staff adequate time to resolve the Project's conflicts with the Coastal Act, the Applicant's objections to the proposed conditions, and deficiencies with the staff report packet and notice, the Save Hobo Aliso Task Force of the Sierra Club hereby requests that the Commission postpone the hearing on this Project until at least February 2015. Thank you for your attention to these concerns.

Sincerely,

Douglas P. Carstens
Michelle N. Black

cc: erin.prahler@coastal.ca.gov
Karl.Schwing@coastal.ca.gov
Chuck.Posner@coastal.ca.gov
hope.schmeltzer@coastal.ca.gov
Sherilyn.Sarb@coastal.ca.gov
Andrew.Willis@coastal.ca.gov
Alex.Helperin@coastal.ca.gov
Charles.Lester@coastal.ca.gov

Exhibit A

STATE OF CALIFORNIA – THE RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

RECEIVED
South Coast Region

JUN 13 2014

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Mark Fudge / Penny Elia, Taskforce Chair, Save Hobo Aliso Sierra Club Taskforce

Mailing Address: P.O. Box 130 / 30632 Marilyn Drive

City: Laguna Beach Zip Code: 92652 / 92651 Phone: 949-481-1100 (Mark)
949-499-4499 (Penny)

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Laguna Beach

2. Brief description of development being appealed: "The Ranch at Laguna Beach"

"a Conditional Use Permit, Coastal Development Permit and Planning Commission Design Review for expansion and remodel of an existing hotel, restaurant, banquet and golf course facility located at 31106 Coast Highway (previously Aliso Creek Inn and Golf Course). The project includes 1) modification of existing building facades,2) reduction and modification of existing assembly areas, 3) development of a new hotel wellness spa, employee lounge and fitness center, 4) an increase in hotel rooms within the existing buildings, 5) a decrease in net restaurant floor area and 6) a request for the use of valet parking when assembly uses and/or special events are proposed. The applicant is also requesting approval of a 20% parking reduction for integrated hotel/conference use that is allowed pursuant to Municipal Code Section 25.52.012(G). Lastly, a portion of the proposed development is located within a Federal Emergency Management Agency FEMA designated special flood hazard area and therefore a floodplain development building permit is required."

3. Development's location (street address, assessor's parcel no., cross street, etc.):

The Ranch at Laguna Beach (formerly Aliso Creek Inn and Golf Course)
31106 South Coast Highway
Laguna Beach, CA 92651

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4. Description of decision being appealed (check one.):

Approval; no special conditions

X Approval with special conditions: (resolution attached)

Denial

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

DATE FILED:

DISTRICT:

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

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

   Planning Director/Zoning Administrator

   City Council/Board of Supervisors

   X Planning Commission

   Other

6. Date of local government's decision: May 14, 2014

7. Local government's file number (if any): CDP 14-573, CUP 14-574, PCDR 14-575

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Laguna Beach Golf & Bungalow Village, LLC
386 High Drive
Laguna Beach, CA 92651

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

(1) Mark Fudge
P.O. Box 130
Laguna Beach, CA 92652-0130

(2) Penny Elia
Taskforce Chair
Save Hobo Aliso Sierra Club Taskforce
30632 Marilyn
Laguna Beach, CA 92651

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(2) Patricia Martz
California Cultural Resource Preservation Alliance, Inc.
P.O. Box 54132
Irvine, CA 92619-4132

(3)

(4)

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SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Date: June 13, 2014
To: California Coastal Commission
From: Mark Fudge
Re: City of Laguna Beach - Conditional Use Permit 14-574, Coastal Development Permit 14-573 and Planning Commission Design Review 14-575.

This appeal stems from a May 14, 2014 action by the City of Laguna Beach approving:
"a Conditional Use Permit, Coastal Development Permit and Planning Commission Design Review for expansion and remodel of an existing hotel, restaurant, banquet and golf course facility located at 31106 Coast Highway (previously Aliso Creek Inn and Golf Course). The project includes 1) modification of existing building facades,2) reduction and modification of existing assembly areas, 3) development of a new hotel wellness spa, employee lounge and fitness center, 4) an increase in hotel rooms within the existing buildings, 5) a decrease in net restaurant floor area and 6) a request for the use of valet parking when assembly uses and/or special events are proposed. The applicant is also requesting approval of a 20% parking reduction for integrated hotel/conference use that is allowed pursuant to Municipal Code Section 25.52.012(G). Lastly, a portion of the proposed development is located within a Federal Emergency Management Agency FEMA designated special flood hazard area and therefore a floodplain development building permit is required."

This timely appeal is brought pursuant to Public Resources Code section 30603(a)(1) and is located within 25 feet of a blue-line stream that flows directly into the receiving waters of the Pacific Ocean.

The city of Laguna Beach conducted an unlawful development process and allowed the applicant to obtain permits he had no reasonable expectation of receiving. The Planning Commission was considering a project in an environmentally sensitive area that had inadequate or no environmental review. I attended the meeting of May 14th, 2014, voiced my concerns about the lack of an initial study being done and about the potential for damage to the environment. In spite of my testimony, the Planning Commission voted unanimously to approve this project. I am disturbed that my voice was

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not heard and am therefore bringing my appeal directly to the Coastal Commission in hopes of finding a more receptive and responsive audience to my pleas.

- 1. During the meeting of May 14, 2014, the principal planner, Scott Drapkin informed the Planning Commissioners that the mere fact that a project is in an environmentally sensitive area (ESA) does not mean that it needs to have an initial study prepared...

That is in direct conflict with **Action 7.4.2 of the Land Use Element**, which states:

"Continue preparation of initial studies, pursuant to the California Environment Quality Act (CEQA), for any proposed development, including single-family residences located within environmentally sensitive areas. "

California Code of Regulations, Title 14 Section Article 5. Preliminary Review of Projects and Conduct of Initial Study - Section 15063(c)(4) states that one of the purposes of an initial study is to **"facilitate environmental assessment early in the design of a project."**

In this case however, the staff decided to employ a fabricated categorical exemption to avoid any environmental assessment. This in turn violated the underlying purpose of CEQA which is to **"Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities."** (14 CA ADC 15002(a)) (emphasis added). It is clear that the public was completely left out of this process.

- 2. The staff report mis-stated a categorical exemption that the Planning Commission relied upon to exempt the project from CEQA.

The staff report (prepared by principal planner Scott Drapkin and Belinda Ann Deines) (attached) stated that the project (golf course/hotel/restaurant/spa remodel and new construction) was exempt from CEQA based on a categorical exemption - 15303(c).
The exemption was misrepresented in the agenda bill because it was misquoted - it had words added ("an increase of") and it excluded an entire sentence - which changed the meaning of the exemption.

The staff report (and subsequent Agenda Bill) stated:

Environmental Status: Categorical Exemption, Article 19 Section 15303(c)

"15303(c) a store, hotel, office restaurant or similar structure not involving the use of significant amounts of hazardous substances and not exceeding ***an increase of*** 2500 square feet in floor area is considered exempted development from CEQA. " (emphasis added).

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The actual code (Title 14, Article 19 California Code of Regulations) reads:

"15303(c) a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. *In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available* ***and the surrounding area is not environmentally sensitive."*** (emphasis added).

The chairman asked Scott Drapkin (principal planner) about the applicability of the exemption and was told that counsel (Phil Kohn, city attorney) had reviewed and agreed with the use of the exemption. Therefore the commission felt the matter had been put to rest - they trusted the staff's misrepresentation. At that point, the public comments portion of the meeting was closed and I could make no testimony.

Additionally, categorical exemptions are not allowed, period, if a project is in an environmentally mapped sensitive area.

Title 14, Article 19, Sec 15300.2 Exceptions (to Exemptions) - (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, **except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.** (emphasis added)

- 3. The decision of the planning commission does not comply with the requirements in the Coastal Development Permit chapter 25.07 of the muni-code:

LBMC 25.07.012(G) states: "Findings. A coastal development permit application may be approved or conditionally approved only after the approving authority has reviewed the development project and made all of the following findings: ...
(3) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act".

Impacts on the environment are unknown because environmental review was not performed as per the requirements of CEQA. This standard was obviously not met. The finding could not have been made. However, based on a recent site visit, review of the staff report and review of recent news articles (attached), I trust the attached appeal outlines all of the very obvious concerns.

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Areas that should be reviewed include (but are not limited to) water quality, hydrology, water supply, visual resources, noise, air quality, biological and historic resources and archaeological resources. This is an area rich in flora and fauna with a mapped blue-line stream (Aliso Creek) traversing it. The area has been called "Laguna's Yosemite". It has a long history - it was the site of Laguna's first homestead - and is considered by some to be the birthplace of Laguna. It is hard to determine what the "period of significance" should be and therefore an historic assessment should be required. In addition, the site is the connection from the Aliso and Wood Canyons Wilderness Park to the Pacific Ocean.

- 4. This project involves an expansion and remodel of an existing hotel, restaurant, banquet and golf course facility. The project was broken into "phases" - the first of which is already well under way. That work was approved under ministerial permits even though it appears to be a "major remodel" (the city insists it is not, but is using the definition from an ordinance that has not yet been certified by the Coastal Commission).

In addition, this "piecemeal" approach would be in violation of CEQA in two respects:

Section 15268(d) states: **"Where a project involves an approval that contain elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA."**

and

Exceptions (to exemptions) **"15300.2(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."**

Consistency with the California Environmental Quality Act (CEQA).
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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.

- 5. Based on a review of much documentation, it would appear that many of the buildings are non-conforming. Should the Coastal Commission grant this appeal, this is certainly an area of concern based on the original pre-Coastal Act construction.

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LBMC25.56.012 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 use to the regulations of the particular district wherein located, then the lot may be used for any purpose conforming with this title. (Ord. 1282 § 1, 1994).

According to the 5/14/14 staff report, "The project includes: 3) development of a new hotel wellness spa, employee lounge and fitness center.

The carports throughout the project have been demolished and the hotel buildings have all been stripped and taken down to the studs in preparation for adding 33 hotel rooms - all within the existing building footprints - bringing the total from 64 to 97 (over 50% increase). A recent site visit revealed that the project does not appear to have any BMPs or water quality management plans being implemented for the work underway. It would seem that a CDP should have been obtained for this "phase 1" work and possibly a "stop work" order issued until the matter is resolved to your satisfaction.

LBMC 25.07.008(B)(2) " Improvement to any structure which would result in a change in the intensity of use of the structure" (...is not exempt from the need for a CDP...).

LBMC 25.08.018 defines "intensification of use means a use that is changed to a use which has a greater parking requirement; the sub-division of an existing building or suite by interior walls to accommodate additional uses; or, the enlargement of the floor area of an existing building."

- 6. It is not clear whether or not the proposed project meets Goal 6 of the LUE which states in **Policy 6.2: 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.**

What are the room rates going to be? Are they affordable? What studies (if any) are being used to determine this?

- 7. It is well known and documented that the site of this project lies in an area of historical interest. The city staff report contends that there was a "thorough analysis of the proposed project" and that "staff evaluated the project scope based on the City's Municipal Code design review criteria. The criteria includes...historic preservation..."

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From what is available for public review, there is no evidence that this aspect was given a true assessment by a historic consultant. The area includes historic groves of trees, what was the "original homestead" in Laguna, an old Girl Scout Camp (which the applicant intends to intensify and use for wedding receptions and special events contrary to the original grant deed restrictions), etc. Again, CEQA was circumvented. Public Resources Code states:

21084.1. Historical Resources Guidelines.

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 **shall not** preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section. (emphasis added)

The intent and purpose of LBMC 25.45.002 was not honored and is therefore inconsistent with the LCP.

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 the 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 education, prosperity and general welfare of the people:

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(F) Stabilize and improve property values within the city. (Ord. 1458 § 1, 2006; Ord. 1179 § 5, 1989).

There may also be a need for a "NEPA Section 106 Review" which address protection of historic resources when federal permits (i.e. FEMA) are required for an undertaking.

- 8. The proposed project failed to provide required early neighbor communication.

Municipal Code Section 25.05.040(C)(1) Early Neighborhood Communication. The applicant shall take verifiable, reasonable steps as established by the city to communicate with owners of property within three hundred feet of the applicant's property.

The applicant did not provide early notification to adjacent property owners, nor did it provide early notice to individuals who previously expressed interest and requested notice of development projects specifically in Aliso Canyon. The applicant was very aware of known, interested parties based on past development proposals and direct contact with interested parties via personal conversations and email communications.

- 9.The proposed project failed to provide required public notice.

Municipal Code Section 25.05.040(E) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property at least forty calendar days prior to the first public hearing and is subject to the provisions of Section 25.05.065(B) and (C), except that the requirements for newspaper advertising shall not be required, and the public notice for coastal development permits must be in accordance with Section 25.07.014 of this title.

Municipal Code Section 25.07.014(B) Noticing for Appealable Developments. Within ten calendar days of accepting an application for an appealable coastal development permit or at least ten calendar days prior to the first public hearing on a development proposal, the city shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested such notice, to all property owners within one hundred feet of the proposed project, to all residents within one hundred feet of the proposed project and to the coastal commission.

In addition the posting of the meeting agenda was improperly posted on the city bulletin board (the only 24 hour/day access in the city) by the city clerk. The stapled agenda was simply thumbtacked in mass and was unreadable. The pages should've been individually posted so the public had access to the full agenda of the meeting. When it was brought up to the clerk she subsequently has changed the method of posting to meet the requirements of the Brown Act.

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- 10. The proposed project has not taken appropriate construction BMPs or water quality issues into account based upon a review of available files at Laguna Beach City Hall. This project is located within 25 feet of a mapped blue-line stream that flows directly into the receiving waters of the Pacific Ocean. Therefore, Chapter 3 of the Coastal Act is the standard of review, with the City's certified LCP used as guidance.

The following are submitted for staff review and consideration:

Protection of Water Quality - During Construction
Construction Best Management Practices Plan for the project site, prepared by a licensed professional, shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts to receiving waters associated with construction. Construction Best Management Practices Plan on the project site prior to and concurrent with the project staging, demolition and construction operations are requested. The BMPs shall be maintained throughout the development process.
A. Said plan shall include the following requirements:
(i) No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion.
(ii) Any and all refuse and debris resulting from construction and demolition activities shall be removed from the project site within 72 hours of completion of demolition and construction. Construction and demolition debris and sediment shall be removed from or contained and secured within work areas each day that construction or demolition occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All demolition/ construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris or other waste materials shall be placed in coastal waters or be allowed to move into coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
(iv) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to:
placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean
(v) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from a storm drain inlet and receiving waters as possible.

B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity.
(i) Develop and implement spill prevention and control measures and ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include

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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. The fueling and maintenance area shall be located as far away from the receiving waters and storm drain inlets as possible and shall not be located on the beach if at all possible. If fueling or maintenance is proposed to be on the beach then the applicant shall submit a plan showing how there is essentially no possibility of contaminating beach materials through those operations.
(ii) 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 controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.
(iii) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.
(iv) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence or hay bales, and silt fencing.
(v) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.
(vi) Prior to final inspection of the proposed project the applicant shall ensure that no gasoline, lubricant, or other petroleum-based product was deposited on the beach or at any beach facility. If such residues are discovered, the residues and all contaminated sand shall be reported to the Executive Director in order to determine if the removal and disposal of the contaminated matter shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

- 11. Section 30253

New development shall:

(l) Minimize risks to life and property in areas of high geologic, flood, and fire hazard;...

- 12. Section 30231

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

- 13. Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

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- 14. Sections 30230, 30231 and 30232 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of coastal waters be maintained and restored by controlling polluted runoff. This development is located on a mapped blue-line stream that flows directly into the receiving waters of the Pacific Ocean.

- 15. ORDINANCE #206 - Governor's Declared Emergency Drought Requirements

The South Coast Water District's Ordinance #206 (attached in full for review) is very clear in its language that during a prolonged drought this golf course is required to use reclaimed water. Potable water is still being used even after a recent upgrade to the reclaimed water system in the Canyon. This is the only golf course in this area utilizing potable water during an emergency drought declaration.

In conclusion, it is hard to comment on all the ways the project will be out of compliance with the General Plan and the LCP of the city because there has been no opportunity to review what hasn't been generated (environmental review). There are some conditions on the permits approved, but no mitigation monitoring is indicated. I do know there has already been clearing of vegetation around the golf course and tree-trimming done in a very, very old eucalyptus grove, as well as pine trees that are known nesting and roosting habitat for a variety of rare and endangered bird species. All of the tree trimming was done during the nesting and roosting season. Attached to the appeal are points that I think may be of issue in regards to the Land Use Element (Certified in May 2012 by the Coastal Commission) and the Open Space/Conservation Element to give you an idea of the extent of the concerns I have. Clearly there are many violations related to the Chapter 3 Policies of the Coastal Act.

The prior project proposed for this site by "The Athens Group" was subjected to the scrutiny of a draft EIR - which is unavailable for my review as it is locked up in a planner's office. That project was much larger in scope, but in this case, size doesn't matter as many of the same elements are included in this project. The Athens' project It was also much less appealing to the public, but this is not a popularity contest. Comparing the processes required for the two projects, one can scarcely believe they are both proposed for the same piece of land.

This project is out of compliance with the Coastal Act, the General Plan, the LCP, the LBMC and CEQA.

The city and the applicant have opened Pandora's Box and it is apparent the project can now be reviewed in it's entirety as if it were being built on vacant land. It must comply with all applicable, current standards for new construction. In that light we would ask you to stop all work on the project

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as it is apparent that the current work, as well as any proposed development, is subject to a Coastal Development Permit and requires environmental review.

Please review this project in it's entirety and ensure that the people of Laguna and California are protected by protecting their environment and protecting and preserving our finite natural resources. I am confident in any findings that you make on this project. My only concern is that the proper environmental work is done and all underlying laws are complied with. If the project as proposed meets that standard, or if you decide to restore the area to it's natural state, or any point in between, I will be satisfied. I ask that the Commission finds substantial issue and reviews the project de novo.

Mark Fudge

Land Use Element Inconsistencies:

==========

Laguna, and the site of this project specifically, is rich with natural beauty. It is important that the city properly manages re-development activities - especially in environmentally sensitive areas.

LUE **GOAL 1**: Create a community that is sustainable, resilient, and regenerative.

The City can move toward sustainability and a reduction of greenhouse gas emissions ***by the way it manages land development and building construction, conserves habitats and natural resources****, provides efficient transportation and mobility systems, and develops its infrastructure and public services.*

==========

It is unclear if ***pedestrian access*** *has been addressed appropriately, if at all. There should be a better walkway provided for access from the project to the beach...from the beach to the project (which is located in an area of rich natural resources)...currently there is a small road with no sidewalks, and it is dangerous. (see below)*

LUE **GOAL 3**: Preserve, enhance, and respect the unique, small-scale village character and individual identity of Laguna Beach's commercial areas.

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Intent - Laguna Beach's commercial areas are predominantly low-scale, which contributes to the pedestrian-oriented street environment. The village charm of Laguna Beach is a character that community members have long worked to preserve and enhance. An example of such a preservation technique is the Downtown Specific Plan, adopted in 1989 to preserve the "village atmosphere." The following policies apply to all commercial areas of the City and encourage compatibility of uses, the creation of small businesses, **pedestrian orientation and access**, art-related uses, enhanced and appropriate landscaping, and the preservation of historically significant commercial structures.

Policy 3.5 - Promote safe and adequate pedestrian access to and within commercial areas.

Action 3.5.1 Evaluate the adequacy and safety of sidewalks and pedestrian circulation in commercial zones and amend policies and standards as necessary.

Policy 3.6 - Encourage creation of public spaces and sidewalk areas as part of new development and major remodels.

Policy 3.8 - Encourage pedestrian access and orientation in all commercial areas

There is no evidence that the placement of new development was reviewed as to what would be the most suitable area to maximize the preservation of sensitive resources. (see below)

Action 3.10.1 Establish criteria for placement of new development on the most suitable area of the lot to maximize the preservation of sensitive resources

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It is unclear if any measures where taken to maximize protection of the community's coastal and other natural resources because none of the measures have been available for public review. All of the original work was done without a Coastal Development Permit (ministerial permits were obtained for work that should have had a CDP per LBMC 25.07.008(B)(2)) or a public meeting. Only the Phase 2 and Phase 3 aspects of the project have been available for review. There have been conditions placed on the work, but no mediation monitoring is addressed. (see below)

LUE **GOAL 4**: Recognizing that Laguna Beach is a worldwide visitor destination, enhance the visitor experience while **maximizing protection of the community's coastal and other natural resources.**

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Intent - The increasing number of visitors to Laguna Beach **requires the protection of the community's sensitive coastal and other natural resources.** The intent of the following policies and actions is to enhance the visitor experience along the coast, while **minimizing impacts on Laguna Beach's natural resources**. The primary method of implementing this goal is through development of a Coastal Resources Protection Program. Elements of such a program include, but are not necessarily limited to, the following: 1) Potential rezoning of designated areas adjacent to the coast to provide visitor-serving uses that include a mix of commercial uses and public services and facilities. **Potential sites would be designated based on their potential to accommodate high levels of visitor traffic with minimal impact on sensitive coastal resources and minimal effects on neighboring land uses.** The intent of potential rezoning would be to serve the City's increasing number of beach visitors and enhance coastal access, while redirecting beach activity from locations identified as more environmentally sensitive to less sensitive beach areas. 2)Ongoing coastal resource protection through enforcement and public education. 3) Potential impact fee on new visitor-serving land uses benefiting from visitor activity that would help offset costs associated with protecting coastal resources from the increasing number of community visitors. 4)Identification of a site for development of a Coastal Resources Interpretive Center.

Policy 4.1 Develop and adopt a program to **protect sensitive coastal resources**.

Action 4.1.2 Evaluate and, if appropriate, adopt a program to rezone and encourage redevelopment of properties in specified areas of the coast to **better provide public coastal access while protecting sensitive coastal resource areas.**

Policy 4.2 Promote policies to accommodate visitors, reduce conflicts between visitor serving uses/ infrastructure and residents, and **reduce impacts on the City's natural resources**.

Policy 4.3 Maintain and enhance access to coastal resource areas, particularly the designated public beaches, by ensuring that access points are safe, attractive, and pedestrian friendly.

Action 4.3.2 Maintain and improve public pedestrian access to and along beaches and oceanfront bluff using public rights-of-way and public easements. Protect, and where feasible, formalize, continued public use over areas used historically by the public (i.e. public prescriptive rights) to gain access to and along beaches, oceanfront bluffs, and other recreational areas.

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It is unclear whether or not the impacts of noise from the intensified use of the hotel rooms and event space have been evaluated and what the effects will be on the neighbors and wildlife, especially as it applies to the intensification of development and use of the Dolph Sisters Historical Campground area. This land had very specific deed restrictions associated with it that have been completely ignored by the applicant. Also if the

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impacts of the intensified use have been evaluated for their effects to the sensitive open space surrounding the project as well as impacts on other visitor-serving areas (Aliso Beach). (see below)

LUE **GOAL 5** Promote compatibility among land uses in the community.

Intent - Laguna Beach has a varied mix of land uses in close proximity to one another. For example, residential zones abut commercial and light industrial zones and **building sites abut sensitive open space,creating the potential for incompatible land uses.** Spillover parking from commercial areas negatively impacts some residential neighborhoods. Pressures to develop larger structures in all areas of the City have resulted in negative aesthetic and other impacts upon the community. In order to counteract the negative effects and avert future conflicts among land uses, the following policies and actions address the need to evaluate and, where appropriate, amend zoning standards and consider rezoning areas that are incompatible, establish compatibility guidelines for new development and subdivisions, and consider the adoption of neighborhood parking programs.

Policy 5.2 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. Required mitigation should be located on-site rather than off-site. Any off-site mitigation should be located within the City's boundaries and in close proximity to the project.(Similar to Policies 7.4 and 10.3.)

As proposed, the project has been approved for a 20% parking reduction. This will have impacts that may adversely affect public access to the coast. The project is under-parked by at least 80 parking spaces (please not attached newspaper article reference to the under parking). The only ancillary parking available near the project site is the public access parking lot for Aliso Beach. There is concern that the applicant will use this as overflow parking given the expansion and intensification of event space, especially the Dolph Sisters Campground area that is currently being promoted for weddings and other large, outdoor events. This campground area is very fragile and intensification of use should be carefully reviewed given the resources on the site and surround the site. (see below)

Policy 5.3 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.

Policy 5.4 Preserve and maintain the residential character and livability of neighborhoods adjacent to commercial districts and/or individual businesses by regulating and minimizing impacts from commercial activities, including but not necessarily limited to deliveries, amplified music, light trespass, alcohol-related impacts, and employee or valet parking. Establishment of any new preferential parking districts in the coastal zone shall be prohibited.

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Action 5.4.1 Investigate, formulate, and implement solutions to problems created in residential areas related to entertainment and alcohol service in adjacent commercial areas.

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It is unclear what the price points of the rooms will be and whether they meet any criteria of "affordable". Please see recent attached article that would lead the reader to believe that this will be an upscale venue that has not taken into consideration "affordability" as required by the City's LUE and Policy 30213 of the Coastal Act. (see below)

LUE **Goal 6** Provide a diversity of land uses that enhance the community.

Policy 6.2 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.

30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

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Due to the highly sensitive environmental area surrounding the project, the city circumvented the processes required by CEQA when it avoided the requirement for an Initial Study (as per Action 7.4.2) (see below)

LUE **GOAL 7** - Protect, preserve, and enhance the community's natural resources.

Intent - Having an abundance of scenic coastal, hillside, and canyon areas, the community has a lengthy history of stewardship to ensure the environmental protection of its natural resources. **Long-term preservation of dedicated open space and coastal resources is of the highest priority.** Policies in both the Land Use and Open Space/Conservation Elements require the protection and preservation of our magnificent natural resources for community members, visitors and future generations.

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Policy 7.1 Protect dedicated and accepted open space.

Policy 7.3 Design and site new development to **protect natural and environmentally sensitive resources**, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations. (Same as Policy 10.2.)

Action 7.3.2 **Review all applications for new development to determine potential threats from coastal and other hazards.** (Ongoing implementation.)

Action 7.3.3 Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards. (Ongoing implementation.)

Policy 7.4 **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 10.3.)

Action 7.4.1 Prepare and adopt California Environmental Quality Act (CEQA) thresholds of significance tailored to address the City's natural resources, such as marine resources, **streams, drainage courses, ESHA and high- and very-high value habitat.**

Action 7.4.2 Continue preparation of initial studies, pursuant to the California Environment Quality Act (CEQA), for any proposed development, including single-family residences located within environmentally sensitive areas.(Same as Action 10.3.1.)

Action 7.4.3 Review development to minimize adverse impacts to abutting dedicated open-space areas; taking into consideration both the appropriate habitat buffer zones and the required fuel modification zones.

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There is no way to know if this project has been evaluated sufficiently to protect public health and safety and natural resources including the preparation of a comprehensive fuel modification program given the intensification of the project area and the proximity of very high value habitat. There was no opportunity for public review until the project was already halfway started. There has been no public discussion of water quality impacts, roadway improvements, pedestrian access (other than the denial of a trail connection to the park for safety reasons) or cumulative impacts to sensitive biological and coastal resources. (see below)

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LUE GOAL 10 Ensure that proposals for new development, subdivisions, and major remodels are sufficiently evaluated to protect public health and safety and natural resources.

Intent - In a community with extremely high land values and minimal developable land, pressure has increased to develop larger buildings, including **development on environmentally sensitive lots has been increasing. Larger structures and development into environmentally sensitive areas have the potential to create numerous impacts on the environment and surrounding neighborhoods**. Some **potential impacts include** 1) **water quality impacts**, 2) land movements, 3) a decrease in safety response times on steep hillside roads during emergencies, and 4) the **potential cumulative impacts to sensitive biological and coastal resources** from which community members and visitors derive health benefits. **The following policies are adopted to ensure that applications for new subdivisions, the creation of building sites, new development, and major remodels are thoroughly evaluated to mitigate potential health and safety impacts related to new development.**

Policy 10.2 Design and site new development to **protect natural and environmentally sensitive resources** such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize landform alterations.(Same as Policy 7.3)

Action 10.2.1 Adopt standards that **require new development and related improvements to be located on the most suitable areas of the site so as to maximize safety and the preservation of sensitive resources**.

Action 10.3.1 Continue preparation of initial studies, pursuant to the California Environment Quality Act (CEQA), for any proposed development, including single- family residences, located within environmentally sensitive areas. (Same as Action 7.4.2)

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.

Action 10.6.1 The development proposal should address the required fuel modification as part of the initial application and should **integrate fuel modification provisions into the site plan in such a way as to minimize impact on existing native vegetation and areas of visual prominence. Any required thinning of flammable vegetation shall be conducted outside of the bird nesting season if feasible**. Alternative means to thinning and/or removal of native vegetation for fire hazard management such as minimizing the building envelope, and/or siting of the structure(s) away from hazard areas, and/or use of fire retardant design and materials are preferred where feasible.

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Open Space and Conservation Element Policies Inconsistencies:

The most recent approval did have BMPs as a condition, but it is unclear that the same was required for the original permits (Phase 1 - removal of carports and expansion/remodel of hotel. It does not appear that BMPs are being implemented with current construction. (see below)

Water Quality and Conservation

4A Development Planning and Design Best Management Practices (BMPs)
Ensure that development plans and designs incorporate appropriate Site Design, Source Control and Structural Treatment Control Best Management Practices (BMPs), where feasible, to reduce to the maximum extent practicable, pollutants and runoff from the proposed development. Structural Treatment Control BMPs shall be implemented when a combination of Site Design and Source Control BMPs are not sufficient to protect water quality.

Will the intensified use (97 hotel rooms vs 64) create more runoff? It is unclear whether this was reviewed or not. Will the intensified use increase introduction of pollutants? (see below)

4C Minimize Volume and Velocity of Runoff
Ensure that development is designed and managed to minimize the volume and velocity of runoff (including both storm water and dry weather runoff) to the maximum extent practicable, to avoid excessive erosion and sedimentation.

4D Minimize Introduction of Pollutants
Ensure that development and existing land uses and associated operational practices minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers and lakes) to the maximum extent practicable.

Have the natural drainage systems been reviewed? (see below)

4E Preserve Functions of Natural Drainage Systems
Ensure that development is sited and designed to limit disturbances and to preserve the infiltration, purification, retention and conveyance functions of natural drainage systems that exist on the site to the maximum extent practicable.

Have native plants been assessed? Will this be done in Phase 3 (Landscaping)? (see below)

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4F Water Conservation and Native Plants
Ensure that development encourage water conservation, efficient irrigation practices and the use of native or drought tolerant non-invasive plants appropriate to the local habitat to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation. Prohibit the use of invasive plants, and **require native plants appropriate to the local habitat where the property is in or adjacent to Environmentally Sensitive Areas (ESAs).**

Compliance with these is unclear. (see below)

4G Minimize Construction Impacts
Ensure that all development minimizes erosion, sedimentation and other pollutants in runoff from construction-related activities to the maximum extent practicable. Ensure that development minimizes land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize the impacts on water quality.

4H Continue Application and Maintenance of Best Management Practices (BMPs)
Require the property owner, homeowner's association or local government, as applicable, to continue the application and maintenance of Source Control and/or Structural Treatment Control BMPs as necessary to reduce runoff pollution, including appropriate construction related erosion and sediment control measures.

41 Watershed Protection and Restoration
Promote the protection and restoration of offshore, coastal, lake, stream or wetland waters and habitats and preserve them to the maximum extent practicable in their natural state. Oppose activities that may degrade the quality of offshore, coastal, lake, stream or wetland waters and habitat and promote the rehabilitation of impaired waters and habitat.

41 Infiltrate Runoff
Promote infiltration of both storm water and dry weather runoff, as feasible, to protect natural hydrologic conditions.

Does this development impact trails? There was discussion about extending the trail from the park to allow beach access, but this was abandoned because it would be unsafe due to flying golf balls) Does the new development preclude future provision of access to trails?(see below)

<u>Master Plan of Trails</u>

6D Require as a condition of development approval, the dedication and improvement of public trail easements.

6F Ensure that new development does not encroach on access to trails nor preclude future provision of access.

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6I Provide public pedestrian access to Open Space/Recreation areas, except where it is inconsistent with public safety or the protection of fragile coastal resources.

It is very clear that the development is visible from many places on the trail system and along the canyon bottom as well as from ridge lines that ring the canyon. (see below)

Visual Resources

7A Preserve to the maximum extent feasible the quality of public views from the hillsides and along the City's shoreline.

7F As a condition of approval for new building construction, require the dedication of open space easements, development rights, or the use of some similar instrument for the purpose of protecting unusually significant natural features. Preserve and provide an optimum setting for prominent site features such as natural rock outcroppings, promontories and ridges.

Was the criteria for treatment of the urban edge between existing development and open space considered? (see below)

7G The Design Review process for an individual project shall include criteria for treatment of the urban edge between existing development and open space in areas designated "Residential/Hillside Protection" on the Land Use Plan Map. The criteria shall be developed to reflect topographic constraints and shall include at a minimum:

a. Treatments to screen development, including the use of vegetation, variable setbacks and modified ridgelines or berms;

b. Fuel modification techniques for new development which provide the following: result in graduated fuel modification zones in which on the minimum amount of native vegetation is selectively thinned; prohibit grading or discing for fuel modification; confine fuel modification to the development side of the urban open space edge to the maximum extent; avoid fuel modification encroachment into environmentally sensitive areas; locate structures with respect to topographic conditions to incorporate setbacks, minimize fuel modification requirements and maximize hazards; and provide requirements for ongoing maintenance.

c. Treatments for fuel modification and maintenance techniques for existing development consistent with standards in (b) above to the maximum extent feasible.

This project is on property adjacent to the Aliso Greenbelt and no known site specific view analysis was generated. Some of the development will be visible from the floor of Aliso Canyon. It is located on the floor of Aliso Canyon. (see below)

7H For new development proposed on property adjacent to the Aliso Greenbelt, a site specific view analysis shall be required. Said analysis shall identify appropriate measures to ultimately screen the development and shall be approved by the Design Review Board. Such measures may include but shall not necessarily be limited to: a) Setback of structures, b) landscape screening, c) berms or "false ridges," d) use of earthtone or

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color and materials which will serve to blend the structures with the natural landscape. If the analysis indicates that development cannot feasibly be screened by the measures above, such that the trails or the canyon bottoms of Wood and Aliso Canyons, then the City shall impose other conditions of development so as to protect the viewshed and integrity of the greenbelt. Such measures may include limitation on building height, bulk or footprint, lot line adjustment or other similar measures. In any case, development should not be visible from the floor of Aliso Canyon.

Extensive tree trimming (under the direction of an arborist according to the applicant) has been done in an historic eucalyptus grove as well as in a known area of nesting and roosting within pine trees that surround the golf course and hug the canyon walls.. Slope vegetation has been cleared around the perimeter of the golf course. It is unclear whether native plants were disturbed, but given the palette of Southern Maritime Chaparral in this unique canyon it is highly likely ESHA has been destroyed and/or disturbed. In conferring with the local chapter of the Audubon Society they confirmed that they were never consulted about this tree trimming and advised that it had in fact been done during nesting and roosting season. (see below)

7K 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 recontouring and replanting where the natural landscape has been disturbed.

Vegetation and Wildlife Resources

8A 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.

8C Identify and maintain wildlife habitat areas in their natural state as necessary for the preservation of species.

This project area is traversed by Aliso Creek and is surrounded by "Very High" habitat value areas.

8F Environmentally Sensitive Areas (ESA's) as defined in Section 30107.5 of the California Coastal Act shall be identified and mapped on a Coastal ESA Map. The following areas shall be designated as Environmentally ·Sensitive Areas: those areas shown on the Biological Resource Values Map in the Open Space/Conservation Element as "Very High" habitat value, and streams on the Major Watersheds and Drainage Courses Map which are also streams as identified on the USGS 7.5 Minute Quadrangle Series and any other areas which contain environmentally sensitive habitat resources as identified through an on-site biological assessment process, including areas of "High" and "Moderate" habitat value on the Biological Resources Values Map and areas which meet the definition of ESA's in Section 30107.5 of the Coastal Act, including streams, riparian habitats,

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and areas of open coastal waters, including tidepools, areas of special biological significance, habitats of rare or endangered species, near-shore reefs and rocky intertidal areas and kelp beds.

There was no known biological assessment done as required by 8G. (see below)

8G Detailed biological assessments shall be required for all new development proposals, including all subdivisions and fuel modification proposals, located within or adjacent to areas designated high or very high value on the Biological Values Map. Such biological assessments shall utilize the biological value criteria specified in the Biological Resources Inventories (1983, 1992 and 1993).

This development is not dependent on such resources. (see below)

8L Except as otherwise provided in Policies 8H, 81 and 8K, no development proposals shall be located in areas designated as "Environmentally Sensitive Areas" on the Coastal ESA Map except for uses dependent upon such resources.

8M 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.

8N Prohibit intrusion of fuel modification programs into environmentally sensitive areas, including chaparral and coastal sage scrub.

80 Preserve and protect fish and/or wildlife species for future generations.

It is unclear that the development was identified as being in a very high value habitat in documentation. (see below)

8R Identify development projects situated in or immediately adjacent to high or very high value habitat in documentation accompanying any Design Review Board application.

Was the restoration of the creek promoted? (see below)

Watersheds and Watercourses

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9A Promote the preservation and restoration of Laguna's natural drainage channels, freshwater streams, lakes and marshes to protect wildlife habitat and to maintain watershed, groundwater and scenic open space.

Aliso Creek is a mapped "blue-line" stream. Setbacks to the stream banks may be too close for some of the development. (see below)

9C a) Streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon Biological Values Maps which are also "blue-line" streams 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.

b) Require a setback of a minimum of 25 feet measured from the centerflow line of all natural drainage courses or streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon Biological Values Maps other than the "blue-line" streams referenced in 9-C(a) above. Such setback shall be increased upon the recommendation of the City Engineer and environmental planner through the environmental review process. However, a variance may be given in special circumstances where it can be proven that design of a proposed structure on an affected lot will preserve, enhance or restore the significance of the natural watercourse. A t no time shall grubbing o f vegetation, elimination o f trees, or disturbance of habitat be allowed within the setback area before or after construction.

The "Phase 1" portion of this project (removal of carports and remodeling of the hotel buildings) was done without Design Review. (see below)

9E Require Design Review for development projects which include portions of a natural drainage course.

This property is adjacent to the Aliso Greenbelt. There are no known conditions regarding activity restrictions during the rainy season. (see below)

9R Erosion control measures shall be required for new development in areas designated Hillside Management/ Conservation (now referenced as Residential/Hillside Protection), as specified in Title 22 of the City's Municipal

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Code for properties adjacent to the Aliso Greenbelt. No grading, trenching or similar activity shall be permitted within Aliso/Wood Canyon Watershed during the rainy season from October 1 to April 1.

9S All graded areas shall be planted and maintained for erosion control and visual enhancement purposes. Use of native plant species shall be emphasized.

The restoration of Aliso Creek in a natural state was not a known condition of this project. It has not been protected from the infringement of new development. Increase of flow has not been known to be reviewed(see below)

9T Restore and retain Aliso Creek in a natural state and protect the Creek from infringement of new development.

9U Protect Aliso Canyon Area from any increase in flow which might have adverse impacts on the water quality in Aliso Creek and prevent excessive erosion and sedimentation and emphasize the prevention of siltation from adversely impacting the South Laguna Marine Life Refuge.

Parts of this project are in flood-prone lands. (see below)

Natural Hazards

10A Require that plan review procedures recognize and avoid geologically unstable areas, flood-prone lands, and slopes subject to erosion and slippage.

It is unclear whether a waiver of liability has been obtained. (see below)

10E Development in the areas designated "Residential/Hillside Protection" on the Land Use Plan Map or within potential geologic hazard areas identified on the Geological Conditions Map of the Open Space/Conservation Element shall not be permitted unless a comprehensive geological and soils report is prepared pursuant to Title 14 of the City's Municipal Code, and adequate mitigation measures have been approved and implemented by the City's geologist. For projects located in areas subject to hazards as identified on the Geologic Conditions Map or subject to erosion, landslide or mudslide, earthquake, flooding or wave damage hazards confined by a geologic assessment, as a condition of approval or new development a waiver of liability shall be required through a deed restriction.

The area surrounding the project is rich with Laguna and California history. It was the location of Laguna's first homestead. Based upon the last Draft EIR for this area, there are known archaeological concerns. It should be reviewed for it's historical importance as a historical resource for the city, state and nation. (see below)

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Archaeology/Paleontology

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 environs.

12B Develop a program which systematically inventories, records and preserves significant cultural resources in the community, in accordance with the guidelines in the City'S Local Coastal Plan.

Coastal Act Section 30244 "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required." Because the CC recognizes that archaeological sites have cultural and religious values for Native American descendants, they no longer consider archaeological excavations to recover scientific data as reasonable mitigation.

The Aliso Creek Golf Course was built in 1950 and the Laguna Country Club village was built in 1963 and later converted into the inn. These properties are over 50 years old and if federal funds or permits are involved, the properties themselves are eligible for listing in the National Register of Historic Places and the California Register of Historic Resources. Since the developments occurred prior to CEQA and there are archaeological sites all along Aliso Creek, there is a high potential for the presence of buried archaeological resources beneath the development not to mention the undeveloped areas.

Finally, because the project will affect Aliso Creek, the applicant needs to secure a Corps of Engineers Section 404 permit and this requires compliance with Section 106 of the National Historic Preservation Act.

The project site is surrounded by ridge lines that have direct views into the canyon. It is unclear that the preservation of those views has been assessed. (see below)

Ridgelines

13H Preserve public views of coastal and canyon areas from ridgelines.

It is unclear whether constraint mapping was done for this project. (see below)

Constraint Mapping

15B Require the constraint analysis to consider pertinent environmental features of the site such as, but not limited to, topography, drainage, soil stability, rock outcroppings, major ridgelines, accessibility, public/private view corridors, high and very high value habitats and wildlife migration corridors; to identify, after consideration of these features, the most desirable portion of the site; and to provide a ranking, if necessary, when there are multiple and competing environmental features.

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I5C Require a constraint analysis for existing building sites where Design Review Board approval is required and there are multiple significant environmental constraints.

SOUTH COAST WATER DISTRICT ORDINANCE NO. 206

AN ORDINANCE OF THE BOARD OF DIRECTORS OF SOUTH COAST WATER DISTRICT ESTABLISHING A WATER CONSERVATION & WATER SUPPLY SHORTAGE PROGRAM FOR USERS OF POTABLE WATER PROVIDED BY THE DISTRICT

Section I. Title

South Coast Water District Water Conservation & Water Supply Shortage Ordinance ("Ordinance")

Section II. Findings

1. **A reliable minimum supply of potable water is essential** to the public health, safety and welfare of the people and economy of Southern California.

2. **Southern California is a semi-arid region, largely dependent on imported water** supplies from Northern California and the Colorado River. Population growth, drought, climate change, environmental concerns, government policy changes, restrictions on pumping and other factors in our region, in other parts of the State and in the western U.S. make Southern California highly-susceptible to water supply reliability issues.

3. **Careful water management requires active conservation measures** not only in times of drought but at all times. It is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.

4. **California Constitution Article X, Section 2** declares for the general welfare:

   a. Water resources be put to beneficial use

   b. Prevention of water waste and unreasonable water use or methods of water use

   c. Full exercise of water conservation with a view to reasonable and beneficial water use

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CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

Attachments:

Resolution (staff report available online at www.lagunabeachcity.net)
Laguna Beach Independent newspaper articles
Orange County Register newspaper articles

CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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

Mark Judge Renny Elia

Signature of Appellant(s) or Authorized Agent

Date: _____

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

Section VI. Agent Authorization

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

_____
Signature of Appellant(s)

Date: _____

CULBERTSON, ADAMS & ASSOCIATES, INC.

December 30, 2014

Thu
11a

Steve Kinsey, Chair

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Attn. Dr. Charles Lester, Executive Director

SUBJECT: Consideration of Appeal of action taken by the City of Laguna Beach regarding the project known as "The Ranch"- CDP A-5-LGB-14-0034

Dear Chair Kinsey:

It has come to my attention that the California Coastal Commission ("Commission") will be considering an appeal of a project that was approved by the City of Laguna Beach, as captioned above.

I am vitally interested in this project because of the long sought after opportunity to route a public regional trail through this property. Over 40 years ago, the Aliso Creek "Forest to the Sea" trail was adopted as a regional trail linkage. The trail is over 16 miles in length and carries users from the headwaters of Aliso Creek to Aliso Beach, a County beach now located in the City of Laguna Beach and specifically improved to support, among other things, the oceanward terminus of the trail.

The trail is complete through the unincorporated area and through five cities – except for the segment through the City of Laguna Beach. The Commission now has the opportunity and the obligation under the Local Coastal Program ("LCP") and the Coastal Act to insure that this final segment is completed. As a planner in Orange County for many years, I have watched multiple –and unsuccessful – attempts by local agencies to complete this trail.

I have read the staff report and although I salute staff's efforts on the trail, I believe that the Special Conditions fall well short of what the Commission should require in this case. I am confining my comments to the issue of the trail, although I believe

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that staff also raises other important Coastal Act and LCP arguments that should be carefully considered.

1. **The staff report does not accurately state the appropriate standard of review, and does not provide an adequate analysis of public access policies of the Coastal Act in relation to the facts of this proposal**

The Coastal Act dictates the standard of review for a *de novo* permit consideration on appeal by enumerating the grounds for appeal. Specifically, Section 30603 (b)(1) establishes that the grounds for appeal are limited to the standards of the certified LCP and the public access policies of the Coastal Act. The staff report presents this standard, but relates it to a distance from Aliso Creek. The Coastal Act is not so narrow, and all public access policies of the Coastal Act are applicable to this *de novo* review on the entire property.

Given the great importance of the trail, and even the applicant's December 15, 2014 admission that the trail is feasible and can be made safe along the northerly boundary of the golf course, there is no reason why the Coastal Commission cannot require the construction of this trail now. In fact, the staff report only addresses this trail by reference to the LCP, not the Coastal Act public access policies. This omission diminishes the importance of the Legislature's emphasis on public access policies as forming one of the grounds for appeal, even beyond the standards of the certified LCP.

There can be no question that the Coastal Act's public access policies would dictate a result much more effective than a mere easement and tram system. This property owner acquired this property with full knowledge of the trail connection shown in the LCP, and should not be heard now to complain that it is somehow unconstitutional, as the City Attorney argues in his communication of September 25, 2014 (Exhibit 22, at page 23). It would be completely constitutional for the CCC to deny this permit request and if it holds that power, it holds the power to require the trail.

Moreover, the determination of feasibility should not be the sole province of the applicant. For example, the above-referenced City Attorney letter includes an exhibit purportedly showing how dangerous the entire area is because of golf balls (Exhibit 22, at page 25). No date is attached to this exhibit. A cursory review of blogs relating for this resort show some commenters complimenting the removal of "golf ball eating vegetation" along the golf course. Vegetation, of course, is a common way to interrupt a ball's travel and protect trails. Was the golf ball travel analysis before or after the vegetative removal? If after, the loss of vegetation might explain the new hazards. But because the vegetative removal is not clearly addressed in the report as a violation, this degree of analysis is not presented. The Coastal Commission staff, likewise, may not possess sufficient time or expertise to determine feasibility. In order to fully assess the

applicability of this Coastal Act provision, an independent study may be necessary, as suggested later in this letter.

Finally, the many trails located along golf courses in the Coastal Zone and elsewhere, coupled with the limits on liability for property owners affected by these trails, justify a "hard look" at implementing this public access component now. Merely because something is difficult does not mean it is infeasible.

2. **Special Condition #5 for the Offer to Dedicate an easement for a trail is set for an inappropriate time in the process and is a significant departure from Commission practice.**

The applicant, on December 15, 2014 (just before the first mailout for the January meeting), proposed this condition, and staff incorporated it without modification. This condition, as worded, is a substantial departure from past Commission practice.

First and foremost, the Commission should require this trail easement Offer to Dedicate ("OTD") at the time usually set for these things – which is prior to issuance of the permit. The Commission has long required such OTDs prior to issuance, and a review of the permits for OTDs in the most recent status report on OTDs (November, 2014) reveals that all of the OTDs for open space and easement were prior to issuance.

Sound public policy considerations support this request. Requiring recordation of the OTD prior to issuance insures that future purchasers and future lenders will have notice of its existence. Moreover, because the Commission requires that other interests be subordinated to the OTD, it is essential that the OTD record at the earliest possible time before the benefits of the permit are realized by the property owner. We recommend that the language of Condition #5 be revised to require the stated performance prior to issuance of the permit, if the Commission grants the permit.

3. **Special Condition #s 1, 2 and 3 are inadequate to address Coastal Act issues with respect to this development.**

Taken together, these conditions allow the property owner to make an election to satisfy one or another Coastal Act/LCP requirement. Where an issue exists with respect to the public access policies of the Coastal Act or the standards of the LCP, nothing in the Coastal Act allows the Commission to decide that one or the other of the issues – but not both – may be satisfied at the sole discretion of the applicant – without balancing pursuant to Coastal Act Section 30007.5 or a LCP amendment. Here, the staff report makes no effort to analyze balancing, in fact does not even propose that statutory exercise. In point of fact, it is questionable whether the Commission even has the authority to balance these

two issues against each other without a LCP amendment, given the clear and unmistakable requirement for the trail.

Instead, the staff report attempts to offer the applicant a single way out of what are in fact two distinct and different issues – the availability of public access and coastal recreation on an inland parcel (required by the LCP), and the loss of low or moderate cost accommodations. While staff's attempts to be accommodating in this respect are certainly noteworthy, the issue before the Commission is whether the project can be approved in light of these two issues at all.

Therefore, the issues before the Commission are as follows, in my view:

1. Does the mere provision of an OTD for a trail – perhaps on the applicant's property and perhaps not and in any event not constructed by the applicant at all– meet the standards of the certified LCP and the Coastal Act public access policies? And

2. Whether the applicant's project, which both removes lower priced rooms (32 original and 64 if split) from that category by remodeling and adds 33 high priced rooms, can be found consistent with the LCP and the Coastal Act absent Condition #2?

I address each of these questions in turn.

As to Question #1, it is hard to see how the mere dedication of a floating easement, regardless of the fact that staff proposes it be coupled with the funding and operation of a shuttle for the entire length of the area not currently served by the trail, is sufficient to overcome both the low cost overnight accommodations issue and the public trail access issue. I believe it is not.

Under this scenario, and even if the Commission requires that the applicant fund and operate the shuttle all the way to the beach, pedestrians and bicyclists would have to wait for a shuttle and trailer as much as one-half hour. If the shuttle experienced mechanical problems or was down for maintenance, it would not be available at all. One has to assume that in order to be attractive as an "election" the cost of the shuttle program in accordance with the proposed condition would be equivalent to the in lieu fee proposed in Condition #2, but no analysis of this comparison is offered in the staff report. Therefore, under the staff's proposed approach, the applicant could run a shuttle two days a week and escape the impact fee for the loss of lower cost accommodations. As someone who has overseen virtually every developer in southern Orange County build this trail at no cost to the public, I have a very hard time believing that it would cost a great deal of money to build the trail through the applicant's property, as opposed to funding a shuttle service. Even if it was expensive to build the trail, what responsibility should the

property owner and his predecessors bear for the resistance to putting the trail in for forty years?

Moreover, shuttle services have had a very troubled history in the Coastal Zone. The Coastal Access Fund has at times had great difficulty applying its funds to transit, and the nearby Monarch Beach Resort – which at one time was conditioned to have a public tram – has never fully operated to the Commission staff's satisfaction. Even if this tram were different, it will be very complicated and labor intensive for Commission staff to oversee this operation in a way that insures that it will work.

Finally, if the applicant "elects" to pay the in lieu fee instead, all the public receives is $50,000 towards a tram and a floating easement – no resolution after 40 years of pursuing this trail. For these reasons, we believe that the tram is an inappropriate response to the access issue.

As to Question #2, I believe that if the in lieu fee amounts to such a large sum, it should be collected and contributed to the trail. But even if that were not the case, this area will lose some relatively inexpensive accommodations in the process of remodeling the resort, which it unquestionably needs. In lieu fees do not always translate into affordable rooms, but trail establishment always works because it is tangible in the short term – and it can be used immediately.

Notwithstanding our views on this, the fact remains that the Coastal Act and LCP cannot be parsed in a way that does not require full compliance.

4. **What should occur?**

I believe that the trail should be of paramount importance to the Commission. In the early 1970s, when the County began to plan for its future south County development, the County established several regional trails to take people from the inland areas to the sea. The Aliso Creek Forest to the Sea Trail is one such trail, and the only one not completed to the sea after all of these years.

The reason is easy to see – the property owner between the existing trail and the portions that will take the trail to the beach has never sought entitlements. Now this property owner is before you asking for a substantial degree of entitlements and the focus on the completion of the trail should be front and center. Although other properties are involved as well, these are either subject to easements or owned by public agencies that have no reason not to cooperate with your Commission to establish the trail. If this opportunity is missed, there will be likely not be another opportunity for a very long time – if ever.

Therefore, I suggest that the Commission abandon the idea of an "election" between compliance with the requirements for the trail and requirements to safeguard lower cost accommodations. I further suggest that a condition be drafted to not only

require the trail easement, but also its construction within five years from the date of issuance. The Coastal Conservancy and other agencies should be more than willing to extend cooperation for such an important endeavor. The Conservancy or another appropriate agency should also be funded by the applicant for a study of possible routes for the trail as well as participate in funding the construction where it occurs outside the applicant's property. Such an approach would strike an appropriate balance between the intensification the applicant is requesting and the interests of the public in access through this property to the beach.

The essential elements of a trail program are proposed to be as follows:

1. Require the OTD for the floating easement be recorded prior to issuance (Special Condition #5)

2. Require the applicant to fund a study in coordination with the CCC, the Coastal Conservancy and other property owners through which property the trail is potentially aligned, to route the trail alignment. Study to be supervised by the CCC and performed by an independent third party. Study to be completed within one year of issuance and subject to public and CCC review and adoption of final trail alignment.

3. Require that once the study is complete and reviewed by the CCC and a trail alignment is selected by the CCC, the trail shall be installed by the applicant within 2 years of that adoption. Applicant to be financially responsible for all portions of the trail occurring on the Ranch or the Scout Camp property, or any other properties brought under the property owner's control after the granting of the permit. Should funds not be forthcoming from the other agencies involved in the trail to complete the non-applicant portions, applicant shall post a bond for ten years in the amount estimated to construct the trail through the applicant's property indexed to the appropriate escalator for increased costs over the life of the bond.

Conclusion

When Proposition 20 was passed by the people of the State of California, one of the problems it was intended to address was the inability or the unwillingness of local agencies to withstand the opposition of their constituencies to public access to the coast and act in the interests of the public at large. The voters could see that a state agency was necessary to help resolve these conflicts. It was one of the outcomes many of us hoped for as the initiative developed into the Coastal Act. At times, it is only the Commission who can act in the best interests of the public at large, instead of only the parochial interests of some local agencies.

While I appreciate the efforts of the Commission staff, I believe that the approach to issues of public access on this property is entitled to more attention, as set forth

above. Many developers in Orange County, large and small, have survived putting in this trail. I suggest that this developer will survive as well.

I respectfully request that the Commission direct staff to prepare a condition along the lines stated above, and to require periodic reports on the progress of the trail.

I remain available for questions.

Sincerely,

M. Andriette Culbertson

cc:

Members of the California Coastal Commission
Coastal Commission staff, Long Beach Office
Hope Schmeltzer, Chief Counsel

CULBERTSON, ADAMS & ASSOCIATES, INC.

January 6, 2015

Steve Kinsey, Chair

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Thu
11a

Attn. Dr. Charles Lester, Executive Director

SUBJECT: Consideration of Appeal of action taken by the City of Laguna Beach regarding the project known as "The Ranch"- CDP A-5-LGB-14-0034; Response to applicant's attorney regarding the constitutionality of a trail easement and construction exaction.

Dear Chair Kinsey and Members of the Commission:

It has come to my attention that the applicant's attorney in this case has filed a letter purporting to question the constitutional validity of the trail exaction as presented in the staff report. Because I believe both the trail exaction as CCC staff presents it, and my proposal to the Commission in my letter of December 30, 2014, are both well within constitutional limits, I would like to share the basis of my conclusion with the Commission.

The applicant's attorney's letter dated December31, 2014 was only made publicly available on January 5, 2015. Requests to the Long Beach office during the week of December 29, 2014 for any correspondence from the applicant were answered with the statement that the Addendum would be published on January 5 and would be the first opportunity for the public to see the applicant's response.

Much to his credit, the applicant has stepped forward not only with a floating easement (which is now officially part of his project description), but also a suggested routing. I do not agree that the routing is the only one possible (and apparently the applicant also believes this as he himself suggests there may be another routing), and I believe that the opposite side of the golf course may be appropriate for a trail location which would connect with the existing County parking area built specifically for that purpose. I do not agree that the applicant should be excused from building his portion of the trail. I have previously suggested an independent study funded by the applicant but conducted by an independent

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third party to ascertain where the trail should actually be located, and I incorporate my letter of December 30, 2014 into this letter as if set forth in full. I urge the Commission to adopt a condition that addresses these three central elements, briefly set forth as follows:

1. The floating easement should be recorded prior to issuance of the Coastal Development Permit;
2. The applicant should fund an independent study of the trail location which study should be managed by the Coastal Commission in coordination with the Coastal Conservancy, County of Orange, City of Laguna Beach and affected landowners. The CCC should review and decide on the results of this study.
3. The applicant should construct all portions of the trail located on his property and if the remainder of the trail is not ready to be implemented when this occurs, he should bond for the construction costs for 10 years or when the trail is ready to be constructed outside his property, whichever is sooner.

These requirements are fully within constitutional tolerances as set forth below.

The exactions enumerated above are well within the nexus and rough proportionality tests as enunciated in *Nollan v. Coastal Commission* and *Dolan v. City of Tigard.*

In terms of the rules for exactions, *Dolan* is most instructive in this case. In *Dolan*, the U.S. Supreme Court established a two-prong test for the constitutional validity of an exaction. The test, briefly stated, is as follows:

1. Whether or not there is an "essential nexus" between the permit conditions and legitimate state interest; and

2. Whether or not the degree of the exactions required by the permit condition bears the required relationship to the projected impact of the proposed development – the "rough proportionality" test.

Turning to the present permit proposal, the exaction easily meets the *Dolan* tests. A brief factual background is helpful to understand why.

In *Dolan*, the project proponent was a long-standing plumbing business that owned the property. The property owner wished to expand her business and also pave and enlarge her gravel parking lot. However, in the years that she had owned and operated the business, the City of Tigard had adopted certain regulations requiring a greenbelt for flood control purposes and a trail system to encourage downtown shoppers to use non-vehicular means for shopping in an effort to reduce congestion. The City required the fee dedication of Mrs. Dolan's property, not only the land that was subject to the 100-year floodplain, but also an additional 15 feet along that area.

Mrs. Dolan objected to this requirement on the basis that her business expansion had nothing to do with the City's twin goals of floodplain management and easing of congestion. The City argued that Mrs. Dolan's parking lot contributed to flooding by increasing runoff and that her increased store area increased congestion, but offered few facts to demonstrate these relationships, particularly the latter.

As to the first prong of the test, the Court found legitimate government interests. But as to the second prong, the Court generally found that the City of Tigard had failed to show that Mrs. Dolan's business contributed so substantially to congestion that the exaction of the trail was necessary. Specifically, the Court found that there was little relationship between the trail exaction and Mrs. Dolan's proposal.

Turning to the current Ranch proposal, I believe that the Court would have ruled differently. First, the Ranch website itself promotes the resort's land pursuits as "world class mountain biking" (www.theranchlb.com/fun/nature). In a very real sense, the Ranch is attempting to attract patrons to its hotel for the very recreational pursuits that it does not want to support – namely, a trail for bikers.

Although I lived in southern Orange County most of my life, I did not know of any mountain biking on the Ranch property – indeed, the Ranch has repeatedly stated that it is dangerous because of the golf ball travel. Therefore, I made a call to the Ranch to explore what opportunities are being promoted, and how they are being achieved. The very polite clerk informed me that the mountain biking was actually in Aliso Wood Canyons Park, the major County park where the trail connection now terminates. He further stated that guests would have to drive or be driven to the park to access the trails (he also stated that the hotel was closed for now due to renovations). When I asked if there would ever be access after the renovation project was complete, he indicated that there "probably" would be access to the park directly from the hotel.

For Commissioners not familiar with Orange County, the entrance to Aliso Wood Canyons Park is roughly 8 miles by car from the resort. In fact, the route goes right through the very city which residents have asked for the trail connection and (under the applicant's approach) are be restricted from reaching the Aliso County Beach! Those residents must bear the traffic from the Ranch guests, pay for the roads they use and otherwise be imposed upon without any attendant benefit to them.

Mrs. Dolan received no advantage from the trail that was imposed on her. Patrons to plumbing stores are often buying materials that are difficult to carry on a bicycle or walk with. But the case is different with the Ranch. Not only is Aliso Wood Canyons Park and Aliso County Beach very close by, but the Ranch touts those elements in its own promotional material! It is clear that the trail access benefits the Ranch in an economic way, that the Ranch's guests impose burdens on the park and the beach. Therefore, the exaction meets the relationship requirement of the Court in *Dolan*.

By stating this satisfaction of the test I do not mean to distract from the applicant's gesture of offering the trail easement. However, there is ample basis to require much more than that. Unlike Mrs. Dolan, Mr. Christy has not owned the property for a very long time. Unlike Mrs. Dolan, Mr. Christy knew of the trail when he bought the property, as it was in not one but two certified LCPs covering this area. To whatever extent the trail might have interfered with his future plans, it was open and notorious as a requirement and one must assume that he took that into consideration.

The history of this trail has been a rocky one. In spite of the County's efforts early on to connect inland areas with the sea in non-vehicular ways, this is the only trail that has ever been completed, both because of the resistance of the property owners in the past, but also resistance by the City of Laguna Beach. Ultimately the trail will serve hundreds of thousands of people. The residents of Laguna Beach will also benefit by having a trail that is accessible – not an expert or "billy goat" trail – and reaches inland to the many regional park areas the County has set aside for the public.

I respectfully request that the Commission direct staff to prepare a condition along the lines stated above, and to require periodic reports on the progress of the trail.

I remain available for questions.

Sincerely,

M. Andriette Culbertson

M. Andriette Culbertson

cc:

Members of the California Coastal Commission
Coastal Commission staff, Long Beach Office
Hope Schmeltzer, Chief Counsel

CALIFORNIA COASTAL PROTECTION NETWORK
2920 Ventura Drive, Santa Barbara, CA 93105 • 805-637-3037
WWW.COASTALADVOCATES.COM

January 5th, 2014

California Coastal Commission
45 Fremont Street
San Francisco, CA
94105-2219

RE: Opposition to Staff Recommendation of Approval of a Coastal Development Permit for the Project known as "The Ranch" – CDP A-5-LGB-14-0034, Thursday, January 8th, Item 11A

Chair Kinsey and Commissioners,

The California Coastal Protection Network (CCPN) urges the Coastal Commission to deny the Coastal Development Permit for the project known as "The Ranch" in Laguna Beach unless the project is conditioned in a manner that fully addresses the deficiencies in the Staff's Recommendation. Those deficiencies include the failure to adequately address the loss of lower cost visitor-serving overnight accommodations within the City of Laguna Beach, the failure to require the applicant to complete a critical part of the final portion of the long-awaited Trail to the Sea, and the after-the-fact approval of illegal, unpermitted development that is now being described as an "Outdoor Event Center" at Scout Camp that was the subject of a Notice of Violation on September 14th, 2014.

While all of the aforementioned deficiencies require the Commission's attention, CCPN's focus is primarily on the impending loss of the 64 lower cost overnight visitor-serving accommodations in the City of Laguna Beach.

CCPN believes that the conflict between the ever-diminishing supply of lower cost visitor-serving accommodations in the coastal zone, the Commission's key responsibility in preserving them, and the failure of some local governments to protect them is aptly illustrated by what has transpired on this project under the inappropriate and deficient actions taken by the City of Laguna Beach. As a statewide regulator that was created to provide a counter balance to the oft-competing goals of local jurisdictions, it is imperative that the Commission step in and provide the necessary guidance and restraint that the relevant Coastal Act and LCP policies provide.

• Despite the applicant's representative's contention that this facility was never a lower cost accommodation, the former Ben Brown's and, then, the Aliso Creek Inn, was well known locally as a lower cost alternative to the higher cost accommodations in the City of Laguna Beach.

The 64 overnight accommodations that existed for decades at this location under the ownership of Ben and Viola Brown were lower cost by virtue of both size and room rate. Initially constructed as

apartments, the original rooms were expansive in size (from 600 to 1100 square feet), included a range of floor plans from studios to 2-bedroom suites, and all contained full kitchens.

In 2004, Aliso Creek Properties LLC, whose principles included investors in Montage Hotel and Resorts LLC, purchased the property and announced various plans for upscale residences, and a high-end conference center and spa. Aliso Creek Properties LLC ultimately decided to abandon those plans and sold the complex to the current owner and applicant, Laguna Beach Golf and Bungalow Village, LLC. However, a screen capture of the rates in 2005 that existed after Aliso Creek Properties LLC purchased and continued to operate the property shows that the studios with full kitchens rented for a range of $127 - $197, depending on the season (low vs. high) and could be had for as low as $105 for a studio and $115 for a one-bedroom suite if the hotel guest purchased a golf package. (See Attachment A)

An article in the Laguna Beach Indy dated July 3, 2103 that described the sale to the current owner described how the "Aliso Creek Inn may well be the lone holdout to lack flatscreen TVs" and that in two of its room, "guests still dial on rotary phones." The article included a quote by Alan X. Reay, president of Irvine's Atlas Hospitality Group which specializes in hotel sales who opined that the price paid for the hotel, estimated to be $19 million, "…doesn't make sense on current rates….referring to the hotel's $159 to $299 room rate, but reflects a bet by investors that they can either reuse the property by adding more rooms or renovating and raising rates." http://www.lagunabeachindy.com/new-owners-to-remake-aliso-creek-inn/

By any stretch of the imagination, in an area where room rates on or proximate to the beach routinely start in the several hundred dollar range, this facility was a lower cost, visitor-serving accommodation based on published room rates and affordable design that allowed multiple guests per room and allowed meals to be cooked on-site.

• The City of Laguna Beach failed to follow its own certified LCP that mandates the protection of lower cost, affordable accommodations. The City did not conduct or require a market rate study or evaluate the impact that the loss of these lower cost visitor-serving accommodations would have on the existing stock of lower cost accommodations in Laguna Beach.

Protection of lower cost visitor-serving overnight accommodations as a component of public access is required under Coastal Act Section 30210 and 30213 and is also required under the City of Laguna Beach's certified LCP. The relevant policies were cited by staff in both the Substantial Issue and De Novo Staff Reports and are as follows:

Coastal Act Section 30210:
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 resources areas from overuse.

Coastal Act Section 30213:
Lower cost visitor serving 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.

Land Use Element Policy 6.2:
Preserve and encourage an increase of the City's stock of affordable motel and hotel rooms available for short-term visitors. Protect, encourage, and were feasible provide, affordable overnight accommodations.

> *Action 6.2.1 Continue to enforce existing ordinance and coastal policies that limit changes in use of existing hotel and motels to preserve visitor-serving uses.*
>
> *Action 6.2.2 Investigate and, if appropriate, amend the Municipal Code to ensure that affordable hotels and motels are maintained for short-term visitor occupancy. A method to define whether a facility providing overnight accommodation is low, moderate or high cost shall be evaluated as apart of the investigation. Establish standards that would require new high-cost visitor serving accommodations provide affordable overnight accommodation or pay an in-lieu fee. (Ongoing implementation-short-to-long term.)*
>
> *Action 6.2.3 Maintain an inventory of the number of existing motel and hotel rooms and room rates (Ongoing implementation-short-to-long-term.)*

• The City piecemealed the permitting process and allowed the demolition/renovation of the 64 existing lower-cost rooms to proceed under ministerial, over-the-counter permits with no public review or input.

As we begin our examination of how to better address the statewide loss of lower cost visitor-serving accommodations in the Coastal Zone, and in what I believe is an important lesson for the Commission, the Legislature and the public, the City of Laguna Beach approved an application(s) to demo/renovate all of the 64 lower-cost rooms under ministerial over-the-counter permits.

The Building Permit Application described a substantial effort that allowed for the demolition of all hotel rooms to include drywall, cabinets, flooring, non-bearing walls, electrical, plumbing, heating and all carports per approved plans including the removal the kitchens, which as described above and as referenced in prior Commission proceedings are typically viewed as a component of 'affordability by design.'

There was no mention of, and indeed the City did not, in fact, approve the existing project before you until months later (May 2014) - a project that substantially increases the rates for ***all*** rooms. While the rates cited by the applicant have varied, the Staff Report states that the smallest and least expensive rooms will rent for $275 a night on weekdays and $334 a night on weekends. The converted residence is the only one that will have a kitchen and is expected to rent for, according to staff, $520 to $695 per night.

In short, the project the City approved reduces the size of the rooms significantly, fails to re-incorporate the previous kitchens in all but one of the rooms, increases the total number of new higher cost rooms on-site to 97 rooms from the previous 64 lower cost rooms and offers numerous additional amenities as well. But, in doing so, there is nothing in the City's record that addresses the potential loss of the prior lower cost visitor-serving accommodations nor did the City require an in-lieu fee or any other mitigation to account for that loss.

• The Staff Recommendation inappropriately offers the applicant a choice of mitigation for the loss of lower cost overnight accommodations. When it comes to the in-lieu fee option, the staff grossly underestimates the number of lower cost rooms lost and, as a result, uses an incorrect mitigation formula to determine the mitigation amount.

The Commission has several ways in which it can carry out its responsibilities under Section 30213:

- The CCC can require and approve policies in certified local coastal plans that place the responsibility on the local government to achieve the goals of 30213.
- The CCC can deny permit applications for development that would eliminate existing lower cost facilities.
- The CCC can require that lower cost accommodations be constructed in conjunction with new higher cost hotels.
- The CCC can require in-lieu fee for rooms lost or high cost rooms constructed.

The Staff Report from last month's Workshop on Lower Cost Overnight Visitor-Serving Accommodations describes the manner in which the Commission has grappled with the ever-diminishing number of lower cost visitor-serving accommodations in the Coastal Zone over the years.

While the Commission's decisions have varied based on specific situations, the Report states (see Page 18) that:

> "more recently, the Commission has approved policies that specify an amount equivalent to providing each new lower cost unit, and then require that amount to be paid for each existing lower cost overnight accommodation that would be lost. In cases where no existing units are lost, but higher cost units are proposed, the policies generally specify what portion of the hotels rooms must be offset with lower cost accommodations."

In this situation, we have ***both*** the ***loss*** of lower cost visitor-serving accommodations and the ***creation*** of additional higher cost units. Under the plan approved by the City, here is what happened to the 64 lower cost rooms that previously existed:

- all the kitchens were removed reducing their overall 'affordability-by-design'
- half of the 64 rooms (32 rooms) were divided in half into 2 rooms, decreasing the square footage and creating an additional 32 'new' rooms'
- a former residence is to be converted to a high cost 'penthouse suite'
- the rates for the rooms are to be substantially increased compared to the prior room rates

In sum, the prior 64 lower cost rooms have been lost and an additional 33 high cost rooms that did not previously exist are being created. With the addition of the residential conversion, the project now consists of 97 higher cost rooms as opposed to the prior lower cost 64 rooms.

Unfortunately, staff's assertion that only 32 lower cost rooms have been lost is inaccurate. The correct number of lower cost visitor serving rooms that have been lost is 64 rooms. In addition, 33 new higher cost rooms have been created. If one is to apply the most recent Commission approach to averting the continual loss of lower cost visitor serving accommodations in the Coastal Zone, the appropriate formula would be:

- 64 'lost' rooms x Mitigation Fee ($33,970) = $2,174,080
- 33 'additional' rooms x 25% x Mitigation Fee ($33,970) = $280,252.50

• The choice of allowing the applicant to fund a shuttle to satisfy the equivalent of an in-lieu fee as mitigation for the loss of lower cost overnight visitor-serving accommodations is wholly inadequate and should be dismissed as such.

The applicant has offered to 'allow' public access through this site via a temporary shuttle and has indicated that he is willing to offer $50,000 towards the purchase of a vehicle, while estimating that

the cost of funding a complete shuttle program from the northeast corner of the property to its western edge would be in the range of $739,000 to $2,000,000 over the course of 10 years.

The staff has recommended that the applicant could offset the entire in-lieu fee from the loss of lower cost visitor-serving accommodations by having the applicant fully fund a shuttle to the beach. Inconsistencies within the staff report indicate that the shuttle '**shall**' go and return from the beach, while other language in the staff report indicates that reaching the beach would be subject to the '**maximum extent feasible**' standard.

Regardless of those inconsistencies, a shuttle that transports only those who are physically able to hike or bike the four miles through the Wilderness Park to the gate at the northeast corner of the property to either the property line OR the beach hardly qualifies as an equivalent for mitigation for the loss of 64 lower cost overnight visitor-serving accommodations. Further, public use of the road is currently limited to weekends from 7AM to sunset which means that the shuttle would only be available to the number of people who hike or bike through the Wilderness Park on weekends between 7AM and sunset. And while that 'number' is not estimated in the staff report, CCPN does not believe that it will be a sufficient number to serve as mitigation for the loss of 64 lower cost overnight visitor-serving accommodations.

Further, the resort has apparently anticipated its own shuttle system to transport its guests from the resort to the beach. So, it appears that all the difficulties of transporting the 'public' to the beach as cited in the December 31st letter from the applicant's attorney are without merit when applied to the resorts 'guests' (emphasis mine):

> https://www.theranchlb.com/fun/beach
> Just 350 yards from one of the world's most acclaimed beaches, The Ranch's activity program – **Canyon Camp** – presents a variety of beach and marine activities. ***Our complimentary transportation drops you off beachfront to explore the wonders of the Pacific.*** Take up surfing, kayaking, stand-up paddleboarding (SUP), skimboarding, snorkeling, deep-sea fishing, dolphin safaris, tide pool exploration and other invigorating water activities. Or grab a custom-made picnic basket and head down for relaxation. The nearby **Hobie Surf Shop** specializes in the California coastal experience. You can paddle board, surf, play in paradise, or experience the eco-kayak tours.

• The applicant's proposal to partially offset the loss of lower cost visitor-serving accommodations via 'small group camping experiences' that are not open to the public is inadequate. Given that the City failed to analyze whether or not it was feasible to include on-site lower cost mitigation for the loss of lower cost visitor-serving rooms, the Commission should require a study that addresses the feasibility of on-site mitigation that includes a low-cost camping/cabin program that is open to the public.

The applicant has proposed a program of 'small group camping experiences' in the area of the (currently) unpermitted development known as the Scout Camp. The conditions proposed by staff establish that a ***minimum*** of 12 small camping events ***per year*** would be required, but allows the applicant to have 12 events ***per month*** in the same area. The 12 events per month would include the overnight small camping experiences. In essence, this means that the applicant can host major events <u>every</u> weekend of <u>every</u> month with only one night set aside for small group camping.

The applicant proposes that this minimum of 12 small group camping experiences per year be limited to just 12 persons per experience while, at the same time, the applicant's representatives argue that that the applicant should be entitled to host frequent events in this area with a maximum of 150 to 175 attendees.

Finally, these small camping experiences are not open to the public, there is no condition proposed by the staff or applicant that guarantees that these would be 'lower cost' and the condition restricting them to 'non-profits' is meaningless as many non-profits in different sectors have substantial assets that do not require a lower cost proviso.

The Commission should require a study that evaluates the feasibility of providing on-site lower cost accommodations such as campsites or low-cost cabins as mitigation for the loss of on-site lower cost visitor serving accommodations.

• The site known as the Grove/Scout Camp etc. is the subject of a Notice of Violation (NOV) from the Commission, but the NOV is not mentioned in the Staff Report and the recommendation for an after-the fact approval of a new Outdoor Event Center outside of the context of an enforcement action is inappropriate.

The applicant further intensified the use of the site by illegally constructing what is now being referred to in this Staff Report as an 'Outdoor Event Center.' This amenity, which the applicant has already used to hold major events with amplified sound and night lighting is in a remote area of the canyon – remote enough to be considered an off-site production per the resort's General Manager Kurt Bjorkman (http://www.hotelfandb.com/blog/?p=2566). (See Exhibit 2 in the Staff Report for an aerial of the location.)

This 'Outdoor Event Center' was not approved by the City in its permit and was the subject of a Notice of Violation from the CCC dated September 2014. For some inexplicable reason, this NOV is not mentioned in the Staff Report but staff is recommending approval with some limits on the number of attendees (100 per event) no amplified sound and dimmed lighting; the applicant is objecting the 100 person limit and the limit on amplified sound.

CCPN does not believe that describing this amenity solely as a 7,000 square foot concrete pad adequately describes the impact of this Outdoor Event Center on the surrounding habitat. Finally, before such an Outdoor Event Center is approved for this area, the site should be evaluated in a Feasibility Study as described above for its ability to provide on-site lower cost camping or cabins that are available to the public.

• The Commission is the <u>only</u> state agency that is charged with ensuring that all members of the public have access to the coast, including lower cost overnight visitor-serving accommodations and has recently recognized that it has not been as successful as it would like in carrying out its mission in this regard. This project, located in one of the most affluent areas in Southern California, provides an opportunity for the Commission to think outside of the box and get it right.

One of the reasons that the Coastal Act was enacted was because of the significant loss of public access to the coast due to expanding private residential and commercial development. As the 2014 Low Cost Visitor Serving Workshop Staff Report pointed out, "based on extensive public input in the early 1970s, the Coastal Plan found that few tourist facilities for persons of low and moderate income were being built in many parts of the coastal zone and that many such facilities were being replaced by higher cost apartments, condominiums and hotels."

Statistics cited in a 2006 Commission report on condo-hotel construction found that only 7.9% of the overnight accommodations in nine popular coastal counties were considered lower cost. That same report included a snapshot of Laguna Beach's neighbor, Newport Beach. In 2003, Newport Beach had 16 hotel and motel properties and only 3 were considered low cost that at that time was defined as less than $100 a night. Of the 16 hotel and motel properties in Newport Beach, 9 were classified as luxury.

In my own quick and unscientific snapshot of Laguna Beach hotels conducted on January 4, 2105 for a low season January 9-11, 2015 stay on or near the beach, the lowest published rates I found were $160 a night at the Hotel Laguna and $176.25 at the Pacific Edge. Rooms at the Surf and Sand started at $600 up to $3500 a night and the Montage's lowest room rate was $645 up to $3500, while Laguna Riviera started at $263, the Inn at Laguna Beach at $260, and the Capri Laguna at $355.

At a minimum, as the Commission deliberates the issue of the loss of what CCPN believes to be a long-standing lower cost overnight visitor-serving accommodation in the City of Laguna Beach, it should require that the City provide its own 'snapshot' of the hotels and motels within the City that are as proximate to the beach as 'The Ranch,' provide documentation of the rates charged at the former Ben Brown's and Aliso Creek Inn, as well as prepare a report on what hotels and motels it has approved since its LCP was certified and their rates to determine whether or not the City is meeting the mandate of its certified LCP to:

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

Sincerely,

Susan Jordan, Director

Attachment A

Room rates in 2004-2005: Low Season vs. High Season

Home

Accommodations | Golf & Recreation

Reservations

Contact Us

Laguna Beach

Online Reservations | Rates | Terms and Conditions

	Sept. 7, 2004 - June 16, 2005 (Excluding Holidays)		June 17 - Sept.6
	Sun.-Thurs:	**Fri.-Sat.**	**Daily**
Studios: • Combination Living Room/Bedroom • Full Kitchen, Private Patio	$127.00	$141.00	$197.00
	Single or double occupancy		
One Bedroom Suites: • Gracious Townhouse Suites • Separate Living Room, Full Kitchen • Private Fenced Patio	$155.00	$173.00	$217.00
	Single or double occupancy		
Two Bedroom Suites: • Spacious Two Story Suites • Separate Living Room, 2 Bedrooms • 1.5 Baths, Full Kitchen, Private • Fenced Patio with Upstairs Balcony	$209.00	$237.00	$296.00
	Up to 4 person occupancy		

(3.)

SEPT 2, 2004

Fairway Executive Suites Spacious Two Story Suite Separate Living Room Fireplace 2 Bedrooms 1.5 Baths, Full Kitchen Patio with Upstairs Balcony. Overlooking the First Fairway.	$330.00	$340.00	$386.00

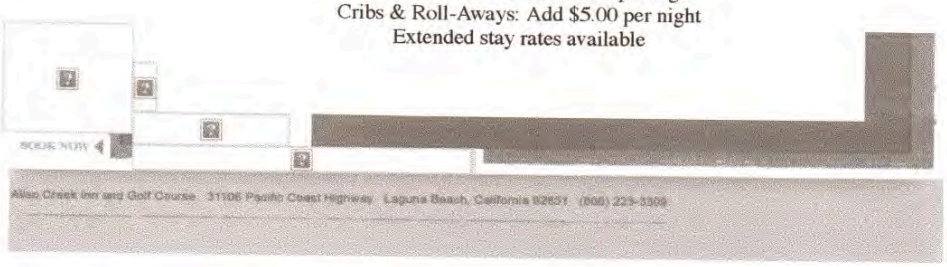
Specials:

- Golf Package starting on **Sept. 15 until Nov. 23**

  Sun-Thurs. Only (Golf must be played Mon - Thurs.)
  Studio $105.00
  1Bedroom suites $115.00

- Rates subject to 12.1% tax -

Additional Adults: Add $10.00 per night
Cribs & Roll-Aways: Add $5.00 per night
Extended stay rates available



RECEIVED
South Coast Region

JUL 7 2014

CALIFORNIA
COASTAL COMMISSION

CCRPA **California Cultural Resource Preservation Alliance, Inc.**

P.O. Box 54132
Irvine, CA 92619-4132

An alliance of American Indian and scientific communities working for the preservation of archaeological sites and other cultural resources.

July 2, 2014

Honorable Commissioners
California Coastal Commission

Ms. Teresa Henry, District Manager
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

Item No. W15a
Appeal Number A-5-LGB-14-0034
Support of Appeal

Dear Honorable Commissioners:

We are writing in support of staff's recommendation that a substantial issue exists with respect to the grounds on which appeal number A-5-LGB-14-0034 has been filed. Our main concern lies in the lack of environmental review pursuant to CEQA. Our main concern is the lack of consideration regarding potential impacts to significant historical and archaeological properties. The statement on page 4, Item 6 of the Conditional Use Permit 14-575 states: "No structures of historical significance would be impacted by the project." For what is available for public review, there is no evidence that this determination was made by a historic consultant. In addition, there is no mention of the potential for the presence of archaeological resources.

With respect to historic resources, the project area includes historic groves of trees, the original homestead in Laguna Beach, and an old Girl Scout Camp. The Aliso Golf Course was constructed in 1950 and the Laguna Country Club in 1963. These properties are over 50 years old and if federal funds or permits are involved (due to the fact that the project is adjacent to Aliso Creek), these properties may be eligible for listing in the National Register of Historic Places and the California Register of Historic Resources.

Since the developments occurred prior to the passage of CEQA and archaeological sites are recorded as present all along Aliso Creek, there is a high potential for the presence of buried archaeological resources, including human remains, beneath the current structures not to mention within the undeveloped areas and especially the golf course. Prior to European contact, the coastal area was heavily populated with prehistoric villages situated at the mouth of rivers and streams. The project landscape is ideally situated for such a settlement. Therefore, there is a high potential for any ground disturbing activities to impact significant cultural resources and archaeological and historic investigations should be conducted prior to any construction.

Archaeological sites have cultural and religious values for Native American descendants. These values cannot be mitigated through salvage archaeology. The cumulative losses of their ancestral sites due to development are devastating. Please, support staff recommendations so that the archaeological and historic properties are given appropriate consideration and protection.

Sincerely,

Patricia Martz

Patricia Martz, Ph.D.
President

South Coast Region

DEC 30 2014

CALIFORNIA
COASTAL COMMISSION

CCRPA California Cultural Resource Preservation Alliance, Inc.

P.O. Box 54132
Irvine, CA 92619-4132

An alliance of American Indian and scientific communities working for the preservation of archaeological sites and other cultural resources.

Honorable Commissioners
South Coast Area office/Long Beach
California coastal commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

December 28, 2014

Re: STAFF REPORT: APPEAL – DE NOVO HEARING A-5-LGB-14-0034 (Laguna Beach Golf & Bungalow Village, LLC)

Dear Commissioners:

This is the third letter regarding the above undertaking. The reason why we have so much concern is because CA-ORA-9 is the ninth archaeological site to be recorded in Orange County. This low number means that the site had to be very prominent and significant because in the early days when archaeologists began recording sites in the County there were still many archaeological sites along the coast and only sites with many artifacts and human burials were recorded. Therefore, we support Condition 4 that states that all project grading shall be monitored by a qualified archaeologist and Native American, but take exception to Condition 5 that negates Condition 4 by stating that monitoring shall be done if the project grading has any potential to uncover or otherwise disturb cultural deposits. This is provides a loophole as the permittee can just say, as he has in the past, that the area where grading is to occur has no potential to disturb cultural deposits.

Condition 6 should be more specific and cite Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code: If human remains are encountered during excavations associated with this project, all work must stop, and the County coroner must be notified. The coroner will determine whether the remains are of forensic interest. If the remains are prehistoric, the coroner will contact the Native American heritage Commission (NAHC). The NAHC will designate the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remain.

Further, given the substantial losses to significant coastal archaeological sites in Orange County due to development, if any portions of CA-ORA-9 are present and intact, avoidance and in-situ preservation should be mandatory. The few remaining sites hold special meaning for the Juaneño/Acjachemen and Gabrielino/Tongva descendants. As such CA-ORA-9 meets the definition of a "tribal cultural resource" under the newly passed Assembly Bill 52. Although it does not go into effect until July 1, 2015, AB 52 requires lead agencies to evaluate a projects potential impact to a tribal cultural resource, just as they do for other historical and archaeological resources under CEQA. It would be a shame if the remaining portions of this site are destroyed before this law can go into effect.

CCRPA **California Cultural Resource Preservation Alliance, Inc.**

P.O. Box 54132
Irvine, CA 92619-4132

An alliance of American Indian and scientific communities working for the preservation of archaeological sites and other cultural resources.

We commend the Coastal Commission for implementing permit conditions that have resulted in the preservation of significant cultural resources and hope that you will lead the way for the protection of this potentially significant archaeological site and tribal cultural resource.

Sincerely,

Patricia Martz

Patricia Martz, Ph.D., President

Cc: Hon. Sherilyn Sarb
Hon. Karl Schwing
Teresa Henry

Environmental Experts
www.envxperts.com

[redacted]

Erin Prahler-LB
South Coast Area office/Long Beach
California coastal commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

December 28, 2014

RECEIVED
South Coast Region
DEC 30 2014
CALIFORNIA
COASTAL COMMISSION

Sylvere CM Valentin, MA RPA
Owner /Cultural Resource Specialist
Environmental Experts
& CCRPA Board Member
21, 7th Place Suite 611
Long Beach, CA 90066

Re: STAFF REPORT: APPEAL – DE NOVO HEARING A-5-LGB-14-0034 (Laguna Beach Golf & Bungalow Village, LLC)

Dear Ms. Prahler:

As previously stated by Dr. Patricia Martz, CA-ORA-9 is the ninth archaeological site to be recorded in Orange County. This low number means that the site had to be very prominent and significant because in the early days when archaeologists began recording sites in the County there were still many archaeological sites along the coast, and only those sites with many artifacts and human burials were ever recorded. This makes CA-ORA-9 very significant for the local and coastal Californian archaeology. Since its initial recording no detailed sub surface testing was done to determine the real extant of the site boundaries. The current archaeological site boundary is based solely on surface observation at the time of initial recording. Think in terms of an iceberg, where we see only a small percentage on the surface but underneath lays a much larger deposit. This situation is mostly encountered in archaeology when dealing with village sites located inside a canyon/ creek floor or river embankment where archaeological deposits get covered up by natural alluvial deposists. Therefore, we support Condition 4 that states that all project grading shall be monitored by a qualified archaeologist and Native American.

However I am very strongly against Condition 5 that negates Condition 4 by stating that monitoring shall be done if the project grading has any potential to uncover or otherwise disturb cultural deposits. This provides a loophole as the permittee can just say that the area where grading is to occur has no potential to disturb cultural deposits.

Condition 6 should be more specific and cite Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code: If human remains are encountered during excavations associated with this project, all work must stop, and the County coroner must be notified. The coroner will determine whether the remains are of forensic interest. If the remains are prehistoric, the coroner will contact the Native American heritage Commission (NAHC). The NAHC will designate the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains.

Further, given the substantial losses to significant coastal archaeological sites in Orange County due to development, if any portions of CA-ORA-9 are present and intact, avoidance and in-situ preservation should be mandatory. The few remaining sites hold special meaning for the Juaneño/Acjachemen and Gabrielino/Tongva descendants. As such CA-ORA-9 meets the definition of a "tribal cultural resource" under the newly passed Assembly Bill 52. Although it does not go into effect until July 1, 2015, AB 52 requires lead agencies to evaluate a project's potential impact to a tribal cultural resource, just as they do for other historical and archaeological resources under CEQA. It would be a shame if the remaining portions of this site are destroyed before this law can go into effect.

We commend the Coastal Commission for implementing permit conditions that have resulted in the preservation of significant cultural resources and hope that you will lead the way for the protection of this potentially significant archaeological site and tribal cultural resource.

Sincerely,

Sylvere CM Valentin, MA RPA
Cultural Resource Specialist
Owner of Environmental Experts
& CCRPA Board Member
(310) 658-2385
svalentin@envxperts.com

P. O. Box 9668
South Laguna, CA 92652
southlaguna.org

January 4, 2015

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

RE: A-5-LGB-14-0034
Laguna Beach Golf and Bungalow Village, LLC

Commissioners:

We appreciate your staff's in-depth evaluation of the Local Coastal Permit, its relationship to the City process and the policies of the LCP. We support the Commission's granting the permit with conditions amended as we outline below.

PLANNING OF THE PROPERTY

In 2007, a very impactful development was proposed for the site, including condominiums, a reconfigured golf course, and a major hotel and restaurant complex. It was not acceptable. In contrast, the Ranch project remodeling and refurbishment program is a refreshing and welcome approach to revitalizing this beloved landmark property.

Understandably we would have preferred that the planning process for the Ranch would have fit neatly into the planning context we have worked on for decades and would have proceeded with a logical program of public input and step-by-step evaluation of policies and options, instead of being forced into an appeal. However, that is not the situation before us. We are grateful to the Commission staff for clarifying the issues and recommending improvements to the project within the context of the LCP.

RECOMMENDATIONS FOR CONDITIONS OF APPROVAL

1. Trail easements and an interim shuttle. We strongly support the trail and request that a trail implementation program be diligently pursued and that the Commission condition the permit accordingly. We recommend that Option A that provides for payment of an in lieu fee be deleted. While we view the shuttle as a poor substitute for a trail, we think that the approach outlined in Option B will create a better incentive for the Applicant and involved agencies to do the work needed to coordinate and build the trail. Please set a time limit for completing the trail. Please make the appropriate changes to Condition 3 that recognizes the deletion of Option A.

7. Group Camping at Scout Camp and
12. Camping and Event Use at the Scout Camp We recommend increasing the number of campers allowed from 12 to 24 to recognize the size of most scout troops.

11. Removal and Revegetation Plan for Scout Camp Parcel Recognize the historical significance of this Eucalyptus grove as part of the Goff Homestead, and because of its dedication by the Dolph sisters for a girl scout camp in 1935 (see attached history). Correct the historical information on page 50 of the staff report. Foster the intended use of this Eucalyptus grove area as a youth camp and preserve the existing Eucalyptus trees. We are very committed to preserving heritage trees in our community and this is a heritage grove. Do not remove any trees for the restoration but if any of them within the 100' restoration area die of natural causes they could be replaced with native trees. (See further information below.)

There are elements we would like to see addressed, either in the conditions or in separate actions.

PROJECT IMPROVEMENTS

1. Golf Course Management Plan that addresses fertilizers, herbicides, run-off to Aliso Creek, reduction in lawn areas, increase in native plants.
2. Conversion to use of reclaimed water in the landscaping and throughout the facility including toilets, urinals, fire suppression plumbing etc. per Article 7 Water Reuse, California Water Code.
3. Coordinated planning for creek and lagoon restoration, bridge and trail connections to Aliso Beach.

SCOUT CAMP AND EUCALYPTUS GROVE, A HISTORIC SITE

The 2-acre scout camp in the Eucalyptus grove was part of the homestead of Leon Goff. The Goffs planted the trees in the late 1800s to prove up their homestead, approved by President Grover Cleveland in 1896. The grove was large and mature when the photograph below was taken (ca. 1900).

The Goff homestead was purchased by the Dolphs in 1905, then in 1935 the 2-acre grove property was given to the Laguna Beach Girl Scouts by the Dolph sisters, Blanche and Florence, for a girl scout camp, named in honor of their mother. It was not part of the Thurston homestead or owned by the Thurston family—it was only conveyed to the Joe Thurston Foundation in 1962 after his death (1957). The Laguna Beach Girl Scouts dedicated the property to the Foundation when they needed a local caretaker organization to take title. In 1967 the Thurston Foundation trustees gave the property to the YMCA. It was only in 2007 that this parcel was made part of the golf course property when the previous owner purchased the camp area from the YMCA. (See attached article.)

The Applicant has stated that he will continue the historical name for the Scout Camp, Elizabeth Dolph Camp, as requested by the 1935 dedication document. The Eucalyptus trees that are there now are the descendents of this original grove and thus are historically significant. The articles attached demonstrate that the history of the grove as presented on page 50 of the staff report is incorrect. The grove is a significant historical resource and the conditions should support this status, including preserving the Eucalyptus trees.

BACKGROUND

South Laguna Civic Association (SLCA), founded in 1946, has been working to protect the quality of community life in South Laguna since then. We pioneered the South Laguna General Plan in 1971. This award-winning plan led to preserving the hillsides above the community and in Aliso Canyon for open space. It is because of our efforts and the work of other environmental groups that a six-lane arterial highway proposed in Aliso Canyon (right through the golf course) was deleted from the County's master plan of arterial highways. A similar road was to connect El Toro Road via Alta Laguna boulevard through Top of the World and Arch Beach Heights, connecting to the Aliso Creek Road in the vicinity of The Ranch pro-shop and restaurant. It was also deleted from the County's plan. SLCA's efforts were key in assuring that the idyllic setting of the golf course and hotel complex are still intact today to be the subject of this permit hearing. A public trail in Aliso Canyon was part of the plan.

Fred Lang, landscape architect and SLCA representative was the first to document the significance of the Southern Maritime Chaparral of the South Laguna hillsides, inviting biologists David Verity of UCLA, Gordon Marsh of UCI, and Ted Haines of Cal State Fullerton to visit the hillsides in the early 1970s. Their preliminary reports were the basis for many subsequent studies, including the comprehensive report for the City of Laguna Beach completed by Karlin Marsh.

Later SLCA participated in the South Laguna Specific Plan/Local Coastal Program with the County of Orange and our members were key in assuring that the open space and coastal preservation policies of the General Plan were incorporated into the LCP. Again, after South Laguna was annexed to Laguna Beach, our representatives worked to incorporate these policies into the City's LCP.

SLCA has been heavily involved in issues of clean water, both in the ocean and in Aliso Creek. In the 1970s we were involved trying to limit or reject the regional sewage outfall off our shores near Aliso Beach. This large outfall was built despite our efforts, but we have consistently worked with the water and sewer treatment agencies to reduce both the volume and pollution levels of the effluent.

Aliso Creek is a CWA 303(d) Impaired Water Body polluting Aliso Beach, and for years we have struggled with regional agencies to find ways to reduce both pollution and volume of urban run-off and return the stream to its historic character and function.

Recently, we were successful in assisting the South Coast Water District to obtain a grant funding an innovative water clean-up system that removes polluted creek water, cleans it and adds the clean water to the reclaimed water available for irrigation. This equipment and process became operational a year ago.

Other recent efforts include urging the designation of the Marine Life Protection Area along the Laguna coast, and working in the Laguna Bluebelt organization, the City of Laguna Beach Clean Water Task Force, and the on-going County and Corps of Engineers planning process for Aliso Creek.

CONCLUSION

Thank you for your work in implementing the LCP, addressing the concerns of the public, and allowing the Applicant to proceed with creating project that will be beautiful and fitting in its coastal, canyon and South Laguna setting.

Sincerely,

Greg O'Loughlin
President
South Laguna Civic Association

Attachments:

"Heiresses Leave Lasting Heritage" Laguna Beach Independent, May 16, 2008
"Heiresses Leave Lasting Heritage: A Scout Camp" Laguna Beach Independent, May 23, 2008

Laguna Home Companion
A Feature of the Greater Laguna Historical Group

An aerial view before 1926 shows the South Laguna land holdings of the Pennsylvania coal heiresses Florence and Blanche Dolph, which spanned from south of Coast Royal at the bottom of the photo to north and east of Goff Island, now part of Treasure Island Park.

First American Title Corporation Historical Photo Collection

Heiresses Leave Lasting Heritage

By Ann Christoph

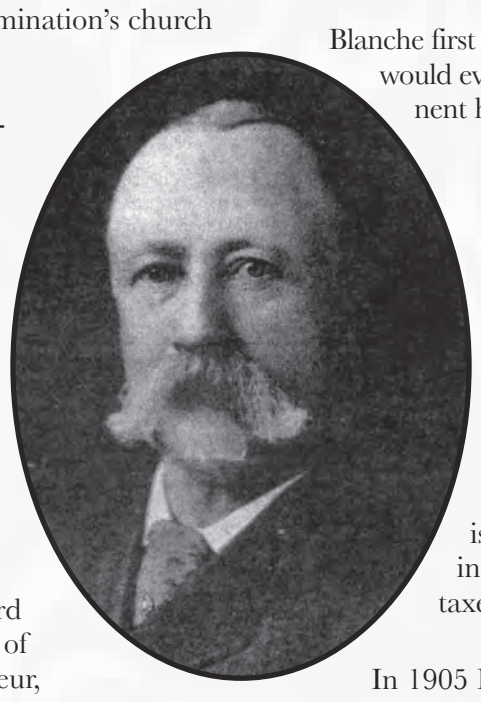
Pennsylvania mining heiresses Blanche and Florence Dolph chose the coastal foothills of Laguna and south Orange County as the focus of their property investments in the early 1900s. Blanche, the more prominent of the sisters, was not just an investor. While Florence lived in Los Angeles, Blanche made her home in Laguna Beach and then Dana Point and became part of the community, helping to found the Presbyterian Church in San Juan Capistrano and making major donations to the denomination's church in Laguna as well.

Described as a talented musician, a missionary and philanthropist, Blanche's interests in life were humanitarian and charitable, according to Samuel Armor's 1921 "History of Orange County California with Biographical Sketches," published by Los Angeles' Historical Record Company.

One of the Dolphs' last gifts is still a precious resource today. In 1935, shortly before Blanche died, the two sisters donated two acres of Aliso Canyon land to the Girl Scouts for use as a camp for Laguna Beach girls. In memory of their mother, the campsite was to be called "The Elizabeth Dolph Girl Scouts Camp of Laguna Beach." More on this in next weeks edition.

Blanche and Florence Dolph were the daughters of Edward Dolph (1814-1890) and Elizabeth Kocher Dolph (d. 1898) of Scranton, Penn. Edward Dolph, a self-educated entrepreneur, began as a farmer. Then, in the lumber business, he prospered "beyond his most sanguine expectation" by selling timber to the expanding railroads, said author Horace Edwin Hayden in "Genealogical and Family History of the Wyoming and Lackawanna Valleys Pennsylvania, Volume II," published in 1906 by The Lewis Publishing Company of New York and Chicago.

Turning his attention to mining, Dolph prospected and developed coal deposits and was one of the organizers of the Scranton Mining Company.



Edward S. Dolph, brother of Blanche and Florence.
Courtesy of the Lackawanna (Pa) Historical Society

He was also engaged in silver and copper mining near Lake Superior. Upon his death his wealth was distributed equally among his four children, Edward S., Florence, Blanche, and Josette.

Josette and Edward S. Dolph remained in Scranton and Edward assumed the responsibility of managing the family interests while Florene and Blanche found their future in California.

Blanche first visited the south county area in 1886. It impressed her and she would eventually make it the focus of her investments and her permanent home.

Dolphs become major landowners in South Laguna and Dana Point

Beginning in the early 1900s, Blanche and Florence Dolph invested in hundreds of acres of property in the area now known as South Laguna.

In 1903 Blanche entered into an agreement with Priestly Hall, the owner of the former Leon Goff homestead of 153 acres, which extended from north of where West Street is today, south to Three Arch Bay. Blanche acquired half interest in the property for $700 and her agreement to pay taxes and ongoing expenses.

In 1905 Florence purchased the former Frank Goff homestead of 136 acres for $7,500. This is the area north of Aliso Creek, extending almost to where Nyes Place is today. That same year Blanche purchased 157 acres of hillside land from Nellie Goff for $1,000, "gold coin of the United States of America." This property, part of Hobo Canyon and the mountainous area north of Aliso Canzyon, remains mostly undeveloped to this day.

Eventually their properties came to be managed together under the name, the Dolphin Company, Blanche ceding her interest to the company in 1935, and Florence in 1937, respectively, according to county property records.

Laguna Home Companion

A Feature of the Greater Laguna Historical Group

The hilltop Dolph mansion named The Dolphin was built by Blanche Dolph in 1914 in what was then known as Serra or San Juan by the Sean and now is the city of Dana Point. The estate became known for elaborate gardens that are just getting established in these early images.

THE DANA POINT HISTORICAL SOCIETY

Between 1903 and 1910 Blanche Dolph held a partial interest in the area known as Coast Royal, seen here, left, near Camel Point south of Aliso Canyon. Joe Skidmore installed the surface water line when he developed Coast Royal in the 1920s. Aliso Peak, the highpoint in the photo on the right, overlooks this pre-1926 image that looks south to Aliso Canyon from what is now called Hobo-Aliso Ridge, land also once owned by the Dolph sisters. The Monterey cypresses were planted along the old Coast Road, which served as primitive access before the 1926 construction of Coast Highway.

FIRST AMERICAN TITLE CORPORATION HISTORICAL PHOTO COLLECTION

As development came along, the Dolph properties were subdivided and became known as Lagunita, Coast Royal and Three Arches. As of the 1930s, the name Lagunita was applied to all of their properties north of Aliso Creek, not just the neighborhood still known as Lagunita. It included the areas now familiar as Blue Lagoon, Montage/ Treasure Island, Fred Lang Park, the market, Laguna Terrace mobile home park and the Hobo-Aliso neighborhood that includes Ocean Vista, Driftwood and Marilyn Drives.

Coast Royal is still the name for the neighborhood including Monterey, Brooks, Holly, Ceanothus and West Streets. Three Arches was developed as Tract 849 and is today known as the South Laguna Village.

BLANCHE DOLPH ALSO INVESTED FARTHER SOUTH, ACQUIRING LAND WHERE DANA POINT IS TODAY

Blanche was a dedicated member of the Scranton Presbyterian Church, where Lucilla McGaughey was assistant pastor. The two women became fast friends and when Blanche decided to visit the mission fields of India and China, she decided to take McGaughey with her. The two returned from China on the Oriental Steamship Company's Chiyo Maru on June 3, 1912. McGaughey became her constant companion. Following the trip they both lived in the "pretty residence" at Arch Beach in the vicinity of Center Street, now Laguna Beach.

Taking advantage of her Dana Point properties, Blanche Dolph looked for a site to build an estate in which to spend her latter years. "She had traveled extensively throughout the United States and Europe, as well as the Orient, and her experienced eye enabled her to pick the site of her home on account of its beautiful view and natural beauty, commanding as it does a view of the broad Pacific as well as the beautiful San Juan Valley, while in the background are the Temescal Mountains in their grandeur," Armor wrote in his account of county history.

In 1914 she completed a mansion in Serra, also called San Juan-by-the-Sea (now Dana Point) above McKinley Avenue (now Del Obispo Street). Named "The Dolphin," this large home was the only such structure along that southern coastline at that time. The estate became famous for its gardens, especially since it was such a challenge to irrigate without having any established water system to draw on. Using a combination of cisterns to collect rainwater off the roof, and a pumping plant next to the creek, water for a vineyard, orchard, vegetables and ornamental garden was supplied. Self-sufficiency had to be considered in those days of remote supplies and poor roads, so this country house even included chickens and a cow, according to an account in the Los Angeles Times of Oct. 19, 1924.

Blanche died in 1936 at the age of 87, leaving her estate in the care of her companion, Lucilla McGaughey, and willing her sister Florence a rug and a picture. A lawsuit followed in which Florence charged that McGaughey "insinuated" herself into her sister's life and by "nefarious designs" turned Blanche against her own family, The Times reported in April 27, 1936.
The Dolphin Company continued on with an expanded board of directors that included Florence. Rex Hardy served as president. The community of Lagunita was subdivided in 1938. The property that is now Montage Resort and Treasure Island Park had been leased as a trailer camp beginning in 1931. The rest of the land became subject to tax liens, and in 1943 the remaining Dolph land in South Laguna, 327 acres north of Aliso Creek, was sold to Dr. Paul and Marie Esslinger for under $20,000, according to a June 15, 1943 article in the Santa Ana (now Orange County) Register.

Blanche's companion of 25 years, Lucilla McGaughey, lived at The Dolphin until her death in 1945. In the 1950s the property became Capistrano by the Sea hospital. When the hospital closed in the 1990s, the area was subdivided and named Bal Harbor. Due to the efforts of the Dana Point Historical Society the Dolph house was preserved. It has since been restored and is again a private residence.

Florence (1847-1949) returned to Pennsylvania and received international publicity when at age 101 she celebrated her birthday by sliding down a banister. When an article published in the Times of London questioned her sliding technique she explained that she slid astride, in the conventional manner, not sidesaddle. Miss Dolph added, "Tell that editor to come on over. I'll not only show him. I'll teach him," the Long Beach Press Telegram reported on June 5, 1948.

Next week's article will trace the history of Blanche and Florence's donated land, Camp Elizabeth Dolph, in Aliso Canyon.

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Laguna Home Companion
A Feature of the Greater Laguna Historical Group

PART 2

A view of undeveloped Aliso Canyon looking towards the ocean, taken prior to 1926.
Tom Pulley Postcard Collection.

Heiresses Leave A Lasting Heritage: A Scout Camp

By Ann Christoph

As early as the 1920s there was a summer camp for girls in Aliso Canyon. It was operated by Madame Marian Gordon as the Gordon School Camp for Girls, an offshoot of the school Gordon ran in Hollywood. Dorothy Paddock, who lives in South Laguna, remembers that as a young girl she attended the camp, which was promoted as having "an experienced housemother and a chauffeur," and "fresh milk and eggs as well as fruit and vegetables in abundance."

Dorothy's husband, Pat, reports that "Dorothy's chief memories were frolicking on the edge of the surf at Aliso Beach where huge waves scared everyone to death and kept the squealing bevy on the sand. After which, everyone climbed into the small camp jitney, piloted by the 'chauffeur,' for bussing to the 'Bath House' at Main Beach, the site of the camp's daily shower." When Dorothy's parents discovered that the evening desert consisted of one stewed prune per diner they were not impressed. Whether due to the meager fare, or Madam's disillusionment with the whole venture, the camp closed in the second week.

The campsite, however, less than a mile inland from the beach and near the 1880-era Thurston family homestead, continued to be used by local girl scouts. In the 1930s there are frequent newspaper accounts of fundraising efforts aimed at improving the facilities. These events were spearheaded by Mrs. Henry Kenyon (Zofia) Beckwith, who even offered her ocean front home for a festive fundraising party. At one event 163 meals were served, netting an impressive $100, South Coast News reported on June 21, 1935.

Girl Scout Commissioner Zofia Beckwith was a driving force in the 1930s in establishing permanent Scout facilities, including the Elizabeth Dolph Camp.
South Coast News

Beckwith was a passionate advocate of a Girl Scout leader's potential to be a "salvager of valuable, unrecognized human gifts; a creator of opportunities for development, a big sister, a friend . . . able to show (girls) the sunny side of constructive living," she wrote in the paper's Sept. 20, 1935, edition. As commissioner of the Laguna Beach Girl Scouts, Beckwith was described as instrumental in improving the Aliso Canyon camp and in building the town's original Girl Scout house, which was located near the high school.

In August of 1935 Blanche and Florence Dolph deeded the two-acre camp site property to the Girl Scouts Council of Laguna Beach, Inc., "for the purpose of aiding and assisting in a commendable undertaking" and stipulated that the camp be named, "The Elizabeth Dolph Girl Scouts Camp of Laguna Beach" after their mother.

"The land is situated in the eucalyptus grove which borders on the Moulton Ranch, taking in part of the creek running through the canyon and part of a low hill, thus supplying water and shelter, also lending itself as an outdoor theater. The location is considered one of the loveliest in the entire canyon. . ." South Coast News reported in August 30, 1935.

Girl Scouts had overnights and day camps there well into the early 1970s, according to former troop leader Eleanor Henry. Other leaders/camp counselors included, Mary Bigelow Burton, Phyllis Sweeney, Charlotte Sizemore, Kay Cooper, Gloria Monroe, Evelyn Munro and Bonnie Hano. Among the campers were Susan Sizemore, Una Marie and Karen Lang, Melinda Henry, Pat Jefferson, Marla Burns, Jill Allen, Catharine Cooper, Connie Shattuck, Terri Corsini, Jolie, Leyna and Shari Bernstein, Laurie Hano, Susan Roley, Heather Nichols, Linda Pohl, Paula Alter, Debbie Paul, Abby, Becky and Hannah Munro and Karen Wilson.

Eleanor Henry chuckles that even today very grown up women come up to her saying, "Oh, Mrs. Henry, 'Don't you remember me when we went to the Dolph camp? We learned a lot that year—we learned that camping was fun!' " Jeanie Bernstein accompanied her daughters to the camp and recalls that there was where she learned the meaning of smores.

Catharine Cooper describes walking into the camp through the golf course. "We sang hiking and camping songs along the way and by the time we got there we were transformed. We felt like we had gone far, far away to some magical place—there among the tall, tall trees with that wonderful eucalyptus scent. It was an idyllic natural setting where we got to be kids."

A Lovely Spot That Lacked a Caretaker

Even so, the Girl Scouts gave the camp away. The reason lies in national Girl Scout politics. The South Coast News of Dec. 21, 1961, reported that Kay Cooper, president of the Girl Scout Council of Laguna Beach, pleaded with the City of Laguna

Laguna Home Companion
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In 1935 two acres in the grove of eucalyptus trees in Aliso Canyon were donated by Blanche and Florence Dolph for a Girl Scout Camp commemorating their mother. In these two images, believed taken around 1900, both the grove and the Thurston home are visible. George Thurston homesteaded the area beginning in 1871. The two-story house replaced the original cabin around 1890.

First American Title Corporation Historical Photo Collection

Olave Lady Baden Powell (1889-1977), standing, one of the founders of the Girl Scouts in Britain, visited Laguna's scouts at Aliso Canyon's Camp Elizabeth Dolph on one of her tours of scout groups, this one believed to be August, 1959. Susan Sizemore, fourth from right, could identify a few of her fellow fifth- or sixth-grader scouts from Aliso and El Morro schools. They include Barbara Vanderbelt, Helen Starkweather, Debbie Paul and Candy Vartasian.

Laguna Beach Historical Society

Beach to buy the Dolph camp and its Scout House on High Drive, offered for $1.

Because of a national Girl Scout policy to consolidate councils, the national president of Girl Scouts had refused to renew the charter of the Laguna Beach Scout Council and had issued an ultimatum. Either the Laguna Beach group merge with another neighboring Girl Scout Council or terminate all Girl Scout activities in Laguna Beach. Local leaders feared that when regional councils took over, the Laguna properties would be sold to private interests. They desperately wanted to find another entity to hold title to the land, to protect it and manage it for youth camping for the community. When the city attorney determined that the city couldn't legally buy the property, the Scout Council turned to the Joe Thurston Foundation.

County records reveal that just a few months later on March 8, 1962, the local Girl Scout council deeded the two-acre Dolph-donated property to the foundation. Among the conditions of the transfer was that the foundation maintain the property for the use and benefit of the youth of Laguna Beach and "wherever possible that the camping out needs of girls in the Laguna Beach area be given priority."

If the foundation could not continue to hold the land or the property had to be sold, the deed stipulated that the "proceeds of the sale will be applied toward the acquisition of similar premises for the same purposes, said premises to be located within the area commonly referred to as the Laguna Beach Area."

They added, "If conveniently possible the land shall be referred to as The Elizabeth Dolph Camp."

Joe Thurston had died in 1957, five years before the Scout Council transferred the Dolph donation to his namesake foundation. And five years after receiving the gift, on May 17, 1967, in a document signed by J. E. Riddle and William Hubler, the Joe Thurston Foundation conveyed the camp property to the Laguna Beach Y.M.C.A. under similar conditions to those noted above.

There are no reports of the camp being used after the early 1970s. Even though the camp has an easement through the golf course, access was discouraged. The Laguna Beach Y.M.C.A. was absorbed into the Orange County Y, whose administrators seemed uninterested in the property, arriving every three to five years to inspect it, said Mark Slymen, the golf course manager and nephew of the late Violet Brown, who developed the hotel and golf course with her husband, Ben.

Camp Passes into Private Hands

Forty years later, on August 23, 2007, the fears of the 1960s Scout leaders were realized. The Y.M.C.A. of Orange County sold the Dolph property for an undisclosed sum to Driftwood Properties, LLC, controlled by the developer Athens Group, Montage Hotels & Resorts and a private investor, eBay's founder Pierre Omidyar. The property, adjacent to the Aliso Wood Canyon Wilderness park on the east, is bounded on three sides by Athens' 325-acre Aliso Creek Inn redevelopment proposal.

The YMCA says it intends to apply the proceeds of the land sale to an endowment whose earnings would provide one-week camp scholarships for 75 Laguna Beach children. Neither Athens or the YMCA disclosed the purchase price nor when the first scholarships will be awarded. And while the transfer deed carried the stipulation to acquire similar land to be used as a youth camp if the land were sold, Jeffrey McBride, president and chief executive of YMCA of Orange County, told the Independent in September 2007 that the restrictions were lifted.

As proof, the YMCA supplied a letter from Laguna Beach College of Art and Design, which releases the deed restrictions on Camp Dolph. But neither the YMCA nor college officials can explain the college's involvement with the Thurston trust, or why the college had the authority to release the restrictions. College President Dennis Powers said, "We don't think we had any interest in that land. If we did, we would have had an art camp there. We signed the document because they asked us to and we didn't think it was giving up anything for the college because in our view we never had it in the first place."

Thus, with the setting aside of the Girl Scout's covenants and with no an heir to protect the sisters' wishes in perpetuity, the Dolphs' donation in Laguna Beach may end up as a historical footnote rather than a lasting legacy. Two acres of scenic canyon land set aside for camping by heirs to 19th-century mineral wealth appears destined to disappear within a golf resort built by 21st century development titans of the current generation.

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P. O. Box 1309
Laguna Beach, CA 92652
Villagelaguna.org

January 3, 2015

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

RE: A-5-LGB-14-0034
Laguna Beach Golf and Bungalow Village, LLC

Commissioners:

Thank you for your careful review of the proposed project in relation to the implementation of Laguna Beach's LCP.

Village Laguna is a 45-year-old Laguna organization dedicated to preserving and enhancing the village character of Laguna Beach. We support granting the permit recommended by staff but request revisions to some of the conditions of approval and further consideration of some unresolved aspects of the project.

We appreciate the approach the applicant is taking to upgrade and refurbish the former Aliso Creek Inn and Golf Course/Ben Brown's, now known as "The Ranch." The project improves existing facilities in a rural/rustic manner in keeping with the character of the canyon and Laguna Beach. It improves the function of the hotel, restaurant and meeting rooms, and enhances their potential to be used and enjoyed by the community and visitors. It preserves and enhances the golf course as it has been for decades, a highly valued low-cost public course. It makes it possible for the public to experience the secluded scenic Aliso Canyon in a low-key, non-pretentious setting intended to convey the essence of Laguna Beach history and way of life.

There are no condominiums, no high-rise buildings, none of the highly impactful features that were so objectionable in previous proposals.

The Coastal Commission appeal presents the opportunity for comprehensive review of many issues important to implementing the project goals in the most sensitive and beneficial manner. Please consider the following comments in resolving remaining issues.

CONDITIONS OF APPROVAL

1. **Mitigation for Impacts on Affordable/Lower Cost Accommodations**

Staff's option B requires the applicant to fund and operate the shuttle and extend the service to Coast Highway or Aliso Beach, as well as dedicating areas for trail easement, and provide group camping at the Scout Camp.

We support the alternatives proposed to provide for a future trail and to transport hikers and bicyclists via a shuttle in the meantime. We want to emphasize the importance of the connecting trail and urge the Commission to assure through the conditions that the trail will become a reality within a reasonable time frame.

We suggest that providing the shuttle to Coast Highway or all the way to Aliso Beach is unnecessary and less desirable for the public than having the public resume their trail experience at the parking lot at the Ranch. They have come to experience Aliso Canyon, and the most dramatic and beautiful views of the canyon are available in the vicinity of the Ranch complex/parking lot. Walking or biking from there to the beach they will experience the canyon in a serene environment rather than being confined inside a vehicle. They can easily traverse the road, cross Aliso bridge and go through the tunnel to the beach. Bikers will have the option to ride north on Coast Highway or to walk their bikes on the bridge to the tunnel.

If people were transported all the way to the beach in a shuttle, the ride would be circuitous and time consuming. When exiting Country Club Drive the shuttle would have to turn right, travel north .2 miles, make a U-turn at the Montage or Albertsons, go south .25 miles, then drop off at the beach. For the return trip the shuttle would have to turn right out of the beach parking lot, go south up to West Street .5 miles on Coast Hwy., and make a U-turn again, then travel the return trip .5 miles north to turn into Country Club road and proceed to the Ranch.

We think that after members of the public make this trip once they would ask to be let out at the ranch so that they can walk or bike the rest of the way.

It would be good if the Water District and the County were involved now to improve the trail on their properties and even provide a pedestrian/bicycle bridge over the creek so the trail users could get easily to the park and to the tunnel under the highway.

Now that there will be an Aliso Creek connection with either the shuttle or a trail, there will be a wonderful opportunity to improve this whole area of Aliso Canyon. We urge the Commission, County, Water District and applicant's participation in a comprehensive approach that considers restoring the lagoon at the inland side of the Aliso Creek Coast Highway bridge, improvements to creek water quality, the trail and bike/pedestrian bridge and landscaping/vegetation restoration of the creek, the trail and Country Club Road areas.

7. Group Camping at Scout Camp

We are supportive of the idea of providing group camping experiences at the Scout Camp because of the 1935 dedication of that land by the Dolph sisters, Blanche and Florence, for a girl scout camp, named in honor of their mother. The applicant has stated that he will continue the historical name for the Scout Camp, Elizabeth Dolph Camp, as requested by the 1935 dedication document. The 2-acre area of the Camp was part of the Goff Homestead and was the site of the Eucalyptus grove they planted in the late 1800s to prove up their homestead, approved by President Grover Cleveland in 1896. The Eucalyptus trees that are there now are the descendents of this original grove and thus are historically significant. It was only in 2007 that this parcel was made part of the golf course property when the previous owner purchased the camp area from the YMCA. (See attached article.)

The site itself is historically significant for its connection to the Goff Homestead, the Dolph sisters, and for its use as a camp. The camp was even visited by Olave Lady Baden-Powell of England, Chief Guide and ambassador for scouting, and wife of Robert Baden-Powell, the founder of Scouting and Girl Guides. She visited 111 countries promoting scouting. (See attached article.)

The articles attached demonstrate that the history of the grove as presented on page 50 of the staff report is incorrect. The grove was not a part of the Thurston homestead, rather it was within the homestead of Leon Goff, as noted above. The grove was large and mature when the photograph (ca. 1900) of the canyon shown on the last page of the article was taken. The Goff homestead was purchased by the Dolphs in 1905, then the 2-acre grove property given to the Girl Scouts in 1935. It was never owned by the Thurstons—it was only conveyed to the Joe Thurston Foundation in 1962 after his death (1957). The Laguna Beach Girl Scouts dedicated the property to the Foundation when they needed a local caretaker organization to take title. In 1967 the Thurston Foundation trustees gave the property to the YMCA.

The grove is a significant historical resource and the conditions should support this status, including preserving the Eucalyptus trees.

8. Parking

While we agree with the staff's concern about protecting the public parking opportunities at Aliso Beach, we would like to point out that there are only a few days a year—hot summer weekends—when the inland parking lot is heavily used by beach goers. On most days the inland parking lot is completely empty. We view the use of this parking for Ranch events on days when it would not be used by beach goers as a benefit for the public attending the events and as a way to generate income for the Aliso Beach Park that public agency would not otherwise earn.

9. Fitness Center

We are supportive of making the fitness center available to people who are not hotel guests, including local residents at times when parking demand is low, or if the center is accessed on foot or by bicycle.

10. Removal and Revegetation Plan for Scout Camp

We are supportive of restoration of native plants in the vicinity of the Scout Camp, however, we object to removal of any Eucalyptus trees unless it is necessary for public safety. As mentioned above, these trees are part of the historic grove and that important heritage of homesteading from the 19th century should be considered along with restoration goals. The staff report states that the Eucalyptus Grove was not identified as a heritage grove "significant resource" in Laguna Beach documents. We have been in communication with the professionals who performed the inventory in 1983 and this was an oversight due to the inaccessibility of the grove to public observers. Other similar, accessible groves were documented as heritage groves on the Heritage Tree Inventory.

In addition, the trees provide roosting sites for Monarch butterflies.

"From the Monarch's point of view, the introduction of eucalypts was a wonderful boon. Unlike native pines, cypresses, and redwoods, eucalypts are flowering plants; better yet, they flower in the winter, when the travel-weary butterflies need nectar. Unlike the California Sycamore — the only native tree south of Big Sur that might have hosted colonies — gum trees keep their leaves year-round, providing better sites for attachment and protection. "

Jared Farmer, author of "Trees in Paradise: a California History."

http://www.academia.edu/322875/Gone_Native_Californias_Love-Hate_Relationship_with_Eucalyptus_Trees

The native plant restoration can still be successful among these existing trees.

Planting expert, Randy Baldwin of San Marcos Growers has compiled a recommended list of plants that can be successfully grown among Eucalyptus, and this list includes plants that are native to Aliso Canyon. http://www.smgrowers.com/resources/eucalyptus.asp He states that "The chemical compounds in the (Eucalyptus) have long been thought to prevent the growth of other plants, but this is now considered minor" in comparison to competition and the possibility of new plants being smothered by the litter of bark and leaves.

In the case of The Ranch, all of the leaves, bark and mulch has already been removed from the ground, leaving clear areas for establishment of the restoration plants. It seems to us that these trees should not be sacrificed when there is a good chance the restoration can be successful without their removal.

Consider also that this restoration area will be carefully maintained by the Ranch. It will not be left on its own after an initial establishment period as happens with many restoration projects in remote areas. Leaves and bark that may drop will be removed and plants that die will be replaced.

It also seems to us that the amount of care and supervision that will occur here should obviate the need for a permanent fence around the restoration area.

Rather than requiring the removal of trees and installing fencing, we suggest that the periodic performance inspections recommended by Dr. Koteen will allow the Commission staff to monitor the progress of the restoration and adjust the strategy if needed.

12. **Camping and Event Use at the Scout Camp**

Twelve small group camping experiences noted in the staff report seem reasonable and will be much appreciated. The length of time allowed for each camping event and costs should be specified. The limit of 12 campers seems too small to accommodate a troop of scouts and leaders. We are told there may be 20 scouts and at least 3 adult leaders in a weekend camp-out.

We suggest that a limit of 150 people per event at the Scout Camp is reasonable, and 100 person limit proposed in the staff report is too restrictive. Consider that Laguna Beach has few locations where even a medium size event (150 people) can occur and none others in a comparable secluded setting. Allowing this increase will provide the opportunity for more members of the public who are not hikers, bicyclists or golfers to also experience the beautiful canyon.

16. **Final Water Quality Management Plan.**

We are supportive of the recommended water quality requirements.

17. **Area of Potential Archaeological Significance.**

We are supportive of the recommended archaeological resources protection provisions.

Recommendations

In summary, we recommend that the Commission:

1. Assure that the trail will be implemented within a reasonable time frame.
2. Remove the requirement to take the shuttle to Coast Highway.
3. Facilitate cooperative planning and agreements with appropriate agencies to implement trail, lagoon and stream restoration, and landscape improvements at the mouth of Aliso Canyon.
4. Acknowledge the historic significance of the Eucalyptus grove and preserve all of the existing trees. Correct the historical information in the staff report.
5. Require only temporary fencing at the restoration area.
6. Allow use of the Aliso Beach inland parking area by the Ranch at times when it is not used by beach goers.
7. Allow making the fitness center available to people who are not hotel guests, including local residents, at times when parking demand is low, or if they access it on foot or by bicycle.
8. Specify the length of time for camping events and the cost. Increase the number of allowed campers from 12 to 24.
8. Increase the number of allowed event attendees at the Scout Camp from 100 to 150.

Thank you for considering our comments. We are looking forward to the completion of this project and related improvements. Our organization is committed to working with the Commission, the applicant, City, County and the South Coast Water District to assure workable, beautiful and ecologically balanced solutions for trail, bridge and restoration of the Creek and westerly canyon area.

Sincerely,

Johanna Felder
President

Laguna Home Companion
A Feature of the Greater Laguna Historical Group

An aerial view before 1926 shows the South Laguna land holdings of the Pennsylvania coal heiresses Florence and Blanche Dolph, which spanned from south of Coast Royal at the bottom of the photo to north and east of Goff Island, now part of Treasure Island Park.

First American Title Corporation Historical Photo Collection

Heiresses Leave Lasting Heritage

By Ann Christoph

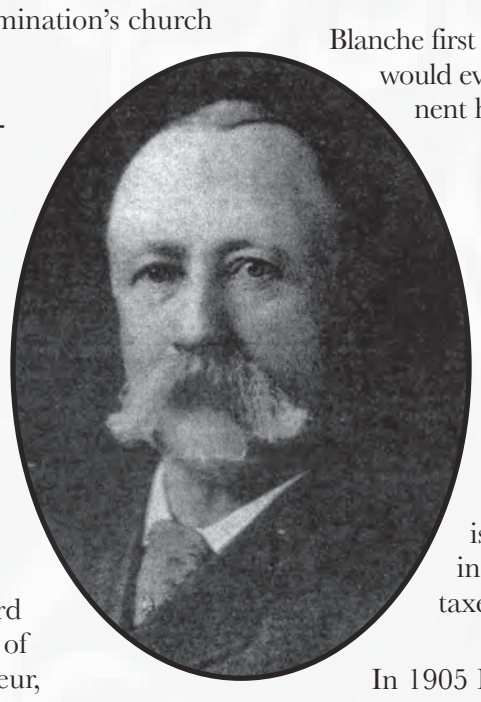
Pennsylvania mining heiresses Blanche and Florence Dolph chose the coastal foothills of Laguna and south Orange County as the focus of their property investments in the early 1900s. Blanche, the more prominent of the sisters, was not just an investor. While Florence lived in Los Angeles, Blanche made her home in Laguna Beach and then Dana Point and became part of the community, helping to found the Presbyterian Church in San Juan Capistrano and making major donations to the denomination's church in Laguna as well.

Described as a talented musician, a missionary and philanthropist, Blanche's interests in life were humanitarian and charitable, according to Samuel Armor's 1921 "History of Orange County California with Biographical Sketches," published by Los Angeles' Historical Record Company.

One of the Dolphs' last gifts is still a precious resource today. In 1935, shortly before Blanche died, the two sisters donated two acres of Aliso Canyon land to the Girl Scouts for use as a camp for Laguna Beach girls. In memory of their mother, the campsite was to be called "The Elizabeth Dolph Girl Scouts Camp of Laguna Beach." More on this in next weeks edition.

Blanche and Florence Dolph were the daughters of Edward Dolph (1814-1890) and Elizabeth Kocher Dolph (d. 1898) of Scranton, Penn. Edward Dolph, a self-educated entrepreneur, began as a farmer. Then, in the lumber business, he prospered "beyond his most sanguine expectation" by selling timber to the expanding railroads, said author Horace Edwin Hayden in "Genealogical and Family History of the Wyoming and Lackawanna Valleys Pennsylvania, Volume II," published in 1906 by The Lewis Publishing Company of New York and Chicago.

Turning his attention to mining, Dolph prospected and developed coal deposits and was one of the organizers of the Scranton Mining Company.



Edward S. Dolph, brother of Blanche and Florence.
Courtesy of the Lackawanna (Pa) Historical Society

He was also engaged in silver and copper mining near Lake Superior. Upon his death his wealth was distributed equally among his four children, Edward S., Florence, Blanche, and Josette.

Josette and Edward S. Dolph remained in Scranton and Edward assumed the responsibility of managing the family interests while Florene and Blanche found their future in California.

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Dolphs become major landowners in South Laguna and Dana Point

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Laguna Home Companion

A Feature of the Greater Laguna Historical Group

The hilltop Dolph mansion named The Dolphin was built by Blanche Dolph in 1914 in what was then known as Serra or San Juan by the Sean and now is the city of Dana Point. The estate became known for elaborate gardens that are just getting established in these early images.

THE DANA POINT HISTORICAL SOCIETY

Between 1903 and 1910 Blanche Dolph held a partial interest in the area known as Coast Royal, seen here, left, near Camel Point south of Aliso Canyon. Joe Skidmore installed the surface water line when he developed Coast Royal in the 1920s. Aliso Peak, the highpoint in the photo on the right, overlooks this pre-1926 image that looks south to Aliso Canyon from what is now called Hobo-Aliso Ridge, land also once owned by the Dolph sisters. The Monterey cypresses were planted along the old Coast Road, which served as primitive access before the 1926 construction of Coast Highway.

FIRST AMERICAN TITLE CORPORATION HISTORICAL PHOTO COLLECTION

As development came along, the Dolph properties were subdivided and became known as Lagunita, Coast Royal and Three Arches. As of the 1930s, the name Lagunita was applied to all of their properties north of Aliso Creek, not just the neighborhood still known as Lagunita. It included the areas now familiar as Blue Lagoon, Montage/ Treasure Island, Fred Lang Park, the market, Laguna Terrace mobile home park and the Hobo-Aliso neighborhood that includes Ocean Vista, Driftwood and Marilyn Drives.

Coast Royal is still the name for the neighborhood including Monterey, Brooks, Holly, Ceanothus and West Streets. Three Arches was developed as Tract 849 and is today known as the South Laguna Village.

BLANCHE DOLPH ALSO INVESTED FARTHER SOUTH, ACQUIRING LAND WHERE DANA POINT IS TODAY

Blanche was a dedicated member of the Scranton Presbyterian Church, where Lucilla McGaughey was assistant pastor. The two women became fast friends and when Blanche decided to visit the mission fields of India and China, she decided to take McGaughey with her. The two returned from China on the Oriental Steamship Company's Chiyo Maru on June 3, 1912. McGaughey became her constant companion. Following the trip they both lived in the "pretty residence" at Arch Beach in the vicinity of Center Street, now Laguna Beach.

Taking advantage of her Dana Point properties, Blanche Dolph looked for a site to build an estate in which to spend her latter years. "She had traveled extensively throughout the United States and Europe, as well as the Orient, and her experienced eye enabled her to pick the site of her home on account of its beautiful view and natural beauty, commanding as it does a view of the broad Pacific as well as the beautiful San Juan Valley, while in the background are the Temescal Mountains in their grandeur," Armor wrote in his account of county history.

In 1914 she completed a mansion in Serra, also called San Juan-by-the-Sea (now Dana Point) above McKinley Avenue (now Del Obispo Street). Named "The Dolphin," this large home was the only such structure along that southern coastline at that time. The estate became famous for its gardens, especially since it was such a challenge to irrigate without having any established water system to draw on. Using a combination of cisterns to collect rainwater off the roof, and a pumping plant next to the creek, water for a vineyard, orchard, vegetables and ornamental garden was supplied. Self-sufficiency had to be considered in those days of remote supplies and poor roads, so this country house even included chickens and a cow, according to an account in the Los Angeles Times of Oct. 19, 1924.

Blanche died in 1936 at the age of 87, leaving her estate in the care of her companion, Lucilla McGaughey, and willing her sister Florence a rug and a picture. A lawsuit followed in which Florence charged that McGaughey "insinuated" herself into her sister's life and by "nefarious designs" turned Blanche against her own family, The Times reported in April 27, 1936.
The Dolphin Company continued on with an expanded board of directors that included Florence. Rex Hardy served as president. The community of Lagunita was subdivided in 1938. The property that is now Montage Resort and Treasure Island Park had been leased as a trailer camp beginning in 1931. The rest of the land became subject to tax liens, and in 1943 the remaining Dolph land in South Laguna, 327 acres north of Aliso Creek, was sold to Dr. Paul and Marie Esslinger for under $20,000, according to a June 15, 1943 article in the Santa Ana (now Orange County) Register.

Blanche's companion of 25 years, Lucilla McGaughey, lived at The Dolphin until her death in 1945. In the 1950s the property became Capistrano by the Sea hospital. When the hospital closed in the 1990s, the area was subdivided and named Bal Harbor. Due to the efforts of the Dana Point Historical Society the Dolph house was preserved. It has since been restored and is again a private residence.

Florence (1847-1949) returned to Pennsylvania and received international publicity when at age 101 she celebrated her birthday by sliding down a banister. When an article published in the Times of London questioned her sliding technique she explained that she slid astride, in the conventional manner, not sidesaddle. Miss Dolph added, "Tell that editor to come on over. I'll not only show him. I'll teach him," the Long Beach Press Telegram reported on June 5, 1948.

Next week's article will trace the history of Blanche and Florence's donated land, Camp Elizabeth Dolph, in Aliso Canyon.

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Laguna Home Companion
A Feature of the Greater Laguna Historical Group

PART 2

A view of undeveloped Aliso Canyon looking towards the ocean, taken prior to 1926.
Tom Pulley Postcard Collection.

Heiresses Leave A Lasting Heritage: A Scout Camp

By Ann Christoph

As early as the 1920s there was a summer camp for girls in Aliso Canyon. It was operated by Madame Marian Gordon as the Gordon School Camp for Girls, an offshoot of the school Gordon ran in Hollywood. Dorothy Paddock, who lives in South Laguna, remembers that as a young girl she attended the camp, which was promoted as having "an experienced housemother and a chauffeur," and "fresh milk and eggs as well as fruit and vegetables in abundance."

Dorothy's husband, Pat, reports that "Dorothy's chief memories were frolicking on the edge of the surf at Aliso Beach where huge waves scared everyone to death and kept the squealing bevy on the sand. After which, everyone climbed into the small camp jitney, piloted by the 'chauffeur,' for bussing to the 'Bath House' at Main Beach, the site of the camp's daily shower." When Dorothy's parents discovered that the evening desert consisted of one stewed prune per diner they were not impressed. Whether due to the meager fare, or Madam's disillusionment with the whole venture, the camp closed in the second week.

The campsite, however, less than a mile inland from the beach and near the 1880-era Thurston family homestead, continued to be used by local girl scouts. In the 1930s there are frequent newspaper accounts of fundraising efforts aimed at improving the facilities. These events were spearheaded by Mrs. Henry Kenyon (Zofia) Beckwith, who even offered her ocean front home for a festive fundraising party. At one event 163 meals were served, netting an impressive $100, South Coast News reported on June 21, 1935.

Girl Scout Commissioner Zofia Beckwith was a driving force in the 1930s in establishing permanent Scout facilities, including the Elizabeth Dolph Camp.
South Coast News

Beckwith was a passionate advocate of a Girl Scout leader's potential to be a "salvager of valuable, unrecognized human gifts; a creator of opportunities for development, a big sister, a friend . . . able to show (girls) the sunny side of constructive living," she wrote in the paper's Sept. 20, 1935, edition. As commissioner of the Laguna Beach Girl Scouts, Beckwith was described as instrumental in improving the Aliso Canyon camp and in building the town's original Girl Scout house, which was located near the high school.

In August of 1935 Blanche and Florence Dolph deeded the two-acre camp site property to the Girl Scouts Council of Laguna Beach, Inc., "for the purpose of aiding and assisting in a commendable undertaking" and stipulated that the camp be named, "The Elizabeth Dolph Girl Scouts Camp of Laguna Beach" after their mother.

"The land is situated in the eucalyptus grove which borders on the Moulton Ranch, taking in part of the creek running through the canyon and part of a low hill, thus supplying water and shelter, also lending itself as an outdoor theater. The location is considered one of the loveliest in the entire canyon. . ." South Coast News reported in August 30, 1935.

Girl Scouts had overnights and day camps there well into the early 1970s, according to former troop leader Eleanor Henry. Other leaders/camp counselors included, Mary Bigelow Burton, Phyllis Sweeney, Charlotte Sizemore, Kay Cooper, Gloria Monroe, Evelyn Munro and Bonnie Hano. Among the campers were Susan Sizemore, Una Marie and Karen Lang, Melinda Henry, Pat Jefferson, Marla Burns, Jill Allen, Catharine Cooper, Connie Shattuck, Terri Corsini, Jolie, Leyna and Shari Bernstein, Laurie Hano, Susan Roley, Heather Nichols, Linda Pohl, Paula Alter, Debbie Paul, Abby, Becky and Hannah Munro and Karen Wilson.

Eleanor Henry chuckles that even today very grown up women come up to her saying, "Oh, Mrs. Henry, 'Don't you remember me when we went to the Dolph camp? We learned a lot that year—we learned that camping was fun!' " Jeanie Bernstein accompanied her daughters to the camp and recalls that there was where she learned the meaning of smores.

Catharine Cooper describes walking into the camp through the golf course. "We sang hiking and camping songs along the way and by the time we got there we were transformed. We felt like we had gone far, far away to some magical place—there among the tall, tall trees with that wonderful eucalyptus scent. It was an idyllic natural setting where we got to be kids."

A Lovely Spot That Lacked a Caretaker

Even so, the Girl Scouts gave the camp away. The reason lies in national Girl Scout politics. The South Coast News of Dec. 21, 1961, reported that Kay Cooper, president of the Girl Scout Council of Laguna Beach, pleaded with the City of Laguna

Laguna Home Companion
A Feature of the Greater Laguna Historical Group

In 1935 two acres in the grove of eucalyptus trees in Aliso Canyon were donated by Blanche and Florence Dolph for a Girl Scout Camp commemorating their mother. In these two images, believed taken around 1900, both the grove and the Thurston home are visible. George Thurston homesteaded the area beginning in 1871. The two-story house replaced the original cabin around 1890.

First American Title Corporation Historical Photo Collection

Olave Lady Baden Powell (1889-1977), standing, one of the founders of the Girl Scouts in Britain, visited Laguna's scouts at Aliso Canyon's Camp Elizabeth Dolph on one of her tours of scout groups, this one believed to be August, 1959. Susan Sizemore, fourth from right, could identify a few of her fellow fifth- or sixth-grader scouts from Aliso and El Morro schools. They include Barbara Vanderbelt, Helen Starkweather, Debbie Paul and Candy Vartasian.

Laguna Beach Historical Society

Beach to buy the Dolph camp and its Scout House on High Drive, offered for $1.

Because of a national Girl Scout policy to consolidate councils, the national president of Girl Scouts had refused to renew the charter of the Laguna Beach Scout Council and had issued an ultimatum. Either the Laguna Beach group merge with another neighboring Girl Scout Council or terminate all Girl Scout activities in Laguna Beach. Local leaders feared that when regional councils took over, the Laguna properties would be sold to private interests. They desperately wanted to find another entity to hold title to the land, to protect it and manage it for youth camping for the community. When the city attorney determined that the city couldn't legally buy the property, the Scout Council turned to the Joe Thurston Foundation.

County records reveal that just a few months later on March 8, 1962, the local Girl Scout council deeded the two-acre Dolph-donated property to the foundation. Among the conditions of the transfer was that the foundation maintain the property for the use and benefit of the youth of Laguna Beach and "wherever possible that the camping out needs of girls in the Laguna Beach area be given priority."

If the foundation could not continue to hold the land or the property had to be sold, the deed stipulated that the "proceeds of the sale will be applied toward the acquisition of similar premises for the same purposes, said premises to be located within the area commonly referred to as the Laguna Beach Area."

They added, "If conveniently possible the land shall be referred to as The Elizabeth Dolph Camp."

Joe Thurston had died in 1957, five years before the Scout Council transferred the Dolph donation to his namesake foundation. And five years after receiving the gift, on May 17, 1967, in a document signed by J. E. Riddle and William Hubler, the Joe Thurston Foundation conveyed the camp property to the Laguna Beach Y.M.C.A. under similar conditions to those noted above.

There are no reports of the camp being used after the early 1970s. Even though the camp has an easement through the golf course, access was discouraged. The Laguna Beach Y.M.C.A. was absorbed into the Orange County Y, whose administrators seemed uninterested in the property, arriving every three to five years to inspect it, said Mark Slymen, the golf course manager and nephew of the late Violet Brown, who developed the hotel and golf course with her husband, Ben.

Camp Passes into Private Hands

Forty years later, on August 23, 2007, the fears of the 1960s Scout leaders were realized. The Y.M.C.A. of Orange County sold the Dolph property for an undisclosed sum to Driftwood Properties, LLC, controlled by the developer Athens Group, Montage Hotels & Resorts and a private investor, eBay's founder Pierre Omidyar. The property, adjacent to the Aliso Wood Canyon Wilderness park on the east, is bounded on three sides by Athens' 325-acre Aliso Creek Inn redevelopment proposal.

The YMCA says it intends to apply the proceeds of the land sale to an endowment whose earnings would provide one-week camp scholarships for 75 Laguna Beach children. Neither Athens or the YMCA disclosed the purchase price nor when the first scholarships will be awarded. And while the transfer deed carried the stipulation to acquire similar land to be used as a youth camp if the land were sold, Jeffrey McBride, president and chief executive of YMCA of Orange County, told the Independent in September 2007 that the restrictions were lifted.

As proof, the YMCA supplied a letter from Laguna Beach College of Art and Design, which releases the deed restrictions on Camp Dolph. But neither the YMCA nor college officials can explain the college's involvement with the Thurston trust, or why the college had the authority to release the restrictions. College President Dennis Powers said, "We don't think we had any interest in that land. If we did, we would have had an art camp there. We signed the document because they asked us to and we didn't think it was giving up anything for the college because in our view we never had it in the first place."

Thus, with the setting aside of the Girl Scout's covenants and with no an heir to protect the sisters' wishes in perpetuity, the Dolphs' donation in Laguna Beach may end up as a historical footnote rather than a lasting legacy. Two acres of scenic canyon land set aside for camping by heirs to 19th-century mineral wealth appears destined to disappear within a golf resort built by 21st century development titans of the current generation.

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South Coast Region
DEC 30 2014
CALIFORNIA
COASTAL COMMISSION

December 29, 2014

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

SUBJECT: APPLICATION NO. A-5-LGB-14-0034
LAGUNA BEACH GOLF AND BUNGALOW VILLAGE, LLC
THE RANCH AT LAGUNA BEACH

Dear Commissioners,

On behalf of appellants concerned with actions undertaken by Laguna Beach Golf and Bungalow Village, LLC, I submitted five previous letters to Coastal Commission staff. In them, I demonstrated that the environmental review process for this project has been highly irregular, opaque, and contrary to standard practices for biological review of any project in the City of Laguna Beach or elsewhere in the coastal zone. Approval of this project, with the minor amendments that staff has recommended, would set a number of damaging precedents for future projects anywhere in the coastal zone:

- Applicants would no longer be obligated to conduct current biological surveys focused upon the relevant biological issues prior to undertaking vegetation removal and construction within and adjacent to ecologically sensitive areas, or before undertaking actions that intensify human use of such an area.

- If the public learned that potentially damaging actions had already occurred without going through the normal pre-project environmental review process, consultants working for the applicant could use whatever old reports they could find from the general project vicinity and use those as the basis for after-the-fact evaluations of potential project impacts.

- If anyone pointed out that the post-hoc analyses conducted on behalf of the applicant consistently assumed that no significant impacts occurred, even though this could not be known due to failure to conduct the appropriate surveys, the applicant's consultants could dismiss such complaints as "speculative" and demand that the public produce hard evidence that any sensitive resources were adversely affected.

- The public could observe that the applicant was "historically restoring" a site to a condition quite different than the actual historical conditions, but there could be no actionable objection to this.

- If absolutely necessary, the applicant could modify the most objectionable aspects of their project and demand that the remainder be declared compliant with the Coastal Act.

316 Monrovia Avenue ⌄ Long Beach, CA 90803 ⌄ 562-477-2181 ⌄ robb@hamiltonbiological.com

The message sent to developers is that, if they are well-connected, the standard environmental review process need not apply. Just do what you want to do without any form of contemporaneous documentation, hire the right consultants, and sort it out later. If the public finds out about what is happening (and that is a big "if" for many projects that are tucked away out of sight) you may have to make a few changes around the edges, but you will end up with much more than you would have by following the established rules for environmental documentation and public review.

The message sent to the citizenry is that, when push comes to shove, the permitting agencies will require members of the public to provide incontrivertable evidence that significant impacts occurred. Approval of this project will signal that complaints about radical deviations from established public review processes and biological monitoring procedures can be responded to by citing non-project-specific reports prepared several years earlier. Concerns about potential impacts will be regarded as mere "speculation" unless members of the public managed to conduct their own focused studies before the project was built. In the absence of hard evidence, and without any current biological studies funded by the applicant, all that is needed is a consultant willing to speculate that no such impact is likely to have occurred.

To avoid such a damaging and unfair outcome, I urge the Commission to require that all unpermitted development, including the concrete pad, turf and exotic plants, lighting, and wooden fencing, be removed from the Scout Camp parcel and any surrounding areas. All maintenance vehicles and equipment parked, stored or staged in this area should be relocated to the golf course property. The area should then be restored to a level commensurate with the adjacent wilderness area (i.e., to high to very-high value habitat). Returning this land to a condition more closely approaching natural will allow for more authentic camping and educational experiences for "the use and benefit of the youth of Laguna Beach, [and especially prioritizing] the camping out needs of girls in the Laguna Beach area," as was historically intended.

I hope you will take time to read my previous comment letters on this project, which are being provided to you as attachments to a letter from the Sierra Club. If you have any questions or wish to discuss any issues, please call me at 562-477-2181 or send email to robb@hamiltonbiological.com.

Sincerely,

Robert A Hamilton

Robert A. Hamilton, President
Hamilton Biological, Inc.

January 2, 2014,

Mr. Karl Schwing
California Coastal Commission'
200 Oceangate – 10th Floor
Long Beach CA 90802

RE: Sea and Sage Audubon Society comments in response to 12-18-2014 Staff Report Application No.: A-5-LGB-14-0034

Delivered via email kschwing@coastal.ca.gov

Dear Mr. Schwing,

I am writing regarding the recent California Coastal Commission Staff Report for the Laguna Beach Golf and Bungalow Village. As you know we submitted comments regarding biological resources early in the appeal process. At this late time I am going to keep comments short and direct. We feel strongly that the report does not adequately address the issues raised regarding impacts to biological resources.

The report clearly states that biological surveys were not completed at the appropriate time, but concludes that since there is no empirical basis for judging impacts to sensitive species or ESHA; there probably weren't any impacts or ESHA. Although we have a great deal of respect for Mr. Dixon and the entire CCC Staff we strongly disagree with this conclusion and feel all evidence to the contrary suggests that habitats, especially those with eucalyptus trees adjacent to natural landscapes, are in almost all cases heavily occupied by birds, especially raptors. It is therefore far more likely, in lieu of empirical data, that sensitive species were impacted and that the area should have been designated ESHA.

> "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." (Staff Report pg. 39)

On Page 40 the report goes on to state that more trees can be removed based on the determination that the trees are not ESHA, but this is still based on the incomplete, non-empirical data. The staff report states that appropriately timed surveys were not completed and that the determination of whether there was or is ESHA is based on older or after-the-fact biological surveys. There should be no further

tree removal or even trimming until up-to-date biological surveys are completed and subsequent determinations regarding ESHA are made.

The consequences suggested by the Staff Report for not following well established environmental review processes is simply an agreement to follow better practices in the future (tree trimming policies pgs 14 and 15). This will set a dangerous precedent if this is approved with no mitigations other than new policies for future work.

I also need to note that unless an arrangement has been made otherwise, I am not aware of either Sea or Sage Audubon Society nor any other of our affiliates having agreed to perform tree inspections ("Audubon Society"). Although we do occasionally assist individuals, agencies, and others with tree trimming issues, we have not made any commitment to do so for this project.

In case there is any confusion, it is our understanding that the golf course may still hold an "Audubon Certificate". This certification is in no way associated with the National Audubon Society (NAS), Audubon California or any local chapter of the NAS including Sea and Sage Audubon Society. This certificate program is operated through a completely unassociated organization that happens to have a similar name.

Please take into consideration that the environmental review processes that were avoided by this project are well established and well known to the consulting firm (GLA). It seems highly implausible that there was no consideration given by the developer or GLA to performing adequate biological surveys. If the CCC determines that there were no impacts to sensitive species or that ESHA status cannot be determined, because any possible evidence disappeared with work done prior to biological surveys, it will be open season for habitat destruction of ESHA along the coast. Please ask the staff to reconsider the recommendation to approve this project.

Thank you for your consideration,

Scott Thomas

Chair, Raptor Research Committee
Sea and Sage Audubon Society

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P.O. Box 54891
Irvine, CA 92619-4891
occnps.org

California Native Plant Society

ORANGE COUNTY CHAPTER

Item Th11a

December 29, 2014

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Re: Application No. A-5-LGB-14-0034 Laguna Beach Golf and Bungalow Village, LLC/The Ranch

Honorable Commissioners:

The Orange County Chapter of the California Native Plant Society has long had an interest in the preservation, restoration and enhancement of Aliso Canyon's natural habitat. The subject property is within the canyon, and opportunities for restoration and enhancement of native habitat exist in the proposed project--despite that much of its 84 acres is to be golf course, structures or paving.

1. The requirements stated in Special Condition 11 and discussed in *The Restoration Plan* in Exhibit 14 are the project's most important opportunity for restoration and enhancement. They should be included, as is or strengthened, in whatever the Commission approves re this application, and carried out fully and as soon as possible.

2. The species listed in Exhibit 14's appendix are among those basic to coastal sage-scrub and riparian vegetation in southern Orange County, thus are among the most appropriate to be planted as part of restoration and enhancement. As advised in Special Condition 11 and Exhibit 14, a survey of protected lands adjacent to the project site will reveal numerous other native species that are common constituents of these vegetation types and that should be included in the initial planting palette.

A mark of the restoration/enhancement's success will be that other species appropriate to coastal sage-scrub and riparian vegetation, and not included in the initial palette, will spontaneously appear and thrive. Restoration and management protocols and practices must recognize this mark of success, and management personnel must be trained to recognize these species and adapt management actions accordingly.

3. Special Condition 20's advisory against the use of invasive non-native plants is sound, if rather general. A pertinent additional reference: PlantRight.com, which focuses on invasives that are still in the nursery trade and lists them by region.

4. Special Conditions 18 and 20 "... require the applicant to submit final landscaping plans that include only native plants or non-native drought tolerant non- invasive plants." (A-5-LGB-14-0034 p. 48.) OCCNPS urges that the species in the attached list be included in those plans, and that the palette not include non-natives. The list is a selection of site-appropriate native species from the Orange County Fire Authority's 2008 list of fire-resistant species approved for use in fuel modification zones. Using these would fulfill some fire-prevention requirements, aid habitat restoration and enhancement of the whole site, and allow the project to become a showplace for native-plant landscaping.

Respectfully,

Celia Kutcher, Conservation Chair

The California Native Plant Society is a statewide non-profit organization. Its membership is open to all.

CNPS is dedicated to the preservation and enjoyment of California's native plants and their habitats.

The Orange County Chapter of CNPS focuses that dedication on the native plants and natural vegetation of Orange County and adjacent Southern California.

OC NATIVE PLANTS THAT ARE OCFA-APPROVED FOR LANDSCAPING IN FUEL-MOD ZONES
trees, shrubs and perennials of coastal shrublands and riparian areas, p. 1 of 2

common name	botanical name	type
Deerweed	Acmispon [= Lotus] scoparius	shrub
False Indigobush	Amorpha fruticosa	shrub
Nuttall's Snapdragon	Antirrhinum nuttalianum ssp. nuttallianum	subshrub
Mulefat	Baccharis salicifolia	shrub
Coyote Bush	Bacharis pilularis ssp. consanguinea	shrub
California Brickellbush	Brickellia californica	shrub
Punchbowl Clarkia	Clarkia bottae	annual
Bushrue	Cneoridium dumosum	shrub
Summer Holly	Comarostaphylis diversifolia	shrub
California Croton	Croton californicus	perennial
Blue Dicks	Dichelostemma capitatum	bulb
Monkeyflower	DIplacus species	perennial
Lance-leaved Dudleya	Dudleya lanceolata	succulent
Chalk Dudleya	Dudleya pulverulenta	succulent
Giant Wild Rye	Elymus [= Leymus] condensatus	bunch grass
Coast Sunflower	Encelia californica	shrubby perennial
Hoary California Fuchsia	Epilobium [= Zauschneria] canum	perennial
Golden Yarrow	Eriophyllum confertiflorum	perennial
California Poppy	Eschscholzia californica	perennial
California Coffee Berry	Frangula [= Rhamnus] californica	shrub
Gum Plant	Grindelia camporum	perennial
Chaparral Yucca	Hesperoyucca [= Yucca] whipplei	shrub
Toyon	Heteromeles arbutifolia	shrub
Coastal Goldenbush	Isocoma menziesii	shrub
Bladderpod	Isomeris arborea	shrub
Spiny Rush	Juncus acutus	perennial
Heart Leaved Penstemon	Keckiella cordifolia	viny shrub

OC NATIVE PLANTS THAT ARE OCFA-APPROVED FOR LANDSCAPING IN FUEL-MOD ZONES

trees, shrubs and perennials of coastal shrublands and riparian areas, p. 2 of 2

common name	botanical name	type
Chaparral Honeysuckle	Lonicera subspicata	vining shrub
Chaparral Mallow	Malacothamnus fasciculatus	shrub
Wishbone Bush	Mirabilis californica	perennial
Yellow Evening Primrose	Oenothera elata ssp. californica [= O. hookeri]	perennial
Prickly Pear	Opuntia littoralis	cactus
Oracle Cactus	Opuntia oricola	cactus
Coastal Cholla	Opuntia prolifera	cactus
California Sycamore	Platanus racemosa	tree
Western Cottonwood	Populus fremontii	tree
Coast Live Oak	Quercus agrifolia	tree
Nuttall's Scrub Oak	Quercus dumosa	shrub
Hollyleaf Redberry	Rhamnus ilicifolia	shrub
Lemonade Berry	Rhus integrifolia	shrub
Fuchsia Flowered Gooseberry	Ribes speciosum	shrub
Blue (= Mexican) Elderberry	Sambucus nigra ssp. caerulea	shrub/tree
Common Tule	Schoenoplectus [= Scirpus] acutus	perennial
California Bulrush	Schoenoplectus [= Scirpus] californicus	perennial
Blue Eyed Grass	Sisyrinchium bellum	perennial
White Nightshade	Solanum douglasii	shrub
Purple Nightshade	Solanum umbelliferum (= xanti)	shrub
Foothill Needlegrass	Stipa [= Nassella] lepida	bunch grass
Purple Needlegrass	Stipa [= Nassella] pulchra	bunch grass
Creeping Snowberry	Symphoricarpos mollis	shrub
Western Verbena	Verbena lasiostachys	perennial
Desert Wild Grape	Vitis girdiana	vine

TBM & Associates
159 Nyes Place Laguna Beach, CA 92651
949 315-5829

Thu 11a

Steve Kinsey, Chair
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Attn. Dr. Charles Lester, Executive Director

SUBJECT: Consideration of Appeal of action taken by the City of Laguna Beach regarding the project known as "The Ranch"- CDP A-5-LGB-14-0034

Dear Chair Kinsey:

I am writing to correct the record on this item in response to a position stated by the City of Laguna Beach City Attorney, a position I know to be factually inaccurate.

The City Attorney's letter can be found as an attachment to the staff report – Exhibit 22 beginning at page 22 of that exhibit. The last paragraph of the letter, found at page 24 of Exhibit 22, makes the following statement:

> *"Finally, you should be aware that the County of Orange previously evaluated the feasibility of constructing a bike 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: "[We] cannot both protect the golf course and construct a safe and stable trail within a reasonable cost.""*

I am attaching a copy of that 1989 letter for the Commission's consideration. I drafted this letter for Supervisor Thomas F. Riley, Chairman of the Orange County Board of Supervisors, when I was his Chief Land Use Executive Assistant. As you can see from a reading of the letter, the statement of the City Attorney has been taken out of its appropriate context. Importantly, Supervisor Riley's letter goes on to say:

> *"Therefore, the concept of a bicycle trail thru your golf course* ***is considered infeasible at this time."*** Later in the letter, he states:
> *"As I'm sure you are aware, there continues to be tremendous demand for a trail connecting Aliso and Wood Canyon Regional park and the Aliso Beach.* ***If you are ever interested in expansion for your facility in conjunction with a more feasible and cost-effective trail alignment, I would be very interested in discussing the subject."***
> [Emphasis added]

As the Commission can see, the County never abandoned the goal of pioneering a trail through this property. In fact, the County had sought and received the certification of the South Laguna Local Coastal Program (LCP) prior to 1989 that clearly showed the trail. When the unincorporated area of South Laguna was annexed to the City of Laguna Beach, the trail alignment was clearly shown on the City's LCP which was again certified by your Commission. At this point in time, the County of Orange no longer had land use jurisdiction to initiate any negotiation with the property owners regarding the completion of the Aliso Creek Trail.

I began my career with the County of Orange Planning Department in 1974. During that time, I worked on the Master Plan of Regional Parks and all elements of the General Plan including the Master Plan of Riding and Hiking Trails. Acquiring parkland and trail segments connecting the County's Regional Parks was a principle goal accomplished in large part through the land use entitlement process. Over the years, the County acquired thousands of acres of parkland, open space, and trail corridors linking inland areas of the County to the ocean following natural water courses and flood control channels. Examples of these dual purpose corridors include the Santa Ana River, Santiago Creek, San Diego Creek, Salt Creek, and San Juan Creek. These regional trail corridors provide access for residents and visitors to Orange County parks and open space lands and deliver on the goal of connecting inland areas to the ocean. Only Aliso Creek remains unfinished in attaining that common goal.

Following my tenure with Supervisor Riley in 1990, I served as Planning Director of Orange County for the next 14 years. We never abandoned the goal of completing the Aliso Creek Trail. However, without land use jurisdiction, the County of Orange no longer had the leverage to negotiate the completion of the missing link of the Aliso Creek Trail which ultimately would extend approximately 16 miles from Aliso Beach to the Cleveland National Forest. Not only would this linkage offer a significant asset to Orange County residents, it would also offer substantial flood control improvement opportunities.

I respectfully request that the Coastal Commission help fulfill the 40-year goal of public access to the ocean by requiring the dedication and construction of the missing link of the Aliso Creek Trail, consistent with your previously certified LCPs.

Thomas B. Mathews

Attachment: 1989 Letter to Mrs. Violet Brown from Supervisor Thomas F. Riley

CC: Commission Members

SUPERVISOR, FIFTH DISTRICT
THOMAS F. RILEY
ORANGE COUNTY BOARD OF SUPERVISORS
ORANGE COUNTY HALL OF ADMINISTRATION
10 CIVIC CENTER PLAZA, P. O. BOX 687, SANTA ANA, CALIFORNIA 92702-0687
PHONE: 834-3550 (AREA CODE 714)

RECEIVED
South Coast Region
JUL 28 2014
CALIFORNIA
COASTAL COMMISSION

November 21, 1989

Mrs. Violet Brown
Ben Browns Aliso Creek Inn
31106 Pacific Coast Highway
South Laguna, California 92677

Dear Mrs. Brown:

SUBJECT: Aliso Creek Bike Trail

As you know, for the past several months, EMA staff has been studying the feasibility of constructing the Aliso Creek Bike Trail through your golf course.

Based on the information contained in the report, we cannot both protect the golf course and construct a safe and stable trail within a reasonable cost. Therefore, the concept of a bicycle trial thru your golf course is considered infeasible at this time. I know this will be as great a relief to you as it will be a disappointment to trail supporters.

EMA staff informs me that you have expressed an interest in obtaining copies of the aerial topography base maps for the study. We would be happy to provide you with copies of the maps and review in detail the results of the feasibility study. If you wish to meet with staff, please contact Kathie Matsuyama of EMA/Harbors, Beaches and Parks Design at 834-3814.

As I'm sure you are aware, there continues to be a tremendous demand for a trail connecting Aliso and Wood Canyon Regional Park and the Aliso Beach. If you are ever intersted in expansion of your facility in conjunction with a more feasible and cost-effective trail alignment, I would be very interested in discussing the subject.

Sincerely,

Tom Riley

Thomas F. Riley
Chairman of the Board

TFR:tmb

cc: Ernie Schneider, Director, EMA
Bob Fisher, Director, EMA/Harbors, Beaches and Parks

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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
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Newport Beach, CA 92653
949-399-3669

www.FHBP.org

January 2, 2015

Th11a

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Re: Application No. A-5-LGB-14-0034 Laguna Beach Golf and Bungalow Village, LLC/The Ranch

Dear Honorable Commissioners:

Friends of Harbors, Beaches, and Parks (FHBP) is a regional non-profit organization that works to protect the natural lands, waterways, and beaches of Orange County. We are also one of the founding members of the Safe Trails Coalition which supports finding a balance between recreation and natural resource protection. We appreciate the opportunity to comment on the Appeal – De Novo Hearing for the Laguna Beach Golf and Bungalow Village, LLC (applicant) as outlined in the Staff Report Th11a.

The Staff Report admits this project, as proposed, will have significant impacts to recreation and public access. We agree with the Staff Report that the proposed mitigation package is not enough. Therefore, FHBP submits the following comments:

First, as outlined in the Staff Report the Coastal Act section 30213 states: "*Developments providing public recreational opportunities are preferred.*" Additionally, the Laguna Beach Open Space Element (part of the Local Coastal Program [LCP]) supports inclusion of this Mountains to Sea Trail in Policy 6D, 6F, 6I, 6N, 6S, and 6T. This trail has also been in the County's Master Plan of Trails for decades. It should be of no surprise to the developer that this trail is warranted. If it is a surprise, the applicant didn't do their due diligence prior to purchasing the property. The public shouldn't pay the price for this lack of homework. Once this trail connection is lost, it is lost forever. The Coastal Act prioritizes public access and recreation at the coast. Yet, what is being proposed in this project fully dismisses these priorities.

Second, within the Laguna Beach Open Space Element (part of LCP) it demonstrates the location of this "Mountains to the Sea" Trail—along the floor of Aliso Canyon generally following the "Girl Scout" easement through the Golf Course. The certified LCP aligns with this location as well. This alignment reduces impacts on sensitive species and habitats.

Third, Orange County does not have its own Mountains to the Sea Trail. Where other counties throughout the state do, because those developers were required to complete it, this developer is getting a "free pass" with their Offer to Dedicate (OTD). The same standards applied to other developers should be applied here, hands down.

Fourth, we believe the OTD must be recorded *prior* to the issuance of any permit. What is being proposed now is backwards. There is no guarantee, as stated in the Staff Report, that the trail will be built now or even in the future. All other developers have been required to fund and complete the trail/access *prior* to issuance of the permit. We suggest a three to five year time period to formalize and complete the Ranch's portion of the trail. This is consistent with previous Commission decisions.

Finally, we do not support the use of the shuttle system to get recreational users from the Mountains to the Sea. This brings up any number of issues related to parking, access, fees, and other burdens and unnecessary obligations for both recreational users and beach-goers. This shuttle system feature is not compliant with the Coastal Act.

Thank you for the opportunity comment on this very important coastal issue.

Sincerely,

Jean H. Watt

Jean H. Watt
President

CC: Dr. Charles Lester, CCC
Matt Christen, CCC
Dr. John Dixon, CCC
Lisa Haage, CCC
Alex Helperin, CCC
Dr. Laurie Koteen, CCC
Chuck Posner, CCC
Erin Prahler, CCC
Sherilyn Sarb, CCC
Karl Schwing, CCC

January 2, 2015

Steve Kinsey, Chair
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
Attn: Dr. Charles Lester, Executive Director

SUBJECT: Consideration of Appeal of action taken by the City of Laguna Beach regarding the project known as "The Ranch" No. A-5-2LGB-14-034

Dear Chair Kinsey:

We are residents who live in the coastal zone affected by the planned intensification of use for the property located at 31106 South Coast Highway (known as "The Ranch at Laguna Beach".)

As residents who live on the ridgeline directly above The Ranch, we remain concerned with the effects of intensification of use -- specifically the effects of loud noises, amplified music, bright lights and development activities on resident's ability to enjoy quiet and tranquility in our homes. In addition, we are concerned about the impact of development activities and intensification of use on wildlife and other sensitive habitat in the Aliso and Wood Canyon. We joined together in petition to these actions, and presented our petition to the California Coastal Commission. This petition is included in the staff report as Exhibit 22 (page 27 of 44)

Because of the short time frame since the release of the CCC staff report right before Christmas and New Year's, fellow residents in our community have not had adequate time to review proposals from management at The Ranch or all the recommendations contained in the staff report. We had hoped for additional time to review complete information provided by The Ranch in response to concerns raised by residents a1nd questions by Coastal Commssion staff.

From our preliminary analysis, the staff report appears to be recommending approval of the entire proposed project with certain conditions placed upon the developer. Recognizing the hard work and dedication of Coastal Commission staff in preparing a report for such a large and historic project, in such a limited amount of time, **several questions and concerns remain around a variety of substantial issues that do not appear to be adequately addressed in the staff report**. These include: the impact of adding additional hotel rooms and assembly areas for the property, the construction of new buildings at or below historic flood levels, several unpermitted areas of development for new planned outdoor event spaces, the non-conforming nature of many of the development activities requiring compliance with FEMA regulations and other federal regulations, the clearly documented lack of sufficient parking spaces (259 parking spaces shortfall) for proposed events and existing guests weddings, and the impact of these additional activities on public safety and the surrounding environment.

We appreciate the specific staff recommendations that place restrictions and conditions on events permitted for the Scout Camp area of the property. These conditions, if followed on a consistent basis, will go along way to address many of the resident concerns contained in the petition.

If the proposed development plan is approved by the CA Coastal Commission, we request that the Commissioners adopt the following the recommendations prior to a permit being issued to The Ranch:

- In regards to the new proposed conditions for use of the Scout Camp area, **we ask that the Commissioners clarify identical use restrictions/conditions (amplification of voice or music not permitted, 65 decibel noise limit at the property line, no glare or light intrusion into surrounding native habitat, limited to 100 guests at any event, and limited number of events each month to 12) to <u>all outdoor areas of the golf course and other outdoor areas of the property where outdoor events may be permitted to occur now or in the future</u>, not just limited to the Scout camp.** Our experience, after the CA Coastal Commission issued the Notice of Violation to The Ranch for the Scout Camp area, is that management moved previously planned outdoor events for the Scout Camp to adjacent open space less than 50 feet away from the Scout Camp on the golf course--an area that did not have any approved temporary use permits (TUPs) or conditional use permits (COPs). Whether the events that the developer requests to hold are at the Scout Camp area or adjacent outdoor areas of the property, **residents want a long-term assurance of our ability to enjoy quiet and tranquility in our homes.** Residents have requested repeatedly from the City of Laguna Beach and management at the Ranch information on permitted uses for outdoor space, and have not been given any information other than the Ranch has been "grandfathered-in" with ***sanctioned authority from the City of Laguna Beach to hold events outdoors with amplified music and lights*** throughout all outdoor areas of the property into the evening. **We request that the California Coastal Commission specifically clarify and limit all permitted uses for <u>all</u> outdoor spaces/areas of the property with clear guidance that can be used for future enforcement.**

- **As residents, we remain concerned that it will be very difficult to enforce any conditions/restrictions established by the Coastal Commission for areas of the Scout Camp/the Grove as well as for other outdoor areas where entertainment or events will occur in the future.** Enforcement is very labor and time intensive, and is difficult to consistently implement in practice. Our experience is that however well-intentioned staff at the Ranch property may be, the conditions of operation established by the CCC for the permit may be overlooked by hotel staff who are not aware the conditions for permitted use or forget the conditions over time; and, residents will be in the position to constantly police and monitor compliance at the Ranch. This process would involve local residents contacting the City of Laguna Beach enforcement officials and/or police to seek action each time there is a violation. Laguna Beach city planning and enforcement officials have provided unequivocal support for this project since its inception. **Given that the lack of any city enforcement actions gave rise to our initial complaints and community petition, you can understand why we have little confidence that there will be any meaningful**

enforcement actions from Laguna Beach enforcement officials should violations occur without additional ongoing oversight by the CCC. As residents we want a stable living environment, where we can come home and enjoy our homes free free from noise and lighting that disturbs our tranquility and impacts our property values. **In addition to the noise management and lighting plan already detailed in the staff report, we ask the the California Coastal Commission specifically establish a detailed enforcement plan, with progressive monetary penalties for non-compliance, prior to the issuance of any permit and that the CCC be provided an annual enforcement report for the first 10 years of operation reviewing compliance with the conditions established by the CCC and analysis of impact on residents and the environment in Coastal Zone affected.**

- Currently residents in the surrounding in-land areas who want to enjoy Aliso Creek Beach must use their cars, and drive down Crown Valley Parkway to Pacific Coast Highway in order to access the beach. Having access to this beach via a bike/walking trail through the canyon would increase the ease of access for thousands of residents who live along the existing uncompleted 'Trail to the Sea'. **We support the staff recommendation that the developer should dedicate and record a floating easement prior to issuance of a permit that allows for the Trail to the Sea to be aligned and completed. But we also ask that the developer actually construct the trail through his property.** Residents who must bear the effects of the increased activities should be guaranteed prior to approval of any development that we will have increased access to the Aliso Creek beach through the completion of the Trail to the Sea, as we will have to endure the increased noise and congestion from the intensification of property for years to come. The staff report recommendations in this area, do not ensure that the alignment of the trail will occur in the future. It provides options to the developer to run a shuttle service on the weekends or contribute funds to plans for a future trail through the property. These appear to be unbinding on the future permit. Our fears are that once the permit is approved by the Coastal Commission, there will be no momentum or mechanism to ensure that this shuttle continues, or that the trail is completed. **Ensuring unequivocally that increased coastal access occurs as a prerequisite to granting a permit to the developer will certainly balance the negative impacts that increased intensification of use will have on residents within the Coastal Zone.**

We appreciate the CA Coastal Commission holding a de novo hearing on this mattter. Thank you for you consideration and what we hope will be your concurrence with the recommendations contained above.

Sincerely,

Andreas F

Kamal Al-Faqih

Andreas Frank and Kamal Al-Faqih, 47 Coronado Pointe, Laguna Niguel, CA 92677

Residents, Community of Coronado Pointe

RECEIVED
South Coast Region
JAN 2 2015
CALIFORNIA
COASTAL COMMISSION

Th 11a

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

December 31, 2014

RE: Application No. A-5-LGB-14-0034 Laguna Beach Golf and Bungalow Village, LLC/The Ranch

Commissioners and Staff,

Thanks to the diligent work of Commission Staff, the public has an opportunity to review and comment on the proposed development at the Laguna Beach Golf & Bungalow Village recently renamed "The Ranch".

South Laguna is the community most impacted by failed watershed development and management projects in the Aliso Watershed spanning several decades. As a 30 year resident of Laguna Beach and recipient of the prestigious Trust for Public Land and Cox Communication Conserve Hero Award of 2012, **I recommend the Coastal Commission Approvals be Held in Abeyance** until all documents are submitted for public review and comment to comply with the 22 Staff Recommendations.

While I support the basic 22 Coastal Commission Staff Recommendations, I recommend the Commission hold **Project Approvals in Abeyance** until all relevant documents are submitted for full Public Review and Comment. Alternatively, the Commission and Staff can require the maximum reuse of recycled water throughout the complex to protect Laguna Beach's biological resources in creek and coastal receiving waters. Restoration of creek-side wetlands and riparian habitat throughout the Project site can improve downstream water quality and reduce flows rates to natural levels.

The proposed Project site is key to creek and ocean water quality improvements serving as a gateway for present efforts to restore federally endangered Tidewater goby habitat at the adjacent Aliso Estuary Coastal Wetlands by the California Coastal Conservancy and local NGOs. With support and direction from the Commission and Staff, the Project represents the ideal opportunity to work together and improve creek and ocean water quality through a world class, sustainable & successful golf course and resort complex.

California Coast Act, Article 4, Section 30231 - Biological productivity; water quality states:

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

Depending upon storms and random sewage or urban runoff discharges, I swim weekly in coastal waters to access and monitor offshore deep-water kelp forests about 1 mile down-coast from Aliso Beach. Kelp forests are recognized by NOAA and others as Essential Fish Habitats (EFHs). The health and welfare of the Aliso Creek Urban Runoff Plume averaging 1 to 5 million gallons per day determines my health and that of our recovering marine life. California Grey Whales and calves are seen annually migrating,

feeding and resting along Aliso Beach & South Laguna coastline. Coastal dolphins can be observed most days from bluff-top outlooks. Harbor seals have joined me on long ocean swims.

Even though I fully support the local efforts to sustainably and successfully restore the former Aliso Creek Golf Course, I would recommend a few additional considerations to create a leading edge project reflecting Laguna's environmental legacy. The Project's water quality elements relate directly to State Water Conservation Mandates for on-site stormwater capture & reuse along with full use of nearby hi-purity recycled water throughout the Project complex. These project components are key to a healthier creek and coast. I am dedicated to protecting the Pacific Ocean – my home.

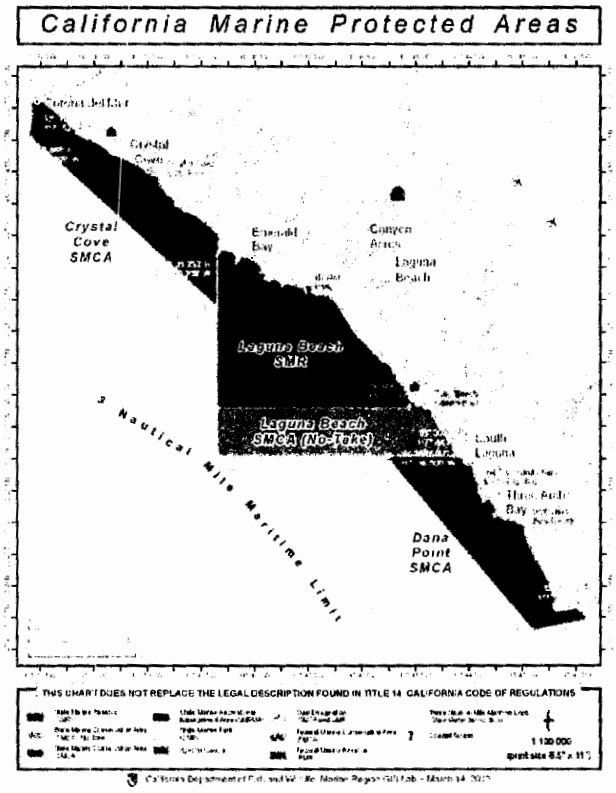
The California Coastal Act is a national treasure of major importance to our community, and as a native Californian and ocean waterman, I encourage full application of the rules, laws and regulations aimed at preserving and protecting our unique coastal resources in the development review process. The proposed project is bisected by Aliso Creek – a Clean Water Act 303(d) Impaired Water Body – and is adjacent to the degraded Aliso Lagoon identified for future restoration of federally protect Tidewater goby.

My recent environmental award was for leading a 15 year public/private partnership movement to reduce urban runoff polluting Aliso Creek and contaminating Aliso Beach coastal resources. The $2.3 million South Coast Water District's Aliso Creek Reclamation Facility removes up to 800,000 gallons of excess, highly contaminated, dry weather urban runoff for filtration and beneficial reuse as hi-purity recycled product water to decrease reliance on imported water and ultimately reduce ocean pollution at Aliso Beach.

The City's actions to fast-track Project Approvals place both the developer and community in a difficult situation. While there appears to be almost universal support for many of the project's redevelopment goals, we are concerned our basic rights for Public Comment have been circumvented to the detriment of LCP rules and regulations. The precedent nature of this project in a highly sensitive environment requires a clear, open and transparent process to incorporate the best coastal development features.

Multiple studies reveal centuries of unsustainable ranching practices deforested the immediate upstream Aliso Watershed alluvial floodplain and contributes to an arid, dry "urban heat sink" to promote regional drought conditions followed by intense flooding. "Sheep Hill" is the site of the City of Aliso Viejo. Subsequent rapid paced development of South Orange County cities permanently contaminated Aliso Creek with illicit inland, dry weather and stormwater flows. A proposed $80 million Army Corp of Engineers Aliso Watershed Restoration Project seeks to protect regional sewage trunk lines buried along Aliso Creek's rapidly eroding streambanks.

The proposed 84 acre golf course, resort and new entertainment venue redevelopment Project is sited on the Aliso floodplain and surrounded by an Environmentally Sensitive Habitat Area (ESHA) bisected by Aliso Creek – a federally listed Clean Water Act 303(d) Impaired Waterbody for Nitrogen, Phosphorous and Toxicity. Golf courses are known point sources for urban runoff with hazardous constituents draining directly to Laguna Beach's State Marine Conservation Area (SMCA). Urban runoff is known to create Harmful Algae Blooms (HABs) contributing to recent alarming increases in ocean acidification. The Laguna SMCA is an important California Grey Whale migration site and Coastal dolphin habitat.



Regarding Commission Staff Items 14 & 16 (Resource Agencies & Final Water Quality Management Plan), the Project's water quality impacts requiring a Final Water Quality Management Plan were noted last Spring since it is a redevelopment project that creates adds or replaces at least 5000 square feet of impervious surface on an already developed site and the existing development or redevelopment project falls under Priority Development Project Category. A Priority Development Project Category Environmentally Sensitive Area is a site adjacent to an Environmentally Sensitive Area ESA (Aliso Creek 303(d) CWA listed waterbody). Replacement of a parking lot 5000 sq ft. impervious surface includes

replacement that does not allow water to be absorbed is considered impervious and would require enrollment in the State's General Construction Permit.

Golf courses can be re-designed for multiple community benefits. LEED certified golf course standards require consideration and incorporation. Organically managed golf courses utilize kelp as fertilizer to reduce creek contamination. Others use wells or are lined with fabric barriers to retain water on-site working in partnership with coastal wetland restoration efforts. A fully restored Scout Camp with native Sycamore trees and wetlands can reduce pollutant loads to the Project and flow rates to the coastal estuary at Aliso Beach. With modern tools, techniques and technologies it is possible to bring the Lagoon back to Laguna at Aliso Beach.

For example, the San Juan Hills Golf Club uses excess creek water to irrigate and thereby reduce contaminated discharges to Doheny State Beach. Pelican Hills Golf Course in Newport Beach harvests stormwater and reuses water throughout its facilities multiple times to protect Crystal Cove State Beach. (See "Practical Considerations for Stormwater Harvesting and Use", Eric Strecker, P.E., Geosyntec Consultants to Pelican Hills, Irvine Company).

The previous Athens Development Project, while inappropriate in mass and scale for the site, did proactively propose converting parking areas and the property access road for underground street cisterns to reduce stormwater flows and supplement water demands while mitigating discharges to protected coastal receiving waters. (ALISO CREEK INN & GOLF COURSE REDEVELOPMENT PROJECT WATER QUALITY TECHNICAL REPORT: PW0140 Geosyntec Consultants 2007).

Street cisterns, as tunnels, can be multi-purposed to accommodate replacement of regional SOCWA sewage force main pipes presently exposed in Aliso Creek at and below the Project site. During dry weather, cisterns can be recharged with recycled water storage for emergency fire suppression in this high wildfire hazard zone. Coordination with forthcoming major regional sewage repairs and upgrades need to be incorporated to facilitate and enhance improvements and access to the Project development site. Traffic circulation at the intersection of Coast Highway and the Project access road may continue to be dangerous and problematic.

The project is sited adjacent to the Coastal Treatment Plant with an Advanced Wastewater Treatment (AWT) facility enabling the resort and golf complex wide use of recycled water for irrigation, toilets, interior fire systems, air conditioners, grounds maintenance and related water demands.

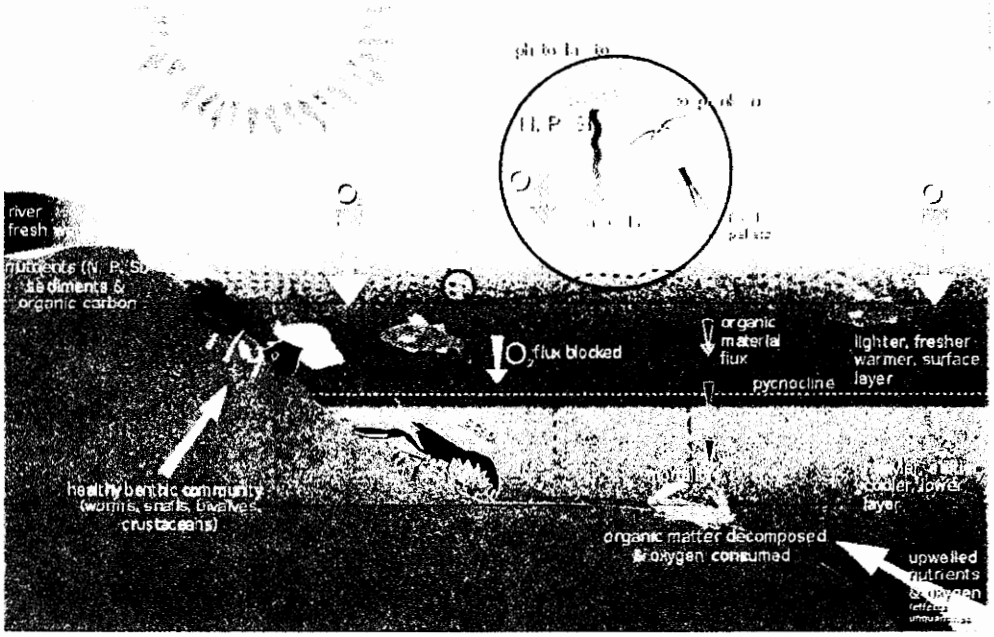
WATER CODE SECTION 13550.(a) The Legislature hereby finds and declares that the use of potable domestic water for non-potable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is Available...
13552.6.(a) The Legislature hereby finds and declares that the use of potable domestic water for floor trap priming, cooling towers, and **air-conditioning devices** is a waste or an unreasonable use of water...
13554. (a) Any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, **may require the use of recycled water for toilet and urinal flushing in structures**

Present and future methane biogas upgrades at the Coastal Treatment Plant can also provide local natural gas for zero emission fuel cell electrical production on-site to supplement energy demands throughout the complex. Partnerships with UC Irvine's National Fuel Cell Research Center will provide the public with up to date green energy technology experiences at the Project site aimed at reducing carbon emissions and ocean acidification.

In approving the proposed project, the City of Laguna Beach ignored the LCP provisions, protections and opportunities for public input. The result is to burden the community and developer with costly, time-consuming appeals to the California Coastal Commission to protect the integrity of the LCP adopted as law in 1982 by the OC Board of Supervisors and again in 1990 by the City of Laguna Beach. The developer, community and limited City resources are unnecessarily taxed by the City's fast-track project approvals.

Coastal resources protected by the California Coastal Act are routinely degraded by water quality deficiencies in hastily approved development projects. The City failed to implement local, standard development protocols for workshops and multiple public hearings prior to issuing a series of piecemeal Project Approvals in an attempt to fast-track an 84 acre golf course, resort and new entertainment venue redevelopment project in an Environmentally Sensitive Habitat Area (ESHA) bisected by Aliso Creek – an v Waterbody for Nitrogen, Phosphorous and Toxicity.

Aliso Creek discharges to Aliso Beach – permanently posted for contamination – and forms an urban runoff plume in the Laguna Beach State Marine Conservation Area (SMCA). Aliso Beach is home to the World Skimboard Contests and remains a very popular regional beach for low income families and others seeking to enjoy ready access to the coast. Recent research by UC Irvine scientists confirm "urban slobber" from is a major source of ocean pollution (Environmental Science & Technology, Dec. 2014). According to the EPA, water recycling decreases discharges to sensitive Water Bodies. http://www.epa.gov/region9/water/recycling/#discharge



The first attempt at comprehensive planning by the City of Laguna Beach occurred in 1955. Like all coastal communities in California, the City of Laguna Beach must observe the provisions of the California Coastal Act of 1976. The California Coastal Commission certified the City's Local Coastal Program on March 13, 1986.

Public participation has traditionally performed a valuable function in the planning process, particularly in reflecting community values, needs, and goals. In the City of Laguna Beach, citizen participation has been a particularly important feature of the local planning process, providing residents an opportunity to express their thoughts and viewpoints and interact in the decision-making process. This community participation has added quality and credibility to planning studies and engenders public understanding of, and support for such plans. Citizen involvement played an instrumental role in the early development of the LCP.

I am a native of coastal Northern California and have lived in South Laguna since 1978. My training, ocean experiences, education and financial independence allow me to help develop private/public partnerships to successfully advance ocean water quality projects in and around Laguna Beach. I have spent a lifetime around California's creek, streams, lakes and ocean waters. My travels have given me unique opportunities to swim and dive with sea turtles, manta rays, dolphins, sharks and incredible sea life throughout the world. Laguna Beach's kelp forests rank among the best. The coast is the "Little Big Sur" of Southern California populated by locals living in homes ranging from mansions to mobile trailers.

Although I am Vice President of the South Laguna Civic Association, National Association of Underwater Instructor (NAUI # 3033), retired UC Irvine Assistant Dean of Students, Co-Founder of the Handicapped SCUBA Association and Laguna Beach Bluebelt Coalition, decorated Navy SEAL and recent Vice Chair of the Laguna Beach Wastewater Task Force, I am offering my comments as an individual resident of South Laguna.

Thank you for your dedication to protecting California's precious coastal resources and consideration of my comments and recommended actions.

MICHAEL BEANAN

Michael Beanan
31952 Sunset Ave.
Laguna Beach, Calif. 92651

January 4, 2015

California Coastal Commission

South Coast Area Office

200 Oceangate, Suite 1000

Long Beach, CA 90802-4302 (562) 590-5071

RE: A-5-LGB-14-0034

Laguna Beach Golf and Bungalow Village, LLC

“The Ranch at Laguna Beach”

Commissioners:

My name is Taylor Greene and I’ve been a resident of Laguna Beach since 2003. I am speaking as a private citizen regarding the creation of a public pedestrian and bicycle trail through “The Ranch” property.

The December 12, 2014, CCC staff report states that the approval of the coastal development permit for “The Ranch” project will be granted by meeting certain conditions, one of which is providing a floating easement for a public trail through the property, thereby connecting Aliso Wood Canyon Regional Park with Aliso Beach Park. I am in favor of creating this public trail and feel that the creation of the trail should be a mandatory condition for approval of “The Ranch” development permit.

Nevertheless, the location of the floating easement for the trail is likely unworkable. Locating a trail through this area would be prohibitive based on the steep topography, the requirement of intensive grading, habitat destruction and irreparable alteration to the natural character of the canyon.

Instead, the condition for the final trail location and design should meet the following criteria: accessibility to everyone, no matter their physical condition; trail dimensions that can accommodate two way pedestrian and bicycle traffic; safe passage for the trail users; trail location that is as close to or at the existing grade of the canyon floor; a trail that minimally alters the natural character of the canyon.

The wilderness open space surrounding Laguna Beach and the public access to this open space is a defining characteristic of what makes Laguna Beach so special and a major reason many of us live there. Linking Aliso Wood Canyon Regional Park to Aliso Beach Park through "The Ranch" would provide important public access that is currently lacking and would act as a final piece in connecting the Santa Ana Mountains to the Pacific Ocean.

The Ranch Property is set in one of the most unique, scenic and naturally stunning parts of the San Joaquin Hills. Sharing this experience with the public via a trail benefits everyone. All should be able to enjoy unfettered access to this Crown Jewel of Laguna Beach and the trail provides that reality. What a fitting legacy to leave with this iconic location.

Sincerely,

Andrew Taylor Greene

31161 Holly Drive

Laguna Beach, CA 92651

From: Charlotte Masarik
To: Prahler, Erin@Coastal
Subject: FW: Letter to Commissioners ref: A-5-LGB-14-0034- for Thursday, 1/8/15
Date: Sunday, January 04, 2015 6:46:37 PM

Dear Miss Erin: I would appreciate you seeing that all the Commissioners and necessary other persons get my letter below for the deadline 1/5 for the CCC Meeting on 1/8. I would like confirmation of this. Thank you very much and see you on Thursday, the 8th, Charlotte Masarik

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January 4th, 2015

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

RE: A-5-LGB-14-0034
Laguna Beach Golf and Bungalow Village, LLC

Dear Commissioners:

I am a 20 year resident of Laguna Beach and leader of a walking group for 15 years with over 100 persons listed in the group. Whilst I am in support of Mark Christy and the redevelopment of The Ranch Property, I am concerned regarding the proposed permanent trail and feel that it will never be built as per the 'floating easement' proposal on the north slope of The Canyon. There are various properties that the trail would have to traverse, the land disturbance would be too extreme, and given the hilly topography the trail would be physically very challenging. A permanent trail should be accessible for everyone, not just the physically fit. Therefore, I do not think this proposed trail is in any way feasible.
I would also like to go on record that it is not clear who is going to pay for the Access Shuttle. The Shuttle is a temporary stop-gap, but if a permanent trail above The Canyon is not viable, then what? Please consider this...that a future trail be built through The Canyon golf course, not outside of it on the hillside. It would be shameful if we do not grab this one opportunity to create a feasible, pedestrian/bicycle trail for everyone including The Ranch owners through The Canyon and golf course. Otherwise, it may be lost forever.
As a walker and hiker, I can attest to the kind of folks that will be hiking/biking on a canyon trail; they are quiet and respectful of nature and appreciate the beauty of The Canyon, and there are many golf courses across the country with adjacent or internal, multi-use, public trails. The Aliso and Wood Canyons Wilderness belongs to us all from the Cleveland National Forest to Aliso Beach and The Sea. I hope you can work out a compatible and safe trail on the floor of The Canyon for everyone including the golf course and its patrons, and make us all proud of the accomplishment. Everybody should get a chance to see Laguna's Yosemite once in their lifetime.
Thank you and sincerely,

Charlotte Masarik
761 Oak Street
Laguna Beach, Ca 92651
949-494-1630

PAUL MERRITT
P.O. BOX 9145
LAGUNA BEACH CA 92652

January 2, 2015

CALIFORNIA COASTAL COMMISSION
200 OCEANGATE
LONG BEACH, CA 90802

RECEIVED
South Coast Region
JAN 2 2015
CALIFORNIA
COASTAL COMMISSION

TH 11 [A] aka THE RANCH
January 8th 2015
Santa Monica Hearing

Dear Coastal Commissioners,

I think the hard-working Coastal Staff has not included some important facets of the APPEAL in its report. For example, the Flood issue. (?)

As a long time Laguna resident I understood the RANCH parking was reduced for a ''valet program''. This program was to implement off-site parking in the EAST-side ALISO Creek County parking lot.

I recall seeing documents about 8 months ago on this situation. Parties to the Appeal have indicated the overage parking will use **onsite side** street, lot parking. PLEASE clarify this issue. If the parking is to overflow onto outside perimeters of the applicant; then I reserve my comment.

SECOND, I **object to the staff analysis** in mixing the ''trail use and access issue'' with the ''affordable lower cost hotel'' use. The two issues don't mix and are nonsensical for a resolution for either issue.

Disabled, elderly and toddlers have little interest in an offset trail.

In reviewing the math equation the 1.1 million dollars for mitigation of lower cost Hotel loss is flawed. It appears only 34 motel rooms are accounted for? In fact 60 something hotel rooms are totaled. And I recall the prior owner Montage was to pay 80,000 dollars per unit lost.

Finally, I **would like citizens as individuals to be allowed camping** in the mitigated SCOUT camp zone…. not merely organized groups.

Thanks for your patience on this complex appeal.

PAUL MERRITT

From: jay marks
To: Prahler, Erin@Coastal; lilliana.roman@coastal.ca.gov
Subject: comment:the Ranch/Laguna Beach, trail in Aliso Canyon
Date: Friday, January 02, 2015 12:41:49 PM

Ms. Prahler,

I support the intention to restore the Ranch property in Laguna Beach but not the increased density. I am a home owner in Laguna Beach within a quarter mile of the Ranch project. My concern is that the Ranch development **does not include a public access trail for all, whether hikers, bikers, or walkers, through Aliso Canyon from the Aliso and Wood Canyons Wilderness Park to the beach.**

Mr. Christy has written that multiple additional property owners such as Driftwood, SOCWA, SCWD, and the County of Riverside would need to be involved in such a project. He has also rebutted a trail because of safety concerns from the golf course. I feel that these issues can be mitigated through planning and collaboration with adjacent property owners. The trail would be an important legacy to provide for the public.

If the trail in a few places would be close to the current creek, perhaps the Coastal Commission could grant a variance for those areas. I've read of a proposed shuttle for the public to transit the Ranch, but it appears the funding is questionable and not in perpetuity. The Aliso Canyon trail may take time to be become a reality, but it has been proposed for many **decades. The public continues to wait.** I appreciate the Commission's work and hope that it will be empowered to require this trail.

(Mrs.) Marilyn Marks
marksjay@earthlink.net
949 415-0222

LOCATIONS

RECREATION

HEISLER PARK

Heisler Park over looks the water and is close to little shops. It is also kid-friendly with lighthouse theme play structure. Easy access to bathrooms and little showers.

GET DIRECTIONS

(949) 497-3311

VIEW WEBSITE

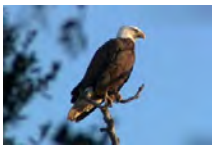
ALISO & WOODS CANYON

The Aliso & Woods Canyon is made up of 4,500 acres of wilderness and natural open space land. It was once part of the Juaneno or Acajchemem tribal land. It is a wildlife sanctuary and also will find a variety of rare plants.

GET DIRECTIONS

(949) 923-2200

VIEW WEBSITE



OC PARKS

OC Parks encompasses regional, wilderness and historical facilities, as well as coastal areas throughout the County of Orange in California.

(714) 973-6865

VIEW WEBSITE

HOBIE SURF SHOP

Hobie Surf Shop specializes in the California coastal experience. You can paddle board, surf, play in paradise and they also offer eco-kayak tours.

GET DIRECTIONS

(949) 497-3304

VIEW WEBSITE

CRYSTAL COVE STATE PARK

Crystal Cove State Park has 3.2 miles of beach and 2,400 acres of undeveloped woodland, which is popular for hiking and horseback riding.

GET DIRECTIONS

(949) 494-3539

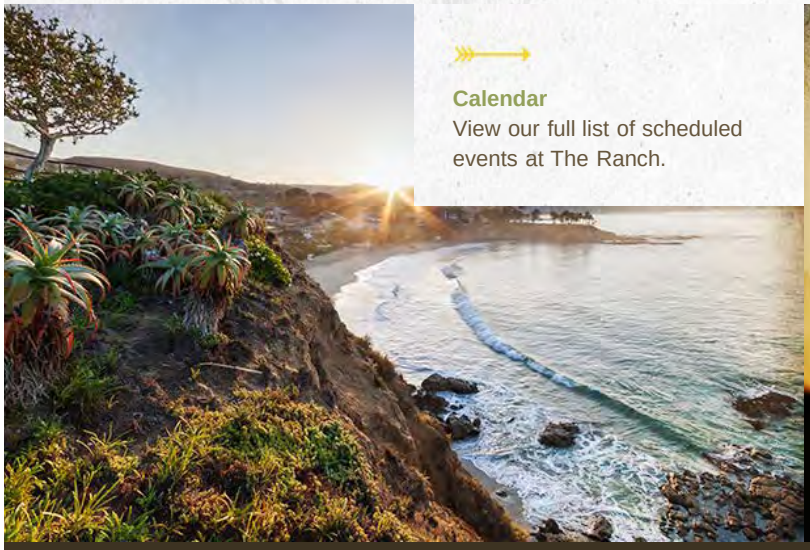
VIEW WEBSITE

LOCAL ATTRACTIONS

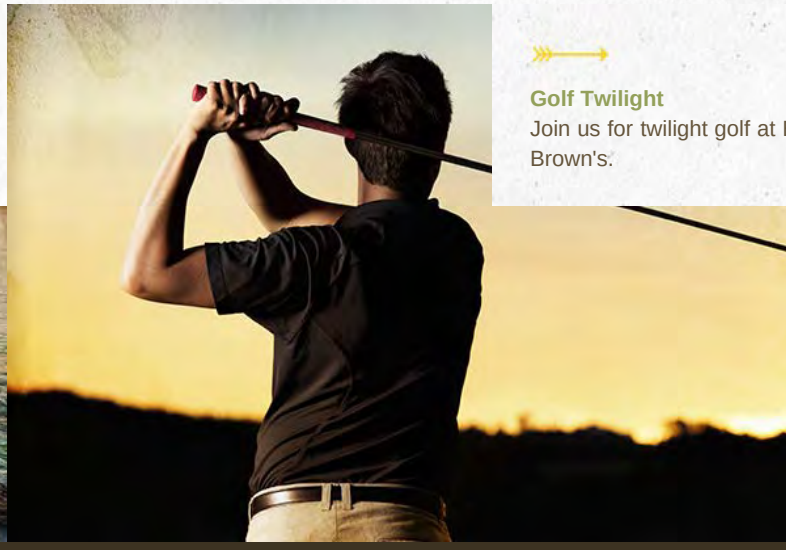
SHOPPING

NATURE

The natural topography of The Ranch's rugged canyon and its proximity to the ocean and mountains provide an inspiring backdrop for an endless array of activities where Laguna's true nature shines through. Land pursuits run the gamut from world-class mountain biking, Bocce ball, archery and Frisbee to guided hiking, birdwatching, stargazing and campfire talks



Calendar
View our full list of scheduled events at The Ranch.



Golf Twilight
Join us for twilight golf at I
Brown's.

LOCATED IN BEAUTIFUL
LAGUNA BEACH, CALIFORNIA

31106 S. COAST HIGHWAY
LAGUNA BEACH, CA, 92651

THE RANCH HOTEL GALLERY

The Hotel, Venue, Golf, Wedding, Meetings

VISITOR'S GUIDE

From surf and sand to nature hikes and biking, Laguna Beach has something for everyone. Learn More

TRAVEL LAGUNA BEACH

Official Laguna Beach app makes its debut—introducing the Trolley Tracker function. Learn More

Want to learn more and receive the exclusive inside scoop? Join our e-club today!

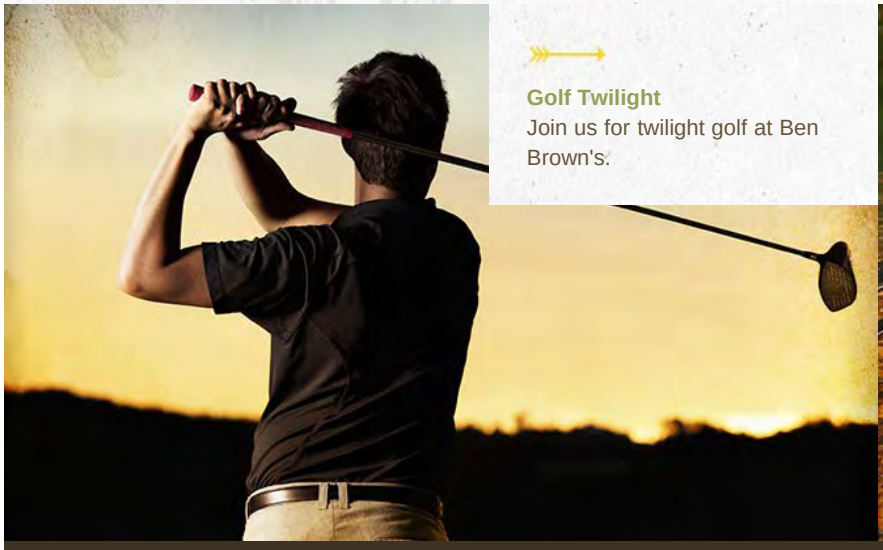
Email Address

Name

Submit

BEACH

Just 350 yards from one of the world's most acclaimed beaches, The Ranch's activity program – **Canyon Camp** – presents a variety of beach and marine activities. Our complimentary transportation drops you off beachfront to explore the wonders of the Pacific. Take up surfing, kayaking, stand-up paddleboarding (SUP), skimboarding, snorkeling, deep-sea fishing, dolphin safaris, tide pool exploration and other invigorating water activities. Or grab a custom-made picnic basket and head down for relaxation. The nearby **Hobie Surf Shop** specializes in the California coastal experience. You can paddle board, surf, play in paradise, or experience the eco-kayak tours.



Golf Twilight
Join us for twilight golf at Ben Brown's.

Dining
Chef welcomes Sp
new vegetable side

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Email Address

Name

Submit

CANYON CAMP: AN ARRAY OF ACTIVITIES FOR EVERYONE

Join a docent for an informative hike. Cultivate your green thumb with **garden** tours and planting and harvesting parties. Chill out with friends and family at a festive beach bonfire. Soothe your spirit with a **meditation** or introspection class in our open, grassy gathering spaces. Get fit with poolside yoga, Pilates or a beach-style boot camp. Or hide out in an Adirondack-style chair and read for hours under a favorite tree.

Land pursuits run the gamut from world-class mountain biking, sand volleyball, Bocce ball, archery and Frisbee to guided hiking, bird-watching, stargazing and campfire talks. By sea, take up surfing, kayaking, stand-up paddleboarding (SUP), skim-boarding, snorkeling, deep-sea fishing, dolphin safaris, tide pool exploration and other invigorating water activities. Or grab a custom-made picnic basket and head for the beach on our complimentary shuttle.

Orange County's Yosemite, The Ranch at Laguna Beach, offers an impressive array of activities for all ages. Families love our "Family Tee" golf program with its shortened tees and fun, laid-back atmosphere. Kids flock to our **Junior Rangers** kid's program with its themed adventures in exploration and education. Couples enjoy cooking classes, **wellness programs** and sports of all sorts. Retirees come for gardening, historic tours and Plein-Air painting classes. Everyone gathers for our nightly "Deer Talk" storytelling event at sundown, when our deer magically appear.

Fun is in all forms at The Ranch – enjoy as little or as much as you like!

Golf Twilight
Join us for twilight golf at Ben

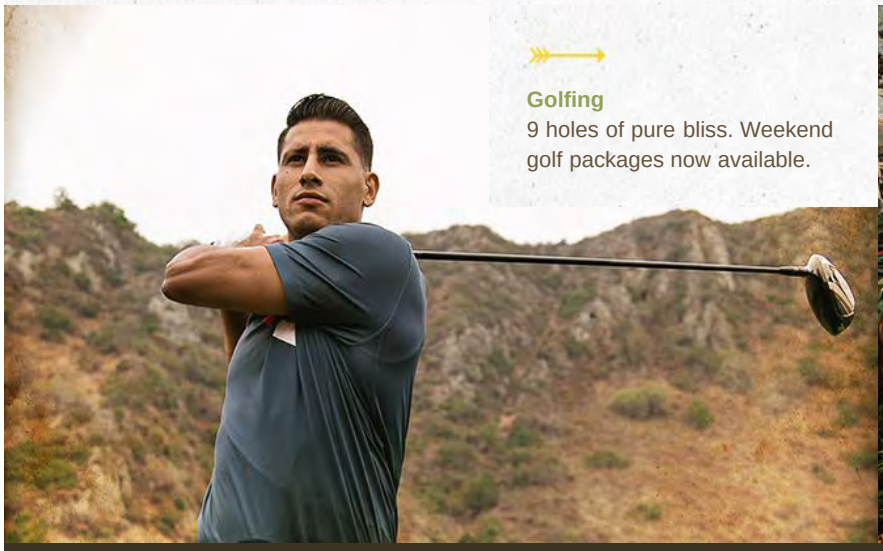
Dining
Chef welcomes Sp

RANGER STATION KID'S CAMP

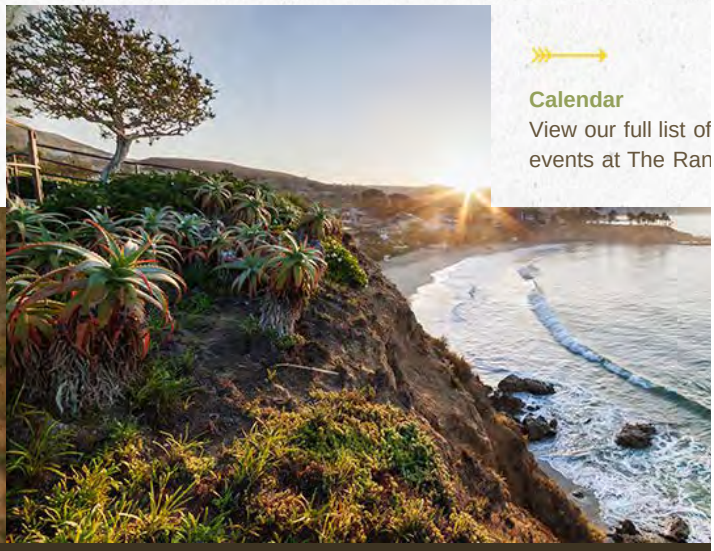
Families are always at home at The Ranch at Laguna Beach. Our guestrooms offer a variety of configurations for families of all sizes.

We offer an array of activities for every age and interest. Share a love of golf with our unique “Family Tee” program, featuring shortened tees to encourage junior golfers to play. Keep children and grandchildren entertained with our interpretive Junior Rangers kid’s program. Instead of a video game room, our themed program is chock-full of fun, adventure, exploration and education. Ranger activities include an array of opportunities for families to connect or children to make friends and explore nature. Choose guided programs and curriculum focused on marine life, sustainability and appreciating all of nature’s wonder. Bring the whole family for our nightly “Deer Talk,” a great storytelling event at sundown—the magic hour when some of our favorite neighbors, the deer, appear.

Lose the electronics and all the “stuff” that just gets in the way. Come to The Ranch to kick back, unplug and make memories with the ones you love most. There’s no better place to just connect in the raw beauty of family time.



Golfing
9 holes of pure bliss. Weekend golf packages now available.



Calendar
View our full list of events at The Ran

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The Hotel, Venue, Golf, Wedding, Meetings

Want to learn more and receive the exclusive inside scoop? Join our e-club today!

Email Address

COMMUNITY SUPPORT

THE FINAL RANCH FIELD TRIP

8:00 AM Meet at RLB for Coffee & Donuts

8:30 AM Depart as a group for the Commission meeting being held in Santa Monica

Or meet us there by **10:30AM**

California Coastal Commission Meeting

Santa Monica Civic Center-East Wing

1855 Main Street
Santa Monica, CA 90401

Once again a sincere thank you to everyone who have supported us through this long process. We are in the final stretch for a resolution to allow us to complete this amazing project. Once again we ask for your assistance and support! Join us in Santa Monica on Thursday January 8 for the January California Coastal Commission Meeting. As we did this past October, we will be taking buses up to the meeting with anyone who would like to join us. We will leave from The Ranch at Laguna beach that morning.

Letter from our Owner and Principal Mark Christy in response to appeal filed with the California Coastal Commission delaying the completion of The Ranch at Laguna Beach:

First and foremost, I'd like to thank the people of Laguna for their overwhelming support of our restoration here at The Ranch at Laguna Beach (Aliso Creek/Ben Browns). Inevitably, while thanking us for what we're doing, they offer to help support our efforts and set the record straight on what is (and isn't) happening on the project.

Perhaps you've read that our project was appealed to the Coastal Commission. In finding there may be "Substantial Issue" the Commission neither upheld nor denied the appeal. But it's a big project, in a magnificent natural setting and a local citizen has requested that they take a closer look. We did not oppose this review because we know that we're doing right by this iconic property on every level. They'll soon recognize what the rest of town already knows. That our restoration project is literally the best thing that Laguna, and all of her residents, could possibly have hoped for.

For those of you unfamiliar with this 87-acre property, it consists of a rambling hotel campus, a restaurant/lodge building, a tranquil 9-hole golf course and a pro-shop/office building. The course was built in 1950, with the balance of the hotel/lodge area property developed by Ben and Violet (Vi) Brown in the early 60's. The Brown family ran the enterprise until selling to an affiliate of the Montage in 2004. This affiliate eventually submitted elaborate plans to tear everything down, move thousands of yards of soil, develop a large hotel including dozens of new homes throughout the canyon and construct an 18-hole course by pushing into Aliso and Wood Canyons Wilderness Park. For many locals including myself, it seemed overly ambitious for this incomparable setting. So I asked them to please call me if/when they ever decided to sell before selling to some generic national chain. Years later, the call came in. And as a lifetime resident who'd grown up playing this golf course with my dad (and now my son), and one who has nothing but reverence for the setting, I jumped at the opportunity. However our approach to the property would be completely different. We planned on restoring this decades-neglected iconic treasure to its original glory, while incorporating modern functionality required by both the building/safety code and our guests. And that is precisely what we are doing. Nothing more:

- We **are NOT building a new resort** but rather are simply **restoring the original hotel buildings.**
- While splitting rooms to offer more options to visitors, we're maintaining the **original hotel room footprints, original rooflines** and keeping the **original perimeter framing of the hotel buildings** approximately 98% intact.

The work was unanimously approved by the Planning Commission (the subject of the appeal) and **takes place entirely within an existing footprint that was 100% developed and virtually completely paved back in the 1960's**

- We're **replacing the hazardous 50-year old wood siding** with fire-resistant materials
- We're installing **new fire sprinkler systems** for the safety of our guests and neighbors
- We've **eliminated all of the original wood-shake roofs**
- We're installing insulation and energy efficient windows utilizing the **original openings**.
- Even with the modest new buildings proposed the project entails an **over 11,000-foot reduction in the building footprints**
- We're **eliminating over 7,000 feet of paved surfaces** and replacing them with natural materials and filtration drains reducing runoff into the creek.
- We've sensitively pruned the decades-ignored vegetation, ensuring the preservation of native plants and proper maintenance. All State and Federal laws regarding protection of nesting/roosting birds were followed during tree trimming.
- After obtaining all required permits and properly giving advance notice to the appropriate agencies (CA Coastal Commission, US Fish & Wildlife, etc.), we used only their permit-approved restoration methodologies to**voluntarily eradicate invasive non-native vegetation** in the creek bed. All work was conducted under the supervision of our on-site M.S. Habitat Restoration Ecologist. No other work in the sensitive creek area has occurred besides this agency-permitted ecosystem improvement.
- We'll **celebrate and respect the property's heritage** including the original Thurston home site and restore the long-abandoned moniker and community use of the original Camp Elizabeth Dolph which had for decades been a dilapidated maintenance dump covered in refuse. I believe that the site should preserve and reflect its wonderful history and engage the community in the parcel's special setting.
- We're **voluntarily converting the hotel landscape irrigation to recycled water** using drought tolerant and native plants.
- We've been proactively working with SCWD and SOCWA for months in effort to **voluntarily convert the Golf Course to recycled water**. They are currently still in the testing stages for the new recycled water facility to ensure proper TDS levels for turf.
- We've hired a regionally-recognized Eucalyptus expert to ensure that trees on the property, including Camp Elizabeth Dolph, are continually monitored and maintained to ensure long, healthy lives as well as visitor safety.

We're **voluntarily reducing turf coverage by tens of thousands of feet throughout the golf course** to minimize water usage.

We welcome the review. This project stands quite tall on its merits and is widely and enthusiastically embraced by virtually everyone who has seen it. But when it's characterized that we're potentially harming the environment, or somehow doing some major development I needed to set the record straight. For example, a letter in this week's paper claims "powerful special interests fought (the appellants) appeal." In reality, no one "fought" the appeal. Rather, these "Special Interests" were simply going on record as supporting this project and include such groups as Schoolpower, Laguna Art Museum, Laguna Beach Little League, Laguna Ocean Foundation, One World/One Ocean – Greg MacGillivray, Pacific Marine Mammal Center, The Ocean Institute, Laguna Plein Air Painters Association, Glennwood House, Wheels 4 Life, Grower's First, and several environmentally focused former City Council Members. We're humbled that this diverse and unprecedented group has offered to lend their voices to the strong chorus of locals who love what we're doing.

Our project is an oasis of Laguna Soul and represents an aesthetic and environmental windfall that visitors will love and locals describe as "an answer to Laguna's prayers." We have a decades-overdue, environmentally correct and widely supported project with nothing to hide. As a lifetime resident, I'm confident that generations of Laguna residents will look at this property with the same pride I'm feeling right now.

If you'd like to see for yourself, please contact me: **mark@ranchlb.com**. I'll be more than happy to take you on a personal tour so you can witness the sensitive restoration and minimal scope of work that is actually involved. You'll see the loving attention that has gone into every detail of this restoration and recognize it as being the ideal outcome for this local treasure. And if you too want to support this worthy project, please stop by and we'll let you know how you can help.

Thank you for your consideration.

Mark Christy

We offer a sincere THANK YOU to the Local Charitable Organizations, Foundations and Enviromental Groups listed below that are in support of our project.

Please click the Logos below to read their letters in full:

LAGUNA OCEAN FOUNDATION

ONEWORLD ONEOCEAN.ORG

WWW.WHEELS4LIFE.ORG WHEELS 4 LIFE A HANS REY CHARITY

SCHOOLPOWER Laguna Beach Education Foundation Realizing the dream of a world-class public education.

PACIFIC MARINE MAMMAL CENTER

LAGUNA PLEIN AIR PAINTERS ASSOCIATION

LBLL Laguna Beach Little League

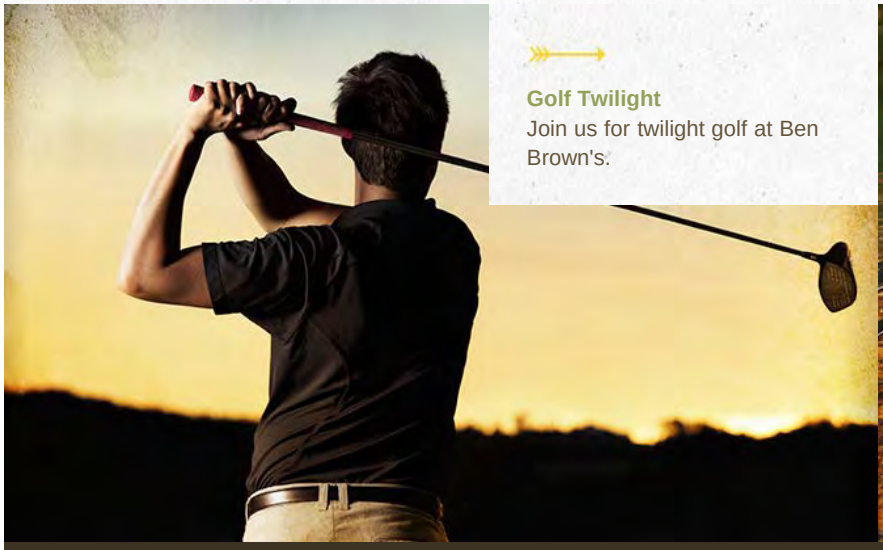
GROWERS FIRST www.growersfirst.org

LAGUNA ART MUSEUM

Glennwood HOUSING FOUNDATION

The Laguna Playhouse

The Ecology Center



Golf Twilight
Join us for twilight golf at Ben Brown's.

Dining
Chef welcomes Sp
new vegetable side

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Email Address

Name

Submit

SUBMIT

M E M O R A N D U M

FROM: John D. Dixon, Ph.D.
Ecologist

TO: Erin Prahler

SUBJECT: Response to comments on the staff report for "The Ranch at Laguna Beach"

DATE: January 7, 2015

Documents reviewed:

Bomkamp, T. (Glenn Lukos Assoc.). December 30, 2014. Memorandum to M. Christy (The Ranch) regarding: "Proposed amendments to conditions related to biological resources in Coastal Commission staff report for The Ranch at Laguna Beach (Agenda item, January 8, 2015, TH11a)."

Christy, M. (The Ranch at Laguna Beach). December 31, 2014. Letter to the California Coastal Commission regarding: Agenda item Th11A, A-5-LGB-14-0034, The Ranch at Laguna Beach, 31106 South Coast Highway, Laguna Beach."

Elia, P. (Sierra Club). December 29, 2014. Letter to the California Coastal Commission regarding: "Application No. A-5-LGB-14-0034 Laguna Beach Golf and Bungalow Village/The Ranch."

Hamilton, R.A. (Hamilton Biological). December 29, 2014. Letter to the California Coastal Commission regarding: "Application No. A-5-LGB-14-0034 Laguna Beach Golf and Bungalow Village, LLC The Ranch at Laguna Beach."

Kaufmann, S.H. (Richards, Watson, Gershon, Attorneys at Law). December 31, 2014. Letter to the California Coastal Commission regarding: "A-5-LGB-14-0034 (Laguna Beach Golf and Bungalos Village, LLC) The Ranch Project, Agenda item, January 8, 2015, #Th11a."

Kutcher, C. (California Native Plant Society). December 29, 2014. Letter to the California Coastal Commission regarding: "Application No. A-5-LGB-14-0034 Laguna Beach Golf and Bungalow Village, LLC/The Ranch."

Thomas, S. (Sea and Sage Audubon Society). January 2, 2015 (misdated "January 2, 2014 in letter). Letter to K. Schwing (CCC) regarding: "Sea And Sage Audubon Society comments in response to 12-18-2014 staff report Application No.: A-5-LGB-14-0034."

Writing for the Sierra Club, Elia (2014) states that the staff report did not include significant biological reports and failed to address many of the biological impacts resulting from development at The Ranch at Laguna Beach. Although the various pertinent biological reports were not included as exhibits to the staff report, they were

listed in my December 17, 2014 memorandum to Coastal Program Analyst Erin Prahler, which was included as an exhibit, and those documents were considered by staff in crafting findings for the Commission's consideration and are part of the administrative record. The documented biological impacts from development activities were: 1) the removal of one and the extensive trimming of many Eucalyptus and other non-native trees in the Scout Camp area and within or adjacent to fairways, 2) removal of invasive non-native species, mostly giant reed, from the bank and watercourse of Aliso Creek, 3) the trimming of native elderberry and willows along the edge of the golf course, 4) removal of non-native species within High or Very High value habitat along the edge of the golf course, and 5) the trimming of native poison oak within the High or Very high value habitat along the edge of the golf course. Of the above enumerated impacts, only the tree trimming in the Scout Camp area is at issue in this de novo CDP. All else is under review by Commission enforcement staff and any resolution is to be handled separately from the matter currently before the Commission. About 0.3 acre of habitat that is identified as High or Very High value habitat in the LCP was subject to removal of non-native species and the trimming of native poison oak. The removal of non-native species is beneficial to the sensitive habitat. The trimming of native species is not so beneficial. However, in this case the disturbance was short-lived, the impacts were to a small area and the effects on the vegetation were temporary. Therefore, it is my opinion that the resultant ecological impacts did not constitute a significant disruption of habitat values within the High or Very High value habitat.

In various reports, Robert Hamilton identified potential impacts to wildlife and to a rare plant that might have resulted from the documented impacts to vegetation. These include loss of potential foraging habitat for coastal California gnatcatchers, possible disturbance to gnatcatchers, possible disruption of roosting by bats and butterflies or nesting by birds, and possible damage to big-leaved crownbeard, a rare plant known to occur in the immediate vicinity. Although these are all possible impacts, their identification does not provide substantial evidence upon which the Commission can rely to support its findings and actions. Nonetheless, I concluded in my December 17, 2014 memorandum that these impacts were unlikely for the following reasons. The applicant's agent reports that the vegetation removal took place outside the breeding season for most birds, the Eucalyptus trees were examined for nests before the trimming and removal took place, native plants were identified and avoided within the Eucalyptus grove and on the banks and in the bed of Aliso Creek, most of the potential foraging habitat for gnatcatchers that was removed was comprised of non-native species and was small relative to adjacent higher quality foraging habitat, and the only documented impact to native species within the High or Very High value habitat was the trimming of poison oak.

Sea and Sage Audubon Society (Thomas 2015) suggests that Eucalyptus trees adjacent to native habitats are "in almost all cases heavily occupied by birds, especially raptors" and should be assumed to be ESHA. There have only been a few instances where the Commission has designated non-native trees as ESHA. In those instances there was substantial evidence that the trees were especially valuable due to their role in the ecosystem, which the Commission found to be the repeated use for nesting by multiple species of raptors or by a rare species of raptor, or as wintering habitat for

Monarch butterflies[1]. The requirement that the habitat be "especially valuable" is a high bar. Any tall trees near foraging habitat are likely to be used periodically for perching and hunting by birds of prey and may occasionally be used for nesting. The Commission has not found this type of use to be "especially valuable." In most situations, the necessary studies (which may require several years of observations) have not been conducted and, as a result, there may be cases where important habitat has not been identified and protected. However, trees that receive exceptional use by wildlife are generally known to biologists in the community and in the resource agencies and such use can generally be documented in some fashion. In the case of the Eucalyptus trees in the Scout Camp area, no surveys were conducted immediately prior to the tree trimming and removal, but previous surveys did not document the exceptional use that would be required to meet the definition of ESHA.

The applicant and representatives object to several conditions in the staff report intended to protect the sensitive scrub and riparian habitats adjacent to the Scout Camp area (Bomkamp 2014, Christy 2014, Kaufmann 2014). In my December 17, 2014 memorandum and in the staff report, it is recommended that occupants be limited to a maximum of 100 people, that human activity be set back 100 feet from nearby scrub and riparian habitats, and that sound amplification be prohibited. In addition, the sound level limit of 65 decibels at the property line proposed by the applicant was affirmed. The intent is to reduce the effects of activity and sound on the surrounding habitat.

Bomkamp (2014) and Kaufmann (2014) consider the 100 person limit on gatherings to be arbitrary and without scientific justification (a criticism that also applies to the 150 person limit proposed by the applicant), believe prohibiting sound amplification is unnecessary if there is a stated limit to the level of sound at the property line, that keeping human activity 25 feet from riparian habitat and associated scrub habitats is adequate, and propose no setback from the scrub habitats in other areas.

Although staff is not aware of a scale that specifically relates sound levels to the number of people or activity type in gatherings, there is ample evidence to justify restrictions on human activity near sensitive native habitats. A central concern is the effect of anthropogenic sounds on the behavior of wildlife that is known to occupy the coastal sage scrub communities of Aliso Canyon, including animals with a protected status. Sound is used by animals for a wide array of communicative functions (e.g. navigation, predator deterrence, and attracting a mate)[2]. Excessive anthropogenic noises can disrupt wildlife communications, requiring animals to alter natural acoustic patterns. Moreover, numerous studies have uncovered adverse impacts of human activities and acoustics on wildlife, from birds to aquatic species to ungulates and even invertebrates. These impacts include changes in foraging behavior and timing, habitat avoidance, reduced reproductive success, and altered physiological responses such as heart rate and energy expenditure, among others[3].

[1] Some specific cases are provided in my December 17, 2014 memorandum.
[2] Blumstein DT, Mennill DJ, Clemins P, Girod L, Yao K, Patricelli G, Deppe JL, Krakauer AH, Clark C, Cortopassi KA, et al. 2011. Acoustic monitoring in terrestrial environments using microphone arrays: applications, technological considerations and prospectus. Journal of Applied Ecology. 48:758–767.
[3] Bautista LM, Garcia JT, Calmaestra RG, Palacin C, Martin CA, Morales MB, Bonal R, Vinuela J. 2004. Effect of weekend road traffic on the use of space by raptors. Conservation Biology 18:726–732.

The effects of both noise and general activity is reduced by reducing the number of people present, preventing sound amplification, and putting a significant distance between the people and the habitat. In the absence of specific data on the maximum number of people allowed in an area before the gathering generates sound above 65 decibels and given the high variation of gatherings (i.e. silent meditation retreat versus a wedding), staff's recommendation is intended to apply the precautionary principle and to be conservative in the direction of resource protection. The recommended proscription on sound amplification is based on the belief that decibel limits at the property line will be extremely difficult to monitor, maintain, and enforce. Even were acoustic sensors in place and a mechanism instituted to monitor them continuously during events, what would be the action when noise from a wedding party crept over the limit? I believe that a more enforceable and effective approach is to limit the number of people present, keep them a safe distance from sensitive habitat, and not amplify music or voice. There is an additional reason for setting back human activity 100 feet from Aliso Creek. This is an area where unpermitted development is being removed and that is being restored to native riparian and scrub vegetation. In order for the restored community to develop and function naturally, it should not be subject to frequent disturbance from human intrusion.

Blumstein DT, Mennill DJ, Clemins P, Girod L, Yao K, Patricelli G, Deppe JL, Krakauer AH, Clark C, Cortopassi KA, et al. 2011. Acoustic monitoring in terrestrial environments using microphone arrays: applications, technological considerations and prospectus. Journal of Applied Ecology. 48:758–767.
Frid A, Dill L. 2002. Human-caused disturbance stimuli as a form of predation risk. Conserv Ecol. 6:11.
Kight CR, Swaddle JP. 2011. How and why environmental noise impacts animals: an integrative, mechanistic review. Ecological Letters 14:1052–1061.
Stankowich T. 2008. Ungulate flight responses to human disturbance: A review and meta-analysis. Biological Conservation 141:2159–2173.

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South Coast Region
OCT 16 2014
CALIFORNIA
COASTAL COMMISSION

August 5, 2014

Mark Christy
Laguna Beach Golf & Bungalow Village LLC
DBA: The Ranch at Laguna Beach
31106 S. Coast Highway
Laguna Beach, CA 92651

RE: Historical Rate Analysis

Dear Mr. Christy;

The following will summarize a ten year history of rates for your property at 31106 S. Coast Highway, Laguna Beach CA 92651 – formally known as "Aliso Creek Inn" (2004-2013) and currently known as "The Ranch at Laguna Beach".

All the rate information has been obtained from the resort's profit and loss statements. The financial information recorded on these profit and loss statements are from the resort's prior ownership, Aliso Creek Properties LLC. I was employed as the General Manager of Aliso Creek Properties LLC from December 2010 to November 2013, and continue as General Manager under your employ. I have over 25 years' experience in operating hotels and resorts.

Definitions

ADR (Average Daily Rate) — A measure of the average rate paid for rooms sold, calculated by dividing room revenue by rooms sold.

ADR = Room Revenue / Rooms Sold

Reporting Period

The Reporting Periods used for this report are:

- Monthly
  - The ADR for a specific month (monthly ADR)
- Annual
  - The ADR for the entire recorded year (annual ADR)

Economy Lodging

Hotels / Motels that fall within the "Economy Lodging" definition are usually Limited Service Hotels - Limited-Service Hotel — Limited-service hotels have rooms-only operations, (i.e. without food and beverage service) or offer a bedroom and bathroom for the night, but very few other services and amenities. These hotels are often in the budget or economy group and do not report food and beverage revenue.

Full Service and Destination Resort *(Aliso Creek Inn falls within these categories)*
Full-service hotels are generally mid-price, upscale or luxury hotels with a restaurant, lounge facilities and meeting space as well as minimum service levels often including bell service and room service. These hotels report food and beverage revenue.

Destination Resorts
Hotels that appeal to leisure and family vacation travelers, typically located in **resort markets**, and are considered a destination in and of themselves. Destination resorts provide guests with extensive amenities normally associated and oriented toward the vacation and/or **family experience**- such as: **pools, golf**, tennis, restaurants, spa facilities, beach, ski, casino, etc. These more exclusive hotels are typically larger**, full-service**, Luxury chains, Upper Upscale chains, or higher priced
(ADR) independents.

Aliso Creek Inn was recognized by the media as a Luxury Resort – reference a January 9th 2014 USA Today article by Mark Rogers listing Aliso Creek Inn as a Luxury accommodation, accompanied by Montage and Surf & Sand. A copy of this article is included at the end of this report.

Detail Summary

The Reporting Period used for this rate analysis report is March 2004 thru December 2013. Aliso Creek Properties LLC took ownership of the property in March of 2004. No historical rate information is available prior to March of 2004.

The Average Daily Rates noted within this report are monthly totals. No individual daily rate information is available. It is important to note that the ADR for any hotel will change daily based on market demand. With this property specifically, the ADR would be much higher on a Friday and Saturday than on a weekday due to visitor demand in this specific market.

Historic Rate Information

Month / Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
January	NA	$115.75	$139.17	$143.64	$113.40	$113.39	$115.78	$123.06	$107.80	$87.13
February	NA	$119.00	$131.40	$138.42	$114.16	$116.94	$119.39	$98.08	$107.34	$127.73
March	$139.80	$130.14	$139.29	$132.74	$127.82	$112.95	$115.01	$102.37	$105.96	$106.43
April	$151.51	$127.95	$153.50	$139.77	$129.21	$127.55	$122.02	$139.25	$132.39	$121.13
May	$144.52	$138.39	$141.20	$145.31	$131.98	$124.19	$123.65	$108.70	$115.82	$130.05
June	$169.76	$151.49	$176.38	$176.81	$146.03	$128.19	$147.05	$113.72	$134.97	$150.24
July	$205.88	$212.82	$208.47	$205.31	$200.75	$194.62	$198.12	$179.58	$188.50	$172.34
August	$205.88	$212.77	$219.63	$214.01	$200.05	$168.73	$182.16	$166.18	$163.24	$192.72
September	$157.36	$151.56	$167.16	$144.38	$132.89	$118.13	$134.97	$127.20	$131.72	$127.63
October	$133.15	$133.92	$142.92	$140.67	$131.64	$119.18	$110.42	$126.16	$118.82	$135.02
November	$120.13	$134.13	$150.20	$128.58	$127.02	$119.53	$115.41	$118.72	$104.98	$191.70
December	$125.48	$135.32	$125.86	$113.80	$119.24	$109.61	$99.37	$103.19	$100.01	$193.55
Annual ADR	**$162.26**	**$153.91**	**$163.54**	**$157.20**	**$144.84**	**$133.27**	**$135.56**	**$128.27**	**$127.84**	**$172.61**

Room Type Summary

Prior to Renovation

- 9 Studio Rooms. Accommodate up to 4 guests.
- 3 One Bedroom Studios. Accommodate up to 6 guests.
- 20 Two Bedroom Suites. Accommodate up to 8 guests.
- 32 One Bedroom Suites. Accommodate up to 7 guests.
- Penthouse Suite. Large home rented by the night. Accommodate 8 guests.
-

Total: 65 Rooms

Post Renovation – recommended

- 9 Studio Rooms. Accommodate up to 4 guests.
- 3 One Bedroom Studios. Accommodate up to 6 guests.
- 20 Two Bedroom Suites. Accommodate up to 8 guests.
- 64 Standard Rooms. Accommodate up to 2 guests.
- Penthouse Suite. Large home rented by the night. Accommodate 8 guests.
-

Total: 97 Rooms

Market Notes 2004-2013

The Aliso Creek Inn was never considered Economy Lodging in Laguna Beach. The hotel was always positioned, marketing and recognized as a Mid to Upper Scale Resort. Note the USA Today recognition listing Aliso Creek Inn as one of 3 Luxury Resort in Laguna Beach (attached). A strong ADR performance in 2004 was indicative of what the industry refers to Mid-Scale lodging establishments. The rate variances year over year reflect economic conditions as well as the continued degradation of the property over time as a result of inadequate preventative maintenance, marketing efforts and apathetic guest programing.

There are fewer than 30 lodging establishments in the city of Laguna Beach. Since 2004 virtually no new room inventory has been introduced to the city. The lodging establishments that make up these 30 +- vary greatly in size, scale and levels of service. This does not account for the 100+ Airbnb.com "rooms" available online at rates as low as $69 per night.

Laguna Beach Economy Hotels

We purchased a third party rate comparison report from:

Hotel Information Service Inc.
P.O. Box 1415
Yelm, WA 98597
360-458-5348 Office
360-458-6529 Fax
hotelrates@hisreports.com

H.I.S. finds rates from hotel websites and Online Travel Agencies (Like Expedia) and creates a report. The report commissioned by The Ranch outlined the daily available rates from multiple

channels for May 2013 thru November 24th 2013. The report compared the rates of what traditionally are known as Laguna Beach's "Economy Hotels": These economy hotels represent the sub 100 ADR set.

Crescent Bay Inn
http://www.crescentbayinn.com
1435 N. Coast Highway, Laguna Beach CA 92651

Travelodge Laguna Beach
www.travelodgelagunabeach.com
30806 S. Coast Highway, Laguna Beach CA 92651

Laguna Beach Inn
www.thelagunabeachinn.com
2020 S. Coast Highway, Laguna Beach CA 926951

Art Hotel
www.arthotellagunabeach.com
1404 N. Coast Highway, Laguna Beach CA 92651

Laguna Beach Motor Inn
www.lagunabeachmotorinn.com
985 N. Coast Highway, Laguna Beach CA 92651

The report clearly shows that Aliso Creek Inn / The Ranch ADR was always higher, in many cases much higher that the Economy lodging offerings in Laguna Beach.

Rates for Renovated Property

The rates for the renovated hotel rooms start in 2015 when the project is expected to be 100% complete and stabilized as an operating resort. These are projections only based on market intelligence, comp set analysis and travel industry forward looking trends. While the rates show an increase over the prior years, it is important to note several important factors relating to the rate growth:

- The travel industry as a whole is on a rebound from the hit of 2008 – especially full service lodging establishments.
- You may recall that during our initial renovation / branding conversations in 2012, my recommendation was that if no additional hotel rooms were to be added to the inventory rates should be increased by at least thirty to fifty percent based on the guest room improvements you were planning. That would mean that the One Bedroom Suites (820 square feet) would be rented at an ADR of over 400 per night and the Two Bedroom Suites close to 900 per night on average. This ADR would be consistent with mid-scale lodging establishments both in and out of market on a price per square foot. Additional conversations led us to examine and recommend the addition of at least 30 rooms (to get as close to 100 rooms as possible) so that we could offer rooms at a lower room rate and maintain, even grow occupancy. With the additional rooms scenario we would be able to maintain our historic mid-market ADR position.
- The rate increase includes the assumption that we will open a spa and enhance the food and beverage operation.

Anticipated / Budgeted Rates

2015-2019 (5 year projection)

2015	2016	2017	2018	2019
$306	$314	$323	$334	$344

The projected rates for 2015 thru 2019 were established using competitive set data taking into account other Full Service / Luxury Destination establishments that have newer or highly maintained rooms and amenities. As an example – the ADR for our neighboring Montage Laguna Beach will record an annual ADR in 2015 at an estimated $500 per night, Surf and Sand, another Luxury resort in Laguna Beach will have an estimated 2015 ADR of $400. Other properties in Laguna Beach like Pacific Edge and the Inn at Laguna Beach are all seeing significant rate increases due to property improvements.

The Ranch at Laguna Beach will continue to be able to offer, via our uniquely large rooms, all guest types a much more affordable option as compared to other Mid to Luxury hotels in Laguna Beach. Our Two Bedroom Suites will be able to accommodate a full sized family at a rate lower than any comparably sized room in Laguna Beach or even weekly vacation rentals – of which are a significant part of the un-recorded overnight accommodations in the city. Many of our Standard Rooms will now connect to adjoining Standard Rooms, also allowing families to comfortably stay together in reasonable accommodations.

The Ranch at Laguna Beach has a marketing goal to remain an attainable lodging option for the majority of travelers looking for a vacation at or near the beach. With amenities that are not offered at any other resort in Laguna Beach (golf, restaurant and spa) and rates still much lower than our luxury hotel neighbors, we look forward to being able to continue to welcome guests who each year make Laguna Beach a vacation destination. With our enhanced amenities renovated guest room product and attractive rates, we will also be able to introduce Laguna Beach to new travelers who may have not opted for a coastal vacation in the past and creating new generations of families who will have continued vacation experiences here on the coast of California.

Should you have further questions please do not hesitate to reach out to me directly.

Sincerely,

Kurt Bjorkman
General Manager
The Ranch at Laguna Beach
kurt@ranchlb.com
949-715-1407

THE RANCH AT LAGUNA BEACH

COMPETITIVE RATE SURVEY

SHOP AAA.COM INDICATE IF THE RATE IS AN AAA DISCOUNT RATE AND INDICATE LOWEST AVAILABLE RATE FOR ALL THE SEARCHES

Date: 9/29/2014

Day:	M	T	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su
Date:	10/6	10/7	10/8	10/9	10/10	10/11	10/12	10/13	10/14	10/15	10/16	10/17	10/18	10/19	10/20	10/21	10/22	10/23	10/24	10/25	10/26	10/27	10/28	10/29	10/30	10/31	11/1	11/2
HOTEL LAGUNA AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
MONTAGE LAGUNA BEACH AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
THE BEACH AT LAGUNA BEACH AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
HOTEL SEVEN4ONE AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
LA CASA DEL CAMINO AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
PACIFIC EDGE HOTEL AAA.Com	171	171	171	171	250	S/O	190	171	171	171	171	240	240	171	171	171	171	171	240	240	171	171	171	171	171	240	230	230
Rate Type	171,250,190,240,230 Prepaid Rate																											
THE INN AT LAGUNA BEACH AAA.Com	249	249	249	249	S/O	S/O	249	246	246	246	246	299	299	249	249	249	249	249	599	S/O	249	249	274	249	249	299	289	239
Rate Type	249,299,599,274,289,239 Prepaid Rate																											
SURF & SAND RESORT AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
CAPRI LAGUNA ON THE BEACH AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
LAGUNA RIVIERA AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
ART HOTEL LAGUNA BEACH AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
THE TIDES LAGUNA BEACH AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
LAGUNA BEACH INN AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
HOLIDAY INN LAGUNA BEACH AAA.Com	159	159	159	159	339	S/O	153	153	153	153	153	227	227	153	153	153	153	153	227	227	153	153	153	153	153	227	227	272
Rate Type	159,339 AAA Rate/153,227,272 Prepaid Rate																											

ALL RATES ARE THE BEST AVAILABLE AT THE TIME ATTAINED. **S/O** MEANS SOLD OUT. **N/A** MEANS NOT AVAILABLE IN INTERNET. **/2, /3** MEANS MINIMUM STAY REQUIRED / MUST STAY

THE RANCH AT LAGUNA BEACH

COMPETITIVE RATE SURVEY

SHOP AAA.COM INDICATE IF THE RATE IS AN AAA DISCOUNT RATE AND INDICATE LOWEST AVAILABLE RATE FOR ALL THE SEARCHES

Date: 9/29/2014

Day:	M	T	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su
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BEST WESTERN PLUS LAGUNA BRISAS SPA — AAA.Com	127	127	144	127	207	S/O	127	127	127	135	134	203	S/O	127	127	127	127	127	203	S/O	127	127	127	127	127	203	203	127
Rate Type	127,144,207,135,134,203 AAA Rate																											
LAGUNA CLIFFS INN — AAA.Com	179	179	179	179	209	S/O	179	199	179	179	179	209	209	S/O	S/O	S/O	S/O	S/O	S/O	S/O	179	179	179	179	179	209	199	169
Rate Type	179,209,199,169 Prepaid Rate																											
SEASIDE LAGUNA INN & SUITES — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
TRAVELODGE LAGUNA BEACH — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
CRESCENT BAY INN — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
LAGUNA BEACH MOTOR INN — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
BEST LAGUNA VACATIONS — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
LAGUNA SURF RESORTS — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
BEST WESTERN PLUS DANA POINT INN BY THE SEA — AAA.Com	117	117	117	117	126	162	135	117	117	117	117	126	126	117	117	117	117	117	126	207	117	117	117	117	117	126	126	99
Rate Type	117,126,162,135,99 AAA Rate																											
BEST WESTERN PLUS MARINA SHORES HOTEL — AAA.Com	117	117	117	117	126	S/O	117	117	117	117	117	126	126	117	117	117	117	117	135	135	117	117	117	117	117	126	108	99
Rate Type	117,126,135,108,99 AAA Rate																											
BLUE LANTERN INN — AAA.Com	215	215	S/O	S/O	S/O	S/O	S/O	S/O	255	255	255	S/O	S/O	215	S/O	215	S/O	215	S/O	S/O	215	215	215	215	215	S/O	S/O	S/O
Rate Type	215 255 Prepaid Rate																											
DANA POINT MARINA INN — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
DOUBLETREE DOHENY BEACH DANA POINT — AAA.Com	134	134	134	143	180	S/O	134	134	134	134	134	S/O	S/O	143	143	143	143	143	199	199	143	143	143	143	143	170	170	134
Rate Type	134,143,180,199,170 AAA Rate																											
LAGUNA CLIFFS MARRIOTT RESORT & SPA — AAA.Com	151	215	289	279	233	279	151	151	188	179	S/O	249	251	151	151	179	179	179	215	215	151	151	159	233	170	170	197	151
Rate Type	151,215,289,233,279,188,179,251,170,197 AAA Rate																											

ALL RATES ARE THE BEST AVAILABLE AT THE TIME ATTAINED. **S/O** MEANS SOLD OUT. **N/A** MEANS NOT AVAILABLE IN INTERNET. **/2, /3** MEANS MINIMUM STAY REQUIRED **/** MUST STAY

THE RANCH AT LAGUNA BEACH

COMPETITIVE RATE SURVEY

SHOP AAA.COM INDICATE IF THE RATE IS AN AAA DISCOUNT RATE AND INDICATE LOWEST AVAILABLE RATE FOR ALL THE SEARCHES

Date: 9/29/2014

Day:	M	T	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su
Date:	10/6	10/7	10/8	10/9	10/10	10/11	10/12	10/13	10/14	10/15	10/16	10/17	10/18	10/19	10/20	10/21	10/22	10/23	10/24	10/25	10/26	10/27	10/28	10/29	10/30	10/31	11/1	11/2
RITZ CARLTON LAGUNA NIGUEL — AAA.Com	S/O	516	401	536	410	695	401	401	436	436	756	716	S/O	401	401	401	401	401	410	410	516	945	401	401	401	410	410	401
Rate Type: 516,401,536,410,695,436,756,716,945 AAA Rate																												
ST. REGIS MONARCH BEACH RESORT & SPA — AAA.Com	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O	S/O
Rate Type: S/O on website																												
QUALITY INN & SUITES OCEANVIEW — AAA.Com	S/O	107	107	107	116	116	107	107	107	107	107	116	116	107	107	107	107	107	116	116	107	107	107	107	107	89	107	98
Rate Type: 107,116,89,98 AAA Rate																												
CAPISTRANO SEASIDE INN — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type: HOTEL NOT ON WEBSITE																												
BEST WESTERN CASABLANCA INN — AAA.Com	94	94	94	94	139	S/O	112	94	94	94	94	112	112	94	94	94	94	94	121	121	90	94	94	94	94	112	112	84
Rate Type: 94,139,112,121,84 AAA Rate																												
SEA HORSE RESORT — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type: HOTEL NOT ON WEBSITE																												
HOLIDAY INN SAN CLEMENTE — AAA.Com	128	121	121	121	142	179	121	121	121	121	121	149	142	121	121	121	121	121	142	142	121	121	121	121	121	142	142	121
Rate Type: 128,121,142,179,149 AAA Rate																												
SAN CLEMENTE BEACH TRAVELODGE — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type: HOTEL NOT ON WEBSITE																												
HAMPTON INN & SUITES — AAA.Com	131	131	131	131	149	169	127	127	127	127	127	135	S/O	127	127	127	127	127	144	144	127	127	127	127	127	169	S/O	127
Rate Type: 131,149,169,127,135,144 Prepaid Rate																												
SAN CLEMENTE INN — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type: HOTEL NOT ON WEBSITE																												
SAN CLEMENTE'S INN BY THE BEACH — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type: HOTEL NOT ON WEBSITE																												
HOLIDAY INN EXPRESS SAN CLEMENTE — AAA.Com	122	122	122	122	144	140	122	122	122	122	122	132	140	122	122	122	122	122	132	140	122	122	122	122	122	132	140	113
Rate Type: 122,144,140,132,113 Prepaid Rate																												
PATRIOTS BOTIQUE MOTEL — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type: HOTEL NOT ON WEBSITE																												
HOTEL MIRIMAR — AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type: HOTEL NOT ON WEBSITE																												

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THE RANCH AT LAGUNA BEACH

COMPETITIVE RATE SURVEY

SHOP AAA.COM INDICATE IF THE RATE IS AN AAA DISCOUNT RATE AND INDICATE LOWEST AVAILABLE RATE FOR ALL THE SEARCHES

Date: 9/29/2014

Day:	M	T	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	Su
Date:	10/6	10/7	10/8	10/9	10/10	10/11	10/12	10/13	10/14	10/15	10/16	10/17	10/18	10/19	10/20	10/21	10/22	10/23	10/24	10/25	10/26	10/27	10/28	10/29	10/30	10/31	11/1	11/2
VILLA DEL MAR SUITES AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
COMFORT SUITES SAN CLEMENTE AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
RODEWAY INN CAN CLEMENTE BEACH AAA.Com	72	72	72	72	81	81	72	72	72	72	72	81	81	72	72	72	72	72	81	81	72	72	72	72	72	81	81	72
Rate Type	72,81 AAA Rate																											
AMERICAS BEST VALUE INN SAN CLEMENTE BEACH AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
TRAVELODGE SAN CLEMENTE BEACH AAA.Com	86	86	86	77	86	95	86	77	77	77	77	86	95	77	77	77	77	77	86	86	77	77	77	77	77	86	86	77
Rate Type	86,77,95 AAA Rate																											
ALWAYS INN SAN CLEMENTE BED & BREAKFAST AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
ALWAYS SAN CLEMENTE BEACH RENTAL AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
BEACHCOMBER AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
SURF INN CARMELO MOTEL AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
CASA TROPICANA AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
LA VISTA INN MOTEL AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
EXCUSTAY AT PINNACLE AT TALEGA AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
INN AT CALAFIA BEACH AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
SAN CLEMENTE WINDS MOTEL AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											
ON THE BEACH OCEANA AAA.Com	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rate Type	HOTEL NOT ON WEBSITE																											

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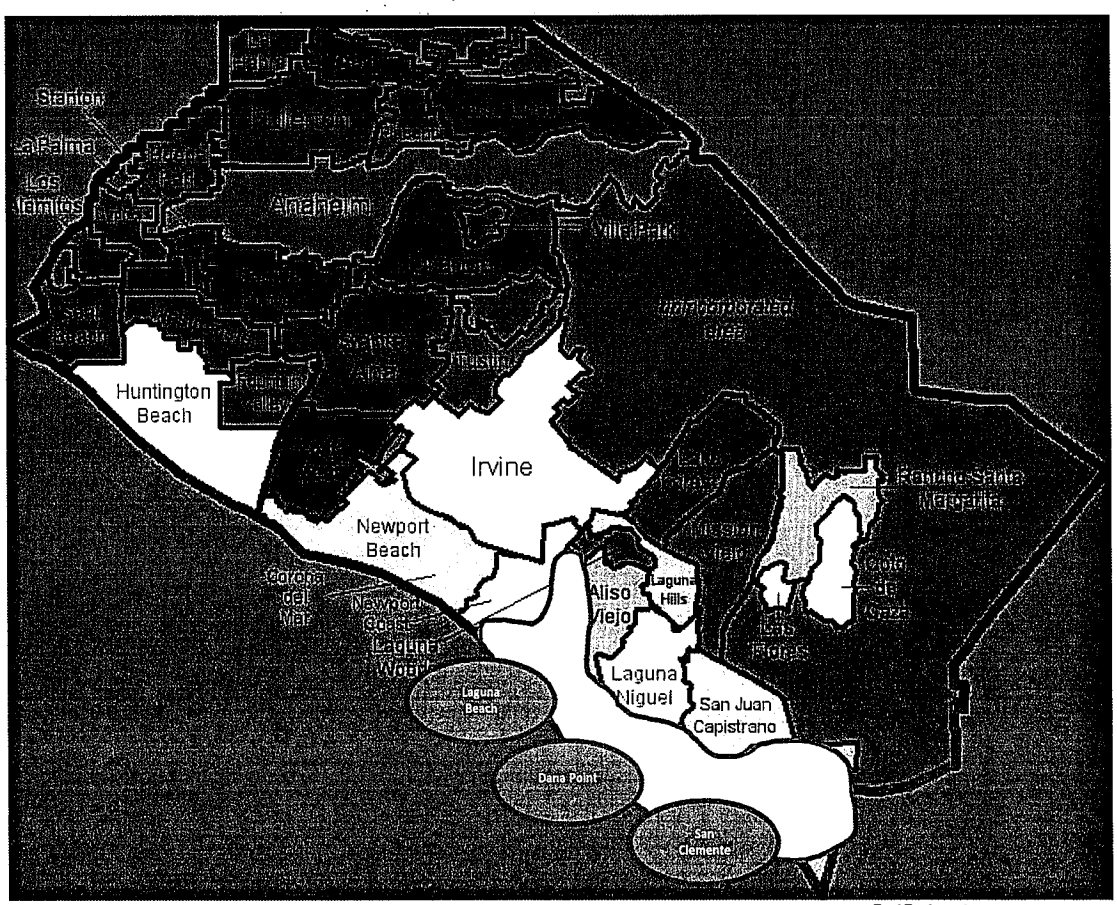
September 26, 2014

Mark Christy
Laguna Beach Golf & Bungalow Village LLC
DBA: The Ranch at Laguna Beach
31106 S. Coast Highway
Laguna Beach, CA 92651

RE: Supplemental Report to August 5th 2014 Historical Rate Analysis

Dear Mr. Christy,

This report is a supplement to the August 5th 2014 "Historical Rate Analysis" report that documented the properties ten year room rate history and summary of economy lodging available in the city of Laguna Beach. This supplement will support that report, expanding the room rate research to include not just Laguna Beach, but the two southern adjacent cities of Dana Point and San Clemente.



Laguna Beach – Dana Point – San Clemente – South OC Beach Cities

The three cities of Laguna Beach, Dana Point and San Clemente are the destinations most travelers choose when they look for southern Orange County beach vacations. Each city embodies a surf culture with very specific and authentic identities, history, amenities and activities. Those making Laguna Beach, Dana Point or San Clemente an overnight destination are for the most part not "driving through" or in other words are not finding these towns and their hotels as a one night stop over on their way to another destination. These towns are the destinations and the hotels visitors choose are generally part of the multi night stay vacation plan.

Combined, these three cities have a total of 59 hotels with a combined 4,069 hotel rooms. This number does not include bed and breakfast, vacation rentals and time share properties. Airbnb.com for example has over 1,000 rentals available in San Clemente alone with rates as low as $50 per night. There are also 3 State Run campgrounds within this area, El Morro/ Crystal Cove, San Onofre and Doheny that allow for RV and tent camping at overnight rates as low as $20 per night.

On an average busy summer weekend, you can find overnight rates within these three cities as low as $50 and as expensive as $750 per night. Most of the hotels will be in the $150 rage.

AAA.com Rate Research

A majority of these 59 hotels do not advertise or list themselves on AAA.com, the apparent hotel rate research tool of the California Coastal Commission. The properties that do advertise rates on AAA.com are detailed in the attached report that profiles each of these properties available rates as listed on AAA.com. Most of the 59 hotels would be considered 3 star, using an average rating derived from various sources. Hotel ratings, such as the AAA Diamonds to do not necessarily indicate a level of pricing, rather a level of service that has been determined either by a AAA inspection or user ratings as in the case of Expedia.com or Tripadvisor.com. To use Diamond Ratings as a pricing guide is not a way to determine if a hotel is affordable or expensive.

The attached report shows that most hotels in our three city study area have rates as low as sub-$100 and as high as $500. Again it must be noted that using AAA.com is does not reflect a true market study as many of the hotels do not list themselves on AAA.com.

We used AAA.com to research available rates for the following list of hotels in Laguna Beach, Dana Point and San Clemente – which should be inclusive of all hotels excluding time share, vacation rentals and B&Bs.

Hotel List

CITY	HOTEL NAME	ADDRESS	# OF ROOMS
LB	HOTEL LAGUNA	425 S. COAST HWY, LAGUNA BEACH 92651	65
LB	MONTAGE LAGUNA BEACH	30801 S. COAST HWY, LAGUNA BEACH 92651	248
LB	THE RANCH AT LAGUNA BEACH	31106 S. COAST HWY, LAGUNA BEACH 92651	64
LB	HOTEL SEVEN4ONE	740 S. COAST HWY, LAGUNA BEACH 92651	12
LB	LA CASA DEL CAMINO	1289 S. COAST HWY, LAGUNA BEACH 92651	36
LB	PACIFIC EDGE HOTEL	647 S. COAST HWY, LAGUNA BEACH 92651	125
LB	THE INN AT LAGUNA BEACH	211 N. COAST HWY, LAGUNA BEACH 92651	70
LB	SURF & SAND RESORT	1555 S. COAST HWY, LAGUNA BEACH 92651	167
LB	CAPRI LAGUNA ON THE BEACH	1441 S. COAST HWY, LAGUNA BEACH 92651	48
LB	LAGUNA RIVIERA	825 S. COAST HWY, LAGUNA BEACH 92651	41
LB	ART HOTEL LAGUNA BEACH	1404 N. COAST HWY,LAGUNA BEACH 92651	28
LB	THE TIDES LAGUNA BEACH	460 N. COAST HWY, LAGUNA BEACH 92651	20
LB	LAGUNA BEACH INN	2020 S. COAST HWY, LAGUNA BEACH 92651	23
LB	HOLIDAY INN LAGUNA BEACH	696 S. COAST HWY, LAGUNA BEACH 92651	54
LB	BEST WESTERN PLUS LAGUNA BRISAS SPA HOTEL	1600 S. COAST HWY, LAGUNA BEACH 92651	66
LB	LAGUNA CLIFFS INN	475 N. COAST HWY, LAGUNA BEACH 92651	36
LB	SEASIDE LAGUNA INN & SUITES	1661 S. COAST HWY, LAGUNA BEACH 92651	25
LB	TRAVELODGE LAGUNA BEACH	30806 S. COAST HWY, LAGUNA BEACH 92651	43
LB	CRESCENT BAY INN	1435 N. COAST HWY, LAGUNA BEACH 92651	29
LB	LAGUNA BEACH MOTOR INN	985 N. COAST HWY, LAGUNA BEACH 92651	22
LB	BEST LAGUNA VACATIONS	120, 130, 150 CRESS ST., LAGUNA BEACH 92651	3
LB	LAGUNA SURF RESORTS	611 S. COAST HWY, LAGUNA BEACH 92651	25
DP	BEST WESTERN PLUS - DP INN BY THE SEA	34744 PCH, CASPISTRANO BEACH 92624	30
DP	BEST WESTERN PLUS - MARINA SHORES HOTEL	34280 PCH, DANA POINT 92629	87
DP	BLUE LANTERN INN	34343 BLUE LANTERN, DANA POINT 92929	29
DP	DANA POINT MARINA INN	24800 DANA POINT HARBOR DR, DANA POINT 92629	136
DP	DOUBLE TREE SUITES BY HILTON, DOHENY BEACH-DP	34402 PCH, DANA POINT 92629	197
DP	LAGUNA CLIFFS MARRITT RESORT & SPA	25135 PARK LANTERN, DANA POINT 92629	378
DP	RITZ-CARLTON LAGUNA NIGUEL	ONE RITZ CARLTON DR., DANA POINT 92629	396
DP	ST. REGIS MONARCH BEACH RESORT & SPA	ONE MONARCH BEACH RESORT, DANA POINT 92629	400
DP	QUALITY INN & SUITES OCEANVIEW	34734 PCH, CAPISTRANO BEACH, CA 92624	33
DP	CAPISTRANO SEASIDE INN	34862 PCH, CAPISTRANO BEACH 92624	28
SC	BEST WESTERN - CASABLANCA INN	1601 N. CAMINO REAL, SAN CLEMENTE 92672	63
SC	SEA HORSE RESORT	602 AVE. VICTORIA, SAN CLEMENTE 92672	11
SC	HOLIDAY INN SAN CLEMENTE	111 S. AVE. DE LA ESTRELLA, SAN CLEMENTE 92672	72
SC	SAN CLEMENTE BEACH TRAVELODGE	2441 S. EL CAMINO REAL, SAN CLEMENTE 92672	20
SC	HAMPTON INN & SUITES	2481 S. EL CAMINO REAL, SAN CLEMENTE 92672	69
SC	SAN CLEMENTE INN	2600 AVE. DEL PRESIDENTE, SAN CLEMENTE 92672	97
SC	SAN CLEMENTE'S LITTLE INN BY THE BEACH	1819 S. EL CAMINO REAL, SAN CLEMENTE 92672	18
SC	HOLIDAY INN EXPRESS SC	35 VIA PICO PLAZA, SAN CLEMENTE 92672	110
SC	PATRIOTS' BOUTIQUE MOTEL	711 S. EL CAMINO REAL, SAN CLEMENTE 92672	14
SC	HOTEL MIRAMAR	2222 S. EL CAMINO REAL, SAN CLEMENTE 92672	15
SC	VILLA DEL MAR SUITES	612 AVENIDA VICTORIA, SAN CLEMENTE 92672	16
SC	COMFORT SUITES	3701 S. EL CAMINO REAL, SAN CLEMENTE 92672	65
SC	RODEWAY INN SAN CLEMENTE BEACH	1301 N. EL CAMINO REAL, SAN CLEMENTE 92672	43
SC	AMERICAS BEST VALUE IN SAN CLEMENTE BEACH	2002 S. EL CAMINO REAL, SAN CLEMENTE 92672	31
SC	TRAVELODGE SAN CLEMENTE BEACH	2441 S. EL CAMINO REAL, SAN CLEMENTE 92672	23
SC	ALWAYS INN SAN CLEMENTE BED & BREAKFAST	177 AVENIDA CABRILLO, SAN CLEMENTE 92672	3
SC	ALWAYS SAN CLEMENTE BEACH RENTAL	167 AVENIDA FLORENCIA, SAN CLEMENTE 92672	3
SC	BEACHCOMBER	533 AVENIDA VICTORIA, SAN CLEMENTE 92672	12
SC	SURF INN/CARMELO MOTEL	3619 S. EL CAMINO REAL, SAN CLEMENTE 92672	12
SC	CASA TROPICANA	610 AVENIDA VICTORIA, SAN CLEMENTE 92672	8
SC	LA VISTA INN MOTEL	2435 EL CAMINO REAL, SAN CLEMENTE 92672	10
SC	EXCUSTAY AT PINNACLE AT TALEGA	120 CALLE AMISTAD, SAN CLEMENTE 92673	362
SC	INN AT CALAFIA BEACH	2341 S. EL CAMINO REAL, SAN CLEMENTE 92672	16
SC	SAN CLEMENTE TRADE WINDS MOTEL	2001 S. EL CAMINO REAL, SAN CLEMENTE 92672	11
SC	ON THE BEACH OCEANA	1107 BUENA VISTA, SAN CLEMENTE 92672	1

As you will see by reading the attached rate report, not all hotels are listed on AAA.com. Many advertise some of the time, while others never advertise on that particular private retail travel site.

The report shows month by month, day by day rates advertised on AAA.com from October 2014 to October 2015. Some hotels do not establish or begin to sell rates that far into the future, which you will see by examining the numbers.

The Ranch at Laguna Beach

The property currently has 64 guest rooms. The rooms vary in size from 700 square feet to 1150 square feet. The hotel was built with this room count and size in 1962.

There are few, if any standard hotel rooms in the three cities study area that have rooms larger than 500 square feet (not counting suites). The very typical hotel room in our study area is 300 square feet and includes one queen or two twin beds, a single bathroom, a small closet and a window that may or may not open. For a family of four to stay in one of these standard rooms would involve having to rent an additional room, or if the room has enough space, rent a roll a way bed that usually costs $15-$35 per night.

The smallest room size with the current 64 room configuration of The Ranch at Laguna Beach is 700 square feet and includes a king bed, dining area, living room area and bathroom. The room can accommodate up to four guests comfortably. The One Bedroom 820 square feet suites have two separate bedrooms with their own private entrances, two bathrooms and could easily accommodate 6 guests. The Two Bedroom Suites have two upstairs bedrooms, a separate downstairs living and dining area, one and one half bath and a pull our sofa. These rooms can accommodate up to 8 guests. Every one of these rooms has a private outdoor patio area.

In doing rate research it is important to take the size of the rooms into consideration. Our rooms can accommodate more overnight guests at a lower rate than a hotel with a standard room configuration. The same sized suite at a luxury hotel less than 1/2 mile from The Ranch at Laguna Beach with not un-similar service levels will on average cost 10-20 times more than our resort.

The 97 Room Proposal

The proposal at hand for The Ranch at Laguna Beach is to increase the room count from 64 rooms to 97 rooms. We would accomplish this by splitting the current 820 square foot one bedroom suites in half, creating two standard 410 square foot rooms. These "new" rooms add no square footage, no new buildings and no changes to the exteriors of the existing buildings. With new plumbing and electrical systems in place the "addition" of rooms actually decreases the overall utilities load from the existing older arrangement.

This accomplishes several things:

- It adds 33 "standard rooms" for the city of Laguna Beach. The city sells out of hotel rooms every year on summer weekends and week days. This additional room inventory will help keep guests at the coast. All of the three city hotel study areas have this summer sell out dynamic.
- It reduces the size of the room, thus lowering the cost of staying overnight for a family that does not require a larger sized suite. The cost of two of our "new" rooms would be less than the cost of one of the 820 square foot suites.

- Very important – with exception of two high priced luxury hotels, there are NO other hotels in Laguna Beach with meeting space that can accommodate groups over 100 people other than The Ranch at Laguna Beach. For decades family

  reunions, business groups, retreats and social groups have held their events at The Ranch because it was the only non-luxury (priced) option in the city of Laguna Beach. By increasing the room count, this allows us to maintain this unique and important dynamic. The ability to continue to offer upper mid-scale rooms and amenities to groups who without our property would have to go inland to find the same value proposition is vital to our city.
- The new room inventory would maintain the hotels market placement as a mid-tiered hotel in regards to pricing in Laguna Beach.

Conclusion

Based on working in this Southern OC coastal market for over 5 years and using what I have learned in my 25 year hotel career – the data on the August 14th report, additionally supported by this supplemental report shows the following:

- The Ranch at Laguna Beach will maintain its market position as a mid-level property should the additional rooms be permitted.

- Should the resort have to maintain the current 64 room configuration, the pricing of these larger than market average sized rooms will have to increase to a range that will change the demographic reach of our overnight guest profile.

Should you have further questions please do not hesitate to reach out to me directly.

Sincerely,

Kurt Bjorkman
General Manager
The Ranch at Laguna Beach
kurt@ranchlb.com
949-715-1407

From: Anne Blemker [mailto:ablemker@mccabeandcompany.net]
Sent: Tuesday, December 09, 2014 1:46 PM
To: Prahler, Erin@Coastal; Posner, Chuck@Coastal; Schwing, Karl@Coastal; Sarb, Sherilyn@Coastal
Cc: Mark Christy
Subject: The Ranch LB Proposed Rate Info

Hi Erin (et al),

Thanks again for taking the time to meet with us yesterday. I think it was a really productive meeting. Below is the more detailed rate information you requested. Please note that it is plan only and rates may vary based on many factors, up and down. I hope this was what you were looking for. If not, please let us know.

AVERAGE RATE (Rounded to Nearest Dollar)	**January**	**February**	**March**	**April**	**May**	**June**	**July**	**August**	**September**	**October**	**November**	**December**
The Ranch at Laguna Beach	**2016 rates**	**2016 rates**	**2016 rates**	**2015 rates**	**2015 rates**	**2015 rates**	**2015 rates**	**2015 rates**	**2015 rates**	**2015 rates**	**2015 rates**	**2015 rates**
Sun- Thu												
Canyon Room	$190	$190	$198	$218	$218	$233	$275	$275	$218	$215	$198	$190
Studio Canyon Suite	$232	$232	$240	$265	$251	$266	$315	$315	$254	$254	$240	$232
1 Bedroom Canyon Suite	$296	$296	$ 296	$323	$304	$323	$379	$379	$311	$311	$296	$296
2 Bedroom Canyon Suite	$469	$469	$469	$491	$461	$491	$581	$581	$499	$499	$469	$469
Penthouse	$520	$520	$520	$545	$520	$545	$650	$ 650	$545	$545	$520	$520
Fri - Sat												
Canyon Room	$239	$239	$239	$285	$266	$285	$334	$ 334	$292	$292	$239	$239
Studio Canyon Suite	$277	$277	$277	$323	$304	$323	$379	$379	$329	$329	$277	$277
1 Bedroom Canyon Suite	$334	$334	$334	$371	$349	$371	$439	$439	$386	$386	$334	$334
2 Bedroom Canyon Suite	$510	$510	$510	$544	$510	$544	$641	$641	$574	$574	$510	$510
Penthouse	$560	$560	$560	$600	$560	$595	$695	$695	$625	$625	$560	$560

617 W 7th Street, Suite 505
Los Angeles, CA 90017
(213) 489-7443 phone
www.altaplanning.com

To: Mark Christy, The Ranch at Laguna Beach

From: Emily Duchon, Alta Planning + Design

CC: **Greg Maher, Alta Planning + Design**

Project: The Ranch at Laguna Beach – Golf Cart Path Trail

Date: November 11, 2014

RE: Golf Cart Path Feasibility Assessment

Introduction

This memorandum is intended summarize the feasibility of a center-running muti-use trail through The Ranch at Laguna Beach Golf Course. Information in this memorandum is based upon the assumption that the design of the golf course will not be changing, and our evaluation is based on the current layout and configuration of the 9-hole par 3 golf course. Design considerations, opportunities and constraints, and conclusions are presented.

The Ranch is the only golf course in Laguna Beach, and is located in Aliso and Woods Canyons. It is a privately owned and operated golf course and is located on private property. The existing golf cart path follows Aliso Creek through the middle of the course, and is a shared access road for the sewage treatment plant further up the creek. This path is not open to public use and does not have a history of public use. Aliso and Woods Canyons Wilderness Park is located further upstream.

Design Considerations

Multi-Use Trail Cross Section

The existing golf cart path varies in width from 6.5 to 21 feet, but averages 8-10' throughout the course. This width is insufficient to allow carts to safely pass pedestrians and bicyclists, and on such a narrow surface neither user group will be expecting the other to be sharing the path. With this constrained condition, it is recommended that separate facilities are provided for golf carts and other recreational uses, even if these facilities run parallel to one another.

Per the 2012 of the Caltrans Highway Design Manual, a two-way Class I bicycle path shall be 8' minimum, preferably 10', with 2' paved shoulders on both sides. The California Manual on Uniform Traffic Control Devices (California MUTCD), 2012, requires that any signage on a bicycle facility be placed no less than 2 feet from the edge of the path. As such, any signage used through this path would need to be located beyond the edges of the path's shoulders.

alta Planning + Design
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The preferred cross section for this parallel trail arrangement consists of a multi-use trail 8'-10' wide with 2' shoulders and fencing (12'-14' total width), adjacent to a minimum 10' wide golf cart path/maintenance road (see Figure 1). Implementing this cross section would require a minimum 22'-24' corridor through the golf course.

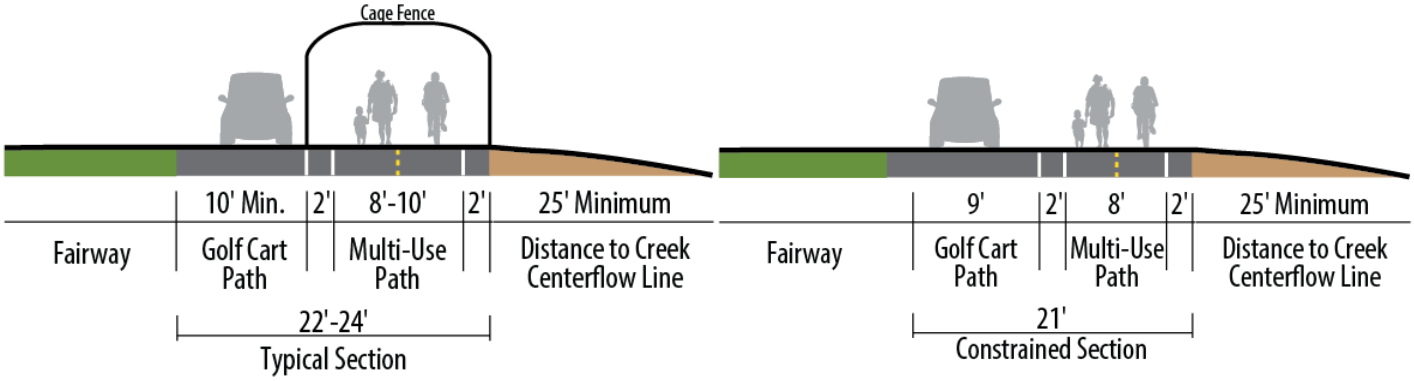


Figure 1: Pathway Cross Sections

Trails and Golf Courses

In 2005 Alta Planning + Design produced a report titled "Trails and Golf Courses: Best Practices on Design and Management." The report analyzes case studies of trails through golf courses, and presents a summary of design and management guidelines for successful implementation. Primary design considerations include:

Trail Alignment

Preferred trail alignments will follow the perimeter of a golf course, at maximum distance from tees, fairways, and the clubhouse. Ideally, a trail will not cross any fairways or golf cart paths. Where this is not possible, it is recommended that any trail that passes within a 200-yard 180-degree arc of a tee's orientation be protected by berms, fencing, and/or trees and shrubs. This same protection is also recommended anywhere a trail passes within 50' of a fairway. Any trail located closer than 50 feet from the backside of a green would need similar protection.

Golf Cart Paths

Golf cart paths are not recommended to be shared with bicyclists and pedestrians, as they are generally not wide enough to allow carts to safely pass slower moving trail users. If a shared facility is to exist, a minimum of 12' width is required.

Fencing

Where required due to physical constraints, fencing can protect trail users from golf balls. If the direction of a tee allows, a high fence with a curved top may be used as protection on one side of the trail. Where golf ball trajectories cross the path from multiple directions, a full cage fence will be required, which fully encloses the trail.

Trail Intersections

Anywhere a trail intersects a golf cart path or other road, signage or pavement delineators must be present to alert both users to the presence of the other. Required signage will include stop and yield signs, as well as signs indicating which paths are allowed or prohibited for which users.

Signage

Beyond those required at intersections, other signs can be used to minimize conflict and increase safety. At the entrance of trails, a sign stating: "Active Golf Course. Stay on the trail surface, no stopping, and please be quiet. Flying golf balls may cross the trail: use at your own risk" may be used, and at approached to tees and greens a sign may be posted that reads: "Please stop if the tee/green area is occupied."

Development within a Flood Plain

The entirety of the existing golf cart path lies within a FEMA 100-year floodplain (see Figure 2) and as such any development will be subject to Laguna Beach Municipal Code Chapter 25.38 FLOODPLAIN MANAGEMENT. Any fences created within this area must be permeable as not to obstruct the movement of water in a flood event, per FEMA's "Free-of-Obstruction Requirements: Technical Bulletin 5, August 2008." As Aliso Creek is an intermittent "blue-line" stream (per USGS 2012 Quadrangle map: SAN JUAN CAPISTRANO, CA and City of Long Beach Appeal Number A-5-LGB-14-0034) and as such is classified a "significant natural watercourse," Chapter 25.50 GENERAL YARD AND OPEN SPACE PROVISIONS applies, which states that no buildings or structures nor any disturbance to native vegetation may take place within 25 feet of the centerflow line of the given watercourse. While the exact centerflow line of Aliso Creek will need to be approved by the city engineer, the existing golf cart path lies outside this boundary.

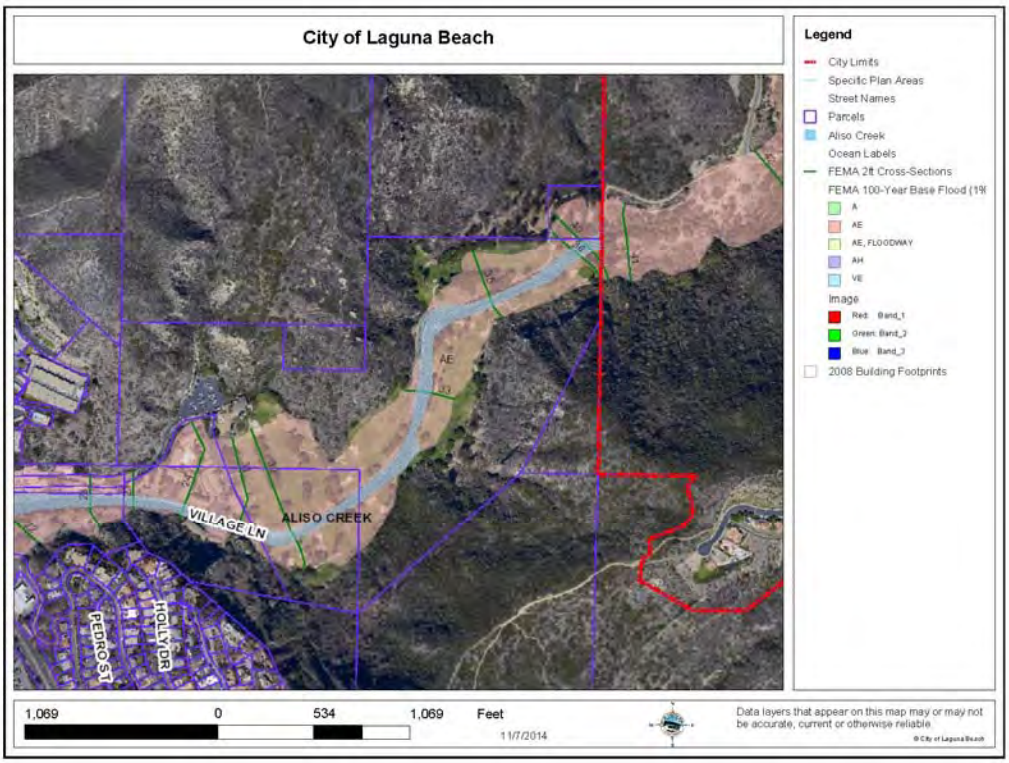


Figure 2: FEMA Flood Zones

Constraints and Opportunities

Site Constraints

The entire canyon floor is within the 200 yard tee buffer mentioned in the guidelines above (see Figure 3). With the golf course's topographical constraints, fairways are within 50' of the existing golf cart path in many places. This adjacency would only increase with a wider trail corridor that included a multi-use trail parallel to the golf cart path. In addition, five of the nine holes on the course tee off directly toward the path. Given this proximity to tees and fairways, fencing would be necessary to protect trail users from errant golf balls. A trail running down the center of the canyon, parallel to the existing path, would require a fully enclosed cage fence, as the course zigzags across the creek and golfers tee off towards the creek from both directions.

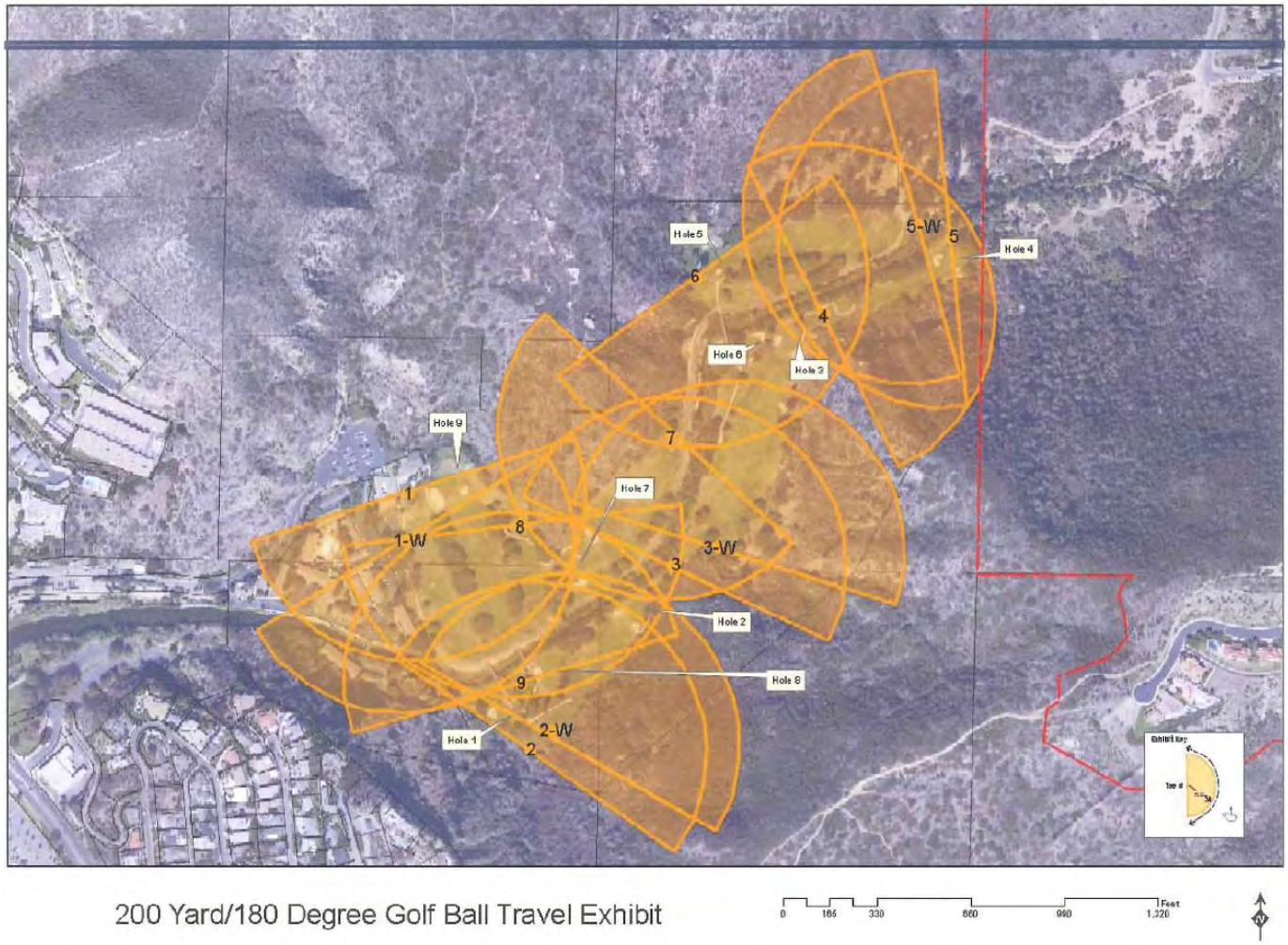
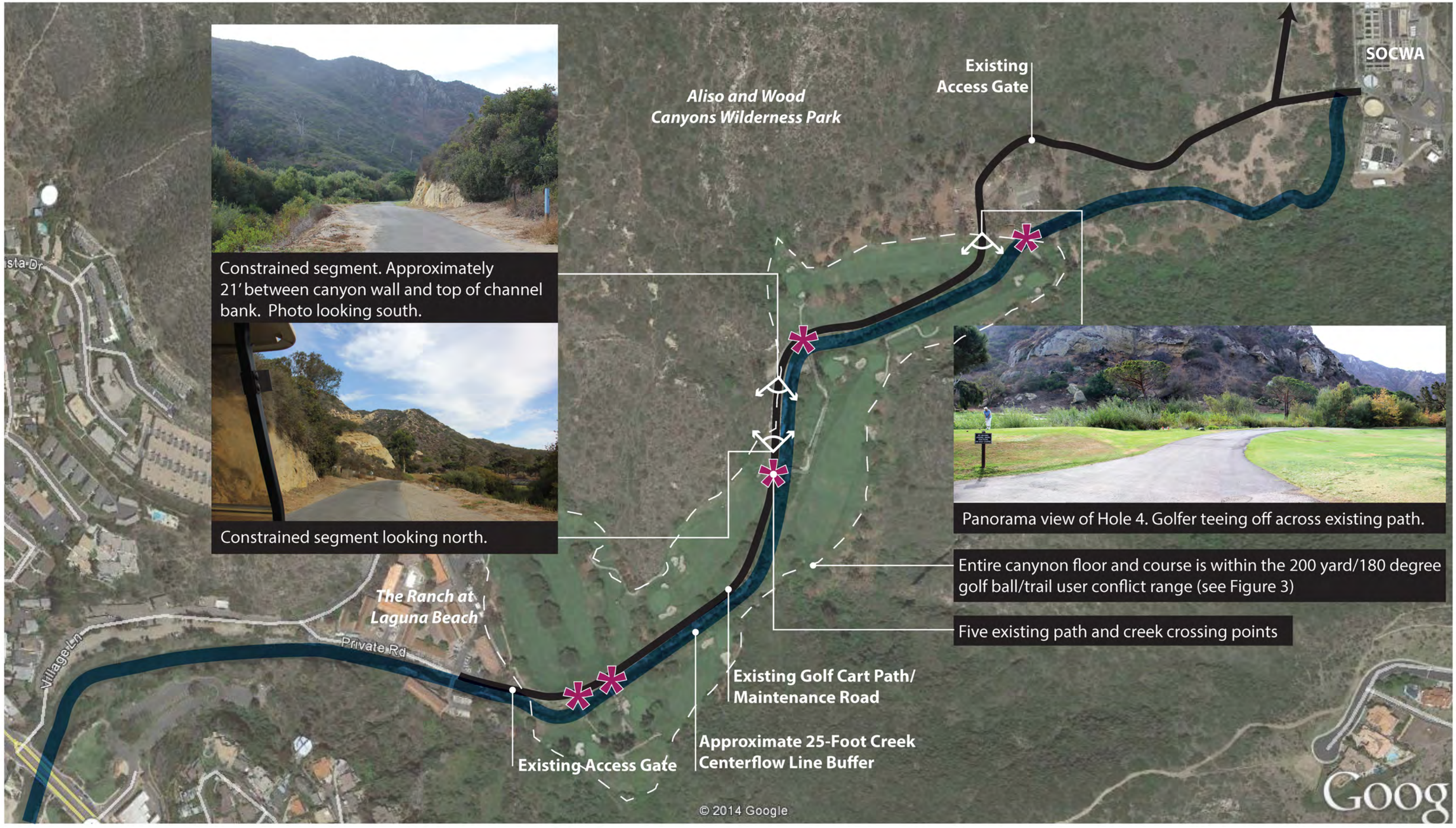


Figure 3: Golf Ball Travel Exhibit



25 250 1000 ft
0 100 500

Existing Path and Creek Crossing Points

Figure 4: The Ranch at Laguna Beach Golf Cart Path Feasibility Study: Opportunities and Constraints

Golfers must cross the path and creek to reach every tee (between holes 1, 2, 5 ,6, 7 , 8 and 9: see Figure 3). There are five existing bridges over the creek to allow these crossings (see Figure 4). Each of these crossings would require signage and appropriate gaps in the fencing between the golf cart path and multi-use path.

As detailed above, the proximity of the golf course and existing golf cart path to Aliso Creek presents specific development concerns, and will limit the types of fencing and materials that can be used adjacent to the creek. Any fencing used must be chainlink or another permeable material with mesh small enough to prevent golf ball entry. The use of decorative or visual screening materials will most likely be prohibited. The trail, signs, fence, and its footings must not pass within 25' of the creek's centerflow line, which is typically not far beyond the top of the channel bank.

Near the middle of the course, a pinch point is created where the canyon wall and creek come closer together. The width of this segment varies, but becomes as narrow as 21 feet, which is one foot less than the minimum cross section detailed in Figure 1.

At the easternmost end of the golf course, the path continues to a sewage treatment plant. The existing golf cart path serves as an access road for trucks entering and leaving this plant, and usage is constant throughout the day. While this conflict already exists between maintenance vehicles and golfers, the potential for conflict would be increased if additional users, such as cyclists and pedestrians, were added through the construction of a multi-use trail. In addition to trucks moving to and from the sewage treatment plant, other maintenance vehicles use the existing trail for South Coast Water District, Edison, and golf course operations. A trail access and an easement agreement would be necessary from South Coast Water District.

Regional Trail Connection Opportunities

There are opportunities for regional trail connections to Pacific Coast Highway outside of the Aliso Creek Corridor (see Figure 5). These include:

Trails in Aliso and Wood Canyons Wilderness Park

The Mentally Sensitive Trail is a natural surface trail that winds through the hills above the golf course, and is popular with mountain bikers and hikers. This trail, originally marked as "Environmentally Sensitive," has changed course as portions have been closed off and new trails have been made by cross-cutting existing trails. Sensitive habitat surrounding the trail is threatened by off-trail use.

Bike Lanes on Pacific Island Drive

There are existing bike lanes on Pacific Island Drive and Crown Valley Parkway which connect bicyclists to Pacific Coast Highway from northern communities along Aliso Creek such as Lake Forest and Laguna Hills .

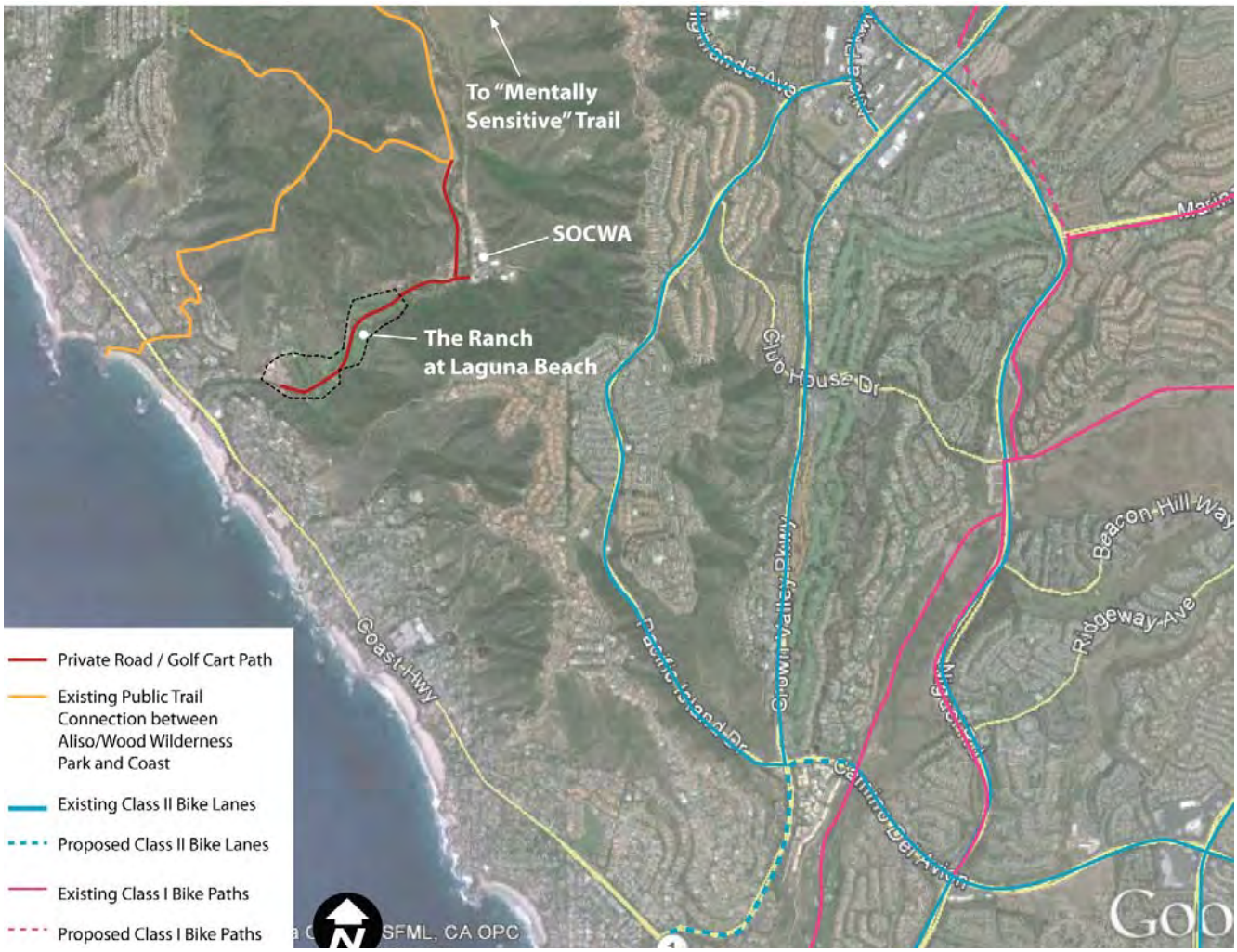


Figure 5: Regional Trail Connections

Conclusions and Considerations

Based upon our analysis of the existing golf course layout, a center running trail adjacent to Aliso Creek is not a feasible alignment. While a trail is physically possible through the golf course, the required fencing would drastically change the appearance of the course, create a physical impediment to the movement of golfers throughout the course, and prove a major obstacle to playing through the course. In order to avoid this significant fencing, a redesign of the entire golf course layout would be required: no current plans to do so have been identified.

Alternatives to the golf course path would involve routing potential path users to streets south of the canyon. Bike lanes exist on Pacific Island Drive just south of the golf course, follow a similar route to the canyon floor, and also connect to many of the same trails at the top of the canyon.

References

California MUTCD, 2012. http://www.dot.ca.gov/hq/traffops/engineering/mutcd/

Caltrans Highway Design Manual, 2012. http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm

City of Laguna Beach Municipal Code, 2014. http://qcode.us/codes/lagunabeach/

City of Laguna Beach Appeal #A-5-LGB-14-0034, 2014. http://documents.coastal.ca.gov/reports/2014/7/W15a-7-2014.pdf

FEMA Technical Bulletin 5, 2008. http://www.fema.gov/media-library-data/20130726-1511-20490-9526/fema_tb_5.pdf

USGS Quadrangle Map, San Juan Capistrano, 2012. http://ims.er.usgs.gov/gda_services/download?item_id=5641316

DISCLOSURE OF EX PARTE COMMUNICATIONS

RECEIVED
South Coast
OCT 21 2014
CALIFORNIA
COASTAL COMMISSION

Name or description of project:

The Ranch at Laguna Beach Appeal A-5-LGB-14-0034

Date and time of receipt of communication:
October 10, 2014 at 2:00 pm

Location of communication:
Laguna Beach Golf and Bungalow Village Laguna, CA

Type of communication:
Site Visit

Person(s) in attendance at time of communication:
Mark Christy, applicant

Person(s) receiving communication:
Martha McClure

Detailed substantive description of the content of communication:

I received a tour of the site from the applicant. The applicant provided background of the property and permitted project. There were conceptual drawings of phase 2 of the project posted at the current restaurant site. The applicant also stressed his frustration with Coastal Staff in relationship the lack of site visits and not returning his numerous phone calls. Following our conversation we toured the golf course and the Bungalow Village portion of the property.

From the beginning of the visit the applicant agreed to not discuss the possible violation or identify the area of property under question. The applicant did not discuss the area in question. At the time of the briefing, the applicant was requesting that this item be on the November 2014 agenda.

Date:

Signature of Commissioner: _____

ITEM Th11a

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach) Application of Laguna Beach Golf and Bungalow Village, LLC to expand and remodel 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 and additions to existing structures; new spa, fitness center, employee lounge; and accessory structures, and establish outdoor event venue at 'Scout Camp', located at 31106 Coast Highway, Laguna Beach, Orange County.

Date and time of receipt of communication:
January 2, 2015 at 9:30am

Location of communication:
Phone

Type of communication:
Teleconference

Person(s) in attendance at time of communication:
Penny Elia, Sierra Club

Person(s) receiving communication:
Mark Vargas

Detailed substantive description of the content of communication:

I received a briefing from Penny Elia of the Sierra Club and we went through the detailed opposition letter that she has provided to staff.

Date: January 8, 2016

Signature of Commissioner:

ITEM Th11a

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach) Application of Laguna Beach Golf and Bungalow Village, LLC to expand and remodel 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 and additions to existing structures; new spa, fitness center, employee lounge; and accessory structures, and establish outdoor event venue at 'Scout Camp', located at 31106 Coast Highway, Laguna Beach, Orange County.

Date and time of receipt of communication:
January 2, 2015 at 10:00am

Location of communication:
Phone

Type of communication:
Teleconference

Person(s) in attendance at time of communication:
Mark Christy, John Pietig, Steve Kaufmann, Morris Skenderian, Susan McCabe, Anne Blemker

Person(s) receiving communication:
Mark Vargas

Detailed substantive description of the content of communication:

I received a briefing from the owner and representatives of The Ranch in Laguna Beach along with the Laguna Beach City Manager in which they described the proposed project, provided background on the current appeal, and went through a briefing booklet and correspondence that was previously provided to staff. As described, the project involves an effort to upgrade and improve an existing outdated hotel adjacent to Aliso Creek in Laguna Beach. According to the representatives, benefits include improved overnight accommodations to serve visitors to the coast; increased public access through the golf course via an OTD for a future trail and a temporary shuttle program; restoration of the “Scout Camp” area through revegetation and new youth camping opportunities; and enhancement of existing visitor-serving uses at a popular, locally-significant site. The City Manager noted the applicant’s cooperative efforts throughout the process. The representatives stated that the owner is in agreement with the majority of the recommended special conditions, but requests modifications to conditions that affect the future use and viability of the property, specifically those related to the trail OTD, the operation of the shuttle program,-payment of an in-lieu mitigation fee, uses on the Scout Camp parcel, and the indemnity requirement, which the representatives requested not be imposed for equitable reasons. At the time of our call, the applicant was hoping to continue working with staff to resolve outstanding issues. The applicant requests approval with modifications as specified in the letter provided to the Commission on December 31, 2014.

Date: January 8, 2015

Signature of Commissioner:

ITEM Th11a

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach) Application of Laguna Beach Golf and Bungalow Village, LLC to expand and remodel 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 and additions to existing structures; new spa, fitness center, employee lounge; and accessory structures, and establish outdoor event venue at 'Scout Camp', located at 31106 Coast Highway, Laguna Beach, Orange County.

Date and time of receipt of communication:
December 30, 2014 at 2:30pm

Location of communication:
Phone

Type of communication:
Teleconference

Person(s) in attendance at time of communication:
Mark Christy, John Pietig, Steve Kaufmann, Morris Skenderian, Susan McCabe, Anne Blemker

Person(s) receiving communication:
Wendy Mitchell

Detailed substantive description of the content of communication:

I received a briefing from the owner and representatives of The Ranch in Laguna Beach along with the Laguna Beach City Manager in which they described the proposed project, provided background on the current appeal, and went through a briefing booklet and correspondence that was previously provided to staff. As described, the project involves an effort to upgrade and improve an existing outdated hotel adjacent to Aliso Creek in Laguna Beach. According to the representatives, benefits include improved overnight accommodations to serve visitors to the coast; increased public access through the golf course via an OTD for a future trail and a temporary shuttle program; restoration of the "Scout Camp" area through revegetation and new youth camping opportunities; and enhancement of existing visitor-serving uses at a popular, locally-significant site. The City Manager noted the applicant's cooperative efforts throughout the process. The representatives stated that the owner is in agreement with the majority of the recommended special conditions, but requests modifications to conditions that affect the future use and viability of the property, specifically those related to the trail OTD, the operation of the shuttle program, payment of an in-lieu mitigation fee, uses on the Scout Camp parcel, and the indemnity requirement, which the representatives requested not be imposed for equitable reasons. At the time of our call, the applicant was hoping to continue working with staff to resolve outstanding issues. The applicant requests approval with modifications as specified in the letter provided to the Commission on December 31, 2014.

Date:

Signature of Commissioner:

Th.lla Ranch

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Dayna Bochco

1) Name or description of project: Th 11a - The Ranch

2) Date and time of receipt of communication: 1/6/15

3) Location of communication: email

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: My questions allicited from her letter/email (provided to all staff & Commissioners)

5) Identity of person(s) on whose behalf communication was made: Calif Coastal Protection Network

6) Identity of persons(s) receiving communication: me

7) Identity of all person(s) present during the communication: same

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

see attached email chain

Received at Commission Meeting

JAN 0 8 2015

From:

1/5/15

Date

Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

On Jan 6, 2015, at 10:27 AM, Dayna Bochco wrote:

Susan: I read through your letter. One point I need clarified is the # of rooms: staff and Applicant say there are 64 "rentable" one-bedroom suites that are being divided into 2 smaller rooms, for the addition of 32 rooms, i.e., 32 "existing" half of 64, plus 32 "new" rentable rooms. And the private house conversion. How do you get 97? Also, under LUP 6.2.2, the LUP requires a method be established by which one can evaluate if there is a conversion from low to high in order to determine mitigation. (Obviuously, if LB had this methodology we wouldn't have to be arguing this fact, I think).

Do they have one?

From: Susan Jordan <sjordan@coastaladvocates.com>
Date: Monday, January 5, 2015 3:42 PM
To: Steven Bochco <ccc@daynabochco.com>
Subject: Oops - CCPN Letter on Aliso Canyon Item 11A Thursday

Sorry about that!

Susan Jordan, Director
California Coastal Protection Network
2920 Ventura Drive
Santa Barbara, CA 93105

Ph: 805-637-3037
Email: sjordan@coastaladvocates.com

"Our lives begin to end the day we become silent about things that matter." - Martin Luther King, Jr.

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

Subject: Re: Oops - CCPN Letter on Aliso Canyon Item 11A Thursday
Date: Tuesday, January 6, 2015 11:10:17 AM Pacific Standard Time
From: Susan Jordan
To: Dayna Bochco
CC: Susan Jordan

Let me see if I can clarify that for you. It was very difficult to understand from the Staff Report, and it took me awhile to wrap my head around it, but here goes.

1. There were 64 existing rooms.
2. Under the new plan:
- they removed all kitchens
- they took **half** (32) of the 64 existing rooms and divided them into 2, giving them 32 additional rooms.
- they made a former residence into a rental (penthouse, etc.) for an additional room.
- they now have 97 rooms: 64+32+1 = 97
3. Said another way:
- they took half (32) of the existing 64 rooms and divided them in half giving them 64; 32 were not divided in half.
- that left them with the 32 not divided plus the 32 that were divided in half which gave them the 64 standard sized rooms.
- 32 undivided rooms + 64 rooms (divided in 2 from the 32) + the converted residence = 97
4. All of the rooms are increasing substantially in price, thus the 64 original lower cost rooms will be lost and they are getting the benefit of an additional 33 (32 + penthouse suite) higher priced rooms that did not previously exist.

The staff report covers this at the bottom of page 31 but the description is not clear: "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....."

And, yes, my point is that the City of Laguna Beach did not even try to evaluate this and thus violated their own LCP. And I should further point out that 30213 says 'lower' not 'low' and the City's LCP says 'affordable'. So the definition of low vs. moderate vs. high in 6.2.2 does not automatically eliminate low and moderate as "lower" cost and affordable. 'Lower' as I see it is a function of surrounding room rates, geographic location, and any other variables that are appropriate to consider.

I am down in this area quite a bit as I sit on the Crystal Cove Advisory Board. I have been somewhat shocked to see the continual proliferation of extremely expensive hotel accommodations in this area so I think some review of exactly what these cities have been doing is in order.

Let me know if this answers your question and if you want me to review any material.

Best, Susan

PS I had to read portions of the staff report 5 and 6 times before I could figure it out.....

Susan Jordan, Director
California Coastal Protection Network
2920 Ventura Drive
Santa Barbara, CA 93105

Ph: 805-637-3037
Email: sjordan@coastaladvocates.com

"Our lives begin to end the day we become silent about things that matter." - Martin Luther King, Jr.

Item 11a Ranch

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Dayna Bochco

1) Name or description of project: Item 11a - The Ranch

2) Date and time of receipt of communication: 1/5/15 2:30

3) Location of communication: telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Susan McCabe & Anne Beemer

5) Identity of person(s) on whose behalf communication was made: Applicant → (J. Piteg = City of Long Beach)

6) Identity of persons(s) receiving communication: me

7) Identity of all person(s) present during the communication: Mark Christy, Mort Skendarian, John Piteg, Steve Kaufman

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Received at Commission Meeting

JAN 08 2015

From:

1/5/15

Date

D. Bochco

Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

There are 3 major issues: mitigation fee or paying for the shuttle service; the floating easement, indemnification.

Mr. Kaufman went over the points made in his letter. We discussed the phrae" more affordable" versus "affordable", "lower cost" and "low cost." One point was that just because an area has higher cost accomodations, it does not make moderate cost hotels either affordable or low cost.

They discussed the 2 phases of construction: Phase 1 is the remodel that would not require a CDP, the other is the building of the spa, camp, etc which increases the intensity of use of the property that does require one.

We discussed how Mr. Christy came up with the shuttle idea so that he could accommodate public access thru his property soon and the floating easement that would be dedicated once the location would be established.

We discussed the Camp: it had been used since the '30's as a maintenance yard and dumping area. He hired a regional biologist to help him clean it up. Kaufman said that the 100 person limit by staff is arbitrary, that they have biologist information that

shows it could easily hold 175 without harm to environment. Only asking for 150.

Noise: both staff and they agree that 65dB is proper. Why should it matter if it is amplified if the cap is the same.

LCP 9Ca governs set back of Camp from the creek. Should be 25' from bank, not 100'.

Indemnity: as a matter of equity, please remove condition. Mr. Christy is not in position to reimburse expensive legal costs. He did not apply to Commission, the Appellant brought it there with threats of continuing litigation against the city.

From: JanaCCC
Sent: Monday, January 05, 2015 8:36 PM
Subject: ex parte on the Ranch Laguna Beach

A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch,

"I had a conversation with Susan Jordan of the California Coastal Protection Network, by telephone on January 5 2015, at 8:00-8:20 p.m., which was substantively the same as her letter to the Commission of the same date, outlining her concerns with the inadequacy of the staff' recommendation on trails and lower cost accommodation.

In addition, we discussed that the concerns regarding affordable accommodations could be partially addressed for this project, and as guidance for the City of Laguna Beach in the future, by amending the project conditions to allow construction to be completed but requiring implementation of new ideas, in some combination with staff proposed mitigation fees, such as:

1. Adding to the Conditions of approval a condition which would require design features to be added to the renovated rooms which could lower their cost under PRC Section 30213, or increase their 'affordability' as that term is used in the LCP, similar to ideas pursued by the Commission in a recent case involving land owned by the San Diego Port Authority. Such features could include requiring each 400 square foot or larger renovated room to restore some of the defining 'affordable' elements from the prior facility, such as including food preparation features, such as would be allowed in a guest house: a 7 foot counter, 'wet bar', under counter refrigerator, microwave, hotplate; adding a 'dining table' large enough for a family of 4, adding a "murphy bed" feature to accommodate larger families, including connecting doors/breakaway walls, or advertising a product at "group" or family "rates" on a per person basis.

2. Restoring the potential for inclusion of 'affordable' lodging on site by prohibiting the use of the Scout Camp for events, as inappropriate for this remote location, (and including the prohibition on amplified music, and lighting) - thereby addressing the noise and lighting impacts on both wildlife and the surrounding properties, and instead requiring that prior to certificate of occupancy permits for the 'renovated' and new rooms in the principal facility, that the owner submit a CDP or amended CDP for installation of overnight accommodations, such as tents, yurts, and/or cabins on the Scout Camp, which would be marketed as available for public accommodation on the Scout Camp portion of the property.

We also discussed the need to clarify the applicant's objection to the proposed indemnification condition, as potentially negatively affecting the ability of public interest groups to effectively challenge Commission decisions which are believed to be adverse to the protection of coastal resources.

Th 11a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Greg Cox

1) Name or description of project: App. no. A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village)

2) Date and time of receipt of communication: January 5, 2015 at 5:15

3) Location of communication: Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Andriette Culbertson

5) Identity of person(s) on whose behalf communication was made: self

6) Identity of persons(s) receiving communication: Greg Murphy, for Greg Cox

7) Identity of all person(s) present during the communication: Andriette Culbertson, and Greg Murphy

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Greg Murphy on my staff received a telephone briefing from Andi Culbertson who felt compelled to share her personal history on trails in Orange County. She said this particular property contains the last remaining segment of undeveloped trail along the Aliso Creek trail that connects eastern Orange County to the coast, which is one of 4 such trails, and the last to be completed. She requests that the Commission require that a trail easement be dedicated prior to issuance of a CDP, require an independent study for the trail alignment that is overseen by staff, with a report back to the Commission in five years, and that the applicant pay for the portion of trail that is in his property. She also respectfully disagreed with the applicant's attorney's position that this is an unconstitutional taking.

1/6/15
Date

Greg Cox
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Th 11 a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Greg Cox

1) Name or description of project: Application No. A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village

2) Date and time of receipt of communication: January 2, 2015 at 1:30pm

3) Location of communication: Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Susan McCabe, Anne Blemker

5) Identity of person(s) on whose behalf communication was made: Mark Christy John Pietig, Steve Kaufmann, Morris Skenderian

6) Identity of persons(s) receiving communication: Greg Murphy, for Greg Cox

7) Identity of all person(s) present during the communication: Susan McCabe, Anne Blemker, Mark Christy, John Pietig, Steve Kaufmann, and Morris Skenderian

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Greg Murphy on my staff received a briefing from the owner and representatives of The Ranch in Laguna Beach along with the Laguna Beach City Manager in which they described the proposed project, provided background on the current appeal, and went through a briefing booklet and correspondence that was previously provided to staff. The representatives stated that the owner is in agreement with the majority of the recommended special conditions, but requests modifications to conditions that affect the future use and viability of the property, specifically those related to the trail OTD, the operation of the shuttle program, payment of an in-lieu mitigation fee, uses on the Scout Camp parcel, and the indemnity requirement, which the representatives requested not be imposed for equitable reasons.The applicant requests approval with modifications as specified in the letter provided to the Commission on December 31, 2014.

1/6/15
Date

Greg Cox
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Th 11a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Greg Cox

1) Name or description of project: App. no. A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village)

2) Date and time of receipt of communication: January 5, 2015 at 3:30pm

3) Location of communication: Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Penny Elia

5) Identity of person(s) on whose behalf communication was made: n/a

6) Identity of persons(s) receiving communication: Greg Cox

7) Identity of all person(s) present during the communication: Greg Cox
Greg Murphy, and Penny Elia

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Penny Elia provided a telephone briefing in which she described the history of the Ranch property and summarized a letter that was previously submitted to staff, which covered in-lieu fees for low-cost visitor serving accommodations, biological impacts, Assembly Use and Parking, Trails, sustainable building requirements, and non-conforming structures in the floodplain.

1/6/15
Date

Greg Cox
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

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

NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT

September 24, 2014

Mark Christy
Laguna Beach Golf & Bungalow Village, LLC
386 High Drive
Laguna Beach, CA 92651

Violation File Number:	V-5-14-007
Property Location:	The Ranch at Laguna Beach, 31106 Coast Highway, Laguna Beach
Violation[1]:	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; and intensification of use of the "eucalyptus grove" area, all of which occurred in or adjacent to coastal sage scrub and/or riparian habitat.

Dear Mr. Christy:

Thank you for taking the time to speak with me by telephone on September 10th to discuss resolution of violations that have occurred on the above described site. I'd like to take this time to memorialize the productive discussions that we had during our phone conversation, which I initiated ahead of your meeting with Commission permitting staff on September 11th, in order to help streamline the discussions at that meeting. As you'll no doubt recall, during our phone conversation, we discussed both your efforts to remove debris from the grove - and we appreciate this effort to care for the significant habitats in this area - and the unpermitted placement of an approximately 7000 sq. ft. dance floor (as measured on exhibits provided by your biological consultant), turf, and other ornamental vegetation in the eucalyptus grove area at the northeast end of The Ranch at Laguna Beach ("The Ranch") property. We also discussed the unpermitted intensification of use of the eucalyptus grove for events hosted at The Ranch. The placement of the dance floor, turf, and ornamental vegetation, as well as the intensification of use of the eucalyptus grove for events are "development" as defined by the City of Laguna Beach Local Coastal Program ("LCP") and the Coastal Act. Since the above described development

[1] "Violation", as used throughout this letter, refers to alleged violations of the Coastal Act and/or the LCP. Please note that the description herein of the violation(s) at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act or the LCP and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

activities have not been authorized by a required coastal development permit ("CDP") they are the subject of this enforcement case and, thus, this letter.

During our September 10th phone call, you agreed to incorporate the subject unpermitted development into the project that is presently before the Commission on appeal (A-5-LGB-14-0034); thus acknowledging the unpermitted nature of the development. You also suggested several modifications to the existing unpermitted development to help bring the development into compliance with the resource protection policies of the LCP. You offered to: 1) remove the turf that is located adjacent to the creek; 2) relocate the dance floor at least 100' away from the creek, and; 3) restrict events from occurring after 10pm. Staff appreciates your willingness to work with us to resolve this matter, however, as I explained to you during our phone conversation, the unpermitted development at issue is likely inconsistent with resource protections policies of the LCP due to the close proximity of the development to native habitats, including coastal sage scrub and riparian habitats. The eucalyptus grove itself might also function as habitat for various wildlife species. Staff is currently reviewing information related to the habitat value of the grove in the course of its review of the pending appeal. In the interim, staff requests that you avoid any further scheduling of events to be held at the grove.

I'd also like to use this letter to memorialize the communications between you, Commission staff and City staff that brought us to this point of sending a Notice of Violation.

As you'll remember, staff met with you on site on July 28th to tour the project area, including the eucalyptus grove area. We appreciate the time you spent to meet with us and describe the project. Staff noted to you that we would, naturally, look further into several aspects of the project. Following that meeting, Deputy Director Sherilyn Sarb reported to the Commission at the August 14th Commission meeting that, based upon the information available to us, the ongoing remodeling of the structures at The Ranch did not constitute a Coastal Act violation if that work did not facilitate an intensification of use. No mention was made of existing development within the eucalyptus grove. The concrete pad, for instance, was installed in April 2014. Upon further investigation, staff confirmed that the development noted above had occurred without the necessary coastal development permits and opened Violation File No. V-5-14-007 on August 21.

On August 25th, a member of the public emailed their concern about the development within the eucalyptus grove to City and Commission staff. The email said, in part, the following:

> *Construction continues on all aspects of the project and unpermitted activities continue in the historic grove that has been dramatically altered and intensified to accommodate weddings up to 1500 and a wide variety of other events. Extensive large event lighting has been added to the grove creating additional impacts that we were not aware of at the time of this letter being written, but we will be addressing those impacts in our follow up meeting with staff. In viewing the links provided in the letter you will note very large aluminum structures in the 360-degree photo. Those are stage/event lights that literally flood the canyon area with light for late night events.*

By way of response to the above email, the City of Laguna Beach Planning Director, Gregory Pfost, sent an email to me on August 27th, which said, in part:

> *I, Planning Manager Ann Larson, and Principal Planner Scott Drapkin have reviewed this email and the attachments and do not believe that this is part of the project that is currently before you on appeal. We will look into the complaint and if necessary require the applicant to go through the proper permitting processes through the City first.*

The issue of the unpermitted development within the eucalyptus grove, and the need to address through the pending permit on appeal, was subsequently conveyed to you, as evidenced by the email from your representative, Anne Blemker of McCabe & Company, to staff dated September 3rd, which says in part:

> *If questions/concerns regarding activities in the grove area are complicating your review, then we're willing to separate that portion out of the current application, but I understand from recent communication with City staff that you'd like everything to be heard at once. (It wasn't part of the City's original approval--they found that no permit was required since it was a grandfathered use and no structures were built.)*

Contrary to the statement of your representative in her September 3rd email, the City did feel that a coastal development permit was required for the development within the eucalyptus grove and that one was not issued. Indeed, also on September 3rd, in discussions with City staff Gregory Pfost and Ann Larson, City staff confirmed that no coastal development permit was issued for some, if not all, of the development described above. In order to move the hearing on the appeal forward, they offered to process the coastal development permit separately from the appeal, thus again acknowledging that the development at issue is unpermitted.

As noted above, on September 10th, we discussed the permitting process for the unpermitted development at issue, and you agreed to revise your project to address the existing development within the eucalyptus grove.

During staff's meeting with your representatives on September 11th, which was attended by Commission staff Karl Schwing, Charles Posner, Liliana Roman, and from your team, you, Susan McCabe and Anne Blemker, and City staff Gregory Pfost and Scott Drapkin, the unpermitted development within the eucalyptus grove was specifically discussed and staff re-stated our request that you address the unpermitted work with the project currently on appeal.

To follow-up our discussion of September 10th, on September 12th, I discussed in more detail with your representative, Anne Blemker, the process to revise your project proposal to include the unpermitted development at issue. However, as I have conveyed to you, staff does not believe the subject unpermitted development is consistent with the resource protection policies of the LCP, thus we have stated to you and your representative that this matter should be resolved through removal of unpermitted development and restoration of any damaged resources. We suggested that you can accomplish this by revising your project description to include removal of unpermitted development and restoration.

In light of our seeming progress toward a consensual resolution of this matter by way of the pending permit, staff was focused on continuing that progress, not on writing a Notice of Violation ("NOV") letter. However, there now appears to some confusion regarding our conversations, the clear direction you were given by staff, and your seeming agreement to follow said direction. Thus, we are now sending this NOV letter to clear up any confusion.

As noted above, Commission staff has confirmed that development consisting of placement of solid materials, including a 7000 sq. ft. 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; and intensification of use of the "eucalyptus grove" area, all of which occurred in or adjacent to coastal sage scrub and/or riparian habitat, has occurred on your property. "Development" is defined by Section 30106 of the Coastal Act and Section 25.07.006(D) the City of Laguna Beach LCP, which mirrors the Coastal Act definition, as:

> ***"Development" means, on land, in or under water, <u>the placement or erection of any solid material or structure</u>; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; <u>change in the density or intensity of the use of land</u>, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; <u>construction, reconstruction, demolition, or alteration of the size of any structure</u>, including any facility of any private, public, or municipal utility; and the <u>removal or harvesting of major vegetation</u> other than for agricultural purposes, kelp harvesting, and timber operations....*** **[underlining added]**

The above described activities constitute development under the Coastal Act and the LCP. Pursuant to the LCP and the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. Commission staff has researched our permit files and concluded that no coastal development permits have been issued for any of the development described above. Any development activity conducted in the coastal zone without a valid coastal development permit, with limited exceptions not applicable here, constitutes a violation of the Coastal Act and the LCP. Furthermore, the unpermitted removal of major vegetation remains unaddressed and the resulting resource impacts persist, thus constituting a continuing violation.

Please be aware that pursuant to the Coastal Act Section 30811, the Commission may order restoration of a site if development occurred without a coastal development permit from the Commission or City, is inconsistent with the Coastal Act, and continues to affect the resources at the site. In addition, Coastal Act Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that requires a permit from the City or Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Coastal Act Sections 30810 also authorizes the Coastal Commission to issue a cease and desist order.

Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing before the Commission as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation against the properties.

Commission staff is hopeful that all parties involved can work cooperatively towards a resolution of this violation, potentially through the coastal development permit process, as staff has discussed with you. In order to resolve this matter in an expedited manner, we ask that you

incorporate removal or modifications to the unpermitted development noted above into the project description of the project that is currently on appeal to the Commission by **October 24, 2104**. Thank you for your attention to this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (562) 590-5071.

Sincerely,

Andrew Willis
Enforcement Analyst

cc: Gregory Pfost, Planning Director, City of Laguna Beach
Susan McCabe
Charles Lester, Executive Director, CCC
Lisa Haage, Chief of Enforcement, CCC
Sherilyn Sarb, Deputy Director, CCC
Alex Helperin, Senior Staff Counsel, CCC

In the Matter of:

CALIFORNIA COASTAL COMMISSION

TRANSCRIPT OF PROCEEDINGS 11(A)

January 08, 2015

Dianne Jones & Associates

Reporting and Videography

P.O. Box 1736
Pacific Palisades, California 90272
310.472.9882

CALIFORNIA COASTAL COMMISSION

SANTA MONICA CIVIC CENTER - EAST WING

1855 MAIN STREET

SANTA MONICA, CALIFORNIA 90401

THURSDAY JANUARY 8, 2015

TRANSCRIPT OF PROCEEDINGS - ITEM 11(A)

Application No. A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach) Application of Laguna Beach Golf and Bungalow Village, LLC to expand and remodel 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 and additions to existing structures; new spa, fitness center, employee lounge; and accessory structures, and establish outdoor event venue at Scout Camp, located at 31106 Coast Highway, Laguna Beach, Orange County. (EP-LB)

COMMISSION MEMBERS PRESENT

STEVE KINSEY, SUPERVISOR AND CHAIR
SHERILYN SARB, SAN DIEGO DISTRICT DEPUTY DIRECTOR
CHARLES LESTER, EXECUTIVE DIRECTOR
MARTHA MCCLURE, SUPERVISOR
WENDY MITCHELL, SUPERVISOR
RANDY PESTOR, PUBLIC MEMBER
EFFIE TURNBULL-SANDERS, PUBLIC MEMBER
MARK VARGAS, PUBLIC MEMBER
JANA ZIMMER, VICE-CHAIR, PUBLIC MEMBER
DAYNA BOCHCO, PUBLIC MEMBER
GREGORY COX, SUPERVISOR
ERIK HOWELL, SOUTH COAST REPRESENTATIVE
JOHN DIXON, PH.D., COASTAL COMMISSION ECOLOGIST

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CHAIR KINSEY: We're moving on, then, to Item No. 11(a), I believe. Is that right?

DEPUTY DIRECTOR SARB: Yes. Thank you, Chair Kinsey. Yes. The next item is item 11(a), the appeal number is A-5-LGB-14-0034, and the applicant is Laguna Beach Golf and Bungalow Village. This is a de novo review of an appeal by the City of Laguna Beach, and I do want to draw your attention to the addendum.

There's, in the green-covered addendum that was distributed here yesterday, there's a letter from the Applicant, there's submittals from the Appellant, there's a number of items of support and a number of letters of opposition.

Then as a separate hand-carried item, we distributed revisions to the staff recommendation. And I just wanted to emphasize that we -- we do try to avoid having to do this, this kind of revision to the staff recommendation at such a late hour the day before the hearing.

In this particular case there was a great deal of pressure to try to keep this project on the January agenda. I think that in similar circumstances a postponement may have occurred as a result of the number of letters that we received the

beginning of this week, with the holiday and whatever, and then also a substantial letter from the applicant's representative that -- that called into question and challenged a number of provisions of the staff recommendation that we felt that we needed to respond to.

So it is a fairly extensive revision to the staff recommendation, and Erin Prahler is one of our newest analysts that had the pleasure of being assigned this project, and -- did you want to say anything? And so she will present the staff recommendation to you today.

MS. PRAHLER: So the subject site is located at 31106 South Coast Highway in Laguna Beach in Orange County. This property is 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, and access to the site is provided by a driveway extending 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, the Aliso and Wood Canyons Wilderness Park that contains environmentally

sensitive habitat area as well 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. At the western end of the property, the site is developed with hotel, restaurant, banquet, meeting and golf course facilities that include approximately 23 detached buildings.

At the northeast end of the property on the other side of the golf course is the Scout Camp parcel, a roughly two-acre parcel adjacent to the Aliso and Wood Canyons Wilderness Park, and the development before the Commission today is located in both of these locations.

This image shows the area of the property where the hotel rooms are located. The buildings with the yellow circle are existing hotel room structures and include 64 hotel rooms. These rooms were originally build as apartments, so the floor plans vary from studio designs to one- and two-bedroom units. And the units are larger than a standard hotel room would be. Each unit also has a kitchen.

Under the proposal, all of these rooms and

buildings would be renovated. The exterior renovations include replacing siding, new roofs and new windows and doors. The interior renovations include the removal of the kitchens from all units.

The nine buildings marked with a white doughnut shape indicate the location of 32 existing one-bedroom suites. The Applicant proposes to split each of these rooms in half to create 32 new rooms. There will be no change in the building envelopes, and the resulting 64 rooms will be standard sized hotel rooms rather than the more spacious suites that they currently are.

At the bottom right of the screen, you see the former residence of Ben and Vi Brown, the prior owners of the property. This former residence is also undergoing renovations and would be rented out as a new penthouse suite. This one unit will include a kitchen.

The Applicant's proposal would increase the number of rooms from 64 to 97, would reduce the size of 32 existing one-bedroom suites to create 64 standard sized rooms, and would remove kitchens from all existing units, leaving only the penthouse suite with a kitchen.

In addition, the Applicant proposes to

raise rates for every room type on the property. All 33 of the new hotel units will be high-cost units, and no low-cost units will be provided. These changes are inconsistent with the LCP's requirement to protect, 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.

Finally, these additional hotel rooms will increase the number of visitors that can be accommodated on the property, and this greater intensity of use of the hotel translates into increased recreational demand on coastal resources in the surrounding area.

In fact, the hotel website encourages guests to utilize the many recreational opportunities afforded by the neighboring beaches and parks, and advertises programs designed to facilitate guests' use of these resources.

These significant impacts to public access and recreation require mitigation under the LCP and the Coastal Act.

So these photos were taken in July of 2014, when Coastal Commission staff visited the property. You can see the renovation work that was underway at that time to one of the hotel structures and the former residence that will be rented out as a penthouse suite.

In November 2014, Commission staff visited the property again. Here you can see the extent of the renovation work that was done to the exterior of the hotel structures. The image at the top right shows the pool area under construction where additional buildings will be placed.

So in addition to the hotel room renovations, the Applicant is proposing the demolition of 2,549 square feet of assembly space and two detached structures, and construction of a 1,997 square foot spa and approximately 475 square foot fitness center, construction of an approximately 1600 square foot employee lounge with storage, a new 139 square foot pool bar, and additions to other existing structures in this area.

Most of the hotel buildings being renovated and new buildings being constructed are located within the 100-year floodplain. The proposed development has been reviewed by the floodplain

administrator for the city for compliance with the regulations in the certified LCP that addressed FEMA requirements. Revisions to raise the structures above base flood elevation have been incorporated where they were required.

At the lodge adjacent to the area with the hotel rooms, the Applicant proposes to modify the building facades and completely renovate and reconfigure the restaurant and indoor assembly areas.

Additions to the lodge include a new 2,193 square foot basement level with golf cart parking, laundry and office space; a new 3,114 square foot patio area over the new golf cart garage for use as an assembly space, and enclosure of existing lower and upper level patio decks associated with the restaurant and assembly areas.

A total of 1,710 cubic yards of grading is proposed associated with this development. New landscaping is proposed around the lodge, spa and fitness center, and employee lounge, and a new valet parking program is also proposed during assembly uses and special events to ensure that the property has sufficient parking.

Now, at the other end of the property, at

the Scout Camp parcel, the Applicant undertook unpermitted development including removal of debris and trash, eucalyptus tree trimming and removal, and removal of other vegetation. The Applicant installed a 7,000 square foot concrete pad, walkways, a vegetable garden, fruit orchard, turf and other landscaping.

The Applicant also removed an existing chain link fence and replaced it with a wooden fence. The Applicant used this parcel as an event space for events like weddings and fundraisers. This is a photo of the 7,000 square foot concrete pad surrounded by turf and other landscaping, in the back, behind the concrete pad on the left side of the picture you can see the new wooden fence. And this picture shows that the turf was installed all the way up to the creek bed.

This unpermitted development was the subject of a notice of violation letter from Commission staff dated September 24, 2014. In order to resolve the matter of the unpermitted development described in that notice of violation letter, the Applicant proposes to modify and remove portions of the unpermitted development and requests after-the-fact authorization of portions of the

unpermitted development as modified.

So on this screen the green hatchmarked area shows the area of the Scout Camp parcel with unpermitted development that's within 100 feet of Aliso Creek. The Applicant proposes to remove development here and replant the area with native species.

The Applicant's initial proposal to remove development here did include a proposal to remove a portion of the concrete pad based on the Applicant's recent submission of revisions. It looks like they are changing that proposal, and so we'll let the Applicant describe that change.

In order to ensure that any effects of this unpermitted development are properly remedied, Special Condition No. 11 requires the use of plant species appropriate to the surrounding native plant communities. Another special conditions of the Coastal development permit require other modifications to the proposed development to further protect coastal resources on and surrounding this parcel.

For example, Special Condition 12 imposes limits on noise and the number of guests at events held at the Scout Camp, prohibits events at night,

requires installation of fencing 100 feet from Aliso Creek and from native scrub habitats to prevent intrusion into these buffer areas and prohibits any glare or light intrusion into surrounding habitat areas.

Special Condition 13 establishes a tree trimming policy to address potential impacts to birds, bats or Monarch butterflies.

As a whole, the proposed project will further intensify existing uses of the property. Use of any one of the assembly areas creates a parking demand that cannot be met on site without a valet parking program, and the proposed renovation of the property increases the need for parking.

The new parking demand could have significant impacts to the surrounding area, and 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.

To insure that sufficient on-site parking is available and to prevent impacts to the surrounding area, Special Condition 8 sets minimum parking requirements for daily operations and during events.

Special Condition 10 would limit the use of assembly spaces to one event at any one time up to the maximum number of vehicles that can be accommodated by the proposed valet parking program.

The increased intensity of use of the property resulting from additional hotel guests and visitors to the property for events will adversely affect coastal resources in the area, including the beach and neighboring wilderness park, resulting in further impacts to public access and recreation.

As mitigation for the project's impacts to public access and recreation, the Applicant proposes to offer public access through the site 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. This map shows in yellow the areas of those two easement areas.

The easement areas on the north side of the Applicant's property within which a future trail could cross the property are located outside of a 200-yard golf ball flight hazard zone that was

identified by the Applicant, and that 200-foot flight hazard zone is indicated by sort of the salmon color on this map.

A final trail alignment would be determined based on a site specific analysis by a third party accepting the offer to dedicate. The offer to ded -- the area offered for dedication is not a continuous corridor through this site, so 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 controlled by the South Coast-Orange County Wastewater Agency 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 property.

Pedestrians and cyclists using the shuttle

service would then walk or ride approximately one quarter mile along the private South Coast Water District roads, 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, and it would operate during the same days and hours that the park vehicle road is open to use by the public. Currently, that's weekends only from 7:00 a.m. to sunset.

If the days or hours that the public use the road change the Applicant proposes that the shuttle program would operate consistent with those changed hours or days.

Shuttle service would be provided every 30 minutes on the hour and half hour, or on call with an installation of a call button at the gate of the northeast corner of the property, and as proposed the Applicant would not be responsible for operating or funding the shuttle system other than an initial $50,000 contribution toward the purchase of -- of a shuttle vehicle.

This service would terminate following construction and opening of the pedestrian and cycling trail.

The final portion of the Applicant's proposed mitigation plan is to provide limited overnight camping, and as initially proposed this would be limited to groups of 12 individuals or fewer. Again in this instance the Applicant appears to be suggesting a revision to the size of groups, so we'll let them describe that.

This proposed mitigation package is not sufficient to address the impacts to public access and recreation here. 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 citywide expansion of trail networks, as well as decades-long interest in a trail connecting the Aliso and Wood Canyons Wilderness Park inland of the property with Aliso Beach seaward of this 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 as proposed. An accepting entity would 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, and as a result, the offer to dedicate alone is not sufficient mitigation for the impacts to 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 programs. So actual provision of this shuttle is not insured.

Finally, the overnight camping experience as proposed by the Applicant 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 or residents of 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. And Applicant has not proposed a minimum number of camping events per month or year, so there is no guarantee that any camping would occur.

The mitigation package as a whole 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.

Past Commission actions have typically assess an in lieu fee of $30,000 per room applied to 100 percent of the number of affordable overnight accommodations lost, and to 25 percent of new high-cost rooms where no lower cost alternatives are provided on site.

In this case, 64 affordable units are being lost through conversion to standard-sized rooms, higher rates, and loss of kitchens. In addition, 33 new high-cost rooms are being added to the property.

According to the formula, the in lieu fee of $30,000 per room could be applied to the loss of 64 affordable rooms and 25 percent of the 33 proposed new high cost rooms, plus an added amount to compensate for inflation.

In today's dollars, the total in lieu fee for the loss of 64 existing lower cost affordable units and addition of 33 high cost overnight accommodations could be $2,454,332.50.

The Applicant's proposed package alone is insufficient to mitigate the loss of and lack of providing affordable overnight accommodations and impacts to lower cost recreational facilities. Therefore, in addition to the proposed shuttle program offer to dedicate trail easement and group camping at the Scout Camp, Special Condition 1 would require that the Applicant pay an in lieu mitigation fee of $1,121,010 as well as fund and operate the proposed shuttle service.

Special Condition 7 also requires the Applicant to host at least 12 overnight small group camping experiences at the Scout Camp per year to ensure that there is some minimum number of camping events.

And that concludes staff presentation.

CHAIR KINSEY: Thank you.

I'm going to look to Commissioners for ex partes, and I'll begin on my left. Commissioner Mitchell.

COMMISSIONER MITCHELL: On Tuesday, the 6th, at 11:00 a.m., I had a phone ex parte with Penny Elia. She suggested that Scout Camp go back to its original use -- usage. That environmental groups in the region would be -- we reviewed her

letter and -- and that is part of the file, but also, they would be happy to work with the Applicant on interpretive centers for the Scout Camp area. She believes that all of the rooms should be earmarked for in lieu fees.

She also suggested that staff didn't address the habitat issues around the golf course and the driving range, and said that a shuttle would violate the municipal code, saying they're not even allowed to drive in there. And the rest of her was -- was just reviewing her letter.

Oh, and hang on one second. I have one more. That same day at 12:00 o'clock, I had a phone call with Andi Culbertson, who had worked on the -- who'd worked at planning in Orange County, and was familiar with this and the trail, she said this is the second of four -- the second longest of the four trails that go inland to the coast, and that this trail was always envisioned, but has had resistance from some in Laguna, believes that there are two routes through the property, and that it should be recorded prior to issuance.

She also suggested that instead of that funding to towards a topographical study to see exactly where the alignment should be, and that we

could bond and build the trail and hire an engineer instead of spending the money on the shuttle.

She was solely focused on the trail and getting it -- getting access from inland to the coast.

And the rest is on file.

CHAIR KINSEY: Thank you.

Commissioner Turnbull-Sanders.

COMMISSIONER TURNBULL-SANDERS: Thank you, Chair Kinsey. On January 4th at approximately 5:00 p.m. I had a telephone call, ex parte communication with Mark Christy, Steve Kaufmann, Susan McCane -- Susan McCabe and Anne Blumker. During that conversation I received a briefing from the owner and representatives in which they described the proposed project, provided background on the current appeal, and went through a briefing booklet that was previously provided the staff.

As described the project involves an effort to upgrade and improve existing outdated hotel adjacent to the Aliso Creek and Laguna Beach.

We also discussed significantly the in lieu fee calculation, and the Applicant's disagreement with the way in which staff calculated that as more fully described in the letter from the Applicant's

attorney.

I had a second conversation with Susan Jordan and the Applicant, Mark Christy, on -- yesterday at approximately 7:30 p.m., wherein we had a conversation about how lower cost visitor serving usage should be evaluated. We also discussed the decibels for noise requirements and that they didn't agree with the staff's recommendation of no amp -- amplification, and that they had submitted rate issues to the City, and that the facilities never were considered lower cost.

This morning at 7:30 a.m. I had an ex parte conversation with Susan Jordan. Ms. Jordan went over her letter that she submitted dated January 5th, 2014, in some detail. She believes that the City did not evaluate this possible loss of lower cost housing, and she feels that the lower cost housing should be evaluated in context, believed -- also she believed that the City did not follow their LCP policies or do the analysis for the loss of low cost housing.

We also went over the LCP requirements and the requirements under the Coastal Act for lower cost visitor -- visitor serving facilities. She also recommended that the Commission be creative

about what types of mitigation could be used to address the lower cost visitor serving, housing, and we went over a little bit more in detail her -- her memo.

On January 5th I had an ex parte conversation with Penny Elia. We went over her comments and we also discussed pretty much in substance the same conversation that she had with Commissioner Mitchell. We also had a substantial conversation on how and when rates were calculated and it was unclear how those rates were calculated for lower cost visitor serving facilities.

We also talked a bit about the history of the site and the original use by the Girl Scouts, and that's the substance of the conversation.

CHAIR KINSEY: Commissioner Bochco.

COMMISSIONER TURNBULL-SANDERS: Perhaps I misspoke. I had my second conversation with Mark Christy -- was with Susan Jordan, not Susan -- I'm sorry, Susan McCabe, not Susan Jordan. Thank you.

COMMISSIONER BOCHCO: All these Susans that are just --

All right. I had a telephone conversation on January 5th at 2:30 with Susan McCabe, Anne Blemker, Mark Christy, Morris Skenderian, I'm going

to say this name wrong, John Pietig, and Steven Kaufmann, and it was substantially the same as Commissioner Turnbull-Sanders discussed.

I think only a couple of things that may be not mentioned before; one was that Mr. Christy had offered up the idea of the shuttle to staff to -- to mitigate for public access during the earlier phases of the project. He had cleaned up the camp which had been used as a maintenance yard and dumping area, and had hired a regional biologist to hep him clean it up to make sure that he was doing it properly.

They also felt that the hundred person limit that staff was putting on in terms of events there was an arbitrary number, and there seemed to be no evidence of why that number was preferable to 150 or -- or not preferable, but -- and they said their biologist said they could go up to 175 people without harming the environment, but they're only asking for 150. They didn't understand why if you had a cap at 65 decibels you couldn't, as long as you stayed within the cap, why amplification should even matter.

They said LCP 9C(a) governs setback of the camp from the creek, and so it should be a 25-foot

setback instead of a hundred, although I think they're accepting the hundred. And we talked about the indemnity very briefly, and Mr. Calphen (phonetic) said it's a matter of equity as well as law, and if we could please remove the condition, because Mr. Christy wasn't in any position to be able to finance continuous -- continuing litigation on the project.

Oh, and then, I'm sorry, and then on January 6th, I received Susan Jordan's letter and I e-mailed her back and said I would -- I would send her questions, and mostly I was focused on her helping me trying to figure out the math between the 97 rooms and 64 rooms, so I was having a little trouble dividing there.

And also the LUP 6.2.2 requiring the City to come up with a methodology by which to measure conversions from low to high in terms of mitigation, which evidently had not been done by the City, and, you know, just why that was. That's it. Thank you. Sorry.

CHAIR KINSEY: Thank you. Vice Chair Zimmer.

VICE CHAIR ZIMMER: Thank you. First of all, apologies to Anne Blemker and her team as well

as Penny Elia. I had set up ex partes for Monday morning, this last Monday morning, which I had to cancel all my ex partes for medical reasons.

I did also send -- I just realized it's not attached, the addendum that we have, I sent in a summary of an ex parte that I had with Susan Jordan last week, and I'm not finding it here, but basically it reflected conversation I had with her in Santa Barbara on December 31st, from about 12:00 to 12:30 p.m., where we discussed in substance the points of her letter. That is in the record.

And then I had a second brief conversation with her on January 2nd around 7:00 p.m. for about five minutes where I -- we talked a little bit about some alternative ideas from Commission past decisions on how to try to address this lower income affordability question.

And so Ms. Miller, did you -- do you recall getting that e-mail from me asking you to format that? No? Okay. Well, I'm sorry. But that's the substance of it.

CHAIR KINSEY: Thank you. Commissioner Howell?

MS. HOWELL: I'm sorry, Chair Kinsey. I -- actually looking at the attachments myself to see if

my ex parte is on record.

CHAIR KINSEY: Okay. Well, we'll move along and you can keep looking. Commissioner Cox?

COMMISSIONER COX: Thank you, Mr. Chairman. I have three ex partes that I have dealt with over the last few days. On January 5th at 3:30 in the afternoon, Penny Elia was on a phone conversation with myself and Greg Murphy of my staff. Penny provided a telephone briefing in which she described the history of the ranch property and summarized a letter that was previously submitted to staff, which covered in lieu fees for low cost visitor serving accommodations, biological impacts, assembly usage and parking, trails, suitability, building requirements and non-conforming structures in the floodplain.

On January 2nd, I had two -- excuse me -- January 2nd I had a telephone conversation which included myself and Greg Murphy of my staff, with Susan McCabe and Anne Blemker. And it is substantially the same as been indicated by other speakers, the Ranch at Laguna Beach along with the Laguna Beach city manager had provided information where they described the proposed project, provided background on the current appeal, and went through

the briefing booklet and correspondence that was previously provided the staff, the representatives said the owner is in agreement with the majority of the recommended special conditions, but requests modifications of conditions that affect the future use and viability of the property, specifically those related to the trail, OTD, the operation of the shuttle program, payment of an in lieu fee, uses on the Scout Camp parcel, and the indemnity requirement, which the representative requested not be imposed for equitable reasons.

The Applicant requests approval with modifications as specified in the letter that was provided to the Commission on December 31st of last year. And then finally on June 5th, at 5:15 p.m., another telephone conversation which I did not attend, but Greg Murphy of my staff held with Andriette Culbertson, and Mr. Murphy received a telephone briefing from Andi, who felt compelled to share her personal history on trails in Orange County. She said this particular property contains the last remaining segment of undeveloped trail along the Alison Creek trail that connects eastern Orange County to the coast, which is one of four such trails and the last to be completed.

She requested the Commission require that a trail easement be dedicated prior to issuance of the CDP requiring an independent study for the trail alignment that is overseen by staff with a report to the commission in five years, and the Applicant play for the portion of the trail that is on his property.

She also respectfully disagreed with the Applicant's attorney's position that this is an unconstitutional taking. Thank you.

CHAIR KINSEY: Thank you. Commissioner McClure.

COMMISSIONER MCCLURE: I had several ex partes. I will start with my first -- my ex parte on Tuesday, the 6th of January at 10:00 a.m., I had a phone call with Penny Elia, and as we covered the ground of the issues, we started out with the issue of the Scout Camp, and that it was donated in 1935 and at one point was taken over by the John Thurston foundation, and then in -- was then taken over by the YMCA who sold the property in 2007, with a deed restriction removal through a quit claim deed, and the Friends of the Canyon contend that that quit claim deed doesn't meet the standard that it was a -- I'm going to probably butcher the term -- but

it was a cy-près doctrine, meaning that it was a charitable doctrine and it would have to have been removed by the court.

She also made reference to the 7,000 foot concrete pad in the camp area, and said that it was not conducive to camping. And then we moved on to the trail, and the trail according to -- according to her arguments were the reason that the trail development was triggered was because there was a 50 percent or more remodel, and that there -- that would then trigger a use and that it would be intensification of use, and that the trail would complement the Scout Camp.

We then moved to visitor, low cost visitor serving fees, and of the 64 rooms she claimed that they were as low as $105 and as high as 127, and that the money for the in lieu fees should go directly towards local -- low cost visitor serving, and she suggests -- suggested that, is it Doheny Park? The Doheny State Park should be the recipient of this money, and that she had been -- she had filed the notice of violation or the -- the violation to the Coastal Commission, and that that was filed by the Sierra Club.

And she also believes that the parking

issues have not been 100 percent vetted for special events, and then questioned sustainable building requirements with the lead building and also that the reclaimed water that is apparently ready to use by the Applicant as soon as the water district gives them the permission, that the reclaimed water should be serving the entire property, not just the -- not just the golf course itself, and then there was also a question of the -- following the local coastal plan's flood plan with FEMA that for some reason the City has decided that this is exempt from that -- from that plan.

The my other -- my other ex partes, I had an ex parte that's on file back in October the 10th, where I met with the Applicant at the property, and I was able to take a tour of the property to be able to see exactly what it looked like. During that ex parte there was a discussion of frustration of not being able to communicate with coastal staff on trying to find where the conditions were going to be and what was going to be happening.

I also was able to tour the remodeled rooms that -- that are being -- that were part of a first-issued permit, and then on the 6th of January I met with Susan McCabe with the -- with the

Applicant, Mark Christy, and Steve Kaufmann, and we went over the recommendations that were being made by staff in the staff report, and we also reviewed Mr. Kaufmann's letter and talked about the temporary shuttle program, the restoration of the -- of the building, the remodeling of the buildings, the restoration of the creek, and of the use of Scout Camp, and it was their opinion that in the staff report where it said there would be 12 campers, that that was a typo in the report from the staff, but that they had been attempting to get a face-to-face meeting to look at these 21 conditions in order to possibly find agreement on some of those conditions, but were unable to make that meeting, staff was unable to meet to try to resolve these issues.

They also talked about the indemnity requirement and how that works, and how it wasn't felt to be equitable, and we -- they -- they wanted to resolve the outstanding issues, and the Applicant is in agreement with most of the conditions, and they were hoping that even as this meeting continued in the last two days that there would be time for staff to be able to meet with the Applicant and go over some of the possible give-and-take that was there. And that was it. Thank you.

CHAIR KINSEY: Thank you. Commissioner Howell.

COMMISSIONER HOWELL: Well, I can't find my ex partes on file with Andi Culbertson, but on January 2nd I had a discussion with Andi about the trails and about her history in Orange County working on trails, and she expressed her encouragement of having the trails connect on this project.

And then yesterday at 6:30 I had an ex parte with Susan McCabe which is already been touched on by everybody tonight.

CHAIR KINSEY: Thank you. Yes. Yes. Commissioner Pestor.

COMMISSIONER PESTOR: Yes. On January 1st and January 6th I received e-mails with correspondence attached to them that are now part of the public record, and are addendums to the agenda. Those were from Andi Culbertson. And then on January 5th I received an e-mail from Susan Jordan with an attached letter that is now part of the public record and an addendum to the agenda.

CHAIR KINSEY: Thank you. From my ex partes on January 3rd -- excuse me. Oh, Commissioner Vargas. Please. I'm sorry.

COMMISSIONER VARGAS: On January 2nd at 9:30 a.m., I had a phone call from Penny Elia from the Sierra Club. We received -- I received a briefing where we basically went through the detailed opposition letter that the Sierra Club had drafted, and that has been provided to staff.

And then at 10:00 a.m. on the same day I had a conversation with Mark Christy, Susan McCabe, Anne Blemker, John Petig, and Steve Kaufmann and Morris Skenderian, regarding the Ranch at Laguna Beach, and described the -- we also reviewed the staff report in detail and discussed the -- the Applicant's views on it, very similar to the other ex partes that have been discussed already.

CHAIR KINSEY: Thank you. On January 3rd at approximately 11:30 I had a phone conversation with Andi Culbertson, who described her professional history for 40 years and her involvement with this project. She requested an independent study to be paid for by the consultant. She raised questions about the impacts of the trail on the adjacent golf course and cited examples of other golf courses she was aware of where trails had been compatible and several other comments that were made by others were also included in my visit with -- my phone visit

with Ms. Culbertson.

On January 5th at 9:30 in the morning I had a phone conversation with Penny Elia, in which she reviewed many of the points that were made in the Sierra Club letter, specifically talking about the Scout site, concerned about any use there, also the restrictive deeds.

She was also quite interested in and discussed with me the lower cost visitor serving aspects, did mention that the in lieu fees that should be assigned could -- could be directed to facilities at Doheny Beach. She also talked about the parking and the parking model needing to be revisited because it didn't adequately cover the needs of the parking and the circulation should also be adequately addressed.

She discussed briefly the Athens Project that had preceded this, and that it had provided for a trail, stated the need for an independent trail consultant, did not believe that motorized vehicles should be allowed up the canyon, and that the Point -- that the Saint Regis shuttle nearby had -- had not been effective. And we discussed sustainable building standards, felt that the conversion of the irrigation of the golf course was

not a voluntary action, and she felt that there were non-compliant structures in the floodplain, and that the FEMA policies should be reviewed.

Those were my ex partes at this time.

Commissioner Mitchell.

COMMISSIONER MITCHELL: I just have a question for counsel. I understand, you know, thirdhand that Commission staff has been raising issues in Sacramento about ex partes and our disclosures of them, et cetera. And so my question is is that in the -- if we have had something, and I've been corrected on this by counsel, seven days prior to the hearing, we submit that. If that is not on file, who's -- who is -- who could be held accountable for that? Because I know that there is up to a $2500 fine or a $7500 fine if we don't disclose, Commissioners are personally liable, and I wanted to be clear on what, if we have turned them in seven days prior in accordance with the law, then, you know, what can we -- can someone come after us again, or --

(Inaudible discussion away from the microphone.)

COMMISSIONER MITCHELL: No.

(Inaudible discussion away from the

microphone.)

MS. SCHMELTZER: Sorry, Commissioner.

COMMISSIONER MITCHELL: Uh-huh. Thank you.

MS. SCHMELTZER: You are responsible for turning those in. Staff should have those on file. Staff has been making every effort to make sure that they are in the distributed addendum if they are handed in more than seven days ahead of time, but that does not always happen. That doesn't mean they aren't on file or that you aren't in compliance with the law.

COMMISSIONER MITCHELL: Okay.

MS. SCHMELTZER: If you have handed them in.

COMMISSIONER MITCHELL: Great. I just wanted to make sure I was following the rules.

MS. SCHMELTZER: Yes.

COMMISSIONER MITCHELL: Thank you.

CHAIR KINSEY: Thank you. Okay. So now we will take the public hearing, and I did want to mention prior to the public hearing that I expect that at the end of the public hearing we will be going into a closed session briefly under the provisions allowed for under potential litigation, and so there will be a period after the public

hearing closes when this Commission will be meeting in a closed session, we'll be asking all of the persons not involved in that to be out of the room for that period of time.

Then we will come back into open session and the Commission will deliberate on the project. So with that having been said, I am going to invite up Mr. Mark Christy, as the Applicant, and allow him to let us know how much time you would like for your presentation, and any rebuttal.

MR. CHRISTY: Ideally, a total of 20 minutes, we'll reserve five for the rebuttal.

CHAIR KINSEY: Okay. So 15 minutes for the presentation, five for the rebuttal. And please go forward.

MR. CHRISTY: Thank you, Chair Kinsey and Commissioners. It's nice to see you again. My name is Mark Christy, and I think you all know my story. I am a lifetime Laguna resident with nothing but reverence for this property, and I was horrified when our predecessors, the Montage, proposed a major new development.

When they gave up, we were lucky enough to be able to buy the property and ensure its restoration and preservation, and that is precisely

what we're doing, nothing more. To characterize this as a massive intensification seems to me is a bit of a stretch. The building area is being reduced from 119,598 feet to 91,726. Net reduction of habitable area of roughly 10,000 feet. A reduction of meeting space. A reduction of restaurant space. We are increasing the number of rooms, correct, but within the existing envelopes, using the existing framing, window openings, door openings, foundations and roof line intact.

We have a voluntary limitation on event size with this CDP where none existed before. We are voluntarily converting the hotel grounds and the golf course to reclaimed water, and that process started over a year ago.

This has been a long journey. And at some point this project ceased to be about something that we were doing, and it really became something that the entire town of Laguna had a stake in and wanted to see if it happened.

We have literally received thousands and thousands of signatures of support and letters of support, so I want to thank here officially, I want to thank the people that have stood behind me, because this has been a rough deal, and I want to

thank you commissioners as well. Please, at long last, let's get this done for the benefit of Laguna and her visitors.

I essentially agree with most of the staff conditions. There are some modifications that we would -- we would request, and with that I'll turn it over to Steve Kaufmann. Thank you.

MR. KAUFMANN: Good afternoon. Thank you, Chair Kinsey and Commissioners. Steve Kaufmann for the Applicant. We were in agreement with most of the staff recommendations. Last night we received an addendum that made radical changes to the conditions for us, and except for staff's deletion of the extension of the shuttle service to Coast Highway and the beach parking lot, we disagree with all those changes and we're going to ask you to reject them as well.

There are four issues we'd like to address. We've given you a yellow handout, it looks like this, that breaks them down and requests certain changes to special conditions.

First, public access. Historically, there has never been any public trail access through the ranch property or access by ranch visitors through the SOCWA gate to the trail beyond the property, and

that wouldn't change with this project as it's currently proposed.

The addendum postulates that at least 50 percent of the hotel guests will use the inland trails, and a hundred percent would use the beach. And that, Commissioners, doesn't furnish the nexus for a trail or shuttle. It doesn't change the fact that the inland SOCWA gate at the end of the property has been always locked and that absent the Applicant's offer, no one from the ranch will use the trail.

The use of the beach doesn't provide a nexus for a mountain trail or a shuttle through the property. They're entirely unrelated. Now, that said, while there's no legal basis for a public trail requirement, Mark understood staff's desire for a trail, and he stepped to the plate. He proposed first an offer to dedicate a floating easement for future hiking and biking trail over two sections along the north slope of the property, outside the golf ball hazard zone, and then a temporary shuttle to ferry hikers and bikers through the property operated by third party acceptable to the executive director until the trail is opened.

Now, this slide that comes up shows the two

routes, and it's in your staff report on page 9 of Exhibit 8, and this next slide also handed out to you, more clearly shows the two routes.

Special Condition 5 is the trail OTD requirement, and the OTD requirement is fine. But we asked for three changes. First, deletion of the requirement that the Applicant join as a co-Applicant on any future application to implement the trail. There's no reason for him to have to go back through the permit process. The OTD grants a legal easement and gives the accepting entity the full legal interest necessary to apply for a permit and to construct the portion of the trail over the property.

Second, a change to the requirement that the temporary shuttle program may terminate only if the resulting hiking and biking trail provides a, quote, substantially equivalent level of user difficulty and destination. This is a standard that could never be met, because obviously a shuttle and a mountain trail are completely different.

It undermines the Applicant's offer because the volunteer temporary shuttle program would be permanent, and the addition of a trail would result in two access ways where the Applicant has

volunteered only a trail and an interim shuttle pending the opening of the trail.

So we've asked instead for language to make clear that the trail must provide a route through Aliso Canyon, which facilitates access to the beach. That's what staff originally requested of us.

Third, we're in agreement, as stated in Special Condition 5.A, that the OTD would be executed and recorded no later than 90 days following certificate of occupancy of the approved development. We submitted the OTD and it's in the staff report. And the addendum has changed that to read prior to occupancy. And we disagree with that change.

The reason for the initial language is that, and I'm sorry to say this, your staff is simply not capable of timely review of an OTD. Here is my example. Two and a half years ago you approved Shea's Parkside project in Huntington Beach. We submitted OTD's to staff in May of 2013. At two and a half years later, after a lot of nagging, staff has still not completed its review.

The initial language that we provided works just fine. It enables the Applicant to open this summer and obligates them to record the OTD within

90 days after approval. He'll do it because if he doesn't you'll shut him down. He understands that.

If staff needs more time, the condition states that the ED can extend the time for good cause. And that's fair. We thought we were all in agreement on the language, but the change now would be highly detrimental to the Applicant, especially if it took a couple of years to get it done. So we ask you to reject that change in the conditions.

Condition 3 deals with the temporary shuttle program. The addendum would revise Special Conditions 3.A and C, and require the Applicant to fund the shuttle and also to fund the purchase of the shuttle vehicle. We ask you to reject those changes.

Mark volunteered a shuttle opportunity. We've prepared a detailed shuttle management plan, but while Mark has made it possible for a public entity for a non-profit acceptable to the ED to operate the shuttle system, in cooperation with the ranch, he can't fund it. It's too expensive for him to shoulder that burden.

He did, however, volunteer seed money to purchase the vehicle, $50,000, but now the revised staff recommendation would have him purchase it as

well. And that stands his offer on its head, and we ask you to reject that.

The second issue deals with mitigation for impacts on lower cost overnight accommodations. Condition 1 provided options. Pay the in lieu fee or operate the shuttle program. The revision in the addendum last night would now require both. Mark worked incredibly hard and creatively to satisfy staff's insistence on facilitating trail access. And this revision would now, again, stand his offer on its head and penalize him for being forthcoming and cooperative, putting it on the table. It would kill this project.

It would make more sense just to go with the renovation of the 64 units as is, and, sadly for Mark to forego what he's offered. So we ask that you not accept the change to Condition 1 mandating both the fee and the temporary shuttle.

Special Condition 2.A would require an in lieu of over $1.1 million. When you object to the fee amount because it isn't supported by Section 30213, by your decisions, by fact, or by logic.

Your past decisions, including decisions from this last year have generally dealt with lower cost visitor serving facilities in three ways.

First, where lower cost hotel units are lost, mitigation has been required at a one-to-one ratio. For high cost, overnight accommodations with no low-cost alternatives on site, mitigation is calculated at 25 percent, the number of new high-cost rooms created times $33,970. And third, you credit mitigation where the project provides non-overnight access and recreation amenities, that ensure visitors can nonetheless access the facility for recreational activities during the day.

Here, no lower-cost rooms are being lost. The decisions would consider the average daily rate of this hotel in 2013 of $172, you noted in the staff report to be high cost, not low cost, and the average daily rate would go up with this project.

The staff report ignores all of this. The argument in the original report was essentially the proposal would result in less affordable high-cost rooms. In other words, high-cost rooms will be even higher, and it doesn't apply the 25 percent factor in arriving at the $1.1 million.

Now, as this slide shows, we're talking here only about lower cost, not less affordable high-cost rooms. In the addendum staff changes course. Now it says these rooms were low cost,

because in January of 2013, the average daily rate was $87. And in July, 2013 it was $172. But what they don't tell you is, first, January of that year was a pivotal year. It's the year that the property was being transferred between ownership.

And the second is that there were months where the average daily rate was over $190, and that's where you get to an average daily rate for the year of $172.

Every hotel fluctuates in its rates. You have to look at a year. You can't cherry pick an anomalous month during the down season.

Now, in calculating the fee and applying 25 percent to the number of new hotel rooms created, 33 times 33,970, you get $280,252, that's the appropriate in lieu fees supported by your decisions.

I've been wrestling with this, because I think I can readily make the case to you that there should be no fee. And in my letter to you I explain that at the very least the Applicant should get credit for providing limited overnight youth camping on site for 40 persons as we're proposing today.

Isn't that worth a couple of hotel rooms? Two? That would be $17,000.

Two, credit for his proposal on the management plan would provide $50,000 in seed money for the purchase of the shuttle vehicle. And most importantly for providing a trail OTD and a shuttle opportunity that can't legally be required. That could probably amount to $280,252.

But let's be conservative and just credit it with 50,000. So I come up with a credit of $117,000 for an adjusted mitigation fee of $163,000, actually $163,252. And in my view that would apply your formula, give credit for what the Applicant has offered on site, arrive at an in lieu fee consistent with 30213 and your decisions, and that's the figure we ask you to include in the conditions.

And we also ask you to use -- that the use of the fee include open space acquisition, trail construction and maintenance in this immediate area, because I hope you will agree that will help effectuate the trail, which as I understand was originally what the staff wanted.

Next is the Scout Camp parcel. We request five changes to Special Condition 12 and we hope that you agree with all of them.

First 12.C sets an arbitrary limit on events at Scout Camp to a hundred persons, not based

on science, and our biologist has opined that 150 to 175 persons wouldn't creat biological impacts.

Book a wedding, 175 people. We've asked for a 150-person limitation, but the evidence supports 175 without any impacts.

12.G prohibits voice or music amplification, but requires a 65 decibel limit at the property line, and a noise management plan. We ask that the prohibition on amplification be deleted, because the ultimate limitation on noise is 65 decibels.

Third, Condition 12.E requires post and cable fencing and a buffer zone a hundred feet from the creek. Bear in mind, this was a dump site and a maintenance yard. As you can see, the Applicant removed the materials, he's beautified the site, and agreed to restore this area with native scrub and native grassland.

Importantly, as you learned today and discussed, the certified LCP for the city of Laguna Beach requires a 25-foot creek setback, not a hundred foot setback. And our project biologist explained that a 25-foot setback from the top of the bank, which is not what you just approved in this area, is adequate if it's fenced with post and cable

fencing and there is signage.

Fourth, and I think this is terribly important. The first sentence of Condition 12 would limit overnight youth camping to only 12 persons. We don't agree with that. There is a flat cement pad out there. We -- if we were able to use the whole pad, we estimate we could accommodate between 15 and 20 tents, or up to 40 kids and adult chaperones. And we would provide the tents and the camping equipment, like sleeping bags, at no cost.

We believe the more appropriate limitation using that space is 40 or fewer persons and the submission of a camping management plan, subject to the review of the executive director, and I'll note that Village Laguna and South Laguna Civic Association endorse increasing that capacity here, and we appreciate those letters.

And related to this in Special Condition 10, I'm sorry, Special Condition 11, we agree to removal of the vegetation plan requirement, but not to removal of the concrete pad, because that's where the youth camp would take place.

Let me conclude here with the indemnity condition. Lastly, we're asking you to delete the indemnity requirement in Special Condition 21.

We've provided a letter, a Leg Counsel opinion that explains the legal reasons, but today we're asking you to do it for equitable reasons. There's nothing in the Coastal Act that requires it. In fact, many of your approvals don't include it. We ask you to exercise discretion. This appeal wasn't filed by commissioners, it was filed by a third party and he's here again voluntarily.

MR. KAUFMANN: I'll wrap it up by saying he's proposed a project which provides a high priority visitor serving use, volunteers access and recreation amenities on site, this would unduly penalize him and encourage litigation, and we ask that you delete it. Our team is here to answer any questions you might have. Thank you very much.

CHAIR KINSEY: Thank you. Okay. Next I'm going to invite up Mark Fudge to present, and he has a group of folks who have ceded time to him. So I will be providing him with 16 minutes. Mark Fudge, Michelle Black, Rob Hamilton, Sharon Fudge, Sheila Coff, Dave Grubb, and Ron Shrantz and Chris Larson. Those are the folks ceding time and welcome, you'll have 16 minutes.

MR. FUDGE: Chair Kinsey, I thought that I had the same amount as the Applicant.

CHAIR KINSEY: You do. He had 16 minutes, the Applicant also gets time for --

MR. FUDGE: He gets an additional four minutes for rebuttal.

CHAIR KINSEY: He gets -- he asked for -- yes, he gets four minutes for rebuttal.

MR. FUDGE: And so would I get, if I want --

CHAIR KINSEY: No. You'll get your 16 minutes for presentation.

MR. FUDGE: Okay.

CHAIR KINSEY: Thank you.

MR. FUDGE: Commissioners, I am going to allow Michelle Black to speak first, and she's up right now.

MS. BLACK: Good afternoon -- whoa. You were right about getting too close to this thing.

Good afternoon, Commissioners. Michelle Black, Chatten-Black & Carstens. In addition to the sensitive issues that you'll hear quite a lot about regarding compliance with the Coastal Act and the certified LCP, I want to raise a few legal issues that we think require either denial of the requested permits or a continuation of the hearing to allow further discussion.

First, there are some notice issues here. Section 13149 of the regulations requires the Applicant to post notices of this action in conspicuous locations on the project site. Members of the task force of the Sierra Club, Save Hobo Aliso, have photographed the site and were unable to locate any of these notices.

This is a de novo hearing for a CDP issuance, so the notice rules should apply and the hearing should be continued until this proper notice is given.

Second, the Applicant's attorneys, as you've heard, recently submitted a 25-page letter objecting to the Coastal Commission's authority to impose conditions on this project. Eight of the pages of this letter are spent questioning the Commission's ability to seek indemnity for lawsuits filed against this project, the same type of indemnity sought by nearly every city and county during the project application process.

Our response to that is very simple. If Commission staff deems this project approval so risky that it desires indemnification, then the Commission should deny this project outright. Staff's response to this claim posted last night

also addresses it very, very well.

We're also concerned about ex partes occurring with an active notice of violation on the site that has not yet been resolved as far as any of us can tell.

And finally, Commission staff posted a 531-page addendum to the staff report on Tuesday afternoon, which contained letters omitted from the staff report, the full hydrology analysis commissioned by the Applicant, and public comments received in response to the staff report.

These 531 pages also included the Applicant's objections to the Commission's conditions of approval regarding public access, affordable accommodations, use of the Scout Camp, stream buffers, the trail, and indemnity.

The Applicant's suggested changes weaken and remove conditions proposed by staff to bring the project into conformity with both the certified LCP and the Coastal Act.

Also, as you were told by staff, a new 67-page staff report analyzing these objections to conditions was posted last night, leaving very little if any time for I believe your review of the staff analysis.

A hearing on the matter today will proceed largely without the benefit of staff's expertise and careful analysis of these objections. We respectfully request a continuance of this hearing to the February meeting to permit staff and all of you Commissioners sufficient time to analyze these objections and to ensure that any project approved at the ranch complies with the certified LCP and the Coastal Act. Thanks.

MR. FUDGE: Good afternoon, Commissioners. I have some concerns about the project that still persist. One of them foremost is that the staff's conclusions from their report aren't supported by the facts --

VOICE: Sir -- sir, could you speak closer to the mic?

MR. FUDGE: I can.

VOICE: Thank you.

MR. FUDGE: That the staff's conclusions drawn on their report aren't supported by the facts. The Renco (phonetic) report that I've submitted is a comprehensive expert examination of the floodplain issues. Staff characterized some of the conclusions as innovative and something to be considered. These innovations and math are simply nothing more than

the engineer using FEMA's own software to determine substantial improvement to come to that conclusion.

In the back of the report there is about 40 pages of these calculations that's done with FEMA's own software that provides the calculations that prove substantial improvement.

Also a continuing concern is your amendment, LCP-A-1-13-A that was approved by this Commission in June of 2013. Staff contends and the city believes that it has errors in it and simply dismisses the findings of that is not applicable to our hearing today.

It is applicable to this hearing today because it is what you approved. The most critical issue is that there is a two-foot free board in the terms of FEMA, adding two feet of floodplain assurance over the BFE's to get the buildings out of the floodplain. This is in your report, it appears in numerous places, and furthermore to make sure you were brought to your attention. It is italicized and boldfaced in the report. It needs to be addressed. Staff overlooked it. And it needs to be covered.

Be assured that the project, because substantial was found, it has the finding that new

development occurs. Major remodel has also occurred, and these are all LCP-IP issues and those findings for new construction trigger non-conformity issues in the LCP, specifically 2556.

Staff is contending that new buildings are to be placed on the site, specifically the spa building and the employee lounge and storage area. City's non-conforming issues do not allow the placement of new construction until non-conforming structures have been removed.

The non-conforming structures are numerous. All 13 of the buildings are below the floodplain per the Renco floodplain analysis. And the -- bear with me for a minute because --

VOICE: Sure.

MR. FUDGE: -- I'm flying from the seat of my pants.

VOICE: That's fine.

MR. FUDGE: There are non-conforming issues with setbacks to escha, to creeks, the height in the hotel zone. In the recreation zone the lodge and the golf course itself require CUP's to be there. I don't believe the lodge itself can exist without the CUP, and it is out of height.

Code requires it to be less than 15 feet.

You have to cure these non-conforming issues and the non-conforming issues of the buildings in the floodplain. This is an -- a large issue, and it needs to be resolved before we can continue. These are major issues and they haven't been refuted by anything that I can see from the staff report or the Applicant's contentions.

Thank you.

MR. HAMILTON: Good afternoon, Commissioners, Chair Kinsey. I am Robert Hamilton, I'm the president of Hamilton Biological, and let's see. Here we go.

So, well, these aren't really showing very well, but I just wanted to run through really quickly for you what occurred in the last year on the property.

Let's start it off as a hundred-year-old plus Eucalyptus grove was greatly altered with no pre-project analysis, no surveys, there was very high value and high value habitats all around the edges of the golf course that were cleared of vegetation with no public review process followed. There was no monitoring reports issued.

You received the briefing book, which is -- it's really full of a lot of straw men arguments and

a lot of misinformation about the positions the Appellants have taken on the project.

The first one is to call this a restoration project. We believe it's just been one large violation. This is being touted as a form of restoration, which it clearly is not. The other argument they've made is that it is a historical restoration. This photo, the blob right here is the Eucalyptus grove around 1900. There's been no historian stepping forward to endorse this as a form of restoration historically.

So that's not a restoration either. Our claims really are that the pre-project conditions were never documented before the work started. There was no pre-project impact analysis, there was no after fact impact analysis, after the appeal was filed, and the response just cites the recollections of the biologists and biological reports from the mid-2000s that were done for a different project.

There was no reasonable opportunity for public review before this took place, and these are definitely not the standard review processes required in the city of Laguna Beach, and elsewhere in the coastal zone.

They say that we're talking about potential

impact. Well, botanist Fred Roberts, who has done a lot of work in the canyon, reviewed what had happened and concluded that Bigleaf Crownbeard, which is a listed species as well several other rare species could have been present in some of the impacted areas.

He believed that focus surveys were clearly warranted. No surveys were conducted. So there's no empirical basis for the impact analysis. The City of Laguna Beach routinely requires homeowners, they just want to put a new room on their house. I did the survey on Nia's Place (phonetic) in 2012. I had to look for Crownbeard on their lawn. So it's a really different standard of -- of review here.

The -- the briefing booklet talks about high value habitat. This -- this area, which was cleared, which you can't really see, is designated very high value habitat, this is from the city's web page, all that is very high value. It was cleared without any review.

Before very high value or high value habitats are cleared, detailed biological surveys are typically required, but not for this project.

It talks about solely poison oak as being the only plant species removed. And that was

repeated yesterday in Dr. Dixon's memo, only -- only poison oak. The Glen Lukos (phonetic) report that was done for the project from September says it was mostly non-native, but also some elderberry, two willows, along with the poison oak.

The briefing booklet talks about how that's non-sensitive. When poison oak is in very high value habitat, it is definitely a sensitive resource. Here's a fact sheet from the U.S. Forest Service calling poison oak the most important black-tail deer browse in some areas of California, birds eat the fruits. It's relatively high in these different minerals.

It is nesting habitat for endangered ferias (phonetic). It's recommended for use in restoration projects. So it's widely recognized as an important plant species, the fact that the -- the consultants are saying that it's not sensitive is just typical of everything about this project.

They say no potential impacts on California Gnatcatchers. Well, California Gnatcatchers use poison hemlock, elderberry, poison oak and willow trees during the nesting season. There was no current protocol surveys done by a permitted biologist. So there's no basis for their

conclusion. This is a picture I took in 2013 of a male Gnatcatcher in the nesting season that foraged quite frequently in poison hemlock.

They say that there was no impacts to raptors because they did their clearing outside the nesting season. Our point was that by extensively pruning all the trees and greatly increasing human use, it made the area unsuitable for raptors. No raptor survey was done before the impacts occurred, there's no basis to say there was no impact.

These two properties, the Scout Camp and the rest of the grove there are both listed as being driftwood properties still on the city's web page. I'm not sure if that's true or not. It hasn't been clarified. But this is off-site impacts from parking cars and dumping materials. It's not clear if that's also part of the project; is this the project site over here or just a Scout Camp?

The sound levels, it's not really clear, in the project site and involved in, they've used A weighting, and usually it would be an hourly average at 65 decibels. Your own Dr. Dixon's memo mentioned that it would be very difficult to enforce this.

Do you want -- do you want to step up?

Okay.

MS. FUDGE: I'm so sorry, but we were expecting 20, 25 minutes, and so I'm going to try and get my five-minute presentation. I'm Sharon Fudge, and the pertinent boiled-down facts here are, number one, the Coastal Act requires that project approvals that you make comply with CEQA guidelines.

The project, the scope of this project has now changed. When it originally went before the city, none of this work out on the Scout Camp was ever a part of the project. Today is the first time the public has seen any of this information about the Scout Camp. Who is the lead agency? What is the CEQA determination whether this project is exempt or not?

One of our substantial issues that we talked about with the original appeal was that the historic aspect of this project was never reviewed. This was not only a Scout Camp, but it was used by native Americans. It was used by the missions to divide the native American tribes into which mission they went through.

It was a Mormon battalion, it was the first homestead. Nothing historically has been reviewed for this project. It was for the Athens project

previously, and we've repeatedly asked for that information to be given to us, but it has not been.

There is improper deed restriction lifting. The Applicant states that it was lifted by trust -- excuse me -- by a quit claim deed, deed restrictions in a trust be lifted by a court. We've repeatedly asked for proof of that. It has never been given.

And maybe most importantly, the Scout Camp is not a legal building site. There is no infrastructure out there. There are no roads out there, the entire parcel is in environmentally sensitive areas. It's in a flood zone. It's in a landslide zone. It's in a high fire zone. It needs to be made into a building site before permits can be given.

And I thank you for your time. I hope you make a good decision today. Thanks.

CHAIR KINSEY: Thank you.

Okay. Now we will continue on with different speakers, and I am going to invite up Taylor Green followed by Charlotte Masarik, or Masarik, and these -- each speaker will have two minutes. If you come up, and if you've heard your name and could be standing in the wings, it will make things work better for us. So it's Taylor,

Charlotte, and then Barbara Miller. All right.

MR. GREEN: Good day, Commissioners. My name is Taylor Green and I live in Laguna Beach. I'm speaking as a private citizen about creating public access through the ranch, which would connect Aliso Wood Canyon Regional Park to Aliso Beach Park.

I'm in favor of creating this public access and have been a proponent of this idea for many years. Easements need to be provided for a public bike walkway along the canyon floor as well as hiking and riding path in the higher country on the north wall of the canyon.

With proper planning and design of a public bike walkway and hiking, riding path, can be compatible with the resort and the golf course. It is my understanding that the OC Parks is poised to help facilitate planning, designing and installation of trails and paths as well as ongoing maintenance of these facilities.

The wilderness open space surrounding Laguna Beach and the public access to this open space is a defining characteristic of what makes Laguna Beach so special and a major reason many of us live there. Linking Aliso Wood Canyon Regional Park to to Aliso Beach Park through the ranch would

provide important public access that is currently lacking and would act as a final piece in connecting the Santa Ana mountains to the Pacific Ocean.

The ranch property is set in one of the most unique, scenic and naturally stunning parts of the San Joaquin Hills. Sharing this experience by providing public access benefits everyone. All should be able to enjoy unfettered access to this crown jewel of Laguna Beach.

What a wonderful legacy to leave with this iconic location. Thank you for your time and consideration.

CHAIR KINSEY: Thank you. Charlotte and Barbara, then Andi Culbertson has several persons who have ceded time.

MS. MASARIK: Good afternoon, Commissioners. Charlotte Masarik from Laguna Beach, leader of the large, local walking group for 15 years. And I do support Mark Christy and his redevelopment of the ranch.

However, I respectively ask you to create two public access easements; one for the riding and hiking trail up above on the north slope of the canyon and a second pedestrian bikeway easement through the golf course canyon floor to the

satisfaction of OC Parks.

The hilly topography of this north canyon slope easement is very difficult and would only be for various physically fit iron men, not for us seniors.

The second, a pedestrian bikeway easement through the golf course to the beach would be for everyone. I feel if we don't create this easement now, it may be lost to us forever. Many golf courses across the country are multi use, and this second easement pedestrian bikeway can be built safely, it cane be done aesthetically, and we could all find the dollars to fund this. OC Parks, for one. And it would ultimately solve the problems of the shuttle.

For 40 years, there has been a documented plan for a public trail through the golf course. And the Aliso and Wood Canyons wilderness belongs to us all, from the Cleveland National Forest to Aliso Beach and the sea. It would be a crying shame if we do not take this prime opportunity to create this last link from the mountains to the sea with a pedestrian and bike trail through the canyon. Everyone should be a chance to see Laguna's Yosemite at least once in their lifetime.

And as a final thought, being born British, I believe strongly in public access, especially to the beach, and I'd like to remind us all of how the Coastal Act in small part came into being when a few concerned citizens came together at Sea Ranch in northern California.

CHAIR KINSEY: Thank you.

MS. MASARIK: Thank you.

MS. MILLER: Barbara Miller, representing the South Laguna Civic Association. The South Laguna Civic Association began in 1946, and basically our mission is to protect the community life in South Laguna, which is where the area that we're talking about is located.

The South Laguna Civic Association created the South Laguna General Plan in 1971, which actually created the open space that we're talking about, and in fact with other environmental groups we were able to get ride of a six-lane highway that was part of the Orange County's master plan of arterial highways, which would have actually gone right through this golf course that we're also discussing today.

South Laguna Civic Association supports the Commission granting the permit with conditions as

outlined in our letter of January 4th, which I hope you all have. We support the trail easements, and we support the interim shuttle. We hope that you'll set time limits, actually to have the completion of the trail. We support group camping at the Scout Camp and ask that the number of girls allowed to participate in the Scout Camp go from 12, which seems awfully little, to at least up to 24, and I understand that Mark has offered up to 40.

We recognize the historical significance of the Eucalyptus grove, and in addition we've always been very concerned about the water quality as it flows into Aliso Creek. And we appreciate the fact that they are using reclaimed water in order to water their property, and in addition we suggest the conversion to using reclaimed water in landscaping, toilets and fire suppression, and also monitoring the management of the golf course regarding herbicides and fertilizing.

So basically we are excited about this project with those conditions. So, thank you.

CHAIR KINSEY: Thank you. So Andi, I -- your -- your speaker card was attached with that of Susan Jordan others who are ceding time to her, so at this time you do not have anyone else ceding time

to you; is that correct?

MS. CULBERTSON: No, Mr. Chairman. And last night I was planning on the three minutes we had discussed.

CHAIR KINSEY: I'll be prepared to provide that for you. Go ahead.

MS. CULBERTSON: Thank you, Mr. Chairman.

Mr. Chairman, members of the Commission, I am Andi Culbertson. I'm here today to urge you to take further justified and feasible steps towards completing the Aliso Creek trail system through this property.

When the people of the state of California voted for Proposition 20 in 1972, one of the key tasks that they saw before the Coastal Commission was resolving difficult public access issues, where either the local agency or the property owner or in some cases both were resisting public access. The people of the state saw that it was an advantage to have a state agency with oversight to resolve these types of controversies, and it is that type of controversy I believe we have today with respect to the trail.

This is a 40-year-old trail. I've brought along the original plan from 1974 with me that has

the map, as Earl is now showing, that trail through the golf course to be located -- precisely located at a future time.

So this is nothing new, and although I very much appreciate the Applicant offering an easement, this was on not one but two LCP's certified by this Commission for this property.

Now, my recommendations regarding the completion of this trail I believe are justified for a number of reasons, but most -- most importantly that the Applicant is touting a commercial advantage to the coastal zone public assets, Aliso Wood Canyons Park and the beach, that resort guests will use, and all I am asking is that this not be a one-way street. This -- there is -- are clearly burdens to those facilities caused by commercial advantages of hotel guests using them and being offered that, and that should be answered for in the following way.

I believe that this is an important enough issue that the Commission should cause to be conducted an independent review of the alignment of the trail. One once existed, and was engineered by Jack Robb Company, was given to the County of Orange and now cannot be located.

But I remember that map, and it went through, it didn't go down through the middle of the golf course as the Alta Permitting study shows, it went on the periphery, and I still believe that should be done.

I am asking the Commission to try harder here. It need not hold up the Applicant's project, that's not my intention. But I believe you need to actually know rather than Applicant-prepared studies reviewed by your staff on a complicated issue of putting a trail through a -- or adjacent to a golf course, I think you need to know for the people that will use this trail, that it can work. I ask you, please, to try harder on this and more can be done, and I think it should be done here. And any Commissioner who would like to look at this particular plan is welcome to do so.

CHAIR KINSEY: Thank you. Susan Jordan, and Susan has several speakers ceding time to her; followed by Harry Higgins and then Tom Osborne. You'll have six minutes.

MS. JORDAN: Thank you so much. Susan Jordan, the director of the California Coastal Protection Network. This project comes at a time when the Commission is taking a new look at how

effective it has been in carrying out its mandate under 30213, and I want to emphasize that 30213 calls on you to protect, encourage and where feasible provide lower cost overnight visitor serving accommodations.

Lower cost is a relative term, and does not mean only low cost. And I believe we are losing 64 lower cost rooms, and creating 33 new rooms, resulting in 97 higher cost rooms.

In reviewing the facts, it is the city I laid the faults at initially, not the developer, because it's the city who should have conducted an in-depth analysis of the impact of what the loss, potential loss of 64 lower cost rooms would be within the city's stock of affordable rooms.

Worse, the city allowed the Applicant to demo the previous facility almost down to the studs with over-the-counter ministerial permits, removing affordable amenities including the kitchens.

Think about if another developer came in that way, with the city's permission, before you got a chance to look at it. When evaluating whether these rooms were lower cost, one needs to consider not just the room rate. You need to consider the size of the rooms. These were very large. 600 to

1100 square feet. The number of potential occupants per room, in this case, four to nine per room. And the affordable amenities, like kitchens that I've mentioned, which you've given other developers discounts for on the in lieu fees.

Defining the prior rooms as lower costs has not stopped this project, as the Applicant has a variety of options from which to choose. He can do on-site mitigation. He can put some kitchenettes in some of the rooms. He can be more expansive in providing on-site camping opportunities to the public.

He can construct the trail. He can do off-site mitigation, and/or he can pay an in lieu fee as others have done. The point here is that he has choices.

The information provided by the Applicant on room rates after his project was approved without mitigation by the city, for the loss of lower cost visitor rooms is not compelling to me. In 2004 the average daily rate, and these are rooms that had from four people in them to nine, was $162.26. In 2012, it was $127.84. In 2013 it was $172.61. And keep in mind this is a range that is an average. There is lower, there's higher.

But in a closer look, in your staff report and Mr. Kaufmann referenced this, trying to say that it was misleading, that in 2013 that range was from a low of $87.13 to a high -- well, the high that year was $193.55, again, for the rooms where the occupancy ranges from four to nine persons.

If you don't feel 2013 is representative, look at 2012. Look at the other years. Look at what the lowest rates were, and they're not very high; 87 is not an anomaly, it's the low average, but the others are like 95, 105, 115, I don't have the exact, but if you go to your page 42 in your addendum, you will see this chart.

This contrast, this public -- sorry -- this project in contrast results in 64 standard-sized rooms for only two guests at a significantly higher cost.

In closing, you're only going to get one chance here at making sure that any loss of lower-cost visitor service rooms are appropriately accounted for. Given that you are the only state agency that has the legal authority and the responsibility to make sure that maximum public access is protected, I urge you to require mitigation for the loss of these rooms and the

creation of 33 new rooms resulting in 97 higher cost rooms.

For me, public access is not just about a vertical or a lateral access easement to the beach. It's about being able to go to the beach as I did as a child with my family, and we were a very low to moderate income family, to be honest, and stay there. It needs to be available to lower and moderate income families. That to me is what public access means.

Thank you very much.

CHAIR KINSEY: Thank you. Okay. Harry Higgins followed by Tom Osborne, and then -- excuse me just a moment -- and then Dan Gribble.

MR. HIGGINS: Good afternoon, Commissioners. I may need three minutes, I'm going to give you some new information that was not made available, but I'll get to that.

I am a Laguna Beach board member of Laguna Greenbelt. I'm also recently the asset manager for Orange County Parks where it was my occupation for about 20 years to acquire rights to property, including trails and to be sure that the trailers were acquired in the right manner so that the Orange County Parks could really use them. Hence, some of

my remarks.

Laguna Greenbelt, Incorporated, is a long-time grass roots organization dedicated for 46 years to the preservation of natural lands in Orange County, especially the coastal canyons near Laguna. Aliso Canyon as you may already know, I think everyone in the room knows, is the southernmost canyon of a 22,000 acre ecosystem reserve called affectionately the Laguna Greenbelt, as envisioned by Jim Dilley.

You may known also that state parks is a part of that, as well as DFG. They own 180 acres. Anyway, we urge you to support two public trail connections between Aliso and Woods Canyon Wilderness Park and the public beach access at Aliso Beach. I applaud Andi Culbertson's remarks earlier, and I noticed certain who have talked with her did use the word trails, that's plural, and I took note of that.

We should support both trails going through there. Let me explain that. Our position in favor of a public trail or trails now is well known because we were at the table with Vi Brown years ago talking about how this was going to work. We of course were not influential, she thought we were one

of the golfers and we'd be in favor of it.

We're encouraged that a public -- we're encouraged --

CHAIR KINSEY: Your time is up, sir. You know, I can't be allowing -- I had made --

MR. HIGGINS: Okay.

CHAIR KINSEY: -- an agreement with Ms. Culbertson. I appreciate your comments.

MR. HIGGINS: Thank you. I'll be back.

CHAIR KINSEY: Thank you.

Okay. Tom, followed by Dan Gribble, then Paul Merritt. Oh, I'm sorry.

MR. OSBORNE: Tom Osborne, a 40-year resident of Laguna Beach. I wish to commend the staff of the Coastal Commission for a report that was detailed, very comprehensive and compelling. It dealt with many very important issues. But it seems to me that the -- the supreme issue here is whether or not the Applicant's project complies with the California Coastal Act, and Laguna's LCP.

And according to the staff, apparently that is not the case. However, if the Applicant will accept the 22 conditions plus the addendum that came in just recently regarding the in lieu fee for the loss of low cost overnight accommodations, then

apparently the Coastal Commission, or at least the staff, would support the issuance of a coastal development permit.

If that's the case, I would agree with that very much. Having said that, if all that happens and we only have a dedication of an easement, but we have no trail, I and many others would be unhappy. And also if all those conditions had been met and let's say that the cultural resources that might be located at the building site are not dealt with very carefully and preserved, likewise that would cause a lot of concern on my part and on the part of many people that I know.

I think that for me, that this project could go from being merely acceptable in many ways to being a very good project for all parties concerned for the coast of California, for the -- and this Commission, and for the city of Laguna Beach, for native Americans, for recreationsists and for the Applicant himself. Thank you.

CHAIR KINSEY: Thank you. Okay. Yes. Now, Dan, then, Paul, then John Angelini.

MR. GRIBBLE: Good afternoon. I am Dan Gribble, I'm a resident of Laguna Niguel, I grew up in this area, Newport Beach, Dana Point, and now

Laguna Niguel, for 55 years I've lived in this area, and I always was pleased that there was a coastal commission in California to address preserving the coast and access to the beach and our resources and to a natural environment. And I've been concerned because when I first moved to Newport, there was our house, one house down the street, and then miles to the back bay with no development, Irvine didn't exist, the coast was not so developed, and I've watched over the years as every bit of earth seems to be continually covered with concrete and strip malls and the open space taken away from us, usually to the benefit of a few developers and perhaps an increased tax base.

And I think you know, the reason that people live in southern California is the quality of life, and I think that access to open space, access to natural environment is critically important, must be preserved, and I think this development doesn't harm that at all, but I think what -- what we do need to make sure is that the trail that has been promised over the years is made available so that we do continue to have that access to this environment.

If you've walked that canyon at all, even on the golf course, it's -- it's pristine and it's

unique, and I think that needs to be made available, I think that what they're doing with this project, some parts of it I favor, some I don't, I think that, you know, part of that issue of quality of life is -- is traffic, for example, when you go from fewer rooms, or fewer rooms to more rooms and more people more cars, more toilets flushed every day, more trash being thrown away, you're impacting the environment and that's causing a lower quality of life.

So I would strongly consider, or recommend that the Coastal Commission provide the trail and you increase access for the public to the natural environment. Thank you.

CHAIR KINSEY: Thank you. Paul, then John Angelini, then Andi Shoames.

MR. MERRITT: Good afternoon, Commissioners, Paul Merritt. Dan has me beat by five years. I've only been in the Laguna area 50 years. I had originally just planned to come and testify as a concerned citizen. I had submitted a letter with five points, some very complicated, like the flood issue. I won't recite those.

One of my points was that I wanted to see that individuals, individuals are allowed some

access to the camping. If they're going to open it up, and I do agree that a hundred guests is too constrained, I think the developer should be allowed to have 150. I've been at that site. But I also think that individuals should have a camp-in right. Not just the Scout Camp.

Secondly, I lost almost a half a million dollars as the owner of Hotel California, with my partners because the city put onerous conditions on my hotel, and I think it's wrong to collect and extract huge sums of money.

However, what I do think should be done for lower cost housing, something innovative for this commission is to in fact just make them dedicate four rooms and index it to the Motel 6 in Santa Ana, and put a deed restriction and you'll get your affordable, low cost housing.

But where I honestly have to come before you right now, and very quickly, is wearing my old hat as a charter councilman for the city of Laguna Niguel. And I was absolutely appalled at the testimony by the Applicant stating that there has not been public access. I know for a fact, and I testify here today, that Ms. Brown created a gate, and she publicly opened that gate at the request of

the City of Laguna Niguel, the planning commission, several times, for public access.

Secondly, I know that the Laguna Beach cross country team actively used that trail system on a weekly basis for a decade or more, so there was public access, and I hope that you will consider that as a fact. Thank you.

CHAIR KINSEY: Thank you. Andy, Bobbi Cox, Jack and -- Jack -- I can't quite get that one. Jack -- I -- something or other.

MR. SHOAMES: Andy Shoames, I'm a 35-year resident of Laguna Beach. I'm also a founding member and past president of a real well-known mountain bike club that was established in Laguna, still thrives in Laguna, we're recent inductees into the Mountain Bike Hall of Fame, and we've kind of made our salt in the mountain biking world as being pretty extreme riders and pushing ourselves and pushing the trails to extremes.

And having that trail as it goes to the golf course right now is not a risk that myself or my friends would take. Golf balls flying at 150 miles an hour from god knows where could cause irreparable damage to you, your bicycle, anything else, and I really feel that the pat as it exists

right now just is not a good idea as a biker and as a Laguna Beach resident. Thank you.

CHAIR KINSEY: Thank you. Bobbi? And you might know who the Jack was behind you, because, yeah, okay. It looks like we've got that figured out. Thank you.

MS. COX: I am Bobbi Cox, long-time resident of Laguna Beach. The Ranch at Laguna Beach is a California coastal dream, and model for how to conserve the environment, how to restore and protect California heritage, how to improve public access and recreation, how to provide a local home for showcasing California visual and performing artists, and how to open a great local venue for a multi-generational community events and fund raisers.

Mark Christy and his team have demonstrated vision, talent and staying power in their conservation and restoration of the ranch. The Ranch at Laguna Beach is the epitome of a win-win. Good for Laguna Beach, great for California. Please vote -- vote to approve the Ranch at Laguna Beach. Thank you.

CHAIR KINSEY: Jack.

MR. EIDT: Hi. I -- I think I had some

extra time. There was some people ceding some time.

CHAIR KINSEY: I do not see that. Do you know the names or can the folks whose names there are state their names and I'll just trust you, but I want the names, actually. And --

MS. ELIA: Chair Kinsey, I taped all of the slips together and then I put a binder clip on them, so I tried to have them very organized when I handed it to staff.

CHAIR KINSEY: Well, there are -- there are a number, yours, Steve Ray's, Penny -- and then others back here, Dorothy Kraus has some, but Jack's came as its own.

MS. ELIA: Okay. May -- may we give Jack Dorothy Kraus?

CHAIR KINSEY: Sure. I mean, she had, Dorothy Kraus had --

MS. ELIA: She's --

CHAIR KINSEY: -- Deborah Koker as well.

MS. ELIA: Okay. We have Debbie Koken. I mean, who --

CHAIR KINSEY: Okay.

MS. ELIA: I had a whole other stack in case -- I mean, we had a lot of Sierra Club folks show up today so they can cede time.

CHAIR KINSEY: Well --

MS. ELIA: So anyone --

CHAIR KINSEY: -- how much time would you like?

MR. EIDT: Uh --

CHAIR KINSEY: Six, eight minutes? What?

MR. EIDT: Six minutes. I'll definitely get through it.

CHAIR KINSEY: Okay. So it's going to be Jack, Dorothy, and Debbie. And are they here? Yes. Thank you. Okay.

MR. EIDT: Thank you. My name is Jack Eidt, and I am an urban planner with Wild Heritage Planners based out of Los Angeles. And I have a lot of connections with family from Laguna. The -- I also am on the board of Friends of Harbors, Beaches and Parks, which has submitted letters on behalf of completing the trail. But I am here representing myself.

This ranch renovation, as has been noted, destroys 64 relatively low-cost affordable rooms, and it demolished under a separate over-the-counter permit in 2013 that facility effectively, and this one here was approved by -- with inadequate notice and no environmental impact report.

I -- I would like to see this -- the coastal development permit denied on this for the following re -- issues.

Failure to address the loss of lower cost visitor serving overnight accommodations, and after-the-fact approval of an illegal, unpermitted outdoor event center including a 7,000 square foot dance floor, and the destruction of valuable habitat on former Scout Camp.

Also, the failure to require the Applicant to complete a critical part, and I know we're going back and forth on it, but I don't see it actually required here, to complete the final leg of the long-awaited trail to the seat moreover 13 structures along Aliso Creek will be under water if there's any major flood, they're within the hundred-year floodplain. We had floods in 1969, 1992, 1998 and 2010, 47 rooms were damaged in 1992 in a flood, several feet of sediment were dumped in there, and another storm, millions of damages was done to the site in '98.

The question of is this a major remodel, over 50 percent, the Appellant, I support their way of looking at taking FEMA guidelines and, you know, redoing the systems there. So I think, I think

mean, I'm really concerned about safety on this issue.

On the affordable issue, which has been talked about, I'll sort of speed through on it, I'm just supporting Susan Jordan's assertions there, I feel that all 64 rooms should be counted as lost. And the in lieu fees that have been stated are inadequate. I think on-site mitigation is -- is a good way to go. I think there's a number of ways that this could be taken care of, and I think Susan's testimony covered that.

I'm also concerned about privatizing and paving the Scout Camp, the Dolph Sisters gave this deed restricted in 1935, it -- it changed hands twice, but in 2007 there was a process that should have had a court, you know, a court process, and it wasn't, so the deed restrictions were improperly put aside, so camping for under served and at risk youth throughout Orange County should get a chance at this site, and I think that 12 trips per year to a non-profit, even if it is up to 40 individuals, camping in a compromised site on a concrete slab is not with the Dolph Sisters imagined when they donated this as a public camping site.

The developer must remove this dance floor

and revegetate for camping. So on the trail to Aliso Beach, it's already been noted, I think -- I think all of my issues were covered quite well, just to note that all of the major rivers in Orange County have trails assembled through the entitlement process, and this is the only one hanging out there.

The 16-mile trail runs through the unincorporated areas of Orange County in five cities, and the only thing hanging out there is this stretch, and the property owner knew about this as has been noticed, it was on the LCP. The easement along the northern boundary of the golf course is suitable as was noted on the Laguna Beach plan as well as the LCP, and it was, and I think it would be safe and a perfect place for that, short term intermittent shuttle doesn't fulfill the Coastal Act access requirement, there's questions of funding, fees, hours of operation, parking, and other burdens.

So basically, you know, I would -- I want to support this project. I think there's -- there's some good things about it, but I think we really have to detail with the details, and for it to be a win-win, I think -- I request that the Coastal Commission just get a little more on to -- to

dealing with serving the Coastal Act through public access at this site. So thank you very much.

CHAIR KINSEY: Thank you. Cole (phonetic) Vandell, then followed by Angélicá Gonzales, who has one speaker ceding time, and then Mike Sappenfield.

MS. VANDELL: You guys inspire me. I gotta say. I'm sitting here listening to all these things, and then I have to go back into the water. And then you guys have all that stuff that you face and that you're going to go out and look at in the next coming months getting up to speed on everything.

We're getting so many reports out of Alaska and places like that about the rising water and how fast it's coming, and I would just encourage everybody in this room to up level their level of attention to all the little details that don't really seem to matter a whole lot, except when they do because they're your specific details.

So I just want to thank you and every single one that I've listened to that you guys were hearing, that you guys are hearing all of that with the burden you guys carry, and I would hope that you would encourage those who are making your -- their appeals to also consider that so they bring that

kind of level of information to the discussion, because the public does need to get involved at this point. Thank you.

CHAIR KINSEY: Thank you. Angélicá?

MS. GONZALES: Good afternoon, I --

CHAIR KINSEY: How much time would you like?

MS. GONZALES: Three minutes is fine.

CHAIR KINSEY: Three minutes.

MS. GONZALES: Good afternoon, Commissioners and happy new year to you all. My name is Angélicá Gonzales, and I am the conservation program manager of the Angeles Chapter, Sierra Club. Just to give you a little bit of information, our Sierra Club chapter came to being on November 1st, 1911, when 75 Sierra Club members gathered in downtown Los Angeles to sign a petition calling for the creation of the Southern California section, the first local chapter in the history of the organization that John Muir founded in 1892 in San Francisco.

Today the Sierra Club Angeles Chapter covers Los Angeles and Orange County and includes 16 regional groups, 27 outing groups, and including committees and a total of 40,000 members. As the

Sierra Club begins its second hundred years of activism for the environment, I am here today to share our signed petitions and express our concerns with any of the inadequate conditions of this project and staff report.

It came to me very clear that our members were concerned about this issue after I received over 250 signed petitions within the first hour the petition went out to our member list.

Here is what the membership has been asked of, of me to relate to you. The issue today, they would like to require complete removal and restoration in all areas that have been destroyed and altered with unpermitted development.

Second, ensure permanent restoration and protection of habitat and wildlife.

Number three, discourage future habitat destruction by imposing appropriate fines and seeing on-site mitigation at a ratio of at least three to one.

Four, require the developer to reestablish camping programs at the Dolph Sisters Scout Camp as required under original grant deed restrictions. And I have to add I agree with Jack, we are trying to teach our youth to go out into these wilderness

areas and seek what native habitat look like. For a lot of youth, that might be a one-time opportunity, because school programs have really been cut. And to offer them to camp on a concrete path is almost embarrassing.

And number five, require the developer to complete the long-awaited Trail to the Sea, allowing public access for inland Orange County Aliso Beach.

Once again, I thank you for your time and dedication, knowing that you will make the right decision on this project. We are here to preserve to and protect our natural resources, and I -- I encourage you to make the right decision. Thank you.

CHAIR KINSEY: Thank you. Mike, followed by Steve Ray, who will also have some time, and then Jack -- Jack -- okay. Mike had to leave. Okay. Steve Ray and then Penny Elia.

MS. ELIA: Steve's on crutches, so I walk faster.

CHAIR KINSEY: Oh, okay. Great.

MS. ELIA: And I get how long, please? I think I had two slips.

CHAIR KINSEY: Would you like -- how much time would you like?

MS. ELIA: I'd like six minutes.

CHAIR KINSEY: Six minutes. Okay.

MS. ELIA: Okay. Thank you. Good afternoon. Penny Elia, and I've been to this podium several times, so hate to be repetitive, but I am the chair of the Save Hobo Aliso Task Force for the Sierra Club.

We started the task force 15 years ago when threats to this undeveloped area full of beautiful open space that is just covered in escha, an endangered species, became threatened. And to date, we are still concerned. We are very concerned with the ranch project, and as it stands now we would request denial.

But what I'm going to concentrate on during time is the Dolph Camp. I do a lot of work through the Gray Well Foundation, I take out a lot of -- lot of kids into the ocean to see whales. I do intercity outings. When kids first see a whale or they first experience the outdoors, there's nothing like that look on their face, and you can feel the joy in their heart.

So you've read a lot and heard a lot about the Dolph Sisters camp and their dedication. But what we really want to do is reestablish that for

full-on camping. And that area is intended for camping, but I find it strange that it's now referred to in the staff report as an outdoor event center, even in the face of an unresolved notice of violation and the deed restrictions contained in the original grant deed that require this sensitive area adjacent to the wilderness park to be protected and designated only for youth camping programs.

On the lines of what Angélicá was saying, I'd like to just read a short expert -- excerpt from Orion magazine. For decades environmental educators, conservationists and others have worked to bring more children in nature. A number of trends, including the nation media attention to Last Child in the Woods and Nature Deficit Disorder have now brought the concerns of these advocates before a broader audience.

We know that when people talk about the disconnect between children and nature, and that's only if you're old enough to remember a time when outdoor play was the norm, they almost tell stories -- they almost always tell stories about of their childhood, that special wood, that special ditch or creek or meadow. They recall those places of initiation, in the words of naturalist Bob Pyle,

where they may have first sensed with awe and wonder the largeness of the world seen and unseen.

When people share these stores, their culture, political and religious walls come tumbling down. I'm here today to ask this Commission to be a part of this broader audience, and take the lead on providing our youth with a place of initiation. At the Dolph Sisters campground, allow our youth this so desperate need to connect with nature the opportunity to camp under the stars and hike to the beach or the wilderness park.

What most of the speakers have neglected to tell you today about the Trail to the Sea is the Girl Scouts have an actual 60-foot easement that runs from the Scout Camp out to the beach. That's how they got there. That's -- that's how the Dolph Sisters put all that together. We have maps, we've provided all of that to staff. I don't think anyone shared that with you today. But it already exists.

So we're asking to reestablish that free camping. Fine. If we have kids in Laguna that need it, fabulous. But I think there's enough space there and enough opportunity to service the under served and at risk youth of Orange County.

But it should utilize the properly

calculated in lieu fees for maximum investment value in that program. There's a lot of money out there in in lieu fees. If that doesn't work, Doheny State Beach remains a recommendation as I spoke to most of you about during my ex parte.

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. This project lacks sustainability on many levels. Number one, you can't camp on concrete. You can't.

Our youths need and deserve the camping programs that the Dolph Sisters so wisely established 80 years ago. What amazing foresight and vision. Very similar to the vision that established the Coastal Act. Please use the policies of the Coastal Act to protect our open spaces and provide our youth with the camping that they deserve. Thank you very much.

CHAIR KINSEY: Thank you. Steve Ray. Steve will be -- excuse me -- followed by Bob Armstrong and Michael Beenan.

MR. RAY: And I have a donation of time, two speakers.

CHAIR KINSEY: Yes.

MR. RAY: So it's six minutes.

CHAIR KINSEY: Correct.

MR. RAY: Good afternoon, Mr. Chair and honorable Commissioners. I am Steve Ray, I am here representing the Banning Ranch Conservancy today. And as you can see, I am all ready and rarin' to go to go hiking or hobbling out there on those new trails, and I can't wait to set up my tent and pound the stakes into that concrete pad.

It's -- as a couple of speakers have alluded, the idea of camping on a concrete pad is kind of an anathema to the whole idea of camping, but at the Banning Ranch Conservancy we have concerns about this project because of some of the issues that -- that are we think relative to the Banning Ranch project that will be coming up for you in the near future.

First of all, the -- this project does not include the Thurston Grove, the Eucalyptus grove, it also does not include the Scout Camp. At least the project description does not. There's nothing in the project application that mentions any of those. Yet we're talking -- spending an awful lot of time talking about those, and that's because it involves enforcement action that is pending or may be

resolved by this.

And while there has been discussion about conditioning this and conditioning that and everything, the Applicant by the same token in their writing has claimed that there is absolutely no relationship between the Scout Camp and the grove and the project that is before you. And yet they seem to be agreeing to some of the conditions, so I'm a little unclear as to exactly what the status is of these two addendums to this discussion when maybe they are or are not part of the project description itself.

It's getting a little hard to cipher all this out. One, you know, one solution might be to just kind of pull back a little and let's go back and take another look at this, and let's make sure we, you know, improve the project description so everybody knows exactly what is under consideration here.

And what they are asking you for is after-the-fact approval of unpermitted development. Development that on which there are no studies, no way to -- to determine what the baseline conditions are on which to, you know, evaluate any impacts to the property, there's been no environmental review,

this was all done as an administrative action. It is now up to you to do the environmental review here, and you're being asked to do it without a lot of the information that may be required to adequately perform that review.

You know, for instance it's in Laguna Beach, it's de rigeur to -- to perform a study for the Big-leaved Crownbeard, because it's -- it's such a rare and endangered species in that community. Everybody does it, especially in this area of the city. There was no study done here, and when the, you know, when the claim is made, well, no habitat was -- was -- you know, like no animals were harmed in the making of this movie, well, no habitat was destroyed in the making of this project, that claim can't be made simply because there is no evidence to support such a conclusion.

Your conclusions must be based on -- on findings of fact that are based upon facts that are presented, and there have been no facts presented that indicate in any way that these studies have been done to ensure that there was no habitat that was destroyed or in the -- under the process of being destroyed without having done those studies.

So, then we are going to talk about well,

okay, we're going to condition -- put all these conditions on it and make sure we kind of fix this after-the-fact development. And the question I have then is how do you ensure the enforcement of those conditions?

You certainly don't have the staff, the time, the manpower, the capability of providing those enforcement conditions such as the DBA's, how -- how do you measure that the 64 DBA standard is being met? How do you, you know, how do you consider the removal of the concrete that has to be done to ensure that it -- it's outside the zone of the stream bed?

Now, this is all you're -- you're being -- the staff is going to have to worry about enforcing these, but then you have the problem of the Applicant who has demonstrated unwillingness to accept conditions, and you've heard all the conditions they don't want to accept, and these are all the key conditions that they don't want to accept.

They have an unwillingness, and yet they want to move forward with the development of the project, and if you do adopt conditions, how -- how do you know that this unwillingness by the Applicant

to accept these conditions are actually going to be enforceable?

There's been a disregard for -- for legal requirements up to this time. It's certainly been aided and embedded by the Laguna Beach City Council and city staff. A lot of this goes -- inures back to them because a lot of these issues would have been resolved if they had done their job in the first place.

We can't do anything about that. But, you know, we are concerned about the precedent-setting impact of this condition, on other future conditions and, you know, from what I am hearing today is, I'll tell you honestly, I don't see how this -- this Commission can reach a sustainable decision based upon the facts and -- the fact that we have had so many late reports and late communications and everything else. So I think you should just delay this and come back and try it again. Thank you very much.

CHAIR KINSEY: Okay. Michael Beenan. Is Michael here?

MR. BEENAN: Right here.

CHAIR KINSEY: Yeah. Good. And you'll be followed by Suzanne Forster. And then Lucinda

Prewitt.

MR. BEENAN: Good afternoon. Thank you. Mike Beenan, South Laguna. I'd like to summarize my December 31st letter which is in your packet with some photos.

First of all, I want to thank the diligent work of the staff and the Coastal Commission to give us finally an opportunity to comment on this project. South Laguna is the community most impacted by failed watershed development projects throughout the Aliso watershed spanning several decades.

As a 30-year resident of Laguna Beach and recipient of the prestigious Trust for Public Land and Cox Conservation Hero award for my work on Aliso Creek, I recommend that this CDP be held in abeyance until all reports have been submitted and reviewed.

I'm particularly concerned about the absence of any water quality management plan. While I support the basic 22 coastal staff recommendations, the Commission and staff can require the maximum reuse of recycled water throughout the complex to protect Laguna Beach's biological resources in creek and coastal receiving waters.

Restoration of the creek site, wetland -- wetlands and riparian habitat throughout the project site can improve downstream water quality and reduce flow rates to the coast.

The proposed project site is key to creek and ocean water quality improvement, serving as a gateway for present efforts to restore federally-endangered Tidewater Goby habitat at the adjacent Aliso Estuary Coastal Wetlands.

With support and direction from the Commission and staff, the project represents the last chance opportunity to work together and improve the creek and ocean water quality through a world class sustainable and successful golf course and resort complex.

The South Laguna Civic Association submitted a letter requesting recycled water throughout the complex. Indeed, the California Coast Act Section 30231 calls out for encouraging water reclamation on projects.

Kelp forests offshore are recognize -- oh, I'm sorry. I didn't see the time going away there. So with that, I'll conclude, but once again, I think the water quality management plan is deficient. Thank you for your time and opportunity. I hope to

be back with more detail later.

CHAIR KINSEY: Thank you. Suzanne. And how much time would you like? You did have --

MS. FORSTER: I think probably three minutes is fine. I'll probably be shorter than that.

CHAIR KINSEY: Okay. She had some speaker cards ceded to her. Thank you.

MS. FORSTER: Okay.

CHAIR KINSEY: And then Lucinda Prewitt.

MS. FORSTER: So --

CHAIR KINSEY: Please. Go ahead.

MS. FORSTER: Okay. Good afternoon, Commissioners and staff, my name is Suzanne Forster, and I -- I'm with the Banning Ranch Conservancy, and I share with many others here --

UNIDENTIFIED: Ma'am, could you move the microphone down?

MS. FORSTER: Like that?

UNIDENTIFIED: Thank you. Yes.

MS. FORSTER: Okay. I share with many others here deep concerns about the proposed restoration plan on the ranch project. I also fear that Commission approval of the plan could set a disastrous precedent for future projects, including

the Banning Ranch development which is turning out to be very complex and a very challenging process -- project, excuse me. And could also be precedent setting.

Consider what would happen if this plan were approved, and this is just a partial list. It could pave the way for developers to side-step pre-project surveys, biological reports, even vegetation mapping. It could pave the way for them to avoid restoring high value habitat to its original condition. And it could allow unpermitted development to be accepted as restoration, even though the Coastal Act doesn't authorize that.

This plan could create a precedent that can't be undone. If it passes, I can only imagine what developers or even violators might -- might say or demand. I want what the ranch got. So this is deeply concerning to anyone who cares about coastal resources, and I would hope especially to the members of this esteemed body who were appointed to defend these resources. How does this plan align with the letter or the spirit of the Coastal Act? What interpretation of the Coastal Act allows for unpermitted development to be accepted as restoration? So please don't approve this project

without considering the conditions that others have already recommended. So I won't read that list to you, you'll be glad to know.

I just want to close by saying that I have every faith or at least I want to believe that you're going to do the right thing and protect all of the coastal resources in Aliso Canyon because they can't mount an expensive PR campaign or hire a lobbyist. They have no voice, and at the end of the day, they only have you. Thank you.

CHAIR KINSEY: Thank you. Lucinda, will be followed by Mary Woods, then Dan Sinto.

MS. PREWITT: Hi, I'm Lucinda Prewitt, a nearly 40-year resident of Laguna Beach, and I live less than a mile from the ranch. I'm also very active in the community, in one of those non-profit groups that Mark Christy and the ranch has really supported. And I'm here to say, and I'm also a hiker and a golfer. I can tell you that the ranch has never been more welcoming as a community member, I can tell you that the golf course has never looked as wonderful as it does now, and I'm glad the poison oak is out of there.

And I'd like to speak that it's not just about the trail, and I think that's important. I am

a hiker, but there's the whole community that's really behind this project and stand and is benefiting and stands to benefit from allowing Mark Christy to go forward. So I'm hoping that you'll approve the project with the way that the ranch has asked for some of the conditions to be approved. And really let all of us in the whole community, Laguna, to enjoy it. Thank you.

CHAIR KINSEY: Thank you. Okay. Mary is not here. Dan? Yeah.

MR. SINTO: Hi, I'm Dan. Dan Sinto. Founder of the Sinto Foundation, we support open space public lands, things of that nature, Laguna Greenbelt, and we would like to -- our foundation would like to concede our time to the Laguna Beach City Manager, Mr. John Pietig.

CHAIR KINSEY: Okay. Is John here? Please come forward. John, did you fill out a speaker card?

MR. PIETIG: Yes, along with all four members of the city council. I hope our cards didn't get lost again like November.

CHAIR KINSEY: Well, I'm not going to say what happened, then.

MR. PIETIG: But I have the mayor and three

other city council members that are also prepared to address and did fill out speaker cards this morning.

CHAIR KINSEY: Okay. We'll be working on those, but how much time would you like, two minutes, then, for your -- your time?

MR. PIETIG: Two plus Mr. Sinto's time, and I plan to be less than that.

CHAIR KINSEY: Okay. We'll give you four minutes and we'll see what's new.

MR. PIETIG: Thank you. I am here to indicate the city's support for the project, with the modifications to the special conditions as proposed by the Applicant. And I'd like to start the rest of my comments by explaining why the City did not require a trail through the golf course property. It's it's really relatively simple. First, a trail through a golf course like this is simply not safe. You've been provided evidence to that fact in the record.

Second, any attempt to put a cage or a protective device over this trail in this beautiful canyon would be a travesty and would be well, it would just take away from the beauty of the canyon that we have all come to love and enjoy for many, many years.

Third, simply there is no legal nexus to require a trail. You've been provided information in the record already today, the City Attorney for Laguna Beach previously provided a letter to that effect. However, despite the lack of nexus, the Applicant, the City, and the coastal staff have had several meetings to try and work and address their concerns and desires.

I want to commend your staff for meeting with us on site at the ranch, and subsequently in their Laguna Long Beach offices. We listed to their concerns about a trail, and if not a trail through the golf course, what else could be done.
So we talked to them about a possible offer to dedicate an easement for a trail on the north side of the property, to take a step forward to access through this property. We also raised the idea of possibly allowing shuttle access through the property because they desired something that could possibly be provided more immediately.

They seemed supportive of the ideas, we went back to Laguna Beach, we went to work, we came up with a proposal along with the Applicant for the offer to dedicate a trail, a floating trail easement on the north side of the property for the Applicant

to allow a temporary shuttle to access through the property and even make a contribution toward the acquisition of that first shuttle.

We thought we were making progress. You can imagine our surprise when the first round of the special conditions came out. And there was a $1.1 million mitigation fee, or a condition that the Applicant provide the shuttle solely at their cost. If that wasn't bad enough, last night at 8:00 o'clock a new condition came out, which I did not see until this morning, increasing the mitigation fee to $2.5 million, removing the “or,” making it an “and” so that the Applicant would also have to provide a shuttle through their property at their cost. You can imagine our dismay, there seems to be lack of logic, these requests seem to be over reaching, and for those reasons, they absolutely cannot be supported by the City or certainly the Coastal Commission.

I'd also like to mention that some seem surprised that this project is here today. Many of us may look familiar. You may recall in November when around 300 people came in with similar t-shirts and the City spoke again talking to you about the importance of this project to the community, and so

there shouldn't be a surprise. We've been here before. We've been working on it diligently. And the Applicant has come forth with some ideas, they're creative, they go beyond the legal requirements that you have. The Applicant is trying to do the right thing. Trying to do it in the right way, and working with your staff.

The Applicant is proposing important links for access through that property and future trails that you do not have today. Let's not squander that opportunity. In the end, this is the type of project we should all be supporting. It should be easy to get behind it. I want to thank you very much for your consideration and the opportunity to speak today, and I hope you find those other cards. Thank you.

CHAIR KINSEY: I have the card for Mary Wood. Is Mary here or not? Okay. Okay. Come forward. And then Bob Armstrong. Two minutes, please.

MS. WOOD: Thank you, Commissioners. Instead of countering the Appellant's obvious attempt at delaying and dragging this hearing and process out, in order to damage the Applicant, I'd simply like to ask all supporters of the Ranch at

Laguna Beach to please raise their hands in a show of support. Thank you very much.

CHAIR KINSEY: Thank you. Okay. Thank you. So is Bob -- Bob Armstrong here?

(Inaudible)

CHAIR KINSEY: Okay. Your time -- you've ceded your time?

(Inaudible)

CHAIR KINSEY: Okay. And it does, but I didn't have a Debbie Nota, but Debbie, why don't you come up and then we'll -- we will close this. Debbie is the last speaker card, but just as often happens in public hearings, elected officials listen to the public and so I have the elected officials, I want to make sure that the mayor and the other elected officials who filled out cards are invited up, and I see some other folks expressing their concern. And so we'll take that up. But let's -- let's go first with Debbie.

MS. NOTA: Good afternoon, Commissioners and staff. I'm an immediate neighbor to the ranch, and have been so for the last 23 years, with my husband and family. We actually watched the deterioration of the ranch and very thrilled when Mark Christy bought the property, because we were

very concerned about the huge Athens Group project that was probably going to happen.

My husband is the president of SIMA, which is the Surf Industry Manufacturers Association, and he could not be here today because he's on the East Coast. I have a letter from them that I would like to read if you allow me. It says, Dear members of the Commission. On behalf of the SIMA environmental fund board of directors, please accept this letter of support for Mark Christy and his project with the Ranch at Laguna Beach. Mr. Christy has been an integral part of the surf industry for many years, as well as a staunch ocean environment advocate. It is our belief that Mr. Christy's efforts at the ranch will only benefit Laguna Beach, but also the Aliso Creek watershed as well.

The SIMI environmental fund is a 501(c)(3) charitable organization, and the ocean environment arm of the Surf Industry Manufacturers Association, which represents the interests of U.S. based surf brands. For the past 25 years, the SIMA environmental fund has -- has supported a large number of the ocean related organizations who seek to protect the quality of the world's oceans through a grant program. And there's a long list of

different organizations that go all the way up and down the coast in your district.

Thanks to the support and the assistance of Mr. Christy over the years, more than 7 million has been given to grants to the ocean environment protection. We hope that the Commission will recognize Mr. Christy's track record for the ocean for his love for the ocean and his genuine desire to add a positive influence in Laguna Beach. Thank you.

CHAIR KINSEY: Thank you. Okay. I'm going to invite a few more folks up here, Terry Anne Barman, Joe Mackay, John Cunningham? Any of these folks here? Come on up, do your thing. State your name for the record when you get here.

MR. MACKAY: Joe Mackay.

CHAIR KINSEY: Okay.

MR. MACKAY: Vice-president of Laguna Beach Little League. I will be brief and quick. Thank you for accommodating our time. I am here to represent not only the hundreds of families that are a part of Laguna Beach Little League, but literally the thousands of families who have benefitted from Mark Christy's generosity over 30 years of support. He is the longest continued running sponsor of

Laguna Beach Little League. We're incredibly grateful for him. That's just who he is.

This is a person who has offered his time, he sat on a dunk tank for 30 to 40 minutes to allow people to dunk him, he's offered venues, food, entertainment, support to help our community. And as I've been getting these stories from families over the that have been involved in little League for the last 30 years, I've come to realize something. We're not unique.

Mr. Christy does this for the schools, he does this for other deserving non-profits. Again, this is who he is. The second point I'd like to make is we have a little field in Laguna Beach called Riddle Field. Very tiny little park. Nobody loves Riddle Field more than Mr. Christy. He has been seen down there on a soggy Saturday morning with rake in hand trying to get the field ready so 11 and 12 year olds don't miss their opening day.

Again, that's who he is. He has care for this property. He loves this property. Now, just think about this. If he has that much care and love for a tiny little baseball field 180 feet deep, can you imagine the reverence and care he will take for an 87-acre property in the heart of the community

that he absolutely adores and loves? I hope you'll approve this project. Thank you.

CHAIR KINSEY: Thank you. John Cunningham, and then Terry Anne Barman.

MR. CUNNINGHAM: John Cunningham, I'm a 50-year resident of Laguna Beach, and the co-founder of the Pacific Marine Mammal Center founded in 1972 as the Friends of the Sea Lion. I taught 30 years at Laguna Beach High School. My classes were coastal environment, marine mammals, marine science, which included and in the marine mammal class it included actual student participation in the treatment, in the care and treatment of seals and sea lions at our foundation, and it is treating sick or injured animals that were found in coastal in Orange County.

One of my students was Mark Christy. The pride I feel in seeing Mark and his efforts to secure the ranch property is overwhelming. Mark Christy has also supported the Pacific Marine Mammal Center by hosting our annual fundraiser. I have visited the ranch on many occasions over the years, and have had recently an extensive tour of the property. It is a crown jewel for Laguna. As a long-time resident of Laguna Beach and someone with

a tremendous reverence for the coastal environment, I could not imagine a better project, and I cannot fathom anyone who could not approve of it. I don't understand not opposing it, rather.

I urge your approval and support the amended language as proposed by Mark Christy and his group. Thank you.

CHAIR KINSEY: Thank you. Okay. Great. Terry Anne.

MS. BARMAN: Yes, I'm Terry Anne Barman

CHAIR KINSEY: Will be followed by Brian Hurley, then Tom Berryman.

MS. BARMAN: I'm Terry Anne Barman with the Boys and Girls Club of Laguna Beach, and I want to cede my time to the City of Laguna Beach mayor, Bob Whalen.

CHAIR KINSEY: Okay.

MR. HURLEY: Good afternoon. My name is Brian Hurley, and I've been a resident of Laguna Beach for over 30 years, and I'm here to advocate for the restoration of the ranch of Laguna Beach. What I'd like to do is I'd like to share a letter written by a Sierra Club member to the Sierra Club recently in L.A., a long-time member who couldn't attend today's meeting, but he's a law professor,

specializing in wildlife and habitat protection.

And the letter reads as follows:

I'm writing to voice my concern and disagreement with your chapter's position opposing the rehabilitation of the project. Simply stated, your opposition is based on incorrect information, and a misinterpretation that this project is a large scale real estate development by outside interests that threatens natural environment and is opposed by environmental advocates.

In fact, the truth is exactly the opposite in all respects. The rehabilitation of this long-time Laguna landmark and community resource is being undertaken by its new owner, Mark Christy.

Mark Christy is anything but one of the, quote, new owner developers that have little or no concern about the area's rich natural resources, cultural resources and public access issues as stated in your petition.

In fact, Mark is a lifelong resident of Laguna Beach, an ardent environmentalist for over 30 years and has been an unwavering support and part of every important effort to protect the environment around Laguna.

In the 1990s Mark was one of the founding

members of the Laguna Canyon Conservancy, local activists with little more than their protests and passion to save the canyon, derailed the Irvine Company's plans to build thousands of homes and sprawling commercial centers in Laguna Beach.

As many Sierra Club members are aware, that effort ultimately set in motion a sequence of events which resulted in the creation of the Laguna Coast Wilderness Park and Crystal Cove State Park. In short, for decades there's been no better friend to the environment in Laguna Beach than Mark Christy.

The rehabilitation of the golf course and structures is being done with a sensitivity to his environmental, historic and cultural importance to Laguna Beach and surrounding communities.

This includes preservation of the original Thurston Home Site, and the rehabilitation of Camp Dolph. Abandoned as a Scout Camp for years and used by the prior owners as a maintenance yard and dump site, this area has been beautifully transformed into an environmentally green, sustainable multi use open space available for a variety of private and community gatherings while preserving the natural beauty of the site.

Under the prior owners, the Aliso Creek

property was scheduled for complete redevelopment, including an additional nine-hole course expansion up the watershed, a massive hotel, and dozens of luxury home sites.

Lacking community and other support, the ownership of the Aliso Creek property has passed into the hands of a local environmentally responsible owner who is preserving the historic importance of the property to the community, reducing rather than expanding the size of the development, restoring the long abused Aliso Creek and watershed, and taking every step imaginable to protect the canyon and coastal environment.

Mark has demonstrated --

CHAIR KINSEY: Thank you.

MR. HURLEY: -- his ability to work with local residents, government agencies and environmentalists to create solutions to the challenges of protecting resources and providing all --

CHAIR KINSEY: That's a good pause, because that's the end of your time.

MR. HURLEY: That's okay.

CHAIR KINSEY: So thanks so much.

I'm going to call up Tom Berryman, Tina

Haines, and Ann Quilter.

The mayor? I'm saving the mayor. Come on, you know, we save the mayor for spectacles. Please.

MR. BERRYMAN: My name is Thomas Berryman, 30-plus year resident of Laguna Beach and avid surfer, hiker and biker of its hills and waters, and a 40-plus year member of the Sierra Club. Yes, I'm that old. Your staff is proposing several special conditions on the ranch project pertaining to the so-called Trail to the Sea. I believe these conditions are a case of severe overreach.

Assertions that there is a lack of access to the sea long the South Orange County Coast that requires a trail to the sea or a shuttle through the ranch as a remedy ignores the evidence in Exhibits 6 to 9, but more even -- even more easily is available by a simple Google map search, within a five-mile radius of the ranch are numerous trails, dirt roads and paved trails that provide access from inland to South County to the sea with zero or near zero encounter with motor vehicles.

Here's just a few examples from the many that I have personally ridden or hiked. Take Aliso and Woods Canyon up to Laguna Ridge via multiple trails and down to Canyon Acres in Laguna, all on

dirt, and then a short ride in the main beach. Another from Pacific Island Drive just south of the ranch, access two hiking trails down in the coves in South Laguna, yet another, a beautiful route from Bommer Ranch trailhead in Irvine up to Bommer Ridge, then down via over a dozen trails and roads to Crystal Cove State Beach, or the coves of North Laguna.

If you need pavement to ride on, from the head of Aliso Canyon, take a short ride down Alicia Parkway to Niguel Road and access the bike and pedestrian-only path to Salt Creek Beach. Or the very flat and easy San Juan Creek Trail can be access from Laguna Niguel, Mission Viejo and San Juan Capistrano and takes you straight to Doheny State Beach, free of automobile traffic.

All of this is available seven days a week, not just weekends like the wastewater agency allows. The facts are that there are many already more hills and sea to access routes for hikers and cyclists in and surrounding Laguna Beach than probably anywhere on the Southern California Coast. I'm a biker who spends as much time as anyone around the trails except maybe Andi, and I think that the mit -- the special conditions that the staff is asking for are

a grossly disproportionate and unfair to the Applicant and I urge you to accept his proposal --

CHAIR KINSEY: Thank you.

MR. HURLEY: -- for mitigation. Thank you.

CHAIR KINSEY: Tina, and then Ann.

MS. HAINES: Good afternoon, Commission, and thank you for allowing us time to talk. I could easily speak on behalf of myself, a long-time resident of Laguna Beach, but I am president of the board of Laguna Beach Seniors, and protecting our -- our job of protecting our oldest citizens and making sure they live long, happy lives, is not unsimilar to what Mark Christy has dedicated his life to in Laguna Beach, and with this effort of dedicating himself to one of our most precious resources we could ever hope for, Laguna Beach Seniors were thrilled to hear that Mark took this property over, and especially thrilled when he opened up his doors to us to make sure that we could do a fundraiser we hadn't been able to do in our city for several years because thankfully we've gotten bigger, and we were raising more money and we wanted our people to come home to Laguna, and he opened up his hand and he opened up his heart and allowed it to happen and allowed us to provide one of the most beneficial

fundraisers we could do to ensure the longer life of our citizens.

I know there's lots of reasons to use properties in many ways. I know you have a very difficult job in deciding all of the uses, but I hope you consider Laguna, I hope you consider its citizens and its contributions and what we do to protect and serve ourselves and through this wonderful asset we'll be able to do more of. Thank you very much.

CHAIR KINSEY: Thank you. Ann.

MS. QUILTER: Ann Quilter, board member, Laguna Beach Seniors. The Quilter family has been involved in Laguna Beach since the 1950's when the indomitable Susi Q, my mother-in-law, for whom the Laguna Beach Senior Center is named, put -- pulled out a map when they were stationed at El Toro and said El Toro, the ocean, the closest, best way, Laguna Beach. So it was a map that brought the Quilter family to Laguna Beach, but it was the people and the beauty and the spirit of who our citizens are that brought us here.

Now, today we've heard a lot of talk about the Scout Camp camp, the event camp, whatever you choose to call it, and the concern that it provide

camping for children. You know, I -- my home is in Laguna Canyon, there are lots of more appropriate places, I think, to provide a true camping experience for young children than kind of at the apex of a golf course. As much as I approve of it, it's great, but that's not the primary reason for the golf -- I mean, for the Scout Camp.

I want to ask you, there -- other people are seniors who have limited mobility. Unfortunately, they're not going to be hiking from the sea to -- to the mountains, but they would love to get access to the Yosemite of Southern California. And being able to host events to raise money for our extraordinary public service, non-profit organizations, it's a critical need.

So remember those with limited mobility who would have the opportunity at the Scout Camp to be able to enjoy the magnificence of this resource that belongs to all of us so well. And thank you, Mark, for opening up your hearts to us, and I'm going to put a plug in, we really need 150 at the Scout Camp. Thank you.

CHAIR KINSEY: Thank you. Now, I'm down to the final speaker cards, and each of them is a member of the city council including the mayor, Bob

Whalen, and I want to invite you, each of you, to come up as you choose to, or however you want to use your time. And welcome.

MR. WHALEN: Good afternoon. Bob Whalen, mayor of the city of Laguna Beach. Thank you for the opportunity to speak to the Commission. It's been a long day, there's been a lot of testimony, I really would like to make just two points.

I've been in Laguna Beach for 30 years, an elected official for 12 of those years. I've never seen the breadth and depth of support for a major project as I've seen for this one. And I think the reason for that is that we've got an Applicant here who is really taking a modest approach to development in the canyon, respecting the beauty of the canyon, respecting the history of the canyon, opening up the doors of this area to more community input than I have seen in the previous 20 years at that location where it was really just restricted to golfers.

The unprecedented support, I think, is evidenced by a 5-0 vote at the planning commission, twice the city council has unanimously indicated its support for the project. You've seen the room filled in November and again here today by

supporters, and there are many, many who aren't here today who have submitted petitions in favor of the project, so it's just that unique, and I think it's because even with the environmental groups that are generally supportive, they want some conditions, but I think that's indicative of how much Mark has tried to do to accommodate all interests in this project.

The second point I'd like to make is with respect to the mitigation that's proposed for the affordable in lieu fee and the shuttle system. You know, as a member of the city council I've got a great deal of respect for our staff, give deference to our staff's recommendations, I'm sure you give deference to your staff's recommendations. But I don't always agree with them. You know, I sometimes make my own mind up, I exercise my discretion. You've obviously got a lot of discretion when it comes to determining what appropriate mitigation is.

I strongly urge you here to look past the recommendations that were made last night by your staff. I think they are too burdensome for this project in light of what it's doing for the community and for access to coastal resources.

I strongly urge you to accept the alternative mitigation that's been proffered by the

Applicant here, Mark Christy. He's -- he's a gem, he's a great asset to our community. He'd doing all of us who have -- who desire access to this coastal resource a great service, and I strongly, strongly urge you to approve the project with this mitigation as requested here today. Thank you very much.

CHAIR KINSEY: Thank you. So are there any other members of the city council who are present who would like to speak? Please come forward. That would be just fine. And state your name.

MR. BOYD: Good afternoon, Mr. Chairman and members. I am Kelly Boyd, I spoke before you in November. I am the guy that's the grandson of the people that settled here in 1872. We keep talking about the Scout Camp. Now, that was not part of my grandfather's property, that was the other family. But that became part of the foundation later on, the Thurston Foundation, which still exists today.

And you have to remember that almost 60 years ago the Girl Scouts abandoned that camp. They no longer used it. Why do we keep calling it the Girl Scout Camp today? I'm trying to figure this one out. It's -- it's not a Girl Scout Camp. It hasn't been for 60 years. Can you image what those

Girl Scouts look like today?

So -- so -- because I know my brother used to -- my older brother used to sneak out there. But anyway, I -- I think what Mark is doing is -- is phenomenal. I've known Mark a long time, and all these people get up here and they tell you that I've been here for 30 years or I've been here for 40 years, well, unfortunately I've been in Laguna for 70 years -- or fortunately, I should say.

So I've known Mark for a long time, and I know what he's doing is right, and I hope you people see what he's offering is fair. I think what came in last night really bothered me that they had changed and even made it worse for Mark than they had previously. So I hope you'll take this into consideration and support Mark in the project at Laguna Beach, because it's one of the best ones we've had in years. Thank you.

CHAIR KINSEY: Thank you. Remember, we can love this, the microphone, but we don't have to kiss it.

MS. ISEMAN: I'm Toni Iseman, this is my seventeenth on the Laguna Beach City Council. I was on the Laguna Greenbelt, and Mark and I were part of the original team on the Laguna Canyon Conservancy.

I've served on the Ocean Institute board, and I was, while being vetted by John Burton to be a coastal commissioner, they discovered that I had a misdemeanor in my past. I locked onto a bulldozer and I went to jail. And what that was about was trying to save Laguna Canyon. And as a result of an amazing community that you're getting a taste of today, we were just under 80 percent in favor of taxing ourselves to buy open space.

I don't think anyone from other communities that have been coming and criticizing our little town can say that they have motivated their people and their people are that dedicated.

There's something that's really obvious, but it -- it hasn't been said. In the '80s and in the '90s and I can speak specifically in 2010, I tried to get a trail through the golf course. I was the mayor, I called the County of Orange, I called OC Parks, they came in with a map, we looked at it, and there was no way to get at trail.

Well, I don't take no for an answer. So I was in Washington, went to the Department of Transportation and met with the bicycle people and found out the minimum requirements. There is no way to get a path that would be acceptable in that area.

So I didn't think there was anyone in Laguna who doesn't want a path, I think we just figured out that it isn't feasible. So what we have are a lot of great solutions, so I -- I hope you listen to Mark's request. We're all behind him.

CHAIR KINSEY: Thank you.

MR. ZUR SCHMIEDE: Good afternoon, Chair Kinsey and Commissioners. My name is Robert Zur Schmiede. I appeared before you in November at Newport Beach. I'm a recent addition to the city council, having just been elected in November. Prior to that I spent over 13 years as a planning commissioner in the city, and I was chairman of the commission the night that Mark Christy's project came before us.

We take our job as planning commissioners very seriously. We considered all the aspects of the project, we discussed whether an environmental impact report might be required, and we ultimately decided that one did not need to be prepared.

One thing that I would like you to do today as coastal commissioners, you've heard a lot of testimony, you've heard from people that you hear from regularly, month in and month out, Mark is not here month in and month out.

What I would like you to do is to wrestle with the facts of this case and come to a fair decision. Mr. Christy's project, one of the things that led to the unanimous vote to approve it was that it was not the prior project. The prior project called for a substantial additional development substantial additional residential development, and his was a rehabilitation of the existing facilities and very modest additions. He has proposed mitigations that frankly in my opinion are not warranted, but he's proposed them nonetheless.

I do think with all due respect to your staff, and I know the staff works hard, I do think that the mitigations that are proposed, particularly the affordable housing, the affordable unit payment are excessive, and are just too burdensome for this project to allow it to proceed.

So I'm going to close with please take your -- take your job seriously and try to weigh the equities in this situation. I know it's tough for you to do. Thank you for your time.

CHAIR KINSEY: Thank you. Okay. So that -- I will now invite the Applicant to come back up, and you have the time for your final comments.

Give you four minutes.

MR. CHRISTY: I think we had -- we only used 10 of the -- we only used 10 of the last minute -- anyway, I'd like to ask James Powell to queue up over here, Jeff Tiss be ready just in case. I'm going to go bullet point here. Susan Jordan talked about the four -- the units being suitable for four to nine units. Not one, not one of the units that we're splitting had more than one bed. They never had sleepa sofers -- sleeper sofas, so if there were four people sleeping in there, I'm sorry I missed that party.

The Montage did have a trail running through the property as part of their $150 million development, it was running behind 60 new homes that were proposed. We're not building new homes. To say it was a one-way street, you know, it can't be a one-way street, it's a no-way street. We've never sent our guests out through the golf course. It's too dangerous, they've never accessed that area back there.

To say this was a low cost hotel, it was never low cost, it was upper moderate tiered, and in fact neutral USA Today in describing visitation to Laguna on January 9th, 19 -- or 2014, described it

as one of the luxury options, one of three luxury options in Laguna Beach. So I don't know how it's being characterized as low cost. Maybe for sake of convenience.

Jack Eidt, he spoke, I tried to call him to chat with him, I didn't get a call back. He does indeed have family in Laguna, his brother-in-law, Skip Jackson, spoke in strong favor of this project back in October at that hearing.

Talking about floods in 1998 and 2010. Not a drop hit any of those buildings.

There is no mapped trail in Laguna's LCP running through this property. Penny Elia talked about wanting kids, underprivileged kids. That is exactly what we're going to do. She talks about whales. I am one of the largest supporters of the Ocean Institute, and I am one of the largest supporters of their programs for kids, and that's exactly what we want to do. We want to bring kids from Santa Ana down who have lived 15 miles from the ocean and have never seen the ocean.

So we're going to bring them down, we're going to do the overnight experience, they don't have the room at Ocean Institute. I have the room. We're going to make that happen.

There is no 60-foot easement, the Scouts don't have an easement, there is no deed restriction here, we have an executive from the title company who spoke in October, verified both those points succinctly and clearly, he's here again today if you need him.

They talk about no study or review at the Scout Camp. We did in fact have, there was -- it was a dump site. Let's be straight. It was a dump site and a maintenance yard, it's still a maintenance yard, we need a maintenance yard, but the dump site has been removed, and it was removed under the daily and hourly supervision of the same eco biologist-restoration expert that the County of Orange uses for their restorations.

So James Powell, I would like him to come up and speak for 60 seconds about a trail through a golf course.

MR. POWELL: Good afternoon, I'm James Powell with Alta Planning and Design, I'm a senior designer over there, and we were brought into this project to evaluate the feasibility of a trail running along the existing path that the golf carts use right now.

Part of the reason we were brought in,

we're a leader throughout California in trail design. We have also done a study in 2005 evaluating trails in golf courses, and what it takes to make a safe -- safe trail there.

As we started looking through the canyon, we saw the obvious there, that it's a very constrained condition, that the existing trail is -- averages about eight to ten feet throughout its entirety, that's not really wide enough to have golf carts and trail users on it at the same time. You would have conflicts, so we would need an additional trail next to it to make enough room for pedestrians and cyclists. Doing so would require construction of an additional 12 feet in the canyon floor.

Beyond that, this is a graphic we've seen already. Basically every tee within 180-degree radius of each tee is overlapping the course at some point, so you will have golf balls coming from every direction, so we would need some sort of cage to protect trail users through essentially the entirety of the canyon.

MR. KAUFMANN: Thank you, Chair Kinsey. Steve Kaufmann for the Applicant. What I wanted to do is simply quickly walk you through this yellow sheet. Pages 1 through 4 are the amending motions

we'd like you to consider making. It's hard to make amending motions. We wanted to focus you.

Pages 5 through 7 are a redline of staff's conditions, and that's what we're asking for.

The very first amending motion is really a motion that addresses last night's addendum, because we disagree with it, so we'd like you to consider that. It's one motion. Then we've broken it down by public access motions, the in lieu fee, Scout Camp uses, and lastly, the indemnity.

As to Scout Camp uses, if you agree with everything, we've given you one motion that covers everything quick, but if you want to slog through it, we've given you motions 6 through 10, and those will deal with the individual items. Thank you very much.

CHAIR KINSEY: Thank you. Okay. Thank you. That closes the public hearing, and we'll bring it back to our staff for any comments that they would like to make in light of what we've heard, and I want to thank the public on all sides of this issue for your patience, your thoughtfulness and your care for the community that you live in. Sherilyn.

DEPUTY DIRECTOR SARB: Thank you, Chair

Kinsey. I -- I'd just like to again refer to the modifications that staff did make in the addendum. They were based on input from the public, much of which you heard today, and also the Applicant's response to our -- our original recommendation. We feel the report did not appropriately identify the impacts to the lower cost overnight accommodations, and the public recreational resources, which are more significant than we originally analyzed, and that the mitigation we were recommending was not sufficient, and that's what led to our revised staff recommendation.

I'd like to emphasize two important applicable policies here. The policy in the LCP, 6.2, indicates, where it says "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." And then Section 30213 of the Coastal Act says "lower cost visitor and recreational facilities shall be protected, encouraged and where feasible provided."

As we have indicated in the addendum, we do have a nexus to require the trail access through the

property due to the impacts of this development on public access and recreational facilities.

But as proposed by the Applicant with the floating easement, there is no assurance the trail will be built. The shuttle is an interim solution to get the folks from the end of the existing road through the Applicant's property, but again, as proposed by the Applicant, the operation of the trail -- of the shuttle is not assured.

A campground at the Scout center, as has occurred in the past and as occurred in the past and open to the public would be a good lower cost overnight visitor serving option, but as it's proposed, it would not be the primary use of the Scout center. Its primary use would be an event center. And as proposed by the Applicant, even with an increase to the 40 persons, we don't think it would be sufficient public recreational experience by itself to address the impact of the project lower cost visitor overnight accommodations.

So we have revised the recommendation to include payment of a fee that would be I think applied to half the number of units that you could apply a fee to in this case. And we are seeking to improve the Applicant's mitigation package to assure

the operation of the shuttle.

We are also requiring that the camping be offered to youth groups at at least 12 groups per year. We have pulled back on the requirement that the shuttle be extended to Pacific Coast Highway or the beach parking lot, and could accept the Applicant's proposed language to condition 3 and 3A regarding working with the county to construct a pedestrian bridge over Aliso Creek to facilitate safe public access from the shuttle terminus at the western property line to the county beach parking lot, but none of the other changes that the Applicant is proposing would be supported by staff at this time.

Just on the -- the last point regarding the occupancy of the rooms, I would like to refer you to the page 43 of the addendum, it's the room type summary that this was provided by the Applicant. And it indicates that prior to renovation there were rooms that served four guests, six, eight and seven guests, and they penthouse accommodated up to eight guests. And with the post renovation, it would be the 64 one-bedroom units that would be converted -- or the 32 one-bedroom units would be converted to 64 standard rooms, and they would go down to two guests

per room, but all of the other rooms would still accommodate up to four, six or eight guests. So that does seem to be inconsistent with what the Applicant stated at the end of their -- their presentation.

Regarding the operation of the event center, there were a number of biological impacts identified, and Dr. Dixon is here and would like to address those impacts, and then there's also issues regarding notice and indemnification that our legal counsel will briefly address.

DR. DIXON: Good afternoon, Commissioners. All the surrounding native habitat, the area surrounding the Scout Camp is comprised of sensitive vegetation communities that are, either themselves support species of plants and animals that are rare.

So if development is allowed very near in the Scout Camp area, a goal must be to avoid impacts to that sensitive habitat. The Commission generally requires development to be set back from environmentally-sensitive habitat. For example a hundred feet in the Santa Monica mountains.

The present proposal includes no setback from the sensitive scrub habitats on the adjacent hillsides. The proposed riparian setback is only 25

feet, despite the fact that the 100 feet adjacent to Aliso Creek that was developed without a permit, is now intended to be restored to native habitat.

The restoration area cannot develop and function naturally if opened to substantial human intrusion. Impact from noise and general activity and hubbub is directly related in some complicated manner to the number of people present, the type of activity involved, and the proximity to the sensitive habitat.

These relationships are now known in any detail by the Applicant's consultants or by staff. Contrary to Mr. Kaufmann's assertions, there is no empirical evidence that 175 people will have no negative impacts on coastal resources.

And there is none that that staff's recommendation of a hundred will be safe. These are matters of rough judgment. In this absence of specific data on the maximum number of people allowed before noise and activity have negative effects, staff has taken a precautionary approach intended to be conservative in the direction of resource protection.

If there were a credible mechanism to limit sound levels to 65 decibels at the edge of the

riparian and scrub habitats, that would be safe and adequate. However, no plan to accomplish this has been submitted, and it's difficult to imagine a mechanism that would be effective and enforceable. Even if there were acoustic instruments along the edge of the sensitive habitats, how would they be effectively monitored, and if 65 decibels were exceeded, what would be the resolution?

I believe the only effective and enforceable approach to prevent disturbance of sensitive habitat from activity and noise is to limit the number of people present to a relatively small number, keep them at a safe distance from the habitat, and not amplify speech of music.

With regard to the possible effects of unprecedented development as pointed out by Robert Hamilton, there were no appropriate pre-project biological surveys. This serious lack prevents a direct assessment of possible impacts. Based on reports from the Applicant's consultants, some areas were assessed for the presence of native species, which were avoid during vegetation removal.

However, in other areas and in the case of other types of possible impacts, whether significant ecological impacts occurred will never be known.

This ambiguity is always an unfortunate result of unpermitted development which complicates the task of -- task of staff and of this commission.

My best estimates are contained in exhibits to the staff report, and I concluded that it is unlikely there were significant disruptions of the sensitive habitats.

MS. SCHMELTZER: Thank you. Commissioners, I just wanted to quickly note there was an allegation that there was a noticing problem with this application. The provision referred to by the attorney who made the allegation referred to Commission regulation 131.9, that regulation doesn't apply to appeals, it applies to permit applications, and to our knowledge all of the noticing rules were followed and this was properly noticed.

There was also an allegation that the City of Laguna Beach conducted inadequate CEQA review. This Commission does not review the City's CEQA obligations, it just provides review under the Coastal Act, following its own rules and regulations.

And finally, on the indemnification provision, I want to point the commission to the addendum which I know came out late last night and

pages 16 and 17, which discusses the indemnity provision, and just to clarify for some of the -- some of the newer commissioners or some of the people in the audience, the indemnity provision that the Commission, that is in the staff's recommendation and the Commission has imposed comes into effect if there -- if the Commission's decision is challenged by a third party, not by the Applicant, but by a third party, and if that third party prevails and the court awards an attorney's fee for which the Commission is obligated.

That is the only monies for which the Applicant would then be responsible. The attorney general's office does not charge the Commission at this time, and therefore there are no attorney general's fees at this time that would be passed on.

DR. LESTER: Chair Kinsey, I just have some final comments. To step back briefly, I think it's important to focus on the three major impacts; there are other issues a well, but three major impacts of sensitive habitats and riparian concerns, public access and lower cost visitor serving.

You just heard from Dr. Dixon about the sensitive resource issues and our approach to that is to recommend adequate setbacks and some of the

limitations on events. As you've heard, we did make an effort to work with the Applicant on their proposals, and we certainly do appreciate the efforts that were made. I think as Sherilyn has described, the constraints of our production process and the timing of this item didn't allow us to adequately have those feedback groups that we would normally like to have if we had a little more time, and so more discussion might have led to more agreement there.

But in any case, we did try to work with his proposal with respect to the use of that area for events, and then put in place mitigations for those potential impacts.

With respect to the two other major impacts, public access and lower cost visitor serving, the Applicant's response to our initial recommendation caused us to further analyze and provide you with additional findings on what we think is a clear impact in both of those cases.

So I think what the Commission should focus on at this point is those impacts, the extent to which you think those impacts are occurring. We think there is definitely an impact on public access given the proposed intensity, increase in intensity

of use that will occur, the impacts of that increase in intensity of use on adjacent public access and recreation resources in the area, and that that's the impact that needs to be mitigated in terms of public access and recreation.

Similarly, with lower cost visitor serving, as Sherilyn has mentioned, we did revise our finding to reflect what we think is a more accurate analysis based on the Commission's past practice, and our conclusion that there is a loss of lower cost, and we do call it lower cost, not low cost, but lower cost overnight accommodations.

And so the question for you do you think there is a loss of lower cost, and if so, how should that be mitigated. We took another look at that and believe we have made a recommendation that is consistent with your past practice in similar cases.

That question is contextual, and we've long recognized that we had this discussion last month, that what is lower cost and what does any particular case mean, is something that needs to be decided given the local circumstances, the regional economy, and the other resources in the area, so we were trying to make our recommendation in the context of Orange County and what's out there, and what we

believe previously existed here and what's going to exist in the future.

But that's an analytic judgement that needs to be made. If you think there is a loss of lower cost visitor serving, then we've provided an analysis of how that could potentially be mitigated.

That said, we still nonetheless made our best effort to work with the Applicant's proposal and therefore the addendum does not require the full fee that in our view could theoretically be required here, but rather acknowledges the effort to provide the trail, the floating easement, the shuttle, and allows that as part of that mitigation practice package, recognizing that those are also lower cost recreational and access resources, so it's appropriate in our mind to only include the lower fee at this point, not the full possible fee, but also accept the other parts of this mitigation that was proposed, including the camping at the Scout Camp, which we think is a very important part of this proposal.

Obviously we've been having a discussion about the desirability of getting in kind lower cost overnight accommodations not in the fees. So we think that's an important dimension to this project.

So that's how I think you should focus your discussion is on those three impacts and the extent to which you think they're happening or not, and if so, how to mitigate them. And that concludes our remarks at this time.

CHAIR KINSEY: Thank you. I -- I do have one question that I think could be helpful or clarifying, and that was raised by the public, and it had to do with the fact that the original application, that concurrent with that there was activity that was intended to be a notice of violation, and yet that is addressed in those areas that was not part of the original proposal. Could you describe whether we have addressed the issues that were considered to be unpermitted development, the Scout Camp in particular, but are we resolving all matters related to this parcel as we take this application, and would resolve any outstanding questions around notices of violation or potential for that?

DEPUTY DIRECTOR SARB: I believe we're resolving only those matters related to the event center, not all of the unpermitted development that may have occurred in the past. Is Andrew still here?

CHAIR KINSEY: Does that mean we would have a continuing investigation -- it would be interesting -- it would be important for us to know.

DEPUTY DIRECTOR SARB: Maybe Andrew could answer that question.

CHAIR KINSEY: Okay.

MR. WILLIS: Good afternoon, Commissioners. I'm the enforcement analyst for the District, and would repeat what Ms. Sarb said, that we are addressing through this permit, recommending addressing through this permit the unpermitted development that was cited in the notice of violation letter. There -- there have been other reports of unpermitted development across the property that we didn't think were components of this project, part of this intensification of the property, so those weren't treated in the notice of violation letter.

We could look into those separately, and will take any appropriate enforcement action to address those, but at this point we're looking at the recommendation to address the unpermitted development in the notice of violation letter.

CHAIR KINSEY: Thank you. Ms. Schmeltzer, did you want to make a comment? No. Okay. Thank

you. Okay. So I had mentioned to the public that I thought that there may well be a need for a closed session. I think that between the staff's report and public comments, it may well be that there is not a need for a closed session, and so I'm looking to my colleagues; are there any Commissioners who feel the need to go into closed session on matters related to potential litigation at this time, or could we continue with -- well, we'll take a break. I hear that, but I just wanted to -- I wanted to see if we were all taking a break and being right back here, or whether we were asking everyone to leave the room.

We are going to take a break, and I'm going to be clear that at 5:20 we will be back on this platform and begin with Commissioner Mitchell's comments. Thank you.

(Break taken.)

CHAIR KINSEY: Okay. If folks could take a seat, we'd appreciate it. We're going to bring this back to our Commission and --

Okay. Thank you very much. Appreciate it, and if you want to please give the attention to the Commission, and I have Commissioner Mitchell will be followed by Vice-chair Zimmer, then Commissioner

Bochco, then Commissioner Turnbull-Sanders, and I'll take other Commissioners who are interested at any time. Thank you.

Commissioner Mitchell.

COMMISSIONER MITCHELL: Thank you, Chair Kinsey. And Erin, welcome to the commission, and welcome to great first project for you to work on. You did a very thorough job on the staff report, working late into the night I know, and I appreciate all of that.

I'd like to give a little history on this project, my personal history on it. Well, first, this was purchased by the Athens Group, which was going to build a massive hotel complex similar to the Montage that's down the street. And I don't think any of us wanted that. I think a lot of people in the community opposed that and were very excited when Mr. Christy stepped up and purchased the property.

I -- he clearly was given some, not the most sage advice from the City of Laguna with regard to CDP, and he certainly made some mistakes by cleaning up the junkyard without a permit and by laying the -- the concrete area. But I don't think that was done, you know, maliciously. I think that

I believe that he has tried hard to respect this jewel of Laguna.

And, you know, I first spoke to Mr. Christy many months ago. I think it was June in a call through a mutual friend, Scott Ferguson, he, you know, I looked it up, you know, all the newspaper articles talking about how it was so great that he had purchased this property and he was like, you know, my neighbor appealed this, and I can't get a call back from the Commission staff.

In June we -- we found substantial issue. I had received a call prior to that from Penny Elia who I believe was hired by Mr. Fudge to work on this. She had spoken to staff, but Mr. Christy could -- couldn't get a call back, which was a little disappointing, prior to an SI hearing.

Then in August we met in Newport Beach and about 300 people came and said please, you know, hear this in November or December. We pushed on that, we didn't make any progress. We're here again in January, so from June to January we have seven months that this has been worked on, and I know that there have been multiple staff visits including a visit by our executive director.

In September we were in the farthest

reaches of Northern California, the Smith River, and Mrs. Fudge was able to fly up and raise issues about this. So clearly having it locally wasn't a priority, but here we are. At that same hearing in September, the executive director said that we could not have ex partes on this item because there was a violation.

And this has been an ongoing conversation, we've received advice from the attorney general that I think many of us, I know I disagree with and we haven't readdressed that issue about how we can have -- how Commissioners can be most accessible to the public. I know my appointing authority expects me to meet with as many people as possible and I always accept ex parte requests when they are made, barring some scheduling snafu.

So I went back after that September hearing and I asked Mr. Christy, I said, do you have a violation on this project? He was unaware of any violation. I raised that with the staff and then everything stopped and a notice of violation was issued.

I feel personally responsible for that, and terrible. And I think that he was caught up in sort of an ongoing conversation that we're having between

the Commission and our lawyers. And that is too bad, and I apologize, any role that I had in that.

So January, here we are, we have a project that has reduction of square footage of the existing facility. Seven thousand feet reduction of hardscape, and saved from being a massive development. It's redeveloping a small little hotel, it's -- I've talked to many people who -- or heard from many people in letters that golf regularly on this -- this site, and that use of it is inexpensive, it's very casual, it's a way for people to be in nature and use this amazing property.

I also didn't get on the Coastal Commission to just extract funds from people developing in the coastal zone. I don't agree with the nexus that this was lower cost visitor serving and that there is, that there should be inland fees. We have inland fee funds that haven't been expended, and Mr. Christy has offered to have camping for -- for underprivileged kids to have access to the coast.

I would like to see something, you know, of a minimum number, but I think -- but that to me is exactly -- it's exactly why I'm on the Coastal Commission. Because inland kids don't have access

to the beach. Inland kids even though they live 30 miles from the beach, have never seen the ocean.

This is an opportunity, and he's not only going to give access to these groups of kids with their chaperones, but he's going to provide the tents and the sleeping bags. We pay for campgrounds for lost cost visitor serving, and tents and sleeping bags are not provided, so I think that's above and beyond, and I do think -- I'm disappointed that the addendum goes from a million dollars of in lieu fee to two million, I don't agree with the nexus, and I don't agree that that's appropriate for this site.

I do think that the trail is a great opportunity, and I would like to see whatever mitigation funds are contributed by the Applicant to go straight to a consultant to look at the trail, and do a -- do a study, an independent study as Ms. Culbertson recommended.

So I am going to make a motion, based on the staff recommendation with the following amendment. The mitigation for the trail, I will defer to my other Commissioners on -- or the mitigation dollars I personally don't think that there should be any mitigation dollars, but I'm open

to suggestions as far as that goes.

The offer to dedicate, I didn't understand the changes that the staff made, but hearing Mr. Kaufmann's explanation, the 90 days, I don't want to delay this project because our staff is overburdened and overworked and can't get to that.

As far as the Scout Camp, I think that the LCP says 25 feet setback from the -- from the stream, and I think that the fencing should be at 25 feet. I don't think that additional areas should be taken out for, of the area that was paved, I think that that's consistent with the LCP and that's what we need.

I -- we should accept the floating easement because that is how we are going to get the trail, and an outside consultant can determine that. I don't think it's -- I don't put that as an obligation of Mr. Christy, because we -- when I -- since I've been on the commission, we have not made it an ob -- people who have, who develop in the coastal zone provide offers to dedicate. They aren't responsible for the maintenance of that, or the putting the trail together, so I don't -- especially when it's not all on his land. I think that that -- that the trail is a priority from my

perspective and the access for the kids, Scout Camp is a priority and so whatever we can do to make that utilized as much as possible.

I also think that, you know, this is something, a place that's used by the community and the site for the fundraising for the local charities, et cetera, I think that a microphone is necessary for that. I think that 65 decibels is the city ordinance, I think that that's enforced by Mr. Fudge calling on a regular basis to complain that it's not reached the 65 decibels. So I'm sure that that will be policed very strongly.

I think that we should have camping plan and there should be -- for the campsite, for the Scout Camp campsite, and that they should submit that to the executive director. And that should be minimum of 12 camp nights a year, minimum. And 30 or 40 people, a min -- a maximum of 40 people camping there.

I don't think that the shuttle makes sense. I don't think people use the -- use shuttles, I don't think that that's effective. I also don't think, you know, driving in and out of that space makes sense to me. I would also -- I appreciate greatly General Counsel Schmeltzer's explanation of

the indemnification, and when what that would require, but we also have an opponent or an app -- that has unlimited resources to continue to sue and to put that onto Mr. Christy and sort of perpetuate that, I don't think is of value. So I would like to remove the indemnification clause as well.

Let's see. Anything else in there that I -- so, that's -- that's where I'm coming from. I'm open to other Commissioners' ideas, but I do think that this is a -- this is a situation where no good deed goes unpunished, and I'm really disappointed that we're at this place and that really what I feel like was the kitchen sink was thrown at Mr. Christy and not -- and not appropriate for what this project is.

It's a community project, it's something that the hotel rooms were always mid level priced, they'll continue to be mid level priced, there will be more access, there will be kids that can use the camp that was a trash dump before, that they cleaned up. And the creek that they cleaned up. And taking out the -- taking out the non-natives and adding the natives back in, obviously the condition to remove the synthetic lawn and make that native plants is great, but if there is fruit trees and vegetable

gardens and et cetera, I think that's good for the children that are going to be using it as well.

So that's my -- those are my thoughts and my motion.

COMMISSIONER MCCLURE: I'll second.

CHAIR KINSEY: If I could, I think that, Commissioner Mitchell, if you could make your original motion on the staff's recommendation, and then go back and make --

COMMISSIONER MITCHELL: All right.

CHAIR KINSEY: -- amending motions, I think that's really going to be the most useful way for us to move forward.

COMMISSIONER MITCHELL: I move that the Commission approve Coastal Development Permit No. A-5-LGB-14-0034, with the following amendments:

COMMISSIONER MCCLURE: I second that motion.

CHAIR KINSEY: Go ahead. Please read those -- those following amendments. I mean you -- you did go through them, but --

COMMISSIONER MITCHELL: Remove Special Condition 1. Special Condition 2 --

MS. SCHMELTZER: Chair and Commissioner --

COMMISSIONER MITCHELL: Yeah.

MS. SCHMELTZER: -- if we could take them, the amending -- the amendments one at a time so -- so that everybody hears them individually.

COMMISSIONER MITCHELL: Oh.

MS. SCHMELTZER: I -- when we do an amending motion, we generally do them separately.

COMMISSIONER MITCHELL: Even if we're --

MS. SCHMELTZER: Is that how --

COMMISSIONER MITCHELL: -- doing it on the whole project? I mean, it's not an amendment to -- if someone amends my motion --

MS. SCHMELTZER: Okay. Well, whatever. I'm sorry, are you making one amending motion to put in all of the changes?

COMMISSIONER MITCHELL: Uh-huh. Yes.

MS. SCHMELTZER: Okay.

COMMISSIONER MITCHELL: So I -- remove the mitigation for the low cost overnight accommodations, the in lieu fee, the shuttle program, the -- the OTD would be the public -- I mean, the floating easement, with whatever mitigation funds that would go to -- whatever potential mitigation funds that may be developed by the Commissioners would go directly to the trail, development of the trail and an outside consultant

for the trail.

The shuttle program, delete. The campground, the Scout Camp, minimum of 12 events per year with a minimum -- oh, a minimum of 12 events per year and a minimum -- or maximum of 40 people.

The amplification should be at 60 decibels or below. Oh, 65. Sorry. The rest I think you'll find -- oh, and then Special Condition 21, remove.

CHAIR KINSEY: Okay.

COMMISSIONER MITCHELL: Oh, yes, sorry. Sorry. And move the number of people at the events to 150. 150 people for the maximum number of attendees.

CHAIR KINSEY: All right. Do you want to speak further to your -- you know intention at this point would be to allow the seconder of the motion to speak after you complete your comments, and then I'm going to ask for a vote on this amending motion, which is a holistic amending motion, and depending on the outcome of that, we would then take up the project as a whole, or we would come back and take up individual items, perhaps.

Do you have any additional comments you wish to make, Commissioner?

COMMISSIONER MITCHELL: No. Or --

COMMISSION BOCHCO: Could I ask a procedural question of counsel, then? Because I'm having trouble understanding, this is not the way we we normally do it. If -- if what Commissioner Kinsey has just suggested occurs, then in the discussion on Ms. Mitchell's motion and Commissioner McClure's second, can further amending motions be made at that point, or do we have to vote that motion up and down -- up or down?

MS. SCHMELTZER: Robert's Rules allow secondary amending motions to amending motions, but it does not allow tertiary amending motions. And so -- well, when there are -- so -- so you've made a main motion and you've made an amending motion. No. So that's the -- so there could be a secondary amending motion. But I -- but I -- I think with so many pieces it might become difficult to understand where the -- I'm having trouble in my own head trying to figure out where a tertiary amending motion would be done.

COMMISSION BOCHCO: Well, I think we need to be clear before we take any action on this. I mean, I -- I -- what Commissioner Kinsey just suggested to try to deal with this unusual procedure that's being suggested was that we take a vote

immediately on Commissioner Mitchell's motion, and once it's voted on, then is our only option to vote the project up or down? If we disagree with some aspect? I mean, I might agree with some aspects of that motion, but not all of them. So when -- when can the Commission has a whole consider other options?

MS. SCHMELTZER: There have been times when this commission has -- usually I think as you point out, the Commission considers amending motions that have fewer items per amending motion; however, the Commission has considered more comprehensive amending motions and if those did not pass, they then considered pieces of different amendment motions.

COMMISSION BOCHCO: But if it does -- okay. I'm sorry to interrupt you.

MS. SCHMELTZER: Be -- before the main motion was considered.

COMMISSION BOCHCO: Yeah. So but if -- are you saying that if it does pass then I as the next speaker in line cannot make another amending motion?

MS. SCHMELTZER: No, you could make another amending motion. Yes. That -- once an amending motion is --

COMMISSION BOCHCO: So that's a secondary one, not a tertiary one.

MS. SCHMELTZER: No, that would be a prime --

CHAIR KINSEY: Once --

MS. SCHMELTZER: There's an amending motion on the floor right now.

CHAIR KINSEY: -- follow it.

MS. SCHMELTZER: That amending motion, Commissioner's Mitchell's amending motion can be amended once, and voted on as that amendment. If you -- if say you were to make an amending motion to Commissioner Mitchell's amending motion, somebody else couldn't make -- propose an amending motion to your amending motion.

COMMISSION BOCHCO: Well, I'm just concerned about myself.

DR. LESTER: Well, and so as I understand it, if -- if you discuss Commissioner Mitchell's amending motion, whether or not it's subsequently amended, and then whether or not it's passed or not, there could then be another primary amending motion.

MS. SCHMELTZER: That's right.

DR. LESTER: So you would still have an opportunity to, or other Commissioners would have

opportunities to make new amending motion.

MS. SCHMELTZER: Yes, the secondary or tertiary is to Commissioner Mitchell's motion. Not to the main motion.

CHAIR KINSEY: Okay. So I'm going to allow the seconder of the motion to speak to it.

COMMISSIONER MCCLURE: Thank you. I -- I, by folding all potentially 12 amending motions into one, I -- I don't have a problem doing that, but I would ask that if I could ask the Applicant to come forward, Mr. Kaufmann, and I want to review to make sure that we've hit all of the primary findings. And so the first finding that this motion has is that we delete the Special Condition changes of a one, two, three, A3C and and 5 in the staff's third addendum. Correct?

MR. KAUFMANN: That's correct. And then below that I've indicated what that would accomplish.

COMMISSIONER MCCLURE: Right. That that's going to -- that's going to amend the application fee in the lieu providing lower cost overnight accommodations, and instead and it's going to continue to fund the shuttle, but that has been withdrawn with the current motion. Correct?

MR. KAUFMANN: Well, can I -- can I go through them just briefly?

COMMISSIONER MCCLURE: Yeah, that would be, that would be helpful for me, I think, to make sure that we've covered all the bases.

MR. KAUFMANN: Thank you. Steve Kaufmann for the Applicant. Originally you had an option in the conditions. This required that you do both the shuttle and the fee. So we said that this would reject last night's addition of the "and" instead of the "or." You may still want to take out the shuttle, that's your approach.

But this --

COMMISSIONER MITCHELL: The motion is to take out the shuttle, period.

MR. KAUFMANN: Okay.

COMMISSIONER MITCHELL: So I'm not following the recommended motions that you have suggested, but --

MR. KAUFMANN: Okay.

COMMISSIONER MITCHELL: -- my own original thought.

MR. KAUFMANN: Okay. Well, there were other things that you did not mention, if I could say, one was eliminating the change in the timing

required for the execution and recordation of the OTD.

COMMISSIONER MITCHELL: Sorry. I mentioned that in my comments, that --

MR. KAUFMANN: Right.

COMMISSIONER MITCHELL: -- so I would go back to the 90-days after the issuance of permit.

MR. KAUFMANN: Thank you. And the other was the -- eliminating the reference to the loss of existing lower cost overnight accommodations, if you believe it's not lower cost.

COMMISSIONER MITCHELL: I'm sorry, I thought that's what -- that's what I said. I don't believe that this is taking away lower cost visitor serving. I think that there are moderate cost and moderate cost, same, same. So --

MR. KAUFMANN: Okay.

COMMISSIONER MITCHELL: -- I don't think that the in lieu fee is appropriate.

MR. KAUFMANN: Okay. And then just going through what I heard you say, but again, if I speak out of turn I know you'll tell me, that the Applicant shouldn't have to be a co-Applicant on any future application for a CUP to implement and construct the trail.

COMMISSIONER MITCHELL: Correct.

MR. KAUFMANN: You're taking out the shuttle, so that -- the in lieu fee you're leaving to yourselves to decide. I also wanted in Special Condition 2.A, this is under Amending Motion 5, is that the fee can also be used, because right now it says only for affordable overnight accommodations, that it may be used for open space acquisition, public trail construction and maintenance, because that's really directed to the trail.

COMMISSIONER MITCHELL: Yes, I said that. Whatever the fee goes to is not to the in lieu fund of lower cost overnight accommodations, but to -- specifically to develop the trail. And with an outside consultant, independent consultant to review that and get that process moving.

MR. KAUFMANN: Okay. Then on Scout Camp it was the 40 maximum, which you said, and this is for no cost overnight; correct?

COMMISSIONER MITCHELL: Yes. And a minimum of 12 events per year for --

MR. KAUFMANN: With the Applicant providing the tents and the camping --

COMMISSIONER MITCHELL: Tents and --

MR. KAUFMANN: -- equipment including

sleeping bags.

COMMISSIONER MITCHELL: Uh-huh.

MR. KAUFMANN: Would this include also the camping on that defined area, the concrete pad?

COMMISSIONER MITCHELL: Yes.

MR. KAUFMANN: Okay. And the 25-foot buffer which we would say would be at top of the bank, this morning you said center line, but we would say top of the bank?

COMMISSIONER MITCHELL: The -- I'm sorry. So currently the staff had requested a hundred foot setback.

MR. KAUFMANN: Correct.

COMMISSIONER MITCHELL: And I think it should be 25 feet from the center of the creek.

MR. KAUFMANN: As opposed to the top of the bank.

COMMISSIONER MITCHELL: Yeah.

MR. KAUFMANN: Okay. And we are still going to revegetate and do the native plants, but it would go up to the concrete pad.

COMMISSIONER MITCHELL: Yes.

MR. KAUFMANN: And a camping management plan submitted to the --

COMMISSIONER MITCHELL: Submitted to the

staff, yes.

MR. KAUFMANN: -- executive director.

COMMISSIONER MITCHELL: And the funding -- the funding for the trail should also be a plan, and some -- one agreed to by the executive director.

MR. KAUFMANN: Leaves the in lieu fee, basically.

COMMISSIONER MITCHELL: Pardon me?

MR. KAUFMANN: It leaves the amount of the in lieu fee.

COMMISSIONER MITCHELL: Yes.

MR. KAUFMANN: As I see it.

COMMISSIONER MITCHELL: Thank you.

DR. LESTER: Commissioner Mitchell, could I just get -- on the setback from the creek, our proposal was a hundred feet from the top of the bank, they were recommending 25 feet from the top of the -- top of the bank. I believe you said center of the stream.

COMMISSIONER MITCHELL: Top of the bank is fine. Sorry.

DR. LESTER: Okay. Thank you.

MR. KAUFMANN: That's fine with us, too.

COMMISSIONER MCCLURE: Yes, I'd like to finish that. I think that overall we're on the

right track in relationship to that we want visitor serving, we want people to come to the communities and when someone is trying to put together a project, then to be penalized for that project based on the additional numbers that are coming to the community, it was I think on page 14 and 15 of the staff report was a little unsettling for me when it did an estimate of how many people, I think it was like 26,000 and then it was, well, there were only going to be half of the people going inland and so that drops it down to, you know, 12,000 or whatever the numbers and then it took one more step, and identified that that was because that was the nexus for the trail.

And in reality, this trail is open on Saturday and Sunday. So when you take all those visitors and you say that they're all going to go -- 50 percent of them are going to go inland, you are going to need to reduce that number, and in my head I reduced that number and came down to about 20 people on Saturday, and about 20 people on Sunday, based on the percentages that -- that were given.

So I -- I found that the nexus for the trail really didn't in my eyes materialize, but since the home -- since the landowner has offered an

offer to dedicate, I see that as a very generous offer that's really not required through the application, but is an indication of the property owner that they -- that the property owner wants to make this an experience for the people of Laguna and the people who visit Laguna in a way to be able to access that inland 16 miles.

So that was -- I was very troubled with that, so I'm glad to hear that we're going to do the offer to dedicate and the -- and the -- I was also not comfortable with the shuttle. So that to me was important, and then the -- the other priorities that I had I think that Commissioner Mitchell has -- has hit very well, and I think that another issue that I had was that since the campground had not been used for 60 years, it's difficult to argue that it's an active campground, and I think that there is another example of the landowner attempting to -- to revitalize this property to maybe where it was 60 years ago in relationship to children being able to use it.

So to me we're -- we're moving it the right way, we're alleviating the -- the impact on a landowner that is attempting to restore historic property in a community that sees it as their jewel,

so this should be something that we should appreciate the landowner for doing, so I'm supporting the motion.

CHAIR KINSEY: Thank you. Before I move on to the other speakers, I'm going to use the Chair's prerogative to say that I believe that this motion is -- is too -- attempts to achieve too much in a single motion, and I will not be supporting it, and I'm going to be asking my fellow Commissioners to join me in voting no for this, and then I wanted to give Commissioner Mitchell the opportunity to come back individually if she wanted to, assuming that the amending motion does not pass.

I think there is just too much information that we've heard and individual commissioners may have alternative ideas that are worthy of consideration. So if there's no objection, I'm going to call -- call the question on the amending motion.

COMMISSIONER MITCHELL: Mr. Chair, couldn't people just amend --

CHAIR KINSEY: I think it -- I think that it's too difficult --

COMMISSIONER MITCHELL: I mean, I'm just trying to move it along. It's 6:00 o'clock.

CHAIR KINSEY: Right. I understand, but I think that because it is, there are so many aspects to this that I -- I think it would be preferable to go back and take these matters up by Special Condition at a time. And so with that, I'm going to ask Vanessa to call the roll. Makers to the motion are asking for a yes vote.

THE CLERK: Commissioner Bochco?

COMMISSIONER BOCHCO: No.

THE CLERK: Bochco, no. Commissioner Cox?

COMMISSIONER COX: Yes.

THE CLERK: Cox, yes. Commissioner Howell?

COMMISSIONER HOWELL: Yes.

THE CLERK: Howell, yes. Commissioner McClure?

COMMISSIONER MCCLURE: Yes.

THE CLERK: McClure, yes. Commissioner Mitchell.

COMMISSIONER MITCHELL: Yes.

THE CLERK: Mitchell, yes. Commissioner Pestor?

COMMISSIONER PESTOR: No.

THE CLERK: Pestor, no. Commissioner Turnbull-Sanders?

COMMISSIONER TURNBULL-SANDERS: Yes.

THE CLERK: Turnbull-Sanders, yes. Commissioner Vargas?

COMMISSIONER VARGAS: Yes.

THE CLERK: Vargas, yes. Commissioner Zimmer?

COMMISSIONER ZIMMER: No.

THE CLERK: Zimmer, no. Chair Kinsey?

CHAIR KINSEY: No.

THE CLERK: Chair Kinsey, no. The vote is -- the vote is 6-4.

CHAIR KINSEY: Okay. So now we then have all of those elements are in -- in an amended motion, and do we now take up the original, the final action for the entirety of the --

UNIDENTIFIED: Unless other Commissioners have other --

UNIDENTIFIED: Yeah.

UNIDENTIFIED: -- ideas and amending motions that they would like to offer.

UNIDENTIFIED: Yes.

UNIDENTIFIED: That --

CHAIR KINSEY: Okay. All right. So then if that -- if that's the case, I think that's wise, but I'm going to come back to the list and come to Commissioner Zimmer.

COMMISSIONER ZIMMER: Thank you. All right. I would like to come to a set of amendments, most of which I hope would be perceived as friendly. If they're not, then we'll just have to get advice of counsel on how to proceed, but I -- I'm going to just put forward the substance of my concerns with this project, my concerns with the testimony that I've heard on both sides today.

I think that this is one of those situations where there was a cascading series of events that this Commission really had nothing to do with, as I think somebody else mentioned, this was not brought here by our staff, it was brought here by third party appellants.

And I'm reminded of a case we had that, very early in my tenure where a project had been approved, I think it was by the City of San Diego, and it came to the Commission after the Applicant had begun demolition, and it was a very difficult situation, because there was some principles at stake, with respect to the Coastal Act, but the Applicant had a lot of equity on his side, in terms of what his good faith efforts had been at the local level.

And so in some ways I see this as a similar

problem, and I'd really like to find a way to honor the principles that have been expressed by all of the people that have testified today, and to find some kind of accommodation that does not do violence to what I think we need to be achieving under the Coastal Act on the principal issues.

So I'm going to start with the trail. I -- I think that, you know, if we had to defend the findings that the staff is proposing, that I think we could, our attorneys could, they obviously -- they wouldn't be presenting these findings if they didn't think they could defend them, so I'm not going to second guess whether they think there's a nexus or whether they think that the exactions on the trail are proportionate, but I've got some practical concerns about it.

I think that the -- I like the idea of -- of floating easement, of floating OTD, because it seems clear to me that we don't know yet what the exact alignment of this trail should be. This Commission failed to find substantial issue on a case that was rather important to me a number of months ago, and that proposed a floating easement through an OTD, so I don't have a problem with that as a concept or as a good solution for this

property, given where this application is in the process.

I don't think that the shuttle is a particularly useful idea, given the limits on what the Applicant has indicated he is willing to contribute to, I don't know that the $50,000 would even purchase a full shuttle vehicle, so I would rather see that 50,000, and I think I'm agreeing with Commissioner Mitchell on this, if I understood her motion correctly, that that 50,000 should be a contribution toward planning and permitting and, you know, I don't think you are going to get to construction, but at least planning and permitting.

I agree that if this easement is solidified, that this Applicant doesn't need to be a co-Applicant, he's obviously consenting to have the trail in that location, and I'm presuming the would not be objecting to any aspect of it. I'm a little concerned that that be nailed down, maybe in the offer to dedicate, but that -- that would feel appropriate to me for the trail.

I've got a lot of concerns with the way this whole event pad has been handled. I think generally the whole notice of violation and the sequence of events is extremely unfortunate. It was

very confusing throughout the last number of months when various people were coming to us in public comment, making allegations, I commented on my discomfort with that, and I've done that many times, and I think -- I think that what's happened in this case is a good illustration of why that's a problem.

But the fact is that I think there's no dispute, that that concrete event pad under the Coastal Act was illegal development. It was unpermitted, it should have been permitted. It's unfortunate, too, based on, you know, what Dr. Dixon has told us that it's impossible now to retroactively really assess the impacts of what was done there.

I appreciate that the Applicant inherited some kind of a storage area, dump site, whatever you want to call it, but the Coastal Act requires permits to do anything there. So I think in terms of the damage to resources, though, I think the concerns may be overblown, based on Dr. Dixon's analysis, things like the trimming of the eucalyptus where you can't even tell for sure whether a raptor was affected by it, other details of the changing out of one kind of fence for another, those are not to me significant Coastal Act violations.

However, the after-the-fact permitting, the way this has been handled through the staff report is different from what we're used to, we usually have a specific statement in the staff report as to whether or not a violation has been addressed through the modifications that the Applicant is proposing, we don't have that here, and I -- I'm -- I'm disturbed and concerned that there's still ambiguity now about whether there are other unresolved issues with this property, and I think that those issues need to be resolved at least from the Commission's perspective.

Unless we're told exactly what it is that staff thinks might be an additional problem, I think we need to make a finding that we're done on that piece of it. I think that's fair to the Applicant given -- given the history here.

The use of that event pad, I -- I don't agree that, you know, camping on a concrete pad is a particularly appropriate experience to offer as an outdoor experience. I think you could remove the concrete pad and perhaps replace it with a different kind of area, shall we say, I don't know whether decomposed granite or, you know, some other more appropriate for that level of -- for the location

up in the canyon.

I don't think leaving the concrete pad there is appropriate, no matter what the use is. But I'm perceiving some inherent contradictions maybe in the testimony that we've heard from the public, because it sounds like some people who are challenging this approval have a priority of restoration of more of the resource there, and other people have a priority of making use of that area for lower -- lower cost overnight accommodations.

So I think given the condition of that portion of the property before the violation, to me the policy that's more important to work through in this case is to find a way to make sure that that area is used as much as feasible for lower cost overnight accommodations, for not just Boy Scout groups, for -- but to be offered to the public as some kind of an inclusionary area.

This appears to maybe conflict with the intention of the Applicant with regard to the use of that area for weddings and receptions and so forth. But I agree that the noise can be an issue there, and particularly amplified music in that kind of environment is an issue. I -- I agree with Dr. Dixon's analysis, and I also very, very strongly

agree that it -- that 65 DB at the property line, number one, I don't know how that protects wildlife within the property from noise impacts, so to me it's kind of an irrelevant condition, and if it were a condition that were to be imposed in order to in some mollify the surrounding residents, I agree that there's absolutely no way to enforce it, and there -- so I -- I just don't think that that's adequate.

So how to solve that problem, I think that there's a big difference in impact between having a wedding ceremony in that area and having a wedding reception in that area, so I would -- I would support allowing weddings to occur there, but to arrange for the wedding party and their guests to go back to the -- to the main facility, and then they can dance the night away, you know, in an internal, interior public use area. So that's -- that's how I would look at trying to resolve that conflict.

As far as the whole issue of whether there's a nexus of proportionality for the in lieu fees on the lower cost accommodation, I -- I agree that the -- the configuration and the amenities that were available for rental to the public previously did provide an alternative experience, given the

fact that all of the rooms that are now being split did have kitchen facilities, and I -- I think I misheard the Applicant or he misspoke because at the very end he made a statement about none of the existing or previous rooms having more than two beds or one bed.

Okay. Well, I just -- I -- I -- I'm referring now to the manager, I think Ms. Sarb referenced this, but I'm referring to the letter from the manager on page 43 of the addendum, and that indicates that --

CHAIR KINSEY: Move close to the mic.

COMMISSIONER ZIMMER: I'm sorry. That indicates that there -- there were a substantial number of rooms and suits that were available up to, accommodating up to seven or eight guests.

And, you know, in that San Diego case where we resolved an Applicant's objections to the amount of the in lieu mitigation fee, the Port of San Diego case where the Applicant proposed a compromise on the amount of the fee, by promising to include amenities with affordable-by-design kind of concepts within the -- within the -- the hotel itself, is something that the Commission accepted and nobody challenged as going beyond any authority under the

statute to -- to help provide the lower cost, and I think, I'm not sure what the vote was on that, but I think it ended up being a unanimous vote. I'm not sure.

In any event, that -- that inspired me because I really think that if the -- these are still going to be large rooms, 400 square foot, and so what I would -- what I would propose would be that whatever the amount of the mitigation fee is, that the Commission determines should be paid up, pursuant to whatever formula we find appropriate, I think that if the Applicant can -- is willing to come in and to provide those kinds of facilities within the new rooms, that I would support having a one-for-one reduction in any cash contribution.

So for example, you know, in a traditional guest facility, you'd have a seven-foot counter and under-counter fridge, a microwave, a hot plate, a little table, a Murphy bed, there's all kinds of ideas that are design ideas that I think are not that expensive for an Applicant to include.

So that's sort of my fundamental proposal for how to deal with this loss of affordable, whatever number of rooms we can agree are -- fit in that category.

So that -- that's my thought on that one. I feel very, very, very strongly that we have to keep this indemnification condition. We -- we imposed the -- you know, Mr. Kaufmann argued that we did a different setback on the Longi artists' work space. We had opposition on that project as well. We imposed it. The Applicant didn't object to it earlier today.

The concern I have, and I don't know if the Applicant is -- has sort of an unrealistic view, if we can't resolve this, of what will happen in litigation, and the fact is that if we approve a project based on the Applicant's desire to have us mitigate less or impose lesser conditions or different conditions, and if the Sierra Club or whoever else has standing to sue, were to sue and to prevail, we know that the real party is going to be participating in that litigation, and we also know that if a public interest group prevails in litigation, they will ask the court to award attorney's fees and they can ask the court to award them against the real party as opposed to the commission.

I think if in a case where a court would award fees if we lost litigation against the

Commission, then to say that essentially the taxpayers of the state of California have to make the real party whole, is wrong. You know, I -- I -- I think that unfortunately litigation is expensive and it is a cost of doing business in this -- in this scheme, so I object very strongly, very, very strongly to deleting that condition, because the way that condition reads, it's not just about reimbursing the attorney general for their costs and fees, but it's about reimbursing the Commission for fees that are awarded against the Commission.

So those are fees that are awarded against the taxpayers of the state of California, and that's wrong in my view. So I'm -- I'm very, very, very strong on that one.

So I -- I'm not sure how to proceed. I guess I would like to call the Applicant up and ask him whether an amendment that would specify the design improvements as a form of reduction of mitigation fee would be something that you are interested in.

CHAIR KINSEY: If you could state your name for the record.

MR. CHRISTY: Mark Christy. So when you're looking at kind of the matrix of what was there

before, there were basically five different room types, and coming out the other end there will be basically five different room types. You'll have a 400-foot, you'll have a 630-foot, that is definitely something you could have four people in, and all of those will in fact have sleeper sofas.

You'll have an 830-foot one bedroom, couple of those, three of those. Those will also have sleeper sofas in there. And then you're going to have 20 non-altered two-bedroom, two-bath units with two big bedrooms, and some of those are going to have king beds and some of those are going to have king bed and two twins, and then downstairs they will also have sleeper sofas, so you could get eight people in that room.

And that's going to be, you know, when you talk about dollars per foot or dollars per person or whatever, it's -- it's a smokin' deal. So -- and we're going to have 20 of those. And that's going to be, you know, almost a quarter of our rooms existing.

So, and all of these rooms will have refrigerators, and we're going to have microwaves available for any room that wants to use a microwave, you know, we -- the FEMA issues and

whatever came up with the kitchens, but anyway, I mean, basically they can do cooking, I talked to the former maintenance guy there, and it's like how often do the people do the kitchens? He said they use the refrigerators to store their beer, and they might use the microwave to make popcorn, but they never use the range and whatever. And this is, you know, the guy that was there for 30 years.

So, I mean, we're going to have the features that were used before. We're going to have the big rooms that can accommodate a big family so you don't have to go to the Surf 'n Sand and rent three rooms in a row for 600 bucks apiece, you'll be less than 600 bucks and you'll have everybody under one roof, so I think it's going to be a very attractive option.

COMMISSIONER ZIMMER: I guess you're not answering the specific question.

MR. CHRISTY: I -- maybe I'm not understanding it.

COMMISSIONER ZIMMER: All right. And maybe I wasn't clear enough. I mean, what I'm looking -- what we had the discussion -- when we had the discussion on the Port of San Diego, the hotels that they were proposing down there.

MR. CHRISTY: Uh-huh.

COMMISSIONER ZIMMER: The con -- these were new concepts, and a lot of us had concerns that it would be impossible to monitor or enforce, you know, furniture and furnishings that can be moved in and out. So what I was looking for was, I don't know what you would call them, tenant improvements or things that -- things that stay there and that we don't have to -- that they're offered, you know, and that you offer -- that you offer these things at family rates or group rates or whatever, but just to have some -- to have something more concrete.

MR. CHRISTY: Well, I mean, however you want to kind of quantify it, but I can tell you that all of the two-bedrooms, and keep in mind these are 20 1125-foot two-bedrooms, 1125, I live in a 1200-foot house. So it's actually more luxurious than my place. But, you know, 20 of those with refrigerators, with microwaves, with two bedrooms, with two baths, and they'll be able to accommodate, you know, up to eight people very economically, and we're not going to be moving furniture around or whatever, those things are going to be -- we already own the furniture, it's ready to go in.

So it's not going to be something we're

going to be moving around or bringing in rollaway beds or whatever. We don't have to do that.

And the same is actually true for the 600-foot suites and the 830, so when you put all that together, 32 of these rooms are going to be big rooms. I mean, big rooms with everything you need unless you're planning on cooking a Thanksgiving turkey, you know, full time.

So if -- if you want to specify that these things have the -- you know, the fold-out sleeper sofas, that they have access to microwaves, that they have refrigerators, you have, all good, because they are going to have that.

COMMISSIONER ZIMMER: Well, can we distinguish access to, as opposed to built in? That's -- I mean, that's kind of where I'm headed with that.

MR. CHRISTY: So, I mean, built-in, I mean, typically in my -- I can tell you the microwave at my home is sitting on top of the counter, so that's --

COMMISSIONER ZIMMER: Right.

MR. CHRISTY: -- that's where the thing is going to be put.

COMMISSIONER ZIMMER: Right.

MR. CHRISTY: The fridges are built in.

COMMISSIONER ZIMMER: Right.

MR. CHRISTY: They're already built in.

COMMISSIONER ZIMMER: Right.

MR. CHRISTY: They're already in place. We didn't order any regula sofas. Every single sofa we ordered is a -- is a very nice, you know, fold-out sofa. I'm told I should agree to a microwave in each room, and that I don't have the plumbing to do anything beyond that, which is true.

COMMISSIONER ZIMMER: Oh, so you're say -- so there won't be a sink?

MR. CHRISTY: There --

COMMISSIONER ZIMMER: There won't be a bar sink?

MR. CHRISTY: Well, the thing is, the way these rooms are designed and for the Commissioners that got down there, there's no bar sink because it's really redundant. The way these things are constructed, even the smallest room, you walk in and there's a nine-foot opening to a beautiful double vanity, and to have a bar sink separate and apart from that was just lame, it would be five feet away and why would you do that?

So, I mean, it's -- if you --

COMMISSIONER ZIMMER: Well, I -- I guess I --

MR. CHRISTY: -- if you've seen the rooms you'd see that that was kind of unnecessary.

COMMISSIONER ZIMMER: Yeah. Well, I -- I don't want to belabor this --

MR. CHRISTY: Okay.

COMMISSIONER ZIMMER: -- too long, but I'm not happy, because --

MR. CHRISTY: I want you to be happy.

COMMISSIONER ZIMMER: I know. I hope so. Because I want to help you. But I -- okay. They have units at, you know, Ikea, other places that are, for lack of a better word, kitchenette units.

MR. CHRISTY: Right.

COMMISSIONER ZIMMER: What I envision, what we were told in San Diego was there are certain features like being able to have breakfast, being able to have this nut that will make this a cheaper alternative to a regular hotel room, which is true.

MR. CHRISTY: Right.

COMMISSIONER ZIMMER: So what I want to know is that if a family of four comes, they will be able to fix their breakfast and wash their dishes and do all that, and --

MR. CHRISTY: Unless we rip the walls open, and ran new plumbing lines, because we used the existing locations for everything, we'd be -- we'd be starting over.

COMMISSIONER ZIMMER: So -- oh, so you're saying that the renovation work has gone too far already for all of this to even be considered?

MR. CHRISTY: I mean, the renovation work that we've done under the, you know, the non-CDP, the original just renovation, it's -- it's -- it's close. What we've left is, you know, the rooms are open to each other, these 32 rooms that we're splitting, they're -- they're still open to each other, but there's really just -- there's no way of plunking and plumbing at this point in terms of a kitchenette.

But the stuff that --

COMMISSIONER ZIMMER: Well, I -- I guess I --

MR. CHRISTY: -- was --

COMMISSIONER ZIMMER: I want -- I'm sorry. Thank you very much.

MR. CHRISTY: Okay. I'm sorry. I want you to be happy.

COMMISSIONER ZIMMER: You've answered as

much as you can. I'm going to wait and hear what other commissioners have to say.

CHAIR KINSEY: Okay. Commissioner Bochco.

COMMISSIONER BOCHCO: Well, this is tough. I mean, I'm -- I'm -- I must say I struggled with this one from the beginning, partially because it was very difficult to understand from the staff report originally what exactly was being done, and what was being asked from -- I think from staff, and the addendum was very helpful, it straightened out a lot of the issues for me, and obviously, you know, Mr. Calphen's amendment to the addendum is pretty clear as well.

We've not talked about how to get to this monetary figure. I think what -- what Commissioner Zimmer was trying to come up with is a way that you could mitigate within the structure itself without having to deal with cash or, you know, easement value and all those other things.

I find some inconsistencies in the way staff applied what they were willing to deduct from the -- the cost of -- of the mitigation that staff recommended, and at one point, you know, I thought we were talking about -- let me find my notes -- we talked about, well, you know, we could mitigate with

the shuttle, and then we said we could mitigate with the camping numbers, but then we didn't take in account any number for that, and then when I did the math up to 40 people on 144 nights, which is the staff number, it comes like to 5800 people.

So that could have had some effect on the mitigation, but I don't know. I mean, they're granting an easement, there's a value to an easement, you know, we didn't take that into account.

I think this whole trying to project how many people are in a room, out of a room, I -- I don't -- I just don't think that makes any sense, you know, yes, perhaps there is an argument and I -- and I think it was made very well by Susan Jordan and other people that, you know, it is more affordable to be able to have quite a few people in a room, but I don't know that that alone is -- is enough to say this is not affordable, you know.

So I am actually very frustrated. I feel like the City did not do their job. I think there was very clear language in the LCP, and -- that said that they were supposed to do an inventory of high, low and moderate costs within the city of Laguna Beach, and they were supposed to come up with a

methodology by which you could tell what price was lower, middle and high.

And I think Ms. Jordan pointed that out to us, too, and I really feel we're in this mess because of that. I think this could have come to us very clean in terms of what it was and what it is now, and that's not happening.

So I find it very difficult for us, A, to design a hotel from the dais. I find it very difficult for us to really know the impacts other than what I do believe Dr. Dixon was very clear. Again, those are numbers which you had a biologist through Career Colleges who felt differently. I get -- I get that, you know.

So the fact that we're going to allow weddings, they are noisy. A hundred people are noisy. 150 people are maybe noisier. I guess it depends on who the 150 people are. But I feel like you're not in a position to really make the kind of recommendations that we're being asked to make, so I don't support the overall changes to this, I -- I feel that, and I don't want to send it back, I think that's just a waste of everybody's time.

I would -- I would love to come up with a way that we could be assured that the public is

getting an adequate facility which I -- and I would count the trail, and I would count camping, however that is designed.

At one point I think Commissioner Zimmer mentioned, I don't know if you did on the mic, you know, there is -- there's a lovely campground that's upper scale and moderate scale in Santa Barbara. We had a meeting there. And, you know, they have various kinds of structures as well as room, so they have your Yurts and they have your tents and all that.

I mean, that's the kind of project I think that would have satisfied a lot of people about whether or not this was really going to accommodate a lower cost facility.

So I've said, I guess, as much as I can say. I'm sorry I don't have a lot of specific suggestions. I -- I -- I don't know what to do, so I'm going to pass it on to somebody smarter than me.

CHAIR KINSEY: Okay. We have Commissioner Turnbull-Sanders, then Commissioner Cox, then myself and back to Commissioner McClure.

COMMISSIONER TURNBULL-SANDERS: Thank you, Chair Kinsey. You know, we've -- we've been here for quite a while and heard a lot of compelling

arguments from -- from both sides. I think what is clear is that the Applicant is committed to the local community and has done a lot in the way of trying to make this be a good project. And I am inclined to agree generally with the motion put forth by Commissioner Mitchell.

However, I do think that there is room and allowance in the Coastal Act for us to impose some in lieu fees. I think that the Applicant has gone along way towards trying to be creating in terms of providing opportunities for disadvantaged youth to participate in an outdoor experience by going above and beyond and providing tents and sleeping bags and during the time that I've been on the Commission I've never seen an Applicant make such an attempt. So I was very pleased to see that.

However, I do think that we have a mandate under the Coastal Act to try and make sure that access is guaranteed and to be as broad as we can without being punitive. Under the Coastal Act as staff previously stated, under Section 30213, we have the ability to impose in lieu fees because we have the mandate to provide lower cost visitor serving and recreational facilities that states that the -- those facilities shall be protected,

encouraged and where feasible provided.

And the LCP requirement, the City's LCP requirement also allows for this in lieu fee in my opinion because it states that there is an effort to protect, encourage and where feasible provide overnight accommodations, and I think that the staff did a great job in the report in setting out the reasons historically why we've been able to do this, and our ability to exact or require dedications as well.

And I -- although I believe that what was previously existing on the site was a unique experience, I'm not sure if we've been given enough information to determine that the prior rooms were lower cost visitor serving. I do think that we have in any case the ability to exact in lieu fees for the new developments, and for the new rooms, and the formula that was provided by staff was the exaction fee of $33,970, and that would be multiplied by the new rooms at a rate of 25 percent rather than the full amount because this would be an in lieu fee applied to high cost rooms that would be new and provided.

That said, when you calculate that out, it comes to $280,252 in the staff report, and maybe

I'll -- I'll ask at the end of my comments for further input from the staff. There was an offset allowance, and I believe the calculation was about eight rooms, or the equivalent of the formula for eight rooms which would be the offset for the camping provided to the disadvantaged youth for the 12 visits per year and the -- I can't remember the exact number of kids that were going to be provided.

But if you calculate that out, I think you get to somewhere around, you make an allowance for that provision of the low or disadvantaged youth camping, you get to a figure of $212,313, and then I think as Commissioner Bochco mentioned, I think there is some value to the trail easement that would be offered in an offer to dedicate, I think the Applicant may be suggesting that that may be offset by a $50,000 amount.

I would like to get a little bit more clarification from staff maybe on a recommendation of how much that would be offset by, so I think if you offset both the camping opportunities for the disadvantaged youth and the offer to dedicate the floating easement, you get to somewhere around 160, 163,000 for the in lieu fees.

And so while I agree that the Applicant

has -- has done a lot to make this a good project, I still think that we need to be mindful of our responsibility under the Coastal Act and require those -- those fees.

In addition, one of my concerns about the requirement for providing disadvantaged youth with the camping opportunities is how that might be enforced in the future, and I would like to get some clarification from staff as to whether or not that can be a condition that runs with the land should the Applicant decide to sell the property in the future.

I agree with Commissioner Mitchell's recommendation that the shuttle program is not really feasible, and I agree with Commissioner Zimmer's statements previously about why that is not feasible, so I wouldn't support a shuttle program. However, I do agree with Commissioner Zimmer's assertion that the indemnity provision should remain. I think based on her statements and her justification for the reasons why that should stay in place, I would -- I would support an amendment to keep the indemnity provisions in place.

So the two, I guess I would be prepared to make a motion amending Commissioner Mitchell's

motion to require an addition to the -- the provisions that she mentioned to require an in lieu fee of approximately $163,000 which would represent an in lieu fee applied to the new rooms with an offset for the provision of the low cost or disadvantaged youth camping opportunities, and the floating, the offer to dedicate the floating easement.

And the second thing that I would add is the requirement that there be an indemnity applied to the --

CHAIR KINSEY: Okay. I'm going to jump in. This is -- this is Condition 2, what you're asking is is an amending motion to Condition 2 that would provide for a total of $163,000, and you added your -- your rationale for that, and to re -- re -- reinsert Condition 21, which is the liability for costs or the indemnification. Am I -- is that clear to you?

COMMISSIONER TURNBULL-SANDERS: That's correct, Commissioner.

CHAIR KINSEY: Is there a second to that? I'll second that.

UNIDENTIFIED: Mr. Chairman, could we -- could we split those?

CHAIR KINSEY: Well, no, we -- well, we -- you could ask the maker of the motion if they would like to.

COMMISSIONER TURNBULL-SANDERS: I'll do that for -- so that we don't get to the --

CHAIR KINSEY: Okay. So --

COMMISSIONER TURNBULL-SANDERS: -- tertiary amendment.

CHAIR KINSEY: Okay. So we'll get to -- so we'll take that first matter up, we'll take up the matter first of Condition 2, the $163,000 that's being proposed as the net mitigation fee, and I will second that, and are there any Commissioners that wish to speak to the amending motion?

COMMISSIONER COX: Yes.

CHAIR KINSEY: Commissioner Cox.

COMMISSIONER COX: I -- I -- I think that the action that we've taken previously in regards to not requiring the shuttle bus or shuttle van, was the appropriate action to take, because I -- I just don't think that functionally would work that well.

I appreciated the comments from Mr. Christy in regards to the question raised by Commissioner Zimmer in regards to the accommodations in the rooms as far as the -- the microwaves and the

refrigerators, and for lack of a better word, I'll call them hide-a-beds.

What I wanted to do is I -- if Mr. Christy would come up to the microphone --

CHAIR KINSEY: Is this going to be related to the amending motion?

COMMISSIONER COX: Yes.

CHAIR KINSEY: Thank you.

COMMISSIONER COX: Yes. I would -- I would like to suggest, and I would just raise this as a question with Mr. Christy to see if he's willing to make a comment on it. I think the most valuable part of what has been laid out here today, and it's been talked about by -- by many speakers is completing the Aliso Creek Trail.

I would like to specifically ask you if you would be amenable to a condition that you would provide $250,000 that would be used to hire a consultant and ultimately whatever is not used by the consultant would be utilized for the -- the construction, not that you have an obligation, but this would be a contribution towards seeing that trail completed and obviously whether it's Orange County Parks and Recreation or whether it's a grant from the Coastal Conservancy or Wildlife

Conservation Board or Land and Conservation Fund, would you be amenable to a condition that would basically commit $250,000 towards the hiring a consultant and possible completion of the trail?

MR. CHRISTY: Just so --

COMMISSIONER COX: With no in lieu fees on any --

MR. CHRISTY: No in lieu fees, obviously the 50,000 I was given to the shuttle, that goes away.

COMMISSIONER COX: Right.

MR. CHRISTY: Yeah, with that I --

UNIDENTIFIED: With no in lieu fees.

MR. CHRISTY: Yeah, I mean, I would love to see the trail completed, so --

CHAIR KINSEY: Thank you. We're going to keep it moving. Thank you very much. Commissioner Cox, do you have any other comments to make?

COMMISSIONER COX: So do we need -- do we need the amendment if he's agreed to the condition?

CHAIR KINSEY: Yeah, well, you were speaking to the amended motion, so what would you like to ask us to do about the amended motion, which was a hundred --

COMMISSIONER COX: I would -- I would offer

a substitute to the amendment to accept the very generous offer of Mr. Christy for $250,000 to be used for a consultant and applied towards future construction of the Aliso Creek Trail.

CHAIR KINSEY: And as an alternative to lower cost accommodations for lodging or recreation; is that correct?

COMMISSIONER COX: That's correct.

CHAIR KINSEY: That would a sum total.

COMMISSIONER COX: Yes.

CHAIR KINSEY: Okay. So do we have a second for that?

MS. SCHMELTZER: Well, if -- Chair --

CHAIR KINSEY: Excuse me.

MR. SCHMELTZER: -- just before we get too far down another path, when there is -- when there is an amending motion proposed that's not proposed by the Applicant, our regulations require us to ask the Applicant if they agree to the motion, and I didn't realize that the next commissioner was going to ask something different. But that is -- Commissioner Turnbull-Sanders' motion is supposed to be asked of the Applicant as well.

CHAIR KINSEY: I'm going to ask Commissioner Turnbull-Sanders in light of what we've

heard, actually as the questions that were asked whether she would be willing to withdraw her motion at this time temporarily.

COMMISSIONER TURNBULL-SANDERS: I would -- I would be willing to withdraw my motion temporarily in light of the fact that we're taking the issues separately, and the fact that the in lieu fees were likely going to trail anyway.

CHAIR KINSEY: Thank you. And I will remove my second, and so do you have a second for your motion? So in effect what I would say if I could, and correct me if I'm wrong, Commissioner, is that you would be on Condition 2, you would ultimately be making the determination that the in lieu fees would -- would result in $250,000 being paid, and that those dollars would be preserved specifically to be used for the construction of a trail at a future time.

Is that the intention of your motion?

COMMISSIONER COX: Yes, it is.

CHAIR KINSEY: And the seconder, do you need to add anything to it?

UNIDENTIFIED: No, I don't.

CHAIR KINSEY: Okay.

COMMISSIONER COX: And that's with the

concurrence of the Applicant.

CHAIR KINSEY: And so I'm going to ask if anyone wants to speak to this -- this amending motion. Commissioner Pestor and then Vice-chair Zimmer.

COMMISSIONER PESTOR: I think I need a little bit of clarification, because on pages 13, 14 and 15 of the addendum on the findings, and this may be helpful for staff to clarify this, the staff recommendation on the trail is that it would be a condition for the Applicant to dedicate the trail and build the trail, not contribute a certain amount to it, but actually offer -- no, no, I'm asking a question.

Because I -- because I -- and I'm speaking to the issue, too, is that we're talking about conditions of approval here where the Applicant would be required to offer to dedicate and build the trail. Not like it is some kind of gift that he is giving to contribute $250,000. He should actually be having a condition to dedicate the land and build the trail and provide an in lieu fee for --

CHAIR KINSEY: Commissioner Pestor, we -- we did take an action on an amending motion that simply required a -- a dedication of a floating

easement and removed those responsibilities at this time.

That doesn't preclude us from bringing that back, but before the staff responds I just want to be clear that it actually -- the maker, Commissioner Mitchell's motion did relieve the Applicant of the responsibility to construct the trail and only required that they offer a dedication of a easement. Okay. So I just want you to be clear, you know, that at the present time we don't have that.

Dr. Lester, did you want to add to that?

DR. LESTER: I think that's our understanding, too, I did have a clarification on the $250,000 to -- to be directed to future expenses of a consultant and/or planning process, and to the extent funds are available, construction of the trail, and that's to be overseen by the staff through some management plan process, or how is that -- do you see that --

CHAIR KINSEY: I'm going to ask -- allow Commissioner Cox to reflect on his intentions.

COMMISSIONER COX: Yeah, I would -- I would that it would be subject to -- the way that it is spent would be submit to the executive director's direction. In other words, I assume if you had the

money in place, the first thing you'd want to do is to probably bring in a consultant to look at different alternatives.

We have a floating easement that obviously we want to try to come up with a trail through this property, but there's other properties that are involved, so I would imagine there would a need to --

DR. LESTER: We will have to construct a mechanism. We can't actually take the money to the Commission, but we can take the commitment to provide the funding for these activities subject --

COMMISSIONER COX: Right.

DR. LESTER: -- to our review and approval, and we'll figure out some way to do that without the Commission holding any funds.

CHAIR KINSEY: Thank you. And to Commissioner Cox, just a clarification. You -- you were expecting that it would be a third party that would actually oversee the -- the planning and implementation of the trail?

COMMISSIONER COX: Yeah, I mean the money I think would be, you know, basically spent at the direction of the staff, the executive director would basically have control of that, but ultimately I

would think the trail would be something that would be built by a third party, whether it's the Orange County, you know, Parks and Recreation or somebody else.

CHAIR KINSEY: Okay. So to that amending motion, are there any other questions? Commissioner Zimmer?

COMMISSIONER ZIMMER: Just briefly. I just, I -- I appreciate that offer, but I just want to be very clear that I think we're going down a very bad path, we're eliminating all mitigation fees for the lower cost, and we are instead putting money toward a trail, and I love the trail, but they're apples and oranges. They're two different purposes, two different requirements, we're not meeting our obligation to provide opportunities for lower cost accommodations. So I won't be supporting that amendment. Thank you.

CHAIR KINSEY: Thank you. If there's no other commissions who want to speak -- Commissioner Cox?

COMMISSIONER COX: Yeah, just -- just one point in regards to the lower cost accommodations. I appreciated the direction and the questions that were raised by Commissioner Zimmer, but I'm

satisfied, frankly, that -- with the answer from Mr. Christy that the goal that I thought Commissioner Zimmer was working towards, the San Diego project that she was talking about, it was more of a suite concept where you had, you know, maybe a little bit more than what's going to be provided here, but the fact that you're going to have hide-a-beds in each of the units, you're going to have a microwave, granted it's not a stove, but at least it allows people to warm things up, and refrigerators.

You know, the whole issue of low cost accommodations obviously that's something we're going to be dealing with at the March meeting in trying to, you know, get a better arms-around how we deal with that. But, you know, if you look at Laguna Beach and references made to the Montage, I would imagine compared to the Montage this is probably low cost accommodations, even at the rates that are identified here.

And to me when we talk about low cost accommodations and the fees that have been collected, I would remind my colleagues that one of the primary recipients of those lost cost accommodation funds, mitigation fees that have been

paid in the past have gone to the Crystal Cove project, which is a great project, but, and, you know, these rates are going to be lower than what the rates would be at Crystal Cove. So by that comparison, it's going to be certainly lower cost accommodations, so I -- I think that aleving that requirement for the low cost accommodations and really focusing on the trail I think is going to be a much better community benefit, and I appreciate Mr. Christy's willingness to work with us on that.

CHAIR KINSEY: Thank you. I'm going to ask for a roll call vote now, Vanessa, on this amending motion. This is -- this would be amending motion that would provide for under Condition 2, it would provide for a lump sum of $250,000 to allow for planning and construction of the trail, managed by third party, the funds would be released under the approval of the executive director.

And we can confirm -- they would -- the funds would be provided as -- as conditioned in the staff's recommendation, the timing of them.

Vanessa?

THE CLERK: Commissioner Cox?

COMMISSIONER COX: Aye.

THE CLERK: Cox, yes. Commissioner Howell?

COMMISSIONER HOWELL: Aye.

THE CLERK: Howell, yes. Commissioner McClure?

COMMISSIONER MCCLURE: Yes.

THE CLERK: McClure, yes. Commissioner Mitchell?

COMMISSIONER MITCHELL: Yes.

THE CLERK: Mitchell, yes. Commissioner Pestor?

COMMISSIONER PESTOR: No.

THE CLERK: Pestor, no. Commissioner Turnbull-Sanders?

COMMISSIONER TURNBULL-SANDERS: Yes.

THE CLERK: Turnbull-Sanders, yes. Commissioner Vargas?

COMMISSIONER VARGAS: Yes.

THE CLERK: Vargas, yes. Commissioner Zimmer?

COMMISSIONER ZIMMER: No.

THE CLERK: Zimmer, no. Commissioner Bochco?

COMMISSIONER BOCHCO: No.

THE CLERK: Bochco, no. Chair Kinsey.

CHAIR KINSEY: Yes.

THE CLERK: Kinsey, yes. The vote is 7-3.

CHAIR KINSEY: Okay. Back to Commissioner Turnbull-Sanders. Please make your motion relative to Condition 21 related to liability.

COMMISSIONER TURNBULL-SANDERS: Yes, I would like to move that Special Condition 21 remain in its entirety, which requires the Applicant to indemnify the Commission for its litigation legal fees and costs, and I recommend a yes vote on that.

UNIDENTIFIED: Second.

CHAIR KINSEY: We have a motion and a second. Okay. Commissioner Cox -- would the makers, would -- the maker of the motion did make her statement clear and actually Commissioner Zimmer, you have spoken to this. Commissioner McClure?

COMMISSIONER MCCLURE: Yes, I'm -- I'm in favor of getting rid of this clause, but probably I need to acquiesce to the attorneys on the commission, and so I will be supporting this motion, hoping it doesn't put the entire project back in the can somewhere, but -- so I would be supporting that.

CHAIR KINSEY: Thank you. Any other commissioners? Commissioner Mitchell?

COMMISSIONER MITCHELL: I --

CHAIR KINSEY: Oh, I -- wait. Excuse.

Commissioner Turnbull-Sanders, did you want to speak to your -- to your motion? Is that what you were asking for?

COMMISSIONER TURNBULL-SANDERS: Well, there is an additional item that wasn't addressed that I had made previously, but if this is --

CHAIR KINSEY: We're going to take them up --

COMMISSIONER TURNBULL-SANDERS: -- it's related to the second one.

CHAIR KINSEY: -- individually.

COMMISSIONER TURNBULL-SANDERS: That's fine.

CHAIR KINSEY: Thank you.

COMMISSIONER MITCHELL: Yeah, she's a nice commissioner, she lets people take them up individually. Okay. So I have a question about this, again, being a non-attorney and I, you know, lean with Commissioner McClure; do we indemnify on all of our cases like this? I mean, this isn't -- it's not my understanding that is normally happens, and I'd be curious why the -- so yes, go ahead.

MS. SCHMELTZER: This condition is not imposed on every project. Staff makes a recommendation on a case-by-case basis, and the Commission imposes it on a case-by-case basis. And

at this meeting, I believe yesterday's project from the City and County of San Francisco of the San Francisco Gun Club had the -- had the indemnity condition today, the Long project had the indemnity condition, so there's an evaluation of whether we think it's an appropriate condition for, given the risks of the project.

COMMISSIONER MITCHELL: So I don't know if this goes into litigation strategy and something we can't discuss, just tell me to shut up. But what is the thinking on this going into the litigation strategy? Because my only -- my only thought is -- I mean, again, I don't want the taxpayers of the state of California to be on the hook, but we know that the opponent has already hired lawyers, they're here, you know, they're raising issues. I -- I, like Commissioner McClure, do not want to see this go back to the drawing board, because it would be litigated if, you know -- you know, everyone could hire lawyers, and I don't want that to happen.

So that's my only concern about this indemnification, and so what the rationale was on this particular project versus another.

MS. SCHMELTZER: Well, in -- in particular cases, some of what -- what we look at includes

whether there has been counsel hired by various parties. And the Commission started asking and imposing this more frequently because there was an award of attorney's fees that the Commission became responsible for for a project, Applicant's project, and the Commission felt that that was a risk that should be borne -- that the Applicant should be bearing with the Commission.

That said, the only time that funds would be obligated from the indemnifier is if the Commission's approval were to be set aside by a court when there is a third party challenge, and the court were to award the attorney's fees.

I can't actually think of a time that that's happened, when we've had the indemnity provision. It -- it may have happened, but it's certainly not recently.

COMMISSIONER MITCHELL: All right. Can I ask Mr. Kaufmann why this is an issue for you, and what you think?

MR. KAUFMANN: Well, first of all, on the law I disagree.

UNIDENTIFIED: Give your name.

MR. KAUFMANN: Thank you. Steve Kaufmann for the Applicant.

We have a fundamental disagreement over the language of the -- of the Coastal Act, and whether it even authorizes you to impose an indemnity fee. It doesn't. It talks about reasonable filing fees. This isn't a filing fee. This is about litigation after the fact, after a lawsuit is filed, and whether there is an award against you. There is nothing in the Coastal Act that talks about that.

So it's a -- it's a real stretch of an argument for me. That's the legal issue.

On the other side of it is the equitable one, and that is, when somebody applies to you, and they apply seeking your permission and they pay their fees, that's one thing. But when they're appealed by somebody, and they don't want to be here, they haven't come to you, they went to the City -- he went to the City of Laguna Beach. He was done as far as he was concerned.

So he's here involuntarily. But you're putting the burden on him to pay attorney's fees, if that's the way it -- it comes out. Of course, the problem here is he wants to get -- he's moving forward with his project. So we feel that an indemnity provision encourages litigation, it doesn't stop it. And that's really the fundamental

issue here, it encourages the filing of a lawsuit.

CHAIR KINSEY: Thank you.

MR. KAUFMANN: Thank you.

COMMISSIONER MITCHELL: Thank you.

DR. LESTER: Mr. -- Mr. Chair.

CHAIR KINSEY: Yes.

DR. LESTER: I was just going to say, as we said before, we think the addendum adequately addresses the legal arguments and that there's a strong basis for using the condition in this case, and I need to channel Susan for a minute, because I know that if we did get hit with an attorney's fee award, that potentially comes right out of our budget. So it's not just a taxpayer concern that Commissioner Zimmer raised. Yes, it would be the taxpayers paying for the litigation costs, but it would be us directly in the agency potentially having our budget reduced in order to cover that award, so that's a significant concern.

CHAIR KINSEY: Thank you. Commissioner Howell.

COMMISSIONER HOWELL: Thank you, Chair Kinsey. I totally disagree with Mr. Kaufmann's assessment of what's going on here with indemnification.

To a certain extent, the Applicant has -- has to come us willingly. You could stay at home and eat bonbons, you're doing a development. And in our society, you always run the risk of litigation. I think that it's good practice to have an indemnification clause on every project that comes in front of us.

CHAIR KINSEY: Thank you. We have a maker, the motion to re -- reinsert Condition 21 relative to liability for costs. Is there any unwillingness for a unanimous yes vote?

Okay. So I'm going to ask for a roll call, please.

THE CLERK: Commissioner Howell?

COMMISSIONER HOWELL: Aye.

THE CLERK: Howell, yes. Commissioner McClure?

COMMISSIONER MCCLURE: No.

THE CLERK: McClure, no. Commissioner Mitchell?

COMMISSIONER MITCHELL: No.

THE CLERK: Mitchell, no. Commissioner Pestor?

COMMISSIONER PESTOR: Yes.

THE CLERK: Pestor, yes. Commissioner

Turnbull-Sanders?

COMMISSIONER TURNBULL-SANDERS: Yes.

THE CLERK: Turnbull-Sanders, yes. Commissioner Vargas?

COMMISSIONER VARGAS: Yes.

THE CLERK: Vargas, yes. Commissioner Zimmer?

COMMISSIONER ZIMMER: Yes.

THE CLERK: Zimmer, yes. Commissioner Bochco?

COMMISSIONER BOCHCO: Yes.

THE CLERK: Bochco, yes. Commissioner Cox?

COMMISSIONER COX: Yes.

THE CLERK: Cox, yes. Chair Kinsey?

CHAIR KINSEY: Yes.

THE CLERK: Kinsey, yes. The vote is 8-2.

CHAIR KINSEY: Thank you. Commissioner Turnbull-Sanders?

COMMISSIONER TURNBULL-SANDERS: I had one other issue. When I started my comments previously, I stated that I might come back to staff to ask if provision could be included to make the Condition No. 7, the group camping at the Scout Camp a recorded requirement so that it runs with the land in some kind of deed restriction, or if that's

possible. So perhaps counsel or staff could speak to that.

DR. LESTER: Condition -- I would just step in and say Condition 7 does that it applies to all successors and assigns. And I believe it requires recordation, and if it didn't, we would incorporate that.

MR. KAUFMANN: May I speak to that? You have a generic deed restriction at the end as one of your conditions, and it --

COMMISSIONER TURNBULL-SANDERS: Yes.

MR. KAUFMANN: -- requires all of these restrictions run with the land. The difference is the generic deed restriction can be signed off at the local level by your staff, but an offer to dedicate goes to a different place. San Francisco.

MS. SCHMELTZER: The -- the entire permit would be recorded against the property. If we wanted to do a separate specific deed restriction, but that's usually only done with an offer to dedicate, not --

COMMISSIONER TURNBULL-SANDERS: As long as the -- as long as the condition as stated runs with the land and binds assessors and assigns, I'm fine with that.

MS. SCHMELTZER: Yes.

CHAIR KINSEY: Very good. Thank you. Okay. Then Commissioner Cox, did you have any additional comments you wished to make?

COMMISSIONER COX: No.

CHAIR KINSEY: Okay. Then that brings it to myself, and I wanted to just clarify with Commissioner Mitchell's motion whether her motion had included that the -- on item No. 5, Special Condition 5, recordation would be taking place 90 days after a certificate of occupancy. It did include that; is that correct?

(Inaudible conversation away from microphone.)

CHAIR KINSEY: So the answer is?

COMMISSIONER MITCHELL: Yes.

CHAIR KINSEY: Okay. And -- and then 5, Item 5.B which was related to the temporary shuttle, that would all go away because we've eliminated all references to the shuttle. Is that correct?

UNIDENTIFIED: Yes.

CHAIR KINSEY: Okay. Thank you. And so then on Condition 12, did the -- the motion that you made, the amending motion, allow for 40 or fewer campers? Thank you. And did your amending motion

change the number of people allowed for special events from a hundred to 150?

COMMISSIONER MITCHELL: Yes.

CHAIR KINSEY: Thank you. And you also allowed for the fence to be at 25 feet, not at 100 feet; is that correct?

COMMISSIONER MITCHELL: Yes (inaudible).

CHAIR KINSEY: From the top of the bank. So --

DR. LESTER: And on that, can we just clarify the condition refers to both the creek and the scrub habitat? I'm not sure if you're modifying it only with respect to the creek or with both. 25 feet from -- so --

DEPUTY DIRECTOR SARB: 12.E.

DR. LESTER: 12.E.

CHAIR KINSEY: 12.E, yes, is the -- yes, in the original.

DR. LESTER: Our original 12.3.

CHAIR KINSEY: Yes. It is fencing shall be installed a hundred feet from the Aliso Creek and from native scrub habitat to prevent intrusion, and you've reduced that to 25 feet, so -- and I'm going to ask the Applicant to come up and ask him a question about that, please. And you'll state your

name for the record of course.

MR. CHRISTY: Mark Christy.

CHAIR KINSEY: Thank you, Mark. Your reason for reducing the -- the distance of the fence being from a hundred feet to 25 feet, do you -- do you have an operational reason why you feel that's important?

MR. CHRISTY: Well, the -- the entire parcel, the Scout Camp parcel is basically 200 by 200. We've got an existing maintenance yard there, so if you're coming out a hundred feet, and you've got the maintenance yard, you're cutting down the opportunities for, be it weddings, be it, you know, camping, be it gardening, be it all the things, I mean, we're doing good things out there, and you're -- it's just pinching that down to the point where it's getting a little bit rough, and it's my understanding that, you know, I mean, you guys approved a 17,000 foot building, 25 feet from an identically categorized stream here earlier, and this is a --

CHAIR KINSEY: Now you're editorializing, I got enough -- yeah, thanks. I appreciate your -- your explanation. Thank you.

Okay. So my only other comments are I

think that this really is a very positive project, has many benefits, I think that someone who said, it may have been been the mayor that said it was a modest approach, I think there is some legitimacy to that, especially in light of ideas or at least streams that had preceded this by earlier developers. I think there's very tangible improvements that are going to come with this in terms of fire safety for the whole community, energy upgrades which will benefit us as part of a larger movement in California.

It's -- it's fair and I think clear to me that there is a broad sense that this is a community that appreciates and will appreciate this, and therefore supports it. And I think that in this instance the idea of using the mitigations for the project and the impacts on lower cost users to the coast will be addressed by the access opportunities that the trail will provide.

So in that sense while it doesn't provide for the lodging, I am satisfied that we are taking into consideration the interests of lower cost community members and visitors to the coast.

I also appreciate the original amending motion's recognition that the shuttle operation

would be complicated and perhaps ineffective. And as a result I feel like what we have at this point is a project that we should move forward on approval on.

So with that I'll come back to Commissioner McClure. Do you have any other questions or comments? Commissioner Pestor?

COMMISSIONER PESTOR: Just on that last point on the 25 feet and hundred feet that the executive director raised, too, is there a reason why it should perhaps be 25 feet from the creek, but a hundred feet from native scrub habitat? Would that be split, or is there a reason -- I'm just wondering the basis for your question on the clarification.

DR. LESTER: Only because Commissioner Mitchell had just referred to the creek and not the other habitat, our biological reasoning is equivalent, we think a hundred feet is recommended in both cases. But we understand it's been changed to 25 feet in both cases.

COMMISSIONER PESTOR: Does the -- in the case of this where you're talking about your facility there, if the hundred feet from the creek may affect it, but perhaps not a hundred feet from

the native scrub habitat. I mean, it seems like there's a basis for it to be a hundred feet. I'm just confused on why we're reducing it to 25 feet, so -- seems like a pretty sharp reduction.

CHAIR KINSEY: Well, I don't think it's appropriate to ask the staff that question, because they would agree with you, I think -- and -- and in many respects, you know, I would agree with you, Commissioner.

On the other hand, I'm going to take solace in the fact that they want to take care of these habitats, but you're certainly welcome to make a run at an amending motion.

And if not, then Commissioner Zimmer, did you have any final comment? Or -- you had asked to be back on the list.

COMMISSIONER ZIMMER: I just wanted to try to clarify where we are with respect to resolution of enforcement matters.

DR. LESTER: My view is that the action today would resolve the significant violations that had been identified previously and to the extent that there were any unknown violations, those would be a separate independent matter, we don't know about them.

And there may have been some other minor violations related to maintenance, apparently along -- in and around the golf course, but that those would not be either high priorities or matters that would somehow interfere with the implementation of this permit.

COMMISSIONER ZIMMER: Okay. Well, the one that comes to mind was several months ago there was an allegation that the whole, the renovation that's in process was itself a violation because it changed the intensity of use and it shouldn't have been exempted. Is that resolved now by this action as well?

DR. LESTER: Yes.

COMMISSIONER ZIMMER: Okay. Thank you.

DR. LESTER: Now is the time to deal with that if you think there's something to be addressed.

CHAIR KINSEY: Thank you. Okay. So -- and I appreciate Vice-chair Zimmer bringing that forward.

What we don't want is to spend this kind of time, resources, community involvement, public conversations as we've had today, and then find a continuing trail of allegations that take our staff time and our own, so I think that that this is a

holistic solution and encourage the property owner to -- to file for appropriate permits for any future work that is outside of the actions that we are taking today.

And with that, we have the original motion before us as amended, and I'm going to ask if there's any unwillingness for a unanimous yes vote, and -- okay. So if we could have a roll call vote on that. That's just fine.

THE CLERK: Commissioner McClure.

COMMISSIONER MCCLURE: Yes.

THE CLERK: McClure, yes. Commissioner Mitchell?

COMMISSIONER MITCHELL: Yes.

THE CLERK: Mitchell, yes. Commissioner Pestor?

COMMISSIONER PESTOR: Yes.

THE CLERK: Pestor, yes. Commissioner Turnbull-Sanders.

COMMISSIONER TURNBULL-SANDERS: Oh, yes.

THE CLERK: Turnbull-Sanders, yes. Commissioner Vargas.

COMMISSIONER VARGAS: Yes.

THE CLERK: Vargas, yes. Commissioner Zimmer?

COMMISSIONER ZIMMER: Yes.

THE CLERK: Zimmer, yes. Commissioner Bochco.

COMMISSIONER BOCHCO: No.

THE CLERK: Bochco, no. Commissioner Cox?

COMMISSIONER COX: Yes.

THE CLERK: Cox, yes. Commissioner Howell?

COMMISSIONER HOWELL: Aye.

THE CLERK: Howell, yes. Chair Kinsey.

CHAIR KINSEY: Yes.

THE CLERK: Kinsey, yes. The vote is 9-1.

CHAIR KINSEY: Thank you. With that we approve this CDP, and we thank you for your attention.

(End of item 11-A.)

STATE OF CALIFORNIA)
) ss.
COUNTY OF FRESNO)

I, SHELLEY LAW, hereby certify:

That said transcript was transcribed from electronic audio and video files downloaded from the California Coastal Commission website, and thereafter reduced to computerized transcription. I did not attend the hearing.

I further certify that I am not interested in the event of the action.

WITNESS this day of , 2015.

SHELLEY LAW