

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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original staff report

# W22b

## ADDENDUM

DATE: March 6, 2017

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W22b, 5-16-0552 (Crystal Cove Historic District)  
FOR THE COMMISSION MEETING OF Wednesday, March 8, 2017.**

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### A. CHANGES TO THE STAFF REPORT

Commission staff recommends modifications to the SUMMARY and FINDINGS of the staff report. Language to be deleted from the staff report is identified by ~~strike-out~~ and where language is to be added the font is **bold and underlined**.

Page 3, the first and second paragraph:

The proposal also includes establishment of an overnight educational program for approximately 200-~~300~~ under-served youth per year to have 2-night stays in Cottage #20 throughout the school year, using a portion of the mitigation funds held in an endowment for the program.

The subject application involves the extensive restoration work (essentially demolition and reconstruction **with new foundations**) to the existing non-conforming bluff face cottages that constitutes new development of structures in a hazardous location. Additionally, the application includes construction of new infrastructure, such as the utility lines and boardwalk/service path, which are not sited outside of the hazardous locations to minimize risk to life and property. As proposed in this hazardous location, these new structures would need to rely on the proposed caisson foundations and bluff protection (cottage foundations and boardwalk/path foundation, and debris wall), without which the proposed structures could not be feasibly developed in this location. Alternatives for constructing the cottages, boardwalk and service pathway, and debris wall that would avoid requiring construction of protective devices that would substantially alter natural landforms may be feasible, but none of the alternatives would maintain the historic special nature of the community, or the physical access requirements to the cottages for overnight guests.

**For the purposes of coastal development permits, a structure is typically found to have been demolished and replaced when 50% or more of the structure has been removed**

and/or replaced. Furthermore, when a structure receives a new foundation that structure is typically treated as being new development since the life of that development is being significantly extended. In this case, 100% of the cottage foundations will be demolished and replaced with new foundations, while portions of the exterior and interior fabric of the structures will be disassembled and pieces will be replaced with like materials wherever necessary, consistent with historic preservation standards. A similar process was followed in the Phases I and II restoration, where, on average, 20% of the cottage fabric was demolished and/or replaced with like materials, according to the applicant. While there will be no complete demolition of any cottages, the disassembly and replacement process plus the new foundations, is herein referred to as demolition and replacement, or new development, for the purposes of the analysis under the Coastal Act.

On Page 20, after the second full paragraph insert:

All restoration plans for the Phase III project will be in compliance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (as required for continued compliance with State Parks' mission and Departmental directives, the California Environmental Quality Act (CEQA) and California Public Resources Code Section 5024.5 state agency historic property protection mandates). The majority of the project falls under the Rehabilitation (or adaptive use) Treatment standards for historic properties. In addition Preservation, Restoration, and when necessary, select Reconstruction Treatments will also be utilized under the direction of the Project Historian and historic resource specialists.

The intent of the project's historic preservation scope is to preserve the historic integrity of all historic cottages, and their contributing elements and landscape features to the District's period of significance (circa 1935-1955). Every attempt would be made to preserve all historic materials and to only replace specific materials when necessary, in-kind as required by the Standards. No cottage footprints will be expanded or altered, which is necessary for compliance with the *Standards* in order to avoid subsequent adverse effects to this National Register of Historic Places listed property. Requirements to provide accessibility and life and health safety code compliance make use of the California Historical Building Code to ensure building and site performance with these mandates while reducing or eliminating preservation impacts.

No cottages will be completely demolished, disposed and replaced with new material although dis-assembly of specific elements, for later re-assembly and restoration, and/or the lifting of individual cottages to complete foundation or utility work are common methodologies used. This approach was used during Phase I and Phase II of the historic district restoration.

Page 22, after the second paragraph insert:

One of the most challenging rehabilitation elements is the historic boardwalk, a contributing historic element of the National Register District (it is currently in a severely dilapidated condition). The alignment of the proposed boardwalk follows its route during the historic period as required to meet preservation standards. The structural design is very similar to the original in outward appearance but will be placed at a fixed elevation in



**comparison with the original placement at the existing sand level of the time. The changes in structural design are intended to create a structure that will be more durable under wave attack.**

Page 25, second paragraph:

A smaller portion of the funds (\$1 million) will also be used to develop and sustain a lower cost overnight educational program for disadvantaged youth serving approximately ~~350~~ **200** students per year, year-round with 36 overnight stays annually anticipated in the Open Dorm at no cost to students. This program is described more fully in the document titled Coastal Dynamics Education Endowment attached as **Exhibit 14. The proposal has been revised since the document was received, and now the program as proposed is expected to serve approximately 200 students per year, with 2 night stays.**

Page 52, second paragraph:

The program proposed by the Crystal Cove Alliance, “Coastal Dynamics Education Program” is modeled after the City of Newport Beach’s program. It will target students from inland areas and Title 1 schools (high schools and junior highs) and youth served by non-profit organizations for disadvantaged and low income families. The Open Dorm, Cottage 20, in the Historic District will provide the overnight component to the educational program, offering 11 beds up to 36 nights per year, throughout the year, during night stays. Approximately ~~350~~ **200** students will be served by the program each year, but no less than 125 students per year.

## **B. CORRESPONDANCE**

The Commission received one letter of support for the project (attached).



RECEIVED

MAR 03 2017

CALIFORNIA  
COASTAL COMMISSION

February 27, 2017

Chair Dayna Bochco  
California Coastal Commission  
45 Fremont Street, Ste 2000  
San Francisco, CA 94105-2219

RE: Application # 5-16-0552 Crystal Cove State Park Historic District for hearing date March 8, 2017

Dear Chair Bochco and Commissioners,

We are writing to express our support for Crystal Cove State Park and Crystal Cove Alliance's Phase III Proposed Coastal Dynamics Education Program and Endowment to establish a perpetual program underwriting educational programs for underserved youth.

Coastal environments around the world are experiencing extraordinary stress from a combination of sea level rise and human modification of physical, environmental, social, and economic systems. Southern California, like many other coastal metropolitan areas, faces the grand challenge of promoting economic prosperity, protecting critical ecosystems, and preserving the region's cultural identity through maintaining accessibility. Responding to this challenge will require broad public support for policies and practices that strike reasonable balances among competing interests and connect to lasting themes that society values. These policies will also require deepening understanding and communication of scientific and engineering problems surrounding coastal processes.

Crystal Cove State Park represents a natural laboratory for science and engineering, ideal for engaging underserved K-12 and college students. Additionally, the Park hosts hundreds of thousands of visitors each year, creating an extraordinary opportunity for education and dissemination of research findings. University of California, Irvine faculty and staff are already working with CCA and CCSP to develop and launch educational programs focused on understanding systemic changes to our local ecosystem, and we believe that our model can expand to explore topics such as sea level rise, coastal management, and engineering adaptation.

We envision a coupled research and education program that engages K-12, undergraduate, and graduate students in measuring and analyzing coastal changes over a range of spatial and temporal scales, leveraging the expertise of our institution in these areas, while leveraging the popularity of Crystal Cove State Park to maximize public engagement and dissemination. The restoration of the remaining historic cottages, paired with the already-restored cottages in the Historic District, will serve as an ideal prototype for evaluating the dynamic interface between the built world and natural systems, exemplified by the fundamental challenge of sea level rise and society's need for adaptation.

This project will offer a truly unique opportunity to engage students in an innovative outdoor classroom that captures the fundamental tension between human and natural systems, including traditionally underserved students which should not be underestimated. The opportunity for underserved students to stay overnight in a shoreline cottage promises to deepen understanding about coastal dynamics in ways that day trips cannot, and the facility will enable researchers to develop and test strategies to communicate the challenges of coastal adaptation, and implications of proposed interventions, for all of California..

Sincerely,

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# W22b

Filed:	6/13/16
270th Day:	3/10/17
Staff:	AD -LB
Staff Report:	2/17/17
Hearing Date:	3/8/17

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-16-0552

**Applicants:** California Department of Parks and Recreation; The Crystal Cove Alliance

**Project Location:** Crystal Cove Historic District, Crystal Cove State Park  
Newport Beach (Orange County)

**Project Description:** Renovate 17 historic cottages on the North Beach of the Crystal Cove Historic District and convert for overnight visitor serving uses. Each cottage renovation generally includes: construct new caisson and grade beam foundation, complete interior restoration with structural integrity measures, reconstruct exterior stairways, restore architectural features, install new roofing and replace façade materials where necessary, reconstruct retaining walls immediately behind each cottage and install new utility extensions to each cottage. Additional development includes constructing the following: a 650 foot long, 4 foot wide beachfront boardwalk upon caissons and adjacent 8 foot wide service pathway, a 4 foot deep concrete soil retention curb and infiltration trench immediately inland of the boardwalk and service path, a soil debris wall at the toe of the bluff near cottages 20 and 36, a caisson and grade beam system for slope stabilization of North Beach Road and repave the existing asphalt road, 2 emergency overflow underground sewage tanks, reconfigure the bluff top check-in parking lot from 16 spaces to 24 spaces, and new landscaping. Project includes a proposal to construct one low-cost hostel cottage and conduct an educational overnight program, which will be funded with previously acquired mitigation fees for lower cost visitor serving overnight accommodations.

**Staff Recommendation:** Approval with conditions

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## SUMMARY OF STAFF RECOMMENDATION

This proposal completes the final phase (Phase III) of the plan to restore the historic cottages at the Crystal Cove Historic District in the Crystal Cove State Park. The Crystal Cove Historic District is a beachfront community of 46 historic cottages (from 1930-40s) that, at one time were leased as private residential vacation cottages. The California Department of State Parks acquired the property in 1979 and planned to preserve and restore the historic cottages and convert them from private residential to public overnight accommodations. The Historic District is listed on the National Register of Historic Places. In 2003, the Commission approved the Public Works Plan (PWP) major amendment (PWP 4-82-A2), certifying the plan (called the Preservation and Public Use Plan (PPUP) ) for the Historic District to be restored and open to the public and to convert most of the residential cottages to overnight accommodations. At the same hearing in 2003, the Commission approved the specific project approval (PWP 4-82-14) for construction of Phases I and II of the restoration of the Historic District. Phases I and II included the restoration of most of the cottages and associated infrastructure, the establishment of the parks operations, restaurants, and educational commons cottages that are currently open to the public, and various support facilities such as parking lots, restrooms, picnic areas, a visitor center, and upland trails.

While the Commission certified the plan to open and restore the Historic District, conceptually approving the restoration of all the cottages and associated infrastructure, the actual construction and development for the final Phase of the project has not yet been permitted. Some elements of the current proposal were not explored or are not included in the PWP for the Crystal Cove Historic District, which is why the applicants are not seeking a PWP specific project approval at this time, but are seeking a coastal development permit for Phase III. The PWP is used as guidance for the project and for the elements for which there is applicable information in the PWP; however, because the current proposal does not fully fall within the scope of the PWP and the project area is not within a certified LCP jurisdiction, the standard of review for this project is Chapter 3 of the Coastal Act. Also used as guidance are the special conditions that were placed on the PWP amendment and the specific project approval for the Phases I and II of the Historic District restoration (special conditions of PWP 4-82-A2 and PWP 4-82-14).

The project proposal is primarily for the restoration of the last unrestored cottages remaining in the Historic District: the 17 cottages on North Beach. Additional elements are included in the proposal for infrastructure, safety, and access improvements. All cottages and historical landscape features are proposed to be rehabilitated according to the *Secretary of the Interior's Standards for Treatment of Historic Properties*. Major elements of the proposal include: restoration and reconstruction of the 17 cottages on North Beach with new caisson and grade beam foundations, with the most vulnerable cottages having elevated foundations raised 2 feet, and reconstruction of their individual retaining walls and new utility lines, the slope stabilization of North Beach Road, the demolition of the remaining portions of the existing boardwalk replica and the construction of a new 650 foot long, 4 foot wide beachfront boardwalk and an 8 foot wide service pathway along the North Beach with caisson foundation, small expansion of the existing check-in parking lot into an area that had been previously graded and re-planted with

coastal sage scrub and reconfiguration to add 8 new parking spaces, construction of a 20 foot high, 120 foot long new soil debris wall located inland of cottages #20 and 36 at the toe of the bluff made of wood boards with a caisson foundation, installation of new landscaping and lighting, and the use of mitigation funds to establish new lower cost overnight accommodations. Cottage #20 is proposed as a dorm style cottage and would contain 11 beds, to be rented individually per bed. The proposal also includes establishment of an overnight educational program for approximately 200-300 under-served youth per year to have 2-night stays in Cottage #20 throughout the school year, using a portion of the mitigation funds held in an endowment for the program.

The subject application involves the extensive restoration work (essentially demolition and reconstruction) to the existing non-conforming bluff face cottages that constitutes new development of structures in a hazardous location. Additionally, the application includes construction of new infrastructure, such as the utility lines and boardwalk/service path, which are not sited outside of the hazardous locations to minimize risk to life and property. As proposed in this hazardous location, these new structures would need to rely on the proposed caisson foundations and bluff protection (cottage foundations and boardwalk/path foundation, and debris wall), without which the proposed structures could not be feasibly developed in this location. Alternatives for constructing the cottages, boardwalk and service pathway, and debris wall that would avoid requiring construction of protective devices that would substantially alter natural landforms may be feasible, but none of the alternatives would maintain the historic special nature of the community, or the physical access requirements to the cottages for overnight guests.

This application raises questions about whether or not the proposed development will create the need for additional shoreline armoring and/or bluff protection, or become increasingly reliant on the proposed caisson foundations, either now or in the future. In past Commission decisions, the Commission has made the assumption that the new development being considered would have a minimum of 75-100 years of economic life and that siting and design should assure it will be safe for at least this time period. In this case, the new development and the improvements to the cottages would not meet these standards without the proposed shoreline protection (caisson foundations), and would experience flooding and wave attack with increasing intensity over the next 35 years, and with current sea level rise expectations, the continued flooding and wave attack will increase such that the cottages will endure for a total of approximately 50-60 years, with the proposed raised caisson foundations.

While the project is not consistent with Coastal Act Section 30253(b) to avoid new development in hazardous locations, and to not rely on protective devices that result in significant alteration of landforms such as bluffs, based on the findings below and the unique factors presented by the subject case, the application can be approved with conditions by the Commission using the conflict resolution provisions found in Coastal Act Section 30007.5 given that the Coastal Act's public access and recreation policies concurrently warrant approval of the proposed development.

The proposed project presents a conflict between policies for new development and hazards in Section 30253 (a-b) and policies to protect public access, special coastal communities, and lower cost overnight accommodations in Sections 30253(e) and 30213. The Commission may only resolve the conflict in a manner which on balance is the most protective of significant coastal

resources. Alternatives for constructing the cottages, boardwalk and service pathway, and debris wall that would avoid requiring the construction of protective devices that would substantially alter natural landforms is not feasible, due to the historic special nature of the community, the access requirements to the cottages, and the location of the necessary structure in a hazardous location where alternative siting is not feasible.

Denial of the project would interfere with the Commission's mandate to maximize access, protect special communities and provide lower cost public recreational facilities, and therefore staff is recommending approval with conditions.

Conditions of the project ensure that final revised plans are submitted (Special Condition 1), that the development, occupants, and marine resources are safe during storms events (Special Condition 13), that the overnight accommodations are offered to the general public at affordable and lower cost rates and that rate increases in the future do not exceed the affordability parameters of the PWP (Special Condition 2), that any impacts to Coastal Sage Scrub are mitigated (Special Condition 3). Conditions also ensure that the authorization of the shoreline structures and bluff protection permitted for this development are subject to expiration when the development is no longer present or is redeveloped or is no longer requires the structures (Special Condition 5). Special Condition 5 also requires the development to be removed if they are no longer safe for occupancy or use per the submittal of periodic bluff and coastal hazards reports or if a government agency makes such a determination, and that no additional future shoreline protection or expansion of the permitted shoreline structures is allowed, and the development approved per this permit shall be removed if the development encroaches onto migrating public tide lands. No other uses or timeshare or other fractional ownership or long-term occupancy of units is permitted without an amendment to this permit (Special Condition 6). The conditions also require that future improvements may require an amendment (Special Condition 4) and that the applicants understand there is an assumption of risk to developing in this location (Special Condition 7). Any shoreline structure exposed in the future will need to be treated with visually compatible materials (Special Condition 8). For the protection of resources, a dark-sky lighting plan shall be submitted and a final landscaping plan shall include low water irrigation and no fuel modification shall take place within sensitive coastal vegetation (Special Conditions 9 and 10) and construction timing shall not disturb nesting birds (Special Condition 11), and for the protection of marine resources, a final Storm Water Pollution Prevention Plan and a Runoff Control Plan shall be submitted (Special Condition 12).

Staff recommends **approval** of the coastal development permit with special conditions. As conditioned, the development proposal is most consistent with the resource protection policies of the Coastal Act.

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## APPENDICES

Appendix A: Substantive Files List

## EXHIBITS

Exhibit 1 – Area Map  
Exhibit 2 – Site Map  
Exhibit 3 – Elements of Phase III proposal  
Exhibit 4 – Check-in Parking Lot Plans, as built 2003-04  
Exhibit 5 – Check-in Parking Lot Plans, proposed 2015  
Exhibit 6a – 2002 MOU for Mitigation Funding  
Exhibit 6b – 2012 MOU for Mitigation Funding  
Exhibit 7 – ESHA Map of Bluff Scrub  
Exhibit 8 – Map of Slope Stabilization anticipated in PWP, 2003  
Exhibit 9 – Proposed Overnight Rates  
Exhibit 10 – Project Plans  
Exhibit 11– Site Photographs  
Exhibit 12– Projected flooding, Cosmos  
Exhibit 13– Fiscal Operations Plan, 2003  
Exhibit 14—Proposed Overnight Educational Program Outline

## I. MOTION AND RESOLUTION

### **Motion:**

*I move that the Commission **approve** Coastal Development Permit No.5-16-0552 pursuant to the staff recommendation.*

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

### **Resolution:**

*The Commission hereby approves Coastal Development Permit 5-16-0552 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or 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**

#### **1. SUBMITTAL OF FINAL AND REVISED PLANS.**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval two (2) sets of revised final project construction and grading plans consistent with the following:

1. Final infrastructure plans and grading plans in substantial conformance with plans dated Nov. 21, 2014;
2. Final construction staging plans with staging locations outside of the public beach and habitat areas, as proposed;
3. Slope stability plans to include the construction of caissons immediately seaward of North Beach Road only in substantial conformance with plans dated Nov. 21, 2014 and the construction of one soil debris wall inland of cottages 20 and 36 only in substantial conformance with the Geotechnical report by LCG Geotechnical Inc. dated August 7, 2015;
4. Final plans for the bluff top check-in parking lot with the grading limit not to exceed the final grading/disturbance line of the existing, previously approved parking lot area of disturbance, and showing the limits of the Gnatcatcher use areas and ESHA and not encroaching into use areas or ESHA;
5. The boardwalk and service pathway combined shall be no more than 12.5 feet wide, aligned approximately 2 feet landward of the alignment identified in the plans submitted to Commission staff on Jan. 15, 2015. The mean high tide elevation as of the date of the revised plans shall be shown on the plans;
6. The final plans for the proposed lower-cost overnight educational program to be implemented by the Crystal Cove Alliance including plans for the endowment, the amount of youth served each year, and an approximate timeline of funding the endowment will allow consistent with Special Condition 2 below;
7. Plans for bike racks within existing paved areas in the Los Trancos parking lot where feasible may be submitted, so long as there is no reduction to the amount of parking;
8. Signage Plans shall include a minimum of one sign shall be installed on or adjacent to the Open Dorm style cottage that acknowledges the California Coastal Commission's role in providing public access at this location by including the agency name and logo.

B. PRIOR TO THE COMMENCEMENT OF ANY COTTAGE RESTORATION, the applicant shall submit to the Executive Director for

review and written approval two (2) sets of revised final construction plans for the cottages consistent with the following: Final plans for each cottage restoration are required including demolition plans, foundation plans (showing grade beam and caisson foundations, as well as any fill materials under raised foundations), existing and proposed floor plans, and exterior elevations.

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.

**2. LOWER COST OVERNIGHT ACCOMMODATIONS AND USE OF MITIGATION FUNDS.** By acceptance of this permit, the applicant agrees that the proposed project shall provide lower cost overnight accommodations in Phase III of the restoration of the Crystal Cove Historic District to meet the requirements of the Public Works Plan (PWP) and the requirements for the expenditure of mitigation funding established in the Memorandum of Understanding (MOU) between the Commission and the Crystal Cove Alliance, signed June 18, 2012, as follows:

- a. A minimum of 11 beds in the Open Dorm are required onsite in Phase III, which in addition to the existing and proposed accommodation types, shall enhance the range of overnight accommodation styles and affordability onsite, consistent with the PWP;
- b. The beds in the Open Dorm shall be rented individually on a per bed basis and must provide lower cost overnight accommodations for the life of the development;
- c. The Open Dorm beds offered to the public shall be in accordance with subsection (d) and , subject to subsection (e) below;
- d. Rental rates per night for Phase I, II and III units shall be in accordance with the “Alternate Fixed Rental Rates” as proposed by the permittee in the attachments of the July 6, 2016 letter *Concession Request to Convert to Fixed Cottage Rental Rates* from California State Parks, and the document *Phase III Proposed Rates* “Alternate Proposed Fixed Rental Rate Plan” dated April 30, 2015 and attached to this staff report as **Exhibit 9**, as follows for the life of the development subject to subsection (e), below:

Rental Unit	Guest Capacity	Rates per night
Large Cottage	6 or more	\$245
Medium Cottage	4-5	\$209

5-16-0552 (Crystal Cove State Park, Historic District)

Small Cottage	1-3	\$175
Large Private Dorm Room	1-6	\$105
Medium Private Dorm Room	2-4	\$69
Small Private Dorm Room	1-2	\$35
Open Dorm beds in shared rooms	1 bed	\$35

- e. Periodic Consumer Price Index (“CPI”) increases or State-approved Short Term Rate Increases, as defined in the Concession Contract between State Parks and the Crystal Cove Management Company in effect on 3/8/2017, with verification by State Parks, shall be submitted by certified US Mail to the Executive Director’s representative in the South Coast District Office. Any other rate adjustments, beyond CPI or Short Term increases, shall be submitted to the Executive Director to determine whether a permit amendment is required.
- f. Of the \$5 million in-lieu fee mitigation funding provided by the Commission subject to the Memorandum of Understanding (MOU) between the Commission and the Crystal Cove Alliance signed June 18, 2012, \$4 million plus any accrued interest since the initial deposit may only be used for the construction and rehabilitation of the cottages and their conversion into affordable overnight accommodations and all supporting infrastructure. Use of these mitigation funds is expressly conditioned on compliance with Special Conditions 2.a, 2.b, 2.c and 2.d;
- g. Of the \$5 million in-lieu fee mitigation funding provided by the Commission subject to the MOU between the Commission and the Crystal Cove Alliance signed June 18, 2012, a total of \$1 million of the mitigation funds shall be used to establish an endowment to fund the proposed lower cost overnight educational program approved by the Executive Director pursuant to Special Condition 1.A.6 to be implemented by the Crystal Cove Alliance or any successor in interest. Any interest accrued on the \$1 million deposit shall be used to fund the program. The Endowment will be used to fund and support an educational program that engages inland and/or Title 1 high schools, junior high schools, and non-profit groups (i.e., Girls Inc.; Girl Scouts; Boys & Girls Club), primarily those serving disadvantaged or lower-income families who do not typically have access to the coast. The overnight educational program shall provide environmental and outdoor related education for a minimum of 125 under-served youth per year, each spending 2-night stays. The number of youth served may be adjusted as needed to preserve the endowment so as to perpetuate the program for the life of the proposed development, but shall not be less than 125 youth per year. The overnight educational program shall operate until the expiration of the

contract between the Crystal Cove Alliance and State Parks (currently 4/30/2056). Upon expiration of the contract between the Crystal Cove Alliance and State Parks (after 4/30/2056) any remaining endowment funds shall be utilized for an overnight educational program that is substantially the same as the proposed program at the Historic District by the entity in contract with State Parks at that time for administration of the overnight educational program. Continued use of the funds remaining after expiration of the contract between the Crystal Cove Alliance and State Parks is subject to review and written approval of the Executive Director and may require an amendment or new coastal development permit. If after 4/30/2056 State Parks is not in contract with a non-profit entity capable of running the educational program, then any remaining funds may be immediately reassigned by the Executive Director for another use that provides lower cost accommodations, construction or programming. If the funds are assigned to a new use with a new entity, the remaining funds in possession of the Alliance shall be transferred to the reassigned program administering entity;

- h. A minimum of 11 beds in the newly-constructed Open Dorm, Cottage 20, shall be made available for overnight stays specifically for the overnight educational program at no cost to the students/children for a minimum of 36 nights per year (18 two-night programs) to be scheduled during the traditional school year (September to June) The program elements necessary to accomplish the reservation of the Open Dorm beds for such programmatic use shall be submitted to the Executive Director for review and written approval prior to the commencement of the program;
- i. By acceptance of this permit, the applicant agrees that annual occupancy rates for the Dorm-style cottages (both private room and shared room Open Dorm types) shall be submitted to the Executive Director. The occupancy rate shall be reported per bed. Occupancy reports shall be submitted to the Commission annually for 5 years from the date of Certification of Occupancy.

After 5 years from the date of occupancy, if the average occupancy rates per bed for cottage #20 are more than 15% less than the average occupancy rates for dorm rooms in cottages #29, 38 and 39 in the same years, or if the severity of public safety incidents is more significant in cottage #20 than in the dorm rooms #29, 38 and 39 in the same years, then the applicant may submit to the Executive Director an amendment application to propose alternative plans to increase the occupancy rates and/or the safety of cottage #20 and continue to be consistent with the above requirements to provide lower cost overnight accommodations. If Cottage #20 becomes permanently uninhabitable while other accommodations are still in operation, the applicant shall submit an amendment application to provide equivalent accommodations at an alternative location for the overnight educational program.

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

3. **COASTAL SAGE SCRUB MITIGATION. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a final plan for all impacts to Coastal Sage Scrub for the proposed check-in parking lot expansion. Said plan shall include the following:
- A. To minimize impacts of development activities on environmentally sensitive habitat areas, as defined in the certified Public Works Plan, the applicants shall carry out development consistent with the Certified Crystal Public Works Plan. Environmentally Sensitive Habitat Areas (ESHA) shall protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
  - B. Where impacts to Coastal Sage Scrub (CSS) habitat are allowed, mitigation shall be provided at a replacement ratio of 1:1 for non-ESHA defined CSS. Creation shall be defined as the establishment of habitat in an area that does not currently contain CSS habitat but where the soils, topography, etc. are appropriate for long-term viability and may have supported the habitat in the past. Substantial restoration may also substituted for creation. Substantial restoration shall be defined as the establishment CSS habitat in highly-degraded areas where the effective function of the habitat type has been lost, but which still contains remnant plants of the identified habitat.
  - C. Onsite (within the Historic District) or off-site (outside of the Historic District, but within the Crystal Cove State Park boundaries) open space areas may be utilized to satisfy required mitigation for CSS habitat impacts associate with the check-in parking lot development.

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

4. **FUTURE DEVELOPMENT RESTRICTION.** This permit is only for the historic property restoration development project described in Coastal Development Permit No. 5-16-0552 and conditioned herein. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 5-16-0552 from the California Coastal Commission or shall

require an additional coastal development permit from the California Coastal Commission, or may be processed as a Public Works Plan Specific Project pursuant to Sections 30605 and 30606 of the Coastal Act.

**5. SHORELINE STRUCTURE AUTHORIZATION AND MAINTENANCE, DEVELOPMENT DURATION, AND NO FUTURE PROTECTIVE DEVICES.**

**A. Shoreline and Bluff Structure Authorization.** By acceptance of this permit, the applicants agree, on behalf of itself and all successors and assigns, that this CDP authorizes the shoreline structures (caisson foundations for the cottages and service path and boardwalk and soil debris wall) temporarily pursuant to the following:

**i. No future right to shoreline and bluff structures.** By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no expansion of shoreline protection beyond what is permitted in Coastal Development Permit No. 5-16-0552 (caisson foundations), and no new bluff protective devices or new shoreline protective device(s) that would substantially alter natural landforms (including the beach) or alter bluffs and cliffs shall be constructed in the Historic District to protect the development approved pursuant to Coastal Development Permit No. 5-16-0552 including, but not limited to, the restored cottages, boardwalk and service path, infrastructure, slope stability measures, and any other future improvements in the event that the development is threatened with damage or destruction from sea level rise, waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such new devices, beyond what is included in Permit No. 5-16-0552 (caisson foundations), that may exist under Public Resources Code Section 30235. Any right to shoreline protection included in this Permit No. 5-16-0552 is subject to subsection ii below.

**ii. Expiration.** This authorization for the shoreline structures supporting the historic boardwalk structure and cottages expires when the historic cottages and/or boardwalk/service path structure (1) is/are redeveloped as defined in subsection iii below or needs extensive repair or maintenance meeting the definition of redevelopment; (2) is/are no longer present; or (3) no longer requires the caissons, whichever occurs first. This authorization for the soil debris wall and supporting caissons inland of cottages #20 and 36 expires when one or both of cottages #20 and 36 (1) is/are redeveloped as defined in subsection iii below or needs extensive repair or maintenance meeting the definition of redevelopment; (2) is/are no longer present; or (3) no longer requires the debris wall, whichever occurs first. Prior to the anticipated expiration of the shoreline structure and debris wall authorization and/or in conjunction with redevelopment of the property, the permittees shall apply for a new CDP or amendment to this CDP, to remove the shoreline structures and/or soil debris wall or to modify the terms of its authorization, including with respect to any necessary mitigation. If the development supported by the caissons is no longer present or is removed from the site (either intentionally or partially removed from natural causes), the applicant and all successors and assigns must completely remove the caissons and debris wall from the public beach and toe of the bluff within 6

months, subject to a CDP and other applicable consultation, review and comment from the State Historic Preservation Officer as defined in California Public Resources Code 5024.5

**iii. Reliance on Permitted Armoring.** No future development, which is not otherwise exempt from coastal development permit requirements, and no redevelopment of the existing structures in the Historic District development, shall rely on the permitted bluff retention devices (soil debris wall) to establish geologic stability or protection from hazards, nor shall it rely on the permitted shoreline structures (caisson foundations) for stability or protection from hazards, permitted pursuant to this Coastal Development Permit No. 5-16-0552. Such future development and redevelopment on the site shall be sited and designed to be safe without reliance on bluff protection or shoreline armoring.

As used in these conditions, “redeveloped” or “redevelopment” consists of alterations including:

(1) additions to an existing structure, (2) cumulative renovations and improvements, (3) and/or demolition of an existing bluff or shoreline development, or portions thereof, which results in: alteration of 50 percent or more of any major structural components including but not limited to foundation, exterior walls, floor and roof structure, and/or a 50 percent increase in floor area. Changes to individual major structural components are cumulative over time following completion of the development authorized by CDP 5-16-0552.

**B. Immediate Bluff and/or Coastal Hazards.** In the event the mean high tide line defined as the “mean high water”<sup>1</sup> recedes to within 10 feet of the boardwalk/service pathway or the slopes of the coastal bluffs have been determined by a geologist to be unstable, but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by both a licensed coastal engineer and a geologist retained by the permittee, that addresses whether any portions of the development are threatened by sea level rise, wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could preserve identified endangered Historic District development without shoreline protection including, but not limited to, relocation of portions of the development inland, and/or removal. If the geotechnical report concludes that the cottages or boardwalk/service path or any portion of the development is unsafe, the permittee shall submit a coastal development permit application for cottage, boardwalk/service pathway, or structure relocation and/or demolition, and in accordance with an approval of a coastal

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<sup>1</sup> Mean High Water as defined by National Oceanic and Atmospheric Administration (NOAA), website: <https://shoreline.noaa.gov/glossary.html#partr>.

A tidal datum. The average of all the high water heights observed over the National Tidal Datum Epoch. For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent datum of the National Tidal Datum Epoch. (NOS CO-OPS 1 2000).

development permit so requiring it and review and comment from the State Historic Preservation Officer as required per California Public Resources Code 5024.5, relocate and/or remove the threatened portion of the development.

**C. Periodic Bluff and Coastal Hazards Reports.** By acceptance of this Permit, the applicants/landowners further agree, on behalf of themselves and all successors and assigns, that periodic bluff edge monitoring reports and coastal hazards reports will be submitted as continued condition compliance. The submission of one bluff edge monitoring report and one coastal hazards report to the Executive Director of the Coastal Commission, sent directly to the Coastal Commission's South Coast District office at least once every 10 years (or at earlier intervals if geologic conditions degrade and/or coastal hazards severity increase such that more frequent review is warranted, to be evaluated in the required periodic reports) is required and shall include:

1. A geotechnical investigation and coastal processes investigation shall be prepared by a licensed professional, coastal engineer and geologist with expertise in coastal processes and hazards) retained by the applicants, that addresses whether any portions of the restored cottages, boardwalk and service path, infrastructure, slope stability measures, and any other improvements are threatened with damage or destruction from sea level rise, waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future.
2. The bluff edge monitoring report shall document any changes in the condition of the bluff, including erosion since the date of permit issuance, and shall document the location of the bluff edge in relation to Cottages #20 and 36. The report shall identify all those immediate or potential future measures that could stabilize the bluff and protect the cottages without the use of bluff protective device(s) that substantially alter the natural landform along bluffs and cliffs including but not limited to removal or relocation of portions of the development.
3. The coastal hazards report shall document the changes in the beach and shoreline, including sea level rise since the date of permit issuance, and shall conclude whether or not the development is currently safe and protected from coastal hazards under the current conditions at the time. The report shall identify all those immediate or potential future measures that could protect the development from flooding and coastal hazards without the use of shoreline protective device(s) including but not limited to removal or relocation of portions of the development.
4. If the geotechnical report or coastal hazards report concludes that the cottages, and/or the service path/boardwalk, or any portion of the development is unsafe for use or occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard through: measures that could stabilize the development without the use



of bluff or shoreline protective device(s) or measures which include removal of the threatened portion of the structure from the site. Any such removal of historic structures will also require consultation, review and comment with the State Historic Preservation Officer and compliance with other required environmental mandates.

**D. Development Duration.** Development shall be removed and the affected area restored to a natural condition if: (a) a government agency declares the development unsafe for occupancy and/or use; (b) the development requires new and/or augmented shoreline protective devices (including additional elevation for structures already elevated); (c) the development encroaches onto State tide lands (including as the public trust lands migrates); (d) access and utilities are no longer available to serve the development; and/or (e) as recommended by any reports required under this condition; (f) consultation, review and comment are undertaken with the State Historic Preservation Officer as required in California Public Resources Code 5024.5 regarding demolition or removal of any or all of the contributing structures, elements or features of the National Register of Historic Places listed Crystal Cove Historic District property.

By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the permittee and/or landowner shall remove the development authorized by this permit, including the boardwalk and service path and infrastructure and cottages, if any government agency has ordered that the structures are not to be used or occupied due to any of the hazards identified in subpart B above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit and consultation with the State Historic Preservation Officer as defined in California Public Resources Code 5024.5.

6. **GENERAL OCCUPANCY REQUIREMENTS.** By acceptance of this permit, the applicant agrees that all cottages subject to this coastal development permit shall be open to the general public as overnight accommodations as proposed. Other appropriate uses, such as park operations or interpretation and education as identified and approved in the Preservation and Public Use Plan (PWP), of these cottages may be considered so long as the total number of cottages being used for overnight accommodations in the historic district is not reduced. Conversion of Cottage #20 from overnight accommodations to any other uses as identified in the PWP such as park operations or interpretation and education requires an amendment to this coastal development permit. No other uses or timeshare or other fractional ownership or long-term occupancy of units is permitted without an amendment to this permit.

7. **ASSUMPTION OF RISK, WAIVER OF LIABILITY, AND INDEMNITY AGREEMENT.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site of the Crystal Cove Historic District is subject to hazards from sea level rise, waves, storm events, flooding, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection

with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defiance of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

8. **CONCEALED STRUCTURE EXPOSURE.** By acceptance of this permit, the permittee agrees that in the event any project features initially proposed to be subsurface (primarily the caisson and grade beam proposed structure seaward of North beach road and the caisson foundations of the cottages) subsequently becomes exposed to public view from the public beach, the applicant shall provide for visual and aesthetic treatment to conceal any unexpectedly exposed structures and foundational elements. The aesthetic treatment shall provide that exposed materials match the surrounding terrain to the extent feasible, to minimize visual impact of the exposed features. The Executive Director shall determine whether the proposed work will require an amendment to this coastal development permit, a new coastal development permit, or whether no amendment or new permit is legally required.
9. **LIGHTING PLAN.** By acceptance of this permit, the permittee agrees that a lighting plan to protect the beach and other sensitive areas from light generated by the project shall incorporate the following:
  - A. All allowed night lighting shall be minimized, directed downward, and shielded using the best available dark skies technology and pole height and design that minimizes light spill, sky glow, and glare impacts. The only outdoor night lighting allowed on the subject parcel is limited to the following:
    1. The minimum necessary to light walkways used for entry and exit to the structures and the public boardwalk, walkways, and paved surfaces. This lighting shall be limited to fixtures that do not exceed three feet in height above finished grade, are shielded and directed downward and inland from the beach, and generate the same or fewer lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized in writing by the Executive Director.
    2. Any security lighting attached to the structures shall use a control device or automatic switch system or equivalent functions to minimize lighting and is limited to the same or fewer lumens equivalent to those generated by a 60 watt incandescent bulb. The control system shall include controls that automatically extinguish all outdoor lighting when sufficient daylight is available.
    3. No lighting shall be installed on the beach or that points toward the beach and/or ocean and no lighting shall be installed near or within the sensitive bluff vegetation or directed toward the bluff vegetation.

**10. LANDSCAPING PLANS.**

- A. By acceptance of this permit, the applicant agrees that landscaping plans, prepared by a licensed landscape architect or a qualified resource specialist, comply with the following requirements:
1. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of receipt of the certificate of occupancy. Existing and historic non-native vegetation shall be allowed to persist in their historic locations within the Historic District consistent with the PWP. The non-native vegetation must be maintained and controlled and shall not be allowed to spread outside of the historic district boundary. Efforts should be made to eliminate or minimize irrigation.
  2. All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the region using accepted planting procedures as appropriate to the historic landscape plan, and consistent with fire safety requirements. All native plant species shall be of local genetic stock wherever feasible. Such cut and fill slope planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
  3. Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable historic landscape requirements;
  4. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
  5. No Fuel Modification shall take place within or near areas of coastal sage scrub and coastal bluff scrub defined as ESHA (as shown in **Exhibit 7**) in the Historic District.

- 11. CONSTRUCTION TIMING.** By acceptance of the permit, the permittee agrees that: to avoid adverse impacts on sensitive bird species, such as the California gnatcatcher, project construction for the Check-In Parking Lot reconfiguration should be undertaken outside of breeding season (February 15 to September 1). If for any reason the parking lot construction needs to be undertaken during breeding season it shall be fully monitored to reduce and/or eliminate the likelihood of disturbance to avian species, consistent with the following:

A pre-construction survey (one week prior to such work) shall be conducted by a State Parks Environmental Scientist to ensure that no breeding/nesting birds are present in the work area. Should any nest site be located, (for a sensitive species or raptor), any and all construction within 100 feet that may result in disturbance to the species shall not occur until such time that the species have naturally vacated the area for the season, without human or mechanical interference. State Parks Environmental Scientist or designee will determine if the species have vacated. The State Parks Environmental Scientist or

designee, shall advise the project managers regarding methods to avoid significant impacts and disturbance to nesting birds. Should construction activities causing disturbance be encountered, such as sound levels exceed 60 dbh during breeding season, then construction activities will be modified or rescheduled until the birds have vacated the area.

All pre-construction surveys shall be submitted to the Commission within 30 days from the date of survey.

**12. INTERIM EROSION CONTROL, DRAINAGE PLAN, AND CONSTRUCTION BMPs.**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director:

- A. A final Storm Water Pollution Prevention Plan (SWPPP) or a final Construction Pollution Prevention Plan as indicated in the letter dated August 12, 2014 from California State Parks which shall also contain erosion control and construction BMPs as required in the PWP on page 156 of the Crystal Cove Historic District Preservation and Public Use Plan dated November 2003.
- B. Two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a licensed civil engineer or qualified licensed professional, as described in the Water Quality Management Plan (WQMP) submitted with the application. Final plans will substantially conform to the preliminary plans included in the WQMP prepared for the project by Fuscoe Engineering dated April 25, 2014.

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. TSUNAMI SAFETY AND STORM PREPAREDNESS PLAN.**

By acceptance of this permit, the permittee shall comply with the Tsunami Safety and Storm Preparedness and Emergency plans on file in the record of 5-16-0552.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION AND BACKGROUND**

Crystal Cove State Park (CCSP) is located in Orange County between the communities of Corona del Mar to the north and Laguna Beach to the south (**Exhibit 1**). The 2,791 acre State Park includes a 3.25 mile long coastal section west of Pacific Coast Highway (PCH) and several inland areas. The coastal strip includes sandy beach, rocky tide-pools, an underwater park/marine protected area, bluffs and bluff-top trails, the 'Crystal Cove Historic District' cottages and beachfront restaurant and bar, and various support facilities such as parking lots, restrooms, and

picnic areas. The interior portion includes a visitor center, campgrounds (developed and rugged), and upland trails that extend into interior canyons and ridges. The park provides a large amount of open space surrounded by urbanized areas and is a major recreational and environmental resource for the region.

The proposed project site is within the Crystal Cove Historic District a 12.3 acre portion of CCSP, located on the seaward side of PCH. The Historic District consists of forty-six (46) historic seaside cottages, originally constructed between the 1930s and 1940s when the land was owned by the Irvine Company (TIC). The cottages were built by local residents including artists and Irvine ranch employees, among others, and eventually leased from TIC as private residential units. The Historic District was listed on the National Register of Historic Places in 1979 “because of its exceptional significance as a unique self-contained Southern California coastal community with a vernacular character that has remained intact since the 1930s.”<sup>2</sup> The property was acquired in 1979 by the State for use as a park. The cottage tenants were required to leave in July 2001 following several lease extensions granted during the planning effort for the future of the historic district. Since 2001, State Parks began the process of restoring the Historic District and adapting cottages for visitor serving uses as overnight accommodations, food service, park operations, and park interpretation and education.

The Commission approved the *Crystal Cove Public Works Plan* in May of 1982, and the conditions were fulfilled in August 1982 (PWP 4-82). As a condition of approval of that plan, the Commission required submittal of the *Crystal Cove Historic District Development and Public Use Plan* and *On-Site Maintenance Program*. A public works plan amendment (PWP 4-82-A2) replaced those documents with the *Crystal Cove Historic District Preservation and Public Use Plan* (PPUP), which together with the *Crystal Cove State Park General Plan Amendment* constitutes the amended *Crystal Cove Public Works Plan* (PWP). The PWP major amendment was approved by the Commission in 2003 and became effective December 10, 2003. Also approved by the Commission in 2003 was the specific project review (PWP 4-82-14) of the “First Phase Implementation” activities associated with the PPUP. After Commission approval, Phase I was split into Phase I and II for logistical construction activities and funding restrictions. During the first two phases, numerous structures were rehabilitated and adaptively reused for lodging, operations, a restaurant, and retail space. An entry kiosk and turnaround, entrance road widening, shuttle drop-off, a small parking lot, and a new trail were also constructed. In addition, retaining walls on South Beach were replaced and upgraded with soil nail walls that were surfaced to be compatible with the Historic District setting. Phase I included the rehabilitation of 3 dorm style cottages.

The proposal for this permit application constitutes the final phase activities of the Historic District restoration, or Phase III of completion (**Exhibit 2**). The applicants are the State of California Department of Parks and Recreation (State Parks) and the Crystal Cove Alliance (CCA). In April 2006, State Parks transferred operations of the Crystal Cove Historic District to the CCA, a 501 (c)(3) non-profit dedicated to preserving the cultural, natural and historic resources of Crystal Cove. The CCA benefits the Crystal Cove Beach Cottages (CCBC), a subsidiary of the CCA, which provides management of concession operations of the overnight rentals and food service in the Historic District. The CCA is currently focused on fundraising for the preservation and restoration of the remainder of the Historic District.

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<sup>2</sup> Page 26, Crystal Cove Historic District Preservation and Public Use Plan, November 2003

The project proposal is primarily for the restoration of the last unrestored cottages remaining in the Historic District: the 17 cottages on North Beach (see **Exhibit 3**). Additional elements are included in the proposal for infrastructure, safety, and access improvements. All cottages and historical landscape features are proposed to be rehabilitated according to the *Secretary of the Interior's Standards for Treatment of Historic Properties*. "Rehabilitation" is one of four treatments (preservation, rehabilitation, restoration, and reconstruction) identified in the Federal Historic Property Treatment standards. Rehabilitation standards acknowledge the need to alter or add to a historic building (or feature) to meet continuing new uses while retaining the building's historic character.

Below is a summary of each of the main elements of the project.

### **Cottage Restorations**

Each cottage on North Beach is proposed to be fully restored with complete interior and exterior rehabilitation meeting the *Secretary of the Interior's Standards for Treatment of Historic Properties*. Cottage restorations will include preservation of as much original fabric as possible with replacement of deteriorated materials in-kind per the standards. Each cottage restoration will generally include: upgraded utilities, enhanced structural support systems and new grade beam and caisson foundations for code compliance and public health and safety; repaired roofs, siding and other deteriorated elements, restored interior finishes, and restoration or reconstruction of historic landscape features (**Exhibit 10**). Cottage interior configurations and elements such as cabinetry, doors, hardware, etc. will be retained and restored with only minor alteration of a few select interior spaces for code compliance. Cottages will be dismantled, materials and features retained, and then reconstructed using as much of the original fabric as possible. Three cottages will have small rear additions demolished to allow for repairs and upgrades to historic retaining structures then the additions will be reconstructed. No cottage footprints will be enlarged. The 17 restored cottages will be made available for overnight use by the public, 16 of which will be rented as family-style cottages. The 17<sup>th</sup> cottage, Cottage #20, is proposed as a dorm style cottage and would contain 11 beds, to be rented individually like a traditional hostel, per bed.

The cottages are largely located upon the bluff face and bluff toe. The foundations of the existing cottages range from very rudimentary 'pioneered' systems comprised of found materials (e.g. rock, brick, pieces of concrete, etc.) to some poured concrete slab and perimeter walls (not deepened) or combination thereof. To address stability, the current proposal is to construct new caisson-grade beam foundations on all the cottages. Three cottages (#11, 28, and 20) located most seaward would be on foundations elevated 2 feet for wave attack protection. The remainder of the cottages will be at the same as existing elevation. Foundations will be installed by temporarily raising the structure, constructing the foundation, and then lowering the cottage onto the new foundation. Where necessary any exposed foundation would be given cosmetic treatment to ensure it matches the surrounding rustic appearance.

The restoration of the cottages was conceptually approved by the Commission at the certification of the PWP major amendment, but was not at that time permitted. The standard of review for the proposed cottage restorations is Ch. 3 of the Coastal Act, with the PWP as guidance.

### **North Beach Road Slope Stability**

Significant work is proposed to protect and improve the North Beach Road located just inland of the beach front cottages on North beach. The road descends from the bluff top to a point midway

on the bluff face where there is an existing partially collapsed garage (which will be restored). The applicants have proposed to construct 32 bluff caissons and grade beams for slope stabilization of North Beach Road and repave the asphalt road (see **Exhibit 10**). The slope upon which the road was constructed is in need of slope stabilization, according to the submitted Geotechnical reports. The road itself, as well as cottages below the road, are at risk. The concrete caissons will be 42 inches in diameter, spaced approximately 9 feet apart, with a 24 x 36 inch grade beam between each caisson from the northern-most point until just past cottage 23. From cottage 23 to the southern-most point, caissons will be 36 inches in diameter, spaced approximately 15 feet apart, with a 24 x 36 inch grade beam between each caisson. The system will be approximately 324 feet long, constructed below the surface grade. The bluff slope seaward/below the new stabilization system will be replanted with native vegetation. The road was originally paved in asphalt and is proposed to be repaved with new asphalt. Water quality measures have been incorporated to protect the slope and prevent erosion, as well as protect the marine environment. V-ditches and terrace drains would accommodate the proposed retaining walls, storm drain grate inlets would be added to the parking lot, the asphalt roadway would include a trench drain to collect low-flow storm water and runoff and direct the flow into a modular wetland system for onsite treatment.

Slope stabilization of this bluff on North Beach Road was included in the PWP, although the actual construction method for stabilization was not determined at that time. Under this permit application, the slope stabilization proposal is for bluff caissons and grade beams.

### **Retaining Walls**

Each cottage on North Beach is surrounded by existing retaining walls. When the cottages were originally constructed, most of them were constructed on the bluff face and the retaining walls were intended to protect the cottages from bluff erosion. Each cottage renovation plan on North Beach (and the garage at the northern end of North Beach Road) includes restoring and enhancing the existing retaining walls, ranging in height from 2 feet to 10 feet (**Exhibit 10**). Two new retaining walls are proposed in conjunction with the service pathway for service cart parking and turn-around areas.

Retaining walls for each cottage were included in the PWP.

### **Boardwalk**

The historic boardwalk no longer exists onsite, and the portions remaining today are a re-creation of the original boardwalk that has been washed out in recent years due to wave attack. The historic boardwalk was constructed at grade, or just above the level of the sand, which meant that there was no need for staircases from the boardwalk to the beach and no need for hand railings. The specific project approval of 2003 approved reconstruction of the boardwalk, consistent with the historical manner. It was described in the EIR:

*The proposal is to rehabilitate the boardwalk for its entire length by placing timber poles and stringers similar to the existing configuration. The stringers would be embedded below grade so as not to inhibit wave overtopping or movement of beach sand. Original materials will be re-used to the greatest extent possible and replacement materials selected to match the original materials in like-kind style, design, and size. Railings are not proposed for portions where such did not exist historically.*

The rehabilitation of the boardwalk originally envisioned in the PWP included construction

methods that maintained the historical accuracy and prevented the boardwalk from inhibiting natural beach processes, wave overtopping, and the movement of sand and water. However, this boardwalk was washed out due to wave attack and now a more structurally sound boardwalk is proposed.

The current proposal includes construction of a new 650 foot long, 4 foot wide beachfront boardwalk, along the North Beach located 2 feet landward of the historic boardwalk in the same alignment (see **Exhibit 10**). The construction of the boardwalk under the current proposal would include the complete demolition of the remaining portions of the existing boardwalk replica and constructing a new replica boardwalk upon reinforced concrete piers (concrete caissons) and reinforced concrete beams. Approximately 58 concrete piers would be constructed 8 feet deep into the sand and anchored 5 feet into bedrock (for a total of 13 feet deep or less). 12 x 6 inch redwood timber piers would be installed seaward of the concrete piers for aesthetic purposes to hide the concrete piers. The redwood piers would not be deepened like the concrete piers. The surface of the boardwalk, surface beams, and the stairs are proposed to be redwood timber. The new boardwalk would vary along the beach at different heights above the sand, ranging from 2 feet to 7 feet above the sand, depending on the seasonal changes in sand elevation. Because it is not proposed to be level with the sand, the boardwalk would include elements such as hand railings along the full length and eight (8) stairways down to the beach. The railings are proposed to be 3 feet and 6 inches above the boardwalk made with Douglass fir pressure treated posts and stainless steel open cables. The boardwalk is proposed to include low voltage lighting for pedestrians, specifically for safety on the stairs. The boardwalk and service pathway would be constructed with permeable surfaces.

### **Service Pathway**

An 8 foot wide service path is proposed to be constructed in conjunction with and immediately inland of the boardwalk. The boardwalk and service path would be constructed on a concrete beam supported by caissons. The service path would be covered in decomposed granite to mimic the surface of the sand. In combination with the proposed boardwalk at 4 feet wide, these elements together would occupy approximately 12.5 feet of beach width, for approximately 650 feet along the entirety of North Beach. Immediately inland of the boardwalk and service path structure would be a 4 foot deep soil retention curb and a 2 foot wide infiltration trench in which the fire hydrant line would be buried. The concrete soil retention curb will serve to protect the fire hydrant water line and to prevent erosion of inland soil. A beach front service pathway was not included in the PWP.

### **Expansion of the Check-in Parking Lot**

The majority of parking to serve the Historic District is provided at the Los Trancos parking lot located inland of Pacific Coast Highway (PCH). The 14 acre Los Trancos parking lot provides 394 spaces (389 standard spaces and 5 ADA spaces) for the public and for overnight guests of the Historic District. A pathway and tunnel leads from the parking lot to the Historic District under PCH and an at-grade crosswalk also crosses PCH from the Los Trancos lot to the Historic District on the seaward side of PCH. A shuttle for day-use visitors runs from the Los Trancos lot to the Village Hollow and drops visitors off near the beach and Beachcomber restaurant.

The proposal includes reconfiguration of the existing check-in parking lot, located on the bluff top near the registration cottage within the Historic District on the seaward side of PCH. The lot currently has 16 spaces, and is used for 15 minute guest check-in and check-out only. Guests



park in the lot while they check-in and unload luggage. Guests and luggage are taken by small electric carts (like a golf cart) to the cottage. After taking their luggage to the reserved cottage, guests walk back to the temporary parking lot and move their cars to the long-term parking at the Los Trancos lot, and then cross PCH on foot or use the day use shuttle to return to the Historic District. The same process works during check-out. The proposal is to reconfigure the bluff top parking lot to create a total of 24 parking spots (8 new spots) to accommodate the additional guests registering for the additional 17 newly renovated cottages (**Exhibit 5**). The lot would still be for check-in and check-out use only.

The bluff top parking lot is surrounded by Coastal Sage Scrub (CSS) and documented California Gnatcatcher territory. Direct impacts due to the proposed changes to the parking lot would result in impacts to approximately 0.08 acre of CSS vegetation that is not considered ESHA. Some of the additional spaces will be placed in an area that was previously graded during the construction of the existing parking lot (approximately 10-12 feet beyond the current parking lot footprint in either direction) and reconfiguration of the lot to add 8 more spaces. Two parallel spaces could be accommodated within the entrance lane to the parking lot. The current parking lot contains trash enclosures that would be relocated and restriping would add more spaces. These changes to the parking lot were not included in the PWP.

### **Soil Debris Wall**

The soil debris wall is proposed above cottages 20 and 36, along the bluff face to protect the cottages from bluff erosion. The debris wall would be located between the bluff and the cottages and would catch falling bluff materials before they impact the cottages seaward to allow for safe occupancy and use of these cottages.

The debris wall would be constructed with shear pins. 36 inch diameter steel reinforced concrete caissons will be embedded approximately 40 feet deep into bedrock, 8 feet apart, to support the wall at the toe of the bluff. The wall will be 20 feet high made of wood boards and approximately 120 feet long. The void between the wall and the bluff would fill with erosion materials over time. The fill materials will be removed periodically, and ideally deposited on the beach.

The bluff face location where the debris wall is proposed contains rare plant species and a sensitive vegetation community, coastal bluff scrub, but the debris wall would not impact the bluff vegetation. This wall design is different from the original proposal (5-13-1200) which would have stabilized the bluff face with a tie back wall. However, that system would have had direct impacts upon ESHA including grading and displacement of rare habitat. The proposed debris wall avoids all of these impacts.

While several areas were identified in the PWP as needed slope stabilization, the slope inland of cottages 20 and 36 was not one of them. Subsequent geotechnical reports have indicated slope instability in this location and therefore, the Soil Debris Wall is proposed under this permit application.

### **Utility Extensions and Fire Safety**

Underground utility improvements on the North Beach include the installation and/or upgrade of the sanitary sewer system, potable water lines, and fire service water lines. Electricity

connections shall remain on overhead power poles, which is considered part of the historic vernacular of the historic district. The water lines and sewer lines will originate from existing utility infrastructure near Cottage 29 and continue down North Beach Road and tie into each cottage on North Beach. Thirteen (13) sewer manholes will be constructed in between the cottages. Two (2) underground sewer tanks will be installed: a 1,500 gallon tank will be installed between cottages 7 and 8 and a 3,500 gallon tank will be installed underneath North Beach Road. The underground sewage tanks are for emergency purposes only. A water line for fire hydrants is proposed to run immediately inland of the service path. Eight (8) new fire hydrants are proposed to be installed just inland of the service path. Three (3) new fire hydrants are proposed to be installed along North Beach Road. All utility lines were included in the PWP.

### **Landscaping**

The PWP includes a Landscape and Vegetation Management Plan that acknowledges that non-native vegetation, as well as native vegetation, make up a character defining feature of the District. Native vegetation that is impacted during construction is proposed to be revegetated. During construction, non-native landscaping and ornamental plants onsite will be protected in-situ to maintain the historical landscape. New plants installed after the completion of construction will consist of drought tolerant species that are consistent with the historical landscape.

### **Lighting**

Both the service pathway and the boardwalk are proposed to have low voltage lighting, for pedestrian safety. Lighting is also proposed on the cottages and the stairways. The Commission has traditionally not allowed lighting near the beach and has required “dark-sky” lighting technology near sensitive habitat areas. It is regular practice at the Historic District for guests to bring flashlights with them when walking the site after dark, including walking on the beach. Lighting is not discussed as an element of the PWP.

### **Lower Cost Overnight Accommodations and Rates**

The proposal includes development of a hostel with 11 dorm beds in Cottage 20 (photos in **Exhibit 11**). The beds would be available on a first-come first-serve basis, as are the other cottage reservations, during most of the year. These dorm-style beds would be used for up to 36 nights per year by the overnight educational program described further below. The rate for the general public is proposed to be \$35 per bed, per night. The overnight rates for all other cottages to be restored on North Beach are proposed to be low and affordable, consistent with the approved rate structure for Phase I and II. The origin of the approved rate structure is outlined more specifically in the Findings below, Lower Cost Visitor Serving Accommodations.

The PWP describes all the cottages in the CCHD as affordable, and seeks a range of affordability in the CCHD, but does not define lower cost accommodations. The overnight rates for the cottages were not included in the PWP, but were included in a subsequent study, the *Fiscal Operations Plan* (FOP) submitted to the Commission concurrent with the PWP amendment for the Phase I and II approval of the CCHD restoration in 2003. The FOP determined what rates are affordable for each cottage type and hostel/dorm bed and the Commission accepted those rates. The proposed overnight accommodation rates are consistent with the FOP, with adjustments for CPI since 2003.

### **Use of Mitigation Funds**

In 2002, the Commission provided \$2.9 million in mitigation funding to State Parks for the development of low-cost overnight accommodations in the Historic District (**Exhibit 6a**). Those accommodations were made available and the funds expended as part of the Phase I/II cottage restoration. An additional \$5 million in funding was reserved for the Crystal Cove Alliance (CCA) in 2012 to provide more low-cost overnight accommodations in the Historic District (**Exhibit 6b**). This proposal will utilize the remainder of the mitigation funds.

According to the 2012 signed Memorandum Of Understanding (MOU), a plan must be submitted and approved by the Executive Director of the Commission for the expenditure of the mitigation funding that outlines the scope of work to be performed on each low-cost cottage unit in accordance with providing low-cost overnight accommodations. The funding may be used to “plan, design, provide construction management, obtain permits, complete necessary mitigation measures, environmental analysis and restoration of the Historic District only for the completion of affordable overnight accommodations within the 17 cottages on North Beach and necessary supporting infrastructure.” As proposed, a majority of the mitigation funding will be used for the cottage restorations of the 17 cottages and supporting infrastructure, including development of a lower cost overnight Open Dorm style cottage operated similar to a hostel. A smaller portion of the funds (\$1 million) will also be used to develop and sustain a lower cost overnight educational program for disadvantaged youth serving approximately 350 students per year, year-round with 36 overnight stays annually anticipated in the Open Dorm at no cost to students. This program is described more fully in the document titled Coastal Dynamics Education Endowment attached as **Exhibit 14**.

## **B. STANDARD OF REVIEW**

Section 30605 of the Coastal Act provides, in pertinent part, that:

*Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1.*

Section 30606 of the Coastal Act states:

*Prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, or state university or college or private university shall notify the Commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified Public Works Plan or Long Range Development Plan. No development shall take place within 60 working days after the notice.*

Section 13359 of the Commission’s Administrative Regulations states in pertinent part:

*(b) The Commission shall...determine whether the proposed development is consistent with the certified public works plan...*

The Crystal Cove Public Works Plan (PWP) was approved by the Commission with conditions on May 20, 1982. The most recent PWP amendment was authorized in June 2003 (PWP-4-82-A2). The current proposal is first evaluated under Section 30605 of the Coastal Act, cited above, to determine whether it establishes the applicable standard of review. In review of development proposed subject to a PWP, the first threshold question is whether the specific project is contained in the PWP. If it is, then the Commission's review is limited to the imposition of conditions. The Commission cannot deny a project that it previously certified as part of the PWP; however, the Commission can regulate the manner in which the project is carried out to bring it into conformance with the PWP. Once it is determined that a project is contained in the PWP, the second question is whether or not the project is consistent with the PWP. In other words, to the extent a specific project component was already considered and approved under the PWP, subsequent review is limited to imposing reasonable conditions per Sections 30605 and 30607; to the extent a specific project component falls outside the scope of the PWP, the project is evaluated for full consistency with Chapter 3 policies under the Coastal Act.

In this particular case, the applicants determined that the major elements of the proposed project are not contained in the PWP and submitted an application for a coastal development permit, as opposed to a PWP specific project approval. Commission staff agrees that key portions of the proposed project were not previously contemplated and are, therefore not contained in the PWP. Notwithstanding the fact that some current project components may not have been contemplated or approved under the PWP, the currently proposed project as a whole may be supported if the proposal is found to be consistent with the Coastal Act.

In other words, the Coastal Act serves as the standard of review for the proposed project, with the Crystal Cove Certified PWP serving as guidance.

### **C. DEVELOPMENT AND HAZARDS**

Section 30253 of the Coastal Act states:

*New development shall do all of the following:*

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) 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.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. (Emphasis added.) (Emphasis added.)*

Coastal Act Section 30235 addresses the permitting of shoreline protective devices: *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to*

*eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible. (Emphasis added.)*

The subject application involves the extensive interior and exterior rehabilitation (essentially demolition and reconstruction) as well as entirely new foundations to the existing non-conforming bluff face cottages that constitutes new development of structures in a hazardous location that does not minimize risk to life and property. Additionally, the application includes construction of new infrastructure, such as the utility lines and boardwalk/service path, which are not sited outside of hazardous locations to minimize risk to life and property. As proposed in this hazardous location, these new structures would need to rely on the proposed caisson foundations (cottage foundations, debris wall foundations, and boardwalk/path foundation), without which the proposed structures could not be feasibly developed in this location.

Construction of caissons has been found to involve landform alteration and can become exposed over time, as bluffs erode and as sand migrates away from foundations, in the same manner as other bluff and shoreline protection structures. New development must not rely on caissons to assure structural stability because Public Resources Code section 30253(b) requires that new development not “in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.” Rather, new development should be sited as far back as necessary to be safe for the life of the structure. Additionally, in order to avoid the need for shoreline armoring in the future, plans and specific triggers for removal or retreat of the proposed development may be necessary. Caissons on a beach front can be difficult to remove in the future when the end of the development life is reached and alternative siting is required for new development projects.

This application raises questions about whether or not the proposed development will create the need for additional shoreline armoring and/or bluff protection, or become increasingly reliant on the proposed shoreline caisson foundations, either now or in the future. In past Commission decisions, the Commission has made the assumption that the new development being considered would have a minimum 75-100 years of economic life and that siting and design should assure it will be safe for at least this time period. In this case, as described below, the new development and the improvements to the most seaward cottages would not meet these standards without the proposed shoreline protection (caisson foundations), and would experience flooding and wave attack with increasing intensity over the next 35 years, and with current sea level rise expectations, the continued flooding and wave attack will increase such that the cottages will endure for a total of approximately 50-60 years, with the proposed raised caisson foundations.

While the project is not consistent with Section 30253(b) to avoid new construction in hazardous locations, based on the findings below and the unique factors presented by the subject case, the application can be approved as conditioned using the Commission’s conflict resolution authority.

New development must be sited and designed to minimize risk to life and property when that development is located in an area of high geologic or flood risk. The cottages at the Crystal Cove Historic District (CCHD) are located on the face and toe of a coastal bluff that is subject to marine erosion and is a hazardous location. The extent of work the cottages will undergo through

the rehabilitation process will vary from cottage to cottage, and in some cases may involve demolition of over 50% of the existing structure and replacement with new materials of the same kind in the same location and configuration, including new foundations, replacement roofing, and supplemental structural support. This amount of work exceeds what is typically considered remodeling, and replacement of materials or demolition of more than 50% of the existing structure is considered new development. Furthermore, the applicant is proposing the use of caisson foundation systems to enable retention of the structures in their historically significant location. In such circumstances, the Commission would usually require consideration of alternative locations for the development that is outside of hazardous locations and avoid the need for shoreline protection.

However, given the status of this area as a historic district that provides unique public recreational opportunities, including lower cost recreational opportunities, where the present location and orientation of the structures is an intrinsic part of the historic values, it is not currently possible to relocate the structures to a less hazardous area that would also retain the historic value. The Commission appreciated the historic nature of these cottages and their potential to enhance public access and recreation and their status as a special coastal community at the time the conceptual restoration of the historic district was approved in 2003 in the PWP.

The conceptual rehabilitation of the cottages was approved by the Commission in 2003 under the PWP amendment (4-82-A2). While the PWP calls for cottage rehabilitation and preservation in their current location, it does not automatically permit the proposed development and it did not detail the extensive work that the cottages would undergo in order to be safe for occupancy. The stated intent of the PWP was to preserve the historical value of the community and to rehabilitate it to open it for public use. Because the scope of the cottage rehabilitation is only now clear, through this permit process, and because the applicants have applied for a coastal development permit, as opposed to a specific project approval through the PWP, the restoration of the cottages is subject to review by the Commission and Ch. 3 of the Coastal Act is the standard of review.

The extensive rehabilitation (essentially reconstruction) of the cottages as proposed today are not consistent with Section 30253 where new development shall minimize risk to life and property in areas of high flood and geologic hazards because the information available today indicates that there is high flood and geologic hazards in this location. The specific project approval of the Phase I and II cottage restorations in 2003 indicated that the seaward cottages and boardwalk replica are subject to seasonal wave attack during storm events and high tides, and conditioned the applicants agree to an assumption of risk and required a prohibition on shoreline protective devices.

The caisson foundations proposed to support the cottages and the boardwalk structure, while they are considered shoreline protection, differ from other types of shoreline protection in this case, such as revetments and seawalls, because the caissons will allow for some movement of sand and water under and around the cottages and boardwalk during flooding and erosion events. The caissons are therefore, the preferable alternative form of shoreline protection for these cottages, because the allowed movement of sand and water will reduce adverse impacts on the local shoreline processes and sand supply.

The subject cottages are of national, statewide and local significance, are considered a historically significant resource, and represent a special coastal community afforded protection under the Coastal Act. The Crystal Cove Historic District is a special community that is defined by its unique characteristics and its historical significance. The PWP states:

*The Historic District was established in 1979 to protect and preserve Crystal Cove's basic characteristics and to maintain the scale and character of its cottages. The Historic District was found to possess a significant concentration of buildings that together create a sub-area of architectural and environmental uniqueness and importance that contributes to the overall history and ambience of the Corona del Mar-Laguna Beach locale. The overall character of the site and its development is derived from the mosaic of individual vernacular seaside cottages nestled against and on natural coastal bluffs that converge at the mouth of Los Trancos Creek. This site development is oriented towards the sea. The natural open space coastline that isolates it from the nearby coastal communities accentuates the prominence of Crystal Cove as a unique coastal location.*

*The site characteristics that are considered important are: the unique history of Crystal Cove as a seaside recreation area; the attractive small scale; the concentrated, but still secluded layout with its diverse but compatible patterns of wood-framed buildings; the use of vernacular single-wall style construction to build the inexpensive summer cottages; the homogeneity of topographic siting; the unity of visual elements around the focal points of the creek outlet and bluffs; and the dynamic continuity through time of the cottages nestled against, on, and into coastal bluffs, and of the Historic District itself.*

*In addition to the cottages themselves, historic cultural landscape elements such as topography, roads, footpaths, stairs, boardwalks, paving materials/details, fences, bridges, streets, ornamental and native vegetation, telephone poles, and cottage yards, gardens, and decks are important character-defining features of the Crystal Cove Historic District. These features and elements contribute to the cultural landscape of the National Register property.*

Because of its unique characteristics, the CCHD does represent a popular visitor destination and a highly active visitor recreational area, both for day use and overnight use. The new development that is proposed will serve to protect the cottages and the CCHD for continued recreational and visitor serving uses. The Coastal Act encourages protection of special communities that because of their unique characteristics offer ideal public recreational uses. The cottages at the CCHD represent such a special community.

### **Wave and Flooding Hazards**

The site at the CCHD is subject to seasonal wave attack and is susceptible to additional hazards with sea level rise. The sandy beach along North Beach does not adequately buffer the beachfront development from wave uprush during storm events and high tides (particularly during the winter months). Waves have run up onto the historic boardwalk and the existing replica boardwalk, both of which have been washed out. In fact, wave activity has caused much of the damage necessitating the current reconstruction of the boardwalk. Over time, damage from wave uprush and flooding is expected to reoccur at the subject site in the future.

Section 30253 of the Coastal Act requires that new development be sited and designed to minimize risk to life and property and avoid construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The Crystal Cove PWP/PPUP states, at page 68, the following objectives to: “limit major site modifications (such as buttressing) to preserve cottages only when such modifications can be done in a way that does not alter historic character or natural geologic condition” and “no new developments, such as seawalls or coastal armoring, that will interfere with natural beach processes involving water or sand movement or water quality.” Special Condition 8 of the Specific Project Approval PWP 4-82-14, which authorized the Phase I/II cottage restoration, prohibited future shoreline protective devices and required State Parks to submit a written agreement placing State Parks and their successors on notice: *that no shoreline protective device(s) shall ever be constructed to protect the historic district improvements approved pursuant to PWP Specific Project 4-82-14, including but not limited to, the repaired cottages and boardwalk, and any other future improvements... and that the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct protective devices that may exist under Public Resources Code Section 30235.* State Parks also agreed to indemnify the Commission against any damage to the project site from hazards associated with the site. The indemnity and waiver of shoreline protection conditions, together, placed the applicant and successors in interest (including future management companies and concessionaires) on notice that the boardwalk, and ultimately the cottages, are located in an area that is potentially subject to flooding and wave uprush hazards that could damage the applicant’s property, that the Commission is not liable for such damage as a result of approving the permit for development, and that the applicants and successors in interest have no right to shoreline protection to protect the development as approved in Phases I and II of the cottage restoration.

#### Cottage Foundations and Utility lines

The cottages in their current location are not sited for maximum protection against sea level rise and wave attack. Ordinarily, the Commission would require the development be sited and designed to avoid hazards for the life of the development, which is usually estimated to be 75 to 100 years. However, in order to retain historical accuracy, the arrangement of the cottages in the landscape of the CCHD is crucially important and relocation of the cottages is not proposed.

While the development of the cottages is inconsistent with Section 30253 of the Coastal Act (risk minimization and avoidance of protective devices substantially altering landforms), it is consistent with part of Section 30253 (protection of special coastal communities that are unique visitor resources) and is consistent with Section 30213 (which requires the protection of existing and the provision of new lower cost visitor serving and recreational facilities) as well as stated objectives of the Crystal Cove PWP/PPUP, in which it is clear that the cottages must provide overnight accommodations for the public without shoreline armoring that inhibits natural beach processes.

Additionally, the utility lines for fire safety proposed just inland of the beach front service pathway are not sited for maximum protection against flooding and wave attack. All utility lines, including fire safety water lines and fire hydrants, were included in the PWP. While, the cottages



and the utility lines are considered new development that should be sited outside of hazardous locations, they do serve a purpose encouraged by the Coastal Act by providing public overnight accommodations, consistent with Section 30213.

The proposed caisson and grade beam foundations of the cottages are designed to ensure that the cottages are stable on the sand, and remain stable in the face of bluff erosion occurring just landward, and sea level rise and wave attack occurring seaward. Cottages 20, 28 and 11 are located the most seaward and are proposed to have finished foundations raised up 2 feet to offer some protection from wave attack, without the use of seawalls that would interfere with natural beach processes.

The Coastal Hazards Analysis *Update Coastal Processes Study Phase III for Crystal Cove State Park Historic District* by Coastal Environments, Inc. dated October 2013, indicates that the width of the beach averages 130 feet in summer and 90 feet in winter. Under the worst-case scenario, the beach would retreat by about 20 feet by 2050 and by 70-80 feet by 2100. The report states: *Due to uncertainties in sea level rise projections, as explained in Section 9.3.5, these beach width values are approximations. The variations in beach widths between low and high projections of sea level rise reflect the uncertainties about sea level rise. In addition, based on Bruun's Rule, the berm height of the beach would increase by a value equal to sea level rise which will vary between 0.18-1.48 feet by 2050 and 0.59-4.59 feet by 2100.* The increase in berm height will not affect the narrowing of the beach. Rather the berm at the back of the beach will rise with sea level. By 2100, the narrowing of the beach in combination with the maximum of 6.6 feet of SLR, would mean that the cottages are subject to inundation and wave attack.

The proposal is to increase the foundation elevations of the most seaward cottages by 2 feet. Cottages 20, 28 and 11 have existing elevations of 15-16 feet NGVD and are located the most seaward. They would have finished foundations upon caissons raised up 2 feet to offer some protection from wave attack, without the use of seawalls that would interfere with natural beach processes.

This would raise the level of the cottages, however the elevation of cottage 28 would be equal to that of cottages 7, 8, and 25 (at 17 feet NGVD) which are safe from wave attack through 2050, but would be subject to wave attack by 2100. By 2100, they will be approximately 2 feet above sea level and will be damaged by 3.5 foot waves.

If cottage 28 did not have a raised foundation, it would be equal to sea level elevation by 2100 (with the estimated 6.6 feet of SLR) and cottages 11 and 20 would be just 1 foot above sea level by 2100.

Cottages 11 and 20 with a 2 foot increased elevation will be at the same level as 3 and 31 (at 18.5 feet NGVD). They will be safe from wave attack through 2050, but by 2100 will be approximately 3.5 feet above sea level and would be damaged by 3.5 foot high waves. Cottage 6 will be subject to wave attack by 2100 from 5.5 foot waves.

According to CoSMoS<sup>3</sup> coastal modeling, with 50 cm of SLR (1.5 feet) by 2050, the boardwalk and service path, the first line of seaward development proposed, are projected to experience flooding during a storm event. Between 2050 and 2100, at 100 cm SLR (3.2 feet) most of the seaward cottages inland of the boardwalk would likely experience flooding during a storm event. By 2100, with 200 cm of SLR (6.6 feet) all of the seaward cottages would likely be exposed to flooding as well as their inland retaining walls. Without the retaining wall as proposed inland of the cottages (between the cottages and the toe of the bluff; included in the PWP) there would likely be erosion of the bluff toe compounding the hazards. Some cottages are currently at risk from tsunamis and storm flooding and both of these will be exacerbated by sea level rise.

The hazards analysis indicates that at 4.6 feet of SLR by 2100, the following cottages would be subject to wave attack: 28, 11, 20, 7, 8, 25, 3, and 31. If the maximum amount of SLR by 2100 was assumed at 6.6 feet, the above cottages, and cottage 6, would be subject to wave attack. In sum, 9 of the 17 cottages on North beach, the most seaward cottages, as well as the proposed boardwalk and service pathway, and proposed water utility line inland of the service path, are all at risk sometime before 2100. With the elevated foundations, the seaward most cottages will be safe from coastal hazards for the next 50-60 years approximately. Soft protection and flood management techniques are proposed. **Special Condition 13** requires the applicants to comply with Tsunami safety plans and a flood hazards plan for guests and employees safety and to prevent impacts to marine resources and water quality in the event of flooding or a tsunami and in order to reduce the risk to life and property.

#### Boardwalk and Service Pathway

The proposal for the reconstruction of the boardwalk and service pathway (see photos in **Exhibit 11**, plans in **Exhibit 10**) before the Commission at this time consists of complete demolition of the remaining portions of the existing boardwalk replica and construction of a new approximately 650 foot long boardwalk replica and service path upon reinforced concrete piers (concrete caissons) and reinforced concrete beams. Approximately 58 concrete piers would be constructed 8 feet deep into the sand and anchored 5 feet into bedrock (for a total of 13 feet deep or less).

According to the PWP, the historic boardwalk was intended to be rehabilitated (pg. 152) (emphasis added):

#### *Site Concept No. 6*

##### *Respect natural beach processes when rehabilitating beachfront areas*

*This concept acknowledges that in rebuilding the Crystal Cove structures and historical landscape, consideration for the natural processes of the beach areas will guide sustainable rehabilitation and implementation. This means there will be no new developments that would interfere with natural beach processes involving water or sand movement. This is consistent with State Park policies and Resource Management Directives. The following elements are part of this concept:*

- 1. Respect the natural processes in the beach areas as a part of rehabilitating the Crystal Cove Historic District.*

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<sup>3</sup> Barnard, P.L., van Ormondt, M., Erikson, L.H., Eshleman, J., Hapke, C., Ruggiero, P., Adams, P. N., and Foxgrover, A. 2014. Coastal Storm Modeling System: CoSMoS. Southern California 1.0, projected flooding hazards, [http://walrus.wr.usgs.gov/coastal\\_processes/cosmos/socal1.0/](http://walrus.wr.usgs.gov/coastal_processes/cosmos/socal1.0/), doi: [10.5066/F74B2ZB4](https://doi.org/10.5066/F74B2ZB4)

2. *No new shoreline armoring will be built to protect Crystal Cove beachfront buildings.*
3. *The existing boardwalk, the existing retaining wall for Cottage #13, and the existing beachfront parking area edges may be rehabilitated.*

The rehabilitation of the boardwalk and specific construction methods are described in the EIR:

*The proposal is to rehabilitate the boardwalk for its entire length by placing timber poles and stringers similar to the existing configuration. The stringers would be embedded below grade so as not to inhibit wave overtopping or movement of beach sand. Original materials will be re-used to the greatest extent possible and replacement materials selected to match the original materials in like-kind style, design and size. Railings are not proposed for portions where such did not exist historically. Natural processes will likely erode material beneath the walkway for portions of its length, effectively exposing the walkway to drop offs on either side. During these times, it may be necessary to temporarily close portions of the boardwalk, or fit it with wheel curbs where railings are not provided.*

The boardwalk was intended to be rehabilitated, as described above. The current proposal is to reconstruct the boardwalk, with significant structural changes and improvements that deviate from the historic boardwalk aesthetics. Also, the service path to be located inland of the boardwalk is a new element not discussed in the PWP. Thus, this proposed work was not contemplated in the PWP or approved as a specific project, and is subject to full review of Coastal Act consistency in order to issue a coastal development permit for the proposed development.

As with the cottages, the new replica boardwalk and service path would be subject to wave attack in the near future, described above, but as proposed upon a caisson foundation, would have an economic life of approximately 50-75 years. The construction of the boardwalk on caissons can be found to be consistent with the intent of the PWP to provide maximum public access and the additional stability provides measures for ADA access along the beachfront. The 2013 Hazards Analysis anticipated that the boardwalk would need to be elevated above the level of the sand by a minimum of 2 feet in order to provide for protection against wave attack. Here again, the caisson foundation and proposal to elevate the public access structure is an alternative to constructing seawalls or coastal armoring that would interfere with natural beach processes. Additionally, the alignment of the public access boardwalk and the service path are proposed to be located as far inland as possible to offer additional protection against wave attack.

The service pathway was not included in the PWP. It is proposed to provide for small vehicle use (golf carts) for the maintenance and housekeeping service and to provide access for guests and their luggage to the beachfront cottages. The PWP developed several policies in relation to roadways and pathways and the pedestrian environment:

*Limit vehicular traffic and parking within the Historic District to preserve the solitude and pedestrian character of the area. The limited road layout discourages vehicle traffic in CCHD and helps contribute to its human-scale development and pedestrian feel.*

*The roads in the Historic District are part of the character of Crystal Cove's historical landscape. The location, alignment, and width of the roads in the village*

*center and beachfront areas help define the Historic District's rustic character and human scale. Future road use and circulation should avoid altering the existing road configurations in the village center and beachfront areas. Preserving important road configurations in the village center and beachfront areas, will affect the ability for fire apparatus to access all areas of Crystal Cove. Alternative strategies should be considered in determining a fire protection plan for Crystal Cove.*

***Limit vehicular traffic and parking***

*This concept limits vehicular traffic and parking within Crystal Cove to preserve the solitude and pedestrian character of the area. Crystal Cove's spirit of place and charm is due to its quiet unhurried atmosphere. Much of this atmosphere is derived from the predominance of pedestrian movement over vehicular movement within the Crystal Cove site. The lack of vehicular traffic congestion will be essential in preserving the quiet unhurried character of the area. The limited road layout discourages vehicle traffic and helps contribute to its human-scale development and pedestrian feel. Limited vehicular movement within CCHD is another characteristic that sets it apart from contemporary American urban environments shaped and dominated by the automobile. In order to preserve this quiet, slower-paced ambience, walking will be the primary way of getting around within the Historic District. (pg. 149. Emphasis added)*

While the intent of the PWP is to limit vehicular access and parking in the CCHD, particularly in the beachfront areas, the service path is a necessity for the guests and maintenance activities associated with the beachfront cottages. The applicants have argued that the service path preserves the intent of the PWP by using small vehicles only (golf carts) in these areas, and the reconstructed beachfront boardwalk associated with the pathway preserves the pedestrian character of the area. The applicants modified the proposal for the service pathway, reducing the width from 12 feet to 8 feet wide, in order to achieve the goal of increased access on a smaller scale. Lastly, the boardwalk provides ADA access along the beachfront, while the service pathway provides ADA access specifically to the beachfront cottages.

The construction of the boardwalk and service pathway with the proposed width, alignment and structural stability are proposed with alternative materials and elevations than those explored in the PWP; however the structures will meet the intent of the PWP by providing public access to the beach and the affordable beachfront cottages and are designed to withstand coastal hazards.

With the significant changes proposed to the design and stability of the boardwalk that deviate from what was included in the PWP and because the boardwalk structure would be constructed in combination with a service pathway, which was not included in the PWP, these elements together are considered new development. The structure is proposed in a known hazardous location and therefore is inconsistent with Section 30253(b) of the Coastal Act which requires siting and design of new development to not require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (subsection (b)). As new development, the proposal for the boardwalk and service path cannot be found consistent with Section 30253 because they are sited in an area of high flood hazard and require construction of shoreline protection that would substantially alter natural landform.

However, Section 30253(e) requires new development to protect special communities that are popular visitor destination points for recreational uses. As discussed previously, the cottages and

infrastructure, and contributing features such as the historic boardwalk, in the Historic District is considered a special community and an extremely popular visitor destination, both for overnight visitors and day visitors. The project offers protection of the popular coastal resource, however protection and rehabilitation of the entire Historic District is inconsistent with Section 30253 because, although it protects a special community, it does not ensure stability and structural integrity without the need for shoreline protective devices and is not located outside of hazardous locations. Section 30253 requires new development to meet all of requirements of the subsections. While the development of the boardwalk and service path are inconsistent with Section 30253 of the Coastal Act, staff nevertheless recommends that the Commission approve the project as conditioned, including the boardwalk and service path, using its conflict resolution authority as the decision that on balance is most protective of coastal resources. (See discussion below.)

The service path and boardwalk are necessary for access to the cottages on North Beach (for overnight guests) and enhance access to the North Beach itself (for the general public). Without the boardwalk, guests will not be able to access the most seaward cottages as there is no public access point from the bluff side of the development down to the cottages on this side of the beach. Additionally, without the boardwalk and the service pathway, ADA guests would not be able to access the cottages. The service pathway provides a smooth, ADA compliant access way to the beachfront cottages that would not be possible from the bluff side of the development and would not be possible on the beach sand. Similar to the rehabilitation of the cottages, the service path and boardwalk structure in this location is necessary for the cottages to operate as overnight accommodations and be open to the public. The service path and boardwalk structure provide ADA accessibility to the cottages, and provide the public with a beachfront, free, recreational pathway that will enhance public access to the North side of the Crystal Cove beach.

Despite the measures to elevate and stabilize the proposed structures, with sea level rise, the time will come where hazards make continued use of the boardwalk and service path and the cottages unsafe. In this circumstance, **Special Condition 5** would require identification of all those immediate or potential future measures that could preserve the boardwalk and service path and/or cottages and infrastructure without seawalls or coastal armoring, including but not limited to, relocation of portions of the development inland, and/or removal. If the analysis concludes that the cottages or boardwalk or any portion of the development is unsafe, the permittee shall submit a coastal development permit application for cottage relocation and/or demolition, and in accordance with an approval of a coastal development permit so requiring it, relocate and/or remove the threatened portion of the development, consistent with the PWP policies below, and with consultation from the State Office of Historic Preservation. The condition also requires the applicant remove the permitted caissons when the development that relies upon them is no longer present or no longer safe, and restore the beach to a natural condition.

#### ***Cultural Resources Preservation Objectives***

*Some cottages deemed impractical to rehabilitate (due to geologic or flooding hazards or due to an unusually high cost of rehabilitation) may be stabilized and maintained in a state of “arrested decay” (without indoor public use) or by another appropriate preservation treatment in order to preserve the Historic District’s historic landscape, ambiance, and scenic values. (Pg. 68)*

*General Guidelines for Preserving and Enjoying the Historic District*

*Guideline 7- Removing or moving of historic cottages will not be proposed by this plan. However, future decisions on appropriate cottage preservation treatment will take several factors into consideration, such as: potential uses, cottage condition, site stability, building modifications, accessibility, availability of funds, and historical integrity.* (pg. 72)

*The descriptions called for in this General Plan policy have been fulfilled by the Crystal Cove Historic District “Preservation and Public Use Plan (PPUP)” (2002) and the “Individual Building Inventories and Evaluations” (1999) as well as by the inventories and studies used in preparing these documents. The future preferred disposition of each structure is identified in the PPUP and will be confirmed by current on-site studies. Furthermore, on-going studies will determine if public safety conditions or environmental site hazards require that structures be left in arrested decay/stabilized condition or removed.* (Pg. 169)

**Special Condition 1** requires the applicants supply final plans, showing the proposed boardwalk and service path located as far inland as possible to avoid being impacted by wave action and sea level rise for as long as possible. The proposed boardwalk and service pathway is inconsistent with Sections 30253 of the Coastal Act, but can be approved subject to conditions and the Conflict Resolution findings below.

### **Geologic Hazards**

The subject site at the Historic District contains coastal bluffs and regularly undergoes natural erosion processes that contribute to sand supply. Erosion of the bluff and hillsides can impact the existing cottages. Many areas were outlined in the PWP and the EIR where slope stability measures were necessary in the Historic District, and have already been undertaken (**Exhibit 8**). Section 30253 of the Coastal Act requires that new development shall not require construction of protective devices that would substantially alter natural landforms.

### Soil Debris Wall

The slope inland of cottages 20 and 36 is unstable. The project involves reconstruction of Cottages 20 and 36 that would extend the usable life of each structure. Cottage 20 is proposed to be an “open dorm” that would contain 11 beds, and be rented per bed. The applicant has proposed construction of a Soil Debris Wall to protect the cottages below the bluff without altering the bluff face and without impacting the sensitive bluff vegetation that is present in the area.

The soil debris wall would be constructed at the toe of the bluff and would prevent the bluff erosion, bluff collapse, and bluff materials from falling onto cottages 20 and 36 damaging the two new cottages. The debris wall would catch the falling bluff material before it reaches the cottages and would allow for the protection of the cottages without altering the bluff face and impacting the sensitive vegetation. The PWP anticipated slope stability would be needed throughout the CCHD, but it was not anticipated in this location. Subsequent geological studies have indicated a need for slope stability here, if cottages 36 and 20 are to be restored and occupied.

The geotechnical report provided has concluded that these two cottages (20 and 36) are threatened by bluff collapse. The Coastal Hazards analysis indicates that the bluffs in this location are subject to episodic collapse and erosion. On a site visit to the Historic District in March 2014, Commission staff discussed alternative locations for relocating these cottages in light of geologic and coastal hazards. Just south of cottage 20 is a large vacant area. Staff discussed the possibility of moving cottage 36 to this location and reducing the need for any bluff protection. State Parks confirmed that this would be a possible alternative from an environmental stand-point, however it would not be historically accurate or economically feasible.

Natural bluff erosion is a natural supply mechanism for beach sand. Constructing bluff protective devices inhibits the production and movement of beach sand. However the bluffs in this location are subject to episodic collapse and the soil debris wall will protect the cottages in the event of a collapse without directly impacting bluff vegetation, and the eroded bluff materials would be removed from behind the wall periodically.

The proposed soil debris wall would prevent natural erosion and the caisson foundation for the debris wall installed in the toe of the bluff is considered a protective device (a bluff protective device, where caissons are installed at the beach-sand level). As explained previously, caisson foundations are proposed to protect development within hazardous locations and the development being protected by these structures relies on the protective devices. Again, the debris wall is inconsistent with Section 30253(b) of the Coastal Act that does not allow for new development to rely on protective devices that substantially alter bluffs. The soil debris wall is new development, designed to protect the rehabilitated cottages, in a hazardous location. The debris wall will alter the natural landform at the toe of the bluff, but it is designed to protect the cottages below for public use.

The construction of the debris wall inland of Cottages 36 and 20 allows for these two cottages to be open to the public for safe use and occupancy. Of particular importance is cottage 20, as it is proposed to be the “hostel” or an Open-Dorm style cottage with 11 low cost beds for rent to the general public. Part of the uniqueness of the Crystal Cove cottages is their affordability, which contributes to their value as a special coastal community. Were the soil debris wall not approved, cottages 20 and 36 would remain as-is in a state of decay and would not be improved for overnight use and would not contribute to the overall range of affordability by providing for lower cost overnight accommodations. Were the debris wall not approved, the proposal would likely be found inconsistent with Section 30213, which requires the protection of lower cost visitor facilities.

In the first application for this project (5-13-1200) the applicants proposed a bluff tie-back system that would be constructed on the bluff face above cottages 20 and 36. However, it was determined that the tie-backs would impact the sensitive vegetation on the bluff face that rises to the level of ESHA, and therefore, alternative designs were considered. The soil debris wall in this application represents the least environmentally damaging alternative, and would be consistent with the policies of the PWP. For the reasons discussed above, the soil debris wall is inconsistent with Section 30253 of the Coastal Act. Nevertheless, staff recommends that the Commission approve the soil debris wall as part of the proposed project using its conflict resolution authority as the decision that on balance is most protection of coastal resources.

#### North Beach Road Slope Stabilization

The PWP describes North Beach Road and the cottages on North Beach:

*Access to the cottages on the middle and upper levels is by a narrow road to their rear or by staircases which wind up the bluffs from the beach (North Beach Road). For those cottages located on the top of the cliffs, roads run behind them.*

The proposal to construct 32 caissons just seaward of the road, between the road and the cottages below on the bluff face (inland row of cottages), will stabilize the bluff and provide a 1.5 factor of safety for the cottages. The caissons will be constructed in such a way that they are not visible.

The proposed slope stability caissons were not included in the PWP, however bluff stabilization was identified as necessary in this location and included in the PWP. The construction of the caisson and grade beams will not impact any sensitive vegetation or wildlife (see Findings D. below), is the least environmentally damaging alternative for the slope stabilization, and similar to the soil debris wall, is needed to protect the North Beach Road and the cottages seaward of the road.

### **Conclusion**

As proposed, the reconstruction of the cottages, the soil debris wall, the boardwalk and service pathway, and the slope stabilization are all partially consistent and partially inconsistent with hazards policies of the Coastal Act, namely 30253. Despite the proposed development in a hazardous location, including protective devices which substantially alter natural landforms along bluffs and cliffs, staff nevertheless recommends that the Commission approve the project, as conditioned, under its conflict resolution authority as the decision that on balance is most protective of coastal resources. As discussed in the “conflict resolution” section of this report, there are several elements of the project that were anticipated by the PWP and can be found consistent with several sections of the Coastal Act and which compel approval to provide for lower cost visitor facilities, protection of a special coastal community and a unique visitor resource, and to design shoreline protective devices in a way that minimizes interference with natural beach processes. As conditioned, the project can be found consistent with the Coastal Act and the findings for such are included in the Conflict Resolution findings below.

### **D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS**

Section 30107.5 of the Coastal Act defines environmentally sensitive areas as follows:

*...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Section 30240 of the Coastal Act states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*



Section 30250 states:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

*(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*

*(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

The Crystal Cove Public Works Plan includes policies protective of Environmentally Sensitive Habitat Areas (ESHA) and states (page 69):

***Natural Resources Preservation Objectives***

*Preserve and protect from overuse the natural resources and processes of bluff, tidepools, beach, and underwater park. Preserve and protect sensitive habitats when rehabilitating and developing the Historic District. Specific guidelines on Environmentally Sensitive Habitat Areas (ESHA), including coastal sage scrub (CSS), are incorporated into this PPUP document and they include:*

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

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

*Future development that affects potential environmentally sensitive habitat area must come back to the Commission for specific project review or a coastal development permit. A site-specific biological survey must accompany any specific project proposal or CDP application so that a determination of ESHA can be made.*

The Crystal Cove Historic District is the beachfront portion of the State Park that features approximately three miles of coastline, wooded canyon, brush-covered bluffs and offshore waters designated as an Underwater Park. The Historic District contains ornamental landscape vegetation as well as California native vegetation. The bluffs and terraces adjacent to the Historic District support southern coastal bluff scrub and maritime succulent scrub. Additionally, three

sensitive plant species [south coast saltscale (*Atriplex pacifica*), many-stemmed dudleya (*Dudleya multicaulis*), and coast Turkish rugging (*Chorizanthe staticoides* ssp. *chrysacanth*)] and one bird species (coastal California gnatcatcher, *Poliophtila californica*) were reported to occur within and adjacent to the Historic District and project area.

While the park is not located within, or in proximity to, any U.S. Fish and Wildlife Service designated critical Habitat, it is located within the Reserve System identified in the Natural Community Conservation Plan & Habitat Conservation Plan, County of Orange, Central Coastal Sub-region (NCCP/HCP). As described in the FEIR, the purpose of the NCCP/HCP is to provide “*long-term regional protection and perpetuation of natural vegetation and wildlife diversity, while allowing compatible and appropriate development and growth.*” The program requires that construction-related measures be integrated to minimize impacts to gnatcatchers and other sensitive coastal sage scrub (CSS) species. According to State Parks staff, approximately 12 acres of “take” within the NCCP/HCP area is available for implementation of the Crystal Cove General Plan. Regardless of the “take” credits available through the program, the NCCP/HCP requires that any impacts to habitats within the Reserve System that occur in accordance with the Crystal Cove General Plan be evaluated by the regulatory agencies and appropriate mitigation determined. As such, the Commission and other regulatory agencies have the opportunity to review the project for consistency with the appropriate standard of review. In this case, the standard of review is Section 30240 of the Coastal Act, which restricts development impacts within or adjacent to environmentally sensitive habitat areas (ESHA), and only uses dependent on the resource are allowed in such areas.

### **Defining ESHA**

ESHA, as defined in Section 30107.5 of the Coastal Act, is “...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities.” Thus, Section 30107.5 sets up a two part test for determining what constitutes ESHA. The first part is determining whether an area includes plants, animals or their habitats that are either: (a) rare; or (b) especially valuable because of their special nature or role in an ecosystem. If so, then the second part asks whether such plants, animals, or habitats could be easily disturbed or degraded by human activities. If so, then the area where such plants, animals, or habitats are located is deemed ESHA by Section 30107.5.

#### *Defining “rare” and “especially valuable”*

There are several types of rarity, but each of them is fundamentally related to threats to the continued existence of species that naturally occur in larger or more widespread populations. Increasing numbers of species have become absolutely rare, having been reduced to a few hundreds or thousands of individuals in southern California.

All native plants and animals and their habitats have significant intrinsic value. However, the “especially valuable” language in the Coastal Act definition of ESHA makes clear that the intent is to protect those species and habitats that are out of the ordinary and special, even though they may not necessarily be rare. As in all ESHA determinations, this requires a case-by-case analysis. Common examples of habitats that are especially valuable due to their role in the ecosystem are those that support rare, threatened, or endangered species, and those that provide important

breeding, feeding, resting or migrating grounds for some stage in the life cycle of animal species and that are in short supply.

#### *Site Specific ESHA Analyses*

The reason ESHA analyses are all site-specific is that there is no simple rule that is universally applicable. For example, a plot of a rare habitat type that is small, isolated, fragmented and highly degraded by human activities would generally not meet the definition of ESHA because such highly impacted environments are so altered that they no longer fit the definition of their historical habitat type. A conclusion of whether an area meets the definition of ESHA is based on a site- and species-specific analysis that generally includes a consideration of community role, life-history, dispersal ability, distribution, abundance, population dynamics, and the nature of natural and human-induced impacts. The results of such analysis can be expected to vary for different species.

Case-by-case analysis of ESHA necessarily occurs at discrete moments in time. However, ecological systems and the environment are inherently dynamic. One might expect, therefore, that the rarity or sensitivity of species and their habitats will change over time. For example, as species or habitats become more or less abundant due to changing environmental conditions, they may become more or less vulnerable to extinction. In addition, our scientific knowledge and understanding of ecosystems, specific species, habitat characteristics and so forth is always growing. Large numbers of new species are discovered every year. The California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California grew from approximately 1400 listings in 1974 to over 2100 listings in 2001. New legal requirements, such as the numerous environmental laws adopted in the 1970s, may be adopted that reflect changes in our values concerning the current conditions of natural resources. Consequently, ESHA evaluations may change over time. Areas that were once not considered ESHA may later become ESHA. It is also possible that rare species might become less so, and their habitats may no longer be considered ESHA. Because of this inherent dynamism, the Commission must evaluate resource conditions as they exist at the time of the review, based on the best scientific information available.

#### *Federally Designated Critical Habitat as ESHA*

The definition of environmentally sensitive area in Section 30107.5 of the Coastal Act shares a common focus with the Endangered Species Act definition of critical habitat for those species listed as threatened or endangered. Specifically, critical habitat for a threatened or endangered species is defined in section 3(5)(A) of the Endangered Species Act (ESA) as (paraphrased):

- i. the specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and
- ii. specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Additionally, the term "endangered species" is defined in the ESA as "any species which is in danger of extinction throughout all or a significant portion of its range" and the term "threatened species" is defined as "any species which is likely to become an endangered species within the

foreseeable future throughout all or a significant portion of its range” (See Sections 3(6) and 3(20) of the ESA, respectively.)

### **ESHA Determination**

#### *Coastal Bluff Scrub and Maritime Succulent Scrub*

Southern Coastal Bluff Scrub and Maritime Succulent Scrub are recognized as rare plant communities. Both plant communities persist in the Crystal Cove Historic District, along the coastal bluff faces and they perform important functions by serving as habitat for special status species. These vegetation communities are easily disturbed. Therefore, both Coastal Bluff Scrub and Maritime Succulent Scrub meet the definition of ESHA pursuant to the Coastal Act, as further discussed below. While both Coastal Bluff Scrub and Maritime Succulent Scrub (CBMSS) are in the family of Coastal Sage Scrub, they are different communities from each other, and different from the Coastal Sage Scrub described below.

A rare plant survey was conducted on May 22, 2013 by State Park Environmental Scientist Lisa Fields. A wandering transect methodology was followed through the Historic Cottages and the bluff top. The bluff face was observed from above and below but was not directly surveyed due to safety concerns and potential erosional impacts. An additional field visit was conducted on October 2, 2013 by State Park staff, Lisa Fields and Senior Environmental Scientist Dave Pryor, to assess vegetation impacts that would result from project implementation.

The Northern-most coastal bluffs immediately behind cottages 20 and 36 contain rare vegetation species: south coast saltscale (*Atriplex pacifica*), many-stemmed dudleya (*Dudleya multicaulis*), and coast Turkish rugging (*Chorizanthe staticoides* ssp. *chrysacanth*). Together, these 3 species are indicative of a rare plant community called Southern Coastal Bluff Scrub, which has been considered rare by the California Department of Fish and Wildlife since at least 1986.

Additional plant species were found in the project area, including California Boxthorn (*Lycium californicum*), Lemonade Berry (*Rhus integrifolia*), and Coastal Prickly Pear Cactus (*Opuntia littoralis*), indicative of another rare plant community called Maritime Succulent Scrub. Maritime Succulent Scrub is often known to intermix with Southern Coastal Bluff Scrub, and both communities perform important functions by serving as habitat.

Commission staff Ecologist, Dr. Jonna Engel conducted a site visit on January 29, 2015, and based on information provided by the applicant and visual survey and observations determined the bluff vegetation on the bluff top and bluff face to be rare and confirmed that the bluff contains resources that rise to the level of ESHA. Coastal Bluff Scrub and Maritime Succulent Scrub and both rare and meet the definition of ESHA pursuant to the Coastal Act.

#### *Coastal Sage Scrub and California Gnatcatcher Habitat*

Coastal Sage Scrub (CSS) in the Historic District provides an especially valuable ecosystem function for the federally threatened California Gnatcatcher (CAGN). The Gnatcatcher are easily disturbed and degraded by human activities and its habitat rises to the level of ESHA. The CSS in the vicinity of (but not immediately surrounding) the check-in parking lot provides habitat for California Gnatcatchers (CAGN) and provides them with valuable foraging area.

The coastal California gnatcatcher (*Poliophtila californica*) was surveyed during six field sessions between May 24 and June 28, 2013 by Shannan Shaffer (TE67555A-0) of ECORP Consulting following USFWS protocol (1997). She was accompanied by a botanist on June 28, 2013 to complete a vegetation assessment of the bluff top area. Between May 24, 2013 and June 28, 2013, all six surveys were positive for CAGN. A total of six adult CAGN individuals were observed during the protocol surveys (three pairs), and 1 nest and use area were identified near, but not within, the project location for the expansion of the check-in parking lot. The area of high-quality CSS that is within the mapped use area of the CAGN does rise to the level of ESHA because it provides habitat for a federally listed species.

The perimeter of the parking lot is not within the CAGN use areas. Immediately surrounding the paved check-in top parking lot are vegetated areas containing 0.08 acres of moderate to low quality coastal sage scrub (CSS) and an earthen berm remaining from the grading and disturbance of the existing parking lot construction. This area was planted with native species following the original parking lot construction in Phase I of the District's restoration, not as mitigation for impacts, but for erosion control.

While the Commission has generally found that CSS should not always necessarily be identified as sensitive habitat, the Commission usually identifies areas that are utilized by or necessary for the survival of CAGN as environmentally sensitive habitat area (ESHA). The CSS in between Coast Highway (PCH) and the parking lot is occupied by CAGN, but the low quality CSS surrounding the parking lot does not appear to be used or occupied by CAGN, however it is CSS adjacent to CAGN habitat (**Exhibit 7**). The earthen berm surrounding the parking lot and the low quality CSS contained there is degraded and somewhat fragmented from the high quality CSS by a pedestrian trail leading to the District from PCH and does not rise to the level of ESHA. The CSS within 10-12 feet of the perimeter of the parking lot is fragmented and degraded and does not rise to the level of ESHA.

The submitted biological survey of the project site documented the observed CAGNs, foraging and nesting nearby within coastal sage scrub, but not within the vegetation on the berm. All six surveys were positive for coastal CAGN. A total of 6 adults (3 pairs), 1+ fledgling, and 2+ nestlings were identified adjacent to the proposed parking lot project area. A single nest was located approximately 300 feet from the project area boundary.

### **No Impacts to ESHA**

The bluff top overlooking cottages 20 and 36, previously designated as ESHA by the PWP and confirmed to be ESHA with a current biological survey, will not be impacted by the construction of the Soil Debris Wall, nor will the coastal bluff scrub ESHA on the bluff face. The applicant proposes to temporarily fence the bluff top as "off limits" to equipment, materials, and personnel for the duration of the construction.

The proposal to reconfigure the check-in parking lot to change it from 16 to 24 parking spots includes a footprint that would directly impact Coastal Sage Scrub (CSS), but not ESHA. The area to be impacted has been previously graded and the CSS present there was part of a replanting effort. The CSS is fragmented and disturbed and outside of the mapped CAGN use areas. While the adjacent CSS that is used by CAGN is considered ESHA, this area surrounding

the parking lot and the graded berm containing CSS are not considered ESHA. However, the area surrounding the parking lot is within the 100 foot habitat buffer of the high quality CSS that supports CAGN. Direct impacts due to the proposed expansion of the parking lot would result in removal of approximately 0.08 acres of CSS vegetation or a maximum of 3,750 square feet.

Because there is a topographic change between the parking lot and the ESHA (the parking lot is at a lower elevation than the trail and ESHA) and due to the separation of the vegetation by the existing pedestrian trail, the 10-12 foot maximum encroachment into the recommended ESHA buffer space would not likely have a negative impact on the CAGN habitat, but would reduce the buffer space around the habitat.

Although the Commission has concluded that the stand of CSS that is subject to impacts in this proposal is not ESHA, it remains that this habitat is a sensitive coastal resource and per 30240(a) development adjacent to areas of ESHA, such as this one, shall be compatible with the continuance of the habitat areas. In the Commission's approval of Crystal Cove Public Works Specific Project PWP 4-82-14 for work at the Historic District, the Commission identified the following standard for such impacts: ... *Development affecting CSS habitat that is not being historically utilized for gnatcatcher habitat shall be mitigated at a replacement ration of 2:1 (2 acres replaced for every acre impacted) within the coastal portion (seaward side of PCH) of Crystal Cove State Park.* **Special Condition 3** requires the applicant to submit a mitigation plan regarding impacts to the non-ESHA CSS buffer adjacent to the existing/proposed parking lot for the review and approval of the Executive Director.

In addition, Section 30240(b) of the Coastal Act requires that development adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat areas. Certain measures must be implemented in order to avoid impacts on California gnatcatcher, including biological monitoring and avoiding construction during the breeding season. Construction noise may cause temporary impacts to the birds, but the applicants have proposed to avoid construction during nesting season, thereby reducing any temporary indirect impacts on the birds. Therefore, the Commission imposes **Special Condition 11** which outlines the construction phase habitat impact avoidance requirements.

In 2003, the specific project approval included draft plans for the check-in parking lot. It was estimated that approximately 20 parking spots would be constructed in this location, with the PWP language stating that a reduction to the parking area may be necessary given the site constraints. The project description submitted by State Parks in 2003 for the check-in parking lot stated:

*The parking lot shown on figure 2.2, Sheet S-4 represents a “worst case” scenario for intrusion into the coastal terrace and may be reduced in size or moved within the Historic District in the final plans. Final design of the lot will avoid high quality habitat and rare plants. ... Approximately 20 spaces will be provided in the parking area.*

The findings of the project approval stated that 0.5 to 0.75 acre of low quality CSS would be removed for the parking lot. A site specific survey was submitted so that an ESHA determination could be made. The areas of disturbance for the new parking lot was limited to the areas of low quality CSS, which did not rise to the level of ESHA, according to the submitted survey, yet

mitigation for the impacts to CSS was required through **Special Condition 5**. At the time final plans were submitted to the Commission the parking lot siting and footprint was changed and the size was reduced from 20 to 15 spots. A letter submitted by State Parks during condition compliance with a new set of plans for the parking lot was submitted in 2004 (see **Exhibit 4**). Today the parking lot actually contains 16 spaces, not 15, in the configuration that was approved in the final plans.

The parking lot faces the same constraints today it did in 2003, in that the parking lot is still surrounded by CSS occupied CAGN that provides habitat for a listed species that does rise to the level of ESHA, and cannot be impacted for uses that are not resource dependent pursuant to Section 30240 of the Coastal Act. The current proposal to reconfigure the parking lot is limited to the areas that were previously graded during the construction of the existing parking lot that were replanted with CSS (approximately 10-12 feet beyond the current parking lot footprint in either direction), and reconfiguration of the lot to add 8 more spaces that would not impact ESHA. The current parking lot contains trash enclosures that would be relocated and restriping would add more spaces. Two parallel spaces can be accommodated within the entrance lane to the parking lot. Because the construction of the expansion will be limited to the areas that were previously graded, and will not impact ESHA, the expansion can be found consistent with Section 30240 of the Coastal Act. As conditioned, the Commission finds the proposed development consistent with Sections 30240 of the Coastal Act.

### **Conclusion**

The soil debris wall and the expansion of the parking lot will not impact ESHA. **Special Condition 1** requires final plans for the parking lot expansion that will be limited to the existing graded areas, so as not to impact ESHA and requires final plans for the debris wall placement that is not within the ESHA vegetation. **Special Condition 3** requires that removal of the non-ESHA coastal sage scrub for the reconfiguration of the parking lot be mitigated. The debris wall and parking lot plans are consistent with the *Natural Resources Preservation Objectives* outlined in the PWP and with section 30240 of the Coastal Act.

### **Landscaping**

Section 30240(b) of the Coastal Act requires that development in areas adjacent to environmentally sensitive habitat areas shall be designed to prevent impacts which would significantly degrade those areas. Landscaping with non-native vegetation near or adjacent to sensitive habitat areas can be invasive and can start to grow in areas of ESHA, negatively impacting the habitat area.

The PWP includes a Landscape and Vegetation Management Plan that acknowledges that non-native vegetation, as well as native vegetation, make up a character defining feature of the district: *to maintain the historically significant landscaping at the Historic District, existing and/or historical non-native ornamental vegetation should be retained with the boundaries of the Historic District. However, additional areas of non-native vegetation within this district as well as outside the boundaries of the district shall be prohibited.* 160

Additionally, the PWP indicates that conserving water by using native plants are key goals: *Plant indigenous vegetation where appropriate, use reclaimed or recycled water for landscape irrigation, use water-efficient irrigation design for landscaping.* 144

In order to ensure that the existing non-native, ornamental vegetation is maintained and does not impact adjacent ESHA areas, **Special Condition 10** requires that the landscaping be maintained to avoid encroachment into areas of ESHA and that the landscaping be installed with water-efficient irrigation systems. **Special Condition 10** also prohibits fuel modification in areas of ESHA. Only as conditioned is the project consistent with the PWP and Section 30240 of the Coastal Act.

## **E. LOWER COST VISITOR SERVING ACCOMMODATIONS**

The Coastal Act provides that development should maintain and enhance public access to the coast and encourages the provision of lower cost visitor and recreational facilities.

Section 30213 of the Coastal Act 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 to moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible, provided. The PWP provides for visitor-serving development at the Historic District in the form of both day use and overnight use. Day use activities are provided through the interpretation and educational components, restaurants, beach access, and an underwater conservation area park. Overnight uses are provided through the overnight accommodations onsite.

### **Background**

The PWP outlines the intent of the overnight cottages to be affordable:

*This (Overnight Accommodations) program provides general public access to affordable short-term overnight accommodations in the Historic District's cottages. Through this program people from most income levels will have a unique opportunity to spend a few nights in this historic beach recreation community. The emphasis of this program is to offer a delightfully unique and affordable beach recreation experience. People can relax in the secluded casual community atmosphere of Crystal Cove. (Pg. 12)*

*In order to provide affordable low-cost overnight accommodations at the Crystal Cove Historic District, the overnight accommodations rate structure will use the following parameters:*



- *The rates charged for overnight accommodations shall be maintained at a rate comparable with fees charged at similar State Park facilities and lower than average rate for overnight accommodations in the local market area.*
- *Overnight accommodation program revenues shall strive to meet the minimum level of operating budget necessary for staffing and other costs.*

The rate information for the overnight accommodations program was not provided in the PWP, but was submitted as a document for condition compliance. A *Preliminary Fiscal/Operations Plan for Crystal Cove Historic District* (FOP) prepared by Williams-Kuebelbeck & Associates, Inc. was submitted on May 13, 2003 and was attached as an exhibit to the PWP amendment staff report PWP 4-82-A2 (attached here as **Exhibit 13**). The purpose of the report was to “*assist in determining the long-term feasibility and fiscal implications of operating overnight accommodations at Crystal Cove in accordance with the goals and objectives of State Parks.*” The report evaluates lodging operations in California State Parks, hostels near the coast, and hotels in the local market for comparative purposes. The FOP analyzed a range of rates to be charged at the Historic District—from \$25 per night for the dormitory accommodations to \$100 - \$175 per night for the individual cottages. Based on the location and amenities offered at the Crystal Cove Historic District compared to lodging in State Parks and hotels in the local market, the rate structure established for the Historic District by the FOP was determined to be below market rate in 2003. As such, the proposed rate structure, outlined above, was approved by the Commission as consistent with Section 30213 of the Coastal Act, which requires the provision of lower cost visitor-serving uses.

The rate parameters outlined in the FOP were then formally included in the PWP to assure that they were maintained at an affordable rate, through **Special Condition 3** of the staff report. The rate structure was intended to allow for flexibility to adjust the price as necessary, yet maintain the affordability of the cottages for the general public. At the time of Commission action in 2003, the rates were set at \$25 per night for dorm beds, and \$125 for the smaller cottages (accommodates 1-3 guests), \$150 for the moderate cottages (accommodates up to 4 guests), and \$175 for the larger cottages (accommodates 6 guests or more) per night. These were the rates regardless of the number of guests or the season.

All cottages are intended to be affordable to the general public, according to the PWP. The majority of the cottages restored and converted for overnight use in Phases I and II were funded by in-lieu mitigation funds received by the Coastal Commission for the preservation of lower-cost overnight accommodations in the coastal zone, particularly in Orange County. In 2002, the Commission entered into a Memorandum of Understanding (2002 MOU)(**Exhibit 6a**) with State Parks that detailed the requirements for the expenditures of the mitigation funds for providing lower-cost overnight accommodations. In accordance with the terms of the 2002 MOU, State Parks provided lower-cost overnight accommodations in the form of 3 dorm-style cottages (29, 38, and 39) and a range of other cottage accommodations consistent with the FOP rate structure and approved by the Commission in the specific project approval of PWP 4-82-14.

The PWP explored possible methods to keep the rates affordable without conducting additional studies, and considered adjusting the rates according to CPI:

*Provide a range of affordable overnight accommodation types. It is the intent of the PPUP and the Department to establish overnight rentals to be affordable and as economically sustainable as possible. More detailed economic studies will be needed to determine the actual overnight rental rates and operational requirements. Once required operational costs are determined overnight rates could be indexed to other comparable accommodations or industry standards (such as the AAA or Michelin travel guide rating systems). Consideration may also be given to developing a formula that also assures the rates are a certain percentage amount below the average local overnight rate. In consideration of economic sustainability needs for operational costs, it is suggested that the overnight rates be periodically reviewed so that adjustments that are indexed to an industry standard (such as increases or decreases in the Consumer Price Index) could be made.* (Pg. 69. Emphasis added)

While the PWP explored methods for rate increases in the future, including Consumer Price index (CPI) adjustments, a final method was not evaluated in the FOP and the Commission did not approve one in 2003.

### **Proposed Rates**

The contractual agreement between the CCA and State Parks<sup>4</sup> contains a formula: *Consumer Price Index Adjustment Formula* where the CPI calculations, according to the U.S. Department of Labor Bureau of Labor Statistics Consumer Price Index, are added to the underlying rates. According to the formula, the CPI increase since 2002 amounts to 1.398. The rates approved by the Commission in 2003 are shown in the table below. The CPI adjustments since then have been added. There are no per person fees. Each rate below is a flat rate. As of December 2016, the rental rates for all cottages at CCHD (Phases I, II and III) now will reflect the rates below:

<b>Cottage Size</b>	<b>Guest Capacity</b>	<b>2003 Rate</b>	<b>CPI since 2003</b>	<b>2016 Rate</b> *Rounded to the nearest dollar
Large	6 or more	\$175	X 1.398	= \$245
Medium	4-5	\$150	X 1.398	= \$209
Small	1-3	\$125	X 1.398	= \$175
Hostel/Dorm Bed	1 bed	\$25	X 1.398	= \$35

In Phase I and II there were 3 dorm-style cottages (29, 38, and 39) constructed with private dorm rooms and shared kitchen and common areas that did not fit into the rate structure above. As of December 2016, Private Dorm rooms that sleep 1 - 2 guests are rented for \$35 per night, rooms that sleep 2 - 4 guests are rented for \$69 per night, and the largest room that sleeps up to 6 guests is \$105 per night, as reflected below.

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<sup>4</sup> *Concession Contract for Historic District Lodging and Restaurants at Crystal Cove State Park (#53925-06-01)* from May 1, 2006 - April 30, 2026

The rate structure for Phase I and II is currently in compliance with the terms of the specific project approval of 2003, the 2002 MOU, and is in compliance with Coastal Act policies to provide lower cost overnight accommodations. This same rate structure will serve as the proposed rates for Phase III to be approved under this permit, as shown below.

Rental Unit	Guest Capacity	Rates per night
Large Cottage	6 or more	\$245
Medium Cottage	4-5	\$209
Small Cottage	1-3	\$175
Large Private Dorm Room	1-6	\$105
Medium Private Dorm Room	2-4	\$69
Small Private Dorm Room	1-2	\$35
Open Dorm beds in shared rooms	1 bed	\$35

This rate structure may be subject to CPI adjustments in the future. **Special Condition 2** requires that periodic CPI and Short Term rate increases are submitted to the Executive Director, and that any rate adjustments beyond CPI and Short Term increases are submitted to the Executive Director to determine whether a permit amendment is required. Rate adjustments beyond CPI would raise significant concerns as to consistency with the affordability defined in the PWP amendment (4-82-A2) and previous Commission approvals.

### Range of Accommodation Types

The PWP describes two different types of overnight accommodations available to the public: Individual style accommodations to provide affordable accommodations for people who want privacy (overnight whole cottages), and Hostel/Dormitory style accommodations to provide very low-cost informal overnight accommodations for individuals and groups who don't mind sharing a room with people that they may or may not know (common kitchen and bathrooms).

It is clear from that PWP language that a range of overnight accommodation types were to be provided, affordable accommodations were required in the cottages, and very low-cost accommodations were required in the Dorm-Style or Hostel cottages. The PWP states:

#### Overnight Accommodations Program

*The program provides general public access to affordable short-term overnight accommodation in the HD's beachside cottages. Through this program people from most income levels will have a unique opportunity to spend a few nights in this historic beach recreation community. The emphasis of this program is to offer a delightfully different and affordable beach recreation experience. (132)*

#### Individual style accommodations (cottages)

*Function: To provide affordable overnight accommodations for people who want privacy.*

*Description: Unique and affordable seaside cottage overnight accommodations for general public park visitors, visitor instructors, guests lecturers, researchers, and education program participants (similar to an Elder Hostel Program).*

*Facility Guidelines: Overnight whole cottages or studio/duplex unit rentals with a range of different accommodation levels (size, number of rooms, full utilities, no utilities, location, etc.).*

*Minimum 2 ADA accessible cottages. A minimum of 1 cottage for each different CCHD location/visitor experience (beachfront and bluff top) to provide same variety of experiences that is available to all other overnight visitors. (pg 136. Emphasis added)*

#### *Dorm-Style Accommodations and Commons*

*Function: To provide very low cost informal overnight accommodations for individuals and groups who don't mind sharing a room with people they may or may not know.*

*Description: Overnight cottage accommodations grouped and adapted to a hostel or dorm-style operation. This could be an alternative to an individual cottage rental arrangement.*

*Facility Guidelines:*

*Reception/registration/ manager's office areas*

*Residence for the overnight manager*

*Dormitory accommodations (in various arrangements and configurations if possible).*

*ADA compliance*

*Secure storage areas for visitor's bicycles*

*Location Guidelines: All hostel buildings and elements should be grouped together for effective management, operations, security and visitor orientation. They should be within easy walking distance from one another. (pg. 138. Emphasis added)*

What is also clear from the PWP language above is that the Dorm-style accommodations were to include opportunities for individuals and groups to share rooms with others that they may or may not know. Additionally, the FOP proposed rates per bed for the dorm-style accommodations, anticipating that individual bed rentals would be available in the CCHD, as consistent with the PWP. However, the dorm-style accommodations that were provided in Phase I and II (in cottages 29, 38, and 39) do not operate like a typical hostel, and only provide private dorm rooms. Individuals must reserve a whole private dorm room and cannot rent a bed in a shared room. Currently in the CCHD, there are only 3 small rooms that accommodate 1-2 guests for an individual to rent at \$35 per night and there are no opportunities yet to stay overnight in a shared room.

The description above from the PWP envisions a traditional hostel system where individuals can rent a single bed in a shared room with others. Such a facility would be inherently low cost. As such, the Phase III proposal includes a hostel-style cottage with 11 beds in shared rooms in Cottage 20. The construction of the Open Dorm style cottage that operates similar to a hostel with individual bed rentals will add to the range of accommodation types in the CCHD and will provide very low cost accommodations, consistent with the terms of the 2012 MOU, discussed below, which provided 5 million dollars of in-lieu mitigation funding.

The Open Dorm accommodations represent the "very low cost" accommodations for individuals as envisioned by the PWP. Lower cost accommodations have frequently been defined by the

Commission as overnight accommodations that are inherently lower cost, such as hostels and RV parks and camping facilities.

### **Range of Accommodation Rates**

Lodging opportunities for budget-conscious visitors to the coast are increasingly limited. As the trend to demolish or convert low-cost hotels/motels continues, and only new high cost 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 lower cost lodging for the price-sensitive visitor, a larger segment of the population will have the opportunity to visit the coast. 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 either imposed in-lieu mitigation fees on development projects that remove existing facilities and/or propose only new high cost overnight accommodations, and/or encouraged lower cost visitor serving accommodations onsite within the development.

The applicants identified low-cost overnight accommodations as a component of the Phase III development, as the 11-bed Open Dorm in Cottage 20, as well as a commitment to the existing lower cost rate structure for the remaining cottages.

Overall, the PWP calls for a range of accommodation types and a range of affordability. The PWP amendment (4-82-A2) and subsequent FOP determined the rates for the CCHD, including the lower cost rates and the Commission approved the rates of the FOP as consistent with section 30213 of the Coastal Act. As such, all proposed cottage rental rates consistent with the FOP rates (with the approved CPI adjustments) are, thus, consistent with section 30213 of the Coastal Act.

### **Terms of the MOU for Mitigation Funding**

The applicants have included a proposal to construct lower cost overnight accommodations using previously acquired in-lieu fees, consistent with the 2012 MOU, paragraph 3 that requires a coastal development permit for the use of the funds (**Exhibit 6b**). In order to supplement the supply of lower cost accommodations, the applicants have proposed to use a portion of the mitigation funds to establish an endowment to fund an educational overnight program for disadvantaged youth.

In recent action (CDP 5-14-1785) the Commission has accepted an educational program (Fostering interest in Nature (FiIN) Program, City of Newport Beach) for underserved youth with an overnight accommodation component as an appropriate use of in-lieu mitigation funding, which provides for lower cost overnight accommodations to inland and underserved students and youth that are otherwise unable to access overnight accommodations along the coast. The program is offered at no cost to the students and usually offers 2 or 3 night stays with some coastal-related outdoor education programming during the day.

The program as a mitigation alternative provides outdoor educational programming for students from Title 1 inland area schools, as well as provides overnight accommodations through existing cabins and/or tent camping. The program serves as many as 360-420 students annually. The educational components focus on ocean safety, coastal and marine ecology, coastal hazards, and other coastal-related topics. The program includes water-oriented recreational activities such as kayaking, boating, swimming or surfing, etc.

The program proposed by the Crystal Cove Alliance, “Coastal Dynamics Education Program” is modeled after the City of Newport Beach’s program. It will target students from inland areas and Title 1 schools (high schools and junior highs) and youth served by non-profit organizations for disadvantaged and low income families. The Open Dorm, Cottage 20, in the Historic District will provide the overnight component to the educational program, offering 11 beds up to 36 nights per year, throughout the year, during night stays. Approximately 350 students will be served by the program each year, but no less than 125 students per year.

The program is proposed to be funded by an endowment established with \$1 million dollars of the in-lieu mitigation funding (2012 MOU). The earned interest will be used for the program each year. Additional funding may be sought to expand the program to reach more students per year. Annual reports will be sent to the Executive Director.

While the proposed program would not directly establish any new permanent, physical lower cost overnight accommodations available to the general public, it would provide overnight stays for students from inland areas who may not otherwise have opportunities for coastal access and overnight stays. The mitigation would provide an alternative use for the in-lieu mitigation fees in order to enhance access to the lower cost accommodations that are provided onsite, which represents an alternative methodology for achieving consistency with the Coastal Act’s lower cost visitor accommodations policies.

Additional information is needed in order for the Executive Director to determine that the program is a suitable use for the mitigation funds and consistent with Coastal Act lower cost visitor-serving policies, including a detailed budget addressing all program elements, including but not limited to, the costs incurred by the participating school districts and/or participants; initial budget and expected annual budget; sources of any additional funding; the maximum administrative and operating fees per year; expected cost of transportation, tents, food, lodging, curriculum, staff, equipment, supplies, etc. Additionally, the list of Title 1 schools participating in the program, as well as the list of organizations and/or non-profits involved with the educational and recreational programming must be provided. **Special Condition 1** requires a final plan for the overnight program. Thus, as conditioned, the proposed development allows for equal public access to the overnight accommodations and conforms with Section 30213 of the Coastal Act.

To ensure the facility will continue to provide the proposed range of accommodations, including lower cost accommodations, the Commission imposes **Special Condition 2** that formalizes the overnight rates to be offered to the general public, as proposed by the applicant. **Special Condition 2 and 4** also states that any future improvement, including certain rate adjustments, are subject to a permit amendment. Only as conditioned, can the project be found consistent with the lower cost visitor serving policies of section 30213 of the Coastal Act.

## **F. PUBLIC ACCESS AND RECREATION**

The Coastal Act provides that development should maintain and enhance public access to the coast and encourages the provision of lower cost visitor and recreational facilities. The following policies which encourage public access and recreational use of coastal areas are applicable to the proposal:

Section 30210 of the Coastal Act 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.*

Section 30252 of the Coastal Act states, in part:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service... (3) providing nonautomobile circulation within the development, 4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....*

The PWP states:

*The Preservation and Public Use Plan will provide the direction of general policies, goals, objectives, activities, and recommended facilities and functions, but will not specifically dictate how long-term objectives will be accomplished and managed. The details of cooperating association and concessions agreements, participating organizations, budgeting, and management will be left to future implementation processes. (Pg. 5)*

### **Boardwalk and Service Pathway**

Although they are public access improvements in and of themselves (discussed below), the boardwalk and service pathway have the potential to impact public access and the movement of beach sand. In combination, the proposed boardwalk at 4 feet wide and the service path at 8 feet wide, these elements together would occupy more than 12 feet of beach width, for approximately 650 feet along the entirety of North Beach. Given the natural seasonal changes in beach width, beach sand, and the expected levels of sea level rise, if the service path and boardwalk were constructed as proposed, during high tide and most winter months there would be little to no sandy areas for public use. In order to ensure that the width of the structure does not occupy space on the sandy beach and displace access on the sand, the alignment of the structure will be located inland of the historic boardwalk alignment, mainly in the existing developed area immediately seaward of the cottages. Also, pushing the alignment of the boardwalk structure inland allows for greater protection from storm events and sea level rise in the future.

On the other hand, the inherent nature of the boardwalk and service path will enhance public access by providing for ADA access along the shoreline and will provide ADA access to the cottages on North Beach, which is not currently available. Therefore, to some extent public

access impacts which would otherwise result from the boardwalk and service pathway (which are already mitigated for by landward relocation of these project components) are self-mitigating by the very nature of the boardwalk and service pathway to facilitate access, particularly ADA access. **Special Condition 1** requires the boardwalk and service path be constructed 2 feet inland to maintain a sandy beach area for public use seaward of the boardwalk and path. As conditioned, the construction of the service pathway and boardwalk is consistent with the public access policies of the Coastal Act.

### **Check in Parking lot**

Section 30252 of the Coastal Act requires that new development maintain and enhance public access to the coast by providing adequate parking or alternative means of transportation. When new development does not provide adequate onsite parking and there are inadequate alternative means of reaching the area (such as public transportation), users of that development are forced to occupy public parking that could be used by visitors to the coast. A lack of public parking and public transportation can discourage some visitors dependent on vehicular use from coming to the beach and other visitor-serving activities in the coastal zone. A parking deficiency may therefore have an adverse impact on public access.

The majority of parking serving the Historic District is provided at the Los Trancos parking lot located inland of PCH. The 14 acre Los Trancos parking lot provides 394 spaces (389 standard spaces and 5 ADA spaces). A tunnel and a crosswalk both lead from the Los Trancos lot to the Historic District on the seaward side of PCH. In addition to the parking available at the Los Trancos lot, there is limited parking available within the Historic District, including 9 ADA parking spaces and 16 spaces in the bluff top lot for temporary parking, used for guest check-in and check-out only. Non-registered guests arriving during the day may drop off family and friends and beach equipment near the existing garages and then park their vehicles at the Los Trancos lot for the day. There is also a shuttle that picks up beachgoers from Los Trancos lot and drops them off at this drop-off location. The cost is \$1 per ride.

The proposal includes reconfiguring the check in parking lot in the Historic District to change it from 16 spaces, to 24 spaces to accommodate additional guests. The PWP discussed parking in the historic district:

*The challenge is to effectively provide the minimum necessary parking for the various park programs and activities within the limited parking opportunities at CCHD. (pg. 94)*

The check-in parking lot was approved under the PWP specific project approval in 2003. Up to 20 spots were approved in this location, with the PWP language stating that a reduction to the parking area may be necessary given the site constraints. (pg. 94)

The project description submitted by State Parks in 2003 for the check-in parking lot stated:  
*The parking lot shown on figure 2.2, Sheet S-4 represents a “worst case” scenario for intrusion into the coastal terrace and may be reduced in size or moved within the Historic District in the final plans. Final design of the lot will avoid high quality habitat and rare plants. ... Approximately 20 spaces will be provided in the parking area.*

The findings of the project approval stated that ½ to ¾ acre of low quality CSS would be removed for the parking lot. A site specific survey was submitted so that an ESHA determination



could be made. The areas of disturbance for the new parking lot was limited to the areas of low quality CSS, which did not rise to the level of ESHA, according to the submitted survey, yet mitigation for the impacts to CSS was required through Special Condition 5 of that approval. At the time final plans were submitted to the Commission the parking lot siting and footprint was changed and the size was reduced from 20 to 15 spots (**Exhibit 4**). Today there are 16 spots in the check-in parking lot in the configuration of the final plans submitted. It is unclear why there is a change in the number of spaces from the plans on file, but the footprint is consistent with the plans on file.

The current proposal to construct 8 new spots on the inland side of the lot would change the footprint of the lot to the limits of the previously graded area of the existing parking lot (approximately 10-12 feet beyond the current parking lot footprint in either direction) which contains low quality coastal sage scrub (CSS). The proposal would also include reconfiguration of the lot; the current lot contains trash enclosures that would be relocated and restriping would add more spaces. Two parallel spaces can be accommodated within the entrance lane to the parking lot. Because the construction of the expansion will be limited to the areas that were previously graded it will not impact ESHA.

The PWP explored possible alternatives to expansion of the parking lots:

*One shuttle operation that serves both day use visitors, overnight visitors, as well as staff or volunteers would be the most efficient operation. A shuttle vehicle would be especially vital to the overnight accommodations operation since there will not be parking for overnight visitors within Crystal Cove for overnight visitors. All overnight visitors leaving their vehicles at Los Trancos, would ride the shuttle with their belongings from the inland parking area to their assigned overnight accommodation unit. This shuttle would also be available to disabled visitors who park their vehicles in the inland Los Trancos parking area. A shuttle operation would also be useful transportation from Los Trancos for day-use visitors as well as park staff, volunteers, and concessions/overnight accommodations employees who are not able to park their vehicles in the limited on-site parking areas for authorized vehicles. (pg. 49. Emphasis added)*

*Primary public visitor parking (both day-use and overnight) will be located at Los Trancos in order to minimize CCHD vehicular traffic, reduce the need to alter the site by creating new parking areas, and preserve the pedestrian character. (Pg. 97)*

If in the future, the proposed 24 space parking lot under this permit becomes impacted, given the site constraints and surrounding ESHA, alternative parking arrangements will need to be considered. For example, the current shuttle that runs from Los Trancos to the CCHD is a bus-type shuttle for day-use visitors only going from Los Trancos to the beach or Beachcomber restaurant. This same shuttle, or a second bus-type shuttle, could be made available for overnight guests also, that would transport overnight guests and their luggage from Los Trancos over to the CCHD, and function exactly as outlined in the PWP.

Guests could be directed to park in the Los Trancos lot and board the shuttle with their luggage to be transported to the check-in area. The existing shuttle service could easily be expanded to

accommodate overnight guests and their luggage. The same process would work during check-out also. This is not a proposed alternative. The applicants have stated that an additional shuttle is not feasible at this time.

Another alternative would be to create a staggered check-in schedule. Guest check-in begins at 4pm. Guests must be checked in before 9pm. In order to avoid a full parking lot at 4pm, guests could be given a scheduled check-in “window.” For example, check in times could be staggered as such: 4-4:15, 4:15-4:30, 4:30-4:45, 4:45-5 and guests could be assigned a specific time range. The applicants have stated that a check in window is not feasible at this time due to housekeeping schedules.

With the understanding that future development proposals at the Historic District may be required to further explore or incorporate alternative methods to facilitate public access to the District, the Commission concludes that the current proposal to expand the check in parking lot is consistent with Section 30252 of the Coastal Act because it will provide temporary parking facilities in areas that will minimize the use of coastal roads for visitor parking (30252(2)), and it will provide adequate parking facilities for check-in while allowing visitors to park on a longer-term basis at the Los Trancos parking lot (30252(4)).

### **Bicycle Parking**

The PWP “Facility Guidelines” for the dorm-style and hostel accommodations included secure storage areas for visitor bicycles. To date, no bike parking existing in the Historic District, as originally intended as an alternative form of transportation to the historic district for guests in the dorms and hostel. The applicants have argued that there are many conflicting transport methods already in the CCHD and introducing bicycle parking would encourage the use of bikes in and around the CCHD, increasing the potential for bike, car, and pedestrian accidents. Therefore, bike parking may be appropriate at the nearby Los Trancos Parking lot instead of in the CCHD. Adding bike parking nearby may help to alleviate the parking demand within the Historic District. **Special Condition 1** requires final plans for the location and number of bike parking spaces in the Los Trancos parking lot where feasible. As conditioned, the proposal would not negatively impact public access, and the potential bike parking facilities are consistent with Section 30252 and 30210 of the Coastal Act.

## **G. SCENIC AND VISUAL RESOURCES**

Section 30251 of the Coastal Act states that:

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

The above-cited policy of the Coastal Act was designed to minimize visual impacts and landform alteration and to avoid cumulative adverse impacts of development encroachment into natural land forms.

### **Soil Debris Wall**

The soil debris wall would be visible from the beach, looking inland, however the wall would look similar to existing wooden retaining walls in the CCHD. The bluff vegetation and natural bluff edge will still be visible from the beach over the wall and the majority of the wall will be behind the cottages, and obscured from view. The proposed alternative avoids alteration of the bluff face (particularly by comparison to the soil nail alternative) and the existing vegetation protects the visual resources of the coastal bluff and scenic landscape. **Special Condition 1** requires final plans for the debris wall to ensure consistency with the applicant's proposal. As conditioned, the project is consistent with Section 30251 of the Coastal Act.

### **Boardwalk and Service Path Structure**

The boardwalk and Service Path structure, as proposed for structural stability, would be elevated above the beach sand with staircases down to the sand, however the structure is designed to resemble the historic boardwalk to the maximum extent feasible. The service path, located inland of the boardwalk, would include a surface material that mimics the look of sand and would not be visible from the beach. The structure is proposed to be aligned as far inland as possible, and would be aligned immediately adjacent to the existing beachfront cottages. Overall, the presence of the boardwalk and service path structure on the beach would not negatively impact the view inland while standing on the public beach.

### **North Beach Road Slope Stabilization**

The proposal for the North Beach Road slope stabilization to construct 32 caissons just seaward of the road will stabilize the bluff and provide a 1.5 factor of safety for the cottages below. The caissons will be constructed in such a way that they are completely underground, covered with native vegetation and not visible. **Special Condition 8** requires the applicants to provide plans for visual treatments if the caissons and grade beams are exposed at some point in the future. As conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

### **Conclusion**

Given that proposed restoration of the cottages will maintain and enhance the existing cottages facades and historic landscape that is already present on the beach, the restoration project will have no impact on scenic and visual resources. In sum, the proposed development, as conditioned, is consistent with the Coastal Act's scenic and visual resource policies.

## **H. MARINE RESOURCES AND WATER QUALITY**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act 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.*

Section 30232 of the Coastal Act states:

*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.*

Section 30230 of the Coastal Act requires that marine resources including biological productivity be protected. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained. In addition, Sections 30230 and 30231 require that the quality of coastal waters be maintained and protected from adverse impacts. Section 30232 of the Coastal Act requires protection against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development.

Crystal Cove is a unique coastal resource containing tidepools and an underwater park. It is also in a State Marine Conservation Area. The coastal waters located directly off the Historic District are within a designated Area of Special Biological Significance.

### **Lighting**

Section 30230 and 30231 of the Coastal Act requires that marine resources including biological productivity be protected from adverse impacts. Lighting directed toward the ocean and sand can negatively impact the biological productivity of the marine environment.

Both the service pathway and the boardwalk are proposed to have low voltage lighting, for pedestrian safety. Lighting is also proposed on the cottages and the stairways. The Commission has traditionally not allowed lighting near the beach, due to its impact on natural benthic communities inhabiting beach sand and shallow water, which are particularly sensitive to changes in light. It is regular practice at the Historic District for guests to bring flashlights with them after dark for safety when walking down stairs or on the beach.

**Special Condition 9** requires the submittal and Executive Director approval of a lighting plan and requires all exterior lighting be shielded and directed away from the beach and ocean, and that the minimal amount of lighting required for safety is installed and planned according to “dark sky” strategies. Only as conditioned, is the proposal consistent with Section 30230 and 30231 of the Coastal Act.

### **Runoff**

Storm water flows from North Beach of the Historic District discharge directly into coastal waters. The proposed project involves various structural repairs (including those to the cottages and boardwalk) that will result in increased public use at the Historic District. As such,

appropriate measures must be taken to ensure that water quality is protected. According to the Environmental Impact Report (2003), the following construction-related mitigation is proposed:

*All soil disturbing activities, including grading and excavating, associated with road construction and other construction activities, will be subject to restrictions and requirements set for in resource agency permits. To ensure that the project would not result in adverse effects to water quality due to storm runoff, activities area subject to the requirements of the Clean Water Act and National Pollution Elimination System (NPDES). State Parks will use Best Management Practices throughout construction to avoid and minimize indirect impacts associated with the proposed project.*

Permeable surfaces will be used where possible, and are proposed for the service path and boardwalk. Post-construction BMPs will include a runoff treatment by a modular wetland. Trench drains will collect water and direct flows toward the modular wetland. The modular wetland will treat water that runs off of the access road, between cottage 20 and 25, that would consist of a concrete box below grade that contains a bio media filtration and drought tolerant plants are installed on top as additional bio filtration. Treated flows are then discharged into an underground perforated pipe below the boardwalk where it will infiltrate into the sand.

The check-in parking lot will be improved to include grate inlets with drain filters that will treat storm water runoff. The filters would collect trash and debris through a basket and the filters captures hydrocarbons and would be replaced periodically.

Other BMPs that protect water quality would include litter control, employee training, annual catch basin clean-outs, and street and lot sweeping on a regular basis. Restrictions are proposed on fertilizer and pesticide use, disposing of any contaminates, and designated areas for vehicle and equipment repair. Storm drain stenciling is proposed, as well as contained trash enclosures, channel and energy dissipaters, and hillside landscaping to prevent erosion and reduce water turbidity.

As stated above, construction activities will be subject to requirements imposed by resources agencies. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 12**, which requires final submittal of the Storm Water Pollution Prevent Plan and a final Drainage and Runoff Control Plan consistent with the Water Quality Management Plan on file. Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30230, 30231, and 30232 of the Coastal Act with regard to maintaining and enhancing the biological productivity and the water quality.

## **I. CONFLICT RESOLUTION**

Coastal Act Section 30007.5 states:

*The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and*

*employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.*

Coastal Act Section 30200(b) states:

*Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.*

As noted previously in the Hazards findings of the report, the proposed development of the boardwalk and service pathway on the beachfront, the redevelopment of cottages upon caissons, construction of new utility lines, and the construction of the soil debris wall with caissons is inconsistent with 30253(b) in that new development must not require construction of protective devices that alter natural landforms. However, if the Commission denied the development, the action would lead to nonconformity with the public access and recreation policies, section 30253(e) requires protection of special communities that because of their unique characteristics are popular visitor destination points for recreational uses, and 30213 regarding the provision of lower cost visitor and recreational facilities. Together, these policies warrant and compel approval of the proposed development.

In such a situation, when a proposed project is inconsistent with a Chapter 3 policy and denial or modification of the project would be also be inconsistent with other Chapter 3 policies, Section 30007.5 of the Coastal Act provides for resolution of such a policy conflict in a manner that is most protective of coastal resources.

### **Analysis**

In resolving conflicts through application of Section 30007.5, the conflict is carefully analyzed according to the following seven steps:

- 1)The project, as proposed, is inconsistent with at least one Chapter 3 policy;
- 2)The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources;
- 3)The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement;
- 4)The project, if approved, would result in tangible resource enhancement over existing conditions;
- 5)The benefits of the project are not independently required by some other body of law;
- 6)The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to “create a conflict”; and,
- 7)There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

*Step 1—The project, as proposed, is inconsistent with at least one Chapter 3 policy*

For the Commission to apply Section 30007.5, a proposed project must be inconsistent with an applicable Chapter 3 policy. As explained above, approval of the improvements to the cottages and the caisson foundations, the boardwalk and service pathway upon caissons, the utility lines, and the soil debris wall would be inconsistent with provisions of Coastal Act Section 30253.

Construction of a new foundation of an existing structure significantly extends the life of the existing structure and constitutes an entirely new development lifespan. This, plus the additional improvements to the interior and exterior of the cottages which could exceed more than 50% new material, and new utility lines, leads the Commission to define these structures as new development, and as such, Section 30253 requires that new development be sited outside of hazardous locations and not require landform alteration along bluffs.

In order for these essentially new cottages to be protected in this hazardous location, the proposal includes the construction of the caisson foundations to provide structural stability and provide the ability to raise the foundations of the most vulnerable cottages and the construction of a soil debris wall to protect cottages from bluff collapse. The caisson foundations are considered shoreline protection and the soil debris wall would substantially alter on the natural landform of the bluff by being constructed at the bluff toe and would prevent natural erosion. In short, the project is inconsistent with Section 30253 (b).

*Step 2—The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources*

The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner that is inconsistent with at least one other Chapter 3 policy. The inconsistency must arise from a policy that affirmatively mandates protection or enhancement of coastal resources. A true conflict between Chapter 3 policies results from a proposed project which is inconsistent with one or more policies, and for which denial of the project would be inconsistent with at least one Chapter 3 policy. Further, the policy inconsistency that would be caused by denial must be with a policy that affirmatively mandates protection or enhancement of certain coastal resources.

In this case, the affirmative mandate is to protect special communities, such as the Crystal Cove Historic District, that are popular visitor destination points for recreational uses because of their unique characteristics (Section 30253 (e)). Another affirmative mandate is to protect, encourage and where feasible provide lower cost visitor and recreational facilities (Section 30213).

The Crystal Cove Historic District is a special community that is defined by its unique characteristics. As defined by the PWP, the most unique characteristics of the district are:

*The Historic District was established in 1979 to protect and preserve Crystal Cove's basic characteristics and to maintain the scale and character of its cottages. The Historic District was found to possess a significant concentration of buildings that together create a sub-area of architectural and environmental uniqueness and importance that contributes to the overall history and ambience*

*of the Corona del Mar-Laguna Beach locale. The overall character of the site and its development is derived from the mosaic of individual vernacular seaside cottages nestled against and on natural coastal bluffs that converge at the mouth of Los Trancos Creek. This site development is oriented towards the sea. The natural open space coastline that isolates it from the nearby coastal communities accentuates the prominence of Crystal Cove as a unique coastal location.*

*The site characteristics that are considered important are: the unique history of Crystal Cove as a seaside recreation area; the attractive small scale; the concentrated, but still secluded layout with its diverse but compatible patterns of wood-framed buildings; the use of vernacular single-wall style construction to build the inexpensive summer cottages; the homogeneity of topographic siting; the unity of visual elements around the focal points of the creek outlet and bluffs; and the dynamic continuity through time of the cottages nestled against, on, and into coastal bluffs, and of the Historic District itself.*

*In addition to the cottages themselves, historic cultural landscape elements such as topography, roads, footpaths, stairs, boardwalks, paving materials/details, fences, bridges, streets, ornamental and native vegetation, telephone poles, and cottage yards, gardens, and decks are important character-defining features of the Crystal Cove Historic District. These features and elements contribute to the cultural landscape of the National Register property.*

The Crystal Cove Historic District is a special coastal community that has unique features. The CCHD consists of 46 wood frame cottages and unique landscape features largely along the beach front. The CCHD represents a California beach vernacular architectural style of the 1920-40s. It provides a unique alternative to an urban, upscale, modern development. The CCHD includes many visitor serving elements such as restaurants, beach access, nearby hiking and biking trail access, educational programs, historic and museum features, and overnight stays. The goal of the CCHD is to provide public access and enjoyment of the unique coastal resources. When the Commission approved the PWP and approved the restoration of the cottages, it recognized CCHD as a special coastal community.

It was placed on the National Register of Historic Places in June 1979. The historic goals of the district include preserving the contributing elements and features of the CCHD landscape such as its spatial organization, structure and building, vegetation, circulation and water features, and topography. The pedestrian orientation and lack of televisions and internet access are unique to the Crystal Cove experience.

The location and affordability of the cottages make them a prime visitor serving destination. The beach front location of the cottages, in any other development, would make the rental rates unaffordable for many visitors. However, because the resource is owned by a public agency that has committed to affordable rates, the cottages serve a wide range of visitors and are almost always at full capacity.

This project would facilitate and increase public access to the coast. As detailed above in the Public Access section, the proposal includes installation of an ADA accessible boardwalk and



pathway parallel to coastline in front of the North Beach cottages. Considering the above, the Crystal Cove Historic District clearly qualifies as a special community with unique characteristics that makes it a popular destination point for recreational uses. Considering that much of the uniqueness of Crystal Cove stems from its historic location, denial of reconstruction of these cottages in their existing location would fail to protect this special community, inconsistent with Section 30253(e).

The project also promotes the fulfillment of Coastal Act Sections 30213. The Commission has an affirmative mandate to provide lower cost recreational facilities which are being provided in the form of lower cost overnight accommodations. As further explained above, the proposed rates for the hostel-style cottages and the private dorm-style cottages, which would be formalized through **Special Condition 2**, clearly qualify the overnight accommodations as lower-cost visitor and recreational facilities. Similarly, as also discussed above, the overnight educational program for inland and/or Title 1 schools and non-profit groups primarily serving disadvantaged or lower-income families who typically do not have access to the coast also constitutes a lower cost visitor and recreational use under 30213. Finally, the boardwalk and service pathway (which anyone may use free of cost) also constitute lower cost visitor and recreational facilities. Specifically the only access to the lower cost Open Dorm, cottage 20, would be provided by the service pathway and boardwalk structure. The existing walking path in the commons of the CCHD would join the boardwalk structure, making for a complete access path along the entire beachfront in the CCHD. The boardwalk structure would offer views of the ocean on the North Beach to disabled visitors, where access currently does not exist, and would offer views to any member of the public walking on the boardwalk.

*Step 3—The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement*

The project, if approved as conditioned, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement. This ensures that the mandates not only form the basis for conflict resolution, at least in part, but also that the mandates are specifically fulfilled through approval of the project as conditioned. If the Commission were to interpret Section 30007.5 otherwise, then a proposal that offered slight improvements over existing conditions could result in a conflict that would allow the use of Section 30007.5. The Commission has previously found that the conflict resolution provisions were not intended to apply to such minor incremental improvements. (E.g., CDP No. 2-12-014.)

In this case, the proposed project, if approved as conditioned, would protect and improve lower cost recreation facilities (as mandated by Section 30213) and protect a special community pursuant to Section 30253(e). As required by Section 30213, this protection, encouragement and provision of lower cost visitor and recreational facilities is “feasible” because the development as designed (e.g., use of caissons and the soil debris wall) ensure the safety and availability of the visitor serving and recreational facilities (e.g, the cottages, boardwalk, and service pathway) while **Special Condition 5** ensures that the development is responsive to future coastal, flooding, and sea-level rise hazardous risks by requiring consideration and possible implementation of alternative adaptation strategies (e.g., relocation or removal) under specified conditions when protection of the cottages and boardwalk as lower cost visitor and recreational facilities at its

current location may no longer be “feasible.” Lastly, Crystal Cove is a special community in large part due to its accessibility to a large portion of the public and its location on the bluff and beach. Thus, approval of the project in its proposed location is appropriate, as there is no other location for the proposed development that would protect its special character.

If the development were approved the project would be fully consistent with the policies that affirmatively mandate resource protection or enhancement, which are the provisions of lower cost accommodations, public access and recreational opportunities along the coast, and the protection of a special coastal community.

*Step 4— The project, if approved, would result in tangible resource enhancement over existing conditions*

The project, if approved, would result in tangible resource enhancement over existing conditions. First, the project would expand the quantity of lower cost overnight accommodations available on site. Second, the project will improve public access along the coast with the provision of an ADA accessible boardwalk and walkway. Comparatively, existing conditions of the Crystal Cove Historic District are such that the existing cottages are in a condition that will need rehabilitation and structural upgrades (*e.g.*, the caissons) in order to be able to provide lower-cost visitor and recreational facilities into the foreseeable future. Without approval of the proposed project, State Parks may not be able to ensure the safety and availability of the Crystal Cove Historic District in the future.

The proposed development would enhance existing public access by providing public overnight accommodations and by maximizing public passive recreation. The development of the boardwalk and service pathway, as evidenced by the previous boardwalks (both the original and the replica) being washed out by seasonal storms and wave attack, and the cottage foundations both require caisson foundations to provide stability. The raised foundations of the boardwalk and cottages above the sand level would provide for protection in anticipation of sea level rise. The soil debris wall requires caissons at the toe of the bluff for stability in order to protect the two cottages seaward of the bluff.

The seaward cottages on North Beach are inaccessible without a boardwalk structure. The inland row of cottages on North Beach can be accessed by North Beach Road, inland of the cottages, connected by stairways down to the cottages on the bluff face. However the seaward most cottages do not have a road inland of them, and do not have staircases down to the cottages. The only access to these cottages is from the beach front. Without a boardwalk structure, the cottages are inaccessible. If the cottages do not have a boardwalk structure, they will remain inaccessible and therefore will not be able to serve the overnight accommodations program, including cottage 20 which will provide for the lower cost accommodations in Phase III.

The construction of the new proposed boardwalk and service pathway, additionally, will provide ADA access to these seaward cottages. However, in order for the boardwalk and service pathway to be constructed in a way that withstands the seasonal storms, flooding, and wave attack, they must be constructed with protective devices. The original application for the project (5-13-1200) proposed the boardwalk and service pathway be constructed on a gabion system that would be

approximately 15 feet wide. As a less destructive alternative, the applicants have proposed constructing the boardwalk and service path as far inland as possible, reduced the width of the structure to the minimum feasible to protect as much sandy area as possible on the beach, and have proposed to construct the structure on caissons, raising the elevation of the structure 2 feet above sand level. While still a shoreline protective device, the caisson foundation of the boardwalk and service path will allow for some movement of sand and water under and around the structure.

*Step 5— The benefits of the project are not independently required by some other body of law*

The Commission may not use “outside” benefits to find tangible resource enhancement; the project’s anticipated benefits must be independent of other legal requirements. For example, mitigation required by federal agencies, such as for a clean water permit or a take permit, may not be used to support conflict resolution under section 30007.5.

In this case, the project’s benefits to lower cost recreational facilities and coastal access are independent of other law. In particular, maximizing public access is one of the main principles of the Coastal Act, along with protecting and when feasible, enhancing natural resources in the Coastal Zone environment. (See § 30001.5(c).) The benefits to lower cost recreational facilities and coastal access relating to approval of the proposed development stem fully from consistency with Chapter 3 of the Coastal Act.

*Step 6— The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to “create a conflict”*

The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to artificially create a conflict. A project’s benefits to coastal resources must be integral to the project purpose. If the project is inconsistent with a Chapter 3 policy, the main elements of the project must curtail the ongoing degradation of a resource the Commission is charged with enhancing. An applicant may not “create” a conflict by adding an independent component to the project to remedy the ongoing degradation of a resource protected by the Coastal Act because such actions would be ancillary to the project purpose, and not integral, as required by statute. Without this step, applicants could create a conflict and then request that the Commission use Section 30007.5 to approve otherwise unapprovable projects. The balancing provisions of the Coastal Act were not intended to foster such an artificial and easily manipulated process, and were not designed to barter amenities in exchange for project approval.

The main purpose of this project is to provide lower cost overnight accommodations, to improve public access along the coast, and to protect and existing historic and cultural coastal resource. The primary benefit of access to the coast and coastal access arises directly from the main purpose of the project.

*Step 7— There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies*

There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies. As explained above, the applicant and Commission staff worked exhaustively to identify means to stabilize the cottage foundations and protection from bluff collapse, the necessary access boardwalk and pathway, and to make them safe for public access by considering various designs to the project, to arrive at a feasible alternative that creates the fewest impacts. The only alternatives remaining would involve relocating the structures to another area that would be accessible from an existing pathway or road; however, other location alternatives result in changes to the physical layout and context of the buildings that would undermine the historical value of the community and impacts the public access and recreational opportunities and unique characteristics of it which make it a popular visitor destination, would push the cottages further out from the beach, and would likely present other conflicts as most locations in the Crystal Cove State Park are rich with habitat that could be found as ESHA, which would be inconsistent with Coastal Act policies.

Thus, at this time there is no viable alternative that would satisfy all Chapter 3 policies.

### **Conclusion**

With the conflict among the new development/hazards and public access policies of the Coastal Act is established, the Commission must resolve the conflict in a manner which on balance is the most protective of significant coastal resources. In reaching this decision, the Commission evaluates the project's tangible, necessary resource enhancements over the current state and whether they are consistent with resource enhancements mandated in the Coastal Act. In the end, the Commission must determine whether its decision to either deny or approve a project is the decision that is most protective of significant coastal resources.

Based on the above, the Commission finds that the proposed project presents a conflict between Section 30253 (a-b) and Sections 30253(e), and 30213. Denial of the project would interfere with the Commission's mandate to maximize access, protect special communities and provide lower cost public recreational facilities.

The Commission may only resolve the conflict in a manner which on balance is the most protective of significant coastal resources. Alternatives for constructing the cottages, boardwalk and service pathway and debris wall that would avoid requiring the construction of protective devices that would substantially alter natural landforms is not feasible, due to the historic special nature of the community, the access requirements to the cottages, and the location of the necessary structures in a hazardous location where alternative siting is not feasible. However, such approval is expressly conditioned on the requirement that the applicant not rely on future shoreline protection (beyond what is approved here) for the approved development, and that the applicant re-evaluate and potentially relocate and/or remove the approved development under specified conditions in response to coastal, flooding, and sea-level rise hazards.

The Commission finds that on balance, approval of the project as conditioned is most protective of the significant coastal resources being public access, recreation, and the provision of lower cost accommodations. This will achieve the underlying goals in the proposed project of maximizing access, protecting special communities and providing lower cost public recreational facilities.

## **J. LOCAL COASTAL PROGRAM AND PUBLIC WORKS PLAN**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

*(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

The Newport Coast (formerly Irvine Coast) Local Coastal Program (LCP) was certified by the Commission in January 1988. The Newport Coast LCP acknowledges that Crystal Cove State Park is certified separately under the PWP in 1982. Since this project proposal falls outside of and is not proposed under the PWP, the project is neither subject to the LCP nor the PWP and is therefore evaluated for consistency under Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development as conditioned will not prejudice the existing Local Coastal Program nor the PWP, and is consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

## **K. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application 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). The Commission's consideration and approval of coastal development permits has been certified by the Natural Resources Secretary as the functional equivalent of CEQA. (14 CCR § 15251(c).) 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.

The California Department of Parks and Recreation (State Parks) is the lead agency for purposes of CEQA compliance. State Parks prepared an Environmental Impact Report in 2003 that evaluated the original scope of the proposed project. Additionally, the proposed development has been further conditioned by the Commission herein to assure the proposed project is consistent with the resource protection policies of the Coastal Act.

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

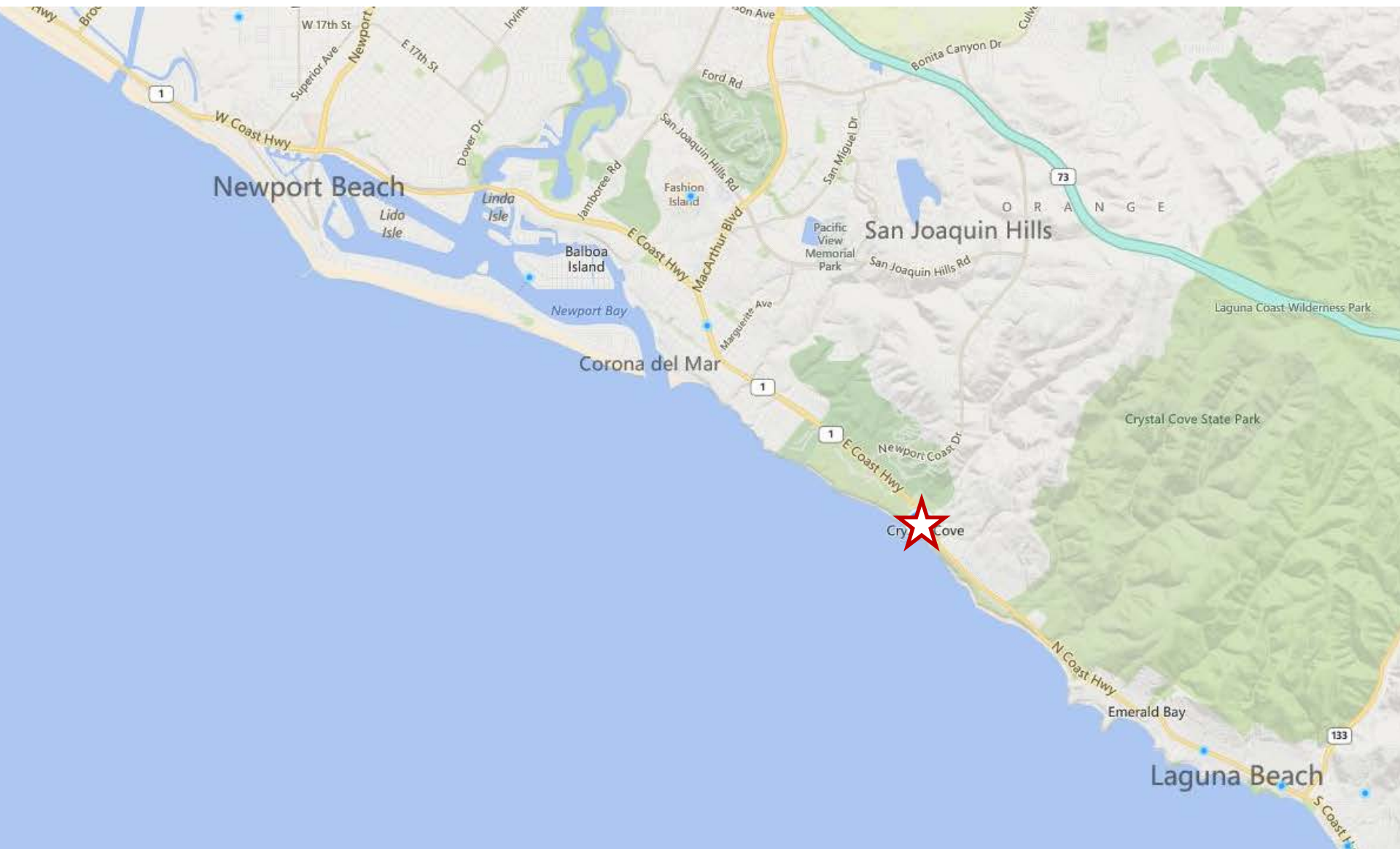
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## **APPENDIX A**

### Substantive Files:

1. CDP application 5-13-1200
2. Public Works Plan: *Preservation and Public Use Plan with General Plan Amendment*, Commission Approved 2003
3. PWP 4-82-A2 and PWP 4-82-14 Staff Report and permit, 2003
4. Crystal Cove Historic District Final EIR, 2003

# Area Map





# Site Map



Phase III:  
North Beach, 17 cottages



# Elements of Phase III Proposal

Expand Check-in Parking lot

Slope Stabilization with caissons and new road pavement

Individual Cottage restorations, utilities, caisson foundations, and retaining walls

Bluff Stabilization

Boardwalk and Service Pathway

LEGEND  
CRYSTAL COVE COTTAGES  
PHASE III  
PRELIMINARY CIVIL SITE IMPROVEMENTS  
EXHIBIT D: SCHEMATIC LAYOUT FOR CHECK-IN  
PARKING LOT, SERVICE PATHWAY, AND UTILITIES  
DATE: 4/23/2013

Revised Plans for Check-in Parking  
Lot with 15 spaces (2004)  
Shows original grading lines

**Exhibit 4**  
**Page 1 of 1**

# Check-in Parking Lot Plans, proposed

Plans proposed for Check-in  
Parking Lot with 8 new spaces  
(2015)

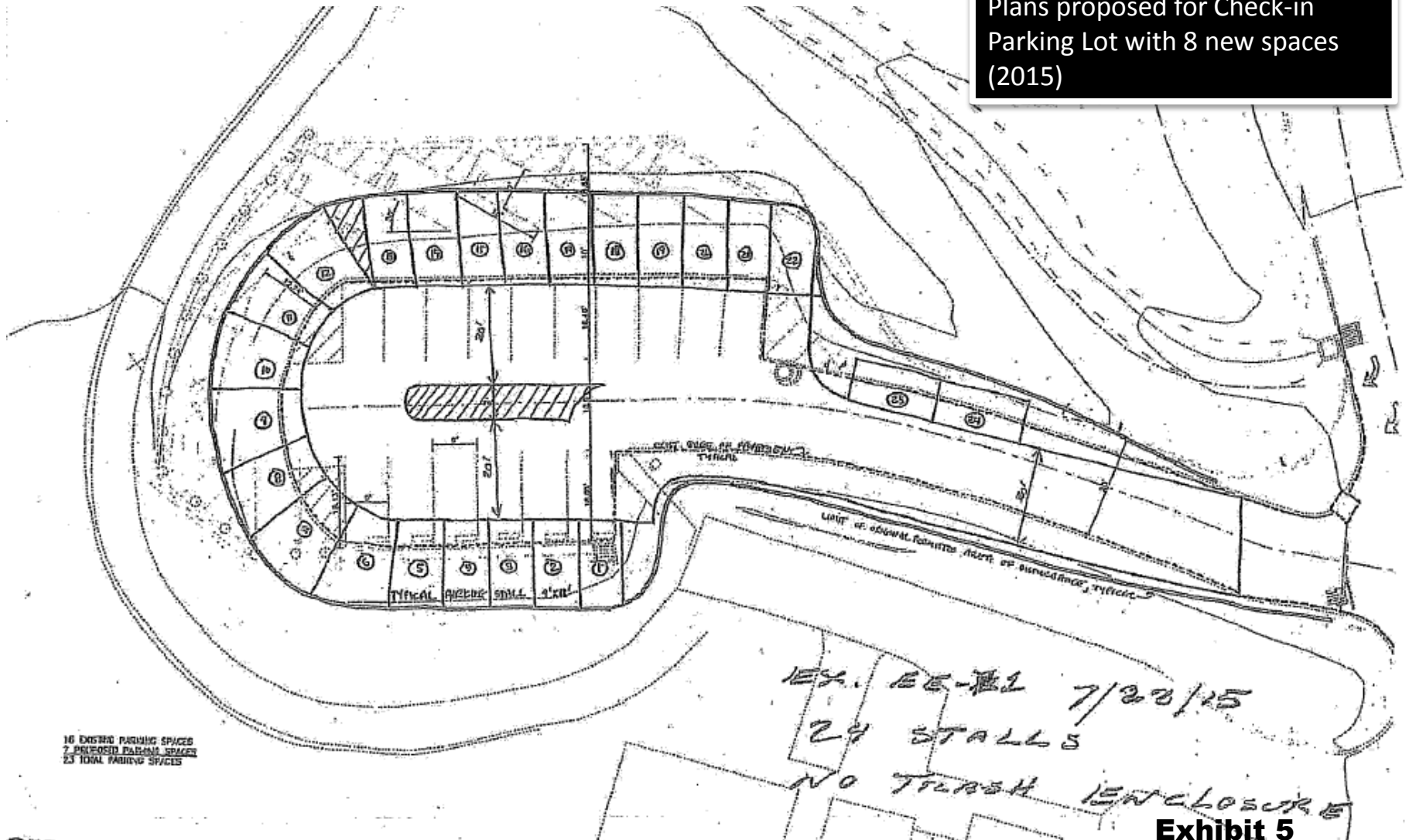


Exhibit 5

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**MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA COASTAL  
COMMISSION AND THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND  
RECREATION REGARDING THE EXPENDITURE OF MITIGATION FUNDS**

This Memorandum of Understanding ("MOU") is entered into by and between the California Coastal Commission ("Commission"), a public agency, and the State of California Department of Parks and Recreation ("Department"), a public agency, through their duly elected, appointed, qualified or acting representatives.

**I. RECITALS**

- A. The "Laguna Niguel Hostel/Crystal Cove Improvement Fund" ("Fund"), held by the State Treasurer for the Commission in a Special Deposit Fund Account, consists of mitigation fees collected by the Commission pursuant to special conditions included in Coastal Development Permit No. 5-87-980, as amended. These funds have been designated to develop low-cost overnight visitor serving accommodations within Crystal Cove State Park, an area located along the Southern California coast between the cities of Newport Beach and Laguna Beach, Orange County. Authorized expenditures from the "Laguna Niguel Hostel/Crystal Cove Improvement Fund" include the development of hostel facilities and/or low-cost overnight visitor serving accommodations, as defined in "Definitions," below;
- B. The Commission and the Department desire to use the funds in the "Laguna Niguel Hostel/Crystal Cove Improvement Fund" in furtherance of the purpose of the Fund. The Commission and the Department agree that hostel facilities and/or low-cost overnight visitor serving accommodations shall be established in Crystal Cove State Park using the funds from the "Laguna Niguel Hostel/Crystal Cove Improvement Fund." Responsibility for any development within Crystal Cove State Park is within the Department's purview pursuant to Public Resources Code sections 5001 and 5003;
- C. The Department, pursuant to Public Resources Code section 5053, may provide hostel facilities in any unit of the State Park System consistent with the General Development Plan for such unit. In the case of the Historic District of Crystal Cove State Park, the General Development Plan, approved by the California State Park and Recreation Commission in March 1982, allows for hostel facilities. The current Public Works Plan for the Historic District of Crystal Cove State Park, which allows for low-cost overnight facilities consistent with the Department's current General Development Plan, was approved by the Commission in May 1982, pursuant to Public Resources Code section 30605. Accordingly, both plans recommend the establishment of hostel and other low-cost overnight visitor serving facilities at Crystal Cove State Park;
- D. To ensure the establishment of hostel facilities and/or low cost overnight visitor serving accommodations in Crystal Cove State Park and to carry out the conditions of the coastal development permit, the Commission will transfer monies from the "Laguna Niguel Hostel/Crystal Cove Improvement Fund" with accrued interest, deposited solely for this

undertaking, to the Department for the development of hostel facilities and/or low cost overnight visitor serving accommodations in accordance with the terms of this MOU. The Department, pursuant to Public Resources Code section 5002.2, shall proceed with the development of the hostel or low-cost overnight visitor serving projects described herein, upon transmittal to the Department from the Commission of the monies available in the "Laguna Niguel Hostel/Crystal Cove Improvement Fund" and approval in accordance with the terms and conditions of this MOU;

- E. The Laguna Niguel/Crystal Cove Improvement Fund contains \$2,800,000 as of April 30, 2002; and
- F. This MOU supplants and entirely supersedes a previous MOU of June 6, 1991, entered into by the parties relating to the expenditure of funds at Crystal Cove State Park. The 1991 MOU expired in 1996 by its own terms.

## **II. DEFINITIONS**

Hostel Facility means a supervised overnight covered and enclosed lodging or sleeping accommodation provided for use by individuals of all ages, including bicyclists and hikers. Hostel facilities shall include sleeping areas for individuals or groups, water, washrooms, and sanitary facilities and may also include kitchen facilities for individual or group use (Public Resources Code section 5052a).

Low Cost Overnight Visitor Serving Facility means a covered and enclosed lodging or sleeping accommodation provided primarily for individual, family or group use. Facilities shall include sleeping accommodations, water, washrooms, access to sanitary facilities nearby, and may include kitchen facilities.

## **III. TERMS AND CONDITIONS**

The Commission and the Department do hereby agree as follows:

- 1. Upon execution of this MOU by both parties, the Commission shall effectuate a transfer to the Department of all of the funds, together with accrued interest, in the "Laguna Niguel Hostel/Crystal Cove Improvement Fund."
- 2. The Department shall use the transferred funds, and any interest which may accrue, solely for the purposes identified in this MOU.
- 3. In entering into this MOU, the parties agree that hostel facilities and/or low cost overnight visitor serving accommodations shall be established in Crystal Cove State Park

using monies from the "Laguna Niguel Hostel/Crystal Cove Improvement Fund." The Department, with approval of the Commission's Executive Director, as provided below, shall have the right to select the particular project(s) that will be developed using these monies from the following options: (1) the renovation of existing cottages and/or the construction of new cottages located in the Historic District of Crystal Cove State Park for the purpose of establishing hostel facilities and/or low cost overnight visitor serving accommodations; and/or (2) the construction of hostel facilities and/or low cost overnight visitor serving accommodations at the Los Trancos area of Crystal Cove State Park.

4. Before spending any funds, the Department shall provide a proposed plan containing the following information:
  - (a) The proposed plan shall identify the number of accommodations the Department proposes to establish with the funds; the precise location of the proposed accommodations; the physical amenities, such as plumbing and electricity, to be provided; a proposed schedule for construction and/or renovation of the cottages or facilities; a specific budget for the construction and/or renovations; a statement of the rates that visitors will be charged; and a fiscal and operations plan for the long-term management and maintenance of the facility.
  - (b) The plan may include a proposed amount, not to exceed \$250,000, for necessary preparatory components, including architectural, design, engineering work, and a fiscal/operations plan. The Department shall specifically explain how the amount proposed for this purpose will be used.
  - (c) If the proposed plan is for less than 132 sleeping accommodations, the Department shall explain in detail the reasons that the total number of accommodations cannot be provided. The Department shall indicate the number of accommodations it proposes to provide, and include a specific discussion of the architectural, engineering and construction costs which limit the number of accommodations, and shall indicate the maximum number of accommodations which can be established with the funds provided pursuant to this MOU. The Executive Director shall work with the Department to assure that the maximum feasible number of accommodations is provided. The number of accommodations shall not be reduced below 90 except upon a showing that the costs cannot feasibly be limited to the amount available in the fund, and that the costs would prevent reasonable operation of the accommodations as low-cost visitor serving units. In no event shall the number of units established with the funds provided pursuant to this MOU be less than 65.
5. The proposed plan required pursuant to paragraph four shall be submitted by the Department to the Commission within twelve months of transfer of the Funds pursuant to this agreement. The Executive Director agrees to notify the Department within 60 days

after receipt of the proposed plan that it is either acceptable or not acceptable, provided, however, that the Executive Director may extend this review period by notifying the Department in writing. Upon receipt of notice from the Executive Director of approval of the plan, either as submitted or as modified through subsequent discussions, the Department can proceed accordingly with expenditure of the funds in accordance with the approved plan. If the Department receives no such notification within the prescribed time, the plan shall be deemed approved as submitted. Approval of the plan by the Executive Director is not a substitute for any coastal development permit or other regulatory approval needed by the Department or any other person or entity to undertake the projects to be built with the transferred funds.

6. The rates charged to visitors shall not exceed those charged at similar hostel or low-cost overnight visitor serving facilities in the Western United States providing similar physical facilities and amenities, such as plumbing and electricity.
7. During any period that funds transferred pursuant to this MOU are held by the Department, the funds shall be deposited in an interest bearing account. All of the transferred monies, along with accrued interest, and interest which may accrue while the Department holds the funds, shall be utilized solely for the purposes set forth in this MOU. Any reference to the funds or monies to be utilized pursuant to this MOU shall include such interest.
8. The Department shall ensure that the hostel or other lower cost overnight visitor serving accommodations shall continue to be operated in accordance with the terms of this MOU, including the rate provisions set forth herein, whether operated by the Department or in the event that the Department transfers ownership or operation of any facility established pursuant to this MOU.
9. The terms of this MOU shall become effective upon execution by both parties and shall continue thereafter until the satisfactory completion of the obligations of the parties as described herein, whichever comes first, unless extended by written and signed amendment of this MOU. The MOU may be altered, changed, or amended by mutual consent of the parties. Any changes or amendments must be in writing and signed by the parties before such change or amendment shall take effect.
10. The Department shall use the transferred funds exclusively to finance projects described in this MOU, as approved by the Executive Director in the Department's final plan. Administrative costs in implementing this MOU, computed in accordance with applicable State Administrative Manual sections, shall not exceed five percent (5%) of the total funds transferred to the Department under this MOU. The Department shall maintain accurate accounts of its expenditures in accordance with generally accepted accounting principles.

11. The Department shall submit a report to the Executive Director of the Commission within eighteen months of the transfer of funds as to the status of the use of the funds. If the authorized projects have not been completed within that time and the transferred funds have not all been spent, the Department shall submit another status report to the Executive Director every twelve months that reports on the expenditure of the transferred funds, until such time as all of the funds are expended. If all of the transferred funds are not used by the Department within five years of the date of transfer, the Department shall submit a report to the Commission's Executive Director detailing why the projects have not been completed and why all of the funds have not been spent. The Commission's Executive Director may, at his or her discretion, grant to the Department an extension of time for use of the transferred funds upon a showing of good cause. The Executive Director shall review all submitted status reports to insure compliance with the terms of the special conditions imposed by the Commission in granting the permit referred to in Paragraph A and with this MOU. If less than all of the transferred funds are used by the Department in completing the subject projects and/or all of the funds have not been expended with five years of the date of transfer of the funds and the Commission's Executive Director has not granted an extension of time for the Department's expenditure of the funds, the balance of the funds shall be returned by the Department to the Commission or a Commission-approved alternate entity within 60 days of notification to the Department by the Commission.
12. Either party to this MOU may, for good cause, terminate this MOU by providing written notification 30 days prior to termination. In the event of termination, any and all remaining funds shall be transferred by the Department to the Commission or a Commission-approved alternate entity within 60 days of termination.
13. The parties shall retain their contracting records for a period of three (3) years after the transfer of funds under this MOU for potential examination and audit by the Auditor General.
14. The MOU is executed in counterparts, each of which shall be considered a duplicate original.
15. Notices: Any demand upon or notice required or permitted to be given by one party to the other shall be in writing, shall be made in the following manner, and shall be effective (a) upon receipt if given by personal delivery, (b) on the date indicated on the receipt if given by certified or registered mail, return receipt requested, or (c) on the succeeding business day after mailing or deposit if given by Express Mail or by deposit with a private delivery service of general use (e.g. Federal Express), postage or fee paid, as appropriate, addressed to the parties in Section II, Paragraph 16. Notice of a change of address shall be given by written notice in the manner set forth in this section.



16. For the purposes of this MOU, all information, requests, or other business including any demand upon or notice required shall be coordinated through the following agency representatives:

Department: California Department of Parks and Recreation  
1416 9th Street  
Sacramento, California 94296

with copy to: California Department of Parks and Recreation  
3030 Avenida Del Presidente  
San Clemente, California 92672

Commission: California Coastal Commission  
Peter M. Douglas, Executive Director  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

with copy to: California Coastal Commission  
South Coast District Office  
P.O. Box 1450  
200 Occangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4325

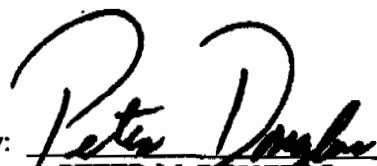
17. This MOU shall be binding upon and shall inure to the benefit of the successors and assigns of the parties.
18. This MOU shall be governed by, and construed and enforced in accordance with, the law of the State of California.

STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION

By:   
RUTH COLEMAN  
Acting Director

Date: 6/18/02

CALIFORNIA COASTAL COMMISSION

By:   
PETER M. DOUGLAS  
Executive Director

Date: 6/18/02

DEC 07 2012

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA COASTAL COMMISSION, CITY OF NEWPORT BEACH, THE NEW HOME COMPANY SOUTHERN CALIFORNIA, LLC, AND CRYSTAL COVE ALLIANCE**

This MEMORANDUM OF UNDERSTANDING is entered into this 6th day of NOVEMBER, 2012 ("MOU"), by and among the CALIFORNIA COASTAL COMMISSION, a public agency, created and existing under the authority of section 30300 of the California Public Resources Code ("Commission"), the CITY OF NEWPORT BEACH, a municipal corporation, through its duly elected, appointed, qualified or acting representatives ("City"), THE NEW HOME COMPANY SOUTHERN CALIFORNIA LLC, a Delaware limited liability company ("New Home") an authorized agent for HHR Newport Beach LLC, a Delaware limited liability company ("Landowner"), and CRYSTAL COVE ALLIANCE, a California non-profit corporation ("Alliance"), with reference to the following:

**RECITALS**

A. WHEREAS, pursuant to Section 30600(a) of the California Public Resources Code and Chapter 20.94 of the Newport Beach Municipal Code, Lennar Homes of California, Inc., a California corporation ("Original Applicant"), acting as agent for Landowner, applied to the City of Newport Beach for a General Plan Amendment to change the land use designations of a 4.25 acre site from APF to Multiple-family Residential, an Amendment to the 2004 Coastal Land Use Plan ("CLUP") to change the land use designation from Visitor-Serving Commercial (CV-B) to Medium Density Residential C (RM-C), a parcel map to subdivide the subject property from the hotel development, a Tract Map for the condominium ownership, a Coastal Residential Development Permit and a Zoning code amendment for the adoption of the Santa Barbara Residential Planned Community District Regulations for the property located at 900 Newport Center Drive, which application was assigned by the City the number PA 2004-169;

B. WHEREAS, on January 10, 2006, the Newport Beach City Council passed Resolution No. 2006-2 approving Code Amendment No. 2005-003 amending the Zoning Map and adopting the Santa Barbara Residential Planned Community District Development Regulations and approving CLUP Amendment No. 2005-001 for the 4.25 acre property located at 900 Newport Center Drive ("Property");

C. WHEREAS, on July 10, 2007 the California Coastal Commission approved Local Coastal Program Land Use Plan Amendment NPB-MAJ-1-06(Part A) for the Property with two suggested modifications which required further approval by the City of Newport Beach;

D. WHEREAS, on July 24, 2007 the Newport Beach City Council passed Resolution 2007-56, approving CLUP Amendment No. 2005-001 (NPB-MAJ-1-06) as modified by the California Coastal Commission on July 10, 2007;

E. WHEREAS, as a result of approving the Commission's suggested modifications in Resolution 2007-56, the City of Newport Beach CLUP adopted Section 2.3.1-8 which requires

a payment of a fee to mitigate for the loss of visitor-serving land ("Mitigation Fee"); the Mitigation Fee shall be used for the protection, enhancement and provision of lower-cost visitor-serving uses at Crystal Cove State Park; the Mitigation Fee shall be in the amount of Five Million Dollars (\$5,000,000.00) to off-set the loss of the priority land use in Newport Center; the Mitigation Fee shall be paid prior to issuance of any coastal development permit granted for any residential project within the newly designated area and to an entity, identified by the permitting agency, capable of implementing the mitigation at Crystal Cove State Park (Crystal Cove Alliance); until paid in accordance with the terms and conditions of the coastal development permit, the amount shall be increased every July 1st by an amount calculated on the basis of the percentage change from the year 2007 in the California Consumer Price Index for Urban Consumers as determined by the entity that grants the coastal development permit;

F. WHEREAS, on September 5, 2007, the California Coastal Commission ("Commission") approved Coastal Development Permit No. 05-07-085 ("2007 CDP") authorizing the development of 79 residential townhome units on a 4.25 acre site including 3 buildings, and subterranean parking (the "Project"), subject to five (5) Special Conditions (see attached Exhibit A). Although the 2007 CDP has not yet been issued, the Commission has approved three extensions for the permit, through September 5, 2012. The Original Applicant as permittee under the 2007 CDP or any successors in interest, remain responsible for compliance with all outstanding Special Conditions adopted in connection with the 2007 CDP;

G. WHEREAS, Special Condition 5 of the 2007 CDP required that, prior to issuance of the 2007 CDP, the Original Applicant acting as agent for Landowner, or any successor(s) in interest to the subject property, to pay a fee to Alliance in accordance with the agreement described and required in Special Condition 5., in an amount not less than \$5,000,000.00, to be used for the protection, enhancement and provision of lower-cost visitor-serving uses at Crystal Cove State Park, Newport Beach, California, as more specifically defined in Special Condition 5 of the 2007 CDP;

H. WHEREAS, Original Applicant is no longer acting as agent for the Landowner with respect to the 2007 CDP, and Landowner has assumed responsibility for compliance with the 2007 CDP;

I. WHEREAS, New Home is under contract to acquire the 4.25 acre property and desires to develop the Project if amended, and is acting as the requesting agent for Landowner with respect to compliance with the 2007 CDP, and intends to accept assignment of any and all rights, obligations and responsibilities of Landowner pursuant to the 2007 CDP;

J. WHEREAS, New Home, acting as agent for Landowner, has applied to the Commission for an amendment to, among other things, revise Special Condition 5 of the 2007 CDP to provide for the payment of the \$5,000,000.00 Mitigation Fee and construction of the residential condominium units in accordance with New Home's proposed phasing of development of the Project;

K. WHEREAS, in its amendment application to the Commission, New Home has proposed to construct the Project in two phases consisting of Twenty-Six (26) residential condominium units in Phase 1, and Fifty-Three (53) residential condominium units in Phase 2; and

L. WHEREAS, the Parties desire to enter into this MOU to set forth the measures by which the Parties will implement and satisfy the terms of Special Condition 5 to the 2007 CDP, as may be amended by the Commission in its consideration of New Home's current CDP amendment application ("2012 Amended CDP");

**NOW, THEREFORE,** it is mutually agreed by and among the undersigned parties as follows:

1. Upon execution of this MOU by all parties, and in satisfaction of Special Condition 5 of the 2007 CDP, as may be amended by the Commission and in accordance with the payment schedule set forth below, New Home shall provide to Alliance an amount not less than Five Million and No/100 Dollars (\$5, 000,000.00) to be used for the protection, enhancement and provision of lower-cost visitor-serving uses at Crystal Cove State Park, Newport Beach. The funds shall be paid by cashier's check and provided in accordance with the following schedule:

- \$1,645,569.00 prior to the date of issuance of the 2012 Amended CDP by the Commission, if such amendment is approved by the Commission;
- \$3,354,431.00 prior to issuance by the City of the Building Permit for the construction of New Home's Phase 2 development which shall be the Twenty-Seventh (27th) residential unit for the Project ("Second Payment").
- If New Home does not transfer funds of the Second Payment within 24 months of the Commission's date of issuance of the 2012 Amended CDP ("24-Month Period"), then New Home shall immediately deliver the Second Payment of \$3,354,431.00 to Alliance on the day of the expiration of the 24-Month Period or as that date may be modified by the provision of Paragraph 8 herein. For the purposes of this MOU, the "date of issuance," if any, of the 2012 Amended CDP means the date the Commission issues the 2012 Amended CDP so that development authorized by the 2012 Amended CDP may be undertaken.

2. Alliance shall utilize all funds transferred to Alliance pursuant to this MOU, including any accrued interest, to plan, design, provide construction management, obtain permits, complete necessary mitigation measures, complete environmental analysis and the ongoing restoration of the Historic District at Crystal Cove State Park in Newport Beach, California, which includes only completion of affordable, overnight accommodations, including 17 cottages and all necessary supporting infrastructure (the "Crystal Cove Project"). The Alliance shall submit a final plan for use of the funds to the Executive Director for review and approval within 24 months of the date on which the funds are transferred to the Alliance.

3. Alliance shall obtain all necessary regulatory approvals, including but not limited to a coastal development permit, which shall specify the elements of the Crystal Cove Project for which the funds transferred pursuant to this MOU are to be used.

4. Notwithstanding Alliance's use of funds derived from fees collected by the Commission, and the review of plans and/or programs by the Commission or its Executive Director pursuant to this MOU prior to the Alliance's use of those funds, Alliance hereby agrees to assume responsibility for and liability arising out of any actions, activities, construction and/or development that Alliance undertakes with the assistance of the funds granted under this MOU.

5. During any period that funds transferred pursuant to this MOU are held by Alliance, the funds shall be deposited in a separate and independent interest-bearing account created solely to manage the funds as well as provisions to limit the use of funds for administrative costs (which shall not exceed 5% of the total funds transferred to the Alliance). All of the transferred monies, along with accrued interest including any interest which may accrue while Alliance holds the funds, shall be utilized solely for the purposes set forth in this MOU. Any reference to the funds or monies to be utilized pursuant to this MOU shall include all such interest.

6. The terms of this MOU shall become effective upon the date set forth by the last party to execute the MOU and shall continue thereafter until the satisfactory completion of the obligations of the parties as described herein and exhaustion of the funds to be utilized pursuant to this MOU, unless altered by written and signed amendment of this MOU. The MOU may be altered, changed, or amended only by mutual consent of all the parties. Any changes or amendments must be in writing and signed by both all parties before such change or amendment shall take effect.

7. City agrees that it will not issue the Building Permit for Phase 2 of the Project which shall be the Twenty-Seventh (27th) residential unit of the Project until New Home has provided documentation that it has paid the Second Payment to Alliance, and Alliance has confirmed its receipt. New Home shall provide the Executive Director with a copy of the documentation provided to the City. The Alliance shall also provide the Executive Director with confirmation of its receipt of the Second Payment, prior to the issuance of a Building Permit for Phase 2 of the Project.

8. New Home agrees that it shall pay the Second Payment prior to the issuance by the City of the Building Permit for the 27th residential unit of the Project, but no later than Twenty-Four (24) months from the Commission's date of issuance of the 2012 Amended CDP. New Home may request one extension of time from the Executive Director for one additional period, not to exceed Eighteen (18) months, in which to pay the Second Payment. Such extension of time shall include an increase in the amount of the Second Payment by an amount calculated on the basis of the percentage change in the California Consumer Price Index for Urban Consumers, as determined by the Executive Director, from the year the 2012 Amendment CDP is granted. If approved by the Executive Director, this extension shall expire Forty-Two (42) months from the date of issuance of the 2012 Amended CDP. On or before the date of expiration of the extension, New Home shall deliver the Second Payment to Alliance. The extension request shall be submitted in writing to the Executive Director of the Coastal Commission prior to the Twenty-Fourth (24th) month from the date of issuance of the 2012 Amended CDP, stating the reasons for the delay in making the Second Payment, and the Executive Director may, in his or her discretion, grant an extension of time not to exceed

Eighteen (18) months for payment of the Second Payment.

9. The Alliance shall use the funds to complete the project identified in the approved final plan in a diligent manner, not to exceed 5 years from the date of transfer of all the funds to the Alliance. The final plan shall include provisions to address any failure to complete the project, including but not limited to, transfer of the funds to an alternate entity able to implement the final plan, or, if approved by an amendment to the coastal development permit, to apply the funds to an alternative project that provides lower cost visitor serving opportunities in the coastal area of Orange or Los Angeles County.

Only the Commission or the Alliance, as parties to this MOU, may for good cause terminate this MOU as it relates to Alliance's compliance with the terms herein with respect to utilization of the funds, as described in Sections 2-6 and 9, above. Notice of termination shall be provided in writing 30 days prior to the effective date of termination. In the event of termination, any and all unspent portion of the Mitigation Fee shall be transferred by Alliance to the Commission or a Commission-approved alternate entity within 60 days of termination; provided, however, that any amounts Alliance is required to expend as a result of obligations legitimately incurred by Alliance in implementation of any of the terms of this MOU prior to the termination, and which were unpaid at the time of termination, shall be reimbursed to Alliance from the Mitigation Fee prior to transfer of the remaining funds to the Commission or its designate. "Good cause" shall include, but is not limited to, a determination by the Executive Director that Alliance is not proceeding reasonably and expeditiously to construct the Crystal Cove Project pursuant to this MOU, or is not complying with the plan and budget approved pursuant to this MOU or unreasonable failure of the Commission to approve a final plan for implementation of the Crystal Cove Project in accordance with this MOU. Should this MOU be terminated for good cause as described in the Section 9 of this MOU, all other terms of this MOU shall continue to be in full force and effect as they relate to the remaining parties to this MOU, including the Commission.

10. The MOU may be executed in counterparts, each of which shall be considered a duplicate original.

11. Any demand upon or notice required or permitted to be given by one party to the other shall be in writing, shall be made in the following manner, and shall be effective (a) upon receipt if given by personal delivery, (b) on the date indicated on the receipt if given by certified or registered mail, return receipt requested, or (c) on the succeeding business day after mailing or deposit if given by Express Mail or by deposit with a private delivery service of general use (e.g. Federal Express), postage or fee paid, as appropriate, addressed to the parties in Paragraph 16. Notice of a change of address shall be given by written notice in the manner set forth in this section.

12. For the purposes of this MOU, all information, requests, or other business including any demand upon a party or notice pursuant hereto shall be coordinated through the following agency representatives:

**Crystal Cove Alliance**  
Harry Helling, President  
Crystal Cove Alliance  
Crystal Cove  
Newport Coast, CA 92657

**California Coastal Commission**  
Charles Lester, Executive Director  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

with copy to: **California Coastal Commission South**  
Coast District Office  
Attn: Teresa Henry  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4325

**City of Newport Beach**  
David Kiff, City Manager  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915

**The New Home Company Southern California LLC**  
Tom Redwitz, President  
95 Enterprise, Suite 325  
Aliso Viejo, CA 92656

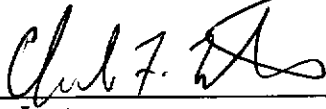
13. This MOU shall be binding upon and shall inure to the benefit of the successors and assigns of the parties. The Parties agree that in the event New Home does not assume title to the Property, the rights, benefits and obligations of New Home set forth in this MOU shall inure to the benefit of and be assumed by Landowner, the fee owner of the Property.

14. This MOU shall be governed by, and construed and enforced in accordance with, the laws of the State of California.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

**[SIGNATURES ON THE FOLLOWING PAGE]**

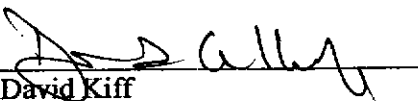
STATE OF CALIFORNIA  
CALIFORNIA COASTAL COMMISSION

By:   
Charles Lester  
Executive Director

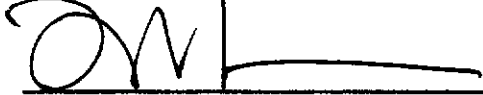
CRYSTAL COVE ALLIANCE

By:   
Harry Helling  
President

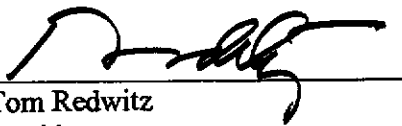
CITY OF NEWPORT BEACH,  
A Municipal Corporation

By:   
David Kiff  
City Manager

**APPROVED AS TO FORM:**

  
City Attorney

THE NEW HOME COMPANY SOUTHERN  
CALIFORNIA LLC, a Delaware Limited  
Liability Company, an authorized agent for HHR  
Newport Beach LLC

By:   
Tom Redwitz  
President

Attest:   
City Clerk





# Bluff Scrub ESHA



Approximate Limits of  
Environmentally Sensitive  
Habitat Area

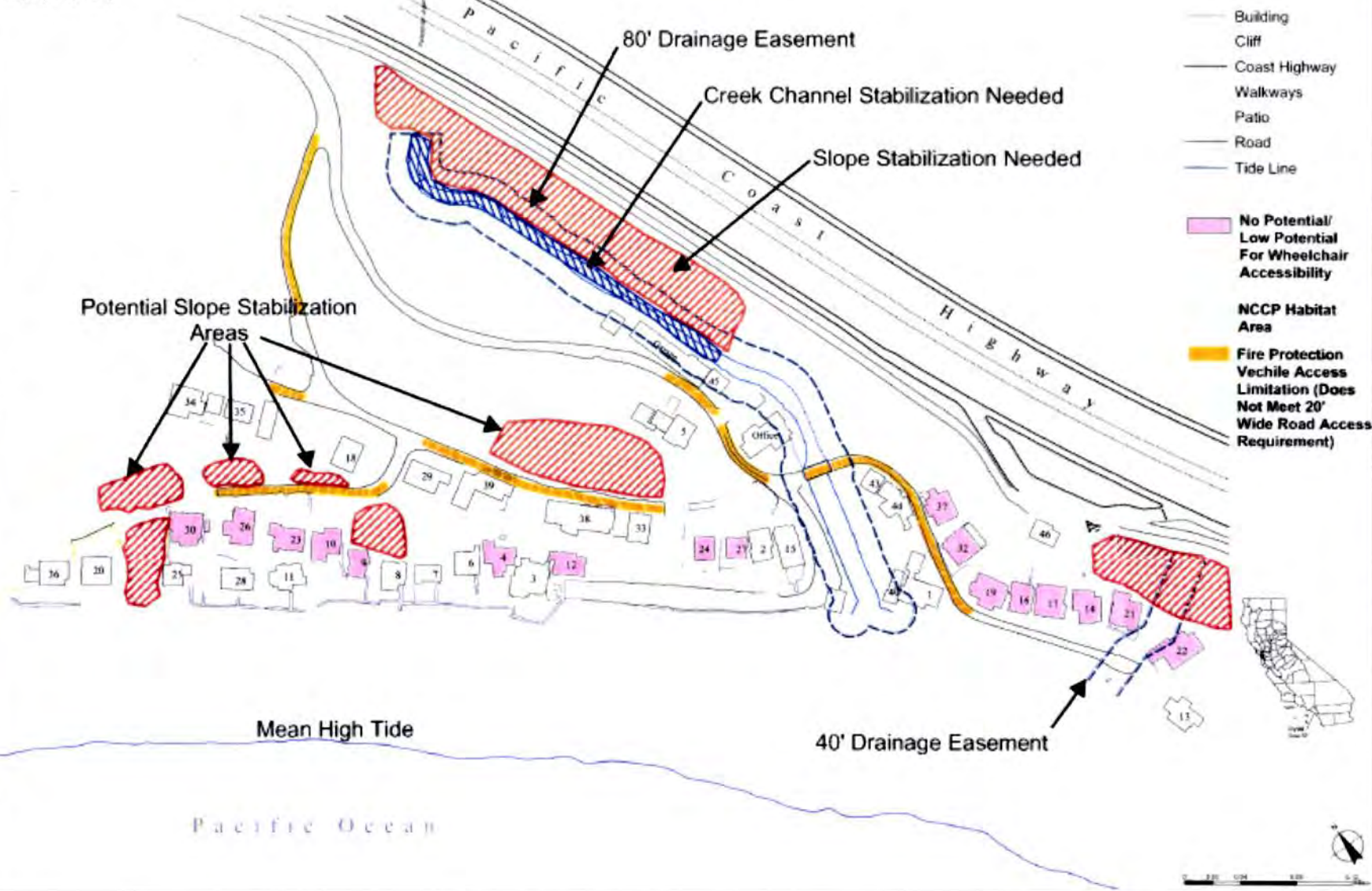


LGC Geotechnical, Inc.  
131 Calle Iglesia, Ste. 200  
San Clemente, CA 92672  
TEL (949) 386-6141 FAX (949) 386-6142

**FIGURE 1**  
**Aerial View with ESHA Limits**

PROJECT NAME	Coyote Cove Collages
PROJECT NO.	12178-01
ENG. / GEOL.	T.R.
SCALE	NTS
DATE	August 2015

**CRYSTAL COVE STATE PARK**  
**MAP 3: Historic District Site**  
**Constraints**



GENERAL PLANNING SECTION  
 One Capital Mall  
 Sacramento, CA 95814

CRYSTAL COVE STATE PARK  
 MAP 3: Historic District Site Constraints  
 PRESERVATION AND PUBLIC USE PLAN

Date: 9/11/02  
 Projection: Unknown  
 Source: Air Photo Survey



### Phase III Proposed Rates

4/30/2015

### Alternate Proposed Fixed Rental Rate Plan

Revised

7/8/2016

Cottage#	Type	# Bedrooms	min-Max Capacity	Estimated** Base Rate	Add'l Rate Per Person	Category Per # of Beds	Starting Rate	Rates Adj. by 1.348	Rates Adj. by 1.037
3	Cottage	1	4 to 5	\$ 192.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
4A	Cottage	1	4 to 6	\$ 205.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
4B	Cottage	1	4	\$ 170.00	n/a	Small	\$ 125.00	\$ 168.50	\$ 175.00
6	Cottage	1	4 to 6	\$ 205.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
7	Cottage	2	4 to 6	\$ 205.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
8	Cottage	1	4 to 6	\$ 205.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
9	Cottage	1	4 to 5	\$ 192.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
10	Cottage	2	4 to 10	\$ 205.00	\$ 34.00	Large	\$ 175.00	\$ 235.90	\$ 245.00
11A	Cottage	2	4 to 8	\$ 205.00	\$ 34.00	Large	\$ 175.00	\$ 235.90	\$ 245.00
11B	Cottage	1	2	\$ 100.00	n/a	Small	\$ 150.00	\$ 168.50	\$ 175.00
12	Cottage	3	4 to 10	\$ 205.00	\$ 34.00	Large	\$ 175.00	\$ 235.90	\$ 245.00
20A*	Dorm Room	2	4 to 7	\$ 205.00	\$ 34.00	n/a	n/a	n/a	\$35/bed
20B*	Open Dorm	1	1 to 6	\$ -	\$ 34.00	n/a	n/a	n/a	\$35/bed
23	Cottage	1	4 to 6	\$ 205.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
25	Cottage	1	4 to 5	\$ 192.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
26A	Cottage	2	4 to 9	\$ 205.00	\$ 34.00	Large	\$ 175.00	\$ 235.90	\$ 245.00
26B	Cottage	1	3	\$ 150.00	n/a	Small	\$ 125.00	\$ 168.50	\$ 175.00
28	Cottage	2	4 to 6	\$ 205.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
30A	Cottage	1	4 to6	\$ 205.00	\$ 34.00	Medium	\$ 150.00	\$ 202.20	\$ 209.00
30B	Cottage	1	3	\$ 150.00	n/a	Small	\$ 125.00	\$ 168.50	\$ 175.00
31	Cottage	1	4	\$ 192.00	\$ 34.00	Small	\$ 125.00	\$ 168.50	\$ 175.00
36	Cottage	2	4 to 8	\$ 205.00	\$ 34.00	Large	\$ 175.00	\$ 235.90	\$ 245.00
Cottage Average Rate ( 20B not included in Average)				\$ 190.62		Cottage Ave. Rate( 20 A & 20B not incl.) \$ 209.50			

\* Rates for cottages 20A and 20B ( Open Dorm) is per bed.

\*\* Rates will not be finalized until the units are available for rent. Rates will mirror Phase I and II Rates

Rates shown assume that the units were completed while the current 2016 fixed rate PPlan effective December 1, 2016 is in place.

	Designates Dorm rooms and Open Dorm
	Designates most affordable units

**Crystal Cove Beach Cottages**  
**Conversion of Pricing to fixed Rates**  
**Effective December 1, 2016**

<b>Cottage Number</b>	<b>Type</b>	<b>Current Base rate</b>	<b>Base rate max. occupancy</b>	<b>Max. occupancy</b>	<b>Additional per person</b>	<b>Adjusted to Fixed Rates</b>
1 Beach Pad	Individual Cottage	\$213	4	6	\$35	\$209
2 Shell Shack	Individual Cottage	\$199	4	7	\$35	\$245
14 TBD	Individual Cottage	\$213	4	6	\$35	\$245
16 Sand Castle	Individual Cottage	\$213	4	7	\$35	\$245
18 Sunset Bungalow	Individual Cottage	\$199	4	6	\$35	\$209
19A South Sea Shanty	Upstairs unit in individual cottage	\$213	4	8	\$35	\$245
19B The Crew's Quarters	Downstairs studio unit in individual cottage	\$140	4	4	n/a	\$175
24 Rustic Loft	Individual Cottage	\$199	4	5	\$35	\$209
27 The Dive Shack	Individual Cottage	\$199	4	6	\$35	\$209
32 Painter's Cottage	Individual Cottage	\$213	4	9	\$35	\$245
33 Romantic Retreat	Individual Cottage	\$199	4	6	\$35	\$209
37 Fisherman's Perch	Individual Cottage	\$213	4	8	\$35	\$245
40 Creekside Studio	Individual Cottage	\$176	3	3	n/a	\$175
45 Soda Shack	Individual Cottage	\$171	4	4	n/a	\$175
29A Long Board Lodge	Dorm room	\$110	3	6	\$24	\$105
29B Long Board Lodge	Dorm room	\$72	2	4	\$24	\$69
38A Beachcomber's Lodge	Dorm room	\$72	2	3	\$24	\$69
38B Beachcomber's Lodge	Dorm room	\$72	2	4	\$24	\$69

**Crystal Cove Beach Cottages**  
**Conversion of Pricing to fixed Rates**  
**Effective December 1, 2016**

38C Beachcomber's Lodge	Dorm room	\$36	1	2	\$24	<b>\$35</b>
38D Beachcomber's Lodge	Dorm room	\$72	2	4	\$24	<b>\$69</b>
38E Beachcomber's Lodge	Dorm room	\$36	1	2	\$24	<b>\$35</b>
39A Paradise Lodge	Dorm room	\$72	2	4	\$24	<b>\$69</b>
39B Paradise Lodge	Dorm room	\$72	2	4	\$24	<b>\$69</b>
39C Paradise Lodge	Dorm room	\$36	1	2	\$24	<b>\$35</b>

<b>Totals</b>		<b>\$3,410</b>			<b>\$625</b>	<b>\$3,664</b>
---------------	--	----------------	--	--	--------------	----------------

**Notes:**

The rates converted from a base rate plus a cost for additional occupants to one fixed rate will be posted for the June 1, 2016 reservation date and will be effective for all occupants on or after December 1, 2016.

# Boardwalk and Service Path Plans

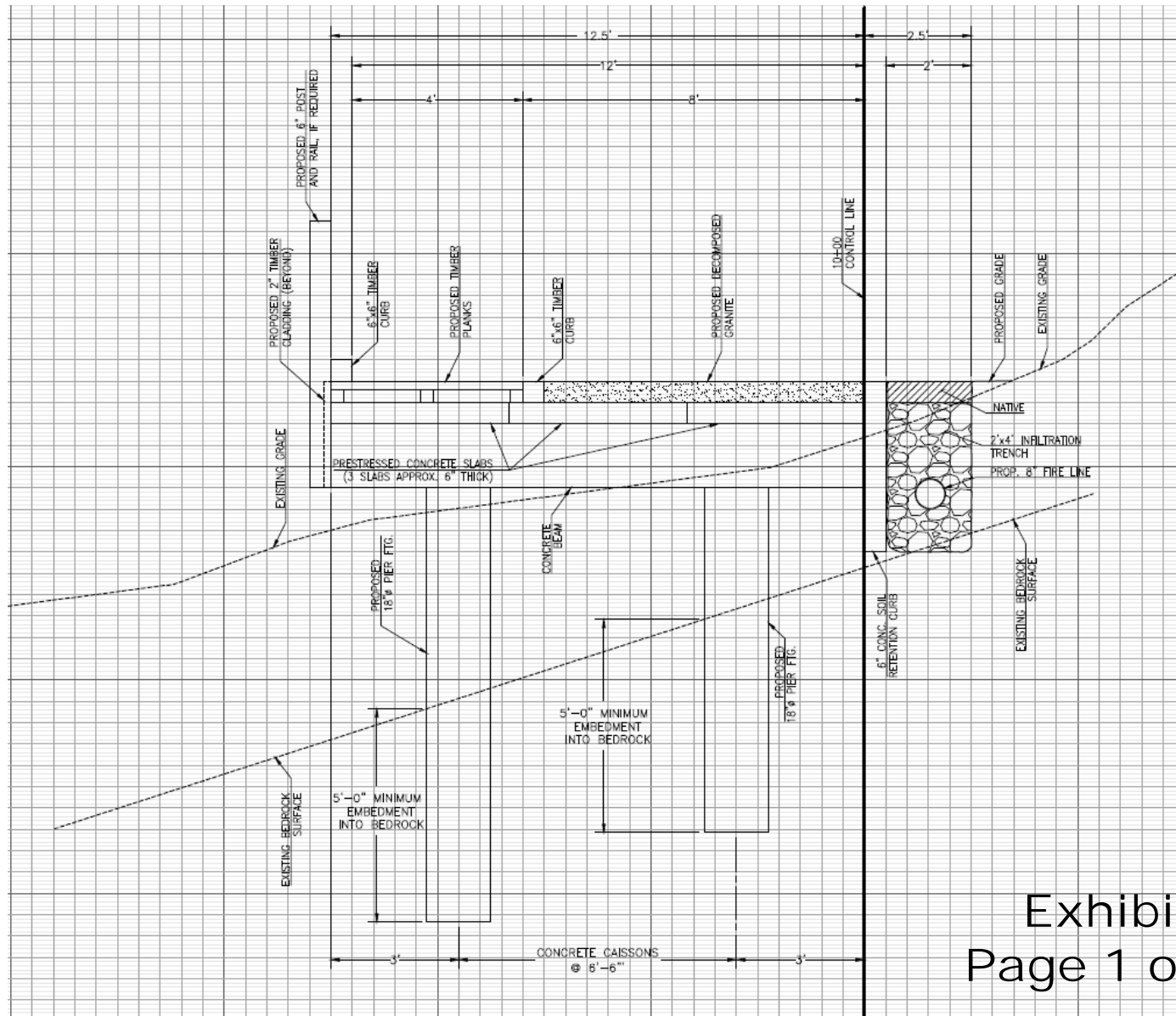
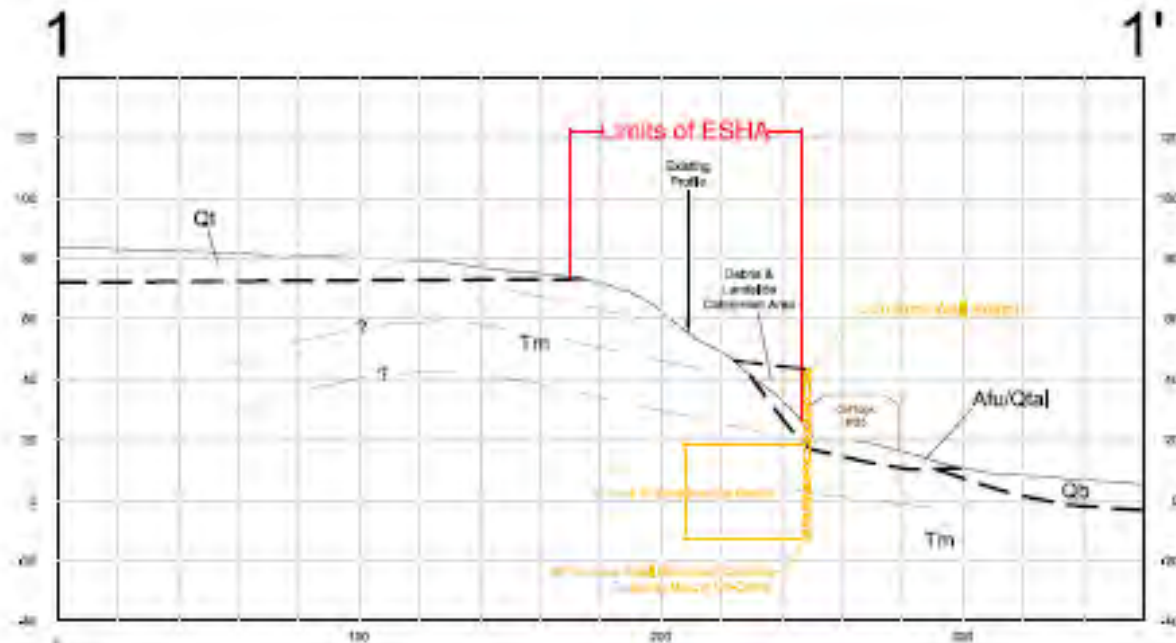


Exhibit 10  
Page 1 of 59

# Soil Debris Wall Plans



**FIGURE 2**  
**Geotechnical Cross-Section 1-1'**  
**Provisional Recommendations for Cottage**  
**20 & 36 Slope Instability Protection**

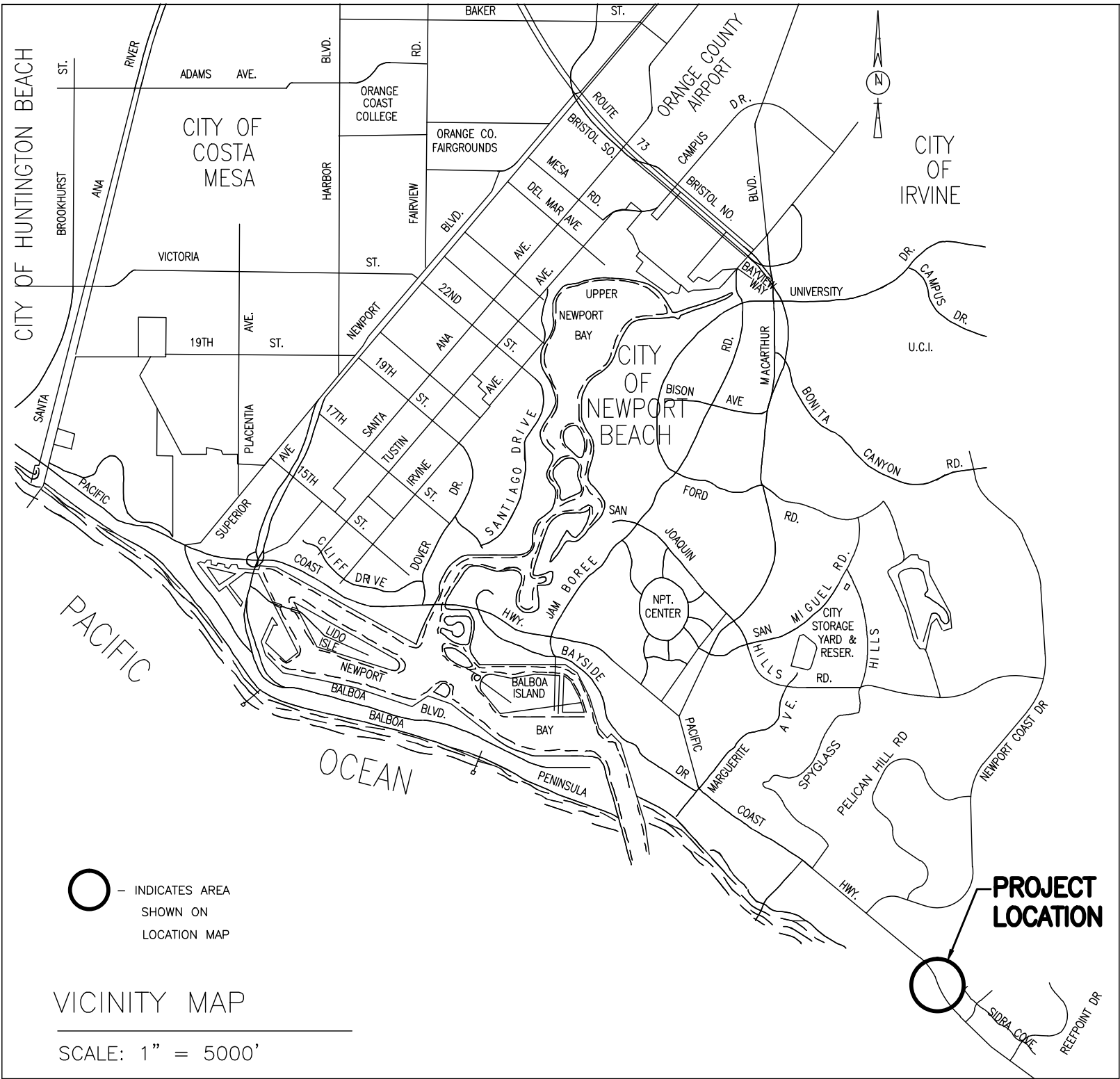
GC Geotechnical, Inc.  
1 Calle Iglesia, Ste. 200  
in Clemente, CA 92672  
(949) 389-8141 FAX (949) 389-8142

Exhibit 10  
Page 5 of 59



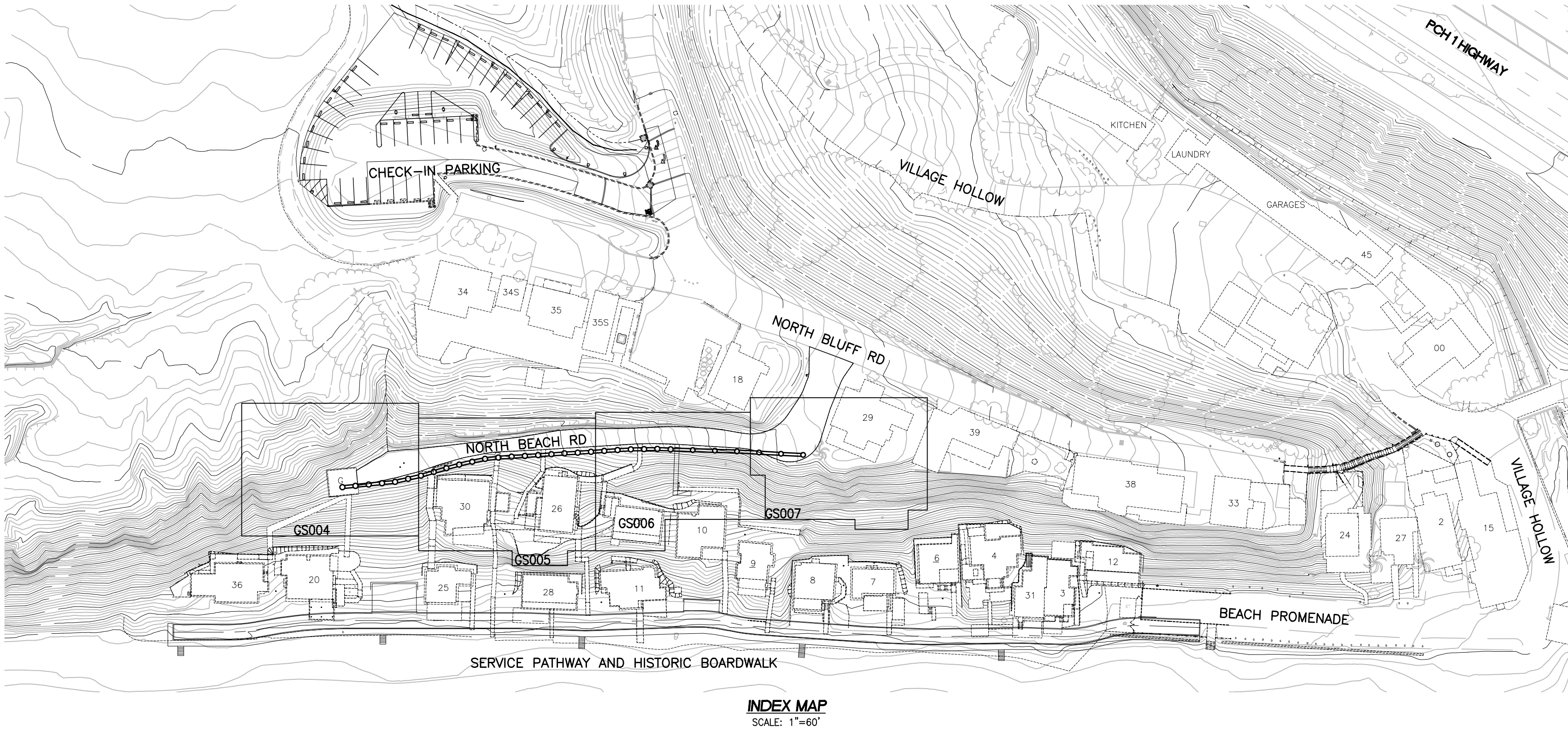






# CRYSTAL COVE STATE PARK REHABILITATE HISTORIC COTTAGES AND INFRASTRUCTURE PHASE III

## PROPOSED SLOPE STABILITY PLAN NORTH BEACH ROAD CAISSON ROW



PROPOSED SLOPE STABILITY PLAN SHEET INDEX:	
TITLE SHEET	GS001
GENERAL NOTES	GS002
DETAILS	GS003
STABILITY IMPROVEMENT PLAN	GS004-GS007

PLANS PREPARED UNDER  
THE SUPERVISION OF:  
  
DINO CAPANNELLI  
R.C.E. No. 43836  
EXP: 06-30-15





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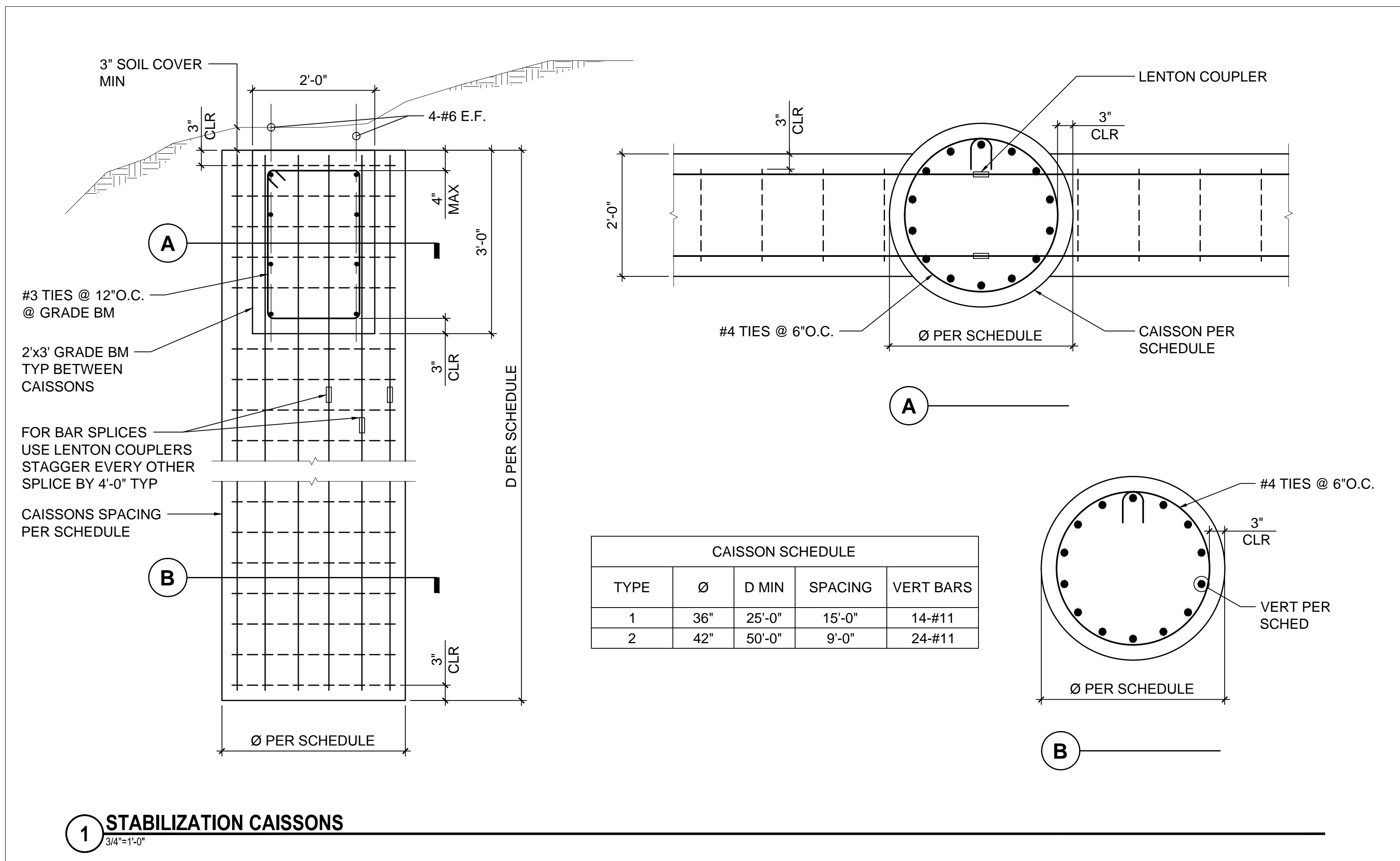
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NORTH BEACH ROAD CAISSON ROW  
TITLE SHEET

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SHEET NO. GS001
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STRUCTURAL DESIGN  
PREPARED BY:

**WSI**  
WELSH STRUCTURES, INC.  
12722 BARRETT LANE  
SANTA ANA, CA 92705  
PH: 714-352-6297

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*Dino Capannelli*

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No. 2998  
Exp. 6-30-14  
STRUCTURAL  
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REGISTERED PROFESSIONAL ENGINEER  
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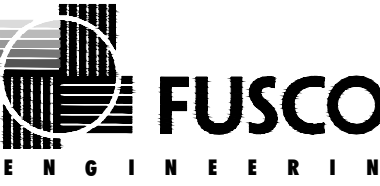
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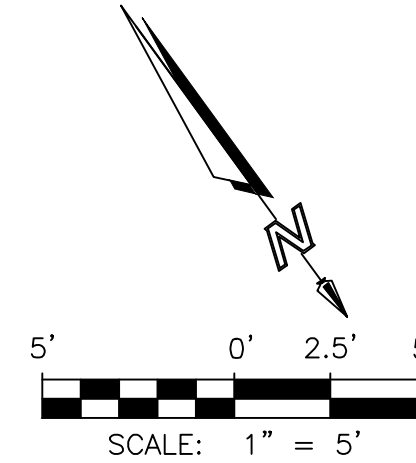
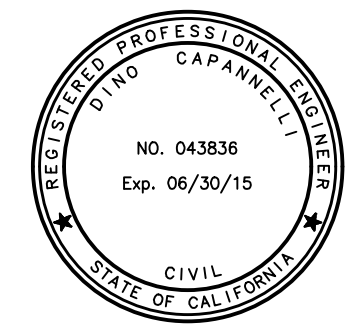
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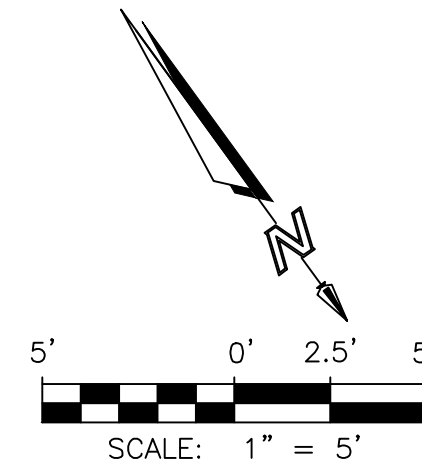
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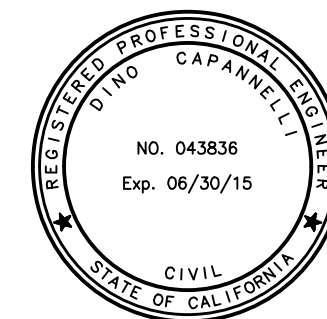
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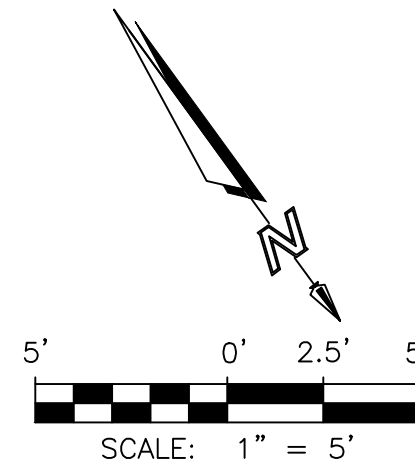
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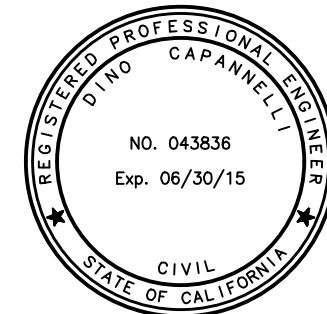
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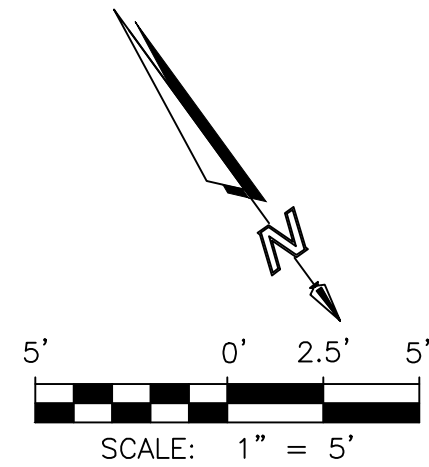
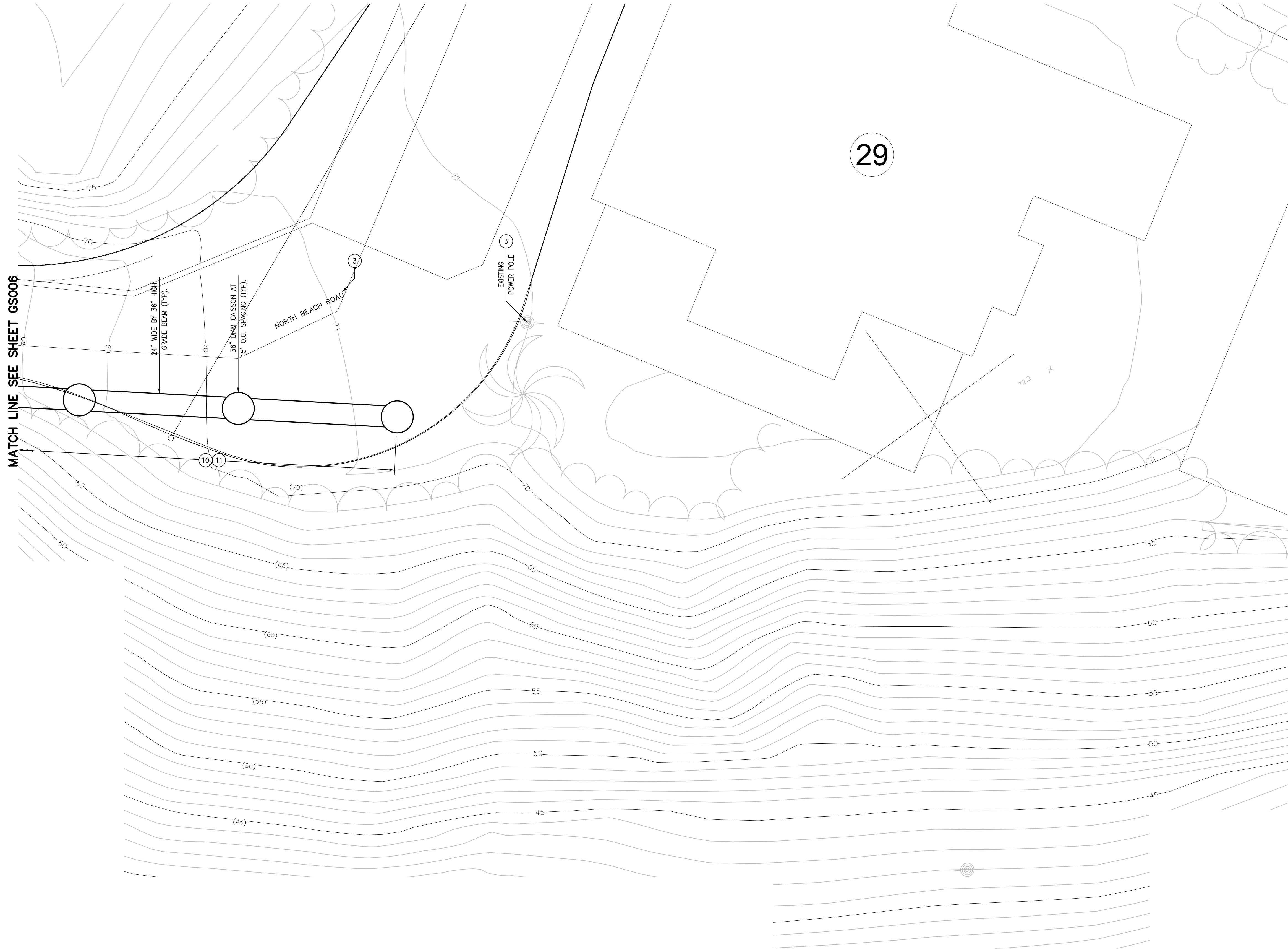
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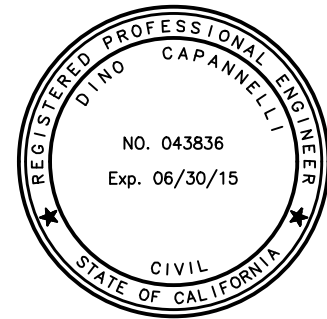
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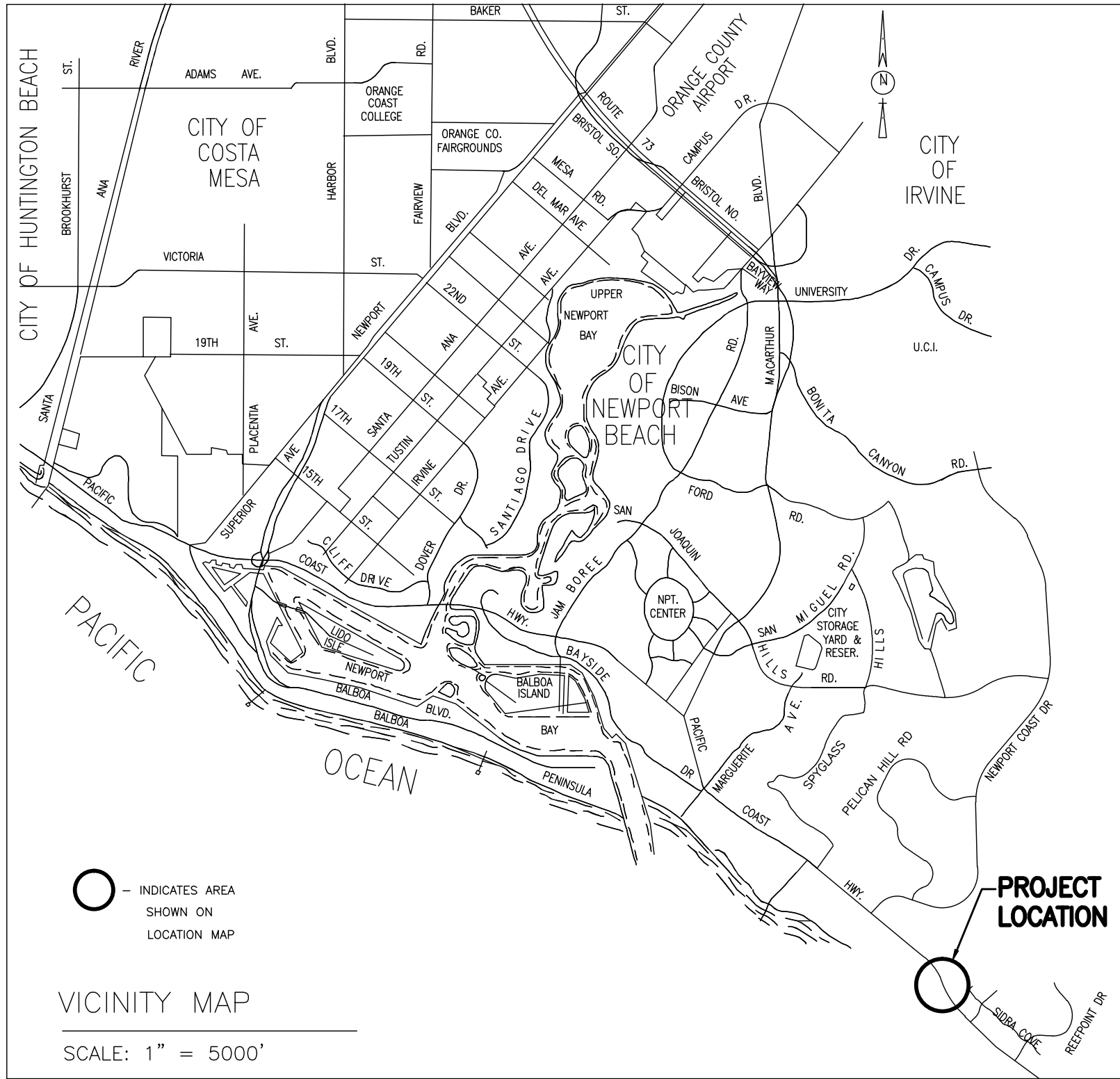
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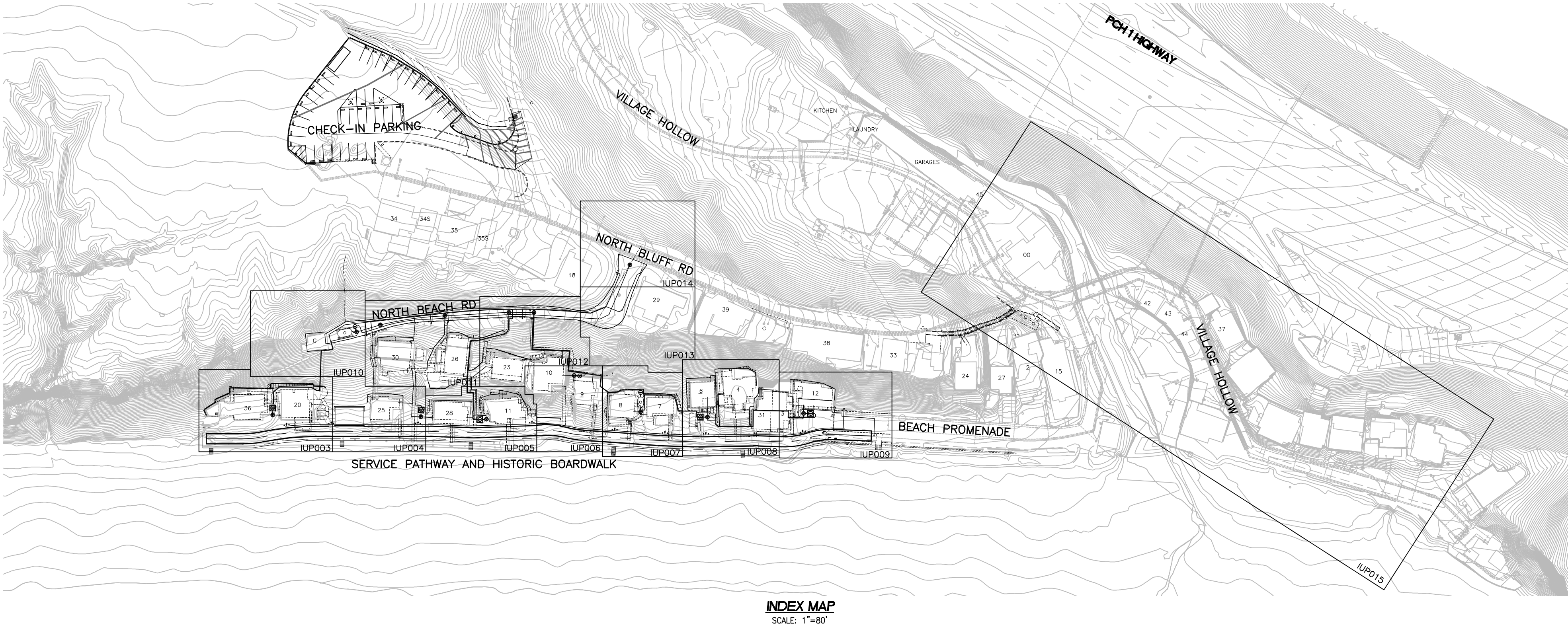
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# CRYSTAL COVE STATE PARK REHABILITATE HISTORIC COTTAGES AND INFRASTRUCTURE PHASE III

## PROPOSED UTILITY INFRASTRUCTURE PLAN



### PROPOSED UTILITY INFRASTRUCTURE SHEET INDEX:

CIVIL SITE IMPROVEMENTS	
TITLE SHEET	UIP001
CONSTRUCTION AND GENERAL NOTES	UIP002
CIVIL SITE IMPROVEMENT PLANS	UIP003-UIP015
ELECTRICAL SITE IMPROVEMENTS	
GENERAL NOTES, ABBREVIATIONS, LEGEND, AND SPECIFICATIONS	E1.0
PARTIAL ELECTRICAL SITE PLAN	E2.0-E2.3
SINGLE LINE DIAGRAM AND LOAD CALCULATIONS	E3.0
PANEL SCHEDULES	E3.1-E3.2
DETAILS	E4.0
WEATHERHEAD DETAILS	E5.0
PLUMBING SITE IMPROVEMENTS	
PLUMBING SCHEDULES, DETAILS, NOTES AND SPECIFICATIONS	P1.0
PARTIAL PLUMBING SITE PLAN	P2.0-P2.1

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PROPOSED UTILITY INFRASTRUCTURE PLAN  
TITLE SHEET

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SHEET NO.  
UIP001  
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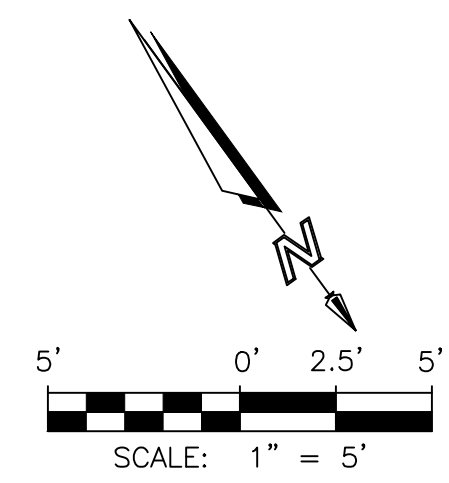
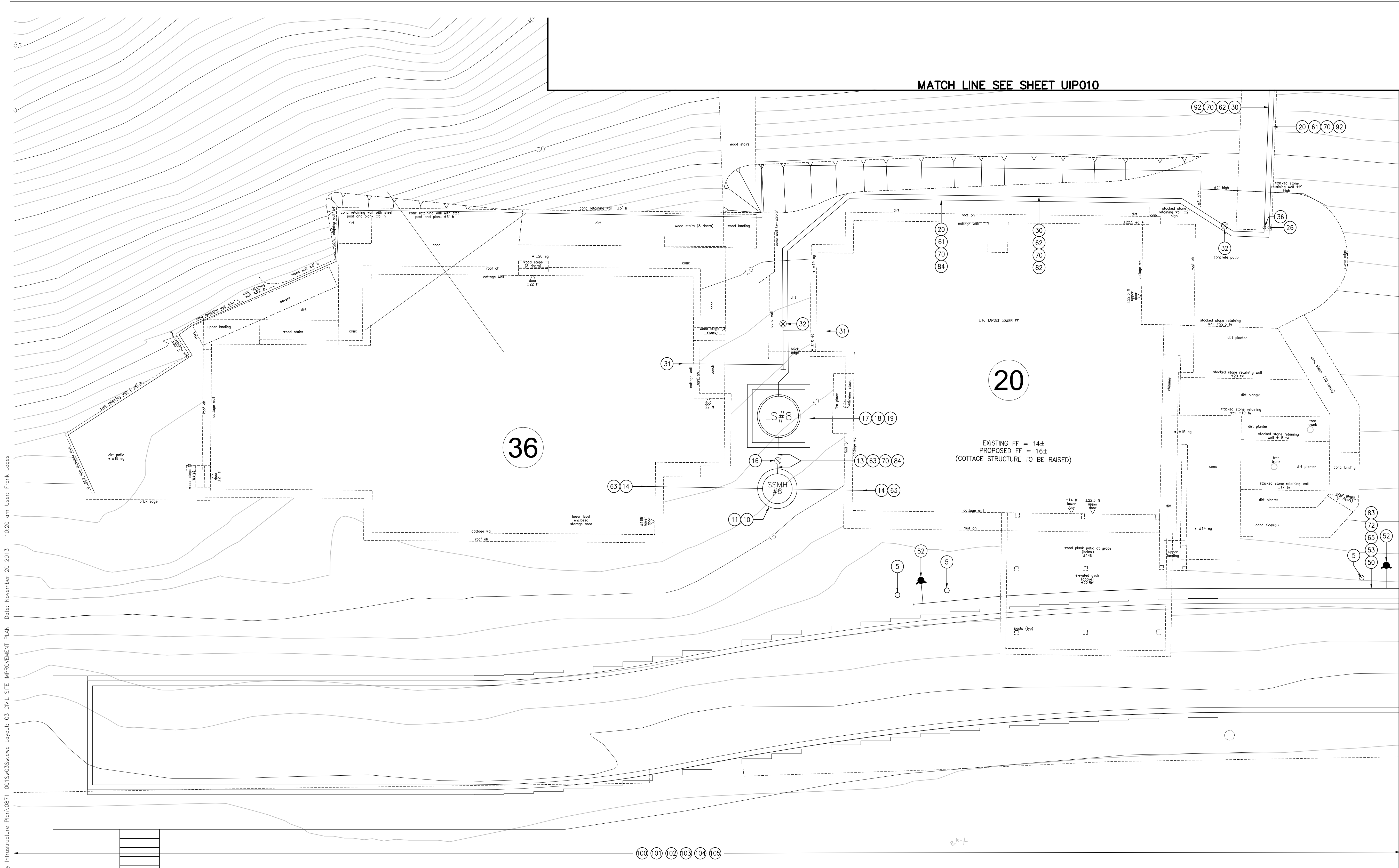




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CIVIL SITE IMPROVEMENT PLAN

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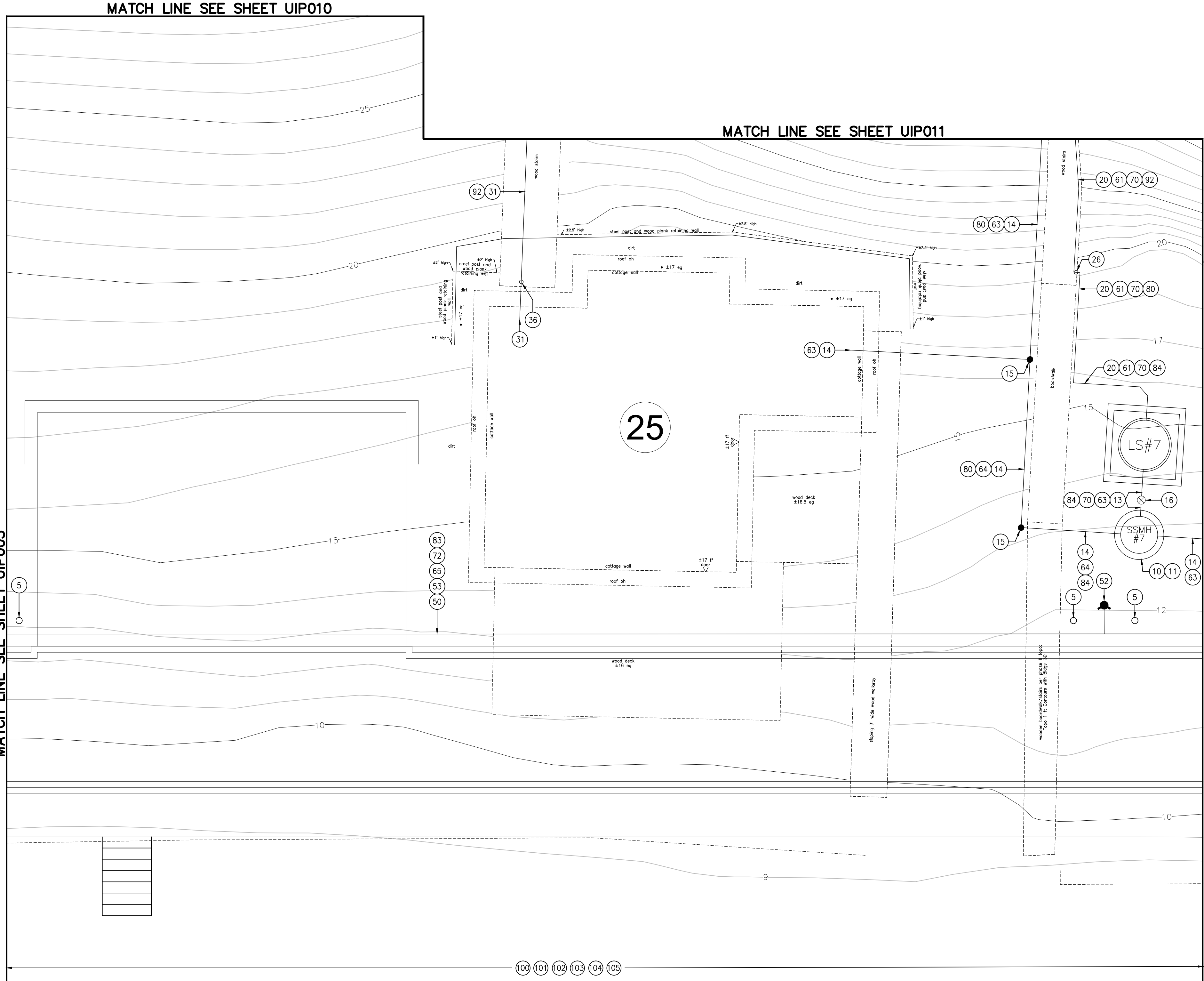


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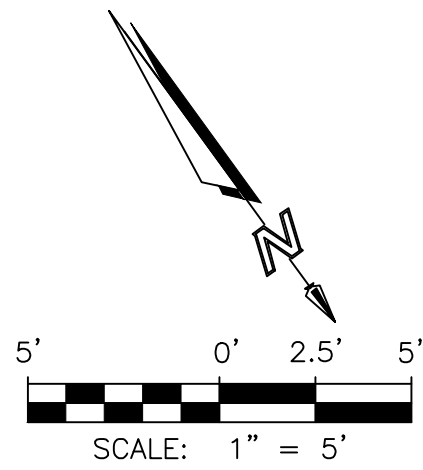


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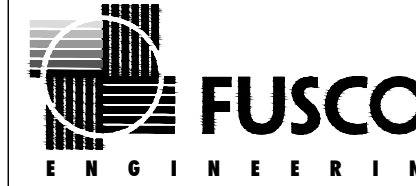
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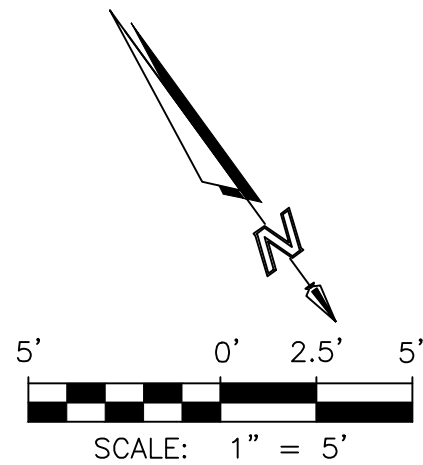
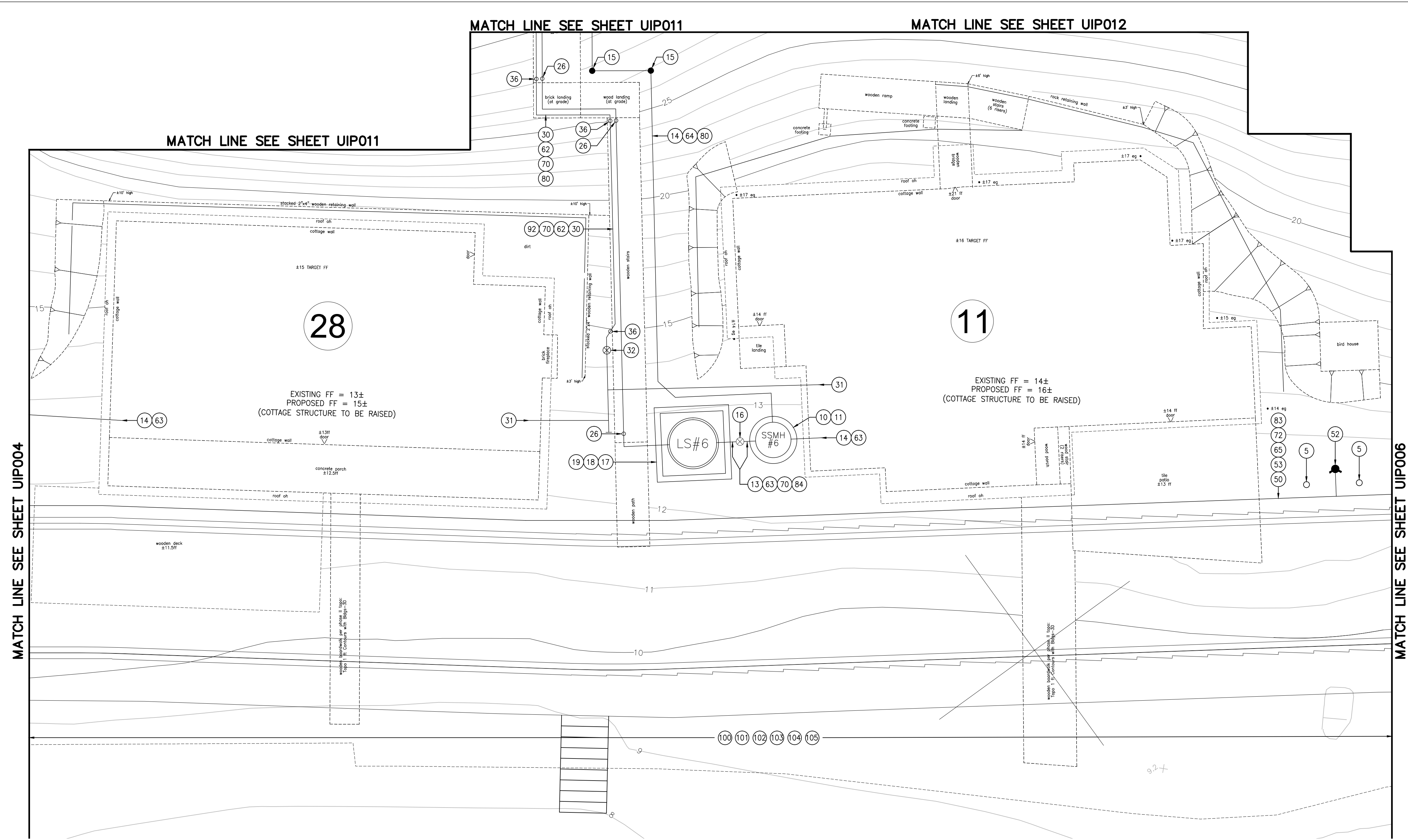
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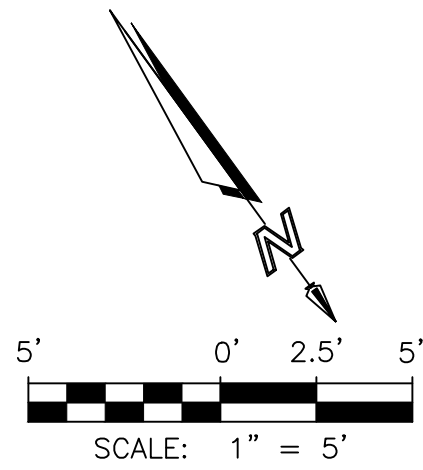
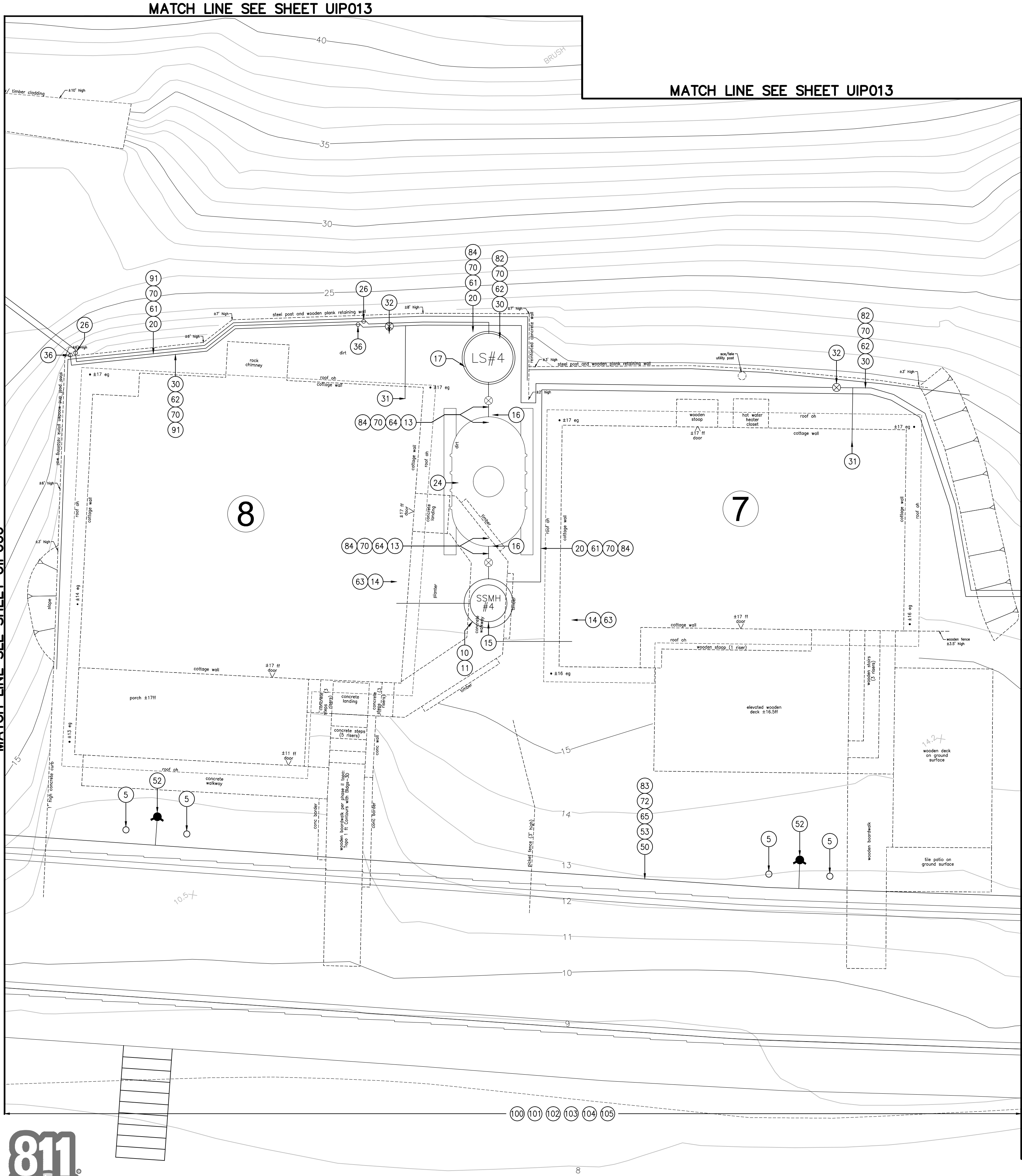
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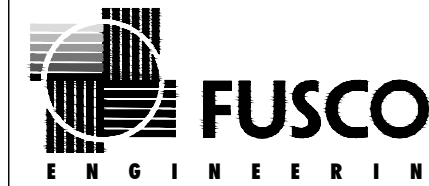
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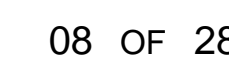
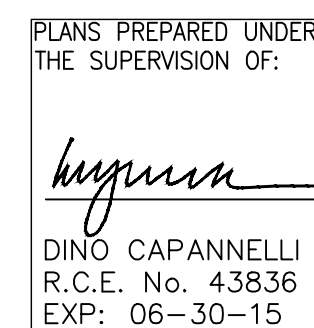
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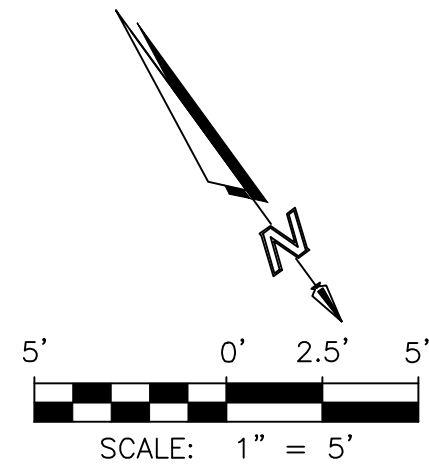
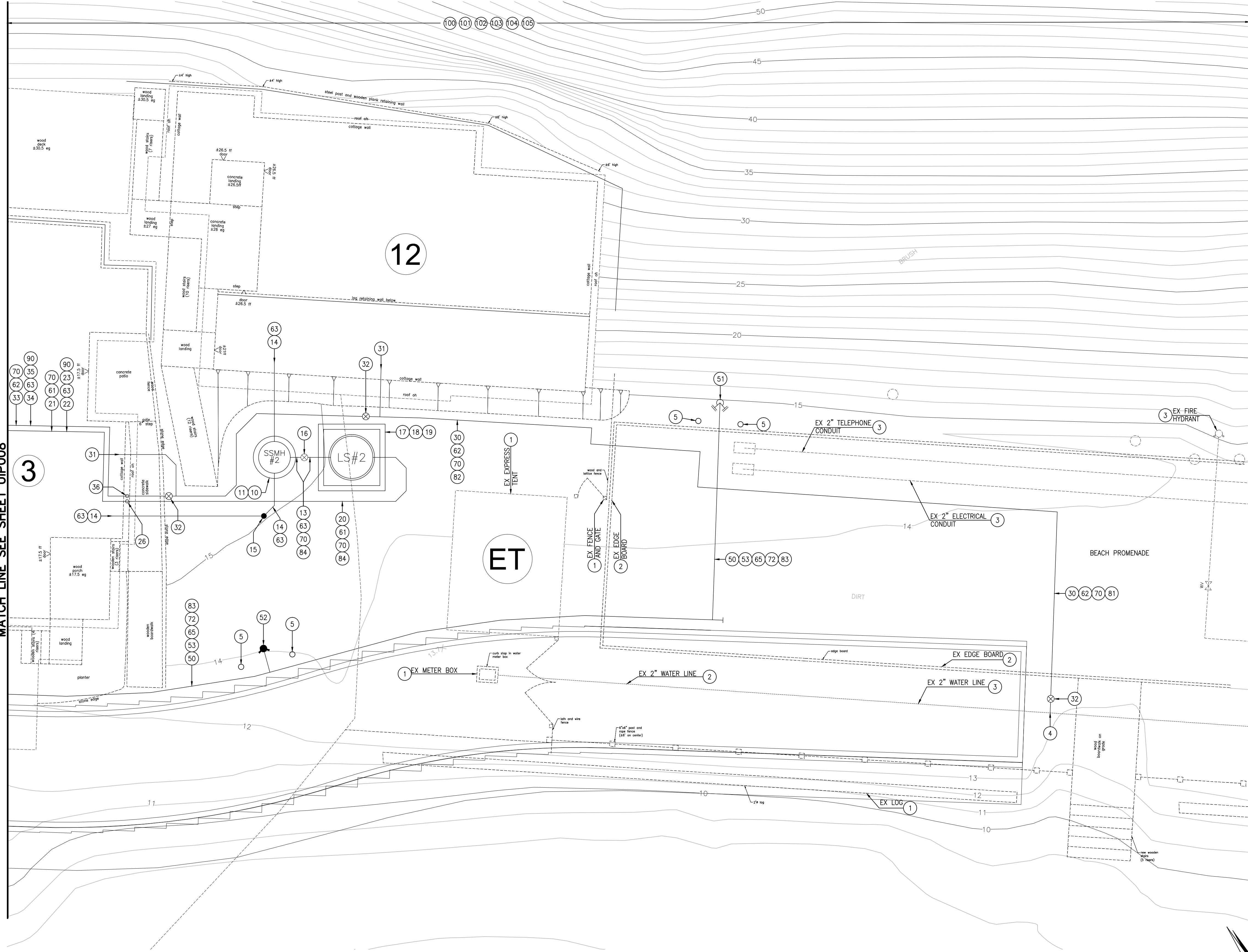


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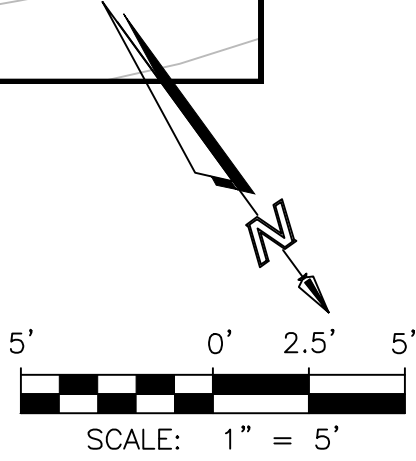


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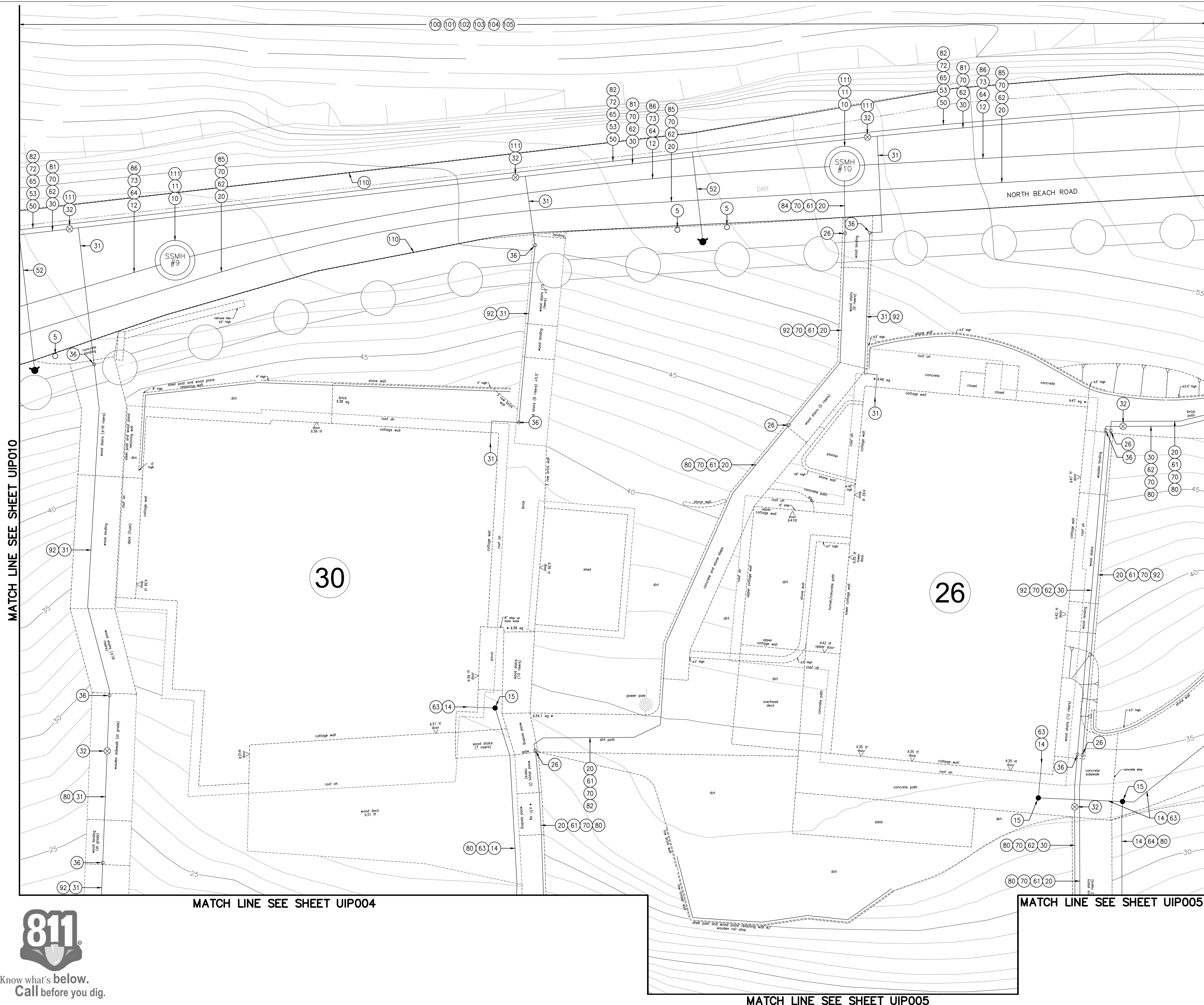
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*Dino Capannelli*

DINO CAPANNELLI  
R.C.E. No. 43836  
EXP: 06-30-15

REGISTERED PROFESSIONAL ENGINEER  
No. 043836  
Exp. 06/30/15  
CIVIL  
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PROPOSED UTILITY INFRASTRUCTURE PLAN  
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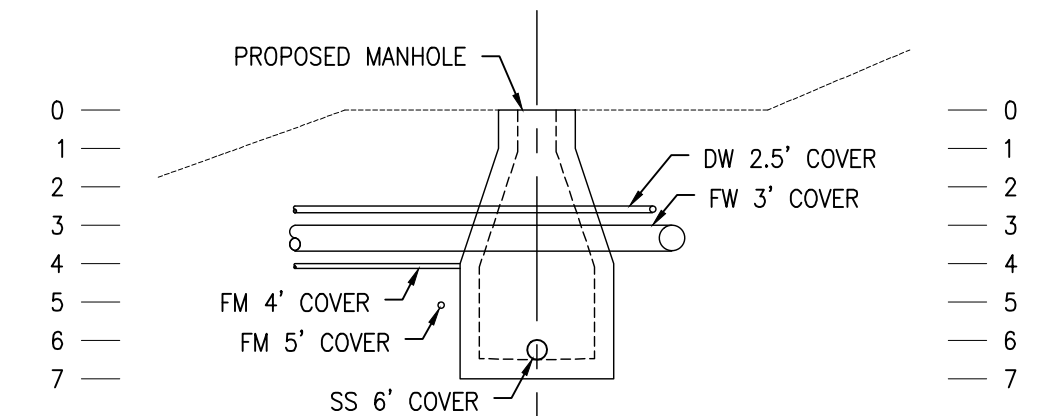
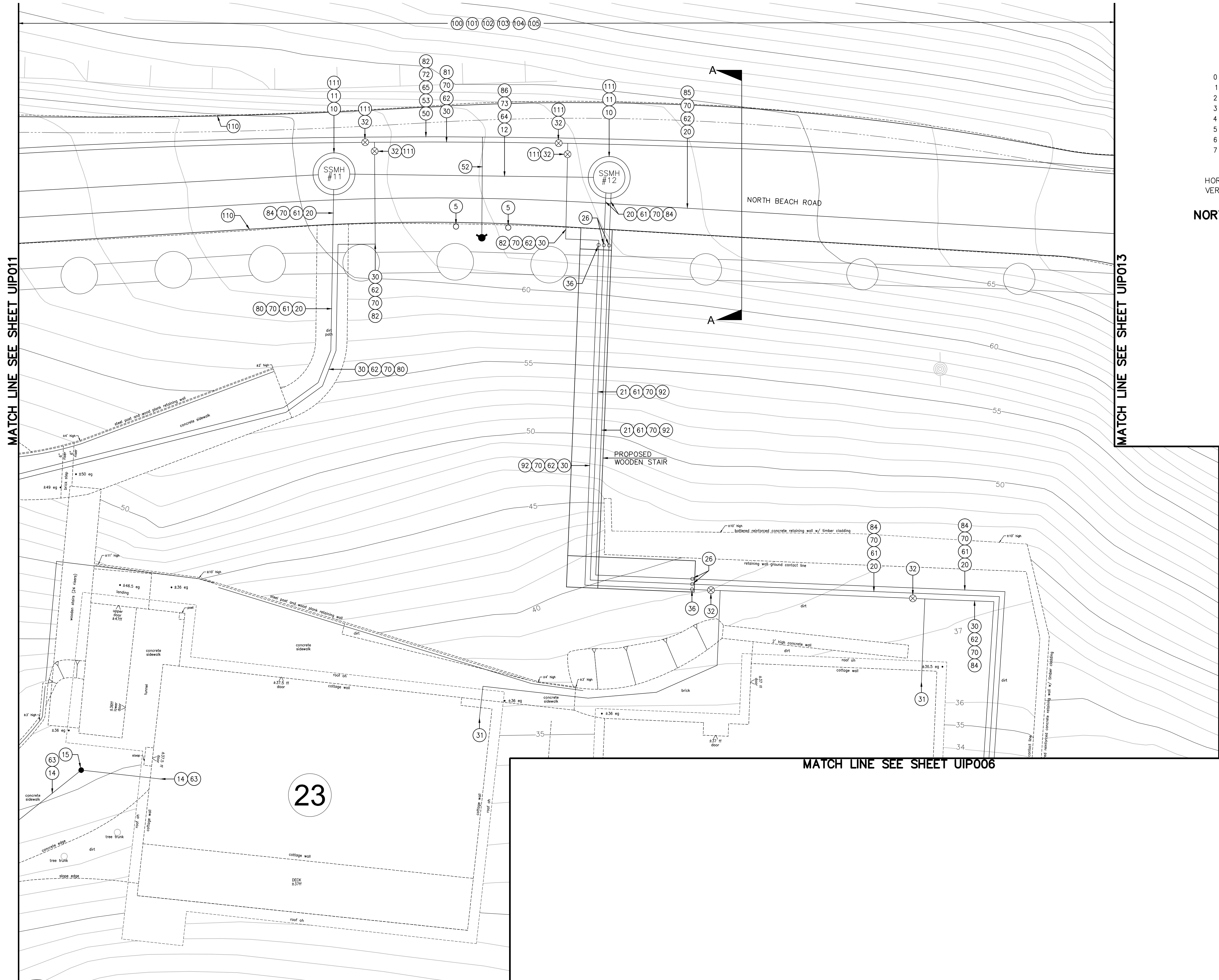
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VERT. SCALE: 1"=5'  
**SECTION A-A**  
**NORTH BEACH ROAD - UTILITY PLACEMENT DETAIL**

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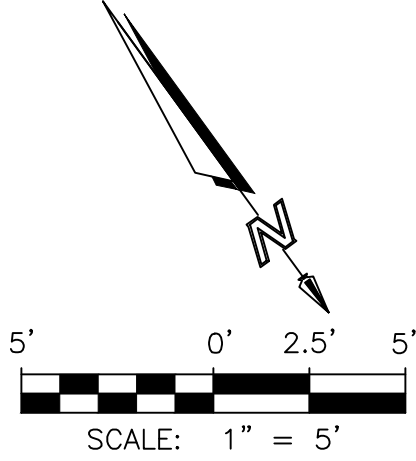
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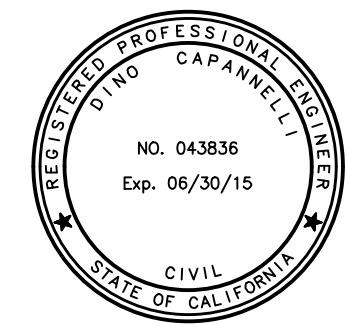
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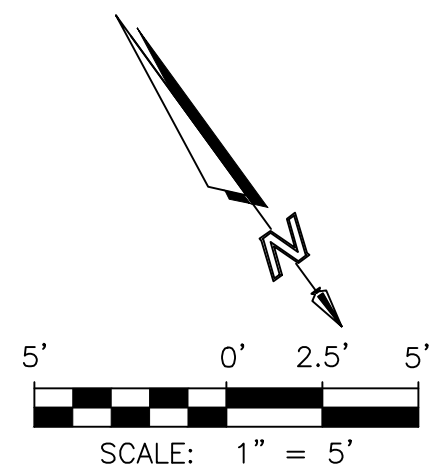
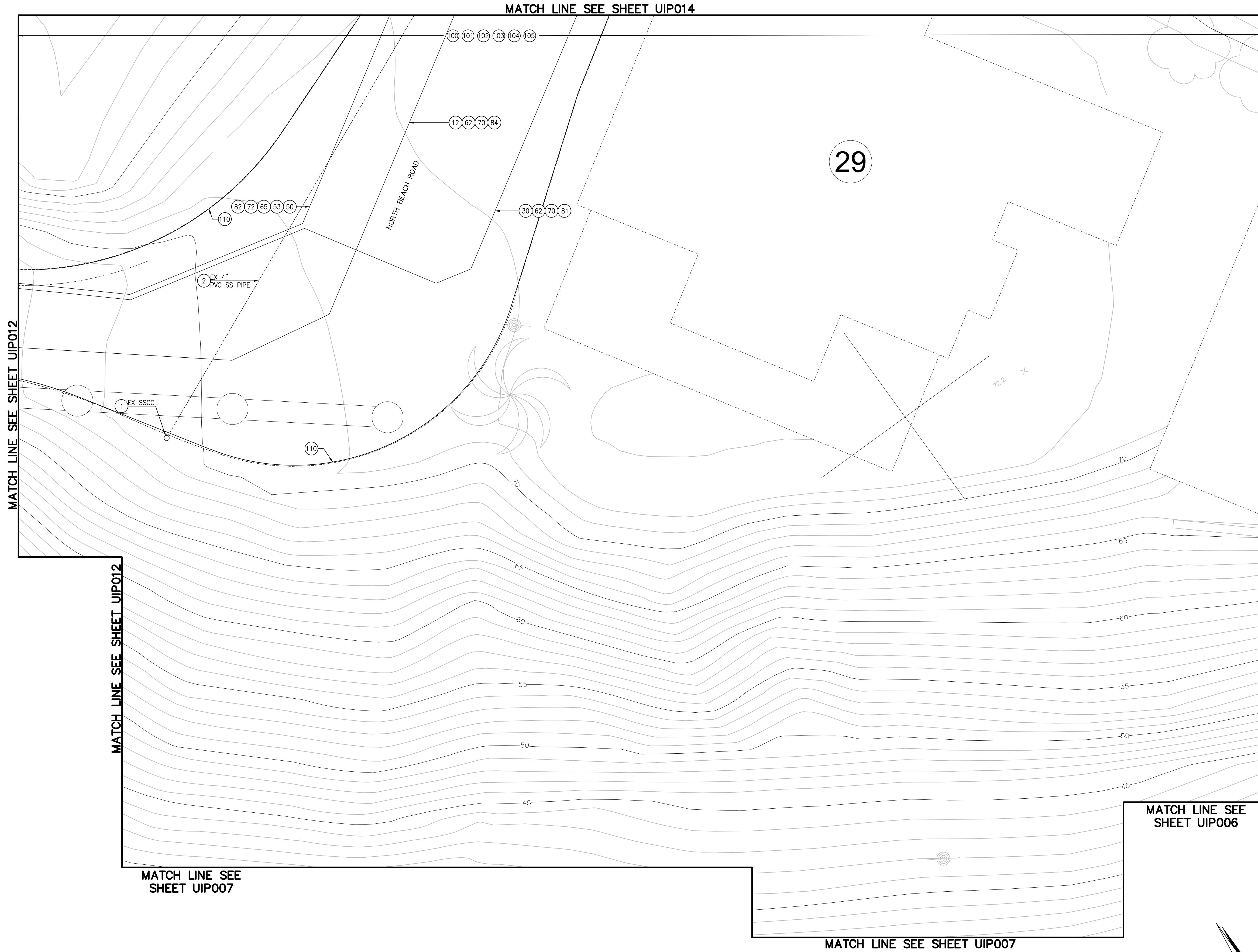
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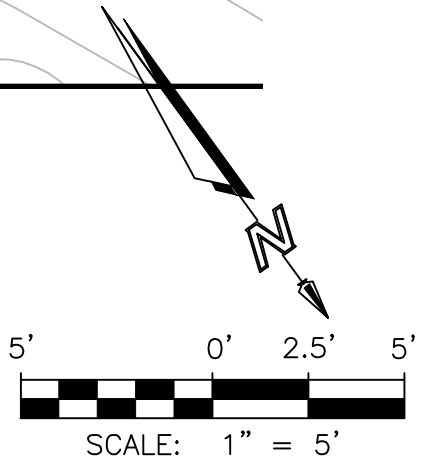
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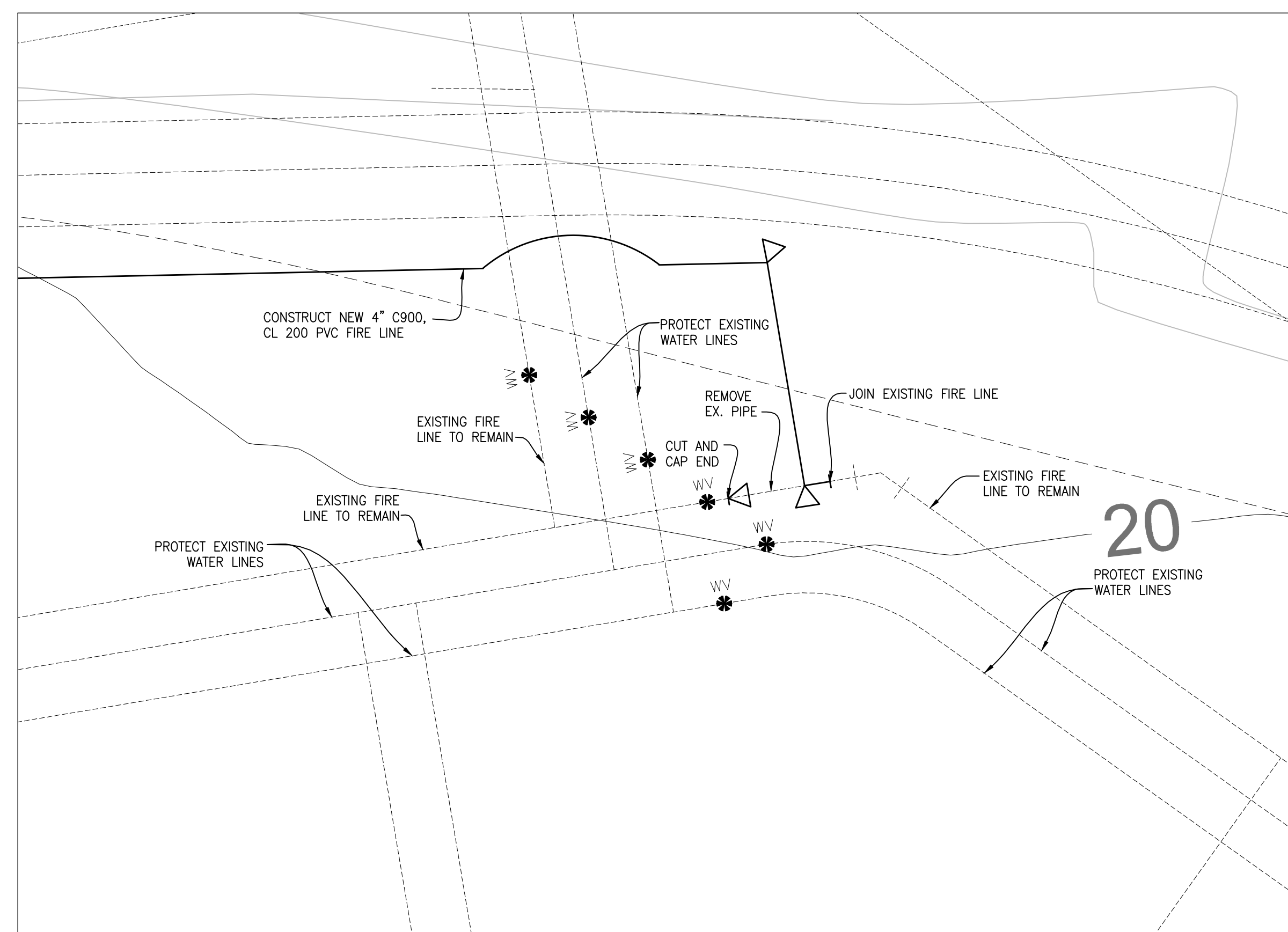
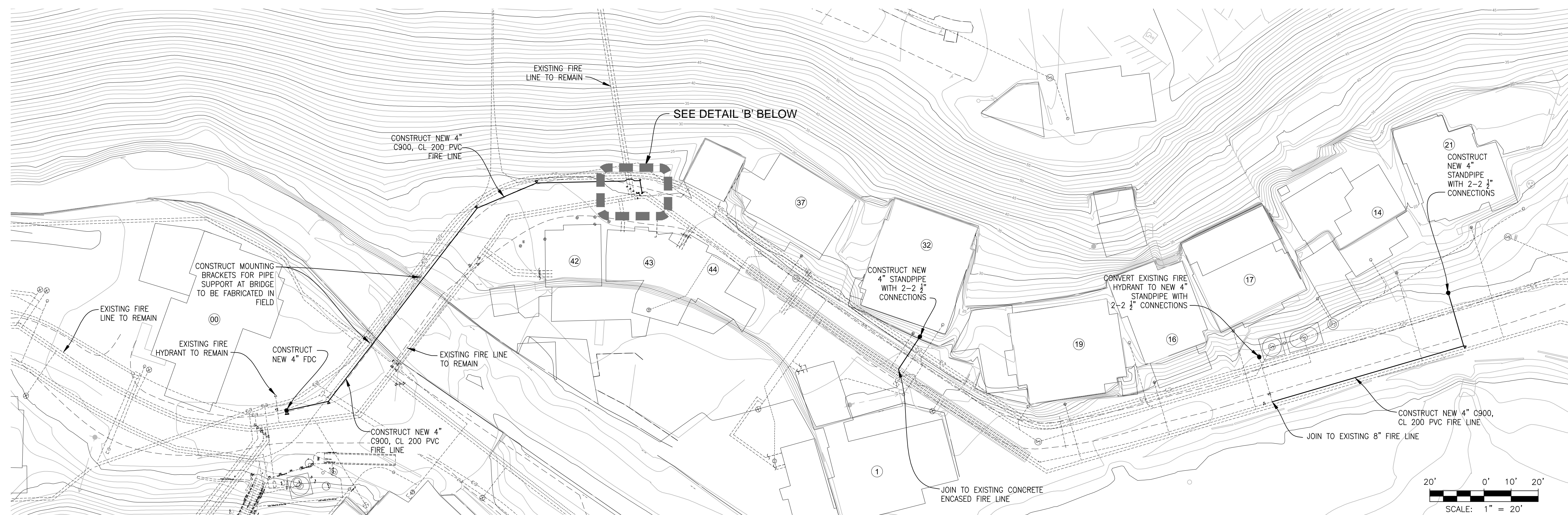
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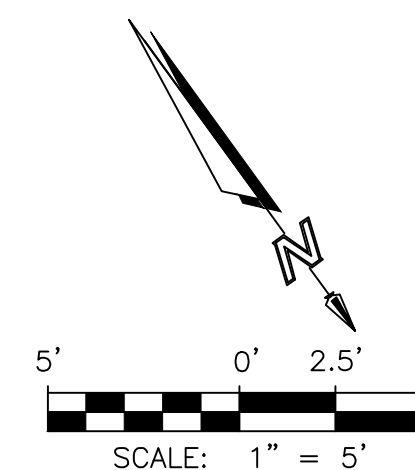
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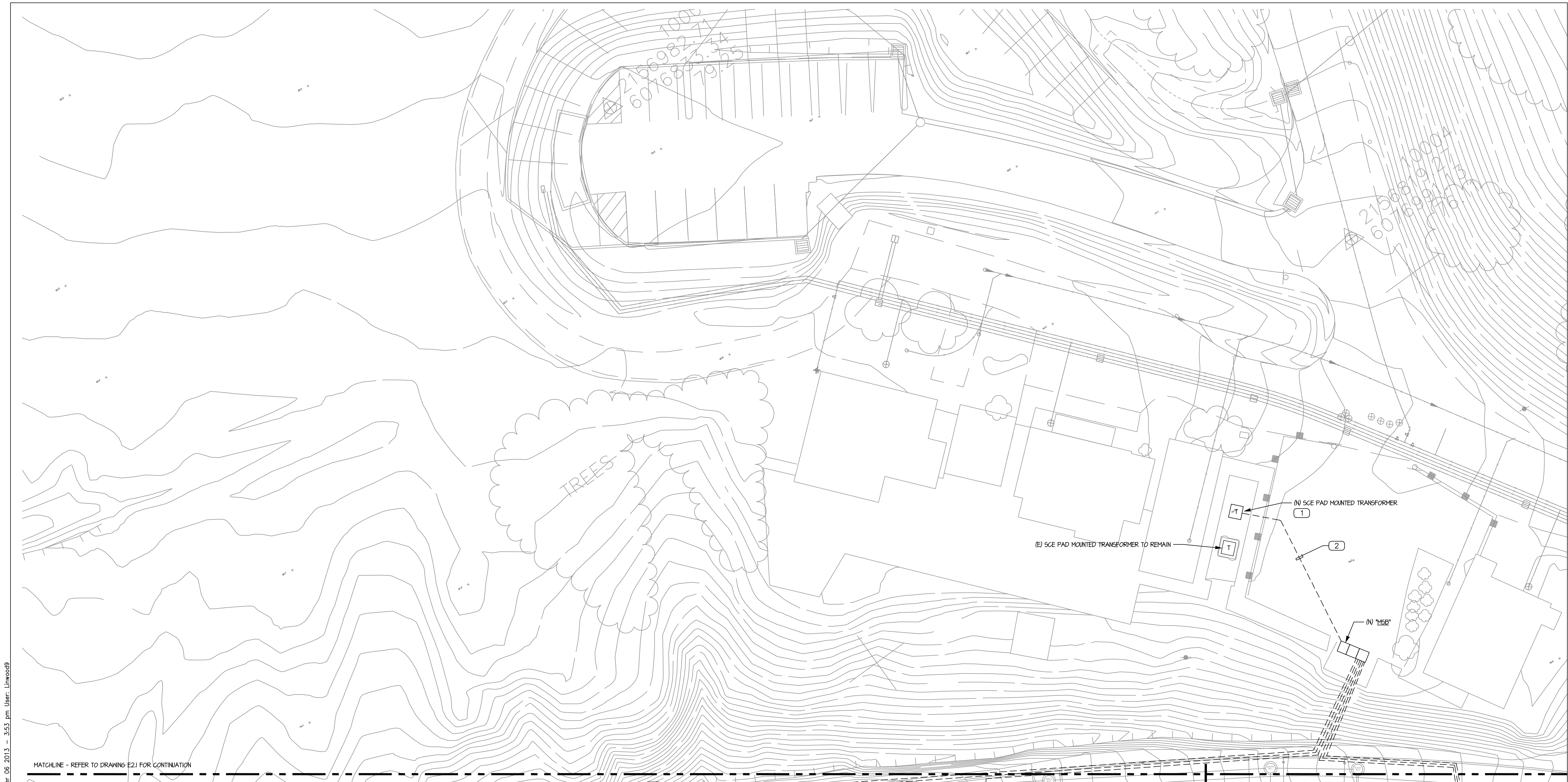
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PARTIAL ELECTRICAL SITE PLAN  
SCALE: 1/16" = 1'-0"

- NOTES TO CONTRACTOR
- ALL FEEDS TO COTTAGES SHALL BE ROUTED UNDERGROUND FROM NEW SWITCHBOARD TO NEW POWER POLE INDICATED, UP POLE AND OVERHEAD TO NEW WEATHERHEAD AT COTTAGE.
  - REFER TO DRAWING E5.0 FOR WEATHERHEAD AND POWER POLE DETAILS. ALL WEATHERHEADS, SUPPORTS, POWER POLES, ETC. SHALL BE PROVIDED AND INSTALLED BY THE GC, FOLLOWING SCE GUIDELINES AND ARTICLE 230 OF THE NEC.

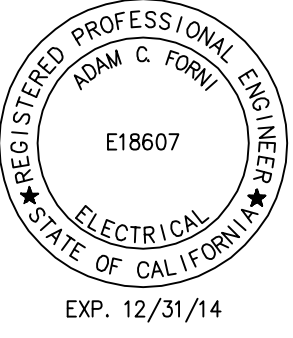
PLAN NOTES

- PROPOSED LOCATION OF 208/120V, 3 PHASE, 4W UTILITY COMPANY TRANSFORMER. COORDINATE REQUIREMENTS FOR CONNECTION TO EXISTING UTILITY COMPANY POINT OF CONNECTION WITH SERVING UTILITY COMPANY AND INCLUDE IN BID.
- PROVIDE (4) 5" CONDUITS TO UTILITY COMPANY TRANSFORMER PER UTILITY COMPANY REQUIREMENTS. VERIFY CONDUIT SIZE AND QUANTITY WITH SERVING UTILITY COMPANY AND INCLUDE IN BID.

GENERAL SITE NOTES:

- CONTRACTOR SHALL EXERCISE CAUTION IN EXCAVATING AND TRENCHING ON THIS SITE TO AVOID EXISTING DUCTS, PIPING, CONDUITS, ETC. AND SHALL PREVENT HAZARD TO PERSONNEL AND/OR DAMAGE TO EXISTING UNDERGROUND UTILITIES OR STRUCTURES. THESE DOCUMENTS ARE NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES WHETHER OR NOT SHOWN, DETAILED OR INSTALLED BY THIS OR ANY OTHER CONTRACTS. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER IF UNFORSEEN CONDITIONS ARE DISCOVERED. THESE DRAWINGS AND SPECIFICATIONS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
- USE 3/4" CONDUIT (MINIMUM) AND #10 CONDUCTORS (MINIMUM) FOR ALL SITE WIRING WORK.
- IF APPLICABLE, EXTEND 3/4" C.O. FROM P.I.V. TO NEAREST TELEPHONE BACKBOARD. COORDINATE ALL REQUIREMENTS AND EXACT LOCATIONS WITH CIVIL DRAWINGS.
- PROVIDE CONNECTION AS REQUIRED TO LANDSCAPE/IRRIGATION CONTROLLER. COORDINATE ALL REQUIREMENTS AND EXACT LOCATION WITH LANDSCAPE DRAWINGS.
- REFER TO CEC TABLE 300-5 FOR MINIMUM CONDUIT BURIAL DEPTHS.
- THE ELECTRICAL AND TELEPHONE UTILITIES INDICATED ON THESE PLANS ARE PRELIMINARY AND ARE INTENDED FOR BIDDING PURPOSES ONLY. THE ELECTRICAL CONTRACTOR IS RESPONSIBLE TO COORDINATE WITH THE SERVING UTILITY COMPANIES PRIOR TO INSTALLATION. IN ORDER TO RECEIVE THEIR FINAL UTILITY DESIGN PLANS INDICATING THE POINT OF CONNECTION TO EACH RESPECTIVE UTILITY, THE ROUTING, SIZE, AND QUANTITY OF ALL CONDUITS/FEEDERS, THE AIC REQUIREMENTS FOR THE MAIN SWITCHBOARD, MINIMUM UTILITY REQUIREMENTS AND IS TO USE THESE FINAL UTILITY DRAWINGS FOR EXACT UTILITY SYSTEM PRICING.

UTILITY CONTACT	
POWER	
SOUTHERN CALIFORNIA EDISON HUNTINGTON BEACH SERVICE CENTER 1333 BOLSA AVENUE WESTMINSTER, CA 92683	
ATTN: Tim McGinnis (714) 845-0242 timmcginnis@sce.com	



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Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

DPR ACCESS COMPLIANCE REVIEW  
ACCESSIBILITY SECTION  
CERTIFICATION # \_\_\_\_\_

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

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DRAWN:	FL
CHECKED:	DC
DATE:	09/06/2013

REVISIONS	DATE

CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE PHASE III  
UTILITY INFRASTRUCTURE PRICING PLAN  
PARTIAL ELECTRICAL SITE PLAN

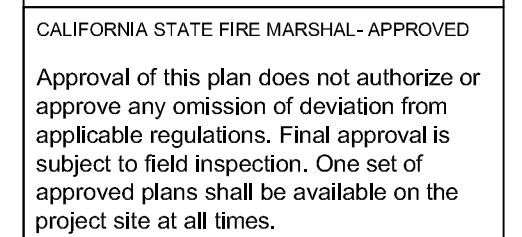
PROJECT NO.  
871.001

SHEET NO.

E2.0

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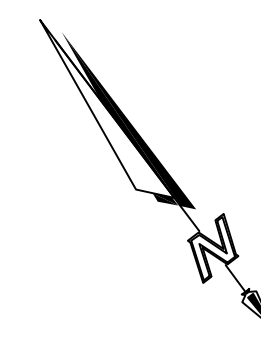
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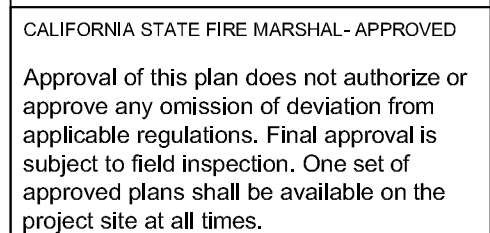
Exhibit 10.

SCALE: 3/32" = 1'-0"

- 1) LIFT STATION PUMPS BY PLUMBING CONTRACTOR. PROVIDE CONNECTION TO (2) PUMPS WITHIN LIFT STATION. ONLY (1) PUMP SHALL OPERATE AT ANY GIVEN TIME. COORDINATE ALL REQUIREMENTS WITH PLUMBING CONTRACTOR/PLANS PRIOR TO ROUGH-IN AND MAKE ALL FINAL CONNECTIONS AS REQUIRED.
- 2) EXISTING WALL MOUNTED METER, MAIN DISCONNECT AND WEATHERHEAD TO BE DISCONNECTED AND REMOVED. PROVIDE NEW NEMA 3R RATED PANELBOARD AT APPROXIMATELY SAME LOCATION AS EXISTING METER. REFER TO PANEL SCHEDULE ON DRAWING E30 FOR PANELBOARD SPECIFICATIONS. COORDINATE EXACT LOCATION OF NEW PANEL WITH OWNER PRIOR TO ROUGH-IN. NEW PANELBOARD INSTALLATION SHALL COMPLY WITH ALL NEC REQUIRED CLEARANCES.
- 3) EXISTING WALL MOUNTED METER, MAIN DISCONNECT AND WEATHERHEAD TO BE DISCONNECTED AND REMOVED.
- 4) PROVIDE NEW NEMA 3R RATED PANELBOARD. REFER TO PANEL SCHEDULE ON DRAWING E30 FOR PANELBOARD SPECIFICATIONS. COORDINATE EXACT LOCATION OF NEW PANEL WITH OWNER PRIOR TO ROUGH-IN. NEW PANELBOARD INSTALLATION SHALL COMPLY WITH ALL NEC REQUIRED CLEARANCES.
- 5) EXISTING POWER POLE TO BE REMOVED. ALL OVERHEAD POWER LINES TO POLE NO LONGER IN USE SHALL BE DISCONNECTED AND REMOVED. PROVIDE NEW POWER POLE AT SAME LOCATION FOLLOWING SECE INSTALLATION REQUIREMENTS FOR CUSTOMER OWNED POWER POLES.







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ACCESSIBILITY SECTION  
CERTIFICATION #

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NORTHERN SERVICE CENTER

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DATE:	09/06/2013

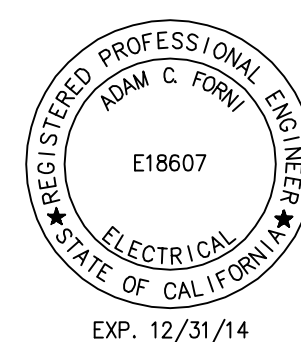
△	REVISIONS	DATE

**CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE PHASE III  
UTILITY INFRASTRUCTURE PRICING PLAN  
PARTIAL ELECTRICAL SITE PLAN**

PROJECT NO.  
871.001

SHEET NO.

**E2.2** &\* # -  
Exhibit 10



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Consulting Mechanical & Electrical Engineers

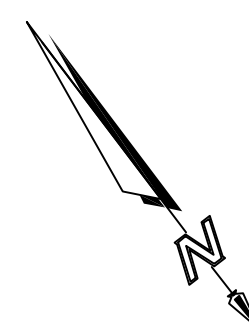
151 Kalms Drive Suite B-200  
Costa Mesa, California  
92626

955 Lincoln Avenue  
Glen Rock, New Jersey  
07452

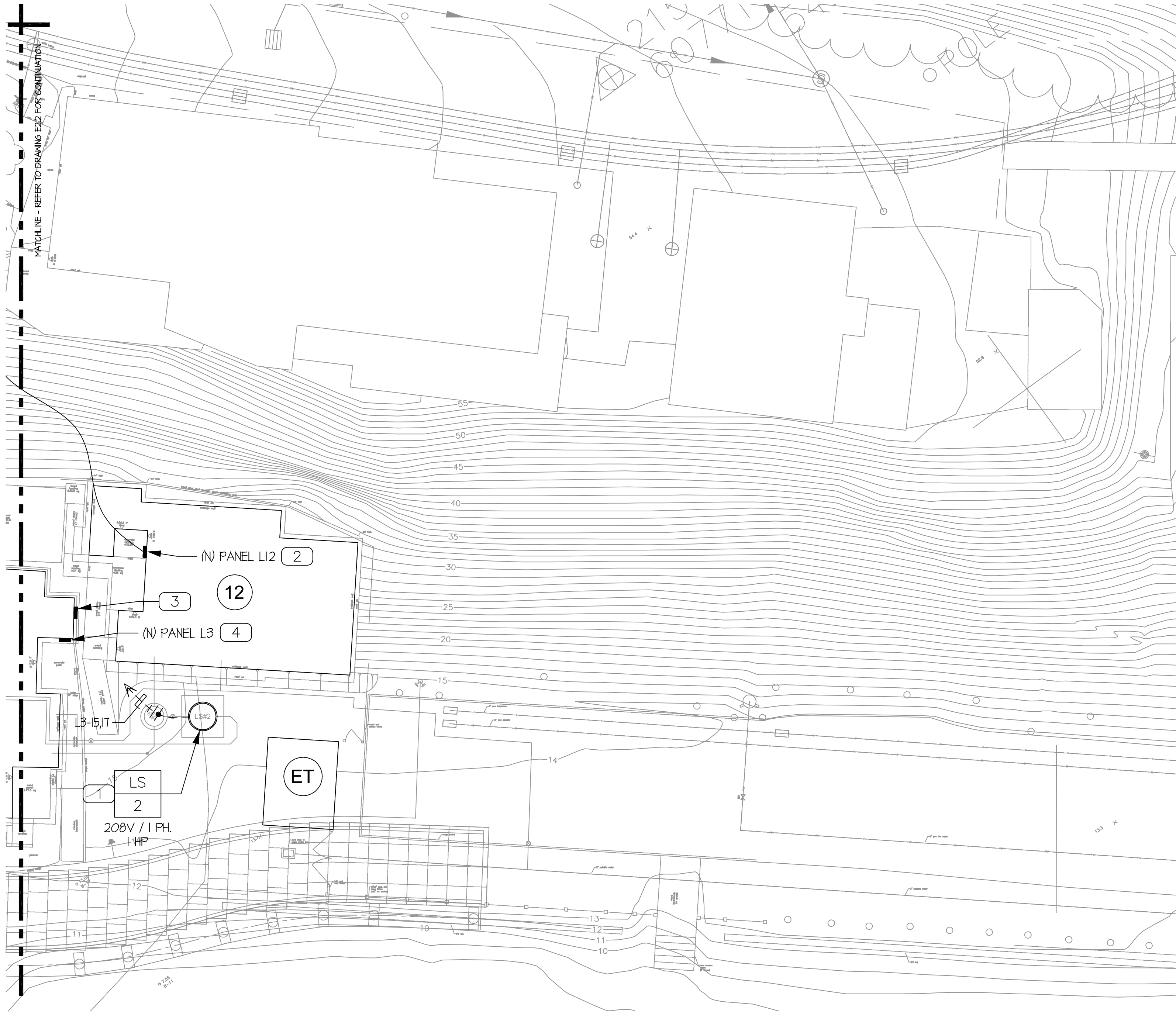
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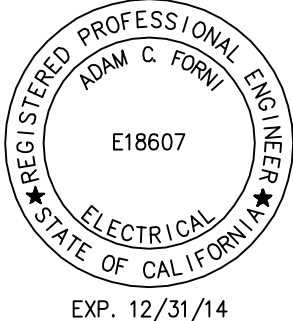
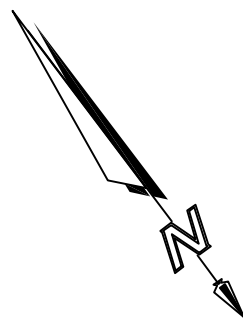
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PARTIAL ELECTRICAL SITE PLAN  
SCALE: 3/32" = 1'-0"

PLAN NOTES

- 1 LIFT STATION PUMPS BY PLUMBING CONTRACTOR. PROVIDE CONNECTION TO (2) PUMPS WITHIN LIFT STATION. ONLY (1) PUMP SHALL OPERATE AT ANY GIVEN TIME. COORDINATE ALL REQUIREMENTS WITH PLUMBING CONTRACTOR/PLANS PRIOR TO ROUGH-IN AND MAKE ALL FINAL CONNECTIONS AS REQUIRED.
- 2 EXISTING WALL MOUNTED METER, MAIN DISCONNECT AND WEATHERHEAD TO BE DISCONNECTED AND REMOVED. PROVIDE NEW NEMA 3R RATED PANELBOARD AT APPROXIMATELY SAME LOCATION AS EXISTING METER. REFER TO PANEL SCHEDULE ON DRAWING E3.0 FOR PANELBOARD SPECIFICATIONS. COORDINATE EXACT LOCATION OF NEW PANEL WITH OWNER PRIOR TO ROUGH-IN. NEW PANELBOARD INSTALLATION SHALL COMPLY WITH ALL NEC REQUIRED CLEARANCES.
- 3 EXISTING WALL MOUNTED METER, MAIN DISCONNECT AND WEATHERHEAD TO BE DISCONNECTED AND REMOVED.
- 4 PROVIDE NEW NEMA 3R RATED PANELBOARD. REFER TO PANEL SCHEDULE ON DRAWING E3.0 FOR PANELBOARD SPECIFICATIONS. COORDINATE EXACT LOCATION OF NEW PANEL WITH OWNER PRIOR TO ROUGH-IN. NEW PANELBOARD INSTALLATION SHALL COMPLY WITH ALL NEC REQUIRED CLEARANCES.



**LEA**

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CALIFORNIA STATE FIRE MARSHAL - APPROVED

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Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

DPR ACCESS COMPLIANCE REVIEW  
ACCESSIBILITY SECTION  
CERTIFICATION # \_\_\_\_\_

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

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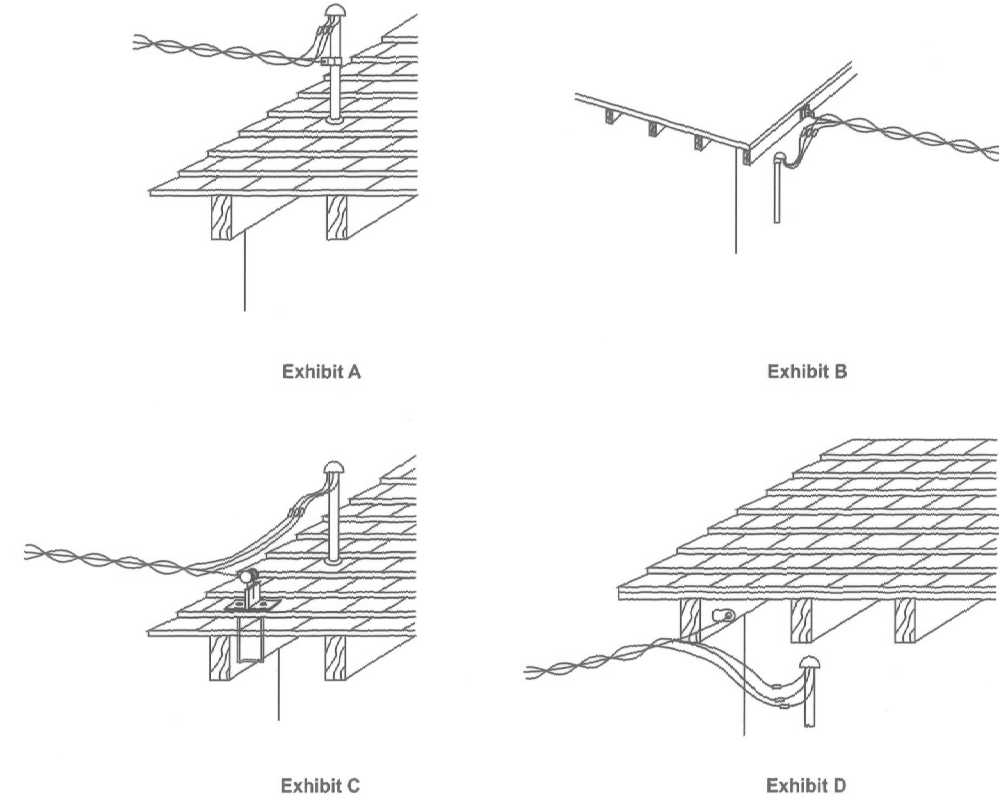
CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND  
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PROJECT NO.  
871.001

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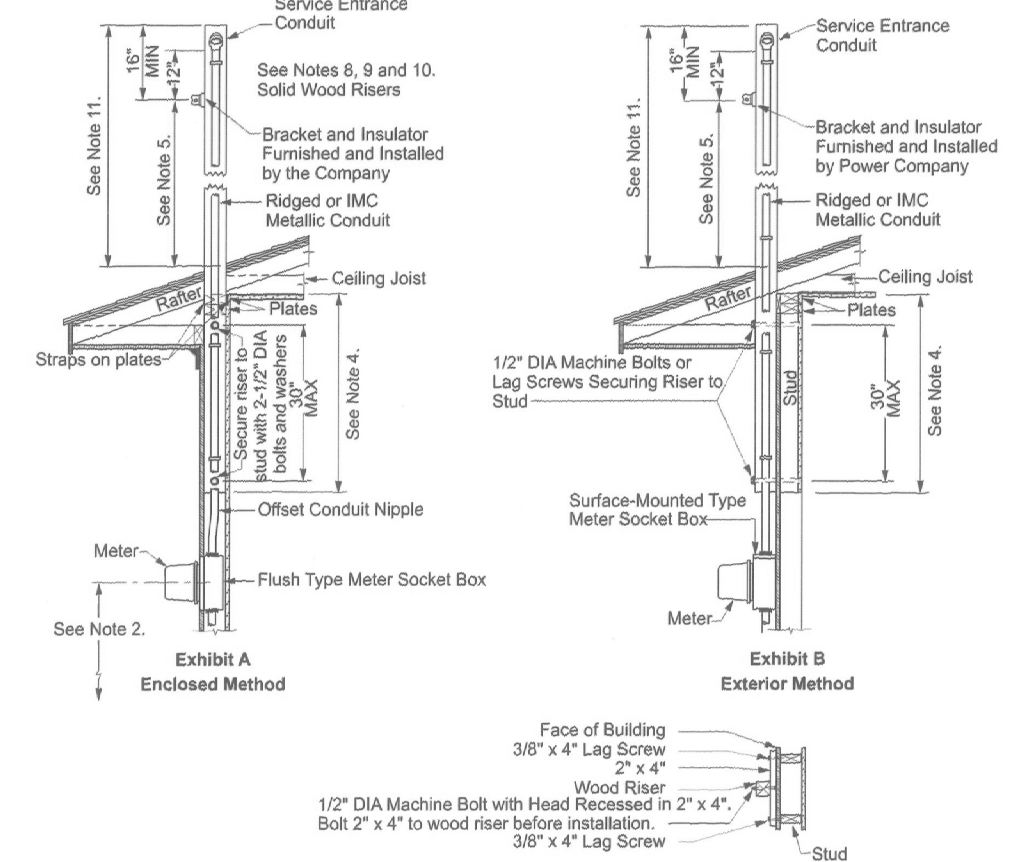
Figure 2-3: Methods of Attaching Service Drops to Buildings



- Notes:
- All points-of-service drop attachment shall be on the wall, roof edge, verge, or exterior frame member nearest and facing the Company's pole line, except where other locations are permitted by these requirements.
  - The service head, whenever practicable, should be located one foot above the level of the point provided for service drop attachment. This arrangement is required by some inspection authorities.
  - For clearances, see Table 2-4 (Page 2-27), Figure 2-6 (Page 2-20), Table 2-2 (Page 2-26), Figure 2-7 (Page 2-21), Figure 2-8 (Page 2-22), Figure 2-9 (Page 2-23), and Figure 2-10 (Page 2-24).
  - Drop loops shall be formed and connections shall be made below the service entrance weatherhead to prevent the entrance of moisture into the service conduit.

Approved <i>K</i>	Overhead Service Connections 0-600 V	ESR-2
Effective Date 07-31-2009	Electrical Service Requirements SCE Public	Page 2-17

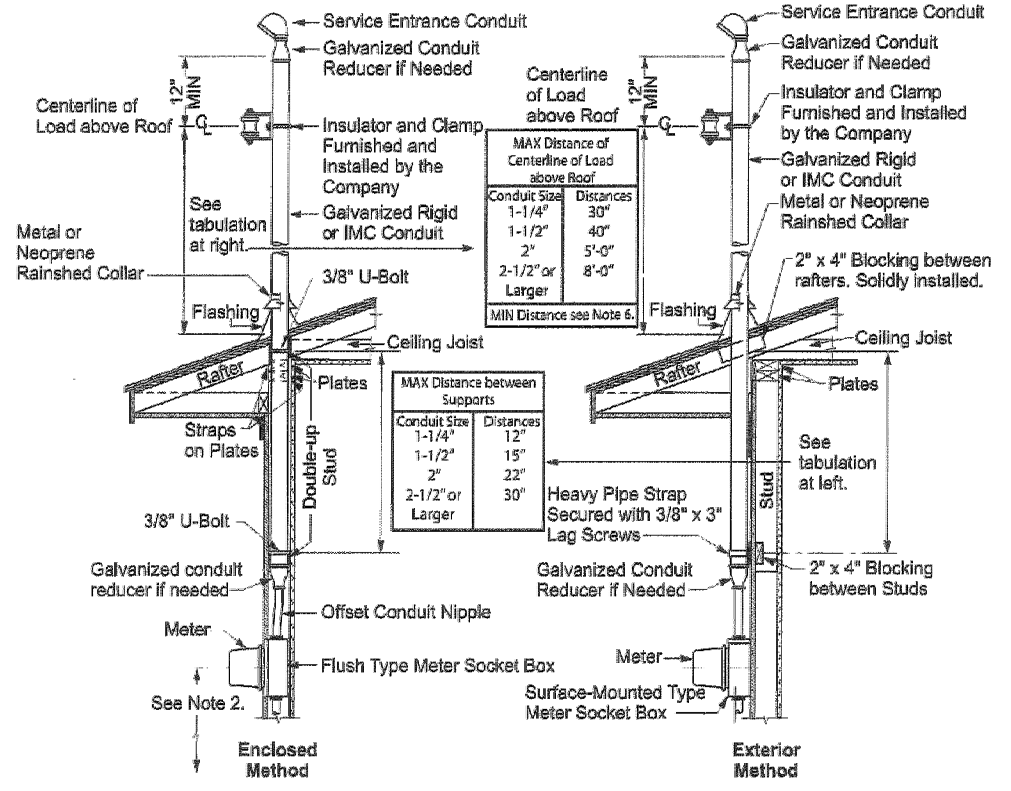
Figure 2-4: Solid Wood Service Drop Attachment Risers



- Notes:
- None of these wood risers shall be split or be of laminated construction (2" x 4", 2" x 6", and other boards). Nailed or bolted together boards are not acceptable.
  - The meter must be between the minimum of 4'-0" and 6'-3" maximum above grade. The height may be reduced to 3'-0" when the meter is enclosed in a meter closet.
  - Service riser attachments in heavy snow-loading areas shall have special construction. Contact the local Company office.
  - Where practicable, the riser timber should extend below the building plate a distance equal to its projection above—but in no case less than 36 inches, except where special provisions have been made for its anchorage.
  - For clearances of 0-600 V service drops, see Table 2-2 (Page 2-26) and contact the local Company office for details.
  - The riser should be on or not more than 18 inches back of the front face of the wall facing the Company's line.
  - Illustrations show buildings with slanting roofs. See Figure 2-5 (Page 2-25) for clearance of service drops of 0-600 V over flat-roofed commercial buildings.
  - See Figure 2-10 (Page 2-24), Exhibit A 4" x 4" post.
  - See Figure 2-10 (Page 2-24), Exhibit C 4" x 4" post.
  - See Figure 2-10 (Page 2-24), Exhibit D 6" x 6" post.
  - See Figure 2-10 (Page 2-24).

ESR-2	Overhead Service Connections 0-600 V	Approved <i>K</i>
Page 2-18	Electrical Service Requirements SCE Public	Effective Date 07-31-2009

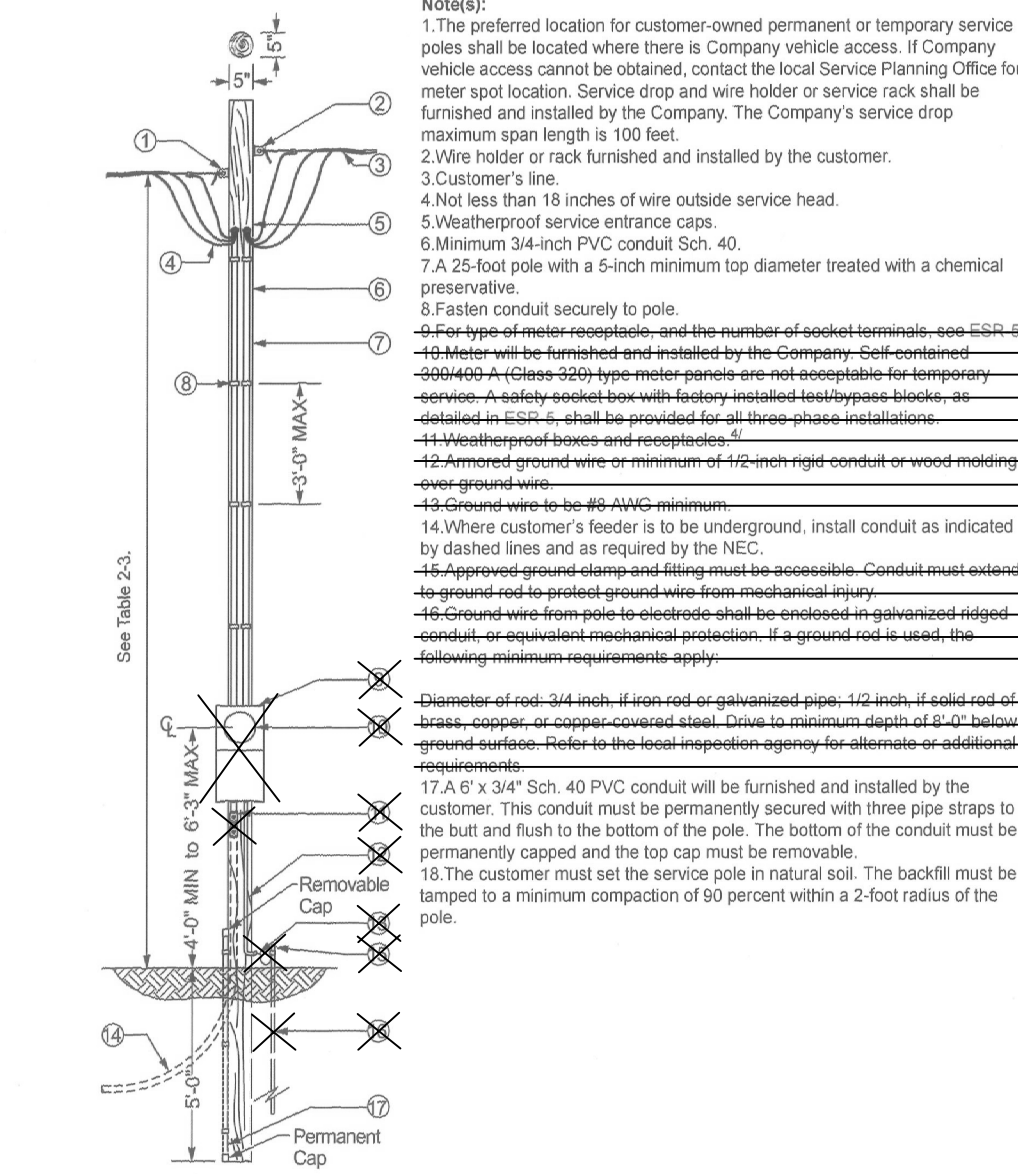
Figure 2-5: Conduit Service Drop Attachment Risers (Periscope Type)



- Notes:
- The above is a suggested method to obtain the required ground and roof clearances as required by CPUC G.O. 95. When this method is used, it will be acceptable to the Company, provided the dimensions and construction details are complied with the dimensions shown and are based on a service drop length of not more than 100 feet. Any service length greater than 100 feet must be approved by the Company.
  - The meter must be between the minimum of 4'-0" and 6'-3" maximum above grade. The height may be reduced to 3'-0" when the meter is enclosed in a meter closet.
  - The Company will not be responsible for any damage to the building caused by rain or structural failure.
  - The riser should be on or not more than 18 inches back of the front face of the wall facing the Company's line.
  - Install rigid steel or IMC conduit only for this application.
  - The minimum distance of centerline of load above roof is specific to each location. In all cases, this distance shall not be less than 12 inches minimum.
  - No couplings will be permitted between the top of the riser and the lowest point of support for conduit sizes 1-1/4 inches to 2 inches inclusive. If a coupling is necessary in 2-1/2 inches or larger conduit to secure the maximum height, the coupling shall be installed at the uppermost end of the service-entrance conduit.
  - Only power service drop shall be permitted to be attached to a service mast or riser per National Electrical Code (NEC) Section 230-28.
  - The service riser attachments in heavy snow-loading areas shall have special construction. Call the local Service Planning Office for details.

Approved <i>K</i>	Overhead Service Connections 0-600 V	ESR-2
Effective Date 07-31-2009	Electrical Service Requirements SCE Public	Page 2-19

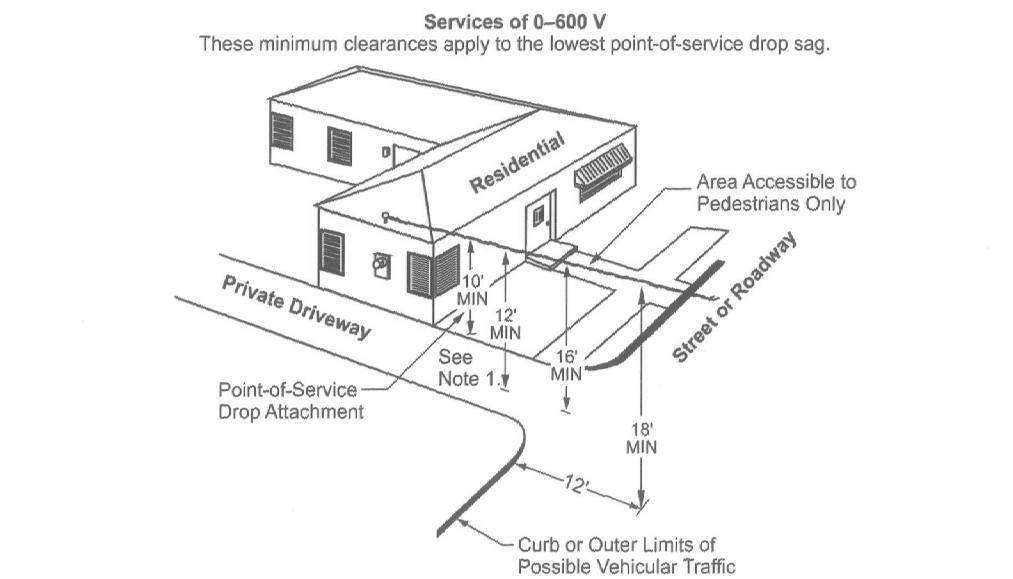
Figure 2-15: Customer-Owned Permanent or Temporary Service Pole



<sup>4</sup> Refer to the local inspection agency and the "California Electrical Safety Order" for ground fault circuit protection requirements.

Approved <i>K</i>	Overhead Service Connections 0-600 V	ESR-2
Effective Date 07-31-2009	Electrical Service Requirements SCE Public	Page 2-33

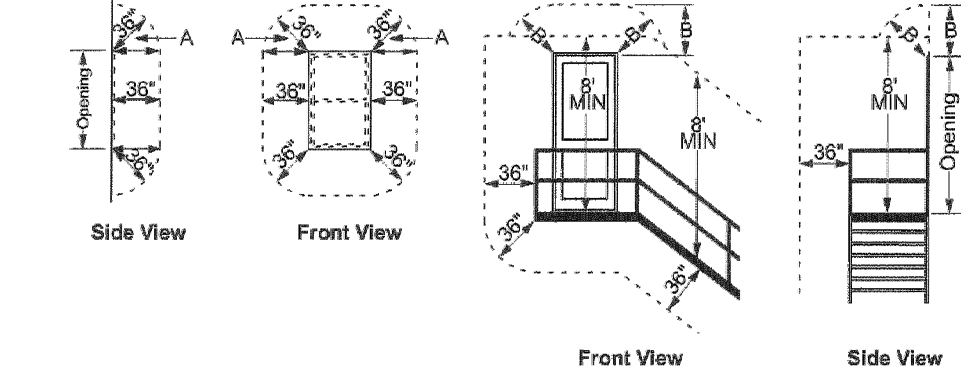
Figure 2-6: Service Drop Clearance — Residential Premises



- Notes:
- Service wire can be 10 feet over residential driveway, if conductor is insulated triplex. Refer to G.O. 95, Rule 54.8. B2.
  - The radial clearance between supply service drop conductors and communication service drop conductors shall not be less than 24 inches. Where within 15 feet of the point of attachment of either service drop on a building, this clearance may be further reduced but shall not be less than 12 inches.
  - The CPUC approves residential triplex services to be 12 inches or more above non-walkable metal patio roofs.
  - The service head shall in no case be less than 10 feet or more than 30 feet above the exterior grade level nearest such head.
  - Minimum clearances indicated are as required by the Rules for Overhead Line Construction of the CPUC (G.O. 95). The Commission has ruled that a three-unit or larger apartment house is a commercial building and, therefore, requires commercial service clearances. Commercial clearances shall be provided over private or public driveways to three or more houses. For vertical clearances see Table 2-4 (Page 2-27).
  - The point-of-service drop attachment on any riser shall in no case be more than 18 inches back of the front face of the wall facing the pole line to which the drops would be attached.

ESR-2	Overhead Service Connections 0-600 V	Approved <i>K</i>
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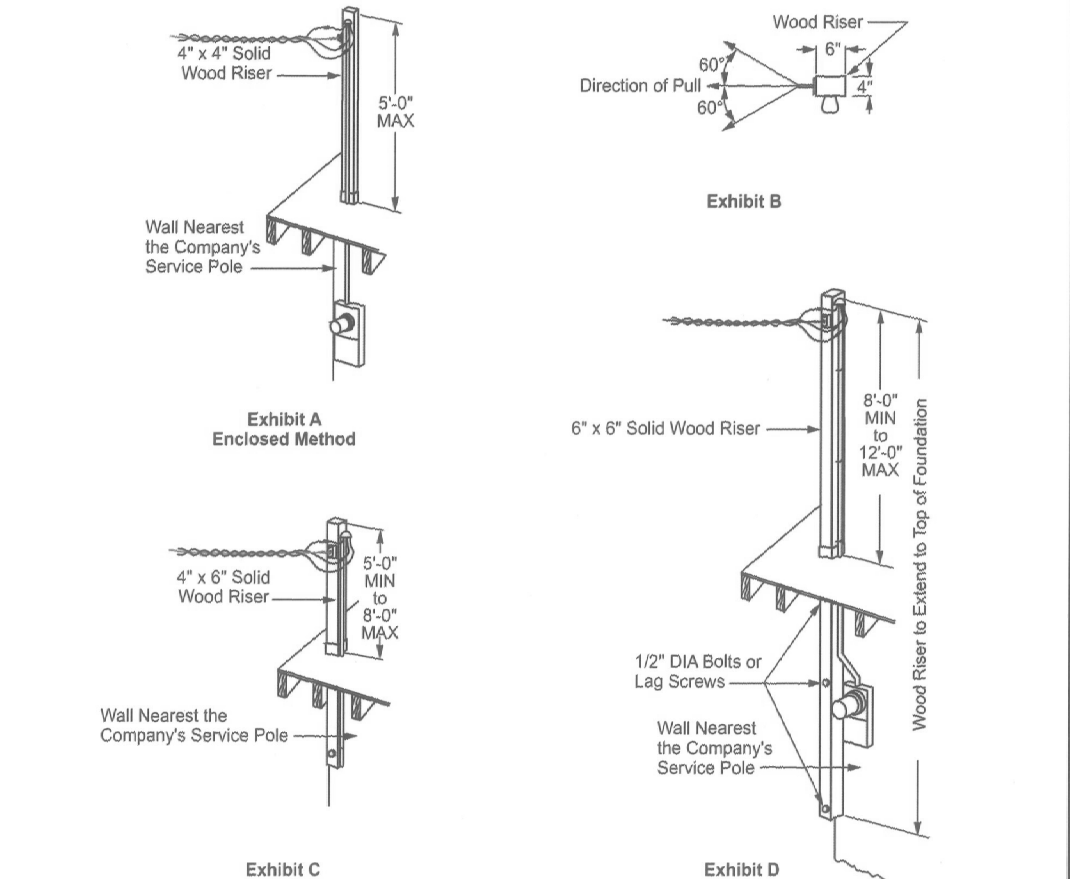
Figure 2-7: Clearance of 0-600 V Services from Doors, Exits, Windows, and Fire Escapes



- Notes:
- No supply service wires are permitted within the shaded area.
  - The minimum clearances indicated comply with "The Rules for Overhead Line Construction of the CPUC (G.O. 95)."
  - Dimension "A" may be less than 36 inches, but shall be the maximum practicable.
  - Dimension "B" may be less than 36 inches provided that it is the maximum practicable and that the 8-foot minimum vertical clearances indicated are obtained.

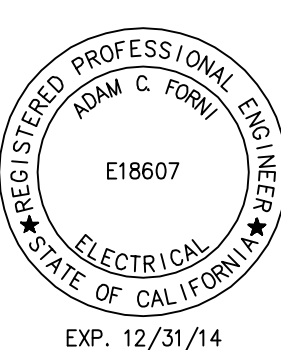
Approved <i>K</i>	Overhead Service Connections 0-600 V	ESR-2
Effective Date 07-31-2009	Electrical Service Requirements SCE Public	Page 2-21

Figure 2-10: Clearance of Timber Risers on Buildings



- Notes:
- Service riser attachments in heavy snow-loading areas shall have special construction. Contact the local Service Planning Office (see ESR-1) for information. The service head, whenever practicable, should be located one foot above the level of the point provided for service-drop attachment. Where the point of attachment is located above the service head, drop loops shall be formed and connections shall be made below the service head to prevent the entrance of moisture into the service conduit.
  - For clearances see:
    - See Figure 2-2 (Page 2-16)
    - See Table 2-4 (Page 2-27)
    - See Figure 2-6 (Page 2-20)
    - See Table 2-2 (Page 2-26)
    - See Figure 2-7 (Page 2-21)
    - See Figure 2-8 (Page 2-22)
    - See Figure 2-9 (Page 2-23)
    - See Figure 2-10 (Page 2-24)

ESR-2	Overhead Service Connections 0-600 V	Approved <i>K</i>
Page 2-24	Electrical Service Requirements SCE Public	Effective Date 07-31-2009



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Sacramento, CA  
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DATE: 09/06/2013

REVISIONS	DATE

CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE PHASE III  
UTILITY INFRASTRUCTURE PRICING PLAN  
WEATHERHEAD DETAILS

PROJECT NO.  
871.001

SHEET NO.

E5.0 & #  
EXPIRATION 10

PLUMBING NOTES AND SPECIFICATIONS

GENERAL

- 1. CONTRACTOR SHALL PERFORM ALL WORK SO AS TO CONFORM TO LOCAL, STATE AND NATIONAL CODES AND THE REQUIREMENTS OF LOCAL AUTHORITIES HAVING JURISDICTION.
- 2. CONTRACTOR SHALL VISIT SITE PRIOR TO BIDDING TO VERIFY LOCATION, ELEVATIONS AND SIZES OF ALL EXISTING PLUMBING AND INFORM THE ENGINEER OF ANY DISCREPANCIES.
- 3. ACCURATE AS-BUILT DRAWINGS SHALL BE MADE DURING CONSTRUCTION AND SUBMITTED FOR APPROVAL UPON COMPLETION OF INSTALLATION.
- 4. THE CONTRACTOR SHALL FURNISH ALL MATERIALS, LABOR, EQUIPMENT, TRANSPORTATION AND SERVICES NECESSARY FOR THE COMPLETION OF THE WORK.
- 5. THESE DRAWINGS SHOW THE GENERAL SCHEME OF INSTALLATION AND ARE DIAGRAMMATIC IN SCOPE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH ALL OTHER TRADES.
- 6. CONTRACTOR SHALL BE RESPONSIBLE FOR TESTING AND START-UP OF THE SYSTEM. CONTRACTOR SHALL FILE, SECURE AND PAY FOR ALL NECESSARY APPROVALS, PERMITS AND INSPECTIONS. ALL WORK SHALL BE GUARANTEED TO BE FREE FROM DEFECT FOR ONE YEAR AFTER ACCEPTANCE OF THE INSTALLATION BY OWNER.
- 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5, 2010 CALIFORNIA PLUMBING CODE.
- 8. THE PLUMBING SYSTEM SHALL BE TESTED IN ACCORDANCE WITH THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5, 2010 CALIFORNIA PLUMBING CODE. CONTRACTOR TO COORDINATE TESTS WITH LOCAL OFFICIALS.
- 9. DETAILS OF CONSTRUCTION AND OF WORKMANSHIP WHERE NOT SPECIFICALLY DESCRIBED HEREIN OR INDICATED ON THE DRAWINGS SHALL BE SUBJECT TO THE ENGINEER'S APPROVAL. IT IS THE INTENT OF THESE SPECIFICATIONS TO PROVIDE COMPLETE SYSTEMS, LEFT IN GOOD WORKING ORDER, READY FOR OPERATION.

INSTALLATION

- 1. GRAVITY SEWER PIPING SHALL BE INSTALLED AT A SLOPE OF 2%.
- 2. WRAP ALL IRON AND COPPER PIPE AND FITTINGS BELOW SLAB OR GRADE WITH 8 MIL POLYETHYLENE WRAP AND 6" MINIMUM ENVELOPE OF CLEAN SAND ALL AROUND PIPE IN ACCORDANCE WITH AS/NZS 4569 STANDARD C2542.5.
- 3. CLEANOUTS FOR SANITARY DRAINAGE SYSTEMS SHALL BE LOCATED IN ACCORDANCE WITH THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5, 2010 CALIFORNIA PLUMBING CODE.

TESTING AND DISINFECTION

- 1. ALL NEW PLUMBING SYSTEMS SHALL BE TESTED IN ACCORDANCE WITH THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5, 2010 CALIFORNIA PLUMBING CODE.
- 2. SANITARY DRAINAGE SYSTEMS ROUGHING SHALL BE PRESSURE TESTED AT NOT LESS THAN 5 PSI FOR A PERIOD OF 5 MINUTES. PROVIDE TEST TEES, TEST PLUGS AND COMPRESSOR AS REQUIRED. THE FINAL SANITARY DRAINAGE SYSTEM SHALL BE SMOKE TESTED, WHERE APPROVED BY THE LOCAL AUTHORITY HAVING JURISDICTION. PEPPERMINT OIL MAY BE USED IN LIEU OF SMOKE TESTS.
- 3. DUPLEX PUMP SYSTEM SHALL PROVIDE A VELOCITY OF 2 FPS, MINIMUM, WHEN OPERATING IN DUPLEX MODE.

SCHEDULE OF DUPLEX SEWAGE PUMPS

SUMP PUMP	TYPE	MANUFACTURER/MODEL NO.	ELECTRICAL RATING	POWER	MOTOR RPM	FLOW RATE	TANK CAPACITY	DIMENSIONS (DIA. X H)	DISCHARGE PIPE
L5-1	GRINDER PUMP STATION	SEE NOTE 3 BELOW	208/1/60	1.0 HP	1725	7.0 GPM @ 80 PSIG	486 GALLONS	51.4"ø X 74.7"	1 1/4"
L5-2	GRINDER PUMP STATION	SEE NOTE 3 BELOW	208/1/60	1.0 HP	1725	7.0 GPM @ 80 PSIG	486 GALLONS	51.4"ø X 74.7"	1 1/4"
L5-3	GRINDER PUMP STATION	SEE NOTE 3 BELOW	208/1/60	1.0 HP	1725	7.0 GPM @ 80 PSIG	486 GALLONS	51.4"ø X 74.7"	1 1/4"
L5-4	GRINDER PUMP STATION	SEE NOTE 3 BELOW	208/1/60	1.0 HP	1725	7.0 GPM @ 80 PSIG	486 GALLONS	51.4"ø X 74.7"	1 1/4"
L5-5	GRINDER PUMP STATION	SEE NOTE 3 BELOW	208/1/60	1.0 HP	1725	7.0 GPM @ 80 PSIG	486 GALLONS	51.4"ø X 74.7"	1 1/4"
L5-6	GRINDER PUMP STATION	SEE NOTE 3 BELOW	208/1/60	1.0 HP	1725	7.0 GPM @ 80 PSIG	486 GALLONS	51.4"ø X 74.7"	1 1/4"
L5-7	GRINDER PUMP STATION	SEE NOTE 3 BELOW	208/1/60	1.0 HP	1725	7.0 GPM @ 80 PSIG	486 GALLONS	51.4"ø X 74.7"	1 1/4"
L5-8	GRINDER PUMP STATION	SEE NOTE 3 BELOW	208/1/60	1.0 HP	1725	7.0 GPM @ 80 PSIG	486 GALLONS	51.4"ø X 74.7"	1 1/4"

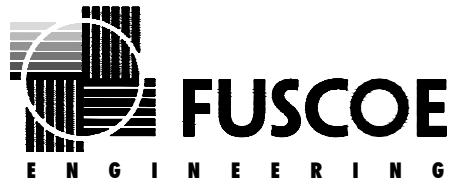
- NOTES:
- 1. EC TO CONNECT POWER.
  - 2. PC SHALL PROVIDE VALVES AS SHOWN ON PLANS.
  - 3. ACCEPTABLE MANUFACTURERS INCLUDE ZOELLER, WIEL, OR XYLEM.

PLUMBING SYMBOLS

<p>--- UNDERGROUND SANITARY DRAIN</p> <p>--- ABOVE GROUND SANITARY DRAIN</p> <p>--- VENT PIPING</p> <p>--- ST --- UNDERGROUND STORM DRAIN</p> <p>--- DOMESTIC COLD WATER</p> <p>--- DOMESTIC HOT WATER SUPPLY (120°F)</p> <p>--- DOMESTIC HOT WATER RETURN (120°F)</p> <p>--- 140°F --- DOMESTIC HOT WATER (140°F)</p> <p>--- 6 --- UNDERGROUND GAS PIPING</p> <p>--- 6 --- ABOVE GROUND GAS PIPING</p> <p>--- PIPE TURNING DOWN</p> <p>--- PIPE TURNING UP</p> <p>DPCO --- DECK PLATE CLEANOUT</p> <p>CO --- HORIZONTAL CLEANOUT</p> <p>VTR --- VENT THRU ROOF W/FLASHING &amp; COUNTERFLASHING</p> <p>AD --- ACCESS DOOR</p> <p>FDR --- FLOOR DRAIN W/TRAP</p> <p>FR --- FLOOR RECEPTOR W/SPASH PROOF RIM</p> <p>FFDR --- FUNNEL FLOOR DRAIN</p> <p>--- TRENCH DRAIN</p> <p>--- F.D., F.R., ETC. W/BACKWATER VALVE</p> <p>MISCELLANEOUS</p> <p>--- PUMP</p> <p>--- CONNECT TO EXISTING</p> <p>ABBREVIATIONS</p> <p>AFF --- ABOVE FINISHED FLOOR</p> <p>BAS --- BUILDING AUTOMATION SYSTEM</p> <p>BTU --- BRITISH THERMAL UNITS</p> <p>CAI --- COMBUSTION AIR INTAKE</p> <p>CI --- CAST IRON</p> <p>CU --- COPPER</p> <p>CU.FT. --- CUBIC FEET</p> <p>CN --- COLD WATER</p> <p>CAW --- COMBINATION WASTE / VENT</p> <p>DI --- DUCTILE IRON</p> <p>EC --- ELECTRICAL CONTRACTOR</p> <p>ELEV --- ELEVATION</p> <p>FS --- FEET PER SECOND</p> <p>GAL --- GALLONS</p> <p>GPD --- GALLONS PER DAY</p> <p>GPH --- GALLONS PER HOUR</p> <p>GPM --- GALLONS PER MINUTE</p> <p>HD --- HEAD</p> <p>HP --- HORSEPOWER</p> <p>HN --- HOT WATER</p> <p>ID --- INSIDE DIAMETER</p> <p>IPS --- INTERNATIONAL PIPE SIZE</p> <p>LF --- LINEAR FEET</p> <p>M.C. --- MECHANICAL CONTRACTOR</p> <p>NTS --- NOT TO SCALE</p> <p>OD --- OUTSIDE DIAMETER</p> <p>PC --- PLUMBING CONTRACTOR</p> <p>PSIA --- POUNDS PER SQUARE INCH</p> <p>PSIG --- PSI ABSOLUTE</p> <p>RECIRC --- RECIRCULATION</p> <p>SHC --- SERVICE HEIGHT CAST IRON</p> <p>U.O.N. --- UNLESS OTHERWISE NOTED</p> <p>VAC --- VACUUM</p>	<p>DOMESTIC WATER SYSTEMS</p> <p>--- BALANCING (PLUG) VALVE</p> <p>--- CHECK VALVE</p> <p>--- STOP VALVE (CHROME PLATED)</p> <p>--- GATE VALVE (NORMALLY OPEN)</p> <p>--- GATE VALVE (NORMALLY CLOSED)</p> <p>--- CURB VALVE (NORMALLY OPEN)</p> <p>--- POST INDICATOR VALVE (NORMALLY OPEN)</p> <p>--- UNION</p> <p>--- FLANGED CONNECTION</p> <p>--- SOLENOID VALVE</p> <p>--- ANGLE VALVE</p> <p>--- ASME APPROVED T &amp; P RELIEF VALVE</p> <p>--- GLOBE VALVE</p> <p>--- THREE-WAY VALVE</p> <p>--- PRESSURE GAUGE W/COCK</p> <p>--- THERMOMETER</p> <p>--- TEMPERATURE SWITCH (AQUASTAT)</p> <p>--- WELL FOR TEMPERATURE SENSOR BY BAS CONTRACTOR</p> <p>--- FLOW SWITCH</p> <p>--- PRESSURE SWITCH</p> <p>--- TAP W/ PETCOCK FOR PRESSURE SENSOR BY BAS CONTRACTOR</p> <p>--- STRAINER</p> <p>--- ANTI-WATER HAMMER DEVICE (PDI RATING AS NOTED)</p> <p>--- BASE MOUNTED PUMP</p> <p>--- AUTOMATIC TRAP PRIMER W/BACKFLOW PREVENTION</p> <p>--- ELECTRIC TRAP PRIMER W/BACKFLOW PREVENTION</p> <p>--- TRAP PRIMER DISTRIBUTION UNIT</p> <p>--- WATER METER W/FLANGED CONNECTIONS</p> <p>--- FLANGED CIRCULATING PUMP W/BRONZE CASING &amp; IMPELLER</p> <p>--- HOSE BIBB W/VACUUM BREAKER</p> <p>--- FREEZE PROOF WALL HYDRANT W/VACUUM BREAKER</p> <p>--- WATER METER ASSEMBLY W/GATE VALVES &amp; UNIONS</p> <p>--- FLANGED WATER METER ASSEMBLY W/ GATE VALVES</p> <p>--- DOUBLE CHECK VALVE BACKFLOW PREVENTER W/DRIP</p> <p>--- REDUCED PRESSURE ZONE BACKFLOW PREVENTER</p> <p>--- THERMOSTATIC MIXING VALVE</p> <p>--- SHOWER HEAD</p> <p>--- SHOWER VALVE (ANTI-SCALD PRESSURE BALANCED TYPE)</p> <p>--- LUBRICATED PLUG VALVE (FOR NATURAL GAS)</p> <p>--- FCO --- FCO - HEAVY DUTY FLOOR CLEANOUT</p>
--	---



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CERTIFICATION # \_\_\_\_\_

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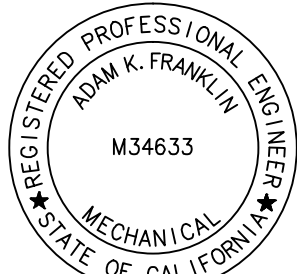

CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE PHASE III  
UTILITY INFRASTRUCTURE PRICING PLAN  
PLUMBING SCHEDULES, DETAILS,  
NOTES AND SPECIFICATIONS

PROJECT NO.  
871.001

SHEET NO.

P1.0

26 OF 28



EXP. 12/31/13

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**SANITARY PLUMBING PLAN**

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

**PLAN NOTES**

- 1 GRINDER PUMP STATION. SEE P1.0 FOR MORE INFORMATION.



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UTILITY INFRASTRUCTURE PRICING PLAN  
PARTIAL PLUMBING SITE PLAN

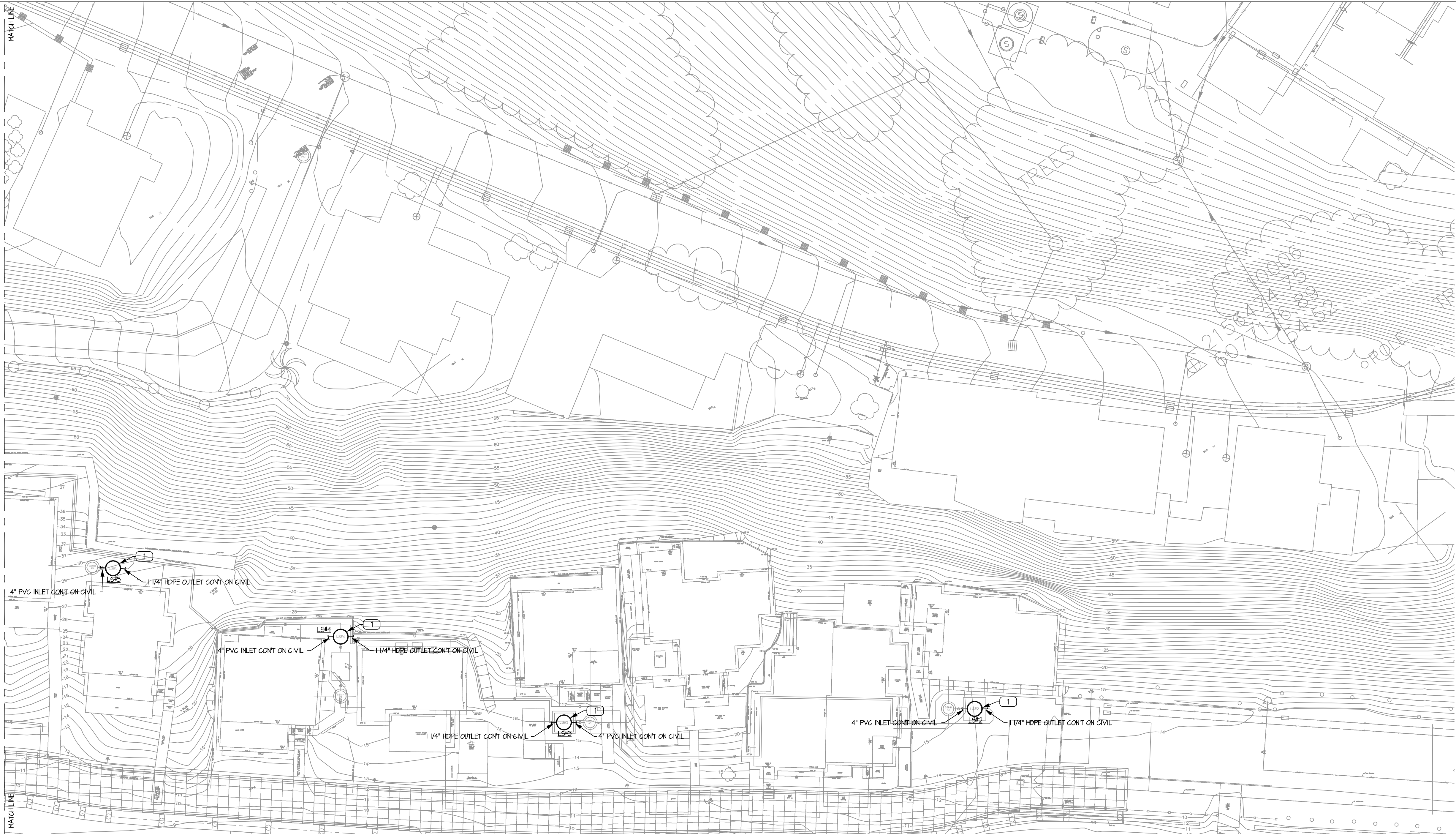
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27x39 1/2" 10



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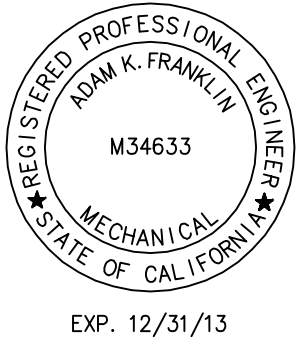


**SANITARY PLUMBING PLAN**

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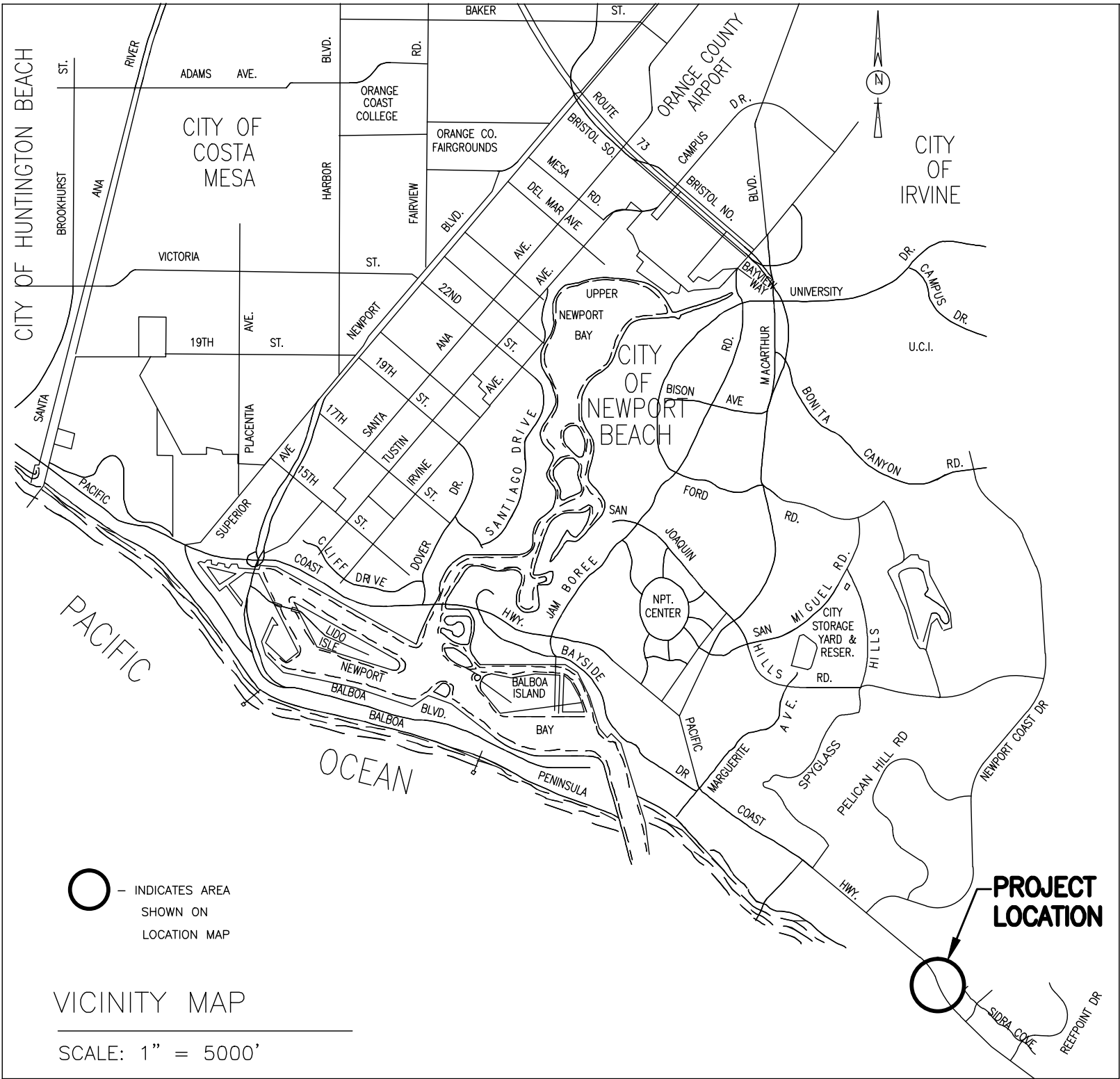
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REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE PHASE III  
UTILITY INFRASTRUCTURE PRICING PLAN  
PARTIAL PLUMBING SITE PLAN

PROJECT NO.  
871.001

SHEET NO.  
P2.1

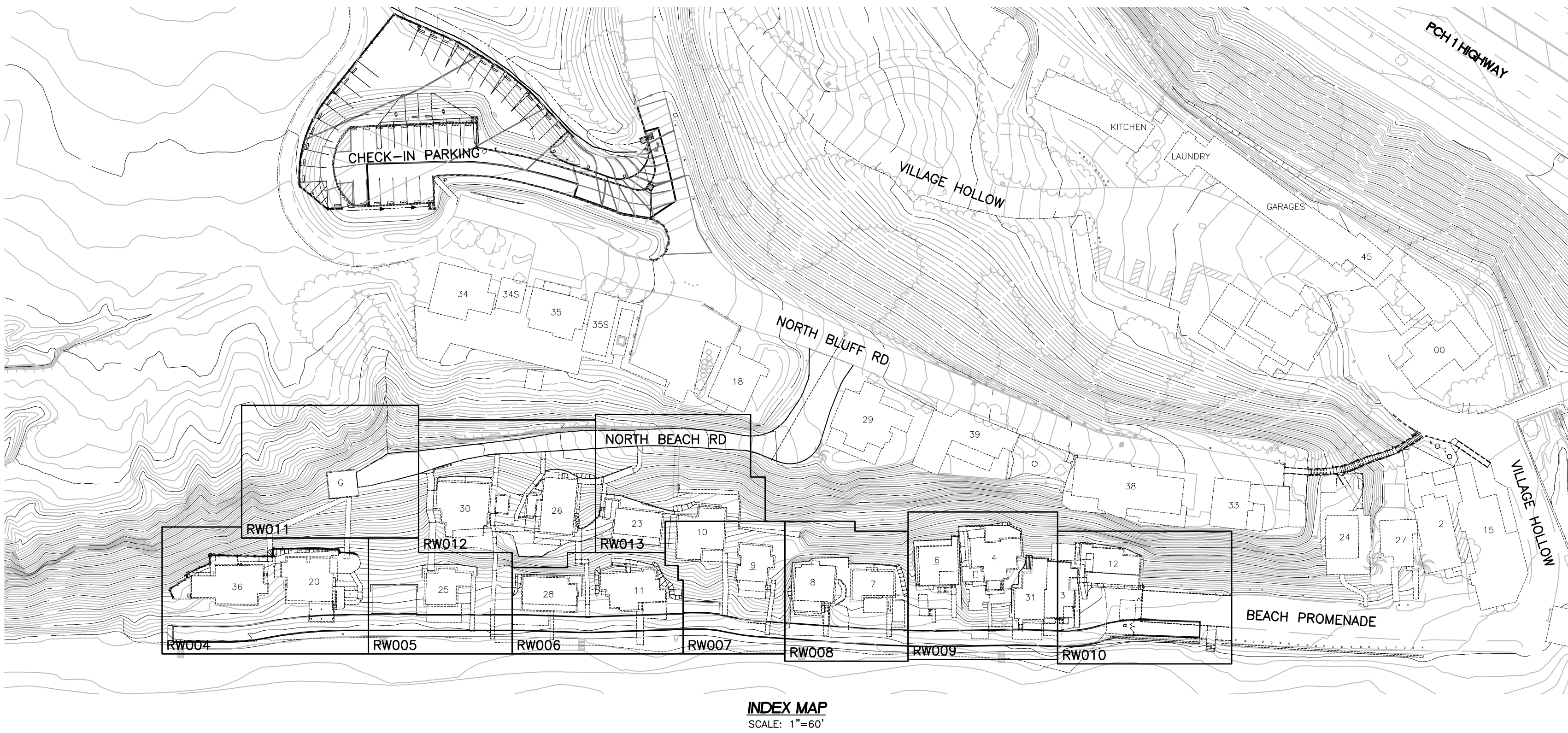
28x44 1/8" 10





CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE PHASE III

PROPOSED COTTAGE RETAINING WALL PLAN



PROPOSED RETAINING WALL SHEET INDEX:	
TITLE SHEET	RW001
GENERAL NOTES	RW002
RETAINING WALL DETAILS	RW003
RETAINING WALL CONSTRUCTION PLAN	RW004-RW013

PLANS PREPARED UNDER  
THE SUPERVISION OF:  
  
DINO CAPANNELLI  
R.C.E. No. 43836  
EXP: 06-30-15



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CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE - PHASE III  
PROPOSED COTTAGE RETAINING WALL PLAN  
TITLE SHEET

PROJECT NO.  
871.001  
SHEET NO.  
RW001  
01 OF 13

File: P:\Projects\871\01\Eng\Improvement Plans\Cottage Retaining Wall Plan\0971-001\RW013.dwg Layout: 01 TITLE SHEET Date: November 20, 2013 10:31 am User: Frank Loges





LAGGING SCHEDULE (P.T.D.P. No. 1 OR BETTER)		
"H" (MAX)	SPAN MAX	SIZE
2'-0"	8'-0"	4x12
3'-0"	8'-0"	4x12
4'-0"	6'-0"	4x12
5'-0"	6'-0"	4x12
6'-0"	6'-0"	4x12 (T.O.W. TO -5') 6x12 (-5' TO -6')
7'-0"	6'-0"	4x12 (T.O.W. TO -5') 6x12 (-5' TO -7')



5 CA  
N.T.S.



**SECTION 2A**  
SCALE: N.T.S.

**SECTION 2B**  
SCALE: N.T.S.

Technical drawing showing a cross-section (Section 2A) and a top view (Section 2B) of a tieback anchor assembly.

**SECTION 2A (Cross-Section):**

- Labels: DBL HSS PER SCHEDULE WEDGE NUT, THRUST PL PER SCHED, (E) WOOD LAGGING TO REMAIN, NEW PEA GRAVEL FILL, TIEBACK ANCHOR, (E) VERT SUPPORT, 6x12 P.T.D.F. LAGGING.
- Dimensions: 1/4", 2-12", 3-4" MIN, 2 1/2" CLR, 3" SPACE.

**SECTION 2B (Top View):**

- Labels: 3" MIN CLR, 18" MIN DIA.



**4 DETAIL**  
N.T.S.



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CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE - PHASE III

PROPOSED COTTAGE RETAINING WALL PLAN

RETAINING WALL DETAILS

PROJECT NO.  
871.001

SHEET NO.  
RW003

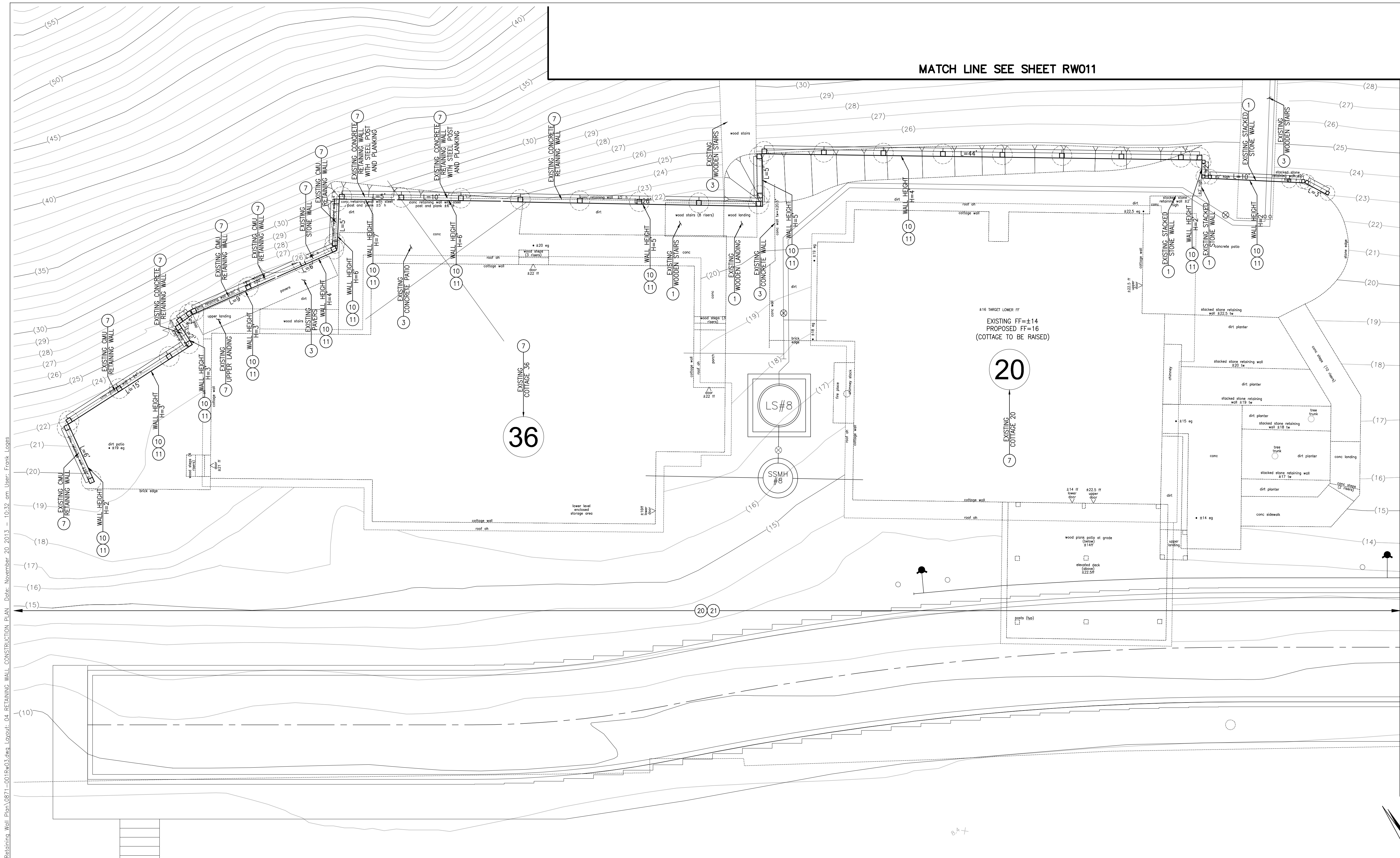
03 OF 13



File: P:\Projects\871\01\Eng\Improvement Plans\Cottage Retaining Wall Plan\0971-001\03.dwg Layout: 04 RETAINING WALL CONSTRUCTION PLAN Date: November 20, 2013 - 10:32 am User: Frank Loges



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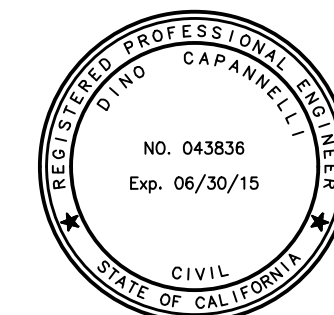


MATCH LINE SEE SHEET RW011

MATCH LINE SEE SHEET RW005



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*Dino Capannelli*  
DINO CAPANNELLI  
R.C.E. No. 43836  
EXP: 06-30-15



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PROPOSED COTTAGE RETAINING WALL PLAN  
RETAINING WALL CONSTRUCTION PLAN

PROJECT NO.  
871.001

SHEET NO.  
RW004

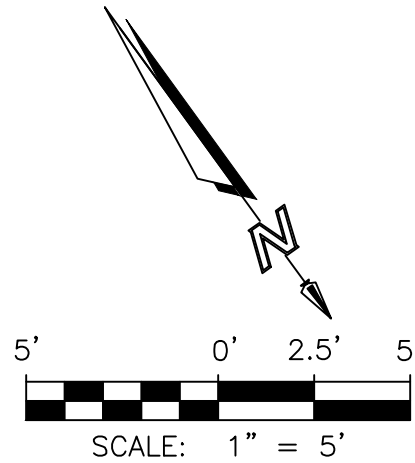
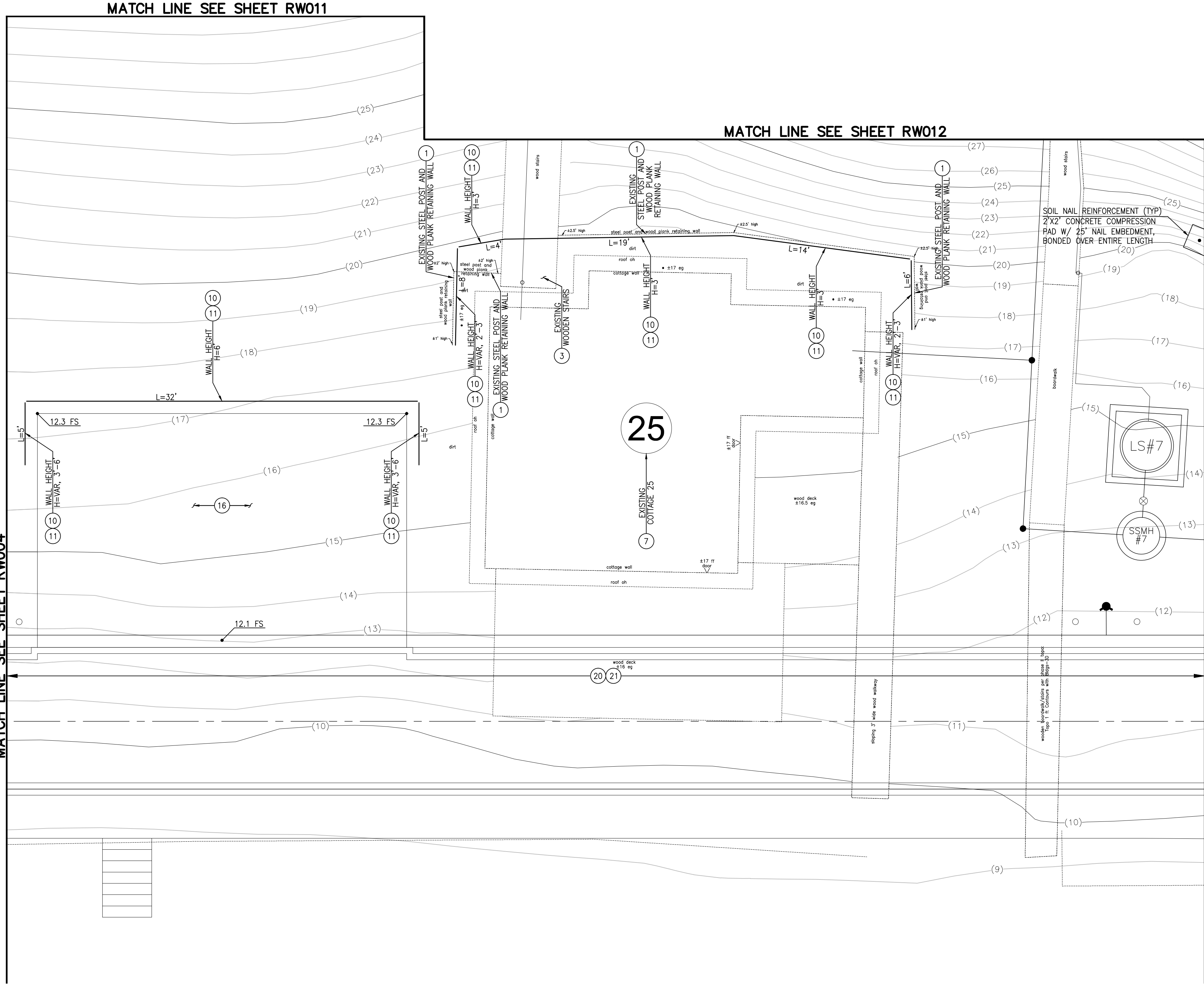
04 OF 13

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REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE - PHASE III  
PROPOSED COTTAGE RETAINING WALL PLAN  
RETAINING WALL CONSTRUCTION PLAN

PROJECT NO.  
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RW005

05 OF 13

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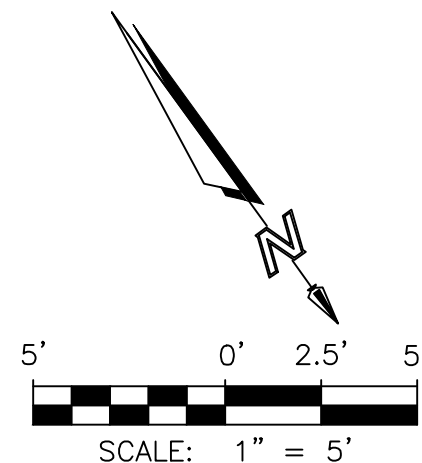
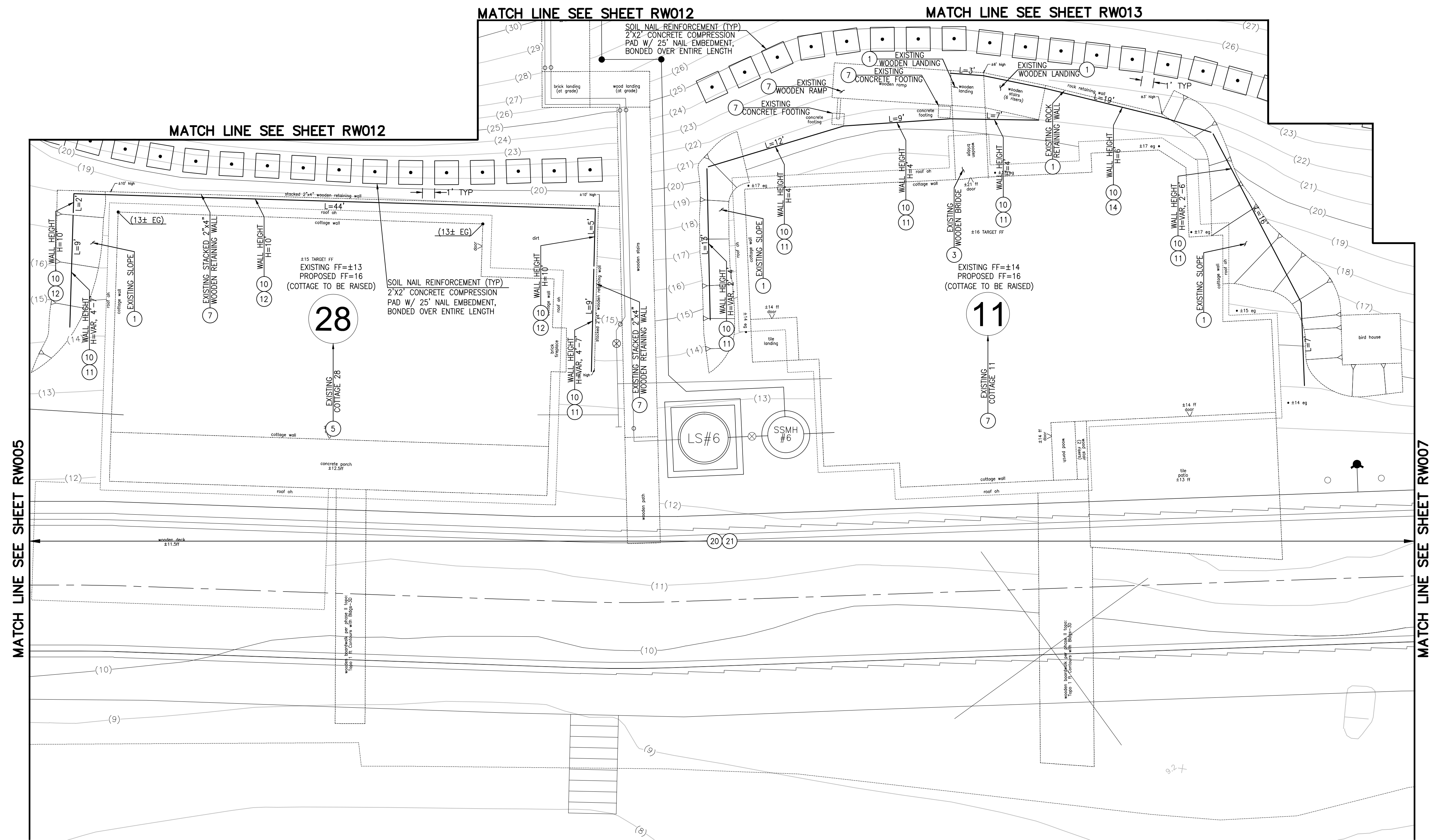
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
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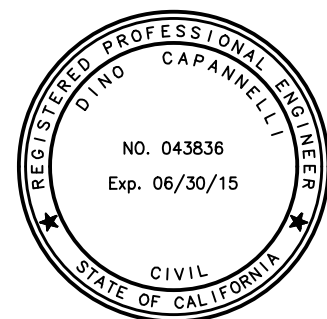




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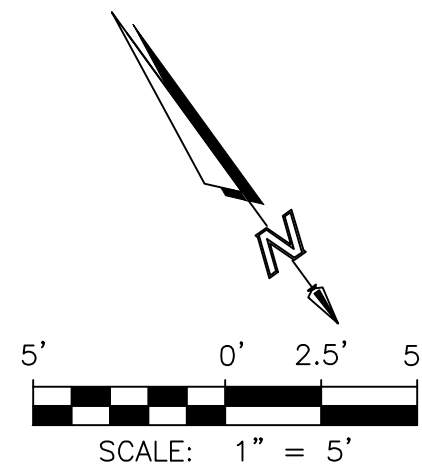
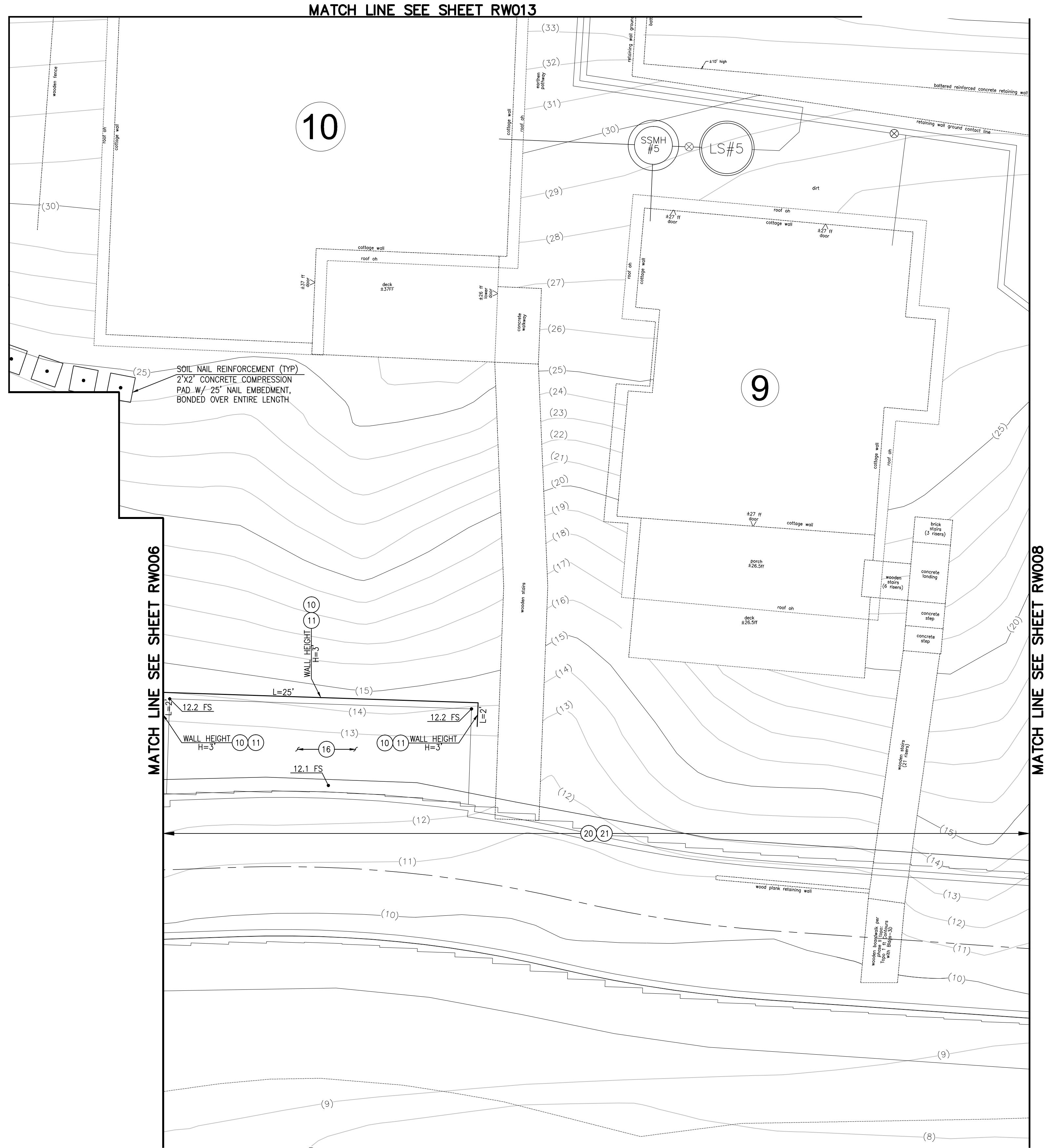
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SHEET NO.  
RW006

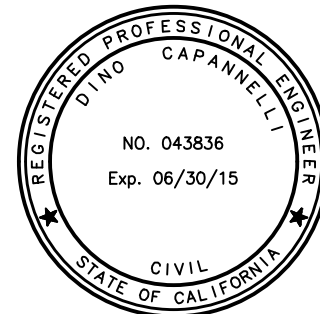
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INFRASTRUCTURE - PHASE III  
PROPOSED COTTAGE RETAINING WALL PLAN  
RETAINING WALL CONSTRUCTION PLAN

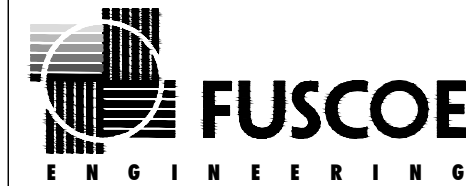
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RW007

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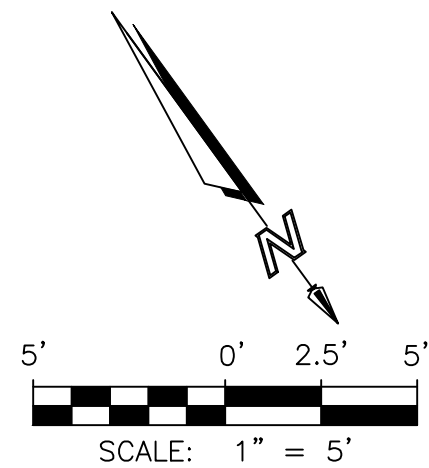
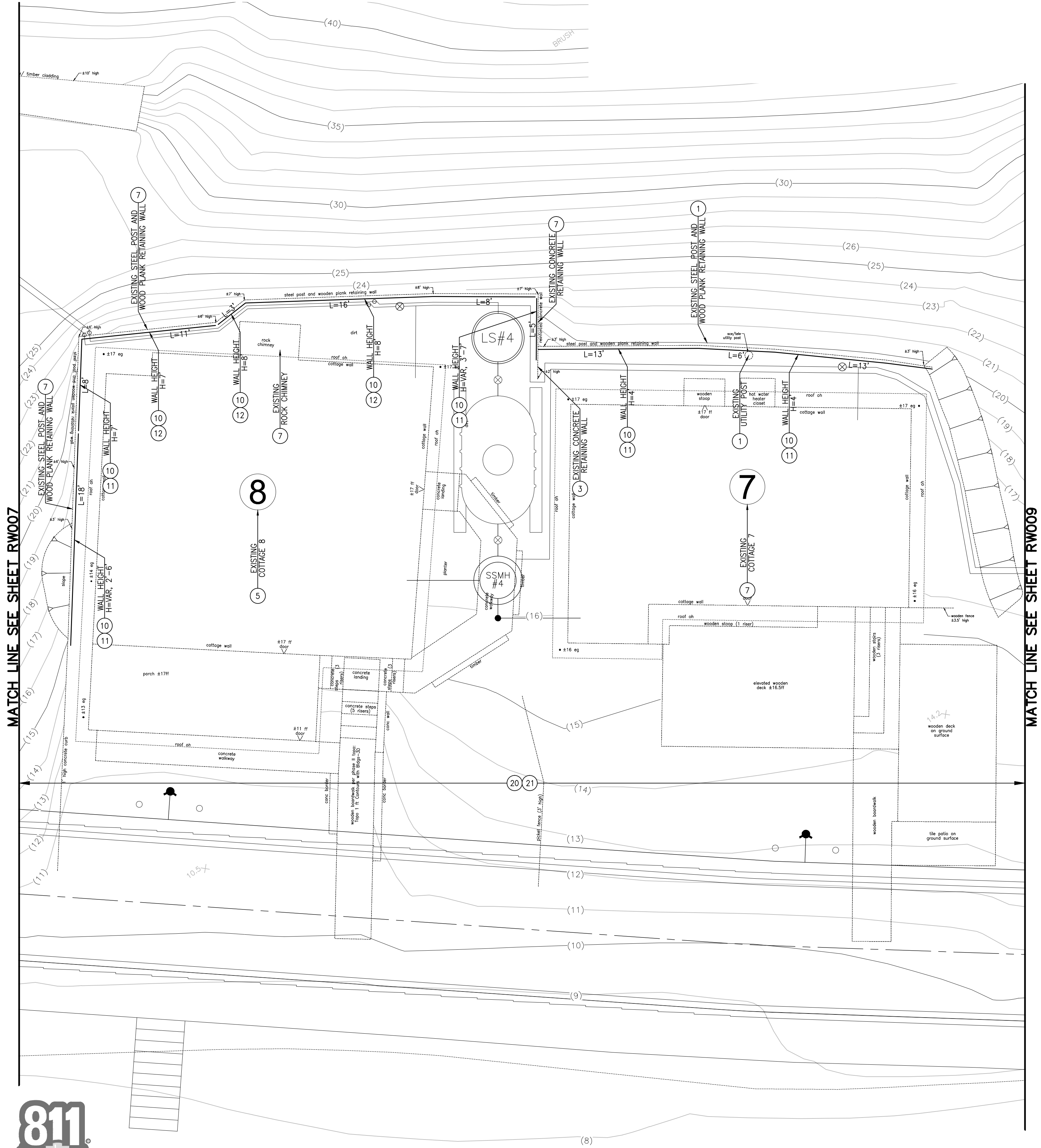
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CCC SUBMITTAL SET	11/20/2013

File: P:\Projects\871\011\Eng\Improvement Plans\Cottage Retaining Wall Plan\0971-001Rw03.dwg Layout: 08 RETAINING WALL CONSTRUCTION PLAN Date: November 20, 2013 - 10:32 am User: Frank Lopez



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RETAINING WALL CONSTRUCTION PLAN

PROJECT NO.  
871.001

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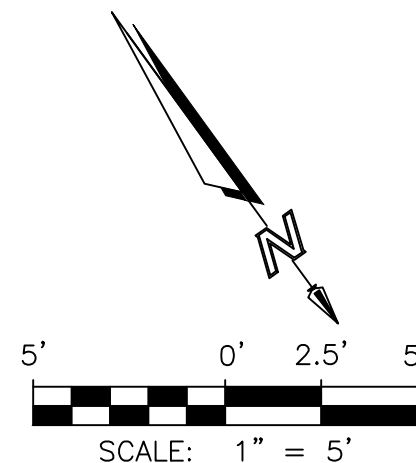
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CERTIFICATION # \_\_\_\_\_

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
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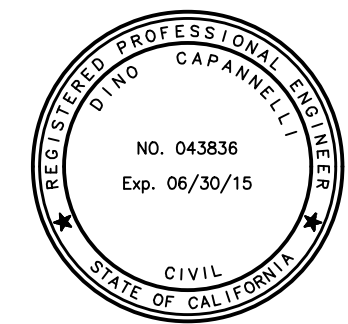
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# CRYSTAL COVE STATE PARK REHABILITATE HISTORIC COTTAGES AND INFRASTRUCTURE - PHASE III PROPOSED COTTAGE RETAINING WALL PLAN

PROJECT NO.  
871.001

SHEET NO.  
RW009

09 OF 13

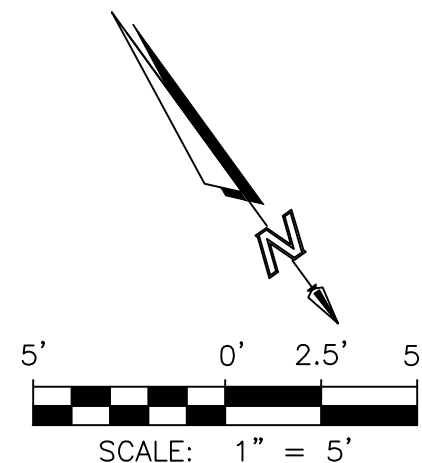


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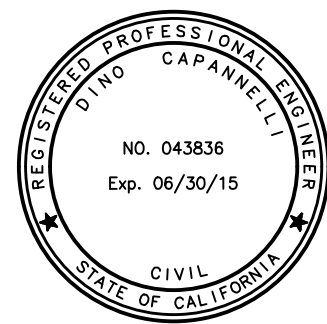


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REHABILITATE HISTORIC COTTAGES AND  
INFRASTRUCTURE - PHASE III  
PROPOSED COTTAGE RETAINING WALL PLAN  
RETAINING WALL CONSTRUCTION PLAN

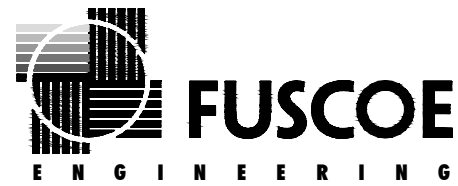
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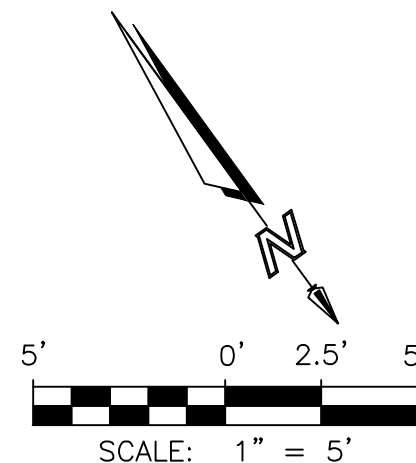
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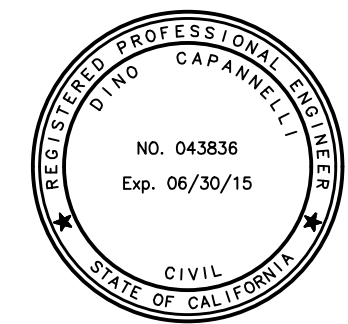
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CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND  
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PROPOSED COTTAGE RETAINING WALL PLAN  
RETAINING WALL CONSTRUCTION PLAN

PROJECT NO.  
871.001  
SHEET NO.  
RW011  
11 OF 13

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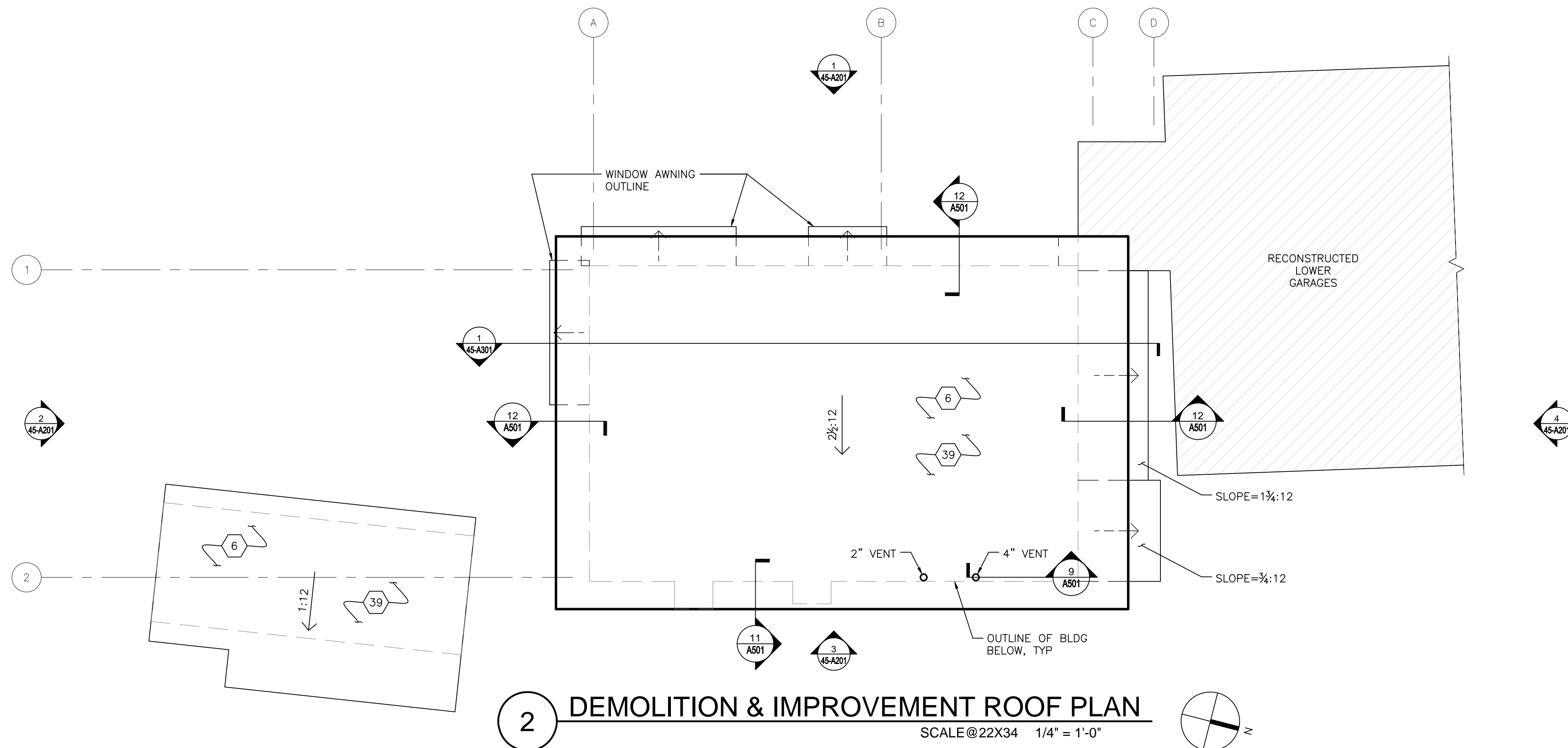
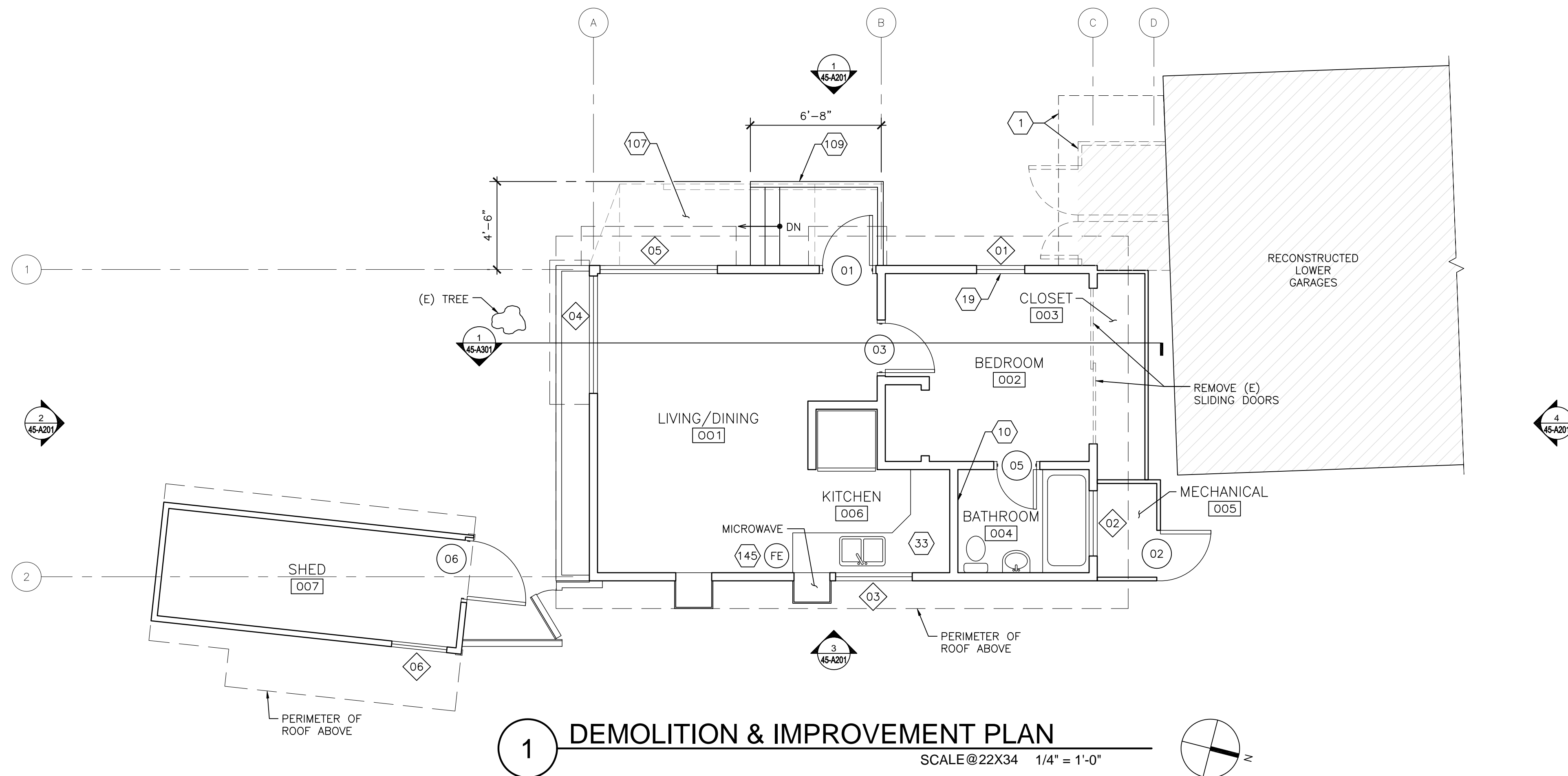
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CRYSTAL COVE STATE PARK  
REHABILITATION OF TEN HISTORIC BUILDINGS  
COTTAGE 45 (MULTI-PURPOSE)  
IMPROVEMENT PLANS

DRAWING NO.

SHEET NO.  
**45-A101**  
201 OF 239

Exhibit 10

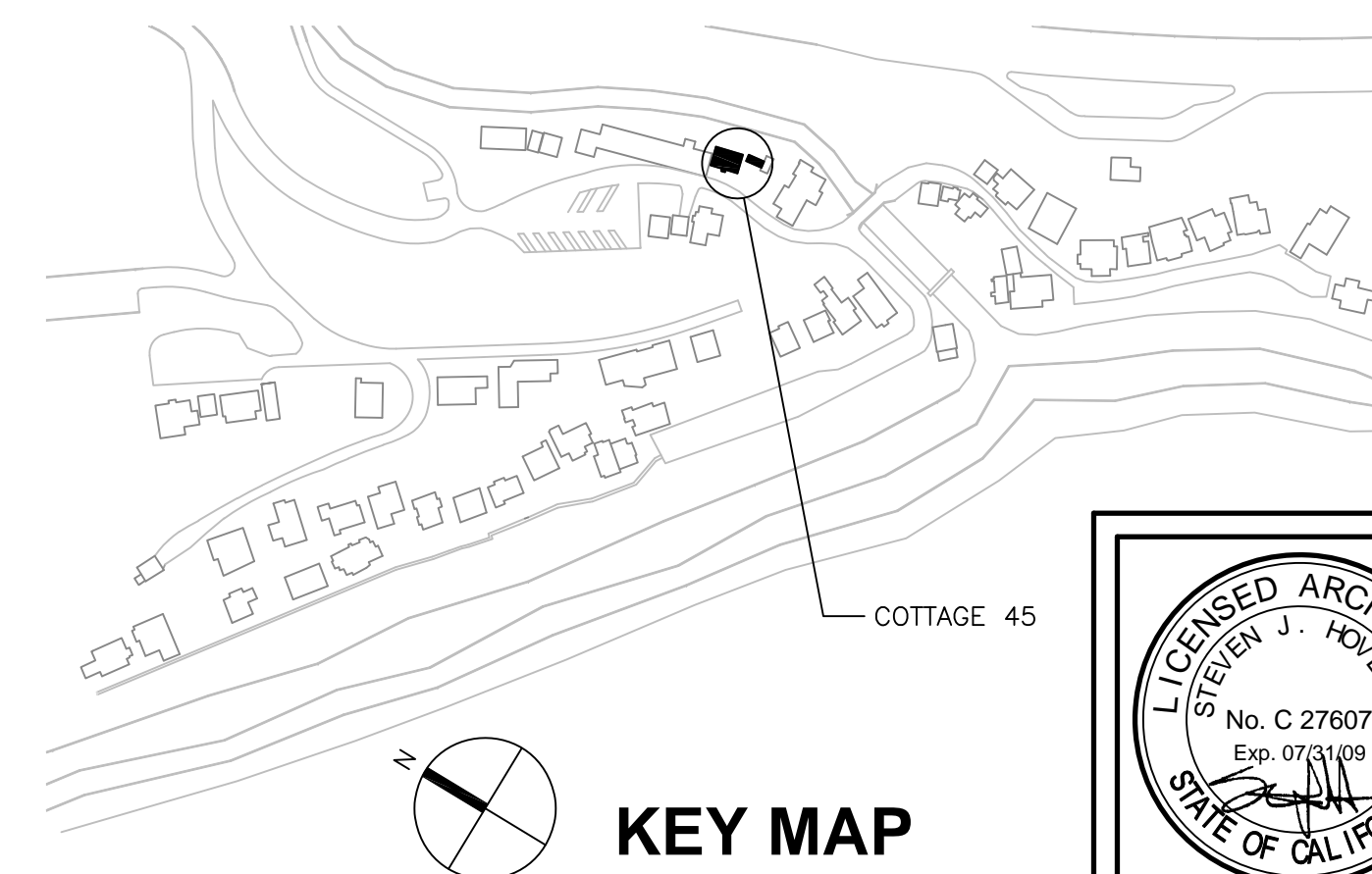


- SHEET NOTES

1. Demolish entire structure. Demolished structures to be reconstructed per architectural and structural. Contractor is responsible for field documentation of the size and detailing of (E) structures to be demolished prior to performing demolition.
6. Demolish and dispose of finish roofing layers, flashing and waterproofing; reference structural for framing and sheathing to remain.
10. Remove interior wall finishes this surface to install (N) structural repair. Salvage and store reusable finishes for reuse.
19. Remove and salvage Jalousie window as required to install (N) weather resistive barrier; store for reuse.
33. (E) cabinetry and fixtures to remain.
39. Remove and dispose of (E) rolled roofing, waterproofing and flashing. Install (N) roofing per architectural over (E) and/or (N) sheathing and framing as required per structural. Demolish (E) ramp and associated railings.
107. (N) wood stairs and deck landing.
109. Provide fire extinguisher with 2A-10BC rating minimum.
145. Provide under floor ventilation to allow free air flow from unfinished under-floor space through exterior building wall.
- 146.

## BUILDING DATA

OCCUPANCY CLASSIFICATION	R-3	
OCCUPANCY USE	Single Family	
BUILDING CONSTRUCTION TYPE	V-B	
NUMBER OF STORIES	1	
ACTUAL BUILDING HEIGHT (Average height of highest roof surface, Section 502.1)	10'-8"	
BUILDING AREA (SQ. FT.)	TOTAL BUILDING: SHED:	418 SQ. FT. 97 SQ. FT.
AREA OF PROJECT (i.e. tenant improvements)	Not Applicable - preservation of historic building.	
ALLOWABLE AREA PER CBC (Table 503)	Unlimited	
AREA INCREASES	Not Applicable (automatic sprinkler system)	
ALLOWABLE HEIGHT (Feet/ Number of Stories, Table 503)	Unlimited / 3 Stories	
HEIGHT INCREASES	20 FT. / 1 Story (automatic sprinkler system)	
FIRE SPRINKLERED (Y/N)	Y	
FIRE ALARM (Y/N)	N	
OTHER FIRE PROTECTION SYSTEMS	Not Applicable	
SMOKE CONTROL SYSTEM (Y/N)	N	
OCCUPANT LOAD (For entire building and each floor)	TOTAL BUILDING: 2	





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REHABILITATION OF TEN HISTORIC BUILDINGS

COTTAGE 45 ELEVATIONS

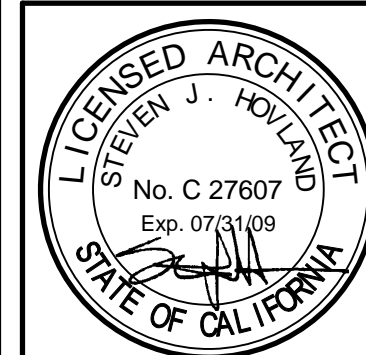
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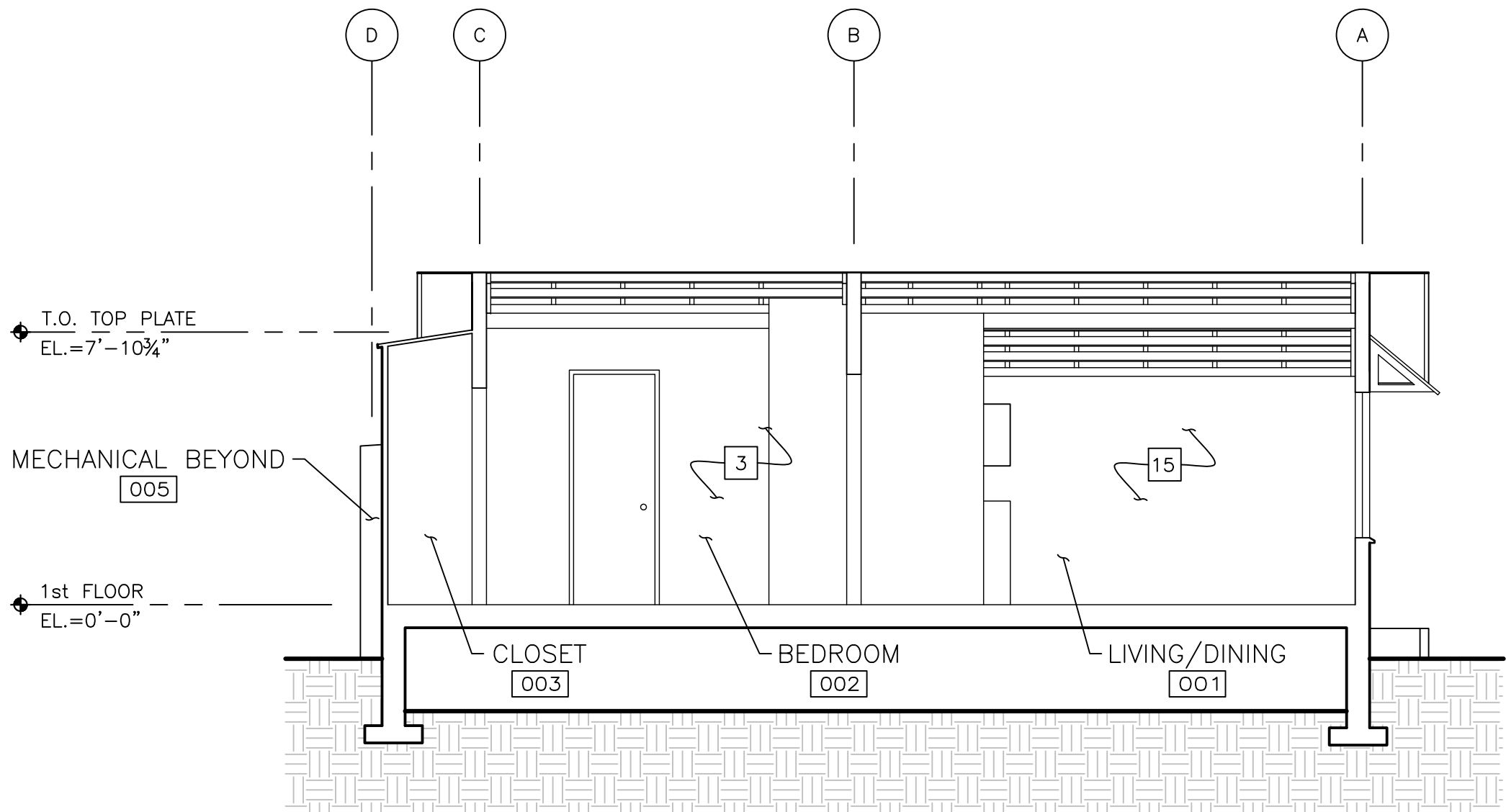
202 OF 239



SHEET NOTES

39. Remove and dispose of (E) rolled roofing, waterproofing and flashing. Install (N) roofing per architectural over (E) and/or (N) sheathing and framing as required per structural.
90. Remove (E) vertical board and batten siding to install (N) weather resistive barrier. Record size, shape, profile, placement, nailing and exposure before disposal. Reuse boards when possible and replace to match (E) when reuse or repair is not possible. Note: siding is vertical board at Cottage 45.
146. Provide under floor ventilation to allow free air flow from unfinished under-floor space through exterior building wall.

File: P:\2008\2006 5946 Crystal Cove (SJH&DLG)\06 Drawings\Sheets\45-A301 Cottage 45 Sections.dwg Layout: 45-A301 Cottage 45 Sections Date: July 21 2009 - 3:55 pm User: jnelis



1 TRANSVERSE SECTION  
SCALE@22X34 1/4" = 1'-0"

MATERIALS

- |                                       |                                  |
|---------------------------------------|----------------------------------|
| 1. WOOD                               | 17. PLYWOOD PANELS & BATTENS     |
| 2. CONCRETE                           | 18. HORIZONTAL BOARD             |
| 3. GYPSUM BOARD                       | 19. WOOD WAINSCOT                |
| 4. GYPSUM BOARD: 1/2" WATER RESISTANT | 20. FIBER BOARD PANELS & BATTENS |
| 5. FRP PANEL                          | 21. STANDARD-SHAPED WOOD TRIM    |
| 6. EXPOSED FRAMING & SHEATHING        | 22. DIAGONAL BOARD               |
| 7. PLASTER                            | 23. WOOD SHINGLES                |
| 8. VERTICAL BOARD                     | 24. CONCRETE MASONRY UNIT        |
| 9. TONGUE & GROOVE                    | 25. RECTANGULAR WOOD             |
| 10. BOARD & BATTEN                    |                                  |
| 11. PARTICLE BOARD                    |                                  |
| 12. FIBER BOARD                       |                                  |
| 13. PLYWOOD                           |                                  |
| 14. T-111                             |                                  |
| 15. WOOD PANELING                     |                                  |
| 16. QUARTER-ROUND WOOD                |                                  |



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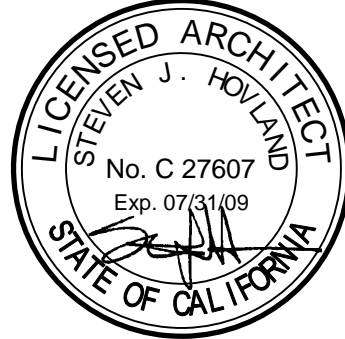

CRYSTAL COVE STATE PARK  
REHABILITATION OF TEN HISTORIC BUILDINGS  
COTTAGE 45 SECTIONS

DRAWING NO.

SHEET NO.

45-A301

203 OF 239





File: P:\2006\2006 5946 Crystal Cove (SJH&DLG)\05 Drawings\Sheets\45-A601 Cottage 45 Schedules.dwg Layout: 1-A111 Cottage 1 Garage Schedules Date: July 21 2009 - 3:55 pm User: jnelis

WINDOW SCHEDULE										DOOR SCHEDULE														
KEY	SIZE	TYPE	MANUFACTURER	MATERIAL	FINISH	GLASS	GEN. DETAIL	DETAIL	REMARKS	KEY	SIZE	THICKNESS	TYPE	DOOR		FRAME		DETAILS			FIRE RATED	GLASS	MANUFACTURER	REMARKS
														MATL.	FIN.	MATL.	FIN.	HEAD	JAMB	SILL				
01			(E)						SALVAGE JALOUSIE	01	(E)	-	-	-	-	-	-	-	-	-	-	5	(E)	SALVAGE: DOOR & JALOUSIE WDO IN GOOD COND.
02			(E)						SALVAGE & REPAIR HORIZ. SLIDER. REPLACE PERIMETER GLAZING.	02	(E)	-	-	-	-	-	-	-	-	-	-	(E)	MECHANICAL SHED @ NORTHEAST CORNER	
03			(E)						SALVAGE & REPAIR PAIR CASEMENTS REPLACE PERIMETER GLAZING.	03	(E)	-	-	-	-	-	-	-	-	-	-	(E)		
04			(E)						SALVAGE & REPAIR PAIR CASEMENTS & CTR. FIXED. REPLACE PERIMETER GLAZING.	04	NOT USED	-	-	-	-	-	-	-	-	-	-	-	THIS DOOR NUMBER NOT USED	
05			(E)						SALVAGE & REPAIR PAIR CASEMENTS & CTR. FIXED. REPLACE PERIMETER GLAZING.	05	(E)	-	-	-	-	-	-	-	-	-	-	(E)	BATHROOM	
06			(E)						SALVAGE & REPAIR CASEMENT & FIXED. REPLACE PERIMETER GLAZING.	06	(E)	-	-	-	-	-	-	-	-	-	-	(E)	DETACHED SHED	
WINDOW TYPES:										DOOR TYPES:														
ALL (E) WINDOW FRAMES ARE ALUMINUM; NO (N) WINDOWS THIS BUILDING										MATERIALS: 1. WOOD 2. CLEAR GLASS: SINGLE GLAZED 3. FIBERGLASS 4. TEMPERED GLASS 5. JALOUSIE WINDOW														
GENERAL NOTES:										FINISHES: A. PAINT B. PER MANUFACTURER C. CLEAR: TUNG OIL														
REMOVE ALL PROTECTIVE LEXAN FROM EXTERIORS.										GENERAL NOTES:														
REMOVE ALL (E) WINDOW TREATMENTS, INCLUDING CURTAINS, SHADES & BLINDS.										REMOVE ALL (E) WINDOW TREATMENTS, INCLUDING CURTAINS, SHADES & BLINDS.														
PATCH & REPAIR (E) FRAMES TO MAKE WEATHER TIGHT.										PATCH & REPAIR (E) FRAMES TO MAKE WEATHER TIGHT.														
REPLACE ALL BROKEN OR MISSING GLASS PER SCHEDULES & SPECIFICATIONS.										REPLACE ALL BROKEN OR MISSING GLASS PER SCHEDULES & SPECIFICATIONS.														
PREP FRAMES & TRIM TO RECEIVE FINISH PER SCHEDULES & SPECIFICATIONS.										PREP FRAMES & TRIM TO RECEIVE FINISH PER SCHEDULES & SPECIFICATIONS.														
PROVIDE WEATHERSTRIPPING PER 6/A505.										PROVIDE WEATHERSTRIPPING PER 6/A505.														
REFERENCE A504 FOR CONSTRUCTION SEQUENCE OF WINDOWS.										CLEAN ALL WINDOWS AFTER CONSTRUCTION IS COMPLETE.														
CLEAN ALL WINDOWS AFTER CONSTRUCTION IS COMPLETE.										REFERENCE INTERIOR FINISH SCHEDULE FOR LIST OF FINISHES & TREATMENTS.														
REFERENCE INTERIOR FINISH SCHEDULE FOR LIST OF FINISHES & TREATMENTS.										PATCH & REPAIR (E) EXTERIOR DOORS AS NOTED TO MAKE OPERABLE & WEATHER TIGHT.														
ALL FRAMES & TRIM ARE MADE OF WOOD UNLESS INDICATED OTHERWISE.										REPLACE ALL (E) GLASS LITES IN (E) DOOR WITH TEMPERED GLASS OF SAME THICKNESS AS (E). PROVIDE TEMPERED GLASS IN ALL (N) DOORS.														
										REFERENCE INTERIOR FINISH SCHEDULE FOR LIST OF FINISHES & TREATMENTS.														
										ALL FRAMES & TRIM ARE MADE OF WOOD UNLESS INDICATED OTHERWISE.														

INTERIOR FINISH SCHEDULE																			
ROOM #	NAME	FLOOR		BASE		N. WALL		E. WALL		S. WALL		W. WALL		CLG.		CLG. TRIM		CLG. HT.	REMARKS
		MATL.	FINISH	MATL.	FINISH	MATL.	FINISH	MATL.	FINISH	MATL.	FINISH	MATL.	FINISH	MATL.	FINISH	MATL.	FINISH		
001	LIVING/DINING	1	I	-	-	(E)15	A	(E)15	A	(E)15	A	(E)15	A	6	A	25	A		1 ½ X 2 ½ WOOD GRID ATTACHED TO RAFTERS
002	BEDROOM	1	I	-	-	(E)3	A	(E)3	A	(E)3	A	(E)3	A	6	A	25	A		
003	CLOSET	1	I			(E)6	A	(E)3	A	(E)6	A	(E)6	A	6	A	25	A		SLIDING DOORS @ S. WALL
004	BATHROOM	1	H	25	A	(E)4	A	(E)4	A	(E)4	A	(E)4	A	6	A	25	A		
005	MECHANICAL	1	A	-	-	(E)6	T	(E)6	T	(E)9	A	(E)6	T	6	T	-	-		S. WALL IS N. EXTERIOR WALL OF COTTAGE
006	SHED	1	B	-	-	(E)6	T	(E)6	T	(E)6	T	(E)6	T	6	T	-	-		GOOD CONDITION
EXTERIOR FINISH SCHEDULE																			
ELEMENT		MATERIAL				N. WALL		E. WALL		S. WALL		W. WALL							REMARKS
						MATL.	FINISH	MATL.	FINISH	MATL.	FINISH	MATL.	FINISH						
ROOF		26																PROVIDE MOD BIT ROLLED ROOFING, GREY IN COLOR	
WALLS						8	A	8	A	8	A	8	A					PAINT COLORS WILL BE PROVIDED TO THE CONTRACTOR BY STATE REP.	
MATERIALS																			
1.	WOOD	17.	PLYWOOD PANELS & BATTENS	A.	PAINT	26.	MODIFIED BITUMINOUS	B.	SMOOTH TROWEL	R.	CLAY TILE								
2.	CONCRETE	18.	HORIZONTAL BOARD	B.	SMOOTH TROWEL			C.	CLEAR CONCRETE SEALANT	S.	GYPSUM TILE								
3.	GYPSUM BOARD	19.	WOOD WAINSCOT	C.	CLEAR CONCRETE SEALANT			D.	INTEGRAL COLOR	T.	NATURAL / NONE								
4.	GYPSUM BOARD: ½" WATER RESISTANT	20.	FIBER BOARD PANELS & BATTENS	E.	CLEAR FINISH: TUNG OIL			E.	CLEAR FINISH: TUNG OIL										
5.	FRP PANEL	21.	STANDARD-SHAPED WOOD TRIM	F.	POLYURETHANE			F.	POLYURETHANE										
6.	EXPOSED FRAMING & SHEATHING	22.	DIAGONAL BOARD	G.	STAIN			G.	STAIN										
7.	PLASTER	23.	WOOD SHINGLES	H.	VINYL CARPET			H.	VINYL CARPET										
8.	VERTICAL BOARD	24.	CONCRETE MASONRY UNIT	I.	FLAGSTONE			I.	FLAGSTONE										
9.	TONGUE & GROOVE	25.	RECTANGULAR WOOD	J.	CERAMIC TILE			J.	CERAMIC TILE										
10.	BOARD & BATTEN			K.	RESTORE / MATCH (E) OR ADJACENT			K.	RESTORE / MATCH (E) OR ADJACENT										
11.	PARTICLE BOARD			L.	PER MANUFACTURER			L.	PER MANUFACTURER										
12.	FIBER BOARD			M.	ROUGH SAWN / NATURAL			M.	ROUGH SAWN / NATURAL										
13.	PLYWOOD			N.	ROUGH SAWN / WHITEWASHED			N.	ROUGH SAWN / WHITEWASHED										
14.	T-111			O.	SLATE			O.	SLATE										
15.	WOOD PANELING			P.				P.											
16.	QUARTER-ROUND WOOD			Q.				Q.											
GENERAL NOTES:																			
MATERIAL OR FINISH INDICATED WITH (E) IS TO REMAIN AND TO BE CLEANED. PATCH & REPAIR AS INDICATED ON DRAWINGS. OTHERWISE PROVIDE MATERIAL OR FINISH AS INDICATED.																			
VERIFY: DOCUMENT EXISTING MATERIAL AND FINISH. SUBMIT THIS RECORD WITH PROPOSED COURSE OF ACTION TO DPR'S REPRESENTATIVE FOR APPROVAL PRIOR TO WORK ON INDICATED MATERIAL AND FINISH.																			
INSTALL ALL MATERIALS AND APPLY ALL FINISHES PER PROJECT SPECIFICATIONS, PER MANUFACTURER'S SPECIFICATIONS, AND/OR APPROVED TRADE ORGANIZATIONS AND ASSOCIATIONS.																			
INSTALL AND/OR REPAIR ALL MATERIALS AND FINISHES IN ACCORDANCE WITH THE CURRENT EDITION OF THE SECRETARY OF INTERIOR'S "STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS" IN ALL BUILDINGS.																			
PROVIDE SAMPLE OF MATERIALS AND COLORS FOR FINAL APPROVAL, BY DPR'S REPRESENTATIVE, PRIOR TO CONSTRUCTION																			
SEE INTERIOR ELEVATIONS FOR EXTENT OF FINISHES AND MATERIALS																			



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CERTIFICATION # \_\_\_\_\_

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DESIGNED: KSR

DRAWN: JWN

CHECKED: SJH

DATE: 6/30/2009

REVISIONS	DATE

CRYSTAL COVE STATE PARK  
REHABILITATION OF TEN HISTORIC BUILDINGS

COTTAGE 45 SCHEDULES

LICENSED ARCHITECT  
STEPHEN J. HOLLAND  
No. C 27607  
Exp. 07/31/09

DRAWING NO.

SHEET NO.  
45-A601  
204 OF 239



File: P:\2006\2006 5946 Crystal Cove (SH&DLG)\05 Drawings\Sheets\45-A901 Cottage 45 Elevation Photographs.dwg Layout: 45-A901 Cottage 45 Elevation Photographs Date: July 21, 2009 - 3:55 pm User: jnelis



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



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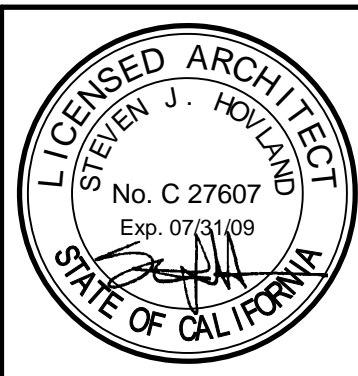
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DESIGNED: KSR  
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CHECKED: SJH  
DATE: 6/30/2009

REVISIONS	DATE

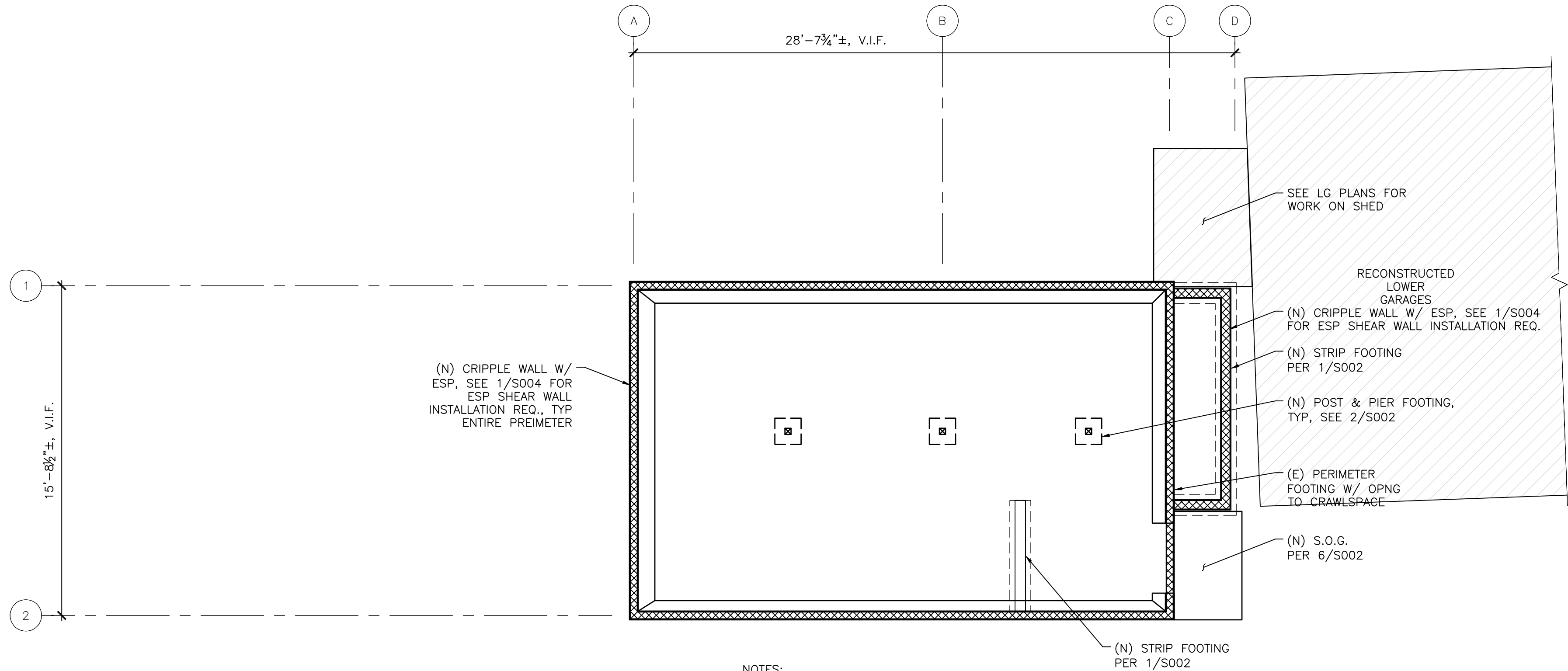
CRYSTAL COVE STATE PARK  
REHABILITATION OF TEN HISTORIC BUILDINGS  
  
COTTAGE 45 ELEVATION  
PHOTOGRAPHS



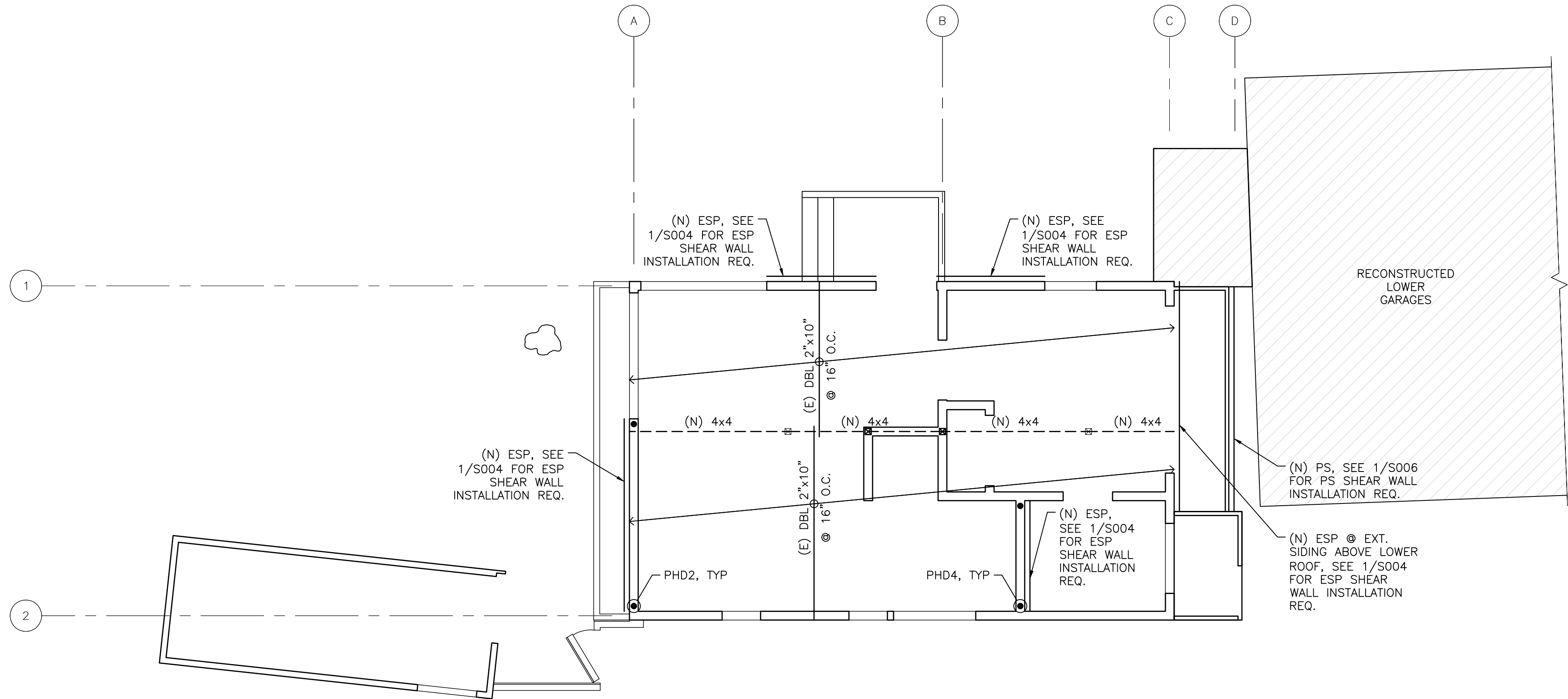
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SHEET NO.  
**45-A901**  
205 OF 239



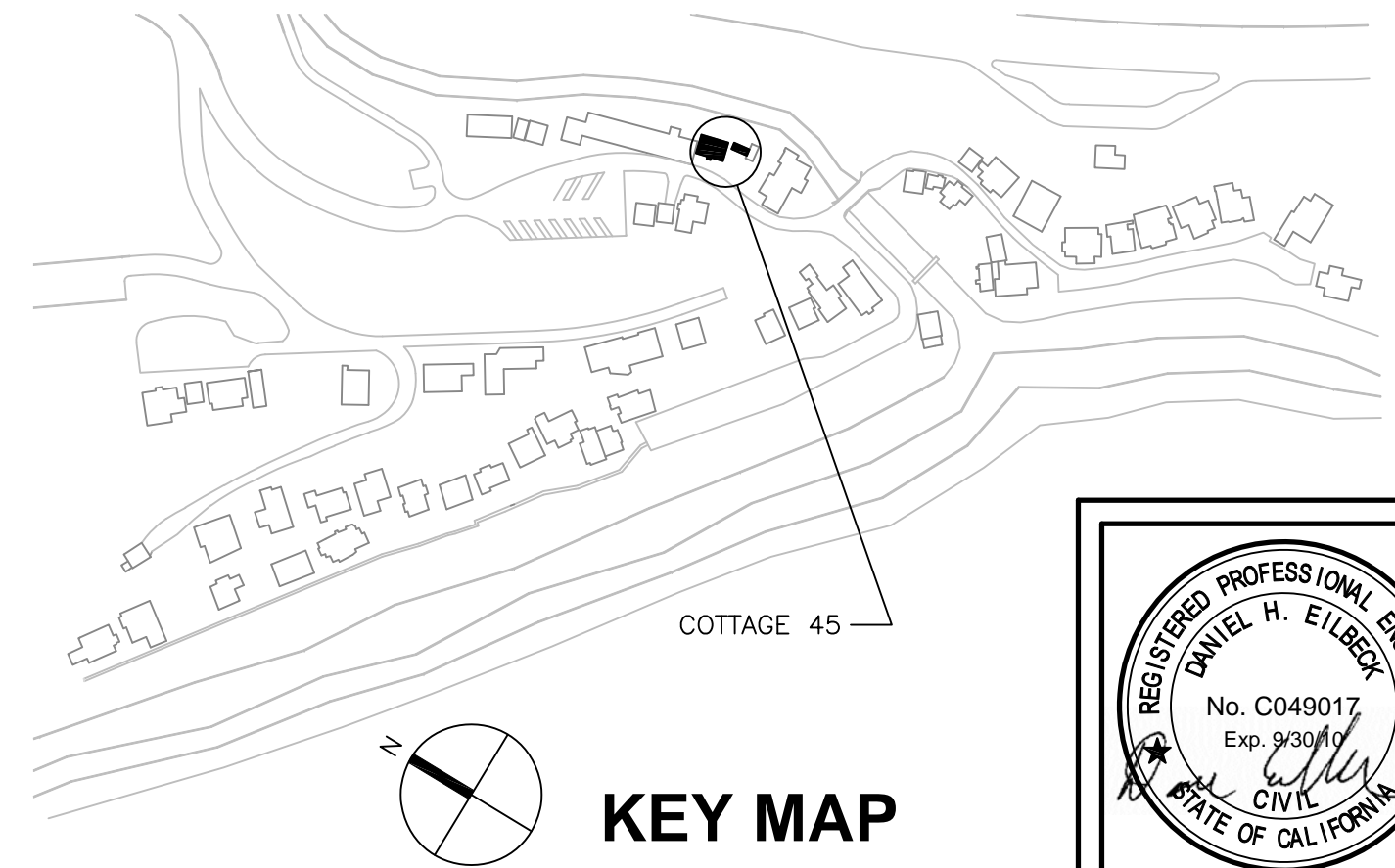
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**1 FOUNDATION PLAN**  
SCALE @22X34 1/4" = 1'-0"



**2 FRAMING PLAN**  
SCALE @22X34 1/4" = 1'-0"



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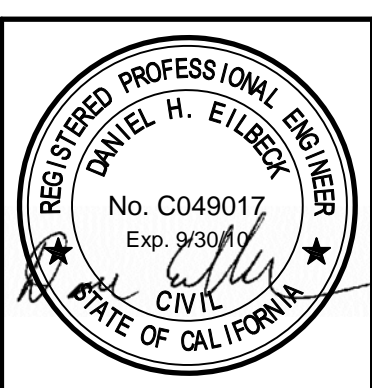
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CHECKED: SJH  
DATE: 6/30/2009

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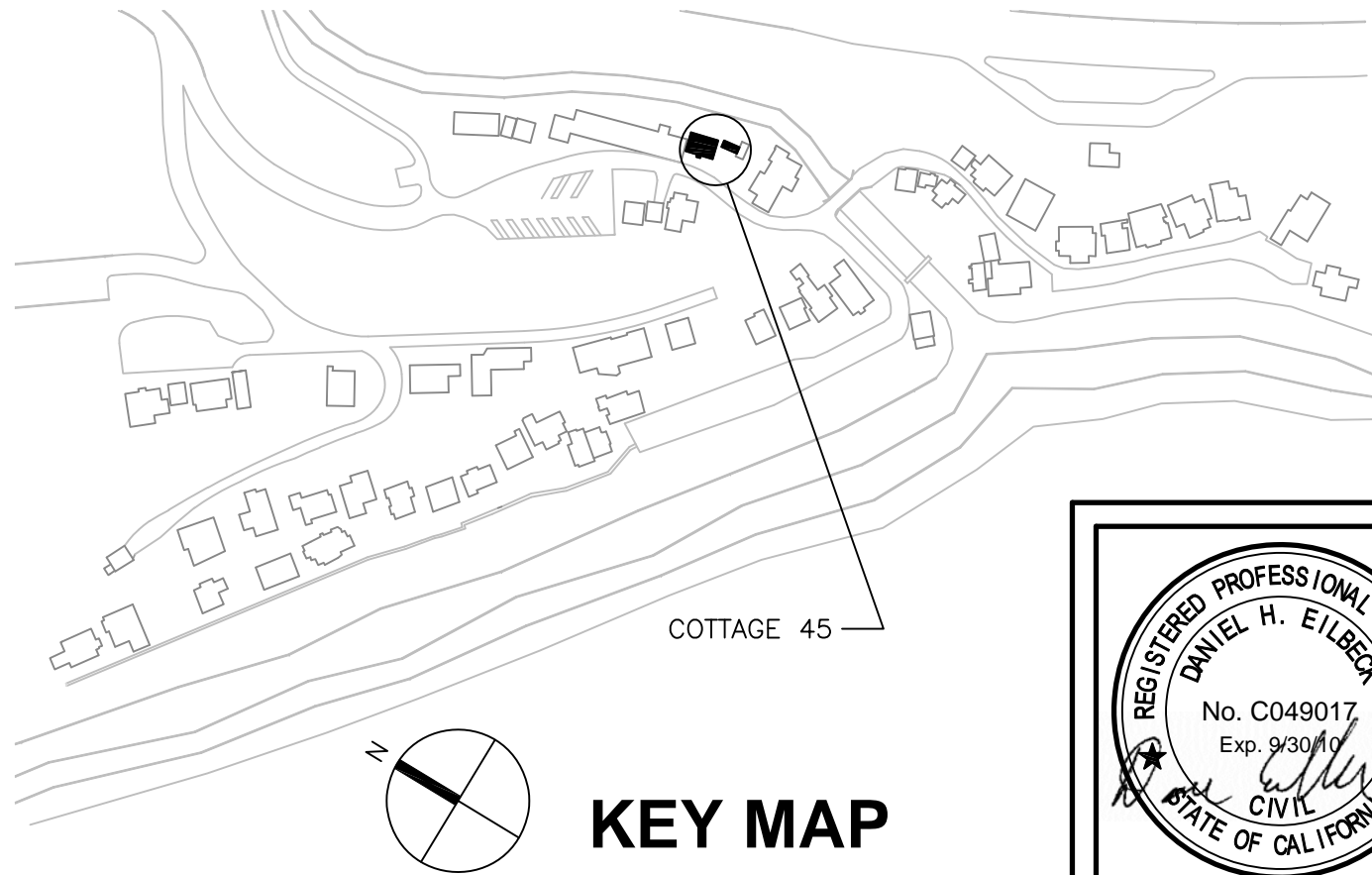
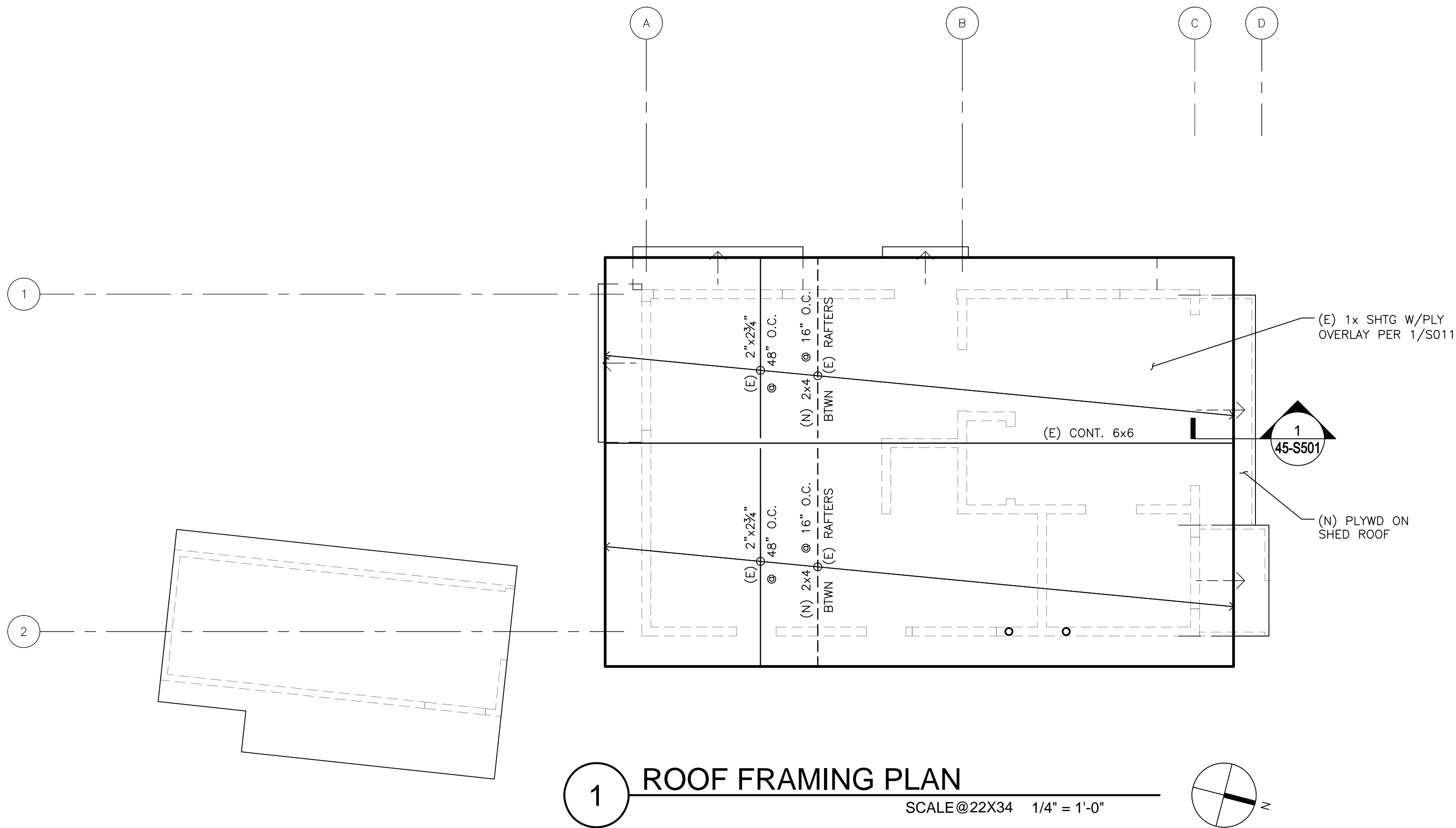
CRYSTAL COVE STATE PARK  
REHABILITATION OF TEN HISTORIC BUILDINGS  
**COTTAGE 45 FOUNDATION &  
FRAMING PLANS**

DRAWING NO.

SHEET NO.  
**45-S101**  
206 OF 239



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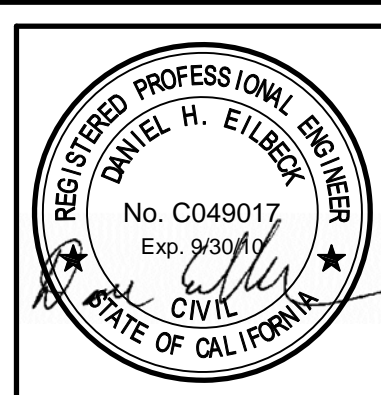
REVISIONS	DATE

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REHABILITATION OF TEN HISTORIC BUILDINGS

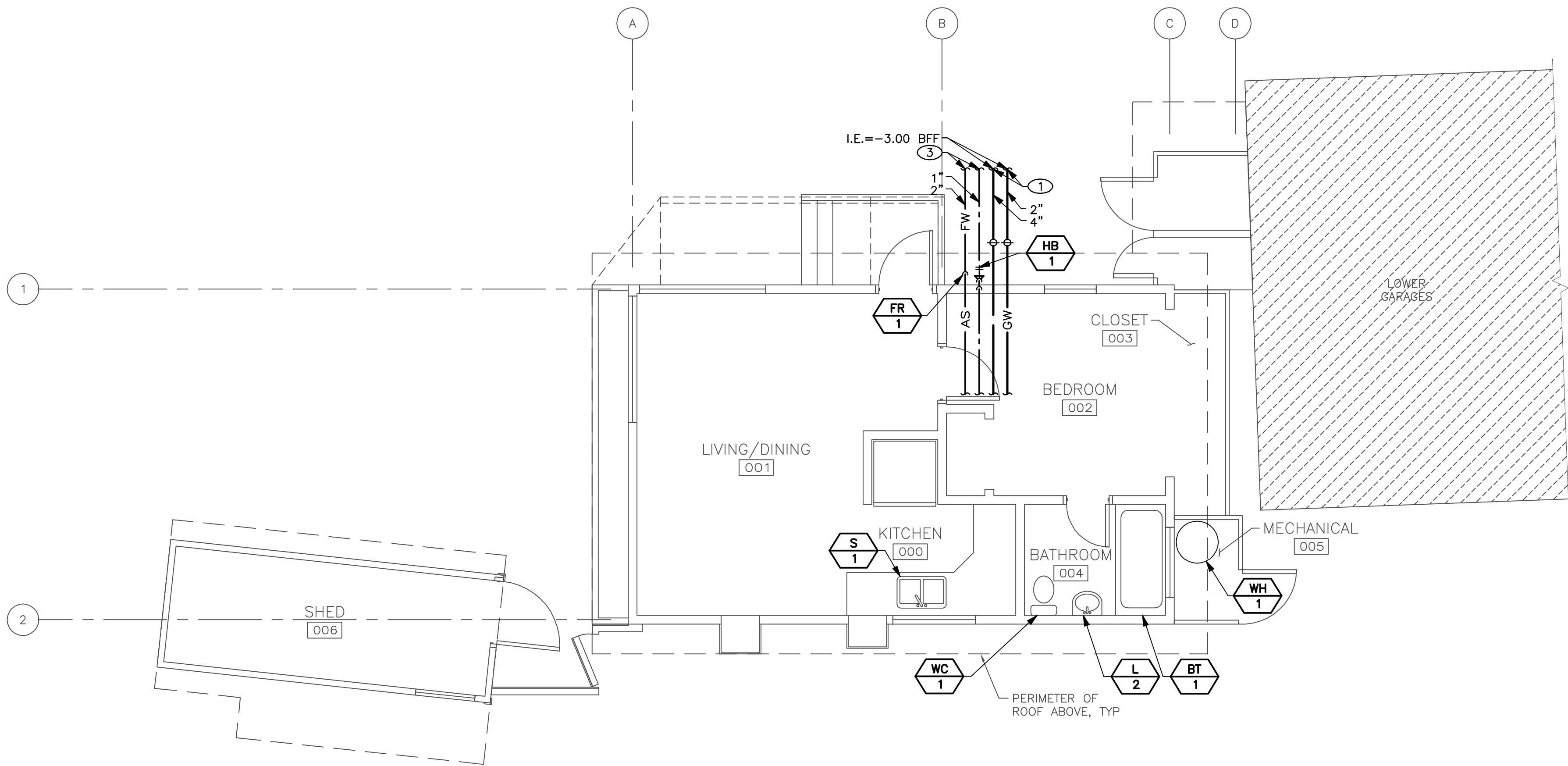
**COTTAGE 45 ROOF FRAMING PLAN**

DRAWING NO. \_\_\_\_\_

SHEET NO.  
**45-S102**  
207 OF 239



File: \\nvdata\1\data\_g\2007-jobs\47128\45-P101.dwg Layout: 45-P101 Date: July 17 2009 - 5:32 pm User: EF



1 COTTAGE 45  
PLUMBING FLOOR PLAN  
SCALE @ 22X34 1/4" = 1'-0"

## GENERAL NOTES

- INSTALL PRV-1 IF DOMESTIC WATER PRESSURE IS 80 PSI OR GREATER.
- PROVIDE NEW WATER, SANITARY SEWER, AND SANITARY VENT SERVICES TO ALL NEW AND EXISTING PLUMBING FIXTURES AND EQUIPMENT. REFER TO THE PLUMBING FIXTURE SCHEDULE, SPECIFICATIONS, AND 2007 CPC REQUIREMENTS FOR MINIMUM PIPE SIZES AND MATERIALS SERVING THE PLUMBING FIXTURES.
- PROVIDE BACKWATER VALVE PROTECTION PER CPC SECTION 710.0 AS REQUIRED.

## SHEET NOTES

- SEE SHEET P101 FOR CONTINUATION.



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DRAWN: CWC

CHECKED: JW

DATE: 6/30/09

REVISIONS DATE

REVISIONS	DATE

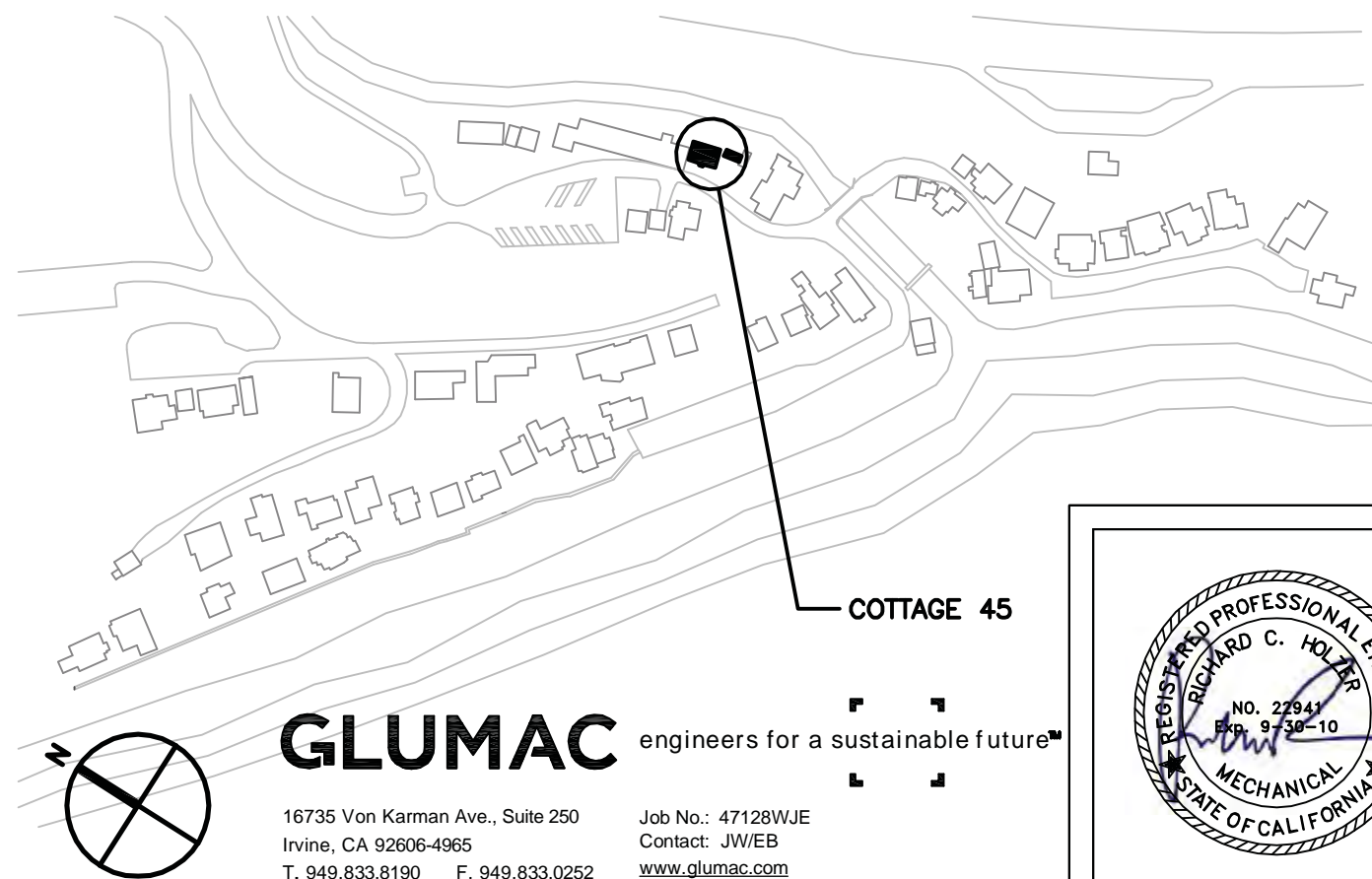
CRYSTAL COVE STATE PARK  
REHABILITATION OF NINE HISTORIC BUILDINGS  
COTTAGE 45  
PLUMBING FLOOR PLAN

DRAWING NO.

SHEET NO.  
45-P101

209 OF 239

Exhibit 10



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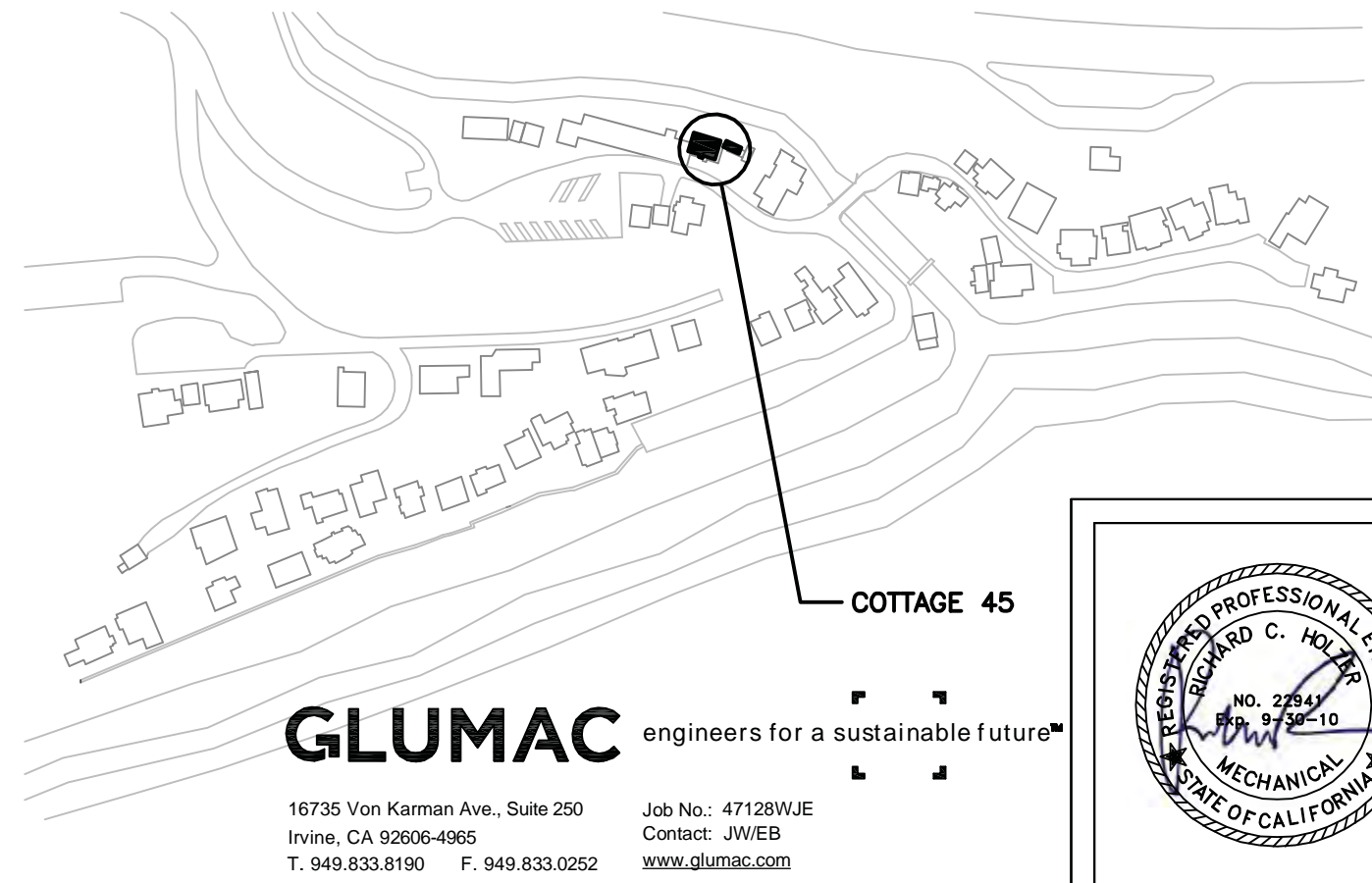
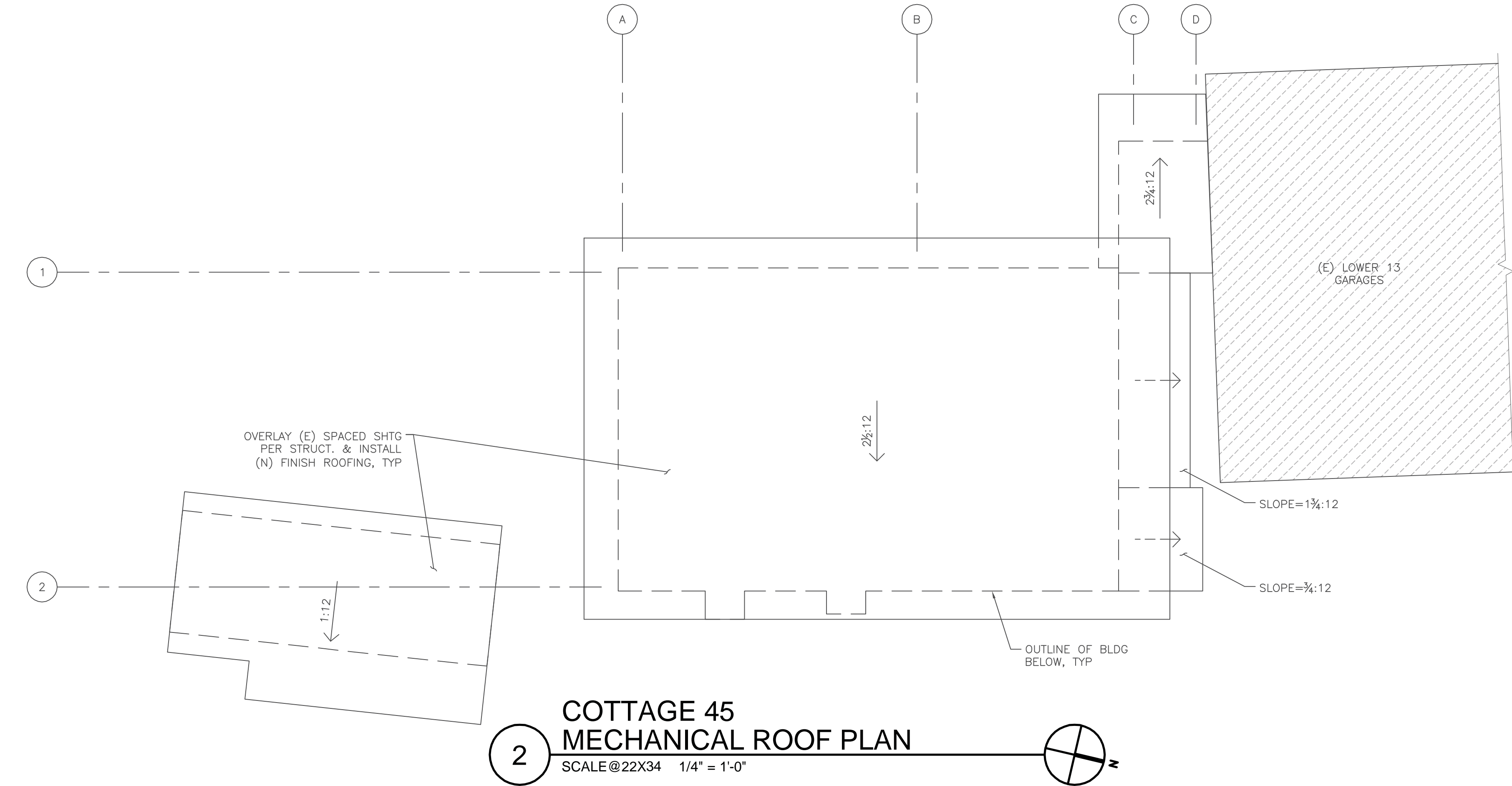
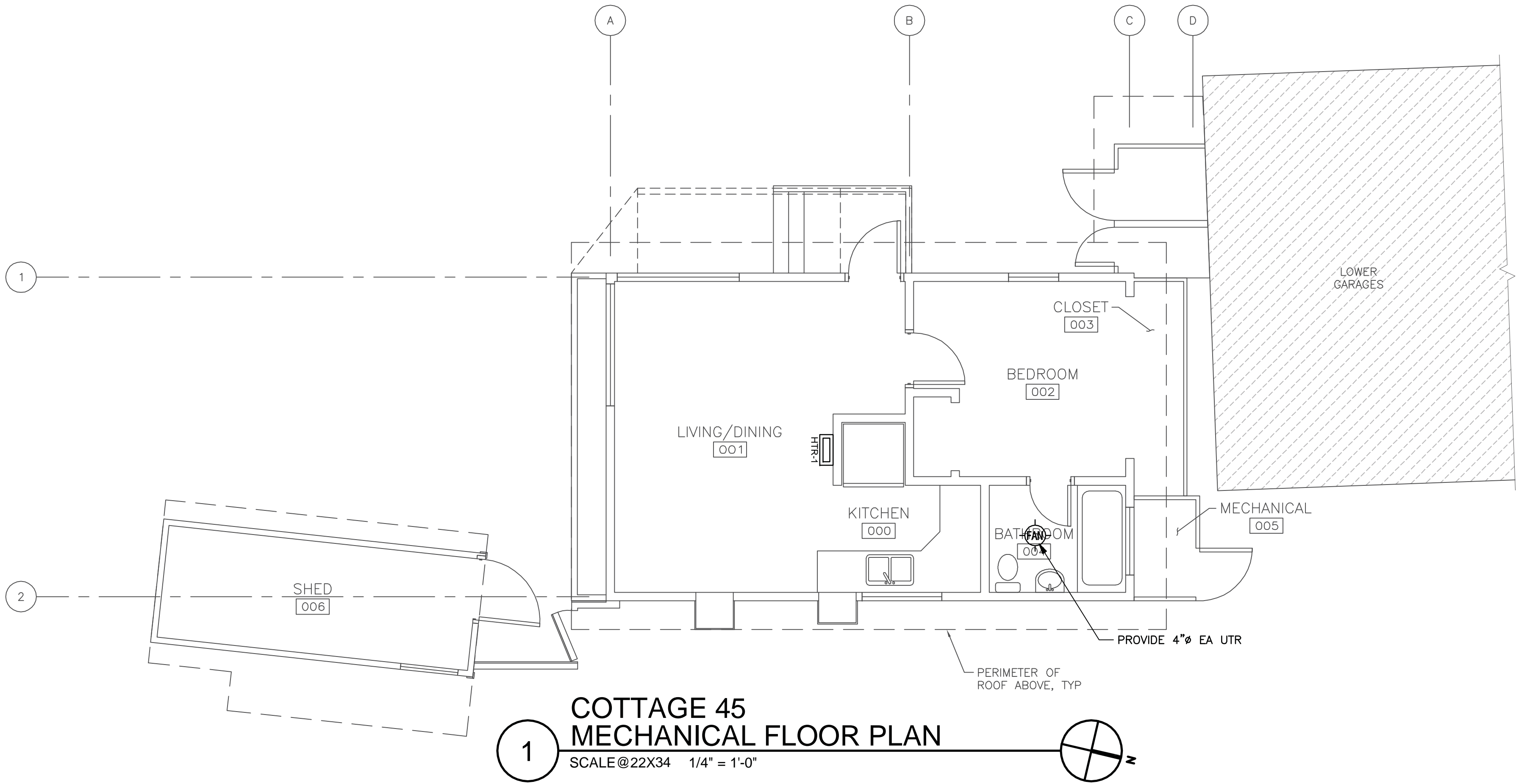
16735 Von Karman Ave., Suite 250  
Irvine, CA 92606-4965  
T: 949.833.8190 F: 949.833.0252

Job No.: 47128WJE  
Contact: JW/EB  
www.glumac.com





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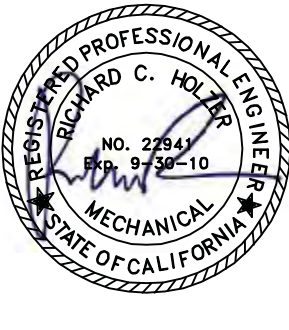
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CRYSTAL COVE STATE PARK  
REHABILITATION OF NINE HISTORIC BUILDINGS  
**COTTAGE 45**  
**MECHANICAL FLOOR AND ROOF**  
**PLANS**

DRAWING NO.

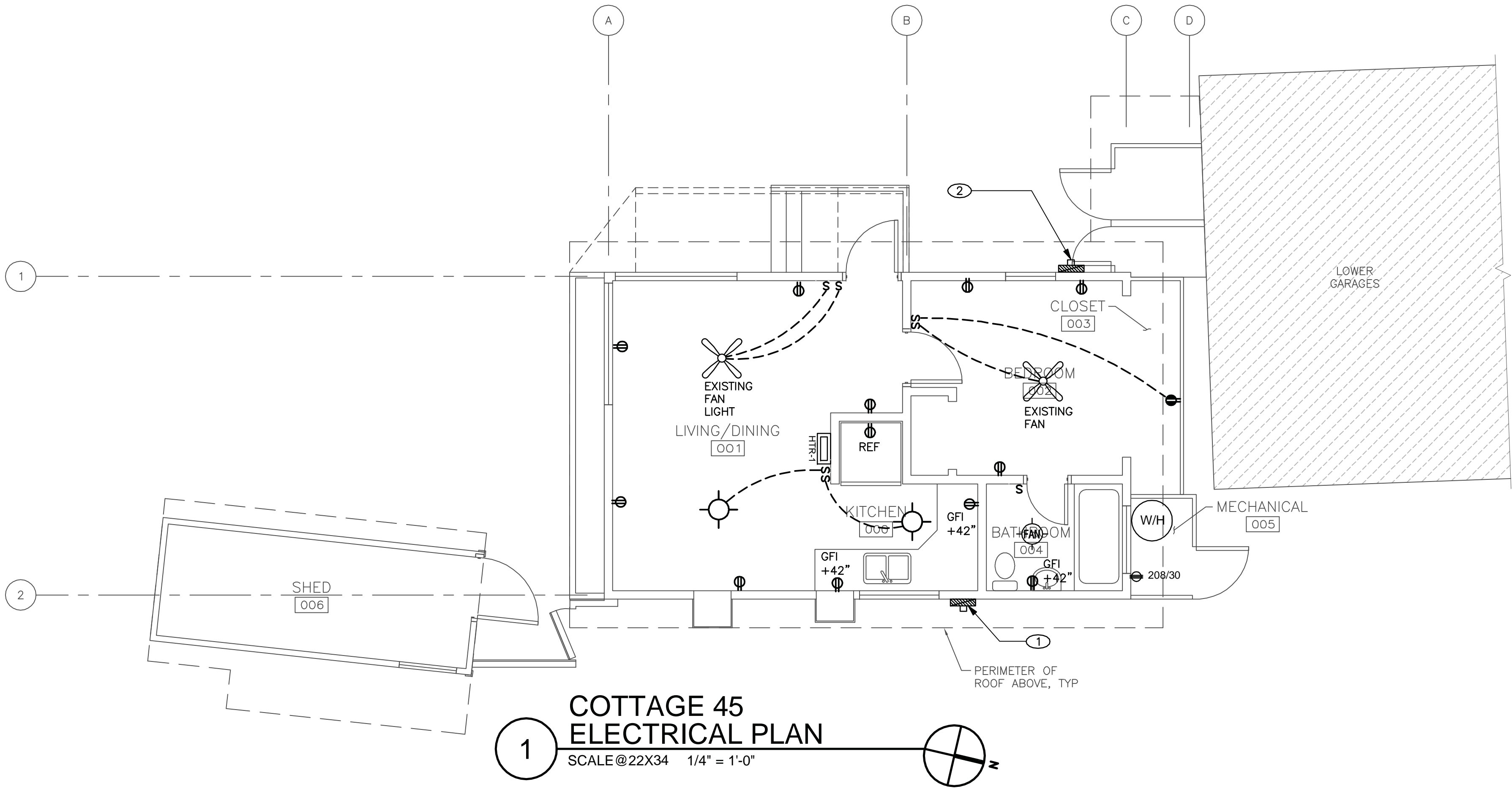
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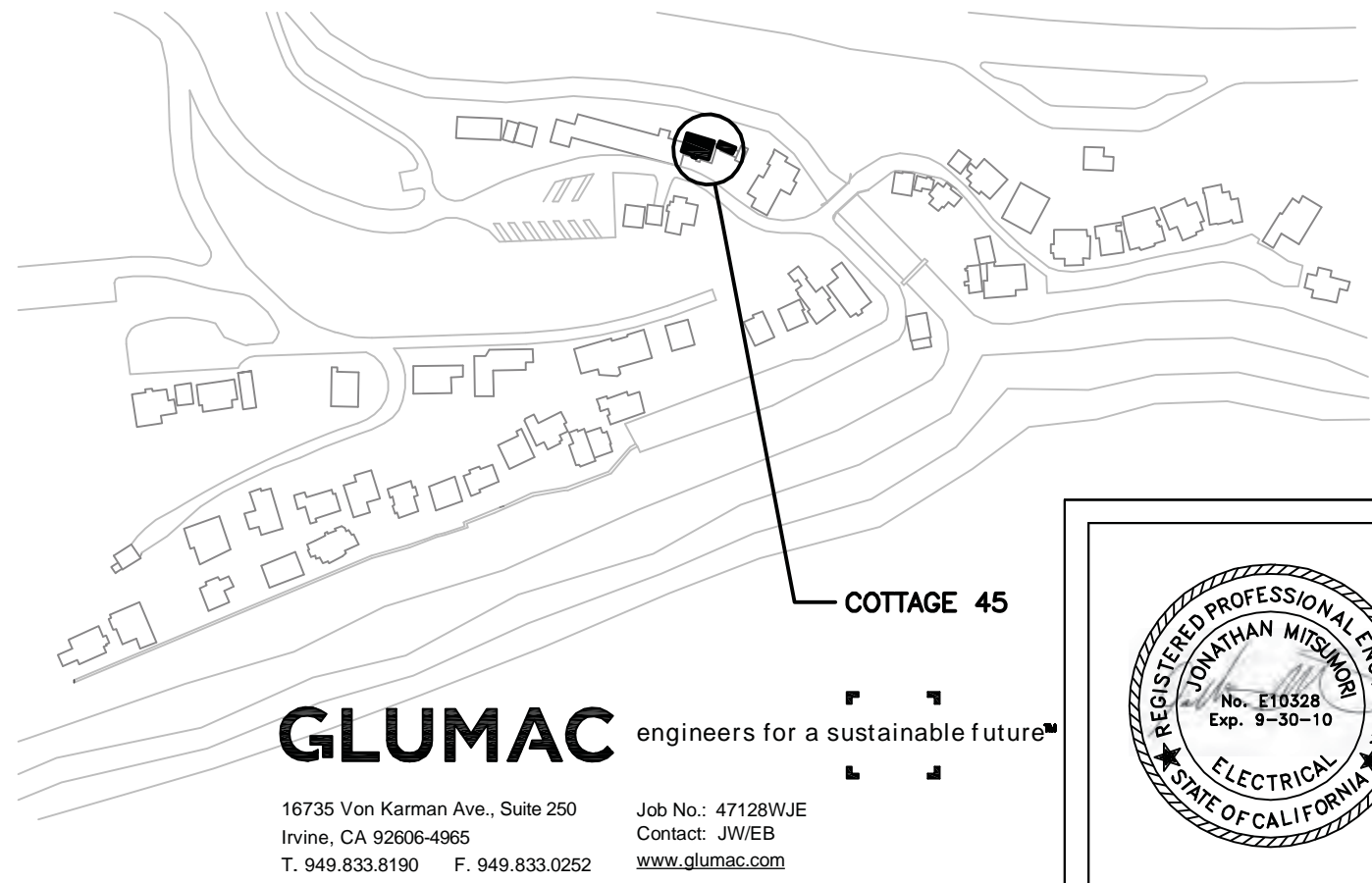


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KEYED ELECTRICAL NOTES:

- ① SEE PRIMARY UTILITY PLAN FOR INCOMING ELECTRICAL SERVICE.
- ② DEMOLISH EXISTING ELECTRICAL SERVICE.



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CRYSTAL COVE STATE PARK  
REHABILITATION OF NINE HISTORIC BUILDINGS  
**COTTAGE 45  
ELECTRICAL PLAN**

DRAWING NO.  
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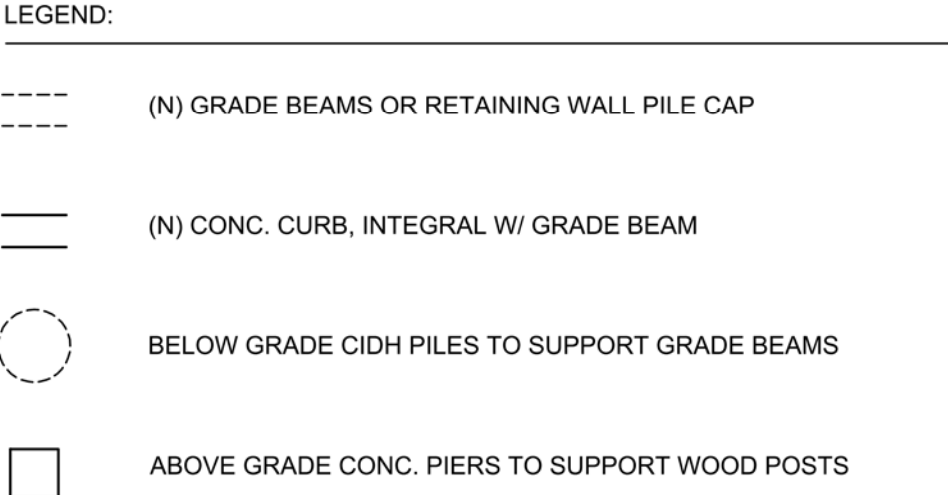
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CHECKED: JM/RH  
DATE: 6/30/09

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## 2 FLOOR PLAN



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

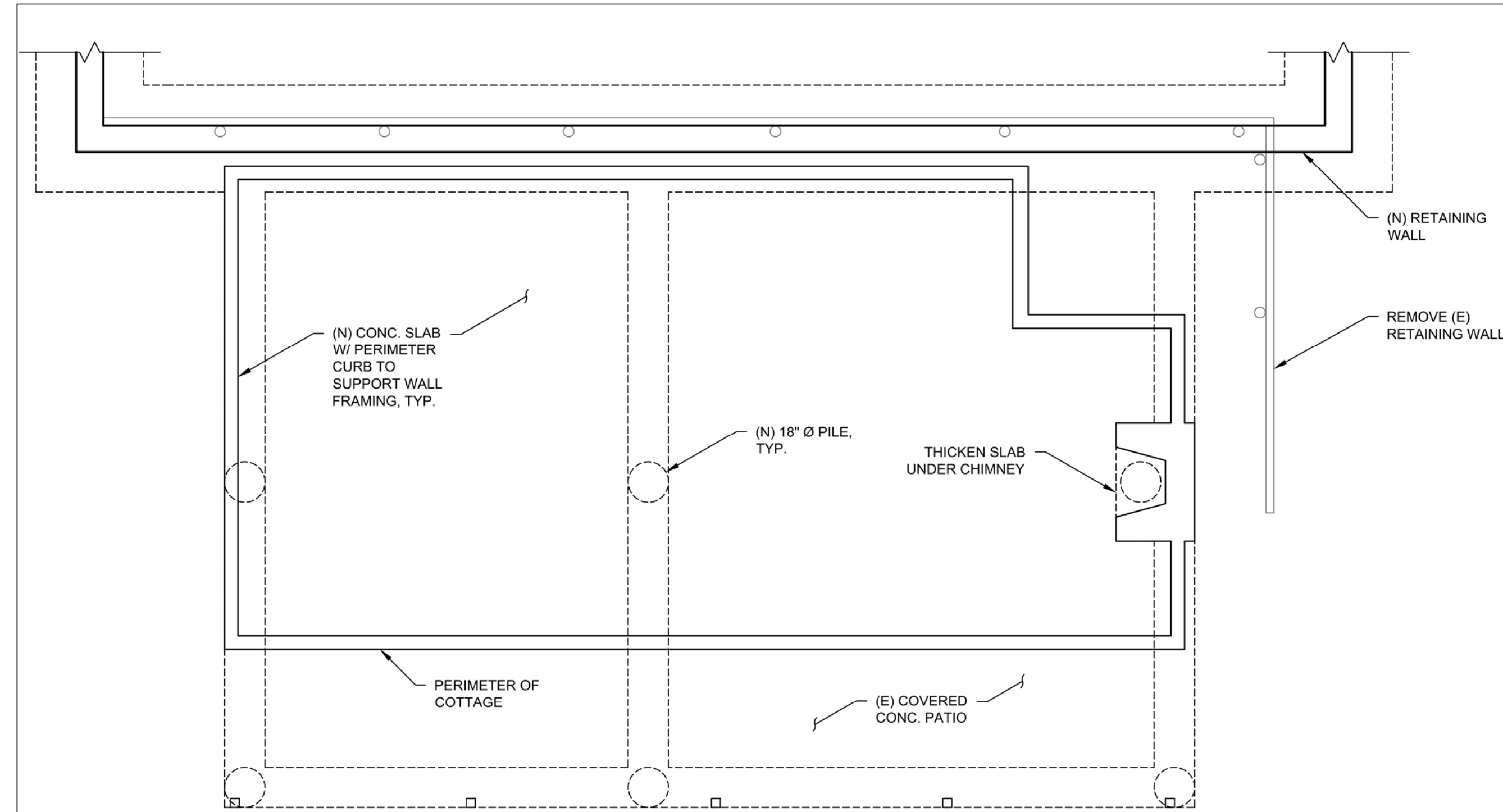
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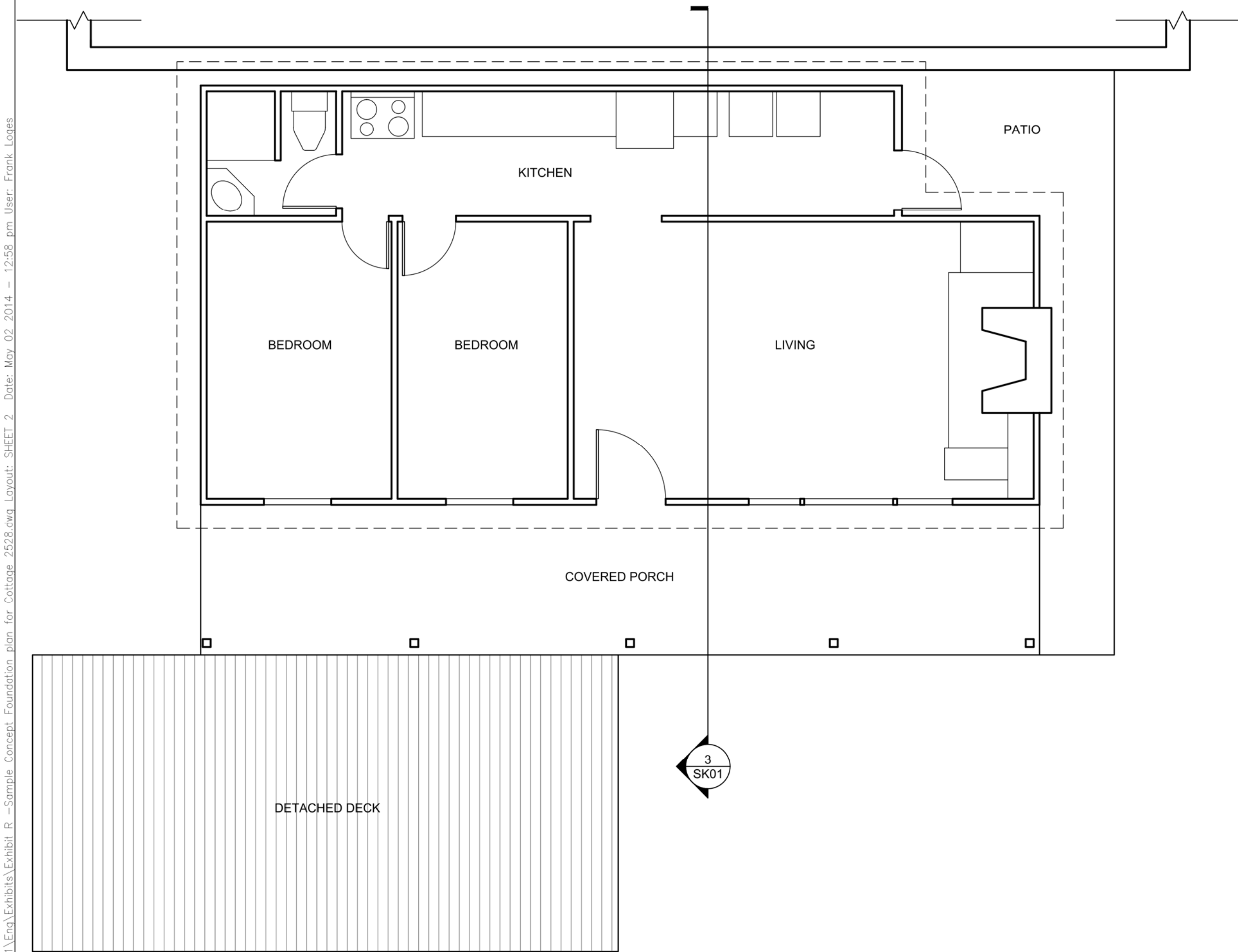
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1 OF 2

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



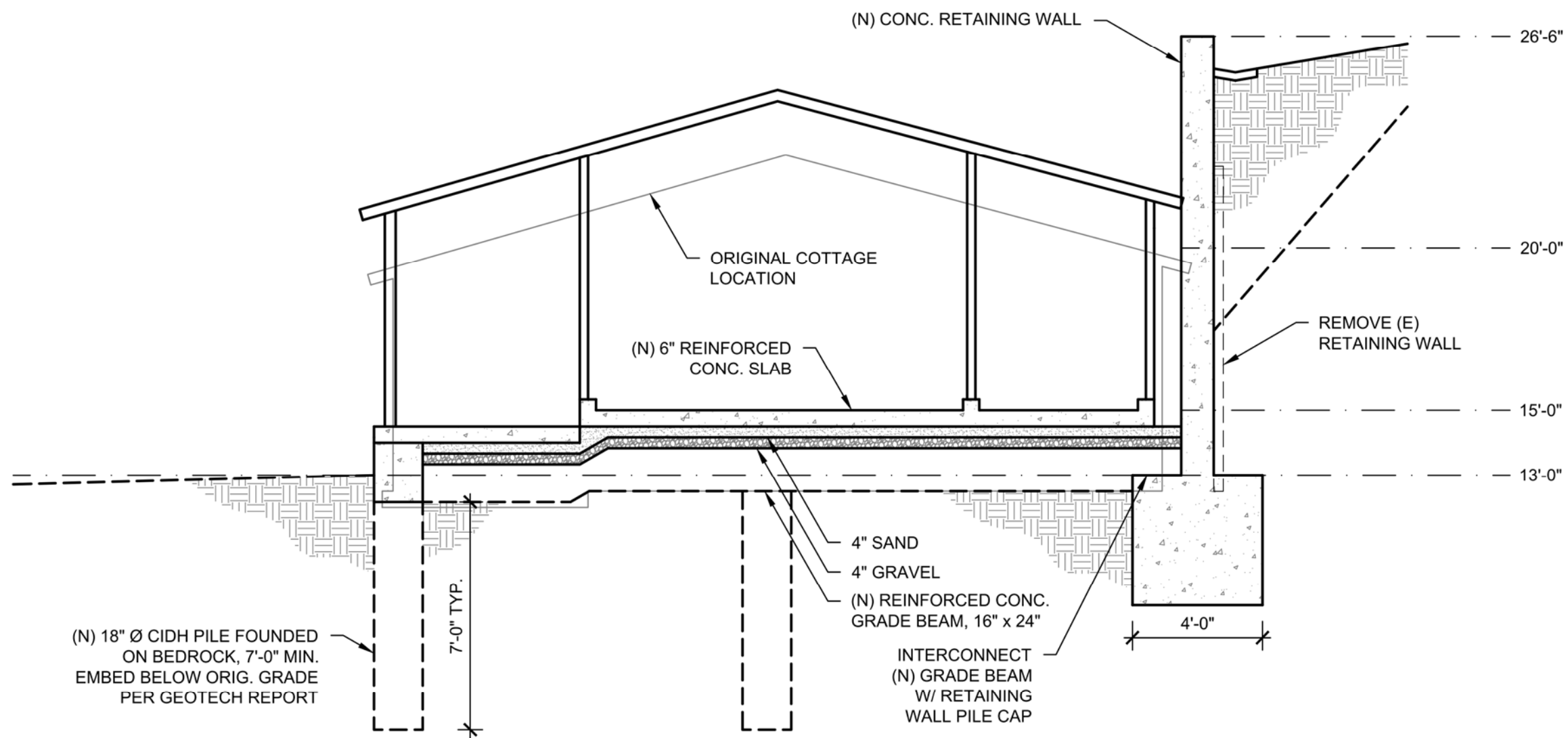
2 PLAN  
SCALE: 1/4" = 1'-0"

NOTES:

THE LOGISTICS OF CONSTRUCTING THE NEW RETAINING WALL, AND RAISING THE COTTAGE, WILL REQUIRE THE COTTAGE TO DISMANTLED AND RECONSTRUCTED. THE EXISTING SLAB-ON-GROUND WILL BE REMOVED AND REPLACED AND THE CHIMNEY WILL BE DISMANTLED AND RECONSTRUCTED TO MOVE THE HEARTH UP TO THE NEW FLOOR LEVEL.

THE NEW SLAB WILL BE SUPPORTED ON GRADE BEAMS AND THE AREA BETWEEN THE GRADE BEAMS WILL BE FILLED.

- LEGEND:
- (N) GRADE BEAMS OR RETAINING WALL PILE CAP
  - (N) CONC. CURB, INTEGRAL W/ SLAB
  - BELOW GRADE CIDH PILES TO SUPPORT GRADE BEAMS



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

**WJE** ENGINEERS  
ARCHITECTS  
MATERIALS SCIENTISTS

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CALIFORNIA STATE FIRE MARSHAL - APPROVED  
Approval of this plan does not authorize or approve any omission of deviation from applicable regulations. Final approval is subject to field inspection. One set of approved plans shall be available on the project site at all times.

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_  
DPR ACCESS COMPLIANCE REVIEW  
ACCESSIBILITY SECTION  
CERTIFICATION # \_\_\_\_\_

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

ACCESSIBILITY COMPLIANCE AND STATE FIRE MARSHAL SIGNED ORIGINALS ARE ON FILE AT THE DEPARTMENT OF PARKS AND RECREATION, NORTHERN SERVICE CENTER

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DRAWN: FL  
CHECKED: DC  
DATE: 05/02/2014

PLAN SUBMITTALS	DATE

Project  
**Crystal Cove Sample Cottage  
Foundation**

Client


Mark	Date	Description

Project No.	2014.1285
Date	04/09/2014
Drawn	BML
Checked	DHE
Scale	As Noted

**COTTAGE 28**

Sheet Title

Sheet No.

**SK01**

CRYSTAL COVE STATE PARK  
REHABILITATE HISTORIC COTTAGES AND INFRASTRUCTURE -  
PHASE III  
EXHIBIT R  
SAMPLE CONCEPT FOUNDATION PLAN  
COTTAGES 25 & 28  
COTTAGE 28 FOUNDATION PLAN & SECTION

PROJECT NO.  
871.001

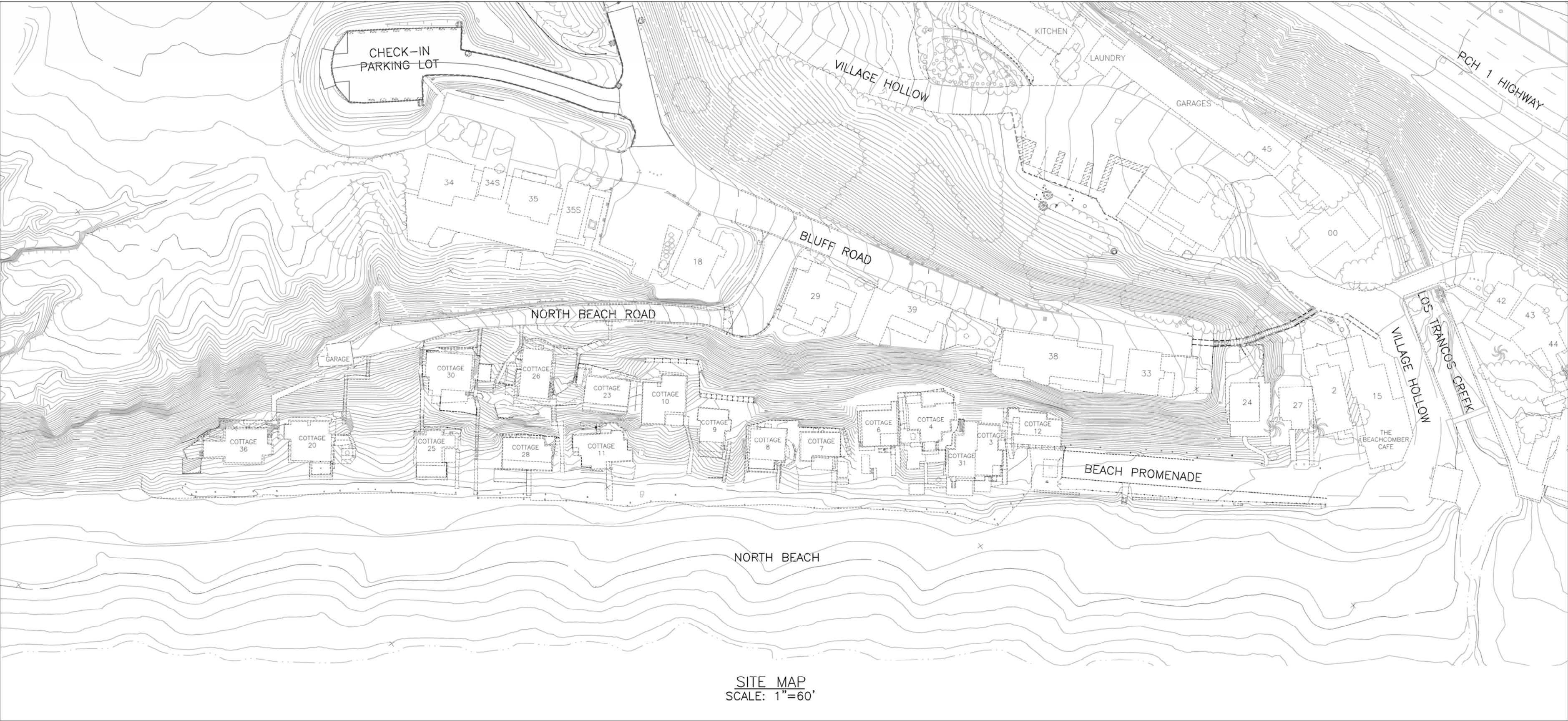
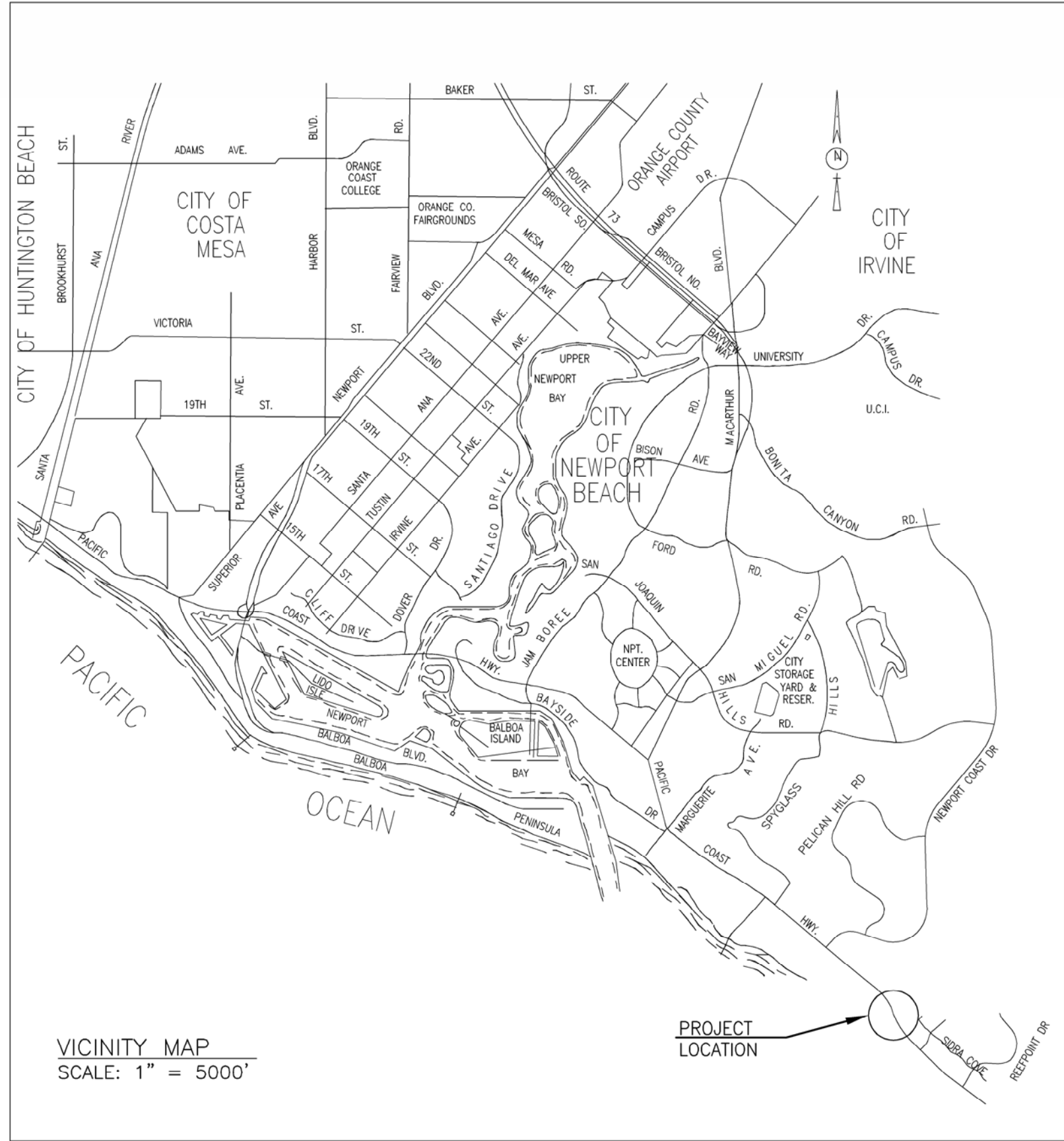
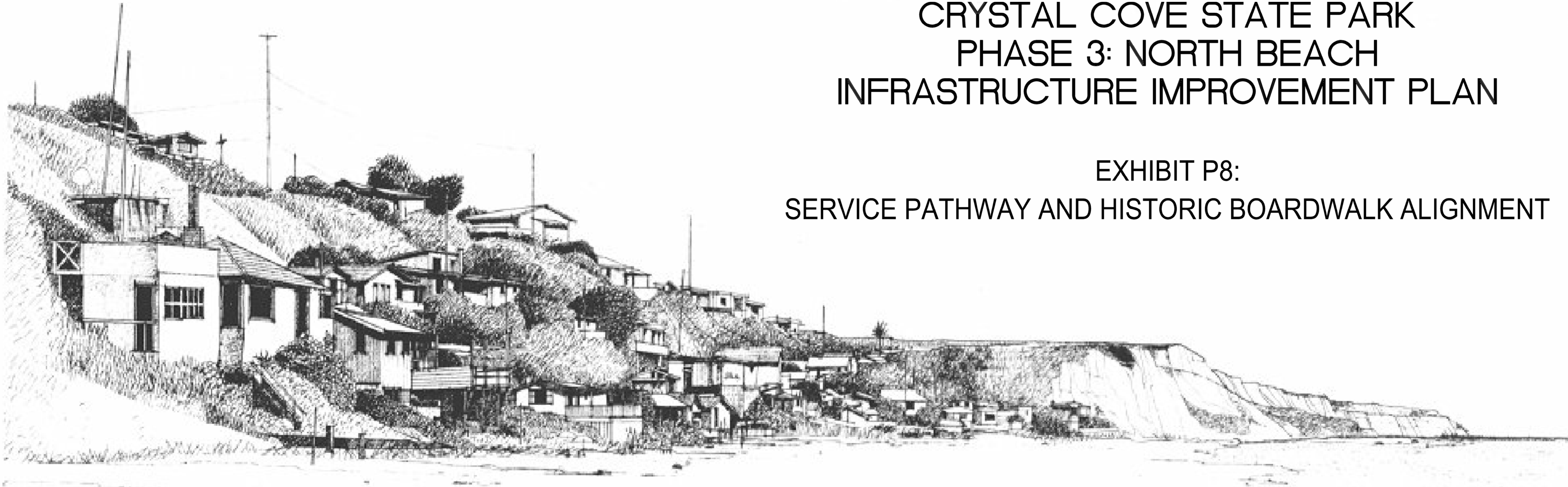
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2

2 OF 2



CRYSTAL COVE STATE PARK  
PHASE 3: NORTH BEACH  
INFRASTRUCTURE IMPROVEMENT PLAN

EXHIBIT P8:  
SERVICE PATHWAY AND HISTORIC BOARDWALK ALIGNMENT



SHEET INDEX	
SHEET	NUMBER
TITLE SHEET	1
SEASONAL SAND RANGE AT COTTAGE 36	2
SEASONAL SAND RANGE AT COTTAGE 8	3
SEASONAL SAND RANGE AT COTTAGE 6	4
SEASONAL SAND RANGE AT COTTAGE 3	5



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*Dino Capannelli*  
DINO CAPANNELLI  
R.C.E. No. 43836  
EXP: 06-30-15



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DATE:	09/30/2014

PLAN	SUBMITTALS	DATE

CRYSTAL COVE STATE PARK  
PHASE 3: NORTH BEACH  
INFRASTRUCTURE IMPROVEMENT PLAN  
EXHIBIT P8: SERVICE PATHWAY & HISTORIC BOARDWALK ALIGNMENT

TITLE SHEET

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871.01.03

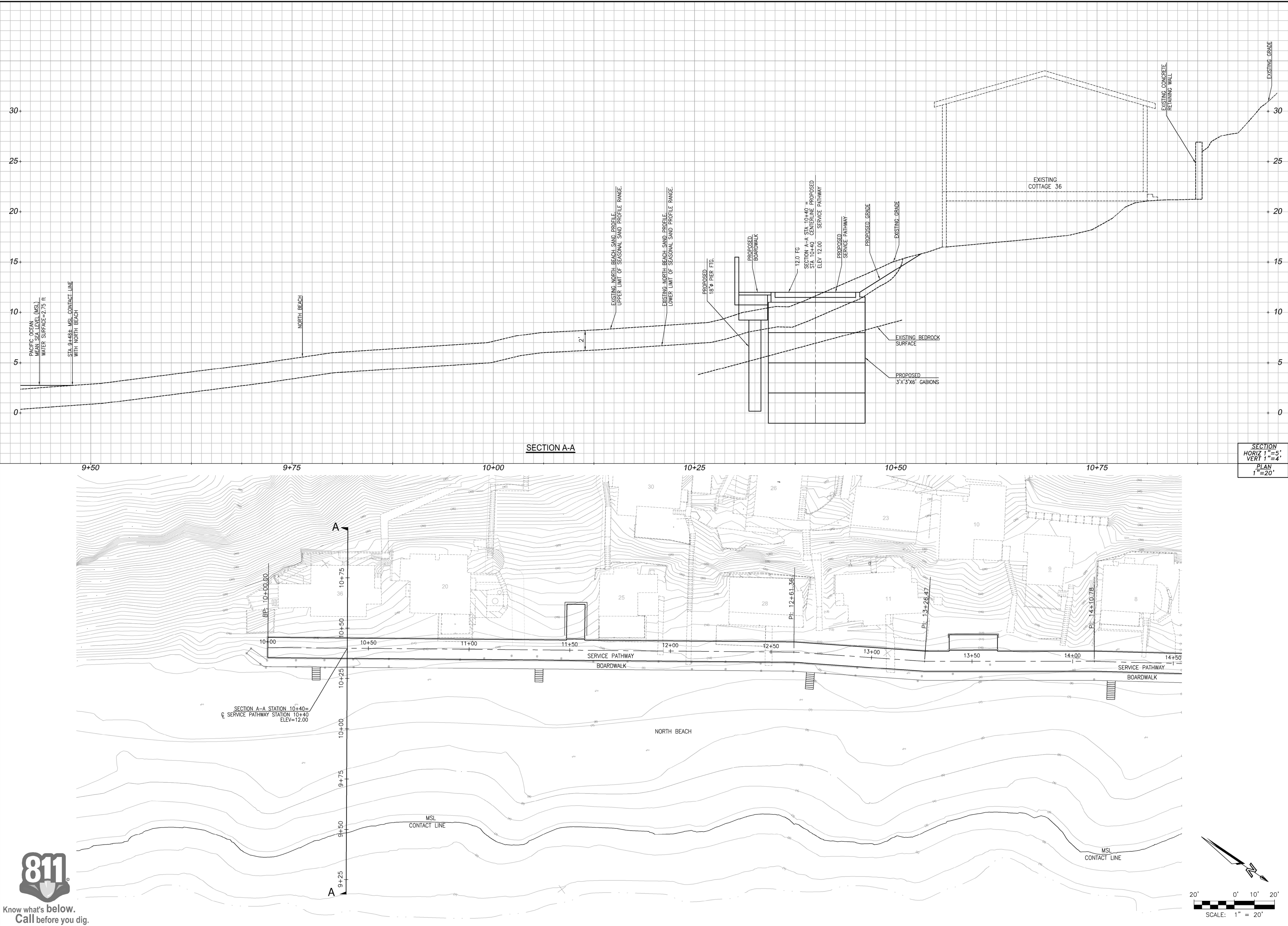
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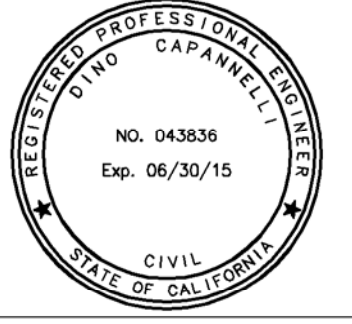


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PHASE 3: NORTH BEACH  
INFRASTRUCTURE IMPROVEMENT PLAN  
EXHIBIT P8: SERVICE PATHWAY & HISTORIC BOARDWALK ALIGNMENT  
SEASONAL SAND RANGE AT COTTAGE 36

PROJECT NO.

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2 OF 5

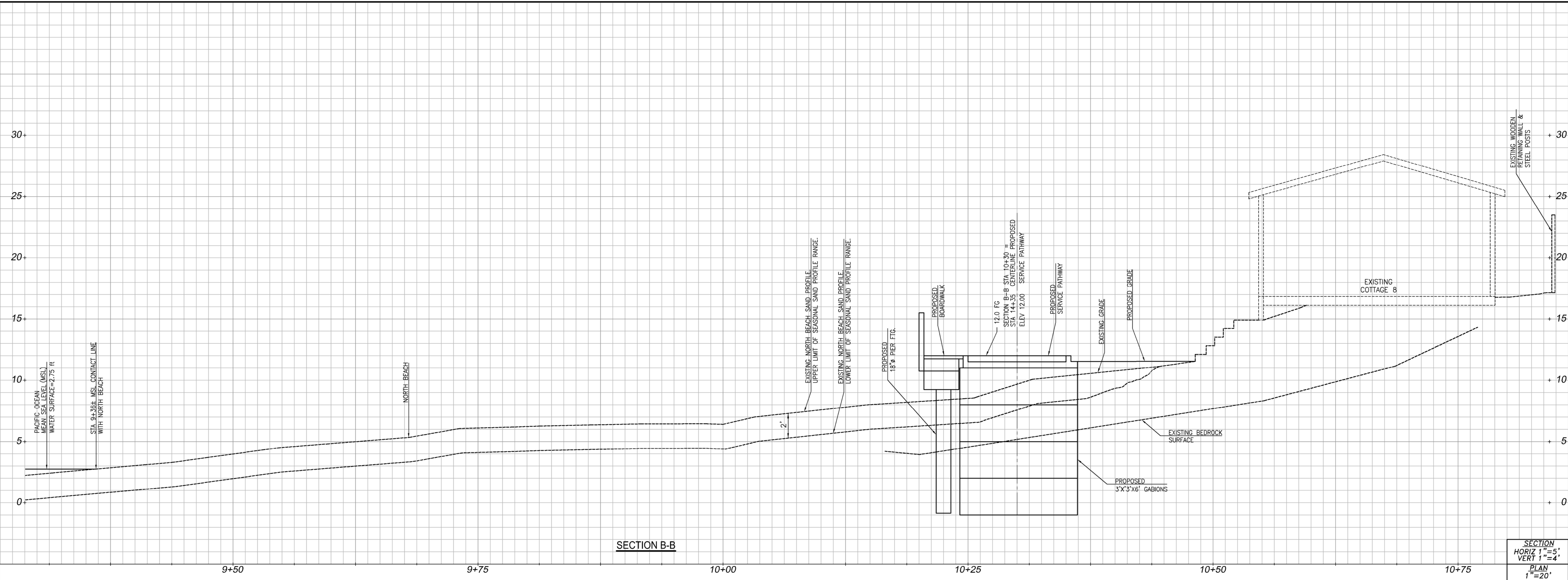
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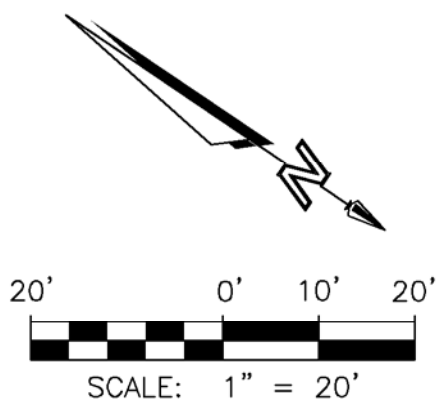


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SECTION B-B

SECTION  
HORIZ 1"=5'  
VERT 1"=4'



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PHASE 3: NORTH BEACH  
INFRASTRUCTURE IMPROVEMENT PLAN  
EXHIBIT P8: SERVICE PATHWAY & HISTORIC BOARDWALK ALIGNMENT  
SEASONAL SAND RANGE AT COTTAGE 8

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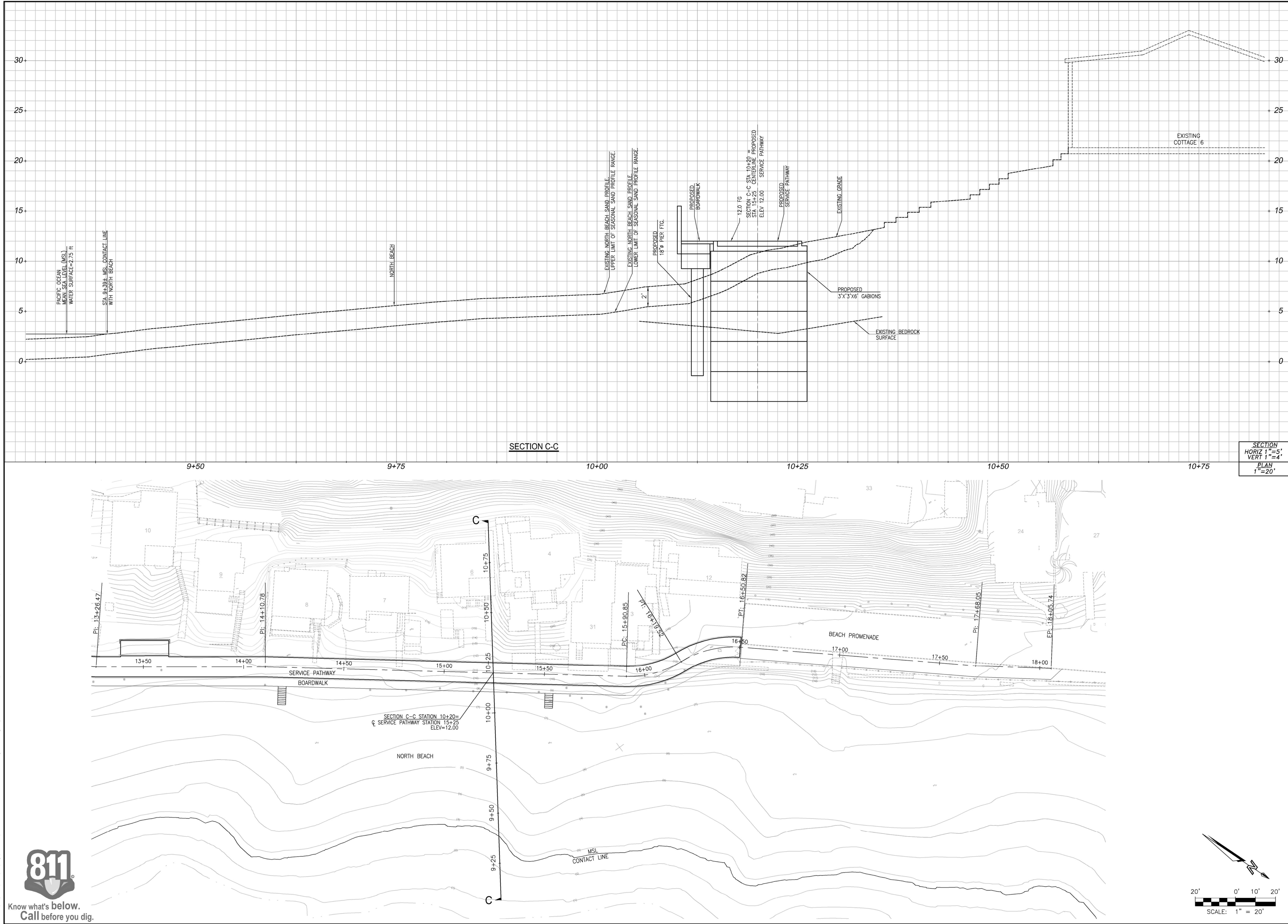
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Exhibit 10

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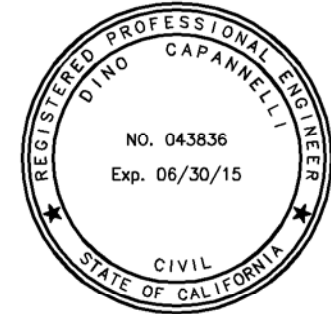
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CRYSTAL COVE STATE PARK  
PHASE 3: NORTH BEACH  
INFRASTRUCTURE IMPROVEMENT PLAN

EXHIBIT P8: SERVICE PATHWAY & HISTORIC BOARDWALK ALIGNMENT

SEASONAL SAND RANGE AT COTTAGE 6

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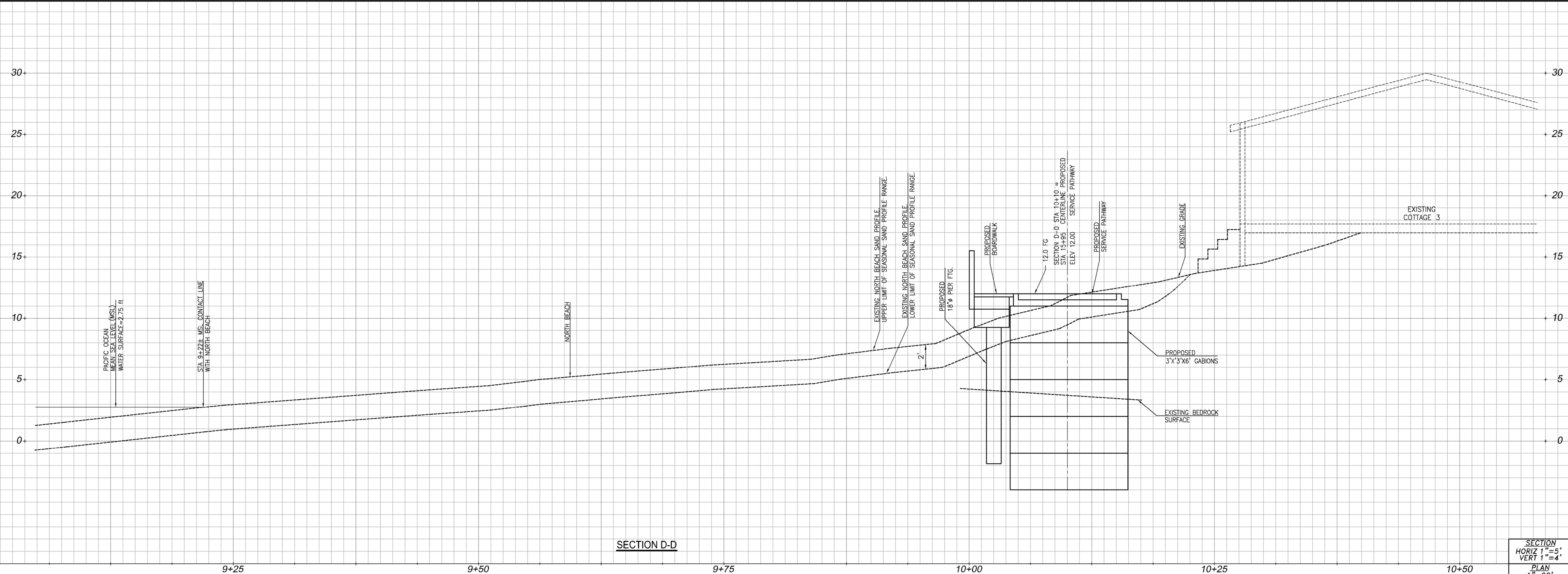
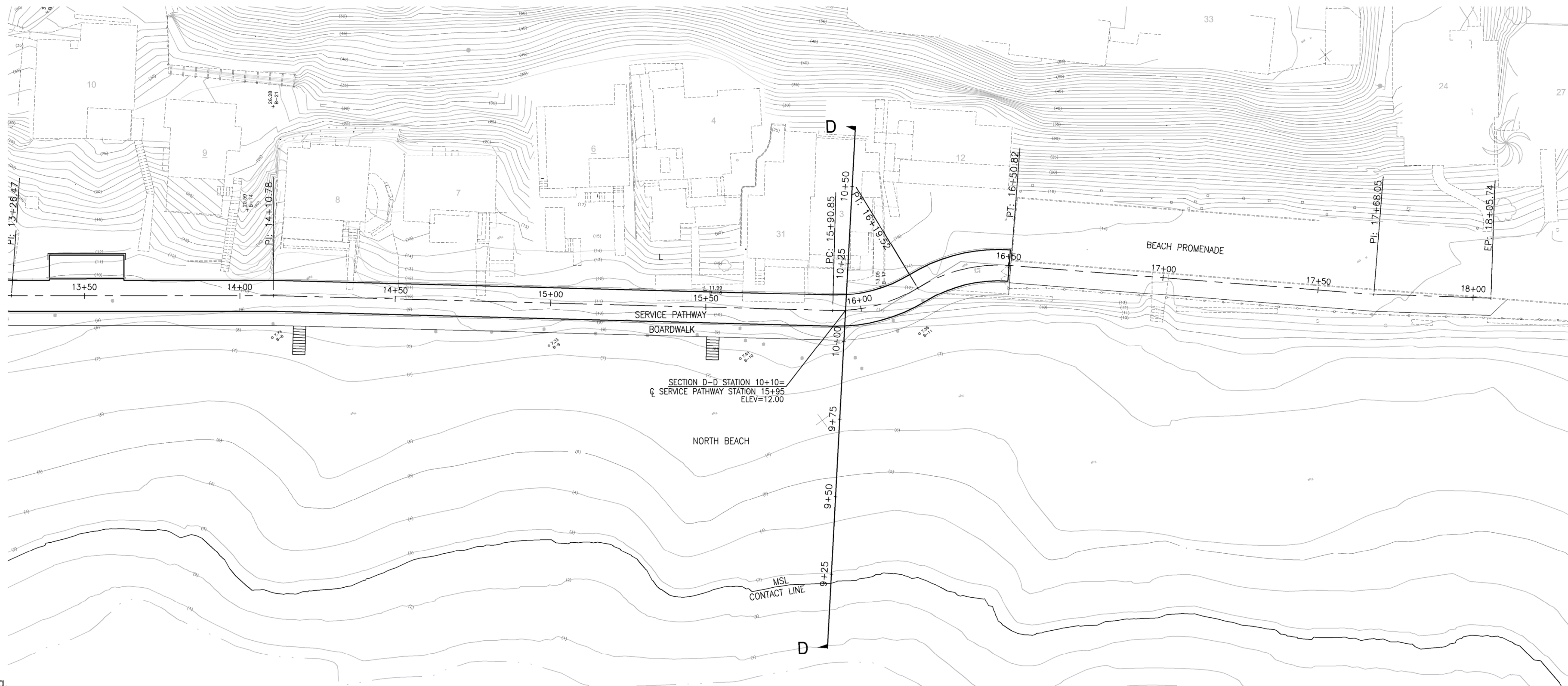
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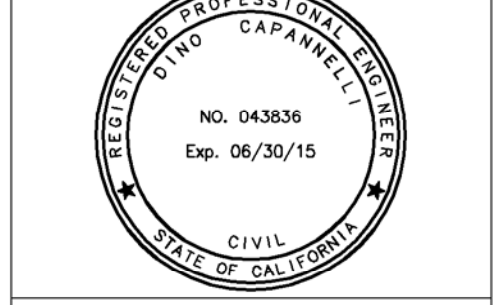


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PLAN  
1"=20'

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EXHIBIT P8: SERVICE PATHWAY & HISTORIC BOARDWALK ALIGNMENT  
SEASONAL SAND RANGE AT COTTAGE 3

PROJECT NO.  
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SHEET NO.

Photographs of Parking Lot Expansion Area









Photos of North Beach Road







Photos of Existing North Beach Cottages and Retaining Walls













Photos of Boardwalk Replica



Cottages #20 and 36







- Barnard, P.L., van Ormondt, M., Erikson, L.H., Eshleman, J., Hapke, C., Ruggiero, P., Adams, P. N., and Foxgrover, A. 2014. Coastal Storm Modeling System: CoSMoS. Southern California 1.0, projected flooding hazards, [http://walrus.wr.usgs.gov/coastal\\_processes/cosmos/socal1.0/](http://walrus.wr.usgs.gov/coastal_processes/cosmos/socal1.0/), doi:[10.5066/F74B2ZB4](https://doi.org/10.5066/F74B2ZB4)

# **PRELIMINARY FISCAL/OPERATIONS PLAN FOR CRYSTAL COVE HISTORIC DISTRICT**

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*Prepared for*

California Department of Parks and Recreation

**COASTAL COMMISSION**

EXHIBIT # 13  
PAGE 1 OF 19

*Prepared by:*  
***Williams-Kuebelbeck & Associates, Inc.***

# PRELIMINARY FISCAL/OPERATIONS PLAN FOR CRYSTAL COVE HISTORIC DISTRICT

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# **INTRODUCTION**

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The Crystal Cove Historic District is a 12.3 acre parcel with beach cottages that lie along the Orange County Coast between Corona del Mar and Laguna Beach, and is a portion of Crystal Cove State Park. Over the years, this popular vacation spot evolved into an enclave of beach cottages which typify a California beach community of the 1930's and 1940's. The district was listed on the National Register of Historic Places on June 15, 1979. A National Register District by definition possesses a significant concentration of buildings or structures united historically or aesthetically by plan or physical development.

It is the goal of the Department of Parks and Recreation to realize enough economic benefit from the Crystal Cove Historic District to operate the facility and make some contribution to the capital costs, but at the same time, keep the user costs to the public as affordable as possible. The renovation of the cottages will be undertaken in phases.

## **ENGAGEMENT BACKGROUND**

Williams Kuebelbeck and Associates has been retained by the California Department of Parks and Recreation to prepare a preliminary fiscal and operations analysis for the Crystal Cove Historic District Historic Park. The purpose of this report is to assist in determining the long-term feasibility and fiscal implications of operating overnight accommodations at Crystal Cove, in accordance with the goals and objectives established by the DPR.

## **SCOPE OF WORK**

The specific Scope of Work for this assignment is outlined below.

- Task 1: Meet with the Client to refine goals, obtain background information and obtain client input on the principal alternatives which should be evaluated. During this meeting the DPR provided the Consultant with parameters and direction regarding the overall goals and objectives of the Master Plan.
- Task 2: Inspect the site and consider its advantages and disadvantages.
- Task 3: Survey selected competitors in the area.
- Task 4: Interview selected persons with knowledge of the regional and local market including facility operators and local visitor bureaus.
- Task 5: Review industry statistics relating to overnight accommodation operations of various types.
- Task 6: Estimate a range of affordable room rates and occupancy rates for the accommodations.

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- Task 7: Prepare a proforma financial analysis of the proposed accommodations proposed for Phase I, utilizing all of the above inputs.
- Task 8: Estimate the impact of alternative room rate structures.
- Task 9: Prepare a Draft Report.
- Task 10: Based on comments from the Client, and consistent with the parameters and direction provided by the DPR in the kick-off meeting, Consultant will prepare the Final Feasibility Report.

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## **Section 1: MARKET OVERVIEW**

---

This section of the report presents a market overview for overnight accommodations in the market area. The concept proposed for Crystal Cove Historic District (CCHD) is unique for several reasons:

- The location directly on the beach in an undeveloped natural park is unduplicated on the California Coast.
- It is a historic district
- There are only a limited number of units in phase I
- The units will be a mix of large cottages and dorm-type accommodations
- The rate for the accommodations will be set at an "affordable" rate.
- The accommodations will be located within a State Park
- The nature and location of the site will limit the amount of general tourist traffic to support food service and retail on the site.
- The maintenance of the surrounding property will be provided by Department of Parks and Recreation.

For these and other reasons, there are no directly comparable resort accommodations in the State. However, it is still useful to review the experience of various types of lodging in the market area in order to better understand the potential for Crystal Cove accommodations. For this reason this report reviews the characteristics of resort accommodations in three categories;

- Lodging in other California State Parks
- Hostels Near the Coast
- Resort Hotels in the Local Market.

### **LODGING IN STATE PARKS**

Table 1 summarizes the characteristics of the three lodging operations in California State Parks, and also for comparison shows two Parks with cabins. The Big Sur Lodge is perhaps the most similar to the proposed CCHD in that it contains 61 units and is in a park, but does not have water views. The financial information for this operation is integrated into summary information which includes the operation of a store, gift shop and ice cream stand, so the data is directly applicable to Crystal Cove. However, it is interesting to note that the room rates at Big Sur range from \$99 to \$229 depending on the units size and the season.

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**Table 1**  
**CHARACTERISTICS OF SELECTED LODGING**  
**IN CALIFORNIA STATE PARKS**

Location	Type	Number Rooms/Units	Rate	Annual Occupancy	Amenities
Big Sur Lodge	Lodge	61	\$99-229	na	Pool, sauna, some fireplaces Restaurant, grocery, laundry nearby
Marconi Center	Lodge	40	175-372	78% (1)	Higher prices include meeting space and meals
Asilomar	Lodge	317	114-165	85% (2)	Pool, some fireplaces, breakfast included
Mt. Tamalpais	Cabins	10	\$ 27.00	na	Bed platform, no mattress no running water
Big Basin Redwoods	Tent Cabin	35	\$ 49.00		2 double size platform beds shower, laundry nearby

(1) In 2002. Dropped to 60% in current year, ending June 2003.

(2) Only 20% of room revenues come from tourists.

na means not available.

*Source: California Department of Parks and Recreation*

The Marconi Conference Center in Point Reyes Station is similar to CCHD in that it has a limited number of rooms and is in park setting. However, the facility is almost entirely dedicated to conference uses and thus has different operating characteristics than traditional lodging. Most of the usage at this facility is by groups who pay a conference rate which includes three meals and meeting space.

Asilomar is the largest of the lodging operation in State Parks. It too is heavily oriented toward conference business. Approximately 16% of its overnight business is from this segment. Overall its occupancy rate was 85% in 2001-2002.

It is difficult to state the room rates at these three facilities precisely because they vary by unit type, unit size, season, and type of user. However Table 2 present a comparison of the room rates using similar criteria for these factors. As show, the tourist rate at Asilomar for a typical hotel room ranges from \$141 to \$165. The rate for the Guest Inn, which sleeps six, is \$221. The tourist rate for a standard room with kitchenette at the Marconi Center is \$175 and these rooms can only be reserved 3 days ahead. A room with a fireplace and kitchenette, at the Big Sur Lodge rents for \$229 per night. These rates are indicators of the room rate range at other lodges in State Parks.

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**Table 2**  
**SELECTED ROOM RATES AT LODGES IN STATE PARKS**

<b>Location</b>	<b>Rate per room per Night (1)</b>	<b>Room Type</b>
Asilomar	\$ 141	Tourist-standard room with fireplace, includes breakfast
	\$ 165	Tourist-suite
	\$ 221	Tourist-Guest Inn (sleeps 6)
	\$ 202	Conference rate standard room for two
	\$ 425	Conference rate, Guest Inn (sleeps 6)
Marconi	\$ 175	Standard room with kitchenette (sleeps 2), includes breakfast
	\$ 310	Conference rate, standard room (for 2)
Big Sur Lodge	\$ 229	Room with fireplace and kitchenette
	\$ 259	Two-bedrooms with fireplace and kitchenette

(1) Double Occupancy. Conference rates include meeting space and three meals.

### **HOSTELS NEAR THE COAST**

Table 3 presents the characteristics of hostels that are located near the coastal areas of California. All of these hostels are operated by Hostelling International, a non-profit organization which operates virtually all of the hostels in California. The typical rates at these are hostels \$16 to \$22 (including linens), with the higher rates generally charged at the urban hostels. All of the hostels provide a kitchen and dining area. Almost all of them provide a self-serve laundry.

**Table 3**  
**CHARACTERISTICS OF SELECTED HOSTELS ON OR NEAR THE WATERFRONT**

<b>Location</b>	<b>Dorm</b>		<b>Private</b>		<b>Occupancy Rate (1)</b>		<b>Facilities</b>			
	<b>Beds</b>	<b>Rate</b>	<b>Rooms</b>	<b>Rate</b>	<b>FY 01</b>	<b>FY 02</b>	<b>Linens</b>	<b>Kitchen</b>	<b>Laundry</b>	<b>Internet café</b>
Pigeon Pt (State Park)	42	16-19	4	47-53	69%	61%	x	x		
Montara	35	15-18	5	47+	57%	53%	x	x	x	x
Redwood National Park	30	14-16	1		48%	49%	x	x	x	
Fort Mason (S.F.)	163	22-29			93%	79%	x	x	x	x
Marin Headlands	80	15-18	7	45	64%	55%	x	x	x	
Point Reyes	44	14-16			51%	47%	x	x		
Point Loma, SD	58	16-17	5	38-44	54%	63%	x	x	x	x
Gaslamp Quarter	171	19-22	17	45-55	52%	49%	x	x	x	x
LA/Santa Monica	228	24	9	59	88%	71%	x	x	x	x
San Pedro	54	15-17	6	37	51%	43%	x	x	x	x
Monterey	45	18-22	2	54-88	41%	49%	x	x		x
Santa Cruz	40	18-20	3	46-80	66%	55%	x	x	x	x

(1) FY is October 1 through September 30.

Source: Hostelling International

The occupancy rates at these facilities vary widely depending on the location. In general, occupancy rates are a few percent lower in 2002 because of the effects of September 11 and the general slow down in the travel industry. In 2002, occupancy at the Fort Mason (San Francisco) hotel was 79% and at the Santa Monica hostel it was 71%. Occupancy rates at the other facilities generally ranged from 50% to 70%.

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### **RESORTS IN THE LOCAL MARKET**

Table 4 presents summary data for hotels in Orange County and Laguna Beach. The overall occupancy rate for hotels in Orange County in 2002 was 67%. The hotels in Laguna Beach on average do somewhat better. In particular the hotels on the waterfront, which currently represent about half of the rooms in the city, have an annual occupancy rate of approximately 75%. In the period of June through September these rooms are approximately 90% occupied. (July and August are virtually 100%.)

<b>Table 4</b>			
<b>OCCUPANCY RATES AND ROOM RATES</b>			
<b><u>FOR ORANGE COUNTY HOTELS</u></b>			
	<b>Rooms</b>	<b>Occupancy %</b>	<b>ADR</b>
<b>Orange County</b>			
Rooms-Total	50,000		
By Number of Rooms			
Over 501		68%	\$ 130.57
300-500		67%	\$ 77.44
200-299		51%	\$ 65.71
100-199		73%	\$ 74.07
under 100		65%	\$ 69.04
Overall		67%	\$ 91.96
<b>Laguna Beach</b>			
Rooms-Total	1,500		
Waterfront-Properties	784 (1)		
June-Sept		90%	
October to May		68%	
Annual Average		75%	
Non-Waterfront-Properties	716		
June to Sept		80%	
October to May		66%	
Annual Average		70%	
(1) Includes recently opened Montage Resort and Spa with 264 rooms			
Source: Orange County Convention and Visitors Bureau and Laguna Beach Visitors Bureau.			

There is also a considerable difference in the room rates at the hotels on the waterfront in along the coast of Orange County including Laguna Beach. As shown the waterfront rooms in these hotels in the peak season ranges from \$225 to \$695, depending on the view and the general level of quality of the property. The midrange for these rooms in the summer (excluding the luxury resort properties) is \$350 to \$490.

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**Table 5**  
**CHARACTERISTICS OF SELECTED LOCAL LODGING**  
**ON OR NEAR THE WATERFRONT**

City	Hotel	Location	Number Rooms	AAA Rating	Room Rates (1)	
					Waterview	Garden/Pool
Huntington Beach	Waterfront Hilton	waterview	300	4 diamond	\$ 289	\$ 229
	Hyatt Regency *	waterview	517		\$ 275	
Newport Beach	Hyatt Newporter	bayfront	403	3 diamond	\$ 210	\$ 180
	Balboa Bay Club *	bayfront	160		\$ 375	\$ 225-295
	Doryman's Inn	waterfront	11	3 diamond	\$ 225-380	
Laguna Beach	Montage Resort	waterview	264		\$ 485-620	
	Surf and Sands	waterfront	150	4 diamond	\$ 490	(2) \$ 305
	Vacation Village	waterfront	150		\$ 240-346	\$ 112
	Inn at Laguna Beach	waterfront	70	3 diamond	\$ 349-489	\$ 169-229
	Hotel Laguna	waterfront	70	2 diamond	\$ 225	\$ 175
	Capri Laguna	waterfront	40	2 diamond	\$ 247	\$ 112-175
	Laguna Riviera	waterfront	65	2 diamond	\$ 230	\$ 110
	Ritz Carlton	waterfront	341	5 diamond	\$ 595	\$ 395
Dana Point	St. Regis	waterview	400		\$ 695	\$ 545
	Laguna Cliffs Marriott	waterview	346	3 diamond	\$ 269	\$ 229

(1) Two people, high season.

(2) Ocean front suites are \$1000.

\*=Newly opened.

Source: California AAA Tourbook; various local visitor bureaus; and hotel marketing representatives.

Table 6 shows that cottages and villas near the water are also very expensive. Cottages within a block of the beach and with two bedrooms range from \$200 to \$275. Luxury apartments with two bedrooms range from \$600 to \$650 per night.

**Table 6**  
**PRICING FOR LAGUNA BEACH COTTAGES AND VILLAS**  
**NEAR THE WATER**

Bedrooms	Price Per Day (1)	
	Cottages in Town	Villas/Condos Oceanfront
Studio	150	
1 BR	150 - 185	274 - 359
2 BR	200 - 275	617 - 659
3 BR	285 - 350	588 - 890

(1) Peak season: June to September.

Source: Survey of Vacation Rentals in Laguna Beach, May 2003.

Off-season discounts are offered. Hotels offer 5% to 15% discounts in the shoulder months and 15% to 30% discounts in the winter (November to March). Overall the discounts are approximately 18% to 20%.

While the accommodations at Crystal Cove will not exactly like any of these other properties, these room rates are an indicator of the very high prices that are commanded for ocean view and oceanfront accommodations in the local market area.

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## Section 2: PROGRAM GUIDELINES

### PROPOSED ACCOMMODATIONS

The current plan for overnight accommodations at Crystal Cove focuses on a Phase I Program. This phase includes several structures which will be used for an office public meetings and a museum. In addition there are a total of thirteen structures that will be converted to overnight accommodations.

Table 7 outlines the features of each of the structures that will be used for overnight accommodations. As shown there are ten buildings ranging in size from 552 square feet to 1362 square feet that will be rented as cottages. These units will accommodate up to 60 people. In addition, three other buildings will be used for dorm type of accommodations, which will accommodate up to 40 people, for a total capacity in Phase I of 100 overnight guests.

Table 7 PROPOSED ACCOMMODATIONS BY TYPE					
Bldg. #	Unit Type	Number of BR	Square Feet	Guest Capacity (1)	Location
24	Cottage	1	576	4	bluff top
1	Cottage	2	700	6	beach
2	Cottage	2	998	6	bluff top
18	Cottage	2 *	722	6	bluff top
16	Cottage	2	930	6	beach
17	Cottage	2	1,121	6	beach
27	Cottage	2	672	6	bluff top
32	Cottage	2	1,178	6	beach
33	Cottage	2 *	552	6	bluff top
19	Cottage	3	1,362	8	beach
	<b>Subtotal</b>			60	
29	Dorms		1,201	10	bluff top
38	Dorms		1,950	20	bluff top
39	Dorms		1,295	10	bluff top
	<b>Subtotal</b>			40	
	<b>Total</b>			100	

\* These units have a family room which can be used as a second bedroom.  
 (1) All units have a living room which is assumed to sleep two.  
 (2) BF=Beachfront; OV=Ocean View; CW=Creek/Woods

Source: California Department of Parks and Recreation

### PRICING STRUCTURE

This report evaluates the economic potential of the lodging facilities at CCHD using three different base room rates for the cottages: \$100; \$125; and \$150. Based on the review of comparable prices for lodging in State Parks and for hotels in the local market, each of these room rates is considered to be a below market rate.

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Room rates typically vary by season and room size and features. However, because the rates used here are below market, they are not reduced even further to reflect seasonality. Thus, a party of two staying in a 550 square foot bluff top cottage in December will pay the same rate as a party of six staying in a 1,200 square foot cottage on the beach in the summer season. Table 8, which presents the alternative rate structures, indicates that the smallest cottage would be charged slightly less and the largest cottage slightly more.

<p align="center"><b>Table 8</b> <b><u>RENTAL RATE GUIDELINES</u></b></p>						
Bldg. #	Unit Type	Number of BR	Guest Capacity	Room Rate Alternatives (1)		
24	Cottage	1	4	100	125	\$ 125
1	Cottage	2	6	100	125	\$ 150
2	Cottage	2	6	100	125	\$ 150
16	Cottage	2	6	100	125	\$ 150
17	Cottage	2	6	100	125	\$ 150
18	Cottage	2	6	100	125	\$ 150
27	Cottage	2	6	100	125	\$ 150
32	Cottage	2	6	100	125	\$ 150
33	Cottage	2	6	100	125	\$ 150
19	Cottage	3	8	175	175	\$ 175
	<b>Subtotal</b>		60			
29	Dorms		10	\$ 25	\$ 25	\$ 25
38	Dorms		20	\$ 25	\$ 25	\$ 25
39	Dorms		10	\$ 25	\$ 25	\$ 25
	<b>Subtotal</b>		40			
	<b>Total</b>		100			
(1) Dorms rates are per person.						
(1) BF=Beachfront; OV=Ocean View; CW=Creek/Woods						
Source: California Department of Parks and Recreation						

Based on the survey of hostels near the California Coast, the price for a dorm bed is set at \$25 per night. This is slightly above the rate at the hostels, but the location and setting and amenities at Crystal Cove justify this. Thus a family of four in the dorms would pay the same as a family of four in a two-bedroom cottage.

#### **PROJECTED OCCUPANCY RATES**

The projected occupancy rates at Crystal Cove are based on consideration of the experience of the comparables reviewed earlier in this report and the unique character of the site. As reported the annual occupancy for waterfront accommodations in Laguna Beach is approximately 75%.

It is anticipated that there will be a limit on the number of days that each party can stay at the overnight accommodations, which will require more parties to achieve the same

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occupancy rates. However, because of the small number of units and the relatively low price structure, we estimate that the Crystal Cove cottages will achieve an annual occupancy of approximately 82%. This rate will be achieved by the third year of operation and continue at this level thereafter. Based on the experience of the local market, these units will be virtually full from June through September, but will experience a lower occupancy during the shoulder and winter seasons.

Occupancy rates at the hostels on the California coast ranged from 50% to 70% with the exception of Fort Mason located adjacent to San Francisco Bay. Given this experience and the availability of 40 beds at Crystal Cove, the occupancy rate for the dorms is estimated at 75% on an annual basis.

Table 9 presents these estimated occupancy rates by type of unit. Because all of the three rates structures evaluated are considered to be below market, it is not expected that these occupancies will change appreciably no matter which of these rates is adopted.

<p style="text-align: center;"><b>Table 9</b> <b><u>RENTAL RATE GUIDELINES</u></b></p>				
<b>Bldg. #</b>	<b>Unit Type</b>	<b>Number of BR</b>	<b>Guest Capacity</b>	<b>Average Annual Occupancy Rate</b>
24	Cottage	1	4	82%
1	Cottage	2	6	82%
2	Cottage	2	6	82%
16	Cottage	2	6	82%
17	Cottage	2	6	82%
18	Cottage	2	6	82%
27	Cottage	2	6	82%
32	Cottage	2	6	82%
33	Cottage	2	6	82%
19	Cottage	3	8	82%
	<b>Subtotal</b>		60	
29	Dorms		10	75%
38	Dorms		20	75%
39	Dorms		10	75%
	<b>Subtotal</b>		40	
	<b>Total</b>		100	

*Source: Williams-Kuebelbeck & Associates, Inc.*

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## **Section 3: PROJECTED OPERATIONS**

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### **PROPOSED MANAGEMENT APPROACH**

The Marconi Conference Center is operated by non-profit organizations and a similar approach is proposed for the Crystal Cove accommodations. This could be done through a concession agreement with a non-profit group. The advantages of operation by a non-profit organization include lower operating costs due to:

- No franchise fee is paid
- No corporate overhead is charged
- Operating profits can be directed back into the property rather than to shareholders.

However, the non-profit organization would need to retain professional management for the property. It will also be important to establish performance criteria to assure that a reasonable target for operating surplus is achieved.

For purposes of this analysis, this non-profit approach to the management of the property is assumed.

The financial analysis focuses on the operation of the overnight accommodations and the related food service. The Department of Parks and Recreation will operate a museum and interpretive program. The other activities on the site will include:

- Shake Shack concession
- Weddings
- Parking Fees
- A small store.

These activities will generate revenues that could be used to support the lodging operation, if necessary, or to contribute to future phases of structural renovation. However, for purposes of the financial analysis, they are considered separately from the lodging operations.

### **OPERATING REVENUES**

As noted earlier in this report, the accommodations at Crystal Cove will be a unique type of operation for various reasons. Thus, there is no one specific financial operations model which can be applied directly. After reviewing the operations of various type of lodging, we developed a model that incorporates the elements of a small resort with the unique features of the Crystal Cove operation.

Because there is a range of pricing alternatives under consideration, this analysis first projects the operating results for the alternative that charges \$150 per night for a cottage. Based on sensitivity testing it was determined that this model provided the minimum level of operating budget necessary for staffing and other costs. At the end of this section, there is a summary table that shows the effects of charging lower rates for the cottages.

Based on the room rates of \$150 for a cottage and \$25 for a bed in the dorm, and the occupancy rates presented earlier in this report, the estimated room revenues for Crystal Cove would be \$722,700.

Food and beverage (F&B) expenditures are typically estimates as a percent of total revenues. For a typical small resort, food and beverage will be approximately 30% of total revenues. On the one hand, the guests staying in the dorms might spend less on food and beverage on average than the other guest. On the other hand, because of the nature of the site and the limited length of stay, it is expected that the guests will eat most of their meals at the café on the site.

Based on the experience of similar accommodations, other revenues are estimated to be 13% of total revenues. Other revenues could include deposit forfeitures, souvenirs, meeting fees, valet service, interest income, miscellaneous rentals, and so forth.

### **OPERATING EXPENSES**

Table 10 presents a summary of the projected operating expenses for the overnight accommodations, under the \$150 rate structure.

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Table 10		
PROFORMA OPERATING STATEMENT FOR		
OVERNIGHT ACCOMMODATIONS		
2BR Cottage Rate= \$ 150		Occupancy= 82%
Hostel Rate= \$ 25		Occupancy= 75%
	Dollars	Percent
<b>Revenues</b>		
Rooms	\$ 722,700	56.5%
F&B	\$ 383,289	29.7%
Phone	\$ 11,615	0.9%
Other	\$ 167,770	13.0%
Total	\$ 1,290,536	100.1%
<b>Department Expenses</b>		
Rooms	\$ 201,633	27.9%
F&B	\$ 315,830	82.4%
Phone	\$ 9,025	77.7%
Other	\$ 99,320	59.2%
Total	\$ 625,808	48.5%
<b>Undistributed Expenses</b>		
Admin & Gen.	\$ 113,567	8.8%
Marketing	\$ 25,811	2.0%
Energy	\$ 63,236	4.9%
Maint. & Operat.	\$ 101,952	7.9%
Total	\$ 304,566	23.6%
<b>Total Expenses</b>	\$ 930,374	72%
<b>Gross Operat. Profit</b>	\$ 360,161	28%
<b>Fixed Charges</b>		
FF&E Reserve	38,716	3.0%
Insurance	12,905	1.0%
licenses	-	
Total	51,621	4.0%
<b>Gross Operat. Income</b>	\$ 308,540	24%

### Gross Operating Profit

Operating expenses are projected based on industry standards for small resorts, with some adjustments to reflect the unique characteristics of the Crystal Cove accommodations. For example marketing expense was reduced from 7% at the typical small resort to 2% at Crystal Cove to reflect the marketing value of being located in a State Park. On the other hand, department expenses were slightly higher because the high margin non-room revenues were lower than at other resorts. Maintenance and operations expenses will be lower because the Department of Parks and Recreation will maintain the grounds and utilities; however, the proportion of revenues estimated for this category is increased in order to reflect the age of the buildings. Overall the Gross Operating Profit will be 28% of revenues, about the same as the typical small resort.

It is important to note that these figures include all personnel costs, which typically represent 35% to 40% of revenues, depending on the size and efficiency of the operation.

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In order to evaluate the adequacy of the estimated operating budgets, a preliminary staffing plan was prepared for the available staffing budget.

Table 11 presents a prototype staffing plan for the overnight accommodations. As shown there would be a total of 19 employees for the operation, with a total labor budget of \$505,000. This represents 39% of the revenues using the \$150 rate alternative. This staffing plan is considered to be the minimum number of employees required to operate the facilities effectively.

Table 11 PROTOTYPE STAFFING PLAN				
Department	Position	Number	Salaries Each	Salaries Total
<b>Rooms</b>				
	Housekeeper	1	30,000	30,000
	Cleaner	2	20,000	40,000
<b>F&amp;B</b>				
	Cashier	1	25,000	25,000
	Cooks	2	25,000	50,000
	Waitperson	4	20,000	80,000
	Dishwasher	1	14,000	14,000
	Busboy	2	10,000	20,000
<b>Administration</b>				
	General Manager	1	60,000	60,000
	Assist./Human Res.	1	30,000	30,000
	Desk Clerk	1	20,000	20,000
	Bookkeeper	1	20,000	20,000
<b>Facility Operations</b>				
	Maintenance person	1	35,000	35,000
	Night Security	1	25,000	25,000
<b>Subtotal</b>		19		394,000
<b>Payroll Taxes and Benefits (at 22% of total comp.)</b>				111,128
<b>Total Labor Costs</b>				505,128
<b>Percent of Total Revenues (at \$150 rate)</b>				39%

#### Gross Operating Income (After Fixed Charges)

Certain fixed charges will not apply to this property. There will be no property tax because it is owned by the State. There will be no management fee (corporate overhead) because it will be operated by a non-profit organization. There will be no rent to the State because any operating surplus will be used to finance future renovations. The FF&E Replacement Reserve is 3% of revenues, which is normal for this type of property. Insurance is estimated at 1.2% of revenues.

Given these circumstances, the fixed charges will total 4.0% of revenues. Gross Operating Income will be 24% of revenues, which is consistent with other small resort operations. For the alternative shown in Table 10, this will result in an annual operating surplus of \$309,000.

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### **OPERATING PERFORMANCE WITH ALTERNATIVE RATES**

All of the above analysis was prepared for the \$150 rate alternative. The effect of charging lower rates was evaluated under the following assumptions:

1. The room revenues are calculated using the lower rates
2. All other revenues remain at the same level.
3. All operating expenses remain at the same level as in the analysis presented above, because these expenses would not be reduced as a result of charging lower rates for the rooms, and the expenses estimated above are at or near the minimum required to operate the facilities.

Using these assumptions, Table 12 presents the effects of charging \$100 and \$125 for the cottages. (The rate for dorm beds remains at \$25 in all of the alternatives.) As expected, with revenues reduced and expenses remaining constant, the operating income is reduced when lower rates are charged. Charging \$125 for the cottages reduces the Operating Income to \$202,000 per year. Charging \$100 for the cottages reduces the Operating Income to \$82,000.

**Table 12**  
**SUMMARY OF OPERATING PERFORMANCE**  
**WITH THREE DIFFERENT RATES**

2 BR Cottage Rate	\$ 150.00	\$ 125.00	\$ 100.00
Dorm Rate	\$ 25.00	\$ 25.00	\$ 25.00
Operating Revenues	1,290,536	1,183,643	1,063,388
Total Expenses	930,374	930,374	930,374
Gross Operating Profit	360,161	253,269	133,014
Fixed Charges	51,621	51,621	51,621
Gross Operating Income	308,540	201,648	81,393

*Source: Williams-Kuebelbeck & Associates, Inc.*

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## Section 4: USE OF OPERATING SURPLUSES

### LODGING SURPLUS USES

Obviously the amount of operating surplus from the lodging operations will depend on the base rate that is charged for the cottages. If all of the surpluses estimated above were reserved for future renovations, they would support the future capital investments shown in Table 13.

<b>Table 13</b> <b>POTENTIAL FISCAL EFFECTS</b> <b>FROM LODGING SURPLUS</b>				
<b>Base Rate for Cottages</b>	<b>Annual Surplus</b>	<b>Cumulative Value In: (1)</b>		<b>Supportable Debt (2)</b>
		<b>10 Years</b>	<b>15 Years</b>	
\$150	308,540	4,186,887.64	7,389,533	4,861,194
\$125	201,648	2,736,359.32	4,829,462	3,177,055
\$100	81,393	1,104,498.97	1,949,355	1,282,381

(1) Assuming interest earned at the rate of 6% per annum.  
(2) If borrow at 5% interest for 30 years.

*Source: Williams-Kuebelbeck & Associates, Inc.*

As can be seen, if the base rate for cottages is \$150, then in 15 years the surpluses will accumulate to \$7.4 million. If the base room rate is \$100, then the surpluses will accumulate to \$1.9 million in 15 years.

Alternatively the surplus from the \$150 rate alternative could be used to amortize \$4.9 million in debt issued today, compared to \$1.3 million in debt from the \$100 rate alternative.

The operating surpluses that were estimated in the previous section of this report would normally be used to cover the capital costs of a project. However, because the initial capital costs for CCHD are being provided by other sources (State of California Park Bonds funds and Coastal Commission funding), these operating surpluses can be used for other purposes. In order to determine the total surpluses available for use within CCHD, the overall revenues and expenses of the parks operations need to be compared.

### OVERALL PARK OPERATIONS

Table 14 presents estimates of the overall annual revenues and expenses from park operations. The potential revenue sources include:

- Store
- Day Use Fee
- Special Events

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- Shake Shack concession.

Table 14	
<b><u>PROJECTED REVENUES AND EXPENSES FOR PARK OPERATIONS</u></b>	
Park Revenues	
Store (net) (1)	17,500
Day Use Fee (2)	250,000
Special Events (3)	84,000
Shake Shack (4)	57,300
Total	408,800
Park Expenses	
Interpretive Program	35,000
Maintenance	235,000
Aquatic safety	51,000
Public safety	240,000
Shuttle	44,000
Total	605,000
Park Shortfall	(196,200)
(1) 700 square feet with sales of \$70,000; net operating income of 25%.	
(2) Projection.	
(3) Estimated at 42 events per year @ \$2,000 each.	
(4) Based on current concession agreement.(\$321,000 sales and 18% rent.)	
<i>Source: California Department of Parks and Recreation</i>	

The major potential operating expenses for CCHD include:

- The Interpretive Program
- A museum
- Grounds maintenance
- Park security.

As shown in Table 14, based on preliminary estimates, the operating shortfall from these activities will be approximately \$196,200 annually. Thus there will be no additional funds available from the park operations to support the overnight accommodations.

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CRYSTAL COVE  
ALLIANCE

# Coastal Dynamics Education Program Endowment



*Immersing underserved youth in low-cost coastal sustainability and coastal engineering programming in Crystal Cove State Park's Historic District.*

## Coastal Dynamics Education Program Endowment Overview

Coastal environments around the world are experiencing extraordinary stresses from a combination of sea level rise and coastal development. These pressures have already begun to threaten economic prosperity, test the resilience of coastal ecosystems, and challenge stakeholders to develop policies and practices that strike rational balances between competing interests.

Crystal Cove State Park's Historic District, with overnight cottage accommodations located mere meters from the water's edge, offers an unparalleled opportunity to begin building public understanding of both the challenges created by sea level rise and the resulting opportunities for innovation. California State Parks and Crystal Cove Alliance will allocate \$1 million of the Coastal Commission mitigation funding to start an educational endowment, which will support the development and operation of unique educational programs and overnight experiences that immerse participants in the growing challenges faced on California's coast.

These programs will implement the Coastal Act §30213 by providing inland and/or Title 1 schools and non-profit groups with lower-cost access to coastal environments. Participants will deepen their understanding of coastal dynamics as they investigate the challenges that accelerated sea level rise, coastal use and preservation, and climate change pose locally at Crystal Cove State Park. Once Phase III construction is complete, the program will include an overnight component, with the dorm accommodations in Cottage #20 reserved for endowment-supported educational programs up to 36 nights per year.

The following items provide a framework for program development, which will undergo further refinement once program development is initiated.





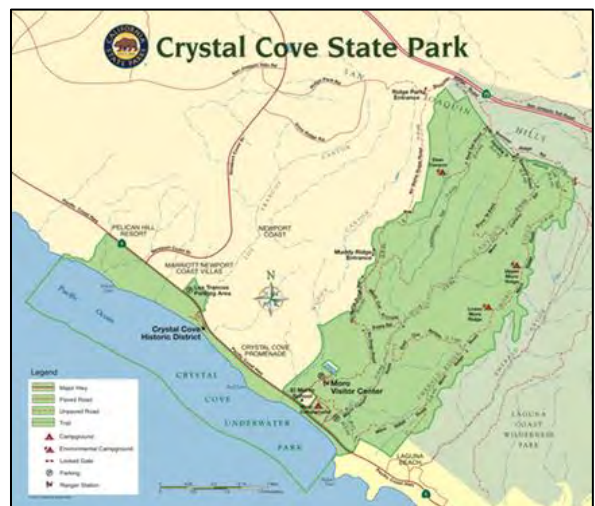
## Endowment Establishment

1. Crystal Cove Alliance will establish an endowment with \$1,000,000, which will be designated the “Coastal Dynamics Education Program Endowment.” The creation of this endowment will assure the long-term viability of an educational program focused on coastal dynamics and coastal sustainability at Crystal Cove State Park. Additional endowment or scholarship funds will be necessary to sustain and grow the initiative over time.
2. The Endowment will be used to fund and support an educational program that engages inland and/or Title 1 high schools, junior high schools, and non-profit groups (i.e., Girls Inc.; Girl Scouts; Boys & Girls Club), primarily those serving disadvantaged or lower-income families who do not typically have access to the coast. The program supported by the Endowment will continue to operate depending on the availability of investment and supplementary income until, at minimum, the term of the existing concession agreement. Reasonable administrative expenses of the program operators may be expensed to the Endowment fund. The Endowment and interest income from the Endowment may not be used for any other purpose. Only a portion of the interest on earnings from the Endowment, typically 5%, may be spent on an annual basis in order to ensure that the original funds will grow over time.
3. The Endowment will be established within 6 months after the Coastal Development permit is issued for Phase III of the Crystal Cove Historic District. Crystal Cove Alliance will recruit additional scholarship support or contributions to the Endowment from California Coastal Commission sources, philanthropic foundations, and/or community partners, with the intent of supporting the full anticipated annual operating budget for the program.



## Program Components

1. **Location.** The program will be based out of Crystal Cove State Park, located along Pacific Coast Highway between Newport Coast and Laguna Beach.
2. **Target Beneficiaries.** The program will be piloted with junior high and high school-aged groups, recruited from Title 1 and/or inland areas. Each program will involve up to 11 student participants and chaperones. After the initial pilot phase, the target audience may be altered depending on the



results of testing. If the overnight program is deemed successful, demand is sufficient, and sufficient funds are available, operation may expand beyond the initial 36 nights per amendment of the co-operation association and concession agreements with California State Parks.

3. **Educational Activities.** The program's educational component will focus on coastal dynamics and long-term coastal sustainability, exposing participants to the challenges that accelerated sea level rise, coastal development, and climate change pose locally at Crystal Cove State Park. The program may also incorporate opportunities for water-oriented data gathering and recreational activities into its investigations, such as kayaking, paddle-boarding, etc.

Example segments include:

- Introduction to coastal dynamics, long-term coastal challenges, and proposed interventions;
- Design-based engineering challenges;
- Data collection for ongoing coastal research and monitoring projects;
- Interpretation of coastal sustainability topics to the public.

4. **Overnight Group Accommodations.** Once Phase III restoration is complete, program participants and group leaders will be accommodated in Cottage #20, a historic cottage located in Crystal Cove's National Register-listed Historic District. All of the eleven beds in Cottage #20 will be reserved for Endowment-supported programs up to 36 nights annually, with visits distributed throughout the year. When the program is fully operating, approximately 360 students are expected to participate annually. Initial overnight testing could involve each group staying up to three nights, which may be split into two or more increments.



Cottage #20



5. **Meals.** Meals will be prepared on site in the Crystal Cove Historic District or brought in by contracted catering services.





6. **Transportation.** Groups will be responsible for arranging their own transportation to and from Crystal Cove State Park. Once at Crystal Cove, transportation will occur mainly on foot, although other forms of transportation may also be used and will be provided by Crystal Cove Alliance as part of the program.

7. **Initial Cost Estimate:** The initial cost estimate for each student, except for the transportation to and from Crystal Cove, is expected to be in the range of \$145 to \$165 per student. All of the cost will be funded by the

Endowment fund and supplementary funding raised by Crystal Cove Alliance.

8. **Local Partnerships.** The Department of Civil and Environmental Engineering at University of California, Irvine has expressed support in concept for the coastal sustainability educational program, and will advise during the development and pilot phase, providing support in the form of content knowledge expertise, consultation on the development of research and monitoring projects, and access to undergraduate interns. In addition, Crystal Cove Alliance and Crystal Cove State Park will provide technical and operational expertise and will seek out partnerships with other local schools, businesses, and non-profit groups to support the development and operation of the program.
9. **Other Considerations.** In order to reduce the overall cost of the program for participating groups, transportation costs, meals, and other forms of support may be provided on a case-by-case basis.

### Program Commencement

The educational program's pilot phase will commence within 12 months of the date of the issuance of a Coastal Development Permit for Phase III of the Crystal Cove Historic District. Initially, program elements will be developed and operated for target beneficiaries as single-day field trips. The overnight iteration of the program will begin operation within 6 months of the completion of Cottage #20's restoration and its approval for public occupancy and use.

### Program Administration

1. **Administration.** The program will be administered by Crystal Cove Alliance, in partnership with Crystal Cove State Park, a unit of the California Department of Parks and Recreation, the property owner and operator.



2. **Annual Report.** An annual report shall be prepared, which will include the program accomplishments, number of participants served, finances, and other relevant information. Upon completion of organizational review, the annual report will be transmitted to the Deputy Director of the California Coastal Commission.

