

September 15, 2021

File: 63645-01

VIA ELECTRONIC MAIL ONLY

Shohreh Dupuis, City Manager  
Philip D. Kohn, City Attorney  
Marc Wiener, AICP, Community Development Director  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651

Emails: sdupuis@lagunabeachcity.net  
pkohn@rutan.com  
mwiener@lagunabeachcity.net

Re: Three Arch Bay Association

Subject: Demand for Enforcement of Three Arch Bay Zone Ordinance

Dear Ms. Dupuis, Mr. Kohn, and Mr. Wiener:

As you know, we are legal counsel for Three Arch Bay Association. From communications over the past few days it appears that the City of Laguna Beach has determined to disregard the Three Arch Bay Zone Ordinance, Municipal Code Chapter 25.44.

**Three Arch Bay Association insists that the City reverse its decision and follow the Municipal Code in reviewing development projects within Three Arch Bay. Otherwise, the Association will pursue all available legal remedies, up to and including litigation.**

The Three Arch Bay Zone Ordinance provides that "*prior to city review*, the Three Arch Bay Community Association will conduct its own plan review," and the Association will submit a letter of comment to the City "for its consideration and review *prior to city approval* of the applicant's plans." (Section 25.44.060, emphasis added.)

Yesterday, the City advised a single owner/developer that it will review and approve plans without prior comment from the Association, and that the Association's rights to comment are no greater than anyone else's. These statements entirely ignore the Three Arch Bay Zone Ordinance.

For over thirty years, the City has required a letter of comment from applicants in Three Arch Bay. The City's Design Review Board considers the letter in reviewing submissions. The Association expects this process to be followed now, just as it has been. **If this process is not**

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September 15, 2021  
Page 2

reinstated immediately, Three Arch Bay Association will seek all legal relief available, including litigation if necessary.

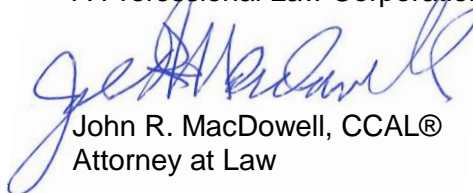
Yesterday's email was sent even though the City purports to be in continued dialog with the Association around these issues. In fact, a meeting is scheduled for next week for further discussion. The Association had no prior notice of the email and was not even copied even though we have been communicating with staff for months.

If City staff wishes to nullify the Three Arch Bay Zone Ordinance it is free to propose this to the City Council. The Council can determine whether to repeal an ordinance which has worked effectively for decades and is supported by hundreds of Three Arch Bay residents (according to the Association's recent survey).

However, if the City simply ignores the ordinance, Three Arch Bay Association can and will pursue its legal remedies.

Very truly yours,

FIORE, RACOBS & POWERS  
A Professional Law Corporation

  
John R. MacDowell, CCAL®  
Attorney at Law

JRM:JRM

cc: Mayor Whalen and City Councilmembers (CityCouncil@lagunabeachcity.net)  
Three Arch Bay Association Board of Directors (by email)  
Dennis J. Stahl, Esq. (by email)