

March 11, 2022

VIA E-MAIL

John R. MacDowell
Fiore, Racobs & Powers, APLC
380 S. Melrose Drive, Suite 330
Vista, CA 92081

Re: Laguna Beach Design Review Process for Properties in Three Arch Bay Community

Dear John:

I am writing to follow up on my February 2, 2022 letter to you on the above subject and the initial meeting earlier this week between the Three Arch Bay Association board subcommittee and City representatives to discuss the City's proposed protocol for the processing of design review applications for projects in the Three Arch Bay community.

The first step in the proposed protocol states: "Prior to submitting design review applications to the City for plan check, applicants shall submit their development plans to TABA for its own plan review." As indicated by the language in the second and third steps, **this statement is intended to mean that at the time a design review application is first submitted to the City, the applicant will be required to provide proof that the project plans have been provided to the Three Arch Bay Association for its independent plan review and its comment letter to the City.**

I understand there may be some confusion with the foregoing due to the contents of a prior e-mail message from me to David Goldberg, a Three Arch Bay community property owner, on September 14, 2021. Mr. Goldberg had asked the City Manager whether development plans could be directed to the City without prior submission to the Three Arch Bay Community Association, and I responded "yes," as was the staff practice at the time per the Community Development Director. Since that time, however, my office and staff have had the opportunity to consult with and obtain input from the City Council; and as a result, the current (and proposed future) City practice is to adhere to the protocol described in the paragraph above. In other words, my previous e-mail response to Mr. Goldberg is obsolete and no longer reflective of the City's design review application procedure.

John R. MacDowell
March 11, 2022
Page 2

I hope this explanation clarifies the issue that arose at the recent meeting. Please don't hesitate to contact me if there are any remaining questions.

Very truly yours,

RUTAN & TUCKER, LLP



Philip D. Kohn
City Attorney, City of Laguna Beach

cc: City Council
City Manager
Director of Community Development
Sue Loftin
Tom Addis