

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
 1000 Ocean Gate, 10th Floor  
 Long Beach, CA 90802-4302  
 (562) 590-5071

*W/Oa*

Filed: March 6, 1998  
 49th Day: April 24, 1998  
 180th Day: September 2, 1998  
 Staff: John T. Auyong *John*  
 Staff Report: May 21, 1998  
 Hearing Date: June 8-11, 1998  
 Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-94-075-A1

APPLICANT: A R R Properties AGENT: Russ Fluter

ORIGINAL APPLICANT: Stein - Brief Group

PROJECT LOCATION: 2 Ritz Carlton Drive (formerly known as 33542 Ritz Carlton Drive), City of Dana Point, County of Orange.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Demolition of an existing 1,500 square foot one story building and construction of a 12,581 square foot 34 foot high two story commercial complex containing office, restaurant and retail space with 48 on-site parking spaces.

DESCRIPTION OF AMENDMENT: Change street address to #2 Ritz Carlton Drive; reallocate a 2,444 square foot restaurant lease space on the second floor to office use; eliminate special conditions and deed restriction that were required because of the parking demand generated by the proposed restaurant; and allow administrative office use for the entire second floor offices.

LOCAL APPROVALS RECEIVED: Administrative amendments to Site Development Permit SDP93-03(IV) and Conditional Use Permit CUP93-13(IV)

SUBSTANTIVE FILE DOCUMENTS: Coastal development permit 5-94-075 (Stein - Brief Group), Coastal development permit transfer 5-94-075-T1, Coastal development permit extensions 5-94-075-E1 and 5-94-075-E2, and City of Dana Point Certified Local Coastal Program.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166.

SUMMARY OF STAFF RECOMMENDATION:

The Executive Director has determined that the proposed amendment is material because it affects conditions required for the purpose of protecting coastal access by requesting deletion of parking special conditions. However, the Executive Director did not reject the proposed amendment, pursuant to Section 13166(a)(1) of Title 14 of the California Code of Regulations, because the proposed amendment the proposed restaurant use is being replaced with less intense office uses which require less on-site parking. As a result, the proposed amendment would result in a parking surplus, rather than a parking deficiency as originally proposed. Therefore, there is no longer any need for the previously imposed special conditions addressing the previous parking deficiency.

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I APPROVAL WITH CONDITIONS.

The Commission hereby grants an amendment to permit no. 5-94-075, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of the City of Dana Point certified local coastal program and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. 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 this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

All previously imposed special conditions of coastal development permit 5-94-075 shall be deleted and shall be replaced with the following special condition which shall apply to permit amendment 5-94-075-A1.

1. Future Improvements. This coastal development permit amendment 5-94-075-A1 is only for the development as described and conditioned herein. Any future improvements, including changes in type or intensity of use or a reduction in on-site parking, shall require an amendment to this permit from the Coastal Commission.

IV. FINDINGS AND DECLARATIONS.

A. Previous Approvals.

The subject site lies west of Pacific Coast Highway and north and east of Ritz Carlton Drive in the City of Dana Point. Prior to its approval of coastal development permit 5-94-075 which is the subject of the proposed permit amendment, the Commission approved two other proposals to demolish the existing one-story 1,500 square foot building and construct a commercial building on the subject site. Neither of these developments were built nor the permits vested.

The Commission first approved coastal development permit 5-86-611 on September 11, 1986. This permit approved the demolition of the existing on-site structure and the construction of a 24 foot high 9,366 square foot mixed-use structure containing 3,832 square feet of office space, 3,620 square feet of retail space, a 1,914 square foot restaurant, and 54 on-site parking spaces. The Commission also approved two immaterial extensions for this permit.

The Commission subsequently approved coastal development permit 5-90-038 on March 15, 1990. This permit approved the demolition of the existing on-site structure and the construction of a 27,200 square foot, 35 foot high office building with two subterranean levels of parking containing 114 parking spaces. The proposed parking garage would have involved 22,600 cubic yards of

grading. The approved building was to contain professional and administrative office uses only. The Commission also approved two immaterial extension for this permit.

The Commission approved permit 5-94-075, the subject permit, on May 12, 1994. The approved development consisted of the demolition of an existing 1,500 square foot one story building and the construction of a 12,581 square foot (including common area) 34 foot high two story commercial complex containing office, restaurant and retail space with 48 on-site parking spaces. The approved complex consisted of a 3,930 square foot ground level retail space, a 3,437 square foot second floor office space, another second floor office space consisting of 1,889 square feet, a 2,444 square foot second floor restaurant, and one level of 48 on-site parking spaces at street level.

The Commission also approved two extensions of the permit expiration date for permit 5-94-075. Since the approval of the last extension, the permit has been vested by removal of the 1,500 square foot office building which existed on-site. The approved commercial complex has not yet been constructed. The permit was also transferred from the original applicant to the new applicant on April 21, 1998.

B. Proposed Amendment.

The applicant is proposing to modify the development approved by coastal development permit 5-94-075. The new owner is proposing to amend the approved plans to convert the approved 2,444 square foot restaurant space to office uses and to delete the approved special conditions regarding parking that were imposed because of the parking demand generated by the restaurant. Minor refinements to the overall plans are also proposed. However, the number of on-site parking spaces, the square footage of the retail and other approved office uses, and the basic floor plans and parking layout are essentially the same. The applicant is also proposing to change the street address from 33542 Ritz Carlton Drive to 2 Ritz Carlton Drive.

C. Standard of Review.

The subject site is located in an area of the City of Dana Point which did not have a certified local coastal program ("LCP") at the time of the Commission's approval of the underlying permit on May 12, 1994. On November 5, 1997, the LCP was effectively certified. Coastal Act Section 30604(b) states:

After 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 certified local coastal program.

In this case, even though the subject site is not in the appeals area, the Commission is the issuing agency rather than the City because the proposed project requires an amendment to a Commission-issued permit. Therefore, pursuant to Section 30604(b), the standard of review for the proposed amendment is consistency with the certified LCP.

The Land Use Plan portion of the certified LCP for the subject site consists of the Land Use, Conservation/Open Space, and Urban Design Elements of the City of Dana Point General Plan in the form it was approved by Dana Point LCP Amendment 1-97. The implementing actions portion of the certified LCP for the subject site consist of the City of Dana Point Zoning Code in the form it was approved by Dana Point LCP Amendment 1-97. Any amendments to the General Plan and Zoning approved by the City since the June 20, 1996 submittal of LCP Amendment 1-97, excepting the City's adoption of the Commission's suggested modifications, have not been certified by the Commission and thus cannot be used as the standard of review.

D. Public Access and Recreation.

Land Use Element Policy 1.8 states:

The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit services, providing non-automobile circulation within the development, providing adequate parking facilities or provided substitute means of serving the development with public transportation, and assuring the potential for public transit for high intensity uses.

The subject site is not located between the first public road and the sea. It is, however, immediately adjacent to and on the inland side of the first public road. Further, it is immediately adjacent to the 588 space public parking lot for Salt Creek County Beach.

When development does not provide adequate on-site parking, users of that development who cannot find an on-site parking space are forced to occupy off-site public parking that could be used by visitors to the coastal zone. A lack of public parking discourages visitors from coming to the beach and other visitor-serving areas, resulting in adverse public access impacts. Thus, all development must provide adequate on-site parking to minimize adverse impacts on public access.

1. Consistency With LCP Parking Standards

The project as originally proposed and approved was evaluated based on the Commission's regularly used parking guidelines. However, now that the LCP is certified, the proposed amendment must be evaluated against the LCP parking standards, not the Commission's.

Zoning Code Section 9.35.080(e) requires the provision of one parking space per every three hundred (300) square feet of gross floor area for office use, and the provision of one parking space for each two hundred (200) square feet of gross floor area for retail uses contained in a multi-tenant building of less than twenty-five thousand (25,000) square feet of gross floor area.

The approved building contains 12,581 square feet of gross floor area, including common areas. The proposed ground floor retail space containing 3,930 square feet of gross floor area is not proposed to be changed. The

approved development consists of a 1,889 square foot office space and another office space containing 3,437 square feet, for an as-approved total of 5,326 square feet of office space (all on the second floor). The proposed amendment is to convert a 2,444 square foot restaurant space into additional office space. Thus, the approved project as it is proposed to be amended would have a new total of 7,770 square feet of office area and would no longer have any restaurant use.

Based on the LCP parking standards, the parking demand for the retail use is twenty (20) spaces (3,930 divided by 200). The parking demand for the proposed new total office space (all on the second floor) is twenty-six (26) spaces (7,770 divided by 300). Thus, the total parking demand for the amended project is forty-six (46) spaces, according to the LCP. The previously approved forty-eight (48) on-site parking spaces will remain unchanged. Therefore, the proposed project as amended would provide adequate parking to meet its demand based on the LCP standards.

## 2. Removal of Previously Imposed Conditions / New Special Condition.

Previously approved Special Conditions 1., 2., and 3. were imposed because of the parking demand generated by the previously proposed restaurant. (see Exhibit B) The restaurant was a high intensity use that created more parking demand than could be supplied on-site, based on the application of the Commission's regularly used parking standards to each of the individual uses.

However, the Commission found that the mixed-use nature of the commercial complex would provide opportunities for joint-use/shared parking arrangements. For example, employees of one tenant might patronize another tenant in the complex while they were at work, or a customer of one tenant might patronize another tenant in the same trip. In this way, one parking space would satisfy the demand of more than one use, leading to less parking demand than if it was assumed that customers and employees only went to one specific tenant per trip. In addition, since offices typically are closed on weekday evenings and on weekends, then the restaurant which would be open during those times could take advantage of the parking not being used by the employees and customers of the offices.

Therefore, the Commission imposed special conditions of approval which required monitoring of the actual parking demand, adherence to a joint use/shared parking program, and requiring the restaurant to operate at less than full capacity when the office uses were open.

Since the restaurant is no longer proposed, the amended development consists of less intense uses and would provide adequate on-site parking to meet its demand based on the LCP standards described above. Therefore, the Commission finds that removal of the special conditions would be consistent with the public access policies and provisions of the LCP.

However, the remaining condition of approval (No. 4.) required a future improvements deed restriction so that changes in intensity of use would be reviewed for possible adverse public access impacts. The Commission finds that, to ensure there are no adverse public access impacts, this special

condition must remain on the permit as amended. However, since there is now a parking surplus rather than a parking deficiency, the Commission finds that the condition no longer must be recorded and may instead be informational.

3. Conclusion (Public Access and Recreation)

Thus, the Commission finds that the approved project with the proposed amendment, as conditioned for an informational future improvements condition, would be consistent with the certified LCP.

E. Visitor-Serving Uses.

Land Use Element Policy 2.11 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Chapter 9.11 of the Zoning Code conditionally permits administrative office uses within the Visitor/Recreation ("V/RC") Commercial District. The subject site is zoned for V/RC uses. The proposed amendment would involve offices uses only on the second floor. The amended project thus would be consistent with the zoning designation.

The proposed amendment involves the conversion of a restaurant use to office use. Typically, restaurants provide more visitor-serving opportunities than offices. In this case, the approved retail use on the first floor (the level of the street and on-site parking) is not being changed. Retail uses also provide visitor-serving opportunities, so the project as amended will still have a visitor-serving component. In addition, the Commission approved coastal development permit 5-90-038 for an all-office building. Therefore, the Commission finds that the proposed conversion of the second floor restaurant use to office use would still be consistent with visitor-serving commercial policies of the LCP.

F. California Environmental Quality Act.

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed development is located in an urban area. Development previously existed on the subject site. All infrastructure necessary to serve the site exist in the area. The proposed project has been conditioned in order to be found consistent with the public access and recreation provisions of the

City of Dana Point certified local coastal program. Mitigation measures requiring an informational condition informing the permittee that future improvements require an amendment to this permit will minimize all significant adverse effects which the activity may have on the environment.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project amendment, as conditioned, can be found consistent with the requirements of the certified LCP to conform to CEQA.

9783F:jta



SOUTH LAGUNA

PACIFIC OCEAN

THREE ARCH BAY

site

DANA POINT

DANA POINT HARBOR

**COASTAL COMMISSION**  
 5-94-075-A1  
 VICINITY MAP  
 EXHIBIT # A  
 PAGE 1 OF 1

- NOMARCH BAY COMMUNITY STREETS  
 ALSO KNOWN AS NOMARCH BAY DR
- 1 QUEEN CATHERINE CT
  - 2 EXPRESS WY
  - 3 CONVENTION DR
  - 4 QUEEN ANN CT
  - 5 LOUIS XIV CT
  - 6 KING JOHN LN
  - 7 KING WILLIAM CT
  - 8 KING FREDERICK LN
  - 9 KING CHARLES DR
  - 10 KING CHARLES TIT LN
  - 11 KING FREDERICK WY
  - 12 BEACH CLUB DR
  - 13 SUNB BREAKERS DR
  - 14 SUNB CREST DR

- SEE ▽ H3
- 1 BAYCREST PL
  - 2 JIMMY PORT
  - 3 PLACID HARBOR DR
  - 4 ROCKPORT
  - 5 REDELLING CT
  - 6 SANDYSTONE CT
  - 7 WINDY WATER CT
  - 8 STONECREST
  - 9 CROSSCREEK
  - 10 HARBORVIEW WY

- SEE ▽ J6
- 1 SPIN CHIFF CT
  - 2 SANDFLINER CT
  - 3 RISING TIDE CT
  - 4 SEASIDE WY
  - 5 SEA WY WY
  - 6 STAFFERS WY
  - 7 SUNFISH WY

- SEE ▽ G1
- 1 NEW COMMON
  - 2 PICKNEY CLOSE

- SEE ▽ J6
- 1 ST OF THE ANCHOR LANTERN
  - 2 ST OF THE WESTERN LANTERN
  - 3 ST OF THE SHORE LANTERN
  - 4 ST OF THE STANDARD LANTERN
  - 5 ST OF THE POINT LANTERN
  - 6 ST OF THE COVE LANTERN

- SEE ▽ H5
- 1 SEA GULL CT
  - 2 SEASIDE CT
  - 3 NEON RING CT
  - 4 DIVERS CT
  - 5 SEA SHELL WY
  - 6 EVENING STAR DR
  - 7 SEACALL WY
  - 8 NORTH STAR WY
  - 9 MORNING STAR LN

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
LONG BEACH, CA 90802-4416  
(310) 390-5071

5-94-075-A1  
file copy

Page 1 of 4  
Date: 3 February 1995  
Permit No. 5-94-075



COASTAL DEVELOPMENT PERMIT

On 12 May 1994, the California Coastal Commission granted to

Stein - Brief Group

this permit subject to the attached Standard and Special conditions, for development consisting of

Demolition of an existing 1,500 square foot one story building and construction of a 12,581 square foot 34 foot high two story commercial complex containing office, restaurant and retail space with 48 on-site parking spaces

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at 33542 Ritz Carlton Drive, City of Dana Point.

Issued on behalf of the California Coastal Commission by

COASTAL COMMISSION

5-94-075-A1  
C.D.P.

RECEIVED

FEB 21 1995

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

PETER DOUGLAS  
Executive Director

EXHIBIT # B  
PAGE 1 OF 4

*John T. Auyong*

By: John T. Auyong

Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

2-10-95

Date

*[Signature]*

Signature of Permittee

COASTAL DEVELOPMENT PERMIT

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

COASTAL COMMISSION

5-94-075-A1

C.D.P.

EXHIBIT # B

PAGE 2 OF 4

SPECIAL CONDITIONS:

1. Parking Requirements

Prior to issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that:

- a. For the life of the development located at 33542 Ritz Carlton Drive in the City of Dana Point, the development shall provide, at a minimum, the number of parking spaces for each use in the development as listed in the matrix shown on Page One of Exhibit "B" of this Coastal Commission staff report for application No. 5-94-075.
- b. At all times during the life of said development, the parking demand generated by said development shall not exceed the on-site parking provided by said development.

The deed restriction shall run with the land and bind all successors and assigns for the life of the development, and shall be recorded free and clear of any prior liens which the Executive Director determines may adversely affect the interest being conveyed.

COASTAL DEVELOPMENT PERMIT

Page 3 of 4  
Permit No. 5-94-075

Special Conditions (cont'd)

2. Parking Monitoring Program

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval a parking monitoring program for the approved commercial complex located at 33542 Ritz Carlton Drive. This data shall be used to prepare a report to verify the actual parking demand for said complex. The monitoring program as approved by the Executive Director shall commence the first summer season following the occurrence of both the following:

- 1.) The restaurant is occupied and in operation.
- 2.) At least 90% of any combination of the retail and office space is occupied.

Data shall be collected for one full summer season, defined as the period from May through September inclusive. Should the above occupancy rates not be reached to allow the collection of five months of data (May through September) during one summer season, data shall be collected the following May and will end when five months of data is collected. The parking data shall be taken every hour from 11:00 a.m. to 5:00 p.m. on a randomly selected day once a month, excluding weekends and state and federal holidays. The report shall be prepared by a transportation engineer licensed by the State of California, and shall be submitted to the Executive Director for review and approval no later than ninety (90) days following the full data collection period.

Data collected shall include the number of motor vehicles parking in said complex. The data shall also identify which of the uses in said complex are being patronized by the occupant(s) of said vehicles in order to quantify the parking demand generated by each use. If more than one use is patronized by the occupant(s) of a vehicle, a pro-rata share of the parking space utilized by said vehicle shall be counted towards each of the uses patronized by the occupant(s) of said vehicle.

Should the data collected demonstrate that the actual parking demand generated by one or more of the uses in said development exceeds the parking provided for said use(s) according to the matrix referenced in Special Condition No. 1 above, the applicant shall through the permit amendment process submit a mitigation program which may include, but is not limited to (1) the provision of additional on-site parking to satisfy the excess demand generated or (2) the restriction of said use(s) generating parking demand in excess of the parking provided to an amount of square footage which would bring the parking demand generated by said use(s) into conformity with the parking requirements of the matrix referenced in Special Condition No. 1 above. Non-compliance with this condition may result in the termination of this permit and possible enforcement action.

**COASTAL COMMISSION**

5-94-075-A1

C.D.P.

EXHIBIT # B

PAGE 3 OF 4

COASTAL DEVELOPMENT PERMIT

Page 4 of 4  
Permit No. 5-94-075

Special Conditions (cont'd)

3. Restriction on Restaurant Space

Prior to issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that the restaurant space in the approved development located at 33542 Ritz Carlton Drive in the City of Dana Point shall be limited to a maximum of 1082 square feet of public service area prior to 5:00 p.m. on a daily basis except for weekends and state and federal holidays. The deed restriction shall further state that the limitation on the amount of public service area shall not take effect until at least 90% of any combination of the retail and office space is occupied.

"Public service area" shall be defined as those areas where patrons can dine or wait to be seated, including but not limited to lobby areas, bar counters and cocktail lounges, but excluding areas such as kitchen and bar preparation areas, storage areas and customer and employee restrooms.

The deed restriction shall run with the land and bind all successors and assigns for the life of the development, and shall be recorded free and clear of any prior liens which the Executive Director determines may adversely affect the interest being conveyed.

4. Future Improvements.

Prior to issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development located at 33542 Ritz Carlton Drive in the City of Dana Point and as described in Coastal Development Permit 5-94-075, and that an application for a coastal development permit or permit amendment must be submitted and approved for any revisions or future improvements to the approved development which results in a change in intensification of use (including but not limited to changes in hours of operation, the addition of more square footage, or a change from one type of use to another type of use) to evaluate the impacts of the revisions or future improvements on parking.

The deed restriction shall run with the land and bind all successors and assigns for the life of the development, and shall be recorded free and clear of any prior liens which the Executive Director determines may adversely affect the interest being conveyed.

JTA:b11

3762F

COASTAL COMMISSION

5-94-075-A1

C.D.R.

EXHIBIT # B

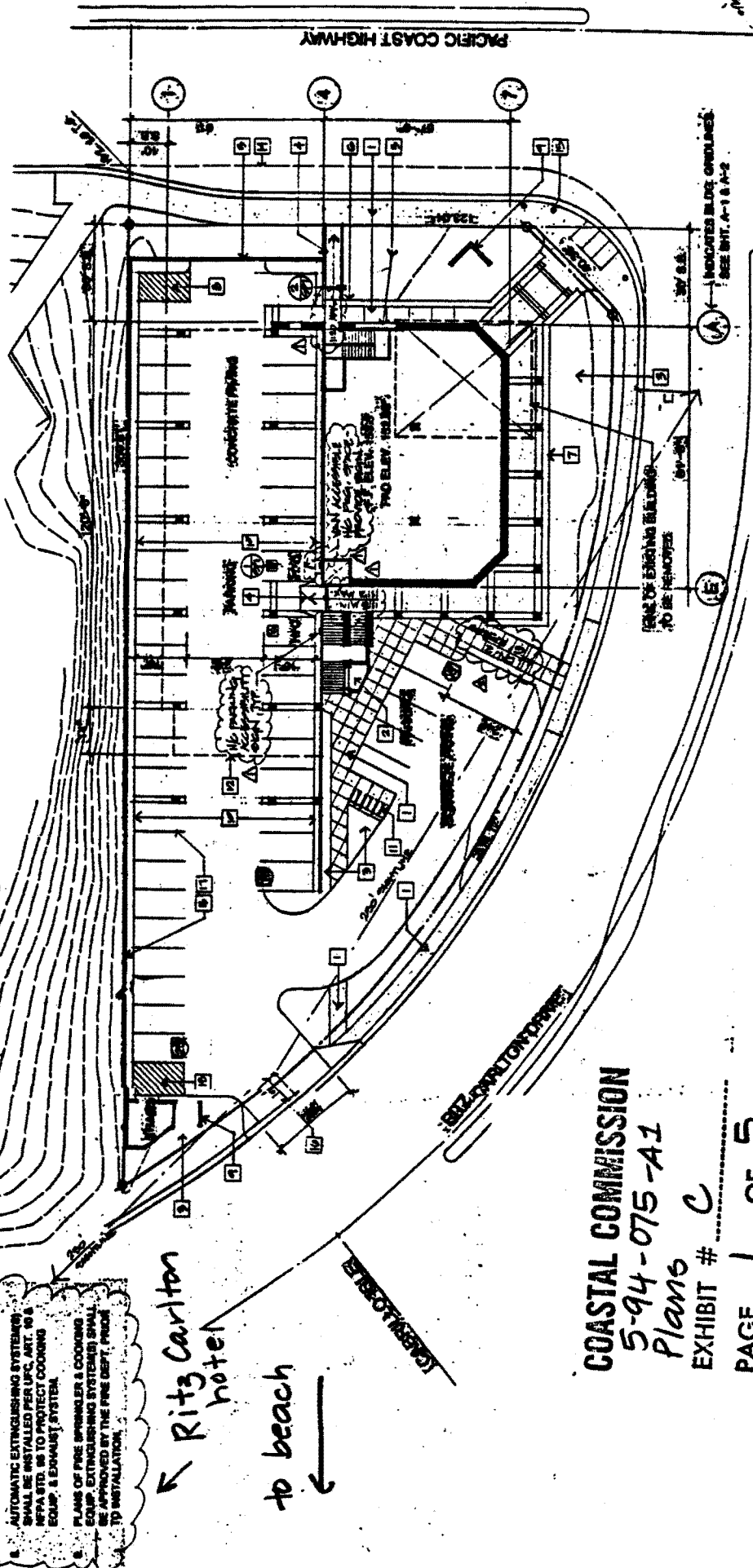
PAGE 4 OF 4

NO.	DESCRIPTION	DATE	BY
1	REVISION		
2	REVISION		
3	REVISION		
4	REVISION		
5	REVISION		
6	REVISION		
7	REVISION		

1. FIRE SPRINKLER SYSTEMS PER UBC, STD. 26.1 & NFPA STD. 13 SHALL BE PROVIDED TO PROTECT THE ENTIRE PROJECT.
2. FIRE SPRINKLER SYSTEMS & ALL CONTROL VALVES INCLUDING EXTERIOR CENTRAL ALARM STATION OR PER UBC, ART. 10.
3. PRIVATE FIRE HYDRANTS, SPRINKLER CONTROL & POST INDICATOR VALVES & RISERS TO FIRE DEPT. CONNECTIONS SHALL BE PAINTED SAFETY RED.
4. AUTOMATIC EXTINGUISHING SYSTEMS SHALL BE INSTALLED PER UBC, ART. 10 & NFPA STD. 16 TO PROTECT COOKING EQUIP. & EXHAUST SYSTEM.
5. PLANS OF FIRE SPRINKLER & COOKING EQUIP. EXTINGUISHING SYSTEMS SHALL BE APPROVED BY THE FIRE DEPT. PRIOR TO INSTALLATION.

A THIS DOOR SHALL REMAIN UNLOCKED WHENEVER THE BUILDING IS OCCUPIED. SIGNS WITH ONE INCH LETTERS SHALL BE PROVIDED ADVISORY TO MAIN EXIT DOORS.

← Salt Creek  
← County Public Parking Lot



← Ritz Carlton hotel  
← to beach

COASTAL COMMISSION  
5-94-075-A1  
Plans  
EXHIBIT # C  
PAGE 1 OF 5

NO.	
DATE	
BY	
REVISION	
DESCRIPTION	



RITZ CARLTON DRIVE  
COMMERCIAL CENTER  
42 RITZ CARLTON DR.  
MONARCH BEACH, CA

NO.	102
DATE	11-15-79
BY	
REVISION	
DESCRIPTION	

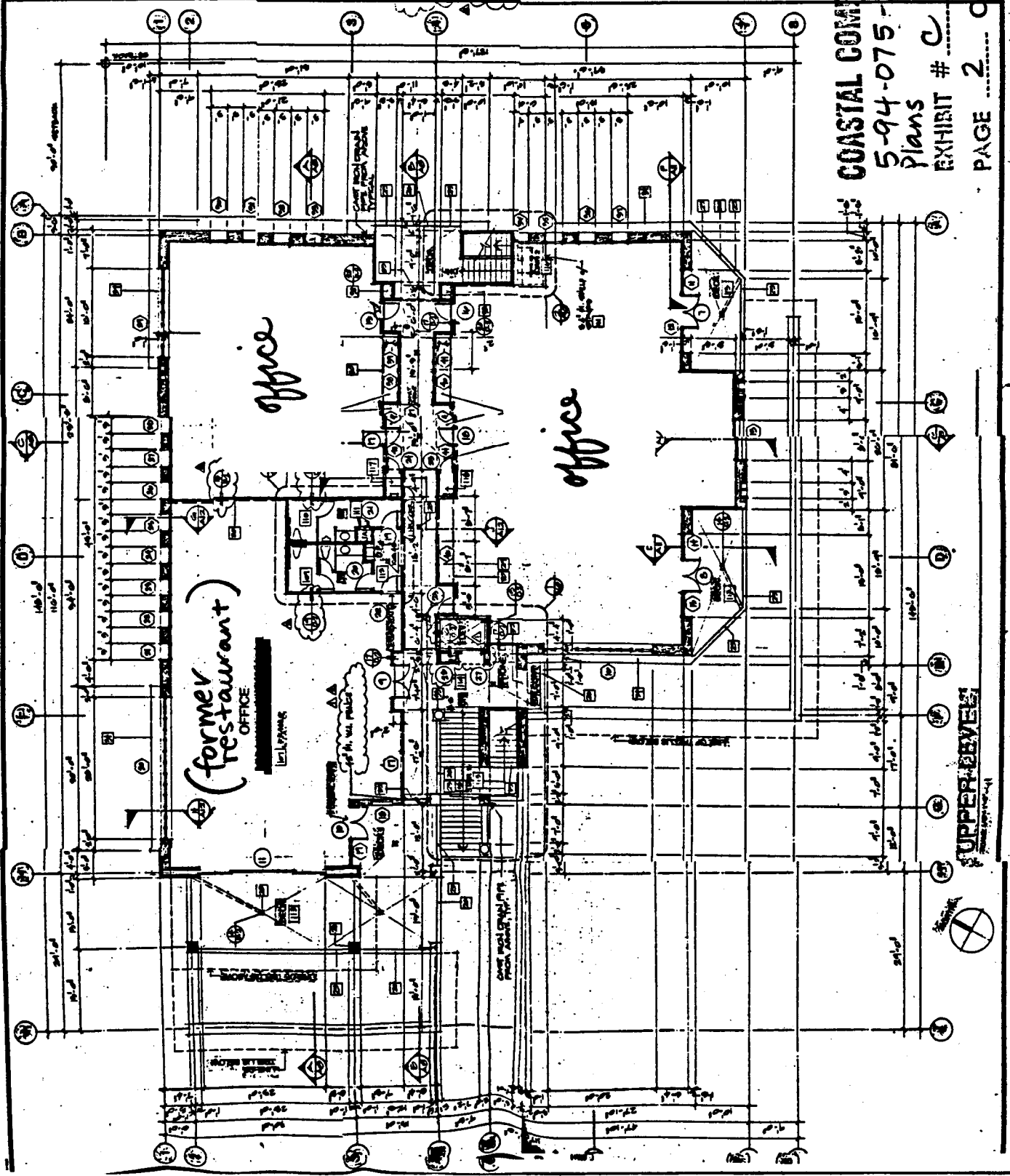
- NOTES:**
- REFER TO SELECTED CEILING PLANS FOR EXTERIOR ELEVATIONS, & ENLARGED PLANS FOR ADDITIONAL INFORMATION.
  - REFER TO ARCHITECTURE & CIVIL PLANS FOR CONCRETE WALLWAY PATTERNS, COMPARTMENT & DATUM ELEVATIONS.
  - ALL STUDIOS 36" WIDE USE.
- FLOOR PLAN KEY NOTES**
- STUCCO
  - 2" X 4" WOOD FRAMED COIL W/ 7/8" STUCCO - 4 INCHES W/ CAST STONE CAP
  - 4" X 4" CAST STONE BALUSTRADE & CAP
  - FLOOR DRAIN - SEE PLUMBING DRAWING
  - 4" X 8" SHIP LAP TYPE 2" OFF IN. OF EXTERIOR GRADE FLOOR
  - 2" X 4" WOOD FRAMED COIL W/ 7/8" STUCCO OVER 4" CAST STONE CAP & BALL BEARING SHELF BELOW WINDOW
  - USE OF STUCCO FINISHMENT

**BLDG. DEPT. NOTES:**

PROVIDE 1/4" FT. MIN. SLOPE @ ALL CORNERS FOR POSITIVE DRAINAGE

FOR FINISHINGS OF 1/4" WALL ASSEMBLIES, SEE DET. 119D-1A

FOR FINISHINGS OF 1/4" WALL AND 2 1/4" FLOOR / CEILING ASSEMBLIES, SEE DET. 119B-1A AND 127D-1A.



COASTAL COMMISSION  
5-94-075-A1  
Plans EXHIBIT # C  
PAGE 2 OF 5

UPPER LEVEL

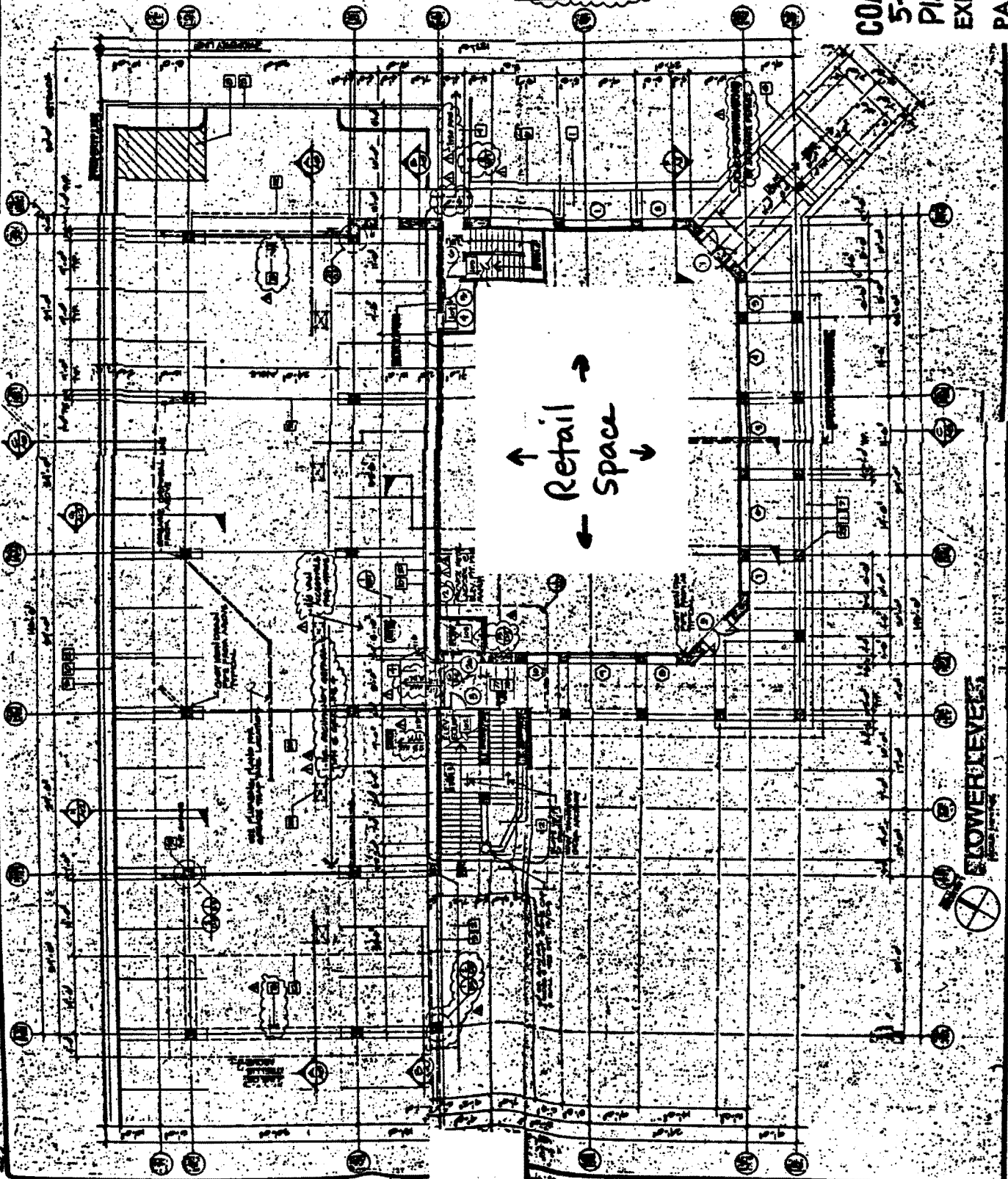
**NOTES:**

- 1 REFER TO REFLECTED BELOW PLANS FOR EXTERIOR ELEVATIONS & DIMENSIONS.
- 2 REFER TO REFLECTED BELOW PLANS FOR INTERIOR FINISHES & DIMENSIONS.
- 3 REFER TO LANDSCAPE & CAR PLANS FOR CONCRETE & LANDSCAPE FINISHES.
- 4 ALL STUDIOS 34 & 35 ARE U.S.A.O.

**FLOOR PLAN KEY NOTES**

- 1 CONCRETE WALL
- 2 FINISHED PLASTER
- 3 FINISHED AREA
- 4 1/2" WOOD STUDS ON 16" SPACING
- 5 1/2" WOOD STUDS ON 16" SPACING
- 6 1/2" WOOD STUDS ON 16" SPACING
- 7 1/2" WOOD STUDS ON 16" SPACING
- 8 1/2" WOOD STUDS ON 16" SPACING
- 9 1/2" WOOD STUDS ON 16" SPACING
- 10 1/2" WOOD STUDS ON 16" SPACING
- 11 1/2" WOOD STUDS ON 16" SPACING
- 12 1/2" WOOD STUDS ON 16" SPACING
- 13 1/2" WOOD STUDS ON 16" SPACING
- 14 1/2" WOOD STUDS ON 16" SPACING
- 15 1/2" WOOD STUDS ON 16" SPACING
- 16 1/2" WOOD STUDS ON 16" SPACING
- 17 1/2" WOOD STUDS ON 16" SPACING
- 18 1/2" WOOD STUDS ON 16" SPACING
- 19 1/2" WOOD STUDS ON 16" SPACING
- 20 1/2" WOOD STUDS ON 16" SPACING
- 21 1/2" WOOD STUDS ON 16" SPACING
- 22 1/2" WOOD STUDS ON 16" SPACING
- 23 1/2" WOOD STUDS ON 16" SPACING
- 24 1/2" WOOD STUDS ON 16" SPACING
- 25 1/2" WOOD STUDS ON 16" SPACING
- 26 1/2" WOOD STUDS ON 16" SPACING
- 27 1/2" WOOD STUDS ON 16" SPACING
- 28 1/2" WOOD STUDS ON 16" SPACING
- 29 1/2" WOOD STUDS ON 16" SPACING
- 30 1/2" WOOD STUDS ON 16" SPACING
- 31 1/2" WOOD STUDS ON 16" SPACING
- 32 1/2" WOOD STUDS ON 16" SPACING
- 33 1/2" WOOD STUDS ON 16" SPACING
- 34 1/2" WOOD STUDS ON 16" SPACING
- 35 1/2" WOOD STUDS ON 16" SPACING
- 36 1/2" WOOD STUDS ON 16" SPACING
- 37 1/2" WOOD STUDS ON 16" SPACING
- 38 1/2" WOOD STUDS ON 16" SPACING
- 39 1/2" WOOD STUDS ON 16" SPACING
- 40 1/2" WOOD STUDS ON 16" SPACING
- 41 1/2" WOOD STUDS ON 16" SPACING
- 42 1/2" WOOD STUDS ON 16" SPACING
- 43 1/2" WOOD STUDS ON 16" SPACING
- 44 1/2" WOOD STUDS ON 16" SPACING
- 45 1/2" WOOD STUDS ON 16" SPACING
- 46 1/2" WOOD STUDS ON 16" SPACING
- 47 1/2" WOOD STUDS ON 16" SPACING
- 48 1/2" WOOD STUDS ON 16" SPACING
- 49 1/2" WOOD STUDS ON 16" SPACING
- 50 1/2" WOOD STUDS ON 16" SPACING
- 51 1/2" WOOD STUDS ON 16" SPACING
- 52 1/2" WOOD STUDS ON 16" SPACING
- 53 1/2" WOOD STUDS ON 16" SPACING
- 54 1/2" WOOD STUDS ON 16" SPACING
- 55 1/2" WOOD STUDS ON 16" SPACING
- 56 1/2" WOOD STUDS ON 16" SPACING
- 57 1/2" WOOD STUDS ON 16" SPACING
- 58 1/2" WOOD STUDS ON 16" SPACING
- 59 1/2" WOOD STUDS ON 16" SPACING
- 60 1/2" WOOD STUDS ON 16" SPACING
- 61 1/2" WOOD STUDS ON 16" SPACING
- 62 1/2" WOOD STUDS ON 16" SPACING
- 63 1/2" WOOD STUDS ON 16" SPACING
- 64 1/2" WOOD STUDS ON 16" SPACING
- 65 1/2" WOOD STUDS ON 16" SPACING
- 66 1/2" WOOD STUDS ON 16" SPACING
- 67 1/2" WOOD STUDS ON 16" SPACING
- 68 1/2" WOOD STUDS ON 16" SPACING
- 69 1/2" WOOD STUDS ON 16" SPACING
- 70 1/2" WOOD STUDS ON 16" SPACING
- 71 1/2" WOOD STUDS ON 16" SPACING
- 72 1/2" WOOD STUDS ON 16" SPACING
- 73 1/2" WOOD STUDS ON 16" SPACING
- 74 1/2" WOOD STUDS ON 16" SPACING
- 75 1/2" WOOD STUDS ON 16" SPACING
- 76 1/2" WOOD STUDS ON 16" SPACING
- 77 1/2" WOOD STUDS ON 16" SPACING
- 78 1/2" WOOD STUDS ON 16" SPACING
- 79 1/2" WOOD STUDS ON 16" SPACING
- 80 1/2" WOOD STUDS ON 16" SPACING
- 81 1/2" WOOD STUDS ON 16" SPACING
- 82 1/2" WOOD STUDS ON 16" SPACING
- 83 1/2" WOOD STUDS ON 16" SPACING
- 84 1/2" WOOD STUDS ON 16" SPACING
- 85 1/2" WOOD STUDS ON 16" SPACING
- 86 1/2" WOOD STUDS ON 16" SPACING
- 87 1/2" WOOD STUDS ON 16" SPACING
- 88 1/2" WOOD STUDS ON 16" SPACING
- 89 1/2" WOOD STUDS ON 16" SPACING
- 90 1/2" WOOD STUDS ON 16" SPACING
- 91 1/2" WOOD STUDS ON 16" SPACING
- 92 1/2" WOOD STUDS ON 16" SPACING
- 93 1/2" WOOD STUDS ON 16" SPACING
- 94 1/2" WOOD STUDS ON 16" SPACING
- 95 1/2" WOOD STUDS ON 16" SPACING
- 96 1/2" WOOD STUDS ON 16" SPACING
- 97 1/2" WOOD STUDS ON 16" SPACING
- 98 1/2" WOOD STUDS ON 16" SPACING
- 99 1/2" WOOD STUDS ON 16" SPACING
- 100 1/2" WOOD STUDS ON 16" SPACING

**BLDG. DEPT. NOTES:**  
 1. ALL WALLS SHALL BE CONCRETE UNLESS NOTED OTHERWISE.  
 2. ALL PARTITIONS SHALL BE 1/2" GYP BOARD ON 1/2" WOOD STUDS ON 16" SPACING.  
 3. ALL PARTITIONS SHALL BE 1/2" GYP BOARD ON 1/2" WOOD STUDS ON 16" SPACING.  
 4. ALL PARTITIONS SHALL BE 1/2" GYP BOARD ON 1/2" WOOD STUDS ON 16" SPACING.  
 5. ALL PARTITIONS SHALL BE 1/2" GYP BOARD ON 1/2" WOOD STUDS ON 16" SPACING.  
 6. ALL PARTITIONS SHALL BE 1/2" GYP BOARD ON 1/2" WOOD STUDS ON 16" SPACING.  
 7. ALL PARTITIONS SHALL BE 1/2" GYP BOARD ON 1/2" WOOD STUDS ON 16" SPACING.  
 8. ALL PARTITIONS SHALL BE 1/2" GYP BOARD ON 1/2" WOOD STUDS ON 16" SPACING.  
 9. ALL PARTITIONS SHALL BE 1/2" GYP BOARD ON 1/2" WOOD STUDS ON 16" SPACING.  
 10. ALL PARTITIONS SHALL BE 1/2" GYP BOARD ON 1/2" WOOD STUDS ON 16" SPACING.



**FLOWER LEVEL**



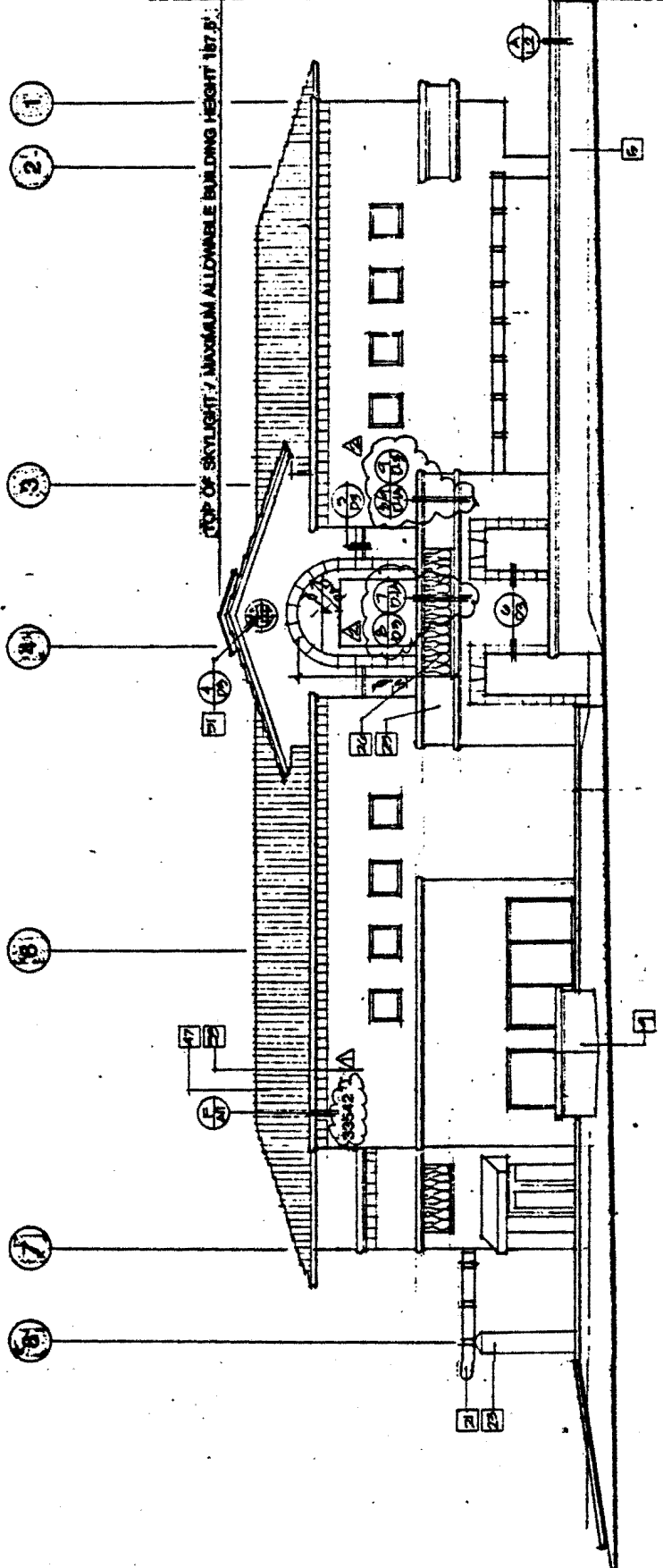
COASTAL COMMISSION

5-94-075-A1

Plans

EXHIBIT # C

PAGE 4 OF 5



POE ELEVATION

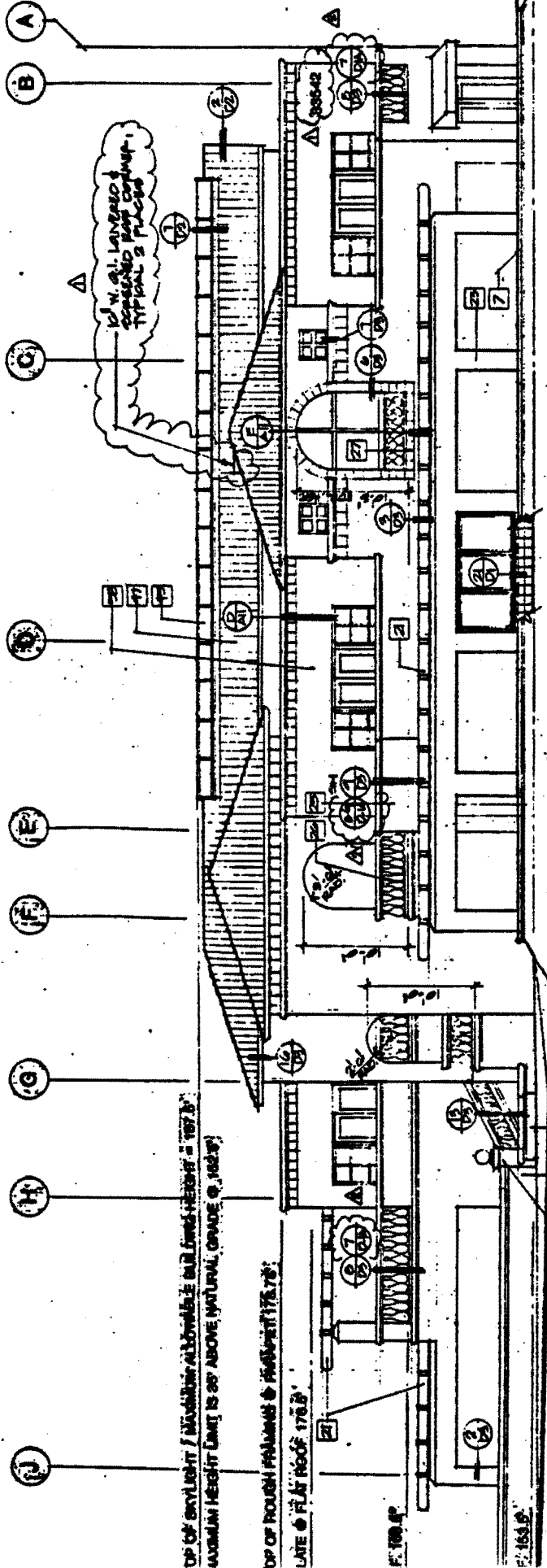
ENCLOSURE 1

COASTAL COMMISSION  
5-94-075-A1

Plans

EXHIBIT # C

PAGE 5 OF 5



RITZ CARLTON DR. ELEVATION

SCALE 1/4" = 1'-0"

CALIFORNIA COASTAL COMMISSION

TH COAST AREA  
Box 1450  
Seagate, 10th Floor  
LONG BEACH, CA 90802-4416

5-94-075-A1 file copy

April 21, 1998

ASSIGNMENT OF PERMIT

Dear Stein-Brief Group

We have received your request to assign to A R R Properties, Attn: C/O Russ Fluter

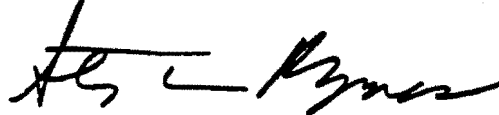
Coastal Permt No: 5-94-075

for Demolition of an existing 1,500 sq. ft. one story building and construction of a 12,581 sq. ft. 34 foot high two story commercial complex containing office, restaurant and retail space with 48 on site parking spaces.

at 33452 Ritz Carlton Drive, Dana Point (Orange County)

The materials submitted are complete and your application meets the requirements of Section 13170 of the California Administrative Code. Please be advised that the assignment of the above permit is effective immediately.

Sincerely,  
PETER M. DOUGLAS  
Executive Director



By: STEVE RYNAS  
Orange County Area Supervisor

cc: Assignee

COASTAL COMMISSION

5-94-075-A1

Related Approvals

EXHIBIT # D

PAGE 1 OF 3

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
LONG BEACH, CA 90802-4416  
(310) 590-5071

5-94-075-A1 file copy



COASTAL DEVELOPMENT PERMIT EXTENSION

Date: 21 June 1996

Re: Extension Request for Permit No. 5-94-075

Original Permit Expiration Date: 12 May 1996

Extended Permit Expiration Date: 12 May 1997

Dear Stein - Brief Group,

The Executive Director has determined that there are no changed circumstances affecting the conformity of the subject development with the California Coastal Act. No objections to this determination have been received at the Commission office. Therefore, the Executive Director grants an extension of the subject permit, subject to the same conditions approved by the Commission, to expire on the Extended Permit Expiration Date indicated above.

PETER M. DOUGLAS  
Executive Director

By: *J.M.T. Arroyo*

Title: Coastal Program Analyst

JTA:b11

7214F

COASTAL COMMISSION

5-94-075-A1  
Related Approvals

EXHIBIT # D

PAGE 2 OF 3

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Broadway, Suite 1000  
Long Beach, CA 90802-4302  
(62) 590-5071



*5-94-075-A1 file copy*

**COASTAL DEVELOPMENT PERMIT EXTENSION**

September 11, 1997

Re: Extension Request for Permit No.: 5-94-075  
Original Permit Expiration Date: 12 August 1996  
Extended Permit Expiration Date: 12 August 1998

Stein Brief Group  
10 Monarch Bay Plaza #B  
Monarch Beach, CA 92622

Dear Barry Brief:

The Executive Director has determined that there are no changed circumstances affecting the conformity of the subject development with the California Coastal Act. No objections to this determination have been received at the Commission office. Therefore, the Executive Director grants an extension of the subject permit, subject to the same conditions approved by the Commission, to expire on the Extended Permit Expiration Date indicated above.

**COASTAL COMMISSION**

5-94-075-A1

Related approvals

EXHIBIT # D

PAGE 3 OF 3

PETER M. DOUGLAS  
Executive Director

*John T. Auyong*

By: John T. Auyong  
Title: Coastal Program Analyst

JTA:  
94075e2.doc.

